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they have at this time. They have now a force, between their clerical force and their laborers, messengers, &c., of one hundred and sixty-one. We propose in this bill to give them one hundred and sixty-eight.

Now, it is a fact, Mr. Chairman, known to this House that there are to-day one hundred and twenty millions of acres of public lands already surveyed that are not pre-empted, that have not been taken up, that are not settled; one hundred and twenty millions of acres. And, sir, I want to say more that the Committee on Appropriations felt that it was their duty under the authority which has been so much denounced in this House to undertake to make some reform in this direction. But we are frank to say to the House that the subject was such a heavy and such an intricate one that, after having pondered over it several days and after having made considerable investigation into the matter, we declined to undertake this work. There is no doubt, Mr. Chairman, that there is a necessity for a reform in the General Land Office, and I will be frank to say that I do not know but perhaps that reform might even necessitate temporarily a somewhat increased clerical force in the Land Office here in Washington. That might be so; and I am not prepared to say now that we have given altogether as much force as the office might possibly need and which might be well utilized. That may be true. But, sir, we were aware of the fact that several bills had been introduced into the House for the purpose of reforming the whole land system, voluminous bills; bills, too, drawn with great care. I had the honor myself to introduce one which was drawn by the Commissioner of the Land Office. I introduced it at his request, and it was referred to the Committee on Public Lands. What has been done with it I do not know. We have had no report from the committee. But I have been informed privately that some members of that committee propose to offer amendments to this bill touching the subject to which I am now addressing myself, the reform of the Land Office.

Now, I will say to the gentleman from Minnesota [Mr. DUNNELL] that I think he is a little extravagant; he is asking too much clerical force, I think. In my judgment, we had better not increase the clerical force at this time, but wait and see what additional legislation there may be with regard to this whole subject, and after the House has taken action on the subject, has decided what course it will take in regard to it, it will then be time enough to adjust the clerical force to the action that may be had.

Mr. DUNNELL. One word in reply to the gentleman from Tennessee. I have only asked in my amendment that the clerks of class 3, of whom eighteen are provided for in the bill, be increased to twenty-two, the number estimated for; that the thirty-five clerks of the second class be increased to forty, and that the sixty clerks of class 1 be increased to seventy. Those are precisely the numbers estimated for by the Department.

Mr. ATKINS. We have reclassified these clerks, and in the reclassification we have given seven more than the law now gives.

Mr. FOSTER. I move *pro forma* to strike out the last word, for the purpose merely of adding a word to what has been said by the chairman of the Committee on Appropriations. The chairman and my other associates on the committee will remember that if the legislation proposed by the Commissioner of the General Land Office is adopted, then there will have to be new estimates for clerks, so as to make the appropriation in conformity with the law; so that I think the gentleman from Minnesota would do well to wait until we see what the House may do with the proposed amendments to the Land Office system.

Mr. DUNNELL. We shall be in a pretty condition to bring that up at this stage of the session.

Mr. ATKINS. We shall be willing to go back to this section. We do not desire to take any advantage.

Mr. FOSTER. I desire to say further that my impression is, and it is a very strong one, that the force in the General Land Office is not sufficient. I agreed to the present arrangement because I felt that until some reformation was made in the matters relating to the Land Office it had better stand as it is, but I shall be perfectly willing to go back to it in case any legislation shall be taken by Congress.

Mr. PHILLIPS. I hope the amendment of the gentleman from Minnesota will prevail. I desire to say in reply to the gentleman from Ohio [Mr. FOSTER] that in the Forty-third Congress a bill was matured for the organization of the Land Office, but it was brought in by the chairman of the committee during the last week of the session and could not be passed under a suspension of the rules.

The Committee on Public Lands may not be called again during the present session. In the Forty-fourth Congress an attempt was made to pass a bill reorganizing the General Land Office, but it failed to pass, and there is no likelihood that the House will pass any such bill during the present session. The Land Office has estimated for the clerks who are included in the amendment of the gentleman from Minnesota, and if we desire the business of that office kept up we ought to furnish them with the necessary clerical force. Patents for land are not now issued, and to-day the transfer of land cannot be made in States and Territories. Cases in contest are being held for three, four, five, and ten years, and the whole business of the people in connection with lands is held in this shape for the want of a few clerks. Is there any economy in that? I hope the amendment will prevail.

Mr. FOSTER. I withdraw my formal amendment.

Mr. ATKINS. I will ask the gentleman from Minnesota how many additional clerks his amendment proposes to allow.

Mr. DUNNELL. Nineteen.

Mr. DURHAM. That makes a difference of twenty-eight over the present force, as I can demonstrate in a minute.

Mr. DUNNELL. I only ask for nineteen.

Mr. ATKINS. But the bill increases the force seven.

Mr. DUNNELL. I have nothing else to do with the bill except that part of it which I want to amend.

Mr. ATKINS. Very well; I hope the House will have something to do with it.

The question was put upon Mr. DUNNELL's amendment; and on a division, there were—ayes 64, noes 64, no quorum voting.

Tellers were ordered; and Mr. ATKINS and Mr. DUNNELL were appointed.

The committee again divided; and the tellers reported—ayes 76, noes 80.

So the amendment was not agreed to.

Mr. DUNNELL. I move to strike out the word "sixty," in line 153, and insert in lieu thereof "seventy;" so that it will read: "seventy clerks of class 1."

Mr. ATKINS. I ask the gentleman if that is not a part of the amendment which he offered just now and which the committee voted down.

Mr. DUNNELL. Yes, it is.

Mr. ATKINS. Then I raise the point of order that the committee have already acted upon it.

Mr. DUNNELL. I understand that I am denied the privilege of offering a portion of a former amendment?

Mr. ATKINS. I submit that the House has just voted on the same proposition.

Mr. DUNNELL. No, it is not the same.

The CHAIRMAN. The Chair is of the opinion that it is not the same; not having been voted on separately, it is now in order.

Mr. ATKINS. Then I want to say to the gentleman from Minnesota that if he will wait until we get through with the subject and see what action the House takes upon the proposed amendments to the land system, if it should take any, then I shall be willing to recur to this paragraph, and perhaps a few additional clerks might be well allowed.

Mr. DUNNELL. I am willing to concede to the gentleman from Tennessee, who I think proposes to be fair; but there is this difficulty about it: I do not understand that there is anything certain about our legislation here. This appropriation bill will have passed and become a law before we can get through with general legislation.

Now, in regard to the passage of the general bill, every year there has come from the Commissioner of the General Land Office a general bill to reorganize the department. I had the honor to serve for four years upon the Committee on Public Lands, and every year the Commissioner sent in a bill for the reorganization of the department, and every year since I have been here that bill has died, and never been heard of after it was given into the hands of the committee. I believe it was once brought up in the House. If I could foresee that we would have positive, affirmative legislation upon the subject, I would agree to the arrangement suggested by the gentleman from Tennessee; but it is all in the dark and the future.

Mr. ATKINS. Is not the gentleman willing to accept an amendment providing for sixty-five clerks of class 1, sixty-five more than this bill now provides? The subcommittee of the Committee on Appropriations are willing to agree to that.

Mr. DUNNELL. Very well; I will agree to that.

Mr. PAGE. How many were there last year?

Mr. DUNNELL. There were seventy; the committee have cut it down ten.

Mr. ATKINS. There were only forty last year.

Mr. DUNNELL. There were seventy clerks last year where you now propose by this bill to give sixty.

The amendment, as modified, was then agreed to.

Mr. ATKINS. I move to amend the total in lines 1459 and 1460 by striking out "$212,560" and inserting "$218,560."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Indian Office:

For compensation of the Commissioner of Indian Affairs, $3,000; chief clerk, $2,000; five clerks of class 4; six clerks of class 3; one stenographer, at $1,200; eight clerks of class 2; eight clerks of class 1; eight clerks, at $1,000 each; ten copyists, at $900 each; two assistant messengers; one page, $480; and one laborer; in all, $65,120.

Mr. SPARKS. I move to strike out "three thousand" and insert "four thousand" as the compensation of the Commissioner of Indian Affairs.

Mr. ATKINS. I raise the point of order upon that amendment that it is an increase of compensation.

Mr. SPARKS. I suppose it is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEWART. I move to amend the paragraph just read by striking out the words "five clerks of class 4" and inserting in lieu thereof the words "for chief of the finance division, $2,250; four clerks of class 4."

Mr. ATKINS. I raise the point of order upon the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. It is creating a new office.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HASKELL. I move to amend the paragraph just read by striking out the word "six" before the words "clerks of class 3" and inserting in lieu thereof the word "eight;" also by striking out the word "eight" and inserting the word "ten" before the words "clerks of class 2;" and striking out the word "eight" and inserting the word "nine" before the words "clerks of class 1." The amendment which I offer provides for five additional clerks.

Mr. DURHAM. Hold on; the point of order is reserved on that amendment.

The CHAIRMAN. The gentlemen will state it.

Mr. DURHAM. It increases the compensation.

Mr. HASKELL. It makes no increase of compensation at all.

Mr. DURHAM. Well, it increases the number of clerks.

Mr. HASKELL. I desire to have the gentleman show the law which provides that there cannot be detailed, as proposed by my amendment, two additional clerks in class 3 in the accounts division, two additional clerks in the land division, and one additional clerk in the files and records division. What law is there on the statute-book to prevent that additional clerical force being provided?

Mr. DURHAM. I will respond to my friend by saying that he must show the law which authorizes it. It is for him to show the affirmative of the proposition, and not for me to show the negative.

Mr. HASKELL. I beg the pardon of the gentleman from Kentucky, [Mr. DURHAM.] He raised the point of order and he must establish that point.

Mr. DURHAM. I say there is no law authorizing this increase, and the amendment of the gentleman proposes to make a new law, not in the interest of economy.

Mr. HASKELL. Upon that point of order let me say this: it is absolutely impossible with the present force employed there to do business with the Indian Bureau in the land division, in the record division, and in the accounts division. It is absolutely impossible to do the work. Anybody familiar with the early history of my State knows that it was dotted all over with Indian reservations. He knows, too, that to-day there is hardly an Indian reservation in that State, where the Indian titles have been extinguished. I have before this House some fifteen or twenty measures——

Mr. BLOUNT. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. The gentleman from Kentucky [Mr. DURHAM] made a point of order on this amendment, and the gentleman from Kansas [Mr. HASKELL] is discussing the merits of his amendment.

The CHAIRMAN. The Chair would suggest to the gentleman from Kansas [Mr. HASKELL] to confine his remarks to the point of order.

Mr. HASKELL. Well, I simply desire to say that I want to see that point of order established by the honorable gentleman who raises it. I do not stand here to hunt up the statutes of the United States to prove that there is no prohibition existing against my amendment.

The CHAIRMAN. The Chair will call the attention of the gentleman from Kansas to this point: not whether there is a law forbidding his amendment, but whether there is any law authorizing the employment of the additional force for which his amendment provides.

Mr. HASKELL. I cannot say as to that. If it is in violation of of law, then, if the present Congress desires to make the increase to authorize the employment of these additional clerks, it can do so by adopting my amendment. I cannot tell whether or not there is a provision upon the statute-books that says there shall be employed in the several divisions of the Indian Bureau just so many clerks and no more. I insist that it is no point of order to charge that there is such a provision of law, and then, without producing the authority showing my amendment to be contrary to law, to seek to obtain a ruling upon it.

Mr. THOMPSON. I desire to say a single word upon the point of order. I think the gentleman from Kentucky [Mr. DURHAM] is entirely wrong in the legal position which he assumes. Because a bill is reported providing for so many clerks it does not follow that therefore there is no power in this Committee of the Whole to increase that number of clerks.

The gentleman from Kansas has offered an amendment to increase the number. The gentleman from Kentucky raises a point of order that this is new legislation, in conflict with legislation already existing; and he then calls upon the gentleman from Kansas to show that the point of order is not well taken. This certainly is an unheard of and unreasonable position. The gentleman from Kentucky occupies now the affirmative position and must show that the grounds on which he bases his point exist. If he fails to show this the point of order is not well taken. The presumption is not in his favor; the facts must be produced, and until they are produced they are to be regarded as not existing. The position of the gentleman from Kansas is certainly well taken and is unanswerable.

Mr. CASWELL. One word on the question of order. I think it will be conceded that there is no law fixing the number of clerkships. Is it not then a mistake to suppose that this amendment changes existing law? It is in order unless it does so; and there is no law fixing the number of clerks in the Department to which the amendment refers. Therefore it is perfectly in order. We have had precedent after precedent here all day for changing the number of clerks, because there is no law limiting or fixing the number.

The CHAIRMAN. The Chair assumes that the clerks provided for in this appropriation bill are provided for in pursuance of existing law.

Mr. PAGE. That is a violent presumption.

The CHAIRMAN. Unless the clerks provided for in the amendment of the gentleman from Kansas——

Mr. CASWELL. One word before the Chair announces his decision. Is it not to be supposed that the situation of these Departments changes from year to year, and that consequently there must be each year a change in the number of clerks necessary to transact the business? Does it not follow that upon every appropriation bill from year to year the number must be varied?

The CHAIRMAN. That may be true; yet if the amendment offered by the gentleman from Kansas proposes clerks in addition to the number now provided by law, the point of order is good.

Mr. CASWELL. To come within the prohibition of the rule an amendment must change existing law, and there is no provision fixing or limiting the number of these clerks.

The CHAIRMAN. The Chair presumes that there is some law fixing the number of clerks——

Mr. HASKELL. I desire to call the attention of the Chair to a single point. He says he assumes there is a provision of law fixing the number of clerks; and under this provision of law assumed to exist, my amendment is to be ruled out of order. Now I ask the honorable chairman of the Committee of Ways and Means or the chairman of the Committee on Appropriations to produce that law which debars me from the privilege of submitting to this Committee of the Whole a just and equitable amendment and having it fairly considered.

The CHAIRMAN. If the gentleman from Kansas will produce any law authorizing the employment of these clerks, the Chair will entertain the amendment.

Mr. DURHAM. There is no law upon the subject except the last appropriation bill.

The CHAIRMAN. Does the number provided for in this bill correspond with the bill of last year?

Mr. DURHAM. It does not.

Mr. CASWELL. If there is no law upon the subject, we have the right to make one.

The CHAIRMAN. But not on an appropriation bill, unless the proposition is germane and at the same time reduces expenses.

Mr. CASWELL. If it does not change or conflict with the existing law, we may do it.

Mr. HASKELL. Let me call attention to the provision just attached to this bill by which five additional clerks were authorized in the Land Office.

Mr. DURHAM. Why did not the gentleman make a point of order on that?

Mr. HASKELL. I plead with the committee simply to hear me upon the merits of the measure which I introduce for its consideration.

Mr. MILLS. I desire to make a suggestion on the point of order. I understand the point to be that there is no law authorizing an additional number of clerks, though the heads of Departments may deem them to be necessary. Now I call the attention of the Chair and of members of the Committee on Appropriations to section 169 of the Revised Statutes:

> Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

This provision of law covers the case exactly. The laws organizing the different Departments were not intended to lay down any specific number of clerks for each Department; but it is left discretionary with Congress in the annual appropriations bills, as the business of the Departments may vary, to conform to the requirements of that business by making either an addition or a reduction in the number of employés.

Mr. DURHAM. The statute which has been read simply authorizes so many clerks as may be provided for; and the number proposed in this amendment was not provided for in the last appropriation bill.

The CHAIRMAN. The provision read by the gentleman from Texas [Mr. MILLS] does not seem to apply to this case at all, but only to the case of clerks provided for by law.

Mr. MILLS. The language of the statute is as broad as it possibly can be. It covers all clerks that may be necessary in the Departments.

The CHAIRMAN. It only refers to such as are already provided for by existing law.

Mr. MILLS. The language is:

> Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law—

That is classes 1, 2, 3, and 4—

> as may be appropriated for by Congress from year to year.

Mr. DURHAM. I desire to hold in abeyance the point of order. The gentleman from Kansas desires to make a statement and I have no objection to hear his statement and reserve the point of order.

Mr. HASKELL. Very good; I would as soon argue my amendment now as subsequently. The amendment I propose is to give to the In-

dian Bureau two additional clerks in the division of accounts, two in the land division, and one in the file and records division.

Mr. ATKINS. Let the gentleman send his amendment up and have it read.

The Clerk read as follows:

In line 1477 strike out the words "six clerks" and insert "eight clerks;" in line 1479, after the word "dollars," strike out "eight clerks" and insert "ten clerks;" after the word "two," strike out "eight clerks" and insert "nine clerks."

Mr. HASKELL. Mr. Chairman, those clerks, if agreed to on the part of this House, or on the part of Congress, will be detailed as follows, (and this I have from the Commissioner of Indian Affairs himself, with whom I talked in reference to this matter:) two in the division of accounts, two in the land division, and one in the files and records division.

As I was saying when interrupted by the point of order, my State in its early day was covered with Indian reservations. There was more land by three times in my district that was under Indian title than there was owned by the Government of the United States. There is hardly one of these old Indian titles which has been extinguished. It is more the duty of the present delegation in this House from Kansas to present to Congress measures touching the settlement of these old land questions than any other we have to perform. All the bills introduced of most importance to our people are on this subject.

I submitted to the Indian Bureau a communication November 16 asking for the investigation of the law and the treaty with reference to one single case in my district in order that I might refer it to the Judiciary Committee as supporting a resolution I had introduced. I never received a reply to that. I could not secure a reply to that until nearly the last of March, not on account of any fault of this office, but because they were completely covered with work. Mr. Holcomb, chief clerk of the Indian Bureau, told me if he should attend diligently and strictly to the legitimate business that the Kansas delegation could bring before that land division of the Indian Bureau it would take all of its time. I ask that additional clerks be put there. I ask increase of no salary; I ask that this accounts division, to which I have to apply almost every day in the settlement of claims for my State, shall have one additional clerk in order that I may be able to present the business for my people. That is all. To day I cannot do it. To-day no man can get his work promptly through that Indian Bureau because of the lack of clerical force.

I appeal to every Delegate on this floor, I appeal to every western member on this floor who has had business with that Indian Bureau, to say whether he will not bear me out in the statement that it is impossible to get our work through.

I ask for five additional clerks, and I ask it by request of the Commissioner of Indian Affairs. I am thoroughly acquainted with these three divisions of the Indian Office. I know each one of the clerks. I have stood by their desks. I have looked over their papers. I know the work. I know the necessity for these five additional clerks. I ask not to put in any pets, not to pay increased salaries, not to run into any extravagant expense, but in order to give the necessary clerical force to do the legitimate work of that bureau, which can be done nowhere else.

Mr. WIGGINTON. I should like to ask the gentleman a question.

Mr. HASKELL. Very well; I will hear it.

Mr. WIGGINTON. I should like to ask the gentleman from Kansas, during the discharge of the business of his constituents at the Indian Bureau, how many times he found the Commissioner there himself. How many times did he find the Commissioner there employed in the duties of his office in the last three or four months? How much time does the Commissioner spend there ordinarily?

Mr. HASKELL. I do not know.

Mr. WIGGINTON. Is he not usually in New York?

Mr. HASKELL. I cannot reply as to the number of times he has been present or absent. I do not want to involve myself.

Mr. CASWELL. I wish to refer to Rule 120, to be found on page 130, and to that part of the rule which is strictly in point:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures.

I understand the Chairman to suggest the appropriation bill which fixes the number of clerks may be regarded as the existing law. Let me say in reply the number of clerks fixed in any given appropriation bill would extend and apply only to that year, and at the end of that year for which appropriation was made that law would cease to exist. It is not a general enactment which is to fix the number of clerks from year to year. It applies only to the very bill itself, which is the appropriation bill. And now we are to start out for a new year; and it is perfectly germane and proper that we fix the number of clerks in the bill for whom appropriations are to be made.

The CHAIRMAN. The Chair desires to ask the gentleman from Kentucky if the number of clerks embraced in the amendment is in excess of the number fixed in the last appropriation bill.

Mr. DURHAM. Yes, sir; there is one additional clerk.

The CHAIRMAN. All the others are provided for in that bill but one?

Mr. DURHAM. Yes, sir.

Mr. SPARKS. I have had something to do with that Department, and while I could not say the chief of that bureau does not desire additional force, yet it does seem somewhat strange to me from my relations with the office that I have not been acquainted with it. That, however, is merely a kind of negative testimony against it.

One thing is certain—and I speak now for the Committee on Appropriations, of which I am a member—that nothing authoritative has come to that committee from this bureau desiring an increase of force; and it is hardly fair to come in here asking for an increase of some six clerks without even a letter from the Commissioner or without any desire expressed on the part of that bureau for an increase of force.

I specially desire, however, to do justice to the Indian Commissioner. Some reflections have been cast upon him I think and I believe they are unjust. I think the Commissioner of Indian Affairs is a man of ability and integrity, and I take pleasure in stating that to the House.

Mr. HASKELL. If the gentleman will allow me a moment I desire to ask him does he refer to me as having made any imputation upon the Commissioner?

Mr. SPARKS. Oh, no, sir; I did not refer to you.

Mr. HASKELL. I certainly did not intend to make any imputation.

Mr. SPARKS. But I understood there were some insinuations—I do not know from whom.

Mr. WIGGINTON. Does the gentleman refer to me?

Mr. SPARKS. Some gentlemen make the inquiry whether the gentleman from Kansas ever found the Commissioner in his office?

Mr. WIGGINTON. Will the gentleman allow me to answer that question?

Mr. SPARKS. Yes, sir.

Mr. WIGGINTON. For about two weeks I have been nearly every day at the office of the Commissioner of Indian Affairs for the purpose of seeing him on important business, and I found he was in New York. My experience is he does not spend half of his time in his office.

Mr. SPARKS. I cannot yield any further. I want to state for the benefit of the Commissioner of Indian Affairs—I am not his apologist; he is not of my political faith or of my political family—but I wish to say that I have worked with him for many months until twelve o'clock at night on the Indian appropriation bill. Now, I think that is very good work; and the gentleman from Indiana, [Mr. BAKER,] who was my colleague on the subcommittee, will confirm what I have stated, although I was there many nights when he was not.

I understand that when this gentleman consented to accept the position of Commissioner of Indian Affairs he did it with the distinct understanding that there was some business he had to dispose of, and he has recently been absent a good deal attending to that business. He is absent to-day, to my knowledge; and it is hardly fair to a gentleman accepting an office under the circumstances he did charging himself with every day of his absence, and taking the office on the understanding he had some unfinished business he had to dispose of, it is hardly fair under such circumstances to charge him with want of attention to his office. I am told—and I want to state this for his benefit—that, this business disposed of, he can devote the whole of his attention to his office. I do not think it is proper there should be any increase of the force of that office, and I do not think it is just to that officer that there should be any aspersions cast upon him.

[Here the hammer fell.]

Mr. DURHAM. I now insist on my point of order.

Mr. HASKELL. Before that point of order is decided I desire to send to the Clerk's desk and have read a memorandum which may serve as an answer to the proposition of the gentleman who has just concluded his remarks, that there is no letter from the Indian Commissioner requesting this additional force. In print that might read as if the gentleman had some little lack of faith in my word. That I know is not the case, and I send this memorandum to the Clerk's desk to be read with this statement, that it was written, by the direction of the Commissioner of the Indian Office, by the chief clerk of that office, and handed to me as a memorandum to be used in offering this amendment.

Mr. SPARKS. Directed by the Commissioner?

Mr. HASKELL. Yes, sir.

Mr. ATKINS. Why was it not sent to the Committee on Appropriations?

The Clerk read as follows:

The five extra clerks required for the Indian Bureau will be detailed for duty as follows: two in the accounts division, two in the land division, and one in the files and records division.

Mr. SPARKS. I certainly did not insinuate that the gentleman from Kansas had stated anything that was not true. I simply stated that that office had not communicated to the Committee on Appropriations the desire for this additional force; and it struck me as strange that it should have been communicated in this way to the House.

The CHAIRMAN. The Chair is prepared to decide upon the point of order. The Chair understands that the clerical force provided for in the last appropriation bill is the lawful force. The money appropriated to pay that force of course only lasts that year, but the force itself is fixed by that law, and, as the Chair understands there is some excess in the amendment proposed by the gentleman from Kansas

over that force, the Chair would be bound to sustain the point of order. If the gentleman from Kansas offers an amendment keeping the force within the number provided in the last appropriation act, the Chair will receive it.

Mr. CASWELL. I desire to make a parliamentary inquiry? How could we change the number of clerks in the several Departments? Would we do it by a general enactment fixing the number of clerks in each bureau? Did the Chair ever know of such a law passing Congress?

The CHAIRMAN. There have been a great many changes in the number of clerks made in this bill, but no objection was made; but when the point of order is raised the Chair is bound to rule such an amendment as this out of order.

Mr. ATKINS. I make the point of order that this debate is out of order.

Mr. HASKELL. Is it in order to appeal from the decision of the Chair?

The CHAIRMAN. It is.

Mr. HASKELL. I then most respectfully, for the sake of having this question settled authoritatively, believing it to be an important one, appeal from the decision of the Chair.

Mr. BLOUNT. Is an appeal in order in Committee of the Whole?

The CHAIRMAN. It is. The Chair has ruled that the amendment of the gentleman from Kansas, on the point of order, made by the gentleman from Kentucky, [Mr. DURHAM,] is not in order, and the gentleman from Kansas takes an appeal. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. BURCHARD. I hope the Chair will state the proposition which he has decided.

The CHAIRMAN. The amendment will again be read.

The Clerk again read the amendment.

Mr. THOMPSON. I rise to a question of privilege. I ask that the law upon which the Chair rules be read.

The CHAIRMAN. That is hardly a question of privilege. The Chair rules upon the law as stated by the gentleman from Kentucky, that the last appropriation bill fixes the number of clerks in this bureau.

Mr. THOMPSON. I suggest that the Chair should not rule upon the statement of a member as to a law which is in print. I ask that it be read.

The CHAIRMAN. This amendment proposes an appropriation for a number of clerks in excess of the number provided by the last appropriation bill and the Chair therefore sustains the point of order.

Mr. CASWELL. I wish to make a parliamentary inquiry.

The CHAIRMAN. There is one question of order pending and the Chair cannot entertain another.

Mr. CASWELL. I am only asking a parliamentary question. How could it be that the last appropriation bill fixed the number if it could not be done in an appropriation bill?

Mr. ATKINS. I submit that debate is not in order.

Mr. FOSTER. Is not the appeal debatable?

The CHAIRMAN. It is not.

Mr. FOSTER. I would like to have the Chair restate his ruling to the House, and I think its absurdity will be seen by the restatement.

The CHAIRMAN. The Chair rules upon information. The Chair has not read the law.

Mr. THOMPSON. That is my point; that the law must be read.

The CHAIRMAN. The Chair rules that the number of clerks proposed in the amendment is in excess of the number provided for by law, and the Chair therefore sustains the point of order.

Mr. HAYES. Let us have the existing law read.

Mr. PAGE. The Chair bases its decision upon a law, and is it not our right to have the law read?

Mr. THOMPSON. The appeal is based upon two points: first, a fact is denied and then the law.

Mr. HAYES. An appropriation bill is no law.

The CHAIRMAN. If the gentleman from Kansas [Mr. HASKELL] will send up the law it will be read.

Mr. HASKELL. Upon the question of the appeal I desire to say a few words. The chairman of the Committee of the Whole has asked me to bring forward some law. I offered an amendment and it was subjected to a point of order.

Mr. ATKINS. I make the point of order that the appeal is not debatable.

Mr. FOSTER. I would like the Clerk to read the rule which I send to the Clerk's desk.

Mr. HASKELL. When that point of order is settled I will then proceed with my remarks.

Mr. ATKINS. I make the point of order that the appeal is not debatable after the Chair had arisen to put the question.

Mr. FOSTER. I call for the reading of the rule.

The Clerk read as follows:

Questions of order decided by the Speaker shall be subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, except by leave of the House.

Mr. HASKELL. Now, Mr. Chairman, upon the question of the appeal that I take from the decision of the Chair to the judgment of the committee, I desire to say that I moved an amendment to the pending bill; that upon that amendment a point of order was raised that it exceeded in number the clerks authorized to be employed under existing law. The gentleman who raised that point of order was bound by all parliamentary law and all court proceedings to establish that fact; he failed to establish it; but the Chairman of the Committee of the Whole demands, on the contrary, that the burden of proof shall be lifted from the person who made the point of order, from the one who alleges the fact, from the plaintiff in the case, and thrown upon him upon whom the point of order was made.

Now, then, further, it is stated that my amendment is in excess of the provisions of law regulating the employment of these clerks. I deny it; it has never been put before the chairman of the Committee of the Whole; I deny the fact. On the contrary, the honorable gentleman from Texas [Mr. MILLS] read to you the general statute covering the case. There is not a man upon this floor who in sober second thought will dare to say that the last appropriation bill, because it happened to designate four clerks, fixed the number of clerks to be employed for all time to come. The last appropriation bill was simply an act of Congress appropriating money to pay the number of clerks then employed; that is all. It goes no further than that; it binds nobody beyond that.

The next appropriation bill can make an appropriation for ten clerks, and under the general law read by the gentleman from Texas [Mr. MILLS] the Secretary of the Interior having an appropriation for ten clerks can employ that number. It was in the face of these propositions that the honorable Chairman of the Committee of the Whole ruled that the point of order taken by the gentleman from Kentucky, [Mr. DURHAM,] unsubstantiated by fact, unsubstantiated by any law, was a good point of order and well taken. From that decision I respectfully appeal.

Mr. RANDALL, (the Speaker.) If I understand correctly the decision of the Chairman of the Committee of the Whole, it is that the last appropriation bill fixes the number of employés, and also provides for their payment during the year; and that any provision now introduced which increases the number of employés beyond what the last appropriation bill fixed would be in violation of the rule, in that it increased appropriations and was not in the direction of economy.

Mr. HASKELL. That would be good as applied to this year, the year for which the last appropriation bill was passed.

Mr. RANDALL, (the Speaker.) The Chairman of the Committee of the Whole is right in his decision. The last appropriation bill does fix the number of employés, and goes a little further and provides that that number shall be paid for one year.

Mr. FOSTER. This bill is for the next year.

Mr. RANDALL, (the Speaker.) Of course this bill is for the next year. But this House does not possess the power to increase the number beyond the law of last year. In other words the law of last year fixed the number; it is under the provision of the general law.

Mr. BURCHARD. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] if the number of clerks in this bureau is fixed by any law, either by the appropriation bill to which he refers, or by any prior law? If not, then it seems to me it is in order to move an amendment to this bill to appropriate for any number of clerks not in excess of the number which the law permits.

Mr. TOWNSEND, of New York. I would like to say a word.

Mr. RANDALL, (the Speaker.) The words in that act are, "as recognized by law." What law? The last law, of course.

Mr. HASKELL. Oh no.

Mr. CASWELL. I would like to ask the gentleman from Pennsylvania [Mr. RANDALL] how we can change that law?

Mr. DURHAM. Rather than have all this discussion I would prefer to withdraw my point of order and let the amendment be voted down, as I believe it will be, by the Committee of the Whole. I therefore withdraw the point of order.

The CHAIRMAN. The point of order being withdrawn the question will be upon the amendment offered by the gentleman from Kansas, [Mr. HASKELL,] which is open to debate.

Mr. HASKELL. I desire to recall the attention of the Committee of the Whole to the amendment which I have offered. It is an amendment suggested by the Commissioner of the Indian Bureau himself; the distribution of clerks as proposed by that amendment was dictated by himself. I am thoroughly familiar with the three divisions sought to be re-enforced by the amendment. I say that this force is absolutely necessary and essential to the performance of the work of the bureau. I myself have information legitimately as a member of this body showing that it is important that the bureau shall have these additional clerks.

I appeal confidently to every member on this floor who has any business with the Indian Bureau, and to every Delegate from the Territories who may have a seat upon this floor, to bear me out in the statement that these five additional clerks are essential to the economical administration of the Indian Bureau.

Mr. SPARKS. Will the gentleman allow me to ask him a question?

Mr. HASKELL. Certainly.

Mr. SPARKS. I wish to inquire of the gentleman how it is that the Commissioner of Indian Affairs came to make this request of him?

Mr. HASKELL. I presume that it was beyond any doubt because I have, if not more business, at least as much business with the Indian Bureau to-day as any member upon this floor. It was because I have some ten or twelve bills now pending before committees of

this House, and the information for the use of the committees considering those bills can only come from the Indian Bureau. My people border upon the Indian Territory; they sell largely and buy largely across the State line. My district is full of claims and of business that must necessarily be brought before the Indian Bureau, and I am there every day.

Because of these reasons, the Commissioner of the Indian Bureau has become well acquainted with me. Then, too, he was not here in the city all the time while this bill was in process of preparation. He was absent from the city about the time the bill was brought into the House. When I asked him if the Committee on Appropriations had given him the five additional clerks that he and I had been talking about, he said they had not. He gave me this memorandum and asked me to present the matter to the House.

Mr. WIGGINTON. Was this memorandum given to you by the Commissioner himself, or by his chief clerk?

Mr. HASKELL. It was given to me by his chief clerk, at the direction of the Commissioner.

Mr. WIGGINTON. One further question, if you please.

Mr. HASKELL. Certainly.

Mr. WIGGINTON. Do you not think that if the Commissioner of Indian Affairs would devote his whole time to his business he could get along with less clerks?

Mr. HASKELL. I think not. The work that comes ont of the bureau is done by the clerks below. Whether he is there all the time or not I do not think would affect the business of the land division, or of the accounts division, or of the record and file division. The work must be done by the clerks.

Mr. SCALES. I desire to state for the information of the House that the Committee on Indian Affairs has sought and obtained a great deal of information in reference to the business before it from the Commissioner of Indian Affairs, and the committee has yet to receive any intimation that he desired an increase of his force. Time and again I have talked with him in person; time and again I have corresponded with him, and although now and then he has complained that he had a great deal of work to do, I am unable to recall any intimation from him that he desired an enlargement in the force of his bureau. I now hear that suggestion for the first time to-day. I hope this increase will not be allowed.

Mr. ATKINS. We have given the Commissioner of Indian Affairs all the force that was estimated for. The only difference is that we have reclassified it; and I see no reason why we should change the classification so far as the Indian Bureau is concerned, unless we are to change it with regard to all the other bureaus and Departments of the Government. We have given the Indian department one more employé than the present law authorizes.

In confirmation of what has been said by the gentleman from North Carolina, [Mr. SCALES,] the chairman of the Committee on Indian Affairs, I wish to say that neither from that gentleman nor from the gentleman from Illinois, [Mr. SPARKS,] the chairman of the subcommittee charged with the preparation of the Indian appropriation bill, nor from any other quarter, have we heard of any request on the part of the Indian Commissioner for an increase of force. My friend from Kansas has been more fortunate in obtaining information from that bureau than the rest of us. That, of course, is our misfortune. I am sorry the Commissioner did not bring the matter to our attention in a more formal way. Even the little paper which has been read is without any name to it. As my friend from Kansas indorses it, of course it cannot be called anonymous; but without his indorsement it would be an anonymous affair altogether.

Mr. HASKELL. I did not send up this paper as any authoritative declaration from the Commissioner, but simply as a basis on which to state a fact. I pledge my word as a member of the House that what I have stated is true.

Mr. ATKINS. Nobody intimates any doubt of that.

Mr. HASKELL. I do not like to hear it urged time and again by members of the Committee on Appropriations that they have heard nothing about this from the Commissioner. So far as their statements concern themselves, they are all right; but my statement is true that I was asked to do exactly this thing in response to numerous petitions I have made for the more speedy working through of my business before that Bureau.

Mr. ATKINS. We all understand that.

The question being taken upon the amendment of Mr. HASKELL, there were—ayes 68, noes 82.

Mr. HASKELL called for tellers.

Tellers were ordered; and Mr. HASKELL and Mr. ATKINS were appointed.

The committee divided; and the tellers reported—ayes 61, noes 90.

So the amendment was not agreed to.

Mr. PATTERSON, of Colorado. I move that the committee rise.

Mr. ATKINS. I hope not. Let us sit a little longer.

Mr. PATTERSON, of Colorado. I withdraw the motion.

Mr. FINLEY. In my remarks this morning on the appropriation for the Surgeon-General's Office I referred to certain statements which I had obtained from that office. I ask consent to make those statements a part of my remarks, and also to extend my remarks.

There being no objection, leave was granted. [See Appendix.]

The Clerk read as follows:

Pension Office:

For compensation of the Commissioner of Pensions, $3,600; chief clerk, $2,000; medical referee, $2,250; twenty clerks of class 4; forty clerks of class 3; sixty clerks of class 2; one hundred clerks of class 1; thirty-four clerks, at $1,000 each; one skilled mechanic, at $1,200; fifty-five copyists, at $900 each; one engineer at $1,200, and one assistant engineer, at $1,000; seven assistant messengers; six pages, at $480 each; and for laborers and watchmen, $6,000; in all, $412,670.

Mr. ATKINS. I move to amend by inserting the words "and thirty-five" after the word "hundred," in line 1493; and by striking out "twelve" in line 1501 and inserting "fifty-four," so as to make the total correspond.

This amendment provides for thirty-five additional clerks of class 1. The Committee on Appropriations have agreed to offer this amendment in order to enable the Pension Bureau to perform whatever duty may be necessary in regard to applications by soldiers of the war of 1812 for pensions. These applications are now coming in at the rate of seven thousand to eight thousand a month; and the Commissioner of Pensions says that this increased force will be necessary in order to enable him to discharge properly the work of his office.

Mr. FOSTER. Would not a point of order lie against this amendment?

Mr. ATKINS. If the gentleman chooses to raise that question——

Mr. FOSTER. I do not make any point of order. I was only suggesting the absurdity of the position which gentlemen have been taking.

The CHAIRMAN. The Chair has no doubt that a point of order would lie against any proposition to increase the force above what the law allows.

Mr. ATKINS. Rule 120 is a very good one to exclude bad legislation; and nobody ought to want to exclude good legislation.

The amendment was agreed to.

Mr. LYNDE. I move to amend by striking out "$3,600," in line 1489, and inserting "$4,000," so as to make the salary of the Commissioner of Pensions $4,000.

Mr. SPARKS. I raise a point of order on this amendment. The same point was made upon my proposition to increase the salary of the Commissioner of Indian Affairs. I make the point that this amendment increases the compensation beyond what is fixed by law.

Mr. CASWELL. I ask to be heard upon the point of order.

The CHAIRMAN. The Chair does not care to hear the point discussed if it is admitted that the amendment increases the salary fixed by law.

Mr. CASWELL. If the Chair will permit me to refer to a little history I think I can convince him that the amendment does not conflict with existing law. Up to 1873 the salary of the Commissioner of Pensions was fixed by law at $3,000. That was the law; the salary was fixed. At that time there passed into the bill known as the "salary grab" a provision which fixed his salary at $4,000. Soon after, as most gentlemen will remember, the Congress repealed the "salary-grab" law, and thereby repealed the law which fixed the salary of the Commissioner of Pensions. Since that time there has been no law fixing that salary. In the year following it was made by an appropriation $3,000. The years following it was paid by an appropriation at $3,600 tacked on to an appropriation bill, and I think the point of order was not made on it. If it was it was overruled. Up to this time it has been $3,600, which has been made in the appropriation bill. The point of order is not well taken when we seek to do simply just what we have done for years back, to appropriate for the coming year $4,000 as compensation for the Commissioner of Pensions. That is all. It has been appropriated for each year since 1873.

Mr. HARRIS, of Virginia. I hope my friend from Illinois will withdraw his objection.

The CHAIRMAN. The Chair will ask the gentleman from Illinois what law provides for this?

Mr. CASWELL. It was provided for by law but that law has been repealed. Congress has not since that time re-enacted any other law on the subject except by making the appropriations for this salary in the appropriation bills.

The CHAIRMAN. According to the gentleman from Wisconsin there is no law for it.

Mr. CASWELL. There is no general act fixing the compensation, but it has been provided for each year by the appropriation and nothing else. It is the law when you repeal an act which repeals some prior act that prior act is not revived. The repeal left it standing with no law on the subject. That is the way in which the salary of the Commissioner of Pensions stands to-day.

Mr. DURHAM. When the House comes to understand the law they will find it is not subject to the point of order.

Mr. HARRIS, of Virginia. I believe I have the floor, and I am sure my friend will not interpose his objection against the unanimous feeling of the House. I think he does himself injustice because his friend did not receive what he thought was right. I hope the gentleman from Illinois will withdraw his point of order.

Mr. DURHAM. I wish to refer to section 470 of the Revised Statutes, which I will read:

SEC. 470. There shall be in the Department of the Interior a Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive a salary of $4,000 a year.

That is the law now.

Mr. CASWELL. That has been repealed, but I am willing to accept it for the purpose of this amendment. I do not want my friend to be led into error, however. The section of the Revised Statutes which he reads has been repealed and has left the salary of the Commissioner of Pensions without any act of a like character.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. SPARKS. I do.

Mr. HANNA. I understand originally Congress by a general law fixed the salary at $4,000. That section has been read. I understand subsequently Congress repealed that act. Then the only law on the subject will be found in the last appropriation act and that appropriated so much. Am I correct? If I am in the fact that the general law fixing the compensation at $4,000 is repealed, then I submit the point of order raised by my friend from Illinois would not obtain.

Mr. ATKINS. What is the decision of the Chair?

The CHAIRMAN. The Chair has made no decision.

Mr. ATKINS. I hope order will be preserved so that we can hear what is going on. The confusion is so great it is utterly impossible to hear anything.

Mr. McMAHON. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. EDEN reported that the committee had had under consideration the special order, being the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. ROBINSON, of Indiana, for two weeks, on account of important business;

To Mr. POLLARD, for ten days, on account of important business;

To Mr. CAMP, for two days; and

To Mr. POUND, until the 13th, on account of important business.

DANIEL M. MORLEY.

Mr. POUND, by unanimous consent, introduced a bill (H. R. No. 4670) to restore to the pension-rolls the name of Daniel M. Morley, of Morley, Barron County, Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEOLOGICAL ATLAS OF COLORADO.

Mr. PATTERSON, of Colorado, by unanimous consent, introduced a resolution directing the printing of 500 copies of the geological and geographical atlas of Colorado and adjacent Territories; which, under the law, was referred to the Committee on Printing.

SOLDIERS' REUNION AT DES MOINES, IOWA.

Mr. CUMMINGS, by unanimous consent, introduced a joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REDUCTION OF FORCE IN INTERIOR DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to the proposed reduction of force in his Department; which was referred to the Committee on Appropriations.

RETURN OF PAPERS TO TREASURY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, requesting the return to the files of that Department of certain papers; which was referred to the Committee on Appropriations.

L. T. GREEN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the claim of L. T. Green, of Chattanooga, Tennessee; which was referred to the Committee on Military Affairs.

ANSON MILLS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the claim of Anson Mills; which was referred to the Committee on Military Affairs.

FRAUDS UPON INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, on the subject of certain frauds and abuses practiced upon Indians who endeavor to avail themselves of the homestead laws in the State of Michigan; which was referred to the Committee on Indian Affairs.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. ROBERTSON, by unanimous consent, from the Committee on the Mississippi Levees, reported back the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of the said Mississippi River and the protection of its alluvial lands, with an amendment appropriating $3,871,574 for closing crevasses and raising and strengthening the levees on the Mississippi River; and moved that the bill and amendment be recommitted, and that the amendment be printed.

The motion was agreed to.

Mr. ROBERTSON also, by unanimous consent, submitted the following resolution; which, under the law, was referred to the Committee on Printing:

Resolved, That the report (and accompanying maps) of the Committee on Levees and Improvement of the Mississippi River, to accompany House bill No. 4318, with amendment, be printed, and recommitted to the committee.

JULIA A. NUTT.

Mr. KEIFER, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 4671) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompany report, ordered to be printed.

CHARLES VALIER.

Mr. EDEN, by unanimous consent from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1210) for the relief of Charles Valier, late of Company M, Seventh Regiment Illinois Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

REPRESENTATIVES OF JOHN W. GALL.

Mr. EDEN also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1209) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES CLINE.

Mr. GARDNER, by unanimous consent, from the Committee on Revolutionary Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 4326) granting a pension to Charles Cline, of Clinton County, Ohio; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PATENT LAWS.

Mr. VANCE, by unanimous consent, from the Committee on Patents, reported, as a substitute for House bill No. 1612, a bill (H. R. No. 4672) to amend the statutes in relation to patents and for other purposes; which was read a first and second time, recommitted to the Committee on Patents, and ordered to be printed.

BRIDGE AT OMAHA.

Mr. FINLEY, by unanimous consent, introduced a bill (H. R. No. 4673) limiting the rates for the transportation of freight and passengers over the bridge constructed by the Union Pacific Railroad Company across the Missouri River at Omaha, Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. THROCKMORTON. I move that the House take a recess until half past seven o'clock.

The motion was agreed to.

The SPEAKER. The Chair announces that, pursuant to order, the session this evening will be for debate only, no business to be transacted. The gentleman from New York, Mr. COVERT, will occupy the chair as Speaker *pro tempore*.

The House accordingly (at five o'clock p. m.) took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired the House reassembled at half past seven o'clock, Mr. COVERT occupying the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. By order of the House the session this evening is for general debate only, and the gentleman from Texas [Mr. THROCKMORTON] is entitled to the floor.

REORGANIZATION OF THE ARMY.

Mr. THROCKMORTON. Mr. Speaker, the Committee on Military Affairs have reported the bill (H. R. No. 2865) to reorganize the Army of the United States, to consolidate certain of its staff departments, to reduce the cost of its support, and for other purposes. I will read the first section of that bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and required, on or before the 1st day of July, 1878, to reduce the number of enlisted men in the Army to twenty thousand; and thereafter there shall be no more than twenty thousand enlisted men in the Army at any one time, unless otherwise authorized by law.

It is to that feature of the bill that I desire to address myself this evening.

Mr. Speaker, the motives which induced men to establish and organize governments were to secure to themselves the enjoyment of certain rights; for instance, the security of person and property, and protection against aggressions from any quarter whatsoever. A state must perpetuate its existence in order to effect the ends for which it was instituted, hence self-preservation is the first law of nations as well as of individuals; and this is the highest and holiest duty a government can perform. There is a contract between the state and its citizens—the terms are explicit; the state guarantees protection to the citizen, and the citizen discharges all the duties of allegiance to the state; it is the return he makes for protection. The duties are reciprocal, they exist together or not at all; where there is no sov-

ereignty, no protection, there can be no allegiance. Protection is an individual right; it travels with the citizen wherever he goes; it is affected neither by time nor space; its vitality and energy should be felt upon the snows of Russia, the sands of Africa, and the broad plains of Asia. Wherever adventure calls, wherever commerce spreads her sails, wherever science invites, a citizen of the United States should be able to go and to realize the fact that the banner of his country floats proudly over his head and goes before him as a pillar of cloud by day and a pillar of fire by night.

In the discharge of this paramount duty to its members the state brings into requisition all the machinery of internal sovereignty, laws, courts, &c. In her external relations she is controlled by international law and by the comity and the customs of nations. When all this machinery and all the remedies it affords shall have failed to protect its members in the exercise of their rights, then in obedience to the law of self-preservation a state is justified in resorting to force. The patriots and sages who formed the Constitution of our country conferred ample power upon Congress to provide for all emergencies.

In obedience to the requirements of the Constitution, Congress raised an army, considering it indispensable for the purposes of protection. It is the creature of law, the prop upon which the civil authorities and the people lean in the hour of trial and peril. It is too small to menace the liberties of the people, and I believe history justifies the assertion that no scheme has ever been set on foot by the Army, through its officers or men, to make an assault upon our free institutions. It has generally been in sympathy with the people; and, aided by the militia, it will be adequate to the defense of our homes and capable of repelling invasion, let it come whence it may and in strength however formidable.

With the Army as a nucleus to formulate, to drill, and to discipline our citizen soldiery, I am confident we can, when needful, organize a force as efficient and heroic as any the world has ever seen. They will face danger as bravely and coolly, sacrifice property, even life, as cheerfully, when duty and the good of the country demand it, as any people of any land or any age. The warlike spirit animating the bosoms of the people renders them soldiers almost by nature, yet any event calling them from their daily avocations to the tented field may and should be regarded as a national calamity.

It is the duty of Congress to maintain a regular army, respectable in numbers, thoroughly equipped and supplied with all the appliances necessary to active and vigorous warfare, to the end that invasion from abroad may be repelled, that certain protection be afforded to our widely-extended borders, that the rapacity and plundering disposition of the marauders and lawless spirits of conterminous states be repressed, our coast defenses kept in order, and the public property and military stores be preserved. No higher duty than this rests upon the legislative branch of the Government.

To meet these absolute and imperative requirements, is an army of twenty thousand men sufficient? In my judgment it is not.

The extent of the frontier and interior lines, which should be covered and protected constitute an important element in the consideration of this question. In the same connection the coast line and the fortifications deserve a prominent place, also the immense amount of public property upon those lines and elsewhere that should be guarded and kept in a state of preservation.

The line from the mouth of the Rio Grande, Texas, to San Diego, California, is sixteen hundred and ninety-two miles in length. On it and contiguous to it there are seventeen military posts. A large proportion of the territory adjacent to this line is open to the incursions of raiders from Mexico and to forays from Indians.

From San Diego, California, to Cape Flattery, Washington Territory, the distance is fifteen hundred and five miles. There is an interior line corresponding in length which is the theater of Indian troubles, and not long since was involved in a war with a small number of Modocs, which cost the United States the loss of many valuable lives and the outlay of a million or two of treasure.

From Cape Flattery, Washington Territory, to Passamaquoddy Bay, near the New Brunswick boundary line, is a distance of thirty-one hundred and seventy-five miles.

Upon this line and contiguous to it there are twenty-five or thirty posts or forts. The adjacent territory is the home of many savage and warlike Indians. The late wars with Sitting Bull, Chief Joseph and others, the Custer defeat, the rigorous winter campaigns, the long and wasting forced marches, the murder of citizens, the desolation of homes—show what its tragic history has been and what it may be in the future.

In addition to those already mentioned, there are long interior lines:

The line of the Union and Central Pacific Railroad, say from Omaha to San Francisco, is about nineteen hundred miles in length, and has in the vicinity of its route twenty-five posts.

The line from Fort Bayard, New Mexico, to Fort Duncan, Texas, by way of Fort Garland, Colorado; Fort Hays, Kansas; and Camp Supply, Indian Territory, has a length of two thousand and twenty-six miles.

The line from Fort Wallace, Kansas, to Fort Buford, Dakota, and back to Fort Hays, Kansas, is nineteen hundred and nine miles long.

According to these data we have exterior and interior lines 12,207 miles in length, which are exposed to aggressive incursions from Indians for three-fourths of their entire extent. We have interior lines, not included in this estimate, aggregating more than five thousand miles in length. We have within these several lines about one hundred and seventy military posts and about eighty Indian agencies. The coast line from the mouth of the Rio Grande to the New Brunswick boundary line, by way of the forts, is thirty-three hundred and seventy-five miles long. All the lines spoken of should be guarded. The aggregate length of all the lines indicated above is a little less than twenty-one thousand miles.

Another item of moment in the consideration of this question is the public buildings and the immense quantity of stores belonging to the Quartermaster's, the Ordnance, and other departments. The Quartermaster's Department is responsible for property and stores to the amount of $79,414,844. The arsenals and ordnance and ordnance stores in them are valued at $45,500,000. The fortifications up to January, 1874, cost $54,686,837. The cannon to arm them and to arm batteries for harbor and river defense cost $20,000,000. Total, $199,601,681. These estimates have been derived from official sources, and are in the main correct.

It is estimated that additions to fortifications and harbor and river defenses since 1874, and property at Indian agencies and on Indian reservations, and surgical instruments and supplies of medicines on hand in the medical department, and stores on hand in the subsistence department, are worth $5,000,000. This makes a grand total of the property in charge of Army officers, and guarded and protected by the Army, of $204,601,681.

In proximity to the frontier and interior lines there are more than two hundred and seventy-eight thousand Indians. Many of the different tribes are hereditary foes to the white race.

We have a long line bordering upon Mexico, and it is an admitted fact that our relations with the people of that government are unsatisfactory and liable to become more so at any moment. Mexico has a population of more than nine million and a regular army of 22,387 men. Her revolutionary masses are unfriendly to the people of the United States. There is no country on earth where the lives of Americans are less valued, their property less secure, and their rights less respected than in the land whose sons have been making war upon their own government almost continuously for fifty years, who decide their election by the bayonet, who are instinctively afraid to trust in the good faith of each other, and who have never observed a treaty unless its infraction involved great hazard.

It is not too much to say that the tardiness of our Government to punish Mexico for the many insults to our flag and outrages upon our people has been from considerations of humanity and generosity to an imbecile sister republic, out of regard to her domestic dissensions and the largest measure of charity and forbearance—a charity and forbearance shared in alike by both our Government and people and participated in even by those who have been the immediate sufferers. But, sir, the time is at hand when that forbearance should cease. Repeated wrongs and outrages, beginning in 1859 and recently reenacted; the memories of the butcheries at the Alamo, at Goliad, and the cowardly decimation and shooting down in cold blood of handcuffed prisoners of war will revive a conflict that will bring fearful retribution and the dismemberment of Mexican territory. The interests of our country demand that this conflict should not come. To prevent it your Army should be large enough to command respect and speedily to punish a violation of our soil.

These facts, and others I propose to mention, prove conclusively to my mind that we need a regular Army of at least twenty-five thousand men; that the public welfare imperiously demands such a force; that, in order to defend the frontier, to protect the public property, to occupy forts and posts, to keep the Indians quiet on the reservations, that Army must be distributed prudently and wisely, handled skillfully, and kept in a state of constant activity.

When our Government was organized a regular Army was raised, and among the great duties intrusted to it was that of defending the frontier. That Army has been the agent of settlement and of progress. Around its posts and its camps pioneers have clustered, communities have sprung into existence, order has been established, law has been introduced, and grand States, one after another, have been added to the Union.

These things have been brought about because wherever the national banner has been unfurled a feeling of confidence has been inspired and a sense of security created, and that spot has been forever consecrated to liberty. In practice we seem to have adopted the maxim of the Roman people: "Wherever the Roman citizen conquers he inhabits." It ought to be the pride of every citizen of the United States to truthfully say: "Wherever the American flag floats over American soil there is security to person and property; there society exists; there order prevails, and law reigns supreme."

I have already shown that the Army occupies and covers lines almost twenty-one thousand miles in length. Now, supposing the Army full to its maximum strength of twenty-five thousand men, the average per mile would be a little less than one soldier and one-fourth to every mile of line occupied and required to be protected. Then there must be deducted from the aggregate strength of the Army the officers and privates on duty in the Signal Corps, the Engineer Department, ordnance sergeants, hospital stewards, commissary sergeants, prison guard at Fort Leavenworth, West Point detachment, servicemen at the War Department and various headquarters, amounting in all to twenty-five hundred and fifty-three, leaving 22,447 officers and men to occupy the forts and the posts and to defend the frontier.

I am satisfied that the great loss of life, destruction of property, insults to our flag, and violation of our soil heretofore referred to resulted from the fact that the troops on the frontier lines were insufficient in numbers to guard and protect them. The ease with which an adroit and subtle foe could pass between posts and penetrate the settlements was an inducement to do so. A small army stretched out upon long lines invites attack. The Army has been required to do so much, to cover such a broad extent of territory, that it could not adequately perform the duty required of it.

In military matters efficiency is the only measure of economy. As a general rule where the means are insufficient to accomplish the ends there is loss and waste. An appropriation too small to effect the object for which it is made is usually the worst kind of prodigality, an unjustifiable squandering of public money. The continuing in service of a few more men and the appropriation of a little more money would have saved much loss of life and property. The difference in the cost cannot well be calculated. The lives of citizens cannot be estimated by the sordid measure of dollars and cents.

It may not be improper to make some observations on the strength of the regular Army at different periods since the organization of the Federal Government. In 1794 the regular Army numbered 3,629 men. The census of 1790 shows a population of 3,929,214. Allowing an increase of 1,000,000 for four years the aggregate population in 1794 amounted to 4,929,214. This divided by 3,629 shows an average of 1 soldier to every 1,355 souls. The Army in 1807 numbered 3,356. The population in 1810 was 7,239,881, an average of 2,153 inhabitants to 1 soldier. In 1808 the prospect of a rupture with Great Britain caused an increase of the Army. In 1817 the Army was 8,221 strong. It was increased soon after. The population in 1820 was 9,633,822, an average of 1 soldier to every 1,172 people. A financial pressure caused the adoption of a rigid system of economy, one truly deplorable as far as the frontier was concerned, as we shall see, and in 1820 the Army was cut down from 12,664, 1 to every 783 people, to 6,391 men, an average of 1 soldier to every 1,507 people.

Time does not permit me to follow the subject further than to mention the averages in 1860 and at present.

The population in 1860 aggregated 31,443,321, the Army 12,931, an average of 1 soldier to every 2,432 people. At present we have at least 40,000,000 of people and an army of 25,000 men. The average is 1 soldier to every 1,600 souls.

A great deal has been said about the danger of a standing army—that it imperils the liberties of the people—and the sages and the heroes of the Revolution are cited as authority; yet the regular Army during the administration of Washington was larger in proportion to the population than it is now.

Before closing my remarks on this branch of the subject I will observe that Mr. Calhoun, in his letter of December 11, 1818, said:

> Were our military establishment reduced one-half, it is obvious that if the same posts continued to be occupied which now are, the same number of officers in the Quartermaster's, Commissary's, Paymaster's, Medical, and Adjutant and Inspector-General's Departments would be required.

This allegation is applicable to the situation now. If the Army should be reduced and the number of posts be lessened, then the Indians would attack the exposed settlements, as they have done heretofore. Should the same posts continue to be occupied, the garrisons would be insignificant and weak, and the Indians would attack them, as they have often done.

A carefully prepared table of the number of officers in proportion to the number of enlisted men, from 1850 to 1878, shows the average has been very nearly the same as now. In 1850 it stood thus: proportion of total commissioned officers to men, 1 to $10\frac{23}{24}$; proportion of line officers to men, 1 to $16\frac{1}{25}$. The ratio varied a little at different periods: proportion of total commissioned officers to men, 1 to $11\frac{13}{17}$; proportion of line officers to men, 1 to $15\frac{13}{24}$; this is the ratio now.

The number of posts occupied necessarily increases the number of staff-officers. The length of a line increases the expense of maintaining the same number of troops on a shorter line.

The difference in the expense of troops in garrison and on an active campaign is at least 40 per cent.; others say it is more. This is caused by the wear and tear of vehicles, the loss of public animals, and injuries to the same, the additional cost accruing from the employment of citizen wagons, and hiring teams, the cost of supplies purchased at prices in excess of the contract cost, and many other reasons I have not time to mention.

The pay of officers has engaged much attention. It is a question of great importance. It is essential that the leaders of our regular and citizen soldiery should be qualified to discharge their respective trusts; they are charged with the care of the lives of their respective commands; and the armies of the United States have in their keeping the life and the honor of the nation. These are grave responsibilities. It is the duty of Congress to enact such laws as will secure the services of able and efficient officers. Mr. Calhoun handled this subject with his usual rare ability. In speaking of the necessary skill and acquirements attainable at the Military Academy, he continued:

> For this purpose respectability of rank and compensation must be given to the officers of the Army in due proportion to the other pursuits of life.

Again he observed:

> The profession of arms, in the well-established state of things which exists among us, has no reward but what is attached to it by law; and if that should be inferior to other professions it would be idle to suppose individuals possessed of the necessary talents and character would be induced to enter it.

These extracts require no comment. Our military system has been formed upon the suggestion and experience of talented and efficient men as well as upon the views of eminent statesmen. Our Army organization has been the result of much profound thought and labor. It has received the sanction of distinguished generals. It has been tried and found equal to every emergency. It has stood the test of war. It is suited to the genius of our people and to the character of the territory upon which it is carried into practical operation. The honored heroes and patriots who have passed away did not gainsay it. What the brightest military geniuses of America, both living and dead, have aided to establish, I shall not vote to pull down. I am ready to assist in carrying out any reform suggested by men of great military talent and experience. Untrained genius may astonish us by its brilliant theories, but to be led by its vivid and erratic light is like quitting a broad and firm road to follow an *ignis fatuus* through bogs and fens.

The bill presents a question of economy, and I propose to discuss it with that question in view, because its solution involves a saving of public money on the one hand and on the other the imperiling of the peace of the country and the jeopardizing of the lives of the people and their property. In my judgment the provisions of this bill do not accord with an economical administration of the Government. That legislation which saves for the present a few dollars, but which, when trouble comes, causes the expenditure of millions that might have been saved by a timely and adequate appropriation for a sufficient force to defend the frontier, is merely reprehensible extravagance. The reduction of the Army has been the theme of professed reformers for half a century, and they have seldom looked beyond immediate results. In 1818, while Mr. Calhoun was Secretary of War, he wrote a communication on the subject, in reply to a resolution of the House, in which he argued that the Army as then organized was not larger than the public welfare demanded. He deprecated the idea that our Army, so small in comparison to the number of the people, distributed at so many posts, situated so far apart, could be considered "dangerous to our liberty," and he ridiculed it as partaking "more of timidity than wisdom."

In 1820 he wrote a similar letter, and said:

> I am aware that the militia is considered, and in many respects justly, as the great national force; but to render them effective every experienced officer must acknowledge that they require the aid of regular troops.
>
> Supported by a suitable corps of trained artillerists and by a small but well-disciplined body of infantry they may safely be relied on to garrison our forts and to act in the field as light troops. In these services their zeal, courage, and habit of using fire-arms would be of great importance and would have their full effect. To rely on them beyond this, to suppose our militia capable of meeting in the open field the regular troops of Europe, would be to resist the most obvious truth and the whole of our experience as a nation. War is an art to attain perfection in which much time and experience, particularly for officers, are necessary.

In order to avoid defeats and their consequent sacrifices in the beginning of wars that great statesman recommended such an organization of the Army that—

> There should be nothing either to new-model or to create. The only difference, consequently, between the peace and the war formation of the Army ought to be in the increased magnitude of the latter, and the only change in passing from the former to the latter should consist in giving to it the augmentation which will then be necessary.

He contended that the Army should be increased to meet the expansion of the frontier and to serve as a nucleus upon which to drill and discipline the militia in time of war. To meet the latter important requirement he deemed it essential that the Army should be augmented in a proper ratio with the increase of population. His suggestions were overborne by the fierce demand for immediate relief and the adoption of measures of retrenchment. The results were stated by General Cass, Secretary of War, in a letter in answer to a resolution of the Senate, dated March 8, 1836. He insisted that the Army was insufficient "to garrison the fortifications of the seaboard, and at the same time to give protection to the inhabitants residing in the States and Territories bordering on the Indian frontier." He said:

> With respect to the inland frontier, circumstances of a still more imperative character require an augmentation of the Army. Events have shown that our force in that quarter is not sufficient to keep the Indians in check. Disturbances are continually occurring at comparatively short intervals, some of which terminate merely by alarming and agitating the country, while others lead to hostilities more or less extensive. On these occasions the regular troops are collected from great distances and a militia force is usually called out. Heavy expenses are the necessary consequences, besides the loss of property and the derangement of business in the section where the troubles exist. Instead of having a force at all times embodied sufficient to overawe the Indians, or if they commence hostilities to immediately subdue them, much time is lost in the necessary arrangements, while the spirit of disaffection is spreading and the hostile force becomes thus greatly increased.

He says further:

> Within the last nine years we have had four difficulties of this nature, one with the Winnebagoes, two with the Sacs and Foxes, and one with the Florida Indians, which, altogether, have occasioned great loss of property, great derangement of business, a heavy expenditure of money, and much inconvenience in those portions of country affected by these troubles and which furnished the militia whose services were required to aid the regular troops in their operations. An augmentation of the Army to a reasonable extent, if it did not prevent these occurrences altogether, would certainly render them less frequent as well as less injurious and extensive. And this policy is not less humane than useful. It is far better by the display of force to render its employment unnecessary than it is to be compelled to resort to it with the usual accompaniments of an Indian campaign.

These remarks as to the necessity of having an adequate force in the field, and the humanity and economy of preventing border troubles, are as forcibly applicable to the present as they were to the past. To illustrate the truth of this assertion I will refer to some

prominent Indian wars and border difficulties that have brought ruin, desolation, and mourning to many of the fairest portions of our frontier settlements.

The Black Hawk war commenced May 2, and ended August 14, 1832. It originated from the return to Illinois, on two occasions, of Black Hawk and his band, after they had left in accordance with treaty stipulations. The second visit of this noted chieftain was considered an invasion by Governor Reynolds, and he called into service 2,275 militia. These volunteers were soon disbanded, and replaced by 2,000 others. There were several small affairs with various results. The final rencounter was at Bad Ax, where Black Hawk was defeated and made prisoner. Our loss in this trouble was about 70 killed and 40 wounded, and about 320 died of disease. In round numbers it may be said this short campaign cost us 400 lives and about one million and a quarter of dollars. In Brown's History of Illinois the cost is put down at $2,000,000. Had there been a sufficient force of regular troops in that region to enforce the treaty with the Indians this loss of life and expenditure of money, as well as interruption to the peaceful pursuits of the people, would have been avoided.

The Seminole war commenced December 28, 1835, and continued seven years. At the time Osceola refused to leave Florida, and when he planned and executed the murder of the Indian agent, General Thompson, and others, in sight of Fort King, and the massacre of Major Dade's command, there were not four hundred effective regular troops in Florida.

The Government placed a heavy force of regulars and volunteers in the field. The losses in battle were considerable, and from disease very great. That of the regulars was accurately ascertained and officially stated as follows:

Of the medical staff, 10; lieutenant-colonels, 3; majors, 4; captains, 20; lieutenants, 37; sergeants, 84; corporals, 57; musicians, privates, and artificers, 1,251—total, 1,466.

Volunteers were called into the service from the States of Florida, South Carolina, Louisiana, Georgia, Tennessee, Missouri, New York, Pennsylvania; also from the District of Columbia. The services of Delaware, Shawnee, Choctaw, and Creek Indians were accepted. According to Sprague's History of the Florida War the number of volunteers mustered in from 1835 to 1840 aggregated 20,026. This estimate of Sprague lacks three years of covering the entire period of the war. General Vincent, assistant adjutant-general, in a communication to General BANNING, chairman of the Committee on Military Affairs, dated Washington, February 3, 1876, says "the Black Hawk and Florida wars necessitated fifty-five thousand militia." The Black Hawk war required more than four thousand volunteers, the Florida about fifty thousand.

I have not been able to secure a list of the deaths among the volunteers. I think it was as great as that of the regulars, seamen, and marines. I estimate the number of non-combatants—men, women, and children—killed, at five hundred.

In assuming that the Florida war cost us the immense sacrifice of 3,466 lives I shall do no violence to truth.

These Florida campaigns cost the United States $29,233,823.71; a few dollars more perhaps.

This fact can be ascertained by consulting the report of the Secretary of the Treasury for 1877, page 14.

Smith in his History of Florida estimates the loss of property in that State resulting from the war at $5,000,000. A report from a committee of the Senate, third session Twenty-fifth Congress, vol. 3, p. 195, states that the claims for Indian depredations arising from the Florida war from Alabama, Georgia, &c., amounted to $1,259,407.30. These two amounts added to the one above given make the sum of $35,493,231.01 as the immediate cost of the Florida war. An examination of the pension-rolls and land bounties would show an additional amount the people have had to pay for the want of a few more regular troops in Florida at the time of the outbreak by the Indians.

March 22, 1838, the Secretary of War reported to Congress upon the comparative expense of volunteers, militia, and regulars, which report shows for a company of fifty regulars, dragoons, for six months, a cost of $13,573.34; regular infantry for same time, $4,662.06; mounted volunteers for same period, $22,575.01; volunteer infantry, $7,286.69. This table is continued further, but the same proportion holds all the way through.

In making this report General Towson commented as follows:

This enormous disparity in the expense of the two forces is not owing to the extravagant allowances made to volunteers; for, except in the article of clothing, they are not better paid than regular troops, and altogether insufficiently compensated to reimburse them for the pecuniary sacrifices they make in leaving home and employment, to say nothing of the danger and hardships they encounter. It is caused principally by expenses for traveling to and from the place where the services of volunteers and militia are required; to the hire, maintenance, and indemnity for horses; to purchasing them a full supply of clothing as a bounty, without regard to length of service. The statements also show the expenses of volunteers serving on post and of militia. The term of service of the latter never exceeds three months unless especially provided for. There is one comparison that would place the contrast between the expenses of regular and irregular troops in a much stronger light, if I had the data to enable me to state it in figures, and that is the comparative loss and destruction of military stores and public property by the two forces. The immense importance attached to this subject by European governments as a principal means of sustaining war has led to the most rigid economy and the strictest accountability in everything connected with the material of an army.

We have profited by their experience, and it is probable a more perfect system of accountability is nowhere to be found than in our little Army; but it requires the study of years to understand and the exercise of martial law to enforce it. This cannot be expected of irregular troops that serve at most but a few months. There is another subject which I would respectfully suggest should be considered in connection with the employment of volunteers, and that is the great inconvenience to which it subjects the useful class of citizens, the heavy tax imposed on their patriotism, and the loss the country sustains by diverting labor from its proper object and turning producers into consumers.—*Sprague*, pages 102, 103.

For more than forty years the Indians have been waging war upon Texas. Since annexation to the United States they profess to believe that Texans constitute a distinct tribe. Immediately after the consummation of that measure, and the consequent increase of frontier and of posts, the President was compelled to place volunteers in the field to aid in repelling Indian incursions. At various times since 1851 the different governors of the State have also been compelled to call volunteers into the State service.

At the present time Texas has a small battalion in the field. For these expenditures incurred by Texas a claim has been justly made against the General Government. I will say that it is, in my judgment, at least $500,000 less than the real amount, not containing the items of expense incurred by raising and maintaining a regiment commanded by Colonel M. T. Johnson that was called into service by Governor Houston in 1860. The account as officially stated amounts to $1,536,487.62, of which $509,111.95 accrued from 1855 to 1861, and the remainder since October, 1865.

After the conclusion of the late civil war the Indians continued to depredate upon the Texas frontier until the campaigns of our State troops, Custer, McKenzie, and others, reduced them into a state of comparative quietude. This was accomplished by the most active and vigorous campaigns, in some of which the troops suffered greatly from the severity of the winters.

The executive of Texas, in an official report of date August 8, 1867, said, "the different county judges of the border counties" have been called on for information in regard to Indian depredations since May, 1865. He gave the following *résumé:*

One hundred and sixty-four persons killed, twenty-four wounded, forty-three captured, twenty-nine of whom have been reclaimed; and he remarks that "a meager report from some of the counties shows a loss of thirty-four hundred and ninety-five horses, 30,165 head of cattle, 2,430 head of sheep." The value of this property was estimated at $287,881.75.

In addition to the foregoing, by reference to an official report of the adjutant-general of Texas it will be found that up to 1876, the date of his report, a large increase was added to the list of killed, wounded, and captives, a corresponding increase in the amount of property stolen and destroyed, besides the plundering of the United States mail-coaches, the murder of seven teamsters in charge of Government stores, and the loss of the teams, wagons, and supplies. I will remark that Indian depredations are of monthly, almost weekly, occurrence in Texas even now.

The Cortina war was caused by the removal of the United States troops from the posts on the Lower Rio Grande in 1859 by order of General Twiggs with the acquiescence of the Secretary of War. Juan N. Cortina was under indictment for murder and other crimes on the American side of the Rio Grande. He received authority from a Mexican officer to enlist men for service in Mexico. He did so; but at the head of fifty or sixty followers he invaded United States territory and took possession of Brownsville, Cameron County, Texas, on the morning of September 28, 1859. He murdered citizens, broke open the jail, liberated the prisoners, and committed robberies. He waged war upon the flag and the people of the United States for more than seven months, and used Mexico as a place of deposit for his stolen property and finally as an asylum for himself and adherents.

Major Heintzelman, in his official report made in 1860, sums up results. He says:

The amount of claims for damages presented is $336,826.21; many of these are exaggerated, but then there are few Mexicans who put in any. * * *

There have been fifteen Americans and eighty friendly Mexicans killed. Cortina has had one hundred and fifty-one men killed; of the wounded, I have no record.

Cortina became a noted character in Mexico. He was made an officer in the regular army and promoted to the rank of brigadier-general.

He had taught his countrymen how easy it was to raid upon the hated "Gringos" and to escape with wealth gained by force and fraud. He had numerous imitators eager for an opportunity to carry fire and sword upon Americans. It eventually came.

After the close of our civil war citizens of Mexico began to fit out expeditions to invade the Territory of the United States and to plunder her people. Mexican officers at the head of their commands crossed the Rio Grande and committed acts of hostility. Our citizens were murdered, maltreated, and robbed.

A reign of terror existed between the Nueces River and the Lower Rio Grande. There was no security for person or property outside the towns and beyond the range of the guns of the regular troops. Custom-houses were robbed; inspectors of customs killed; ranches deserted; houses abandoned; stores and post-offices robbed. Men were tortured, shot, stabbed, and burned alive. Ladies were made prisoners, and in some instances violated. Children captured by Mexicans and their Indian allies were enslaved. In short, there was no outrage which hatred, cupidity, and revenge could devise which was not inflicted upon an unoffending people. These excesses continue to be committed.

It is impossible to say how many were the victims of this infernal

border warfare; a record was not kept. They fell unseen in the prairie and the chaparral. I estimate the killed since 1865 at three hundred, though I am sure it is less than the real number. The United States frontier commission had many claims filed before it for damages. Many of the claims for losses of stock called for consequential damages. The greater portion of these have been remodeled and the original losses only retained. The work has not been completed. A few days ago the report was as follows: the losses of stock, $12,495,534; for miscellaneous claims, including damages for personal injuries, property taken, &c., $1,930,769.25; making a total of $14,426,303.25.

This sacrifice of life and of property, these deeds of cruelty and barbarism, these sufferings and agonizing tortures, were heaped upon a defenseless people because the weakness of our Army necessitated an evacuation of the posts on the Lower Rio Grande for the purpose of using the forces elsewhere.

During the year 1862 the frontier of Minnesota was nearly stripped of troops; a few posts were inadequately garrisoned. The Sioux and their allies took advantage of this, and, in August of that year, they made an attack on many defenseless settlements. They attempted to capture posts and towns and committed many murders and outrages. In his report of November, 1862, the Secretary of the Interior estimated that the immediate result of the outbreak was the loss of eight hundred lives. This border war lasted about two years. General Pope assumed command and had six thousand men in the field. Families were massacred from time to time; battles were fought. General Sibley encountered a force of twenty-two hundred warriors. General Sully engaged a heavy force of Indians.

Nineteen counties of Minnesota were broken up and completely abandoned, ten partially so. February 16, 1863, Congress enacted a law on the subject; also, May 28, 1864. A commission was created to take testimony and make awards for losses of property. The awards amounted to $1,370,374. (Executive Document, first session Thirty-seventh Congress, volume 9, House Library.)

The State of Minnesota was reimbursed $350,000 for supplies she paid for. Friendly Sioux were paid $7,500. Estimated cost of volunteers on temporary duty, $100,000. The extra cost of whole campaign, six thousand men, for nearly two years, $6,000,000. Aggregate cost of the war, $7,827,874. Senator Rice, in 1863, assumed that the loss of life was stated by some at two thousand. I shall adopt that as covering the massacred, killed in battle, those who died of wounds, of hunger and exposure, and of disease.

These losses and sufferings and the bad effects arising from a recession of the frontier might have been avoided by distributing five hundred troops on the borders of Minnesota.

An Indian war existed on our northwestern frontier for many years. It assumed a formidable importance in 1868 and required the services of a large number of troops to bring it to a conclusion. The events which inspired the Indians with confidence and hope, and to renew the war with increased energy, will be briefly stated.

At the solicitation of the peace commission the line of the Powder River road was abandoned. March 2, 1868, orders were given for breaking up Forts Phil. Kearney, Reno, and C. F. Smith. The Indians attributed this action to fear. August 10, 1868, two or three hundred Cheyennes, Arapahoes, and Sioux attacked the settlers on the Saline, north of Fort Harker. General Sheridan said in a report:

> The Indians, commencing about the 10th of August, had distributed themselves along the western line of settlements in Kansas, and the western line of settlements in Colorado, and the lines of travel up Smoky Hill River to Denver, and on the Arkansas River, and the Santa Fé roads, driving in the settlers, stopping all commercial traffic, murdering many defenseless persons in the most brutal manner.

Governor Crawford, of Kansas, telegraphed that a train had been "attacked, captured, and burned" at Pawnee Fork; that the Indians "killed, scalped, and burned sixteen men." The number of Kiowas and Comanches engaged in this war was estimated at six thousand. Many battles were fought, many privations endured, many soldiers and citizens were killed, and much property lost and destroyed in this war, which ended in 1875. These losses were caused by the evacuation of the line and of forts. They teach a lesson which should not be forgotten.

We are called upon to reduce the Army and to repeat the fearful experiences of the past.

The Modoc war, the Sitting Bull campaigns, and the late Nez Percé war have harassed the frontier and excited the public mind. They have affected the different sections in which they ensued most injuriously by creating a sense of insecurity and preventing immigration.

In these wars on the western and northern frontier, from the most accurate official data I can obtain, from 1866 to 1877, there were 658 officers and soldiers killed and wounded by Indians. The killed average about 2 to 1 more than the wounded. There are official accounts of the killing of 135 citizens and the wounding of 9. In 1876 our loss was 288 regulars killed, 128 wounded.

The extra cost of these wars has been great; that of 1876 alone has been estimated at $2,000,000. From 1866 to 1877 I estimate the total extra cost at $5,000,000; and I think an accurate calculation would increase the sum.

The facts of history justify me in saying that all these wars and their terrible results might have been prevented had the regular Army been sufficiently large to have overawed the Indians or to have defeated them without waiting for re-enforcements. One hundred men more would have enabled General Gibbon to have crushed out the Nez Percé war before much mischief had been done.

In 1867 the governor of Montana was authorized by General Sherman to organize eight hundred volunteers to drive the Indians out of Gallatin Valley. These troops served several months, and a claim was made against the General Government for pay for their services amounting to $980,313.11. Congress legislated on the subject, the claims were investigated, and General Hardie recommended the payment of $456,504.21.

In answer to a communication asking for the information the Secretary of the Interior, on the 21st of March last, states the amount of claims by reason of depredations committed by the Indians on the whites, filed in his Department since April, 1864, at $5,998,620.41, and the amount of claims on account of depredations committed by whites upon the property of Indians at $625,000.

The result of these Indian wars and border troubles in loss of life, destruction of property, and expenditure of public money is truly frightful. It shows a loss of life of seventy-one hundred and ninety-six persons, and expenditure of public money, loss of property, &c., amounting to $72,221,443.59. It cannot be pretended that this estimate comes up to the real facts.

Such is the economy a reduction of the Army inculcates. Under the alluring plea of retrenchment it may be whitened without, but within like a hideous sepulcher will be found the bones of the dead, slaughtered in its name.

I beg to call the attention of the House to the present condition of affairs on the northwestern border of Texas and territory of other States adjacent thereto. I gather from the official reports of Army officers high in rank that late in 1877 more than twelve thousand Indians were crowded together at Fort Sill and Fort Reno. December 4, 1877, General Pope reports that these Indians are in a state of "semi-starvation." He says, in substance, they are savages recently subdued, and held quiet by fear—restless, dissatisfied, and endeavoring to return to their old haunts on the Staked Plains. He represents that eight hundred Pawnees and one thousand Cheyennes are in the neighborhood of these forts, hunting for a living where there is little or no game. He predicts an outbreak, and says that the fault will not be with the famishing Indians.

General McKenzie has in two reports called attention to the necessity of increasing the garrison of Fort Sill. The latter is dated December 17, 1877. He says that the Cheyenne agency and Fort Elliott are not sufficiently garrisoned. General Sheridan indorses the recommendations of General McKenzie, and remarks:

> I coincide with Colonel McKenzie's suggestions and judgment as to the number of troops which should be held in the Indian Territory; but the force in this division and in the Army is so inadequate to properly meet the wants of the public service as to preclude even the possibility of complying.

There are other Indians in proximity to those surrounding Fort Sill and Fort Reno. In all they amount to fifteen or eighteen thousand. We have upon the borders of Texas and Kansas this formidable body of Kiowa, Comanche, Cheyenne, Apache, Sioux, and other Indians, lately hostile and now sullen and discontented. They can place in the field from twenty-five hundred to three thousand warriors. According to official reports of date January 18, 1878, the garrisons at Fort Sill and Fort Reno amounted to only five hundred and eighty-three officers and men.

Is it probable, or possible, that this handful of regular troops will be able to restrain the large number of restless and discontented Indians, smarting under recent defeat, that surround them? Very late and trustworthy information received from the border of Texas is to the effect that the Kiowas and Comanches in large numbers are distant from their reservations on the Staked Plains in Texas menacing the frontier.

To add to the dangers impending over the northwestern border of my State, Fort Richardson and Fort Griffin are virtually abandoned. According to the "roster of troops serving in the Department of Texas," published by General Ord, for the month of March, 1878, these posts are temporarily garrisoned by Company E, Tenth Infantry, that is, a half company is at each post taking care of the public property, and even that handful of men may soon be withdrawn.

A gap of about three hundred miles of frontier, between Fort Sill, Indian Territory, and Fort Concho, Texas, is left uncovered and exposed to the hostile inroads of half-starved and discontented Indians, and they are thoroughly apprised of its unprotected condition. What is still more discouraging is the already quoted declaration of General Sheridan, that he has not sufficient troops in his military division to strengthen posts now occupied, and the Army is not adequately large to furnish them. The sanguinary scenes of the past indicate too truly what tragic events we shall have in the future. Yet gentleman clamor for a reduction of the Army, and expect the Representatives of Texas to support their scheme of so-called economy, to sacrifice life and property, and to silence the voice of complaint by blandly terming it retrenchment.

Information of a late date verifies this foreboding. Raids have been made upon the western border of Texas and upon the Rio Grande within a few days past. Mail carriers have been killed, and a goodly number of citizens also. Two small boys of Mr. W. H. Steele have been captured and carried into Mexico. These statements are based on telegrams, many of them from official sources.

In my judgment, the Army is now too weak to afford that sure and

adequate protection to which our people are entitled. Reduce it as proposed, and necessarily you must discontinue some of the military posts, thus lengthening exposed lines, inviting attack, and forcing back settlements already begun. It is a legislative invitation on the part of the American Congress to Mexican banditti to renew their thieving and murdering incursions, and an incentive to the wily savage to enact over again the scenes of barbarity, inhuman outrage, and atrocity so long and so often practiced by him.

This saving to the Government by a reduction of the Army is a premium offered by American statesmanship to blood-thirsty savages, to thieving Mexicans, to lawless American citizens, to pillage the border settlements, to burn frontier towns, to carry women and children into a captivity worse than death; in fact, an inducement held out by the statesmanship of the period to the enemies of peace, good order, and the advancement of our borders, to attack, murder, burn, and plunder the hapless settlers who have had just reason to believe that the strong arm of the Government would be ever ready to give them protection.

In the name of the many thousands of our people who are delving in the mines of Colorado and Nevada, in Arizona, Utah, and other Territories, who are exploring the tops and gulches of the Rocky Mountains and the Black Hills; and of those who are turning up the virgin soil and making productive the valleys and plains of Dakota, Washington, Oregon, and Montana, and other fertile sections of the country; the adventurous and daring men who have been allured from peaceful homes by promises of protection by the Government, to undergo hardships and privations in order that the resources of our great country may be developed; and in the name of the people of Texas—especially that portion of them scattered from the Canadians along eight hundred miles of frontier to the Rio Grande, and along a still greater distance from the mouth of the latter stream to El Paso, I enter my solemn protest against this reduction of the Army. In the name of humanity, I protest against it! Under the false plea of economy it weighs money against the blood of the fathers, husbands, mothers, wives, daughters, and little children, of the pioneers of the country, who have been induced by their faith in the Government to become the advance-guard of our progress, development, and civilization.

Keep on reducing your Army as your frontier borders are extended, and you shift the defense from the regular troops, where the Constitution places it, and you impose it upon the people. You call them from peaceful pursuits to defend their lives and their homes; you cause the settlements to recede; you check immigration and the consequent increase of productive and taxable values; you stay the onward march of development and progress, and keep the older and more densely populated sections choked with an idle, consuming, and unproductive population that languishes and suffers for the want of cheap homes and profitable employment; you legislate ruin, want, and crime where you should save, shield, encourage, and protect; and you expect to sustain yourselves by telling the already oppressed millions of the country that this is retrenchment and reform. Yes, retrenchment in the expenditures of the Government while millions of the hard earnings of the people of the border and interior frontier lines, covering thousands of miles of territory, are swept away by rapine and violence! Economy, when a few paltry thousands are saved to the Federal Treasury by a reduction of the Army, at a time when your flag is insulted, your soil invaded, your citizens murdered, and their property destroyed by an insolent foreign foe! Yes, reform! What kind of reform?

Is it the reformation of bad government to good government? Do the democratic members of this House delude themselves into the belief that the people are so desirous of reform as to induce their acquiescence in a measure which perpetuates bad government by continuing a system which has caused our soil to be desecrated by the footsteps of foreign invaders and polluted by deeds of violence and blood, by making that nefarious system more intolerable by a further reduction of our insufficient Army? Do they imagine that their constituents will accept as a measure of retrenchment in the right direction this bill which will cause an increased want of respect for their Government and a further loss of prestige? Do they dream that the American people will submit much longer to be maltreated and sneered at by the insolent officials of Mexico, because their Representatives tell them it is done in the cause of reform?

For one I do not believe the American character has become so degenerate as to tolerate such a reform. In time past the doctrine has been "millions for defense, not a cent for tribute." But now it seems that a premium is to be offered for the violation of our soil, the murder of our people, and the destruction of their property.

Mr. Speaker, I am as much in favor of economy, retrenchment, and reform as any man on this floor, when such measures can be adopted with propriety and for the promotion of the public good, but when it is proposed to reduce the Army under existing circumstances I cannot support the proposition. To do so would, in my opinion, be an abandonment of the frontier to the Indians and handing over the border settlements to butchery.

May I not appeal to the Representatives of the States bordering on the Atlantic, the Northern Lakes, and the Gulf of Mexico, in the name of an exposed frontier, whose people have suffered much and long, not to abandon them while danger darkly hovers over them? You have been provided for. It has been officially stated that up to January, 1874, there have been expended on forts and batteries $54,686,837, and the cannon and stores to arm and supply these works cost an additional $20,000,000. Of all these defensive works there is scarcely one on the Indian and Mexican frontier, and not a single one within the State of Texas—not even a single United States musket on the coast from the mouth of the Sabine to the mouth of the Rio Grande.

Can I not in the name of justice and of humanity implore you to economize where life is not imperiled, to drop a few millions from the appropriations annually made to extend and repair works for your harbor defenses, your torpedo stations, and for other matters intended to protect commerce and to promote commercial intercourse, and not to reduce the Army? If you are determined to lay bare the breasts of our pioneers to the strokes of their enemies, if you intend to prepare a feast of blood, pillage, and rapine for the savage and the Mexican marauder, pass this bill, reduce the Army, and when a few hundreds of men, women, and children have been massacred in cold blood you may stand up with Pharisaical composure and say to your constituents, "Thank God, I helped to save the people's money."

TARIFF AND INTERNAL TAXATION.

Mr. CABELL. Mr. Speaker, I have not often obstructed the business of Congress by tiresome speeches upon abstract propositions or vague theories, but the questions now pending are of such grave moment that I deem it my duty to put before the House in a plain way certain facts and figures, which, however feebly stated, may be of use to those who wish to reach just conclusions upon the subjects under discussion.

The people of the South, and I speak more particularly for those whom I have the honor in part to represent, are deeply interested in all questions relating to the tariff. From necessity, they favor a tariff, not for protection, however, but for revenue only. They favor a tariff which, judiciously imposed, will yield sufficient revenue for all governmental purposes without creating a bounty in favor of one class or section to the cost or detriment of another.

Important, however, as are all questions pertaining to the general tariff, to the people of my section, more important to them still are those matters relating to the character and operations of the excise laws—that system of taxation imposed under the name of internal-revenue taxes. And to this last named system will I principally direct my remarks.

I will not undertake to discuss the whole subject, nor at this late day in a labored manner question the power of Congress to levy a tax upon such articles or productions as are raised only in certain localities. I will content myself rather with considering the subject in its practical bearing upon a great industry, with a view to its modification and improvement; and in doing this I desire to appeal to the matured judgment rather than to the passions and prejudices of members, all of whom should be anxious to legislate for the best interests of the country.

I take it for granted that there are no fair-minded members of this body who desire to levy excessive taxes upon the people of any section or to needlessly keep up existing impositions. Unfortunately there are those in the country, and I fear some here, who through apprehension that the revenues of the Government may be imprudently impaired by a modification of the revenue system refuse either to examine the question for themselves or to listen to argument upon it from others. All that we ask is a careful examination of the facts and figures bearing upon the internal system. If after such examination as justice demands judgment is not rendered in our favor, we will accept the result and submit still longer to the hard fortune against which we have so long struggled.

As onerous and oppressive as we consider the system of internal taxation, we do not ask its abrogation. We only seek now, its modification in such way as that the burden may be lightened without detriment to the revenues of the Government. Can this be done? I admit it is an important question.

I firmly believe, Mr. Speaker, after a careful examination of the whole subject, that the present rate of taxation may be largely reduced without the slightest damage to the revenue. Indeed I am convinced that a material reduction of the tax upon distilled spirits and tobacco so far from reducing would increase the receipts to the Government.

The present system of internal taxation had its inception in 1862, during the pendency of a civil war; a period which quickened into life not only the entire energies of a people struggling in the throes of a grand convulsion, but which exhausted in addition every ordinary resource available to the Government. Congress then, to meet the emergency—without inquiring too closely into its powers and prerogatives—passed laws imposing an excise tax upon almost everything possessed, produced, worn, or consumed by the people of the United States, but without any thought that those duties would be continued longer than the duration of the war or than the then emergencies required.

Since the close of the war various acts have been passed relieving subject after subject from taxation until there remain only four or five articles or productions from which an immense revenue is gathered.

The great burden of the tax now rests upon distilled spirits and tobacco, and I propose to show how enormous are the rates, and how needless as well as impolitic are the exactions upon these two products.

At an early day of the session I introduced into Congress a bill to

reduce the tax upon spirits distilled from grain from the present rate of 90 cents to 50 cents per gallon, and that upon spirits distilled from fruits to 25 cents per gallon. I offered the bill because I thought it of interest to the Government as well as just measure of relief to the people, but the Committee of Ways and Means acting upon indications from the House have declined to report that or any other bill for reduction of the spirit tax.

With all respect for the committee and the House, I must say that in my judgment it was a grave mistake to refuse to lessen the tax. Whatever gentlemen may think of spirits, still its production is a great industry which has brought and is still bringing millions into the Treasury. The tax is far in excess of the value of the article taxed. Indeed the distiller does not get by one-half as much per gallon for his product as the Government taxes it.

In addition, the Revenue department throws around the manufacture of the article such difficult, annoying, and rigid restrictions that none but men of large means or fraudulent purposes can profitably engage in the business. The result therefore is, that by operation of the heavy tax and the annoying restrictions mentioned, the poor men of the South and West have been driven from the field of production, and almost the entire business thrown into the hands of those who make no scruple of defrauding the Government, or who enjoy a monopoly by operation of a law which, if just, would bear equally upon all classes, sections, and persons. Were it otherwise, thousands of bushels of grain and fruit which annually go to waste and decay in many sections of the country might be made a source of profit to the people and revenue to the Government. For proof of my assertions I need only refer to the several reports of the Commissioners of Internal Revenue.

Since 1862 the tax rate upon spirits has been changed six times—sometimes increased, sometimes diminished, this most notable fact always appearing: that whenever the tax was lessened the revenue increased; and whenever increased, the revenue fell away.

For example, when the tax was at its highest, prior to 1868, the annual average revenue was less than $19,000,000; in July, 1868, ths tax was reduced to 50 cents, and the Government at once collectee $45,000,000, and the next year $56,000,000, more by many milliond than were ever collected before in any one year, or under any other rate. In 1872 the tax was raised to 70 cents, and at once the revenue declined. And so in 1875, when there was an increase of tax to 90 cents. These things are matters of fact and of history, and the Revenue department has but one argument to present in opposition to them, and that the single instance, the one fact, that in 1877 the revenue from liquors under the ninety-cent tax amounted to $57,469,429.72. The answer to that exhibit is simple and effectual, and afforded by the revenue report. A large amount of the spirits from which this last tax was derived was produced in 1875 and 1876. A considerable amount of the tax was secured from persons who had withheld it, and a check was put to large frauds superinduced in part by the weight of the tax. But how now? The Commissioner says his revenues are decreasing. Let his next report tell the dismal story.

I have alluded, Mr. Speaker, to the liquor tax, not with the expectation that Congress would recede from its position, but in the hope that after proper consideration the next session may give the needed relief.

I come now to speak of the tobacco tax. On the 7th of November, 1877, I introduced into Congress a bill "To reduce the tax upon manufactured tobacco and to regulate the tax upon dealers in and producers of leaf-tobacco." That bill, as will be seen upon examination, proposed a reduction of the tax to 12 cents, and a drawback in favor of manufacturers and dealers for the difference between 12 and 24 cents in cases where tobacco should be on hand and stamped at the higher rate when the new law took effect. It further provided for the sale by farmers, without the payment of tax, of tobacco raised by them or upon their lands, or lands subject to their control to the extent and amount of $150. There was also a provision for the sale of tobacco by the officer of any court taken under execution, and by any fiduciary of tobacco coming to his hands, without the payment of specific or other taxes.

Of course the bill was not altogether as I would have had it, but it was drawn after consultation with many members upon this floor, and deferred in some respects to the wishes and interests of those whose support I desired. The bill was referred to the Committee of Ways and Means, but that committee has not seen proper to report it to the House, but has reported another measure which, although not altogether agreeable to me, I shall support as the best perhaps attainable. I endeavored, in the bill which I prepared, to guard reasonably well every interest pertaining to tobacco, for I represent not only the manufacturer but the producer of tobacco, and the productive interest of a large scope of country. Not often is the voice of the planter heard either in or around this House. That valuable class of men seldom trouble Congress with long petitions, and never with a greedy lobby clamoring for favored legislation. They generally remain at home quietly following their industrial pursuits, while the heads of corporations and ring-masters are fiercely contending for such legislation as will in many cases enable them to dominate the rights if not absorb the property of others. The demand for the reduction of the tobacco tax comes not now from the consumer nor yet so much from the manufacturer, but from the producer of that great staple. Whatever gentlemen may think, however they may console themselves with the fine-spun but fallacious theory that the consumer pays this tax, I maintain that the great burden falls with crushing weight upon the hard-handed sons of toil engaged in the culture of tobacco.

Not here would you find the representatives of the tobacco sections clamoring for reduction if the bitter experience of their constituencies did not compel them to appeal to Congress for relief. A fearful energy is being imparted to the demands of the producers of the tobacco-growing regions of the country, for they behold in the near future the ruin of their hopes and the wreck of their fortunes unless relief is soon extended by Federal legislation.

Tobacco has been grown in Virginia since 1615, and almost from that period to the present it has been one of the great staples of the State. From Virginia the growth gradually extended into other States, until we now find immense quantities of it raised in the Carolinas, in Maryland, Kentucky, Ohio, Tennessee, Missouri, Connecticut, and of late, for reasons which I will mention, it is grown in small farms and patches in Indiana, Illinois, Wisconsin, and some I believe in Michigan.

No matter how esteemed, whether as a noxious or innoxious growth, tobacco constitutes a great staple, a most important factor in the commercial world, and its culture and manufacture gives employment if not profit to thousands of laborers, workmen, and traders.

A product constituting so important an element in all industrial and trade relations should, it seems, be fostered in its culture and protected in its manufacture and sale. But so far from that, Congress in 1862 laid a heavy tax, not, as was supposed, upon production, but upon its consumption. That tax has been changed from time to time until its burdens have become simply enormous, and in its operations it affects not so much consumption as production.

In former years although the tax was considered severe, its crushing weight was not so fully realized by the producer; but of late, owing to financial depression and the general shrinkage of all values, the disastrous effects of this fearful imposition are sadly felt by all classes.

The principle upon which the tax is levied being wrong—for it is levied upon the production of but few of the States—a sense of justice, it seems to me, should long since have induced Congress to so modify it as to render it less oppressive to the comparatively small section which in reality sustains it.

But instead, the Forty-third Congress, in despite of the interests of trade, in despite of promises to the contrary, and long after the emergency which called the law into existence had ceased, and after the beneficial effects of a modification had become apparent to all who considered the subject, increased the tax from 20 to 24 cents.

As bad as such action was esteemed before, it presented itself after the increase in all its repulsive proportions and brought plainly to the comprehension of all fair minds the miserable effects of a policy as discriminating as it was unjust; a policy which imposed upon one State, less in wealth and population than many others, a greater burden of taxation than that borne by a whole tier of States rich, powerful, and prosperous. For proof I need only refer to the fact that for several years past the State of Virginia, desolated and ruined by the ravages of war, raped of her territory by a cruel wrong, and her people manacled by the measures of a so-called reconstruction, has paid annually more Federal taxes by almost double than the whole of the New England States. The last fiscal year New England paid $3,407,179.72; on the other hand, Virginia paid $7,931,526.59. Indeed, my own little city of Danville, the center of a collection district of a few counties, paid in 1875 the sum of $2,361,261.96, and yearly since from one and a half to two million dollars, and in fact one of my counties paid into the Federal Treasury more revenue by double than the three States of Maine, New Hampshire, and Vermont. And yet there have been found Representatives on this floor who, with malignity unbridled and audacity unparalleled, have made unkind thrusts at a people whose virtues and whose prowess they may vainly endeavor to deride, but can never successfully emulate.

That the heavy tax upon tobacco as upon spirits depresses the trade and curtails the revenue which by a more judicious system might be secured, is beyond question.

The statistics show that when the tax was at 40 cents the trade greatly languished, while the temptations and opportunities for fraud were increased. But when the tax was reduced to 32 cents, and then to 20 cents, production was stimulated, trade revived, the Government got its revenues, and in fact collected more than ever before during the same periods or under any other rates.

In support of my proposition I refer to the reports of the revenue department, which show that prior to July, 1868, when the tax was at 40 cents, less revenue was derived than after the reduction to 32 cents. For instance, we have:

Revenue collected 1868 at 40 cents tax	$18,655,630
Revenue collected 1869 at 32 cents tax	23,430,707
Difference in favor of the lower rate	4,775,077

For several years under the operation of the decreased rate, as the same reports show, the revenue increased, but even then shrewd business men saw that the last-named rate was too high; that if 32 cents would yield so much, a decreased rate would yield more, so that on the 6th of June, 1872, Congress reduced the tax to a uniform rate

of 20 cents. As the reduction of 1868 had operated well for the Government, so the advocates of reduction were not deceived in the result of the law of 1872, for we find from the reports these facts:

Revenue collected 1872 at 32 cents tax	$33,736,170
Revenue collected 1873 at 20 cents tax	34,386,307
Or difference in favor of the lower tax	650,137

The crop of 1874 was a very short one; nevertheless the operations of that year under the lowered tax were very satisfactory to the Government. In March, 1875, under evil influences against the protest of all producers and manufacturers, and in opposition to some of the best minds in Congress, the tax was suddenly raised to 24 cents. The result was as usual, both the people and the Government were hurt by it. It is true that the Commissioner's report shows that the sum of $37,303,461 was collected the fiscal year ending June, 1875, which would evidence an increase, but the fact is, and the same report shows it, that most of this sum was collected during the eight months in which the twenty-cent tax operated. The report shows further that for months after the increase to 24 cents the receipts fell away, and were less even than those of the corresponding months of the year before. The conclusion is inevitable that if the tax had been allowed to remain at 20 cents the revenue for the year ending June 30, 1875, would have far exceeded the sum of $37,303,461, the amount really obtained; and reasoning upon the same basis we are justified in believing that if the tax of 20 cents had been allowed to remain the tobacco revenues of 1876 and 1877 would have been greater to the Government than they were.

But to the facts. I asserted that under the operations of the twenty-cent tax the revenues steadily increased. Take for example the months of January, 1874 and 1875, with tax at 20 cents:

In January, 1874, there were collected	$1,990,535
In February, 1874, there were collected	1,824,610
Or a total of	3,815,145

In the corresponding months of the following year with same tax of 20 cents:

Collected January, 1875	$1,378,828
Collected February, 1875	3,548,877
Total	4,927,705

showing a steady improvement under the decreased rate, and an increase in receipts over the corresponding months of the year before of $1,112,500. In March, 1875, as I have said, the tax was raised to 24 cents, and the revenue report shows that in March, April, May, and June immediately following the increase the revenue, as compared with the same months of the year before fell off to the extent of $1,413,660. The same results followed but not to so large an extent in January and February, 1876, to a greater degree, however, in the same months of 1877, and far greater in January and February, 1878.

I will add to the Commissioner's information statements from the city of Danville, the center of the finest tobacco-growing region of the world:

From October 1, 1874, to March 1, 1875, there were collected at Danville with tax at 20 cents	$390,174 30
From October 1, 1875, to March 1, 1876, tax at 24 cents	341,184 75
Decrease and loss to Government	48,989 55

Again compare the collections for the month of February 1875, and the same month of 1876:

Collected at Danville, February, 1875, tax 20 cents	$166,345 30
Collected at Danville, February, 1876, tax 24 cents	48,161 25
Decrease and loss	118,184 05

Again, the collections from October 1, 1876, to March 1, 1877, were far less than for the corresponding periods of the year before, and so from October, 1877, to March, 1878, there was a falling away of revenue of fully one-fifth as compared with the same months of the previous fiscal year.

The statistics of Richmond, Petersburgh, and Lynchburgh show the same results, I am told.

The increase of the tax affected not only the manufactured article but the leaf also, as I can demonstrate. For the month of February, 1875, when the tax was at 20 cents, the average price of leaf-tobacco in the Danville market was $22.07. For the month of February, 1876, with tax at 24 cents, the average price of leaf in the same market was $10.04 per hundred-weight.

Again, from the 1st of October, 1874, to the 1st of March, 1875, with the tax at 20 cents, there were sold in the same market 5,297,348 pounds of tobacco for $1,144,610.70, or an average of $20.60 per hundred-weight. For the corresponding months of the next year, with the tax at 24 cents, were sold 8,107,952 pounds for $849,652.61, an average of $10.47. Thus we see 3,810,604 pounds more tobacco in certain months of the years 1875–'76, under the twenty-four-cent tax, sell for $294,958.09 less money than in the same months of 1874–'75 when the tax was 20 cents.

Moreover, from the 1st of October, 1876, to April 1, 1877, there were sold in Danville 5,176,543 pounds of tobacco for $729,109.86, an average of $14.08. For the corresponding months, from the 1st of October, 1877, to the 1st of April, 1878, were sold 10,533,212 pounds for $825,337.70, an average of $7.83. Here we have the astounding exhibit of double the quantity of tobacco sold and nearly one-half less money obtained for it. If further proof was needed I might say that the average price of leaf-tobacco is now far below $7. Worse than all, as affecting the question of production, I might show that from October, 1875, to October, 1876, there were sold in Danville 23,466,413 pounds tobacco, while between the same periods of the following year were sold only 16,426,296 pounds; an immense falling off. Nor was this falling off due to the fact that the tobacco was carried to other markets, for it was not, but to the fact that the cultivation of tobacco is being driven from the legitimate tobacco belt to other sections. According to the census reports Virginia raised in 1860 123,000,000 pounds tobacco.

The Commissioner of Agriculture says that the product of 1875 was 57,000,000, valued at $4,845,000, while the crop of 1876 amounted to only 49,300,000 pounds, of the value of $3,944,000. The crop of 1877 was perhaps something larger than for the two preceding years, but has so far as sold yielded less profit, and when fully disposed of will bring less money to the producer than either.

This showing would be a bad one for Virginia but for the fact that all the tobacco States proper present the same unhappy state of affairs. The same cause, the heavy tax, brings about the same wretched result in all.

As I have undertaken, Mr. Speaker, to show how the tax has affected production, it is well to inquire whether in like manner it has affected consumption. If the increase of consumption of manufactured tobacco for the years 1873 and 1874 under the twenty-cent tax is compared with that under the twenty-four cent rate for 1876–'77, this remarkable fact will appear, which I show by figures:

	Pounds.
Increase under tax rate, 20 cents, 1873–'74	25,243,000
Increase under tax rate, 24 cents, 1875–'76	3,989,000
Increase under lower rate	21,254,000

How gentlemen can reconcile these facts with the idea that a low rate of taxation has nothing to do with consumption passes my comprehension. Not only do they support my proposition, but they show in addition that if Congress had not interfered with the twenty-cent tax that consumption would so have increased that the tax realized last year would have really been greater than it was. Look at the subject as you choose and its situation is anything but flattering.

Prior to 1861 the cultivation of tobacco was principally confined to Virginia, Kentucky, North Carolina, Maryland, Tennessee, and the seed leaf in Connecticut. Those few States in 1859,–'60, and '61 exported to foreign markets quite as much tobacco as has been exported in any three years since the war, notwithstanding the growth of the country and the extended area of the culture of the weed. What they did not export was readily sold for home consumption, and the crop was held as a stable reliable "money crop," which the producer could furnish at a price that paid him and invited consumption. But the case is different now. The productive energies of the people are paralyzed and the consumptive demand whether immediate or speculative for the manufactured article keeps pace neither with the growth nor the prosperity of the country.

Suppose such a tax as this was levied upon any other production of the soil or the production of any other section of the country. How long would Congress or the people stand it? How long do you suppose that the people of any other portion of this Government would submit to a taxation of 400 per cent. upon any of their staple products? Suppose you were to put a tax of 400 per cent. or even 200 per cent. upon the iron, coal-oil, or wool interests of the North and East. How long would it be before you would hear a cry of indignant distress which would shake this country from one end of it to the other, and how long would it be before bread riots and labor strikes would admonish Congress that relief must be granted and that speedily?

Why should the product of the tobacco sections be taxed more heavily than others, or why should their demands differ from those of other people?

Our demands, however, for the reduction are met by the assertion that the Government must have money; that tobacco is a noxious growth, that its cultivation is not a necessity, and that it is a luxury from which the Government as far as possible should extract its revenues.

Now this is chop logic of the worst kind. It is trifling with the rights of a people writhing under the effects of their wrongs.

The Government must, it is true, have sufficient means to carry on its operations; revenues for that purpose must be raised; but there is no justification for raising them to such an enormous extent from the staple production of one class of citizens or one section of the country. If tobacco is indeed a noxious plant, if its use and cultivation are so vicious and demoralizing, then why add further to the general wrong by pouring the proceeds of such wickedness into the public Treasury?

If it is a luxury and not a necessity, some new method should be resorted to for ministering to the appetites of the people, and a new

field of enterprise opened up into which the inhabitants of the tobacco regions should be invited. In speaking upon this point in the last Congress, I said:

To tax a people whose locality, soil, and climate compel them to the production of a certain staple to the very verge of endurance, upon the vague pretext that that staple is a luxury, is ungenerous, unwise, and impolitic; ungenerous to the people taxed, unwise because too onerous, and impolitic because the extent of the taxation defeats production and diminishes the volume of revenue to be derived from the subject. Luxury indeed! Tobacco may be a luxury to you gentlemen of the North and East who burden us with taxation and who in the enjoyment of your *otium cum dignitate* chew and smoke our fine product, but it is a necessity to us. It is really our meat, drink, and wear; for from its sale we supply ourselves with not only the few luxuries we have but almost all the necessaries of life. The argument that the tax is borne by the "consumer" and not by the producer, is as unsound as it is fallacious. In the first place our own people along with others are consumers, and, unlike the people of any other section, are heavily taxed upon the use of our own products, while on the other hand our energies are paralyzed, our productions lessened, and our profits diminished by the embargo laid upon the fruits of our industry. The poorest system of political economy teaches that, as the area and extent of consumption is reduced and the demand diminished, to that same extent will industry be crippled and production curtailed. The heavy taxation of any commodity will decrease its consumption and impair the demand for it, and, in the same proportion in which you lessen its consumption and stifle demand, in that same proportion will you burden and injure production.

I do not mean to say that the consumer bears nothing of this tobacco tax; it is true he is burdened also; but my argument is to show that he is driven in great degree from the market by the weight of the tax, forced to consume less than he would otherwise do, thereby compelling the producer to lower prices and less production. That the planter has in the end to bear the evils of the tax no one can doubt, for no sooner does the Government tax the manufacturer than he throws it back upon the planter in the way of a reduced price for the commodity, and the planter having no one behind him upon whom he can thrust the burden must of necessity bear it.

But is the production of tobacco and the use of it a necessity or a mere luxury? Formerly tobacco was perhaps a mere luxury. If men had never used it, it might not be a necessity, but after years of use it becomes in the general acceptation of the term as much a necessity as anything that we eat or drink, and its votaries would as soon, nay rather, dispense with their tea and coffee than with their tobacco. It is used by all classes of our people; the high, the low, the rich, and the poor use it in some shape or other. The use is most general with the laboring masses, and a bad feature of this tax question is that its greatest weight falls upon those least able to bear it. These people have used tobacco for years; they will use it. It is their stimulant at work and their solace in trouble, notwithstanding the Government, without stint, continues such imposition upon it as would deter from the use of almost anything else.

In this view alone might it not be well for Congress to consider whether prudence would not dictate a mitigation of this burden upon the laboring-men of the country? Or does prudence dictate that we shall allow the luxuries of the rich to go untaxed, rather than those few enjoyed by the humble?

To the question: can the Government afford to lessen the tobacco tax? If during the pendency of the war, that period which inspired the tax, from eight to twelve million dollars were held sufficient to gather from that source, should not from twenty to twenty-five millions answer the demand now?

In 1867, I am told by gentlemen who were before the Ways and Means Committee, that General Schenck, its chairman, stated in presence of his committee that $25,000,000 was the maximum which the Government would ever require annually from tobacco in all its forms. How has that promise been kept? Instead of twenty-five millions the Government has since exacted of the people annually from thirty to thirty-five million dollars, and last year so much as $41,000,000.

The result has been, however, that the tax has proved too onerous and no one except the Government has profited by it. No profit has remained to the producer, manufacturer, or dealer, for the beggarly returns of the warehouse-man to the farmer has been only equaled by the dismal presentation of profits and losses by the manufacturer and dealer. To form an idea of the blighting effects of the tax gentlemen have only to learn some of the facts of the case.

The cultivation of tobacco requires not only the skilled but the constant labor of the farmer, from the plant-bed to the sales-room. The average production per acre is about 800 pounds. Add to the tax the hire of laborers, the price for fertilizers, and other expenses incident to the care and management of the crop, and you burden each acre of land cultivated not less than $200. No land, however fertile, can bear such a rate, and no country can stand up under such a system. As I have stated, the average price of the leaf in the fine tobacco section of Virginia from 1872 to 1875, when the tax was 20 cents, was over $20 per hundred-weight; after the tax was raised to 24 cents the average was reduced to about $10, and since then, under the grinding effects of the tax, tobacco has continued to decline, until now the average is no more than $7. Not only so, but much of the tobacco—indeed the greater part of it—sells for from $3 to $4 per hundred-weight, some for less, and very much of it not only leaves no margin for profit, but fails to pay the cost of production.

I was informed some time since by a prominent dealer that he had purchased in the Louisville market 100,000 pounds of tobacco, for which he paid $2,000, or 2 cents per pound. Of course that quantity of tobacco was made up of a number of small crops. Upon it the Government will lay a tax of $24,000; the profit to the Government will be enormous, but what reward will the poor farmers get for their hard labor? Two cents per pound, lessened by inspections, commissions, and warehouse charges, would probably leave 1½ cents per pound, or $1.50 per hundred pounds. Is there any margin for profit here? Can the producer labor for such earnings? This is not by any means a solitary case; many, very many such instances can, I am sorry to say, be presented.

Not only is the producer injured in the way I have mentioned, but the severity of the tax is lessening the production in the sections in which it has heretofore been mainly and best cultivated, driving it to other States and sections not suited to it, and where its culture has been hitherto unknown.

In those last-named States it is grown in small farms and patches, and is so grown with a view to avoid the tax upon the manufactured article, for it is used in the raw state free of tax. Injury in this way is not only done to the producers of the legitimate tobacco sections but the Government also, for to the extent that tobacco is raised in this patch and small farm way, and consumed by the producer, the Government loses its revenue.

In a few years this practice will become so general and injurious that new regulations will have to be resorted to by the Government hardly tolerable to the people, or the revenue from tobacco will be greatly diminished. Indeed it is not hard to foresee that in a few years, under the present system, tobacco will be greatly depreciated if not destroyed as a commercial product.

As the Government seems to look upon tobacco only as a revenue-producing plant it should be protected rather than burdened.

Our people, however, do not regard tobacco simply as a noxious weed or a revenue plant from which the Government extracts many millions of tribute, but we regard its culture as a vast industry, giving employment, food, and clothing to thousands of men, women, and children of every race, color, and condition who otherwise might be thrown upon the communities in which they live or sent out to swell the vast army of vagabonds and tramps or prove active agents in the seditions, riots, and strikes so menacing in these days of financial distress. We are compelled by reason of soil, climate, and other overruling influences to raise tobacco; and while we are willing to pay a reasonable tax upon our productions we are not willing to see them burdened as now. The tax is wholly disproportioned to the subject, and its effects are to destroy both producer and manufacturer. For several years past men of small means have scarcely been able to go into the manufacturing business. Their industry and enterprise have been lost to their families and the country, and their competition has not been felt in the market to the benefit of the producer or in the interests of commerce.

One of the direct effects of the tax has been to put the tobacco trade in the hands of men of large means, monopolists, who show neither liberality nor mercy to the unfortunate farmers, who, for the want of a competitive market, must sell at ruinous rates to the only persons able to conduct a business so heavily taxed.

The largest manufacturers of the country, those who have grown to the proportion of monopolists, do not wish the tax reduced. Of course they do not. The high rate is a blessing to them. It excludes from the market men of limited means while it builds up capitalists. Give these monopolists but a chance, keep up the present rate of taxation, and soon you will see all the dealers of moderate means driven from the trade and the planting communities and their products submitted to the tender mercies of those privileged, bloated vultures who having by aid of a system of class legislation broken down competition riot in devilish glee over the profits extorted from a wronged and helpless people. Able coadjutors, too, in this work of oppression do these monopolists find in the Secretary of the Treasury and the Commissioner of Internal Revenue. But a short time ago Mr. Sherman, inspired thereto no doubt by the Commissioner, intruded upon Congress his unsought opinion upon the advisability of retaining the tobacco tax at its present rate, basing his ideas mainly upon the ground that the agitation of the question unsettled trade and damaged the revenue. Of course the agitation of a question like this will unsettle trade and injure the revenue, and it will continue to do so until the inciting cause is removed. Do not the Secretary and the Commissioner realize that fact? Cannot these public servants, but would-be masters in this business, understand that this oppressive tax system has been run to the very verge of endurance?

The revenue, they say, is falling away, and that of course too. The wonder is that it has not fallen off to a greater degree. This is but the "beginning of the end." The revenue will continue to fall away, not by reason of the "agitation" alone, but because, as I have said, the tax is greater than the subject can bear, because the planter can neither successfully raise nor the manufacturer "put up" tobacco at its present prices, and because thousands of consumers are driven to the use of the product in its leaf or raw state rather than pay the prices which the tax renders necessary to be demanded for the manufactured article. The advocates of reduction have long foreseen these consequences and have urged upon Congress the prudence of lowering the tax, but without avail. Without proper consideration, Congress has been induced to keep up this tax mainly by the encouraging reports of the heads of the Internal Revenue Bureau rendered from year to year. Those gentlemen, perhaps with pardonable pride and the natural love of power, have consulted rather the magnitude and importance of their position and Department than the welfare of the Government or good of the people. They have failed to perceive that this system of internal taxation, always distasteful to the American people, is proving too onerous in these dark and troublous times.

They have forgotten that ours is a Government "of the people, by the people, for the people." They think rather that it is the mission of Government to wring from the subject, not the citizen, the uttermost farthing that avarice can crave or power extort.

It would be amusing, however, if the subject were not so serious, to contemplate the change of front to which the Commissioner has lately been driven by the state of the tax question. In his last report he gives a very highly colored view of the whole system of internal taxes, its progress and successful development. Yet hardly was that report in print before he was forced to lament the depression in the tobacco trade and the falling off of revenue because of agitation in Congress and other causes. Let us see. Why did the revenue fall away for several months before Congress met? Why was the trade for months and months before Congress assembled in a depressed and languishing state? The reasons I have given. If the Commissioner's mind had not been wholly absorbed in the acquisition of shekels and the formation of rigid rules for their collection, if he had looked at both sides of the question and required the head of his tobacco department to devote his time to the acquisition of the true status of the subject upon which to base official action rather than to the preparation of an array of cunningly devised statistics and the publication of elaborate letters intended to affect the action of Congress, he could have seen what other persons long since saw and predicted, what the returns to his office were daily proving, that the weight and severity of the tax were defeating its ends and objects. The dilemma of the Commissioner is not more singular, however, than that of the Secretary of the Treasury, who issued the mandate to Congress that the tobacco tax must not be reduced.

I call Mr. Sherman to answer his own letter. I invite Mr. Sherman as a Senator, as a representative who claimed for himself a broad and expansive statesmanship, as a representative of the interests of the great West and her people, to confront the same Mr. Sherman, Secretary of the Treasury.

On the 1st day of March, 1875, in a speech delivered in the Senate of the United States, which can be found in volume 2, page 1947, CONGRESSIONAL RECORD, 1874–75, Mr. Sherman opposed the increase of the whisky as well as the tobacco tax, and stated in reference to the latter tax:

> Now I come to the tobacco tax. It is an article that ought to be taxed as much as it will bear, but have we not taxed it as much as it will bear? We once taxed it 16 cents and 32 cents. We found that the 32 cents was evaded and we were cheated. After strong appeals made by the dealers, by the consumers, by all classes, we finally, only two short years ago, agreed to reduce the tax to a uniform rate of 20 cents. Then it was done by the concurrence of the Treasury Department, the tobacco trade, and the men who raise the tobacco, and we thought we had established a fair rate at 20 cents a pound, and it was honestly collected, and yields us $36,000,000 on tobacco in its various forms, and being the second item of revenue in amount. Now suddenly at the close of a Congress we are called upon to advance the tax to 24 cents. That 4 cents is about the value of the great body of the tobacco produced in this country, and much of it is sold for less than that. If we could collect it without any doubt or trouble or interfering with our honorable agricultural industry we might properly levy it, but we have remonstrances from dealers, we have remonstrances without number from the little cigar dealers who make their living in rolling up their tobacco in the form of cigars, saying it will ruin their trade. Are we not bound to heed them, because they are engaged in a business that the people who do not like tobacco dislike? They tell us: "Only two years ago you fixed this law; you gave us some security for permanancy; now you disregard your own law; you raise your revenue." I cannot answer that. I believe that the increase of the tobacco tax is wrong in the revenue point of view. It is wrong because it does not treat the dealers, the men who raise the tobacco, the men who manufacture it, as they ought to be treated by a great and powerful Government.

Compare the speech of Mr. Sherman with his late letter to Congress, and you find a strange conflict of views emanating from the same person. But Mr. Sherman was right when he made his speech. Then he was speaking his honest views in behalf of a wronged people and an oppressed industry. Now he is shaping the blind policy of a weak and vacillating administration.

I leave Mr. Sherman to wrestle with his own conflicting opinions, with the simple remark that he will find it very hard to answer his own arguments and harder still to convince the country and Congress of the sincerity of his present position.

It is very plain that if 20 cents was a sufficient tax when Mr. Sherman spoke, it would be far too high now; and if $35,000,000 was enough to raise from the product in those years of greater prosperity than now, that sum should satisfy even those who, without stint or mercy, are willing to impose taxation upon any subject or product save those in which they and their people are interested.

A most remarkable feature in all this business is that when Congress raised the tax 4 cents per pound, the price of tobacco did not rise to the consumer, hence the small increase of 3,957,000 pounds consumption in the years 1876–'77, to which I have alluded. Yet the revenue department says there was an increase of revenue, during those years, of $9,567,734. Now, if this is true, somebody sustained a heavy loss upon the increase of the tax. The leaf fell in price from 3 to 4 cents per pound, that is certain, so that the proportion of loss which must have accrued to the planter, even at 3 cents per pound, amounted to about $6,795,801, and the balance, as represented by the alleged increase of revenue as mentioned, was sustained by the unhappy manufacturers and dealers, forty-eight hundred and twenty-nine of whom, according to the Commissioner's report, were driven from the business last year.

To present this matter in another and perhaps a stronger light, in its effects upon the planting interests of the country, I will mention these facts: the total amount of tobacco grown in the United States in the year 1876, according to the report of the Commissioner of Agriculture, was 351,000,000 pounds. Of this amount, 107,000,000 pounds were manufactured, and the rest, 244,000,000 pounds, exported. There was a loss upon this vast crop of tobacco corresponding and equal to the increase of tax upon tobacco, say 3 cents on manufactured and 1 cent per pound on exported tobacco. Aggregate the crop, leaf and manufactured, and this result appears:

Three cents on 107,000,000 pounds	$3,210,000
One cent on 244,000,0000 pounds	2,440,000
Or loss to planters, in 1876	5,650,000

The rate of 24 cents affects not only the grower, manufacturer, and consumer, but the Government also. It is true that more revenue was collected last year from tobacco than ever before, but a great deal of it was from tobacco grown and manufactured in former years which the stringency of the times threw upon the market at ruinous rates. The increase was evidently not a healthy one, for in the same breath with which the Commissioner boasts of his increase he shows that it required an increase of 20 per cent. of tax to produce an increase of 5 per cent. of revenue. But why should there not have been an increase? The country since 1875, when the law was changed, has greatly grown in population, wealth, and in all its trade and commercial relations, and notwithstanding the law is a bad one, the natural growth and prosperity of the country should have compelled even a much larger increase of production and consequently of revenue.

But I deny the Commissioner's statement. There has been no increase of production in the legitimate tobacco belt, and little or no increase in manufacture since 1875. On the contrary there has been a decrease in both, and the apparent spasmodic increase of revenue last year came, I say, from the growth of former years, and the closer collection of the revenue under a more perfected system. Yet what a beautiful system that must be indeed which requires an increase of 20 per cent. of tax to be heaped upon the tobacco interest to produce an increase of 5 per cent. of revenue!

Again, the Secretary of the Treasury and the Commissioner of Revenue seem to attribute the falling off of revenue in part to the labor strikes of last summer. "Labor strikes," indeed! What had they to do either with the production of whisky and tobacco, or the revenue from either or both? The strikes did not occur in the tobacco regions, and they had no more to do with the production or collection of internal revenue than they had with the changes of the moon. The labor strikes were not directed against the material prosperity of the country, nor yet against its productive interests. They were brought about by the bad, pernicious system of government which has afflicted this country for many years. They were encouraged by the effort, successful to too great a degree, to throw the burdens of taxation upon the labor and poverty of the country rather than upon its prosperity and wealth. The bad government was inaugurated at the instance and in the interest of rings and corporations, great railroad and other corporations created by Congress in an evil hour, which have grown so strong and so insolent that they not only endeavor to dictate and control legislation, but are almost as ready to throttle their creator as they are to crush out the rights of the toiling masses; at the instance of great capitalists, the Astors, Vanderbilts, and others, who deem tobacco and liquor most excellent subjects of grinding taxation, while with hard cheek and harder mouths they deprecate as impolitic, insolent, and inquisitorial any effort to place a modest tax upon their lordly estates or princely incomes.

Unfortunately men in high places favor the demands and cater to the wishes of these corporations and men of wealth who direct them. The Commissioner of Internal Revenue in his last report, instead of recommending a diminution of tax upon some product of the soil or some subject where the burden is laid without regard to uniformity, advised that if any reduction is made it shall be upon banks, bank-checks, &c., which yield the Government $8,695,908. And especially does he recommend the repeal of the tax upon matches, which yields $2,782,275, a tax which is upon consumption alone of an article universally used. Oh, yes, says the Commissioner, if you are going to reduce taxation take it off the banks. Oh! the banks! they cannot stand taxation, but tobacco, the bloated farming interest, can, perhaps!

I despise the cry of the "poor against the rich;" I abhor any effort to array class against class or labor against capital; but I leave it to any fair-minded man to say whether the course of legislation in this country has not of late years been such as to encourage, nay to invite conflicts greatly to be deplored; whether it has not in fact been directed against the labor and productive resources of the country rather than against existing evils or with any view to the fair and equal distribution of burdens. For these things the people have complained, and they will continue to complain until some change is inaugurated which will distribute governmental impositions upon each and every section alike and upon poverty and wealth in a fair and judicious way.

I have said thus much, Mr. Speaker, in a general way; but, coming again to my subject, I assert that it will be to the interest of the Government to reduce the tax to 16 cents, as reported by the Committee of Ways and Means. No one doubts that as long as the tax remains as at present the question of its repeal or reduction will be

urged, renewed, and intensified at each succeeding session of Congress. During all that time the Government and people suffer; but modify the tax and immediate benefit will accrue to all. So great will be the stimulus imparted to the tobacco interest by a reduction of tax that in a few months instead of diminishing, the Commissioner will report increasing returns and in less than two years, indeed so soon as the tax rate can adjust itself to the subject, more revenue will be raised from tobacco than ever before. I grant you that for the first year the revenue may appear diminished; it will so appear anyway, for it is steadily diminishing now, but in two years we will get more revenue than last year. I think I can show that reduction will not by any means reduce revenues as some think.

	Pounds.
The amount of tobacco consumed last year, as shown by the Commissioner's report, was	116,722,055
Increased consumption by reducing rate to 16 cents.	39,000,000
Substitution of manufactured for raw leaf consumed,	20,000,000
Total	175,722,055
This amount of tobacco will produce revenue to the extent, at 16 cents, of	$28,115,528 80
Then add for tax on cigars, cigarettes, snuff, special tax on manufacturers, dealers, &c	13,000,000 00
And we have the sum of	$41,115,528 80

actually more than was paid in the year 1877 with the tax at 24 cents. This statement is by no means an unreasonable one, when we consider the great increase of consumption induced by the operations of the 20-cent tax of which I have spoken, and when we remember, as is confidently believed, that not less that 35,000,000 pounds of tobacco annually escape taxation by being consumed in the raw state, which would not be if the tax permitted the use of the manufactured article at a reasonable price.

The revenue derived from tobacco last year amounted to $41,106,546.92. The Commissioner admits that he cannot expect so much for the year ending June 30, 1878. Indeed, the records show now that the receipts from internal revenue, made up mainly from whisky and tobacco, are falling off. I here mention in evidence a few facts which I have learned. The revenue for the first nine days of April, 1877, aggregated receipts, $2,823,521.92. For the corresponding days of April, 1878, the receipts aggregated $2,434,771.95, or a comparative decrease of $388,749.97. A fearful exhibit. But the worst has not been told. From July 1, 1876, to April 9, 1877, the revenue receipts were $88,908,322.29. From July 1, 1877, to April 9, 1878, the collections aggregated $83,179,993.95, or a decrease and comparative loss to the Government of $5,728,388.24. And so we go on losing day by day, until it is hard to say what loss will actually be realized by the end of this fiscal year.

These statements put to flight the fine-spun theories indulged that the falling away of revenue was due to agitation, labor strikes, &c. The decrease has mainly shown itself in months when there were neither agitation nor labor strikes; and more in reference to all subjects of internal taxation, whether tobacco or other, and whether subjects of agitation or not.

It is plain that from tobacco no more than $35,000,000 will be realized the present fiscal year. Under the operations of a twelve or even sixteen cent tax we can give more for the year 1879, with a promise of steady increase thereafter from year to year.

Hitherto, Mr. Speaker, I have spoken of the effect of the tax upon the producer, but it would be unjust not to say in behalf of that large, intelligent, and enterprising class, the manufacturers, that they, too, suffer heavily from the tax. Not only are they injured by the same causes which affect the producing classes, but they have in addition many troubles inseparable from their trade, which only incidentally affect the planter and consumer.

Manufacturers are required to use in the conduct of their business at least four times the capital demanded for any other pursuit of like extent. In general they are compelled to pay cash for their stocks of leaf, while their sales are usually made through factors upon a credit of from three to six months. For the most part their capital is borrowed at a heavy rate of interest—interest which attaches upon the amount paid for stamps as well as tobacco. In addition they suffer from the ordinary fluctuations of trade, the rigid rules of the internal system, as also the evil results flowing from the annual agitation of the question. Put all these things together and it is easy to see how fearfully they affect the interests, if not the rights, of both manufacturer and Government.

Before I conclude, Mr. Speaker, I will mention another matter, because most intimately connected with the tobacco trade. At an early day of the session I introduced a bill providing for the free importation of licorice to be used, under proper restrictions, in the manufacture of tobacco. The Committee of Ways and Means did not think proper to report that bill, but in lieu thereof reported in favor of reducing the licorice tax to 5 cents per pound. This tax ought to be abolished. About two-thirds of the licorice imported into this country is used in the manufacture of tobacco; the remainder is used in medicines, confections, &c. The present law imposes a tax of 10 cents per pound gold upon the importation, and its effect is to insure a double tax upon all licorice used upon tobacco, first by way of the import tax, next the 24 cents internal tax upon tobacco, aggregating 34 cents upon every pound of licorice used in manufacture.

The tax is onerous as well as discriminating and impolitic. The manufacturers of "fine-cut" tobacco in their operations use only the powdered licorice-root, which is imported duty free. Plug manufacturers use the mass or stick. Unable to pay the high duty upon imported licorice, many of our manufacturers are compelled to use inferior licorice of American make—made of licorice-root deteriorated and damaged by a long sea voyage—or resort to cheap substitutes, whereby the quality and flavor of their tobacco are greatly injured, not only in our own but in foreign markets. Because of this duty upon licorice, the tobacco trade has suffered greatly, not only in the advantage given thereby to foreign manufacturers, but also from the fact that it has stimulated and built up large manufactories in Canada, Australia, and elsewhere, run with American tobaccos.

It is very surprising that this tax has been kept up with its effects so manifestly injurious to American interests; but it is still more surprising that the American Congress should in respect to this subject have been for several years legislating for the protection, not of its own, but of foreign manufacturers. I know that we have advocates of protection, but I had never supposed that the most intense advocates of that system would carry their views "beyond seas," and insist upon protecting the outside world as against ourselves.

The repeal of this tax would result in putting our own on an equal footing with foreign manufactures, by increasing greatly our exports, cheapening the manufacture of tobacco, thereby increasing consumption and consequently the revenue. The evils of this tax are apparent and call loudly for its repeal.

In view, Mr. Speaker, of the great interest involved, I think that Congress should pause now in its deliberations and give some heed to the wishes of the people of a large extent of country. I have endeavored in a plain way to show that the tobacco tax is oppressive and discriminating, if, indeed, not unconstitutional; that it is unjust to the producer, the manufacturer, and the consumer, as well as injurious to the revenues of the Government. The producer suffers, because his, of all other agricultural products, is singled out for taxation; that his industrial pursuit, to which he is compelled by the peculiarities of climate, soil, and habit, is heavily burdened, his bone and muscle, his energy, his toil, his poverty, all are made to pay tribute to the Government, while other sections, other industries, and other productions go free of tax, and, indeed, are made to prosper by reason of the very impositions upon tobacco.

The manufacturer suffers because he must carry at vast outlay, not only his stock but his stamps, because he is hedged about by annoying regulations and is subjected not only to the ordinary vicissitudes of trade, but to the constant agitation which ever attends an onerous tax.

The consumer suffers because, having contracted the free use of tobacco, he regards it more as a necessity than a luxury, because many of the poorer classes, the greatest consumers, by the enhanced price consequent upon the tax, are driven in great degree from the market, and forced to the use of the meaner grades of tobacco, while the rich alone can indulge in the luxury of the fine.

The Government suffers because the tax rate is so high that it discourages production, manufacture, and consumption, promotes fraud, paralyzes trade, and in short, by its oppressiveness, defeats in great degree the ends and objects of the whole revenue system.

Under these circumstances it behooves Congress, at the earliest practicable moment, to act upon the report of the Committee of Ways and Means, and reduce the tax to twelve cents, as it ought to be, or at any rate to sixteen cents, as recommended by the committee.

In any event, let us have speedy action upon the subject. Delay is injurious, nay, almost ruinous, to the entire interest. Congress has now the opportunity to settle the question, and we of the tobacco sections earnestly hope that the whole matter may be so justly settled that we will have no more trouble with it or agitation of the subject again for a number of years. If adjusted wisely, by a proper reduction, I feel that we can assure Congress that our great industry will loom up in its full proportions. New life and energy will be infused into a depressed and languishing trade, thousands of enforced idlers will be given profitable employment, the tobacco regions will assume their old prosperity, and the Government coffers will fill and fatten under the inspiration of a system more tolerant, more just, and more humane than any we have had for years.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. RIDDLE. Mr. Speaker, on the 4th day of February last I had the honor of introducing a joint resolution proposing an amendment to the Constitution of the United States so as to elect the President and Vice-President by a direct vote of the people, and providing for a second election from the two persons receiving the greatest number of votes if neither received a majority of all the votes cast at the first election, and that amendment is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following amendment to the Constitution be proposed to the Legislatures of the several States for adoption:

ARTICLE XVI.

SECTION 1. The President and Vice-President of the United States shall be elected by a direct vote of the people of the several States, and the electors in each State shall have the same qualifications as the electors of the most numerous branch of the State Legislature. The person receiving the greatest number of

votes for President shall be the President, and person receiving the greatest number of votes for Vice-President shall be the Vice-President: *Provided*, That each shall have received a majority of the whole number of votes cast in all the States for President and Vice-President.

SEC. 2. If neither of the persons voted for as President and Vice-President shall have received a majority of all the votes cast at the first election, then a second election shall be held, not exceeding two months from the date of the first election; and from the two persons on the list voted for as President and Vice-President in said first election having the highest number of votes, the people shall choose the President and Vice-President.

SEC. 3. If at the second election there should be an equal number of votes cast for the two persons voted for as President and Vice-President, then the Senate and House of Representatives as a joint body, each Senator and Representative having one vote, shall from said two persons voted for as President and from said two persons voted for as Vice-President, choose by a *viva voce* vote the President and the Vice-President.

SEC. 4. The Congress shall declare by law when the elections provided for in this article shall be held, and when, and in what manner, and by what authority the returns of said elections shall be canvassed and the votes cast for President and Vice-President counted.

In the formation of our Government the main object of the fathers was to give full expression and effective force to the will of the people. It was intended that the ballot should execute that will without let or hinderance. It was not contemplated or imagined that the forms of the Federal Constitution would be so perverted as to defeat the will of the people and set up an administration upon a minority of their suffrages. The people may be deceived in their choice of an object; but any choice they may make cannot be so very mischievous as the existence of any human force capable of resisting it or subverting it.

The indirect method of election of the President and Vice-President by the electoral college, as provided for in the Constitution, was not intended by its framers to defeat the will of the people; but it was designed to harmonize with and execute that will. Alexander Hamilton, in the sixty-eighth number of the Federalist, says of this mode of appointment of the Chief Magistrate of the United States:

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it not to any pre-established body but to men chosen by the people for the special purpose and at the particular conjuncture. * * * Another and no less important desideratum was that the Executive should be independent for his continuance in office of all but the people themselves.

The paramount considerations operating upon the convention of 1787 that framed our present Constitution, and that led to the adoption of the electoral college as the method of choosing the highest executive officer in our Government, were the desirability of "affording as little opportunity as possible to tumult and disorder" in the election, the prevention of violence and convulsion in the community over the choice of the "final object of the public wishes," and the opposition of "every practicable obstacle to cabal, intrigue, and corruption."

In the same number of the Federalist to which reference has been made above, Mr. Hamilton further says:

But as a majority of the votes might not always happen to center in one man, and as it might be unsafe to permit less than a majority to be conclusive, it is provided that in such a contingency the House of Representatives shall select out of the candidates who shall have the five highest number of votes the man who in their opinion may be best qualified for the office.

It will be seen from these citations that the paramount consideration with the founders of our Government was that the person chosen to fill the highest and most important office in that Government should, if possible, have received the majority of the entire popular vote of the country, so as to establish him in the esteem and confidence of the whole Union and render successful and satisfactory the administration of his distinguished office. When there should be a failure to elect before the people, they provided that an election should be made by that House of Congress which was designed immediately to represent the people and to be sensitive to, and a faithful reflector of, public opinion.

Two periods have been passed in the history of the United States when the electoral college has failed to reflect the popular will, and when Presidents have been inaugurated who were not chosen by the people; and they will forever stand out as monumental periods in our political history and warn all future generations of American freemen of the imminent danger of their repetition. Whenever it shall be distinctly understood that a President may be inaugurated with impunity who has not been elected by the people, then the road to empire will be opened, the Republic will be subverted, and upon its rotten pillars may be written the words, "Ichobod, Ichabod, for its glory has departed."

The first of these periods occurred in 1825 when John Quincy Adams was elected, in strict accordance with the forms of the Constitution, by the House of Representatives over Andrew Jackson, who had received the largest vote before the people and in the electoral college. There was great dissatisfaction over the result and the people could never be induced to believe otherwise than that Jackson had been cheated out of the Presidency by Clay and Adams. Mr. Clay afterward acknowledged to Dr. Colton, when he was writing the life of the Great Commoner at Ashland, that his connection with John Quincy Adams in this affair was the great mistake of his life, and that he had underestimated the "power of detraction in a republican government." There is no doubt of the fact that his support of Adams against Jackson lost him the Presidency which he so much coveted.

In 1828 the people righted the great wrong which they believed had been done General Jackson by his triumphant election to the Presidency, and they repeated the honor in 1832 as they had uniformly done from the foundation of the Government in the case of all the incumbents but two. In his first message to Congress General Jackson called the attention of that body to the defects in the mode prescribed by the Constitution for the election of President and Vice-President, and recommended an amendment to remedy those defects. I will quote in full all he says in that message upon the subject, December 8, 1829:

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of a President and Vice-President. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects.

To the people belongs the right of electing their Chief Magistrate; it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that, in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful, all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

The number of aspirants to the Presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and in that event, the election must devolve on the House of Representatives, where it is obvious the will of the people may not be always ascertained, or, if ascertained, may not be regarded. From the mode of voting by States, the choice is to be made by 24 votes; and it may often occur that one of those may be controlled by an individual Representative. Honors and offices are at the disposal of the successful candidate.

Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the Representative to be proof against the powerful motives by which he may be assailed—the will of the people is still constantly liable to be misrepresented.

One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidate; finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect a President; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principles of our system—that the majority is to govern—it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us then endeavor so to amend our system that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment, it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years.

In his second annual message of December 7, 1830, General Jackson repeated the recommendation of his first message for an amendment to the Constitution to secure to the people a direct choice of their Chief Magistrate and his ineligibility after one term of service; and he supported his recommendation by arguments similar to those contained in his first message. Those arguments have gathered strength by the lapse of time. They were unanswerable then and they are unanswerable now. They should have secured such an amendment to the Constitution then; but, as they failed to do so then, their potency should avail to secure the adoption of such an amendment now. If the Constitution had been amended previous to 1860, as recommended by General Jackson, which recommendation is embodied in the joint resolution offered by myself on the 4th February, 1878, and cited in the beginning of my remarks on this occasion, the great civil convulsion of 1861 to 1865 would have been averted and the defeat of the will of the people by the electoral commission in 1877 would never have occurred.

In 1860 neither of the four candidates—Lincoln, Douglas, Breckinridge, and Bell—received a majority of all the votes cast at the presidential election of that year. If the Constitution had then required a second election to determine by a majority vote which of the two candidates having the greatest number of votes in the first election (and they were Lincoln and Douglas) should be the President, Douglas would have been elected and there would have been no secession and no war.

Under the amendment I have proposed, if it had been a part of the Constitution in 1876, Samuel J. Tilden would have been inaugurated President of the United States without the least excitement, disturbance, or opposition, because it is an undeniable and unquestionable fact that he received a majority of over two hundred and fifty thousand of the popular vote in the last presidential election.

Mr. Bancroft, in his History of the United States, (vol. 9, page 55,) informs us that the great compromise of the Constitution, and which secured its adoption, was evolved from the thought expressed by Jefferson of Virginia and Sherman of Connecticut. Sherman said the "vote should be taken two ways: call the colonies and call the individuals, and have a majority of both." This idea he probably derived from Jefferson, who enforced in private as the means to save the Union that "any proposition might be negatived by the representatives of a majority of the people or a majority of the colonies."

Mr. Madison, in the thirty-eighth number of the Federalist, says:

The proposed Constitution, therefore, is, in strictness, neither a national nor a Federal Constitution, but a composition of both. * * * * *

The House of Representatives will derive its powers from the people of America, and the people will be represented in the same proportion, and on the same principle, as they are in the Legislature of a particular State. So far the Government is national, not federal. The Senate, on the other hand, will derive its powers from the States as political and coequal societies; and these will be represented on the principle of equality in the Senate as they now are in the existing Congress. So far the Government is federal, not national. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election again is to be made by that branch of the Legislature which consists of the national representatives; but in this particular act, they are to be thrown into the form of individual delegations, from so many distinct and coequal bodies politic. From this aspect of the government, it appears to be of a mixed character, presenting at least as many federal as national features.

He then defines the distinction between a federal and a national government, the former operating "on the political bodies composing the confederacy in their political capacities," and the latter "on the individual citizens composing the nation in their individual capacities," and finally arrives at the conclusion that "the operation of the government on the people in their individual capacities, in its ordinary and most essential proceedings, may, on the whole, designate it in this relation a national government."

Inasmuch, then, as we have a national government, "operating in its ordinary and essential proceedings upon the people in their individual capacities," and as these operations are under the control of, and directed by, the Chief Executive of the Government, there can be no infraction of its fundamental principles by requiring the election of that Chief Executive by a direct vote of the people, who are so deeply affected in their individual capacities by the acts of his administration.

It evidently was not the design of the founders of our Government that the choice of the people should be defeated in any case either by the intervention of electoral colleges or by the agency confided, under certain circumstances, to the House of Representatives. But the will of the people has already been twice defeated under the provisions of our present Constitution; and oftener than twice have Presidents been inaugurated in accordance with that Constitution who received only a plurality and not a majority of the popular vote. The electoral college has become a mere form in the election of the President and Vice-President. The idea of the fathers in the establishment of that form has long since become obsolete, for the people now really and in fact but without proper effect, as was demonstrated in the last presidential election, vote for President and Vice-President; and no discretion is left to any presidential elector to vote for any other candidates for President and Vice-President than those whose election he is required to advocate by the political party to which he belongs and whose names always appear at the head of the ticket upon which his own name is printed as a presidential elector.

In a speech of great ability and power made in the Senate of the United States, February 3, 1824, advocating the election of President and Vice-President by a direct vote of the people, Thomas H. Benton said:

By the Constitution it was intended that the electoral office should be one of the first dignity in the Republic. The electors were to be selected men, chosen by the people on account of their superior virtue and intelligence, and left to make choice of a President according to their own enlightened understanding, without the slightest control from the less informed multitude. This was the intention, but the plan has wholly failed in the execution. The electors are not independent; they have no superior intelligence; they are not left to their own judgment in the choice of President; they are not above the control of the people. On the contrary every elector is pledged before he is chosen to give his vote according to the will of those who choose him. He is nothing but an agent, tied down to the execution of a precise trust. Every reason which induced the convention to institute electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful, because they have no power over their own vote, and because the people can vote for a President as easily as they can vote for an elector. * * * Candidates for electors are now selected, not for the reasons mentioned in the Federalist, but for their devotion to a particular party, for their popular manners, and their talent at electioneering.

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Every reason for instituting electors has failed and every consideration of prudence requires them to be discontinued. They are nothing but agents in a case which requires no agent, and no prudent man would or ought to employ an agent to take care of his money, his property, or his liberty when he is equally capable to take care of it himself. * * * I should be opposed to the intervention of electors, because the double process of electing a man to elect a man would paralyze the spirit of the people and destroy the life of the election itself.

Judge Story in section 1463 of his Commentaries on the Constitution of the United States expresses himself with great felicity upon this subject, as follows:

It has been observed with much point that in no respect have the enlarged and liberal views of the framers of the Constitution and the expectations of the public when it was adopted been so completely frustrated as in the practical operation of the system so far as relates to the independence of the electors in the electoral colleges. It is notorious that the electors are now chosen wholly with reference to particular candidates, and are silently pledged to vote for them. Nay, upon some occasions the electors publicly pledge themselves to vote for a particular person, and thus in effect the whole foundation of the system, so elaborately constructed, is subverted.

The candidates for the Presidency are selected and announced in each State long before the election, and an ardent canvass is maintained in the newspapers, in party meetings, and in the State Legislatures to secure votes for the favorite candidate and to defeat his opponents. Nay, the State Legislatures often become the nominating body, acting in their official capacities, and recommending by solemn resolves their own candidate to the other States, so that nothing is left to the electors after their choice but to register votes which are already pledged, and an exercise of an independent judgment would be treated as a political usurpation, dishonorable to the individual and a fraud upon his constituents.

I have therefore, after much reflection, arrived at the conclusion that it is best for the peace and good order of society in this country and for the stability and perpetuity of our free institutions that the electoral college should be abolished and that the Constitution of the United States should be amended in the manner I have proposed; and I am fortified in that conviction by the high authority of Thomas H. Benton and Judge Story, who have declared that "in effect, the whole foundation of the system, so elaborately constructed, is subverted," a declaration that must be corroborated by the personal knowledge of every intelligent citizen in the land.

If the electoral college is retained it should be so modified by a constitutional amendment as to reflect with accurate fidelity the will of the people at every presidential election. It should be provided that the choice of the college and the choice of the people should always concur to effect an election; and if they should not concur, that the choice of the people should prevail over that of the electoral college; and if the relative strength of the States is to be preserved as at present in the election of President and Vice-President, that preservation should be conditioned upon a similar concurrence of the choice of the States and the choice of the people to effectuate an election, and with a provision that in the event of a disagreement between the choice of the States and the choice of the people, the choice of the people should prevail.

But the effect of such a modification would be the substantial nullification or supersession of the electoral college, as will be readily seen; and for that reason I am settled in the conviction that the electoral college should be eliminated altogether from our elective presidential machinery. There is great force in what was said by Mr. James Wilson, of Pennsylvania, in the convention which framed our Constitution in 1787. He declared himself first and last in favor of an election of President by the people. "Experience in the States," said he, "had shown that the election of a First Magistrate by the people at large was both convenient and successful;" and that the "objects of choice in such cases must be persons whose merits had general notoriety."

And Mr. Madison, in speaking of the source of appointment, said:

The people at large was, in his opinion, the fittest in itself. It would be as likely as any that could be devised to produce an executive magistrate of distinguished character. The people generally could only know and vote for some citizen whose merits had rendered him an object of general attention and esteem. There was one difficulty, however, of a serious nature, attending an immediate choice by the people. The right of suffrage was much more diffusive in the Northern than the Southern States; and the latter could have no influence in the election on the score of the negroes. The substitution of electors obviated this difficulty, and seemed on the whole to be liable to fewest objections.

This difficulty in the immediate choice by the people of the President, has been entirely removed by the enfranchisement of the negroes by the recent action of all the States.

It must be manifest to the most ordinary intellect that the people are as competent to elect a President by a direct vote as they are to elect by that method the governor of a State; and every State in the American Union now elects its chief executive officer in that way. The intelligence of the people was underestimated by the statesmen of 1787, and that fact is apparent when the debates on the adoption of the Federal Constitution, as reported by Mr. Madison, are read:

Mr. Mason, of Virginia, conceived it would be as unnatural to refer the choice of a proper person for a Chief Magistrate to the people as it would to refer a trial of colors to a blind man. The extent of the country rendered it impossible that the people could have the requisite capacity to judge of the respective pretensions of the candidates.

This opinion was shared by most of the members of the convention of 1787, and it is not at all strange that it should have been so shared, when it is remembered that they were educated under a monarchical form of government and that they had been for a very brief period under tuition in the school of republican liberty, a period too brief to enable them to entirely overcome their inherited distrust of the people.

The virtual subversion of the electoral system by the requirement of a pledge by the presidential electors that they would support certain nominated candidates, a pledge that they could not disregard without personal dishonor and the perpetration of a fraud upon the people and a political usurpation, abundantly justifies its actual abolition.

Chancellor Kent has wisely said in his Commentaries that—

If ever the tranquillity of this nation is to be disturbed and its liberties endangered by a struggle for power, it will be upon this very subject of the choice of a President.

Every intelligent citizen will remember, with a mingled feeling of apprehension and gratitude, the narrow escape from such a danger made by our country in the last presidential election; and the fervent wish of every true patriot must be that adequate preventives should be adopted to avoid the recurrence of a similar peril.

Such a disturbance of the national tranquillity and such a danger to constitutional liberty can be effectually prevented by the adoption of such an amendment to our Federal Constitution as the one I had the honor to propose on the 4th of February, 1878, and which was first recommended to Congress for adoption by General Jackson, in his first annual message of December 8, 1829, and which was recommended again in his second annual message of December 7, 1830.

THE AMERICAN SYSTEM—PROTECTION TO AMERICAN INDUSTRY.

Mr. NEAL. Mr. Speaker, it was often remarked by one of the wisest

and most logical of the orators and statesmen of ancient Greece that every speaker should commence his argument with an incontestable proposition. In compliance with this injunction, I will present, at the threshold of the remarks I submit to-day, the following axiomatic proposition:

THE WELFARE OF THE PEOPLE SHOULD EVER BE THE HIGHEST CONSIDERATION OF GOVERNMENT.

In all legislation this should be the chief aim. An enlightened selfishness should be the potential influence shaping all our enactments. If we fail to practically realize that this is the highest and most important of all our duties as the legislators of this great people, we are unprofitable servants, no longer worthy of the generous support of a confiding constituency. The common good of all the people! What higher aim can actuate the true statesman! To what more noble purpose can he devote the best energies of heart and intellect?

Sir, much has been said during the present Congress upon this floor on behalf of the people. Gentlemen have apparently manifested the greatest interest on their behalf. Some members have become so eloquent in depicting the wrongs endured by the laboring class as almost to cause the very stones themselves to cry out in sympathy; and yet these very members when asked for bread have given a stone, or for a fish have kindly offered a serpent. Well may the workingman exclaim, "Miserable comforters are ye all. We don't want your honeyed expressions of sympathy; we want work, that we may clothe our wives and feed our little ones, that they starve not." The remedies proposed for the hard times, which, like blight and mildew, curse every portion of our fair land, have so far related solely to the financial measures of the Government and have resolved themselves into two propositions: first, the repeal of the resumption act; secondly, the remonetization of the silver dollar; the latter of which has become a law. These, we were assured, would remove the paralysis of business and inaugurate a new era of prosperity and industrial activity. That they may do something in this direction I grant; but those who look to them as the brazen serpent which shall bring full relief for the distress everywhere prevailing will find their expectations, like the apples of Sodom, turn to ashes in their hands.

Mr. Speaker, the evils under which we now suffer are too deep-seated to yield to such remedies. Their origin dates back to the years of civil war, when brother was arrayed against brother and the fairest portions of the land were drenched with human blood and gore. The losses and wastes of that terrible war were great beyond the power of conception, counting up to billions of dollars; expenditures represented to-day by a huge national debt of over $2,000,000,000, waste of person and of life faintly reflected in a pension-roll calling for the payment of thirty millions annually, and a destruction of property which no man can estimate. War is destruction, the destroying of life and of property, and in proportion to its desolating effects are the evils resultant therefrom. Therefore, no matter how perfect our financial legislation might have been, even though it should have been the production of absolute wisdom itself, sooner or later we should have been compelled to pay the penalties which every war exacts and practically realize that "as we sowed so should we reap." We must repair the wastes, we must make good the losses sustained before we can hope for any permanent prosperity. The individual whose farm is desolated by the destroying tempest or whose store-house is reduced to ashes by the fire fiend knows that he must recreate his wealth by resorting to the necessary means before he can hope for his former prosperity, and the man stricken with the fever knows that after the disease has left him he must recuperate his wasted system before the glow of health shall mantle his pallid cheek or the elasticity and strength of youth shall return to his tottering legs.

Sir, we should have husbanded our resources, economized in our national expenditures, denied ourselves the luxuries of life, developed our natural resources, opened up new avenues of industry so that labor would be well and profitably employed, and invited the workingmen of other lands to come over and help us in our great undertaking.

We did not act thus wisely. Instead of fully realizing, we shut our eyes to our true condition. We went upon the presumption that we were most prosperous and that our resources were inexhaustible. We fairly reveled in our folly and rejoiced in our apparent great prosperity. Without consideration we refused to employ our own workingmen, but went abroad and purchased of the productions of foreign industry enormous quantities. Why, sir, during the thirteen years ending June 30, 1876, we expended the large sum of $5,743,255,271 for foreign productions, while we only sold during the same period of the productions of our plantations and farms, mostly unmanufactured, the sum of $4,809,301,732, leaving us in debt in the sum of $933,953,539 to foreign producers and manufacturers, or seventy millions annually over and above all our sales.

To pay this large indebtedness we have taken all the precious metals dug from our mines and millions upon millions of national, State, and other bonds, to pay the interest upon which requires the annual exportations of many millions of dollars.

The nation, like the individual, which buys more than it sells must in the end become impoverished; and it is only a question of time, dependent upon the ability of that nation to stand this constant drain upon its internal resources. Now, sir, had we suffered none of the losses of the great war, sooner or later the crash would have come upon us, because we were exhausting ourselves by our excessive importations, and must at some time have arrived at that point when we could go on in that course no longer. Then comes the paralysis of business, with its attendant evils.

THE BALANCE OF TRADE.

I am aware, sir, that ill-advised persons talk with great affectation of learning about the balance of trade and very confidently assert that, inasmuch as trade seems the most to flourish when our importations largely exceed our exportations, business must then be in the most healthy condition. So the individual in any community whose expenditures exceed his income may seem to the unreflecting person to be greatly prospering, but he soon runs his race, and the goal he reaches is bankruptcy and ruin.

Now, sir, it seems to me self-evident that if we would be rich and prosperous as a nation we must sell more than we buy; we must keep the balance of trade in our favor, so that, instead of exporting the precious metals dug from our mines to pay for the excess of importations, the gold and silver of the world will flow in upon us to pay us for our excess of exportations. This exchangeable wealth of the nation is the representative of its real prosperity, and in proportion as we possess it in similar proportion do our industrial and other business enterprises flourish. The fixed or real property of a people has but little effect upon prices and consequently upon the life of trade; it is money which is master, and, as it is plenty or scarce, so are prices high or low, business active or dull. It should then be our aim, as a wise and thrifty people, to so manage our business interests that the balance of trade shall always be on the right side, and when from any untoward causes, our sales—our exportations—shall decline, we should limit our purchases to a corresponding extent.

The important question naturally suggests itself at this point, how can we increase our exportations or diminish our importations so as to add to our wealth and accumulations as a nation and as individuals? I answer by producing here, at home, and by the labor of American workingmen, every article necessary for our comfort and well-being, which the natural resources of the country or its climatic conditions will justify us in producing, thus rendering us, so far as possible independent of every other people.

Our land furnishes the raw material that enters into most articles of manufacture; we have the skill and intelligence necessary for the full utilization of that material, and in labor-saving machinery no nation in the world excels, if indeed any equals us, consequently we have all the necessary conditions of prosperity and wealth. Now, then, a further pertinent inquiry is, "What policy is necessary to the establishment of such manufactories as shall put in valuable and useful forms the raw material which we have in such variety and abundance?"

BRITAIN'S EXAMPLE.

We can do no better than to turn our attention to our great rival in all the arts of peace, Great Britain, formerly the most protectionist of all countries, now the patronizing advocate of free trade in America and of the world. If we fail to learn wisdom from her experience the fault will be our own. "England once pursued the barborous policy her free-traders now commend to us." This was particularly the case from the twelfth to the sixteenth centuries, when her people were mostly agricultural and obtained their supplies of articles of use and wear from the continent of Europe. Through the enterprise of merchants of other countries agricultural products were exported and manufactures were imported in foreign vessels. "Even iron was imported for the use of English blacksmiths."

McPherson in his Annals of Commerce states that in the fourteenth century England imported none of the raw material for manufactures which are so largely imported into Great Britain to-day, while her exports consisted of the most valuable of her raw materials, and of cloths in an unfinished state which may also be classed among raw materials.

In the fifteenth century a commercial writer complained that "the foreigners bear the gold out of this land, and sucketh the thrift out of our hand as the wasp sucketh honey out of the bee." It was also stated that all the world was clothed in English wool wrought by Flemish weavers. The wool was exported, manufactured, and sold back to England with a profit. And it was this condition of affairs that gave rise to the proverb: "The stranger buys of the Englishman the fox's skin for a groat and sells him the tail for a shilling."

While England was limiting her energies to agriculture and the exportation of her raw products the Flemish towns were becoming wealthy, populous, and powerful by their manufactures. So poor were her people that "among the upper classes the cloak, robe, or gown of the day was the coverlet of the night." The houses of the working people were miserable hovels. "There were very few houses, even in capital towns, which had chimneys; the fire was laid in the wall, and the smoke issued out of the roof or window. The people slept on straw pallets with a log of wood for a pillow." The population but little more than doubled in a period of five hundred years ending with the sixteenth century.

ENGLISH INDUSTRIES DEVELOPED BY PROTECTION.

As early as the reign of Edward III, we learn from Blackstone, "Much was done for establishing manufactures, by prohibiting the exportation of English wool, and the importation or wear of foreign cloths or furs, and by encouraging cloth-workers from other countries to settle there." This policy was continued, faintly foreshadowing protection, until Queen Elizabeth came to the throne. "She being

an ardent friend to this policy, gave such encouragement, that there was a vast development of the manufacturing and commercial interests of the kingdom." Then, for the first time, England began to manifest the possession of those wonderful capabilities which have made her the first manufacturing and commercial nation of modern times. She also stimulated the building of ships by differential duties, and so created a great English navy. She encouraged the Huguenots of France, driven from that country by religious intolerance, to settle in England, and by prohibiting the importations of silks, built up that vast manufacturing interest which continued to flourish to the year 1860, when the protective duties levied upon imported silks were removed. Since then the business has been very much depressed. The workers find themselves with a small trade on the verge of starvation, and are once again looking to protective duties as their one means of relief.

Since the days of Queen Elizabeth, England's statesmen have well understood that her continued prosperity depends mainly upon her commerce, and commerce must be sustained by manufacturing, consequently everything has been done in the way of legislation to encourage and extend manufacturing, and the result has been a national prosperity never excelled. It was only after her manufactories had become permanently established and when protection was no longer required, because manufacturing had assumed such immense proportions that foreign markets were required for the larger part of the products of her looms, mills, furnaces, and workshops, that she abandoned her protective policy.

To-day Great Britain has an accumulation of capital which makes her proportionately the richest nation of the world. Money to carry on her vast industrial enterprises is most abundant at low rates of interest. She has a laboring population and a labor-saving machinery with the ability to manufacture manifold more than her entire population require; consequently to keep her people employed she is compelled to find markets in all parts of the earth. The results of a decline in foreign demand, or of her exclusion from a large market such as the United States, is most disastrously felt by her people. Referring to the coal trade the London Times of December 27, 1877, says:

> This paralysis of the chief industry of South Wales has already produced widespread disasters, exceeding in intensity and rivaling in extent the misery among the colliers and iron-workers after the strike of 1875. At Cardiff the work-house is thronged, the board-room and offices have been converted into dormitories; a supplemental stone-yard has been opened for the employment of married men, and the applications for admission are increasing at the rate of fifty a week. Poverty in its most degrading forms prevails among a population which not long ago was well paid and comfortable. The other day a family of seven persons were found to have subsisted for days on a pailful of brewer's "grain" intended for feeding pigs, others have fed on potato peelings. Men have gone to work from day to day on a dish of raw cabbage-leaves.

In reference to the iron trade it says:

> The economical history of 1877 in this branch of trade is most discouraging. The fall of prices has been gradual and general, and is too considerable to be accounted for by reductions in the cost of production, as in the price of coal and ironstone and in the wages of furnacemen. * * * The consequence is that the producers of crude iron must, in self-defense, limit the output, and this cannot be accomplished without inflicting many hardships upon a large industrial population.

A telegram from London of January 22 says:

> The arbitrators of the wages question in South Staffordshire have decided that wages be reduced 7½ per cent.

Another of the date of March 12 announces that—

> The Coal-Owners' Association of North Yorkshire and South Derbyshire have determined to reduce miners' wages 7½ per cent. The men would probably consent to a reduction of 5 per cent., but it is thought likely that they will resist a decrease of 7½ per cent. This resolution of the Coal-Owners' Association affects from twenty-five to thirty thousand miners. Manufacturers in the north of England iron trade also propose to reduce the wages of their work people from 10 to 17 per cent. From the preparations the men are making it is believed that they intend to organize general resistance.

And still later dispatches state that the reduction of wages is still going on in every branch of industry.

In view of the condition of all her industrial enterprises the statesmen of Great Britain are not unreasonably anxious to persuade us that "free trade with all the markets of the world is the true theory of government."

FREE TRADE IN IRELAND.

The effect of the practical operation of this theory upon the industries of a nation is well exhibited in the case of Ireland. At one time she had flourishing manufactures which gave employment to a large and contented people. England forced upon her by hostile legislation the abandonment of these industries and the substitution of English goods of use and wear. Says Judge Byles:

> Before the union there were, under protection, Irish woolen manufactures, Irish cotton manufactures, Irish blanket manufactures, Irish calico manufactures, Irish flannel manufactures. These manufactories are now smothered and extinct.

The act of union abolished protective duties and English free trade destroyed these manufactures beyond all hope of recovery. Thus large numbers of the Irish people were thrown out of employment, and, going from bad to worse, their miseries culminated in a terrible famine, from the direful effects of which, and from emigration, induced by want of employment, the population of the Emerald Isle decreased from 8,199,153 in 1841 to 5,402,759 in 1871. Probably no civilized people have ever suffered as have the Irish, and it is not at all wonderful that they hate their English oppressors with a hatred perfect in its character and beyond description.

That I am not in error in ascribing the present condition of Ireland to English free trade, I quote from a speech lately delivered by Major O'Gorman, a member of Parliament from Waterford, Ireland:

> What has free trade done for Ireland? I will tell you. It has turned all our red ground into grass from which to rear cattle to feed the accursed English fellows who have trampled upon Ireland, and who would even do it now but with the help of God we will not let them. What has free trade done more than this? I will tell you. It has turned the poor of our country into these horrible, miserable houses. The poor have been driven into the work-houses because there is nothing to be seen but grass—a state of things which has been brought about by the laws of the infernal country which governs us, laws which if carried out would allow our poor Irish people being thrown after death into a hole just as you would throw a dog into a ditch. But I say, if you as Irishmen countenance such a thing it will not be natural—it will not be Irish.

Making proper allowance for Irish rhetoric and for Irish hate and still the picture drawn by the major is distressing to the last degree.

Continental countries which have tended of late years toward free trade are again looking to protection as a relief for their depressed and oppressed industries. So that we of all nations are the only one proposing to take a step backward in this respect.

ENGLAND'S AIM.

To build up and extend her already world-wide commerce and find markets for her manufactures has been for many years past, and still is, the great object of England's statesmen, and they pursue it with a sagacity and pertinacity truly marvelous and worthy of all admiration. In this respect we would do well to imitate them. They have ever made it one of the cardinal principles of her colonial policy to discourage manufacturing and make the colonies tributary to the mother country, as they did with our forefathers prior to the revolutionary war. Wiser than ourselves, she fosters her commerce by encouraging the establishment of steamship lines with all the nations of the world, and thereby makes them tributary to her. She gives her enterprising capitalists every encouragement to enter into commercial ventures with a view of finding markets for her immense productions. Consequently every sea is dotted with English vessels, and the union jack is seen flying from the mast-heads of more ships than the flags of all other nations combined.

I am aware, sir, that free-traders ascribe her great superiority over ourselves in this respect to our protective policy, and we are gravely informed if we would only liberalize our laws so as to permit our merchants to employ British workingmen in British ship-yards to build our steamers and other vessels for us, in a trice we would become the rivals of Great Britain in the number of our ships and in the magnitude and importance of commercial enterprises. This claim is wholly untenable, for the large subsidies paid by the British government give her ship-owners such an advantage that they can crush out every rival, and in addition thereto the smaller salaries and wages paid their seamen give them another great advantage over us which would make almost every venture upon our part a disastrous failure. Then, again, ship-building in this country would be suspended until wages were reduced as low here as elsewhere, and the silence of death would reign in every ship-yard. Why, sir, a few years ago ship-building was extensively carried on upon the river Thames, but the superior facilities afforded by the Clyde has transferred that business to its banks, and to-day it is the great ship-yard of Great Britain.

I grant that American enterprise and American ingenuity can accomplish wonders, but until they can induce our shipwrights to labor for substantially the same wages paid by ship-builders upon the Clyde it will be idle to imagine we can successfully compete with them, even if we could purchase every article which forms part of the vessel at as moderate prices as they do. Before leaving this subject I will state a fact which may not be known to all: it is that the steamer which costs $500,000 when completed contains only $5,000 of raw material, the remaining $495,000 being the cost of labor which enters into the manufacture of materials used or in the putting of them together in the ship. That large sum represents the labor of American workingmen, which it is proposed to deprive them of because foreign workingmen will toil at lower wages. Well may our people pray to be delivered from such friends.

Mr. Speaker, I have said more about British principles and policy and practice in this regard than I should have done but for the fact that Great Britain is held up to us by admiring free-traders as an example for us to follow, notwithstanding the relative difference of the two nations in riches, territory, and population. As long as protection served to promote British interests and enhance British power, she adopted it as her policy; when, by reason of the changed condition and circumstances of her people, it became necessary to find foreign markets for her enormous productions, she became the zealous advocate of free trade; and that she may control our markets and do our work for us, she uses every artifice to induce us to follow in her footsteps. British policy is succinctly set forth by the Marquis of Salisbury in a speech he recently made in Parliament. He said: "The government has done all in its power to secure peace and good government for the Christians in Turkey, but would not do anything to imperil British subjects or their interests for the sake of all the Christians in the world." We have seen Great Britain stand idly by while the Russian conquered the Turk, offering no active assistance to her ancient ally, while to-day she is most actively engaged in making every preparation for war with Russia because she deems British interests imperiled. And as she would maintain her interests in the Levant by bloody war, so will she maintain her commercial and indus-

trial supremacy in the West by artfully persuading us that her policy is our best interest. I regret to say she has many advocates whom she has in a variety of ways induced to champion her policy.

UNITED STATES.

Sir, there is no nation upon the face of the earth which has so many of the elements of national greatness as the United States. With the great extent of territory reaching from the frigid zone of the north to the tropics of the south, extending from the shores of the Atlantic to those of the Pacific, with every variety of climate and soil known to man, enabling us to produce every article of diet, use, and wear known to the civilized world, there is no substantial reason why we should not have an industrial future the most brilliant the world has ever witnessed. All that is necessary is the adoption of such a permanent policy upon our part as shall at all times develop in our people their maximum power of production; and we are only wise and statesman-like while we keep this object constantly in view. Therefore, if protective tariffs will best accomplish this we should keep them upon our statute-books, and when the time arrives that a free-trade policy will best subserve our ends we should adopt free trade. This is a mere matter of policy, not principle. Now, then, experience teaches us that established manufactures, supported by large capital, have always been able to prevent the establishment of new manufactures unless the latter were in some way protected. Accordingly old countries, possessed of cheap labor, cheap money, and low taxes, have such advantages over new countries that without discriminating legislation manufacturing cannot be successfully established in the latter.

The foundation of all wealth is labor, and however rich a country may be in natural resources it will not become wealthy if it does not manufacture its raw material, for the great value of the manufactures is the labor concentrated in them, and the least skilled and lowest priced labor is that employed in securing raw material. "The wealthiest cities and countries, from the earliest periods to the present, were the manufacturing cities and countries."

Another advantage derived from manufacturing is that it brings together dense populations, thus furnishing a market for the products of agriculture which would otherwise have to seek foreign markets at a loss of the transportation and without the advantages of competition. Our farmers who reside near manufacturing centers fully understand the great advantages they enjoy over their brother agriculturists who are less fortunately located, and the value of their farms is correspondingly enhanced.

PROTECTION OUR TRUE POLICY.

The only question, then, necessary for us to consider is what policy is necessary to enable our people to develop this maximum power of production and how shall the raw material we have in such variety and abundance be put into such shape as will render it the most valuable and the best adapted to supply the wants of mankind. Now, I concede that in labor-saving machinery and "in cheap and effective processes of manufacture we can rival the world." But in labor and capital we cannot compete, for labor is far better compensated in this country than in Europe, and the rates of interest are upon an average at least double what they are in older countries. We must pay higher wages, because our people must be educated to fit them for an intelligent discharge of their duties as American citizens. "Our theory of civilization is higher than that of Europe." Here, the people are the masters and administer for their own benefit the affairs of state. In other countries they are but "hewers of wood and drawers of water" for their ruling classes. The intelligence of the people is with them a minor consideration.

The great item of cost in all manufactured goods not protected by patents is labor. Cheap goods, therefore, imply cheap labor. The lower the wages the cheaper the products of labor can be sold, and without cheap labor we cannot have cheap goods. What do low wages mean to the workingman? Subsistence for himself and family merely. The necessaries of life only, with none of its luxuries. Hard, never-ending toil, from the rising of the sun to the going down of the same. The placing of his children at work in their tender years to dwarf their bodies and benumb their intellects. It means ignorance, degradation of all that is divine in human nature, with no hope for the future. Life is to him a vast sand desert, upon which there appear no bright oases to greet his eye or to make glad his heart.

Revolting as this description is to the heart and conscience of every humanitarian, it justly pictures the condition of the laboring-man and his family in Europe. When our workingmen are brought to this condition how many burning tears will be poured out like rain, how many bright hopes go out in the darkness of an everlasting night!

CONDITION OF LABOR.

It is not pleasant to contemplate the situation of labor in this country at the present time. The wages paid are very low and are wholly inadequate to place the laborer in circumstances at all approaching comfort for himself and family. The future can only be regarded with apprehension and dismay. Times seem to be sadly out of joint, for not only is labor cheap, but it is begging employment by capital with but poor success. The cry of "hard times" is heard all over the land, and millions of outstretched hands are begging us for relief. In order to legislate intelligently we must understand what "hard times" signify. It means that money is scarce and labor plenty. It means that money is dear and labor cheap. It means there is a forced economy all over the land; that there are more sellers than buyers, and is a necessary corollary that prices are constantly declining. Now, a declining market is always a dull market, for there is no confidence and purchases are made only to supply immediate wants. Why, sir, the forced economy of the past four years has destroyed a home market almost, if not quite, equal to our entire foreign exportation, certainly to not less than $450,000,000 a year. In other words, we have consumed at home $450,000,000 less of the products of our factories, mills, workshops, and farms each year since 1873 than we did for several years prior thereto. This of itself, without other causes, would produce a paralysis of trade, a stagnation of business, hard times.

But for this forced economy we would have expended the four hundred and fifty millions annually as formerly. This would have given employment to not less than one million laborers at average wages of $1.50 a day and supported not less than five millions of people. There would have been no begging for work, no such destitution as we have all witnessed, no great army of tramps to annoy and terrify. Expenditure is not always extravagance, nor is economy always a virtue.

Again, Mr. Speaker, I have already stated the extraordinary character of our importations for a series of years past, amounting to over $5,743,255,000. A large part of these importations consisted of articles which we do not produce at home, and which we were therefore compelled to purchase abroad or do without; but a very considerable portion consisted of iron goods, woolens, silks, cotton goods, and other articles that we might just as well have made at home if we had only been wise enough to do so. By so doing, two important objects would have been accomplished: first, we would have given employment to a vast army of workingmen at remunerative wages, and secondly, we would have kept at home a large sum of money that we sent abroad. We did not do it. We preferred to hire foreign laborers to work for us, because the circumstances under which they were placed compelled them to work cheaper than our own workingmen would labor, and thereby deprived ourselves of the markets which this large sum, paid out in our midst, would have provided for the products of our garden and fields in the maintenance of this numerous body of laborers and their families.

BUY-CHEAP PRINCIPLE.

In this country the only principle of political economy that the great mass of our people seem to be at all familiar with is the "buy-cheap principle," and each individual looks upon it as an especial hardship if he is not permitted to buy where he can buy the cheapest and to sell where he can sell the dearest, irrespective of the paramount rights and interests of the nation at large. Now, there is no principle more vicious to the individual himself nor more ruinous to the country, as a moment's reflection will convince any intelligent man; for it means simply the purchasing of all articles where they can be bought the cheapest. It means the employment of the laborers and workshops of other countries to the exclusion of our own. It means the monopolizing of our home markets by foreign workingmen, and the sending abroad of our raw material to be converted by labor into the articles of use and wear necessary for our comfort and well-being. And finally, it means the impoverishment of ourselves as a nation, and of our becoming a mere tributary to the country which we employ to do our work. Under such circumstances it would be impossible for us to attain to the truest and most lasting national prosperity—that prosperity which is acquired and retained by a permanent development and employment of all our natural resources, aided by the united skill, industry, and enterprise of our people. The fancied rights of the individual must be sacrificed to the public welfare, and he cannot be permitted to buy where he can buy the cheapest if injury is done to the nation. The country at large is not interested in the question of prices between the producer and the consumer. The money paid is simply transferred from the pocket of the buyer to that of the seller, and remaining in the country leaves it just as rich as before. But purchases made abroad transfer the prices paid, not only from the pockets of the producer to those of the consumer, but also from the shores of our own country to another, and to that extent deprives us of our wealth and makes us by that amount the poorer.

The farmer and planter purchase from the merchant, the merchant from the manufacturer, the manufacturer pays out the money he receives to the planter and farmer for the raw material he has used, and to the workingman for his labor employed in the process of manufacture; the laborer in turn spends his wages with the merchant and farmer for such articles of wear and food as may be required for himself and family, and the higher the wages he receives the more generous his expenditures. Thus the money is retained in the country, and it is of no manner of importance to the community at large what the prices may be; that concerns only the parties immediately interested. In fact, the higher the wages paid, and consequently the prices of manufactures, the more active is business and the greater the apparent prosperity of the people. Then we talk about good times.

The healthiest and most desirable condition of business is when the workingman is receiving a fair price for his labor and the capitalist such returns on his investment as will encourage him to continue his business and extend the same as the demand may justify.

On the other hand, if the merchant purchases of the importer the money goes abroad, foreign laborers are employed, our own workingmen remain idle, the country is stripped of its wealth, the people become impoverished, they have nothing to buy with, trade becomes stagnant, business paralyzed, and the era of hard times and low prices is inaugurated, from which we only emerge by self-denial, suffering, and distress such as we are now experiencing. Let me illustrate. If we were to take all the representatives of wealth—the greenbacks, bank-notes, bonds, and mortgages—of the country, and make a huge bonfire of them we would not diminish the real wealth of the country, because we would destroy nothing which possessed any intrinsic value. We would make the Government, the banks, and the obligors of the bonds and mortgages richer and the owners of the same poorer to the extent of the value of these representatives of wealth; but if we destroy property which is produced by labor, and is therefore wealth itself, we make the country poorer to the extent of the intrinsic value of the property destroyed. Purchasing the productions of foreign labor is almost the equivalent in its evil effects to the destruction of property itself.

PRESENT TARIFF—IMPORTS AND EXPORTS.

Mr. Speaker, the present customs tariff is often denounced as prohibitory in its character and destructive of the commerce of the country. Is it subject to this charge?

In 1860 our imports exceeded those of any previous year, amounting to	$362,189,270
Our exports were, domestic	373,189,274
Of which were coin and bullion	56,946,857
Our foreign exports	26,933,022
Total exports	457,069,147
In 1870 we imported, merchandise	435,958,408
Coin and bullion	26,419,179
Exports, domestic	420,500,275
Foreign	16,155,295
Coin and bullion, foreign	14,271,864
Coin and bullion, domestic	43,893,802
In 1876, imports, merchandise	460,761,190
Coin and bullion	15,936,081
Exports, domestic	536,089,810
Exports, foreign	14,802,424
Coin and bullion, foreign	6,467,611
Coin and bullion, domestic	50,038,691

The values expressed are specie values.

In 1877 the exports considerably exceeded those of any other year, and the imports were nearly as large in value. So it will be perceived that our commerce is to-day greater than ever before; and if we do not do the carrying it is for reasons that can be better given by others more familiar with the shipping interest than I am. I feel assured, however, that the reason cannot be found in our tariff regulations.

No nation has made as great advances in these respects; so that it appears that while the tariff is eminently protective in its character and has developed our native industries to an extent unparalleled in the history of the country our commerce has also grown more rapidly proportionately than at any previous period in our national existence. Now, of the five hundred and eighty-six millions of foreign merchandise we have consumed the past year, if we had employed American workingmen to have produced, say, one-half or three hundred millions, what would have been the result? We would have imported coin or Government bonds for the excess of exports over imports and would have paid that sum as wages to American laborers, skilled and unskilled, and so have given employment to about one million workingmen who have been idle because no man would employ them. The cry for bread would not have been heard, and want and wretchedness, like blight and mildew, would not, as they do now, cover the land.

DUTIES FOR PROTECTION.

Mr. Speaker, with me the question of revenue is a secondary consideration, for I believe in protective duties for the sake of protecting our labor against the competition of pauper labor in Europe. I would levy duties for the direct object of protecting our various industries. I would preserve the home markets to American workingmen, and so far as they may not have the skill and ability to produce what may be required, I would invite the skilled workingmen of other countries to become residents of our own instead of going abroad and purchasing the productions of other countries.

With the experiences of the past before him no intelligent person whose judgment is not warped by self-interest can come to any other conclusion than that it is better for us, by discriminating legislation, to invite workingmen here to produce what we may require rather than for our consumers to go to them, and in that way diversify, build up, and extend all our industries, manufacturing and otherwise. How utterly have the theories of free-traders broken down and their prophecies failed of realization in the light of experience. Dr. Wayland, author of a work on political economy which at one time was read as a text-book in our schools and colleges, in advocating the theory of free trade said: "We pay a heavy duty on cutlery in this country, while not a thousandth part of the cutlery used is made here. It would be vastly cheaper to pay a bounty sufficient to raise all the cutlery made in this country to its present price, and it would be, for aught I see, as good for the cutler." When penning that paragraph little did he think that before a generation should pass off the stage of action one establishment alone in this country, the direct result of protection, would manufacture more cutlery than we then used, and at prices such as the importer cannot compete with. I refer to the one my esteemed friend the gentleman from Connecticut [Mr. LANDERS] is interested in, which has the capacity for manufacturing daily two hundred and twenty-five gross of table-cutlery alone, at prices varying from $5.50 per gross and upward. And again, as late as 1872, another theorist, Mr. Atkinson, of Boston, before a committee of Congress remarked: "Other nations buy their goods of England, and we may as well do it, too, and not enrich a set of monopolists and a few men who live at the expense of others. It were better for us to pension off every man now engaged in the manufacture of steel than to impose the duties we now do on that article." To-day, sir, manufacturers in my district can furnish Mr. LANDERS and others the best of steel at prices lower than England ever charged them, and at such rates as were not dreamed of a few years ago. The same may be said of all kinds and qualities of iron manufactures, including every description of cut-nails.

MANUFACTURERS NOT MONOPOLISTS.

It was the fashion among free-traders a few years ago to denounce manufacturers as monopolists who deserved the execration of the community. It was charged that a protective tariff benefited no one but the owners of manufacturing establishments; that the price of a commodity was enhanced to the full extent of the duty charged, all of which went into the pockets of the capitalists; and that the workingmen were the victims of this grasping policy. We have not heard much of that sort of talk of late years; the logic of events has silenced these calumniators, for it has conclusively proved that the theory of the protectionist is correct, namely, that home competition alone would bring down the price of all manufactures to as low a point as the wages paid the workingmen would justify; and in fact to-day, as I have already stated, wages throughout the manufacturing portions of the United States are too low for the comfort and well-being of the operative and artisan, while it is equally true that the capital invested is not only making no return but is melting away under the influence of home competition alone like snow before the burning sun.

IRON INDUSTRY.

The benefits our industrial enterprises derive from protective legislation are fully shown in the experiences of the past fifteen years. A republican Congress, whether from a genuine belief in the principles of the policy or because the exigencies of the Government demanded it, enacted a tariff which was eminently protective in its character, and which, somewhat modified, is the law of the land to-day. I shall call your attention to its influences upon one only of the leading industries of the country, of which I have a personal knowledge and can therefore speak with confidence. I refer to iron. The total number of tons produced in the United States for the years mentioned are as follows:

Year.	Tons.	Years.	Tons.
1810	54,000	1864	1,135,996
1830	165,000	1866	1,350,343
1840	315,000	1868	1,603,000
1850	564,755	1870	1,865,000
1854	736,218	1871	2,858,558
1856	883,137	1873	2,868,278
1858	705,094	1874	2,689,413
1860	919,770	1875	2,266,541
1862	787,662	1876	2,093,236

The furnace capacity in this country exceeds five million tons per annum, while the consumption demand has never exceeded three million tons and is not generally more than two million to two million five hundred thousand tons, so that for years to come, if no more iron furnaces are erected, those we have will be able to produce far more iron than it is possible to consume. Although our industries may revive and an active demand for iron goods of every description spring up, there is then no likelihood that prices will for a series of years appreciate so as to afford even a moderate return for the capital invested, together with fair wages to the persons employed.

WHY CHANGE THE TARIFF?

Mr. Speaker, what is the object of changing the tariff in any material respect? Is it that it may be made more of a revenue tariff in its character? Such seems to have been the intention of the chairman of the Committee of Ways and Means, since he so drafted his bill as to greatly cripple if not effectually destroy the leading manufacturing industries of the country. Is it desirable that our immense imports should be increased and the country still further depleted of its wealth? Are gentlemen of opinion that it is better for us to employ the workingmen of other countries to perform our labor while our own workingmen stand idle all the day?

Does he think it better for us to purchase our iron goods and manufactures of steel in England and Belgium, and thereby suffer the rolling-mills and founderies and machine-shops of the United States to remain with unlighted fires and untenanted walls while the operatives of those establishments seek employment in other avocations perhaps already overstocked with laborers? or is he of opinion that the wages now paid are too high and should be brought down to a level with those paid in Europe? Is there any gentleman upon this

floor who wishes to see the free and intelligent workingman of America compelled to compete with the cheaper and pauper labor of Europe? If not, why then desire to see the duties upon manufactures reduced, when it is as evident as that the sun shines at noonday that prices are already so low that the capitalist receives no return and the laborer is very inadequately compensated? Why does he want to take any portion of the home market from our own people, when it is confessed that there is not employment for all? Does he desire still further to degrade labor in this country? Sir, the person who proposes or advocates measures of such a tendency is the enemy—unwittingly, perhaps, but none the less the enemy—of the workingman of our country.

Sir, no changes should be made unless we are well advised that they are in the interests of labor. "Our aim should be to establish a national tariff policy which shall be regarded as permanent, and so to frame its provisions as to promote the use and development of our vast national resources and to secure, as far as depends on legislation, the highest attainable prosperity of all sections of the country." If we do this, our industries will become diversified, new avenues to labor will be opened up, consumers will make their purchases of domestic producers, the busy hum of industry will be heard all over the land, and the fires of our now silent furnaces, rolling-mills, and founderies will be lighted up, making the very heavens lurid with their flames.

BESSEMER STEEL.

Mr. Speaker, before closing I desire to call the attention of the House to some other branches of the iron business, that it may be clearly seen how they have grown under the fostering care of protective legislation and what effect such legislation has had upon prices.

Up to 1867 there had been no Bessemer steel produced in this country. The price then charged was $150 per ton in gold (equal then to $225 currency) for steel rails. As American works were built the price of the foreign article was gradually lowered. The duty was fixed at $28 in gold, and to-day Bessemer steel of the best quality can be bought at American mills at $40 in currency while the importation of the foreign article has entirely ceased. Since 1867 the production has been as follows in net tons.

Year.	Tons.	Year.	Tons.
1867	2,550	1872	94,070
1868	7,225	1873	129,015
1869	9,650	1874	144,944
1870	34,000	1875	290,863
1871	38,250	1876	412,461

It is to-day a leading branch of the iron industry of the country, consuming annually nearly one-fourth of the total pig-iron product, and although foreign competition ceased more than a year ago the price from the influences of home competition alone has declined within the past two years $20 per ton. Importations were as follows:

	Net tons.
1871	50,701
1872	149,786
1873	159,574
1874	100,486
1875	16,316
1876	33

During these years the prices have fluctuated as follows:

1868	$165 00
1869	145 00
1870	110 00
1871	95 00
1872	104 50
1873	121 00
1874	117 50
1875	71 00
1876	67 00
1877	51 25
1878	40 00

CUT NAILS.

Again, the manufacture of cut nails, which is purely an American invention, shows in the most signal manner the benefits of protection. The total production in 1876 was 4,157,814 kegs of one hundred pounds each, and the price to-day is but little, if any, over 2 cents per pound, while the duty is 1½ cents per pound. Here again home competition has reduced the price so low that operators are not paid fair wages, while the manufacturer is receiving no return whatever upon his investment.

SAWS, ETC.

Take again the article of saws. Up to 1840 none were made here and we were compelled to pay whatever foreigners chose to charge us for them. In that year Henry Disston commenced the manufacture in Philadelphia in a small way. English saws then sold at prices ranging from $15.75 to $19 a dozen. Since 1876 Henry Disston & Son have been sending saws to England, warranted equal to the best saws made in that country, and selling them at $10.50 per dozen, and they are shipping common saws to South America at $4.50 per dozen. But for protection they never would have been in a position to compete successfully with foreign makers in this country, much less could they have found a market in other lands for $100,000 annually of their products.

I might go through all the different branches of iron industries and make quite as marked and distinct showing, but time will not suffice. The examples I have given abundantly show the fallacy of the theory of free-traders "that the duty is always added to the price."

HOW WORKINGMEN VIEW THE PROPOSED LEGISLATION.

Mr. Speaker, you have doubtless noted with what apprehension and alarm the news is received in all places where iron industries are carried on that this Congress is proposing to make radical changes in the present tariff and to materially reduce the duty upon iron and steel manufactures in their various branches. More particularly are the operatives at our furnaces, rolling-mills, founderies, and machine-shops aroused to a sense of impending danger, for they have learned that they cannot receive fair wages for a full day's work if the labor of other countries is to be brought into competition with their own. They see all the proposed changes fraught with nothing but evil to themselves and their families, for the experiences of the past few years have taught them that a dullness of market is attended with a decline in prices and that a decline in prices means a cutting down of their wages, for necessity compels them to labor at such wages as they may be able to obtain and as the business will justify. Wages are always the first element in production to feel the effects of a decline in prices, because they are always within the control of the employer, while interest and taxes are not. Consequently, when a reduction is necessary, in order that a business may be continued without loss, the laborer suffers that reduction. Well may they then take the alarm when they behold the representatives of the people ruthlessly putting the knife to the various industries which in these times of depression pay such wages only as barely to enable them to furnish their families with the merest necessities of life. And it would be well for us to heed their remonstrances, when it is sufficiently evident that the only persons to be benefited by these proposed changes are the importer and the foreign manufacturer.

I am aware, sir, that it is claimed our manufactures are so securely established that protection is no longer necessary. This is stated only by impracticable theorists or such persons as are willing to see wages reduced so low that we will, in this respect, be on a par with European countries. But he who has the good of the laboring-man at heart, who rejoices in the prosperity and well-being of all classes of our people, and who desires to see our country great in productive power and self-dependent strength can entertain no such opinion.

PROTECTION NECESSARY.

Upon the necessity and propriety of protection I desire to give the opinion of that able industrial paper the London Engineer. In a late number it says:

If we turn to America as a country which is self-sufficing as regards the necessities of life, we shall see that protection may really be a very excellent policy. Let us take for example, the iron trade. If America elected to remain an agricultural country, and purchased the luxuries of life by selling the corn and cotton and meat she could not consume, then it would be folly to protect the iron manufacturers of the United States; and it is possible that corn-growing America could import rails, let us say, from iron-producing England cheaper than she could make them herself. But the moment America decided that she would not rest content with growing corn, and cotton, and beef, but that she would make iron as well, then her Government acted wisely in protecting that manufacture. If it were not protected it would not grow at all. They could not have an iron trade without protection. That is admitted on all hands, except by a few political economists whose opinions are more remarkable for their dogmatism than their soundness.

CONCLUSION.

In conclusion, it appears to me self-evident that, "if we are to be a better-educated, better-fed, and better-clothed people than those of other nations, we must be better employed. To be better employed, we must be protected from the competition of the cheap labor, cheap capital, and low taxes of those rival countries." Protection of our industries is right as a principle, and absolutely necessary as a policy if we desire prosperity within our borders. If we had been compelled to manufacture all that we consumed we would have escaped in great part the financial evils and business distress which have afflicted us so sorely for a few years past, and would be a stronger, wiser, richer, and more prosperous people than we now are. Let us wisely heed the experiences of the past and by our legislation at least give every encouragement to American industry in all its branches by providing ample and complete protection.

INVESTIGATION OF THE ELECTORAL FRAUDS.

Mr. LOCKWOOD. Mr. Speaker, in the few words which I have to say at this time I will speak not as a partisan, but as a citizen, and shall address myself mainly to the question what is the duty of Congress at this time touching the bill or the subject-matter of the bill introduced by the gentleman from Maryland, [Mr. KIMMEL,] which was referred to the Committee on the Judiciary, reserving for some other occasion the questions of fact and of law involved in its future consideration. The question now to be considered is: Shall Congress by the enactment of the necessary law give to the Supreme Court the power and authority to hear and investigate the alleged frauds of the election of 1876, and upon such hearing and investigation to determine judicially and forever who were elected to the offices of President and Vice-President of the United States for the term commencing March 4, 1877?

The great majority of the people of this country, without distinction or regard to party, desire to know whether a government which has asserted and maintained its power and authority among the na

tions of the world for a century, which has emerged triumphant from the most gigantic civil war known to history, is now to have its fair fame and the national honor tarnished through the inability of the people or the people's Representatives to resist the insidious and seductive influences of power and patronage, or whether there is still left strength and courage sufficient to detect and punish fraud and crime though it may touch the highest officer under it. Can it be that the power of a great nation is to be exercised only upon its weaker citizens, and that when a crime has been committed against that nation's life it is powerless to protect itself? The honest men of business, the men of daily toil, deny it. They love their country, they love truth and justice, and they remember how much the founders of this Government sacrificed to secure the God-given right to select by ballot their own rulers; and many of them still remember the oppressions of foreign countries and what hardships they have endured in leaving the land of their birth to obtain a home in this free country, where they and their children might enjoy the blessings of liberty and the rights of men.

They point with commendable pride to the strength and power of the Government in maintaining its existence and honor when attacked by an armed foe, and they cannot now believe that Congress, the great representative body of the people, will longer sit as in a quiet sleep when from every quarter of this broad land comes the charge that fraud has triumphed and that virtue and honesty no longer have a dwelling-place in the national heart.

The right of the ballot is too sacred to be defeated by fraud and corruption. All party and political considerations sink into utter insignificance when compared with the right of the citizen to be protected in the exercise of the elective franchise; and sorry am I for that man who has not patriotism sufficient to rise above all party considerations when the honor of his country is in issue. If fraud has been committed and can succeed, and if the ballot can be disregarded in one election, what is to prevent a repetition of the crime? The history of other nations teaches that one by one, step by step, the liberties of the people have been encroached upon; that if not resisted and overcome at first approach, the distance between the people and their liberties soon becomes so great that it is a gulf impassable, and the liberties of that people are lost forever, unless restored through the terrible ordeal of revolution. God grant that this nation may have the courage to face the truth, and avert the danger before it be too late.

Sir, for one, and influenced solely by a sense of justice to the people and their rights, I am in favor of the most thorough and searching judicial examination and investigation that can be had. I care not what the result to individuals or political parties may be, provided we know the truth and justice triumphs. If fraud has been committed, let those who are guilty, whether high or low, rich or poor, be exposed and punished, and then let the beneficiary of the fraud likewise be exposed and punished. This investigation is due alike to each of the gentlemen who represented the two great political parties in the last presidential election. Both of them being honorable men, it cannot be presumed that either would wish or for a moment consent to hold an office to which he was not honestly elected, and certainly no honorable man, for the sake of holding office, would wish to go down to history with the dark cloud of fraud encircling his otherwise fair name. The present Executive, more than any other person in the country, is entitled to a full and fair judicial investigation of the whole matter. Justice to him strongly demands it; and should the result of that investigation establish that no fraud was committed in returning, counting, and declaring the electoral votes of the several States, then let it be so decided, so that the people may know and understand it; and let the evidence, the whole evidence upon which the decision is based go to the country, so that the politicians and all others will be compelled to stop this cry of fraud, and like men acknowledge they were wrong and that they have done an innocent man an injustice.

Can you, men of the republican party, afford to miss this precious opportunity to establish once and forever that you had no hand in any fraud or that there was no fraud in the election of President; or have you feasted and fattened so long upon the public patronage of the Government, that rather than take any chance of losing it you are content to forget your past history and surrender your honor and your manhood for place? You who are politicians may be willing, but the rank and file of your party never.

I cannot, Mr. Speaker, subscribe to that policy which is often heard upon this side of the House, that it will be better for the democratic party to leave the whole matter as it now stands rather than press any further investigation; that the people now believe that a fraud has been committed and nothing can be gained or accomplished by giving the Supreme Court the power to investigate and decide the questions, and that as a matter of political policy it is unwise to go further. These gentlemen would cry "Fraud, fraud," and yet would do nothing to disclose and punish the wrong-doers. They are loud in their denunciations of the President, the republican party, and the electoral commission. Greater politicians than statesmen, I fear they govern or seek to govern their actions, not by the rule of right and wrong, but by the effect it will have on the votes of their districts and of the country. To these and such as these let me say that the people of this nation are fast becoming dissatisfied and disgusted with politicians; they are looking for men of principles, men who when they know the right dare maintain it let the political consequences be what they may; and they are demanding from the majority of this House such action as may be necessary to a full and fair investigation of all the alleged frauds in the election of 1876. Refuse their demand and their answer will be, "You are no longer worthy of confidence or support."

Again we often hear it said, "True, a fraud and wrong has been committed, but there is no remedy; we can do nothing." I for one do not believe in such doctrine. I remember that law is founded upon reason and justice, and that reason and justice abhor crime. True, wrong never rights itself, but if a fraud and crime have been committed, there is a way to demonstrate and reveal it, and if it is in our power, and we neglect or refuse to exercise that power, we not only fail in the duty which we owe to the people, but we ourselves become a party to the fraud. Our inaction or neglect to use every legal and honorable means in our power to discover the truth, reveal and punish fraud, makes us accessory to the fraud, and even more contemptible in the eyes of the world than those who committed it. We lack the courage to expose and punish what they had the courage to do. Already there is a wide-spread fear in the land that the people's Representatives in this matter as in too many others act not from their convictions but from political motives. Has the time not come when the general good of the country and the welfare and safety of our institutions should demand our most earnest and best efforts without regard to the consequences which may come to party? Ought we not to demand justice and thus restore confidence? Can we or should we escape censure if by our silence we aid in concealing the truth? You who admit the fraud and crime answer, if you can.

Another objection is urged against this bill or any other mode of investigation which, without consideration, suffices to satisfy a certain class of gentlemen who say it is better to suffer a wrong than to take the trouble to investigate and know the right. Briefly stated it is this: that notwithstanding a fraud may have been committed in the electoral count, yet we had better submit to it than to disturb, as they say, the business interests of the country. The people, it is urged, want quiet. True they want quiet, they want peace, but they want neither at the expense of their personal rights and liberties. I know the business men, and by business men I mean the mechanics and the men whose sweat and toil have built our railroads, our canals, and converted the broad acres of this country into fruitful fields, and whose labor is the great foundation of the nation's wealth and prosperity. And in their name I deny that they are willing now or ever to sanction fraud and crime for the sake of a fancied quiet. The law with all its vigor and severity is enforced upon the poor man when he violates it. Can there be any justification in not enforcing it upon others when they commit crime? I protest against any discrimination.

The history of this Government has always shown that the great masses of the people, the business and the laboring men, when the safety of the Government was in danger were ever true, awake, and ready to defend their rights, their liberties, the nation's honor, the laws and the Constitution of their fathers. They know full well, and far better than all the politicians on earth, the worth and value of a stable and secure government, but with the Government as with their business they cannot and will not suffer it to be even tainted with fraud. They demand equal and exact justice to all men; that crime committed in high places shall be exposed and punished with the same promptness as if committed by the humblest citizen. The argument that it were better to submit to fraud and wrong rather than disturb business interests or the quiet of the state would, if followed to its legitimate conclusions, justify the usurpation of the Government by its office-holders; it would deprive the people of the right of the ballot, for what would be the use of voting if the authorities in power can disregard the vote? But, fortunately, the method proposed will in no way disturb either business interests or the peace of the state. The law will quietly, but no less certainly and forever, I trust, determine who was elected President of the United States in the election of 1876.

The passage of this bill or one similar in its character is demanded by the honest men of this country. They have read and understand the facts; they know that to the candidate of the republican party was given the eight electoral votes of the State of Louisiana; they know that this same candidate after he took possession of the office of President, instead of recognizing Mr. Packard, the republican candidate for governor, as the legally elected governor of that State, and who confessedly received more votes than the republican presidential electors, recognized instead Governor Nicholls, the democratic candidate, who has since been governor of the State of Louisiana, and they believe by this act he impeached his own title. The people would like to know why, if the Hayes electors received a majority of the votes cast in Louisiana, and Mr. Packard received a still greater number of votes, how it was Mr. Packard was not recognized by the Government, and sustained in his office, if necessary, by the whole power of the Government.

The same state of affairs exists in two other States. In South Carolina, Hampton, the democratic candidate, is governor, but the seven electoral votes of that State were counted for Mr. Hayes. In Florida, Drew, the democratic candidate, is governor, but the four electoral votes of that State were counted for Mr. Hayes; and when it is re-

membered that he required all of the electoral votes of these three disputed States to give him a bare majority of one in the electoral college, and that fraud is charged to have been committed in each of these States, I would ask if the people are not right in their demand for an investigation that will disclose the truth? Anderson has been found guilty by a jury of his peers of fraud in certifying to the electoral vote of Louisiana. The Packard legislature of Louisiana elected a United States Senator, Senator KELLOGG, and with this one act that legislature disappeared. The Senate of the United States passed upon the legality of his election and sustained the Legislature by admitting him to a seat in the Senate. Judge McLin, a member of the late State board of canvassers of Florida, confesses that Mr. Tilden was entitled to the electoral vote of Florida, and that it was secured to Mr. Hayes by fraud.

I have not stated, nor do I intend to state, but a few of the facts going to show that Mr. Tilden was legally entitled to the electoral votes of those three States. What I demand is that the people should know the truth. This investigation is not a matter in which Mr. Hayes and Mr. Tilden are solely interested. It is a question of far greater importance. It involves the right of the ballot, the right of the people to self-government, and the permanency of our republican form of government. The facts are known; they are openly admitted upon all sides.

One other objection is named, and I believe that to be the last as well as the most dangerous in its results to the future interests of the country. It is said the question involved has been submitted to a tribunal created by Congress, and that tribunal having decided the question we are bound to submit to its decision. Gentlemen forget when they make this objection that this is a representative government, a government of the people; that Congress possesses only such powers as are delegated to it by the Constitution and the people; that the people have never delegated to Congress or to any other branch of the Government the power to barter and dispose of their right to choose their public officers, and, having chosen them, the right to their possession of the office. There is no such power in law, and the act of January 29, 1877, does not and could not grant or confer such a power.

The people cannot legally be divested of their rights without their consent. The officers of the Government are but the servants of the people, and the sooner they so understand the better for them, the better for the future welfare of the Government. As a matter of fact the question as to which electors in the disputed States received a majority of the votes has never been judicially investigated and decided, unless you make the exception of the State of Florida, where the supreme court of the State, after a full investigation of the facts, did decide that Samuel J. Tilden was justly and legally entitled to the four electoral votes of that State. The so-called electoral commission did not investigate or decide the questions of fact, but on the other hand, contrary to the wishes and expectations of all good men, they absolutely refused to hear any proof on the subject, and based their decision solely on technical grounds and the doctrine of State rights. Had they possessed the power and investigated the facts their decision would have been respected for all time to come; but it is for the very reason that the proofs were not heard and because the facts were not investigated that the people are dissatisfied with that decision and now demand at our hands a thorough judicial or other investigation of the facts. They have a right to make this demand and we, their representatives and public servants, have no right to refuse. The people in this Government in their sovereign capacity are greater than their officers. *Vox populi vox dei.* It matters but little to the people which particular man is President, but it is of paramount importance to them, to their liberties, and to the future safety of the Government that the President be that man who was legally and honestly elected, and not the man whose election was obtained through false and fraudulent returning boards.

Give to the Supreme Court power to investigate these facts. I have confidence that its decision will be just. It will not in a judicial investigation be governed by any party or political considerations. The reputation of the highest court in the land would be involved. It would be a golden opportunity to gain the respect and admiration not only of the people of this country, but of the whole world.

It has been my only object to call the serious attention of the Judiciary Committee of this House and the attention of the country to the great importance of this subject and its bearing upon the future of the nation. I have done so with great reluctance. In my judgment the stability and future permanency of this as well as every democratic form of government largely depends upon the power, ability, and capacity of the Government to unearth the truth and to defeat and punish fraud. Fail in this and national decay will soon follow.

Have we not reached that crisis in public affairs which so many nations have reached, and in which not a few have fallen, when we too must answer whether we, as a nation, have the virtue, the moral courage, and the political integrity to spread the naked truth openly before the whole world, let the consequences to individuals and political parties be what they may? I, sir, have that faith in justice, in right, in the future of the country, and in the integrity of the people that I cannot for a moment believe that we, as the Representatives of the people, will falter in doing our duty, that we will hesitate to do right. We have a duty to perform, and cannot escape it if we would. The nation's honor and the people's rights we must protect and defend. Fraud must be exposed and punished, and truth and justice must prevail. Let us

> Be just and fear not;
> Let all the ends thou aim'st at be thy country's,
> Thy God's, and truth's.

SHALL WE PAY SOUTHERN WAR CLAIMS?

Mr. HAYES. Mr. Speaker, I have been much interested in the discussion of the bill now before the House, which has been had on this floor at various times. I was somewhat apprehensive, when this bill first came up, that it might pass by a large majority. It was presented to us in such an innocent manner, seemed in itself so harmless, and was wrapped about with such a beautiful covering that it almost won our approval at a glance. As we contemplated the measure and thought what a noble act it would be to assist this literary institution to arise from the dust and once more assume its former position of power and influence, opposition seemed almost disarmed and we were almost persuaded to let the bill pass without saying a word against it. But, sir, to-day all this is changed! Discussion has done its work, and the gentlemen on this side of the House are almost unanimous in their opposition to the passage of this bill. The speeches made a few days ago by the gentleman from Maine [Mr. REED] and the gentleman from New York [Mr. TOWNSEND] had the effect to strip from the bill all its beautiful covering, to reveal its true inwardness, and to lay bare to our gaze all the many evils that it contains.

In view of the light that has been thrown upon it, not only by the discussion in this Hall, but by our own individual thought, I ask, would it be wise for us to pass this bill? Taking into consideration all the circumstances, is there any obligation resting upon the Government to pay the claim here set up? Does our duty either to the Government or to this institution demand that we do a thing of this kind? I think not. This institution may have been a most excellent one. It may have, and doubtless has, a very brilliant record. It may have done its work ably and be entitled to great praise. But still, Mr. Speaker, with all these things in its favor, I do not think it would be either wise or safe to pay the claim which is presented to us in this bill.

For one, sir, I do not indorse all that has been said on this floor in praise of this institution. While I agree with much that was said the other day by the gentleman from Virginia [Mr. GOODE] and the gentleman from Massachusetts, [Mr. LORING,] still I do not believe that this institution is entitled to quite such lofty encomiums as they pronounced in its favor. Why, sir, in their efforts to make William and Mary College appear to the best possible advantage these gentlemen allowed their zeal to outrun their discretion. They were so determined to set forth its many excellences in the most attractive light that they seemed to forget that it ever had any defects. In dwelling upon the brilliancy of its history during the first century of its existence they seemed wholly oblivious of the fact that that brilliancy has been very much dimmed during the last fifty years of the present century. I admit, sir, that the speeches of these gentlemen were eloquent, finely worded, and full of beautiful ideas beautifully expressed. I may say that they were remarkable speeches; remarkable not only for what they contain, but much more remarkable for what they do not contain. Search these speeches through from beginning to end and you will find them abounding in praise of this institution for the prominent part it took as an educator during its earlier history, but not a word will you find in regard to its later history or the position it has occupied as an educator during the past fifty years.

The gentleman from Virginia [Mr. GOODE] talked most eloquently of the college as it was in the far-off years of the past. He spoke in most enthusiastic terms of its earlier graduates and the prominent part they played in the history of the nation. He named, with commendable pride, such men as Washington, Jefferson, Monroe, Tyler, Marshall, and others of a by-gone age who had drunk deeply at this fountain of learning. But why did he not come down to a later day and tell us something of its later graduates? Why did he not connect the nineteenth with the eighteenth century, take in the whole history of the institution even down as late as 1861, and tell us something about its many alumni who distinguished themselves by helping to inaugurate and carry forward the late rebellion?

Here is a long chapter in the history of this institution which the eloquent gentleman might have dwelt upon with interest to many members of this House if not with advantage to the cause which he was advocating. It would be interesting to know why he omitted this important chapter. Was he ashamed to speak of it? Did he think that even his imaginative mind and eloquent lips could not do the subject justice, or did he fear that by speaking of it, by giving us a "plain, unvarnished" history of the whole life of this institution, he might injure the cause for which he spoke? Of course I do not know what the motives were which led the gentleman to give us only a part of this history, but I do know that to many gentlemen on this floor the later history of this institution would have been fully as interesting as its earlier history.

But, sir, in regard to the matter of which I speak, the gentleman from Massachusetts [Mr. LORING] did no better than the gentleman from Virginia, [Mr. GOODE.] It is true he said many good things, many true things, and many eloquent things about William and Mary College, but he only spoke of it as it was in its earlier days. He dwelt at some length upon the proud position it formerly occupied in our

history and spoke in the highest terms of what it did toward "shaping the thought of the American people." But his eloquence touched only upon the far-off past. He never ventured to come down to this our day and to tell us of the infamous doctrine of State rights which this institution taught for years, nor what a mighty influence this teaching had in bringing about the rebellion. Why did the gentleman omit all this? He cannot have forgotten it. He cannot consider the history of this institution complete without it. He certainly could not have expected to show the full power which this institution has had in "shaping the thought of the American people" without dwelling somewhat on its later history. But, sir, while knowing nothing of the motive which led to this omission, I wish to say to the gentleman that the people of this country care far more what this institution has been during the past twenty-five years than what it was a hundred and fifty or a hundred and seventy-five years ago.

But, Mr. Speaker, turning from this line of thought, I wish to say that I appreciate all that has been said during this discussion about the necessity of encouraging and building up our institutions of learning. We certainly cannot do too much in this direction. We cannot deal too liberally with these institutions or do too much to promote education among all classes of our citizens. Believing that the wisdom and purity of our laws and the perpetuity of our Government depend largely upon the intelligence of the people, I will go as far as any man in helping forward the schools, academies, and colleges of the land and making them as efficient as possible. Were the proposition before us now simply a proposition to give aid to a needy educational institution, I would gladly give it my support. Did the bill now under discussion have no other significance than to give a few thousand dollars to William and Mary College, I would interpose no objection. On the contrary, sir, for the sake of giving a new impetus to the cause of education in the State of Virginia, I might be persuaded to overlook the black record which this college has made during the last quarter of a century in teaching the doctrine of secession and in helping on the late rebellion, and vote for the measure now before us.

But, sir, the question before this House is not simply a question of granting a little pecuniary assistance to this college. It is a question of much broader and weightier significance than that. The great question which is involved in this bill and which we are called upon to decide is not merely whether or not we shall pay a few thousand dollars to William and Mary College, but whether or not we shall pay the hundreds and thousands of claims that are now being pressed upon us by the people of the South for property destroyed during the war. This, Mr. Speaker, is the all-important question, and it is of the most vital importance that every gentleman upon this floor should understand it thoroughly before he votes upon it. I know that the gentlemen who favor this bill ridicule this idea. They characterize all such talk as nonsense and bosh. They say that this claim has no connection whatever with any other southern claim, that there is not another claim in the whole South like this, and hence this, if allowed, will carry with it no particular significance and cannot possibly establish a precedent for allowing any other claim.

Now, sir, these gentlemen may be honest in what they say, but I must beg leave to differ from them. I believe, sir, that if this bill once becomes a law it will open the way for every claimant in the South to come forward with his claim and demand that the Government pay it. With this case as a precedent, he can march boldly up to Congress and say: "You paid for losses sustained by William and Mary College; now pay me for the losses which I sustained. If it was right to pay that claim, it is right to pay mine." And I ask, sir, if this would not be sound reasoning. Could he not by this line of argument make for himself a strong case? On the ground of right and justice, is not the claim of the private individual entitled to the same consideration as the claim of this college? Is not the equity in one case as clear as that in the other? I for one believe it is, and, believing this, I say we cannot afford to pass this bill. In a case upon which so many other claims hang it will not do to take any risk. We are here as guardians of the public Treasury, which contains the people's money, and the people will hold us responsible for the manner in which we guard their interests. Our duty in this respect is plain and need not be mistaken. Not only should we keep the door firmly closed against all of these claims, but we should never allow a single bolt to be drawn, for if once the door is unbolted it will be easy to push it wide open, and then the hundreds and thousands of these claims will be thrust in for us to pay.

I am persuaded, sir, that few gentlemen upon this floor fully understand the magnitude of the claims which have been presented to this Congress by the people of the South. I have here an article taken from the New York Tribune of April 13, 1878, which gives a full list of these claims, and which I ask to have printed in connection with my remarks.

The Tribune has already published a complete list of all bills introduced in Congress from the beginning of the session down to March 18 for the purpose of securing public improvements in the South. These public claims reach the enormous aggregate of $192,000,000. The Tribune has since caused to be prepared a complete list of all bills introduced in the Senate and House of Representatives from the beginning of the session down to March 26, presenting private claims. Of these there are nine hundred and eight, of which four hundred and seventy-seven ask for sums less than $10,000. These four hundred and seventy-seven bills there is not space to print in full, but their total is $1,010,000. Of the remaining four hundred and thirty-one private bills, three hundred and twenty—more than one-third of the whole number introduced—are altogether vague, neither stating nor hinting at the amount to which claim is made. This very vagueness is suspicious, and suggests the magnitude of the sum expected. It is certainly fair, however, to suppose that the average amount of these indefinite claims is at least as large as those asking for a definite sum. Upon this basis the aggregate of these three hundred and twenty blind asking claims is $3,500,000. There are one hundred and eleven bills asking for $10,000 or more each, making an aggregate of $5,747,793. The least amount, therefore, asked for by private southern claims introduced in Congress from the beginning of the session to March 26, is $10,247,793. The bills introduced down to March 18 for public improvements in the South call for $192,000,000. The South, therefore, thus far in a single session, has made demands upon the National Treasury for at least $202,000,000.

That this estimate is far below the actual amount for which the South has asked, the counsel for a large number of claimants has already taken pains to prove. Judge T. W. Bartley has published in a Washington paper a long letter in regard to three large classes of claims now before Congress. He divides these claims into three principal classes and makes the following estimates:

Amount of cotton tax	$83,000,000
Balance of captured and abandoned property	14,000,000
Army supply claims	20,000,000
Grand total	117,000,000

If Judge Bartley's figures are taken in place of the quiet and modest estimates which the Tribune has made, the aggregate (1) of the claims for railroads and other public improvements, and (2) of private claims for cotton, war material, captured and abandoned property, &c., &c., will be more than $300,000,000, instead of $202,000,000.

The list of private claims presented in each House, exclusive of those in which the sum specified is less than $10,000, is presented herewith:

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims.

SENATE.

Number of bill.	By whom introduced.	Title.	Amount asked for.
127	Mr. McDonald	Granting a pension to Sela B. Decker, of Kentucky.	
92	Mr. Merrimon	For the relief of William T. Pate and Silas Q. Howe.	
72	Mr. Johnston	For the relief of the heirs of William A. Graham, of Virginia.	
89	Mr. Garland	For the relief of the officers and privates of the Fourth Arkansas Volunteers.	
90	Mr. Merrimon	For the relief of Namai Hall	
132	Mr. Bailey	Granting a pension to Joseph Grigsby, of Tennessee.	
266	Mr. Beck	For the relief of Mrs. Mary T. Duncan, of Kentucky.	$11,130
236	Mr. Cockrell	For the relief of William Morrison, of Missouri.	30,000
235	Mr. Cockrell	For the relief of Joseph Kinney, of Missouri.	10,000
223	Mr. Withers	Granting a pension to Mrs. Janet Scott West, of Louisiana.	
216	Mr. Gordon	For the relief of James A. Heard, of Tennessee.	10,000
206	Mr. Spencer	For the relief of James Birney, of Alabama	
162	Mr. Harris	For the relief of James Clift, of Tennessee	
66	Mr. Beck	For the relief of John Thorns, of Kentucky	62,050
48	Mr. Dorsey	For the relief of William T. Turner, of Phillips County, Arkansas.	
49	Mr. Dorsey	For the relief of William Porter, of Phillips County, Arkansas.	
42	Mr. Merrimon	Granting pensions to the soldiers and sailors of the war with Mexico.	
44	Mr. Dorsey	For the relief of Henry Ware	80,000
30	Mr. Garland	For the relief of Silas F. Field, of Arkansas.	
363	Mr. Bailey	Granting a pension to James Newcomb	
359	Mr. Beck	For the relief of the estate of J. Milton Best, of Kentucky.	25,000
333	Mr. Dorsey	For the relief of certain privates in Company F, Third Regiment of Arkansas Cavalry Volunteers.	
8	Mr. Bailey	For the relief of Perez Dickinson, of Knoxville, Tennessee.	64,128
67	Mr. Cockrell	For the relief of John Taylor	10,000
393	Mr. Merrimon	For the relief of the widows and heirs of Roderick Shelton and others.	
464	Mr. Spencer	To pension the soldiers of the Creek and Indian war of 1836-'37.	
454	Mr. Cockrell	Granting a pension to Stephen C. Hernoon, of Missouri.	
334	Mr. Dorsey	For the relief of William Bowlin, of Arkansas.	
303	Mr. Withers	For the relief of Benjamin H. Jenkins, of Virginia.	32,020
295	Mr. Spencer	For the relief of William C. Edmonston, of Alabama.	
378	Mr. Cockrell	For the relief of William L. Hickam, of Missouri.	
368	Mr. Voorhees	Granting pensions to soldiers and sailors of the war with Mexico.	
849	Mr. Eustis	Granting a pension to James C. Downer, of Louisiana.	
972	Mr. Cockrell	For the relief of certain soldiers of the Eighth Missouri Cavalry.	
813	Mr. Jones, (Florida)	For the relief of the administratrix of Joseph Wheaton, deceased.	
882	Mr. Harris	To pay the claim of the State of Tennessee for keeping United States military prisoners.	
907	Mr. Kirkwood	Granting a pension to Louis Koerth, of Missouri.	
855	Mr. Harris	For the relief of Warren Mitchell, of Savannah, Georgia.	128,692
736	Mr. Spencer	For the relief of Henry C. Baldwin, of Mobile, Alabama.	
726	Mr. Matthews	For the relief of Henry E. Sizer, of Mississippi.	60,103

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
700	Mr. McCreery	For the relief of Louisville and Jefferson County Agricultural and Medical Association of Kentucky.	
650	Mr. Dorsey	For the relief of certain postmasters of Arkansas.	
629	Mr. Merrimon	For the relief of Sidney S. McLane, of North Carolina.	
630	Mr. Merrimon	For the relief of John E. Barrett, of North Carolina.	
562	Mr. Jones, (Florida)	For the relief of William Marvin	
515	Mr. Spencer	For the relief of Mrs. Laura S. Cowles, of Alabama.	$99,885
457	Mr. Ransom	To provide for settlement of accounts with certain railway companies.	
471	Mr. Bailey	For the relief of M. S. Draughn, of Tennessee.	
60	Mr. Withers	For the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States.	
164	Mr. Coke	Making appropriation to pay over to the State of Texas the residue of $5,000,000 reserved for satisfaction of the late republic of Texas, &c.	110,000
209	Mr. Withers	For the relief of the trustees of the Protestant Episcopal Theological Seminary and High School in Virginia.	20,000
229	Mr. Spencer	For the relief of the Deposit Savings Association of Mobile, Alabama.	
261	Mr. Harris	To provide for the building of a marine hospital at Memphis, Tennessee.	50,000
990	Mr. Bailey	For the relief of the estate of Thomas Jones, deceased, late of Memphis, Tennessee.	18,007
		Sum of Senate bills asking for $10,000 or more.	821,000

HOUSE OF REPRESENTATIVES.

1025	Mr. Turner	For the relief of those suffering from the destruction of salt-works near Manchester, Kentucky.	
1032	Mr. House	For the relief of William Phillips, of Nashville, Tennessee.	
1030	Mr. Carlisle	For the relief of certain citizens of Cynthiana, Kentucky.	$220,809
1087	Mr. Rea	Granting a pension to James Saunders, a soldier in the war of 1812.	
1108	Mr. Willits	For the relief of John H. Russell	62,480
1044	Mr. Riddle	Granting a pension to A. M. Tinsley, of Trousdale County, Tennessee.	
1047	Mr. Dibrell	For the relief of mail agents during the war.	
1035	Mr. House	For the relief of the estate of Thomas Hord, deceased, of Tennessee.	58,995
1083	Mr. Buckner	For the relief of Eugene Leitensdorfer	100,000
1079	Mr. Morgan	For the relief of Elizabeth Painter, widow of John Painter.	
146	Mr. Walsh	Granting a pension to Eliza Ceville	
155	Mr. Walsh	For the relief of certain citizens of Montgomery County, Maryland.	
149	Mr. Walsh	Granting a pension to Ambrose Wellen	
156	Mr. Walsh	For the relief of James F. Pierce, of Montgomery County, Maryland.	12,042
242	Mr. William E. Smith	To compensate James Sutlise, of Clay County, Georgia.	10,000
257	Mr. G. W. Hewitt	Granting pensions to certain soldiers and sailors of the Mexican and other wars.	
291	Mr. Darrall	For the relief of the sureties on the official bond of P. T. Beauregard.	
273	Mr. Ellis	For the relief of the State National Bank of Louisiana.	
322	Mr. Boone	For the relief of Aleck Vance	
319	Mr. Boone	For the relief of A. Gates Lee, of McCracken County, Kentucky.	11,875
254	Mr. Hartridge	For the relief of H. F. Willink, of Savannah, Georgia.	30,000
264	Mr. Chalmers	For the relief of Julia A. Nutt, of Natchez, Mississippi.	
333	Mr. Durham	For the relief of George Trupnall, of Kentucky.	26,000
334	Mr. Durham	For the benefit of the Madison Female Academy, of Kentucky.	10,325
320	Mr. Boone	For the relief of Leroy D. Sutton	
331	Mr. Durham	For the benefit of W. R. Boice, of Danville, Kentucky.	29,492
326	Mr. Knott	For the relief of the minors of John C. Robinson.	
361	Mr. Whitthorne	To pay certain persons therein certified	
323	Mr. Boone	Granting a pension to Carlisle Bridges, of Kentucky.	
332	Mr. Durham	For the relief of Archibald B. Rue	
329	Mr. Turner	Granting pensions to the soldiers and sailors of the Mexican war.	
413	Mr. Dibrell	For the relief of distilleries of small capacity.	
367	Mr. Whitthorne	For the relief of John E. Tulloss, of Tennessee.	12,982
347	Mr. Durham	Granting pensions to certain soldiers and sailors of the Mexican war.	
407	Mr. Dibrell	Granting a pension to James P. Thompson, of Tennessee.	

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
342	Mr. Durham	For the relief of John Witherspoon and James Suffield, of Kentucky.	$23,000
335	Mr. Durham	For the benefit of the Christian church in Danville, Kentucky.	
415	Mr. Dibrell	For the relief of J. M. Bragg and others, of Tennessee.	
408	Mr. Dibrell	Granting a pension to Moses Cunningham, of Tennessee.	
393	Mr. Thornburgh	For the relief of Luther M. Blackman	
374	Mr. Bright	For the relief of A. Faulkner and others, of Tennessee.	
373	Mr. Bright	For the relief of Ann P. James, of Tennessee.	
371	Mr. Bright	For the relief of J. W. Burbridge & Co. and R. H. Montgomery.	37,951
363	Mr. Whitthorne	For the relief of Henry S. French, of Tennessee.	
394	Mr. Thornburgh	Granting a pension to Horace A. Chambers.	
409	Mr. Dibrell	For the relief of James Clift, late captain Fifth Tennessee Cavalry.	
392	Mr. Thornburgh	For the relief of Mary D. Williams	
395	Mr. Thornburgh	For the relief of William A. Rucker, of North Carolina.	
871	Mr. Muldrow	For the relief of the estate of George H. Lee, Lowndes County, Mississippi.	24,000
772	Mr. Martin	For the relief of the surviving children of Benjamin Moore, of Harper's Ferry, Virginia.	20,000
427	Mr. Young	For the relief of Mrs. Julia Elliott, of Memphis, Tennessee.	41,115
423	Mr. Dibrell	For the relief of William Bullard, of De Kalb County, Tennessee.	
396	Mr. Thornburgh	For the relief of George W. Dice	
360	Mr. Whitthorne	For the relief of the State of Tennessee	
608	Mr. Gunter	For the relief of Marion Millsaps	
584	Mr. Morgan	For the relief of Mary J. Lebow	
578	Mr. Crittenden	For the relief of Mary A. Silvey	
586	Mr. Morgan	For the relief of Josiah Cunningham, of Missouri.	
605	Mr. Slemons	For the relief of C. W. Preddy, of Arkansas.	
611	Mr. Gunter	For the relief of Cane Hill College, Arkansas.	15,000
569	Mr. Morgan	For the relief of Ozias Ruark	
555	Mr. Glover	For the relief of Wilber F. Chamberlain, of Missouri.	
591	Mr. Morgan	For the relief of James Smith, of Missouri	
556	Mr. Glover	For the relief of James A. Hill, of Lewis County, Missouri.	
604	Mr. Cole	For the relief of the estate of Harlow J. Phelps, of Missouri.	29,000
561	Mr. Franklin	Granting a pension to Minor T. Smith, of Jackson County, Missouri.	
986	Mr. Darrall	Granting a pension to Felix Danjean, of Louisiana.	
569	Mr. Clark	To reimburse the University of Missouri for damages and injury sustained during the late war, &c.	17,475
878	Mr. House	For the relief of James Scott and others, of Tennessee.	
947	Mr. Tucker	For the relief of the heirs of William A. Graham.	
827	Mr. Pollard	Increasing the pension of Miles Barber	
972	Mr. G. W. Hewitt	For the relief of settlers on lands claimed by the South and North Alabama Railroad Company.	
961	Mr. Aiken	For the relief of B. S. James	
943	Mr. Hunton	For the relief of the trustees of the Protestant Episcopal Seminary and High School in Virginia.	20,000
1037	Mr. House	For the relief of Andrew J. Duncan	39,225
1045	Mr. Thornburgh	To place George W. Browning on the pension-roll.	
1207	Mr. Martin	For the relief of James E. Merifield, of West Virginia.	
1206	Mr. Gibson	For the relief of the Touro Almshouse in New Orleans.	84,400
1036	Mr. House	For the relief of Shelby Medical College, of Nashville, Tennessee.	20,614
1211	Mr. Vance	To place the name of John Brown on the pension-rolls.	
1100	Mr. Cravens	For the relief of Harmon Mickles	14,385
1225	Mr. Blackburn	For the relief of Rosa Vertner Jeffrey, of Kentucky.	15,000
1344	Mr. Williams	Granting a pension to Bright Byrd, of North Carolina, war of 1812.	
1338	Mr. Cook	Granting a pension to the soldiers of the Seminole and Florida wars, one to two millions a year.	
1348	Mr. Herbert	To restore the name of Jesse Stalings, of Butler County, Alabama, to the pension-list.	
1334	Mr. Blount	For the relief of Anthony L. Maxwell, of Macon, Georgia.	270,000
1359	Mr. Elam	For the relief of Edward C. Davidson, of Louisiana.	10,000
1346	Mr. Jones	For the relief of William C. Edmonston	
1341	Mr. Forney	For the relief of Samuel Noble	
1354	Mr. Chalmers	For the relief of John D. Leflore and James C. Harris, of Mississippi.	
1340	Mr. W. E. Smith	Restoring to the pension-rolls the name of James Buchanan, of Georgia.	
1331	Mr. A. H. Stephens	For the relief of Stafford, Seymour & Co.	

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
1320	Mr. Douglas	For the relief of William Tabb, of Fredericksburgh, Virginia.	
1323	Mr. Walker	To remove the political disabilities of Charles B. Oliver, of Virginia.	
1313	Mr. Henkle	Granting a pension to Julia Watkins.	
1660	Mr. Cain	For the relief of St. Michael's church, of Charleston, South Carolina.	
1680	Mr. Caldwell	For the relief of John M. Elder, of Kentucky.	$14,862
1669	Mr. Chalmers	For the relief of Allen E. Anderson, of Mississippi.	
1654	Mr. Tucker	For the relief of Folkes & Winston, and others, of Lynchburgh, Virginia.	18,223
1657	Mr. Vance	To restore Harvey P. Bucker to the pension-rolls.	
1685	Mr. Riddle	For the relief of John Looper, of Tennessee.	
1710	Mr. Cravens	For the relief of Sarah J. Rainey	
1702	Mr. Hatcher	For the relief of Ralph P. Ford, of Missouri.	
1708	Mr. Gause	For the relief of certain citizens of Helena, Arkansas.	
1690	Mr. Young	For the relief of Mrs. Anna M. Cogswell, Memphis, Tennessee.	15,303
1722	Mr. Giddings	For the relief of certain citizens of Brenham, Texas.	133,520
1721	Mr. Giddings	For the relief of Alexander C. Crawford.	10,933
1693	Mr. Young	For the relief of William B. Hamlin, of Memphis, Tennessee.	36,200
1711	Mr. Cravens	For the relief of Mark Davis	
1706	Mr. Gause	For the relief of William Byers, of Batesville, Arkansas.	
1664	Mr. Felton	For the relief of James H. Rogers, of Georgia.	
1776	Mr. Gunter	For the relief of James M. Douglass of Benton County, Arkansas.	
1787	Mr. Pridemore	To place the name of Andrew Huffman on the pension-rolls.	
1782	Mr. Buckner	Granting a pension to Harriet Nahm, of Saint Charles County, Missouri.	
1819	Mr. Harris	For the relief of Hugh L. Gallaher, of Virginia.	35,587
1903	Mr. Stephens	For the relief of Joseph J. Brown, a British subject, and a resident of Augusta, Georgia.	15,837
1856	Mr. Simmons	Making an appropriation to pay William Moss, of Arkansas, for extra mail service.	18,000
1832	Mr. Riddle	For the relief of Pleasant H. Leppen, of Tennessee.	
1850	Mr. Morgan	For the relief of Eveline Hunt	
1851	Mr. Morgan	For the relief of Joseph W. Murphy	
1880	Mr. Young	For the relief of the estate of John F. McKinney, of Memphis, Tennessee.	
1836	Mr. Cobb	Granting a pension to James Calaway	
501	Mr. Morgan	For the relief of James Smith, of Missouri.	
1849	Mr. Rea	Granting a pension to William Lett, of Tennessee.	
199	Mr. Goode	To reimburse the College of William and Mary, in Virginia.	65,000
1881	Mr. Young	For the relief of Messrs. Masby and Hunt, of Tennessee.	20,000
1825	Mr. Chalmers	For the relief of Mrs. Hester F. Neeley, of Warren County, Mississippi.	24,494
1891	Mr. Hartridge	For the relief of the Eagle and Phœnix Manufacturing Company, of Columbus, Georgia.	
1913	Mr. Vance	To amend an act granting a pension to Ann Hensley.	
1914	Mr. Vance	For the relief of Stephen M. Honeycutt	
1915	Mr. Vance	For the relief of Hiram R. Rhea	
1909	Mr. Tucker	For the relief of Thomas P. Mitchell	
1856	Mr. Glover	For the relief of Thomas Murphy, of Knox County, Missouri.	
1385	Mr. Atkins	For the relief of the minor heirs of John H. Evans, deceased.	
409	Mr. Dibrell	For the relief of James Clift, late captain Fifth Tennessee Cavalry.	
3796	Mr. Carlisle	For the relief of Weden O'Neal	
3609	Mr. Hunton	Granting a pension to George Smith	
3623	Mr. Smith	For the relief of Henry Gee	
3642	Mr. Turner	For the relief of Nimrod McIntosh, of Kentucky.	
3637	Mr. Turner	For the relief of Thomas W. Hart, of Whitley County, Kentucky.	
3624	Mr. Ligon	For the relief of Columbus F. Perry and Elizabeth H. Gilmer, of Chambers County, Alabama.	
3639	Mr. Turner	For the relief of Christopher C. Harbin, of Kentucky.	
3641	Mr. Turner	For the relief of the heirs of John Whalen, of Rockcastle County, Kentucky.	
3680	Mr. Clark	For the relief of R. V. Montague, of Missouri.	
3605	Mr. Swann	Restoring the name of Marcellus Wilson, of the regiment of mounted riflemen in the Mexican war, to the pension-roll.	
3702	Mr. Durham	Granting a pension to Joshua S. Dye, of Kentucky.	
3650	Mr. Pollard	Granting a pension to Josiah W. Luyster	
3652	Mr. Bland	For the relief of Durfee & Peck	20,684
1127	Mr. Giddings	For the relief of legal representatives of the late Captain John G. Todd, of Texas.	12,500
3481	Mr. Bland	For the relief of Virginia Arthur	

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
3448	Mr. Caldwell	To place on the pension-rolls the names of Sarah Landers and Annie Podester, of Kentucky.	
3486	Mr. Buckner	For the relief of George A. Moore	$12,440
3528	Mr. Bright	For the relief of William T. League, of Tennessee.	
3458	Mr. Willis	For the relief of Joseph A. Moore and Joseph Serb, of Kentucky.	
941	Mr. Hunton	Granting a pension to George Grove	
3581	Mr. Dunnell	For the relief of Thomas G. Mackie, of New Orleans.	11,250
3556	Mr. Henkle	For the relief of the legal representatives of Rinaldo Johnson and Ann E. Johnson.	
3449	Mr. Caldwell	For the relief of James Boren, of Kentucky	
3450	Mr. Caldwell	For the relief of W. B. Camp, of Edmonson County, Kentucky.	
3453	Mr. Turner	For the relief of Wilburn Long, of Kentucky.	
3465	Mr. Atkins	For the relief of the heirs of William M. Landreth.	
3469	Mr. Browne	Restoring the name of John W. Stevers, a soldier of the Mexican war, to the pension-rolls.	
3467	Mr. Young	For the relief of James I. Ammonett, executor, &c.	
3484	Mr. Hatcher	For the relief of Frederick P. Sherry, of Wayne County, Missouri.	
3500	Mr. Lynde	Granting a pension to Helena Fechtels	
3550	Mr. Scales	For the relief of the Choctaw Indians	
3407	Mr. Cox	For the relief of Elizabeth Pierce	
3426	Mr. Steele	For the relief of Willis Jarman, of North Carolina.	
3549	Mr. Martin	For the relief of J. W. Burbridge & Co	
3380	Mr. Boone	For the relief of Reuben Cook, of Crittenden County, Kentucky.	
3433	Mr. Herbert	To place on the pension-rolls the name of A. M. Cook, of Alabama.	
3432	Mr. Williams	Granting pension to Bryant Dickson, of Geneva County, Alabama.	
3364	Mr. Gause	For the relief of the heirs of Augustine d'Iturbide.	
3361	Mr. Buckner	Granting a pension to Nicholas Krekel	
3362	Mr. Pollard	Granting a pension to Nathaniel A. Winters.	
3315	Mr. Henkle	To grant a pension to Eliza Meekins	
3347	Mr. Atkins	For the relief of Fielding Hurst	
3314	Mr. Roberts	To remove the political disabilities of John T. Mason, of Maryland.	
3354	Mr. Aldrich	For the relief of Alden M. Woodruff, of Little Rock, Arkansas.	235,000
3320	Mr. Vance	To restore John Davis to the muster-rolls of Company B, Eighth Tennessee Cavalry.	
3211	Mr. Gause	For the relief of William Porter, of Arkansas.	
3293	Mr. Caldwell	For the relief of Mrs. Eliza E. Herbert, of Louisiana.	23,150
3291	Mr. Caldwell	To refund to Hiram Johnson and certain other citizens of Tennessee taxes illegally collected, &c.	24,257
3284	Mr. Hartridge	For the relief of James Johnson, late collector of the port of Savannah.	
3295	Mr. Thompson	For the relief of Sewell B Corbett	
689	Mr. Throckmorton	For the relief of Henry Warren, of Texas,	14,734
3789	Mr. Schleicher	For the relief of E. F. Wenckebach	
3783	Mr. Pollard	Granting a pension to Alexander W. Walker	
3771	Mr. Bright	To pay Margaret A. Webb, widow of John W. Webb.	
3156	Mr. Stephens	For the relief of the heirs of John Wynn	
3143	Mr. Walsh	For the relief of Matthew Somers	
4152	Mr. Vance	Granting a pension to John D. Street	
3149	Mr. Vance	Granting a pension to Nancy Franklin	
3153	Mr. Vance	For the relief of J. H. Greene, of North Carolina.	
3147	Mr. Scales	For the relief of Sewell Forlow, of High Point, North Carolina.	
1688	Mr. Thornburg	To restore the name of Hamilton Ryne to the pension-rolls.	
3731	Mr. Walsh	Granting a pension to Rebecca T. Scott	
3765	Mr. Turner	For the relief of Mrs. Mary A. Sanborn, of Laurel County, Kentucky, pension, &c.	
3764	Mr. Turner	For the relief of Isham Gambel, of Bell County, Kentucky, arrears, &c.	
3755	Mr. Elam	For the relief of Thomas Jefferson Wells, curator of Martha L. Wells, of Rapides Parish, Louisiana.	18,790
3761	Mr. Turner	For the relief of Jephtha Boone, of Powell County, Kentucky.	
3770	Mr. Bright	To place the name of Margaret A. Webb, widow of John Webb, on the pension-roll, pension to commence August 1, 1864.	
3618	Mr. Candler	Authorizing the southern claims commission to grant a rehearing in the claim of Benjamin P. Rogers, of Fulton County, Georgia.	
3901	Mr. Robertson	For relief of George W. Mundy, administrator of Major-General Eleazer W. Ripley.	13,246
3870	Mr. Robinson	For the relief of Mary S. Porter, widow and sole heir at law, of Samuel Stafford, deceased, late of New Orleans.	45,000
3900	Mr. Manning	For the relief of the estate of J. R. Bowles, deceased.	42,900
3919	Mr. Atkins	Granting arrears of pension to Fanny A. Gilbert, of Henderson County, Tennessee.	

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
2916	M. Willis	For the relief of David Meriwether, of Jefferson County, Kentucky.	
3638	Mr. Turner	For the relief of Nicholas Ball, of Laurel County, Kentucky, to place on the pension-rolls, &c.	
3931	Mr. Morgan	For the relief of John H. Peck for supplies furnished United States troops in 1814.	
3915	Mr. A. S. Willis	Granting a pension to John B. Martin, of Louisville, Kentucky.	
3852	Mr. Goode	For the relief of the legal representatives of the late James Monroe, lieutenant-colonel, Virginia State Line Infantry.	
3867	Mr. Ellsworth	For the relief of James Roberts, of North Carolina, and of Noah Roberts, of Mississippi, arrearages, &c.	
3902	Mr. Robertson	For relief of the Baton Rouge Gas-Light Company, of Louisiana.	$13,000
3170	Mr. Robertson	For the relief of Louis Allen, of Louisiana.	
3263	Mr. Morgan	For the relief of George Flournoy, of Jasper County, Missouri.	
3212	Mr. Gause	For the relief of William S. Turner and Annie Turner, of Phillips County, Arkansas.	
3205	Mr. Crittenden	For the relief of certain soldiers of the Eighth Cavalry, State of Missouri.	
3207	Mr. Buckner	Granting a pension to Joseph A. Young	
3254	Mr. Henkle	To restore Horace E. Mullen to his original position on the active list, United States Navy.	
686	Mr. Throckmorton	For the relief of Joseph Clymer, of Texas.	18,325
3070	Mr. Stephens	To provide for the improvement of Augusta River above Augusta, Georgia.	
3933	Mr. Metcalfe	For the relief of John Henry Marquard, Saint Louis, Missouri.	
1423	Mr. Rea	For the relief of Andrew M. Jorden, of Benton Township, Atchison County, Missouri.	
1426	Mr. Gunter	For the relief of the minors of John W. Jones, pensions, &c.	
1387	Mr. Young	For the relief of Peter Targarona	103,740
1375	Mr. Blackburn	For the relief of Oliver H. Perry, administrator of Mary Scott, of Jessamine County, Kentucky.	
1415	Mr. Hatcher	For the relief of Robert L. Lindsay, of Missouri.	
1425	Mr. Gunter	For the relief of John Jackson, of Kansas City, Missouri.	11,390
1503	Mr. Schleicher	For the relief of Thomas Kearney, collector of customs for the district of Corpus Christi.	12,470
1354	Mr. Money	For the relief of John D. Leflore and James C. Harris, of Mississippi.	
1385	Mr. Atkins	For the relief of the minor heirs of John H. Evans, of Tennessee, bounty, &c.	
1422	Mr. Rea	Granting a pension to James L. Hammack, of Saint Louis, Missouri.	
1420	Mr. Rea	Granting a pension to William Lett, of Tennessee.	
1477	Mr. A. H. Stephens	For the relief of Edward Gallaher	
1413	Mr. Hatcher	Granting pension to Blasius Reidinger, of Madison County, Missouri	
1384	Mr. Carlisle	Granting a pension to Anna Wehe, of Newport, Kentucky.	
1382	Mr. Turner	For the relief of Lewis C. Dills, of Kentucky.	
1388	Mr. Young	For the relief of Reuben S. Jones, of Memphis, Tennessee.	18,492
1611	Mr. Vance	To pay Robert C. W. Hughey, of North Carolina, arrears of pension.	
1592	Mr. Caldwell	For the relief of R. D. Salmons and others.	27,977
1607	Mr. Vance	Placing the name of F. B. Carland on the pension-roll.	
1617	Mr. Cabell	Granting a pension to Philip Howerton, of Halifax County, Virginia.	
1606	Mr. Vance	Granting a pension to John D. Street, Third North Carolina Mounted Infantry.	
1618	Mr. Cabell	Restoring to the pension-rolls the name of Edward Booker, of the county of Henry, State of Virginia, a soldier of the war of 1812.	
1620	Mr. Tucker	For the relief of certain citizens of Lynchburgh, Virginia.	26,196
1531	Mr. Ryan	For the relief of S. Lanford, of Texas	16,716
1540	Mr. Robbins	For the relief of John F. Ford, of North Carolina.	100,000
1539	Mr. Robbins	To pay arrears of pension to Rebecca Sanders, of North Carolina.	
3150	Mr. Vance	Granting a pension to Joseph Ward	
3158	Mr. A. H. Stephens	For the relief of the heir of General Count Pulaski.	100,000
186	Mr. Goode	For the relief of the sureties of the late Jesse J. Sinkins, of Norfolk, Virginia.	
194	Mr. Hunter	For the relief of Louisa Summers, of Virginia.	10,588
169	Mr. Walsh	For the relief of Richard T. West, of Montgomery County, Maryland.	15 815
159	Mr. Walsh	For the relief of Michael Culler, of Frederick County, Maryland.	12,050
178	Mr. Henkle	For the relief of Joseph Forrest, of Saint Mary's County, Maryland.	21,574
153	Mr. Walsh	Granting pension to Charles Hewitt	
157	Mr. Walsh	For the relief of Ezra M. Thomas, of Frederick County, Maryland.	25,824

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
160	Mr. Walsh	For the relief of George Thomas of H., of Frederick County, Maryland.	$21,270
147	Mr. Walsh	Granting a pension to Robert C. Bramford, of Maryland.	
851	Mr. Forney	For the relief of the Mobile Dock Company	
963	Mr. Bell	To grant a pension to Wesley Jones, of Pickens County, Georgia.	
970	Mr. J. M. Williams	For the relief of Fleming Jordan, of Alabama.	
1507	Mr. Morgan	For the relief of Daniel Lester, pension	
1508	Mr. Morgan	For the relief of James B. Russell, pension	
1591	Mr. Morgan	For the relief of Wm. J. Allcock, bounty, &c.	
1590	Mr. Morgan	For the relief of the Fifteenth and Sixteenth Missouri Cavalry Volunteers.	
1583	Mr. Mills	To authorize and provide for the payment of all debts contracted by the Government in certain Southern States, &c.	
1575	Mr. Roberts	Granting a pension to Margaret Kenah	
1584	Mr. Mills	Authorizing the Secretary of the Treasury to pay to the owners the value of all cotton seized by officers of the Treasury since May 30, 1865.	
1610	Mr. Vance	Placing the name of Joseph Ward, Third North Carolina Mounted Infantry, on the pension-rolls.	
1616	Mr. Cabell	Granting a pension to William Blancett, of Virginia.	
1611	Mr. Vance	To pay Robert C. W. Hughey, of North Carolina, arrears of pension.	
2225	Mr. Henkle	For the relief of the corporation of Roman Catholic clergymen of Maryland.	29,363
2245	Mr. Tucker	For the relief of Mary B. Kirby, pension	
2266	Mr. Blount	To appropriate money for the improvement of the Ocmulgee River, Georgia.	50,000
2316	Mr. Thornburgh	For the relief of Perez Dickinson, of Knoxville, East Tennessee.	64,128
2232	Mr. Swann	For the relief of James E. Montell, of Baltimore.	12,000
2234	Mr. Cabell	Granting a pension to John Guthrie, of Virginia.	
2224	Mr. Henkle	For the relief of Sarah B. F. Mayo, pension.	
2255	Mr. Robbins	For the relief of Lucinda Trimble	20,921
3335	Mr. Blackburn	For the relief of the Eminence Agricultural and Mechanical Association of Kentucky.	
3336	Mr. Turner	For the relief of Mrs. Susan Hall, of Knox County, Kentucky, pension.	
3323	Mr. Vance	To restore the name of John A. Palmer to the muster-rolls of the Third North Carolina Regiment.	
3322	Mr. Vance	Granting a pension to Daniel A. Sibbey, a soldier of the war of 1812.	
2584	Mr. Rice	Granting a pension to Margaret R. Colony	
3114	Mr. Joyce	To increase the pension of Charles H. Day	
3111	Mr. Walsh	Granting a pension to Julia Watkins, of Maryland.	
3338	Mr. Turner	For the relief of Anderson B. Gose, of Morgan County, Kentucky.	
762	Mr. Wilson	Granting a pension to John S. Hall, of Virginia.	
506	Mr. Townshend	Granting a pension to John B. Tucker, of Kentucky.	
3094	Mr. Pollard	Granting a pension to John P. Platt, of Missouri.	
3095	Mr. Pollard	Granting a pension to Edward D. Johnson	
2971	Mr. Young	For the relief of T. C. Finnie, of Memphis, Shelby County, Tennessee.	13,466
2984	Mr. Pollard	Granting a pension to Andrew Johnson, of Missouri.	
2968	Mr. Dibrell	For the relief of D. P. Rowe, and Brown, and Crowell, of Morristown, Tennessee.	
2986	Mr. Pollard	Granting pension to John C. Hargrave	
3039	Mr. Vance	For the relief of James V. Tweed, of Tennessee.	
3040	Mr. Vance	Granting a pension to Nancy E. Ammons	
3034	Mr. House	For an appropriation for work on the custom-house at Nashville, Tennessee.	40,000
3052	Mr. Kimmel	To grant a pension to Jane Moore	
3038	Mr. Vance	For the relief of Eli H. Jarrett	
2810	Mr. House	For the relief of William A. and Adelicia Cheatham for money illegally assessed.	32,074
2835	Mr. Metcalfe	Granting a pension to A. J. Vanarsdale	
2838	Mr. Metcalfe	Granting a pension to James T. Tisdale, of Missouri.	
2842	Mr. Slemons	To remove the political disabilities of John P. McCown, of Arkansas.	
2834	Mr. Metcalfe	Granting a pension to Elizabeth I. Powell.	
3725	Mr. Cook	For the relief of the tobacco trade	
2752	Mr. Aiken	For the relief of M. R. Clarke, adjutant of the Palmetto Regiment in the Mexican war, pension.	
2958	Mr. McKenzie	For the relief of D. L. Adair, of Hancock County, Kentucky.	
2960	Mr. Turner	For the relief of Mrs. Sarah Hamilton, of Kentucky, pension.	
2967	Mr. Riddle	Granting a pension to James Moreland, a soldier of the Mexican war.	
2970	Mr. Dibrell	Granting a pension to James Woolsey, of Tennessee.	
2961	Mr. Turner	For the relief of Jarvis Jackson, of Laurel County, Kentucky, pension.	
2800	Mr. Young	For the relief of Alston M. Boyd and Rufus Walt, of Tennessee.	28,000

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
2802	Mr. Young	For the relief of Julia Ann Carter, of Memphis, Tennessee, pension.	
2762	Mr. Darrall	For the relief of S. G. Cabell, of Florida	
2761	Mr. Ellis	For the relief of Edward H. Wilson, of New Orleans, Louisiana.	$34,799
2753	Mr. Aiken	For the relief of the heirs of James B. Glass, a wounded soldier of the Palmetto Regiment in the Mexican war, pension.	
2744	Mr. Henkle	Granting a pension to Ann Maria Briscoe, widow of General George W. Briscoe, late major of the Nineteenth Regiment of Maryland Volunteers in the war of 1812.	
2701	Mr. Muldrow	In aid of the Presbyterian male high school at Iuka, Mississippi.	
2614	Mr. Buckner	For the relief of G. W. Varnum, of Montgomery County, Missouri.	
2666	Mr. Candler	For the relief of Thomas G. Rawlins, of Georgia.	17,705
2668	Mr. Potter	For the relief of Esau Pickrell, of Virginia.	
2692	Mr. Stephens	For the relief of Samuel I. Gustin	69,846
2635	Mr. Williams	For the relief of Henry E. Sizer, of Mississippi.	60,101
2616	Mr. Pollard	Granting a pension to Mahala Day, widow of Jackson T. Day, of Missouri.	
2603	Mr. Yeates	To erect a light-house at Laurel Point, North Carolina.	20,000
2610	Mr. Crittenden	Granting a pension to William S. Gibbs, of Missouri.	
2620	Mr. Gunter	For the relief of Thomas Neal, of Arkansas, pension.	
2627	Mr. Schleicher	For the relief of Adolph Van Haacke	
2574	Mr. Singleton	For the relief of Elizabeth Withers, executrix of the estate of John Kyle.	26,325
2567	Mr. Hartridge	To authorize a survey of a steamboat and barge canal from Saint Mary's River to the Gulf of Mexico.	34,000
2560	Mr. Goode	Granting pension to the heirs of Captain John Julius Guthrie, late superintendent life-saving station, and others.	
2556	Mr. Hunton	For the relief of the Accotink Home Guards, of Fairfax County, Virginia.	
2568	Mr. Williams	For the relief of certain owners of the steamer Jackson.	12,910
2611	Mr. Crittenden	To grant a pension to John F. Feldman, of Morgan County, Missouri.	
2558	Mr. Hunton	Granting a pension to Mary Meigham, widow of Peter Meigham.	
2506	Mr. Atkins	For the relief of the sureties of Franklin Travis.	
2420	Mr. Martin	For the relief of the county of Randolph, State of West Virginia.	10,000
2446	Mr. McKenzie	Granting a pension to William C. Downs, of Kentucky.	
2498	Mr. Ittner	Granting a pension to Mrs. Ann Heinrici	
2456	Mr. Pollard	For the benefit of James M. Smiley, of Missouri.	
2455	Mr. Pollard	Granting a pension to Daniel Ashby, of Missouri.	
2305	Mr. Turner	For the relief of certain soldiers of Company F, Thirty-ninth Regiment Kentucky Infantry.	
2307	Mr. Turner	For the relief of Moses Lord, late a private of Company B, Twelfth Regiment Kentucky Infantry.	
2306	Mr. Turner	Granting a pension to Milley Anderson	
2309	Mr. Turner	For the relief of William K. Goodman, of Kentucky.	
2321	Mr. Riddle	Granting a pension to Andrew A. Gooding, of Tennessee.	
2384	Mr. Schleicher	For the relief of the heirs of Jefferson West	
2365	Mr. Gunter	For the relief of Lucinda Trimble, administratrix of William Trimble, deceased.	23,855
2391	Mr. Clark	Granting a pension to Mrs. Elizabeth Davis	
2352	Mr. Metcalfe	Granting a pension to Catherine L. Chaney	
2367	Mr. Gunter	For the relief of G. R. Wilfred Marshall, of Maryland.	31,160
1958	Mr. Pollard	Granting a pension to John A., James S., and Mary D. Foster	
1935	Mr. Hatcher	Granting a pension to Mrs. A. C. Ligon	
1932	Mr. Money	For the relief of Ann H. Webster, of Mississippi.	27,687
2140	Mr. Bright	Making an appropriation for the benefit of the Presbyterian church, Murfreesborough, Tennessee.	10,000
2015	Mr. Hewitt	For the relief of Mrs. Martha J. Eddins, of Alabama.	
2020	Mr. Chalmers	For the relief of George W. Kounts and others.	
2010	Mr. Bell	To grant a pension to Newton Coker, of Georgia.	
2000	Mr. Candler	For the relief of John A. Richardson, of Georgia.	10,000
2035	Mr. Turner	Granting a pension to Susan Adams	
2000	Mr. Bland	For the relief of Charles L. Allen, pension	
2053	Mr. Gause	To indemnify Prairie County, Arkansas, for the destruction of public buildings during the war by the Federal Army.	30,000
2006	Mr. Vance	For the relief of Wesley Hensley, back pay, &c.	
2005	Mr. Vance	For the relief of the heirs of Ephraim J. Ammons, of North Carolina.	
2111	Mr. Thornburgh	For the relief of the legal representatives of R. H. Murrell, deceased, pay and allowances.	

List of bills introduced in the Forty-fifth Congress up to March 18, 1878, for payment of southern claims—Continued.

Number of bill.	By whom introduced.	Title.	Amount asked for.
2002	Mr. Throckmorton	For the relief of Charles Blaskerville, for cotton.	$625,000
2016	Mr. Hewitt	For the relief of John W. Black, of Jefferson County, Alabama.	
148	Mr. Walsh	For the relief of the administrators of Samuel T. Anderson, of Baltimore.	
218	Mr. Scales	Granting a pension to Edwin J. Nutall, of North Carolina.	
1699	Mr. Young	For the relief of Richard L. Andrews, of Tennessee.	
1704	Mr. Glover	For the relief of Daniel M. Frost and the heirs and executors of William M. McPherson, of the State of Missouri.	
2129	Mr. Yeates	For the relief of M. M. Wise, of North Carolina.	11,000
2247	Mr. Hunton	For the relief of Mary L. Nutton, of Virginia, for supplies furnished.	
2273	Mr. Jones	For the relief of Henry C. Baldwin, of Mobile, Alabama.	
2276	Mr. Hewitt	Granting a pension to John Johnston, war of 1812.	
2277	Mr. Muldrow	Granting a pension to Sophia Turner, of Mississippi.	
2269	Mr. Felton	Granting a pension to Francis Trammel, war of 1812.	
251	Mr. Hartridge	For the relief of James J. Waring, of Georgia.	890
4022	Mr. Henkle	For the relief of the legal representatives of David O. Laws, deceased, late of Maryland.	
4037	Mr. Dibrell	For the relief of James M. Thomas, of Tennessee.	
4045	Mr. Townsend	Granting a pension to George W. Long, of Kentucky.	
4095	Mr. Yeates	For the relief of Quinton Mitchell, of North Carolina, pension.	

RECAPITULATION.

Sum of House bills asking for $10,000 or more	$4,926,793
Sum of Senate bills asking for $10,000 or more	821,000
Total	5,747,793
Sum of amounts less than $10,000	1,010,000
Total of amounts carried out	6,757,793
Least sum to be added for blanks	3,500,000
Least sum called for by private bills	10,257,793
Total amount of public claims	192,000,000
Grand total of southern claims	202,000,000
Approximate grand total on the basis of Judge Bartley's estimates of private claims	300,000,000

Now, Mr. Speaker, this is the feast to which we are invited. Here are demands made upon us for over $300,000,000. Doubtless many of these claims are just and should be allowed, but the great majority of them are not entitled to even a hearing. We cannot afford to waste time with them, unless it be simply to declare that we will never pay them.

But, sir, having shown the magnitude of these claims, I wish to say that the general sentiment throughout the South is that these claims ought to be paid. Indeed, sir, the southern people seem determined that they shall be paid. I am aware that there are gentlemen on this floor who will deny this, but, sir, if what I say is not true, what means this vast number of claims coming from every nook and corner of the South which have been thrust into this Congress? If gentlemen are not anxious and determined that these claims shall be paid, why are they presented here and why are we urged to pay them?

It is doubtless true that as a matter of policy the leaders in the South will tell you that they do not expect payment, but when they talk as they feel you will find that nine out of every ten of them hold to the idea that the Government, if it had any respect for justice, would have paid these claims long ago. Why, sir, the idea that the Government owes and ought to pay all damages occasioned by the war throughout the South is so firmly imbedded in the southern mind that it will take several generations to root it out. No man, I care not how great his ability, can be a leader among the southern people unless he openly indorses this idea. There is not a southern gentleman on this floor who would not be overwhelmingly defeated at the coming election if he should dare to stand up here and declare that these claims ought not to be paid. Why, sir, we all know what a great sin was committed in the eyes of the southern people by Mr. Tilden, late democratic candidate for President, when he wrote that letter in opposition to paying these claims. This one act awakened a most bitter sentiment all through the South against him, and to-day wherever Tilden's name is mentioned in that section it is greeted either with a sneer or a curse.

The most unfortunate incident of the late presidential election—

Says the Mobile (Alabama) Register—

was the letter written by Mr. Tilden a short time before the election, saying he would veto any bill proposed to pay southern war claims.

The writing of this letter was Mr. Tilden's great crime, for which the Southern people will never forgive him. His sad fate will doubtless be a warning to all future aspirants for the Presidency, who expect to be elected to that office by the aid of southern democratic votes. The fact is, no democrat can be elected President without the votes of the "solid South," and while the "solid South" may not ask a pledge in favor of paying southern claims, it will hereafter support no one who is pledged against such payment. And, Mr. Speaker, what I have said in regard to aspirants for the Presidency can be said with equal truth in regard to the aspirant for any office at the South. No man can be elected to any office in that section who dares to proclaim himself opposed to paying these southern claims. Men who expect to succeed politically must be in harmony with their people in this respect.

This fact is clearly understood by gentlemen from the South in this House, and it is because they understand it so clearly that they are so earnest and persistent in their efforts to secure the payment of these claims. In pushing these claims these gentlemen are only carrying out the wishes, I may say the demands, of their constituents, who are not only determined that these claims shall be paid, but who urge their payment on the ground of justice to themselves. They hold to the idea that the Government is under obligation to pay them. They go so far as to declare that the claims for captured and abandoned property and for private property taken by the Union Army in the way of supplies constitute a part of the war debt of the nation. Indeed, Judge Bartley, whose little pamphlet was distributed so freely among members of this body a few days ago, argues that the property taken for the subsistence of the Union Army saved the Government from raising money on the sale of its bonds in the sums represented by the value of the property seized and used and that the claims for the payment for this property are as just and as valid a lien upon the Treasury as the bonded debt itself. In fact he thinks they should take precedence of the bonded debt in equity because that debt draws interest, while the claims do not. The Judge presents his case in the strongest light possible and closes his pamphlet of twenty pages with the following significant paragraph:

> The foregoing views are expressed on mature consideration from a sense of duty to several hundred citizens of Mississippi, Louisiana, Arkansas, and Texas represented by the undersigned as their counsel. The positions assumed can and will be maintained and cannot be successfully controverted in or out of Congress. If the plain language used is expressive of some feeling, it arises simply from a deep sense of the wrong and injustice done to injured parties, and is not intended to be discourteous, but in all due deference and respectful regard for the public authorities.

Now, sir, it would be well to note this language carefully. Judge Bartley says he is working "from a sense of duty to several hundred citizens" of the South who are pushing their claims with all the vigor and determination possible. He and his clients have taken a position that "can and will be maintained and cannot be successfully controverted in or out of Congress." He apologizes for the strong language used by saying that "it arises simply from a deep sense of wrong and injustice done to injured parties." He advocates the idea that the Government is in duty bound to pay these claims and that it has greatly wronged these claimants in not paying them long ago. And, sir, this same idea is advocated by thousands of southern men to-day. Only a few days ago I received a pamphlet written by Dr. J. F. Foard, of North Carolina, in which the writer discusses this subject at some length, declaring that the Government should pay these claims as a matter of justice and right. After devoting several pages to setting forth the losses sustained by the southern people, he uses these words: "The easiest and best way to heal them"—the wounds made by the war—"is to compensate those who lost so much in the conflict." In a subsequent chapter he says:

> Let us go at this work promptly, earnestly, and honestly, that it may be as a monument of truth and justice, erected in the hearts of our children to remind them of the importance of national honor, peace, and good-will.

The last page of his book contains the following, which will be read with great interest, especially by the Union men of the North:

> That co-operative action be had in this matter, a form of a memorial to Congress is appended to these pages. Let every one who feels an interest in the great work copy and obtain the signatures of his neighbors to it, and inclose it to one of our Senators or Representatives in Congress as early as practicable, and urge its adoption:
>
> *Form of a memorial to congress.*
>
> STATE OF ——— ———,
> *County of* ———, ———, 187 .
>
> *To the honorable Senators and Members of the House of Representatives of the United States in Congress assembled:*
>
> We, the citizens of the United States, most respectfully petition your honorable bodies to enact a law by which all citizens of every section of the United States may be paid for all their property destroyed for them by the governments and armies of *both sides* during the late war between the States, in bonds bearing 3 per cent. interest per annum, maturing within the next hundred years.
>
> And we also petition that all soldiers, or their legal representatives, of *both* armies and every section, be paid in bonds or *public lands* for their lost time, limbs, and lives, while engaged in the late unfortunate civil conflict. And we will ever pray, &c.

Now, Mr. Speaker, the ideas advocated in this little pamphlet of forty pages have a wonderful significance. That these ideas are popular throughout the South is proven by the fact that the first edition of the pamphlet was soon taken by the people and that a second edition has been printed. This one fact speaks volumes. It shows what the real sentiment at the South is, and what sort of reading pleases them. Why, sir, in view of what I have said, who can doubt for a moment that there is a settled determination among the people of the South to secure payment of these claims? I know that it is easy to deny this, to say that such talk is all bosh and nonsense; but, sir, the facts are before us, are known to every gentleman upon this floor, and to them I appeal, knowing that they are stronger and more potent than any denial that can be made.

Of course this William and Mary College claim is a small affair. Taken by itself, it amounts to only a mere trifle. But, sir, when we consider that it is but the forerunner of thousands of other claims that are sure to follow after, then it becomes an affair of wonderful importance. In view of the consequences which must inevitably follow the allowance of this claim, we cannot afford to pass the bill now before us. Indeed, sir, our duty in this matter is clear. If we are true to ourselves as the nation's legislators, we can do but one thing, and that is, to put our feet down so firmly upon this claim and all others like it and crush them out so completely that nothing of the kind will ever be presented here again. If I could have my way I would put a stop to this gigantic effort to rob the Treasury at once and forever. The case is one that demands prompt and heroic treatment, and we should not hesitate to deal with it in a prompt and heroic manner.

But it is said that the people of the South suffered terribly during the war, that their property was taken by the Union forces, that their lands were devastated, and that ruin and desolation followed the march of our armies. This is all doubtless true. War is not the mere sport of a holiday. It is not a mere hawker and huckster of sentiment, but an implacable scourge, whose nature is not to build up, gather together, and enrich, but to scatter, impoverish, and destroy. If there was suffering in the South that suffering was but the inevitable result of the attempt to destroy the Union. It is a well-known fact that our Government conducted the war with the utmost leniency for two long years. We of the North showed a disposition not to harm the people of the South more than we were absolutely obliged to do. We hoped that our "erring brethren" would see the folly of their course and lay down their arms; but when we saw they were determined to fight the war through to the bitter end we began to manifest a little earnestness.

In fact, we determined to do what we ought to have done at the very beginning, make war as though we meant to win and as other nations make it, in all its pitiless and destructive forms. Our object was to hasten the end, to stop the work of destruction and death, and just so far as our armies were made to subsist on the enemy, just so far was the enemy disabled and the end hastened. I, sir, shall not undertake to abate one particle from the hardships and sufferings which were entailed upon the people of the South by this method of making war effective as an agent of peace. No man regrets more than I do the condition of things which made these hardships and sufferings necessary. But, sir, I do not think it would be wise for the Government to step in now and attempt to remove these hardships and sufferings by paying the many claims that are here thrust upon us. On the contrary, sir, I believe the better policy will be to reject these claims and give the southern people to understand that when they go to war they must abide by the consequences. I think that the best way to guard against a second rebellion in this country will be to let the ruts made by the late rebellion remain not only as reminders to ourselves but as instructors for the rising generation. I cannot think that it would be for the common good to efface the track of that mighty whirlwind which the South itself let loose upon the country.

But, sir, when gentlemen talk about the sufferings which the war brought to the people of the South, I must beg them to remember that the people of the North suffered too. Not only were they called upon to give their property, but to give that which was more precious and valuable than property, their kindred and their friends. At the bidding of their Government, sons and husbands and fathers marched forth to battle, and in many cases never returned, leaving in their homes such desolation as no mere destruction of property can ever bring. Now, sir, if we are to pay for the property taken by the Government from the people of the South in order to save its life and bring the war to a close, I demand that first we pay the loyal people of the North for the losses they sustained. I demand that we pay the mother for the loss of her son whose life was given to his country; pay the widows and orphans for the loss of husbands and fathers who sleep to-day in patriots' graves; pay the living Union soldiers for the loss of health and limb while at the front doing their duty; pay the millions of patriots at the North for the time and property and money which they so freely gave, both in the Army and at home, that the nation might live.

If, sir, the payment of these losses is judged to be impracticable, then I demand before we pay these southern claims that we appropriate sufficient money to put our Pension Bureau and Surgeon-General's Office in proper shape so that pensions may be paid promptly to such Union soldiers as are entitled to them. Why, sir, look at the enormous amount of these southern claims. The grand aggregate is over $300,000,000, and gentlemen on the other side persist in pushing these claims upon our attention and demanding that we pay them. And yet, sir, notwithstanding they are making this enormous demand upon us, we cannot get the democratic majority here to give us even a few thousand dollars in order that we may keep our Pension Bureau and Surgeon-General's Office in efficient operation.

It is a well-known fact that, owing to the niggardly appropriations made by the democratic majority of this and the last House, the Surgeon-General's Office is over a year behind in its work. The amount of money set apart for that office has been so limited that it has been absolutely impossible to employ sufficient force to perform the duties of the office. Every gentleman on this floor knows that if a Union soldier applies for a pension to-day and his application has to be referred to the Surgeon-General's Office, (where a large proportion of these applications have to go,) it will be impossible to get an answer to that application if the papers take their regular course before May or June of next year.

Now, sir, I ask if this is as it should be? It may be, Mr. Speaker, that I am all wrong, that I am not in a state of mind which fits me to judge properly as to how things should be run in this era of gush and reconciliation, that I am laboring under a mistake when I imagine that the Union soldier still has some rights under this Government, but nevertheless I do say that this so-called democratic economy, which has so blocked the way against our Union soldiers getting pensions, is a disgrace to any party. I say that if a Union soldier is entitled to a pension at all, he is entitled to it promptly. If he is not entitled to it, he should know it at once. Money enough should be set apart to enable the Surgeon-General not only to bring the work of his office up, but to keep it up so that the soldier who applies for a pension can have an immediate hearing, and not be put off for a year or more as he now is under the reign of the democratic majority of this House.

Why, sir, it is a burning shame to treat these needy, broken-down Union soldiers in this way, and no party, except the democratic party that has always hated Union soldiers, would ever have so treated them. We republicans only ask for a small amount of money, just enough to make it possible to give every soldier an immediate hearing when he applies for a pension; but when we ask, the majority in this House at once strike an attitude of economy and say: "We cannot give it, as we have resolved to cut down expenses." And yet, sir, while thus crying out for "economy" and refusing the Union soldiers what they so richly deserve, this majority come forward and ask us to pay southern claims to the amount of over $300,000,000.

And now, Mr. Speaker, the question is, shall we give them what they ask? Shall we open the door to this enormous amount of claims by voting to give William and Mary College the sum nominated in this bill? I trust not. I know that this college suffered much from the ravages of war. I know also that there was great suffering all through the South, occasioned by the four years of civil conflict between the two sections. But, sir, who is to blame for it all? When a people inaugurate war, they should make up their minds to abide by the result and take the consequences, whatever those consequences may be. When the people of the South organized rebellion and made war upon the Government, they should not only have counted the cost, but should have determined to pay that cost, no matter how heavy it might be or in what shape it might come.

Having appealed to arms, they should be manly enough to accept the result, and not come into this House begging the very Government which they sought to overturn to pay for the property that happened to be destroyed during the vicissitudes of a war which they thrust upon the country. They may not know it, but it is a fact, that the people of the North, who gave so much in time and money and blood and life to save the Union from destruction, will not now suffer themselves willingly to be taxed to lighten the burden which war laid upon those who made war their appeal. We of the North have been generous as no victor under like circumstances ever was, but our generosity can never go as far as that.

Our people did their work during the late war nobly and manfully, and they will continue to do their work nobly and manfully until the last penny of the great war debt is faithfully and honestly paid and until the last Union soldier whose name is on the pension-roll has received the utmost farthing that is due him; but they will never submit, without protest, to be taxed to pay for losses which the southern people entailed upon themselves by their own treasonable course. It is best, Mr. Speaker, to speak plainly in regard to this matter. It is best that those who are pushing these claims in upon us so persistently should understand the sentiment of the northern people in regard to those claims. As one of the representatives of northern sentiment upon this floor I enter my protest against the paying of these claims. I say we cannot afford, either in justice to ourselves or our Government, to take even one step in this direction. Our duty is to resist the beginning, to put an end to this proposed increase of taxation and this threatened drain upon the Treasury by shutting promptly and firmly barring the doors against this entire army of southern claims.

REVISION OF THE TARIFF.

Mr. JOYCE. Mr. Speaker, the deep and profound interest felt and manifested at the present time by the people of this whole country in the questions of taxation, the payment of our public debts, and in the subject of our commercial relations with foreign nations, and the grave importance of all these matters, as affecting the material industries and prosperity of the country, constitute my only apology for taking the time and asking the attention of the House at this time.

Gentlemen who have given the slightest thought or attention to the great questions involved in this bill will readily understand that the single hour given by the rules of this House for debate will scarcely enable a man to cross the threshold of the discussion, much less to examine in detail an act covering fifty-four pages and containing twenty long sections.

I should be glad, had I the time, to take up each item of the bill, compare it with the present law, and show that in nearly every instance the law is right and the bill unwise and radically wrong.

I would be glad to call the attention of the House and the country to the fact that it is proposed by this bill to take two-thirds in number of the articles now on the duty list and transfer them to the free list; that it will reduce the annual revenues of the Government at least $9,000,000; that it substitutes ad valorem duties for specific in many cases, thereby increasing the facilities for dishonest importers to swindle the Government; that it is a bill solely for the benefit of the importers and foreign manufacturers as against the merchants, manufacturers, and farmers of our own country; that it is to be followed up by the odious income tax and the destruction of the sinking fund, and that all these evils are to be accomplished, not only in the absence of petitions from the people, but in the very teeth of protests and remonstrances from every branch of business and from every section of the country.

But, sir, one short hour will not admit of such an examination of this bill, and so I must content myself with a brief review of the great American system of protection which this bill is designed to destroy, the fallacies of free trade, and the ruinous effect which this bill would have, should it become a law, upon some of the leading industries of the country.

In the investigation and discussion of great and important questions which affect the welfare and prosperity of the whole people and the honor and credit of the Government, I accept, in its full force and power and shall adhere to in this debate, the declaration made by a band of hardy Vermonters on the 3d of July, 1793:

> Frequent recurrence to fundamental principles and a firm adherence to justice are absolutely necessary to preserve the blessings of liberty and keep governments free. The people ought therefore to pay particular attention to these points in making and executing such laws as are necessary for the good government of the state.

This declaration, full of wisdom and sound statesmanship, is as true now as it was when proclaimed amid the wilds of the wilderness by the Green Mountain Boys nearly a century ago, and we shall do well to heed the warning and follow the precept.

I am fully aware, sir, that, although the subject of the tariff opens a wide field for exploration and discussion, the whole ground has been explored and often traveled over by some of the wisest and most eminent statesmen this country has ever produced. It will hardly be expected, therefore, that I shall present anything entirely new, or do more, in my brief hour, than simply recall the authorities and renew the arguments behind which the founders of our Government intrenched themselves, and the reasons upon which they based their belief in the great doctrine of protection to American industries. The people of Vermont, although engaged almost exclusively in agricultural pursuits, are now, as they always have been, among the most zealous and earnest advocates of a protective tariff. They believe—

> That labor, both mental and corporal, is not only the most honorable means but the only true source of wealth;
>
> That it is the duty of our Government, at all times, to protect and encourage the industry of our citizens by making and enforcing such a tariff of protective duties as will secure our home markets from the desperate and disastrous floodings of foreign competition;
>
> That the farmer and manufacturer are alike vitally interested in such protection, and that the prosperity of all classes and occupations is mainly dependent on the success of our agricultural and manufacturing interests;
>
> That it is the duty of Congress in the passage of tariff laws to have a due regard to the particular interests of every section of our country, to give such a preference to domestic over foreign products in our own markets, and should so discriminate between articles which we can and those which we cannot produce at home as to give a just, sure, and salutary encouragement to the industry of every American citizen.

These, Mr. Speaker, are the frank and honest sentiments of the intelligent and patriotic people of Vermont. They are broad, statesman-like, and American; they breathe the spirit of the early days of the Republic, and are worthy of the noble people by whom they were uttered.

Now, sir, if anything were necessary, beside the well-grounded convictions of my own judgment, to encourage and spur me up to an earnest support of the protective policy, I should find it in these grand and patriotic utterances of the people of my State.

In the first place, then, Mr. Speaker, I contend that

IT IS THE DUTY OF THE GOVERNMENT TO ENCOURAGE THE DIVERSITY OF LABOR AND PROTECT ITS OWN INDUSTRIES.

It is the first duty of the Government to protect and defend its own citizens, and to insure by wise and humane laws their peace and prosperity regardless of all other peoples and nations. It has ever been the mission of enlightened statesmanship to discriminate and legislate with a strict regard to circumstances, and with the view of securing the largest degree of prosperity to all classes within the commonwealth without reference to the policy or practice of other governments.

Protection to home industry and labor is defending the people, guarding their interests, and establishing their prosperity.

A distinguished man once said that no nation ever was or can be

prosperous which is not independent, and no nation can be independent which does not rely upon its own resources and control its own markets.

Mr. Wheaton says that—

Every nation exists of itself and for itself, not by the grace or for the benefit of any beyond its boundaries. The nation's chief duty is to attend scrupulously to its own welfare. It should pursue its own ends by its own means, strenuously perfecting its organic law and enhancing its internal vigor.

Again Mr. Wheaton only uttered the same great truth when he said that—

A state is at liberty to regulate its commercial relations with other states according to its own view of its national interests. It has the liberty of making the advantage of the state the rule of its conduct in its negotiations, its friendly connections, and its commerce. The liberty of regulating its commercial relations with other states according to its own views of its national interests is an essential attribute of national independence.

And that—

One of the most essential and important rights of a state, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other states but a duty with respect to its own members, and the most solemn and important which the state owes to them.

The history of the world shows that during the ages every strong and prosperous nation has always carefully and jealously regarded its own interests and perseveringly promoted and encouraged its own industries. It is by this wise system of protection to their own industries that the nations of Europe have been enabled to increase their population and wealth, enlarge their commerce, disseminate learning, and maintain their advanced position among the kingdoms of the earth.

We are told by an eminent writer on political economy that "a diversified industry is the natural enemy of slavery, ignorance, idleness, and poverty." If this be true, it should be the policy of our Government to promote the employment of the people, to foster, protect, and encourage all their industries, because this will furnish them with the means of purchase, will produce plenty, cheapen the necessaries of life, and render them accessible and attainable.

One of the reasons why trade is now stagnant and business depressed is because of a lack of diversity of employments and industries among the people induced by the war; there are too many men buying, selling, and trafficking and too few engaged in manufacturing, and mining. Men to get a living rush into trade, brokerage, gambling, speculation, and as a consequence thousands become paupers and a burden to honest producers. All this is power wasted, and often much worse than that, which ought to be productive, and would be to a great extent in ordinary times under the inspiring influence of protective legislation.

M. Chevalier, the great French economist, says:

Every nation owes it to itself to seek the establishment of diversification in the pursuits of its people. In fact it is a positive duty which requires it to so act at each epoch in its progress as to favor the taking possession of all the branches of industry whose acquisition is authorized by the nature of things.

This is the principle which Mr. Greeley evidently had in mind when he said that—

It is the interest and duty of our Government, by diversifying the employments and industries of the people and by the retention or imposition of duties on imports, to retain the control of our own markets, so that we shall be in no danger of being driven therefrom by a foreign competition rendered overwhelming by the far cheaper labor and more abundant as well as cheaper capital of Europe.

It is said by the advocates of free trade that protection builds up the manufacturer at the expense of the farmer; but a careful study of the principle upon which such an argument is based and of the history of our country from 1816 down to the present time, will convince the most skeptical and doubting that diversity of employments and industries can only exist under protection, and that where these are "successfully promoted agriculture finds its readiest markets and earns its richest rewards." As years roll on, questions touching the commercial relations of this country with foreign nations assume gigantic proportions and rise in grandeur and importance, of the extent of which I fear we have but a slight conception.

Mr. Greeley said, when contemplating this subject, that "the commerce of Thebes or of Tyre, of Carthage or of Alexandria, in their palmy days, was trivial in volume and worth when compared with that whereof London or New York or Chicago is the focus." It should be our object and study to foster and protect this magnificent commerce. Statesmanship can have no higher aim and patriotism can seek no brighter field.

In considering this great question we should remember that the object and purpose of a protective tariff is to create and keep up a strong and healthy competition among all producers in order that the price of all commodities may be regulated and controlled. A decent regard for our own rights and interests demands this of us while England has cheaper labor, capital, and transportation than we have. If we prudently protect and foster our own manufactures and productions there is no good reason why in a few years we may not supply the markets of the world with a vast number of the necessaries of life and articles which enter prominently into the consumption of the nations. In the absence of such protection our markets will be immediately flooded with foreign manufactures, the price of our own will be struck down by cheap money and cheap labor, all competition will be destroyed, and we shall then be compelled to pay much higher prices than are now charged us by our own manufacturers.

Having said all I desire to as to the duty of the Government in respect to the diversity and protection of the labor and industries of the people, I proceed now to define

THE TWO SYSTEMS OF PROTECTION AND FREE TRADE.

It has been said by a wise man that the protective policy aims—

To encourage the industry of our own people in preference to that of an alien people, to develop all the resources of the nation rather than to allow some of them, the most important and useful, to remain undeveloped.

It is a policy of diversified employments and unbounded possibilities for a nation capable of great achievements, rather than a limitation of its powers to such occupations as will prevent it from becoming independent and its people from going forward.

It is not the instrument by which monopolies are to be established, but it is the foe of all monopolies, domestic and foreign, for it encourages the widest competition in productive industry. It is not the instrument by which one class of the community is to be benefited at the expense of another class, for it seeks the common weal by affording employment to all classes. It is not a tax upon one industry for the benefit of another industry, for its design is to impose taxes upon foreign producers that domestic consumers may obtain cheaper commodities, and this is its effect. It is not a hinderance to commerce, but a help to it, for it stimulates internal commerce when it stimulates the development of resources which could have no value if not exchanged for other products, and it aids foreign commerce when it enables a country through the competition and increased skill of its people to produce commodities so cheaply that other countries will be induced to purchase them. It is the policy of patriotism, of progress, of civilization—a policy that defends the weak against the strong and stands resolutely for one's own against all assailants.

The protective policy of the United States has always aimed to advance the welfare of its working people. Protection has benefited them because it has diversified their employments, increased the rewards of their labor, cheapened the cost of the necessaries of life, stimulated enterprise, developed the national resources, expanded commerce between the States and with other countries, prevented the evil of direct taxation, and elevated the whole tone of our national life.

Protection to domestic manufactures means national progress; it encourages skill and genius in the invention and discovery of labor-saving machines; it is the forerunner of advancement and civilization, while free trade strikes them all with a death-like numbness.

Protection is such an exercise of the power of the Government "to lay and collect duties on imports" as shall interpose a check to the importation of the productions of foreign skill, capital, labor, and machinery, to the end that the skill, capital, labor, and machinery of our own citizens may be shielded from ruinous foreign competition, and have full and profitable employment in supplying our own wants.

Byles says protection, instead of being as has been represented a blight and mildew on industry, is a system of universal irrigation, diffusing life and animation where it would otherwise never have flowed, and making even the wilderness blossom and the desert rejoice.

It is often said that protection creates a monopoly, but it can hardly be said to be a monopoly of any branch of business when every man is left free to engage in it if he pleases. Such, then, is protection, while free trade is the exact reverse.

The utter want of confidence of the champions of free trade in their favorite doctrine and their fear of its results is shown by the fact that while they make loud pretensions and threatening denunciations against protection, free trade has never been anywhere or at any time more than a theory. The absolute application of the doctrine among civilized nations has never been witnessed. No nation ever has ventured or now dares venture upon trying the experiment of absolute free trade.

The American Iron Trade in a well-considered and well-written article upon this subject, published in 1876, says:

Theoretical free trade means the free exchange of commodities between nations. It nowhere exists; it is a myth. The only free trade known to civilized nations is that which governs the exchanges between the people of the same country. It is the only kind of free trade that, in the nature of things, ever can exist; for each nation must care for its own interests, and these interests are never identical with the interests of other nations. Great Britain imposes duties upon those commodities entering her ports which it suits her to tax, and upon those which it suits her to admit free of duty she imposes no duty; yet she asks other nations not to impose duties upon such of her products as seek their markets. This is not free trade, nor the shadow of it. It is not *fair* trade.

Putting aside for the moment the fact that she did not announce her conversion to free trade until within the memory of the present generation, and until it suited the interests of her trading classes to do so, we proceed to inquire whether she now practices the whole of the creed she is so ready to preach to others. We have before us an English reprint of the British tariff that was in force in 1875, with accompanying statements, and from this publication we learn that the government of Great Britain derived an income of £20,637,855 (about $100,000,000) as revenue from customs in the fiscal year 1873-'74. Examining the items of which this aggregate is composed, we learn that the duty on tobacco realized £7,399,074; on tea, £3,251,203; on brandy, £2,248,546; on wine, £1,793,112; and on dried fruits, £457,513. Many other articles paid duty in that year, including beer, coffee, rum, whisky, pickles, vinegar, gold and silver plate, and a long list of such chemical products as alcohol, chloroform, and varnish. In the nine years from 1866 to 1874 the income of the British government from customs amounted to £193,658,436, (about $968,000,000.) The receipts of the United States from customs during the same nine years amounted to $1,668,349,914. Thus Great Britain, nominally a free-trade country, derived from duties on customs in nine years an income equal to 58 per cent. of that derived from the same source by the United States, a country which has a confessedly protective tariff.

The commodities from which Great Britain derives the large customs revenue to which we have alluded are the products of foreign countries, and the duties imposed are a tax upon the industries of those countries for the benefit of the British treasury. Thus, China is made to pay a tax upon her tea sold to the British Islands; Brazil, upon her coffee; Germany, upon her beer and spirits; the South of Europe, upon its currants, raisins, and figs; and the United States, upon her tobacco and distilled grain, her alcohol, &c. These taxes are a restriction upon the free exchange of commodities, and their existence confutes most completely the pretense that Great Britain is a free-trade country. This pretense appears all the more daring when it is considered that the British government and British manufacturers demand of the countries we have named and of other countries that the products of British industry shall not be subjected to the payment of any tax whatever when they enter foreign ports and foreign markets.

From the definition of the two systems which I have given and the manner in which Great Britain understands and practices free trade, I think we may fairly draw a most potent and convincing argument in favor of the great American doctrine of protection, and against the dangerous dogma which she so zealously preaches but fails and refuses to practice.

PROTECTION THE POLICY OF THE FOUNDERS OF OUR GOVERNMENT.

The protective policy has been called by the champions of free trade, for want of any good reasons or sound arguments which could be brought against it, "spoliation," "robbery," and "an odious, hateful, corrupt, and bloated monopoly."

Now, sir, let us examine the record and see whether the fathers and founders of the Republic were in favor of protection or free trade.

At the first session of the First Congress which convened under the then new Constitution Mr. Madison brought forward a tariff bill the preamble of which declared that such a measure was required "for the support of the Government, for the discharge of the debts of the United States, and for the encouragement and protection of domestic manufactures."

President Washington, in his first annual message to Congress, on the 8th of January, 1790, used this emphatic language in regard to the subject of protection:

The safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly for military supplies.

And in his last annual message, on the 7th of December, 1796, he said:

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures.

The object is of too much consequence not to insure a continuance of your efforts in every way which shall appear eligible.

At another time he wrote:

The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to the exertions of skill and genius in producing them at home.

Jefferson was an ardent supporter of the protective policy, and in his second annual message to Congress, December 15, 1802, thus brought the subject to their attention:

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries as nurseries of navigation and for the nurture of men; to protect our manufactures; to keep in all things within the pale of our constitutional powers, and cherish the Federal Union as the only rock of our safety—these, fellow-citizens, are the land-marks by which we are to guide ourselves in all our proceedings. By continuing to make these the rule of our action we shall endear to our countrymen the true principles of their Constitution and promote a union of sentiment and of action equally auspicious to their happiness and safety.

Again he says:

The grand inquiry now is, shall we make our own comforts or go without them at the will of a foreign nation? He, therefore, who is now against domestic manufactures must be for reducing us to a dependence on that nation or be clothed in skins and live like the wild beasts. Experience has taught me that manufacturers are now as necessary to our independence as they are to our comfort.

On the 7th of June, 1809, the House of Representatives resolved—

That the Secretary of the Treasury be directed to prepare and report to this House, at its next session, a plan for the application of such means as are within the power of Congress for the purpose of protecting and fostering the manufacturers of the United States.

In accordance with that resolution, on the 17th of April, 1810, Mr. Gallatin, then Secretary of the Treasury, transmitted a report to Congress, in which he strongly recommended protection by increasing the duties on foreign importations.

This resolution and report, together with the investigation and discussion growing out of them, aided by the war, finally led to the partially protective tariff of 1816, and all the blessings to the people and the country which followed in its train.

I come now to President Madison, "the father of the Constitution."

Following the report of Mr. Gallatin, in December, 1810, Mr. Madison, adopting the sentiments of Jefferson on the subject of protection, in speaking of the duty of Congress, said:

It will be worthy at the same time of their just and provident care to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted by the laudable exertion of our citizens.

Although other subjects will press upon their deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufacturers the success they have attained and are still attaining under the impulse of causes which cannot be permanent. The national interest requires that, with respect to such articles at least as belong to our defense and primary wants, we should not be left in a state of unnecessary dependence on external supplies.

Again I find in his special message to Congress in February, 1815, Mr. Madison urges upon the attention of that body that great interest which seems to be ever present to his mind. Said he:

There is no subject that can enter with greater force and merit into the deliberations of Congress than a consideration of the means to preserve and promote the manufactures of the United States. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

I come now to President Monroe, who in his inaugural address on the 5th of March, 1817, declared that—

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing as we do all the raw materials, the fruits of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. * * * Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

In his annual message to Congress in December of the same year he says:

Our manufactures will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge required in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation. I therefore deem it to be of the greatest importance that Congress should give encouragement and protection to our domestic manufactures.

In his annual message in December, 1821, Mr. Monroe is, if possible, more full and explicit in declaring his views upon this great question than he had ever been before. In referring to this subject he says:

It may fairly be presumed that under the protection given to domestic manufactures by the existing laws we shall become at no distant period a manufacturing country on an extensive scale. Possessing as we do the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts and in every improvement calculated to lessen the demand for and the price of labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which under a fair competition may be made upon it. It cannot be doubted that the more complete our internal resources and the less dependent we are on foreign powers for every national as well as domestic purpose, the greater and more stable will be the public felicity.

By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of the Union on each other and the strength of the Union itself be proportionately augmented.

These, Mr. Speaker, are the broad, manly statements of a patriot and statesman, one who comprehended the vast capacities of our country, its varied productions, its diversified soil and climate, and the mutual dependence of the North and the South, the East and the West, all inviting to the establishment of the great "American system" and forming the basis, if rightfully improved, of an enduring and prosperous country.

Probably the strongest enunciation of the necessity for the encouragement of American manufactures and the doctrine of protection is to be found in a letter written by General Jackson to Dr. Coleman in 1824. In that letter he says:

I will ask what is the real situation of the agriculturist? Where has the American farmer a market for his surplus products? Except for the article of cotton, he has neither a foreign nor a home market.

Does not this clearly prove when there is no market at home or abroad that there is too much labor employed in agriculture and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and great benefits to the country will result. Take from agriculture in the United States six hundred thousand men, women, and children, and you at once give a home market for more breadstuffs than all Europe now furnishes. In short, sir, we have been too long subject to the policy of British merchants. It is time we should become a little more Americanized, and instead of feeding the laborers and paupers of Europe feed our own, or else in a short time, by continuing our present policy, we shall be paupers ourselves.

It is therefore my opinion that a careful tariff is much wanted to pay our national debt and afford us the means of that defense within ourselves on which the safety and liberty of our country depend, and last, though not least, give a proper distribution to our labor, which must prove beneficial to the happiness, independence, and wealth of the community.

In his annual message to Congress in 1830, he lays down the doctrine of protection in a manner which is worthy the most serious attention and consideration of every gentleman upon this floor.

After calling the attention of Congress to other matters which he considered of grave importance, he thus speaks of the still greater question of protection:

The power to impose duties upon imports originally belonged to the several States. The right to adjust these duties, with a view to the encouragement of domestic branches of industry, is so completely identical with that power that it is difficult to suppose the existence of the one without the other.

The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to the inspection laws. This authority having thus passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct.

Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations.

This surely cannot be the case; this indispensable power thus surrendered by the States must be within the scope of authority on the subject expressly delegated to Congress. In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

In discussing the question as to the power of Congress to lay and collect taxes and to what purposes the money when collected may be applied, Judge Story says:

Nothing is more clear from the history of commercial nations than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a regulation of commerce. It is often applied as a virtual prohibition upon the importation of particular articles, for the encouragement and protection of domestic products and industry; for the support of agriculture, commerce, and manufactures; sometimes as a bounty upon an infant manufacture or agricultural product; sometimes as a prerogative power to destroy competition and secure monopoly to the Government.

In concluding my reference to these authorities I need hardly remind the House, Mr. Speaker, that the opinions of these men were the just exponents of the policy adopted and carried out by Congress during the first forty years of the history of our Government and also for the past sixteen years.

During these eventful periods we have had reports, resolutions, and acts of Congress fully sustaining the policy of protection and clearly indicating a most thorough conviction on the part of rulers and people "that it ought to be, and an expectation that it would be, the settled policy of the country" forever.

The history of the subject shows that the highest minds and leading statesmen of this country have been its firm supporters and eloquent advocates, from the origin of the Government down to the present time; and in addition to this, sir, I recognize the important fact that

THE REPUBLICAN PARTY STANDS TO-DAY SOLEMNLY PLEDGED TO THE PROTECTIVE POLICY.

In national convention in 1872 this great party resolved that—

The annual revenue, after paying current expenditures, pensions, and the interest on the public debt, should furnish a moderate balance for the reduction of the principal, and that revenue, except so much as may be derived from a tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor and promote the industries, prosperity, and growth of the whole country.

And again, at Cincinnati, in 1876, a platform was adopted, which we solemnly promised the people should be carried out and upon the strength of which we achieved a great and glorious victory. In that platform it was declared that—

The revenue necessary for current expenditures and obligations of the public debt must be largely derived from duties on importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

These are the solemn declarations of a great party deliberately made, to stand as one of the articles of its political faith, and the President, the republicans in this House, and every member of the party, North, South, East, and West, are firmly bound by them, and I trust will be honestly and faithfully governed by them.

I desire now to get the attention of the House to

A BRIEF HISTORY OF TARIFF LEGISLATION IN THIS COUNTRY AND ITS EFFECTS UPON BUSINESS.

As I have already said, England had for ages rigidly adhered to the policy of protection. Under its benign influences she had built up her commerce and foreign trade until she had become the mistress of the seas and her manufactories the workshops of the world. Her colonial possessions were held as feeders and tributaries to aid in swelling the great and rising current of her advancement and prosperity.

They were not permitted to manufacture even so much as a "hobnail," but were required to furnish the mills, shops, and factories of the mother country with the raw materials produced by them, and receive in return, in a spirit of thankfulness, the manufactured articles which their necessities required.

One object, which finally led to the separation of the colonies from the mother country and the Declaration of Independence, was that the colonists might have power to regulate their commercial relations with Great Britain and foreign nations according to their own interests and protect and encourage their own domestic productions and manufactures.

It was not long after the formation of the Confederation before it was discovered that the interests of the several States were so diversified and conflicting that any uniformity in the mode of levying taxes or fixing duties upon imports was simply impossible, while there was no power vested in the General Government to regulate and control this difficult, perplexing, and important subject. To remedy this, among a multitude of other evils, the Constitution was adopted and jurisdiction over the whole subject delegated to the General Government by the several States.

The first Congress which assembled under the new Constitution was composed largely of men who had been prominent in council under the Confederation, and had also been members of the convention which framed and adopted the Constitution. It was not strange, therefore, that among the first acts of the new Congress a measure should be inaugurated looking to the protection and encouragement of our then infant manufactures. But although the importance and absolute necessity of such a policy was well understood, yet the power and influence of England was so powerful upon the commerce of the world that it was some years, and after the necessities arising out of the war had put spurs to our intentions, before we were fairly launched upon the commercial sea under the safe convoy of the protective policy.

In reviewing this important period in the commercial history of this country, Mr. Clay, the father and eloquent defender of the American system of protection, once said:

Though protection to manufactures had been declared in its preamble one of the purposes of the first tariff framed and passed under the Federal Constitution; and though protection had been incidentally regarded and affirmed in nearly every modification of it; and though the tariff of 1816 was protective on cotton fabrics and on some manufactures of iron, yet it was not until 1824 that a measure of unqualified protection was passed.

The beneficial effects of the protective tariff of 1824 were thus eloquently described by Mr. Clay:

If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

And on the other hand, if I were to select any term of seven years since the adoption of the present Constitution, which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

This transformation of the condition of the country from gloom and distress to brightness and prosperity has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry and interests.

In 1828 Congress, encouraged by the results of the tariff of 1824 and earnestly urged by the people, passed a bill increasing the duties on certain foreign importations, and making it far more protective in its operation than the act of 1824, already referred to.

Under the tariff of 1824, the revenues received from duties on imports increased twenty millions in four years, and under that of 1828 they increased thirty-two millions, during the same length of time, over what they were during the four years preceding the tariff act of 1824.

These facts and figures constitute a strong argument in favor of protection, showing not only a rapid and healthy growth in domestic productions, but a vast increase in our foreign trade.

Under a threat of nullification by South Carolina, Congress in 1833 passed the "compromise" tariff, which provided for a gradual reduction of duties from 31 per cent., the amount fixed by the bill, to about 20 per cent. in the course of ten years, the operation of which before the expiration of the time limited culminated in the general prostration of business, the bankruptcy of the people, and led to the passage of the tariff act of 1842.

The condition of the country at that time and the salutary effect produced by that act upon the industries and business of the people have been graphically described by one who occupied a prominent position in the councils of the nation at that time. He says:

A whig Congress, however, in 1842, by a more protective tariff, snatched the country from the brink of ruin. That act was framed on the principles enunciated by the fathers, and as if by magic wrought a wonderful change.

It opened the cotton and woolen manufactories, it lighted the fires in the furnaces and forges, it gave to the farmer a better market for his produce, and in a short time by internal competition it lowered the prices of textile fabrics and of iron far below those which had been imposed on us when English manufacturers had obtained control of our market.

So beneficial was it, and so encouraging to our industries, and withal so popular, that when the presidential campaign of 1844 was in progress the democratic party availed themselves of its popularity and emblazoned on their banners the hypocritical political war-cry of "Polk, Dallas, and the tariff of 1842." They knew it was acceptable to the masses, and claimed for their candidate, Polk, that he was "a better tariff man than Henry Clay."

Having by that sign conquered, they were not long in throwing off the mask, and with it renouncing the old-fashioned patriotic American doctrine of protection to our people, and signalized their hypocrisy in the Walker tariff of 1846, reducing the average rates of duty about 25 per cent., or from an average of 32¼ per cent. to 24 per cent. Not content with the prostration this reduction caused, in 1857 they reduced it to an average of about 19 per cent., at which figure it substantially remained until the advent of a republican administration in 1861.

These free-trade tariffs in the mean time had done their perfect work. They had prostrated business, closed manufactories, discharged workmen, embarrassed the Government, and occasioned general distress. So low had they run the revenues of the Government that the closing months of James Buchanan's administration revealed an empty Treasury and a credit so bad that his Secretary of the Treasury could not obtain the trifling loan of $10,000,000 on better terms than $90 for a hundred-dollar bond.

When the republican party assumed the control of the Government, in March, 1861, it found itself confronted with a gigantic rebellion, an empty Treasury, and in pressing need of millions of money.

Among the first measures adopted by Congress, and approved by Mr. Lincoln, was an act laying additional duties upon foreign importations, with the double purpose of increasing the revenues of the Government and affording protection and encouragement to our prostrate and languishing manufactures.

The act of 1861, which was largely protective, was followed up in the same direction by that of 1862, which is called, in honor of its distinguished author and advocate, the "Morrill tariff," and these acts were amended and modified as time and experience suggested, with a view to protection and revenue, until they were finally crystallized into the wise and wholesome law which now stands upon the statute-book.

The history of our country during the last fifteen years, notwithstanding the terrible effects of the war, during which time we have lived under the policy of fostering and protecting our own productions and industries, has no parallel in the annals of the world. Our increase in wealth and population, the development of our agricultural and manufacturing industries, the extension and improvement of our means of transportation, the growth and expansion of our commercial and industrial relations with the nations of the world, and our progress in learning and civilization are almost beyond the patriot's hope or the expectation of the most sanguine among the fathers.

In answer to the question, what has the tariff had to do with this advancement and prosperity and what has the protective policy accomplished during that time, I reply that, "it sustained the war."

It is true that funds were raised through other sources; but the tariff was the controlling influence in replenishing the Treasury, providing the sinews of war,

and paying war debts, by contributing from one hundred up to more than two hundred million dollars per annum. Without this revenue not a dollar could have been raised on United States bonds in Europe. They would have remained untouched, as in the days of the Buchanan administration, and the nation would have been severed and sacrificed to the spirit of secession—its fragmentary remains today affording a sorry sequel to the experiment of republican government.

The tariff restored the lost credit of the Government and more than doubled its borrowing power.

Under Buchanan's administration loans could not be obtained except at the ruinous discount of 12 per cent.; now loans of five hundred millions can easily be obtained at 4 or 4½ per cent., and until the agitation of this subject by Congress the capitalists of the world were knocking at the doors of the National Treasury and begging for our bonds at that rate.

The tariff has also, during that time, more than doubled the manufacturing power of the nation. Hundreds of new industries have sprung into existence that would not have been attempted under a low tariff and against the competition of older manufacturing countries. The crisis of 1873, let it be understood, was the result, not of stagnation under a high tariff, but of the consummate folly of speculative expansion. The tariff saved the country from the prostration that would otherwise have inevitably followed close after the war; but injudicious speculation blocked the wheels of business at a later period. This has now nearly effected its own cure, and under a judicious tariff there is a bright future ahead.

THE TESTIMONY OF ENGLAND IN FAVOR OF PROTECTION.

It is a fact which no one will dispute, that England attained to all her greatness as a commercial nation by a rigid adherence to the policy of protection: that it was solely in consequence of the encouragement extended to her own industries and her almost superhuman efforts in building up and increasing her own manufactures under the guardian care of a protective tariff, which amounted in many cases to prohibition, which enabled her in the process of time to command the markets of the world and supply the people of all nations with the necessaries of life; and it is also just as true that while she adhered to that policy she prospered, but when she partially abandoned it her commerce and trade began to decline until she is now not only losing her hold upon foreign markets but is absolutely compelled to contest the palm in her own with the manufacturers of America and other nations which protect and encourage their own industries.

Let us see, Mr. Speaker, how English statesmen and economists eulogize the American system of protection and bewail their own fate. The Birmingham Iron Trade Circular thus discourses upon the glowing future of the protective policy in this country:

The ascendence of the protectionist party in the United States still continues to operate most favorably for the manufacturing interests there, and it is no wonder that under such benignant auspices the enterprise in this direction is swelling to colossal proportions.

The London Times, the accredited organ of the government, only a few months ago, said, in speaking of the contest between England and the United States for commercial supremacy:

The Americans are on the point of becoming our most dangerous rivals; we have watched closely during the last few years their rapid progress as a manufacturing people; their spirit and enterprise are boundless; they have imported the very newest and best machinery of England, Belgium, Germany, and France; they have tempted away, through agents sent over for the purpose, skilled workmen from each of these countries, giving preference, however, to those of England; and they are rapidly training an army of skilled workmen for themselves.

Again, in speaking of the wisdom of American statesmen in clinging to the protective policy, and the ruin which would result to us if we should abandon it, the Times says:

It is absurd to suppose that in these days of individual competition English statesmen can really expect foreign governments to expose their people to the competition of Englishmen; they never will do it. Why, if America admitted the free importation of British goods, that country would be immediately inundated with such a vast quantity of all classes of manufactures that its own people would stand no chance, and hence it is it imposes such heavy duties.

The British Trade Journal of a recent date remarks:

We are only just beginning to feel the effects of that American competition which but a few years back was contemptuously dismissed as a mere bugbear. The day of illusion is now past, however, and the conviction is forcing itself home that our manufacturers will, in the not very remote future, be severely taxed to hold their own against competitors enjoying advantages of which they know full well how to make the best use. With that inventive genius which seems to be their special inheritance, the Americans adapt machinery to all purposes, and their labor-saving contrivances bring down the cost of production to an irreducible minimum. The boundless wealth of their country in coal and iron, those backbones of productive toil; its splendid yield of raw material, and unique resources generally, make it the natural home of manufacturing industry. And when to these advantages is added the powerful prop that protection affords, it is inevitable that America should force its way into the van of manufacturing nations.

Now, sir, I desire also, in this connection, to call attention to the testimony of Lord Bateman as published in a recent issue of the London Times. He says:

We cannot shut our eyes to the universal collapse of trade and its accompanying distress, be it the mineral, the shipping, the carrying, the agricultural, or the general manufacturing trade. Throughout the country the cry of depression and distress and ruin is the same. It is of no use to blink the question. Facts will speak for themselves. In defiance of all argument and all persuasion, not to say entreaty, on the subject, these awkward facts still remain. Our overtures to other countries are disregarded. Our commercial treaties are not renewed. Our own trade is in a sinking and unprofitable condition. Our exports show a lamentable and alarming and increasing deficit. Our exchequer is affected. And, worse than all, not a single country in Europe, beginning with France and Germany and ending with Spain and Switzerland, to say nothing of the United States of America or our own Australian colonies, can be cajoled by the most specious temptation into following our example of free importations, or opening their ports to the commerce of Great Britain and of the world unrestricted by safeguards in the shape of duties framed to protect their own native industries.

We have tried free trade, and it has been found wanting. We have done our best to impress other countries with the reasonableness of our policy, and in return they scoff at our blindness and turn a deaf ear to our remonstrances. In the mean time partial ruin and wholesale depression and distress are staring us in the face. Our local burdens are increasing, our exports diminishing. Our working classes, unsettled, are waging open war in the cause of labor against capital, discontented because unable to find the real cause of their discontent, clamoring for their participation in profits which can hardly be said to exist, and yet unable to account for the hesitation and inability of their employers to accede to what they consider are only their just demands.

Why should we persist in such a Utopian crusade? Why have we cut adrift from our old anchorage to launch our good ship upon a treacherous torrent, which is hurling us helplessly to imminent shipwreck? In Heaven's name, if we are on the wrong track let us arrest our downward course. Do not let us, for the sake of a Quixotic theory, blind our eyes to the fact that our trade is ruinously slipping from us, and that we are sacrificing our best and dearest interests to an unacceptable idea.

There are indications that the tide of public opinion is undergoing a gradual and therefore a more convincing change. I hail it with satisfaction. After all, the argument that comes home to every one's pocket is the most cogent, and is worth all the theories and all the lectures of all the political economists in the world.

I appeal to the common sense and to the patriotism of my countrymen; and if they are convinced how great has been the fallacy of our free trade policy without reciprocity, it is for them to say, as I believe sincerely they will say, whether a return to a policy of limited protection, so far from being impossible or undesirable, is not the true and simple solution of our present difficulties, which will tend, in a more simple and natural way than any other, to retrieve our losses, increase our revenue, lighten our burdens, bring peace, contentment, and employment to our working classes, and teach them and us to bless the day which restored the old policy and the old watchword of "Protection to native British industry."

This evidence could be multiplied to an unlimited extent, but enough has already been produced to show that England herself regrets the folly which led her to abandon the protective policy, and is constrained in the light of passing events to bestow a well-merited compliment upon the wisdom and sagacity of those nations which still adhere to it.

Now, Mr. Speaker, let us

TEST THE FRUITS OF PROTECTION AND FREE TRADE IN THIS COUNTRY AND IN ENGLAND.

If it is true that protection robs labor and imposes taxes upon consumers, the people of England, under the "blessings of free trade," ought to be more prosperous and happy than the wretched victims of "the ruinous policy of protection" in the United States.

A very brief examination of this subject can hardly fail to satisfy the most bigoted and obdurate that peace, happiness, and prosperity are the rich fruits and sure reward of protected industry, while idleness, misery, poverty, and ruin just as surely follow in the track of free trade. England to-day has one pauper to every twenty-one persons, or in other words, 5 per cent. of her entire population are in the poor-house, while in this country we have only one pauper to every three hundred and thirty-two persons, or $\frac{3}{10}$ of 1 per cent. of our population on the poor-list. In that country, now the paradise of free trade and the happy home of free-trade missionaries, the people pay annually $17 tax for every person, while in this land of protection we are only required to pay the small pittance of $5.25. She pays a tax of $182,000,000 annually on liquors, tobacco, and snuff, while we, under the Maine law, get along by paying only $98,000,000. Since her adoption of the free-trade policy in 1846 her wealth has increased only 37 per cent., while ours during the same time has advanced 126 per cent. If we turn to the question of wages, we shall find that the same difference exists in favor of this country; while she pays her laborers barely enough to sustain life, ours are in the main amply and generously rewarded.

To rescue the manufacturing interests of the country from utter ruin, in 1847 she repealed her corn laws, because unless she had made bread cheaper her laboring-men would have starved or emigrated. She could not continue the manufacture of cheap iron and cheap cloth and at the same time charge her famishing laborers an exorbitant price for her bread.

The difference in the condition of the laborers in the two countries is wide and marked. While the poor man here has his church and school-house and comfortable cottage and clothes and food and money in the savings-bank, the wretched laborer in England has nothing but poverty, misery, ignorance, and want.

I therefore insist that both history and experience demonstrate the fact that

NATIONAL PROSPERITY HAS BEEN THE FRUIT OF PROTECTION, RUIN AND DISASTER THAT OF FREE TRADE.

I have already shown that England obtained the prize of commercial supremacy by a system of rigid protection which extended to the prohibition of the exporting of tools and machinery, not allowing even artisans and skilled mechanics to migrate, and by paying government subsidies to steamship companies and inventors.

Her policy was to stifle the infant manufactures of all other countries and build up her own. "She sought to carry out her own goods as much manufactured as possible and bring in those of other nations as little manufactured as the nature of mutual commerce would allow."

Pitt carried on his wars by the aid of protection, and Cromwell and the Prince of Orange built up England under its influence. While she followed this policy she held the supremacy; when she faltered and abandoned it she was deposed and lost her power.

Protection, more than the power of Napoleon's armies, gave France the name of the "Great Nation." France profited by the lessons taught her by the Emperor, and when Prussia fined her a billion dollars she at once raised her tariff, set her shops and manufactories at work, paid her debt, grew rich, and has to-day more gold in her treas-

ury than any other nation on earth. As was well said by a distinguished member upon this floor but a few months ago:

One fact, sir, is worth a dozen of theories; and the great fact that to-day stands out before the world, illustrating the soundness of the protective policy, is the financial and industrial condition of France. But a few years ago, when the victorious German army marched up to the gates and into the city of Paris, and compelled that proud nation to capitulate, Bismarck imposed an indemnity upon the nation of $1,000,000,000 in gold. Bismarck intended to impoverish the French people to the extent that they could not give Germany any more trouble for a generation to come. What has been the result? France increased her duties on importations, and on many articles the duties amounted to an entire prohibition, and at once put her wheels and hammers and spindles in operation all over the land, and the result has been that France has paid the indemnity imposed, and to-day has more gold and silver in her coffers than any nation in the world; and her exports during the last fiscal year have amounted to over $800,000,000. Her exports have exceeded her imports over $100,000,000 annually.

The history of our own country fully and eloquently supports the proposition I have stated. During the periods of protection our revenues have been steady and ample, our foreign trade has increased, labor has been well employed and well paid, capital has been active and safe, products have commanded a good price, the consumption of cotton, wool, iron, and coal have nearly doubled, and peace, prosperity, and plenty have been the constant and happy lot of all our people.

Following in the same direction, and swelling this mighty volume of evidence, come Germany, Russia, Spain, Denmark, Sweden, and Belgium, which have all adopted the protective policy, have built up a rich and mighty commerce, and have become first-class powers among the nations of the earth, while Ireland, Portugal, Turkey, Egypt, Peru, and the West Indies, having adopted the system of free trade, have become impoverished, weak, and dependent, and to-day their commerce is scarcely worthy the name.

Sir, the great exhibitions at London, Paris, Vienna, and Philadelphia, as has been said by Mr. Byles, fully demonstrate the fact that no nation can build up manufactures except by the protection of its own industries and labor.

If you had explored those magnificent buildings at Philadelphia you would have found the marvels of industry created and matured by protection shining everywhere, above, below, around, and on all sides. But what had unprotected industry to show? If unregulated exchanges are not only the most congenial and invigorating, but the natural atmosphere of manufacturing industry, surely the advocates of free trade ought to be able to point out some specimens of its rise and luxuriant growth, under such obvious and favorable circumstances. But we search and ransack, not only those great exhibitions, but the world, in vain for even one trophy of a great manufacture not indebted to protection for its existence.

Again, sir, I contend without fear of successful contradiction that

PROTECTION INCREASES INSTEAD OF DESTROYS FOREIGN TRADE.

No part of the grand system of errors, deception, and falsehood, known by the name of "free trade" or "revenue reform," has been more loudly proclaimed or more persistently adhered to by those who desire to protect foreign productions and manufactures in preference to our own than the specious and fallacious dogma that a protective tariff breaks down and destroys our foreign trade. No nation has ever adopted the theory and practice of protection to the same extent and with the same zeal that England did. For centuries the protective policy was unquestioned and triumphant, and for centuries her foreign trade steadily but surely increased. In her case the strictest protection coincided with the greatest foreign trade. In the nature of things it could not be otherwise, because the domestic activity, industry, and prosperity, fostered by the protective system was the sure and solid basis of an extensive permanent and mutual foreign trade.

With protection and a certain home market the means of purchase were created and multiplied to a most marvelous degree, and the more money the people had, of course the more necessaries, and luxuries even, they would purchase.

It was the policy of protection adopted by England centuries ago and zealously adhered to down to 1846, that built up for her a vast monopoly of foreign trade, that sent her ships into every sea, and spread the wings of her commerce over every land, and not the chimerical schemes of the Cobden Club nor the visionary theories and wild fancies of Sir Robert Peel.

If we turn to the history of our own country we shall find still more potent and convincing proofs of the truth of the position I have taken.

During the periods when we have been blessed with a protective tariff our foreign trade has largely increased, as will be seen by reference to the figures, resulting legitimately from a large increase of domestic manufactures, revival of business, and a spirited competition among home producers by which the people's pockets have been filled with money, thus enabling them to purchase of foreigners whatever luxuries their wants demanded or their appetites craved.

In further support of the proposition I have stated I beg leave to refer to the following tables, and statements connected with them, which I take from a speech delivered by Hon. JAY A. HUBBELL, of Michigan, upon this floor during the last Congress:

FREE-TRADE FALLACIES—OUR FOREIGN COMMERCE.

One of the arguments most persistently adhered to by free-traders is in support of their favorite dogma that "protection destroys foreign commerce." Like most of their claims, this one is without foundation. Our tariffs have been higher, very much higher, during the last fourteen years than ever before. During this period the increase in our foreign commerce has been great beyond precedent. Here are the official figures showing the results:

Fourteen years under partial free trade.

Fiscal year.	Domestic exports.	Import entries.	Exports of imports.
1848	$132,904,121	$154,998,928	$21,128,010
1849	132,666,955	147,857,439	13,088,865
1850	136,946,912	178,138,318	14,951,808
1851	196,689,718	216,224,932	21,698,293
1852	192,368,984	212,945,442	17,2-9,382
1853	213,417,697	267,978,647	17,538,460
1854	252,047,806	304,502,381	24,850,194
1855	246,708,553	261,468,520	28,448,293
1856	310,586,330	314,639,942	16,378,578
1857	338,985,065	360,890,141	23,975,617
1858	293,758,279	262,613,150	30,886,142
1859	335,894,385	338,768,130	20,895,077
1860	373,189,274	362,166,254	26,933,022
1861	228,609,486	335,650,153	20,645,427
Total	3,384,863,565	3,738,902,377	298,727,168

Fourteen years under protection.

Fiscal year.	Domestic exports.	Import entries.	Exports of imports.
1862	$213,069,519	$205,771,729	$16,869,466
1863	305,884,938	252,919,020	20,123,584
1864	320,035,199	329,562,895	20,256,940
1865	323,743,187	248,555,562	32,114,157
1866	550,684,277	445,512,158	14,742,117
1867	438,577,312	417,833,575	20,611,508
1868	454,301,713	371,624,808	22,601,126
1869	413,961,115	437,314,235	25,173,414
1870	499,092,143	462,377,587	30,427,150
1871	562,518,651	541,493,708	28,459,899
1872	549,219,718	640,338,766	22,769,749
1873	649,132,563	663,617,147	28,149,511
1874	693,039,054	595,861,248	23,780,338
1875	643,094,767	553,906,153	22,433,624
Total	6,616,354,216	6,166,689,511	334,512,592

These are extraordinary and significant results. They are silent but unanswerable arguments against the free-trade theories and in favor of the protective policy. There is not only an unprecedented expansion of exports and imports, but it will be observed that in nearly every year the exports exceed the imports during the later period of high-tariff experience.

Coming now to our agricultural exports, included in the following table, we find, by reference to elaborate tables prepared by Mr. David H. Mason from the commerce and navigation reports of the General Government, that they have been greater under the present protective policy than under the previous policy of partial free trade. Without entering into needless details, we compile from Mr. Mason's tables a statement of the export of three leading agricultural staples, wheat, wheat flour, and Indian corn, in thirteen years under partial free trade and in thirteen years under protection.

Agricultural exports in twenty-six years.

LOW-DUTY PERIOD.

Fiscal years.	Bushels of wheat.	Barrels of flour.	Bushels of corn.
1849	1,527,534	2,108,013	13,257,309
1850	608,661	1,385,448	6,595,092
1851	1,036,725	2,302,335	3,426,811
1852	2,694,540	2,799,339	2,627,075
1853	3,890,141	2,920,918	2,274,909
1854	8,036,665	4,022,386	7,768,816
1855	798,884	1,604,540	7,807,585
1856	8,154,877	3,510,626	10,292,280
1857	14,570,331	3,712,053	7,505,318
1858	8,926,196	3,512,169	4,766,145
1859	3,002,016	2,431,824	1,719,998
1860	4,155,153	2,611,596	3,314,155
1861	31,238,057	4,323,756	10,678,244
Totals	88,629,780	36,745,003	82,033,737
Annual average	6,817,676	2,826,539	6,310,287

PROTECTIVE PERIOD.

Fiscal year.	Bushels of wheat.	Barrels of flour.	Bushels of corn.
1862	37,289,572	4,882,033	18,904,898
1863	36,160,414	4,390,055	16,119,476
1864	23,681,712	3,557,347	4,096,684
1865	9,937,152	2,604,542	2,812,726
1866	5,579,103	2,183,050	13,516,651
1867	6,146,411	1,300,106	14,889,823
1868	15,949,899	2,676,423	11,147,400
1869	17,557,836	2,431,873	7,047,197
1870	36,584,115	3,463,333	1,392,115
1871	34,304,906	3,653,841	9,826,309
1872	26,423,080	2,514,535	34,491,650
1873	39,204,285	2,562,086	38,541,930
1874	71,039,928	4,094,094	34,434,606
Totals	350,843,413	39,713,318	207,221,555
Annual average	27,680,724	3,054,871	15,940,120

If we examine the receipts of the revenue we shall find that under fifteen years of high-duty tariffs the revenue was more than three times as much as under fifteen years of low-duty tariffs. The following table, which I take from the Bulletin of the American Iron and Steel Association, conclusively proves what I have said:

Comparative statement of receipts of revenue under fifteen years of low duties and fifteen years of high duties.

Fifteen years under low-duty policy.		Fifteen years under high-duty policy.	
Years ended June 30.	Revenue from customs.	Years ended June 30.	Revenue from customs.
1847	$23,747,864 66	1862	$49,056,397 62
1848	31,757,070 96	1863	69,059,642 40
1849	28,346,738 82	1864	102,316,152 99
1850	39,668,686 42	1865	84,928,260 60
1851	49,017,567 92	1866	179,046,651 58
1852	47,339,326 62	1867	176,417,810 88
1853	58,931,865 52	1868	164,464,599 56
1854	64,224,190 27	1869	180,048,426 63
1855	53,025,794 21	1870	194,538,374 44
1856	64,022,863 50	1871	206,270,408 05
1857	63,875,905 05	1872	216,370,286 77
1858	41,789,620 96	1873	188,089,522 70
1859	49,550,416 04	1874	163,103,833 69
1860	53,187,511 87	1875	157,167,722 35
1861	39,582,125 64	1876	148,071,984 61
Total	708,067,548 46	Total	2,278,950,074 87

The figures contained in these tables conclusively refute the theory of free-traders and furnish "silent but unanswerable arguments against such dogmas and in favor of the protective policy."

Another proposition which has been conclusively settled by the history and experience of nations is that

PROTECTION CHEAPENS INSTEAD OF ENHANCES THE PRICE OF COMMODITIES TO THE CONSUMER.

It has always been a favorite theory of the advocates of free trade, and one on which they have delighted to dwell, that protection enhances the price of every protected article by adding to the price of the article the amount which the importer is compelled to pay as duty to the Government.

This false but plausible argument has been used with great effect with those who have never carefully studied the subject, and is even at the present day accepted by a large class of unthinking people as a conclusive argument against the adoption of the protective policy. But a very brief examination of the practical workings and effects of this system will convince every candid mind that instead of enhancing the price of either the imported article or that produced at home it actually cheapens them both to the consumer. The reasons for this are clear and cogent, and may be understood by the weakest head in the free-trade school.

Horace Greeley was a man of strong common sense and vast practical knowledge, and the book he wrote on political economy should be in the hands of every American citizen. In that little book he has completely exploded the vague and false theories of Mr. Wells and his Cobden Club by arguments and illustrations drawn from the current business of every-day life. In speaking upon this subject he says:

> The price of an article is always governed by the cost of producing it. Protection does not raise the price of domestic productions, because any advance in the price induces others to enter into the business, and soon a competition springs up, the effect of which is to reduce rather than raise the price.
>
> There is no doubt that a protective tariff, to a certain extent, shuts out foreign and enlarges the market for our own fabrics, because this is the purpose of it; but the effect is not to raise prices, because our manufacturers can afford to make them cheaper when they run their own machinery on full time in presence of an ample and eager market than when running capriciously and when obliged to keep their goods on hand for months awaiting purchasers, and because competition among these home producers keeps down prices to the point at which a fair living profit can be made.

The effect of a protective tariff in increasing domestic manufactures and in reducing the price is fully illustrated in the case of the manufacture of steel rails in this country:

In 1867 we manufactured only 2 tons; in 1872, 7 tons; 9 tons in 1869; 34 tons in 1870; 38 tons in 1871; 94 tons in 1872; 129 tons in 1873; 144 tons in 1874, and 290 tons in 1875, while the price has been reduced during that time from $185 in gold, the price paid to the British manufacturer, to $60 per ton, now paid to our own manufacturers.

In connection with this subject and as still further elucidating the proposition I am discussing, I avail myself of a tabulated statement made by D. H. Mason, esq., of Chicago, an earnest and intelligent advocate of protection, showing the growth of the cotton and woolen manufactures in this country during the last quarter of a century. I ask the House to consider it.

First, in regard to woolens:

	1870.	1860.	1850.
Number of woolen mills	2,891	1,260	1,559
Sets of cards	8,366	3,209	.....
Hands employed	80,053	42,728	27,682

Woolens—Continued.

	1870.	1860.	1850.
Capital invested	$98,824,531	$30,862,654	$28,118,650
Wages paid	$26,877,575	$9,610,254	.....
Wool consumed ..... pounds	172,078,919	83,608,468	70,802,829
Value of products	$155,405,358	$61,894,986	$43,207,545
Domestic wool crop ..... pounds	100,102,387	60,264,913	.....

And, then, in regard to cottons:

	1830.	1840.	1850.	1860.	1870.
Looms	33,506	.....	.....	126,313	157,310
Spindles	1,246,503	2,284,631	3,633,693	5,235,727	7,132,415
Hands employed	67,600	72,119	92,286	122,028	135,369
Capital employed	$44,914,984	$51,102,359	$74,500,931	$98,585,269	$140,706,291
Wages paid	12,155,723	.....	.....	23,940,108	39,044,134
Value of materials used	.....	.....	37,778,014	57,285,534	111,736,936
Value of products	32,036,700	46,350,453	65,501,687	115,681,774	177,489,739
Value per hand	.....	.....	668	943	1,310

It is worthy of notice that the manufacture of these articles increased in a far greater ratio from 1860 to 1870, a period of partial protection, than it did from 1850 to 1860, when we were controlled by a policy of partial free trade.

This vast increase of manufactures was followed by a gradual reduction of prices, until in 1870 nearly all cotton fabrics, whether made in this country or Europe, were at least 50 per cent. lower in our markets than they were in 1850.

The additional protection and encouragement given to the production of cotton and woolen goods by the tariffs of 1861 and following induced the investment of large amounts of capital in the business, and the consequence was a vast increase of the amount manufactured, a sharp competition among producers, and a marked saving to consumers by the reduction of prices.

This increase of home productions and reduction of prices was not confined to cotton and woolen manufactures, but extended to nearly every article required by the people or that entered into the supplies for the Army and Navy.

I desire now, Mr. Speaker, to get the attention of the House to

THE ADVANTAGES OF A HOME MARKET TO ALL CLASSES OF OUR PEOPLE.

All wealth comes from labor, consequently it should be fully employed and reasonably rewarded. It is upon the products of the soil that a nation depends for its prosperity.

The effect of protection is to encourage home production, which creates a home market for the farmer and cheapens the articles produced to the consumer; because the more the farmer sells the more he can afford to buy, and the more the manufacturer sells the cheaper he can afford it.

What we need and what we must have is a home market for our surplus products. Manufactures will create it and a judicious protective tariff will build up and sustain it.

Mr. KELLEY very truly says that it is a law of universal application that he who has to carry his commodities to a distant market must pay all the charges, while he whose goods are sought by customers fixes his own prices and makes the purchaser pay all charges.

When producer and consumer are brought close together transportation and the commissions of middlemen are always saved. Mr. Greeley, in his work on political economy, says that all the edible products which the farmer raises with comparative ease and to the greatest profit must find a market near the point of production or they cannot be disposed of at all without ruinous loss. They are too bulky or too perishable to bear transportation to distant consumers. Thousands of farmers in the West are poor because they have no market at home for their surplus products, and no man can afford to pay charges and transportation to a foreign one. A bushel of corn or wheat is worth as much intrinsically in Iowa and Illinois as it is in London and Paris. The reason why it will sell for only one-fifth as much is because of the cost of sending it to market. If the market was in Iowa and Illinois the farmer could sell it for as much. Protected manufactures will open the iron and coal mines in those States, and that will furnish the market.

> The result of all experience is that the more perfectly the home market is secured to the domestic citizen the greater is the tendency to cheapening the commodity and facilitating its acquisition by those who desire to consume it.

It is said that the nation which manufactures more than it consumes of articles of general use universally leads in commerce.

Byles says, let manufacturing and agricultural industry flourish side by side and you have everywhere occupation and appropriate employment for all your people.

The importance of a home market is thus forcibly stated by Seaman, in his Progress of Nations:

> The question is not so much what a nation can produce, but what its people can sell and get their pay for. Markets, therefore, enter into the question as the great, yea, the greater and most important of all the elements of political economy. The important point is to secure a market; to secure the home market first for their own laborers and manufacturers, as far as they may want it, and thereby create a market for their own domestic products. Markets, I repeat again, are the

great stimulants to industry, and of all things in the world they are the most important, and necessary to sustain it.

It is the theory of the protective policy that it builds up the manufacturing interests of the country, diversifies the employments of the people, creates a demand for labor, and makes a home market for the surplus products of the farmer and mechanic.

Under its operation the people are always steadily employed and well paid, and can therefore buy and consume; the farmer and mechanic find a ready market and fair price for all their surplus products; and with the means which this gives them the inclination is never wanting to purchase the luxuries which come to them from abroad.

This makes good the maxim that a prosperous foreign trade is inseparably connected with a prosperous home market. The markets of this country belong to our own people, and foreigners have no cause to complain when they are compelled to pay our customs duties as the price for the privilege of selling their goods in them.

It is sometimes said that we could hardly be benefited by increased manufacturing facilities, as we manufacture now more than we can sell.

This may be true perhaps with regard to some few articles, but the books of our custom-houses show that we import annually two hundred and thirty-six million dollars' worth of products, some of them agricultural, which we ought to make and raise ourselves and which we certainly shall if we succeed in defeating this bill and allow our tariff to remain as it now is.

Again, sir, the history of this country shows that

PROTECTION HAS A STRONG TENDENCY TO STIMULATE IMMIGRATION.

Fully believing that population is one of the "main elements of national strength" and that "its rapid, persistent increase implies national growth and prosperity," it has been the well-settled policy of this country, from the organization of the Government down to the present time, to encourage foreign emigration to our shores, and the result has been unprecedented and wonderful.

From 1776 to 1816, during which time we had no protective tariff, the number of emigrants arriving upon our shores was three hundred thousand; and from 1816 to 1869, during a portion of which time we enjoyed the benefits of the protective policy, the number was nearly seven millions.

In order more clearly to demonstrate the point I am discussing, I will give the total number of foreign-born passengers arriving in this country in the several years from 1820 to 1877, inclusive, a part of which I take from a speech made by Judge KELLEY:

Year.	Number of immigrants.	Year.	Number of immigrants.
1820	8,385	1849	297,024
1821	9,127	1850	369,980
1822	6,911	1851	379,466
1823	6,354	1852	271,603
1824	7,912	1853	368,645
1825	10,199	1854	427,833
1826	10,837	1855	200,877
1827	18,875	1856	200,436
1828	27,382	1857	251,306
1829	22,520	1858	123,126
1830	23,322	1859	121,282
1831	22,633	1860	153,640
1832	60,482	1861	91,920
1833	58,640	1862	91,987
1834	65,365	1863	176,282
1835	45,374	1864	193,418
1836	76,242	1865	248,120
1837	79,340	1866	318,554
1838	38,914	1867	298,358
1839	68,069	1868	297,215
1840	84,066	1869	352,569
1841	80,289	1870	378,796
1842	104,065	1871	367,789
1843	52,496	1872	449,483
1844	78,615	1873	437,004
1845	114,371	1874	277,593
1846	154,416	1875	209,036
1847	234,968	1876	182,027
1848	226,527	1877, (six months only)	79,485

Now, sir, by comparing these figures, leaving entirely out of the calculation the extraordinary impulse given to immigration by the discovery of gold in California in 1848, we shall "find that whenever our duties have been low immigration has fallen off, and whenever our duties have been high the volume of immigration has sensibly increased." This increase is the direct consequence of the establishment and growth of our domestic manufactures, created and stimulated by the healthful influence of the protective policy which has given this increased demand for labor.

Judge KELLEY, in a masterly speech delivered in this House in March, 1870, when remarking upon this subject, said:

It is thus historically demonstrated that precisely as we make our duties protective of high wages for labor do we bring skilled workmen from England, Germany, France, and Belgium to work in our mines, forges, furnaces, rolling-mills, cotton and woolen factories, and create a home market for the grain of Iowa, Illinois, and other great States of the West, whose farmers now complain that they have no market for their crops.

"We can hardly realize at this day the magnificent results of the establishment of manufactures upon our soil, in bringing to our country the very highest order of industrial skill from all parts of the Old World. If we had remained an agricultural people, as we were previous to 1816, we could hardly have expected to draw to this country men of high capacity and mechanical skill, because we should have been unable to proffer them congenial and remunerative employments or to have developed the inventive and higher industrial powers of our native born population." But manufactures, the fruit of protection, working harmoniously with agriculture and commerce, have accomplished all this and while, aided by immigration, our own country has grown rich and powerful, we have endowed mankind with our great inventions and filled the world with the fruits of our marvelous achievements. I therefore contend that if we disturb our present customs regulations at all

WE SHOULD AMEND OUR TARIFF BY REVISING AND REGULATING DUTIES ON IMPORTS IN THE INTEREST OF "PROTECTION" INSTEAD OF REPEALING OR CHANGING ANY OF ITS PROVISIONS IN THE INTEREST OF "FREE TRADE."

With all our vast water-power, exhaustless coal-fields, immense iron-mountains, and unsurpassed means of transportation, we should be satisfied with nothing less than making our country, under judicious protection, the workshop of the world. Our aim should be to increase our manufactures by building mills and shops and factories and forges and furnaces and railroads, so that we may manufacture our own cotton and wool and iron, create a market for our surplus products, bring the producer and consumer nearer together and thus save the cost of transportation and the commissions and profits of the middlemen. The powers of production of this country increase in a ratio four times greater than foreign powers of consumption, consequently they are unable to take our surplus products, and we are forced to the creation of a home market or suffer the loss.

Why, sir, as I have already intimated, we import annually of breadstuffs, woolens, iron, steel, leather, tobacco, and cotton more than two hundred million dollars' worth, every dollar of which could just as well be produced or manufactured in our own country and would be, in ordinary times, if properly protected by tariff duties. It is among the crowning merits of the protective policy that it builds up these much-needed manufactures, relieves our home markets from foreign fluctuations and excesses, prevents foreign machinations and interference, gives us a stable order of things, tends more and more to increase the price of raw materials and the rate of wages, and reduces the price of finished products. I am frank to confess, sir, that a protective tariff should undergo occasional revisions and modifications. We should, as changes occur to justify it, add to the free list, and when deemed advisable remove the burden of duty from one article and place it upon another. Every article which we do not raise or produce by labor, which enters into general consumption by rich and poor alike, should be placed upon the free list so as to make it as cheap as possible to the consumer.

But all articles of luxury imported from abroad, such as brandies, silks, laces, broadcloths, and diamonds, which are mostly consumed or used by the rich and opulent, and nearly every article which we produce by labor, should be covered by your tariff, so as to secure your revenue and protect your industries; because foreigners ought not to have an equal chance in our markets, in what we produce, while our people have loads of national, State, and local taxes to pay, which they have not.

There are, doubtless, at the present time, some few articles which might very properly be transferred from the duty-paying list to the free column, but in the main the tariff, if changed at all, should be increased instead of being diminished.

Millions of dollars which have been expended in perfecting labor-saving machinery and labor-saving processes of manufacture in this country, upon which large numbers of our citizens are dependent for support, would be completely paralyzed by any material reduction of the present tariff.

I hold, sir, that the Government has by its system of protective duties encouraged these manufactures, and that it is now its duty to protect them. The farming, manufacturing, and industrial interests of my own State are yet in a condition to need the fostering care of the Government, in the form of a protective tariff, in order that they may prosper or live even under the burdens which the war has heaped upon them and the cheap labor competition of foreign countries. The men engaged in these industries are American citizens, and they do not beg and supplicate for this protection, but they demand it as a right. The men whose money and lives have been spent in improving your flocks and herds and elevating the standard of your productions toward a point where competition with foreigners may be possible, and who are now in the very gristle and infancy of these great and important national enterprises, richly deserve and should receive protection from the inundation of foreign importations which a reduction of the present tariff would most certainly produce.

Pass the bill which has been reported, modify and cut down the tariff as you propose, and you will ruin every wool producer, stop every mill, and close up every marble and slate quarry in my State, throw thousands of industrious laboring-men out of employment, and take twenty or thirty millions of capital now invested in that business from the productive power of the country and reduce its owners to bankruptcy and ruin.

In 1875 we purchased foreign goods to the amount of $547,000,000, on which we collected $154,000,000 in import duties. Under the reductions of the tariff bill which has been reported to the House and

is now before us for consideration, to raise that amount of revenue we should be obliged to import probably to the amount of six or seven hundred million dollars' worth of goods annually, an amount which would put out the fire in every furnace, stop the wheels in every mill in the country, and send millions of honest laborers to the poor-house.

Every dollar's worth we purchase abroad when we can produce the same article at home, we to that extent rob the honest labor of this country and assist the foreign artisan. If you reduce the tariff the manufacturer must cut down the wages of his men or shut up his works, because every dollar you reduce the tariff will reduce the wages of the laborer in the same proportion.

Now, sir, if you remove protection from domestic industries and thus reduce wages so that you may be able to compete with the producers and manufacturers of England in a free market the inevitable consequence will be that your labor will become uneasy and restive, it will breed strikes and all manner of dangerous and damaging combinations, the fruit of which will be bankruptcy and ruin to the employer and want and starvation to the employed.

In view of our national debt and the present prostrate condition of business, it would seem to be the highest duty of Congress to inaugurate and mature such measures as shall revive the languishing industries of the country and restore commercial confidence among the people.

It is no time for speculation and wild experiments. Frightened capital, always sensitive and timid, dare not now launch into manufacturing, for fear that by a reduction of the tariff it may be compelled to compete with the cheap capital, labor, and transportation of all Europe. What capital craves and the people demand is stability and certainty, a sound, judicious, protective tariff, and to have Congress let it alone.

If you recklessly reduce the tariff you will literally crush out of existence nearly every branch of our young and struggling manufactures. If you break down manufactures then you drive all the men engaged in them to agriculture, where you already have an overplus, and the result will be idleness, bankruptcy, and distress.

If every man is compelled to become a farmer and raise his own meat and bread, where will you find a market for all your vast surplus products? You cannot sell them at home, because every man raises his own. You cannot sell them abroad, because Europe now raises nearly all the farm products they consume, having taken only about one-tenth part of our annual surplus for the last thirty years.

Another evil which would most certainly result from a reduction of our present tariff would be a vast increase of importations, swelling our debt to foreign nations, compelling us in order to meet it to export gold and silver, and if after that was exhausted a balance should remain, it must be paid with the bonds of the Government upon which we and our children would be forced to pay interest for long years to come to those who would laugh at our folly and mock at our calamities.

Let us not, Mr. Speaker, depart from the ancient landmarks of the Republic, but let us rather follow in the footsteps of the fathers, defending the inheritance they bequeathed to us, protecting and guarding the labor and industry of our own people, giving no ear to those whose hands are stained with British gold and who would strike down our commerce and rear upon its crumbling ruins "the white flag of submission and cowardice or the black banner of British free trade."

But, sir, if reasons really existed for a revision of the tariff the present is a very inopportune and unfortunate time to do it. Business is depressed, the material industries of the country are paralyzed, and confidence is slow to return. It is a time when capital and labor, employers and employed, and all classes of the people, desire peace and demand a settled and stable commercial policy. Nobody has asked for this legislation unless it is dishonest importers and foreign manufacturers. It is a malicious and unprovoked attack upon some of the leading and most important industries of the country, for which no such lame apology as the speech of the chairman of the committee will be accepted by the people.

Why, sir, it comes like the blight and the mildew, while "every return from the Treasury shows month by month diminishing receipts as compared with last year." It is the decreasing trade, the diminishing production, and the lessened activity in business that causes this falling off in the revenues, all which is the direct result of the wild and disturbing legislation adopted by this Congress.

The first step was the passage of a bill to stop resumption and violate the solemn pledges of the Government. But thanks to a kind Providence, the Secretary of the Treasury, and the intelligent level-headed people of this country, in that case the machinations of the wicked have been brought to naught, and resumption will take place in spite of you long before the time fixed by the statute. Surely in this case the "Lord hath caused the wrath of man to praise him and the remainder he hath restrained."

Next came the act to make ninety cents' worth of silver pay a debt of one dollar, to repudiate to that extent every public and private debt, destroy our credit, and disgrace and humiliate our Government before the world. And these two acts were followed by this tariff bill, which, if not the sum of all villainies, is certainly the sum of all follies. Well may the afflicted people of this country exclaim:

> One woe doth tread upon another's heel,
> So fast they follow.

Now, sir, what has been the result so far of this unwise and unfortunate legislation? The funding of the public debt, by which we save millions of interest, has been materially interfered with, while it has called home seventy-five millions of our bonds from abroad and compelled us to return the gold for them at a time when we could least afford to do it and when we needed the gold at home to aid us in resumption.

And, sir, not only this, but the Committee on Banking and Currency of this House are now charged to the muzzle with all sorts of wild and dangerous schemes to destroy the last remnant of our prosperity and still further disgrace us before the world, which they are ready to launch upon the House the moment an opportunity is presented.

And to crown this monument of folly and madness the Committee of Ways and Means are threatening the people of this country with the restoration of the unjust, unwise, and odious income tax, by which the people of the South are to thrive and fatten while the people of the North who labor are to pay the bills.

Why, sir, it would seem as though the very spirit of mischief and sin had seized upon the majority of this House, driving them to destroy the last vestige of business, tear down and annihilate our credit, tarnish our honor, and sap the very foundations of the Government.

Again, sir, the language of this bill is ambiguous and blind, and will require the almost constant labor of the courts for the next ten years to define and construe its provisions. It increases the proportion of articles on which ad valorem duties are levied, leaves the free list undefined, and throws the door wide open for fraud, swindling, and litigation. It reduces the revenue at least six millions as an offering to free trade, while it raises the tax on sugar, tobacco, and spirits to protect those cherished industries in the South. Louisiana's member on the committee is fed with sugar; the gentleman from Virginia with tobacco; Ohio, with whisky-toddy; while the facile Georgian is lulled and pacified with a promise of sixty cents per bushel on castor beans, which on three pecks will yield the Government a revenue of 45 cents, that being about the annual yield of that article in that fertile and productive State.

But, sir, when you come to other articles in the bill the tables are turned. On cotton and cotton goods the revenue is reduced over $2,000,000, on silk and silk goods over three millions, and on wool and woolens nearly six millions.

This, however, is easily accounted for when we note the fact that these three great and important industries are carried on in the Northern and Eastern States, where the people are able to protect the graves of their great men without appropriations from the General Government and where governors are not called upon to save the State from disgrace or the people from dishonor by a veto.

The chairman of the committee says that the western farmer pays a tax upon his lumber, paints, glass, nails, screws, locks, saws, shoes, thread, hinges, paper, carpets, crockery, linen, door-knobs, &c., and appeals to him to come and find relief in this bill.

Why, sir, this is an old free-trade policy which we have heard upon every corner and read in every free-trade book for the last twenty years. In theory and upon principle it is as false as the creed of the infidel, and when we come to examine it practically we find that nearly every article specified by Mr. WOOD as being used by the farmer and taxed is now of domestic manufacture and is not imported at all.

These articles were nearly or quite all of them imported twenty years ago, when the gentleman from New York, like another famous citizen of his State, fell asleep; but while he has been slumbering we have advanced in production and manufacturing to that extent that we now make our own, and the venerable gentleman forgets that, Rip van Winkle-like, he has now in this tariff bill and his speech come back to us after a somnolent residence in Sleepy Hollow for a score of years.

THE BILL REPORTED BY THE COMMITTEE PERNICIOUS AND ITS TITLE A MISNOMER AND A DELUSION.

I desire now to call the attention of the House for a few moments to some few of the provisions of this bill, which more particularly affect the people I represent. The committee have named this abortion "A bill to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes." This title, as I have said, is a misnomer and a cheat.

It should have been named what it really is, "A bill to diminish duties upon foreign imports for the benefit of New York importers, to discourage and break down trade and commerce, to increase taxation, and build up the commercial prosperity of foreign nations at the expense of our own."

I do not know where this bill was concocted or by whom it was drawn, but that it was created for the joint and sole benefit of foreign producers and the importers of foreign productions there can be no shadow of doubt.

There has been no complaint that I have ever heard of, except from the two small classes of men I have named, in regard to the present law, but on the contrary wide-spread satisfaction and approval. It has been in operation long enough so that all the machinery for the levying and collection of the customs duties has become thoroughly adapted and adjusted, all causes of friction removed, and the whole system is now in the most complete running order.

Under the admirable management of the present distingnished head of the Treasury Department it raises all the revenue we need, grants the reqnired protection to our own industries, and its repeal or modification is sought only by a few large importers and British manu-

facturers. They are a class of men who would, as the Emperor Francis of Austria once said, set the continent on fire in order that they might secure to themselves the commerce of the world. It would be well for gentlemen to remember while they are attempting to reverse the commercial policy of the Government and curse us with free trade that a vast number of our large manufacturing establishments have been built up under the fostering care of our protective tariff, and that such a radical change as is now proposed by this bill would either ruin them or greatly restrict their operations. I do not mean by this that I would never revise the tariff; on the contrary, I am clearly of the opinion that a careful and prudent revision of it once in eight or ten years would be highly beneficial and greatly increase the prosperity of the country.

But I would have this important work done by men who know how to do it; men who would be willing to avail themselves of the observation and experience of business men, whose knowledge upon all these subjects is acquired by study and practice.

A practical man, who was governed by correct principles and common sense, would, in a revision of our tariff law, change an article from the duty to the free list only when it clearly appeared that the article did not need protection, and that the change if made would not materially injure the manufacture of it.

This principle has been entirely ignored by the gentlemen who are the fathers of record of this bill, as may readily be seen by a comparison of it with the law as it now stands.

But, sir, conceding that an occasional revision of the tariff is expedient and necessary, yet it seems plain to me that the time has not come when we can safely venture upon such an undertaking.

What we require now is a settled, stable policy, with an assurance from Congress that it will not be disturbed or unsettled.

Business is dull, manufacturing drags, and wages are low in this country at the present time; but business is duller, manufacturing drags slower, and wages are lower in England than here, and the moment we cut down our tariff and remove the protection afforded by the present law England will flood our markets with the production of her pauper labor.

The Boston Advertiser, one of the stanchest republican papers in this country, never uttered truer words than when it said, in speaking of this subject, that "a general revision of the tariff cannot be undertaken with any hope of success until the time shall come when the great and leading industries of the world can be permanently carried on here under as favorable conditions and with equal economy as in other nations with whom we have commercial intercourse."

We may be able to form some faint conception of the evils which would be likely to follow the passage of this bill by observing the result of the agitation of the question even upon business men and upon the industrial interests of the country. If the mere discussion of the question by Congress is fraught with such demoralizing and injurious consequences, who does not see that the passage of this bill would greatly reduce our revenue, break down and crush out a large number of our active industries, drive manufacturing out of the country, add thousands to the already large army of unemployed men, flood our markets with the products of the cheap labor of foreign countries, while the consumer would reap no benefit in the reduction of prices and we should become an impoverished and dependent nation?

With these facts before us I "deem it unwise, inexpedient, and hostile to the best interests of the country to make radical changes in a law which an experience of sixteen years has shown to be highly advantageous to the welfare of the nation and to have been the largest factor in the development of our resources."

Now, sir, let me invite the attention of the House to two or three specific articles of American production and commerce with which this bill seeks to interfere and which it is designed to kill.

MARBLE.

Let us look for a moment at the article of marble, which is quarried and manufactured in large quantities in my district.

The producers of marble come in competition in our markets with the imported marble from Italy.

In fixing the duty upon this article, as upon all others, two objects are to be kept in view, namely: to protect our own production and to realize the largest amount of revenue consistent with such protection.

The present law lays a duty of $1 per cubic foot and, in addition, 25 per cent. ad valorem on marble, white statuary, brocatella, sienna, and verd-antique, in block, rough or squared. On veined marble and marble of all other descriptions, not otherwise provided for, in block, rough or squared, 50 cents per cubic foot and, in addition thereto, 20 per cent. ad valorem.

On sawed, dressed, or polished marble, marble slabs, and marble paving tiles, 30 per cent. ad valorem, and, in addition, 25 cents per superficial square foot not exceeding 2 inches in thickness. If more than 2 inches in thickness, 10 cents per foot in addition to the above rate for each inch or fractional part thereof in excess of 2 inches in thickness, but if exceeding 6 inches in thickness it shall be subject to the same duty as marble blocks; and all manufactures of marble not otherwise provided for, 50 per cent. ad valorem.

It is proposed by this bill to reduce the tariff on this article by fixing it as follows:

On statuary, brocatel, sienna, and verd antique, in block, rough, or squared, 75 cents per cubic foot.

On veined marble, and marble of all other descriptions not otherwise provided for, in block, rough, or squared, 40 cents per cubic foot.

On sawed or dressed marble, marble slabs, and marble paving-tiles, twelve cents per square foot, not exceeding one inch in thickness; if more than one inch in thickness, ten cents per square foot in addition to the above rate for each inch or fractional part thereof in excess of one inch.

On all polished marble-slabs and other manufactures of marble, not otherwise provided for, 75 per cent. ad valorem.

On reference to tables which have been kindly furnished me by Professor Young, of the Statistical Bureau, I find that most of the revenue derived from marble is from that which is imported in the block or in a rough state. For instance, the revenue received on imported unmanufactured marble from 1851 to 1866, inclusive, amounted to $983,698.90, while upon manufactured marble during the same period it amounted to only $169,240. And from 1867 to 1877 it amounted on unmanufactured to $3,101,018.25, and on manufactured to $443,866.17.

These figures show most conclusively that it is the rough, unmanufactured article which requires and should receive the protecting care of the Government. From 1851 down to 1846 the duty on unmanufactured marble was 20 per cent. ad valorem, and the average amount of duty received annually was about $31,000. In 1846 the duty was raised to 30 cents, but in 1858 the rate was reduced to 15 per cent., but the amount of revenue received from it remained about the same. In 1862 the duty on white statuary, &c., was increased to 75 per cent., and on veined, &c., 40 per cent., and the revenue advanced from $31,249 in 1862 to $126,191.25 in 1864. In 1864 the duty on white statuary, &c., in blocks was again raised to $1 per cubic foot and 25 per cent. ad valorem, and the next year the revenue went up to $182,433. The same year also the duty on veined marble in blocks or rough was changed to 50 cents per cubic foot and 20 per cent. ad valorem in addition, which rate has not been changed since, but remains the law to this day. And for the past eleven years under this tariff the Government has received on an average annually the sum of $281,910 revenue from the importation of unmanufactured marble, while our own productions and manufactures have increased a hundred-fold.

This is the class of marble upon which it is proposed to reduce the duty from the present rate to 40 cents per cubic foot. The result could be none other than to shut up our own quarries, stop our mills, transfer our workshops to Italy, and vastly decrease our revenue.

The committee have fallen into a grave error in treating marble in blocks as raw material. The duty on blocks was not in the nature of a duty on raw material. Eighty-five per cent. of the cost of American block-marble is manual labor, 10 per cent. for capital and machinery employed in quarrying, and not more than 5 per cent. is for the value of the marble in the ledge. If the duty on any class was to be cut down it should have been upon sawed marble, as the actual labor employed in quarrying a given number of feet of marble is more than three times that employed in sawing the same number of feet. But the committee have pursued the opposite course, and for the purpose of taking care of the few men in New York and one or two other cities who import marble in the block and saw it, they have fixed the rate of duty on sawed marble about three times higher than on blocks. The importation of foreign marble is mainly in the hands of two Italian firms in New York City, who employ no labor in this country and are only interested in the foreign production at the low prices of Italian labor. Thus it will be seen that the duty on marble blocks is in the nature of protection to American labor, while the protection given by a high rate of duty to sawed marble is upon capital invested in mills and machinery. A marble quarry producing one hundred thousand cubic feet of marble per year would employ about two hundred and fifty men, while fifty men would be an ample force to saw the same amount.

It is said by the friends of this bill that our Vermont marble does not come in competition with the imported article. This is a great mistake. Every foot of veined Italian marble brought to this country takes the place of so much of our higher-priced production. The veined Italian marble is uniform and even in character, color, and value, seldom varying in price more than twenty or thirty cents per cubic foot, while ours is uneven in character and color, varying in price from fifty cents to $3 per cubic foot. It is, perhaps, on an average, the best one-third of our marble that comes in competition with the Italian, but we have to quarry the whole deposit together; so we have to produce a great quantity of marble that does not pay the cost of production in order to get what does. In this way the protection we get from the tariff is really on only about one-third of the marble we produce, the other two-thirds being sold often at a very low figure.

We have invested in the marble business in this country from ten to fifteen millions of dollars, giving employment to more than a half million of men. It is an important industry and is entitled to the consideration of Congress. It is for the interest and benefit of the whole country that it should be protected.

If foreign importers can bring marble from Italy as ballast for ships and undersell our own producers, who are compelled to pay large wages to labor and high transportation in our own markets, then the principle of self-preservation demands that we should establish and maintain "that degree of protection which will best secure and advance the prosperity of our own country" and guard the rights of our own people.

The men engaged in the production of marble in my State are enterprising, energetic men. They have made large investments in the business; they are continually extending their operations, increasing the number of laborers, and, notwithstanding the competition they now meet in the cheap labor of Italy and the cheap transportation of marble from the Italian ports to our markets, yet they can, under the present tariff, keep their quarries and mills in operation and after paying expenses have a small margin left for profits.

I have already shown that most of the revenue which is collected upon marble is upon that which is imported in the block or rough; and also that 85 per cent. of the cost of block marble is manual labor, and that to protect the producer of blocks is to protect American labor.

I will now demonstrate by figures that the present bill is unequal and unfair, that it discriminates in the most outrageous manner in favor of the importer and sawyer and against the producer of blocks, and that the marble interests of Vermont are to be sacrificed for the benefit of a few men who are fortunate enough to live in the district represented by the chairman of the Ways and Means Committee.

For illustration, suppose we now take a block of marble containing one hundred cubic feet. That under the duty of 40 cents per cubic foot, as provided by this bill, would yield a net revenue to the Government, if imported in the block, of $40.

Now, suppose the importer saws that block into slabs of one inch in thickness and imports the slabs, he will then have 1,000 superficial feet of slab marble, upon which the duty by this bill is 12 cents per square foot, which will yield a revenue to the Government of one hundred and twenty dollars instead of forty if imported in the block. If the slabs are more than one inch in thickness 10 cents per square foot, in addition to the 12 cents, are put on for each inch or fraction of an inch in excess of one. So, if he sawed his block into two-inch slabs, he would have to pay duty on 500 square feet, which at 22 cents (the 12 cents and the 10 in addition for the extra inch) would cost him $110.

That the House and the country may see how beautifully this tariff bill would work in the interest of our New York friends and against my constituents, I will have printed with my remarks the following table which I have made. A block of marble containing 100 cubic feet would give, by the specific tax of 40 cents per cubic foot, $40.

If this block was sawed into slabs say—

	Number of square feet when sawed.	Duty on each square foot.	Net revenue to the Government.
		Cents.	
1 inch thick	1,000	12	$120 00
2 inches thick	500	22	110 00
3 inches thick	333⅓	32	106 66
4 inches thick	250	42	105 00
5 inches thick	200	52	104 00
6 inches thick	166⅔	62	103 32
7 inches thick	142⅞	72	102 84
8 inches thick	125	82	102 50
9 inches thick	111⅛	92	102 22

A single glance at the foregoing table will satisfy any man that under the provisions of this bill every foot of marble imported into this country would be in the block, our markets would be flooded with the foreign production, while our own quarries would be closed, the laborers idle, and the men who have invested their money in this useful and growing industry would be driven into bankruptcy and ruin.

What the marble producers of this country want and demand, therefore, is that the present tariff shall be allowed to stand, that Congress shall dismiss the subject at once, and they be permitted to pursue this important and useful industry in peace and without fear of the New York importers or foreign producers.

SLATE.

The slate interest, in which my people are also deeply interested, failed, as it seems, to catch the attention of the committee who reported this bill.

There are in the county in which I reside and in the adjoining county, in New York, now open and in operation nearly one hundred slate quarries. They employ directly and indirectly in that business upward of two thousand men, with an invested capital of more than $4,000,000. The production of roofing and all other kinds of slate amounts to over $1,000,000 annually.

The present law levies a duty of 40 per cent. ad valorem on all slates, slate-pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate; and on roofing-slates 35 per cent. ad valorem.

The committee have seen fit to put all these several manufactures of slate upon the free list.

Now, sir, I am informed by two very intelligent and worthy gentlemen, who reside in the immediate vicinity of these slate quarries and who are thoroughly informed as to the whole matter, that the producers of this article are compelled to compete in our own markets with slate which is imported from Wales as ballast in ships, and which is quarried and put on shipboard in that country at one-third of the cost that is required to quarry it here.

The men who are engaged in the importation of slate reside, most of them, as I am informed, in the city of New York. It is for their interest to have slate come in free, and the committee, or a majority of them, have concluded to sacrifice our own producers in Vermont, New York, Maine, and Pennsylvania for the benefit of a few men who happen to be the neighbors of the chairman of the committee.

In the name of the men whose capital and daily bread are involved and put to the hazard in this proposed outrage I protest against it, and hope that the law will remain as it is and that they will be permitted to prosecute this important industry under the protection now afforded them by the present tariff.

WOOL.

The wool interest of this country stands among the most important and valuable of our industries. Millions of dollars are invested in it and thousands of our people are engaged in its production and manufacture. Unlike all other industries which are confined by nature to some particular locality, it is capable of being extended into every State and Territory and may be made profitable wherever civilization is pushed or the homes of our race are established.

The wool-growers and wool-manufacturers of this country are among the most energetic, intelligent, and patriotic men in our communities. They are entitled to the respect and courtesy of all classes and associations of men, even if it should chance to be the honorable Committee of Ways and Means of this House. They are men who are awake to the commercial interests of the country and the welfare of their fellow-men. As soon, therefore, as they came to know that the gentleman from New York [Mr. WOOD] and his importing neighbors had determined to make a blind assault upon the tariff they came here and asked to be heard before the committee.

It would certainly seem to any fair-minded man that if the committee had desired knowledge and information upon this delicate and intricate subject they would have welcomed these men to their committee-room and been not only willing but anxious to learn of those whose thorough study and long practical experience so eminently qualify them to teach what the committee so much needed to know. But, strange to say, the very reverse of this was true; these men were told to depart, and when the committee had a more convenient season they would send for them. The doors were closed, and the country beheld the spectacle of a committee shutting themselves up in a room, isolated from all knowledge, cut off from all information, attempting as it would seem in a spirit of blindness and folly to revise a law involving nearly every industrial interest in the country and the welfare of this great people. Sir, we have the result of their labors before us: a combination of absurdities; a tissue of inconsistencies; a premature birth—

> "A thing that is curtailed of its fair proportions;
> Cheated of feature by dissembling man;
> Deformed, unfinished, sent before its time
> Into this House, scarce half made up."

It was wonderful in its conception, miraculous in its birth, and is worthy the fame of its illustrious sire.

It only remains for the people, whose petitions have been treated with scorn and whose rights have been violated and trodden in the dust, to arise in their might, strangle this unnatural production in the very arms of its sponsors, and restore hope and confidence to the anxious, waiting industries of the country.

There is no rule in political economy better supported by reason and backed by authority than the one that all raw materials which do not come in competition with the home industries of our country should be admitted free of duty, and on such as do compete and are of national importance duties should be imposed. The indigenous resources of our country are almost boundless, and our prosperity will be enhanced in proportion as we faithfully and wisely utilize all these resources; and if customs duties are necessary to enable the producers of raw materials in this country to compete successfully with similar producers in foreign countries, sound statesmanship and self-preservation demand that we should put them on.

We have in this country at the present time nearly 35,000,000 sheep, whose fleeces furnish 90 per cent. of all the wool consumed in our factories.

England is the only country that raises long, coarse wools to any considerable extent, consequently she meets with no competition either in her own markets or the markets of the world, while we raise fine wool of the Merino type and our producers have to compete with most of the wool-producing countries in the world.

It has been truly said that "sheep husbandry is essential to industrial as well as national independence." For many years it had a very precarious existence in this country and never really flourished or assumed any considerable proportions until the enactment of the present tariff. The tariff of 1867 upon wool, being the same substantially as the one now in force, was the result of the joint efforts and agreement of the wool-growers and wool manufacturers of this country. It "places the wool manufacturer, so far as his relation to foreign competitors is concerned, on the same footing as though he received his wool duty free."

"On manufactures of wool it imposes a specific duty, equivalent

to the amount of duty on the wool entering into such manufactures. It then adds a duty for revenue and protection the same as is imposed on manufactures of cotton and of iron, on the raw material of which no duty is needed or imposed."

This gives equal protection to the wool-grower and the wool-manufacturer, and under its operation the wool industry of the country in all its branches has been largely developed and increased.

In 1866 we imported wool as follows: from the Argentine Republic about 37,000,000 pounds, and from the Cape of Good Hope 8,000,000 pounds, making 45,000,000 in all.

In 1867 the present law was passed, fixing the duty upon foreign wool, and in 1868 we imported from the Argentine Republic and the Cape of Good Hope only six and one-half million pounds. And this 38,000,000 pounds thus shut out by operation of the tariff of 1867 was a class and grade of wool which competes with the wool we raise in this country. We shall observe the same good effects of the tariff of 1867 if we examine as to the production of wool in this country before and after the passage of that law. In 1866 we raised only 137,000,000 pounds, while in 1877 we raised 208,000,000 pounds.

In 1870 California only produced twenty-three and one-half million pounds of wool, while in 1876, under the fostering influences of the present tariff, she raised 51,000,000 pounds.

In 1866, under a low tariff, we imported 36,760 bales of wool from South America alone; in 1867, under the present tariff, we imported only 6,683 bales, the balance used by us being supplied from our own flocks.

My time will only permit me merely to call attention to this point and one or two facts connected with it; but the figures I have given not only show a vast increase in the production of domestic wools within the past few years, but they also serve to illustrate the beneficial effects of a protective tariff upon this great and growing industry as fully and completely as though I should spend hours in argument and multiply figures in regard to it.

The State which I have the honor in part to represent is essentially and pre-eminently an agricultural State.

Her people are largely engaged in farming and her chief productions are from the dairy and sheep-husbandry.

For the excellence and superiority of these productions, as well as fine horses and cattle, Vermont has been deservedly famous for many years.

In the county of Addison, in my district, are some of the finest and most valuable sheep in the world; in fact, I may almost say they are perfect sheep.

These sheep have been brought to their present standard of excellence and perfection by the careful mixing of the very best blood of this and foreign countries and cross-breeding them.

Their best blood came originally from the old Spanish Merino sheep, but so rapid was their advancement, under the care and skillful management of Jarvis, Hammond, and their successors, that the name of Spanish was long ago dropped and they were christined American Merinos, which proud name they bear to this day. These sheep will yield a fleece weighing from fifteen to eighteen pounds on the average, and a ram of this breed will double the yield of wool in an ordinary flock in one year. These sheep are raised in Vermont and sent into every State and Territory in the Union to improve the flocks, increase the production, and enhance the price of this valuable staple.

If sheep-husbandry is kept up and encouraged in this country by wise legislation, Vermont will find a ready market not only for her wool, but also for her surplus sheep, and the whole country will be benefited; but if it is allowed to go down, either by the neglect or folly of Congress, or unwise laws, my constituents will suffer and the people everywhere will be the losers.

The farmers of my State who own these valuable sheep, and the owners of flocks throughout the country, have invested their money in them under the promise of the Government, embodied in the present law, that they should be guarded and protected in their business.

Under the present law the wool-growers and wool-manufacturers have to some extent prospered and been enabled to increase their investments and extend their business of which the Government as well as the whole people are now reaping the benefit. They have asked for no change and they demand no additional legislation, but they do protest, in the most earnest manner, against the willful destruction of this great and growing industry, and their own bankruptcy, which is now threatened by the passage of this bill.

Pass this bill and the fool need not be told that it will inevitably ruin the wool industry of this country and transfer our flocks as well as our mills and factories to foreign shores and compel us to surrender our home market to our commercial rivals and enemies.

This bill proposes to cut down and reduce the present tariff on merino wool, such as is raised by the people of this country, a very large per cent. and very largely reduce that on all other grades and classes of wool. We need hardly stop to calculate the effects of such unwise and ruinous legislation upon not only the wool interest of the country but upon business generally. It would stop sheep-breeding in Vermont, and cast a dark shadow of fear and discouragement over the men who are now engaged in filling the rich pastures of Georgia, Mississippi, Louisiana, Texas, and California with the choicest breeds from the golden flocks of the Green Mountains.

A single other item in this bill representing the wool interest, and I then leave it to the judgment and good sense of this House and the country to decide whether my position is sound, and whether I am justified in what I have said respecting it. The duty upon all woolen cloths is fixed by the committee in this bill at 50 per cent. ad valorem, while on ready-made woolen clothing it is put at 45 per cent. ad valorem. Do you ask me what effect this will have upon the business of manufacturing clothing in this country? Why, sir, the child and the idiot need not be told that it will remove our clothing workshops and factories to England, France, and Germany, and throw out of employment a half million of men and women whose daily support is now drawn from that source.

And, sir, the worst feature of this wholesale destruction of our present tariff is that under a low tariff our producers and manufacturers, in order to compete with the cheap labor, cheap capital and low rates of interest of foreign countries, will be compelled to reduce the wages of our operatives to the starvation standard of Italy, Wales, and England, by which labor will be left ultimately to receive the shock and bear the weight of this terrible blow.

CONCLUSION.

Notwithstanding the vast expenses and terrible sacrifices of the war, no man will for a moment claim or pretend that there has ever been any other period in the history of this Government when every material industry of the country grew and expanded as they did from 1860 down to 1873.

When the war broke out we were destitute of everything necessary to carry it on, except men and women and patriotism and pluck. We were without arms, ammunition, equipments, clothing, money, or credit. When the war closed we had the best armed, clothed, and equipped Army that ever stood in line of battle; our population had vastly increased; we had doubled up our wealth, expanded our manufactures, and our credit was unbounded. This wondrous change and advancement, although stimulated in some degree by other causes, was brought about mainly through the agency of our high protective tariffs.

When our people were, by the necessities arising out of the war, driven back upon their own resources, Congress at once adopted a measure of high protection, which immediately created a vast number and variety of manufactures, and they in turn raised the price of labor and raw material, stimulated production, opened a home market for all our surplus products, and sent a thrill of life and vigor through every branch of business and avenue of our industries.

In this case of course the expansion was in some degree unhealthy, because the extraordinary demand was created by the war, which, when it ended, left many of our manufactures prostrate; but it nevertheless just as fully illustrated the benefits and advantages of the protective system as though it had all occurred during a time of profound peace.

We can best appreciate the national growth and prosperity under the great American system of protection by referring briefly to what has been wrought out and accomplished since 1861. In looking back over our history for the past sixteen years we find that, notwithstanding a rebellion unparalleled in fierceness and extent raged for four years in a portion of our country, we have gained during that time in population, by natural increase and immigration, at least 14,000,000; we have increased our manufacturing capital more than $30,000,000,000; we have added nearly $14,000,000,000 to the aggregate wealth of the nation; we have reduced the internal taxes of the people two hundred millions annually; we have paid in principal and interest on the public debt over $2,000,000,000; we have paid to our soldiers in pensions more than three hundred millions; we have reduced the customs duties sixty-millions annually; we have paid two hundred and fifty millions on claims growing out of the rebellion; we have abolished the income tax, never more, I trust, to be revived, and raised every bond ever issued by the Government and now outstanding to a premium in every market at home and abroad; we have reduced the interest on loans from 12 and 15 per cent. to 4 and 4½; we have reduced the current expenses of the Government every year except one from 1866 down to the present time, and to-day, if it was not for the bringing in of this bill, the funded loan of this country would be quoted at from ½ to ¾ of 1 per cent. premium in every money market in the world.

In addition to this, we have cut down the forests and plowed up the prairies; we have lightened the burdens of the toiling, struggling millions and filled the world with our inventions; we have built school-houses in every valley and upon every hill-side; we have erected churches in every village and hamlet; we have touched the banks of every lake and river with the magic wand of our mighty progress, and behold villages and cities have at once sprung up, filled with a brave, intelligent, and industrious people, and echoing the rattle of machinery and the hum of honest industry; amid the fiery flames of civil war we have cemented anew the bond of our Federal Union with untold treasures and the blood of a million brave men; we have broken down the red Moloch of war between nations and erected upon its ruins the throne of justice and the golden scepter of peaceful arbitration; we have tunneled the ocean with wires, annihilated space and time, and filled the world with wonder and knowledge; we have ascended on high, plucked the lightning from the clouds, chained it to the chariot wheels of our progress, and made it the servant of genius and science; we have dived into the bowels of the earth, unlocked the secrets of nature and compelled them to minister to our comfort, our

knowledge, and our progress; we have crystallized the great principles of liberty, justice, and equality, and burned them into the organic law of the Republic; we possess the only free government in the world, and enjoy more real happiness than any other nation on earth. Such is the history of our country under the beneficent influence of a protective tariff.

We stand to-day "upon the dividing line between the centuries, looking back through one hundred years, with all their grand achievements, and forward to the illimitable future, with all its magnificent possibilities."

To the patriot statesmen of America is committed the high and holy duty of so directing the course of the Republic by wise and judicious legislation in the future that the hopes and aspirations of mankind may be fully realized and that her grand and noble destiny may be fulfilled. As in the past, so in the future the road to national honor and national progress and prosperity will lie in the protection of our own industries and in the defense of our own people.

THE NATIONAL BANKING SYSTEM.

Mr. VANCE. Mr. Speaker, on the 29th of October, 1877, I introduced into the House the following bill:

A bill to repeal so much of the internal-revenue law as requires persons and State banking associations to pay a tax of 10 per cent. on the circulating issue of any State bank, and to enforce a uniform rate of interest throughout the United States, and to punish national banks for accepting a usurious rate of interest.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 3412 of the Revised Statutes of the United States which requires State banks to pay 10 per cent. on their circulating issue be, and the same is hereby, repealed.

SEC. 2. That section 5198 of the Revised Statutes of the United States be amended as follows: After the word "entire," in line 3 of said section, insert the word "debt," and after which the word "and;" so that the act shall read "entire debt and interest."

SEC. 3. That no person or persons, corporation or association, shall hereafter, within the United States, take, receive, reserve, or charge, directly or indirectly, a greater rate of interest than 6 per cent. per annum, which may be taken in advance for periods of three months or over, for the sale, use, hire, loan, or discount of money, whether it be gold, silver, or currency, or upon any promissory note of hand, book account, or in any other manner; and every person or persons who shall knowingly demand, receive, reserve, or charge, directly or indirectly, a rate of interest greater than is provided as aforesaid, for any purpose whatever, except as interest on county, State, and Government bonds, shall forfeit the entire debt upon which the interest is demanded and claimed, principal and interest, and shall also be deemed guilty of a misdemeanor, and, upon conviction thereof in any State court within the States and in the United States courts within the Territories and the District of Columbia, shall be fined not less than $100 and imprisoned not less than six months, at the discretion of the court trying the case. This act shall be so construed as to include corporations and associations as "persons," and the officers, agents, or attorneys of corporations and associations shall be dealt with as "persons."

This bill, it will be seen, proposes legislation on two subjects, namely, the repeal of the 10 per cent. tax on the issues of State banks and to fix the rate of interest throughout the United States at 6 per cent. I shall address myself at present to the first subject mentioned.

Allow me to say, Mr. Speaker, that the people expect relief from this Congress. The people did not send us here to pass appropriations alone. The almost unparalleled suffering and even want in the land call loudly to our patriotism and our sense of duty.

The attempt to rush through Congress only appropriation bills and then hurry away will not meet the expectations of the country. Neither will the mere reduction of expenditures meet the demands of the times. Reduction of taxes and a sufficiency of currency to meet the needs of the people and to enable them to bear the burdens laid upon them are what is looked for with prayers, anxieties, and even tears. Shall they be disappointed? God forbid! The chosen representatives of the land should rise to the solemn issues of the hour and gird themselves like men to the great and glorious work of giving relief to distress and bread to poverty. The piercing cry of hard times has sounded sadly in our ears. The poor have sighed—

> Many days you have lingered around our cabin door;
> Oh, hard times come again no more.

Beyond this and above this has been heard the fearful shout of bread or blood, reminding one of the dark days in Paris, when her laboring masses were starving.

A grave and serious question arises. What has caused this depression in trade, this shrinkage in values, this closing of work-shops, the long list of failures, and the appalling want in the country? In my opinion, Mr. Speaker, it is owing to faulty and in many instances, I fear, corrupt legislation. The legislation for sixteen years or more has been too often in favor of the rich and powerful to the detriment of the weak and poor. The bondholder has rolled in his wealth, free from taxation, and the laboring-man has been taxed in his poverty upon nearly everything he eats and wears. The cry of these toiling and suffering millions, "How long, O, Lord, holy and true, dost thou not judge and avenge our blood on them that" oppress us? shall be heard, if not by men, by the Great Father.

Let us examine some of this legislation. The internal-revenue law of the United States imposes a tax of 10 per cent. on the amount of notes issued by any State bank. This act was passed March 3, 1865, and reads as follows:

That every national-banking association, State bank, or State banking association shall pay a tax of 10 per cent. on the amount of notes of any State bank or State banking association paid out after the 1st day of July, 1866.

Prior to this time, however, namely, on the 30th June, 1864, Congress passed an act taxing the circulation of State bank-notes 1 per cent. payable in installments of one-twelfth of 1 per cent. per month. The real object in passing these acts was not for the purpose of raising revenue (although the acts so profess) but to tax out of existence all State banking associations and to deprive the several States of the privilege so long enjoyed of furnishing a ready medium of exchange for the people. These acts had the desired result, for there is scarcely any State banks of issue now in existence.

Now, in order to show the objects and effects of these arbitrary acts of Congress, I wish to set forth the amount of State bank circulation and the resources of the same at the beginning of this high-handed effort to destroy the rights of the people and to contribute to the interest of a then rising, unscrupulous monopoly under the name and style of the national-banking system:

It appears in a report on the finances (Executive Documents Nos. 2 and 3, first session, Thirty-eighth Congress) that in 1863 there were fourteen hundred and sixty-six State banks and branches, the liabilities of which were, including capital, in the aggregate $1,191,749,945, and their total resources $1,185,491,728. In the same year the circulation and deposits of these banks were $632,363,444 and the aggregate amount of specie $101,227,369, or about $1 of specie for $6 of circulation and deposits, and, including other liabilities, about $1 in specie to $7 of liability. The proportion of specie to circulation and deposits, and also to other liabilities, is very nearly the same for the years intervening between 1851 and 1863.

Under these State banking associations the people of the United States had advanced for over two-thirds of a century in all the elements of prosperity, which tended to make us the greatest nation upon earth, and each of the several States was vying with each other in the rapid progress in all that pertained to its happiness and prosperity. Our people had all the money needed for the legitimate business of the country. The rates of interest were from 4 to 6 per cent., and the lands of our farmers were always considered as good security, while now nothing but United States bonds will give a man credit at any of the banking counters of the land. If the farmer wishes to discount a note for $1,000 and offers the finest lands in the whole country as security, he is told that the price of lands is too uncertain, you must give us United States bonds, or city acceptances, based generally upon the same.

The issues of these State banks were often (almost if not quite) at par with gold within the States where they had their charters, and many of these issues were greedily taken by most of the other States, and when they were at a discount it was so small that it produced but little inconvenience to the people.

We all remember, especially in the Southern and Middle States, how delighted our farmers were to sell their horses, hogs, cattle, bacon, and flour for the bank-bills of South Carolina, North Carolina, Georgia, Virginia, and other States. Most of these banks were upon the most solid foundation; they were perfectly solvent; most all of the surplus capital in the country was vested in these banks, and the management was generally under the most wealthy people and those possessing the greatest financial skill of the country.

Indeed, such was the confidence in these banks that some of their issues were worth 50, 75, and even 100 per cent. after the termination of the war.

As a matter of course there were the exceptional instances of what is sometimes called a "wild-cat bank," but this was always the result of some fraudulent procurement of bank charters being obtained from the Legislatures. We have a few instances of the courts declaring a bank charter void upon the grounds that the charter was rushed through the Legislature under some false pretense and by fraud.

But these were but rare and exceptional instances which sink into insignificance compared with the gigantic frauds of the present day. In those good old days, now and then, a sharp trickster would get himself elected to the Legislature, and under the disguise of a favorite name or some popular policy would smuggle a bank charter through without those safeguards necessary to insure the people against imposition; but there is no instance of that audacity which would now demonetize silver and change existing contracts with the bondholders so as to wrench from an unwilling and over-taxed people these debts in gold, to obtain which there has come shrinkage, panic, distress, poverty, and universal stagnation.

It will be seen that these State banks had about one dollar in specie to six of circulation and deposits; and this amount of specie was always considered enough to maintain the par value of these notes. With this amount of specie the State banks were all considered at a specie-basis standard, and it required no forced act of resumption to compel them to resume specie payments.

The present Secretary of the Treasury in his recent report contends that the national banks can readily resume specie payment by the 1st of January, 1879, although it appears from the same report that the ratio of specie held by the national banks to their circulation and deposits for the last ten years has been 14.5 per cent. The State banks did much better. From 1835 to 1842 the State banks had specie 11.3; from 1850 to 1858, 9.6 per cent. So that if the fact that the old State banks did not have specie in a sufficient amount to warrant specie payment if a sudden run was made upon them is an argument against their existence, then the argument is greater against the national banks, because they have much less. And many of the people perhaps will be surprised to learn that the depositors of these national banks have no security whatever beyond the personal honor of the stockholders, or possibly a liability to the amount of stock of each individual stockholder, but certainly no sufficient security. But I shall allude to this point again.

But I wish to call the attention of the country to the dates of these

enactments, in order to show the motives of this extraordinary assumption on the part of Congress of the rights of the people. It is a familiar quotation from Chief-Justice Marshall that "the power to tax is the power to destroy." Certainly in this instance the taxing power has resulted in the destruction of all the State banks in the nation, greatly to the detriment and damage of the people. Some of our people think the State banks were destroyed by the war, but such is not the case entirely. This great taxing power laid its destructive hand upon these institutions long before the ravages of war had run their course; and while a terrible and devastating war was rapidly crippling the resources of the country and spreading ruin and misery over the land, the moneyed rings of the country became the pet monopolies of Congress, and on the 23d of February, 1863, the national banking system sprung into existence. Then followed in 1864 and 1865 these acts of taxation; then came this power of destruction—this taxing power—acting in greedy co-operation with the grim monster war.

To show this, I present the following tabulated statement from the report of the Comptroller of the Treasury, showing the amount of Federal taxation upon these State banks from 1864 to 1877. For this table I am indebted to the able speech on this subject recently made, I believe, in the Legislature of Virginia, by Major John W. Daniel, of Lynchburgh, Virginia; and I may avail myself further along with other important ideas obtained from this great speech:

Statement showing the amounts of Federal tax derived for a series of fourteen years from the levies on the circulation of State banks.

Years.	On circulation.
1864	$2,056,996 30
1865	1,993,661 84
1866	990,278 11
1867	214,298 75
1868	28,669 88
1869	16,565 05
1870	15,419 94
1871	22,781 02
1872	8,919 82
1873	24,778 62
1874	16,738 26
1875	22,746 27
1876	17,947 67
1877	5,430 16
Aggregate	36,827,770 27

And from the same source I present the following table:

National and State bank notes in circulation.

Years.	National-bank notes.	State-bank notes.
1854	None	$204,699,000
1855	do	186,952,000
1856	do	195,738,000
1857	do	214,779,000
1858	do	155,208,000
1859	do	193,306,000
1860	do	207,102,000
1861	do	202,505,000
1862	do	183,794,000
1863	National-bank act passed.	238,671,210
1864	$30,155	
1865	66,769,372	
1866	213,239,530	45,449,155
1867	291,093,295	6,962,409
1868	294,377,390	3,792,013
1869	294,476,702	2,734,669
1870	292,833,935	2,351,993
1871	302,028,626	2,035,800
1872	318,043,841	1,886,538
1873	336,289,287	1,511,396
1874	350,020,002	
1875	349,404,839	No later report.
1876	330,809,136	do

It will thus be seen how completely the State banks were taxed out of existence; but not until after a severe struggle of twelve years, during which time the enormous sum of $56,827,770.27 was paid by way of Federal taxation! Say you, sir, that these State banks were powerless for good? Say you that they had not the ability and will to supply the country with a medium of exchange? Say you that such gigantic energies involved in the grappling with the monopolizing competitor, the national banks, even while the country was reeling under the shock of terrible war, are not a guarantee of fidelity and business capabilities?

And pray look what an unequal contest. While the circulation of the State banks is taxed 10 per cent. the national-bank circulation is only taxed 1 per cent., and every national bank in the land is now howling for the repeal of this 1 per cent. tax. Yes, this national-bank monopoly having driven all competition out of the land, now demands further exclusive privileges. They complain vociferously at both Federal and State taxation, and I believe the Secretary of the Treasury in his last report comes to their relief and urges the same thing in their behalf.

No wonder these national-bank monopolies can refuse to loan money at less than 12 to 40 per cent., because they have no competition in the line of dealing in money; and these banks have now almost complete control of the money market. They have driven all competition out of the way, except now and then a bank of discount and deposit acting under State authority. And by false colors and fraud, in many instances, they have obtained bills discounted for which the bank is not liable, and gathered in nearly all the surplus money of the country in the way of deposits for which the creditors have no security whatever.

Now, at this point, for fear I may do injustice to some of these banks, I call attention to the official report of the Secretary of the Treasury for the last fiscal year. The Secretary is quite careful to argue to the country that the notes of these banks are good, and that they can pay the notes, in specie if demanded, after the 1st day of January, 1879; but he never says to the people that they have adequate and complete security for the deposits, amounting, as he shows, to the vast sum of $768,245,746, which is a greater sum than the circulation and deposits, added together, of all the fourteen hundred State banks in existence in 1863. This national-banking act of February 25, 1863, has brought into existence twenty-three hundred and seventy-two national banks, two thousand and seventy-eight of which were in operation June 22, 1877. (See report of the Secretary of the Treasury, pages 128 and 129.)

Now, I wish to call the special attention of the country to a few facts in regard to these national banks which I believe are not generally known by the people. In the first place it is admitted that the notes of these national banks are secured—that the deposit of United States bonds with the Treasury secures the noteholders, but, as I have before shown, the depositor has no security. Look at this vast sum of over seven hundred and sixty millions of deposits in these banks on June 22, 1877, for which there is no security.

And to prove the want of security the report of Secretary Sherman shows that since the "date of the national-banking system to June 1, 1877, fifty-five of these banks have failed with an aggregate capital of $10,875,100." (See Report, Message, and Documents, page 169.)

The same report shows that the amount of creditors' claims proven against these failing national banks was $17,899,886; and the Secretary says "the total loss to the creditors of these banks is estimated at $5,525,000."

Several of these banks paid as low as 7, 8, and 10 per cent. only of the claims of creditors. The Secretary of the Treasury, while defending this national-bank system, recommends further legislation to prevent what he calls "malfeasance" or "crime." These banks have not only held out inducements to the people to make a deposit of all their surplus money with them and then squandered the same to the amount of many millions, as appears from official sources, but they have been guilty in many instances of "malfeasance" and "crime." Here is what Secretary Sherman says in his report for the last fiscal year. (See Message and Documents, page 169.)

> The most fruitful cause of the failure of national banks has been the unlawful use of the funds or credits of these associations by their officers and directors. In most instances these persons have accomplished this malfeasance or crime by obtaining, in their official capacity, the discount of notes in which the bank had no interest. The receivers of six different banks which have recently failed have declined to allow claims for discounted paper bearing the indorsement of the bank upon the ground that the claimant had good and sufficient notice that such paper was discounted for the benefit of individuals and not of the bank. The passage of an act prohibiting a bank from borrowing money upon its own obligation or from loaning its credit is recommended; and it is also suggested that an act prohibiting any bank from obtaining rediscounts upon its own bills receivable, unless authorized by its board of directors under the seal of the bank, would have the effect to put other banks upon their guard when applied to for such favors.

Let us see for a moment the practical workings of these national banks. Recollect that these banks are based entirely upon United States bonds. For instance, if an association of persons desire to start a national bank they must come to Washington or New York and purchase $100,000 in United States bonds. The law then requires these to be deposited with the Treasury Department as a security for the redemption of the notes to be issued. But the law only allows these associations of persons to issue 90 per cent. of the amount of the bonds so deposited; that is to say, having paid out $100,000 they are allowed to issue $90,000 of their notes. Here, then, is $10,000 more currency taken from the country and locked up in this bond investment than is returned to the country. Upon this point I will quote an excellent argument which I find in the Raleigh Observer of September 9, 1877. It says, in reference to North Carolina:

> We now call the attention of our readers to the loss of currency our State, as a whole, sustains by having this system instead of that in which the basis of the banks shall be gold and silver instead of paper.
>
> There are fifteen national banks in the State, with an aggregate capital of $2,556,000, namely:

	Capital.
Wilmington banks	$250,000
Raleigh banks	600,000
Charlotte banks	900,000
New Berne banks	100,000
Salem banks	100,000
Greensborough banks	150,000
Winston banks	51,000
Wilson banks	55,000
Fayetteville banks	350,000
Total fifteen banks	2,556,000

> The aggregate bonds deposited in Washington to secure circulation are $1,606,100, which cost probably at least $1,750,000.
>
> The total currency received in exchange for all this money is only, say, $1,450,000;

so that the State has lost, say, $300,000 in currency by the establishment of these banks.

Now, supposing these bonds were exchanged for gold, as they could be easily, and supposing that the banks could issue $3 in notes for $1 in specie in the vaults, as was considered safe under the old system, then they could lend to our people, if good security should be offered, as much as, say, $4,500,000.

I cannot do better than to further quote from the same article in the Observer as a part of my argument:

We have heretofore shown with regard to the national-banking system that it is liable to several insuperable objections, as applicable to communities like our own, which have little accumulated capital. These objections in substance are:

First. That as the basis of the banks is United States bonds and as those bonds must be bought in a distant market, the money sent away to buy the bonds is more than the currency brought back. We showed, for example, that Raleigh, with $600,000 banking capital, had sent out of the State $120,000 more currency than the banks were able to issue, and that Raleigh had lost by such establishment of banks that amount of money.

Second. That, this being the case, the banks, in order to pay necessary expenses of offices, rents, taxes, &c., must charge high rate of interest.

We showed that if the banks were founded on gold and silver, instead of United States bonds, they could issue two or three times as much as they do now and could therefore charge one-half or one-third the rate of interest.

Third. It follows that the much-talked-of "new distribution of currency," "withdrawing currency" from New England, New York, &c., so as to allow the West and the South to establish new banks, modern "free banking" as it is called, are delusive mockeries, because in order to avail themselves of the privilege the West and South must send to those places for purchase of bonds more currency than they obtain. The West and the South have been deluded by the smart capitalists of the North and Northeast, and the members of Congress, whom they control, into the belief that they were gaining something, when in reality they were losing enormously.

The result of this oppressive system is that currency is taken from the poor communities and piled up on the rich; that money cannot be had where it is needed; that all industry and enterprise are stifled; that debtors are at the mercy of creditors; that often money cannot be borrowed in sections of the country where it is wanted at even the most enormous rates of interest, and that prudent men are deterred from business enterprises, because at certain seasons, even when no panic is existing, they cannot be sure of obtaining bank accommodations at any price.

These national banks are not adapted to an agricultural locality and do not afford the monetary conveniences which the people in these localities demand. And on this point I will use an extract from a speech made some months ago in the city of New York by W. L. Trentholm, esq., of Charleston, South Carolina, a man of enlarged experience in commercial transactions and whose opinion is worth much on a question of finance. Speaking of the national-bank system, he says:

The settlement of the currency question and the reform of the national-bank act are of vital importance to the South, as well as other sections. If any one class in this country is likely to gain more than others by resumption it will be the cotton-growers, for much the largest part of their product is actually sold abroad for gold, and the expense of converting that gold into the currency which they have been content to take comes, like all commercial charges, off the prices realized by the producer. With gold about to be restored to its functions as the basis of bank-note circulation, the country banks, especially in the South and the Northwest, should be at once emancipated from the fetters of the national-bank act by the repeal of the 10 per cent. tax upon circulation.

The effect of this enactment upon the purely agricultural communities of the country seems to have been but little attended to. Hence, if after discussion it should appear that the views here presented are correct, the needful remedy should be sought not by or for the South alone. Money capital at the South has never been abundant, but before the war there were many banks there which enjoyed wide and well-deserved credit, and which were thus able to supply the circulation required.

The Scotch banks of issue seem to have furnished the type for the southern banks, and similarity of circumstance produced a like success in both places. Under the system of banking referred to, the banks issued their demand notes in exchange for the time notes discounted or the exchange purchased, upon a calculation that the currency requirements of the community would keep these notes in circulation a longer or shorter time. A reserve of about 33 per cent. was held in coin to meet such calls for redemption as might occur. This exchange of corporate for private credit is entirely legitimate and sound. Whatever risk there is in it is covered by the capital of the bank. It is in effect a system of credit mutual insurance. Such banks of issue are especially necessary in agricultural communities, because there money capital is always scarce; and they are especially successful in such communities, because agricultural pursuits are not speculative. Every man's condition is easily and accurately known, his ability to pay is assured by the visible progress of his crop toward maturity, and the use he makes of the money borrowed is necessarily patent. Hence the prudent conduct of such a bank is a matter of will only. The way is plain. Not only are such banks peculiarly adapted to agricultural communities, but no other banks are suited to their needs. All agriculturists are presumed to have their capital invested in lands, animals, and other adjuncts of the farm, and they only need money to defray the expenses of making the crop. It is quite as legitimate in a farmer to borrow money for this purpose from a bank as it is in a city contractor or a manufacturer to borrow the means to complete a contract. There is, however, this difference: that all the contractors in a city do not want to borrow simultaneously nor for the same period, whereas the wants of all the farmers in a county are alike; whence it results that a small amount of money goes the rounds of the contractors and accommodates all, but the farmers borrow together and pay back together. There is another difference: the money lent in a city to A returns into bank in the shape of deposits by B, C, and D, whereas money that goes into the country passes from hand to hand and performs a circuit before it is again deposited.

It will now appear why national banks are not adapted to the needs of agricultural communities, and why especially they have not been established generally at the South. These banks are admirably contrived to meet the requirements of communities where industry is varied, trade active, and speculation lively; the safeguards thrown around them by the law are not only important in securing prudent administration, but they encourage and attract deposits, and thus utilize the whole money of the community. The circulation they emit is a profitable privilege. It is not a convenience to the public. On the contrary, for every $80 of circulation $100 has been locked up in a Government bond. A national bank starting with $1,000,000 in cash gets but $800,000 effective circulation—a loss of $200,000 of currency to the community, unless the bonds happen to have been bought there. In agricultural communities, on the other hand, where there are no deposits to be attracted, and where money capital is scarce, but where currency is needed at certain times and for certain seasons and purposes only, national banks are out of place. They reduce the currency, as has been seen; they have no elasticity of circulation, they depend upon deposits, and therefore are disqualified for making the only sort of loans a farmer needs—loans payable after harvest.

Now, be it remembered that these bonds used as a basis for these national-bank monopolies draw interest which is paid semi-annually in gold to these same bankers. The amount of bonds now owned by the national banks, and on deposit with the Treasurer for the redemption of their notes, is $343,048,900. The interest on this sum at 6 per cent. is annually $21,240,000.

So it will appear that in order to keep up these banks the Government of the United States becomes a debtor to them in this vast sum of more than three hundred and fifty millions, on which we pay annually the enormous sum of over twenty-one millions as interest to these bank monopolies.

And as the law now stands this amount of indebtedness to these bankers can be increased to a considerable extent as they may desire. The act of January 14, 1875, known as the resumption act, changed the law which limited the amount of national-bank circulation to three hundred and fifty-four millions, and provides for the retirement or contracting of the legal-tender notes until the amount shall be reduced to $300,000,000. And the amount of the legal-tender or greenback circulation which is "called in" is given to the national banks with the additional sum of 20 per cent. on that amount. That is to say, if $100 is issued to the national banks $80 of that amount is withdrawn from the legal-tender circulation.

The effect of which is the Government is to have in circulation $300,000,000 and all the balance of the currency to be used in this country is to be controlled by the national banks; and as these vast sums are issued to these banks the national debt increases with the greatly increased burden of interest. Who can say that this is not a monopoly?

What is a monopoly? It is the taking away a right or privilege of the whole people and giving it to one man or a few men. What right has the Congress to say that the right to deal in bank-notes as a medium of exchange shall be taken from the people of the States and given to a few privileged corporations? One of the grievances against the King of Great Britain was the acts of Parliament saying that certain raw materials such as flax and cotton should not be manufactured in the colonies, but this privilege should be confined to the manufacturers of Great Britain. This was considered a cause for war. Charles I lost his head for the attempt to transfer all the business of England, from the making of horseshoe-nails to the highest work of art, from the people and give the same to the privileged few. These despotic acts of monopoly characterized the reigns of Elizabeth and Charles I, and have left a dark stigma upon those times which will go down to history with the brand of infamy.

In the case of the Veazie Bank *vs.* Tenno, (8 Wallace United States Reports, 533,) the question was made as to the constitutionality of this 10 per cent. tax on the State banks. And this decision being in 1869 and by a court greatly inclined to sustain the vast assumption of the legislative department of the Government, the majority of the court sustained the constitutionality of this act and give the following reason:

The necessity of adequate provision for the financial exigencies created by the rebellion, &c.

But Justices Nelson and DAVIS (the latter now a United States Senator) delivered a dissenting opinion, in which they said:

This taxation of the powers and faculties of the State government, which are essential to their sovereignty and to the efficient and independent management and administration of their internal affairs, is, for the first time, advanced as an attribute of Federal authority. It finds no support or countenance in the early history of the Government or in the opinions of illustrious statesmen who founded it. These statesmen scrupulously abstained from any encroachment upon the reserved rights of the States, and within these limits sustained and supported these sovereign States.

We say nothing as to the purpose of this heavy tax of 16 per cent. upon the banks, ten of which we cannot but regard as imposed upon the power of the States to create them. Indeed, the purpose is scarcely concealed in the opinion of the court, namely, to encourage the national banks. It is sufficient to add that the burden of the tax, while it has encouraged these banks, has proved fatal to those of the States; and if we are at liberty to judge of the purpose of an act from the consequences that have followed, it is not, perhaps, going too far to say that these consequences were intended.

And thus we see two of the judges of the Supreme Court denouncing this act as impolitic and unconstitutional. And the majority of the court only sustained it upon the grounds of a war measure. But if the war is over, why continue on the statute-book those odious enactments which were only intended as a war measure? On the return of peace, why not a return to some of the old laws and usages under which we all had grown prosperous?

Now, it might be asked why is this provision of the internal-revenue act retained on the statute-book if it yields no revenue? And what is the motive for taxing State banks of issue out of existence? Why this high-handed deprivation of a right so long enjoyed by the States in their sovereign capacity? Is it because the people of the States are incompetent to manage their own internal affairs? Is it because of the love and affection that the Government has for the people of the several States, in saving them of what is often alleged the danger in a system of State banks? I am inclined to think we can trace it to a different motive.

This act of Congress has brought into existence 2,372 of these national banks, 240 of which have been organized in the State of Massachusetts, 62 in the little State of Rhode Island, 335 in New York, 253 in the State of Pennsylvania. Now here are 890 of these privileged corporations in four States above mentioned, while there have been organized only 262 in all the Southern and Southwestern States including Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky,

Tennessee and Missouri. North Carolina has organized fifteen national banks with a capital stock of $2,601,000. The capital stock of all the Southern States herein mentioned only amounts to $42,115,500, while the capital stock of the banks within the four Northern States named amount to the vast sum of $268,431,831.

It will be seen that, whatever may be the cause, there is at this time a very unequal distribution of the capital of the country. If it is the result of unwise and discriminating legislation, let us hasten to modify or repeal the same. The national-banking act only allowed the issuance of $300,000,000 as the national-bank currency. This sum was increased to $350,000,000 by the act of July 12, 1870, and this was distributed under the act. Secretary Sherman says that most of the sum allowed to be issued to the national banks was taken up within six years from the original act in 1863. This being during and immediately after the war, the Southern States were not in a condition to avail themselves of this privilege. They had nothing with which to buy United States bonds. As will be seen, the Southern and Southwestern States have a little over forty-two millions invested in these national banks, but, as we have shown, to get these privileges the country has been depleted of $10,000 in currency on every $100,000. It would be much better for the Southern States especially, for this sum to be used in State banks, and in that way utilize all the currency as well as the gold and silver of the country.

The organization of the State banks would be a remedy for contraction. It may be asked what is contraction? To contract in this sense is to "draw in," to lessen. To contract the currency is to lessen the quantity in circulation. The business of the country and the demands of trade require always so much money, and this quantity always adapts itself to the various stages of business and progress of the country; so that an arbitrary attempt of the Government to contract the currency often results in ruin to the people. And this is the cause of our present troubles; this is the cause of such wide-spread distress in the country. The legislation of Congress in the interest of the moneyed power of the world has brought our people almost to the point of financial ruin, and even starvation itself. I maintain that, if the Government through its own selected financial agents attempts to supply the people with money, the amount of circulation should be adjusted to suit the demands of the times. Congress by the act of June 20, 1864, provided a mode of contracting the issues of these banks, and the result is thus shown: on December 1, 1874, there was in circulation of the issues of these national banks the sum of $352,394,346.

Now, see how this sum was decreased. The following shows the annual decrease since January 1, 1874, to November 1, 1877. (See Secretary of the Treasury's report:)

January 1, 1874	$348,516,478
January 1, 1875	347,959,471
January 1, 1876	341,653,672
January 1, 1877	318,356,754
November 1, 1877	315,881,990

This report shows a decrease of national-bank circulation of over thirty-five millions since January 14, 1875, and that the decrease within the last year has been over four millions.

Then the act of 14th January, 1875, called the resumption act, provides for a contraction of the greenback circulation also, until the amount shall not exceed $300,000,000. Here is what Mr. Sherman, the Secretary of the Treasury, says:

> The Secretary further stated that in the preparations for resumption the volume of the United States notes had been reduced from $382,000,000 at the time the act was passed to $346,618,024 at present. The amount of outstanding bank-notes has also been reduced from $346,479,756, in 1875, to $321,989,991.

Then we have the startling facts that within the period of three years $34,000,000 of the national-bank issues have been withdrawn, and over $25,000,000 of the greenback currency have been withdrawn, making the grand aggregate of over fifty-nine millions of currency withdrawn from the business of the country.

Is it any wonder that we hear loud wails of distress throughout this broad land? Why this contraction? They say that all debts must be paid in gold after the 1st day of January, 1879, and as we have not got gold enough we must reduce the quantity of paper currency until the amount is so little that we can pay the same in gold. Then, as the volume is decreased, the gold dollar to the bondholder becomes more valuable, and in the same proportion does the price of property shrink, and ruin and stagnation in business are the result.

Look at the alarming scarcity of money throughout the country. Look at the shrinkage in the price of all property. Look at the millions of people thrown out of employment for the want of the legitimate use of capital in the many business departments of the country. Look out over this vast land, blessed with abundant rains, genial sunshine, with barns and granaries crowded with produce which can find no market. Remember now that all this legislation has been demanded by the bondholders and the money kings of the country, by which their invested capital is increased in value, but all the property of the debtor class depreciates and shrinks in value until it is impossible to obtain money to meet the demands upon the people.

Let this tax of 10 per cent. be removed, and let our State Legislatures provide for the utilization of the capital of the country and afford a medium of exchange for our people. Upon this point I quote again from Major Daniel's speech, whose sentiments I fully indorse:

> I am told that it would be inconvenient for a man in Virginia to have his pockets full of State bank-notes which he could not pass current in Baltimore, Philadelphia, or New York. Yes, truly, but not half so inconvenient as to have nothing in his pocket that is passable in Virginia; not half so inconvenient as to have to pay 12 or 20 per cent. for a loan to be used here when State banks could let him have it if permitted at 6 per cent.; not half so if permitted at 6 per cent.; not half so inconvenient as to have nothing to pay taxes with and nothing to buy food or raiment with at home. The necessities of the people are sacred; the government that will not respect them must be made to respect them by their sovereign command; and the great necessity of the hour is an increase of the circulating medium for the daily transactions of our lives.

Now, connected with this fearful statement is the astounding fact that during these years of trial and failure money has been loaned at from 12 to 60 per cent. per annum, and that paid in advance. I know of many instances where persons were compelled to pay 5 per cent. a month for money. Even in this city, within the present session of Congress, I was informed of a case where a party in distress was asked $20 for the use of $80 one month.

My remedy for this dreadful outrage upon necessity, to wit, enormous interest, is a uniform rate of interest throughout the United States and that not to exceed 6 per cent. per annum. It is not my purpose now to elaborate this idea. I purpose, at some future period, (*D. V.*,) to treat this subject at length. I content myself now by saying that one State alone cannot regulate this matter. It must be national and uniform. If one State fixes the rate at 6 per cent., another may say 10 per cent., and the money is drained from the lower to the higher rate.

The following table shows the legal and allowable rates of interest in the United States:

Legal and allowable rates of interest in the United States.

States and Territories.	Legal rate.	Allowed by contract.	Penalty for usury.
	Per cent.	*Per cent.*	
Alabama	8	8	Forfeiture of interest.
Arizona	10	Any rate	None.
Arkansas	6	10	Forfeiture of principal and interest.
California	10	Any rate	None.
Colorado	10	do	None, except excess.
Connecticut	6	6	Forfeiture of excess.
Dakota	7	12	Forfeiture of interest.
Delaware	6	6	Forfeiture of principal.
District of Columbia	6	10	Forfeiture of interest.
Florida	8	Any rate	None.
Georgia	7	12	Forfeiture of excess.
Idaho	10	24	Fine of $300, or imprisonment.
Illinois	6	10	Forfeiture of excess.
Indiana	6	10	do.
Iowa	6	10	do.
Kansas	7	12	do.
Kentucky	6	8	Forfeiture of interest.
Louisiana	5	8	do.
Maine	6	Any rate	None.
Maryland	6	6	Forfeiture of excess.
Massachusetts	6	Any rate	None.
Michigan	7	10	Forfeiture of excess.
Minnesota	7	12	Forfeiture of excess over 12 per cent.
Mississippi	6	Any rate	None.
Missouri	6	10	Forfeiture of interest.
Montana	10	Any rate	None.
Nebraska	10	12	Forfeiture of interest and cost.
Nevada	10	Any rate	None.
New Hampshire	6	6	Forfeiture of thrice the excess.
New Jersey	7	7	Forfeiture of interest.
New Mexico	6	Any rate	None.
New York	7	7	Forfeiture of contract.
North Carolina	6	8	Forfeiture of interest.
Ohio	6	8	Forfeiture of excess above 6 per cent.
Oregon	10	12	Forfeiture of principal and interest.
Pennsylvania	6	Any rate	None.
Rhode Island	6	do	do.
South Carolina	7	do	do.
Tennessee	6	10	Forfeiture of excess.
Texas	8	Any rate	None.
Utah	10	do	do.
Vermont	6	6	Forfeiture of excess.
Virginia	6	6	Forfeiture of entire interest.
Washington Territory	10	Any rate	None.
West Virginia	6	6	Forfeiture of excess.
Wisconsin	7	10	Forfeiture of entire interest.
Wyoming	12	Any rate	None.

I desire also to call attention to the rate of interest among that wise people the English:

Rate of interest of the Bank of England from 1694, *the date of its foundation, to* 1877, (*rate counting from date to date.*)

[From Spofford's American Almanac.]

Year.	Date.	Rate of interest.	Year.	Date.	Rate of interest.
1694	Aug. 8	6	1695	Jan. 16	6
1694	Aug. 30	4½	1695	Jan. 16	4½
1694	Oct. 24	6	1695	Jan. 16	3

Rate of interest of the Bank of England from 1694, &c.—Continued.

Year.	Date.	Rate of interest.
1695	May 19	3
1704	Feb. 28	4
1704	Feb. 28	5
1710	June 22	5
1716	July 26	4
1719	Apr. 30	5
1720	Oct. 27	5
1722	Aug. 23	4
1742	Oct. 18	5
1742	Oct. 18	4
1745	Dec. 12	5
1746	May 1	4
1746	May 5	5
1773	May 13	5
1822	June 20	4
1825	Dec. 13	5
1827	July 5	4
1833	Feb. 15	4
1836	July 21	4½
1836	Sept. 1	5½
1839	May 16	5
1839	June 20	5
1839	Aug. 1	6½
1840	Jan. 23	5
1840	Oct. 15	5
1841	June 3	5
1842	Apr. 7	4
1844	Sept. 5	2½
1844	Sept. 5	3
1845	Mar. 13	2½
1845	Oct. 16	3
1845	Nov. 6	3½
1846	Aug. 27	3
1847	Jan. 14	3½
1847	Jan. 21	4
1847	Apr. 8	5
1847	Apr. 15	5
1847	Aug. 5	5½
1847	Oct. 25	8
1847	Nov. 27	7
1847	Dec. 2	6
1847	Dec. 23	5
1848	Jan. 27	4
1848	June 15	3½
1848	Nov. 2	3
1849	Nov. 22	3½
1850	Dec. 26	3
1852	Jan. 1	2½
1852	Apr. 22	2
1853	Jan. 6	2½
1853	Jan. 20	3
1853	June 2	3½
1853	Sept. 1	4
1853	Sept. 15	4½
1853	Sept. 29	5
1854	May 11	5½
1854	Aug. 3	5
1855	Apr. 5	4½
1855	May 3	4
1855	June 14	3½
1855	Sept. 6	4
1855	Sept. 13	4½
1855	Sept. 27	5
1855	Oct. 4	5½
1855	Oct. 18	6
1855	Oct. 18	7
1856	May 22	6
1856	May 29	5
1856	June 26	4½
1856	Oct. 1	5
1856	Oct. 6	6
1856	Oct. 6	7
1856	Nov. 13	7
1856	Dec. 4	6½
1856	Dec. 18	6
1857	Apr. 2	6½
1857	June 18	6
1857	July 16	5½
1857	Oct. 8	6
1857	Oct. 12	7
1857	Oct. 19	8
1857	Nov. 5	9
1857	Nov. 9	10
1857	Dec. 24	8
1858	Jan. 7	6
1858	Jan. 14	5
1858	Jan. 28	4
1858	Feb. 4	3½
1858	Feb. 11	3
1858	Dec. 9	2½
1859	Apr. 28	3½
1859	May 5	4½
1859	June 2	3½
1859	June 9	3
1859	July 14	2½
1860	Jan. 19	3
1860	Jan. 31	4
1860	Mar. 29	4½
1860	Apr. 12	5
1860	May 10	4½
1860	May 24	4
1860	Nov. 8	4½
1860	Nov. 13	5
1860	Nov. 15	6
1860	Nov. 29	5
1860	Dec. 31	6
1861	Jan. 7	7
1861	Feb. 14	8
1861	Mar. 21	7
1861	Apr. 4	6
1861	Apr. 11	5
1861	May 16	6
1861	Aug. 1	5
1861	Aug. 15	4½
1861	Aug. 29	4
1861	Sept. 19	3½
1861	Nov. 7	3
1862	Jan. 9	2½
1862	May 22	3
1862	July 10	2½
1862	July 24	2
1862	Oct. 30	3
1863	Jan. 15	4
1863	Jan. 28	5
1863	Feb. 19	4
1863	Apr. 23	3½
1863	Apr. 30	3
1863	May 16	3½
1863	May 21	4
1863	Nov. 2	5
1863	Nov. 5	6
1863	Dec. 2	7
1863	Dec. 3	8
1863	Dec. 24	7
1864	Jan. 20	8
1864	Feb. 11	7
1864	Feb. 25	6
1864	Apr. 16	7
1864	May 2	8
1864	May 5	9
1864	May 19	8
1864	May 26	7
1864	June 16	6
1864	July 25	7
1864	Aug. 4	8
1864	Sept. 8	9
1864	Nov. 10	8
1864	Nov. 24	7
1864	Dec. 15	6
1865	Jan. 12	5½
1865	Jan. 26	5
1865	Mar. 2	4½
1865	Mar. 30	4
1865	May 4	4½
1865	May 25	4
1865	June 1	3½
1865	June 15	3
1865	July 27	3½
1865	Aug. 3	4
1865	Sept. 28	4½
1865	Oct. 2	5
1865	Oct. 5	6
1865	Oct. 7	7
1865	Nov. 23	6
1865	Dec. 28	7
1866	Jan. 4	8
1866	Feb. 22	7
1866	Mar. 15	6
1866	May 3	7
1866	May 8	8
1866	May 11	9
1866	May 12	10
1866	Aug. 16	8
1866	Aug. 23	7
1866	Aug. 30	6
1866	Sept. 6	5
1866	Sept. 27	4½
1866	Nov. 8	4
1866	Dec. 20	3½
1867	Feb. 7	3
1867	May 30	2½
1867	July 25	2
1868	Nov. 19	2½
1868	Dec. 3	3
1869	Apr. 1	4
1869	May 6	4½
1869	June 10	4
1869	June 24	3½
1869	July 15	3
1869	Aug. 19	2½
1869	Nov. 4	3
1870	July 21	3½
1870	July 23	4
1870	July 28	5
1870	Aug. 4	6
1870	Aug. 11	5½
1870	Aug. 18	4½
1870	Aug. 25	4
1870	Sept. 1	3½
1870	Sept. 15	3
1870	Sept. 29	2½
1871	Mar. 2	3
1871	Apr. 13	2½
1871	June 15	2½
1871	July 13	2
1871	Sept. 21	3
1871	Sept. 28	4
1871	Oct. 7	5
1871	Nov. 16	4
1871	Nov. 30	3½
1871	Dec. 14	3
1872	Apr. 4	3½
1872	Apr. 11	4
1872	May 9	5
1872	May 30	4
1872	June 13	3½
1872	June 20	3
1872	July 18	3½
1872	Sept. 18	4
1872	Sept. 26	4½
1872	Oct. 3	5
1872	Oct. 10	6
1872	Nov. 9	7
1872	Nov. 28	6
1872	Dec. 12	5
1873	Jan. 9	4½
1873	Jan. 23	4
1873	Jan. 30	3½
1873	Mar. 26	4
1873	May 7	4½
1873	May 10	5
1873	May 17	6
1873	June 4	7
1873	June 12	6
1873	July 10	5
1873	July 17	4½
1873	July 24	4
1873	July 31	3½
1873	Aug. 21	3
1873	Sept. 25	4
1873	Sept. 29	5
1873	Oct. 14	6
1873	Oct. 18	7
1873	Nov. 1	8
1873	Nov. 7	9
1873	Nov. 20	8
1873	Nov. 27	6
1873	Dec. 4	5
1873	Dec. 11	4½
1874	Jan. 8	4
1874	Jan. 15	3½
1874	Apr. 30	4
1874	May 28	3½
1874	June 4	3
1874	June 18	2½
1874	July 30	3
1874	Aug. 6	4
1874	Aug. 20	3½
1874	Aug. 27	3
1874	Oct. 15	4
1874	Nov. 16	5
1874	Nov. 30	6
1875	Jan. 7	5
1875	Jan. 14	4
1875	Jan. 28	3
1875	Feb. 18	3½
1875	July 8	3
1875	July 29	2½
1875	Aug. 12	2
1875	Oct. 7	2½
1875	Oct. 14	3½
1875	Oct. 21	4
1875	Nov. 18	3
1875	Dec. 30	4
1876	Jan. 6	5
1876	Jan. 27	4
1876	Mar. 23	3½
1876	Apr. 6	3
1876	Apr. 20	2
1877	May 2	3
1877	July 4	2½
1877	July 11	2
1877	Sept. 5	3
1877	Oct. 10	4
1877	Oct. 17	5

Rate of interest of the Bank of England from 1694, &c.—Continued.

Thus it will be seen that the Bank of England, perhaps the greatest institution of the kind in the world, during a period of two hundred years has never charged exceeding 10 per cent. discount, while it has frequently been as low as 2 per cent. Very few have calculated how tremendously interest eats. A high rate of interest for long periods will ruin inevitably the borrower. Take an instance of the difference in a low rate and a high one. Says Mr. Spofford, the accomplished librarian of Congress:

One dollar loaned for one hundred years, at 6 per cent. interest added annually, will amount to $340. At 8 per cent. it amounts to $2,203. At 3 per cent. it would be $19.25, and at 12 per cent. it would be $84,075.

A curious calculation was made of a penny placed at compound interest at the birth of our Lord. The result was a solid ball of gold several times the size of our earth.

If the national-bank system is to be retained, let us have a uniform rate of interest for all the States not to exceed 6 per cent., which will cause capital to seek investment in manufactures, commerce, and agriculture, blessing alike its holder and the laborer put to work by its munificence.

COMMERCE AND IMPROVEMENT OF INLAND RIVERS.

Mr. REA. Mr. Speaker, the commercial and transportation problem is one of the most important questions now before the people of this country. In speaking in behalf of an improved commerce and cheaper transportation I do not speak in behalf of any party or section but for the whole people and the whole country. The chief want of the people of this country is a market for their surplus products, both the manufactured article and the raw material.

This is a large country, extending from ocean to ocean and from the Gulf to the lakes and Saint Lawrence, embracing an area of 3,603,884 square miles, rich in agricultural and mineral wealth, with an enlightened and energetic population of over forty millions of people whose achievements in agriculture, manufactures, the arts and sciences, command the admiration and attention of the world. The very heart of this country is traversed from north to south by the great Mississippi River, the Father of Waters, into which flows the Missouri, Arkansas, Red, Cumberland, Tennessee, Illinois, Ohio, and other rivers draining the great valley lying between the Allegheny and Rocky Mountains. It is estimated that the inland navigation in this country by rivers and lakes is about fifty thousand miles.

The manufactured products of this country are now in excess of its consumption and such excess must seek a market elsewhere. The agricultural products are also largely in excess of the wants of the people for consumption and a market must be sought across the waters. We cannot live as a nation isolated and alone. We do not wish to so live. It is the wisdom of civilization to foster and facilitate commercial relations. Commerce is a great factor in civilization.

Wherever commerce is, there civilization is to be found. As a rule it may well be said that the nation that sells and exports more than it buys and imports is in a healthy condition of trade. As long as the balance of trade is in favor of a nation the flow of money by means of trade is to that country and not from it. We cannot sell and compete in the markets of the world except we have cheap transportation.

When we examine our foreign trade in the past it is not as gratifying as we wish it to be in the future. I here submit a statement taken from official sources showing the imports and exports to and from this country for the years therein named:

Statement showing the specie value of imports and exports of the United States, exclusive of coin and bullion, for the fiscal years 1830, 1840, *and* 1850, *and from* 1860 *to* 1877, *both inclusive.*

Fiscal year.	Imports.	Exports.	Excess of imports over exports.	Excess of exports over imports.	Total imports and exports.
1830	$62, 720, 956	$71, 670, 735		$8, 949, 779	$134, 391, 691
1840	98, 258, 706	123, 668, 932		25, 410, 226	221, 927, 638
1850	173, 504, 526	144, 375, 726	$29, 133, 800		317, 885, 252
1860	353, 616, 719	333, 510, 057	20, 040, 062		687, 192, 176
1861	289, 310, 542	219, 553, 883	69, 756, 709		508, 864, 375
1862	189, 356, 677	190, 670, 501		1, 313, 824	380, 027, 178
1863	243, 335, 815	203, 964, 447	39, 371, 368		447, 300, 262
1864	316, 447, 283	158, 837, 988	157, 609, 295		475, 285, 271
1865	238, 745, 580	166, 029, 303	72, 716, 277		304, 774, 883
1866	434, 812, 066	348, 859, 522	85, 952, 544		783, 671, 588
1867	395, 763, 100	292, 361, 225	103, 401, 875		688, 124, 325
1868	357, 436, 440	381, 952, 899	75, 483, 541		639, 389, 339
1869	417, 506, 379	286, 117, 697	131, 388, 682		703, 624, 076
1870	435, 958, 408	392, 771, 768	43, 186, 640		828, 730, 176
1871	520, 223, 684	442, 820, 178	77, 403, 506		963, 043, 862
1872	626, 595, 077	444, 177, 586	182, 417, 491		1, 070, 772, 663
1873	642, 136, 210	522, 479, 922	119, 656, 388		1, 164, 616, 132
1874	564, 406, 342	596, 483, 099		29, 076, 757	1, 163, 889, 441
1875	533, 005, 436	529, 039, 235	3, 966, 210		1, 062, 044, 671
1876	460, 741, 190	550, 892, 234		90, 151, 044	1, 011, 633, 424
1877	492, 090, 406	701, 948, 313		209, 857, 907	1, 194, 038, 719

By an inspection of the above table it will be seen that our exports were in 1830 $71,670,735 and that they gradually grew up to $333,000,000 in 1860, from which time they fell during the war to $166,029,303 in 1865. On the restoration of peace our exports began to increase, amounting in the last fiscal year to $701,948,313.

In fifteen of the years given in the above table the balance of trade was against this country, ranging from $3,962,210, the lowest amount, to $182,417,491, the highest amount, while in six years the balance of trade was in our favor ranging from $1,313,824 in 1862 to $209,857,907 in 1877.

The last four years our foreign trade has been more hopeful, being in our favor during that time except one year. But while it is true that our foreign trade is more hopeful it is also true that the condition of our commercial marine is not such as to fill the American heart with pride, but on the contrary is such as to cause Americans to bow their heads in shame.

Our tonnage has been well-nigh driven from the high seas. Our exports are carried in foreign bottoms.

On this subject Mr. Cowden, of New York, in a speech before the national export trade convention held in this city in February last, said:

> Of the tonnage engaged in our foreign trade in 1850 60 per cent. was carried in American bottoms and but 40 per cent. in foreign bottoms, mainly British. Our foreign trade largely increased from 1850 to 1860. The tonnage employed in it which entered into and cleared from our ports in 1850 aggregated 8,710,000 tons. In 1860 it had risen to 17,100,000 tons. But, whereas, in 1850, only 60 per cent. of it was carried in American bottoms, our vessels carried 71 per cent. of it in 1860. This was a handsome gain, both in our trade and in our tonnage, during these ten years. It was in the dark and perilous winter of 1860 and 1861 that our ocean shipping began to decline.
>
> As already seen, our own ships carried 71 per cent. of our freight trade in 1860. But in 1870, ten years later, though the aggregate tonnage engaged in foreign commerce that entered and cleared at our ports was larger in 1870 than in 1860, only 38 per cent. of it was transported in American bottoms. Our tonnage had fallen off 33 per cent. in these ten years. Official reports show that a very large share of this decrease went to Great Britain, and but little of it to France or any other nation. The British tonnage entering and leaving her ports for foreign countries, in 1860, was 14,000,000 tons, and rose to 25,000,000 in 1870. As our flag went down, Britain's rose to take its place. And this somber picture has grown darker with the march of time. In our centennial year, when the nations of the earth sent representatives to congratulate us on our prosperity and power, observant eyes discovered the humiliating fact that scarcely more than one-fourth of our trade with those nations was carried on by ships that bore the American flag.

I do not propose upon this occasion to discuss the question as to how our commercial marine can be revived. I have not sufficient time to do so and keep in the line of the remarks I have intended.

Mr. Speaker, I now call the attention of the House to the question of our internal commerce and transportation. All must admit that the future prosperity of this country greatly depends upon the success we may have in availing ourselves of the markets of the world for our surplus products. As to how far we will in the future succeed in availing ourselves of these markets and thereby increasing our exports depends chiefly upon our ability to furnish cheap products at our sea-ports for foreign shipment. If we would successfully compete in the markets of the world, we must be able to furnish cheap products and give good bargains at the points for foreign shipment. This can only be done by cheap inland transportation to the seaboard.

Owing to the large area of this country and the fact that many of our products, and especially agricultural products, are produced far inland and must of necessity be transported hundreds and thousands of miles in order to reach the seaboard for foreign shipment, the cost of this inland transportation becomes the chief factor in determining the question of our ability to compete in the markets of the world with the world's products. The great and all-absorbing question to the people of this country who are inland and far from the great oceans washing our shores, is cheap transportation to the points of foreign shipment. They cannot compete in the markets of the world without such cheap transportation, and he who looks only to an increase of our tonnage upon the seas, and our commerce with the world by subsidies to ships and by modifications of our maritime laws overlooks the chief factor—the cost of inland transportation—in solving the problem.

Mr. Edward Young, chief of the Bureau of Statistics, in his report on internal commerce and transportation for 1876, uses the following language:

> The increased export trade in wheat and corn from the United States during the last two years is doubtless in part to be attributed to the low rates of interior transportation, which has enabled the western producers to compete successfully with the production of other nations in the English markets.
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> * * * * * * *
>
> To sum up the matter, everything which has tended to cheapen the cost at the seaboard ports has contributed to enable our country to find a market for its surplus production of wheat and corn abroad in competition with all other producing countries.

This internal transportation is carried by rail or by water on our rivers, canals, and lakes. That all these means of internal transportation are highly beneficial to our commerce and welfare no one can truthfully deny, and they should receive the friendly influence and aid of the Government in every way compatible with law and the public good.

I shall not stop to discuss the question of the power of Congress to aid in internal improvements. It is sufficient to say that whatever opinions may have heretofore been entertained by American statesmen and legislators on that subject, the power is now fully conceded.

The railroads have diverted and will in the future divert from our inland waters a very large part of internal transportation. Travel and the transportation of the lighter class of products will doubtless chiefly be by rail, but in order to transport our heavy and bulky agricultural and other products to the seaboard at such rates as to enable the owner thereof to compete lively in the markets of the world, we must avail ourselves of our navigable rivers. These navigable water-lines are our great natural channels of commerce, the great regulators of the rates of transportation. Heavy and bulky freights can be transported cheaper on these water-lines than they can by rail. The Government should improve these rivers and lakes, not stingily, but liberally.

When we consider that the total value of our internal commerce is estimated to be at least twenty-five times greater than our foreign commerce, then the magnitude of the problem of cheap internal transportation becomes gravely apparent. It not only enables our people living in the interior to lay down their products at seaboard points of foreign shipment at reasonable prices, but it enables them to transport from the seaboard to the interior at cheap rates such foreign products as may be needed, and enables our citizens in the different and distant parts of our country to exchange with each other their products upon reasonable terms.

Mr. Speaker, I propose to speak mainly of the improvement of the Mississippi River and its tributaries, embracing navigable waters of about twenty thousand miles in length draining an area of more than twelve hundred thousand square miles with a population of twenty millions of people.

This great river with its tributaries drains the great Mississippi Valley, the richest and most productive valley in natural resources upon the face of the earth. The products of this valley are mainly situated far distant from the sea-ports, and must of necessity be transported a great distance to reach the sea-ports for foreign shipment. These great rivers when properly improved must in the future furnish the cheapest transportation for these products. The magnitude of the production of that valley and the interest its people have in the question of cheap transportation swell to gigantic proportions when attention is called to some of its chief agricultural products.

The States of Kentucky, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska in the year 1876 produced 888,036,000 bushels of corn, 159,907,000 bushels of wheat, 10,723,000 bushels of rye, 176,609,000 bushels of oats, 15,660,000 bushels of barley, and 1,488,800 bushels of buckwheat, making in all 1,252,423,800 bushels. The total valuation of corn, wheat, rye, oats, barley, buckwheat, potatoes, tobacco, and hay produced in the above-named ten States in the year 1876 was $614,773,928; greater in value than the total valuation of either the imports or domestic exports of the United States for that year, and about one-half in value of all like products in the United States for that year.

The average freight rates from Saint Louis to New Orleans by river, in 1875, were a little over 23 cents per 100 pounds or 13.8 cents per bushel of grain of 60 pounds, while the average rates for the same

time by rail were 38 cents per 100 pounds or 22.8 cents per bushel of 60 pounds, making 15 cents per 100 pounds and 9 cents per bushel cheaper rates by river than by rail on the average rates. But the lowest rates by river, when the river was in good boating order, were 11 cents per 100 pounds or 6.6 cents per bushel, and by rail at that time 35 cents per 100 pounds or 19 cents per bushel, making a difference in favor of the river, when in good boating condition, of 24 cents per 100 pounds or 12.4 cents per bushel.

When the river was low and bars and other obstructions obstructed navigation the rates by rail rose to 45 cents per 100 pounds, or 27 cents per bushel, being 34 cents per 100 pounds and 20.4 cents per bushel greater than by river when in good boating order. The freight rates by ocean from New Orleans to New York for 1875 were 12½ cents per bushel for corn and wheat, and to Great Britain from New Orleans 20 cents per bushel. The cost of transportation of a bushel of wheat from Saint Louis to New York, when transported to New Orleans by river when in good boating condition, was 19 cents, and to Great Britain 26½ cents, but when the river was low and navigation thereon obstructed the cost by rail and ocean to New York was 39½ cents, and to Great Britain 47 cents, making 20½ cents per bushel to New York and Great Britain cheaper by river and ocean when the river was in good boating condition than by rail and ocean when the river was low.

The highest rate by river from Saint Louis to New Orleans in 1875 was eighteen cents per bushel when the water was low, while the lowest rate when the river was in good boating condition, as I have stated, was six; 6 cents per bushel, making a difference of 11½ cents per bushel in favor of low freights when the river was in a good boating stage. There was shipped from Saint Louis to New Orleans in 1875 2,251,892 bushels of grain and exported from New Orleans to foreign ports 2,459,986 bushels. To ship that grain from Saint Louis to New Orleans by river when at low water and navigation most obstructed would cost $258,967.58 more than to ship it when the river is in the best boating stage at the lower rates of freight, and the difference of freight charges on that amount of grain between the lowest river rates and the lowest rail rates would be $279,486.50 in favor of the river. The difference between the highest and lowest rates of charges on the Mississippi from Saint Louis to New Orleans is not because there is not at all times a sufficient quantity of water. There is always an abundance of water, but when the river is low there are some sand-bars, snags, and other obstructions which hinder and imperil navigation.

If these obstructions were removed and the water confined in narrower limits in the shallow places there would be at all times good, safe, and cheap transportation.

The grain trade between Saint Louis and New Orleans has and will increase very greatly, and it is easily shown that the difference in the cost of transportation of grain alone would in a short time pay for improving the river so as to afford good navigation all the year; and, when we take into the estimate all other freights upon that river and its tributaries, I assert with full confidence that the amount saved in freight alone between Saint Louis and New Orleans and intermediate points during the first year after the river between those points was permanently improved and its channel deepened where needed, so as to make easy and safe transportation for steamboats and barges all the season, would more than pay the cost of improvement.

I have not the rates of freight charges by rail from Saint Louis to the chief grain ports on the Atlantic seaboard, and hence am unable to give the figures, but they are known to be much larger than the river freights to New Orleans. The average freight charges by rail from Saint Paul to Chicago in 1875 were about 14.4 cents per bushel for grain; the river rates to Saint Louis about 15 cents per bushel, from Chicago to New York by water 11 cents, by lake and rail 14 cents, and by all rail 24 cents per bushel; so that the cheapest rates from Saint Paul to New York via Chicago were 25.4 cents per bushel. Add to this, say 17 cents per bushel from New York to Liverpool for ocean freight and we have 42.4 cents per bushel from Saint Paul to Liverpool by taking water line from Chicago to New York, which is the cheapest; but if we take all-rail transportation from Chicago to New York we have per bushel from Saint Paul to Chicago 14.4 cents and from Chicago to New York 24 cents, making total cost from Saint Paul to New York via Chicago 38.4 cents, to which add 17 cents for ocean freight from New York to Liverpool and we have the total cost from Saint Paul to Liverpool, via Chicago and New York, 55.4 cents per bushel.

It has never been this cheap until within the last year or two. Take the river rates from Saint Paul to Saint Louis, 15 cents per bushel, and add to that 6.6 cents from Saint Louis to New Orleans, and we have 21.6 cents per bushel from Saint Paul to Saint Louis, to which add 20 cents for ocean freight from New Orleans to Liverpool, and we have total cost from Saint Paul to Liverpool, via New Orleans, 41.6 cents per bushel. This makes a difference in favor of the New Orleans route of about 1 cent per bushel from Saint Paul to Liverpool if the water-route from Chicago to New York is taken, but if all-rail route from Chicago to New York is taken then the difference in favor of the New Orleans route is 15.4 cents per bushel. This showing is with the river unimproved. With the river improved the difference would be at least 10 cents per bushel in favor of the New Orleans route over the lowest rates to New York. There were shipped eastward from the State of Minnesota alone in 1875 13,754,291 bushels of wheat and 1,877,200 barrels of flour, and south by river 204,969 bushels of wheat and 9,148 barrels of flour.

Why so large a shipment east and so small south? The answer is that during the war the shipments had of necessity to be eastward and as a result a fixed trade was made in that direction, and besides that the navigation on the Mississippi River at low water was so obstructed by sand-bars and other obstructions that it was not safe to depend upon a trade in that direction. Improve that river and give uniform good navigation and it will not be so. It is estimated by those most familiar with navigation on the Mississippi River that if that river were so improved as to give five feet depth from Saint Paul to Saint Louis, and eight feet from Saint Louis to Cairo, and ten feet from Cairo to New Orleans, the transportion of grain from Saint Paul to New Orleans would not exceed 10 cents per bushel; but should it reach from 10 to 15 cents per bushel then the New Orleans route to Liverpool would be from 8 to 10 cents per bushel cheaper than via New York.

I will here state that I have taken the rates of freight which I have given from the annual report of the Bureau of Statistics on internal commerce and navigation, where they are given by experts, whose position and occupation enabled them to know the facts.

I call attention to the magnitude of the commerce on the Mississippi River. It is shown in the above report that the enrolled tonnage of the Mississippi and its tributaries in 1876 was as follows: number of vessels, 2,865; tonnage, 400,512 tons; and it is stated upon good authority that there may be added to this, for 1877, 95 vessels, with 20,000 tonnage, which makes, for 1877, 2,960 vessels, with tonnage amounting to 420,512 tons.

In relation to the grain trade alone of Saint Louis, Mr. Slater, secretary of the Saint Louis Elevator Company, in an interview reported to have been had with him, said:

I have been in my present position for nine years, and you may gain some idea of the wonderful growth of the business of Saint Louis when I tell you that during the first year we handled only five hundred thousand bushels of grain, during the next year a million and a quarter bushels, and so on up till last year we handled nine millions of bushels. We draw our grain not only from the railroads but from the boats of the Missouri River Packet Company and the Naples Packet Company, both of which bring large amounts down to us.

Q. What do river men, as a rule, think of the grain-trade prospect?

Mr. S. The boats are making large preparations for carrying bulk grain, and that is the best criterion.

Q. I suppose you are prepared to meet any rush of business that may occur?

Mr. S. We can, with the greatest of ease, unload 125,000 bushels and load 250,000 bushels per day, which is the same as loading eight and unloading three steamships. On a pinch, we can double that capacity.

Q. Is it necessary to unload all the barges from up-river?

Mr. S. Yes. They are too small to be available in going South and must be emptied into barges twice their size.

Q. About what proportion of your receipts is corn?

Mr. S. You can safely say that over half of the entire amount is corn. The other half is made up of wheat, rye, and oats.

Q. How many bushels of grain can be taken South by one tow?

Mr. S. About two hundred thousand, or may be two hundred and fifty thousand.

Turn for a moment from the Mississippi River to the Ohio River. The following is copied from the Cincinnati Commercial of a recent date:

The tow-boat Josh Williams is on her way to New Orleans with a tow of thirty-two barges, containing six hundred thousand bushels (seventy-six pounds to the bushel) of coal exclusive of her own fuel, being the largest tow ever taken to New Orleans or anywhere else in the world. Her freight bill, at three cents per bushel, amounts to $18,000.

It would take eighteen hundred cars of three hundred and thirty-three bushels to the car (which is an overload for a car) to transport this amount of coal. At $10 per ton, or $100 per car, which would be a fair price for the distance by rail, the freight bill would amount to $180,000, or $162,000 more by rail than by river.

The tow will be taken from Pittsburgh to New Orleans in fourteen or fifteen days. It would require one hundred trains of eighteen cars to the train to transport this one tow of six hundred thousand bushels of coal, and even if it made the usual speed of fast-freight lines it would take one whole summer to put it through by rail.

There has been spent I believe $1,000,000 on the jetties at the mouth of the Mississippi, with a contract for about four more millions when a depth of thirty feet is reached. This improvement is adding very much to the commerce on the rivers whose commerce goes down the Mississippi and has greatly increased the grain trade via New Orleans. By permission I here insert an extract taken from a letter written by Mr. Higby, owner of New Orleans elevators, dated New Orleans, March 29, 1878. He says:

Since January 1 our receipts of grain have been four times as large as 1877, same time, the cause for which has been deeper water out the mouth of our river and ships can now load entirely with grain. In 1877 there was sixteen to twenty feet, this year twenty to twenty-three feet, and getting deeper every week. All our shipments are by foreign ships to Europe and mostly by steam. Freights to Liverpool from 10 to 10½d. per bushel. New York rates have been 6¼ to 8¼d. per bushel.

No more risk in shipping grain from Saint Louis via New Orleans to Europe than from Chicago; same grade grain.

I have never known a cargo of inspected, sound grain from here by steam to arrive out of condition.

There are no American steamships in our foreign grain trade here. We have loaded since January several steamships entirely with grain, sixty to seventy-five thousand bushels.

Our port charges are reduced very low. Grain three-fourths of a cent a bushel from barge to ship.

As bearing upon the increased grain trade of New Orleans, I quote from the New Orleans Democrat of February 24, as follows:

At the present time there are in the port of New Orleans 21 steamships, 40 ships, 42 barks, 4 brigs, and 15 schooners, making an aggregate of 122 vessels against 98 last year at this date.

The British steamer Texas has cleared for Liverpool with 26,199 bushels of corn in bulk, and the steamer Ithuriel for the same port with 35,000 bushels of wheat in bulk.

Thus it will be seen our export trade in grain goes bravely on. The exports of corn from New Orleans thus far foot up 3,757,887 bushels, while last year at this date they amounted to 1,082,365 bushels.

The receipts of coffee at this port from Rio de Janeiro to date have been 150,635 bags, while last year for same period they were 104,438 bags—a most gratifying increase.

The improvement by the jetties is bound to greatly increase the grain and other trade from New Orleans. All that is wanting to make it the greatest grain-shipping sea-port in the world is the proper improvement of the navigable rivers leading to the jetties. No expenditures of money by the Government would be so good an investment, in my judgment.

The Anglo-American Times, published in London, says:

The consumption of corn in Europe is now large, but will be presently enormous when the means of carriage are supplied from the center of the great valley of the Mississippi to London, Bristol, Liverpool, and to the ports of the continent. The transport may be by water. Maize cannot afford costly transport; but it will pay all concerned when the advantages offered by the river system of the valley are turned to the best account. * * * The opening of the mouth of the Mississippi through the jetties formed by Eads solved the problem, and now are to be seen the disjointed efforts of those who seek first to take advantage of the change.

It must be borne in mind that I have only mentioned a few of the many products of the Mississippi Valley seeking an outlet to the sea by river.

In the early days of this Republic the statesmen of that time saw the great necessity in having possession of the mouth of this Mississippi River, and Mr. Jefferson in order to secure that end purchased from Spain its possession at the month of said river at great cost at the time to the Government, so that this Government might have the uncontrolled and undivided ownership of this great natural highway and its tributaries. It was declared by the ordinance of 1787 that—

The Mississippi River and its navigable tributaries shall forever remain free and unobstructed highways, free to the commerce of the whole people of the United States.

These great rivers belong to the whole people and are in the keeping of Congress. No State or municipality can interfere with them. No one can deprive the people of their free use. There can be no monopoly thereon. They are free to every one who chooses to float a boat on their waters. No State can levy toll or tax for their use. The same rains that moisten the earth for the production of crops aid in furnishing these rivers with water to transport these same crops to the ocean.

Mr. Speaker, the early pioneers in the great Mississippi Valley endured many hardships and denied themselves many of the luxuries of life in order to open up that vast area of fertile country to cultivation. They have been the consumers of manufactured goods and have been taxed by unjust tariff laws millions of dollars at a time when the freight charges on their agricultural products to the seaboard were so great that there was no margin left for profits.

Their great navigable rivers have been neglected while large sums of money have been expended from the national Treasury for the improvement of harbors at the sea-ports and on our large lakes. Yea, more than that, the Government has liberally granted aid to railroad corporations whose roads when constructed have laid heavily the hand of contribution on the agriculturists of that valley.

It is estimated that the Government has given to States and corporations for railroad purposes from 1850 to 1876 over two hundred millions of acres of land, besides aiding the Union Pacific Railroad with bonds amounting, principal and interest, to about $90,000,000. States, counties, and municipalities have also aided railroads in bonds and money amounting to millions of dollars.

Where is the statesmanship in spending millions and millions of money and property in aiding the construction of railroads when the tariff and charges can be levied at will by the owners upon the commerce of the country, instead of liberally improving our great navigable rivers, whose waters are as free as the air we breathe to the water crafts of every citizen. On the river every boat is a competitor with every other one, but not so with the cars on a road.

The hardy sons of toil, though laboring under many disadvantages, have improved that great valley and made it the great agricultural producing section of this country. The people of that valley have petitioned Congress from time to time to improve these great rivers. They will continue to pray and petition; yes, they do and will continue to demand as a matter of justice and common right that the Government improve the great rivers that are in the exclusive keeping of the Congress. I implore Congress not to turn a deaf ear to these appeals. Remember the time is not far distant when the people of that valley can enforce obedience to their demands on this floor. They ask nothing unreasonable. They have no prejudice against any of the sea-ports on the Atlantic. They wish their brethren everywhere prosperity, but they believe they are entitled to enjoy whatever natural facilities the God of nature has placed within their reach. They only ask that the Government give to the great navigable rivers such aid in the way of their improvement as is commensurate with the wants of trade and commerce, and then leave trade to go where the laws of trade shall direct. Give the people of that valley ten cents cheaper freights per bushel on their grain to the seaboard, and correspondingly cheaper rates upon all other products, and my word for it an impetus will be given to production that will in a short time greatly increase the wealth of this nation and place upon a sure foundation the future export trade of this country.

The rich and productive soil and large navigable rivers of the Mississippi Valley are the great gifts of nature and cannot be taken away from the people. In that valley the food for the people of this and other countries in the future is largely to be produced.

God has drawn the map before us, and while that soil adheres to the earth, while those great rivers continue to flow to the ocean, while our mountains their descending sides maintain, it can never be changed. The poor and hungry want our bread and meat. Give us cheap transportation, and you will give cheap food to the hungry and will thereby confer a great blessing upon the people of the world who want the products of that valley.

These great rivers constitute a strong bond of union between the different sections of the country. For many years the people of the Lower Mississippi have had comparatively no business and little social intercourse with the people on the Upper Mississippi and its tributaries, and therefore the sections have grown quite out of sympathy. Let us begin to trade and we will soon learn what the other is worth; we shall establish friendships; we shall develop a mutuality of interest; and we shall soon be walking hand in hand with a strength that shall be irresistible. Let these relations be established and the politicians will recognize their existence and seek to profit thereby. Thus, business and politics, taking common ground, will make short work of sectional questions and unite the people in a bond of mutual friendship and mutual interest which can never be sundered.

As the waters in these great rivers noiselessly and quietly flow towards the gulf they harmoniously unite and commingle together in one great river, which majestically flows along until it is lost in the ocean. There the waters of all these rivers reach one common destination. So must the people of that valley, in the very nature of things, in harmony and peace be united and march on to one common destiny. There is a unity of interest between them that can never be destroyed. Party zeal and other disturbing causes may have in the past well-nigh caused them to forget their common interest, but with the return of peace and trade and a restoration of reason, that unity of interest will be remembered and invoked and will draw that people together and cause them to labor for their common interest, and then, if not before, their wants and demands will be respected.

Mr. HUMPHREY. I yield my time to my colleague, [Mr. BRAGG,] as the remarks I intended to remark are not the remarks that I shall remark this evening, and therefore in a very remarkable manner I will yield my remarks to my colleague's remarks.

WILLIAM AND MARY COLLEGE.

Mr. BRAGG. Mr. Speaker, this House has before it a bill entitled "A bill to reimburse the College of William and Mary, in Virginia, for property destroyed during the war."

There underlies this proposed measure, sir, a question of more than ordinary import. The discussion of it commenced with a glowing tribute paid the College of William and Mary and her renowned alumni by the gentleman from Virginia, [Mr. GOODE.]

The gentleman from Massachusetts, [Mr. LORING,] a classic son of Harvard, responded in an effort so replete with elegant diction and scholarly attainment and rich in historic reminiscence that the senses, for the time dazzled and bewildered by its learning and beauty, were captivated; judgment forgot its office and sentiment took its place.

I confess it an ungrateful task for a plain, blunt-spoken man, devoid of magnetism or oratorical art, but possessed only of an earnest conviction of the truth of his sentiments, to obtrude himself upon the scene to jar and disrupt with his discordant voice the delicious reveries produced by the sentimental elixir, so subtly administered. But, sir, a sense of duty to my countrymen, South as well as North, will not permit me to sit quietly by and see the great evil attending the passage of this bill fastened upon us by specious sophistry.

Words, with me, sir, serve their true purpose when used to express, not conceal, ideas. It matters not if I am called a bigot or fanatic, I maintain that this bill is a crafty device to foist upon us southern war claims as skillfully planned and as certain in results as the wooden horse that carried woe and ruin within the walls of far-famed Troy.

The amount proposed to be given is not large, but the shadow it casts before it is large enough to darken the land.

The reasons given are plausible; the disciple of Æsculapius gilds with a rich sugar-coating a noxious drug that the stomach of his patient revolts at, but when it is once swallowed the purpose is as surely accomplished as though no device had been used to make the vile dose palatable. So the learned doctor from Harvard has heaped the stores of his learning, thickly interspersed with sentiment, over and around this measure to hide its real meaning and significance, but the patient, beguiled by the garnishment into the adoption of the prescription, cannot escape its fatal consequences.

Before entering upon the consideration of these consequences, let us briefly review the alleged facts out of which this claim arises. They are recited by the learned advocates of the measures as follows:

During the first year of the war, until May, 1862, the college was held first as barracks and then as hospital for confederate forces. From that time until the close of the war, except for a few hours on the 9th day of September, 1862, it was occupied by Union troops, and was used by them for the storing of military supplies and other purposes of convenience to our armies. In a skirmish on the 9th

day of September, 1862, the main building was burned by the Federal forces, who occupied them, and at a later period of the war, during which the same forces held possession of them, all the remaining houses upon the college premises were, with the inclosures, burned wholly or in part pulled to pieces.

From this statement of facts, independent of positive evidence, which I believe exists, proving the same thing, I maintain it is apparent that the confederates, and not the Union troops, fired the building, and that they, and not we, are the vandals, if the burning was an act of vandalism.

Mark the statement:

From May, 1862, except for a few hours on the 9th day of September, 1862, it was occupied by Union troops for storing military supplies and other purposes of convenience. In a skirmish on the 9th day of September, 1862, it was fired, &c.

The question is pertinent, who occupied the college buildings for the few hours on the 9th of September, 1862, when the buildings were vacated by the Union troops? Rebel cavalry in flagrant war. The report shows there was no fire before they took possession, but one broke out soon after they left. To one familiar with the operations of such raiding parties this tells the story as well as a cloud of witnesses. But the committee find that after the building was retaken straggling soldiers, inflamed by liquor and smarting under defeat, fired it. That is to say, the committee find, as one of the grounds to sustain this bill, that rebel raiders were too generous to destroy Yankee stores and so the Yanks from sheer spite burned their own. I submit to my friend from Mississippi, [Mr. CHALMERS,] who won distinction in the cavalry service, whether such magnanimity on the part of cavalry was ever known until discovered in a congressional committee-room.

But, sir, I only allude to this cavalry phenomenon as an incident of what is sought to be made history to give coloring to the prayer for relief. In my opposition to this measure I stand on no nice distinction as to whether one side or the other fired the building, but I take the broad ground that its destruction was one of the ravages of war, for which there is not the least liability for reimbursement. Such is the universal law of nations. It was settled by an American Congress in 1797, when Washington, Jefferson, and Monroe and many of the long list of the illustrious dead whose spirits have been invoked and memories revived and passed in panoramic view before this House in the early stages of this discussion were the directing spirits of this Government—

That the loss of houses, and other sufferings by the general ravages of war, have never been compensated by this or any other government.—*American State Papers; Claims*, page 199.

Come, then, shades of the mighty dead, and open the eyes of these thy followers, and so direct their judgments that they professing the most unbounded admiration and reverence for your wisdom shall not for paltry alms violate your precepts.

But, sir, viewed in another light, the College of William and Mary forfeited any right which she may have had as an educational institution sacred from the touch of war by becoming herself an engine of war, an active participant in rebellion. She not only sent her pupils to the red field of battle with words of encouragement and blessing, but she banished the muses from her groves, threw wide open her gates, and made her venerable halls barracks for soldiery to destroy the Government from which now in all humility she asks recompense. I do not state this too strongly; the report shows that before the footsteps of a northern soldier darkened her halls, they had been converted into barracks and a hospital, in aid of the rebellion. The learned faculty cannot plead ignorance of consequences in case of failure; but they never counted failure among the possibilities. I shall not go into details of the horrors of that war, and of its cost in blood and treasure. I deprecate the reopening of that subject on this floor as much as any man; but I say to the Representatives of the South, in all kindness, the discussion of it will last, and properly so, while you force it into notice by the presentation of claims resulting from it.

It is with you to withdraw the subject from discussion or to keep it constantly before us by introducing such claims as the present. It was a bitter, murderous conflict, and the battle was lost through no flinching of yours. The world never witnessed greater devotion to a bad cause, and your personal bravery won from your enemy respect and admiration. When the smoke of the conflict cleared away, like brave men, as you are, you bade farewell to the cause you could not maintain, and in good faith accepted the situation and came back to the house of your fathers to support and defend it against all foes, foreign and domestic.

Wonderful in its proportions as the war was, it has been followed by results still more wonderful, and he who sees the yielding of the barriers of sectional hate before an enlightened patriotism, and upon their ruins a reunion of national brotherhood being rapidly cemented, may exclaim of a truth—

> Peace hath her victories
> No less renowned than war!

I appeal to my southern friends on this side of the House, will you deliberately rake the ashes off the slumbering embers, and fan them into a blaze again? I believe in my heart you will not. But I am bound to tell you, and I do it in kindness, for though in war I was your open enemy, in peace I am your earnest friend, and as such I say to you "The people of the North will never submit to be taxed to reimburse your people, or your States out of the National Treasury for any losses that they sustained directly or indirectly from the rebellion." It was your rebellion, you have harvested its fruits, and must patiently bear its results, bitter though they be.

There may be men in the North—their voice has been heard on this floor speaking words of encouragement to you in presenting claims like this one for reimbursement; but it is no true expression of northern sentiment; they are the words of a siren that lures to death. You heard them and trusted them in 1860 and 1861; will you trust them again now?

Can you blame the North for their determined opposition to such reimbursement? Had you been victors instead of vanquished, would you have imposed taxes upon your people, groaning under the weight of a debt contracted in overpowering us, additional burdens to compensate us for our losses? Southern statesmanship is too wise and far-seeing for that. The democratic party of the North desires to advance your present interest and future welfare; but this does not mean relieving you from any of your losses, or assuming any of your obligations. She recognizes you in your present status as worthy of trust and confidence in all that relates to the present and future, and the States you represent as free, equal, sovereign States; and upon all questions disconnected with the war, she stands your true friend, believing and teaching that the prosperity of the common country is best advanced by the culture and promotion of the rights and interests of each and all of its constituent parts. Her policy is broad and catholic, and when it shall again prevail the burdens of Government will be lightened, class legislation will cease, the rights of the poor will be respected as well as the wishes of the richer, and an era of prosperity will dawn upon the nation.

The republican party was born of sectionalism; it grew to its great strength, fattening upon the fruits of the folly and madness of southern men, and now, when the people have sickened with its corruptions and violations of the written law, will you for the temporary gratification resulting from an insignificant appropriation, or a thousand of them, awaken a distrust in the northern mind of your purposes and make prophetic the declarations of gentlemen upon the other side that you are here in the interest of southern claims and that the fruits of a democratic majority in the Congress will be the consummation of your purpose? God forbid! You have felt the iron heel of central power upon your necks; you have seen your States robbed in the name of law by the myrmidons of a republican oligarchy; you have enjoyed the elective franchise under the dictation of a corporal and his squad, and have been deprived of the fruits of the ballot-box by unblushing fraud and crime that in barbarian China would have brought a judgment of "hari-kari" upon its perpetrators; but in enlightened, free America, instead of punishment it hath brought official reward to all connected with it, because they did the bidding of the corrupt party whose lease of power was extended by it.

In the light of the past, my southern friends, are you now willing to furnish again a battle-cry to your old enemy that shall place it again in power and enable it in its caprice to re-enact the scenes you have passed since the close of the war and your return to citizenship.

Southern claims is the last card left to the republican party to play. Upon it rests the last hope of the organization, and it is for you in a great measure to determine whether it shall prove the ruling trump.

It would be an act of injustice to my own belief and an act of greater injustice to you did I here hesitate to say that these claims, about which so much has been and will be said are not presented of your own volition nor in the hope or belief that they will or ought to be paid. Your sense of right, I feel safe in saying, is averse to the payment of the cloud of claims that find admittance here because of the great right of every citizen to present for consideration his petition or claim, whether it be just or unjust, so only that it be done in language that is respectful.

But men are not always permitted to act upon individual conviction. A member of this House is a representative; he acts for others more than himself; he is the agent through whom each individual constituent has a right to be heard. And when an impoverished constituency or constituent demands consideration he would be more than mortal if he could refuse to introduce his claim for relief to the consideration of this House.

We men of the North know and feel the difficulties under which you labor, and the delicate position in which you are placed, with Scylla upon the one side and Charybdis on the other. And for this reason I appeal to the Representatives of the northern democracy to stand by the pledged faith of their party and by an unbroken vote on this question save the country, save their southern friends, save their party from the baleful effects that will certainly follow this precedent.

Let it be known that under no guise, under no pretext will such claims be paid, and the work is done, and the pressure of a constituency in favor of such bills will cease, and the galleries of this House will be cleared of the hungry, anxious, eager crowd of claimants, that sit day after day watching and waiting for the hour to come when their claims shall be reached and passed.

We upon this side of the House are in no wise responsible for this condition of affairs. The republican party opened the door, in an effort to toll the southern voters into their camp.

The war had no sooner closed than "presto," hosts of loyal people were discovered, where nothing but black-handed treason had been seen before.

What produced the change? A willingness to vote the republican ticket, combined with the three great cardinal virtues of that party, addition, division, and silence, was an accredited test of loyalty. And to provide a reward for these loyal converts to radicalism a court was organized to adjust their claims, and a republican Congress commenced paying and continued to pay southern claims while it remained in power, until the sums paid its retainers footed up many millions. And when its power passed away their loyal wards were bequeathed to us as a legacy, when the scenes shifted again. Carpet-bagging had lost its prestige, and southern claimants lapsed into their original sinful state, and the cry against rebel claims to be paid by their northern democratic confederates became the burden of the song of every loyal republican campaigner in the North. And yet the fact stares them in the face that this bill was originally introduced by a republican and reported favorably by a republican committee, and is now supported most strenuously by a republican.

Such cant and hypocrisy is best described by designating it as the climax of modern republicanism.

I submit to you, men of the South, whether the men who availed themselves and are still seeking to avail themselves of the laws of a republican Congress providing for the payment to loyal southern men (so called) were in fact loyal to this Government during the war. I believe that you who know them best will bear me out in the assertion that their pretended loyalty was and is a sham and a fraud, and that the amount of losses claimed to have been sustained by them in most instances is fully equal if not a greater fraud than the pretense of loyalty that accompanies them.

There were no loyal men who remained in the South during the war. It was not in the nature of things. Their sympathies may have been with us in the outset, but it is not in flesh and blood to sympathize with men who are killing our brothers, kinsfolk, and friends, sacking our villages and towns, and laying waste our country, no matter in what cause it is done. He who professes he did so adds the sin of perjury to that of disloyalty, or proves himself to be devoid of the ordinary instinct of human nature and unworthy of the consideration or respect of anybody.

Whenever there was a show of loyalty it came from a class of men who sang "Rally round the flag" and the rollicking notes of "Dixie" with equal unction, false to either side in turn and thoroughly despised by both. I never believed in them when they were the *protégés* of the republican party, and think still less of them now.

But to recur more directly to the measure under consideration, I am bound in all fairness to admit that the friends of it disclaim it as a southern war claim but support it as a great educational measure. Their disclaimer does not change the character of the bill.

> You may break, you may shatter the vase, if you will,
> But the scent of the roses will cling round it still.

And so will this bill present all the distinctive features of a southern war claim, call it what other name you may. Such special pleading does great credit to the ingenuity of the pleader, but it will not and ought not deceive the people.

Is it really expected that the northern people will believe the lamp of science is to go out and the world be left in Cimmerian darkness if the college of William and Mary is not built up at the expense of the nation? There are eight other colleges in Virginia alone, namely: Washington and Lee University, Richmond College, Hampden and Sidney College, Randolph Macon College, Roanoke College, University of Virginia, and Emory and Henry College. Are none of these of sufficiently high tone to meet the requirements of Virginia's rising statesmen that we must donate $65,000 to repair the loss sustained by a rebel corporation during the war?

Had the College of William and Mary clung as closely to the Government in the hour of her pride and glory as she does now in pursuit of alms, her sons would not have been cheered on to battle against the Union and her halls converted from the home of science and letters to barracks for rebel soldiery. If we give alms to her, caught in flagrant war, how can we refuse all other institutions of learning in the South, and there are many of them, which were destroyed or injured by troops in the progress of war?

If a precedent be established for institutions of learning, are we so blind that we cannot see that places of religious worship have equal, if not greater, claim, and are already pressing them supported by better reasons than are urged for this bill? Orphan asylums, lodges of benevolent societies, court-houses, State-houses, public libraries, and what then shall prevent the payment of individual losses? It is true there are several steps, but they are in order, and one is a logical deduction from the other, and is as certain to follow as morning follows night and noon follows morning.

If rebel corporations have a right to repayment can there be any appreciable difference in principle between paying the corporation and the corporators in severalty?

Facilis Averni descensus. There can be no stop when you once commence; you may disclaim the precedent, but, like "Poor Rip of the Catskills," you will yield at each new temptation, soothing conscience each time by declaring "We won't count this one!"

The battle must be fought at the gate sooner than at the porch, at the threshold rather than at the altar. The hungry wolf cannot be driven from the door by meat thrown to him when he comes. No more will greedy claimants cease their importunate solicitation if their petition be ever heeded, be it never so slightly.

Mr. Speaker, I love and revere ancient institutions of learning as much as any man, but I state my candid convictions that sooner than pass this bill it will be far better for the country—better for Virginia herself—to keep the old college in ruins, a monument of Virginia's folly and madness, putting the simple inscription upon her broken arches—

> Quem Deus vult perdere prius dementat:
> Circumspice!

Mr. HUMPHREY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Resolutions of Equity Council, No. 5, Sovereigns of Industry, representing one hundred and seventy-five families in the District of Columbia, petitioning Congress to enact a law that will insure full weight to purchasers of coal and to compel coal-dealers to send the certificate of a properly appointed Government weigher with every load of coal delivered—to the Committee for the District of Columbia.

By Mr. BICKNELL: The petition of Spencer B. Pugh and others, for a post-route from Millport to Delany's Creek, Washington County, Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. BURDICK: The petition of M. W. Harmon, Z. Stout, and 60 other citizens of Iowa, that the duty on quinine may be removed—to the Committee of Ways and Means.

By Mr. HEWITT, of Alabama: The petition of Mrs. R. B. McCaa, guardian, &c., for compensation for one hundred bales of cotton seized by Treasury agents in August, 1875, and sold—to the Committee of Claims.

By Mr. HOOKER: The petition of Joseph B. Inabnet, for compensation for property taken by the United States Army—to the Committee on War Claims.

By Mr. MANNING: The petition of William H. Brown, sr., of similar import—to the same committee.

By Mr. PUGH: The petition of Washington Council, No. 10, Order of United American Mechanics, Mount Holly, New Jersey, that Congress refrain from meddling with the present tariff system—to the Committee of Ways and Means.

By Mr. ROBERTS: The petition of John H. Tolson, of Maryland, for indemnity for the sinking of the schooner Ann and her cargo in the Patapsco River, Maryland, by collision with the United States steam-tug Robert Leslie—to the Committee on Commerce.

By Mr. TIPTON: A letter from D. L. Brancher, relating to the financial condition of the country—to the Committee on Banking and Currency.

By Mr. WAIT: The petition of Humphrey E. Woodhouse, relative to a claim against the Republic of Mexico—to the Committee on Foreign Affairs.

By Mr. WILLIAMS, of Michigan: The petition of the Detroit (Michigan) Labor League, by Charles C. Miller, president, for the passage of the bill (H. R. No. 20) to extend the scope and efficiency of the homestead act of May 20, 1862—to the Committee on Public Lands.

IN SENATE.

THURSDAY, *May* 2, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ADVERTISING MAIL-LETTINGS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 3987) to regulate the advertising of mail-lettings.

On motion of Mr. HAMLIN, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from Maine, [Mr. HAMLIN,] the Senator from Nebraska, [Mr. PADDOCK,] and the Senator from Delaware, [Mr. SAULSBURY.]

Mr. HAMLIN. Before the announcement is agreed to by the Senate, I wish to say that I may be necessarily absent for a few days; but, aside from that, there is an eminent propriety that the chairman of the Committee on Post-Offices and Post-Roads, the present occupant of the chair, should be at the head of this committee. I can appreciate the delicacy of the Chair in not appointing himself; but there can be no indelicacy in my asking that I be excused and that the Senate designate the present occupant of the chair as the chairman of the committee of conference.

Mr. INGALLS. Move it.

Mr. HAMLIN. I make that motion.

The PRESIDENT *pro tempore*. Is there objection to the motion of the Senator from Maine that the present occupant of the chair be the chairman of the committee of conference on the part of the Senate, in lieu of the Senator from Maine? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Charles Harrison, of Caldwell County, Missouri, praying for a pension; which was referred to the Committee on Pensions.

Mr. PLUMB. I present the memorial of certain citizens of Wyandotte County, Kansas, in favor of the repeal of the resumption act and remonstrating against any further contraction of the greenback currency. I will say that, although the memorial is not numerously signed, it represents largely the sentiment of my State on both the questions mentioned, especially on the question of the contraction of the currency. I move that it lie upon the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented resolutions of sundry councils of the Order of United American Mechanics, located at Pittsburgh and other points in the State of Pennsylvania, against any change in the present tariff laws; which was referred to the Committee on Finance.

He also presented the petition of David Hardie, passed assistant engineer United States Navy, praying the passage of a law giving him the benefit of his sea-service pay as provided in the acts of 1862 and 1870, and that he may be placed upon the retired list; which was referred to the Committee on Naval Affairs.

Mr. WALLACE presented nine memorials from the Order of United American Mechanics, representing several lodges in the State of Pennsylvania, remonstrating against any change in the tariff laws; which were referred to the Committee on Finance.

He also presented the memorial of J. C. Nagle and others, citizens of Pennsylvania, remonstrating against the passage of any act imposing a tax on incomes; which was referred to the Committee on Finance.

Mr. MERRIMON presented the memorial of many merchants in the city of Boston, in favor of the passage of the bill (H. R. No. 3580) to provide ocean mail-steamship service between the United States and Brazil; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING presented the petition of the mayor and other citizens of New York, praying for an increased appropriation for the improvement of Spuyten Duyvil Creek and the water-way between the Hudson and East Rivers; which was referred to the Committee on Commerce.

Mr. EDMUNDS. I present the memorial of Jearum Atkins, who sets forth in substance that he has been the inventor of certain automatic rakes for harvesters, &c., which have been of very great value to agriculture, the benefit of which inventions he has entirely lost through the powerful pressure of monopolies, &c. He wishes Congress to grant him a sum of money. I move the reference of the memorial to the Committee on Agriculture, as it has nothing to do with patents except the mere incidental fact.

The motion was agreed to.

Mr. DENNIS presented the petition of Levin P. Clark, of Maryland, praying for the extension of his patent for an improvement in hydrants; which was referred to the Committee on Patents.

Mr. COKE presented the petition of Humphrey E. Woodhouse, of New York, praying, for himself and on behalf of others alike interested, for the passage of a law authorizing a rehearing of his claim against the Republic of Mexico by the United States and Mexican claims commission, authorized by the convention of July 4, 1868; which was referred to the Committee on the Judiciary.

Mr. GARLAND. I wish to enter a motion that the memorial of the Choctaw Nation, asking for a settlement of their claims arising under the treaty of 1875, presented by me yesterday and referred to the Committee on Indian Affairs, be printed. Such was my motion yesterday, but I believe the Chair did not hear it.

The PRESIDENT *pro tempore*. The memorial will be printed, if there be no objection.

Mr. GORDON presented a petition of citizens of Pulaski, Irwin, and Wilcox Counties, Georgia, praying the establishment of a weekly mail route from Hawkinsville, Pulaski County, via Cason's House, &c., to Tifton, on the Albany and Brunswick Railroad, in the county of Berrien; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 518) for the relief of William Smitha, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 1087) to provide additional regulations for homestead and pre-emption entries of public lands, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 959) for the protection of homestead settlers on the public lands, reported it with an amendment.

Mr. BAILEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 430) for the relief of John Clinton, postmaster at Brownsville, Tennessee, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 97) granting a pension to William A. Miller, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 300) for the relief of Dudley A. Fish, of Bucyrus, Ohio, reported it without amendment.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3123) extending the privileges of section 2990 to 2997 of the Revised Statutes, inclusive, to the port of Bath, in the State of Maine, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1968) to provide for vessels of the United States hailing from places where they are owned or built, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1271) establishing the salaries to be paid the collectors of customs of Plymouth and Nantucket, Massachusetts, reported it without amendment.

Mr. CONKLING. I am also instructed by the same committee, to whom was referred the bill (S. No. 299) for the relief of the Baptist Relief Association of Puget Sound, to report it adversely. I call the attention of the Senator from Massachusetts in front of me [Mr. HOAR] to this bill as he introduced it, I think, upon request. The Senator may remember that it relates to special privileges to be granted to a vessel. The committee direct me to report adversely, thinking that it would not be prudent to pass such a bill.

The PRESIDENT *pro tempore*. Does the Senator from New York desire the bill to be placed on the Calendar or to be indefinitely postponed?

Mr. CONKLING. Unless the Senator from Massachusetts wishes it to go on the Calendar, I move its indefinite postponement.

Mr. HOAR. The petitioners for this bill are an association of the Baptist Church in Washington Territory. Their work is accomplished by sending preachers or teachers from place to place to the thinly settled places on Puget Sound, both within and without the jurisdiction of the United States. They petitioned for some special privileges, for a vessel which they use to convey their teachers and preachers among the inlets and waters of Puget Sound. I suppose the Senate will defer to the judgment of the Committee on Commerce that it is not possible to frame a law for this relief which shall not violate the general policy of the Government. Therefore, I am not disposed to make a contest with that committee.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely.

Mr. CONKLING. I am directed by the same committee, to whom was referred the bill (S. No. 1025) for the payment of compensation to Edward S. Offley, late consul to Smyrna, Turkey, for judicial services rendered, to report it back and ask to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations. I will say that it has been the custom of the Senate to send such bills to that committee.

The report was agreed to.

Mr. CONKLING. The Committee on Commerce instruct me to report back adversely the bill (H. R. No. 3268) to authorize the North Louisiana Railroad Company to construct a bridge over the Ouachita River at or near Monroe, Louisiana, and a bridge over the Red River at or near Shreveport, Louisiana. I will state as the reason of the adverse report, that the map informs the committee that these streams are wholly within the State of Louisiana, and, as the committee understand the law, the State has authority to allow such bridges to be built and Congress is not called upon to pass judgment in such cases.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely.

Mr. DAWES. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument, to report it with an amendment, and I ask that the resolution and the amendment may be read and printed and placed upon the Calendar. I give notice that I shall call it up to-morrow.

The PRESIDENT *pro tempore*. The resolution will be reported.

The CHIEF CLERK. The joint resolution is as follows:

That the joint commission created by the act of Congress entitled "An act providing for the completion of the Washington Monument," approved August 2, 1876, be, and they are hereby, authorized to apply a portion of the money appropriated by said act, not exceeding $36,000, to give greater stability to the foundation, if they deem it advisable.

The committee propose to amend by adding the following:

And said commission shall report the result of such expenditure to Congress at the next session, with their opinion of the stability of the foundation after such expenditure: *And provided*, That nothing herein contained shall authorize, until the further action of Congress, the expenditure of any part of said $200,000 otherwise than as herein provided.

The PRESIDENT *pro tempore*. The amendment will be printed and the joint resolution placed upon the Calendar.

Mr. HOAR, from the Committee on Patents, to whom was referred the bill (S. No. 325) for the relief of Thomas Poultney, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments; which was read twice by its title.

Mr. JOHNSTON, from the Committee on Foreign Relations, to whom was referred the petition of Edward S. Offley, late United States consul to Smyrna, Turkey, praying compensation for certain judicial services rendered by him while acting as such consul, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

BANKRUPT-LAW REPEAL.

Mr. THURMAN. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 35) to repeal the bankrupt law, with the amendments of the House of Representatives, to report an amendment, to strike out all of House amendment No. 2 and insert in lieu thereof the following words:

But, as to all such pending cases and all future proceedings therein, and in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurrred under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted; and in respect of all rights of debtors and creditors, (except the right of commencing original proceedings in bankruptcy,) and all rights of, and suits by, or against assignees, under any or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect, (which shall be on the 1st day of January, A. D. 1879,) or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day.

I shall read the saving clause of the bill. The whole saving clause, as it will be in case the amendment just reported should be adopted, is as follows:

Provided, however, That such repeal shall in no manner invalidate or affect any case in bankruptcy instituted and pending in any court prior to the day when this act shall take effect; but as to all such pending cases and all future proceedings therein, and in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurred under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors, (except the right of commencing original proceedings in bankruptcy,) and all rights of and suits by or against assignees under any or all of said acts in any matter or case which shall have arisen prior to the day when this act takes effect, (which shall be on the 1st day of January, A. D. 1879,) or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day, the acts hereby repealed shall continue in full force and effect until the same shall be fully disposed of in the same manner as if said acts had not been repealed.

I wish to say a word or two in explanation of this amendment. If adopted it saves all suits which shall be pending at the time the act shall take effect. To that, of course, there can be no objection. In the next place, it saves the right to prosecute for all pains, penalties, and forfeitures which have heretofore been incurred, whether the bankrupt proceedings have closed or not; as, for instance, if perjury has been committed in a bankrupt suit which has closed, or if a forfeiture has been incurred in a bankrupt suit that is ended, this proviso will save the right to prosecute for the perjury or to enforce the forfeiture.

In the next place, it saves the right to prosecute for crimes committed or forfeitures incurred in the proceedings which are hereafter to take place after the repeal of this act in suits pending when the repeal shall take effect. That is too obviously a necessary provision to require any remark.

Then it saves the words of the House amendment No. 2.

And all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted.

That probably is covered by what precedes it in the amendment, but we thought it better to keep it in as it is the language of the House, as it can do no harm.

And in respect of all rights of debtors and creditors, (except the right of commencing original proceedings in bankruptcy.)

If this amendment is adopted, there can be no suits in bankruptcy commenced after the 1st of January next; but obviously the rights of debtors and creditors in respect of assets and in respect of suits then pending and which are allowed to proceed to a final consummation ought to be preserved; and we thought no better general language could preserve them than these words:

And in respect of all rights of debtors and creditors, (except the right of commencing original proceedings in bankruptcy.)

The next clause preserves the right of suits by assignees and suits against assignees, both in respect to suits that have heretofore been pending and in respect to proceedings in bankruptcy which may continue after the taking effect of this act, in cases that may be pending at the time the act takes effect. That is obviously a proper saving. Then comes the clause—

Or in any matter or case which shall arise after this act takes effect in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day.

That is, any right to a suit that might occur or proceedings that might be necessary in these suits, which are to proceed to their final consummation. These savings, I imagine, will be acceptable to everybody. I do not see that there can be the least objection to any of them. I think they save every right that ought to be saved and certainly save no right which ought not to be saved on a repeal of the bankrupt law.

I beg now to call the attention of the Senate, especially of my colleague, to another thing: the amendment offered by my colleague, and which was voted upon affirmatively by the Senate, was in these words:

And all acts of bankruptcy committed or petitions which may be filed before the 1st day of January, 1879.

We have left out in our amendment the words, "and all acts of bankruptcy which may be committed." We were under the impression—I certainly was—that there was a misunderstanding in taking the vote on that amendment. I was not aware, for one, that those words were in. I thought it was only saving the right to file petitions in bankruptcy up to the 1st of January, 1879.

Mr. MATTHEWS. That is all, if my colleague will allow me, that I intended or thought that the amendment would cover.

Mr. THURMAN. That is what I supposed.

Mr. MATTHEWS. I am entirely satisfied with the language as reported by the amendment of the committee this morning.

Mr. THURMAN. I am very glad of that, because if we had taken these very words it would have been said, and perhaps with irresistible force, that the bankrupt law was continued indefinitely for all cases where an act of bankruptcy was committed before the 1st of January, 1879. I am glad that the views of the committee meet the views of my colleague.

This amendment, if adopted, I think reconciles all the conflicting opinions that have been expressed on the floor, and if there is no objection to considering the bill in the morning hour and taking the vote on it, I shall move to consider it; or else I will leave it to my friend from Kentucky, the father of the bill, to move to take it up at the close of the morning hour, just as he prefers.

Mr. McCREERY. I think we had better proceed with it now.

Mr. THURMAN. I move, then, that the bill be taken up for consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. VOORHEES. I rise merely to suggest whether it would not be better and more satisfactory to have the bill with its amendment printed and take it up to-morrow instead of to-day.

Mr. ALLISON. I think so.

Mr. VOORHEES. I think we shall make time by that course. There would be much time wasted now in explanation as to what these amendments are, which would not be necessary if the bill were printed as it comes from the Committee on the Judiciary, so that each Senator may see it for himself. I think we shall save time by it, and legislate in a much more satisfactory and safe manner. If it is necessary for a motion to be made to that effect, I shall move that the bill as reported from the Judiciary Committee, with its amendment, be ordered to be printed, and that it lie over until to-morrow.

Mr. CONKLING. A single objection, unless the Senator from Indiana is too late, which the Senate is not sharp in the habit of saying, would carry this over one day. If it be the wish of the Senator from Indiana that it shall go over until to-morrow, certainly the Senate would not require a motion to acquiesce in that suggestion.

Mr. DAVIS, of Illinois. There is no disposition to hurry it on our part at all.

Mr. VOORHEES. In the interest of the bill, and as the friend of a substantial repeal of the bankrupt law, I make the objection in order that it may be printed and go over until to-morrow.

The PRESIDENT *pro tempore*. That order will be made.

Mr. THURMAN. I suggest that the proviso be printed in full and the amendatory part reported by the Committee on the Judiciary be printed in italics.

The PRESIDENT *pro tempore*. It will be so ordered.

BILLS INTRODUCED.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introdnce a bill (S. No. 1179) for the relief of the heirs of the late Captain G. H. Derby, United States Army; which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BECK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1180) to amend section 1471 and other sections of the Revised Statutes concerning the relative rank of staff and line officers in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1181) to amend the charter of the Metropolitan Railroad Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1182) granting a pension to Lewis S.

Blair; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1183) to authorize the extension of the patent of Levin P. Clark; which was read twice by its title, and referred to the Committee on Patents.

Mr. ROLLINS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1184) proposing a new form of government for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1185) for the relief of Watson Stewart; which was read twice by its title, and referred to the Committee on Claims.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1186) amendatory of and supplementary to the act, entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof, and supplementary thereto; which was read twice by its title, and referred to the Committee on Railroads.

Mr. KIRKWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1187) to indemnify certain settlers in the Des Moines River Valley, Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

RAILWAY MAIL TRANSPORTATION.

Mr. HAMLIN. I offer the following order, and ask for action at this time, as I think there will be no objection to it:

Ordered, That 300 copies of the statement of Gardiner G. Hubbard on the subject of railway mail transportation be printed for the use of the Committee on Post-Offices and Post-Roads.

I will state that the Committee on Post-Offices and Post-Roads have now before it for consideration a bill readjusting the compensation of railroads. This statement was made by Mr. Hubbard, who headed the postal commission which has been in existence during the past year. It is very full of statistical information, and will be very useful to the Senate when the Senate shall come to consider the committee's bill. I therefore offer the order that it may be printed.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

REFERENCE OF A BILL.

Mr. MORGAN. I move that the bill (S. No. 1123) to grant certain public lands in Alabama in aid of the Warrior and Tennessee Rivers Railroad be taken from the table for reference. I introduced the bill on the 23d of April. I have three memorials from the Legislature of Alabama upon the subject. I expected to make some remarks upon the bill, but the Senate is crowded with business this morning, and I merely move the reference of the bill with the accompanying papers to the Committee on Public Lands.

The motion was agreed to.

AMENDMENTS TO POST-ROUTE BILLS.

Mr. CHAFFEE, Mr. GARLAND, Mr. WALLACE, Mr. PLUMB, and Mr. BAILEY submitted amendments intended to be proposed by them to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

ADJOURNMENT TO MONDAY.

On motion of Mr. ANTHONY, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 120) authorizing and directing the Secretary of the Treasury to issue an American register to the Canadian built propeller East by the name of Kent;

An act (S. No. 149) for the relief of Charles B. Varney;

An act (S. No. 1045) to provide for the administration of the oath of office to collectors and other officers of the customs in the district of Alaska; and

An act (S. No. 767) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late R. F. Lehman, late a commissioner of the United States circuit court in the eastern district of North Carolina.

RESUMPTION OF SPECIE PAYMENTS.

Mr. FERRY, (Mr. INGALLS in the chair.) I ask that the Senate proceed to the consideration of the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Is there objection?

Mr. EDMUNDS. My impression is that the Calendar of unobjected cases is in order. We have not got quite through the Calendar yet. That is the regular order.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate do now proceed to the consideration of House bill No. 805.

Mr. EDMUNDS. Then if that is the motion I suppose it is not expected to come to a vote to-day?

Mr. FERRY. I am not pertinacious about it; but yesterday it was supposed that the bill proposing to repeal the bankrupt law would pass in a few minutes. It occupied most of the day. I had intended to call up this bill yesterday, but as the day was wholly occupied by the bankrupt bill I thought, as there seemed to be no further morning business to-day, I would ask the Senate to consider this measure within the morning hour. I am willing to waive it till one o'clock, and not occupy the rest of the time of the morning hour, if the Senator from Vermont or any other Senator has matters to present in the nature of morning business.

Mr. EDMUNDS. Oh, no; I am willing the Senator should call up his bill and address the Senate upon it. My only inquiry of the Senator was, whether it was his intention to bring the bill to a vote to-day.

Mr. FERRY. Not to-day.

Mr. EDMUNDS. Then I have not the slightest objection, Mr. President.

Mr. FERRY. There are one or two Senators who desire to address the Senate upon the subject.

Mr. MCMILLAN. Will this action prevent the Senate from going to the consideration of the Calendar on the resumption of other business?

The PRESIDING OFFICER. The Chair does not understand the Senator from Minnesota.

Mr. MCMILLAN. I make no objection to the request made by the Senator from Michigan, if it will not prevent the Senate from going to the consideration of the Calendar when he is through.

The PRESIDING OFFICER. The bill will be subject to the order of the Senate.

Mr. FERRY. For the purpose of a fair understanding, I will state that there are other Senators who desire to address the Senate on the bill which I now ask the Senate to consider. I make this statement that the Senator from Minnesota may understand that perhaps the day will be principally occupied by Senators in addressing the Senate upon the bill.

Mr. MCMILLAN. I have no objection to that.

Mr. FERRY. When they are through there will be no objection to going to the Calendar. I do not desire to press the bill to a vote to-day. There is no intention of doing that.

Mr. MCMILLAN. Very well.

The PRESIDING OFFICER. There being no objection, the bill is before the Senate as in Committee of the Whole.

Mr. FERRY. I ask that the House bill be read and the amendments proposed by the Committee on Finance following.

The PRESIDING OFFICER. That order will be pursued.

The CHIEF CLERK. The bill as it passed the House is in the following words:

A bill to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

Be it enacted, &c., That all that portion of the act approved January 14, 1875 entitled "An act to provide for the resumption of specie payments," which reads as follows, to wit, "And whenever and so often as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the sum of national-bank notes so issued to any such banking association as aforesaid, and to continue such redemption as such circulating notes are issued until there shall be outstanding the sum of $300,000,000 of such legal tender United States notes, and no more. And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United State in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury, not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid," be, and the same is hereby, repealed.

The Committee on Finance report the bill with an amendment, to strike out all after the enacting clause and insert:

That from and after the passage of this act United States notes shall be receivable in payment for the 4 per cent. bonds now authorized by law to be issued; and on and after October 1, 1878, said notes shall be receivable for duties on imports; and said notes in the volume in existence on October 1, 1878, shall not be canceled nor permanently hoarded, but shall be reissued, and they may be used for funding and all other lawful purposes whatsoever, to an amount not exceeding in the whole the aggregate amount thereof then in circulation and in the Treasury; and the said notes, whether then in the Treasury or thereafter received, under any act of Congress, and from whatever source, shall be again paid out; and when again returned to the Treasury they shall not be canceled nor destroyed, but shall be reissued from time to time with like qualities; and all that part of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," authorizing the retirement of 80 per cent. of United States notes, shall cease and become inoperative on and after the said October 1, 1878.

SEC. 2. All laws and parts of laws inconsistent with this act shall be, and hereby are, repealed.

Amend the title so as to read as follows: "An act to amend an act entitled 'An act to provide for the resumption of specie payments,' and for other purposes."

Mr. FERRY. Mr. President, admonished by the lateness of the

session and the pending resolution fixing the day of final adjournment, I shall forego what I intended at more length to say, and content myself with as brief a statement of the reasons which dissuade concurrence in the present repeal of the resumption act as the importance of the subject will allow.

After full consideration of House bill No. 805, which proposes "to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency," your Committee on Finance have deemed it inexpedient to commend such repeal, and instead have recommended to the Senate the adoption of an amendment as a substitute for the bill, which embraces three propositions:

First. That United States notes shall at once be receivable, the same as coin, in purchase of the 4 per cent. Government bonds.

Second. That on and after October 1, 1878, United States notes shall be receivable, the same as coin, for duties on imports.

Third. That United States notes outstanding and in the Treasury on the 1st day of October, 1878, shall not be retired and canceled, but be reissued from time to time and form part of the permanent volume of the currency of the country.

The inexpediency of now repealing so much of the act of January 14, 1875, as provides for the resumption of specie payments on the 1st day of January, 1879, is supported by the fact that United States notes are to-day within three-eighths of 1 per cent. of gold, and reached under the act now sought to be repealed; hastened no doubt by the beneficial effects of the act to authorize the coinage of the standard silver dollar and to restore its legal-tender character, which passed at this session. The resumption act was the result of mutual concession of antagonizing opinions and substantially a compromise measure. Gold on the day the act passed held a premium of 11⅛ per cent. Public opinion was then more or less divided upon the best method to bring gold and currency together in value. Fixing an early day for resumption and preparing for specie payments by a rapid contraction of the currency and the accumulation of gold by the sale of bonds was the method pressed by those who considered less the distress and disaster of such means than the assurance of an end which should base the measure of commercial values upon gold at whatever cost to the people. This was antagonized by others, who protested against forced resumption on any day fixed by statute, and contended that it could sooner and easier be reached by the laws of trade—the forces of supply and demand. Against contraction of the currency and the hoarding of gold at the expense of an increase of the interest-bearing debt of the nation, they contended. To longer discredit United States notes by refusing to receive them for duties on imports, they urged, was a serious obstacle in the way of the restoration of the currency to par with gold.

I confess, Mr. President, that as an early advocate of the receivability of United States notes for duties and against contraction and forced resumption, as the safest, speediest method of arriving at resumption, rather than by naming a day when specie payments should be enforced, I reluctantly joined in the compromise measure of 1875, which I feared would entail upon the business and toiling community incalculable woe. The universal distress and unparalleled failures which have followed these past years of trial must sadly record the severity of the process which has brought the country so near resumption and so close to financial ruin. The remonetization of silver was a tardy step in the right direction, and though taken in the face of the protests and forebodings of its opponents, the measure has partly lifted the burden and extorted the confession that its aid to a return of commercial confidence and national prosperity has been, and is, undeniable.

The provision for the coinage of from two to four millions of silver dollars monthly, to swell the circulating medium of the country, has become an efficient agent of relief in the current stringency. It is gratifying to notice how promptly the Secretary of the Treasury has provided for the execution of this remedy by having at this early day all the Government mints at work coining the silver dollar. Over two and a half millions have already been coined. That the financial condition of the country favorable to early resumption may not be underrated, it may be well to consider, by comparison, the monetary standing of the country at the passage of the resumption act and now, when a proposition is pending for its repeal.

On the 14th of January, 1875, the day the resumption act was approved, the amount of United States notes outstanding and in the Treasury was $382,000,000
Amount of gold in the Treasury was 67,236,360
Amount of silver coin and bullion was 3,668,675
Amount of national-bank notes outstanding 351,861,450

Making a total of 804,766,485

Gold was then at a premium of 12¾ per cent.

In this and other statements I make no mention of the fractional currency nor subsidiary silver.

The amount of United States notes outstanding and in the Treasury May 1, 1878, was $346,681,016
Amount of gold in the Treasury 137,045,240
Amount of silver coin and bullion 14,743,898
Amount of national-bank notes outstanding 321,709,559

Making a total of 820,179,713

Gold to-day is at a premium of ⅜ of 1 per cent., with $15,413,228 more of currency and coin than on January 14, 1875.

To repeal the resumption act would leave us the volume of circulating medium for the country, the United States notes outstanding and in the Treasury at present of $346,681,016
The outstanding national-bank notes 321,709,559

A total of 668,390,575 00

To leave the resumption act operative, as proposed to be amended by the Committee on Finance, would give the country on the 1st day of January, 1879, when specie payments would be resumed—

The amount of United States notes then outstanding and in the Treasury, say $340,000,000
National-bank notes outstanding then 325,000,000
Gold in the Treasury 180,000,000
Silver in the Treasury 25,000,000

A total of 870,000,000
And the national banks will hold then of coin, (not counting their coin Treasury certificates,) at least. 15,000,000
Amount of gold in the country besides 70,000,000
Amount of silver in the country besides 35,000,000

Making a total of 990,000,000

Under a repeal of resumption the available volume of circulating medium would be on the first day of January, 1879, six hundred and sixty-five millions, and gold necessarily advanced in premium, while simply amending the resumption act as proposed by your committee would give the country then as its available volume of circulating medium, composed of gold, silver, and currency at equivalent value with gold, a total of $990,000,000.

The quickest and doubtless the surest way to bring about an increase of the circulating medium, equal to the wants of the people, and ample to impart life to the now prostrate energies of the nation, and to restore commercial confidence to every avenue of industry and trade, is to provide for such increase as the pending amendment will; and, as auxiliary, for the further advance of value of United States notes, to place them at par with gold at the earliest practicable moment.

This desideratum is sought by the measure proposed by your committee. One feature looks at once to this. The exchange at par, as it provides, of these notes for 4 per cent. bonds which are purchasable only in coin, and are to-day in market above par in coin, will immediately advance their value. These notes then reissued in retiring bonds bearing 5 and 6 per cent. interest, will lessen to that extent the interest-bearing obligations of the nation, and measurably strengthen the public credit. The amount of 4 per cent. bonds authorized is ten hundred millions. The amount already sold is less than one hundred millions, leaving still issuable over nine hundred millions. Funding a like amount of ten hundred millions equally of 5 and 6 per cent. outstanding bonds into these four percents, will be a saving to the Government of fifteen millions of interest annually. Besides, the 4 per cent. bonds, taken at home and in denominations of $50 and multiples, will not only enter into current exchanges but enrich rather than impoverish the nation to the extent of the accruing interest paid to our own people, instead of to holders abroad. This desirable object will be hastened by making these bonds exchangeable for United States notes, for their sale is less rapid in coin. This process of exchange will quicken as soon as the right is given, and the authorized issue of these bonds ere long be exhausted. It will become the people's loan to the Government, and be so popular that authority for additional issues will be demanded, until our own people instead of foreigners shall hold the public debt, and the interest wholly be drawn at home rather than shared abroad.

The late sale of fifty millions of 4½ per cent. bonds by the Secretary of the Treasury at a premium of 1¼ per cent. in gold, with accrued interest, is an assurance of this as well as evidence of an advancing public credit. The remarkable financial condition of France, so recently emerging from a disastrously exhaustive war, is largely attributable to her public debt being held by her own people. A measure which provides for the exchangeability of non-interest for low-interest bearing obligations of the Government upholds the value of the one and strengthens the holders of the other. This feature of the amendment proposed, must commend itself to general support.

I may now consider the second feature of the amendment, that United States notes shall, on and after the 1st day of October next, be receivable for duties on imports. By the act approved February 25, 1862, it was provided "that all duties on imported goods shall be paid in coin or in notes payable on demand heretofore authorized to be issued, and by law receivable in payment of public dues." These notes referred to were Treasury notes payable on demand to the amount of sixty millions, issued and made receivable in payment of public dues under the acts approved July 17 and August 5, 1861, and February 12, 1862. It was a fatal mistake that the policy of receiving United States notes was not continued under subsequent statutes, that the country might have escaped the misfortune which has followed its denial. It was, however, the judgment of our lawmakers in the midst of a civil war, when eleven States in rebellion threatened the dismemberment of the Union and the national credit, as a consequence, had suffered so that our bonds were negotiated with

difficulty, that it was essential to assure their interest paid in coin to induce capitalists to take them, and this was done by requiring duties to be paid in coin, and by making subsequent issues of United States notes non-receivable for that purpose. Sixteen years of unflinching adherence to this statutory pledge has witnessed United States bonds gradually rise from fifty-five cents to one hundred and eight, the market value of six percents to-day.

The original creditors of the nation, who staked their capital on the issue of fratricidal war, have been well paid for the faith they placed in the final triumph of a just cause. They loaned their money to the imperiled Government with low credit; they gather their reward of large premiums from an impregnable nation with high credit. Tested in civil war and fiscal panic, with gold reaching as high as 285 on the 11th day of July, 1864, and falling to its present paltry premium of $\frac{1}{2}$ of 1 per cent., and through this ordeal with an unwavering fidelity; good faith ends now to foreign holders of our bonds at 108, and duty to our citizens demands that they shall no longer suffer with forced use of paper driven below par by Government discredit. Long years of stagnation in all branches of business, entailing loss of fortunes and casting dismay into thousands of households, visiting want to countless laborers, whose cry for work and bread the golden seats of customs answer, with the remorseless siren, "Keep sacred the national faith," has no longer plea or defense. With bonds at a premium of 8 per cent. and United States notes but $\frac{1}{2}$ of 1 per cent. below gold, where is the man so fastidious as to further insist that payment of customs dues in gold is longer necessary to maintain the public faith. Our obligations to holders abroad having ceased, duty to citizens at home requires that the Government they periled and sacrificed life to perpetuate shall now turn its attention to upholding its credit with its own people. The Government should now provide for receiving for all public purposes what it obliges individuals to take for all private transactions. While gold was at a large premium, nearly if not quite equal to that on bonds, there was force in the argument that there should be some certain, reliable source of supply to the Treasury of coin to pay the interest on the public debt; for without it the Government might find itself embarrassed to meet express obligations; but with United States notes nearly equal to gold the argument falls and the disparity should end. The people have been willing to bear with patient fidelity a discrimination against themselves for the public faith, but they will no longer brook a discriminating burden when it antagonizes the public welfare. The plea, moreover, cannot be urged that if customs dues are not paid in coin the Government will be compelled to buy at disadvantage in open market to provide for coin obligations. At what disadvantage, then, I ask? The competition in market of thousands of importers daily bidding for coin to pay the duties on their invoices, which of itself kept up and active the premium, would end by liberty to pay in United States notes. There would then be but one competitor. The Government would be the sole purchaser and substantially dictate its own terms, and premium, if any, would be nominal.

The nation cannot longer with credit forego removal of discredit on all of its legal-tender notes for the paltry saving of three-eighths of 1 per cent. on the amount required to pay the interest on the public debt, and hope to escape general reproach. No fears need be apprehended that the Government may have to seek supply of coin abroad. The annual product of coin in the country is $84,000,000. The annual interest on the public debt is $91,674,544. Under the provisions of the act remonetizing silver there will soon be an average outstanding of silver certificates in circulation more than equal to the interest due to holders of bonds by our citizens, and sufficient of these could readily be secured for such semi-annual interest obligations; so that, in every conceivable aspect, the necessity for denying United States notes their rightful place in circulation has departed and it is proposed now that full value to them shall be imparted.

I will now briefly consider the last feature of the amendment reported by your committee, that all United States notes in existence October 1, 1878, whether in the Treasury or outstanding, shall thenceforth become a permanent portion of the money of the country and to be reissued from time to time as received, so as not to be withdrawn from exchanges and trade nor permanently hoarded by the Treasury. This repeals so much of the resumption act as requires the Secretary of the Treasury to redeem of United States notes 80 per cent. of the sum of national-bank notes issued to old or new banking associations, and leaves whatever amount of greenbacks there may then be in the Treasury and outside, a permanent part of the total currency of the country.

The remedy for the evils and distress growing out of the sudden financial collapse of 1873 was the subject of general discussion and congressional debate, which finally crystallized in the passage of a bill by Congress providing for a moderate and fixed increase of national-bank notes to the volume of greenbacks and national-bank currency then in existence, which bill failed to receive the approval of President Grant.

The law of January 14, 1875, followed as a compromise between the contending advocates of expansion and contraction, and as the way devised for a return to commercial restoration through eventual resumption. This compromise measure, requiring a redemption of United States notes to the amount of 80 per cent. of the sum of national-bank notes as fast as thereafter issued, authorized an expansion of 20 per cent. to the volume of both forms of currency as fast as national-bank notes were issued in supplying the demands of the people. The measure repealed the monopoly of national banking by making it free to all. It provided for the use of silver for fractional currency, and fixed the day for final resumption of specie payments on the 1st day of January, 1879.

As an advocate in 1873 of a moderate increase of the currency, the utilization of silver, free banking, United States notes receivable for duties, preference for United States notes in place of national-bank notes for our currency, and against contraction of these greenbacks, and opposed to fixing any day for forced resumption, I notwithstanding gave my aid in framing and support in passing that compromise measure. It was the best then obtainable and as fair a concession of antagonizing opinions as was practicable, and as the exigency of national condition demanded should be met by patriotic legislators who could rise above individual preference to enact some provision, rather than none, for the common weal.

Whatever may be respective opinions now of the wisdom of that measure, it afforded benefits which the people will not undervalue. It ended what they regarded an odious monopoly of banking and opened the best system ever devised by man to universal participation. It provided for the circulation of silver for fractional uses which served as the forerunner of the final restoration of silver to former equality with its more favored ally, gold. It also named a day in the future when the Government would add another evidence of its time-honored purpose, in peace as in war, even at great sacrifice, to maintain the public credit inviolate.

When the act passed, the amount of outstanding United States notes was $382,000,000; the amount of national-bank notes was $351,861,450; and gold stood in the market at 112¾. To-day the amount of outstanding United States notes is $346,681,016, and national-bank notes $321,709,559, with gold at 100¾.

The whole amount of United States notes redeemed by the measure is $35,318,984, and the whole amount of national-bank notes issued since its passage is $44,148,730. During twelve months past the redemption of United States notes has been $14,813,388, and national-bank notes issued during the same time $18,516,735. Upon this basis between this and October next, say five months, there would be $7,723,635 of national-bank notes issued, and $6,172,245 of United States notes redeemed, leaving as the fixed volume of currency thereafter in United States notes and national-bank notes $669,942,865 against $733,861,450, the volume when the resumption act was passed.

Resumption of specie payments on the 1st day of January, 1879, three months thereafter, will unlock and render available to the country—

United States Treasury notes	$340,000,000
National-bank notes	325,000,000
Gold in the Treasury	180,000,000
Silver in the Treasury	25,000,000
Coin in banks and country	120,000,000

making an aggregate volume of nine hundred and ninety millions of different forms of money of equivalent value available for the business needs of the country; and this amount instead of $733,861,450 greenbacks and national-bank notes which made up the volume of a depreciated currency at the date of the passage of the resumption act; and $321,609,425 more than the volume of Treasury and national-bank currency to-day.

On the threshold of such relief, and with its welcome benefits already animating the heart and invigorating the body of the nation, why cast our woful faces over the past, which now cannot be changed, and why turn our backs upon the future, which now can be shaped, in a reversal of present light, and hope, and help, by repeal of the measure under which we have been led so nearly out of our sea of trouble? Pass this complemental aid to the resumption law, and the remedy for our commercial paralysis and financial distress will be at hand.

Already its anticipated force is felt in the livelier step of toil and busier mart of traffic. Make it authoritative and real, and the rock will be struck that shall gratefully supply a languishing people. Mr. President, it may be said, if this remedy is to be found through the aid of the pending amendment, why not make it sooner effectual by fixing an earlier day than October 1 next for it to be operative? Why not fix it July 1, instead of October 1, or even at the passage of the pending measure, as already suggested by the amendment submitted by the Senator from Indiana? July 1 would be a very natural period to fix upon, as it is the beginning of the fiscal year. My individual choice would be then, rather than any period later. There are, however, reasons for choosing October which are entitled to much consideration. The argument that there would be less contraction of United States notes, if July instead of October was chosen, has force. The estimated contraction based on past twelve months' redemption would be to July, say two months, $2,468,898, and to October, say five months, $6,172,295. This comparatively small reduction of the volume of greenbacks is hardly to be considered, in the light of the effect for resumption purposes it might have upon the considered resources of the Treasury. To receive greenbacks for duties three months earlier, would not only make it easier and cheaper for the syndicate to supply the fifty millions of gold recently contracted for by the Secretary of the Treasury, but be to that extent a check upon the flow of gold from customs into the

Treasury. United States notes would in that event be paid for duties during the three months, and lessen, by that amount, the gold that would otherwise be accumulated. This would apply with greater force to any period earlier even than July.

The ability with actual means to resume specie payments is of far more significance than a question of three months' time, and the small resultant reduction of the currency, when viewed in the light of the release by resumption of all the gold of the country to form a part of and swell the volume of the circulating medium. The question narrows down to one simply of policy, not of principle; it is an item of time, in place of a surety against disability. Practically, I question if there will be any difference whether United States notes are made receivable for duties October 1, or July 1, for I believe that on the passage of this measure greenbacks and coin will be at par before July 1 next, and the matter of difference of time as to value of notes be disposed of in advance. At the same time prudence and wise forethought demand that reasonable precaution be observed, when a period is to be ushered that is to make all forms of money of equivalent and permanent value.

That I do not overdraw this effect of what seems already to have influenced the public mind, I have but to refer to successive notices in the public prints of business firms and banking associations in various localities and States, acting upon what appears to them the inevitable, by announcing that they have resumed specie payments in advance of the time fixed for resumption by the Government. It is a gratifying concession to this auspicious event, that moneyed circles of the West and South, which sections were the early and persistent advocates of what eastern centers termed "irredeemable paper," "rag money," and "debased coin," are the first to vindicate their faith by acts, and are unfurling in the face of Wall street's bated breeze the nation's financial banner, inscribed "greenbacks as good as coin." Wall street growls and halts at the advancing era, borne aloft by berated "lunatics" and "idiots," but it must learn the irrevocable lesson that all knowledge on finance does not dwell solely with the wise men of Gotham. The country is acting upon the conviction that on money questions all sections as well, are wiser than one center, and that all men, know more than any corner of men. New York City, so clamorous during the many dreary years of perplexity and loss, for early resumption, seems the last to respond to the welcome advent. The city of Albany and others which adorn that empire State are promptly meeting the inevitable by exchanging currency at par for coin. How long will our metropolitan city cling to her $\frac{1}{2}$ per cent.? New Orleans, Mobile, Atlanta, Louisville, Indianapolis, Cincinnati, Detroit, Chicago, Saint Louis, and other cities feel the impulse to break down the barrier by treating the currency equal to coin.

This early movement of individuals and associations to resume springs from the conviction, which is becoming wide-spread, that the Government will on the 1st day of January next be abundantly able to resume, and to maintain resumption thereafter. Forty per cent. of coin to the volume of currency is an average of reserve considered by wisest financiers as sufficient to maintain specie payments, and the Treasury will have on the day of resumption over two hundred millions of coin to maintain its three hundred and forty millions of Treasury notes, while the banks will hold sufficient of Treasury notes and coin, with which to maintain their three hundred and twenty-five millions of bank-notes.

With an annual product of eighty-four millions of coin and a balance of trade in our favor of $151,152,094, for the year ending June 30, 1877, and for the last nine months ending April 1, 1878, $203,229,501, being $48,453,509 more than the corresponding months ending April 1, 1877, who will hesitate to resume, and who can fear resumption? In the presence of these favoring facts, that assure ample resources with which to warrant a return to specie payments and our ability to maintain them, there can be no reasonable nor financial grounds for now taking any backward step.

Every principle of sound policy invites the intelligent reviewer of our financial condition to move in hand with these facts, by approving a measure which will settle our finances upon such a substantial basis as shall relegate the money question from the Halls of Congress to the marts of commerce.

It is far from wise to halt now, to recount and arraign what has been done, or to restate what might have been done. It is with the present we have to deal. Like the evils of the war, the results of the panic will gradually disappear. It were as profitless to dwell upon the sacrifices of the one, as to recall the misfortunes of the other, for a panacea to cure the ills of the present. How much soever we may differ as to what might have been, we certainly should agree upon what is to be. The past we cannot unmake, but the future is ours to shape. Disagreement now upon comparatively non-essentials, when agreement is so vital in fixing at this opportune moment what shall be permanent relief to the people, will be well-nigh criminal indifference to the prostrate appeal of a suffering nation. Union of moderate views when extremes are nearly met, is safer than to divide upon points which under other conditions it might be duty to maintain. The silver bill is an instance of extreme views harmonizing upon a moderate basis. It is now accepted with grateful testimony of approval by many who feared its passage would widen the breach of our difficulties. Its salutary effects are seen on every hand in the confidence it inspires as an efficient factor in the final solution. Silver certificates—the most beautiful specimens of note-engraving art, are to permeate our countless exchanges and become the favorite token of our restoration. The greenback advancing so nearly in value to coin will yet distance its silver companion and command a premium for portable convenience over ponderous coin. I cite as proof from the New York Times of the 26th of last month this paragraph:

PAYING A PREMIUM FOR GREENBACKS.

SAN FRANCISCO, *April* 25.—In this city recently small sums of greenbacks have been purchased for gold coin at a premium of fifty cents for over $1,000 in notes.

Greenbacks will then, if not before, put to blush such as have aimed to disparage those who have long plead for their placement in the honored paths of trade. No one then, as heretofore, will seriously doubt the feasibility and safety of allowing greenbacks to be received for duties.

To make doubly certain a sufficient supply of coin in the Treasury to meet accruing interest on the public debt, there are still some who are indifferent to the act of discredit upon these notes, by refusal to receive them for all public as well as private uses. It seems to matter but little to them that between citizens they are made to serve every moneyed purpose, while between citizen and Government, they are denied for certain uses, validity and value. No individual upholds his commercial standing who impairs in any way his own promissory paper; nor can a Government keep its financial honor unsullied by discrediting in any manner its obligations. The time is propitious, and the opportunity rare, for every Senator to record his disapproval of this financial anomaly, by the support of a measure which looks to early release from this national dishonor. This amendment may not be just what each Senator would frame, but may it not be such a one as most can unite upon and support? It leans not to either extreme of financial opinion, but is poised on moderate views, and framed by mutual concession. It breathes the spirit of our institutions, for it is the growth of compromise. It deals with a question affecting every fiber of commercial and industrial life. It is more or less vital to every citizen. It concerns the rich and the poor, the high and the low, the idler and the toiler. It touches the relations of capital and labor. It advances or retards the prosperity of the nation, and strengthens or relaxes the bonds of the Union. Your committee therefore invite the Senate to consider and concur in the amendment submitted.

Mr. VOORHEES. Mr. President, it is not my intention to detain the Senate on this occasion at any great length. There are some circumstances, however, connected with the subject before us which cannot fail to arrest general attention. When Congress convened in October last, now more than six months ago, the public mind was in a state of anxious hope and expectation. For nearly five years the course of business and the interests of labor had been rapidly declining. From time to time it had been announced by those who assume superior wisdom upon this subject that the bottom, as they are pleased to call it, had been reached. There can be no doubt at least that great financial depression and distress had been fastened upon the country. No channel of active business and no branch of industry had escaped.

It was natural, therefore, when the representatives of the people, having entire control over the finances of the country, met in the discharge of their official duties, that relief should be expected from their action. All eyes were turned upon them. Every ear listened for the sounds that emanated from here; and every heart beat high with hope of redress. Let us inquire how far these expectations and hopes have been fulfilled. Two measures of overwhelming importance to the interests of the people were at once introduced in the House of Representatives and promptly passed.

It was determined by that body without delay that the coinage of the American silver dollar, known in the history of this Government from its foundation, should be restored, in quantities limited only by the amount of bullion which could be procured. The struggle over that question and the result which followed have passed into history. Another question, however, of far greater magnitude was acted upon by the House at the same time. The repeal of the act of January 14, 1875, known as an act to provide for the resumption of specie payments, has been a prominent issue in the American mind almost from the day of its passage. Its influences upon every element of prosperity were soon discovered to be pernicious. A paralysis immediately fell upon all the great and active industries of the country.

The object of the law was soon found to be, not the impossible task of procuring a sufficient amount of the precious metals to form the basis of specie resumption, but simply to reduce, retire, cut down, and destroy the amount of money in circulation in the hands of the people until it approximated the comparatively small amount of gold which we had in our possession or which it was possible for us to obtain. In pursuing this purpose the amount of human misery, of individual wretchedness, of destitution, of crime, of vice, of the destruction of property values, of the overthrow of wealth-producing establishments of industry is simply beyond the power of language to describe. It is conceded on all hands that in this attempt to reduce the volume of our circulation in order to reach what is called a specie basis the shrinkage in the values of property—that is to say, the absolute destruction of values—has reached the enormous and appalling sum of over ten thousand millions of dollars. One-fourth at least of the property of the United States has been absolutely confiscated.

It is not wonderful, therefore, that from the highest to the lowest intelligences the victims of this vast national crime should have very quickly discovered the source of their calamities; nor is it wonderful

that they should make such calamities a paramount issue in their judgment upon public men and public measures. Indeed this issue has become far higher than parties; it is an issue in which the interests of the people are so vividly involved that party lines are almost invisible in the gloom of a common distress. It is nevertheless true, however, that parties have spoken in their highest organized capacity on this subject. It will not be forgotten by the American people that in June, 1876, at the city of Saint Louis, the democratic party in national convention, with authorized delegates from every State and congressional district in the Union, declared in favor of the repeal of this odious and crushing measure.

The House of Representatives, therefore, recorded the popular will, ascertained in many ways and by the highest authority, when on the 23d day of November last it passed the act repealing the act of January 14, 1875, and for which the Finance Committee of the Senate has recently reported a substitute. Since the passage of that act in the House public expectation has been turned on this body. From that time to this the responsibility has rested here. Had there been a prompt and immediate concurrence on the part of the Senate with the action of the House, how much loss, bankruptcy, and suffering would have been averted during the last five dreadful business months can of course never be estimated. During the protracted debate which took place here on the silver bill it was a striking feature of the enormous number of petitions that were presented in this body that they invariably coupled two prayers together, one for the restoration of the silver dollar and the other for the repeal of the resumption act. Not a day passed that these two prayers were not heard here at our desk from the highest business interests and the most intelligent people in the United States. Their cry was unceasing and for immediate relief. They did not obtain it. The opponents of the repeal of the resumption act have pleaded for delay and dealt in assurances that soon all occasion for such repeal would pass away.

They have dealt in pleasing prophecies in regard to the revival of business and the employment of idle, starving laborers which have all failed to come true. Their newspaper organs have sought to delude the country by constant proclamations of healthy reactions in business which have not taken place. They have persistently declared that the worst was over; that, having sounded all the depths and shoals of financial disaster and there being no new bottoms in the great deep of universal ruin for us to fathom, the tendency hereafter must necessarily be upward. These false prophets are also opposed to all discussion. They are now deploring the fact that this great question of the people's rights has been again brought up in the Senate. They represent the only class in the United States that is now filled with comfort, that lives without toil, and draws its sustenance from the hard-earned stores of others. Of course the members of this class do not wish to be disturbed. Why should they?

The drone in the hive, living on the honey accumulated by the laboring bee, never desires the manner of his life inquired into or the question of his support agitated. Those who live in violation of the rights of others have, in all ages and countries, been the fiercest opponents of free speech and the principal sufferers by its fearless exercise.

Let us see, however, whether the worst is over, as we are so loudly assured. Let us see whether, while we have been delaying action, the business interests of the country have been improving or not. Let us hold a brief consultation and determine whether, while we have been waiting with wise looks and vain auguries for the patient to revive, that patient has not been actually bleeding to death before our eyes. Within the last few days I have examined the report of the Mercantile Agency of New York, keeping a record of the business failures of the United States for the first three months of the present year. It contains an appalling exhibition. During the three months of January, February, and March the number of failures is put at thirty-three hundred and fifty-five and the amount of their liabilities at the startling sum of $82,078,826. If we compare that report with the same period of time during the last year we find the liabilities growing out of bankruptcies to be $27,540,856 greater in the first quarter of 1878 than in the first quarter of 1877. A similar comparison with the first quarter of the year 1876 shows the bankrupt liabilities of the country to have increased $17,434,670 from that time to the present. If we should carry this comparison back to the period when our volume of circulation was at its very greatest, during the inflated years of 1863, 1864, and 1865, we will find that during those entire three years the aggregate amount of liabilities for all the commercial failures in the United States reached only the sum of $34,103,000, but little more than one-third of the amount growing out of the same causes in the last three months.

In the mad and determined effort to reach what is denominated a specie basis do Senators pause to reflect on the awful penalty which the people have been forced to suffer in order to attain that object? However desirable an object may be, however much the human heart may long for what it conceives to be a great good, yet there may be sacrifices so horrible required in its pursuit that they would render that good an unmixed evil. The resumption of specie payments has been proclaimed the height of American statesmanship; and yet to attain it the prosperity of the country has been trodden into the dust and battered out of all shape and recognition. Within the last three months, as I have shown, the pursuit of this policy has rendered impossible the payment of nearly a hundred millions of debts. The poverty, the desolation, the indescribable private sorrows of families which these failures have cost can never be expiated; nor will the policy which caused them, with its track of ruined lives, ever be forgotten or forgiven by the American people.

The servile castes of the East Indies, with a blind and ignorant faith, worship the Juggernaut, and feel no resentment when mangled and crushed by their hideous deity. It is not so, nor will it ever be, with the American people. They will not worship at a cruel, heartless shrine. They will rather teach their children and their children's children to execrate the authors of their misfortunes. Heretofore there has always been a strong traditionary sentiment in the American mind in favor of a circulation based on gold and silver, but henceforward that idea will be so deeply and painfully associated with bankruptcy, poverty, unemployed labor, and begging tramps, that it will take fifty years of the most favorable experience to restore the former belief on this subject. An education on the subject of the finances has been impressed upon the American people during the last five years as frightful in the memory which it has left as the embraces of a nightmare.

Men and women think fast and take long and rapid strides in opinion when crowded by the spur of starvation. Such circumstances engender revolutions and breed the fierce disorders of the world unless they are controlled by measures of relief and pacification.

We are met, however, at this time by those who oppose the repeal of the resumption act with the fact that our paper circulation is quoted in the money markets at only a small fraction below par in gold. This is held up to us as practical resumption. The money power, turning its back upon the ruin it has wrought, and ignoring the wide-spread suffering it has inflicted, now calls out exultingly that it has at last reached the destination for which it has caused so many millions to water their bread with tears. It is true that the legal-tender United States note, known as the greenback dollar, partly by reason of its contraction in amount, and far more by reason of the confidence which the people have in it as money, has forced itself, in the face of calumny and fixed hostility on the part of the Government, to a substantial equality with gold. This is not the result of any financial statesmanship.

It has taken place in spite of a policy directly adverse to it. It is simply the result of a public opinion upholding a currency which this Government has assailed with discredit from the hour of its creation. Its quoted value to-day, in that little den of gamblers, known as the gold room, in Wall street, rests to no extent at all upon the fact, or supposed fact, that the holders of it are able or desire to obtain specie in exchange. Does that noisy mob in a room in New York, where gold is never seen, where money of any kind is purely an imaginary article, and where the jargon of puts and calls signifies only words and not things—does this mob fix the value of our legal-tender currency as it is circulating now from hand to hand among the plain farmers, mechanics, merchants, and traders of the entire country? It is well known by the people that its functions and services as money in their midst do not depend upon the ability of Government to redeem it with coin, nor do they want it redeemed. Of the $348,000,000 of legal-tender note circulation this Government could not redeem $50,000,000 within a week's notice. What, then, has brought a paper currency for which there is now practically no specie basis up to par with specie? I can answer. It is because public opinion has forced this Government, step by step, to treat its own currency with respect, with fairness, and with honor. It is owing to that public sentiment which has been for years past urging, and at last with the promise of success, that the Government shall receive the money it has authorized to circulate among the people for all its own debts, dues, and obligations, except in the face of an express stipulation to the contrary.

Sir, in point of fact there never was the slightest reason in justice why the paper circulation of this country should have become depreciated. When the legal-tender note was first authorized as money, if we had said it was good money, and by our acts convinced the world of our sincerity, it would have maintained an equality with the precious metals from the beginning. This has been the history of other governments, and it would have been our history if capital had been capable of a single throb of patriotism when it was called on to assist in the preservation of the Union. If money had volunteered as the soldier did, or if tempting bribes, in the shape of gigantic speculations, had not been necessary to win its support, the evils which have since befallen us would never have been known. Had the act of February, 1862, which authorized the first issue of bonds and of legal-tender notes become a law in the form in which it passed the House of Representatives, the depreciation of American currency never would have taken place. It has been in our power ever since to cure this evil.

There has not been a day from the creation of the United States note as a circulating medium to this hour when that note would not have been placed at par by a law requiring the Government to receive it for Government dues. All this was pointed out with overwhelming force by Thaddeus Stevens, then chairman of Ways and Means in the House. Sir, a curious spectacle is presented in this connection. With what a clamorous outcry the great capitalists have assailed a depreciated currency! No language has been sufficiently bitter or contemptuous with which to stigmatize and cover it with shame. No wholesale slaughter of popular interests has been too

great in order to get rid of it. And yet the very men who now tax the air with their loud and incessant complaints and demand such crushing sacrifices of the people are solely and exclusively responsible for the fact that we have had a depreciated currency at all. They alone of all the world demanded that this Government should dishonor its own currency. When in 1862 the act creating our bonded system of debt and the means to pay it had passed the House, making principal and interest payable in United States legal-tender notes, and had been returned with the Senate amendment fixing the payment of the interest in coin, Mr. Stevens at once fastened the responsibility and its consequences where they belonged and drew a picture of unhallowed greed which has never been disputed. On that occasion he said:

I have a melancholy foreboding that we are about to consummate a cunningly devised scheme which will carry great injury and great loss to all classes of people throughout the Union, except one. With my colleague, I believe no act of legislation of this Government was hailed with as much delight throughout the whole length and breadth of this Union by every class of people without any exception as the bill which was passed and sent to the Senate. Congratulations from all classes, merchants, traders, manufacturers, mechanics, and laborers, poured in upon us from all quarters. The boards of trade from Boston, New York, Saint Louis, Philadelphia, Cincinnati, Louisville, Chicago, and Milwaukee approved its provisions and urged its passage as it was. I have a dispatch from the Chamber of Commerce of Cincinnati, sent to the Secretary of the Treasury, and by him to me, urging the speedy passage of the bill as it passed the House. It is true there was a doleful sound came up from the caverns of the bullion brokers, and from the saloons of associated bankers. Their cashiers and agents were soon on the ground, and persuaded the Senate with but little deliberation to mangle and destroy what it had cost the House months to digest, consider, and pass. They fell upon the bill in hot haste, and so disfigured and deformed it that its very father would not know it. Instead of being a beneficent and invigorating measure, it is now positively mischievous. It has all the bad qualities which its enemies charged on the original bill, and none of its benefits. It now creates a money, and by its very terms declares it a depreciated currency. It makes two classes of money; one for the bankers and brokers, and another for the people. It discriminates between the rights of different classes of creditors, allowing the rich capitalist to demand gold, and compelling the ordinary lender of money on individual security to receive notes which the Government has purposely discredited.

And again in the same debate Mr. Stevens said:

The first purchase of gold by the Government will fix the value of these notes which we issue and declare to be a legal tender. The sale will fix their value at 10, 15, or 25 per cent. discount, and then every poor man when he buys his beef, his pork, and his supplies must submit to this 15 or 25 per cent. discount, because you have said that shall be the value of the very notes which you have made a legal tender to him, but not a legal tender to those who fix the value of these very notes.

I have quoted these utterances of a very able and distinguished man not merely because of the weight given to them by his name, nor because they are new as authority on this subject, but simply because they declare a great historical fact from which all our financial miseries have sprung and which cannot be too often repeated and pressed home upon the minds and consciences of American taxpayers. I quote them also to expose the hypocritical lamentations of those who having effected the depreciation of the currency for their own selfish ends, then denounced it as unworthy and dishonest. The organized capital of the country having contrived to fix legal-tender United States notes at a discount of from 25 to 40 per cent., then used them at their face with which to buy into the pockets of the people, and every bond now paid or hereafter to be paid is simply a redemption by the people, dollar for dollar, in coin, of the depreciated paper originally invested in bonds. A system of finance that discredited its own money at the bidding of "bullion-brokers and associated bankers," in order that the capitalists of the country might so invest that discredited money as to compel the laboring classes to redeem it at par in gold and silver, was indeed, as it was so forcibly described, "a cunningly devised scheme, and fraught with great injury, and great loss to all classes of people throughout this Union, except one."

These, however, are not the only historical circumstances which cause the people to listen with impatience to the complaints urged against the evils of a depreciated currency. They do not overlook the fact that these complaints were never made except in the interest of capital. They were never heard in behalf of the laboring masses to whom this currency has at all times been a legal tender; nor were they ever heard in behalf of that class of American citizens whose services and whose claims are paramount to all others. When the muster of millions took place for the preservation of the Union; when the young, the strong, the brave, and the hopeful came from their homes from one ocean to the other and formed in legions under the flag, not a whisper was ever heard to emanate from the money centers, from the cold, hard lips of capitalists, that a depreciated and dishonored currency was not good enough to pay them for their blood and their lives. This money then paid the most sacred obligations ever contracted by a government in all the expanded realms of history. It paid the soldier and the sailor for all the perils and horrors of war. It paid their widows and orphans for all the sorrows of bereavement. Even, therefore, if the authors of the original depreciation were compelled, as the soldiers of the Union and the tax-paying laborers of the country were, to reap some of the fruits of their own cunningly devised scheme, it would still be less than an act of even-handed justice toward them. But no such result will follow the repeal of the resumption act, especially if its repeal is accompanied by the proper and necessary legislation for which bills are now pending in this body.

The repeal of the resumption act, and a law compelling the Secretary of the Treasury to receive without delay United States notes for duties on imports, will at once equalize all our currencies and bring immediate relief to all useful classes. The existence of the act of January 14, 1875, on the statute-books is a standing warning, not only to the Government to contract its circulation, but also to every bank in the United States to do the same, in order to be ready for the demand that will be made upon them for specie in redemption of their notes on and after the 1st day of January, 1879. It is a threat that whoever has an obligation out to pay money on that day, whether it is the Government responsible for its legal-tender notes, or the banks responsible for bank-note circulation, or the citizen liable on his promissory note, shall be subject to a call for payment in coin. It requires but a moment's reflection to perceive the inevitable consequences of such a law. From day to day, working under its provisions, the Government is making preparation to meet its requirements by diminishing as far as possible the currency it will have to redeem.

At this very hour this work is going on. An announcement appears in the public press that legal-tender notes to the amount of $1,167,696 have just been destroyed by order of the Secretary of the Treasury, that being 80 per cent. of the additional bank-note circulation issued during the month of April. The banks have been and continue to be systematically hoarding their circulation, in order that they may be as well prepared as possible to meet the runs for specie redemption that will be made upon them. Private parties who have money to lend in the ordinary way withhold it, except upon such securities and under such circumstances as render them doubly safe, fearing, as they reasonably may, that but few debtors will be able to meet their obligations less than a year hence in coin. The result is that contraction has prevailed in every quarter, and sent forth its deadly influences in every direction. While there is perhaps something over six hundred millions of a paper currency in existence at this time, there are scarcely three hundred millions this hour in the hands of the people aiding the business and labor of the country. Nor will this condition of affairs cease when we have a nominal resumption of specie payments, whether that be now or at the opening of the coming year. To say that we have resumed specie payments because paper money and gold and silver money are quoted as equal in value, is an easy solution to superficial minds. To maintain resumption when specie payments become widely and generally demanded, and of daily occurrence in every branch of business, and in discharge of all obligations, old as well as new, is quite another thing. The Secretary of the Treasury in his recent interview with the House Committee on Banking and Currency admitted that to maintain specie payments it would be necessary to maintain contraction. He admitted in substance that the hoarding system by which the Government and the banks have already taken the life out of the active business of the country will have to be continued. This is the absolute and actual prospect held up to the American people as long as the present law for the resumption of specie payments stands unrepealed. It makes certain a dark, perilous, and unhappy future, linking itself to the present and the past, which have already far too heavily taxed the endurance of the people.

Sir, in addition, however, to the great sum of evils which the financial policy of the Government has fastened on the American people, and which are seen and known of all in their daily contact with them, there is another which has grown up more silently and unnoticed, but which has already reached the most dangerous proportions.

The insufficiency of money in circulation among the people with which to transact business and employ labor has led the farming classes throughout the country, and especially in the West, to adopt the most perilous and desperate expedients to relieve themselves. They have been driven to mortgage their homes to obtain money at usurious rates of interest in order to meet their debts and the ordinary obligations of business. It has been estimated that the loaning associations of the East hold mortgages on western farms to the amount of over $300,000,000. On this enormous sum of borrowed money the interest account will average thirty millions per annum. Such tribute was hardly ever before in the history of the world paid by one class of citizens to another class in the same Government. It could not take place anywhere on the globe except in a land cursed by the most flagrant and wicked class legislation. It could not have fallen like a deadly blight on the agricultural and producing interests of this country but for the fact that all the great powers of the Government have for years past been exerted to foster the gains and swell the profits of idle wealth at the expense of labor. Instead of furnishing to the people a circulating medium equal to their business wants, a policy has prevailed which has driven them to the tender mercies of the money-changers and to lay the title-deeds to their homes on the counters of the broker and the usurer in pawn for a currency that could be obtained in no other way.

And now, with contraction and hoarding still to continue on the part of the Government and the banks, these titles are to be redeemed after the 1st day of January next in coin or be forfeited. In this fact is to be found the meaning of those threats now often made by the organs of the money power, that the ownership of the soil will change, and a system of great landlords and a numerous tenantry be established in our midst after the European models. It means that thousands and hundreds of thousands of the present owners of their farms shall either be dispossessed under decrees of foreclosures or remain as tenants and pay rent to non-resident landlords. It means that a landed aristocracy shall be built up in connection with the moneyed aristoc-

racy which already exists, and that the entire spirit of this Government shall be subverted. It means that those who have always thought the British system of government a better one than our own have successfully laid the foundations and already taken gigantic steps toward the accomplishment of their ideas.

A permanent national debt is their opportunity, and they have embraced it with eager zeal to advance their purposes. In their eyes it is a national blessing, and we never hear from their lips a desire for its liquidation. It is their source of power and of income. In 1688, almost two hundred years ago, the national debt of Great Britain commenced from small beginnings to run its terrible career of oppression, pillage, and pauperism. It has swollen to the awful dimensions of nearly $4,000,000,000. No one contemplates its payment. In the shape of consols, funds, and bonds it presents a refuge in which capital, retired from business, escapes taxation, and at the same time silently but unceasingly sucks the life-blood of the toiling masses. Some of the results which have followed, in connection with the ownership of the soil, are worthy the consideration of the American people at this time. The population of England is estimated at a fraction over 18,000,000. She contains 29,179,622 acres of land that are owned by her citizens. In the last publication of the Financial Reform Association of England the amazing fact appears that 16,352,606 acres of these lands, being largely more than one-half the entire landed property of the country, are owned by the insignificant number of 4,736 individuals. The rental incomes arising from these vast possessions amount to $472,219,645 per annum, thus showing an average ownership on the part of less than 5,000 persons of over 350,000 acres and an annual average income to each of them of about $95,000.

The population of Wales is placed at 1,217,135 souls. The lands held by private ownership amount to 3,833,968 acres; and of these 2,342,922 acres are owned by 672 individuals, with an annual rental income, arising from the labor of a peasantry in a state of semi-starvation, amounting to $12,227,600.

Scotland has a population of 3,359,567 inhabitants. Her lands are estimated at 18,946,694 acres. How incredible it appears to the American mind that 1,758 individuals own 17,584,828 of these acres, nearly all the land of the entire country; and yet such is the fact. The lords and barons of these broad domains draw from the porridge-fed tenantry who cultivate them the sum of $36,463,990 per annum.

The population of Ireland is computed to be 5,409,490. Her lands measure 20,159,678 acres, and 15,604,762 acres are owned by 3,722 individuals, who each year collect a rental income of $37,765,080 from the toiling men and women who inhabit that oppressed and impoverished island. The murder of a landlord a few days ago in Ireland attracted the attention of the civilized world. I have had the curiosity to examine the extent of his possessions, and consequently the extent of his power to oppress the landless poor. The Earl of Leitrim at the time of his death owned in county Donegal, 56,184 acres; in county Leitrim, 21,179 acres; in county Galway, 18,203 acres; and in county Kildare, 53 acres; making a landed estate of 95,619 acres. A general summary of the land-holders of the United Kingdom of England, Wales, Scotland, and Ireland therefore shows that, while the whole extent of lands reaches 72,119,961 acres and the entire population is 28,227,066, yet the meager number of 10,888 individuals own 51,885,118 acres, more than two-thirds of the lands of the entire kingdom.

Sir, these statistical facts are overwhelming in their significance. They reveal every feature of human servitude and light up all the ghastly lineaments of degradation, famine, and woe. They explain the exodus of the last thirty-five years from Great Britain, during which time seven millions of her subjects have exiled themselves from her shores. I have cited them, however, at this time not for the purpose of dwelling on them, but simply to show to American land-holders who have been forced to mortgage their lands to the money power a condensed and comprehensive view of the end of that career on which they have entered. I desire them to see that the policy of their Government in withholding an adequate supply of money in circulation has forced them into the clutches of a power which to-day holds mortgages on more acres of American farms than the entire lands within the boundaries of England. And I desire in their behalf to appeal to the American Congress to promptly undo, as far as possible, the ruin that has been inflicted, and to inaugurate a financial reformation which will secure to the toiling farmer his imperiled home and to the industrious mechanic living wages.

It is customary, however, at this time for the supporters of the present financial policy of the Government to charge the misfortunes of the people on the people themselves. The extravagance of the people, their reckless expenditures, and their prodigal mode of living are now favorite themes on the tongues of those who recline in the soft lap of wealth and fare sumptuously every day. The hard-handed, sun-burnt millions who rise to their daily tasks while the morning star is yet in the sky and toil for a subsistence until the evening star appears are constantly lectured on the virtues of economy by the dwellers in palaces, by the inmates of gilded mansions, by the masters of liveried attendants, by the lords of millions, by all such as derive their incomes and their luxuries from the labor and privations of others. These modern teachers of self-denial on the part of the laborer have given the meaning of this world instead of the spiritual meaning its sublime author intended to the parable of the ten talents: "For unto every one that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath."

The poor are exhorted to give up luxuries which they have not, in order that the rich may add to their already great abundance. Go to the homes of those who eat their bread in the sweat of their faces and ascertain if you can the extravagances in which they indulge. Do they maintain costly equipages, splendid carriages, and richly caparisoned horses? Are their humble dwellings adorned with valuable paintings or fitted up with expensive furniture? Do you see pier-glasses on their walls and feel velvet carpets beneath your feet on their floors? Take a seat with them at their frugal, but hospitable tables. Do you find extravagance there? Where is the solid silverware, the long succession of delicate dishes, the various brands of high-priced wines? None of these things are found to tempt the Epicurean taste of those who, while preaching economy to the industrial classes, sit down each day to banquets such as Dives presided over when Lazarus lay at his gates begging bread. Have the farmers and mechanics of the country brought calamity on themselves by extravagance in dress?

Where one indulges in broadcloth a hundred are glad to be comfortable and appear decent in homespun. Do their wives and daughters wear velvets and expensive silks? Must they, too, economize and put on plainer attire in order that the votaries of fashion and wealth may increase their demands? Sir, the laboring men and women of this country have not been extravagant in their lives, nor do their present embarrassments and sufferings arise from that cause. It is enough that they should be weary with care and toil and filled with anxiety for the still darkening future. They should at least be spared reproachful calumny. They constitute the only economizing, self-denying class of citizens in all this broad land. With what force and justice could they turn upon their accusers and fasten on them the crimes of profligacy and shameless extravagance. The Federal Government itself has been administered for many years past on a scale of the most stupendous expenditures. It has rioted with the public moneys and set an evil example. States, counties, cities, and corporations have too generally defied all the principles of economy in their management. But of all who commit extravagance and practice self-indulgence the most conspicuous is that class which holds the bonds of the Government and the mortgages of the people, and loudly urges its oppressed debtors to the most rigid economy for its own benefit. To those who compose this favored class the pleasures and luxuries of every land and clime are accessible. To them nothing can be denied which money will command. As they travel over oceans and continents in quest of new enjoyments, they are assailed by no anxious fears in regard to their pecuniary resources. They know that the plowman in the furrow, the mechanic in his shop, the American laborer of every kind, and wherever he may be, pays daily tribute and makes their income secure.

Far be it from me to incite the people, even if in my power, to disregard their judicial obligations. No such purpose inspires my conduct, but I shall at all times vindicate them against the aspersions of those who first oppress and then denounce them. And I shall also always maintain that the entire financial policy of the Government should be revised, changed, and reformed in their interests and for their relief.

Are there those upon this floor who regard the financial question a temporary one? To my mind it is not so. Its different phases may be met and for the time being disposed of, but in my judgment it will remain the paramount question in our public affairs long after every eye that now sparkles in this Chamber shall be closed in eternal sleep. Debt is a merciless master, and gives its victims little time and less inclination to consider anything except its ceaseless demands. The American people at this time, aside from their private debts to each other, are indebted to the Federal and State Governments, to counties, cities, and corporations, in the almost incalculable sum of more than $5,000,000,000. The bondage of such a debt cannot be a short one. Generations will come and go before emancipation day for the American tax-payer arrives.

One form of slavery has been swept from American soil. Another form has followed it, not to last so long, let us hope, but equally remorseless and unsparing in its exactions upon labor. It is the slavery of debt. It is upheld by the sanctions of law, but the greatest question of American statesmanship for the next fifty years or more will be its abolition without doing violence to our national honor. Year after year in one form or another that leading idea will press itself on us for solution. Legislative compromises will be made and declared final, but as long as debt continues to make its insatiate demands on the fruits of industry there will be no finality. Nor are the people to be silenced on this vital issue of their own interests by the meaningless, vapid, and insolent cry of communism hurled at them by the agents of the money power. Those who are doing most to engender and foster the spirit of communism in this country are the adherents of the extreme measures of financial contraction and of a forced return to specie payments, regardless of shattered homes, despairing men, wailing women, and outcast children. Revolutions are not created by those who plead for justice, but rather by such as work injustice and rivet the bolts of oppression.

The cry of the sheriff's sale and the flag of the auctioneer selling homes and their contents for debt are far more certain and powerful

precursors to a dangerous public opinion than the most inflammatory discussions. Let liberality, justice, and forbearance toward a people in distress prevail and the future will be calm and prosperous. Let the teachings and the warning words of Andrew Jackson be heeded and all will be well. Forty-five years ago he looked upon the United States Bank with its capital of thirty-five millions as full of danger to the rights of the people. How insignificant was the power of organized capital at that time in comparison with its tremendous functions to-day! Yet on the 10th day of July, 1832, in his immortal veto message these were the faithful words of the hero of New Orleans and the expounder of a true democracy:

It is to be regretted that the rich and powerful too often bend the acts of the Government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth, cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to their natural and just advantages artificial distinctions; to grant titles, gratuities, and exclusive privileges; to make the rich richer and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government.

There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection and, as heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. * * * Experience should teach us wisdom. Most of the difficulties our Government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and, if possible, revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union.

If we cannot at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can, at least, take a stand against all new grants of monopolies and exclusive privileges; against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

These principles were enunciated nearly half a century ago. They were called forth by the first attempts of consolidated wealth to control the public affairs of this country. With them their great author confronted the incipient steps of the money power to seize upon the legislation of this Government. One national bank with a moneyed influence of perhaps one hundred millions then menaced the rights and interests of the people. Now over two thousand national banks with the control of more than two thousand millions of money represent the gratuities and exclusive privileges which in the language of Jackson "make the rich richer and the potent more powerful." The evil which he sought to destroy at its birth has in our time become a colossal giant, dominant and absolute in every department of the Government. He warned his countrymen against an infant in its cradle, now grown to be a monster whose desolating hoof-prints are to be found invading all the thresholds of industry and business from one ocean to the other. Jackson plead for reform in our financial system when the cloud of danger appeared no bigger than a man's hand in our political sky.

The whole heavens are now black, and nothing save the application of his doctrines will ever again give us a shining sun over our heads. Let us signalize our devotion to these doctrines by an act of legislation for the benefit of prostrate business and destitute labor. The repeal of the law compelling the payment of all debts in coin from and after the 1st day of January next will bring light and hope to millions of darkened homes. It will cut the accursed ligatures of contraction, permit the money of the country, the arterial circulation of business life, to flow again in healthful currents and in natural channels. Paralysis will disappear, activity and prosperity will revive, the dead will come to life, and new sounds will be heard, the sounds of busy, cheerful, happy labor.

No act of this government since the advent of peace at Appomattox, thirteen years ago, has been hailed with such joy as will ring though the land over the repeal of this pernicious law—the deadly upas tree of American legislation. Nor will rejoicings be confined to any one section. A shout of gladness will ascend from every quarter; from the laboring masses of New England, New York, New Jersey, Pennsylvania, and the entire Atlantic seaboard, as well as from that mighty seat of present and future political and agricultural empire, the Valley of the Mississippi. The coast of the Pacific, too, will respond, and the whole people will once more leap forward under natural laws, and not under artificial restraints imposed by the selfish greed of favored classes. A feeling of contentment and obedience to law will spring up in millions of hearts that are now sore, reckless, and defiant under a sense of wrong. Popular relief will insure public tranquillity, the turbulence of distress in the labor regions will cease, and even the money power itself will at last find that an act of justice to the people, though long delayed and reluctantly conceded, is a good investment.

Mr. MORRILL. Mr. President, I now call for the regular order; the Calendar of unobjected cases.

The PRESIDING OFFICER. The Clerk will report the first bill on the Calendar.

Mr. GORDON. I had desired to speak to-day upon this subject, but I find myself hardly able to go on. I desire to give notice that on Monday I shall ask that this subject be resumed that I may then make my remarks.

Mr. MORRILL. I suppose it will be understood that the Senator from Georgia takes the floor on House bill No. 805 for Monday.

Mr. GORDON. I beg then that the floor will be considered as mine on Monday on this subject.

The PRESIDING OFFICER. The bill goes over with that understanding.

COMMISSIONERS TO PARIS EXPOSITION.

Mr. SAUNDERS. Mr. President, if there be no objection on the part of the Senate, I should like to call up the motion that was made a few days ago to reconsider the vote by which the joint resolution amending what is called the Paris exposition joint resolution was indefinitely postponed.

This joint resolution was brought in as an amendment to the joint resolution that fixed the number of commissioners to be paid by the Government at twenty.

The amendment that I offered to the original measure was that each organized State should be allowed one paid commissioner. I afterward offered it in the form of this resolution, and it was referred to the Committee on Appropriations and by them reported adversely, and while I was engaged a few days ago it was acted upon and postponed indefinitely. After that I made a motion to reconsider the vote by which it had been indefinitely postponed, and that is the question that is now, I understand, before the Senate. I should like to have the matter acted upon to-day. The time has come when, if these commissioners go, they will have to leave very soon for their post of duty. I think there is so much justice in this matter that I cannot doubt that the Senate will allow this amendatory resolution to pass.

To be sure, there are a majority of the States now represented on the commission, and if the Senators representing those States should see fit—but I do not think they will do so—to reject this proposition and to not allow the other States to have any such representation, they have the power to do so. I do not think that any of them can be so disposed; and believing that there is much justice in this application I think it is proper that it should be taken up and acted upon now, and that notice might be given in proper time that the commissioners may attend to their duties.

The northwestern States and what may be termed the border States, bordering on the mining country, wish to be represented at this exhibition by men who are allowed something for their expenses while attending to their business; but it has so happened—probably without design—that only two of the border States have had paid commissioners allowed them. Kansas and California are the only States of what may be termed the border States that have any representation in this list of twenty. In this list are left out such States as Iowa, Wisconsin, Minnesota, Nebraska, Nevada, Texas, and Arkansas. These States and others which I have named certainly are as much entitled to representation as any others.

Objection has been made on the score of expense. If we have gone to the expense of $150,000 for this object, the expenditure of the small sum of $20,000 more in order that the country may be fully represented and fully satisfied that justice is being done to the minority as well as the majority, is fully justified. In other words, if we ought to have given one dollar for this purpose we ought to have given enough to secure equal representation to all the States. This is only a simple provision that a sufficient amount shall be added to the appropriation already made to bear the expense of commissioners from the eighteen States which were left out. I ask that the vote may be taken upon this matter and that the previous action may be reconsidered, because I believe if reconsidered the resolution will be allowed to be passed by the Senate. I cannot help but think it will be so, but at any rate I wish to have the matter left to the representatives here of those States that are provided for. Here I say are a majority of them. The Eastern States are nearly all represented on this commission, and they certainly will not be disposed to leave us out in the cold and to leave us unrepresented when the matter of cost is such a trifling sum compared to the amount we have already voted. I say, then, that I should like to have a vote on this matter and see whether it will not be reconsidered and passed.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the joint resolution (S. R. No. 17) supplemental to a joint resolution in relation to the international industrial exposition to be held in Paris in 1878 was indefinitely postponed.

Mr. DAVIS, of West Virginia. As it will be recollected, the joint resolution which the Senator moves to reconsider was referred to the Committee on Appropriations and by that committee considered soon after the passage of the bill appropriating $150,000 for the expenses of the Paris exposition. It will be recollected that the resolution the Senator refers to appropriates $21,000 additional. It will also be recollected by the Senate that at the time of the discussion of the original bill the Senator or his colleague, perhaps both, made an appeal to the Senate for the purpose of adding additional paid representatives, so that each State should have a representative of that kind. I agree that in the original bill it would have been proper that each State should have had what is known as an additional or paid representative. But it was not passed in that particular as the Senator desired. Both in the House and in the Senate it was discussed

and it was believed that twenty representatives to be paid $1,200 each and two unpaid from each State and each Territory were sufficient.

Of course it is very natural that the Senator should wish a redistribution, inasmuch as his State was left out, as I learn from him, and has not got one of the twenty; but it has two honorary commissioners appointed. It is very natural that Nebraska should ask for an additional number to be appointed; but the Senate will bear in mind that this subject was thoroughly considered at the time, and the Senate declined it, the House declined it, and now we are asked for an appropriation of $21,000 to pay additional representatives, after the subject has passed from both Houses and after the time for the commissioners to be in Paris. Yesterday the exhibition opened and the commissioners ought to be there now if they are to be appointed. I see no use in the reconsideration of the vote.

Mr. SAUNDERS. I wish to correct the Senator, before he sits down, on one thing. This matter was not discussed at the time of the passage of the original measure. I commenced this matter and made this motion long before I knew whether my State would have a paid commissioner or not. I did it in justice to the other States if mine should get one, which justice I ask the Senate now to do in this case.

Mr. DAVIS, of West Virginia. The Senator is correct in that, but the subject was before the House and before the Senate and discussed at the time the original bill was passed, but perhaps I ought not to refer to what occurred in the House. Certainly, the question whether or not each State ought not to have what is known as a paid commissioner was discussed in the Senate, and the Senate decided that twenty paid commissioners were enough and gave the President and Secretary of State the right to select and appoint those twenty, which has been done, and probably the commissioners are now in Paris, at least some of them.

Mr. SAUNDERS. The subject came up just before the recess was taken for the holidays. I made the motion at the time that it was up that we add the amendment that is proposed now. The Senator who had the measure in charge at that time, the Senator from California, [Mr. SARGENT,] appealed to me that we had but a few minutes of the morning hour to spend—so that I stopped the matter right there and let it pass as it was—and that I might bring up my proposition as separate legislation and there was no doubt that it would receive proper favor. The matter was not discussed; we had no time; we had not five minutes to go, at the time; and I yielded.

Mr. SARGENT. I should like to say that by reference to the RECORD of that day the Senator will find that I stated that I was opposed to the legislation but that I had no doubt the Senate would consider it. I never said I thought it would favorably consider it.

Mr. SAUNDERS. I may do the Senator injustice in saying that he stated he would favor it. I took it that he would probably, from the manner in which it was left, and I know that some other Senators told me afterward that they meant that. I have not since spoken to the Senator from California on the subject. However, that is of very little importance; the question is whether it is right of itself to allow the States equal representation at the Paris exposition. As I said, I did not know then whether my State would be represented on the compensated list or not; but I believed then, and I believe now, that it was either right to have all or to have none represented. If we did not wish to be represented by commissioners in general, we could have had one, a commissioner-general, and then let each person that was exhibiting his products have his own agent. If that had been done, I should have been satisfied; but inasmuch as it was in the bill brought in that a majority of all the States should be represented in this matter, I thought it was proper and right that all the States should have a chance.

Now, if I have shown the Senate that not only my State is left out but that all the border States except two, including the western as well as the eastern border States, have been overlooked or forgotten or in some way have no representation, am I not justified in asking the favorable action of the Senate? I make an appeal to the Senators of the States that are represented to help those States which are unrepresented. If they have a mind to vote the resolution down they can do so in two minutes. If they have a mind to give us a fair representation, it is in their power to do it. Of course we make our appeal to them because we are in the minority. The States that are not represented are in the minority and their votes cannot carry this measure unless some of the others are disposed to aid them. Let the matter be fairly discussed if any one wishes to discuss it, and then let the resolution be passed upon. I have here the list of the States that are favored. I see the State of the Senator from West Virginia has a representative. Of course he has no interest in this matter.

Mr. DAVIS, of West Virginia. It is true that the State of West Virginia has a representative on the list of paid commissioners; but at the time the Senate acted upon this bill and when I advocated the number twenty, none of us knew where the twenty were to come from. It is true one happens to come from my State, because I take it we had a very proper man to represent us there.

Mr. SAUNDERS. That is all right. I have no doubt West Virginia had a good man. I have no doubt they are all good men; but we have not any such representative. Now I appeal to the Senator with others to say whether we shall have one or not. It is for them to say. I only make that allusion to show that they are already provided for; and the question now is whether they will allow others to have the same provision which has been made for them.

The Senator from West Virginia says our States have honorary commissioners. That is true; but they will amount to nothing; and the fact is as to the man we wanted appointed to go from our State that we could not ask him to go as an honorary member; we would not do it because his circumstances are such that he ought not to be asked to do it. I do not know how that may apply to others; but it is so to our State.

I say, then, sir, that this restriction ought to be repealed so far as the list is concerned, or it ought to be added to so that all the States may fare alike. That is all I ask in this matter, and it is all that any of us are asking for—we who are in the minority of the States.

Mr. SAULSBURY. I should feel very much disposed to comply with any wish expressed by the Senator from Nebraska if in my judgment that wish was at all reasonable; but we have already a much larger representation, as I see from the papers, at the exposition in Paris than any other power on earth; in fact it is a matter of ridicule, as I see from the papers, that this country has sent so many representatives of its interests there. I have seen it stated in the papers that they would not be allowed the privileges of commissioners, that they would be restricted to Governor McCormick and two or three other men. Now this is a proposition to add still further to the list. We have twenty paid commissioners, and some honorary commissioners who are not paid. This proposition is to add some eighteen other paid commissioners to represent us at the Paris exposition. The whole thing is unnecessary. The exposition has now commenced and whatever arrangements commissioners could have made for the people of their respective States have already been made. This matter, therefore, is entirely unnecessary at the present moment. Whatever necessity there might have been or whatever excuse there might have been for such a motion heretofore, that time has passed away, and hence I can see no necessity for pressing this matter. I would vote for the motion to reconsider if it was possible for the Senator from Nebraska to show any valid reason why the joint resolution should pass, but in my judgment no argument in favor of its passage can be submitted which ought to weigh to influence the vote of any member. I hope the Senator will not press the motion to reconsider; but if he does I must be excused for voting against it.

Mr. SAUNDERS. I feel like pressing the joint resolution to a vote, because I want to know whether it is to be voted down or not. If it is to be voted down, it might as well be voted down to-day as at any other time. I think the time has come when we should have our representatives notified if they are to be sent to the exposition.

I wish to mention here, and I do so without believing a word of it, something in regard to what the people think in the country about these matters. Just after I introduced the joint resolution some of the papers in the country took it up and said that time would be lost in discussing a question of this kind; that such an amendment to the original resolution would never be gotten through; that twenty made a majority of thirty-eight, and the original resolution had been so ingeniously drawn that it carried the power with it to prevent any amendments. I merely mention this. I do not sympathize at all with any such remark, because I do not believe that it applies to any Senator here. This question, however, will give Senators an opportunity to say whether the majority is willing that the minority may be heard upon this matter and properly cared for. That is all I care to say.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The question being put, a division was called for; and the ayes were 16.

Mr. DAVIS, of West Virginia. I think we had better have the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. It will be recollected that this question was discussed and decided by the Senate when the original joint resolution was before the Senate. It appears to me Senators hardly recollect the facts connected with it. After this joint resolution was introduced it was referred to the Committee on Appropriations, and it was there properly and fairly considered, as I believe. My recollection is that that committee was unanimous in the opinion that we ought not to make a further appropriation of $21,000 to send additional commissioners to Paris. If there were any necessity and reason for such a provision it ought to have been made at the time the original resolution was considered. I do not wish to prolong the discussion, but it appears to me Senators hardly understand the question, or they would not want to reconsider the vote by which the joint resolution was postponed indefinitely.

Mr. SARGENT. The motion, I believe, is to reconsider the vote by which the joint resolution was indefinitely postponed. I certainly would vote in favor of reconsidering the vote if it were not that the merits of the proposition may be discussed on the motion to reconsider, for I would not wish to cut off the Senator from Nebraska, or any other Senator who desires to do so, from expressing his views in favor of the proposition; but, as it is unnecessary to reconsider the vote in order to allow the reasons to be given in favor of the passage of the resolution, the same considerations that would lead me to vote against the passage of the resolution, if it were reconsidered, induce me to vote against the reconsideration.

There is no doubt that the country is being adequately represented abroad; we certainly have sent sufficient agents to Paris; and it is only a question of locality or a sectional question which would require that there should be an increase in the number of agents. Kansas is represented abroad, I am told; Kansas has just the same interests that Nebraska has; both are agricultural States and belong to the same group, and there is no reason why a man should be on one side of the State line or on the other in representing those States abroad, either in the interests which he would represent or probably in the degree of intelligence which he would bring to the discharge of his duties. The same thing is true of the three Pacific States. They have a large mining industry and more or less an agricultural industry. A man who properly represented one of those States would represent them all; and there is no reason why two more representatives should be added to the Pacific coast, burdening the Treasury. Of course it would be gratifying to Senators to have some one of their constituents from each State selected for this place, but the gratification should not be afforded to them unless there is a useful public purpose to serve; for I hold that we have no more right to spend money from the Treasury of the United States uselessly than we have to throw it into the streets. We are governed necessarily in such matters by a feeling of propriety. Every dollar raised comes from taxation, except a few from miscellaneous sources, and those are the property of the people and should be judiciously expended. If it can be shown that there is a necessity for an increase of the number of these representatives abroad, it would be a good idea to pass the joint resolution, but the desire to have every State represented is not a good argument to my mind to show that there is a necessity to send additional representatives.

Mr. HOAR. I desire to ask the Senator which of the Pacific States has a representative now?

Mr. SARGENT. I was not aware which one until it was stated by the Senator from Nebraska that California has a representative. I have taken no part in the selection of a representative from the Pacific coast, and I did not know in fact whether the Pacific coast had a representative or not.

Mr. HOAR. My question was to an entirely different point, with the view of asking the Senator the further question, what time a delegate from Oregon now appointed, confirmed by the Senate, would probably get there?

Mr. SAUNDERS. He would not have to be confirmed by the Senate.

Mr. HOAR. The exhibition began yesterday.

Mr. SARGENT. It would take, allowing almost no time to get ready, thirty or forty days before he could get there.

Mr. HOAR. So that if the joint resolution should be passed the gentlemen who are to represent these States would get there when the exhibition was about half over. That is the point I was about to inquire of.

Mr. SARGENT. That is a very good point, and it is most true in reference to Oregon.

Mr. COCKRELL. Will the Senator from California allow me to ask him a question?

Mr. SARGENT. Yes, sir.

Mr. COCKRELL. I desire to know how much the fitting out of the vessels has already cost the nation?

Mr. SARGENT. I doubt if ever a more expensive scheme of representation of the United States was devised than the one put in operation for the Paris exposition. The question of the Senator is very pertinent. We have paid hundreds of dollars a ton for the transportation of goods to the Paris exposition, upon the idea I suppose that some economy would be practiced by employing naval ships. The Secretary of the Navy, perhaps under a necessity, has taken the school-ships, the ships where we were training the youths to develop the Navy and try to make American seamen. These ships were filling a very useful place in the economy of the Navy. Under the able and intelligent conduct of the Bureau of Equipment and Recruiting with its present head these ships were being brought to the highest degree of efficiency, and we were yearly graduating out of these school-ships a most valuable class of seamen to take the place of Kanakas and Chinamen and all the lower races of the world which were crowding our Navy. This system is almost broken up on account of the passage of the measure by Congress requiring the use of naval vessels. Furthermore, extensive repairs necessary upon those vessels to fit them for a long and sometimes a dangerous trip across the Atlantic have made the expenditures by the Government of the United States something enormous outside of the appropriation which was made for the exposition.

I do not say that anybody is to blame for this except Congress, but it was a most improvident system. It would have been much better for us to have paid any of the steam vessels which cross the Atlantic and carry regular freight the amount which they charge for the transportation of goods. Ay, sir, that course would have saved hundreds of per cent. on the cost of these articles. It is too late now. It is not worth while now, perhaps, according to the homely old adage, to cry over spilt milk, but I do hope Congress hereafter, if they ever authorize goods to be sent abroad to an exhibition, will remember the experience of 1878 and avoid serious blunders like this.

Mr. COCKRELL. Will the Senator state to the Senate, if he can, about how many hundred thousand dollars it will cost the Government?

Mr. SARGENT. I do not know that I could approximate the amount. I have seen no report upon the matter. I simply know that it goes up far beyond the amount of the appropriation which Congress thought was sufficient for these incidental expenses, which are paid for out of other funds and out of other appropriations. It goes to cripple the amount that we give to the Navy; it goes to injure the school service of the Navy. There is not a particular in which this feature of the measure is not working deleteriously. I regret it very much. I regret that I myself did not have foresight enough to see that this would be the result. I take the blame to myself as well as I ascribe it to Congress. I certainly have my share of responsibility. But now, sir, after these large expenditures have been made beyond what Congress intended, I think we ought not, when we are adequately represented abroad, to increase the number of paid commissioners. That was my view originally. We are represented to the full extent to the amount that our exhibition abroad will justify, and to add more commissioners now is simply to add to superfluity.

Mr. MORRILL. Mr. President, when this proposition was first introduced, as long ago as the 4th of February, I was quite inclined to favor it; but three months have now passed and we have witnessed in a few days the telegraph dispatch that the French government refuse to receive and acknowledge the large number of commissioners we now have there, amounting to about one hundred and fifty. Under these circumstances, at this late hour, it seems to me hardly worth while to send any more commissioners when those we have there fail to receive any recognition on the part of the French government.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the joint resolution was postponed indefinitely, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 14, nays 34; as follows:

YEAS—14.

Anthony,	Dorsey,	Oglesby,	Spencer,
Bruce,	Kellogg,	Paddock,	Teller.
Cameron of Pa.,	McMillan,	Plumb,	
Cameron of Wis.,	Matthews,	Saunders,	

NAYS—34.

Bailey,	Conover,	Hill,	Morgan,
Barnum,	Davis of W. Va.,	Hoar,	Morrill,
Bayard,	Dawes,	Johnston,	Patterson,
Beck,	Eustis,	Jones of Florida,	Sargent,
Booth,	Garland,	Lamar,	Saulsbury,
Butler,	Gordon,	McCreery,	Wadleigh,
Chaffee,	Grover,	McDonald,	Wallace.
Cockrell,	Harris,	Maxey,	
Coke,	Hereford,	Merrimon,	

ABSENT—22.

Allison,	Dennis,	Jones of Nevada,	Rollins,
Armstrong,	Eaton,	Kernan,	Sharon,
Blaine,	Edmunds,	Kirkwood,	Thurman,
Burnside,	Ferry,	McPherson,	Voorhees,
Christiancy,	Hamlin,	Mitchell,	Whyte,
Conkling,	Howe,	Randolph,	Windom,
Davis of Illinois,	Ingalls,	Ransom,	Withers.

So the motion to reconsider was not agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GORDON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, which was referred to the Committee on Appropriations, with the accompanying papers, and ordered to be printed.

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1879, and for other purposes; which were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. JONES, of Florida, submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads to report to the Senate an amendment to the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes, and to ask that the amendment be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. That order will be made.

Mr. MAXEY. I desire to call the attention of the chairman of the committee to the fact that a part of the amendment now reported is in writing, but the writing in the margin to which I call attention is a part of the amendment which I am required to report.

Mr. DAVIS, of West Virginia. I do not see the chairman of the Committee on Appropriations here, and I would ask the Senator from Texas to state whether he makes a favorable report.

Mr. MAXEY. I could not report it as I do from the committee except favorably.

Mr. DAVIS, of West Virginia. The Senator did not say so, and I ask for information.

Mr. MAXEY. I stated, I designed to state at least, that I was in-

structed by the Committee on Post-Offices and Post-Roads to make the report.

Mr. DAVIS, of West Virginia. But the Senator did not say that it was with a favorable recommendation.

Mr. MAXEY. It is favorable, of course; otherwise it would not have been made.

Mr. SAULSBURY. I desire to say in reference to this report from the Committee on Post-Offices and Post-Roads, of which I am a member, that I dissented entirely from the conclusions of the committee in the matter. I wish simply to announce that while the amendment is reported by a majority of the committee, it did not meet my approval.

EXTENSION OF PATENTS.

Mr. COCKRELL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on the Rules of the Senate are instructed to prepare and report to the Senate a rule which shall relieve the Committee on Patents from considering any bill, resolution, or petition for the extension of any patent.

LOCATION OF LAND SCRIP.

Mr. DAVIS, of West Virginia. The regular order.

Mr. SARGENT. The regular order is the Calendar.

Mr. PLUMB. Before taking up the Calendar, I move that the Senate proceed to the consideration of the bill (S. No. 109) defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives. I will state that this order of business was reached on the Calendar during the absence of the Senator from Louisiana, [Mr. EUSTIS,] who had an interest in the bill, and by reason of his absence the bill was passed over.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, in section 2, line 1, after the word "that," to strike out "all," and in line 2, after the word "settlers," to insert "only;" so as to read:

That such scrip shall be received from actual settlers only in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants.

Mr. SARGENT. I should like to have an explanation of the bill. Is there a report accompanying it?

Mr. PLUMB. There is a report accompanying it; report No. 213.

Mr. SARGENT. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. PLUMB March 6:

The Committee on Public Lands, to whom was referred the bill (S. No. 109) defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives, have had the same under consideration, and submit the following report:

The private land claims which are recognized by this bill, with many others which have been from time to time recognized and adjusted, had their origin prior to the purchase of the province of Louisiana by the United States from France. The treaty of purchase specially recognized the rights of property in the then inhabitants. The third article of the treaty of April 30, 1803, is as follows:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." (8 Statutes at Large, 202.)

This obligation has been repeatedly recognized by Congress, and various acts have been passed from 1806 to 1858 providing for commissioners to hear and determine the claims of parties to lands embraced within the territory thus acquired, and to report lists of such lands as, in the opinion of the commissioners, should be confirmed to the claimants.

Under these several acts lands were, from time to time, confirmed to the respective claimants. The greater portion of these claimants took their lands in place, but some were unable to do so for various reasons, but principally because the United States had disposed of the particular lands to which their claims attached. To remedy this difficulty Congress passed the act of June 2, 1858, (11 Stat. at Large, 295,) providing that "where any private land claim has been confirmed by Congress, and the same, in whole or in part, has not been located or satisfied, either for want of a specific location prior to such confirmation, or for any reason whatsoever, other than a discovery of fraud in such claim subsequent to such confirmation, it shall be the duty of the surveyor-general of the district in which such claim was situated, upon satisfactory proof that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, to issue to the claimant, or his legal representatives, a certificate of location for a quantity of land equal to that so confirmed and unsatisfied; which certificate may be located upon any of the public lands of the United States subject to sale at private entry at a price not exceeding $1.25 per acre: *Provided*, That such location shall conform to legal divisions and subdivisions."

Congress also, by act of June 22, 1860, (12 Stat. at Large, 85,) the operation of which was extended by acts of March 2, 1867, (14 Stat. at Large, 544,) and June 10, 1872, (17 Stat. at Large, 378,) authorized claimants to proceed to establish their claims by petition in the district court, with the right of appeal to the Supreme Court of the United States.

In cases where claims have been held valid under the statute above cited, and where the court has decreed that the claimants are entitled to enter a specified number of acres of the public lands of the United States subject to entry, or to receive certificates of location for such proportion of the lands decreed to them as has been disposed of by the United States, the bill under consideration authorizes the subdivision of the same into quantities as nearly as practicable conforming to the legal divisions and subdivisions of the public lands of the United States; and also authorizes the assignment of the certificates of location, by written instrument, so as to vest the assignee with all the rights of the original owner, including the right to locate the scrip in his own name.

The bill further proposes to make all such scrip receivable from actual settlers in payment of pre-emption claims, or in commutation of homestead claims, in the same manner as now authorized by law in case of military bounty-land warrants.

The third section provides for the issue of certificates of entry by the proper local land officer in the name of the parties making the location, and for the issue of patents by the Commissioner of the General Land Office, if he shall be satisfied that such certificates have been fairly obtained. The right of these parties to enter certain quantities of the public land or to receive certificates of location for so much as had previously been disposed of by the Government rests upon the decrees of the courts, as above set forth. Where the right to lands is recognized by the courts, and the Government has, by its previous disposition of them, deprived the parties of the enjoyment of the particular lands claimed, these certificates entitle the claimants to similar quantities of the public lands, and, to render them available, their subdivision to conform them to the legal subdivisions of the public domain is authorized.

A bill similar to the one under consideration was considered by the Committee on Private Land Claims of the House of Representatives at the last session of the Forty-fourth Congress, and a favorable report was made, the views expressed in which we have adopted as the basis of this report. The Commissioner of the General Land Office approved the purpose of that bill, and suggested certain amendments which have been embodied in the present measure, which has also received the approval of the Secretary of the Interior.

The committee therefore recommend the passage of the bill with an amendment.

The PRESIDING OFFICER. The question is on the amendment reported from the committee.

The amendment was agreed to.

Mr. SARGENT. It is very difficult to understand the scope of the bill simply from hearing the report read at the Clerk's desk. I should like to have the reasons for this bill stated by the Senator who reports it, the effect of the bill, the difference between the privileges which this bill will confer upon this scrip and that which it now possesses. As I understand it, this scrip now can be located upon any land open to private entry. The proposition is that the scrip may be taken in payment for all dues owed by pre-emption settlers or homestead settlers to the Treasury of the United States. Is that the point of the bill?

Mr. PLUMB. That is the purport of the bill.

Mr. SARGENT. Now why is it necessary to give this enhanced value to the scrip? At the time of the original legislation, it was satisfactory to these parties. I believe that legislation was considered a boon to them, it allowing them to have scrip that could be located upon lands subject to private entry. Those are not ordinarily the lands which are open to pre-emption and homestead, but the lands which having been offered at public sale are not bought. They are not of such a valuable character that persons are willing to buy them at public sale; therefore they become open to private entry, and can be entered upon with scrip, &c., and are generally taken up for speculative purposes. It is now proposed to take scrip to which this measure of value was given by the original legislation, and to make it as available as cash in the hands of the pre-emption and homestead settlers to pay the Government its dues. It is no particular advantage to the settler because the scrip would immediately, on account of its enlarged use, rise in value until the pre-emptor probably would have to pay nearly as much as the cash would be which his land would cost. Why give this great speculative value to this scrip? That is the question that I want answered. Where is the justice or equity which requires the Government of the United States to have this scrip treated as cash to discharge obligations toward it? In other words, why in effect substitute in the hands of the holder of the scrip for the right to locate upon comparatively worthless lands a right really to pay the Government for the best lands?

Mr. PLUMB. Mr. President, the right of the parties holding this scrip to have it has been the subject of adjudication. The bill does not seek to confer any new right except that which the Senator from California mentions. The right to land under the treaty of 1803 dates back to the time of that treaty. From time to time, controversies having arisen about the rights of parties under that treaty, Congress has provided by legislation for the settlement and determination of those rights, and by the passage of various acts enumerated in the report, commencing in 1806 and continuing from that time at intervals down to the present, Congress has provided methods of determining the rights of parties under that treaty. Many of these, in fact all of these, were rights to particular lands, lands within certain exterior boundaries, which we know the meaning of from our experience under similar treaties with Mexico in reference to lands in New Mexico and California. Pending the determination of these rights, however, by reason of defects in the proceedings instituted or rather authorized by Congress for that purpose, the lands to which these parties were entitled have been taken up; they have been frittered away, so to speak, from the alluvial lands which they might have had in the territory of Louisiana seventy-five years ago to accept now that which is of very much less value, call it what you please, under this bill.

The Senator from California objects because we are giving, by reason of this bill, a largely enhanced value to this scrip. I think that is not the case. In 1858 Congress passed an act reciting that:

Where any private land claim has been confirmed by Congress, and the same, in whole or in part, has not been located or satisfied, either for want of a specific location prior to such confirmation, or for any reason whatsoever, other than a discovery of fraud in such claim subsequent to such confirmation, it shall be the duty of the surveyor-general of the district in which such claim was situated, upon satisfactory proof that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, to issue to the claimant, or his legal representatives, a certificate of location for a quantity of land equal to that so confirmed and unsatisfied; which certificate may be located upon any of the public lands of the United States subject to sale at private entry at a price not exceeding $1.25 per acre.

At the time that act was passed and at the date of the passage of the specific acts enumerated in the report, the lands which might have been taken under those provisions are a great deal more valuable than any lands which can be taken now.

The minimum value of the lands of the United States is $1.25 per acre. The maximum value this scrip could have in the hands of a settler seeking to enter land would be $1.25 per acre. It as a matter of course will be very much less when you put it on the market, because it undoubtedly will pass through different hands before it comes to the settler.

The Committee on Public Lands, in introducing the provision that it shall be used by actual settlers only, designed to prevent the location of this scrip in large bodies whereby practically speculation in the public lands might be carried on, and to limit its use to those persons who have already settled or who may hereafter settle on public lands, so that it would not result in the aggregation of large bodies of lands in the hands of one person or small combinations of persons. It simply authorizes it to be used in a manner similar to the use that is made of bounty land warrants; and the obligation of the Government to these parties is just as fixed and definite and determined as any other obligation the Government is under to any of its citizens or anybody else.

This matter has been before different committees of both Houses heretofore, has been reported favorably by a committee of the present House of Representatives—I think the report is now before the Senator from California—has been submitted repeatedly to the Commissioner of the General Land Office and Secretary of the Interior, each time receiving favorable reports accompanied by a recommendation that the bill should pass. There does not seem to be any reason why at this late day, seventy-five years after the time when these rights were confirmed by the treaty of 1803, these parties should not have some small measure of that justice which is their due.

Mr. EDMUNDS. Mr. President, this bill, I notice, covers a pretty broad ground, and it brings to my mind, as suggested by one or two gentlemen who are familiar with the history of the Senate, some pretty old affairs connected with some land grants that were strongly suspected afterward, like the Houmas grant, &c., to be frauds, but which were gotten through Congress by one contrivance or another. "The holders of such scrip," this bill provides, are to have rights in respect of its location which the existing law does not confer. The subject to which this bill refers I think should have been properly considered by the Committee on Private Land Claims, the records of which committee show the history of these various private land grants, and claims, and scrip, &c., and who are considering questions of this character continually. As the law has stood for some time in respect to some of these old acts, the provision was that where a private land claim was confirmed under the authority of an act of Congress, and it turned out that in consequence of some act of the Government the land could not be located on the spot where the original French or Spanish or Mexican grant placed it, the person entitled might locate an equal number of acres anywhere, sometimes within the State, and sometimes and generally within the United States, on lands subject to private entry at $1.25 an acre. That was the escape-valve for apparent injustice that it was sometimes thought might be done. In this state of the case, and considering the great importance of this bill and its wide scope touching these private land claims—for that is all there is of it—I suggest the propriety of referring it to the Committee on Private Land Claims to have their view on the subject in connection with the investigations and considerations that are constantly going on in that committee, and I make that motion.

Mr. McDONALD. I think it is very proper, indeed, that it should go to the Committee on Private Land Claims.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the bill be referred to the Committee on Private Land Claims.

Mr. PLUMB. Before that motion is put I should be glad to make a statement. This bill refers only to cases where, under decisions of the Supreme Court, all questions with reference to the rights of these parties have already been settled. That adjudication puts them in possession of this muniment of title, this certificate; but it does not give them any right to locate it upon anything which is valuable at all events.

Mr. JONES, of Florida. Allow me to suggest that I think the bill goes a little further than that. I think it not only speaks of cases that have already been determined, but applies to those that may be hereafter determined.

Mr. PLUMB. But that can only be by the judgment of the Supreme Court under statutes already existing, so that it does not provide for any new adjudication. It only accepts the adjudication which has already either been made or provided for, and provides a method of adjusting or settling obligation which the United States has already acknowledged to exist and which has been or may hereafter be determined by its own courts.

I have no particular objection to this bill going to the Committee on Private Land Claims. There is not anything in it that, as I understand, will not stand the test of their scrutiny.

The Senator from Vermont has mentioned, I think, some cases which have arisen under the adjustments of land claims in the territory which we acquired from Mexico, and no doubt great abuses have arisen. For the purpose of meeting them and owing to some knowledge which I personally had in regard to those cases and in regard to similar cases in which errors or worse might arise which were now pending before the Senate, at an early period of the session I introduced a bill to provide for an adjudication of all those cases within the territory acquired from Mexico which had not before been adjudicated. While I do not care to reflect upon the industry or application of the Committee on Private Land Claims, I have yet to hear of any report having been made upon that bill.

More than that, there are pending before that committee, I think, or at all events there are before the Senate for the purpose of reference to that committee, if not already before it, a large number of cases which have been settled or adjudicated, as far as they can be adjudicated, by the surveyor-general of the Territory of New Mexico. I think myself that the Committee on Private Land Claims has evidenced a proper degree of solicitude for the interests of the Government in not taking up and considering those reports from the surveyor-general; but I do insist that with reference to this class of cases it is far better for the Government that they should be settled upon some rule which shall be not only fair to the Government itself, but fair to the claimants, than it is that they shall remain until they become chronic and swell to a volume which will make it some day possible that they may all get together and go through without that scrutiny they ought to have.

If there can be any reasonable degree of assurance that this bill will receive present consideration at the hands of the Committee on Private Land Claims, certainly I shall have no objection whatever to its going there. But, Mr. President, this bill has been before different committees of both Houses of Congress; it has received not only the consideration of those committees, but their favorable action and report in both bodies, a report having been made on a similar bill to the House of Representatives within a few days, and it has received the consideration of the Commissioner of the General Land Office and of the Secretary of the Interior and has been favorably indorsed by them; and it would seem as though certainly everything which could tend to establish the merit of the bill, to bring its provisions properly before Congress, had been done, and that further delay was not necessary.

Mr. SARGENT. Allow me to ask the Senator a question. Have there been cases already adjudicated by the United States Supreme Court?

Mr. PLUMB. I am so informed by the Commissioner of the General Land Office.

Mr. SARGENT. It seems to me that somebody must have found out by experiment after the adjudication of those cases and the issuance and reception of the scrip that it was not worth much in the market, and they want to bring it up; or it may be that they, finding it not worth much in the market, have sold it out to speculators and those speculators want to bring it up. In either case I do not believe it would be wholesome legislation. But I have not much confidence in these old land-grant cases, very little indeed, especially in those that are seventy-five years old before a remedy is applied. Why was it that these parties did not enter on this land seventy-five or fifty years ago?

Mr. PLUMB. I think I can answer that question.

Mr. SARGENT. The Senator can answer it after I get through.

Mr. PLUMB. I can do it now. It appears by an examination of the statutes that Congress commenced to legislate on this subject in 1806; that it legislated in 1806 and in 1858, and at various periods from that time down to 1872, authorizing these parties to make application to the courts for the purpose of having their rights established.

Mr. EDMUNDS. Constantly reopening the subject.

Mr. PLUMB. Well, Congress having by substantive legislation authorized a judicial determination of these rights, it certainly does not seem to me now that it is either wise or becoming that we should undertake to say that these parties shall not have the benefit of that which has been judicially determined to be theirs.

Mr. SARGENT. It is not the ancient legislation of Congress which it is now proposed to give these parties the benefit of, but that which took place eleven years ago, or some of it six or seven years ago, which is not found now so effective as the parties would like or the parties who have succeeded to their interests, and therefore it is necessary to come in and give a higher value to this scrip at this time.

I was saying, however, that I had very little confidence in these ancient land-grant cases. I have lived nearly thirty years in a State which has been very much cursed in this respect by fraudulent land grants, by forged land grants, some of them sifted out by the courts, some of them getting by the courts and being confirmed, where they took broad acres extending over such an immense amount of country that some of the men who owned Spanish grants there could not possibly go around their circumference with a swift horse in a day of twenty-four hours. I have no doubt that some, and perhaps many, of the pretended Mexican grants in California were honest and *bona fide*, improvidently made, too generously made perhaps by the Mexican government; but they were *bona fide* in the sense that they complied with Mexican laws, and were made prior to the annexation of California to the United States, consequently while the jurisdiction existed in the hands of the Mexican officers, and that there was a *bona fide* grantee. But there is a very large class of them also where

they were made subsequent to the annexation of California to the United States, or where having been made prior a grant of half a league or a league has been extended to a dozen, perhaps twenty leagues. In other words, frauds of every possible name have been committed in that State under perhaps as good a system for sifting them out as could be devised. Originally a land commission was provided before whom all holders of land grants were required to file their papers, and that within a year after the admission of the State into the Union, then an appeal to the United States district court, and then an appeal to the United States Supreme Court, perhaps the best system which could be devised in order to sift out the fraudulent from the true. And yet I doubt if there is any intelligent Californian who does not believe at the present day that vast frauds have been committed by the forgery of claims since the jurisdiction of Mexico ceased, and that these have passed through the courts and have been confirmed. There is now pending in the United States Supreme Court a case wherein on behalf of the United States it was alleged in the court below, the case not having proceeded further, that the grant was forged after California became the property of the United States, was forged within the boundaries of the State, was signed there by a man who formerly had been governor under Mexico, and if made during the term of his governorship he would unquestionably have had a right to execute it, but several years after California became a State of the Union he, conspiring with others, forged a grant to one of the most valuable tracts in the State, and in one of the most populous counties. When the application was made on behalf of the United States in the United States court below to open the case in order to determine whether or not these allegations were true, and whether that grant was a forgery made after the State of California was admitted into the Union, the court below held, for reasons unquestionably satisfactory to them, that the United States had no rights in the matter, and that the fraud was a success. That question is on appeal here.

I do not mention this for the purpose of prejudicing the case at all, although I have opinions upon it, but simply to show the class of frauds which grow up under Mexican grants, grants like those in Florida, in Missouri, in Louisiana, in California, and in New Mexico, as illustrating that Congress under a pretended regard for hoary claims may be entrapped as courts are entrapped into recognizing enormous land steals. I look with suspicion upon a bill which proceeds upon the premise that seventy-five years ago there was a grant in Louisiana which the parties did not avail themselves of and for which in order to avail themselves of there were statutes passed from time to time down to half a dozen years ago, and now we come in to add to all those statutes a provision that the land scrip which we gave at that time to these parties in settlement shall be taken and made at the expense of the Treasury of the United States equivalent to cash.

I say, then, unless this matter was examined by a committee of lawyers of this body, tracing the original history of these grants and the course of legislation down to the present time, and saying that we are bound in conscience, upon their authority as lawyers, to pass a bill like this, I am opposed to its passage and will use every means I can in order to defeat it. For that reason I am in favor of the reference of this bill to the Committee on Private Land Claims, on which are some of the ablest Senators in this body, and if they shall come in and say that, considering the origin of these claims and the history of legislation down to the present time, it is just and necessary that this bill pass, then I will yield my convictions. Otherwise I must say that my experience in these matters leads me so strongly to distrust them that I shall oppose the passage of the bill.

Mr. EUSTIS. Mr. President, I hope that this bill will not be committed to the Committee on Private Land Claims, for the reason that such a reference virtually defeats the passage of the bill at this session. If this bill be just, if we propose to do an act of justice to the people who hold this scrip, there is no reason why this bill should not be passed. It has no connection whatever with any fraudulent Mexican land claim, nor has it any connection with any fraudulent Houmas claim in the State of Louisiana. My constituents hold to-day a very considerable amount of this land scrip, and I do not conceal or desire to conceal from the Senate that the object of this bill is to enhance the value of that scrip. There was a litigation which lasted for forty years arising out of the validity of French concessions. After this protracted and expensive litigation, carried on by these parties at their own cost, they had a judgment rendered by the Supreme Court of the United States in their favor that the lands which they claimed belonged legally to their ancestors. When they claimed to be put in possession of these lands which were adjudicated to them by the Supreme Court of the United States it was discovered that the Government of the United States itself had already disposed of these lands and had received the proceeds of the lands which belonged to these litigants and put them into the United States Treasury.

The very decree of the Supreme Court which adjudicated these lands under French concessions to these parties in Louisiana provided that land scrip should be issued to them which could be used for private-land entry. Of course the effect of the decision was that all the time from the very date the concession was made these parties owned these lands, but when they received this scrip, which was limited to private-land entries, instead of having lands which they owned, instead of having land scrip which had any value, they were put in possession of that land scrip which is not worth twenty cents on the dollar, because there is nothing but refuse land in the State of Louisiana by which they can make this scrip available. And the only purpose of this bill, so far as the parties interested in Louisiana are concerned—I know nothing with reference to the other States—is to simply give a marketable value to the scrip which they hold, and to allow actual settlers to pay the Government in this scrip.

Mr. MCMILLAN. Will the Senator from Louisiana permit me to ask him for what purposes this scrip can be used under the sixth section of the act of Congress of June 22, 1860? This act is referred to in the bill; but what its terms or provisions are do not appear, and I cannot find the act very conveniently, as it is only referred to by the date of its approval.

Mr. EUSTIS. It was under that act of 1860 that this litigation was finally brought to a close; and the sixth section of that act provided that the scrip issued to the claimants "may be located upon lands subject to private entry at $1.25 an acre."

Mr. MCMILLAN. Then is there any limit to the locality within which the lands subject to entry with this scrip are located, or can it be located upon any of the public lands of the United States?

Mr. EUSTIS. Does the Senator mean under the act of 1860?

Mr. MCMILLAN. Yes, sir.

Mr. EUSTIS. I take it for granted it is limited to the State where the concessions were made; otherwise they would not require the passage of this act. Of course if the parties who hold this scrip could go and enter lands outside of the State, the scrip would have its full value.

Mr. MCMILLAN. The section of the law to which my attention is directed by the Senator from Kansas, who has charge of this bill, is as follows:

SEC. 6. *And be it further enacted*, That whenever it shall appear that lands claimed, and the title to which may be confirmed under the provisions of this act, have been sold in whole or in part by the United States prior to such confirmation, or where the surveyor-general of the district shall ascertain that the same cannot be surveyed and located, the party in whose favor the title is confirmed shall have the right to enter upon any of the public lands of the United States a quantity of land equal in extent to that sold by the Government: *Provided*, That said entry be made only on lands subject to private entry at $1.25 per acre, and as far as may be possible in legal divisions and subdivisions, according to the surveys made by the United States.

I do not perceive upon the first reading of that section that it is limited to the State within which the original grant was located.

Mr. EUSTIS. The Senator is correct.

Mr. MCMILLAN. If that be so, the effect of this provision is to make this scrip locatable upon any public lands of the United States subject to private entry, and the second section of it would extend to homesteads and pre-emptions upon any lands of the United States, whether within railroad land-grants or otherwise; and the effect of the bill would seem to be to enhance very largely the value of this scrip beyond the value attached to it under the original act.

Mr. EUSTIS. I merely wish to state now, Mr. President, that this bill was unanimously reported by the Committee on Public Lands, as I am informed, and the measure has also been recommended by the Commissioner of the General Land Office and the Secretary of the Interior.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to refer the bill to the Committee on Private Land Claims.

Mr. MCMILLAN. Mr. President, I am opposed in principle to issuing and throwing upon the market any more scrip, for any purpose, which may be located upon the public lands of the United States. We have an abundance of that article now, and the evils flowing from its existence, from the uses to which it can be applied, and the abuses which have sprung up from the issuance of this scrip are so great that, so far as I am concerned, if any remuneration is to be given in any way to these claimants of land, I should prefer myself to pay them in cash rather than to issue further certificates or to extend the privileges or incidents of the scrip already issued. The effect of this bill is, it seems to me, to enhance very largely the value of the scrip. If the act of June 22, 1860, has been modified, and if the scrip cannot be used for entering any of the lands subject to private entry, then this bill upon its face changes any subsequent restriction and removes it; and the second section clearly permits its use for very important purposes which would add very greatly to the value of the scrip.

Mr. PLUMB. I agree so entirely with what the Senator from Minnesota has said about the policy of permitting speculation upon the public lands that I want simply to say that he misunderstands the purport of this bill if he thinks it will have that effect. It does not have that effect, but simply discharges an obligation of the Government by issuing scrip to be used by the owners, so that no possible speculation can result from it in the manner which he seemed to anticipate.

Mr. President, there is one other thing about this scrip. After this long litigation, of course there is no use in considering the question whether the decisions have been proper or not. I presume they have been or the courts would not have rendered them. I know nothing whatever about the antecedent steps, and I do not happen to know a person who directly or indirectly is interested in this scrip except as I know it from the public statement of the Senator from Louisiana, recently made. This scrip, as I understand, is now held in bulk. If a man has a grant under an orignal concession, it is for a certain num-

ber of acres that he holds in one piece, practically speaking. He can only locate it in that way. There is no provision whereby it can be subdivided, whereby he can locate it on forty, or eighty, or one hundred and sixty acre tracts at all. The condition of affairs as they now stand amounts to a practical embargo upon justice.

Mr. OGLESBY. Mr. President, I believe the question pending before the Senate is on the motion to refer this bill to the Committee on Private Land Claims.

The PRESIDING OFFICER. The Senator is correct.

Mr. OGLESBY. I was not present in the Committee on Public Lands when this bill was discussed before it; I was absent at my home; but I remember that the subject in a general sense had been considered by the members of that committee. It seems that the committee considered the bill and thought it proper to report it back and recommend its passage. I do not know, of course, what arguments controlled them exactly, but from my experience on that committee I doubt not they were controlled by the strongest arguments and the clearest case, or the bill would not have found its way back here with their recommendation. Now, what is to be gained by referring this bill to the Committee on Private Land Claims? What does the Senate expect to obtain by that motion? Would the Senate expect the Committee on Private Land Claims to go back and consider the decisions of the Supreme Court of the United States as to whether this land scrip had been properly authorized or not? Would the Committee on Private Land Claims go back and search through the history of each tract of land or each piece of scrip beyond the Supreme Court, or does the Senate wish to intimate, by sending it to the Committee on Private Land Claims, that it will not be satisfied with any decision the Supreme Court may hereafter make on another new case?

What has the Committee on Private Land Claims to do with the thing? What new light can they shed upon the subject? The Senator from California with considerable force and earnestness made allusion to a large class of fraudulent land claims that had been palmed off on the people of the United States in California since the acquisition of California from the government of Mexico. What the Senator from California says may be entirely true, and in a general sense I think not unlikely it is true; but does that throw any light on the subject of the settlement of a man's right to a piece of land in Louisiana, or Florida, or Missouri under the purchase of that Territory from Spain and France? What light, I should like to know, does our experience in regard to Mexican land grants or Spanish land grants through the Mexican Republic in California shed upon an entirely different and remote subject? Whether the people who hold this scrip hold it justly or not or those who may hereafter get any shall hold it justly and fairly and legally or not, depends by the very words of this bill upon the judgment of the Supreme Court of the United States. Cannot the Senate stand upon the findings and judgments of that tribunal, or does it prefer to stand upon the judgment and finding of the Committee on Private Land Claims of the Senate? If that be not the object, what is it?

Do you suppose the Committee on Private Land Claims are going to throw any more light on this subject than the Committee on Public Lands has attempted to throw on it, on this point as to whether this scrip shall be located in a volume of five hundred or five thousand acres or ten thousand acres in a block, as it would now be located under existing laws, or as the Committee on Public Lands of the Senate think, to locate it in subdivisions of one hundred and sixty acres. Does the State of California or the State of Kansas, or the State of Nebraska, or either one of the Southern States where there are public lands left to be disposed of, want locations of land made by scrip in blocks of sections and townships? I imagine not. This bill is very careful to say that it shall be subdivided into sections, quarter sections, and forty-acre tracts, into the legal subdivisions provided by law, and that being so divided up the Commissioner of the General Land Office shall issue to the holder of this scrip in block, if he chooses to take smaller subdivisions described in lieu of that, so that it may be planted about in different spots on the public surveyed lands, not the unsurveyed, but the surveyed lands of the United States.

Mr. SARGENT. The Senator is chairman of the Committee on Public Lands, and I do not like to differ with him on the construction of the language of his bill, but that is not the proposition at all; the proposition is that it shall be turned into money.

Mr. OGLESBY. It is not my bill. When I come to that I will discuss it. I am only discussing one point at a time. I cannot do what the Senator from California can always do, discuss two points at once. One at a time is all I can get along with.

Mr. SARGENT. That is as much as any one man can get along with, but the Senator will hardly lay down one proposition and then go on and state an entirely different one.

Mr. OGLESBY. I do not stand corrected by the Senator from California. This bill provides that the Commissioner of the General Land Office shall issue scrip, and gives the right to the person to make an entry with that scrip on lands subject to entry at $1.25 an acre, does it not?

Mr. SARGENT. No, sir.

Mr. OGLESBY. Then I do not read it aright. Under this bill also the holder of the scrip may assign it to any purchaser, and that purchaser may take the scrip and locate the land. An actual occupier of the land may take that scrip, settle upon land, and get a title under the scrip as an actual settler on one hundred and sixty acres of land. If it is not so provided in the bill, I have read it wrong and ought to be corrected; but I have only read it since I have been sitting here, for I was not in the committee when it was considered; and as I have read it hastily, it may be possible that in some respects I have not got a correct understanding of it. It is simply to divide this scrip up. Whether the people who hold it got it honestly or dishonestly, I do not know. I will go as far as any Senator on this floor to stop the issuing of scrip to be located upon the public lands from any questionable source or for any questionable purpose. What the Government wants her public lands for in the future is actual settlement. This Government has repeated over and over, again and again, that the policy for the disposition of the public lands should be to give them to the actual occupant of the soil. We desire to carry that policy out in the States, old and new, and in Territories. This bill provides that only the actual settler can utilize this scrip when he gets it in paying for a pre-emption made by him, or in paying for a homestead settlement where he abandons, under the homestead law, his title and chooses to purchase the homestead tract, instead of living out the five years required by law.

Can the Committee on Private Land Claims throw any more light on this subject than the Senate can, or than the Committee on Public Lands can? If the Senate shall believe that, then they will send the bill to that committee; but it is the only reason in the world for sending it there, unless you expect that committee to go back behind the Supreme Court of the United States and say whether it has properly adjudicated these cases. I do not see anything in the bill that is objectionable. I do not see anything in it that the Senate cannot sustain.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 2, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. ALFRED H. AMES, of Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DUNNELL. I call for the regular order.

The SPEAKER. The regular order would be the morning hour.

Mr. REAGAN. I rise to a personal explanation.

Mr. DUNNELL. I insist upon the regular order.

The SPEAKER. The Chair will state that he understands that the gentleman from Tennessee [Mr. ATKINS] does not propose to antagonize the morning hour of to-day by moving to go into Committee of the Whole for the consideration of the executive and legislative appropriation bill.

PERSONAL EXPLANATION.

Mr. REAGAN. I send to the Clerk's desk to be read two extracts from the Commercial Gazette, of Pittsburgh, I believe; one dated April 27, 1878, and the other April 29, 1878.

The Clerk read as follows:

We have for a long time suspected the good faith of REAGAN, in the matter of the freight-discrimination bill. He has been abundant in excuses and trifling in action. His latest excuse was that he could not get the bill up out of order and must wait the regular time. When the regular order did come, on Thursday, he failed to report. It is scarcely possible for him to excuse this failure. It proves that he is a traitor to the bill and does not propose to have it brought up this session. In view of the known monetary influences opposed to the bill his action places him in a very suspicious light. In any event he represents the democratic party and has taken the most effective measure to kill the bill. Had it come up, there were enough votes assured to pass it; but having withheld it, at the call just made, it is almost impossible to have it passed at all. Should Congress adjourn in June, which is not improbable, that bill cannot by any possibility pass. It should be distinctly understood that the democratic party will be held responsible for this breach of faith, and must suffer the consequences.—*Commercial Gazette*, April 27, 1878.

It begins to be very strongly hinted that if GLOVER would fish a little in the Committee on Commerce he might get a bite from REAGAN. The operations of that gentleman in the freight-discrimination matter are of a character to command very general interest, not to say suspicion. When, a year or two ago, another gentleman handled this matter in that committee it is said he improved in circumstances very materially. REAGAN was exceedingly anxious to get the chairmanship this session, and was particularly anxious to get the freight-discrimination bill before his committee. There are several corporations that can afford to "see" the chairman, and despite his early zeal for the bill it has been noticed that there was a day when Mr. REAGAN suddenly cooled, and began to talk of the difficulties of getting his bill before the House. One day last week his committee was called, and the opportunity was squarely before him of reporting the anti-discrimination bill. REAGAN was absent. Of course he dodged. Thus he has the rare honor of having shown the clover foot. Do the democrats propose to be responsible for this man? He has done badly, and tainted himself and party, and perpetrated a great public wrong. The bill should at least have a chance for its life. What has Mr. REAGAN to say?—*Commercial Gazette*, April 29, 1878.

Mr. REAGAN. During the seven years that first and last I have been a member of this House this is the first time I have ever felt

called upon to notice anything said about me or my acts in the newspapers. And I would not do so now but that the articles just read by the Clerk refer to the manner in which I have discharged my duties both as a member of the Committee on Commerce and a member of this House in relation to a measure which I regard as one of the most important now pending before Congress. I refer to the bill relating to the regulation of interstate commerce and to prevent unjust discrimination by common carriers.

During the Forty-fourth Congress Mr. Hopkins, of Pennsylvania, introduced a bill the same in substance as the one which the Committee on Commerce of this House have reported. That bill led to a pretty extensive investigation by the Committee on Commerce. That committee took the sworn testimony of railroad officials and others in relation to the necessity for the enactment of such a law. I felt then the necessity of the passage of such a law and earnestly co-operated with Mr. Hopkins in trying to secure action upon the bill. But it had been introduced rather late in the session and we were unable to act upon it during the last Congress.

At the beginning of the extra session of the present Congress, Mr. Hopkins not being a member of this House, I reintroduced the bill which he introduced during the last Congress, and had it referred to the Committee on Commerce. I desire to make a very brief statement about my action in connection with that bill.

I asked the committee to give prompt attention to the bill, because I regarded it as one of very great importance. When I say that it relates to the cost of transportation of the $18,000,000,000 of internal commerce which, according to the Bureau of Statistics passes over the railroads of the country annually, and provides for placing limitations upon the power of those great corporations to do injustice both to individuals and communities by discriminations in rates of freight, the magnitude and importance of the bill will be evident to all. The committee concurred with me in my view that the bill was of importance, and at an early period in this session authorized me to report it to the House.

Under the instructions of the committee, as the best means of securing early and favorable action on the bill, I asked that it be printed and recommitted to the committee in order that I might be able to bring it up for action when our committee was next called. As soon as the bill was reported I made it my business to go to members on both sides of the House to invite their attention to the bill and to the long, printed report that accompanied it, and to ask them to consider it and, if it recommended itself to their judgment, to aid in the passage of the bill. Since then, from time to time, when I hoped that we might have a morning hour in which to report it, I have repeatedly gone to gentlemen on both sides of the House and recalled their attention to the bill and report and asked their co-operation to secure the passage of the bill.

Last week, I believe, the Committee on Commerce was called, and we had some twenty minutes of a morning hour. I did not then report the bill, for the reason that the committee had some ten or fifteen bills prepared and ready to report, and under instructions of the committee and by agreement of the committee I consented that the other bills of less importance before us might be reported during the morning hour, and either action secured upon them at that time or some day set for their consideration upon the Calendar, in order that when we reached the bill relating to internal commerce and the preventing of discrimination by common carriers we might be in a position to insist either upon having a day fixed for its consideration or upon having it considered during the morning hour, and thus not fail to secure action of the House upon the bill.

These facts that I state are known to every member of the Committee on Commerce and to many members of the House on both sides to whom I have applied for aid in securing the passage of the bill. They may be further proved by the persistence which I have steadily for three weeks past insisted on having a morning hour, mainly for the purpose of reaching and securing action upon this important bill.

It is said in the articles which have been read by the Clerk that I was absent when the committee was called; that when I could have reported the bill I was not here and did not report it. I state now that I have never been out of my place upon this floor one moment at any time when I could by any possibility have reported this bill and secured action upon it. That is enough for me to say in reference to the charge that I was absent and dodged in order to avoid reporting this bill.

It is stated in the article which has been read that I have been guilty of duplicity, of treachery, of venality; that I have been approached by railroad corporations who have large means and were able to "see" me in reference to this bill; that thus I have suddenly cooled off in my support of the bill. These grave charges are all made in the teeth of the fact that my whole action before the committee and before this House shows the truth of what I say—that I have earnestly exerted myself at all times in the committee and in the House to secure the passage of the bill.

Before this House and the people in any part of this country who know me, I would not feel called upon to notice these charges. I do not think that any man on earth who has known me, multitudinous as my faults may be, has ever conceived that I acted with duplicity, or treachery, or venality upon any subject in the course of my whole life.

It is further stated in the article that the democratic party through me is to be held responsible for the treacherous defeat of this bill. Why, sir, in the committee no one ever thought of making this a partisan question. Not only six at least of the seven democrats on the committee support the bill, but the four republican members of the committee also support it. If the report is not unanimous, it certainly is the report of ten members of the committee out of eleven. So far as my observation in this House has gone I have seen no disposition on the part of any one to regard or treat this as a partisan question. It relates to a matter affecting in a large degree the material interests of the whole country, without reference to party or to section. While we are struggling here to save to the country a few million dollars by economizing expenditures, I say to you, sir, that in my judgment this bill, if passed, would save to the country in the cost of transportation more than all the annual expenditures of this Government. Such are my convictions in reference to the importance of this measure and such have been the reasons why I have earnestly tried to urge it forward to its passage.

I have only to add that the two articles of that paper do not contain a single statement which is not utterly false and without the shadow of foundation. This is not the time or the presence in which to characterize such language; and I shall not do so further than to say that I suppose every one cognizant of my action will feel, as I do, nothing but pity and scorn for a wretch so lost to a sense of honor and justice as to be willing to inflict such injury upon the reputation of a fellow-man among people who do not know him.

Mr. DUNNELL. As a member of the Committee on Commerce I ask the privilege of saying one word.

The SPEAKER. The Chair hears no objection.

Mr. DUNNELL. I have never heard read from the Clerk's desk a more ungenerous, unkind, and untruthful statement than that which has been read this morning in relation to the gentleman from Texas, [Mr. REAGAN,] the chairman of the Committee on Commerce. If any gentleman could display zeal and an unflagging interest in any measure, these qualities have been displayed by the gentleman from Texas in reference to this bill. He not only introduced the bill referred to by this correspondent, but he has followed it up week after week and month after month until it was ready to be reported. I am witness to the fact that for the last three weeks he has been as constant as the most devoted friend to any measure could be in endeavoring to have a call of the committees that he might report and bring up for consideration this identical bill. I say, therefore, there is not a sentence in that article which is not absolutely and wholly false.

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. HENDEE, by unanimous consent, reported back, with amendments, from the Committee for the District of Columbia, the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia; which was ordered to be printed, and referred to the Committee of the Whole on the public Calendar, not to be brought back on a motion to reconsider.

CUSTOMS-REVENUE OFFICERS.

Mr. HALE. I call for the regular order.

The SPEAKER. The morning hour begins at twenty-five minutes past eleven o'clock. The first business in order is the unfinished business pending at the close of the last morning hour, the bill (H. R. No. 3828) to amend section 23 of the act approved June 22, 1874, entitled "An act to amend the customs-revenue laws and to repeal moities."

Mr. ROBERTS. Mr. Speaker, I suppose this subject has been sufficiently discussed, and unless the House desires its further consideration I demand the previous question.

Mr. O'NEILL. What has become of the legislative appropriation bill? I am desirous to see the real business of Congress proceed.

The SPEAKER. The gentleman is not in order. The business of the morning hour is proceeding and nothing which does not relate to that business is in order.

Mr. ATKINS. I will state to the gentleman from Pennsylvania [Mr. O'NEILL] that I shall endeavor to call up the legislative appropriation bill immediately upon the expiration of the morning hour.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. EDEN. I suggest that the gentleman reporting this bill should make some explanation of it. I confess I do not understand it.

Mr. ROBERTS. I have already explained this matter somewhat fully a few days ago. I do not object, however, to entering now into a brief explanation. This bill is intended to amend section 23 of the act approved June 22, 1874, entitled "An act to amend customs-revenue laws and to repeal moities."

The effect of the proposed amendment will be to place the naval officers at Baltimore and New Orleans on a like footing as to salaries with the naval officers at Boston, Charlestown, San Francisco, and Philadelphia. It will have the further effect that it will place the surveyor of the ports of New Orleans, Baltimore, and Portland on the same grade as to salary with the surveyors of the ports of Boston, San Francisco, and Philadelphia. In the opinion of the Secretary of the Treasury, which is coincided in by the Committee on Commerce, it is a mere *casus omissus* and should have been incorporated in the original act.

The bill now under consideration will correct the omission and place Baltimore, New Orleans, and Portland in the grade to which they properly belong. The law as it now stands makes an unjust discrimination, and nothing more than substantial justice would be accomplished by the passage of the bill as reported by the committee. If any one desires it I will ask for the reading of the letter of the Commissioner.

Mr. HALE. Is not this bill the same bill that was discussed the other day?

Mr. ROBERTS. It is.

Mr. HALE. And after explanation of which all further opposition was withdrawn?

Mr. ROBERTS. Yes, sir.

Mr. CASWELL. Is there any minority report?

Mr. ROBERTS. There is none. The report is unanimous. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The later motion was agreed to.

LIFE-SAVING SERVICE.

Mr. ROBERTS. I am instructed by the Committee on Commerce to report back favorably a bill (H. R. No. 3988) to organize the life-saving service, and to move its reference to the Committee of the Whole on the state of the Union, and to ask that it be made the special order for the 9th of this month, and from day to day until disposed of.

The SPEAKER. The bill and report have already been ordered to be printed?

Mr. ROBERTS. They have.

Mr. BLOUNT. Of course it is the understanding it is not to interfere with prior orders?

The SPEAKER. It cannot interfere with prior orders.

Mr. BLOUNT. Nor with appropriation bills.

Mr. ROBERTS. Of course I do not intend it shall interfere with regular appropriation bills. I propose it shall be made the special order for the 9th of May after the morning hour, and from day to day till disposed of; not to interfere with appropriation bills or prior orders.

Mr. WOOD. Will it interfere with the tariff bill?

The SPEAKER. It will not.

Mr. O'NEILL. It will not be much harm if it does.

The motion of Mr. ROBERTS was agreed to.

AID TO WRECKED VESSELS.

Mr. DUNNELL, from the Committee on Commerce, reported back, as a substitute for House bill No. 1786, a bill (H. R. No. 4674) to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada; which was read a first and second time.

The bill, which was read, provides that Canadian vessels of all descriptions may render aid or assistance to Canadian or other vessels wrecked or disabled in the waters of the United States contiguous to the Dominion of Canada; provided that the act shall not take effect until a proclamation by the President declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the government of the Dominion of Canada, and declaring the act to be in force; and provided further that the act shall not be in force from and after the date of proclamation by the President to the effect that said reciprocal privilege has been withdrawn or revoked by the said government of the Dominion of Canada.

Mr. DUNNELL. The simple object of this bill, which was in charge of the gentleman from Michigan, [Mr. HUBBELL,] member of the Committee on Commerce, is to provide for reciprocity between the wrecking-vessels of the United States and the wrecking-vessels of Canada, so as to allow American vessels to go to the Canadian shore to rescue or aid American sailors, and also that Canadian wrecking-vessels may come to the American shore for a like purpose. It is well guarded and is indorsed and recommended by the Treasury Department.

Mr. WOOD. Is there any report accompanying this?

Mr. DUNNELL. There is none. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMBOAT SILVER WAVE.

Mr. DUNNELL also, from the Committee on Commerce, reported back favorably a bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave.

The bill, which was read, authorizes and directs the Secretary of the Treasury to allow the owner of the steamboat D. A. McDonald, a vessel of American ownership, running on the Upper Mississippi River, to change the name of said boat to that of Silver Wave.

It appears from the report, which was read, that it is a passenger stern-wheel steamer, built in 1872 at Le Claire, Iowa, as follows: Material, wood; length, one hundred and twenty feet; depth, four feet; breadth, twenty-four feet; tonnage, one hundred and sixty-eight and thirty-eight hundredths; capacity, forty passengers. It has two good engines and is in all respects a first-class steamer.

Mr. DUNNELL. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARATARIA SHIP-CANAL COMPANY.

Mr. REAGAN, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 3978) to authorize the Barataria Ship-Canal Company to construct and operate a ship-canal from New Orleans to the Gulf of Mexico, through the lands and waters of the United States, and to grant to said company the right of way for that purpose.

The bill was read. It grants to the Barataria Ship-Canal Company, a body-corporate of the State of Louisiana, created by an act of the Legislature of said State, approved April 24, 1877, the right of way through the lands and waters of the United States, to enable said company to construct and operate a ship-canal from a point at or near the city of New Orleans to the Gulf of Mexico, through the Barataria Bay, in the State of Louisiana, with power and authority to construct and maintain all necessary harbors, locks, dams, dikes, levees, and piers; provided the same shall in no manner interfere with or affect the usual and ordinary navigation of said waters where they are not confined either by piers or canal-banks constructed by said company, and necessary for the use and operation of said canal; and provided further that Bayou Villars shall not be closed by said canal company.

In its second section it provides that, in the transportation of military or naval stores, troops, or munitions of war of the United States, such rates of toll only shall be charged as may be prescribed by the Secretary of War, and that the tolls or tonnage charges of said company shall not exceed $1 per ton on the tonnage measurement of any vessel for the round trip through said canal, or half said sum for less than the round trip, and not exceeding twenty-five cents for each passenger through said canal either way; provided that vessels of five tons burden and less shall be exempt from tolls for the use of said canal when they do not pass through the locks.

Mr. REAGAN. An act was passed by the Legislature of the State of Louisiana incorporating a company for the purpose described in this bill. A bill was presented to the House and referred to the Committee on Commerce, for which this is a substitute, proposing a sort of reincorporation. The committee, instead of reporting the bill referred to them, report this bill which simply gives the right of way to the company over the lands and waters described in the bill from a point near New Orleans to the Gulf of Mexico through the Barataria Bay. It contains no provision by which anything is secured from the Government but simply the right of way. And connected with that we have in the bill provided that the public waters through which the canal shall pass shall remain public and free to all navigation and that vessels of five tons burden and less shall pay no tolls.

We thought it right in granting the right of way to impose two limitations: first, in the transportation of Government supplies the rates of toll shall be regulated by the Secretary of War; and, secondly, the tolls of the company shall not exceed a certain maximum for freight and passengers. The Louisiana Legislature subsequently passed a joint resolution recommending and asking Congress to pass such a bill. This is all there is in it. There is nothing granted in land, money, or privileges, but simply the right of way; and then the freedom of all the public waters is preserved. As the bill contains nothing else and is the unanimous report of the committee, I will ask for the previous question on its passage.

Mr. CONGER. I desire to offer the amendment which I send to the desk.

Mr. REAGAN. I cannot consent to open the bill for amendment. If the House desires to reject it I am willing they shall do so. But I do not desire that time shall be occupied in the discussion of this bill as there is another of considerable importance which I wish to report to-day.

Mr. CONGER. Will not the gentleman allow me to offer an amendment?

Mr. REAGAN. I must decline to do so. As I have said the bill grants nothing but the right of way.

Mr. CONGER. Then I make the point of order, which will send it to the Committee of the Whole. The gentleman can take his choice.

Mr. REAGAN. I do not know to what point of order the bill is subject.

Mr. CONGER. The point of order is that it gives lands of the United States to this canal company.

Mr. REAGAN. I will hear the amendment read.

Mr. CONGER. I ask the gentleman to allow it to be offered. I can get the bill where I can offer the amendment without consent.

Mr. REAGAN. I cannot say whether I will yield for the amend-

ment until I hear it read. If I can be permitted to do so, and if this will prevent me getting in a bill of more importance, which I am prepared to report, I will withdraw the bill. But I will hear the amendment read.

The Clerk read the proposed amendment, as follows:

At the end of section 2 add as follows:

And provided further, That no toll shall be charged on any boats or vessels navigating any of the waters on the line of said canal which could have been navigated by such vessels had such canal not been built.

Mr. REAGAN. I think if the gentleman from Michigan will read the bill he will see we have preserved all the public waters free. I will explain. There may be in the bayous of the pass some places where there is navigable water, but in other places it is necessary to cut through the marshes in order to connect the bayous and sloughs, and the object is to get thirty feet of water.

Mr. CONGER. I object very much to the small class of vessels that can navigate these waters without any canal whatever being compelled to pay toll because the waters are being deepened for the larger class of vessels.

Mr. REAGAN. We have made the canal free for vessels of five tons and under. That is intended to cover the fishing-smacks and all that class of boats.

Mr. CONGER. I think there can be no objection to this amendment if the gentleman means what he seems to mean by the bill.

Mr. REAGAN. We have preserved all the rights of navigation over the public waters. That is provided for specifically in the bill. The object of this company is to make a deep channel, and in passing through the marshes where there is no slough or channel there are occasional places where the streams may now be navigable but for a very shallow depth.

Mr. CONGER. This amendment only provides that vessels which could have passed through these waters without a channel shall not pay toll?

Mr. REAGAN. Very well; let the amendment be adopted.

The amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

Mr. REAGAN, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The SPEAKER. The bill will be read.

Mr. REAGAN. I ask attention to this bill as one of very great importance; and I request members to listen while it is being read, for the reason that I shall propose to have it considered now. I do so because there are so many special orders already set that, if this bill is postponed till these special orders have been disposed of, I anticipate that action upon it at this session would be defeated. I regard it as a bill of so much importance that I ask action upon it now, and I hope gentlemen will give their attention while it is being read.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged alone, or with any other corporation, company, person, or party, in or about operating, running, or using any railroad or railway, or the carriage of any property on or by means of any railroad or railway or other means of transportation by common carriers, directly or indirectly to charge to, or receive from, any corporation, company, person, or party, any greater or less rate or amount of freight, compensation, or reward for the receiving, delivering, loading, unloading, handling, storing, or carriage of any property carried, or to be carried, on or by any such railroad or railway, or other means of transportation by common carriers, and which is, or is to be, wholly or partly carried on or by such railroad or railway, or other means of transportation by common carriers, in, or as part of, one actually or substantially continuous carriage, from or to any foreign nation or country, into or from within any State or States, Territory or Territories, of the United States, or in or through two or more States or Territories of the United States, or from within one State or Territory of the United States into or through one or more other State or States, Territory or Territories, of the United States, than shall be received and retained from any other corporation, company, person, or party, for the same or substantially the same or similar act, service, or thing, acts, services, or things, respectively, done or performed, or which is or are to be, or should have been, done or performed, respectively, at the same or substantially the same time or times, or while the same schedule relating thereto, hereinafter provided for, shall be in force. Every corporation, company, receiver, trustee, and person acting or engaged as aforesaid shall afford and furnish the same and equally good, cheap, and expeditious advantages, services, means, and facilities for the carriage of all property entitled to be carried, and shall equally and as cheaply and expeditiously do and perform each and all acts, services, and things in, about, or connected with the receiving, delivering, loading, unloading, handling, storing, or the carriage of all property which is, or is to be, or shall have been, carried in or by one actually or substantially continuous carriage, as aforesaid; and for, in, about, or connected with through rates of freight, compensation, or reward, and for, in, about, or connected with any carrying connection, or any receipt, delivery, wharfage, or storage, and in all other respects, as is, are, or shall be afforded or furnished or done for, in, about, or connected with the receiving, delivering, loading, unloading, handling, storing, or carriage, respectively, of any other property of the same or substantially the same or similar kind, when said acts, services, and things, respectively, are furnished, done, or performed, or are to be, or should be, or should have been furnished, done, or performed, respectively, at the same or substantially the same time or times, or when the same schedule aforesaid in respect thereto is in force. No break, stoppage, or interruption in carriage, or any contract, arrangement, or understanding, or any act or acts, thing or things, shall prevent the carriage of any property from being, or being regarded as, actually and substantially one continuous carriage as aforesaid, unless such break, stoppage, interruption, contract, arrangement, or understanding, act or acts, thing or things, is or are, or was or were, for some practical purpose, and without intent to prevent such carriage from being, or being regarded as, actually or substantially continuous as aforesaid, and without intent to evade any provision of this act.

SEC. 2. That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged as aforesaid, directly or indirectly, to allow, return, deliver, do, cause, furnish, or pay, or cause, or suffer, or permit to be allowed, returned, delivered, done, caused, furnished, or paid, any rebate, drawback, commission, sum, act, service, or thing, which shall actually or substantially make, result in, or tend to make the freight, compensation, or reward received from or paid by any corporation, company, person, or party, or connected with the receiving, delivering, loading, unloading, handling, storing, or carriage of any property carried or to be carried in or by one actually or substantially continuous carriage as aforesaid, less or more than the freight charge, compensation, or reward, respectively, received or paid and retained, for the same or substantially the same or similar carriage, act, or acts, thing or things, respectively, done or performed, or to be done or performed, for any other corporation, company, person, or party, in, about, or connected with the receiving, delivering, loading, unloading, handling, storing, or carriage of any other property of the same or substantially the same or similar kind, and done or performed, or which is or are to be, or which should be or have been done or performed at the same or substantially the same time or times, or when the same schedule aforesaid relating thereto shall be in force.

SEC. 3. That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged as aforesaid, directly or indirectly to make, enter into, or do, or cause, or suffer, or permit to be made, entered into, or done, any combination, connection, contract, understanding, arrangement, change of schedule, carriage in different cars, or in less than a car-load when carried by railroad, or less than a ton when carried otherwise, delay in carriage, or other delay, or other act, service, matter or thing, to or with intent to evade any provision of this act, or to or with intent to prevent any carriage aforesaid from being or being regarded as actually or substantially continuous as aforesaid, or whereby any corporation, company, person, or party, who may pay or agree to pay any sum, rate, or amount for or connected with the receiving, delivering, loading, unloading, handling, storing, or carriage of any property carried or to be carried in or by one actually or substantially continuous carriage as aforesaid, shall not have the same advantages and services, and as good, cheap, and expeditious means and facilities therefor, respectively, as is or are, or is or are to be, afforded or given to any other corporation, company, person, or party, for, in, about, or as to the same or substantially the same or similar carriage, act or acts, thing or things, service or services, respectively, done or performed, or which is or are to be, or should be, or should have been done or performed at the same or substantially the same time or times, or when the same schedule aforesaid relating thereto shall be in force.

SEC. 4. That it shall be unlawful for any corporation, company, receiver, trustee or person acting or engaged as aforesaid, directly or indirectly to charge or receive any greater freight, rate of freight, compensation, or reward for the carriage of any property carried or to be carried in or by one actually or substantially continuous carriage as aforesaid, for a shorter than for a longer distance, or for the carriage of any of the same per mile, than shall be charged per mile, and received and retained, for the carriage of property of the same or substantially same or similar kind, the carriage of which is or is to be entirely performed within one State or Territory, and which is, is to be or should have been carried at the same time or substantially the same time or times; and the charges, compensation, and reward for the receiving; delivering, loading, unloading, handling, and storing of any property so carried or to be carried in or by one actually or substantially continuous carriage as aforesaid shall be no greater than the charges, compensation, or reward received and retained, respectively, for the same or substantially the same or similar act or acts, service or services, done or performed, or which is or are to be or should have been done or performed at the same or substantially the same time or times for or as to property of the same or substantially the same or similar kind, the carriage of which is, or is to be, completed within one State or Territory.

SEC. 5. That each and all the provisions of this act shall apply and relate to property, and the receiving, delivering, loading, unloading, handling, storing, and carriage of the same, carried or to be carried, actually or substantially in or by one continuous carriage as aforesaid, and the freight, rate of freight, compensation, and reward, respectively, therefor, or connected with the same respectively, and each and all facilities, means, services, advantages, combinations, contracts, arrangements, understandings, acts, matters, and things for, or connected with the same, or any of the same, whether such property is or is to be carried wholly on or by one railroad or railway, or partly on or by one railroad or railway and partly on or by some other way or ways of carriage, and whether the acts, things, and services respectively as to the same is or are, or is or are to be, done or performed, or such freight, reward, or compensation is, or is to be, charged or received or retained by any such corporation, company, receiver, trustee, or person acting or engaged as aforesaid, alone or with any other corporation, company, person, or party, or alone, as one freight, compensation, or reward, or with, or as part of, any other freight or freights, compensation or compensations, reward or rewards, sum or sums, amount or amounts.

SEC. 6. That every corporation, company, receiver, trustee, and person acting or engaged as aforesaid shall, from and after thirty days after the passage of this act, adopt and keep posted copies of a schedule in force at the time, as to all property, whether carried or to be carried entirely within one State or Territory, or otherwise, as aforesaid, with reference to the receiving, delivering, loading, unloading, handling, storing, or carriage of or as to which any of them, respectively, is or are to act or be engaged as aforesaid, and which schedule shall plainly, distinctly, and separately state:

First, the different kinds and classes of all property to be carried;

Second, the different places and termini between and at which each kind and class of such property will be carried, received, and delivered; and

Third, the rates of freight and prices for the carriage from place to place, and between the different places aforesaid, and for the receiving, delivering, loading, unloading, handling, and storing of each kind and class of said property, and the rates of freight and prices aforesaid, separately, when separate rate or charge, rates or charges, are to be made for any of the matters aforesaid.

Such schedule may be changed from time to time as hereinafter provided. Copies of such schedule shall be printed in plain large type, at least of the size of ordinary Pica, and shall be kept plainly posted for public inspection, in at least two places in every depot or place where freight is usually received or discharged, to which such schedule shall relate; and no such schedule shall be changed in any particular, except by the substitution of another schedule containing the specifications above required, which substituted schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be posted, as is above provided, at least ten days before the time when it shall go into effect, and which substituted schedule shall thereupon at the end of said time go into effect, and remain in effect until another schedule shall as aforesaid, and in the manner aforesaid, be substituted therefor. It shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged as aforesaid, after thirty days after the passage of this act, directly or indirectly to charge or receive or retain more or less freight, rate of freight, compensation, or reward for the carriage, receiving, delivering, loading, unloading, handling, or storing of any property aforesaid, carried, or to be carried, in or by one actually or substantially continuous carriage as aforesaid, than shall be specified therefor in the schedule aforesaid, which shall be in force at the time when the carriage, receiving, delivering, loading, unloading,

handling, or storing, respectively, to which such freight, rate of freight, compensation, and reward shall relate, shall be or should have been done or performed: *But it is expressly provided*, That if change is made in the freight, rate of freight, compensation, or reward to be paid for the carriage, receiving, delivering, loading, unloading, handling, or storing of any property carried or to be carried wholly in one State or Territory, then the freight, rate of freight, charge, compensation, and reward, respectively, for the same or substantially the same or similar carriage, act or acts, service or services, for or as to any property to be carried in or by one actually or substantially continuous carriage as aforesaid, shall not be greater than the freight, rate of freight, compensation, and reward, respectively, for the same or substantially the same carriage, act or acts, service or services, for or as to property of the same, or substantially the same or similar kind, the carriage of which is or is to be performed within one State or Territory, done or performed, or which is to be or should have been done or performed at the same or substantially the same time or times.

SEC. 7. That each and every act, matter, and thing hereinbefore declared to be unlawful is hereby prohibited; and in case any corporation, company, receiver, trustee, or person acting or engaged as aforesaid shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit or fail to do any act, matter, or thing in this act required to be done, or shall be guilty of any infraction of this act, such corporation, company, receiver, trustee, or person shall forfeit and pay to the corporation, company, person, or party who may sustain damage thereby, an amount equal to three times the damages so sustained, to be recovered by the corporation, company, person, or party so sustaining such damage, by action in any circuit or district court of the United States, in any district where such corporation, company, receiver, trustee, or person can be found or shall have an office or place of business; and shall, for each offense, forfeit and pay a penalty of not less than $1,000, to be recovered by the United States by action in any circuit or district court aforesaid, one-half of such penalty or penalties, when collected, to be paid to the informer. Any action to be brought as aforesaid to recover any such penalty or damages may be considered, and if so brought shall be regarded, as a subject of equity jurisdiction, and discovery and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance, preliminary or final injunctions may, without allegation or proof of damage to any plaintiff or complainant, be granted upon proper application, restraining, forbidding, and prohibiting the commission or continuance of any acts, matters, or things within the terms or purview of this act prohibited or forbidden. In any action aforesaid, and upon any application for any injunction above provided for any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might, or might tend to, criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled, the same as in the case of any other witness; and in case any such deposition or evidence, or the production of any books or papers may be desired or required for the purpose of applying for or sustaining any injunction aforesaid, the same, and the production of books and papers, may and shall be had, taken, and compelled, by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers, in or by chapter 17 of title 13 of the Revised Statutes of the United States. In actions to be brought as aforesaid, damages sustained in the period of a month or part of a month may be regarded as and counted or declared upon or complained of generally and as one separate cause of action, and so, whether such damages be sustained in one month or in different months; and such separate causes of action may be joined in the same action. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue.

SEC. 8. That any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall directly or indirectly do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or forbidden, or directly or indirectly aid or abet therein; or shall directly or indirectly omit or fail to do any act, matter, or thing in this act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required to be done, not to be so done; or shall directly or indirectly aid or abet any such omission or failure, or shall directly or indirectly be guilty of any infraction of this act, or directly or indirectly aid or abet therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000.

SEC. 9. That nothing in this act contained shall apply or refer to the carriage, receiving, delivering, loading, unloading, handling, or storing of any property carried or to be carried in or by one actually or substantially continuous carriage, as aforesaid, less in quantity than the ordinary load of an ordinary freight-car when carried by railroad, or less than one ton when carried otherwise, unless some contract, arrangement, understanding, or act with respect to such property, or some part or parts thereof, or such property with other property, or such carriage, receiving, delivering, loading, unloading, handling, or storing of the same, or of some part or parts thereof, or of the same with other property, shall be or has been made, had, done, or performed, with intent to evade some provision of this act: *Provided always*, That for all freights of less than a car-load when carried by railroad, or less than a ton when carried by other means of transportation, all the facilities and charges in reference thereto shall be uniform and equal to all for the same or similar service, and the penalties herein provided for shall apply to violations of this proviso: *And provided further*, That nothing contained in this act shall prevent the United States from making contracts, or enjoying those already made, for facilities and rates of transportation more advantageous than those accorded to the general public under the provisions of this act: *And provided further*, That the provisions of this act shall not embrace the transportation of articles which may be carried free, or at lower than schedule rates of freight, for charitable purposes, or to or from public fairs or expositions for purposes of exhibition.

Mr. REAGAN. I move that the bill be reprinted, because members cannot get hold of it now.

The motion was agreed to.

Mr. BUTLER. I desire to reserve all points of order on the bill.

Mr. HALE. I wish also to reserve points of order until we can see the bill in print. None of us can get it now.

The SPEAKER. The time to make points of order upon the bill is now, as the bill is before the House for consideration.

Mr. HALE. I suppose the gentleman from Texas does not intend to endeavor to press the bill through the House before members have even had an opportunity of reading it.

The SPEAKER. The Chair understands that it is the purpose of the gentleman from Texas to have the bill considered in the morning hour.

Mr. REAGAN. For the present I desire to do so. The bill has been for a long time printed, and is one of such importance that it ought to be thoroughly considered, as I said before.

Mr. HALE. With the understanding that the gentleman does not intend to push it now, let it go over into the morning hour of to-morrow.

The SPEAKER. The morning hour will not expire for five minutes.

Mr. GARFIELD. I would ask the gentleman from Texas if this is a unanimous report from the Committee on Commerce?

Mr. REAGAN. I do not know whether it is a unanimous report; it is the report of ten of the members of the committee; whether the eleventh member agrees to it I do not know. I desire to know whether, if the previous question is ordered, I shall be entitled to one hour to close the debate?

The SPEAKER. The gentleman will be entitled to one hour to close the debate.

Mr. BUCKNER. What time does the gentleman from Texas propose to allow for discussion?

Mr. REAGAN. I do not propose to occupy more than the morning hour.

Mr. STEPHENS, of Georgia. I am utterly opposed to this bill coming in to obstruct the business of the morning hour. I move to refer it to the Committee of the Whole on the state of the Union.

Mr. REAGAN. I do not yield for that purpose.

Mr. EDEN. I suppose the gentleman from Texas will take no advantage of the House by moving the previous question this morning.

Mr. REAGAN. I have already stated that I do not propose to put the bill upon its passage to-day. I understand the importance of the bill and I should not ask the House to pass it without consideration, and gentlemen need give themselves no uneasiness upon that score.

The SPEAKER. The Chair desires to say, as the House may be under a misapprehension, that the two hours allowed to each committee are for reports. This bill has been once reported and it will continue in order in the morning hour as long as the House desires to discuss it.

Mr. BANNING. And cut off reports from all other committees?

The SPEAKER. Certainly.

Mr. REAGAN. I desire to say a word before the expiration of the morning hour.

The SPEAKER. The gentleman has two and a half minutes.

Mr. REAGAN. This bill has but few objects. One is to prevent a discrimination in charges for freight by railroad companies against shippers; that is, that no higher rates shall be charged to one shipper than to another, that no advantage shall be given to one shipper over another. The object of the bill is to prevent unjust discriminations by transportation companies and as a corrollary to that they are forbidden by the bill under penalties to allow drawbacks or rebates in all cases, and they are also forbidden to enter into combinations for the purpose of discriminating against persons or places.

The only other material provision of the bill is that transportation companies shall not charge more freight for shorter distances than for longer distances, upon the same line. A gentleman near me suggests that we propose to regulate the *pro rata* rates of charges. The bill has no such provision in it. It contains no provision as to what charges shall be made, but only that they shall be equal as to all shippers and not greater for short distances than for long distances.

Mr. EDEN. I wish to call the gentleman's attention to section 4 and inquire of him whether that would not have the effect of regulating the rates?

Mr. REAGAN. I will tell the gentleman what the object of that section is. I think I recollect it, although it has been some time since I read the bill. The object of the fourth section is in relation to the rates of transportation of interstate commerce, providing that the charges upon interstate commerce shall not be greater than upon State commerce, and that that can be done by Congress has been decided by the courts and sustained by a decision of the Supreme Court.

Mr. EDEN. If I understand the gentleman, then take for instance a shipment from Pittsburgh and one from Chicago; the shipper from Chicago is not bound to pay the same rate as the shipper from Pittsburgh is bound to pay.

Mr. REAGAN. There is nothing in the bill on that subject. The transportation company may charge as much from Pittsburgh to Philadelphia as from Chicago to Philadelphia but they are not permitted to charge more.

Mr. McMAHON. What effect will this bill have on State laws in relation to this subject?

Mr. REAGAN. It does not affect them in any way.

Mr. ATKINS. Has the morning hour expired?

The SPEAKER. It has.

Mr. WHITE, of Pennsylvania. Will this bill come up in the morning hour of to-morrow?

The SPEAKER. It will not, because to-morrow will be private bill day. This bill remains in the morning hour, and will come up again for consideration when there is another morning hour for public business.

MARINE DANGER-SIGNAL.

Mr. BUTLER, by unanimous consent, introduced a bill (H. R. No. 4675) to establish a marine danger-signal; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I move that the rules be suspended and the House now resolve itself into Committee of the Whole for the purpose of considering the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. EDEN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole and will resume the consideration of the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes. The Clerk will report the pending paragraph of the bill.

The paragraph was read, as follows:

Pension Office:

For compensation of the Commissioner of Pensions, $3,600; chief clerk, $2,000; medical referee, $2,250; twenty clerks of class 4; forty clerks of class 3; sixty clerks of class 2; one hundred clerks of class 1; thirty-four clerks, at $1,000 each; one skilled mechanic, at $1,200; fifty-five copyists, at $900 each; one engineer, at $1,200, and one assistant engineer, at $1,000; seven assistant messengers; six pages, at $480 each; and for laborers and watchmen, $6,000; in all, $412,670.

The CHAIRMAN. The pending amendment is to increase the compensation of the Commissioner of Pensions from $3,600 to $4,000 a year. Upon that amendment the gentleman from Illinois [Mr. SPARKS] made the point of order that it increased the compensation of an officer and was against existing law.

Mr. LYNDE. Does the gentleman from Illinois [Mr. SPARKS] insist upon his point of order?

Mr. SPARKS. I must insist upon it.

The CHAIRMAN. The point of order being insisted upon, the Chair of course is compelled to decide it. The section of the Revised Statutes to which the Chair was referred fixed the compensation of the Commissioner of Pensions at $4,000. That section was a part of what is known as the salary act, passed March 3, 1873. That act was repealed by the act of June 20, 1874, and by that repealing act the salary of the Commissioner of Pensions, with other salaries, was put back to what it was before, which the Chair believes was the amount named in this bill. The Chair, therefore, is compelled to sustain the point of order.

Mr. CASWELL. The salary by the repealing act was made $3,000.

The CHAIRMAN. Then, it is made larger by the appropriation bill. Still the point of order is good as against the amendment.

Mr. CASWELL. Does the Chair hold that the repeal of the salary act revived former salaries?

The CHAIRMAN. The repealing act provides that hereafter officers shall receive the same salaries they were entitled to before that salary act was passed.

Mr. CASWELL. As I think the decision of the Chair would be establishing a dangerous precedent, I must respectfully appeal from it.

Mr. HANNA. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HANNA. Do I understand that the ruling of the Chair involves the idea that the repeal of a statute revives former law?

The CHAIRMAN. The repealing act expressly revived the former law, which gave the Commissioner of Pensions a salary of $3,000. The last appropriation bill fixed the salary at $3,600. The Chair holds that the amendment is an increase of salary not warranted by law.

Mr. RICE, of Ohio. The salary is fixed yearly by an appropriation bill.

The CHAIRMAN. By reference to the old statute it will be found that the salary of the Commissioner of Pensions was $3,000 a year; the appropriation bill of last year made it $3,600. An appeal having been taken from the decision of the Chair, the question is: Shall the decision of the Chair stand as the judgment of this committee?

Mr. CASWELL. Upon that question I call for tellers.

Tellers were not ordered; there being but 15 in the affirmative, not one-fifth of a quorum.

The decision of the Chair was sustained.

The Clerk read the following under the head of "Pension Office:"

For actual and necessary expenses of clerks detailed to investigate suspected frauds and attempts at fraud, as provided by law, $40,000.

Mr. VANCE. I move to amend by adding to the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That it shall not be lawful for the Commissioner of Pensions, acting under the Secretary of the Interior, to drop pensioners from the rolls upon *ex parte* statements taken by special agents; but in all cases where evidence is taken to drop persons from the pension-rolls the pensioners shall be notified to attend and cross-examine if they choose to do so. Section 4744 of the Revised Statutes is hereby modified to conform to this amendment.

Mr. ATKINS. I am willing to accept that amendment.

Mr. PAGE. Is it not subject to a point of order?

Mr. VANCE. I think it is not.

The CHAIRMAN. Does the gentleman from California [Mr. PAGE] make the point of order?

Mr. PAGE. I do not.

Mr. VANCE. I understand the Committee on Appropriations has agreed to accept the amendment without debate.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,000; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,500; twenty-two principal examiners, at $2,250 each; twenty-two first assistant examiners, at $1,600 each; twenty-two second assistant examiners, at $1,400 each; twenty-two third assistant examiners, at $1,200 each; one financial clerk, $2,000, who shall give bond in such amount as the Secretary of the Interior may determine; one machinist, $1,600; four clerks of class 4; five clerks of class 3, (one of whom shall be translator of languages, and act also as librarian, and shall receive an additional sum of $200;) sixteen clerks of class 2; and twenty-five clerks of class 1; twenty-five clerks, at $1,000 each; for sixty copyist-clerks, at $900 each; for three skilled draughtsmen, at $1,200 each; for one messenger and purchasing-clerk, $1,000; for one skilled laborer, $1,200; for ten attendants in model-room, at $900 each; and for laborers, $27,600; three folders and pasters, at $480 each; in all, $358,640.

Mr. VANCE. I move to amend the paragraph just read so as to increase the compensation of the chief clerk from $2,000 to $2,500; also to increase the compensation of the principal examiners from $2,250 to $2,500, of the first assistant examiners from $1,600 to $1,800, of the second assistant examiners from $1,400 to $1,600, and of the third assistant examiners from $1,200 to $1,400, each. The object of my amendment is to restore the salaries of the chief clerk, of the twenty-two principal examiners, of the twenty-two first assistant, twenty-two second assistant, and twenty-two third assistant examiners to the amounts now fixed by law.

I have offered this amendment by direction of the Committee on Patents. It is the opinion of that committee that no further reduction ought to be made in the salaries of the officers I have mentioned. The last Congress reduced the salary of the chief clerk 10 per cent., and this bill proposes to reduce it to $2,250. It is an important office and we think the salary should not be further reduced.

The salaries of the examiners and assistant examiners were established thirty years ago. The positions which these men hold are more important than those of mere clerks; they do not occupy the positions of mere copyists or clerks, but they are experts. Some of these men are lawyers and some scientific men. We think it would be unwise to reduce their salaries, for in many instances these men, if a reduction should take place, would retire, whereby the Patent Office and the country would suffer.

I have received letters from inventors in different parts of the country urging that the salaries of the examiners should not be reduced. When these salaries were fixed thirty years ago the compensation of a member of Congress was $8 a day. Our own salaries have been advanced until they are now $5,000 a year. We ask merely that the pay of these men shall remain as it is; we are not asking for any increase of their salaries. We leave it to the Committee of the Whole to settle whether it is wise to make the reduction here proposed.

Mr. ATKINS. This amendment involves a very large addition to the amount of this bill. I have not been able in the hurry of debate to calculate how much; but the amount is many thousands of dollars. There is scarcely a chief clerk of any bureau of this Government (with here and there perhaps an exception) that receives more than $2,000. The proposition here is to increase the salary of the chief clerk to $2,250.

Mr. VANCE. It is not an increase.

Mr. ATKINS. Yes, sir; it is, because the salary as provided by the last appropriation act is $2,000.

Mr. VANCE. I think the gentleman is mistaken.

Mr. ATKINS, (referring to a document.) I find I was mistaken. The amount appropriated heretofore is $2,250. Still I say that there is scarcely a bureau in the Government where the chief clerk gets more than $2,000. There are a few, but a very few.

So far as these examiners are concerned, I admit that it requires in many instances some legal talent to be an examiner; but a great deal of work that is put upon these examiners requires very little legal acumen or learning. Yet here is a sweeping proposition to increase the salaries of the principal examiners to $2,550. The gentleman from North Carolina may have meant $2,500; but his amendment reads $2,550.

Mr. VANCE. If it does it is a mistake.

Mr. ATKINS. More than that, the class of third assistant examiners was provided a few years ago as a temporary provision only, in order that copies of drawings might be brought up, a work which they said could be done in two or three years. Here is a report of the Commissioner of Patents in 1875, declaring that in a year or two these copies of drawings could all be completed. I understand it to be a fact that the copies referred to will be completed during this fiscal year, if they are not already completed; and it was represented to us that when this work should be done these third assistant examiners could be dispensed with entirely. But, instead of that, here is the gentleman from North Carolina, the chairman of the Committee on Patents, not only proposing to continue this class, which we unfortunately have done in our bill, but proposing to increase their salaries.

Moreover, I understand it to be a fact that in this class of third assistant examiners there are to-day several vacancies. I am informed upon reliable authority that there are women who are now performing the duties of third assistant examiners; I am informed that even pages are discharging these duties. I have no doubt that this bill provides ample salary for the services of all these officers.

[Here the hammer fell.]

Mr. LATHROP. I move, *pro forma*, to amend the amendment by striking out the last word.

Mr. Chairman, I think the gentleman from Tennessee [Mr. ATKINS] is entirely mistaken in the supposition that the amendment offered

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by the gentleman from North Carolina [Mr. VANCE] increases salaries. The salaries of these examiners were established in 1848, when the business and the receipts of the Patent Office were not one-twelfth what they are to-day. These salaries have been continued at this figure till the present time when it is proposed in this bill to reduce them from $2,500 to $2,250.

What the fact may be with regard to these assistant examiners, first, second, and third, I do not know, for I have not examined that question; but I do know as a matter of fact that the salary of examiners in the Patent Office was fixed at $2,500 in 1848, and this amount has been regularly appropriated up to the present time. The Committee on Appropriations, while they have in one case raised the salary to $2,500 where last year but $2,250 was appropriated, have in this bill cut down the salaries of examiners to $2,250.

With all respect to the Committee on Appropriations, (because I believe when they act in the direction of economy they ought to be supported,) I say that this proposed reduction is not economy. In respect to the Patent Office we are appropriating money which does not belong to the Government nor to the tax-payers of this country. It is money which was never paid in as taxes. From the foundation of the Government it has been the practice to ask inventors—not as a tax, for it has never been the policy of this Government to make it penal for a man to devise an invention for the good of mankind—it has been the practice to ask inventors to pay in something that might make this office self-sustaining in return for the advantages secured to inventors by the protection of the Government. Last year, with the salaries as they have been, this office paid into the National Treasury $121,000. This office has not only paid $400,000 or $500,000 to erect the building known as the Interior Department, but it has to-day in the Treasury to its credit nearly $1,200,000—not raised by taxes, but contributed by the brain and thought of this country. And now it is proposed to reduce the pay of these servants of the inventors of the land—not by way of saving taxes, but, to tell the truth, by way of plundering the thought and energy of the country. I do not think this is fair or honest; and I do not believe this House will do it.

If there is any class in this whole community which requires at the threshold of securing its rights, competent men, men of ability, it is this class of inventors. These salaries established in 1848 are now proposed to be reduced.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I am an economist. I will go as far as he who goes farthest in the line of retrenchment and economy. I would rather reduce than increase salaries; and if I thought the amendments of the chairman of the Committee on Patents increased the salaries of these officers one single dollar I should vote against them. I am opposed to high salaries and I believe they are already large enough. The simple and plain fact, however, in this case is, that these amendments do not raise these salaries one single dollar. The salary received by the principal examiners under the present law is $2,500. The salaries of assistant examiners are $1,800, $1,600, and $1,400, respectively. The Committee on Appropriations has cut them down $250 and $200 respectively. The amendments are simply for the purpose of restoring the salaries of the examiners to the amount fixed by law as long ago as 1848 and 1855, during a period of low salaries and democratic economy. The salaries of members of Congress were then one-half of what they are now. The committee does not cut down the salary of the examiner of trade-marks, but increases it $250. The duties of this examiner call for the exercise of less skill and learning than are demanded of the principal examiners. Sir, if the salaries of one class are reduced, let all be reduced.

As I said a moment ago, I am an economist and I believe when we bring back the administration of the affairs of this Government to the line of economy practiced under the administration of the democratic party we will have done well enough for the people and the people will be well satisfied. When we get back to the practices of the day when the administration of the Government cost the people something less than $60,000,000, that sum being the highest amount of the cost of the National Government under any administration of the democratic party, when we can get back to the salaries and expenditures prior to the incoming of the republican party, I think we will have done well enough.

Now, does this go back to the salaries of that period? It does. In 1848 the salary of the principal examiners of the Patent Office was fixed at $2,500, and that of the assistant examiners as proposed in the amendments were fixed under a democratic administration. They have never been disturbed from those dates to the present time. I believe they should still remain at the amounts so fixed by our democratic predecessors, and therefore I favor the amendment.

I will say a word in regard to the character of these offices. There are no officers under this Government who have in their hands matters of more material interest to the people than the examiners in the Patent Office. They are placed there for the purpose not only of protecting the rights of the true and honest inventors, but also to protect the people from men who seek to plunder them by obtaining unnecessary and useless patents. These officials by proper discharge of their duties prevent men getting patents improperly by which they can go into the country and harass and plunder innocent parties who have in some manner infringed upon what is claimed to be the rights of the patent-right harpies. If these examiners do their duty faithfully and intelligently, they will protect the people from the issue of such patents as never should be issued.

The men who discharge these duties are, or should be, gentlemen of scientific attainments and judicial knowledge. I am acquainted with only one examiner in the Patent Office, and I know him to be a man of high order of scientific attainments and legal knowledge, and well qualified for the position he holds. The position requires as much scientific skill and knowledge as any department of the Government, except perhaps, the legal department of the Government. If you want men of the requisite capacity and integrity to discharge these duties, you must give them salaries which justify them in leaving business in private life to take these positions. The labor of these officers is not clerical. The labor they have to do is scientific, legal, and calls for brain-work and sound discretion. When these salaries were first fixed, those who named them intended they should be sufficient to command that order of talent and integrity which would be the best protection to the people, and do justice to the honest inventors.

In conclusion, I will say that I have voted in favor of every proposition brought forward by this Committee on Appropriations in the way of retrenchment, economy, and reduction, and I will continue on that line; but I am not in favor of so reducing the salary of these officers below a point where it will command the talent and integrity of the country in discharging the important and responsible duties devolved upon them by law, and for that reason I will give my support to the amendments which are pending. I prefer to adhere to the precedents and practices established by the democratic party when its wise statesmen were governing this land. The policy of that party is of the chief glory of the Republic. The days of its administration of the National Government are the halcyon days of our country. I propose, by voting for these amendments, to follow the law as made by that party. It is very difficult to improve upon democratic economy established in the best days of the past. We will at least do well enough to adhere to the line then established.

[Here the hammer fell.]

Mr. FOSTER. As a member of the Committee on Appropriations assenting to this proposition, I have a word to say.

It has been stated, Mr. Chairman, by my friend from Illinois that because the Patent Office was a self-sustaining institution therefore we ought not to reduce the salary of these clerks. I think if there is anything at all in the argument it is this: that the profits of the Patent Office should go to the clerks who are running it. On the contrary, I hold it is the duty of the Committee on Appropriations and of this House to look after the appropriations for the Patent Office just as closely as if it were not a paying institution. I will say the Commissioner of Patents and all the examiners are first-class men, but what do we see? Compared with other bureaus of the Interior Department the Patent Office stands on stilts. The Commissioner of Patents gets $4,500. I do not say it is too much, but the Commissioner of Indian Affairs, holding an equally responsible position I think, gets $3,000. But gentlemen point to the fact that these examiners' salaries were fixed in 1848. I will tell my friend that was in the days of democratic extravagance. This is a time of democratic economy. What do we see? We see the chief clerk of every bureau in the Interior Department gets $2,000.

I undertake to say that there is a gentleman in the Indian Office, having charge of affairs there, getting but $1,800, whose duties are infinitely more responsible than those of any one of these expert gentlemen referred to by my friend from Illinois. Now, I do not say that these gentlemen are getting too much, but I say that comparatively they are the best paid of any of our public servants here in Washington—altogether the best paid. I do not say they are paid too much, but I do say, compared with the rest, they are getting a great deal more. You may make this comparison with any bureau in the Interior Department and you will find these men in the Patent Office are paid much more than is paid for corresponding services in any other bureau.

If this be a self-sustaining institution, so much the better. But if we receive too much from it, I say reduce the cost of securing patents to the inventors. As regards the payment of the employés of the Government, our duty is precisely the same to the Patent Office as to the Indian Office. We should practice precisely the same economy there as we do in the other bureaus of the Government.

[Here the hammer fell.]

Mr. SAMPSON. I am satisfied that it is in the interest of economy to retain skillful and experienced men in this bureau. I believe it will save expenses to this Government. The courts of the United States are now burdened with cases for the determination of the rights of inventors in relation to patents. These examiners have to pass upon those cases originally. They have to determine the fact whether, when an application is made for a patent for an invention, it is a new and useful invention. It requires men of great learning and of scientific experience and skill to do this; and it certainly is for the interest of this Government to retain men in that position that are competent to pass upon these questions.

It is well known that we have frequent cases of interference of patents; and those cases, if a patent is granted that interferes with another, must eventually be determined in the courts. We want a man right in the Patent Office who can determine whether one patent interferes with another or not.

As a matter of fact, men of peculiar skill and experience are retiring year after year from this position because they can make more money in a practice as patent lawyers. They are passing out of the

Patent Office because the Government compensation is not sufficient. Now it is to the interest of the Government, it is to the interest of the inventors and to the interest of the people to retain skillful men in that position.

We are aware, also, that very many trifling patents are issued as things are now, patents that are not new and not useful; and this is because they have not been sufficiently and thoroughly examined in the Patent Office by the examiners. They go out into the country as new and useful inventions when perhaps they are old, and the people of the country are imposed upon. It does seem to me justice to the inventors and to the public, and the interest of economy demand that the salaries of these examiners should remain as they are now fixed by law.

Mr. WAIT. I do not claim that the salaries of these examiners should be increased upon the ground that the Patent Office is a self-sustaining institution, the General Government not being called upon to render it pecuniary aid, but I believe that it is for the interest of the public that the labor of these gentlemen should be fairly rewarded and that their salaries should be increased so as to command the services of intelligent, educated, skilled men, men that are systematically and thoroughly trained to perform not only the very onerous, but the very delicate and complicated duties which are thrown upon them. There cannot be any more varied and difficult duties than those which are cast upon these examiners in the Patent Office.

Probably no State in the Union has a greater interest in the matter of patent rights than the State which I have the honor in part to represent. I know that the people of Connecticut, who have great pecuniary interests in every variety and form of patents, feel a deep interest in having the duties of this class of employés in the Patent Bureau properly discharged by intelligent and competent men who are able by an examination of the various questions of fact and of law that constantly spring up in these cases to determine the rights of parties who are making applications for new patents or are contending against infringements on existing patents. Questions are constantly arising between parties with regard to their rights which demand on the part of these officers careful examination, thorough research, peculiar skill, and professional knowledge for their proper and successful consideration and determination.

I say, therefore, a very different rule should govern us here in remunerating these officers from that which should govern us in remunerating clerks in any other department. Men inferior in many ways, possessed of less education, inferior in intellect, having less experience in the examination and decision of varied and perplexing questions, can discharge what are termed very important duties in other departments of the Government; but that class of men could not discharge the complex and important duties that are put upon these examiners in the Patent Office, who are called upon, as I have said, to pass upon very nice distinctions of law and questions of fact; questions, too, that interest parties to the extent of thousands and hundreds of thousands of dollars. I know that the host of inventors in Connecticut feel that Congress should place in this bureau employés who are competent to appreciate and protect their interests and enforce their rights.

Now, when this department not only sustains itself, but is in fact a source of income to the General Government, I say that the parties who are interested in patent rights may very well call upon Congress to put and keep men of ability and intelligence in the positions named; men who are specially educated to discharge these very important duties which the laws of the United States devolve upon them. This amendment I think commends itself to the favorable consideration and support of the members of this House.

The formal amendment was withdrawn.

Mr. ATKINS. I move to strike out the last two words.

Mr. VANCE. I ask the gentleman to yield to me for two minutes.

Mr. ATKINS. I yield to the gentleman.

Mr. VANCE. I desire to say that the Committee on Patents has no feeling in this matter. We have no desire to antagonize the Committee on Appropriations. But it is our cool judgment that the salaries of the officers referred to should not be diminished. We do not propose to increase the pay of these officers, and if my amendment shows an increase it is an error. We propose to let the salaries stand as they were fixed by the last Congress, which we think is low enough. I will call attention to the fact that the Committee on Appropriations has increased the salary of the trade-mark examiner, and I think his duties are not so important as those of some of the other examiners.

I will say further that the Patent Office stands in a different relation to the country from any other service. The people are not taxed to support it. The inventors of the country pay fees sufficient for its support, and last year, after paying all the expenses, there was a surplus of $105,000.

Mr. ATKINS. I have but a word to say. This amendment increases the amount appropriated by the bill $18,950 and I want the committee to understand that fact. Now I want to say one other word. We have in this bill provided for three examiners-in-chief at a salary of $3,000 each. This is an appellate court. Gentlemen have been talking so much about the ability and legal acumen necessary to constitute an examiner, but we allow in this bill, in addition to all these, a board of three chief examiners, who constitute an appellate court; and if there are any difficult cases these cases can be appealed to that court; and we propose to pay them well, and pay them more than any lawyer in the country makes outside of the cities.

Mr. O'NEILL. Does the gentleman know what severe examinations these gentlemen have to undergo before they can obtain promotion from third assistant to second assistant and from second to first? Does he know the severe ordeal these assistants have to go through before they can be promoted? There are no more intelligent men to be found here, and they prepare the work which is finally done by the chief examiners.

Mr. ATKINS. I am not attacking the intelligence of these gentlemen at all; but $2,250 is a pretty considerable sum and ought to command great intelligence and learning.

Mr. O'NEILL. Why do you keep up the salary of the examiner of trade-marks, although I do not by any means think it should be decreased, and not retain the present salaries of the examiners and assistants? They are all men of scientific and legal knowledge and appointed because they are such.

Mr. ATKINS. There are very few lawyers in the country who make $2,250 a year, and they are men just as learned as these are. But the argument of the gentlemen who desire to have this large amendment attached to the bill goes to the point that the committee is proposing to degrade this class of officers. We have in a few instances cut down salaries, but we leave the examining board, to whom all these cases are appealed, at salaries of $3,000.

Mr. O'NEILL. Why did you increase the salary of the trade-mark examiner?

Mr. ATKINS. We only put it back where it was last year.

Mr. O'NEILL. Why not keep up the salaries of the other examiners at the same point? They are just as worthy of it.

Mr. WARD. Mr. Chairman, the people at large more than the Government are interested in having able and efficient men in these positions. The number of patents issued every year exceeds, I think, fifteen thousand; and the complaint is that patents are improperly allowed, so that a patentee is not safe in his title when he receives his certificate and not sure in the knowledge that he has exclusive property in an entirely new invention.

In order to make this large number of patents perfectly safe, it is absolutely necessary to have in these positions men fitted by long experience and by education for the duties they are called upon to perform and the functions it is their business to exercise. Anybody who is acquainted with the complications of machinery, the intricacies and the numerous difficulties that arise in the business of this office, will not hesitate to admit that the discharge of its duties requires a peculiar kind of knowledge that is applicable alone to the sphere in which these men are engaged. That knowledge cannot be picked up in a day, or a week, or a year, but it requires study and expert knowledge; and I submit to the good sense of the committee that men ought to be kept in these positions who have experience and ability properly to discharge the duties, so that the applicant for a patent, when he receives a certificate, will know that he has a judgment from an office on the decree of which he can rely, and that when his case has passed the scrutiny of the Patent Office he will have a decision in which he can trust with confidence in perfecting his inventions and bringing them into public use.

[Here the hammer fell.]

The question was taken on Mr. VANCE's amendment; and on a division there were—ayes 52, noes 57; no quorum voting.

Tellers were ordered; and Mr. VANCE and Mr. ATKINS were appointed.

The committee again divided; and the tellers reported—ayes 74, noes 70.

So the amendment was agreed to.

Mr. ATKINS. I give notice that I shall call for a vote upon this question in the House.

Mr. LATHROP. I now withdraw my amendment.

Mr. ATKINS. I move to further amend the pending paragraph by inserting before the words "one machinist" the words "one librarian, $1,800;" also to strike out the word "five" before the words "clerks of class 3" and insert "four;" also strike out the words "and act also as librarian and shall receive an additional sum of $200;" also to change the total of the paragraph from $358,640 to $358,840.

The amendments were agreed to.

The Clerk resumed the reading of the bill and read the following:

For contingent and miscellaneous expenses of the Patent Office, namely: For construction and repair of model-cases, stationary portfolios for drawings, furniture and labor connected therewith, repairing, papering, painting, carpets, ice, advertising, books for library, moneys refunded, printing engraved patent-heads, international exchanges, extra labor on indexes and abstracts for annual reports, and other contingencies, $50,000; *Provided*, That not more than $10,000 of this sum may be used for employment of temporary clerks at not more than the rate of $1,000 per annum for each clerk; and no money appropriated by this paragraph shall be expended for advertising in newspapers published in the city of Washington other than the Patent Office Official Gazette.

Mr. LATHROP. I move to amend the paragraph just read by inserting after the word "indexes," in line 1550, the words "or abstracts of patents and printing the same;" also to change the amount appropriated in the paragraph from $50,000 to $75,000; also to add to the paragraph the following:

And persons to whom patents may hereafter be granted shall, in addition to the fees now allowed by law, pay the actual cost and expense of printing their respective patents, to be estimated and determined by the Commissioner of Patents.

I desire to say, Mr. Chairman, that I think my amendment as a whole will not increase expenditures at all, but on the contrary will yield an additional revenue from this deserving class of people and

for their benefit. I am sure it will commend itself even to the Committee on Appropriations.

The Commissioner of Patents in his report has recommended that a sum be appropriated for the purpose of preparing, printing, and publishing abstracts or indexes of patents. The object of that is that the vast number of patents shall be indexed or abstracted under heads, so that whoever may have occasion to examine and ascertain what patents are in existence will find them under their specific heads. As it is now the inventors of the country are subjected to a vast expense to make this examination. The Commissioner of Patents in a letter which I have here in my hand says that $15,000 might be profitably and economically expended in preparing and publishing these indexes or abstracts of patents.

In his report made to Congress last winter he recommends that $10,000 be appropriated out of the surplus fund of the office for the purpose of supplying the library with scientific works so as to bring it up to the standard of the present day, in order that those having business with the office, as well as the officers themselves, might be advised of the present state of the arts. Inasmuch as these appropriations are needed for the advantage of inventors and for the promotion of the general interests of the country, I have, in order that it may meet with no earthly objection, incorporated a provision that from this time on patentees shall pay each man for the printing of his own patent.

The number of patents issued last year was between thirteen and fourteen thousand. The very lowest estimate of the cost and expense of printing one of these patents is $2; many of them would cost a much larger sum. The provision which I have incorporated in my amendment will certainly raise more than money enough to cover the proposed increase of expenditures for purposes of vital importance to the inventive genius of the country. I think they would cheerfully pay this additional price because of the advantage which they will receive from it.

I append the following extract from the report of the Commissioner of Patents for the year 1877, showing the receipts and expenditures of the Patent Office for the year 1877; showing the amount of surplus in the Treasury of the United States paid in by the Patent Office in excess of its expenditures; also showing by States and Territories the residence of persons to whom patents have been issued during the year 1877, and the comparative business of the office from 1837 to 1877, both inclusive, namely:

To the Senate and House of Representatives of the United States of America in Congress assembled:

In compliance with section 494 Revised Statutes, I submit the following report for the year ending December 31, 1877:

1. *Statement of moneys received.*

Amount received on applications for patents, reissues, designs, extensions, caveats, disclaimers, appeals, and trade-marks	$651,569 00
Amount received for copies of specifications, drawings, and other papers	48,193 01
Amount received for recording assignments	20,047 15
Amount received for subscription to the Official Gazette	9,497 69
Amount received for registration of labels	3,036 00
Total	732,342 85

2. *Statement of moneys expended.*

Amount paid for salaries		$398,024 54
Amount paid for photolithographing current issues		36,103 13
Amount paid for photolithographing back issues		30,303 02
Amount paid for illustrations for Gazette		41,084 34
Amount paid for tracings of drawings		33,306 73
Amount paid for contingent and miscellaneous expenses, namely:		
Stationery	$5,918 98	
Painting, glazing, varnishing, upholstering, &c	870 57	
Furniture, carpets, &c	2,120 78	
Fitting up cases in model-rooms, carpenters' work, lumber, and repairing furniture	7,262 41	
Plumbing and gas-fitting	107 95	
English patents and foreign periodicals	1,334 53	
Hardware	611 15	
Pay of temporary clerks and extra laborers	44,525 26	
Miscellaneous items, namely: Books for library, ice, subscriptions to journals, freight, washing towels, withdrawals, money refunded paid by mistake, repairing carriage and harness, keeping horse, advertising, printer's material, rubber stamps, drawing-instruments, cleaning carpets, paste, disinfectants, file-holders, decisions of courts, expenses attending preservation and protection of file-records and property of the office at fire of September 24, 1877, and during subsequent rains, &c	8,942 73	
		71,654 36
Total		610,476 12

3. *Statement of the balance in the Treasury of the United States on account of the patent fund.*

Amount to the credit of the patent fund January 1, 1877	$992,354 67
Amount of receipts during the year 1877	732,342 85
Total	1,724,697 52
From which deduct expenditures for the year 1877	610,476 12
Balance January 1, 1878	1,114,221 40

4. *Statement of the business of the office for the year 1877.*

Number of applications for patents, including designs, during the year 1877	20,308
Number of applications for reissues of patents	639
Number of patents issued, including designs	13,619
Number of patents reissued	568
Number of applications for extension of patents	2
Number of patents extended	2
Number of caveats filed during the year	2,809
Number of patents, including designs, expired during the year	862
Number of patents allowed but not issued for want of final fee	807
Number of applications for registering of trade-marks	1,416
Number of trade-marks registered	1,216
Number of applications for registering of labels	632
Number of labels registered	392
Of the patents granted, including designs, there were to—	
Citizens of the United States	13,029
Subjects of Great Britain (including Canada, 145)	362
Subjects of France	72
Subjects of Germany	91
Subjects of other foreign governments	65
Total	13,619

5. *Number of patents, including designs, issued by the United States Patent Office to residents of the different States and Territories from January 1, 1877, to December 31, 1877.*

[The proportion of patents and designs to population is shown in the last column.]

States, &c.	Patents and designs.	One to every—
Alabama	43	23,418
Arizona Territory	2	4,829
Arkansas	36	13,513
California	341	1,642
Colorado	28	1,423
Connecticut	607	885
Dakota Territory	6	2,365
Delaware	28	4,464
District of Columbia	123	1,060
Florida	14	13,410
Georgia	63	18,795
Idaho Territory	1	14,999
Illinois	1,046	2,429
Indiana	450	3,734
Iowa	488	2,655
Kansas	103	3,538
Kentucky	151	8,748
Louisiana	79	9,073
Maine	132	4,749
Maryland	192	4,067
Massachusetts	1,392	1,046
Michigan	383	3,091
Minnesota	146	3,011
Mississippi	39	21,228
Missouri	365	4,715
Montana Territory	3	6,865
Nebraska	36	3,416
Nevada	24	1,770
New Hampshire	78	4,080
New Jersey	502	1,804
New Mexico Territory	3	30,624
New York	2,496	1,755
North Carolina	51	21,007
Ohio	1,083	2,460
Oregon	38	2,392
Pennsylvania	1,515	2,325
Rhode Island	212	1,025
South Carolina	34	20,753
Tennessee	114	11,039
Texas	115	7,117
Utah Territory	4	21,696
Vermont	58	5,733
Virginia	100	12,251
Washington Territory	4	5,989
West Virginia	31	14,254
Wisconsin	245	4,304
Wyoming Territory	9	1,014
United States Army	14	.....
United States Navy	2	.....
	13,029	2,959
Foreign	590	
Total	13,619	

6. *Comparative statement of the business of the office from 1837 to 1877, inclusive.*

Year.	Applications.	Caveats filed.	Patents issued.	Cash received.	Cash expended.	Surplus.
1837	.....	.....	435	$29,289 08	$33,506 98	.....
1838	.....	.....	520	42,123 54	37,402 10	$4,721 44
1839	.....	.....	425	37,260 00	34,543 51	2,716 49
1840	735	228	473	38,056 51	39,020 67	.....
1841	847	312	495	40,413 01	52,666 87	.....
1842	761	391	517	36,505 68	31,241 48	5,264 20
1843	819	315	531	35,315 81	30,776 96	4,538 85
1844	1,045	380	502	42,509 26	36,244 73	6,264 53
1845	1,246	452	502	51,076 14	39,395 65	11,680 49
1846	1,272	448	619	50,264 16	46,158 71	4,105 45
1847	1,531	553	572	63,111 19	41,878 35	21,232 84
1848	1,628	607	660	67,576 69	58,905 84	8,670 85
1849	1,955	595	1,070	80,752 98	77,716 44	3,036 54
1850	2,193	602	995	86,927 05	80,100 95	6,816 10
1851	2,258	760	869	95,738 61	89,916 93	5,821 68

6. *Comparative statement, &c.*—Continued.

Year.	Applications.	Caveats filed.	Patents issued.	Cash received.	Cash expended.	Surplus.
1852	2,639	996	1,020	$112,656 34	$95,916 91	$16,739 43
1853	2,673	901	958	121,527 45	132,869 83	.....
1854	3,328	868	1,902	163,789 84	167,146 32	.....
1855	4,535	906	2,024	216,459 35	179,540 33	36,919 02
1856	4,960	1,024	2,502	192,588 02	199,931 02	.....
1857	4,771	1,010	2,910	196,132 01	211,582 09	.....
1858	5,364	934	3,710	203,716 16	193,193 74	10,522 42
1859	6,225	1,097	4,538	245,942 15	210,278 41	35,663 74
1860	7,653	1,084	4,819	256,352 59	252,820 80	3,531 79
1861	4,643	700	3,340	137,354 44	221,491 91	.....
1862	5,038	824	3,521	215,754 99	182,810 39	32,944 60
1863	6,014	787	4,170	195,593 29	189,414 14	6,179 15
1864	6,932	1,063	5,020	240,919 98	229,868 00	11,051 98
1865	10,664	1,937	6,616	348,791 84	274,199 34	74,592 50
1866	15,269	2,723	9,450	495,665 38	361,724 28	133,941 10
1867	21,276	3,597	13,015	646,581 92	639,263 32	7,318 60
1868	20,420	3,705	13,378	681,565 86	628,679 77	52,886 09
1869	19,271	3,624	13,986	693,145 81	486,430 78	206,715 03
1870	19,171	3,273	13,321	669,456 76	557,149 19	112,307 57
1871	19,472	3,366	13,033	678,716 46	560,595 08	118,121 38
1872	18,246	3,030	13,590	699,726 39	665,591 36	34,135 03
1873	20,414	3,248	12,864	703,191 77	691,178 98	12,012 79
1874	21,602	3,181	13,599	738,278 17	679,288 41	58,989 76
1875	21,638	3,034	†16,288	743,453 36	721,657 71	21,795 65
1876	21,425	2,697	†17,026	757,987 65	652,542 60	105,445 05
1877	*20,308	2,809	*13,619	732,342 85	‡613,152 62	119,190 23

* Including designs.
† Including $2,677.50 expended for restoring models, &c., damaged by fire.
‡ Includes trade-marks and labels.

Mr. ATKINS. I regret to rise here for the purpose of opposing an amendment which, if adopted, will increase the expenditures proposed by this bill. And, but for what I conceive to be my solemn duty, I would not rise any more to protest against the increase of expenditures in this bill. Having been charged by the Committee on Appropriations with the conduct of this bill, I will say that, if it is the judgment and will of this House to run up the expenditures under it, I have not one word to say. If they want to add hundreds and thousands, ay, millions of dollars to this bill, why it is none of my business.

But a moment ago we appropriated $20,000 by way of an increase of salaries over and above the salaries fixed by the last Congress, and no quorum voted upon that proposition. I did not raise the question of a want of a quorum, because I did not desire to stop public business; but I want to say to the country that we are here voting away thousands of dollars and there is no quorum voting.

We gave $60,000 in the bill of last year for this item. Before any appropriation was made this year in the deficiency bills to cover some of these very identical items, the estimate of the Department was for $80,000. When the deficiency bills came in, making large appropriations for some of these purposes, some of them were stricken out in the Book of Estimates, at the suggestion of the Commissioner of Patents himself. It was agreed, upon consultation between the Commissioner of Patents and the distinguished gentleman from Ohio [Mr. FOSTER] who served with me upon the subcommittee, that $50,000 was enough for this purpose; yet here comes the gentleman from Illinois [Mr. LATHROP] proposing to increase the amount to $75,000.

Very well; I suppose we will have to submit to it; for it is a proposition to increase expenditures. The very first appropriation which was made in this Congress for this purpose was $45,000 in a deficiency bill. It is true that they had a fire in the Patent Office; and the estimate of the Department for $80,000 was based upon the fact that they had had that fire, and it was to supply many things that were destroyed. That estimate was made up before the beginning of this session. Here then is $45,000 in this deficiency bill to cover these identical items, which, added to the $50,000 we now propose to give, would really amount to $95,000, $15,000 more than the estimates.

It does seem to me, Mr. Chairman, that it is time for this House to stop. If we are to go on at the rate we are going on, we shall enlarge the dimensions of this bill far beyond the corresponding law of the last Congress. We are claiming to be a party of economy. Sir, it is for gentlemen upon this floor to make their record not as partisans, not as democrats or as republicans. It is their own individual record that they will make. Talk to me about party! Sir, I recognize no party in this matter. I see that there are gentlemen on this side of the House as well as on the other who generally vote for every increase of expenditures. Candor compels me to say this.

The gentleman from Illinois [Mr. LATHROP] has offered an amendment for an appropriation which is not estimated for. There is no estimate here for the abstract of patents. Gentlemen may look through this Book of Estimates and they will find no such estimate whatever. They will find an estimate for abstract of annual reports; and that is provided for. I put it to the House whether they are prepared to vote $25,000 for a proposition that has not been estimated for by the Commissioner of Patents.

[Here the hammer fell.]

Mr. CONGER. I move to amend the amendment by striking out the last word. Mr. Chairman, I have heard from the gentleman from Tennessee so many times that he has come to a conclusion in regard to the business of this House, and therefore no other man must say a word——

Mr. ATKINS. That allusion is altogether unworthy of the gentleman; and it is not true, if he intends to insinuate that I have assumed any such dictatorial position. I want to say to the gentleman, once for all, that I will not submit to any such assertion on his part without rebuking it upon the spot.

Mr. CONGER. Will the gentleman who has had ten minutes keep still a moment? Let him rest.

Mr. ATKINS. Let the gentleman keep himself within the line of parliamentary remark.

Mr. CONGER. My remark was that the gentleman had so often said that he and his committee had come to a conclusion—that he had talked against his own party friends and against the republicans here in a speech unworthy of the chairman of an appropriation committee, because members see fit to introduce amendments—till I had heard it as many times as was agreeable. The gentleman to-day narrows down that same running remark to himself and the gentleman from Ohio, [Mr. FOSTER.] When he comes to read his speech, he will see that the prelude to that pathetic and feeling address which he delivered, turning first to his political associates and then to the republicans, consisted in saying that he and his colleague on the committee, my friend from Ohio, [Mr. FOSTER,]—that these two, the representatives of all the knowledge and all the judgment of this House, had agreed on this proposition, and that it was presumptuous for any other man to assume to know anything or even to offer an amendment.

Sir, my friend from Illinois, [Mr. LATHROP,] who is as well able to judge as the gentleman from Tennessee, or any other man, what amendments are proper in this House; my friend from Illinois, who has been an active and earnest member of the Committee on Patents, has presumed here to introduce an amendment which he and all gentlemen who have the knowledge they ought to have in regard to the Patent Office (a knowledge which would not injure the gentleman from Tennessee with all his accumulated information) know to be for the benefit of inventors and of the people; and he is denounced for it.

Mr. ATKINS. Denounced! There is no gentleman in this House for whom I have more respect than the gentleman from Illinois.

Mr. CONGER. I am glad to hear the gentleman say so. I wish he would show his respect for the gentleman when he makes these tirades, and when he says every gentleman in this House must stand upon his own record. Who is not willing to stand on his own record? Who authorizes the gentleman from Tennessee to remind us that each man stands or falls by his own acts?

But, sir, it is preposterous for the gentleman to make remarks in regard to the Patent Office spending the money of the Government. Does he or does he not know that the inventors of this country, taxed for their inventions, have paid into the Treasury of the United States and are paying year by year a larger amount by several hundred thousand dollars than is expended for their Commissioner, for their examiners, for their clerks, for printing their patents, and for the entire expenditures of the Government connected with the Patent Office? Why should not the inventors of the country have the benefits demanded by the gentleman from Illinois when they have paid into the Treasury hundreds of thousands of dollars more than enough to pay every expense connected with the Patent Office?

The gentleman talks about money in the Treasury. I admit that he has the right to be careful of money in the Treasury; but he is talking about an expenditure of the inventors' money for their benefit. Why should he oppose it if the amendment is proper, if this abstract is desirable?

My friend from Illinois has added to his amendment what I never would have added—a provision for an additional expense, an additional burden upon the inventive genius of the country. He proposes to require the inventors to pay for this additional privilege, so that it shall not be even an increased demand upon the funds of the inventors now in the Treasury.

Does the gentleman from Tennessee know much about patents and the patent laws and the Patent Office? Does he know that there is sleeping in the Treasury of the United States a surplus of several hundred thousand dollars derived from the tax we have put upon the inventive genius of the country, more than is needed to pay every expense connected with the Patent Office? If he does not know this, in Heaven's name let him not object to those who have knowledge offering amendments here for the benefit of inventors and for the benefit of the country, amendments coming from members of the Committee on Patents who know what they are asking, who know these propositions represent the wishes of the people. Let not the gentleman from Tennessee preach these tirades against his own party and ourselves when amendments of this kind are offered. Why this need of arraying himself so boldly against every amendment? Why need he tell us he will decline to protest further? Why tell the House if members dare to offer amendments here against his will they may possibly lose his valuable services on the committee at all?

Mr. DURHAM. I desire to say but a few words directly on the amendment proposed by the gentleman from Illinois. I will ask the Clerk to read it so the House will see what we are talking about.

The amendment was again read.

Mr. DURHAM. I have no hesitation in saying, after having given all these Departments careful examination, that the Patent Office is by far the most expensive under the operation of the Government. The clerks, as was well stated by the chairman of the committee, were better paid, and for that reason I did advocate the reduction of the clerks as reported in this bill. I believed that amount was ample to secure the services of any first-class clerk. And if this House or the committee had stood by the Committee on Appropriations in this reduction I venture the assertion there is not one single one who would have resigned his position.

What I do object to is, gentlemen will come upon the floor of this House—not but what it is their right to do so—and offer amendments not asked for by the heads of the Departments. I do protest in the name of the inventors of this country against this amendment. You are talking about the inventive genius of the country. I want to foster and protect that Patent Office Department, but I will never levy a tax upon it.

What does the gentleman's amendment propose to do? It proposes to tax the inventive genius of the country that it shall pay for this printing, and in the next breath you turn around and say it is more than a self-sustaining institution. I know men in my country, and I have no doubt the gentleman from Connecticut knows men in his country, who absolutely are not able without outside assistance to pay for this printing. How are they to get along? I say let the inventive genius of the country be as free and untrammeled—shall I speak about the bird of freedom?

A MEMBER. Oh, no.

Mr. DURHAM. I say let the inventive genius of the country be free and untrammeled, and as this Department does more than pay its expenses I pray gentlemen not to put a tax on it and require inventors to pay for the printing of these matters.

On the other side, $25,000 is moved in addition for contingent expenses, I desire to say—not that I object to gentlemen introducing it, or, if it seems proper to the House, voting down the Committee on Appropriations—but I do say to gentlemen, after having investigated the matter thoroughly, the $50,000 allowed for purposes of this sort, cutting out this amendment, is all that is necessary to carry on the legitimate operations of the Department. I do insist where the heads of the departments occasionally do ask for more—while they could expend it—whenever we have restricted them to a lower amount they have generally kept within that amount with a few exceptions.

[Here the hammer fell.]

Mr. BUTLER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Or rather to a parliamentary inquiry. Is not this amendment divisible? One part requires the printing of abstracts, while another portion requires the inventors to pay. I should like to vote for one and against the other. Is not the amendment divisible?

The CHAIRMAN. If the amendment embraces two separate, distinct, substantive propositions it is divisible under the rules.

Mr. CONGER. I withdraw the amendment.

Mr. LATHROP. I renew the amendment. If the gentlemen on the Appropriations Committee will look at the report of the Commissioner of Patents they will find distinctly recommended there the printing of these abstracts. I will send to the Clerk's desk to have read a letter from the Commissioner of Patents showing the necessity for this additional appropriation. It is simply stated that $15,000 in printing these abstracts may be profitably used.

Mr. DURHAM. Do you find it in the Book of Estimates, which governs the Committee on Appropriations?

Mr. LATHROP. I have not looked at it at all. I have been looking to the interests of those whom I represent, in fact, and to the interests of the whole body of the people in this matter.

Mr. DURHAM. We can only be governed by the Book of Estimates, and I never saw it in that book. The Commissioner of Patents never laid it before the Committee on Appropriations.

Mr. LATHROP. Every other country I know of has made provision for abstracts of patents. Ten thousand dollars is recommended as a distinct appropriation out of the surplus fund of this office to bring up the library so it shall be a scientific library; to bring it up to the present time for the benefit and advantage not only of the department, but of all the inventors of the land as well.

Mr. DURHAM. That is not in the Book of Estimates. Neither of them is in the Book of Estimates.

Mr. LATHROP. Ten thousand dollars is part of the $25,000 I propose. The other $15,000 is for making and printing indexes or abstracts of patents, in order that the inventors of the country when they have made an invention may have some place to go to ascertain whether really they are the first inventors or not. As it is to-day they have to go over the whole mass of patents. They should not be subjected to the trouble and expense when they have contributed these vast sums of money now attempted to be used and appropriated to the purposes of the ordinary expenses of this Government against right and against propriety. It is for their benefit that I ask that it may be done, and to put the inventors and patentees of this country in the same position as like classes of citizens are in every other civilized or really progressive country in the world, where they may get this knowledge and where they may have it without this vast and intolerable expense and where the whole people of the country may have the benefit of it.

Now one proposition more. I am as much opposed to taxing these people further as the gentleman from Kentucky, and more so. I happen to represent a constituency that is more interested in this very matter than the people of Kentucky. I believe these fees ought to be cut off. If the people cannot have the benefit of them, certainly they ought to be cut off. It is an absolute wrong. It is the old fable again of killing the goose that lays the golden egg to undertake to plunder these men of their earnings to run this Government with. But I felt that the advantages to the inventors of this country of these abstracts and bringing up this scientific library were so great that they had vastly better submit to this additional tax than go without them. There is more than $100,000 a year above the expenses of the Patent Office drawn out of them and they are demanding these advantages, and if they cannot get them otherwise I say they had better submit to further exaction and get these benefits which they so justly require. Now I would like to have the letter read.

The CHAIRMAN. The time of the gentlemen has expired; the letter can only be read by unanimous consent.

Mr. FOSTER. I ask that by unanimous consent the letter be read.

There was no objection, and the letter was read, as follows:

DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE,
Washington, D. C., May 2, 1878.

SIR: Referring to the paragraph in my report for the year 1877 relating to the publication of indexes or abstracts for patents I think that $15,000 a year would be sufficient to commence the work. That amount of money could be economically and profitably used for the purpose in connection with the other business of the office; and in a few years with an annual appropriation of that amount complete abstracts might be furnished for the information of the country. The sale of such abstracts would in no very long time reimburse the Government in great part for the outlay.

Very respectfully, your obedient servant,

ELLIS SPEAR,
Commissioner of Patents.

Hon. Mr. LATHROP,
House of Representatives.

Mr. WRIGHT. Mr. Chairman, I have received a great many communications recently the writers of which express the opinion that the patent laws ought to be abolished altogether. Now, I do not know as regards the correctness of the opinions of these gentlemen. A good many of them are scientific gentlemen, but whether their views and opinions are correct or not I cannot say. But there is one astounding fact that is growing daily of more importance, and that is the more invention you apply to labor-saving the greater incumbrance you put upon labor; or, in other words, you diminish the demand for labor.

With the vast number of laboring-men we have in this country the more cautious we should be in depriving them of the means of living, of supporting their families, and educating their children. Labor-saving inventions may be very beneficial to capital, but we must look to it that it does not interfere with the occupations of the laboring masses. Our first object should be to look to this.

Now, this is a question that is worthy of the serious consideration of this Congress or any other learned body of men. It will not do to educate the people with the idea that to be constantly making inventions does away with the necessity of labor. I am not in favor, Mr. Chairman, of putting a tax upon the genius or the inventive power of our people. I would give it full scope; I would give it full sway; but I would not let the inventive faculty take the bit in the mouth and run away from those great questions which are connected with the interests and development of labor.

The man who would condemn the great discoveries that have been made might well subject himself to unfavorable criticism; but as a general thing among our people some particular science or new discovery absorbs everything else, and that when you once mount a hobby-horse you are apt to ride the horse too far. You should not engage the attention of people in schemes which have in view either the disposing of labor or curtailing the demand for labor. I do not think that when our first parents went out of the garden of Eden they had much else upon their minds than to work for their living. The idea of labor-saving machines did not occupy their minds. They marched sullenly out and accepted the stern decree that in the sweat of their brow they should earn their bread; and they accepted the situation. It was one of labor of the hands, not of the brains. And who shall say that this was not all right and proper?

It never entered into their contemplation that they were to be relieved from that toil that was imposed upon them by the decree of God himself. We have become more wise. We would earn our bread by the inventive genius of our brains. Now, as far as that can accommodate the men who work with the brain that is well enough, but the great multitude who have not the brain which they can make useful in the way of invention must depend upon manual labor.

Now, if there is one thing which is of special importance in the political economy of this country, it is rewarding and encouraging labor and preventing idleness in all its shapes and all its forms. You cannot do this if you adopt measures constantly that are calculated to dispense with the demand that is made on the labor of the country. Labor-saving machinery is engaging the attention, I observe, of a great many learned men. I pray you do not say when I get up

here and make these suggestions that I am putting a damper upon the geniuses of the country. There are men who have immortalized themselves by inventions, and by means of patents they have received protection for them. But this sort of policy of favoring inventions may be carried too far. There should be an equipoise somewhere. There should be an equilibrium somewhere. We cannot all resort to the invention of labor-saving machinery and at the same time protect the great interests of labor in this land. The spirit of invention has become a mania. It has engaged the attention of thousands of people, while success has not rewarded one in a hundred.

But it is not the bad consequences upon those who fail in success in making the invention profitable that concerns us, but it is a matter of vast moment to our people that their occupations should not be supplied by machinery. We should seek to find them employment—employment for all. In this idea the Chinese are ahead of us. They make it a cardinal point in government to encourage labor and furnish employment to all.

[Here the hammer fell.]

Mr. WHITE, of Pennsylvania. Will my colleague allow me to understand him?

Mr. WRIGHT. Understand what?

Mr. WHITE, of Pennsylvania. What his position is; whether he is in favor of encouraging the inventive genius of our country or not?

Mr. SPARKS. He is in favor of protection of labor.

Mr. WHITE, of Pennsylvania. I confess I did not understand his speech on labor.

The CHAIRMAN. The gentleman from Pennsylvania is out of order.

Mr. LATHROP. I withdraw my amendment temporarily.

Mr. KEIFER. I renew the amendment. I do not feel prepared to say that I am fully in accord with the mover of the amendment. I am very sorry that the committee which is so well presided over by the gentleman from Tennessee [Mr. ATKINS] does not take the pains to tell us when a question is brought up in relation to this appropriation bill just what the bill will do if it is allowed to remain as it was reported.

Now, I would like to know at the end of my speech whether this appropriation of $50,000 provided for in line 1551 will enable the Department to provide for the extra labor in the preparation of indexes and abstracts of patents and the printing of them. I would like to know if the amount is sufficient, because if it is I want to vote with the committee, but if not I shall have to vote against them.

Now, I understand that last year $60,000 was allowed for this same purpose, and that it did not enable the Patent Office to print the necessary indexes or to make them, to say nothing about the printing.

I do not believe in the latter part of the amendment of the gentleman from Illinois. I am utterly opposed to putting any further tax upon the men of genius of this country who are inventing patents. Most of them, according to my observation, are poor men, or men who at least have become poor, if not poor originally, in carrying out their experiments, on that which they hope to make valuable to themselves, but which at the last inure to the benefit of mankind. I do not think it wise policy for the Government to undertake to tax that class of men in this country to raise revenue.

I believe the fact is the $400,000 of surplus revenue which has arisen from the tax upon inventors has been used was in erecting buildings for the Interior Department. There is now in the Treasury, unexpended from this revenue, nearly $12,000,000. There was about, in round numbers, $16,000,000 standing to the credit of the Patent Office, all of which has been taken from this class of people. I would be glad to see the law so changed that you could command the best talent in America to put into this office—I mean the highest talent. It is a fact that ninety-nine out of a hundred of the patents coming out of that Patent Office for the last twenty years are absolutely void when they have passed through the crucible of the courts. The complaint comes to us from abroad that we are issuing patents in name and not in fact. There is some error in our system; perhaps we have not employed the right men. In England and France they do not issue a patent because some poor man imagines that he has made a new and useful invention, and hence they do not have their courts flooded with suits of patent cases.

That is not the worst of it. These men obtain patents and go out through the country and make the people believe that they have valuable patents, and they tax the public with them. A person charged with infringing upon one of these patents says: I cannot undertake to go through a lawsuit in a United States court, which is a great distance off, and therefore I will pay the penalty. Many of these patents are utterly void. I know in my own experience that old machinery that has been standing in my country unused for fifty years has been gathered up and a patent obtained upon it and the whole country is required to pay tribute to it.

[Here the hammer fell.]

Mr. ATKINS. I do not desire to detain the committee but for a few moments. I tried in the few remarks I made to answer the very question which the gentleman from Ohio has just put. I tried to explain that $50,000 is enough to cover all items in the estimates, for certain portions of the items have been stricken out at the request or by the advice of the Commissioner himself. Last year we gave $60,000 for this purpose. This year $80,000 was estimated for, including plumbing, gas-fitting, fitting up rooms, repairs for damages by fire and water, laborers, &c. I also tried to show that we had already given in a deficiency bill $45,000 which covered those items, and then in addition to that we have given $26,600.

I want to say that the Committee on Appropriations believe, after consultation with the Commissioner of Patents, that $50,000 is sufficient, not only for the purposes to which the gentleman refers, but for all the other purposes estimated for in this Book of Estimates, except those which the Commissioner of Patents consented should be stricken out as having been already provided for by deficiency appropriations. I believe I have made that as plain as any man can make it.

If I have said upon this floor one unkind word or made one unkind allusion to any gentleman, I am not aware of it. If I have been disrespectful to the House, I beg pardon of the House. I do not believe, however, that there is any gentleman on this floor who has any such idea as that, unless it is the gentleman from Michigan, [Mr. CONGER,] and I cannot believe that he really thinks so. But the remarks of the gentleman and his manner were personal to me in the highest degree. It was in the warmth of my feelings on that account that I made use of the expression I did to him while he was upon the floor.

It may be that I am not acquainted with the subject of which I am speaking. It is possible, as the gentleman insinuated, that I do not know that the Patent Office pays a revenue to the Government over and above all expenditures. I should not be very learned even if I did know that. I do not suppose that there is a gentleman on this floor who does not know it. I do not suppose there is a gentleman on this floor who has not read the report of the Commissioner of Patents, and knows that it is stated in that report that last year $105,000 was covered into the Treasury over and above all the expenditures of the Patent-Office Bureau.

But I want to say to the gentleman from Michigan [Mr. CONGER] that he is not my censor; I am not here to be lectured by him. I am not conscious of ever having said to that gentleman one unkind word in any way, unless in reply to severe personal criticisms and abuse which he has offered me on this floor. This is not the place to settle matters of a personal nature, if there is any personal feeling in this thing. I do not intend to indulge in personal remarks; it is my desire to avoid them. This is no place for anything of that sort.

I hope that in the future discussions upon this floor which I may have with that gentleman we may get along and be able to discuss these matters without feeling, without anger, without passion, and address ourselves to the merits of the question, and that the gentleman will not for five minutes indulge in personal strictures upon my course.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. KEIFER. I desire to ask the gentleman from Tennessee [Mr. ATKINS] a question. Does the gentleman understand that any portion of the $50,000 appropriated in this paragraph can be used for printing the indexes or abstracts of patents? Can any part of this appropriation be used for the printing of these abstracts or indexes?

Mr. ATKINS. In lines 1549 and 1550 are these words: "extra labor on indexes and abstracts for annual reports."

Mr. KEIFER. Yes; that is for extra labor on them, but not for printing them. They were not printed last year, and the Committee on Appropriations have not made the slightest provision for printing them.

Mr. ATKINS. I have no objection, if the gentleman wants to do so, to insert the word "printing."

Mr. DURHAM. Permit me to say to my friend that this paragraph contains the words "extra labor on indexes and abstracts for annual reports."

Mr. KEIFER. Yes, that is extra labor in preparing the indexes and abstracts. But what part of this appropriation can be used for printing those indexes?

Mr. ATKINS. I think the language of the paragraph covers that.

Mr. LATHROP. There is no such thing as an annual report any more; there has not been for years.

Mr. WAIT. I would renew the formal amendment in order to have the opportunity to say a single word in response to my friend from Kentucky, [Mr. DURHAM,] who wants to know if I am desirous of imposing a further burden upon the inventive genius of my own State. I say to him that I am not, and therefore I am in favor of the proposition of the gentleman from Massachusetts [Mr. BUTLER] to have a division of this question, so that I may vote in favor of increasing the amount to be expended for extra labor on indexes and abstracts for annual reports, &c., and at the same time vote against imposing the expense for such labor on inventors. I am entirely opposed to that part of the amendment which proposes to tax the inventors for expenses incurred in the labor of preparing these indexes and abstracts. There is money enough in the hands of the Government coming over from this one source to pay for all the expenses without subjecting inventors at all to any burden of this character, as intimated by the gentleman from Kentucky, [Mr. DURHAM.]

MESSAGE FROM THE PRESIDENT.

At this point the committee rose informally; and the Speaker having

resumed the chair, a message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the House of the following titles:

An act (H. R. No. 1224) for the relief of Will R. Hervey;

An act (H. R. No. 2096) for the relief of James Fishback, late collector of internal revenue, tenth district, State of Illinois;

An act (H. R. No. 2818) to authorize T. and J. W. Gaff & Co. to use a certain building in the city of Aurora, Indiana, for the rectification of distilled spirits;

An act (H. R. No. 2884) for the relief of Samuel H. Canfield, postmaster at Seymour, Connecticut;

An act (H. R. No. 3068) for the allowance of certain claims reported by the accounting officers of the Treasury Department;

An act (H. R. No. 3102) authorizing the Secretary of the Treasury to employ temporary clerks, and making an appropriation for the same; also making appropriations for detecting trespasses on public lands and for bringing into market public lands in certain States, and for other purposes;

An act (H. R. No. 3740) to provide for deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1878, and for prior years, for subsistence of the Army, and for other purposes; and

An act (H. R. No. 4394) to prohibit the coinage of the twenty-cent silver piece.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session and proceeded with the consideration of the legislative, executive, and judicial appropriation bill.

Mr. BAYNE. Mr. Chairman, I rose yesterday with the view of noticing some of the strictures which were made upon this side of the House by my colleague, the Speaker; and I deem it now an appropriate opportunity to do so, inasmuch as the chairman of the Committee on Appropriations has seen fit to go further and lecture another member on this side for the course which has been pursued by the republican members of this body.

I desired yesterday as apropos to the question then under consideration to refer to the failure, as I thought, on the part of democratic members of this House to make a sufficient appropriation for the purpose of carrying on the Pension Bureau. I knew what had been the complaint on the part of pensioners of the Government and those who had not received their pensions for many years: that many applicants had failed year after year to receive what was due to them, in consequence, as I believed, of the inadequacy of force in the Pension Bureau. It was, however, urged that the proposed increase of force in that Department conflicted with Rule 120 of this House.

It was claimed by my colleague, the Speaker, that this rule was the result of democratic policy, and that it had saved to the Government millions of dollars. I do not doubt that this rule has saved to the Government millions of dollars; I do not doubt that it will save millions of dollars; nevertheless I doubt the expediency and the policy of the rule. I believe that my colleague, the Speaker, was held to an unjust account, perhaps, on this side of the House, for his rigorous support of economical measures. From his stand-point economy, to the last extent, is a necessity of overwhelming importance. From his stand-point and with reference to the policy of his party, economy, to the last extent, is a great and overmastering necessity. Why? Why, sir, a proposition has emanated from that side of the House to reduce the tax on whisky, which will entail upon the Federal Government a loss of $25,000,000 a year. Another proposition will soon emanate from that side of the House to reduce the tax on tobacco, which will entail an admitted loss of over $10,000,000 of revenue. A proposition has emanated from that side of the House in the shape of a tariff bill which will reduce the revenues of this Government at least nine and a half millions of dollars annually. The present status of the revenues of this Government shows that there is a deficiency of between two and three million dollars already. Yet this democratic policy of retrenchment and reform, of which my colleague, the Speaker, is a representative, has been advocated here, and is now set forth as the policy which is to lead the Government out of its difficulties and to save the country from numerous perils.

I rose to-day, Mr. Chairman, for the purpose of saying, as I would have said yesterday, if I had had the opportunity, that when this side of the House is lectured, as it was by my colleague, the Speaker, and as one of my friends on this side has been lectured to-day by the chairman of the Committee on Appropriations, such lectures are necessarily made from this stand-point; that under democratic policy the Government cannot derive sufficient revenue to meet its expenditures.

[Here the hammer fell.]

Mr. ATKINS. If there is a desire to continue this debate further I am willing that a limit shall be fixed in Committee of the Whole or in the House. [Cries of "Vote!" "Vote!"] Possibly the gentleman from Illinois, who offered the pending amendment, will agree to the amendment which I send to the Clerk's desk, which will obviate the necessity of a division of the question.

The Clerk reads as follows:

Amend the first branch of the amendment by striking out in line 1550 the words "and abstract for annual reports."

I suppose there will be no objection to this amendment. It leaves standing the provision as to abstracts for patents, but it strikes out the provision for abstracts for annual reports.

Mr. LATHROP. I ask the Clerk to read the clause as it will read with the amendment.

The Clerk read as follows:

Books for library, moneys refunded, printing engraved patent-heads, international exchanges, extra labor on indexes, and other contingencies, $50,000.

Mr. LATHROP. I think that does not quite meet the point.

Mr. ATKINS. Very well; if it does not meet the view of the gentleman I withdraw it.

Mr. KEIFER. The gentleman from Tennessee will observe that his amendment does not meet the question of printing indexes.

Mr. ATKINS. I was not alluding to that; I was only addressing myself to the point raised by the gentleman from Illinois. I withdraw my amendment.

Mr. BUTLER. I call for a division of the question on the amendment of the gentlemen from Illinois, [Mr. LATHROP.]

The CHAIRMAN. A division being called for, the question will be taken separately on the three branches of the amendment.

The first branch of the amendment was read, as follows:

In line 1550, after word "indexes," insert "or abstract of patents and printing the same."

The amendment was not agreed to; there being—ayes 52, noes 75.

The second branch of the amendment was read, as follows:

In line 1551, after word "contingencies," strike out "fifty" and insert "seventy-five."

The amendment was not agreed to.

Mr. LATHROP. I withdraw the third branch of my amendment.

Mr. KEIFER. I move to amend by inserting after the word "reports," in line 1550, the words "and printing the same." I trust the Committee on Appropriations will not object to this.

The amendment was agreed to.

The Clerk read as follows:

For photolithographing or otherwise producing plates for the Official Gazette, including pay of employés engaged on the Gazette, and for making similar plates, $35,000.

Mr. ATKINS. I move to amend this paragraph by striking out the word "five;" so as to make the amount of the appropriation $30,000 instead of $35,000.

Mr. KEIFER. I trust that the chairman of the Committee on Appropriations will explain why he desires to cut down this appropriation as it stands in the bill. I assume that the Committee on Appropriations had some good reason for agreeing to the appropriation as reported.

Mr. ATKINS. On looking into the matter further the committee are of opinion that $30,000 is sufficient.

Mr. KEIFER. Allow me to ask whether $35,000, the amount provided for in the bill, is the sum that the Commissioner of Patents desired should be appropriated for photolithographing.

Mr. ATKINS. No. He asks for $40,000, and finally he was of the opinion that $35,000 was sufficient. The Committee on Appropriations investigated the matter and came to the conclusion that $30,000 was sufficient.

Mr. KEIFER. It is proposed, then, to reduce it?

Mr. ATKINS. Twenty-seven thousand and five hundred dollars was the appropriation last year, and there was no deficiency.

Mr. KEIFER. That may be. Mr. Chairman, but it ought to be just as the chairman of the committee stated; there ought to have been no deficiency, but the question is still left whether or not there was sufficient last year. We know from the history of the Patent Office in the last few days, or the last few weeks I may say, that the number of patents issued has been a vast increase on any issue in any former period.

It is said we had no deficiency in this matter last year. I have no doubt the Commissioner of the Patent Office when he said $40,000 was what he needed really meant that that was the amount he needed in view of the increased business of the country. I believe it will be found when the chairman of the committee says there was no deficiency in the appropriation made last year that there was some work which ought to have been done which was neglected on account of the insufficient appropriation. Work was stopped no doubt in order that the Commissioner might be able to say there was no deficiency.

So it will be for the next fiscal year, for the appropriation is not sufficient to meet the needs of the office. I should like to know why it is the appropriation should be cut down $10,000 below the estimates of the Commissioner of Patents.

Mr. FOSTER. In response to the inquiry of my friend and colleague I have to say that the committee gave this matter particular attention. I gave it considerable attention myself, and without going into details I have to say that in my judgment $30,000 will be an ample sum and that there will be no deficiency at the end of the year.

Mr. VANCE. What was the amount of appropriation last year?

Mr. ATKINS. The amount of appropriation last year was $27,500 and, as I have already stated, there was no deficiency.

Mr. KEIFER. A great deal of work was not brought up because of the smallness of the appropriation; I have been so told by all around me. The Commissioner when he estimated asked, as I understand the chairman of the committee, for $40,000 in order to bring up the work behindhand.

Mr. ATKINS. No, the original estimate made was for $40,000, but that was in view of the restoration of what had been destroyed by the fire; but in view of the very large deficiencies that have passed through this Congress, both at the extra session and at the present session, amounting to over $66,000, nearly $70,000, all these points have been covered, and consequently the $40,000 is not required. There was upon the part of the Commissioner a declaration that there could be a general reduction in these estimates, on account of the large appropriations we have already made by way of deficiencies arising out of the fire in the Patent Office building.

Mr. KEIFER. I move to strike out the last word.

The CHAIRMAN. There is only one word in it. [Laughter.]

Mr. KEIFER. Then I move to strike it all out. I desire to have this matter considered carefully. I have been unable to elicit any reasons from the chairman of the Committee on Appropriations or from my distinguished colleague on this side of the House why this appropriation should be reduced. We are told on this side it is all right, but we have no answer to the fact that in the estimates the Commissioner says he wants $5,000 more than is provided for. The chairman of the Committee on Appropriations at the same time wants to cut it down $5,000 more, making a difference between the estimates of the Commissioner and the amount proposed to be appropriated $10,000. I hope the committee will allow it to remain in the bill just as it is. It seems to me the committee had this under consideration, and, desiring to make some reduction from the estimates, they thought they would take off one-eighth, or $5,000, supposing the Commissioner had put on all that was ample. But now, after cutting down $5,000, they come in with an amendment to cut down $5,000 additional.

Mr. ATKINS. I gave the reason why the estimate was so large in the first instance.

Mr. KEIFER. I did not understand it.

Mr. ATKINS. I stated distinctly that it was increased to $40,000 on account of the fire, but that that was remedied by the large amount appropriated in the deficiency bill. There was consequently a reduction in the amount needed in this bill.

Mr. KEIFER. But this was reported since the deficiency bill.

Mr. ATKINS. The Commissioner agreed to cut down his estimates. The amount recommended here is the judgment of the subcommittee composed of the gentleman from Kentucky [Mr. DURHAM] and the gentleman from Ohio, [Mr. FOSTER.]

Mr. KEIFER. But the estimates were made since this bill was reported.

Mr. ATKINS. On the contrary, they were made last October.

Mr. KEIFER. I am told now the Committee on Appropriations do not know what the Commissioner of Patents wants for this purpose.

Mr. DURHAM. We do know.

Mr. KEIFER. We are told by the chairman of the committee that he wants $40,000.

Mr. DURHAM. That was the original estimate.

Mr. KEIFER. Now we are told something else. What is the estimate for the appropriation he now desires?

Mr. ATKINS. I hope the gentleman does not intend to misrepresent what I said.

Mr. KEIFER. Certainly not.

Mr. ATKINS. I said the estimate of the Commissioner last October was for $40,000 and that he subsequently was willing to assent to a reduction of his estimate to $35,000. I have not said that at any time the Commissioner was willing to assent to a less sum than $35,000; but I did say that the subcommittee composed of the gentleman from Kentucky, [Mr. DURHAM,] the gentleman from Ohio, [Mr. FOSTER,] and myself had investigated the matter and come to the conclusion that $35,000 was sufficient.

Mr. KEIFER. Then I understand the chairman of the committee to say that the appropriation which the Commissioner of Patents desires now is $35,000?

Mr. ATKINS. Yes, sir.

Mr. KEIFER. I understand that very well; and I do not see why it should be less. If we cut it down $5,000, that makes a large reduction from the amount for photolithographing that will be required by the Patent Office in all probability. The result will be that the machinery will stop and the necessary work will not be brought up. I think the men who have paid in advance for this work ought to have it done, and that promptly.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee, [Mr. ATKINS,] which will be again read.

The amendment was again read.

Mr. CONGER. Is that amendment offered by the Appropriations Committee?

Mr. ATKINS. It is offered by unanimous consent of the subcommittee.

Mr. CONGER. Is it by order of the Committee on Appropriations?

Mr. ATKINS. I will state to the gentleman frankly that the subject was never brought formally before the Committee on Appropriations as an entirety.

Mr. CONGER. I wish we might have the views of that committee upon it.

Mr. ATKINS. I wish to say further to the gentleman that it is offered under the general directions of the committee and with the consent of the committee.

Mr. CONGER. Obtained here?

Mr. ATKINS. No, sir; not obtained here. The amendment has been pending for weeks.

Mr. FOSTER. It has the unanimous approval of the committee.

The question being taken on the amendment of Mr. ATKINS, there were—ayes 71, noes 21.

So (further count not being demanded) the amendment was agreed to.

The Clerk read the following paragraph:

For photolithographing or otherwise producing copies of the weekly issues of drawings, to be attached to patents and copies, $35,000; the work of said photolithographing or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and in the city of Washington if it can be there done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

Mr. BUTLER. I offer the following amendment:

In line 1574 strike out the word "reasonable" and insert after the word "rates" the words "the same as elsewhere; those rates to be determined by bids after public advertisement as required by law;" and in line 1576 insert after the word "contracts" the words "after advertising for bids."

Mr. ATKINS. The committee are willing to accept that amendment.

The amendment was adopted.

The Clerk read the following paragraph, under the heading "surveyors-general and other clerks:"

For surveyor-general of the Territory of Dakota, $2,000; and for the clerks in his office, $3,500.

Mr. KIDDER. I offer the following amendment:

In line 1610, after the word "Dakota," strike out "$2,000" and insert "$2,500."

The surveyors-general of Montana, Utah, and Wyoming receive $2,750. The surveyors-general of New Mexico, Idaho, and Washington receive $2,500 each. The surveyor-general of Dakota receives only $2,000.

Now, in my judgment, if the honorable Committee on Appropriations had known the facts in relation to this matter as I understand them, they would certainly have raised the salary of this surveyor-general at least $500, to make it correspond to the salaries of other surveyors-general. I understand this to be the case: a little more than a year ago the Indian title to the Black Hills, so called, in Dakota Territory, was extinguished, and that country was opened to settlement. Since the discovery of gold and silver there this Territory has become equal in importance to any other Territory in the United States. The Commissioner of the General Land Office has recommended for the current year, in his estimates for surveys in this Territory, more than he has recommended for any other Territory. The duties and responsibilities of the surveyor-general of Dakota have more than doubled since the surveys include mineral lands. Within one year, since June, 1877, more than one hundred applications and orders have been issued for surveying mineral claims. I am satisfied from my own knowledge that these practically will be more than doubled or more than trebled in the next year.

For these reasons, Mr. Chairman, I think that the honorable gentlemen who have charge of this bill will consent to let this amendment be made.

Mr. ATKINS. I have only to state that the committee on this subject and all kindred subjects connected with the surveyors-general have followed the estimates. We have simply followed the estimates and the law of the last session. No one has come to the committee asking for an increase of the salary of the surveyor-general of Dakota. No head of a Department has made either an oral or a written request on that subject. We have simply followed the estimates and followed the law with regard to this particular salary as well, as with regard to all the other salaries of surveyors-general that are included in this bill.

Mr. ITTNER. I desire to ask a question of the chairman of the committee. I desire to ask why it becomes necessary to give the surveyor-general in Wyoming Territory $2,750, while the surveyor-general in Dakota Territory only receives $2,000. I would like to hear it explained why this large difference should exist in the salaries of those two officers.

Mr. ATKINS. That was settled some years ago, and was done on account of the increased price of living, as I understand, in the Territory of Wyoming as compared with the Territory of Dakota, and also on account of the very large extent of mineral lands in that Territory.

Mr. DURHAM. The Revised Statutes fix this thing. The gentleman will find that section 2208 reads as follows:

The surveyors-general of Louisiana, Florida, Minnesota, Kansas, Nebraska, and Iowa, and of Dakota Territory, shall each receive a salary at the rate of $2,000 a year.

I will also read in regard to this subject section 2209 of the Revised Statutes:

The surveyors-general of Oregon and of Washington shall each receive a salary at the rate of $2,500 a year.

And then, in answer to the gentleman, I will read section 2210:

The surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona shall each receive a salary at the rate of $3,000 a year.

It will be seen from that that the amendment changes existing law, for it increases the salary.

The question was taken on Mr. KIDDER's amendment, and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For surveyor-general of the State of Colorado, $2,500; and for the clerks in his office, $3,000.

Mr. PATTERSON, of Colorado. I move to amend that clause by striking out in line 1614 "$3,000," and inserting in lieu thereof "$5,000;" so as to make the appropriation for clerks, $5,000. I understood that the chairman of the Committee on Appropriations would accede to this amendment. I would call his attention to the fact that the estimate of the Department for the present year, for clerk hire alone, in the surveyor-general's office, in Denver, is $7,200, and the Commissioner has been particular enough in this matter to attach a note to his estimate showing the reasons for asking that amount. That note may be found upon page 47 of the Book of Estimates, and is as follows:

NOTE.—The $7,200 is estimated for the compensation of five clerks and draughtsmen in the surveyor-general's office, to attend to the office work consequent on surveys of public lands and mineral surveys, which latter are sensibly increasing in Colorado, and involve considerable labor in the preparation of the requisite work. Arrears of four years are reported by the surveyor-general, and, from the fact that the appropriation for the current year has been reduced to less than one-half the amount estimated, the present estimate will be actually needed for the service.

And yet I am content, although there is an estimate for $7,200, under these circumstances, to ask simply an appropriation of $5,000 for that work.

If it is the purpose of the chairman of the Committee on Appropriations to oppose the amendment I should like to give to the committee the official statement of the Secretary of the Interior, showing the amount of surveys of public lands that took place in this district during the year 1877. It shows that in the State of Colorado there were 1,581,058 acres of public lands surveyed, being more public lands surveyed in that one land district than in any other of the sixteen, and yet we find that in the State of California $10,000 is allowed for clerk hire. In the State of Minnesota, where not one-third of the amount of public lands were surveyed, $5,000 is allowed, and in the Territory of New Mexico, where less lands were surveyed than in Colorado, $5,000.

Colorado has more public lands and mineral lands to be surveyed to-day than in any other land district and yet the committee propose to allow only $3,000 for clerk hire. I would also state that there is an actual deficiency in the Surveyor-General's Office on account of this large amount of work done last year of $3,000. I think, therefore, that this increase of $2,200 less than was asked for by the Department should be willingly conceded by the committee.

Mr. ATKINS. I would only state in reply that the committee followed the law of last year in regard to the clerical force in this office, just as they did in regard to the other land offices.

Mr. PATTERSON, of Colorado. I understand the gentleman to state that the guide the committee adopted was the appropriation of last year without any definite information as to the wants of the service in the State that I have the honor to represent.

Mr. ATKINS. I do not admit that, so far as that is concerned. The committee determined when they reached this subject to follow the appropriation of last year, and we were not advised that there was any deficiency in the appropriation for Colorado.

Mr. PATTERSON, of Colorado. I understood in conversation with the chairman of the Committee on Appropriations that after seeing the statement of the Secretary of the Interior he thought the request was reasonable and that he would hardly oppose it, and I trust he will not do so, because it is absolutely necessary to a fair and proper conduct of the business of that district.

The question was taken on the amendment offered by Mr. PATTERSON, of Colorado; and there were ayes 25, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For surveyor-general of California, $2,750; and for the clerks in his office, $10,000.

Mr. PAGE. I move to increase the appropriation for clerks in the office of the surveyor-general of California from $10,000 to $15,000.

Mr. Chairman, after the success of my friend from Colorado in endeavoring to have an amendment sustained, I do not suppose there is much use in my making any attempt. But in justice to the people whom I have the honor in part to represent here, I desire to say that there are to-day over seventy million acres of unsurveyed land in the State of California.

My friend from Colorado said that there were more lands surveyed in the State of Colorado last year than there were in California. That is easily accounted for. If my friend will remember the manner in which the appropriation for this purpose was made last year, it was left to the Commissioner of the General Land Office to distribute the amount, and Colorado got as much again as the State of California. California pays into the Treasury more than all the other States and Territories put together. She paid into the Treasury in 1877 over three quarters of a million dollars.

Mr. DUNNELL. You mean from the sale of public lands.

Mr. PAGE. From cash sales of public lands, and she overbalanced all the other States and Territories combined; and now I ask that an additional appropriation of $5,000 be given to my State for this purpose.

Mr. DUNNELL. Can the gentleman refer——

Mr. PAGE. I will refer the gentleman to the reports of the Commissioner of the General Land Office, if that is good enough authority for him. The chief clerk of the surveyor-general of California has not received a dollar for three months; there is no money to pay him. There is a deficiency in that office of between two and three thousand dollars. I have frequently importuned the Committee on Appropriations to insert in a deficiency bill an amount sufficient to pay these officers, and it has not been done.

I would now ask if the committee is willing to cut off the necessary appropriations from the States where they derive such an immense revenue from the sales of public lands? If these lands were surveyed they would be brought into market and the money received for them would go into the Treasury of the United States. The people of California are being arrested for taking timber from the public lands simply because of the niggardly policy of the Appropriations Committee in refusing to make the necessary appropriations for the survey of the public lands in that State. The people of that country are being harassed and arrested simply because of the policy adopted by the Committees on Appropriations by refusing to give to the different States and Territories a sufficient sum to survey the public lands and put them into market.

I hope that the Committee on Appropriations—no, I do not hope it, because I know they will not do it; I have no hope that they will relent at all. I might stand here and talk an hour and recite the evidence showing how the General Government would be benefited and the people of the State of California would be benefited by an increase of appropriation for this purpose, and that money would be paid into the Treasury; and yet that committee would not consent to have their bill altered in the slightest respect.

Mr. WIGGINTON. Will my colleague allow me to ask a question?

Mr. PAGE. Certainly.

Mr. WIGGINTON. Does the gentleman believe that it would facilitate the survey of the public lands to increase the appropriation for the surveyor-general's office in California?

Mr. PAGE. I am surprised that my colleague, [Mr. WIGGINTON,] who represents an agricultural district, should ask me the question if it would facilitate the survey of the public lands in California to make an appropriation for clerks in the surveyor-general's office. I will not answer that question; let him answer it for himself. Under the control of the surveyor-general of California there are by the law of 1872 one hundred and twenty deputy mineral-land surveyors, who have to report to his office and the work has to be done in his office.

[Here the hammer fell.]

Mr. DURHAM. If I were to retort upon the gentleman from California [Mr. PAGE] when he talks about the niggardly disposition of the Committee on Appropriations by charging that he wants to make a place for some friend of his he would think it very hard, and I will not do it.

Mr. PAGE. Mr. Chairman——

Mr. DURHAM. Just wait a moment.

Mr. PAGE. No, I will not wait.

Mr. DURHAM. I might say that the one is just as proper as the other; but I am not going to make a statement of that sort.

Mr. PAGE. Because you know that it is not true; there is no foundation for it.

Mr. DURHAM. The one is as true as the other.

Mr. PAGE. I did not apply that remark to the present Appropriations Committee more than to any other.

Mr. DURHAM. Why did you not say so?

Mr. PAGE. I referred to the niggardly appropriations made by Congress.

Mr. DURHAM. You have already millions of acres of public lands surveyed in California which have not been taken up; why extend the survey?

Mr. PAGE. That is no reason at all.

Mr. DURHAM. As the gentleman has given up the question I will ask for a vote.

The amendment of Mr. PAGE was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For surveyor-general of Oregon, $2,500; and for the clerks in his office, $4,500.

Mr. WILLIAMS, of Oregon. I move to amend the paragraph just read by making the appropriation for the clerks in the office of the surveyor-general of Oregon $5,500, instead of $4,500 as reported in this bill.

I probably can hope for no better success than attended the efforts of the gentlemen who have preceded me in asking an increase of appropriation for the transaction of the business of the surveyor-general's office in the State of Oregon. I desire, however, to call the attention of the committee to the fact that a note accompanying the estimates shows that the business of that office is in some respects in arrears and has been since 1862.

I desire also to call attention to another fact, that when the Committee on Appropriations were asked here and refused to let the Legislatures of the several Territories remain as they are now organized not a single Delegate from one of those Territories indorsed the action of the committee. And I would state also that not a single Representative from any State where the Committee on Appropriations propose to reduce the amount for the public service in this respect indorses the action of the committee.

I would ask why gentlemen are sent here to represent directly the localities suffering from the neglect of the public service in this respect, if their advice is to be unheeded? In Oregon the public service has suffered since 1862 for the want of sufficient appropriations in this respect, as appears by the note I have called attention to. I do not ask for all that the estimates call for, but simply for an increase of $1,000 for clerks in the office of the surveyor-general of that State.

The gentleman from Kentucky [Mr. DURHAM] replied to the gentleman from California [Mr. PAGE] that there were public lands surveyed in California that had not yet been sold. I say to him that in Oregon the settlements have gone far in advance of the surveys of public lands. I receive every day letters from people who are living upon the public lands and who desire to purchase them, and they cannot do so because they are not yet surveyed.

I have received applications from the surveyor-general's office of Oregon for additional appropriations for his office, in order that he may complete the surveys for those who desire to purchase public lands. I have been compelled to answer him, as other gentlemen have been compelled to reply to similar communications, that an increase of appropriations cannot be obtained for that purpose. I do not stand here to ask any extravagant appropriations or to assail the Committee on Appropriations. I only ask the committee and the House to consider the claims of gentlemen representing these new districts, who ask to have the public service sufficiently and amply performed there. So far as I am aware there is no gentleman upon the Appropriations Committee from any one of these new States or Territories. These sections, then, are so far unrepresented upon that committee. When with one voice the representatives from these sections say that these appropriations ought to be increased their wishes ought to be heeded. This appeal does not come from republicans alone. The gentleman from Colorado [Mr. PATTERSON] makes the same appeal in the interest of his democratic constituency. I make the appeal in the interest of my constituency in the State of Oregon, without reference to their political feelings, for the efficiency of the public service alone.

[Here the hammer fell.]

Mr. ATKINS. I call for a vote.

The amendment was not agreed to.

The Clerk read as follows:

For surveyor-general of the Territory of Arizona, $2,750; and for the clerks in his office, $4,000.

Mr. DUNNELL. I move *pro forma* to amend this paragraph by striking out "three" and inserting "four." I make this motion that I may have an opportunity to reply for a moment to the gentleman from Kentucky, [Mr. DURHAM,] who in response to the gentleman from California [Mr. PAGE] stated that in California many thousands of acres of public lands which have been surveyed have not yet been entered. Now, the fact that lands which have been surveyed in a State have not been taken up under the land laws of the country does not show that there should be no extension of surveys. The present Chairman of the Committee of the Whole [Mr. EDEN] objected a few evenings since to a bill which recognized the right of an American citizen to enter upon any unsurveyed portion of the public lands. If we had no surveys at the present time in advance of settlement, where would the two hundred thousand or three hundred thousand people who have gone to the West the present year have found a settlement? They went upon lands that had been surveyed in the years that are past. In my State and in Dakota Territory this year probably one hunded and fifty thousand people have gone in and made settlements, and from one to two million acres of the public lands have been taken up. These settlements could not have been made this year if in prior years the lands had not been surveyed.

I insist, Mr. Chairman, that it is not simply for the interest of the Territories and the frontier States, but it is for the interest of the whole country, that at as early a day as possible the survey of at least the agricultural lands of the entire country should be completed and the surveys made matter of record, so as to facilitate that emigration which must be looked upon at this time as so desirable. It is a hopeful sign that unemployed men are leaving the cities of the East, are leaving New York, Pennsylvania, and the older States, and going out to the West to settle on the prairies or in the Territories. I say it is for the interest of the whole country that our public lands, especially the agricultural lands, should be surveyed as soon as possible.

Mr. ATKINS. Do not the public lands already surveyed embrace many million acres of waste lands which can never be cultivated and can never be of value?

Mr. DUNNELL. That may be the case to a considerable extent.

Mr. ATKINS. Does not the gentleman think there is a necessity for reform in that direction; that we should change our system of surveying the public lands; that we should survey the public lands fit for agriculture and allow the others to remain unsurveyed?

Mr. DUNNELL. I am clearly of the opinion that our agricultural lands should be first surveyed; and I especially object to the survey of portions of the timbered lands of the country. I admit that there should be legislation with regard to our timber lands.

Mr. WILLIAMS, of Oregon. I desire to state to the chairman of the Committee on Appropriations [Mr. ATKINS] a reason why many portions of our public lands not desirable for settlement are surveyed. In extending the public surveys it is necessary that it be done systematically and that they be connected with the surveys already made and to the general plan as near as possible; hence large sections of the country not valuable or desirable for settlement must be embraced in those surveys. Such lands of course remain unsold; but it is equally true that where lands are desirable for settlement in Oregon, for instance, and in Minnesota I doubt not, the settlements are to-day a long way in advance of the public surveys.

Mr. DUNNELL. I withdraw the amendment.

Mr. WIGGINTON. I move to add to the pending paragraph the provision that I send to the Clerk.

The Clerk read as follows:

That on and after the 1st day of July, A. D. 1879, the office of surveyor-general in the States of California, Colorado, Florida, Louisiana, Minnesota, Nebraska, Iowa, Nevada, and Oregon, and also the office of surveyor-general in the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming, be, and the same are hereby, abolished, and such of the archives and records then in the offices of said surveyors-general as may not be required for the office of the Commissioner of the General Land Office shall be turned over to the governors of the several States and Territories upon the same terms and conditions and in the same manner that the archives have heretofore been delivered to the State authorities in States where the public surveys have been completed and the offices of the surveyors-general closed. That in case no provision has been made by State Legislatures for accepting the surveying archives and records thereof in conformity with section 2218 of the United States Revised Statutes, the completed and unfinished surveys shall be transferred to the office of the Commissioner of the General Land Office for completion and ultimate delivery to the State authorities.

The furniture, fixtures, and all Government property in the offices of the surveyors-general in the several States and Territories shall be sold under the direction of the Commissioner of the General Land Office, and the proceeds of the same covered into the Treasury of the United States.

That the surveyors of public lands, private land claims, mineral claims, and boundaries between the several States and Territories, military and Indian reservations, and other surveys, when provided for by law, shall be made by competent engineers and surveyors, to be employed by the Commissioner of the General Land Office, whose compensation, as well as that of the *personnel* of their respective field-parties, shall be as now fixed by law.

Mr. PAGE. I make a point of order on this amendment.

Mr. WIGGINTON. I hope my colleague will not do that. Let the proposition stand on its merits.

The CHAIRMAN. The gentleman from California will state his point of order.

Mr. PAGE. I will do so. The amendment just read evidently changes existing law; and nothing upon the face of the amendment shows that it retrenches expenditures. For the information of the House and the Chair, I send to the desk to be read an extract from the proceedings of the last Congress, when my colleague, [Mr. WIGGINTON,] who now presents this amendment, offered a similar proposition, upon which a point of order was made; and the Chairman of the Committee of the Whole, the gentleman from Missouri, [Mr. BUCKNER,] decided the point of order well taken.

Mr. WIGGINTON. I only wish to discuss the question. I do not say that it is not subject to the point of order.

Mr. PAGE. My colleague admits it is liable to the point of order.

Mr. WIGGINTON. I ask my colleague to withhold his point of order until I can be heard on the amendment.

Mr. PAGE. Oh, no; my colleague will have an opportunity to be heard on this question at another time.

Mr. MAGINNIS. If the point of order is withdrawn I renew it. This is not the place on an appropriation bill to discuss the great question of breaking up the public-land system of the United States.

Mr. WIGGINTON. The office of surveyor-general ought to be abolished, as it is entirely useless and the money expended for keeping up that office might be profitably used in the survey of the public lands. The proposition I make is not against the interest of the settler, but on the contrary is in his interest and behalf.

Mr. PAGE. I object to debate.

Mr. WIGGINTON. Let the gentleman withhold his point of order until I can be heard.

Mr. MAGINNIS. I renew it if it is withdrawn.

Mr. WIGGINTON. They are afraid of this proposition. If I am radically wrong why should they be afraid of it? I say it is in the interest of economy and the accurate survey of the public lands.

The CHAIRMAN. Is there objection to the gentleman from California being heard on this proposition?

Mr. PATTERSON, of Colorado. This question has been before the Committee on Public Lands and voted down—this very same proposition.

Mr. WIGGINTON. Am I not entitled to five minutes? [Cries of "Regular order!"]

The CHAIRMAN. The Chair understands the gentleman from California admits the proposition is liable to the point of order.

Mr. WIGGINTON. I say it is in the interest of economy and the accurate survey of the public lands.

Mr. PAGE. Then I ask the decision of Mr. BUCKNER on this very question be read.

Mr. WIGGINTON. I propose to speak to the point of order.

The CHAIRMAN. Does the gentleman concede it is liable to the point of order?

Mr. WIGGINTON. My proposition is in itself a reduction of expenses.

The CHAIRMAN. Does the gentleman wish to speak to the point of order?

Mr. WIGGINTON. I do.

The CHAIRMAN. Very well; the Chair will hear the gentleman from California.

Mr. WIGGINTON. I say it is a reduction of expenses. It is in the interest of accurate and speedy survey of the public lands. It is directly in the interest of those who desire to take up the public lands either as settlers, miners, or otherwise. We appropriated last year $ 57,000 and odd to pay the expenses of the offices of these surveyors-general.

Mr. PAGE. I insist, Mr. Chairman, that my colleague is not discussing the point of order; but, on the contrary, discussing the merits of the proposition.

Mr. WIGGINTON. We have now claims for deficiencies in this office amounting to several thousand dollars more. This bill appropriates about $100,000 for this purpose. I say, without fear of contradiction, that there is not a gentleman upon this floor who can give any good reason for the further expenses of this office of surveyor-general. The surveyor-general has nothing to do with surveying the public lands. You may appropriate a million dollars to the surveyors-general of the States and Territories, and not one single dollar would be used for public surveys. It is in another place you appropriate money for surveys. Last year this House appropriated $300,000 for surveying public lands and private land claims. In other words, you give to the surveyors-general in the several States and Territories sixty-three cents in order to enable them to expend in actual survey $1. It costs sixty-three cents to the office of the surveyors-general to expend $1 in the field. If this money were appropriated to the survey of the public lands, without the intervention of the surveyors-general in the States and Territories, it would expedite business and be the means of surveying more land.

Mr. PATTERSON, of Colorado. Will the gentleman allow me to ask him a question?

Mr. WIGGINTON. Certainly.

Mr. PATTERSON, of Colorado. In speaking about the expenditure of sixty-three cents for every dollar of actual survey made, I ask if that sixty-three cents is not for work that is done in the surveys themselves?

Mr. WIGGINTON. No.

Mr. PATTERSON, of Colorado. In defraying the expense of the work, making plats and maps and making copies and sending them to various land districts—for work in fact requisite in making the actual survey?

Mr. WIGGINTON. No, sir; so far as private land claims and mineral lands; the individual applying for the survey pays the expense, and we have nothing to do with it. Contracts are made for the survey of the public lands for agricultural and other purposes, not mineral land, and under those contracts the parties taking them are bound to do the work in the field and return the plats to the surveyor-general's office. When these plats are returned the only service possible that the surveyor-general with all his clerks and this large appropriation can be to the Governmeat is to make three or four copies. He has no original jurisdiction or power in any way. He cannot make a contract for a survey of one single section of land without the concurrence and consent of the Commissioner of the General Land Office. He is a hinderance and delay to the surveys of the public lands. It now requires about three months longer to get a survey made by reason of his intervening between the party seeking a survey and the Government. It takes three months longer now than if we had him out of the way. I say there can be but one possible use for him, and that is to continue the great number of Federal offices we have in this Government. There can be no other reason.

Mr. MAGINNIS. I wish to ask the gentleman whether it is not the fact that the surveys heretofore made from the city of Washington—the Indian's surveys—have not been jobs, and if there is not a danger that under a centralized system all the surveys of public lands would run into jobs of that character?

Mr. WIGGINTON. I do not know of any of the surveys which have been done lately under the surveyors-general that have not been jobs. I say the true theory is to survey no public lands in advance of settlement. I do not propose the surveys shall be made by men from Washington. There are in California one hundred and twenty deputies now.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I think the point of order is well taken. If gentlemen will examine the amendment they will see that it does not propose to affect the appropriation in this bureau at all; and not proposing to reduce the expenditure, of course it does not come within the rule.

Mr. ITTNER. I understood the gentleman from California to admit that the point of order was well taken. If that be the case, why should we waste further time in discussing the question?

Mr. HEWITT, of Alabama. I do not propose to discuss that question. Only I had to start out with it.

Now, Mr. Chairman, the gentleman from California says that no member can give any good reason why the office of surveyor-general should be continued. This office was established in 1820 or 1821; and from then till now or till the last Congress I know of but one movement that has ever been made to abolish it. In 1829 Mr. Foot, then a Senator from one of the New England States, introduced a resolution of inquiry as to whether or not these offices should be abolished. This was in the session of 1829–'30, and his resolution was absolutely rejected. The Senate of the United States would not even inquire into that question. It was so patent to everybody that it was an important office that they would not make the inquiry, but rejected it. From that time till the gentleman from California [Mr. WIGGINTON] came here as a Representative, the policy of this system has never been questioned so far as I remember. I believe that gentleman questioned it in the last session of Congress.

Now, sir, I have not time in five minutes to give the reasons why this office should not be abolished. But if you will examine the amendment you will see it proposes to abolish the office and to authorize the Commissioner of the General Land Office to appoint surveyors, but it fails to confer the power upon him that is conferred upon these surveyors-general.

[Here the hammer fell.]

Mr. PAGE. I do not desire to add anything to what has been already said. But having made the point of order, I will simply say this in reply to my colleague, [Mr. WIGGINTON,] that when this measure shall come into this House in a proper way, as a report of a committee, to abolish the office of surveyor's-general of States and Territories, I shall then consider it my duty to discuss it and give such reasons as may commend themselves to my judgment why I think it ought not to pass. But at present I think it has no business here in this bill, and I respectfully submit the point of order for the decision of the Chair.

The CHAIRMAN. The Chair is ready to rule upon the point of order that has been raised.

In the last House a similar amendment was submitted in the Committee of the Whole, and the gentleman then in the chair ruled that the point of order was well taken. The Chair is of opinion that there may be a very good argument made in favor of the amendment being in the direction of economy; but it was held by Mr. Speaker Kerr in the last House that in order to make the new legislation come within the rule it must be apparent on the face of the amendment that it is in the line of retrenchment.

This amendment abolishes certain offices and provides that the duties now performed by those officers shall be performed under a different system which is to supersede the present system. But there is nothing in the amendment from which the Chair can determine what the new arrangement would cost. Hence the Chair cannot say on the face of the amendment that it is in the line of retrenchment, and therefore he feels compelled to sustain the point of order.

The Clerk read the following paragraph:

That public lands situated in States in which there are no land offices may be entered at the General Land Office, subject to the provisions of law touching the entry of public lands; and that the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury.

Mr. PAGE. I would like to hear some explanation of this from the chairman of the committee. This seems to be new legislation.

Mr. ATKINS. No, sir; it was in the last appropriation act.

Mr. MAGINNIS. It seems to be all right.

Mr. PAGE. Very well.

Mr. CORLETT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out all after the word "lands," in line 1651, and inserting the following:

And that the necessary proofs and affidavits required in all cases under the homestead and pre-emption laws may be made before any officer competent to administer oaths under the law of the State or Territory where the applicant resides: *Provided*, That the official character of the officer taking such proofs or affidavits shall be duly certified by the clerk of a court of record and the moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury.

Mr. CORLETT. I desire to say a few words in explanation of this amendment.

Mr. ATKINS. I see no objection to it.

Mr. DUNNELL. I desire as a modification of the amendment that after the word "pre-emption" there should be inserted "timber-culture." It should read "homestead, pre-emption, and timber-culture laws."

Mr. CORLETT. I have no objection to that.

Mr. DUNNELL. It is proper that that modification should be made.

Mr. CORLETT. I will accept the modification.

The question was put upon Mr. CORLETT'S amendment; and the Chairman announced that the ayes had it.

Mr. ATKINS. I wish to ask the gentleman from Wyoming if his amendment applies to all the States?

Mr. CORLETT. It applies to all the cases that occur in the States or Territories.

Mr. ATKINS. Does it apply to those States where there are no land offices?

Mr. CORLETT. It applies to all, because there is no reason why a man should be required to go to a land office in a case of this kind or come to Washington when his case is referred here.

The object of the amendment is simply to permit the party to make the affidavits required to be made under the homestead, pre-emption, and timber-culture law before any person competent to administer the oath, and then have the official character of that officer certified to by the clerk of a court of record. Section 2294 of the Revised Statutes provides that this may be done in homestead cases, and the object of the amendment is to permit it to be done in all cases.

Mr. DUNNELL. There is some misunderstanding in regard to the amendment. I had supposed that it was intended to apply to the first portion of the provision in the bill, but the gentleman speaks of it now as being applicable to all the States and Territories.

Mr. PATTERSON, of Colorado. Is there any reason why it should not?

Mr. CORLETT. The very object is to apply it to all cases. There ought to be a general law on the subject. There is no reason why a man should be required to go one hundred and fifty miles to swear to an affidavit. He may just as well do it before any officer authorized to administer oaths, and then have the official character of that officer certified to by the clerk of a court of record.

As gentlemen do not seem clearly to understand the purpose of my amendment I will be more explicit in stating my purpose, a statement I would have gladly made before the question was taken on the amendment, if the honorable chairman of the Committee on Appropriations had not accepted it before I had any opportunity of doing so.

It is well understood by those who are at all acquainted with the subject that the lands sought to be taken up under the homestead and pre-emption laws may be, and often are, situated at remote distances from the local land office of the district wherein the lands are situated. If parties settling upon the public lands and desiring to obtain title thereto from the United States are to be required to visit the land office every time they are required to make an affidavit, made necessary by the law as a part of the procedure under which title is obtained, then the beneficent features of these laws, made in the interest of settlers upon the public domain, will be in part at least destroyed. I will give an instance to illustrate how the present state of the law operates. In the Territory of Wyoming there is a large and prosperous agricultural settlement in what is known as the Wind River Valley. These people are all about two hundred and fifty miles from the local land office, and cannot, as I believe, make a single trip to the land office and return at an expense short of $75. Under the present state of the law these people may make the affidavits required in homestead applications before the clerk of a court of record; but unfortunately they have to travel one hundred and fifty miles to get to such an officer. Some of these people who have experienced the operation of the present law have appealed to me to know if they cannot be relieved from the unnecessary burden of the law as it now stands. I know of no way in which the difficulty can be obviated except by some such legislation as is embraced in my amendment. The homestead and pre-emption laws were enacted for the benefit of poor men and women. Hence in all their features they should be so framed as to enable these people for whom they were designed to avail themselves of their benefits, and not "keep the word of promise to the ear and break it to the hope." I therefore hope no objection will be made to this amendment.

The CHAIRMAN. The Chair has announced that the amendment was adopted, and this debate is not in order. Does the gentleman from Tennessee ask for a further count?

Mr. ATKINS. I do.

Mr. HANNA. Do I understand that the Committee on Appropriations object to this amendment?

Mr. DURHAM. We do; because we do not understand it.

Mr. HANNA. Then for God's sake let us sit down until you do understand it, for it will be a saving of thousands of dollars to the people.

Mr. ATKINS. I thought there was a misunderstanding as to the application of the gentleman's amendment to the paragraph. I thought it was intended to apply to the States where there are no land offices, but he says he proposes to apply it to all the States.

Mr. HANNA. Let me give you a case by way of suggestion.

Mr. ATKINS. I have no feeling about the matter.

Mr. HANNA. I know that; but I am satisfied that if it was understood there would be no objection to the amendment. Suppose a man in one of the Territories——

The CHAIRMAN. This debate is all out of order.

Mr. HANNA. It seems to me that we ought to have an opportunity in this House to have matters sufficiently explained to vote intelligently upon them.

The CHAIRMAN. The Chair is bound to enforce the rules of the House.

Mr. HANNA. I call for the reading of the section as it is proposed to be amended.

The Clerk read the paragraph.

Mr. ATKINS. I withdraw my demand for a further count.

The CHAIRMAN. No further count being demanded, the amendment is agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,200; stenograper, $1,500; appointment clerk of class 4, in lieu of a fourth-class clerk now provided for; one clerk of class 3 (office of Assistant Attorney-General for Post-Office Department;) one messenger (clerk of class 1,) $1,200; one assistant messenger; topographer, $2,500; temporary employés, $15,000; in all, $34,520.

Mr. ATKINS. I am instructed by the Committee on Appropriations to offer the following amendment:

In line 1664 strike out "three" and insert "four;" so that it will read:

One clerk of class 4, (office of the Attorney-General for the Post-Office Department.)

And in line 1669 strike out "five" and insert "seven;" so as to make the total $4,720.

The amendment was agreed to.

Mr. MONEY. I move, in line 1663 and 1664, to strike out the words "of class 3" and to add after the word "Department," in line 1665, the words "two thousand;" so that it will read:

One clerk, (office of the Assistant Attorney-General Post-Office Department,) $2,000.

I have great deference for the gentlemen composing the Committee on Appropriations, and appreciate their industry and care in the preparation of this bill, but I must insist upon this amendment because the salary provided for in the bill is not at all what this clerk ought to receive. He must be a lawyer and a good lawyer, and we have the anomalous fact that he has a clerk under him at $1,800 and two others at $1,600 each.

The character of work demanded of him is such that it is absolutely necessary to have not only a good lawyer but a man of fine common sense, of great industry, and great energy. At present the place is filled by a gentleman who has commended himself highly to the Committee on the Post-Office and Post-Roads by the attention he has given us and the industry he has shown in supplying us with information. To this office has to be submitted decisions in relation to postmasters all over the country. Heretofore the decisions in regard to the pay of postmasters have been illogical and conflicting. Questions must come from various parts of the country and it is necessary that there should be in this place a man who understands the law on the subject and who will give to the questions great care and attention.

Mr. ATKINS. What business has the Assistant Attorney-General of the Post-Office Department to do except to supply information of that sort? The bill contains an appropriation for a sixteen-hundred-dollar clerk, and the Committee on Appropriations have agreed to give an eighteen-hundred-dollar clerk. Now the gentleman wants to magnify the office still more and give to this clerk $2,000.

Mr. CALDWELL, of Tennessee. I will answer the gentleman if he will allow me.

Mr. ATKINS. Certainly.

Mr. CALDWELL, of Tennessee. The office of the Assistant Attorney-General for the Post-Office Department is a very important one. In a letter which was sent to the Speaker——

Mr. ATKINS. I thought the gentleman was going to ask a question, not to make a speech.

Mr. CALDWELL, of Tennessee. In a letter which was sent to the Speaker of this House by the Postmaster-General it was stated that during the last year over a thousand cases had been decided by the Assistant Attorney-General for this Department. This office, this clerk, is intended to be an assistant to the Assistant Attorney-General. He must be a laborious and intelligent officer, a good lawyer; such a one as they have there at present. It occurs to me that $2,000 is not an exorbitant salary for such an office.

Mr. ATKINS. I do not believe that ten or twelve years ago there was a single Assistant Attorney-General of the United States. Now we have three regular Assistant Attorneys-General, and here is another assistant, and the gentleman proposes to give an assistant to this Assistant Attorney-General.

Mr. CALDWELL, of Tennessee. Oh, no.

Mr. ATKINS. Yes, that is the substance of it; to make another assistant, an assistant to the Assistant Attorney-General in the Post-Office Department, at a salary of $2,000 a year. The estimate for this clerk was $1,600; but the Committee on Appropriations were importuned so much on the subject, (I do not refer to the Committee on the Post-Office and Post Roads, but to others,) were asked to increase the salary, and we have increased it to $1,800. Now the gentleman proposes to increase it to $2,000. I leave that question to the Committee of the Whole.

Mr. CALDWELL, of Tennessee. I desire to call the attention of the gentleman to the provision of this bill under the head of "General Land Office," in line 1449 of the bill, "law clerk, $2,000." There they provide $2,000 for an officer to discharge identically the same duties that this clerk has to perform. Then in line 1874 I find this: "One law clerk, $2,000." That is for the office of the Attorney-General, a clerk to discharge the same duties that this clerk discharges. Now, why not allow the clerk in the office of the Assistant Attorney-General for the Post-Office Department the same compensation that is allowed to similar clerks in other Departments?

Mr. DURHAM. I will not answer that. The Department did not ask for such a clerk, only for a $1,600 clerk, and we have given the Department an eighteen-hundred-dollar clerk. Certainly the Department knows how to appreciate the services of such a clerk, and they only ask for $1,600 for him.

The question was taken upon the amendment of Mr. MONEY; and upon a division there were—ayes 14, noes 61.

No further count being called for, the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For First Assistant Postmaster-General, $3,500; chief clerk, $2,000; two clerks of class 4; ten clerks of class 3; five clerks of class 2; twelve clerks of class 1; three clerks, at $1,000 each; one assistant messenger; superintendent of blank agency, $1,800; assistant superintendent of blank agency, $1,600; four assistants to superintendent of blank agency, at $1,200 each; two assistants to superintendent of blank agency, at $900 each; one assistant messenger; two pages, at $480 each, (for blank agency;) superintendent of free delivery, $2,100; one clerk of class two, (office of superintendent of free delivery;) in all, $65,400.

Mr. MILLS. I move to amend the paragraph just read so as to provide for five assistants instead of four assistants to superintendent of blank agency. I move this amendment for the reason that the

business of that office is constantly increasing. The same force which the Committee on Appropriations now provide for was in this office in 1868, when there were in operation in the United States 26,481 post-offices; while on the 1st day of March last the number of post-offices was 38,286, an increase of 10,805. It must be evident to every one that the present force is entirely inadequate.

Mr. ATKINS. I desire to say that I reserve the point of order upon the amendment.

Mr. MILLS. It is too late for the gentleman to reserve a point of order after I have discussed the amendment.

Mr. ATKINS. I am willing that the gentleman should keep on with his argument, but I want to reserve the point of order.

The CHAIRMAN. The point of order is too late.

Mr. MILLS. The force now employed in the office of the superintendent of blanks is entirely inadequate to perform the work required of distributing blanks to all the post-offices in the country. In a letter to me the superintendent of the blank agency says:

> No increase of this force has been made until the present time, when it is proposed to add one messenger and two pages. To such an extent has the work increased that the clerks are compelled to work nights and Sundays, and for several weeks at the beginning of each quarter, and even with this extra work they are frequently eight or ten days in arrears. In October last the stationery division, which includes also the entire transactions of the Department with the Government Printing Office, was transferred to the control of the superintendent of the blank agency. The clerk who has been in charge of this work was assigned to other duties, and one of the assistants of the blank agency was detailed to the work.

So that we find that the work is constantly increasing in this bureau of the Post-Office Department because of the increase of post-offices in the country; and yet the force now is the same that it was in 1868, although we have eleven thousand more post-offices to-day than there was at that time, and the ratio of increase of post-offices is five hundred per annum.

Now, Mr. Chairman, I do not think this is just economy. In fact I do not entirely comprehend the statesmanship of that sort of economy which continually cuts down the capacity of the Departments to attend to their work, but never looks to the reduction of taxation to be taken from the pockets of the people. My idea of proper economy is that which relieves the burden of taxation. The statesmanship of the leaders of the democratic party in this House has never yet gone far enough to relieve the taxation of the people; it takes the same number of dollars from their pockets year by year and only stickles about how the money is to be expended. It cuts down the machinery of the Government and gives money to Paris expositions, Philadelphia shows, and other propositions of that kind that come here commending themselves to our admiration.

Mr. ATKINS. The Committee on Appropriations in this case followed the estimate, there being only four assistants estimated for. I will state further that the statute provides for four assistants at a salary of $1,200 each.

The amendment was not agreed to.

The Clerk read as follows:

> For Second Assistant Postmaster-General, $3,500; chief clerk, $2,000; chief of division of inspection and equipment, $2,000; seven clerks of class 4; twenty-two clerks of class 3; thirteen clerks of class 2; ten clerks of class 1; six clerks, at $1,000 each; one assistant messenger; one page, $480; in all, $92,700.

Mr. ATKINS. I move to amend by striking out "six" in line 1692 and inserting "five;" so as to provide for "five clerks at $1,000 each." I also move to amend by making the total of the paragraph "$91,700."

The amendment was agreed to.

The Clerk read as follows:

> For Third Assistant Postmaster-General, $3,500; chief of division of dead letters, $2,250; chief of division of postage-stamps, $2,250; four clerks of class 4; twelve clerks of class 3; twenty clerks of class 2; twenty-five clerks of class 1; sixteen clerks, at $1,000 each; fifty-four female clerks, at $900 each; two assistant messengers; one page, $480; for laborers, $3,000; three female laborers, at $480 each; in all, $163,360.

Mr. BUNDY. I move to amend by striking out in line 1702 the word "sixteen" and inserting "twenty-two;" so as to provide for twenty-two clerks at $1,000 each. Upon one proposition I suppose members of the Committee of the Whole will all be united; that is, to make such appropriations and provisions in this bill as shall best secure faithful postal service throughout the country. While it may not be well for us in the present condition of the country to be liberal, we cannot afford to be illiberal in providing for a service in which every man, woman, and child in the land is so directly interested. I feel justified in saying that in the judgment of the people the postal service stands second only to that of the Treasury Department.

I do not question that the Committee on Appropriations, in preparing this bill, have been diligent in the effort to ascertain the necessities of the postal service. While I do not doubt their diligence and efficiency, I have taken occasion to make careful inquiry of those who are so situated in the Post-Office Department as to afford to us reliable information, and I learn from the Third Assistant Postmaster-General that the clerks needed in his department in addition to those provided for in this bill are two in the division of finance, five in the division of postage-stamps, two in the dead-letter division, and two in the division of registered letters. My amendment proposes to authorize but six additional clerks, at $1,000 each—not conforming fully to the request of the Third Assistant Postmaster-General. I offer this amendment, believing that, while it is a compromise compared with the number asked for, it is really in the interest of the postal service.

I hold in my hand a statement which I desire to have incorporated in my remarks showing the percentage of increase or decrease on various items of the postal service for the years 1860, 1865, 1870, 1875, and 1877. This statement shows an increase of over 220 per cent. in the revenues of the Department, and an increase of only 125 per cent. in its expenditures, thus supporting my proposition that we can afford to be liberal toward a Department which approximates in many respects to a self-supporting basis.

It will be remembered that during the period covered by this statement there has been inaugurated the money-order system, which the statistics show to be nearly self-sustaining. It is true that the clerical force in the Post-Office Department has been very largely increased; but this statement shows that the increase of revenue is nearly 100 per cent. in advance of the increase of clerical force.

This statement, I think, will prove valuable for future examination. I trust that the amendment will prevail.

The statement referred to by Mr. BUNDY is as follows:

Statement showing the per cent. of increase or decrease on the following items of the postal service for the years 1860, 1865, 1870, 1875, and 1877.

Items.	June 30, 1860.	June 30, 1865.	Per cent. increase or decrease of 1865 as to 1860.		June 30, 1870.	Per cent. increase or decrease of 1870 as to 1865.		Remarks.
			Increase.	Decrease.		Increase.	Decrease.	
Ordinary postal revenues	$8,518,067.40	$14,556,158.70	70.88		$19,772,220.65	35.83		
Total expenditures	*$19,170,609.89	$13,694,728.28		28.56	$23,998,837.63	75.24		
Number of railroad routes	349	337		3.43	538	59.64		
Length of railroad routes	27,129	23,401		13.74	43,727	86.85		
Aggregate miles of annual transportation on railroad routes	27,653,749	24,087,568		12.89	47,551,970	97.41		
Number of other routes	8,153	5,675		30.39	8,323	46.66		
Length of other routes in miles	213,465	118,939		44.28	187,505	57.64		
Aggregate miles of annual transportation on other routes	47,071,027	33,905,926		27.96	49,473,026	45.90		
Number of contractors	7,445	5,019		32.58	7,295	45.34		
Number of stamps and stamped envelopes issued	245,650,685	412,459,880	67.90		549,471,695	33.21		
Number of stamped wrappers issued		1,165,750			4,936,250	323.00		From June 30, 1865.
Number of postal cards issued								
Number of dead-letters received	†2,000,000	4,456,448	122.82		4,152,400		6.82	
Number of dead-letters returned	31,017	1,265,561	3,980.00		1,606,646	26.95		
Number of post-offices	28,498	28,882	1.34		28,492		1.35	
Number of complaints of depredations received	2,457	2,563	4.31		3,071	19.82		
Number of arrests made	79	125	5.82		143	14.40		
Number of money-orders issued		‡74,277			1,671,253	2,148.60		From June 30, 1865.
Value of money-orders		$1,360,122.52			$34,054,184.71	2,404.00		From June 30, 1865.
Excess of expenditures over revenues	$6,356,533.23	§—$861,430.42			$4,226,616.98			
Per cent. of deficiency as compared with revenue	—74.6							
Departmental officers and employés	99	105	6.06		302	187.62		

* This amount includes $4,296,009.26 appropriated for the deficiency for 1859, leaving the actual expenditures for 1860, $14,874,600.63, and making the actual per cent. of increase in expenditures during the seventeen years 125. Deducting the appropriation for deficiency from the apparent excess of expenditures, the actual expenditures for 1860 are $6,356,533.23, making the per cent. of deficiency as compared with revenue —74.6.

† Estimated; no accurate account appears to have been kept previous to 1865.

‡ From November 1, 1864.

§ The excess of the revenue in 1865 is in consequence of the abandonment of the mail service in the Southern States.

Statement showing the per cent. of increase or decrease on the following items of the postal service for the years 1860, 1865, 1870, 1875, *and* 1877.

Items.	June 30, 1875.	Per cent. increase or decrease of 1875 as to 1870.		June 30, 1877.	Per cent. increase or decrease of 1877 as to 1875.		Per cent. increase for 17 years.	Remarks.
		Increase.	Decrease.		Increase.	Decrease.		
Ordinary postal revenues	$26,791,360.59	35.50		$27,531,585.26	2.76		223.00	
Total expenditures	$33,611,309.45	46.00		$33,496,392.44		.37	74.67	
Number of railroad routes	871	61.90		958	9.98		174.50	
Length of railroad routes	70,083	60.20		74,546	6.36		174.70	
Aggregate miles of annual transportation on railroad routes	75,154,910	58.00		85,358,710	13.57		208.66	
Number of other routes	7,412		10.94	8,276	11.65		1.50	
Length of other routes in miles	207,790	10.80		218,274	5.00		2.25	
Aggregate miles of annual transportation on other routes	58,667,306	18.58		61,994,541	5.50		31.70	
Number of contractors	6,280		13.9	6,018		4.17	¶—19.16	
Number of stamps and stamped envelopes issued	858,040,775	56.00		868,247,169	1.18		253.44	
Number of stamped wrappers issued	22,850,250	362.90		21,991,250		3.75	178.64	From June 30, 1865.
Number of postal cards issued	‖107,612,000			170,015,500	58.00			
Number of dead-letters received	4,163,147	.25		3,288,290		21.00	64.40	
Number of dead-letters returned	1,708,285	6.32		3,265,081	91.13		10,426.70	
Number of post-offices	35,547	24.70		37,345	5.62		30.69	
Number of complaints of depredations received	5,645	83.80		7,039	24.67		186.00	
Number of arrests made	307	114.69		543	76.87		587.30	
Number of money-orders issued	5,006,323	199.62		4,925,931		1.50	6,531.50	From June 30, 1865.
Value of money-orders	$77,431,251.58	127.37		$72,820,509.70	5.95		5,254.70	From June 30, 1865.
Excess of expenditures over revenues	$6,819,948.86			$5,954,737.18				
Per cent. of deficiency as compared with revenue				+21.62				
Departmental officers and employés	384	27.15		373		2.86	276.76	

¶ It was customary, previous to 1872, to include the carriers on special routes in the number of contractors.
‖ Act authorizing postal cards, approved January 8, 1873.

Mr. DIBRELL. As an amendment to the amendment of the gentleman from New York [Mr. BUNDY] I offer the following:

In line 1700 strike out "twelve" and insert "fifteen;" in line 1701, after the word "twenty," insert "four;" in the same line strike out "twenty-five" and insert "thirty-three;" in lines 1702 and 1703 strike out "sixteen clerks, at $1,000 each;" so that, if amended, the clause will read: "fifteen clerks of class 3; twenty-four clerks of class 2; thirty-three clerks of class 1."

This amendment leaves the number of clerks in that Department just as at present. The bill proposes to dispense with fifteen clerks of class 1 and to allow sixteen clerks at $1,000 each. The amendment leaves the number and salaries of these clerks just as they are now. It is known to everybody that the first-class clerks do as much work as those of the fourth class and receive but $1,200. The Committee on Appropriations propose to reduce the compensation to $1,000.

Mr. ATKINS. In this bill we have given the postal service an increase of eighteen employés. The present law is three hundred and twenty-seven, while this bill proposes to give them three hundred and forty-five. I do not know how much the amendment of my colleague will swell the general aggregate.

Mr. DIBRELL. Four thousand dollars only and to the amount only allowed by the last Congress.

Mr. ATKINS. It disturbs the classification we have made for the several bureaus in the Department—First, Second, and Third Assistant Postmasters-General. My opinion is we have given ample force with the amendments the committee intend to offer. I hold in my hand two amendments I shall offer at the proper time.

The CHAIRMAN. The question recurs on Mr. DIBRELL's amendment to the amendment.

Mr. WHITE, of Pennsylvania. Does this increase the number of clerks the necessity for which was indicated by the gentleman from New York?

Mr. DIBRELL. I did not hear the amendment of the gentleman from New York. I was not in when it was read.

Mr. WHITE, of Pennsylvania. The amendment of the gentleman from New York increases the number of clerks from sixteen to twenty-two. Now, does the proposition of the gentleman from Tennessee meet the necessity indicated by the gentleman from New York?

Mr. DIBRELL. I think it does. My amendment proposes to leave the number at what it now is. The bill proposes to reduce that number sixteen and to make sixteen new clerks at $1,000. I propose to leave the number at the present salaries of twelve, fourteen, and sixteen hundred dollars.

Mr. WHITE, of Pennsylvania. Then your amendment only changes the salaries, and not the number of clerks.

Mr. DIBRELL. That is all.

Mr. WHITE, of Pennsylvania. Then I shall favor the amendment of the gentleman from New York, for the reasons he has given.

Mr. BUNDY. I understand the necessity in this case is an increase of the clerical force.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BUNDY. Then I move to strike out the last word. I understand the necessity is to increase the clerical force. I do not understand the reasoning of the gentleman from Tennessee that by promoting a clerk from a third to a second class he would be able to peform any more labor. He admits it increases the appropriation $4,000 while the amendment offered by myself proposes to increase the appropriation $6,000, but at the same time gives to the Department six additional clerks. The necessity for additional clerks is the increase of business in the Post-Office Department. I withdraw my amendment until a vote can be taken on the amendment of the gentleman from New York.

Mr. ATKINS. The entire clerical force was heretofore provided under one head; in this bill we have spread it under six different heads.

Mr. WHITE, of Pennsylvania. I will suggest to the gentleman from Tennessee that the gentleman from New York has not yet concluded his remarks.

Mr. ATKINS. I beg pardon; I thought he had finished.

Mr. BUNDY. I was about to remark, Mr. Chairman, that I have letters from the Post-Office Department which are reliable, coming from reliable sources, that on account of the lack of clerical force many have been required during the past few months, because of the increased number of new post-offices, because of the increased applications for money-order offices, and I know gentlemen present will bear me out that their experience is the same as my own, that applications are coming in every day seeking the interposition of members of Congress to aid them in securing money-order offices—I learn, I say, that in consequence of this greatly increased business many of these clerks are required to work, not only over hours, but in some instances during the entire night. Hence, my position is that the Department needs more help but not higher-priced help.

Mr. WHITE, of Pennsylvania. Do you know the Post-Office Department desires this increase?

Mr. BUNDY. I do know it. I know that the Postmaster-General does desire an increase of this clerical force.

Mr. ATKINS. I was proceeding to say that heretofore we have appropriated under one head and provided for the payment of clerical force under another head. In this bill we have spread the whole matter out and they are provided for under six different heads: First Assistant, Second Assistant, Third Assistant Postmasters-General, then money-order office, foreign office, and mail depredations, making six heads under which the clerical force is divided. We have given eighteen additional employés over and above those provided for in the present appropriation. It seems to us it is enough. I hold in my hand two amendments which the committee authorized me to offer at the proper time increasing the force two more.

The question recurred on Mr. BUNDY's amendment.

The committee divided; and there were—ayes 41, noes 77.

So the amendment was rejected.

Mr. ATKINS. I offer the following amendment:

In line 1697, after the word "dollars," insert "chief clerk, $2,000," and in line 1707 strike out "two" and insert "three;" so as to make the total correspond.

I simply desire to state to the committee that the effect of the amendment is to restore that position.

The amendment was agreed to.

Mr. ATKINS. I offer the following amendment:

In line 1701 strike out "five" and insert "four," making it read "twenty-four clerks of class 1."

The amendment was adopted.

Mr. DIBRELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1700 strike out "twelve" and insert "fifteen;" in line 1701, after the word "twenty," insert "four;" in line 1701 strike out "twenty-five" and insert "thirty-three;" in lines 1702 and 1703 strike out "sixteen clerks at $1,000 each;"

so that it will read: "Fifteen clerks of class 3, twenty-four clerks of class 2, thirty-three clerks of class 1."

Mr. DIBRELL. This amendment leaves the number of clerks in the Department just the same as it is now and at the same salaries as they now draw. The committee propose to reduce the number to sixteen and to substitute one-thousand-dollar clerks in their place.

Mr. DURHAM. I desire to state to the committee that if the amendment of the gentleman from Tennessee [Mr. DIBRELL] is adopted it will give this branch of the Department an advantage over every other. We have regulated the clerical force in every Department, commencing with the State Department, in the same way as we have regulated it here, and if the amendment of the gentleman is adopted then you destroy that harmony which will exist in all the Departments by reducing the higher grades and putting in the clerks at $1,000. I hope the committee will not adopt the amendment for that reason, and for the additional reason that it increases the amount between $3,000 and $4,000. We have already given in this Department twenty and more additional clerks.

Mr. DIBRELL. Not in this division.

Mr. ATKINS. We have in the Post-Office Department, and we think we have given an ample number of clerks here.

The question being taken on Mr. DIBRELL's amendment, there were—ayes 62, noes 46.

Mr. DURHAM. A quorum has not voted, and I ask for tellers.

Tellers were ordered; and Mr. DIBRELL and Mr. ATKINS were appointed.

The committee again divided; and the tellers reported—ayes 85, noes 62.

Mr. DURHAM. I will ask for a vote in the House on this amendment.

The Clerk read the following paragraph:

For superintendent of foreign mails, $3,000; chief clerk, $1,800; one clerk of class 4; two clerks of class 3; two clerks of class two; one assistant messenger; in all, $13,320.

Mr. AIKEN. I offer the following amendment:

In line 1712, after the words "class 2," insert "one clerk at $1,000."

This is not new legislation, and I hold it is entirely in the line of economy. I hope, therefore, that the Committee on Appropriations will not antagonize it. I have made a special investigation into this matter and I find that clerk has been employed ever since June, 1874, that is, for four consecutive years. He has been employed during that time at that salary doing that work; and yet there has been no appropriation made for him. That clerk has been on the roll known as the roll of temporary clerks, and this amendment, if adopted, will simply take him off the roll of temporary clerks and put him on the regular roll. For that reason I have offered the amendment.

Mr. ATKINS. I will only say this is not estimated for in the Book of Estimates.

The amendment was not adopted.

Mr. STEELE. I move that the committee rise.

The question being taken on Mr. STEELE's motion, there were ayes 16, noes not counted.

So the motion was not agreed to.

The Clerk read the following paragraph:

For chief of division of mail depredations, $2,000; one clerk of class 3; one clerk of class 2; two clerks of class 1; one clerk, at $1,000, office of disbursing clerk and superintendent of building: disbursing clerk and superintendent, $2,100; one clerk of class 2, (accountant;) one clerk of class 1, (storekeeper;) engineer, $1,400; one assistant engineer, $900; one fireman, who shall be a blacksmith, $900; one fireman, who shall be a steam-fitter, $900; one fireman, $720; one carpenter, $1,200; one assistant carpenter, $1,000; captain of the watch, $1,000; for watchmen, $9,000; and for laborers, $15,000; in all $45,120.

Mr. CANNON, of Illinois. I desire to offer an amendment to that paragraph, but before I do so I would like to inquire of the gentleman in charge of the bill if he has any amendment to offer to it?

Mr. ATKINS. No, sir; I have not.

Mr. CANNON, of Illinois. Then I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out the following words after dollars in line 1722 to the word "office" in line 1724, namely: "One clerk of class 3, one clerk of class 2, two clerks of class 1, one clerk at $1,000," and insert in lieu thereof "one clerk of class 4, one clerk of class 3, one clerk of class 2, and two clerks of class 1."

Mr. CANNON, of Illinois. The difference between the original bill and the amendment in amount is $800.

The Postmaster-General, in a letter to the chairman of the Committee on Appropriations, of which I have been furnished a copy, has better stated this case than I can state it. I therefore content myself with sending the letter to the desk to be read, and will then let the committee dispose of the amendment.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., April 30, 1878.

SIR: Permit me to invite the attention of your honorable committee to certain provisions of House bill 4104, "making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879," namely, page 71, lines 1722, 1723, and 1724, stipulating for, "One clerk of class 3, one clerk of class 2, two clerks of class 1, and one clerk at $1,000;" and to ask the committee to alter the terms of said section so as to read: "One clerk of class 4, one clerk of class 3, one clerk of class 2, and two clerks of class 1."

This request is made with a view of providing for the proper advancement of the clerical force whose familiarity with the special details of the division of mail depredations renders their services of the highest importance to the Department and the public.

I have the honor to be, very respectfully,

D. M. KEY,
Postmaster-General.

Hon. JOHN D. C. ATKINS,
Chairman Committee on Appropriations,
House of Representatives.

Mr. ATKINS. What is the date of that letter?

Mr. CANNON, of Illinois. The date of the letter is April 30, 1878.

Mr. ATKINS. It was written only two or three days ago. I will simply state that the Committee on Appropriations did not provide in this bill for one clerk of class 4 in the office of mail depredations because no such clerk is estimated for. If the honorable Postmaster-General had wanted a clerk of class 4 he ought to have said so to the committee; but he did not do it. It is only when the bill is being considered that he writes this letter, and I have not had time to read letters from the Department during the progress of the bill through the House.

Mr. CANNON, of Illinois. I am not finding fault with the Committee on Appropriations. I agree with the gentleman that the estimate ought to have been made. But as is appears that it is desired to have this change made increasing the appropriation by $800, I thought it well enough to offer the amendment, and I hope it will be adopted.

Mr. ATKINS. I hope it will not be adopted.

The question being taken on the amendment of Mr. CANNON, of Illinois; there were—ayes 58, noes 67.

Mr. CANNON, of Illinois. A quorum has not voted. I ask for tellers.

Tellers were ordered; and Mr. DURHAM, and Mr. CANNON of Illinois, were appointed.

The committee again divided; and the tellers reported—ayes 69, noes 80.

So the amendment was not adopted.

Mr. ATKINS. As there seems to be a general desire to stop at this point, I move that the committee rise.

Mr. POTTER. Oh, no; let us finish the bill.

Several MEMBERS. Go on! Go on!

Mr. ATKINS. Very well; I am quite willing. I withdraw the motion.

Mr. WHITE, of Pennsylvania. I move that the committee do now rise.

The question was taken on Mr. WHITE's motion, and the committee refused to rise.

The Clerk resumed the reading of the bill, and read as follows:

For contingent expenses of the Post-Office Department:
For stationery, $9,000; fuel for the General Post-Office building, including the Auditor's Office, $7,400; for gas, $5,000; plumbing and gas-fixtures, $4,000; telegraphing, $3,000; painting, $7,000; carpets, $5,000; furniture, $5,000; keeping of horses and repair of wagons and harness, $1,200; hardware, $1,500; and for rent of house numbered 915 E street, northwest, $1,500; and for miscellaneous items, $6,000; and for publication of copies of the Official Postal Guide, $15,000; in all, $70,600.

Mr. ATKINS. In line 1755 I move to strike out "$15,000" and insert in lieu thereof "$20,000;" so as to increase the appropriation for the Official Postal Guide $5,000. The committee was satisfied that an additional appropriation of $5,000 was necessary for a publication of this kind, and therefore they instructed me to offer the amendment.

The question was put upon the amendment, and it was agreed to.

Mr. CALDWELL, of Kentucky. In line 1745 I move to strike out "seven" and insert "four" in lieu thereof; so that it will read: "Fuel for the Post-Office Department building, including the Auditor's Office, $4,400."

I will state by way of explanation that I have been recently engaged in an investigation of the expenditures of this fund, and I learned that from the improved manner of heating the Post-Office Department building the expense of fuel does not exceed $3,500. The disbursing officer said to me himself that the estimate they had made was too large, and therefore I propose to reduce it to what I believe to be a sufficient amount.

Mr. ATKINS. In justice to the Committee on Appropriations, it should be stated that the appropriation as put in the bill is nearly $3,000 below the estimate. The estimate was $9,000, and then an additional estimate of $1,000 was sent in, making $10,000, and we give them $7,400.

Mr. BURCHARD. It has been a very mild winter, you know.

Mr. FOSTER. Did we not have the officers of the Post-Office Department before us on this subject?

Mr. CALDWELL, of Kentucky. I will state that Mr. Burnside himself, who handles this money and pays it out, made the statement that the amount in the bill is largely in excess of what is necessary.

The question was put upon Mr. CALDWELL's amendment, and it was agreed to.

Mr. CALDWELL, of Kentucky. I now move to add to the paragraph what I send to the Clerk's desk.

The Clerk read as follows:

Provided, That hereafter the expenditure of the contingent fund of the Post-Office Department shall be expended as specially directed in the bill and according to appropriation for the items specifically named, and that no moneys appropriated for a specific purpose named, under the head "for contingent expenses of the Post-Office Department," shall be diverted from one purpose to another, and that all

moneys unexpended for one or more specific purposes shall be turned into the Treasury and not expended by the superintendent and disbursing officer for any object or purpose whatsoever other than the specific ones named in the appropriations for the contingent expenses of the Post-Office Department.

Mr. CALDWELL, of Kentucky. I will state, by way of explanation, that it has been the custom of the Post-Office Department in handling this fund, which is specifically appropriated for various purposes, to divert from one purpose to another money specifically appropriated by Congress. In the investigation Mr. Burnside, who handles the money, said that it had been the custom for a number of years, but he did not approve of it himself. I propose by this amendment to provide that when an appropriation is made for a particular purpose it shall be applied to that purpose, and if not so applied it shall be turned into the Treasury.

Mr. HANNA. As I understand it, the existing law now is that when appropriations are made for one purpose they must be expended for that purpose. Now, I do not understand the object of this amendment. Here is a long amendment thrust in our faces without an opportunity of our understanding it, and I want to know what its object is.

Mr. CALDWELL, of Kentucky. If the gentleman will allow me, I will state the object. I am thoroughly advised of the fact that it is the duty of the officers of the Government, when money has been appropriated for a particular purpose, to apply it to that purpose; but in this Department, the only Department under the Government that I know of where the custom prevails, this rule has not been pursued. I am not censuring the disbursing officer who controls the expenditure of this money. He found it the custom when he entered the Department and has followed it up. All the officers of the Department think the custom a bad one and that it ought to be broken up, and that is what my amendment proposes.

Mr. HANNA. But if this is already the existing law, what will be gained by re-enacting it?

Mr. CALDWELL, of Kentucky. This is a specific instruction to the disbursing officer of the Post-Office Department that he must not violate the law.

Mr. FOSTER. I understand the gentleman to state that the various items in the appropriation for the contingent fund only have been used one for another. This is an appropriation for contingencies in which we name a number of items. Now, under the head of contingencies they have transferred the appropriation from one item to another, as, for instance, if the appropriation for fuel is too large they may use the balance of it for carpets, or for some other purpose.

Mr. CALDWELL, of Kentucky. The custom in regard to this matter has been this: for instance, $9,000 is appropriated for gas, $10,000 for paper, and appropriations made for different objects of that sort, all under the general head of "contingencies." In the expenditure of these appropriations they have not regarded the specific purposes for which they were made, but if any balance is left of any one appropriation it has been expended for some miscellaneous item.

Mr. CONGER. I make the point of order that this amendment is out of order if it changes existing law.

The CHAIRMAN. The point of order comes too late.

Mr. CONGER. If it does not change existing law, then it is unnecessary.

The CHAIRMAN. The amendment having been entertained and discussed, the point of order comes too late.

The amendment of Mr. CALDWELL, of Kentucky, was then agreed to.

Mr. CALDWELL, of Tennessee. I desire to inquire of my colleague, the chairman of the Committee on Appropriations, [Mr. ATKINS,] if there is any provision made here for a library for the Assistant Attorney-General of the Post-Office Department?

Mr. ATKINS. There is not.

Mr. CALDWELL, of Tennessee. Then I move to add to the paragraph the words, "and $500 for books for the library of the Assistant Attorney General."

Mr. ATKINS. I make the point of order that that amendment is not germane to this paragraph; this paragraph does not relate to the Assistant Attorney-General of the Post-Office Department.

Mr. HENDERSON. It is manifest that we cannot finish this bill to-night, and I therefore move that the committee now rise.

Mr. ATKINS. I hope not; let us get through with the portion of the bill relating to the Post-Office Department; it will take but a few minutes longer.

Mr. HENDERSON. I will withdraw the motion.

Mr. CALDWELL, of Tennessee. This paragraph provides for the publication of the Official Postal Guide, and appropriates $15,000 for the purpose. The amendment which I have offered is for a library for the Post-Office Department.

The CHAIRMAN. Is there any part of the paragraph under consideration which makes an appropriation for a library of the Post-Office Department, or is there any law establishing a library?

Mr. CALDWELL, of Tennessee. I would like to have read by the Clerk a communication from the Post-Office Department on that subject.

The CHAIRMAN. The question now is upon the point of order.

Mr. ATKINS. I cannot consent to an argument on the merits of the amendment pending the point of order.

Mr. CALDWELL, of Tennessee. You have a law officer there who is called upon to determine important questions without any library and without any books for reference.

The CHAIRMAN. It may be very important that there should be a library, but if there is no law authorizing one the amendment must necessarily be excluded on the point of order. The Chair sustains the point of order.

The Clerk resumed the reading of the bill, and began the reading of the paragraph in relation to the Department of Agriculture.

Mr. ATKINS moved that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. EDEN reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. ERRETT, by unanimous consent, was granted leave of absence until Tuesday next on account of important business.

LAWS OF WASHINGTON TERRITORY.

The SPEAKER, by unanimous consent, laid before the House a letter from the secretary of Washington Territory, forwarding for the use of Congress, in pursuance of section 1844 of the Revised Statutes, two copies of the session laws of said Territory; which were referred to the Committee on the Judiciary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 3987) to regulate the advertising of mail lettings, and asked a conference on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate T. W. FERRY, ALGERNON S. PADDOCK, and ELI SAULSBURY.

SOLDIERS AND SAILORS' REUNION, CINCINNATI, OHIO.

Mr. MILLS, by unanimous consent, introduced a joint resolution (H. R. No. 174) granting the use of artillery, tents, &c., at the national soldiers and sailors' reunion to be held at Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEAMBOAT ROBERT HARRIS.

Mr. HUMPHREY, by unanimous consent, introduced a bill (H. R. No. 4676) to change the name of the steamboat Robert Harris to that of Belle of Redwing; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EVENING SESSION FOR DEBATE.

Mr. WARD. I ask unanimous consent that there be a session of the House on Tuesday evening next for debate only, no business whatever to be transacted.

Mr. PAGE. Is there not a session for to-night?

The SPEAKER. There is.

Mr. PAGE. For what purpose?

The SPEAKER. For debate only.

Mr. PAGE. Then I object.

Mr. BURCHARD. I think we had better not assign our evenings so far ahead for such purposes; we may want them for business.

The SPEAKER. There is objection, and the request is not granted.

GOVERNMENT EMPLOYÉS ON GOVERNMENT WORKS.

Mr. BOUCK. The bill (H. R. No. 4327) for the relief of certain persons employed upon the Government works was referred by mistake to the Committee of Claims. I ask consent that that committee be discharged from its further consideration and that it be referred to the Committee on Education and Labor, which has the subject under consideration.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. TOWNSEND, of New York. I move that the House now take a recess until half past seven o'clock.

Mr. SINGLETON. I desire to make a report from the Committee on Printing.

Many MEMBERS. Regular order.

The SPEAKER. The regular order is the motion for a recess. The Chair will state that the session for this evening is for debate only, no business whatever to be transacted. The gentleman from North Carolina, Mr. DAVIS, will occupy the chair as Speaker *pro tempore*.

The motion of Mr. TOWNSEND, of New York, was then agreed to; and accordingly (at five o'clock p. m.) the House took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House reassembled at seven and a half o'clock p. m. and was called to order by Mr. DAVIS, of North Carolina, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. As announced when the House took its recess this evening, the session of to-night is for debate only.

TARIFF.

Mr. DANFORD. Mr. Speaker, the bill under consideration for the revision of our custom laws is an attack upon the industries of our country that are now most prostrated. As has been heretofore said, since this bill has been under discussion, the people have not asked for such a measure; the agricultural interests of the country that the chairman of the committee and other gentlemen claim to be largely interested in the passage of this measure, have not asked of the committee or of Congress any such bill; and the farmers of the North, as they look out over the prostrated manufacturing, mining, and mechanical industries, have no desire and are not clamoring for the passage of a measure that will still further prostrate them.

The chairman of the committee in his address upon the introduction of his bill does not base this measure of "revenue reform" upon the ground usually assumed by those who advocate "a tariff for revenue only." It is not claimed by him that his bill will raise a greater amount of revenue than the existing custom laws. In his speech he informs the committee and the country "that we are raising $40,000,000 of revenue in excess of the actual needs of the Government," and that by strict economy and by the suspension of the operations of the sinking-fund law we could dispense with this large amount of revenue. I shall not discuss the policy of suspending the law requiring the purchase of "1 percentum of the entire debt of the United States to be made with each fiscal year, and which is to be set aside as a sinking fund," but content myself with saying I am opposed to such legislation.

The chairman of the committee, as an excuse for his bill, among other things, says that "it will lead to a larger interchange of commodities between other nations and ourselves in which we will be the gainers."

Now, sir, as to this proposition of the honorable chairman of the committee, I do not concede that by a larger interchange of commodities between the people of the United States and the people of other nations we are to be necessarily the gainers. On the other hand, I think it has been demonstrated in the past that in such exchange we are naturally and necessarily the losers. Great Britain imports annually, for the purposes of manufacturing, raw material to the amount in round figures of $700,000,000 annually, while the United States imports less than $70,000,000 annually of raw material for the use of her manufactures. Great Britain imports annually $800,000,000 of breadstuffs to feed the operatives engaged in her various industries. She manufactures and exports of manufactured goods more than twelve hundred million dollars' worth annually. The British as well as other European manufacturers have cheaper labor than we can possibly expect to obtain in this country for many years to come, and cheaper labor than any one interested in the welfare of our people ever desire to see. European countries in a long series of years have gathered together into few hands vast amounts of capital to be used in manufacturing industries; people of these countries work for lower wages than ours can be induced to work for, and this cheap labor is the capital upon which the foreign manufacturer is enabled to import raw material, work it up at a profit, export it, and sell it in other countries. Capital in European countries is cheaper than in the United States and labor much cheaper.

I do not see the advantage we are to gain in this country by taking our raw material from the interior of the country to the seaboard, shipping it abroad, there having it manufactured by the cheap labor of other countries, and returned to us in the various forms of the manufactured article. Take, for instance, iron, manufactured largely in Great Britain and in this country, and a ton of bar-iron in the warehouse at Pittsburgh is worth $40; $35 of this goes to pay the labor required in producing it. Beginning with the miner in the ore-beds around Lake Superior, with those who handle the iron from time to time till it reaches the coal-fields in the Ohio Valley; the coal miner, the men who quarry the limestone and bring the material together at the furnaces, those who handle the pig-iron, the skilled labor required in the manufacture of the iron, and they receive seven-eighths of the cost of the iron when ready for market. The labor of the same class of men in Great Britain is 50 per cent. cheaper than it is in the United States. Any one can see that with this great disparity in the price of labor we cannot manufacture in the United States unless those who engage in it are protected against the cheap labor and cheaper capital of the European countries. But I do not desire at any length to discuss this question of the labor that enters into the production of our various manufactured articles; this phase of the protective system has been discussed in this country for half a century, every one thoroughly understands it, and will understand that a reduction of the tariff means a reduction of wages and a transfer of the business of manufacturing to European countries.

It may be said here, and will be claimed, that there is in this bill no such reduction as will interfere to any great extent with these industries. The trouble with the bill is that it is a threat made directly against the very industries of the country that are at this time most prostrated, a threat against the industries over which has been hanging for the last five years a cloud of despondency.

The chairman in discussing his bill admits frankly that if he had the power to commence *de novo* "I should reduce the duties 50 per cent. instead of 15 per cent. on the average as now proposed." The honorable gentleman from Mississippi, [Mr. MULDROW,] whose remarks appear in the RECORD, page 2798, says:

> The tariff bill now before Congress, in my judgment, while in many respects is better than the present law, and I may vote for some of its provisions if no better are offered, is not what it should be, and before it reaches any degree of excellence must be shorn of many of its imperfections.
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> It does not conform, as a whole, to the average percentage of customs duties which prevailed under the Walker tariff of 23½ per cent.

The honorable gentleman from Texas, [Mr. MILLS,] whose remarks also appear in the RECORD, page 2791, in speaking of our present revenue laws declares that "our commerce is in fetters, and our working people are enslaved by cunningly devised revenue laws to merciless and grinding monopolies." These remarks undoubtedly contain the animus of those who desire a change in the tariff laws. We are again to fight the battle between protection and "revenue reform," as it is now denominated, that was fought half a century ago when Henry Clay made his famous defense of the American system, and there has been since that time an unceasing warfare between the two schools in this country, and those who are now engaged in manufacturing are notified that the warfare has been again commenced.

This question, as I have already remarked, is one that affects labor. The gentleman from Texas, when he speaks of "merciless and grinding monopolies," seems to regard those who are engaged in the mining, manufacturing, and kindred industries of the country as being at enmity to those who are engaged in agriculture and kindred pursuits. We would gather from his remarks that those who have seen fit to embark their capital in these enterprises have been successful, that they have accumulated large fortunes, that they are living off the life-blood of the people. I appeal to the condition of the country for the truth of what I here assert; that of all investments of capital that have been made in the last sixteen years, none have brought ruin to so many as those investing in the very industries he attacked in his speech.

I represent a district composed largely of agriculturists, (farmers,) but having a border on the Ohio River of towns and cities engaged in iron, glass, pottery, terra-cotta, and other pursuits of a kindred nature. And, sir, if I have any sympathy for one class of people above another or one calling above another, it is for those who till the soil. I was raised upon a farm among farmers; I have not more than one relative of my name on the face of the earth who is not a farmer, and I believe I know that the farming interests have suffered less in the last five years than any other producing interest in the country. I know that in the district I represent the farmers have suffered but little in comparison to those engaged in mining and manufacturing, and where they have suffered the greatest is in the loss to some extent of a market for heavy produce in the towns affected by the prostration of the past few years. They have been receiving fair prices for their produce and have found a market for all the grain, stock, and wool and such commodities that they can raise; while, upon the other hand, those who have been engaged in the pursuits the gentleman characterizes as "merciless and grinding monopolies" have been compelled to close up their mills and furnaces in many instances, their capital has been making them little or no return in others, and the labor engaged in these pursuits has been thrown out of employment or poorly paid.

We cannot afford at this time to try experiments with any of the great industries of the land. By the census of 1870 it is shown that the manufacturing, mining, and mechanical products amounted to $4,220,235,442, while the agricultural products amounted to but $2,447,538,658, an excess of the manufacturing over agricultural of $1,772,786,784. And, Mr. Speaker, it is these industries that produced this large excess of wealth a few years ago that are to-day prostrated, suffering in their capital, their labor disorganized, and awaiting the result of this measure. I repeat, we cannot afford at this time to try any experiments with such industries.

From 1862 to 1873, a period of eleven years, we developed very largely the wealth of the country, and developed it to a very large extent by going in debt. We built from the close of the war till the crisis of 1873, a period of about eight years, thirty-five thousand miles of railroads in the United States, doubling our railroad mileage, and we went largely in debt for the means to accomplish this great result.

We opened mines; we built up furnaces and mills; we laid out towns and cities; we built and embellished towns and cities; we improved the country; we beautified our homes; we erected school-houses and institutions of learning, and in almost every possible way we expended large sums of money that we borrowed; and it is estimated that the indebtedness of the people of the United States, aside from the national debt, comprising State debts, city debts, county debts, and debts of corporations and firms and of private individuals, reaches the enormous sum of $7,000,000,000; and this vast indebtedness rests to a great extent upon those industries that were so largely developed from 1862 to 1873. I repeat, then, that this is no time to try experiments in legislation that affects the class of people that produced this great wealth only a few years ago. We need the help of every hand that is willing to work in this country in paying off this terrible mortgage that rests upon our people; and I cannot see the wisdom of taking a hundred bushels of wheat from the prairies of Illinois, shipping it to Liverpool, and there exchanging it for three tons of railroad iron, when the same exchange may be made in Saint Louis or Pittsburgh; and, when I remember the cost of the iron is mainly the labor employed upon it, I do not see why any one looking to the best interests of the American laborer can advocate any policy that will bring about such a change in our system. I know the chairman of the committee, the honorable gentleman from Mississippi, as well as the gentleman from Texas, makes an appeal in behalf of

the oppressed and heavily taxed farmer; they enumerate the burdens of the farmer; they say that he "pays a tax of 35 per cent. on the paint with which his house is painted; 90 per cent. on his window glass; 35 per cent. on his nails; 53 per cent. on the screws; 30 per cent. on the door-locks," and so on.

Now, when it is remembered that these articles are from 30 to 50 per cent. cheaper than they ever were under what is denominated "revenue tariff," it will be difficult to see that the farmer pays this enormous tax as the result of protection.

I shall not stop here to discuss for any length of time the claim made half a century ago, that by home competition we could produce in this country from our indigenous raw material, so cheap and so abundant, cheaper wares than we could purchase from abroad, further than to say that the last few years have vindicated the policy of protection. Great Britain and other European countries are waiting to-day for a chance at the American market, waiting for an opportunity to break down our industries that they may again command this market; their journals are watching this struggle more carefully than many of our own people.

Capital in manufacturing is in the hands of few people in European countries. They control the prices of labor, and for the sake of breaking down any special branch of manufactures in this country they can afford to put their wares upon our market, for a time, at much less than their cost. They have pursued this line of policy from time to time in years past, and they will undoubtedly pursue it again if we break down the protection afforded by our laws.

Two weeks ago, in conversation with a gentleman residing in my district, engaged in the manufacture of glass, he informed me that he had just returned from a business trip of many hundred miles, in which he had been attempting to dispose of his goods at 90 per cent. of their cost, but that his trip was entirely fruitless and that he had not made a single sale. In answer to the query as to whether the market was supplied with his wares he answered, "By no means;" that there were few wares of his line on the market, but that dealers were awaiting the result of the Wood tariff bill; that Belgium was understood to have a mountain of glass ready to put upon our market in the event this bill became a law. Such has been the effect of this bill upon almost every industry of the country affected by its provisions.

Mr. Speaker, it is not, in my judgment, mainly a question of revenue that is contained in this bill, but it is almost entirely a question of labor. I have said that the main cost of the standard articles affected by the bill is the cost in labor of their production. I do not believe it the desire of any considerable portion of the people of this country to reduce or attempt to reduce American labor to the condition of the foreign laborer. I have shown the vast amount of capital invested in manufacturing. The indebtedness of this country rests largely and heavily upon that branch of business. In the last five years there has been an honest effort on the part of those engaged in the various branches of business alluded to to give labor such employment as will enable those engaged in it to support their families in decency and in comfort. It has been a severe struggle, and hundreds of establishments throughout the land have succumbed, while thousands of laborers have been thrown out of employment. I firmly believe the passage of this bill will ruin hundreds of others. I do not desire to see such a condition of things in this country as will reduce the wages of our working-people to the standard of European countries, and unless we offer them protection against the cheap labor of foreign countries they must be reduced to the same circumstances of life.

The matter of freights is a small item. Ocean freights especially are cheap and do not in the main amount to more than the difference in the prices of capital in this country and European countries; so that if we are compelled to manufacture at cheaper rates than we do at present it must be by a reduction of the wages of the operatives. Take, for instance, window-glass, now manufactured in this country at rates far below those of twenty years ago. The labor engaged in that branch of industry has been reduced to the very lowest point that an American laborer can maintain his family at; yet if he is required to come in competition with the laborers of Belgium he must prepare to work as a common laborer at $10 per month and board himself. His wife and his daughter must be prepared to go into the factories and do the drudgery and heavy work of common laborers in order to eke out an existence for the family. Such is the condition of the laborer engaged in the manufacture of window-glass in Belgium. Yet this bill reduces the tariff on glass, on the average production of a factory, 28 per cent. This reduction must come off the price of labor. And so with this average reduction that the chairman of the committee speaks of, of 15 per cent; it must come off the price paid for labor. The capital engaged in manufacturing is making little or no returns at present, and whenever we talk of reducing the tariff it means a reduction of the wages of those who do the work.

Now, it may be very well for the gentlemen on the other side of the House to talk of their friendship for the laboring-man, and I hear appeals made every day for the oppressed laborers of the country; resolutions are offered, speeches are made supposed to be in the interest of the laborer. If you will look through the country from Maine to Texas, you will find that the labor that to-day sends its complaint up to Congress is the labor that is to be affected by this measure.

I have already said that the farmer in the main is in comfortable condition; the price of his products is fair; he buys from 30 to 50 per cent. cheaper than he did before the war the necessities of life, and the want and the misery among the labor of the country is confined almost exclusively to those in our mining and manufacturing centers.

Now, Mr. Speaker, this bill is said to be a bill for the relief of the farmer, for the relief of the people, as against grinding monopolies. Let us see; there is upon the schedule of dutiable articles no single product that is so universally in use as that of sugar; it goes into every cupboard in the land. We imported last year from abroad about one hundred million dollars' worth of sugar, and yet this bill, framed in the interest of the people as against monopolies, retains the tax upon sugar, and, in fact, increases the rate of duty slightly. Sugar growing in this country is confined almost exclusively to the low lands of Louisiana; the plantations are in the hands of few individuals, and the production consumed entirely in this country. Why, if the bill is framed in the interest of commerce, as the chairman says it is, if it be framed in the interest of the consumer as the gentleman from Texas and the gentleman from Mississippi claim it is, why is this article of prime necessity and universal use retained at its present rate of taxation? Is it a bait for the vote of Louisiana in favor of this measure? I do not complain of the tax on sugar. I believe it is right. I am willing to pay it. I believe that the people who are cultivating the sugar-lands in Louisiana should be protected against the cheap labor of the islands (West Indies) and I am perfectly willing and shall cheerfully vote to maintain the present duties on sugars. But I warn the gentlemen from Louisiana, who represent the sugar interests, that this bill is only an entering wedge, that when Pennsylvania, Ohio, and New England have once seen their industries prostrated the industries of Louisiana will soon follow. I do not believe the taxes we pay to the General Government are oppressing the people of this country to any great extent. I do not believe that the failures in business, the depression throughout the country, are the consequence of Federal taxation. It is the vast private indebtedness incurred in a period of speculation that is tumbling the business interests of the country in every direction. We are told by the chairman of the committee and by other gentlemen who have addressed us upon this subject of taxation by tariff laws, that it is "immoral and wrong" in principle and in the interest of a privileged few.

Mr. Speaker, upon what principle does the Government tax its citizens? Take our internal-revenue taxation. We pay a tax upon the liquors and the tobacco that we consume. If we consume none, we pay no taxes. If we consume largely of liquors and tobacco, we pay largely of revenue taxes. The tariff is levied upon articles consumed by the rich and poor alike. We pay upon what we consume. We pay in proportion to our ability to purchase. The poor man who is dependent upon his day's labor to support himself and family, and the mechanic who makes but a few hundred dollars a year, and the agriculturist who lives mostly within himself, pays but very little revenue upon imported goods. If he buys to the extent of a hundred dollars per year, he pays upon what he buys, and upon that only. The man who has an income of but five hundred or a thousand dollars a year, and lives within that income, pays but very little revenue to the General Government. The man who spends from ten to twenty-five thousand dollars per year, who buys largely of silks, satins, laces, rich carpets, and luxuries for the use of his family, pays upon what he consumes.

I have never been able to see, sir, anything immoral, anything unjust, anything unfair, in this system of taxation, and while it maintains, as I believe and know it does, a large body of the people of this country in profitable employment we should maintain it, especially when it is shown by experience that we buy cheaper from our own people under this American system than when we purchased from foreign manufacturers and paid them large profits on their wares.

It is to our interest to diversify as far as we can the callings and industries of the people. In that consists our wealth. I do not believe that the mere matter of trade, barter, between our people and the people of other countries means wealth, means gain, means profit.

I have in my mind a community that in 1847 was driven out of the States of Illinois and Missouri, across what was then known as the Great American Desert, to the valley of the Salt Lake. They went into that valley with scarcely any of this world's goods, and they sat down patiently, a community within themselves. They were cut off by a wide stretch of inhospitable and almost impassable desert from the great world of commerce, trade, and business outside. They lived for twenty years before a railroad reached them; isolated from the rest of the world. In that time they introduced into their community almost every known branch of mechanism; they built manufacturing establishments and they manufactured their own clothing from the wool clipped from their own flocks; they were a self-sustaining and a self-supporting community and an independent people. Even the great organ that was built for the temple in which they worshiped was built at home by their own workmen. They sent hundreds of thousands and even millions of dollars abroad to bring their co-religionists into the territory that they had made their home; and at the end of twenty-two years of complete isolation there was scarcely a community west of the Alleghany Mountains that had the same amount of property and the same wealth *per capita* as the Mormons of the Great Salt Lake. And while I am not averse to trade, or commerce, or exchange of our commodities with other countries, yet I repeat what I have heretofore said, that we have not always been the gainers by such trade and barter.

The wool industry is attacked by this measure, and as the district

I have the honor to represent is largely engaged in this branch of industry I desire to call attention to a few things in connection with it. The present tariff was framed after consultation and mutual concessions on the part of both the grower and the manufacturer of wool, and in my judgment it has been conducive to the best interests of the whole people, not only those engaged in these industries but the consumer as well.

In the year 1860 we produced in the United States about 60,000,000 pounds of wool, and the average value of the product for ten years prior to that time was little more than 50 cents per pound. We produced in 1876 208,000,000 pounds of wool, an increase of three and one-half times in the quantity, and the price has averaged in the ten years prior to the last date (1876) about 48½ cents per pound, showing that this enormous increase in the production has not materially interfered with the price. The country stands this large increase in the wool clip from the fact that we are enabled to do our own manufacturing, and our wool clip is consumed largely and principally at home.

In addition to this, we imported largely of foreign wools, mainly from South America and Australia, for use in our manufactories. In 1875 we paid duties on raw materials amounting to $6,478,000, and of this sum $3,790,000 came from duties on wool. The annual value of our manufactures of wool, including worsted and carpets, is estimated at about $200,000,000. We have encouraged the growing of fine wools, and we have sent to the Paris exposition some as fine specimens of wools as will be there on exhibition. Wool-growing has become an established business in many parts of the country, especially in the West, where the wool clip amounted to nothing scarcely prior to the tariff legislation of 1862. Our wools brought in competition with the cheap wools grown in South America and Australia, if the protection afforded by our laws shall be withdrawn, will materially injure this branch of industry. The single province of New South Wales produced in 1876 160,000,000 pounds of wool against 200,000,000 pounds in the United States.

The production and manufacture of woolen goods in this country has been a matter of great benefit to all the people, varied our industries, and it has given us cheaper domestic woolens than we were ever able to purchase abroad; and in what I have said in relation to the wool clip and manufacture of wool I have said nothing of the large supply of cheap, wholesome, animal food as the result of this increase in our flocks. It would be unwise in the extreme to ruin this great industry for the benefit of the foreign wool-grower and manufacturer; you will simply destroy the business of growing and manufacturing wools and woolens, without any compensation in any direction.

Mr. Speaker, the people of this country are brought for the first time face to face with the great question of work for those who are out of employment, profitable labor for those who are willing to perform it. This is a question that must be dealt with dispassionately; partisan politics should be put aside. It is a question of great danger if left in the hands of those who seek to make personal or partisan capital out of it. In dealing with this question, and, in fact, with any great economic question, the endeavor should be made to do the "greatest good to the greatest number."

Great Britain is an example of a great commercial nation. Her ships go out on every sea, to every clime; her commerce is as wide and extended as the ocean; and yet Great Britain has within her dominions a degree of wretchedness, of poverty, among her toiling millions that no American desires to see among our countrymen. Commerce enriches the few, builds up great cities; it makes merchant princes, builds up vast wealth in the hands of those who engage in it. But in the main it is agriculture, manufactures, the mechanic arts that give employment and comfort to the many. I am willing to do all honor to those of our countrymen who engage in commerce, who go out to compete with Britain and with other maritime powers in their struggle for the commerce and the carrying trade of the world.

But, sir, I believe that true economy requires of us to remember the quiet homes in which dwell the laborers of the country and their families, those who produce the wealth of the land; for it is "not that which we buy that enriches us, but it is that which we produce." The wealth of the world comes mainly from its labor; it is earned in the sweat of men's faces. And while, as I have said, I would do all honor to those engaged in commerce, in trade, in barter, I believe it to be our highest, our first duty to look to the welfare of those who mainly produce the great wealth of our country.

I am willing and should be glad to see our commerce flourish, to see American ships carrying American products to every sea and to every country upon the Globe. But I will not vote to build up commerce or trade at the expense of our home industries. In them lies our greatest strength; in them we have independence.

The gentleman from New York, the chairman of the committee, says in his opening remarks:

> We must encourage and promote the adoption of such relations with other nations as will open up the markets of the world and make the whole universe contribute to our prosperity.

I do not agree with the gentleman from New York or those who believe with him that, because we can buy woolen fabrics, cotton fabrics, iron, steel, glass, and other necessaries of life cheaper in Manchester and Birmingham than we can manufacture them in Lowell or in Pittsburgh, we should abandon our industries, throwing out of employment the thousands of men, women, and children engaged in them, and carry across the ocean our raw material and barter it for the manufactured commodity. I believe that in the long run we are the losers by such traffic and that in such barter we are paying tribute rather than collecting it.

This question, Mr. Speaker, seems to some extent to assume a party aspect, and the laborers of the country again find the democratic party, as in 1846, holding up to their gaze the beauties of the Walker tariff. Is it to be understood that the democratic party, as it comes into power in this Government, will abandon the industries that have been fostered and protected and that have so greatly flourished and enriched the country in the past sixteen years? Is this the friendship they are about to show to the labor of the country, and are the vast sums of money that have been invested by the rich and the poor alike in establishing a system that may be truly called American, one that makes us independent, to be abandoned for the old order of things? If so, let us understand it now; let the people take warning, and if democracy means free trade, if democracy means competition without protection between the American laborer and his family and the laborers of Europe, let it be known, and, in my judgment, the party that proposes it will receive from the workingmen of the country such rebuke as they deserve.

TEXAS PACIFIC RAILROAD.

Mr. CHALMERS. Mr. Speaker, the question of internal improvements brings to my mind the first time I ever saw the great Carolinian, John C. Calhoun. It was in my boyhood, when he presided over the commercial convention held in Memphis, Tennessee. It was my first view also of the Mississippi River, and the first impressions of both are linked together in my memory—the Father of Waters and the Aristotle of modern times. He was then the leader of the strict-construction school of politicians, and yet he then advocated the improvement of the Mississippi River by the General Government and its connection by railroad with the Atlantic seaboard. He advised the granting of land subsidies to such a road and also recommended that the iron rails should be admitted free of duty, which then amounted to $2,000 per mile. And even then his far-reaching vision contemplated the building of a Pacific railroad. In his speech on that occasion he said:

> In conclusion, your position in point of country is truly remarkable for climate, fertility, and extent, but great as it is now a more brilliant future awaits you. It will not be more than twenty years before you will be deliberating not how you shall connect your valley with the Southeastern States, but how you shall connect your valley with the Pacific Ocean, and how across the continent you shall connect the commerce of the Atlantic and Pacific and thus control the transit of the products of the world.

This was in 1845, and before another great American intellect, Thomas H. Benton, pointing across the Rocky Mountains to the setting sun uttered his startling paradox: "There is the East!" When we went to war with Mexico one of our first movements was to take possession of the Pacific coast, and when the Gadsden treaty was made we paid ten millions for a barren strip of New Mexico for the avowed purpose, as then expressed in Congress, of having a railroad route to the Pacific Ocean. The Government commenced the building of a Pacific road during the administration of Mr. Pierce, himself a strict-construction democrat, and under the direction of Jefferson Davis, then Secretary of War, who was a pupil and follower of Mr. Calhoun, by ordering three routes to be surveyed by the most scientific engineers of that day and time.

In the political campaign of 1856 which followed, all parties declared themselves in favor of governmental aid to Pacific railroads, as follows:

The democratic party, represented in national convention at Cincinnati in June, 1856, adopted the following resolution:

> *Resolved*, That the democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication through our own territory between the Atlantic and Pacific coasts of the Union, and that it is the duty of the Federal Government to exercise all its constitutional power to the attainment of that object, thereby binding the Union of these States in indissoluble bonds and opening to the rich commerce of Asia an overland transit from the Pacific to the Mississippi River and the great lakes of the North.

The republican party also met in convention in June, 1856, in Philadelphia, and passed the following resolution:

> *Resolved*, That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad.

Mr. Buchanan was nominated upon the democratic platform, and during the canvass, September 17, 1856, in a letter to the chairman of the democratic executive committee of California, he said:

> WHEATLAND, *September* 17, 1856.
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> SIR: I have received numerous communications from sources in California entitled to high regard in reference to the proposed railroad. As it would be impossible for me to answer them all, I deem it most proper and respectful to address you in a general answer in your official capacity. In performing this duty to the citizens of California, I act in perfect consistency with the self-imposed restriction contained in my letter accepting the nomination for the Presidency not to answer interrogatories raising new and different issues from those presented by the Cincinnati convention, because that convention has itself adopted a resolution in favor of this great work.
>
> I then desire to state briefly that, concurring with the convention, I am decidedly favorable to the construction of the Pacific Railroad, and I derive the authority to do this from the constitutional power to declare war and the constitutional duty to repel invasions. In my judgment, Congress possesses the same power to make appropriations for the construction of this road strictly for the purpose of national defense that it has to erect fortifications at the mouth of the harbor of San Francisco. Indeed the necessity, with a view to repel foreign invasion from California, is as great in the one case as the other. Neither will there be danger

from the precedent, for it is almost impossible to conceive that any case attended by such extraordinary and unprecedented circumstances can ever again occur in our history.

Yours, very respectfully,

JAMES BUCHANAN.

To B. F. WASHINGTON, Esq.,
Chairman Democratic State Central Committee, California.

If before there was any doubt as to the meaning of the platform, this declaration of the candidate settled it. After this declaration he was elected, and in his inaugural address he strongly recommended the same doctrine.

Again in 1860 all parties were united upon this question:

THE DEMOCRATIC PARTY COMMITTED TO THE CONSTITUTIONALITY OF SUCH AID.

The democratic national convention of 1860, which at Charleston, South Carolina, nominated Stephen A. Douglas for President, adopted as part of their platform the following resolution:

"3. That one of the necessities of the age, in a military, commercial, and postal point of view, is a speedy communication between the Atlantic and Pacific States; and the democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period."

The convention held at Baltimore in the same year, which nominated John C. Breckinridge for President, also adopted as part of its platform the following:

"Whereas one of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Atlantic and Pacific coasts: Therefore,

"*Be it resolved*, That the national democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railway, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

THE REPUBLICAN PARTY COMMITTED TO THE CONSTITUTIONALITY OF SUCH AID.

In the republican platform of 1860 we find the following proposition:

"That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction."

But while all parties were thus united as to the power and duty to aid such a road sectional jealousies prevented the selection of any particular route, and the proposition to have three roads was being discussed when these sectional jealousies ended in a civil war. One road has now been built by Government aid on the forty-first parallel, another is demanded on the forty-seventh and another on the thirty-second parallel. Aid should be given to both to carry out in good faith the quasi pledge of the Government and I shall vote for aid to both, but I propose now to discuss the merits of the Texas and Pacific Railway.

The bill for this railway reported from the committee is of great importance to those who are advocating its passage, and the variety and strength of the opposition to it shows its magnitude before the country.

Its opponents may be classed under four different heads, and I propose briefly to notice the positions of each.

The first class is composed of democrats who claim to be opposed upon constitutional grounds to the granting of subsidies by the General Government for any purpose. This class is led and represented by my distinguished colleague on the committee from Illinois, [Mr. MORRISON,] from whom I would differ with great reluctance on any point, because I recognize in him a democrat of sterling integrity, strong convictions, and most unflinching courage in the support of his principles; and although it is well known that he was and is opposed to us in this movement, he has resorted to no unfair advantage, and I must say that to his manly and unselfish course upon the committee in the selection of a chairman we are indebted as much as to any other one man in the House for the opportunity of bringing our bill fairly before it.

The second class is composed of the more radical republicans, who believe in the power of the General Government to carry on works of internal improvement, and who have favored the granting of subsidies to be expended in the North and East, but who are opposed to the appropriation of a single dollar that shall go to building up the South. Its leaders need no special description from me, for "by their works shall ye know them."

The third and most violent class is composed of the officers and lobbyists of the Central Pacific Railroad, which has obtained all the aid that it desires, and is now strenuously opposed to the construction of any competing line which may interfere with the rich harvest it is now reaping from its great and overshadowing monopoly.

The fourth and perhaps the most dangerous class is composed, in Congress and out, of presidential aspirants in the democratic party, who seem to think it essential to their good standing in the national democracy that they should be constantly shaking their skirts clear of southern improvements. This class is represented by a number of distinguished gentlemen, who each fondly hopes that in the storm of the next democratic national convention the presidential lightning may strike him; and lest I should seem invidious in omitting some, I will mention no names.

Let us consider first

THE CONSTITUTIONAL QUESTION.

The proper construction of the Constitution as to the powers of the General Government involves questions of vital importance which have divided the best intellects our country has produced, and when men and parties differ upon great constitutional questions there must be some arbiter to decide between us.

We of the State-rights school once contended that there could be no arbiter to decide constitutional questions for a State. We claimed that each State had not only the right to judge for itself as to the infractions of the Constitution, but as to the mode and measure of redress. When the right so to decide was denied to the Southern States they appealed to arms and submitted that question to "the wager of battle." The verdict was returned against us; the judgment was pronounced in the thunder of artillery, it was written with the sword, it was sealed with the blood of brethren who fell grappling each other in the struggle of death, and we must in future construe the power of the Government under the light thrown on it by this decision. Our arbiter now must be the precedents established by the practice of the Government and by legal and legislative construction. Custom and precedent made the common law. The British constitution is but an accumulation or accretion of time-honored customs. Our Government was framed upon a written constitution, which was intended to be a crystallization of reason and thought, but its very terseness left it open to construction and in the process of that construction the precedents of yesterday become the law of to-day. As General Jackson expressed it:

The public good and the nature of our institutions require that individual differences should yield to a well-settled acquiescence of the people and the confederated authorities in particular constructions of the Constitution on doubtful points. Not to yield this much to the spirit of our institutions would impair the stability and defeat the objects of the Constitution itself.

The ancient schoolmen proved by correct syllogism that no man could move because the same body could not occupy two different places at the same time; the practical student soon showed the fallacy of this argument and gave practical demonstration of his power to move by moving. So when the State-rights men had proved by unanswerable logic and authority that the General Government had no power to coerce a State to remain in the Union, the practical Union man answered the argument by practical coercion. And now when our opponents come forward with logic and argument drawn from the resolutions of '98 and '99 to show that the Government has no power to make works of internal improvements, the practical statesman of to-day answers that she has done it; that she built dirt roads for military and postal purposes in the earliest days of the Republic, and that, keeping pace with the progress of civilization, she has dug canals and built railroads in the zenith of her power. In fact, the power to build dirt roads carries with it the power to build any other kind of road that may be necessary and beneficial. Mr. Gallatin clearly expressed this when he claimed the power to make "artificial roads;" and Mr. Davis concluded the argument when he said:

If we can construct them of earth, why not of iron? If we can use wooden rails, as we do in crossing marshes, why not use them of iron? And if you can use iron rails and lay them crosswise, why can you not lay them lengthwise? And this—

Said he—

brings us to the construction of a railroad.

If gentlemen ask me to point to the line or the clause of the Constitution which authorizes the Government to grant aid to the Texas and Pacific Railroad, I answer, to the New England man, that he will find it somewhere very near the clause which gives the power to protect manufactures or to grant bounties to New England fisheries; to the New Yorker, that he will find it where he found authority for mail subsidies to steamship lines or for appropriations to clean out Hell Gate passage; to the western man, I say, "Go look for it where you found the authority to build the Cumberland road, to dig your canals, or to grant land subsidies to railroads in Illinois, Michigan, Wisconsin, Iowa, Kansas, Colorado, and California;" to the extremists of the South I say, "You will find it where Mr. Jefferson found the authority to purchase the State of Louisiana and the mouth of the Mississippi and where Mr. Polk found authority for the annexation of the Republic of Texas;" and to the honest and fair-minded men of all sections I say, "You will find it in the great doctrine of equity and of justice, which bids you do for the South what you have done for the North."

THE DECISION OF THE COURTS.

I have said our only arbiter on constitutional questions now is the rule established by the courts and the practice of the Government.

The Supreme Court of the United States has in three distinct methods decided the constitutional power of Congress over this question. In the Granger cases it decided that Congress had power to regulate the rates of railroads running through more than one State under the power to regulate commerce. In the recent telegraph case in Florida it decided that Congress had power over telegraph lines under the same clause of the Constitution; and in the celebrated interest case of the Union Pacific it decided the very question now at issue, that Congress had power to lend money to a Pacific Railroad Company.

THE PRACTICE OF THE GOVERNMENT.

When we look to the practice of the Government we find that it has built dirt roads and turnpikes, and that outside of this Union and Central Pacific it has contributed by land and bonds to the building of railroads in thirteen States of this Union; that it has dug canals and cleaned out rivers and harbors; that it has constructed breakwaters, light-houses, buoys, and piers, and that its great men in all ages have favored the exercise of these powers.

George Washington signed the first bill for the erection of light-houses, buoys, and piers.

Mr. Jefferson signed the first bill for the construction of the Cumberland road, and in his last annual message recommended that—

The surplus revenue be appropriated to the improvement of roads, canals, rivers, and education and other great foundations of prosperity and union.

Mr. Madison, in his special message upon the New York canal, and in his seventh annual message, showed clearly the inclination of his mind in favor of works of internal improvement, although he subsequently vetoed bills for this purpose. Mr. Monroe could never explain the antagonism between the recommendations of his message and his subsequent veto of the measures apparently recommended. General Jackson is shown by the record to have voted constantly for works of internal improvement while a member of the Senate, though he subsequently, as President, vetoed the Maysville road bill. Mr. Polk's first message not only indorsed the recommendation of his Secretary of War, who clearly recommended internal improvement, but he was openly charged in Congress by a leading member of his own party with having promised to sustain the river and harbor bill which he subsequently vetoed. And the democratic convention of 1848, while it indorsed the veto message of Mr. Polk, nominated as its standard bearer for the Presidency General Cass, who had voted for the bill which the President had vetoed. And I might add to this list of inconsistencies that some of the very gentlemen now upon this floor who are opposed to granting aid to the Texas and Pacific Railway not only voted for but advocated and sustained the subsidies for the Union and Central Pacific.

But while we find these inconsistencies upon the general subject of internal improvements, we find that in 1856 and again in 1860, all parties, with most remarkable unanimity, were united upon the power and duty of the Government to grant "such substantive aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period." And not only was the public mind thus united in regard to the necessity of granting Government aid to the building of a railroad to the Pacific, but when we look into the debates in Congress we find evidences clear and unmistakable that but for the collision between the North and South at that time two, if not three railroads to the Pacific would unquestionably have been built, and that one of these would have been on the thirty-second parallel. But the civil war forced upon the country, earlier perhaps than otherwise would have been, the necessity of building a Pacific railroad, and in the then condition of affairs, that road was necessarily confined to the northern portion of the Government. But the war is now over, and we come back to the question again and take it up just where Mr. Douglas and Mr. Davis left it. If the building of three roads was deemed necessary then, and if the building of one has been accomplished, it is all the more necessary that the others should now be constructed. Many gentlemen now upon this floor who aided and assisted in procuring governmental aid for the Union and Central Pacific, did so upon the ground that it was a great military necessity and they yielded to the necessity upon the very same principle that they agreed to the issuance of greenbacks, to support the Government and carry on the war. Some of these gentlemen now think that this was extraconstitutional, beyond the power of the General Government, and that the precedent should not be followed because the overruling necessity has passed. To these I would say that the same argument which sustains the continuance of a greenback currency because of the debts which the war entailed upon us, sustains the passage of this bill. The war itself has ceased, but the disastrous and desolating effects of the war are still upon us, and if the doctrine of overruling necessity could be invoked to sustain intact the mighty fabric of Union which our fathers made, the same doctrine of overruling necessity can certainly be invoked to repair the ravages of war and restore each and every portion of this once happy land to unity, peace and prosperity.

But upon this subject some even of our southern friends seem disposed to talk about qualms of conscience and constitutional objections. To them I would say, in the language of Mr. LAMAR, the chairman of this committee in the last Congress, in his able and exhaustive report:

If the past aid given was right, then so is this. If the past aid given was wrong, its result can only be corrected by allowing it to work until it has corrected its own partiality.

But, Mr. Speaker, I regret to see that Illinois, which was the first State in the Union to receive Government aid in lands for the construction of a railroad, now furnishes the leader and some of the ablest opponents of this measure. Mr. Douglas, once the pride and glory of the Illinois democracy, introduced the bill into Congress which granted aid to the Illinois Central Railroad, and to the Mobile and Ohio, running through Alabama and Mississippi. And when the measure was under discussion, the whole Mississippi delegation, composed of some of the most reliable democrats of that day, A. G. Brown, W. S. Featherstone, W. McWillie, and Jacob Thompson, all stood side by side with Douglas and the Illinois democracy. But our friends from Illinois now tell us that this was an appropriation of lands to a State, and not to a corporation; and so it was. But it was a donation to the State for the particular railroad named in the act, and there could be no difference between this and a direct grant to the corporation itself.

Our friends further tell us that there is a difference between granting aid in land and aid in money, and some profess to be willing to make any appropriation of land that may be needed. If this be true, if aid may be granted in land but not in money, then Virginia, which gave an empire to the Union, could receive no benefit in return, because, forsooth, there are no public lands in her borders; and Texas, which brought into the Union a principality of lands to bear their portion of the Government burdens, could, for the same reason, receive no Government aid. But again, the granting of lands to Illinois for its Central road at a time when the country was prosperous and when there was money and resources in abundance was aid sufficient to accomplish the purpose. A grant of land now to the Texas Pacific or any other southern enterprise would be like offering gold to a hungry and shipwrecked mariner on some lone rock in the ocean. If we are to have aid, let it be such aid as we can utilize. Let it be such aid as will accomplish the purpose. Let it be aid which, in the language of the democratic platform of 1860, "will insure the building of a railroad to the Pacific coast at the earliest practicable period."

There can be and there is no practical difference between granting aid in lands and in money received from the sale of lands or any other source of public revenue. It is no answer to say that the Government receives as much for half its lands as it would otherwise have received for the whole. If the Government should donate money to build a road and retain all its lands it could be compensated just as well from the increased value of its lands. The principle is the same.

Another violent opponent of subsidies to the South is my colleague on the Pacific Railroad Committee from New York, [Mr. HEWITT;] a gentleman whose State has received fifteen and a half millions for public works and whose city has been enriched by munificent subsidies to steamship lines; who expends his sympathy on the starving Chinaman and reserves none for the southern sufferer of our own land; who could find authority in the Constitution for an appropriation of $150,000 for his hot-corn show at the Paris exposition, but can find no authority to lend even the credit of the Government to a road that is to be a great national highway, which shall penetrate its territories rich in mineral and agricultural resources, which will afford facilities for the military protection of our Indian and Mexican frontier, and which was chartered by the Government and named in the charter "military and post-road" for the benefit of the country.

My New England friends upon the committee are also opposed to subsidies, although millions upon millions of dollars have been expended in protecting their manufactures and in fishing bounties to New England fishermen from the beginning of the Government. And I fear, Mr. Speaker, we shall be called upon again to pay five and a half millions found due under the Geneva award for fish which our New England brothers have taken in British waters without authority of law. We paid for these fish once in the shape of bounties to fisheries under the plea that it was a school for American seamen; we paid for these fish a second time when we ate them, and now I presume we will be called upon to pay for these fish a third time to the owner of the waters from which they were illegally taken.

These are certainly a nice kettle of fish, Mr. Speaker, and would do well to serve up with our hot-corn cakes at the Paris exposition. And these gentlemen whose States and whose sections have been amply provided for certainly stand in a most favorable attitude to close the vault of the Treasury and cry out no further subsidies from the General Government.

SUBSIDIES.

These gentlemen profess to be opposed to the grants of any subsidies and yet they favor the renewal of the land grant to the Northern Pacific. They call it but an extension, to satisfy their consciences, but the stockholders and owners have admitted that their rights have expired, and our democratic opponents who favor the Northern Pacific forget that the war which the democracy have recently made against grants to corporations was to grants of land and not grants of money, upon the ground that the lands should be preserved for the actual settler.

In 1858–'59 the democratic proposition was to donate ten millions in money to any company that would give security for building a road to the Pacific. It was introduced by Mr. Davis, and Mr. Douglas defended it upon the ground that the Government could make mail contracts and make payments in advance to enable the contractor to buy stage-coaches or to build ships to carry the mails.

The democratic platforms of 1868 and 1876 denounced the land grants, but not one word was said about money grants to Pacific railroads. Now these new lights in the democratic church, these new Daniels that have come to judgment, can support the Northern Pacific bill which renews a land grant of forty millions and takes from the actual settler the right to settle upon some of the finest lands of the world, but cannot support the Texas Pacific bill which grants no money, which simply lends the credit of the Government and which leaves the lands granted in the hands of the Government to be disposed of to the actual settler at Government price. And yet these men expect southern democrats to submit without complaint to this pharisaical refinement. Sir, such elastic consciences would command a premium in Plymouth church.

But, sir, in this case technically we ask no subsidy. The Texas and Pacific Railway simply asks the Government to become its accommodation indorser for the interest on its bonds, which will be about $1,200 per annum per mile, and this is to be paid every six months, not by the Government, as in the Central Pacific case, but by the railway. To secure the payment of this a first mortgage is given upon the road, its franchises and property, including the earnings of five

hundred miles of road already built. If the road is one-half as valuable as its friends believe it to be the Government will never be called on to pay one dollar for it and there will be no subsidy given. But in this argument I propose to meet gentlemen upon their own ground, and, supposing it to be a subsidy, the interest of the whole country and equity and justice to the South demand that it should be given.

THE NECESSITY FOR THE ROAD.

Claiming that the constitutional question has been settled by precedents, we come to the only real question of importance involved properly in this controversy, the necessity for another road to the Pacific and the national character of this enterprise. This has been so clearly shown by the able report of Mr. HOUSE that but little more need be said about it.

The object to be attained is the rich trade of the East, which the whole world has been striving for since the days of the Argonautic expedition. The millions that England and the other European powers have expended on railroads to the East and for the Suez Canal admonish us to improve all the advantages of position which nature has placed in our hands. One road is not sufficient if we would compete with Europe for the trade of Asia. The building of the Northern Pacific will benefit the country, the building of the Texas Pacific will prove a still greater benefit. It will shorten the distance eleven hundred miles between the oceans. It will reduce the expenses of the people twenty millions annually on the rates now extorted by existing monopolies. It will avoid the dangers and obstructions of snows. It will increase the speed, safety, and efficiency of transportation and travel. It will decrease the time two days between the Atlantic and Pacific, and, by opening the harbor of San Diego, will save at least four days' time and expense upon Asiatic exports and imports. And just here I would say that our New York friends who have expended so much on Hell Gate passage are advocating through a pamphlet the expenditure of two millions more to improve Port Morris, near the same passage, upon the plea that it would save one day to transcontinental commerce.

In all ages empires, monarchies, and republics have deemed it essential for the preservation of the unity and integrity of their domains that artificial roads should be constructed, not only for military purposes, but for the benefit of commercial intercourse, and, while these works of internal improvements have contributed to bind different portions of their respective governments together, they have at the same time incidentally afforded the means of giving employment to hungry and starving millions of their people. When Rome would appease the clamor of the plebeians she built the Appian Way. The First Consul of France paved his way to the throne by public works which are still the admiration of the world. When Napoleon III felt unsteady on his throne and feared the uprising of the Parisian mob he tore down the city of Paris and rebuilt it at extravagant cost and in the face of the prediction that France would be bankrupt. But the subsequent prosperity of France and the splendor of his reign, commencing and ending as it did like a romance, proves the wisdom of his policy and indicates the benefit to be derived by any government from following a similar practice under similar circumstances. I am no advocate of making this Government a great poor-house to feed the paupers of the country, but the lessons of history teach us that there are times when a government may enter upon great works of national improvement, if for no other purpose than to develop the resources, harmonize the sentiments, and utilize the labor of its suffering population. There are now not less than three millions of people out of employment. And the exhibitions witnessed during the last year amid the strikes and labor agitations, the fierce scenes of men maddened to desperation by the fear of starvation; the crush of ruined and falling walls, as the devouring flames flashed over them; the blood of men shot down like wild beasts in the streets; the screams of women and children, and the shouts of a sympathizing populace warn us that there never was a more fitting time than now to learn lessons of wisdom from the governments of the past.

The wisdom of building railroads for military purposes was most strikingly illustrated by the use made of them in our great civil war and the recent campaign of Russia against her old enemy of the East.

That there was a necessity for Pacific railroads was demonstrated in argument by the great leaders in Congress ten years before the work was commenced, and what seemed but argument and rhetoric then was soon fully verified by the construction of the Union and Central Pacific Railroads. Notwithstanding the immense frauds in construction, these roads have greatly benefited the Government. The Utah war, carried on before these roads were built, cost many times more money than wars of greater magnitude recently carried on in the same country against an enemy more difficult to reach, and a similar necessity for railroad transportation of troops and munitions of war may soon arise on our southwestern frontier.

A year ago there was no greater danger of a war between Russia and Turkey than there is now between Mexico and the United States, and the prudence and foresight which induced Russia to build her railroad lines to the East should teach us to build our lines to the West. To-day near one-half the United States Army is stationed on the Mexican border, and the cost of military and mail transportation will more than compensate the Government for the amount she is asked to indorse for the Texas and Pacific Railway.

The necessity in a commercial point of view is shown by the tide of immigration which has already poured into Texas, keeping pace with the construction of the railroad, building up towns and cities in the wilderness at every depot, and which is now standing still and impatiently waiting for a forward movement, and appealing to Congress for the aid which alone can set that tide again in motion; and these seem to me arguments sufficient to overcome the objections of our first class of opponents.

THE REPUBLICAN PARTY.

The second class of our opponents, as I have said, is composed of the more violent of the republican party, who though advocates of internal improvement are still opposed to any measure that looks to the material development of the South. While we have no hope of winning over to our support these men, we have reason to believe that all who love justice and fairness will agree that what has been done for one section should now be done for the other, and that all who revere the name of Daniel Webster and whose love for the Union is marked with the same catholic devotion to each and every part, will gladly lend Government aid to revive the resources and reanimate the markets of the South, that, like bread cast upon the waters, it may return after many days.

This is no party measure. It is a great national measure. There were eight democrats and five republicans on the committee which reported this bill. The democrats were equally divided, four against four, and the reports show that every northern democrat was against while every southern democrat was for the bill. It is evident, therefore, that we are indebted to northern republicans and not to northern democrats for its favorable report; and it is to be remarked that the eastern republicans were against us while the western republicans were for us.

There is a significance in this vote which the student of politics will not fail to consider. Mr. Calhoun, as far back as 1845, said the Mississippi River was a great inland sea, and that its waters washed an empire. Since then that empire has grown rapidly in power, and to-day the sixteen States which are washed by the Mississippi and its tributaries contain a majority of the electoral votes of this Union, and their people are natural allies. From the great Northwest came the boldest and best soldiers of the Federal Army. They won the first victories against the South, and they are the first now to extend a helping hand to a fallen foe. This is a lesson we shall not soon forget, and the republicans who show this disposition will learn that the hearts of men who were brave in battle and firm under oppression yield to kindness what they deny to hate. Political parties are now undergoing a change. The currency question has separated political friends and brought foes together. The tariff question and the income tax will divide us still further. Upon these questions the West and the South have principally united. The South is the producer of a gold-bearing staple, and might have united with the hard-money men of the East if we had not sympathized with the suffering West; and now when the question of our material development comes up we shall watch with deep anxiety the East and the West to see which shall sympathize most with us. We look first to our democratic brethren. We point them to the fact that when the South was represented here by republicans the republican party stood ready to help her. Southern claims were freely paid by a republican Congress to the extent of $100,000,000.

By a republican Congress the Texas and Pacific Railroad was chartered and a land grant given; a survey of the Mississippi River preparatory to an appropriation for levees was made; a levee bill passed the lower House of a republican Congress, and funds were distributed for agricultural colleges in the South. It now remains to be seen whether a democratic South shall receive less from a democratic Congress than a republican South received from a republican Congress. In answer to my friend from Wisconsin, [Mr. BRAGG,] who appealed to me in such complimentary language, I agree very largely with him on the question of war claims. I ask nothing for war claims. But we ask a just distribution of the public funds for public improvements.

If our democratic friends refuse this to us because they fear they may be defeated for re-election, I say to them they must remember that we, too, have constituents to please. If we ally ourselves with a party which is afraid to do justice to our constituents they may leave us at home and select other Representatives, who may make other alliances with men who are not afraid to do justice to their friends. To the republicans I say, you have made fatal mistakes in your treatment of the South, in your reconstruction measures. But for these measures and the spirit which prompted them your party might have found a broad and enduring basis in southern society.

The policy of distrust, hate, and oppression cemented the southern whites in opposition. The continuance of this policy while it will not unite the North insures the continuance of a solid South. The next President, if elected by the people, whether he comes from the East or the West, must possess two essential requisites. He must have been loyal to the Union during the war of secession to satisfy the North, and he must favor the material development of the South now to satisfy us. Let those who aspire to this position take notice.

But to return to the Texas Pacific Railway. The bill presented by the committee, though I support it, is not what I would have preferred. While I do not desire an inflation of greenback currency beyond what it was when the resumption act was passed I wish all the

reissue to be expended in public improvements, and the bill introduced by me to build this road with greenbacks expressed my sentiments fully.

The aid to be granted under either bill is but lending the credit of the Government. In one case the Government lends its own notes of hand which answer all the purposes of money; her citizens become her creditors in one sense, for they trust her promise and are willing to wait her pleasure to pay. On the other hand the Government is the creditor of her own citizens who are the stockholders of the railroads and who bind themselves and their property to pay principal and interest of the money she has advanced to them, and the debt will be confined at home. It secures an increase of taxable values created on the credit of the Government alone.

If the other bill is adopted the Government lends its credit for the use of its citizens but not to its own citizens. The railroads will rush into the foreign money markets with their bonds, the interest on which, payable in coin, is guaranteed by the Government, and the bonds will be sold at a discount to secure the money necessary to build the roads, and whether the interest is met by the railroads or the Government we have another coin drain started from our country. This is unwise and unnecessary at this time. We have no need for gold and silver as a circulating medium as long as we continue greenbacks as a legal tender; but gold and silver have been and ever will be the gauge by which the values of the world are measured, and it is wise that we should create no unnecessary drains to draw these precious metals from us. But I assert that neither gold nor silver ever were or ever will be the circulating medium of trade, because they are too cumbersome and because there never was and never will be a sufficient amount of these metals in the world for this purpose. That they have circulated to a considerable extent all admit, but the trade of the world has been and ever will be carried on through bank-notes, bills of exchange, and commercial paper. The coin of the world has been but a measure of value and a basis of credit, and I favored the remonetization of silver because its withdrawal enhanced the value of gold, thereby elevating the standard of value and reducing the basis of credit. Coin is not and never was the sole basis of credit. Property is the great basis and in proportion as any species of property will bring cash at a forced sale is it more valuable as a basis of credit; and just here I would remind gentlemen that the blow which struck out of existence one thousand millions of slave property, which brought cash on forced sale, was the blow which prostrated the South and crippled the whole money power of the Government. While this, from a humanitarian standpoint is not now to be deplored, no statesman can fully understand our financial troubles who fails to recognize this fact.

The greenbacks which the Government had issued flowed into the South at the close of the war and tended to fill the vacuum which the destruction of slave property had created. But the rapid contraction of the currency which followed; the enhancement of gold value by the demonetization of silver, and the increase of the public debt by making bonds payable in gold that were payable in greenbacks, struck a blow that was disastrous to both North and South. We of the South are better prepared, poor as we are, than any other portion of the Union for the resumption of specie payments, because almost our whole wealth consists in our annual crop, which will bring gold in any market of the world. And if we had been disposed to be selfish, if we were filled with the malice and hatred we are often charged with here, we would have united with the hard-money men and rejoiced in the bankruptcies and failures which are daily toppling to ruin the gigantic fortunes of the East and West. But we know that what brings ruin to any portion of the Union brings suffering to the rest, and, on the other hand, that the prosperity of one section brings comfort to the other. We have listened to the cry of suffering from our western brethren and have come to their relief. But, sir, there is no need to recoin the silver dollar or to reissue the greenback note unless some means are devised by which the people who have nothing to offer but their labor can get them.

We come to you now proposing a measure of relief. I ask that you shall enter upon this great work of national importance and that you shall build it with greenback money. It is a measure of triple relief, relief to the South in developing her resources, relief to the country by increasing the amount of taxable property and of the circulating medium, and relief to the hungry and naked by giving them work that shall appease their hunger and cover their nakedness. The greenback is based upon all the property of all the States, and this basis of credit is sufficient to make it what the great orator of Indiana [Mr. VOORHEES] called it, "the best money in the world." But its issuance can afford no relief to the starving laborer unless it is placed within reach of his labor.

THE SOUTHERN AND CENTRAL PACIFIC OPPOSITION.

We come next to the opposition of the men who control the Central Pacific and its connecting lines, men few in number but of marked financial ability and powerful in all the influences which money can control. The chief agent of this road, and now the chief operator here for the Southern Pacific, has declared on more than one occasion that there was no necessity for more than one road to the Pacific; and yet we have seen him and his confederates sitting like vampires upon the Pacific coast sucking the life-blood from the transcontinental commerce, and watching every new road to absorb or strangle it. When the Atlantic and Pacific was chartered they were here asking leave to connect with it that they might kill it. When the Texas and Pacific was chartered, they were here asking leave to connect with it, and under pretense of meeting it, they have left their legitimate work behind and pressed forward with the money they retain from the Government to cut off this road from the Pacific. They think they have succeeded in this, and they are now pressing still further and asking permission to reach El Paso. From this point they can connect with the Atchison, Topeka and Santa Fé road upon the north or the Galveston road upon the south, or both, and thus cut off the Texas Pacific on the east. They are maneuvering, too, for a connection from Ogden to Umatilla that will cut off the Northern Pacific on the east, and at the same time they are striving to secure for their San Francisco and Portland road a passage through the only pass in the Cascade Mountains, and thus strangle the Northern Pacific on the west. At the same time they have bought up or combined with the Pacific steamship lines, which enables them to charge their own prices upon freight and travel to the Pacific.

This great corporation which was warmed into life and nurtured into strength by Government aid; which refuses to pay 5 per cent. of its net earnings as required by law; which fails to make any provision to meet its rapidly accumulating debts while its stockholders grow rich on its earnings; which in times past is said to have invaded both Houses of Congress, placing its money where it would seduce our Christian statesmen; whose organization is as perfect as the ancient order of Jesuits; whose extortions on the public are intolerable; whose agents, spies, and pimps infest every corner of Washington and pollute the very air of the Capitol, is here by its hirelings to ask that no aid shall be given to the Texas and Pacific Railway. Sir, the effrontery of this demand, its injustice to others, and its cold-blooded selfishness should awake the Congress and the country to the iniquity of those who make it. If Congress has created such a monster it is but its plain duty to throw every barrier in its way to prevent its further accumulation of power and to place every safeguard it can around the people to protect them from its extortions. There is no better way to do this than by aiding in the construction of another, shorter, and cheaper, competing line to the Pacific coast. We have learned wisdom from the past, and we can place, as we have placed, such restrictions in this bill as shall enable us to guard and protect the interests of the people against the extortion of a soulless corporation. They come with a proposition so delusive and so fair in appearance that it has deceived some even of our southern friends Their bill introduced by my colleague from Mississippi [Mr. MONEY] and advocated by Mr. Huntington before our committee set out with a conclusion, reached by a doubtful if not erroneous construction of law, that the Texas and Pacific has forfeited its contract. With this excuse it modestly proposes to take the whole Government land grant from the Texas and Pacific and build its road from the west to terminate at El Paso, six hundred miles from any southeastern connection.

This bill gave to Mr. Huntington and his associates complete control of the Pacific coast, but gave to the Government no control over the rates of his roads. It robs the Texas and Pacific of its entire land grant from the Government and yet gives us no connection with his road. If the Texas and Pacific should be unable or unwilling under these circumstances to build any farther west across a desert country, of what value would the Southern Pacific be to us? It might be a splendid feeder to the Central or it might connect with the Atchison, Topeka and Santa Fé road, but it would be of no earthly value to the Southern States. And the Government, which has given one hundred and seventeen millions in subsidies to the road on the forty-first parallel and forty-six millions to the road on the forty-seventh, is asked to take from the road on the thirty-second parallel the small sum of eighteen millions of acres of land which she promised to give. The bill has since been amended by the minority of our committee, who say their bill does not meet the wishes of this corporation; but objectionable features still remain.

Sir, to my mind a more monstrous and iniquitous proposition could not be invented. If the Southern Pacific, which means but the Central Pacific, has the financial ability to build its road to meet the Texas and Pacific, whence does this ability come? The ground upon which Government aid was first asked for a Pacific railroad was that private capital could not accomplish it and would not undertake to build it. A land grant of immense value was given, and still the road could not be built. A subsidy of fifty-seven millions was granted for thirty years, on terms that bind the Government to the payment of interest, secured by a first mortgage to the Government, and this was not sufficient. The Government was then postponed, in its right, to a second mortgage, to enable the road to be built. If now the Southern or Central Pacific has the financial ability to build another road upon a land grant alone, the subsidies of the Government have conferred that power upon it. Shall we, then, not only add to that power, but take away from another competing corporation the little we have given, that it may be crushed?

Sir, leaving out of view any question of vested right in the Texas Pacific, is it right? Is it honest? Is it fair? Opposition to monopolies has ever been a cardinal principle in the democratic party, and yet men calling themselves democrats are willing upon a plea of economy to build up this monopoly, already the most powerful in the Government if not in the world. The law of primogeniture, which gave to the eldest son his father's whole estate, was always abhorrent to the American idea of justice, and yet now, when the same question

comes up between two corporations, both the creatures and children of this Government, we are asked to give everything to the older and take from the younger even that which it has. We are asked to take from a corporation which has exhausted its private resources in building a portion of its road and extend favor to another whose road has been built with Government means, whose net income is $6,000,000 per annum and which yet refuses to pay interest on its Government debt. If it cannot pay this interest it is but fair to presume that it cannot build another road upon a land grant alone and that the offer to do it is a delusion and a snare. If it can pay it and will not, we have the spectacle of a great corporation which has been fostered by the Government refusing to do equity to it and yet asking that another franchise shall be given to it by the same Government, that it may be still more powerful and defiant.

We have but recently heard its officers boldly proclaiming that the Union and Central Pacific roads would not be worth the first mortgage at the maturity of their bonds and yet we have seen them resisting by all the means in their power the creation of a sinking fund for the payment of their just debts.

We know that the earnings of the Central Pacific have been used in the construction of the Southern Pacific. We have heard the denial that the Central has any interest as a corporation in the Southern, but we at the same time have heard the admission that the owners of the Central are the construction company of the Southern. Another Credit Mobilier scheme, by which another railroad is to be swallowed up by the same individuals. If these parties are permitted to build the Southern Pacific to El Paso, one of two things must necessarily result: either it will not be a competing line to the Central, and hence of no practical value to the country, or, if a competing under their management, it would be used to so cripple the Central that the Government money therein will be utterly lost. No honest competition between the roads can be expected with both under the same direction, and no confidence can be placed in a corporation whose every effort has been to swindle and defy the people.

The agents of this corporation, who dog the steps of members of Congress and eavesdrop private conversations to retail them to their masters, with artful cunning and malignancy attempt to inflame the northern mind against the Texas Pacific by denouncing it as a southern steal, and then with equal adroitness they seek to prejudice southern members against it with the sneer and insinuation that it is not a southern enterprise, but one intended for the benefit of Philadelphia and its great railroad king, Tom Scott. These arguments, presented from different stand-points to affect the views of different men, are the best evidence we could adduce to show the national character and importance of the road. It is a southern enterprise, and will greatly enhance the value of the impoverished railroad system and the desolated fields of the South, yet it will no doubt equally benefit Philadelphia, New York, Boston, and other portions of the Union; and perhaps it may greatly benefit that individual who is held up as a bugbear whenever the Texas and Pacific Railroad is mentioned. But, sir, whether it help Tom Scott or Tom Collins is a matter of no consequence to me. There is no contract this Government can make, no business it can undertake, that will not be subject to the very same objection and that will not confer some special benefit on some particular individual. The appointment by the Doorkeeper of the House of a laborer to sweep the Halls of Congress, the lowest, perhaps, of the Government appointments, is often sublet by the appointee to another who does the work for half the pay. It is idle, therefore, to urge such an objection as this to a work of great national importance.

PRESIDENTIAL ASPIRANTS.

But, Mr. Speaker, it has been intimated and even asserted that the interests of the democratic party and of those who aspire to be its candidates for the Presidency require that a democratic House shall grant no subsidies to this or any other southern improvement. Sir, I am a democrat. I belonged to the democratic party in times past when many of the distinguished gentlemen now acting with us, and some of whom are opposed to this measure, were members of the old whig party. And when that party was advocating a general system of internal improvement by the General Government I was opposed to it because I could find no warrant of authority for it in the list of delegated powers granted by the States to the General Government. I remember with what tenacity the great body of the democratic party in the South adhered to these principles, and I have seen the consequences. I remember, too, that our democratic brethren in other parts of the Union had not the same scruples upon the subject of using the public money for internal improvements, and while we kept our scruples they kept the public money constantly employed in building up their section. And what has been the result? While $207,999,664.77 of public money have been expended up to 1873 in what is now called subsidies by the Government, less than nineteen millions have been expended in the South. Magnificent custom-houses have been erected in the North and East; splendid post-offices and court-houses have been built; rivers and harbors have been cleaned out; breakwaters, canals, and railroads have been constructed; steamship lines and fisheries have been heavily subsidized; and Hell Gate passage has been blown out with an explosion second only to that which some members make on this floor whenever an appropriation is suggested that looks to the development of the South. On the other hand, when you look south of Mason and Dixon's line you see a custom-house at New Orleans the condition of which, after many years of driveling delay, is a disgrace to the country, and a mint which the other day was refused an appropriation to put it in working order. You look to Memphis, in a region where the best of ship-timber can be found, a region from which England and France are now drawing large supplies of the best white-oak timber, and you see the ruins of a desolated navy-yard on the banks of the Mississippi River, the greatest natural highway for internal commerce in the world. And this Mississippi River itself, upon which should now be floating the commerce of every nation, has been neglected and almost abandoned to the freaks of nature; a river which has been shown by Government survey to have an average depth of eight-five feet from Cape Girardeau to Vicksburgh, and of one hundred and fifteen feet from Vicksburgh to New Orleans; and yet we who live upon its banks have seen richly laden steamboats, drawing but seven and sometimes five feet of water, stuck fast for days and weeks and months and sometimes utterly wrecked on sand-bars in the middle of the stream. And so treacherous and uncertain are these shoals that the pilots on the river have been compelled, through a voluntary association, to leave written notices for each other at prominent points as they pass up and down to tell the latest movements of the shifting sands. Each steamboat, coal-barge, and flatboat that sinks and every tree that is torn from the bank and sunk in the river tends to form a new sand-bar, and it is just as essential to the safe navigation of the river that these obstructions should be removed at once as it is essential to the good health of a city that scavengers should instantly remove the dead carcasses that fall in its streets. We need dredge-boats sufficient to mobilize the sands of every prominent bar; we need snag-boats sufficient to remove these obstructions at once; and in many places we need low-water jetties or wing-dams to deflect the current from the caving banks and to throw it on the sand-bars to scour them out; and yet if we ask for a proper appropriation to do this work, or to build levees upon the banks, which are but high-water jetties, to confine the vast volume of water at high tide in a single channel that it may go sweeping with dredging power to the sea, we are met with the same fierce cry of subsidy. Such shameful neglect, and such failure to perfect by the aid of science this great highway of nature, and the pitiful appropriations that have been made for its improvement, are a crime against civilization and a disgrace to the commercial genius of the United States. And when we turn from our great river to our railroad; when we say that the Government has built one railroad to the Pacific, and that another is now demanded, not only to equalize the appropriations of the Government, but to give to the great and growing trade of the Pacific another outlet to the Atlantic over a competing line that will be free to the world from extortion, and that will not be impeded by the snows of winter, we are met by the same deafening cry of subsidy.

It is true that in times past the democratic party as a party was opposed to a general system of internal improvements by the General Government; but we must remember that the democratic party of to-day is not composed alone of the democrats of the past, for many a gallant whig who believed in Mr. Clay's general system of internal improvements by the General Government is now enrolled in our ranks. In truth the democratic party of the South has for years past had but one great, controlling, all-absorbing principle in national politics, and that was the great principle of local self-government. That question has now been settled. The military encampments which, to the disgrace of the Union, were pitched in the State-houses of Louisiana and South Carolina have been broken up and the last armed soldier who was sent South to intimidate democratic voters has been withdrawn. Whether this was accomplished by the bold action of a democratic House in refusing money to the Army to invade a State or by the scruples of a conscientious President who had sworn to support the Constitution it is unnecessary now to decide. The question has been settled and we are now ready to consider another. The gifted orator of Ohio [Mr. EWING] well said:

> It is characteristic of republican governments that the people confine their attention and interest to one great question until it is thoroughly settled, and now that the last of the southern questions is happily settled by the triumph of the democratic principles of local self-government, there looms up as paramount in importance and interest the question of debt and the currency.

When this question of the currency is settled—and it is now settled so far as this House is concerned—what next shall loom up into paramount importance?

To us of the South and West the next great question of importance is our own material development. We want the Mississippi River deepened until sea-going vessels can load at Saint Louis, Cairo, and Cincinnati. We want to see the trade of China pouring from San Francisco and San Diego, not only through Saint Louis and Chicago to Philadelphia, Boston, and New York, but at the same time through Vicksburgh, Memphis, and New Orleans, by the shortest route across the continent to the Atlantic at Savannah, Charleston, and Norfolk. To accomplish this the aid of the Government must be extended to us, and, if the theory of our anti-resumption friends is correct, the millions of currency which have been withdrawn from circulation should be reissued and appropriated for this purpose. If they are in earnest in the declarations they make about giving relief to the laboring classes, if they wish to see the circulation increased and at the same time give value to every dollar that is issued, let them join

us in our efforts to build up the waste places of the South. Let all the idle workingmen be gathered together and put to work on the Mississippi levees and the Texas and Pacific Railroad, and then every dollar that is issued to pay them will not be an inflation of currency without value, but will represent the value of a day's labor that has been added to the aggregate wealth of the nation. A debt contracted in the destruction of values, as our present debt was, is a burden and a curse to a people; but a debt contracted for valuable improvement and remunerative property, whether contracted by an individual or a State, brings with it blessings and prosperity. Incur debt, then, if you choose, for these valuable improvements, and the blessings of prosperity will be felt throughout the land. Build up the waste places of the South, give tone and vigor to that portion of the body-politic which has been emaciated and enfeebled by the ravaging disease of war, and the currency which has accumulated at the money centers, with stifling effect upon trade, like blood unnaturally forced to the heart, will again be gently diffused through the paralyzed limbs, until the South will once more stand erect and become the joyful recipient and lavish purchaser of the products and fabrics of the North and West. Your horses, your mules, your corn, your meat, your wagons, your plows, your clothing, your furniture, your wine from the vine-clad hills, yes, and your whisky from the distilleries, whether crooked or straight, will find a ready market among our hungry, naked, and thirsty population.

But shall these things be done for us, and, if not, why? If it fails to be done our southern members will be largely responsible for the failure. Enough northern men, without regard to party, will, as they always have where northern improvements were concerned, cling together, and the Northern Pacific will be carried through. Notwithstanding your anti-subsidy resolution, passed by two-thirds of this House, the subsidies to the Northern Pacific will be renewed and extended for ten years. The grant of lands in this case will secure the building of the road. It runs through a magnificent agricultural country, and the demand for the lands will accomplish the purpose. The Government, as we know, built the Union and Central and filled Minnesota, Iowa, and Kansas with branches, and southern men will sit by and see the Northern Pacific built in the same way, while perhaps the Texas Pacific may be defeated. Hugging the mutilated body of State rights to their bosoms, agonizing over the fossil remains of the resolutions of '98 and '99, exhausting their energies over picayune reductions in the appropriations and expenditures, they will see their section left in poverty and want while the tide of wealth and empire rolls over the Northern States. Sir, I mourn over such representatives as Bulwer mourned over the bright classmate of his college days whom he found in after years a poor curate delving into the roots of the Greek language, or, as he expressed it, "wasting the energies of an immortal soul over the effete particles of a dead language." To those who fear a second Credit Mobilier, I say that to be forewarned is to be forearmed, and the same or a similar fraud can never be practiced on the same people twice. To those who have constitutional scruples, I say look to the established practice of the Government.

The precedents followed for years of giving Government aid to internal improvements have been too frequent and too long continued to be questioned now. The learning of our State-rights fathers might be and is most excellent reading for the student of history and the philosophy of government, and would furnish valuable texts for those who would preach or weep over what the States might have been if preserved in their original rights. But in this day of centralization, when men are made citizens of the United States without being citizens of any particular State, this day of fast-mail routes and letter-carriers, when Government officials converse with each other through telephones, when there are one hundred thousand Federal office-holders, when the poor of every State, male and female, are flocking to the Capitol asking for work and begging for bread, when charities are dispensed to suffering cities from the public Treasury, when centennial celebrations and Paris expositions are promoted by direct appropriation, it is ridiculous and absurd to talk about a want of constitutional power in the Government to lend its aid to construct a great artificial channel of commerce whose cloud of smoke by day and whose pillar of fire by night leads the advancing host of civilization. The power to do this has been too long exercised to be denied now, and power once assumed is seldom abandoned except through revolution.

If, then, we of the South are a part of this Union, we ask in the name of justice and humanity an equal distribution of its governmental aid. If our "poor petition" is to be spurned, if our rights are to be denied to us, and by our democratic friends, the sooner we know it the better. When we believed the success of the republican party meant the destruction of every cherished right we possessed, we were solid for the democratic party which struggled to shield us from this oppression. We felt that we owed a debt of gratitude to the gallant men who by skill and ingenuity in parliamentary tactics and by physical endurance seldom equaled had saved us from the merciless persecution that would have followed the passage of the force bill, and we were determined to pay that debt not only to the party in general but to our distinguished Speaker in particular, who had borne a conspicuous part in that struggle. We have paid it, and the bonds which now bind us together are bonds of sympathy and love, bonds which I trust may never be rudely shaken and bonds which I pray may never be broken.

But, sir, if we are to be treated as orphans in the house of our fathers, if we are to be told to hush every time we ask for anything lest we jeopardize the aspirations of presidential candidates, if an alliance with us is to be deemed one of doubtful respectability, if prominent democrats in order to maintain their positions in the national democratic party must be constantly shaking their skirts clear from southern improvements, if, in short, we are to be but hewers of wood and drawers of water, then I say to gentlemen that unity of interest makes unity of sentiment, and unity of sentiment is the foundation-stone of political organization. The solid South may still be solid, and I hope she may, for the democratic party, but in my judgment it will be solid for that man and that portion of the party which recognizes her States as tenants in common, and not as tenants at sufferance with their sisters, and which is ready to receive her sons into full fellowship in this great American brotherhood.

APPENDIX.

And just here permit me to show what subsidies have been extended by the Government to other improvements:

Subsidies for the last ten years of the United States.

Years.	Pacific Mail Steamship Company.	United States and Brazil.
1867	$333,333 33½	$150,000 00
1868	416,666 16⅔	150,000 00
1869	500,000 00	150,000 00
1870	500,000 00	150,000 00
1871	500,000 00	150,000 00
1872	500,000 00	150,000 00
1873	500,000 00	150,000 00
1874	500,000 00	150,000 00
1875	500,000 00	150,000 00
1876	250,000 00	37,000 00
Total	4,500,000 00	1,387,500 00

Table showing assistance rendered by the United States to foreign steamship lines which are also subsidized by their governments on some route.

Year.	Company.	Nationality.	Termini.	United States assistance.	Additional subsidy obtained from the United States.
1876	Cunard Company	English	New York to Liverpool	$43,627 79	$2,953 52
	Hamburg American	German	New York to Hamburg	38,863 31	7 20
	North German Lloyd	do	New York to Southampton	28,680 51	429 88
	Liverpool and Great Western	English	New York to Liverpool	24,874 85	1,502 80
	Inman Line	do	do	9,281 27	1,314 99
	Canadian Line	do	do	3,603 05	
	Anchor Line	do	New York to Glasgow	2,246 90	
	General Transatlantic	French	New York to Havre	2,076 90	
	White Star Line and other	English	New York to Liverpool	17,089 72	118 40
	Netherland Steam Navigation	Dutch	New York to Rotterdam	2 92	
	Eagle Line	German	New York to Hamburg		5,409 57
				170,547 04	12,316 36
				12,316 36	
	Total amount paid by the United States to these foreign lines			182,863 40	

Here we see that the United States Government is subsidizing *subsidized* foreign steamships $182,000 and home lines $5,887,500, and all terminating in New York City.

Public lands granted for canal purposes to June 30, 1876.

[From report of Chief of Bureau of Statistics.]

Year.	Number of acres.	Year.	Number of acres.
1827	1,996,729	1865	200,000
1828	633,826	1866	500,000
1836	125,431		
1852	750,000	Total	4,405,986

Statement exhibiting land concessions by Congress to States and corporations for railroad purposes, from 1850 to 1876.

[From official sources.]

States.	Date of grant.	Name of road.	Estimated quantity in acres embraced in the limits of the grant.
Illinois	Sept. 20, 1850	Illinois Central	2,595,053
	Sept. 20, 1850	Mobile and Chicago	
Mississippi	Sept. 20, 1850	Mobile and Ohio River	1,004,640
	Aug. 11, 1856	Vicksburgh and Meridian	404,800
	Aug. 11, 1856	Gulf and Ship Island*	625,800
Alabama	Sept. 20, 1850	Mobile and Ohio River	230,400
	May 17, 1856	Alabama and Florida*	419,520
	June 3, 1856	Selma, Rome and Dalton	481,920
Alabama	June 3, 1856	Coosa and Tennessee*	132,480
	June 3, 1856	Mobile and Girard*	840,880
	June 3, 1856	Alabama and Chattanooga	897,920
	June 3, 1856	South and North Alabama	576,000
Florida	May 17, 1856	Florida Railroad	442,542
	May 17, 1856	Florida and Alabama*	165,688
	May 17, 1856	Pensacola and Georgia*	1,568,729
	May 17, 1856	Florida, Atlantic and Gulf Central*	183,153
Louisiana	June 3, 1856	North Louisiana and Texas	610,880
	June 3, 1856	New Orleans, Opelousas and Great Western	967,840
Arkansas	Feb. 9, 1853	Cairo and Fulton	1,160,667
	July 28, 1866	....do	1,040,000
	Feb. 9, 1853	Memphis and Little Rock	438,646
	July 28, 1866	....do	365,539
	Feb. 9, 1853	Little Rock and Fort Smith	550,525
	July 28, 1866	....do	458,771
	July 4, 1866	Iron Mountain	864,000
Missouri	June 10, 1852	Hannibal and Saint Joseph	781,944
	June 10, 1852	Pacific and Southwest Branch	1,161,235
	Feb. 9, 1853	Cairo and Fulton	219,262
	July 28, 1866	....do	182,718
	July 4, 1866	Saint Louis and Iron Mountain	640,000
Iowa	May 15, 1856	Burlington and Missouri River	948,643
	June 2, 1864	....do	
	May 15, 1856	Chicago, Rock Island and Pacific	1,261,181
	June 2, 1864	....do	
	May 15, 1856	Cedar Rapids and Missouri River	1,298,739
	June 2, 1864	....do	
	May 15, 1856	Iowa Falls and Sioux City	1,296,163
	May 15, 1856	Dubuque and Sioux City	
	May 12, 1864	McGregor and Missouri River	1,536,000
	May 12, 1864	Sioux City and Saint Paul	524,800
Michigan	June 3, 1856	Detroit and Milwaukee	355,420
	June 3, 1856	Port Huron and Milwaukee	312,384
	June 3, 1856	Jackson, Lansing and Saginaw	1,052,469
Michigan	June 3, 1856	Flint and Père Marquette	586,828
	June 3, 1856	Grand Rapids and Indiana	629,192
	June 7, 1864	....do	531,800
	June 3, 1856	Marquette, Houghton and Ontonagon	
	Mar. 3, 1865	Bay de Noquet	128,000
Michigan, (res.)	July 5, 1862	Chicago and Northwestern	564,480
Wisconsin	June 3, 1856	West Wisconsin	999,983
	June 3, 1856	Wisconsin Railroad Farm Mortgage Land Company	
	June 3, 1856	Saint Croix and Lake Superior and branch to Bayfield*	524,714
	May 5, 1864	Saint Croix and Lake Superior and branch to Bayfield*	318,737
	June 3, 1856	Chicago and Northwestern	350,000
	May 5, 1864	Wisconsin Central	215,000
Minnesota	Mar. 3, 1857	First Division Saint Paul and Pacific	600,000
	Mar. 3, 1857	Branch Saint Paul and Pacific	1,800,000
	Mar. 3, 1871	Saint Vincent extension of Saint Paul and Pacific	1,248,038
	Mar. 3, 1857	Minnesota Central	1,475,000
	Mar. 3, 1857	Winona and Saint Peter	2,000,000
	Mar. 3, 1857	Saint Paul and Sioux City	643,403
	May 5, 1864	Lake Superior and Mississippi	1,410,000
	July 4, 1866	Southern Minnesota	1,010,000
	July 4, 1866	Hastings and Dakota	920,000
Kansas	Mar. 3, 1863	Leavenworth, Lawrence and Galveston	735,000
	Mar. 3, 1863	Missouri, Kansas and Texas	550,000
	Mar. 3, 1863	Atchison, Topeka and Santa Fé	800,000
	July 25, 1866	Missouri River, Fort Scott and Gulf	1,520,000
	July 23, 1866	Saint Joseph and Denver City	3,000,000
	July 25, 1866	Missouri River, Fort Scott and Gulf	1,700,000
Corporations	July 1, 1866	Union Pacific	2,350,000
	July 1, 1862	Central Branch Union Pacific	12,000,000
	July 1, 1862	Kansas Pacific	245,166
	Mar. 3, 1869	Denver Pacific	6,000,000
	July 1, 1862	Central Pacific	1,000,400
	July 1, 1862	....do	8,000,000
	May 6, 1870	Burlington and Missouri River	1,090,100
	July 2, 1864	Sioux City and Pacific	2,441,600
	July 2, 1864	Northern Pacific	60,000
	July 13, 1866	Placerville and Sacramento Valley	47,000,000
	July 25, 1866	Oregon branch of the Central Pacific	†200,000
	July 25, 1866	Oregon and California	3,000,000
	July 25, 1866	Atlantic and Pacific	3,500,000
	July 27, 1866	Southern Pacific	42,000,000
	Mar. 3, 1871	....do	6,000,000
	Mar. 2, 1867	Stockton and Copperopolis	3,520,000
	May 4, 1870	Oregon Central	†320,000
	Mar. 3, 1871	Texas Pacific	1,200,000
	Mar. 3, 1871	New Orleans, Baton Rouge and Vicksburgh	18,000,000
			3,800,000

Statement exhibiting land concessions by Congress to States and corporations for railroad purposes, from 1850 to 1876—Continued.

* No evidence of the construction of any part of these roads having been filed in the General Land Office, the grants are presumed to have lapsed, but the lands have not been restored, and Congress has taken no action in the matter.

† Lands declared forfeited by Congress.

Statement showing the amount of bonds, payable thirty years from date, issued to the Pacific railway companies, with the interest, at 6 per cent., paid and due thereon, at the close of the business of the Treasury Department, December 30, 1876.

[From the Treasury Department.]

Name of railway.	Authorizing acts.	Interest payable.	Principal outstanding.	Interest accrued and not yet paid.	Interest paid by United States.	Interest repaid by transportation of mails, &c.	Balance of interest paid by the United States.
Central Pacific	July 1, 1862, and July 2, 1864	January and July	$25,885,120 00	$776,553 60	$12,580,804 87	$1,268,672 12	$11,312,132 75
Kansas Pacific	July 1, 1862, and July 2, 1864	January and July	6,303,000 00	189,090 00	3,482,073 07	1,515,718 49	1,966,354 60
Union Pacific	July 1, 1862, and July 2, 1864	January and July	27,236,512 00	817,095 36	13,518,515 39	4,126,871 52	9,391,643 85
Central Branch, Union Pacific	July 1, 1862, and July 2, 1864	January and July	1,600,000 00	48,000 00	877,808 26	44,408 05	833,400 21
Western Pacific	July 1, 1862, and July 2, 1864	January and July	1,970,560 00	59,116 80	840,613 74	9,367 00	831,246 74
Sioux City and Pacific	July 1, 1862, and July 2, 1864	January and July	1,628,320 00	48,849 60	780,403 09	39,470 28	740,932 81
Totals			61,623,512 00	1,938,705 36	32,080,218 42	7,004,507 46	25,075,710 96

GOVERNMENT LOAN TO HOMESTEAD SETTLERS.

Mr. WRIGHT. Mr. Speaker, want and destitution and hunger are abroad in this land. Men, women, and children die daily from starvation. In the midst of all our apparent prosperity, still there is a degree of suffering among the poorer classes of our people that calls upon us for relief, immediate and substantial relief. Speculative theories, and hopes to be realized from legislation, with a favorable prospective future, will not do; it is present material aid, it is bread, that the half-starved multitudes demand. "Employment or bread." It was this motto inscribed upon the banners of five thousand men recently in line in the city of San Francisco, and such was the device upon the banners of like multitudes of people in the Middle and Eastern States. "Give us employment or give us bread." Strong and fearful language. Paris upon an occasion heard it. The sequel I need not mention; that is history.

The nature of the bill under consideration is not merely for present relief, but also the commencement of a policy which is designed to place the agricultural interest of the country where it properly belongs, and that is above any other branch of the public industries. The bill proposes to make a loan of $500 by the Government to any citizen of the United States, or the head of a family, who has goods and effects under the value of $300, and who makes an entry on the public domain under what is known as the homestead law of the 20th May, 1862, this loan to be secured by mortgage upon the homestead,

payable during the term of ten years, in annual installments, with interest at the rate of 3 per cent. per annum; the amount of the loan to be made to the settler in five monthly payments; proof to be taken by the Register of the Land Office, in the locality of the land so entered, that the money received on the receipt of each installment has been expended in improvements before the succeeding one will be made; the law to expire by limitation when $10,000,000 have been advanced in the manner provided.

These are the main features of the bill. The objections made to its passage are, first, its unconstitutionality; and secondly, that it is inexpedient and improper legislation. It is a difficult matter to determine what is, and what is not, constitutional legislation. Under the clause of "providing for the general welfare" Congress has done a great many strange things, all of which have been submitted to. It has divided among the States large sums of money, the products of the sale of the public lands; granted millions upon millions of dollars to railroads, corporations, and Credit Mobiliers, as well as vast territories of the choicest lands of our domain; granted lands to States and Territories for the endowment of schools, colleges, charitable and religious institutions; granted alms to foreign nations in the hour of famine, subsidies to ocean steamers and in violation of the letter of the Constitution which provides that nothing but gold and silver shall be a legal tender, Congress has enacted and the courts affirmed that certificates and bills of credit are gold and silver; and now a scheme is in contemplation to grant to the States and Territories the unsold and unoccupied lands within their several limits.

It therefore seems that Congress has the constitutional power, to judge from its past acts, to grant money and land for almost any purpose, but has not the power to make a small loan, repayable with interest at 3 per cent. per annum, to a half-starved laboring-man. It is thought better that some corporation should enjoy the gift, and make large profits out of such gifts, than to loan a tithe to our suffering people. They will do to fight our battles and erect our public works; but the idea of a small loan secured by mortgage is a monstrous idea, the conception of imbecility and advocated by madmen. And so much for the constitutionality of the measure.

Now, as to the inexpediency and impropriety of the adoption of the principle contained in the bill.

I am one of those who believe that the time has come for a change of base in our legislation, that the rights of man are to be considered as well as incorporated wealth, that the day has come when class legislation should be forever abolished, or so curtailed and diminished in its demands as not to subordinate all other subjects of legislation. Labor should have its share of the benefits resulting from legislation; and because it bears the humble name of labor it should not be excluded from the mind of the law-makers. An eminent writer has well said that "the history of labor is only second in importance to the history of knowledge." The assertion is true. It cannot be controverted. I shall therefore consider the question of labor, and speak of the demands that this class, embracing as it does nine-tenths of our entire population, has upon the consideration of Congress. We in this Hall are their Representatives; we are their servants; by their suffrages we occupy these seats.

While it may be said that Congress is the legislative branch of a Union of States, the very document that confers this title commences with the words "we, the people."

It does not become me so much to complain of what has been done during the last twenty years by Congress, as what was omitted to be done. It is well understood, however, that there have been very few laws enacted for the general welfare of the people. Class legislation has been the rule, and legislation for the benefit of the workingmen of the nation the exception.

Aside from the passage of the homestead act in the Thirty-third Congress, I am not aware that anything has been done which directly affected the popular interests. By popular interests I mean those which relate to the workingmen of the country—individual interests; not class. Congress has dealt with a degree of liberality toward the corporations, and those who represented the capital of the country, to an extent that almost challenges our belief when we contemplate the vast largesses. To the demands of those favored classes the door of the Treasury has been unlocked to them, and the choicest parts of the public domain have been ceded to them, as though it were the owner of the land and the money voluntarily bestowed. It is the people who own the public moneys and the public lands, not Congress.

The grants of lands to corporations during the two last decades will not fall short of two hundred millions of acres; and the subsidies to incorporated railroad companies, Credit Mobiliers, and other favorites will not fall short, during the same time, of a hundred and fifty millions of dollars. Under what clause of the Constitution these acts were done, honest judges and impartial lawyers may look for in vain. The broad mantle of the "general welfare" will not cover this usurpation of the laws. But it has been done, and let the sleep of oblivion await it. There is no remedy for past mismanagement. I suppose it will be repeated, and by the present Congress, too. But, in my judgment, the Texas Pacific has greater claims for consideration than any of the railroad schemes which have preceded it, and more especially for the reason that it will benefit a portion of the people of the country who have not been recipients of any part of the immense subsidies that have already been granted. But will this reason justify the project of legislation on our files?

Let me inquire, sir, in what way the masses of our people have been benefited by this system of legislation. They are fast reaching the conclusion that Congress is a legislative body whose chief employment has been the division of money among a favored class. They reason, and with much consistency too, that, while they are the owners of the public lands and money, they are of not sufficient account even to be consulted. The great agricultural interest, the facilities of raising corn, and herds of cattle, and which should be of the first importance in the policy of government, are subjects of secondary importance. The argument has been held out that these immense subsidies have been granted with a view to the development of the resources of the country. But the capital of the country and corporate powers have been infinitely more benefited than the masses. These privileged persons are to-day surrounded with all the comforts and luxuries of life, while the masses of no civilized country on the globe are in a more depressed condition than this. If anything is manifest it is the startling fact that a large number of the American people are in a state of personal financial difficulties, and millions of them in absolute poverty.

Through a false system our laboring-men have been concentrated in bodies about our cities, large towns, mining and manufacturing districts, engaged in different industries, which for some cause having failed, the employés have necessarily been discharged and thus thrown upon the charity of their more prosperous neighbors. Had these laboring-men been encouraged by assistance of the Government and placed upon the public lands they would have been thrifty people in the place of wandering mendicants, as hundreds and thousands of them are. And thus we find, at this time, in consequence of the depression of the mining, manufacturing, commercial, and other industrial pursuits, thousands of men out of employment, men who are ready and willing to labor but can find no employment.

It is stated upon what may be regarded as reliable authority that there are at this time two millions of our people who can find no work to do. Deep and gloomy distress covers the land. There are in the city of Philadelphia eight thousand tenants who cannot pay rent; there are ten thousand houses that are empty. In that city alone there are five thousand persons in the penitentiaries, houses of refuge, of correction, and public charities. I speak of a single city. Apply these statistics to other large cities and towns throughout the United States, and you have a grand total of people restrained of their liberty that no enlightened country can begin to approach. Outside of this Chamber, everywhere your eye rests upon want, nay, squalid, repulsive poverty. It is limited to no particular place; it is everywhere. You may see it on your daily approach to this Hall; you have seen it on your way to and from your homes and about them when there. Strong, stout men in rags begging for employment; small children, wandering over the streets, from house to house, pinched with famine and shivering in the cold blasts. These things you meet with every day. There is famine around us, and thousands upon thousands of people are in the most destitute condition, but who still live; but how? Heaven may know but mortal men do not.

I commenced reading the horrors that were recently disclosed in some of the tenement houses of New York, but the disgusting details I involuntarily laid aside. Tell me, sir, what is to be done with the countless multitude who are out of employment and who earnestly and prayerfully seek it in vain? They are our children by birth or adoption. They demand and should have our care and protection. Heretofore we have sent our ships freighted with corn to Greece, to Ireland; and should the prayer come up from China, even there would our charities extend. Far as our navies bear the nation's flag, there our sympathizing hearts go.

Are we not prepared to realize want and destitution so near us, among our own people? The Queen of England has given her famishing subjects in India forty millions sterling during the last year. Shall our generosity to our own people be questioned? Shall our charity which warms up for others' woes in other lands be chilled in the midst of our own people? This state of things we all see. We know it to be so. With one responsive voice all say that "something must be done." What? That something to be done in several States that have come to my notice is the enlargement of the prison walls, the addition of houses of refuge, of charities, and corrections! What a remedy! What sagacity! What philanthropy! "Something must be done to relieve the wants and necessities of the people." Nothing speculative, I hope, and which depends upon the contingencies certain legislation may produce; nothing promised, in the employment that public works may hold out; nothing resulting from tariff laws or currency, greenbacks or the remonetized silver dollar. All these measures have met my hearty support. No, something more must be done or these starving multitudes must either live in destitution or commit acts of desperation.

Lord Bacon has wisely said:

> The way to prevent seditions is to remove the cause of them; for if there be fuel prepared, it is hard to tell whence the spark shall come that shall set it on fire.

The scenes of the past show but too plainly the agitation of the multitude. They meet, they resolve, they return to their homes; that is, what may be called homes. Abiding-places only. Few of the comforts of life. These have, in thousands of cases, been pawned for bread. The sign of the three golden balls tells where the tenement traps are.

If something is to be done, what shall it be? Do not deal in gen-

eralities, but do "something!" In the first place acknowledge by some public act of this body that Congress has a willing ear to listen to these popular complaints and that the toiling people have as strong a claim upon us as any privileged class. "Do something" in a substantial way that they may know we are not unmindful of their wants. Be it never so small, do "something!" Show them that we are their friends. That we are the Representatives of the people. That what we have to give, is theirs, not ours. The great Roman orator, when consul, in his instructions to his brother, who was governor of the province of Asia Minor, says:

Apply yourself, therefore, with all your spirit and all your zeal to that plan which you have already practiced; that of loving the people, protecting them in every way, and desiring that they should be as happy as possible.

If these sentiments in the ruler were wise and good two thousand years ago, then they are to-day. If the doctrine applied to a semi-monarchy was sound, how much more so in a more enlightened age and where the masses are better qualified to judge as to the character and extent of their rights. Our people have seen you add five thousand men to the rank and file of the Army since Congress met at an additional cost of five millions a year; they have seen you give liberal appropriations to all the branches of the Government; they have seen you commission men and furnish money to an exhibition in a foreign land; all this they have seen. Now let them see that you are willing "to do something" for them. Give them evidence at least of a friendly disposition. Let them see by your acts that your thoughts are with them, and that they are recognized as a part and parcel of this Government.

And what shall be done? Turn your eye to God's great farm of fifteen hundred million acres, unoccupied save by wild and savage beasts that roam over it, and by as wild and savage men. There is space enough to provide comfortable homes for all the unemployed and suffering men in this broad land. To place them there and loan them a few dollars for pressing temporary wants is, however, an unconstitutional and impolitic act. The Constitution! There are not threads enough left in it to stop the flight of a sparrow. Its disguised features cannot be recognized by the eye of an honest statesman. It is among the things of the past. The public domain holds out its arms, inviting laboring-men to come. Class, says the Constitution, is in the path that leads there. It is a shelter for savage men, and a largess in reserve for incorporated wealth.

"Westward ho!" should be the motto on the banners of the exodus of the working masses. It is the great field reserved for their present wants and necessities. If men of small means cannot go there with their families, grant them aid. Better hire them at the public cost to go there and cultivate this field than to suffer it to remain vacant. How infinitely more appropriate than to put the money in prison walls and solitary cells. People must live; the craving demands of nature know no law. Labor and land should go together.

Elihu Burritt, in a letter published a few days ago, uses the following strong language:

Nature has also a political economy founded on revealed and eternal laws which neither monarchies nor republics can violate with impunity. "What God has joined together let no man put asunder" is an injunction of wider sweep than the intimate relationships of human society. The law that joins together man and woman in conjugal life rests on the same basis of necessity as the law that joins together labor and land. In the first days of the creation these were so intimately united in the motive of its very existence that the only reason then revealed for making man was that he should subdue and till the earth, which was formed and fitted for this express purpose. The two cannot be put asunder by any human policy without incurring the consequences of a violated law in loss and suffering. Nor can they be kept asunder, or their union be prevented, without the penalty that follows a sin of omission. Whoever travels over the wild or thinly peopled regions of the earth will see what comes of keeping asunder labor and land. And on no other continent can this deplorable consequence be more strikingly seen than on the public domain of this country.

There is no other country in the world where so much labor and so much land are kept asunder as in the United States. And millions upon millions of our people are deeply feeling the penalty of this violation of the law of God and nature. Until our Government does works meet for repentance of the infraction of this law no political or financial reform can lift the nation out of the bog of its present condition. It is in vain for us to expect this condition will emerge to the hard footing and happy sunlight of permanent prosperity unless the Government puts its shoulder to the wheel in a strong, bold measure; unless it ceases to hold asunder what God and nature have joined together, or the best labor and the best land ever given to a nation. Hunger has sharp teeth, and will not only "eat through stone walls," but something harder still. It has more than once eaten through the procrustean adamant of a political economy which science had claimed should never yield to the sudden or abnormal necessities of humanity.

But it seems a sin against nature even that we should have this labor famine upon hundreds of thousands of able-bodied men on the verge of starvation, with half a continent unpeopled and uncultivated—belonging to the nation. We may depend upon it that the teeth of hunger in this country are as sharp as in Ireland or India. They will eat through the walls of that political economy which our National Government and State governments have made so impregnable to labor and so yielding to capital. Up to the present both these legislative powers have talked and acted as if they were yielding to a dangerous heresy to loan labor a dollar or provide for it employment even for the public good. Where it has asked bread, or a chance to earn it, they have given it a stone. But to incorporated capital it has said, "Seek, and you shall find; knock, and it shall be opened to you." And it has sought and knocked, and the Treasury of the nation and its vast landed estate have been opened wide to satisfy its unscrupulous greed. One hundred and twenty millions of the choicest acres of our public domain have been given to the Pacific railways, and millions upon millions of dollars, in the form of guaranteed bonds, which they are unable or unwilling to pay, either principal or interest. How remarkable, that a Government that pretends to any honest perception of justice should have two such opposite codes of economy—one for capital, the other for labor.

The great man who can read forty languages indulges in the picture which will attend the workingmen who enter upon the almost limitless domain:

They would give to the cold and barren poverty of unpeopled regions the warmth and wealth of permanent and coherent populations. They would make a wilderness lying in costly silence and idleness "to blossom as the rose." They would fill it with the merry music of Sabbath bells and of human industry. Nature itself would sing for joy at the bans of labor and land, so long kept asunder by a policy opposed to the fundamental laws and motives of the creation.

And is it not a wonder that this aged philosopher has not been denounced by the editors of some subsidized newspapers as a fool and an idiot for uttering the sentences quoted, and which probably are far beyond their comprehension?

The cultivation of the soil should be the occupation of the great majority of the people of this country. Agriculture should be the theme of our growing population. It means industry. When Adam wended his way sulkily out of the gates of Eden, he went under the command to "cultivate the earth and subdue it and to earn his bread in the sweat of his brow." If there is on the face of the globe a country which was made and shaped for the culture of the soil as the chief occupation of the people inhabiting it it is this. Talleyrand saw it in the beginning of this century and boldly remonstrated with his master, the great Napoleon, when the deeds of cession were exchanged for the Louisiana Territory. "Sire," said the minister, "you have parted with a territory sufficient to sustain a population of fifty millions of people, with everything that is needed by civilized man."

Within the limits of that grant of land, the purchase of which was the crowning act of Mr. Jefferson's life, the entire population of this Union to-day could be supported and sustained with all the absolute necessaries of life.

Agriculture will be the secret of our success in the great future. This country was not designed for commerce or manufactures. So much of these as are necessary for the promotion of the others are right and proper; but agriculture must be king! Labor and land must go together. Here is a broad field. It has all the elements of grandeur and power. Venice is the Venice it was when Shylock was upon 'change at the Rialto demanding his "usance." The foundations of Carthage, commercial mistress of the world, are gone, and the spot where she stood is unknown. London, on a small island in the sea, will live and flourish, but it will have limits to its commercial trade; commerce is its life. Not so with this great, broad, and capacious land. Its fields are boundless, its productions without a parallel; and there will be no limits to our greatness and prosperity unless a stupid and blind policy shall attempt to make the pursuits of the country what God never designed that they should be.

And here comes in the propriety of doing that in a time of general distress which will not only relieve the wants and pressing necessities of more than a million of laboring-men, who seek employment but cannot find it, and which will be in furthering the very measure that will benefit the whole country, and which it is its destiny sooner or later to attain. Let the cultivation of the soil be the absorbing idea. Implant this in the mind of our youths, that the cultivation of the soil is, after all, the occupation of honor; that in the pursuit of this there is a steady and certain progress; that it is not attended with the changes and fluctuations that surround the manufactories, the mines, and the mills. "Go West, young man," was the sound advice of Horace Greeley. Why go West? Because there was the open field for his labor, and he would necessarily leave behind him the vices and dens that too often afford welcome and shelter in our dense populations.

"Go West," let us say to the men who are out of employment to-day and whose necessities have not yet led them to the commission of crime. Men must live, and if the bread of life cannot be obtained by labor or charity, it will be taken in violation of the law. This is human experience. How much better to assist the poor man, with his family, to live in health and comfort than to enlarge your penitentiaries with a view of locking him up there, when you have refused him aid and he is forced to steal or commit highway robbery through sheer want and destitution.

Let ours be the course of wise men, and talk and reason with them. Mind, this is a Government of the people. They must be heard. Let our peace offering be this bill or any other which may meet the opinion of Congress of a kindred nature.

The passage of the bill before the House will open up the highway to a multitude of men, and the money that may be necessary to carry out the scheme will be worth a million times more than the boasted millions lavishly dealt out to Credit Mobiliers. The custody of the public moneys is a sacred trust. The manner in which much of it has been disposed of has created a feeling of deep popular disgust and indignation. It has not been distributed for the benefit of our toiling men. And can any one be so blinded to the fact as not to see the public effect this has produced? Say by your act in refusing to pass this bill that we cannot make a small loan to the distressed people of the country but can give immense sums of money to capital, and you will enkindle a flame of animosity and hatred.

Let the idea prevail that class legislation is to be preferred to equality to all, and how can you expect peace and quiet throughout the land? Legislate with a view to make labor honorable and inviting. Teach the multitude to embark in the noblest occupation of life, the cultivation of the soil. The vicious system that has made its way into the public mind of encouraging speculation, of bringing young men up to professions, crazing their heads with becoming stock-job-

bers and bankers, and living by their wits instead of the labor of their hands, should be scouted from the popular arena. Land is the source of substantial wealth. Make the farm and the workshop a theme of ambition for the young, and let agriculture stand out as the chief employment of our people, so you will have prosperity and so you will prevent the disastrous failures which too often occur in pursuits where money is alone the moving cause.

Speculation and false credit and intrigues among the moneyed men of the nation have put us in the humiliating condition we are in to-day. Crime has become so common among those who have heretofore ruled the exchange that our name abroad has become a byword and a reproach. Let us, in the name of all that is sacred, farm more and bank less. Let us produce more and speculate less. Let us come down to the conclusion that the man whose hands are soiled by the implements of husbandry is quite as respectable as the man upon 'change.

Such are the ideas that I would press upon Congress; and to carry out the plan successfully let the people know that we are willing to treat them fairly, honorably, and that class legislation shall cease and determine forever. The produce of our western fields, tilled and cultivated by our own people, will be a better equilibrium of trade and regulator of currency than all your Wall street knowledge. Let the "corner" of the stock speculators become the fence-corner and your "puts, and calls, and straddles" give way to wheat and corn and grazing herds of cattle. This will be a guarantee of success—permanent success.

The agricultural interests of the country have been lost sight of, or, I would say, subordinated to the money power. It was the small farmers of France who put two thousand millions of francs into the public treasury to pay the debt of the Prussian war. That plainly exhibits to us the magnitude of rural pursuits in that republic. Our big field, unoccupied, could hold within its capacious limits three French territories and sustain with all the necessaries of life five French populations. The farming interests of continental Europe are the foundation of their wealth. Money has not made the sovereign deranged nor corrupted the masses of the people.

I believe that the Southern States of this Union are more prosperous to-day than any other part of it; that there is less crime there and less of destitution. Why? Because the southern people, having passed through the fiery ordeal of war and its calamities, have manfully accepted the situation and turned their attention to reclaiming the old plantation and by all classes yielding to a necessity, which will redound to their honor and establish their prosperity. Farming, sir, to-day is the almost universal occupation of the Southern States. Suppose that banking and exchange and stock-jobbing had been the ruling idea in the southern mind, would the present condition of the people be tolerable? The wisdom of the people there in looking to the soil for support has been far in advance of the Middle and Eastern States. To make a commencement, therefore, in turning the public mind to a sure and certain success, as well as to make some beginning in aiding poor, upright, and honest men in the location of a home upon our rich domain, I urge the passage of the bill I have introduced for the consideration of Congress.

We have already provided that the citizen shall have land to settle upon, free of cost. I was an advocate of that law in this House when it was enacted, a quarter of a century ago. But if you furnish him with land when he has neither the means to reach it nor money to build his hut and plant his first crop, the gift to him is of no avail. I would not make him a subsidy; I would make him a small loan, secured by mortgage upon the land he settles upon, to be repaid in ten years, at 3 per cent. In this way he can make his commencement available. He must have his home, his farming-implements, and his seeds to plant. If he gets through the first year of his adventure, with industry, he will be sure of success, and he can repay his loan. Suppose a few thousand dollars should not be repaid—a trifle compared with the millions you have granted as subsidies to incorporated wealth, and which you never expect to be repaid. In one case it is a large gift to the rich; in the other, a small loan to the poor and helpless. It is one of our duties to aid and assist our indigent people.

Cicero lays down the maxim that "Nature made us just, that we might share our goods with each other and supply each other's wants." You all admit that "something should be done." If the scheme I advocate does not come up to your idea of that something, name it. I have no pride of opinion. Provide a substitute, and I will heartily co-operate in any better measure that may look to the relief of a suffering people. I am totally indifferent to the abuse that has been heaped upon me for my advocacy and support of this bill. I can stand it all, if one poor human creature is benefited by my action.

Sometimes it is prudent and wise to be just. The unmistakable signs of the times indicate uneasiness and discontent. The element slumbers now, but it is an element of popular power, and will in some way find vent. Exhibit by your action a disposition to listen to the application that is forced upon us. Twenty-five thousand of the citizens of my own district have made their appeal to Congress for national aid. The cities of Pittsburgh, Cincinnati, Baltimore, Cleveland, Philadelphia, and other towns have joined in the request.

There are more than a hundred thousand petitioners to this Congress asking for aid, for the adoption of the principle contained in the present bill or some other measure of a like character. These petitions are all couched in respectful language.

The workingmen of the city of Washington, in their memorial to Congress, make use of the following strong but earnest and respectful language. They say:

> Shall not Congress consider well whether it is the part of wisdom for so great a country as ours to allow such suffering among the people, its own people, when there are ample means of prevention or at least alleviation? The workingmen of America are better entitled to the bounty of Government than aggregated wealth. The wealthy classes are in no need of the profuse liberality accorded to them. We too pay our taxes on all that we consume or wear. We fill the rank and file of the Army whenever required, and labor is the basis of all the national prosperity. We are in sore need, and are willing to leave the homes of our fathers and go to the distant wilds of the West; but we are compelled to request that you will give us a helping hand, as suggested in the bill of Mr. WRIGHT of the House of Representatives, which loan we are ready to be obligated, as set forth in the bill, to repay in the manner therein specified, principal and interest.
>
> Ready, willing, and eager to labor as we are, we cannot procure work and have exhausted our small savings, and a very large number of us are in a state of absolute want, and this in midwinter. There is no hope. The future is shrouded in darkness and gloom. We see no prospect of any change for the better.
>
> We submit that it cannot be the judgment of the patriotic and humane of either of your honorable Houses that the bayonet and the bullet are the only responses to be given to the collective shrieks of starving men, women, and children for only that "daily bread" for which all classes are so beseeching whenever they give utterance to the Lord's Prayer.

And this is the general tenor of the prayer of a hundred thousand men, whose appeal to your honor and justice lies upon your table. Are gentlemen aware of this fact? Have they not had time and leisure to look into the case, as exhibited by the files of the House? Will they not give heed to the supplications of this multitude of distressed and unhappy men—men on the verge of famine in a land of plenty? Have they no claim upon what belongs to them? We, their trustees only, have no legal right or authority to turn our eyes from the spectacle before us. Let us not, I pray, sit as the guests did around the board at Belshazzar's feast—blind to the handwriting upon the wall; insensible to the living fact that God is among us, but we know it not. Shall we listen to the appeal of the money-changers and turn a deaf ear to the toiling, hungry men of the land? [Applause.]

Mr. Speaker, the Rothschilds and their agents in Wall street have had more power, during the last twenty years, in shaping the legislative measures of this Government than twenty millions of laboringmen. They have been a power superior to cabinets and Congress. They have openly made war on every measure of legislation that has not been for their immediate interest. They have shaped and molded our laws. They have framed our party creeds and platforms. They have been supreme at the capital. Recently they met with a rebuke. It is to be hoped it may be followed by like victories on the part of Congress. When Congress was recently debating and considering the silver bill, they undertook to dictate terms to this House; but we shivered their lance and knocked their buckler and shield to atoms. Their agents retired after the victory, to report to the money-changers in Wall street the reverses they had sustained, and to fulminate their bulletins through a subsidized press.

Thank God for that victory; it is a harbinger of better days, and an indication that Congress will have the courage to stand up manfully to its duty in the future.

The snake is scotched, if not killed.

These petitions and memorials which lie upon our table show a concentrated movement by the workingmen of the country. It is forced upon them by absolute necessity. It is a cry that cannot, nor should not, be appeased without relief. It comes up from the million; it is their action; and blistered be the tongue of the cringing sycophant who cries demagogue and communist to intimidate or dishearten the Representative who, in his place and acting under the solemnity of his oath and with conscientious motives, speaks for the oppressed people of this country. A hundred thousand freemen furnish me to-day with the patent of my authority. A hundred thousand men are pleading at the bar of this House for nothing that is unreasonable or unjust. [Applause.]

It is no part of my purpose to excite strife between labor and capital. But so long as I shall occupy a seat on this floor, I shall contend that labor is entitled to the same privileges with capital. No more; no less. Class has had the lion's share. Labor may now, with impunity, assert its claim. Land and labor will go together; and the partnership, in this country, should never be dissolved. When it is, then comes decay. The debt of this Government must be paid from the product of our soil and by labor. There are no revenues from the stock speculations and the gambling in gold and bills of exchange in Wall street, nor in banking or brokerage. The national debt must be paid out of the labor of the country and the generous yield of the soil.

The product of corn, sir, the past year the statistical tables put at fifteen hundred millions of bushels; three-fourths as many bushels as we owe dollars of the public debt; eight hundred millions of bushels of wheat. The wheat and the corn, the yield of the last year, would pay off the nation's debt. Compare this with the result of your "puts, calls, and straddles" of scheming money-changers and dealers in stocks! What do they produce that benefits the country in which they live? Labor and land must pay the debt and the accumulating interest. Corn, sir, and herds of cattle, and manual labor which produce them, are the country's sheet-anchor; your money-dealers and

stock-jobbers, the veriest drones of the hive. And here comes in the argument why we should encourage our helpless workingmen to occupy the remnant of land that the greed of corporate power has not already gobbled up, that we may raise more corn and more cattle and cancel that debt which can be paid in no other way.

Of the eighteen hundred millions of acres of unoccupied land there is not 5 per cent. of it that comes under the head of agricultural land; of the remainder a small portion is irrigable, and the large part an arid and unproductive waste. I speak of the land west of the one hundredth meridian. East of that, and where the best lands are situate, the big corporations have sponged them up. They are the landed aristocracy. But what there is left should be sacredly held in trust for the people.

John Bright informs us that—

Nine hundred and twenty-five men own one-third of the land of Great Britain, or twenty millions of acres.

There the nobility hold one-third of the territory of a kingdom, and the power which this ownership confers upon them makes them the sovereign rulers of a kingdom. These railroad corporations of this country, with their thousands of miles of track and the twenty miles, in alternate sections, upon each side, the gift of Congress, hold a political power that is immense. It is more likely to be exercised for bad than good purposes. It is in sympathy with money. To these monster corporations wealth is the solitary main-spring; the rights of labor, nothing. What, in the opinion of the shareholders of these immense privileges, do personal rights and individual concerns amount to? To them labor is mean and insignificant; they have but one rule by which they measure human greatness; need I tell you what that is? *Money*, MONEY, MONEY! Compared with this, human life is but dross, if it be the life of the laboring-man. They live for themselves, and all that can be plundered from the public Treasury is right and proper in their sordid imagination.

Shall this state of things continue? Shall every session of Congress add more and more to their power and influence?

Let us stop to breathe and see if man, in this country, individual man, has not some political rights. Let us see if he is in want if we have not the courage to give him bread. England furnishes transportation to her poor people to go to her Indian possessions. America says idleness shall not be encouraged, and she goes to work to increase and enlarge her prisons. Builds new ones. Erects mad-houses. If these cannot contain the unfortunates then the bayonet is burnished up. Riots and mobs must be put down, and martial music drowns the cries and sobs of starving men, women, and children.

Tell me, Mr. Speaker, if it is not cruel and unjust to withhold our support when the case of need is so apparent in the land? How generous we are when capital comes up to this Hall and wants a few millions, a very few millions, for some purpose disguised under the name of the development of the country! It is hard work for labor to cross the threshold and make its entrance here. We cannot reward idleness. The laboring-man is told to go to work; but alas, sir, where can he find employment? There are thousands whose poverty prevents them from emigrating. Is it not the duty of the Government to give them material aid? True, the bill will provide for but comparatively a small number, but it will be the commencement of an exodus which will be followed up by others whose interests will be a motive to follow people who have the means, but must have associates when they reach the promised land. Our sense of justice, not our bounty, should send forward the pioneers. The idea that we should rely upon prisons to confine men driven to the commission of crime to save the vital spark of life is monstrous; the idea of subduing impoverished men demanding bread by the bayonet is abhorrent to the principles of humanity. This Government has the means and it is a crime to refuse relief. Be content for a season to suspend the payment of the principal of the public debt. For the present, under the depression of our industries, the payment of the interest is all that should be done. The holders of our bonds would have no right to complain. The holders of more than 50 per cent. of them bought them at fifty cents on the dollar. They have no equity as to time. They should be paid. It is the policy of a great government to do it. The time to pay the principal will be our pleasure to determine. And tell me, sir, why it is, in view of a sound position on the question of legislation, that the owners of the public bonds who are resident in and citizens of the United States should not be imposed with the duty of the payment of their shares in the common taxation of the country to raise money to pay the bonds which they hold? I grant you that "it is not so written in the bond," but the income arising from the bond is a subject upon which we may lay our hands, and which we will do if I am not mistaken in the temper and disposition of this House.

Labor is taxed. Labor makes its feeble contribution; but great, because small things are great things, in dollars and cents with the poor. Land is taxed, oppressively taxed, and so are trades and occupations, while the holder of the bonds escapes the burdens of government. Income it is said should not be taxed, because the mode of getting at it is inquisitorial. The feelings and delicate sensibilities of the bondholder are sacred. The only cow and the rustic furniture of the workingman may be exposed to public sale—nay, the very bed from under him—to satisfy the tax-gatherer; but he has no sensibilities, no feelings. He has no business to be poor. Let me go further, for I want to give some reasons that the man of toil may have for complaint and why his situation under our laws becomes worse and worse.

The examples he daily witnesses in the administration of justice are far from binding him stronger and stronger to his country. He does not see equal and even-handed justice administered. The big thief and plunderer of the public moneys; the man who, under the cloak of official place, may form leagues for the purpose of cheating and defrauding the Government of its revenues; the official persons who appropriate to themselves the trust-moneys of the widow and the orphan; the speculator who lives upon dishonest gains, receiving $10 a day and expending fifty in riot and debauch, till forgery and perjury and fraud close his career; these, if convicted of their offenses, find their way out of the felons' cells, because, through the money they have illegally procured and the fact of having a friend at court, the door with its grated bars is thrown open.

But the thief who steals a blanket to cover his shivering limbs from the cold blasts of winter, or a few articles of food to sustain life, enters the cells and the door is thrown open at the termination of his sentence. The popinjay travels upon the rail with a pass in his pocket. The laborer without money may make his headway over the frozen ground in the snows of winter as best he can. Under our system of class and partial legislation the laws against usury, which in the days of our fathers were regarded as an absolute necessity to protect the weak against the strong, have ceased to be upon the statute-book; they are considered by the stock-jobbers as the relics of an ignorant age. That terrible engine called progress has crushed out these disabling statutes. Shylock alive to day and upon 'change would be a man of renown and elicit the most marked attention. What a numerous progeny that worthy and conscientious old gentleman left behind him! What numbers of the family we have in this country of ours—both native and adopted! The usurer before the Reformation was, in some of the Eastern countries, made the victim of torture. The rule is reversed in the present century; the usurer now applies the torture to his poor and helpless debtor. And, to-day, the Wall street nabob is measured as to his high standing and exalted business reputation by his sharp and cunning practices and the largest rate of usury he can impose.

These examples, Mr. Speaker, which are daily before the eyes of the workingman, are not by any means calculated to increase his love of country; but when poverty and distress comes upon him it chafes him to desperation. He feels, and naturally so, that he is an inferior being, and can you wonder why it is that this class of our people, by thousands, in all parts of this Union parade in public processions? It has a meaning. Understand this; it has a meaning. Hugo informs us that Napoleon the Little ascertained, but too late, however, there was a meaning in it in France. I may not quote from Victor Hugo. It may be said he smells of the commune; but I shall. What I read pretty well illustrates things we see at home. He says:

M. Bonaparte has three hundred costly and useless horses; the fruits and vegetables of the national parks, castles, and gardens, which were royal in days of yore; he overflows; he said the other day, "all my carriages," as Charles V said, "all my Spains," and as Peter the Great said, "all my Russias." The nuptials of Gamache are at the Elysée. The steaks turn night and day before the bonfires; they consume there; there bills are published; they are the bulletins of the new empire. Six hundred and fifty pounds of meat a day. The Elysée will soon have a hundred and forty-nine cooks, like the château de Shoenbrun. They drink, they eat, they laugh, they banquet. One swims in all the abundance and in all the drunkenness. And the man of the people, the poor day laborer, whose work has failed, the workman in rags, with naked feet, to whom the summer brings no bread and the winter no wood, whose aged mother lies languishing upon a foul straw mattress, whose young daughter prostitutes herself at the corners of the streets to live, whose little children shiver with hunger, fever, and cold in the paltry lodging-houses in the Faubourg Saint Marceau, in the garrets of Rouen, in the cellars of Lisle, do they think of him? What becomes of him? What do they do for him? Die, dog!

Here is a picture of France. France within the last twenty years. Draw the parallel between France then and America now. Call the craving, exacting money power of America the little Napoleon of France, and the French "man of the people" the laboring-man of America, and you have it. Shall history repeat itself? That is the question. We shall see.

Do you accuse me of exaggeration as to the condition of the poor of this country at this moment? Let me refer you to tables—the prison statistics of my State.

I read from the recent report of the board of public charities of the State of Pennsylvania:

Convicts undergoing imprisonments in the State penitentiaries and county jails	5,547
Juvenile delinquents, children in the houses of refuge and reform prisons	631
Making a grand total of	6,178

old and young confined within prison walls in the State of Pennsylvania:

Persons in almshouses of cities, boroughs, and townships	9,188
Poor people receiving "out-door relief"	17,030
Making a poor-list in the State of	26,218
To this add insane and idiotic	4,607

What made them so? The State, therefore, has upon its list of convicts, poor, and insane an army numbering thirty-seven thousand people. I do not exaggerate the fact if I add to this number fifty thousand poor people who are dependent almost wholly on charity, but not included in the classes receiving support by law, and most of them entirely destitute and without the necessary means of sup-

porting life. The men out of employment, and who would be glad to labor if they could find work to do, will number not less than fifty thousand more.

And so stands the case in Pennsylvania. Thirty-seven thousand convicts, paupers, and idiots, and a hundred thousand people besides in poverty, want, and destitution. This army of unfortunates is within the limits of a State with a population of four millions. How is it with the remaining States and Territories, with a population of forty millions more? There are more men undergoing confinement within prison walls this day in America than the rank and file of Washington's army, and there are more men, women, and children praying for their "daily bread" than the soldiers who marched under the banners of the great Napoleon to Moscow.

In a great degree this sad condition of affairs in our country has been the result of our vicious system of class legislation and public and private example. In the place of instructing our youth that labor is honorable, and that it alone can bring health and competency, we have set them the miserable example of engaging in speculation, dealing in stocks, and barter and exchange, which in nine cases out of ten terminates in failure, and then comes disgrace, because they have been led to believe that labor was disgraceful, ignoble, and mean, while the great agricultural field has comparatively remained unoccupied, and men, in the place of making their sons tillers of the soil, or teaching them useful mechanical trades and occupations, have reared them up as gentlemen, and thus destroyed their usefulness as well as their happiness.

Couple this with the class legislation of Congress and the States, the result of which is enriching the rich and making the poor poorer, and you need not ask me why America has more convicts and paupers and idiots than any enlightened country of the same population on the face of the globe.

It has been well said "that money is the root of all evil." And when the plea comes up to this House that we have an indigent and suffering people; that they should have the fostering care of a great and opulent Government; that there is abundant means for relief, there are those narrow-minded, selfish people who breathe the breath of other men: who live upon the crumbs that fall from the table of their master, whose hearts and bodies and souls (if they have any) are his property; who drink when he drinks, swear when he swears, ridicule when he ridicules, cry rabble, despicable rabble, at his nod, who oppose every effort at the exercise of philanthropy urged by conscientious men, and scream demagogue for lack of argument. They are of that class of men who say "die, dog!"—mere servants of English capital in this country, who proclaim "my Congresses," "my Cabinets," "my Presidents," and "my Americas."

When there is a means for relief upon the part of Congress how exceedingly slow to grant it. It is true we voted the other day a small sum, $15,000 I believe, to give poor men employment in filling up the low grounds south of the Capitol. Now we know the extreme want that pervades this city. We know that there are hungry, gaunt men about us. We can see them every day unless we shut our eyes as we pass them and stop our ears to avoid hearing their tales of misery. We know it.

It is in our power to give many of that people employment. I point you to the piles of stone and sand and brick about the unfinished State Department; a thousand men should be placed there. I suppose it is the design of the Government to complete the building. A thousand men could be profitably put to work at the navy-yard; two hundred more in the Patent Office, to rebuild and repair the damage there, and to replace the machinery and models. Pension cases are two years behind for want of sufficient force, and the wounded, limping soldier is notified that he must wait.

And, sir, about the Capitol grounds and public buildings I believe there are ten men on the roll, working nine days in the month, on half pay at that! Hungry men may come up here and look at us! That is a privilege, worth—well, how much? Is the completion of the public buildings to be suspended because it will give employment to labor? Is the navy-yard at this place, with its machinery and manufacturing facilities, to be made a lounging-place for idle men—men who want work and want bread? Shall the soldier's pension be withheld because the Government cannot afford to pay additional clerk hire?

Why is all this? Does the suspension come because all the money must go into the sinking fund to pay in advance the national debt? Men sinking to the earth from poverty and exhaustion had better have some of it.

This state of affairs does not hold out much hope to the poor for material aid. Congress can strike 20 per cent. off from the small pay of the man who sets type in the Government Printing Office and give a hundred thousand dollars to fit out an expedition to Paris to enable gentlemen to dance the can-can in the Latin quarter. Twenty commissioners on big salaries! Reduce the wages of the poor fellow who in storm and sleet and cold daily comes to your door with your mail, and give $18,000 to the General of the Army, who says that "but for the Regular Army the people of this country would degenerate into a mob," and the same sum to the gentleman who bows to imperial majesty at the Court of St. James. [Applause.] Millions to corporations; and where comes in the nod, even, to recognize poverty in rags?

I know that I have no personal motive in urging the principles of this bill upon the House; I have no ambition to gratify; I have no gain to expect. I am but the mouth-piece of a hundred thousand men who send up their appeal to Congress. I admit that my heart throbs for them in their distress. And, sir, I am not afraid to be their advocate; if I were, I should despise myself. So far as my connection with the homestead bill has been the subject of abusive criticism, I have the satisfaction that it has emanated from a small portion of the American press that is and has been for years thoroughly subsidized; that the people who write for these journals write under the lash, as the horse submits to the blows of his rider. It is the whip and the spur that falls upon their shoulders and pierces their flanks. I pity them. They pretend to despise me. And how am I harmed? Their masters think that money is the only true standard of respectability; that labor, manual labor is a badge of dishonor; that toiling men have no right to participate in the affairs of government; that they are mere serfs that should pass as chattels attached to the freehold. They will pardon me for not subscribing to their theories. God gave me a heart to sympathize with human suffering and human woes. Would that He had been as liberal in His gifts to the class I allude to. But probably He knew where He could most safely deposit those gifts which dignify and make manhood noble.

The House will pardon me for the time I have wasted in alluding to the vindictive language of a very, very small portion of the press of this Union. Had I bowed the knee to Baal or fallen down and worshiped the golden calf, I should have escaped their irony. In the place of a "fool," as they called me, I should have been treated with much consideration.

May Heaven protect me from the blighting mildew of their praise! I have lost their respect, but it was only an exchange for the kind hearts of the million, as one to ten thousand. I could afford to make the exchange. As Uncle Toby said to the fly when he opened the window and let him escape—"The world is wide enough for us both." Good-by, gentlemen, I shall have no further occasion to speak of you. I would stagger under a load of suspicion should I receive your praise.

Mr. Speaker, in the passage of this or any other project of legislation I would not give labor the advantage over capital. I would put them upon an equality. A hundred and fifty millions of dollars have been granted in subsidies, either in cash or guarantees, by the Government to capital. The title to two hundred million acres of the best land the sun ever shone upon has been ceded to capital as a free gift. What act of munificence has been bestowed upon labor, excepting the passage of the homestead bill? None that I am aware of.

Mr. Speaker, this bill or some other measure of immediate relief should receive the prompt action of Congress. It is a duty that is incumbent upon us. We owe it to a suffering people. It will be in vain, if the want and distress of the laboring-men of the country continue, to subdue sedition. You must remove the cause. You cannot tamper with so serious a subject. Disturbances will come, and I tell you, sir, that you cannot bridge a volcano with bayonets. Shall it be said that I am an alarmist; that my idea of the present is erroneous; that my view of the future is wild; that my judgment is at fault? Mark my prediction, made this day in my place in this House, that unless you do grant some relief to a suffering people they will exchange seats with some of us in the Forty-sixth Congress. The current of public opinion runs strong against class legislation. Men have not merely become disgusted; they have become excited; they are mad. Can you blame them? The bill may become a failure to-day, but it will be a success to-morrow, because it is the leading policy and first step in advance toward the consummation of that great league which the venerable, learned, and good old philosopher, Elihu Burritt, has declared shall be formed between labor and land. May the bonds be perpetual! May they last forever! [Applause.]

The strength of our laws depends upon an educated and prosperous people. Ignorance and poverty can neither frame laws nor maintain them. What this country is and what we hope it is destined to be depends almost wholly on the social, moral condition of our toiling men. The prosperity of the country lies in their prosperity, and when the day comes which shall mark their decline, the Union, the Republic, the institutions of the country will pass away with them. The poet, in a mood of inspiration, has written the chapter. Let us read it and profit by it:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay;
> Princes and lords may flourish or may fade,
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroyed can never be supplied.

[Loud and long-continued applause.]

TEXAS PACIFIC RAILROAD.

Mr. CALDWELL, of Kentucky. Mr. Speaker, the majority of the Committee on Pacific Railroads have reported to the House a bill providing for a guarantee by the Government of the interest on the construction bonds of the Texas and Pacific Railroad Company. To the provisions of this bill I desire to call the attention of the House.

I beg to assure the House at the outset of my remarks that in taking part in the discussion of this great question I am not prompted by an ambition to be heard or by a desire to figure in the RECORD and before the country as having made a congressional speech. The time has been when probably the wisest and best-informed constituencies

represented here believed that the discussion in this body of grave legislative questions, which in their execution were likely to affect the peace, happiness, and general development of the country, were listened to with marked attention; that the utterance of manly, generous, and patriotic sentiments electrified the House with enthusiasm, while the galleries looked on with eager interest, ready to applaud declarations of principles which were in accord with popular feeling and conviction. Then it was assumed by those represented in this honorable body that it was not only an honor, but a source of great personal gratification to be permitted to exercise the privilege of addressing the Representatives of the American people in Congress assembled. But, sir, these delusions of the public mind have passed away. The people have grown wiser than they were. By the march of general intelligence, by the extended ramifications of the press, by the rapid transit to and from the capital of a great multitude of visitors from all quarters and sections of the country, the people now understand that the age of congressional oratory is over; that declamation here is but a vain and idle display of words; that the general speeches made in this body are not intended to convince or interest those to whom they are directly addressed, but are designed for circulation at home; that the maturest thought, though clothed in all the graceful drapery of language and uttered by lips of great legislative experience, falls upon the listless ears of members whose minds are already made up as to all great questions of either local or national importance and who are necessarily too much preoccupied to listen by the incessant demands of an extensive correspondence, or in drafting bills for the relief of their constituents, or in delving for information into the voluminous records of the Departments, or by the worry of untiring place-hunters, or by the disappointments of committee organizations, or by the profound abstractions of the cloak-room, where, unabashed by the beauty that adorns and unawed by the willing but idle muscle that throngs the galleries, they seek to solve the perplexing financial problems of the age, evolve a new thought on the "silver lunacy," or devise some plan of relief from the unjust, oppressive, and partial excise and customs laws of the land, which are sapping the foundations of agricultural prosperity and weighting down labor with the burden of taxation which should be more equitably adjusted to the ability of capital. Yes, sir, the country now understands that the practical results which follow discussions here amount to but little, and that it is only on certain extraordinary occasions that the ear of the House can be held—as when sarcastic personalities, in which the country has no interest, are indulged in—when the ashes of a dreary, dead past are stirred by the breath of a narrow-minded demagogue—or when "bargain and intrigue" are charged to be hidden beneath the electoral count. On these great (?) occasions we throw aside the pen, drop the newspaper, cease conversation, that we may hear clearly the personal hits, have the fires of sectional hate rekindled in our hearts, and catch fully the latest phase of the great electoral scandal.

A brief experience here has convinced me that in this practical age, he best represents his constituents who wastes but little time in discussion, attends promptly to their correspondence, seeks the information they desire from the Departments, and is ever at his post, ready to place upon record the well-digested convictions of his district as to desired measures of relief, the necessary changes in existing statutes, rendered indispensable by the ever-shifting phases of commerce, navigation, and all our great agricultural and industrial interests. Therefore, sir, I would have been content, for the present at least, to have played the modest *rôle* of "a quiet looker-on in Vienna," had not circumstances over which I had no control, in the creation of which I had no agency, induced me to pursue a different course, and to become an open and pronounced advocate for the Texas and Pacific Railroad bill.

The constituents I represent, adhering in the main to the grand old traditions of the democratic party, home rule, hard money as a basis for our paper circulation, free trade, equal taxation, and the absolute sovereignty of the people, which, in their enlightened judgment and conviction, constitute the fundamental and essential principles of the highest governmental science, gave me definite instruction as to the course it was their wish I should pursue as to all these great issues in American politics; and so far as they have been involved, either directly or collaterally, in any of the measures which have come before this body for action, I have sought heretofore to represent their views correctly, and will in the future, when any of these issues are presented, endeavor to execute faithfully and justly the trust confided to my hands. But, sir, the questions involved in this bill did not enter in any way into the canvass which resulted in my election to a seat in this honorable body. I should therefore have felt myself free, so far as this measure is concerned, to have pursued a course dictated by my own judgment and controlled only in its conclusions by my own views as to what was best for the general welfare of the country. But, sir, I have been partially relieved from the responsibility of an independent uninstructed action in the premises, by the joint resolution of the Kentucky Legislature, instructing her Senators and requesting her Representatives to support this measure; and entirely so by the action of my immediate constituents, who have thought proper, in the exercise of their great constitutional right of petition, to convey to me the expression of their will on this subject, and have instructed me to give to this measure my active and earnest support. It is in obedience to their will that I am on the floor advocating the passage of this bill. I will print as a part of my remarks one of a large number of petitions which have been forwarded to me from the various counties composing the congressional district I have the honor to represent, the signers of which represent largely the various branches of trade and industry as well as the agricultural wealth and professional culture of that section of Kentucky:

Hon. JOHN W. CALDWELL:

We, the undersigned, citizens of your congressional district, respectfully solicit and urge your active support and vote in favor of national aid to a bill to secure the early completion of the Texas Pacific Railroad as a competing southern line of transcontinental railway to the Pacific coast, believing that this line will supply a great want now felt by the commercial interests of the whole country, and be an act of justice to the South in equalizing the bounties of the National Government to such a limited extent only as is in accordance with the exigencies of the public service. A bill that will secure the completion of this great southern project addresses itself at once to our minds as one that will not only stimulate and quicken industrial enterprise and commercial life in the South, but at the same time be in complete unison with an important interest of every citizen of the United States.

We direct your attention to the startling inequality of Government bounties between the North and South, $175,000,000 having been expended to build up and advance commercial and industrial interests in the North, while only eighteen millions of Government expenditures, for the same purpose, have been made in the South and West. And when we reflect that it is plain, under the proposition for national aid to complete the Texas Pacific road on the thirty-second parallel, that no advance of public money is invoked, but simply a Government guarantee of interest, to be indorsed on the bonds of the Texas Pacific Company, under restrictions that thoroughly protect the Government against any outlay for the principal or interest on said company's bonds, with the additional provision subjecting the earnings of the line to the regulating power of Congress, so as to secure to commerce the benefits and economy of the lowest rates consistent with the cost of the road, it is clear to us that no objection on any public ground can be made to this form of Government aid that will cost the Government nothing.

We think the South and Southwest could fairly lay claim to a more substantial form of national assistance in Government bonds to complete the Texas Pacific across our Territories to the Pacific coast, but when the Texas Pacific Company show that, if the Government will indorse on its bonds a guarantee only of the interest, and retain a sufficient number of the bonds to protect itself against any outlay for its interest guarantee, if such a security will give the company access to capital, the disposition of investors to purchase such a bond at once establishes the fact that the Government is not asked to grant a subsidy, because if such a security can be marketed there can be no question that the Government will ever be required to advance, much less lose, a single dollar.

When we consider the fact that over ninety millions in Government bonds have been given as a subsidy to build the existing line to the Pacific coast, which is not only a monopoly, giving human selfishness the power to wield a despotic rule over the commercial interests of the whole country, and a subsidy of $15,000 per day to meet the interest on said bonds is continuously being paid by the Government for the construction of this line, which is located too far porth to meet the wants of the South, any opposition to the proposed form of Government aid to the Texas Pacific line, the completion of which would vitalize the railway property, the industrial and commercial interests of the South, appears inimical to the prosperity of our section.

Believing as I do that the will of the people is the broad base upon which rests our fabric of government, and that it is the duty of the representatives of this sovereign power to execute under all circumstances its will unless restrained by provisions of the organic law, if I could not, sir, have honestly harmonized my own views on this important question of public policy with those of the Legislature of my State and the decided opinions and convictions of my immediate constituents, I know of but one course that would have been left open to me by honor and good faith to the people I represent: to have tendered back to them a trust which I could not execute in conformity to their wishes. Taking a broad view of the subject and having as I hope an intelligent comprehension of the wants of the country, I cheerfully comply with the request of the Kentucky Legislature and the demands of my constituents, and shall vote for and advocate the pending bill; and to the reasons which induce this conclusion on my part I now address myself.

Without attempting a thorough analysis of this bill, suffice it to say, sir, that it projects a great transcontinental railroad through Arkansas, Texas, New Mexico, Arizona, and Southern California, from some point on the Mississippi River, to be selected by commissioners appointed by the President of the United States, not farther north than the city of Memphis, to San Diego, on the Pacific coast; that said railroad, from its eastern terminus to Marshall, in the State of Texas, shall be acquired by purchase or construction by said Texas and Pacific Company, and be paid for by issuing its mortgage bonds not to exceed, for each mile of said road, the sum of $20,000; that for the construction and equipment of that part of said railway reaching from Fort Worth to San Diego, estimated to be fourteen hundred miles, said company shall issue its bonds known as "class A" at the rate of $20,000 per mile, except for the space of two hundred and fifty miles, and then at the rate of $35,000 per mile, due and payable in fifty years, and to bear interest at the rate of 5 per cent. per annum, in coin, payable half-yearly, and which bonds shall not exceed in the aggregate the sum of $31,750,000; that the said company shall issue bonds known and designated as "class B," at the rate of $5,000 per mile, on that part of said line from Fort Worth to San Diego, and aggregating $7,000,000, due and payable at the same time as "class A," and bearing the same rate of interest; that the Secretary of the Treasury shall indorse on behalf of the Government a guarantee of the interest on all of said bonds which shall not exceed for the two classes the sum of $38,750,000; that the bonds known as "class A" shall be delivered to said company at the rate of $20,000 per mile on the completion of every ten consecutive miles of said railroad and when the same has been examined and received by the Commissioners appointed by the President of the United States; that Congress shall have the right to regulate the through freight and passenger tariff on the entire line of said

railway between its termini; that the said company shall never consolidate with any other corporation or discriminate in its freight and passenger tariff against any lines of railway connecting with it, under the penalty of a forfeiture of its rights, franchises, and privileges under this act; that to indemnify the Government against any loss for interest guaranteed, the Secretary of the Treasury is directed to hold the bonds known as "class B" until the entire road is completed, and sell the same, or as many as may be necessary, to meet any interest for which the company may be in default; that the Government, for the purpose of meeting said interest, shall retain any money due said company for mail or telegraphic service, for the transportation of troops and supplies, or any other Government transportation, on that part of said line upon which the Government has guaranteed the interest on the bonds of said company; that said company shall surrender to the Government the grant of lands heretofore made to it in New Mexico, Arizona, and Southern California, which are to be sold by the Government at the usual price for Government lands in railroad reservations, and the purchase money for the same shall be applied to the payment of the interest on said bonds and to the creation of a sinking fund to liquidate the principal of the debt; that the said company, as an additional sinking fund, shall annually pay into the Treasury of the United States 1 per cent. of the entire issue of bonds, and that said company shall build said line entire in six years from its acceptance of the provisions of this act, and shall, to secure its compliance with its obligations under this bill, execute to the Government a first mortgage on all its property, franchises, and earnings.

The first great question which this bill presents for consideration and solution is one of organic construction, involving the power of Congress to authorize the indorsement of these bonds by way of a guarantee of interest on the same, as contemplated by the provisions of the act.

Those to whom I am known, sir, do not need to be informed as to the political views which I entertain or as to the principles which would control my action; but, comparatively a stranger here I trust that I will be excused for saying that "After the most straitest sect of the faith" I have lived a democrat, ever cherishing the idea of a strict construction of the Federal Constitution, as "the palladium of our liberties," the great bulwark of the States and people against the insidious encroachments of Federal power, the broad shield to maintain home rule against the mailed hand of an irresponsible military domination. This inscription of strict construction on the old party flag, was the political idol of my youth and the object of my worship in maturer years. The political wisdom it embodies was to me as the divine light of the Shekinah to the faithful son of Judah. I have no hesitation in stating that if this question was presented now for the first time for legislative action or judicial sanction, I would feel myself compelled by reason of that interpretation which I have always given to the Constitution to deny the power of Congress to authorize this indorsement. But, sir, an adverse constitutional theory, though sanctified by the wisest statesmanship, though sustained by a series of logical deductions which would seem irrefutable, though associated with and festooned by memories that are sacred to the heart, has given way before the demands of a progressive civilization, has yielded to the necessity for development, and has fallen before the established construction which springs from a long line of precedents.

When by the eighth section of the first article of the Constitution, which confers on Congress the power to regulate commerce with foreign nations, Hell Gate has been tunneled by the strong arm of the Government, and its stony masses sunk to lower depths, its raging waters calmed, that the commerce of the world, the shipping of nations might ride in safety to the wharves of our great commercial center; when by the power conferred by the same constitutional grant Congress has expended millions of dollars in coast surveys and for the improvement of the numerous harbors which indent our lake, gulf, and ocean boundaries; when under the authority to regulate commerce between the States, rivers have been improved, canals dug and extended by the expenditure of vast sums of money from the common treasury and the donation of magnificent land grants from the general domain of the States and the people; when by virtue of these powers, coupled with those which authorize Congress to establish post-roads, declare war, repel invasion, provide for the common defense and general welfare of the United States a great transcontinental railway has been built by Government aid in bonds and grand donations of public land; when the democratic party by its platform twenty years ago indorsed the building of a Pacific Railroad by Government aid, and its presidential candidate in 1856, "whose walk," to quote from the Junius of America, "was on the mountain tops of the law," referring to the question of the constitutionality of the project, declared in an open letter to the country that the constitutional power was found in the right of Congress "to declare war and repel invasion;" when all these vast sums of money have been expended, these grand donations of the public domain given to aid in the construction of similar and kindred enterprises by congressional enactments, which have received the sanction and indorsement of many of the most distinguished statesmen of the country, among whom are Benton, Douglas, and Buchanan, as well as the Great Commoner of Kentucky, and him who, nameless here, sleeps by his side in the shadows of historic Ashland, whose fame, when prejudice shall die, will shine out in all the splendor of eternal youth; when we are confronted, sir, with all these congressional enactments and estimate correctly the powerful indorsement of these distinguished statesmen and find by examination that these acts of Congress and opinions of leading constitutional lawyers have been fully sustained by the judicial department of the Government, I submit, Mr. Speaker, that it is too late to interpose a strict construction of the organic law as an insurmountable barrier to the passage of this bill. Is not this great enterprise, which this bill proposes to aid and build up, closely allied in the interest it affects and in the objects of its construction to many of those which I have mentioned in general terms? Will it not be, if completed, a great postal route for the transmission of the foreign and domestic mails of the country? Will it not be a grand military road by which to make war, repel invasion, and provide for the common defense; by which armies can be massed, troops hurried to the Pacific coast or our southwestern borders; by which supplies and munitions of war can be furnished to the Pacific navy and to the troops who are watching over the wild tribes of New Mexico, Arizona, and Southern California? Will it not be a great channel for the interchange of the products of the States and regulate and increase our internal commerce more than the improvement of any river or the building of any canal has ever done? Will it not form a grand highway to the ocean for all our agricultural and industrial productions that seek a market in China, Japan, Australia, Mexico, the west coast of South America, and the islands of the Pacific? Will it not, sir, by reason of its connecting lines east of the Mississippi River become a great thoroughfare for international travel and commercial exchange? Yes, sir, it not only combines great postal, military, and commercial advantages, which are of vast importance to the Government and to the States, Territories, and people of the Union, but it is a measure that will promote the general welfare of the entire country by the establishment of a permanent peace between the sections, based upon an identity of interest and a restoration of perfect confidence, and will furnish to the entire country North and South a great through line for freight and travel, competing with that grand monopoly of the West, which, if unchecked in its avarice and grasp after power, will eventually wind the iron arms of its great financial strength and influence around the entire West, and with the arrogance of resistless power command Legislatures and people alike to obey its voice and do its bidding.

Mr. Speaker, while I do not believe in the communistic idea of a paternal government which interferes directly in the management of the household, and on every light and trivial occasion extends the hand of charity to its citizens, I assert that when it is admissible by its organic law it is not a departure from the true science of government in periods of great financial distress for Government to inaugurate great enterprises for the development of its territory, which will not only prove to be monuments of its munificence but secure an increase of commercial greatness and hasten the return of prosperity to its suffering citizens. If we could look back to the aged civilizations of the world; if we could reanimate the dust of its slumbering kings, monarchs, and rulers; fill out the historic pages left imperfect by the flight of time, we would doubtless learn, that many of the great works of antiquity which have been the wonder of succeeding ages were projected by government, not only to perpetuate national glory and extend its commerce, make war, and provide for the common defense; but were directly designed to afford employment to idle labor that the people might be sheltered, clothed, and fed. This idea of government is as old as commercial want or the necessities of civilized man, and has entered largely into the administrative policy of all the great nations of ancient and modern times.

Then why should we hesitate in the adoption of this measure for the relief and development of the country? Is it not constitutional? Is it not demanded alike by the necessities of the Government, the wants of commerce, and the financial distress of the country? The power of any language I can command, sir, fails to estimate fully the beneficial results to all our great industrial interests which would follow the passage of this bill and the construction of this great railway line.

To illustrate it meagerly, take a hurried survey of the condition of the country. What do we find? Why, sir, while we are rich in all the natural sources of commercial prosperity; while we have a great area of cotton territory which, if thoroughly developed and planted, would furnish that great staple in sufficient quantity to employ the spindles of the world; while we have a sugar-belt, the extent and fertility of which if rescued from overflow and subjected to proper tillage, would yield that necessary article for every household in an amount largely beyond that taken for home consumption; while our lands, North and South, are adapted to the growth of the cereals, and our country must ultimately become the great bread market for all the nations of the earth; while we have vast forests of the finest of timbers as yet untouched by the saw or the axe; while we have great mountains of iron, copper, and all the baser metals; while we have inexhaustible coal-fields underlying nearly every State and Territory of the Union; while the precious metals, gold and silver, are found in paying quantities all over the West; while we have broad rivers upon which our commerce finds its way to the sea; while we have skilled artisans and improved machinery of every description; while we have a population comprising over forty millions of people, strong of arm and stout of heart, filled with the energy, enthusiasm,

and pluck, which comes from the genius of our free institutions; while we have all these sources of prosperity, protected by the best form of government known to the history of man, what, I ask, sir, is the condition of the country to-day? Are we not passing through an era of great financial distress? Are not nearly all our industries languishing? Is not property of every description, including our annual agricultural productions, greatly depressed? Do not care, anxiety, and uncertainty look out from the faces of all our business men? Are not the hammer of the auctioneer and the voice of the bankrupt assignee heard in all our States? Are not failures and bankruptcies largely on the increase? Have not banks, commercial houses, and manufacturing companies, which were seemingly as firmly rooted in the financial confidence of the country as the oak to its native soil, that drives its fastenings into the heart of the earth, gone down in the financial storm which is sweeping over the country, and which day by day is extending the circle of its wide-spread desolation? Is not the strong-armed, hard-handed labor of the country largely idle, tramping over the land like the scattered fragments of a demoralized army, being fed, clothed, and sheltered by the hand of charity? We may differ as to the causes which produced this dangerous, frightful state of public affairs; charge it upon the one hand to a contraction of the currency and the demonetization of silver, coupled with a bad and vicious governmental policy, which has afflicted the country for the past decade; or, on the other, attribute it to overproduction, reckless extravagance, the inflation of the currency, and the expansion of values, which sprung from and followed the war; but as to the facts we will hardly dispute, for the evidence of their truth is seen in every newspaper, is heard in the distressed cry of the people for relief, that comes up from every quarter of the country, as sad in its tone as the rush of the winds through a forest of pine and as terribly significant, if unheeded, as the flash which precedes the bolt that crushes forever by its electric power.

The passage of this bill, Mr. Speaker, will put a new face on all our commercial affairs. Fifty millions of idle unemployed capital will be drawn from Europe and our own accumulations let loose in all the channels of trade and circulate throughout all our borders. Eighteen hundred miles of railway will be built, and this will demand the engineering skill of the country. The road-bed must be made, the fills raised, the cuts dug, the mountains tunneled, the cross-ties and rails placed; here, sir, is remunerative work for the ordinary laborers of the land, which will give them food, clothing, and shelter. Streams are to be crossed, piers raised, bridges and depots built; here, sir, is work for the skilled mechanics, which will give them wages to provide for their wives and little ones. Vast quantities of rough and manufactured lumber will be used in the construction of bridges, depots, for general equipment, and for the improvement of the country; here, sir, is an increased market for all the branches of our great lumber trade. Engines, cars, and general machinery will be needed in large quantities; here, sir, is labor for the skilled machinists and profits for the manufacturer. Thirty-six hundred miles of steel or iron rails of American manufacture are to be laid; here, sir, is prosperity to the great iron interests of the country. A large force of engineers, conductors, firemen, and general operatives must be employed; here, sir, is an outlet for our surplus railroad operatives who are charged with having fomented the late strike which cost the country so much anxiety and so many millions of dollars. Supplies of every kind and character will be needed; here, sir, is a return of prosperity to all branches of our trade and traffic. The amount of money necessary to construct this great railway from the Mississippi River to the Pacific Ocean gradually let loose in the channels of trade will revive all our industries and circulate throughout all the veins of our internal commerce. It will act like healing medicine on the waste of disease, bring health to our finances, and a return of prosperity to our trade.

No government can long retain the respect and confidence of its people that dispenses its benefactions by an unjust rule of discrimination; that deals out its bounties with a partial hand; grants to one locality what it refuses to another that is equally dependent on its aid for development, and has an equal claim to its protection and an equal right to demand its fostering care by reason of paying by its taxation its full share to its treasury, and contributing by its production its full quota to its commercial standing and power. If, sir, a government would be secure in the allegiance of its citizens, build up and perpetuate a healthy public sentiment, preserve a genuine love for its institutions, develop a patriotic pride in its power, cultivate a zeal for its integrity and a spirit of devotion to its flag, it must, sir, in dispensing its blessings, pursue a rule of equal justice and liberality to all parts of its empire. Here let me ask has this just and equitable rule of government been pursued by Congress in its grand donations of the public domain and its vast expenditures from the public Treasury in aid of railroads, canals, and for the general improvement of the States and Territories of the Union? No one will assert it, sir, for no one can sustain such a declaration. On the contrary, the most reliable statistical information clearly demonstrates that the benignant spirit of government has been exercised largely in one direction; that its magnificent benefactions in land grants and money for the improvement and development of the country have been bestowed in great excess on one section of the Union over the other. I am not complaining of what has been done for one section of our common country, but simply insisting that the benign spirit of Government, its fostering hand, its powerful and necessary aid shall now be extended with equal liberality to the neglected one, that both may share alike in its magnificent blessings, and have equal cause to respect its power, promote its glory, love its institutions, and defend its flag.

I submit, sir, as a part of my remarks, a table taken from Mr. Spofford's statistical almanac for the year 1878, which collates the several acts of Congress granting lands to the States and various corporations for railway purposes, from the first act in 1850 to the present time:

STATISTICS OF LAND GRANTS.

Land grants by acts of Congress to States and corporations for railroad purposes, from the first grant in 1850 *to June* 30, 1877.

[Compiled from reports of the Commissioner of the General Land Office.]

NOTE.—Fractions of acres are omitted

States and corporations.	Date of acts.	Name of road.	Estimated quantity of acres embraced in the grant.	Number of acres certified for year ending June 30, 1877.	Number of acres certified up to June 30, 1877.
Illinois	Sept. 20, 1850	Illinois Central	2,595,053		2,595,053
Illinois	Sept. 20, 1850	Mobile and Chicago			
Mississippi	Sept. 20, 1850	Mobile and Ohio River	1,004,640		737,130
Mississippi	Aug. 11, 1856	Vicksburgh and Meridian	404,800		198,027
Mississippi	Aug. 11, 1856	Gulf and Ship Island	652,800		
Alabama	Sept. 20, 1850	Mobile and Ohio River	230,400		419,528
Alabama	May 17, 1856	Alabama and Florida	419,520		394,522
Alabama	June 3, 1856; May 23, 1872	Selma, Rome and Dalton	481,920		457,407
Alabama	June 3, 1856	Coosa and Tennessee	132,480		67,784
Alabama	June 3, 1856	Mobile and Girard	840,880		504,145
Alabama	June 3, 1856	Alabama and Chattanooga	897,920		552,199
Alabama	April 10, 1869; June 3, 1856; March 3, 1871	South and North Alabama	576,000		436,720
Florida	May 17, 1856	Florida Railroad	442,542		281,984
Florida	May 17, 1856	Florida and Alabama	165,688		165,688
Florida	May 17, 1856	Pensacola and Georgia	1,568,729		1,275,212
Florida	May 17, 1856	Florida, Atlantic and Gulf Central	183,153		37,583
Louisiana	June 3, 1856	Vicksburgh and Shreveport	610,880		353,211
Louisiana	June 3, 1856; July 14, 1870	New Orleans, Opelousas and Great Western	967,840		719,193
Arkansas	Feb. 9, 1853; July 28, 1866; May 6, 1870	Cairo and Fulton	1,160,667 1,040,000		1,115,408 194,524
Arkansas	Feb. 9, 1853; July 28, 1866	Memphis and Little Rock	438,646 365,539		127,238 14,606
Arkansas	Feb. 9, 1853; July 28, 1866; April 10, 1869; March 8, 1870	Little Rock and Fort Smith	550,525 458,771		550,520 366,196
Arkansas	July 4, 1866	Iron Mountain	894,000		
Missouri	June 10, 1852	Hannibal and Saint Joseph	781,944		599,031
Missouri	June 10, 1852	Pacific and Southwest Branch	1,161,235		1,161,204
Missouri	Feb. 9, 1853; July 28, 1866	Cairo and Fulton	919,962 172,718		64,017

Land grants by acts of Congress to States and corporations for railroad purposes—Continued.

States and corporations.	Date of acts.	Name of road.	Estimated quantity of acres embraced in the grant.	Number of acres certified for year ending June 30, 1877.	Number of acres certified up to June 30, 1877.
Missouri	July 4, 1866	Saint Louis and Iron Mountain	640,000	7,635	7,635
Iowa	May 15, 1856 June 2, 1864 Feb. 10, 1866	Burlington and Missouri River	948,643		292,080 97,227
Iowa	May 15, 1856 June 2, 1864 Jan. 31, 1873	Chicago, Rock Island and Pacific	1,261,181		482,254 161,372
Iowa	May 15, 1856 June 2, 1864	Cedar Rapids and Missouri River	1,298,739	10,214	782,250 350,110
Iowa	May 15, 1856	Iowa Falls and Sioux City	1,226,163		683,023
Iowa	May 15, 1856 June 2, 1864 March 2, 1868	Dubuque and Sioux City		1,273	474,879
Iowa	May 12, 1864	McGregor and Missouri River	1,536,000		137,572
Iowa	May 12, 1864	Sioux City and Saint Paul	524,800	160	396,998
Michigan	June 3, 1856	Detroit and Milwaukee	355,420		30,998
Michigan	June 3, 1856	Port Huron and Milwaukee	312,384		6,428
Michigan	June 3, 1856 July 3, 1866 March 2, 1867 March 3, 1871	Jackson, Lansing and Saginaw	1,052,469		742,940
Michigan	June 3, 1856 Feb. 17, 1865 July 3, 1866 March 3, 1871	Flint and Pere Marquette	586,828		512,529
Michigan	June 3, 1856 June 7, 1864 March 3, 1865	Grand Rapids and Indiana	629,182 531,200	6,456	629,182 223,890
Michigan	June 3, 1856 March 3, 1865 May 20, 1868 April 20, 1871	Marquette, Houghton and Ontonagon	552,515		432,707
Michigan	March 3, 1865	Bay de Noquet and Marquette	128,000		128,000
Michigan, (reservation)	July 5, 1862 March 3, 1865 May 23, 1872	Chicago and Northwestern	564,480		517,908
Wisconsin	June 3, 1856 May 5, 1864 March 3, 1873	West Wisconsin	999,983	2,984	799,896
Wisconsin	June 3, 1856 May 5, 1864	Saint Croix and Lake Superior, and branch to Bayfield	524,714 318,737 350,000 215,000		524,718 318,740
Wisconsin	June 3, 1856 April 25, 1862 March 3, 1855 March 3, 1869	Chicago and Northwestern	600,000	200	546,522
Wisconsin	May 5, 1864 June 21, 1866	Wisconsin Central	750,000	45,825	444,690
Wisconsin	June 3, 1856 July 27, 1868	Wisconsin Railroad, Farm Mortgage Land Company		120	40,049
Minnesota	March 3, 1857 March 3, 1865 March 3, 1873	Saint Paul and Pacific	1,248,638	6,145	1,243,588
Minnesota	March 3, 1857 March 3, 1865 July 12, 1862	Branch of Saint Paul and Pacific	1,475,000		522,925
Minnesota	March 3, 1871 March 3, 1873	Saint Vincent extension of Saint Paul and Pacific	2,000,000		780,291
Minnesota	March 3, 1857 March 3, 1865	Minnesota Central	643,403		179,058
Minnesota	March 3, 1857 March 3, 1865 July 13, 1866 Jan. 13, 1873	Winona and Saint Peter	1,410,000	11,737	162,485
Minnesota	March 3, 1857 May 12, 1864 July 13, 1866	Saint Paul and Sioux City	1,010,000	15,892	945,458
Minnesota	May 5, 1864 July 13, 1866	Lake Superior and Mississippi	920,000		743,241
Minnesota	July 4, 1866	Southern Minnesota	735,000	5,067	270,461
Minnesota	July 4, 1866	Hastings and Dakota	550,000	320	170,231
Kansas	March 3, 1863 July 1, 1864 April 19, 1871	Leavenworth, Lawrence and Galveston	800,000	120	259,950
Kansas	March 3, 1863 July 1, 1864	Missouri, Kansas and Texas	1,520,000	4,088	982,042
Kansas	March 3, 1863	Atkinson, Topeka and Santa Fé	3,000,000		2,274,686
Kansas	July 23, 1866	Saint Joseph and Denver City	1,700,000		441,158
Kansas	July 25, 1866	Missouri River, Fort Scott and Gulf	2,350,000		22,527
Corporation	July 1, 1862 July 2, 1864 July 3, 1866 July 26, 1866 April 10, 1869 May 6, 1870	Union Pacific	12,000,000	39,372	1,883,669
Corporation	July 1, 1862 July 2, 1864	Central Branch of Union Pacific	245,166		186,453
Corporation	July 1, 1862 July 2, 1864 July 3, 1866 May 7, 1866 March 3, 1869 March 3, 1869	Kansas Pacific	6,000,000	32,285	538,840
Corporation	March 3, 1869	Denver Pacific	1,000,100		49,811
Corporation	July 1, 1862 July 2, 1864	Central Pacific	8,000,000	352,663	739,640
Corporation	July 1, 1862 July 2, 1864 March 3, 1865 July 13, 1866 May 21, 1866 May 6, 1870	Central Pacific, successor by consolidation with Western Pacific	1,100,100	2,689	390,319
Corporation	July 2, 1864 May 6, 1870	Burlington and Missouri River	2,441,600		2,374,090
Corporation	July 2, 1864	Sioux City and Pacific	60,000	102	40,758

Land grants by acts of Congress to States and corporations for railroad purposes—Continued.

States and corporations.	Date of acts.	Name of road.	Estimated quantity of acres embraced in the grant.	Number of acres certified for year ending June 30, 1877.	Number of acres certified up to June 30, 1877.
Corporation	July 2, 1864 May 7, 1866 July 1, 1868 March 1, 1869 April 10, 1869 May 31, 1870	Northern Pacific	47,000,000		630,717
Corporation	July 13, 1866	Placerville and Sacramento Valley	200,000		
Corporation	July 25, 1866 June 25, 1868 April 10, 1869	Oregon branch of the Central Pacific	3,000,000	45,841	539,890
Corporation	July 25, 1866 June 25, 1868 April 10, 1869	Oregon and California	3,500,000	86,623	323,148
Corporation	July 27, 1866 April 20, 1871	Atlantic and Pacific	42,000,000		504,478
Corporation	July 27, 1866 March 3, 1871	Southern Pacific	6,000,000 3,520,000	22,920	709,030
Corporation	March 2, 1867	Stockton and Copperopolis	320,000		
Corporation	May 4, 1870	Oregon Central	1,200,000		

A critical examination of this table when supplemented by a grant of 18,000,000 acres to the Texas and Pacific Company, which seems to have been omitted by the author, discloses the fact that Congress has granted in aid of railroads, out of the public domain, a grand aggregate of 209,663,994 acres, which, if embraced in one body, would form a territorial area larger than the powerful State of Texas, nearly five times the extent of the great Empire State of the Union, and sufficient of itself, in its extent of boundary and through its agricultural and mineral resources, to support a great nation. A classification, sir, of these magnificent land grants by the usually accepted sectional lines authorizes the statement that the South has received 44,963,419 acres, while the grants to the North amount to 164,700,575 acres, or 119,737,156 acres in excess of the amount donated to the South for similar purposes. When you add to this glaring inequality in the distribution of the public lands for the purposes of improvement and general development, that the North has drawn from the general Treasury for public works and buildings, up to 1874, $76,859,609, as against $11,612,086 expended in the South for similar purposes, and that for the construction of canals, wagon-roads, &c., the same section has received $19,155,859 as against $6,981,982 drawn from the general Treasury for like improvements in the South; and, sir, when you still add to these figures the vast sum of nearly $90,000,000 in bonds issued and interest paid by the Government for the construction of the Union and Central Pacific Railroads and their various branches, and supplement this grand array of land grants and direct appropriations in money, bonds, and interest with the annual appropriation of nearly $27,000,000 for the support of the wounded and disabled defenders of the Government during the late war, who followed the flag in Sherman's march to the sea and crowned it with victory by the surrender of Lee's wasted and shattered columns at Appomattox, nearly nine-tenths of which is distributed in the same section of the country, you have a clear view of the distribution of the numerous benefactions of Government for the improvement and development of the country and for the support and maintenance of its people, and a distinct view, sir, of the marked discrimination made by Congress in favor of one section over the other. The great inequality in the division of the practical benefits of Government and the manifest partiality displayed in distributing its bounties, which these statistical facts display and establish beyond the hope of successful denial, make an argument in support of the justice and necessity of this measure which cannot be resisted by an impartial and unbiased mind. Will not these facts appeal to the boasted justice, liberality, and magnanimity of the northern people, and induce their Representatives in this honorable body to give to this bill, which looks to the development of the long-neglected section and the promotion of the general welfare of all the States and people of the Republic, their warm and cordial support, especially when they remember in this connection that the grand old State of Virginia, which has done so much by the genius and statesmanship of her sons to lay the enduring foundation of free government, to promote the glory of the Republic, and to illustrate by heroic deeds our common history, gave in the day of her pride and power to the General Government, without price, the territory out of which were formed the great and prosperous States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, and when they are reminded of the fact that all our vast possessions west of the Mississippi River were acquired by purchase-money drawn from the general Treasury of the States and the people, and that "the southern heart," which they think is so easily fired, not only freely bled in their defense at the Thames, Tippecanoe, and the river Raisin, but contributed largely of its blood to uphold the honor and glory of the Government in the grand march of the American Army from Vera Cruz to the city of Mexico? Whatever, sir, in the estimation of the northern people may be the faults of the South, arising from constitutional theories taught her people by her greatest and purest statesmen, no one familiar with American history will ever deny that she has been generous and heroic in her devotion to the honor and glory of the Republic as against its foreign foes.

Mr. Speaker, if these marked discriminations in the distribution of Government benefactions are to continue, if the material aid contemplated by this measure and which is so necessary for the development of the South is withheld, if the North manifests an unwillingness through her Representatives to equalize to some extent the great bounties of Government, then, when all these appropriations made by Congress for the improvement of northern States and Territories are reviewed by the people, and the manifest partiality of the Government is brought to light, the country will understand, sir, that the Southern States are held simply as sources of revenue, provinces from which to gather tribute for the support of the Government, and that the vaunted justice and impartiality of the Government is a solemn fraud, a thinly disguised mockery, and the impartial judgment of this age on this subject will be confirmed by the unbiased verdict of posterity. We have heard much in the past decade of the superior sagacity, industry, and thrift of our northern brethren, and while I cheerfully bear testimony to their culture, frugality, and progressive spirit, and would not detract one iota from the glory of their grand achievements, the secret of their wonderful progress lies hidden in part in congressional enactments which have promoted and substantially aided all their great enterprises and have continually extended to them the liberal, fostering hand of Government. Give to the South 119,737,156 acres of land for railroad purposes which have been donated to the North in excess of the grants to her for like enterprises; give to the South $65,247,512 to equalize her in public works and buildings; give to the South $12,173,877 to adjust the difference in wagon-roads and canals; give to the South the grand sum of $90,000,000 of the public money to complete a great transcontinental railway through her borders, connecting with her railroad system east of the Mississippi River, with branches traversing Arkansas, Louisiana, Missouri, the magnificent domain of Texas, and the pastoral and mineral lands of New Mexico, Arizona, and Southern California; provide her with a grand highway by which her commerce may find cheap and rapid transportation to either ocean; make through her borders a great thoroughfare for international traffic and travel, and you will fill the minds and hearts of her people with the spirit of progress and development. Her hills and valleys would teem with population; her rich cotton lands be as white as the great snow-sheds of Russia and Siberia with the wealth of her great staple; her cereal territory be rich with the golden grain of the harvest; her vast forests of valuable timbers be opened to all the branches of the lumber trade; her tobacco lands would be pressed by superior tillage to yield to their utmost capacity; her great water-power would be utilized by machinery for manufacturing purposes; her grand plateaus would be filled with bleating flocks and lowing herds; her towns and cities now moldering in the dust and ashes of the desolation of war would spring up from their ruins as if under the influence of magic, and grow rapidly in commercial standing and importance. Yes, sir, if the sections of our common country were equalized in Government benefactions we would hear no more of the superiority of one part of the same race over the other. The civilizations of Plymouth Rock and Jamestown are branches from the same great parent stem, and their vines and tendrils are now and forever inseparably intertwined; and if one exhibits more vigor, vitality, and richer foliage than the other, it simply results from the fact that the paternal hand of Government has sheltered, nourished, and protected it to a larger extent.

But, Mr. Speaker, the South is not here asking to be equalized in Government bounties. She is not demanding any further grants of the public domain. She is not claiming equality in public works and buildings. She is not seeking an adjustment of the difference against her in wagon-roads, canals, &c. She is not asking for a loan of $90,000,000 for railroad enterprises; but she is with modesty and dig-

nity simply demanding, in view of her ruin and desolation, and in view of all that has been done for the other section of the country, that the Government loan its credit to one of her great enterprises, upon the success of which so greatly depends her rehabilitation and general development, and tenders as security for the indorsement she asks, franchises, property, and earnings sufficient to indemnify the Government against any possible loss. This brings me, sir, to the consideration of the financial responsibility of the Government under the provisions of this act. It guarantees a yearly interest of $1,937,500 for fifty years. This is the entire liability of the Government. And what security does it receive to indemnify it against the possibility of loss? First, the act retains in the Treasury until the entire line is completed, $7,000,000 of the guaranteed bonds of the company, known as "class B," unless disposed of by virtue of the provision which authorizes the Secretary of the Treasury to sell them whenever it is necessary to meet the interest of which the company may be in default. Secondly, it relinquishes to the Government control of all the lands granted to said company to aid in the construction of its line through New Mexico, Arizona, and Southern California, estimated at eighteen millions of acres, and authorizes the Government to sell the same, at the usual price for Government lands in railroad reservations, and hold the proceeds of sale to pay interest, if necessary, and to create a sinking fund to meet the principal of said bonds. Thirdly, it authorizes the Government to retain all sums due said company for the transportation of troops and supplies, and for postal and telegraphic service on that part of said line upon which it has guaranteed the interest on the bonds of said company.

The security offered seems to be more than ample to meet any liability assumed by the Government, in any contingency that can possibly arise. If the road is pressed to an early completion, as I have no doubt it will be, the bonds retained in the Treasury will be fully sufficient to meet the interest guaranteed until the company has a completed line from the Mississippi River to San Diego, without touching one dollar of the earnings of the road during the period of its construction. When the construction of this road begins, the country along its entire line will be thrown open, towns and villages will necessarily spring up, the salubrity of the climate, the fertility of the soil, and the rich mineral resources of the country will attract a large population, the lands granted by the General Government will be in demand for settlement, and their gradual sale will yield a large part of the necessary amount to meet the interest on the bonds of the company. I have but little doubt that in ten or twenty years from the completion of this road, before you and I, sir, in the regular course of nature have gone the way of all the earth, the value of these lands will of itself be fully sufficient to liquidate the entire interest of the bonds. When you add to this landed security the right of the Government to hold any money due the company for mail and telegraphic service, and for the transportation of troops, supplies, &c., it seems almost impossible that the company should ever be in default of its interest from these sources alone. So far nothing has been said as to the probable earnings of this great railway and its ability in this way to meet the interest on its bonds and provide a sinking fund for the principal of the debt. Its local traffic will increase with every mile that is constructed, and when its connections are perfected between the Mississippi River and the Pacific Ocean its carrying trade and passenger travel will be incalculable. Over it will come and go a large part of our trade with Mexico, South America, and the Asiatic nations, and much of the trade and travel between these nations and the powers of the Old World.

Its extensive connections east and west of the Mississippi River will bring to this great trunk line by way of Saint Louis, Memphis, Vicksburgh, and New Orleans, all our productions and manufactures going out to foreign nations, while theirs coming in will be distributed by the same channel throughout all the States and Territories of the Union. The mildness of the climate and the agricultural and mineral resources of the States and Territories through which it runs, coupled with the fact that it is the shortest line that can be built, must make it a superior road to the Union Pacific for the purposes of travel and the carriage of through freight. And this, sir, is the reason why this grand monopoly which was in reality built by the Government and donated to its stockholders has so strenuously and viciously fought, not only here, but everywhere, the construction of this great competing railway line. As a basis of conjecture, merely, as to the probable earnings of the Texas and Pacific railroad, I submit as a part of my remarks Mr. Spofford's table as to the earnings of twenty-two hundred and fifty-one miles of Pacific Railroads for a series of four years, beginning in 1873 and closing with 1876:

A table showing gross and net earnings of Pacific Railroads for four years.

Pacific Railroads.	1873.	1874.	1875.	1876.
Miles of railroad	2,251	2,251	2,251	2,251
Earnings from passengers	$8,641,013	$9,002,276	$10,243,956	$10,216,424
Earnings from freight, &c	15,568,931	15,792,318	18,770,892	20,817,379
Earnings from all sources	24,209,944	24,794,584	29,014,848	31,033,803
Net earnings	13,648,195	14,374,742	16,614,855	17,033,517
Dividends	1,698,265	3,256,530	7,632,250	7,299,000

From this table it will be seen that the net earnings of these roads have steadily increased, and that in the year 1876 their net earnings amounted to the enormous sum of $17,033,517—over one-half of the sum necessary to build and equip the Texas and Pacific Railway from Fort Worth to San Diego. Is it not reasonable to suppose, sir, that the Texas and Pacific, located in a milder climate, running through States and Territories richer in agricultural and mineral resources, opening up a trade with Northern Mexico, doing a reasonable share of foreign transportation and travel, requiring a smaller sum for operating expenses than the roads whose lines have been blocked with the snows of an inhospitable climate, would earn an amount comparable to the sum indicated in this table, namely, $7,568 per mile, or aggregating on fourteen hundred miles of railway, from Fort Worth to San Diego, the sum of $10,596,600, over five times the yearly interest guaranteed by the Government on the bonds of this company?

But admit, for the sake of the argument, that the construction of the Texas and Pacific would reduce, by virtue of its competition, the estimated earnings of all our Pacific roads, who would be injured by it, sir? Would not the people be benefited? Would not freights and travel be cheapened and the entire country be freed from the fearful exactions of the Pacific railroad ring, which now has a perfect monopoly of all the travel and carrying trade between the Atlantic and Pacific States? Disguise it as we may, sir, the people at last bear all the burdens of Government, pay all the vast earnings of railway corporations, and it is time that the legislation of the country should look to their interest and protection and give to them, so far as it has the power, cheaper freights and cheaper travel. These desirable results will inevitably follow the passage of this bill; for Congress retains the power to regulate the freight and passenger tariff on the Texas and Pacific, if it is constructed, for all time to come; and, if it legislates wisely and for the people, it will exercise this power in the interest of the people.

No one can doubt, from the great rivalry that must necessarily exist between these great competing lines, that the power to regulate the freight and passenger charges upon the one is tantamount to the regulation of both so far as through freights and travel are concerned. But, granting that the net earnings of the Texas and Pacific Railroad will fall far below $7,568 per mile, or $10,596,600 for the entire line, still the Government would never risk a dollar, for, if its net earnings were only $2,325 per mile, a little over one-fifth of the earnings estimated, it still could pay the annual interest of $1,937,500 on its bonds and provide the 1 per cent. on the whole issue of its bonds, or $387,500, the necessary yearly sinking fund required by this act, for the payment of the principal of the debt.

So far in this discussion, sir, I have endeavored to establish the constitutionality of this bill and show that it is in strict conformity with the organic construction which has resulted from a long line of precedents; that it projects a great military and postal road necessary for Government uses; that it is a great measure of relief for the country, which is bowed down by the gloom of financial depression; that justice demands its passage in order that the benefactions of Government may to some degree be equalized; that the expansion of our internal and foreign commerce and the development of our Territories and the unhappy section which was wasted by war demands the construction of this great transcontinental railway; and finally, that the Government does not increase its indebtedness or risk a dollar by the indorsement asked for by the company.

Now, sir, I wish to present this great enterprise as a governmental necessity, when viewed by the light of past and contemporaneous history. He has studied humanity to but little purpose and the history of nations with but little profit that has not been led irresistibly to the conclusion that it is impossible for two distinct and antagonistic systems of civilization, divided by no great natural barrier, to dwell for an indefinite time side by side in perfect unity. The stronger will either incorporate the weaker and the latter will thus lose its identity or by its resistance it will be utterly extinguished. Such has been the fate of many nations which have gone before us. The map of the world is continually changing. A few centuries ago and the Russian was locked up on the frozen shores of the Baltic, but step by step he has gone toward the Mediterranean and the Pacific Ocean, incorporating, as he advanced, the Cossack, the Pole, the Slavonian, and many of the nomadic tribes of the East as a part of his grand empire. A few centuries ago and the Englishman was confined to the half of a small island, but his aggressive, determined, and enterprising spirit has incorporated the Welshman, the Scotchman, the Irishman, the Indian, the Canadian, and the African under his form of government. Now his influence is felt all over the world, his flag is on every sea, and the roll of his drum is heard on every continent. Comparatively a few years ago and the Spaniard was in Florida, the Frenchman in Louisiana, the Mexican in Texas, California, and a large part of our southwestern territory, and the Russian was in Alaska. Now the flag of the Republic floats over all of these. Surely these historical facts are not without their significance. They establish the rule I announced and declare in unmistakable language that the progressive spirit of American civilization will extend its power from the lakes to the isthmus. "The wish" in this matter is by no means, sir, "the father of the thought." I am guided to this conclusion by the logic of facts and by the light and experience of history. Then why not prepare for it? Why not be ready to meet the destiny we cannot shun?

A wise statesmanship is not restricted in its plans of governmental policy by a day, a month, or a year; but looks far beyond, and horoscopes the future by experience and passing events. Here let me ask, Mr. Speaker, will the great Northwest, which has been fostered, cherished, and built up by immense donations of public money and grants of public land, deny the bounty of the Government to another section forever united to it by an identity of interests, inseparably joined for weal or for woe by the great Father of Waters, which, with its tributaries, drains so much of the territory of both sections, and floats alike their commerce to the sea? I cannot believe, sir, that her course will be so selfish and unjust. Will the East, which has had millions of dollars of the public money expended on her coast line for the improvement of her harbors, and for other public works and buildings, and which has grown rich through the immense annual tribute she has drawn from the section which furnished largely the raw materials for the fabrics she has manufactured, refuse her support to this great measure? A sound financial judgment, a keen foresight of the future, would it seems to me suggest to her able statesmen a different policy. The passage of this bill will strengthen the public credit and give additional security for the payment of the national debt. But lately the East was threatened from the other wing of the Capitol by a learned and distinguished republican Senator with a combination between the West and the South. Responding in this connection to that declaration, as the Representative in part of a Southern State, and fully identified personally with the South in all her sad and mournful history, I will say for her that she seeks no combination with any quarter of the country against the other, but, planting herself upon the Constitution as amended, looks not to the past but to the future, and while earnestly desiring the prosperity of the entire Union from the lakes to the Gulf, from the Atlantic seaboard to the Pacific slope, respectfully demands from the East and West alike a liberal and just consideration of her claim to share in the benefactions of the Government.

Will the South, sir, ruined by the desolation of war, with the accumulations of a century swept away, with her towns and cities in ashes, with her rich fields laid waste, with her people greatly impoverished, with her railway system languishing, with so many natural sources of prosperity within her borders and so much in want of the development which will follow the extension of Government aid to this great enterprise, the completion of which will enable her to keep pace with the progress of the North and take her rightful place in this great confederation of States, listen to the voice of prejudice and give to this measure, that looks to her prosperity, development, and rehabilitation, a divided support simply because it is under the management of a northern man; or, with too great a spirit of reverence for the past, madly cling to a strict construction of the Constitution as an insurmountable barrier to the passage of this bill—an idea, sir, long obsolete as a matter of fact in congressional action so far as measures of this nature and kindred ones are concerned? Unwise, in my opinion, would be such a course on the part of her Representatives, and unappreciated, I think, such action by the great body of her people. Will any one here refuse his support to this bill on account of the malevolent passions and prejudices engendered by the late war? If so, I would say to him, coming as I do from a district largely represented in both the Federal and Confederate armies, and numbering among my warmest personal and political friends both the wearers of the blue and the gray, that the brave and true men who stood by their respective sections in that terrible conflict, recognizing the fact that the dust of their heroic dead mingles upon the same battle-fields and that the military genius and prowess of both sections will live in history and blended form for posterity a heritage of warlike glory, have planted the rose of peace, the flowers of reconciliation, on the grave of our common national sorrow; and cursed forever be the narrow-minded, bigoted, and malignant spirit that attempts by the poisonous, pestilential breath of *demagogery* to scatter their leaves!

It is time, sir, that those who would legislate for the American people should respond both in sentiment and action to the spirit of the age, aspire to the true dignity of American statesmanship, rise to the higher planes of patriotism, and taking a broad view of the wants of the country, look to its development without regard to sections or localities. In conclusion, sir, when this great enterprise shall be completed; when another grand transcontinental railway shall span the continent from the Mississippi River to the Pacific coast; when another mighty thoroughfare of internal traffic and international exchange shall be opened up; when another iron band of union shall be laid, binding together our widely-extended empire, and all the blessings of development, expanded commerce, cheapened freights and travel which will follow in its train shall be experienced and enjoyed by all the States and people of the Republic, then we will realize the glory, grandeur, and commercial power of our country on a scale of magnificence far exceeding the view of the great New England statesman who in yonder Senate Chamber, looking out in his mind's eye upon the future of his country, quoted as illustrating its glory and magnificent water boundary the poet's beautiful description of the heaven-wrought shield of the heroic Greek—

> Now the broad shield complete the artist crown'd
> With its last band and poured the ocean round;
> In living silver seemed the waves to roll,
> And beat the buckler's verge and bound the whole.

REVISION OF THE TARIFF.

Mr. ALDRICH. Mr. Speaker, this bill does not commend itself to my judgment, either in principle or detail. As a measure at this time it is uncalled for by the people, and I believe is unwarranted in the present condition of the business of the country. Every industry is depressed almost to the verge of bankruptcy, and this measure must have the effect to increase the uncertainty and tend to the embarrassment of every branch of legitimate business.

The revenue from customs is a necessity. It would be madness to attempt to dispense with it or to any considerable extent lessen the annual receipts from this source. The industries of the country, its trade and commerce, have, and of necessity must accomodate themselves to the system of customs duties. These are institutions of slow growth, and profitable changes must be the work of judgment and time; forced and violent changes are revolution and ruin.

I had hoped that if the tariff was to be interfered with at this session of Congress, it would have only been proposed to make such changes as experience had shown would be wise as an aid to our crippled industries, or might tend to simplify the process and render certain the honest collection of the revenue.

That abuses and frauds have sprung up in the execution of the present customs laws whereby revenue is lost and honest trade is injured, probably no one doubts; and where it is possible to break up these abuses by simplifying the mode of levying the duties or rendering their collection more certain, the duty of Congress is plain. Sugar in some form is the great item of our duty-paying imports. It is an article of necessity and of universal use, and in which vast capitals are embarked in its preparation and distribution. Justice and security to all these interests, as well as common honesty to the Government, require that the vast revenue raised from this article should be levied and collected evenly and without partiality. That this rule has not been uniformly observed is common knowledge and common complaint. Whether the fault is in the complicated provisions of the present law or results from the perverse ingenuity of man are questions which it is hardly worth while to stop to discuss. The evils of the present law are bad enough, and the tax-payer has a right to expect, or even demand, if changes are made, that they shall be in the direction of simplifying the law and rendering frauds upon the revenue more difficult, if not entirely broken up. So far as I can judge, the proposed law instead of remedying any of the defects in the present law, or breaking up the abuses practiced in its execution, in relation to this great item of our revenue-paying imports is one most adroitly devised to protect and encourage every abuse and fraud upon the revenue and trade now existing.

Instead of simplifying the mode of levying duties the proposed act but adds new and subtle processes of mystification. The whole system of levying or rating of duties is made to hinge upon the results to be arrived at by scientific experts. A life-time of experience in the trade would afford no means of verifying or disputing the results which may be reached by these experts. Disagreements between experts have become proverbial. That they are honest no one doubts, but like honest lawyers they sometimes will see the right in the direction of the largest reward. From all such schemes and devices the business of the country should be saved. The importer, the refiner, and the consumer (those who care to deal honestly) are alike interested in having the duties steady, plain, and simple in their application and honestly collected, so that the rate of duty shall not be one thing to one importer and quite another to his business competitor, nor one rate at one port of entry and quite another rate exacted at some other port.

With all the frauds and abuses practiced under the present law, yet to the experienced dealer its provisions have some meaning and would be reasonably plain and clear if freed from the devices of dishonest men. The real objection to this law is, that in the multitude of its provisions and discriminations it affords too broad a field for the acts of the evil disposed. The better quality is made to appear the worse, to the robbing of the Government and the injury of trade. In this bill now under consideration not one of these evils is even sought to be remedied, but on the contrary every truly objectionable feature of the present law is retained, and, superadded thereto, the process of mystery by the use of the polariscope. Had the object been to devise some scheme whereby frauds upon the revenue could be practiced without fear of detection and the whole sugar trade placed in the hands of the sugar refiners of New York and the very few acting with them, this bill could hardly be improved upon.

The ad valorem principle in the present law is objectionable, as all ad valorem duties are, by affording a temptation to defraud by undervaluation, but undervaluation has not been the great source of fraud or complaint in the execution of the present law; it has been in the color feature, which is retained in its fullness in the proposed law. I give the provisions of the present law and also the provisions of the proposed law relating to the duties on sugar, and submit that they are more than a justification of every objection urged against the change.

In the present law sugar not above No. 7 Dutch standard in color is 1¼ cents per pound and 25 per cent.; sugar above No. 7 and not above No. 10, Dutch standard in color, 2 cents per pound and 25 per cent. of this; sugar above No. 10 and not above No. 13, Dutch standard in color, 2½ cents per pound and 25 per cent. of this; sugar above No. 13 and not above No. 16 Dutch standard in color, 2¾ cents per pound and 25 per cent. of this; above No. 16 and not above No. 20,

Dutch standard in color, 3¼ cents per pound and 25 per cent. of this; above No. 20 Dutch standard in color, and on all refined sugar, 4 cents per pound and 25 per cent. of this.

In the proposed law "sugar not above No. 13 Dutch standard in color, and testing by the polariscope not above 82, 2 3 cents per pound." Same in color "and testing by the polariscope not above 87, 2.6 cents per pound." Same in color "and testing above 87 and not above 92, 2.85 cents per pound." Same in color "and testing above 92, 3.1 cents per pound." Above No. 13 and not above No. 16, Dutch standard in color, 3½ cents per pound. Above No. 16 and not above No. 20, Dutch standard in color, 4 cents per pound. Above No. 20, Dutch standard in color, and on all refined, 4½ cents per pound.

This bill is named "A bill to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes." Its adoption is urged as a measure of revenue reform and to relieve the consumer from onerous and burdensome taxation. Is this bill honest in its professions or in the professions of its advocates, which proposes to raise from the item of sugar alone the enormous sum of $44,000,000 per annum, and which proposes to tax this item alone from $6,000,000 to $10,000,000 more per annum than the present law?

With pepper and salt, sugar is the universal element of every meal of the rich and the poor. Poverty may separate its victim from tea and coffee, but from sugar never while starvation is kept at bay. Every increase of tax upon this article means exaction universal upon one of the necessaries of life. It invades the almshouse and the hovel, and the exaction is more nearly in proportion to the mouths to be filled than upon any other article that can be mentioned. Now, why in the name of revenue reform and reduction of taxation this new exaction upon sugar while silks and velvets, at once the badges of wealth and the costumes solely of the rich, are relieved of a large part of the tax which they now pay? "Judas professed and kissed." The advocates of this measure, alive with professions of relief for the poor laborer from his burdens, further tax his sugar to relieve the silk, the velvet, the lace, that are flaunted before his eyes but gladden not the sight of his wife or daughter.

If this increased tax upon sugar is made necessary or is designed to protect the Louisiana planter, now that he no longer owns but hires his labor, let us have the fact, not any false pretense. If it is true that the sugar planters really require this $6,000,000 or $10,000,000 additional exaction to enable them to pay wages to their late slaves and to prosecute and upbuild this industry, the patriotism of the people, laborer and all, will bear it. They will want the fact openly stated; they will require that you convince their understanding.

In the light of the other provisions of the bill, it looks as if the real purpose of this increased sugar tax is to relieve silks, velvets, laces, broadcloths, and other articles solely enjoyed and consumed by the wealthy and pretentious, and saddle the burden upon the necessaries of life.

If the purpose of this proposed law is not to shift the burdens of taxation from the shoulders of the rich to those of the poor and the comparatively poor, nor to benefit those who design both to defraud the Government of its dues and monopolize the trade in sugar, but is designed to secure revenue to the Government and at the same time afford unprecedented protection to our sugar producers, then in the name of honesty and fair dealing give us some plain and simple specific rate of duties which shall raise the desired revenue and treat the producers, the refiners, the distributers, and the consumers with fairness.

A duty of 2½ cents per pound on all sugar not above No. 16, Dutch standard, in color, and of 3½ or even 4 cents per pound on all above No. 16, Dutch standard, in color would accomplish the object. Under such a tariff the revenue would be collected at a nominal expense by simply weighing the importations and the trade freed from deception and fraud.

This bill provides for the duty on molasses at 6½ cents per gallon, in accordance with the present law, which all agree works well; a simple specific duty of uniform rate. When there was a duty on coffee and on tea and each had a specific, uniform rate, no frauds were complained of, the Government and all parties concerned were satisfied with the workings of the law; yet the differences in qualities and value were far greater than in sugars.

A committee selected from the sugar importers and merchants, composed of as honorable men as it has ever been my good fortune to associate with, made a report upon the sugar tariff early in the present session of Congress. This report contains much valuable information; and, while disagreeing with the committee in regard to the immediate adoption of their entire plan, yet I deem the points set forth so important that I desire to incorporate it as a part of my remarks:

SUGAR: ITS PRODUCTION AND CONSUMPTION IN THE UNITED STATES.

Statement prepared at the Agricultural Department in relation to the production and consumption of sugar in this country, (in tons of 2,240 pounds.)

Years.	Total consumption.	Imported.	Domestics.
1860	415,281	296,250	119,031
1861	363,819	241,420	122,399
1862	432,411	241,411	191,000
1863	284,308	231,398	52,910

Statement prepared at the Agricultural Department, &c.—Continued.

Years.	Total consumption.	Imported.	Domestics.
1864	220,660	192,660	28,000
1865	350,809	345,809	5,000
1866	391,678	383,178	8,500
1867	400,568	378,068	22,500
1868	469,533	446,533	23,000
1869	492,899	447,899	45,000
1870	530,692	483,892	46,800
1871	633,314	553,714	79,600
1872	637,373	567,573	69,800
1873	652,025	592,725	59,300
1874	710,369	661,869	48,500
1875	685,352	621,852	63,500
1876	638,309	561,309	77,000

From which tables it appears that, in the years named, the United States produced less than 13 per cent. of the cane sugar it consumed.

The leading sources of our foreign supply are exhibited below. Twenty-one other nations supply the remainder, which is about 3 per cent. of the whole amount:

	Tons.
Cuba	450,000
Spanish possessions	50,000
Porto Rico	30,000
French Islands	22,000
Brazil	18,000
Dutch East Indies	11,000
British West Indies	10,000
British Guiana	10,000
Sandwich Islands	10,000

THE SUGAR TARIFF.

Recent publications of the Treasury Department relative to frauds in the entry of sugar and the discussion of the matter by the newspapers have brought clearly before the public the wrongs which arise from the present tariff law as regards this article.

There is but little in all these publications, however, which offers any practical suggestions for the relief that is urgently demanded. The Treasury officials have fully realized for months past that the revenue was being defrauded; in fact, in 1875, when the last change was made in the law, its operation was explained to the Committee of Ways and Means, and to the present Secretary of the Treasury, then chairman of the Finance Committee of the Senate. Since then committees appointed for the purpose of investigating this and kindred subjects in the various ports of entry have unanimously reported to this same effect. These reports brought out "special orders" from the Treasury Department to the various collectors, but these orders have not been and cannot be obeyed while the law remains as it is.

The object of this paper is to show why this is the case, and to offer a plan which we claim will relieve, first, the consumer, who is now paying a large sum in the name of "duty" which never reaches the Treasury; and, second, the Treasury Department, which confessedly cannot collect the duty according to the true intent and meaning of the tariff law.

It is generally known that the present tariff takes as its basis of value of the various grades simply the color of the sugar, and directs the use of certain samples known as "Dutch standards." These samples are made from a peculiar kind of sugar produced in Java by the most primitive process. They were adopted and came into general use many years ago, when this process, known as "claying," was the principal method employed in making sugar from the cane-juice. Since then, of course great improvements in its manufacture have been made, the use of steam and machinery being now the rule instead of the exception. We find that the import of these Java sugars into the United States for the last year was barely 2 per cent. of the whole import, and yet the law directs the use of these samples in the grading of the whole.

From this arises the difficulty, we may say the impossibility, of properly levying and collecting the duty upon the article, for it assumes the color to be the test of intrinsic quality, as it was in this old and almost obsolete process of manufacture, while under the new and improved processes color is no test whatever of quality. Pure sugar can be made of any desired shade, and can be, and of course is, varied to meet any tariff in which color is the standard for grading.

From the above statement it will be seen that no tariff which adopts color as the basis for grading sugar can be framed so that it cannot be, as now, readily evaded strictly within the letter of the law.

Chemical tests of course show true intrinsic qualities, and are now almost universally used by buyer and seller in all the markets of the world. We fear, however, they would be found impracticable as a basis for levying duties. A laboratory in every custom-house is hardly to be recommended as a cure for the present evils.

Another suggestion which has been made is the adoption of two grades of sugar, one "raw" and one "refined," with specific rates for each, but this we regard as thoroughly impracticable also, from the difficulty of determining what is "refined sugar." All sugar is to some extent refined; the first boiling of the cane-juice is a refining process, and all subsequent processes are unquestionably "refining." Who shall decide just how far they shall be carried, and what two appraisers will agree on this point? The act of March 2, 1861, was framed on this basis, and the records will show no end of claims and disputes arising from this very point. No two collectors agreed, and sugar which paid ¾ of a cent per pound duty in one port paid 2 cents in another.

A careful examination of the foregoing will, we believe, lead any disinterested person to the conclusion which we have arrived at, that there is but one way open to our legislators in order to secure for the Government and for the people a fair and equitable collection of the revenue from this most important article of import, and that is a single uniform rate of duty upon all sugar of whatsoever kind or quality. Two cents per pound would yield a revenue of nearly $30,000,000 per annum, which is about as much as is now received from this article. At the same time we believe there would be a saving to the consumer of at least one-half as much as that sum. In other words the cost of sugar to the consumer under this simple tariff would be at least 1 cent per pound less than it is under the present tariff. Can we afford to lose sight of so important an item in the present condition of labor in this country?

The refiners as a class will probably oppose this reform on the ground that it is unfair to their industry. We think, however, we can show that their position is an independent one. The natural differences in the product as it comes from the cane, beet, or date-palm make their work necessary. We all know that sugar is not produced to any appreciable extent in a condition fitted for consumption. All classes now demand, and properly so, cleaned or "refined" sugar, and there can be no doubt that the supplying of this demand will always be a large and profitable industry, as it has been in the past. Great Britain imports nearly one-third more sugar than the United States, and this is of all kinds and grades, from the finest Paris loaves to the blackest date sugar, without any discrimination in duty,

all being "free." We find there as large and flourishing refineries as any in the world, and of course they work simply under the natural differences in the raw material above referred to. As a proof that our refiners would certainly be as favorably situated under similar circumstances, we quote from a letter addressed to the Secretary of the Treasury printed in the New York Journal of Commerce of August 30, 1877, signed by "the sugar refiners of New York," as follows: "We assert that the processes, methods, and apparatus employed in the refining of sugars in this country are not surpassed, if indeed equaled, elsewhere;" "the increased exportation of sugar is due to the greater facilities enjoyed by our refiners in geographical position, unsurpassed machinery, and profitable demand for moist sugar." There is no doubt this is entirely true.

We may say further that with this uniform tariff the protection to the Louisiana planters would be more certain and consequently more satisfactory than it is under the present tariff, which we have shown cannot be enforced. They would benefit surely to the extent of the 2 cents per pound. If they were doing that now there would be no sense in the recent orders of the Treasury Department concerning the frauds.

Whether the reduction of duties on the manufactures of iron is wise or not I will not attempt to discuss here, for I know this subject will be ably handled by others more particularly interested; but why the committee should retain the duty on boiler flues and tubes at 3½ cents per pound, said to be equal to 86 per cent. ad valorem, while other manufactures of iron are reduced to 35 per cent. ad valorem, is a mystery not yet explained, and I apprehend no effort will be made to explain what overshadowing influence was brought to bear upon them to produce this great inequality. If this high rate is prohibitory, as I understand it is, they certainly cannot plead that revenue is the object.

It is painfully apparent that the raising of revenue was not of paramount importance with this committee. They propose to have a duty of 20 cents per bushel on wheat and admit wheat flour free of duty! Can the distinguished gentleman from New York, [Mr. WOOD,] the chairman of the committee, believe there will be any revenue from this source? Flour will come into the country from the Dominion across the border in abundance, and very little, if any, wheat. Whatever the object, such legislation will be a grievous wrong to the millers of this country.

Has the term "protection to home industry" become so offensive that the committee must strike so severe a blow as this at one of the great industries of the country, in which immense capital is employed, with such meager remuneration as barely to keep the proprietors from entering the list of that still increasing throng which is seeking relief in the courts of bankruptcy? To be consistent they propose a tax on rice and to allow rice flour to come in free of duty; but when they come to rye, that grand old cereal that has refreshed so many, a change comes over the spirit of their dreams; upon both rye and rye flour a duty is imposed.

Says a writer in a recent number of the Philadelphia North American:

> During the fiscal year ending June 30, 1877, the duty on rye flour yielded a revenue of 45 cents. If the country needs revenue so badly as to make an article dutiable to secure 45 cents in a whole year, why were potatoes made free? During the fiscal year ending June 30, 1877, potatoes yielded a revenue of $472,918, nearly a half million dollars.

I cannot account for this singular discrimination between wheat flour and rye flour, unless it is the intention of the committee to have no more rye spoiled by grinding it into flour.

Mr. Speaker, as unwise as I deem this bill in the particulars to which I have referred, the great danger will be found in a single clause in the first paragraph, that "all merchandise not herein provided for shall be free of duty." That two-thirds in number of the articles upon which a duty is now collectable should be at once transferred to the free list, is alarming. I believe the free list should be enlarged, but every article on such list should be distinctly stated. This omision will not only prevent the establishment of new industries, but, as has been well stated, will lead to "subterfuges, evasions, endless litigation, and incalculable loss of revenue. On the one hand nothing can be easier than to give a new name, or a little-used name not mentioned in the tariff to an old article. On the other hand, any new industry aiming to produce, in competition with foreigners, some article not known to commerce would be suppressed, honest importers would be discouraged and foreign commerce would tend to pass into the hands of a class of smugglers created by law."

Gentlemen will honestly differ in opinion in regard to the probable effect upon the country these radical changes in the tariff will produce; but for myself, believing that the effect will be injurious at the present time, I must vote against the bill.

TRANSFER OF INDIAN BUREAU TO WAR DEPAETMENT.

Mr. FENN. Mr. Speaker, the Committee on Indian Affairs have reported a bill (H. R. No. 3541) to transfer the Office of Indian Affairs to the War Department. Representing as I do a constituency vitally interested in a proper settlement of that question I should be derelict in duty if I failed to give my reasons for advocating the bill, and I take this opportunity to do so; and what I have to say will not be the expression of sentiments drawn from Cooper's works of fiction, read in my boyhood, nor from Longfellow's metrical imaginings, but from the lessons taught by thirty-seven years' experience in the frontier settlements of our country and among the Indian tribes.

In judging of the question before the committee we must consider it by the light of experience. We must analyze the Indian character and find if possible a remedy for the evils that exist in the administration of Indian affairs; ascertain, if we can, why the hundreds of millions of dollars that have been appropriated by the nation in the endeavor to elevate and Christianize the Indians has produced no beneficial result, except in a few isolated cases, during nearly thirty years' experience since the control of the Indians was transferred from the War to the Interior Department; why we find to-day that the whole frontier settlements of the country are in a state of feverish excitement, growing out of the known fact that one-half the tribes and bands of Indians in the new States and Territories are counseling among themselves and with the neighboring tribes and laying their plans for hostilities accompanied with all the horrors of their savage warfare.

No sickly sentimentality will solve this question. The cry that it is better to feed than to fight the Indians has produced its legitimate fruits of murder and devastation.

Your system of farming out the Indian agencies to different religious denominations in order to bring the Indians under Christianizing influences as a means of civilization has only resulted in depopulating reservations and producing Indian hostilities, while your religious agents and religious teachers have plundered the Indians, plundered the Government, and produced naught but discord and disorganization by attempting to force their peculiar religious faith upon savages and barbarous or partly civilized people. The fact should not be forgotten that the whole Indian race, by all their traditions, taught them from their childhood, are impressed with the belief that the height of human virtue is to deprive their enemies of their property and take their lives, whether these enemies be the white race or the surrounding Indian tribes; that they all look upon and feel the white race to be their natural enemy; that before you can have the respect of an Indian he must feel that in some respect you are his superior. These facts are known and felt by every man who has had personal experience with the Indian race.

A single Indian, or body of them, when treating with an individual of the white race, if they are impressed with his superiority, if they find he never makes a promise in express terms or by implication that he does not fulfill, and especially never makes a threat he does not enforce, not only obtains at once their respect and confidence, but he retains it as long as his conduct justifies their appreciation of his character. Your peace policy, that has been profuse in promises never fulfilled, that has been administered by men who pray long and loud, and while they prate of the love and kind wishes of "the Great Father" at Washington, steal the appropriations made for their benefit, and attempt to coerce them into the religious faith of the agent or teacher, who, when they threaten fail to enforce their threats; who, when the Indians are importunate and threaten reprisal and destruction if their demands are not complied with, yield to their demands as the price of peace and quietude, only to see the same demands repeated as their greed is pampered, not only have the supreme contempt of the Indians, but subject the Government, whose agents they are, to like contempt.

The Indians on our western frontiers who have endeavored to improve themselves, who are striving to be self-sustaining, who have profited by the examples of the early missionaries, who practiced what they preached, and the early pioneers who with those missionaries taught them by example the blessings of industry, have been totally neglected under the policy of the last few years, until it has become proverbial among the Indians that those who endeavor to assist themselves receive no assistance from the Government, while the turbulent and threatening reptiles are pampered in their idleness. How can this state of affairs be remedied? The answer is plain and simple: by turning the Indian Bureau over to the War Department. The power will then be at hand to enforce obedience. The mass of the machinery will be in the hands of men who have had experience with Indian character in frontier service, who will make pledges to be fulfilled and threats, if you please, or rules and regulations (if the term better suits the fastidious) to be enforced.

The men who have been schooled in military service will have no desire to perform the duties devolving upon them in the Indian service longer than there is a public necessity for the performance of those duties, and they will endeavor to hasten the day when the Indians under their charge will no longer stand in the relation of the nation's wards, but will be ready and anxious to assume the duties and responsibilities of citizens, while your agents under the present system endeavor eternally to keep the Indians in their present state of dependence in order to continue their power and their opportunities for plunder. There will then be no more mythical Téton Sioux requiring immediate and enormous appropriations to be disbursed by a "Vial" of holiness under the instructions of an immaculate Secretary of the Interior and in the interest of pious fraud.

The Christianizing influences will not be ignored. Schools, industrial habits, and honest Christian missionary labor will be fostered. The vital subject of improving the Indian race and making them self-sustaining will be enforced by the Government, and the appropriations for that purpose, under stringent rules of immediate prosecution and swift and merited punishment that characterize courts-martial in military service, will insure an honest administration of affairs. And last, but not least, the high character of the officers who will be detailed for the Indian service will render the administration of Indian affairs a credit to the nation—not an outrage and a disgrace, as has been the case for a long term of years.

Mr. Speaker, our Indian policy has been radically wrong from its

inception. It has been an anomaly, a monstrous incongruity, a burlesque upon us as a nation.

The policy of treating savage tribes within the limits of our Government as independent nations, making solemn treaties with them as with civilized nations, allowing them all the attributes of sovereignty, and while doing so considering them as the nation's wards, to be supported in idleness, will always interpose a barrier to the advancement of the Indians in civilization. Let the reservation system and tribal authority be abrogated as soon as possible. Give every Indian, whether within or without a reservation, the same right to the enjoyment of the privileges of the homestead laws as white citizens. Let their land be inalienable and non-taxable for a term of years, say fifteen or twenty; break up your reservations as soon as possible, and with them all tribal relations. Give the Indians the first chance for selecting homesteads on the reservations so broken up. Make every Indian when he is outside a reservation totally amenable to the State or territorial laws, civil or criminal, general or municipal, of the State or Territory in which he may be located, except that his homesteads shall be inalienable and non-taxable for a term of years.

The suicidal policy that has been adopted and enforced by the Interior Department under your peace policy of making the Indian agencies, the United States forces in the field, and the military posts, "cities of refuge," for the protection of red-handed, indiscriminate murderers of men, women and children, the brutal outragers of mothers and daughters—committing their crimes, not in a state of war, but by stealth, in peaceful communities—to which the fiends can flee and have protection against trial and punishment for their crimes, has only been a premium offered to outrage, crime and bloodshed.

It is said—

> "The fear o' hell's a hangman's whip,
> To hau'd the wretch in order."

And the fear of certain and exemplary punishment for crime alone will restrain the brutal, be they of the white or Indian race.

Let the Indian become a citizen as soon as qualified and assume the responsibilities of such citizenship, and you will invest him with attributes that will make him proud of his position. He will consider that by holding his property in severalty there is an inducement for industry, and the Indian will soon be absorbed in the body-politic, and I trust that the practical good sense that will characterize the administration of Indian affairs by the War Department will soon solve the Indian question in the only way it ever can be solved, by causing the Indians to become self-sustaining, "earning their daily bread by the sweat of the brow," as large numbers of them are now doing in Idaho and Washington Territories, without Government assistance, as I know they are, and as I presume is being done in many other sections of our broad domain. Upon the breaking up of reservations, remove the few, if any, who will not occupy lands in severalty or adopt the habits of civilized life, to some locality specially provided for them, so that those who are willing to improve their condition or have it improved will not be hampered and annoyed by the worthless.

But let me say that when with them it comes to choosing between removing from their kindred and from the graves of their fathers or following the example of the industrious and self-sustaining, you will find but few who will not choose the latter alternative. The whole system as now conducted under the auspices of the Interior Department only proves the ignorance or willful disregard of duties that characterize its administration. Take the case of Indian inspectors, whose duty theoretically is to inspect the accounts at the various agencies, ascertain causes of complaint, and correct abuses, but practically with few exceptions has been to whitewash villainous officials and shield them from deserved punishment for their infamy. One of them clothed with his mantle of authority arrives at an agency, the time of his arrival well known by the agent in advance and unknown to any one who could give evidence of the agent's mismanagement. The inspector is the favored guest of the agent, who has everything prepared for his arrival. He examines his books, pronounces them correct.

The Indians about the agency are called together, the agent present. The inspector informs the Indians assembled that he is sent there by "the Great Father" to look after their interests; states to them that if they have any complaints to make regarding their agent, or upon any other subject, that now is the time to make them known. A silence as of the tomb is the response. No matter if every duty of the agent had been disregarded; no matter if he had swindled or outraged them; no matter if he had been faithless to every pledge, not one of the assembled Indians would dare make complaint, as he would know from sad experience that one word of criticism of the agent's conduct, the statement of one fact tending to show his stealings, his petty persecutions, his disregard of his plighted word, or any matter of maladministration, would only work him irreparable injury, by causing him and his to be further outraged in the name of God, Christianity, and the Government, at the hands of his imperial majesty, the Indian agent, as soon as the time-serving inspector had taken his departure.

In a word, the checks and guards intended for securing faithful, administration as at present executed, are only carefully devised plans for screening culprits and misleading the American people as to the facts regarding the Indian service. A case in point, showing the power and baleful influence of an evil-disposed agent who feels and knows that every step taken toward rendering Indians self-sustaining, breaking up tribal relations, and absorbing them in the body-politic cripples his power and capacity for evil, has within the last few weeks occurred among the Nez Percés. The mass of the Indians remaining on their reservation after the late exodus of the hostiles were anxious to greatly reduce the dimensions of or break up their reservation and homestead their lands and become citizens. They desired a petition to Congress to be translated into the Nez Percé language, that every Indian might fully understand the full purport of the petition. The Indian agent would not permit the interpreter, Mr. Whitman, who has a perfect knowledge of the language, to translate it. And those of Indian blood on the reservation who were capable of making a full and correct translation of the petition, and were in full harmony with its purposes, were restrained from so doing by fear of the agent's power.

Mr. Speaker, I cannot too strongly condemn the unconstitutional practice that has grown up in the administration of Indian affairs, of farming out the various Indian agencies to different religious denominations and allowing the church authorities of such denominations to name the agent to serve at each agency, and which extends to a great degree to the highest officers in the Indian service.

The Constitution of the United Ststes provides that the President "shall nominate and by and with the advice and consent of the Senate shall appoint" public officers of the United States.

The grasping church authorities of different religious denominations, ever anxious for power, have been gratified in their wish to connect the churches with the administration of national affairs until, in this respect, they perform the constitutional duty of the President of the United States, and he is but a figure-head to announce their will.

That there may be no misunderstanding on this subject and to show that the unconstitutional action is officially avowed, I quote from the report of the Commissioner of Indian Affairs for the year 1877, page 246, the heading of a table or schedule, covering four pages of that report, as follows: "Schedule showing the names of Indian reservations in the United States; agencies; denominations nominating agents; tribes occupying or belonging to the reservations; area of each reservation in square miles and acres; and reference to treaty, law, or other authority by which the reservation was established." These three words "denominations nominating agents" show who perform the constitutional duties of the President; show a usurpation of power at war with the letter and spirit of the charter of our liberties. The result is that men who have had life-long experience with the Indian race and understand thoroughly their character and who are the proper persons to perform the duties of Indian agent and who alone will understand not only their duties but all the peculiarities of character in the Indians under their charge, and thereby control them successfully, are totally ignored; none of them are in the service for which their qualifications and experience peculiarly fits them.

The office of Indian agent at nearly one hundred established agencies is filled by men totally unfitted for the service, whose only knowledge of Indians is drawn from fancy sketches, who are totally devoid of experience in frontier life or Indian character; who know as little about the intricate duties devolving upon them as the devil does about the abode of saints, and who is held in the position that he disgraces by the church which nominates him. Evidence may be piled mountain-high of the inefficiency, the intolerance, the corrupt practices of the favored representative of the church; he will still be retained until there is a harvest of blood and rapine, and often thereafter until the same scenes are repeated.

In this connection let me say, Mr. Speaker, that in the ninth section of the bill under consideration is embodied a fundamental principle which will remedy one of the greatest evils attending the present administration of Indian affairs. The section is as follows:

> SEC. 9. That it is hereby provided that all religious denominations shall enjoy a free and equal right to erect and maintain church and school buildings on any and all Indian reservations, and shall not be molested in their religious or philanthropic efforts to advance the Indians in moral, religious, or literary culture, but shall equally and alike be perfectly free and encouraged in the prosecution of their civilizing and educational efforts.

Under the present system of farming out the agencies to different denominations, most of the denominational authorities, prompted by their greed and love of power, have striven to secure the control of as many agencies as possible, without regard to the prevalent faith among those occupying or assigned to such reservations, and their tools when in charge have often depopulated the reservations by their bigotry and intolerance and endeavors to coerce the untutored Indians to adopt the faith of the denomination in charge.

Experience proves that the more ignorant a people the stronger their religious prejudices. Indians are no exception to the rule, and the effort of the bigot to compel them to renounce the religion of their ancestors or renounce any faith they may have embraced will fail unless induced to do so, as they only can be, by the exercise of true Christian love, charity, good works, and practicing what they preach by the self-sacrificing missionary who goes among them as a messenger of peace, not as a plunderer, or a representative of the demon persecution, of whom 'tis said

> "Ambition's self, though mad
> And nursed on human gore, with her
> Compared is merciful."

Every Indian driven from a reservation by the bigotry or injustice of an agent, or his tools, becomes a wanderer and a renegade and is prepared to steal, rob, or murder and to enter into hostile combinations with any of his race and prey upon any of the white race, whom he looks upon as his natural enemy, and with justice, when we consider that none of the promises of love and charity with which the agent, the representative of the Government, heralds his coming, is ever fulfilled, and instead thereof he meets intolerance and injustice. When every denomination of Christians has an equal opportunity to exert itself in civilizing efforts there will be no further field for the bigot theologian described by Scotland's pure and holy bard, as a man who believed—

"His vain conceits were orthodox alone."

Nor for the hypocrite strikingly described by the same word-painter

"He was a man
Who stole the livery of the court of Heaven
To serve the devil in; in virtue's guise
Devoured the widow's house and orphan's bread;
In holy phrase transacted villainies
That common sinners durst not meddle with;
At sacred feast he sat among the saints,
And with his guilty hands touched holiest things;
And none of sin lamented more, or sighed
More deeply, or with graver countenance
Or longer prayers wept o'er the dying man
Whose infant children, at the moment, he
Planned how to rob."

But the missionary will be proved by his works, and their efficacy will depend entirely on the character of their endeavors, and appropriations for civilizing purposes will only be dispensed to those who prove their usefulness. To prove that such a result may be reached, that there is no obstacle in the way of rendering the Indian not only self-sustaining, but a useful member of the community in which he lives, I will take the case of the Cœur d'Alêne Indians in my own Territory, Idaho. The Cœur d'Alênes number about five hundred and fifty, who, with a few exceptions, are residing in Idaho, near the line of Washington Territory, and between the forty-seventh and forty-eighth parallels of north latitude. The missionary labors of Father De Smeet and his colaborers eventuated in the establishment of a Jesuit mission among them about 1843. They have faithfully labored in their behalf from that time to the present, and with the adjoining tribes. Now for the result. Notwithstanding the fact that the Government of the United States never expended one dollar for their benefit, they are all self-sustaining farmers and stock-raisers, living in good houses of their own construction. The best church in the Territory was built by their own mechanics, under the direction of the Jesuit fathers, raising a surplus of grain beyond their own wants, and peaceful and quiet.

They have never desired an agent, but have protested against such an intruder to plunder or outrage them; but they have long asked for a small appropriation for the building of a flouring-mill, saw-mill, school-houses, and the support of schools, in consideration of their never raising any objection to the white settlers occupying a large portion of the country formerly occupied by them; but they have asked and implored in vain—another proof that no encouragement under the present peace policy has been or will be extended to the worthy and industrious of the Indian race, while the blood-thirsty hell-hound, too lazy to work, but with a vocabulary of threats, has been pampered and furnished the very means by which he has been enabled to devastate settlements and effect indiscriminate murder and rapine. These Cœur d'Alênes, taught by the Jesuit fathers by precept and example the benefits of industry, peace, good-will, and the Christian virtues, have for a long term of years lived on the most amicable terms with the white settlers in their immediate neighborhood, the white settlers having protected them on one occasion from being trespassed upon by white men who desired to take possession of land which the Cœur d'Alênes occupied for their own special use, by driving the trespassers from the settlements. These Indians are employed by their white neighbors at remunerative wages, and prove themselves valuable aids in developing the resources of the country.

Last summer, when the Nez Percé war broke out and there was imminent danger of the emissaries from the Nez Percés involving the Spokanes and other tribes in the conflict, and a white man had been killed by renegade Indians but a few miles from the main settlement of the Cœur d'Alênes, and the white settlers in their unprotected state abandoned their homes, leaving household goods and all their effects unprotected and their growing crops subject to destruction, the Cœur d'Alênes became the protectors of the abandoned property of the settlers and guarded it fully and completely until the return of the owners.

In contrast with the present enormous outlays in the Indian service, with the blood and treasure annually expended, I desire to call the attention of the committee to our experience on the Pacific coast in the early days of the original transfer of Indian affairs from the War to the Interior Department while the old system was still bearing its fruits, and before church dictation and corrupt agents and contractors, protected by church authorities assumed control.

In 1850 that noble statesman, Thomas Ewing, of Ohio, then Secretary of the Interior, appointed as superintendent of Indian affairs for the northwestern coast Dr. Anson Dart, who understood the character of the Indians and their peaceful and economical management. Not the slightest trouble or difficulty occurred during the three years of his superintendency. In all that extensive region, and with thirty thousand Indians under his control, peace and harmony prevailed during his term. Expenses caused by Indian disturbances were unknown, compared with the present administration of Indian affairs. This chapter requires no comment.

The Cœur d'Alênes who reside outside their main settlement desire to homestead their lands under the land laws. Many of their neighbors, the Spokanes and other bands, desire to do the same.

Attempts were made in August last by Indian Inspector Watkins to make arrangements with the non-reservation Indians in Eastern Washington and Northern Idaho to go upon reservations. A large portion of the Indians met in council and many more, having no faith in the professions and promises of the Government's representations, refused or failed to meet the inspector; of those assembled large numbers desired to avail themselves of the benefits of the homestead laws and assume the duties of citizens. The inspector endeavored to impress upon them the benefits that would result to them and theirs by going upon a reservation and becoming Government paupers, but with little effect. He talked long with them about the dangers of their being left to the mercies of the white settlers, but experience had taught them that danger to them and their rights was not to be feared from the pioneers, but from the greedy agents of the Government, so profuse in promises of good-will and temporal and spiritual benefits never fulfilled.

Among those desiring to avail themselves of the benefits of the land laws and become citizens were some Cœur d'Alênes living outside their principal settlement, the upper and middle Spokanes, the Colville band of Pend d'Oreilles, and many others who will never be forced to abandon their farms and go upon reservations without resistance. I am rejoiced to see in the press and hear from his own lips that Major-General Howard, commanding the Department of the Columbia, favors homesteading and opposes forcing these Indians to leave their farms and property. The most powerful chief in all that country, Moses, took no part in the council, and many others only to make known their wants and wishes, and I say to this House, as I have already made known to the Secretary of the Interior and Commissioner of Indian Affairs, that if the policy mapped out of compelling the Indians named to go either upon the Yacima or Colville reservation is enforced it will inaugurate an Indian war that will dwarf the Nez Percé war of last summer into a secondary matter.

And allow me to express the hope that Congress in its wisdom may encourage the Cœur d'Alênes and the adjoining tribes in their efforts for advancement by complying with their modest request and showing to them that their laudable efforts are appreciated.

I desire to call the attention of the committee to Senate Executive Document No. 29, of the Forty-fifth Congress, second session, a letter from the Secretary of the Interior, of date January 23, 1878, in which Inspector Watkins makes recommendations for consolidating agencies in Oregon and Washington Territory, in which he takes occasion to say:

> But in all cases, on all the reservations to be vacated, when Indians are farming and self-supporting I would recommend that they may be allowed and encouraged to remain in their present location, securing their title to their lands under the act above referred to, [homestead act.]

Colonel Watkins has been forced to admit the strength of the homestead argument in reservation cases, but is not willing to admit its force and justice where Indians by their own efforts and the examples of pioneers have become self-sustaining without an agent, showing too plainly that he desires to perpetuate the present vicious system. I profoundly regret that the recommendations of Inspector Watkins as to the propriety of allowing Indians to homestead and break up tribal relations and reservations, even to the limited extent advocated by him, does not meet the approval of the Commissioner of Indian Affairs, as shown by the following extract from the letter of Commissioner Hayt, a part of said executive document:

> I entertain no doubt of the advisability of consolidating these Indians. I am clearly of the opinion, however, that it will be unwise policy to encourage those Indians who are now farming to remain in their present location. They should all be consolidated upon the reservation selected, and the title which may be given to them in severalty should be made inalienable. The experience which has heretofore attended the granting of individual titles to Indians in localities where they are surrounded by the whites, versed in all the machinations by which the Indians are systematically circumvented and ruined in property and discouraged in civilization, compels me to disapprove of so much of Inspector Watkins's recommendation as is included in brackets on pages — and — of said copy of his report quoted above.

I can only ascribe the failure of this high official of the Government to appreciate the propriety of the recommendations for Indian homesteading, holding property in severalty, and assuming the duties of citizens, to his want of knowledge of the relations existing between the pioneers and the Indians, and of the true character of the Indian race, which can only be obtained from experience and long-continued association; not from the fancy pictures of Indian virtues, habits, and wants, and the demoralized condition of their white neighbors on the frontiers, drawn by the sickly sentimentalist or the church authorities, who will raise their hands to heaven in holy horror at any innovation that will tend to circumscribe their power or reduce their plunder. But pass the bill under consideration, accept the homestead citizenship and self-sustaining Indian policy, and you will finally dispose of the Indian question in the real interests of peace, economy, and correct principles of government. So far I have dealt with this subject on general principles.

I now desire to bring to the support of my argument the facts as to the working of the present system in the Territory of Idaho, which I have the honor to represent on this floor, and in the eastern portion of Washington Territory, which has fallen specially under my observation for some years. In Southeastern Idaho we have the Fort Hall reservation, provided for the Shoshones and Bannacks, which for several years has had liberal appropriations from the Government. It was assigned to the Methodist church, although there were no Methodists among the Indians within its limits or among those expected to be removed or settled there. Faithful Roman Catholic fathers had long prior thereto established a mission among them. Large numbers had embraced that faith, and were rapidly advancing in civilization without one dollar expense for them or aid from the Government. Now for the sequel; instead of the Christianizing and civilizing efforts of your religious peace-policy having produced any beneficial results, notwithstanding large appropriations for that purpose, there are not one-half as many Indians on the reservation as there were located within its limits when the same was established.

None of the thousands who were expected to be located or removed there are to be found upon the reservation. Those driven off are scattered abroad, creating discord, robbing, stealing, and begging, a source of alarm to the settlers over one-third of Idaho; not only threatening hostilities at the reservation, and throughout the country, but they have actually commenced their murders. Troops have been hurriedly assembled there to protect life and property, and a general outbreak is imminent and will only be averted by the presence of a large military force, or by the removal of the cause, namely, the present agent, held there by his church, and a change of policy, as in this bill provided, that will remove the root of the present deplorable state of affairs. At the Lemhi agency, in Eastern Idaho, we are blessed with Rev. Mr. Stowers, who by his want of knowledge of Indian character, his stealings, plundering, and general unfaithfulness, and inefficiency has driven one-half the Indians from the reservation in the last ten months, who are threatening to return with torch and rifle.

The white settlers in the county alarmed, are stockading, and steps are being taken to station troops for their protection, and nothing but a speedy change will arrest a bloody *dénouement*.

I now come to a commentary upon the present policy that would to God I had been spared the duty of making. I refer to the late Nez Percé war and its causes and the present state of that afflicted country, and the imminent dangers of another war in Northern Idaho and Eastern Washington that will dwarf the late Nez Percé war into comparative insignificance. This agency was assigned to the Presbyterians when the unholy system of farming out reservations to churches was inaugurated. A Presbyterian mission had been established within what is now the Nez Percé reservation some forty years ago, by Rev. Mr. Spaulding, a worthy missionary, who labored long and ardently for the advancement of the Nez Percés. At the time the system of farming out the agencies to church organizations was inaugurated, there were as many Methodists as Presbyterians among the Nez Percés, and more Catholics than either.

Under the blighting church influence, J. B. Monteith was appointed agent in February, 1871. From the day of his entering upon his duties as agent he commenced sowing the seeds that during the summer of 1877 produced their harvest of Indian war and desolation. On the 13th, 14th, and 15th of June last twenty of my neighbors, men, women, and children, were horribly murdered by the Nes Percé Indians. Wives and mothers were outraged by the brutal fiends. Large numbers escaped, wounded and disabled, to carry with them through life an evidence of Indian mercy when scourged to madness by outrages perpetrated by their Indian agent. The country was laid waste. The loss of life among our citizens in Northern Idaho in defending their homes and families; the murders and devastation in the Territory of Montana and in the county of Lemhi, Idaho Territory, while on their march; the heavy losses of life by the United States Army in the field and among the citizen soldiery of Idaho and Montana; the enormous expense incurred in the conflicts, are familiar to this House and the country.

And I here proclaim upon this floor, and I speak from personal knowledge, that in my opinion and in the opinion of nearly every man who lives anywhere in the vicinity of the scenes of hostilities in Northern Idaho, I may say every man except a few who have been the tools and parasites of the agent, said J. B. Monteith, the United States Indian agent for the Nez Percés, was the primary cause of every drop of blood that was shed and of every dollar's destruction of property and every dollar's expense either by the Government or by individuals in the course of the Nez Percé war; unless it should be considered he was but a tool in the hands of the Presbyterian Missionary Society, and, if so, he may divide with them the responsibility. This may appear strange to persons who are not cognizant of the facts, but such will be the record made by the impartial historian.

I will as briefly as possible give the facts as they existed, as they will prove a stronger argument in behalf of the pending measure than volumes of theory. Until the advent of J. B. Monteith among them as agent the Nez Percés had been proverbially peaceful and the friends of the white settlers. Very few difficulties had ever occurred between the whites and the Indians. They were considerably advanced in civilization. Large numbers of them were farmers, nearly all stock-raisers, and many laboring faithfully for the white settlers at remunerative wages. I have not time to detail all his iniquities fully, but I will say he first commenced a bitter warfare upon the old missionary, Rev. Mr. Spaulding, who was beloved by the mass of the tribe of every faith, and followed the onslaught upon him by an equally bitter warfare upon Rev. Mr. Cowle, Presbyterian missionary, beloved by the Indians under his charge, until he was driven from his field of labor, and is now proving his usefulness among the Spokanes without Government aid. He (Monteith) bitterly opposed allowing Catholic services on the reservation, although they were the most numerous denomination of Christians located on the reservation and of those who lived without its limits.

Money was raised for building a Catholic church upon the reservation—much of it furnished by persons not of the Catholic faith, the donors knowing full well that the Catholic missionaries ever labored in behalf of peace, quietude, and good-will. Agent Monteith refused to allow the church to be built. Then followed a long correspondence with the Interior Department, the agent denying the right of the Catholics to erect the church, and protesting against it, resulting in an order from the Indian department directing that Father Cataldo, the priest in charge, should be allowed to erect a "church and necessary missionary buildings on the Nez Percés reservation."

The church was erected some seven miles from the agency. Soon thereafter steps were taken to erect a school-house near the church. This was met by an order from Agent Monteith not to erect the school-house, claiming it was not "a necessary missionary building." Only another proof that the workings of the present system tend to keep the Indians in ignorance, and its object is power and plunder.

He has persecuted the Methodists, and allowed his father, a Presbyterian minister and employé of his at the agency, without reproof or reparation, to threaten with uplifted cane and drive from a church at the agency, built by Government funds for the use of the Indians for their purposes of worship, a native Methodist Indian preacher, named Timothy, a talented and worthy son of an important chief, who was an early convert to Christianity under the missionary labors of Rev. Mr. Spaulding, simply because, in the course of his sermon, he (Timothy) saw fit to claim tolerance for his faith in common with others. But the crowning infamy of Monteith was his base and slanderous charges made to the Interior Department, in the early part of the year 1877, against the Reverend Father Cataldo, the priest at the Nez Percé Catholic mission, for the purpose of excluding him from the reservation, that he was using his influence to keep Joseph and the non-treaty Indians who were without the reservation from coming thereon, and that he was stirring up dissensions; all of which he, Monteith, was compelled to admit at a council held with the Nez Percés in May last, in presence of General Howard, was false in every particular. He has continually evidenced favoritism in the distribution of annuities, pampering a few parasites at the expense of the tribe; interfered with the election of chiefs, and used his power to elect his tools; been false to every pledge made by which, in the early part of his administration, he induced Indians residing without the reservation to leave or dispose of farms and come upon the reservation. He has thrown every obstacle in the way of good, self-sustaining Nez Percé Indians (farmers living outside the reservation) homesteading their farms under the acts of Congress; has procured orders from the Interior Department for the removal from their well-cultivated farms on the reservation by military force of Joseph Craig and others, self-sustaining, half-breed Indians, who possess all their tribal rights under a false construction of the provisions of section 2119, because they would not become his instruments, but endeavored to secure his removal in the interest of the tribe, and under such orders some of them have been deprived of their farms, the proceeds of their own labor.

The most aggravated case is that of Mr. Craig, just mentioned, a half-breed son of Colonel William Craig, by a Nez Percé wife, who has a full-blood Indian wife and several children, a valuable improved farm, with good orchard, house, and out-buildings, all the proceeds of his own labor, who has always possessed great influence over his Indian brethren and has the confidence and respect of the white citizens.

In July, 1876, Agent Monteith procured an order from the Interior Department for the removal of said Craig from the reservation, and directing the military authorities to be called in if necessary to enforce the order. From the time Craig was informed of the existence of the order all incitements for industry were paralyzed, not knowing at what hour himself and family might be deprived of his property and home and sent forth wanderers without the means of support, the agent meanwhile threatening to enforce the order.

A fit commentary upon the spirit of persecution and wanton vindictiveness that controlled the agent in his action, both in the case of Craig and Father Cataldo, and a sufficient vindication of the character and standing of each, is found in the fact that as soon as the Nez Percés commenced hostilities, and the situation was fully appreciated by the military authorities, Father Cataldo and Mr. Craig were specially deputed by them, with the acquiesence of Agent Monteith, and Inspector Watkins, to visit the Spokanes and other northern and western tribes and endeavor to restrain them from yielding to the appeals of the emissaries of the hostile Nez Percés and uniting their fortunes with them, by which one thousand warriors would be added to their force.

The danger was imminent, the situation critical, but these two persecuted individuals, with their powerful influence, by their protestations and appeals, restrained the passions of the Indians and averted the danger.

Notwithstanding the services of Mr. Craig, the order for his removal from the reservation remained in force until, upon my second representation of the case to the Commissioner of Indian Affairs, it was rescinded on the 19th of January last; and only six weeks ago I received a copy of a newspaper published but twenty miles from the residence of Mr. Craig containing the information that on the 5th of February last the Commissioner of Indian Affairs telegraphed to Agent Monteith "that he was at liberty to remove Craig or not at his discretion."

Jacob, an ex-head-chief of the Nez Percés, while he held that position was threatened by Agent Monteith with the withholding of his salary as head-chief provided for by treaty, for which appropriation had been made by Congress, because he exercised his rights and petitioned for the agent's removal, and Jacob now lies a prisoner at Fort Alcatraz, as is believed, not for any crime, but a victim of the agent's power. There is no evidence, so far as I can ascertain, that he was guilty of a single improper or hostile act, except that he went from the Lapwai Nez Percé agency to the Kamai subagency, about thirty-four miles distant, where his wife and children and property were and in danger of being destroyed by the hostiles, then in force but a few miles distant, to protect his family, and in so doing disobeyed an order, made by the agent upon a visit by him to Lapwai on business, "that he should not leave there," made, I have no doubt, for the purpose of gratifying his vindictive feelings toward said Jacob, knowing that Jacob's fears for the safety of his family would make him disobey the order, thus giving him (Monteith) an opportunity to wreak his vengeance.

I have only referred to a very few of the acts of oppression and unfaithfulness that have produced their legitimate results. I have passed over his efforts to rob the heirs of William Craig of a valuable Oregon donation claim, reserved to them by treaty; his efforts to deprive white way-station keepers, provided for by treaty for the convenience of the traveling public, of their property without proper compensation; his outrages upon the private owners of the Lapwai Mission property, and his invoking and obtaining the aid of the military in each case, and especially to annul the action and decrees of courts in the last-named case, and rob men of their property by falsely reporting to the Indian Department that his high-handed measures were demanded by the Indians and required to keep them in a state of quietude, when the facts were that the conduct referred to was against the protest of large numbers of them and impressed the mass of the tribe with a deep sense of his total disregard of right and justice in dealing either with Indians or their white neighbors and friends.

All the matters enumerated and many others, but especially the fact that the pledges by Monteith to the Indians, who had heretofore removed to the reservation, had never been fulfilled, and his religious intolerance, placed a barrier to inducing the non-treaties to occupy the reservation while Monteith remained in charge as agent. For many years after the making of the Nez Percé treaty of 1863 an agent was in charge, James O'Neill, who was universally esteemed and respected by the Nez Percés both on and off the reservation. He was an old pioneer, who understood their character, had their confidence, and labored for peace and harmony, fulfilled his pledges, and by his firmness made his authority respected. I make these remarks relative to Mr. O'Neill, the former agent, that affidavits of John J. Manuel and C. B. Wood, regarding the situation of affairs at the commencement of the Nez Percé hostilities, may be correctly understood. I read from copies of affidavits the originals of which I have filed in the Interior Department:

TERRITORY OF IDAHO,
County of Idaho, ss:

I, Charles B. Wood, after being duly sworn, depose and say that about the 1st of last June the following-named Indians: Chotely Mox-Mox, Red Elk, Sharpsus, Ilkip, and Caps-Caps, came to me and told me they had been sent by White Bird to ask me if I could not do something for them. I asked them what it was they wished. They said that Joseph had agreed to go on the reservation, and they supposed they would have to go too. They said they would be willing to go if there was a good agent like Mr. O'Neill at the agency; but while Monteith was there the only way Howard could get them there would be to pack them. They wished me to write them a paper and see if General Howard would not put another agent there; and I told them it would be of no use for me to do it if I wished, for I did not know General Howard, and if I did I did not think he could remove the agent if he was so disposed. Then they told me if the soldiers came after them while Monteith was there that they would fight before they would go.

CHARLES B. WOOD.

Subscribed and sworn to before me, the undersigned, this the —th day of September, A. D. 1877.

[L. S.]

B. F. MORRIS,
Auditor and Recorder, Idaho County, Idaho Territory,
By N. GOULD, *Deputy.*

TERRITORY OF IDAHO,
County of Idaho, ss:

John J. Manuel, being first duly sworn, deposes and says that he is now temporarily residing at Mount Idaho, in said county, in consequence of wounds received at White Bird Creek, in said county, where he had resided for about three and one-half years previously, and had resided in said county since the spring of the year 1862. That he is well acquainted with White Bird, Black-Tail Eagle, Chotely Mox-Mox, and Captain John, the most prominent chiefs residing on Salmon River, and is acquainted with nearly all the Nez Percé Indians, who have been residing on Salmon River, within said county, who united in the hostilities commenced on the 13th of June last. That he has frequently heard Black Tail Eagle, Chotely Mox-Mox, and Captain John, chiefs above named, and many of the Indians, say that they would be willing to go on the Nez Percé reservation if there was another agent there, often stating that all they wanted was such a man as James O'Neill, formerly agent; and they often further stated that they would never go on the reservation while Monteith was there as agent, but would fight first; and deponent further says that he believes that had there been another agent in charge of the Nez Percé agency the recent hostilities would not have occurred.

JOHN J. MANUEL.

Subscribed and sworn to before me this September 3, 1877.

B. F. MORRIS,
Auditor and Recorder, Idaho County, Idaho Territory.

I have been acquainted with both of the affiants for nearly sixteen years and vouch for their credibility and say that the statements made by them can be corroborated by the mass of settlers who were familiar with the hostile Indians before the outbreak. Just prior to Mr. Wood's having been called upon by the Indians sent by White Bird, now with Sitting Bull, and who was always the master-spirit of the hostile Nez Percés, there had been a council held at Lapwai at which General Howard was present, at which time thirty days was fixed as the limit of time allowed to the non-treaties to remove upon the reservation.

Information was sent time and time again by the settlers to both the military authorities at Fort Lapwai and to the agent that an outbreak was imminent and hourly expected; but so little regard had the agent for the lives and property of the white citizens, or so limited was his knowledge of the character of the Indians under his charge, and so slight his appreciation of the legitimate results of his own vicious administration, that while it was notorious to the country that the disaffected Indians were holding councils and performing their military exercises daily within a short distance of the reservation, and making every arrangement for the conflict, and within twenty days of the outbreak, he, J. B. Monteith, by letter, authorized the selling of ammunition to the Indians to enable them more effectually to carry out their hellish designs.

While the Indians remain under the control of the Interior Department, with the power in their hands to direct and control action and call to their assistance the military authorities to enforce their edicts, your peace policy advocates will not tolerate a movement by the Army or the officers thereof relative to the Indians, except upon their recommendation, or until hostilities have actually commenced. This is strikingly illustrated in the inauguration of the Nez Percé war. After the murder or mortal wounding of twenty settlers, and over three weeks from the commencement of the military exercises and preparations above referred to, and at the time of the disastrous battle of White Bird Creek there were but seventy hostile Nez Percés embarked in the conflict. Had not the military been restrained under the present divided and inefficient system, the first note of danger and preparation would have been responded to, and by a simple show of force the whole Nez Percé war and its train of evils been averted by checking in the bud the hostile movement before it assumed force.

This divided authority is always a source of weakness and inefficiency. The agent under the present system is never ready to admit that he has been a failure and that real danger exists until the blow is struck with its harvest of death and devastation. Transfer the control of the Indian Bureau to the War Department. You will then have no divided responsibility. There will be no delays in taking necessary steps to restrain anticipated outbreaks, and a feeling of comparative security will at once be inaugurated on the frontiers.

The interests of humanity, economy, efficient public service, permanent advancement of the Indians in civilization, and an early disposition of the whole vexed Indian question by rendering them self-sustaining, demands the passage of the bill under consideration.

On motion of Mr. FENN, (at ten o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BISBEE: The petition of L. A. Hardee and other citizens of Florida, for an appropriation for experiments in dissipating pestilent air by concussions caused by the explosion of gunpowder, by which it is claimed localities affected with ravages of epidemics can be rendered perfectly healthy—to the Committee on Appropriations.

By Mr. CABELL: Papers relating to the war claim of William A. Wellford—to the Committee on War Claims.

By Mr. CALKINS: Eleven petitions of citizens of Hebron, North Judson, Winamac, Remington, Kentland, Crown Point, Reynolds, Monticello, Goodland, Walcott, and Seafield, Indiana, for the passage of the Texas and Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. CAMPBELL: The petition of citizens of Hemlock, Pennsylvania, of similar importance—to the same committee.

By Mr. COX, of New York: The petition of H. Lorillard and other soldiers, for the printing of the data of the battle of Gettysburgh, as recommended by the Secretary of War—to the Committee of Military Affairs.

Also, the petition of Augustus Kehrwieder, for a pension—to the Committee on Invalid Pensions.

By Mr. FORNEY: The petition of citizens of Blount County, Alabama, for the passage of the Texas and Pacific Railroad bill,

provided the road is built from Vicksburgh to San Diego on the thirty-second parallel—to the Committee on the Pacific Railroad.

By Mr. GOODE: The petition of Letitia Tyler Semple, for compensation for property destroyed during the late war—to the Committee on War Claims.

Also, memorial of sugar merchants of Norfolk, Virginia, that the duty on sugar be made so much per pound, without regard to color or quality—to the Committee of Ways and Means.

By Mr. KIDDER: Papers relating to the claim of J. Carlsen, for compensation for services rendered the Khédive of Egypt—to the Committee on Foreign Affairs.

By Mr. McCOOK: The petition of Colonel T. B. Hamilton, late of the Sixty-second New York Volunteers, and others, that the data of the battle of Gettysburgh be compiled and published in text form, as recommended by the Secretary of War—to the Committee on Military Affairs.

By Mr. McMAHON: The petition of Auguste Franke, for a pension—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of citizens of Elyria, Ohio, that aid be given to the proposed polar expedition of Captain Howgate—to the Committee on Naval Affairs.

By Mr. PHILLIPS: The petition of A. O. McCreery, postmaster at Wetmore, Kansas, against reducing the salaries of postmasters of the fourth class—to the Committee on the Post-Office and Post-Roads.

By Mr. RICE, of Ohio: Papers relating to the pension claim of Rebecca Broughler—to the Committee on Invalid Pensions.

By Mr. SCHLEICHER: The petition of citizens of Western Texas, for the deepening of Aransas Pass—to the Committee on Commerce.

By Mr. SWANN: The petition of Samuel H. Franers & Sons, Geo. H. Edyard & Son, John O. Neill, and 41 others, of Baltimore, Maryland, for the erection of a steam fog-whistle upon Cape Henry, at the entrance to Chesapeake Bay—to the same committee.

By Mr. THORNBURGH: The petition of the trustees of the Presbyterian church, at Loudon, Tennessee, and of citizens of said town, for compensation for rent, use, and occupation of the building of said church by United States soldiers—to the Committee on Education and Labor.

By Mr. WADDELL: Memorial of Boston merchants and others, for the passage of the bill (H. R. No. 3580) for paying fair compensation per mile for carrying the United States mail in vessels between the United States and Brazil—to the Committee on Appropriations.

By Mr. WILLIAMS, of Michigan: The petition of Mrs. Nancy M. Richmond, for a pension—to the Committee on Revolutionary Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 3, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. ALFRED H. AMES, of Washington, District of Columbia.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. PAGE. I am requested to ask indefinite leave of absence for my colleague [Mr. LUTTRELL] who is confined to his bed by sickness.

There being no objection, leave was granted.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. SINGLETON. I am directed by the Committee on Printing to report back with a favorable recommendation the following resolution:

Resolved, That the report and accompanying map of the Committee on Levees and Improvement of the Mississippi River, to accompany House bill No. 4318, with amendments, be printed and recommitted to the committee.

The expense of printing this map will be only forty or fifty dollars.

The resolution was adopted.

Mr. SINGLETON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDUCTION OF TARIFF DUTIES.

Mr. WARD. I ask unanimous consent to present the memorial of workingmen and workingwomen of Delaware County, Pennsylvania, assembled in mass-meeting at Chester, against a reduction of tariff duties.

Mr. WOOD. Mr. Speaker, we have a rule which authorizes any member to deposit in a box petitions and memorials which are sent to him. Now these machine-made memorials and petitions, being got up for effect, ought to go in the box, like all other papers of the kind, under the rule. I object to their being presented in open House. They are gotten up by contract, and amount to nothing as an expression of public opinion.

Mr. WARD. This is not a "machine-made" petition; this is *bona fide* and honest.

The SPEAKER. Objection is made to the presentation of the petition.

Mr. WARD. The reference of the gentleman from New York is unwarranted, and would come from no other source.

The SPEAKER. The Chair has no power in the matter.

Mr. WARD. I am aware of that.

ORVILLE LOVEING.

Mr. SAMPSON, by unanimous consent, introduced a bill (H. R. No. 4677) granting a pension to Orville Loveing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT COLES.

Mr. CUMMINGS. I ask unanimous consent to have taken from the Speaker's table for action now the bill (S. No. 312) for the relief of Robert Coles. A House bill almost identical with this has been before the Committee on Public Lands of this House, who have reported it back with a unanimous recommendation that it be passed.

The bill was read.

Mr. EDEN. I reserve a point of order on this bill until I have asked a question of the gentleman who desires to bring it up.

The SPEAKER. The point of order will be reserved.

Mr. EDEN. If I understand this bill from the reading, it proposes to give Lucas County, Iowa, the right to locate some indemnity certificates for swamp lands that have been sold.

Mr. MILLS. Does this bill make an appropriation of land or money? If so, I make a point of order.

The SPEAKER. The Chair understands that it makes an appropriation of land. The request is now to take it from the Speaker's table for consideration.

Mr. SAPP. I would like to make an explanation of the bill.

Mr. CUMMINGS. If the gentleman from Texas [Mr. MILLS] will allow a word of explanation, I think he will not make his point of order. My colleague, [Mr. SAPP,] a member of the Committee on Public Lands, will make a statement if the gentleman from Texas will give his attention.

Mr. SAPP. I would like to state, for the information of the gentleman from Texas, that a House bill almost identical with this was carefully considered by the Committee on Public Lands of this House. Every statement, every allegation in this bill was ascertained by absolute proof to be true beyond all controversy, and if the statement of fact recited in the bill entitles the party to relief there is no doubt it ought to be granted to him. The bill has been thoroughly investigated and unanimously reported by the Committee on Public Lands.

Mr. MILLS. This bill is being taken out of its regular order, and bills upon the Private Calendar are deferred by making an exception in this case.

The SPEAKER. The Chair sustains the point of order.

Mr. MILLS. At the suggestion of the gentleman, I will withdraw my objection.

Mr. MORRISON. I renew it.

The SPEAKER. The Chair sustains the point of order and the bill remains upon the Speaker's table.

TRANSPORTATION OF ANIMALS.

Mr. CUTLER, by unanimous consent, from the Committee on Agriculture, reported, as a substitute for House bill No. 2206, a bill (H. R. No. 4678) relative to the transportation of animals; which was read a first and second time, ordered to be printed, with the accompanying report, and recommitted, not to be brought back by a motion to reconsider.

THOMAS A. WESTON.

Mr. VANCE. I move, by unanimous consent, to take from the Speaker's table for consideration at this time the bill (S. No. 148) to confirm the term for the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston.

Mr. ATKINS. I object to the consideration of that bill or anything that interferes with the regular order.

Mr. RICE, of Ohio. I demand the regular order of business.

ADVERTISING MAIL-LETTINGS.

The SPEAKER. The Senate have returned the bill (H. R. No. 3967) to regulate the advertising of mail-lettings, with a message insisting upon its amendments and asking for a committee of conference on the disagreeing votes of the two Houses.

Mr. SINGLETON. I move the request of the Senate for a committee of conference on the disagreeing votes of the two Houses be agreed to.

The motion was agreed to.

The SPEAKER appointed as managers of the conference committee on the part of the House Mr. SINGLETON, Mr. EICKHOFF, and Mr. BALLOU.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I move the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of considering the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. EDEN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and will resume the consideration of the bill (H. R. No. 4104) making

appropriations for the legislative, executive and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes. The Clerk will report the pending paragraph of the bill.

The Clerk proceeded to read the paragraph in relation to the Department of Agriculture.

Mr. EAMES. We have not yet passed the paragraphs in reference to the Post-Office Department, and I have an amendment to offer before the Clerk reads further.

The CHAIRMAN. When the committee rose it had passed from the consideration of the paragraph in reference to the Post-Office Department, as they had been entirely read through.

Mr. EAMES. Because the paragraph was read does not deprive me of the right to offer an amendment at this time.

The CHAIRMAN. The reading of the next paragraph was commenced.

Mr. EAMES. I think not.

The CHAIRMAN. The Clerk will read from the RECORD.

The Clerk read as follows:

The Clerk resumed the reading of the bill, and began the reading of the paragraph in relation to the Department of Agriculture.

Mr. ATKINS moved that the committee now rise.

The motion was agreed to.

Mr. EAMES. I made the inquiry of the Clerk at the desk in relation to this matter, and he said we had not passed from the paragraph.

Mr. ATKINS. What is the question before the committee?

The CHAIRMAN. The amendments had all been disposed of and the Clerk had begun the reading of the next paragraph.

Mr. DUNNELL. I hope the gentleman will allow the amendment to be offered.

Mr. ATKINS. I cannot consent to go back; I cannot consent to reopen that question.

Mr. EAMES. Will the gentleman allow my proposition to be read?

Mr. ATKINS. I cannot consent to go back.

Mr. EAMES. Mr. Chairman, is there any way by which as a member I can reach the opportunity of offering this amendment?

The CHAIRMAN. The Chair does not know any way by which the gentleman can go back after a paragraph has been passed, unless by unanimous consent of the committee.

Mr. EAMES. I was not aware the next paragraph had been read.

The CHAIRMAN. That is not the fault of the Chair.

Mr. ATKINS. If I were to yield to the gentleman from Rhode Island I would be compelled to yield to every other application and we would never get through with the bill.

Mr. EAMES. Let my amendment be read.

Mr. ATKINS. What is the use of having the amendment read if we are not to act upon it?

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

For compensation of the Commissioner of Agriculture, $3,000; chief clerk, $1,900; entomologist, $1,900; chemist, $1,900; assistant chemist, $1,400; superintendent of experimental gardens and grounds, $1,900; statistician, $1,900; disbursing clerk, $1,600; superintendent of seed room, $1,600; librarian, $1,200; botanist, $1,800; microscopist, $1,800; engineer, $1,200; and for clerks, copyists, laborers, watchmen, carpenters, attendants in museum, and other necessary force, $42,500, or so much thereof as may be necessary; in all, $65,600; and in addition to the proper vouchers and accounts therefor to the accounting officers of the Treasury, the Commissioner of Agriculture shall present a detailed statement of the manner of the expenditure of this sum, to accompany his estimates to be presented at the next regular session of Congress.

Mr. ATKINS. I move, in line 1773, after the word "force," to insert "including two clerks of class 2, who shall be practical printers." That does not increase the force at all.

The amendment was adopted.

Mr. CUTLER. I am instructed by the Committee on Agriculture to offer some amendments to this paragraph. I will state what the amendments are as it may be they are open to the point of order. I wish the attention of the chairman of the Committee on Appropriations while I state them.

The CHAIRMAN. The gentleman will send his amendments up to be read by the Clerk.

The Clerk read the amendments as follows:

In line 1759, strike out "$3,000" and insert "$4,500;" in line 1759, strike out "$1,900" and insert "$2,250;" in line 1761 strike out "$1,900" and insert "$2,400;" in line 1764 strike out "$1,900" and insert "$2,500;" in line 1769 strike out "$1,800" and insert "$2,000."

Mr. ATKINS. I think that all those amendments are subject to the point of order, except perhaps one. It may be that all of them are subject to the point of order. I raise the question of order upon them.

The CHAIRMAN. Upon what ground?

Mr. ATKINS. Upon the ground that they increase the salaries over and above what are provided by law.

Mr. CLARK, of Iowa. I ask the gentleman to waive the point of order with reference to this amendment. Let it be submitted to discussion.

Mr. ATKINS. I cannot waive the point of order.

Mr. CLARK, of Iowa. It seems to me very unjust under the circumstances that this Department should be subjected to this objection.

Mr. ATKINS. There is no Department I have more sympathy with than the Agricultural Department; but I must raise the point of order.

Mr. CUTLER. The point of order raised by the chairman of the Committee on Appropriations to these several propositions was sustained yesterday by the Chair on another amendment, and upon an appeal being taken the decision of the Chair was sustained by the House. Therefore I am not disposed to enter upon a discussion of the point of order upon the amendment as I have now presented it.

The CHAIRMAN. The Chair is entirely satisfied as to a part of this amendment that the point of order will lie. The Chair has not examined the whole of it.

Mr. CUTLER. If the point of order is insisted on by the chairman of the Committee on Appropriations and is sustained by the decision of the Chair, then I have other amendments to offer to the same paragraph.

The CHAIRMAN. Taking the amendment as a whole the Chair sustains the point of order.

Mr. CUTLER. I now send up to the desk an amendment to which I think the point of order will not apply.

The Clerk read as follows:

Amend lines 1759 and 1760 by striking out "$1,900" and inserting "$2,000." Amend line 1760 by striking out "$1,900" and inserting "$2,000." Amend line 1761 by striking out "$1,900" and inserting "$2,000." Amend line 1762 by striking out "$1,400" and inserting "$1,600." Amend line 1764 by striking out "$1,900" and inserting "$2,000;" so that it will read: "chief clerk, $2,000; entomologist, $2,000; chemist, $2,000; assistant chemist, $1,600; superintendent of experimental gardens and grounds, $2,000."

Mr. ATKINS. I raise the point of order on that amendment. We have followed in this bill the salaries fixed by the last law, which I consider was a repeal of the former law.

Mr. CUTLER. Before the point of order is decided I send to the desk another amendment to the same paragraph.

The Clerk read as follows:

Amend lines 1764 and 1765 by striking out "$1,900" and inserting "$2,000." Amend line 1768 by striking out "$1,200" and inserting "$1,800;" so that it will read: "statistician, $2,000; disbursing clerk, $1,600; superintendent of seed-room, $1,600; librarian, $1,800."

Mr. ATKINS. I raise the point of order on that amendment also.

The CHAIRMAN. The Chair would request the gentleman from New Jersey to refer to the statutes upon which he relies.

Mr. CUTLER. The Chair will observe I have withdrawn the amendment increasing the salary of the Commissioner, and now propose to amend only those portions of the section which fix the salaries of the other officers named in the amendment. I only regret that under the law I am unable to ask an increase so as to increase the salaries of the chemist and entomologist to $3,000. It is only because I know that that amendment would be subject to the point of order I have not presented it. For, if in any Department of the Government there is any position in which the Government should have the very best talent to be had in the country, we should have it in the chemical and the entomological branches of the Agricultural Department, as well as in the botanical branch.

As the point of order has been raised as regards the increase of compensation to the Commissioner of Agriculture, I have withdrawn that, because, under the act of 1862 creating the Department of Agriculture, the salary of the Commissioner was fixed at $3,000 and the salaries of the chief clerk, the chemist, and the assistant chemist were fixed at the sums named in the amendment which I have presented. Under the act of 1873, which repealed the act fixing these salaries, the salary of the Commissioner of Agriculture was raised to $4,000. By the act of 1874, which repealed the act of 1873, the act increasing the salary of the Commissioner of Agriculture was repealed; but no part of that act repealed the act fixing the salary as provided in the law of 1862.

Now, while it is true that the appropriation act of last year fixes these salaries at $1,900, I beg to remind the Chair that that act is only applicable to the existing fiscal year and that the law expires by its own limitation on the 1st day of July, while the general law unrepealed fixes the salaries of these respective officers at $2,000; so that at the expiration of the appropriation act of 1877, expiring on the 1st day of July, 1878, the law fixing these salaries ceases and we go back to the original law of 1862. Therefore I think the question of order is not applicable to the salaries of the officers named in these amendments.

The CHAIRMAN. The Chair wishes to inquire of the gentleman from New Jersey, in order to save trouble in looking it up, if the amounts fixed in his amendment correspond to the salaries provided in the Revised Statutes.

Mr. CUTLER. Yes, sir; exactly.

The CHAIRMAN. The chair will ask the gentleman further if any of those salaries except the salary of the Commissioner is interfered with by the repealing act of June 30, 1874?

Mr. CUTLER. No, sir; only the salary of the Commissioner is interfered with.

The CHAIRMAN. And the salary of the Commissioner is not embraced in this amendment?

Mr. CUTLER. It is not.

Mr. HARRIS, of Virginia. I wish to be heard for a moment on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HARRIS, of Virginia. I have only examined the question as

to the chief clerk. By the general law his salary is fixed at $2,000. By what is known as the act increasing the compensation of officers of the Government—I will not mention it by its popular name—the salary of the clerk was not increased. That act, the act of March 3, 1873, increased the salary of the Commissioner of Agriculture and there stopped.

By the act of 1874, which repealed the act of 1873, only so much of course was repealed as had been enacted by the act of 1873. The act of 1873 not having referred to the clerks in the Agricultural Department, the repealing act of 1874 did not in any respect change the general law, which had been in force for many years.

If the Chair should be inclined to decide any of these amendments not in order, I would call his special attention to the Revised Statutes, which says that "there shall be in the Department of Agriculture one chief clerk at a salary of $2,000 a year."

The CHAIRMAN. To what statute does the gentleman refer?

Mr. HARRIS, of Virginia. To section 521 of the Revised Statutes, bringing down the old law of many years' standing. This amendment only proposes to restore the salaries of the officers to the rates established by law.

The CHAIRMAN. Do the other portions of the amendment correspond with the salaries as fixed in the Revised Statutes?

Mr. HARRIS, of Virginia. I do not recollect as to all of the amendments.

Mr. CUTLER. I will inform the Chair they are the same.

The CHAIRMAN. That is satisfactory on that point.

Mr. ATKINS. I have this to say, Mr. Chairman, on the point of order; I believe that the chairman of the Committee on Agriculture [Mr. CUTLER] concedes that the proposition to increase the salary of the Commissioner of Agriculture is subject to the point of order which I raised.

The CHAIRMAN. That is conceded.

Mr. ATKINS. With regard to the others, I have only this much to say: the appropriation act of last year reduced the salaries of all these clerks and employés to which the amendment of the gentleman from New Jersey [Mr. CUTLER] relates, and this bill corresponds to that act. Now, I do not say that the appropriation act of last year repealed the other law; I do not say that; still it seems to me it is by no means a clear proposition that it did not repeal it.

Mr. HARRIS, of Virginia. Let me read the enacting clause of the last appropriation act:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1878, for the objects hereinafter expressed.

That act was for that year alone. It might have fixed the salary of these officers at $500 a year; still it would not have changed the general law authorizing them to receive a salary of $2,000 a year, for there is no repealing clause.

Mr. ATKINS. Does the gentleman contend that these officers would have a right to a deficiency under the previous law?

Mr. HARRIS, of Virginia. That is a question it is not necessary to raise now. I say that the law may fix the salary at $10,000 a year, and the House, if they think proper, may choose to appropriate only $500 or $5,000; but unless the law is repealed it stands in full force for another year.

Mr. ATKINS. At all events there has been an interregnum in the law. The appropriation act for the last session of Congress made an interregnum in the law, so far as that is concerned, and I am of opinion that that constitutes law.

Mr. HARRIS, of Virginia. No, sir; a statute cannot be repealed by interregnum.

Mr. ATKINS. And, besides, the two being inconsistent with each other, as a matter of course the last law should stand as the judgment of Congress.

Mr. MILLS. There are two questions which may arise under an appropriation bill. One may be the amount of money required to carry out the previous law; the other may be that the appropriation bill goes further and legislates. In the first instance, where it is simply an appropriation in compliance with pre-existing law, the bill expires when it has executed its function for the current fiscal year. In the second instance the provision is a continuing power and becomes the law of the land, just as was the preceding law, and it changes the preceding law. Now, it was competent for the appropriation act to which the gentleman from Tennessee [Mr. ATKINS] referred the gentleman from Virginia [Mr. HARRIS] to have gone on after making the appropriation for the current fiscal year and provided that the salary of Commissioner of Agriculture or of the chief clerk should only be $1,600, $1,700, or $1,800. If it had done that and had made a continuing law, that would have been one thing; but as the bill only appropriated a certain sum of money out of the Treasury to comply in whole or in part with the pre-existing law, then the appropriation act expired with the year. The fact that Congress at the last session did not choose to appropriate the full amount required by law to pay an officer, is no reason for saying that the law fixing his compensation has been abrogated.

In answer to the question of the gentleman from Tennessee [Mr. ATKINS] I will say that there is no shadow of doubt in the mind of any lawyer in this House that where a salary has been fixed by law for a certain officer, and Congress does not make an appropriation sufficiently large to pay that salary, that officer is still legally entitled to the full amount of his salary. It is a question of the sovereign power in the legislative body whether they will pay that salary or not. The officer cannot sue the Government for it; but if the Government were a subject instead of a sovereign, the officer could go into the courts and compel compliance with the law fixing his salary. It is only because the Government shields itself behind its sovereignty that the officer cannot do so. But the law is the same; he is entitled to his salary legally just the same as if the appropriation had been made for the full amount.

Mr. TOWNSEND, of New York. I desire to say one word on this point of order. As I understand it, there are but two laws referred to which are supposed to govern this case; one is the provision of the Revised Statutes which declares that this officer shall receive the salary which is mentioned and provided for in the amendment of the gentleman from New Jersey, [Mr. CUTLER,] the other is the enactment of last year; and the question here, as I understand it, is entirely whether the proposition of the gentleman from New Jersey [Mr. CUTLER] is new legislation in defiance of the legislation of last year, whether it changes an existing law of last year.

Now, sir, I undertake to say this: that we are in this bill and upon this subject legislating for a period to which the law of last year does not apply.

There is no law coming over from last year that reaches the period beyond the 30th of June next. The law of last year after that date is *tabula rasa*, and therefore we are utterly without law upon this subject, unless it be the law of the Revised Statutes, which controls the matter.

I would ask the chairman of the Committee on Appropriations if, under the law of last year, the Commissioner of Agriculture could employ any clerks and charge the expense to the Government, except as the result of new legislation. The law of last year will expire, as I have said, upon the 30th of June next, and then there is no law arising from the legislation of last year, and we are now at liberty to give such compensation for clerks after the 30th of June next, so far as the law last year is concerned, as we choose, subject only to the limitations of the provisions of the Revised Statutes, and we have the power not to employ any clerks at all. The Commissioner of Agriculture cannot employ a clerk without new legislation after the 30th of June, and therefore there is no change in the law in the proposition of the gentleman from New Jersey, [Mr. CUTLER.]

Mr. HARRIS, of Virginia. To illustrate that the law of the Revised Statutes governs and controls this legislation I have but to make this statement: suppose the appropriation bill, instead of enumerating the clerks and the amount to be paid to each person, should appropriate a sum in gross, to be disbursed according to law, would not the disbursing officer turn to the law? Would he be governed by the amount allowed to this clerk or the other, this year or last year? It is very evident that any man of sense would turn to the general law of the country, which stands unrepealed on the statute-book, and not to a law which operates only for one year.

The CHAIRMAN. The Chair requests the attention of the committee to Rule 120, which the Clerk will read.

The Clerk read the rule, as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. ATKINS. I waive the point of order as to all except the Commissioner of Agriculture.

Mr. CUTLER. That is not now in the amendment.

Mr. ATKINS. I waive the point of order, but I do not admit the propriety of the increase.

The CHAIRMAN. The amendment is now open for debate.

Mr. TOWNSEND, of New York. Mr. Chairman, I want to beg of this Congress to remember that all of the legislation of the country in favor directly of the agricultural interests is mean and parsimonious as compared with the interests at stake, and I want to commend that fact especially to those who come from the portions of the country where the agricultural interests are paramount. We raise millions and hundreds of millions of money with a view to promote the commercial interests, and when it comes to an interest that spreads all over the soil of the largest empire on the globe we scarcely spend money enough to furnish pocket-money for our Commissioner of Agriculture, if he should use the whole of it. I hope the time will come when we shall foster our agricultural interests by more liberal legislation than any that has been dreamed of up to the present time.

The Committee on Agriculture recommends that the Bureau of Agriculture be made one of the Executive Departments of this country. I have not made up my mind whether that is right or wrong, but I have made up my mind that there should be no baggling when an appropriation is asked for the great agricultural interest which gives us this year a balance of $250,000,000 of exports over imports. I hope our legislation will have some little reference to the magnitude of the interest at stake.

Mr. ATKINS. I think that the salaries provided in this bill are sufficient for these officers. There is no disposition on the part of the Committee on Appropriations to do any injustice to the Agricultural Department. There is no injustice done to the Agricultural Depart-

ment by this little reduction which we have made in the salaries of these different officers, clerks, and employés. What harm does it do to the great system of agriculture?

Now, I do not care to say anything about the bureau in Washington except that the Bureau of Agriculture of this district is no representative of that great interest in this country.

Mr. HAYES. Simply because you have crippled it.

Mr. ATKINS. You cannot magnify it sufficiently to make it a representative of that great interest in this country. It is the great interest of the country. It is the foundation-stone upon which the whole fabric is built. We all know that, we all feel it.

Now, sir, when we come to look into the practical operations of this bureau and its intercourse with the great interests it pretends to represent it is a mere bagatelle. You make an appropriation for seeds to be distributed by this Agricultural Bureau throughout the country, and one man in a hundred gets those seeds. [A voice: "One in a thousand."] Yes, I might say one in a thousand; and the other nine hundred and ninety-nine are taxed to give seeds to one man. Yet I do not make any assault upon the Agricultural Bureau on this account. I am only illustrating the idea I have already advanced that this bureau, if it pretends to be the representative of the great agricultural interest, falls very far short of it.

Now, what harm can be done to the agricultural interests of this country by giving the chief clerk of this Department a salary of $1,900 instead of $2,000? Will the distinguished chairman of the Committee on Agriculture tell me what harm is done to the great agricultural interests—the cotton-growing interest, the cereal interest, the tobacco interest, the grass interest, or any other agricultural interest of this country—because you cut down the salary of one man to the extent of $100?

We have only conformed these reductions to others we have made in this bill; and I tell the gentleman that the people of this country, the agricultural interest of the country, will sympathize with any efforts made in this bill to run the Agricultural Bureau upon as economical a scale as possible. I say the reductions made in these salaries are only in conformity and in unison with the other salaries throughout the whole bill, and are perfectly in accord with the last appropriation act and the one preceding.

Now, tell me, have any of these gentlemen resigned? They have been serving on these salaries for the last two years. Has a single one of them resigned? Do we hear any threats to that effect? No, sir, we have heard nothing of the kind; and even if there were any probability of such a result, I can assure gentlemen who are so anxious to have these salaries put up, that we can find plenty of men who are quite as competent as the present incumbents, to step up and take these places.

Sir, the Appropriations Committee in preparing this bill have not been actuated by any opposition to the agricultural interest. I was born upon a farm; I have lived upon one almost all my life; my entire sympathies and interests are identified with the agriculture of this country. I have no means of support except agriculture—none whatever except so far as the position I now hold may be a means of support; and that is but temporary.

Mr. HOOKER. I move to amend the amendment by striking out the last word. I do not feel any particular interest in the precise amount of salary which may be paid to the incumbents of this bureau from the Commissioner down. But I differ with the chairman of the Committee on Appropriations when he says that the Agricultural Bureau is not a representative of the great agricultural interests of this country; and I differ with him especially in the reasons upon which he comes to that conclusion. He says that because seed cannot be distributed to every man in the country or only to one man in a thousand, therefore this bureau ceases to be the representative of the great agricultural interests of the country. Sir, I regard the distribution of seed, especially when purchased and not raised by the Agricultural Department, as unsatisfactory in its results. But so far from cutting down the appropriations for the support of this great bureau, they ought to be increased; and it ought to stand as the representative of that primal interest which is the first great calling of the whole human race. It is not in the distribution of seeds to this or that person that the Agricultural Bureau represents the agricultural interest of the country; it is because in its annual and in its monthly reports it furnishes to the country the best and most reliable statistics of the productions of the country.

You dedicate millions to protect commerce; you appropriate millions to facilitate transportation; yet if the Great Master of the Universe should curse with sterility for a single season the bosom of our common mother all your great commerce would perish and your great lines of railway would have nothing to transport.

Sir, when the great agricultural interest of the country is mentioned and it is proposed to expend money in its encouragement, I am tired of hearing of economy with reference to fostering this great industrial pursuit of the human race; for not only do you maintain life upon the products of the earth as they are annually made, but those products bear the great burden of taxation, Federal, State, county, and municipal, which the people of the country pay.

In dealing with this great interest, so far from cutting down you ought to sustain it and nurture it and encourage it. You ought to have acre after acre of the soil of Maryland and Virginia contiguous to your capital in a state of cultivation under the supervision of the Commissioner of Agriculture, and you should there raise seeds to be distributed to the country and let the reports concerning the results come back again to the Department.

Why, sir, I was very much struck not long since in reading one of these reports in which the Commissioner of Agriculture said that he had been accused by the commercial interest of telling what was not the truth with reference to the great product of my own region of country—cotton. The correctness of his vaticinations as to the effect with regard to the crops was made manifest, and I assert here to-day that with reference to this great product of the South the reports of the Commissioner of Agriculture have commanded more attention from the southern people than any other document from any other quarter or Department of the Government, and have been the means of diffusing more useful knowledge than any other.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. Mr. Chairman, I wish to say one word in regard to the distribution of seeds. If the chairman of the Committee on Appropriations or any other gentleman in this House can devise a more efficient means and a more equitable means and mode of distributing seeds from the Agricultural Bureau than that now adopted, they shall have my earnest aid in carrying out any proposition they will bring forward for the accomplishment of that object. But let us not forget that immense amounts of benefit have been already done the country by the present mode of distributing seeds. Among the seeds distributed from the Agricultural Bureau in the years past are seed oats. They have been sent to the Northwest. I saw last summer a field of forty acres of oats which had been gathered and in shocks and was being stacked, the seed of which three years before had come from the Agricultural Bureau, and that field of oats had produced one hundred bushels to the acre. And I may say without the fear of contradiction that the improvement in the oats in the Northwest in the last five years has been more than sufficient to pay all the expense of the Agricultural Bureau for the last five years. The gentleman standing near me, who represents Kansas, tells me that in the article called Foltz wheat they received a single package, one gentleman in his State a few years ago, and now that form of wheat supplies the entire product of the State for some five or six adjacent counties and is the best article they have ever had to sow and reap in that most fertile and beautiful State.

And you will find this is true all over the country. It is not every package of seed that carries a thousand dollars with it; but if one package of seed sent to one State shall be the means of increasing the productions of that State by fifty or a hundred thousand a year, we can well afford to persevere in the good work of casting our bread upon the waters that we may gather it again after many days.

Mr. BLOUNT rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. HOOKER. I withdraw the amendment to the amendment.

Mr. BLOUNT. The question before the committee is not one of whether or not the agricultural interest has been neglected—whether large sums of money have been expended in the interest of commerce and of manufactures while the agricultural interest has been neglected; not at all, sir; but it is simply a question as to the compensation of certain officials in the Agricultural Department; that and nothing more. When we were in the high tide of prosperity these salaries were fixed by the act of 1873 at the rates designated in the Revised Statutes which have been cited by the gentleman from New Jersey. The statute of 1873 is the last one on the subject fixing these salaries. They have remained at those rates from that time up to and during the last Congress. But what was done then? We found the country in distress. We proclaimed as a party that we intended to relieve the burdens of the country. We came to the offices in all the Departments of the Government and we commenced what our enemies have deemed fit to designate as the "paring process." Upon an army of about eighty-seven thousand men getting salaries by the process of the 10 per cent. reduction, we would under that "paring process" have reduced over eight and a half million dollars. It was nothing like the reduction in labor and every other item on the part of the people; it was nothing like it. When we came to the chief clerk in this Department, by reason of the efficiency of the then occupant of that position, his salary was not reduced over 2½ per cent. This bill is but $50 below the salary we found the chief clerk receiving when the Forty-fourth Congress came into existence

Mr. ROBERTSON. Will the gentleman let me ask him a question?

Mr. BLOUNT. Not now. Do we intend to be true to what we did in the Forty-fourth Congress? Was the course we then pursued the right and proper course? Can we only be kept from defeat in our policy of retrenchment and economy because some point of order can be made? Is the statement made by the gentleman from Ohio [Mr. FOSTER] true that this is the most extravagant House of Representatives which has met for years?

This is all there is in it. It is a question whether or not these salaries are to stand as they have stood for years under the legislation of the Forty-fourth Congress. It is this and nothing more. Gentlemen may magnify it and talk about the mean course pursued toward agriculture. Now, sir, the distribution of seeds throughout the country will not cease because some man's salary in the Department of Agriculture is not advanced above that of other officers. The various kinds of seeds will continue to go throughout the land as heretofore.

My friend from Virginia says you increase commerce, you increase the modes of transportation, and you neglect the interest of agriculture. That is not the case presented here at all. It is a simple question of raising the salaries of these officers. The chief clerk of the Department of Agriculture during the last administration was an efficient man, and by reason of that fact his salary was allowed to remain, or rather was not reduced in as great a proportion as the salaries of other officers.

He takes a subordinate position and the Government still has his service. No, sir; there is no excuse on earth for the increase of these salaries and I do hope that this House will find some other restraining motive than simply a point of order to hold it to that principle of economy which has had to be carried out all through this land.

[Here the hammer fell.]

Mr. MULDROW. I should not have taken part in this discussion if it were not that I am satisfied the interests of this Department have been greatly neglected. In my judgment there is no Department in this Government that deserves so much the fostering care of the Government as the Department of Agriculture. And yet the fact is that the appropriations heretofore made for this Department have been doled out with such a parsimonious hand as to make it comparatively valueless. That it can be made profitable, that it can be made a Department of great importance to the Government, to my mind there is no question. But the difficulty has been to have accorded to it substantial justice. There has been no difficulty at any time in extracting from members on this floor words of adulation for the Department, but the difficulty has been to have accorded to it substantial acts of justice.

Large appropriations have been made for other Departments of the Government. Yet we find that heretofore the appropriations for this Department have been insignificantly small, and they are becoming smaller year by year. In 1868 the appropriation was about $208,000. This year the Committee on Appropriations propose to cut it down to $167,000 or $168,000.

This parsimonious treatment of this Department has excited attention everywhere throughout the agricultural districts of this country. There is not a member of Congress, I presume, from the agricultural districts who has not received numerous letters on that subject calling attention to the fact that this Department is not receiving the aid and encouragment it ought to receive at the hands of Congress. I have risen simply to say this, not so much with reference to the particular amendment now pending, but generally to urge that there should be more liberality shown toward this Department of the Government than has been shown heretofore by the American Congress.

I say aid and encourage this Department, and show by your acts that you mean what you say when you say you are in favor of encouraging the agricultural interests of the country. The distribution of seeds has proved of great value. The farmers take more interest in this than in any other Department of the Government. Whatever members of Congress may say to belittle this important Department, the people recognize it as their friend. And so far as I have heard an expression of opinion from the agricultural regions they are the friends of the Department and desire to see it upheld, sustained, and encouraged by every legitimate means in the power of Congress.

Mr. CANNON, of Illinois. Mr. Chairman, I renew the amendment, and I do so for the purpose of saying that the Agricultural Department is an important one. It is possible that mistakes may have been made in its administration arising from errors of judgment on the part of the Commissioner, or from the want of sufficiently liberal appropriations, but it is well to recollect that the very object of its establishment is twofold, one to collect and disseminate agricultural statistics and the other to conduct systematic experiments; and while I have no doubt the Department has made some failures, it has often succeeded. The reports of the Commissioner are generally sought after and found to be valuable. I am therefore in favor of liberal appropriations for this Department, and this too for the benefit of the whole country, for the agricultural interest cannot be benefited without every other interest reaping a part of the reward, for all interests of the country are closely banded together. My own State of Illinois is generally classed as purely an agricultural State, yet, as I now recollect, the census report of 1870 shows that while the agricultural products of that State for that year were of the value of $210,000,000, the manufactured products were of the value of $205,000,000. These statements may not be strictly reliable, yet they serve to show that the manufactured products are very large as well as the agricultural products.

Mr. Chairman, the amount proposed to be appropriated for this Department is in round numbers $200,000, a mere bagatelle in comparison with the total appropriations for the other Departments of the Government, which will amount in round numbers to say $140,000,000; so I do not see why gentlemen should unwillingly make the appropriation. Now, Mr. Chairman, I want to say in conclusion that I represent a district that is probably second to none in agriculture in the United States, and during my five years' service here I have not asked as their representative an appropriation for a public building or any other special local interest; yet my constituents and the people of the country are willing to pay the appropriations for all legitimate objects, the Army, the Navy, the Post-Office, and other Departments, that are necessary and must be paid for. More than this, the great waterways of the country should be improved, and we cheerfully help pay all necessary appropriations therefor. It strikes me, however, as a little strange for some gentlemen to oppose this appropriation when it is recollected that a committee of the House reported and the House passed two weeks ago a river and harbor bill appropriating over $7,000,000 when it is notorious that nearly one-half of that amount is for the improvement and rendering navigable of streams that may do for trout, but which the Almighty in His infinite wisdom never contemplated would answer for navigation. I sometimes am amazed at these appropriations, and I fail to see how the constituents of many members justify their action in procuring appropriations for many of these little streams to attempt to render them navigable. Sir, I have in my district the Vermilion, the Embarras, the Okaw, and the Sangamon, streams larger and more important than many mentioned in the river and harbor bill; yet I have a constituency that would not indorse me if I procured an appropriation from Congress to make these streams navigable, for it is not practicable so to do; yet gentlemen who were swift to vote for this river and harbor bill are now seeking to cut down the appropriations, small in amount, for a Department or bureau connected with the greatest interest in the country.

[Here the hammer fell.]

Mr. STEELE. The question as announced by the gentleman from Georgia [Mr. BLOUNT] is whether or not the bill reported by the Committee on Appropriations makes an appropriation sufficient for this bureau. Now, I say that when we consider the great magnitude of the agricultural interests of the country it must be apparent to every man who cares for the full development of its great resources that the best talent the country can secure should be put in charge of this Department; and I say that it is utterly impossible to get the kind of men, men of skill and science, who are needed in this Department, for the meager and contemptible sum which the Committee on Appropriations propose.

When you take into consideration the report of the committee on this bill, and find that they give the clerks of certain committees of this House who perform simply clerical duties $2,000 a year and the clerk at the Speaker's desk $1,800 a year, while they propose to give the chemist of the Agricultural Department only $1,900, the enormity of the report is made apparent. The idea that this great Government, founded as it is upon the prosperity of the agricultural interests of the country, shall employ a man as a chemist in the Department which ought to be dignified and made to accord with the interests it represents at a salary of $1,800 or $1,900 is stupendous ridiculousness and folly.

Now I tell the gentleman from Tennessee, not doubting his devotion to the agricultural interest, and knowing that he has a direct and personal interest in its advancement, that he mistakes the great heart of that interest if he does not know that they would not hesitate to have appropriated a just sum for the benefit of that great interest, and I say that this House of Representatives would be unfaithful to that great interest if it failed to make a fair appropriation for this service.

Mr. CANNON, of Illinois. I withdraw the amendment.

Mr. AIKEN. I renew it. I am glad that this little debate has shown that which I had not discovered by reading the Congressional Directory, that there are a great many friends of agriculture here and many good farmers. I do not think it necessary for me or any other man to say a word in defense of agriculture, and therefore the few words I say will be in reply to the arguments of the gentleman from Tennessee [Mr. ATKINS] and the gentleman from Georgia, [Mr. BLOUNT,] who are members of the Committee on Appropriations.

I am surprised at the idea of economy suggested by the gentleman from Georgia in his speech. That gentleman has told us that, upon an examination of the duties performed by various officers in this Department, this clerk has proved himself so efficient that in a general reduction of 10 per cent. there was a less reduction on his salary.

Mr. BLOUNT. Will the gentleman allow me to state——

Mr. AIKEN. Do not interrupt me unless it comes out of your own time, not mine. The gentleman acknowledged the ability of the clerk. I simply call the attention of the gentleman to this fact, that eighteen years ago to-day there was no such thing as an Agricultural Department in the United States, and within the first decade after the establishment of that Department there was a great war, which made it almost a nullity until after the war was over. The legislation of Congress in providing for this clerk was done in the very infancy of the Department, and to-day, in spite of the restrictions of the Committee on Appropriations, that Department has grown to be something valuable to the whole agricultural interest of the country, and I say that it is a common-sense view that whenever a Department, starting in its infancy, needs a clerk at $2,000 the duties of that clerk will increase as time goes on, and you must either give him assistance or a larger salary.

The chairman of the Committee on Appropriations has said that it matters nothing to the great interest of agriculture in this country whether these clerks are well paid or not. Sir, it is a matter of vital importance to the interest of agriculture. This very day agriculture all over this Union is suffering because of the fact that there is an insufficiency somewhere, either in the number of employés in the Department or in the amount of compensation they receive.

I would call the attention of gentlemen to one officer who is there to-day in service in that Department, and who has been there ever since it was organized. I mean the gentleman who is called here "superintendent of public grounds," which is a misnomer. Those words would imply that this man was a simple supervisor or general overseer of laborers. Now the requirements of the office demand that this man shall be a man of learning, an expert in chemistry, in mineralogy, and in botany. He must be a pomologist and horticulturist, a man acquainted with the science of agriculture in all its occult bearings.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ATKINS. I do not desire to cut off debate at all, but I would like to know what the committee think in regard to the time this debate shall continue to run.

Mr. BEEBE. I would remind my friend from Tennessee [Mr. ATKINS] that the whole amount involved in the pending amendments is but $1,300, and we have already spent an hour's time on it. I think that we should now come to a vote.

Mr. ATKINS. I am willing to have a vote or to continue the debate.

Mr. VANCE. I think ten minutes longer will give satisfaction.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. There are some half a dozen gentlemen who are seeking the floor; and as a matter of course the committee can regulate the debate.

Mr. ATKINS. There are other features of the bill upon which gentlemen can make their speeches.

Mr. CUTLER. Allow me to make a suggestion. The Committee on Agriculture will present certain other amendments, and upon them the debate can be continued. The debate upon the pending proposition might be closed now. [Cries of "Vote!" "Vote!"]

Mr. ATKINS. I would like to make this proposition to the committee: that we agree upon a definite time for debate in connection with the whole paragraph. I am willing to say thirty minutes or forty minutes or fifty minutes.

Mr. HARRIS, of Virginia. Nobody wants to speak now. I call for a vote.

The CHAIRMAN. Half a dozen men are trying to get the floor.

Mr. ATKINS. The gentleman from Virginia [Mr. HARRIS] has not charge of this bill.

Mr. CALKINS. I desire to make a suggestion to the gentleman from Tennessee, [Mr. ATKINS.]

Mr. ATKINS. Very well.

Mr. CALKINS. This is a subject to which the Committee on Agriculture has given a great deal of attention. Although but a small amount is involved in the pending amendment I would suggest that the debate be continued a little time until the members of that committee can present their views.

Mr. ATKINS. Debate can be had on their other proposition. I call for a vote on the pending amendment.

Mr. AIKEN. I withdraw my formal amendment.

The question was taken upon the amendment moved by Mr. CUTLER; and upon a division there were—ayes 96, noes 43.

Mr. WILLIAMS, of Delaware. I call for tellers; no quorum has voted.

Mr. ATKINS. I hope the gentleman will not call for tellers. We can have a separate vote in the House.

Mr. WILLIAMS, of Delaware. I insist upon the call for tellers.

Tellers were ordered; and Mr. WILLIAMS, of Delaware, and Mr. CUTLER were appointed.

The committee again divided; and the tellers reported that there were—ayes 101, noes 37.

No further count being called for, the amendment was agreed to.

Mr. ATKINS. I give notice that I shall call for a separate vote in the House. I would ask the gentleman from New Jersey [Mr. CUTLER] if he has offered an amendment to make the aggregate correspond with the increase.

Mr. CUTLER. I have not.

Mr. ATKINS. That is very important.

Mr. CUTLER. I ask that the Clerk be directed to make the necessary change.

There was no objection.

Mr. BRAGG. I move to further amend the paragraph by striking out the following:

And for clerks, copyists, laborers, watchmen, carpenters, attendants in museum, and other necessary force, $42,500, or so much thereof as may be necessary.

My reason for offering that amendment is that the Committee on Appropriations by this paragraph proposes to place in the hands of the Commissioner of Agriculture the sum of $42,500 as a sort of contingent fund, which he may expend just as he pleases. They have prescribed the employment of several clerks and fixed their pay. Then by the provision which I have moved to strike out they provide that he may have other clerks, without saying how many; that he may have copyists without saying how many; that he may employ laborers and watchmen, few or many, as he chooses; and he is given $42,500 to use just as he sees proper.

It seems to me that in this provision they propose to confer upon the Commissioner of Agriculture a power that is not conferred upon the head of any other bureau of the Government. No other man under this Government has a right to take $42,500 out of the Treasury and expend it as he chooses, to employ clerks few or many and at such prices as he may think proper. I have moved this amendment for the purpose of calling the attention of the committee to the subject and suggesting the propriety that the number of clerks and other persons to whom this money shall be paid shall be designated, and also the rate of payment of each, rather than to give the Commissioner such a large sum of money to use as he may see proper.

I understand that the Commissioner of Agriculture who is to be intrusted with this sum of $42,500 to use in his discretion is a bonded officer of the Government; but the penal amount of his bond is only $10,000.

Mr. ATKINS. I admit there is great force in the criticism made by the gentleman from Wisconsin, [Mr. BRAGG.] I do not myself like the principle we have adopted in this bill with reference to this particular appropriation. We have not done the same in regard to any other of the Departments. But, sir, the Committee on Appropriations have this to plead in extenuation of their action: the chairman of the Committee on Agriculture, backed as I understand by his entire committee, although the other members of the committee were not present, came before our committee and insisted that this should be done; and the Commissioner himself also came before us insisting that it should be done.

I will say, Mr. Chairman, that the Committee on Agriculture and the Commissioner of Agriculture and the entire Bureau of Agriculture desired more changes in this appropriation bill than any other bureau of this Government. They came asking that the salary of the Commissioner of Agriculture should be increased to $6,000; they came asking that the salaries of all the officers in that Department should be increased. When we declined to do this, they then asked that the appropriation for clerical force should be made in bulk, stating that it would be economical to do so; that if the appropriation should be made in bulk a less sum would be required for the reason that if we assigned specific salaries to the different clerks and employés as had been done formerly and as is done in the other Departments and bureaus of the Government, inconvenience would result from the fact that during a large part of the summer months a large force would be entirely unoccupied yet at the same time drawing salary, whereas in the winter and spring months an increase of force would be necessary. It was urged that if the appropriation should be made in bulk, an increased force could be employed during the time their services were required; and during the summer months there would be a less force employed, and consequently no clerks on pay at that time.

This is the reason why we have made the appropriation in this form. It is a vicious principle, I will admit. However, I have been assured that in the hands of General Le Duc the appropriation will be faithfully and fairly administered. I do not pretend to say that it will not be. We have provided in the conclusion of the paragraph that he shall make a detailed statement of the manner of expending this sum, to accompany his estimates to be presented at the next regular session of Congress.

Mr. BRAGG. I desire to put a question to the gentleman from Tennessee, [Mr. ATKINS.] When the Commissioner of Agriculture made application for an increase of his salary, did he not inform the Committee on Appropriations that there could be a reduction in the clerical force of his bureau, and did he not report how that force could be reduced in order to show the committee that by the increase of his salary there would be in reality no increased expense? If he did so, is it not possible that this sum of $42,500, placed in his hands to be used at his discretion, may be used to increase the pay of certain persons connected with the force of his bureau instead of being distributed generally among the clerks of the bureau?

Mr. ATKINS. In answer to the gentleman from Wisconsin, [Mr. BRAGG,] I must confess that such an argument was made by the Commissioner of Agriculture.

Mr. BRAGG. Then will not the allowance of this sum of $42,500 appropriated in bulk enable the Commissioner of Agriculture to expend this sum for other purposes than those designed by the committee?

Mr. ATKINS. Well, I hardly think so. However, I do not stand sponsor for the Commissioner of Agriculture by any means. I do not know the gentleman, except by sight; I know nothing of him personally. At the same time I know no charges against this officer. We have provided here that a detailed statement of the expenditure of this money shall be made at the next session of Congress. As to how he will expend it I cannot say. We require a detailed statement from him in addition to the proper vouchers of the officers of the Treasury.

Mr. HOOKER. I move to amend by striking out the last word. In answer to what has fallen from the gentleman from Tennessee [Mr. ATKINS] in reference to the power with which the Commissioner of Agriculture is intrusted by this bill in the disbursement of this appropriation, I can only say that we do the same thing with regard to every Department of the Government. So far from investing this officer with greater discretion or clothing him with a trust greater than is confided to the heads of other Departments, I say the discretion intrusted to him is very much less. As has been well said by the chairman of the committee, the Commissioner is required in his report to Congress to give a detailed account as to the manner in which he expends his money.

Mr. ATKINS. I beg to say that I am not aware that the sums appropriated for clerical force in other bureaus and Departments of the Government are appropriated in the manner in which this is, if that is what the gentleman means to say.

Mr. HOOKER. I did not mean to say that. I say there is reason for this appropriation being made in this form. The Commissioner of Agriculture is constantly employing clerks temporarily as the necessities of his bureau require. He may employ them for only a week; I have known instances in which he has given employment for a week at a certain rate, say $1.50 a day, or whatever may be the fixed rate. He is required by the necessities of his Department to employ a much larger force at particular periods of the year than at others. For instance, when he is putting up seeds for distribution a largely increased force is required. To a very great extent we must rely upon his discretion; and I am not aware that this discretion has been unwisely exercised by the present incumbent of the office. I do not think that the arguments of the gentleman on my left [Mr. BRAGG] ought to prevail to induce the Committee of the Whole to strike out that portion of the bill which invests the Commissioner of Agriculture with this power. He must necessarily exercise a large discretion with reference to the amount of force which may be required at particular periods of the year.

Mr. DUNNELL. I would remind the gentleman from Mississippi [Mr. HOOKER] that the expense of putting up seeds is provided for in another portion of the bill.

Mr. HOOKER. I do not hear the remark of the gentleman from Minnesota, [Mr. DUNNELL,] but I can say that this officer must be intrusted with this discretion in order to carry on his Department properly. I think, therefore, that the argument submitted is not sound with reference to this particular bureau, which needs to have a more numerous force of clerks at some seasons than at others. The Commissioner must be invested with this discretion. In other Departments of the Government it may be possible to find out exactly and provide for the precise number of employés required. In other Departments you may limit it to a particular number; but in this Department it would be difficult, and I think unwise. I am not aware, I repeat again, that the present incumbent of the office of Commissioner of Agriculture has in any way exceeded his authority or employed more people than was absolutely necessary to carry on the public service.

Mr. SCALES. Mr. Chairman, I understood the chairman of the Committee on Appropriations to admit just now that the Commissioner of Agriculture agreed that if his salary was increased there was no necessity for this force or a large part of it. With that admission, sir, I cannot see how any man can vote for this appropriation.

Mr. ATKINS. I do not know but my friend from North Carolina puts that a little too strong. I answered the gentleman from Wisconsin, [Mr. BRAGG,] and I answered affirmatively, but I do not think the gentleman from North Carolina exactly represents the gentleman from Wisconsin.

Mr. SCALES. Has the force been reduced since he made that argument?

Mr. ATKINS. This appropriation is made in bulk, and we do not provide for so many clerks.

Mr. SCALES. I cannot yield all my time.

Mr. ATKINS. I thought that you wanted an answer.

Mr. SCALES. Well, answer my question.

Mr. ATKINS. I will answer, then, in this way: that we have not made any appropriation for a specific number of clerks in this bill, but have made an appropriation in bulk.

Mr. SCALES. Has the force been reduced any since he made that argument?

Mr. ATKINS. I do not know whether he has turned off any men or not; I have nothing to do with that. This does not go into effect until the 1st of July next.

Mr. SCALES. I know that.

The CHAIRMAN. Does the gentleman yield further?

Mr. SCALES. I do not.

Now, Mr. Chairman, I understand there is no provision in the bill providing for the reduction of the force. The argument of the Commissioner, as I understand it, was that if his salary was raised to $6,000 he could reduce the force. Has that been done? That is the question which addresses itself to this House. I speak to the question before the House. If it has not been done I cannot vote in the dark; I cannot vote for this appropriation at all until the number of the force necessary is specified by those gentlemen who ought to know what it should be.

Mr. BLOUNT. I do not think the gentleman exactly comprehends the statement of the chairman of the Committee on Appropriations.

Mr. SCALES. I should like to very much.

Mr. BLOUNT. I understood him to admit this, that the Commissioner of Agriculture came before the Committee on Appropriations with certain suggestions in reference to the service in his Department. Among other things he wanted the salaries increased.

Mr. SCALES. And the salaries have been increased.

Mr. BLOUNT. I wish to correct the gentleman. He wanted his salary increased. The idea he seemed to have was that the committee did not want an increase in the bulk of the appropriation and he said that by giving this sum in bulk he could, notwithstanding the increase of his salary, make the amount appropriated less than heretofore, that the increase of his salary would not result in any increase of the force or appropriation.

Mr. SCALES. I understand that.

Mr. BLOUNT. I so understood the gentleman from Tennessee.

Mr. SCALES. I understood his statement to be that the increase of his salary would justify him in reducing the force.

Mr. BLOUNT. That is not his statement. I do not like to take the gentleman's time.

Mr. SCALES. I should like to have the gentleman answer my question.

Mr. ATKINS. I think I can make it plain.

The CHAIRMAN. The time of the gentleman from North Carolina has nearly expired.

Mr. BLOUNT. Then I will take the floor and give the gentleman my time.

Mr. SCALES. I should like to have an answer to my question.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BUCKNER. I move to strike out the last word, and yield my time to the gentleman from North Carolina.

Mr. SCALES. If the Committee on Appropriations will let me ask my question, we will get along better.

I should like to ask the gentleman from Georgia this question: was the proposition that, if the salary of the Commissioner was increased to $6,000, the bulk of the expenditures of that Department could be reduced?

Mr. BLOUNT. I did not understand it in that way.

Mr. SCALES. Was it that it would not cost any more?

Mr. BLOUNT. I understand it to be simply this: he proposed a different plan of paying employés of that bureau; that is to say, there were certain seasons of the year when he could dispense with the services of certain employés. Under the law there were certain annual employés provided for, and that by giving the appropriation in bulk he could employ a portion, say for only six months, and if we should increase his salary by that arrangement there would be no increase in the total appropriation.

Mr. SCALES. Has the committee provided for that state of things in this bill?

Mr. BLOUNT. The appropriation is in bulk.

Mr. SCALES. Have you provided for that state of things when he turns off men in the summer?

Mr. BLOUNT. We consider that we have. The gentleman will see that we provide for clerks, copyists, laborers, watchmen, carpenters, attendants in the museum, and other necessary force, $42,500.

Mr. SCALES. I know that; but that was on the condition his salary was to remain at $3,000.

Mr. BLOUNT. Not at all. As I understand this increase of salary was recommended to the committee with the idea that the total appropriation would thus be reduced.

Mr. ATKINS. We give the $42,500 asked for by the Commissioner of Agriculture, but we do not give the $6,000. The gentleman from North Carolina is right.

Mr. SCALES. But if you had given the $6,000 the $42,500 would not have been necessary. It seems to me there is only one way of understanding this. If you increase the salary to $6,000 the $3,000 must be provided for somewhere. It must be cut off from the employés or other expenditures or it must be taken out of the Treasury. How are you going to save it? I ask the committee to tell me, have they saved it? If he can get along with $3,000 let him get along with it, but they ought to reduce the $3,000 out of the general amount.

[Here the hammer fell.]

Mr. BRAGG. I withdraw the *pro forma* amendment. I offer what I send to the desk.

The Clerk read as follows:

Strike out after the word "museum," in line 1762, the words, "and other necessary force, $42,500, or so much thereof as may be necessary," and insert as follows: "superintendent of folding-room, $1,200; one attendant in museum, $1,000; one carpenter, $960; two copyists, at $900 each, $1,800; two assistant messengers, at $720 each, $1,440; two watchmen, at $720 each, $1,440; eight laborers, at $720 each, $5,760; in all, $13,600."

Mr. BRAGG. The amount in this amendment which I offer I believe is precisely what is allowed the Agriculture Department at present, is it not? I inquire of the gentleman from Tennessee.

Mr. ATKINS. I believe it is, except that it makes no provision for clerks.

Mr. BRAGG. The purpose of this amendment is to make the appropriation for certain specific purposes, to make it in a specific amount, taking away all discretion as to the distribution of money from the hands of the Commissioner of Agriculture.

Mr. ATKINS. I think the gentleman is mistaken. His amendment does not give the clerks. The law says:

Three clerks of class 4; four clerks of class 3; five clerks of class 2; six clerks of class 1; one engineer, at $1,200; superintendent of folding-room, $1,200, &c.

The gentleman has left all that out.

Mr. BRAGG. I have commenced where the list begins in the estimates.

Mr. ATKINS. The bureau would be utterly crippled if the amendment of my friend from Wisconsin should be adopted. If the Committee of the Whole desire to strike out this appropriation in bulk it would be necessary to remodel the whole clerical force of this bureau.

The amendment of the gentleman therefore falls far short of what is necessary. While I admit this is a vicious practice, yet we have been assured by the chairman of the Committee on Agriculture and by the Commissioner of Agriculture himself that we could get along with a less appropriation in this way, and this is a less appropriation.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BRAGG] has expired.

Mr. CUTLER. I trust the amendment of the gentleman from Wisconsin will not prevail. If this amendment prevails the clerical force of that Department, as has been stated by the chairman of the Committee on Appropriations, will be completely crippled. I do not see any great objection to adopting the bill as reported by the chairman of the Committee on Appropriations. It is true the bill places in the hands of the Commissioner of Agriculture the sum of $42,500 to be expended, but the amount is not necessarily to be expended by him. It is provided that he shall only expend so much thereof as may be necessary; and the bill provides that he shall make a detailed statement showing the exact amount that is paid for salaries or compensation. I think it would be well, Mr. Chairman, for this House for one year to let the Department be run in this way, in order that at the expiration of that year it may be seen just exactly what amount of money and what amount of labor are required by the Department.

We give to other Departments here from $50,000 to $100,000 for contingent expenses and never ask them for an account. You give to certain bureaus $100,000 for contingent expenses, and they never give an account to this Congress or any Department of the Government. And here we place in the control of the Commissioner of Agriculture the sum of $42,500, no more than has been appropriated at the last Congress, no more than has been appropriated in any one of the five last Congresses, and we say to him, "Now run that Department in the most economical way you can, and report back to this Congress exactly how you have expended that money." It should be remembered also that this Commissioner is the only one in all the Departments who gives bonds. There is not any other Commissioner in any other Department of the Government who does so.

[Here the hammer fell.]

Mr. AIKEN. I hope the House will not agree to the amendment. It has been very crudely drawn. Is begins with the text of the bill in line 1772 and leaves the first half of that line where there are officers without number mentioned, and no provision is made for their salaries. But I did not rise to say a word on the amendment.

I wish to say a word or two in reply to the gentleman from North Carolina, [Mr. SCALES.] Unless I heard him incorrectly he has left a reflection upon the Commissioner of Agriculture who I believe should be vindicated right here. I am not his champion; I know very little of him, but I am satisfied that he is incapable of doing what I understood the gentleman from North Carolina intimated he had done, and that was to say that if the committee would increase his salary 100 per cent. he could reduce the cost of his office to that amount, which of course would involve a reduction of the salaries of his clerks. I have no conception that General Le Duc ever made any such statement.

Mr. SCALES. I made no such imputation.

Mr. AIKEN. The question was asked by the gentleman, time and again, did not the Commissioner say that if his salary was increased to $6,000 it would not cost the Government a dollar more than now. And where was the additional $3,000 to come from except out of the pay of his clerks?

Mr. SCALES. That question was asked by the gentleman from Wisconsin, [Mr. BRAGG.]

Mr. AIKEN. And repeated by the gentleman from North Carolina, [Mr. SCALES.]

Mr. SCALES. It was repeated by the chairman of the Committee on Appropriations, and then I said that no member should vote for the appropriation unless it were reduced $3,000.

Mr. AIKEN. I am satisfied that the House does not understand it as the gentleman does, or did not hear the explanation made by the chairman of the committee. I repeat again, without intending to play the part of champion for General Le Duc or any other Government official, that I believe him incapable of making any such statement. But it must be well understood that if his salary is doubled General Le Duc might save a great deal to the Government because he could give more time to it and he would be better paid for that time and his labors. He is to day crippled for want of money to carry into effect the demands which are made upon the Department.

It is asserted upon this floor that $5,000 is not enough pay for a member of Congress, who is only here twelve months out of every twenty-four, and yet we expect a man who has to live here the year round and live as well as we do, and keep his family here, to do it upon $3,000. It is inconsistent, and I acknowledge that but for a lack of knowledge of law I would have made an effort before this to have his salary increased. In my humble judgment this officer is worth more to-day to the country than the head of any other Department in this city, and I assert that since the establishment of this Department there has been less extravagance displayed in it and less complaint made against it for spending the people's money than against any other Department.

The gentleman from Tennessee told us a while ago that the Department was not doing its duty to the great agricultural interests of the country. How can it do it when this Department is kept crippled by the Committee on Appropriations? The Commissioner made an estimate for $212,000; what has the committee done? It has reduced the appropriation to $167,000.

[Here the hammer fell.]

Mr. CALKINS obtained the floor and yielded his time to Mr. AIKEN.

Mr. AIKEN. I do not want to occupy much of the time of the House, but I say that if the Commissioner of Agriculture had made a demand for $500,000 and the committee had dared to cut it down to $167,000 the agriculturists of the country would have risen *en masse* and demanded that he should have what was necessary to make his Department efficient.

Has the committee gone to the bureau to see what the duties are? Have they investigated the matter practically? I trow not. There are men there who are saving millions of money to the country, and I as a practical agriculturist know that one gentleman, to whom I was about to refer previously when my time expired, the superintendent of the public grounds, is by the strokes of his pen saving thousands of money to the practical agriculturists simply by edifying them as to the cereals and plants which they should or should not cultivate.

There are few men on this floor who know perhaps that the latitude of our country is so great that there are not two consecutive months in the year in which there is not both seed-time and harvest. This gentleman, by his letters and by his instructions, is saving thousands of dollars to the agriculturists by telling them what they shall grow and what they shall not.

When you come to measure the services of such a man as that by dollars and cents it is miserable parsimony to say that his services are only worth $2,000. I can say as an individual planter that since I have been acquainted with him he has saved me 20 per cent. upon that sum, and I am but a single individual of that class who constitute 52 per cent. of the entire population of our country.

Sir, that man is worth $10,000 a year, and that would be a paltry salary if his worth could be measured by dollars and cents. If you go to the office you will see him laboring not for six hours a day, but up frequently until twelve o'clock at night. He is working all the time for the benefit of the agricultural interest, and yet the committee tell us he is only to get a salary of $2,000.

[Here the hammer fell.]

Mr. BRAGG. The gentleman says that my amendment was drawn crudely. It was drawn rapidly from the Book of Estimates. I supposed that the salaries had been fixed by the committee in the order in which they appeared in the estimates of the Department. I therefore did not include some of the clerical force which had been omitted in that list, and which ought to be included. It is news to me, however, that General Le Duc, distinguished though he may be, was ever a practical farmer, or ever was guilty of anything which produced any practical results. It is well known to me and to every member upon this floor who has visited this Department that just now he is astraddle of a tea-plant, riding it as a hobby [laughter] for the purpose of finding out in what latitude it will best grow, and what sort of air will give to it the flavor which it has when grown in China and Japan. Now, if the learning which comes from the pen of such a distinguished agriculturist adds so much to the material wealth of the agriculturists of this country, then I think an appropriation should be made to purchase and circulate a book known as Horace Greeley on Farming, to be distributed among these gentlemen who learn from such crude sources what they did not before know about agriculture.

This Department distributes seeds in order that they may be adapted to all latitudes, so that farmers may obtain the best of products, and may get something that is of use to them. This winter my eyes were opened a little upon that point, and I had some little personal experience in this matter of seeds. One day as I went out of this Hall I ran up against a man whom I knew to be a large farmer in Wisconsin. I said to him, "What are you doing here?" He replied, "I came here for the purpose of finding out if I could not deal directly with the Department instead of through middlemen in Chicago and New York." I asked him to explain, and he said, "I raise seeds in Wisconsin and I sell them to a man in Chicago, and he sells them to the Department here in Washington or he sells them to some man in New York who sells them to the Commissioner of Agriculture. Then the Commissioner puts up those seeds, and you members of Congress are sending them back to the very same States in which they are grown, as rare seeds that ought to be cultivated, that the farmer should experiment with, and report at once to the Department how successful they are, and what is the best manner of treating those wonderful seeds."

I withdraw the whole of my amendment.

Mr. CALKINS. I renew the amendment. I am unwilling to take up the time of the House in discussing agriculture, although I think I know as much about it as my friend from Wisconsin, [Mr. BRAGG,] who is a lawyer.

Mr. BRAGG. I have read Greeley.

Mr. CALKINS. The gentleman says he has read Greeley. Then he may know something about agriculture, but I am sure his hands have never been made hard by holding a plow.

One word in reply to the satire of the gentleman. This is not the first time that we have heard gentlemen on this floor coming from all parts of the country undertaking to burlesque and belittle everything

proposed here that is new and in the line of advancement. I say that the question of agriculture in this country is the greatest of all questions. Whenever you come to consider the agricultural interests of the country and give to them as much money in proportion as you do to other subjects, then you will have done more for the whole people of the country than by any other legislation that has taken place either in this Congress or any other Congress.

I am therefore in favor of fostering the Bureau of Agriculture by liberal appropriations. I am very sorry that the Committee on Appropriations has seen fit to strike at this the great interest of the country, and I call upon you, gentlemen, who represent agricultural districts almost exclusively, to see to it that your action here is such that when you go home you will not be called to account by your people because you sat here and allowed these important interests to be ruthlessly sacrificed.

I withdraw the amendment.

Mr. HENDERSON. I move to amend in line 1766 of the paragraph by striking out "$1,600" and inserting "$1,800" as the compensation of the disbursing clerk of the Agricultural Department. I find that the Revised Statutes provide that the salary of the disbursing clerk of the Agricultural Department shall be $1,800 a year. The statute in regard to disbursing clerks generally in all the Departments provides that they shall have, in addition to the salary of fourth-class clerks, a sufficient amount to make their compensation $2,000. I do not understand why it is that the disbursing clerk in the Agricultural Department should be given a less sum than the disbursing clerks in the other Departments.

It seems to me that this office is a responsible one, one that requires a competent man, who can keep accounts and keep them correctly. It requires a responsible man, who will handle money honestly and faithfully. I see no reason why the disbursing clerk in the Agricultural Department should receive even a less compensation than is given by law to a fourth-class clerk. I hope my amendment will be adopted.

Mr. ATKINS. Let us have a vote.

The question was taken upon the amendment of Mr. HENDERSON, and upon a division there were—ayes 60, noes 65; no quorum voting.

Mr. HENDERSON called for tellers.

Tellers were ordered; and Mr. HENDERSON and Mr. ATKINS were appointed.

The committee again divided; and the tellers reported that there were—ayes 75, noes 69.

So the amendment was adopted.

Mr. ATKINS. I give notice that I shall call for a separate vote in the House on that amendment.

Mr. TOWNSHEND, of Illinois. I move to further amend the pending paragraph by adding to it the following:

Provided, That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Department.

Mr. ATKINS. I have no objection to that.

Mr. FOSTER. I do not object to the amendment, but I rise for the purpose simply of placing the Commissioner of Agriculture right before the House. I do not understand exactly the nature of the controversy on the other side of the House. My recollection is very distinct that the chief clerk of the Department of Agriculture, accompanied by the chairman of the Committee on Agriculture of this House, came before the Committee on Appropriations and represented that this gross sum would be sufficient for the running of that Department if it were given in this shape. They asked that the Commissioner and several other officers should have an increase of salary. I did not understand that one was made contingent upon the other; that is to say, that if we increased the salaries the other might be reduced. I understood that each proposition stood by itself, and that if this appropriation should be made in bulk the Commissioner could get along with eight or ten thousand dollars less.

Mr. ATKINS. In response to the inquiry of the gentleman from Wisconsin, [Mr. BRAGG,] I answer that the Commissioner of Agriculture appeared before our committee with revised estimates, and stated that with those revised estimates we could afford to increase his salary and all the salaries the increase of which has been provided for, as I understand, by the amendments of the gentleman from New Jersey, the chairman of the Committee on Agriculture. He said that these salaries could be increased, and yet the aggregate amount of appropriation would be less than the estimates that had been made for these identical and specific purposes. The original estimates provided for an expenditure of $91,380; whereas the revised estimates which the Commissioner of Agriculture himself handed in (and I now hold in my hand the original paper) amounted to $73,800, $42,500 of which was to be appropriated in bulk. In this estimate is included his own salary at $6,000. I ask the Clerk to read these revised estimates furnished by the Commissioner. I have made no comment or criticism upon the action of the Commissioner; but, in response to the inquiry of the gentleman from Wisconsin, I could not do less than answer as I did. I could then have presented this paper, but I did not.

Mr. FOSTER. The gentleman does not want to misrepresent.

Mr. ATKINS. Of course not.

Mr. FOSTER. Is the gentleman quite sure that the Commissioner presented this paper? Was it not presented by the chief clerk of the bureau and the chairman of the Committee on Agriculture?

Mr. ATKINS. The Commissioner of Agriculture, as I understood, concurred in this whole paper.

Mr. FOSTER. He may have concurred in it——

Mr. ATKINS. And he submitted the paper himself.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, March 12, 1878.

Revised estimates for the Department of Agriculture for fiscal year ending June 30, 1879.

Salary of Commissioner	$6,000
Salary of chief clerk	2,500
Salary of entomologist	3,000
Salary of chemist	3,000
Salary of superintendent of garden grounds	3,000
Salary of statistician	2,500
Salary of disbursing clerk	1,800
Salary of superintendent of seed-room	1,600
Salary of librarian	1,200
Salary of botanist	2,000
Salary of microscopist	2,000
Salary of assistant chemist	1,500
Salary of engineer	1,200
Salary of clerks, copyists, laborers, watchmen, carpenter, attendants in museum, &c	42,500
	73,800

The question being taken on the amendment of Mr. TOWNSHEND, of Illinois, it was agreed to.

The Clerk read as follows:

For collecting agricultural statistics and compiling and writing matter for monthly, annual, and special reports, $5,000: *Provided*, That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Department.

Mr. CUTLER. I move to amend by inserting, after the word "writing," in line 1783, the words "and publishing;" and in line 1784 strike out "$5,000" and insert "$15,000."

Mr. ATKINS. If the gentleman will make it $10,000 I will assent to it.

Mr. CUTLER. On the suggestion of the chairman of the Committee on Appropriations, I modify my amendment by inserting "$10,000" instead of "$15,000."

The amendment, as modified, was agreed to.

The Clerk read as follows:

For purchase and distribution of new and valuable seeds and plants, and expense of putting up the same, $70,000.

Mr. HUNTON. I move to amend the paragraph just read by striking out "$70,000" and inserting "$100,000." We heard a great deal said this morning about the importance and value of the agricultural interest of the country, all of which I indorse and approve; but I have not been able to see how the farming interests were to be benefited or injured by enlarging or decreasing the salary of an officer in the Agricultural Department to the extent of $100 per annum. But I believe that this Agricultural Department is a valuable auxiliary to the agriculture of the country, and this value is derived in large part from the ability of that Department to collect and distribute valuable seeds to farmers throughout the country. To enable this to be done properly and for the best interest of agriculture, I think this House ought to appropriate a liberal sum of money for the purpose. I hope, therefore, that the amount of this appropriation will be increased to $100,000.

Mr. ATKINS. Mr. Chairman, I fully concur in the remark made by the gentleman from Virginia [Mr. HUNTON] when he rose, that it is impossible to see how the agricultural interest of this country is to be advanced or injured by increasing or decreasing a salary $100. But I want to reply to the gentleman's amendment by having read at the Clerk's desk the revised estimate of the Commissioner of Agriculture for this item.

The Clerk read as follows:

Purchase of seeds, &c., $70,000.

Mr. ATKINS. Now, there is the estimate of the Commissioner of Agriculture. I believe we appropriated for this purpose last year $65,000. Seventy thousand dollars, the amount named in the bill, is all that is asked now by the Commissioner of Agriculture. The original estimate was $75,000, but the revised estimate (in the handwriting perhaps of the chief clerk of the Agricultural Bureau, and a part of the same paper I had read a while ago) puts the amount at $70,000. I have no further remark to make.

Mr. CRITTENDEN. I move to amend the amendment by striking out the last word. I can very well see why the Commissioner of Agriculture might have limited his estimate to $70,000, supposing naturally from the great economy of the Committee on Appropriations that he could get no more money. But this House ought to take into consideration the demands of this Department, and not only the demands of the Department, but the demands of the whole country, and increase the amount to $100,000, as it is for the benefit of agriculture. We ought to enlarge the views of the Appropriations Committee. I think that the amendment of the gentleman from Virginia [Mr. HUNTON] should be adopted.

There are two Departments of this Government which this House should sustain beyond any question or doubt—the Agricultural Department and the Post-Office Department—as they come in closer contact with the people than all the others. They are for the benefit of the people. I speak of the Agricultural Department because I

believe that it should be elevated to the position of a Department, as it represents the largest producing class of the country. I believe, as has been said here time and again, that the wealth of this country is based upon its agriculture, and that this Department, representing one of the most important elements of the country's wealth, should be elevated to its proper position in the Government. It should be recognized not only in this country but all over the world as one of the leading Departments of our system of government. No government is stronger than an agricultural government, none more conservative, none more honest.

I believe that $100,000 could be judiciously expended in securing seeds from various parts of the world and make the attempt, scientifically and practically, to acclimate those seeds to this country. We can never get a limit to the productive capacities of this country until we have experimented with the various seeds from all parts of the world and subjected them to our soil, our climate, our system of agriculture. In this way we have already utilized many seeds of the indigenous productions of other countries and made them great producers of our daily food. Therefore I think $100,000 could not be more wisely expended than in purchasing seeds from all parts of the country for distribution by the Agricultural Department to the people in various States. We should stand by agriculture, and should stand by this agricultural branch of the Government. The people look with suspicion and distrust at any attacks, direct or indirect, upon it. I say abolish other excrescences (which are numerous) hanging on to this Government as leeches, but preserve the agricultural branch of it. You may attribute follies to its workings, but no one charges crime upon it, and it stands almost alone at this place in that instance.

Mr. CALDWELL, of Tennessee. Mr. Chairman, as I have voted thus far and expect to vote against all the amendments which increase the amount of the appropriation contained in this bill, and as I represent as purely an agricultural district as any other member upon this floor, I desire to state my reasons for my course. The Constitution of this country is a singular document. It has at one time been construed to mean one thing, and at another period of our history it has meant another and entirely different thing. In casting my votes upon this floor on questions of appropriation I have uniformly tried to find in the Constitution some warrant somewhere for my action. In examining the debates on the Federal Constitution I have been unable to find anywhere that any proposition was ever adopted by that convention, while divers propositions were introduced, to confer upon the Federal Government authority to foster and protect agriculture. I have been unable, I say, to find anywhere the adoption of any one of those numerous propositions. I rose this morning for the purpose of asking my distinguished colleague, the chairman of the Committee on Appropriations, to point to that particular clause of the Constitution and tell me where was the express power; and if he could find no express power, then I intended to ask him where the implied power lurked for this annual expenditure of $200,000 of the public money. I would pause now in order to give any constitutional lawyer upon this floor an opportunity to respond to that inquiry.

Mr. CRITTENDEN. I do not propose to come under that head, but it is too late in the day now to say there is no power under the Constitution of the United States to expend one single dollar in promoting the great agricultural interests of this country. It is too late to preach any such doctrine.

Mr. CALDWELL, of Tennessee. I do not yield longer. If I know anything about the history of the law establishing this Agricultural Department it was passed in 1862 when every gentleman upon this floor must admit constitutional restraints rested lightly upon the people of this country both North and South. It was passed, Mr. Chairman, at a time when the protectionists of the country had gathered around this Capitol and were clamoring for protection, and this Agricultural Department was thrown out as a tub to the great agricultural whale of the country.

No, Mr. Chairman, the Constitution has conferred no such power upon the Federal Government. It was distinctly refused; and important and paramount as is this great interest, it has never been put in the keeping of this Government, but has been left to the States and the people, where it should be.

[Here the hammer fell.]

Mr. HANNA. I want to offer an amendment.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. CRITTENDEN. I withdraw my amendment to the amendment.

Mr. HANNA. Then I offer the following amendment to the amendment of the gentleman from Virginia:

As far as practicable the seed shall be purchased directly from the producers, and the same shall be fairly and equitably apportioned to the several States.

Mr. MILLS. According to population.

Mr. HANNA. My only purpose is this: that in the event the amendment of my friend from Virginia is adopted, this provision ought to go along with it.

Mr. FOSTER. I hope the gentleman will accept the amendment that they shall be apportioned to the several States according to population.

Mr. HANNA. I offer this amendment in good faith, and it is for the purpose of settling a question which has been raised here that the seeds are not purchased directly from the producer. This involves the idea of purchasing directly from the man who produces the plant or seed. I think that is right. Secondly, it avoids any discrimination between sections, localities, or congressional districts, and gives us all a fair chance at the pile of seeds when collected.

Mr. MILLS. I ask my friend from Indiana whether he will not accept my amendment?

Mr. O'NEILL. This debate very properly has been confined so far to those representing agricultural districts and States, and it is very rare a member representing a city district in which there is not one acre of farm land desires to take part in discussing matters connected with the Agricultural Department. I wish to say here that our commercial cities are as deeply interested in the extension of agriculture and the increase of agricultural products as any other portions of the country. My constituents have had sent to them every package of garden and flower seeds which have been allotted to me by the Commissioner of Agriculture. Many of them own farms, and many of them own country seats, and are able to devote money and the time of those whom they employ to the cultivation and growing of such seeds. A great many have sent to them also the grain distributed by the Agricultural Department, and they also are cultivated; and in many instances the results of the cultivation of those flower and garden seeds and grain are transmitted to the Agricultural Department for its information and the information of agriculturists all over the land. Their letters and statements help intelligently to make up the annual reports on agriculture.

The district represented by my colleague, the Speaker, is similar to mine in regard to having no farm land in it. The other districts of Philadelphia have, to a considerable extent, each of them agricultural lands in them.

I was reminded to-day by a visit made here by the president of the permanent international exhibition of Philadelphia, Hon. Henry D. Moore, and one of its directors, Mr. J. B. Mitchell, of what was done for agriculture by the centennial exposition inaugurated May 10, 1876. I am persuaded, sir, that that exhibition did more for the interest of agriculture than almost anything else, or I might say more than anything else that has ever occurred in this country. Why, sir, the exhibits of mineral and agricultural products of the State of Kansas have had the effect I believe of attracting immense immigration to that great State. And so with the exhibits of other States of this country and the Territories. Out of that national exposition at Philadelphia, visited by more than ten millions of people, has grown a vast desire for the cultivation of flowers and fruits and grains and seeds of various kinds. And I for one desire to see the largest appropriations made for the Department of Agriculture to enable the present most admirable Commissioner to carry out his ideas as they should be carried out, for they are practical.

We have had distinguished Pennsylvania men holding that position. It was held some ten or fifteen years ago, and for a number of years, by Mr. Isaac Newton, a practical farmer of that State. Some years after him and until lately it was held by Hon. Frederick Watts, president for many years of the Agricultural Society of the State of Pennsylvania, a man of great learning, who had given a great deal of time to agricultural matters. And now their successor, the present incumbent, is a gentleman of enlarged views, and I believe if they are permitted to prevail by this committee, for I have never seen more intelligent devotion to the duties of a Department than in General Le Duc, we will never have occasion to regret it. The result, I believe, will be that the agricultural interests of this country will be properly cared for, and I am sure our constituents desire us to sustain him in his efforts.

Mr. Chairman, my attention was attracted during the debate this afternoon by a remark made by the gentleman from Illinois, [Mr. CANNON.] He stated that the agricultural productions of that State amounted in one year to $210,000,000. He stated also that the manufacturing products amounted in value to $205,000,000. Agriculture and manufactures, Mr. Chairman, go together hand in hand and help to make up the greatness of this country. Agriculture, with manufactures, feeds commerce. Our seaboard cities are indebted to both for their increase in population and in prosperity. To-day Philadelphia is proud of her shipments to foreign ports of millions of bushels of grain and other agricultural products. Her railroad enterprises have enabled her to bring agricultural products in unbroken bulk from under the very hands of the farmer to the elevators and shipping at her wharves for foreign consumption; and while her local greatness is in her manufactures, she is rapidly reaching, if she has not reached already, the position of the largest shipper of grain and the products of agriculture than all our sea-ports to all parts of the world.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HANNA] to the amendment of the gentleman from Virginia, [M. HUNTON.]

Mr. HUNTON. I desire to make a parliamentary inquiry. Is it in my power to accept that amendment?

The CHAIRMAN. The Chair understands it will have to be voted on by the committee.

Mr. HUNTON. It was offered as an amendment to my amendment and I am willing to accept it.

Mr. ATKINS. Let the amendment of the gentleman from Indiana be read.

The Clerk read as follows:

Add after the word "seeds," in line 1790, the following:

And as far as practicable the seeds shall be purchased directly from the producer, and the same shall be fairly and equally apportioned to the several congressional districts.

The CHAIRMAN. Is there objection to that amendment being made a part of the amendment of the gentleman from Virginia?

Mr. CUTLER. I object.

The CHAIRMAN. The question then is on the amendment to the amendment.

Mr. CUTLER. Is not the amendment divisible? I would suggest to the gentleman from Indiana to withdraw the latter portion of his amendment, for the reason that the Committee on Agriculture has now a bill nearly ready to report, directing in what manner the seeds shall be distributed by the Commissioner of Agriculture. I hope the gentleman from Indiana will withdraw that portion of his amendment.

Mr. HANNA. If the Committee on Agriculture should recommend an amendment in the same direction as what I have offered this will do no harm.

The question being taken on Mr. HANNA's amendment, it was not agreed to.

Mr. DURHAM. I move to strike out the last word.

Mr. Chairman, I suppose that it is unnecessary for me to say that I represent a purely agricultural district. There is not in my district—whether it be a fortunate or an unfortunate circumstance for it—a single manufacturing establishment.

Mr. O'NEILL. That is unfortunate for your district.

Mr. DURHAM. I am proud of my district because it is an agricultural district; and I am proud to say to the House also that I am a practical farmer. While I make that statement I am bound to state here to-day that I regard this Agricultural Department as the grandest humbug that was ever foisted upon the country. You talk about benefiting agriculture. The sending out of a few parcels of black-wax beans, a few parcels of garden-pease, a few parcels of inferior flower-seeds to benefit agriculture! A few packages my friend on my right suggests of ginseng seed!

I want those gentlemen who are so partial to agriculture to tell me how it is to benefit agriculture to expend this $70,000 on seeds. Even if you make it $100,000 how far will it go?

Now, what does the law require? And I undertake to say your present Commissioner is a humbug besides; he has not complied with one iota of the law as it exists on the statute-book. I have no prejudice against this present Commissioner.

Mr. AIKEN. Have you a prejudice against all humbugs?

Mr. DURHAM. I have.

Mr. AIKEN. Then how can you say you have not a prejudice against the Commissioner when you have just pronounced him a humbug?

Mr. DURHAM. Yes, sir; I say he is a humbug, and I hope the gentleman from South Carolina will not interrupt me further. While I have no prejudice against him personally I may have a prejudice against him because he is a humbug.

Now what does the law require? The law does not require him to get black-wax beans, green pease, and flower-seeds. But if you will read the Revised Statutes you will find what he is bound to do; and I venture to say you may ransack the Department from one end to another and you will not find a seed or a plant there that is required by the Revised Statutes.

It is because it tickles the fancy of gentlemen who want to pander in the nature of demagogues, that you must increase these salaries beyond what they have been increased in any other Department. In addition to all that, let me state the fact that the increase asked by the Department for the benefit of agriculture was an increase of salaries, $25,000, and an increase of the appropriation for seeds, $11,000. The Book of Estimates, which I hold in my hand, shows that, and I tried to get the floor to show it in the earlier part of the debate.

The present Commissioner of Agriculture will never be charged with infidelity, because the good book says that any man who fails to take care of his own household is worse than an infidel, and General Le Duc will never do that.

[Here the hammer fell.]

Mr. HARRIS, of Virginia. It is too late in the day to discuss the question whether the Department of Agriculture ought to have been established or not; perhaps if I had been here at the time I would have voted against it.

Mr. DURHAM. I ask the gentleman to allow me to have read section 527 of the Revised Statutes, to show what are the duties of the Commissioner of Agriculture.

Mr. HARRIS, of Virginia. I cannot yield. The Agricultural Department has been recognized by the Government and by the country as an established institution, and I contend that it ought to be conducted on a scale commensurate with its design, so that it may inure to the advantage of the whole country as much as possible. If you will look at the appropriation bill you will find that there is an appropriation of $167,000 for this Department.

Now, what is the main object of the Department? It is to distribute seeds and propagate plants and send them to the country, in order that all parts of the country may have the advantage of procuring and experimenting with new seeds of different varieties suitable to the various soils and climates of our country. To limit the appropriation for seeds and cuttings to $70,000 and pay $100,000 to run the machinery of this Department is an inconsistency which I cannot comprehend.

Mr. ATKINS. Whose fault is it that that discrepancy exists? We have followed the estimates of the Commissioner.

Mr. HARRIS, of Virginia. I do not know whose fault it is. I am not censuring the Committee on Appropriations. I have followed them through good and evil report, if there has been any evil in their action, but I say that if it costs $100,000 to run this bureau independent of the $70,000 appropriated for seeds, we ought to give them money enough to make the work effective.

Mr. ATKINS. We give them all they ask for.

Mr. HARRIS, of Virginia. Well, they may not ask for enough. They are not there to judge what the people want; that is for the Representatives of the people. If we appropriate enough to pay officers and employés, then every dollar after that goes to the people.

If the Commissioner only asks for $5,000 or $10,000 to enable him to distribute seeds, all the other expense would be as much, and the question is are we willing to pay a hundred thousand dollars in order to have seventy thousand dollars' worth of seeds distributed? I think there ought to be more appropriated for this purpose.

In regard to the Commissioner of Agriculture I would say that I never saw or knew or heard of him until he took charge of the bureau; since then I have been thrown into official relations with him frequently, and a more polite, accomplished, and accommodating public officer I have never met with in the whole of my eight years' service upon the floor of Congress. I believe he is competent and efficient and that he discharges the duties of his office with great fidelity and ability, and therefore I think he ought to be sustained by this House so long as he continues to occupy the office.

If we are to have an Agricultural Department let us appropriate enough to make it useful to the people. If we cannot afford this, then abolish the Department.

Mr. CHITTENDEN. I have been a practical farmer since I was thirteen years old. [Laughter.] I was considered by a good judge as capable of doing a good day's work at that time, and I want to give for the benefit of Congress and the country a little of my experience of Government garden-seeds.

I found to my surprise here three years ago that I was entitled to a bagful of garden and flower seeds and I went and made my politest bow to the Commissioner of Agriculture and he sent them to my farm in Connecticut. When I got them there I gave them away and went to market and bought my own seeds, and those to whom I gave the Government seeds have never forgotten me to this day for having swindled them. [Laughter.] Now, sir, the next year after I received another, a smaller bag of garden-seeds.

Mr. HUMPHREY. Will the gentleman allow me to ask him a question?

Mr. CHITTENDEN. Certainly.

Mr. HUMPHREY. Is that the only time you have swindled your constituents? [Laughter.]

Mr. CHITTENDEN. You must apply to my constituents for an answer to that question.

Last year, as I was saying, I had another bag of garden-seeds, a small one this time, and I put an advertisement in the newspaper in my village that anybody that wanted to experiment with Government garden-seeds might have a small assortment by calling at the door of my house so long as the supply lasted. The result was just the same as in the first instance.

I mean to make no sport of this thing; but my experience in this matter is that three-fourths of the garden-seeds that are now distributed under your present appropriations are worthless or in practice wasted. Moreover, on principle, I ask members of this House to reflect a moment and think how long it will be if they go on at this proposed rate and act upon the principle—which seems popular here—that every farmer and every gardener in this country has to be petted and assisted by being furnished with seeds free, how long will it be before your appropriations for that purpose will amount to millions?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DURHAM. I withdraw my *pro forma* amendment.

Mr. MILLS. I move to amend the amendment by adding:

And said seeds shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same.

If there is no objection to the amendment I do not desire to say anything, except that I am satisfied the distribution of seeds by the Agricultural Department has not been heretofore upon the principle of my amendment. I think the law ought to require that these seeds shall be distributed in proportion to the agricultural population.

Mr. ATKINS. I have no objection to that amendment.

Mr. HASKELL. I desire to say a word or two upon this subject of the Agricultural Department and its work in reply to what has been said by the gentleman from Kentucky [Mr. DURHAM] and the gentleman from New York, [Mr. CHITTENDEN.] If the honorable gentleman from New York is a practical farmer, all that I can say is that his remarks upon this floor show wanton and willful ignorance of some of the great facts that underlie that pursuit which he has so misstated and the work of which he so little understands.

I represent an agricultural district, and I know what the work of this Department has been, and the good it has done in that great western country which I in part represent. I can point you in the different States of the West to more than twenty, ay, more than fifty varieties of the leading products of the country, grain and other staples, which are produced by the agricultural classes, that have been of untold benefit to the people, and which never would have been discovered or heard of had it not been for just such an organization as this Department of Agriculture.

In my own State we had the same talk that we have heard here to-day from the gentleman from Kentucky [Mr. DURHAM] about these agricultural associations and organizations being of no practical benefit. What has been the result? By means of our State Agricultural Society and our State Horticultural Society and our agricultural organizations, we have produced a better system of agricultural reports than any other state in the Union.

Mr. DURHAM. Did I say anything about State organizations?

Mr. HASKELL. As the result of our agricultural organizations, we made the best display at the centenial exposition of any State in the Union, of fruits and agricultural products. That was the sole work of agricultural organizations similar to the national organization here which has been so much decried.

Now, what is the result of all that? To-day hundreds and thousands of people are flocking to the best agricultural State in the Union, because of the advertisement, because of the information, because of the valuable statistics that this organization of ours has been able to place in the hands of the people.

Take that one single product which has been so much sneered at, sorghum. Where did it come from and how was it introduced into this country? It was introduced by your national association, by the Agricultural Department. All through the West you will see fields to-day green with that product, and millions have been put into the pockets of the agriculturists of the West from that one single discovery of sorghum. The molasses and the sugar that have been produced from it will more than pay every dollar that you have expended upon the Agricultural Department.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired and debate is exhausted upon the pending amendment and the amendment to the amendment.

Mr. WHITTHORNE. If the gentleman from Texas [Mr. MILLS] will withdraw his amendment to the amendment I will renew it.

Mr. MILLS. I will do so.

Mr. WHITTHORNE. I renew the amendment. I have been very much surprised this morning by the attack which has been made upon the present Commissioner of Agriculture. In my intercourse as a representative of the people with that officer I have found that intercourse marked with courtesy and an exhibition of anxiety on his part to meet the demands and wishes and interests of the people. I have found him willing to consult and be consulted with. I have found him anxious to discharge his duty as a public officer.

I am surprised that gentlemen, Representatives upon this floor, should make this attack upon one of the established institutions of this Government, the institution which in its operations has convinced one portion of the people that there is a Government for their benefit. The other Departments by their administration take money from the people. This is the only one that gives back any benefit to them.

I have to say for at least one congressional district of this Union that since I have had the honor to represent it upon this floor I can truthfully say that the benefit it has derived from the Agricultural Department has been more than all your appropriations for seeds and for its entire support. We have felt its benefit in the introduction of improved varieties of wheat, for instance, and in other respects, but more markedly in regard to wheat. No man can go to the middle portion of Tennessee and witness the immense growth of wheat there and trace it to its source without recognizing the benefit which must be accredited to the Agricultural Department of the General Government.

I might also mention another thing which has been laughed at and ridiculed by gentlemen. Yet those of my constituents who belong to the other sex constantly remind me that in times past as in the present they have been greatly favored by the Agricultural Department. I know that in the expression of their wishes they recognize some benefit as derived from the Department of Agriculture. Knowing what their demands and wishes are, am I here to say that they have no sense, that they do not understand what they are about?

One word more. Knowing my colleague [Mr. CALDWELL] as I do, knowing whence he sprang, and all his associations, I am surprised that at this late hour he should raise a constitutional objection on this subject. Sir, the child might with as much propriety object to the source from which it receives its nourishment or to the power by which it is created. Does the child dispute the source of its life? We are dependent upon agriculture. Out of it springs the support not only of the Government but of all the associated industrial interests of our country. When we neglect to give it protection, if protection it can be called, we neglect our mother.

[Here the hammer fell.]

Mr. DURHAM. I will ask the Clerk to read two sections of the Revised Statutes, and upon them I will base my remarks. But before they are read I will say that I do not want any gentlemen of the committee to think I have cast any reflection upon the personal honor or integrity of the Commissioner of Agriculture. The reason I called him a "humbug" was that he is undertaking to do things which he never can accomplish in this country.

Mr. TOWNSEND, of New York. Not unless we help him.

Mr. DURHAM. I ask the Clerk to read the two sections of the Revised Statutes that I have indicated. I hope the Committee of the Whole will listen to them.

The Clerk read as follows:

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

SEC. 529. The Commissioner of Agriculture shall, on or before the 15th day of December in each year, make a report in detail to Congress of all moneys expended by him or under his direction.

Mr. DURHAM. Now, I do not believe any gentleman on this floor can deny that the largest part of these appropriations has been for common and ordinary seeds, such as can be obtained in any of the drug stores throughout the length and breadth of the country. While all of us go to the Department and get our portions and send them out, because it is somewhat common to do so, I do not believe that the present Commissioner has complied with the provisions of the statutes.

Mr. CRITTENDEN. Has not the gentleman himself gone to the Department and asked for these identical seeds?

Mr. DURHAM. Certainly I have, and I have sent them out.

Mr. CRITTENDEN rose.

Mr. DURHAM. I decline to yield to the gentleman further. Now, in reply to the gentleman from Kansas [Mr. HASKELL] I will say that I have not intimated any opposition to agricultural associations. I want such associations encouraged, and I do my part toward their encouragement in the section of the country where I live. The farming interest does not look to the Agricultural Department for relief. As I asked a while ago, what do seventy thousand or one hundred thousand dollars' worth of seeds amount to when distributed among the agriculturists of this broad country? No, sir; they demand of you to rectify your high and expensive tariff; they demand of you rigid economy in all branches of the Government. They demand that you reorganize every Department of this Government, and run it upon an economical basis. They demand that the currency of the country shall be regulated. These are the things that the agricultural interests of the country demand—not a few seeds from the Agricultural Department.

Mr. ATKINS obtained the floor.

Mr. AIKEN. I trust the chairman of the committee [Mr. ATKINS] will allow section 526 of the Revised Statutes to be read.

Mr. ATKINS. Yes, sir, I will.

The Clerk read as follows:

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

Mr. TOWNSEND, of New York. If the chairman of the committee will allow me, I would like to say one word in reply to the gentleman from Kentucky, [Mr. DURHAM.] I see that he finds fault with the Commissioner of Agriculture for distributing pease and beans. Now I want to tell the gentleman that in a great many congressional districts of this country people eat beans and pease; they are an important addition to the humble meal of the farmer; and there are a very few districts in this country where people can subsist on simply Bourbon whisky and tobacco. [Great laughter.]

Mr. ATKINS. I now ask for a vote, if it be agreeable to the Committee of the Whole.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Amend the amendment by adding after the word "dollars" the following:

And said seeds shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same.

Mr. McCOOK. I do not want to make a point of order on that——

The CHAIRMAN. It is too late to make a point of order. The amendment has been discussed.

Mr. McCOOK. But I would suggest to the strict constitutional constructionists on the other side that this excludes the city districts altogether from the benefit of this appropriation.

The CHAIRMAN. The gentleman is out of order.

The amendment to the amendment was adopted.

The question recurred on agreeing to the amendment as amended.

Mr. BRAGG. I rise to make a parliamentary inquiry. If, under the amendment which has just been adopted, sugar-cane, rice, and cotton should be distributed through the northern congressional districts, ought not the law to provide some way to change the temperature of those districts and the quality of the soil, so that these things may be raised there?

The CHAIRMAN. That is not a parliamentary question. That is for the committee, and not for the Chair, to determine.

The question occurred on the amendment as amended.

Mr. COVERT demanded a division.

The committee divided; and there were—ayes 52, noes 81.

Mr. HUNTON demanded tellers.

Tellers were ordered.

The CHAIRMAN. No quorum voting, the Chair will order tellers, and appoint Mr. HUNTON and Mr. BLOUNT.

The committee again divided; and the tellers reported—ayes 58, noes 85.

So the amendment was rejected.

Mr. JONES, of Ohio. I offer the following amendment:

Add to line 1790 the following:

Provided, That $12,000 of said sum shall be expended for the establishment of a commission, to consist of a competent veterinary surgeon with two practical stock-breeders, to be appointed by the President, by and with the advice and consent of the Senate, at a salary of $2,000 each, whose duty it shall be to have charge of the investigation of contagious diseases of farm stock, their causes, means of prevention, &c.; and also to report to the Government from time to time such measures as they may deem necessary for Congress to adopt to prevent the importation of such diseases from abroad, and the spread of contagion, and the extermination of such as may exist.

Mr. ATKINS. I rise to a point of order on that amendment.

Mr. MILLS. So do I; that it is new legislation.

The CHAIRMAN. It creates new offices, and is liable to the point of order.

Mr. JONES, of Ohio. I ask the gentleman to reserve the point of order until I can be heard on the amendment.

Mr. ATKINS. I must insist on the point of order. We are losing time on this bill.

Mr. JONES, of Ohio. I desire, if the point of order is made on that amendment, to move another, which I ask the Clerk to read.

The Clerk read as follows:

Provided, That the Commissioner of Agriculture is authorized to expend $10,000 of said sum in the investigation of contagious diseases of farm stock, their causes and means of prevention; and it shall be his duty to report to Congress such measures as he may deem necessary for Congress to adopt to prevent the importation of such diseases from abroad, and the spread of contagion, and the extermination of such as may exist.

Mr. ATKINS. I make the point of order that is not germane to the pending proposition.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

Mr. JONES, of Ohio. Then I move to strike out the last word of the paragraph, so that I may be heard.

The CHAIRMAN. The gentleman will proceed.

Mr. JONES, of Ohio. The amendment proposed looks in the direction of legislation for the prevention of the importation of diseased stock into this country and the establishing of such measures as will prevent the spread of infectious diseases, such as rinderpest, Texas fever, pleuro-pneumonia, &c. This subject has been carefully considered by our stock-raisers. The American Short-Horn-Breeders' Association, at their annual meeting in November last at Lexington, Kentucky, passed the following resolution:

Resolved, That the Congress of the United States be memorialized to provide for the establishment of a commission, to consist of a competent veterinary surgeon with two or more practical stock-breeders, whose duty it shall be to have charge of the investigation of contagious diseases of farm stock, their causes, means of prevention, treatment, &c.; and also to report to the Government from time to time such measures as they may deem necessary for Congress to adopt to prevent the importation of such diseases from abroad and the spread of the contagion, and the extermination of such as may exist.

The author of this resolution is one of the associate editors of the National Live-Stock Journal, published at Chicago, and is a practical stock-raiser. It embraces the plan which they think will most likely result in the adoption of some means to protect our farmers and stock-raisers from the fearful ravages of these infectious diseases that destroy alike the extensive herds of the stock-raisers, the small herds of the farmer, and the widow's cow.

My proposition is not to establish a commission, (although I would be willing to do that,) but to provide that this investigation shall be made by the Commissioner of Agriculture. He may call to his aid veterinary surgeons and practical stock-raisers, many or few, so he keeps within the amount of the appropriation made; and we can thus secure the necessary information to enable us to legislate intelligently on this subject. The laws passed by the Western States to protect themselves against the spread of the Texas fever, I am informed, have been held to be unconstitutional, upon the theory that it is an attempt by State Legislatures to regulate commerce between the States, a power that belongs to Congress under the Constitution of the General Government.

We have recently been shipping live stock to England, and it was fast becoming one of the important features in our foreign trade; but recently, however, owing to the fact that we in this country take no efficient measures to prevent the spread of infectious diseases among our stock, the British government proposes to prevent us with other countries from shipping live stock to England. A bill has been introduced in Parliament which prohibits the landing of all foreign cattle, including those from the United States, except at a port defined for that purpose by order of the council, to be called a foreign animals' wharf, and are not to be moved out of quarantine station before the expiration of such period, not less than fourteen days, as the privy council may prescribe. Stock men say if this bill becomes a law it will put an end to the exportation of live cattle from this country to England and thus destroy what was bidding fair to become an important item in our foreign traffic. Owing to the condition of our beef (dead meat) when shipped, we cannot compete successfully with the English in their market; but in the live-stock market it is different, and our stock-raisers, if not hampered by unfriendly legislation, can compete successfully. If we take steps to prevent the spread of contagion and that look to its extermination, we may hope to secure a modification of the proposed English trade regulations. Otherwise our live stock will be practically excluded and this prospect of foreign trade destroyed. This subject is one of great magnitude. Our stock-raisers and farmers have suffered immense losses from the spread of rinderpest, Texas fever, and pleuro-pneumonia. Perhaps our greatest immediate danger is from the spread of pleuro-pneumonia. The ravage of this disease is beyond calculation. It was introduced into England by the importation of a cow from Holland, and Professor Law, who has given the subject of infectious diseases among stock more attention than any man in this country, says:

Up to 1869, it is estimated that England had lost, almost exclusively from this disease, 5,549,780 head of cattle, worth £83,616,854, (say $400,000,000.) For the succeeding nine years, up to 1878, the losses have been, in the main, as extensive, so that we may set them down as now reaching at least $500,000,000 in deaths alone, without counting all the contingent expenses, of deteriorated health, loss of markets, progeny, crops, manure, &c., disinfection, quarantine, &c. With us no attempts have been made to estimate the losses, but they cannot exceed an inconsiderable fraction of those above named; and thus we have slept on in a pleasant dream of immunity.

This disease was brought to this country in 1843, and Professor Law traces it from the Brooklyn cattle-yards through a portion of New York, New Jersey, Pennsylvania, Maryland, Delaware, and Connecticut, and although this disease has been confined to the Eastern States it is gradually making its way westward, and unless steps are taken to prevent its spread and to stamp it out the loss to our farmers and stock-raisers will be simply incalculable. I put the inquiry to this House in the language in which Professor Law puts it to the country in a recent article on the subject in the National Live-Stock Journal:

Shall we learn from the disastrous experience of others, and extirpate the lung plague from the United States while it is still possible? Or shall we sit quietly by with folded hands and await the inevitable, early or late, infection of our open western stock-ranges, and then repeat, for the benefit of other nations, the already twice-told tale of a desperate and extravagant but fruitless attempt to suppress a plague which we have criminally allowed to pass beyond our control? With or without a prodigal but vain effort to crush out the poison, the results may be thus summed up: the infection of stock-yards, loading-banks, cars, and markets, and a general diffusion of the plague over the Eastern States. This would imply a national loss, by cattle disease, like that of England, but much more extensive in ratio with our greater numbers of stock. Thus England with her six million head of cattle has lost in death alone, from lung fever, in the course of forty years, over $500,000,000; we, therefore, with our twenty-eight million head, should lose not less than $2,000,000,000 in the same length of time, allowing still a wide margin for the lower average value a head in America.

Mr. ATKINS. I ask the Clerk to read section 2493 of the Revised Statutes.

The Clerk read as follows:

SEC. 2493. The importation of neat-cattle and the hides of neat-cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

The CHAIRMAN. Does the gentleman from Ohio [Mr. JONES] withdraw the formal amendment?

Mr. JONES, of Ohio. I withdraw the formal amendment; but I desire the action of the committee on the other amendment which I offered, if it is not ruled out.

The CHAIRMAN. The point of order has been sustained on that amendment.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 1790 insert the following:

And said seeds shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same.

Mr. ATKINS. That was voted down before.

Mr. MILLS. No, sir; it was voted up.

The CHAIRMAN. The Chair thinks the amendment is in order. It was put on by the committee as an amendment to another amendment.

Mr. ATKINS. And the whole was voted down.

The CHAIRMAN. But as a separate proposition this was not voted down. On the contrary, it was agreed to by the committee as an amendment to an amendment.

Mr. RIDDLE. I wish to amend the amendment of the gentleman from Texas. I ask the gentleman from Texas to accept the addition of these words:

And the reports of the Commissioner of Agriculture shall be distributed in the same way.

Mr. MILLS. That is not germane.

Mr. PAGE. I make the point of order on the amendment of the gentleman from Texas [Mr. MILLS] that it is new legislation.

The CHAIRMAN. The point of order is made too late.

Mr. BROWNE. I move, as an amendment to the amendment, to except from its operation flower-seeds; so that it will read:

And said seeds, except flower-seeds, shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same.

Mr. RIDDLE. Did the Chair rule out my amendment?

The CHAIRMAN. The gentleman asked the gentleman from Texas to accept it and the gentleman from Texas declined to accept it.

Mr. MILLS. I accept the amendment of the gentleman from Indiana, [Mr. BROWNE.]

Mr. PAGE. Now, then, the point of order is not too late. I make it against the amendment of the gentleman from Indiana, which will carry the whole thing with it.

The CHAIRMAN. The Chair thinks the amendment is germane and is in order.

The amendment, as modified, was adopted.

Mr. DUNNELL. I offer the following amendment:

Add to the amendment just adopted the following:
Provided, That no more than $7,000 of this amount shall be used in the putting up and distribution of said seeds and plants.

I think there can be no objection to that; it is a liberal proportion.

Mr. ATKINS. We only gave $5,000 last year; but I have no objection to this.

The amendment was adopted.

Mr. DUNNELL. I offer also the following amendment:

Add these words:
And provided further, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased and the date of purchase.

The amendment was adopted.

Mr. CUTLER. I offer the following amendment:

Amend line 1788 by inserting after the word "purchase" the words "for propagation;" in line 1790 strike out "$70,000" and insert "$75,000."

Mr. ATKINS. I ask for a division of that amendment.

Mr. CUTLER. Do you consent to the first portion of it?

Mr. ATKINS. Yes, sir.

The Clerk read the first portion of the amendment, as follows:

Amend line 1788 by inserting after the word "purchase" the words "for propagation;" so that it will read: "for purchase for propagation and distribution of new and valuable seeds, plants," &c.

The first portion of the amendment was adopted.

The Clerk read the second portion of the amendment, as follows:

In line 1790 strike out "$70,000" and insert "$75,000."

Mr. KEIFER. I understood the chairman of the Committee on Appropriations to state that the appropriation last year was $65,000.

Mr. CUTLER. Seventy-five thousand dollars.

Mr. KEIFER. I understand it to have been $75,000, and this appropriation would make the appropriation precisely the same as last year.

Mr. CUTLER. I offer this amendment that the appropriation may be the same as that of last year.

Mr. ATKINS. I do not object to it.

The amendment was adopted.

Mr. KEIFER. I offer the following amendment:

Insert after the word "distribution," in line 1788, the words "as required by law." Strike out of line 1788 the words "new and valuable." After the word "seeds" insert the words "trees, shrubs, vines, cuttings."

I desire just a moment in explanation of this amendment.

Mr. ATKINS. I have no objection to the amendment.

Mr. KEIFER. If the amendment is accepted by the Committee on Appropriations, then I do not desire to say anything.

Mr. SAMPSON. I desire to call the attention of the committee to the fact that this proposes to strike out of the law the provision that the Commissioner shall only distribute new and valuable seeds; that he shall expend money for the purchase and distribution of new and valuable varieties of seeds.

Mr. KEIFER. I will answer that. The bill as originally drawn uses the words "new and valuable." They are doubtless taken from section 526 of the Revised Statutes, which states it shall be the duty of the Commissioner of Agriculture to collect new and valuable seeds and plants for the purpose of testing by cultivation their value. Now, by section 527 of the Revised Statutes it is made the duty of the Department of Agriculture to purchase and distribute seeds that are rare and uncommon in the country. This bill, as drawn, would seem to change the general law on the subject and to make it the duty of the Department of Agriculture simply to distribute new seeds, not rare ones. The object of this amendment is to provide that it shall be the duty of the Department of Agriculture to purchase and distribute just such seeds as are provided for in section 527 of the Revised Statutes.

Mr. SAMPSON. The object of the amendment, then, is to make the provision more stringent than it is in the bill. In that case I have no objection to it.

Mr. KEIFER. Let me say further that an examination of section 527 of the Revised Statutes, which has been once read to-day at the Clerk's desk, will show this clause does not go far enough in another direction. It only provides, as originally drawn, for the distribution of new and valuable seeds and plants. But section 527 requires something more; that is, the purchase and propagation of trees, shrubs, vines, and cuttings. This seems to have been entirely overlooked in drawing this clause of the bill.

Mr. ATKINS. I will state that we followed the nomenclature as we found it in section 527 of the Revised Statutes.

Mr. KEIFER. Not as the bill is drawn?

Mr. ATKINS. Yes, it is.

Mr. KEIFER. I think it would absolutely exclude all trees, cuttings, &c.

Mr. ATKINS. I think the committee understands the matter and I hope we shall have a vote.

The question was put upon the amendment; and it was agreed to.

Mr. O'NEILL. I move to add to the paragraph the following:

But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same.

The question was put; and the amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For repairs of building, heating-apparatus, furniture, water and gas pipes, and new furniture, carpets, and matting, and for constructing ventilators for museum, $4,000.

Mr. ITTNER. I move to amend that paragraph by inserting, after the word "building," the words "drives and walks," and also by adding $600 to the appropriation.

I desire to say to the committee, and especially to the gentleman having charge of this bill, that some three or four weeks ago, when I visited the Agricultural Department, in a conversation which I had with Mr. Saunders, superintendent of the propagating gardens, I asked him why his drives and walks were in such a miserable condition, and he said that they received no appropriation to repair them; that the Commissioner of Agriculture had recommended to the last Congress an appropriation of $500 for this purpose, but that it was disallowed by the Committee on Appropriations.

Now, in looking over this bill I have not seen any provision for this purpose, and hence it is that I offer the amendment. As the walks now are, they are in a worse condition than they were then, and I have allowed an additional $100 for this purpose in my amendment. I hope the committee will see the propriety of granting it.

Mr. ATKINS. In the estimates made by the Commissioner there is none for the purpose, and this is the first time I have heard of it. I do not know either of any law authorizing it.

Mr. BEEBE. Would not the point of order lie against it?

The CHAIRMAN. It is too late, as the amendment has been discussed.

The question was put; and on a division there were ayes 20, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For chemicals and apparatus for the use of the microscopist, $1,500.

Mr. CUTLER. I move to amend that paragraph by inserting before the word "microscopist" the words "chemist and."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For stationery, freight and express charges, fuel, lights, subsistence and care of horses, and repair of harness and wagon, paper, twine, and gum for folding-room, and for incidental and miscellaneous items, namely, for advertising, telegraphing, dry-goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, and care of stationery, purchasing supplies, and for other necessary items, $3,000.

For postage on return letters, circulars, and miscellaneous articles, for correspondents and foreign letters, $4,000.

Mr. RIDDLE. I move to insert the following:

After the word "dollars," in line 1821, insert: "The reports of the Commissioner of Agriculture shall be apportioned to members of Congress according to the agricultural population of their respective districts."

Mr. O'NEILL. I hope that amendment will not prevail. I think it is making this distribution very exclusive.

Mr. RIDDLE. If the amendment is objected to, I withdraw it, for I suppose it is subject to a point of order.

Mr. McCOOK. It is no worse than the amendment adopted by the committee a while ago.

The Clerk resumed the reading of the bill, and read as follows:

JUDICIAL.

United States courts:

For the Chief-Justice of the Supreme Court of the United States, $10,500, and for eight associate justices, $10,000 each; in all, $90,500.

Mr. ATKINS. I am instructed by the Committee on Appropriations to offer the following, to come in as a new paragraph after the one which has just been read:

To pay the salaries of the United States judges retired under section 714 of the Revised Statutes so much as may be necessary for the fiscal year ending June 30, 1879, is hereby approved.

The amendment was agreed to.

Mr. ATKINS. I am also instructed by the committee to offer the following, to come in as a new paragraph:

For the purchase by the Librarian of Congress of new books of reference for the Supreme Court to be a part of the Library of Congress and purchased under the direction of the Chief-Justice, $3,500.

I submit as a part of my remarks a letter upon this subject which I received from the Chief-Justice. The letter is as follows:

WASHINGTON, D. C., *April* 25, 1878.

MY DEAR SIR: Inclosed is the form of an amendment to the legislative appro-

priation bill which I prepare in accordance with your suggestion yesterday. If adopted, I shall apply $1,500 to the purchase of reports for our consultation-room and $2,000 for books of reference to be kept by the justices in their own rooms. The $1,500 will enable us to fill up the sets of reports in the consultation-room. These we can control ourselves, which is to us a matter of very great importance.

The $2,000 will be divided among the justices to be expended under their direction for such books of reference as they require at their rooms.

Very respectfully, yours,

M. R. WAITE.

Hon. JOHN D. C. ATKINS, &c.

The amendment was agreed to.

Mr. LAPHAM. I would say to the gentleman that the provision in relation to the payment of retired judges made in this bill applies only to the Revised Statutes, and does not include those who have been retired by special law since that time. There was one judge eighty years of age who was retired during the last Congress by a special law. Provision should be made for the payment of those who have been retired in that manner.

Mr. ATKINS. The object of my amendment was to provide for three retired judges, two of the Court of Claims and one other.

Mr. LAPHAM. We should also provide for those judges who have been retired in pursuance of acts of Congress passed subsequent to the adoption of the Revised Statutes.

Mr. ATKINS. I will suggest to the gentleman that it would probably be better to let the matter be considered when we come to consider the sundry civil appropriation bill.

The Clerk resumed the reading of the bill, and read the following:

For salaries of the fifty-one district judges of the United States, $190,000.

Mr. FOSTER. I move to amend the paragraph just read by adding that which I send to the Clerk's desk.

The Clerk read as follows:

And section 619 of the Revised Statutes of the United States shall be amended to read as follows:

And the circuit courts of the United States shall have the appointment of their own clerks, the circuit and district judges concurring; and in case of a disagreement between the judges, the appointment shall be made by the associate justice of the Supreme Court allotted to such circuit, except in cases otherwise specially provided by law.

Mr. FOSTER. The Committee on Appropriations agree to this amendment, and unless some gentleman desires an explanation——

[Cries of "Vote!" "Vote!"]

The amendment was agreed to.

Mr. HANNA. I move to amend the paragraph just read by inserting after "$190,000" the words "$500 of which sum shall be paid to the judge of the district of Indiana in addition to the salary now fixed by law.

Mr. ATKINS. That amendment is liable to a point of order.

Mr. HANNA. I was aware when I offered it that it was subject to a point of order; but I wish to make a statement, and then I hope the Committee on Appropriations will not object to the amendment.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. ATKINS] reserve his point of order?

Mr. ATKINS. I must insist upon my point of order.

Mr. HANNA. I do not like to do anything by indirection that ought to be done by direction.

Mr. ATKINS. I will not object to the gentleman explaining the object of his amendment, but I will reserve my point of order.

Mr. HANNA. Section 554 of the Revised Statutes reads as follows:

District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: the judge of the district of California $5,000; the judge of the district of Louisiana, $4,500; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio, and the northern district of Illinois, $4,000. The judges of all other districts $3,500. No other allowance or payment shall be made to them for travel, expenses, or otherwise.

I now ask the attention of the chairman of the Committee on Appropriations to what I am about to say. The district judge in my district, the State of Indiana, forming the district, comes within the $3,500 clause. By existing law he is required not only to hold court at Indianapolis, but also at Evansville, in an extreme part of the State, and at Jeffersonville. The necessary extra expenses of travel in holding court at these two additional points more than exceed the sum of $500. As a matter of justice I ask that the salary of that judge be increased in addition to the amount allowed by law. While I admit that my amendment is subject to a point of order, I think the justice of it is so fair and reasonable, when we take into consideration the character and amount of services performed by this judge that the amendment should not be objected to.

Mr. ATKINS. If I were not to insist upon the point of order in this case, I should be met with similar propositions from all around the House. I therefore must insist upon my point of order that the proposed amendment increases salaries beyond the amount authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BACON. I move to amend the paragraph by striking out "$190,000" and inserting "$255,000." The object of that amendment is to make the salaries of these district judges $5,000 each.

Mr. ATKINS. I make the point of order on that amendment that it changes existing law and increases salary.

Mr. BACON. The law ought to be changed.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed the reading of the bill, and read the following:

For salaries of the three judges of the southern claims commission, at $4,000 each, $12,000.

Mr. HALE. I move to amend the paragraph just read by striking out "$4,000" and inserting "$5,000," and also by striking out "$12,000" and inserting "$15,000;" so as to make the salaries of the three judges of the southern claims commission $5,000 each. I hope that the gentleman in charge of this bill, the chairman of the Committee on Appropriations, will consent to this amendment. If he will do so I will say no more, for I had a great deal rather carry the amendment than make a speech on it.

Mr. ATKINS. The Committee on Appropriations duly considered this matter. This southern claims commission is not nearly as important a court as the Court of Claims; and yet the judges of the southern claims commission have been receiving a larger salary than the judges of the Court of Claims, the one receiving $5,000 each and the other $4,500.

Mr. HALE. If the chairman of the Committee on Appropriations will not consent to this amendment——

Mr. ATKINS. I cannot.

Mr. HALE. Then I will give my reasons for it. I have moved the amendment in good faith. There is no body of men in the Government that has done more faithful service than the judges of the southern claims commission. Heretofore they have received a salary of $5,000 each, and nobody has objected to it. We have now limited their term of service so that it will expire in March next.

While it is undoubtedly not the purpose of the Committee on Appropriations, yet perhaps it will be considered and properly considered by these judges that a stigma is placed upon them in the last year of their valuable services by being selected for a reduction of salary. Now, let them go on at $5,000 a year for the little time left them, and let them go out of office with the record of a court that has done well, exceedingly well.

The gentleman from Tennessee [Mr. ATKINS] says that the judges of the Court of Claims receive only $4,500 each, while the judges of the southern claims commission have been receiving $5,000 a year. Sir, the judges of the Court of Claims have life positions; they are here assuredly for life, or till seventy years of age when they are placed on the retired list. When retired they have the benefit of retired pay for the remainder of their lives. Nothing of the kind applies to the judges of the southern claims commission; they are here only temporarily. Upon an average these judges decide two thousand cases a year more than are decided by any other court I know of either of the States or of the United States. It certainly cannot be necessary at this time that we should strike at them in the last brief remnant of their official existence. I hope the committee will consent to put their salaries back, as my amendment proposes, to what it has heretofore been, so that these officers whose good services are known to you Mr. Chairman, [Mr. EDEN,] as chairman of the Committee on War Claims, and to every gentleman in this House who has had occasion to look into the subject, may continue to receive the salary which they have heretofore received. I hope that my friend, the chairman of the Committee on Appropriations, will yield the point even if the committee has not agreed to this proposition, and will let these gentlemen continue to receive what they are now receiving.

Mr. ATKINS. I would like very much indeed to accommodate my colleague on the committee, [Mr. HALE,] but the committee have duly considered this matter; they have weighed the services of the southern claims commissioners as compared with those of other judges in this city and with judges throughout the country; and we feel satisfied that a salary of $4,000 is sufficient. As this is the view of the committee, I as chairman do not feel authorized to yield the position. I call for a vote.

Mr. HALE. I am willing the vote shall be taken without further discussion.

The question being taken on the amendment of Mr. HALE, there were—ayes 65 noes 75; no quorum voting.

Tellers were ordered; and Mr. HALE and Mr. DURHAM were appointed.

The committee divided; and the tellers reported—ayes 80, noes 83.

So the amendment was not agreed to.

The Clerk read as follows:

Office of the Attorney-General:

For compensation of the Attorney-General, $8,000; Solicitor-General, $6,000; two Assistant Attorneys-General, at $5,000 each; one Assistant Attorney-General of the Post-office Department, $4,000; Solicitor of the Internal Revenue, $4,500; examiner of claims, $3,500; law clerk and examiner of titles, $2,700; chief clerk, $2,200; stenographic clerk, $1,500; one law clerk, $2,000; five clerks of class 4; additional for disbursing clerk, $200; one clerk of class 2; two clerks of class 1; five copyists; one telegraph operator, at $1,000; two assistant messengers; two pages, at $480 each; for laborers, $1,200; and watchmen, $1,200; in all, $67,700. And so much of section 348 of the Revised Statutes as provides for the appointment and payment of more than two Assistant Attorneys-General is hereby repealed, and said section is hereby so modified and amended as to prohibit the appointment and payment of more than two Assistant Attorneys-General until otherwise provided. And so much of section 349 of the Revised Statutes as provides for the appointment and payment of a salary to a "naval solicitor" is hereby repealed, and the office is abolished.

Mr. ATKINS. I move the amendment which I send to the desk.

The Clerk read as follows:

In line 1866 strike out "2" and insert "3;" in line 1878 strike out "2" wherever

it occurs and insert "1;" in line 1879 strike out the word "each;" in line 1881 strike out "$67,700" and insert $71,500;" and strike out in lines 1882 to 1888 the following:

And so much of section 348 of the Revised Statutes as provides for the appointment and payment of more than two Assistant Attorneys-General is hereby repealed, and said section is hereby so modified and amended as to prohibit the appointment and payment of more than two Assistant Attorneys-General until otherwise provided.

Mr. ATKINS. I will explain briefly the effect of this amendment. The bill as reported provides for only two Assistant Attorneys-General, while the existing law provides for three. The committee propose to restore the latter number. This is the effect of the first amendment. The other amendments refer to messengers and pages. The bill provides for two assistant messengers and two pages. We propose to amend by providing for one assistant messenger and one page. The amendment also strikes out the provision repealing so much of the Revised Statutes as provides for more than two Assistant Attorneys-General. This is designed to make the bill conform to the amendment restoring three Assistant Attorneys-General.

The amendment was agreed to.

Mr. CALDWELL, of Tennessee. I move to amend by striking out "two Assistant Attorneys-General, at $5,000 each; one Assistant Attorney-General of the Post-Office Department, $4,000;" and inserting the following:

Four Assistant Attorneys-General, one of whom shall be for the Post-Office Department, at a salary each of $4,500.

Mr. ATKINS. I raise a point of order on that amendment. It creates a new office not provided for by existing law.

Mr. CALDWELL, of Tennessee. I beg the gentleman's pardon; it does not do so.

Mr. ATKINS. Will the gentleman refer to the law on that subject?

Mr. CALDWELL, of Tennessee. Yes, sir. My amendment simply provides that the Assistant Attorney-General for the Post-Office Department shall receive the same compensation as the other Assistant Attorneys-General. At present the latter receive $5,000, while he receives but $4,000. There is no reason in the world for this discrimination. He has quite as much work to do as any of them. I propose simply to put the Assistant Attorney-General for the Post-Office Department in the same category with the other Assistant Attorneys-General and to pay him the same salary. My amendment fixes the salary of each of these officers at $4,500, so that in point of fact it makes a reduction of expenditures. It takes $1,500 from the aggregate salaries of three Assistant Attorneys-General to whom this bill proposes to give $5,000 each, and it adds $500 to the compensation of the Assistant Attorney-General for the Post-Office Department. So that the amendment makes an absolute reduction of expenditures and is not subject to a point of order.

Mr. ATKINS. I admit, after hearing the gentleman's explanation, that the amendment is not subject to a point of order. I withdraw the point. I misunderstood the effect of the amendment.

Mr. CALDWELL, of Tennessee. I send to the Clerk's desk to be read a communication addressed to the chairman of the Committee on the Post-Office and Post-Roads. This paper will give the House some idea of the arduous duties devolving upon and discharged by the Assistant Attorney-General for the Post-Office Department.

The Clerk read as follows:

SIR: The office of Assistant Attorney-General for the Post-Office Department was created by the act of Congress passed June 8, 1872. The duties of this officer consist mainly—

First. In the examination of all contracts made by the Department.

Second. The examination of all recommendations made by the Sixth Auditor for the remission of fines and penalties under section 409 of the Revised Statutes.

Third. The instructions of special agents in all matters of prosecutions for violations of postal laws.

Fourth. The examination and passing upon of all claims against the Department including claims growing out of leases, contracts for carrying the mails, and for the manufacture of stamps, envelopes, &c., and for furnishing the Department with stationery, &c.

Fifth. In advising and assisting the Department of Justice in the defense of all suits against the Government growing out of transactions with the Post-Office Department.

Sixth. In furnishing such information and imparting such instructions as will enable the several marshals and district attorneys to properly execute the postal laws.

Seventh. In passing upon all questions of mail classifications herein, of determining what is and what is not mailable, and the amount of postage chargeable for mailable matter of the several classes.

Eighth. In advising the Postmaster-General and each of the Assistant Postmasters-General on all matters touching which his advice is asked.

Something of the extent of the duties devolved upon this officer can be inferred when it is stated that over one thousand questions are annually submitted for his consideration.

The office of Assistant Attorney-General for the Post-Office Department has never received the consideration its importance demands. The questions growing out of the operations of more than thirty thousand mail-routes, the infinite variety of intricacies arising out of a Department that ramifies itself with every relation of life, industrial, social, moral, political, and religious; that permeates every neighborhood and visits every fireside; the construction of every phase of the law of contracts; the application of the many principles of criminal law growing out of almost constant perpetration of mail depredations in some form; the frequent adjustment or determination of conflicting claims arising out of the registered letter and money-order system as affected by dissolutions of partnerships, bankruptcies, insolvencies, &c.; the constant attempts to prostitute the mails to the perpetration of frauds; the shrewd and well-laid schemes by sharpers and ringsters to defraud the Department, render the duties of the officer arduous and difficult, and devolve upon him a higher degree of responsibility than that which attaches to any other law officer of the Government, the Attorney-General alone excepted.

I have the honor to be your obedient servant,

A. A. FREEMAN,
Assistant Attorney-General for the Post-Office Department.

Mr. ATKINS. I call for a vote.

Mr. FOSTER. Do I understand the chairman of the Committee on Appropriations to assent to this amendment?

Mr. ATKINS. No, sir.

The amendment was not agreed to.

Mr. HANNA. I move to amend by striking out the following clause at the end of the pending paragraph:

And so much of section 349 of the Revised Statutes as provides for the appointment and payment of a salary to a "naval solicitor" is hereby repealed, and the office is abolished.

I am somewhat at a loss to imagine any reason why this attack should be made upon the Navy Department. I call attention to section 349 of the Revised Statutes:

There shall be in the Department of Justice a Solicitor of the Treasury, an assistant Solicitor of the Treasury, a Solicitor of Internal Revenue, a naval solicitor, &c.

Now, why one of the most important Departments of the Government should be stripped of a legal adviser is beyond my comprehension. It has been my fortune to serve during this Congress upon the Committee on Naval Affairs; and being a lawyer, cases involving legal questions to some extent have been referred to me. I feel justified, therefore, in saying that if there be a Department connected with the Government that requires the aid and counsel of a sound and learned lawyer the Navy Department is such a one. What reason can be stated for abolishing this office? Do you wish to leave that Department at the mercy of those who through it may have designs upon the Government? Do you wish to take from that Department the shield of counsel, in so far as the advice of gentlemen learned in the law may be a shield? Why is this? Have you provided for detailing any assistant attorney-general who shall specially have charge of matters connected with that Department? I do not find it in this bill. I do not know myself who to-day is the solicitor of the Navy. He is no pet of mine. But I know enough to know that that Department ought to have the advice, counsel, and assistance of an attorney, if any Department connected with the Government ought to have it, and until I hear some good reason why this officer should be stricken down, why that Department should be deprived of the assistance of a solicitor, I shall move to strike it out.

Mr. ATKINS. I shall briefly state the reasons why the committee came to the conclusion to do so. In the first place this officer was created in 1862, and I believe the law creating the office provided it should not continue longer than one year after the war. I believe that is the law. The design in the creation of this office was that it was to be a temporary one. It was designed not to be a permanent one. In accordance with that idea and that legislation it has been left out of several of the appropriation bills. There has been a fight for years on this floor to keep that officer in.

Now, Mr. Chairman, it seems to me there is no good reason why this officer should not be dispensed with. It seems to me the Department of Justice is sufficient, with four assistants, already to discharge all of the duties incumbent upon that Department, including all the questions which may arise in our naval service. I see no very great amount of business which could possibly arise there, as the Navy is constantly declining.

We are in a time of peace—not at war—at peace with all the world and at peace among ourselves, and I see no reason why all the legal business which may occur or arise in the proceedings of the Navy may not be passed upon and the laws interpreted by the Department of Justice with the Attorney-General and his four assistants. This Department of Justice itself has grown up largely since the war. Before the war it was not near so expanded a Department as it is now.

Again, the gentleman speaks of designs upon the Treasury, if I understand him correctly, and that we ought to have this office for that purpose.

Mr. HANNA. I say if you wish properly to guard the Treasury why then attempt to strike out the position of solicitor of the Navy Department?

Mr. ATKINS. It seems to me the head of the Department of Justice ought to be a sufficient guard for not only the Navy but for every other Department of this Government so far as infractions of the law are concerned or interpretations of the law.

Mr. HANNA. Let me make a suggestion to the gentleman.

Mr. ATKINS. Certainly.

Mr. HANNA. It is not so much the new business requiring the attention of an attorney as it is to guard the Government against the payment of improper claims which arose during the war.

Mr. ATKINS. Does the gentleman propose to say that the Department of Justice as organized to-day exclusive of this officer is not competent to discharge that duty? Does he intend to cast any reflection on the ability or efficiency of the Department of Justice?

Mr. HANNA. Not at all.

Mr. ATKINS. Surely not. Then why is not this within their scope and power? Are they not competent to discharge all these duties? It seems to me that it is simply to keep a man in office, that is the whole of it.

I know nothing about the incumbent. He is a gentleman so far as I know. I scarcely know his name. I did not know his name until yesterday. I do not cast any reflection upon his fairness or anything connected with him in any way. I fall back upon the ground that there ought not to be a division of responsibility in this matter. The responsibility ought to rest upon one man. It ought not to be

divided among subordinates. As this gentleman stands, according to the argument of the gentleman, he is particularly charged with matters concerning the Navy. I say that responsibility ought not to be divided between the Department of Justice and any subordinates. There have been grave questions arising in this Navy Department. There have been recently large contracts, amounting to millions of dollars, made by the Navy Department—not under this Administration, but at the close of the last Administration.

Mr. HANNA. And they were promptly canceled.

Mr. ATKINS. Contracts were entered into contrary to the law—outside of the law—not authorized by existing statutes. I say the responsibility of such grave questions ought not to be given to any subordinates. They ought to be placed in the hands and under the control of the Department of Justice. That Department ought to be responsible for them and for other questions of law arising in the other Departments.

Mr. BUTLER. I move to strike out the last word of the amendment. And I desire to get the attention of the learned chairman of the Committee on Appropriations. I am not in favor of increasing expenditures and it will be seen I have not moved in that direction. I want to ask him and the House whether I understand that hereafter the Attorney-General is to have two assistants.

Mr. ATKINS. He has three.

Mr. BUTLER. Who are they?

Mr. ATKINS. The bill provides for three, as amended.

Mr. BUTLER. I wish to know what these three assistants have to do. One is before the Court of Claims all the time. We had a solicitor of claims before the war. Another has to be preparing Supreme Court cases all the time. Another has to be examining the questions which are put from the several Departments to the Attorney-General and preparing cases which are to be dealt with all over the country. Where does the Department get a force to do any more?

We come to the naval solicitor. There is one matter which the learned chairman has not taken into consideration. The naval solicitor is also judge-advocate-general of the Navy and tries all court-martial cases on behalf of the Government. Before the war attorneys were employed. Lawyers were nominated and appointed by the Secretary of the Navy for that purpose. Fees were much larger than salaries.

The naval solicitor has to examine the court-martial cases. In the Army you have got a judge-advocate-general, with five assistants, if I remember rightly—five or six assistants. Why cut off from the Navy one man only, who has to do all the naval business? I do not say whether the present incumbent of the office is the best man or the worst. That has nothing to do with this. I think him a man of very great experience. He has thirteen years' experience and was a prominent lawyer before he went there. But if he is not a good man, get another. We may lay the man out of sight.

Now I want the attention of the chairman of the Committee on Appropriations to the fact that I think his zeal brought him for the first time into a somewhat unfair argument on this question, and that is, putting the naval contracts upon the naval solicitor who has nothing to do in making them at all.

Mr. ATKINS. If the gentleman will allow me, I wish to say that I did not make any such remark as that. I said where such important contracts are being let the Attorney-General should revise them, and not a subordinate officer.

Mr. BUTLER. Ah! The Attorney-General has not to decide about contracts except to know if they are legal in form, and if the Solicitor of the Treasury wants to make one that is not legal he will not send it to the Attorney-General. I supposed my friend, when he spoke of these contracts, mentioned the Navy solicitor. The naval solicitor is not in any way responsible.

But there ought to be a solicitor of the Navy Department. The naval officers, of all men on earth, have the least acquaintance with law and legal proceedings.

Mr. HARRIS, of Massachusetts, obtained the floor and yielded his time to Mr. BUTLER.

Mr. BUTLER. I will avail myself of the courtesy of my colleague to add a sentence or two. Of all the people in the world, officers in the Navy have the least acquaintance with legal proceedings, and they have to do with great questions of international law. They need advice from home and they need advice after they get home. All that is referred to the naval solicitor, and it would be a great saving to this Government, in my judgment, to have that office continued.

I agree before the war there was no naval solicitor, so called, but there were a dozed naval solicitors employed and paid for, and if my friend will go and examine the accounts of the Navy Department before the war he will find it was a measure of economy to appoint a naval solicitor, and I do not see why that office should be stricken down. Why not strike that down in the War Department? There you would save eight or ten times as much. I am not in favor of striking that down. I only wish to call the attention of the committee to the fact that it is proposed here to take away from those who have to deal with questions of international law all over the world their opportunity of receiving legal advice. You say send those questions to the Department of Justice. Well, you cut that down and the Department of Justice cannot grapple with all the questions in the world.

Mr. ATKINS. We have not cut that down.

Mr. BUTLER. Many of those questions have to be decided on the spot. More than that, if you strike out this man you will pay next year four dollars for one, for gentlemen learned in the law as judge-advocates for court-martials in the Navy and for somebody to deal with the revising of the decisions to see if they are legal. Therefore, if this were a motion to strike out the officer I should oppose it as not being in the interest of economy.

Now deal with the office, gentlemen, deal with the necessity for such an officer; do not deal with the man. And do not raise a cry that the Navy is the most corrupt of all corrupt institutions. I do not want that discussed now. When the report of the learned chairman of the Committee on Naval Affairs comes in, he and I will give such views to the House upon that as may seem to us just and proper; but now I am on the question of a lawyer for the Navy Department and no other.

Mr. WHITTHORNE. I very heartily support the recommendation made by the committee; and in giving my reasons for it I beg to state that I favor that kind of economy which shall abolish useless and unnecessary officers rather than contract the salaries.

Now, of what earthly use is the naval solicitor to the Navy Department? He is not, I will say to my learned friend from Massachusetts, the judge-advocate for the court-martials distributed throughout the country. He is nothing but a simple reviewing officer of the court-martials of the country.

Mr. BUTLER. I have known him try cases before court-martials in San Francisco, in Boston, and in New York, and I do not know in what other places; but I know that much of my own personal knowledge.

Mr. WHITTHORNE. The other places the gentleman does not know are the most familiar places; that is to say, that officer is occupied at those other places rather than at Boston, San Francisco, and New York.

Now, during the whole period of time that I have been connected with the Committee on Naval Affairs of this House I have seen but little of the labor of this officer, and what little I have seen is not such as to commend to my judgment the office or the officer. It has been stated, Mr. Chairman, that this officer was necessary, first, for the purpose of reviewing the proceedings of court-martials and, second, for the purpose of reviewing contracts. Now, may I appeal to the sympathy and respect which I know my friend from Massachusetts has for the last administration of the Navy Department if not its present administration, and ask him to remember when that distinguished officer of the Government came to consult upon a legal question he did not consult the naval solicitor but the Attorney-General, Mr. Taft, and sought his opinion and his advice?

That may be to the credit of the present solicitor, but I appeal to the gentleman if it is not his experience and I ask every member of the House if it is not his experience that the so-called assistant solicitors in the Departments are but a mere convenience to those Departments when they want favorable opinions upon jobs or something of that kind.

Sir, in the distribution of the powers of the Government you have created, independent of the Treasury Department, the Navy Department, the War Department, or the other Departments, a judicial office. It is that Department, so to speak, that directs the legal mind of the Executive and controls the legal discretion of the Executive. It is an office known to the law; it is an office to be consulted by the Executive in all its branches; it was an outgrowth of the war.

When these offices of solicitors of the different Departments were made they were supposed to be necessary on account of the accumulation of business in the various Departments. That has passed away, and there is less business done in the Navy Department now than was done before the war. There are no more contracts there or court-martials there now than there were prior to the war, but there is the same amount of expenditure there, and it has a much greater amount now than was expended prior to the war.

The Department got along then without this office. It has been said by the gentleman from Massachusetts [Mr. BUTLER] that private individuals were employed to do this service. I submit that we have not escaped that thing even when we have a solicitor in office, and we cannot get away from that practice until we put the pruning-knife in at some other point than this. For one I deem it an unnecessary and useless office, a mere sinecure, and I am glad my friends on the Committee on Appropriations are abolishing these unnecessary offices.

[Here the hammer fell.]

Mr. BUTLER. I withdraw my formal amendment.

Mr. HARRIS, of Massachusetts. I renew the amendment. I desire to ask the Committee on Appropriations if they have not in their possession letters or communications from the Attorney-General and from the Secretary of the Navy, both protesting that this office should not be abolished and assigning the reasons why the office should be continued.

Mr. ATKINS. Oh, yes; we have got letters upon all subjects.

Mr. HARRIS, of Massachusetts. I expect, then, before this debate closes, some of the reasons which are assigned by the Attorney-General to the Secretary of the Navy for the continuation of this office will be laid before the House.

In my experience as a member of the Committee on Naval Affairs, more than once long and exhaustive opinions of this officer have been

sent to the committee for their examination, and I believe I may say that in all those cases the opinions manifested much labor, much study, and undoubted ability.

When I was at the Navy Department, a few weeks since, the Secretary of the Navy had lying upon his table the minutes of a naval court-martial, covering over one hundred pages of manuscript, and he said to me that it was impossible for him as Secretary of the Navy to investigate carefully and thoroughly such a mass of papers as that in order to render a just opinion upon the case; that without the aid of a solicitor of the Navy the work could not be properly done in his Department. Now, these things occur daily. I do not think any gentleman will rise in his place on this floor and say that the naval solicitor is not employed profitably to the Government every day in the year. Look at the contracts, involving hundreds of thousands of dollars. The very form requires some one of legal skill and ability. Shall the Secretary of the Navy be required to send to the Attorney-General for all the ordinary legal matters in his Department? Why not give him an accomplished officer at his elbow whose attention he can command at any moment?

Mr. DURHAM. I desire to ask the gentleman one question.

Mr. HARRIS, of Massachusetts. I will hear it.

Mr. DURHAM. Is it not true that clerks draw up all of these contracts?

Mr. HARRIS, of Massachusetts. I know of no clerk in the Navy Department who is competent to pass on a contract when it is drawn or to dictate a contract covering hundreds of thousands of dollars.

Now when remarks are made about the responsibility of the solicitor of the Navy for contracts it seems to me out of place. He only draws up the agreements and contracts which the Secretary of the Navy has determined upon, and it is certainly important that the contract, whatever it may be, should be drawn up by a competent legal officer or at least supervised or dictated by him. It must be seen that he performs very important duties, and when the Secretary of the Navy deems the services of such an officer almost indispensable to his Department I hope the office will not be abolished while the facts concerning it which came from the Departments are kept from the House.

Mr. ATKINS. I will say to the gentleman from Massachusetts [Mr. HARRIS] that I sent to the committee-room for the letters and have no objection to their being read; I do not desire to suppress anything. I hope the gentleman will retract his insinuation, for I have no desire to keep anything from the House.

Mr. HANNA. But a few words in addition to what I have already said. Even if the Secretary of the Navy or the Attorney-General himself had not said to the House or to the Committee on Appropriations that a solicitor for the Navy Department was necessary, if the Secretary of the Navy was to come here and say that he could get along without such an officer, as a lawyer, from my knowledge of that Department, so far as it has come under my observation in the committee-room in the investigation of contracts and claims, I undertake to say that in the interest of economy that Department ought to have a special officer, an attorney for the Department.

And I want to make one further suggestion. As members of Congress we are forced to stand up here to-day and make the humiliating confession that we are practically without a Navy, and in the next five years we of necessity must commence to build a Navy. That involves the making of contracts. Now there is no lawyer upon this floor who does not know full well that there will be a saving to the Government of thousands of dollars in having those contracts subjected to the scrutinizing eyes and judgment of a competent lawyer. Even in that regard you would save more than would pay the $3,500 salary of this officer.

Mr. ATKINS. Why not subject the contracts to the inspection of the Attorney-General himself or to some one he may designate?

Mr. HANNA. My friend from Massachusetts has already advised the House as to the duty of this special officer. And you and I know that there are to-day more cases pending before the Supreme Court of the United States in which the United States is interested and more cases in course of preparation to go into that court than any one man can attend to. Then why talk to me in this way, when you and I as lawyers know that fact?

My friend from Kentucky [Mr. DURHAM] talks about clerks writing contracts. It is to avoid those gimlet-hole savings and bung-hole wastings that I say it is necessary to have a competent lawyer to attend to these things. It is in the interest of economy to have it. And now of all other times in the history of this country is it necessary to have a competent lawyer to supervise the contracts of the Navy Department. There can be no question as to that. Talk to me of a mere clerk writing a contract involving millions of dollars! I say again contracts of that character ought to be subjected to the scrutiny of the best legal minds of the country. By existing law you pay the solicitor of the internal revenue $5,000 a year. Will gentlemen tell me that the Department of Internal Revenue is more important than the Navy Department, a Department upon which we may sooner or later be compelled to rely for the defense of our flag? I say, then, away with that kind of economy, because it is a bung-hole wasting process, of which we have had enough.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DURHAM. My friend from Indiana [Mr. HANNA] like myself always speaks very earnestly, more especially where a Cabinet officer living in his own State is concerned. The gentleman speaks of my saying the clerks in the Navy Department write and draw contracts. Now I put the question to the gentleman, if he does not know that they do it?

Mr. HANNA. A clerk in the Department?

Mr. DURHAM. You profess to be familiar with the process of business in that Department. I put the question to you whether or not the clerks in the Department do not draw contracts?

Mr. HANNA. When the gentleman asks me whether a clerk draws a contract for the building of ships, and his judgment is the judgment of the Navy Department, I tell him "no."

Mr. DURHAM. That is not answering my question. I knew I would drive the gentleman into his hole before I was done with him. He cannot deny the interrogatory I put to him. I will ask him another question, as he professes to be so very familiar with this matter; if in all the investigations of these contracts which have taken place during the past year the present solicitor of the Navy Department has ever overlooked one of them?

Mr. HANNA. Although I do not know the present solicitor and do not care about him personally, I have examined document after document and contract after contract written by him.

Mr. DURHAM. That is all very true; but you have not answered my question,

Mr. HANNA. What is the question?

Mr. DURHAM. I am authorized to say that the records of that investigation will show that not one single one of these contracts was ever subjected to the supervision of the solicitor of the Navy Department.

Mr. HANNA. Oh, when you talk——

Mr. DURHAM. Hold on; it is my turn now. You were talking about the importance of this officer. When these five millions of spurious contracts were foisted upon the country your naval solicitor never supervised one of them. And you call that a bung-hole operation.

Mr. BUTLER. Is it not to his credit that he never supervised one of them?

Mr. DURHAM. Ay; and perhaps if he had done so these five millions of spurious contracts never would have been foisted upon the Government.

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to ask him one question?

Mr. DURHAM. Wait a moment; not to be taken out of my time.

The CHAIRMAN. It must be taken out of the gentleman's time.

Mr. DURHAM. Then I cannot yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DURHAM. My time is not out and I want to say a word further. My friend from Indiana [Mr. HANNA] talks as if there were no other legal mind in the country than the solicitor of the Navy Department. Why, sir, where is the Attorney-General with all his force? Why cannot he supervise matters of this sort? I will say to the credit of the present head of that Department that I would rather have his supervision of these matters than that of the naval solicitor. I think it probable that when we get at the very bottom facts of this matter we shall find that when these things are looked into by the clerks or other subordinates and briefs made out by them the head of that Department together with the Attorney-General is competent to supervise them.

Mr. HARRIS, of Massachusetts. Has the gentleman ever known a contract which the present solicitor of the Navy Department supervised which has been defective in form or in any way at fault?

Mr. DURHAM. I presume the trouble is that he has not made the supervision.

Mr. HARRIS, of Massachusetts. I ask whether any contract drawn or supervised by him has proved faulty or defective?

Mr. DURHAM. I do not know. I put the question to you gentlemen on the Naval Committee.

Mr. HARRIS, of Massachusetts. I want an answer. I desire to know whether this solicitor in discharging his duties has not done so faithfully and according to law?

Mr. DURHAM. What was he doing if he did not supervise these contracts? You say that it is his duty; and yet it is admitted that of all these contracts, involving $5,000,000, your present naval solicitor never supervised one.

Mr. HARRIS, of Massachusetts. Was any one of those contracts illegal? [Cries of "Vote!" "Vote!"]

The *pro forma* amendment being withdrawn, the question recurred on the amendment of Mr. HANNA; which was not agreed to, there being—ayes 58, noes 92.

The Clerk read as follows:

For law and miscellaneous books for office of the Solicitor of the Treasury, $500.

Mr. CALDWELL, of Tennessee. I move to amend by inserting after the paragraph just read the following:

For law and miscellaneous books for office of Assistant Attorney-General for the Post-Office Department, $500.

Mr. DURHAM. I raise the point of order on this amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. DURHAM. It is that there is no law authorizing this expenditure. The amendment proposes to enact a new provision of law for the purpose of creating a library.

Mr. CALDWELL, of Tennessee. I will ask my friend whether there is any law authorizing a library for the Attorney-General of the United States?

Mr. DURHAM. There is.

Mr. CALDWELL, of Tennessee. This officer is an assistant of the Attorney-General; his office is in the Post-Office Department; he is there without any library. The question is whether he shall have one or not.

The CHAIRMAN. In the opinion of the Chair time will be saved by waiving the point of order and submitting the amendment to the House.

Mr. CALDWELL, of Tennessee. I have a letter from the Postmaster-General in which he says that this appropriation ought to be made. Now, I appeal to my colleague, the chairman of the Committee on Appropriations, to grant this library to this assistant of the Postmaster-General. He ought to do it because the Postmaster-General asks it. The Post-Office Department is the only Department that our side has in this Government. [Laughter.]

Mr. ATKINS. Heaven save the mark.

Mr. CALDWELL, of Tennessee. We have a great many able republicans in our State; but the President was kind enough to select for this Cabinet position one of our best democrats. I think we ought to treat him with some degree of liberality. He asks this House to give him the miserable pittance of $500 for a library for his Assistant Attorney-General, a man who has to decide a thousand very important cases every year. I hope that the Committee on Appropriations will withdraw their objection and let this little appropriation be made for the benefit of this democratic branch of the Government. [Laughter.]

Mr. BUTLER. If the Navy Department does not want any law, why does the Post-Office Department want any library, except for the reason that the solicitor comes from Tennessee? [Laughter.]

The amendment was not agreed to.

The Clerk read as follows:

For rent of the four floors of the building occupied by the Department of Justice, $14,000.

Mr. YOUNG. I move to amend by striking out "$14,000" and inserting "$8,000." I do not know whether or not the Committee on Appropriations have investigated this matter; but I am a member of a committee that has had it under consideration and I am of opinion that $14,000 for rent is certainly most exorbitant. No individual engaged in any sort of private business in the city of Washington would give half this rent for the building. It was offered a short time ago for sale and the highest price offered for it was about $125,000. The Department of Justice occupies only the four upper floors, the basement and first floor being used for other purposes. Eight thousand dollars for the part of the building used by the Government is an ample rent, more I believe than it is actually worth and more than it could be rented for to be used for any other purpose. Abuses of this sort have existed long enough and ought to be corrected at once. I see no reason why the Government should pay more rent than private individuals would have to pay for the same property. I therefore ask my colleague, the chairman of the Committee on Appropriations, to accept the amendment I offer. We had as well commence a needed reform now.

Mr. ATKINS. In reply to my colleague [Mr. YOUNG] I will say that I think the rents paid by the Government are very high; and the Committee on Appropriations have done their very best to cut them down, but it has been almost a matter of impossibility. The building occupied by the Department of Justice belongs to the Freedman's Bank. There has been a proposition to sell it to the Government. That proposition was submitted to the committee of which my colleague [Mr. YOUNG] is a member and the gentleman from Georgia, I believe, chairman. They declined to recommend its purchase. Our committee considered it. We turned it over to the Committee on Public Buildings and Grounds. There are various estimates placed on the building. I will say that it is very likely, as this building belongs to the Freedman's Bank and belongs to the freedmen—it is very likely, I say, that the committee rather yielded a large rent on that account.

Mr. HAYES. Is there any contract for any length of time?

Mr. ATKINS. Only for a year at a time.

Mr. HAYES. I am in favor of the gentleman's amendment; I think it is abundant. I feel that we are paying an exorbitant rent.

Mr. ATKINS. I think my colleague is cutting down too low.

Mr. YOUNG. I put it $2,000 more than I thought it was worth when I put it at $8,000.

Mr. FINLEY. I move to put it at $6,000; that is a sufficient rent for four floors in this building, which are all that are used by the Government.

Mr. YOUNG. And they are the upper floors.

Mr. FINLEY. Yes, sir; upper floors. I suggest that $6,000 ought to be ample and sufficient rent for their use. There is no reason in the world why the rent should be more than that. Private individuals certainly would not pay a cent more rent than that.

Mr. ATKINS. I must say to my colleague that I believe he is too radical in his reduction. It is cutting down the rent too low for so large and commodious a building when it is proposed to cut it down to $8,000 a year.

Mr. YOUNG. I think $8,000 is a very high rent for this building.

Mr. ATKINS. Make it $10,000. I do not think the gentleman should insist upon his amendment in view of the facts I have stated. As the building belongs to the freedmen I do not think we ought to insist on requiring them to accept a smaller rental.

Mr. YOUNG. One word in reply to my colleague. I think from the former management of that institution it is a matter of grave doubt whether the amount of rent paid by the Government will increase the fund which will go for the benefit of the freedmen.

Mr. ATKINS. If honestly administered it will.

Mr. LATHROP. I wish to ask a question. Is it not a fact that this $14,000 covers the heating, lighting, and care of the building?

Mr. ATKINS. Nothing but the rent.

Mr. LATHROP. Does it not cover the warming of the building as well?

Mr. ATKINS. I hope my colleague will consent to make his amendment $10,000.

Mr. YOUNG. If I do it will be against my judgment.

Mr. ATKINS. My colleague accepts my suggestion.

Mr. BANNING. How much is this building worth? I understand it is only worth $75,000.

Mr. DURHAM. There are various estimates from $150,000 to $250,000.

Mr. BANNING. If it is worth even $100,000, $6,000 is a very good investment of the money.

Mr. RICE, of Ohio. How much could the building be put up for now?

Mr. DURHAM. Colonel Casey made an estimate of some $169,000.

Mr. FINLEY. That is what it cost?

Mr. DURHAM. Yes, sir.

Mr. BANNING. We use only four rooms of the building.

Mr. ATKINS. I believe my colleague consents to make it $10,000.

Mr. YOUNG. I do that in deference to my colleague's judgment and not my own.

Mr. FINLEY. I insist on my amendment to reduce the rent to $6,000.

The question recurred on Mr. FINLEY's amendment to the amendment.

The committee divided; and there were—ayes 35, noes, 96.

So the amendment was rejected.

Mr. BANNING. I move to make it $7,000.

Mr. WILSON. No; make it $8,000.

The CHAIRMAN. That is the pending amendment.

Mr. ATKINS. It used to be $17,000.

Mr. RICE, of Ohio. That was three times more than it was worth.

Mr. BANNING. I should like to say a word about my amendment. This whole building is worth only from $75,000 to $100,000. If, however, it is worth $150,000, $8,000 is certainly a large rent for these upper floors. The Government does not occupy the lower portion of the building at all. Six thousand dollars is as much rent as the Government ought to pay for the floors it occupies. [Cries of "Vote!" "Vote!"]

Mr. FOSTER. The contract price for the rent of these rooms has been $17,000.

Mr. RICE, of Ohio. It was entirely too much.

Mr. FOSTER. It was cut down under the leadership of the gentleman from Pennsylvania two years ago, and it is creditable to his head and heart and the heads and hearts of the gentlemen comprising the committee now that they allow the poor people owning this building a reasonable compensation for its use.

Mr. BANNING. May I ask the gentleman a question? I would like to ask my colleague if, in his opinion, $8,000 is not a good compensation in these times for the use of these rooms?

Mr. FOSTER. No, sir; I think not. The building and grounds are worth probably $200,000 or $225,000—somewhere thereabout. The building and grounds were once estimated at a good deal more. The estimate given by the gentleman from Kentucky [Mr. DURHAM] was for the building only. The ground is very valuable in that neighborhood.

Mr. BANNING. Does the gentleman believe the building and ground would sell to-day for $150,000?

Mr. FOSTER. I do not know anything about that. But I wish to say, and I rose for the purpose of saying, that this building is owned by very poor people——

Mr. FINLEY. Who are they?

Mr. FOSTER. The depositors in the Freedmen's Bank.

Mr. FINLEY. Who have charge of it?

Mr. FOSTER. It is in charge of a commission or trustees for their benefit. The concern is bankrupt. The property belongs to these poor people who were depositors in the Freedmen's Bank; and it is creditable to the head and heart of the chairman of the Committee on Appropriations, and it would be creditable to this House to agree to the proposition to pay a liberal rent instead of haggling over the question whether $8,000 or $10,000 is a sufficient sum.

Mr. BANNING. Does the gentleman believe the freedmen will ever get one dollar of this? [Cries of "Vote!" "Vote."]

Mr. SOUTHARD. I move to strike out the last word.

The CHAIRMAN. That is not in order. There is already an amendment pending to the amendment. The question is on the amendment offered by the gentleman from Ohio [Mr. BANNING] to the amend-

ment of the gentleman from Tennessee [Mr. YOUNG] to strike out "$10,000" and insert "$8,000."

The question being taken, there were—ayes 54, noes 100.

So the amendment to the amendment was not agreed to.

Mr. YOUNG. I move now to amend by inserting $9,000, in order to have an opportunity to say a word to the House in explanation of my course in reference to this matter.

I am perhaps just as anxious that the freedmen should have all that justly belongs to them as the gentleman from Ohio [Mr. FOSTER] or any other gentleman in this House; and if I was assured that the money would be honestly and fairly appropriated to the discharge of the debt due them, I would most willingly join the gentleman from Ohio in any lawful effort to provide a fund for that purpose.

If the payment of this extravagant rent is intended as an act of national munificence to the defrauded freedmen on the part of this Government, why, let gentlemen say so and then I may act with them. If the Government owes the freedmen anything, I am willing to vote every dollar necessary to discharge the indebtedness. If it is the purpose of the gentleman from Ohio [Mr. FOSTER] and of the chairman of the Committee on Appropriations to do a humane and charitable act for the freedmen, I will most heartily and cheerfully co-operate with them. But I know of no reason why this Government should make an appropriation to pay the losses sustained by the failure of the Freedmen's Bank more than for any other bank that may have failed. It is no more sacred, as far as I am aware, than any other claim of similar character.

If the gentleman from Ohio will submit the proposition fairly and distinctly for this Government to reimburse these unfortunate people all they have been robbed of, and show me any legal warrant for such action, I will support the proposition as heartily and as cheerfully as he will. But if that is not the purpose; if it is the purpose alone to fix a fair and just compensation for the rent of this property, I suggest to my friend from Ohio that it would be better and more creditable to argue it from a different stand-point.

If the object of the Committee on Appropriations is to determine what is a fair rent for this building, I beg to say that the amendment I first offered, in my judgment, and in the judgment of many men competent to determine that question with whom I have consulted, provides an ample rent for all that part of the building occupied by the Government. If I were to consent to a greater sum I should do so in deference to the judgment of my colleague, [Mr. ATKINS,] and not because I believe it is worth it.

Mr. CHALMERS. The gentleman from Tennessee [Mr. YOUNG] remarked that he saw no reason why the Government should pay this debt to these people. I propose to tell him why they should pay it. Through my district circular after circular was sent to these ignorant people telling them that if they would deposit their little earnings which they had acquired by hard labor in the Freedman's Bank the security would be as good as the Government itself; that the Government was bound for it. Under these promises they made the deposits; the sewing-women, the boys that earn nickels by blacking boots, all the freedmen in all parts of my district put their little savings in this bank in the belief that they would be held sacredly for them by the Government.

The money was lost; and I say the Government is bound in honor if not in law to make it good to these people. Much has been said about the repudiation by Mississippi of the Union Bank bonds in times past. The constitution of Mississippi prohibited any debt being contracted except by two successive Legislatures; and when a debt was contracted by white men who loaned money to the Union Bank under a law professing to bind the State, but passed by only one Legislature and therefore not authorized by the constitution, that State was denounced because she would not pay that debt. I say this Government is more a repudiator to these freedmen than Mississippi was in reference to those who loaned their money to the Union Bank of Mississippi when it was not loaned under authority of law.

The proper course to have been adopted, in my judgment, was that the Committee on Appropriations should have recommended the appropriation of money enough to pay for that building precisely the sum which it cost these people when they put their money into it, and I introduced a bill for that purpose. That much, at least, the Government should do as an act of justice and good faith to men made citizens by their act, men who had no education, men who trusted the Government, men who believed the declaration made by a man wearing a blue coat was as sacred as that of the Government itself. They trusted the Government and the Government should respond to their trust.

On this point I quote the testimony of Anson M. Sperry, who has been in the continuous service of the bank since its organization in various capacities, among others as its inspector from 1871 to 1874, a most intelligent and, in my judgment, reliable witness:

> Question. Do you know whether at Vicksburgh or any other branch the inducement was held out to depositors to deposit in that bank because it was a Government institution?
>
> Answer. I think it was.
>
> Q. That inducement was made to induce persons to deposit; that it was a Government institution and that the Government was bound to the depositors?
>
> A. Yes; I cannot say specially at Vicksburgh, though I think that that foolish policy was adopted there.
>
> Q. Did they not represent that the deposits made by individuals would be guaranteed by the Government of the United States?
>
> A. I think they did, but I will qualify my answer by saying that I am not certain as to Vicksburgh; though I think so. But of this I am certain, that you will find on many of the pass-books of the New York branch these words, in English, French, and German: "The Government of the United States has made this bank perfectly safe."
>
> Q. You say that that will be found on many of the pass-books?
>
> A. Yes. I wanted to raise this question before the committee because it is important, and it relates to the history of the institution. I do not think our more judicious cashiers ever adopted that phrase.

True, the "more judicious cashiers" never did adopt that phrase, but a little pamphlet was prepared containing the charter and by-laws of the bank and distributed among the freedmen, which contained this statement:

> The whole institution is under the charter of Congress, and received the commendation and countenance of the President, Abraham Lincoln. One of the last official acts of his valued life was the signing of the bill which gave legal existence to the bank.

It needed only a reference to the martyr-President who had signed the act of emancipation to inspire the utmost confidence. Everything that the wits of these people, sharpened by the whettings of their infernal avarice, could suggest was resorted to for the purpose of drawing money from the freedmen's pockets. The "Christian soldier," General Howard, was then loud in his professions of love for the negroes, and his certificate was sent out as follows:

> I consider the Freedman's Savings and Trust Company to be greatly needed by the colored people and have welcomed it as an auxiliary to the Freedman's Bureau.
>
> O. O. HOWARD,
> *Major-General.*

The colored people were entreated to practice industry and frugality. It was a matter of importance to put these appeals in a form that would attract and carry conviction to their uneducated minds, and hence this rhyme, the poetry of which is no better than the morality of its authors:

> 'Tis little by little the bee fills her cell;
> And little by little a man sinks a well;
> 'Tis little by little a bird builds her nest;
> By littles a forest in verdure is drest;
> 'Tis little by little great volumes are made;
> By littles a mountain or levels are made;
> 'Tis little by little an ocean is filled;
> And little by little a city we build;
> 'Tis little by little an ant gets her store;
> Every little we add to a little makes more;
> Step by step we walk miles, and we sew stitch by stitch;
> Word by word we read books, cent by cent we grow rich.

It turns out that these lessons of industry and frugality were taught to the negroes so that the managers of the bank at Washington might live in laziness and luxury on the proceeds of their labor and "grow rich" upon the "cent by cent" saved by the self-denial of the freedmen.

Mr. YOUNG. I desire to say a word or two in reply to the gentleman from Mississippi. [Loud cries of "Vote!" "Vote!" and "Go on!"] I only want to talk about two minutes. [Renewed cries of "Vote!" "Vote!" and "Let him be heard!"]

Mr. ATKINS. I hope the House will hear my colleague; he rarely speaks, and when he does he always speaks to the point.

The CHAIRMAN. Is there objection to allowing the gentleman from Tennessee [Mr. YOUNG] to occupy the floor for two minutes? The Chair hears none.

Mr. YOUNG. I should make no reply to the gentleman from Mississippi if his remarks were not calculated to place me in a false attitude before the House. I am willing to give him all the credit he is entitled to or deserves for his admirable stump speech, but do not want him to have it at my expense. I give him full credit for his philanthropic interest in the well-being of the freedmen. I know that it is entirely disinterested and springs from pure goodness of heart, being in no way influenced by the fact that he has in his district a majority of 8,000 colored voters. [Laughter.] As another evidence of the unselfish motives which prompted his eloquent declamation I may mention the fact that there are not a dozen men in his district who ever had a dollar in the Freedman's Bank. [Laughter.] So he can have no concern about any losses his constituents may have sustained.

His district adjoins my own, and is only a little way below it on the river, and if any of his constituents ever deposited any money in the Freedman's Bank such deposit would have been made in the branch of that institution located in the city of Memphis where I live; but I took occasion a few days since to examine the books of that branch and did not find that a single one of his constituents had ever had a dollar in it. So all he manages to get out of it for them will be a clear gain. [Great laughter and applause.]

Mr. CHALMERS. I know that the gentleman from Tennessee [Mr. YOUNG] thinks that the sun rises and sets in Memphis, and that there is no other place on the face of God's green earth where the freedman could have deposited their money. But let me tell him that there are some banks in Mississippi, and that the ten per cent. now due on freedmen's deposits in the banks at Vicksburgh and Natchez alone amount to over $10,000.

The gentleman says that my constituents are poor, and that they do not own any money, and that I have a large majority of colored people in my district. I never heard it before asserted in the American Congress that it was a disgrace to a man to be poor. [Laughter.] I admit that I represent a majority of colored population; but, sir, I

have made democrats of them, and they sent me here to represent them, and I intend to represent them honestly, fairly, and fully, whether they are rich or poor. My colored constituents, sir, are poor but honest men. [Laughter and applause.]

Mr. ATKINS. I hope we shall have a vote now.

The question was put upon the amendment to strike out $14,000 and to insert $7,000, and it was not agreed to.

The question recurred upon the amendment of Mr. YOUNG, to strike out $14,000 and to insert $10,000; so that it would read:

For rent of the four floors of the building occupied by the Department of Justice, $10,000.

The question was put; and upon a division there were ayes 122, noes not counted.

So the amendment was agreed to.

Mr. FOSTER. I give notice that I shall ask a vote upon that amendment in the House.

The Clerk resumed the reading of the bill, and read as follows:

Court of Claims:

For salaries of five judges of the Court of Claims, at $4,500 each; chief clerk, $3,000; one assistant clerk, $2,000; bailiff, $1,500; and messenger thereof; in all $29,840.

Mr. WILLIS, of Kentucky. I offer the following amendment:

After line 1920 insert the following:

And it is hereby provided that in apportioning appointments as provided for in the "Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, the apportionment shall be so made that the clerical force in each Department shall be made equal among the several States and Territories, according to population, and hereafter no such appointment shall be made from any State or Territory which is in excess until an equal distribution of said force is secured.

Mr. FOSTER. That is new legislation and is not in the interest of economy. I make the point of order upon it.

Mr. BAKER, of Indiana. Is the amendment pending now?

The CHAIRMAN. The point of order is made upon the amendment by the gentleman from Ohio, [Mr. FOSTER.]

Mr. BAKER, of Indiana. If the amendment is held to be in order, I desire to offer an amendment to the amendment.

Mr. WILLIS, of Kentucky. I ask the Clerk to read from the law of 1875 the part which I have marked.

The Clerk read as follows:

That on and after January 1, 1876, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the Union, the Territories, and the District of Columbia according to the population.

Mr. WILLIS, of Kentucky. The only remark I have to make is that my amendment is in accordance with existing law; it is merely explanatory of the law as it now stands.

The CHAIRMAN. The old law applies only to one Department; the amendment of the gentleman, as the Chair understands it, applies to all the Departments.

Mr. WILLIS, of Kentucky. That is so.

The CHAIRMAN. In the opinion of the Chair that would be a change of existing law. The Chair therefore rules that the point of order is well taken, and the amendment is not in order.

The Clerk read the following:

For stationery, books, fuel, labor, postage, and other contingent and miscellaneous expenses, $2,000; for reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the twelfth volume of the reports of the Court of Claims, to be paid on the order of the court, $1,000; in all, $3,000.

Mr. ATKINS. I move to amend the paragraph just read by striking out the word "twelfth," before the word "volume," and inserting the word "thirteenth." It is merely a verbal correction.

The amendment was agreed to.

The Clerk then resumed and concluded the reading of the bill.

Mr. FOSTER. I ask unanimous consent to recur to page 7, line 150, of the bill, where I think an amendment is necessary. I move to strike out the words "during the session," after the words "and one page," in the paragraph relating to the force of the office of the Clerk of the House.

Mr. ATKINS. I have no objection to that.

There being no objection, the amendment was agreed to.

Mr. FOSTER. I have also another matter to which I wish to call the attention of the committee; that is, the compensation of the librarian of the Patent Office. The Committee of the Whole raised the compensation to $1,800; the Committee on Appropriations have consented to increase it to $2,000. I therefore move, in line 1527 of the bill, to change the salary of the librarian of the Patent Office from $1,800 to $2,000.

The motion was agreed to.

Mr. ATKINS. I ask unanimous consent of the House to recur to the paragraph in relation to the Department of the Interior. I move an amendment providing a clerk in the office of the Assistant Attorney-General of the Interior Department. I am assured by the officers of the Interior Department that such a clerk is absolutely necessary. I therefore move to insert in line 1413 the words "one law clerk in the office of the Assistant Attorney-General of the Interior Department, $2,250."

There being no objection, the amendment was agreed to.

Mr. ATKINS. I now ask that the committee recur to page 37 to a paragraph and pending amendment which were passed over the other day by agreement.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

For contingent expenses of the United States mints and assay offices, namely: For specimens of coins, to be expended under the direction of the Secretary of the Treasury, $200; for books, balances, and weights, and other incidental expenses, $800. And refining and parting of bullion shall be carried on at the mints of the United States and at the assay office at New York. And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law so far as may be necessary to the defraying in full of the expenses thereof, including labor, materials, and waatage; but no part of the moneys otherwise appropriated for the support of the mints and the assay office at New York shall be used to defray the expenses of refining and parting bullion.

The CHAIRMAN. The Clerk will now read the proposed amendment.

The Clerk read the amendment; which was to add to the paragraph the following:

Provided, The Secretary of the Treasury be, and he is hereby, authorized to constitute any superintendent or assayer of any mint or assay office an assistant treasurer of the United States to receive gold coin and bullion on deposit for the purposes provided for in section 254 of the Revised Statutes.

Mr. BUTLER. I would suggest to the gentleman from Tennessee that there should be a modification of the amendment so as to provide that such assayer or superintendent so appointed shall not receive any other or additional compensation.

Mr. ATKINS. I think that is a very good suggestion.

Mr. PAGE. Was not the point of order made on this amendment?

Mr. VANCE. There was no point of order made upon it, but I believe some gentleman on that side reserved the right to make it. The gentleman from California [Mr. PAGE] stated distinctly that he did make the point of order.

Mr. PAGE. I do not make any point of order.

Mr. BUTLER. I move also to amend by inserting the words "and silver" between the words "gold" and "coin."

Mr. FOSTER. I raise a point of order on the whole amendment.

Mr. CONGER. Is it not too late to do that?

Mr. FOSTER. The right was reserved to make a point of order.

Mr. MAGINNIS. The gentleman from Ohio [Mr. FOSTER] cannot make a point of order on the entire amendment, because it has been under consideration, a motion to amend has been made, and it is certainly too late for him to make the point of order now.

The CHAIRMAN. The gentleman from Ohio could not ascertain whether a point would lie until the amendment was read.

Mr. MAGINNIS. The amendment was read, and an amendment moved to it and agreed to, and a further amendment was offered.

Mr. FOSTER. An amendment was suggested.

Mr. MAGINNIS. And agreed to.

The CHAIRMAN. The amendment has not been amended at all.

Mr. MAGINNIS. It was amended by inserting the words "without additional compensation."

The CHAIRMAN. That was merely a modification of the amendment.

Mr. PAGE. When the amendment was first read I asked the Chair if it was subject to a point of order, and the Chair said it was. I stated to the Chair that I declined to make any point of order.

Mr. MAGINNIS. And the amendment was read, and an amendment moved and adopted, and then the gentleman from Massachusetts [Mr. BUTLER] offered an additional amendment.

The CHAIRMAN. The amendment was not adopted.

Mr. VANCE. I moved an amendment and there was no objection to it.

The CHAIRMAN. The gentleman from North Carolina [Mr. VANCE] moved the amendment the other day, and then the paragraph and pending amendment was passed over; and the right to make a point of order upon the amendment was expressly reserved. After the amendment was reported by the Clerk to-day a modification was suggested to it.

Mr. MAGINNIS. And accepted.

The CHAIRMAN. When the amendment as modified was read, then the gentleman from Ohio [Mr. FOSTER] made a point of order upon the entire amendment, which in the opinion of the Chair was in time.

Mr. MAGINNIS. I beg pardon of the Chair for one moment. After the amendment as modified was read, the gentleman from Massachusetts [Mr. BUTLER] moved to insert the words, "and silver."

Mr. FOSTER. And I was on my feet at the time to make the point of order.

Mr. MAGINNIS. I think the point of order is too late.

Mr. PATTERSON, of Colorado. I suggest that the gentleman from Massachusetts [Mr. BUTLER] withdraw his amendment.

The CHAIRMAN. The Chair has no doubt the gentleman from Ohio has the right to make the point of order.

Mr. ATKINS. I hope the Chair will decide the question one way or the other.

The CHAIRMAN. The Chair sustains the point of order upon the ground that the amendment proposes to change existing law.

Mr. ATKINS. Very good; then debate on that point is no longer in order. I call for a vote.

Mr. VANCE. Has the Chair decided the point of order?

The CHAIRMAN. The point of order has been decided. The amendment is not before the committee.

Mr. VANCE. I desired to be heard on the point of order.

The CHAIRMAN. The point of order has already been decided.

Mr. ATKINS. Do I understand the Chair to decide that the point of order lies against the whole amendment—the amendment of the gentleman from North Carolina as amended?

The CHAIRMAN. The point of order certainly lies against the whole amendment, because it proposes to create an office not provided for by existing law. Certainly every gentleman in the House must know that on this ground the amendment is liable to the point of order.

Mr. PATTERSON, of Colorado. The gentleman from Massachusetts withdraws his point of order in regard to the matter of silver, and I ask the gentleman from Ohio to withdraw his point of order.

Mr. FINLEY. I understand, Mr. Chairman, that the point of order has been decided and that it covers both the amendment and the amendment to the amendment.

The CHAIRMAN. The point of order applied to the whole amendment as modified.

Mr. GLOVER. I ask unanimous consent of the House to make an explanation in regard to this paragraph, which I am certain not half a dozen members on the floor understand, and probably did not when the amendment was made to a similar bill two years ago. There is an appropriation here——

The CHAIRMAN. The gentleman from Missouri [Mr. GLOVER] asks unanimous consent to make an explanation. Is there objection?

Several members objected.

The CHAIRMAN. The bill has now been read through——

Mr. HANNA. I move that the committee rise.

The CHAIRMAN. If no further amendments are offered the Chair will recognize the chairman of the Committee on Appropriations to move that the committee rise and report the bill to the House.

Mr. ATKINS. I make that motion.

Mr. FOSTER. I ask the gentleman to withdraw it for a moment, that I may make an explanation. I move to strike out the last word. I want to say in justification of the Secretary of the Treasury—[cries of "Vote!" "Vote!"]—I will do it if you will allow me——

Mr. BUTLER. But we do not allow you.

Mr. FOSTER. I rise to make an explanation. I move to amend the last paragraph by striking out the last word. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman has the right to offer an amendment.

Mr. WILSON. I rise to a parliamentary inquiry. The gentleman from Missouri [Mr. GLOVER] had been recognized, and was proceeding to make some remarks.

The CHAIRMAN. He asked unanimous consent, and objection was made.

Mr. FINLEY. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FINLEY. The gentleman from Tennessee [Mr. ATKINS] moved that the committee rise, pending which the gentleman from Ohio [Mr. FOSTER] asked permission to make a statement. My point is that such permission cannot be given unless the gentleman from Tennessee withdraws his motion.

The CHAIRMAN. The Chair understood the gentleman from Tennessee to yield to the gentleman from Ohio.

Mr. ATKINS. I did yield.

Mr. FOSTER. All I desire to say is this: during the discussion the other day on the reorganization——

Many MEMBERS. Vote! Vote!

Mr. FOSTER. I believe I am entitled to a respectful hearing.

Mr. BREWER. I rise to a question of order. The Chair announced that the bill had been read through; and I submit it is not now competent for us to go back.

The CHAIRMAN. The amendment offered by the gentleman from Ohio is to the last paragraph.

Mr. BUTLER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. My point of order is this: the bill was finished in committee, the last paragraph was passed upon; then by unanimous consent we went back to another paragraph. Now the last paragraph is beyond amendment. If it is not, then the whole paragraph is open to amendment, and we can all speak five minutes as well as the gentleman from Ohio.

Mr. FOSTER. It is the last part of the paragraph we went back to that I moved to strike out the last word.

Mr. BUTLER. When we went back to page 7 everything was finished.

Mr. ATKINS. I wish to ask my colleague on the committee whether he desires to be heard.

Mr. FOSTER. I do not want more than one minute.

Mr. ATKINS. I hope the House will hear the gentleman from Ohio. [Cries of "Vote!" "Vote!"]

Mr. BUTLER. I withdraw my point of order.

Mr. ATKINS. If the House will not hear the gentleman, then I move the committee rise and report the bill and amendments to the House. [Cries of "Regular order!" "Vote!"]

Mr. CONGER. If any gentleman here wishes to make an amendment to this bill it cannot be taken out of committee and reported to the House; the rules forbid it.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Ohio has the right to offer an amendment to the last paragraph.

Mr. DURHAM. I hope the House will hear the gentleman from Ohio.

Mr. BURCHARD. The gentleman from Ohio is entitled to five minutes.

Mr. FOSTER. All I desire to say is that during the discussion here a day or two ago on the reorganization of the Auditor's Office I made a statement that it was approved by the Secretary of the Treasury. At the time I thought he did originally approve of the change. I since have learned from him that he did not, and I wish to give him as well as myself the benefit of the correction. [Cries of "Vote!" Vote!"] I withdraw my amendment.

Mr. ATKINS. I move that the committee rise and report the bill and amendments to the House.

Mr. McCOOK. I wish to give notice that I shall ask for a separate vote in the House on the amendment to line 1790, which provides for the distribution of seeds and plants and all that sort of thing under the head of Agricultural Department. It is a trifling thing, but I want to see how many people in the House will go on record on that subject.

Mr. ATKINS's motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. EDEN reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and had directed him to report the same back to the House with sundry amendments.

Mr. ATKINS rose.

Mr. GIBSON. I ask to offer an amendment.

Mr. ATKINS. I will yield for a moment.

Mr. BURCHARD. How can the gentleman admit anything?

The SPEAKER. The gentleman from Tennessee in charge of the bill does not demand the previous question; therefore the bill is open to amendment.

Mr. ATKINS. Do I lose control of the floor by yielding for an amendment?

The SPEAKER. The gentleman does not lose control of the bill by yielding.

Mr. ATKINS. If I do, then I do not yield.

The SPEAKER. The Chair desires to read from the Manual:

> After a bill has been reported from the Committee of the Whole with amendments, it is in order to submit additional amendments; but the first question put is on the amendments reported by the committee.

The Chair understands the gentleman from Tennessee to desire to admit an amendment to be offered by the gentleman from Louisiana, [Mr. GIBSON.] The Chair, after such amendment is offered, would then recognize the gentleman from Tennessee to move the previous question, and, if seconded and the main question ordered, the question would be first on the committee's amendments and then on the amendment of the gentleman from Louisiana. If the amendment makes an appropriation of money it must have its first consideration in Committee of the Whole, both under Rule 110 and Rule 112.

Mr. GIBSON. This exact amendment has had its first consideration in the Committee of the Whole already.

Mr. FINLEY. But was defeated.

Mr. GIBSON. I ask for the reading of my amendment.

The Clerk read as follows:

> Strike out from lines 966 to 974 and insert in lieu thereof the following:
>
> Mint at New Orleans:
>
> For salary of the superintendent, $3,500; for the assayer, melter, refiner, and coiner, four in all, $2,500 each; cashier, $2,000; chief clerk, $2,000; weigh clerk, deposit clerk, and book-keeper, at $1,600; assayers' clerk, $1,600; in all, $23,900.
>
> For wages of workmen and adjusters, $57,000.
>
> For fuel, fluxes, light, lead, copper, acids, chemicals, crucibles, and for incidental and contingent expenses, $30,000.
>
> For repairs and machinery, $75,000.

Mr. BAKER, of Indiana. That involves not only a change in existing law, but in addition to that a very large increase in the appropriation of money. I submit that it is not competent to consider it in the House and that it is not in the interest of economy.

The SPEAKER. The point of order that the amendment changes existing law is one point. That it makes an appropriation which requires its first consideration in the Committee of the Whole is another point.

Mr. FINLEY. That same amendment was considered in the Committee of the Whole, and, as I recollect, it was defeated.

Mr. PATTERSON, of Colorado. It was defeated by a very large vote.

The SPEAKER. The Chair desires to state that the point of order that all appropriations of money must have their first consideration in Committee of the Whole, as provided in Rules 110 and 112, does not weigh against the amendment, for the reason that this very amendment, the Chair understands, has already been considered in Committee of the Whole.

Mr. BAKER, of Indiana. And defeated.

Mr. PATTERSON, of Colorado. And now it comes in as an original proposition.

Mr. THOMPSON. There is also the point that it is new legislation.

Mr. BURCHARD. If the identical proposition has been submitted to the Committee of the Whole and defeated there, I understand the ruling of the Chair would be that it would be in order to offer it in the House.

The SPEAKER. The Chair rules that having been considered in Committee of the Whole it escapes the restrictions imposed by Rules 110 and 112. But the question whether it changes existing law is another matter.

Mr. FINLEY. I desire to inquire how the Speaker knows that this proposition was considered in Committee of the Whole?

The SPEAKER. The Speaker reads.

Mr. FINLEY. It does not appear in the Journal, and the fact is not reported by the committee.

Mr. GIBSON. The question whether or not this is new legislation, was passed upon in the committee.

The SPEAKER. The gentleman from Louisiana [Mr. GIBSON] states that this is the same amendment as that which he submitted in the Committee of the Whole. It was discussed and voted on in Committee of the Whole. Therefore the Chair decides that the rule which requires an appropriation of money first to be considered in Committee of the Whole does not weigh against this amendment, for the reason that it has in fact been considered there. And the Chair will state that the principle of the restrictions requiring consideration in Committee of the Whole are imposed because there is more latitude as it were, and there is not a record in Committee of the Whole, but this does not weigh with the same force against an amendment in the House where there is an opportunity of a yea and nay vote being given.

Mr. THOMPSON. What is the decision of the Chair on the other question—the question of this being a change of law? The ruling of the Chair only applies to the point that this amendment makes an appropriation of money, not to the point that it is new legislation.

Mr. BAKER, of Indiana. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAKER, of Indiana. How can the Chair determine whether this was the identical proposition submitted in Committee of the Whole when the Committee of the Whole keeps no record.

The SPEAKER. The Chair has to take the member's word for that. The gentleman from Louisiana has asserted that it is the exact proposition. Does the gentleman from Indiana deny it?

Mr. BAKER, of Indiana. I am not able to do that.

Mr. BUTLER. I move that the House do now adjourn. Let us take this up to-morrow. We have done enough to-day. I think I have earned my per diem.

Mr. CRITTENDEN. I move that the House take a recess.

Mr. BUTLER. I am willing to modify my motion so that it shall be a motion for a recess.

Mr. BURCHARD. I desire to make an inquiry of the Chair. Is not the gentleman from Tennessee [Mr. ATKINS] on the floor?

The SPEAKER. The Chair will recognize the gentleman from Tennessee to demand the previous question if he makes such motion.

Mr. BUTLER. He has yielded the floor.

Mr. ATKINS. I have not yielded the floor.

The SPEAKER. The mere demand for the previous question does not prevent a motion to adjourn or to take a recess.

Mr. MILLS. I move that the House adjourn.

The SPEAKER. The Chair will state to the gentleman from Texas that this evening has been assigned for the consideration of pension bills.

Mr. MILLS. I am aware of that. Still a majority of the House can adjourn.

The SPEAKER. Certainly.

Mr. RICE, of Ohio. I hope the House will not adjourn.

The question being taken on the motion of Mr. MILLS, there were—ayes 62, noes 80.

So the House refused to adjourn.

Mr. CLYMER. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. CONGER. I desire to make an inquiry of the Chair. I understand the order assigning the business for this evening was for the reception of reports on pension bills and acting upon pension bills on the Calendar as on objection day.

The SPEAKER. Yes; as on objection day.

Mr. BUTLER. There cannot be a call of the House.

The SPEAKER. Of course there may be a call of the House, if the House was without a quorum and orders it.

The question being taken on Mr. CLYMER'S motion, it was not agreed to.

Mr. ATKINS. I desire to make a parliamentary inquiry. Has the Speaker decided whether the amendment offered by the gentleman from Louisiana [Mr. GIBSON] is in order?

The SPEAKER. The Chair has decided on the one point that the amendment contains an appropriation; that, being the identical proposition which has already been considered in Committee of the Whole, it does not come within the range of Rules 110 and 112, which require the first considerations of all appropriations in Committee of the Whole. And the Chair desires to state that decisions have been made heretofore in the House that where the subject-matter even was discussed in the Committee of the Whole an amendment embracing that subject-matter was in order in the House; but the Chair does not so decide now. The Chair only decides that the identical amendment word for word having been offered and discussed and voted upon in the Committee of the Whole, if the gentleman from Tennessee yields the floor for such purpose it is competent for the gentleman from Louisiana to offer that amendment.

Mr. BAKER, of Indiana. What about the second point?

The SPEAKER. The Chair has not decided yet on the second point.

Mr. TOWNSEND, of New York. It may just as well be decided in the morning.

The SPEAKER. The Chair directs Rule 120 to be read.

The Clerk read as follows:

120. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law—*September* 14, 1837—unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.—*March* 13, 1838, *and January* 17, 1876.

The SPEAKER. Before deciding that point the Chair would like, first, to learn exactly the fact whether it does change existing law; and, second, to examine carefully whether it comes within the terms of the rule or not.

Mr. CRITTENDEN. I move that the House take a recess until half-past seven o'clock.

Mr. RICE, of Ohio. There is a misapprehension as to what the business for this evening is. It is thought by some that this matter will come up. I wish the Speaker to explain that it will not.

The SPEAKER. It will not.

Mr. ATKINS. I now move the previous question on the legislative, &c., appropriation bill.

The previous question was seconded and the main question ordered.

Mr. CANNON, of Illinois. I would inquire of the Chair whether the ordering of the main question does not dispose of the point of order?

The SPEAKER. It will not, because the Chair reserves such point for examination, with consent.

Mr. CONGER. The session to-night, it is understood, is only for the consideration of what may be called private pension bills, and not general pension bills.

The SPEAKER. By unanimous consent this evening session was fixed for private pension bills only. Pension bills general in character are public bills and are not upon the Private Calendar. The gentleman from Tennessee [Mr. CALDWELL] will occupy the chair this evening as Speaker *pro tempore*.

The question was put upon Mr. CRITTENDEN'S motion, and it was agreed to.

LEAVE OF ABSENCE.

Pending the motion for a recess leave of absence was granted to the following:

To Mr. MONEY, for two weeks on, account of serious illness in his family; and

To Mr. HARDENBERGH, for four days.

FREE SHIPPING.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 4679) to encourage free shipping and to relieve American industries; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TRANSFER OF PROPERTY BY THE RUSSIAN GOVERNMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a list of certain property transferred by the Russian government at the time of the purchase of the Territory of Alaska, and recommending certain legislation in reference thereto; which was referred to the Committee on Public Buildings and Grounds.

HENRY W. MARTIN.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting the military history of Henry W. Martin, late a private in Company B, Twelfth Michigan Volunteers; which was referred to the Committee on Military Affairs.

F. N. HURTT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the court-martial case of F. N. Hurtt, assistant quartermaster, United States Volunteers; which was referred to the Committee on Military Affairs.

Mr. THOMPSON. I move that the House do now adjourn.

Mr. KETCHAM. That is hardly fair.

Mr. CONGER. I submit that the vote has been taken upon the motion to take a recess.

Mr. THOMPSON. No, it has not.

The SPEAKER. The Chair thinks it was taken, and the Chair before announcing the recess laid certain matters before the House. With this announcement the Chair hopes that the gentleman will withdraw his motion.

Mr. THOMPSON. I want to say as a question of fact no vote was taken, for the negative side was never called for.

The SPEAKER. The Chair thinks that quite a number of gentlemen on the floor differ with the gentleman from Pennsylvania as to that view.

Mr. THOMPSON. I withdraw my motion.

The SPEAKER. The Chair will submit the question to the House again.

The question was taken, and the motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., Mr. CALDWELL, of Tennessee, in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*.. The session this evening is exclusively for the consideration of reports from the Pension Committees and pension bills on the Private Calendar, as on objection day.

Mr. JOYCE. As there are so few present I move that the House take a recess for ten minutes.

The motion was agreed to; and accordingly the House took a recess for ten minutes.

AFTER RECESS.

The recess having expired, the House was again called to order by Mr. CALDWELL, of Tennessee, as Speaker *pro tempore*.

DALTON HINCHMAN.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3266) granting a pension to Dalton Hinchman, late a private Company G, Second Regiment Michigan Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT P. WALKER.

Mr. RICE, of Ohio, from the same committee, also reported a bill (H. R. No. 4680) granting a pension to Robert P. Walker, late a private Company H, Ninety-fourth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH ODELL.

Mr. RICE, of Ohio, from the same committee, also reported a bill (H. R. No. 4681) granting a pension to Joseph Odell, late a private Company I, Sixty-fifth Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. RICE, of Ohio, from the same committee, reported back the following bills, and the committee was discharged from their further consideration, and the same were referred to the Committee on Revolutionary Pensions:

A bill (H. R. No. 4608) to amend section 5 of an act entitled "An act amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows;"

A bill (H. R. No. 4651) for the relief of Nancy Fleanor, widow of Nicholas Fleanor, deceased; and

A bill (H. R. No. 4267) for the relief of Elizabeth Chance, widow of Eli Chance, to indemnify her for loss incurred by the rejection of her claim for a pension under the act of February 14, 1871.

ORDER OF BUSINESS.

Mr. RICE, of Ohio. I have here several Senate pension bills which I have been instructed by the Committee on Invalid Pensions to report with a favorable recommendation. It was the order of the committee when these bills were reported to the House to have them placed on their passage at once; and if it is in order I will ask that that be now done. There is a report in each case, which can be read if members desire it.

Mr. HENDERSON. I do not know that the Senate has taken any particular pains to forward action on House pension bills which have been sent over there.

Mr. RICE, of Ohio. I do not know that they have.

Mr. RANDALL, (the Speaker.) They have adjourned from Thursday to Monday, leaving the pension bills to take their chance.

Mr. RICE, of Ohio. Well, I will ask that the House now proceed to consider these Senate pension bills.

The SPEAKER *pro tempore*. The Chair thinks that would hardly be in accordance with the understanding in regard to the order of business for this evening's session.

Mr. RICE, of Ohio. Allow me to say that that is the order in which we have usually acted upon objection day. When Senate bills have been reported from the Committee on Invalid Pensions, it has been the custom to act upon them at once. In accordance with that custom I asked that that course be followed in the case of these Senate pension bills.

Mr. BROWNE. I would suggest to the chairman of the Committee on Invalid Pensions [Mr. RICE, of Ohio] that we had better now proceed to consider bills upon the Private Calendar.

Mr. RICE, of Ohio. Allow me to say to the gentleman from Indiana [Mr. BROWNE] that the order of business for this evening's session is as much for reports from the Pension Committee as it is for the consideration of pension bills on the Calendar. The order of business is first reports from the committee, and these Senate bills are now reported from our committee.

Mr. BROWNE. I have noticed in the course of proceedings in this Congress that a very large number of these pension bills have passed the House and gone to the Senate, and there they have slept the sleep of death. Now, if I could do so, if it were parliamentary to do so, I would suspend action on the pension bills from the Senate, keep them here unacted upon, and notify that body that unless they gave some attention to the bills of the House the bills of the Senate would not be considered by us.

Mr. RICE, of Ohio. I would ask my friend if because the Senate does wrong the House should do so. Some of these bills have been before our committee from four to six weeks, and have been fully and thoroughly considered by the committee.

Mr. BROWNE. I will answer the gentleman. It certainly is no reason that because the Senate has done wrong the House should do so; but we certainly should hold these bills for the purpose of compelling the Senate to do right.

Mr. RICE, of Ohio. If there is any objection, I will ask that these Senate bills be referred to the Committee of the Whole on the Private Calendar, and then if we have time, after considering the House bills on the Calendar, we can proceed with the consideration of the Senate bills.

Mr. CUMMINGS. I hope the gentleman will not do that; it will be punishing these pensioners instead of punishing the Senate. As these bills have passed the committee——

Mr. RICE, of Ohio. They have been fully considered by the Pension Committee of the House.

Mr. BROWNE. Will the gentleman let me make a statement? I have had in my charge the case of a young man who in 1863, in an attempt to expel Morgan from the State, lost his right arm. Four times that bill has been passed by this House, and as often has it failed to pass in the Senate.

Mr. RICE, of Ohio. I would vote him a pension in a minute.

Mr. BROWNE. I have no doubt of it. If the chairman thinks it best, I will withdraw my objection.

Mr. RICE, of Ohio. Other gentlemen here appear to think that these Senate bills had better go to the Calendar.

Bills of the following titles, reported by Mr. RICE, of Ohio, from the Committee on Invalid Pensions with a favorable recommendation, were accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (S. No. 871) granting a pension to William Emerson;

A bill (S. No. 712) granting a pension to William Loudon;

A bill (S. No. 76) granting a pension to Mary Ann McFarland;

A bill (S. No. 221) granting a pension to Mary Kirby Smith Eaton; and

A bill (S. No. 535) granting an increase of pension to Theodore Gardner.

CHANGE OF REFERENCE.

On motion of Mr. RICE, of Ohio, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. No. 872) granting a pension to Mrs. Ann W. Steele; and the same was referred to the Committee on Revolutionary Pensions.

PENSION BILLS FAVORABLY REPORTED.

Mr. HEWITT, of Alabama, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed.

A bill (H. R. No. 1842) granting a pension to Henry Grossman, late a private in Company G, of the One hundred and fifty-fourth Regiment of Illinois Infantry Volunteers;

A bill (H. R. No. 3196) granting a pension to William H. Garrett, late a private in Company B, Fifty-sixth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 592) granting a pension to Martha A. Williamson; and

A bill (H. R. No. 3925) granting a pension to James H. Hayes, private in Company B, Thirty-ninth Regiment Illinois Volunteers.

He also, from the same committee, reported, as a substitute for House bill No. 2076, a bill (H. R. No. 4682) granting a pension to Adaline P. Loy, widow of Joseph F. Loy, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back, with an amendment, a bill (H. R. No. 2975) granting a pension to William Reynolds, late a private in Company G, Thirteenth Regiment Indiana Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

He also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Com-

mittee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4683) granting a pension to Michael O'Brien; and

A bill (H. R. No. 4684) granting a pension to Mrs. Catharine Vaughan, widow of Thomas J. Vaughan, late a private in Company H, Third Tennessee Mounted Infantry.

He also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 686) granting a pension to Mary Emma Baptist and Daisy Baptist, minor children; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JACOB PARROTT.

Mr. HEWITT, of Alabama. Mr. Speaker, the gentleman from Maine [Mr. POWERS] was instructed by the Committee on Invalid Pensions to make favorable reports in certain cases, and by his request I report them to-night.

The SPEAKER *pro tempore*. The gentleman will send his reports up.

Mr. HEWITT, of Alabama, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM N. TANNAHILL.

Mr. HEWITT, of Alabama, also, from the same committee, reported a bill (H. R. No. 4685) granting a pension to William N. Tannahill; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEPTHA RUBERT.

Mr. HEWITT, of Alabama, also, from the same committee, reported back favorably the bill (H. R. No. 1636) granting a pension to Jeptha Rubert; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM Q. BAXTER.

Mr. HEWITT, of Alabama, also, from the same committee, reported a bill (H. R. No. 4686) granting a pension to William Q. Baxter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HEWITT, of Alabama, by request of Mr. POWERS, submitted the following adverse reports from the Committee on Invalid Pensions; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3745) granting arrears of pension to Gordon B. Barnes;

A petition for arrears of pension to George Wolf, late surgeon in Company C, Fifth Regiment Maryland Volunteers;

A petition asking for pension for Robert B. Boggs;

A bill (H. R. No. 755) granting a pension to Mrs. Mary Jane Pyle;

A bill (H. R. No. 92) for the relief of Lewis E. Winans, late private Company C, Fourth New York Heavy Artillery;

A bill (H. R. No. 1012) granting a pension to Elizabeth Hall; and

A bill (H. R. No. 1016) granting a pension to Mary Kenneally.

ELIZABETH DAVIS.

Mr. HEWITT, of Alabama, also, from the same committee, by request of Mr. POWERS, reported back adversely the bill (H. R. No. 2391) granting a pension to Mrs. Elizabeth Davis.

Mr. CLARK, of Iowa, moved that the bill be referred to the Committee of the Whole on the Private Calendar, and the adverse report ordered to be printed.

The motion was agreed to.

CHARLES H. FORRISTALL.

Mr. HEWITT, of Alabama, also, from the same committee, reported back a bill (H. R. No. 2167) for the relief of Charles H. Forristall, late a private in Company F, Second Regiment United States Sharpshooter Volunteers; and the same was referred to the Committee on Military Affairs.

JOHN D. CUMMINGS.

Mr. HEWITT, of Alabama, also, from the same committee, reported back a bill (H. R. No. 841) for the relief of John D. Cummings, of the town of Barre, in the county of Washington, State of Vermont; and the same was referred to the Committee on Military Affairs.

GEORGINE THOMAS.

Mr. WALSH, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles H. Thomas, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompany report, ordered to be printed.

FRANK DAMOUNER.

Mr. RIDDLE, from the Committee on Invalid Pensions, moved that the committee be discharged from further consideration of the petition of Frank Damouner, Company K, Seventh Maryland Volunteers, for commutation money, and the same be referred to the Committee on Military Affairs; which motion was agreed to.

JULIA ANN CARTER.

Mr. RIDDLE also, from the same committee, reported back adversely a bill (H. R. No. 2807) for the relief of Julia Ann Carter, of Memphis, Tennessee, widow of Benjamin Carter, deceased, late a corporal in Company I, Second Light Artillery, United States Volunteers; which was laid upon the table, and the accompanying report ordered to be printed.

JEFFERSON KINDER.

Mr. RIDDLE also, from the same committee, reported back favorably a bill (H. R. No. 1054) granting a pension to Jefferson Kinder; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THEODORE ARTZT.

Mr. RIDDLE also, from the same committee, reported back a bill (H. R. No. 4688) granting a pension to Theodore Artzt; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS R. CROSS.

Mr. RIDDLE also, from the same committee, reported a bill (H. R. No. 4689) granting a pension to Thomas R. Cross; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAHAM FORRY.

Mr. RIDDLE also, from the same committee, reported a bill (H. R. No. 4690) granting an increase of pension to Abraham Forry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH HALLAM.

Mr. RIDDLE also, from the same committee, reported a bill (H. R. No. 4691) granting a pension to Hannah Hallam; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL M'GINTY.

Mr. RIDDLE also, from the same committee, reported a bill (H. R. No. 4692) restoring his pension to Michael McGinty; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID M'COMB.

Mr. RIDDLE also, from the same committee, reported a bill (H. R. No. 4693) granting a pension to David McComb; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. ALLEN.

Mr. METCALFE, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 550) granting a pension to Mary A. Allen; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ANNA VOSHAGE.

Mr. METCALFE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2126) granting a pension to Anna Voshage; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

NATHAN A. WINTERS.

Mr. METCALFE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3362) granting a pension to Nathan A. Winters; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF HORACE A. CHAMBERS.

Mr. METCALFE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 394) granting a pension to the heirs of Horace A. Chambers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES RILEY.

Mr. METCALFE also, from the same committee, reported a bill (H. R. No. 4694) granting a pension to James Riley, late a private in Company D, Fourth Regiment United States Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BUCHANAN.

Mr. METCALFE also, from the same committee, reported a bill (H. R. No. 4695) granting a pension to James Buchanan, late private of Company I, Thirty-first Regiment Ohio Volunteers; which was

read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYNTHIA SPRADLIN.

Mr. METCALFE also, from the same committee, reported a bill (H. R. No. 4696) granting a pension to Cynthia Spradlin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP THON.

Mr. METCALFE also, from the same committee, reported a bill (H. R. No. 4697) granting a pension to Philip Thon; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN HOLLINGSWORTH.

Mr. METCALFE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 697) restoring the name of Benjamin Hollingsworth to the pension-roll; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. METCALFE also, from the same committee, reported back, with unfavorable recommendations, bills of the following titles; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 1441) for the relief of John O. Vallandigham, Company E, Thirty-fifth Regiment Iowa Volunteer Infantry;

The bill (H. R. No. 603) for the relief of Timothy J. Hurlbut; and

The bill (H. R. No. 470) granting a pension to Selar B. Decker, late a contract-nurse in Hospital No. 7, at Louisville, Kentucky.

GEORGE W. BROWNING.

Mr. SINNICKSON, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1045) to place George W. Browning on the pension-roll; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL MIDDOUGH.

Mr. SINNICKSON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 529) granting a pension to Daniel Middough; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. LEAMY.

Mr. SINNICKSON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2460) granting a pension to George W. Leamy; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HELEN CRABBE.

Mr. SINNICKSON also, from the same committee, reported, as a substitute for House bill No. 3309, a bill (H. R. No. 4698) granting a pension to Helen Crabbe; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. EDWARDS.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 4699) granting a pension to William H. Edwards; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALMIRA TINNEY.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 4700) granting a pension to Almira Tinney; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. STAPLIN.

Mr. SINNICKSON also, from the same committee, reported a bill H. R. No. 4701) granting a pension to George W. Staplin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GRACE AIKENS.

Mr. SINNICKSON also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 704) granting a pension to Grace Aikens; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. SINNICKSON also, from the same committee, reported back the following bill, with a recommendation that it do not pass; and the same was laid upon the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 930) for the relief of Rachael A. Davis, widow of William Davis, of Newark, New Jersey.

WILLIAM R. BROWNE.

Mr. RAINEY, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 837) granting a pension to William R. Browne; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES MOORELAND.

Mr. RAINEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2967) granting a pension to James Mooreland, late private in Company K, Fourteenth Tennessee Volunteers, (Mexican war,) of Jackson County, Tennessee; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES R. GORDON.

Mr. RAINEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 126) for the relief of James R. Gordon, of Columbia Cross-Roads, Bradford County, Pennsylvania; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN WARD.

Mr. RAINEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2296) to authorize the Secretary of the Interior to place upon the pension-roll the name of John Ward, late sergeant in Company K, Second Regiment West Virginia Volunteer Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. RAINEY also, from the same committee, reported adversely upon the following bills; which were severally referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 693) granting a pension to Henry Fishburn, private in Company A, Twenty-fifth Regiment Ohio Volunteers;

A bill (H. R. No. 2679) for the relief of Anna M. Meixwell;

A bill (H. R. No. 620) for the relief of Byron S. Morris;

A bill (H. R. No. 103) granting a pension to William S. Fonda; and

A bill (H. R. No. 2306) granting a pension to Milley Anderson, widow of David Anderson, a soldier of the late civil war.

CHANGE OF REFERENCE.

On motion of Mr. RAINEY, the Committee on Invalid Pensions was discharged from the further consideration of the papers in the case of the legal representatives of French Graham; and the same were referred to the Committee on Military Affairs.

CATHARINE GEMMILL AND CHILDREN.

Mr. JOYCE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4702) granting a pension to Catharine Gemmill and children; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM GIBSON.

Mr. JOYCE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1443) granting a pension to William Gibson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY S. WEBSTER.

Mr. JOYCE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3397) granting a pension to Mary S. Webster; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WEALTHY PERKINS.

Mr. JOYCE also, from the same committee, reported a bill (H. R. No. 4703) granting a pension to Wealthy Perkins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE LAWRENCE.

Mr. JOYCE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3411) granting a pension to George Lawrence; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. RICE, of Ohio. As I believe all the reports have now been made, I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. FORT in the chair.

The CHAIRMAN. The session of the Committee of the Whole on the Private Calendar to-night is for the consideration of pension bills upon the Private Calendar, and the Clerk will read the first bill of that character upon the Calendar.

The Clerk read the title of the following bill, on page 16 of the Calendar:

A bill (H. R. No. 3852) for the relief of the legal representatives of the late James Monroe, lieutenant-colonel Virginia State Line, war of the Revolution, and President of the United States.

Mr. RICE, of Ohio. My recollection is that this bill and other bills from the Committee on Revolutionary Pensions were not included in the order for this evening's session. This bill is reported from the Committee on Revolutionary Pensions. It may be that it was an inadvertence, but I think the order for the session to-night was for reports from the Committee on Invalid Pensions, and for the consideration of bills on the Private Calendar reported from the Committee on Invalid Pensions.

The CHAIRMAN. The Private Calendar is to be considered to-night as on objection day.

Mr. RICE, of Ohio. It is, and the first bill to be taken up is a bill from the Committee on Invalid Pensions, which is House bill No. 1956, on page 16 of the Calendar.

Mr. TURNER. Let it be first settled whether we are to consider any but reports from the Committee on Invalid Pensions. If we are to consider reports from the Committee on Revolutionary Pensions, then the bill the title of which has been read by the Clerk is the first for consideration. What are the terms of the order that was made for this evening's session? I understood that it was to embrace all private pension bills.

The CHAIRMAN. The Chair is advised by the Clerk that the session this evening was for the consideration of pension bills on the Private Calendar.

Mr. TURNER. Then the first bill is the one from the Committee on Revolutionary Pensions the title of which has just been read.

Mr. HEWITT, of Alabama. There is a bill on page 9 of the Calendar, House bill No. 3575, granting an increase of pension to Josephine Da C. Thomas.

The CHAIRMAN. That bill was objected to on a former day.

Mr. HEWITT, of Alabama. I made the objection, and I now withdraw it.

Mr. HUMPHREY. That bill was reported favorably from the Committee on Invalid Pensions. When it came up for consideration I was absent, and through inadvertence my friend from Alabama [Mr HEWITT] objected to it. He now withdraws his objection, and I ask that the bill be now considered.

Mr. BURCHARD. It seems to me that it would not be in order to go back to a bill which has been objected to.

Mr. RICE, of Ohio. It has not been objected to to-day, and if there are not five objections to it now it can be considered.

Mr. BURCHARD. The only question is, whether at a former session of the Committee of the Whole on the Private Calendar this bill was objected to, and, if so, whether it would be in order or proper to-night to go back to it. It might be that the member who objected to the bill would not be here to-night, understanding that the bill had been objected to. I myself have no objection to the bill.

Mr. SINNICKSON. Would we not have to go back to the bill to see if there are five objections to it?

Mr. RICE, of Ohio. I will read the latter part of Rule 129:

But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

Now, I hold that the meaning of that rule is that unless five members shall to-night object to this bill it will be in order for us to consider it as of objection day.

Mr. MAYHAM. This bill has not been "again reached," in the language of the rule. When we shall have gone through the Calendar, then we can come back to the bills which have been objected to, and they will then be "again reached."

Mr. BURCHARD. The question now is, where shall the Committee of the Whole commence on this Private Calendar? It certainly cannot be in order to begin upon a bill which has already been objected to.

Mr. HEWITT, of Alabama. Allow me to make a statement.

The CHAIRMAN. The Chair is of opinion that the Committee of the Whole to-night must begin upon the Calendar where the Committee of the Whole left off on the previous objection day.

Mr. RICE, of Ohio. I do not know but that the Chair is correct in that decision.

The CHAIRMAN. The Clerk will therefore read the first pension bill, to which no objection has been made.

Mr. HEWITT, of Alabama. I propose to withdraw my objection to the bill to which reference has been made.

The CHAIRMAN. The Chair understands that under the rule the Calendar must be resumed where it was left off on the last objection day. The Clerk will therefore report the first pension bill to which no objection has been made.

The Clerk again read the title of the bill, as follows:

A bill (H. R. No. 3852) for the relief of the legal representatives of the late James Monroe, lieutenant-colonel Virginia State Line, war of the Revolution, and President of the United States; reported from the Committee on Revolutionary Pensions by Mr. MACKEY.

Mr. RIDDLE. This bill is evidently not a pension bill, but a claim bill, to give to the legal representatives of President Monroe certain half pay.

Mr. McGOWAN. I rise to a parliamentary inquiry. I understood the Speaker to state explicitly at the close of the session this afternoon that the session this evening was simply for the consideration of bills reported from the Committee on Invalid Pensions.

Mr. TURNER. The record is "pension bills," and that embraces bills from both pension committees. There are but two or three of these bills from the Committee on Revolutionary Pensions, and they are for old men, who need relief the most.

The CHAIRMAN. The Chair is informed by the Clerk that the order for a session this evening was for the consideration of pension bills upon the Private Calendar, as of objection day.

Mr. RICE, of Ohio. I will object to the bill the title of which has just been read, and that will dispose of that one.

The bill being objected to, it was passed over.

JARVIS JACKSON.

The next business on the Private Calendar was the bill (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky, reported from the Committee on Invalid Pensions by Mr. MACKEY. The bill directs the Secretary of the Interior, from and after the date of the passage of this act, to pay to Jarvis Jackson, of Laurel County, Kentucky, a pension of $16 per month, instead of $8, which he is now receiving.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ROBERT QUINN.

The next business on the Private Calendar was the bill (H. R. No. 4359) granting a pension to Robert Quinn, of Preble County, Ohio, a soldier of the war of 1812, reported by Mr. MACKEY from the Committee on Revolutionary Pensions.

The bill was read. It directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Robert Quinn, a soldier of the war of 1812, and pay him a pension from and after the passage of this act.

Mr. EDEN. As we have a general law allowing pensions in cases of this kind, I would like to hear the report read.

The report was read, as follows:

The Committee on Revolutionary Pensions, to whom was referred the petition of Robert Quinn, of Preble County, Ohio, praying for a pension for military services performed during the war of 1812, after careful consideration, beg leave to submit the following report:

The petitioner alleges in his application for pension that on or about the 15th day of April, 1813, James Quinn, a brother, was drafted in Lieutenant James Black's Company of Ohio militia, to serve for a period of six months; that the said James Quinn went out with the company, but after a short time was sent home with a sick comrade, and John Quinn, another brother, took his place. After he had served about thirty days he returned home on furlough, and that on or about the 7th day of August, 1813, the petitioner went out and served in the place of his said brother, James Quinn, for about the period of ninety days; and that a few days before the expiration of the term of enlistment the said brother, James Quinn, returned, assumed his place in the ranks, and was discharged with the company.

In support of the above allegations are the affidavits of Jacob Ringer and John Quinn, who served with and intimately knew the claimant. They certify under oath to the length of service.

It is also in evidence that the claimant received a land warrant for said services for one hundred and sixty acres of land, and that on or about the 15th day of April, 1871, he made application to be placed on the pension-roll of the United States, under the provisions of the act of Congress approved February 14, 1871, granting pensions to survivors of the war of 1812 and their widows; and that the same was rejected by the Pension Office, under the rule of the department which forbids the acceptance of parol evidence to controvert the record of the proper department.

The records of the Pension Office fail to show that a pension has ever been granted to any one of the parties or their widows for the said military service, but does show that the widow of James Quinn received a bounty-land warrant.

The petitioner alleges the death of both brothers, James and John Quinn.

It is the opinion of the committee, after examining all the evidence in the case, that the application comes within the spirit of the act approved March 11, 1878, and that the claimant is entitled to relief. They therefore report favorably upon the same, and recommend the passage of the accompanying bill

No objection being made, the bill was laid aside to be reported favorably to the House.

ISAAC WINANS.

The next business on the Private Calendar was the bill (H. R. No. 4360) granting a pension to Isaac Winans, reported by Mr. MACKEY from the Committee on Revolutionary Pensions.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac Winans, of Ohio, a private soldier in the war of 1812.

There being no objection, the bill was laid aside to be reported favorably to the House.

ABIGAIL S. TILTON.

The next business on the Private Calendar was the bill (H. R. No. 1970) granting a pension to Abigail S. Tilton, reported by Mr. MACKEY from the Committee on Revolutionary Pensions.

Mr. EDEN. I ask that the report be read.

The report was read, as follows:

The Committee on Revolutionary Pensions, to whom was referred the bill (H. R. No. 1970) granting a pension to Abigail S. Tilton, beg leave to submit the following report:

It is in evidence that the husband of the petitioner, Benjamin Stevens, was a soldier in the revolutionary war, and was mustered into service on the 18th day of July, 1777, serving as a private in Captain Samuel McConnell's company, of Colonel Thomas Stickney's regiment, of the brigade commanded by General Stark, and was honorably discharged on the 18th day of September, 1777.

It is also in evidence that at the date of the petitioner's marriage with the said Benjamin Stevens she was the widow of David Tilton, and was married to said

Stevens on the 31st day of January, 1831, and that they lived together until his death, which occurred on the 25th day of August, 1832; that she subsequently married Adoniram Paige, who died in 1848; that by special act of the New Hampshire Legislature, approved January 4, 1849, she was permitted to take the name of Abigail S. Tilton, and in which name she now petitions Congress for relief.

It is in evidence, by letter of the Commissioner of Pensions, that by the act of Congress approved February 3, 1853, she was entitled to have her name placed upon the pension-rolls at any time prior to June 22, 1874, at which date the aforesaid law was repealed.

It is also in evidence that since the death of her third husband, Adoniram Paige, she has lived with and been supported by Nathaniel D. Tilton, the son of her first husband, until about one year since, when he died, by which event she is now left childless and destitute; that she is now over eighty-six years of age, and in receipt of no means whatever to furnish food or clothing or medical attendance and nursing in her last years of life. In consideration of which, and in accordance with the spirit of the act approved March 11, 1878, granting pensions to widows of revolutionary soldiers, the committee return the bill to the House and recommend the granting of the pension, and that the date of commencement of the same shall be June 22, 1874, the date of repeal of the act allowing pensions to revolutionary soldiers and their widows.

Mr. EDEN. I do not wish to object to a bill which has been reported favorably, but certainly it is very strange that the committee should report in favor of a pension to this lady, who has been twice married since the death of the husband who rendered the military service.

Mr. RICE, of Ohio. I object to the bill because the general rule to which, so far as I know, all our pension bills conform, is that the pension shall commence from the date of the passage of the act.

Mr. CONGER. The bill could be amended in that respect.

Mr. RICE, of Ohio. If it can be amended, I will move to amend so as to provide that the pension shall begin from and after the passage of the act.

Mr. HEWITT, of Alabama. I object to the bill on the ground that it proposes to pension a widow who has married twice since the death of her husband, the soldier who rendered the service.

Mr. CONGER. One marriage might be an objection; but the second ought to neutralize it. [Laughter.]

The CHAIRMAN. Objection is made.

MARY J. SEARS.

The next business on the Private Calendar was the petition of Mary J. Sears, praying for a pension, reported adversely by Mr. MACKEY from the Committee on Revolutionary Pensions.

Mr. RICE, of Ohio. I object to the consideration of this case. There is an adverse report.

FRANKLIN PAINE.

The next business on the Private Calendar was the bill (H. R. No. 1641) granting a pension to Franklin Paine, reported by Mr. GARDNER from the Committee on Revolutionary Pensions.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Franklin Paine.

Mr. EDEN. I call for the reading of the report in this case.

The report was read.

Mr. EDEN. I object to this bill. I see no reason why this man cannot obtain a pension under the general law.

INVALID PENSION BILLS FAVORABLY CONSIDERED.

Bills of the following titles, to which no objection was made, were laid aside to be reported favorably to the House:

A bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri; reported by Mr. RICE, of Ohio, from the Committee on Invalid Pensions;

A bill (H. R. No. 629) granting a pension to Thomas W. Hewitt; reported by Mr. RICE, of Ohio, from the same committee; and

A bill (H. R. No. 4361) granting a pension to Elizabeth Winters; reported by Mr. RICE, of Ohio, from the same committee.

ELIZABETH R. HULL.

The next business on the Private Calendar was the bill (H. R. No. 1396) granting a pension to Elizabeth R. Hull, reported by Mr. RICE, of Ohio, from the same committee.

The bill and report were read.

Mr. WHITE, of Pennsylvania. I object.

CYNTHIA A. MIZELLE.

The next business on the Private Calendar was the bill (H. R. No. 4362) granting a pension to Cynthia A. Mizelle, reported by Mr. RICE, of Ohio, from the Committee on Invalid Pensions.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cynthia A. Mizelle, mother of Zedekiah M. Mizelle, late a private Company C, First Regiment North Carolina Volunteer Infantry.

Mr. SAMPSON. I believe that the reports in all these cases ought to be read.

Mr. CONGER. If the chairman or any member of the committee will state whether the report is unanimous or not, we ought to be willing to take his word in the matter.

Mr. CUMMINGS. Or a brief sketch of the facts might be given. If all these reports are to be read, we shall never get through.

Mr. WHITE, of Pennsylvania. In some of these cases where the bill is reported unanimously, some member of the Committee of the Whole objects. Therefore it seems to me the safest course is to have the reports read.

Mr. RICE, of Ohio. As to most of these reports the gentlemen who made them are here. Wherever the report is made by myself I can state in two or three words the merits of the case and whether the report was unanimous or was objected to in committee.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition praying for a pension to Cynthia A. Mizelle, dependent mother of Zedekiah M. Mizelle, late private in Company C, First Regiment North Carolina Volunteers, have had the same under consideration, and ask leave to submit the following report:

The committee find, from the evidence on file, that the soldier was in the service of the United States, as is alleged; that he died while in said service, on or about April 20, 1864, of disease contracted in the service and in the line of duty; that the mother, outside the proceeds of her own labor, was almost entirely dependent upon her said son for support; that he supported her before he entered the service, and contributed afterward, while in the service as much toward her support as their relative situations would permit, he being in the Federal Army and she inside the confederate lines; that the soldier left neither a widow nor children, and that the mother of said soldier was dependent upon him for support, within the meaning of section 4707 of the Revised Statutes of the United States. The committee therefore report back said petition with the accompanying bill, and recommend the passage of the same.

Mr. McGOWAN. What is the necessity for a special act in this case? Why could not a pension be allowed by the Department?

Mr. RICE, of Ohio. The mother of this soldier was within the confederate lines. He belonged to one of the North Carolina Federal regiments during the late war, and communication between him and his mother was cut off, so that it could not be shown positively to the Department that he aided in her support; but there is no question about the facts in the case.

The bill was laid aside to be reported favorably to the House.

LEVI J. FRIEL.

The next business on the Private Calendar was the bill (H. R. No. 4363) granting a pension to Levi J. Friel, reported from the Committee on Invalid Pensions by Mr. RICE, of Ohio.

The CHAIRMAN. The bill and report will be read.

Mr. JOYCE. Let me make a remark. Every one of these bills is referred to a member of the committee, that member goes over the papers, considers the papers carefully and makes report; that report is made to full committee, the report is read to the full committee, the facts are all discussed, the case is talked over and settled by the whole committee, and there is a vote in every case.

Mr. WHITE, of Pennsylvania. By way of explanation let me say that every member is responsible for his own action and in order to form a correct judgment in reference to these cases it seems to me necessary the facts in each case should be read. I ask, therefore, that the report in each case may be read, so we may see the reasons why the pensions should be granted.

Mr. JOYCE. I have no objection to the report being read, but the reason I made the statement was in order that the gentlemen of the committee may know exactly how these cases were disposed of by the Committee on Invalid Pensions.

Mr. HEWITT, of Alabama. If all these reports are to be read there will be a great many soldiers who ought to have pensions who will never get them.

Mr. WHITE, of Pennsylvania. I should be very sorry to prevent the passage of a just pension bill, but it is very necessary that we should guard against the passage of bills which are not just and proper.

Mr. SAMPSON. Having suggested that the reports in each case be read, and having heard the explanation from the committee, I for one intend to rest on the report of the committee.

Mr. RICE, of Ohio. There is no doubt this case is right.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

BILLS FAVORABLY REPORTED.

There being no objection in the following cases, they were laid aside to be reported to the House with the recommendation that they do pass:

A bill (H. R. No. 4364) granting a pension to Lydia A. Morris, reported from the Committee on Invalid Pensions by Mr. RICE, of Ohio;

A bill (H. R. No. 3166) granting a pension to Agatha O'Brien, reported from the Committee on Invalid Pensions by Mr. HEWITT, of Alabama;

A bill (H. R. No. 1778) granting a pension to William Abendroth, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 2321) granting a pension to Andrew A. Gooding, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 44) granting additional pension to John F. Chase, of Saybrook, Connecticut, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 4365) granting an increase of pension to Mary F. McKeever, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 4366) granting a pension to Mary Wilkes, widow of Rear-Admiral Charles Wilkes, reported from the Committee on Invalid Pensions by Mr. MACKEY;

A bill (H. R. No. 3103) for the relief of Oliver Yake, of Sanilac County, Michigan, reported from the same committee by Mr. MACKEY;

A bill (H. R. No. 848) for the relief of Francis B. McNamara, reported from the same committee by Mr. MACKEY;

A bill (H. R. No. 530) granting a pension to James W. Thompson, reported from the same committee by Mr. MACKEY;

A bill (H. R. No. 79) granting a pension to Robert Butler, reported from the same committee by Mr. MACKEY;

A bill (H. R. No. 4367) granting a pension to Mrs. Sarah A. Bell, reported from the same committee by Mr. MACKEY;

A bill (S. No. 328) granting a pension to Mrs. Esther A. George, reported from the same committee by Mr. MACKEY;

A bill (H. R. No. 735) granting a pension to James H. Thew, reported from the Committee on Invalid Pensions by Mr. WALSH;

A bill (H. R. No. 3070) granting a pension to Mrs. Eliza Bayard Anderson, reported from the same committee by Mr. WALSH;

A bill (H. R. No. 2791) granting additional pension to Mrs. Margaret J. Lovell, widow of the late General Charles L. Lovell, reported from the same committee by Mr. WALSH;

A bill (H. R. No. 767) granting a pension to Otis B. Anderson, reported from the same committee by Mr. WALSH;

A bill (H. R. No. 1043) granting a pension to William H. Walker, reported from the same committee by Mr. WALSH;

A bill (H. R. No. 475) granting a pension to William Black, reported from the same committee by Mr. WALSH; and

A bill (H. R. No. 4368) granting a pension to Johanna Kuhlman, reported from the same committee by Mr. WALSH.

The next pension bill on the Private Calendar was the bill (H. R. No. 4369) granting an increase of pension to General James Shields, reported from the Committee on Invalid Pensions by Mr. WALSH.

Mr. WALSH. We have passed the Senate bill granting this increase of pension with amendment. I ask that this bill be passed over.

The bill was passed over.

The next pension bill on the Private Calendar was the bill (H. R. No. 4370) granting a pension to Catharine Harris.

Mr. RICE, of Ohio. Let that bill lie over. The committee were not unanimous.

The CHAIRMAN. The bill will be passed over.

Mr. HAYES. Is there objection to this bill granting a pension to Mrs. Harris? I understood the gentleman from Ohio simply to say that the committee were not unanimous.

Mr. WALSH. Let the report be read. There are many cases in which the committee are not unanimous. I do not think a bill should be passed over on that account.

Mr. RICE, of Ohio. To save time I object to this bill. The report in this case is a very long one.

Subsequently, Mr. RICE, of Ohio, withdrew the objection.

There being no further objection, the bill was laid aside to be reported favorably to the House.

The following bills were read, and no objection being made, they were laid aside, to be reported favorably to the House:

A bill (H. R. No. 4371) granting a pension to Ludwig Ueber, reported from the Committee on Invalid Pensions by Mr. WALSH;

A bill (H. R. No. 4372) granting a pension to Mary Meighan, widow of Peter Meighan, reported from the same committee by Mr. WALSH;

A bill (H. R. No. 4373) granting a pension to Mary J. Lebow, reported from the same committee by Mr. WALSH;

A bill (S. No. 724) granting a pension to Nancy E. McClelland, reported from the same committee by Mr. WALSH; and

A bill (S. No. 755) granting a pension to Martha C. Kendall, reported from the same committee by Mr. WALSH.

The next pension bill on the Private Calendar was the bill (H. R. No. 3351) granting a pension to John Reagel, reported from the Committee on Invalid Pensions by Mr. RIDDLE.

The bill was reported with the following amendments:

Strike out "John Reagel" and insert "John Keogel."

Strike out "September, 1847," and insert "the passage of this act,"

The amendments were adopted.

No objection being made, the bill, as amended was laid aside to be reported favorably to the House.

The following bills, not being objected to, were laid aside to be reported favorably to the House:

A bill (H. R. No. 1627) granting a pension to Jacob M. Groce, reported from the Committee on Invalid Pensions by Mr. RIDDLE;

A bill (H. R. No. 473) granting a pension to Rebecca C. Reich, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 2623) granting a pension to Nelson M. Farrar, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 4075) granting a pension to Ezra O. Nye, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 2936) granting a pension to George R. Whitehead, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 3817) granting a pension to Annie Farley, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 4574) granting a pension to Sarah J. Goss, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 4375) granting a pension to Frederick R. Bruner, reported from the same committee by Mr. RIDDLE;

A bill (H. R. No. 4376) granting a pension to James G. Williams, reported from the same committee by Mr. RIDDLE; and

A bill (H. R. No. 4377) granting a pension to William Cogswell, reported from the same committee by Mr. RIDDLE.

The next pension bill on the Private Calendar was the bill (H. R. No. 707) granting a pension to Martin Roff, reported from the Committee on Invalid Pensions adversely by Mr. RIDDLE.

Objected to by Mr. RICE, of Ohio.

The following bills, not being objected to, were laid aside to be reported favorably to the House:

A bill (H. R. No. 4378) granting a pension to Arthur W. Irving, reported from the Committee on Invalid Pensions by Mr. SINNICKSON;

A bill (H. R. No. 4379) granting a pension to Mary Bradley Cross, reported from the same committee by Mr. SINNICKSON;

A bill (H. R. No. 4380) granting a pension to Aaron H. Miller, reported from the same committee by Mr. SINNICKSON;

A bill (H. R. No. 4381) granting a pension to Edward J. Nutall, reported from the same committee by Mr. SINNICKSON;

A bill (H. R. No. 4382) granting a pension to Jonathan Roberts, reported from the same committee by Mr. SINNICKSON;

A bill (H. R. No. 4383) granting a pension to Stephen L. George, reported from the same committee by Mr. SINNICKSON;

A bill (S. No. 703) granting a pension to Melvina A. Maltby, reported from the Committee on Invalid Pensions by Mr. POWERS;

A bill (H. R. No. 3585) granting a pension to S. S. Whitney, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 642) granting a pension to Frederick W. Smith, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 3583) granting a pension to William Denene, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 2226) granting a pension to Charles H. Bugbee, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 3784) for the relief of Mary Murphy, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 2520) granting a pension to George Andrews, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 134) for the relief of Jacob G. Croman, reported from the same committee by Mr. POWERS;

A bill (H. R. No. 4384) granting a pension to Daniel Donnelly, reported from the same committee by Mr. POWERS; and

A bill (H. R. No. 3438) granting a pension to R. G. Peterson, reported from the same committee by Mr. POWERS.

The next pension bill on the Private Calendar was the bill (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts, reported from the Committee on Invalid Pensions by Mr. JOYCE.

The bill was reported with an amendment, as follows:

Strike out "$50" and insert "$30 from the passage of this act."

The amendment was adopted.

The bill, as amended, no objection being made, was laid aside to be reported favorably to the House.

The following bills, no objection being made, were laid aside to be reported favorably to the House:

A bill (H. R. No. 4385) granting an increase of pension to Caroline Hawley, reported from the Committee on Invalid Pensions by Mr. JOYCE;

A bill (H. R. No. 4386) granting a pension to Emilie R. Hooe, reported from the same committee by Mr. JOYCE;

A bill (H. R. No. 2172) granting a pension to De Forest Doty, reported from the same committee by Mr. JOYCE;

A bill (H. R. No. 4387) granting a pension to James C. Bates, reported from the same committee by Mr. JOYCE;

A bill (H. R. No. 4388) granting a pension to Mary Wade, reported from the same committee by Mr. JOYCE;

A bill (S. No. 697) granting a pension to Anna E. Robbins, reported from the same committee by Mr. JOYCE;

A bill (H. R. No. 147) granting a pension to Captain Robert C. Bramford, reported from the Committee on Invalid Pensions by Mr. RAINEY;

A bill (H. R. No. 477) granting a pension to Anna Koeninger, reported from the same committee by Mr. RAINEY; and

A bill (H. R. No. 480) granting a pension to William W. Stephenson, reported from the same committee by Mr. RAINEY.

The next pension bill on the Private Calendar was the bill (H. R. No. 270) for the relief of the widow of Captain Christopher M. Haile, United States Army, reported from the Committee on Invalid Pensions by Mr. RAINEY, with an amendment.

The amendment was to strike out the words "day of his death" and insert "20th day of September, 1871, the day of filing her application."

Mr. BOUCK. I object, unless it is made to date from the passage of the act as in other cases.

Mr. RAINEY. I ask that the report may be read. It will be seen that this is a peculiar case.

Mr. BOUCK. It is unnecessary to read the report.

Subsequently, Mr. BOUCK withdrew the objection.

The amendment was adopted.

The bill, as amended, no further objection being made, was laid aside to be reported favorably to the House.

The following bills, to which no objection was made, were laid aside to be reported to the House with a favorable recommendation:

A bill (H. R. No. 4389) granting an increase of pension to Jerry Robinson, late commissary-sergeant First Regiment United States Colored Troops, reported from the Committee on Invalid Pensions by Mr. RAINEY;

A bill (H. R. No. 4390) granting a pension to William B. Dillon, reported from the Committee on Invalid Pensions by Mr. RAINEY;

A bill (H. R. No. 4391) granting a pension to Susan Humes, reported from the Committee on Invalid Pensions by Mr. RAINEY;

A bill (S. No. 873) granting a pension to Hannah Streets, reported from the Committee on Invalid Pensions by Mr. RAINEY;

A bill (H. R. No. 4392) for the relief of Lucinda C. Dillahanty, of Tennessee, reported from the Committee on Revolutionary Pensions by Mr. STEELE;

A bill (H. R. No. 511) granting a pension to George W. Wright, reported from the Committee on Revolutionary Pensions by Mr. STEELE;

A bill (H. R. No. 1348) to restore the name of Jesse Stallings, of Butler County, Alabama, to the pension-list, reported from the same committee by Mr. STEELE;

A bill (H. R. No. 247) to grant a pension to George D. Phillips, reported from the same committee by Mr. STEELE;

A bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison, reported from the Committee on Revolutionary Pensions by Mr. NORCROSS;

A bill (S. No. 285) granting a pension to Elizabeth D. Stone, reported from the Committee on Invalid Pensions by Mr. SINNICKSON;

A bill (H. R. No. 1616) granting a pension to William Blancett, of Patrick County, Virginia, a soldier of the war of 1812, reported from the Committee on Revolutionary Pensions by Mr. MACKEY;

A bill (H. R. No. 705) granting a pension to Laura Seamen, the widow of Elricy Seaman, a soldier in the war of 1812, reported from the Committee on Revolutionary Pensions by Mr. KIMMEL;

A bill (H. R. No. 471) granting a pension to Martha J. Robinson, widow of James H. Robinson, reported from the Committee on Invalid Pensions by Mr. RICE, of Ohio;

A bill (H. R. No. 636) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Michigan Volunteers, reported from the same committee by Mr. RICE, of Ohio;

A bill (H. R. No. 4421) granting a pension to August Mellon, reported from the same committee by Mr. RICE, of Ohio;

A bill (H. R. No. 3440) granting a pension to George Fritz, First Regiment United States Dragoons, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 1959) granting a pension to John Haley, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 3605) restoring the name of Marcellus Wilson, of the Regiment of Mounted Riflemen, in the Mexican war, to the pension-roll, reported from the same committee by Mr. HEWITT, of Alabama;

A bill (H. R. No. 3059) granting a pension to Jacob F. Ruth, late a private in Company I, Fifth Regiment Pennsylvania Heavy Artillery Volunteers, reported from the Committee on Invalid Pensions by Mr. WALSH;

A bill (H. R. No. 4423) granting a pension to the minor heirs of William S. Price, deceased, reported from the same committee by Mr. WALSH;

A bill (H. R. No. 734) granting a pension to Syvert A. Anderson, reported from the Committee on Invalid Pensions by Mr. MACKEY;

A bill (H. R. No. 2351) granting a pension to Henry W. Higley, of Lena, Illinois, reported from the Committee on Invalid Pensions by Mr. SINNICKSON; and

A bill (H. R. No. 4424) granting a pension to Derrick F. Hamlink, reported from the same committee by Mr. SINNICKSON.

The following bills were amended so as to make the pensions commence from the passage of the acts, and were laid aside, to be reported to the House with a favorable recommendation:

A bill (H. R. No. 1946) granting a pension to John McIntyre; and

A bill (H. R. No. 4326) granting a pension to Charles Cline, of Clinton County, Ohio.

MRS. SIDNEY A. HARRISON.

Mr. RICE, of Ohio. I now ask unanimous consent to go back to the bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison, that it may be amended so as to conform to the general practice.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension-roll the name of Sidney A. Harrison, widow of Thomas Harrison, who was a soldier and military officer in the war of 1812, and to pay her a pension at the rate of $30 per month from June 20, A. D. 1876.

Mr. RICE, of Ohio. I move that the bill be amended by striking out the words "from June 20, 1876," and to insert in lieu thereof "said pension to commence and date from and after the passage of this act."

Mr. NORCROSS. I think if the gentleman from Ohio understood the case he would not move this amendment. The petition in this case prayed that the pension might commence in 1856. The committee have made it commence from the date of the application, and the application was made to the last Congress.

Mr. RICE, of Ohio. I move the amendment at the request of several members and in conformity with the established rule in such cases.

The amendment was agreed to; and the bill was laid aside to be reported to the House favorably.

JOSEPHINE DA C. THOMAS.

Mr. JOYCE. I now ask consent to go back to page 9 of the Calendar for the purpose of taking up the bill (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas.

Mr. HUMPHREY. This is the bill which was objected to by mistake by the gentleman from Alabama, [Mr. HEWITT.] He now withdraws his objection.

There being no further objection, the bill was laid aside to be reported favorably to the House.

JOHN F. CHASE.

Mr. HEWITT, of Alabama. On page 17 of the Calendar is House bill No. 44, granting additional pension to John F. Chase, of Saybrook, Connecticut. That bill was laid aside to be reported favorably to the House. The Committee on Pensions directed that an amendment be moved to that bill, to strike out the words "to commence the 1st day of January, 1875," and to insert in lieu thereof the words "from and after the passage of this act."

Mr. RICE, of Ohio. That is correct.

The amendment was agreed to; and the bill, as amended, was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. RICE, of Ohio. I move that the committee now rise and report the bills to the House which have been acted upon favorably by the Committee of the Whole.

The motion was agreed to.

The committee accordingly rose; and Mr. CALDWELL, of Tennessee, taking the chair as Speaker *pro tempore*, Mr. FORT reported that, pursuant to the order of the House, the Committee of the Whole on the Private Calendar had had under consideration the pension bills on that Calendar, and had directed him to report sundry bills to the House, some with and some without amendments.

BILLS PASSED.

The following bills, reported from the Committee of the Whole without amendment, were then taken up, severally ordered to be engrossed, read the third time, and passed:

A bill (H. R. No. 2961) for the relief of James Jackson, of Laurel County, Kentucky;

A bill (H. R. No. 4359) granting a pension to Robert Quinn, of Preble County, Ohio, a soldier of the war of 1812;

A bill (H. R. No. 4360) granting a pension to Isaac Winans, Ohio militia, war of 1812;

A bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

A bill (H. R. No. 626) granting a pension to Thomas W. Hewitt;

A bill (H. R. No. 4361) granting a pension to Elizabeth Winters;

A bill (H. R. No. 4362) granting a pension to Cynthia A. Mizelle;

A bill (H. R. No. 4363) granting a pension to Levi J. Friel, Company K, Seventy-seventh Regiment Ohio Volunteers;

A bill (H. R. No. 4364) granting a pension to Lydia A. Morris;

A bill (H. R. No. 3166) granting a pension to Agatha O'Brien, widow of John P. J. O'Brien, brevet major, United States Army;

A bill (H. R. No. 1778) granting a pension to William Abendroth;

A bill (H. R. No. 2321) granting a pension to Andrew A. Gooding;

A bill (H. R. No. 4365) granting an increse of pension to Mary F. McKeener;

A bill (H. R. No. 3103) for the relief of Oliver Yake, of Sanilac County, Michigan;

A bill (H. R. No. 848) for the relief of Francis B. McNamara, of Coudersport, Potter County, Pennsylvania;

A bill (H. R. No. 530) granting a pension to James W. Thompson;

A bill (H. R. No. 79) granting a pension to Robert Butler;

A bill (H. R. No. 4367) granting a pension to Mrs. Sarah A. Bell;

A bill (H. R. No. 735) granting a pension to James H. Thew;

A bill (H. R. No. 3070) granting a pension to Mrs. Eliza Bayard Anderson, widow of General Robert Anderson, United States Army;

A bill (H. R. No. 2791) granting additional pension to Mrs. Margaret J. Lovell, widow of the late General Charles L. Lovell;

A bill (H. R. No. 767) granting a pension to Otis B. Anderson;

A bill (H. R. No. 1043) granting a pension to William H. Walker, First Regiment Kentucky Volunteers;

A bill (H. R. No. 475) granting a pension to William Black, Company H, First Indiana Heavy Artillery;

A bill (H. R. No. 4368) granting a pension to Johanna Kuhlman;

A bill (H. R. No. 4371) granting a pension to Ludwig Ueber;

A bill (H. R. No. 4372) granting a pension to Mary Meighan, widow of Peter Meighan;

A bill (H. R. No. 4373) granting a pension to Mary I. Lebow;

A bill (H. R. No. 1627) granting a pension to Jacob M. Groce, Sixth Pennsylvania Heavy Artillery;

A bill (H. R. No. 473) granting a pension to Rebecca C. Reich;

A bill (H. R. No. 2623) granting a pension to Nelson M. Farrar;

A bill (H. R. No. 4075) granting a pension to Ezra O. Nye, Nineteenth Michigan Volunteers;

A bill (H. R. No. 2936) granting a pension to George R. Whitehead;

A bill (H. R. No. 3817) granting a pension to Annie Farley;

A bill (H. R. No. 4374) granting a pension to Sarah J. Goss;
A bill (H. R. No. 4375) granting a pension to Frederick R. Bruner;
A bill (H. R. No. 4376) granting a pension to James G. Williams;
A bill (H. R. No. 4377) granting a pension to William Cogswell;
A bill (H. R. No. 4378) granting a pension to Arthur W. Irving;
A bill (H. R. No. 4379) granting a pension to Mary Bradley Cross;
A bill (H. R. No. 4380) granting a pension to Aaron H. Miller;
A bill (H. R. No. 4381) granting a pension to Edward J. Nutall;
A bill (H. R. No. 4382) granting a pension to Jonathan Roberts;
A bill (H. R. No. 4383) granting a pension to Stephen L. George;
A bill (H. R. No. 3585) granting a pension to S. S. Whitney;
A bill (H. R. No. 642) granting a pension to Frederick W. Smith;
A bill (H. R. No. 3583) granting a pension to William Lenene;
A bill (H. R. No. 2226) granting a pension to Charles H. Bugbee, late private Company A, Third Vermont Volunteers;
A bill (H. R. No. 3784) for the relief of Mary Murphy;
A bill (H. R. No. 2520) granting pension to George Andrews;
A bill (H. R. No. 134) for the relief of Jacob G. Croman;
A bill (H. R. No. 4384) granting a pension to Daniel Donnelly;
A bill (H. R. No. 3438) granting a pension to R. G. Peterson;
A bill (H. R. No. 4385) granting an increase of pension to Caroline Hawley;
A bill (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe;
A bill (H. R. No. 2172) granting a pension to De Forest Doty, Ninth Regiment Vermont Volunteers;
A bill (H. R. No. 4387) granting a pension to James C. Bates;
A bill (H. R. No. 4388) granting a pension to Mary Wade;
A bill (H. R. No. 147) granting a pension to Captain Robert C. Bramford;
A bill (H. R. No. 477) granting a pension to Anna Koeninger;
A bill (H. R. No. 480) granting a pension to William W. Stephenson;
A bill (H. R. No. 4389) granting an increase of pension to Jerry Robinson, late commissary sergeant First Regiment United States Colored Troops;
A bill (H. R. No. 4390) granting a pension to William B. Dillon;
A bill (H. R. No. 4391) granting a pension to Susan Humes;
A bill (H. R. No. 4392) for the relief of Lucinda C. Dillahanty, of Tennessee;
A bill (H. R. No. 511) granting a pension to George W. Wright, of Brown County, Illinois;
A bill (H. R. No. 1348) to restore the name of Jesse Stallings, of Butler County, Alabama, to the pension list;
A bill (H. R. No. 247) to grant a pension to George D. Phillips, a soldier of the war of 1812;
A bill (H. R. No. 1616) granting a pension to William Blancett, of Patrick County, Virginia, a soldier of the war of 1812;
A bill (H. R. No. 705) granting a pension to Laura Seaman, the widow of Elricy Seaman, a soldier in the war of 1812;
A bill (H. R. No. 471) granting a pension to Martha J. Robinson, widow of James H. Robinson;
A bill (H. R. No. 636) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Michigan Volunteers;
A bill (H. R. No. 4421) granting a pension to August Mellon;
A bill (H. R. No. 3440) granting a pension George Fritz, First Regiment United States Dragoons;
A bill (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;
A bill (H. R. No. 1959) granting a pension to John Haley;
A bill (H. R. No. 3059) granting a pension to Jacob F. Ruth, late a private in Company I, Fifth Regiment Pennsylvania Heavy Artillery Volunteers;
A bill (H. R. No. 4423) granting a pension to the minor heirs of William S. Price, deceased;
A bill (H. R. No. 1946) granting a pension to John McIntyre;
A bill (H. R. No. 734) granting a pension to Syvert A. Anderson;
A bill (H. R. No. 2351) granting a pension to Henry W. Higley, of Lena, Illinois;
A bill (H. R. No. 4424) granting a pension to Derrick F. Hamlink;
A bill (H. R. No. 4370) granting a pension to Catharine Harris; and
A bill (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas.

House bills of the following titles, reported from the Committee of the Whole on the Private Calendar, with amendments, were severally taken up, the amendments concurred in, the bills, as amended, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 44) granting additional pension to John F. Chase, of Saybrook, Connecticut;
A bill (H. R. No. 3351) granting a pension to John Reagel;
A bill (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts;
A bill (H. R. No. 270) for the relief of the widow of Captain Christopher M. Haile, United States Army;
A bill (H. R. No. 3605) restoring the name of Marcellus Wilson, of the Regiment of Mounted Riflemen in the Mexican war, to the pension-roll;
A bill (H. R. No. 4326) granting a pension to Charles Cline, of Clinton County, Ohio; and
A bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison.

Senate bills of the following titles, reported from the Committee of the Whole on the Private Calendar with a favorable recommendation, were severally taken up, ordered to a third reading, read the third time, and passed:

A bill (S. No. 328) granting a pension to Mrs. Esther A. George;
A bill (S. No. 724) granting a pension to Nancy E. McClelland;
A bill (S. No. 755) granting a pension to Martha C. Kendall;
A bill (S. No. 703) granting a pension to Melvina A. Maltby;
A bill (S. No. 697) granting a pension to Anna E. Robbins;
A bill (S. No. 873) granting a pension to Hannah Streets; and
A bill (S. No. 285) granting a pension to Elizabeth D. Stone.

Mr. RICE, of Ohio, moved to reconsider the vote by which the various bills reported from the Committee of the Whole on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARY WILKES.

Mr. RICE, of Ohio. The bill (H. R. No. 4366) granting a pension to Mrs. Mary Wilkes, widow of the late Admiral Charles Wilkes, which has been reported favorably from the Committee of the Whole, is substantially identical with a Senate bill which has been sent to this House. I ask unanimous consent that the bill of the Senate (S. No. 869) granting a pension to Mrs. Mary Wilkes, widow of the late Admiral Charles Wilkes, United States Navy, be taken up and passed.

There being no objection, the bill was read three times, and passed.

Mr. RICE, of Ohio. I now move that the House bill on this subject be laid on the table.

The motion was agreed to.

MICHAEL S. CORL.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADJOURNMENT.

Mr. RICE, of Ohio. I move that the House adjourn.

Mr. WHITE, of Pennsylvania. Pending that motion, I move that when the House adjourns it adjourn to meet on Monday next.

Mr. McMAHON. The motion is not in order. The business of this evening session was expressly limited to action upon pension bills.

Mr. ITTNER. Less than a quorum cannot adjourn except from day to day.

Mr. VANCE. How does the gentleman know there is not a quorum present?

Mr. CONGER. I make the point of order that the motion to adjourn cannot be entertained this evening under the order of business fixed by the House.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The motion of Mr. RICE, of Ohio, that the House adjourn, was then agreed to; and accordingly (at ten o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BOONE: The petition of Ben. D. Terry, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. BREWER: Papers relating to the pension claim of Joseph Burt—to the Committee on Revolutionary Pensions.

By Mr. CAMPBELL: The petition of citizens of Cambria County, Pennsylvania, that the credit of the National Government be extended to aid in the completion of the Texas and Pacific Railroad and that the rates for transportation thereon shall forever remain under the direct control of Congress—to the Committee on the Pacific Railroad.

By Mr. COBB: The petition of citizens of Arizona Territory, that the lands in that Territory heretofore granted the Texas and Pacific Railroad Company be forfeited for conditions broken by said company—to the Committee on Public Lands.

By Mr. DEAN: The petition of Edward F. Decatur, for a pension—to the Committee on Invalid Pensions.

By Mr. GIDDINGS: Four petitions of citizens of Nacogdoches, Leon, Henderson, and Anderson Counties, Texas, for the division of that State into two judicial districts—to the Committee on the Judiciary.

By Mr. HARDENBERGH: The petition of citizens of New Jersey, against the imposition of an income tax—to the Committee of Ways and Means.

By Mr. HARMER: The petition of Edward L. Young, for compensation for injuries received while in the service of the United States—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Elizabeth McCluney—to the same committee.

By Mr. KIDDER: The petition of Acting Assistant Surgeon-General

J. B. Ferguson, for relief from loss of goods by fire at Standing Rock agency, in Dakota Territory—to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of Yankton, Dakota Territory, asking that a port of entry be established at said city—to the Committee on Commerce.

By Mr. METCALFE: Memorial of the Merchants' Exchange of Saint Louis, Missouri, urging the policy of ocean mail service—to the same committee.

By Mr. PEDDIE: The petition of H.W. Jackson, receiver of the Third National Bank of Chicago, Illinois, and others, for the amendment of the laws relating to the tax on banks that become insolvent—to the Committee of Ways and Means.

By Mr. RICE, of Ohio: The petition of Dr. Wm. J. C. Duhamel, late Acting Assistant Surgeon United States Army, for a pension—to the Committee on Invalid Pensions.

By Mr. SAMPSON: Papers relating to the pension claim of Nathan Udell—to the same committee.

By Mr. SAPP: A paper relating to the establishment of a post-route from Wicta, by way of Reno and Carbon, to Quincy, Iowa—to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: Memorial of the Medical Society of Maryland, for the publication of a subject-catalogue of the library of the Surgeon-General's Office—to the Committee on the Library.

By Mr. WARD: The petition of working men and women of Delaware County, Pennsylvania, assembled in mass-meeting in Chester, Pennsylvania, against the reduction of tariff duties—to the Committee on Ways and Means.

By Mr. WILLIAMS, of Delaware: The petition of 83 citizens of Delaware, for the passage of the proposed law abolishing compulsory pilotage—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 4, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. ALFRED H. AMES, of Washington, District of Columbia.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. BAKER, of Indiana. I rise to a question in reference to the Journal. The Journal at the proper point states the introduction and pendency of the amendment offered by the gentleman from Louisiana [Mr. GIBSON] to the legislative, executive, and judicial appropriation bill, but fails to show that any point of order was raised upon it. The inquiry I wish to make is whether it is necessary that the Journal should show that fact?

The SPEAKER. The point of order is still pending.

Mr. BAKER, of Indiana. It is not journalized until finally disposed of.

The SPEAKER. It is not.

The Journal was then approved.

TESTING OF IRON, STEEL, ETC.

Mr. KELLEY. I desire to present a brief petition and ask that it be inserted in the RECORD. It is from an engineer club.

Mr. WOOD. What is the character of it?

Mr. KELLEY. It is from an engineer club asking Congress to continue the appropriation for testing metals for ships, railroads, &c. I do not ask it be read, but merely that it be inserted in the RECORD.

Mr. BEEBE demanded the regular order.

The SPEAKER. The title of the petition will be read.

The Clerk read as follows:

Petition of the Engineer Club of the city of Philadelphia, praying Congress to continue the appropriation to the United States board for testing iron, steel, &c.

The SPEAKER. Is there objection?

There was no objection; and the petition was received, referred to the Committee on Appropriations, and ordered to be printed in the RECORD. It is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The Engineers' Club of the city of Philadelphia, respectfully petition your honorable bodies to continue the appropriation to the United States board for testing iron, steel, &c., and urge in support of such request the following reasons:

First. The object is important. Those conversant with constructive works are aware, in a greater degree perhaps than the general public, of the immense ignorance existing in regard to the strength of materials. All the tables and rules relied on by engineers are based upon experiments made long ago, and made without regard to the chemical composition of the metals. Besides, these tests were made with what may be called miniature pieces of metal, while nothing is more certain than the fact that iron or steel in large masses differs in strength very greatly from the same metal in small test pieces. Moreover, all the published tests from which the rules are deduced were made with foreign materials, no systematic tests of American iron having ever been made, even in the imperfect way above described, except for ordnance purposes. Since then the whole world of constructive mechanics has been revolutionized by the cheapening of steel, which has made this a practical material of construction. Its use has increased enormously for every purpose in the mechanic arts, from ship and boiler plates to bridges, and yet we know almost nothing about the variations in the properties of steel.

Second. The object is national. In a matter of such universal application the whole country is interested. Every one, for instance, travels by land or water, and is concerned in the question of the safety of bridges and boilers. And yet it cannot be expected that private persons or scientific associations should be able, however willing, to expend the considerable sums of money required in a thorough investigation of the kind proposed, nor would the same confidence be placed in results so obtained as would be given to those over which the Government exercises direct control. Unless it is undertaken by the nation for the nation, it will not be done at all, and surely a nation which has always been most liberal toward purely scientific objects, which has spent its hundreds of thousands in geological and astronomical work, will not hesitate to devote a moderate sum to a purpose of such immense importance.

Third. The continuance of the commission is economical. The appointments made have been eminently satisfactory to the public. The commission have gone through enormous preliminary labor and have cleared the ground for effective work. They have directed the construction of a machine, the largest in the world, now almost completed, for the purpose of testing bars of the full size used in actual practice. They are now prepared to work efficiently and rapidly.

If Congress now refuse the appropriation and the commission is dissolved, all this labor will be lost and a new commission would have to go through the whole preliminary work again. Meanwhile the cost to the country, both from the use of unnecessary material in construction and, what is worse, from the losses and accidents caused by the use of too little material, in obedience to the old rules, will, for every day of such delay, amount to more than the total appropriation asked for the commission.

And your petitioners will ever pray.

LEWIS M. HAUPT,
President Engineers' Club of Philadelphia.
CHAS. E. BILLIN,
Secretary and Treasurer.

Special committee:

WM. A. INGHAM,
President R. I. & C. Co.
PERCIVAL ROBERTS, JR.,
Pencoyd Iron Works.
J. SELLERS BANCROFT,
of William Sellers & Co.

EXCHANGE OF SUBSIDIARY COIN.

Mr. STEPHENS, of Georgia, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. No. 4704) to retire certain silver coin now in use and to provide for the exchange of subsidiary coin for legal-tender notes under certain circumstances; which was read a first and second time, ordered to be printed with the accompanying report, and recommitted, not to be brought back by a motion to reconsider.

NATIONAL IRON-MOLDERS' UNION.

Mr. BANNING. Mr. Speaker, I ask, by unanimous consent, to discharge the Committee of the Whole on the Private Calendar from the further consideration of a bill (H. R. No. 292) to incorporate the National Iron-Molders' Union and put it on its passage at this time.

The Clerk proceeded to read the bill.

Mr. BURCHARD. I object; it is on the Private Calendar and should stay there.

Mr. BANNING. Who is it objects?

The SPEAKER. The gentleman from Illinois.

Mr. BANNING. I ask the gentleman to withdraw his objection.

Mr. BURCHARD. I understand that it is not a business corporation, and I withdraw my objection.

Mr. WHITE, of Pennsylvania. Is it a private bill?

Mr. BAKER, of New York. I object.

Mr. BANNING. I hope the gentleman will withdraw his objection.

Mr. WHITE, of Pennsylvania. I understand this is a charitable and benevolent corporation.

Mr. BANNING. I hope the objection will be withdrawn.

The SPEAKER. Objection is made, and the bill is not before the House.

Mr. PAGE. I demand the regular order of business.

PERSONAL EXPLANATION.

Mr. WHITTHORNE. Mr. Speaker, in the RECORD of yesterday's debate I am made to refer to and to discuss an amendment in reference to the agricultural portion of the legislative appropriation bill, as offered by my colleague Mr. ATKINS, when it should be my colleague Mr. CALDWELL. There are other exceptions I might take to the report, but they are immaterial, and I will not do so.

Mr. CALDWELL, of Tennessee. What my colleague has said, Mr. Speaker, entitles me, I think, to say a word as a matter of privilege, and I will do so very briefly. While the language of my colleague [Mr. WHITTHORNE] yesterday was equivocal, it was, to say the least, susceptible of a construction unfavorable to me, apparently assuming that I was in some way an enemy to the great agricultural interests of the country. So far as he assumes this he is very much mistaken. I desire to say that, while my friend and colleague who is a most promising and rising man in the State of Tennessee is anxious to cultivate the favor and good-will of the farmers of that State, it is my opinion he cannot convince them he is the proper man for governor by insisting that we shall have prince's-feather, hollyhock, and sunflower seed scattered at the public expense all over the State. I should advise my friend, therefore, to pursue some other course.

ORDER OF BUSINESS.

Mr. WHITE, of Pennsylvania. Have we not a morning hour?

The SPEAKER. The legislative appropriation bill comes up as the unfinished business on the report of the Committee of the Whole on the state of the Union. The previous question has been seconded and the main question ordered.

Mr. WHITE, of Pennsylvania. Can we not have a morning hour after this?

The SPEAKER. Yes; if the House desires it.

Mr. COX, of New York. I hope the gentleman will withdraw the demand for the regular order of business so I may be heard.

Mr. PAGE. I demand the regular order of business.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The regular order is demanded which is the unfinished business of yesterday, being the legislative, executive, and judicial appropriation bill reported from the Committee of the Whole with amendments, on which the main question has been ordered. There is a point of order pending against the amendment offered by the gentleman from Louisiana, [Mr. GIBSON.] If any gentleman desires to be heard on the point of order the Chair is now willing to listen.

Mr. BAKER, of Indiana. I desire to be heard on the point of order. By the act of the 3d of March, 1835, (4 Statutes at Large, 774,) branch mints were established at New Orleans, Louisiana, at Charlotte, North Carolina, and at Dahlonega, Georgia. Previous to that there had been only one establishment known as the Mint located at Philadelphia. By the second section of the act to which I have called the attention of the honorable Speaker the officers created for the branch mints were one superintendent, whose salary was fixed at $2,500; one treasurer, whose salary was fixed at $2,000; one assayer, with a salary of $2,000; one chief coiner, with a salary of $2,000; one melter, at $2,000; and one refiner, at $2,000.

By the act of February 13, 1837, (5 Statutes at Large, 147,) the officers of this branch mint were reduced by one by the consolidation of the offices of melter and refiner into one, leaving the salaries as they stood before; so that by virtue of the amended act the officers consisted of a superintendent, treasurer, assayer, melter and refiner, and coiner.

By the act of August 6, 1846, (9 Statutes at Large, 65, section 22,) the salary of the treasurer of the branch mint at New Orleans, Louisiana, was increased $500.

The law stood in that condition at the time of the commencement of the war of the rebellion. That is to say, the law then authorized one superintendent, with a salary of $2,500; one treasurer, at a salary of $2,500; one assayer, at $2,000; one melter and refiner, at $2,000; and one coiner, at $2,000. The last appropriation act before the war that was passed in February, 1861, makes provision for this force at those salaries. There was no further appropriation or legislation with reference to the mint at New Orleans until the appropriation act passed on the 20th of July, 1868. By that act the sum of $3,000 was appropriated for the care and supervision of the mint building. On the 3d of March, 1869, the like amount for the like purpose was appropriated. In the years 1870, 1871, 1872, and 1873 no appropriation for any purpose connected with the branch mint at New Orleans was made.

That was the condition, Mr. Speaker, of the law with reference to the mint, or branch mint rather, at New Orleans when the act of February 12, 1873, became law. That act is to be found in the seventeenth volume of the Statutes at Large which I hold in my hand. I desire to refer the Speaker to that law.

The SPEAKER. What section?

Mr. BAKER, of Indiana. The first section that I call attention to is section 3, on page 424. The first and second sections of the act provide for placing the mints of the country under the direction of a superintendent of mints located here at Washington. The third section declares:

> That the officers of each mint shall be a superintendent, an assayer, a melter and refiner, and a coiner, and, for the mint at Philadelphia, an engraver, all to be appointed by the President of the United States, by and with the advice and consent of the Senate.

That section fixes the number of officers of the various mints of the United States. Now, if the Speaker will be kind enough to turn to section 66 of this act, page 435 of the same volume, he will observe that that section provides for the creation of new establishments so far as legal nomenclature is concerned. It drops the designation of "branch mint," which had obtained with all those establishments except Philadelphia, and declares:

> That the different mints and assay offices authorized by this act shall be known as "the mint of the United States at Philadelphia," "the mint of the United States at San Francisco," "the mint of the United States at Carson," "the mint of the United States at Denver," "the United States assay office at New York," and "the United States assay office at Boisé city, Idaho," "the United States assay office at Charlotte, North Carolina."

And the residue of the section transfers and reappropriates any money that may be applicable to the several branch mints at that time existing in the United States to the support and maintenance of the mints thereby created.

The next section, the Speaker will observe, in terms repeals all acts and parts of acts pertaining to the mints, assay offices, and coinage of the United States inconsistent with the provisions of this act. So that by virtue of that act of February 12, 1873, the mint at New Orleans, created on the 3d of March, 1835, with the legal title "the branch mint at New Orleans," was legislated out of existence and ceased to be.

The revisers, however, as the Speaker will observe by turning to section 3495 of the Revised Statutes, undertaking, as is shown by the marginal note on the statute, to recapitulate in these Revised Statutes the mints that had been created by the sixty-sixth section of the act which I have just read, insert by some means, I know not how, the mint at New Orleans in addition to the mints that were expressly created and provided for by the law to which reference is made by the revisers.

The SPEAKER. Will the gentleman allow the Chair to ask him a question? It is whether he does not think that the provisions of the Revised Statutes as passed are binding, even though at variance with former law.

Mr. BAKER, of Indiana. I will say to the Speaker that I was not intending to rest the point of order I made on the fact that the revisers, by some means or other, when they undertook to recapitulate the sixty-sixth section of the statute that had so recently been passed fixing the mints of the United States, embraced one that had been apparently purposely dropped, but to place it on another point.

Admitting that the reason so far as it goes is binding, the point I wanted to make is this: I wanted to show to the Speaker and the House that all the laws relating to the branch mint at New Orleans, which had existed prior to the 12th of February, 1873, were wiped out by the legislation I have referred to, and that consequently in determining the question of order now raised reference alone can be had to the terms of the Revised Statutes. I desire to say that I admit that the Revised Statutes create a mint at New Orleans. Section 3496 of the Revised Statutes declares what the officers of the mint shall be and I will read it:

> The officers of each mint shall be a superintendent, an assayer, a melter and refiner, and a coiner; and, for the Mint at Philadelphia, an engraver; all to be appointed by the President, by and with the advice and consent of the Senate.

These two points are established. First, after the abolition of the branch mint, a mint was created at New Orleans; and, second, that the general statute provides that there shall be four officers there, namely, a superintendent, an assayer, a melter and refiner, and a coiner.

The SPEAKER. If the gentleman will look at section 3490 he will find that they are also allowed the assistance of clerks in the several mints at such and such annual salaries.

Mr. BAKER, of Indiana. I will come to that point presently. I am speaking now about the primary point, the principal one. The section I have read fixes no salary. We come then to section 3498 of the Revised Statutes. That section fixes the salaries of the officers of the mint at Philadelphia and San Francisco and at Carson City. It makes no provision for the salaries of superintendent, assayer, melter and refiner, and coiner at the mints either at Denver or New Orleans; so that there is no existing law fixing the salaries for those officers with reference to this mint about which I make the point of order.

The SPEAKER. The Chair desires to direct the attention of the gentleman from Indiana to the sixty-fifth section of the act of February 12, 1873. He will find that in that section a superintendent of the mint at New Orleans is recognized, and additional duties are placed upon him.

Mr. BAKER, of Indiana. I have the law here.

The SPEAKER. It is condensed in the Revised Statutes in the following words:

> The superintendents of the mints at Philadelphia, San Francisco, and New Orleans shall be, and perform the duties of, treasurers of said mints respectively.

Mr. BAKER, of Indiana. The mint, however, had been abolished. Now I propose to show, and the only point that I am now making, (I do not desire to advance more rapidly than I am doing)——

The SPEAKER. The Chair is listening with great attention to the gentleman from Indiana.

Mr. BAKER, of Indiana. The point I am endeavoring to make is that, so far as the four principal officers are concerned, by the Revised Statutes no such officers have a salary attached to their position, and consequently to affix a salary, unless subsequent legislation provides for it, would be new legislation.

Mr. MAISH. I ask if the gentleman's attention has been called to the act of 1874?

Mr. BAKER, of Indiana. I was just coming to that, and I propose to make the point of order no broader than I am satisfied that it can be maintained, and that no man will be able to escape from it. Now, what was the legislation of 1874? On page 97 of the eighteenth volume of the Statutes at Large you find these words:

> To reopen the branch mint at New Orleans.

There was no such mint there; it had been wiped out of existence by the act of 1873. It had been by the revisers created into a mint at New Orleans. That was doubtless a mistake. I proceed to read from the law:

> To reopen the branch mint at New Orleans, to be conducted hereafter as a mint subject to the provisions and restrictions of the coinage act of 1873, the following appropriations are made.

Then it goes on to provide for a salary of the superintendent, $3,500; and for that of the assayer, who shall perform the duties of melter, $2,500, and to appropriate for the wages of workmen.

There I make two points: first, I say that the act of 1874 does not propose to create a salary. It simply declares that this superintendent, whose office had already been created, should receive for that fiscal year $3,500. But if the act of 1874 did create a salary, then the point of order would lie against every officer mentioned in the proposed amendment that is not embraced in this law.

I want, before proceeding further, to say that the legislation of the two last preceding years has nothing whatever to do with this ques-

tion, and I think the Speaker will agree to that, as he was connected with that legislation, there being only a small amount of money appropriated for an assayer, who should be also a melter, to take charge of the mint, and a few laborers to run it as an assay office. Now, I am willing to concede for the sake of argument that the act of 1874 does create a salary; then, what officers are there whose salaries are thus created? There are a superintendent, an assayer who shall act as melter, and that is all.

Where, then, is the law to be found that authorizes, as this amendment proposes, not only a superintendent and an assayer, but in addition, one melter, one refiner, and one coiner, five officers in all, when the Revised Statutes themselves provide in reference to all the mints that, instead of there being two separate officers, for melter and refiner, the two offices shall be consolidated into one? The Chair will find by calculating the amount proposed to be appropriated for these officers, at $2,500 a year each, that the amendment proposes that the refiner and the melter shall be two separate officers. Therefore this amendment provides not only for officers who have never been provided for either in the Revised Statutes or in any statute passed since, but it also provides for an officer not authorized by the Revised Statutes; because the two offices of melter and refiner, as proposed by this amendment, are consolidated and made one office by the Revised Statutes.

Mr. MAISH. If I mistake not, the gentleman from Louisiana [Mr. GIBSON] omitted the office of "coiner" the other day in order to obviate that very objection.

Mr. BAKER, of Indiana. It is not so in the RECORD, as I read it.

Mr. GIBSON. One office was omitted.

Mr. BAKER, of Indiana. Even if it was omitted, that would not help it at all.

Mr. THOMPSON. The office of "coiner" is in the amendment.

Mr MAISH. It is there by mistake.

Mr. BAKER, of Indiana. Even if the amendment should be changed as suggested, it would still be obnoxious to the point of order that the proposition has not been considered in Committee of the Whole. But I want to say further that the office of coiner is provided for in this amendment.

Mr. EDEN. Allow me to say that the word "coiner" was stricken out in Committee of the Whole when the point of order was raised.

Mr. BAKER, of Indiana. It is not out of the amendment now.

The SPEAKER. If the law authorizes a mint surely it authorizes officers to run it. Subsequent sections do this in fact.

Mr. EDEN. One office was stricken out in Committee of the Whole.

Mr. KELLEY. If the gentleman from Indiana [Mr. BAKER] will yield to me a single moment.

Mr. BAKER, of Indiana. Certainly.

Mr. KELLEY. I am not familiar with the technical language of the amendment the gentleman is speaking of. But if it is true as he asserts that the office of melter and refiner are separated, then that is impossible legislation. The duties of melter and refiner are one and indivisible; you cannot refine without melting.

Mr. EDEN. Allow me to say that it was "the engraver" that was stricken out in Committee of the Whole.

Mr. KELLEY. The engraver is one officer, and coiner is entirely a distinct officer, as much so as though he pertained to another business. The engraver simply cuts the steel dies; the coiner manipulates the metal from the time it is weighed to him until the coin and the cuttings are returned to be weighed. They work in different metals. The one works in steel and the other in the metals of our coinage.

Mr. ELAM. The "engraver" is stricken out.

Mr. BAKER, of Indiana. The "coiner" was not stricken out.

Mr. MAISH. I was mistaken; it was "engraver," not "coiner," that was stricken out.

Mr. BAKER, of Indiana. Still, if the word "coiner" was stricken out, that would not change the point I make, for the reason that by this amendment the melter and the refiner are retained as independent officers. That will be apparent to the Chair if he will compute the salaries of the officers provided for in the amendment at $2,500 each. In addition to that, the amendment contains the words "for the assayer, melter, refiner, and coiner, four in all, $2,500." If you were to strike out "coiner," there would still be left three officers, two of whom would be a melter and a refiner.

Now, in addition to that, I desire to say that the amendment also provides for a cashier, an officer unknown to the Revised Statutes in connection with the mint, and one that is not provided for, and never has been provided for since the revision of 1874, for the mint at New Orleans. Therefore it will be seen that neither in the Revised Statutes nor in any subsequent session-laws can there be found any authority for the appointment of a cashier.

The same is true in regard to other officers which this amendment provides for, weigh clerk, deposit clerk, book-keeper, and assayer's clerk. In addition to that it is new legislation, and not in the interest of economy, to provide for "repairs and machinery." No such thing as that is found in the Revised Statutes. The mint at New Orleans was recreated by the Revised Statutes, but there is no law now, and will be none unless we put one on the statute-book now, that provides either for machinery for or the repairs of that mint.

For that reason I submit that on any theory nearly everything that is embraced in this amendment is outside not only of the Revised Statutes but of any appropriation heretofore made in the session-laws since the revision took place.

The SPEAKER. The Chair desires to say——

Mr. HALE. The Chair will allow me a moment. What I have been mainly seeking to find out is how this amendment came here at all. It was considered and defeated in Committee of the Whole.

The SPEAKER. Was the gentleman present yesterday at the close of the afternoon session?

Mr. HALE. I was going to say that I was called away just before the close of the session.

The SPEAKER. If the gentleman will refer to the RECORD he will see that the amendment was admitted after the bill was reported from the Committee of the Whole.

Mr. HALE. That is what I have been endeavoring to do. I can see no way in which the amendment can have come in except by the chairman of the Committee on Appropriations, after the matter had been decided in Committee of the Whole, yielding to allow the amendment to be submitted in the House, thus adding to the expenditures in the bill. Was that done?

The SPEAKER. There was considerable debate on the question, and the Chair has not the RECORD before him; but the gentleman will find that the amendment came in substantially as he supposed it did.

Mr. HALE. By the yielding of the chairman of the Committee on Appropriations.

The SPEAKER. This amendment upon its face certainly does not enact new legislation. On the contrary, it proceeds upon an assumption that no new legislation is required. This mint was originally established in 1834, and there was a contract between the Government of the United States and the city of New Orleans that the city should grant the land necessary for the erection of a mint upon the condition that a mint should always be maintained at that point. The latest provision of law authorizing a mint at New Orleans seems to be the enactment in the Revised Statutes.

Mr. BAKER, of Indiana. A branch mint.

The SPEAKER. A mint.

Mr. BAKER, of Indiana. There is a difference, if the Speaker will pardon me, between a branch mint, which is merely auxiliary, and an independent mint, which is subject simply to the control of the Superintendent of mints.

The SPEAKER. The Chair thinks that both terms are meant to imply a place where gold and silver are coined.

Mr. BAKER, of Indiana. There is no doubt about that.

The SPEAKER. The third paragraph of section 3495 of the Revised Statutes makes in distinct terms this provision:

> Third. The mint of the United States at New Orleans.

The Chair supposes that the revisers in inserting this clause did so in pursuance of the sixty-fifth section of what is known as the coinage act of February 12, 1873, wherein a superintendent of the mint at New Orleans is recognized and the performance of additional duties is assigned to him.

It seems to the Chair that the act of 1874 also provides for the reopening of the mint at New Orleans, proceeding upon the same assumption as the amendment offered by the gentleman from Louisiana [Mr. GIBSON] that there is a mint already authorized by law at New Orleans.

Allusion has been made to Senate bill No. 1058 as an indication that additional legislation is necessary to establish a mint at New Orleans. A careful reading of that bill, which is now in the hands of the Committee on Coinage, Weights, and Measures, will show that it proceeds upon the same assumption: that there is by law a mint authorized at New Orleans.

Thus the general law, particularly section 3495 of the Revised Statutes, provides for a mint at New Orleans, and subsequent sections authorize and direct the appointment of officers to keep the mints in operation. In accordance with this state of the law the chairman of the Committee of the Whole on last Tuesday made this decision:

> As the law recognizes the existence of a mint at New Orleans, the Chair is inclined to hold that the necessary legislation to operate that mint is not new legislation in the sense of the rule, and that consequently such a provision is in order as an amendment to this bill. The Chair therefore overrules the point of order.

The gentleman from Michigan, [Mr. CONGER,] during the debate which then took place upon the point of order, said:

> Now, if there be a mint at New Orleans and if the usual officers for a mint at New Orleans are not provided for in this bill, I do not claim that it is new legislation to provide for them, whether they have been left out by inadvertence or by design. But if there be no mint there organized; if this is the establishment of a mint instead of an assay office as this bill provides for, then it will be new legislation. It was because I did not know what the law was upon that subject that I suggested to the Chair that it was new legislation.
>
> Now I understand the gentleman from Louisiana [Mr. GIBSON] to read from the law which is unrepealed, as I understand him, to claim the establishment of a mint at New Orleans and to claim that the officers provided for in this amendment are the proper legal officers of this institution. If that be so, I cannot insist upon the point of order that it is new legislation.

The gentleman from Ohio, [Mr. GARFIELD,] in the course of the same debate, said:

> During the several years while I was chairman of the Committee on Appropriations, when there was not enough coinage being done to require the rehabilitation of any mint, and even when we were providing for the sale of mints at Charlotte and Dahlonega and other points, we still kept the New Orleans mint alive by keep-

ing up the form of appropriation giving a small sum of money, because if we had not done so under the terms of the grant it would revert to its former owners. We are bound while we own it to keep it a mint.

This latter statement of the gentleman from Ohio referring to the period when he was chairman of the Committee on Appropriations agrees entirely with the recollection of the present occupant of the chair as to the action of the committee during the time he was its chairman. The committee at that time provided for keeping an officer at the New Orleans mint in order that the Government might retain the mint property under its contract with the city of New Orleans. This was avowedly the object.

The Chair, in view of the provision of section 3495 of the Revised Statutes, in consideration also of the act of 1874, and all the subsequent cumulative legislation recognizing a mint at New Orleans as established by law, is unwilling to reverse the decision of the chairman of the Committee of the Whole upon this amendment. The Chair thinks proper to go further and say that he believes the mint at New Orleans to be a mint authorized by the statutes, and that consequently this amendment providing appropriations for keeping that mint in operation is not at variance with existing law, and overrules the point of order.

Mr. CANNON, of Illinois. If the Chair will permit I would like to put a question. Does it appear to the Chair that this mint has constantly been kept up from the time of the grant made by the city of New Orleans to the present time?

The SPEAKER. It was continued in operation from 1834 till 1861; of course its operations were interrupted by the war; but its continuance as a mint is recognized by a variety of legislation since that time. The sixty-fifth section of the coinage act of 1873, section 3495 of the Revised Statutes, the act of 1874, the appropriations alluded to by the gentleman from Ohio as made during his chairmanship of the Committee on Appropriations and similar appropriations made when the present occupant of the chair held the same position—the general course of legislation, together with the recent bill passed by the Senate, constitute a mass of cumulative evidence showing that the legislative department of the Government has distinctly and repeatedly recognized the mint at New Orleans as established by law. The Chair does not find any provision of law repealing such authorization directly or by inference.

Mr. CANNON, of Illinois. Then the Chair is satisfied that the real estate on which this mint is located has never reverted to the grantor?

The SPEAKER. That is a legal proposition which the Chair is not called upon to decide. The Senate bill provides that before the expenditure of any money for said purpose the city of New Orleans shall release and quitclaim to the United States all title and all claim of every character, and all conditions of forfeiture to the lands and premises upon which said mint is located.

Mr. BAKER, of Indiana. One word on the point of order. I wish to state before I come to that, however, that last evening I took occasion to examine into the matter and I now state, as I believe, without any possibility of doubt, the fact that in the years 1870, 1871, 1872 and 1873 nothing was appropriated for the mint at New Orleans.

The SPEAKER. The Chair desires to state in that connection, that the mere omission on the part of Congress to appropriate money does not necessarily repeal distinct law authorizing a certain thing to be done. Especially in the absence of a repealing provision. If Congress chooses to omit to appropriate when the law authorizes the thing to be done, the responsibility of course would be with Congress.

Mr. BAKER, of Indiana. I grant that inasmuch as the mint at New Orleans was revived as a mint in the legislation of 1874, the responsibility of appropriation for prior years——

Mr. ELAM. I rise to a question of order, and the point I make is this, that the Chair having decided this question, it is not debatable unless an appeal is taken from the decision of the Chair.

Mr. BAKER, of Indiana. I rose to ask a question of the Chair in reference to the point of order.

The SPEAKER. The gentleman from Indiana raised the point of order, and the Chair has given his decision. The point is now made that further debate is not in order.

Mr. BAKER, of Indiana. I do not propose to debate it; I merely want to know the ground upon which the Chair bases his decision in reference to the last clause of the amendment, for repairs and machinery, $75,000, and that in view of the fact that this mint as a mint was created in 1874, and from that time down there has been no law upon the statute-book which provided for the purchase of machinery.

The SPEAKER. That is a question for the House to decide, and the Chair would not like to express an opinion as to its propriety.

Mr. BEEBE. I demand the regular order of business.

The SPEAKER. The amendment offered by the gentleman from Louisiana under the decision of the Chair is pending; but the first business in order will be on the amendments reported from the Committee of the Whole on the state of the Union.

Mr. O'NEILL. I wish to propose an amendment to that amendment of the gentleman from Louisiana.

The SPEAKER. It is not in order unless by unanimous consent, the main question having been ordered.

Mr. ATKINS. I ask unanimous consent to provide for the salary of a laborer, which was unintentionally omitted from the bill. It is in line 181.

Mr. O'NEILL. The chairman of the committee I hope will give me consent to offer my amendment.

The SPEAKER. The House can by unanimous consent allow the gentleman from Pennsylvania to offer his amendment, and that is the only way in which it can come in.

Mr. O'NEILL. It does not add a dollar of expense.

Mr. BAKER, of Indiana. I object.

Mr. ATKINS. I ask unanimous consent to supply an omission; the laborer is already provided for in the bill, but the salary has unintentionally been omitted. I move, in line 181, after the words "one laborer," to insert "$600."

Mr. O'NEILL. I ask unanimous consent to offer an amendment.

Mr. EDEN. I object.

The SPEAKER. Is there objection to the amendment of the gentleman from Tennessee?

There was no objection; and it was ordered accordingly.

Mr. BEEBE. I now demand the regular order of business.

The SPEAKER. There was quite a number of amendments in the Committee of the Whole on the state of the Union on which separate votes were not demanded. If there be no objection, the amendments reported by the Committee of the Whole on the state of the Union on which separate votes are not demanded will be taken in gross, and then a vote will be taken separately upon the amendments on which separate votes have been asked.

There was no objection.

The amendments on which separate votes were not asked were then concurred in.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GAUSE. I desire, Mr. Speaker, to ask for a separate vote on the amendment in line 1651 in reference to the entry of public lands.

The SPEAKER. It is the gentleman's right, and a separate vote will be taken upon the amendment when it is reached in its turn.

The Clerk will now read the amendments in their order as reported by the Committee of the Whole on the state of the Union, and on which separate votes have been demanded.

Mr. BAKER, of Indiana. Are these amendments reported from the Committee of the Whole on the state of the Union?

The SPEAKER. They are.

Mr. BAKER, of Indiana. Not by the Appropriations Committee?

The SPEAKER. The Chair does not know whether they were offered by the committee or not; he believes some were, and that others were adopted by the Committee of the Whole on the state of the Union which did not come from the Committee on Appropriations. The Clerk will now read the first amendment of the Committee of the Whole on the state of the Union, on which a separate vote has been asked.

The Clerk read as follows:

Strike out all after the word "dollars," in line 1203, down to and including the word "each" in line 1207; that is, strike out the following words: "six clerks of class 4, four clerks of class 3, five clerks of class 2, seventy clerks of class 1, twenty-eight clerks at $1,000, twenty-eight clerks at $900 each;" and in lieu thereof to insert as follows:

Eight clerks of class 4; six clerks of class 3; nine clerks of class 2; one hundred and twenty clerks of class 1, twenty-eight of whom shall be temporary.

Mr. HALE. In what Department or bureau is this? Gentlemen have not their bills before them, and it would better explain the amendment to know under what heading it is.

The SPEAKER. It is under the heading of the Surgeon-General's Office.

The House divided; and there were ayes 93, noes 91.

Mr. ATKINS demanded tellers.

Mr. PAGE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. I desire to ask a question for information. Is not this amendment in relation to the clerks of the Surgeon-General's Office?

Mr. EDEN. I object to debate.

Mr. FINLEY. I ask that the amendment be again read.

The SPEAKER. It has been twice read already. Is there objection to the amendment being read a third time?

Objection was made.

The question was taken; and there were—yeas 115, nays 115, not voting 62; as follows:

YEAS—115.

Aldrich,	Burdick,	Danford,	Hanna,
Bacon,	Butler,	Davis, Horace	Harmer,
Baker, John H.	Calkins,	Deering,	Harris, Benj. W.
Bayne,	Camp,	Dunnell,	Haskell,
Bisbee,	Campbell,	Dwight,	Hatcher,
Blair,	Cannon,	Eames,	Hayes,
Boyd,	Caswell,	Evans, James L.	Hazelton,
Brentano,	Chittenden,	Fort,	Hendee,
Brewer,	Claflin,	Foster,	Henderson,
Briggs,	Clark, Rush	Frye,	Henkle,
Brogden,	Cole,	Gardner,	Hiscock,
Browne,	Conger,	Garfield,	Humphrey,
Bundy,	Cox, Jacob D.	Hale,	Hungerford,
Burchard,	Cummings,	Hamilton,	Hunter,

Ittner,	McMahon,	Robinson, G. D.	Townsend, Amos
Jones, John S.	Mitchell,	Ryan,	Townsend, M. I.
Jorgensen,	Monroe,	Sampson,	Van Voches,
Joyce,	Neal,	Sapp,	Wait,
Keifer,	Norcross,	Sexton,	Walsh,
Keightley,	Oliver,	Shallenberger,	Ward,
Kelley,	O'Neill,	Sinnickson,	Watson,
Ketcham,	Overton,	Smalls,	Welch,
Lapham,	Patterson, G. W.	Stephens,	White, Harry,
Lathrop,	Peddie,	Stone, John W.	White, Michael D.
Lindsey,	Phelps,	Stone, Joseph C.	Williams, A. S.
Marsh,	Phillips,	Strait,	Williams, C. G.
McCook,	Rainey,	Thompson,	Williams, Richard
McGowan,	Randolph,	Thornburgh,	Wren.
McKinley,	Rice, William W.	Tipton,	

NAYS—115.

Aiken,	Davis, Joseph J.	Hewitt, Abram S.	Sayler,
Atkins,	Dean,	Hewitt, G. W.	Scales,
Banning,	Dibrell,	Hooker,	Shelley,
Beebe,	Durham,	House,	Singleton,
Bell,	Eden,	Hunton,	Siemons,
Benedict,	Elam,	Jones, Frank	Smith, William E.
Bicknell,	Ellis,	Jones, James T.	Southard,
Blackburn,	Evins, John H.	Knapp,	Sparks,
Blount,	Ewing,	Knott,	Springer,
Boone,	Felton,	Landers,	Steele,
Bouck,	Finley,	Ligon,	Stenger,
Bridges,	Forney,	Lockwood,	Throckmorton,
Buckner,	Franklin,	Lynde,	Townshend, R. W.
Cabell,	Fuller,	Maish,	Tucker,
Caldwell, John W.	Garth,	Manning,	Turner,
Candler,	Gause,	Martin,	Turney,
Chalmers,	Gibson,	Mayham,	Vance,
Clark, Alvah A.	Giddings,	Mills,	Warner,
Clark of Missouri,	Glover,	Morrison,	Whitthorne,
Clarke of Kentucky,	Goode,	Morse,	Wigginton,
Cobb,	Gunter,	Muldrow,	Williams, James
Collins,	Harris, Henry R.	Rea,	Williams, Jere N.
Covert,	Harris, John T.	Reagan,	Willis, Benj. A.
Cox, Samuel S.	Harrison,	Reilly,	Wilson,
Cravens,	Hart,	Rice, Americus V.	Wood,
Crittenden,	Hartridge,	Robbins,	Yeates,
Culberson,	Hartzell,	Roberts,	Young,
Cutler,	Henry,	Robertson,	The Speaker.
Davidson,	Herbert,	Ross,	

NOT VOTING—62.

Acklen,	Dickey,	McKenzie,	Riddle,
Bagley,	Douglas,	Metcalfe,	Robinson, M. S.
Baker, William H.	Eickhoff,	Money,	Schleicher,
Ballou,	Ellsworth,	Morgan,	Smith, A. Herr
Banks,	Errett,	Muller,	Starin,
Bland,	Evans, I. Newton	Page,	Stewart,
Bliss,	Freeman,	Patterson, T. M.	Swann,
Bragg,	Hardenbergh,	Pollard,	Veeder,
Bright,	Hubbell,	Potter,	Waddell,
Cain,	James,	Pound,	Walker,
Caldwell, W. P.	Kenna,	Powers,	Williams, Andrew
Carlisle,	Killinger,	Price,	Willis, Albert S.
Clymer,	Kimmel,	Pridemore,	Willits,
Cook,	Loring,	Pugh,	Wright.
Crapo,	Luttrell,	Quinn,	
Denison.	Mackey,	Reed,	

During the call of the roll the following announcements were made:

Mr. HATCHER. My colleague from Missouri, Mr. MORGAN, is paired with Mr. JAMES, of New York.

Mr. BOONE. My colleague from Kentucky, Mr. WILLIS, is paired with Mr. OLIVER, of Iowa.

Mr. ATKINS. I beg to state that the pair of Mr. WILLIS, of Kentucky, is with Mr. SMITH, of Pennsylvania.

Mr. BOONE. I was informed by my colleague, Mr. BLACKBURN, that the pair was with Mr. OLIVER. I accept the correction of the gentleman from Tennessee.

Mr. ELLIS. My colleague from Louisiana, Mr. ACKLEN, is absent by reason of sickness.

Mr. STENGER. My colleague from Pennsylvania, Mr. CLYMER, is paired with Mr. CLAFLIN, of Massachusetts. Mr. POTTER, of New York, is paired with Mr. PUGH, of New York.

Mr. HOUSE. My colleague from Tennessee, Mr. BRIGHT, is paired with Mr. ELLSWORTH, of Michigan.

Mr. MARTIN. My colleague from West Virginia, Mr. KENNA, is paired with Mr. EVANS, of Pennsylvania.

Mr. BRAGG. My colleague from Wisconsin, Mr. POUND, is absent by leave of the House. On all questions on which he and I differ we are paired. On this question, if he were present, he would vote "ay" and I would vote "no."

Mr. MCKENZIE. I am paired with Mr. PRICE, of Iowa. If he were present, I would vote "no."

Mr. EICKHOFF. I am paired with Mr. BALLOU, of Rhode Island.

Mr. COVERT. My colleague from New York, Mr. QUINN, is paired with my other colleague, Mr. BAKER. On this question Mr. QUINN would vote "no" and Mr. BAKER would vote "ay." My colleague, Mr. VEEDER, is paired with my colleague, Mr. STARIN. Mr. VEEDER would vote "no" and Mr. STARIN would vote "ay." My colleague, Mr. BLISS, is paired with Mr. HUBBELL, of Michigan. I do not know how either gentleman would vote.

Mr. RIDDLE. I am paired with Mr. REED, of Maine. If he were here, I would vote "no" and I presume he would vote "ay."

Mr. COOK. I am paired with Mr. CRAPO, of Massachusetts. If he were present, he would vote "ay" and I would vote "no."

Mr. PUGH. I am paired with Mr. POTTER of New York. If he were present, I would vote "ay" and he would vote "no."

Mr. COLE. My colleague from Missouri, Mr. MORGAN, is paired with Mr. JAMES, of New York, on political questions.

Mr. STEWART. I am paired with the gentleman from New York, Mr. MULLER. If he were present, I would vote "ay."

Mr. HALE. My colleague from Maine, Mr. POWERS, is paired with Mr. CARLISLE, of Kentucky. If Mr. POWERS were present, he would vote "ay."

Mr. PAGE. I am paired with my colleague from California, Mr. LUTTRELL, who is detained from the House by illness. If he were present, I would vote "ay."

Mr. HENDEE. My colleague from Vermont, Mr. DENISON, is absent on account of sickness.

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is paired with Mr. BRIGHT, of Tennessee. My colleague, if present, would vote "ay." My colleague, Mr. WILLITS, is paired with Mr. HARDENBERGH, of New Jersey.

Mr. METCALFE. I am paired with my colleague from Missouri, Mr. BLAND.

Mr. CUMMINGS. My colleague from Iowa, Mr. PRICE, is detained from the House by sickness.

Mr. PATTERSON, of Colorado. On this and other votes of this character I am paired with Mr. ERRETT, of Pennsylvania. If he were here, I would vote "no."

Mr. CALDWELL, of Tennessee. I am paired with Mr. FREEMAN, of Pennsylvania. If he were here, he would vote "ay" and I would vote "no."

Mr. BREWER. My colleague from Michigan, Mr. HUBBELL, is paired with Mr. BLISS, of New York.

Mr. KIMMEL. I was not in the House when the last name on the roll was called. I ask leave to vote.

Mr. SAMPSON. I object.

The SPEAKER. On agreeing to the amendment the yeas are 115 and the nays are 114. The Chair votes in the negative, and the amendment is rejected.

Mr. ATKINS moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment upon which a separate vote had been asked was upon striking out the clause in relation to the office of the Surgeon-General's Office, which had been amended in the Committee of the Whole on the state of the Union so as to read as follows:

And the entire clerical force, three excepted, now employed on the Medical and Surgical History of the War shall be employed on the work necessary to the prompt payment of pensions.

The question was put upon agreeing to the amendment; and upon a division there were—ayes 76, noes 81.

Mr. COX, of Ohio, called for the yeas and nays.

The yeas and nays were ordered.

Mr. RICE, of Ohio. I would ask the chairman of the Committee on Appropriations if he will not accept this amendment?

Mr. ATKINS. I am willing that the words "six excepted" shall be put in instead of the words "three excepted," as inserted by the Committee of the Whole.

The SPEAKER. The gentleman can reach his object by moving to reconsider the vote by which the yeas and nays were ordered.

Mr. MILLS. I make that motion.

The question was taken upon the motion of Mr. MILLS, and it was agreed to.

The question recurred upon ordering the yeas and nays.

Mr. COX, of Ohio. Is it understood that the gentleman from Tennessee [Mr. ATKINS] agrees to the amendment inserting "six?"

The SPEAKER. The gentleman has indicated his purpose to accept this amendment with a modification.

Mr. ATKINS. I rise to a parliamentary inquiry, and it is whether it is not competent for the House, by unanimous consent, to amend this clause by inserting the word "six" instead of "three?" [Cries of "Regular Order."]

The question was again put upon ordering the yeas and nays; and the yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 115, not voting 68; as follows:

YEAS—108.

Aiken,	Camp,	Frye,	Jorgensen,
Aldrich,	Campbell,	Gardner,	Joyce,
Bacon,	Cannon,	Garfield,	Keifer,
Baker, John H.	Caswell,	Hanna,	Keightley,
Banks,	Chittenden,	Harmer,	Kelley,
Bayne,	Clark, Rush	Harris, Benj. W.	Kimmel,
Bisbee,	Cole,	Haskell,	Lapham,
Blair,	Conger,	Hayes,	Lathrop,
Boyd,	Cox, Jacob D.	Hazelton,	Lindsey,
Brentano,	Cummings,	Hendee,	Marsh,
Brewer,	Davis, Horace	Henderson,	McCook,
Briggs,	Deering,	Henkle,	McGowan,
Brogden,	Dunnell,	Hiscock,	McKinley,
Browne,	Dwight,	Humphrey,	Monroe,
Bundy,	Eames,	Hungerford,	Neal,
Burdick,	Evans, James L.	Hunter,	Norcross,
Cain,	Finley,	Ittner,	Oliver,
Calkins,	Fort,	Jones, John S.	O'Neill,

Page,	Robinson, G. D.	Stone, John W.	Wait,
Patterson, G. W.	Ryan,	Strait,	Ward,
Peddie,	Sampson,	Thompson,	Watson,
Phillips,	Sapp,	Thornburgh,	Welch,
Pugh,	Sexton,	Throckmorton,	White, Harry
Rainey,	Shallenberger,	Tipton,	White, Michael D.
Randolph,	Sinnickson,	Townsend, Amos	Williams, C. G.
Rice, William W.	Smalls,	Townsend, M. I.	Williams, Richard
Riddle,	Stephens,	Van Vorhes,	Wren.

NAYS—115.

Atkins,	Dibrell,	Hooker,	Schleicher,
Banning,	Durham,	Hunton,	Shelley,
Beebe,	Eden,	Jones, Frank	Slemons,
Bell,	Elam,	Jones, James T.	Smith, William E.
Benedict,	Ellis,	Knapp,	Southard,
Bicknell,	Evins, John H.	Knott,	Sparks,
Blackburn,	Ewing,	Landers,	Springer,
Blount,	Felton,	Ligon,	Steele,
Boone,	Forney,	Lockwood,	Stenger,
Bouck,	Franklin,	Lynde,	Stone, Joseph C.
Bridges,	Fuller,	Maish,	Townshend, R. W.
Buckner,	Garth,	Martin,	Tucker,
Cabell,	Gause,	Mayham,	Turner,
Caldwell, John W.	Gibson,	McMahon,	Turney,
Candler,	Giddings,	Mills,	Vance,
Chalmers,	Goode,	Morrison,	Walsh,
Clark, Alvah A.	Gunter,	Morse,	Warner,
Clark of Missouri,	Hardenbergh,	Muldrow,	Whitthorne,
Clarke of Kentucky,	Harris, Henry R.	Overton,	Wigginton,
Cobb,	Harris, John T.	Rea,	Williams, A. S.
Collins,	Harrison,	Reagan,	Williams, James
Covert,	Hart,	Reilly,	Williams, Jere N
Cravens,	Hartridge,	Rice, Americus V.	Willis, Benj. A.
Crittenden,	Hartzell,	Robbins,	Wilson,
Culberson,	Hatcher,	Roberts,	Wood.
Cutler,	Henry,	Robertson,	Wright,
Davidson,	Herbert,	Ross,	Yeates,
Davis, Joseph J.	Hewitt Abram S.	Sayler,	Young.
Dean,	Hewitt, G. W.	Scales,	

NOT VOTING—68.

Acklen,	Danford,	Ketcham,	Powers,
Bagley,	Denison,	Kilinger,	Price,
Baker, William H.	Dickey,	Loring,	Pridemore,
Ballou,	Douglas,	Luttrell,	Quinn,
Bland,	Eickhoff,	Mackey,	Reed,
Bliss,	Ellsworth,	Manning,	Robinson, M. S.
Bragg,	Errett,	McKenzie,	Singleton,
Bright,	Evans, I. Newton	Metcalfe,	Smith, A. Herr
Burchard,	Foster,	Mitchell,	Starin,
Butler,	Freeman,	Money,	Stewart,
Caldwell, W. P.	Glover,	Morgan,	Swann,
Carlisle,	Hale,	Muller,	Veeder,
Claflin,	Hamilton,	Patterson, T. M.	Waddell,
Clymer,	House,	Phelps,	Walker,
Cook,	Hubbell,	Pollard,	Williams, Andrew
Cox, Samuel S	James,	Potter,	Willis, Albert S.
Crapo,	Kenna,	Pound,	Willits.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. COVERT. I desire to announce that my colleague, Mr. VEEDER, is paired with my other colleague, Mr. STARIN. I also desire to say that my colleague, Mr. QUINN, is paired with my colleague, Mr. BAKER. My colleague, Mr. BLISS, is paired with Mr. HUBBELL, of Michigan.

Mr. BOONE. I desire to state that my colleague, Mr. WILLIS, is paired with Mr. SMITH, of Pennsylvania.

Mr. BRAGG. I am paired with my colleague, Mr. POUND, who is absent by leave of the House.

Mr. CALDWELL, of Tennessee. I desire to repeat that I am paired with Mr. FREEMAN.

Mr. MARTIN. My colleague, Mr. KENNA, is paired with Mr. EVANS, of Pennsylvania. I do not know how either of them would vote if here.

Mr. MULDROW. My colleague, Mr. MONEY, is absent by leave of the House. He is paired with some one, I am informed, but I do not know who it is.

Mr. McKENZIE. I desire to say that I am paired with Mr. PRICE. If he were present, I would vote "no."

Mr. HAMILTON. I am paired with my colleague, Mr. ROBINSON. If he were present, he would vote "ay" and I should vote "no."

Mr. RIDDLE. I am paired with Mr. REED, of Maine; but I have been informed that he would vote "ay," and as I desire to vote the same way I desire to record my vote.

Mr. PUGH. I am paired with Mr. POTTER, of New York. If he were present, I should vote "ay."

Mr. WARD. I desire to say that my colleague, Mr. EVANS, is paired with Mr. KENNA.

Mr. PAGE. My colleague, Mr. LUTTRELL, is paired with Mr. DENISON.

Mr. STEWART. I am paired with Mr. MULLER. If he were present, I should vote "ay."

Mr. ROBINSON, of Massachusetts. My colleague, Mr. CRAPO, is paired with Mr. COOK, of Georgia.

Mr. BREWER. I desire to announce that my colleague, Mr. HUBBELL, is paired with Mr. BLISS. If my colleague were present he would vote "ay."

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is paired with Mr. BRIGHT; and I also would say that Mr. WILLITS is paired with Mr. HARDENBERGH.

Mr. METCALFE. I am paired with my colleague, Mr. BLAND.

Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT, of Pennsylvania.

Mr. PUGH. I am informed that Mr. POTTER voted for this amendment in Committee of the Whole. I am not paired with him definitely upon this bill, but upon all political questions, and I therefore feel at liberty to vote for the amendment.

Mr. COLE. I beg again to announce that my colleague, Mr. MORGAN, is paired with Mr. JAMES, of New York, on all political questions.

The result of the vote was then announced as above stated.

Mr. ATKINS. I ask that by unanimous consent this clause be amended by inserting the words "six excepted" instead of "three excepted," after the words "entire clerical force."

Mr. RICE, of Ohio. I hope that will be done.

The SPEAKER. That requires unanimous consent.

Mr. CONGER. Now, Mr. Speaker——

The SPEAKER. Does the gentleman object or not? It is not debatable.

Mr. CONGER. Oh, well; the Chair allowed the gentleman to make a statement.

The SPEAKER. It was by unanimous consent; debate is not in order.

Mr. CONGER. I do not propose to debate. I will object, and say nothing.

The SPEAKER. Objection is made.

Mr. CONGER. The Chair refused to hear a word.

The SPEAKER. Objection is made.

Mr. CONGER. I am willing that the record shall stand.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment upon which a separate vote had been asked was the one adopted in Committee of the Whole upon motion of Mr. VANCE, to amend the paragraph in relation to the United States Patent Office so as to read as follows:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,250; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,500; twenty-two principal examiners, at $2,500 each; twenty-two first assistant examiners, at $1,800 each; twenty-two second assistant examiners, at $1,600 each; twenty-two third assistant examiners, at $1,400 each; one financial clerk, $2,000, &c.

The question was taken upon the amendment; and upon a division there were—ayes 64, noes 67.

Mr. VANCE. Is that a quorum?

The SPEAKER. It is not.

Mr. VANCE. Then I call for tellers.

Tellers were ordered; and Mr. ATKINS and Mr. VANCE were appointed.

The House again divided; and the tellers reported that there were—ayes 65, noes 85.

The SPEAKER announced that the amendment had not been agreed to.

After a pause,

Mr. BUTLER said: The yeas and nays have been called for on that last amendment.

The SPEAKER. By whom?

Mr. BUTLER. I call for the yeas and nays.

The SPEAKER. On what?

Mr. BUTLER. On the amendment in relation to the salary of the examiners in the Patent Office.

The SPEAKER. Were they demanded in time?

Mr. LATHROP. I called for the yeas and nays.

The SPEAKER. Did the gentleman rise in his seat and call for them?

Mr. LATHROP. Part way.

The SPEAKER. The Chair will submit the question to the House.

The question was then taken upon ordering the yeas and nays; and there were 21 in the affirmative—not one-fifth of the last vote.

So the yeas and nays were not ordered; and the amendment was accordingly rejected.

Mr. ATKINS moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment upon which a separate vote had been called was to the paragraph relating to public lands situated in States where there are no land offices, and was to strike out the following:

And that the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury.

Mr. DUNNELL. I ask unanimous consent to make a statement. [Cries of "Regular order."]

The SPEAKER. Objection is made.

Mr. DUNNELL. Then I hope the amendment will be voted down. If adopted, it would be ruinous to the land interest of the country.

The SPEAKER. Debate is not in order, as the gentleman well knows. The Clerk will read the remainder of the amendment.

The Clerk read the following:

And insert in lieu of the portion stricken out these words:

And that the necessary proofs and affidavits required in all cases under the homestead, pre-emption, and timber-culture laws may be made before any officer competent to administer oaths under the law of the State or Territory where the applicant resides: *Provided*, That the official character of the officer taking such proof or affidavit shall be duly certified by the clerk of a court of record. And all moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury.

Mr. EDEN. I understand that under that amendment——

The SPEAKER. Debate is not in order.

Mr. EDEN. I hope the amendment will be voted down.

The question was taken upon the amendment, and it was not agreed to.

Mr. DUNNELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I would like to inquire of the Chair whether the amendment authorizing enlisted men without limitation to be assigned to duty in the Surgeon-Generals Office was adopted? I refer to the amendment allowing an unlimited number of enlisted men to be assigned to pension work in the Surgeon-General's Office.

Mr. COX, of Ohio. No separate vote was asked upon that amendment.

Mr. ATKINS. Yes, there was.

The SPEAKER. If there was a separate vote asked, the Chair will submit the amendment to the House.

Mr. CONGER. I had supposed it was not adopted, and for that reason I objected to the modification suggested by the gentleman from Tennessee [Mr. ATKINS] some time since. I have since been informed that the amendment in regard to enlisted men was adopted; if so, I wish to withdraw my objection.

Mr. THOMPSON. That amendment was reached, but I think no separate vote was asked upon it.

Mr. ATKINS. So far as I am concerned, I am very willing that there shall be six clerks in place of three in the Surgeon-General's Office assigned to duty upon the Medical and Surgical History of the War.

Mr. COX, of Ohio. I hope that will be agreed to.

There was no objection; and the amendment suggested by Mr. ATKINS was agreed to.

Mr. ROBINSON, of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of Massachusetts. I would inquire where the words "three excepted" are to be found?

Mr. RICE, of Ohio. In line 1217.

The SPEAKER. The words "three excepted" were inserted in the clause in the Committee of the Whole; after which the entire clause was stricken out. The motion to strike out was not agreed to in the House, and the clause has been amended by unanimous consent as suggested by the gentleman from Tennessee, [Mr. ATKINS.] The Clerk will read the clause as now amended.

The Clerk read as follows:

And the entire clerical force, six excepted, now employed on the Medical and Surgical History of the War shall be employed on the work necessary to the prompt payment of pensions.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] now asks whether an amendment was adopted allowing enlisted men to be detailed for pension work. The Chair thinks it was adopted with other amendments in gross. The gentleman from Tennessee [Mr. ATKINS] asserts that a separate vote was asked upon that amendment.

Mr. ATKINS. Yes, sir; that is my recollection.

Mr. THOMPSON. I think there was not.

Mr. CANNON, of Illinois. No separate vote was asked on that amendment. My recollection is very clear on the point.

Mr. ATKINS. I was under the impression that I asked for a separate vote; but I will not positively assert that I did. I may not have done so.

The SPEAKER. The amendment is one of those which were adopted in gross, no separate vote being demanded.

Mr. CONGER. Then I move to reconsider and to lay the motion to reconsider on the table.

The SPEAKER. That has already been done.

The next amendment on which a separate vote was demanded was read, as follows:

In line 1700 strike out "twelve" and insert "fifteen;" in line 1701, after the word "twenty," insert "four;" in the same line strike out "twenty-five" and insert "thirty-three;" in lines 1702 and 1703 strike out "sixteen clerks, at $1,000 each;" so that, if amended, the clause will read: "fifteen clerks of class 3; twenty-four clerks of class 2; thirty-three clerks of class 1."

The question being taken on agreeing to the amendment, there were—ayes 57, noes 73.

Mr. KEIFER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 118, not voting 72; as follows:

YEAS—101.

Bacon,	Bayne,	Brentano,	Calkins,
Banks,	Bisbee,	Bundy,	Campbell,
Banning,	Boyd,	Cain,	Cannon,
Caswell,	Harmer,	Norcross,	Strait,
Chalmers,	Harris, Benj. W.	O'Neill,	Thompson,
Clark, Alvah A.	Haskell,	Patterson, G. W.	Thornburgh,
Clark, Rush	Hatcher,	Phillips,	Throckmorton,
Conger,	Hazelton,	Rice, William W.	Townsend, Amos
Crittenden,	Hendee,	Riddle,	Townsend, M. I.
Cummings,	Henderson,	Robbins,	Vance,
Davis, Horace	Henkle,	Robertson,	Van Vorhes,
Davis, Joseph J.	Herbert,	Robinson, G. D.	Ward,
Deering,	Humphrey,	Ryan,	Watson,
Dibrell,	Hunter,	Sampson,	White, Harry
Dunnell,	Ittner,	Sapp,	White, Michael D.
Dwight,	Joyce,	Sexton,	Williams, A. S.
Eames,	Keifer,	Shallenberger,	Williams, C. G.
Elam,	Kelley,	Shelley,	Williams, James
Ellis,	Lapham,	Sinnickson,	Williams, Jere N.
Evans, James L.	Lathrop,	Siemons,	Williams, Richard
Fort,	McCook,	Smalls,	Wren,
Franklin,	McGowan,	Smith, William E.	Yeates,
Gardner,	McKinley,	Steele,	Young.
Garfield,	Mills,	Stephens,	
Gibson,	Mitchell,	Stone, John W.	
Hanna,	Monroe,	Stone, Joseph C.	

NAYS—118.

Aiken,	Collins,	Hewitt, G. W.	Phelps,
Aldrich,	Cox, Jacob D.	Hiscock,	Randolph,
Atkins,	Cravens,	Hooker,	Rea,
Baker, John H.	Culberson,	Jones, Frank	Reagan,
Beebe,	Cutler,	Jones, John S.	Reilly,
Bell,	Davidson,	Jones, James T.	Roberts,
Benedict,	Durham,	Keightley,	Ross,
Bicknell,	Eden,	Ketcham,	Sayler,
Blackburn,	Evins, John H.	Kimmel,	Scales,
Blair,	Finley,	Knapp,	Schleicher,
Blount,	Forney,	Knott,	Singleton,
Boone,	Foster,	Landers,	Southard,
Bouck,	Frye,	Ligon,	Sparks,
Brewer,	Fuller,	Lindsey,	Springer,
Bridges,	Garth,	Lockwood,	Stenger,
Briggs,	Gause,	Lynde,	Townshend, R. W.
Brogden,	Giddings,	Maish,	Tucker,
Browne,	Glover,	Marsh,	Turner,
Buckner,	Goode,	Martin,	Turney,
Burchard,	Gunter,	Mayham,	Wait,
Burdick,	Hale,	McKenzie,	Walsh,
Cabell,	Hamilton,	McMahon,	Warner,
Caldwell, John W.	Harris, Henry R.	Morrison,	Whitthorne,
Camp,	Harris, John T.	Morse,	Wigginton,
Candler,	Harrison,	Muldrow,	Willis, Benj. A.
Chittenden,	Hart,	Neal,	Wilson,
Clark of Missouri,	Hartridge,	Oliver,	Wood,
Clarke of Kentucky,	Hartzell,	Overton,	Wright.
Cobb,	Henry,	Page,	
Cole,	Hewitt, Abram S.	Peddie,	

NOT VOTING—72.

Acklen,	Dean,	Jorgensen,	Pugh,
Bagley,	Denison,	Kenna,	Quinn,
Baker, William L.	Dickey,	Killinger,	Rainey,
Ballou,	Douglas,	Loring,	Reed,
Bland,	Eickhoff,	Luttrell,	Rice, Americus V.
Bliss,	Ellsworth,	Mackey,	Robinson, M. S.
Bragg,	Errett,	Manning,	Smith, A. Herr
Bright,	Evans, I. Newton	Metcalfe,	Starin,
Butler,	Ewing,	Money,	Stewart,
Caldwell, W. P.	Felton,	Morgan,	Swann,
Carlisle,	Freeman,	Muller,	Tipton,
Claflin,	Hardenbergh,	Patterson, T. M.	Veeder,
Clymer,	Hayes,	Pollard,	Waddell,
Cook,	House,	Potter,	Walker,
Covert,	Hubbell,	Pound,	Welch,
Cox, Samuel S.	Hungerford,	Powers,	Williams, Andrew
Crapo,	Hunton,	Price,	Willis, Albert S.
Danford,	James,	Pridemore,	Willits.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. BOONE. My colleague from Kentucky, Mr. WILLIS, is paired with the gentleman from Pennsylvania, Mr. SMITH.

Mr. MARTIN. My colleague, Mr. KENNA, is paired with Mr. EVANS, of Pennsylvania. Mr. KENNA, if present, would, I presume, vote "no." I do not know how Mr. EVANS would vote.

Mr. BLOUNT. My colleague, Mr. COOK, is paired with the gentleman from Massachusetts, Mr. CRAPO.

Mr. EICKHOFF. I repeat the announcement that I am paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. RIDDLE. I am paired generally with the gentleman from Maine, Mr. REED; but being informed that on this question he would vote "ay," I vote "ay."

Mr. BEEBE. My colleague, Mr. COVERT, is paired with my colleague, Mr. KETCHAM; my colleague, Mr. VEEDER, with my colleague, Mr. STARIN; my colleague, Mr. QUINN, with my colleague, Mr. BAKER, of New York; my colleague, Mr. BLISS, with the gentleman from Michigan, Mr. HUBBELL.

Mr. COLE. I announce again the pair of my colleague, Mr. MORGAN, with the gentleman from New York, Mr. JAMES.

Mr. WARD. My colleague from Pennsylvania, Mr. EVANS, is paired with the gentleman from West Virginia, Mr. KENNA.

Mr. ROBINSON, of Massachusetts. My colleague, Mr. CRAPO, is paired with the gentleman from Georgia, Mr. COOK.

Mr. STONE of Iowa. My colleague, Mr. PRICE, is paired with the gentleman from Kentucky, Mr. CARLISLE.

Mr. TIPTON. I am paired with the gentleman from New York, Mr. COX. If he were present, he would vote "no" and I should vote "ay." My colleague, Mr. HAYES, is paired with the gentleman from Massachusetts, Mr. DEAN.

Mr. DUNNELL. My colleague, Mr. STEWART, is paired with the gentleman from New York, Mr. MULLER. Mr. STEWART, if present, would vote "ay."

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is paired with the gentleman from Tennessee, Mr. BRIGHT. My colleague, Mr. WILLITS, is paired with the gentleman from New Jersey, Mr. HARDENBERGH.

Mr. BRAGG. I am paired with my colleague, Mr. POUND, who is absent by leave of the House. If he were present, he would vote "ay" and I should vote "no."

Mr. PAGE. My colleague, Mr. LUTTRELL, detained from the House by sickness, is paired with the gentleman from Vermont, Mr. DENISON.

Mr. BAKER, of New York. I am paired with my colleague, Mr. QUINN. If he were here, I should vote "ay."

Mr. HENDERSON. The gentleman from Colorado, Mr. PATTERSON, is paired with the gentleman from Pennsylvania, Mr. ERRETT.

The result of the vote was announced as above stated.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next amendment on which a separate vote is asked will be read.

The Clerk read as follows:

Amend lines 1759 and 1760 by striking out "$1,900" and inserting "$2,000." Amend line 1760 by striking out "$1,900" and inserting "$2,000." Amend line 1761 by striking out "$1,900" and inserting "$2,000." Amend line 1762 by striking out "$1,400" and inserting "$1,600." Amend line 1764 by striking out "$1,900" and inserting "$2,000;" so that it will read: "chief clerk, $2,000; entomologist, $2,000; chemist, $2,000; assistant chemist, $1,600; superintendent of experimental gardens and grounds, $2,000."

The House divided; and there were—ayes 17, noes 81; no quorum voting.

Mr. CUTLER demanded tellers.

Tellers were ordered; and Mr. CUTLER and Mr. DURHAM were appointed.

The House again divided; and the tellers reported—ayes 34, noes 109.

Mr. CUTLER demanded the yeas and nays and tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

So the amendment was rejected.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was demanded was read by the Clerk, as follows:

In line 1766, strike out "six" and insert "eight," so it will read as follows: disbursing clerk, $1,800.

The amendment was rejected.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment on which a separate vote is asked.

The Clerk read as follows:

Strike out, in line 1906, "14,000" and insert "10,000."

Mr. RAINEY. I ask unanimous consent to submit a few remarks.

Mr. ATKINS. I hope the House will hear him.

Mr. STEPHENS, of Georgia. For how long?

Mr. MILLS. I object.

Mr. BAKER, of Indiana. No gentleman has risen in his place and objected.

The SPEAKER. Is there objection?

Mr. MILLS, (rising.) Yes; I object.

Mr. COOK. Mr. Speaker, I gave notice yesterday that I wanted a separate vote on the amendment in line 1790.

The SPEAKER. The Chair will take it out of the amendments adopted and voted on in gross.

Mr. ATKINS. The amendment was defeated. I think it was offered by the gentleman from Texas.

Mr. RAINEY. Mr. Speaker, I ask that I be allowed to print some remarks correcting some remarks made upon the floor yesterday.

There was no objection; and leave was granted to Mr. RAINEY to print remarks as part of the debates. [See Appendix.]

The SPEAKER. The Clerk will read the amendment to which the gentleman from New York [Mr. MCCOOK] refers.

The Clerk read as follows:

And said seed, except flower-seed, shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same.

Mr. MCCOOK. That is the amendment to which I have reference.

The SPEAKER. Under the statement of the gentleman from New York, there being no objection, that amendment will be taken out of those voted on in gross and will now be separately voted on as it is no more than right the gentleman should have that privilege, having given notice in the House that he called for a separate vote on it.

There was no objection.

The House divided; and there were—ayes 74, noes 58.

Mr. MCCOOK. I do not like to delay the legislation of the House.

The SPEAKER. Debate is not in order.

Mr. MCCOOK. I demand the yeas and nays on the amendment. I want to see by the record who is willing to vote for such legislation.

Mr. RANDOLPH. Is amendment to the amendment in order?

The SPEAKER. It is not.

Mr. RANDOLPH. I wish to strike out the words "except flower-seed."

The SPEAKER. The amendment is not in order.

Mr. HANNA. That is not the amendment to which the gentleman objected.

The SPEAKER. The gentleman thinks it is.

Mr. MCCOOK. If I am allowed to explain I will show the gentleman that it is.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 111, nays 99, not voting 81; as follows:

YEAS—111.

Baker, John H.	Cravens,	Henkle,	Ryan,
Bayne,	Crittenden,	Henry,	Sampson,
Bell,	Culberson,	Herbert,	Sapp,
Bisbee,	Cummings,	Hiscock,	Scales,
Blair,	Davidson,	Hooker,	Shelley,
Boone,	Davis, Joseph J.	Humphrey,	Singleton,
Bouck,	Deering,	Hunter,	Siemons,
Boyd,	Dibrell,	Hunton,	Smalls,
Bragg,	Dunnell,	Jones, James T.	Smith, William E.
Brentano,	Evans, James L.	Jorgensen,	Sparks,
Bridges,	Felton,	Joyce,	Springer,
Brogden,	Finley,	Keightley,	Steele,
Browne,	Forney,	Knott,	Stone, John W.
Buckner,	Franklin,	Lapham,	Thornburgh,
Bundy,	Garth,	Ligon,	Throckmorton,
Burchard,	Giddings,	Martin,	Townshend, R. W.
Burdick,	Goode,	McKenzie,	Tucker,
Cabell,	Gunter,	Mills,	Turner,
Cain,	Hale,	Muldrow,	Turney,
Caldwell, John W.	Hamilton,	Oliver,	Vance,
Camp,	Harris, Benj. W.	Overton,	Van Vorhes,
Cannon,	Harris, Henry R.	Phillips,	Welch,
Chalmers,	Harris, John T.	Rainey,	White, Michael D.
Clark, Alvah A.	Hartridge,	Rea,	Wigginton,
Clark of Missouri,	Hartzell,	Reagan,	Williams, Jere N.
Clarke of Kentucky,	Hatcher,	Rice, William W.	Wilson,
Cobb,	Hazelton,	Robbins,	Yeates.
Collins,	Hendee,	Ross,	

NAYS—99.

Aiken,	Eames,	Kelley,	Robertson,
Aldrich,	Eden,	Kimmel,	Robinson, G. D.
Atkins,	Eickhoff,	Knapp,	Sayler,
Bacon,	Elam,	Landers,	Sexton,
Banks,	Ellis,	Lathrop,	Shallenberger,
Banning,	Evins, John H.	Lockwood,	Sinnickson,
Beebe,	Fort,	Lynde,	Southard,
Benedict,	Foster,	Maish,	Stenger,
Bicknell,	Frye,	Manning,	Stephens,
Blackburn,	Fuller,	Marsh,	Stone, Joseph C.
Blount,	Gardner,	McCook,	Thompson,
Brewer,	Garfield,	McGowan,	Townsend, Amos
Briggs,	Gibson,	McKinley,	Townsend, M. I.
Campbell,	Hanna,	Metcalfe,	Wait,
Candler,	Harmer,	Mitchell,	Walsh,
Caswell,	Harrison,	Monroe,	Ward,
Chittenden,	Hart,	Morrison,	Warner,
Clark, Rush	Henderson,	Morse,	White, Harry
Cole,	Hewitt, Abram S.	Neal,	Whitthorne,
Conger,	Hewitt, G. W.	O'Neill,	Williams, A. S.
Cox, Jacob D.	Hungerford,	Patterson, G. W.	Williams, C. G.
Cutler,	Ittner,	Phelps,	Williams, James
Davis, Horace	Jones, Frank	Randolph,	Williams, Richard
Durham,	Jones, John S.	Reilly,	Wright.
Dwight,	Keifer,	Rice, Americus V.	

NOT VOTING—81.

Acklen,	Douglas,	Mayham,	Schleicher,
Bagley,	Ellsworth,	McMahon,	Smith, A. Herr
Baker, William H.	Errett,	Money,	Starin,
Ballou,	Evans, I. Newton	Morgan,	Stewart,
Bland,	Ewing,	Muller,	Strait,
Bliss,	Freeman,	Norcross,	Swann,
Bright,	Gause,	Page,	Tipton,
Butler,	Glover,	Patterson, T. M.	Veeder,
Caldwell, W. P.	Hardenbergh,	Peddie,	Waddell,
Calkins,	Haskell,	Pollard,	Walker,
Carlisle,	Hayes,	Potter,	Watson,
Claflin,	House,	Pound,	Williams, Andrew
Clymer,	Hubbell,	Powers,	Willis, Albert S.
Cook,	James,	Price,	Willis, Benj. A.
Covert,	Kenna,	Pridemore,	Willits,
Cox, Samuel S.	Ketcham,	Pugh,	Wood,
Crapo,	Killinger,	Quinn,	Wren,
Danford,	Lindsey,	Reed,	Young.
Dean,	Loring,	Riddle,	
Denison,	Luttrell,	Roberts,	
Dickey,	Mackey,	Robinson, M. S.	

So the amendment was adopted.

During the call of the roll the following announcements were made:

Mr. BOONE. My colleague from Kentucky, Mr. WILLIS, is paired with Mr. SMITH, of Pennsylvania.

Mr. HOUSE. I am paired with Mr. DANFORD, of Ohio. If I were not paired, I would vote "ay."

Mr. STENGER. I desire to announce that my colleague from Pennsylvania, Mr. CLYMER, is paired with Mr. CLAFLIN, of Massachusetts. I desire also to announce that Mr. POTTER, of New York, is paired with Mr. PUGH, of New Jersey.

Mr. MARTIN. My colleague from West Virginia, Mr. KENNA, is paired with Mr. EVANS, of Pennsylvania.

Mr. RIDDLE. I am paired with Mr. REED, of Maine. I do not know how he would vote. If he were present, I would vote "ay."

Mr. COOK. I am paired with Mr. CRAPO, of Massachusetts. If he were present, I would vote "no" and I believe he would vote "ay."

Mr. STEWART. I am paired with Mr. MULLER, of New York.

Mr. STONE, of Iowa. My colleague, Mr. PRICE, is paired with Mr. CARLISLE, of Kentucky.

Mr. HAYES. I am paired with Mr. DEAN, of Massachusetts.

Mr. TIPTON. I am paired with Mr. COX, of New York.

Mr. STRAIT. I am paired with Mr. GLOVER, of Missouri. If he were present, I would vote "ay."

Mr. HENDERSON. I am requested to announce that Mr. PATTERSON, of Colorado, and Mr. ERRETT, of Pennsylvania, are paired.

The result of the vote was then announced as above recorded.

Mr. ATKINS moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

In line 1906 strike out "$14,000" and insert "$10,000;" so that it will read:

For rent of four floors of the building occupied by the Department of Justice, $10,000.

The question being taken, the amendment was adopted.

Mr. ATKINS moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the amendment of the gentleman from Louisiana [Mr. GIBSON.] The amendment will be read.

The Clerk read as follows:

Strike out the paragraph from line 966 to line 974, as follows:

Mint at New Orleans, Louisiana:

For salaries: assayer in charge, $2,000; and the assayer is hereby authorized, in case of necessity, to employ one clerk, at a compensation of not exceeding $1,200 per annum; melter, $2,000; wages of workmen, $3,000; fuel, fluxes, acids, and other incidental expenses, $2,062; in all, $10,262.

And insert in lieu thereof the following:

Mint at New Orleans:

For salary of the superintendent, $3,500; for the assayer, melter, refiner, and coiner, four in all, $2,500 each; cashier, $2,000; chief clerk, $2,000; weigh clerk, deposit clerk, and book-keeper, at $1,600; assayers' clerk, $1,600; in all, $23,900.

For wages of workmen and adjusters, $57,000.

For fuel, fluxes, light, lead, copper, acids, chemicals, crucibles, and for incidental and contingent expenses, $30,000.

For repairs and machinery, $75,000.

Mr. GARFIELD. There is a clerical error in the amendment which I would suggest should be corrected. The word "and" should be inserted between the word "melter" and the word "refiner." "Melter and refiner" describe one office. As written in the amendment it would appear that there were two separate offices.

The SPEAKER. If there be no objection the amendment will be modified as suggested by the gentleman from Ohio.

There was no objection; and the amendment was modified accordingly.

The question being taken on the amendment as modified, there were—ayes 71, noes 66.

Mr. FORT and Mr. COLE called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 51.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. WHITE, of Pennsylvania. I ask that the amendment be again read.

The amendment was again read.

The question was taken; and there were—yeas 125, nays 91, not voting 75; as follows:

YEAS—125.

Aiken,	Ewing,	Ketcham,	Schleicher,
Baker, John H.	Felton,	Knapp,	Shelley,
Banning,	Finley,	Landers,	Singleton,
Bell,	Forney,	Ligon,	Slemons,
Benedict,	Franklin,	Lynde,	Southard,
Bisbee,	Fuller,	Maish,	Sparks,
Blackburn,	Garfield,	Manning,	Springer,
Boone,	Garth,	Marsh,	Steele,
Browne,	Gause,	Martin,	Stephens,
Buckner,	Gibson,	Mayham,	Stewart,
Cabell,	Giddings,	McKenzie,	Stone, Joseph C.
Caldwell, John W.	Goode,	McMahon,	Throckmorton,
Calkins,	Gunter,	Mills,	Townshend, R. W.
Candler,	Hanna,	Mitchell,	Tucker,
Cannon,	Harmer,	Monroe,	Turner,
Chalmers,	Harris, Henry R.	Morrison,	Turney,
Chittenden,	Harris, John T.	Morse,	Vance,
Clark, Alvah A.	Hartridge,	Muldrow,	Walsh
Clarke of Kentucky,	Hartzell,	Neal,	White, Michael D.
Cobb,	Hatcher,	O'Neill,	Whitthorne,
Collins,	Henkle,	Peddie,	Wigginton,
Cravens,	Henry,	Phelps,	Williams, A. S.
Crittenden,	Herbert,	Randolph,	Williams, James
Culberson,	Hewitt, G. W.	Rea,	Williams, Jere N.
Davidson,	Hooker,	Reagan,	Willis, Benjamin A.
Davis, Joseph J.	Hunter,	Reilly,	Wilson,
Dibrell,	Hunton,	Rice, Americus V.	Wood,
Eden,	Jones, Frank	Robbins,	Yeates,
Elam,	Jones, James T.	Robertson,	Young.
Ellis,	Jones, John S.	Ryan	
Evans, James L.	Jorgensen,	Sayler,	
Evins, John H.	Kelley,	Scales,	

NAYS—91.

Aldrich,	Cole,	Hiscock,	Robinson, G. D.
Atkins,	Conger,	Humphrey,	Sampson,
Bacon,	Cox, Jacob D.	Hungerford,	Sapp,
Baker, William H.	Cummings,	Ittner,	Sexton,
Banks,	Cutler,	Joyce,	Shallenberger,
Bayne,	Davis, Horace	Keifer,	Sinnickson,
Beebe,	Deering,	Keightley,	Smalls,
Bicknell,	Dunnell,	Knott,	Stenger,
Blount,	Dwight,	Lapham,	Strait,
Bouck,	Eames,	Lathrop,	Thompson,
Boyd,	Fort,	Lindsey,	Thornburgh,
Brentano,	Foster,	McCook,	Townsend, Amos
Brewer,	Glover,	McGowan,	Van Vorhes,
Bridges,	Hale,	McKinley,	Wait,
Brigga,	Hamilton,	Norcross,	Ward,
Brogden,	Harris, Benj. W.	Oliver,	Warner,
Bundy,	Harrison,	Overton,	Watson,
Burchard,	Hart,	Page,	Welch,
Burdick,	Haskell,	Patterson, G. W.	White, Harry
Camp,	Hazelton,	Patterson, T. M.	Williams, C. G.
Campbell,	Hendee,	Phillips,	Williams, Richard
Caswell,	Henderson,	Rainey,	Wren.
Clark, Rush	Hewitt, Abram S.	Rice, William W.	

NOT VOTING—75.

Acklen,	Danford,	Killinger,	Riddle,
Bagley,	Dean,	Kimmel,	Roberts,
Ballou,	Denison,	Lockwood,	Robinson, M. S.
Blair,	Dickey,	Loring,	Ross,
Bland,	Douglas,	Luttrell,	Smith, A. Herr
Bliss,	Durham,	Mackey,	Smith, William E.
Bragg,	Eickhoff,	Metcalfe,	Starin,
Bright,	Ellsworth,	Money,	Stone, John W.
Butler,	Errett,	Morgan,	Swann,
Cain,	Evans, I. Newton	Muller,	Tipton,
Caldwell, W. P.	Freeman,	Pollard,	Townsend, Martin I.
Carlisle,	Frye,	Potter,	Veeder,
Claflin,	Gardner,	Pound,	Waddell,
Clark of Missouri,	Hardenbergh,	Powers,	Walker,
Clymer,	Hayes,	Price,	Williams, Andrew
Cook,	House,	Pridemore,	Willis, Albert S.
Covert,	Hubbell,	Pugh,	Willits,
Cox, Samuel S.	James,	Quinn,	Wright.
Crapo,	Kenna,	Reed,	

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. HOUSE. I am paired with Mr. DANFORD, of Ohio. If I were unpaired, I should vote "ay."

Mr. MARTIN. I desire to state that my colleague, Mr. KENNA, is paired with Mr. EVANS, of Pennsylvania.

Mr. WILLIS, of Kentucky. I am paired with Mr. SMITH, of Pennsylvania. If he were present, I should vote "ay."

Mr. DURHAM. I am paired upon this question with Mr. COVERT, of New York. If he were present, he would vote "ay" and I should vote "no."

Mr. RIDDLE. I am paired with Mr. REED. If he were present, he would vote "no" and I should vote "ay."

Mr. PUGH. I am paired with Mr. POTTER. If he were present, he would vote "ay" and I should vote "no."

Mr. TOWNSEND, of New York. Upon this question I am paired with Mr. KIMMEL, of Maryland. If he were present, he would vote "ay" and I should vote "no."

Mr. STONE, of Iowa. I desire to announce that my colleague, Mr. PRICE, is paired with Mr. CARLISLE.

Mr. STONE, of Michigan. I desire to announce that my colleague, Mr. ELLSWORTH, is paired with Mr. BRIGHT, of Tennessee. I desire also to state that my colleague, Mr. WILLITS, is paired with Mr. HARDENBERGH. I am myself paired with Mr. ROBERTS.

Mr. HAYES. I am paired with the gentleman from Massachusetts, Mr. DEAN.

Mr. TIPTON. I am paired upon this question with Mr. COX, of New York. If he were present, he would vote "ay" and I should vote "no."

Mr. BREWER. I desire to say that Mr. HUBBELL is paired with Mr. BLISS.

The result of the vote was then announced as above stated.

Mr. GIBSON moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair asks unanimous consent to save the consequences of the modification made in the amendment on the suggestion of the gentleman from Ohio, [Mr. GARFIELD,] that the word "four" be stricken out and "three" inserted in lieu thereof, and that the whole amount of the appropriation be $21,400 instead of $23,900.

There was no objection and the modification was made; so that the clause will read:

Mint at New Orleans:

For salary of the superintendent, $3,500; for the assayer, melter and refiner, and coiner, three in all, $2,500 each; cashier, $2,000; chief clerk, $2,000; weigh clerk, deposit clerk, and book-keeper, at $1,600; assayer's clerk, $1,600; in all, $21,400.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ATKINS. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of Pennsylvania, until Wednesday next, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLACKBURN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mary Quinn, of Lexington, Kentucky, no adverse report having been made thereon.

On motion of Mr. DAVIDSON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of the Presbyterian church at Saint Augustine, Florida, no adverse report having been made thereon.

On motion of Mr. MCMAHON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. Oblinger, of Union City, in reference to postal-cards, for reference to the Postmaster-General, no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. WOOD. I move that the House now resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up the tariff bill.

Mr. O'NEILL. Pending that motion, I move that the House do now adjourn.

Mr. WOOD. I hope that motion will not be carried.

Mr. O'NEILL. I hope it will. We have done a good week's work, and do not want to have the tariff bill up.

The question was put upon Mr. O'NEILL's motion; and on a division there were—ayes 112, noes 61.

Mr. WOOD. I call for tellers.

Mr. WHITE, of Pennsylvania. We may as well have the yeas and nays at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 95, not voting 92; as follows:

YEAS—104.

Aldrich,	Conger,	Joyce,	Robinson, G. D.
Bacon,	Crittenden,	Keifer,	Ross,
Baker, John H.	Cummings,	Keightley,	Ryan,
Baker, William H.	Cutler,	Kelley,	Sampson,
Banks,	Davis, Horace	Lapham,	Sapp,
Benedict,	Deering,	Lathrop,	Shelley,
Bicknell,	Dwight,	Lindsey,	Sinnickson,
Blair,	Eames,	Lockwood,	Slemons,
Bouck,	Evans, James L.	Marsh,	Stenger,
Boyd,	Forney,	McCook,	Stone, John W.
Brentano,	Fort,	McGowan,	Stone, Joseph C.
Brewer,	Frye,	McKinley,	Strait,
Bridges,	Gardner,	Metcalfe,	Thompson,
Briggs,	Hanna,	Mitchell,	Throckmorton,
Browne,	Harmer,	Monroe,	Townsend, Amos
Bundy,	Harris, Benj. W.	Neal,	Townsend, M. I.
Burdick,	Haskell,	Norcross,	Turney,
Caldwell, W. P.	Hayes,	Oliver,	Van Vorhes,
Calkins,	Hazelton,	O'Neill,	Wait,
Campbell,	Hendee,	Overton,	Ward,
Cannon,	Henderson,	Page,	Watson,
Caswell,	Humphrey,	Patterson, G. W.	White, Harry
Clark, Alvah A.	Hungerford,	Peddie,	White, Michael D.
Clark, Rush	Hunter,	Randolph,	Williams, C. G.
Cole,	Jones, John S.	Reilly,	Wren,
Collins,	Jorgensen,	Rice, William W.	Wright.

NAYS—95.

Aiken,	Durham,	Hewitt, G. W.	Scales,
Atkins,	Eden,	Hooker,	Schleicher,
Banning,	Elam,	Jones, James T.	Singleton,
Bell,	Evins, John H.	Knapp,	Smith, William E.
Blackburn,	Felton,	Knott,	Southard,
Blount,	Finley,	Landers,	Sparks,
Boone,	Franklin,	Ligon,	Springer,
Bragg,	Fuller,	Lynde,	Steele,
Buckner,	Garth,	Manning,	Townshend, R. W.
Burchard,	Gause,	Martin,	Tucker,
Cabell,	Gibson,	Mayham,	Vance,
Caldwell, John W.	Giddings,	McKenzie,	Walsh,
Candler,	Glover,	McMahon,	Warner,
Chalmers,	Goode,	Mills,	Whitthorne,
Chittenden,	Hamilton,	Morrison,	Wigginton,
Clarke of Kentucky,	Harris, Henry R.	Morse,	Williams, A. S.
Cobb,	Harrison,	Muldrow,	Williams, James
Cook,	Hartridge,	Rainey,	Williams, Jere N.
Cox, Jacob D.	Hartzell,	Rea,	Williams, Richard
Cravens,	Hatcher,	Reagan,	Willis, Benj. A.
Davidson,	Henkle,	Rice, Americus V.	Wilson,
Davis, Joseph J.	Henry,	Riddle,	Wood,
Dibrell,	Herbert,	Robbins,	Yeates.
Dunnell,	Hewitt, Abram S.	Sayler,	

NOT VOTING—92.

Acklen,	Carlisle,	Eickhoff,	Hart.
Bagley,	Claflin,	Ellis,	Hiscock,
Ballou,	Clark of Missouri,	Ellsworth,	House,
Bayne,	Clymer,	Errett,	Hubbell,
Beebe,	Covert,	Evans, I. Newton	Hunton,
Bisbee,	Cox, Samuel S.	Ewing,	Ittner,
Bland,	Crapo,	Foster,	James,
Bliss,	Culberson,	Freeman,	Jones, Frank
Bright,	Danford,	Garfield,	Kenna,
Brogden,	Dean,	Gunter,	Ketcham,
Butler,	Denison,	Hale,	Killinger,
Cain,	Dickey,	Hardenbergh,	Kimmel,
Camp,	Douglas,	Harris, John T.	Loring,
Luttrell,	Potter,	Robinson, M. S.	Tipton,
Mackey,	Pound,	Sexton,	Turner,
Maish,	Powers,	Shallenberger,	Veeder,
Money,	Price,	Smalls,	Waddell,
Morgan,	Pridemore,	Smith, A. Herr	Walker,
Muller,	Pugh,	Starin,	Welch,
Patterson, T. M.	Quinn,	Stephens,	Williams, Andrew
Phelps,	Reed,	Stewart,	Willis, Albert S.
Phillips,	Roberts,	Swann,	Willits,
Pollard,	Robertson,	Thornburgh,	Young.

So the motion to adjourn was agreed to.

During the call of the roll the following announcements were made:

Mr. MARTIN. I desire to announce again that my colleague, Mr. KENNA, is paired with Mr. EVANS, of Pennsylvania. If present, Mr. KENNA would vote "no."

Mr. TUNRER. I am paired with Mr. STEWART, of Minnesota. If here, he would vote "ay" and I would vote "no."

Mr. PUGH. I am paired with Mr. POTTER, of New York. If he were present, I would vote "ay."

Mr. COLE. My colleague, Mr. MORGAN, is paired with Mr. JAMES, of New York.

Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT, of Pennsylvania.

Mr. JONES, of New Hampshire. I am paired with Mr. BAGLEY, of New York. I understand that if he were here he would vote "ay." I would vote "no."

Mr. O'NEILL. My colleague, Mr. A. HERR SMITH, is absent by leave of the House. If present, he would vote "ay."

The result of the vote was announced as above stated; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CALKINS: The petition of citizens of Lake County, Indiana, for Government aid to the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

Also, the petition of Hon. Joseph Henderson, D. R. Leeper, and 70 other citizens of South Bend and Valparaiso, Indiana, of similar import—to the same committee.

By Mr. CAMPBELL: The petition of citizens of Gaysport, Pennsylvania, for the extension of the national credit to aid in the completion of the great southern line of railroad to the Pacific Ocean—to the same committee.

By Mr. DAVIS, of California: Resolutions of trades and labor unions of San Francisco, California, opposing the passage of the Wood tariff bill, and for legislation preventing Chinese immigration—to the Committee on Education and Labor.

By Mr. FENN: A communication from Major John Green, First Cavalry, United States Army, forwarded through the Adjutant-General's Office, relative to a military wagon-road between Fort Boisé and Fort Lapwai, Idaho Territory—to the Committee on Military Affairs.

By Mr. LATHROP: The petition of Charles Sabin and others, of Illinois, for the removal of the duty on quinine—to the Committee of Ways and Means.

Also, the petition of N. C. Thompson and over 100 others; and of Emerson Talcott & Co. and more than 200 others, manufacturers, business men, and laborers of Winnebago County, Illinois, against the passage of the Wood tariff bill, against the imposition of duties on tea and coffee, and against the income tax—to the same committee.

Also, the petition of Justin P. Goodale, John A. Rogers, and other citizens of Elgin, Illinois, of similar import—to the same committee.

By Mr. MONROE: The petition of soldiers of the Sixteenth Ohio Volunteer Infantry, that a pension be granted to Nancy Bush—to the Committee on Invalid Pensions.

By Mr. MORSE: The petition of Vashti H. Palmer, for a pension—to the same committee.

By Mr. PAGE: Three petitions of citizens of San Francisco, California, for the passage of such laws as will enable the Southern Pacific Railroad Company to extend said road from the Colorado River at Fort Yuma through Arizona and New Mexico, and until a connection is made with the Gulf of Mexico—to the Committee on the Pacific Railroad.

IN SENATE.

MONDAY, *May* 6, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Thursday last was read and approved.

RETIREMENT OF LEGAL-TENDER NOTES.

The bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes, received from the House of Representatives, was read the first time by its title.

Mr. ALLISON. Let the bill be read again and referred to the Committee on Finance.

Mr. COCKRELL. I object to its reference. I ask that the bill be read the second time and ordered to lie upon the table.

Mr. MORRILL. If it is not to be referred to the Committee on Finance, I object to the second reading.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the second reading of the bill.

Mr. COCKRELL. The bill, then, having been read the first time, will lie upon the table.

The PRESIDENT *pro tempore*. It has been read but once, and will lie upon the table, objection being made to a second reading at this time.

Mr. COCKRELL. I want the record to show that.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting reports of the Secretary of the Treasury and the Attorney-General in relation to the employment, in the revenue service, of W. R. Whitaker; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a copy of a letter from T. J. Spencer, brevet captain United States Army, in connection with the letters and telegram from Colonel B. H. Grierson, Tenth Cavalry, published in Senate executive document No. 52; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of J. A. Whittier, president of the Saginaw (Michigan) Lumber Association and Board of Trade, remonstrating against any legislation which would reduce the duties upon lumber without any reciprocal advantages; which was referred to the Committee on Finance.

He also presented the petition of Charles Reitz & Brothers and 115 others, citizens of Manistee, Michigan, praying for an appropriation of $30,000 for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

He also presented the memorial of Thomas M. Nelson, J. M. Jones, and 20 others, purchasers of certain railroad lands granted to the Detroit and Milwaukee Railroad Company, remonstrating against the confirmation by Congress of the action of the Michigan State board of control of railroad lands in deeding said grant of lands to the Port Huron and Lake Michigan Railroad Company; which was referred to the Committee on Public Lands.

Mr. McDONALD presented the petition of L. J. Johnson and 200 others, citizens of Indiana, and the petition of Samuel F. Allen and 104 others, citizens of Indiana, praying for the passage of the bill now pending before Congress to aid in the completion of the Texas and Pacific Railway; which were referred to the Committee on Railroads.

Mr. McDONALD. I present the petition of Conrad Baker and 28 others, citizens of Indianapolis, Indiana, in behalf of General John C. Fremont, praying that he may be included in the bill now pending before the Senate placing General James Shields on the retired list. I present this petition by request, and take pleasure in stating to the Senate that the signatures to the petition are of the most reputable citizens of my city. I think, however, that their attention would not have been drawn to the matter but for the fact that some little political capital may be expected to grow out of it. I move that the petition lie upon the table.

The motion was agreed to.

Mr. MERRIMON presented the petition of R. W. York and others, the petition of C. L. Williams and others, and the petition of Philip Parker and others, all of North Carolina, praying for the establishment of a post-route from Morrisville, in Wake County, to Rialto, in Chatham County, in that State; which were referred to the Committee on Post-Offices and Post Roads.

Mr. COCKRELL. I present a resolution of the Merchants' Exchange of Saint Louis, Missouri, urging the immediate repeal of the bankrupt law. I ask that it may be read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Secretary will report the resolution.

The resolution was ordered to lie on the table, and was read, as follows:

MERCHANTS' EXCHANGE OF SAINT LOUIS,
Saint Louis, May 2, 1878.

DEAR SIR: At a meeting of the Exchange, held this day, the following was unanimously adopted:

Resolved, (by the Merchants' Exchange of Saint Louis,) That our Senators and Representatives in Congress be earnestly requested to urge the prompt passage of the bill for the repeal of the bankrupt law, and that the same take effect immediately, as a delay to a later date for its enforcement is calculated to keep business prostrate and invite a further demoralization in the trade of the country.

Yours, respectfully,

GEORGE H. MORGAN, *Secretary.*

Hon. F. M. COCKRELL.

Mr. ALLISON. I present a telegram numerously signed by bankers, merchants, and citizens of the city of Dubuque, Iowa, asking for the immediate and unconditional repeal of the bankrupt law. I will say that I personally know most of the signers of this petition, and I think none of them are in debt a single dollar, or if in debt can pay at any moment.

The telegram is as follows:

DUBUQUE, IOWA, *May 2*, 1878.

To Hon. W. B. ALLISON, *United States Senate.*

Nine tenths of the square business men of Iowa demand the immediate and unconditional repeal of the bankrupt act.

C. H. EIGHMEY.	DE WITT C. CRAM.
H. M. KINGMAN.	H. B. GLOVER & CO.
W. L. BRADLEY.	W. E. MOTT, HOWARD & CO.
W. G. STEWART.	WILLIAM H. PEABODY.
EDWARD A. LULL.	JOHN H. LULL.
ANDREW TREDWAY & SONS.	JOHN BELL & CO.
JACOB CHRISTMAN.	JOHN MEHLHOP.
M. M. WALKER.	POOL, GILLIAN & CO.
WESTPHAL, HINDS & CO.	W. H. RUMPF.
G. BECKER.	C. S. BENTLEY & CO.
H. S. HETHERINGTON.	

I move that this paper lie upon the table.

The motion was agreed to.

Mr. ALLISON presented the memorial of the Grand Council of the Six Nations New York Indians, remonstrating against the passage of the bill (S. No. 692) to provide a settlement with the Six Nations of New York Indians for unexecuted treaty stipulations; which was referred to the Committee on Indian Affairs.

Mr. BURNSIDE. I present a petition, signed by the governor of Rhode Island and a large number of highly respectable citizens of that State, in regard to the bill placing General James Shields on the retired list. The petition respectfully represents that "the undersigned citizens of the State of Rhode Island, in view of the present circumstances of Hon. James Shields, late major-general of United States Volunteers, and formerly in the service of the United States as a general commanding a division in the war with Mexico, believe that some action should be taken whereby the valuable services rendered by him should receive a national recognition; and your memorialists would therefore respectfully petition Congress to assign him to such a position as shall be commensurate with the services heretofore rendered by him to the National Government." I move that the petition lie on the table.

The motion was agreed to.

Mr. HOWE. I present a memorial, signed by Alexander Mitchell and others, merchants of the city of Milwaukee, Wisconsin, and by others in the cities of New York, Philadelphia, Boston, Chicago, Cincinnati, and St. Louis, representing "that the vast interests involved in the maintenance of telegraphic communication between the United States and the rest of the world require the utmost facility to be given therefor," and they therefore request Congress "to reject all applications for exclusive privileges, and to pass a law giving permission to any and all persons and companies, without preference, to land telegraphic cables on the shores of the United States, and through them keep up telegraphic communication between this and other countries." I move its reference to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CONKLING. I present a memorial signed by a large number of highly respectable citizens of the city and State of New York, praying an appropriation for the improvement of the Harlem River. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. WALLACE presented the memorial of the Engineers' Club, of Philadelphia, Pennsylvania, in favor of the continuance of the appropriation for the board for testing iron and steel, &c.; which was referred to the Committee on Appropriations.

He also presented the petition of A. McAllister and others, citizens of Blair County, Pennsylvania, praying for the passage of the bill to aid in the construction of the Texas and Pacific Railway; which was referred to the Committee on Railroads.

He also presented three memorials of Councils 9, 89, and 174, of the Order of United American Mechanics of Pennsylvania, remonstrating against any change in the present tariff laws; which were referred to the Committee on Finance.

Mr. WALLACE. I present also two telegrams from leading citizens, merchants, and presidents of banks in the city of Pittsburgh, Pennsylvania, urging the immediate repeal of the bankrupt law without any delay as to date. These gentlemen are prominent and leading citizens of that city, and their solvency is unquestioned. I move that these telegrams lie upon the table.

The motion was agreed to.

Mr. SAULSBURY presented the petition of James Russell, N. J. Pierson, and others, captains and owners of vessels, and citizens of Pennsylvania and other States, praying the passage of a law abolishing compulsory pilotage upon vessels enrolled and engaged in the coasting trade and fisheries; which was referred to the Committee on Commerce.

Mr. BECK. I have received a telegram in the form of a petition from a large number of leading business houses in the city of Louisville, to the following effect:

The undersigned, representing as they believe truly the sentiment of the larger mass of the people of the State, would respectfully request you to urge with all possible dispatch the passage of a bill to repeal the present odious bankrupt law, and that by all means the same be made to take effect immediately, as a delay to a later date for its enforcement will keep business prostrate and insure a further demoralization on the trade of the country.

It is signed by most of the leading business men of Louisville. I desire, therefore, in accordance with this telegram, to give notice that I shall move when the bill is taken up to strike out the words "on the 1st day of January, A. D. 1879." So that the bill in that particular may pass as it originally passed the Senate. I move that this telegram lie upon the table.

The motion was agreed to.

Mr. DAVIS, of Illinois. I present the petition of Sarah S. Flagg, executrix of the last will and testament of the late Willard C. Flagg, of Madison County, Illinois. Her husband was collector of internal revenue and settled his affairs with the Government, and, as she says, overpaid the Government. The object of this petition is to get back what was overpaid. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. DAVIS, of Illinois, presented the petition of Theophilus Fisk Mills, of Washington, District of Columbia, praying an appropriation by Congress as a reward for a certain mechanism which he has devised; which was referred to the Committee on Education and Labor.

Mr. OGLESBY presented the petition of the board of officers Second Regiment Illinois National Guards, praying for the passage of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army, on the retired list; which was ordered to lie on the table.

He also presented the memorial of Justin P. Goodale and 58 others, manufacturers of wool at Elgin, Illinois, remonstrating against any reduction of the duties on imports, the reimposition of the war tax on tea and coffee, and the imposition of a tax on incomes; which was referred to the Committee on Finance.

He also presented the petition of George W. Matthews, of Edgar County, Illinois, praying for a pension; which was referred to the Committee on Pensions.

Mr. ROLLINS presented certain papers from the commissioners of the District of Columbia, in relation to the bill (S. No. 1088) providing for the correction and revision of assessments for special improvements in the District of Columbia, and for other purposes; which were ordered to lie on the table, and be printed.

Mr. COCKRELL presented two memorials of citizens of Saint Louis, Missouri, engaged in the steamboat business, praying Congress to take action on the bill (H. R. No. 2478) to amend certain sections of the Revised Statutes concerning commerce and navigation and the regulation of steam-vessels, and recommending the passage of the bill as it passed the House; which was referred to the Committee on Commerce.

Mr. MATTHEWS presented a resolution of the Columbia Council No. 1 of the Sovereigns of Industry of the District of Columbia, representing five hundred families in the District, in favor of the passage of a law providing for the appointment of a coal-weigher for the District and requiring dealers in coal to send the certificate of such coal-weigher with each load of coal sold; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SARGENT, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, reported it with amendments.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, reported it with amendments.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 962) granting a pension to William Criddle, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1040) granting a pension to Richard Middleton, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1044) granting a pension to A. M. Tinsley, of Trousdale County, Tennessee, late of the First Regiment Tennessee Volunteers in the Mexican war, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 439) granting a pension to Jonathan R. Tilman, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3113) granting a pension to Mrs. Emily H. Lyford, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of James Casey, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Harmon Vaun, of Huntsville, Alabama, praying to be allowed a pension on account of services rendered the United States Government by his son Levi De Bow, late a private in the Seventeenth Regiment United States Colored Troops, submitted a report thereon, accompanied by a bill (S. No. 1188) granting a pension to Harmon Vaun.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3750) granting an increase of pension to John Murphy, late private Company F, Fifth Regiment United States Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry, reported with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3098) granting a pension to Joseph L. Young, late a private Company C, Eleventh Regiment Maine Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 388) for the relief of William Roylston, late private Company D, First Regiment Tennessee Light Artillery, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3080) granting a pension to Warren F. Wood, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1059) granting a pension to Jacob S. Hunt, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 996) granting a pension to Edmund Woog, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1077) granting a pension to Mrs. Narcissa Powell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Ellen Devlin, widow of Patrick Devlin, late of Company C, Sixth Regiment United States Infantry, praying to be allowed a pension, submitted a report thereon accompanied by a bill (S. No. 1189) granting a pension to Ellen Devlin.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3968) regulating exemptions in the District of Columbia, reported it with an amendment.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3115) granting a pension to Elizabeth Totten, widow of the late Commodore Benjamin J. Totten, United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was recommitted the bill (S. No. 323) granting a pension to the widow of the late Commodore Benjamin J. Totten, United States Navy, submitted a report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 862) granting a pension to George Foster, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 941) granting a pension to George Grove, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3730) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 531) restoring the name of Thomas W. Brown to the pension-roll, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 852) granting a pension to Mary E. Pauley, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1809) granting a pension to William H. Shultis, late of Company K, Fourteenth Regiment New York Volunteers, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4) to provide a penalty for wanton injury to the public libraries in the District of Columbia and in the Territories of the United States, reported it with an amendment.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the petition of Joseph Williams, praying compensation for additional labor and material expended in the erection of the Jefferson school building of the District of Columbia by reason of changes in the plan of said building after the execution of the contract for the erection thereof, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. EATON. The Committee on Foreign Relations, to whom was referred the bill (S. No. 1069) for the relief of Emanuel Jones, a British subject, have instructed me to report it back and ask that they be discharged from the further consideration of this bill. If the person seeking relief is a British subject, the Department of State can provide the relief desired.

The report was agreed to.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1130) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia and to prevent fraudulent releases, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1028) declaratory of the law relating to decedents and inheritance in the District of Columbia in certain cases, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1108) to transfer the title of the United States to square 109 to the District of Columbia for the benefit of the public schools thereof, reported it with amendments.

Mr. MORGAN, from the Committee on Claims, to whom was referred the bill (S. No. 726) for the relief of Henry E. Sizer, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (S. No. 526) granting a pension to James McDonald, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 490) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3568) granting a pension to Mary T. Thompson, widow of William Thompson, late second lieutenant Company E, Twelfth New York Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

INDEX TO CONGRESSIONAL RECORD.

Mr. ANTHONY. The Committee on Printing, who were instructed by a resolution of the Senate "to inquire into and report the expediency of abolishing the separate index now required for the CONGRESSIONAL RECORD and for the restoration of the index into each volume," ask to be discharged from its further consideration. As several Senators have spoken to me upon the subject, it is proper to explain that while there is a great convenience in having the index printed in every volume, as it was in the Congressional Globe for a short time, the volume of the RECORD has increased so much, and the index being very copious, has also increased so much, that it would nearly double the bulk of the RECORD and would entail an expense of over $70,000 a Congress to put the index in each volume. Such a system would have increased the number of volumes of the Forty-fourth Congress from eight to sixteen. It would furthermore delay the publication of the RECORD. Each volume can now be published as fast as the reports are completed, and the index goes on *pari passu* with the reports; but if the index were to be put into each volume the publication would be necessarily delayed until the whole was completed, and it would make a difference of some months in the delivery of the RECORD.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the subject, if there be no objection.

BILLS INTRODUCED.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1190) for the relief of James McGraw; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McDONALD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1191) for the relief of the Evansville, Cairo and Memphis Packet Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1192) to authorize the leasing of a portion of the military reservation of New San Diego, in the State of California; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1193) for paying the advances made to the United States by the State of Maryland; which was read twice by its title, and referred to the Committee on Claims.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1194) to amend section 5419 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1195) to extend for the term of seven years a patent, No. 34377, granted to Alba F. Smith; which was read twice by its title, and referred to the Committee on Patents.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1196) granting a pension to Jane D. Cotton; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Anna M. Marshal have leave to withdraw from the Senate files of the Forty-second Congress the papers accompanying her application for pension by special act.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KIRKWOOD. I submit an amendment to the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes. I have not read the amendment, but present it by request. I move its reference to the Committee on Post-Offices and Post-Roads and that it be printed.

The motion was agreed to.

Mr. MAXEY. I ask leave to make a report on behalf of the Committee on Post-Offices and Post-Roads, to accompany an amendment reported from that committee by me on last Thursday to the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes. I move that the report be printed, and referred, with the amendment, to the Committee on Appropriations.

The motion was agreed to.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CONOVER and Mr. SAULSBURY submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

AMENDMENTS TO POST-ROUTE BILL.

Mr. HILL, Mr. COCKRELL, Mr. BUTLER, Mr. PLUMB, and Mr. MERRIMON submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

BANKRUPT-LAW REPEAL.

Mr. THURMAN. I move that the Senate proceed to the consideration of the amendments of the House of Representatives to the bill (S. No. 35) to repeal the bankrupt law.

The motion was agreed to.

Mr. BURNSIDE. I ask the Senator from Ohio to allow the consideration of the bill (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876. It was passed over the other day in considering unobjected cases on the Calendar in the absence of the chairman of the Committee on Military Affairs and myself. It will take but a minute to consider it. If it leads to any discussion I will give way.

Mr. THURMAN. Can a vote be taken upon it without debate?

Mr. BURNSIDE. Yes, sir. If it causes any delay I shall not press it. The joint resolution simply requires the addition of the word "Territories" after the word "States" to perfect it. The bill merely authorizes the issue of arms to Territories as well as to States. It passed the House and is unanimously recommended by the Committee on Military Affairs.

Mr. THURMAN. If it gives rise to no debate, I have no objection; but, if it does, I must call for the regular order.

Mr. EDMUNDS. It will require an explanation, I am sure.

The PRESIDENT *pro tempore*. The Secretary will report the bill, subject to objection.

The Chief Clerk read the bill by its title.

Mr. EDMUNDS. That will require explanation, Mr. President. I do not object to its being taken up at this time; but the Senator from Ohio must not expect that the bill is going to pass without a little consideration.

Mr. BURNSIDE. I think if the Senator from Vermont would hear the bill read through he would withhold his objection.

Mr. PADDOCK. Nothing is contemplated by the bill but to enable the Territories, which have been excluded, to have arms issued to them.

Mr. EDMUNDS. I did not object to the bill being taken up; I only said it would need a little explanation.

Mr. THURMAN. I hope the Senate may proceed with the bankrupt law repeal bill.

The PRESIDENT *pro tempore*. The Senator from Ohio asks the consideration of the House amendments to the bill (S. No. 35) to repeal the bankrupt law, which are now before the Senate, the question being on agreeing to the amendment reported from the Committee on the Judiciary to the second amendment of the House of Representatives, which will be reported.

The CHIEF CLERK. The Committee on the Judiciary report to strike out the second amendment of the House of Representatives in the words "and all penal actions or criminal proceedings arising thereunder," and in lieu thereof to insert:

And in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be hereafter incurred, under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors (except the right of commencing original proceedings in bankruptcy,) and all rights of, and suits by, or against assignees, under any, or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect (which shall be on the 1st day of January, A. D. 1879,) or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day.

So as to make the proviso read:

Provided, That such repeal shall in no manner invalidate or affect any case in bankruptcy instituted and pending in any court prior to the day when this act shall take effect; but as to all such pending cases and all future proceedings therein, and in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurred, under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors, (except the right of commencing original proceedings in bankruptcy,) and all rights of, and suits by, or against assignees, under any, or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect, (which shall be on the 1st day of January, A. D. 1879,) or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day, the acts hereby repealed shall continue in full force and effect until the same shall be fully disposed of, in the same manner as if said acts had not been repealed.

Mr. DAVIS, of Illinois. The Senator from Kansas [Mr. INGALLS] the other day stated that the creditors, and not the debtors, were pressing for the repeal of the bankrupt law. The Senator from Iowa [Mr. ALLISON] this morning read a memorial from bankers and merchants in Dubuque who he said did not owe a dollar to anybody in the world, and who wanted the law repealed; and the Senator from Kentucky [Mr. BECK] this morning read a memorial from merchants and bankers of Louisville to the same effect. I am glad to see that this feeling is not shared by all eminent merchants in this country, for I hold in my hand a dispatch from Field, Leiter & Co., of Chicago, who I think are the most extensive merchants west of the Alleghany Mountains, and second to but one or two firms in the United States. They are successful merchants, and highly honorable men, and they sent me the following telegram when the amendment was adopted by the Senate:

We favor a bankrupt law, and think it best to amend present one, which we hope can be accomplished next session, and therefore favor Senate amendment.

I thought it proper to have both sides of this question before the Senate.

Mr. BECK. I desire to ask if the amendment is in order, of which I gave notice, to strike out in lines 32, 33, and 34 "on the 1st day of January, A. D. 1879," and insert in lieu thereof "from and after its passage." If in order I ask a vote on that amendment now.

The PRESIDENT *pro tempore*. That is in order.

Mr. BECK. In lines 32, 33, and 34 I move to strike out the words "on the 1st day of January, A. D. 1879," and insert in lieu thereof "from and after its passage."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the amendment reported from the committee.

Mr. McDONALD. I suggest to the Senator from Kentucky that to strike out all included in the parenthesis in those lines would effect his purpose without inserting anything.

Mr. BECK. Perhaps it would, but the way I propose to amend makes it very plain.

Mr. McDONALD. It makes it no plainer. If there is no future time fixed the act will take effect upon its approval as a matter of course.

Mr. BECK. I am aware of that fact, but my amendment certainly makes it very distinct.

Mr. MERRIMON. I submit that the amendment is not now in order. The Senate has already adopted this amendmennt, I understand.

Mr. BECK. Never.

The PRESIDENT *pro tempore*. It has not been adopted by the Senate.

Mr. MERRIMON. My understanding was that this amendment was adopted by the Senate, but the subject was referred to the committee simply for the purpose of amplifying it.

The PRESIDENT *pro tempore*. The bill was referred to the committee, and the committee have made their report. The committee reported an amendment. The Senator from Kentucky proposes now to amend that amendment.

Mr. THURMAN. As the Chair has properly stated, the Senate amended the amendment of the House, and then without having adopted the amendment as amended the bill was referred to the Committee on the Judiciary, and the committee have reported the amendment before the Senate.

I only want to call the attention of the Senate to the effect of the amendment moved by the Senator from Kentucky. He proposes to strike out the words "on the 1st day of January, A. D. 1879," and insert in lieu thereof "from and after the passage of this act."

Mr. BECK. "From and after its passage."

Mr. THURMAN. If the amendment prevails, then, as I understand the rules of the Senate, you cannot alter the amendment, and those who might be opposed to the act taking effect on the 1st day of January next, but would prefer that it should take effect on the 1st of September, or the 1st of October, or any other time shorter or longer than the 1st of January next, could not move to amend the bill in that particular, because the Senate will have inserted the words "from and after the passage of this act." I think I am right in that. Therefore, if the amendment of the Senator from Kentucky prevails, it settles the question that the act shall take effect from and after its passage.

If, on the other hand, the motion indicated by the Senator from Indiana were made and should prevail, to strike out the words in parenthesis, then it would be competent for the Senate to insert any other words that the Senate should see fit to insert, as, for instance, the 1st of October next or the 1st of September next or the 1st of November next, or any other words. It seems to me, therefore, that it would be better for the Senator from Kentucky not to press his amendment, but to allow the amendment indicated by the Senator from Indiana to be made, and if that should prevail and the words in parenthesis should be stricken out, then it would be competent for the Senate to amend by inserting any other words fixing any day that the Senate may please for the taking effect of the act. If no time be fixed at all, then, as a matter of course, the act will take effect from its approval by the President.

Mr. McDONALD. If the amendment proposed by the Senator from Kentucky has the effect that has been suggested by the Senator from Ohio then I prefer it to the one that I intended to suggest. As I believe the bankrupt law ought to be repealed and that its repeal ought to take effect immediately, I am unwilling, so far as I am concerned, to fix any day in the future for its taking effect, because in my judgment it is simply postponing business, at least so far as new business is concerned, until that day shall arrive. I think the impression has gone abroad over the country in reference to the effect of the bankrupt law upon the business interests of the country, especially as to new business, as to the revival of enterprise, has become so fixed that it becomes a matter of necessity that if the law is repealed at all it should be repealed so as to take effect at once. In support of that proposition I desire to have read a telegram which I received this morning from a number of the citizens of one of the chief commercial towns in my State. I ask that their statement in regard to the matter be read from the desk. It fully meets my own views upon the question. Therefore, if the amendment offered by the Senator from Kentucky has the effect of settling the question by its adoption so that the passage of this act is to be upon the terms that it shall take effect immediately upon its being signed by the President, I prefer it.

The PRESIDENT *pro tempore*. The Secretary will read the communication called for.

The Chief Clerk read as follows:

FORT WAYNE, INDIANA, *May* 4, 1878.

To Hon. Senator JOSEPH E. McDONALD,
Washington, D. C.:

Believing as we do, which belief is not theoretical but based on our own knowledge as wholesale merchants, bankers, and business men of Fort Wayne, Indiana, of its practical workings, that the present bankrupt law has been one of the chief causes of our country's present financial embarrassment, and that should it continue to remain in force it will work ruin to our country if it does not make us a nation of bankrupts, we therefore beg of you to exert every effort in your power for the immediate repeal, to take effect on its passage, of the existing bankrupt law.

Mr. BECK. Mr. President, I made the motion I did, to strike out and insert, hoping and believing that it would have the effect indicated by the Senator from Ohio; and the Senator from Indiana concurs fully in all the reasons I could give why the repeal should take effect immediately, and therefore I shall adhere to the motion in its present form.

Mr. THURMAN. In order that the Senate may not be concluded by the adoption of the amendment offered by the Senator from Kentucky, which will shut the door and lock it, as it is in order to move to amend the text before a motion to strike out is put, I move to strike out "January" and insert "October" and to strike out "nine" in line 34 and insert "eight," so that it will read:

Which shall be on the 1st day of October, A. D. 1878.

Mr. EATON and others. Make it September.

Mr. THURMAN. I will put it at September at the suggestion of my friend from Connecticut, [Mr. EATON,] and perhaps that is the stronger motion. I move to strike out "January" and insert "September," and to strike out "nine" and insert "eight" so that the act shall take effect on the 1st of September next.

Mr. MERRIMON. Mr. President, the Senate presents a strange attitude toward this bill and the subject of bankruptcy. Every one who has spoken on the subject has conceded, without qualification, the necessity for a bankrupt law in this country, and yet it is proposed to repeal this one absolutely and substitute nothing for it. It really seems to me that that is not very consistent action. If such a law is necessary, logically, Congress ought to reform and amend the existing law. The difficulty is that those who insist upon immediate repeal do not take a distinction between a necessary law, very imperfect in some of its provisions and badly administered, and no law at all. That the country needs a well-devised bankrupt law is beyond any sort of question; and what we ought to do, it seems to me, is to endeavor to perfect the existing one, instead of leaving the country without any at all. After the existence of this law for so long a time, and at a time when such a law is so necessary for the benefit of the whole country at this time of business disaster, it does seem to me that there ought to be some reasonable notice of the time when the existing law shall be repealed, so that those who are in embarrassed circumstances may have an opportunity to adapt themselves to that state of things which will exist after the law shall cease to operate.

My distinguished colleague the other day adverted to a special state of circumstances in our State that makes the bankrupt law specially interesting there now. He did not magnify the state of distress there; it prevails from one end of the State to the other, and we cannot be otherwise than seriously impressed with the absolute importance of extending the time within which this act must be abolished as long as possible.

Telegrams have been sent here in large numbers this morning from the creditor class of the country for the purpose of influencing the action of the Senate. Why, sir, I wish I had arranged a number of letters I have received within the last three or four days on this subject, to read to the Senate as a striking set-off to these telegrams which have been sent here this morning to serve such a purpose. I happen to have by me a letter which I now beg to read to show the state of things in the locality of my State from which this letter comes:

CLINTON, NORTH CAROLINA, *May* 2, 1878.

DEAR SIR: Our people are greatly distressed in consequence of the recent homestead decision, and confidently trust that you will continue to resist the immediate repeal of the bankrupt law, and save them, if possible, from utter ruin, and many from almost absolute beggary. I write this short communication at the earnest solicitation of many of my countrymen.

With great respect, I am, yours, most respectfully,

M. C. RICHARDSON.

Hon. A. S. MERRIMON.

Mr. Richardson is a highly respectable gentleman, living at the town of Clinton. He would not state anything that was not strictly true as he states and believes it to be.

Let me restate the condition of things in North Carolina and why such a great and pressing necessity exists there at this moment. The constitution of North Carolina, which was adopted in 1868, provided a homestead equal in value to a thousand dollars and a personal property exemption to the amount of $500, which should in all cases be exempt from execution. The supreme court of North Carolina, in a case which presented the question, decided that that homestead provision operated retroactively and that it protected the owner of the homestead against debts contracted before the adoption of the constitution providing it. That court repeatedly reaffirmed this decision. The people generally confided implicitly in it as deciding the law correctly. Lately a case was presented to the Supreme Court of the United States, the same having been brought up from the supreme court of North Carolina by writ of error, in which the same question was presented, and the Supreme Court here reversed the decision of the supreme court of North Carolina. The result is that hundreds of people, poor people with large and helpless families, who have but a homestead and the personal-property exemption, are turned over to the mercy of their creditors whose debts were contracted before the adoption of the constitution in 1868.

Mr. CHRISTIANCY. Will the Senator from North Carolina allow me to ask him a question.

Mr. MERRIMON. I will.

Mr. CHRISTIANCY. Has not the State of North Carolina a statute of limitations of six years against ordinary debts?

Mr. MERRIMON. No, sir.

Mr. CHRISTIANCY. I was so informed.

Mr. MERRIMON. The statute of limitations in North Carolina for debts not under seal is three years, but as to single bonds the statute presumes that the debt is paid after ten years, but that presumption may be rebutted. But in most cases there is another difficulty in the way. The great majority of the debts that were contracted before the adoption of the constitution in 1868 have been reduced to judgments, and such judgments are not discharged. I stated in a communication to one of the newspapers in my State that in a single county more than four hundred creditors had gone into the clerk's office and had ordered notice to issue to the debtor with a view to revive the judgments and obtain execution upon which the homesteads of the debtor could be sold.

Mr. KERNAN. Will the Senator allow me to ask him a question?

Mr. MERRIMON. I will.

Mr. KERNAN. How will it aid your people if the bankrupt law continues six months?

Mr. MERRIMON. It will aid them in this way very plainly if the exemption clause in the bankrupt law is valid: if this class of debtors should go into voluntary bankruptcy there will be set apart to them the homestead allowed by the law of the State constitution, and this will save the homestead and other exemptions if the law is valid. The law on its face plainly allows the exemption.

Mr. KERNAN. Will it be a uniform constitutional system of bankruptcy which says that the States, after the passage of the law and after debts are contracted, may, each one, say one, "we will exempt $5,000," another "$1,500," and so on, and will that be a good bankrupt law? Would not the courts hold void any such thing?

Mr. MERRIMON. This allowance of homestead by the constitution and statutes of North Carolina was anterior to the passage of this provision of the statute of the United States to which I refer; so that the difficulty the Senator suggests cannot arise. It is expressly provided in the statutes of the United States that this homestead exemption in the constitution of North Carolina and like exemptions in every other State constitution, and by the statutes of the several States, shall be good against all debts contracted anterior to the time the homestead was allowed, and they are expressly within the terms of the act of Congress.

Mr. KERNAN. I want to know whether Congress, under pretense of making a uniform system of bankruptcy, can allow every State to exempt all property if it sees fit.

Mr. MERRIMON. That question was raised before the courts soon after this provision of the statutes of the United States was adopted, and it was contended that inasmuch as there was one measure of exemption in North Carolina, another in Georgia, and another in New York, therefore it was not uniform in view of the Constitution of the United States; but the courts have repeatedly held that the provision of the Constitution did not refer to uniformity in that view, but in an entirely different one, and the courts have uniformly given the law effect; so that if one of these citizens in North Carolina owning a homestead, and but a homestead, shall go into bankruptcy, the court will be obliged to allot to him that homestead to which he is entitled by the constitution of North Carolina. That will save the debtor's home for his wife and his little ones; he will not be turned out of doors and driven to despair and beggary.

Mr. WADLEIGH. Will the Senator from North Carolina allow me to ask him a question?

Mr. MERRIMON. Yes, sir.

Mr. WADLEIGH. It is whether under the law of North Carolina there is now any homestead exemption as against these old debts he refers to?

Mr. MERRIMON. The Supreme Court have held that the provision of the constitution of North Carolina which allowed the homestead was not operative as against the debts contracted anterior to the adoption of the constitution.

Mr. WADLEIGH. Then if there is no law of North Carolina creating a homestead against these old debts, how can the provisions of the bankrupt law create an exemption that does not exist in the laws of North Carolina?

Mr. MERRIMON. In this way: the homestead provision as the Supreme Court of the United States in the recent decision of Edwards *vs.* Kersey, made about ten days ago, have decided that the homestead provision of the constitution of North Carolina is operative as against debts contracted after its adoption, but it is not operative as to debts contracted anterior to that time.

Now, let us see what would be the state of the case if a citizen owning a homestead should go into bankruptcy after the decision of that case. He would be entitled to a homestead certainly as to debts created after the adoption of the constitution providing the homestead exemption. There is no question about that. I maintain that whenever a homestead is allowed, then, under the operation of the broad language of this statute, it operates as to all debts—for debts created anterior to that time are expressly mentioned in the statutes. I will call attention to it more particularly directly. But, in the next place, when we look at the spirit of the bankruptcy act, of the clause bearing on this subject, it is manifest that the purpose of Congress in passing this law was to use the measure of homestead exemption in the several States simply as a measure for the allowance that should be set apart to the debtor when he should invoke the aid of this law in bankruptcy. So that practically the question suggested by the Senator from New Hampshire does not exist.

Let me call the attention of the Senate to the broad provision of the statute on this subject. There can be no question that the language of the statute does and was intended to exempt the homestead from debts created before it was allowed as well as those created after it.

The PRESIDENT *pro tempore*. The morning hour has expired. By general understanding, at one o'clock the bill (H. R No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency, was to come before the Senate, on which the Senator from Georgia [Mr. GORDON] has the floor.

Mr. THURMAN. With the leave of the Senator from Georgia I move that the pending order be postponed in order that we may pro-

ceed with the bankrupt bill. If that motion prevails, I will immediately agree that the bankrupt bill may be laid aside temporarily so that the Senator may proceed to address the Senate.

Mr. GORDON. With that understanding I have no objection.

Mr. SARGENT. The Committee on Appropriations is ready to proceed with two general appropriation bills and is very anxious to have an opportunity to present them to the attention of the Senate. Neither of these bills will take any great length of time.

Mr. THURMAN. I move that the pending order be postponed and that we continue the consideration of the bill to repeal the bankrupt law.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

Mr. THURMAN. Now I consent that it be laid aside informally and that the resumption-repeal act be taken up that the Senator from Georgia may make his speech.

Mr. SARGENT. It is also understood that after the Senator from Georgia concludes the appropriation bills shall be considered.

Mr. THURMAN. Certainly I have no objection to that.

RESUMPTION OF SPECIE PAYMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

Mr. GORDON. Mr. President, if the proposition I am about to submit could be tried by rules of evidence as stringent as those applied in courts of justice, we should not only demonstrate the wisdom of some such measure as that proposed by the Finance Committee, but do more I think to settle this financial controversy in one month than we have in years. With a desire to avoid mere speculations upon such a subject and to cite only undeniable facts, I shall seek to make good this single proposition: that ill-advised legislation is the prime cause of our financial depression to-day.

During the last ten years the pressure of party questions, if it has not warped the opinions of Senators, has at least prevented full and dispassionate consideration of this great problem of finance. From this or some other cause, we have written, I think, in financial legislation a most frightful chapter. I am strongly tempted to say, for I believe it can be demonstrated, that no more dismal chapter, nor one more inconsistent with real statesmanship, nor more incompatible with the true interests of its citizens has ever been written in any country where the ballot was allowed.

What, sir, will strike the candid inquirer as the most conspicuous facts connected with that chapter? We found the country for some years after the war full of progress and of strength. One section of it, the conquering section, was in a condition, not merely of seeming but of absolute prosperity. The late Vice-President, then a Senator from the great State of Massachusetts, stated in this Chamber in 1868 that the Northern States, notwithstanding their war losses, had increased their wealth by the enormous sum of $3,000,000,000. The other section, although desolated by war, was gradually recovering from its losses and regaining its strength. This, sir, is a plain, truthful statement, I think, of the condition of this country for some years after the war. Let me repeat it, for it is a very essential factor in deciding the truth or fallacy of the proposition submitted. One section of the country absolutely abounded in all the evidences of a genuine prosperity; the other, although it had lost more than $5,000,000,000 of its property, was slowly but steadily and hopefully reorganizing its disordered husbandry and regaining its industrial independence.

Never, sir, never, did any country after such a war present such evidences of recuperative capacities and such a basis for hope of future wealth and progress as did this country at that time. Unfortunately for the country our legislators refused to profit by that lesson of wisdom taught by the practical business men of France, who, when applied to by a distinguished writer upon financial theories to know what he could do to help on the general prosperity, replied in that celebrated answer, "Let us alone." "Let us alone." Our legislators, on the honest assumption doubtless that this growth was unhealthful, refused to "let us alone," but began to cut back the tree that had borne all the fruit. In order to assure success in that direction we borrowed for the purpose Peel's pruning-knife which had so effectually done its deadly work in England, and we have mercilessly used it ever since. We lopped off here a paper legal-tender branch and there a silver legal-tender branch; we cut and we pruned until we have succeeded in producing a crop just abundant enough to feed the few and tantalize, if not starve, the many. We proceeded, I say, on the assumption that all of this seeming prosperity was a sham, that there was nothing real in it, that this increased number of land-holders, these improved lands, this busy population, this well-paid labor, this hum of machinery, these loaded trains thundering along all our railways, these growing cities with their boulevards and banks and brown-stone fronts, these mines disgorging their wealth, these blazing furnaces, these millions of homes earned and paid for by the well-employed workingmen of the country, these homes filled with plenty and around whose doorways universal contentment smiled—all, all we said, are a delusive sham, the fungous outgrowth of an irredeemable, dishonored paper currency, and we would have none of it!

So, with a total misapprehension apparently of the effect of our laws, or led by the hope of some party advantage, or, what was worse, following the delusive phantom of improving our condition by contracting the circulating medium, the very life current of business, we hurried through one enactment after another until, as I shall be able to show, by sheer legislation alone we have brought all these well-grounded hopes, inspiring prospects, and productive energies of a progressive and self-reliant people to one vast funeral pile.

Sir, what reasons were assigned, what excuses given for any legislative interference in the condition of affairs succeeding the war? It was not pretended that the country refused to grow and needed a legislative spur in its side to move it onward, for at no period of our history had there been so rapid an advancement. It was not pretended that wealth was concentrating in the hands of a few and that a legislative check was therefore required; for never under any circumstances did wealth so generally distribute itself among all classes of our population. It was not pretended that the country was in perpetual danger of being flooded with the irredeemable issues of irresponsible bank officers to-day and denuded of them to-morrow by a withdrawal of their discounts, thus organizing ruin in the back offices of their banks; for no such condition of affairs existed. It was not even pretended that the depreciation of the currency was due solely to a redundancy of its volume, at least no such pretense could be sustained with reason; for there stood the changeless, recorded facts to dispute any such assumption. There stood the fact that during the war your currency scaled upward or downward as your great armies advanced or retreated, as the confidence of the people increased or diminished in the power of the Government to restore to its integrity the American Union. There stood the fact that your currency, in July, 1868, reached, I think, 285, and in September following fell to 189, with a large increase of volume. There stood the additional fact—and let me say in passing that no ingenuity can explain away their significance, no human power, and, be it said with all reverence, no Divine power can destroy them, for they were past, accomplished facts; there they stood and there they stand to-day—the fact that again and again since the war has gold advanced with a decrease of the volume of currency or fallen with an increase.

What excuse, then, I ask again, was given for any legislative tinkering in so satisfactory a condition of affairs? Here is the answer: "A return to honest finance through forced resumption by a contraction of the circulating medium." Well, Mr. President, I favor honest finance, I favor a return to specie payments. In all I have said or written, before my entrance into this body and since, I have steadfastly maintained that the country should reach specie payments at the earliest practicable moment, compatible always with our great industrial interests.

But before going into an analysis of each step in this legislation, I wish to make this one general remark: we have been returning to honest finance by that road for some time. We have not yet reached the end of it, for although we have equalized the currency, the experiment will never be tested until we have determined whether under our circumstances it be possible to maintain actual redemption without utter destruction of the business interests of this country. I say, therefore, we have not reached the end of the experiment, but we have left our monuments to tell to posterity the events which signalized our progress. They are mournful, but instructive; broken merchants, broken miners, broken manufacturers, broken savings-banks, broken insurance companies, shattered fortunes, dismay among the people, blight universal and deadly; and, sir, what is more appalling still, these dreadful events increase day by day; these black ruins multiply and grow blacker the farther and farther we go on this wrong road to a rightful end.

But, sir, I wish to examine with some particularity each step in the history of this legislation and show its effect on the business interests of this country. In his annual report of December 4, 1865, Mr. Hugh McCulloch, the then Secretary of the Treasury, now English banker, announced the astounding purpose of an utter destruction of all the currency known as United States legal-tender notes. Here is his language:

> The work of retiring the notes which have been issued should be commenced without delay and carefully and persistently continued until all are retired.

The Congress resolved upon co-operation. A resolution declaring this purpose passed the House of Representatives by a vote of 144 to 6, only six men out of a total of one hundred and fifty protesting by their votes against the absolute destruction of this currency. Pursuant to that policy, the Congress, in April, 1866, resolved that the Secretary should retire ten millions in six months and not more than four millions in any one month thereafter. This, Mr. President, was the first step in the process of contraction by legislative enactment. Did or did it not damage the business interests of the country?

Sir, we have been told over and over again that legislation had dealt no blows at our industry; that irredeemable paper money, war losses, overproductions, or some other cause had brought ruin upon the country; but that, whatever else might have contributed, no share of the awful responsibility rested upon legislation. Such is the testimony of theory, but what is the evidence? What were the consequences of this first act of contraction? Let the facts speak and let theory be silent that it may learn!

What are the facts? I will not answer in my own words nor in the words of either of the six men who protested against the policy, nor

in the language of any man who was then, is now, or ever has been accused of opposing contraction. I prefer to give the answer in the language of a known contractionist; of a man who during the war was chairman of the subcommittee on Finance in the House; who is now, I believe, a leading banker in the State of New York. What does Mr. Spaulding say were the direct, ascertained, acknowledged consequences of this first act of legislative interference?

As contraction gradually went on money became more in demand.

"Money became more in demand;" that is, greater stringency in the money market and increased embarrassments in business. Is that an indication of improved prosperity promised by the advocates of this policy? Is it not—I put it to the candid judgment of the Senate—an infallible index, pointing with unerring certainty to impending financial disaster? He continues:

It soon became unpopular with a large class of the community. Members of Congress very soon changed their opinions on the subject.

Members of Congress! How many of them? Did members of Congress abandon this "true theory?" Did they discover their mistake? Did they acknowledge it? Let us see:

Members of Congress very soon changed their opinions on the subject, and in January, 1868—

Less than two years thereafter—

a law was passed declaring that from and after its passage the Secretary of the Treasury should retire no more of these notes.

Mr. President, this law denied to the Secretary of the Treasury the power to contract, which Congress two years before had granted. It was a direct reversal of its former policy. Yet it passed the House of Representatives, composed largely of the same men, without a dissenting vote. It passed the Senate with only four dissenting votes. What, were these contractionists, these advocates of legislative interference, forced in so short a time to change front and to swap sides with their opponents in the scales which tried the relative soundness of their respective views? Can it be that this first act of legislative intermeddling proved so disastrous as to force an entire Congress to change its opinions. Had the policy of contraction no advocates left in a Congress which less than two years previous contained one hundred and forty-four of its defenders against six of its opponents? Sir, it seems to me that little else need be added to this argument after citing this convincing proof that so limited a contraction had in so short a time produced so great distress as to force a whole Congress to sign its own condemnation and record its solemn judgment by vote against the folly and the madness of its former policy. Sir, I do not believe that in all legislative history a parallel can be found to the fact or the cause of this conspicuous and sudden revulsion. Mr. President, were I to stop here it seems to me I should have established the truth of the proposition submitted. What reply can advocates of contraction make? Standing as they do over the dead body of one of their cherished theories, slaughtered in the combat with experience, and covered all over with disaster and defeat, is it too much to suggest that they be somewhat tolerant of the opinions of their opponents whose warnings were unheeded, whose arguments are unanswered, whose facts cannot be disputed, and whose apprehensions the mournful record of subsequent events has elevated into the dignity of prophecy?

We shall continue our instruction by a few lessons from the second chapter of this financial legislation. The contraction screw which in 1866 had received its first turn into the lid of that coffin, which since has encased the dead body of many an industry, was checked in 1868 only because the prospective corpse on the inside refused to lie down in peace under the pressure. The people protested. From every section they protested. From East and South and North and West they sent their Representatives back to the Congress with instructions to undo the mad legislation which they had perpetrated upon the country two years before. Did those legislators heed that instruction? Where is the Representative from any section, North, East, South, or West, who in 1868 refused to heed the voice of the people? Is there one member of the House, fresh from the people, who refused to condemn by his vote the unwisdom of that policy? No, not one.

But the screw was only checked. It was not broken. The law of 1869, in order to settle disputed questions and interpretations, declared in substance that the bonds and the "greenbacks" should be paid in coin, gold and silver. It would seem that this ought to have satisfied all the demands of public honor, public faith, and public credit. But not so. The screw was to have one more turn, one of these metals was to be demonetized, silver was to be decapitated, and all values were to rest upon a single metal. The $1,600,000,000 of Government obligations and the $6,000,000,000 of private and corporate debts and all values were to be represented by the scarcest, the dearest, the most unobtainable article ever used for currency in all the earth—an article which we have not in sufficient quantities for any such purpose, which we cannot get, and which we could not keep if we had. Keep gold, sir, under our circumstances in sufficient quantities to redeem the currency necessary for this country! Keep gold, with our foreign indebtedness absorbing the products of our mines and our industries dead! Keep gold, with every unusual demand from Europe sweeping it from us! Sir, you can no more do this than you could stay the Great Eastern in mid-ocean in a storm by casting its anchor on a passing cloud.

I only refer, however, to this act of demonetization in order to take up each link in the chapter of legislation which I am pursuing, but as Congress and the country has passed judgment upon it I dismiss it without further remark.

I could heartily wish that this were the last act to which it is my duty to refer in this discussion. But not so.

Once more unto the breach, dear friends, once more.

This time the purpose is to pass a general resumption law, with a day fixed by Congress. It is put before the country with the captivating title of specie payments and free banking. It is certain that that bill meant when in the Senate one thing to the contractionists and another thing to the inflationists. As I was neither a contractionist nor an inflationist I did not support it. A code of conservatism in four words—"let well enough alone"—embraced, I thought, the true doctrines on this subject after the war. Doubtless many Senators and Representatives voted for this resumption bill, believing there could be no further contraction under that clause of the bill which provided that $100 of national-bank notes should be issued for every $80 of United States notes retired. It was certain, however, that under that other clause, which forced all the banks as well as the United States Treasury to prepare for resumption upon a certain day, contraction must occur.

Before speaking of the effect of this law upon the business interests of the country, I wish to mention one or two very notable facts connected with it. A progress from the purpose of total destruction of United States notes to a recognition by a majority of both Houses of Congress of the necessity of three hundred and fifty millions of that currency for the business of the country was certainly an indication of improving financial wisdom among our law-makers, and as I wish to be both generous and just I will mention another significant fact: we found instead of six men a majority of both Houses of Congress voting against retiring all these notes. Indeed, I think I might say that it was a progress from six to absolute unanimity, for I believe the last of the cromators, like the last of the antediluvians, has passed from the earth. I think no man could now be found who would stand up in the face of our experience and advocate a total destruction of the United States notes.

But with all these encouraging facts connected with it that law has been productive, I think, of a greater contraction of the currency and consequently greater damage to the country than any other law upon our statute-books. I do not mean that it has lessened so much the currency nominally in existence; what I mean is, that it has contracted the currency in active circulation and withdrawn it from business just as effectually as if locked in the vaults of the Treasury. It has contracted the use of money in active business by encouraging the hoarding of greenbacks, by compelling bankers to retire their notes to prepare for resumption, by discouraging manufactures, and, lastly and most disastrously, by destroying all confidence in the ability of enterprise to live through such an ordeal.

Mr. President, all these results were foreseen and foretold. The proof of what must happen under such a condition of affairs was everywhere to be found. Here was the acknowledgment of Spaulding as to the result of the first act of contraction. Here were the records reeking with the havoc dealt by Peel's similar bill to English industry. Here were the disasters which were acknowledged in our country by the first Congress that met after this policy was inaugurated. Here was the declaration of at least one great historian that on the tomb of the greatest empire of antiquity, together with the four causes of its fall given by Gibbon, another should be recorded, which I give in my own language: "Died of a contraction of her circulating medium, which she was too wise to seek but powerless to prevent." Here was all history burdened with the proofs of the indiscriminate murder by this policy wherever enforced of every interest which makes a country great and rich.

But we are told, Mr. President, in answer to all this, that true finance teaches that no country can be permanently prosperous until it has reached specie payments. Let that be granted. Upon that another assumption, which I think utterly untrue, is founded, that the shortest road therefore is the best road and that contraction is that road and must be traveled, however thorny, rough, and ruinous.

Now, let us see how it was proposed to reach specie payments prior to the passage of the silver bill. The first step was to declare gold the only basis for credits or values. As this base was too small, it was not proposed to add to it silver or Government credit, but to compress the superstructure to the size of this base—to limit the silver, contract the paper, cramp the industries, squeeze all things until they would rest on this base. This is precisely what we have been doing for ten years. Let me, sir, describe the structure we are building. At the base an insufficient supply of the circulating medium and consequent high rate of interest; above that, increased demand, in the language of Spaulding, for money, stress in business, and general failures. Above that, discharged laborers, hordes of idlers, breakers of the peace. Above that, the air filled with the clamors of discontent from a whole people in distress. Is that an overdrawn picture of the actual results from such legislation? What was said of the condition of Great Britain after the adoption of a similar policy? Sir James Graham said "such a scene of agricultural and commercial distress" as followed "was never before witnessed." Mr. Charles Knight describes it as "the paralysis of industry" producing attempts at plunder, incendiary fires, rebellions of hunger ("the belly") put down by the military.

Mr. Brand, from his place in Parliament, spoke of "the poor abandoning their homes, of deserted parishes, of crowds of paupers, increasing as they went and spreading wider and wider the awful desolation." A philanthropic association of Londoners described the distress and misery "as more general and extreme than that ever produced by earthquakes, inundations, famine, pestilence, or war with all its concomitants."

Mr. President, what answer do the contractionists make to the fearful indictment of these dreadful facts? They admit that great distresses followed the inauguration of this policy, but deny the responsibility of that policy. The calamitous events which followed in this country and England they claim were mere concomitants, the accidental coincidences of their measures. I charge that these disasters in both countries are the consequences of their policy; they deny; and thus the issue is joined. I believe the most competent and overwhelming proof can be adduced to sustain the charge. But suppose I am mistaken in this.

Suppose I can only demonstrate that such enactments are always followed, or even usually followed, by such calamities. Is it the part of enlightened statesmanship to pursue a policy in dealing with a country's greatest interests, which is always, or even usually, followed by great disasters, and then justify it on the ground that you cannot establish absolutely the relation between the legislation and ensuing events, as cause and effect? Is that statesmanship? Sir, the vaster the interests involved, the more inexcusable any legislation, the results of which are in the least problematical. The power to destroy a people by a complete control over its money is as absolute and extreme as the collateral power, the control over the sword. Indeed, I believe, sir, that it is more absolute, for when a ruler draws the sword against his subjects they catch its first gleam and can prepare, if need be, for resistance; but a willful misuse of the power over the circulating medium or a mere misapprehension as to the effect of the policy pursued is not to be met by armed resistance, and works its damage in ways so silent and by steps so stealthy that the people are unaware of the danger until they are overwhelmed in disaster. When a government, sir, arrogates to itself the absolute control over the entire volume of circulating medium, it assumes a power over the labor and property of its citizens too vast and fearful to be exercised except in directions which experience has demonstrated can bring good and only good to its people.

Mr. President, have Senators contemplated the nature of the power we here exert? It is one thing to settle by constitutional provision general policies and leave to States and communities the power to decide the volume of currency needed. It is a vastly different thing for Congress to assume the high prerogative of deciding the exact number of dollars forty-five millions of people, scattered over a great continent, with their varied and ramified interests, shall use day by day in the transaction of their business.

Sir, we touch here in Washington, in this Capitol, a vital cord which is felt thrilling through every household from ocean to ocean. There is not an enterprise, there is not an interest, there is not a community, there is not a household unaffected, there is not a child born beneath the flag whose education and interest and destiny are not wrapped up in our legislation upon this great question. Senators discuss this subject as though the faith of the Government was the chief question involved, as though the protection of the credit of the Government was the most exalted end to which statesmanship can aspire. Sir, the credit of the Government must be sustained; it is a high duty to protect it; but the means of protection are of great simplicity. The credit of the Government will take care of itself if we but see to it that the interest on the bonds is paid at the time and in the coin designated in the contract. Important as it is, it sinks by reason of its simplicity into utter nothingness as compared with other momentous and infinite interests, interests which involve not only the welfare of society and civilization of the present, but the well-being of generations yet unborn.

These are the interests that should enlist our sympathies, command our thoughts, arouse our solicitude, in all our discussions upon this financial subject. No hyperbole can exaggerate their importance, and no extreme of caution can sufficiently measure the prudence and hesitation with which we should adopt, in reference to them, a policy; nay, let me rather say that no language is strong enough to describe the loathing and the horror with which we should turn from a policy which by possibility could be responsible for the irreparable damages to these great interests. If, then, it be true that cautious and enlightened statesmanship would refuse to exercise this delicate power over the circulating medium, except when beneficial results are assured, what is to be said of the temerity of the law-maker who would persist in a policy which can be proven to be the cause of the evil?

Now, sir, I propose to prove by overwhelming proofs not only that there is no reasonable ground for denying the responsibility of legislation for the disasters in this country and in England, but that legislation is solely responsible.

We adopted the policy of contraction. Prior to that the country was prosperous. Immediately money became as Spaulding said in greater demand, business was distressed, labor lost its employment, ruin ensued. How was it in England? She contracted one-half. Immediately wages fell one-half, cotton fell one-half, wool fell one-half, iron fell one-half, lands fell one-half, and ruin and woe and universal distress were the legacy left by Peel and his associates for more than a generation to their country. Do you ask for proofs that these disasters would not have befallen these countries under a different policy? Then look just across the English Channel. There stands France. She, too, had a great war, a war which though short was decisive and apparently crushing. How is it that none of these disasters has befallen her industries or her people? Had she natural advantages above those of the United States or England? Not at all. Had she a stable political government which was denied to England or the United States? The reverse is true. She had lost a large portion of her domain; the Prussian guns had scarcely ceased their roar around her capital; her emperor was in exile; her former government was overthrown; her political institutions were in a transition state; one day the dynasty of Napoleon, the next the torch and the blood of the commune; then the rickety republic rising upon the ruins of the former government, and her whole social and political fabric convulsed by successive shocks of internal dissensions. Yet in spite of them all, out of them all, came France, and established for herself and her people an industrial prosperity and financial pre-eminence unrivaled in the world.

Mr. President, how were results so marvelous and so beneficent so speedily and so permanently secured? Was it by following what is termed "the true theory of finance," the policy pursued by this country and by Great Britain? Is that the road which France marched to her proud pre-eminence in the industrial and financial empire of the world? Nay, sir, nay; but guided by a better light, founding her faith on the doctrine universally recognized by all writers upon practical economy that the wealth of a nation rests in the productive energies of its people, she encouraged and stimulated these not by contracting the tools with which her population was to work, but by adding to their number. Her bank-notes at the beginning of the war were $288,000,000. The first report after the war shows an increase to $442,000,000. Had France been England, had she been governed by an American Congress, what would have been her course? She would have resolved immediately that $442,000,000 were irredeemable, that it was a dishonored currency, that the process of retiring must be at once begun, and, in the language of Secretary McCulloch, "persistently continued until all are retired." France would have had her one hundred and forty-four contractionists to six opponents in her legislative assembly; and although like our Congress she might have seen her mistake two years later and condemned the policy as we did after trial by unanimous vote, yet devoted to the theory she would have returned to it again with the zeal which marked our return, and having scattered the same seed, she would have long since reaped the same harvest of death. But what course did France pursue? The war ended in May, 1871. In December thereafter she authorized an increase from $442,000,000 to $560,000,000. She did not stop at that, but authorized in May, 1872, an additional increase to $640,000,000.

Mr. President, if it were insanity to have opposed contraction in this country, what ought to be said of the statesmen of France who not only opposed contraction but in twelve months after the war nearly doubled her currency? This was the method of France for reaching specie resumption, paying her debt, giving life to her business and energy to her people. Where is the Senator who in the face of these facts has the temerity to deny that this policy was conducive to the wonderful recuperation of France? Where is the practical business man who in the gloom of our distress would not prefer for his country the policy of France, resting its claims on the adamant of common sense and experience with unrivaled success, to that of England resting its claims on the quicksands of theoretic assumption, with universal failure? I repeat the question, who can deny that this financial policy of France contributed to her rapid recuperation?

If that is disputed, turn to the kingdom of Italy. She, too, had a great war and by reason of her losses and the withdrawal of her coin by foreign creditors her circulation was reduced until her people were brought to the very verge of general bankruptcy. In 1866, however, she issued a full supply of paper money—government notes. A distinguished Italian author is my authority for the magical change which occurred in Italy. Mines were opened; manufactories sprang up; railroads were built; lands advanced; labor was employed; agriculture flourished; population increased; her deserted Emilian fields were repopulated, and universal thrift and contentment were seen throughout all her borders.

Now, Mr. President, group together these facts, and what lesson do they teach? England under one policy and universal ruin; France under a different policy and universal thrift. Here is the United States under the policy of contraction, and immediately the busy wheels of her industry stand still, dismay seizes and languor depresses the energies of the youngest, the strongest, and the most self-reliant people upon earth. Italy pursues a different policy, and that grey-headed old land lifts herself from the dust of a thousand years, shakes off her native lethargy, and moves forward with the energy of youth. Sir, what does all this mean? Are these facts worth nothing in this argument? Are they to be condemned and silenced by the assumptions of theory? Where is the answer to them? Here are two kingdoms and two republics under different policies: the kingdom of England and the kingdom of Italy; the Republic of France and the Republic of America. Two kingdoms and the two republics stand before us the unimpeached and unimpeachable witnesses of the great truth I am seeking to enforce.

One more argument on this point. It is worth something in this discussion that the results of the policy of contraction were foreseen and foretold in both England and America by men of brain, intelligence and learning, and practical experience. When Peel's bill to which I have referred was pending in the British Parliament the bank directors entered and recorded their solemn protest against its passage, and warned the Parliament that if that bill was passed it "would compel them to put upon the business of the country a relentless pressure, to foresee and estimate the consequences of which was impossible." In this country from 1865 to the consummation of these disasters, like predictions of like results were made with equal emphasis. It was predicted as early as 1865 that "with the policy of contraction retrogression would begin;" that it would "produce bankruptcy and ruin," that such a "policy by the Government was to commit financial suicide;" that "it would lead to demoralization and degradation with all their attendant ills;" that "the Government would thus annihilate by its own hand the industry and the prosperity of its people." It is certainly worth something in this argument that every prophecy of improvement under their policy made by the contractionists has proved utterly false, and all the predictions of evil made by the opponents of that policy have been more than realized.

But what was all this worth? What was prophecy, what was argument, what was history, what were facts and experience worth to those who had already settled in advance that it was sheer lunacy to talk of prosperity until we had reached specie payments, and that contraction was the shortest and best road to resumption? There was the theory, and that theory was the plummet which was to try not only the value of all suggestions but of all experience, and the truth of history as well. Did history and experience conflict with this theory, then "experience and history are insane." How are you going to convince the Sadducees by proofs that Christ rose from the dead, when according to their theory "the dead rise not?"

Mr. President, a good deal has been said about the lunacy of those who favored the silver bill. I do not know that I should have felt called upon to refer to this but for the fact that some of these criticisms have been read in this Chamber and placed upon its files; and even now whatever I may say will be said with the utmost good humor, for I think that those who thought they saw in this policy of contraction nothing of good but everything of evil and dared to say so, and whose predictions have ripened into prophecy, can afford to sit down with some degree of complacency under such imputations.

Lunacy, Mr. President, is a very bad disease, especially when it possesses law-makers; but I believe it is true that in all other spheres of human action except in legislating upon finance those men were not considered the lunatics who saw the danger before them and would have avoided it. I have known very good generals who, although devoted to tactics, as these gentlemen are to theory, thought it wiser sometimes to suffer a breach of tactics rather than the defeat involved in their observance. I have known other generals, and they were not lunatics, at least they were not so considered, who, when an important position was to be stormed, thought it wise rather than charge directly in front of the guns to approach by other lines, though longer, which insured the capture of the stronghold without the sacrifice of the army. I infer, however, that in moving upon the fortress of resumption the true theory is to march straight to the front, over the bastions of debt and the abattis of bankruptcies into the fort, and then to congratulate the country on the brilliant achievement and on the fact that, although we have nearly destroyed it, we have left life enough in the old land yet to enable it to recover from the losses some time within the next half century. [Laughter.]

Well, Mr. President, of all the lessons ever required at my hands, that is the most difficult for me to learn. It may be scientific, it may be good theory; but it is very bad practice, and I have been utterly unable to understand why it should be considered so much less statesman-like to save the country by the rules of common sense rather than send it to perdition according to science. I am unable to see why salvation by experience is so much less desirable than damnation according to Ricardo. [Laughter and applause in the galleries.]

I have said, and said truly, I think, that not one of the prophecies made by the contractionists had been fulfilled; that experience had demonstrated the correctness of every one made by their opponents. Now, sir, I close what I had to say on the subject of lunacy with one remark. An English nobleman of the party of Fox once said, speaking of the predictions of Edmund Burke in reference to the French revolution, every one of which was realized, that they were the "ebullitions of a brilliant lunatic." The reply was in point and very suggestive in this connection: "insane or inspired, fate seemed determined to make of Burke an uncommonly good prophet." Fate does seem determined to make of these anti-contractionists most excellent prophets.

Mr. President, what claim is set up for this policy of contraction? To what beneficial results do its advocates point? In what have the people profited? *Cui bono?* What section, what class has been made the richer by it? None, none save one—only one.

We had at the end of the war about $47 *per capita*. That was not considered too much for France. If it was too much for this country, there was no necessity certainly for legislating on the subject, for by the very nature of a large portion of our circulation it must be retired in a short time. Besides, at the rate of increase of former years our population would reach in 1880 fifty-six and a half millions, in 1890 seventy-six millions and a half, thus reducing the *per capita* one-half without withdrawing one dollar of circulation. But we suddenly contracted when the South came in denuded of all currency, when the Territories were being organized into States, when we had a great debt upon us, when every muscle and every fiber of the country's brain-power ought to have been strengthened and stimulated into additional activity. We incased the country in a great metallic jacket and drew it tighter and tighter until the life-blood has almost ceased to flow.

But we are asked if legislation caused this distress how was it that the disasters did not follow immediately after the contraction in 1868, 1869, and 1870. The answer strengthens the proposition. It is impossible to estimate what will be the result of measures in a great country like this, sometimes for years or a series of years after their enactment. This legislation was like the seeds of consumption planted in the lungs of a strong man: at first his native vigor would resist the progress of the disease; then one lung is gone, the hectic flush appears upon his cheek, his frame is emaciated, and he finally sinks into the grave. So with this country. It was strong for some years after the war; this policy planted the seeds not of resumption but of consumption in its vitals, and year by year that disease progressed, spreading from man to man, from community to community, until it has well-nigh destroyed us.

It was my purpose, Mr. President, not to rest the argument as to the responsibility of legislation upon these logical deductions and historical facts, cogent and convincing as they appear to my mind. I intended to have read largely from contemporaneous writers the direct proof that legislation in England was the sole cause of the trouble, but I shall not have the time. It was my purpose to show by Sir Archibald Alison, by Mr. Baptiste Say, that this suffering in England was not only caused by legislation, but that it overwhelmed every class except one. I intended to have read from Mr. Robert Mushet, from the Edinburgh Review, which I believe was the organ of the great Lord Brougham, from Sir James Graham, who although afterward a member of Peel's cabinet declared that Peel's law was responsible and solely responsible for the disasters which followed. I intended to have quoted from Lord Overton who complained of its injustice, and from Mr. J. R. McCulloch who said that its effect lasted for twenty years; but I do not consider that necessary. The proof seems to me complete.

Let me now sum up the testimony. We have seen the effects of this policy and of the opposite policy in various countries; we have seen the acknowledgment of Spaulding as to the distress produced in this country by the first act of legislative contraction; we have seen that Congress was forced to change its position on the subject; we have seen that such were the disasters produced by the very first effort at contraction as to compel every representative from every section of the country to vote its condemnation. We have seen the concurrent testimony of facts, of history, of experience, and of contemporaneous writers in England. Turn, sir, wherever you will, whatever the country, however governed, the testimony comes with accumulating and overpowering force to demonstrate the truth of the proposition that legislative interference is the cause of the woe and distress which afflict this country. Sir, have I established that proposition? If I have not, then evidence will establish nothing. If I have established it, if there be a shadow of truth in it, what argument can justify further contraction? The possibility of truth in this proposition is enough to turn us in dismay from such a policy.

Mr. President, it is related that in excavating among the ruins of Pompeii a bronze hand was found over the doorway of a palatial mansion pointing to the sign of *Cave canem*. That friendly admonition was intended doubtless to warn passers-by of the vicious animal within. Sir, amid all the financial ruins of the past the brazen hand of history is pointing to the warning against a more remorseless, insatiate, all-consuming foe. Shall we heed that warning? or shall we go on from contraction to contraction, from one degree of distress to another, down, until this whole people shall stand agonized with apprehension lest there be no gulf of ruin so deep that this legislative madness will not consign it to a still lower deep? Shall we go on in the face of these declarations of history, of contemporaneous writers, and in defiance of facts and experience? Shall we go on following the fatuous illusions dancing in the distance before us, heedless of the yawning chasm that intervenes and into which we are plunging this country with all its great interests? Shall we change this policy, around which hang the haggard forms of universal distress, and which can only be enforced amidst universal despair?

In discussing this proposition, it has been my purpose to be fair, accurate, and temperate and to speak to the calm judgment of the Senate. I have appealed to the prejudices of no class and to the animosities or special interests of no section. I believe that the day is at hand when there will be a general, if not a universal, concurrence in the truth of the proposition with which I set out. I believe the day is at hand when the property-owners of the great North and the merchants and the justly distinguished projectors of the great mills of New England will be driven to the conclusion that this policy of contraction has postponed the day of easy resumption, worked no good to the public and infinite ill to private interests. Certain it is that a policy which is destructive to the prosperity of those who produce the

raw material is inimical also to those who manufacture it. Certain it is that if hurtful to one section it is hurtful to all. Certain it is that we shall never wisely solve any of these great problemsof governmental policy until we can consider them without passion and without prejudice to the interests of any class or any section. Never will they be wisely adjusted until a broad patriotism conspires with a general intelligence in their solution. That mind, however well educated, which cannot appreciate, and that heart, however honest, which cannot feel a glow of pride in contemplating the mighty development of the great West and North—pride in the enterprise, the grand industries, and splendid achievements which contribute to the high civilization of the great East; pride and trust in the honor, the courage, the patriotism, the fidelity, and the heroic endurance of the stricken South—such mind and heart are unsafe in council and unworthy the representatives of this community of States. [Applause in the galleries.]

Having said this, sir, let me now add that I am profoundly apprehensive that the Secretary of the Treasury will fail to maintain permanently specie payments, without great hazard first to the credit of the Government and second to the interests of the people. Unforseen circumstances may arise, unusual demands for coin may be made, and in such a crisis the Secretary will be forced either to procure the coin at ruinous rates or further to contract the currency and bring increased embarrassments or else to suspend without authority of law the payment of specie, and thus shock the public credit. I would therefore provide that under no circumstances should there be further contraction, and thus possibly protect the people against additional distress. I would provide by law that the Secretary of the Treasury should suspend specie payments whenever the coin reserves were diminished below the point designated in the law, and thus avoid unlawful suspension.

Mr. President, some such provisions as these seem to me not only wise and expedient, but absolutely demanded by our circumstances. Sir, you can no more, in debt as we are, with our industries in chains, enact permanent resumption than you can decree liberty on parchment while a people are enslaved.

Much has been said about public faith and the public credit. Sir, when mustered in defense of the demonetization of one of the people's legal tenders and in defense of the ruinous contraction of another of the people's legal-tenders, these high-sounding words "public faith," "public credit," "public honor," are meaningless; they are the deceptions, they are the concealments which cover from view the mortal stabs given to industry by this murderous legislation. So far as the South is concerned it is a great injustice and an untruth to charge upon her any infidelity to the public honor or the public credit. Her interests and her hopes are indissolubly identified with the interests and hopes of her sister-States and with the wise and benign management of this common Government. Sir, the Republic's flag is her flag, the Republic's honor is her honor; and when either is assailed she will not be found wanting in the contribution of her brain and blood to repel the assault. [Applause in the galleries.]

Without the danger of being misapprehended I may, in conclusion, refer to a great fact by way of encouraging the struggling masses of this unhappy country. There is no country on earth that offers such inducements to the poor man and the laborer. There is no citizen, however great his estate, or proud his position, or brilliant his intellect, who has a greater stake than the laboring-man in the peace of society and the stability of our institutions. Our history, every page of it, is replete with names like that of Stephen Girard, the poor French cabin-boy; John Jacob Astor, the German butcher-boy; Alexander T. Stewart, the Irish peasant boy; Nicholas Longworth, the shoemaker's apprentice; Amos Lawrence, the farmer boy of Massachusetts; Cornelius Vanderbilt, the Staten Island boatman; of Field, of Fulton, of Whitney, of Morse, of Marshall, and Henry, and of the majority of those who in our country have amassed fortune or acquired fame. It is the glory of our free institutions that they open to all the avennes to wealth and power, and the enforcement of law is protection to the weak and security to the fruits of labor. The spirit of violence is no less the harbinger of death to the poor man's hopes than to the rich man's gains, and agrarianism and that demoniac communism which appalls Europe, if tolerated here, will not only doom the rewards of labor, but hurry into inevitable extinction the rights and liberties of every class of our citizens. But, sir, no such ill-omened bird of night can find nutriment on this soil. The people are suffering, the country seems stirred by a profund agitation, but it is not, sir, the delirium of lawlessness. Beneath it and ruling over it is the law-abiding spirit of the American masses, strengthened, elevated, and sanctified by suffering, endurance, and trial. [Applause in the galleries.]

Mr. SARGENT. I call for the regular order, which is House bill No. 3974.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senator from California calls for the regular order.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. No. 706) authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado; and on the 4th instant the following acts:

An act (S. No. 378) for the relief of William L. Hickam, of Missouri, guardian of the minor children of Hillary J. Jenkins; and

An act (S. No. 870) granting a pension to Rebecca and Augusta Miller, daughter of Brigadier-General James Miller, of the war of 1812.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 44) granting additional pension to John F. Chase, of Saybrook, Connecticut;

A bill (H. R. No. 79) granting a pension to Robert Butler;

A bill (H. R. No. 134) for the relief of Jacob G. Croman, of Dickinson, Cumberland County, Pennsylvania;

A bill (H. R. No. 147) granting a pension to Captain Robert C. Bramford;

A bill (H. R. No. 247) to grant a pension to George D. Phillips, a soldier of the war of 1812;

A bill (H. R No. 270) for the relief of the widow of Captain Christopher M. Haile, United States Army;

A bill (H. R. No. 471) granting a pension to Martha J. Robinson, widow of James H. Robinson;

A bill (H. R. No. 473) granting a pension to Rebecca C. Reich, widow of Gideon S. Reich, of Indianapolis, Indiana;

A bill (H. R. No. 475) granting a pension to William Black, late a private in Company K, First Indiana Heavy Artillery;

A bill (H. R. No. 477) granting a pension to Anne Koeninger, widow of Louis Koeninger, late private Second Indiana Battery;

A bill (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Twenty-fourth Regiment Indiana Volunteers;

A bill (H. R. No. 511) granting a pension to George W. Wright, of Brown County, Illinois, a soldier of the war of 1812;

A bill (H. R. No. 530) granting a pension to James W. Thompson;

A bill (H. R. No. 629) granting a pension to Thomas W. Hewitt;

A bill (H. R. No. 636) granting a pension to Oliver H. Irons, late sergeant Company D, Twenty-third Michigan Volunteers;

A bill (H. R. No. 642) granting a pension to Frederick W. Smith;

A bill (H. R. No. 705) granting a pension to Laura Seaman, the widow of Elricy Seaman, a soldier in the war of 1812;

A bill (H. R. No. 734) granting a pension to Syvert A. Anderson;

A bill (H. R. No. 735) granting a pension to James H. Thew;

A bill (H. R. No. 767) granting a pension to Otis B. Anderson;

A bill (H. R. No. 848) for the relief of Francis B. McNamara, of Coudersport, Potter County, Pennsylvania;

A bill (H. R. No. 1043) granting a pension to William H. Walker, of Fentress County, Tennessee, late of Company C, First Regiment Kentucky Volunteer Cavalry;

A bill (H. R. No. 1348) to restore the name of Jesse Stallings, of Butler County, Alabama, to the pension list;

A bill (H. R. No. 1616) granting a pension to William Blancett, of Patrick County, Virginia, a soldier of the war of 1812;

A bill (H. R. No. 1627) granting a pension to Jacob M. Groce, late a sergeant of Company D, Sixth Regiment Pennsylvania Heavy Artillery;

A bill (H. R. No. 1778) granting a pension to William Abendroth;

A bill (H. R. No. 1946) granting a pension to John McIntyre;

A bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

A bill (H. R. No. 1959) granting a pension to John Haley;

A bill (H. R. No. 2172) granting a pension to De Forest Doty, of Tinmouth, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry;

A bill (H. R. No. 2226) granting a pension to Charles H. Bugbee, late a private in Company A, Third Vermont Volunteers;

A bill (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;

A bill (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee;

A bill (H. R. No. 2351) granting a pension to Henry W. Higley, of Lena, Illinois;

A bill (H. R. No. 2520) granting a pension to George Andrews, private Sixth Maine Battery of Artillery;

A bill (H. R. No. 2623) granting a pension to Nelson M. Farrar;

A bill (H. R. No. 2791) granting additional pension to Mrs. Margaret J. Lovell, widow of the late General Charles S. Lovell;

A bill (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky;

A bill (H. R. No. 2936) granting a pension to George R. Whitehead;

A bill (H. R. No. 3059) granting a pension to Jacob F. Ruth, late a private in Company I, Fifth Regiment Pennsylvania Heavy Artillery Volunteers;

A bill (H. R. No. 3070) granting a pension to Mrs. Eliza Bayard Anderson, widow of General Robert Anderson, United States Army;

A bill (H. R. No. 3103) for the relief of Oliver Yake, of Sanilac County, Michigan;

A bill (H. R. No. 3166) granting a pension to Agatha O'Brien, widow of John P. J. O'Brien, brevet major United States Army;
A bill (H. R. No. 3351) granting a pension to John Keogel;
A bill (H. R. No. 3438) granting a pension to R. G. Peterson, late a private in Company B, One hundred and twentieth Regiment Ohio Volunteer Infantry;
A bill (H. R. No. 3440) granting a pension to George Fritz, First Regiment United States Dragoons;
A bill (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas;
A bill (H. R. No. 3583) granting a pension to William Denene;
A bill (H. R. No. 3585) granting a pension to S. S. Whitney;
A bill (H. R. No. 3605) restoring the name of Marcellus Wilson, of the Regiment of Mounted Riflemen in the Mexican war, to the pension-roll;
A bill (H. R. No. 3784) for the relief of Mary Murphy;
A bill (H. R. No. 3817) granting a pension to Annie Farley;
A bill (H. R. No. 4075) granting a pension to Ezra O. Nye, Company K, Nineteenth Michigan Volunteers;
A bill (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts;
A bill (H. R. No. 4326) granting a pension to Charles Cline, of Clinton County, Ohio;
A bill (H. R. No. 4359) granting a pension to Robert Quinn, of Preble County, Ohio, a soldier of the war of 1812;
A bill (H. R. No. 4360) granting a pension to Isaac Winans, of the Ohio militia, in the war of 1812;
A bill (H. R. No. 4361) granting a pension to Elizabeth Winters;
A bill (H. R. No. 4362) granting a pension to Cynthia A. Mizelle;
A bill (H. R. No. 4363) granting a pension to Levi J. Friel, late private Company K, Seventy-seventh Regiment Ohio Volunteer Infantry;
A bill (H. R. No. 4364) granting a pension to Lydia A. Morris;
A bill (H. R. No. 4365) granting an increase of pension to Mary F. McKeever;
A bill (H. R. No. 4367) granting a pension to Mrs. Sarah A. Bell;
A bill (H. R. No. 4368) granting a pension to Johanna Kuhlman;
A bill (H. R. No. 4370) granting a pension to Catharine Harris;
A bill (H. R. No. 4371) granting a pension to Ludwig Ueber;
A bill (H. R. No. 4372) granting a pension to Mary Meighan, widow of Peter Meighan;
A bill (H. R. No. 4373) granting a pension to Mary I. Lebow;
A bill (H. R. No. 4374) granting a pension to Sarah J. Goss;
A bill (H. R. No. 4375) granting a pension to Frederick R. Bruner;
A bill (H. R. No. 4376) granting a pension to James G. Williams;
A bill (H. R. No. 4377) granting a pension to William Cogswell;
A bill (H. R. No. 4378) granting a pension to Arthur W. Irving;
A bill (H. R. No. 4379) granting a pension to Mary Bradley Cross;
A bill (H. R. No. 4380) granting a pension to Aaron H. Miller;
A bill (H. R. No. 4381) granting a pension to Edward J. Nutall;
A bill (H. R. No. 4382) granting a pension to Jonathan Roberts;
A bill (H. R. No. 4383) granting a pension to Stephen L. George;
A bill (H. R. No. 4384) granting a pension to Daniel Donnelly;
A bill (H. R. No. 4385) granting an increase of pension to Caroline Hawley;
A bill (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifth Infantry, United States Army;
A bill (H. R. No. 4387) granting a pension to James C. Bates;
A bill (H. R. No. 4388) granting a pension to Mary Wade;
A bill (H. R. No. 4389) granting an increase of pension to Jerry Robinson, late commissary sergeant First Regiment United States Colored Troops;
A bill (H. R. No. 4390) granting a pension to William B. Dillon;
A bill (H. R. No. 4391) granting a pension to Susan Humes;
A bill (H. R. No. 4392) for the relief of Lucinda C. Dillahenty, of Tennessee;
A bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison;
A bill (H. R. No. 4421) granting a pension to August Mellon;
A bill (H. R. No. 4423) granting a pension to the minor heirs of William S. Price, deceased; and
A bill (H. R. No. 4424) granting a pension to Derrick F. Hamlink;

The above bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. WADLEIGH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1197) granting a pension to Fielding Bradford; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1198) to amend section 5414 of the Revised Statutes of the United States and to punish forgery and other like crimes injuriously affecting foreign governments; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MATTHEWS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1199) granting a pension to Henry Miller; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. CHRISTIANCY submitted an amendment intended to be proposed by him to the bill (S. No. 300) to amend the statutes in relation to patents and for other purposes; which was referred to the Committee on Patents, and ordered to be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 3987) to regulate the advertising of mail-lettings, insisted upon by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. O. R. SINGLETON of Mississippi, M. A. EICKHOFF of New York, and Mr. L. W. BALLOU of Rhode Island, managers at the conference on its part.

The message also announced that the House had passed the following bills:

A bill (S. No. 285) granting a pension to Elizabeth D. Stone;
A bill (S. No. 328) granting a pension to Mrs. Esther A. George;
A bill (S. No. 697) granting a pension to Anna E. Robbins;
A bill (S. No. 703) granting a pension to Melvina A. Maltby;
A bill (S. No. 724) granting a pension to Nancy E. McClelland;
A bill (S. No. 755) granting a pension to Martha C. Kendall;
A bill (S. No. 869) granting a pension to Mrs. Mary Wilkes, widow of the late Admiral Charles Wilkes, United States Navy; and
A bill (S. No. 873) granting a pension to Hannah Streets.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave;
A bill (H. R. No. 3828) to amend section 23 of the act approved June 22, 1874, entitled "An act to amend customs-revenue laws, and to repeal moieties;"
A bill (H. R. No. 3978) to authorize the Barataria Ship-Canal Company to construct and operate a ship-canal from New Orleans to the Gulf of Mexico through the lands and waters of the United States, and to grant to said company the right of way for that purpose;
A bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes; and
A bill (H. R. No. 4674) to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1780) granting a pension to William S. Davis, late private in Company E, Thirty-first Illinois Infantry Volunteers; and it was thereupon signed by the President *pro tempore*.

PENSION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879.

The Chief Clerk read the bill down to line 15 where the first amendment reported by the Committee on Appropriations occurred.

Mr. SARGENT. Before any of the amendments are stated, I desire to make a very short statement as to the general features of this bill.

The total of the general estimate for pension purposes for 1879 was $28,010,000. Besides this, there were special estimates under the act of March 8, 1878, of $1,499,974 for the pensioners made by that act in the war of 1812 and their widows. Under the legislation of March 9, in the bill erroneously stated as March 8, any person who served in the war of 1812, although in merely a single engagement, is entitled to a pension if he survives, and his widow is entitled to a pension, whether married before that war or at any time since. By means of this legislation nearly a million and a half dollars are necessarily added to this pension bill. While I do not say that that legislation was at all improvident, it illustrates in the strongest way that a few lines in a pension bill may put millions upon the Treasury to be paid annually thereafter. There are 22,225 new names upon the pension-roll since the last annual pension appropriation bill was passed.

Mr. WITHERS. Do they come under this act of March 9?

Mr. SARGENT. Under this act of March 9.

Mr. WITHERS. Not all of them.

Mr. SARGENT. That I understand is the addition made on account of that legislation. There is a reduction on account of the expiration of pensions paid to children in the last war and widows' deaths and marriages; but I understand this legislation has placed upon the roll the number which I have stated.

Mr. KERNAN. Does not that include all who have been placed upon the roll since the last appropriation bill, whatever the war?

Mr. SARGENT. That is just the difference of recollection between myself and my friend from Virginia. He thinks that is the case.

Mr. WITHERS. That is my impression. I was going to say that in my view of the information derived from the Pension Bureau at the time that bill was pending such an increase was impossible. Though from my necessary absence I speak without knowledge upon that subject, I think it is impossible that increase can have been procured by the passage of that act alone, but it is the result of all the additions to the roll by the special acts of legislation, of which we have many hundred every year.

Mr. SARGENT. The Commissioner of Pensions informed the subcommittee that the estimate which he made of the number of names it would be necessary to put on the roll in consequence of that act was realized. If the Senator can remember the amount of that estimate it will be a test whether his recollection is correct or not.

Mr. WITHERS. Not more than three or four thousand.

Mr. SARGENT. Much more than that.

Mr. WITHERS. I have the report here.

Mr. KERNAN. I will suggest that applications are constantly coming in, men making applications representing that they were wounded in the last war.

Mr. SARGENT. It is possible that my memory is infirm in this matter, but the whole increase is 22,225 after the deduction of those whose terms have expired for the reasons which I have given. The amount of the increase on account of that law is $1,499,974, which would be a very large sum, the Senator from Virginia will observe, to be divided between three or four thousand persons at the rate of pension allowed by that law.

Mr. WITHERS. I am satisfied, and the Senator himself will concur with me in this view I am sure, that the additions to the pension-roll have not been made exclusively by the legislation of the 9th of March last——

Mr. SARGENT. Not exclusively.

Mr. WITHERS. For the reason that there are hundreds and many hundreds of cases being added weekly. We have heard repeatedly from the bureau that they were eighteen months behind in their investigations of the cases of persons who make applications for pensions on account of service in the late war, and as these are allowed they are added to the roll. In addition to that we have to add to the roll the names of those who are granted pensions by specific acts of Congress, amounting to several hundred a year.

Mr. SARGENT. I am very well aware of that. My impression, however, is, from the manner the estimates were made, that that act has caused twenty-two thousand names to be added. The difference between us is one of recollection on a matter of no practical importance, the main point being that we are called upon for a million and a half dollars more on account of the passage of that legislation.

The total of the bill is $29,371,574, as it came from the House of Representatives, the bill being less than the estimates $138,400. The total of the act for 1878 was $28,533,000, and this bill as it came from the House exceeded the bill of last year by $878,537. The Senate committee have added but one item, that is, $35,000, which is for fees for examinations; and that brings me to the amendment the Clerk was about to report. I ask that he report the amendment now, and I will explain the reasons why the committee have added this amount.

The CHIEF CLERK. The first amendment reported by the Committee on Appropriations is in line 15 of section 1, to strike out "fifty" and insert "eighty-five;" so as to make the clause read:

And for fees of examining surgeon $85,000, as provided by the several acts of Congress;

And to strike out the proviso commencing in line 16 to the end of the clause, as follows:

Provided, That a fee of $1, and no more, shall be paid to examining-surgeon for each examination of pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid.

Mr. SARGENT. If the proviso is stricken out, the amount which the committee add, being the amount called for in the estimates, is necessary.

Mr. KERNAN. Suppose the proviso is not stricken out, will the original sum of $50,000 be sufficient?

Mr. SARGENT. Then the sum of $50,000 would be sufficient, but I want to give a reason why we struck it out.

Mr. KERNAN. I will listen.

Mr. SARGENT. The fee now provided by law for an examining surgeon is $2; and one difficulty is that that hardly pays for that class of service. This examination is the entering wedge to the Treasury; it is the test to which the person applying for a pension is subjected, when it is determined whether or not he shall go upon the pension roll. This bill appropriates in round numbers, and has for years about $30,000,000; and this examination is a test between those who are entitled and those who are not entitled to go on that pension roll. I have no doubt whatever, from the information I have received, that there ought to be even a better system of examination than is now provided for. Where a surgeon can have a large number of cases to examine, forty or fifty a month, $2 a case perhaps pays sufficiently; but it is necessary for the convenience of pensioners who have trouble to find a surgeon that these surgeons should be distributed all through the country. There are in all sixteen hundred of them, including those who serve upon the biennial boards of examination, and they cannot be located in the large cities and the men sent from all over a State or district to meet them there, because it is too heavy a charge on the poor people who ordinarily apply for pensions. Therefore we have to have them in the smaller towns, and their great number makes such a division that the amount of fees for examinations falling to each one in a large majority of cases is very small.

Now, the amount of $2 is hardly enough to induce men to familiarize themselves with the rules of the Department, with the provisions of law, with that which is necessary to be understood by them in order to do their duty intelligently. You cut them down to $1, one half that amount, and you simply aggravate the evil. The Commissioner of Pensions was under the impression, and I think the committee concurred with him, that it would be well for Congress to take this thing in hand and legislate for the establishment of some kind of a board of commissioners or a certain number of commissioners to travel through various parts of the country, to be paid an annual salary for that service and their expenses, and that, they bringing to the examination a greater degree of skill and severe integrity, the result would be that many who now receive pensions on false pretenses would not be allowed to receive pensions. But this is an evil, aggravated by not paying those who are now employed sufficient compensation to secure adequate service.

Mr. KERNAN. Allow me to inquire how frequently the men who are on the pension-roll are examined. Only when they are ordered to be examined?

Mr. SARGENT. Only when they are ordered to be examined. No one is examined except upon an order of the Commissioner of Pensions. Sometimes a man is examined twice, when his first examination is not satisfactory, sometimes a third time, but then by different physicians, in order that the Department may be as sure as it can be whether he is qualified or not. Then there is what is called a biennial examination, which is made by a board before whom the pensioners go and are examined to ascertain whether they should be continued upon the roll. That would look in theory to be a good system, but it does not work effectively. In one case, where as a matter of experiment a physician of good attainments was sent out and his expenses paid for the purpose of visiting pensioners in a certain district, the result of his examinations made in that way, by calling upon the different pensioners and examining them, was that several thousand dollars were saved to the Treasury over and above the expenses paid to him. Perhaps something of that kind ought to be introduced; but the question now is whether we ought to reduce the amount of this fee one-half when the fee itself is hardly sufficient to secure adequate service. The committee therefore recommend that the House proviso be stricken out and that the amount of the estimate be given.

Mr. BECK. Mr. President, I have not heard all the discussion unfortunately, having been called out once or twice; but I am satisfied from what the Senator from California says that the Senate Committee on Appropriations was right in striking out the proviso—

That a fee of $1 and no more shall be paid to examining surgeon for each examination of pensioner, as provided by law,

and increasing the amount appropriated from $50,000 to $85,000, so as to enable the Commissioner to call upon physicians of acknowledged ability and of character and position in their profession to give the information necessary to act, in order to ascertain whether the pensioner should remain on the rolls or whether the pension should be increased or diminished, or what change should be had.

Mr. KERNAN. I understand as the law now is that each physician who examines a man alone gets $2.

Mr. BECK. Two dollars.

Mr. KERNAN. And it is proposed to strike out the proviso in the bill as it came from the House, providing a fee of $1, which would leave the law as it is, and $2 will continue to be the fee of the men regularly appointed to examine pensioners.

Mr. BECK. That is it, and it is because we believed that men of standing in their profession having studied those particular things and familiarized themselves with them, who are required to make sometimes very minute examinations to protect the United States, ought not to be required to take less than the ordinary consultation fee in their office, although plenty of men would be willing to serve and take a fee of $1. We believed that it would secure a better class of physicians, and that it was necessary to retain the present fee in order to prevent the employment of the very class that we would not want to have.

Mr. DAVIS, of West Virginia. Mr. President, one word. The committee examined this question very thoroughly. I, as a member of the subcommittee, entered upon it with a prejudice against the proposed change; that is, I favored the House bill as it came to the Senate with an appropriation of $50,000, believing that $35,000 could be saved to the Government by its adoption; but after hearing the Commissioner of Pensions, and after giving the subject that thought which such a matter ought to have, I came to the conclusion that it would be economy to adopt the amendment now proposed by the committee, or in other words to leave the law in its present state.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is on agreeing to the first amendment of the Committee on Appropriations.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in

line 30, section 1, after the word "March," to strike out "eighth" and insert "ninth;" so as to read:

For pensions payable under the act of March 9th, 1878, &c.

The amendment was agreed to.

The next amendment was, in line 56, section 1, after the word "fees" to strike out "and;" and in the same line, after the word "allowances" to insert "and expenses aforesaid;" so as to read:

And the sum of $216,000, or so much thereof as may be necessary, is hereby appropriated, to pay the salaries, fees, allowances, and expenses aforesaid, to said pension agents.

Mr. DAVIS, of West Virginia. I take it there is no objection to that. It is to correct an inadvertency.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

That from and after July 1, 1878, the office of pension agents shall be filled by wounded or disabled Union soldiers.

And in lieu thereof to insert:

That hereafter, in the appointment of pension agents, the preference shall be given to wounded or disabled soldiers.

Mr. SARGENT. There is a verbal correction necessary. After the word "disabled" before the word "soldiers," in the fifth line of the section, the word "Union" was omitted. I want to insert that.

The PRESIDING OFFICER. That correction will be made.

Mr. SARGENT. There is no objection to perfecting the amendment in that respect.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. DAVIS, of West Virginia. That was the amendment.

Mr. SARGENT. Yes, sir. Mr. President, the proposition as it came from the House of Representatives empties every pension agency in the country, there being eighteen of them, on the first day of the next fiscal year, and provides the qualifications of persons who shall be appointed to fill those offices. In the judgment of myself at any rate—and I think I speak for the committee—that provision is unconstitutional. The power of appointment to office resides with the President, by and with the advice and consent of the Senate. The power to abolish an office unquestionably resides in Congress. Congress could, if it saw fit, provide that after the 1st day of July the office of pension agent should not exist; but I do not believe that it has the constitutional power to provide that all the officers of this or any other class shall be emptied on that day and refilled with another class of persons, naming the qualifications of those other persons.

But there is another objection to the provision inserted in the bill by the House. The least bond given by these agents I believe is a quarter of a million of dollars, and it is by no means certain that wounded and disabled soldiers who can give this bond can be found at short notice in all the pension districts of the United States. Furthermore, the adoption of the House provision would make a disturbance and a disarrangement necessarily at all the pension agencies in the country. It would necessarily make an interregnum in the payments which now proceed promptly.

Mr. COCKRELL. Will the Senator permit me to ask him a question on that point?

Mr. SARGENT. Yes, sir.

Mr. COCKRELL. The pensions become payable on the 4th of June succeeding this date, do they not?

Mr. SARGENT. Yes, sir.

Mr. COCKRELL. Will the pension agents not be able to make payment of the quarterly pensions due on the 4th of June, prior to the 1st of July? At any of the pension agencies do the pensions remain unpaid for a month after the time fixed for their payment?

Mr. SARGENT. I have no doubt that the bulk of them would be paid before the commencement of the fiscal year on the 1st of July, but still there would be many not paid for the reason partly that they are not called for, and by reason of the magnitude of the business at some of the offices, and for other reasons. The great bulk of them are paid unquestionably in the first ten days after the time fixed.

Mr. COCKRELL. Let me ask if it is not the rule and the requirement that on the 4th of June blank receipts shall be sent in duplicate to all the pensioners at their post-office address, unless they are pensioners who are paid at the Pension Office; that they sign those duplicate receipts, with the proper affidavit, and return them to the pension agent, and then he sends out a check on the subtreasury nearest the place where the pensioner lives, and that it is all a mere matter of writing, and is generally done within a very few days after the 4th of June, and in many instances they send them out before the 4th of June?

Mr. DAVIS, of West Virginia. It takes some time for the matter to get through the mails. If there were nothing else in the way, the lack of mail facilities alone would preclude the payment of all the pensions in so short a time.

Mr. COCKRELL. I should think the case where it would take two weeks for pensioners to get notice from the Pension Office would be exceedingly rare in any part of the United States. You would have to go probably into the Territories for an instance of that kind.

Mr. DAVIS, of West Virginia. On many of the mail-routes we have but weekly mails, and if the mail should happen to miss one week the papers would go over until the second week, and then a week would be a short time for the matter to reach the pensioner, who sometimes lives several miles from the post-office.

Mr. COCKRELL. These pensioners all know precisely the day when their pensions become due. They are expecting the papers, and they are nearly always on hand at that time. It seems to me it would be a gross neglect of duty on the part of any pension agent not to have a pension paid before the 1st of July.

Mr. SARGENT. My opinion is that they are not all paid and that there is quite a large number that are not paid within that time. It seems to me there is no fault to find with the efficiency of the pension agencies. They have been very largely reduced in number, as the Senator is aware.

Mr. COCKRELL. From fifty to twenty-five.

Mr. SARGENT. To eighteen. They have been brought down enormously, making the business in some of the districts very large indeed, and making the clerical work of payment in the drawing of checks, &c., enormous.

Furthermore, this office is by no means a sinecure. It requires well and strong men, men of fine business capacity. There is a very large responsibility connected with the office. Here are $30,000,000 to be handled, one-fourth of it every three months. Sick men cannot fill such places. There is no reason why wounded and disabled soldiers, if they are otherwise qualified, should not have these places. The fact is that of eighteen there are three who eminently come under the qualification of sick and wounded soldiers, and most of them were soldiers. One of the very best agents is the daughter of a soldier. I am indisposed to turn her out two months from now without notice, and I am indisposed to turn out soldiers who are discharging this duty well and have given bonds and are in the honest and proper discharge of the duty.

Mr. BECK. Mr. President, I shall vote at the proper time to reject the amendment of the Senate committee, and also to disagree with section 2 of the bill as sent to us from the House of Representatives. I make that motion if it be in order. It will be observed that section 2 of the bill as sent from the House provides:

That from and after July 1, 1878, the office of pension agents shall be filled by wounded or disabled Union soldiers.

I deny the power of Congress to impose such a limitation on the right of the President in making such appointments. The Constitution of the United States provides in section 2 of article 2 that the President shall have power to appoint all public "officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

The pension agents are officers whose appointments have not been provided for by Congress, nor vested in the courts of law or the heads of Departments, and therefore remain presidential appointees. The Constitution gives the President of the United States the absolute right to select from all the people the officers whom he may appoint. Section 2 of the bill as sent to us by the House of Representatives is an attempt on the part of the legislative department of this Government to impose a limitation on the right of the Executive to make such appointments as by the Constitution are conferred upon him, and upon him alone. If the President is to be confined in appointing these officers to wounded or disabled Union soldiers, he may find in many sections of the country that he is unable to obtain men who are honest, faithful, competent, and able to give the bond required.

Mr. DAVIS, of West Virginia. If the Senator will allow me, I will state that by the section as amended by the Senate committee the President is not confined to any particular class, but preference is to be given to wounded or disabled Union soldiers.

Mr. BECK. I am now speaking to section 2 as it came from the House; I will come to the committee's amendment presently, and hope to be able to show the Senator from West Virginia that it is, in a less offensive form but by indirection, an attempt to do the thing which the House boldly did.

Mr. DAVIS, of West Virginia. The Senator may be right about that.

Mr. BECK. If I am, then the objection pertains as well to the one as to the other. I know how sensitive both Houses are whenever you come to speak of wounded Union soldiers, but we have a great duty to perform, and that is not to allow the Executive to infringe upon our power and to take care that we do not seek to infringe his rights, duties, and obligations. He is required to see that the laws are faithfully executed, and he has a constitutional right to select from the people, no matter whether they were Union soldiers or civilians, the officers who in his judgment can give the required bond and will faithfully perform the duties imposed upon them by the appointment which he may make. Any attempt on the part of Congress to limit him to a class of men and to exclude all other classes of men by legislation, when he is vested by the Constitution with the power to select from all classes of men, is a legislative invasion of the executive prerogative.

I know there are sections of the country where men think they can be elected to the lower House and perhaps come to the Senate if they pander to this feeling. Such feelings and such sentiments are unworthy of any man fit to be a representative here. I do not say that the

House or the Senate in this particular thing is pandering to that sentiment; but it may be that such a consideration has influenced some persons, and it is well for us in the Senate to say that while we will zealously guard all invasions of our rights by the Executive, we will with equal jealousy protect all his rights against any invasion by us, no matter what may be the motive that prompted us to attempt it.

The man who cannot come to the House or the Senate without telling the wounded soldier that he tried to put him into a place of power and, in violation of the Constitution, by limiting the authority of the Executive, perhaps would be better at home. I want to speak plainly, because I believe that is the best way always to arrive at the truth. The Senate committee differed from the House and undertook to amend the provision by saying that hereafter in the appointment of pension agents the preference shall be given to wounded and disabled Union soldiers. I insist that that is only an indirect way of doing the same unconstitutional act which I think the House did.

It is time, if we expect to be one people, to live in harmony as I hope we shall hereafter, that there should be nothing put upon the statute-books now that would strike down the rights of any citizen to hold any office that the President in the exercise of his discretion might think he was better fitted to fill than any other citizen. The President should not be required to go back twelve years to inquire whether the person occupied a particular relation at that time in order to give him a preference over anybody else to fill a place. I voted for pensions and land warrants and bounties for soldiers, their widows, and their children. I believe in the Government of the United States protecting the men who aided in protecting it, but I will not go so far as to say that the proper form of paying them for anything they may have done is to limit the constitutional power of the President to select the best men that he may find or to limit him to a particular class or to have imputations cast upon him because he thought some man who was not a soldier was a better man to give a bond and to protect the pensioners of the Government than somebody who happened to be wounded or disabled and who was clamoring for the place.

I insist that both the amendment of the Senate committee and the original section as inserted by the House are vicious legislation, not calculated to promote the good of the people nor a good precedent for the government of the Executive hereafter. In saying all this I do not intend to have it understood that I seek to deprive any wounded or disabled soldier of any rights that he may have or any pensioners or anybody of anything that this Government may see fit to give them when you do not interfere with the right of the Executive.

Mr. CHRISTIANCY. Mr. President, I should be willing to vote for this clause of the bill now under discussion as it came from the House but for the fact that I believe as the Senator from Kentucky and the Senator from California both do that it is a violation of the Constitution. I believe the power of the Executive cannot be thus restricted as to matters of appointment; that he has a right to make his selections anywhere, and if they are confirmed by the Senate they are appointed. Now, the substitute for that which has been presented by the Senate Committee on Appropriations, which simply gives a preference, is just as objectionable as the other in principle. All it can possibly amount to will be simply a recommendation; it has not the force of law, and we have not the power to give it the force of law. That, at least, is my opinion, and I shall so vote.

Mr. DORSEY. Mr. President, I dissented from the amendment made by the Committee on Appropriations to the bill as it came from the House for two or three reasons, one of which was that the amendment which the Committee on Appropriations adopted is the law now, and has been for ten years past, and it seemed to me to be, to say the least of it, a subterfuge to present anything of that sort instead of what the House passed. Section 1754 of the Revised Statutes, being an act approved March 3, 1865, thirteen years ago, declares that—

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity, &c.

Mr. BECK. Suppose the Senator reads the whole of it.

Mr. DORSEY. But the Senator from Kentucky says he objects to this section because it is unconstitutional and because the President cannot be controlled in respect to appointments by Congress. If that Senator, while he was in another place and a very attentive member, as he is here, had called the attention of Congress to this provision of the Revised Statutes, which has been in existence thirteen years, and had had it repealed as unconstitutional, his services would have been as important in that respect as in calling the attention of the Senate to the provision in the House bill now.

Without going into the question whether there be a sufficient number of wounded soldiers in this country to hold the office of pension agent, I desire to say that out of the six or seven hundred thousand Federal soldiers who were discharged after the war was over I venture to assert that in the State of my friend from California, in that of the Senator from Kentucky, and in all the States where we have pension agents, the Government can find men who have both the capacity to discharge the duties of this office and the ability to furnish the bond that is required for it. I think it is a very miserable excuse to say that men who hold this office must furnish a large bond, implying thereby that the wounded soldiers of this country are not able to furnish a bond.

Now, I offer the following amendment in lieu of the one reported by the Committee on Appropriations:

> That from and after the 1st day of October, 1878, the terms of office of all pension agents shall expire, and thereafter the office of pension agent shall be filled by honorably discharged Union soldiers.

Mr. HOAR. I desire to ask the Senator from California who reported this bill a question, though I feel very confident of the answer before I ask it. It is whether it is his desire in reporting this section to make ineligible to the office of pension agent the widow or daughter of a deceased soldier?

Mr. SARGENT. I should be very sorry to have it have that effect.

Mr. HOAR I was quite sure of that.

Mr. SARGENT. The House section would do it.

Mr. HOAR. I understand that. The fact is, as to one very important pension agency in this country, that the office is now filled by the daughter of a very distinguished soldier. I move as an amendment to the committee's report—and I propose to move the same as an amendment to the amendment proposed by the Senator from Arkansas—the following at the end——

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will not now be in order.

Mr. SARGENT. It is in order to amend the amendment of the committee, because there is something which it is proposed to substitute for that, and of course it can be amended before the substitution is made.

Mr. HOAR. This is, to perfect it.

Mr. DAVIS, of West Virginia. Let it be read for information.

The PRESIDING OFFICER. The proposed amendment will be reported.

The CHIEF CLERK. It is proposed to insert at the end of the amendment of the committee:

> Or to the widows or daughters of such soldiers.

Mr. HOAR. I suppose it is in order to perfect the amendment.

The PRESIDING OFFICER. That is in order.

Mr. HOAR. I also move the same clause as an amendment to the amendment proposed by the Senator from Arkansas, which I have no doubt he will accept.

Mr. DORSEY. I wish to amend the amendment that I offered so as to embrace the suggestion of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Arkansas modifies his amendment. The question now is on the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. I should like to have the amendment, as the Senator from Arkansas has modified it, read.

The CHIEF CLERK. The amendment of Mr. DORSEY, as modified, now proposes to strike out all after the word "that," of the matter proposed to be inserted by the committee in lieu of the second section, and to insert:

> From and after the 1st day of October, 1878, the terms of office of all pension agents shall expire; and thereafter the office of pension agent shall be filled by honorably discharged Union soldiers or the widows or daughters of such soldiers.

Mr. INGALLS. I understand the Senator from Kentucky to say, and in this he is seconded I believe by the Senator from Michigan, that it is unconstitutional for the Senate to direct the President to appoint wounded, disabled, and honorably discharged soldiers to office.

Mr. CHRISTIANCY. What I do say is that it is unconstitutional to require him to do that, and not give him the liberty of selection.

Mr. INGALLS. If it is unconstitutional to appoint them——

Mr. BECK. Will the Senator from Kansas allow me? I only intended to say that it was unconstitutional to prohibit him from appointing anybody else.

Mr. INGALLS. I do not understand that this amendment does that.

Mr. BECK. I do.

Mr. INGALLS. Or that the section proposed by the House does that.

Mr. CHRISTIANCY. Will the Senator allow me to say one word?

Mr. INGALLS. Certainly.

Mr. CHRISTIANCY. I do not wish to be misrepresented; as saying that I think it is unconstitutional for the President to appoint wounded soldiers. I have said nothing of that kind.

Mr. INGALLS. The amendment that is offered by the Committee on Appropriations to the section that is proposed by the House declares that the President shall appoint wounded and disabled and honorably discharged Union soldiers as pension agents. The Senator from Kentucky and the Senator from Michigan both say that is unconstitutional. There can therefore be no escape from the deduction that they think it is unconstitutional for the Senate to direct the President to appoint soldiers to office.

Mr. BECK. If the Senator from Kansas has come to that conclusion, he has been trained in a school different from any other Senator on this floor. I mean to say distinctly now that, while the President has an equal right to appoint them—and I would not deprive them of any right they now have—and he has appointed a number of them, and I suppose he will continue to appoint them, we have no right to say he shall not appoint anybody else.

Mr. INGALLS. Then I understand the Senator to withdraw from his position.

Mr. BECK. Not a bit of it.

Mr. INGALLS. And that he does not consider it unconstitutional for the Senate to direct the President to appoint Union soldiers to office.

Mr. BECK. I never made any such assertion.

Mr. INGALLS. I certainly am at a loss to understand the position taken by the Senator from Kentucky. Here is a section in the bill as sent from the House, expressing the sense of that body, and, through the amendment proposed by the committee, indirectly the sense of this body, that Union soldiers who have been wounded or disabled and honorably discharged should be appointed pension agents. Senators gravely arise and say that that is unconstitutional, that we have no right to direct the President to appoint Union soldiers to office. If there is any escape from that conclusion, I should be glad to know what it is. And I have further to say that if this is unconstitutional it certainly is for the President himself to decide, and if the House and Senate as their sense in this matter should declare that this should be his action, if he decided it to be unconstitutional, then he and his law officers can take the responsibility. I should regret very much indeed to have the Senate commit itself to the position, whatever might be the opinion of the President or his law officers, that it was unconstitutional to direct honorably discharged wounded and disabled Union soldiers to be appointed to the office of pension agent or to any other office. The Senator from Kentucky said that it was now about twelve years since the war was closed——

Mr. CAMERON, of Wisconsin. Will the Senator from Kansas allow me to say one word?

Mr. INGALLS. Certainly.

Mr. CAMERON, of Wisconsin. The point is not that we shall direct that Union soldiers be appointed, but we require that they shall be appointed, and that none others shall be appointed.

Mr. INGALLS. Does the Senator from Wisconsin object to having Union soldiers appointed pension agents?

Mr. CAMERON, of Wisconsin. That is not the question.

Mr. INGALLS. That is the question, Mr. President.

Mr. CAMERON, of Wisconsin. That is not the question at all. The question is, what does the bill as it comes from the House provide? That is the question.

That from and after July 1, 1878, the office of pension agent shall be filled by wounded or disabled Union soldiers.

Mr. INGALLS. What is the objection to that?

Mr. CAMERON, of Wisconsin. I am not talking about that now.

Mr. INGALLS. That is what I am speaking about. If the Senator has any objection to it, if he wants to commit himself against that proposition, I should like him to state on what ground.

Mr. CAMERON, of Wisconsin. We have not reached that.

Mr. INGALLS. Is it on the ground that they are disqualified or incompetent, or, as some Senator has said, that they are unable to give bond? Is it possible that it is to be maintained on this floor that of the six hundred thousand or seven hundred thousand disabled or honorably discharged Union soldiers there cannot be enough found to fill eighteen pension agencies and give a sufficient bond?

Mr. CAMERON, of Wisconsin. That proposition has not been discussed yet. I think there are. I think that a sufficient number can be found. The pension district in which the State of Wisconsin is included will not be affected by this bill, because the pension agent who is located at Milwaukee is a wounded soldier and he was honorably discharged, and he is a very competent agent. But the point is that the bill as it came from the House provides that Union soldiers, disabled and so on, and none others, shall be appointed.

Mr. INGALLS. What is the objection to that?

Mr. CAMERON, of Wisconsin. The objection that is made to it is that it is unconstitutional to require the President to select these and none others.

Mr. INGALLS. Is not that a question for the President to decide, and not for us?

Mr. SARGENT. Do we not swear to support the Constitution?

Mr. INGALLS. Undoubtedly we do; and as I understand the Constitution it is plainly within our province to do that. If the President when this law has passed——

Mr. KIRKWOOD. Do we not require the President to appoint lawyers to positions on the bench?

Mr. INGALLS. Certainly. No one will deny, as the Senator from Iowa states, that it would be absurd to expect the President to appoint anybody but lawyers to positions on the bench. But there is an evident fitness, an evident propriety that can escape no one's attention, in requiring the President to appoint to the discharge of these particularly sacred duties those men who have been wounded and disabled in the service of the country.

Mr. EATON. Will my friend permit me to ask him a question?

Mr. INGALLS. With great pleasure.

Mr. EATON. Would my friend suggest that the President of the United States should appoint none others to office abroad, to fill the appointments abroad, as ministers, &c., except disabled soldiers? He can appoint disabled soldiers if he likes for every one of the appointments abroad and others; and so here if this is stricken out.

Mr. INGALLS. I should not object to voting for a provision directing the President to fill all the offices of honor and trust in this country with disabled Union soldiers.

Mr. CAMERON, of Wisconsin. But in this we do not simply direct him, but require him.

Mr. INGALLS. I think it is right.

Mr. CAMERON, of Wisconsin. Does the Senator from Kansas say that he will vote for a law which requires the President to appoint only Union disabled soldiers to fill these foreign appointments?

Mr. INGALLS. I would with great pleasure; I think it would be eminently appropriate to do it. There are plenty of them to do it; and if there is a class of men in this country that have earned the right of recognition and have earned the right to civil promotion, it is these men who have suffered the loss of limb and of health in the service of their country.

Mr. PADDOCK. Does the Senator from Kansas think it is a wise declaration to make that all classes except a particular class shall be excluded from a particular class of offices?

Mr. INGALLS. The Union soldiers of this country do not belong to any particular class; they embrace all sorts and conditions of men, from the highest to the lowest, lawyers and doctors and clergymen and merchants and artisans and all other conditions of men; and there will be no difficulty, whatever may be necessary and whenever it may be necessary to find a man in any particular class, to get a man who was a soldier in the Union Army.

Mr. PADDOCK. But there are a great many lawyers and doctors and others who were not soldiers. Is it wise and proper legislation to say that they should be excluded from any class of offices? Referring to a matter that has been somewhat a subject of controversy here in reference to the Indian agencies, how would it do to apply it to the gentlemen who have been appointed as agents to the Indian agencies under the present rule?

Mr. INGALLS. I am in favor of turning the Indian service over to the War Department. So that will dispose of that question.

Mr. PADDOCK. I have not asked the Senator for an opinion on that subject; but would he say it would be a wise provision of law that the President should be required to appoint to these agencies only clergymen of the Presbyterian church, for instance, excluding all the others? I only speak of that to illustrate. Would it be constitutional and proper?

Mr. INGALLS. That would depend very largely on the question of qualification. There can be no question about the qualification of Union soldiers to fill these positions, and there can be no question about the peculiar qualification and the peculiar fitness and the peculiar propriety of the duties of these particular offices being exercised by disabled Union soldiers. If the section that is proposed by the House is unconstitutional, if it is in violation of law or in violation of propriety, the amendment that is proposed by the committee is none the less so, and it has the additional disadvantage in my mind of a little attempt to evade by indirection what the committee did not care to object to openly and above-board. If it is unconstitutional to pass the second section of this bill as it came from the House, it is equally unconstitutional and, to a certain extent, a great deal more improper, to pass the amendment proposed by the committee. It attempts to do by indirection what the other does openly and directly.

But, sir, I wish to say one word further in this connection; and that is, that in my judgment all pensions should be paid at Washington. There is no good reason, that I have ever been able to understand, why the payment of pensions to two hundred and thirty thousand or two hundred and forty thousand pensioners should be distributed over different sections of the country, or why as in other cases these payments should not be made direct from this city where the office is located. The Committee on Pensions have under consideration at this time a measure looking to that end; and while this bill was not submitted to that committee, and of course we have no amendments to offer and no right to submit any, I should be very glad if that subject could have been considered here, although I suppose under the rules it would be impossible.

The present system of paying pensions costs somewhere between $300,000 and $350,000; and it is estimated by experts who have calculated upon the subject and estimated the number of additional clerks that would be required here in the Department, that not less than $200,000 annually could be saved by the payment of pensions direct from Washington with no additional annoyance or delay to the pensioners. There might be in inaugurating this system a slight temporary difficulty that would perhaps result in deferring the payment of one-tenth of the entire list of pensioners ten days or two weeks; but after the first payment, when the system was fully adjusted, the pensioners would receive their money just as speedily as they do now, and the Treasury would be saved an amount of not less than $200,000 per annum.

Mr. SARGENT. Estimating on the basis of this bill?

Mr. INGALLS. Estimating on the basis of this bill.

Mr. SARGENT. How much is the appropriation for this purpose? Instead of being $350,000 the amount is only $216,000.

Mr. INGALLS. I am talking about all the expenses?

Mr. SARGENT. This covers all the expenses.

Mr. INGALLS. All the expenses that are paid by the pensioners themselves are included in the amount I have stated. There are large sums paid by the pensioners themselves that do not appear here. I am talking about the entire expenses of administering the Pension Bureau.

Mr. SARGENT. The entire expenses of administering the Pension Bureau would be simply very largely increased by the proposition so fully discussed in the House and to which the Senator alludes, that is to say by having all the work done here instead of done at eighteen agencies.

Mr. INGALLS. The discussion in the House on this subject was very partial and based on insufficient and inaccurate statistics, and those statistics were furnished to the committee by officers who were hostile to the plan and who threw every possible obstacle that could be conceived in the way of carrying it out. I am prepared to show to the Senate when this bill can be reported that there is an annual saving to the Government by the plan that is proposed of not less than $200,000 per year. But that is wide apart from the proposition that is now before the Senate.

I shall favor the amendment that is offered by the Senator from Arkansas. I believe it to be just and wise and in accordance with the Constitution and the law that these sums should be disbursed and that these offices should be exercised and these duties discharged by men who have shared in that great contest which rendered this enormous pension list a part of the annual burdens of our country. I hope, therefore, that if the section as reported from the House is not to be adopted, the amendment offered by the Senator from Arkansas will be taken in its stead.

Mr. HOAR. Mr. President, it seems to me that this question before the Senate is one of a good deal more difficulty than is supposed by the Senator from Kentucky and the Senator from Michigan on the one side and the Senator from Kansas on the other. I suppose it is clear that no Senator, unless it be the Senator from Kansas, will gainsay that we cannot constitutionally provide by law that the President shall appoint to an office from a certain class of citizens only. In the first place that would be an invasion of the appointing power which is lodged in the executive department of the Government; and in the next place it would be giving to one class of citizens privileges which are denied to all other classes of citizens. If we could constitutionally provide that a particular class of citizens only shall be eligible to one office, we could with equal right provide constitutionally that that class of citizens should be eligible only to any office.

Mr. INGALLS. Would it be unconstitutional to declare that the President should appoint to judicial positions only men learned in the law?

Mr. HOAR. No, sir. I made that suggestion to the Senator who asked him that question a little while ago, and I am coming to it presently, as my conclusion is the same as that which the Senator from Kansas comes to. I suppose nobody would deny that it was unconstitutional to provide that the President should not appoint anybody who was worth more than a thousand dollars to any office in this country; that he should not appoint anybody that did not reside in Ohio, or Kansas; but on the other hand it is equally true that it is constitutional to provide in regard to the qualification for office, and, as aiming at the qualification to perform the duty, that the officer shall be taken from persons having a particular experience. Nobody would doubt that it was constitutional to establish a new court and provide that the President should appoint three persons learned in the law as judges. Nobody would doubt that it would be constitutional to provide for a life-saving service and provide that experienced pilots should be the commanders or should have certain functions with regard to that. This very bill recognizes what has been provided heretofore—the office of examining surgeon. Nobody would question that as to this examination, which is a public office and a public function, we may provide by law that the examination of a pensioner shall be only by surgeons.

Now, the question is, on which side of that line does this provision come fairly? I suppose we might provide also with entire constitutionality that the office of paying Army pensions should be filled from the Army alone, that present Army officers or soldiers now in the Army alone should have the duty of making up the lists of disbursements of funds to soldiers who were borne upon the list. It would be attaching new duties to an existing office, and nobody would question that.

Mr. SAULSBURY. Will the Senator allow me to ask a question? I understand the Senator to say that it is competent for Congress to limit——

Mr. HOAR. I have not made my point yet. Perhaps the Senator will wait until I make it.

Mr. SAULSBURY. Let the Senator hear the argument. I understand the Senator to take the position that it is competent for Congress to limit the discretion of the executive department of the Government in the appointing power to a particular class of persons for a particular office. Now, I ask if that is true?

Mr. HOAR. To a certain extent which I was stating.

Mr. SAULSBURY. If that is true, is it not equally competent for Congress to designate one particular individual out of the particular class that shall be appointed to the office? Does it not follow as a natural consequence that, if we can control the discretion to any extent, we may control that discretion to the extent of designating the particular man to fill the office?

Mr. HOAR. Undoubtedly to——

Mr. SAULSBURY. Then I understand the Senator's position——

Mr. HOAR. I do not think the Senator is putting me a question. The Senator is breaking in upon my statement of a point, which is a difficult one, by substituting a statement which he likes better, in the form of a question on the other side. He is not putting a question at all in any practical sense.

I had stated before the Senator rose that I supposed we should all agree, unless we were to understand the Senator from Kansas as doubting it, that what the Senator from Delaware assumes in his question is unconstitutional, that you cannot provide that a particular function shall be performed solely by a particular class of citizens. On the other hand I suppose that the Senator from Delaware will agree that you can provide that a duty requiring special qualifications shall be provided for by the appointment from persons whose previous training or relation to that duty gives them those qualifications. The Senator from Delaware would not question the constitutionality of a provision establishing a court of claims and requiring that it should be filled by counselors learned in the law, I suppose. He might as well argue from that you can appoint the lawyer——

Mr. SAULSBURY. I do not know that I should question that particular position, because I have not given that particular phase of this question the consideration which the Senator from Massachusetts and the Senator from Kansas seem to have given it. I take it upon the broader ground, upon the ground that we cannot interfere with the power of the President.

Mr. HOAR. I do not yield to the Senator from Delaware to address the Senate at the present time. I prefer to do it myself, with his permission.

Taking these two principles on the one side and on the other, it seems to me that we might constitutionally provide that the payment of Army pensions, which is a duty connecting itself with the Army rolls, and the payments being solely to persons who have served or are at present borne on the rolls of the Army, may be imposed upon soldiers or officers in the Army. It will be very clear that it could be imposed on those at present in the service. I presume the Senator from Michigan would not question that we could annex to a present existing duty.

Mr. CHRISTIANCY. That is not appointing to office, but simply imposing a new duty on an existing office.

Mr. HOAR. That is very true, though the President might designate out of the thousands of such officers or soldiers particular individuals for that purpose. Now it seems to me that it comes fairly within that reasoning to hold that these persons, still retaining a certain relation to the Army of the United States, having been Army officers or soldiers, familiar as such with the service and with the lists and bearing still this special relation to the public of being its pensioners, the relation of the soldier not having completely terminated in that respect; that is, the pensioner not yet having received what he is entitled to receive from the Government under the law for his services, it seems to me that it is not unconstitutional to provide that from the class of pensioners the duty shall be performed by members of the particular class to which it relates. Of course it would not be constitutional to provide that this class of persons should receive a pension and no other. Were it not for the military relation which they sustain to the Government, I suppose the picking out arbitrarily a large number of citizens to receive a pension cannot be supported either on grounds of public policy or on constitutional grounds. But it seems to me that the law recognizing the right and the duty of the Government to pay to soldiers pensions, we may constitutionally impose the duties in reference to that payment upon existing officers or soldiers or those who have been heretofore officers or soldiers but having left the office still remain pensioners on the Government.

Mr. CHRISTIANCY. Mr. President, the Senator from Kansas, if he had understood me at the commencement of my remarks, would certainly not, I think, have made some remarks which he did make. He seemed to take it for granted that I was opposed to appointing wounded and disabled soldiers as pension agents. I commenced my statement by saying that if it were constitutional to do so, if no question of power existed in the case, I would favor this provision of this bill as it came from the House, but that I did not think it competent to deprive the Executive of the right to select officers of this kind from any class of people in the community; and I repeat that.

To me the proposition is perfectly plain; and yet on the other hand there is another class of cases which I did not allude to, because I did not wish to make the debate broader than it need to be to meet the case before the Senate. Take the case of the judge put by the Senator from Massachusetts. I think it is perfectly competent to provide in the establishment of a court that the President shall appoint certain persons learned in the law as judges of that court. Why? Because that is the plain meaning of the Constitution itself. The language of the Constitution has reference to the common understanding of the people and to the whole history of our country and the country from which we derived our institutions; and when we speak of a court we always understand that the judges are men learned in the law, and required to be so to perform the duties required of them by the Constitution itself.

Mr. MATTHEWS. Will the Senator from Michigan allow me to inquire of him whether it would be unconstitutional for the President to appoint a person as judge who was not learned in the law, to appoint a layman?

Mr. CHRISTIANCY. I will answer that question by saying that any President doing so knowingly ought to be impeached, and, in my opinion, would be.

Mr. MATTHEWS. Mr. President, I disagree entirely with my friend who has just taken his seat. One of the best judges who ever sat in the court of common pleas, a court of original jurisdiction, in the county in which I practiced law for a great many years, was a man who never had been admitted to the bar as a lawyer at all, but who had acquired his knowledge of the profession by his experience of it when he was on the bench.

Mr. CHRISTIANCY. Will the Senator allow me to say that he might have been very learned in the law and never admitted to the bar?

Mr. MATTHEWS. But he never had studied law and he was not learned in the law when he was appointed. He was a man of extraordinary good sense and he knew the law by intuition and not by learning, and therefore he was not "learned in the law." Now it does seem to me that it is rather straining a point to say that Congress, the law-making power, may not prescribe the qualifications of an officer and may not prescribe those qualifications in such a way as to describe a class and so confine the appointment to that class. I do not think, however ill-advised the proposition may be in other respects if it be so, that it is open to the objection which has been made.

Mr. SARGENT. Mr. President, I am somewhat anxious to get a vote on the bill to-night and will not detain the Senate very long; and yet I can see that the proposition as it comes from the House, or that of the Senator from Arkansas, is very likely to make some confusion in the administration of the pension accounts, which certainly are very satisfactorily managed, even if somewhat expensive, as the Senator from Kansas insists. I do not agree with him in that respect, however. The bill itself saves some $130,000 in the expense of administration in this particular over the previous year, although the pension-roll, as I have stated, has been increased largely and the amount of expenditure is considerably larger. It is for this fact that I have somewhat strenuously objected to the original proposition coming from the House, and I extend the objection to the amendment moved by the Senator from Arkansas. Inconvenience certainly must arise in emptying all these offices on a given day all over the country, inconveniences such as I have pointed out. Furthermore, if this proposition should be adopted, it can only be to run for a few years, because, as the Senator from Kentucky has said for another purpose, it is quite a number of years since the war closed, and the men who were wounded and disabled in the war, for that reason, as well as the lapse of time, are getting somewhat old; the rest of us who in those days considered ourselves young men have passed the meridian; and it may be a very serious question whether it is worth while to put in a permanent law a provision confining to a class of persons who are disabled and sick the appointment to an office where $30,000,000 is to be distributed annually, and is to be distributed for the next twenty years perhaps or the next thirty, or the next hundred years.

Mr. DORSEY. I should like to ask the Senator whether if the second section as it came from the House became a law it would be any more binding on the Executive than the provision already in the Revised Statutes in section 1754?

Mr. SARGENT. In my judgment it would.

Mr. DORSEY. I ask the Senator whether in his judgment any attention has ever been paid by anybody to section 1754?

Mr. SARGENT. Yes, sir; and under this very office there are three notable instances out of eighteen. One-sixth of them at any rate have been appointed by the President of the United States under that section or in compliance with its provisions. But that relates only to wounded and disabled persons. More than that, the number of pension agents who were soldiers, wounded or otherwise, covers nearly all of them. One of them is the daughter of a deceased soldier—Miss Sweet, one of the best pension agents we have.

Mr. DORSEY. The amendment I have offered embraces the widows and daughters of soldiers; but this section of the Revised Statutes relates to all civil officers to be appointed by the Executive, and, in my opinion, it has been disregarded from the date it was put upon the statute-book to this time.

Mr. SARGENT. I do not think so. I think it has been very largely observed, and it has been observed not only by the Executive in making appointments, but observed by the two Houses of Congress to a very large extent, and observed in every State, city, and county of the United States where such soldiers are to be found. You cannot go anywhere without finding more or less of these persons in office.

Mr. DORSEY. It is observed in political conventions.

Mr. SARGENT. Of course it has been observed in political conventions. It is not true that the officers of the country have been unjust or unfair to this class of persons, and this bill is an evidence of it. Here are $30,000,000 appropriated to pay pensions. Since the war we have given nearly $400,000,000 in pensions to soldiers. They hold now a great many offices. The Halls of Congress contain many of them, elected by the people. I say it is an aspersion upon the character of the eminent soldier who filled the Executive office for eight years, to assert that he neglected the dictates of humanity or the dictates of the law in this respect. I do not think my friend means to go so far. But at any rate, if what he says has been done, it has been done by a man all of whose feelings and sympathies were justly with that class of persons. He sent their names here for appointments abroad; I could name them. He employed them at home largely. They have been confirmed by the Senate over and over again, and have been confirmed at this session of the Senate for a good many offices, and they now fill a large number of these very offices. Therefore, I say that this section 1754 has been lived up to as fully probably as the interests of the country would allow.

Now, in order to show that the proposition of the committee, which in effect is in the same direction as this section 1754, was not intended as an evasion, was not, as was somewhat ungenerously stated, intended to evade the duty of meeting squarely in the face the proposition of the House, I want to remind you that this very section 1754 was passed in 1865, immediately after the war, when, if there could have been any feeling of fresh gratitude or sentiment in the matter, it was in full force. Congress at that time put a similar provision on the statute-book. What were they trying to avoid by that? Certainly not trying to avoid any duty, but simply to express a general principle, which they did express, and we ourselves come in in this bill and say that with regard to pension agents attention is called to that statute. That is all that the provision of the committee means.

Mr. DORSEY. I should like to ask the Senator from California whether, in his judgment, the amendment of the Committee on Appropriations to this bill if it becomes a law would change the law as it now stands, one way or the other.

Mr. SARGENT. I think it would, because there are qualifications.

Mr. DORSEY. I cannot understand that construction of the statute.

Mr. SARGENT. Very likely my friend does not understand it. If he will observe section 1754, he will find that there are qualifications placed there which are not put in the amendment of the committee. If you mean to say that the discretion of the President in making the appointment would require those very qualifications in fact, then I simply say he merely does his duty; nothing more can be assumed; but I say that the statute itself contains no such qualifications, but simply says that preference shall be given to those persons.

Mr. DORSEY. The Senator knows that none of these officers can be appointed to fill these positions without fulfilling the requirements of this section; that is, they shall give their bond and they shall be competent. It would be simply impossible for them to discharge their duties for a single day without complying with the law in these respects.

Mr. SARGENT. Then, so far as the Senator goes beyond that in his amendment, it is unconstitutional, and I insist that picking out any class of persons and saying the offices shall be confined to them is unconstitutional; and the reply of my friend from Kansas to this is, "Is there anything wrong in appointing these persons to office?" That does not meet the constitutional point. Why can you not say a certain class of offices shall be confined to black men? The reply is, "Would not black men make good officers?" The answer is that there are millions of people who could fulfill the duties who are excluded. Is that a reply to a constitutional argument? The unconstitutionality is that a class line is drawn as to the qualifications of persons in whose favor it is drawn and discriminating against those against whom it is drawn. So if it was said you shall confine the appointment of certain officers to whites, it would be unconstitutional; or if you said Methodists only should be appointed to Indian agencies or pension agencies. Why would it be unconstitutional? Because by the effect of it it would exclude any but Methodists, and you have no right to limit the power of the President in making appointments among citizens of the United States by any such line. The distinction is entirely clear. It only relates to qualifications applying to all citizens, all being eligible having the qualification designated. You must not have an impossible one, as that a man shall be white or shall be black, which lays down a qualification that nobody except the person possessing it can aspire to. You say a man shall be learned in the law in order to fill a judgeship. Every man can qualify himself for that by becoming learned in the law, and there is no exclusion. It is a mere qualification for performing the duties of the office. But, to say that only white men or only black men or only French or English, or only wounded soldiers, or soldiers who were not wounded, or soldiers at all, shall fill the office, simply says that there is a certain class of persons who shall fill the office, and that is unconstitutional, and it is not answered by the question, "Well, is it not right to put soldiers in?"

Mr. DORSEY. I say everybody can qualify himself for holding a pension agency by going into the Army.

Mr. SARGENT. No, sir; because the rebellion is past. Neither could every man get wounded even if another war were to come. You have no right to require that the President shall only select men who have passed through the Army for certain offices, those men now being out of office. There is the unconstitutionality of it.

Mr. HOAR. Will the Senator allow me, in making the application of the general principle to this particular subject, to inquire how it is constitutional to impose upon the President the duty to make a preference of one class over another any more than to require him to make the appointment from that class?

Mr. SARGENT. I do not think it is constitutional, strictly speaking. I think it is liable to criticism. It is not so clear that it is

unconstitutional, but I would not like to affirm on my judgment as a lawyer that that is thoroughly constitutional or that it is not open to criticism. But where it is required that on a particular day all the offices shall be emptied and filled from a certain class of persons, I am satisfied that is a limitation of the power of appointment of the President which is unconstitutional. If the other is unconstitutional, then a law that was passed in 1865 in somewhat similar terms is liable to the same difficulty, and there being a precedent I estimated that in deciding whether it was constitutional or not.

Mr. KIRKWOOD. Mr. President——

Mr. SARGENT. I will hear my friend from Iowa.

Mr. KIRKWOOD. It so happened that I was in this body in 1866 and 1867, when the Army was reorganized, and having some indistinct recollection of what occurred then I will refer to it here in the statute-book, if it will not interrupt the Senator from California too long. Among other things we provided that to the six regiments of cavalry then in service four should be added, and in regard to officering these regiments we provided that—

The original vacancies in the grade of first and second lieutenant shall be filled by selection from among the officers and soldiers of volunteer cavalry, and two-thirds of the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteer cavalry and one-third from officers of the regular Army.

This was long after the Army was disbanded. We provided for a certain number of additional regiments of infantry, and in officering them we made the same provision that a certain proportion of the officers should be selected from the disbanded volunteers and a certain proportion from among the officers of the regular Army.

Mr. SARGENT. Does the Senator think that that stands upon the basis of the civil appointments we are now talking about?

Mr. KIRKWOOD. Let me get through and I shall try to show the Senator what I mean. We provided for national cemeteries, and among the provisions touching them is the following:

The President of the United States is hereby authorized to appoint for each national cemetery now established, or that may be established, a superintendent, with the rank, pay, and emoluments of an ordnance sergeant, to be selected from among the non-commissioned officers of the regular Army and volunteer forces who have received certificates of merit for services during the war.

Then we provided for assistant quartermasters. Touching them we provided that—

The vacancies hereby created in the grade of assistant quartermaster shall be filled by selection from among the persons who have rendered meritorious services as assistant quartermasters of volunteers during two years of the war.

We provided for additional assistant surgeons in the newly organized Army, and compelled the appointment of persons who had served so many years in the volunteer Army to fill those vacancies.

Mr. SARGENT. Those provisions are all upon the same principle. The Senator need not detain me by giving them all.

Mr. KIRKWOOD. We provided for sixty paymasters in the Army—

With the rank, pay, and emoluments of majors of cavalry, to be selected from persons who have served as additional paymasters.

It seems to me there is not a broad line of distinction between those officers and these. Take the case of a paymaster especially. We require officers to pay the existing Army, and suppose we say they shall be appointed from those who have served in the volunteer Army. We want men to pay the pensioners of the Army, and we propose to say that they shall come from men who have served as soldiers themselves. If there is a distinction, I confess I am not able to see it.

Mr. SARGENT. The distinction is broad enough between civil and military officers, as it is between civil and military organizations. The distinction runs all the way through in the appointment and in the government of them after they are appointed. The most the Senator could insist upon would be that by my argument the act from which he read was unconstitutional. If he insists upon that, I have no objection; it may have been an unconstitutional act.

Mr. DORSEY. If the Senator from California will yield to me, I will suggest a modification of the amendment I offered to the amendment of the committee, which I suppose he will accept.

Mr. SARGENT. I cannot accept any amendment on behalf of the committee.

Mr. DORSEY. I propose to modify my amendment to the amendment of the committee so that, if modified, it will read:

That from and after the 1st day of October, 1878, the terms of office of the pension agents shall expire, and thereafter honorably discharged Union soldiers or the widows or orphans of such soldiers shall be preferred for said offices.

Mr. EDMUNDS. There ought to be an executive session, and as it is getting quite late, I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. We ought to finish this bill.

Mr. SARGENT. I hope we may finish the bill to night.

Mr. DAVIS, of West Virginia. I hope the motion will be withdrawn, and let us finish the bill.

Mr. SARGENT. The friends of the bankrupt-law repeal are forcing back upon us and insisting that we must not take up too much time. I hope the friends of the bankrupt-law repeal will not insist upon going into executive session. If they do, and we take all day to-morrow with this bill, they must not blame us. We can finish this bill in a few more minutes, I think—it is nearly concluded—whereas if we adjourn until to-morrow all this argument will have to be gone over.

Mr. EDMUNDS. If we are to debate the propriety of proceeding to the consideration of executive business with open doors, I should like to say something myself.

Mr. SARGENT. I was not debating it; I was simply showing the condition of the business before the Senate and urging the argument of inconvenience to set aside the bill when its consideration is about finished.

Mr. EDMUNDS. Then I will debate the convenience of doing the things that the administration of government requires us to do in respect of affairs that cannot be alluded to here; and having made the motion my duty is done.

Mr. SARGENT. The Senator has a right to make the motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Arkansas [Mr. DORSEY] to the amendment of the Committee on Appropriations.

Mr. SARGENT. The question is first to be taken on the amendment to perfect the amendment of the committee. The amendment moved by the Senator from Arkansas is a substitute for the committee's amendment.

Mr. INGALLS. It is to strike out and insert, is it not?

The PRESIDENT *pro tempore*. The amendment of the committee is to strike out and insert. The proposition of the Senator from Arkansas is also to strike out and insert; that is, to strike out the amendment of the committee.

Mr. SARGENT. We propose a substitute for the House section. To that there is now pending a motion to amend our substitute offered by the Senator from Massachusetts, [Mr. HOAR.] The Senator from Arkansas [Mr. DORSEY] proposes a substitute for our substitute.

The PRESIDENT *pro tempore*. The Chair understands, as the Senator from California has stated, substantially, that the committee report to strike out and insert. The Senator from Arkansas moves to amend the matter proposed to be inserted by the committee. Is the chair correct?

Mr. DORSEY. The Chair in that respect is in error. I offered an amendment as a substitute for the substitute offered by the Committee on Appropriations. Afterward I desired to change the amendment as I first offered it, and I asked unanimous consent to modify it. There was no objection, and I did modify it, and it stands now as a substitute to the substitute offered by the Committee on Appropriations.

Mr. HOAR. I desire to suggest to the Chair that that is really a reversal of the ruling of the previous occupant of the chair. My amendment was received, on that point of order being made, the Chair ruling that it was proper to perfect the committee's text.

The PRESIDENT *pro tempore*. The amendment of the committee being a substitute for the House provision, the amendment of the Senator from Arkansas, as modified, is an amendment to the amendment. The question will be first on the amendment proposed by the Senator from Massachusetts, [Mr. HOAR,] to insert at the end of the words proposed to be inserted by the committee "or to the widows or daughters of such soldiers."

Mr. EDMUNDS. Of what kind of soldiers; on which side? Does it make any difference?

Mr. HOAR. I will make it plain by inserting "Union" before "soldiers."

Mr. INGALLS. I suggest to the Senator from Massachusetts to use the word "orphans" instead of "daughters," so as to say "the widows or orphans of such soldiers."

Mr. HOAR. Sometimes the daughters support the wounded and disabled father.

Mr. INGALLS. The word "orphans" would include daughters as well as sons. The word "daughters" is obnoxious to the objection that has been made heretofore, that it provides for a class.

Mr. HOAR. I did not propose in making the amendment to let in the sons of soldiers, because if they are of age and able to fill an office of this kind they would not ordinarily be dependent on the parent for support.

Mr. INGALLS. An orphan is not necessarily a son.

Mr. HOAR. I therefore propose to confine the provision to the widow and daughter of the soldier. I did not require that the daughter should be an orphan, because there might be cases where a father would be dependent on her for support, and where she would fill the pension agency, he being alive but disabled.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts to add to the amendment of the committee the words "or to the widows or daughters of such Union soldiers."

The amendment to the amendment was agreed to.

Mr. DAVIS, of West Virginia. One word as to the substitute proposed by the committee, as amended by the amendment of the Senator from Massachusetts. I think the substitute is far preferable to the section as it came from the House in this particular: if the provision as it came from the House should be retained, on the 1st day of July all pension agents would have to be dismissed and their places refilled by disabled Union soldiers. That would create in the Pen-

sion Bureau considerable trouble. So says the Commissioner of Pensions. In fact he says he hardly knows whether the provision could be carried out. I believe his words were that he thought it impossible or impracticable to carry out the House provision. The amendment of the committee is in almost the words of the Revised Statutes. The committee followed that as nearly as practicable, so as to make the bill conform to existing law, and so as not to change the law. I think, if either proposition is to be retained, the amendment of the committee ought to be adopted, for the reason, if no other, that the Commissioner of Pensions thinks it would be almost impracticable to work under the section as it came from the House.

Mr. BECK. I desire to say that, while I think the Revised Statutes very objectionable, the Revised Statutes have made it law that the qualifications shall be equal in the class from which the appointment is to be made to the qualifications of any other class which is not inserted in this provision or alluded to in any way.

Mr. DAVIS, of West Virginia. I say it is not quite the language of the Revised Statutes, but in substance the provision is the same. The Senator from Kentucky will agree with me, I have no doubt, that as between the section as it came from the House and that proposed by the committee, the section as proposed by the committee is far better and is more practicable.

Mr. SAULSBURY. Mr. President, I desire to say before this matter passes from before us that I am opposed to the provision of the House bill which is struck out by the committee, and I am also opposed to every amendment which has been offered. I see no necessity for keeping up a distinction between the citizens of this country in reference to appointments to office. I have as high regard for the soldiers of the country who bravely fought its battles as any Senator on this floor. I am willing to give them full credit for all their patriotism and for all their services to the country. I think the country has been liberal toward its soldiers. We have now a pension list amounting to about $30,000,000 annually; and here, after the expiration of twelve years, it is gravely proposed in the appointments to office to prefer the soldiers of the country to everybody else in the land. Sir, there is merit among the soldiers, and there is merit among the civilians of the country. I do not propose, so far as my action goes, to discriminate between citizens of this country, whether they be soldiers or whether they be civilians.

The soldiers understand all this thing. If I were a politician seeking to ingratiate myself with the soldiers of the country, I would perhaps stand on this floor and become their special advocate; but I am a plain citizen, and I want to deal fairly with everybody in the world, with the soldiers and with the civilians. Therefore I say we ought to be just as well as liberal. Why should we exclude any portion of the people of this country from the offices of the Government? Why should we ingraft upon this bill a provision which virtually excludes men of as much merit as any of the soldiers of the country?

Besides that, I do not shut my eyes to the fact that it is an attempt to limit the discretion of the President of the United States. The Constitution gives him the appointing power. Here is a proposition to limit the discretion which is vested in him by the Constitution and to control his action by saying that he shall appoint from a particular class of persons. I do not believe it is competent for the Congress of the United States to control the discretion vested by the Constitution in the President of the United States, and I shall not give my vote in that direction. No deference to the soldiers, however great that deference may be, can induce me to do that which in my honest judgment I believe I am not at liberty to do.

Therefore I shall vote against every amendment that has been offered, and I shall vote against the section as it came to us from the House.

Mr. INGALLS. Mr. President, I am inclined to believe that those Senators upon the other side of the House who are so very solicitous about the prerogatives of the Executive are much more anxious about the privileges of the next President than of the present incumbent. I am inclined to believe that they are unwilling to have any limitations imposed——

Mr. SAULSBURY. Will the Senator allow me to say that I desire to see the Senator just to his own President.

Mr. INGALLS. That is what the Senate is trying to do at the present time. If the Senator from Delaware were anxious upon the subject of precedents, he would find that there are abundant instances where Congress has imposed limitations upon the power of the Executive to appoint. He is completely hedged about with restrictions that have been imposed by legislative power. Here in this very bill, as the Senator from Massachusetts alluded to it, we provide for a corps of examining surgeons. They are to be appointed by the Executive; and yet no one would say that it was an infringement of constitutional power to require that those men should be learned in physic. We provide for judges who shall be learned in the law. We provide that postmasters shall be residents of the locality where they are to exercise their function. But whenever it comes to making provisions to require the appointment of Union soldiers to offices that they can properly fill, there seems to be very great difficulty; some constitutional objection is continually interposed.

I am opposed to this whole system of legislation upon these subjects. At the other end of the Capitol is a House which is frequently alluded to as the House of confederate brigadiers. They have no constitutional scruples about declaring that Union soldiers shall administer the pension agencies of this country. The men who have served in the rebel army and have had their disabilities removed and have come to Congress pass a section in this bill expressly declaring that the powers and duties of these offices shall be exercised by disabled, wounded, and honorably discharged Union soldiers. But when the bill comes to the Senate, a portion of gentlemen of that faith and a portion of gentlemen of the opposite political faith come together in a body that is ostensibly republican and find a great many constitutional scruples about the power of the Executive to appoint Union soldiers to office.

Mr. HEREFORD. I should like to know of the Senator what he means by "ostensibly republican?"

Mr. INGALLS. Nominally republican.

Mr. HEREFORD. Not actually republican?

Mr. SARGENT. Does the Senator mean that there are any "nominal republicans" here?

Mr. INGALLS. History will declare what I mean.

Mr. BLAINE. It will vindicate you.

Mr. INGALLS. History will vindicate me. The Senate, nominally republican, takes a section that comes from the House, actually democratic. That body, controlled very largely by the sentiment known as the confederate during the war, have sent to us an open, manly declaration that these offices shall be discharged by wounded and disabled Union soldiers. I will not say that any of the Senators who differ with us in opinion are disingenuous and want to throw a burden upon a nominally republican body that they would not perhaps exercise in the other; but at least a sufficient number of them, with Senators of the opposite persuasion, find a great deal of constitutional difficulty about appointing soldiers to office.

Mr. President, I am tired of it. I want each body to assume its proper relation to the President and to this subject. If democrats and confederates, as they are called by the public press, can find no constitutional difficulty about this matter, it seems to me that we ought not to be particularly troubled upon the point. I certainly am not sensitive. I believe that Union soldiers are competent to discharge these offices, and since the House have sent this bill to us with this provision in it, I trust that we shall reject the amendment offered by the committee, that we shall reject the amendment offered by the Senator from Arkansas, expressing in an indirect and inefficient way a preference for this thing, endeavoring to plow around the stump, and that we shall simply agree to the proposition as it came from the House. If it is unconstitutional to appoint soldiers to office, if they are disqualified to exercise the duties of pension agents, let the President decide it. I certainly am troubled by no scruples.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is on the amendment of the Senator from Arkansas [Mr. DORSEY] to the amendment of the Committee on Appropriations.

Mr. DORSEY. Let it be reported.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The CHIEF CLERK. It is moved to strike out all of the amendment of the committee proposed to be inserted in lieu of the second section after the word "that," and to insert:

> From and after the 1st day of October, 1878, the terms of office of all pension agents shall expire, and thereafter honorably discharged Union soldiers, or the widows or orphans of such soldiers, shall be preferred for said officers.

Mr. TELLER. If in order, I move to strike out the word "orphans" and insert "daughters."

The PRESIDING OFFICER. The Senator from Colorado proposes a verbal amendment. Is there objection? The Chair hears no objection, and the amendment is inserted. The question now recurs upon the amendment proposed by the Senator from Arkansas to the amendment of the committee.

Mr. BLAINE. Before the question is put I should like to ask a question of the Senator from Kansas, the chairman of the Pension Committee. He has given the subject a good deal of attention. I have not given the debate as much attention as I ought to have done, having been out of the Chamber during its progress. I ask the Senator from Kansas whether a fair construction of the House provision as it comes to us would require the President to vacate the offices so far as they are held by those not Union soldiers?

Mr. INGALLS. We must judge from the terms of the section. Of course the Senator from Maine can read the section without referring to me to obtain its meaning.

Mr. BLAINE. My question has no catch in it. I am after information solely. I will read the section as it passed the House:

> That from and after July 1, 1878, the office of pension agents shall be filled by wounded or disabled Union soldiers.

It occurs to me, without straining the construction at all, it would require that from and after that date no other than Union soldiers shall be appointed.

Mr. INGALLS. That is my construction of it; that when vacancies occur Union soldiers shall be appointed.

Mr. BLAINE. I do not think the construction of the clause would vacate the office when it was held by another.

Mr. INGALLS. Certainly not, but whenever vacancies occur in pension agencies they shall be filled by the class of persons named in the bill.

Mr. BLAINE. The general scope that has been given to this provision in the country and I think in Congress was that it absolutely

vacates, *propria vigore*, from that day forth, the office, no matter by whom held, if not by a wounded or disabled soldier.

Mr. DAVIS, of West Virginia. And that is the scope given to the provision by the Commissioner of Pensions.

Mr. SARGENT. Unquestionably that is the effect of it.

Mr. BLAINE. And the honorable Senator from Illinois, [Mr. DAVIS,] whose legal opinion always would have great weight with me, as it would with the country, nods that that is a fair construction of the provision. We ought to know exactly what we are voting on. If you intend that the operation of the section shall be a declaration that from and after the 1st day of July, which is less than sixty days ahead of us, every pension agency in the United States shall be instantly vacated by the incumbent and that the President's duty shall be to look around among the wounded and disabled soldiers, many of whom are capable of filling the office, and pick out eighteen of them, as there are only eighteen agencies in the country of that class, you ought to distinctly express it in the amendment, and not have any possible doubt about it.

Mr. DORSEY. I will state to the Senator that my amendment meets the point to which he alludes.

Mr. BLAINE. I was about coming to that point. I do not know whether I qaite agree with all of the Senator's amendment, but at all events it is not capable of being misunderstood. It distinctly says that on the 1st day of October proximo the commissions of all persons now holding these offices shall be vacated, and that they shall thenceforward be filled by no one except a wounded or disabled Union soldier or his widow or orphan. The Senator from Colorado, [Mr. TELLER,] I believe, has amended that so as to strike out "orphans" and insert "daughters;" and both the Senators from Illinois nodded assent to that, because it has a peculiarly admirable local application.

Mr. TELLER. That was why I moved it.

Mr. BLAINE. The Senator did it specially for the benefit of that State. All I want to know is exactly what we are voting for.

Mr. TELLER. The amendment offered by the Senator from Arkansas says "shall be preferred for said offices." I do not think a declaration on our part that they shall be preferred amounts to very much. There is just as much objection to our saying that the President shall prefer a certain class of citizens, as to saying that he shall appoint a certain class. I therefore move to strike out the words "preferred for said offices," and insert in lieu thereof the word "appointed," and then it will be obligatory upon the President.

Mr. SARGENT. I would ask if that amendment is in order at this time? It is an amendment in the third degree.

The PRESIDING OFFICER. The amendment suggested by the Senator from Colorado is not now in order.

Mr. SARGENT. I ask my friend if he is not willing to add to his suggested amendment "those who formerly served in the army of the Potomac," or "those who formerly served in the army of the Cumberland." I ask him merely by way of argument, because if he can designate soldiers he can designate the army they served in. In other words, it illustrates in the clearest view the unconstitutionality of the whole proposition.

Mr. TELLER. I have no doubt we might designate the army of the Potomac if we saw fit. Congress has repeatedly recognized the right to designate a certain class from which men should be taken to fill certain kinds of offices. Every State in the Union has recognized that principle, and does recognize it in its statutes and in its constitution. I think there is nothing at all in the objection that there is a constitutional inhibition in our way in this case.

Mr. BECK. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. I will.

Mr. BECK. Would it be proper to suggest as an amendment that they shall be appointed from the white soldiers or the daughters of white soldiers, or colored soldiers, making the limitation a little broader?

Mr. TELLER. No, sir; I doubt whether that would be proper distinction.

Mr. SARGENT. Why not?

Mr. TELLER. This proposition proceeds upon the theory that there are some particular qualifications attached to this office which are not attached to other offices. There are other constitutional objections perhaps directly in the way of making the amendment suggested by the Senator from Kentucky. But the attention of the Senate has been called to the fact that this class of legislation has been had in the Senate and approved by the other branch and approved by the President. From the same class now that we propose to appoint pension agents, we appointed the men who guard the graves of Union soldiers in the Government cemeteries all over the land. I have not much doubt that the time is not very far distant when the constitutional lawyers in this body will find an objection to appointing them from that class, as they will find an objection to appointing that class of men to any office whatever.

As was suggested by the honorable Senator from Kansas, when the House, composed as he says, of confederate brigadiers, have the magnanimity to come here and say to us that they will take from this class of meritorious and deserving citizens, who by their education and by their experience are certainly entitled to the favor of the Government, to say nothing about their deserving merits, it does come with very poor grace, in my judgment, for a republican Senate to say, unless upon a plain inhibition of the constitutionality, that it cannot be done; and it comes with a bad grace when the statute-book is full of that same kind of legislation that we have been parties to heretofore.

Mr. BLAINE. I should like to ask my friend from California, with whom I generally agree, on what he bases his constitutional objection?

Mr. SARGENT. On the ground that Congress has power to name the qualification to an office and the President in his discretion can judge whether the person has those qualifications or not, but you cannot name a class, because that excludes all other classes, and the appointing power of the President to civil offices is unlimited by the Constitution.

Mr. BLAINE. Can you not name a class by exclusion? Can you not exclude a class?

Mr. SARGENT. Not any more than you can say, for illustration, that only white persons or only black persons should be appointed, or only Methodists or Presbyterians.

Mr. BLAINE. Can you not say that no man who served in the confederate army shall not be a pension agent?

Mr. SARGENT. The Constitution of the United States as amended places certain disabilities upon them——

Mr. BLAINE. But after the disabilities are removed?

Mr. SARGENT. No, sir; I do not think you can.

Mr. BLAINE. It is there already; it is in the statutes to-day.

Mr. SARGENT. Then I believe it is unconstitutional.

Mr. BLAINE. Then the Senator has to fight what Congress has done, for the book is full of it.

Mr. SARGENT. I will fight that or anything else where it is necessary in order to arrive at what my convictions tell me is the truth. Because the Senator can show me that Congress, by its attention not being called to it, has made bad legislation in the past, I say the Constitution prohibits just that kind of legislation.

Mr. BLAINE. I do not want to throw anything in the debate in the way of the merit or demerit of the proposed legislation; but I am talking about its constitutionality. The statute-book, which I have my hand on now, declares that no man who served in the confederate army shall be an officer in the Army of the United States. Now, the vast number who served in the confederate army never had a disability imposed on them.

Mr. SARGENT. The Constitution of the United States imposed certain disabilities.

Mr. BLAINE. No.

Mr. SARGENT. And provided that Congress might remove by a two-third vote certain disabilities from confederates and those who were engaged in the war of the rebellion. Congress could by act remove all those disabilities or part of those disabilities. If it saw fit, while removing certain disabilities, to allow others to remain, its action still might be constitutional. But that is aside from the question here involved, where there is no forfeiture involved. Here are the citizens of the United States generally from whom the President of the United States, unless there is some disability resting on those citizens, has a right to make his selections for office. The Constitution says he may nominate. His discretion is complete so far as classes or individuals are concerned, and the only power of Congress in the matter is to prescribe certain qualifications which are attainable by all citizens. That is my view of the Constitution.

Mr. BLAINE. But, unfortunately for the Senator's argument, after the disabilities on the whole class were removed the Army bill which contains the exclusion was passed. The exclusion of the confederate soldiers from holding a commission in the Army was enacted after the disabilities had been removed from everybody at the South except certain classes.

Mr. SARGENT. Will the Senator please read the section?

Mr. BLAINE. I know very well what the section is.

Mr. SARGENT. It is very much better when you are construing a statute to have the statute before you. I do not rest my argument, however, on the fact whether it is there or not. If that was class legislation, limiting the power of the President in appointments to office, then I say it was unconstitutional.

Mr. BLAINE. Was it unconstitutional, when the office of Attorney-General was created originally, that the President of the United States was limited to the nomination of one learned in the law?

Mr. SARGENT. No, sir; because that is a qualification.

Mr. BLAINE. It was a qualification of course in the judgment of Congress. They made it a qualification. Now we can make this a qualification.

Mr. SARGENT. By what authority?

Mr. BLAINE. Here comes a certain person who the Senator from Kansas says has a peculiar fitness for such an office as this, for the reason that men who suffered in the cause should be the ones to disburse the bounty and the recompense of the Government to their fellow-soldiers. It may or it may not be in the judgment of the Senator from Kansas or myself a requisite; but if the majority of Congress choose to make it a requisite, why does it not then become one binding upon the President?

Mr. SARGENT. Simply because it is class legislation instead of a qualification which any one can attain. The Senator, if he lives forever, cannot become a wounded soldier in the last war. If it was a

qualification, it is put beyond his reach; and you have no right to put in the law a qualification for a general office which will exclude a part of the citizens of the United States. Any man who has sufficient brains to fill an office can get the qualifications, which consist in cultivation, in preparation for a profession, &c., and then answer for the proper administration of the office.

Mr. BLAINE. Another illustration——

Mr. SARGENT. The Senator will please interrupt me in a parliamentary way.

Mr. BLAINE. I did.

Mr. SARGENT. No, sir; not in the middle of my sentence. Now I will yield to my friend.

Mr. BLAINE. Does the Senator then maintain that if we were to-day with the Army bill before us it would not be competent to establish the office of Surgeon-General or of assistant surgeon of the United States Army and to require that the persons appointed should hold the diploma of some medical college?

Mr. SARGENT. I dare say that could be required, because it is a very simple matter of qualification; but the answer——

Mr. BLAINE. So this amendment——

Mr. SARGENT. Let me answer.

Mr. BLAINE. But I am not through yet. I will state my question, and then you can answer.

Mr. SARGENT. The course of the Senator is that he asks a question and then when a Senator is half through with the answer he bursts in with his loud voice. I do not yield to that sort of interruption of my answer. I simply say that while it might be proper to provide that a person should be a graduate of some competent college, it would not be allowable to provide that he should be a graduate of William and Mary College or Georgetown College, because that would be a class.

Mr. BLAINE. If the Senator had heard the whole statement of my question, he probably would have answered differently. Here is a dispute between two great schools of medicine, the allopathic and the homeopathic. I presume there is not a homeopathic surgeon in the Army of the United States. Does the Senator doubt that it is in the power of Congress to declare by law that the surgeons of the Army of the United States shall be graduates of a homeopathic college?

Mr. SARGENT. I doubt whether Congress have power to limit the discretion of the President in any such way. I think they have a right to require that persons shall have the legal or professional attainments to fill the office, but it must be left to the President to decide whether a person has them or not.

Mr. BLAINE. If the Senator will give a little more rein to the definition, has not the law-making power the right to define the qualifications within which the President shall exercise his judgment?

Mr. SARGENT. Yes, sir.

Mr. BLAINE. There, you come right down to it.

Mr. SARGENT. Everything in the way of qualification Congress has a right to prescribe; but it has no right to make a class a qualification.

Mr. BLAINE. But we do it all the time. I am not arguing now the merits or demerits of this proposition. I am not arguing whether it is right that a man who served in the confederate army shall not hold a commission in the Union Army. I am only saying that Congress has the right to declare so if it chooses. I am only saying that if Congress chooses to declare the pensions shall be paid by some one who served in the Army of the United States and was wounded and disabled, it has as clear a right to say it as it has to say that the Attorney-General or a judge of the Supreme Court shall be learned in the law.

Mr. SARGENT. And as much right to say that he shall have belonged to the army of the Potomac.

Mr. HOAR. I ask the Senator from California where he gets the right to pension the Army at all? From what clause in the Constitution does he get the right to pension wounded and disabled soldiers?

Mr. SARGENT. From the laws of Congress.

Mr. HOAR. But where does Congress get the right to pass a law to that effect?

Mr. SARGENT. If the Senator has any doubt on the matter I will endeavor to instruct him, but I wish to inform him that I am not on the stand to be examined.

Mr. HOAR. No; it is merely his view that I wish to get.

Mr. SARGENT. Has the Senator any doubt on the subject?

Mr. HOAR. None in the least.

Mr. SARGENT. Then he does not need assurances from me that the power is possessed.

Mr. HOAR. I put the question to the Senator in all good faith, because the answer to it, if the Senator had made one, which he has not, would, it seems to me, have shown the foundation on which this whole legislation rests and must rest if it is constitutional at all. Nobody would claim, I suppose, the constitutional right to pension any class of citizens, to pension all the Methodists, to take the illustration of the Senator from Maine, or all the Universalists. It is not an equal law, and such an exercise of power must relate to all the citizens alike; but it is an incident to the creation of an army, and pensioned officers and soldiers retain their connection, wounded and disabled soldiers or any others like an officer retiring on half-pay retain their connection with the army. It is an old military usage existing long before the creation of the Constitution of the United States and existing in every military nation. Now, we have just the same right to impose upon this class of officers the right of performing the duty and to pay them for the performance of the duty incident to the pensioning that class of soldiers, that we should have to provide by law that you might assemble a board of retired naval officers to make certain examinations and pay them for those examinations. So I agree entirely with the Senator from California, that you cannot constitutionally, under the guise of prescribing qualification for office, make that qualification simply being a citizen of a certain class and nothing else; that you cannot provide, under the guise of making a qualification for the office of examining surgeon, that the surgeon should be a Methodist or that he should be a resident of Massachusetts, or that he should be a man worth a thousand or five thousand dollars, or that he should be a man who had done this, that, or the other thing in the past. And this provision cannot be maintained, as it seems to me, on the grounds on which some Senators have sought to place it; but it is maintainable on this ground: just as we have a right to provide that certain things shall be done by pilots, certain things shall be done by Army officers, certain other things shall be done by retired Army officers incident to military duty, we have the right constitutionally in pensioning the Army to say that the colonels, or majors, or paymasters now in active service shall perform this duty of paying the pensioners. These soldiers retain, like the soldier on half pay in England, a place in the Army of the United States; and to that extent, and it is only on that ground, we have a right to pension them at all.

Mr. EATON. Mr. President, let me state one of the absurdities of this proposition. There are, I believe, eighteen of these officers. One of the eighteen is a gallant soldier who served through the entire war who is now one of the pension agents. He did not happen to be wounded; yet he served with great gallantry during the entire war. That gentleman by the terms of this bill would be displaced. He could not serve; he could not be a Commissioner of Pensions, he could not be a pension agent, because he did not happen to be wounded, and yet he served. General Grant did not happen to be wounded. He is not the less to be respected as a valuable officer. I apprehend this is full of absurdities. That is one of them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

Mr. INGALLS. That is not the question. The question first occurs on the motion offered by the Senator from Colorado.

The PRESIDING OFFICER. The motion of the Senator from Colorado was not in order, being an amendment in the third degree.

Mr. DORSEY. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HOAR. Has the question been taken on the amendment I offered?

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts has been agreed to.

Mr. INGALLS. I should like to hear the pending amendment reported.

Mr. HOAR. I desire to move another amendment to the amendment of the committee. I move to strike out the words "wounded or disabled" before "Union soldiers," so as to read "or to the widows or daughters of Union soldiers."

The CHIEF CLERK. It is proposed to strike out in line 5 of the committee's amendment the words "wounded or disabled," so as to read:

That hereafter in the appointment of pension agents the preference shall be given to Union soldiers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Arkansas, [Mr. DORSEY.]

Mr. EDMUNDS. Let it be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out the amendment of the committee as amended, which is—

That hereafter in the appointment of pension agents the preference shall be given to wounded or disabled Union soldiers, or to the widows or daughters of Union soldiers.

And to insert in lieu thereof:

That from and after the 1st day of October, 1878, the terms of office of all pension agents shall expire, and thereafter honorably discharged Union soldiers, or the widows or daughters of such soldiers, shall be preferred for said offices.

Mr. COCKRELL. Is this substitute now amendable?

The PRESIDING OFFICER. An amendment to this amendment is not in order.

Mr. COCKRELL. I desire to amend the substitute.

The PRESIDING OFFICER. That is not now in order.

Mr. COCKRELL. I shall vote against this substitute because it does not contain the words which I think ought to be in it, "wounded or disabled Union soldiers."

Mr. EDMUNDS. Without expressing any opinion upon that point, I wish to call the attention of the Senate to the words of this amendment of the Senator from Arkansas. It says that from and after the 1st of October, 1878, the offices of all pension agents shall expire, and

so and so shall be appointed. The result of that would be as it strikes me, unless the executive department forces the construction, that after the 1st of October, 1878, and continually thereafter the office of pension agent shall expire all the time. If the object is to vacate these offices on the 1st of October, then you ought to say so and stop; but providing that they shall be vacated after that time continually the Executive would be obliged to change them every day. The Senator does not mean that, of course. I take it what he intends to do is that the offices shall expire on that day and then they shall be filled by so and so; but as he has got it stated I cannot vote for the amendment for it requires the Executive to appoint daily from that time forever.

Mr. DORSEY. I suggest to the Senator that he modify the amendment.

Mr. EDMUNDS. I cannot modify it.

Mr. BLAINE. I ask the Senator from Arkansas whether it would not be better to have that date fixed at a time when the Senate is in session if these officers are to be confirmed?

Mr. HOAR. I should like to ask the Senator from Arkansas a practical question. I suppose the pensions are payable on the 1st of October and quarterly. Now if the office of pension agent all over the country is vacated on the 1st of October, has every soldier got to wait for his quarter's pension until a new pension agent is selected, has given bond, and qualified? Will not that be a very great practical annoyance to the pensioners of this country who depend on the prompt payment of their pensions?

Mr. DORSEY. The answer I have to make is that it is the duty of the pension agent to pay all the pensions on the 1st day of September, and that gives a month to fix up the payments before the office is vacated; but if the executive department of the Government are as long in finding a pension agent for some points as they were in getting one for New York some time since they might have to do as was done in that case, have the Commissioner here pay the pensioners. I ask unanimous consent to strike out the words "from and after" in my amendment, so as to read "that on the 1st day of October" these terms shall expire.

The PRESIDING OFFICER. Is there objection to that modification of the amendment? The Chair hears none, and it is so modified.

Mr. SARGENT. Let it be read as now modified.

The Chief Clerk read as follows:

That on the 1st day of October, 1878, the terms of office of all pension agents shall expire, and thereafter honorably discharged Union soldiers or the widows or daughters of such soldiers shall be preferred for said offices.

The PRESIDING OFFICER. On this amendment the yeas and nays have been ordered.

Mr. HOWE. Mr. President——

The Secretary proceeded to call the roll and the name of Mr. ALLISON was called.

Mr. HOWE. I suggest to the Senator from Arkansas if the 1st of January would not be a more convenient date than that mentioned in his amendment.

Mr. EATON. Is not my friend out of order?

Mr. HOWE. I do not know, indeed.

Mr. SARGENT. The Senator from Iowa has answered to his name.

Mr. HOWE. I addressed the Chair before the roll-call commenced.

The PRESIDING OFFICER. The Senator from Wisconsin rose before any response was made.

Mr. HOWE. I respectfully submit to the Senator from Connecticut that no answer was made until I had addressed the Chair.

Mr. EATON. I thought there had been.

Mr. DORSEY. If the object of the Senator from Wisconsin is to have these changes take place when the Senate is in session, I have no objection to a change from the 1st of October to the 1st of January.

The PRESIDING OFFICER. Does the Senator from Arkansas desire further to modify his amendment?

Mr. DORSEY. I will change it in that respect.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears no objection. The amendment is modified by inserting "January, 1879," instead of "October, 1878."

Mr. DAVIS, of West Virginia. The 4th of January is the time the pensioners are to be paid, I think.

Mr. COCKRELL. No; the 4th of December.

Mr. DAVIS, of West Virginia. Then it would be just as bad.

Several SENATORS. No; no.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. COCKRELL. Let it be read as modified.

The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk read as follows:

That on the 1st day of January, 1879, the terms of office of all pension agents shall expire, and thereafter honorably discharged Union soldiers or the widows or daughters of such soldiers shall be preferred for said offices.

Mr. COCKRELL. I hope the Senator from Arkansas will accept the amendment I suggested, and put in "wounded or disabled soldiers, their widows or orphans," and let that class of persons deal with the same class of persons who receive pensions.

The PRESIDING OFFICER. Does the Senator from Arkansas further modify his amendment?

Mr. SARGENT. I object to any further modification.

The PRESIDING OFFICER. Objection is made.

Mr. INGALLS. I hope that every Senator who is in favor of the appointment of wounded and disabled soldiers in this connection will vote against this amendment, and let us have a vote on the proposition plain and square in some shape.

Mr. MAXEY. I am very glad indeed that the Senator from Kansas has suggested the proposition he has just stated, for the reason that I propose to vote against the amendment of the Senator from Arkansas, and if found in the minority I should not be able to explain my vote. I vote against his amendment for the very reason that if we have to make a preference of one class of persons for this office or to express in a legislative way an opinion that nominations should come from a given class of persons, the better reason is that those who have by the fortunes of war been rendered unable to obtain their living like those who have all their faculties with them, then the bill as reported from the committee is the right theory in my judgment and the amendment offered by the Senator from Arkansas does not accomplish the object sought.

Mr. SPENCER. The Senator from Arkansas is willing to accept the suggestion of the Senator from Missouri to insert the words "wounded or disabled." I hope the Senator from California will withdraw his objection. It is hardly fair for him to interpose such an objection to the perfection of the amendment.

Mr. SARGENT. As there are, I see, half a dozen Senators who monopolize all the love for wounded soldiers, of course I cannot object to yielding to their desire for such a laudable object. I have an impression that others who do not agree with them as to the constitutionality or the expediency of emptying these offices so suddenly may also have some regard for this class of persons. I may be in error in that respect, however; but I yield the guardianship of this class of people to those Senators who are so eminently qualified by their love of this class to provide for them. Therefore I withdraw the objection.

The PRESIDING OFFICER. Objection is withdrawn. The Senator from Arkansas proposes to modify his amendment.

Mr. DORSEY. I modify it so as to make it read "honorably discharged wounded or disabled Union soldiers."

Mr. SPENCER. And strike out "preferred" and insert "appointed."

Mr. DORSEY. Yes, sir.

Mr. SARGENT. And insert after "appointed" the word "forthwith." [Laughter.]

The PRESIDING OFFICER. Is there objection to this modification?

Mr. EATON. I object. Let us have a vote on the amendment as it was.

Mr. SPENCER. I rise to a point of order. I think it is too late to object.

Mr. EATON. Whether I am too late or not, I was answering the request of the Chair. The Chair asked if there was objection. I do not think the Chair will override himself.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. MATTHEWS. I ask to have it reported as it now stands.

The Chief Clerk read as follows:

That on the 1st day of January, 1879, the term of office of all pension agents shall expire, and thereafter honorably discharged wounded or disabled Union soldiers or the widows or daughters of such soldiers shall be appointed to said office.

Mr. EATON. Those were the very words to which I objected "wounded and disabled" and "appointed."

Mr. TELLER. I asked for the modification to strike out "preferred" and insert "appointed." I understand that is not in.

Mr. McDONALD. I should like to inquire if "honorably discharged" and "wounded" soldiers will not cover all cases?

The PRESIDING OFFICER. Does the Senator from Connecticut withdraw his objection?

Mr. EATON. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn and the amendment of the Senator from Arkansas is modified as last read. The question is on the amendment as modified, upon which the yeas and nays have been ordered.

Mr. ALLISON. Before the vote is taken I wish to call the attention of the Senator from California to the fact that the amendment, as now modified, if I comprehend it, simply postpones the House provision to the 1st of January and adds as a qualification the widows and daughters of wounded Union soldiers.

Mr. SARGENT. I should like to inquire why the Senator wishes to call my attention to it. [Laughter.]

Mr. ALLISON. I call the Senator's attention to it for the purpose of ascertaining if he would not assent to the modification now inasmuch as it obviates one of the great objections urged by him to the passage of the original provision; namely, that these offices were suddenly to be vacated without proper provision being made for their being filled by other persons.

Mr. SARGENT. Part of the objection I had to that was that I did not think Congress possessed constitutional power to empty offices in order that they shall be filled by a certain class. So believing I cannot assent to it. I have no parliamentary power to assent at any rate. I represent a committee which instructed me in a certain way; I have made my report, and I am simply standing by my report.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Arkansas to the amendment of the Committee on Appropriations.

The question being taken by yeas and nays, resulted—yeas 27, nays 22; as follows:

YEAS—27.

Allison,	Dawes,	Kirkwood,	Saunders,
Anthony,	Dorsey,	McMillan,	Spencer,
Blaine,	Edmunds,	Morrill,	Teller,
Burnside,	Ferry,	Oglesby,	Voorhees,
Butler,	Hereford,	Paddock,	Wadleigh,
Cameron of Wis.,	Howe,	Plumb,	Wallace.
Cockrell,	Ingalls,	Rollins,	

NAYS—22.

Bailey,	Eustis,	Kernan,	Merrimon,
Beck,	Garland,	Lamar,	Sargent,
Booth,	Harris,	McCreery,	Saulsbury,
Coke,	Hill,	McDonald,	Windom.
Davis of W. Va.,	Hoar,	Matthews,	
Eaton,	Jones of Florida,	Maxey,	

ABSENT—27.

Armstrong,	Conkling,	Johnston,	Randolph,
Barnum,	Conover,	Jones of Nevada,	Ransom,
Bayard,	Davis of Ill.,	Kellogg,	Sharon,
Bruce,	Dennis,	McPherson,	Thurman,
Cameron of Pa.,	Gordon,	Mitchell,	Whyte,
Chaffee,	Grover,	Morgan,	Withers.
Christiancy,	Hamlin,	Patterson,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations as amended.

Mr. SARGENT. What will be the effect of that? To substitute that which is now adopted for the provision of the House bill?

The PRESIDING OFFICER. That will be the effect.

Mr. SARGENT. I ask for the yeas and nays on that. I think the House bill comes more directly to the point, and I prefer the House bill to this amendment.

The PRESIDING OFFICER. On the question of agreeing to the amendment as amended, the yeas and nays are demanded.

Mr. DORSEY. Is not what we have just voted on a substitute for both the House section and the Senate committee's amendment? It is not an amendment to the committee's amendment.

The PRESIDING OFFICER. It was an amendment to the amendment reported by the committee.

Mr. DORSEY. It was a substitute for that.

The PRESIDING OFFICER. It is in the nature of an amendment. The Senate has not yet agreed to strike out the second section of the House bill.

Mr. INGALLS. A motion to strike out and insert is not divisible. This is a motion to strike out and insert. For the purpose of taking the question, the part to be stricken out may be amended, which was done, and the question now recurs under the rules on the motion to strike out the second section and insert the amendment offered by the Senator from Arkansas. It cannot be divided.

Mr. SARGENT. That is very true, but I want to move to amend.

The PRESIDING OFFICER. The motion now is to strike out the second section of the bill and insert the amendment of the committee as amended by the motion of the Senator from Arkansas.

Mr. SARGENT. I want to move to amend section 2 of the House bill before that vote is taken.

The PRESIDING OFFICER. That is in order.

Mr. SARGENT. After the word "agents," in line 2 of section 2, I move to insert "in case of vacancy;" so as to make the section read:

From and after July 1, 1878, the office of pension agent in case of vacancy shall be filled by wounded or disabled Union soldiers.

I think it is very much better that the offices should expire naturally instead of being emptied by Congress, unless it is proposed to abolish the offices and not to reinstate them. The amendment, which has been adopted by a small majority and on which the vote is to be taken now as a substitute for the House proposition, suddenly abolishes all over the country the means by which $30,000,000 are to be paid. I believe that in itself is bad policy. It ought to apply only to cases of vacancy. If it is held by a majority of the Senate constitutional to require the President to appoint only from a certain class, then it may be that thereafter upon these vacancies naturally occurring the appointments shall be so made. It is certainly very much better that the officers should drop out here and there, one next month, and one in the course of the remainder of the fiscal year, and so on, and perhaps the last in four or five years, going out gradually without a shock to the system, than that suddenly on the 1st of October or the 1st of January they shall all expire. Senators should remember that here is a very important financial agency where a very large amount of money is paid out. These pension agents pay out on the average nearly $2,000,000 apiece. They give bonds for a quarter of a million dollars. Now it is proposed on a certain day, a little in the future I admit by this amendment, to suddenly vacate all these offices and do it all at once all over the country. It seems to me that it is bound to induce confusion.

The objection to the House bill was that it did two months from now perform this office. The amendment does not much improve it in that particular by saying it shall be done on the 1st of January, because there can not be anything done in the way of preparation for it. These men must continue to discharge the functions up to the last day. Every quarter they have to pay out their proportion of nearly $2,000,000 apiece. There can be no preparation for it. If the names could be now sent in to the Senate it could be considered whether we should confirm them or not, or if it could be done in advance of the expiration of the time there might be some propriety in it; but, on the contrary, these men have got to be in the active discharge of their duties away up to December. The 4th day of next December they are to begin to pay out each of them their proportion of $2,000,000 apiece, and they are to be hurried up in this work, and on the 1st of January go out of office, their heads suddenly to be taken off.

That is not good legislation; and the sentiment which is sought to be wrought up here in order to catch the eye in a certain measure of this class of persons throughout the country, is not a sufficient excuse for this thing. I stand here to combat and contest against a sentiment of that kind being suddenly brought in to endanger the success of this great machine by which so much of this money is paid out. Why do you say it shall apply to pension agents only? Simply because they deal with pensioners? That is not a good reason. Postmasters deal with pensioners; all their millions of vouchers pass through the post-offices. Why not provide in the great post-office bill that the office of postmaster shall be filled only by wounded or disabled soldiers, or by soldiers? Why not make it apply to all the various offices throughout the country? Why this sudden spasm in favor of requiring pension agents when there are only eighteen of them to be appointed from soldiers? Is it said that eighteen is their share of the offices of the country? Is that the proposition? Is there such an amount of enthusiasm on behalf of those who put this provision into our legislation to be generated when not one in one hundred thousand of the soldiers can get an office? Why I tell you the sop you throw to this Cerberus is here too small entirely. It does not satisfy the dog at all. The ravenous animal will not be satisfied with simply throwing at his feet eighteen offices scattered throughout the country, and when you come to consider that many of these very pension offices are now already filled by wounded and disabled soldiers, the number which you apportion out to them is very much less.

No, sir; let there be a general law requiring this with regard to postmasters, and you have twenty thousand of them, that they shall be filled by wounded and disabled soldiers, and then really, if it be necessary to do so, you will recognize adequately the claims of this class of persons. But I do not believe in any claims of any class so far as this is concerned. I do believe in their claims to pensions, and I am desirous that the machinery by which they are paid shall not be rudely disturbed or suddenly brought to a stand-still. I do believe in honoring them, and so far as they are qualified for office in giving them office, either by election or appointment; but I do not believe, considering the constitutional obligations which we are under, and the purity of the administration of the laws of the United States, that any class of persons have a right to come forward and claim that they shall be named and separated out from all the other citizens of the United States from whom selections for office shall be made. That I believe to be un-American, to be contrary to the very principles of liberty which those persons fought for.

Now, I say that with the alteration which I propose, the section of the House bill is robbed of its most obnoxious feature, which is retained in the amendment now proposed, and that is that these offices shall suddenly cease on a particular day. If, instead of that, when vacancies occur, you require the offices to be filled by these men, there is no sudden shock to the financial system by which $30,000,000 are annually distributed.

Mr. EDMUNDS. If my friend is correct—and I am not at all sure that he is not—it might be well for him to insert in his amendment a provision striking out the words "July 1, 1878," and saying:

From the passage of this act in case of vacancy—

So that the clause will apply whenever vacancies fall in after this act is passed. That will cover the idea better, I suggest.

Mr. SARGENT. I accept the modification, so as to make the section read:

From and after the passage of this act, the office of pension agent, in case of vacancy shall be filled by wounded or disabled Union soldiers.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from California.

Mr. BECK. I desire to make a parliamentary inquiry. I made a motion—the first I believe that was made—to disagree to the amendment of the Senate committee and to strike out the second section of the bill as it came from the House. I do not want that overlooked.

The PRESIDING OFFICER. The motion suggested by the Senator from Kentucky is involved in the motion to amend.

Mr. BECK. Will the motion I made be in order after the section is perfected by amendments?

The PRESIDING OFFICER. It will be involved in the question of striking out. The question now is on the amendment proposed by the Senator from California to the second section of the House bill, which will be read.

The CHIEF CLERK. It is proposed to amend the section so as to make it read:

That from and after the passage of this act, in case of vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers.

Mr. DORSEY. The result of that will be, if adopted, that there will not be a vacancy in five years.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California to the second section.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Appropriations as amended.

Mr. McMILLAN. I offer the following amendment to section 2, after the word "soldiers," in the third line, insert:

Or the widows or daughters of such soldiers.

Mr. SARGENT. I think there will be no objection to that.

The amendment was agreed to.

Mr. HOAR. I rose before the question was put on the last amendment with a view of moving to strike out the word "such" and insert "Union" in the amendment proposed by the Senator from Minnesota. The Senator's amendment would limit the selection to the widows or daughters of wounded or disabled soldiers, and would exclude the widow of a soldier killed in battle.

Mr. McMILLAN. I accept the amendment.

Mr. HOAR. I want it to apply to the widow of any soldier.

Several SENATORS. That is right.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be modified as suggested by the Senator from Massachusetts, if there be no objection. The Chair hears no objection. The question now is on the amendment of the Committee on Appropriations as amended.

Mr. DORSEY. I do not understand that the committee has any amendment. The amendment of the committee was voted down some time ago.

Mr. SARGENT. It is only the form of stating it. The question is on the amendment of the Senator from Arkansas really.

The PRESIDING OFFICER. The question is on the motion to amend of the committee, which was amended by adopting the amendment proposed by the Senator from Arkansas. The pending question is therefore on the amendment proposed by the Committee on Appropriations as amended.

Mr. EDMUNDS. Let it be reported.

The CHIEF CLERK. The second section of the House bill, as amended, reads:

That from and after the passage of this act, in case of vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers or the widows or daughters of Union soldiers.

The amendment of the committee, as amended, is to insert in lieu of this matter the following words:

That on the 1st day of January, 1879, the terms of office of all pension agents shall expire, and thereafter honorably discharged wounded or disabled Union soldiers, or the widows or daughters of such soldiers, shall be appointed to said offices.

Mr. SARGENT. Now, the effect of the vote will be this, as I understand: an affirmative vote will put the proposition of the Senator from Arkansas in the bill in place of that which has been in the bill and a negative vote will leave the second section as it has been amended.

Mr. BAILEY. As I understand the section of the bill, it is intended to limit the power of appointment to persons who have been wounded or disabled while serving in the Union Army. I understand the amendment offered by the Senator from Arkansas as amended to enlarge that limitation so as to include all honorably discharged soldiers. ["No!" "No!"] Let it be read. As read by the Clerk, certainly it says all honorably discharged wounded or disabled soldiers. One who answers either description of having been honorably discharged or having been disabled may be appointed under the amendment as it reads. ["No!" "No!"] Let it be read. I am opposed to the legislation. I think it is unnecessary; I think it is unwise; but still, if we are to have the power of appointment limited to soldiers, I prefer it should be limited to those who have been wounded or disabled, and the amendment as it now stands does not limit it to wounded or disabled.

Mr. DORSEY. Let my amendment be reported.

The PRESIDING OFFICER. It will be again read.

The Chief Clerk read as follows:

That on the 1st day of January, 1879, the terms of office of all pension agents shall expire, and thereafter honorably discharged wounded or disabled Union soldiers, or the widows or daughters of such soldiers, shall be appointed to said offices.

Mr. HOAR. I desire the Senator from Arkansas to accept the word "Union" instead of "such."

Mr. EDMUNDS. That requires unanimous consent. That has been voted in.

Mr. HOAR. The amendment as it now stands would exclude from the selection the widow of a Union soldier killed in battle, because of course he is not a wounded or disabled Union soldier. I desire consent to substitute the word "Union" for "such" before "soldier."

The PRESIDING OFFICER. Is there objection to the modification proposed by the Senator from Massachusetts? The Chair hears no objection and the amendment is so modified. The question recurs on the amendment as amended, to strike out the second section of the bill and insert what has been read.

Mr. DORSEY. As I understand the text of the bill as amended, the only difference between that and the amendment which I have offered is that the text of the bill creates no vacancies at all but these places are to be filled by Union soldiers when a vacancy occurs, while my amendment creates on the 1st of next January a vacancy in all the pension agencies. That is the difference.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. DORSEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and at (five o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 6, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D. St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of Saturday last was read and approved.

BATTLE OF GETTYSBURGH.

Mr. WILLIAMS, of Michigan, by unanimous consent, presented the following memorial, signed by General W. S. Hancock, General H. G. Wright, General G. K. Warren, General H. W. Slocum, General A. Doubleday, General A. S. Webb, General C. K. Graham, General A. Shaler, General F. C. Barlow, and more than sixty other officers in the late war; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD:

To the members of the House of Representatives and Senate in Congress assembled:

GENTLEMEN: Your memorialists, formerly members of the Army and personally acquainted with the efforts of Mr. John B. Bachelder to collect and preserve the history of the battle of Gettysburgh, desire to testify to his wonderful success, and hereby affirm that in our opinion Mr. Bachelder has collected and now has more knowledge regarding that battle than any other man in America; and realizing the great loss to the country which its destruction or his death would bring (for the same information could never be collected by another) and the importance of immediate action in this case, your memorialists humbly pray that the recommendation of the Secretary of War and the Chief of Engineers "that Congress provide in some adequate manner for the publication of the data in question, as well as for additional copies of the maps," may receive your early and favorable consideration.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the morning hour, which begins at sixteen minutes past eleven o'clock. This being Monday, the first business during the morning hour is the call of States and Territories, commencing with the State of Maine, for bills and joint resolutions for introduction and reference to appropriate committees. During this call memorials and joint resolutions of State and territorial Legislatures are in order for reference.

Mr. SAMPSON. I ask unanimous consent that the call of States and Territories be continued until all the States and Territories have been called.

There was no objection, and it was so ordered.

MARGARET DOODY.

Mr. JONES, of New Hampshire, introduced a bill (H. R. No. 4705) for the relief of Margaret Doody, of Exeter, New Hampshire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. EDEN called for the reading of the bill; and it was read at length.

ATTORNEYS BEFORE THE DEPARTMENTS.

Mr. PHELPS introduced a bill (H. R. No. 4706) to provide for the protection of attorneys doing business before the Patent Office and other bureaus and Departments of the Government; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

Mr. EDEN called for the reading of the bill; and it was read at length.

ALBA F. SMITH.

Mr. WAIT introduced a bill (H. R. No. 4707) to extend for the term of seven years a patent, No. 34377, granted to Alba F. Smith; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

IMMIGRATION.

Mr. EICKHOFF introduced a bill (H. R. No. 4708) to regulate immigration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. HALE called for the reading of the bill; and it was read at length.

DUTIES ON IMPORTS.

Mr. WILLIS, of New York, introduced a bill (H. R. No. 4709) to explain the Revised Statutes of the United States in respect to duties on imported merchandise; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HALE called for the reading of the bill; and it was read at length.

EMMA JANE FLEMING.

Mr. LOCKWOOD introduced a bill (H. R. No. 4710) granting a pension to Mrs. Emma Jane Fleming; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. HUMMEL.

Mr. LOCKWOOD also introduced a bill (H. R. No. 4711) granting a pension to F. Hummel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. BAKER.

Mr. LOCKWOOD also introduced a bill (H. R. No. 4712) granting a pension to John D. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLUMBIA COLLEGE, DISTRICT OF COLUMBIA.

Mr. COX, of New York, introduced a bill (H. R. No. 4713) supplemental to the act of February 9, 1821, incorporating Columbia College, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MICHAEL CONNELLY.

Mr. WARD introduced a bill (H. R. No. 4714) for the relief of Michael Connelly, of Chester, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. EDEN called for the reading of the bill; and it was read at length.

CORNELIUS ACKER.

Mr. BRIDGES introduced a bill (H. R. No. 4715) granting an increase of pension to Cornelius Acker, Company B, Forty-seventh Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF BILL.

Mr. THOMPSON introduced a joint resolution (H. R. No. 175) in relation to the Wood tariff bill; which was read a first and second time.

Mr. THOMPSON. I move to refer this resolution to the Committee on Appropriations.

Mr. EDEN. I move to amend so as to refer it to the Committee of Ways and Means.

The SPEAKER. The Committee on Appropriations under the rule has nothing to do with this subject.

Mr. THOMPSON. This does not affect the revenues of the Government, but is an expression of opinion in regard to a measure which has already been considered by the Committee of Ways and Means. It seems to me entirely out of place to refer the resolution to a committee that has already acted upon the measure to which the resolution relates. I desire its reference to the Committee on Appropriations.

Mr. LAPHAM. I ask that the resolution be read.

The Clerk read as follows:

Be it resolved by the House of Representatives, (the Senate concurring,) That all propositions to change or in any way modify our tariff laws are injurious and detrimental to the general welfare of the people; that inasmuch as the bill known as the "Wood tariff bill" is intended to radically change existing laws relating to import duties and thereby unsettle business and reduce revenue at a time when the finances will not bear diminution without serious detriment to the public service; therefore, it is unwise to waste time on the discussion on said tariff bill at present.

Mr. WOOD. This should undoubtedly go to the Committee of Ways and Means.

The SPEAKER. The Chair will cause Rule 77 to be read.

Mr. PAGE. Would it be in order to move to refer the resolution to the Committee of the Whole on the state of the Union?

The SPEAKER. It would be; that is where the bill to which the resolution refers now is.

Mr. PAGE. I make that motion.

The SPEAKER. That motion will be the first in order. The Clerk will read Rule 77.

The Clerk read as follows:

77. It shall also be the duty of the Committee on Appropriations, within thirty days after their appointment, at every session of Congress commencing on the first Monday of December, to report the general appropriation bills for legislative, executive, and judicial expenses; for sundry civil expenses; for consular and diplomatic expenses; for the Army; for the Navy; for the expenses of the Indian Department; for the payment of invalid and other pensions; for the support of the Military Academy; for fortifications; for the service of the Post-Office Department; and for mail transportation by ocean steamers; or, in failure thereof, the reasons of such failure. And said committee shall have leave to report said bills (for reference only) at any time. In all cases where appropriations cannot be made specific in amount, the maximum to be expended shall be stated, and each appropriation bill, when reported from the committee, shall, in the concluding clause, state the sum total of all the items contained in said bill.

The SPEAKER. The Chair, on examining this resolution, finds that it is not a joint but a concurrent resolution, and is not even in order under this call.

Mr. THOMPSON. It is a joint resolution.

The SPEAKER. It is a concurrent resolution; the resolving clause is not in the proper form for a joint resolution.

Mr. THOMPSON. It is simply a joint resolution—nothing else.

The SPEAKER. The form of the resolution is that of a concurrent resolution; the title "joint resolution" does not make it such.

Mr. WAIT. Can we not have the resolution read again, so that the House may understand what is before it?

The SPEAKER. The resolution is not in order.

Mr. THOMPSON. I modify the resolution so as to make it a joint resolution. Let the Clerk read it in the modified form.

The Clerk again read the resolution as modified by striking out "Be it resolved by the House of Representatives, (the Senate concurring,)" and inserting "Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

The SPEAKER. The motion of the gentleman from California [Mr. PAGE] to refer the resolution to the Committee of the Whole on the state of the Union is first in order.

Mr. EDEN. I rise to a point of order. During the call in the morning hour on Monday for the introduction of bills for reference to appropriate committees, is it in order to refer a proposition to the Committee of the Whole?

The SPEAKER. Under the rule it is. The rule prescribes when various propositions are made as to reference of bills or joint resolutions the order in which the question shall be put is, first, on the reference to the Committee of the Whole on the state of the Union; second, to the Committee of the Whole House; third, to a standing committee, and, fourth, to a select committee.

Mr. EDEN. Does that apply to the morning hour on Monday?

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

43. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee.

Mr. HUNTON demanded a division on the motion to refer to the Committee of the Whole on the state of the Union.

The House divided; and there were—ayes 108, noes 25.

Mr. BLAND demanded tellers.

Mr. ELAM. I ask that the joint resolution be again read.

The SPEAKER. It has been read twice.

Mr. ELAM. I ask it be again read, as there was so much confusion in the Hall we could not hear it.

Mr. DUNNELL. I object.

Tellers were not ordered.

So the joint resolution was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

PUBLIC LANDS, SCRANTON, PENNSYLVANIA.

Mr. COLLINS introduced a bill (H. R. No. 4716) to provide for the erection of a building at Scranton City, Pennsylvania, for the use and accommodation of the Government officers; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NORTHERN DISTRICT OF PENNSYLVANIA.

Mr. COLLINS also introduced a bill (H. R. No. 4717) to provide for a district and circuit court of the United States for the northern district of Pennsylvania; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIGIOUS TOLERATION ON INDIAN RESERVATIONS.

Mr. SCALES introduced a bill (H. R. No. 4718) giving to all religious denominations equal rights and privileges on the Indian reservations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NEILAS & CO.

Mr. SCALES also introduced a bill (H. R. No. 4719) for the relief of Neilas & Co., distillers in Greensborough, North Carolina, providing for the refunding of certain moneys deposited with the collector by order of the Government, and which were wasted by him and never accounted for; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

TRANSPORTATION OF COTTON.

Mr. HARTRIDGE introduced a bill (H. R. No. 4720) to repeal a portion of section 4472 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CYRUS K. OSGOOD.

Mr. HARTRIDGE also introduced a bill (H. R. No. 4721) for the relief of the legal representatives and sureties of Cyrus K. Osgood, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REUBEN FLETCHER.

Mr. FELTON introduced a bill (H. R. No. 4722) to place the name of Reuben Fletcher, of Catoosa County, Georgia, upon the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed

THOMAS J. WHARTON.

Mr. HOOKER introduced a bill (H. R. No. 4723) for the relief of Thomas J. Wharton, of Jackson, Mississippi; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DR. MICHAEL M. STIMMEL.

Mr. RICE, of Ohio, introduced a bill (H. R. No. 4724) granting a pension to Dr. Michael M. Stimmel, surgeon Twenty-sixth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTAGIOUS DISEASES AMONG FARM STOCK.

Mr. JONES, of Ohio, introduced a bill (H. R. No. 4725) to prevent the importation and spread of contagious diseases among farm-stock, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

FRANK LOGSDON.

Mr. JONES, of Ohio, also introduced a bill (H. R. No. 4726) granting a pension to Frank Logsdon, late a private in Company K, Forty-third Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIBRARY OF SURGEON-GENERAL'S OFFICE.

Mr. SAYLER introduced a bill (H. R. No. 4727) authorizing the printing, binding, and stereotyping of an index catalogue of the library of the Surgeon-General's Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

NANCY BUSH.

Mr. MONROE introduced a bill (H. R. No. 4728) granting a pension to Nancy Bush, widow of Jeremiah Bush, late a private of Company I, Sixteenth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CAPITAL INSURANCE COMPANY.

Mr. FINLEY (by request) introduced a bill (H. R. No. 4729) appointing Lucian W. Sperry trustee of the National Capital Insurance Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NEW JUDICIAL DISTRICT IN OHIO.

Mr. EWING introduced a bill (H. R. No. 4730) to create a new judicial district in the State of Ohio and to provide for holding district and circuit courts of the United States therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M. J. GENTRY.

Mr. RIDDLE introduced a bill (H. R. No. 4731) granting a pension to M. J. Gentry, late of Company B, First Tennessee Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. CUBBERLY.

Mr. EVANS, of Indiana, introduced a bill (H. R. No. 4732) for the relief of William B. Cubberly, of Lagro, Indiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JACOB ROOT.

Mr. BRENTANO introduced a bill (H. R. No. 4733) for the relief of Jacob Root, of Chicago, Illinois; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHAPTER 15 OF REVISED STATUTES.

Mr. BRENTANO also introduced a bill (H. R. No. 4734) to amend chapter 15 of the Revised Statutes of the United States relating to the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ALBANY MATMILLER.

Mr. BURCHARD introduced a bill (H. R. No. 4735) granting a pension to Albany Matmiller of Company G, Seventy-fourth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA A. SLAUGHTER.

Mr. BURCHARD also introduced a bill (H. R. No. 4736) granting a pension to Rebecca A. Slaughter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB B. KING.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 4737) for the relief of Jacob B. King, late lieutenant Company C, Eighty-first Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELIZABETH HALL.

Mr. HARTZELL introduced a bill (H. R. No. 4738) granting a pension to Mrs. Elizabeth Hall, widow of John Hall, late a private of Company I, Forty-ninth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF STATES FOR SWAMP LANDS.

Mr. FORT introduced a bill (H. R. No. 4739) to authorize the Commissioner of the General Land Office to adjust and settle the claim of the State of Illinois and other States for indemnity for swamp lands sold by the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ELIZA DUNCAN.

Mr. CRITTENDEN introduced a bill (H. R. No. 4740) granting a pension to Eliza Duncan, of Johnson County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARKER KEMP.

Mr. GLOVER introduced a bill (H. R. No. 4741) granting a pension to Parker Kemp, of Palmyra, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. WHITE.

Mr. DAVIDSON introduced a bill (H. R. No. 4742) to remove the political disabilities of James L. White, of Marion County, Florida; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF CORPUS CHRISTI PASS, TEXAS.

Mr. SCHLEICHER introduced a bill (H. R. No. 4743) to provide for the improvement of Corpus Christi Pass, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF ARANSAS PASS.

Mr. SCHLEICHER also introduced a bill (H. R. No. 4744) to provide for the improvement of Aransas Pass, in Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AID TO A RAILROAD COMPANY.

Mr. SCHLEICHER also introduced a bill (H. R. No. 4745) to aid in the construction of the Corpus Christi, San Diego and Rio Grande Railroad Company; which was read a first and second time.

Mr. CONGER. Let that bill be read in full.

The bill was read in full, referred to the Committee on Railways and Canals, and ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. BURDICK introduced a bill (H. R. No. 4746) to amend section 3282 of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HENRY S. MORGAN.

Mr. DEERING introduced a bill (H. R. No. 4747) granting a pension to Henry S. Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE LEWIS.

Mr. SAMPSON introduced a bill (H. R. No. 4748) granting a pension to Catherine Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF COAL IN THE DISTRICT OF COLUMBIA.

Mr. OLIVER introduced a bill (H. R. No. 4749) to regulate the sale of coal by retail dealers in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CALVIN T. SPEER.

Mr. WILLIAMS, of Wisconsin, (by request,) introduced a bill (H. R. No. 4750) to authorize the restoration of Calvin T. Speer to the rank of second lieutenant in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF FISH.

Mr. WILLIAMS, of Wisconsin, also presented a memorial of the Legislature of the State of Wisconsin, praying for the better protection of fish; which was referred to the Committee on Commerce.

AMENDMENT OF THE PATENT LAWS.

Mr. WILLIAMS, of Wisconsin, also presented a memorial of the Legislature of the State of Wisconsin, relative to the amending of the patent laws; which was referred to the Committee on Patents.

REFUNDING THE NATIONAL DEBT.

Mr. WILLIAMS, of Wisconsin, also presented a memorial of the Legislature of the State of Wisconsin, relative to the promoting of deposits of savings and refunding the national debt; which was referred to the Committee of Ways and Means.

TARIFF UPON WOOL AND LUMBER.

Mr. WILLIAMS, of Wisconsin, also presented a memorial of the Legislature of the State of Wisconsin, remonstrating against the reduction of the tariff upon wool and lumber; which was referred to the Committee of Ways and Means.

RESURVEY OF SAN PUEBLO AND SUISUN BAYS.

Mr. DAVIS, of California, presented a memorial of the Legislature of the State of California, praying for a resurvey of San Pueblo and Suisun Bays; which was referred to the Committee on Appropriations.

FISH RESERVATION, M'CLOUD RIVER.

Mr. WIGGINTON introduced a bill (H. R. No. 4751) to extend the area of the United States fish reservation on the McCloud River, in the State of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. STRAIT introduced a bill (H. R. No. 4752) donating condemned cannon to Weiser Post, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEAD LAW.

Mr. PHILLIPS introduced a bill (H. R. No. 4753) to enable soldiers of the late war to pre-empt or homestead sufficient land to make their homestead equal one hundred and sixty acres; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

GEORGE W. TETER.

Mr. WILSON introduced a bill (H. R. No. 4754) granting a pension to George W. Teter, of Company D, Tenth Regiment West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FISHER.

Mr. WILSON also introduced a bill (H. R. No. 4755) granting a pension to John Fisher, guardian of the minor heirs of William Dakin, deceased, late private in Company G, Sixth Regiment West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURVEYOR-GENERAL OF DAKOTA.

Mr. KIDDER introduced a bill (H. R. No. 4756) fixing the salary of the surveyor-general of Dakota; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE W. MOORE.

Mr. CORLETT introduced a bill (H. R. No. 4757) for the relief of George W. Moore; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been concluded, the Chair will now recognize gentlemen who were not in their seats when their States were called, to introduce bills for reference.

J. P. WRIGHT.

Mr. TUCKER introduced a bill (H. R. No. 4758) for the relief of J. P. Wright, of Lynchburgh, Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOHN JACOB.

Mr. BRIDGES introduced a bill (H. R. No. 4759) granting a pension to John Jacob, father of Josiah N. Jacob, private in Company K, One hundred and forty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON, NORTH CAROLINA.

Mr. YEATES introduced a bill (H. R. No. 4760) to establish a marine hospital in Washington, North Carolina, and a bill (H. R. No. 4761) to create the town of Washington, in Beaufort County, North Carolina, a port of entry; which were severally read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES RUFFIN WOOD.

Mr. YEATES also introduced a bill (H. R. No. 4762) granting a pension to James Ruffin Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DENNIS SULLIVAN.

Mr. MORSE introduced a bill (H. R. No. 4763) granting a pension to Dennis Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADELINE A. TURNER.

Mr. MORSE also introduced a bill (H. R. No. 4764) granting a pension to Mrs. Adeline A. Turner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARK AZELIA.

Mr. MORSE also introduced a bill (H. R. No. 4765) granting an American register to the bark Azelia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SLOOP NELLIE G.

Mr. MORSE also introduced a bill (H. R. No. 4766) to change the name of the sloop Nellie G.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANK A. BEUTER.

Mr. JORGENSEN introduced a bill (H. R. No. 4767) for the relief of Frank A. Beuter, of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES C. LONG.

Mr. SEXTON introduced a bill (H. R. No. 4768) for the relief of James C. Long, of Vevay, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON NATIVE WINES.

Mr. MORRISON introduced a bill (H. R. No. 4769) to amend section 3246 of the Revised Statutes of the United States in relation to the tax on native wines; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

STEPHEN C. HERNDON.

Mr. BLAND introduced a bill (H. R. No. 4770) granting a pension to Stephen C. Herndon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVANUS KESSEE.

Mr. BLAND also introduced a bill (H. R. No. 4771) granting a pension to Sylvanus Kessee, of Ozark, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON TOBACCO AND CIGARS.

Mr. SHELLEY. At the request of the gentleman from North Carolina [Mr. ROBBINS] and the gentleman from Virginia [Mr. TUCKER] I introduce a bill relating to tax on tobacco, and move that the rules be suspended and the bill passed.

The SPEAKER. The gentleman from Alabama [Mr. SHELLEY] being entitled to the floor to move a suspension of the rules, at the request of the gentleman from North Carolina [Mr. ROBBINS] and the gentleman from Virginia, [Mr. TUCKER,] both interested in the bill, and not entitled to the floor for that purpose, now moves that the rules be suspended and that the House pass the bill, which will be read by the Clerk.

The bill was read, as follows:

Be it enacted, &c., That on and after the passage of this act there shall be levied and collected upon all snuff manufactured of tobacco, or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, and upon all chewing and smoking tobacco, fine-cut, cavendish, plug or twist, cut or granulated, of every description; on tobacco twisted by hand, or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened, and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of 16 cents per pound.

On cigars of all descriptions, which shall be manufactured and sold, or removed for consumption or use, made of tobacco or any substitute therefor, there shall be levied and collected a tax of $5 per thousand; on cigarettes weighing not more than three pounds and a half per thousand, $1.25 per thousand; on cigarettes weighing more than three pounds per thousand, $5 per thousand. And all laws and parts of laws inconsistent with this section shall be, and are hereby, repealed on and after the date herein aforesaid.

Mr. FORT. I ask the gentleman introducing this proposition whether he will not modify it so as to make the tax 20 cents?

The SPEAKER. Debate is not in order.

Mr. DANFORD. Has this bill had the consideration of any committee?

The SPEAKER. The Chair is unable to answer.

The question being taken,

The SPEAKER said: In the opinion of the Chair two-thirds have not voted in the affirmative.

Mr. KILLINGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COLE. I rise to a parliamentary inquiry. Is it proper to offer any amendment to this bill in its present shape?

The SPEAKER *pro tempore*, (Mr. MORSE.) A motion to suspend the rules is not amendable.

Mr. BANNING. Has this bill been agreed to by the Committee of Ways and Means?

Mr. ROBBINS. This is the same bill reported by that committee.

Mr. TUCKER. Precisely this provision is contained in a bill reported by the committee.

Mr. FOSTER. I object to debate.

The question was taken; and there were—yeas 120 nays 115, not voting 56; as follows:

YEAS—120.

Aiken,	Bright,	Clarke of Kentucky,	Culberson,
Atkins,	Brogden,	Clymer,	Davidson,
Banning,	Buckner,	Cobb,	Davis, Joseph J.
Bell,	Cabell,	Collins,	Dibrell,
Blackburn,	Caldwell, John W.	Cook,	Durham,
Bland,	Candler,	Cox, Samuel S.	Eden,
Blount,	Chalmers,	Cravens,	Eickhoff,
Boone,	Clark, Alvah A.	Crittenden,	Elam

Ellis,	Henry,	Muldrow,	Steele,
Evins, John H.	Herbert,	Muller,	Stenger,
Ewing,	Hewitt, G. W.	Patterson, T. M.	Swann,
Felton,	Hooker,	Rainey,	Throckmorton,
Finley,	House,	Rea,	Townshend, R. W.
Forney,	Hunton,	Reagan,	Tucker,
Franklin,	Ittner,	Reilly,	Turner,
Fuller,	Jones, James T.	Rice, Americus V.	Turney,
Garth,	Jorgensen,	Riddle,	Vance,
Gause,	Kimmel,	Robbins,	Waddell,
Gibson,	Knapp,	Robertson,	Walsh,
Giddings,	Knott,	Ross,	Whitthorne,
Glover,	Ligon,	Sayler,	Wigginton,
Gunter,	Lynde,	Scales,	Williams, A. S.
Harris, Henry R.	Manning,	Schleicher,	Williams, James
Harris, John T.	Martin,	Shelley,	Williams, Jere N.
Harrison,	Mayham,	Singleton,	Willis, Albert S.
Hart,	McKenzie,	Smalls,	Wilson,
Hartridge,	McMahon,	Smith, William E.	Wood,
Hartzell,	Metcalfe,	Southard,	Wright,
Hatcher,	Mills,	Sparks,	Yeates,
Henkle,	Morrison,	Springer,	Young.

NAYS—115.

Aldrich,	Covert,	Jones, John S.	Rice, William W.
Bacon,	Cox, Jacob D.	Joyce,	Robinson, G. D.
Baker, John H.	Cummings,	Keifer,	Ryan,
Baker, William H.	Cutler,	Keightley,	Sampson,
Banks,	Danford,	Kelley,	Sapp,
Bayne,	Davis, Horace	Ketcham,	Sexton,
Beebe,	Deering,	Killinger,	Shallenberger,
Benedict,	Dunnell,	Lapham,	Sinnickson,
Bicknell,	Dwight,	Lathrop,	Slemons,
Bisbee,	Eames,	Lindsey,	Stewart,
Blair,	Errett,	Maish,	Stone, Joseph C.
Boyd,	Evans, James L.	Marsh,	Strait,
Brentano,	Fort,	McCook,	Thompson,
Brewer,	Foster,	McGowan,	Thornburgh,
Bridges,	Frye,	McKinley	Tipton,
Briggs,	Garfield,	Mitchell,	Townsend, Amos
Browne,	Hale,	Monroe,	Townsend, M. I.
Bundy,	Hanna,	Morse,	Van Vorhes,
Burchard,	Harris, Benj. W.	Neal,	Wait,
Burdick,	Haskell,	Norcross,	Ward,
Butler,	Hazelton,	Oliver,	Warner,
Calkins,	Hendee,	O'Neill,	Watson,
Camp,	Henderson,	Overton,	Welch,
Campbell,	Hewitt, Abram S.	Page,	White, Michael D.
Cannon,	Hiscock,	Patterson, G. W.	Williams, C. G.
Caswell,	Humphrey,	Peddie,	Williams, Richard
Clark, Rush	Hungerford,	Phelps,	Willis, Benjamin A.
Cole,	Hunter,	Phillips,	Wren.
Conger,	Jones, Frank	Reed,	

NOT VOTING—56.

Acklen,	Denison,	Kenna,	Pugh,
Bagley,	Dickey,	Landers,	Quinn,
Ballou,	Douglas,	Lockwood,	Randolph,
Bliss,	Ellsworth,	Loring,	Roberts,
Bouck,	Evans, I. Newton	Luttrell,	Robinson, M. S.
Bragg,	Freeman,	Mackey,	Smith, A. Herr
Cain,	Gardner,	Money,	Starin,
Caldwell, W. P.	Goode,	Morgan,	Stephens,
Carlisle,	Hamilton,	Pollard,	Stone, John W.
Chittenden,	Hardenbergh,	Potter,	Voorhees,
Claflin,	Harmer,	Pound,	Walker,
Clark of Missouri,	Hayes,	Powers,	White, Harry
Crapo,	Hubbell,	Price,	Williams, Andrew
Dean,	James,	Pridemore,	Willits.

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was not agreed to.

During the roll-call the following announcements were made:

Mr. CLARK, of Missouri. I am paired with the gentleman from Pennsylvania, Mr. WHITE. If he were here, I should vote "ay."

Mr. CALDWELL, of Tennessee. I am paired with the gentleman from Pennsylvania, Mr. FREEMAN, who is absent on account of severe illness. If he were here, I should vote "no." I do not know how he would vote.

Mr. MARTIN. My colleague, Mr. KENNA, is paired with the gentleman from Pennsylvania, Mr. EVANS. Mr. KENNA, if present, would vote "ay."

Mr. ELLIS. My colleague, Mr. ACKLEN, is detained from the House by reason of illness.

Mr. GOODE. On this question I am paired with the gentleman from Massachusetts, Mr. LORING. If he were present, I should vote in the affirmative.

Mr. HAMILTON. I am paired with my colleague from Indiana, Mr. ROBINSON. If present, he would vote "no;" I should vote in the affirmative.

Mr. LOCKWOOD. I am paired with the gentleman from California, Mr. LUTTRELL. If he were present, he would vote in the affirmative and I should vote in the negative.

Mr. CARLISLE. I am paired with the gentleman from Maine, Mr. POWERS. If he were here, I should vote "ay."

Mr. BOUCK. Upon this question I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If he were present, he would vote "no" and I should vote "ay."

Mr. BRAGG. I am paired with my colleague, Mr. POUND, who is absent by leave of the House. If he were present, I should vote "ay."

Mr. TUCKER. My colleague, Mr. WALKER, is paired with the gentleman from Pennsylvania, Mr. SMITH. Mr. WALKER, if here, would vote "ay."

Mr. DOUGLAS. I am paired with the gentleman from Missouri, Mr. POLLARD. If he were present, I should vote "ay."

Mr. CHITTENDEN. I am paired with the gentleman from Georgia, Mr. STEPHENS. He would vote "ay" and I should vote "no."

Mr. PUGH. I am paired with the gentleman from New York, Mr. POTTER. If he were present, I should vote "no."

Mr. PAGE. My colleague, Mr. LUTTRELL, is paired with Mr. DENISON.

Mr. GARDNER. I am paired with my colleague, Mr. DICKEY, who is absent by leave of the House. If he were present, he would vote in the affirmative and I would vote in the negative.

Mr. GARFIELD. It seems to me, Mr. Speaker, there are two pairs announced for Mr. LUTTRELL.

Mr. BREWER. My colleague, Mr. HUBBELL, is paired with Mr. BLISS, of New York. If Mr. HUBBELL were present, he would vote in the negative.

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is absent from the House by reason of sickness. My colleague, Mr. WILLITS, is paired with Mr. HARDENBERGH. Mr. WILLITS, if present, would vote "no." I am paired with Mr. ROBERTS. If he were present, I would vote in the negative.

Mr. HAYES. I am paired with Mr. DEAN, of Massachusetts. If he were here, I would vote in the negative.

Mr. LANDERS. I withdraw my vote in the negative, as on this question I am paired with Mr. PRIDEMORE. If he were present, I would vote in the negative and he would vote in the affirmative.

Mr. O'NEILL. My colleague, Mr. SMITH, is paired with Mr. WALKER. If Mr. SMITH were present, he would vote in the negative. My colleague, Mr. HARMER, who is temporarily absent, would, if present, vote in the negative.

Mr. COLE. My colleague, Mr. MORGAN, is paired with Mr. JAMES on all political questions.

Mr. EVANS, of Pennsylvania. I withdraw my vote in the negative, as I am paired with Mr. KENNA.

The vote was then announced as above recorded.

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. SCALES. At the request of the gentleman from Kentucky, [Mr. BLACKBURN,] I move to suspend the rules and take from the Public Calendar for consideration in the House, as in the Committee of the Whole, House bill No. 3259, entitled "A bill providing a permanent form of government for the District of Columbia."

Mr. CLARK, of Iowa. I demand a division.

Mr. SPRINGER. Is consideration to be limited to one hour.

The SPEAKER. It is not limited at all.

Mr. BLACKBURN. It is not intended to have much discussion upon the bill, but to proceed with its consideration section by section, and to pass it to-day.

The House divided; and there were—ayes 175, noes 1.

So (two-thirds voting in favor thereof) the motion was agreed to.

The SPEAKER. The gentleman from Maine [Mr. HALE] will take the chair, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House, as in Committee of the Whole on the state of the Union, under the order of the House, now proceeds to the consideration of a bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, and the bill will be read a first time for information.

Mr. HENDEE. I move, Mr. Speaker, to dispense with the first reading of the bill, in order that it may be taken up by sections for amendment.

Mr. CONGER. This bill has been revised and reprinted and amended and is not, so far as I can discover, yet upon the desks of members. As it is to be read by sections for amendment I do not believe I will object to dispense with its first reading for information.

Mr. HENDEE's motion was agreed to; and the first reading of the bill for information was dispensed with.

Mr. HENDEE. I now ask that it be read by sections for amendment under the five-minute rule.

There was no objection, and it was ordered accordingly.

The Clerk read the first section of the bill, as follows:

That all that portion of the territory of the United States which was ceded by the State of Maryland for the permanent seat of the Federal Government shall continue to be designated as the District of Columbia. Said District, and property and persons that may be therein, shall be subject to the following provisions as and for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act.

Mr. HENDEE. I desire to state, Mr. Speaker, that the committee are not disposed to prevent gentlemen debating the bill, especially those who are opposed to it, but we ask it be done generally under the five-minute rule as the House has ordered. We are not disposed to prevent any gentleman from offering any amendments he sees fit. We desire the amendments will be offered as the bill is read, and when read through I give notice I will then move the previous question on the bill and amendments, hoping to dispose of the whole discussion before the session of to-day closes.

The Clerk read the second section, as follows:

SEC. 2. That on the third Monday in the month of June, in the year 1878, there shall be elected or appointed, in the manner hereinafter directed, three persons to be commissioners of the District of Columbia, who shall exercise all the powers and authority now vested in the commissioners of said District except as hereinafter limited; shall be subject to all the restrictions and limitations which are now imposed upon said commissioners. One of the said commissioners shall be an officer of the Engineer Corps of the Army, whose lineal rank shall be above that of captain and shall be detailed by the President for the term of three years, and until

his successor shall be appointed and qualified: *Provided*, That the officer so detailed shall not be assigned to any other duty and that he shall receive no further compensation than his regular pay as an officer of the Army. The second of the said commissioners shall be elected by the House of Representatives, by ballot, for the term of three years, and until his successor shall be elected and qualified; and the third of said commissioners shall be elected by the Senate, by ballot, for the term of three years and until his successor is elected and qualified; and at the end of the several terms of each of the commissioners their successors shall be elected or appointed in the same manner for the term of three years, respectively, and until their successors are elected or appointed and qualified; the said election or appointment to be made on the third Monday in the month of February in which the term of such commissioners shall expire: *Provided*, That at the first election of commissioners by the Senate and House of Representatives, as above provided, the terms of said commissioners so elected shall expire one, one year from the date of said election and the other two years from the date of said election, the same to be determined by lot. Their successors shall be elected in the manner and for the term above prescribed. The two persons elected as commissioners by the House of Representatives and the Senate shall at the time of their election be citizens of the United States, and shall have been actual residents of the District of Columbia for ten years previous to their election and who have during that period claimed no residence elsewhere, and shall each own property in his own right in said District, the assessed value of which shall be at least $5,000; and if the place of any commissioner shall become vacant from any cause or he shall neglect for twenty days to take the oath of office if he be elected by the Senate or House of Representatives, his place shall be filled forthwith, for the balance of his term, in the same manner as the person whose place is to be filled was elected or appointed; but if the person whose place so becomes vacant shall have been elected by the Senate or House of Representatives, and such vacancy shall occur not in session of Congress, then the said vacancy shall be filled by the appointment of the President, until the Senate or House of Representatives, as the case may be, shall elect a person to fill the said office for the balance of the term thereof. One of the said commissioners shall be chosen president of the board of commissioners at the first meeting thereof and annually thereafter.

The SPEAKER *pro tempore*. The Committee for the District of Columbia report the following amendment to that section:

In lines 40, 41, and 42 strike out the words "and shall each own property in his own right in said District, the assessed value of which shall be at least $5,000."

Mr. HENDEE. That is the amendment offered by the committee.

The amendment was agreed to.

Mr. FORT. I move in lines 10 and 11 to strike out the words, "whose lineal rank shall be above that of captain;" so it will read:

One of the said commissioners shall be one of the Engineer Corps of the Army, and shall be detailed by the President, &c.

Mr. COX, of Ohio. With the permission of the gentleman from Illinois, [Mr. FORT,] I desire to offer an amendment, bearing directly upon the question of the appointment or election of the commissioners. It may be offered now or after the amendment of the gentleman from Illinois, to perfect the section, is disposed of, as the gentleman sees fit.

Mr. GARFIELD. I would suggest to the gentleman from Illinois that if the amendment of the gentleman from Ohio [Mr. COX] should prevail, his would be unnecessary.

Mr. FORT. Very well. I withdraw my amendment for the present. If that of the gentleman from Ohio should fail I can then offer mine again.

Mr. COX, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 2 strike out all between lines 9 and 28, as follows:

One of the said commissioners shall be an officer of the Engineer Corps of the Army, whose lineal rank shall be above that of captain, and shall be detailed by the President for the term of three years, and until his successor shall be appointed and qualified: *Provided*, That the officer so detailed shall not be assigned to any other duty, and that he shall receive no further compensation than his regular pay as an officer of the Army. The second of the said commissioners shall be elected by the House of Representatives, by ballot, for the term of three years, and until his successor shall be elected and qualified; and the third of the said commissioners shall be elected by the Senate, by ballot, for the term of three years, and until his successor is elected and qualified; and at the end of the several terms of each of the commissioners their successors shall be elected or appointed, in the same manner, for the term of three years respectively, and until their successors are elected or appointed and qualified; the said election or appointment to be made on the third Monday, in the month of February, in which the term of such commissioners shall expire:

And insert in lieu thereof the following:

The said commissioners shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their office for the term of three years.

Mr. COX, of Ohio. I only desire to call the attention of the House to the issue here offered. It is that of the election of these officers by the Houses of Congress or their appointment by the President under his constitutional right and power.

Mr. BLACKBURN. I trust the amendment of the gentleman from Ohio will not be adopted by the House. His assumption of a constitutional power on the part of the President to make these appointments I thought had been so sufficiently answered the other day by the gentleman from Georgia [Mr. HARTRIDGE] that it would scarcely again be asserted here as a fact existing.

The amendment offered by the gentleman from Ohio proposes to leave the power of selecting the commissioners for the District of Columbia in the hands of the President, where it is now lodged. The bill, as reported by the committee, proposes that each House of Congress shall select one of three commissioners, and the President under certain limitations as to rank shall from the Engineer Corps of the Army appoint a third. I trust the bill will be left as it is, and that the amendment of the gentleman from Ohio will be voted down.

Mr. TOWNSHEND, of Illinois. I desire to offer as a substitute for the amendment of the gentleman from Ohio what I send to the desk.

The Clerk read as follows:

Strike out all between lines 9 and 33, as follows:

One of the said commissioners shall be an officer of the Engineer Corps of the Army, whose lineal rank shall be above that of captain, and shall be detailed by the President for the term of three years, and until his successor shall be appointed and qualified: *Provided*, That the officer so detailed shall not be assigned to any other duty, and that he shall receive no further compensation than his regular pay as an officer of the Army. The second of the said commissioners shall be elected by the House of Representatives, by ballot, for the term of three years, and until his successor shall be elected and qualified; and the third of the said commissioners shall be elected by the Senate, by ballot, for the term of three years, and until his successor is elected and qualified; and at the end of the several terms of each of the commissioners, their successors shall be elected or appointed, in the same manner, for the term of three years respectively, and until their successors are elected or appointed and qualified; the said election or appointment to be made on the third Monday in the month of February, in which the term of such commissioners shall expire: *Provided*, That at the first election of commissioners by the Senate and House of Representatives, as above provided, the terms of said commissioners so elected shall expire one, one year from the date of said election, and the other two years from the date of said election. The same to be determined by lot.

And insert in lieu thereof the following:

The three commissioners shall be chosen by the Senate and House of Representatives in joint session, by a majority of votes of members of the Senate and House of Representatives present; and in selecting said commissioners each member of the Senate and House may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same or equal parts thereof among the candidates as he shall see fit, and the candidates highest in votes shall be declared elected.

Mr. TOWNSHEND, of Illinois. I wish to say this in behalf of the amendment I have offered. It simply applies the minority rule of representation as it is now in force in Illinois to the choice of commissioners for the District of Columbia. I believe it would be more satisfactory to the country, as well as to the District, if this power of electing and choosing commissioners be lodged entirely in the two Houses of Congress; and if lodged in the two Houses of Congress it would certainly be more satisfactory to all parties that the minority as well as the majority composing those two Houses shall be represented in the board of commissioners.

The operation of the rule of minority representation would be this: the two Houses being assembled in joint convention, each member would have the privilege of distributing equally—where three commissioners are to be selected—his three votes among his choice for commissioners giving one vote to each; or he may select any two of them and divide his three votes between them, giving one and one-half vote to each, or he may concentrate all of his votes upon one candidate. In that way, whatever party happens to be in the minority in this House can be represented in the board of commissioners for the District of Columbia by one commissioner. That feature will take away any evil that may result from having a purely partisan board; for each party being represented there will watch the proceedings of the other, and make known all that may transpire.

I have offered this amendment after mature reflection. I believe it will in its operation be satisfactory to the people in this District. I trust, therefore, it will be adopted.

Mr. GARFIELD. I hope the gentleman from Kentucky [Mr. BLACKBURN] will not imperil the passage of this bill by what at the very best cannot be considered as a very important part of it—because the bill has very important features that ought to be considered—by insisting, as he does in this section, on a point about which there is doubtless the greatest possible difference of opinion as to its constitutionality.

Now, notwithstanding the reference to the speech of the gentleman from Georgia, I am perfectly clear in my judgment that we have no constitutional authority whatever to assume in this House to elect a commissioner for the District of Columbia or that the Senate can do it.

The Constitution is as clear as words can make it that all officers established by law are to be appointed by the President of the United States, except that by law the appointment of inferior officers may be vested in the courts of law or in the heads of Departments. These are the two categories of exception: one is the courts of law, which we are not, and the other the heads of the Departments, which we clearly are not.

Now, if any man can point out where we get the power to do that thing, and how we can get around that plain provision of the Constitution, he can do what I cannot by any means at present understand. If we can do this thing in regard to the District of Columbia we can do it in regard to all the nine Territories. We can elect the governors of the Territories here in the House, and if anybody thinks that would be wise if it were constitutional he has a strange view of the functions of a legislative body. It seems to me in the highest degree impolitic, even if it were constitutional, for us to be tossing the government of this District between the accidental situation of the majority in this House and the majority in the Senate, and to make this a kind of compound organization. It is clearly an executive power that is to be exercised in choosing the government of the District of Columbia, and I hope we shall not run into this question of interfering with the executive functions by doing or attempting to do this thing in this bill.

Now the proposition of the gentleman from Illinois, [Mr. TOWNSHEND,] I am bound to say with all due respect, is something that cannot be thought of for a moment. Who has ever before dreamed that a Senator should be made equal to a Representative, and only equal by casting a vote alongside of one of us, and making the two Senators from the State of New York, for example, only just equal to one-

fifteenth of the delegation from New York? Sir, there exists no such thing as a joint ballot by both Houses of Congress. We do know that there is a joint ballot in the Legislatures of the States for the election of Senators and for some other purposes, but there is no possibility of any such thing under our Constitution and frame of Government as a joint ballot of the Senate and House of Representatives for any purpose known to the laws or Constitution. It seems to me, therefore, that the only easy and direct way is to leave the appointment of the commissioners of this District to one of two courses: either to election by the people, and let them choose their commissioners; that is one way, although I do not think it the best; the other way is to let the President appoint them, by and with the advice and consent of the Senate. It seems to me that if we take any third way we are entangling ourselves with dangerous and difficult questions.

Mr. TOWNSHEND, of Illinois. Do I understand the gentleman from Ohio to insist that because there is no law authorizing a joint session of the two Houses that therefore there is no authority in the Constitution for such joint session?

Mr. GARFIELD. Oh, I do not say that! I said that as a matter of fact there never had been such a law. I assert that under our Constitution the very frame-work of the Senate and of the House of Representatives makes it impossible that any law could put them on a plane of equality where their votes could be counted by the head for any purpose.

Mr. HARRIS, of Virginia. I desire to ask my friend from Ohio a question. He holds that there is no power to appoint these commissioners except by the Executive, where that power is confided by the Constitution. Now, if that be true, how can the two Houses of Congress, if they cannot elect the commissioners themselves, authorize the people to elect them, and thus take the power out of the hands of the President, and, on his theory, defeat the purposes of the Constitution?

Mr. GARFIELD. In reply to the gentleman, I will say that the supreme government of this District is vested in the General Government, and we by law can point out whether the President shall choose these commissioners or not. There is some doubt as to whether we can authorize the people to elect them. The question was raised when we had the old government of the District of Columbia whether we could delegate any powers to anybody else to legislate for this District. Mr. HOAR, who was then on the Committee for the District of Columbia, came to the conclusion that we had made a mistake and transcended our powers when we conferred upon any other body than Congress the power to legislate for the District. That line of reasoning seems to me to lead to the doctrine that we could not establish here anything like a legislative government in the District. If we could, if we could empty this Hall and the Senate Chamber altogether of the burdens of the duty of legislating for the District, I should be glad, for the District finds Congress a stepmother in all its work of legislation.

We are here trying to look over the whole country and legislate for it, and to have to legislate for a municipal government has always been a burden and a difficulty, and I would be glad if we could get rid of it fairly; but I see no way but to make these commissioners something like what the present commissioners are and leave the burdens of the District government to them.

Mr. BLACKBURN. I do not yet feel that it is necessary to enter into an elaborate argument as to the constitutional power of Congress to select commissioners for this District.

The District of Columbia is denominated a corporation; the very law that established the government for this District, which was succeeded by the present existing government, was entitled "A bill to establish a government for the corporation of the District of Columbia."

It is held, and I believe correctly, that the commissioners charged with the duties devolved upon those officers in this District are not strictly speaking Federal officers; but they are municipal officers; they are the executive officers charged with the duty of administering the municipal affairs of a corporation, so denominated in the very act creating them. And I am astonished that the gentleman from Ohio [Mr. GARFIELD] should have raised the question of the constitutional power of Congress in this connection. I find by referring to section 6 of article 1 of the Constitution of the United States the following provision:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Now the gentleman from Ohio, [Mr. GARFIELD,] I apprehend, found no difficulty in receiving and accepting an appointment, which I believe he holds to-day, as one of the Regents of the Smithsonian Institution. In the Forty-fourth Congress that gentleman found no difficulty in accepting at the hands of this very House the position of a member of the electoral commission. Was that any civil office? The gentleman retained his seat upon this floor and performed the functions and duties of a member of this House. He drew his pay as such member, and yet at that very time he was the recipient, the holder and the exerciser of the duties of an office that can be far more clearly demonstrated to have been a civil office than that of a commissioner for the District of Columbia, which is denominated by law to be a corporation and is made a municipality.

It is too late in the day for the line of constitutional power to be drawn so tightly against Congress as the gentleman endeavors to draw it. And if it is to be drawn, if it is to be applied, I insist that the gentleman from Ohio is not the proper person to make the application.

Mr. THOMPSON. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. THOMPSON. The gentleman says that the commissioners of the District of Columbia are the representatives of a corporation, and that because this District is a legal corporation, this House and the Senate have the legal right to nominate and elect their officers.

Mr. BLACKBURN. I would thank the gentleman from Pennsylvania [Mr. THOMPSON] if he would make his statement only, and not attribute it to me; I did not say any such thing.

Mr. THOMPSON. Then, what did you say?

Mr. BLACKBURN. I am sorry I have to repeat it; it is the fault of the gentleman, not mine.

Mr. THOMPSON. My question is, which I desire the gentleman to answer, whether the District of Columbia be a corporation or a municipality or whatever you choose to call it, I would like the gentleman to show where in the Constitution or above the Constitution he finds any authority or precedent for this mixed exercise of power in the nomination, appointment, or election of these commissioners. If the legislative body has the power to elect commissioners, this House one and the Senate another, under what clause of the Constitution is this mixed power of jurisdiction conferred? I would like to know. If Congress has the power to nominate and elect one or more of the commissioners, by what authority has the President power to appoint another? In other words, if the power is vested at all it is vested in some one spot, not traveling all over the different departments of the Government. The judiciary cannot nominate one, the executive another, and the legislative department another. If there is a power anywhere to nominate these officers it is localized, it has a habitation and a home, and does not travel all over the several departments of this Government.

Mr. BLACKBURN. Well, the gentleman from Pennsylvania [Mr. THOMPSON] has managed to make more of a speech than a question out of his interruption. I will say to him that if he will consult the eighth section of the first article of the Constitution, enumerating the powers of the Congress of the United States, he will find among those powers the following:

> To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

Now I hope I will be permitted to answer before I am obliged to yield for another question as long as that.

Mr. THOMPSON. I desire to ask——

Mr. BLACKBURN. Has my time expired?

The SPEAKER *pro tempore*. The five minutes of the gentleman have expired.

Mr. BLACKBURN. Then I only wish to say this to the House——

Mr. HUNTON. I will take the floor and yield my five minutes to the gentleman from Kentucky.

Mr. BLACKBURN. I thank the gentleman.

Does not the Senate of the United States elect your Public Printer? Why do you not hold that that is an invasion of the constitutional prerogative of the President of the United States? Did not the Forty-fourth Congress pass a bill appropriating money for the improvement of the city of Washington by paving Pennsylvania avenue; and in that very bill did not Congress designate by name the three men who should act as commissioners, and superintend this work and receive and disburse the money?

Mr. THOMPSON. If Congress has exclusive jurisdiction over the District for legislation, then what power has the President to appoint one of these commissioners? Where does his authority come from?

Mr. BLACKBURN. If the gentleman will ask a question and then stop to have it answered, I have no objection to being interrupted; but I do object to his asking a question and then proceeding to make a speech. I hold that the exclusive power for this purpose is lodged in the hands of this Congress. If the President of the United States has been clothed with power to make these appointments, regarding this District as a corporation, recognizing that the law fitly denominated it when it speaks of it as a municipality, then I hold that the President makes these appointments simply by virtue of a grant of power from the Congress of the United States, which grant the gentleman from Ohio, and not without a show of reason, suggested was of doubtful validity.

The President of the United States has no original power to appoint these commissioners. As to the authority of Congress to make these appointments of commissioners I cannot for my life see that there is a question. To raise that question is to doubt the right of the original grantor of a power to do a thing which its agent has hitherto been doing under its authority.

But I would like to submit to the consideration of the objectors on the other side this question: if it be granted, and it cannot be denied, for during more than four-fifths or nine-tenths of the political exist-

ence of the District of Columbia it has been so done—if it be granted under the long line of precedents that it is competent for Congress to authorize the people of the District of Columbia to select their commissioners or executive officers, I would inquire whether that was not an exercise of the same power and whether it did not require an exercise of the same power to authorize the President of the United States to do this instead of the voter? You may put this power where you please. I mean to take advanced ground on this question and assert that in my judgment it is perfectly competent for the Congress of the United States dealing with a corporation put completely at its disposal, over whose affairs it has general and exclusive legislative jurisdiction—it is perfectly competent for Congress to adopt the substitute offered by the gentleman from Illinois; it is perfectly competent for Congress to adopt the universal suffrage plan of government and authorize the voters of this District to select commissioners: it is perfectly competent for Congress to designate any particular individual and empower him to appoint these commissioners. It is a plenary power and an original power; and I assert that during more than seventy years of the history of this District the people never did select their commissioners except by a grant of the power from Congress and that the President of the United States never appointed a commissioner by reason of any original right but only because he was clothed with that power by grant from Congress.

Mr. THOMPSON. One further question, if the gentleman pleases. Assuming, as the gentleman claims, that the Congress of the United States has exclusive jurisdiction of this matter, and assuming (a power the doubtfulness of which has been intimated by the gentleman from Ohio) that Congress may transfer this authority to be exercised elsewhere, can this power be divided so as to authorize this House to elect one officer, the other branch of Congress to elect another, and the Executive to appoint another, thus not only transferring the power, but dividing it into three equal parts and committing its exercise to three independent and co-ordinate branches of the Government?

Mr. BLACKBURN. In answering the question, I simply desire to say that the most learned and certainly the most prominent of all the commentators upon the Federal Constitution has asserted that this is not a doubtful power. But if it should be, I say that this bill proposes to avoid the doubt by making no grant of such power either to the voter of the District or to the President of the United States; it provides for the exercise of the power by Congress itself, where it originally belongs under the provisions of the Constitution.

Mr. THOMPSON. It proposes to vest this power in each House separately, not in Congress.

The SPEAKER *pro tempore*. The House is proceeding by unanimous consent under the five-minute rule; and under that rule debate on the amendment is exhausted.

Mr. CONGER. I desire to propose an amendment perfecting the original section before the vote on the substitute shall be taken.

The SPEAKER *pro tempore*. In what form does the gentleman submit the amendment? There are now two amendments pending—the amendment offered by the gentleman from Ohio [Mr. COX] and a substitute offered by the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. CONGER. I propose to amend that portion of the section which is proposed to be stricken out by the gentleman from Ohio.

Mr. COX, of Ohio. The gentleman will permit me to remind him that a motion of that sort was offered by the gentleman from Illinois, [Mr. FORT,] and the suggestion was then made that inasmuch as my amendment went to the very essence of the matter as to the method of appointment the House should first act upon that amendment, leaving till a later stage propositions that would merely perfect the form.

The SPEAKER *pro tempore*. It was upon that understanding that the gentleman from Illinois withdrew the amendment, the Chair indicating that he would be recognized after the amendment of the gentleman from Ohio was disposed of.

Mr. CONGER. This is a different proposition, and embraces a matter not affected by that amendment. It affects in a different way the amendment of the gentleman from Ohio. I take it that it is in order to amend what is proposed to be stricken out before the vote is taken upon it. There cannot be any question about that.

The SPEAKER *pro tempore*. The gentleman will state his amendment.

Mr. CONGER. My amendment is to strike out all of section 2, after the word "army," in line 16, to and including the word "thereof," in line 55, and to insert:

> The second and third of the said commissioners shall be appointed by the President, by and with the advice and consent of the Senate, for a term of one and two years respectively; and at the expiration of such term each of said offices shall be filled by appointment, as aforesaid, for the term of three years respectively thereafter.

The SPEAKER *pro tempore*. The Chair would hold that the amendment of the gentleman from Michigan is not in order. It is neither an amendment to the original amendment offered by the gentleman from Ohio nor an amendment to the substitute offered by the gentleman from Illinois, but is an independent proposition, involving a larger portion of the bill than either the amendment or the substitute.

Mr. CONGER. The amendment of the gentleman from Ohio strikes out all I would strike out.

The SPEAKER *pro tempore*. The gentleman from Ohio strikes out all between certain lines. The gentleman from Michigan seeks to introduce another amendment to strike out those lines and other lines as well.

Mr. COX, of Ohio. I call the attention of the gentleman from Michigan to the fact that his amendment offers to strike out a great deal more than mine does, both before and after it. So if it be a question of perfecting the part stricken out, inasmuch as that I refer to is not included, my amendment according to his own point of order would come first.

Mr. CONGER. That is true. I understood his amendment to strike out more than mine.

Mr. COX, of Ohio. No, it strikes out less.

Mr. CONGER. My object was to test the sense of the committee or of the House in committee upon the proposition to leave the appointment of engineer as provided for in the bill and provide the other two commissioners should be appointed by the President for the term of one and two years in the first instance and after that for a term of three years. But I will wait, however, if it is not in order now.

Mr. TOWNSHEND, of Illinois. I desire to answer a portion of the remarks of the gentleman from Ohio, [Mr. GARFIELD.] He seemed to think the amendment offered by myself will operate awkwardly or contains a proposition not consistent with our theory of government and that the two Houses cannot consistently be brought together in joint convention for the purpose of appointing these commissioners, I am at a loss to discover wherein such an act of Congress would be inconsistent with the nature of the Government or inconsistent with any express or implied provision of the Constitution.

Mr. Speaker, one who perhaps knew more of the nature of this Government than any man who ever lived under it, one who had more to do with forming the Constitution and modeling the Government than any other person—I refer to Thomas Jefferson—once prepared, if I am not mistaken, a plan for electing the President and Vice-President by Congress in disputed cases, wherein he proposed to bring the two Houses together in joint convention and placed each Senator and Representative upon an equality, giving each but one vote in disposing of that question. If Jefferson considered that method practicable and consistent with the Constitution when selecting a President and Vice-President, why may we not, when acting under a provision of the Constitution which gives Congress exclusive jurisdiction or legislative control over affairs of the District of Columbia, adopt the same plan? I can see nothing in the objection made.

I wish to say one word further before this proposition is voted on. I do not believe it is consistent with the theory of our Government that in selecting a civil officer an officer of the United States Army shall be appointed to perform purely civil functions. I believe this a subversion of the principle upon which the Government itself rests, that military officers shall be clothed with purely civil powers, such as those of a commissioner of this District, whose duties are wholly foreign to those of military life and training. If a military officer can be detailed for this purpose he can be detailed to discharge the duty of any other civil position, and you may supersede every civil officer under the Government with details from the Army. But I do not wish to consume further time of the House. I rose merely to announce my inability to discover any reason why the proposition to bring the two Houses into joint convention for the purpose of selecting these commissioners is inconsistent with the theory of our Government or that such a plan would be unsatisfactory.

Mr. HANNA. I do not know under the pending amendments I can give expression to the views I desire in reference to this section. If I can do so by striking out the last word I will make that motion. My judgment is, from the consideration I have given this bill, to strike out from section 2 all after the word "commissioners," in line 9, down to and including the word "thereof," in line 55, page 4, and in lieu of what is there printed I would insert 'the President of the United States, by and with the advice and consent of the Senate, shall appoint, say, three commissioners, one of whom shall serve for a period of one year, and one for a period of two years, and one for a period of three years, and as vacancies occur the President shall appoint to fill such vacancy as in the first instance, each successor to be appointed for a period of three years."

Now, sir, without stopping to discuss the question of power I will address myself simply to the practicability in a bill of this sort providing a certain Army officer shall be detailed by the President, and when the President does that he has exercised all his functions in connection with this bill. I would dispense with that which provides this House shall elect one and the Senate another. I do not believe in any such "scuttle" arrangement. It seems to me in the first instance we had better leave this power where it naturally and properly belongs, either to the President of the United States, by and with the advice and consent of the Senate, or to the vote of the people.

This section still retains another odious provision, to wit, that when the House comes to select a man and the Senate a man the persons thus selected shall have been residents of this Territory for ten years.

Why that odious, anti-republican provision? I have been taught to believe that a man after a reasonable period of residence in any given locality was not only entitled to vote but also entitled to hold office; and I have no sympathy with anything that even squints at this anti-republican doctrine

I am glad to know that in this bill the property qualification has been stricken out. That is as it ought to be. But there is still here retained a provision that no man is competent to hold office unless he has been an actual resident of the District of Columbia for a period of ten years. Is this intended to make a place for some old settler, some old resident, some old fogy who has not kept pace with the progress of the times? I do not know. It is enough for my purpose to know that this provision is in the bill, and I do not subscribe to any such doctrine; it is anti-republican.

It seems to me in perfecting a bill of this sort we as Representatives of the people ought as near as may be to have a model republican form of government at the capital of the United States, and hence anything looking to property qualification, anything restricting even the President of the United States in the selection of officers, or, if you please, anything restricting Congress in the selection of officers, is so odious that it ought to be stricken out.

Why say in this bill that the President shall only detail such and such an officer of such and such a grade? Has it come to this, that no person outside of the regular Army is competent to be an engineer for the District of Columbia? Why fetter the hands of the President in this regard? Would it not be more in consonance with our democratic and with our republican feelings to give to the President at once the power to select three competent officers to fill these positions rather than say you may detail thus and so, or tie our own hands in the House by saying we will elect but we must only elect thus and so; we must only elect a person who has happened to live here for ten years, when perchance there may be men who have not been here so long who are better qualified, men of larger intelligence, men of larger experience, men of greater industry than those who have been here for ten years. I think we should coolly and dispassionately strip this bill of all these anti-republican and anti-democratic features and as near as may be give these people a model of a republican form of government. How can I as representing a republican constituency vote for a bill establishing a form of government for this District that is in its terms anti-republican? I will not do it. I cannot go to my people and say, "I voted for a District bill which provided a man should not hold an office unless he had lived in the District for ten years, and unless he had property—for a bill which tied the hands of the President by saying he should only detail a man from the regular Army as a commissioner and a man of the regular Army of a certain grade.

Why, sir, it is worse than nonsense to insert these features in the bill. We ought to strip the bill of these features and make it as perfect as we can; and then, as the best we can do in this session, I will be glad to vote for it. But do not, I pray you, gentlemen of the Committee for the District of Columbia, insist on members voting for a bill containing features which you in your own hearts must condemn.

Mr. BURCHARD. I do not see why the fourth section of this bill does not make these commissioners officers of the United States. They are required to take an oath as other officers are; they are required to give a bond as other officers of the United States are; they are to be paid out of the Treasury of the United States as other officers of the United States are; they are to perform executive duties, duties imposed upon them by this law; and why are they not officers of the United States for the District of Columbia, for the corporation, if you choose, of the District created by this law, just as much as the governor of a Territory is an officer of the United States?

The appointment of a commission by Congress, for instance, the silver commission, to ascertain certain facts, or the appointment of a person as a trustee or as one of the persons named to represent the corporation of the Smithsonian Institution, does not present a parallel case. These are persons who are required to perform duties that are executive duties. They have to execute the law; and why is not that provision of the Constitution referred to by the gentleman from Ohio, which requires the appointment of such officers to be vested in the United States, applicable to these commissioners as well as to other officers of the United States.

Mr. MAYHAM. It seems to me, Mr. Speaker, that the objection that is raised by the gentleman from Ohio, as to the constitutionality of this feature of the bill, is not well taken. To assume that it comes within the provision of the Constitution referred to by the gentleman from Ohio is to assume that these commissioners are purely United States officers. It seems to me that that is not true. These commissioners have to be provided for by an act of Congress; but when they are invested with the power and insignia of office they are no longer exclusively officers of the United States within the language of the Constitution. They are municipal officers. They are, as has been stated by the gentleman from Kentucky, officers of a corporation, not acting entirely as United States officers, but acting in part at least as municipal officers.

Now the language of the constitutional provision in enumerating the powers of the President is as follows:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Now here is an office of a municipality. These commissioners are officers of the District of Columbia, and they are officers of the cities of Washington and Georgetown; not only officers of a municipality, but officers of a corporation, because the very bill which creates these offices proclaims and declares that the District of Columbia is a corporation. It seems to me, therefore, that they are no more officers of the Federal Government or United States officers than any municipality officers elsewhere, except that they are to be created by a law of Congress.

Now, let us see further whether the President of the United States is vested with authority to make these appointments. It is a legislative act. It is an authority conferred and created by legislation, and the Constitution of the United States provides that Congress shall have exclusive power to legislate for the District of Columbia upon all subjects whatsoever. If it be a legislative authority, then Congress is within the line of its authority in legislating for the District of Columbia in naming these commissioners. But the gentleman from Indiana [Mr. HANNA] says that it is anti-democratic, that it is anti-republican, and he proposes to open the District of Columbia as a sort of experimental garden for the culture of democratic and republican forms of government. That would be all very well and I would favor it but for the obligation that rests upon Congress to legislate for the District of Columbia upon all matters whatsoever.

The theory of the gentleman from Indiana seems to be that the supreme authority shall be vested with the people; that the people shall appoint or elect their officers, and, having elected them, that their representatives shall legislate for them. That would be the theory of a republican and democratic form of government which would please me but for the constitutional objection which seems to me to be insuperable.

[Here the hammer fell.]

Mr. THOMPSON. There certainly are grave doubts in the minds of gentlemen here as to the powers that might be exercised in this particular. For my part I do not believe that Congress has power to appoint, elect, or suggest a single officer for this District, and the argument of the gentleman from New York destroys very much the force of the argument against this position. He says that these officers are only in a certain sense United States officers. I would like to know what officers they are. They are not officers of the District of Columbia, which has no powers, no rights, and no authority whatsoever, except as granted to it by the Congress of the United States. The Post-Office Department of the United States is subject to legislation by Congress exclusively, but no more exclusively than is the District of Columbia, and yet the argument of the gentleman from New York and of other gentlemen who take the same view, that because Congress has exclusive jurisdiction to legislate for the District of Columbia it has the right to appoint these officers, would lead to the result that Congress, which also has exclusively the right to legislate for the Post-Office Department, has the power to appoint postmasters and that the President has none.

If he has, it would be authority delegated by Congress to appoint officers of the District of Columbia and then to appoint postmasters and collectors and all the officers of the Government. No one will carry the argument that far, and yet that is the logical sequence from which no amount of rhetoric can relieve it.

Mr. MAYHAM. Does not the gentleman recognize a distinction between the authority of the commissioners of the District of Columbia and of postmasters, one being of a municipal character and the other relating to national affairs?

Mr. THOMPSON. I recognize a marked difference in the duties, none in the power that creates them. They are creatures of the same power, derive their life from the same instrument, and depend on the same Constitution. Their duties are different, but their origin is one and the same.

But that is not all. This is not merely a question of delegating an uncertain and disputed power, but it is an effort to do what the world has never before witnessed—to divide an uncertain power into three distinct departments, each independent of the other.

If Congress has the power to legislate for the District, what do you mean by Congress? This House? Or the Senate? Or both? Why both? And do you propose to divide the authority and say that one part of Congress—the House—shall legislate upon one part, and another part of Congress—the Senate—shall legislate upon another part, and that the Executive shall appoint the third? No absurdity was ever carried so far. No one ever heard of a division of the legislative power into three distinct parts—independent, absolute, and unconditional.

This House is a part only of the legislative power of the nation and cannot legislate independent of the other part; nor can the Senate, as a part of the legislative power, legislate in its own behalf and against the will of this House; nor can the Executive, a part also of the legislative power, legislate and appoint on his own behalf, independent of and in opposition to both Houses of Congress.

[Here the hammer fell.]

Mr. GARFIELD. I desire to occupy as little time in this discussion as possible, as I hope the debate will soon be closed, but I do wish to reply to some of the points which have been made. In the first speech which I made I stated that the Constitution has given plenary appointing power to the President with two exceptions which I stated: one made in favor of the courts and the other in favor of the heads of Departments.

Now I wish to speak for a moment upon the affirmative power given

to us as Congress and to ask gentlemen to say if they can find anything in that affirmative power out of which this power to appoint commissioners of the District can be obtained. The affirmative power given to us in regard to the District is this: "To exercise exclusive legislation over the District," and over navy-yards, and the like. That really is all we have everywhere in the United States, the power to exercise legislation; that is all the power that we have. And the word "exclusive" as applied to this District simply denies any other power than ours to legislate. The word "exclusive" drives away State power or any other power, and leaves all and only in us the power of legislation for this District.

And it is a remarkable fact that the power that is given us over this District is the power of legislation; not judicial power, not executive power, but the power of legislation; not elective power, but the power of legislation.

Now, gentlemen say that legislation can create corporations, municipal or personal or private. Yes, so it can; we can create a corporation. But will any lawyer here tell me that any legislative body on this earth ever created a corporation and in the same act that created it elected its officers? The creation of a corporation is one thing and the names of the corporators of course may be given in the act. But it is the universal law of corporations that the corporators meet and choose their own officers.

Now, we may create a municipal corporation for this District and embody all the citizens of proper age, and we may empower them to elect their officers; that certainly would be what we could do. But when we have created a municipal corporation, when we have laid down its boundaries, determined what officers it shall have, then the legislative work is done. Whenever it comes to the matter of appointing its officers that is executive work.

Mr. BLACKBURN. Will the gentleman allow me to ask him a question in that connection?

Mr. GARFIELD. Certainly.

Mr. BLACKBURN. Does the gentleman complain of the exercise of that power by Congress, which created a corporation and named the incorporators in the act and authorized the corporation to elect its officers from among those men named in the act? Is not that a limitation upon the right of election?

Mr. GARFIELD. There may be a limitation as to where the selection may be made. But this bill puts the power of selection absolutely here.

Mr. BLACKBURN. Is it not the same thing, provided Congress names the corporators and says to them you may elect your officers, but you shall elect none except from the list of names here given?

Mr. GARFIELD. I think it goes further than that. A single word more. My colleague [Mr. COX] the other day quoted from a very able and clear decision of the supreme court of Ohio on this point, where precisely this kind of case arose. The supreme court said that the legislative body could create an office, and it could say how the appointment to that office should be made; but it could not make the appointment. The Legislature may prescribe all of the conditions of the appointment, all of the limitations of the appointment, but it could not make it; that was executive power and not legislative power. Now, it seems to me——

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired, and the Chair recognizes the gentleman from Kentucky [Mr. KNOTT] as entitled to the floor.

Mr. GARFIELD. The gentleman will excuse me for half a minute. My friend from Kentucky [Mr. BLACKBURN] referred to the election of Public Printer by the Senate. Now, I am here to make a confession for my side of the House. For years the Public Printer was appointed by the President. When Andrew Johnson became President, and the republican party in the two Houses of Congress thought they were likely to lose the Public Printer, they did what I think they had no right to do. They repealed the law creating the office of Public Printer, to be appointed by the President, and provided that the Senate of the United States should make the appointment.

Now, I was before the Supreme Court of the United States in a case three years ago, in which I took occasion to denounce that act as unconstitutional. And in the last year of my service here as chairman of the Committee on Appropriations, as will be remembered, I so stated here. I reported a bill repealing that provision of the law, (I giving the reason here that it was unconstitutional,) and declaring that hereafter the President should appoint the Public Printer I am on record on that subject, and the gentleman can make no point on me.

Mr. BLACKBURN. With the utmost good humor, I would like to ask the gentleman whether, in view of the danger of losing another President, he would not be willing to re-enact that law? [Laughter.]

Mr. GARFIELD. Oh, no; not by any means. And in regard to the position of Regent of the Smithsonian Institution, to which the gentleman refers, that Institution is a private corporation, and the House is invited, merely as a matter of courtesy, to help that private corporation, organized for a public purpose, by assigning men to serve as its trustees or Regents. But a Regent of the Smithsonian Institution does not become a United States officer at all.

Mr. KNOTT. It occurs to me that the difficulty in the mind of the gentleman from Pennsylvania [Mr. THOMPSON] as to the constitutional power of the two Houses of Congress to appoint the commissioners as provided in this bill arises from a failure on his part to draw a very obvious distinction between officers of the United States necessary to the discharge of the functions pertaining to some one of its departments, and agencies or employments of a mere local or temporary concern; a distinction which was drawn with the utmost clearness by the supreme court of the gentleman's own State, in construing a clause in the constitution of Pennsylvania precisely analogous to the clause in the Federal Constitution involved in this discussion, and which, I believe, has never been questioned from that time to the present moment. If the gentleman will refer to 3 Sergeant & Rawle, 144, he will find the opinion of the court as delivered by Chief Justice Tighlman in the case to which I refer.

The question arose upon a section in the constitution of Pennsylvania which provided—

> That the governor shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for.

The chief-justice says:

> It has never been ascertained, nor is it easy to ascertain, to what offices this power of appointment extends. I speak of offices created by law since the making of the constitution.
>
> The word office is of very vague and indefinite import. Everything concerning the administration of justice or the general interests of society may be supposed to be within the meaning of the constitution, especially if fees or emoluments are annexed to the office.
>
> But there are matters of temporary and local concern which although comprehended in the term office have not been thought to be embraced by the constitution. And when offices of that kind have been created the Legislature has sometimes made the appointment in the law which created them—

Although it seems that my learned and distinguished friend from Ohio has failed to observe this—

> sometimes given the appointment to others than the governor, and sometimes given the power of removal to others although the appointment was left to the governor. The officers of whom I am speaking are often described in acts of Assembly by the name of commissioners—

Precisely as in the act under consideration—

> such, for instance, as are employed in the laying out of roads and canals and other works of a public nature. Yet all these perform a duty, or, in other words, exercise an office.

Again, if the gentleman will refer to the twelfth volume Opinions of the Attorneys-General, he will find that Mr. Stanberry, in construing the word "office," as used in the third section of the fourteenth amendment to the Constitution, takes the same distinction and holds that commissioners such as are contemplated by this bill are not embraced by that term and are therefore not within the purview of that amendment. He says:

> I cannot enumerate all the employments under State authority which in my opinion work no disfranchisement. I will name some by way of illustration, namely, boards of commissioners of public works, directors of State asylums, visitors of State universities, directors of State penitentiaries, State directors of banks or other corporations, special commissioners or agents appointed by the governor or other State authority to perform special duties as examiners of banks, notaries public, and commissioners to take acknowledgment of deeds.

Nor is this all. The act organizing the Territory of Florida authorized the people of that Territory to select the judges of their own inferior courts in such manner as the Legislature might direct, and jurisdiction of the tribunals thus created coming to be reviewed by the Supreme Court of the United States in case reported in 1 Peters—the style of which I cannot at this moment recall, and I have not the book before me—the constitutionality of the appointment of the court was not even questioned, but the competency of Congress to thus provide for their appointment clearly conceded.

Mr. THOMPSON. I would like to put to the gentleman an inquiry. Waiving the question whether Congress has the exclusive jurisdiction to elect officers for the District of Columbia or the President the unlimited power to appoint, does the gentleman know of any authority, under the ruling in the Pennsylvania case or any other that he ever saw or heard of, that would allow either of these jurisdictions to apportion or divide the power among a half dozen different authorities, acting either in hostility or in harmony?

Mr. KNOTT. The Constitution is perfectly clear upon that point. It simply confers upon Congress exclusive power of legislation over the District of Columbia, and I am endeavoring to show that in the exercise of that power it can make such provision as it may deem best for the appointment of these commissioners without infringing in the least the provision which confers upon the President the authority to appoint all officers of the United States. My argument is that these commissioners are not officers of the United States as contemplated by this provision, but simply local agencies of a corporation.

I desire now to say a word or two in regard to the position taken by my learned friend from Ohio, [Mr. GARFIELD.] I know that gentleman too well to suppose and I respect him too highly to intimate that he is willfully in error in regard to the proposition now pending. I take it for granted that he is sincerely of the opinion that he is right; but I desire to call the attention of the gentleman and of the House and of the country to the attitude which he himself occupies, provided he is correct in his present position. He assumes that there is a marked difference between the corporation to be formed by this bill and the Smithsonian Institution, but, sir, in principle there is not a particle. When the Congress assumed the administration of the Smithson legacy it took upon itself the execution of a public trust, which it seeks to perform through its Board of Regents, pre-

cisely as it would discharge a similar trust through these commissioners should the bill now pending become a law. One is a corporation and so is the other. If, therefore, a commissioner of the District of Columbia is an officer as contemplated by the Constitution so is a Regent of the Smithsonian Institution, and my friend who is a distinguished and useful member of that board occupies the singular position of holding an office under the United States while a member of this House, which is expressly interdicted by the Constitution.

But that is not all. Leaving the Smithsonian Institution entirely out of view, there was an act passed during the last Congress which will be memorable as long as this Government exists and long after it shall have been numbered among the things that were.

[Here the hammer fell.]

Mr. BANKS obtained the floor and yielded to Mr. KNOTT.

Mr. KNOTT. I refer to the electoral commission bill. Gentlemen will all remember that under the provisions of that bill a special tribunal was created and invested with the highest judicial functions; was called upon to try one of the most momentous issues ever submitted to a human tribunal. Moreover, the members of that tribunal were required by the terms of that act to take an oath prescribed therein; and they did so. The gentlemen chosen as members of that tribunal were called commissioners, as the officers named in this bill are designated; but if these commissioners of the District of Columbia are officers the members of that commission were officers, sworn officers discharging functions properly belonging to the judicial department of the Government. Yet this House and the other branch of the Federal Legislature each appointed five judges upon that tribunal, among whom none was more distinguished than the gentleman from Ohio. Now will he say that that act was unconstitutional and that he was found filling another office while occupying a seat on this floor?

Mr. GARFIELD. The gentleman will allow me to make a suggestion to him. The theory of the electoral commission, though I did not vote for the bill, was that Congress had the power to count the votes.

Mr. KNOTT. Precisely.

Mr. GARFIELD. And having that power they had the power to appoint a committee to act for Congress; and as such the members of the committee from the House and the Senate were as much serving the two Houses as though they were on a joint committee of conference on the disagreeing votes of the two Houses on any pending bill, and it cannot be called an office under that law at all.

Mr. KNOTT. The gentleman is entirely too good a lawyer to say that because they were called "commissioners" they were not "officers."

Mr. GARFIELD. I do not say that, but I say they were serving for the two Houses of Congress.

Mr. KNOTT. Precisely so.

Mr. GARFIELD. In a duty the two Houses assumed they had the right to do, and acting as a joint committee.

Mr. KNOTT. Nobody ever dreamed before this commission was a committee of either one of the two Houses or a joint committee of both Houses. It is expressly denominated in the bill as a commission. The members are called commissioners. If the gentleman will refer to his dictionary he will find there is no distinction at all in the definition of commissioners and officers in the general acceptation of those terms. These commissioners were called upon to discharge the highest possible functions which can pertain to the Government of the United States. They entered upon the discharge of that duty, whether constitutional or not.

Mr. GARFIELD. What they did was of no avail unless ratified by the Congress of the United States.

Mr. KNOTT. I do not think it is of any avail myself. I regard the tribunal and its entire proceedings utterly unconstitutional and void, because it was not in the power of Congress to confer jurisdiction to try that matter. But that is not a question I will discuss now. I call the attention of Congress to the fact it has been adjudicated, and there is not an adjudication to be found to the contrary; that it is entirely competent for the legislative department of the Government to appoint commissions such as contemplated in this act in such manner as it may see proper, and the appointment of such commissioners has never been held to belong to the executive department under this provision of the Constitution vesting in it the power to appoint officers.

[Here the hammer fell.]

Mr. BANKS. Mr. Speaker, the provision which gives the House power to act on this question, and the only one I see in the Constitution, is that cited by gentlemen in the first article of the Constitution which gives to Congress the right to exercise exclusive legislation in all cases whatsoever over such a district as the District of Columbia. It is the right of legislative power and nothing else. Of course, gentlemen of this House understand what legislative power is. Gentlemen on the other side propose to seize the executive power of this District. There is not a shadow of authority for it. No gentleman who has spoken has indicated the slightest constitutional authority for such a seizure as this, and it cannot be justified by anything in the Constitution or that has ever been done by the Congress of the United States. If it were to be allowed to permit the Congress of the United States to control the police of the District, it would leave the President of the United States and the executive department as aimless and shelterless and as helpless as if they were in China or Kamtchatka, or among the aboriginal inhabitants of any portion of the earth, with no authority, no right, no capacity for the protection of their rights. Now, the Constitution does not contemplate anything of that sort, and gentlemen cannot show any authority of that kind.

I call the attention of the Chair and gentleman of the House to what the authority is. Congress shall have the right to exercise "like authority," that is, just the same authority which they have in the District of Columbia; that they shall have the same or like authority as over the places purchased by consent of the Legislature of the State in which there shall be forts, magazines, arsenals, dock-yards, and other public buildings. The authority we have is to legislate for this District as we would legislate for those places. Who will contend if we establish a fort, or a dock-yard, or navy-yard for the transaction of certain public business that we have the authority ourselves to appoint the officers for those places? Yet that is exactly the authority claimed. All we have is like authority in the District of Columbia, we have to legislate over those places and no more. We have no more authority here than in those places where we have bought jurisdiction by the payment of money for the establishment of a fort, arsenal, or dock yard.

That is all the authority we have; and then how can we claim the right to appoint these commissioners? If we have such right, hereafter we may claim the right to appoint every officer in this District independent and superior to the President of the United States and every other executive officer. I use language not too strong in the slightest degree when I say under this legislative power we propose to seize the executive power in the District of Columbia and in the capital of the country. We have no right to do it.

The honorable gentleman from Kentucky spoke of the electoral commission. That is not a case of this kind. The members of the electoral commission were not public officers. I do not believe the Congress of the United States had the slightest authority for the appointment of that commission. But they appointed them to do what? To be the eyes and ears of the two Houses of Congress in regard to the testimony and the facts connected with the giving of certain electoral votes in certain States. They were the eyes and ears of the House in that matter. They were therefore a comm'ttee, nothing but a committee to take testimony and formulate an opinion and express that opinion to the two Houses in convention assembled, and when ratified by the two Houses in convention assembled it became of some importance, not otherwise. There is no resemblance between that act and what is proposed in this bill.

Gentlemen have spoken of the Public Printer. If I understand the gentleman from Ohio he has conceded or would be willing to concede that there had been something wrong done in the appointment of a Public Printer by the two Houses of Congress. But, sir, the printing of the House of Representatives and of the Senate is something within the control of those two bodies. Nobody can take it away from them. The Public Printer is as much an officer of this House as is the Speaker's page, and if the President of the United States has any authority except by the consent of the two Houses to appoint a Public Printer to control the printing of the two Houses he can appoint a Speaker of the House just as well, and all its other officers.

[Here the hammer fell.]

Mr. MILLS was recognized.

Mr. BANKS. I ask permission to say one word more, as I gave a large portion of my time to the gentleman from Kentucky.

Mr. MILLS. I yield to the gentleman from Massachusetts, and will ask the Chair to recognize me afterward.

Mr. BANKS. I desire to call the attention of the House and of gentlemen to what has been said about the Smithsonian Institution. The officers of the Smithsonian Institution are not public officers, are not executive officers of the United States. A man by the name of Smithson left to this Government a fund of money for a specific use, and that fund is this day and hour administered according to his original ideas. The two Houses of Congress have assumed, under his instructions and directions, the power to provide arrangements for the execution of that trust. It is their work. It does not belong to the President. It does not belong to the executive department of the Government of the United States. It is a matter between Smithson and the two Houses of Congress representing the Government, and the men that are appointed to discharge the duties connected with the Smithsonian Institution are appointed under his will.

Mr. McMAHON. Will the gentleman yield to me for a question, or rather for a suggestion?

Mr. BANKS. Yes, sir.

Mr. McMAHON. We have now, as is well known, four or five homes for disabled soldiers that are managed by a body of twelve managers. One is the President *ex officio;* another is the Secretary of War; another is the Chief-Justice; the other nine the law provides shall be appointed by joint resolution of both Houses, and they have been uniformly appointed by joint resolution of both Houses.

Mr. BANKS. That is very proper. I like that. Those are charitable institutions for the support of the defenders of the country and the money is appropriated to maintain them.

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman from Massachusetts a question.

Mr. BANKS. In a moment. Let me answer first the question of

the gentleman from Ohio. The officers of these charitable institutions are executive officers and clothed with executive power. In that capacity they are officers of the United States.

Mr. TOWNSHEND, of Illinois. Will the gentleman now allow me to ask him a question?

Mr. BANKS. Yes, sir.

Mr. TOWNSHEND, of Illinois. I understand the gentleman to claim that this is a right which belongs to the President to appoint District commissioners. I understand that to be his position.

Mr. BANKS. If the bill is passed creating the commissioners, that the President should have that power.

Mr. TOWNSHEND, of Illinois. Now, did not Congress in passing a charter for the District of Columbia delegate the power to the people of the District to select their officers? And more than that, did not the Supreme Court decide Congress had the power to delegate the power of appointing the officers to the people of the District without regard to the President?

Mr. BANKS. Undoubtedly. Congress has power to delegate its authority in an infinite number of instances, and they did it with regard to this District.

Mr. TOWNSHEND, of Illinois. Allow me to ask the gentleman further——

Mr. BANKS. Let me answer this first. The District must have a government. The creation of that government is a legislative act. Of course it must be performed by the two Houses of Congress; and the legislative power given is a power given to those persons that are elected by the District in the name and by the authority of the two Houses of Congress that is within their power. But when it comes to the executive power of the government we have in every instance given the appointment of the chief officers to the President of the United States. And I want to call the attention of the gentleman from Illinois [Mr. TOWNSHEND] to the condition of the President of the United States and the executive department of the Government when they are obliged to live in a District where the police authority and every man of the police authority may be an enemy and wholly irresponsible to the Executive.

[Here the hammer fell.]

Mr. MILLS. It is a well-known constitutional and legal maxim that the special provisions of a law always control the general. The Constitution of the United States in its general provisions declares the President shall appoint all officers. That is controlled by the special provision which confers upon the Congress of the United States plenary power to legislate for the District of Columbia; to legislate for it with the same powers a State Legislature has to legislate for a State.

That general provision conferring upon the President power to appoint all officers is limited and controlled by the special provision conferring upon Congress the power to govern this District. Now, here are two provisions lying right together in the Constitution; one provides for the organizing, arming, and disciplining of the militia, and for governing such part of them as may be employed in the service of the United States. That is the express provision of the Constitution. The general provision of the Constitution is that every citizen of the Republic shall be entitled to trial by jury, while the special provision is that a soldier may be tried by a military court, and the special controls the general provision. So may a sailor in the Navy be tried by a naval court, and that is a special provision that governs the general provision that all citizens of the United States shall be entitled to trial by jury. Right following then in the same paragraph is the provision reserving to the States, respectively, the appointment of officers of the militia and the authority of training the militia.

Now, the general provision is that the President shall appoint all officers; but here is a special provision that the appointment of the officers of the militia shall belong to the State government.

And then comes the next paragraph relating to the control of the District of Columbia, and the power is conferred on Congress to legislate exclusively for the District of Columbia. The point is made that legislation is law-making, and the gentleman from Ohio [Mr. GARFIELD] read a decision from the State courts of Ohio, in which it was held that the Legislature may create an office and provide the manner in which it shall be filled and may do everything connected with it except to fill the office. The President of the United States is a part of the legislative power of this Government; and, if this part of the legislative power of the Government has not the power to make these appointments, how can the President have it?

No bill passing the two Houses of Congress can become a law until it has received the approval or assent of the President of the United States. He can either approve it or he can permit it to become a law by refusing to negative the bill, but no bill passing these two Houses can become a law of this land until it has received the assent, either positive or tacit, of the President. He is therefore a part of the legislative power. But, according to the position taken by the gentleman from Ohio, that legislation extends only to creating an office and doing everything about it except making the appointment. Then, according to that, Congress can create these offices and then authorize the President, who is a part of the legislative power, to fill them. If it can authorize the President, who is a part of the legislative power, to fill them, then Congress can authorize the House of Representatives, which is another part of the legislative power, or the Senate, which is also another part of the legislative power, to make the appointment, just as it could the President, for he is but a part of the legislative power.

The legislative power and the executive power sometimes meet in the same person; the two characters of power may be put together and a man may be designated to exercise either the one or the other power; and, while it may be true that the two Houses of Congress together may be prohibited from filling the offices, the law may provide that one portion of the legislative power may fill one office and another the other.

[Here the hammer fell.]

Mr. HENDEE. I move that all further debate upon this section and the amendments thereto be closed in one minute.

The motion was agreed to.

Mr. PATTERSON, of New York. I desire to offer an amendment if it is in order.

Mr. HENDEE. Let the vote first be taken upon the pending amendments.

The SPEAKER *pro tempore*. The first amendment pending is that offered by the gentleman from Ohio, [Mr. COX,] to strike out, in line 9, all after the word "commissioners" down to and including the word "expire," in line 28, and to insert in lieu thereof the following:

The said commissioners shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their offices for the term of three years.

To that amendment the gentleman from Illinois [Mr. TOWNSHEND] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "commissioners," in line 9, down to and including the word "lot," in line 33, and insert in lieu thereof the following:

The three commissioners shall be chosen by the Senate and House of Representatives in joint session by a majority of votes of the members of the Senate and House of Representatives present, and in electing said commissioners each member of the Senate and House may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same or equal parts thereof among the candidates, as he shall see fit, and the candidates highest in votes shall be declared elected.

Mr. YOUNG. What has become of the amendment offered by the gentleman from Illinois, [Mr. FORT?]

The SPEAKER *pro tempore*. He withdrew it with the understanding that he would be recognized to renew it.

The question was taken upon the substitute offered by Mr. TOWNSHEND, of Illinois; and it was not agreed to.

The question recurred upon the amendment offered by Mr. COX, of Ohio.

Mr. COX, of Ohio. I call for the yeas and nays upon that amendment.

The yeas and nays were ordered; 38 members voting therefor.

The question was taken; and there were—yeas 84, nays 138, not voting 69; as follows:

YEAS—84.

Aldrich,	Cummings,	Jones, John S.	Robinson, G. D.
Bacon,	Danford,	Keifer,	Ryan,
Baker, John H.	Deering,	Keightley,	Sampson,
Bayne,	Eames,	Kelley,	Sapp,
Bisbee,	Errett,	Lathrop,	Sexton,
Blair,	Evans, I. Newton	Lindsey,	Shallenberger,
Brentano,	Evans, James L.	Marsh,	Sinnickson,
Brewer,	Fort,	McCook,	Smalls,
Briggs,	Foster,	McKinley,	Stewart,
Browne,	Frye,	Metcalfe,	Stone, Joseph C.
Bundy,	Garfield,	Neal,	Strait,
Burchard,	Hale,	Norcross,	Thornburgh,
Burdick,	Hanna,	Oliver,	Tipton,
Butler,	Harmer,	O'Neill,	Townsend, Amos
Calkins,	Harris, Benj. W.	Overton,	Van Vorhes,
Caswell,	Haskell,	Page,	Wait,
Clark, Rush	Henderson,	Patterson, G. W.	Ward,
Cole,	Humphrey,	Pugh,	Watson,
Conger,	Hungerford,	Rainey,	White, Michael D.
Cox, Jacob D.	Hunter,	Randolph,	Williams, C. G.
Crapo,	Ittner,	Reed,	Wren.

NAYS—138.

Aiken,	Cobb,	Giddings,	Knapp,
Atkins,	Collins,	Glover,	Knott,
Beebe,	Cook,	Goode,	Landers,
Bell,	Covert,	Gunter,	Lapham,
Benedict,	Cox, Samuel S.	Harris, Henry R.	Ligon,
Bicknell,	Cravens,	Harris, John T.	Lockwood,
Blackburn,	Crittenden,	Hart,	Lynde,
Bland,	Culberson,	Hartridge,	Maish,
Blount,	Cutler,	Hartzell,	Manning,
Boone,	Davidson,	Hatcher,	Martin,
Bouck,	Davis, Horace	Hazelton,	Mayham,
Boyd,	Davis, Joseph J.	Hendee,	McGowan,
Bridges,	Dibrell,	Henkle,	McKenzie,
Bright,	Dunnell,	Henry,	Mills,
Buckner,	Durham,	Herbert,	Morrison,
Cabell,	Eden,	Hewitt, Abram S.	Morse,
Cain,	Elam,	Hewitt, G. W.	Muldrow,
Caldwell, John W.	Evins, John H.	Hiscock,	Muller,
Camp,	Ewing,	Hooker,	Patterson, T. M.
Candler,	Felton,	House,	Phelps,
Cannon,	Finley,	Hunton,	Phillips,
Chalmers,	Forney,	Jones, James T.	Rea,
Clark, Alvah A.	Franklin,	Joyce,	Reagan,
Clarke of Kentucky,	Fuller,	Ketcham,	Reilly,
Clymer,	Gause,	Kimmel,	Rice, Americus V.

Rice, William W.	Southard,	Turner,	Williams, James
Riddle,	Sparks,	Turney,	Williams, Jere N.
Robbins,	Springer	Vance,	Willis, Albert S.
Robertson,	Steele,	Waddell,	Wilson,
Ross,	Stenger,	Walsh,	Wood,
Sayler,	Swann,	Warner,	Wright,
Scales,	Throckmorton,	Welch,	Yeates,
Schleicher,	Townsend, M. I.	Whitthorne,	Young.
Slemons,	Townshend, R. W.	Wigginton,	
Smith, William E.	Tucker,	Williams, A. S.	

NOT VOTING—69.

Acklen,	Douglas,	Killinger,	Robinson, M. S.
Bagley,	Dwight,	Loring,	Shelley,
Baker, William H.	Eickhoff,	Luttrell,	Singleton,
Ballou,	Ellis,	Mackey,	Smith, A. Herr
Banks,	Ellsworth,	McMahon,	Starin,
Banning,	Freeman,	Mitchell,	Stephens,
Bliss,	Gardner,	Money,	Stone, John W.
Bragg,	Garth,	Monroe,	Thompson,
Brogden,	Gibson,	Morgan,	Veeder,
Caldwell, W. P.	Hamilton,	Peddie,	Walker,
Campbell,	Hardenbergh,	Pollard,	White, Harry
Carli le,	Harrison,	Potter,	Williams, Andrew
Chittenden,	Hayes,	Pound,	Williams, Richard
Claflin,	Hubbell,	Powers,	Willis, Benj. A.
Clark of Missouri,	James,	Price,	Willits.
Dean,	Jones, Frank	Pridemore,	
Denison,	Jorgensen,	Quinn,	
Dickey,	Kenna,	Roberts,	

The amendment was not agreed to.

During the call of the roll the following announcements were made:

Mr. CALDWELL, of Tennessee. I am paired with Mr. FREEMAN, of Pennsylvania, who is absent on account of sickness. If he were here, I would vote "no."

Mr. BRAGG. I am paired with my colleague, Mr. POUND, who is absent by leave of the House. If he were present, I would vote "no."

Mr. MAISH. My colleague, Mr. MACKEY, is detained at home by reason of illness.

Mr. CARLISLE. I am paired with Mr. POWERS, of Maine.

Mr. HAMILTON. I am paired with my colleague, Mr. ROBINSON. If he were present, he would vote "ay" and I would vote "no."

Mr. THOMPSON. I am paired with Mr. WILLIS, of New York. If he were present, I would vote "ay."

Mr. COLE. My colleague, Mr. MORGAN, is paired with Judge JAMES, of New York, on all political questions; and my colleague, Mr. POLLARD, is paired with Mr. DOUGLAS, of Virginia.

Mr. GARDNER. I am paired with my colleague, Mr. DICKEY.

Mr. HAYES. I am paired with Mr. DEAN, of Massachusetts, on political and revenue questions. I have voted on this question; but I think it better to withdraw my vote, and I do so.

Mr. STONE, of Iowa. My colleague, Mr. PRICE, is at home sick. If here, he would vote "ay."

Mr. BREWER. My colleague, Mr. HUBBELL, is paired with Mr. BLISS, of New York.

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is absent by reason of sickness. My colleague, Mr. WILLITS, is paired with Mr. HARDENBERGH, of New Jersey; and I am myself paired with Mr. ROBERTS, of Maryland.

Mr. JONES, of New Hampshire. I am paired with Mr. BAGLEY, of New York.

Mr. CLARK, of Missouri. I am paired with Mr. WHITE, of Pennsylvania.

The result of the vote was then announced as above stated.

Mr. FORT. I move to amend by striking out of lines 9, 10, and 11 the words "an officer of the Engineer Corps of the Army, whose lineal rank shall be above that of captain, and shall be detailed," and inserting in lieu thereof the words "a competent engineer to be selected;" so that the clause will read:

One of the said commissioners shall be a competent engineer, to be selected by the President for the term of three years, &c.

I desire to say but a word or two.

The SPEAKER *pro tempore*. All debate upon the pending section and amendments thereto has been closed by order of the House.

Mr. FORT. I have but a word or two to say.

The SPEAKER *pro tempore*. The gentleman can proceed by unanimous consent.

Mr. BLACKBURN. I must object, unless the same privilege be extended to one or two other gentlemen who want to be heard.

Mr. YOUNG. Let them all be heard.

Mr. BLACKBURN. I do not object, if the same courtesy is extended to others.

The SPEAKER *pro tempore*. There can be no conditional objections; each application must rest upon its own merits.

Mr. FORT. All I have to say is that rank does not give qualifications to a civil officer.

Mr. BLACKBURN. I do not want to reply; and I am sure my friend from Illinois [Mr. FORT] will understand that my opposition to his speaking is not on any personal ground.

Mr. YOUNG. I desire to offer a substitute for the amendment.

Mr. FORT. I move to reconsider the vote by which the House limited debate on this section.

Mr. HUNTON. And I move to lay that motion on the table.

The SPEAKER *pro tempore*. The Chair decides that the motion to reconsider is not in order because the House has partly executed the order of voting upon this section and amendments without further debate. Is there objection to the gentleman from Illinois [Mr. FORT] proceeding to speak upon his amendment?

Mr. BRAGG. I object.

The question was then taken upon the amendment of Mr. FORT; and upon a division there were—ayes 59, noes 82; no quorum voting.

Mr. CHALMERS. I call for tellers.

Mr. FORT. I call for the yeas and nays.

The yeas and nays were not ordered; there being but 19 in the affirmative, not one-fifth of the last vote.

The SPEAKER *pro tempore*. Does the gentleman from Mississippi [Mr. CHALMERS] insist upon his call for tellers upon the ground that no quorum voted?

Mr. CHALMERS. I do.

Tellers were ordered; and Mr. FORT and Mr. HENDEE were appointed.

The House again divided; and the tellers reported that there were—ayes 54, noes 97.

So the motion of Mr. FORT was not agreed to.

Mr. DUNNELL. I move to amend by striking out "ten," in line 38 and inserting "five," so as to read "and shall have been actual residents of the District of Columbia for five years previous to their election." I ask unanimous consent to say that in my judgment this residence is long enough——

Mr. BLACKBURN. I must object to debate.

Mr. RANDOLPH. I move to amend the amendment by striking out "five" and inserting "one."

The question being taken on Mr. RANDOLPH's amendment to the amendment, there were—ayes 36, noes 82.

Mr. RANDOLPH. I call for the yeas and nays.

The yeas and nays were not ordered.

So the amendment to the amendment was not agreed to.

The question then recurring on Mr. DUNNELL's amendment, it was agreed to; there being—ayes 90, noes 48.

Mr. HUNTON. I move to amend by inserting after the word "years," in line 12, the words "unless such detail be sooner revoked;" so as to keep this officer under the command of the President. This amendment is offered after consultation with the committee.

The amendment was adopted.

Mr. CONGER. I offer the amendment which I send to the Clerk.

The Clerk read as follows:

Strike out in line 16, after the word "Army," all of the section to and including the word "thereof," in line 55, and insert:

The second and third of the said commissioners shall be appointed by the President, by and with the advice and consent of the Senate, for a term of one and two years respectively, and at the expiration of such term each of said offices shall be filled by appointment as aforesaid for the term of three years respectively thereafter.

Mr. MAYHAM. I raise the point of order this amendment has been once voted on.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The proposition has not yet been before the House.

The question being taken on agreeing to the amendment, there were—ayes 67, noes 95.

Mr. CONGER called for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was not agreed to.

Mr. PATTERSON, of New York. I offer the following amendment, for which I hope every member on the other side of the House as well as on this will vote:

Strike out in lines 3 and 4 the words "or appointed in the manner hereinafter directed," and insert "by the qualified electors of the District of Columbia;" so that the clause will read:

On the third Monday in the month of June, 1878, there shall be elected by the qualified electors of the District of Columbia three persons to be commissioners of the District of Columbia, &c.

The motion was not agreed to.

Mr. HARRIS, of Virginia. I move to strike out in lines 37 to 40 the words "and shall have been actual residents of the District of Columbia for five years previous to their election, and who have during that period claimed no residence elsewhere," so that residence shall not be a qualification required of these commissioners. As the Government is to give six-tenths of the money to support the expenses of this District, it ought to have the right to select commissioners from any part of the country it may please.

Mr. HUNTON. Debate is not in order.

The question being taken on agreeing to the amendment, there were—ayes 46, noes 82.

Mr. HARRIS, of Virginia, called for the yeas and nays.

The yeas and nays were not ordered; there being—ayes 21, noes 132; less than one-fifth voting in the affirmative.

So the amendment was not agreed to.

Mr. JONES, of Ohio. I move to amend by striking out all after "commissioners," in line 9, to and including the word "States," in line 37, and inserting the following:

The three commissioners herein provided for shall be elected by the qualified voters of the District of Columbia on the third Monday of April, 1879, and the commissioners so elected shall determine by lot which shall serve for the term of one, two, and three years respectively; and annually thereafter the qualified

electors of said District shall elect one commissioner, who shall serve for the term of three years and until his successor is elected and qualified.

And the President of the United States is hereby authorized to detail such officer of the Engineer Corps of the Army for engineer of the District of Columbia as may be selected by said commissioners, who shall serve for the term of three years unless such detail is sooner revoked, and until his successor is elected and qualified. Said commissioners shall, at the time of their election, be citizens of the United States.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 4. That such commissioners, so elected as aforesaid by the Senate and House of Representatives, shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law, and shall each give a bond, with sureties, to the United States, in the penal sum of $50,000, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office, and shall each receive for his services a compensation at the rate of $5,000 per annum.

Mr. BUCKNER. I move to amend by inserting before the word "sureties," in line 6, the words "good and sufficient."

Mr. BLACKBURN. There is no objection to that.

The amendment was agreed to.

Mr. BUCKNER. I move to amend by inserting after the word "office" in line 9, the words "which may be sued upon by any person aggrieved." We provide that these officers shall give bond. I propose to make that bond effective.

Mr. BLACKBURN. There is no objection to that.

Mr. CLYMER. I suggest to the gentleman from Missouri [Mr. BUCKNER] to modify his amendment so as to read, "upon which suit may be brought."

Mr. BUCKNER. I modify the amendment so as to read, "upon which suit may be brought by any person aggrieved."

Mr. HANNA. If the purpose of this amendment is to give to any person who may allege a cause of grievance a right of action upon this bond, then I submit that no man upon earth will be willing to file such a bond. The purpose of requiring a bond is evidently to protect the interests of the District of Columbia; but it would be an unheard of proceeding in regulating municipal affairs to give every citizen of the District of Columbia a right of action upon this bond, wholly independent of the action of the District authorities. I submit to my friend from Missouri that no man would be willing to file a bond giving the right to Tom, Dick, and Harry to bring suit upon that bond.

Mr. BUCKNER. If this bond is given, I see no reason why all persons aggrieved shall not be authorized to sue upon the bond as well as the District of Columbia. These officers might act in such a way as that my rights or the rights of the gentleman from Indiana [Mr. HANNA,] or any other person might be affected.

Mr. HANNA. Each of these officers is directly responsible to the District government for his acts. If he is guilty of any act of malfeasance or default, the District has a right of action upon his bond.

But suppose in the discharge of his duties in improving streets or in erecting any improvements any property-holder who deems the judgment of that commissioner was to his detriment, operated to his disadvantage, operated to his injury—is it the gentleman's purpose every such party shall have the right of action on the bond of the commissioner and thus devil the officer out of existence? Such would be the effect of it. Such is not the purpose of an official bond of this character.

Mr. BUCKNER. I think the right of action would lie at common law if malicious injury should be done to property-holders by the action of these commissioners.

Mr. HANNA. If he does not discharge his duties his responsibility is to the authority to whom he gives the bond, and that authority has the right of action for malfeasance; but in no corporation do you give every man the right of action on a bond for alleged cause of grievance. To give such right of action would subject the officer to the annoyance of constant suits on the part of every person who fancied that he had grievance against him.

Mr. BUCKNER. I cannot see that this would do any injury; but, on the contrary, it would make these officers more circumspect in the performance of their duties, so as not to injure any parties affected by their action. I insist on my amendment.

Mr. KEIFER. Is debate in order?

The SPEAKER *pro tempore*. It is.

Mr. KEIFER. I dissent from the remarks of the gentleman from Indiana. I think the principle is all over the country that bonds are given in such way that any person aggrieved, any person suffering any injury through the official act or conduct of the public officer giving the bond, shall have a right to sue on the bond of the officer. It would be strange if it were not true, for it would be equivalent to a denial to parties suffering wrong from a public officer to say he could not sue on the bond given. Right of action to sue on the bond is given in all such cases. It is so with marshals; it is so with policemen who are required to give bonds; it is so with justices of the peace, with constables; it is so with bonds given by administrators and executors and by all public officers. The law so far as I know provides where injury is done to the individual he shall have the right to sue on the bond of the officer doing the injury. I therefore think the amendment is quite a proper one.

Mr. BUCKNER's amendment was agreed to.

Mr. THOMPSON. I move to strike out the words "so elected as aforesaid by the Senate and House of Representatives;" so it will read "that such commissioners and each of them," &c.

Now, Mr. Speaker, if that amendment be adopted it will take out at least one of the odious features of this bill. There is a distinction already made by the adoption of the first section between civilians and military men which if not offensive is at least imprudent. Why should a military man appointed as commissioner be released from giving a bond or taking an oath to do his duty, while the best man in the land, appointed by the Senate or the House, has to do both? I have as much respect for a military man as anybody ought to have, but I know a man is neither better nor worse because he belongs to the Army.

When you compel an honest civilian to give a bond of $50,000 and take an oath that he will discharge his duty and relieve the military man from giving any bond or taking any oath you ingraft upon the bill a feature which is both odious and unjust to every honorable and honest man who may be appointed to this position. I do not believe for a moment because a man belongs to the Army he is competent to discharge all the duties of a civilian. It does not follow that he is, because his education and experience have been in an entirely different line and for different purposes, and when you relieve him from giving a bond or taking an oath you assert the foolish doctrine to the world that a military man is as good without a bond or oath as a civilian can be made with both. I have in my mind now, Mr. Speaker, more than one military man whose record as a military man is not confined to this continent and whose deeds form a portion of the current history of your country, and yet it would not strike this House that the appointment of one of those gentlemen was proper as the rector of Epiphany or the pastor of Foundry church, and yet they are as much fitted for the one position by their military experience as they are for the other provided for in this bill. Strike out the obligation to give a bond and take an oath so far as it refers to the commissioners, or so amend the bill as it shall apply to all of them alike. If a man is a good military officer he ought not to refuse to give a bond and take an oath, and if he is a bad officer he ought to be compelled to give both. If the civilian is a good man he will not refuse to give a bond and take an oath. All should be compelled to give a bond and take an oath or they should be all relieved from so doing. There is certainly no good reason for relieving the military man and imposing obligations upon the civilians.

Mr. HUNTON. I desire, in opposing the amendment just offered by the gentleman from Pennsylvania, to state the reasons which operate upon the committee in requiring any oath or bond from a military member of this commission. He is detailed by the President in the discharge of his military duties in the Army. As such an officer he takes the oath with his commission. For that reason an additional oath was considered unnecessary. In regard to the bond, he has discharged his military duties under this detail, and if he is guilty of malfeasance or misfeasance he is liable to court-martial and dismissal from the Army. And the committee believe with unanimity that that was as good a security for the military man as the bond was for the civilian. We believe that the idea of a court-martial operates upon an officer of the Army to a greater extent than a bond would upon anybody else.

The question being taken on the amendment, it was not agreed to.

Mr. LAPHAM. With the permission of the gentleman reporting this bill, I ask unanimous consent to go back to section 3, for the purpose of offering an amendment.

There was no objection.

Section 3 was read, as follows:

SEC. 3. That the said commissioners of the District of Columbia shall be, and they are hereby, constituted a body-corporate, by the name of "the commissioners of the District of Columbia," and by that name shall have perpetual succession, and be capable in law to sue and be sued in any court whatsoever, and may have and use a common seal, which may be altered at pleasure; may acquire, rent, and hold property; may contract and be contracted with, (in all cases authorized by law;) and may, in appropriate ways, in court and elsewhere, consistent with this act, assert, defend, and maintain its rights and interests to the same extent that it would be lawful if the said commissioners of the District of Columbia were a municipality.

Mr. LAPHAM. I offer the following amendment:

In line 8, between the word "property" and the word "may," add the words "for corporate and municipal uses and purposes only."

It will be seen the power given by the section as reported is an unlimited power to acquire property. It certainly is not intended that the commissioners shall be allowed to acquire property except for the use of the District.

The amendment was adopted.

The Clerk read section 5, as follows:

SEC. 5. That as soon as the commissioner appointed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore described, and the two so elected as aforesaid shall have duly bonded as aforesaid, all the powers, rights, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in and exercised by the commissioners appointed under the provisions of the act of Congress approved June 20, 1874, shall be transferred to and be vested in said commissioners; and the functions of the commissioners so appointed under the act of June 20, 1874, shall cease and determine, and the commissioners of the District of Columbia shall have power, subject to limitations herein provided, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of

Columbia, and exercise the power and authority aforesaid; but said commissioners, in the exercise of such power and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress. All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidence thereof, but they may borrow, in anticipation of collection of revenue, not to exceed in any one year $200,000, at a rate of interest not exceeding 6 per cent. per annum; and said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employés, remove from office, and make appointments to any office under them authorized by law, subject to such limitations as are hereinafter provided: *Provided*, That nothing in this act contained shall be construed to abate in anywise or interfere with any suit pending in favor of or against the District of Columbia or the commissioners thereof, or affect any rights or cause of action existing in favor of any citizen of the District of Columbia or any other person; but the same may be commenced or prosecuted to final judgment, and the corporation hereby created shall be bound thereby as if the suit had been originally commenced for or against the said corporation; and all final judgments recovered against said District shall be paid by warrant of the commissioners or a majority of them, on the Treasury.

Mr. HUNTON. I desire to offer a verbal amendment at the fourth line. Instead of the phraseolgy "the two so elected as aforesaid shall have duly bonded as aforesaid" it should read, "shall have given bond as aforesaid."

I offer that amendment.

The amendment was adopted.

Mr. HENDEE. I desire at this point to move to reconsider the votes by which all the amendments so far have been adopted or rejected, and I move to lay the motion to reconsider on the table.

The latter motion was agreed to.

The Clerk read the first paragraph of section 6, as follows:

SEC. 6. There shall be a council, consisting of twenty-four members, with duties and powers as hereinafter provided. No person shall be eligible as a member of said council who is not the owner of property in the District of Columbia of the assessed valuation of $3,000 or more, and who is not at the time of his election a citizen of the United States, and who has not been a permanent resident of the District of Columbia for five years previous to such election, without claim of residence elsewhere during that time, and who is not a resident of the election precinct from which he is chosen.

The following amendment was recommended by the committee:

In lines 4, 5, and 6, strike out the words "who is not the owner of property in the District of Columbia of the assessed valuation of $3,000 or more."

The amendment was adopted.

Mr. HANNA. I offer the following amendment:

In line 8 strike out "five" and insert "two;" so that it will read:

Who has not been a permanent resident of the District of Columbia two years previous to said election.

The question being taken on Mr. HANNA's amendment, there were—ayes 42, noes 94.

So (further count not being called for) the amendment was not adopted.

The Clerk read the following paragraph of section 6:

Each male inhabitant of the District of Columbia above the age of twenty-one years, and who shall be a citizen of the United States, shall be entitled to vote at all elections for councilmen: *Provided*, He shall have been an actual, *bona fide* resident of said District of Columbia for the three years, and of the election precinct in which he offers to vote for the six months last preceding the election at which he offers to vote, claiming no residence elsewhere during that time, and who shall have paid the poll tax imposed upon him by law: *And provided further*, He shall have been duly registered as a qualified voter, as hereinafter provided.

The following amendment was reported by the committee:

In lines 44 and 45 strike out the words "and who shall have paid the poll tax imposed upon him by law."

The amendment was adopted.

Mr. HANNA. I offer the following amendment:

In line 41 strike out the word "three" and insert the word "one."

I have one suggestion to make. It is that, so far as I know, there is not a provision in the constitution of any State of the Union that requires a man to have been a resident of a district three years before he shall vote in it. I submit one year is a reasonable time and conforms to the rule adoped by the majority of the States of the Union.

The question being taken on Mr. HANNA's amendment, there were—ayes 42, noes 83.

So (further count not being called for) the amendment was not adopted.

Mr. HAYES. I offer the following amendment:

In line 41 strike out "three" and insert "two."

The amendment was not adopted.

Mr. PATTERSON, of New York. I ask unanimous consent to go back to a paragraph which has just been passed, and which is as follows:

At the first election, one member from each precinct shall be elected for one year, and one member therefrom shall be elected for two years; and thereafter one shall be elected annually in each precinct, who shall be elected for two years.

I desire to offer the following amendment:

In line 35 strike out the words "be elected" and insert the word "serve;" so that it will read:

One shall be elected annually in each precinct, who shall serve for two years.

Mr. BLACKBURN. That is only a verbal amendment. I have no objection to its being made.

The amendment was agreed to.

Mr. DUNNELL. I offer the following amendment:

In line 42 strike out "six" and insert "two;" so that it will read, "for the two months last preceding the election at which he offers to vote."

I will only remark that six months' residence in the precinct is a very long one to be required.

The amendment was not agreed to.

The Clerk read the following paragraph of section 6:

Until Congress shall otherwise provide by law, the commissioners of the District of Columbia shall prescribe the time, place, and manner for holding elections for councilmen; shall appoint a board of registration prior to each general election, not to exceed three members in each election precinct, whose pay shall not exceed $2.50 a day each, who shall register the qualified electors in their respective precincts at such times and places as said commissioners shall prescribe; and said commissioners shall designate three inspectors in each election precinct to conduct said elections, and make returns thereof to said commissioners, who shall canvass the same, and issue certificates of election to those having the highest number of votes in their respective precincts; and said commissioners shall make all needful rules and regulations for carrying into effect the provisions of this act not otherwise herein provided for: *Provided*, That the first election for councilmen shall be held within sixty days from the passage of this act: *And provided further*, That said commissioners shall give notice by publication of all elections and registrations provided for by this act, by printed notices to be posted in convenient and public places in each election precinct in said District of Columbia at least thirty days prior to such election or registration.

Mr. REILLY. I offer the following amendment:

In line 52 strike out the words "not to exceed three members in each election precinct," and insert in line 51, after the word "registration," the words "to consist of three residents of the District."

The object of this amendment is to make the board of registration consist of three members for the entire District instead of three for each precinct.

The question being taken on the amendment, it was not agreed to.

The Clerk read the following paragraph of section 6:

The appointment of all officers, agents, or employés of the District of Columbia whose salaries shall be at the rate of $1,500 per annum or more shall be made by the commissioners of the District of Columbia, subject to confirmation of said council.

Mr. LATHROP. I offer the following amendment:

In line 103, after the word "council," insert the words "provided no person shall be appointed to any office by said commissioners or confirmed by said council who has not been a *bona fide* resident of said District for at least one year prior to said appointment.

I offer that amendment simply by way of keeping the provisions of this act consistent one with another.

Mr. BLACKBURN. I think that amendment may be accepted.

The amendment was agreed to.

The Clerk read the following paragraph of section 6:

Before any moneys shall be raised or taxes levied and collected for the purpose of carrying on the Government of the District of Columbia, the said commissioners shall submit annually to the council for their approval a statement, showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; and also an estimate in detail, which shall include the cost of all courts in said District, except the United States courts, the judges, officers, witnesses, jail fees, and all expenses incident thereto; also the cost of constructing, repairing, and maintaining all bridges, authorized by law, across the Potomac River, within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, asylums, hospitals, reformatories, and prisons, and the Washington Aqueduct and its appurtenances, belonging to and controlled by the District of Columbia, and which are now by law supported, wholly or in part, by the United States or District of Columbia, of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

The following amendment was recommended by the committee:

From line 157 to line 163 strike out these words:

And the Washington Aqueduct and its appurtenances, belonging to and controlled by the District of Columbia, and which are now by law supported, wholly or in part, by the United States or District of Columbia, of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

And insert in lieu thereof the following:

Belonging to or controlled, wholly or in part, by the District of Columbia, and which are now by law supported, wholly or in part by the United States or District of Columbia, and also the expenses of the Washington Aqueduct and its appurtenances, the United States jail, and the reform school of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

Mr. HENDEE. I desire to amend the amendment by striking out the words "the United States jail, and the reform school." They have been inserted by mistake.

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

Mr. WILLIAMS, of Michigan. I offer the following amendment to come in after the amendment just adopted:

Provided, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities.

Mr. HENDEE. There is no objection to that.

The question was put upon the amendment of Mr. WILLIAMS, of Michigan, and it was agreed to.

Mr. EDEN. I offer a formal amendment to strike out the last word simply for the purpose of asking a question of the gentleman from Vermont, [Mr. HENDEE.] I would ask him whether, under the provision of this paragraph or this bill, there will be any such thing as special assessment upon property for improvements that may be made adjacent to it?

Mr. HENDEE. Certainly not.

Mr. EDEN. That is what I supposed, and I withdraw the amendment.

The Clerk resumed the reading of the bill, and read as follows:

To the extent to which Congress shall approve the said estimates they shall appropriate the amount of 50 per cent. thereof, and the remaining 50 per cent.

thereof shall be levied and assessed upon the taxable property in said District other than the property of the United States and of the District of Columbia, in such manner as the commissioners of the District of Columbia may deem best, and shall be collected in the manner now provided by law for the collection of taxes in said District, with such change in the manner of advertising sales for taxes as may seem expedient to said commissioners: *Provided*, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof: *And provided further*, Upon lands used and held solely for agricultural purposes, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1 on every $100.

The committee recommended an amendment to strike out in line 198 "fifty" and to insert in lieu thereof "seventy-five;" so that it will read:

Provided, That the rate of taxation in any one year shall not exceed $1.75 on every $100 of real and personal estate.

Mr. HENDEE. I desire to say that that amendment was considered by a portion of the committee as a mistake, and I hope it will not be agreed to, but that $1.50 will be retained as the rate of taxation.

Mr. EDEN. As the bill relieves the whole property of the city from special assessments which have been the great hardship on property-holders here, it seems to me that $1.75 would not at all be an excessive rate.

Mr. FORT. Is the tax limited on personal property or only upon real estate?

Mr. HENDEE. There is a law in the District of Columbia which provides for the taxation of personal as well as real estate.

Mr. FORT. Which law is not repealed by this bill?

Mr. HENDEE. It is not.

Mr. WILLIAMS, of Michigan. I do not think that this amendment was ever formally acted upon by the committee, so that I cannot say whether or not it meets the approval of the committee, but this simply fixes the maximum at $1.75 on every hundred dollars, and it will do no harm to insert it.

Mr. BUCKNER. I move to strike out $1.75 and to insert $2.

Mr. COX, of Ohio. I desire to call the attention of the gentleman from Missouri and the House to the fact that while the assessment will be according to these several rates, either one and one-half or one and three-quarters or $2, that that is only one-half of what may be expected, because the Government has to pay one-half and that would make the percentage on the taxable property of the District of Columbia 3¼ or 4 per cent.

Mr. EDEN. The amount is in the discretion of Congress.

Mr. BUCKNER. I want to say in reference to this matter that I do not understand how it is possible for this District to get along with an assessment merely of 1½ per cent. on property here, as provided in this bill, and provide for the interest on the debt. The interest upon the debt of the District to-day is a million of dollars at least, and they propose that the Government shall pay half. Suppose they raise as much hereafter as this year, the whole amount will not exceed $3,000,000. One million of that is to be taken for the payment of the interest on the loan, and there would be only two millions left to carry on the government and improve the streets and to provide for the other wants of the District.

There is another point, Mr. Speaker, that ought to be looked into here. This Government is under a pledge to see by this appropriation and by taxation that $13,000,000 is paid within fifteen years. There is no appropriation here for that.

But it is said that the people here are paying very high taxes. I undertake to say that there is no city in the United States where the taxes do not exceed 2 per cent. on the valuation, and it is a mistake to suppose that the people here are not as able to pay taxes as the people in other sections of the country; and if we propose to do anything toward paying the debt at all the tax should be increased, even with the 50 per cent. which the Government is to pay.

Mr. COX, of Ohio. What I desire to get distinctly stated is this: the law provides that the taxation levied by the authorities of the District may be according to this bill 1½ per cent.; the gentleman from Missouri [Mr. BUCKNER] proposes to make it 2 per cent. Another provision of the bill provides that the United States Government shall pay out of its Treasury an equal amount. Let it therefore be understood that this provision is that to the extent of 2 per cent. on the total taxable property of the District a yearly burden shall be placed on the United States Treasury and the total expenditures of the District may amount to 4 per cent. of the whole of the property, of which the United States shall pay 2 per cent. If anybody wants that done they can vote for the amendment.

Mr. COX, of New York. I propose to ask the gentleman from Ohio what would be the total amount collected at the rate of 2 per cent?

Mr. COX, of Ohio. It will give about $4,000,000.

Mr. COX, of New York. They will be sure to raise it up to the full amount.

Mr. BUCKNER. Let me state to the gentleman from New York [Mr. COX] that 1½ per cent. will raise only about $1,500,000.

Mr. TOWNSHEND, of Illinois. I hope the amendment of the gentleman from Missouri [Mr. BUCKNER] will not prevail. If it shall be adopted it will impose an additional burden upon the National Treasury of half a million of dollars a year. I believe we should adopt the rate fixed in the bill originally, $1.50 on the $100. The burden upon the National Treasury will be heavy enough even then, as already demonstrated. The rate of 1½ per cent. is to be assessed upon the property of this District, and that, together with the contribution of the National Government, will give the amount of $3,000,000 a year. If you were to assess $2 per $100 upon the property of the District then with the proportion paid by the General Government there will be raised the sum of $4,000,000. I am satisfied that if the Government of the District of Columbia is administered properly and economically it will need not more than $3,000,000, probably not so much.

Mr. WILLIAMS, of Michigan. I think gentlemen are all mistaken as to the amount to be paid by the United States. The proportion which the United States is to pay is upon the estimates made by the commissioners and the council. It is of those estimates that the United States is to pay the half, not on the amount of taxation. And this $1.75 per $100 which is proposed in this bill is merely the maximum which may be assessed.

Mr. BLACKBURN. I desire to say that if every member of this House will read one other section of this bill he will see that this bill does not propose to make the Federal Government responsible for one dollar of the debt of the District or one dollar of the interest on that debt. It simply proposes to make the Government of the United States bear one-half of the current expenses of the District.

Then it goes further and provides that as the Federal Government is already bound to guarantee the payment of the interest on the 3.65 bonds of the District, every dollar that the Government of the United States pays as interest on that bonded debt of the District shall be accredited to it upon such portion of the current expenses as it assumes. This bill nowhere makes the Federal Treasury responsible for one dollar of the debt of this District either of the principal or of the interest. But it does say that the Government of the United States shall pay 50 per cent. of the current expenses of the District, and that it shall have credit on that payment for every dollar of interest that it pays.

Mr. COX, of Ohio. I insist upon it that this bill does not and cannot bear the interpretation which the gentleman from Kentucky [Mr. BLACKBURN] seeks to give it. The bill provides that estimates shall be made for the current expenses of the government of the District. Now if, with that language, gentlemen can delude themselves into the idea that it does not mean the interest on the current debt of the District then they can do what I cannot do.

Mr. BLACKBURN. Let me call the attention of the gentleman to one thing. We are to-day bound by law to guarantee the interest of the 3.65 bonds.

Mr. COX, of Ohio. I deny that entirely.

Mr. BLACKBURN. I deny that we are bound for the principal, but the law does say that Congress shall guarantee the payment of the interest.

Mr. COX, of Ohio. No, sir.

Mr. BLACKBURN. Will the gentleman be kind enough to read section 8 of this bill?

Mr. COX, of Ohio. I have read it.

Mr. BLACKBURN. He will find that in that section it is provided——

Mr. HENDEE. Let the Clerk read the section.

Mr. BLACKBURN. I have no objection.

Mr. COX, of Ohio. It can be read when we come to it. The question is whether or not, under the language which has been read, the interest of the debt of the District is part of the current expense of the District. I insist that with that language before it no court could make it otherwise.

Mr. BLACKBURN. Let the section be read by the Clerk.

Mr. COX, of Ohio. Certainly; I have no objection.

The Clerk read as follows:

SEC. 8. That until otherwise provided by law, the Secretary of the Treasury shall pay the interest accruing on the 3.65 bonds of the District of Columbia as the same matures, and the amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the District, as herein provided: *Provided*, That nothing in this act contained shall be construed or considered as an acknowledgment of any liability on the part of the United States to pay the principal of said bonds otherwise than as provided in the seventh section of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874.

Mr. COX, of Ohio. The language of that section demonstrates the fact that I was stating. It provides that the amount so paid by the Government of the United States on the interest of the debt of the District "shall be credited as part of the appropriation for the year by the United States toward the expenses of the District." It thereby recognizes the fact that this bill makes the interest on the debt of the District a part of the current expenses of the District, of which the Government of the United States is to pay 50 per cent. There is no way of getting from it. If gentlemen of the Committee for the District of Columbia did not intend that, then they should have used other language in the bill.

This bill provides that the Government shall assume what we never agreed it should assume. The United States does not stand to-day and never has stood as guarantors either for the principal or the interest of the debt of the District. Congress simply said that as the supreme Legislature for this District it would see to it that the District assessed and collected enough to pay the interest on the 3.65 bonds. And now we already find the Committee for the District of Columbia telling us that we thereby promised to pay that interest out of the Treasury of the United States. We never promised to pay a dollar out of the Treasury for that purpose.

Mr. HENDEE. The gentleman from Ohio [Mr. COX] misstates the original law.

Mr. COX, of Ohio. The gentleman from Vermont [Mr. HENDEE] is mistaken. I have stated it not only in accordance with my own remembrance of the law, but in accordance with the recollection of gentlemen who were here when the law was passed and took part in the debate upon it.

Mr. HENDEE. I will read the language of the act if the gentleman will permit, for he may like to read it in the RECORD to-morrow:

And the faith of the Government is hereby pledged that the United States, by proper proportional appropriations—

Not by making the District pay, as contemplated in this bill—

and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds.

Mr. COX, of Ohio. Now I ask the gentleman——

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired.

Mr. COX, of New York, obtained the floor.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Missouri moving to insert "$2" instead of "$1.75."

Mr. COX, of New York. I hope the amendment will not be adopted. It seems to be taken for granted by gentlemen here that the United States are bound in some way or other to pay for running the District of Columbia. I cannot so understand it. Twenty years ago, when I first came to this city, it was considered a kindness and benevolence to give some little aid (such as an appropriation for lamplighting on Pennsylvania avenue or something of that kind) to this city, which was chosen as the capital of the nation. Since that time, under our increasing bounty to this District, there has grown up a claim which is asserted or demanded as a matter of right. But this District has no right to ask my constituents or the constituents of other gentlemen to pay toward the expenses of the District an equal amount with that which citizens here raise by taxation. It is not just. It is hard enough for our different municipalities and our States to pay their own domestic taxes.

Mr. BUCKNER. Does my friend mean to say that he is going to repudiate the obligation of the Government?

Mr. COX, of New York. I agree with my friend from Ohio, [Mr. COX.] I do not understand that it is repudiating any obligation when we say that the United States are not bound to pay the interest on this debt. I will say to my friend from Missouri that people do not always travel East to find repudiation, although I have been informed otherwise by gentlemen on the Banking and Currency Committee. This bill should not be amended in the manner proposed by the gentleman from Missouri. I do not believe in naming in the bill even $1.75, if it proceeds upon the idea that one-half of the expenses of this District are to be paid from the United States Treasury and if it be provided and understood that the District when it pays the other half fixes the half which the Federal Government has to pay. It is not right that we should contribute even 40 per cent. or 30 per cent. of these expenses, much less 50 per cent. This city enjoys an extraordinary advantage. It has the seat of a great Government located here. That fact enhances immensely its values. If we should only remove the seat of Government to some prairie in Missouri how soon this would appear. Suppose a joint stock company should be raised, as it could be in five minutes, to locate another seat of Government, what would all the property be worth here. Would not such a movement be so organized as to insure us a seat of Government where the people would not be forever clamoring, like the daughter of the horse-leech. I will vote for almost anything to relieve our home people from taxation.

Mr. BLACKBURN. Will the gentleman allow me to read a single sentence in an act approved June 20, 1874, in order to let the House see whether he and the gentleman from Ohio are right when they say that the Government is under no obligation whatever in this regard? I read from page 120 of the United States Statutes at Large, volume 18:

And the faith of the United States is hereby pledged that the United States will, by proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Mr. COX, of New York. That does not bear out the gentleman's position.

Mr. BLACKBURN. I simply desire to ask in the face of that provision whether there was to be no proportionate assessment of expenses between the Government and the District.

Mr. COX, of New York. If that were so understood, I would vote to repeal the statute. I do not believe such was the intention when it was passed.

Mr. BLACKBURN. Let the gentleman introduce his bill to that effect; but he should not deny the responsibility of the Government while the statute stands unrepealed.

Mr. HENDEE. The gentleman from New York voted for that act.

[Here the hammer fell.]

The question being taken on the amendment of Mr. BUCKNER, it was not agreed to.

Mr. BEEBE. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair will state that if the House should adjourn this bill will go over till to-morrow as unfinished business.

Mr. THOMPSON. That would be a question of order to be decided to-morrow.

ENROLLED BILLS SIGNED.

The Speaker resumed the chair.

Mr. HAMILTON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 285) granting a pension to Elizabeth D. Stone;
An act (S. No. 328) granting a pension to Mrs. Esther A. George;
An act (S. No. 697) granting a pension to Anna L. Robbins;
An act (S. No. 703) granting a pension to Melvina A. Maltby;
An act (S. No. 724) granting a pension to Nancy E. McClelland;
An act (S. No. 755) granting a pension to Martha C. Kendall;
An act (S. No. 869) granting a pension to Mrs. Mary Wilkes, widow of the late Admiral Charles Wilkes, United States Navy; and
An act (S. No. 873) granting a pension to Hannah Streets.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BALLOU, for one week, on account of important business;
To Mr. BISBEE, for ten days, on account of important business; and
To Mr. BAKER, of New York, for two weeks, on account of important business.

METRIC SYSTEM.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to the metric system of weights and measures; which was referred to the Committee on Coinage, Weights, and Measures.

LIGHTS ON MISSISSIPPI AND OTHER RIVERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the naval secretary of the Light-House Board, furnishing information relative to lights, beacons, and buoys on the Mississippi, Missouri, and Ohio Rivers, where, by whom, and at what cost maintained, &c.; which was referred to the Committee on Commerce.

NATIONAL SAVINGS-BANK.

Mr. ROBBINS. I move, by unanimous consent, there be an evening session on Wednesday evening for the consideration of House bill No. 3848, to promote the refunding of the national debt and the loan of savings to the United States for that purpose.

Mr. HARRIS, of Massachusetts. Is it for debate only?

Mr. ROBBINS. No, for consideration.

Mr. ALDRICH. Then I object.

Mr. ROBBINS. I will make it, then, for debate only.

There was no objection; and it was ordered accordingly.

TAUNTON SOLDIERS' MONUMENT.

Mr. HARRIS, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4772) granting condemned cannon to Grand Army Post No. 3, of Taunton, Massachusetts, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY OF ENGINEERS UNITED STATES NAVY.

Mr. WATSON, by unanimous consent, introduced a bill (H. R. No. 4773) to amend section 1556 of the Revised Statutes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. ALDRICH, by unanimous consent, introduced a bill (H. R. No. 4774) to amend statutes in relation to immediate transportation of dutiable goods; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FRANCIS M. GLOVER.

Mr. WHITE, of Indiana, by unanimous consent, introduced a bill (H. R. No. 4775) granting a pension to Francis M. Glover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLOWAY NOSTER.

Mr. WHITE, of Indiana, also, by unanimous consent, introduced a bill (H. R. No. 4776) granting a pension to Colloway Noster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH DRUM.

Mr. WHITE, of Indiana, also, by unanimous consent, introduced a bill (H. R. No. 4777) granting a pension to Elizabeth Drum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD KOLB.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 4778) for the relief of Edward Kolb, of Washington City; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

J. R. DUNBAR.

Mr. STENGER, by unanimous consent, submitted a resolution directing the Clerk of the House to pay out of the contingent fund of the House to J. R. Dunbar the sum of $100, being the amount due him for services rendered as messenger from February 1, 1878, to March 1, 1878; which was referred to the Committee of Accounts.

CENSUS COMMITTEE.

Mr. COX, of New York, by unanimous consent, submitted the following resolution:

Resolved, That a special committee on the census to be taken in 1880, consisting of eleven members of the House, be appointed, who shall have power to act jointly with the same committee already appointed by the Senate, and that said committee be allowed a clerk, and that he be paid out of the contingent fund of the House.

Mr. GARFIELD. There ought to be a provision in that resolution that the committee shall have power to sit during the recess.

Mr. COX, of New York. I will so modify the resolution by adding the words "and, further, that said committee shall have the right to sit during the recess."

The resolution, as modified, was adpoted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN HURTT.

Mr. McCOOK. I am directed by the Committee on Military Affairs to ask unanimous consent of the House to order the printing of certain documents to complete the record of the proceedings of the court-martial in the case of Captain Hurtt.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDINGS, CLEVELAND, OHIO.

Mr. TOWNSEND, of Ohio, by unanimous consent, submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and Grounds be requested to report to this House the necessity and advisability of repairing and extending the Government building at Cleveland, Ohio.

GRANT FOR SCHOOL PURPOSES, COLORADO.

Mr. PATTERSON, of Colorado, by unanimous consent, from the Committee on Public Lands, reported, as a substitute for House bill No. 3952, a bill (H. R. No. 4779) donating to the board of education of school district No. 1, Arapahoe County, Colorado, block numbered 143, in the east division of the city of Denver, Colorado, for common-school purposes; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAVAL TESTIMONY.

Mr. WHITTHORNE. I am directed by the Committee on Naval Affairs to move that the testimony taken by that committee be printed for the use of its members.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

Mr. HART, by unanimous consent, was granted leave of absence for ten days, from May 7.

And then, on motion of Mr. COX, of New York, (at five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLAND: A paper relating to the establishment of a post-route from Stoutland to Linn Creek, Missouri—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claim of Stephen C. Herndon—to the Committee on Invalid Pensions.

By Mr. BOYD: The petition of William H. Atkins and Jacob D. Felthousen, for relief, for inventing new and useful improvements in sewing-machines—to the Committee on Patents.

By Mr. BRAGG: Joint resolution of the Legislature of Wisconsin, favoring the better protection of fish—to the Committee on Agriculture.

By Mr. BURCHARD: The petition of citizens and business firms of Chicago, Illinois, for a new immediate transportation law—to the Committee of Ways and Means.

By Mr. BUTLER: The petition of Charles Watson, for compensation for services rendered Union officers in Libby prison by dressing their wounds and otherwise attending to their needs while in a helpless condition—to the Committee on Military Affairs.

By Mr. CAMP: Two petitions of soldiers of the late war of Auburn, New York, that the data from which the map of the battle of Gettysburgh was compiled be published—to the same committee.

By Mr. CAMPBELL: The petition of citizens of Springfield, Pennsylvania, for the extension of the credit of the Government to aid in the completion of the Texas Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. CHITTENDEN: The petition of citizens of New York City and other cities, against granting any exclusive privileges in regard to telegraph cables landed on the shores of the United States—to the Committee on Commerce.

By Mr. CLARK, of New Jesey: The petitions of Byram Council, No. 78, of Stanhope, New Jersey, and of Hunterdon Council, No. 14, of Stanhope, New Jersey, Order of United American Mechanics, that Congress refrain from meddling with the present tariff system—to the Committee of Ways and Means.

By Mr. CLARKE, of Kentucky: The petition of L. T. Moore and others, for an appropriation to improve the Big Sandy River, in Kentucky—to the Committee on Commerce.

By Mr. COLE: The petition of importers and dealers in foreign merchandise of Saint Louis, Missouri, for a new immediate transportation law—to the Committee of Ways and Means.

By Mr. CORLETT: Papers relating to the claim of George W. Moore—to the Committee on Public Lands.

By Mr. COX, of New York: The petition of soldiers of the late war, that the data from which the map of the battle of Gettysburgh was compiled be published—to the Committee on Military Affairs.

Also, papers relating to the petition of William McGovern for relief—to the same committee.

By Mr. DAVIDSON: The petition of James L. White, of Marion County, Florida, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. DAVIS, of California: Resolutions of the Legislature of California, for the payment of the amounts expended by said State in the Indian wars—to the Committee on Military Affairs.

By Mr. EVANS, of Pennsylvania: The petition of James J. Cooper, to be reimbursed for gas saved by the use of his gas-carburetting machine in the New York post-office—to the Committee of Claims.

By Mr. FRYE: The petition of Stephen B. Benton, for a pension—to the Committee on Invalid Pensions.

By Mr. HALE: The petition of F. A. Pike and others, for an increase of the pension of General James S. Hall—to the same committee.

By Mr. HARMER: Memorial of Alfred D. Jessup, of Philadelphia, Pennsylvania, proposing to sell the Government at an appraised value the fire-proof building now occupied by the Pension Bureau—to the Committee on Public Buildings and Grounds.

By Mr. HARRIS, of Massachusetts: Memorial of the harbor commissioners of Massachusetts, for the improvement of the harbor of Scituate, Massachusetts—to the Committee on Commerce.

By Mr. HERBERT: The petition of J. T. Holtzclaw, W. W. Allen, and others, for an appropriation to purchase Colonel John B. Bachelder's map of the battle of Gettysburgh—to the Committee on Military Affairs.

By Mr. JONES, of New Hampshire: The petition of 130 business men of New York, Philadelphia, Boston, Chicago, Cincinnati, and Saint Louis, against granting any exclusive privileges in regard to telegraphic cables landed on the shores of the United States—to the Committee on Commerce.

By Mr. JONES, of Ohio: The petition of citizens of Marion and Union Counties, Ohio, against granting an extension of the patent of J. C. Birdsell for a machine called a combined clover-thrasher—to the Committee on Patents.

By Mr. LAPHAM: The petition of 130 business men of New York, Philadelphia, Boston, Chicago, Cincinnati, and Saint Louis, against granting any exclusive privileges in regard to telegraphic cables landed in the United States—to the Committee on Commerce.

By Mr. LOCKWOOD: The petition of many citizens of Buffalo, New York, that a pension be granted Mrs. Emma J. Fleming, to the Committee on Invalid Pensions.

By Mr. PUGH: The petition of William Hughes, for an increase of pension—to the same committee.

By Mr. ROBERTSON, of Louisiana: The petition of the presidents of the police juries of the Florida parishes of Louisiana, for the restitution to the citizens of said parishes of the rights of patrimony in the public lands therein—to the Committee of Claims.

By Mr. SINGLETON: The petition of Sophie F. Kampf, that she be paid an amount equal to one year's salary of her late husband, who died from injuries received while in the service of the Government—to the same committee.

By Mr. TIPTON: The petition of 130 business men of New York and other cities, against granting any exclusive privileges in regard to telegraphic cables landed on the shores of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: A paper relating to the establishment of a post route from Shelby to Dysartsville, North Carolina—to the same committee.

By Mr. WAIT: The petition of Alba F. Smith, for an extension of his patent, No. 34377, being an improvement in locomotive engines—to the Committee on Patents.

By Mr. WILLIS, of New York: The petition of John B. Trainer, for relief—to the Committee of Accounts.

Also, the petition of J. Howard Livingston, for arrears of pay as second lieutenant Seventh New York Volunteers—to the Committee on Mililary Affairs.

By Mr. WRIGHT: The petition of Columbia Council, District of Columbia, representing five hundred families, for a law that will insure full weights in the sale of coal—to the Committee for the District of Columbia.

Also, the petition of Francis J. Conlaw, late a private in Light Batttery G, Fifth United States Artillery, to have his dishonorable discharge removed to enable him to be restored to citizenship—to the Committee on Military Affairs.

IN SENATE.

TUESDAY, *May* 7, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave;

A bill (H. R. No. 3978) to authorize the Barataria Ship-Canal Company to construct and operate a ship-canal from New Orleans to the Gulf of Mexico through the lands and waters of the United States, and to grant to said company the right of way for that purpose; and

A bill (H. R. No. 4674) to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada.

The bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 3828) to amend section 23 of the act approved June 22, 1874, entitled "An act to amend customs-revenue laws, and to repeal moieties," was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce, if there be no objection.

Mr. MORRILL. I suggest that it be referred to the Committee on Finance.

Mr. WHYTE. I hope not. I think it ought to go to the Committee on Commerce.

Mr. MORRILL. I do not covet this bill at all, but I merely desire to say that the bill in relation to moieties on a former occasion was reported by the Committee on Finance. This bill relates to that and nothing else, as I understand.

Mr. WHYTE. The bill passed the House. It was referred to the Committee on Commerce there.

Mr. MORRILL. I know it was.

Mr. WHYTE. It has reference simply to the salaries of surveyors of certain ports and it repeals the moieties which go toward paying their salaries. That is all there is in it.

Mr. MORRILL. I understand it. The bill relates to some surveyors who were omitted in the former bill. I do not insist that the bill shall be referred to the Committee on Finance, as the Committee on Commerce of the other House prepared it, but the former bill in relation to moieties was reported by the Committee on Finance.

Mr. CONKLING. The honorable Senator from Vermont is quite right; the other bill did go to the Committee on Finance. I confess I thought then, and think now, it did not belong there, but having gone to it, that committee having acted upon it, I think this bill should go to the same committee. And that is not my opinion alone; it is also the opinion of other members of the Committee on Commerce who think it should go to the Committee on Finance properly now.

The PRESIDENT *pro tempore*. The Senator from Vermont suggests that the bill be referred to the Committee on Finance. Is there objection? The Chair hears none, and it is so referred.

RETIREMENT OF LEGAL-TENDER NOTES.

Mr. COCKRELL. I ask that the bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes, which was read the first time yesterday, be taken from the table and read the second time.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The question of second reading will come up under the call for resolutions, and is not in order now.

PETITIONS AND MEMORIALS.

Mr. DAVIS, of West Virginia. I present the memorial of a large number of merchants of the United States in relation to telegraphic communication between this and other countries; and as it is very short, I ask that it may be read at the Clerk's desk.

The PRESIDENT *pro tempore*. It will be read in the absence of objection.

The memorial was read, as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

The memorial of the undersigned, who are in no way interested in existing telegraphic cables, respectfully represents:

That the vast interests involved in the maintenance of telegraphic communications between the United States and the rest of the world require the utmost facility to be given therefor, and your honorable bodies are therefore earnestly requested to reject all applications for exclusive privileges, and to pass a law giving permission to any and all persons and companies, without preference, to land telegraphic cables on the shores of the United States, and through them keep up telegraphic communication between this and other countries.

And your memorialists will ever pray.

Mr. DAVIS, of West Virginia. I ask that the memorial be referred to the appropriate committee.

Mr. PADDOCK. I move its reference to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DAVIS, of Illinois, presented the memorial of Colonel Leonard F. Ross and other citizens of Galesburgh, Illinois, praying for the passage of a bill granting pensions to the survivors of the Mexican war, with an accompanying letter from the secretary of the First Illinois Association; which was referred to the Committee on Pensions.

Mr. HARRIS presented resolutions of the Merchants' Exchange of Nashville, Tennessee, in the nature of a petition, praying that the law imposing a tax of 10 per cent. upon the circulating notes of banks other than national banks be repealed; which were referred to the Committee on Finance.

Mr. HOAR presented the petition of the mayor, aldermen, and common council of the city of Boston, praying for the passage of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army, on the retired list; which was ordered to lie on the table.

Mr. MORGAN presented the petition of C. C. McKay and others, citizens of Marion County, Alabama; the petition of C. C. Merrick, of Alabama; the petition of J. C. White and others, of Madison County, Alabama; the petition of J. M. Doyle and others, citizens of Blount County, Alabama; the petition of E. P. Jones and others, citizens of Fayette County, Alabama; the petition of F. A. Gamble and others, citizens of Walker County, Alabama; and the petition of Andrew J. Ingle and others, citizens of Winston County, Alabama, praying for a grant of land to aid in the construction of the Warrior and Tennessee Rivers Railroad; which were referred to the Committee on Public Lands.

Mr. VOORHEES presented the petition of James Freeman and others, citizens of Camden, New Jersey, praying for the enactment of a law making six hours a day's work for all workingmen in Government employ; which was referred to the Committee on Education and Labor.

Mr. CONKLING presented a petition signed by a large number of citizens of New York, members of the Chamber of Commerce, bankers, and others, praying for an increased appropriation to improve the Harlem River; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Delaware County, New York, praying that the bankrupt law be not repealed, but that it be amended; which was ordered to lie on the table.

Mr. SARGENT. I present the petition of citizens of Santa Barbara County, California, praying for an appropriation to survey the Bay of Santa Barbara in order to determine the cost of the construction of a harbor of refuge and giving good reasons why such a harbor should be established there. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BURNSIDE, from the Committee on Education and Labor, to whom was referred the petition of Theophilus Fisk Mills, praying an appropriation of $100,000 to be paid as a reward to any American citizen who shall produce, in wood, a certain kind of two-foot measure, &c., asked to be discharged from its further consideration and that it be referred to the Committee on Patents; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2502) directing the payment of the claim of August Pensler, Third Ohio Independent Cavalry, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (S. No. 934) for the relief of H. M. Billingsley, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. DAWES, from the Committee on Finance, to whom was referred the bill (S. No. 806) for the relief of George T. Marshall, reported it with an amendment.

Mr. DORSEY, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes, reported it with amendments.

Mr. DORSEY. From the same committee I report back an amendment to the bill just reported, offered by the Committee on Post-Offices and Post-Roads, so that the latter committee can move it in the Senate. I desire to say that the Committee on Appropriations do not formally express an opinion upon this amendment, and certainly nothing adverse to it.

The PRESIDENT *pro tempore*. The amendment will go with the bill to which it is proposed.

Mr. EDMUNDS. I reserve all points of order on that.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to

whom was referred the bill (S. No. 103) additional to section 1000 of the Revised Statutes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2334) for the relief of Joseph F. Wilson, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BUTLER, from the Committee on Military Affairs, to whom were referred the bill (H. R. No. 330) for the benefit of Alderson T. Keene, late first lieutenant of Company E, First Kentucky Cavalry, the bill (S. No. 804) for the relief of Frank Arnim, and the bill (S. No. 799) for the relief of Willis N. Arnold, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 981) for the relief of Howell H. Trask, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 567) for the relief of William Carruthers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1030) donating material of war to the Washington Association of New Jersey, reported it without amendment.

He also, from the same committee, to whom was referred the petition of John Harrison, of Quincy, Illinois, praying compensation for services rendered as a scout during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 861) relating to telegraphic communication between the United States and foreign countries, reported it without amendment.

Mr. ALLISON. The Committee on Finance, to whom was referred the bill (S. No. 796) for the relief of John Henderson, have instructed me to report it without amendment favorably. I will file with the bill a statement of the facts in relation to the case. I will say that the committee are unanimous in the report.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 980) for the relief of Charles Collins, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 169) for the relief of Dr. John B. Read, asked to be discharged from its further consideration and that it be referred to the Committee on Patents; which was agreed to.

CHINESE IMMIGRATION.

Mr. HOWE. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. No. 20) relative to Chinese immigration, to report a concurrent resolution as a substitute for the joint resolution, somewhat modified, and recommend its passage.

The PRESIDENT *pro tempore*. The concurrent resolution will be reported.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the provisions of the existing treaty between the Empire of China and the United States allowing the unrestricted emigration to this country from China might wisely be modified, so as to subserve the best interests of both governments; and the attention of the Executive is respectfully invited to the subject.

The PRESIDENT *pro tempore*. The concurrent resolution will be placed on the Calendar.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution of the House of Representatives to print extra copies of the report of the Commissioner of Education for 1876 for the use of the Commissioner, to report it without amendment and recommend its passage. The resolution provides for printing 5,000 copies for the use of the Commissioner and none for distribution by Senators and Representatives. The cost on fifty-three-pound paper would be $3,871.25, and on forty-five-pound paper $3,448.35. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That 5,000 copies of the report of the Commissioner of Education for the year 1876 be printed for distribution by the Commissioner of Education.

THE TENTH CENSUS.

Mr. MORRILL. I am directed by the Special Committee on the Census to report the following resolution:

Resolved, That the Special Committee on the Census have power to act jointly with the same committee of the House of Representatives.

Mr. President, the House of Representatives, it will be recollected, sent us a resolution asking for the appointment of a joint committee, but upon a conference with members of the House it is concluded that the committees may be appointed by each House, like that on the Library, and on Public Buildings and Grounds, with power to act jointly, which will answer the purpose. I ask for the present consideration of the resolution.

The Senate proceeded to consider the resolution.

Mr. EDMUNDS. With great respect to my colleague, I move to amend the resolution by striking out the word "jointly," and inserting the word "concurrently," for the word "jointly" would imply an amalgamation wherein the Senate committee might be outvoted by the House members and one Senator, which my colleague would not want the Senate to concur in. "Concurrently" will answer the purpose.

Mr. MORRILL. I have no objection to the suggestion, but still it is the same word which is used in relation to the committees I have referred to, precisely.

Mr. EDMUNDS. It may be, but it is wrong.

Mr. MORRILL. It is the same word precisely. My colleague has been master of the rules a long time, and I thought he would have them amended if they were incorrect.

Mr. EDMUNDS. I should have done so, if I were on the Committee on Rules.

Mr. MORRILL. I have no objection to the amendment.

The PRESIDENT *pro tempore*. The resolution will be so modified, by inserting the word "concurrently" instead of "jointly."

Mr. DAWES. I suggest to the Senator from Vermont that he say "any like committee appointed by the House of Representatives."

Mr. MORRILL. The resolution is in the language used in the present rules.

Mr. DAWES. Of course it is a matter of no great consequence, relating merely to phraseology, but to say "the same committee appointed by the House of Representatives" is an absurdity.

Mr. DAVIS, of Illinois. It should be "the committee on the same subject."

Mr. DAWES. "On the same subject," or "any like committee," would do, but "the same committee" means the honorable Senators who are acting on this committee.

Mr. EDMUNDS. On this last point my colleague has cited the present standing rules correctly as a precedent for the use of the words "same committee." As to the Library Committee the rule says:

A Committee on the Library, to consist of three Senators, who shall have power also to act jointly with the same committee of the House of Representatives.

On the first point, where I made the suggestion to change from "jointly" to "concurrently," the answer that I make is the Committee on the Library has been always and was designed to be a joint committee, that votes *per capita* when it meets. I happen to know that from the circumstance that I am a member of the Committee on the Library. How the word "same" got in, I do not know. That I have no explanation for.

Mr. MORRILL. Under the suggestion of the Senator fram Massachusetts [Mr. DAWES] I move to strike out "same" and insert "like."

Mr. EDMUNDS. Modify it. There will be no objection to that.

Mr. MORRILL. I will modify it in that respect and, I will add further, "with power to sit during the recess of Congress," as that power has been already given to the House committee.

The PRESIDENT *pro tempore*. The Secretary will report the resolution as modified.

The Chief Clerk read as follows:

Resolved, That the Special Committee on the Census shall have power to act concurrently with the like committee of the House of Representatives, and with power to sit during the recess of Congress.

The resolution was agreed to.

Mr. MORRILL. I am directed by the same committee to report back the resolution of the House relating to this subject and ask for its indefinite postponement.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read the House concurrent resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring therein,) That a joint committee to be denominated "Joint Committee on the Census," be appointed to consider and report upon the proper measures to be adopted for the taking of the next census; and that the said committee may report by bill or otherwise.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the resolution of the House be postponed indefinitely.

The motion was agreed to.

BANKRUPT-LAW REPEAL.

Mr. THURMAN. I was told this morning when I came in that a patriotic debate was inaugurated yesterday which occupied most of the day and was likely to occupy most of to-day. If so, that is pushing over the bill for the repeal of the bankrupt law until not only day after to-morrow but the day after that, for the Indian appropriation bill will take up all of the day after to-morrow, probably. I therefore, if it is the pleasure of the Senate, would like to ask for the consideration of the bill for the repeal of the bankrupt law now, in order that we may vote on the amendment.

Mr. EDMUNDS. Let us get through with the morning business first.

Mr. COCKRELL. The morning business is first in order.

The PRESIDENT *pro tempore*. The introduction of bills is next in order.

BILLS INTRODUCED.

Mr. THURMAN. I have been requested to introduce a bill to alter and amend the laws relative to the filing of reports of Pacific Railroad Companies, and for other purposes. This bill was drafted by one of the clerks in the Treasury Department who has had charge of those accounts, and he writes me that the honorable Secretary of the Interior and his Assistant Attorney-General have examined the bill and it has their approval. I have not read it myself, but I think under those circumstances I can introduce it, which I do, and ask its reference to the Committee on the Judiciary.

By unanimous consent, leave was granted to introduce a bill (S. No. 1200) to alter and amend the laws relative to the filing of reports of Pacific Railroad Companies, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1201) for the relief of Drury Bynum; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1202) for the relief of William A. Britton; which was read twice by its title, and referred to the Committee on Claims.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1203) to repeal the act of Congress approved April 3, A. D. 1878, entitled "An act to amend an act entitled 'An act for the support of the government for the District of Columbia for the fiscal year ending June 30, 1878,' and for other purposes;" which was read twice by its title.

Mr. EDMUNDS. I move the reference of the bill to the Committee on the District of Columbia. I wish to call the attention of the committee to the circumstance that it appears very plain to my mind on looking at the act of the 3d of April, 1878, which amends the last year's tax act, that the effect of it is to relieve all the tax-payers from paying the last installment of last year's tax, and to postpone that for six months from the time this act operates; and I think it is deserving of the immediate consideration of the committee.

The motion to refer was agreed to.

Mr. BAILEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1204) for the relief of Mrs. Sophia Richardson, of Newburyport, Massachusetts, and J. A. Richardson, of New York City, New York; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

Mr. KIRKWOOD. I desire to have entered an order authorizing Louis Koerth to withdraw the papers filed by him this session claiming a pension. His claim was rejected by the Pension Committee on the ground that he had not been before the Commissioner of Pensions. He asks leave to withdraw the papers that he may file them in that office.

The order was agreed to.

SAINT JOSEPH AND DENVER CITY RAILROAD.

Mr. PADDOCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and hereby is, requested to communicate to the Senate such information as the Government may possess in relation to the amount of the land-grant subsidy to the Saint Joseph and Denver City Railroad, the present condition of such grant, what disposition and use has been made of the same, the number of miles of completed road, and whether it has been finished to the point of connection with the Union Pacific designated by the survey of the line of such road now on file with the Secretary of the Interior; and, if not, what explanation, if any, is made by the company of its failure to make such connection as required by the act granting lands in aid of its construction.

AMENDMENTS TO POST-ROUTE BILL.

Mr. BECK, Mr. MITCHELL, Mr. PLUMB, and Mr. SARGENT submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

RETIREMENT OF LEGAL-TENDER NOTES.

Mr. COCKRELL. I ask that the bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes be taken from the table and read the second time, not for the purpose of having action upon the bill this morning at all, but simply that it may be read in its regular order the second time.

The PRESIDENT *pro tempore*. The bill will be read the second time, if there be no objection.

Mr. INGALLS and Mr. CONKLING. I ask that it may be read in full.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill.

Mr. MORRILL. I move to refer the bill to the Committee on Finance.

Mr. COCKRELL. I hope the bill will not be referred to the Committee on Finance, and upon that question I ask for the yeas and nays. The Senate is just as competent to consider the bill as the Committee on Finance. Every Senator must have made up his mind upon the question.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I myself should like to hear the bill read again, and I have no doubt many other Senators would like to have it read again.

Mr. CONKLING. Before the bill is read again I want to ask a question. I asked for the reading for information. Another Senator understood that it was the regular second reading of the bill. I did not. I wish to inquire how this bill came to be read the second time this morning?

The PRESIDENT *pro tempore*. Upon the first reading yesterday the second reading was objected to and the bill was ordered to lie upon the table, and it has now been called up by the Senator from Missouri for a second reading.

Mr. CONKLING. How is it in order to bring it up now, without a vote of the Senate, to be read the second time?

The PRESIDENT *pro tempore*. Under the motion of the Senator from Missouri, to which there was no objection.

Mr. CONKLING. I beg pardon of the Chair. The Senator from Missouri proposed to take it up. I asked to have it read for information, and no vote has been taken on taking it up; no unanimous consent has been given. I understand that it has not been read a second time except at my request for information to know what the bill was.

The PRESIDENT *pro tempore*. The Chair would remind the Senator from New York that he stated that the question was upon the second reading of the bill, and the Senator from Kansas asked for its reading at length. The Chair responded that the bill would be read at length. However, the Chair will put the question upon the second reading of the bill.

Mr. COCKRELL. I rise to a question of order. Is it not the right of a Senator to have this bill read the second time, whether there is objection to it or not?

Mr. CONKLING. It is not.

The PRESIDENT *pro tempore*. The bill lies on the table and it requires a motion of the Senate to take it from the table. As the Senator from New York says he did not consider the reading at length to be the second reading, and as the reading was under a misapprehension, the Chair will submit the question to the Senate shall the bill be taken from the table for second reading?

Mr. EDMUNDS. That is the proper question.

Mr. THURMAN. Let the bill be read now.

Mr. CONKLING. For information. I object to its being read except for information.

Mr. THURMAN. Let the bill be read for information. I do not know what the bill is.

The PRESIDENT *pro tempore*. The bill will be again read for information.

The Chief Clerk again read the bill, as follows:

Be it enacted, &c., That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed; but they shall be reissued and paid out again, and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes, and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed.

The PRESIDENT *pro tempore*. The Senator from Missouri now moves that this bill be taken from the table for the purpose of having it read the second time.

Mr. EDMUNDS. For the purpose of consideration. It can only be taken from the table. The question what we shall do with it arises afterward.

The PRESIDENT *pro tempore*. The Chair has to put the motion as made.

Mr. EDMUNDS. Then I raise the question of order that the motion is not in order.

The PRESIDENT *pro tempore*. The Senator will state his question of order.

Mr. EDMUNDS. My question of order is that it is not in order to move to take up a bill for a particular purpose at all. It is only in order under the rules to move to take it up.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. COCKRELL. I modify my motion. I move to take up the bill, with the intention of having it read the second time when it is taken up.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to take from the table the House bill just read, upon which the yeas and nays have been ordered.

Mr. RANDOLPH. I desire to say that my colleague [Mr. MCPHERSON] would, if present, vote "nay." I have a dispatch from him to that effect. My colleague is detained at home by sickness.

The question being taken by yeas and nays, resulted—yeas 33, nays 25; as follows:

YEAS—33.

Bailey,	Eustis,	Lamar,	Saunders,
Beck,	Garland,	McCreery,	Spencer,
Booth,	Gordon,	McDonald,	Thurman,
Butler,	Harris,	Maxey,	Voorhees,
Cockrell,	Hereford,	Merrimon,	Wallace,
Coke,	Hill,	Morgan,	Withers.
Davis of Illinois,	Ingalls,	Oglesby,	
Davis of W. Va.,	Johnston,	Plumb,	
Dorsey,	Jones of Florida,	Ransom,	

NAYS—25.

Allison,	Edmunds,	Matthews,	Saulsbury,
Anthony,	Ferry,	Mitchell,	Wadleigh,
Bayard,	Hoar,	Morrill,	Whyte,
Cameron of Wis.,	Howe,	Paddock,	Windom.
Conkling,	Kernan,	Randolph,	
Dawes,	Kirkwood,	Rollins,	
Eaton,	McMillan,	Sargent,	

ABSENT—18.

Armstrong,	Cameron of Pa.,	Grover,	Patterson,
Barnum,	Chaffee,	Hamlin,	Sharon,
Blaine,	Christiancy,	Jones of Nevada,	Teller.
Bruce,	Conover,	Kellogg,	
Burnside,	Dennis,	McPherson,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. COCKRELL. Now I ask for the second reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the second reading of the bill. The bill will be read a second time.

Mr. EDMUNDS. I think you had better put the question, Mr. President, and take all the steps in this business.

The PRESIDENT *pro tempore*. The Chair will put the question on the second reading of the bill.

The question being put, a division was called for.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of Illinois. I hope the call for the yeas and nays will be withdrawn. We can divide on this subject, certainly.

Mr. EDMUNDS. We are dividing when we have the yeas and nays, in a very marked manner.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PADDOCK. I desire to say in a word that I vote against taking up this bill, as I shall vote against every other measure calculated, as this possibly may be, to unsettle the business of the country by tinkering and tampering with the currency. So far as I am concerned, I want to let well enough alone.

Mr. DAVIS, of Illinois. I call the gentleman to order.

Mr. COCKRELL and others. Debate is not in order during the call of the roll.

The roll-call having been concluded, the result was announced—yeas 34, nays 23; as follows:

YEAS—34.

Bailey,	Ferry,	Jones of Florida,	Plumb,
Beck,	Garland,	Kirkwood,	Ransom,
Booth,	Gordon,	Lamar,	Saunders,
Cockrell,	Harris,	McCreery,	Thurman,
Coke,	Hereford,	McDonald,	Voorhees,
Davis of Illinois,	Hill,	Maxey,	Wallace,
Davis of W. Va.,	Howe,	Merrimon,	Withers.
Dorsey,	Ingalls,	Morgan,	
Eustis,	Johnston,	Oglesby,	

NAYS—23.

Allison,	Dawes,	Matthews,	Sargent,
Anthony,	Eaton,	Mitchell,	Saulsbury,
Bayard,	Edmunds,	Morrill,	Wadleigh,
Burnside,	Hoar,	Paddock,	Whyte,
Cameron of Wis.,	Kernan,	Randolph,	Windom.
Conkling,	McMillan,	Rollins,	

ABSENT—19.

Armstrong,	Cameron of Pa.,	Grover,	Patterson,
Barnum,	Chaffee,	Hamlin,	Sharon,
Blaine,	Christiancy,	Jones of Nevada,	Spencer,
Bruce,	Conover,	Kellogg,	Teller.
Butler,	Dennis,	McPherson,	

The PRESIDENT *pro tempore*. The bill will now be read the second time. The Senate has ordered the second reading of the bill and it will be read at length.

The bill was read the second time at length.

Mr. MORRILL. Mr. President, I now move that this bill be referred to the Committee on Finance. I cannot understand that there should be any objection to referring a bill of this kind to that committee. I am certain that the committee has never in any instance undertaken to smother any bill or proposition sent to it, but has considered all such bills and with reasonable dispatch. I may add in connection with this matter that the whole subject is now before the Senate, only laid by informally for action on the bankrupt bill and the appropriation bills. As soon as those bills are out of the way, the whole subject will come up and then the will of the Senate of course will be carried out.

Mr. COCKRELL. I hope the bill will not be referred. The Senate is just as competent to act on this bill as the Finance Committee. The Finance Committee of the Senate has already given the Senate its full wisdom in bills reported and now before the Senate upon this question. I hope it will not be referred, and I shall ask then that it be placed upon the table and at a proper time I shall ask the Senate to proceed to its consideration.

Mr. BAYARD. Mr. President, it would be difficult to describe a measure which calls for orderly consideration more emphatically than the one now before the Senate. If there ever was a reason, a time, an occasion, a measure in which regularity of proceeding should be observed, it is in relation to the pending bill. It is not the question of the wisdom or the unwisdom of the Committee on Finance; it is a question of the regularity of proceeding in a parliamentary body; and no reason has been suggested, and very respectfully I say that none will be suggested, why this measure should not follow the course of orderly proceeding of the Senate. The rules of the Senate are not merely formal, they are meant to promote deliberation, and deliberation for the purpose of justice that laws should be enacted by method and by form, and that they should at all stages be carefully sifted and examined. It is indeed an extraordinary case when a measure coming before the Senate shall not be submitted to the usual organ of the Senate for its examination and report, and this is one that especially requires it. If any good reason can be given for disturbing the usual form of proceeding let the reason be given rather than the hot haste that seems to mark some minds in this body.

I trust that there will be no hesitancy on the part of the Senate in committing this bill according to the rules of the Senate. Whatever is the will of the majority of the Senate is in the end bound to be vindicated, and the measure will become a law so far as the action of the Senate can make it one by the will of the majority, and there is no disposition that I am aware of to interpose any course of a dilatory nature to prevent the prompt consideration of this measure, only asking that it shall be in due form and subject to the regular methods of law.

I can scarcely say that I hope there will be no objection to a reference, for objection has been intimated, but I trust that the Senate will see the necessity in the present case of allowing this bill to follow the ordinary course of procedure and go to the committee appointed by the Senate for its due consideration.

Mr. MATTHEWS. Mr. President——

Mr. SARGENT. Regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 285) granting a pension to Elizabeth D. Stone;

A bill (S. No. 328) granting a pension to Mrs. Esther A. George;

A bill (S. No. 697) granting a pension to Anna L. Robbins;

A bill (S. No. 703) granting a pension to Melvina A. Maltby;

A bill (S. No. 724) granting a pension to Nancy E. McClelland;

A bill (S. No. 755) granting a pension to Martha C. Kendall;

A bill (S. No. 869) granting a pension to Mrs. Mary Wilkes, widow of the late Admiral Charles Wilkes, United States Navy; and

A bill (S. No. 873) granting a pension to Hannah Streets.

PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SARGENT. I call for the regular order, being the pension appropriation bill.

The PRESIDENT *pro tempore*. The Senator from California calls for the regular order, which is House bill No. 3974. The Secretary will report the bill by its title.

The CHIEF CLERK. "A bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879."

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Committee on Finance as amended. The Secretary will report the question.

The CHIEF CLERK. The second section of the bill has been amended so as to read:

SEC. 2. That from and after the passage of this act, in case of vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers or the widows or daughters of Union soldiers.

It is proposed to strike out that section as amended and insert:

That on the 1st day of January, 1879, the terms of office of all pension agents shall expire, and thereafter honorably discharged wounded or disabled Union soldiers, or the widows or daughters of Union soldiers, shall be appointed to said offices.

Mr. SARGENT. I do not wish to reopen the discussion. I will only remark that I trust the Senate will sustain the bill as amended instead of putting on this amendment. I will not go into the reasons for it; I merely express that wish The section as amended is simply that in case of vacancies, wounded or disabled soldiers, their widows and orphans, shall have these places. The amendment provides that on the 1st of January the offices shall be emptied and the same class of persons have them.

Yesterday in a preliminary statement in reference to this bill I said that the number of 22,250 pensioners had been placed on the roll by authority of the act pensioning the survivors of the war of 1812 and their widows, passed at the present session, the act of March 9, 1878. I was in error so far as stating that that number had been put on the roll. It was an estimate of the number that would necessarily be put on the roll. The whole number up to last Saturday that had been placed on the roll under that legislation was 10,491, as I was informed this morning by the Commissioner of Pensions.

Mr. INGALLS. That is the number of applications.

Mr. SARGENT. The number that have been placed on the roll up to last Saturday was 10,491, if I am capable of understanding a direct statement by the Commissioner of Pensions.

Mr. INGALLS. I inquired on that subject yesterday. That is the number of applications, not the number of those who have been placed on the roll.

Mr. SARGENT. I am very sorry that I am not able to understand the English language when spoken. I went to the Commissioner of Pensions this morning, told him the statement made by myself in the Senate yesterday, and asked him what the fact was as to the number actually placed on the roll, and he said 10,491 at $8 a month. If not, I should like to know why we are appropriating a million and a half of dollars under the legislation of March 9, 1878.

Mr. EDMUNDS. The soldiers of 1812 said to be a few hundred have got up to 10,000 now.

Mr. SARGENT. I pointed the moral by saying that a few lines in a pension bill sometimes cost the Government millions per annum to be paid indefinitely in the future. There are now thousands of men on the pension-roll who are survivors of the war of 1812 who served a few months in that war. It is something that is somewhat baffling I think to insurance agencies the effect that the pension-rolls have upon longevity. It is nothing to regret, but it is certainly something to be remarked upon. Therefore I say that for an indefinite period in the future at least a million and a half is added annually to the pension roll. The estimate of those who will go on the roll is 22,252. My friend from Virginia in correcting my statement said that the whole number was between three and four thousand. The whole number in fact is nearly eleven thousand. That is all I wish to say on that matter, and I say it in order to set myself right because I do not like to make an erroneous statement even in a matter of statistics.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations as amended, upon which the yeas and nays have been ordered.

Mr. CONKLING. Before the vote is taken I wish to ascertain from the Senator from California whether I am right in my understanding. If the amendment fails and the bill stands as the Senator would have it, hereafter preference is to be given to soldiers such as are described, their widows and daughters, when a vacancy occurs in the office of pension agent. It requires that they shall receive the appointment in preference to all others. If the amendment now proposed prevails, on a day which is fixed, the 1st of next January, all pension agents, good, bad, and indifferent, whether they be men or women, whether they have been recently appointed or have held for some time, are to be swept out altogether, and a set of new and uninstructed pension agents are to come in simultaneously all over the country. On such an amendment I venture to remark that, after all the theories and all the delusions, all the fictions and all the fables with which the public ear has been filled touching what is called civil service reform, it would perhaps be rash for me to assert that any new suggestion can go further from the line of practical sense and experience than any former one has done; but I must say that among all the efforts of ingenuity to pervert and betwist and violate what would seem in the ordinary course of human transactions to be wise, few have fallen under my observation which can lay claim to originality so great as this.

Here are pension agencies, a great many of them differing very much in the vastness of the business which they transact. A consolidation has taken place recently which in the State of New York, for example, has committed to one agency a number of pensions to be paid so great that a doubt has been expressed whether a single agency could acquit itself properly of all the duties thus committed to it; and now in that case, where quite recently the Senate was asked to pass and did pass a special act to avoid the rigors of the statute as to the bail required, the suggestion is that the pension agent freshly appointed, by about the 1st of January becoming familiar if he has good fortune with his duties, and all others are to give way and a new agent everywhere is to be selected in every place on the same day, selected from a limited class of persons, and all of them to be new in the discharge of their duties.

Mr. DORSEY. How limited?

Mr. CONKLING. I only mean that in place of the appointing power going at large throughout the community to find persons variously skilled, persons skilled as accountants, wherever they may best be found, the selection is to be confined to one class of persons, namely, those who have served creditably in the military service; and the Senator from Massachusetts reminds me—and I believe that is the amendment—that it is still further restricted by confining it to those who have received wounds.

The honorable Senator who puts this question to me, of course will not misunderstand me by supposing that I mean to suggest that any class of persons more meritorious than this, any class who should be preferred for office, could possibly be suggested. I only mean that if the restriction was to a certain profession, whether to medical men, to lawyers, to merchants, to those who had been in any single walk of life, it would be a restriction upon the appointing power; and it seems to me to render more conspicuous than it would otherwise be, the hazard of undertaking at once all over the country, North, South, East, and West, to dismiss every pension agent, whether he has been such for one month or one year or eight years, and then resort being had to one single profession or class of citizens to supply their places on the same day with those the great body of whom must necessarily be new and untaught in the duties.

Mr. DORSEY. I should like to ask the Senator from New York whether in his judgment there are not plenty of wounded or disabled Union soldiers in the State of New York to supply these positions, who are abundantly capable, who are able to give the bond, who are in every way fitted, mentally, morally, and socially, just as much so as the person whom we confirmed the other day, and who, if I recollect aright, had a good deal of trouble in filing his bond?

Mr. CONKLING. If I understand the Senator's question I can answer it affirmatively and heartily. I have no doubt in the State of New York can be found a great number of persons distinguished and meritorious for the services they rendered and for the wounds they received in the war, entirely competent to be pension agents; but let me ask my honorable friend does he think that anywhere in the State of New York, or in any other State, you could find a man as pension agent unless he had been taught in that particular business, who at the beginning, at once, would be as fit as a man who had grown accustomed to the duties.

Mr. DORSEY. I presume the suggestion the Senator makes is true, but these officers are being changed all the time; men that are new to the duties are being put in, and those who have served awhile are being put out. We have had an example in the Senator's own State in the last few months. We know that fresh men have been put in the last six months, and that fact is no evidence that changes will not be made in the future because these men have learned the business.

Mr. CONKLING. I am not making the argument which the Senator answers, but rather one which his remarks confirm. When a pension agent resigns, as was the case to which he referred, of course another appointment must be made. Whenever a pension agent is derelict, another appointment should made. Whenever in the case of any pension district a better man can be found than the one who holds the office, I think he should be superseded. And that is my idea of civil-service improvement, or reform, using the cant phrase. I believe that the person who wields the appointing power, like any man of business and affairs and integrity, should select as well as he can the right man for the right place, not put a square peg in a round hole, nor a round peg in a square hole; in short to adapt the selection to the thing to be done. But is that an argument to show that everywhere, in the instance where you find an exceptionally good pension agent, and I can point to such, he shall be removed to make place for a particular class? There is one in the western part of the State of New York, Mr. Drury, who for years has been a pension agent. He was not a soldier; he lacks that merit; but I am told, and have been told for years by the Pension Bureau and by the Secretary of the Interior, that this man is exceptionally, conspicuously fit for his place, and when another sought his place the pensioners themselves by thousands sent here petitions and letters without end saying that they were more than satisfied with this man, that he had become accustomed to all his duties and their ways and understood them, and they understood him, and they wanted him to continue pension agent and the office to be continued in the little village in which it is. Now does the argument of the Senator tend to prove that that pension agent and all other pension agents, however satisfactory, regardless of all distinctions, the good, the derelict, the meritorious, with those who are the reverse, should be dismissed all on one day the country over?

If it is true of this office, it is true of the post-office; and I submit to the honorable Senator—I did not know that this amendment came from him; however I had intended to speak of it with entire respect as to the mover—that nothing more entirely at variance with every sound view of the administration of a public trust could well be suggested than that on one day, the good and the bad should all vanish together and fresh hands simultaneously be substituted for the work.

Mr. EDMUNDS. Mr. President, I am opposed to this whole thing. I am in favor of striking out the provision in the House bill which provides for selecting soldiers for this place. I am in favor of it in the first place, for the reason that it is against the spirit of our rules most explicitly about having legislation on appropriation bills. The twenty-ninth rule provides that:

> No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane, &c.

I admit that this does not fall within the letter, because perhaps this would not be called a general appropriation bill, and in the second place because amending a provision that is already in the bill from the House might not fall within the letter of this rule; but the spirit of the rule which we have tried to enforce by striking out legislation from House bills and sticking to it over and over again, has been that bills appropriating money should stop when they had appropriated the money, and not undertake to provide legislation on a subject of this character or any other general character.

In the next place, I am opposed to this provision, both the amendment and the original text of the House bill, upon the ground that, although in my judgment it is perfectly constitutional for Congress to make this provision, it is really class legislation, which as applied to the soldier may in this instance be very good and kind to him, a recognition of his great services that we all talk so much about, while

at the same time it involves the principle of the right of Congress and its expediency, whenever there is a majority that happens to wish to do such a thing as that, to make other class distinctions in the selection of officers of the United States. I for one shall hesitate a good while before I adopt any such provision. It is not a class distinction to say, as the law always has said, that the Attorney-General of the United States shall be a person learned in the law. That is necessarily inherent in the duties that he is to perform. It is merely another way of saying that he shall be qualified for the position. And so of a great many other provisions that already exist. But here you propose to adopt the principle of saying that a particular class of citizens of the United States who are justly thought to have done the country great service shall be appointed to a particular class of offices, and nobody else shall. I say I do not doubt at all the constitutional power of Congress to do that thing, but I believe it to be contrary to the principle for which these very soldiers fought, and that is the principle of a just and equal Government that leaves open to all classes of citizens all the honors and preferments that the Government constitutionally, through its constitutional departments, may call upon them to fill. But, under our Constitution, Congress is not one of the departments who are expected to select pension agents or any other officers of the United States or to narrow that selection to particular classes of persons, except so far as that narrowing is necessary to the due discharge of the office, to the qualifications that the officer shall possess.

In saying that, Mr. President, I think I am expressing the just sentiment of the soldiers of the State of Vermont at least, whose intelligence is as great as their patriotism was, and who understood the principles for which they fought and suffered, and who believed in them, and who believe in them yet, and who would scorn this little method of undertaking to get votes and to tickle their fancy by saying that they, to the exclusion of everybody else, right or wrong, fit or unfit, shall be the class of persons from whom pension agents shall be selected. So that, Mr. President, I shall vote against the whole thing from beginning to end.

Mr. BLAINE. I wish to ask one question. I can understand perfectly well when you speak of a wounded soldier what that means; there is no kind of doubt as to the precise meaning of that; but what would be the constitutional meaning, the lawful meaning, of a "disabled soldier?"

Mr. DORSEY. I do not know the constitutional meaning of a disabled soldier; but we all understand it.

Mr. BLAINE. Does it mean a man who cannot do his duty?

Mr. DORSEY. It means men who incurred disease during service, for which they are now drawing a pension.

Mr. BLAINE. When you say "wounded soldier," that is plain.

Mr. DORSEY. I say "wounded or disabled."

Mr. BLAINE. That leaves a very loose meaning there. If you mean to say "wounded and pensioned," there are a great many soldiers wounded and pensioned that you could not call disabled. The word "disabled" is a very loose phrase. If you give it its full extent, it means a man who cannot do anything, who is helpless, on his back. I move to strike out the words "and disabled," so as to confine it to wounded soldiers. The words are indefinite; they do not mean anything in particular.

Mr. WITHERS. Is an amendment in order now to this amendment?

Mr. BLAINE. What is the pending question? Let it be stated, and I will adapt my amendment to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended on the motion of the Senator from Arkansas. The Secretary will read it.

The CHIEF CLERK. The amendment is to strike out the second section of the bill as amended, and insert in lieu thereof:

That on the 1st day of January, 1879, the terms of office of all pension agents shall expire, and thereafter honorably discharged wounded or disabled Union soldiers, or the widows or daughters of Union soldiers, shall be appointed to said offices.

Mr. BLAINE. If it embarrasses the vote I will not insist on my proposition to amend.

The PRESIDENT *pro tempore*. The question is on the amendment just read.

Mr. DAVIS, of West Virginia. The second section of the House bill, as amended by the Senate yesterday, I think far preferable to that offered by the Senator from Arkansas for several reasons. One among them is that recently the number of pension agents in the country has been reduced from fifty-three to eighteen. The eighteen take in perhaps the most efficient of the whole number that heretofore existed. That has been so recent that they have hardly got to work thoroughly yet. We attempt by an amendment on the pension appropriation bill now to change the whole system; that is, on the same day to put out of office all pension agents and appoint a new set, probably entirely. That it is well known, as has been expressed by the Department, will create great confusion. I hope, therefore, that the amendment of the Senator from Arkansas will be voted down, so that the amendments made by the Senate yesterday to the original section of the bill can be squarely acted on.

Mr. ALLISON. I do not understand the exact position of the vote. I understand it to be now a motion to strike out section 2, as amended, and insert.

The PRESIDENT *pro tempore*. That is the question.

Mr. DAWES. It is to strike out the second section of the bill as amended?

The PRESIDENT *pro tempore*. As amended by the Senate and insert the substitute which has been just now read, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays resulted—yeas 16, nays 39; as follows:

YEAS—16.

Cockrell,	McDonald,	Paddock,	Spencer,
Dorsey,	McMillan,	Plumb,	Teller,
Ingalls,	Mitchell,	Rollins,	Voorhees,
Kirkwood,	Oglesby,	Saunders,	Wadleigh.

NAYS—39.

Allison,	Conkling,	Hereford,	Merrimon,
Anthony,	Davis of Illinois,	Hill,	Morgan,
Bailey,	Davis of West Va.,	Hoar,	Morrill,
Bayard,	Dawes,	Howe,	Randolph,
Beck,	Eaton,	Johnston,	Ransom,
Blaine,	Edmunds,	Jones of Florida,	Sargent,
Booth,	Eustis,	Kernan,	Saulsbury,
Burnside,	Ferry,	McCreery,	Whyte,
Cameron of Wis.,	Garland,	Matthews,	Withers.
Coke,	Harris,	Maxey,	

ABSENT—21.

Armstrong,	Christiancy,	Jones of Nevada,	Thurman,
Barnum,	Conover,	Kellogg,	Wallace,
Bruce,	Dennis,	Lamar,	Windom.
Butler,	Gordon,	McPherson,	
Cameron of Pa.,	Grover,	Patterson,	
Chaffee,	Hamlin,	Sharon,	

So the amendment was rejected.

Mr. EDMUNDS. I move now to strike out the second section of the bill as amended, which will leave it merely an appropriation bill.

The PRESIDENT *pro tempore*. The section will be reported.

The CHIEF CLERK. Section 2, as amended, reads:

That from and after the passage of this act, in case of vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers or the widows or daughters of Union soldiers.

Mr. SARGENT. I call for the yeas and nays on that motion. I find my friend from Vermont, for whose legal attainments I have the very highest respect, differs from the argument I made yesterday and those made by Senators who spoke with me on the constitutionality of this matter. That would be the principal objection with me to this section in the bill, even as amended. If it were unconstitutional, that would control my vote. His strong dissent induces me to doubt. But I find on account of the prevailing opinion of the two Houses that there seems to be a necessity that there shall be some legislation toward the point the House seek by this section. I think I shall be very much embarrassed in conference committee and elsewhere unless I have something of this kind to fall back upon. I shall therefore be compelled on this question to vote "nay," notwithstanding what I may have said yesterday as to the general policy.

Mr. EDMUNDS. My motive in making this motion of course is understood from the remarks I made when the amendment of the committee as amended was pending; and that is, that I believe the principle upon which the second section is founded, although its practical result is one that I should be very glad to see, is an unjust principle in the true characteristics of a free government, because it is class legislation and a kind of legislation that I do not believe the soldiers of this country, patriotic and intelligent citizens as they are, will believe in when they reflect upon it any more than I do. I think the true place to leave this question of appointments is with the President of the United States and his constitutional advisers where the responsibility truly belongs. That they have not wisely and rightly exercised that responsibility within the last year, I have very good reason to think. I know a section of New England where there were six or seven pension agencies, two in each of the three northern New England States, Vermont, New Hampshire, and Maine. There were I believe in those three States seven pension agents, and I think that six of the pension agents were soldiers; most of them had been wounded severely; all of them had done gallant and meritorious service. One was a civilian who found it convenient for the public and for his own purposes—and I do not complain of him for it—to be, as I am told, a clerk in the city of Washington not far from the other end of the Capitol during the period of the strife. But through some, as I must suppose just, reasons the Secretary of the Interior, or the President of the United States, wherever the law left any responsibility in the consolidation of these seven agencies into one and in the selection of one pension agent, happened to hit the civilian and to miss the six soldiers. Of course, if this civilian was not hit during the war, he ought to have been hit some time; and he got hit at last.

This of course would lead me to feel pretty strongly that there ought to be a rectification of this sort of business somewhere, because there is a fitness I entirely agree, other things being equal, that the President of the United States, himself a soldier, and the Secretary of the Interior, himself also a soldier, should have selected, if other things were equal as I say, a meritorious and gallant soldier to perform this duty from their own comrades. But, after all, the constitutional responsibility and the constitutional duty rested with them, and not with Congress, and I am disposed that they shall bear that responsibility, be it an honorable one or an unfortunate one,

whatever it may be, and that it shall stay where it justly belongs. All these things will rectify themselves in the end; and for the sake of correcting temporary evils of this character that accident or misfortune imposes upon us, it does not appear to me that it is wise to depart from what is really the fundamental theory of the true relations of free government, and that is that all its citizens capable of doing particular duties shall have the right to be selected by the constitutional authorities for that purpose to perform public functions.

As I was saying, these inconveniences will always rectify themselves after a little; and I cannot believe that any class of persons who are supposed to be honored and benefited by this legislation will regard us as doing our duty because, out of the friendship, kindness, and gratitude that we feel to them, we undertake to depart from the true theory of law-making in order to render them a peculiar honor and benefit. The honors that they deserve they receive now and will continue to receive. No act or omission of the Administration, no act or omission of the Congress of the United States can strip them of one tittle of the perpetual remembrance and honor in which they will be held in every part of this country. As time rolls on, when the unity of this Government and of this people shall become more and more perfect, when the interchange of its commerce and of its emigration and the community of its interests become more and more homogeneous, there will be South and West, as well as North and East, a perfect concord of respect in a perpetual memorial to those people who, at the risk of their lives, and many of them by losing them, in maintaining the unity of this Republic, because it will be more and more a unit, more and more free, more and more prosperous when the temporary evils, that such a great convulsion has caused, have passed by.

On the whole, then, I do not think, Mr. President, that we are called upon in order to show our honor and gratitude to the soldier to indulge in this species of what is really class legislation, which, applied in a thousand ways upon this principle, would be of great detriment to the Republic.

Mr. MAXEY. Mr. President, I expressed in a very few words yesterday evening my views in regard to this matter, and I now desire a little more fully, in order not to be misunderstood, to explain how I feel about it.

As a mere legislative expression of opinion that the Congress of the United States would suggest to the President that in the selection of his officers preference should be given to the disabled soldiers who had become so disabled in the service of their country, I was willing to agree. That was the amendment of the Senate Committee on Appropriations; but that was changed here so that the Congress of the United States directed whom the President should appoint. I deny that Congress has the right to dictate to the President whom he shall appoint. For this reason I cannot vote for the proposition as it comes in now. I would be willing to vote for the amendment as it came from the Senate committee, which was simply an expression of opinion that in the judgment of the Legislature the President ought to make his selections from that particular class; but I fully agree with, and I was very glad indeed to hear the Senator from Vermont express himself as he did; I fully agree that this is class legislation which should be avoided, and I am the more ready to say so now, because coming from the section I do an expression of that kind from me might be misunderstood. It certainly cannot be now.

Mr. BECK. Will the Clerk read the amendment as it now stands?

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont is to strike out the second section of the bill.

Mr. BECK. I know that is the motion, the same motion I made yesterday, but I want to know what the section now is that is proposed to be stricken out.

The PRESIDENT *pro tempore*. The Secretary will report the section as it stands.

The Chief Clerk read as follows:

That from and after the passage of this act, in case of vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers or the widows or daughters of Union soldiers.

Mr. TELLER. The honorable Senator from Texas said he was entirely willing to vote for the proposition when we requested the President to bear in mind in making his nominations the deserving character of these soldiers, but he is not willing to make it obligatory upon the President. If we have not any right to make it obligatory on the President, it is simply a piece of impertinence on our part to suggest anything to him about it. If we have the right to say he shall appoint these men and out of this class because this class possess some particular qualifications not possessed by other men, then let us do it. If we have not that right, do not let us be guilty of the impertinence of making a suggestion that will fall harmless at the feet of the Executive.

Mr. MERRIMON. Before I vote I beg to say that I am not unfriendly to the Union soldier or to his widow or his children. On all proper occasions I shall be ready to vote for such measures as are calculated in a proper way to benefit him; but in my judgment this provision in the bill and amendments offered like it are not calculated to advance the public service. It seems to me that they savor very much of a desire to make a little small political capital to be used in the newspapers and on the stump. To encourage such a spirit is, it seems to me, unworthy of the Senate, and I will not consent to do it. I shall vote against all such propositions, come from what quarter they may, and my vote must not be construed as hostile to the interests of the Union soldiers, their widows, or their children.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, to strike out the second section of the bill.

Mr. WADLEIGH. Mr. President, the Senator from Vermont in the last remarks made by him took occasion to throw blame upon this Administration for the appointment of a pension agent at Concord, New Hampshire, rather than one in the State of Maine or in the State of Vermont, who was not a soldier as the other agents then in office in the other States were. Now, it is but fair and just to the Department by which that was done to say that what was then done was merely a consolidation of the three States into one pension district for the sake of saving expense; that it was not attempted to create any new officer, to make any new appointment, but simply to consolidate the three offices for the sake of economy into one without removing anybody. Now, it so happens that, fortunately for the State of New Hampshire, she stood between the two other States and that her capital, where the pension office was located, was the most convenient point for the three States to do business of that kind in, and the selection of the agent in the consolidation depended simply upon his locality. I am not aware that there has ever been any complaint whatever from any source as to the manner in which he has performed his duties. I believe that he has performed them to universal acceptation and that no fault has been found in any quarter.

But, sir, believing with the Senator from Vermont that a provision of this kind is constitutional, I am willing that Congress should give the Executive the opportunity to repair any wrong which the Senator thinks has been done to the soldiers of New England or that part of New England, and to give him an opportunity to appoint, in the place of the very estimable gentleman who holds the office of pension agent in the three northeastern States of the Union, a soldier of the Union who has been wounded or disabled in its cause.

Mr. EDMUNDS. He has that chance now if he chooses.

Mr. WADLEIGH. The Senator from Vermont says that he has that chance now. That is certainly true; but it is not improper for us to take our share of the responsibility in bringing about a change which we deem desirable, for us to say that we believe in the policy of appointing soldiers who have been wounded or disabled in the cause of their country to offices which are partially, to some extent, military offices, offices which concern the payment of pensions. I say, Mr. President, I do not feel that it is improper for us to indicate to the Executive our views in regard to the matter.

Mr. BLAINE. Mr. President, I do not know that I should have said anything on this subject if it had not been for the Senator from New Hampshire suggesting that Concord was selected as the central point for the three States of Maine, New Hampshire, and Vermont. Now I undertake to say that there was not a conspicuous town in the three States that was so inconveniently located for the pension office of the three as Concord was. The mail matter from Maine destined to Concord practically all goes by way of Boston. There are five trunk lines of road that lead from Maine into New Hampshire, and on none of them is Concord located. If the Secretary of the Interior had desired to locate the pension office in New Hampshire as the middle State between the other two, he could not have selected a point so inaccessible to Maine as Concord was and is. I do not know how it was, but she happens to have two thousand more pensioners than Vermont and New Hampshire together; she sent considerably more soldiers to the field than both those States together; and the city of Portland is nearer to Lake Champlain on the extreme western side of Vermont than it is to the eastern side of Maine.

The last time I had the honor to meet the Secretary of the Interior officially, I went into his Department just after this order was issued, and I asked him who was the geographer-general for that Department and who had suggested to him that Concord was a central point for those three States, and I think that I had the honor to suggest some geographical knowledge to the head of that Department which he did not possess before. So I have the pleasant satisfaction of having been able to communicate to an admirable officer some information.

I cannot let the case go before the Senate as suggested by the Senator from New Hampshire, that when the pensioners of those three States were forced to Concord it was in the line of convenience at all. It was a most ingenious way of finding out how not to do it for the public convenience, although I join with the Senator from New Hampshire in saying that the agent who was retained has been a most efficient and so far as I know admirable agent in every respect. But the letters of the average pensioners of those three States can reach Portland, Maine, a whole twenty-four hours in advance of their reaching Concord, New Hampshire. I do not know what the motives of the Secretary were in selecting it. Undoubtedly they were good. Probably he was influenced by the fascinating manners and suave address of my friend from New Hampshire. I do not know but that might have been it. Something or other I know was at work to start it and twist his vision around to see that a place one hundred and fifty miles west of the center of a territory was precisely in the center.

Mr. VOORHEES. Mr. President, I shall vote against the motion of the Senator from Vermont to strike out the section of the bill

under consideration. I am in favor of the legislation which was inaugurated by the House of Representatives on this subject. I concur with the Senator from Vermont that there is no constitutional prohibition to this legislation. I have on most subjects shared with him the keen apprehension, which he has expressed to-day, in regard to class legislation. I am glad there are some subjects that excite his opposition to class legislation. On this particular occasion, however, I am in favor of class legislation, and I believe it is the first instance in my life. There is a class of people in this country, embracing about one million I should say, the survivors of the war, a quarter of a million of whom bear wounds or are disabled by their services in upholding the Government, and we have spent two days here trying to determine whether we can afford to fill eighteen offices with eighteen persons of that quarter of a million. I have no trouble in my mind on that subject. I have been ready all the time to vote, and to direct the President of the United States, not to ask him but to direct him, not to request but to compel him, to fill these offices that are incidental to the very services these men have undergone, incidental to the wounds they have received, incidental to the glory they have acquired for themselves and for the flag, to fill these offices with these meritorious, heroic, wounded men.

A more appropriate piece of legislation, in my opinion, has never occurred in the history of this Government. It is according to the eternal fitness of things that these pension agencies should be filled by soldiers, their widows, and their orphans. It is trifling to talk about their qualifications; it is trifling to discuss their ability to execute bonds; it is worse than trifling to talk about whether they are capable of faithfully administering the duties of these offices as soon as they are appointed, as if they cannot acquire knowledge as quickly as anybody else. I know no more capable men; I know no men more responsible as a class, or who could give bonds any more readily, and all concede that none compare with them in claims upon the Government, upon its gratitude, and recognition.

I did not expect to say anything, but I have said this much to justify the vote I shall give.

Mr. WADLEIGH. Mr. President, I wish to say one word in reply to what has fallen from the lips of my friend the Senator from Maine. I said, and I reiterate, that the selection of the gentleman who holds the office of pension agent at Concord was based upon the belief, either well-founded or ill-founded, that the office at that point was the most convenient office within the three States for the three States comprising that pension district. So far as my address is concerned and any influence that that had upon the Secretary of the Interior, I can only say that it must have reached him through my letter. I had prepared by a gentleman who had been connected with the mail service of New England a careful statement of the number of mails going to Concord and to the other points, the time when they left, and everything connected with them, and that statement convinced me that Concord was the most convenient place within the three States.

Mr. BLAINE. That paper was made by a New Hampshire gentleman.

Mr. WADLEIGH. Certainly it was. I sent it to the Secretary of the Interior requesting his attention to it. What its effect was I do not know; but it seems that it was more powerful than the representations of my friend the Senator from Maine.

Mr. BLAINE. I never made any at all, only to point out to him that, as I said, the suave address of my friend from New Hampshire or some other influence had distorted his vision as to geography. It had been done when I appeared at the Department. It had been done and done against the convenience of the pensioners. I do not care what the Senator may produce in the way of certificates from postal agents; there the fact stands that the entire mail from the State of Maine to Concord goes by the way of Boston.

Mr. ROLLINS. Not necessarily by any means.

Mr. BLAINE. What do you mean by "not necessarily?" They might go on horseback across the mountains.

Mr. ROLLINS. I will explain to the Senator from Maine, if he wishes me to do so. The railroads from Maine to Boston cross trunk lines running through Concord.

Mr. BLAINE. I understand what the Senator means.

Mr. ROLLINS. The Eastern Railroad, the Boston and Maine, and the Nashua and Worcester routes. It is not necessary at all that the mail in passing from Portland, Maine, to Concord, New Hampshire, should go within fifty miles of Boston.

Mr. BLAINE. This matter is not of course of any great interest to the Senate at large; but inasmuch as it is a matter at issue between our States in a friendly way, let me be more specific. Five trunk roads start from Portland, Maine: the Eastern Road, the Boston and Maine, the Portland and Rochester, the Ogdensburgh, and the Grand Trunk Road, and all go into New Hampshire at different points, all touch New Hampshire towns of importance; but Concord is not on any one of these. The great mail-route from Maine, the Eastern Road, goes to Boston, and the next morning the letter goes up to New Hampshire. Whether occasionally stray bags are thrown off or whether, if they do, they lie over to wait for some connecting train, I do not know. What I mean is that the letter either goes by Boston or does not gain in time from what it would if it went to Boston by reason of being thrown off at a way-station.

Mr. ROLLINS. Now allow me to suggest a case. The train leaving Portland for Boston makes close connection at Newmarket Junction with the train to Concord. All the mail matter from the city of Portland, from the city of Bangor, or elsewhere in the State of Maine may go direct to Concord without any delay whatever, without going within fifty miles of the city of Boston, and reach Concord earlier than Boston.

Mr. BLAINE. That may have been in the certificate which the honorable Senator's colleague produced.

Mr. ROLLINS. That is the fact, Mr. President.

Mr. WADLEIGH. If it was in that certificate, it was true.

Mr. INGALLS. Mr. President, I do not rise to discuss the mail service of the interior of New England, but to make a reply to a single remark that was suggested by the Senator from North Carolina. He stated that he should vote against this amendment because, in his judgment, it was an attempt to obtain a little cheap glory by seeming to advocate the cause of the soldier. I beg to observe to that Senator that this proposition comes to us from the House of Representatives.

Mr. MERRIMON. Did I not say that I did not care what quarter it came from?

Mr. INGALLS. And I beg to say further that during the last two years the House of Representatives, which has been of the same political faith in its majority with that of the Senator from North Carolina, has repeatedly from time to time sent us various measures, of which this is the last, all looking toward the interest of the soldier. They have passed a bounty bill; they have passed, by a large majority, a bill granting arrears of pension; they now come and offer us this amendment proposing that the office of pension agents shall be filled by the wounded or disabled Union soldiers of the country. I am not going to say that the democratic party are disingenuous. I do not propose to assert here on this floor that they pass these measures in the other end of the Capitol and send them here knowing that the majority of their friends here will vote against them, but I have observed during the short time that I have served here that the democracy in one end of the Capitol favor the soldier and in the other they do not. I am exceedingly glad, therefore, that the yeas and nays have been called upon this proposition.

Mr. VOORHEES. May I ask my friend from Kansas a single question? and that is whether the party to which he is attached, and of which he is a distinguished and brilliant ornament, has not all this time had the majority in this body, and whether they could not have passed any of these numerous measures favorable to the soldier that have been sent to them here from a democratic House.

Mr. INGALLS. The Senator has anticipated the remark that I was about to make in regard to the republican re-enforcement that the democratic party have uniformly received in the Senate. I was proceeding to say that I was exceedingly glad that the yeas and nays had been called for on this proposition, so that at last we shall understand precisely how parties are divided on this question in the Senate.

As the Senator from Indiana says, this is a body that is, as I said yesterday, nominally republican. They have it in their power, if they see fit, to pass this amendment. The democratic party in this body by dividing, as I think they undoubtedly will, by a large majority against it, can defeat it, and I want it to go to the country that this is so far a matter that has been marked by a singular want of ingenuousness. I want to have the blame of the defeat of this amendment rest where it properly belongs, and not have one political party in this country able to say that they are the friends of the soldiers and point to the fact that the House has passed these bills and that the Senate has defeated them. I venture to say that the result of this amendment will prove that a majority of the democracy are opposed to this bill and to this amendment.

Mr. SARGENT. I ask that the five-minute rule be applied to this bill unless we now have a vote. ["Vote!" "Vote!"] I make the motion.

The PRESIDENT *pro tempore*. The Senator from California moves that the five-minute rule be applied to this bill. Is there objection? ["Yes!" "Yes!"] The Chair will put the question on the motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to strike out the second section.

Mr. MERRIMON. I wish to say a word in reply to the Senator from Kansas. I do not care to inquire whether what he has said about what the House has done, it being a democratic House, is true or otherwise. All that he has said does not affect the truth of what I said in the few remarks I submitted. I say that it is unworthy of the Senate and unworthy of the Congress of the United States that we should look to anything else than the public interest. The Union soldiers of this country have not asked for this legislation, and all the intelligent ones know that this is a mockery of them which affords them no substantial relief, no substantial advantage. In the way that they ought to be provided for they have been provided for; and it is well to leave it to the discretion of the President whether he shall confer this office on a soldier or on a civilian. The law fixes it there; the Constitution devolves that duty upon him; and, as the Senator from Vermont said, let him take the responsibility of it.

I repeat what I said a while ago, whether motions like this come from one quarter or from another quarter they savor of a desire to make a little political capital for the stump and through the party newspapers of the country; and to encourage such a purpose is un-

worthy the Senate of the United States, and I will not vote to encourage such a spirit, come from what quarter it may.

Mr. WHYTE. Mr. President, I rose at the same time that the Senator from Vermont rose, with a view of making the motion which he made, to strike out the whole section in regard to the appointment of Union soldiers to office. I did it because I do not believe such legislation is within the Constitution. I have heard for too many years about our being free and equal; I have heard for too many years about discriminating against classes. I recognize it as an American principle that every citizen of the United States is entitled to the benefits of life, liberty, and the pursuit of public office. It is an American principle, and I see no reason, I see no constitutional authority to set up a barrier to the appointment of any man as a pension agent, if he is competent, if he can be trusted to be faithful, if he can give a proper bond with security, whether he has been a Union soldier or not. He is entitled to consideration by the Executive. I do not think that Congress has the right, when the power is lodged with the President under the Constitution to nominate, to cripple that power and to circumscribe it within so narrow a compass as this provision of this bill would circumscribe it.

I believe in taking care of Union soldiers. I believe it is right and proper to give them the advantage, all other things being equal; and I do not believe that any republican administration or any democratic administration will discriminate against a Union soldier; and therefore I think it wrong, constitutionally wrong, wrong in principle, improper in practice, to insert in the laws passed by Congress any such prohibition, for this amounts to a prohibition of the appointment of a man who does not happen to be wounded or disabled. Why, Mr. President, many men contributed to the service of this country in its councils, as much as some contributed on the battlefield; and many of them controlled its destiny with as strong a hand, with as firm an intellect, as he who carried his musket; and why should they be precluded from obtaining the office of pension agent? What would Senators say if it were proposed that there should be a constitutional amendment to prohibit any man from occupying a seat in this Chamber unless he was a wounded soldier? Bring it home to them, and how eloquent they would be in favoring the proposition of submitting to the Legislatures of the States such an addition to the qualifications of a Senator!

Then as to the humbler man, why exclude him from being a pension agent when you will not exclude a man who was not a Union soldier from a seat in this Chamber? When I see all around me gentlemen who were engaged in honorable warfare on the other side occupying seats on this floor, entitled under the Constitution to seats on this floor, with their political disabilities removed, why should the humbler soldier in the private rank, why should he who has no constitutional impediment to his entry upon an humbler political station, be excluded from enjoying the profits and emoluments of political office in humble ranks? It is a principle that I oppose; I do not care what party is committed to it; I am willing to take all the responsibility among my people of voting against this amendment put in by whatever party it may have been. I take the whole of the responsibitity. I do it because it is wrong, and it is unworthy in my judgment (without meaning any disrespect) of legislators to incorporate it in a bill of this kind.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to strike out the second section.

Mr. MORGAN. Mr. President, some of the Senators on this floor who were once antagonized to Union soldiers will, I know, vote against the motion to strike out; others of them will vote for it; and perhaps it is not inappropriate in behalf of those who occupy the latter position that I should say that the reasons for these votes by no means concern any disposition on our part to deny to Union soldiers any of the advantages of the gratitude which a grateful country should bestow upon them. I believe that those honorable gentlemen who met the confederate soldiers in the war entitled themselves, by the execution of their patriotic devotion, to the consideration of the entire people of the United States; and for my part I would not in the slightest degree withhold from them any of the advantages or any of the privileges justly belonging to the high character with which they went upon the field of battle in defense of the cause they believed to be right.

In casting a vote for this motion to strike out, I wish to be understood as not expressing the slightest feeling of ill-will in regard to that class of American citizens. I believe that on all sides we are now arriving, if we have not already arrived, at that condition where we can have a just appreciation of the principles of government without reference to what may have been our past deeds; and I feel entirely at liberty to consider this question as an American Senator without reference to what effect it may have on the political situation now or hereafter, and also without reference to what effect it may have upon the passions which so long agitated the bosoms of the country and which I now hope have at last given way to kindly feelings.

The "Union soldiers" are mentioned in this section of the bill. That is a distinction which I suppose is easy and obvious enough in the minds of the Senators who approve of this proposition; and yet it does not seem to my mind to be a strict definition in law. In order to cover those men who have served under the flag of the United States, it would be better to say "All who have served in any of the controversies which the United States have had either with foreign powers, or with Indians, or with rebels." The term "United States soldiers" or "soldiers of the United States" would be altogether a more apt expression than that which is used in the bill. There is no necessity, it seems to me, for excluding soldiers of the war with Mexico, although they may not have fought in the war of the rebellion; or if there be some of the old veterans of the war of 1812 yet remaining who may not have been able to participate in the war of the rebellion and are still able to make good pension agents, I can see no reason why men of that class should be excluded. But evidently the terms used in this enactment have reference only to the late war. These gentlemen have been rewarded with pensions; and is it a proper system of legislation that we should make the pension system an agent for the bestowal of officers under the United States Government? Should we not, when we undertake to pension Union soldiers, confine our legislation to that particular subject and bestow upon them by the direct act of benefaction those things which we conceive they deserve for the sacrifices they have made for their country?

I do not believe in the constitutionality of this provision, and hence I must record my vote in favor of the motion to strike out upon that ground. I do not believe in the constitutional authority, for instance, of the House of Representatives to participate in any respect with the President of the United States in reference to what appointments he may make in the public service. Only the Senate and the President have the right to consider the subject of supplying vacancies in offices or making appointments to offices that may be created unless other direction is given in the body of the law itself.

The PRESIDENT *pro tempore*. The Senator's time has expired. The question is on agreeing to the amendment of the Senator from Vermont, which is to strike out the second section of the bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 30; as follows:

YEAS—29.

Bailey,	Eustis,	Kellogg,	Randolph,
Bayard,	Garland,	Lamar,	Ransom,
Beck,	Grover,	McCreery,	Saulsbury,
Booth,	Harris,	McDonald,	Whyte,
Coke,	Hereford,	Matthews,	Withers.
Conover,	Hill,	Maxey,	
Eaton,	Johnston,	Merrimon,	
Edmunds,	Jones of Florida,	Morgan,	

NAYS—30.

Allison,	Davis of Illinois,	Kirkwood,	Saunders,
Anthony,	Davis of W. Va.,	McMillan,	Spencer,
Blaine,	Dawes,	Mitchell,	Teller,
Burnside,	Dorsey,	Morrill,	Voorhees,
Butler,	Ferry,	Oglesby,	Wadleigh,
Cameron of Wis.,	Hoar,	Plumb,	Windom.
Cockrell,	Ingalls,	Rollins,	
Conkling,	Kernan,	Sargent,	

ABSENT—17.

Armstrong,	Christiancy,	Jones of Nevada,	Thurman,
Barnum,	Dennis,	McPherson,	Wallace.
Bruce,	Gordon,	Paddock,	
Cameron of Pa.,	Hamlin,	Patterson,	
Chaffee,	Howe,	Sharon,	

So the motion to strike out did not prevail.

Mr. SARGENT. Before the bill is reported to the Senate, in line 47 of section 1, I move to add the words "or at that rate for a fraction of one hundred" after the word "vouchers." That is the meaning of the bill, but I offer the amendment to make it clear.

Mr. DAVIS, of West Virginia. There should be no objection to that. It only makes the meaning more plain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I move to take up House bill No. 4549, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER, (Mr. BURNSIDE in the chair.) The bill will be read by the Secretary and the amendments of the committee acted upon as they are reached in the reading.

Mr. ALLISON. Before the Secretary proceeds to read the bill I may state that the Senate Committee on Appropriations have made very few amendments to it, and that they are rather unimportant amendments. I think it would facilitate the passage of the bill if we were to agree that the five-minute rule shall be applied to it. I ask that that may be assented to.

The PRESIDING OFFICER. Is there objection? No objection being made, it is understood that the five-minute rule shall be applied in the consideration of this bill.

Mr. DAVIS, of West Virginia. I do not know whether the Senator who has charge of the bill stated the fact that the amount appropri-

ated by the bill has been reduced by the Senate committee in their amendments.

Mr. ALLISON. I did not state that fact, but it is a fact, and it is well worth stating.

Mr. DAVIS, of West Virginia. Therefore, while the amendments of the Senate committee may increase the amount in places, upon the whole the amendments decrease the bill instead of increasing it.

Mr. ALLISON. The Senator from West Virginia is correct in his statement. The bill is decreased some $40,000 by the Senate committee's amendments.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in lines 25 and 26 of section 1, to reduce the appropriation for the pay of the agent at the Colville agency from $2,000 to $1,500.

The amendment was agreed to.

The next amendment was, in line 31 of section 1, to increase the appropriation for the pay of the agent at the Round Valley agency from $1,100 to $1,500.

The amendment was agreed to.

The next amendment was, in line 35 of section 1, to reduce the appropriation for the pay of the agent at the Nevada agency from $2,000 to $1,800.

The amendment was agreed to.

The next amendment was, in line 37 of section 1, to reduce the appropriation for the pay of the agent at the Western Shoshone agency from $2,000 to $1,800.

The amendment was agreed to.

The next amendment was, in line 49 of section 1, to reduce the appropriation for the pay of the agent at the Crow agency from $2,200 to $2,000.

The amendment was agreed to.

The next amendment was, in line 62 of section 1, to increase the appropriation for the pay of the agent at the Sisseton agency from $1,400 to $1,500.

The amendment was agreed to.

The next amendment was, in line 69 of section 1, to increase the appropriation for the pay of the agent at the Shoshone agency from $1,400 to $1,500.

The amendment was agreed to.

The next amendment was, in line 72 of section 1, to reduce the appropriation for the pay of the agent at the Pueblo agency from $2,200 to $1,500.

The amendment was agreed to.

The next amendment was, to strike out lines 74 and 75 of section 1, in the following words:

At the Abiquin agency, at $1,200.

Mr. ALLISON. The committee recommended the striking out of the Abiquin agency on the ground that the Indians at that agency would be removed. It is the purpose of the Department to remove those Indians, but it is thought probable that they may not be removed before the 1st day of July. Although I have not consulted the committee with reference to it, because I have not had the opportunity, I think it would be well enough to allow that agency to stand. Of course when the Indians are removed from there the agency will no longer exist and the money will be covered into the Treasury.

Mr. DAVIS, of West Virginia. Does the Senator desire to make provision for the agency for the whole year or for only such time as the Indians may remain there?

Mr. ALLISON. The Commissioner of Indian Affairs states that efforts are being made to remove the Indians from this agency; that the real impediment against their removal is the want of a few United States troops at that point; and that these may not be supplied before the 1st of July. Of course, until the Indians are removed, there ought to be an agency there. I think in the administration of the Department there will not be any trouble about it. I will say to the Senator from West Virginia that I stated that I did not have the assent of the committee in proposing to disagree to the amendment.

Mr. DAVIS, of West Virginia. I understood the Senator. The Senator is perfectly right in his statement, but the question upon which I wanted information was whether it is necessary to continue the agency there the full year or whether it would not be better to provide for the Indians so long as an agency may be there. I merely submit this to the Senator, he having information from the Department.

Mr. ALLISON. Of course the moment these Indians are removed the agency is terminated, and the agent will be no longer in the service, and will receive no pay, and the money will be covered into the Treasury, whether there is a provision made for it or not.

Mr. BECK. I desire to ask the Senator from Iowa whether it would not be well, as we have information that efforts are being made to remove the Indians before the 1st of July, to have it kept open and to so amend the provision as to say that the Abiquin agency shall be continued at the rate of $1,200 a year until the Indians are removed from their agency?

Mr. ALLISON. I do not object to such an amendment, and I think it would make it more specific.

Mr. BECK. The Senator can frame the language to suit himself; I merely suggest the idea.

Mr. ALLISON. Then, in lieu of the lines proposed to be stricken out, I move to insert:

At the Abiquin agency, at the rate of $1,200 per annum during the continuance of such agency.

Mr. BECK. That is right.

The amendment to the amendment was agreed to.

The motion to strike out the lines as amended was disagreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 76 of section 1, to reduce the appropriation for the pay of the agent at the Navajo agency from $2,200 to $2,000.

The amendment was agreed to.

The next amendment was, in line 78 of section 1, to increase the appropriation for the pay of the agent at the Mescalero agency from $1,300 to $1,500.

The amendment was agreed to.

The next amendment was, in line 82 of section 1, to increase the appropriation for the pay of the agent at the White River agency from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, in line 84 of section 1, to increase the appropriation for the pay of the agent at the Southern Ute agency from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, in line 97 of section 1, to increase the appropriation for the pay of the agent at the Ponca agency from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, after line 112 of section 1, to insert:

At the Union agency, at $1,500.

The amendment was agreed to.

The next amendment was, in line 119 of section 1, to reduce the appropriation for the pay of the agent at the Green Bay agency from $1,600 to $1,500.

The amendment was agreed to.

The next amendment was, in line 121 of section 1, to reduce the appropriation for the pay of the agent at the La Pointe agency from $2,000 to $1,500.

Mr. BECK. When this clause was under consideration by the committee I am not sure but that on my suggestion $2,000 was stricken out and $1,500 inserted. Since then I have seen Mr. STEWART, a member of the House from Minnesota, who advises me that there are seven different agencies under the charge of the agent there, and that he has to travel four or five months during the year to visit the different agencies, and that it is in fact one of the largest and most difficult agencies, there being so many places to visit, and that the sum ought to be $2,000; that the Commissioner says so and the facts require it. Having made the motion to reduce the appropriation I am now inclined to withdraw it.

Mr. ALLISON. In addition to what the Senator from Kentucky says, I will state that I consulted the Commissioner of Indian Affairs with reference to this particular appropriation, and he stated to me that this agent is not only resident at the La Pointe agency proper, but that he is obliged to visit six other reservations, and that he has charge of some six thousand or seven thousand Indians in all. He thinks the sum of $2,000 is a reasonable sum. Therefore I hope the amendment proposed by the committee will be rejected, and thus leave the matter as it stood in the bill as it passed the House.

Mr. DAVIS, of West Virginia. That is right.

The amendment was rejected.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 123 of section 1, to reduce the appropriation for the pay of the agent at the Mackinac agency from $2,000 to $1,200.

The amendment was agreed to.

The next amendment was, in line 125 of section 1, to reduce the appropriation for the pay of the agent at the New York agency from $2,000 to $1,200.

The amendment was agreed to.

The next amendment was, in line 127 of section 1, to reduce the appropriation for the pay of the agent at the Papago agency from $2,200 to $1,800.

The amendment was agreed to.

The next amendment was, in line 129 of section 1, to increase the appropriation for the pay of the agent at the Colorado River agency from $1,200 to $1,500.

The amendment was agreed to.

The next amendment was, in line 131 of section 1, to reduce the appropriation for the pay of the agent at the Pima and Marocopa agency from $2,000 to $1,800.

The amendment was agreed to.

The next amendment was, in section 1, after the word "at," in line 144, to strike out "two" and insert "one;" in line 145, after the word "and," to strike out "seven thousand and one" and insert "three thousand and three;" and in line 151 to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to make the clause read:

At the Mission agency, at $1,000; in all, $103,300: *Provided*, That in the case of the consolidation of two or more agencies, the sums appropriated for the salaries

of agents at said agencies, or so much thereof as may be necessary, may be used, in the discretion of the Secretary of the Interior, to increase the salary of the agent who shall remain or be placed in charge of the consolidated agency: *Provided further*, That in no case shall such salary exceed the sum of $2,200 per annum.

The amendment was agreed to.

The next amendment was to strike out lines 157 to 160, inclusive, of section 1, in the following words:

The Union agency in the Indian Territory is hereby abolished, and the duties heretofore devolving upon said agency are transferred to the office of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, after the word "employés," in line 238 of section 1, to strike out "thirty-two" and insert "twenty-eight;" and after the word "dollars," in line 239, to strike out the words:

Out of which sum the Commissioner of Indian Affairs is hereby, at his discretion, authorized to employ two special Indian agents at large, at a compensation not exceeding $2,000 each per annum.

So as to make the clause read:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices and for pay of employés, $28,000.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaties with Indian tribes, under the head of "Flatheads and other confederated tribes," in line 548 of section 1, to strike out "one" and insert "three" before "hundred;" so as to make the clause read:

For nineteenth of twenty installments, for keeping in repair blacksmith, tin and gun smith, carpenter and wagon and plow maker shops, and providing necessary tools therefor, per same article and treaty, $300.

The amendment was agreed to.

The next amendment was, in line 577 of section 1, after the word "thousand," to strike out "four" and insert "six;" so as to read:

For last of five installments, last series, for beneficial objects, to be expended under direction of the President, per fourth article of same treaty, $3,000; in all, $16,600.

The amendment was agreed to.

The Chief Clerk proceeded with the reading of the bill till he reached line 767 of section 1.

Mr. MAXEY. I move to strike out all between lines 767 and 782, inclusive. That is an appropriation——

Mr. INGALLS. Let the words proposed to be stricken out be read.

Mr. MAXEY. Very well.

The PRESIDING OFFICER. The Secretary will read the part proposed to be stricken out.

The CHIEF CLERK. The words proposed to be stricken out are the following:

NEZ PERCÉS OF JOSEPH'S BAND.

For this amount, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, in the removal of the Nez Percés Indians of Joseph's band, now held as prisoners of war at Fort Leavenworth, Kansas, to a suitable location in the Indian Territory, and for their settlement thereon, and for clothing, subsistence, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid in teaching them civilized pursuits with a view to their future self-support, the sum of $20,000: *Provided*, That such amount of the above sum as may be necessary for said removal and for subsistence for remainder of the fiscal year ending June 30, 1878, may be immediately available.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas, to strike out the words just read.

Mr. DORSEY. Will the Senator from Texas allow me to make a suggestion instead of striking out the entire provision?

Mr. MAXEY. I prefer to say what I propose to say in regard to the matter on my motion to strike out, and then the Senator from Arkansas may suggest any amendment he pleases.

Mr. DORSEY. I was going to suggest to the Senator from Texas that instead of striking out the whole provision, he strike out the words "Indian Territory," in line 772, and insert "the Territory of Idaho." If the Government desires to educate these Indians and send instructors among them, let them go back on the reservation where they came from and spend the money there.

Mr. MAXEY. I do not propose to complicate the proposition I have made with any other. I objected, when the same question was sprung here last year, to the removal of these wild, untutored Indians of the warlike tribes to the Indian Territory, for the reason that the Indians who occupy the Indian Territory are rapidly becoming civilized and enlightened. They have their schools, their churches, their forms of government; they have executive, legislative, and judicial departments, the same as we have in the States; they have their county organizations, in which a will may be probated, executors qualified, an administrator or a guardian appointed, and all the other business transacted which is ordinarily performed in probate courts. There is the entire machinery of civil government there. It is the policy of our Government to foster and encourage the progress and development of the civilization which exists in that Territory among those tribes which went there under a contract with the Government more than forty years ago and whose property it is. If the tendency of removing these wild tribes into that Territory would be to demoralize the Indians there, then it is unwise on the part of the United States Government so to remove these wild tribes and intermingle them with those who are in a condition of progress in civilization.

Having this view of the matter, I opposed last year such a provision as is now contained in the bill. I was joined in that opposition by the Senator from Kansas, [Mr. INGALLS,] whose State is interested in like manner as mine; the Senators from Arkansas took the same view of the matter then; and the provision was stricken out. I take upon myself the privilege of opposing it in the bill now before the Senate, not because I propose to interfere with the Indians or their civilization, but because it is a matter of direct interest to the State which I in part represent. My State lies just south of and contiguous to the Indian Territory. The intercourse between the Indians of the Indian Territory and the people of Texas is pleasant and kindly. They have much trading, much dealing with each other, and their relations are entirely pleasant. When criminals escape from Texas into the Indian Territory the Indians there aid us in recovering those fugitives, and passing them back into the State for the purpose of being brought to justice. In like manner, when their fugitives escape into our State we aid them in the recovery of those fugitives, and send them back for trial in the Indian Territory.

My deliberate and candid judgment is that the United States Government ought not to interfere with that which is moving on so successfully and well as the Indians are in the Indian Territory. I believe in letting well enough alone. I do not believe it to be wise to pass into that country these wild and warlike tribes who, according to the very statement contained in the bill, are now prisoners of war.

For these reasons I oppose the provision and have moved that the clause be stricken out. It may be, if the clause is stricken out, that the Senator from Arkansas [Mr. DORSEY] may see proper to insert as an original proposition an amendment such as suits him; but the object I have in view is to strike out the whole of the provision, because this entire appropriation is for the purpose of removing these Indians now held as prisoners of war at Fort Leavenworth to the Indian Territory.

Mr. TELLER. I should like to ask the Senator from Texas a question. Do I understand the Senator from Texas to say that the Indians there own the Indian Territory?

Mr. MAXEY. What I stated is that the Choctaws, Chickasaws, Creeks, Seminoles, and Cherokees, who occupy the country known as the Indian Territory, were removed from east of the Mississippi River into that Territory, called the Indian Territory, and settled there under solemn treaties with the Government which provided that they were not to be disturbed in their possession of that country throughout all time to come.

Mr. TELLER. But what I mean to ask is do they own all of the land?

Mr. MAXEY. On that point I can only say—and if the Senator will put himself to the trouble of examining he will find it to be so—that a portion of the land was sold by the Cherokees to some other tribes. The chairman of the Committee on Indian Affairs, who will doubtless explain this matter, can give the names better than I can; but some other Indians have been removed into this Territory which belongs to the tribes I have named, and if the United States Government owns a foot of land in the country known as the Indian Territory, I am not aware of it.

Mr. DORSEY. If it was the intention, as I presume it was, of the Government of the United States when certain tribes of Indians were removed to the Indian Territory that this country should be set apart to them for the purpose of civilization, of education, and of general advancement, then I should like to inquire upon what theory of morals or ethics these wild Indians are being constantly sent to the Indian Territory. Two years ago we passed a bill appropriating money to remove the Modocs from the north part of Oregon down to the Indian Territory. Last year we passed another bill removing a portion of the Sioux Indians, one band of the Poncas, from Dakota to the Indian Territory. Now we propose to add the Indians that our Army has been chasing through the country for the last six or eight months at a very large cost to the Government—the Joseph band, I believe it is called—we propose to add them to those already sent. The land in that Territory belongs either to the tribes named by the Senator from Texas or it has been transferred by them for the use of other tribes, the names of which are specified in the treaties transferring the land. None of the land, so far as I know, belongs to the United States, and the United States Government has no more right to set apart a reservation in that Territory for the use of these Indians than it has to set apart a portion of it for sale to any private individual.

Mr. MAXEY. I would ask the Senator from Kansas the question which I was asked by the Senator from Colorado. I stated my recollection to be that the United States does not own any land within the Territory known as the Indian Territory. Is not that the case?

Mr. DORSEY. That I understand to be the case. Whatever transfers have been made there have been made for specific purposes named in the treaties, and the Government of the United States in its own right, in the sense that it owns other public land, owns no land whatever in the Indian Territory.

Mr. BECK. I desire to ask the Senator from Arkansas for information, how it was, then, that in the railroad charters of 1866 alternate sections through the Indian Territory, north and south and east and west, were granted by the United States, if there is no title in the Government to those lands?

Mr. DORSEY. If the Senator will look at the charters to which he alludes, he will find that no grant was conveyed to railway companies except upon conditions. In one of the charters, that of the

Missouri, Kansas and Texas road, the land was conveyed to the railway company when it should become public land of the United States and the tribal relations of the several tribes should be abolished, and it will never probably become the public land of the United States. The land grant to the Atlantic and Pacific Railway Company takes effect when the land becomes public land under similar restrictions. The precise words of the statute I cannot now recall, but the restrictions are similar, and I have stated their substance. It has first to be declared by Congress to be public land of the United States before the railway companies get any right whatever under the grant, and I believe they claim no right under the charters to which the Senator from Kentucky alludes. At all events I am satisfied that at this time the United States owns no land in the Indian Territory which it has a right to dispose of either to Indian tribes or to individuals. I say that the Government has the same right to sell that land to private individuals that it has to give it to these wild Indians.

Mr. ALLISON. I hope the amendment of the Senator from Texas will not prevail. These Indians are now in the Fort Leavenworth military prison.

Mr. INGALLS. Oh, no.

Mr. ALLISON. Well, they are at the Fort Leavenworth reservation, held by the military.

Mr. INGALLS. Yes, sir.

Mr. ALLISON. And they are being subsisted by the War Department at the rate of about $2,000 per month. They were captured, as is well known, in the Nez Percé war, which war it is not necessary now to inquire into. Suffice it to say that this identical band in Idaho, entering upon the war path, murdered some twenty or thirty families. But for that fact, I think it might be well at some time to return these Indians to their old reservations and to their former associates. It must be perfectly apparent to every Senator that to return Joseph and his band now to their reservation would be to consign them to another war, more bloody perhaps than the one that took place more than a year ago.

Mr. MAXEY. Do I understand the Senator from Iowa to say that the Nez Percé band of Joseph murdered twenty or thirty families?

Mr. ALLISON. Yes, sir.

Mr. MAXEY. I wanted to understand that.

Mr. ALLISON. I understand very well the argument the Senator from Texas proposes to draw from that fact.

Mr. MAXEY. Therefore we do not want them moved down to murder our families. That is the point.

Mr. ALLISON. Undoubtedly. There is no proposition to remove them within several hundred miles of the State which is so ably represented by the Senator from Texas. There is no proposition to place these Indians in any relations with white people. The proposition is to remove them to some suitable place in the Indian Territory, a Territory set apart by treaty for the use of Indians alone, and consecrated to Indian tribes by treaties made over and over again between the United States and the five civilized tribes that are now in that Territory, and who own a large portion of the land there.

Mr. DORSEY. I should like to ask the Senator from Iowa what Indians he alludes to, the Nez Percés, the Modocs, or what tribes?

Mr. ALLISON. Any Indians that we choose to place in the Indian Territory, with the consent of the Indians who are already there by authority of law.

Mr. DORSEY. Then I should be glad to see the consent of the several civilized tribes filed here for the removal of these Indians to the Indian Territory.

Mr. ALLISON. They have already consented in advance that other Indians may be placed there. They are desirous that other Indians may be placed there. The Indian tribes who occupy the Indian Territory are not in favor of opening up that Territory to the spoliation, if I may use that word, of the whites in that neighborhood. They are in favor of holding this Territory for the use and occupation of the Indian tribes.

There are no wars in the Indian Territory. This band under Joseph has been conquered by the United States. I do not believe that they will give the people of Texas or of Arkansas or of any of the adjacent States any more trouble than will the Cherokees or the Choctaws. If they are not to be removed to the Indian Territory, where shall they go? Senators will not say that we are to keep this band of Joseph perpetually under military surveillance at the expense of the Government of the United States. They are not to be kept in a military prison. Although not technically in prison, they are on the Fort Leavenworth reseservation, and they are held as military prisoners, men, women, and children. If Senators can tell us any other place that is more appropriate where these Indians may sustain themselves or make an effort to do so, I shall be glad to at least hear such a proposition.

Mr. MAXEY. I ask the Senator if a tribe is a bad and pestiferous population, troublesome to people where they were born, is there any good and moral reason why they should be picked up out of that neighborhood and carried into another neighborhood where they do not naturally belong?

Mr. ALLISON. None whatever. Allow me to call the Senator's attention to the fact that the Modoc band was guilty perhaps of greater atrocities than the Nez Percés band, or any other band of Indians in the United States; yet the Modocs have been taken into the Indian Territory, and they are to-day self-sustaining.

Mr. COCKRELL. Will the Senator from Iowa answer me by what authority the Modocs were taken there?

Mr. ALLISON. By the authority of the United States.

Mr. COCKRELL. By act of Congress?

Mr. ALLISON. Yes, sir.

Mr. SARGENT. There was an appropriation made for that purpose.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired, and he can only proceed by unanimous consent.

Mr. BECK. I only desire to say, in addition to what was stated by the Senator from Arkansas, that the Cheorokees by their treaty of 1866 surrendered a strip of land fifty miles wide, adjoining Kansas on the south, and extending from the Arkansas River west to the one-hundredth degree of west longitude. It was provided by the treaty of 1866, however, that the United States may settle friendly Indians within the limits of the latter tract, "and when such settlements are made the rights of the Cherokees to the lands so occupied terminate, the lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed upon by the parties in interest, or as may be fixed by the President." And so with other portions of that Territory the disposition of which was provided for by treaty stipulation.

Mr. DORSEY. That land is occupied by Osage and Pawnee Indians.

Mr. BECK. I am only answering the Senator from Missouri and others who seem to think the United States had no right to go into that Territory. By treaty stipulations with the Indians, the Indians have given them that right, and the Government has exercised it time and again.

Mr. COCKRELL. Will the Senator from Kentucky answer the question whether these Indians are friendly Indians or not?

Mr. BECK. They are as friendly as any other Indians, for they are held by power and they remain friendly as long as they are treated justly. That is the whole history of our Indian relations as I understand it. The great difficulty we have had with our Indians is that we have neither treated them with justice, nor have we at times shown the power that the Government ought to have shown to keep them friendly. I have no question about the power of the Government to hold them. I will here read from the report of General Walker, who, I think, was the best Indian Commissioner we ever had. He in one sentence states my idea exactly of what we have got to do with the Indians. He says:

> It is right that those who criticise the policy of the Government toward the Indians, and ridicule it as undignified in its concessions and unstatesmanlike in its temporizing with a recognized evil, should fairly face the one alternative which is presented. There is no question of national dignity, be it remembered, involved in the treatment of savages by a civilized power. With wild men, as with wild beasts, the question whether in a given situation one shall fight, coax, or run is a question merely of what is easiest and safest.

So in all the management of these people we never have had the power of this Government shown, nor have we treated them with the justice with which the Government should have treated them. Therefore the Nez Percé Indians and perhaps others thought they were aggrieved. Now they are west of Kansas, held as prisoners of war. They are obliged to be held somewhere. We have a right to put them on these lands with other Indians in the Indian Territory, not to injure Texas, not to injure Arkansas, not to injure Missouri. The country between Kansas and Texas is less than three hundred miles from north to south, and I suppose it extends five hundred miles from east to west. It seems to me we are compelled, unless gentlemen can suggest a better way, to send the Indians somewhere, and to protect Texas and Missouri and all these people from them, for that is in the power of the United States.

Mr. TELLER. The Senator from Kentucky is very correct when he says that the trouble arising with these Indians is the failure on the part of the Government to keep its contract. That was the cause of this Nez Percés war. It was a failure on the part of the Government to maintain its plighted faith with these Indians. While I have no doubt of the right of the Government to send these Indians as prisoners of war to the Indian Territory, and that in very many respects it would be better for the Government to do so, yet I believe in justice that they ought to be returned to the reservation from which they came, or where they ought to have been when they commenced their war.

Mr. ALLISON. Will the Senator allow me to ask him what, in his judgment, would be the treatment that these Indians would receive from the white settlers in the neighborhood of the origin of that war should they go back there? Does not the safety of both Indians and whites require that they should be settled somewhere else?

Mr. TELLER. I do not know what the temper of the people may be in the section from which those Indians came. I know they did commit some atrocities when the war first broke out, but after the first few days they carried on that war entirely free from the usual Indian atrocities. I think they fought it upon high, honorable principles. I believe no set of men ever went to war in the history of wars who had a better cause for war than the Nez Percé Indians, and if we paid out a million of dollars it was our fault, and not theirs.

Men in high public positions have been compelled to admit to me that this war was brought about by the misconduct of Government officials and not by these Indians. They went to war just as men of spirit will go to war, and they demonstrated that they were not only

men of honor when they fought, savages as they were, upon the principles of civilized warfare, but they demonstrated that they possessed a military character and a military ability that was second to no men in this country. I undertake to say that there is but the history of one great fight that compares with theirs, and that is when the Greeks returned from their Asiatic invasion. These men, with their wives, their children, their flocks, and their herds, fled before the American Army, outnumbering them three to one, more than a thousand miles through an inhospitable and mountainous region, and when they came across the straggling settler or the straggling emigrant they passed him by, taking only such things as they needed. They are entitled to the clemency of this Government and to the decent respect of the people. They ought to be returned to their reservation, and then the Government ought to keep its plighted faith, and if the settlers are disposed to commit atrocities upon them the Government is bound in honor and by its treaties to send the American Army there to protect them in their place. Justice, I say, to them, respect for our obligations require that these men should not, contrary to their will, be removed to the Indian Territory. I understand that they are opposed to it. They desire to return to their reservation and to take their chances with the settlers. I will guarantee that the men on the border who have witnessed their acts of bravery and the manner in which they have curbed their usual savage desires in warfare will treat them as honorable and subdued enemies so long as they abide by the law and treat the whites in the same manner.

Mr. INGALLS. Mr. President, I hope the amendment offered by the Senator from Texas will be adopted by the Senate. I do not intend at this time to discuss the general policy of concentrating and consolidating all the Indian tribes of the Northwest in what is known as the Indian Territory. That region, however, I might say, in passing, comprises a tract of country about two hundred by four hundred miles in extent, exceedingly fertile, with a salubrious climate and every element necessary to make it the theater of an opulent and splendid civilization. It is surrounded on three sides by three of the most important and growing and wealthy communities in this Union. Upon the north is the State of Kansas; upon the east is the State of Arkansas; upon the south is the great empire State of Texas, while upon the west it extends very nearly to the borders of Colorado. It is at the present time penetrated by one great line of railway, extending from Kansas through Texas to Galveston, which is in itself the artery along which the people of the interior and of the West expect to transmit their products for distribution to the foreign nations of the earth.

Those communities naturally feel a profound interest in this matter. They believe, and I feel with them, that it is un-American, that it is unwise and unjust, to make this great extent of country a closed portion of the surface of the earth, into which no white man can intrude, which shall stand as an obstacle in the way of commerce and the growth and the prosperity of those great communities to which I have referred. The people of those States view with apprehension and with alarm the successive steps of the Executive toward concentrating still further and further Indians within the limits of this Territory, so that it will ultimately become impossible, by reason of the numbers of those people, by reason of the perpetuity of the institutions that will there be raised up, to remove it from the pathway of this great commerce which is destined to spring up between the West and Northwest and the Gulf of Mexico. On general principles, therefore, Mr. President, speaking for those people, I should say that the Senate of the United States ought to pause and to prevent any further encroachment on the part of the Executive upon what I conceive to be the inherent rights of those people.

I do not agree with those who claim that this Government has the absolute authority to assign portions of this Territory to the use of Indian tribes. By treaties of the highest sanction and of great antiquity the Territory was given to what are known as the civilized Indian nations. By the treaty of 1866, the Cherokees, who owned the larger portion of it, relinquished all that part lying west of the ninety-sixth meridian of west longitude upon certain conditions and for certain uses which I shall briefly describe to the Senate. The fifteenth article of the treaty to which I allude reads as follows:

> The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands west of ninety-six degrees, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, namely.

Then follow the terms upon which the civilized Indians are to be admitted into that Territory formerly claimed by the Cherokees and relinquished by them in trust to the Government of the United States upon certain conditions. I say that it is time for Congress to pause——

The PRESIDING OFFICER. The Senator can only proceed with the unanimous consent of the Senate, his time having expired. There being no objection, the Senator will proceed.

Mr. INGALLS. It is time for Congress to pause in this promiscuous assignment of Indians, friendly and unfriendly, to this Territory, and to inquire whether or not the rights of the Cherokees under this treaty are complied with. If they are not complied with, then Congress ought not to be asked to give its sanction to such a removal. I hold that the United States have no territory in what is known as the Indian country which is at their disposal for these purposes. It is necessary before the Nez Percés or any other band can be removed there, in the first place, that it shall be shown that they are friendly; and, in the second place, that the removal is with the assent and the approbation of the Cherokee Nation. During the last three or four or five years, in fact I may say almost ever since the treaty of 1866, the Government has proceeded without reference to the terms of those treaties to assign tribe after tribe to the Indian Territory, building up a more impregnable barrier between the States to which I have alluded and their natural and necessary outlet to the sea.

The Nez Percé Indians, Mr. President, offer a fair illustration of the very great injustice which the United States Government has frequently been guilty of toward its Indian wards. They are not what is commonly called a savage race. From time immemorial they have been regarded as friendly Indians; they have been the allies of the United States Government in the Northwest; they had a quasi civilization; they were upon a reservation that was exceedingly fertile and exceedingly desirable; they had certain treaty stipulations with the United States Government, and, as the Senator from Colorado has said, they have been the victims of the grossest wrong and the most monumental oppression. I have been at the camp of these Indians upon the Fort Leavenworth military reservation. I have seen them in their present confinement. They live in lodges and tents. They are a noble, heroic-looking race of men. They are intelligent; they are peaceable; they are inclined to submit to law; they are obedient; they are willing to labor; but in their reservation in the Northwest they were subjected to continuous encroachments by the white settlers around them; the Government neglected to carry out its treaty stipulations with them; and what was there left under the circumstances for them to do except to revolt and rebel? After a war that has few equals in the annals of heroism—as General Miles himself told me, they exhibited the most wonderful strength in the war that ensued—after a war in which they were at last conquered, they have been removed to that reservation, and I say intelligently what I do say, that they are unwilling to be removed to the Indian Territory. They have been brought up amid the rigors of a colder climate. They are pining to-day; they are suffering; they cannot endure the enervating influence of the climate of the interior and of the south, to which they are about to be assigned. They wish to be sent back north again. They ask that. They never revolted until aggressions were committed upon them, and it is a grievous wrong to those people to compel them to take quarters in the Indian Territory against their wishes and against the wishes of the communities that surround them.

Chief Joseph and the leaders of that tribe have signified their willingness to acquiesce in the authority of the United States Government. They say if they can be sent north they will obey the laws and submit to the stipulations of the treaties. They ask to be sent there.

Mr. ALLISON. North, where?

Mr. INGALLS. I say where they came from, to Idaho or to some other point in the Northwest, where they can be subjected to the same influences under which they were born. If there is any objection arising from the suggestion made by the Senator from Iowa that, in consequence of the atrocities that have been committed upon the people in Idaho Territory, feuds, and forays, and internecine war might arise, they can certainly be assigned to some other locality in the great Northwest where they will be subjected to the same climatic and territorial influences under which they have been born and raised.

Therefore, sir, upon every consideration that can be named, moral, humane, legal, constitutional, it appears to me that this section ought to be stricken out and that the amendment proposed by the Senator from Texas ought to prevail.

Mr. TELLER. I move to amend the amendment of the Senator from Texas by striking out the word "Indian," in line 772, and inserting after the word "Territory," in line 773, the words "of Idaho;" so as to read: "to a suitable location in the Territory of Idaho."

Mr. MAXEY. I accept the amendment.

The PRESIDING OFFICER. That amendment has already been proposed by the Senator from Arkansas, [Mr. DORSEY.]

Mr. ALLISON. That amendment is first in order because it is an amendment to perfect the text.

The PRESIDING OFFICER. If there is no objection, that amendment will be considered adopted.

Mr. ALLISON. There is objection; but it is first to be considered.

The PRESIDING OFFICER. The question then is on the amendment of the Senator from Arkansas.

Mr. SARGENT. Mr. President, there probably is not a more tempting strip upon this continent than the Indian Territory. Very covetous eyes rest upon it all the time. Powerful corporations are endeavoring to seize upon it. They already have obtained by means of improvident legislation on the part of Congress a species of inchoate right which ever since they have been trying to change into a possession under the authority of the United States.

Without any shadow of right, I believe, on the part of the General Government, alternate sections of this land were given to several railroad corporations belting this fertile region in all directions, and the pledge was put in the statutes, without any consideration whatever by the Congress of the United States, that the Indian title to the land should be extinguished; that is to say, that these persons were to have possession and ownership of it when the Indian title was extinguished. What right had Congress to provide for the extin-

guishment of the Indian title? If, as alleged by the Senator from Kansas, these Indians possessed this land by virtue of treaties, were placed there to own it, and had a right even to resist the presence of other Indians among them, what right had the Congress of the United States to provide that it would extinguish the Indian title? No more right than it would have to provide that it should extinguish the title to my homestead or of you to your farm, or that it would extinguish the right of the inhabitants of a State to possess that State, whether made in behalf of a railroad corporation or any one else.

Now, sir, it is contrary to the interests of these railroad corporations that any more Indians, whether they are friendly and civilized or not, shall be settled in the Indian Territory. It makes, in the language of the Senator from Kansas, a greater barrier in the way of the natural communication between certain States. It puts further off the day when the Indian title will be extinguished. It is exceedingly embarrassing to these railroad corporations and their friends, for they want an easier prey of these rich acres in the Indian Territory, and they want the Indians removed, whether it shall be done by whisky, or by war, or by emigration, or by plundering the Treasury of the United States to take out the enormous sum which shall be necessary to extingnish the Indian title. To facilitate this object we have had various schemes for the organization of an Indian government in the Territory, thinking perhaps that a Legislature made up by the Indians themselves would look with carelessness or favor upon a proposition to soon extinguish the Indian title and give these railroad companies their coveted prey.

It was the policy of the United States when it authorized the segregation of the Indian Territory that there should be a resting-place for the Indians on this continent, certainly for those who were east of the Mississippi River. The Indians, on this very plea of their being in the way, of their taking up fertile lands which the settlers might want, have been driven from one State to another, from North Carolina and from Georgia, driven off toward the Indian Territory; and at the time that selection was made it was far beyond the bounds of eastern settlement; it was open and virgin to be used for this purpose, and it was solemnly dedicated by treaty and by law for this purpose. Now, however, the same inconvenience arises. There is the same indigestible mass in the West that there formerly was in Georgia, in North Carolina, and in other States, which compelled the original moving of these Indians; and the logic of it all is——

The PRESIDING OFFICER. If there be no objection, the Senator from California will have permission to continue his remarks.

Mr. SARGENT. The logic of it all is that there is no spot on the continent where the Indians can be allowed to remain unmolested. If they have gradually in the course of years withdrawn of their own accord, and are in the Black Hills, gold is discovered, and, in spite of laws and treaties, rushes a restless, aggressive tide, and they are deprived of their possessions there. In Idaho the Nez Percés, though I believe not Joseph's band, had two reservations. The settlers, coming in there on account of the discovery of gold and finding good agricultural lands, encroached upon them, drove them off, and Indian wars arose there. You cannot plant Indians anywhere, in the most unlikely place on this continent within our jurisdiction, where you can confidently predict that they will not be removed by and by by the aggressions of our people and by the indifference of the Government of the United States or its careless dealings. The Government pursues no settled policy with reference to these things. It goes on in a sort of haphazard way as the eloquence of gentlemen may from time to time move the two Houses of Congress, changing its policy, and always at the expense of the Indian.

Now, sir, the Indian Territory is a fertile tract of country, and it is just the place for such Indians as those described by my friend from Kansas: men who are of a noble character, men who are brave, who are merciful, who are disposed to obey the laws, who are semi-civilized. There is the very place of all this continent where such men may develop their manhood and their civilization, and live in peace. That was the use for which the Indian Territory was dedicated, and I say that it is humane and just to these Indians that they should be allowed to settle there. You put them in Idaho, and it will only be a few months, perhaps, certainly only a few years, when there again Indian wars, because of aggressions upon them, are certain to take place, and they will array themselves again and fight bravely and cost us another million or two million dollars to capture them, and you will have the problem unsettled. So with reference to others situated as they are.

These Indians are now on our hands as prisoners of war, with their wives and their children, at Fort Leavenworth, in a camp there under our own power. What are we going to do with them, about five hundred altogether, I understand? They are a great expense to us as now situated. Of course that cannot be a solution of the problem. Congress ought not to adjourn and leave them in the hands of the military at Fort Leavenworth. They ought to be disposed of. Shall we send them back to Idaho, where there is no reservation whatever for them, where there is not a foot of ground dedicated to them? And even if it were dedicated under the most solemn promises, we have no assurance that the discovery of a gold or silver mine within a circuit of twenty miles of them would not root them out again. You send them to a distance where the cost of transporting supplies is very great, where in case you have to fight them you must fight them at arms' length while they fight you at their home.

I do not believe the mild and temperate climate of the Indian Territory is not adapted to the health and constitution of these Indians, and I should like to see in some authentic form from them some document or something more than mere rumor or hearsay that they are opposed to settling on the fertile land of the Indian Territory. They will make good residents of that Territory, I had almost said make good citizens. I believe they will be like many of the Indians in the Indian Territory; that under the wholesome and good influences there, under the schools which are there established, under a comparatively high civilization which can be given to them, they will develop into citizens of the United States as many of the Indians of the Territory and in that vicinity have become. Therefore, I believe the provisions of the bill are wise and humane, and to strike them out is to take a step backward, and I do not believe the Interior Department, when it sent us this proposition, did so in defiance of law, and I am sure that that which they propose is just and right.

Mr. MAXEY. Mr. President——

The PRESIDING OFFICER. Shall the Senator from Texas be permitted to speak a second time on this question? If there is no objection, he will proceed.

Mr. MAXEY. I have a right to do it because the question now is on the amendment offered by the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Texas has permission to proceed.

Mr. MAXEY. I wish briefly to reply to the Senator from California. The first point he makes would indicate that he believed at least that those only were opposed to the removal of these Indians to the Indian Territory who are in some wise interested in the railroads or railroad lands. I agree with him that the attempted conditional grant of alternate sections of lands to railroads passing through the Indian Territory is not worth the paper it was written on. I regard it as absolutely worthless, and a proposition is now pending by those Indians in one of the committees here to inquire how it is and under what kind of claim those companies claim their lands. On that point I have nothing further to say.

In the next place, he seems to think that those who in somewise are disposed to get hold of these lands are in favor of establishing the Territory of Oklahoma. Well, I can reply to him on that subject that I am opposed to that. Under the treaties which we have with the Indians occupying the Indian Territory, the Congress of the United States has no right to legislate against the will of those people as to the establishment of a Territory different from that set forth in the treaties under which they are, and the position which was taken some time ago by the Senator from Vermont [Mr. EDMUNDS] on this question I believe to be perfectly constitutional, perfectly right, perfectly wise, that these people are treated as nations, and being nations the only mode in which the Government of the United States can deal with them is by treaty, and not by law. The history of this country will show that long before the revolutionary war, all through that war, and ever since until the last few years, the only way the Government of the United States ever attempted to make contracts with the Indian people was by treaty, and not by statute.

I believe in carrying out the contracts or treaties solemnly made, like men. The Government of the United States has put this country in the possession of these people, the Cherokees, Choctaws, Chickasaws, Seminoles, and Creeks, for them and their heirs forever; the treaty reads "as long as grass grows or water runs;" and we have no right to put other people in there against their consent. We violate a treaty when we do; we violate our word; and a nation is worth nothing that will not stand to its word on any subject, however weak may be the people to which the pledge has been given.

So much for that. Now, I am told by one Senator that these are brave people and would make good citizens, and I am told by another Senator, occupying the same side of the question, that they cannot go back where they came from because they murdered twenty-five or thirty of the families there. How do you put the two statements together? If that be the character of these people, I do not want any such "good citizens." I hear it from other sources that their settlement here does not interfere with Texas. Oh, no, we can get these people down there; it does not interfere with Texas; "you are in no danger." Sir, it is within the knowledge of any man who studies this question that the Indians within the reservations are in the habit of breaking across the line into Texas and murdering our people and carrying our women and children into captivity. It is because we know these things that we object. No man knows them better than my colleague who when the governor of the State of Texas felt it his bounden duty as governor, as it was, to inquire into these things. He knows that such things did take place and this very day are taking place. So away with all this talk by men who do not know what they are talking about. They are dangerous to our community. The Senator from Kansas knows it; the Senators from Texas know it; the men who are interested in this matter more than anybody else know it; and the Congress of the United States is acting unwisely not only toward the Indians within this Territory, who are there under solemn treaties with the United States, but is acting unwisely toward the three great States bordering upon the Indian Territory, and who have the right to have their territories peaceably protected under the Constitution by the Government of the United States.

The question was asked, "What are you going to do with these people; where will you put them?" I was only surprised that in the

Senate of the United States such a question should have been asked. Were they not born somewhere? Did they not live somewhere? Did they not have a home somewhere before the war took place between the Nez Percés, under Chief Joseph, and Miles and Gibbon? Did they not have a home? Did they not have their hunting-grounds? Then, I ask, why not put them back where they came from? If they make the brave and the noble and the generous citizens that the Senator from California tells us about, then put them back there in the arms of the people from whence they came; but if they be the murderers of women and children that the Senator from Iowa says, then do not send them down to a people who are not responsible for them.

Under this view of the case I have moved to strike out the clause proposing to put them in the Indian Territory, which is my object. The Senator from Colorado proposes to perfect the text by striking out "Indian Territory" and moving them back to the Territory of Idaho, where they belong, which is the answer to the question that was asked; and I accept that, because all I want is to do justice. It is no injustice to the people in Idaho to send these Indians back where they were before. It is an injustice not only to the people within the Indian Territory, retarding civilization, but it is an injustice to the border people of Kansas and the border people of Texas to have these people sent down there among them, who were driven away from their former habitations because they had murdered twenty-five or thirty families.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado will be allowed to speak a second time if there be no objection.

Mr. TELLER. I will propose an amendment which will permit me to speak. After the remarks of the Senator from California, I wish to enter a disclaimer, so far as I am concerned, against any desire on my part to enable any railroad company or anybody except the Indians to use or occupy the Indian Territory. I believe it has been set apart to the Indians and that it belongs to the Indians; and if this were a proposition to send there Indians who were willing to go, I should have no objection, but, Mr. President, it is to take Indians who are the unfortunate victims of a war forced upon them against their wishes and against what they think is their interest and put them in this Indian Territory. Now, perhaps of all men the Indian is the most attached to his home and to the country in which he was born. About a year ago Congress without much attention passed in an appropriation bill of this kind a provision that the Poncas, a semi-civilized tribe living north of the Missouri River, might be sent to the Indian Territory. The whole number of them was eight or nine hundred, occupying a large amount of valuable land, and it was desirable to get them off.

Mr. ALLISON. May I interrupt the Senator? He says that the provision in relation to the Poncas last year was passed without much consideration. The question of the removal of the Poncas had been under consideration for many years, and most stoutly disputed by our distinguished friend from Nebraska, and they were removed because they were occupying a reservation belonging to the Sioux tribe by treaty, and the Sioux were constantly making war upon them because they were on their reservation. It was a necessity.

Mr. PADDOCK. Even in that case it was not within the rule. It was a positive hardship to the tribe, and they ought to be brought back.

Mr. TELLER. I know something of the history of the Poncas. They made their first treaty with the United States Government in 1817, and they have kept it as religiously as any people ever kept their vows.

Mr. ALLISON. I did not say that they violated the treaty.

Mr. TELLER. They had by treaty made in 1828 and by subsequent treaties an agreement with the Government that they should remain on that identical land. Subsequently the Government, in violation of its faith, to its utter degredation and disgrace, proceeded to allot that land to other Indians, and then made that an excuse for moving these Indians from the land of their birth into a land that they had never seen.

About a year ago ten of these Indians were taken by the authorities and sent down to view the ground where they were to go to live. When almost there eight of them deserted, and for forty days those men, without anything except their rifles, through a country entirely destitute of habitations, destitute in a great degree of water, traveled to reach their homes. When they got down near the Indian Territory they could not be compelled to go another day's journey, and fled into the wilderness and back to their cabins. The Government by force took these seven or eight hundred Poncas down there and put them on the Indian reservation against their will, and the report of the agent shows that four years would entirely destroy the remnant of that tribe that had friendly relations with us for three quarters of a century, contrary, I say, to the dictates of humanity and in utter violation of every principle of justice they were removed, and it stands as a shame and a disgrace to this nation, as it ever will. If there is any page of American history that ought to make an American blush it is when he reads the page that treats of the treatment of these red men of the forest. Finding three millions of them here when we settled the country, we have reduced them by our perfidy, by our disregard of treaties, by carrying on wars contrary to all civilized rules and regulations, to less than three hundred thousand, and now at the rate we are going you and I, Mr. President, may live to see every one of them under the sod; and yet we assume to be a nation of honorable characteristics!

Mr. President, I say if these Nez Percés were willing to go I should be entirely willing that they should, but they are not willing to go. Smarting under the wrongs inflicted upon them they proposed to flee this land, and they asked nothing from this Government but to be allowed to get out of it. They said, "We will seek protection under the flag of Great Britain." It had somehow reached these Indians as it has all the Indians that the British government manages to maintain its reputation among the Indians; it keeps its treaty obligations and we do not; and they said, "We will leave this country;" said, as Joseph said to the commissioners when they went to treat with him, this was a nation of liars, a nation of treaty-breakers, and they would go to Canada. They started and the Government brought them back. They were willing to take themselves out and to remain out of this country if the Government had been willing they should. But we bring them back. We first incite them to war, then chase them with the Army and bring them back, and now it is proposed to send them contrary to their will to the Indian Territory.

The Senator from California alluded casually to the treatment of the Indians in the Black Hills. I want to call the attention of the Senate, if they will listen to me for a moment, to the treatment of the Sioux, a war brought on, I say, by the treatment on the part of the Government, not on the part of the Indians. We had stipulated in the most solemn manner that those Indians should occupy this ground, now known as the Black Hills, for all time. Some trappers and hunters who went into that region of country discovered that there might be gold. Not satisfied to wait till the curiosity and the cupidity of the people had carried them there, in violation of law the Government organizes an expedition with a scientific head and sends it out there to determine whether there was gold there or not, that it might thereby invite the people of the United States to trespass upon the Indian soil and the Indian reservation. Not satisfied with that, the Government sent an army there in direct violation of a provision that the army should not invade these reservations. Out of that grew the war, and Sitting Bull fled from the protection of this Government over into Canada, where he now remains.

Mr. President, the first thing to be done on the part of the Government, if it is disposed to make itself respectable in this Indian matter, is to maintain its treaty obligations. It did not do it with these people whose case is now under consideration; and, inasmuch as we did not do that, the Government has no right to treat them as malefactors. It has no more right than any government, having subdued an honorable enemy, to put them to death or to treat them as prisoners of war. They are no more to be treated as prisoners of war than the men who surrendered on a hundred battle-fields during the war that has recently closed. These men are entitled, I say, to be returned to the place from which they came; and if they obey the laws, it is the duty of the Government to protect them against any violence at the hands of the settlers, if there is any danger of it, which I deny.

It is not a question whether the Indian Territory ought to be settled by Indians or whether it ought not. It is a question of good faith and honorable dealing on the part of the Government; and I say now that Indian wars can be stopped from this time if the Government will enter upon a system of obeying its own treaties. If the Government will do with the Indians what it demands of the Indians there will be no more Indian wars on this continent.

Mr. President, in my own State to-day there are signs of war and hostility on the part of the Utes. This Government, having made a treaty with them to pay them a certain sum per annum, is in default $125,000 now, at least $75,000 of which is standing to their credit on the books of the Department, already appropriated. Not a dollar of that can be taken by this present Indian administration for some reason; not a dollar can be got to treat with these Indians; not a dollar to pay their back annuities, while it lies idle in the Treasury; and yet there is danger and there is a fair probability that unless some change is made in the administration of affairs in reference to these Indians there will be a war; and I suppose when they, too, will be taken prisoners then some will want to move them off to some section of country, and we shall hear it charged upon them that they have been violating their treaty stipulations, when it is a notorious fact, known to every man on the border who has paid any attention to the subject, that it is the Government that violates its treaty obligations in the first instance, and thereby induces the Indians to do so.

Mr. CAMERON, of Wisconsin. I wish to inquire whether or not the Senate is proceeding under the five-minute rule?

The PRESIDING OFFICER. The Senator from Colorado was proceeding under unanimous consent to speak a second time. The Senate is acting under the five-minute rule, and the Chair asked the distinct question whether the Senator should be allowed to proceed.

Mr. CAMERON, of Wisconsin. I give notice that hereafter I shall insist on the enforcement of the rule.

Mr. EATON. We have adopted the five-minute rule. We extended the time to the Senator from Kansas and the Senator from California, and I give notice now that I shall object to any further extension.

Mr. PADDOCK. I should like to inquire of the Senator who has

this bill in charge, representing the Committee on Appropriations, whether this removal is the result of a conference with the Indians and at which their consent was obtained?

Mr. ALLISON. Of course the Senate Committee on Appropriations have had no conference with these Indians, but we understand from the Interior Department, having charge of these Indians, that this is the best possible method of treating this subject.

Mr. PADDOCK. Does the Senator himself understand from the Indian Office that there has been a conference with these Indians and that they have consented to the removal? That to me is an important consideration.

Mr. ALLISON. I cannot say that, in the face of what the Senator from Kansas says is within his own knowledge, namely, that they do not wish to go.

Mr. PADDOCK. I make the inquiry because I have been absent from the Chamber, and have not had the pleasure of listening to the debate till within a few minutes.

Mr. ALLISON. My impression is that these Indians would prefer to go back to their old hunting-grounds and roaming-places and their old associations, if we are to do what they want done, but that I take it is a question wholly within our own discretion what we shall do.

Mr. PADDOCK. May I inquire of the Senator if they had a defined district or section of country which was known as a reservation for them or in which they had hunting privileges which they considered to be their abode?

Mr. ALLISON. There were two small reservations assigned to the Nez Percé Indians, Joseph's band, and White Bird's band.

The PRESIDING OFFICER. The Chair decides that this colloquy cannot go on without unanimous consent of the Senate under the rule.

Mr. PADDOCK. The Senator can speak in my five minutes.

The PRESIDING OFFICER. The Senator from Nebraska by addressing the Chair can have his five minutes.

Mr. PADDOCK. I am simply asking some questions, within the limit of my time, of the Senator who has charge of the bill.

The PRESIDING OFFICER. The Senator from Iowa has spoken several times on the bill. If there is no objection he will proceed.

Mr. ALLISON. I have no desire to speak further. I was simply answering the questions of the Senator from Nebraska. Indeed, I would prefer not to answer them if I could avoid it.

Mr. PADDOCK. I am seeking light and groping in darkness in reference to this matter. I am a friend of the Indian so far as it is practicable to be at this juncture.

Mr. ALLISON. I was about to say in answer to the inquiry of the Senator that there were two reservations assigned to the Nez Percé Indians; but the Joseph band and the band at the head of which is White Bird refused to go on those reservations. General Howard and the Indian agent whose name I have forgotten, Montieth I believe it was, undertook to make a treaty with Joseph's band and White Bird's band, and they agreed to go on one of those reservations. They, after promising to go on the reservation, instead of doing so went on the war-path. That is all there is of this question. Whether or not the Indian agent or the Government or these bands were to blame I am not prepared to say and will not say now. There are two small reservations. Of course Joseph's band could go upon either of those reservations if he saw proper to do so and if the Government is willing that his band may go back there.

Mr. PADDOCK. Do I understand it to be the policy of the Indian Office to undertake to concentrate all these Indians within the limits of the Indian Territory?

Mr. ALLISON. I am not familiar with the general policy of the Indian Office. I presume that is not their purpose, however.

Mr. PADDOCK. Unless I can be satisfied that these Indians themselves have consented to the removal and are anxious that they may be removed to that Territory, and that the Indians now in the Territory, the more civilized tribes, also have assented and are desirous that these Indians should go there, I certainly would be unwilling to vote with the committee upon this question. I desire on all questions, so far as I may do so, to stand by the committee; but after the experience that we have had during the past few years in respect of the involuntary removal of some of the tribes of Indians, I am unwilling myself to be a party to any other removal. I know there have been two or three cases of removals of tribes of Indians within the limits of my State which have been cases of very great hardship; the removals have been very great wrongs to those Indians, such wrongs as white people under similar circumstances would resent most violently.

Mr. THURMAN. Mr. President, this is a very important question which is now before the Senate. Though the ultimate policy of the Government may not be decided upon this provision in this bill, yet every step we take is a step toward deciding it one way or the other. I want simply to call the attention of the Senate to a few facts, as many as I can in the space of five minutes, although I do not know but that I should do better by proposing to extend the five-minute rule for an hour, not for the purpose of speaking an hour myself, but for the purpose of allowing the debate to go on. I might move an indefinite postponement of the bill so as to let the debate go on without limitation as to time.

In the first place, nothing is clearer than that we have no right to place these Indians in the Indian Territory without the consent of the Indian nations or tribes which are now there. My friend from Iowa shakes his head, but, unless there has been some treaty made with them since the original treaty, that is clearly true.

Mr. ALLISON. The treaty of 1866 provides that west of the ninety-sixth meridian friendly Indians may be settled.

Mr. THURMAN. I said unless there was some subsequent treaty, and my friend now tells me there is a treaty that west of the ninety-sixth meridian other Indians may be settled there. If there is that treaty which authorizes us to go upon the lands, which belong for instance to the Kiowas, Comanches, and Apaches, which are all west of the ninety-sixth meridian, and half the Chickasaw Nation nearly is west of that meridian—if there is such a treaty as authorizes us to do that, then of course we can take them down there. It had, however, escaped my attention that there was any such treaty made with them.

Mr. INGALLS. The fifteenth and sixteenth articles of the treaty of 1866.

Mr. THURMAN. My attention is called to that for the first time. Now, what I wish to call the attention of the Senate to is this: the Indian Territory is three hundred miles east and west by an average of two hundred and twenty-two north and south; and then west of that there are one hundred and seventy-eight miles east and west by thirty-four and a half miles north and south, a kind of handle projecting out to the west. There are in that Territory seventy-one thousand square miles, or in acres 45,440,000. Its population according to the last estimate was 65,500, or less than one person to the square mile, while the country, it is said, is capable of supporting as much as almost any equal amount of territory in the United States.

Now, Mr. President, it is simply impossible that that country can wait to be filled up by the natural increase of its present inhabitants. Then, if it is to be filled up at all, one of two things must be done: steps must be taken by which, with the assent of its present occupants, white people may become settlers there; or you must fill it up by transplanting all the Indians of the United States upon it, if it is to be filled up at all.

Which policy is likely to prevail? I think there will be a very great pressure, as there has been for several years, to fill it up by transferring Indians from other parts of the United States to that Territory. They are not a welcome population in any State or Territory of the Union; the people want to get rid of them; and they will naturally press Congress to take measures to send them into this Indian Territory. On the other hand the States that border the Indian Territory, Texas, Kansas, and Arkansas, all of them will be very much opposed to such an aggregation of an Indian population there, especially as it will bring into that Territory Indians who are not by any means the civilized or semi-civilized persons that the Cherokees and the Choctaws are.

I think, therefore, that the ultimate policy this Government will have to pursue will be by some treaty obligation with these Indians to secure the right for white settlers to go in upon that Territory. I see no other solution that is likely to be wise and just and reasonable. It is a difficult subject, it is true.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMAN. I do not wish to take up any more time than the rule allows; otherwise I should have extended somewhat more fully the view that I take.

Mr. BECK. I hope the Senator will be allowed to go on.

The PRESIDING OFFICER. Notice was given by the Senator from Connecticut that he would object to any violation of the rule.

Mr. EATON. I move to rescind the rule. Do not let us go on against the rule we have made.

Mr. ALLISON. I hope my friend from Connecticut will withdraw that motion.

Mr. THURMAN. I do not care anything about it. I can take some other time. I have no feeling about it.

The PRESIDING OFFICER. If there is no objection, the Senator from Ohio will proceed. The Chair hears no objection. The Senator from Ohio has unanimous consent to proceed.

Mr. THURMAN. I would rather not go on in violation of the rule.

Mr. BECK. I rose for the purpose of moving that this bill be informally laid aside, and that we adjourn or do something else. It is perfectly obvious that all the information necessary can be obtained in the Indian Department by consulting the original terms on which this Indian Territory was laid off and the subsequent reservations allotted to these Indians. All this information can be had to-morrow morning at the Interior Department. I have not got the information now. I observe by looking over Mr. Spofford's work that there are in the Indian Territory forty-four million acres of land, nearly sixty-nine thousand square miles, eighteen million of acres yet unsurveyed. I find that reservations have been made——

The PRESIDING OFFICER. The Senator from Kentucky has already spoken once on this question.

Mr. BECK. I think not.

The PRESIDING OFFICER. The Chair begs the Senator's pardon. The Chair was wrong; the Senator from Kentucky will proceed.

Mr. BECK. I was about to say that the Cherokees have had a reservation of 3,800,000 acres allotted to them; the Choctaws have had a reservation of 6,668,000 acres; the Creeks 3,125,000; the Seminoles 200,000; the Quapaws 104,000; the Ottawas 25,000, and divers other

tribes, making in all about 24,000,000 acres; leaving in the Territory some 30,000,000 acres yet unallotted; and I find on looking over the books that in 1866 and in 1867 that Kiowas, Comanches, and others had large amounts given to them by executive orders.

Several SENATORS. By treaty.

Mr. BECK. A treaty was made first with the Kiowas and Comanches and Apaches giving them 3,549,000 acres, but they were not permitted to go upon it, and thereupon by executive order they were assigned to another part of the Territory; and so the United States all through has been dealing with a large portion of this Territory as if it controlled it. I suppose the chairman of the committee, not expecting the matter to come in this form, we being not fully prepared, now will consent that the bill be laid aside and that we adjourn or go into executive session, and by to-morrow morning every fact can be ascertained accurately from the Interior Department.

Mr. SARGENT. If the Senator in charge of the bill has no objection, I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I have no objection; but before doing so I will say to the Senator from Kentucky that so far as this debate has progressed it does not disclose any doubt of the right of the Government to set aside certain portions of this Territory to Indian tribes. It is a question of policy rather than a question of right, because the right is perfectly clear.

Mr. BECK. I understand that is the Senator's view.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at five o'clock and eighteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 7, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

BOARD OF ASSISTANTS FOR UNITED STATES NAVY.

Mr. HARRIS, of Massachusetts. I ask unanimous consent that the bill (H. R. No. 4548) providing for the establishment of a board of assistants for the United States Navy, and for other purposes, and the accompanying report be reprinted, the first supply having been exhausted.

There was no objection, and it was so ordered.

SOLDIERS' REUNION AT DES MOINES, IOWA.

Mr. MARSH. I ask unanimous consent to report back, with a favorable recommendation, from the Committee on Military Affairs, for present consideration, the joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa.

The SPEAKER. The joint resolution will be read, after which objections, if any, will be in order.

The joint resolution was read. It authorizes the Secretary of War to send from some convenient Government arsenal, to be used at the soldiers' reunion at or near Des Moines, Iowa, to be held during the fall of the year of 1878, such tents as can be conveniently spared; said tents to be returned after the holding of said reunion meeting in as like good condition as when received.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MARSH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. MULLER. I demand the regular order.

The SPEAKER. The regular order is demanded, which is the unfinished business at the time of the adjournment yesterday, the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia. In the absence of the gentleman from Maine, Mr. HALE, the gentleman from Iowa, Mr. SAMPSON, will occupy the chair as Speaker *pro tempore*.

Mr. WHITE, of Pennsylvania. What becomes of the morning hour?

The SPEAKER. The morning hour is interrupted by the unfinished business. It may be had afterward, however.

The SPEAKER *pro tempore*. The House, as in Committee of the Whole on the state of the Union, under the order of the House, now resumes the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia. The Clerk will report the pending paragraph and the amendment thereto.

The Clerk read the pending paragraph, as follows:

To the extent to which Congress shall approve the said estimates they shall appropriate the amount of 50 per cent. thereof, and the remaining 50 per cent. thereof shall be levied and assessed upon the taxable property in said District other than the property of the United States and of the District of Columbia, in such manner as the commissioners of the District of Columbia may deem best, and shall be collected in the manner now provided by law for the collection of taxes in said District, with such change in the manner of advertising sales for taxes as may seem expedient to said commissioners: *Provided*, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof: *And provided further*, Upon lands used and held solely for agricultural purposes, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1 on every $100.

The committee recommended an amendment, to strike out in line 198 "fifty" and to insert in lieu thereof "seventy-five;" so that it will read:

Provided, That the rate of taxation in any one year shall not exceed $1.75 on every $100 of real and personal estate.

Mr. HENDEE rose.

Mr. REAGAN. I desire to be heard on the amendment I have offered.

Mr. HENDEE. The pending amendment is that reported by the committee. What is the amendment of the gentleman from Texas?

The SPEAKER *pro tempore*. The question is first on the amendment reported by the committee. The amendment offered by the gentleman from Texas [Mr. REAGAN] will be read for information.

The Clerk read as follows:

In line 189 strike out "fifty" and insert in lieu thereof the word "forty;" and in line 190 strike out "fifty" and insert in lieu thereof the word "sixty;" so that it will read:

To the extent to which Congress shall approve the said estimates they shall appropriate the amount of 40 per cent. thereof, and the remaining 60 per cent. thereof shall be levied and assessed upon the taxable property in said District, &c.

Mr. HENDEE. I understand the proposition now before the House is the amendment of the committee to strike out "$1.50" and insert "$1.75."

The SPEAKER *pro tempore*. It is.

Mr. HENDEE. I stated yesterday I did not understand this to be the request of the majority of the committee, and that I thought it had come into the bill by mistake or at the request of certain members of the committee, rather than by a direct vote of the committee.

Now if the sum of $1.75 is agreed upon, then in line 205 the tax upon the real estate used for agricultural purposes should be increased to $1.25, as the committee have agreed there should be only one-third difference between the taxation on property in the city and that in the country used for agricultural purposes, but personally I have thought that a tax of $1.50 upon the real and personal property of this District, as now imposed by law, is ample for all the current expenses of the District, and that anything which is required outside of current expenses should be taken care of by independent or direct appropriation.

I am not particular, as a member of the House or of the committee either, that the rate should be retained at $1.50, but in my judgment it is better that we confine it to that limit. In view of this fact that if you make the limit $1.75, I am quite sure the history of taxation in this District will warrant me in saying that the outside limit will be imposed.

Mr. EDEN. I wish to ask the gentleman from Vermont a question, whether this independent appropriation that he speaks of will not come directly from the Treasury instead of any portion of it coming from the taxable property of the District?

Mr. HENDEE. It certainly will unless an extra tax is provided for by special act.

Mr. EDEN. And does the gentleman from Vermont hold, after we appropriate, if we do appropriate the amount fixed in this bill, 50 per cent. of the expenses, that the Government of the United States ought to pay over and above that to the exclusion of the District?

Mr. HENDEE. I think the Government ought not to pay anything independent of 50 per cent. of the expenses of running this District, whether for current expenses or special improvements. I do not think the Government ought to make any special appropriation.

Mr. EDEN. Where will the gentleman get the money to provide for the contingencies to which he has referred which might exceed the amount that would be realized upon $1.50 on the $100?

Mr. HENDEE. I cannot conceive of any such contingency at this time.

Mr. EDEN. Then I misunderstood the gentleman.

Mr. HENDEE. I did not say there was any and I do not think there can be any.

Mr. BUCKNER. Will the gentleman from Vermont inform me what is the estimate of the amount of taxation that will be realized on $1.75 per $100 of the taxable value?

Mr. HENDEE. I have not stopped to figure up; but at $1.50 on the $100 there will be obtained about $1,500,000 as the share of the District; which, with the share of the Government of the United States, will make the sum of $3,000,000 to run the government of the District. It seems to me that that will be ample.

Mr. LAPHAM. Will the gentleman from Vermont [Mr. HENDEE] allow me to make a suggestion?

Mr. HENDEE. Certainly.

Mr. LAPHAM. By reference to lines 188 and 189 it will be seen that after the District officers have perfected their estimate of annual expenses, the whole subject is to undergo review at the hands of Congress. To the extent to which Congress shall approve the said estimates, it shall appropriate 50 per cent. of the amount, and the

District shall furnish the other 50 per cent. Now, whether the maximum of taxation be fixed at $1.75 or $1.50 per $100 cannot be material, in view of the fact that every appropriation for the expenses of this District is to undergo the scrutiny of Congress.

Mr. HENDEE. Allow me to say that the difficulty lies in this: if you fix the rate at $1.75 per hundred dollars, that will give the commissioners power to estimate to that extent; and the great trouble is that Congress will be influenced by the estimates of the commissioners.

Mr. LAPHAM. I think there will be no difficulty of that kind. If Congress sees that inordinate appropriations are recommended, it will cut them down.

Mr. HENDEE. Congress is not always interested in the expenditure.

Mr. LAPHAM. Congress is interested, because it is proposed that the Government shall pay 50 per cent. of the estimates; therefore Congress will have a direct interest in keeping the estimates within proper bounds; therefore there is no danger of excessive taxation, with this reserved power in Congress to keep the estimates within proper bounds.

Mr. HENDEE. Let there be a vote upon the amendment of the committee.

The question was taken upon the amendment recommended by the committee, to strike out "$1.50" and to insert "$1.75," and it was not agreed to.

The question then recurred upon the amendment offered by Mr. REAGAN.

Mr. REAGAN. I have modified the amendment to some extent, and I ask that the Clerk now read it.

The Clerk read the amendment, as follows:

In line 189 strike out "50" and insert "25," and in line 190 strike out "50" and insert "75;" so that that portion of the paragraph will read as follows:

To the extent to which Congress shall approve the said estimates they shall appropriate the amount of 25 per cent. thereof, and the remaining 75 per cent. thereof shall be levied and assessed upon the taxable property in said District, other than the property of the United States and of the District of Columbia.

Mr. BAKER, of Indiana. I ask to have my amendment read.

Mr. REAGAN. I cannot yield for that purpose now.

Mr. BAKER, of Indiana. I have a right to offer an amendment to the amendment.

The SPEAKER *pro tempore*. Is it an amendment to the amendment or a further amendment to the paragraph?

Mr. BAKER, of Indiana. It is an amendment to the paragraph.

Mr. REAGAN. The amendment proposed by me has reference to the proportion of money to be appropriated by the Federal Government toward meeting the expenses of the District government. In looking to what the expenses of the District government will be under this bill it will be necessary to look at something further than the mere administration of the affairs of the government. More is provided for and more is contemplated to be appropriated for than that. I call attention to the following paragraph:

All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official consent of a majority of the commissioners of the District, of which majority the commissioner appointed from the Engineer Corps of the Army shall be one. And the entire control and supervision of the execution and fulfillment of all contracts entered into and the preparation of all plans, specifications, and estimates for work as above mentioned shall be vested in and exercised by that commissioner of the District of Columbia appointed from the Engineer Corps of the Army, as hereinbefore provided.

Then, there is another paragraph of the bill to which I call attention, and upon the examination of which it will be seen that further expenses may be incurred:

Before any moneys shall be raised or taxes levied and collected for the purpose of carrying on the government of the District of Columbia, the said commissioners shall submit annually to the council for their approval a statement, showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; and also an estimate in detail, which shall include the cost of all courts in said District, except the United States courts, the judges, officers, witnesses, jail fees, and all expenses incident thereto; also the cost of constructing, repairing, and maintaining all bridges, authorized by law, across the Potomac River, within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, asylums, hospitals, reformatories, and prisons, and the Washington Aqueduct and its appurtenances, belonging to and controlled by the District of Columbia, and which are now by law supported, wholly or in part, by the United States or District of Columbia, of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

[Here the hammer fell.]

Mr. REAGAN. I surely have not occupied five minutes.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. JONES, of Alabama. I will take the floor and yield my five minutes to the gentleman from Texas.

Mr. REAGAN. I thank the gentleman.

I have read these paragraphs for the purpose of calling attention to the things which the Government of the United States will be called upon to appropriate for outside of the ordinary expenses of the city government, and they include the general improvement of the city.

The Government itself owns considerable property, but it improves it at its own expense, as will be seen when we come to consider the grounds around the Capitol, the Botanic Garden, the Smithsonian Institution grounds, and the public grounds down to the Potomac River and the public parks and grounds in the city. The Government improves all these grounds at its own expense, but these improvements are made as much for the convenience of the people of the city as for the Government; in fact, far more so, because they are much more numerous than the officials of the Government.

It is now proposed that the Government shall pay one-half of the expense of all other improvements, whether they benefit the Government or the city; and it is proposed to make that a part of the organic law of the District. It is said that this shall be done because the Government owns one-half of the property in the city; that, I understand, is the assumption. Now, it cannot be supposed that the Government owns one-fourth of the real estate of the city; and it improves its own real estate at its own expense, and does not ask the city to contribute anything for that purpose. In that estimate is left out entirely the personal property of the District. Now, will any gentleman tell me where there is a city within whose limits may be property of any State where the Legislature of that State appropriates one cent to aid the people in carrying on their local government? And is there higher reason why we should do so here?

Then, sir, if we take into consideration the amount of taxable property in this city and the rate at which such property is taxed elsewhere the Government has not an interest to the extent of one-eighth.

It was suggested yesterday that formerly the Government made very small allowances, as a matter of favor; but the practice has grown until we are asked, not only to take care of the public property, but to pay half of all the expenses of the city government, while supporting the United States courts. This demand is made as a claim, and we are called ungenerous if we do not concede it. If such a question could go before the constituents of gentlemen here who propose to tax their people to pay what ought to be paid by others it would receive a different sort of decision. Suppose a gentleman residing in this city should come to a member on this floor and say: "Sir, you are a member of Congress, and I ask you to pay half of my taxes;" that would be regarded as a very singular request, and one which could not be conceded; but the same citizen residing here has no hesitation in asking that my constituents shall aid in paying these expenses of the District that should be paid by local taxation. Such a proposition could not be agreed to except upon the principle that we are always exceedingly liberal with other people's money. We give freely when we give the money of others. When the people know that in this time of commercial and financial depression everywhere, when they are taxed to the last extremity in their own localities, we are voting their hard-earned dollars to pay the taxes of people in a better condition to pay taxes than themselves, to pay the taxes of a city where millions on millions of public money are disbursed annually, it seems to me that a different view will be taken of this question. After the Government maintains its own courts at its own expense and takes care of its own property and improves it at its own expense, if we should contribute one-quarter toward making improvements for the benefit of the citizens of this District and one-quarter toward the expenses of the government of the city, it seems to me that we do quite enough.

Mr. HUNTON. Mr. Speaker, I cannot help expressing some surprise at the amendment of my friend from Texas [Mr. REAGAN] and the remarks submitted by him in connection with it. He takes the ground that in the payment of the expenses of the District of Columbia the Federal Government ought to pay no more than 25 per cent. on the dollar. This subject has been before the Congress of the United States certainly since the year 1835; and various committees have had it under consideration, but not one of them up to 1876 has ever put the proportion of expenses that should be borne by the Federal Government at less than 50 per cent.

Now, the gentleman says as an excuse for his amendment—I might say as an apology for it, because it ought to be apologized for——

Mr. REAGAN. I do not desire to make any apology for it.

Mr. HUNTON. Well, I offer an apology for you. The gentleman says that while the Government owns half the property it improves its own property, and therefore it ought not to be obliged to pay for the improvement of the streets and the running of the District government. Why, sir, does not my friend from Texas know that every individual in the District of Columbia improves his own property as the Federal Government improves its property, and that every dollar expended for the improvement of private property in this District adds to the taxable value of that private property? The gentleman does not state—he may not recollect for the moment—that the Federal Government pays no taxes upon its real estate in the District of Columbia. If the Federal Government were taxed upon its real estate as the people are taxed on theirs, the expense to be paid on the part of the Federal Government for running this District would be about 50 per cent.

Mr. BLOUNT. In making that estimate does the gentleman put down as belonging to the Government of the United States all the streets of the city?

Mr. HUNTON. Yes, sir; and I ask the gentleman, as has been suggested here to-day, whether the people of this District are to be taxed alone to improve the streets of the Federal capital which were laid out not for the purpose of having here a commercial or a manufacturing city, but to have a grand capital for the Federal Govern-

ment. Hence the streets were laid out ranging in width from one hundred and sixty feet down to ninety feet?

It has been suggested here this morning that the Government might give up these streets to the District. If the Federal Government chooses to surrender these avenues to the people of the District, to be owned and built upon if they choose, to be reduced to the ordinary width of streets in the cities of this country, there might be some reason in the proposition. But the Federal Government holds the fee-simple title to these streets; and the people of the District are taxed year by year to pay a portion of the improvement upon these streets.

Mr. REAGAN. Surely the gentleman knows that public streets have no individual owner, but belong to the whole people.

Mr. HUNTON. I know exactly the contrary, if my friend will allow me to say so.

Mr. REAGAN. I have no doubt that the Government originally owned the land; but the gentleman is too good a lawyer to say that there can be any individual owner or Government owner of any public street.

Mr. HUNTON. I am too good a lawyer to assail the judgment of the Supreme Court, which has decided that the fee-simple title to every street in the city of Washington is in the Federal Government.

Mr. REAGAN. Then there is nothing else like it in the whole history of the world.

Mr. HUNTON. The Federal Government has the right to control these streets; it may to-morrow close them up or use them for any purpose.

[Here the hammer fell.]

Mr. BUTLER. I want to say a word about the streets and avenues of this city. I want to call to the attention of gentlemen a piece of history. Why were these immense avenues laid out? Why were lettered streets running one way and numbered streets the other at right angles and then these avenues thrust through them diagonally, with their circles radiating from all points, first to the Capitol and then in the neighborhood of the President's house? History tells us that this District was about to be laid out by Washington at the time when the mob of Paris was overawing the National Assembly of France by erecting barricades across the narrow streets of Paris. That was brought to the attention of George Washington, and in order to prevent that in the great future he made these wide avenues radiating from the places where the public buildings were to be erected, so that it would be impossible ever for the mob of this city to barricade and overawe and imprison the National Legislature or the President. There is no place near the public buildings, as they were planned by Washington, where a troop of horse cannot charge five different ways into a square if necessary. And these great streets which impose these heavy burdens upon the people are simply a proper precautionary measure of the General Government in having this Capitol here, and have no sort of relation to the convenience, the commercial prosperity, or the commercial uses of the people of the District, and therefore we ought to pay for them. They are for the use of the nation. They may not be of use this day. They were waste when Washington laid them out; but the time may come when misguided men may come here in force and overawe the Legislature of the nation. Then there is provision by which the avenues cannot be blocked up, so the force of the nation may not relieve the legislators of the people; and for such purpose we ought to pay for them and the expense of maintaining them just as much as we ought to pay for the forts on the coast. It is unfair to the people of this District to tax them for these avenues.

Mr. LAPHAM. The amendment of the gentleman from Texas cannot be characterized in any other way than as treating this District of Columbia too harshly. It is niggardly parsimony on our part to propose to pay one-fourth of the annual expense of improving this District in which is located the seat of our National Government. It should be remembered that the territory of this District was set apart for the national capital and that the great mass of expenditure of money made here is made for the purpose of promoting the health and comfort of the representatives of the people who are here for a great portion of the year; of the executive officers, the heads of Departments, the representatives of foreign governments, and the vast number of employés in the Departments who make it a permanent residence. They are all interested in having a healthy atmosphere, in having good drainage and sewerage, and having everything which will promote their comfort and the health of this city as a residence. These various classes of persons to whom I have referred, Mr. Speaker, constitute a large quota of the population of this city and they should be provided for in these respects at the expense of the nation, and surely the practice which has hitherto prevailed of the General Government contributing one-half of the quota of this expense, coupled with the reservation in this act that Congress shall at all times have supreme control over the amount to be expended, it seems to me relieves this case of any danger so far as burdens on the Treasury are concerned. I hope, therefore, the amendment offered by the gentleman from Texas will be rejected and the recommendation of the committee that Congress shall appropriate one-half of the annual expense will be retained as one of the provisions of this bill when it shall become a law.

Mr. COX, of Ohio. Mr. Speaker, the cost of improving these streets in the city is represented in some $13,000,000 of bonds bearing interest at 3.65 per cent. It is said there is a floating debt growing out of the same and large enough to make the amount up to about $15,000,000. If, therefore, Congress should assume the whole that has been expended, wastefully or otherwise, upon these so-called improvements and have to meet the interest on those bonds, the amount would be just about $550,000. The estimate of the commissioners of the District is about 3,400,000 for the expense of the District during the coming year, but if you omit those things which are declared to be exceptional it is about $3,000,000, consequently one-sixth would represent the interest on the total cost and of all the waste which has been made upon these streets. This should be considered in estimating the proportion which honorable gentlemen think the United States should bear. If people did not choose to come and live in this city and take the chances of sharing the expenses of these plans of improvement they were under no necessity of doing so. When they found their streets too wide they applied about eight years ago to Congress for permission to make the roadways and paved portions narrower, and not only were their streets made as narrow as they wanted, but you threw into their door-yards and inside their fences some thirty or forty feet of the most valuable real estate they have. Upon a hundred foot lot you gave them 30 or 40 per cent. additional of land, the most valuable in the city and which can never be of any more use to the Government.

Now the proposition is to take this estimate of $3,000,000 and appropriate out of the Treasury of the United States a million and a half per annum, and we are told we shall be niggardly if we do not do this. I should say we had a great deal better assume squarely these $15,000,000 of 3.65 bonds if we want to pay for past mistakes and then let the people take care of their own local affairs just as the people, of say, Saratoga would do, for I will not make a comparison with a business city since gentlemen urge that that would not be fair. The people of Saratoga would be doing what would be thought an absurd thing if they were to ask the State of New York to pave their streets and light them and educate their children because Saratoga is not a business town.

I have been in a good many cities of the Union and know that numbers of them have as much street room proportionally as Washington. Indianapolis, the capital of Indiana, has in general the same diagonal system of streets and avenues, and they are as wide relatively as they are here. The city of Cleveland in Ohio has relatively as much street-way as you have here. I venture the assertion that the city of Savannah has more. I know that Nashville, Tennessee, has nearly if not quite as much. Through the country everywhere you will find the same thing, and the people take pride in their airiness and beauty and would not change them.

[Here the hammer fell.]

Mr. HENDEE. I am certainly very much surprised at the speech of the gentleman from Ohio, [Mr. COX.] I do not know what he meant to say, and in fact he did not say much any way that tends toward any conclusion. There was no particular point in what he did say; and for that very reason it may do some harm, else I would not reply. The gentleman spoke of the city of Saratoga and other cities in comparison with this city. He does not recognize the fact that in this city the United States Government absolutely owns the fee not only in the streets but as a whole in fifty-five hundredths of the entire area of this District.

We do not by this bill, or in fact by any bill, tax the property of the United States directly. We make the United States pay in proportion to its property by direct appropriation; that is by this bill 50 per cent. Now we have the State building going up; we have the Treasury building; we have the building of the Interior Department; we have in buildings here some twenty or thirty millions of dollars invested by the United States. Should it not pay the expenses of improving the streets and lighting them around that property? It has the magnificent Capitol, which its own money has built. And yet the gentleman says that because people have seen fit to come here to live they must take the entire burden of supporting the government of this city and maintaining these streets and taking care of United States property even. What an idea!

It is true there has been expended here some $15,000,000 in the improvement of this city in the last few years; and that has been as much for the benefit of the United States and its property as for the benefit of the people and their property, and perhaps more so. And now shall we say the United States shall not pay its share of the interest on that debt and the principal too? Certainly not. The gentleman from Ohio was not here in 1874 when Congress, not the people of this District, took the matter in hand. And in 1871 also, when it appointed agents, as to whose appointment the District people had not the slightest voice, to make this expenditure.

Mr. COX, of Ohio. Did not the people of this District insist upon that being done?

Mr. HENDEE. I suppose I might ask the gentleman from Ohio to cut his throat, but that would not make it necessary for him to do it. Even admitting for argument's sake that Congress may have been asked by the citizens to do this, still the United States Government absolutely had the control of this expenditure and made it for the benefit of the people of the United States as well as of the citizens here. And now shall we be so mean, so despicable as to say that the United States will not pay any of that debt? Certainly not. That was the tendency of the speech of the gentleman from Ohio if it had

any tendency. He must have been soured about something or he never would have taken such ground as that in regard to the expenses in this District and its debt.

Mr. BURCHARD. Let me call the attention of the gentleman from Vermont to the fact that the United States paid five-sixths of the cost of the improvement opposite its own property.

Mr. HENDEE. I want to say in answer to that that I have looked up the statistics and up to the present time the people—remember, the people of the District of Columbia—have paid over $30,000,000 in improving the streets in this city and other property while the Government of the United States has not paid $9,000,000. That is the proportion as it stands to-day, and now I want to know if there is an element even in this House that will say to the people of this country that, although owning half the property, the Government will refuse to pay its share of the taxes to take care of that property. Shame on such an idea.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. I have no doubt that were we to locate the capital to-day it would be perfectly easy to find a large and flourishing city that would be very glad to assume all the responsibilities of the capital and carry it on without charging the Government a dollar. But that is not the position in which we find ourselves. In the early history of the Republic it was deemed wise to locate the national capital at the head of navigation upon the Potomac. The national capital at that day was a series of abrupt hills and quagmires, and the whole history of the capital has been the correcting of the evils which nature had generated upon this spot of ground. It has been made now certainly the most beautiful city not only in this country, but the most beautiful city that ever was built in the world. It has cost money, but the money has not been spent against the will of the National Congress. All along the National Congress has been connected with the development of this city and the surrounding country, as was stated here to-day. We have made the city to a great degree. There is not any large accumulation of wealth here. There is very little commerce. There are no manufactories. This city exists in connection with the National Government, and but for the National Government it would cease to exist.

But that is wide of the purpose for which I rose. I rose for the purpose of saying that my notion is that we never should have abolished the territorial government. It was a profound mistake. It should have been left, and under the territorial government we should have avoided much of the burden that rests upon us now. But sooner or later the burden that now rests on the District of Columbia and partially on the Government has got to be moved, and every day's delay makes that burden heavier. Put off the adjustment of this matter for a time and a favorable Congress will come here, a favorable hour will be sought, and every dollar of the burden of debt will eventually come from the Treasury of the United States. I am trying by my vote to get the Government out from under that burden which now rests upon the country. I do not say that it is a fairly ascertained obligation. We need not do that. Every man experienced in the legislation of Congress knows that the obligation need not rest fairly on the National Government, and yet if there be a pretext the time will come when the Government has got to pay it, and to avoid that day I am willing to yield my notion as to what would be the proper government for the District of Columbia. I am willing to yield a great deal to save a little, and I hope the gentleman from Texas [Mr. REAGAN] and other gentlemen on this floor will yield to the idea embodied in the views of the Committee of the District of Columbia so far as to allow us to pass a bill and save this Government from what is imminent now, the bearing of the whole burden that rests upon the District of Columbia.

[Here the hammer fell.]

Mr. EDEN obtained the floor.

Mr. HENDEE. I suggest to the gentleman from Illinois that he allow the amendment of the gentleman from Texas to be voted upon before he proceeds.

Mr. EDEN. I should be willing to do that, but other gentlemen desire to speak upon that amendment. I move to strike out the last word of the amendment.

I think, Mr. Speaker, that while it is right and proper that the Government of the United States should bear some proportion of the expenses incurred in keeping up this city, the amount provided in this bill is too large. The theory upon which we are called upon to pay one-half of the expenses of keeping up these streets, and for the city government and the schools and the other expenses here, is that we own one-half of the property, and in order to charge us with one-half of the property they charge us with the streets and avenues of the city. Those streets and avenues are not property in the sense in which these buildings all over the city are property. Those streets and avenues are property only in the sense that they are for the public use, for the use of the people of the city, and of everybody that has occasion to be here.

Streets and avenues are not the species of property upon which taxes are levied anywhere, and, simply because the title remains in the United States while the public have the use of them, the committee assumes that we ought to pay one-half of the taxes.

Now, Mr. Speaker, it will be borne in mind that under this bill those onerous taxes of which the people of the District of Columbia have justly complained are all to be removed. There are to be no special assessments under this bill. The property is all to be improved, the streets and avenues kept in repair out of the common fund, one-half furnished by the tax-payers of the city and the other half by the Government of the United States. Now, I ask if one-half is a fair proportion for the Government of the United States to pay under these circumstances?

The gentleman from Vermont [Mr. HENDEE] says that the District has already paid $30,000,000 for the improvement of the streets and that the Government has paid but $9,000,000. But the District still owes about $15,000,000 of this amount that has been paid by the District in the shape of 3.65 bonds, and there are certificates that yet remain unadjusted, and under the operation of this bill we are to pay one-half of that, and when we pay one-half of that we will have paid about as much for the improvements already made since the foundation of the Government as has been paid by the District. Now I repeat that I am willing that the Government of the United States shall pay its fair share, and because I am not willing that it shall pay more than its fair share I do not think that I am amenable to the imputation that the gentleman from Vermont would cast upon those who do not agree with him that the people of the District ought to pay only 50 per cent. Everybody knows that so far as property is concerned, excluding the streets and avenues, the Government does not own anything like one-half or one-third of the property in the District. I do not know what the precise estimate is.

[Here the hammer fell.]

Mr. O'NEILL. I rise more for information than for anything else. In the discussion of this bill I have not heard any one advert to the old system of government that prevailed here some years ago of a mayor and council. I would like to know how the expenses of the government compared in those days with what they are now. It seems to me that the citizens of the District would be better pleased. I have heard some of them so express themselves, if they had the old form of government, a mayor and council, elective of course. Then the citizen has some direct interest in taxation and in the government, but I have never known and I do not know yet whether the Committee for the District of Columbia have ever considered the subject of returning to the old form of government. I recollect that when I first came to Washington that form of government prevailed in this District and it seemed to be a good one. It would be a better government now if we had the elective system. I am sure the people are better satisfied if they have some hand in electing their own officers and in a District which has improved so much in property and otherwise it seems to me that the old system would be better. It is certainly more in conformity with the genius of our National and State Governments. The appointment of officers for cities does not seem to be a good plan. We have tried here various plans. I think that the old form of mayor and council and added to them perhaps a Delegate in Congress, to represent the Government, as the Government must pay a part of the expenses of the District, would be the best plan. At this stage of the consideration of the bill it is too late to offer an amendment to that effect, but that is a simple form of government, such as we have in all the other cities of the country, and I believe in the government being represented on this floor by a Delegate and the District having a mayor and council so that all questions of expenditures may be properly considered. Look at the large cities, New York, Philadelphia, and Baltimore, which are governed by a mayor and council. There are complaints of extravagance everywhere, but the people have a voice in making their local government and if faults occur they can cure the faults by electing others. I do not propose to offer any amendment, for it could not be done at this stage of the bill, but I sit here and wonder—when I consider this subject, and it is a very difficult one to solve, and must have been found so by the committee—whether the old form of government was suggested to them.

Mr. EDEN. I withdraw my amendment.

Mr. BLOUNT. I renew it.

Mr. HENDEE. I suggest to the gentleman from Georgia that he allow a vote to be taken first upon the amendment offered by the gentleman from Texas.

Mr. BLOUNT. I prefer to go on, for I am in favor of the amendment of the gentleman from Texas. I have great respect for every member of the Committee on the District of Columbia, and I have no doubt that they have reached conclusions that are entirely satisfactory to their minds and are based upon much more extended and careful examination than I have made, for I must confess that it is an exceedingly casual examination that I have given to the subject. But I do believe that we are on the eve of committing a great political blunder, that we are about to inaugurate a government that will bring about a worse state of affairs than has existed at any period in the history of this Government.

Sir, let us look first at this matter of assessments and in connection with it the powers of the District commissioners and of this council. It is provided that the National Government shall pay one-half of the expenditures of this District, and the idea upon which that rests is that the Government owns one-half of the property in this District. The distinguished gentlemen from Virginia [Mr. HUNTON] tells us that in estimating that he puts to the account of the Government all of the streets of this city of one hundred and fifty thousand population. Fortunate city! Peculiar of all others in this land, magnificent, beautiful beyond any other in its streets and ave-

nues, and not a farthing to pay for it, and possessed of and using and furnished by the people of this country!

Now, sir, you gentlemen expect that the plain sense of the masses of the people of this country will accept such an argument in satisfaction for charging them with one-half of the expenditures of the government of the District.

Again, we have been told that the Government has brought into the District a vast population of non-taxpayers. Such a population is found in every city, and the Government has furnished to this city the best non-taxpaying population of any in the world.

Go to your shops and see what the workmen there are paid, and then find out what the employés of the Government receive. Look at the magnificent buildings which they occupy as tenants and the amount of trade to which they give life. When you do that you will see what that argument is worth. I say it is idle trash, and you will find that the common-sense American people will think so when you go before them and tell them of it.

Gentlemen speak about the original history of this District, of its streets and avenues, when Washington first planned them. I say to you that the time never was in the history of the Government when it could be seriously proposed with any chance of success in this House that the General Government should assume one-half of the expenses of this District.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BLACKBURN. I regret very much, Mr. Speaker, that the very arduous duties imposed upon my friend from Georgia [Mr. BLOUNT] in managing the appropriation bills of this Congress should have deprived us of the benefit of his counsel in drafting the bill for the government of this District. I regret still more that that same rigid economy that prompts him now to criticise the work of the Committee for the District of Columbia had not been illustrated in all of those bills which have been molded by his hands for the disbursement of millions, involving in many instances, I fear, unwise and unnecessary expenditures, in comparison with which 50 per cent. of the expenses of this District would dwindle into nothing.

It is a very easy matter for almost anybody, especially for a gentleman wise in matters of legislation as he is, to criticise a bill that proposes to constitute a government, to provide all the machinery of government under which one hundred and fifty thousand people are to live. I regret that just at this juncture, when we have passed the material portions of the bill, it should be found necessary to go back into a discussion, as the gentleman has done, of the results that are to attend the establishment of the government here proposed.

The gentleman draws a horrid picture and tells us that it will be worse than under any *régime* which has hitherto cursed the people of this District. I have not time to defend the general scope of the bill which has already been elaborately argued.

When this bill was first presented for the consideration of this House I stated that but one object, one purpose, had actuated us in its consideration. That purpose was to impose every restraint, to incorporate every check that human ingenuity could devise to prevent the abuse of power such as in the past had disgraced the administration of the affairs of this District.

I went further and said that if any member of this House would suggest any additional check or limitation I would approve and support it. I believe this bill is exhaustive in this regard. We have come down now to the naked question as to the proportion of the expenses of this District which the Federal Government shall bear. This bill proposes that that proportion shall be 50 per cent., and the reasons for that basis of calculation have been very lucidly stated to this House.

If gentlemen will take the trouble to sum up all the appropriations which have been made by Congress since 1872, they will find that 50 per cent. will not cover the proportion of expenses which the Government has already borne. You are to-day paying more than that; you have for the last six years paid more than that, and unless some legislation is adopted by Congress you will pay more than that not only for the next six years, but indefinitely.

Mr. REED. Will the gentleman allow me——

Mr. BLACKBURN. I hardly have time.

Mr. REED. I merely want the gentleman to state the items, if he has them at hand, of what the Government is now paying.

Mr. BLACKBURN. If I had them in my desk I could not state them in five minutes.

Mr. REED. I will try to get you five minutes in which to state them.

Mr. BLACKBURN. I thank the gentleman.

Mr. HENDEE. I have them here and will have them published.

Mr. BLACKBURN. This is what I desire to say: the people of this District have a right to demand that we shall fix permanently their relations to the Federal Government. It is the Federal Government on the one side treating with the Federal city on the other side. The people of this District have a right to protest against being left subject to the whim and caprice of Congress with each recurring session. They have and can have no tangible value to their real-estate property. Should you go out, any one of you, to purchase a piece of real estate in the city of Washington, naturally you would ask in the first instance to what taxation it was subject. If the owner is an honest man he can simply reply to you that he does not know.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BLOUNT. I withdraw my *pro forma* amendment.

Mr. CANDLER. I renew it, and yield my time to the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. BLACKBURN. I am much obliged to the gentleman from Georgia [Mr. CANDLER] for his courtesy.

Should the Federal Government pay 10 per cent. of the expenses of the District, then the tax which would be imposed upon the property of the District would be so much. Should the Government pay 50 per cent. of the expenditures of the District, then to the extent of that 40 per cent. difference the tax upon the property of the District would be lighter.

Now, whether the proportion paid by the Government be 50 per cent. or 40 per cent., or, as proposed by my friend from Texas, [Mr. REAGAN,] 25 per cent., whatever the figure is to be, I insist that some definite plan shall be adopted and that the relations between this city and the Government shall be permanently determined.

Coming now to the amendment which is pending, the one offered by the gentleman from Texas, [Mr. REAGAN,] proposing that the Federal Government shall pay 25 per cent. of the expenditures of this District, I say that a careful examination of the interests involved, of the relations which exist between the country and the capital, will satisfy any unbiased mind that that proposition is not fair, much less liberal. I admit that the people of this District are at your mercy; they cannot enforce their rights, even if it is admitted they have any. It is perfectly competent for you to refuse appropriations and to refuse to bear any proportion of the expenses of this District. There is no appeal. This constitutes to them the court of last resort; and year after year as Congress has gathered here the demands of justice and fair play have sufficed to extort from you during six years past appropriations, governed by no rule, recognizing no principle of apportionment, but making in the aggregate a larger proportion of the expenses of the District than this bill proposes you shall pay.

It should be taken into consideration—and I address myself now to those gentlemen upon this floor who coincide with the views expressed yesterday by the gentleman from Ohio, [Mr. COX]—it should be taken into consideration that we pay nothing of the debt, amounting to-day to $24,000,000, which has been saddled upon this District and for which it is admitted we are not liable, for which we do not propose to assume any responsibility, which we do not propose to aid in paying, either principal or interest. By the provisions of the eighth section of this bill we protect ourselves to the fullest extent, declaring that every dollar that we shall pay of the 50 per cent. of expenses which it is proposed the Government of the United States shall assume shall be credited to us upon the interest on the 3.65 bonds.

I am not going to make any appeal to the sympathies of this House in behalf of this bill. If the people of this District are poverty-stricken, if they are debt-ridden and taxation-burdened, it is to the American Congress they are indebted for this curse. Less than 12 per cent. of the debt that now bows them down to the earth was fastened upon them by rulers of their own choosing. More than 75 per cent. of the debt they are now carrying, and which must be left to their children as a heritage of bondage, has been fixed upon them by agents selected by you and placed over them, with plenary powers to dispose of their property by legalized confiscation or plunder. The Government of the United States, acting through its Congress, is alone responsible. Yet in this impoverished and pitiable condition they make no appeal to you to assume one farthing of their debt, either principal or interest. They simply ask that you shall establish the relations, whatever they are permanently to be, between the Federal capital and the Federal Government. If this Congress should do it grudgingly, should repudiate the action of former Congresses, it is not in the power of these people to avert it.

[Here the hammer fell.]

Mr. HENDEE. I rise for the purpose of asking that debate close upon this section and amendments.

Mr. FORT. This is the most important provision of the bill, and I hope the gentleman will not impose a restriction just now.

Mr. EDEN. As I understand, amendments will be in order even if debate is closed.

Mr. HENDEE. If we can have a vote upon the amendment of the gentleman from Texas [Mr. REAGAN] I am willing to let the gentleman from Indiana, the gentleman from New York, or any other gentlemen offer further amendments and to have the ordinary debate upon them. But it seems to me we ought to dispose of the pending amendment. I move that debate be closed upon the amendment of the gentleman from Texas and any amendments thereto. It has now been debated for an hour.

Mr. TOWNSHEND, of Illinois. I would like to say a word or two on this subject.

The SPEAKER *pro tempore*. The question is, Shall all debate be closed upon the amendment of the gentleman from Texas and any amendments offered thereto?

Mr. MILLS. I wish to ask the gentleman from Vermont [Mr. HENDEE] for what this debt was created. Was it for the improvement of the streets?

Mr. HENDEE. In part it was.

Mr. MILLS. How large a part?

Mr. HENDEE. We are not talking about the debt now.

Mr. MILLS. But I am asking for information in order that I may

know how to vote. I want to know whether the Federal Government ought to pay this debt.

The SPEAKER *pro tempore*. The pending question is on the motion to close debate on the amendment of the gentleman from Texas.

The motion was agreed to.

The question being taken on the amendment of Mr. REAGAN, it was declared not agreed to.

Mr. REAGAN. I call for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was rejected.

Mr. BAKER, of Indiana. I have an amendment pending. I call for the reading of it.

The Clerk read as follows:

Strike out all after the word "Columbia," in line 193, to and including the word "commissioners," in line 198, and in lieu thereof insert the following:

And all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing, return, and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act.

Mr. BAKER, of Indiana. One word in reference to this amendment. If there is any one subject on which there ought to be no discretion vested in any tribunal, it is the subject of the assessment, levying, and collecting of taxes, and the condemnation and sale of property in arrears for the non-payment of taxes. It will be seen that this bill proposes in the text to invest the District commissioners with the power of levying and assessing upon the taxable property of the people of the District taxes to the amount of 50 per cent. of the estimate which may be approved by Congress, "in such manner as the commissioners of the District may deem best."

In other words, it proposes, instead of their judgment being regulated by law, that, if their judgment convinces them it is best to set aside a law and exercise their arbitrary discretion they may have the power to do it. It also provides with reference to the sale of the property, in regard to the advertising of it, they may change the law if they deem it expedient to do it. The amendment I have offered proposes simply this: that in reference to the assessment, the equalization, and levying of taxes, in reference to the collection of them, in reference to the proceedings in the collection of delinquent taxes, in reference to advertising sales, and in reference to every other step which is authorized or required by law, it shall be had and performed at the times and in the manner prescribed by law, except in so far as it is modified in the present bill. So when this bill shall pass, the District commissioners, in reference to that great and inalienable right that every citizen should have and does have by the Constitution, namely, that he shall not be deprived of his property, except by the judgment of his peers or in accordance to the law of the land, shall be protected by having the law applied instead of the best judgment or the best discretion of the commissioners.

Mr. HENDEE. There is no objection to that amendment.

Mr. BAKER, of Indiana. I have nothing further to say, then.

Mr. EDEN. I offer the following amendment.

The Clerk read as follows:

In line 189, after the word "of" strike out "50" and insert "40," and in line 190, after the word "remaining," strike out "50" and insert "60;" so it will read:

To the extent to which Congress shall approve the said estimates they shall appropriate the amount of 40 per cent. thereof, and the remaining 60 per cent. thereof shall be levied and assessed upon the taxable property in said District other than the property of the United States and of the District of Columbia, in such manner as the commissioners of the District of Columbia may deem best, &c.

Mr. EDEN. I do not wish to speak, but simply ask for a vote on that amendment.

Mr. HENDEE. The gentleman from Illinois, as I understand it, simply makes the division 60 for the District of Columbia and 40 per cent. for the Government, instead of 50 for each?

Mr. EDEN. Yes, sir; and I only want a vote on it.

Mr. HENDEE demanded tellers.

Tellers were ordered: and Mr. EDEN and Mr. HENDEE appointed.

The House divided; and the tellers reported—ayes 50, noes 89.

Mr. EDEN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 92, nays 134, not voting 65; as follows:

YEAS—92.

Acklen,	Collins,	Giddings,	Morrison,
Bayne,	Cook,	Glover,	Morse,
Beebe,	Cox, Jacob D.	Hamilton,	Muldrow,
Bell,	Cox, Samuel S.	Hanna,	Oliver,
Benedict,	Crittenden,	Harris, Henry R.	Phillips,
Blount,	Cutler,	Harris, John T.	Randolph,
Bouck,	Davidson,	Harrison,	Rea,
Bragg,	Davis, Joseph J.	Hartzell,	Reagan,
Brewer,	Dibrell,	Hewitt, G. W.	Reed,
Bridges,	Douglas,	Hunter,	Reilly,
Briggs,	Eden,	Ittner,	Rice, Americus V.
Browne,	Eickhoff,	Jones, John S.	Robbins,
Buckner,	Elam,	Killinger,	Ross,
Burchard,	Errett,	Knapp,	Ryan,
Caldwell, W. P.	Felton,	Lockwood,	Scales,
Campbell,	Finley,	Lynde,	Slemons,
Cannon,	Fort,	Maish,	Southard,
Clark, Alvah A.	Franklin,	Martin,	Sparks,
Clark of Missouri,	Fuller,	McKinley,	Springer,
Cobb,	Garth,	McMahon,	Steele,
Stenger,	Tipton,	Vance,	Williams, Jere N.
Stone, John W.	Townshend, R. W.	Warner,	Wilson,
Strait,	Turney,	Whitthorne,	Wright.

NAYS—134.

Aiken,	Durham,	Ketcham,	Schleicher,
Aldrich,	Dwight,	Kimmel,	Sexton,
Atkins,	Eames,	Knott,	Shallenberger,
Bacon,	Ellis,	Landers,	Shelley,
Baker, John H.	Evans, I. Newton	Lapham,	Singleton,
Banks,	Evans, James L.	Manning,	Sinnickson,
Bicknell,	Evins, John H.	Marsh,	Smalls,
Blackburn,	Ewing,	Mayham,	Smith, William E.
Blair,	Forney,	McKenzie,	Stewart,
Boone,	Frye,	Metcalfe,	Stone, Joseph C.
Boyd,	Gardner,	Mills,	Swann,
Brentano,	Gause,	Mitchell,	Townsend, Amos
Brogden,	Gibson,	Monroe,	Townsend, M. I.
Bundy,	Goode,	Muller,	Tucker,
Burdick,	Hardenbergh,	Neal,	Turner,
Butler,	Harmer,	Norcross,	Van Vorhes,
Cabell,	Harris, Benj. W.	O'Neill,	Wait,
Caldwell, John W.	Hartridge,	Overton,	Walsh,
Calkins,	Haskell,	Page,	Ward,
Camp,	Hatcher,	Patterson, G. W.	Watson,
Candler,	Hendee,	Patterson, T. M.	Welch,
Caswell,	Henkle,	Peddie,	White, Harry
Chalmers,	Henry,	Phelps,	White, Michael
Claflin,	Herbert,	Price,	Wigginton,
Clark, Rush	Hiscock,	Pugh,	Williams, A. S.
Clarke of Kentucky,	Hooker,	Rainey,	Williams, C. G.
Conger,	Humphrey,	Rice, William W.	Williams, James
Crapo,	Hungerford,	Riddle,	Williams, Richard
Cravens,	Hunton,	Roberts,	Willis, Benj. A.
Culberson,	Jones, James T.	Robertson,	Wood,
Cummings,	Jorgensen,	Robinson, Geo. D.	Wren,
Davis, Horace	Joyce,	Sampson,	Yeates.
Deering,	Kelley,	Sapp,	
Dunnell,	Kenna,	Sayler,	

NOT VOTING—65.

Bagley,	Dickey,	Keightley,	Robinson, Milton S.
Baker, William H.	Ellsworth,	Lathrop,	Smith, A. Herr
Ballou,	Foster,	Ligon,	Starin,
Banning,	Freeman,	Lindsey,	Stephens,
Bisbee,	Garfield,	Loring,	Thompson,
Bland,	Gunter,	Luttrell,	Thornburgh,
Bliss,	Hale,	Mackey,	Throckmorton,
Bright,	Hart,	McCook,	Veeder,
Cain,	Hayes,	McGowan,	Waddell,
Carlisle,	Hazelton,	Money,	Walker,
Chittenden,	Henderson,	Morgan,	Williams, Andrew
Clymer,	Hewitt, Abram S.	Pollard,	Willis, Albert S.
Cole,	House,	Potter,	Willits,
Covert,	Hubbell,	Pound,	Young.
Danford,	James,	Powers,	
Dean,	Jones, Frank	Pridemore,	
Denison,	Keifer,	Quinn,	

So the amendment was rejected.

During the vote,

Mr. BRAGG said: My colleague, Mr. POUND, is absent by leave of the House.

Mr. MAISH. My colleague, Mr. MACKEY, is detained at home by reason of illness.

Mr. McKENZIE. I wish to announce that my colleague, Mr. CARLISLE, is paired with Mr. POWERS.

Mr. COLE. My colleague, Mr. MORGAN, is paired with Mr. JAMES.

Mr. HAYES. I am paired with Mr. DEAN. If he were here, I would vote "no."

Mr. HUBBELL. I was paired until yesterday with Mr. BLISS. As I understand he is not here to-day, I withdraw my vote and will consider the pair to continue for this day.

Mr. LATHROP. I am paired with Mr. COVERT. If he were here, I would vote "ay."

Mr. HUNGERFORD. My colleague, Mr. BAGLEY, is paired with Mr. JONES, of New Hampshire.

Mr. DANFORD. I am paired with Mr. HOUSE.

Mr. THOMPSON. I am paired with Mr. WILLIS, of New York. If he were here, I would vote "ay."

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is absent on account of sickness, and my colleague, Mr. WILLITS, is absent by leave of the House.

On motion of Mr. HENDEE, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BUCKNER. I move the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

After the word "estimates," in line 189, insert "if said estimates amount to $3,000,000 or less, 40 per cent. of said estimates shall be paid from the Treasury of the United States, and the remaining 60 per cent;" and after the word "commissioners," in line 198, insert the following: "And if the sum of said estimates exceeds $3,000,000 the United States shall pay 33⅓ of said estimates."

Mr. BUCKNER. It seems to me that the effect of the amendment just passed upon by the House is not thoroughly understood. Last year upon a taxation of $1.50 upon the $100 in this District, which I undertake to say is less than any city of the same size in the United States pays, there was realized $1,700,000. This amendment would assume that the estimates necessary to carry on this government without making any provision for the ultimate payment of the 3.65 debt would amount to $3,000,000, and the present rate of taxation therefor would about remain the same. Do the gentlemen on this floor propose to reduce the rate of taxation on the property of this District with its immense debt amounting to more than the debt of many of

the States, more by several millions than my State owes, and that is burden enough—do they propose to reduce the taxation more than 1 or 2 per cent. under that paid by Chicago and Saint Louis and hundreds of cities in this country? That is the effect of this proposition, that the Government shall pay one-half, because upon the present assessment you raise at that rate a million and a half dollars. Five million dollars being the amount of the estimate, the District pays a million and a half of taxation, which would be less really than the amount it is now paying.

Now, Mr. Speaker, I do not wish to antagonize this bill. I am in favor of its general features. I believe there can be no more important legislation than to determine the relations in this matter between the District and the Government of the United States, and I believe the Government is bound, absolutely bound from necessity, to come to the relief of this District with its heavy burden of debt. I say nothing as to how that debt has been put upon the people. That is out of the question at present. The debt is upon these people and we should do something to relieve them. But I am unwilling to go for a proposition that in point of fact makes their taxation less than that of any other city of the United States that I know of with anything like its population or wealth.

That is the effect, in my judgment, of the 50 per cent. proposition. Now, this amendment which I have offered proposes that whenever the estimates are three millions or less then the Government shall pay 40 per cent. Suppose the estimates were three millions; that would be eighteen hundred thousand for the District and twelve hundred thousand for the Government. On the other hand, suppose they undertake improvements here in which the Government has no special interest; suppose they undertake to build a bridge across the Potomac at Georgetown; under those circumstances it may not be right and proper that the Government should pay more than 33⅓ per cent. Suppose in this way the estimates were increased to $3,600,000, then the Government would pay still $1,200,000, while the District would pay $2,400,000. I think it should be graded in that way. At all events I am unwilling to vote for a proposition now that will in effect leave the taxation of the people of this District less, as I understand it, than of any other city of the United States, although they are burdened with a debt of $23,000,000 or $24,000,000.

Mr. WILLIAMS, of Michigan. My friend from Missouri [Mr. BUCKNER] appears to forget the fact that these estimates upon which it is proposed we shall pay the 50 per cent. have first to be approved by Congress. The estimates of the commissioners and the estimate of the council are sent to both Houses of Congress, and we have to approve of those estimates before we pay the 50 per cent. Now, if they should go and make an estimate for a bridge or anything else, as suggested by the gentleman from Missouri, that imposes no obligation on the Government to pay one-half unless Congress shall first approve of it.

The estimates for the next year by the commissioners of the District of Columbia, the total estimates for ordinary current expenses, are $1,991,274. If you add to that the interest on the 3.65 bonds, $501,628.62, you get a total of $2,492,902.62. There are estimates also for extraordinary expenses, for repairs by new pavements, $300,000; for new work on streets including materials, $300,000; redemption of Washington ten-year bonds, $279,250; redemption of Georgetown bonds due next year, $2,500. So that the grand total of estimates, including all these extraordinary expenses, is only $3,374,652.62; while the ordinary expenses, including the interest on the 3.65 bonds, is less than $2,500,000.

But be that as it may we have according to this bill only to pay upon estimates that have first passed the board of commissioners, then passed the council, then come up here and been approved by Congress.

Mr. FORT. I am not sure whether the 50 per cent. proportion fixed in this bill for the Government to pay is too much or too little. Certainly the rate of taxation of $1.50 per $100 of valuation is very reasonable. As has been said, there is scarcely a city in the Union which does not pay a higher tax than this. I know of very few school districts in the western country that do not pay a higher school tax than the limit of tax provided by this bill. Yes, sir; the school tax alone in many places is twice as high as the tax can ever be under this bill. It occurs to me, therefore, that there will be no complaint from the people of this District about high taxation if the bill becomes a law; and I am glad to know that there will not be, because in the past I understand they have been taxed exceedingly high and have had a right to complain.

But, sir, in order to be consistent, if we pass this bill we ought to pay all the expenses of this District ourselves. This bill strikes down popular government. Every single proposition that has been presented to the House for popular government has been rejected—strange to say, popular government has been rejected by the votes of the other side of the House, and very strange indeed to say under the lead of a gentleman on this side of the House, who has abandoned the principles of the republican party, a popular form of government has been rejected. But, sir, if the people of this District are to have no popular government, if they are not to be permitted to govern themselves, if they are to be absolutely subjugated by Congress, then Congress ought to pay the expenses. If Congress under the Constitution governs the District, let Congress pay the expenses of this its own government, and whatever is thought just can be levied upon the property of the District, real and personal, and I would not favor a high taxation. And the best way to reduce taxation is to reduce expenditures.

Sir, this bill as it stands has been fitly termed a monstrosity. It disregards and violates the Constitution and encroaches upon the prerogatives of the Executive, in order to make it impossible for a worthy, able, and experienced officer of the Engineer Corps of the Army to hold the office of the engineer commissioner. Gentlemen reject a popular form, a republican form of government in order to prevent enfranchised colored men voting. All this is wrong. We should not here in the capital city reject popular government and disregard the Constitution by attempting to control the President. I would not be in favor of levying very high taxes upon the people of this District. I concede that the Government ought to pay a great portion of the expenses of this District; whether 50 per cent. is too much or too little I know not, but will it not be a mistake to undertake to pay any certain percentage, will it not be demoralizing upon the officials of the District of Columbia? I understand, and it has been stated here, that we have paid more than 50 per cent. of the expenses of the District heretofore. And I would be liberal with the District. We ought to pay at least our full portion of these expenses.

It is claimed that the Government owns more than one-half of the city. Whether that be true or not I know not, but certainly I do not believe that we should include the streets and avenues in estimating the Government property. It is bald folly to claim that the United States own the streets and avenues. They belong to the public. But if the Government agrees to pay any certain percentage of the expenses it may induce extravagant enterprises to be entered into by the District government you are about to establish which otherwise would not be entered into, because they would consider that the Government of the United States will have to pay one-half of the expenditure and would readily go into some extravagant enterprise, calling it an improvement. We had better provide by this bill that an appropriation be made of $1,500,000 for the expenses of the present year and leave future Congresses to provide by appropriations what the Government shall pay in the future.

It has been claimed that the District of Columbia has no representation in Congress, but, sir, the District has not suffered from want of representation in this and the other House. I have heard several citizens of this District say that this District has more representatives in Congress than any State in the Union.

Mr. PAGE. How do they make that out?

Mr. FORT. I do not know exactly. Some claim that it has more than any ten States in the other House. They say that members of the House of Representatives and Senators reside here and own residences and other property here and actually live here. Whether that be so or not I know not. It is said in short that they actually live here while they claim their legal residences are in the States or districts which they represent. This city will most likely always be well represented in this House, and especially in the other. Nobody need give himself any undue concern about that matter.

Gentlemen who are here so much of their time will become sufficiently interested to see to it that the District is well treated, as it ought to be. I had hoped it would be under some better form of government than that provided by this bill. I voted against the bill which organized the present form of government for this District, and shall vote against this bill because it is even worse than the one the District now has.

[Here the hammer fell.]

Mr. HENDEE. I rise for the purpose of asking a vote upon the amendment offered by the gentleman from Missouri, [Mr. BUCKNER,] which has the same effect as the last one voted upon, and hence I do not wish to make any remarks in regard to it.

The question was upon the following amendment, offered by Mr. BUCKNER:

After the word "estimates" in line 189 insert "if said estimates amount to $3,000,000 or less, 40 per cent. of said estimates shall be paid from the Treasury of the United States and the remaining 60 per cent.," to end of line 190.

And insert after "commissioners," in line 196, the following: "and if the sum of said estimates exceed $3,000,000, the United States shall pay 33⅓ of said estimates."

The question was put, and the amendment was not agreed to.

Mr. LAPHAM. I move to strike out all embraced in lines from 202 to 205, inclusive, as follows:

And provided further, Upon lands used and held solely for agricultural purposes, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1 on every $100.

I ask the attention of the House for a moment while I state the reasons which have induced me to offer this amendment. In the first place, what are to be termed "agricultural lands?" What are the assessors to designate as such? A great deal of land within the bounds of the city is used for the purpose of raising vegetables for the market, and which is probably the most productive land in the city. Now it is proposed to take that class of land which brings in a large income and exempt it from taxation or subject it to reduced taxation, while the houses and lots which are occupied by the poor people of the city and by the employés in the Government service, and which produce no income whatever, shall be taxed at a greater rate. I submit that this discrimination is unwise, and that it will involve difficulty in the proper administration of the law. There will have to be two assessments made out in every case where the rate of taxation is more than 1 per cent.

There are numerous difficulties that might be suggested in the way of this discrimination, and as there is no just cause for making this

exemption as to a class of lands, in my judgment it seems to me wise policy to strike out this proviso and leave all the property of the District of Columbia of every description liable to the same rate of taxation.

Mr. HENDEE. I rise to inform the gentleman from New York [Mr. LAPHAM] why there is this difference in the rate of taxation. I simply wish to say that this is confined to land used for agricultural purposes and which is remote from the cities of Washington and Georgetown. The people of Washington and Georgetown have the benefit of light, of pavements, of police, of sewerage, which the people who own agricultural lands have no benefit of whatever. It seemed to the committee quite unjust that the people who have none of the benefits of the cities should pay the same rate of taxation that those people do who have all of these benefits.

If the gentleman's proposition is carried, it requires that the entire expenditure of the government of the District of Columbia, its improvements, its pavements, the taking care of the great aqueduct, the lighting of the streets, the policing of the city, shall be paid for in part by those who do not have one single dollar's interest in any of them. It seems to me that the people who do not have the benefits should not be compelled to pay for them. That is the only reason for the discrimination.

Mr. LAPHAM. I suggest that if there is any force in the view that the gentleman suggested it would lead to the exemption of these lands from taxation altogether. They should not be taxed at all upon his theory; they should be exempt from taxation. But they are, by this bill, not only taxed, but the people owning them are given a voice in the matter of taxation; they are to have representatives in the legislative body of the District, and I submit to the House with great earnestness and confidence that there is no good reason for this distinction, exempting the most productive portions of the real estate of the District from paying the same tax as the unproductive portions pay. [Cries of "Vote!" "Vote!"]

The question was put upon Mr. LAPHAM's amendment, and it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 8. That hereafter the Secretary of the Treasury shall pay the interest accruing on the 3.65 per cent. bonds of the District of Columbia as the same matures, and the amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the government of the District, as herein provided: *Provided*, That nothing herein contained shall ever be so construed as to commit the Government to the payment of the principal of said bonds.

The Committee for the District of Columbia recommended the following as a substitute for section 8:

That until otherwise provided by law, the Secretary of the Treasury shall pay the interest accruing on the 3.65 bonds of the District of Columbia as the same matures, and the amounts so paid shall be credited as part of the appropriation for the year by the United States toward the expenses of the District, as herein provided: *Provided*, That nothing in this act contained shall be construed or considered as an acknowledgment of any liability on the part of the United States to pay the principal of said bonds otherwise than as provided in the seventh section of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874.

Mr. BUCKNER. I move to amend the substitute proposed by the committee by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That one-half of 1 per cent. of the 3.65 per cent. bonded debt shall be annually set apart from the taxes and appropriations provided for in the sixth section to create a sinking fund for the purchase of said 3.65 per cent. debt of the District.

Mr. BLACKBURN. I would ask the gentleman from Missouri whether the adoption of that amendment will not do the very thing which I have been protesting that we are not trying to do by this bill; whether it will not subject the appropriations from the Federal Treasury to the payment of that bonded debt?

Mr. BUCKNER. I will state to the gentleman what I desire this Congress to do. My amendment provides that the Government of the United States shall comply with the obligations which it incurred by the act of 1874. The Committee for the District of Columbia by this bill provide for complying with that obligation only in part. It provides that the Secretary of the Treasury shall pay the interest on this debt, amounting to one-half million dollars a year. That, however, is only a part compliance with the obligation which this Government entered into with these bondholders. That obligation was that by appropriations and by taxation the Government would provide a sinking fund whereby to liquidate this debt.

Now, what is proposed by this bill in regard to this debt which will become due forty-five years hence? This bill proposes to pay the interest on that debt; and so far it is a compliance with the obligations of the act of 1874. But what is to be done with the principal of the debt at the end of that time? Would you repudiate it? Is that the point? I have been charged with others with being willing to repudiate the obligations of the Government. But I am for maintaining its obligations, and for that purpose I have moved an amendment requiring a certain percentage to be set aside now to make a sinking fund.

Mr. MAYHAM. What is the amount of this debt?

Mr. BUCKNER. I can tell the gentleman if he wants to have it.

Mr. MAYHAM. Does the amount reported from the Committee for the District of Columbia in any way affect or prohibit the payment of the obligations on the part of the Federal Government so far as the Government is now bound by existing law?

Mr. BUCKNER. You make no provision at all for the payment of the principal of the debt either by the District of Columbia or by the General Government.

Mr. FINLEY. Is any further legislation needed beyond what we already have?

Mr. BUCKNER. I think it is.

Mr. EDEN. If my friend from Missouri [Mr. BUCKNER] will allow me, I will say that his amendment commits the Government of the United States to the payment of the principal of the 3.65 bonds, and if it prevails it is in the nature of a contract with the holders of those bonds that Congress will pay the principal of the debt.

Mr. BUCKNER. I will say to my friend from Illinois [Mr. EDEN] that the Government of the United States is already committed.

Mr. EDEN. It is committed only so far as to see that the proper tax is levied upon the District of Columbia to pay the interest on these bonds.

Mr. BUCKNER. More than that.

Mr. EDEN. Not as to the principal.

Mr. BUCKNER. The act of 1874 pledges the faith of the Government——

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CRITTENDEN. I will take the floor and yield my time to my colleague.

Mr. BUCKNER. I thank my colleague for his courtesy. I have here an amendment passed February 20, 1875, to the act of 1874, and I ask gentlemen to listen to it:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Thus it will be seen that the obligation upon the Government of the United States is just as strong to provide for a sinking fund whereby this debt will ultimately be extinguished as it is to do that which the committee for the District of Columbia proposes it shall do under this bill, and which I take it this House will agree to, that is, to pay the interest on the debt; there is no escape from that. Then why not begin now? Why not require that one-half of 1 per cent. of the amount of this debt shall be set aside from all appropriations for the ultimate payment of this debt which will mature in about forty-five years? We ought to leave the people to take care of this debt entirely, or else comply with our obligation. My friend from New York [Mr. COX] asks about this debt of thirteen and a half million of dollars. Upon what basis does the gentleman make the inquiry?

Mr. COX, of New York. Upon the basis of sound sense.

Mr. BUCKNER. I will say that a very large portion of the debt is as much binding upon the District of Columbia as can be any debt whatever. That there was illegality and perhaps fraud in connection with some of the debt I have no doubt. But you might just as well undertake here in Washington to separate the waters of the Shenandoah River from the other waters of the Potomac, as to separate the honest from the dishonest portion of this debt.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HENDEE. I hope the vote will now be taken upon the amendment of the gentleman from Missouri [Mr. BUCKNER] and that it will be voted down.

The question was taken upon the amendment of Mr. BUCKNER, and it was not agreed to.

The substitute proposed by the Committee for the District of Columbia for section 8 of the bill was then agreed to.

The Clerk resumed the reading of the bill, and read the following:

SEC. 16. That it shall be the duty of the said commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as seem to be needed for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia; and said commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

Mr. LATHROP. I have an amendment in the nature of an additional section to come in after the section just read.

The Clerk read the amendment, as follows:

SEC. —. That the District of Columbia shall remain and continue a municipal corporation as provided in section 2 of the Revised Statutes, relating to the District of Columbia; and the commissioners and council herein provided for shall be deemed and taken as officers of such corporation, notwithstanding anything to the contrary in this act contained. And all laws and provisions of law now in force relating to the District of Columbia, and not inconsistent with the provisions of this act, shall remain in full force and effect.

Mr. LATHROP. I do not know whether the committee make any opposition to this amendment or not.

Mr. LAPHAM. Is not all this covered by a section already in the bill?

Mr. HENDEE. The committee think it is; but the gentleman from Illinois [Mr. LATHROP] thinks not. The amendment is not in conflict with the bill at all; and so far as I am concerned I have no objection to it. It certainly will do no harm; and the gentleman who offers it has some anxiety to have it inserted so as to set at rest the question whether the District of Columbia is a municipal corporation.

The amendment was agreed to.

Mr. ITTNER. I move to amend by adding at the close of section 17, the following:

But Congress hereby expressly reserves the right at any time to repeal, alter, and amend any and all provisions of this act.

Mr. Speaker, I wish to say a few words rather in explanation of the vote I shall cast upon this bill than for any other purpose. I have offered this amendment believing that the passage of the bill will in less than twelve months be deemed a serious mistake as tested by the experience of time, and that it will be considered necessary to make modifications and amendments or perhaps an outright repeal. In order that no controversy shall arise, in order that it may not be claimed that the Government of the United States has entered into an irrepealable contract with the people of the District to bear one-half of the expenses of the District, I think a provision of this kind will not be out of place. Though I am no lawyer, it is my opinion that this provision is not necessary in order to secure to Congress the power of repeal; yet a controversy might arise on this point, and such an amendment as this can do no harm, while it may prevent the possibility of such a controversy.

Having said thus much upon the amendment I have offered——

Mr. HENDEE. If the gentleman will yield I will say that the committee have no objection to the adoption of the amendment. If he wishes to make a speech of course I do not wish to interrupt him.

Mr. ITTNER. Mr. Speaker, as I was about to remark, having said all I desired to say upon the amendment, I wish to give in a very few words the reasons why I cannot support this bill.

I have no hostility to the people of the District of Columbia. On the contrary, I have good reason to have friendly relations with them. I had the honor to be waited upon by a committee of gentlemen representing the tax-payers and residents of the District of Columbia, and I was very agreeably impressed with their manner and bearing. It would give me great pleasure if I could support this bill; but it embodies features which neither considerations of friendship nor anything else could induce me to support and subscribe to. I object to the manner in which the commissioners are appointed. I believe in the correctness of the position taken by some members on this floor that this mode of appointment is unconstitutional.

[Here the hammer fell.]

Mr. HUNTON. Mr. Speaker, if there is a gentleman on this floor who believes that Congress, without the amendment offered by the gentleman from Missouri, [Mr. ITTNER,] will not have full power to amend, alter, or repeal this bill when enacted, then I for one will not object to the amendment. But I presume there is no gentleman in this House—certainly no lawyer, and the gentleman from Missouri says he is not one—who does not know that Congress without this amendment will have the right to amend or repeal this legislation.

Mr. ITTNER. I desire simply to state to the gentleman from Virginia that I myself, not being a lawyer, do not believe the amendment is necessary. But I have had some experience in legislative bodies, and I know what controversies sometimes arise in discussing matters of this character, matters wherein questions of good faith and fair dealing are involved, and these considerations are as potent at times in controlling the action of legislative bodies as are the stern mandates of the law, and I take it the amendment can do no harm.

Mr. HUNTON. Then, Mr. Speaker, if the mover of the amendment does not think it necessary and nobody else seems to think it is so, it is not worth while to adopt it.

Mr. KEIFER. I desire to say a single word in support of the amendment. I agree with the gentleman who has just taken his seat, that Congress under the Constitution has full power to repeal or alter legislation of this character. But under this bill, which undertakes to establish a permanent form of government for the District of Columbia, there may be acquired rights which it may be claimed ought not to be vitiated by a repealing act. Very recently arguments have been made in the other end of the Capitol to the effect that it would be unjust to repeal any act having even the semblance of a contract. The object of this amendment, as I understand, is to give notice to all persons who may be interested, that Congress claims, and will in its discretion exercise, the right to repeal or alter this legislation. People may come here, and assuming that this is an established law for the government of the District, may invest in property here or otherwise become interested in this District. To all such Congress by an amendment in this form ought to give notice that the power to repeal, alter, or amend the act is reserved.

Mr. FINLEY. I wish to inquire whether the committee has not accepted this amendment?

Mr. HENDEE. When the gentleman from Missouri offered the amendment I supposed that he did so in good faith, believing it necessary to perfect the bill or to protect the rights of the people or the Government. But having learned that he offered it rather for the purpose of explaining the reasons for his vote than for any other object, I do not wish it to be understood that I assent to it as being in my judgment essential to the perfection of the bill.

The SPEAKER *pro tempore*. Debate on the pending amendment is exhausted.

The amendment was not agreed to.

Mr. MAYHAM. I understand that the bill is now read through. I ask unanimous consent that a verbal defect in the bill may be corrected. On line 27, section 2, page 3, after the word "February" the words "in the year" should be inserted.

Mr. HENDEE. There is no objection to that.

The SPEAKER *pro tempore*. If there be no objection the modification suggested by the gentleman from New York [Mr. MAYHAM] will be made.

There was no objection.

Mr. HENDEE. I move the previous question on the bill as amended.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. HENDEE. I now demand the previous question on the passage of the bill.

Mr. ELAM demanded the yeas and nays on the passage of the bill.

The House divided; and there were—ayes 28, noes 131.

Mr. REAGAN demanded tellers.

The House divided; and there were only 23 in the affirmative.

So (less than one-fifth of a quorum having voted in the affirmative) tellers were not ordered.

The yeas and nays were not ordered, less than one-fifth of those present having voted in the affirmative.

So the bill was passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM A. PALMER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the military history of William A. Palmer, late captain Thirty-second Ohio Volunteers; which was referred to the Committee on Military Affairs.

DR. ALLEN C. HAMMOND.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the case of Dr. Allen C. Hammond; which was referred to the Committee on War Claims.

WILLIAM A. WILLIAMSON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the claim of William A. Williamson; which was referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. REAGAN. I demand the regular order of business.

Mr. WOOD. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up the tariff bill.

Mr. PAGE. Is not the morning hour the regular order?

The SPEAKER. The motion to go into the Committee of the Whole on the state of the Union is in order at this time.

Mr. O'NEILL. I thought the bill from the Committee on Commerce was next to be considered.

The SPEAKER. Priority of business in the Committee of the Whole on the state of the Union is to be determined by the committee for itself and not by the occupant of the chair.

Mr. SCALES. It will be with the committee to determine which business will be first taken up.

Mr. HUNTON. I rise to a parliamentary inquiry and that is, whether if this motion is voted down the next business in order will not be the morning hour?

The SPEAKER. It will. The question recurs on the motion of the gentleman from New York to go into the Committee of the Whole on the state of the Union on the tariff bill.

The House divided; and there were—ayes 79, noes 80.

Mr. SAYLER demanded tellers.

Tellers were ordered; and Mr. WOOD, and Mr. WHITE of Pennsylvania, were appointed.

The House again divided; and the tellers reported—ayes 94, noes 97.

Mr. WOOD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 109, nays 108, not voting 74; as follows:

YEAS—109.

Aiken,	Chalmers,	Fort,	Hooker,
Atkins,	Clark of Missouri,	Franklin,	Hunton,
Banning,	Clarke of Kentucky,	Fuller,	Kelley,
Beebe,	Cobb,	Garth,	Kenna,
Bell,	Cook,	Gause,	Kimmel,
Benedict,	Covert,	Gibson,	Knapp,
Blackburn,	Cox, Jacob D.	Giddings,	Knott,
Bland,	Cox, Samuel S.	Glover,	Landers,
Blount,	Cravens,	Hamilton,	Ligon,
Boone,	Crittenden,	Harris, Henry R.	Lynde,
Bouck,	Culberson,	Harris, John T.	Manning,
Bright,	Davis, Joseph J.	Harrison,	Martin,
Brogden,	Dibrell,	Hartridge,	Mayham,
Buckner,	Durham,	Hartzell,	McKenzie,
Burchard,	Eden,	Hatcher,	McMahon,
Cabell,	Elam,	Henkle,	Morrison,
Caldwell, John W.	Evins, John H.	Henry,	Muldrow,
Caldwell, W. P.	Felton,	Herbert,	Muller,
Candler,	Finley,	Hewitt, Abram S.	Patterson, T. M.
Cannon,	Forney,	Hewitt, G. W.	Rea,

Reagan,	Smith, William E.	Turner,	Williams, Jere N.
Riddle,	Southard,	Vance,	Willis, Albert S.
Robbins,	Sparks,	Waddell,	Willis, Benj. A.
Robertson,	Springer,	Warner,	Wood,
Sayler,	Steele,	Whitthorne,	Yeates.
Singleton,	Throckmorton,	Wigginton,	
Slemons,	Townshend, R. W.	Williams, A. S.	
Smalls,	Tucker,	Williams, James	

NAYS—108.

Aldrich,	Cutler,	Lapham,	Sapp,
Bacon,	Davis, Horace	Lathrop,	Sexton,
Baker, John H.	Deering,	Lindsey,	Shallenberger,
Bayne,	Dunnell,	Maish,	Sinnickson,
Bicknell,	Dwight,	Marsh,	Stenger,
Blair,	Eames,	McGowan,	Stewart,
Boyd,	Errett,	McKinley,	Stone, Joseph C.
Brentano,	Evans, I. Newton	Metcalfe,	Strait,
Brewer,	Evans, James L.	Mitchell,	Swann,
Bridges,	Freeman,	Monroe,	Thompson,
Briggs,	Frye,	Morse,	Thornburgh,
Browne,	Gardner,	Neal,	Tipton,
Bundy,	Hardenbergh,	Norcross,	Townsend, Amos
Burdick,	Harmer,	Oliver,	Townsend, M. I.
Butler,	Harris, Benj. W.	O'Neill,	Turney,
Calkins,	Haskell,	Overton,	Van Vorhes,
Camp,	Hendee,	Page,	Wait,
Campbell,	Henderson,	Patterson, G. W.	Walsh,
Caswell,	Hiscock,	Peddie,	Ward,
Claflin,	Hungerford,	Randolph,	Watson,
Clark, Alvah A.	Hunter,	Reilly,	Welch,
Clark, Rush	Ittner,	Rice, William W.	White, Harry
Cole,	Jones, John S.	Roberts,	White, Michael D.
Collins,	Jorgensen,	Robinson, G. D.	Williams, C. G.
Conger,	Joyce,	Ross,	Williams, Richard
Crapo,	Keightley,	Ryan,	Wren,
Cummings,	Killinger,	Sampson,	Wright.

NOT VOTING—74.

Acklen,	Ellis,	Ketcham,	Rainey,
Bagley,	Ellsworth,	Lockwood,	Reed,
Baker, William H.	Ewing,	Loring,	Rice, Americus V.
Ballou,	Foster,	Luttrell,	Robinson, M. S.
Banks,	Garfield,	Mackey,	Scales,
Bisbee,	Goode,	McCook,	Schleicher,
Bliss,	Gunter,	Mills,	Shelley,
Bragg,	Hale,	Money,	Smith, A. Herr
Cain,	Hanna,	Morgan,	Starin,
Carlisle,	Hart,	Phelps,	Stephens,
Chittenden,	Hayes,	Phillips,	Stone, John W.
Clymer,	Hazelton,	Pollard,	Veeder,
Danford,	House,	Potter,	Walker,
Davidson,	Hubbell,	Pound,	Williams, Andrew
Dean,	Humphrey,	Powers,	Willits,
Denison,	James,	Price,	Wilson,
Dickey,	Jones, Frank	Pridemore,	Young.
Douglas,	Jones, James T.	Pugh,	
Eickhoff,	Keifer,	Quinn,	

So the motion was agreed to.

During the vote,

Mr. HUMPHREY said: I am paired with Mr. YOUNG on all political questions. He would vote "ay" and I would vote "no."

Mr. BRAGG. On all questions touching the consideration of the tariff I am paired with my colleague, Mr. POUND, who is absent by leave of the House.

Mr. WRIGHT. My colleague, Mr. CLYMER, is confined to his room by illness.

Mr. COVERT. My colleague, Mr. QUINN, is paired with my other colleague, Mr. BAKER. Mr. QUINN, if present, would vote "ay" and Mr. BAKER "no." My colleague, Mr. VEEDER, is paired with my colleague, Mr. STARIN. Mr. VEEDER would vote "ay" if present, and Mr. STARIN "no." My colleague, Mr. BLISS, is paired with Mr. HUBBELL. If Mr. BLISS were present, he would vote in the affirmative and I presume Mr. HUBBELL would vote in the negative.

Mr. MILLS. I am paired with Mr. HALE. If he were here, I would vote "ay."

Mr. MAISH. My colleague, Mr. MACKEY, is detained at home by reason of illness.

Mr. SCALES. I am paired with Mr. ROBINSON, of Indiana. If he were here, I would vote "ay."

Mr. DOUGLAS. I am paired with Mr. POLLARD. If he were here, I would vote "ay."

Mr. CARLISLE. I am paired with Mr. POWERS. If he were here, I would vote "ay."

Mr. EICKHOFF. I am paired with Mr. BALLOU. If he were present, I would vote in the affirmative.

Mr. DAVIDSON. I am paired with my colleague, Mr. BISBEE.

Mr. PUGH. I am paired with Mr. POTTER. If he were here, he would vote "ay" and I would vote "no."

Mr. COLE. My colleague, Mr. MORGAN, is paired with Mr. JAMES on this Wood tariff bill.

Mr. TOWNSEND, of New York. Mr. HANNA has been compelled more than an hour since to leave the Hall in consequence of indisposition.

Mr. HUBBELL. I am paired with Mr. BLISS.

Mr. DEERING. My colleague, Mr. PRICE, is detained from the House by sickness. If present, he would vote "no."

Mr. KEIFER. On this tariff bill I am paired with my colleague, Mr. RICE.

Mr. PAGE. My colleague, Mr. LUTTRELL, is paired with Mr. DENISON.

Mr. HARRIS, of Massachusetts. I desire to announce that Mr. JONES, of New Hampshire, is paired with Mr. BAGLEY, of New York; also that Mr. DANFORD, of Ohio, is paired with Mr. HOUSE, of Tennessee. If Mr. DANFORD were present he would vote "no."

Mr. STONE, of Michigan. I am paired with Mr. SHELLEY, of Alabama. If he were here, I would vote "no."

Mr. HAYES. I am paired with Mr. DEAN, of Massachusetts. If he were here, I would vote "no."

Mr. ATKINS. The gentleman from Pennsylvania, Mr. SMITH, is paired with the gentleman from Virginia, Mr. WALKER.

Mr. REAGAN. On the understanding that we shall have a morning hour to-morrow morning I change my vote from "no" to "ay."

The result of the vote was then announced as above recorded.

The SPEAKER. The House has determined to go into Committee of the Whole.

Mr. CONGER. Before going into Committee of the Whole I desire to offer a resolution of instructions to the committee.

The SPEAKER. That is not in order.

Mr. CONGER. Then I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 70, noes 97.

Mr. CONGER. I call for tellers.

Tellers were ordered.

Mr. CHALMERS and Mr. VANCE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 38, nays 179, not voting 74; as follows:

YEAS—38.

Bacon,	Evans, I. Newton	O'Neill,	Turney,
Bayne,	Freeman,	Randolph,	Van Vorhes,
Bridges,	Harmer,	Reed,	Wait,
Burdick,	Harris, Benj. W.	Reilly,	Ward,
Camp,	Hunter,	Sampson,	Watson,
Caswell,	Jones, John S.	Sexton,	Welch,
Claflin,	Joyce,	Stenger,	White, Harry
Clark, Rush	Lapham,	Thompson,	Wright.
Collins,	Maish,	Tipton,	
Crapo,	Morse,	Townsend, Amos	

NAYS—179.

Aiken,	Cutler,	Hiscock,	Robbins,
Aldrich,	Davis, Horace	Hooker,	Roberts,
Atkins,	Deering,	Hungerford,	Robinson, Geo. D.
Baker, John H.	Dibrell,	Jorgensen,	Ross,
Banks,	Dickey,	Keightley,	Ryan,
Banning,	Douglas,	Kelley,	Sapp,
Beebe,	Dunnell,	Kenna,	Sayler,
Bell,	Durham,	Killinger,	Shallenberger,
Bicknell,	Dwight,	Kimmel,	Singleton,
Blackburn,	Eames,	Knapp,	Sinnickson,
Blair,	Eden,	Knott,	Slemons,
Bland,	Elam,	Landers,	Smalls,
Blount,	Errett,	Lathrop,	Smith, William E.
Boone,	Evans, James L.	Ligon,	Southard,
Bouck,	Evins, John H.	Lindsey,	Sparks,
Boyd,	Felton,	Lockwood,	Springer,
Brentano,	Finley,	Lynde,	Steele,
Briggs,	Forney,	Manning,	Stewart,
Bright,	Fort,	Martin,	Stone, Joseph C.
Brogden,	Franklin,	Mayham,	Strait,
Browne,	Frye,	McCook,	Swann,
Buckner,	Fuller,	McGowan,	Thornburgh,
Bundy,	Gardner,	McKenzie,	Throckmorton,
Burchard,	Garth,	McKinley,	Townsend, M. I.
Cabell,	Gause,	McMahon,	Townshend, R. W.
Caldwell, John W.	Gibson,	Metcalfe,	Tucker,
Caldwell, W. P.	Giddings,	Mills,	Turner,
Calkins,	Glover,	Mitchell,	Vance,
Campbell,	Gunter,	Monroe,	Waddell,
Candler,	Hamilton,	Morrison,	Walsh,
Cannon,	Hardenbergh,	Muldrow,	Warner,
Chalmers,	Harris, Henry R.	Muller,	White, Michael D.
Clark, Alvah A.	Harris, John T.	Norcross,	Whitthorne,
Clark of Missouri,	Harrison,	Oliver,	Wigginton,
Clarke of Kentucky,	Hartridge,	Overton,	Williams, A. S.
Cobb,	Hartzell,	Page,	Williams, C. G.
Cole,	Haskell,	Patterson, G. W.	Williams, James
Conger,	Hatcher,	Patterson, T. M.	Williams, Jere N.
Cook,	Hayes,	Peddie,	Williams, Richard
Covert,	Hendee,	Phelps,	Willis, Albert S.
Cox, Jacob D.	Henderson,	Phillips,	Willis, Benj. A.
Cravens,	Henkle,	Rea,	Wilson,
Crittenden,	Henry,	Reagan,	Wood,
Culberson,	Herbert,	Rice, William W.	Yeates.
Cummings,	Hewitt, G. W.	Riddle,	

NOT VOTING—74.

Acklen,	Denison,	Jones, Frank	Rainey,
Bagley,	Eickhoff,	Jones, James T.	Rice, Americus V.
Baker, William H.	Ellis,	Keifer,	Robertson,
Ballou,	Ellsworth,	Ketcham,	Robinson, M. S.
Benedict,	Ewing,	Loring,	Scales,
Bisbee,	Foster,	Luttrell,	Schleicher,
Bliss,	Garfield,	Mackey,	Shelley,
Bragg,	Goode,	Marsh,	Smith, A. Herr
Brewer,	Hale,	Money,	Starin,
Butler,	Hanna,	Morgan,	Stephens,
Cain,	Hart,	Neal,	Stone, John W.
Carlisle,	Hazelton,	Pollard,	Veeder,
Chittenden,	Hewitt, Abram S.	Potter,	Walker,
Clymer,	House,	Pound,	Williams, Andrew
Cox, Samuel S.	Hubbell,	Powers,	Willits,
Danford,	Humphrey,	Price,	Wren,
Davidson,	Hunton,	Pridemore,	Young.
Davis, Joseph J.	Ittner,	Pugh,	
Dean,	James,	Quinn,	

So the House refused to adjourn.

During the call of the roll the following announcements were made:

Mr. SCALES. I am paired with Mr. ROBINSON, of Indiana. If he were here, I would vote "no."

Mr. GOODE. I am paired with Mr. LORING, of Massachusetts.

Mr. DAVIDSON. I am paired with my colleague from Florida, Mr. BISBEE. If he were here, I would vote "no."

Mr. CARLISLE. I am paired with Mr. POWERS, of Maine. If he were present, I would vote "no."

Mr. HUMPHREY. I am paired with Mr. YOUNG, of Tennessee. If he were here, I presume he would vote "no." I should vote "ay."

Mr. STONE, of Michigan. I am paired with Mr. SHELLEY, of Alabama.

The result of the vote was then announced as above recorded.

THE TARIFF BILL.

The House, pursuant to order, resolved itself into Committee of the Whole on the state of the Union, (Mr. SAYLER in the chair.)

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union. The Clerk will report the unfinished business pending before it.

The Clerk read the title of the following bill:

A bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes.

Mr. CONGER. I rise to make a parliamentary inquiry.

Mr. HEWITT, of Alabama. I rise to a point of order.

The CHAIRMAN. The Chair will hear the gentleman from Alabama.

Mr. CONGER. I rose to a question as to the order of business.

The CHAIRMAN. The gentleman from Alabama has risen to a question of order. The gentleman from Alabama has the attention of the Chair first.

Mr. HEWITT, of Alabama. I do not raise a point of order for the purpose of antagonizing the Committee of Ways and Means at all, but simply to assert what I conceive to be the true position of the bill to pension the soldiers of the Mexican war. That is the bill which is the unfinished business in the Committee of the Whole, and I think under the rules it takes precedence of any other business.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the bill the title of which has just been read was made a special order for Thursday, April 4, and was unfinished business in the Committee of the Whole. Being the special order it takes precedence of the bill referred to by the gentleman from Alabama. The bill of the gentleman from Alabama would stand next upon the Calendar. The Chair will now hear the gentleman from Michigan.

Mr. CONGER. The point I desire to make is that this is not the first special order on the Calendar. I ask the order to be preserved as it stands on the Calendar.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that this is the first special order on the Calendar that stands as unfinished business, and for that reason it comes first before the committee for consideration, no other special order having had partial consideration in Committee of the Whole. The gentleman from Michigan will find that to be the fact by examining the Calendar.

The gentleman from Massachusetts [Mr. BANKS] has the floor.

Mr. BANKS addressed the House. [His remarks will appear in the Appendix.]

Mr. TUCKER obtained the floor.

Mr. WOOD. With the consent of the gentleman from Virginia, [Mr. TUCKER,] I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, and had come to no resolution thereon.

RELATIONS OF UNITED STATES AND MEXICO.

Mr. WILSON. I ask unanimous consent to offer for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That 2,000 extra copies of the report of the Committee on Foreign Affairs, No. 701, on the relations of the United States and Mexico, with the accompanying documents, be printed for the use of the House.

The SPEAKER. Will this involve an expenditure of more than $500?

Mr. WILSON. If it will, let the number be curtailed to 1,000. This is a most important document.

The SPEAKER. The Chair is aware of the importance of the document, and thinks it should be printed in the number proposed by the resolution; but if the expense will exceed $500 the statute requires that the resolution shall be referred to the Committee on Printing.

Mr. WILSON. Let the resolution be modified by adding "provided the expense of the same shall not exceed $500."

There being no objection, the resolution, as modified, was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAINT JOSEPH AND DENVER CITY RAILROAD.

Mr. WELSH. I ask unanimous consent to submit the following resolution:

Resolved, That the Secretary of the Interior be respectfully requested to furnish for the use of the House the amount of subsidy in land granted the Saint Joseph and Denver City Railroad, together with all information as to what disposition has been and is now being made of said land grant, and why said road has not been completed to a junction with the Union Pacific Railroad at Kearney, Nebraska, according to the survey and profile of said road accepted and now on file in the Interior Department.

Mr. BUTLER. That should be "directed."

The SPEAKER. The Chair thinks the word is right.

Mr. BUTLER. No; direct the Secretary and request the President.

The SPEAKER. The Secretary is not under the control of the House.

Mr. BUTLER. The House has to do with the Secretary.

The resolution was adopted.

ADVERTISING MAIL-LETTINGS.

Mr. SINGLETON. I rise to a privileged question, and submit a report from a committee of conference.

The SPEAKER. That is in order.

Mr. SINGLETON. The advertisements for mail-lettings have to go out by the 10th of this month and it is necessary action should be taken at once.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3987) entitled "An act to regulate the advertising of mail-lettings," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 15, and agree to the same.

That the House recede from its disagreement to the amendments numbered 11 and 12, and agree to the same, with an amendment as follows: In lieu of said amendments substitute the following:

SEC. 4 Hereafter all advertisements, notices, and proposals for contracts, and all other forms of advertising required by law for the Post-Office Department, may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts, such rates to be ascertained from sworn statements to be furnished to the Postmaster-General by the proprietors of the newspapers proposing to so advertise: *Provided*, That all advertising in newspapers since the 10th day of April, 1877, shall be audited and paid at like rates. But the Postmaster-General may secure lower terms at special rates whenever the public interest requires it.

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 13 and 14, and agree to the same with an amendment, namely:

Change the numbers of sections 6 and 7 to numbers 5 and 6, respectively.

And the Senate agree to the same.

O. R. SINGLETON,
ANTHONY EICKHOFF,
Managers on the part of the House.

T. W. FERRY,
A. S. PADDOCK,
ELI SAULSBURY,
Managers on the part of the Senate.

Mr. WADDELL. Mr. Speaker, before that conference report is agreed to I wish to make a single statement to the House. That bill was referred to the Committee on the Post-Office and Post-Roads and was reported by me. In my absence, by some misapprehension another committee was assigned to the charge of it as conferees. I know nothing about concurrence or non-concurrence, and I wish to make the statement that I am not responsible in any way for this conference report. I have no doubt it is all right; but it is necessary I should make this statement.

The SPEAKER. The Chair desires to state, after the remarks of the gentleman from North Carolina, that the disagreement between the two Houses was called up in the House by the gentleman from Mississippi, and the Chair of course recognized that gentleman as in charge of the bill. In addition to that the Chair desires to state the conferees on the part of the House were appointed on consultation with the gentleman from Mississippi and he may add with his entire approval.

Mr. WADDELL. I only wish to explain the matter so far as I am concerned.

Mr. SINGLETON. This makes it necessary, Mr. Speaker, that I should say a word.

The SPEAKER. The bill originated in the Committee on Printing, of which the gentleman from Mississippi is chairman, and the conferees on the part of the House were made up of that committee on both sides of the House.

Mr. SINGLETON. It will be remembered, Mr. Speaker, that this was a bill reported from the Committee on Printing, which, by some means or other, was referred to the Committee on the Post-Office and Post-Roads, and when it came back from the Senate there was a disagreement between the two Houses, and on my motion the question was taken up. I supposed it was necessary to pass it through the House because these advertisements for mail-lettings have to go out in a few days, and I deemed it proper, as originating the bill, I should ask for a committee of conference on the disagreeing votes of the two Houses. As the Chair has already stated, the conferees were appointed at my suggestion.

I wish to say a word on this report. As the bill passed the House originally it is not changed except in some verbal respects. There is an additional section as to the manner in which we shall pay for public printing. That was not in the original bill. It was put on by

the Senate, and after having examined it in conference we have come to the conclusion that with some little amendments it ought to be passed in the form in which we reported it here to-day.

The question being taken, the report of the committee of conference was agreed to.

Mr. SINGLETON moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC ROSHON.

Mr. MONROE, by unanimous consent, introduced a bill (H. R. No. 4780) granting a pension to Isaac Roshon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN J. HOLLINGER.

Mr. MONROE also, by unanimous consent, introduced a bill (H. R. No. 4781) granting a pension to John J. Hollinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. B. M'CARTHY.

Mr. LANDERS. I ask unanimous consent to submit a resolution, for reference to the Committee of Accounts, to pay J. B. McCarthy for services to committee investigating police commissioners.

Mr. CONGER. Is that for one of the experts? I think the resolution had better go over. I object to the reference.

NEW EDITION OF REVISED STATUTES.

Mr. ACKLEN. I ask unanimous consent to take from the Speaker's table for present consideration the joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes of the United States, with a view to putting the same upon its passage. The joint resolution has the approval of the Committee on the Revision of the Laws. Every member of the House is interested in seeing this matter disposed of at once.

There being no objection, the joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes was taken from the Speaker's table, and read a first and second time.

The joint resolution was read, as follows:

Resolved, That the 15,000 copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States, approved March 2, 1877, to be printed and bound, shall be disposed of by the Secretary of State as follows: to the President of the United States, 4 copies, one of which shall be for the library of the Executive Mansion, and 1 copy for the use of the Commissioner of Public Buildings; to the Vice-President of the United States, 2 copies; to each Senator, Representative, and Delegate in Congress, to the Secretary of the Senate, and the Clerk of the House of Representatives, 1 copy; to the Librarian of the Senate, for the use of Senators, 120 copies; to the Librarian of the House, for the use of Representatives and Delegates, 410 copies; to the Senate of the United States, for distribution, 760 copies; to the House of Representatives, for distribution, 2,920 copies; to the Library of Congress, 14 copies, including 4 copies for the law library; to the Department of State, for the use of legations and consulates, 380 copies; to the Treasury Department, including those for the use of officers and customs, 280 copies; to the War Department, including 5 copies for the use of the Military Academy at West Point, 55 copies; to the Navy Department, including 3 copies for the library of the Naval Academy at Annapolis, a copy of the library of each navy-yard in the United States, a copy for the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, 70 copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of land offices, 255 copies; to the Department of Justice, including those for the use of the Chief and Associate Justices of the Supreme Court, the judges and officers of the United States and territorial courts, 450 copies; to the Department of Agriculture, 5 copies; to the Smithsonian Institution, 2 copies; to the Government Printing office, 2 copies; and the Secretary of State shall supply deficiencies and offices newly created.

And that the residue of said 15,000 volumes, together with any further number thereafter printed and bound, shall, by the Secretary of State, be sold at the cost of paper, press-work, and binding, with 10 per cent. added thereto; and said Secretary is authorized to make arrangements with booksellers to keep on sale said Revised Statutes, to be sold as aforesaid, for such part of the 10 per cent. above actual cost as he may deem just and reasonable. And whenever the said residue of said 15,000 copies shall be exhausted said Secretary shall cause another 5,000 copies to be printed and bound, at the expense of the United States, to be sold in like manner, unless otherwise disposed of by order of Congress, the cost of the same to be paid from the general appropriation for printing.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ACKLEN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE TARIFF.

Mr. BUTLER, by unanimous consent, introduced a bill (H. R. No. 4782) to provide for a commission to aid in the revision of the tariff; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FRAUDS UPON THE REVENUE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a draught of a bill to prevent frauds upon the revenue; which was referred to the Committee of Ways and Means.

A. G. LAWRENCE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending an appropriation to pay Hon. A. G. Lawrence, commissioner to Sioux Indians; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RICE, of Ohio, on account of important business, for one week from to-morrow;

To Mr. JONES, of New Hampshire, for four days; and

To Mr. RAINEY, for four days.

Mr. PAGE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petitions of James McMullen and of Patrick McDonough, for pensions—to the Committee on Invalid Pensions.

By Mr. BLAIR: The petition of J. S. Weeks and 369 other citizens of Troy, Ohio, for a constitutional amendment prohibiting the manufacture, sale, importation, exportation, and transportation of distilled alcoholic liquors, except for medicinal, mechanical, and scientific uses, from and after the year 1900, and for a commission of inquiry—to the Committee on the Judiciary.

By Mr. DAVIS, of California: Resolutions of the Legislature of California favoring the amendment of the law so as to provide for the lapse of at least five months between the day fixed for choosing electors for President and Vice-President of the United States and the day fixed for casting their votes—to the same committee.

Also, resolutions of the Legislature of California favoring the repeal of such revenue laws as create a distinction between the taxation upon the deposits in savings-banks having a capital stock and upon those in savings-banks having none—to the Committee of Ways and Means.

By Mr. GIDDINGS: The petition of George W. Sampson and Benjamin Henricks, of Austin, Texas, for compensation for the use of certain premises by the United States—to the Committee of Claims.

By Mr. HUBBELL: The petition of citizens of Antrim County, Michigan, for the construction of a ship-canal between Torch Lake and Lake Michigan—to the Committee on Commerce.

By Mr. HUMPHREY: Resolutions of the Legislature of Wisconsin relating to the better protection of fish—to the Committee on Agriculture.

By Mr. KIDDER: A paper relating to the establishment of a post-route from Casselton to Frostville, Dakota Territory—to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of J. A. Whittier, president Saginaw (Michigan) Lumber Association and Board of Trade, against the passage of the Wood tariff bill—to the Committee of Ways and Means.

By Mr. LIGON: The petition of citizens of Bibb County, Alabama, for the creation of a fund for popular education from the sale of public lands—to the Committee on Public Lands.

By Mr. MANNING: The petition of M. P. Lowrey and others for the passage of the bill (H. R. No. 1670) relating to the creation of a fund for educational purposes—to the Committee on Education and Labor.

By Mr. McKINLEY: The petition of Joseph S. Hurtley and Jane Edgarton, in behalf of the Ohio yearly meeting of Friends, held at Salem, Ohio, for the settlement of all differences among nations by international arbitration—to the Committee on Foreign Affairs.

By Mr. STARIN: The petition of Jonas McLean, for the amendment of his record in the War Department—to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *May* 8, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa, received yesterday from the House of Representatives, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the petition of John Williams and others, citizens of Campbell County, Virginia, praying for the establishment of a mail-route from Lynchburgh to Loving Creek in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MERRIMON. Mr. President, I believe I can truly say that the great body of the people of North Carolina are very much opposed to that provision of the internal-revenue law imposing a tax of 10 per cent. upon State bank circulation. I this morning present three petitions upon this subject, very numerously signed by professional

men, bankers, business men of all kinds, including a great number of farmers. As these petitions are very brief, I ask that one of them may be read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the petition referred to will be read.

The Chief Clerk read as follows:

To the Congress of the United States:

We, the undersigned, believe that the tax of 10 per cent. on the circulating notes issued by banks chartered by the different States is unjust, and against the best interests of the people. We therefore most respectfully petition Congress to repeal that clause in the national banking law which levies a tax of 10 per cent. on the circulating notes of State banks.

Mr. MERRIMON. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. OGLESBY. I present the petition of 700 citizens of Chicago, Illinois, merchants, traders, mechanics, and laborers, praying for the immediate repeal of the bankrupt law. This petition was started on the 4th of May, in consequence of the impression there that the law would not be repealed immediately; and, after a very short effort, a number of signatures was sent me with this statement, which I shall read:

Your petitioners would most respectfully urge the immediate repeal of the bankrupt law, for the following, among other reasons:

Our Government, in the practical operation of this law, says to every debtor that by paying $150 to the officers who are connected with its courts in bankruptcy, and delivering to them as much of his property as he shall choose to surrender, he can obtain an effectual discharge from all his debts. His estate yielding comparatively nothing to his creditors, is only valuable to those who administer it. A measure capable of results so foreign to the purposes of its originators, and which has thus become so hostile to our commercial prosperity, should not, in the judgment of your petitioners, be longer continued in the jurisprudence of the country.

The experience of the last few days shows that men owing small sums, and whose debts were contracted for family supplies, are resorting to this mode of paying them.

The recent subsidence of the hope of the immediate repeal of this law has cast a deep gloom upon the business prospects of the West, which we still trust will be dispelled by the final action of your honorable body.

I move that the petition lie upon the table.

The motion was agreed to.

Mr. BOOTH. I present a joint resolution of the Legislature of California, in favor of the repeal of such parts of the revenue laws as create a distinction between the taxation upon the deposits in savings-banks having a capital stock, and upon those in savings-banks having none. As the preamble is short, and sets forth all the facts, I ask that the joint resolution may be printed in the RECORD.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas, by the provisions of the internal-revenue laws of the United States, savings-banks having a capital stock, although paying more than the prescribed dividend of 4½ per cent. per annum to their depositors, are excluded from the privilege of exemption from the tax on deposits for deposits not exceeding $2,000, if said savings-banks are paying more than 8 per cent. per annum to their stockholders; and

Whereas in California the standard of interest exceeds considerably said limit of 4½ per cent. per annum, and depositors obtain much higher dividends, to wit, from 7½ to 10 per cent. per annum, and no savings-banks could be patronized or exist in this State unless paying such higher dividends, while obviously no guarantee funds could be obtained without paying dividends thereon exceeding 8 per cent. per annum; that is, exceeding the average rate paid to the funds intended to be guaranteed; and

Whereas by reason thereof the savings-banks having a guarantee fund for depositors, called "capital stock" in California, are made to pay nearly the entire amount of tax paid by such banks in the United States, to wit, $149,033.08 out of a total of $161,148.40, according to the report of the honorable Commissioner of Internal Revenue for 1877, which fact establishes an extraordinary and oppressive discrimination against depositors in such savings-banks in the State of California, from whose earnings almost the entire tax in the United States is taken: Therefore,

Resolved by the senate, (the assembly concurring,) That our Senators be instructed and our Representatives requested to use all means in their power to secure the passage of an act of Congress repealing such parts of said revenue laws as create a distinction between the taxation upon the deposits in savings-banks having a capital stock and upon those in savings-banks having none.

Resolved, That the governor of this State be requested to forward to each of our Senators and Representatives a copy of this preamble and of this resolution.

JAMES A. JOHNSON,
President of the Senate.
C. P. BERRY,
Speaker of the Assembly.

Mr. HOAR presented the petition of Alexander H. Rice and 224 others, citizens of Massachusetts, praying for the passage of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army, on the retired list; which was ordered to lie on the table.

Mr. CONKLING presented the petition of B. B. Brooks and others, captains and masters of steamers passing through Hurl-Gate in the Harlem and East Rivers, praying for an increased appropriation for the improvement of the Harlem River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BURNSIDE. If there is no further morning business——

The PRESIDENT *pro tempore*. Reports of committees are next in order.

Mr. HARRIS, from the Committee on Claims, to whom was referred the petition of Treadwell S. Ayres, praying compensation for property taken and appropriated by United States authorities during the late war, submitted a report thereon, accompanied by a bill (S. No. 1205) for the relief of Treadwell S. Ayres.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Thomas M. Redd, praying compensation for property taken and destroyed by United States troops in 1864, submitted an adverse report; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. SARGENT. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship, to report it back and to ask that it be referred to the Committee on Foreign Relations. That committee has had charge of that class of bills, I think.

The PRESIDENT *pro tempore*. That change of reference will be made, if there be no objection.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1098) to transfer Paymaster Robert Burton Rodney from the retired list to the active list of the Navy, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 853) to aid in the construction of a military, commercial, and postal rail highway from the military headquarters of the United States Army at San Antonio, in the State of Texas, to the Rio Grande, at or near the town of Laredo, asked to be discharged from its further consideration, and that it be referred to the Committee on Railroads; which was agreed to.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldiers' Home, Augusta, Maine, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 532) granting a pension to John Frey, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3569) granting a pension to Ovid H. Clark, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1029) for the relief of John M. Lord, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Emily Hughes, of Clay County, Kentucky, praying to be granted a pension, submitted a report thereon, accompanied by a bill (S. No. 1206) granting a pension to Emily Hughes, alias Burch.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 351) for the relief of the domestic and Indian missions and Sunday-school board of the Southern Baptist convention, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation in the State of New York, reported it without amendment, and filed with the bill letters from the Commissioner of Indian Affairs and the Secretary of the Interior relating to the subject.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 214) for the relief of George Hebb, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 486) to extend the provisions of the act of June 8, 1874, in relation to prize-money, to all fleet officers, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1207) to provide ocean mail steamship service between the United States and Portugal; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1208) authorizing the publication for sale of an edition of the narrative of the Polaris expedition; which was read twice by its title, and referred to the Committee on Printing.

Mr. WHYTE asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 1209) for the relief of Charles B. Phillips; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1210) granting a pension to Henry A. Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1211) to encourage the introduction of a supply of fresh water on the desert west of Fort Yuma; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1212) providing for the payment of the amounts due the employés in, and the contractors who furnished casting to, the United States armory at Harper's Ferry, Virginia, in 1861, and prior to April 19 of that year; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1213) granting right of way over the public domain to the Black Hills Narrow-Gauge Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1214) granting a pension to Amos Angle; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Elizabeth Bailey have leave to withdraw from the files of the Forty-fourth Congress the paper accompanying her petition for a pension.

INTERCOURSE WITH MEXICO.

Mr. MORGAN submitted the following concurrent resolutions; which were read:

Concurrent resolutions touching the relations of the United States of America with the Republic of Mexico.

Whereas the people of Mexico, animated with the love of free government which distinguishes the people of the United States of America, have long adhered to a republican form of government, as that which is best suited to preserve their liberties, and have maintained their free republican institutions under the embarrassment of the most adverse circumstances with an honorable devotion to their principles which merits the sympathy and regard of the American people; and

Whereas the most essential interest connected with the welfare and prosperity of the people of both governments in their various relations require that permanent peace should be maintained between them, and that confidence, good-will, free intercourse, and liberal reciprocal advantages of trade and commerce should be established:

Resolved by the Senate, (the House of Representatives concurring therein,) That in defining and settling by treaty the relations of the United States of America with the Republic of Mexico it is just and expedient, and in accordance with the interest which the people of the United States have in the maintenance of the right of self-government on this continent, that the present boundaries between Mexico and the United States shall be guaranteed as permanent and inviolable.

2. That it is proper that both governments shall engage that the territory of each shall be protected against conquest by any power residing beyond the seas.

3. That it is expedient that liberal provisions shall be made by treaty to secure to the people of both countries the equal and reciprocal advantages of intercourse, trade, and commerce with each other; and that, to increase the advantages of such intercourse and to place upon a stable footing the peace and friendship of the two republics, it is expedient that such mutual agreements shall be entered into as will protect the borders of both countries from the predatory raids of bands of outlaws; and that persons who are citizens of either country residing in the other shall enjoy the rights of hospitality secured to the citizens of the most favored countries, and shall be free from all unlawful interferences with or arbitrary exactions and assessments upon their persons or property.

4. And it is also expedient to provide by treaty for the protection and encouragement of such citizens of either country as shall, with the consent of the government of Mexico, build and equip a line of railroad from the City of Mexico to the Rio Grande in the direction of San Antonio, in Texas, or to any point on the borders of the United States, to connect with the line or lines of railroad at the boundary between the United States and Mexico, and to secure the safe transit of the citizens of each republic and their property over such line or lines of railroad within the territory of each country, subject to such commercial regulations as shall from time to time be agreed upon by the respective governments.

Mr MORGAN. I expect to have the resolutions referred to the Committee on Foreign Relations. For the present I desire that they be printed and lie upon the table, as I wish to submit some remarks upon the subject.

The PRESIDENT *pro tempore*. The resolutions will be printed and lie upon the table.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. INGALLS submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations.

TEXAS PACIFIC RAILWAY.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (S. No. 1186) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto; which was referred to the Committee on Railroads, and ordered to be printed.

AMENDMENT TO POST-ROUTE BILL.

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

COMMITTEE ON PUBLIC LANDS.

Mr. OGLESBY. I am instructed by the Committee on Public Lands to ask leave of the Senate for that committee to sit during the sessions of the Senate. There are many measures of pressing importance before the committee which will require its attention for perhaps two days.

The PRESIDENT *pro tempore*. Is there objection to granting leave to the Committee on Public Lands to sit during the sessions of the Senate? The Chair hears no objection, and leave is granted.

EUNICE J. STOCKWELL.

Mr. BRUCE. I move that the vote be reconsidered by which the bill (S. No. 965) for the relief of Eunice J. Stockwell was indefinitely postponed, in order that it may be placed on the Calendar with the adverse report of the committee. The bill was reported from the Committee on Claims a few days since by the Senator from Minnesota, [Mr. MCMILLAN.] Had I been in my seat at the time, I should have made the request that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The vote indefinitely postponing the bill will be reconsidered, if there be no objection. The Chair hears no objection. The bill will be placed on the Calendar with the adverse report of the committee.

THE PENSION LIST—ORDER OF BUSINESS.

Mr. INGALLS. Yesterday when the pension appropriation bill was under discussion the Senator from California [Mr. SARGENT] stated that the whole number of pensioners that were placed upon the roll under the law of March 9 last, granting additional pensions to soldiers of the war of 1812, had been 10,491. I stated to him by way of interruption that that was the number of applications.

Mr. MITCHELL. Will the Senator from Kansas allow me to suggest that the Senator from California is not now in his seat?

Mr. INGALLS. This is a matter that does not particularly affect him. The Senator from California observed that the number that had been placed on the roll up to last Saturday was 10,491, if he was capable of understanding a direct statement by the Commissioner of Pensions. I replied to him that I had inquired upon the subject, and that the number that he named defined the applications and not the number that had been placed upon the roll. In order that there might be no misunderstanding, and in justice to myself and to the Commissioner of Pensions, I sent immediately a telegram to that office asking for information upon that subject. He has stated to me that under the act of March 9, 1878, the number of claims that had been filed was 11,063, and that on the 4th day of the present month the number of pensioners that had been placed upon the rolls was one hundred and fifty-six. Therefore I was correct in my understanding of what the Commissioner of Pensions stated.

I make these observations in justice to him, and in no sense whatever criticising the Senator from California, although I thought at the time that he denied very hastily and somewhat curtly the observation that I made.

Mr. DAWES. I desire to call up, if there is no further morning business, the resolution in reference to the Washington Monument. Its consideration will take but a few minutes.

Mr. INGALLS. Yes, let us pass that.

The PRESIDENT *pro tempore*. The Senator from Rhode Island [Mr. BURNSIDE] rose some time ago for the purpose of asking the Senate to proceed to the consideration of some measure, and the Chair will first recognize him.

Mr. BURNSIDE. I ask the Senate to proceed to the consideration of the bill (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. SARGENT. I have no objection to that bill. I should like, however, to make a remark if the Senator from Rhode Island will yield to me a moment.

Mr. BURNSIDE. I wish to offer an amendment to the bill first.

Mr. SARGENT. I do not want to speak to this bill, but to make a single remark in reference to a statement made during the only moment I have been out of the Chamber this morning. I understand that the Senator from Kansas explained with regard to the number of pensioners of the war of 1812, under the new legislation, and read a telegram from the Commissioner of Pensions. I dare say the Senator from Kansas is correct in his figures in reference to that matter; but the point which I stated is untouched by his criticism of my figures, and that is, that the effect of the legislation of March last is to put between twenty-two and twenty-three thousand new persons upon the pension-rolls. Whether they have all got on the pension-rolls now, or whether it will take six months to get them all there, or six years, the unquestioned fact is that that will be the increase of the pension-rolls by means of that legislation.

I do not care now to discuss the matter and did not care to discuss

it upon the pension appropriation bill except so far as to remark that sometimes when we understand that one or two or three thousand may be added to the roll, the result is that the language used is broad enough to carry twenty thousand or thirty thousand, and instead of costing three or four hundred thousand dollars it may cost a million and a half, as it does in this case, as I am informed, when we shall have reached the full amount. That was the point. So far as the accuracy of the particular state of the pension-roll to-day, I would trust the Pension Committee, for it is their business to study it. I simply stated what I understood to be the effect of the legislation.

Mr. WITHERS. I wish to make a remark in reply to my friend from California as to the statement made by the chairman of the Committee on Pensions and to defend the action of the committee and the action of this body by the passage of the pension act of March 9, last. It might be inferred from the remarks of my friend from California who has just taken his seat that the passage of that act was secured by some *suppressio veri*, that is, by an understatement of the number of pensioners who would receive benefit under it and of the cost involved. I would call the attention of the Senator and of the Senate to the fact that at the time the bill was passed, embodied in the report which was read here in the Senate, is the estimate made by the Commissioner of Pensions of the number of soldiers and widows of soldiers who would be added to the roll under the operation of that bill provided it should become a law. Therefore the Senate was fully informed with regard to the charge that would be involved by the passage of the act.

It is true that the other day, on my first reappearance in the Senate after a considerable absence, in joining issue with my friend from California as to the correctness of his statement that twenty-two thousand names had been added to the roll, I asserted my belief that that was an impossibility, that he must be mistaken, that it must have involved the names of all the pensioners from all the wars. He insisted upon it that he was correct. My statement, made at the time from recollection merely, was that the Commissioner of Pensions had estimated the addition to the rolls of soldiers of the war of 1812 at between three thousand and four thousand. Since that time I have examined his reply to my inquiry and I find that he fixes the probable addition to the pension-roll of the soldiers of the war of 1812 under the act which we passed at forty-five hundred and thirty-one. That is the number which he estimates as the soldiers of the war of 1812 who will be added to the roll under the operation of that law. He went on afterward to make a conjectural estimate of the number of widows of soldiers of the war of 1812, who were married subsequently to the treaty of peace, and he put the estimate of those widows at thirteen thousand. Therefore the whole addition that will be made to the rolls under the operation of that law by the estimate of the Pension Bureau itself, which was read to the Senate before the bill was passed, would aggregate about seventeen thousand five hundred. The Senate was in possession of every one of these facts and all these estimates at the time the bill was passed, and I think it unnecessary now to attempt to imply that any suppression of the facts of the case was made in order to secure the passage of the bill, affecting the probable cost to the Treasury which would be involved by the passage of the bill, because there was before the Senate the report of the Commissioner making the estimates of the addition, of which the Senate was fully informed at the time action was taken.

Mr. BURNSIDE. Now let us proceed with the bill.

Mr. SARGENT. Mr. President——

Mr. HOAR. I call for the regular order.

Mr. SARGENT. I do not desire to take time from the Senator's bill, but I ask him to allow me now to say a few words. I do not think the Senator would gain anything by refusing me an opportunity to reply to the Senator from Virginia.

Mr. BURNSIDE. Very well. I am not objecting to the Senator from California proceeding.

Mr. HOAR. I call for the regular order.

Mr. BURNSIDE. I was going to allow the Senator from California to proceed.

Mr. SARGENT. What is the regular order?

Mr. ALLISON. The regular order is the Indian appropriation bill.

The PRESIDENT *pro tempore*. That is the unfinished business, and will not come up until the expiration of the morning hour.

Mr. SARGENT. I have an impression that I shall have an opportunity to say a word further on this subject during the day without trenching on my friend's courtesy.

Mr. HOAR. I called for the regular order because I am satisfied that this matter will lead to a long discussion.

The PRESIDENT *pro tempore*. The Senator from Rhode Island obtained the floor and yielded to the Senator from California. The Senator from Massachusetts calls for the regular order, which will be the Calendar in the morning hour. The first bill on the Calendar where its consideration was last left off will be reported on the request of the Senator from Massachusetts.

Mr. BURNSIDE. I hope the Senator from Massachusetts will allow this bill to proceed; it will take but a few moments. I have been trying for two or three days to get it up.

Mr. SARGENT. I object.

Mr. BURNSIDE. I yielded the floor to the Senator from California, and I think he will not now object to proceeding with the bill.

Mr. SARGENT. Very well, then I withdraw my objection.

Mr. BURNSIDE. I do not object to the Senator from California making an explanation.

Mr. SARGENT. I would have been through by this time if the Senator had allowed me to proceed. I simply want to say that I do not wish to do injustice to the Committee on Pensions. I have no doubt that they faithfully and well did their duty and at the time understood the facts; but there was a strange lapse of memory on the part of my friend from Virginia since that time, because the seventeen thousand has shrunk to some four thousand, and he was insisting that that was the number involved by the legislation in his remarks the other day. Of course it was a mere lapse of memory. I do not impeach the committee; I simply say that the Senate itself carelessly passes these things; and while it may be true that officially we were informed, technically were informed by the report laid upon our table, (and perhaps the committee did all it could to call the facts to our attention,) still I do not believe that any one understood at that time that we were to put seventeen thousand persons on the roll under that legislation. If the Senate did understand it, my opinion is now—I adhere to it; it has not been impeached—that the ultimate number will be over 22,250.

Mr. WITHERS. That is a mere question of opinion, because the number of applications has only reached between ten and eleven thousand and it is a mere matter of conjecture as to what the whole number will probably be.

Mr. SARGENT. In two months it has reached nearly eleven thousand.

Mr. WITHERS. I have the same right to my opinion that the Senator has to his, and I take it for granted that probably a large majority of those entitled to apply have already applied.

Mr. SARGENT. But the Commissioner of Pensions on this point confirms my statement; that is, that the number will be over twenty-two thousand.

ISSUE OF ARMS TO TERRITORIES.

The PRESIDENT *pro tempore*. There being no objection, the bill moved by the Senator from Rhode Island [Mr. BURNSIDE] is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876.

Mr. BURNSIDE. I move to insert the word "and" in the seventh line, after the word "word," where it occurs the second time. It will then read:

By inserting in the fifth line, after the word "States" and before the word "each," the words "and Territories," and by striking out, after the word "each" in said fifth line, and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories."

Mr. SPENCER. The amendment is simply to insert the word "and" before the word "Territories."

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I should like to have the bill read as it stands.

The Chief Clerk read as follows:

That a joint resolution approved July 3, 1876, entitled "Joint resolution authorizing the Secretary of War to issue arms," be amended as follows: By inserting in the fifth line, after the word "States" and before the word "each," the words "and Territories," and by striking out after the word "each" in said fifth line and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories."

Mr. DAVIS, of West Virginia. I wish the Senator would explain what the meaning of the bill is. Upon its face it does not explain.

Mr. BURNSIDE. It simply allows the issue of arms to the Territories as well as the States.

Mr. DAVIS, of West Virginia. Is that intended to take from the States a part of their present quota?

Mr. BURNSIDE. It does not take from the States. It authorizes the issue of arms to Territories as well as States.

Mr. DAVIS, of West Virginia. Does it make an appropriation for that object? How do you distribute the arms without an appropriation?

Mr. BURNSIDE. The bill does not make an appropriation. The arms are issued by the Ordnance Department; the arms are on hand in the Ordnance Department and they issue a certain quota to each State under this statute referred to here. Now the Territories are to be included as well as the States in this statute. It requires no additional appropriation, I will say to the Senator from West Virginia. They are taken from the stores on hand in the Ordnance Department.

Mr. DAVIS, of West Virginia. I beg pardon of the Senator. As I understand the reading of the bill, no such provision is made. The Senator will recollect that there is now and has been since 1808 a permanent appropriation of $200,000 annually for arms to be distributed among the States. Now, if an additional number is to be distributed among the Territories, where is the appropriation to come from to pay for the arms that go to the Territories? Is it not taken from the States, thus lessening their number?

Mr. BURNSIDE. They are issued in precisely the same way they would be to new States. If these Territories were all admitted as States by Congress, then the Ordnance Department would begin to issue arms to them. Now, if we pass this bill the Ordnance Department will simply issue arms to these Territories precisely the same as

they do to the States. As I understand, the $200,000 is not exactly used in the distribution of arms to the different States each year.

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. BURNSIDE. No; I think there is a surplus of arms all the time.

Mr. DAVIS, of West Virginia. I have recently had a conversation and also correspondence with the ordnance officer. At the beginning of the year the $200,000 appropriated by a permanent appropriation is divided among the States according to population, and the quota of arms is entered up to the credit of each State, and that is taken from the appropriation of $200,000 that is annually applicable. Now, if you give any arms to the Territories there must be some provision by way of appropriation to pay for them. It cannot be taken from any other particular appropriation. It must come from some source.

Mr. BURNSIDE. The Senator from West Virginia is right in one thing. The distribution is made upon that basis; there is no question about that. But then there is a large surplus of arms on hand in the Ordnance Department all the time, and as each new State is admitted of course it is entitled to its distributive share, and so will be the Territories if we pass this bill. There is a sufficiency of arms in the Ordnance Department to issue to these Territories at once.

Mr. DAWES. The Senator from West Virginia is in a slight error if he supposes that two hundred thousand dollars' worth of arms is distributed to each State in proportion to population. As I understand it $200,000 is appropriated each year in a permanent appropriation toward the supply of arms, accouterments, and everything pertaining to the supply of military stores, and from our armory from time to time the arms are distributed to the States. There is no provision in the law for distribution to the Territories. The proposition of the Senator from Rhode Island, I understand, is to include in this distribution the Territories to the amount of five hundred per annum. The $200,000 is appropriated, part of it, to the manufacture of arms; part of it is appropriated to the manufacture of saddles, part to bridles, part to swords, and part to pistols, so as to keep a supply on hand. The standing law of the land distributes them from time to time, in proportion, to the States, and now the Senator from Rhode Island proposes to add "the Territories," with the limitations in the bill.

Mr. BURNSIDE. In other words, it puts the Territories upon the footing they would be if they were admitted as States at once.

Mr. PADDOCK. It is true that up to 1876, when the resolution was passed to which this bill is amendatory, the rule of distribution to the Territories *pro rata* obtained, the same as the rule of distribution to the States. They were distributed on the basis of representation in Congress. That rule obtained all the time until 1876. By that act the Territories were left out. This bill, as I understand, is simply to restore the Territories to their relationship under the law as it stood before.

Mr. DAVIS, of West Virginia. The Senator from Massachusetts and the Senator from Nebraska are both in error. According to the report of the ordnance officer, which I hold in my hand, a report made this year, under the appropriation to which I referred each State is allotted the amount of money to which it is entitled, and the Territories are included with the States and have a regular allotment. If this bill passes, it will be giving to the Territories an additional amount of arms that the States do not get.

Again, the appropriation is in money, not in arms, and each arm is valued at so much by the Department and charged to the State as it is drawn.

Mr. DAWES. I wish the Senator from West Virginia would read it and let us hear how it reads.

Mr. DAVIS, of West Virginia. I will send it to the desk to be read.

Mr. BURNSIDE. I should like to call the attention of the Senator from West Virginia to the fact that a large number of States have not drawn the arms at all and have large amounts of money due them, some of them have overdrawn, some of them are in debt. The $200,000, as I said a moment ago, is appropriated for the purpose of keeping up a supply of arms for distribution; but the distribution is not made in accordance with that appropriation exactly; that is, there are not exactly two hundred thousand dollars' worth of arms distributed each year, because they are not issued to the States unless the States call for them. The State of Rhode Island has not at this moment, but it had two months ago twenty-five or thirty thousand dollars to its credit, but we have drawn what we are entitled to with the exception of two or three thousand dollars' worth, I think. There is no regular issue of two hundred thousand dollars' worth of arms each year. This bill simply puts the Territories on the same footing as the States.

Mr. DAVIS, of West Virginia. They are now. According to the report of the ordnance officer, the Territories and States are treated just alike.

Mr. BURNSIDE. I understand not.

Mr. SPENCER. I ask the Clerk to read the report of the ordnance officer, which he holds in his hand.

Mr. DAVIS, of West Virginia. The heading of the report.

Mr. SPENCER. Read the special letter from the Ordnance Office.

The CHIEF CLERK. The heading of this statement on page 8 is:

Apportionment of arms for the fiscal year ending June 30, 1877, under the law of 1808 for arming and equipping the militia, as amended by the seventh section of the act approved March 3, 1855, and regulations established in conformity therewith.

Mr. DAVIS, of West Virginia. Now, in that statement each State and Territory is given, and the amount in money that each State and each Territory is entitled to is embraced in that table.

Mr. BURNSIDE. I will state to the Senator from West Virginia that they cannot receive the money.

Mr. DAVIS, of West Virginia. Of course not. I stated that they receive it in arms.

Mr. BURNSIDE. And the Territories can receive up to the amount of five hundred, but they cannot receive more than that, no matter how much population they have, and how much they are entitled to.

Mr. SPENCER. I ask the Clerk to read the letter from the Ordnance Office.

Mr. BURNSIDE. The object of this bill is to do away with any difference as between the States and Territories in the issue of arms.

The PRESIDENT *pro tempore*. The Senator from Alabama asks for the reading of a letter, which will be read.

The Chief Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, March 15, 1878.

In the opinion of this office it would be wise legislation to enact the bill introduced by Mr. FERRY amending the joint resolution, July 3, 1876. There seems to be no good reason for making a distinction between the States and Territories as regards the number of arms to be issued; and as far as the knowledge of this office extends there is as much if not more necessity for furnishing arms to the Territories as to the States bordering upon them. The words "and Territories" should be inserted instead of the word "Territories."

S. C. LYFORD,
Acting Chief of Ordnance.

Respectfully returned to the Secretary of War.

Mr. BURNSIDE. This simply removes the limitation which now exists, and allows the Territories, if they are entitled to them, to receive more than five hundred arms each. That is the object of this bill. It is certainly just that the bill should be passed.

Mr. MORRILL. I do not know that I have any particular hostility to this bill; but the general policy of distributing arms throughout the country I think is a vicious one. The arms become entirely useless in a few years, because they are not taken care of; and at present, as I am informed, the Government itself has less than ten thousand of the best of arms on hand outside of those that are in the hands of our troops in the field. Therefore, to distribute the best arms that we have it seems to me is a very vicious policy, for they are sure to go into hands where they will not be taken care of, and if a time of need should arise when they will be required for national or any other purposes, they would be wholly useless.

Mr. PADDOCK. If the Senator from Vermont will allow me to read from the resolution of 1876, to which this bill is amendatory, he will see that his statement is incorrect. There is a proviso of this character:

Provided, That such issues shall be only from arms owned by the Government which have been superseded and no longer issued to the Army.

So that the kind of arms he speaks of, the improved patterns of arms, are not to be distributed at all, but it is only those arms which have been superseded, the old style of muskets, &c., which are in store in abundance; and this resolution provides that they shall be distributed to the States, a thousand to each State. That is, the limitation is a thousand to the States, and the limitation of five hundred is put on the Territories. If there is occasion anywhere to have these arms, it is certainly in the Territories, on the border, where they are liable always to have Indian troubles.

Mr. MORRILL. I am not objecting to the passage of this bill for the Territories; and if the statement of the Senator is correct that the arms which are to be distributed are only such as have been superseded, we might nearly as well distribute wooden guns as to distribute these.

Mr. PADDOCK. It was not so during the war. They were issued then and thought to be good arms. It happens now that we have repeating rifles and that sort of improved arms, that we had not then; but at that time those we had were thought to be very good arms, and our friends on the border are very glad to receive them now in this time of danger.

Mr. DAVIS, of West Virginia. I admit readily that the Territories are as much entitled to arms as the States, and I have no wish to deprive the Territories of getting their just apportion; but, according to the report of the ordnance officer, they are now equally provided for with the States according to population.

Mr. BURNSIDE. I call the attention of the Senator to the letter of the Chief of Ordnance, just read at the desk.

Mr. DAVIS, of West Virginia. The document I hold in my hand from the Ordnance Office, dated February 5, 1878, in making an apportionment of the $200,000 annually appropriated, shows that the Territories are provided for just as the States are; and there should be no difference. I am perfectly content that the Territories should have their equal proportion; but I do not want them to have a double proportion, inasmuch as it is taken from the States to give it to them.

Mr. BURNSIDE. This simply puts them on a footing with the States. It corrects a law which discriminates against the Territories.

Mr. DAVIS, of West Virginia. I suggest to the Senator to amend his bill so as to say that it shall not be taken from the quota now apportioned among the States.

Mr. BURNSIDE. I will accept that.

Mr. PADDOCK. That seems to me to be an absurdity, because the law to which this is amendatory emphatically states that the arms shall be distributed to the States, exactly as the Senator undertakes to insure by his amendment.

Mr. DAVIS, of West Virginia. Then the amendment will do no harm.

Mr. BURNSIDE. I accept the amendment; it will do no harm.

Mr. PADDOCK. I think it will; it is tautology.

Mr. SPENCER. I hope the amendment will not be insisted on; it forces the bill to go back to the House, and there is a pressing necessity for the Territory of Idaho to have arms.

Mr. BURNSIDE. It has to go back anyhow. An amendment has been made putting in the word "and."

Mr. DAVIS, of West Virginia. The amendment I suggest is that in the distribution of arms the quota now belonging to each State shall not be lessened. That is the substance of it.

Mr. SPENCER. The Senator had better prepare his amendment and submit it in writing.

Mr. DAVIS, of West Virginia. The Clerk can put it in form.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from West Virginia will be read.

The CHIEF CLERK. At the end of the bill it is proposed to insert:

Provided, That the quota to the States now authorized by law shall not hereby be diminished.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3987) to regulate the advertising of mail-lettings.

The message further announced that the House had passed the joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes of the United States.

RETIREMENT OF LEGAL-TENDER NOTES.

Mr. DAWES. Mr. President——

Mr. COCKRELL. I ask that the Senate now take up and dispose of the motion of the Senator from Vermont [Mr. MORRILL] about the reference of the bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes. It will only take a moment.

Mr. DAWES. Will not the Senator allow me to pass the Washington Monument resolution?

Mr. COCKRELL. It will only take a moment, I apprehend, to dispose of the motion to refer.

Mr. SARGENT. The morning hour has expired.

The PRESIDENT *pro tempore*. Is there objection?

Mr. WHYTE. I object.

Mr. MORRILL. I hope the Senator from Maryland will not object. I understand the Senator from Missouri desires favorable action on the motion to refer, so as to have the bill referred to the committee. There is no longer any opposition, and I trust the Senator from Maryland will not object.

Mr. WHYTE. I withdraw the objection.

The PRESIDENT *pro tempore*. The bill is before the Senate. The question is on the motion of the Senator from Vermont [Mr. MORRILL] to refer the bill to the Committee on Finance.

Mr. COCKRELL. It was no intention of mine in calling up this bill to attempt to force immature action upon it; and from statements which have been made by the members of the Finance Committee that they will report this bill back and that it can probably be reported by next Tuesday, I shall not interpose any objection to its reference because that would be as soon as I should attempt to hasten action upon it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to refer the bill to the Committee on Finance.

Mr. BAYARD. I will merely say a word in all frankness before the motion is voted on. The composition of that committee is well known to the Senate; the opinions of the various members, as probably indicated by the discussion on this general subject, are well known. I would merely say that the committee will no doubt act in accordance with their known opinions on the subject, and that on a majority of that committee will rest the disposition of the bill. There is no understanding of any kind further than that. There is meant to be no delay of any kind on the part of those who may oppose the measure. That is all I wish to say before the vote is taken.

The motion to refer was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. No. 15) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

ORDER OF BUSINESS.

Mr. ALLISON. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. DAWES. Will not the Senator from Iowa allow me to pass the monument resolution? It will only take a few moments.

Mr. ALLISON. It may take some time. I wish to say to the Senate that I am compelled to be absent from the Senate to-morrow and having charge of this appropriation bill I want to complete it to-day. If there is time after the appropriation bill, I have no doubt the Senate will take up that matter.

Mr. DAWES. I am under the necessity of being gone several days myself.

Mr. DAVIS, of Illinois. The Judiciary Committee has reported a bill providing for the distribution of the award made under the convention between the United States of America and the Republic of Mexico. It is absolutely necessary that that bill should be passed in some shape by this Congress. I do not ask for its consideration now; but I give notice that I will beg the Senate to consider it the first case in the morning after the morning business is over; or I would ask that it be considered immediately after this bill.

Mr. ALLISON. I ask for the regular order.

Mr. DAWES. If the monument resolution leads to debate I shall not press it.

Mr. ALLISON. I am very sure that the measure proposed by the Senator from Massachusetts will lead to more or less debate, and I am pressed on all hands with reference to other matters; therefore I must insist on the regular order.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1879, and for other purposes.

The PRESIDENT *pro tempore*. The pending amendment is to strike out the words "Indian Territory," in line 772, and insert "Territory of Idaho;" so as to read

For this amount, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, in the removal of the Nez Percé Indians of Joseph's band, now held as prisoners of war at Fort Leavneworth, Kansas, to a suitable location in the Territory of Idaho, and for their settlement thereon, and for clothing, subsistence, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid in teaching them civilized pursuits with a view to their future self-support, the sum of $20,000."

Mr. ALLISON. Yesterday when that question was up for discussion there was some difference of opinion with reference to the condition of the lands in the Indian Territory. I have a communication from the Indian Bureau upon that subject which is very full and very clearly shows that some sixteen million acres of land in the Indian Territory are subject to the disposal of the United States. I do not ask that this be read in detail unless some Senator requires it, but that it may be printed in the RECORD.

Mr. BECK. Let it be read.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 8, 1878.

SIR: In reply to your verbal inquiry of yesterday, as to the amount and condition of land in the Indian Territory, west of the ninety-sixth degree, I have the honor to inform you:

First. That the following lands west of said degree have been granted in fee or purchased and paid for by the tribe occupying the same, to wit:

	Acres.
The Osage reservation	1,466,167
The Sac and Fox reservation	479,667
The Seminole reservation	200,000
The Chickasaw reservation	4,650,935
About one-half the Choctaw reservation	1,667,000
About one-half the Creek reservation	1,607,747
Total	10,647,392

Second. There has been conveyed by treaty or act of Congress, to be paid for when their lands in Kansas and Nebraska are sold:

	Acres.
To the Kansas Indians	100,141
To the Pawnee Indians	283,026
To the Pottawatomies	575,877
Total	959,044

Third. There has been granted by treaties of 1867, (15 Stats. 581-593,) to the Kiowas and Comanches, and to the Cheyennes and Arapahoes for their absolute and undisturbed use and occupation:

	Acres.
To the Kiowas and Comanches	2,908,893
To the Cheyennes and Arapahoes	3,938,117
And by unsatisfied agreement of October 19, 1872, to the Wichitas	743,610
Or a total of	7,600,620

The Cheyennes and Arapahoes, however, have not occupied the territory as-

signed to them by the treaty of 1867, but have been in occupation under executive order of August 10, 1869, of 4,297,771 acres of land south and west of the Cimarron River and the old Cherokee line.

Fourth. The actually unassigned lands in the Indian Territory, west of the ninety-sixth degree, are as follows:

One hundred and five thousand four hundred and fifty-six acres in the forks of the Arkansas and Cimarron River, east of the Pawnees; 683,139 acres north of the Cimarron and south of the Arapahoe and Cheyenne grant, by treaty of 1867; 1,645,890 acres south of the above tract and between the Cimarron and Canadian Rivers and west of the Sac and Fox Indians; 2,279,618 acres west of the Cimarron River and north of the lands covered by executive order of August 10, 1868, now occupied by the Cheyennes and Arapahoes; and 1,511,576 acres in the southwestern corner of the said Territory and west of the north fork of the Red River.

There are therefore of absolutely unappropriated land west of the ninety-sixth degree, 6,695,679 acres, and of appropriated but unoccupied land, 3,958,117 acres, or a total of 10,653,796 acres of land upon which other tribes may be settled.

Of the 7,266,664 acres occupied by the Arapahoe and Cheyennes and the Kiowa and Comanches, only about 1,500,000 acres is required for their settlement, allowing them 160 acres for each individual.

With each of these tribes treaty provisions exist allowing the settlement of other Indians among them.

The total number of acres, then, west of the ninety-sixth degree, upon which Indians may be located, is 16,420,460 acres.

Further information with regard to the status of the lands in Indian Territory can be found in Executive Document No. 32, Forty-Fifth Congress, second session.

I have the honor to be, very respectfully,

E. A. HAYT,
Commissioner.

Hon. W. B. ALLISON,
United States Senate.

Mr. INGALLS. The statement that has just been read from the office of the Commissioner of Indian Affairs, as it is said about a well-executed counterfeit, is well calculated to deceive. The Commissioner endeavors to leave the impression upon the Senate, inadvertently, I presume——

Mr. BECK. Will the Senator from Kansas yield to me? I desire to ask the consent of the Senator managing the bill to allow the five-minute rule to be extended to ten minutes, on this amendment at least, so that the Senator from Kansas and others may express themselves more fully, as it is too important to limit debate to five minutes.

The PRESIDENT *pro tempore*. That can be done by unanimous consent. Is there objection to the extension of time for debate on this amendment? Is there objection to extending the time to ten minutes instead of five on this amendment? The Chair hears none, and it is so ordered.

Mr. INGALLS. The Commissioner, inadvertently I have no doubt, leaves upon the mind of the Senate the impression that this land belongs to the United States, and that here is a vast unoccupied, unassigned territory, west of the ninety-sixth meridian of longitude, upon which Indian tribes can be located without any expense to the Government. It is not correct. I call the attention of the Senate to the language of the Cherokee treaty, article 16:

> The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty as the United States may decide.

Now mark—

> Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.
>
> The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

If Indians are located upon these lands they must be paid for at a price to be agreed upon between these several civilized nations and the President of the United States, or, if they cannot agree, then the President is to fix the price. I want the Senate to understand that here is not unoccupied public domain belonging to the United States upon which these Indians can be located, but that this is an attempt on the part of the Committee on Appropriations to compel the United States Government to purchase land there for the purpose of locating these Indians when they do not wish to go, and when they have a reservation themselves that is amply sufficient for their purposes.

Mr. MAXEY. Mr. President, I stated yesterday evening pretty fully, or at all events as fully as I could do under the five-minute rule, some of the objections which I had to the passage of this bill containing the clause sought to be stricken out by my motion. It in effect converts the Indian Territory into a Botany Bay, on three sides of which are three of the States of this Union. Disguise it as you may it is the conversion of the Indian Territory into a Botany Bay into which are to be turned all the loose wild tribes of Indians which the Government of the United States acknowledges it is unable to control wherever they may happen to be, and in the particular instance in hand, to turn loose into the Indian Territory a tribe of Indians who were driven from their homes in the Territory of Idaho because they were murderers, because they had murdered twenty-five or thirty families in that Territory; and the inexorable, unjust policy is sought to be followed here of forcing those people into the Indian Territory against, so far as anything comes before us, the wishes of the people of the Indian Territory.

It has been clearly shown by the Senator from Kansas that the Territory known as the Indian Territory is not the property of the United States. In my judgment every foot of land covered by the Indian Territory, as it was originally assigned to the Cherokees, the Choctaws, the Creeks, the Seminoles, and the Chickasaws, is patented land. Bear that in mind. It was patented to these various tribes; and the moment the United States Government issued patents to these nations for those lands the United States became divested of the title, and the title therefor became vested in these tribes. If that position be correct, and that it is there can be no question, then we are endeavoring to take from the Indians, without their consent, their property.

I stated yesterday evening that the United States Government had recognized the Indians as distinct nations, as distinct political communities, that they have done so from the earliest settlement of the colonies, and that Great Britain anterior to the independence of the people of the United States, and while we were colonies of Great Britain, recognized the Indians as distinct political communities, as distinct nations, as nations to be treated with like any other nations of the earth. Hence I stated that if these people are nations, there is but one way under the Constitution of the United States whereby a contract can be made with or the interests of those people affected, and that is by treaty. If you have to deal with those people by a treaty, a law which attempts to take from them their property without their consent is violative of their rights and not sustained by the Constitution of the United States or by any law on the face of the earth.

More than fifty years ago, the great case of Worcester *vs.* The State of Georgia was before the Supreme Court of the United States, and the opinion was delivered by Chief-Justice Marshall. What was that case? There was a law of the State of Georgia which attempted to prohibit people from settling inside of the Cherokee Nation, except by the consent of the State of Georgia, and a man who should go there without a permit from the governor of the State of Georgia was liable to be indicted and expelled. A missionary, bearing with him God's holy cross, went inside the Cherokee Nation for the purpose of carrying out his mission, and he was indicted for a violation of the laws of the State of Georgia. That case came finally to the Supreme Court of the United States, and the decision was delivered by Chief-Justice Marshall on behalf of the court, the ablest jurist that ever sat upon that bench, and he clearly and unequivocally declared that the act of the State of Georgia attempting to invade the Cherokee Nation and expel therefrom a man who was there by their consent, as was Worcester in this case, was violative of the Constitution of the United States, null and void.

Mr. KIRKWOOD. What became of the missionary? Do you remember?

Mr. MAXEY. I am not sufficiently fresh on that point to remember. I was treating of the question of law. I have not time in the very few minutes allowed me to quote from this decision largely, but I will read from the syllabus enough to cover the point. After going on and tracing out the history of the Indians, the Supreme Court say:

> The extraterritorial power of every Legislature being limited in its action to its own citizens or subjects, the very passage of this act is an assertion of jurisdiction over the Cherokee Nation and of the rights and powers consequent thereto.

That is what they say is the claim of the State of Georgia. Speaking of the law adopted by the discoverers of this continent, it says:

> It regulated the right given by discovery among the European discoverers, but could not affect the rights of those already in possession, either as aboriginal occupants or as occupants by virtue of a discovery made before the memory of man.
>
> * * * * * * *
>
> They were well understood to convey the title which, according to the common law of European sovereigns respecting America, they might rightfully convey, and no more.

Speaking of the grants to the various colonies:

> This was the exclusive right of purchasing such lands as the natives were willing to sell. The Crown could not be understood to grant what the Crown did not affect to claim, nor was it so understood.
>
> * * * * * * *
>
> The third article of the treaty of Hopewell acknowledges the Cherokees to be under the protection of the United States of America and of no other power.
>
> This stipulation is found in Indian treaties generally. It was introduced into their treaties with Great Britain, and may probably be found in those with other European powers.
>
> * * * * * * *
>
> The treaty of Holston, negotiated with the Cherokees in July, 1791, explicitly recognizing the national character of the Cherokees and their right of self-government, thus guaranteeing their lands, assuming the duty of protection, and of course pledging the faith of the United States for that protection, has been frequently renewed and is now in full force.
>
> * * * * * * *
>
> The treaties and laws of the United States contemplate the Indian Territory as completely separated from that of the States, and provide that all intercourse with them shall be carried on exclusively by the Government of the Union.
>
> The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights as the undisputed possessors of the soil from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed; and this was a restriction which those European potentates imposed on themselves as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others."
>
> * * * * * * *
>
> Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister-States and by the Government of the United States.
>
> * * * * * * *

The Cherokee nation, then—

Say they in conclusion—

is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of Congress.

* * * * * * *

The act of the State of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity.

Mr. President, I read that for what purpose? To show you the character of the title which the Indians hold east of the Mississippi River. What is true of the Cherokees is true of the Choctaws, the Chickasaws, the Creeks, and the Seminoles; and when they, by reason of the vast influx of the American people upon that magnificent country which they had occupied, and more especially after the discovery of the cotton-gin, which settled all that country up as a great cotton country, were forced to leave there, the United States solemnly pledged itself when they went across to occupy the then wilderness where they now live that they should occupy it unmolested; the plighted faith of the Government was given that it should be theirs, for them and their heirs forever, so long as grass grew and water ran.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senator's time has expired.

Mr. MAXEY. I should like if the Senate would permit me to finish the argument I was going on with.

Mr. WITHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Texas desires to continue his remarks. Is there objection?

Mr. WITHERS. I will take the floor and yield my time to him.

Mr. SARGENT. I rise to a point of order. I have no objection to the Senator from Texas going on; but if we get into the habit which prevails in another body, the one taking the floor and yielding to another, the rule loses all its force. I hope it will not be done.

Mr. WITHERS. The only object I had was to give the Senator from Texas additional time.

The PRESIDING OFFICER. Is there objection to the Senator from Texas continuing his remarks?

Mr. ALLISON. How much time does the Senator want?

Mr. EDMUNDS. Let him take what time he needs. It is a very important question.

Mr. ALLISON. Very well.

Mr. EDMUNDS. I am listening with a great deal of interest to what the Senator from Texas is saying.

The PRESIDING OFFICER. The Senator from Texas will proceed, there being no objection to his continuing.

Mr. MAXEY. Mr. President, that was the character of title which the Indians held east of the Mississippi River; and when, as I stated, by this great cloud of emigration which went from every portion of the United States into what was then a new country, into Georgia and Alabama and Mississippi, which had been made so immensely valuable to the American Union by reason of the discovery of the cotton gin and the opening up of magnificent cotton plantations, the homes that these Indians owned and which they and their fathers had owned from time immemorial were so coveted by the American people that they were driven from their homes; and the manner in which it was done is a foul spot upon the history of this country. But they were sent where they now live on the plighted faith of the American people, who felt that great wrong had been done them, that they should not be disturbed when they went there. It was a wilderness at that time; Texas was then under the dominion of Mexico; Arkansas was then a territory; Kansas was wholly unsettled; it was all a wilderness. They went there and for long years they were not disturbed. Then for the first time in the history of this country, I will say to the chairman of the Committee on Indian Affairs, a wise, humane, and judicious policy was pursued by the American Government toward those five civilized tribes. They were fostered and encouraged in building up schools, opening up farms, acquiring property, making homes, making governments for themselves, and they have been a prosperous and a progressive people. If it is ever to be demonstrated that Indians are capable of self-government, you have the nucleus there with these five tribes now to build up Indian civilization.

Now what course is pursued? When these people are struggling to have a government of their own, struggling to have schools and churches, a government of law, a government of order, we find hurled into their midst, without their consent so far as the Senate knows, people who are driven from where they were born and reared down into the Indian Territory because they are murderers. You are making this beautiful country a Botany Bay. You are doing it against the solemn protest of the Senators who represent the State of Kansas, the State of Arkansas, and the State of Texas, the three States which border upon this Indian Territory, and, so far as I know, also against the consent of those whom it is proposed to remove.

But, again, it was yesterday asserted, and the position was broadly taken I believe by the very able Senator from Iowa, the chairman of the Committee on Indian Affairs, [Mr. ALLISON,] that the United States Government has the right to dispose of this Territory. I deny the proposition *toto coelo*. The United States Government parted with the title to this property by patent, by grant, which is a better word, to these various tribes. Subsequently it is true that these tribes agreed to surrender a certain amount of property upon conditions; but in the treaties of 1866 all the Indians retained the right not to be disturbed in their property except by their consent, and that consent was to be shown through the national council. Have you got it? Where have you anything to show that the national councils of these people have agreed that these Nez Percés shall go and settle among them?

Mr. SARGENT. Allow me to ask a question. I understand by the letter of the Commissioner of Indian Affairs that between sixteen and seventeen million acres of land within the Indian Territory are not the property of the Indians, never have been, never were assigned to their use, but are entirely open and unappropriated, and are available for this purpose.

Mr. MAXEY. He intends to state there, and a close reading of the letter will show it, that the Choctaws, the Chickasaws, the Seminoles, the Creeks, and the Cherokees had parted with that land which was their land, and it is strange that Senators cannot comprehend the real character of this title. It was a title which passed by the Government to them by patent, or by grant, which is a better word, and they agreed to permit this land to be settled up by other tribes of Indians placed there by the United States by their consent, they being paid for it. What evidence have you got that they have agreed through their national councils or otherwise to this thing? How can you legislate in regard to these nations in this way? Contracts made with these nations must be by treaty, and I am proud to say that I have the distinguished authority of the chairman of the Judiciary Committee, [Mr. EDMUNDS,] who I understand, from remarks made not long since upon a question involving this very point, entertains that view, and it is going back to the law as it always has been from the very foundation. From the very first transactions of the Government they have been recognized as nations, and so it has run along on down to the last decision I know anything of in 17 Wallace, Holden *vs.* Joy, which, although hinging on the doctrine that laws may be made, still does maintain the original principle that—

Laws have been enacted by Congress in the spirit of those treaties, and the acts of our Government, both in the executive and legislative departments, plainly recognize such tribes or nations as States, and the courts of the United States are bound by those acts.

So say the Supreme Court of the United States in Holden *vs.* Joy, 17 Wallace, the opinion being delivered by Mr. Justice Clifford. Now if this be true, we require here, I apprehend, as everywhere else, the best evidence. These Nez Percés are a turbulent people, so turbulent that it is declared on the Senate floor that they cannot be sent back to the reservations which had been assigned to them by the Government, and for that reason they are put in the Indian Territory, thereby making it a Botany Bay. If it be the policy of this Government to turn loose all these wild tribes into the Territory, they inflict a grievous injury upon the surrounding States.

Mr. President, I have trespassed upon the time of the Senate as long as I care to do, but I wished to express my views in regard to the nature and character of the title of the civilized Indians to this Territory, and that the Congress of the United States have no control over it.

Mr. COKE. Mr. President, the State of Texas, which I in part represent on this floor, is so much interested in the pending question that, although my colleague has stated fully the reasons for striking out the clause objected to in the appropriation bill, I feel that it is my duty to say something in support of the motion.

The Indian Territory embraces about sixty-eight thousand square miles. It is one of the finest tracts of country upon this continent. Its climate and soil make it susceptible of every variety of production. With a thrifty and industrious population there is no area of territory of the same size in the United States that would produce a greater amount of wealth. The States of Kansas, Arkansas, and Texas border it. All three of those States are interested in the settlement of that Territory. They are all interested that the Territory shall be inhabited by a people who will make good neighbors. The State of Texas especially, bounded as we are on one side by the Rio Grande, and across it with Mexican neighbors, would very much deprecate the establishment of an Indian population upon our northern border.

Besides, there is another consideration. It is about three hundred miles across this Territory from Kansas to Texas on the line of the Missouri, Kansas, and Texas Railroad. The Gulf ports of Texas must do a great proportion of the trade of the great Northwest. The railroads leading from the Gulf of Mexico up into the great Northwest must carry a great proportion of their supplies and bear off a great proportion of their products. Upon the line of the Missouri, Kansas and Texas Railroad to-day there is a wilderness of three hundred miles, where there is no cultivation, where there is no evidence of any productiveness. The freight and passenger travel over that railroad going into Texas and passing out is taxed annually to the extent of maintaining that three hundred miles of road because there is no way traffic and no way travel there.

If you make this Territory a recipient for the wild tribes of Indians you dedicate it to the same waste condition in which it now is. You place an embargo upon the commerce of the Northwest and upon the highest interest of Texas. That embargo consists in the tariff for maintaining in running repair all the railroads which traverse three hundred miles of territory which, if settled and placed in a productive condition, would help to lighten the burdens of the traffic.

I do not know that I would agree with my colleague in all his propositions. I do agree with him in believing that the Nez Percé Indians should not be sent there, and that is the question now. The State of Texas has had an experience with the Indians located in that Territory by the Government of the United States, which I hope may not be repeated. The Kiowas, the Apaches, and the Comanches located at the Fort Sill reservation have devolved upon the State of Texas and upon its people a taxation of from $350,000 to $500,000 a year to maintain State troops for the defense of the frontier. Up to 1877 those Indians raided upon Texas an average of twice a week. I can show you a report to the President of Indian Agent Walker, who says, in enumerating the property of the Comanches and the Kiowas, in stating the amount of property they held, that these Indians own about 16,000 horses and mules, the bulk of them notoriously stolen from Texas. He says, further, that these Indians habitually, openly and boastfully brought into the agency the scalps of men, women, and children murdered upon the Texas frontier. He recites these facts. He is a great friend of the Indian, and facts stated by him I take it at least are not exaggerated. Yet, Mr. President, during the time when the people of Texas were being plundered and their women and children and men were being murdered and scalped and some taken into captivity, their property being stolen, I had the honor to be the governor of Texas, and I know the fact to be that the authorities of Texas were never notified that any property of the people of Texas was within this agency in order that the people might go and reclaim it. I know the fact to be that the controllers of these Indian agencies, the agents, denied the extent and the enormity of these depredations; and while the State troops of Texas were fighting the Indians nearly every day, Indians armed with guns furnished by the Government of the United States and with ammunition and clad in clothing furnished by this Government, and with blankets branded with the brand of this Government, these agents were denying that the depredations were being committed. Since I have been here I find the admission of the agent that they were being committed, that the bulk of the property held by the Comanches was stolen from Texas, and that it was a common thing to have war dances over scalps at the agency brought from the Texas frontier.

Now, Mr. President, we do not want any more such neighbors; they are not pleasant people to interchange social civilities with. We do not want the Nez Percés, who have been driven from their reservations for similar offenses, quartered down near Texas where they can join the Comanches, the Kiowas, and the Apaches in making raids upon the Texas frontier.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BECK. Mr. President, as a member of the Committee on Appropriations it became my duty to look somewhat into this matter, and I am at a loss to see how we can avoid agreeing with the House of Representatives in the proposition they have made. We have now on the Leavenworth reservation some four hundred or five hundred of these Indians. They are described by the Senator from Kansas and the Senator from Colorado as men who have been measurably civilized. Let me read what the Senator from Kansas [Mr. INGALLS] said about them; he knows them better than I do:

> From time immemorial they have been regarded as friendly Indians; they have been the allies of the United States Government in the Northwest; they had a quasi civilization; they were upon a reservation that was exceedingly fertile and exceedingly desirable; they had certain treaty stipulations with the United States Government, and, as the Senator from Colorado has said, they have been the victims of the grossest wrong and the most monumental oppression. I have been at the camp of these Indians upon the Fort Leavenworth military reservation. I have seen them in their present confinement. They live in lodges and tents. They are a noble, heroic-looking race of men. They are intelligent; they are peaceable; they are inclined to submit to law; they are obedient; they are willing to labor; but in their reservation in the Northwest they were subjected to continuous encroachments by the white settlers around them; the Government neglected to carry out its treaty stipulations with them; and what was there left under the circumstances for them to do except to revolt and rebel?

Then he spoke of the heroism with which they carried on the war and the manner of men they were. That is the testimony borne by the Senator from Kansas. Now they are on our hands. It is proposed to put them in the Indian Territory. I was amazed at the statement of the Senator from Arkansas [Mr. DORSEY]—and that was what troubled me yesterday—that we had no right to settle any Indians there at all, when by the treaty of 1866, which abrogated many of the old treaties because they were changed after the war of the rebellion closed, as the map will show, we have a right to settle any Indians north of the Chickasaw, Choctaw, Kiowa, and Comanche reservations, and all west of the Creek country and south of the Cherokee country—over seventeen million acres in the center of the Territory. There is no idea of settling these men anywhere within one hundred or one hundred and fifty miles of the Texas frontier. All along the Texas frontier and one hundred miles north of it the country is occupied by the Choctaw Nation and the Chickasaw Nation—nations that the Senator from Texas [Mr. MAXEY] said were so far civilized and so friendly that when fugitives from Texas escape to the Indian Territory these men surrender them, and when fugitive Indians from these tribes go into Texas, Texas surrenders them back. All along the Texas frontier they are located and for one hundred miles in the interior; so that we are not locating these Nez Percés near Texas.

The Creeks and Cherokees are toward Arkansas and Missouri, but removed from them and from the settled part of Kansas. The territory surrendered by the Cherokees was given to the Arapahoes and Cheyennes, and by order of the President they are now temporarily occupying a part of it. All this country has been paid for by the United States to the Cherokees and is now open for use. These five hundred Indians that we have on our hands must be located somewhere, and if they be settled where it is proposed to locate them they will be one hundred and fifty miles west of Arkansas and an equal distance from Missouri, and the Commissioner of Indian Affairs assured me to-day when I spoke to him that the tribes there were not only willing to have them but desired them. I went and asked the question myself.

Mr. MERRIMON. Permit me to ask the Senator a question which I think is pertinent to the point under discussion. What is the special consideration for putting these Indians in the Indian Territory. Why not let them go back to where they belong?

Mr. BECK. I can answer that question in a few moments. These Nez Percés were formerly located there, [indicating on the map,] in the corner of Washington Territory. The Klamaths and they got into a quarrel. The quarrel deepened; they were semi-civilized; they had a reservation; they had their lands; they were working; they were allies of the United States; hostile Indians were allowed to depredate upon them and the United States failed to do them justice. They got into war, and in the midst of the war committed atrocities. The result has been that the people of that Territory have notified the Commissioner of Indian Affairs that if they are sent back there they will be murdered. He can put them into this Territory among friendly Indians, where no white man can go, where liquor is not allowed to be sold, where they can be guarded and protected; but they will be surely murdered if they are sent back to where they came from, and the Commissioner says it is horrid cruelty to send them back. They wanted to go back, but I understand since they have come to understand the condition of affairs that exist in their old neighborhood they are willing to go to the Indian Territory. That is the report that I get.

The climate of the reservation where it is proposed to put them is very much the same as that of their old home. So I am advised by the Commissioner. The isothermal line is all along here [indicating] running up toward the Pacific coast. When the Northern Indians come down here [indicating] it is injurious to their health; but those men coming from this region can be taken to the point where these Indians are to be put without any serious disadvantage.

Some time ago we had trouble with the Modocs and they were removed. Here is the report of the Commissioner of Indian Affairs in regard to them. They were regarded as the most warlike and dangerous of all; and yet those Modocs have been settled near Missouri and Arkansas and have not only not committed outrage, but are as peaceable and industrious and are working as faithfully as any Indian will work. They are a pastoral people, and do not work like white men; but the report of the Commissioner shows that, out of one hundred and twelve, thirty are going to school, and no complaints are made on the part of the other Indians as to them.

I agree with the Senator from Kansas that when the Indian Territory was surrended in good faith to the civilized tribes it was to be theirs forever; and all the arguments of the Senator from Texas [Mr. COKE] who was last up that they are in the way of civilization and that there is no transportation for railroads must not be heeded in this controversy, because he will observe that the railroad which he has spoken of runs through the Choctaw and Cherokee country and does not come within seventy-five miles of where it is proposed to put these Indians. Are the Creeks and Cherokees and Choctaws to be put out now because they do not furnish railroad transportation? The treaty obligations are valid and binding, and these Indian reservations ought never to be touched by the United States as long as good faith exists.

While the original rights of the Cherokees and Choctaws ran as far as the line here [indicating] in 1866 they were all surrendered except the reservation they now hold, which is laid off here, and which they hold by patent and under pledge that they shall never be disturbed, railroad or no railroad, transportation or no transportation, as long as there is justice in the United States Congress. But as to the rest of the country we have a right to place these Indians, such as these Nez Percés are described to be, instead of their being sent back to be butchered or to butcher other people, or being put where they cannot be protected or put among people who have given notice to the Department that they will murder them as soon as they get there because of the old Indian warfare in which they committed atrocities as semi-civilized men always will——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARGENT. I hope the Senator will be allowed to proceed.

Mr. MERRIMON. I should like to have information on one point.

Mr. BECK. If I can give it, I will.

Mr. MERRIMON. First, are these Indians willing to go into the Indian Territory; and, second, are the Indians in the Indian Territory content that they shall go there?

Mr. BECK. The last question I can answer definitely, because the Commissioner of Indian Affairs this morning told me that the Indians in the Indian Territory were willing and desirous to have them there. The object of the Indians in the Indian Territory is to keep out white men, but they are willing to have these Indians among them.

As to the first question I can only say that the Commissioner said to me—I think I recollect it exactly—that while these Nez Percés preferred and were very anxious at one time to go back to their old neighborhood, yet now knowing what would happen they are willing to go to the Indian Territory. That is my recollection.

Mr. MAXEY. I would ask the Senator from Kentucky in what manner the Indians of the civilized tribes have manifested their willingness to receive them? The treaties point out how that shall be done.

Mr. BECK. I say to the Senator from Texas that I did not ask the Commissioner the form in which it was done or the willingness expressed. Perhaps it might be well to amend this clause to prescribe the form of consent.

Mr. SARGENT. The treaties cover that point.

Mr. MAXEY. They require it to be by the national council.

Mr. SARGENT. Then this legislation will not put them there.

Mr. BECK. I have said about all I desired to say. I took the pains this morning to go and make inquiry.

Mr. MERRIMON. I am willing to vote to put them there if they are willing to go and the Indians in the Indian Territory are willing to take them.

Mr. ALLISON. I desire to say one word in addition to what has been said by the Senator from Kentucky. The two very pertinent inquiries made by the Senator from North Carolina are both to be answered in the affirmative. In the first place, the treaties distinctly provide that the United States may place friendly Indians within the Indian Territory, so that the consent of these civilized tribes is not now required. But I understand, in addition to that, that they are willing and desirous that other tribes should come in there and occupy the Territory and fraternize with them. The treaties made between these Indians and the United States distinctly provide for other Indian tribes coming in there and for their participation in an Indian council, the expenses of which are paid by the United States.

So much for the permission of the Indian tribes. Now, with reference to this band of Nez Percés, I understand that they also are willing to go there. I understand that four of their principal chiefs have already gone from the Fort Leavenworth reservation, under the authority of the Government, to the camp of Sitting Bull, with a view of inducing the remainder of those hostile Nez Percés to join this band in the Indian Territory. In the Territory of Idaho in which these Indians rebelled, some fifty or sixty of them have been indicted, I understand, for murder under the laws of the Territory of Idaho. The murder can be proven clearly, of course, because it is perfectly notorious in that Territory that these murders were committed, and that portions of these hostile bands committed the murders under a sense of wrong on the part of the whites there. If these Indians return to their reservation or to the Territory of Idaho, they will be tried for those offenses unless pardoned by the President of the United States. Therefore, under the circumstances surrounding them, I understand it is their desire and wish to be located and settled in the Indian Territory. There are only about one hundred of these Indians that are adult males; the remainder are women and children. It is the intention of the Department of the Interior to place these Indians at some point on the reservation where they will be enabled to sustain and support themselves by grazing and agriculture. It is an experiment no doubt, but an experiment that has been successful in the Indian Territory, notably in the case cited by the Senator from Kentucky, of the Modocs.

Mr. MAXEY. I ask the Senator from Iowa if the United States Government has a right to settle any Indians within the Indian Territory, except civilized tribes, by any treaty?

Mr. ALLISON. I understand they have. Just what is a civilized tribe of Indians I would not say.

Mr. MAXEY. Article 15 reads:

> The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of ninety-six degrees, on such terms as may be agreed upon by any such tribe and the Cherokees.

Mr. ALLISON. Undoubtedly, and it is not proposed to place these Indians within that region at all. That applies to that portion of the Cherokee country lying east of the ninety-sixth meridian. Of course these Cherokees do not desire that uncivilized Indians shall be placed in the Cherokee and Choctaw country proper, but they did provide by the sixteenth article of this same treaty, which the Senator did not read quite far enough to see, that friendly Indians may be located west of the ninety-sixth meridian upon the Cherokee lands. But the Cherokees do not own all the country west of the ninety-sixth meridian. The Seminoles, the Choctaws, and the Creeks own a portion of this Territory. The Seminoles, by a treaty made with the United States, parted with a portion of their lands absolutely to the United States in 1866; and the Chickasaws and Choctaws by a treaty made in 1855 leased to the United States over seven million acres of land west of the ninety-eighth meridian, and by a subsequent treaty made in 1866 the United States absolutely purchased those seven million acres, and we have as clear a title to it as we have to any other land belonging to the United States. Seven million acres west of the ninety-eighth meridian are now the absolute property of the United States. So with reference to the lands owned by the Cherokees west of the ninety-sixth meridian we have the right to purchase those lands from the Cherokee Nation upon such terms as may be agreed upon between the United States and the Cherokees, and in failure to make an agreement the President of the United States himself is to decide the price which the Government is to pay for those lands.

These Nez Percés may be placed on lands absolutely owned by the United States, not costing the Government a dollar. They may be placed upon the Cherokee lands west of the ninety-sixth meridian by paying for them a reasonable sum, and that sum has been agreed upon at various times at about fifty cents per acre. So that there is no difficulty in the way except a question of public policy. Is it a good policy for this Government to locate any more Indians in the Indian Territory?

I was pleased with the argument of the Senator from Texas [Mr. MAXEY] in reference to this country, and I join hands with him in saying that I will with him endeavor by legislation to secure this country to the absolute control of the civilized Indian tribes. They left the most beautiful country that exists under the control of the United States, comprising the States now of Tennessee, of Georgia, of North Carolina, and of Alabama. Nearly the whole of those States belonged to the five civilized tribes now west of the Mississippi in the Indian Territory. When we induced them to leave those fertile fields which they were cultivating long before the independence of the United States was achieved, when we, by treaty stipulation, secured their removal from those fertile lands which they were cultivating and earning their own livelihood upon without any interference on the part of the United States, until the settlers reached out and undertook to seize their lands, when we placed them upon this reservation we said to them "You shall occupy this land as long as grass grows and water runs; you shall have an absolute, indefeasible title to this property," and I am for maintaining them in that title so far as we can in the future.

Mr. BECK. Allow me to suggest to the Senator from Iowa that the Commissioner says that while the Indian Territory contains about sixty-eight thousand square miles, there are only sixty thousand Indians upon it, being less than an Indian to a square mile.

Mr. ALLISON. Of course this Territory belongs to the five civilized tribes, and whatever rights we have acquired in the Territory we have acquired by treaty stipulations with them. In 1834 or 1835 we ceded to the Cherokees seven million acres of land in addition to the lands then occupied by them, and we said to the Cherokees that they should have all the land west of that country until it met the civilization of the United States westward. Under these provisions these tribes have control of all the land in the Indian Territory save and except that ceded by them by treaty stipulations with the Government of the United States.

Now, Mr. President, it is a question of policy for the Senate to decide whether or not this small band of Nez Percés shall be returned to the Territory of Idaho or to the State of Oregon, from whence they recently came, or whether we shall permit them to enjoy a small portion of this land in the Indian Territory.

Mr. SAUNDERS. Mr. President, I dislike to differ with my friends of the Indian Committee upon a subject of this kind; nevertheless I do on this question. I look upon this subject as one of very great importance. Whatever course we pursue toward these Nez Percé Indians we should pursue toward all other Indians in the north. If it is proper to send them into the southern country and into the Indian Territory, then it will be proper to send the others also; and we might just as well settle the question now as at any other time; and it is very much better that we settle it now and save money to the Government, unless we intend to follow this up.

A year or two ago I would have taken the position that is taken by the majority of the Committee on Indian Affairs on this question; that is, that we should send all these Indians to the Indian Territory. I thought then it was probably the best thing that could be done; but I am now convinced, unless Senators wish to carry out the doctrine of the extermination of the Indian, that it would not be proper to send any more from the north into that country. The country is probably healthy enough for the people who live in it, but when men try to be acclimated in going down to that warmer country and more humid atmosphere they die off rapidly. Let me show you what effect it has had on the Indians that went even from my own State, which is further south than the Nez Percé Indians and many others that arrangements are about to be made with to send them south. The Pawnees, according to the report of 1875, numbered over twenty-two hundred; I have forgotten the exact number, but about twenty-two hundred and fifty, I think. Two years ago they were removed to the Indian Territory. The report in the Commissioner's office to-day shows that the number is only about fifteen hundred. Over 33 per cent. of them have died in twenty-four months, in other words, and we do not know the number that have died since that report was made. That is the fact as to the Pawnees.

Another tribe that went from our country, the Poncas, were taken only about twelve months ago into the Indian Territory, and a gentleman well informed on the subject told me yesterday that 20 per cent. of them were already dead. That is the effect it is having on the Indians that go from the North, from the dry atmosphere we have in the North into that humid atmosphere of the South. If the object is to exterminate the Indians, then let us send them there; but if we want to take care of them and treat them as wards properly, as we should, then in my opinion we should either put them on some of the smaller reservations of the North or make arrangements for larger

ones, for there is a very large reservation for which arrangements could be made no doubt in the northern part of Dakota or Montana. There is the country on Bear River and on Milk River that would hold all the northern Indians without any trouble, and a very rich and fertile country it is, where they can raise all the small grains, particularly wheat, to very great advantage, and where for hunting purposes they would be much better off than they would be in the Indian Territory.

My opinion is that we must either leave these Indians on the small reservations and let the whites settle around them and finally train them up in civilization in that way, or we have got to have another large reservation for the Indians of the north. I have made up my mind fully on that subject, and I will therefore vote against sending these Nez Percé Indians down into the southern country. If they go of themselves, if they are willing to go, of course I shall say nothing against it. I believe an amendment has been suggested to require their consent. I almost know what the answer will be, that they will not be willing. I do not know that it is best to send them back to Idaho where this war commenced; but there are other reservations that are large enough to be divided up. The reservation that they had in Idaho Territory was more than they could ever cultivate; it was too large for them. There is another reservation in that Territory still larger, and there is a very large one in Oregon, where the Umatillas and the Walla-Wallas are now located. There is another very large reservation in Washington Territory. There are large reservations in Dakota and in Montana; so that there is plenty of room to be had for them in other places. If there were not, we might of necessity have to send them South; but I say, taking the observations and the facts and figures as we have them before us now, that I do not believe it will be good policy to send any more Indians from the north into the southern country, and, if we did, what should we be making out of it?

I am astonished when I come to learn what I have from being in some of these committees, to find how little they have progressed on this subject of civilization. Take the tribes that gentlemen are speaking about, the confederated tribes of the Indian Territory, the Cherokees, the Chickasaws, the Creeks, the Seminoles, and the Choctaws; what have they done? What progress have they made? They are here to-day asking for rights under treaties that are more than forty years old, showing how far back they date with their attempts at civilization; and yet to-day there is not, according to their own testimony, one in ten who wants to have a territorial form of government or to be represented as the white people are represented in this Government. There are only about one-third part of the grown persons, according to the best testimony we can get, that can talk our language. They do not want their land divided up into severalty. They do not want a territorial form of government. They want to be let alone, they say, in their tribal relations and live as a separate nation. That is the progress they have made in fifty years! If that is what they have done, who have been friendly, who have been taught our language, who have been educated many of them in our schools, then I say, if that is the success we have had with them, what hope have we with these who have no affinity for us or any of our arts or any of our improvements? I believe that the best way at present will be to let them alone in their own Territory, in their own reservations. Our people are surrounding them; they are friendly. In my State they are equally friendly and as civilized as the same number of whites are. Nobody objects to them. Their neighbors trade with them. They are visiting around through the country there. There is no more fear of Indians with us than there would be of the same number of whites. Then so far as most of the tribes are concerned, I shall oppose hereafter the sending of any more of them south unless they express by some act of theirs that they want to go.

On that account, without taking any further time, I shall vote against sending these Indians down there unless they themselves express their willingness and anxiety to go. I shall seek for them somewhere else a place where there is room; and I know there is a disposition on the part of the committee to take care of these Indians as best we can. We are all aiming at the same thing, which is to do the best we can for the Indians, and I am convinced from observations that have come before me that it is not the best thing to send them to a country that they know not of, to a climate that they have never lived in, and a place that has proved for others a burial almost as fast as they got there.

Mr. COKE. Mr. President, with the consent of the Senate I would like to add to the observations I made a few moments ago, when cut off by the operation of the ten-minute rule, the following: I did not intend to be understood as desiring to deprive the Indians of their land in the Indian Territory. On the contrary, from examination of their treaties with the United States, I believe that they have a perfect legal and equitable title to their lands; I believe that they should be maintained in the enjoyment and possession of their lands. But I do believe, Mr. President, that the position taken by some Senators that these tribes are independent nations is erroneous. I believe that these Indian tribes are as much under the jurisdiction of the United States as the inhabitants of any other Territory in the United States. Whenever the question has been before the Supreme Court they have so declared. Whenever Congress has exercised authority over those tribes—and it has done so in numerous instances—the Supreme Court of the United States have always maintained that being the political authority, the action of Congress must be sustained. In the Cherokee tobacco case, 11 Wallace, the question is squarely met. In that case the Supreme Court lay down the law as follows:

In the Cherokee Nation *vs.* Georgia, Chief-Justice Marshall, delivering the opinion of this court, said: "The Indian Territory is admitted to compose a part of the United States. In all our geographical treatises, histories, and laws it is so considered." In the United States *vs.* Rogers, Chief-Justice Taney, also speaking for the court, held this language: "It is our duty to expound and execute the law as we find it, and we think it too firmly and clearly established to admit of dispute that the Indian tribes residing within the territorial limits of the United States are subject to their authority, and where the country occupied by them is not within the limits of one of the States Congress may, by law, punish any offense committed there, no matter whether the offender be a white man or an Indian." Both these propositions are so well settled in our jurisprudence that it would be a waste of time to discuss them or to refer to further authorities in their support. There is a long and unbroken current of legislation and adjudications, in accordance with them, and we are aware of nothing in conflict with either. The subject, in its historical aspect, was fully examined in Johnson *vs.* McIntosh. In the eleventh section of the act of the 24th of June, 1812, it was provided "that it shall be lawful for any person or persons to whom letters testamentary or of administration shall have been or may hereafter be granted by the proper authority in any of the United States or the Territories thereof to maintain any suit," &c. In Mackey *vs.* Coke it was held that the Cherokee country was a territory of the United States, within the meaning of this act.—11 *Wallace*, 619.

I simply propose to assert the proposition in the remarks submitted awhile ago, without arguing it, that this Indian Territory is under the jurisdiction of the United States and of Congress as fully as any Territory within the United States; but I say at the same time that treaty obligations require the United States to maintain the title of these Indians to their lands. I concur with my colleague and with the Senator from Kentucky in that regard.

But with reference to another proposition they lay down, I cannot agree with them. I do not believe that public policy or treaty obligation requires the United States to maintain the Indian Territory in a condition of waste, in a condition in which it can add nothing to the wealth of the country, and especially in a condition where it must be a serious drawback to three or four States of the Union on account of its non-productiveness and the character of its population. I hold that the United States Government is compelled by no treaty obligation to do this, and, whenever public policy shall dictate, that the Government has a right to take such steps as while maintaining the absolute title of the Indians to their lands at the same time will throw open the Territory for general settlement. That is all I intended by the proposition asserted in my first remarks.

The PRESIDING OFFICER, (Mr. ROLLINS.) The question is on agreeing to the amendment of the Senator from Colorado, [Mr. TELLER.]

Mr. DORSEY. I ask for the yeas and nays.

Mr. SARGENT. Before the question is taken by yeas and nays I wish to say a few words. It may be a question of policy much insisted upon by the Senators whose States border the Indian Territory whether the original dedication of that Territory for Indian purposes shall be maintained or there shall be a new departure of policy; whether, as says one of the Senators from Texas, the railroads shall be allowed to go there and realize their land grants and open up communication between parts separated by that country or whether they shall be prohibited from doing so. It may be a question of policy, but there certainly can be no policy urged in favor of the amendment of the Senator from Arkansas.

Mr. DORSEY. Will the Senator allow me to state that I have not an amendment pending?

Mr. SARGENT. I ask that the pending amendment be read.

The CHIEF CLERK. In lines 772 and 773 it is proposed to strike out the words "Indian Territory" and insert "Territory of Idaho."

Mr. DORSEY. That is the amendment of the Senator from Colorado, [Mr. TELLER.]

Mr. SARGENT. Nevertheless it is the amendment in effect, as my friend knows, (although it may not be on the record,) of the Senator from Arkansas. I am speaking to the fact and not to the form. I say there is nothing in the way of policy to recommend this amendment. You may say that if the Government will not persist in its policy of settling Indians in the Indian Territory that it shall take care of those Indians. Very well; then take care of them at Fort Leavenworth where they now are. It may cost considerable money, but what of that in comparison with the interests of harmony in the Territories, the lives of the white settlers or the lives of these Indians and their families if they depend upon it. It has been suggested on this floor—and cannot be disputed—for it is a fact, that if these Indians return to Idaho Territory they will necessarily lose their lives and in the experiment of taking their lives perhaps the lives of white men will be lost also. But why send them back where they go to inevitable persecution? Is that the way to treat them? Is that a humane settlement of the question?

Mr. DORSEY. If the Senator is appealing to me——

Mr. SARGENT. No; I am not.

Mr. DORSEY. I presume that in the Territory of Idaho, from where these Indians came, there is country enough outside of the little reservation which they formerly occupied to provide them with proper homes, where they would slaughter nobody and would not be slaughtered themselves. It seems to me, if the Senator will allow me, that it is about the worst argument which could be urged here as a reason why the Indians should go to the Indian Territory because they are going to kill anybody.

Mr. SARGENT. There is not a foot of land in Idaho that the Senator can say will be open to the peaceful occupation of these Indians for two years to come.

Mr. DORSEY. Why?

Mr. SARGENT. For the same reason that there was none in the Black Hills, the most inaccessible point of the North American continent, where the Indians were peaceably living. Partly by the miscalculated action of the Government of the United States and partly by an irresistible tide of immigration, gold-seekers and other settlers rushed in and ousted them from their possessions. The result was a long and expensive Indian war. The result of it was great injustice to the Indians. The result of it was the writing of a chapter of our history which is shameful. So it is with regard to Idaho or any other Territory of the United States. There is only that little spot of land called the Indian Territory dedicated for Indian purposes where the white man cannot go. The Indians were rooted out of Kansas since the time that I have been in Congress by just this same immigration——

Mr. DORSEY. I should like to have the Senator state in what respect the Indian Territory is dedicated to the Indians any more than the Indian reservation in Idaho is dedicated to these Indians, on which he says the white people go.

Mr. SARGENT. The difference is just this, that in Idaho Territory settlers can go at will all over it, and approach the reservation with their settlements, and the white man, with such opportunity, gets to encroach upon the Indians there. There is a fertile valley, perhaps, which runs through a reservation, and the white man extends his stakes one after another until he gets in on the reservation and eventually crowds the Indians out, or the Indian, feeling the injustice, burns down the settler's house, and he shoots at the Indian, and the Indian shoots at him, and an Indian war occurs. But in the Indian Territory the reservation is inside a boundary that the white man has no legal right to cross. He violates the law if he goes across the line at all. It is not a mere tempting line of a reservation, but the boundary of a Territory. Therefore the Government can protect the Indians who go there, and there is nothing assailing the occupation by the Indians of the Indian Territory except the cupidity of certain railroad corporations and the influences which they can bring to bear on the minds of members of Congress.

Mr. DORSEY. I think the statement of the Senator from California is entirely gratuitous. I think the railroad corporations of the Indian Territory have no more to do with influencing members of Congress than the railroad corporations of the Pacific coast have to do with influencing the members of Congress from that region. I think it is entirely gratuitous.

Mr. SARGENT. When in argument this very day it has been urged upon this floor that this Indian Territory, occupied by the Indians, is in the way of railroad communication, I have a right to say that such suggestions come in the interest of railroad corporations.

Mr. DORSEY. The Senator has no right to say that the railroad corporations seem to exercise influence upon members of Congress in respect to this question. He has no right to say that, because it is not true.

Mr. SARGENT. I speak of facts that come to my observation. I say the railroad companies have for years been trying, in one form and in another, to get possession of this land. They came here originally and got grants of land in the Indian Territory and got a promise on the part of the United States to extinguish the title to these Indian lands, and when Congress extinguishes the title they will have the grants of land. The railroad companies since that time have tried by every possible device to effect the extinguishment of that title. They have set up all sorts of schemes for the government of the Territory. As I said yesterday, if some government should be organized among the Indians that would look favorably upon the proposition to let the white people in, it would be the method of enabling these railroad companies to get these tracts of lands. I am speaking of the question pending in Congress, which has been urged upon Congress, and naturally, reasonably, justly, I do not say unfairly or improperly, influencing the minds of Senators. That is a large portion of the pressure which accounts for this hostility to the settlement of the Indians in the Indian Territory. The more Indians that are settled there the more difficult it will be to extinguish their rights and move them elsewhere. It has been said in this debate that this Territory is sparsely settled, and that is urged as a reason why the whites should be allowed to go in there. Am I to close my eyes to the tendency of these things, and not refer to the great interest that lies behind all these movements in opposition to the present policy of the Government?

The Indians in the Indian Territory are peaceable. We sent the Modocs there; we sent the Kiowas and Comanches there. The Comanches were the red devils of the plains whose sway spread from the Sioux territory into Texas, but when they were put into the Indian Territory they became peaceable and quiet. They were guarded and cared for, and protected themselves from aggressions, and during the last five or six years there have been no aggressions from these wild tribes at all. The Senator from Texas [Mr. MAXEY] says they are so law-abiding and have so much regard for law that when criminals from Texas escape into their borders the Indians deliver them up and that they deliver up the criminals which escape from the Indians to them.

Mr. DORSEY. The Senator from Texas did not say that at all. The Senator from Texas said nothing of the sort. He said that was true of the Choctaws and Chickasaws and the civilized tribes in the Indian Territory, but not of the Comanches. The Senator shows furthermore that he does not understand the history of these Indians at all when he states that the Comanches were removed to the Indian Territory. The Comanches have lived there from time immemorial, and they have not been removed from the plains.

Mr. SARGENT. I take back not one word that I have said, and I am not at all instructed by the remarks of the Senator from Arkansas. These Indian questions are not new to me. I simply reiterate, exactly knowing the basis of the remarks which I have made, and that is to say that these Kiowas and Comanches who roamed along through the whole country being put upon an express and limited reservation of the Indian Territory have been peaceable ever since. Before that time they were called the red devils of the plains and were the most dangerous and deadly enemies of the white settlers of the West.

Mr. DORSEY. They were not located there, but have always occupied that Territory.

Mr. SARGENT. A part of them had a sort of roaming title to lands covered by a piece of the Indian Territory, but the fact is that they were segregated on a reservation and protection given them and it has changed their character. What has changed the character of these very Indians who are called civilized tribes? Simply by being put in the Indian Territory and the white man being kept out with his whisky and the missionaries allowed to go among them, and the Government fostering schools among them. A larger proportionate number of their children are now attending schools than are children in the State of the Senator who interrupts me, and with most beneficial results; so that when the census of illiteracy shall be taken it will not be to the disadvantage of the civilized tribes, as they are called, of the Indian Territory.

Here is a piece of fertile land which is most earnestly coveted by others who are adverse in interest to the Indians. They want to get at the land. They do not like to have that barrier, as they call it, between the various States. There is no justice in their claim, because public faith is pledged that the Indians shall have the land. When the Indians were removed from Mississippi, and Alabama, and Georgia, and everywhere else, and placed far out beyond the then bounds of civilization, in the Indian Territory, it was marked out for them. The experiment has been a great success. The question pending here to-day is not whether three or four Indian tribes shall be put in the same condition with a right to better their lot in life, to have education for their children, to become decent members of the American States. That is not the mere question, but the question is whether the Indian experiment with all its civilization shall fall and go down before the cupidity, and I will say it again, of certain railroad corporations who want to seize upon this territory. I insist that the momentous question is, whether we are to pursue the humane and peaceful policy of the past or whether we are to abandon it, and abandoning it to root out the rights of the Cherokees and the Creeks as well.

Mr. DORSEY. I should like to ask the Senator from California a question. Is there any proposition here to send these Indians to the section of country where the railroad companies now claim that they have a title? I ask if it is not already occupied by these Indians, and if the question of railroad lands is not entirely independent and outside of that?

Mr. SARGENT. The whole question of the Indian Territory hangs together. If you can seize one part of it you can seize the rest. It is simply an entering-wedge——

Mr. DORSEY. Who is proposing to seize it? Is not the Senator from California proposing to take it for these Indians?

Mr. SARGENT. We propose to give them a home and to maintain them there.

Mr. DORSEY. What more right have you to do that than to seize upon it for the railroads?

Mr. SARGENT. Because there are seventeen million acres of unappropriated lands there under the treaties granted by the United States for this very purpose.

Mr. DORSEY. Yesterday the Senator from California said there was not an acre there that did not belong to the civilized tribes.

Mr. SARGENT. The Senator is mistaken. I did not say a word of it.

Mr. DORSEY. Now the Senator says there are seventeen million acres there.

Mr. SARGENT. The Senator misrepresents me. My remarks of yesterday can be referred to. That was the position of the Senator from Kansas.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARGENT. On account of interruptions I ask a moment more; I said yesterday that every foot of the Indian Territory was dedicated for the purpose which I described yesterday, and to-day I referred again to it, and the Government of the United States have no right to dedicate a foot of it for any other purposes. I now say, on being informed thereof by the Commissioner of Indian Affairs, whose letter has been read at the desk, that there are nearly seventeen million acres that are unappropriated for this purpose, and which can be used for this purpose, and that the experiment of putting the wild tribes in the Indian Territory has been a success, as in the instance of

the Modocs, the desperadoes of the lava-beds, a large number of whose children are now, in proportion to the whole number, attending school, and they have settled down into peaceful pursuits. They have vindicated the fact that they possess not merely bravery but humanity and industry. I want the same system extended. The last hope of its being extended is by voting down this proposition, because it is a test that is now being forced upon us. The whole system has got to be abandoned unless the bill as reported is insisted upon. The Senator from Texas says that these Indians would be dangerous neighbors on the border line of Texas. On the contrary there are some seventy-five or eighty miles of intervening civilized tribes between these Indians and Texas. The trouble from Texas, as I say again, has not risen from the occupants of the Indian Territory. It has arisen from the Kickapoos, who came over from the borders of Mexico and who have been floating backward and forward between Texas and Mexico, and floating up around the edge of the Indian Territory, and sometimes perhaps other Indians like the Kickapoos make a short cut across the Indian Territory, but have no local habitation or place there.

Mr. MAXEY. Does the Senator know how far it is from the Fort Sill reservation to the Texas line? That is the territory I spoke of.

Mr. SARGENT. The Senator can inform me.

Mr. MAXEY. Not exceeding forty or fifty miles.

Mr. SARGENT. Very well; that is a good belt of country.

Mr. MAXEY. That is close enough to endanger our people.

Mr. DORSEY. Mr. President——

Mr. SARGENT. I will say to the Senator from Texas——

Mr. DORSEY. Mr. President, I should like to say a word.

Mr. SARGENT. I think I have the floor.

The PRESIDING OFFICER. The Senator from California has the floor, but is proceeding by unanimous consent.

Mr. DORSEY. I object to the Senator from California proceeding.

The PRESIDING OFFICER. The Senator from California can only proceed by unanimous consent.

Mr. SARGENT. Then I shall take my seat.

Mr. EDMUNDS. Why?

Mr. SARGENT. Because I would not allow the Senator from Arkansas to interrupt me while I was answering a question of the Senator from Texas.

Mr. EDMUNDS. Who has the floor?

Mr. SARGENT. I had the floor for the purpose of speaking to the question when the Senator from Arkansas interposed an objection.

The PRESIDING OFFICER. The Senator from California can only proceed by unanimous consent.

Mr. EDMUNDS. I hope no Senator on a question of this kind will object to the Senator from California continuing his remarks.

Mr. DORSEY. I asked the Senator from California the privilege of saying a word. He has been talking nearly twenty minutes. He declined to yield to me; therefore I object to his further proceeding with his remarks.

Mr. SARGENT. I am glad not to be indebted for the privilege of proceeding to the courtesy of the Senator from Arkansas, which I find so scant, although I have frequently yielded to him. I was endeavoring to reply to the Senator from Texas when the Senator from Arkansas insisted on at once asking a further question.

Mr. EDMUNDS. I move that this bill be indefinitely postponed; and on that question I think the Senator from California can finish what he has to say.

Mr. SARGENT. I was saying, in reply to my friend from Texas, that there is a good belt of country between the Indians and the Texas border.

Mr. MAXEY. I hope from the remarks just made that the Senator from California will not suppose that I had any possible object in consuming his time.

Mr. SARGENT. Not at all.

Mr. MAXEY. I did so merely with a view of giving the fact.

Mr. SARGENT. Certainly; and I never object to reasonable interruptions. There are civilized tribes and a broad belt of territory—a sufficient cushion—between any blow that could be struck by this little, feeble band of Indians at the people of Texas. There are, I understand, only one hundred of this band who are warriors, and there are two or three hundred women and children. These poor beings are now living in their lodges upon the reservation at Leavenworth at very considerable expense to the Government, and they certainly cannot be a terror to the people of Texas.

Mr. MAXEY. But it would establish a precedent for the removal of other tribes.

Mr. SARGENT. No, it would not be a precedent. The precedent was set within a year or so in the very case of the Modocs, who were removed into that Territory, and who since that time have done themselves great credit and have done great credit to the experiment which the Government has entered upon. Now we propose to take these poor creatures, who were driven by hardships, by a violation of their treaties, as was eloquently stated by the Senator from Colorado, away from their homes, away from the place where they thought they had a foothold, and by our encroaching settlements, by the merciless system of our settlers, not merciless in design but in effect—they were driven away from Idaho with a price set on their heads, with indictments found against them in that Territory for murders committed under whatever provocation, visited with a threat that if they returned they should all be exterminated, and that the people would not tolerate them there, and there is no home there for them.

I ask why should we not do this for this poor, little, feeble band that we are under obligation to take care of, because they are the captives of our bow and spear? We have taken them in war. We have carried them down to Fort Leavenworth. They are in our hands to do with them what we will. Why should the great State of Texas say that these men, separated from their frontier by forty miles, shall not have leave to settle in that Territory and make their little farms there and raise their cattle and do as the Modocs have done, who were more murderous than they, less humane than they, for the Joseph band never were treacherous? I say, why shall they not have this opportunity? If I did not think that this was a test question involving the whole question of maintaining the integrity of the Indian Territory I would not speak so earnestly and so persistently in favor of the bill as reported from the committee. When we have it on the recommendation of the Commissioner of Indian Affairs and on the recommendation of the Secretary of the Interior, with all the light we can have shed upon it in favor of the experiment, it certainly can do no harm.

Mr. EDMUNDS. Will the Senator from California allow me to ask him what he has to say in response to the observations of the Senator from Texas that in this Indian Territory the United States are not the exclusive proprietors of the land, and therefore that the sending of these Indians is an imposition upon those who have the control of the title?

Mr. SARGENT. The Indians having the original control of the title by treaties made subsequent to its acquisition, agreed with the United States that all lands west of the ninety-sixth meridian should be under the control of the Government of the United States for the purpose of settling friendly Indians upon them.

Mr. EDMUNDS. Where is that provision?

Mr. SARGENT. It is in the treaty. It has been cited in the debate.

Mr. EDMUNDS. I should like to look at it.

Mr. SARGENT. I think there are several treaties: one with the Creeks, one with the Cherokees, &c., but that is the provision of the treaty. It may be that the Government of the United States, under that provision would be required to pay for these lands a certain price. That is very likely. In the scale of mercy that would not weigh. It would be certainly cheaper to buy this land under the provision of the treaty and to settle these people upon it than to incur the blood and cost of another war. The dearest way to settle the Indian question is by exterminating Indians.

Mr. EDMUNDS. But this statute does not provide for buying it. What I want to get at is whether we are under any obligation.

Mr. SARGENT. Of course if the Government is under obligation to pay for these lands it should pay the price. It has a right to settle these Indians upon the land by virtue of these treaties, and can pay whenever it ascertains the amount due. I say again, I believe that this is a test question involving the whole matter. I really trust that the committee will be sustained upon it; but certainly if the committee are not to be sustained let us not send these men to Idaho, where we send them into the jaws of a certain death. Let them rather remain at Leavenworth and let the Government maintain them there and furnish them with rations, or let us send them anywhere but to the country which is so hostile to them.

Mr. TELLER. If I believed, as stated by the Senator from California, that this was a test question whether the Indian Territory should be set apart and occupied by Indian tribes, I would vote against the amendment which I have offered; but I do not believe that is the true view of this question. I shall vote for the amendment for the reason that I know it is contrary to the dictates of humanity to force these people upon that ground without their consent. As to the railroad companies, it is not possible that any railroad company can have any interest in that matter at all. It is not proposed to put any of these Indians on the lands that the railroad companies claim or in that vicinity. The proposition can only be sustained upon the theory that it is in pursuance of a principle which we have already established by the removal of the Modocs and by the removal of the Poncas, that we have a right to remove this tribe to that section of country.

I shall vote for the amendment because I believe that these people ought to be returned to their homes, and not because I have any objection to putting Indians into the Indian Territory who go there with their consent.

The PRESIDING OFFICER. The question is on the motion to indefinitely postpone the bill.

Mr. EDMUNDS. I withdraw the motion.

The PRESIDING OFFICER. The motion to postpone indefinitely being withdrawn, the question recurs on the amendment of the Senator from Colorado, on which question the yeas and nays have been demanded.

Mr. DORSEY. I withdraw my call for the yeas and nays. I will reserve this amendment when we get into the Senate. I shall call for the yeas and nays on the amendment in the Senate, we being now in Committee of the Whole.

The PRESIDING OFFICER. If there is no objection the demand for the yeas and nays will be withdrawn and the amendment will be agreed to.

Mr. MITCHELL. I do not agree to the amendment, for one.

Mr. EDMUNDS. Let the amendment be reported.

The CHIEF CLERK. In lines 722 and 723 it is proposed to strike out "Indian Territory" and insert "Territory of Idaho."

Mr. MITCHELL. I wish it understood that I object to that amendment.

The PRESIDING OFFICER. The Chair will put the question.

The amendment was rejected.

Mr. MAXEY. I renew my amendment to strike out, commencing in line 767 to line 782, inclusive, the following words:

NEZ PERCÉS OF JOSEPH'S BAND.

For this amount, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, in the removal of the Nez Percé Indians of Joseph's band, now held as prisoners of war at Fort Leavenworth, Kansas, to a suitable location in the Indian Territory, and for their settlement thereon, and for clothing, subsistence, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid in teaching them civilized pursuits with a view to their future self-support, the sum of $20,000: *Provided*, That such amount of the above sum as may be necessary for said removal and for subsistence for remainder of the fiscal year ending June 30, 1878, may be immediately available.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas.

Mr. MAXEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I move to amend the clause proposed to be stricken out, in line 772, before the word "suitable" by striking out "a" and inserting after the word "Territory" which ends in that line the words "as the United States have a right to use for such purpose consistently with existing treaties or arrangements with the tribes occupying the Indian Territory," so as to keep us on that part of the Territory that we are entitled to occupy. I presume the chairman of the Committee on Indian Affairs will have no objection to that.

Mr. ALLISON. Not the slightest. It only makes clear and definite by legislation what is proposed to be done.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. ALLISON. There is no objection to that. That is a very good amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Texas, on which the yeas and nays have been ordered.

Mr. TELLER. I desire to offer an amendment to the clause. After the word "available," in line 782, I move to insert:

And provided further, That the consent of such band be first obtained.

I desire to make their removal contingent on their consent.

Mr. ALLISON. I submit to the Senator from Colorado that while I do not think there would be any special objection to that amendment, these Indians are now prisoners of war and they are held under the military authority of the Government of the United States. I do not see exactly how their consent can be obtained.

Mr. BECK. They are under duress.

Mr. ALLISON. They are under restraint absolutely.

Mr. DAVIS, of West Virginia. And at much expense, too.

Mr. ALLISON. They might say, "We prefer to remain here at the Fort Leavenworth reservation and be fed by the military authorities."

Mr. TELLER. I would inquire of the Senator if the war is not over with these Indians?

Mr. ALLISON. We shall not be captious about that matter. I do not think that is a very important question to ask.

Mr. EDMUNDS. It might be important to the rights of these people who are to be extradited.

Mr. ALLISON. They are under the authority of the Government; they are fed by the Army, and are on our hands. I have no other desire than the Senator has. If he thinks the amendment suggested is important I shall not object to it.

Mr. TELLER. I do. I think it is important, to the credit of the United States if nothing else, that these Indians should not be put there unless they consent to it.

Mr. ALLISON. Suppose they want to go somewhere else; what then?

Mr. TELLER. I have not much doubt but what they will be compelled to consent, but we shall at least go through the form and have the credit of saying when somebody points his finger at us, as I trust he may, for this legislation, that they consented.

Mr. SARGENT. Suppose the Modocs had objected and said they wanted to go back to the lava-beds, would it have been to their interest to let them go back; or were we under any obligation, after capturing them, to put them back there? It seems to me it is putting an impossible condition. It is unquestionably for the interest of these Indians that they should be settled upon a pleasant tract of that fertile country and there given school facilities. We are their guardians and they are our wards, and we should exercise our authority for their good. They may have a prejudice against going to that place, and it would be unwise if they were allowed to exercise their option. My impression is that they are satisfied to go there; and I am fully convinced that it is to their interest to do so.

Mr. EDMUNDS. The observations of the Senator from California have certainly great force in the way he puts them, as his observations always have; but this bill treats these persons as prisoners of war and not as the wards of the United States the Government being their guardians. If under existing law the United States are the guardians of this particular band of Indians or part of a band held at Fort Leavenworth, if we are their lawful guardians, of course it is perfectly right to provide in our discretion a proper place for them to be, and to stay, and to be educated, and to work, and to behave themselves. On that ground, of course, if the Senator is right in his premises, there is no answer to it so far as I see; for aught I know this is a good place; but taking the bill as it comes to us and as the committee have reported it, these Indians do not stand in the attitude of wards, or we in the attitude of guardians; they stand as prisoners in our hands by force of the exertion of the military authority of war.

Mr. SARGENT. That is an adventitious addition to the fact.

Mr. EDMUNDS. I know, and I only take it as it is stated in the case. If the bill is to go as saying that these people are prisoners of war, and if it appears from the inquiry of the Senator from Colorado that the war in which they were made prisoners has terminated, then I respectfully submit to the Senator from Colorado that even as to Indians it is not altogether consistent with the principles of civilization to insist upon holding a prisoner of war as such after the war is over. That would hardly do. If the war with this band of Indians is over, then their restraint on this particular military reservation out of the country to which they properly belong, as I suppose the Fort Leavenworth reservation is, as a matter of course is entirely contrary to the principles of civil law, or of military law, or of international law, I am sure my friend will agree to that.

Mr. SARGENT. If the Senator will allow me to make one observation, I will state that our whole system of Indian reservation is contrary to the ordinary principles of law. We set aside in a certain manner a reservation and collect all the Indians upon it, and really do not ask their leave to go there; it is a necessity of the situation.

Mr. EDMUNDS. But I think the Senator states that, according to my recollection, a little too broadly. According to my recollection whatever the fact may be, the paper will show, that in all these instances the tribe of Indians has engaged to part with a portion of its land to the United States and to reserve another part and to live upon that.

Mr. SARGENT. That is true as to one class, but not as to the class to which this proposition relates.

Mr. EDMUNDS. That may be. Then as to that class, we compel them to stay upon the reservation that they have agreed to occupy in exactly the way that we compel other public factions, nations as we call them, to conform to their arrangements with the United States. There is not any court that we can do it in, and we do it therefore by moral and physical force, by persuasion and argument, if that will answer, and if it will not then by the *ultima ratio regum*. That is the way we do it. Therefore compelling an Indian to stay on a reservation that his tribe has agreed he shall stay upon, is the exertion of a correct power, a necessary power, and one that is not obnoxious to any principle of international justice. But the bill says that these people are prisoners of war. The Senator in charge of the bill states, if I understand him, that the war is over. As prisoners of war, it will not do to say that they can be sent to the Indian Territory or anywhere else unless they agree to it.

If they stand in the attitude of wards, then let the bill say so and provide that Congress in the exercise of its guardianship over these Indians thinks it fit to send them to this Territory. But whether wards or not, depends not on the fact that their color is red and that their hair is black and straight; it depends upon what they as a nation or band, having a separate autonomy, have agreed shall be done, as it seems to me. Therefore as a matter of justice and humanity the bill ought to be put upon some solid ground, as it strikes me.

Mr. HOAR. It seems to me that the Senator from Vermont is in error in his statement of the principle of law applicable to this case. Where a war is over by a treaty of peace with an existing nation, it may be that all prisoners of that war are set at liberty. Where the only termination of a war consists in the capture of the entire hostile nation or band, without any treaty of peace or surrender, certainly it is no violation of the law of nations to take that captured band, transport them to a particular place in our country where they are to be clothed and provided for and found with homes, and there set them at liberty. It seems to me, therefore, that the right of the United States to treat and deal with these Indians as prisoners is perfect under the particular circumstances, and the principle which the Senator from Vermont states about the termination of a war is not at all applicable to such a termination of a war as this.

Mr. EDMUNDS. Then my statement was correct as to the principle, but the application of it was wrong, which is a little different from the character that my honorable friend gave it when he opened that part of the discussion. That may be perfectly correct; but I take it it would be open to a little question. If the United States were to invade Canada, if that were possible, (of course Canada is so much stronger than we are that that is totally out of the question, and therefore the illustration will not offend anybody,) and capture the whole body of British subjects then and there present and being, it would hardly be said to be according to the modern law of nations a fit thing for the United States to do to carry all the Canadians and British subjects down to the Indian Territory and coop them up there forevermore at the pleasure of Congress. That would not do in a case of conquest of that kind where the opposing force is entirely

overthrown. Then the duty of peace comes in, I respectfully submit, and as incident to that conquest you may levy exactions upon the people where they are; but to banish them to some distant part of the earth is, according to my observation and study of the modern law of nations, not a sound proposition. Of course, a thousand years ago, and perhaps much less than that, my honorable friend could find statements in the law-writers upon that subject, that you could put them all to death, that you could throw them into the sea, that you could do the very thing he suggests, of extraditing them to some distant country and leave them to either feed or starve, as the case might be, or keep them in perpetual subjection, slavery—because slavery does not necessarily imply that the slave is to work; slavery is a constant deprivation of liberty by the judgment of law, as we all understand. Therefore it appears to me that we could hardly stand upon the theory of sending this whole tribe, this nation, as you may call it, in the eye of the law, away from the country where we conquered them to a distant country and hold them in durance there; but I may be mistaken.

Mr. MERRIMON. Mr. President, I have about got the consent of my judgment to vote against striking out so much of the bill as provides for the removal of these Indians to the Indian Territory. First, I understand that the Indians are semi-civilized, they are not savage; secondly, that the Government has the right under treaties with the Indians in the Indian Territory to occupy certain parts of that Territory upon which these Indians may be placed, and that without expense to the United States; in the next place, that these Indians are willing to go there, and probably that the Indians who live in the Indian Territory are willing that they shall go there. These Indians are now prisoners of war. They are in the custody of the Government through its Army. They must be disposed of in some way. They are fed at a very large expense, and that is to continue until some disposition is made of them.

If these facts are true, and I understand from members of the committee that they are true, I do not see any better disposition that can be made of them than to send them to that place, and probably it would be doing them a great blessing. It brings them nearer to a complete civilization, and then it may save their lives, for we are told that if they go back to where they were captured they will certainly be killed there.

Upon these grounds, I shall vote against striking out the provisions in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado.

Mr. EDMUNDS. Let the amendment be reported.

The CHIEF CLERK. After the word "available" in line 782, at the end of the clause, it is proposed to insert:

And provided further, That the consent of such band be first obtained.

The question being put, there were on a division—ayes 16, noes 19; no quorum voting.

Mr. TELLER. I call for the yeas and nays. There is a quorum here.

The yeas and nays were ordered; and being taken resulted—yeas 21, nays 28; as follows:

YEAS—21.

Burnside,	Ferry,	Morrill,	Spencer,
Cockrell,	Ingalls,	Oglesby,	Teller,
Coke,	Kellogg,	Paddock,	Voorhees.
Dorsey,	McCreery,	Patterson,	
Edmunds,	Maxey,	Rollins,	
Eustis,	Morgan,	Saunders,	

NAYS—28.

Allison,	Eaton,	Johnston,	Mitchell,
Bailey,	Garland,	Jones of Florida,	Randolph,
Bayard,	Gordon,	Kernan,	Sargent,
Beck,	Grover,	Kirkwood,	Wadleigh,
Blaine,	Harris,	Lamar,	Whyte,
Cameron of Wis.,	Hereford,	Matthews,	Windom,
Davis of W. Va.,	Hoar,	Merrimon,	Withers.

ABSENT—27.

Anthony,	Chaffee,	Hamlin,	Plumb,
Armstrong,	Christiancy,	Hill,	Ransom,
Barnum,	Conkling,	Howe,	Saulsbury,
Booth,	Conover,	Jones of Nevada,	Sharon,
Bruce,	Davis of Illinois,	McDonald,	Thurman,
Butler,	Dawes,	McMillan,	Wallace.
Cameron of Pa.,	Dennis,	McPherson,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Texas, [Mr. MAXEY,] to strike out the paragraph, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 27; as follows:

YEAS—21.

Anthony,	Dorsey,	Morgan,	Teller,
Bailey,	Edmunds,	Morrill,	Voorhees,
Burnside,	Eustis,	Patterson,	Wallace.
Cockrell,	Ingalls,	Rollins,	
Coke,	Kellogg,	Saunders,	
Dawes,	Maxey,	Spencer,	

NAYS—27.

Allison,	Davis of West Va.,	Grover,	Johnston,
Bayard,	Eaton,	Harris,	Jones of Florida,
Beck,	Garland,	Hereford,	Kernan,
Cameron of Wis.,	Gordon,	Hoar,	Kirkwood,
Lamar,	Merrimon,	Randolph,	Windom,
McCreery,	Mitchell,	Sargent,	Withers.
Matthews,	Oglesby,	Whyte,	

ABSENT—28.

Armstrong,	Chaffee,	Hamlin,	Paddock,
Barnum,	Christiancy,	Hill,	Plumb,
Blaine	Conkling,	Howe,	Ransom,
Booth,	Conover,	Jones of Nevada,	Saulsbury,
Bruce,	Davis of Illinois,	McDonald,	Sharon,
Butler,	Dennis,	McMillan,	Thurman,
Cameron of Pa.,	Ferry,	McPherson,	Wadleigh.

So the amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the head of "Osages," at the end of line 820 of section 1, to insert:

Provided, That the Secretary of the Interior may authorize the expenditure of a sum not exceeding $10,000 of the principal of said fund, to be used in the erection of houses, on application of any head of a family, such application being approved by the Indian council of the Osage Nation.

Mr. EDMUNDS. I call the attention of my honorable friend from Iowa to the fact that the committee put this in the form of a proviso to the appropriation. I suggest to him that probably it would be construed the same to merely strike out the word "provided" and make a period and say "and." It is not in the nature of a proviso to the appropriation at all; it is a direct grant of so much money.

Mr. ALLISON. There is no objection to that.

The PRESIDING OFFICER. There being no objection, this modification of the amendment will be made. The question is on agreeing to the amendment of the committee as modified.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and continued till he reached the following paragraph in the appropriations for the Sacs and Foxes of the Mississippi:

For interest on $800,000, at 5 per cent., per second article of treaty of October 11, 1842, $40,000: *Provided*, That the sum of $1,500 of this amount shall be used for the pay of a physician and for purchase of medicine, and the further sum of $1,000 for the support of a school and farmer for the Sacs and Foxes of the Mississippi at the agency in Iowa; in all $51,000.

Mr. EDMUNDS. I ask the Senator in charge of the bill whether the proviso just read is consistent with the treaty?

Mr. ALLISON. I think it is entirely consistent with the treaty. I understand it to be the policy of the Indian Bureau to remove at the earliest practicable moment the Sacs and Foxes that are now in Iowa to the Indian Territory, where the others are, with their consent, of course; not without.

Mr. EDMUNDS. Yes; but I wish for one to keep our promise, and not by sheer force of power to break treaties. My inquiry was directed to the existing condition of things appearing in this proviso, that the sum of $1,500 to be paid under the treaty shall be used for the pay of a physician and for the purchase of medicine, and another sum of $1,000 for a school. If the treaty requires us to pay over this money for the use of the Indians according to their discretion, it is not right to exercise our discretion to direct the uses to which it shall be applied, however good the uses may be. I presume from the fact that it is in the bill and from what the Senator has said, that the treaty authorizes the exercise of such a discretion. If it does not, I submit, not with great confidence but I submit, it would be well enough to follow the treaty.

Mr. INGALLS. I understand that the treaty between the United States and these Indians expressly requires that they shall abide in the Indian Territory, and that no member of the tribe shall be entitled to any annuity or assistance unless they are so located and dwelling; but that in violation of the provisions of this treaty a certain proportion of these Indians have remained in the State of Iowa, where they now are located, and that the Commissioner of Indian Affairs, in violation of treaty stipulation, has divided the funds that belong to these Indians and paid a certain proportion to those remaining in Iowa and the balance to those in the Indian Territory. I am very clear in my convictions that this provision of the bill is in violation of the treaty and of the law under which these Indians are located in the Indian Territory. I do not believe that we have any right to appropriate any portion of the money that is due to the Sacs and Foxes of the Mississippi to that portion of the tribe which remains at the present time in Iowa. I am convinced that the Department ought to require the consolidation of these scattered bands of Sacs and Foxes in the Indian Territory, and that they should there receive their annuities and compensation as stipulated in the treaty.

I would add that there is a certain proportion of these Indians in a sort of wandering and nomadic condition in the State of Kansas at this time. It is the desire of the inhabitants of that State, and particularly of that portion where these Indians are at this time roaming and wandering, that they should be assigned to their proper location in the Indian Territory.

I hope that the Senator having charge of the bill will assent to an amendment to this clause providing that none of this money shall be paid to these Indians except in accordance with the provision of the treaty made with them.

Mr. ALLISON. I have no objection to such an amendment, of course, if that is the treaty. I cannot lay my hand on the treaty.

Mr. EDMUNDS. Here it is.

Mr. ALLISON. Has the Senator the treaty of 1842?

Mr. EDMUNDS. Yes. It is article 2. I do not see that article 2 provides for making any discount or reservation out of this interest, or for applying it to special uses. The treaty appears from a hasty reading to require the money to be paid over to the Indians; but it is only a hasty perusal of the article that I have made.

Mr. KIRKWOOD. While my colleague is looking over the treaty I merely desire to say that these Indians have been for a long time in our State. For some years past, I do not known how many years, they have been receiving a portion of the annuity going to the tribe. Whether it was done by act of Congress or by the direction of the Interior Department, I do not know; but for several years last past payments have been made to them and an agent has been acting for them in Iowa. Of course if it is in violation of the treaty it ought not to be continued. These people own land in Iowa to farm, and they are doing reasonably well there. If their condition would be improved by having them removed from the State they should be removed. I do not know but that they have been receiving for some years past a portion of this money.

Mr. ALLISON. They have been receiving it for a great number of years. I have no objection to an amendment that is suggested to me by the Senator from California, [Mr. SARGENT,] to add, in line 972, after "pr vided that" the words "with the consent of said Indians."

Mr. EDMUNDS. That will do. The other point to which allusion has been made does not arise under this provision. It is an appropriation under the treaty for the whole tribe, and if the tribe has been divided up into separate factions or bands, of course it belongs to the Executive Department justly to ascertain in what manner the money ought to be paid. I should not think there would be much difficulty about that.

Mr. ALLISON. I move to insert "with the consent of said Indians;" so as to read:

Provided, That, with the consent of said Indians, the sum of $1,500 of this amount shall be used for the pay of a physician and for purchase of medicine.

Mr. EDMUNDS. That is entirely right.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill to the end of line 1023 of section 1.

Mr. EDMUNDS. I wish to ask the Senator from Iowa whether the words in parenthesis in lines 1018 and 1019 are in the treaty with the Seneca Indians? This provides for a certain expenditure for their wants and for improvements in agriculture as their chiefs may designate, and in parenthesis is inserted "(with the consent of their agent)"; which means with the consent of the United States. If that is not in the treaty, of course it makes an entire difference. The fact of its being in parenthesis led me to make the inquiry. Had it not been in parenthesis I should take it to be as per the treaty.

Mr. ALLISON. I have no doubt it is in the treaty.

Mr. EDMUNDS. We will look it up. Go ahead.

Mr. ALLISON. The Senator from California is looking at that treaty.

Mr. DAVIS, of West Virginia. I take it there will be no objection to passing this informally and going on with the reading of the bill.

Mr. SARGENT. I find in the treaty the words "with the consent of their agent," though not in brackets as they are in the bill.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the head of "Sioux of different tribes, including Santee Sioux of Nebraska," in line 1152 of section 1, after the word "Interior," to strike out "at $10 per head," and in line 1153, after the word "persons," to strike out the word "roaming;" so as to read:

For ninth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, for twenty-one thousand persons, $210,000.

The amendment was agreed to.

The next amendment was, after the word "treaty," in line 1157 of section 1, to strike out "pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for industrial school at the Santee Sioux agency, fifty-five thousand," and insert "ten thousand four hundred;" so as to read:

For pay of physician, five teachers, one carpenter, one miller, one engineer, one farmer, and one blacksmith, per thirteenth article of same treaty, $10,400.

Mr. EDMUNDS. I should like to hear that explained. As it stands in the text in the print I have, the appropriation is $55,000, and the change is to $10,400.

Mr. ALLISON. The Senator has the old print. The House provision gathered together three or four different estimates, and the Committee on Appropriations separated those items so as to make specific appropriations for specific purposes, as provided in the treaty. The House lumped them together. In reference to these particular appropriations, we have reduced the amount some $16,000.

Mr. EDMUNDS. But the enormous diminution just here arises from the fact that it is separated into items in other places, as I understand?

Mr. ALLISON. Yes, sir; the committee strike out all after the word "treaty," in line 1157, and insert the words printed in italics down to line 1166. All that ought to be read as one amendment.

The CHIEF CLERK. It is proposed to strike out after the word "treaty," in line 1157, being the words:

Pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for an industrial school at the Santee Sioux agency, $55,000.

And in lieu thereof to insert:

Ten thousand four hundred dollars.

For pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, $25,000.

For industrial schools at the Santee Sioux and Crow Creek agencies, $3,000 each, $6,000.

Mr. INGALLS. I should like to hear the amendment from line 1161 to 1166 explained. There seems to be a very great addition to the number of employés at these agencies.

Mr. ALLISON. There are a great number of employés at these several agencies in Dakota. The Secretary of the Interior estimated $47,000 for this purpose. The committee appropriated $25,000 last year, and thought it best to confine the appropriation this year to the same amount.

Mr. INGALLS. What are these employés?

Mr. ALLISON. The various employés of the agencies.

Mr. INGALLS. Not millers or farmers, because those are provided for in the original text from line 1155 to 1157.

Mr. ALLISON. They are employés engaged in furnishing the supplies authorized by the treaty to be paid to these Sioux.

Mr. INGALLS. I think before we are called upon to vote this additional sum of $25,000 there ought to be some clearer explanation than has yet been made of the necessity for it.

Mr. ALLISON. If the Chair will pass that for a moment, I will send for the expenditures of last year.

Mr. DAVIS, of West Virginia. The Senator from Iowa will allow me to suggest that this is not an addition but really a reduction of the whole. The Senate committee separate several of these items to conform to the bill of last year and to what they believe the law is. They were lumped by the House.

Mr. INGALLS. It may not be additional, but the amendment says it is additional.

For pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, $25,000.

The Senator from West Virginia says that is not additional.

Mr. DAVIS, of West Virginia. If the Senator will cast his eye on the paragraph above he will see that the House made the total $55,000.

Mr. ALLISON. The Senator from West Virginia misapprehends what the Senator from Kansas desires. He desires to know specifically how this money was expended last year; whether these employés were engaged in cutting hay or distributing provisions, or what particular service they were doing in these agencies. I have sent for the book which shows the expenditure, in order that he may see how the money was expended last year, and I presume it is to be expended the same way this year.

Mr. DAVIS, of West Virginia. This is for the several agencies. The employés are for taking care of the goods and merchandise that go there and for distributing them and doing general work about the reservations.

Mr. BECK. I may not throw any light on this matter, but I know what I have learned in committee. The House inserted a provision in these words:

For pay of physician, five teachers, one carpenter, one miller, one engineer, one farmer, and one blacksmith, per thirteenth article of same treaty, pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for industrial school at the Santee Sioux agency, $55,000.

We strike out all after the word "treaty," striking out "pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for industrial school at the Santee Sioux agency, $55,000," and making provision only in this clause for the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith under the treaty, $10,400, and then, being unwilling to make provision for an industrial school which we did not believe was necessary there after making the other provisions, but believing that additional employés were necessary, we put in $25,000 for that, and then put in at the Santee Sioux and Crow Creek agencies for industrial schools, $3,000, reducing the whole appropriation of the House from $55,000 in one item to $41,000 in three items. That was the idea we had about it.

Mr. SARGENT. A reduction of $14,000.

Mr. BECK. A reduction of $14,000.

Mr. SARGENT. Furthermore, the items were mixed up in the House bill in such a way that the whole amount might be used for a particular object, whereas we thought it ought to be distributed in the proportion we have named among the various objects, and for that reason we separated them.

Mr. BECK. That was the idea we had.

Mr. SARGENT. We aimed at accuracy and also at saving the amount of $14,000.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1172 of section 1, after the word "exceeding," to strike out "two hundred" and insert "one hundred and eighty;" in line 1176, after the word "Red Cloud," to strike out "to a location on or near White River, in the vicinity of the mouth of Corn Creek, Dakota;" so as to read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, and other acts,

$1,125,000: *Provided*, That of the foregoing amount a sum not exceeding $180,000, or so much thereof as may be necessary, to be immediately available, may be used in the removal of the bands of Sioux Indians under the chieftainship of Red Cloud.

The amendment was agreed to.

The next amendment was, in line 1179, after the word "Spotted Tail," to strike out "to the vicinity of the mouth of the south fork of the White River, Dakota" and insert:

To such convenient points within the Sioux reservation as the Secretary of the Interior, by direction of the President, may be able to select after conference with said Indians.

So as to read:

And of the bands under the chieftainship of Spotted Tail to such convenient points within the Sioux reservation as the Secretary of the Interior, by direction of the President, may be able to select after conference with said Indians.

Mr. EDMUNDS. I should be glad to hear that explained. According to this agreement, as I read it hastily, it does not appear very plain to my mind that we have a right to take this subsistence money to be expended in compelling the Indians to locate on a particular part of the reservation, even if we have the authority to compel them to locate upon a particular part of the reservation at all without their consent, which this bill does not provide for. It is at the mere will of the President.

Mr. ALLISON. This is a very difficult question at best. We have agreed by these treaties to subsist these Sioux. There is no specific sum required, but we are to provide them subsistence until they become self-supporting. Under this treaty these Sioux agreed to go near the Missouri River. That is the treaty of stipulation practically.

Mr. EDMUNDS. Ah, let us see about that. Article 3 says:

The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation and in the vicinity of the Missouri River as the President of the United States shall designate.

That is merely an agreement that they will receive the delivery of what we are to give them, at a particular place, which is quite a different proposition from what this bill contains that these Indians as a body shall be removed and set down to stay at any particular place.

Mr. ALLISON. If the Senator can embody language that will more certainly express the idea conveyed by that provision of the treaty, the committee I think would be glad to accept it. All there is intended here is that these people shall have such location for the receipt of their supplies, &c., as the Secretary of the Interior, by the direction of the President, may be able to select after conference with the Indians. Of course that does not mean in contravention of the treaty stipulation. It means in pursuance of the treaty stipulation that they shall select a particular spot, whether it be at the mouth of this White River or at the mouth of some other creek, because there is a latitude allowed in the treaty which may be provided for by an agreement between these Indians and the President.

Mr. EDMUNDS. That is clear enough, but here comes the will of the sovereign power by law which the President is bound to execute, because a law may violate a treaty—he cannot stand on the ground that it is not constitutional—which provides that $180,000 of this money that we have agreed to expend for their subsistence shall be expended for the removal of the bands of Sioux Indians under the chieftainship of Red Cloud and under the chieftainship of Spotted Tail to such convenient points in that vast territory called the reservation as the President of the United States chooses to select of his own will. It is true it says he shall confer. The sheriff who carries a prisoner to jail confers with him before he does it, and shows his warrant to take him. I take it that laws generally ought to be made to mean what they say. It is more convenient to interpret statutes that mean what they say than it is to interpret those that mean what they do not say or say what they do not mean; at least it is in most countries.

Mr. ALLISON. Now what the Senator desires, I suppose, is that we shall keep within that provision of the treaty.

Mr. EDMUNDS. That is the proposition, that we shall stand by our engagements.

Mr. ALLISON. Then we can insert that it shall not be in contravention of the treaty provisions; but it means that now.

Mr. EDMUNDS. If any Senator thinks the meaning of it now is not what I have stated, then the English language does not mean in the political or executive eye what it means in the dictionary, because it provides for the absolute removal and location of these Indians at particular places. That is what it says.

Mr. ALLISON. That is a location for subsistence purposes and for the purposes of the treaty, because it is not expected that these Indians will remain at a particular point.

Mr. SARGENT. The difficulty endeavored by the House bill to be solved, and which the Committee on Appropriations addressed themselves to, arose, as I understand, under these circumstances: the Sioux by their treaty in effect said that they would receive their supplies on the part of their reservation near the Missouri River. On the banks of the Missouri River and for twenty, thirty, or forty miles away from it is probably the best land which they can occupy, provided they are to be a pastoral people or do any farming; but they never have been accustomed to this mode of life and it comes hard to them. They are a very large and powerful nation of Indians, amounting to scores of thousands. They, however, were compelled to go to the Missouri River under this treaty and have been discontented ever since, and out of that circumstance arose the Red Cloud war and the Sitting Bull war. Sitting Bull rebelled and has taken refuge in Canada after a series of events that are fresh in the minds of Senators.

I understand that the chiefs of these Indians during the last summer were here in Washington and represented to the Secretary of the Interior and to the President the hardship that they considered they were compelled to undergo by being located near the Missouri River, and the President promised them—you may say he had no right to promise them, but they went back with a promise from the President that they should have a right to go to the points which are mentioned in the House bill. Those points named in the House bill, that is to say, in the vicinity of the south fork of the White River and at the mouth of Corn Creek in Dakota, are so far away from the Missouri River that transportation becomes extremely expensive. The Senate Committee on Appropriations, while unwilling to go back on this promise made by the President and to thereby imply to the Indians that the Great Father had not authority to make any such promise or had made an improvident one, used a little more general language leaving it for a matter of agreement between the United States authorities and the Indians how near the Missouri River they would be willing to go so that if possible they should cheerfully assent to it, that we might be able to subsist them at less expense, and that they might be on land which they could cultivate and use for pastoral purposes instead of taking them to the barren hills where they might find a few buffalo but where they would not make any progress in the arts of life.

Mr. PADDOCK. The mistake my friend from California makes in his statement is this: they did not want to go to the Missouri River because it was a barren and inhospitable country, a waste, a place where they cannot engage in pastoral pursuits. They were living in the country of their choice, one of the most fertile districts in all that section of country; from this they were compelled to go in a most inclement season to the Missouri River.

Mr. SARGENT. Very well; it only strengthens my argument if that is so. I am obliged to the Senator for his correction. My information, however, coming from the Commissioner of Indian Affairs, differs from that; but if that is so, it makes my point stronger.

Mr. PADDOCK. If the Senator will allow me one more word, they never understood from the requirement of the treaty that they should go for their provisions as nearly as practicable to the Missouri River, that they were to go there to live, to locate, to settle, to have their permanent abode. Their understanding was simply that they should go as nearly as practicable to meet the supplies, but that they should remain in the fruitful district where they were and had been for a long time established.

Mr. SARGENT. Article 3 of the treaty is:

The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation and in the vicinity of the Missouri River as the President of the United States shall designate.

I agree with my friend that that does not absolutely require them to live on the banks of the Missouri River. They at any rate are very much dissatisfied with the requirement to locate them on the banks of the Missouri River, but they are willing to go to the places which are mentioned in the House bill. That makes about one hundred miles of transportation over a difficult country; and our object is, if possible, to cut down the great cost of transportation which will be caused by that, while answering the reasonable requests of the Indians. Therefore we have not required the Executive to put them, as the House bill does, at the particular places named in that promise, but we purpose to leave a latitude of discretion to the President in the removal whether they shall go to these places or to some others where the cost of transportation to the General Government will be less. The provision of the Senate committee's amendment is in the interest of economy, while at the same time we desire to have this done with the consent of the Indians and consistent with the alleged promise made to them by the President.

Mr. EDMUNDS. I move to amend in line 1183 by striking out the words "after conference" and inserting the words "with the consent of," as this is clearly a case of location.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BECK. I will not call for a division on that; I only desire to say a word. The Senator from Vermont perhaps did not hear article 3 of the last treaty of 1877 read.

The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation and in the vicinity of the Missouri River as the President of the United States shall designate.

The Senator may not be aware of the fact that they have selected two points which require over one hundred miles of wagon hauling, and we thought it was putting the United States to an enormous expense and wasting a very large portion of the supplies in that hauling, and we thought perhaps the President who had made the promise ought to take the responsibility, if they were located at these very expensive points, the most expensive perhaps on the reservation, of doing it himself, especially as the treaty gave him authority to do it. The difficulty is to get their consent. I do not know so well about

that. I will not object to it; but there are so many men interested in having long hauling and making it expensive and making the Indians dissatisfied, that whenever those interpreters and others get the Indians to understand that they have to agree to it, they will make them select such a place that those fellows will make the most money out of the Government.

Mr. EDMUNDS. That is perfectly true probably to the extent the Senator has stated; but there are other considerations. The treaty as I understand it, because it is a treaty although it is made by law, leaves these Indians at liberty to locate, to live, to have their villages, wherever in that reservation they choose. Now, this provision undertakes, as it stands or did stand before it was amended, to confer upon the President of the United States the power, after talking with them about it, to compel them to have their villages where he thought fit. If I understand justice and fair play and the meaning of agreements, that is directly in the face of what we have undertaken to do. Suppose it to be true, as my friend from Kentucky says and very likely correctly, that people engaged in Government contracts for transportation, &c., wish to have these Indians at the greatest possible distance from the steamboats, and that they can delude the Indians, in spite of the exertions of the President, into thinking that that was the best place to stay, it would be vastly cheaper if the Indians wanted to stay there for us to submit to that enormous expense of transportation than it would to force them to some other place against their will and give them a just ground of resisting the whole thing and saying "we will go to war." Then the Senator from Nebraska has said that these places near the river are totally unfit for Indian habitations, for the purposes that were designed, namely for agricultural pursuits, in order that they might make progress in civilization. So it appears to me if we are to treat these people as human beings at all, it is worth our while, when we are proposing to do something that we have agreed we will not do, to endeavor to get their consent to it.

Mr. ALLISON. I do not object to the amendment proposed by the Senator from Vermont; it is substantially what the committee supposed they had reported with reference to this matter. Of course it never has been the intention of the committee or the President to compel these Indians to settle in a particular spot on this reservation, and there is no such thing contemplated in this amendment or in this paragraph of the appropriation bill. But I cannot allow the Senator from Vermont and the Senator from Nebraska to say that the reason why these Indians object to the Missouri River is because there are not arable lands there.

Mr. EDMUNDS. I did not say that, because I know nothing about it. I said the Senator from Nebraska said so.

Mr. ALLISON. Then I refer to the Senator from Nebraska, as quoted by the Senator from Vermont. The truth is that these Indians desire to go to a point where it is impossible for them to sustain themselves by agricultural pursuits. We are compelled either to teach them pastoral or agricultural pursuits or to maintain them at the expense of the Government of the United States. Every interest requires that we shall do the best we can in that direction. The Sioux reservation at best is a reservation that is not very well adapted to the support and sustenance of these Indians.

Now, what the committee desire, and what I am sure we all desire, is that the best possible thing shall be done in making a location for these Indians, because this will be a central point around which they will radiate, either for grazing purposes or agricultural purposes. We wish to make the best possible location for their interests, with their assent after consultation, so that at some time or other we can get rid of making these enormous appropriations for their subsistence.

Mr. EDMUNDS. We all agree to the correctness of that. The chairman has stated it with entire propriety.

Mr. PADDOCK. I supposed it was a matter of universal knowledge on the part of everybody who knows anything of the Upper Missouri River country, north and west of Fort Randall, that there was no arable land worth mentioning in all that vast region of country. It is a series of sand ranges and hills and barren plains.

Mr. ALLISON. But my friend will remember that we do not propose to have these Indians above Fort Randall. The proposition is to put them on the Missouri River far below Fort Randall.

Mr. PADDOCK. That is not the place that was chosen for them by any manner of means. I speak of the Red Cloud branch of the Sioux. They are away above Fort Randall. They judge of the character of that country to which they were compelled to go last year to receive their rations by what they saw of it there at that particular locality, and from their personal knowledge of a country over which they have roamed for many years; and they insist upon it that there is no place anywhere in all that Missouri River region of country where they can find a suitable habitation. When my friend says that the section to which they propose now to go is a sterile country, he certainly states that of which I am sure he cannot personally know, and the sources of his information cannot be good, because, as I understand it, the section which they have chosen and which they prefer, and to which the Secretary of the Interior thinks they should be permitted to go, is the valley of the White Clay Creek, north of the Nebraska line some twenty or thirty miles, and it is one of the best grazing sections of all that region of country. It is a well-watered and well-timbered district. It is a country in which these Indians have lived for years and years, and which they consider to be their home, and to that country they should be permitted to return. It is in the interest of peace and good order and economy that their wishes in this regard should be fully acceded to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 1186 of section 1, to strike out the words "expense of survey, subdividing, and."

The amendment was agreed to.

The next amendment was, after the word "civilization," in line 1189 of section 1, to insert:

Provided further, That of the foregoing amount the further sum of $20,000, or so much thereof as may be necessary, may be applied to the survey of such portions of said Sioux reservation as may be required for agricultural purposes, said surveys to be made under the direction of the Commissioner of the General Land Office.

Mr. INGALLS. I hope the Senator having the bill in charge will explain the necessity of surveying any portion of the Sioux reservation.

Mr. ALLISON. I do not know that there is any necessity for surveying any portion of the Sioux reservation. I only know that under the provision as it came to us from the House $200,000 might be expended for that purpose, because the whole of this sum might be devoted to surveying this reservation. Therefore the committee struck out in line 1186 "expense of survey, subdividing, and;" but inasmuch as the treaty provides that these Indians shall have a right to take one hundred and sixty acres of land each and make improvements and erections thereon, the committee thought it wise to supply a sum, to be used of course in the discretion of the Secretary of the Interior, not exceeding $20,000 for the purpose of surveys. I think myself it is of very doubtful propriety to survey any considerable portion of the Sioux reservation; and if the Senator from Kansas thinks $20,000 is too much, I trust he will move to reduce the sum. I think, however, that there being seven distinct agencies on this Sioux reservation, and all of them more or less agricultural, and all of them having some farming land attached to the agency, it is wise to allow perhaps this sum to be used in the discretion of the Secretary of the Interior for this purpose.

Mr. PADDOCK. I should like to inquire of the Senator having charge of the bill if there is not somewhere in the treaty—I have not examined the treaty latterly—a provision looking to an ultimate extension of the homestead principle?

Mr. ALLISON. There is a provision in the treaty which requires the Government of the United States to set apart, at the request of any head of a family, one hundred and sixty contiguous acres of land. So, of course, if any head of a family should require this, it would be the duty of the Government to set apart the land in accordance with the treaty; but that cannot be done unless the land-survey system of the United States is extended into and upon the reservation.

Mr. PADDOCK. Is this appropriation recommended by the Indian Office? Do they contemplate any surveys?

Mr. ALLISON. The Indian Office, as I understand, recommended an indefinite sum out of this $200,000 for the purpose. In other words, as this bill came from the House the whole sum of $200,000 could have been used for the purpose of surveying the Sioux reservation.

Mr. PADDOCK. That is, it might be used within the discretion of the Department.

Mr. ALLISON. It might be used in the discretion of the Department. The Committee on Appropriations supposed that a smaller sum would be sufficient to provide for these surveys, and therefore we limited the amount to $20,000. Of course the Indian Bureau desires some fund set apart.

Mr. WINDOM. And also provided, if the Senator from Iowa will allow me, that it should be done under the direction of the General Land Office, so that it would be connected with the general surveys of the country and would not have to be surveyed again at some future time.

Mr. TELLER. I move to strike out the word "twenty" and insert "ten." I think $10,000 is enough.

Mr. ALLISON. I suggest to the Senator that he make it $15,000.

Mr. TELLER. I will make it "fifteen." Fifteen thousand dollars is certainly sufficient.

Mr. INGALLS. I suggest that inasmuch as the Senator from Iowa admits that this is an amendment of very doubtful propriety——

Mr. ALLISON. I said I thought the survey of the Sioux reservation was a matter of very doubtful utility, and I think so.

Mr. PADDOCK. Whether the Senator said so or not, it certainly cannot be true that it is not well at all events to survey the valleys of that part of the reservation in which they propose to fix their abode, where they propose to have their villages.

Mr. INGALLS. If the Senator from Nebraska is through I will continue my remarks.

Mr. PADDOCK. The Senator from Kansas had not commenced his remarks when I rose.

Mr. INGALLS. I was proceeding to say that inasmuch as the Senator from Iowa had admitted that this was an amendment of very doubtful propriety, I hoped he would not insist upon it. It must be apparent to every Senator who is called upon to vote for it that when

you have not even got the Indians upon the reservation, when this very section proceeds upon the theory that they are to be removed at a subsequent period, and by the expenditure of a very large sum of money, this amendment providing for the survey of a portion of the reservation is certainly grotesque in its absurdity. In the first place, the exterior lines of this reservation will have to be established. In the next place, there is no evidence whatever that any single Indian has expressed any desire to have a homestead taken under the treaty within the limits of this reservation. And to appropriate the sum of $20,000 for this purpose appears to me to be absolutely without any reason whatever. I hope, therefore, that instead of asking for an appropriation of $20,000, the Senator from Iowa will consent to have this amendment stricken out. I ask the Senate to disagree to the amendment proposed by the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I ask the Senator if he proposes to keep the bill as it came from the House?

Mr. INGALLS. Certainly not. Nobody claims that there is any necessity for a survey in this reservation. There is not any considerable number of Indians, not even one so far as we are advised, who desires to cultivate any portion of this land; in fact they are not on the land contemplated by the amendment; and to ask an appropriation of $20,000 looks to me very much like trying to get up something to give a job to some man who wants to run a few lines for the purpose of a survey. I hope the Senate will disagree to the amendment.

Mr. SARGENT. The very fact of putting the Indians upon a new reservation implies the necessity of some surveys. A part of this amendment which is just as liable to criticism is that which includes the "purchase of stock-cattle, agricultural implements, wagons, &c., plowing lands to be located upon, and erection of necessary agency and school buildings."

What do we want to plow lands for, if there is not an Indian who has expressed a wish to engage in agriculture? Why not strike that out? Why furnish them any agricultural implements? Why do a thing for the next fiscal year toward enabling them to engage in agriculture at all? The treaty provides that at the request of the head of a family one hundred and sixty acres shall be set off for him, and here it is provided that it shall be plowed. Whose land is to be plowed? One of the greatest curses of the tribal system is that land is held in common; that if an Indian raises a crop of barley on a few acres all the rest of the Indians feed their ponies on it. It is one thing in the way of their civilization; they have to be taught that there is a difference between *meum* and *tuum*. They have to be taught that they can own that which they raise with their own hands and that nobody else has a right to interfere with it, and that they must keep off another man's potato-patch or another man's crop of barley or wheat. We propose to plow their land, not to plow lands held in common, but to plow lands that are assigned to heads of families, segregated for them. In order to make that segregation, of course a survey must take place. The amount of $20,000 does not go very far in surveying; and when a man is on hand doing the surveys, whoever he may be—I do not know who he may be and I do not care—or a party of men are in the field, you had better survey to the extent that is necessary rather than send out a few one year and send out a few more the next year.

Furthermore, I suppose no one doubts that this land some time or other the Indians will be away from; it will be a part of the public domain, and it will be sold to actual settlers or taken up as homesteads. That is the history of all the land of the country, and it will be in reference to this ten years from now, twenty-five years from now, or seventy-five years from now. This amendment wisely provides that we shall establish the meridian lines, that the surveys shall be in accordance with the general system of the country, so that it will not be in irregular patches but will be on the rectangular system of surveys by which the land can be hereafter described and sold without further survey to settlers or given to them as homesteads.

These were the reasons that influenced the committee to concur with the request of the Commissioner, giving him a limited amount of money for this purpose, and we imposed upon the House bill which made the whole appropriation, some $200,000, available for that purpose. We say "no, you shall not expend more than $20,000 for that use," and we think that is necessary.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado to the amendment to strike out "twenty" and insert "fifteen."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee.

Mr. INGALLS. I move to amend the amendment of the committee by inserting after the word "offices," in line 1195, the words "and in conformity with the public land surveys of the United States."

The object is to prevent isolated and detached portions of this land being taken up in the center or any other portions of the reservation and surveyed at a great expense, which will ultimately become useless whenever these lands are thrown into market for occupation under the homestead and pre-emption laws. I propose that if these surveys are to be made, they shall be so made from the meridian lines established by the public-land system. I hope there will be no objection to the amendment.

Mr. ALLISON. Certainly, none whatever. The clear and plain meaning of the provision as it now stands is just exactly what the Senator from Kansas proposes, and therefore I hope his amendment will be adopted, so that there may be no question about it.

Mr. DAVIS, of West Virginia. I think the amendment already provides for it; but I have no objection.

The amendment to the amendment was agreed to.

Mr. INGALLS. I think the sum that is named here is rather too large; and these Indians are impoverished; they are greatly in need of subsistence and of supplies. It seems to me unjust to abstract from their scanty appropriation the sum of $20,000 for a survey that they do not want. Now if this bill passes this amount will be withheld from the appropriations for the corn, and flour, and beef, and pork, and supplies they need for their subsistence. I hope the amount will be diminished and that this paltry pittance which has been awarded to them already of $180,000 will not be diminished by the sum of $20,000 for this mere survey.

Mr. PADDOCK. I should like to ask the Senator if he can discover anything in the provision authorizing the survey involving an absolute requirement on the part of the Secretary of the Interior that the money shall be absolutely withheld and expended for the survey. It says "so much thereof as may be necessary," and no more, within his discretion.

Mr. INGALLS. I do not understand the Senator from Nebraska.

Mr. PADDOCK. I supposed the Senator understood me.

Mr. INGALLS. I do not understand the question of the Senator from Nebraska.

Mr. PADDOCK. I wanted to know if the Senator from Kansas thought it would be incumbent on the Secretary of the Interior to withhold the money for the purpose mentioned and expend the whole sum because in his discretion he is authorized to use so much of it as it may be useful to expend in the manner indicated.

Mr. INGALLS. This will be charged up under the heads of appropriation, $20,000 for surveys, and the appropriation made for these Indians will be diminished by that amount. There is no use disguising that proposition. This is so much money withheld from their subsistence under the terms of the bill, and they do not need it.

Mr. PADDOCK. So much thereof as may be necessary, and no more.

Mr. INGALLS. It will be withheld from their appropriation. Congress by this bill authorizes the appropriation of $20,000 for surveys, and when the account under the present appropriations is opened that amount will be charged up to surveys on the books of the Department. I can see no use for it, and I hope that the amount will be diminished. I move to strike out "twenty" and insert "five," so as to make the amount $5,000. I am very sure it will be sufficient to meet the demands of these Indians for surveys.

Mr. SARGENT. The Senator has studied the bill so well that I should suppose his amendment ought to carry great force. He says the little pittance of $180,000 is the amount allowed these Indians, and the $20,000 is to be taken from it.

Mr. INGALLS. In the proviso.

Mr. SARGENT. That is not the pittance allowed to the Indians. The little pittance allowed to them is $1,125,000 for beef, pork, &c., and the proviso does not refer to beef or pork or anything of the kind. I trust my friend will now withdraw his amendment, as he sees that he is only about $900,000 out of the way in estimating "the pittance," a very small amount of course!

Mr. ALLISON. I move to reduce the amount to $16,000.

The PRESIDING OFFICER. There is an amendment to an amendment already pending. The Senator from Kansas has moved to reduce the amount to $5,000.

Mr. ALLISON. I move to amend his amendment by inserting "sixteen" instead of "five;" so as to make the amount $16,000.

The PRESIDING OFFICER. The Chair will put the question on the motion of the Senator from Iowa, to strike out "twenty" and insert "sixteen."

The amendment to the amendment was agreed to.

Mr. INGALLS. Was my amendment at the close of the clause?

The PRESIDING OFFICER. It has been inserted. The question now recurs on the amendment proposed by the Committee on Appropriations as amended.

The amendment, as amended, was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment was, in line 1202 of section 1, to strike out "thirty-one thousand eight" and insert "eighteen thousand two;" so as to read:

For residences for employés at seven Sioux agencies, as required by article 7 of above agreement, pay of a matron at the Santee agency, and for pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of the same treaty, $21,800; in all, $1,518,200.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 1280 of section 1.

Mr. ALLISON. In line 1278 I move to strike out "Southern" and insert "several;" and then change "agency" to "agencies;" so as to read:

For pay of employés at the several Ute agencies, $5,000; in all $78,020.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to

strike out from line 1399 to line 1411, inclusive, of section 1, in the following words:

That the unexpended balance, or so much thereof as may be necessary, of the funds appropriated by the act of March 3, 1877, for the Indian service at the Fort Peck agency, Montana, for the fiscal year ending June 30, 1877, be, and the same hereby is, reappropriated, to be expended, under the direction of the Secretary of the Interior, in the care and support of the Indians at said agency during the fiscal year ending June 30, 1878, in aiding them in agricultural and stock-raising pursuits, in the erection of a bridge across Poplar River, and in any other respect to promote their welfare with a view to their civilization.

The amendment was agreed to.

The next amendment was, in line 1427 of section 1, at the end of the clause making appropriations for collecting and subsisting Apaches and other Indians of Arizona and New Mexico, to add the following proviso:

Provided, That $5,000 of the above sum, or so much thereof as may be necessary, may be used to pay the expenses of removing the bands of Utes and Apaches now located near Abiquiu and Cimarron, New Mexico, to their respective reservations, the Utes to the reservation of that tribe in Colorado and the Apaches to the reservation at Fort Stanton in New Mexico.

The amendment was agreed to.

The next amendment was, in line 1436 of section 1, after the word "Kiowas," to insert "Comanches;" so as to read;

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation, $240,000.

The amendment was agreed to.

The next amendment was, under the head of "general incidental expenses of the Indian service," in line 1505 of section 1, to strike out "fourteen thousand two hundred" and insert "sixteen thousand;" so as to read:

Incidental expenses of Indian service in Dakota: For general incidental expenses of the Indian service and pay of employés, $16,000.

The amendment was agreed to.

The next amendment was, in line 1533 of section 1, before "Pueblo," to strike out "Abiquiu;" so as to read:

Incidental expenses of Indian service in New Mexico: For general incidental expenses of the Indian service, support and civilization of Indians at Pueblo and Mescalero agencies and pay of employés at same agencies, $20,000.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," at the end of line 1551 of section 1, to insert "to be available immediately."

The amendment was agreed to.

Mr. ALLISON. Line 1547 should be transferred to the bottom of page 63 instead of at the top of the page as it is now by a misprint.

The PRESIDING OFFICER. That transposition will be made.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out from lines 1567 to 1571 of section 1 the following words:

For the services, at not exceeding fifty cents per day (rations included) each, of Indian police, in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purposes of civilization of the Indians, $60,000.

And to insert in lieu thereof:

For the services of not exceeding four hundred privates at $5 per month each, and not exceeding fifty officers at $8 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, $30,000: *Provided*, That Indians employed at agencies in any capacity shall not be construed as part of agency employés named in section 5 of the act making appropriations for the Indian service for the fiscal year 1876, approved March 3, 1875.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

That whenever, in the judgment of the Commissioner of Indian Affairs, it is found practicable to employ Indians in farming or other civilized avocations in which they can contribute by their own labor to their maintenance, he may use such portions of their respective subsistence funds herein appropriated as can be judiciously spared to pay for the services of such Indians as may be induced to labor for their own advancement: *Provided*, That Indians so employed shall not be construed as part of the agency employés.

And in lieu thereof to insert:

That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of the various Indian tribes, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. SARGENT. To make that a little clearer, on line 13, at the commencement of the line, I move to insert the words "for the several Indian tribes," and then to strike out the words "the various Indians" and insert the word "said," and then, after the word "tribes," to insert the word "respectively;" so as to read:

And for various articles provided for by treaty stipulation, for the several Indian tribes, may be diverted to other uses for the benefit of said tribes respectively.

Mr. HOAR. If this provision be sound legislative policy, what is the use of our day's work? I do not see why it would not be convenient every Congress simply to provide that a certain sum of money might be expended for the different Indian tribes as the President and the tribes should agree, because that is what it all comes to.

Mr. SARGENT. I admit that that would be the effect if it were applied to the whole bill, but this simply applies to "teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation." It is true it has a very broad meaning, and there is a question whether many of the articles which are provided by treaties which are very old are really for the benefit of the Indians. Some of them seem at this day to be nearly ridiculous; some of them are for the payment of so many pounds of silver; some are for so much gilling-twine.

Mr. EDMUNDS. I hope nobody objects to the silver. [Laughter.]

Mr. SARGENT. We object to it because a certain amount of silver paid out to a particular Indian, especially if he is a roaming Indian, is of very little use to him. It is very soon drunk up or thrown away; whereas if, with the consent of the tribe, as herein provided for, instead of furnishing these various articles, the gilling-twine and the various kinds of clothing described, perhaps not any more adapted to their use than sending warming-pans to the West Indies, the money spent for them could be used for real, substantial benefits to them, it would be advantageous. We propose to do it with their consent. It is the only correction we can apply to some improvident provisions of the old treaties.

This is not a novel provision; it has been in the law heretofore. By taking a moment or two I could find it in the statutes, and the amendment I have proposed to it now makes it a little more binding as to the consent of the Indians, and that the money shall be used for the particular tribes with which the particular treaties were made. For instance, in the act of 1873 there is this proviso in the Indian appropriation bill:

That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation, may be diverted to other uses for the benefit of the various Indian tribes—

That does not say as carefully as we now endeavor to say that it shall be for the particular tribe with which the treaty was made, but they might take what was due to one tribe and apply it to another, though I believe it was not so construed—

within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision

That we understand to have been a very useful provision; but it was limited simply to that appropriation bill. The House comes forward now and puts in its sections 3 and 4, which have not the particular guards the old provision required; and in studying up the subject, finding these various provisions, we took the best one that we thought covered the whole case, and now amend it so as to make it as safe as possible.

Mr. EDMUNDS. What was the report of the President under the act of 1873?

Mr. SARGENT. There was a report made of his proceedings. I have it not now in my mind.

Mr. EDMUNDS. It would be of great interest now to see exactly how the working of that law came out practically.

Mr. SARGENT. It did not go much into practice. There was very little done under this provision. I think there will be more now done than there was then.

Mr. EDMUNDS. The particular Indian in that case preferred the teacher, miller, blacksmith, &c.

Mr. SARGENT. Or his gilling-twine for his nets or his red flannel or his shoes where he was accustomed to go barefoot, and so forth. At any rate there was but little done under it. Now, many of the Indian tribes to whom that applied have advanced considerably in civilization. They themselves want more schools. They are more engaged in agriculture. They would prefer feed-cattle now probably to many articles which have been provided for them. This is in case of applications on their part, they being informed that their money can be spent for these beneficial objects, to allow it to be done. We think there can be no harm in it, and we have tried to guard it as well as we can; and it is an alternative proposition to that made by the House.

Mr. EDMUNDS. In order to test the sense of the Senate on this business, which is rather ticklish ground, I move to amend the amendment by striking out of lines 10 and 11 the words "for teachers, blacksmiths, carpenters, physicians, and other persons."

Mr. SARGENT. And leave the word "engineer?"

Mr. EDMUNDS. Yes.

Mr. SARGENT. Do you want to leave that in the bill?

Mr. EDMUNDS. No; if I omitted to read it it was an accident; and the word "and" in line 12; so as to read:

That the several appropriations herein made for various articles provided for by treaty stipulation may be diverted to other uses, &c.

That would leave the twine business, &c., and various specific things that they are to have to be subject to this diversion by their consent; but why a treaty provision saying that the Indians should have a teacher, which is the foundation of all civilization, should be turned over to tobacco——

Mr. SARGENT. Why not strike out the word "teachers" only?

Mr. EDMUNDS. I am coming to the rest of it. Why we should say that the appropriation for a teacher, which we are to provide for them, which as I have said is the foundation of all the civilization that we hope for them, to say nothing of ourselves, and turn it over to tobacco as it might be, (which is also a very civilizing thing, as my friend from Kentucky will agree, I am sure,) I do not see. Next

you come to a miller. Wherever there is any use in the appropriation at all—and there ought to be with every tribe, because it is much better that they should have a mill with some white man to teach them how to run it and use it and to grind in a civilized way their corn and wheat or their barley or their oats for their cattle—I do not see why you should say that it is decent to dicker that away. When you come to your blacksmith, the same may be said; and then as to the engineer, which I suppose does not mean a topographical engineer——

Mr. ALLISON. An engineer to take charge of a steam-engine.

Mr. EDMUNDS. Yes, an engineer to take charge of a steam-mill, I suppose, and a carpenter, and a physician—why you are to abolish the physician in the discretion of anybody, I do not see.

Mr. ALLISON. A number of those treaties provide for blacksmiths, millers, physicians, &c.

Mr. EDMUNDS. And for first and second miller, a second carpenter, a third blacksmith, &c.

Mr. ALLISON. In many cases they are not required; but we furnish them because we have engaged to do so by treaty stipulation.

Mr. INGALLS. If they do not want them why continue them?

Mr. SARGENT. If they do not want them we propose to give their value in something else.

Mr. BECK. If the Senator will allow me I will call attention to a case that the Senator from Vermont will see the force of in a minute. On page 30 the Nez Percé Indians are provided for. A good many of them have been scattered lately. This may not exactly fit, but he will see what we mean. We have a treaty with the Nez Percé Indians. On the top of page 31 we provide:

> For nineteenth of twenty installments, for the employment of one superintendent of teaching and two teachers, per same article and treaty, $2,700.
>
> For nineteenth of twenty installments, for the employment of one superintendent of farming, two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plow maker, per same article and treaty, $5,000.

These are all treaty stipulations. It may not be the case with that tribe but it is so with many of them, they have none of these things to do but they will be very glad to have that many more blankets, that many more cattle, that many more other things. They can secure them under the construction of this same clause in the act of 1873. Unless this is done, the Department goes on and employs two blacksmiths, two millers, and all these men, and pays them a salary of between $1,200 and $1,800 a year, and they may never do a day's work. The Commissioner of Indian Affairs told me so this morning. I inquired of him particularly. He said they were compelled to employ them; that was the treaty, and they employed them and paid them, and they took that money and there is not one of them that does a day's work in many of these tribes because there is no work of that sort to do. It was regarded therefore as being better to allow the tribes, where they do not have need for those things, to agree that the President may direct the Commissioner of Indian Affairs or the Secretary of the Interior to use the balance of this money for their benefit in other ways. The United States does not want to keep any of the money it has agreed to give them, but it wants to apply all the money called for by treaty stipulations so that they get it all, and put it in the most available form. We ask them to give their assent to the change, and it is only when that assent is had that this allows it to be done. I know the Senator from Vermont would not want to have two or three blacksmiths, two or three millers, and three or four school-teachers paid where there are no blacksmith shops and no mills, and where the children will not go to school. There are some tribes where you could not catch the children with a lasso, some where there are no children to educate.

Mr. EDMUNDS. If you can find a tribe where there are no children, that would be a pretty strong objection.

Mr. BECK. There are several cases of that kind.

Mr. EDMUNDS. Where there are no children?

Mr. BECK. I can think of one where there are but five or six, and there are sometimes two teachers for them.

Mr. EDMUNDS. If there is any tribe where there are only five or six children, those five or six ought to have an opportunity to go to school if they wish to have it. You might just as well say that there is no use in having a church—I will not say in Kentucky but I will say in Vermont—where there are no Christians to go to it; and provision never ought to be made for building a church for the reason that nobody there desires that particular species of civilization. That I take it would hardly do.

But when you come to that part of the proposition which relates to specific articles that the changed circumstances do not require and the presence of which would do no good, there is force in it. To say that you are to authorize the dispensing with teachers, artisans, farmers, and so forth, who if they are properly selected will continually attempt to educate the Indian up to being a farmer or a blacksmith or something, to get his ideas in the rut of civilization to a degree, although he may not have a shop, I do not agree to, because it is a means of civilization: and you never can expect an Indian to be fond either of a teacher or a blacksmith or a farmer until you have a good man who follows some one of these avocations in the tribe, as it appears to me. Therefore although in particular cases the people who are sent there find nothing to do, if the President selects them properly they will be missionaries of civilization, and in a little while they will find something to do. At any rate that is the philosophy of it. Of course if these people are mere bummers selected by the Commissioner of Indian Affairs or by some agent, mere sores on the body-politic of the Indian tribes, that is a different thing; but we must trust to the Executive Department to execute this law properly. The treaties do not require that we shall appropriate so much money, but that we shall furnish the Indians with teachers, blacksmiths, farmers, and so on.

Mr. THURMAN. I want to say one word. I have thought for some years that it was time for what are properly called the "lapsed provisions" of these treaties to be dropped out of consideration, for us to cease to make appropriations for them. Why, sir, we have a treaty with a tribe of Indians which binds us to furnish a blacksmith shop at Chicago, and we have another that requires us to keep some kind of a shop, I believe a blacksmith shop, at Cleveland, in Ohio. We have appropriated, since I have been in the Senate, for a saw-mill at Chicago, not for a saw-mill located there, but something in lieu of that saw-mill.

I was surprised to hear my friend from Kentucky say that the Commissioner of Indian Affairs appoints millers where there are no mills. If he does so he violates his duty. He has no right to do any such thing, and it is none of his business to do any such thing. And so with the others. There is no propriety whatsoever in expending the money and appointing a set of men simply to lounge about and do nothing. That is not the intention of Congress at all. I do not know how far these matters have been corrected in this bill because I have been employed elsewhere while the bill has been under consideration. I do not think this proposition of the committee is to appropriate for those things which have actually lapsed, and allow the money to be diverted for some other purpose. If that is the purpose of it I think it is wrong.

Mr. ALLISON. It is only in cases where the treaty requires an appropriation for a blacksmith or a miller and where he is not required. There we simply authorize the Secretary of the Interior or the President of the United States to use that fund for another purpose with the Indians' consent.

Mr. THURMAN. Now would my good friend from Iowa make an appropriation for a miller, and engineer, and the like, for Sitting Bull's tribe? I expect there is some such provision in the treaty we have with the Nez Percés.

Mr. ALLISON. We have in this very bill provided for a miller, a blacksmith, &c., for the Nez Percés; that is for the Nez Percés who are on their reservation. It may be that they have no mill there, but the treaty requires that we shall appropriate for a miller each year.

Mr. EDMUNDS. Now, I should like to have the Senator point out any clause in that treaty which requires an appropriation for a miller as distinguished from a clause in that treaty which requires us to furnish a man as a miller at a particular place, and then what the Senator from Ohio has said comes in. If there is no use for the man there, then the duty to furnish him does not exist.

Mr. ALLISON. I can agree to that if we wish to make a nice construction of a treaty whereby if we do not choose to build a mill although we have agreed to do it, then we can say "there is no mill there; therefore we will not appropriate for a miller." Of course we can by this Robin Hood barn principle refuse to make any appropriation. The proposition here is to reasonably and substantially carry out the provisions of existing treaties with these Indians.

Mr. EDMUNDS. Then why do you not build a mill in the case you have supposed?

Mr. ALLISON. We do not build a mill perhaps because we may have built it, and it has been burned down, and in these days of economical appropriations it will not be possible to procure appropriations to build a mill at any particular agency.

Mr. EDMUNDS. Nobody can tell that till he tries.

Mr. ALLISON. That is very true.

Mr. EDMUNDS. The position I think is hardly a consistent one. It is said that here is a duty under a treaty by a nice construction to provide a miller. That my friend says is a nice construction as distinguished from providing money for a miller. I do not think it is a nice construction. I think it is substantially the true one. Then his answer is, "Here we have agreed by treaty to provide a mill and miller; we have not built the mill, but we still feel bound by the treaty to provide the miller." That will hardly stand fire. If we have agreed to provide a mill and a miller and do not think it fit to provide the mill, I think we shall not break the treaty much more by omitting to provide the miller.

Mr. ALLISON. Suppose a mill is provided and built as required by treaty and is burned down?

Mr. EDMUNDS. Then the duty is to build it up again.

Mr. ALLISON. Undoubtedly; but pending the erection of that mill, why cannot the fund appropriated for the miller be used for a particular year in the re-erection of that mill? Of course we can refuse to make these appropriations. I do not say that we ought to make them in every instance; but I do say that a substantial compliance with these treaties requires that we shall, in substance at least, furnish them the means which we have agreed to furnish them.

Mr. HOWE. Will the Senator allow me to suggest, with all the deference in the world, that his remedy as pointed out seems to me to be very illy adjusted to the disease of which he speaks. If a tribe for whom we have agreed to hire a miller which tribe has no mill,

or a teacher which tribe has no school, that might constitute a reason why we should still give the tribe the benefit of the money which a teacher or a miller would cost and allow it to be appropriated for some other purpose. But it seems to me in that part of the bill in which the appropriation is made for the miller, there the authority to divert the appropriation should be contained, so that the bill would show upon its face where the specific application is required and where it is not. Here is a bill which appropriates, I suppose, six or seven millions of money.

Mr. SARGENT. Scarcely more than half of it.

Mr. ALLISON. About four and a half millions.

Mr. HOWE. I asked some Senator on the Appropriation Committee——

Mr. SARGENT. This is the smallest Indian bill for years.

Mr. HOWE. Then it is three millions or more?

Mr. ALLISON. Four and a half millions.

Mr. HOWE. No matter, every dollar of it is appropriated to pay some person or to buy some thing; and here is a clause which, if I do not misunderstand it, tells the Commissioner that he need not buy a thing for which an appropriation is made or hire a man for which an appropriation is made if the President and the tribes will agree to do something else with the money.

Mr. SARGENT. Does the Senator think that is a new provision?

Mr. HOWE. I do not know at all how old it is, but it is old enough to die, I think.

Mr. SARGENT. I do not.

Mr. HOWE. If the Senator differs with me why do you go through this long bill every year? Why do you not appropriate a gross sum and tell the President to spend it as he pleases?

Mr. SARGENT. Because the treaties require it.

Mr. HOWE. But you abrogate the treaties, or you authorize the President and the tribes to abrogate the treaties. You justify the appropriation because the treaty requires the appropriation; but you tell the President that if he and the tribe are agreed to something else, something else entirely different from the treaty may be done with the appropriation. It seems to me when you come to the appropriation for the Nez Percés, if they are in that predicament, without schools, without mills, without sick persons, and therefore do not need millers, or teachers, or physicians, the Commissioner knows that, and there you should have said it, for it seems to me it would have been better to say at the foot of those appropriations, "if in this case and for this tribe the President and the tribe agree to a better disposition of the money," for that reason, which you know exists, "a different appropriation may be made." But, because there may be that difficulty with the appropriations for a single tribe, to throw every appropriation into an uncertainty it seems to me is too radical a remedy for a very simple ailment.

Mr. HOAR. I desire to suggest to the committee whether this whole difficulty might not be remedied by a provision something of this kind: I suppose the whole amount of the appropriation for specific matters specified in the bill, which have become obsolete for the reasons stated by the Senator from California, will not exceed a few thousand dollars probably. That is, the changes which they propose to permit the President or the Indian Office to make with the consent of these tribes will not be very large. Now, suppose the bill should provide that wherever any appropriation specified here has become unnecessary the President and the Indians concerned shall have the right to dispense with it, and then appropriate a sum not exceeding $5,000 or $10,000 for such substitution for those appropriations so discontinued as they should agree upon. The difficulty with this bill seems to me to be as a matter of principle. We have been hearing always of the corruptions of the Indian administration of this country. We have been hearing that corrupt men imposed on the Indian Office on the one side and on the Indians on the other, in spite of every legislative precaution. We have been building up with great care and labor various administrative and legislative systems of Indian management. We have built up a system of schools; we provide large sums for them. We provide by treaty where the Indian funds or the appropriations of the Government shall be expended. Now, we come in and add at the end of the Indian bill a clause that whenever the President of the United States (which of course means practically the Commissioner of Indian Affairs) and any tribe of Indians shall agree the whole thing may be swept away, and any object not specified in the bill may be the object of this legislative appropriation to the amount which this bill provides. It seems to me that a provision of the kind suggested would accomplish everything desired by the committee, and would be free from this objection. If this be an old policy it is time it was stopped, for it is a most extraordinary policy in our legislation.

Mr. WINDOM. Mr. President, I am rather surprised that Senators should criticise the amendment made by the Committee on Appropriations in view of the sections which they propose to amend. The sections which came from the House contain the most remarkable provisions conferring general authority upon the President and Commissioner of Indian Affairs that I have ever seen in an Indian bill—no, the Secretary of the Interior and the Commissioner of Indian Affairs, not the President at all, as my friend from Kentucky [Mr. BECK] suggests. I should like to call the attention of the Senate for a moment to this provision. Section 3 says:

That whenever, in the judgment of the Commissioner of Indian Affairs, it is found practicable to employ Indians in farming or other civilized avocations in which they can contribute by their own labor to their maintenance, he may use such portions of their respective subsistence funds herein appropriated—

And that amounts to two or three million, I do not know how much—

as can be judiciously spared to pay for the services of such Indians as may be induced to labor for their own advancement.

This places the whole sum appropriated for the subsistence, and in the case of the Sioux Indians alone it is a million and a quarter, in the discretion, not of the President, not of the Secretary of the Interior, but of the Commissioner of Indian Affairs, who may divert it all to any purpose he pleases.

Mr. EDMUNDS. Of course that is totally inadmissible, and I hope the Senator did not understand me—and I am sure he should not have understood all of the others who have spoken on that point—as preferring the House proposition to that of the Senate committee.

Mr. WINDOM. I know that. The fourth section is equally broad. It says:

That in case of an emergency requiring immediate action—

And the Secretary of the Interior is to be the judge of that emergency—

and calling for an expenditure of funds for which no appropriation has been provided, the Secretary of the Interior, in his discretion, is hereby authorized to use for the purpose such funds herein provided, &c.

Now, in order to get rid of these broad provisions, the Committee on Appropriations adopted the amendment which is proposed. It is no new amendment. It has been in the statutes for one or two years. It requires everything that is done by the Commissioner of Indian Affairs, the President, and the Secretary of the Interior, to be reported to Congress, so that everybody may know precisely what has been done. There has never been the slightest complaint growing out of the action of the Secretary and the President under the former provision, which is exactly almost in the words of this, and I do not see the cause for alarm in this case.

The Senator from Wisconsin says that by the consent of the tribes and the action of the President, we may divert the money which has been provided for by the treaties and change the treaties. Suppose we do, we the Senate and the House give consent in advance so far as this single appropriation is concerned, so that you have all the powers that concur in making a treaty—you have the President, the Indians, the Senate of the United States and the House of Representatives, all agreeing that this diversion may be made. It does not cover the whole ground of the appropriation. It is only for certain items which have been already explained, for millers, for blacksmiths, &c.; and if it shall be ascertained that this money can be used more advantageously for the Indians, all the treaty-making powers of the Government agree that it shall be done. The Senate agrees in advance; the President directs it; and he can only do it with the consent of the Indians; and when it is done, it must all be reported, every item of their action, to Congress so that it can be reviewed and revised hereafter, and we may ascertain whether it has been improperly done or not.

It does seem to me that the amendment proposed by the Committee on Appropriations is conservative; it is careful; it takes the place of the broad provisions which I have read that are very objectionable. It enables us to utilize the funds for the best interest of the Indians. It has been tried and no fault ever found with it. No corruption has ever been charged against the acts of the Government under this provision in any other bill. Then why should we hesitate to readopt it again? If the Senate want to vote it out, if they say we shall not comply with the treaties, say so, and the committee have not the slightest objection. If they say we shall comply with the treaties in a way that does the Indians no good, let them vote down this proposition; but if we desire to comply with the treaties substantially and at the same time use the money effectually for the benefit of the Indian, the committee can find no safer, more judicious, or conservative proposition than they have embodied in this amendment.

Mr. HOAR. I move the following amendment in lieu of that proposed by the committee——

Mr. SARGENT. It is obvious that the Senate is not prepared to finish the bill to-night, and I move an executive session.

Mr. HOAR. I should like to have my amendment read for information.

The PRESIDING OFFICER. The proposed amendment will be read for information. The Chair will state, however, that the first question will be on the amendment proposed by the Senator from California to the amendment of the committee, and then on the amendment of the Senator from Vermont. The amendment of the Senator from Massachusetts will be read.

Mr. SARGENT. We have had a re-enforcement. It is very obvious that many Senators are here now who have not been here while the bill generally has been under consideration, and who desire to discuss the matter; and that will necessitate the repeating of explanations which have been made at great length to-day. I therefore move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask that the amendment be read.

Mr. SARGENT. I withdraw my motion for that purpose, so that we may study the amendment in the RECORD to-morrow, where it will go, having it read.

The Chief Clerk read the proposed amendment of Mr. HOAR, as follows:

That whenever any of the foregoing appropriations shall, in the judgment of the President, be unnecessary, he may, with the consent of the tribe interested, expressed in the usual manner, dispense with the expenditure therein provided; and a sum not exceeding $10,000 is hereby appropriated, which may be expended for such other uses for the benefit of such tribes respectively as the President, with such consent, shall approve.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. MCMILLAN. I wish to give notice of an amendment to this bill.

Mr. SARGENT. I withdraw my motion for that purpose.

Mr. MCMILLAN. I give notice that I shall offer at the proper time an amendment to this bill, which I move to have printed.

The motion to print was agreed to.

TAX ON DISTRICT CHURCH PROPERTY.

Mr. EDMUNDS. I wish to offer a resolution calling on the commissioners of the District of Columbia for certain information about taxes. I presume it will be agreed to by unanimous consent. If not it can go over. My resolution is:

Resolved, That the commissioners of the District of Columbia be and they are hereby directed to report to the Senate, what property known as church property in the District of Columbia, taxed under the act of June 20, 1874, or any other act of Congress, is in default in respect of such taxes—giving, as far as possible, the names of the corporations or persons in whom the title to such property rests, and also whether the steps provided by law have been taken to enforce the collection of said taxes, and if not, why not.

The resolution was considered by unanimous consent, and agreed to.

BILL RECOMMITTED.

Mr. BAYARD. I ask an order for the recommittal of the joint resolution (H. R. No. 151) directing the Secretary of the Treasury to refund to the Society of the Sons of St. George, established at Philadelphia, the sum of $1,440.25 in gold, being the amount paid by said society upon a colossal statue of St. George and the Dragon, reported by the Committee on Finance adversely. It is by the consent of the chairman who reported it adversely that I ask for its recommittal to the Committee on Finance.

The joint resolution was recommitted to the Committee on Finance.

BILLS INTRODUCED.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1215) to amend an act entitled "An act for the relief of Robert Erwin;" which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1216) for the improvement of the sanitary condition of Washington, and for deepening the river channel; which was read twice by its title.

Mr. GORDON. I wish to remark in reference to this bill that it differs from the bill originally introduced in this, that it asks that the work of reclamation begin at the Long Bridge instead of below it, and it is thought by competent engineers that the whole of it can be done under this programme for a million and a half of dollars instead of about eight millions, and that the Government can have all the money returned to it by a sale of the land reclaimed. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MATTHEWS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1217) to amend section 1920 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Territories.

HOUSE BILL REFERRED.

The bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. WHYTE and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHYTE and Mr. JONES, of Florida, submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. WHYTE submitted two amendments intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. THURMAN. The Senator from California yields to me for a moment to make an announcement which I feel it my duty to do, so that Senators may take notice. The bankrupt-repeal bill is the unfinished business. I agreed when the Senate took that bill up that it should be laid aside informally for these two appropriation bills, the one that has passed and the one which is now under consideration. I am told there is another appropriation bill that is ready for the action of the Senate; but I wish to say that when this appropriation bill now pending shall be disposed of I shall feel it my duty to insist on disposing of the repeal of the bankrupt-act bill. It will take, I imagine, not over half an hour or at most an hour to dispose of it, and then the post-office appropriation bill can be proceeded with. We shall lose no time, then, by disposing of the unfinished business, the repeal of the bankrupt law, and we shall gain no time by taking up the post-office appropriation bill and still further postponing the bankrupt-repeal bill. I therefore wish to say, so that every Senator who takes any interest in it may be in his place, that as soon as the pending appropriation bill is disposed of to-morrow I shall insist on the unfinished business, the repeal of the bankrupt law.

Mr. WINDOM. I only want to say, in the absence of the Senator from Arkansas, [Mr. DORSEY,] who has charge of the post-office appropriation bill, that the Committee on Appropriations will insist on that bill when this is concluded.

EXECUTIVE SESSION.

Mr. SARGENT. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 8, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the concurrent resolution of the House of Representatives to print extra copies of the Report of the Commissioner of Education for the year 1876, for the use of said Commissioner.

The message further announced that the Senate had passed the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, with sundry amendments; in which he was directed to ask the concurrence of the House.

ORDER OF BUSINESS.

Mr. COLE. I desire to ask unanimous consent of the House——

Mr. REAGAN. I call for the regular order of business.

The SPEAKER. The regular order of business is the morning hour; but prior to that the Chair desires to announce the appointment of a committee.

APPOINTMENT OF A COMMITTEE.

The SPEAKER. The Chair appoints the following as the Committee on the Census: Mr. COX, of New York; Mr. MILLS, of Texas; Mr. STENGER, of Pennsylvania; Mr. LIGON, of Alabama; Mr. SMITH, of Georgia; Mr. CARLISLE, of Kentucky; Mr. HATCHER, of Missouri; Mr. BALLOU, of Rhode Island; Mr. JORGENSEN, of Virginia; Mr. RYAN, of Kansas; and Mr. WILLIAMS, of Oregon.

ELECTION CONTEST—O'CONNOR VS. CAIN.

Mr. HARRIS, of Virginia. I rise to a question of privilege. I desire to present resolutions in regard to the seating of several members of Congress. I will state that these are unanimous reports from the Committee of Elections. I offer resolutions first in the case from the second district of South Carolina.

The Clerk read the resolutions, as follows:

Resolved, That M. P. O'Connor is not entitled to a seat in this House as a member of the Forty-fifth Congress from the second district of South Carolina.

Resolved, That Hon. Richard H. Cain is entitled to retain the seat he now occupies as Representative from the second district of South Carolina in the Forty-fifth Congress.

The resolutions were agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—LYNCH VS. CHALMERS.

Mr. HARRIS, of Virginia. I now report the resolutions which I send to the Clerk's desk.

The Clerk read the resolutions, as follows:

Resolved, That John R. Lynch is not entitled to a seat in this House as a member of the Forty-fifth Congress from the sixth district of Mississippi.

Resolved, That Hon. James R. Chalmers, the sitting member, was duly elected and is entitled to the seat occupied by him in this House as the Representative from the sixth district of Mississippi in the Forty-fifth Congress.

The resolutions were agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—M'DOWELL VS. WILLIAMS.

Mr. HARRIS, of Virginia. I also report from the Committee of Elections the resolutions which I send to the Clerk's desk.

The Clerk read the resolutions, as follows:

Resolved, That Samuel W. McDowell is not entitled to a seat in this House as a member of the Forty-fifth Congress from the State of Oregon.

Resolved, That Hon. Richard Williams is entitled to retain the seat he now occupies as Representative from the State of Oregon in the Forty-fifth Congress.

The resolutions were agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

The SPEAKER. The regular order being demanded, the morning hour begins at sixteen minutes after eleven o'clock, and the House resumes the consideration of the bill (H. R. No 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. REAGAN. Before I proceed to the consideration of the other points in the bill I desire to say that there has been some objection made to the bill on account of what are supposed to be superfluous verbiage and unnecessary technicalities. The first bill introduced was not obnoxious to this objection; but the bill elaborated from that bill was prepared by a gentleman of great attainments and of great knowledge upon this subject, and the object was to cover all the technical difficulties.

While the committee at first was not satisfied with the bill, and thought that there was too much verbiage and too much technicality, a careful analysis developed the fact that we could not materially amend the bill unless we entirely recast it and retained the substance, and so we agreed to report the bill in the form in which it is now pending.

Mr. Speaker, the bill now presented by the Committee on Commerce "to regulate interstate commerce and to prohibit unjust discriminations by common carriers" for the consideration of the House is one of much more than ordinary importance. It touches the interests of the whole country in every department of its business. It has a direct bearing on the cost of transportation of the twenty-five or thirty billions of dollars' worth of the internal commerce of the United States. It is designed to control the powers for evil of the seventy-five thousand miles of railroad in this country, carrying as they did in 1876 not less than eighteen billions of dollars' worth of this internal commerce, without abridging any of their necessary and legitimate rights or privileges. While leaving them in the full enjoyment of all their rights and privileges it is the aim of this bill to control and restrain and regulate their power to discriminate unjustly between shippers by charging different rates of freight to different persons for similar service, and by preventing them from allowing rebates and drawbacks in all cases, and by prohibiting them from doing injustice to individuals and communities by charging more for freight for a shorter than for a longer distance on the same line of transportation, and also by controlling some of the more odious powers of monopoly which pertain to the nature of railroad corporations.

A reference to some of the characteristics of our country, its products and commodities, may aid in giving an insight into our wonderful internal commerce. Our manufacturing establishments are for the most part in the northeastern States. It is estimated in the last number of the North American Review that our production of manufactures annually exceeds $3,000,000,000 in value. This vast product is largely dependent on railroad transportation for its markets along the South Atlantic seaboard, in the great valleys of the Mississippi and its mighty tributaries, around the Gulf of Mexico, on the great plains west of the Mississippi, and among the Rocky Mountains, and in the States and Territories on the Pacific slope.

The States of Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, and Missouri embrace the great grain and meat and provision producing portion of the country, from which the Eastern, Middle, and Southern States are largely supplied, mostly by railroad transportation. In addition to which we sent to the sea, to be exported to other countries, in 1876, $117,806,476 of breadstuffs, including 70,860,983 bushels of Indian corn, 40,325,611 bushels of wheat, and 3,343,665 barrels of flour. And during the same year we sent to the sea, mostly by railroad, for export to foreign countries, meats and provisions valued at $114,991,749, including 460,057,146 pounds of bacon and hams, 88,365,143 pounds of beef, 21,527,242 pounds of butter, 107,364,666 pounds of cheese, 234,741,233 pounds of lard, and 69,671,894 pounds of pork.

Of cotton produced in the Southern States and of manufactures of cotton we exported to foreign countries in the year 1877, in addition to the amount consumed in the United States, to the value of $181,954,349, including 3,394,724 pounds of sea-island cotton, 1,441,974,406 pounds of other cotton, most of which, with all the cotton consumed by our own manufactories, found its way to the sea and to the manufactories by railroad transportation.

And our total of foreign exports, which was for the year 1877 $602,475,220, found their way to the sea for the most part by means of railroads; and the imports of that year, $451,323,126, were carried to the interior of the country by the same means.

As illustrative of the question of what part of our vast internal commerce is carried by the railroads, I may mention that it is shown by the report on the internal commerce of the United States for 1876 that of the 197,766,052 bushels of grain which reached the ports of New York, Portland, Boston, Philadelphia, and Baltimore that year from the West nearly 95 per cent. of it was carried over the railroads. Of course the proportion in favor of railroads is not so great in our whole trade. But it is estimated that of the twenty-five or thirty billion dollars' worth of our internal commerce over eigtheen billions of it is transported by rail.

It is necessary to contemplate the amount of our internal commerce and the proportion of it carried by railroads in order to realize the importance of legislation which would relieve it of unnecessary expense and burdens. And in this connection it is necessary that we should understand the character, uses, and powers of railroad corporations. They are necessarily monopolies to a large extent, and in all cases where they are not checked by competition or by legal restrictions, and it has been wisely said that with them competition is not probable where combination is possible. Our every-day experience and observation teach us the truth of this. Between centers of trade there may be competition, but along the greater part of the line of most railroads there is none, and there they must be controlled by law if they are to be controlled at all.

The objects which it is hoped to attain by the passage of this bill are few and easily understood:

First. It provides that freight rates and facilities shall be made equal to all shippers. We know this is not so now in very many cases.

Second. To this end it is provided that rebates and drawbacks shall not be allowed in any case.

Third. It is provided that the gross amount of charges shall not be greater for a shorter than for a longer distance on the same line of transportation.

Fourth. It provides against combinations by individuals or corporations to defeat the objects of the bill.

Fifth. It requires schedules of the rates of freight and charges to be posted up, so that all shippers may know the rates they are required to pay.

Sixth. Where rates are fixed for local commerce within a State the State rates are required to be posted up, and the transportation companies are forbidden to charge more per ton per mile for interstate freights than they charge for State freights. This requirement to post up the schedules of the State rates of freight is a necessary means to enforce equality in freight rates, and is in no way intended to regulate or control those State rates or the commerce of a State.

Seventh. Provisions are also made in the bill for its efficient enforcement in the courts.

Eighth. It is declared to be unlawful to do anything prohibited by the bill or to refuse to do anything required to be done by it; and persons violating the act would be liable to any party injured thereby in an amount equal to three times the damage sustained, to be recovered in any circuit or district court of the United States having jurisdiction of the case; and shall for each offense forfeit and pay a penalty of not less than $1,000, to be recovered by the United States, by action in any circuit or district court having jurisdiction, one-half of such penalty, when collected, to be paid to the informer; and such suits may be of either equitable or legal jurisdiction. In equity suits discovery and affirmative relief may be obtained, and preliminary or final injunctions may be granted, upon proper application, restraining, forbidding, and prohibiting the commission or continuance of any acts, matters, or things within the terms or purview of the act, without allegation or proof of damage to any plaintiff or complainant. This is done on the principle that the courts may, in a proper case made, require that to be done which the law commands and prohibit that which the law forbids.

Ninth. It is also provided that the provisions of the bill shall not apply to quantities of merchandise less than a car-load when carried by railroad, or less than a ton when carried by other means of conveyance, except that the rates shall be equal to all for like service; that the Government freights may be carried for lower rates than are accorded to the general public, and that the provisions of the bill shall not embrace the transportation of articles which may be carried free, or at lower than schedule rates, for charitable purposes, or to or from public fairs or expositions for purposes of exhibition.

I present as some of the evidences to show the popular demand for the passage of a law on this subject the following resolutions which were communicated by the governor of Pennsylvania to the Senators and Representatives of that State in Congress and referred to the Committee on Commerce:

HOUSE OF REPRESENTATIVES,
Harrisburgh, February 15, 1878.

Resolved, (*if the senate concur.*) That our Senators in Congress be instructed and our Representatives be requested to vote for the passage of an act to provide for equity in the rates of freight upon certain property carried totally or partially by railroad in commerce with foreign nations or among the several States and Territories, and to prevent violent and injurious fluctuation and unjust discrimination in such commerce, and for other purposes.

Resolved, That the governor be requested to present a copy of the foregoing reso-

lution to each member of the Senate and House of Representatives of the United States from Pennsylvania.

Passed the house of representatives, February 15, 1878.

JOHN A. SMULL,
Resident Clerk, House of Representatives.

Concurred in by the senate, February 15, 1878.

THOS. B. COCHRAN,
Chief Clerk.

Approved the 5th day of March, A. D. 1878.

J. F. HARTRANFT.

And the following are the resolutions adopted by the Legislature of New York on the same subject:

STATE OF NEW YORK.

IN ASSEMBLY, *Albany, March* 25, 1878.

Whereas there are now before Congress several bills seeking to provide for equity in rates of freights on property transported by common carriers in this country: Therefore,

Resolved, (if the senate concur,) That our Senators and Members of the House of Representatives, in Congress assembled, be, and they are hereby, requested to use their influence to secure the enactment of any wise and equitable law having for its object the prevention of violent and injurious fluctuations and unjust discrimination in rates of freight imposed by common carriers upon property transported by them in this country.

Resolved, That the clerk of the assembly be directed to transmit a copy of the foregoing preamble and resolution to each Senator and Member of the House of Representatives from the State of New York.

By order.

EDWD. M. JOHNSON,
Clerk.

IN SENATE, *April* 5, 1878.

Concurred in. By order.

JOHN W. VROOMAN,
Clerk.

The following are the resolutions and action of the Chamber of Commerce of Pittsburgh, Pennsylvania:

PITTSBURGH, *November* 26, 1877.

DEAR SIR: At the regular board-meeting of the directors of the Chamber of Commerce held this day the committee on transportation and railroads made the following report, which was unanimously adopted:

Your committee respectfully present with a favorable recommendation House bill No. 674, "to regulate interstate commerce and to prohibit unjust discrimination by common carriers," presented in Congress October 29, by Mr. REAGAN, and ask the passage of the following resolution:

Resolved, That the Chamber of Commerce of the city of Pittsburgh considers House bill No. 674, "to regulate interstate commerce and to prohibit unjust discriminations by common carriers," presented by Mr. REAGAN, (a copy of which was sent to the chamber for consideration by Mr. ERRETT,) a step in the right direction, and respectfully ask our Representatives in Congress to support it and urge its passage.

Your committee would also recommend the adoption of the following resolution:

Resolved, That the thanks of the Chamber of Commerce of the city of Pittsburgh are due, and are hereby tendered, to Hon. JOHN H. REAGAN, for his efforts to correct the unjust discrimination by railroads, whereby our manufacturing and commercial interests are so disastrously affected.

J. K. MOORHEAD,
President.
N. GRATTAN MURPHY,
Superintendent Chamber of Commerce.

Hon. THOMAS M. BAYNE,
Washington, D. C.

The following is the petition of the members of the Chamber of Commerce of Milwaukee, Wisconsin, the names omitted:

To the honorable the members of the Senate and House of Representatives of the United States:

The undersigned merchants and citizens of the city of Milwaukee respectfully petition your honorable bodies to appoint a joint committee for the purpose of investigating the workings of the interstate railroad system of the United States. The interests of the producers and merchants of the United States are systematically disregarded; the rates charged are, in many instances, out of all proportion; favoritism to individual shippers, by which one person, firm, or place is built up at the expense of another, largely prevails, and there is a general lack of uniformity and system which ought to govern the administration of all great public trusts of this nature. Your petitioners therefore pray that early action be taken to investigate the whole subject in its various bearings, and report at the next session of Congress, or sooner if practicable.

The following are the proceedings of the Board of Trade of the city of New York, which I read in full on account of their valuable suggestions, adding that it may become necessary to have such a board of commissioners as is recommended. But that should, if proper, be the subject of a separate bill. I also notice that this board of trade seems to have fallen into the same error with reference to the pending bill that members of this House fell into, that the bill provides for *pro rata* rates of freight. This doubtless arose from a misunderstanding of the fourth section of the bill. It contains no such provision:

At the monthly meeting of the directors of the New York Board of Trade and Transportation, held April 10, the following report and resolutions were unanimously adopted:

To the directors of the New York Board of Trade and Transportation:

The committee on railroad transportation respectfully report upon bill No. 3347 for the regulation of interstate commerce, introduced in the House of Representatives by Hon. JOHN H. REAGAN, that in most of its provisions the bill seems wise and practicable. Especially is this true of those sections which provide a tariff of rates which shall be uniform to all shippers, and prohibits special contracts in every form; also the publication of such tariff, so that the public generally may be familiar with the rates. Your committee believe that common carriers have no right to discriminate in favor of one person or firm at the expense of another, for it is manifest that such a power wielded on a large scale tends to crush out enterprise on the part of the smaller class of merchants; in short, to make the rich richer and the poor poorer. In examining this subject a different principle is involved from that which regulates the business of individuals or private manufacturing corporations. Transportation companies are semi-public in their nature; many of them are granted the right of eminent domain, which to private corporations is not granted, and as they are in fact improved public highways they must be governed by the principle of the "king's highway," which is that all classes have equal rights thereon. While it may not be practicable in the transportation of freight to apply the same rules which govern the management of our postal system, namely, that a single letter shall be carried as cheaply as a hundred or a thousand, it is both practicable and necessary that a quantity line shall be drawn, beyond which no shipper shall receive a lower rate. Mr. Albert Fink, a railway expert, who possesses in an eminent degree the confidence of both railroad managers and the mercantile public, has suggested that this line should be drawn at the quantity of one car-load, and has given his reasons for this as follows:

"I do not think that a common carrier has the legal right to enter into special contract with manufacturing establishments to carry freight at less rate than for the public generally, for the purpose of encouraging the erection of such establishments on the line of its road. It is not the province of railroad companies to make themselves partners in private enterprises. Even if they had the legal right, it is questionable whether it would be good policy for them to do so. Nor do I think it right that common carriers should make special contracts on account of the quantity shipped, except when quantity forms an element in the cost of the transportation service, and this is only the case when the quantities are less than car-loads. It does not cost more to carry ten car-loads of freight between two stations, A and B, for one shipper than it costs to carry one car-load for each of ten shippers. The railroad company derives as much benefit from ten small manufacturing establishments as from one large one of the capacity of ten smaller ones. If the railroad company grants to the larger establishments lower rates of transportation, it would unjustly discriminate against parties with limited means, and be of no benefit to the railroad company. A common carrier should strictly adhere to the rule to charge the same rate for transportation for the same articles between the same points, only discriminating on account of quantity as far as it influences the cost of transportation. He should not make any arbitrary distinctions merely depending upon his will."

Your committee, however, are of the opinion that the very large class of shippers who send less than one car-load at a time are entitled to much more equitable treatment than they have in the past received. This part of the commercial public, in numbers probably exceeding by tenfold those who are able to ship quantities of one car-load and upward, are entitled to have their rights considered and the difference between a car-load rate and a smaller quantity so defined that they shall not pay more than the difference which it costs to transport a smaller quantity. How great and unreasonable a difference is now made between different classes of shippers is shown from the following figures:

The winter schedule rate from New York to Syracuse is 50 cents per 100 pounds for first-class goods, 40 cents for second-class, 34 cents for third-class, and 23 cents for fourth-class (the summer rate being 47 cents, 40 cents, 34 cents, and 23 cents,) and these rates the great mass of people have to pay; but a few favored wholesale dealers in Syracuse are given contracts by which all classes of goods are carried for 12 cents per hundred pounds, as against the 50, 40, 34, and 23, which the public generally have to pay; and the same is true of all the other jobbing centers of the State. The same principle also holds good in the treatment which the great mass of the people of the State of Illinois, and indeed all other Western States, are forced to submit to. The reduced rates of the pooled lines to Chicago are now 75 cents per hundred for first-class, 60 cents for second-class, 50 cents for third-class, and 40 cents for fourth-class, (lately $1, 80, 60, and 45,) while favored parties have been given contracts running through the year at 25 cents per hundred on all classes.

Careful examination of this subject by competent men will enable this difference to be fairly defined, and in this connection your committee would call attention to the great necessity which exists for constant and careful examination and supervision of our complex and defective transportation system. A very important bill has been agreed upon by the committee on railroads of the house of representatives naming three competent commissioners to adjust the terms of the interchange of traffic between the Union Pacific and Kansas Pacific Railroads. The persons named in the bill, Messrs. Adams, Fink and Cooley, are of the highest character, but your committee would respectfully suggest that the third ought to be an experienced merchant, in order that the great commercial interest may be fairly represented. The principal defect in the Reagan bill is that it does not provide such a board of commissioners to supervise the workings of the interstate railroad system of the United States. Your committee believe such a board to be an absolute necessity, and also that auxiliary State boards should be provided in every State to superintend the workings of the railroads exclusively within the limits of such States. In no other way, in the opinion of your committee, can the administration of our highways be adjusted with proper regard for all interests, and your committee would respectfully recommend to this board the following resolution:

Resolved, That the bill for the regulation of interstate commerce introduced by Hon. JOHN H. REAGAN, and which is now pending in the House of Representatives, in most of its provisions meets with the hearty approval of this board; but we are of the opinion that in order to make it effective a board of competent commissioners should be provided to supervise its workings. Further, that the "*pro rata*" feature of said bill, though equitable in principle, is so difficult to put into practical operation that it may safely be omitted for the present.

All of which is respectfully submitted.

F. B. THURBER,
WM. H. LIGBY,
E. F. BROWNING,
JAS. S. BARRON,
CHAS. WATROUS,
Committee.

The New York Chamber of Commerce advised the Chamber of Commerce of Pittsburgh to obtain signatures to a petition to Congress as follows:

The undersigned merchants and citizens respectfully petition your honorable bodies to appoint a joint committee for the purpose of investigating the workings of the interstate railway system of the United States. The interests of the producers and merchants of the United States are systematically disregarded; the rates charged are, in many instances, out of all proportion; favoritism to individual shippers, by which one person, firm, or place is built up at the expense of another, largely prevails, and there is a general lack of uniformity and system which ought to govern the administration of all great public trusts of this nature. Your petitioners, therefore, pray that early action be taken to investigate the whole subject in its various bearings, and report at the next session of Congress or sooner, if practicable.

I also read the following extract from an article in the Railroad Gazette of March 8, 1878, a paper not at all unfriendly to railroads:

The chief object of this bill seems to be to secure all shippers in their common-law right against discriminations by common carriers; to make it impossible for one man, firm, or corporation to get rates which may not be had by every other shipper. So far as this purpose is concerned it is entirely commendable, and any means which will succeed in carrying it out effectively will, in many respects, be an advantage to the railroads as well as to the public. The railroad wars of late years have to a great extent owed their severity and persistence to the practice of making time contracts, by which the companies have assumed to give certain parties extremely low rates for months to come, even after rates to the general public had been advanced. What a terrible discrimination against the non-contracting shippers may be made in this way need not be explained; but the demer-

alizing effect on rates is a natural and inevitable consequence which the railroads have suffered from terribly. If it were once settled that there could be no "private terms" for railroad transportation; if the rates contracted for to one shipper for a given period by that act became rates open to the general public for the whole of that period, we would see, if not an end to the cutting of rates, at least a very conservative conduct with regard to them.

I lay down these principles in support of this bill:

1. That railroads receive their franchises from the public for the public good as well as for the profit of the stockholders.

2. That monopolies and perpetuities are contrary to the genius of a free people, and cannot be allowed or maintained in this country.

3. That the political authority of this country cannot, either in the States or Congress, create a power, whether corporate or otherwise, superior to the power and authority of the people themselves; one which may oppress and wrong them without lawful remedy and control; for all power is inherent in the people and all just and legal government is designed to promote the public welfare.

4. That railroad corporations are in an important sense public corporations, and are always recognized as quasi-public corporations.

This is so:

5. Because they are created by the public political authority to promote the public good.

6. Because, for the purposes of their being, they are clothed with the right of eminent domain. And this cannot be conferred under our constitutional form of government on private persons or for private uses. Private property can only be taken for public uses and upon just compensation.

7. Railroad companies and others engaged in the general transportation of merchandise are carriers for hire.

8. They are engaged in a public employment affecting the public interest.

9. Hence they are subject to regulation and control by the political authority.

To these undeniable principles as they exist under our Constitution and at common law, and as they are recognized by Federal and State statutes, is added the clause of the Constitution which gives Congress authority "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." And this power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation. Without this power in Congress to regulate commerce among the several States it would be in the power of any State to discriminate against and embarrass and emburden the commerce of other States passing through it, or to wholly interdict the passage of the commerce of other States through its territory. And such a condition of things would lead, as it did during colonial times and during the existence of the confederation, to hostile and discriminating legislation of State against State, and would not fail to retard the growth and injure the prosperity of the country, and to inflict almost incalculable evils on the people.

Another very grave question must be determined. No one pretends that the States can regulate interstate commerce. If, then, Congress cannot or will not do this, the twenty-five billion dollars' worth of our internal commerce, or so much of it at least as is interstate commerce, is to be left to the mercy of the common carriers. And as to much the greater part of this the seventy-five thousand miles of railroad in the country, by the power of monopoly and at the dictate of greed and avarice, may impose any terms and make any discriminations for and against individuals and communities they see proper. Either this or wholesome regulation by Congress for the protection of the people against such wrongs is the alternative before us. And none of us can escape the responsibility of taking one side or the other of this question.

And why shall we not regulate this interstate commerce by railroads? We have regulated commerce on the rivers, the bays, the lakes of the country, and on the oceans, all along through the existence of the Government. Steamboats and ships are as much private property and are as fully owned under the authority of the States as railroads are. What is it that constitutes the sacredness of a railroad and puts it above political control and out of the reach of law? Will some one tell us? We regulate interstate commerce on the public waters of the United States carried by vessels, and these waters are free alike to all vessels. There is no monopoly of them. In the early years of the Government we had no railroads; now the railroads carry two-thirds or three-fourths of all the commerce of the country. Each of them has a monopoly of the carrying business on its road.

Unless restrained by law each of them may charge unjust and extortionate rates of freight; may charge one person twice as much as another for equal service; may allow drawbacks to some persons and refuse them to others; may charge high rates of freight to some communities and low rates of freight to others; may thus injure or break up some persons and some communities while they benefit or enrich others; and railroad officials may combine with citizens or with other corporations or may form rings which will enable them to control particular branches of trade for their own profit and to the injury of other citizens or corporations or communities. And all these things they do now. And yet we are told there is something about them too sacred to be touched by law in the interest of the people from whose patronage they draw all their revenues; that the claims of justice and of common honesty are to be silent under the majesty of their power.

It is also said in opposition to this bill that by passing it we assail and deny the rights of the States; that we abridge their sovereignty. If this were so I should regard it as a fatal objection to the bill. But we cannot determine a question like this by general declaration. We have right to inquire how it would violate the rights or abridge the sovereignty of any State. What particular right or power which now belongs to the States would be taken from them by this bill? We do not by it give power to interfere in any way with State commerce. The States may exercise every right and would remain in possession of every power after this bill should become a law which they now have. It simply proposes to do through Congress what the States cannot do, whether this bill shall be passed or not. While this bill proposes to correct great and manifest abuses by preventing unjust discriminations between shippers and by securing equality of terms to them, it imposes no unjust or even inconvenient burdens on common carriers. It does not attempt to fix freight rates, but only to require equality and fairness in them.

Another objection which has been made to this bill is that the greater portion of the railroads were chartered by the States, and that because of this the Federal Government cannot regulate the commerce which passes over them without an interference with State institutions, which it is insisted cannot be permitted. If this objection is well taken then a State may by its action in creating a corporation annul and render nugatory the provision of the Federal Constitution which authorizes Congress to regulate commerce among the States. Surely such an absurdity cannot be successfully insisted on to defeat a great necessary and beneficent act of legislation. The constitutional power of Congress over this subject is complete and exclusive, as shown by numerous decisions of the Supreme Court of the United States all along through the history of the Federal Government.

It is proper also that I should say that there is not a provision in this bill which is not in accordance with and sustained by the decisions of the Supreme Court of the United States. And I will refer briefly to some of the cases.

On the subject of the power of Congress to regulate interstate commerce, Mr. Chief-Justice Marshall said, in the case of Ogden *vs.* Gibbons, page 189 of the report, that—

> The subject to be regulated is commerce; and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling or the interchange of commodities, and do not admit that it comprehends navigation. They would restrict a general term, applicable to many objects, to one of its significations. Commerce undoubtedly is traffic, but it is something more: it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

In what is known as the license cases, 5 Howard, 504, 599, Mr. Justice Catron, in speaking of the powers of Congress in this respect, says:

> The power given to Congress is unrestricted, and broad as the subjects to which it relates; it extends to all lawful commerce with foreign nations, and, in the same terms, to all lawful commerce among the States; and "among" means between two only, as well as among more than two; if it was otherwise, then an intermediate State might interdict and obstruct the transportation of imports over it to a third State, and thereby impair the general power.

In the case of Gibbons *vs.* Ogden, page 227 of the report, Mr. Justice Johnson, speaking both of the extent and exclusiveness of the power, says that "the power to regulate commerce here meant to be granted was that power to regulate commerce which previously existed in the States;" that is before the adoption of the Constitution; and he says that the power "must be exclusive; and hence the grant of this power carries with it the whole subject, leaving nothing for the States to act upon."

And Chief-Justice Marshall, in the same case, page 196, says:

> We are now arrived at the inquiry, what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

In the case of Brown *vs.* Maryland, 12 Wheaton, 419, 446, Chief-Justice Marshall says:

> What, then, is the just extent of a power to regulate commerce with foreign nations, and among the several States?
>
> This question was considered in the case of Gibbons *vs.* Ogden, 9 Wheat. Rep., 1, in which it was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution. The power is coextensive with the subject on which it acts, and cannot be stopped at the external boundary of a State, but must enter its interior.

In the case of the city of New York *vs.* Miln, 11 Peters, 102, 157, Mr. Justice Story says:

> It has been argued that the power of Congress to regulate commerce is not exclusive, but concurrent with that of the States. If this were a new question in this court, wholly untouched by doctrine or decision, I should not hesitate to go into a full examination of all the grounds upon which concurrent authority is attempted to be maintained. But in point of fact the whole argument on this very question, as presented by the learned counsel on the present occasion, was presented by the learned counsel who argued the case of Gibbons *vs.* Ogden, 9 Wheaton R., 1; and it was then deliberately examined and deemed inadmissible by the court. Mr. Chief-Justice Marshall, with his accustomed accuracy and fullness of illustration, reviewed at that time the whole grounds of the controversy; and from that time to the present the question has been considered (as far as I know) to be at rest. The power given to Congress to regulate commerce with foreign nations, and among the States, has been deemed exclusive, from the nature and objects of the power and the necessary implications growing out of its exercise. Full power to regulate a particular subject implies the whole power and leaves no residuum; and a grant of the whole to one is incompatible with a grant to another of a part.

In the case of Grover *vs.* Slaughter, 15 Peters, 449, 511, Mr. Justice Baldwin says:

That the power of Congress "to regulate commerce among the several States" is exclusive of any interference by the States, has been, in my opinion, conclusively settled by the solemn opinions of this court in Gibbons *vs.* Ogden, 9 Wheat., 186, 222, and in Brown *vs.* Maryland, 12 Wheat., 438, 446. If these decisions are not to be taken as the established construction of this clause of the Constitution, I know of none which are not yet open to doubt; nor can there be any adjudications of this court which must be considered as authoritative upon any question, if these are not to be so on this.

In the case of Corfield *vs.* Coryell, 4 Washington Cir. C. R., 344, 378, as early as 1823, Mr. Justice Washington says:

Commerce with foreign nations, and among the several States, can mean nothing more than intercourse with those nations, and among those States, for the purposes of trade, be the object of the trade what it may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States, or by a passage overland through the States, where such passage becomes necessary to the commercial intercourse between the States. It is this intercourse which Congress is invested with the power of regulating, and with which no State has a right to interfere.

Again, in the great case of Gibbons *vs.* Ogden, 9 Wheaton, 1, 229, Chief-Justice Marshall in 1824 says:

Commerce, in its amplest signification, means an exchange of goods; but in the advancement of society labor, transportation, intelligence, care, and various mediums of exchange, become commodities, and enter into commerce; the subject, the vehicle, the agent, and their various operations, become the objects of commercial regulation. Ship-building, the carrying trade, and propagation of seamen, are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce.

That such was the understanding of the framers of the Constitution is conspicuous from provisions contained in that instrument.

These cases, and very many others which might be cited, show conclusively that Congress has power, and the sole and exclusive power, to pass laws providing for equality in rates of freight to be paid by different owners of property, to be carried by railroads or other common carriers, in commerce between different States or with foreign nations; and to provide that such different owners shall have equal advantages and facilities as to the carriage of such property. And this is what it is proposed to do by this bill.

I desire also, in connection with the foregoing cases, to show from authority the power of Congress to enact the part of the fourth section of this bill, beginning at the seventh line of the section; that is, that Congress, while it has no power to regulate the internal trade of a State, has the power to regulate commerce between the different States or with foreign nations with reference to trade carried on in a single State; that Congress has power, for instance, to provide that freight charges on interstate commerce shall be no greater than charges for similar services performed as to property carried wholly within one State.

In the case of Welton *vs.* The State of Missouri, 1 Otto, 275, 280, the question arose as to the right of the State of Missouri to impose a license tax upon persons selling property not the produce of that State, when no such license was required from persons selling similar property the produce of the State. Mr. Justice Field, in pronouncing the opinion of the court, holding that to impose such a tax was in conflict with the power vested in Congress to regulate commerce, &c., says:

Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens or subjects of other countries, and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted. So far as some of these instruments are concerned, and some subjects which are local in their operation, it has been held that the States may provide regulations until Congress acts with reference to them; but where the subject to which the power applies is national in its character, or of such a nature as to admit of uniformity of regulation, the power is exclusive of all State authority.

It will not be denied that that portion of commerce with foreign countries and between the States which consists in transportation and exchange of commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

In the case of the State freight tax, 15 Wallace, 232, 275, the Supreme Court of the United States held as follows:

The transportation of freight or of the subjects of commerce is a constituent part of commerce itself. A tax upon freight transported from State to State is a regulation of commerce among the States.

Whenever subjects, in regard to which a power to regulate commerce is asserted, are in their nature national, or admit of one uniform system or plan of regulation, they are exclusively within the regulating control of Congress.

Transportation of passengers or merchandise through a State, or from one State to another, is of this nature.

Hence a statute of a State imposing a tax upon freight taken up within the State and carried out of it, or taken up without the State and brought within it, is repugnant to that provision of the Constitution of the United States which ordains that Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes.

The questions arose in respect to the power to thus tax railroad companies as well as other parties, and the decision is applicable, therefore, to the question of the means of transport as well as to the question of general power. Mr. Justice Strong, in pronouncing the opinion of the court, says:

Beyond all question the transportation of freight, or of the subjects of commerce for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer, or from the place of production to the market was not contemplated, for without that there could be no consummated trade, either with foreign nations or among States. In his work on the Constitution, Judge Story asserts that the sense in which the word "commerce" is used in that instrument includes not only traffic, but intercourse and navigation. And in the Passenger case it was said, "Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer, to gain the freight." Nor does it make any difference whether this interchange of commodities is by land or water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted.

And see Erie Railway Company *vs.* Pennsylvania, 15 Wallace, 232, holding the same doctrine, and reversing the cases of The Commonwealth *vs.* The Erie Railway Company, and other cases, 62 Pa., 280.

In the Granger cases (Munn *vs.* Illinois, 4 Otto, 113; Chicago, Burlington and Quincy Railroad *vs.* Iowa, 4 Otto, 155; Peik *vs.* Chicago, &c., Railroad Company, 4 Otto, 164; Chicago, Milwaukee and Saint Paul Railroad Company *vs.* Ackley, 4 Otto, 179; Winona and Saint Peter Railway Company *vs.* Blake, 4 Otto, 180) the nature and exclusiveness of the power of Congress to legislate as to rates of freight in interstate commerce is especially recognized and virtually established. The fundamental doctrine of the cases proceeds upon the idea that when the means by which freight or charges are earned are public in their nature it is within the power of the Legislature having control over the subject to regulate and fix the rates of such freight and charges. Some of the subjects in those cases were under the legislative power of a single State. As it is above most clearly established, interstate commerce, its means, the property carried in it, and all things relating to it, are, in all the aspects here considered, under the supreme and exclusive power of Congress. If rates of freight and charges can be fixed by State Legislatures with respect to subjects under their power, *a fortiori* can they be regulated and made equal, by the supreme and exclusive power of Congress, as to subjects in this respect within its exclusive control. Indeed, this is directly recognized in the cases last referred to, and (as will be seen below) it is put beyond doubt that, should Congress act in regulation of rates of freight, &c., in interstate commerce, it would unquestionably have power to do so, and its power would be supreme and exclusive.

These cases settle these points, among others:

1. That "railroad companies are carriers for hire," that "they are engaged in a public employment affecting the public interest," and that, "unless protected by their charters, they are subject to legislative control as to their rates of fare and freight."

2. That where warehouses or railroads are used in an employment affecting public interests as to business "carried on exclusively within a State, she may, as a matter of domestic concern, prescribe regulations for them," notwithstanding such property is "used as an instrument by those engaged in interstate, as well as in State, commerce; and, until Congress acts in reference to their interstate relations such regulations can be enforced, even though they may indirectly operate upon commerce beyond her immediate jurisdiction." But "the court does not hold that a case may not arise in which it may be found that a State has, under the form of regulating her own affairs, encroached upon the exclusive domain of Congress in respect to interstate commerce."

And, as has been said, the cases recognize the whole subject as one properly of legislative regulation, and so far as relates to interstate commerce, as under the supreme and exclusive power of Congress, whenever Congress shall choose to exercise its undoubted power.

And see Sherlock *vs.* Alling, 3 Otto, 99.

II. Nor is there any doubt as to the power of Congress to exercise this power over railroads and the interstate commerce of which they form a means, whether the property be wholly or partly carried by one railroad.

1. This must appear from the cases last cited and under the general principles above referred to. But it directly and more conclusively, if possible, appears from the authorities about to be cited.

2. The power extends to railroads and the property carried upon them in interstate commerce, whether the property be carried in more than one State by one railroad or only in one State by one railroad if the part of the carriage be a part of one continuous interstate carriage.

That the power extends to one, and any such means of carriage, part of a continuous line of carriage, is expressly recognized in the Granger cases above referred to.

See especially Chicago, Burlington and Quincy Railroad *vs.* Iowa, 4 Otto., 155.

This is expressly held (to cite it again) in the case of The State Freight-tax, 15 Wallace, 282, 273. There the attempt, as the court held, was to tax the freight—the interstate business, in substance—and the law provided for such taxation where the property was carried by different but continuous lines. The continuity of the carriage, the substance of the carriage as being in interstate commerce, and the act of the carrier as being wholly or part of such interstate carriage were held by the court (see page 273 of the report) to be the substantial features which took the subject from without and placed it beyond State action, placed it under the supreme and exclusive power of Congress.

In the Daniel Ball, 10 Wallace, 557, the question arose as to the character of the Grand River, in Michigan, and whether a steamboat employed solely on that river was, in certain aspects, under the control of Congress. The case involved the precise question as to the character of a carriage performed within one State, and by one means, but part of a continuous interstate carriage. The court held as follows:

"The steamer in this case being employed in transporting goods on Grand River, within the State of Michigan, destined for other States, and goods brought from without the limits of Michigan and destined to places within that State, was engaged in commerce between the States, and however limited that commerce was, so far as it went subject to the legislation of Congress. She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced. The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely within one State and some acting through two or more States, does not affect the character of the transaction. To the extent to which each agency acts in that transportation, it is subject to the regulation of Congress."

And see the Montello, 11 Wallace, 411; The General Cass, 1 Brown's Ad. R. 334.

That the power extends to railroads is beyond question under express decision.

In Railroad Company *vs.* Richmond, 19 Wallace, 584, the question was as to the effect of two certain acts of Congress, one authorizing railroad companies to receive compensation for certain property carried from one State to another, to connect with other roads so as to form continuous lines, &c., and one to maintain a bridge over the Mississippi, and lay tracks over such bridge, and for the more perfect connection of such roads by means of the bridge. The question was as to the effect of these laws upon a private contract between a railroad company and an individual. The acts were regarded as valid under the power of Congress to regulate commerce.

Mr. Justice Field, in delivering the opinion of the court, says:

"These acts were passed under the power vested in Congress to regulate commerce among the several States, and were designed to remove trammels upon transportation between different States, which had previously existed, and to pre-

vent the creation of such trammels in future, and to facilitate railway transportation by authorizing the construction of bridges over the navigable waters of the Mississippi. But they were intended to reach trammels interposed by State enactments or by existing laws of Congress. * * * The power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation."

The more direct and perhaps stronger case, for it will be observed of course that the case last cited, as well as others before cited, relates to the power of Congress over railroads, is the case of The Clinton Bridge, 10 Wallace, 454. The case arose in the circuit court of the United States for the district of Iowa. Gray *vs.* The Clinton Bridge, 1 Woolworth, 150; S. C., 16 Am. L. Reg., 149.

The questions were with respect to an act of Congress of February 17, 1867, as to a bridge erected by a railroad company across the Mississippi River, at Clinton, in the State of Iowa. In commenting upon the act Mr. Justice Miller, of the Supreme Court of the United States, in deciding the case, says:

"The second of these objections involves consideration of the commercial clause, as it is appropriately called, of the Constitution.

"If the determination of the circumstances under which a bridge may be built over a navigable stream or the prescribing general rules on that subject is a regulation of commerce, either with foreign nations or among the States, then it falls within the powers conferred on Congress by that clause.

"It would be sufficient in this court to say that we are concluded on this question by the decision of the Supreme Court in that branch of the Wheeling Bridge case, already referred to, in 18 Howard, which expressly holds that the power to declare such a bridge a lawful structure is included within the clause of the Constitution above cited. That case was, however, decided by a court equally divided, and its authority has been much questioned.

"I think, however, that the proposition is well founded in principle. The power to regulate commerce is one of the most useful of all those confided to the Federal Government, and its exercise has done as much to create and to foster that community of interest which constitutes the strongest bond of nationality as the exercise of any other power belonging to the General Government. The want of this power was one of the strongest necessities which led to the formation of the Constitution. The clause has always received at the hands of the courts and of Congress a construction tending liberally to promote its beneficent object.

"The power to regulate commerce is a power to regulate the instruments of commerce. In the case of Cooley *vs.* The Board of Wardens, 12 Howard, 316, the court says that 'the power to regulate navigation is the power to prescribe rules in conformity with which navigation must be carried on. It extends to the persons who conduct it, as well as to the instruments used.' Navigation is here spoken of as one of the subjects of legislation included within the power to regulate commerce. In this view of the subject, Congress has passed statutes regulating steamboats, their construction, equipment, officers and crew, prescribing qualifications of pilots and engineers, limiting the number of passengers they may carry, and laying down the signals they shall use in passing each other, and, in short, has prescribed a minute code for building and navigating those vessels. The right to do this depends wholly upon the power vested in Congress to regulate commerce, and has never been disputed.

"Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water; and the power of Congress to regulate it is as ample in one case as in the other. The 'commerce among States' spoken of in the Constitution must at the time that instrument was adopted have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

"Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted, a means by which merchandise is transported across states and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has with great benefit been subjected to the control of salutary congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is therefore neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States; and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States, and to all the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

"For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it."

Upon the appeal of this case to the Supreme Court of the United States, the decision of the circuit court was affirmed. (The Clinton bridge, 10 Wall., 454, 462.) And Mr. Justice Nelson, in delivering the opinion of the Supreme Court, says:

"The act of Congress in the case of the Wheeling bridge, whose language it is sought to distinguish from that used in the present one, was more explicit but not more comprehensive. In the Wheeling bridge case the court had rendered a decree directing the obstruction to be removed by elevating the bridge, or, if not, by abatement. No doubt the existence of this decree, which was in the process of execution, led to the very specific terms of the act. But with all its particularity, it is not more comprehensive or decisive in legalizing the bridges than the one before us.

"The questions whether or not it was competent for Congress to interfere and legalize the bridge under the power to regulate commerce, and whether or not the act put an end to the pending suit, were questions examined and settled in the affirmative in the case already referred to. The reasons for the conclusions arrived at will be there found, and need not be repeated."

In the very late case of The Hannibal and Saint Joseph Railroad Company *vs.* Husen, (Chicago Legal News, February 2, 1878,) the subject has been again under consideration in the Supreme Court of the United States. The question was as to the power of a State to pass a law prohibiting the driving of cattle into the State of Missouri in certain months of the year, and it arose in the particular case with respect to the applicability of the statute to railroads. Mr. Justice Strong, in pronouncing the opinion of the court, says:

"It is a plain regulation of interstate commerce; a regulation extending to prohibition. Whatever may be the power of a State over commerce that is completely internal, it can no more prohibit or regulate that which is interstate, than it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other, and is necessarily exclusive. That the transportation of property from one State to another is a branch of interstate commerce is undeniable. * * * The Missouri statute is a plain interference with such transportation. * * * But even the right of steamboat-owners and railroad companies to transport such property through the State is loaded by the law with onerous liabilities because of their agency in the transportation. * * * Transportation is essential to commerce, or rather it is commerce itself; and every obstacle to it, or burden laid upon it, by legislative authority, is regulation."

And the court holds that the statute is a "plain intrusion upon the exclusive domain of Congress," but, of course, recognises as unquestionable the power of Congress, its exclusive and supreme power to pass such laws—all laws which are "regulations," under the broad definition it gives the word—a definition broad enough to include the whole subject in its every detail—relating to railroads and all means of transportation used in interstate or foreign commerce.

And see Hall *vs.* De Cuir (Chicago Legal News, February 2, 1878) for another very late decision of the Supreme Court of the United States bearing on the whole subject. And see cases cited above.

It therefore must be regarded as decided beyond possibility of doubt that Congress has power to regulate interstate commerce, when carried on wholly or partly by one railroad or more, or by one railroad with any other method of carriage, and to regulate it by providing for equality of freights, and in other charges—that as to this subject its power is as supreme and exclusive as it is as to many other subjects over which its powers are supreme and exclusive, which it would serve no practical purpose, and would require much space, here fully to enumerate.

The power of Congress being thus established—it being established that such power is exclusive, supreme, not only in its scope, but in the conclusiveness with which Congress can determine as to the propriety, the expediency of any regulation within its power to adopt, and that it is within the power of Congress to regulate rates of freight and other charges in the carrying on of interstate or foreign commerce, it must follow, as a matter of necessary consequence, that it can provide that such rates and charges shall be no greater than rates per mile, or than other charges for similar services, performed at substantially the same time within one State. Congress would not thereby interfere with or regulate the purely internal trade of a State—something concededly, and as a matter of course, not within its power. It would thereby only regulate the interstate commerce, for instance—regulate it and provide for it—with reference to the trade of a single State and without touching the latter.

The general powers of Congress so conclusively established, to be as extensive as the whole subject, and therefore necessarily including its every detail, it must follow that its power to so regulate interstate or foreign commerce with reference to the trade of a single State cannot be doubted. And that power thus established, it of necessity follows that Congress may require the publication of such schedules (of course without exercising any power over the rates of carriage, &c., in the purely internal trade of one State) that such laws as it may pass within its power can be enforced. It is, of course, but a virtual repetition of the very language of the Constitution to say that Congress has power to pass all laws necessary to enable it to carry out its specified powers. (Constitution United States, art. 1, sec. 8.)

Congress has power to pass such penal laws and to provide for such judicial action or proceedings in the Federal courts as to compel obedience to the powers it constitutionally exercises, and to afford remedy to those injured by the infraction of laws so passed. This is beyond question, nor would authority be cited to sustain it were it not that in United States *vs.* Coombs, 12 Petera, 72, 78, Mr. Justice Story, in delivering the opinion of the court, employs language which not only determines the precise point in view but covers the whole subject:

"The power to regulate commerce includes the power to regulate navigation as connected with the commerce with foreign nations and among the States. It was so held and decided by this court, after the most deliberate consideration, in the case of Gibbons *vs.* Ogden (9 Wheat., 189, 198.) It does not stop at the mere boundary-line of a State; nor is it confined to acts done on the water, or in the necessary course of the navigation thereof. It extends to such acts, done on land, which interfere with, obstruct, or prevent the due exercise of the power to regulate commerce and navigation with foreign nations and among the States. Any offense which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers."

In conclusion, it remains but to say, as can be said with that strength which belongs to propositions based upon constitutional power, in reason, in principle, and under the reiterated decisions of the Supreme Court of the United States, (for it will be observed that almost every authority above cited is the direct decision of that court,) that it is established with such certainty that to attempt its question would be but the puerility of cavil that Congress has supreme and exclusive power—a power broad as the subject, and therefore necessarily over all its details—to pass all laws which in its wisdom it may see fit to pass providing for equality of rates of freight upon property carried wholly or partly by railroad in interstate or foreign commerce, and to provide for equality in charges for services performed in or about such commerce; to provide such punishment, such remedies, for infractions of such laws as it may see fit to provide; and for such action and proceedings in the Federal courts as may secure obedience to its power, and that justice may be done to the parties engaged in the commerce thus sought to be regulated.

In conclusion I have to say that the interests to be affected by this bill are very important and all-pervading; that the power of Congress to pass it cannot be successfully questioned; that the public opinion of the country, as well as the public welfare, requires that it should be passed; that both public opinion and the best interests of the country appeal to Congress to perform the great public duty of passing such a law as will protect the interests of the people as proposed by this bill, and at the same time impose no unnecessary burdens and place no embarrassing restrictions on the railroad and other transportation companies.

A law providing for the legal enforcement of the provisions of this bill would save many millions of money annually to the people, while nothing could more demoralize and debauch the merchants and shippers of the country than for them to feel that they are constantly subject to the arbitrary caprices and will and interests of the railroad and other transportation companies for the terms upon which they may carry on their business. And surely the time has at last come when such vast interests should be taken from the domain of arbitrary power and the exactions of monopolies and placed under the protection of just and wholesome legal regulations.

This bill is unlike any bill upon this subject ever before presented to Congress. It is unlike the bill of 1873 in this: it will be found upon examination that this bill defines what is interstate commerce; it leaves nothing to be guessed at. It then prescribes the necessary

regulations of that commerce, and so prescribes them as to protect the interests of the people without injuring the rights of transportation companies.

I have heard points presented in conversation which will doubtless be presented during the consideration of this bill, and it may perhaps be well for me to call attention to one or two of them. I have been told that that part of this bill which provides that a greater sum shall not be paid for a shorter than for a longer distance of transportation on the same line of carriage will prevent competition and act injuriously to the great trade centers. In reference to that point I desire to say that the argument must result from a failure to comprehend the character of the bill itself; otherwise such a presumption would not be made.

We do not propose to regulate the rates of freight. We do not say that rates of freight shall be high or shall be low. We only require them to be equal as to all shippers, and that a greater amount shall not be charged for a shorter than for a longer distance on the same line of transportation. The companies will have open to them the same fields of competition by raising or lowering the rates of freight that they have to-day.

It may be true that as between trade centers it may operate a change, and it is the object and one of the great objects of the bill to produce a change. To-day, or at least very recently, flour could be transported from Saint Louis or Chicago through the city of Pittsburgh to the city of Philadelphia cheaper than it could be transported from Pittsburgh to the city of Philadelphia. To do that the companies must transport through freight below the rates which will remunerate them and the local freight must pay for the difference. And this provision of the bill will do much to prevent disastrous railroad wars.

Mr. EDEN. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. EDEN. Is not that owing to the fact that Chicago and Saint Louis have the benefit of the competition of the lakes and of the Mississippi River?

Mr. REAGAN. That may be partly true, but it cannot be true in the winter when the lakes are frozen up; it may be true in the summer. It is so between Boston and Philadelphia, and in other places. The little town in which I live, in the State of Texas, is one through which a vast amount of produce from Saint Louis goes into Texas. We there pay $90 a car-load for ordinary freight from Saint Louis. Yet the same freight will be carried by the same companies through our town two hundred miles beyond, to the city of Galveston, for only $60 a car-load. And it will be carried from Saint Louis to Galveston and returned to our town for precisely the same rate that it will be transported from Saint Louis to our place.

I state this for the purpose of giving examples illustrative of the practice by these transportation companies everywhere all over the Union.

Mr. MAYHAM. Allow me to ask the gentleman a question.

Mr. REAGAN. Certainly.

Mr. MAYHAM. Take the Erie Railway of the State of New York, and the New York Central Railroad, chartered under the laws of the State of New York. Does this bill provide, or rather does it by its terms prohibit those companies, chartered under State laws, from regulating the amount of freight that they shall charge from any given point to another given point on the lines of those roads?

Mr. REAGAN. It does not prevent them from charging any rate of freight they see proper, provided they charge equal freights to all shippers.

Mr. MAYHAM. Suppose that a shipper from Lockport to New York is charged a greater or less rate than a shipment from Buffalo to New York?

Mr. REAGAN. Under this bill they are forbidden to do that.

Mr. MAYHAM. Then I would ask——

Mr. REAGAN. Does the gentleman speak of rates of freight between two places within a State?

Mr. MAYHAM. Yes.

Mr. REAGAN. This bill does not touch that subject at all; we expressly avoid it. We do not pretend to regulate rates of freight in a State, because we know we have not the right to do it. We only attempt to regulate the charges upon interstate commerce, commerce from one State to another or to a Territory, or to a foreign country, or from a foreign country to this country.

Mr. MAYHAM. Suppose you start from Cleveland and follow the Lake Shore road to Dunkirk, where you reach the State of New York and where there are two diverging lines, does not this bill compel the companies in the State of New York to charge as much for freight carried from Dunkirk as they would for the freight brought from the West?

Mr. REAGAN. I do not know the localities to which the gentleman refers, and therefore I cannot answer his question. But I will say to the gentleman that we do not in any way regulate the rates of freight in a State; we do not touch that subject in any possible way. In no way do we prescribe the rates of freight on interstate commerce; we only provide that the rates on interstate commerce shall be equal as between different shippers, and that a greater amount shall not be charged on such commerce for a shorter distance than for a longer distance on the same road. Then, we have one regulation which affects the rates of freight and which will be found in section 4 of the bill.

Mr. MAYHAM. One other question.

Mr. REAGAN. First let me refer to this point, because several gentlemen have asked the question whether the fourth section of the bill did not affect State freights. I say to them that if they will look at the bill they will find that it does not affect them. What the bill does is to require that a schedule of State freight rates shall be posted up, and that the charges upon interstate commerce shall not be at a greater rate per ton per mile than the State rates are.

That case is precisely within the decisions of the Supreme Court, in which it says that such a discrimination cannot lawfully be made. Hence, in framing this bill we follow specifically the decisions of the Supreme Court on this point.

Mr. MAYHAM. But is there a possibility under this bill of regulating the amount that may be charged in any State over a railroad organized and chartered in that State?

Mr. REAGAN. We do not concede that a State, by creating a corporation, can violate and overthrow the Constitution of the United States. We insist that the Constitution is the paramount law of the land, and that no State can violate the Constitution; that no corporation can be permitted to trample down the rights of the people without a legal remedy.

Mr. CRITTENDEN. Will the gentleman from Texas permit me to ask him a question which I think will be in the line of his argument, but before doing so let me read a letter I yesterday received from an intelligent gentleman in East Saint Louis:

The trunk lines from here have effected a combination under which they have pooled their earnings in live-stock transportation on a basis of certain percentages to each road, and under this arrangement certain individuals (some five or six) have guaranteed to them a drawback of $15 per car not only on all stock shipped by them but on every car shipped by them out of Saint Louis to any terminal point east. The consequence is that the "eveners," as they are called, can form a ring any day in the market and regulate prices to suit themselves and no one outside of the favored ring can successfully compete with them in the purchase of stock. When those who are not in the favor of the roads come into the markets east they are liable to be slaughtered by the agents of the ring, as they have from $1 to $2 per head in cattle in their favor that if they desire they can sacrifice in order to break down any one who may dare to compete with them. The producer or feeder of cattle has no alternative when he seeks this market but to sell at whatever the ring may elect to pay on the day he may chance to be here. If cattle are plenty prices are depressed; if scarce, prices are put up to encourage liberal shipments by the farmers. The same system obtains at Chicago, and a few men are permitted by the co-operation of railroads to make fortunes out of the farmers, and against which they (the farmers) have no adequate remedy.

In my humble opinion this matter is of sufficient importance to claim your serious consideration as well as that of all other representatives of western interests, and I think I may with propriety say that it would be a very popular measure for every man who is the owner or producer of cattle and who is directly interested in the destruction of a monopoly that is so plainly detrimental to their interests.

I now ask the gentleman if the bill is to meet and cure such evils? They should be remedied at once as they are oppressive to the growers and feeders of cattle and are only in the interest of railroad rings, "eveners," and car combinations, and they should be broken up.

Mr. REAGAN. This bill will reach those evils specifically. One of its objects is to defeat that very abuse which was called to our attention by the oil interest during the Forty-fourth Congress, one of the largest interests in the country, which was smothered out, choked to death—which died in the hands of its legitimate owners through the efforts of a monopoly of that very kind combining with the railroads.

Mr. WOOD. Mr. Speaker, has not the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. WOOD. I move that the House resolve itself into Committee of the Whole.

Mr. MONROE. I ask unanimous consent that the time of the gentleman be extended for a little while. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. WHITE, of Pennsylvania. The gentleman from Texas wants only a few minutes. This is a question of general interest, and I hope there will be no objection. [Cries of "Regular order!"]

Mr. PAGE. I ask the gentleman from Texas whether he will not move to make this bill a special order, and take it out of the morning hour.

Mr. REAGAN. I will do so after the next morning hour. I desire to get it out of the way of other committees. I will consult with the friends of the measure and make that motion after the next morning hour.

TARIFF BILL.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. WOOD] that the House resolve itself into Committee of the Whole.

The question being put,

The SPEAKER said: In the opinion of the Chair a majority have voted in the affirmative.

Several members called for a division.

Mr. CONGER. Pending that motion I move that the Committee of the Whole be instructed when they reach the tariff bill to report the same back to the House with an amendment striking out the enacting clause.

The SPEAKER. A vote has been taken on the motion to go into Committee of the Whole, but a further vote was asked by division.

Mr. CONGER. But before the question was put, I sought the attention of the Chair three times very loudly.

Mr. ALDRICH. A division has been called on the motion to go into Committee of the Whole.

Mr. CONGER. I demand that my motion shall be put

The SPEAKER. The gentleman is not in order to make that motion.

Mr. CONGER. Now, I ask the Chair whether I have not the right pending the motion to go into Committee of the Whole to make this motion; and, if I have, I demand that it shall be put.

The SPEAKER. The Chair thinks that such motion is unusual.

Mr. CONGER. I ask whether I have not the right to make the motion.

The SPEAKER. Will the gentleman point out where he gets the right?

Mr. CONGER. Well, sir, if I may be allowed to say so, the Chair, I think, has admitted the right to make such a motion while the motion to go into Committee of the Whole is pending. It has been the universal practice in the House, while a motion to go into Committee of the Whole was pending, to allow a motion——

Mr. WOOD. The gentleman is too late even if he had the right to make the motion; but he has no right except the right of assumption.

Mr. CONGER. I addressed the Chair loudly before the question was put.

The SPEAKER. Will the gentleman from Michigan point out where he derives the right, under the rule, to make this motion?

Mr. CONGER. I submit that it is in order to move to instruct the committee at any time. I certainly have the right to make a motion to instruct the Committee of the Whole.

Mr. SAYLER. I undertake to say that the motion of the gentleman from Michigan is one which was never made in the House before. The proposition to strike out the enacting clause of the bill is one which can only be made in the committee. If the committee chose to make that report to the House, then it is the duty of the House to act on that report, but it cannot be done in the manner suggested by the gentleman from Michigan. More than that, the bill is not before the House for amendment. It is in the committee for general discussion. The gentleman cannot have the floor for that purpose in committee or out of committee until the House has closed the general discussion on the bill.

Mr. CONGER. If the Chair pleases, the House may at any time instruct the committee. The only question is as to the time. The Chair yesterday agreed with me that pending a motion to go into committee to consider the subject the House may instruct the committee.

The SPEAKER. As to the time of debate. If the gentleman quotes an individual conversation he ought to quote it correctly.

Mr. CONGER. I only refer to that incidentally. Now, pending that motion to go into Committee of the Whole on the state of the Union, I move the committee be instructed to strike out the enacting clause, which will bring the whole subject before the House for consideration.

The SPEAKER. The motion of instruction would be if the bill was before the House. The bill is not before the House. On the contrary, the bill is in the Committee of the Whole on the state of the Union, passed there long ago, and is now under general discussion.

Mr. CONGER. Then, Mr. Speaker, I move that the Committee of the Whole be discharged from further consideration of the bill. That motion is in order.

Mr. WOOD. I call the gentleman to order. He is clearly out of order.

Mr. SPRINGER. On that motion I refer the Chair to Rule 104, which provides that the House may at any time, by a vote of a majority of the members present, provide for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.

Mr. CONGER. There is no doubt about that.

The SPEAKER. There has been no action as yet on the bill.

Mr. SPRINGER. That is the point I desire to make.

Mr. CONGER. The bill has been discussed in the Committee of the Whole on the state of the Union, and I move that committee be discharged from further consideration of the bill.

The SPEAKER. The Chair does not entertain the motion, because Rule 104——

Mr. CONGER. Then I move that all further debate on the bill be limited to ten minutes.

Mr. WOOD. The gentleman from Michigan has not the floor for that purpose.

Mr. GARFIELD. I desire to make a suggestion. After having had a speech on this side of the House I do not think it fair and just when a response on the other side is about to be made we should try to cut off debate.

Mr. CONGER. The gentleman has voted that way all the while.

The SPEAKER. The Chair will entertain the motion to limit debate, as that is in order under the rules, if he states he rose for such purpose.

Mr. CONGER. The gentleman from Ohio is not opposed to going into Committee of the Whole on the state of the Union. He has voted for it every time.

Mr. O'NEILL. One speech has been made for the bill and one speech has been made against it. I do not suppose any member on this floor wants to strike at the opportunity of his fellow-members to make speeches. That is not it, Mr. Speaker; but there is a principle involved, and that is to relieve the country from the disquiet which exists every day this bill is before Congress. [Cries of "Order!"]

Mr. WOOD. I desire to say one word. I desire to know whether the majority which——

Mr. O'NEILL. Those are the only speeches I wish to make against it, to settle the matter one way or the other at once.

Mr. WOOD. Will this House cut off all debate before the committee has been heard on the subject?

Mr. O'NEILL. The whole subject is threadbare and worn out.

The SPEAKER. The gentleman from Pennsylvania should observe order.

Mr. O'NEILL. Yes, sir.

Mr. WOOD. The Committee of Ways and Means, composed of eleven members, have not yet had an opportunity to be heard on this subject; and, until every member of that committee who desires to speak for or against the bill has been heard, I shall resist any motion to limit debate.

Mr. O'NEILL. Does the gentleman mean to limit the debate to the members of the committee?

Mr. WOOD. I am not to be dictated to by you or any other member.

Mr. O'NEILL. The gentleman and his committee are not the House of Representatives, as he will soon see.

The SPEAKER. The gentleman from Pennsylvania is not recognized to interrupt.

Mr. O'NEILL. I know it, Mr. Speaker. [Great laughter.]

The SPEAKER. The gentleman from New York [Mr. WOOD] made a motion that the House resolve itself into Committee of the Whole on the state of the Union. The Chair submitted the question to the House, and there was a *viva voce* vote. The Chair decided that in his opinion a majority had voted in the affirmative, whereupon some member rose in his place, or I may say several members, and demanded a division. Subsequently thereto the gentleman from Michigan [Mr. CONGER] came down from his seat to the front and stated he had endeavored several times to have the attention of the Chair, so that he might make a motion to instruct the committee. The Chair thinks that is a correct statement of the course of the proceedings.

Mr. CONGER. With this addition, that I did address the Chair loudly enough to be heard——

The SPEAKER. The Chair will take the gentleman's word for it.

Mr. CONGER. Before there was any decision or any vote I addressed the Chair three times distinctly.

The SPEAKER. The Chair decides that a motion to instruct the committee is not in order. It is not provided for under the rule, and the gentleman from Michigan himself is unable to point to any rule which provides for so instructing the committee. The bill is now in Committee of the Whole, and went there long ago. The conjunction is not kept up.

Mr. CONGER. I will not appeal from the decision of the Chair. But I now move that all debate upon the bill be limited to ten minutes. And I call the attention of the Chair to page 199 of the Manual, where it is stated:

> The proposition to close debate may be made at any time, taking precedence, even of a motion to go into Committee of the Whole.

The SPEAKER. Does the gentleman from Michigan maintain that he made a motion to limit debate prior to the division on the motion to go into Committee of the Whole being demanded? The Chair has taken the gentleman's word that he made a motion to instruct the committee and the Chair has ruled that motion out of order.

Mr. CONGER. Will the Chair hear me a moment?

The SPEAKER. Yes; for as many moments as the gentleman desires.

Mr. CONGER. I desire only a moment. Had the Chair recognized me at the time and had he ruled then upon my motion to instruct the committee as he has now ruled, then I would have had the right to follow it up with this motion.

The SPEAKER. If the gentleman from Michigan will assert now that he intended, if the motion to instruct was ruled out of order, as the Chair thinks it properly has been, to follow that up with a motion to limit general debate to ten minutes, the Chair will waive all intervening controversy, and will recognize the gentleman to make that motion.

Mr. CONGER. I assert I had three motions in the order in which I desired to submit them to the House, and this was one of them.

The SPEAKER. Upon the statement the gentleman has just made the Chair will submit his motion.

Mr. GARFIELD. I move to make the time two hours.

Mr. CONGER. I accept that amendment.

Mr. WOOD. If I am in order I move to amend by making the time one week. Until all the members of the committee are heard upon this question I shall resist any motion to limit debate.

Mr. BURCHARD. I am informed that the arrangement is that to-day the gentleman from Virginia [Mr. TUCKER] and the gentleman from North Carolina [Mr. ROBBINS] shall speak, the gentleman from Pennsylvania [Mr. KELLEY] intending to address the committee to-morrow. I hope there will be no motion that will cut off the gentleman from Pennsylvania.

Mr. ROBBINS. I desire to say one word.

Mr. GARFIELD. My understanding was that the gentleman from Virginia [Mr. TUCKER] should first have the floor and then the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. ROBBINS. I desire to say that I have never addressed this House for one hour. I have not been absent from one of its sessions

nor missed a single vote. I think it would be ungracious to deny me this privilege.

Mr. WOOD. I withdraw my amendment.

The SPEAKER. The pending motion is to limit the debate to two hours.

Mr. BURCHARD. I demand the previous question.

The previous question was seconded.

The question was on ordering the main question.

Mr. BUTLER. I rise to a parliamentary inquiry. Does the previous question cut off the power of amendment from the bill?

The SPEAKER. Not from the bill, but from the motion.

The main question was ordered.

Mr. MILLS. I rise to a parliamentary question. I ask whether the previous question operates on the amendment of the gentleman from New York [Mr. WOOD.]

The SPEAKER. The gentleman from New York [Mr. WOOD] has withdrawn his amendment. It operates on the motion to limit the debate to two hours.

Mr. WILSON. Would it be competent now to move to limit debate to two days?

The SPEAKER. It would not. The main question has been ordered.

Mr. CONGER. If it would be competent for me to do so I would accept an amendment making the time four hours.

The SPEAKER. That requires unanimous consent.

Several members objected.

Mr. WOOD. I object to any limitation.

Mr. FORT. I desire to make a parliamentary inquiry. If the motion limiting debate to two hours is voted down, will it not be in order to amend the original motion by making it four hours?

Mr. CONGER. That is pending now.

The SPEAKER. It is not. Unanimous consent was not given.

Mr. THOMPSON. I rise to a point of order. When the gentleman from Michigan made his motion for two hours the gentleman from Ohio [Mr. GARFIELD] moved to amend by making it four hours

The SPEAKER. The gentleman from Ohio did not make that motion. That may have been uttered in a colloquy between gentlemen. The original motion of the gentleman from Michigan was not as stated by the gentleman from Pennsylvania. It was for ten minutes.

Mr. THOMPSON. Then there was a proposition to make the time two hours, which the gentleman from Michigan accepted. Pending that a motion was made by the gentleman from Ohio [Mr. GARFIELD] to make the time four hours.

The SPEAKER. Not till after the gentleman from Illinois had demanded the previous question.

Mr. THOMPSON. It was before that.

The SPEAKER. The Chair thinks otherwise.

Mr. THOMPSON. I know it was not otherwise.

The SPEAKER. The gentleman from Pennsylvania stated a moment ago that the motion of the gentleman from Michigan was to limit the debate to two hours, while his motion was to limit it to ten minutes. The RECORD will show whether the gentleman's memory is correct or not.

Mr. WHITE, of Pennsylvania. As I understand, the main question has been ordered on limiting the debate to two hours. Let us vote on that.

The question being taken, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. WHITE, of Pennsylvania. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 132, not voting 52; as follows:

YEAS—107.

Aldrich,	Dunnell,	Lathrop,	Ross,
Bacon,	Dwight,	Lindsey,	Ryan,
Baker, John H.	Eames,	Mackey,	Sampson,
Bayne,	Errett,	Maish,	Sapp,
Blair,	Evans, I. Newton	Marsh,	Shallenberger,
Boyd,	Evans, James L.	McGowan,	Sinnickson,
Brentano,	Fort,	McKinley,	Smith, A. Herr
Brewer,	Foster,	Metcalfe,	Stenger,
Bridges,	Freeman,	Mitchell,	Stewart,
Briggs,	Frye,	Monroe,	Stone, John W.
Browne,	Fuller,	Morse,	Stone, Joseph C.
Butler,	Gardner,	Neal,	Strait,
Camp,	Hanna,	Norcross,	Thompson,
Campbell,	Hardenbergh,	O'Neill,	Thornburgh,
Caswell,	Harmer,	Overton,	Tipton,
Claflin,	Harris, Benj. W.	Page,	Townsend, M. I.
Clark, Alvah A.	Haskell,	Patterson, G. W.	Turney,
Clark, Rush	Hayes,	Peddie,	Van Vorhes,
Cole,	Hendee,	Phillips,	Walsh,
Collins,	Hungerford,	Price,	Ward,
Conger,	Hunter,	Pugh,	Watson,
Crapo,	Ittner,	Randolph,	White, Harry
Cummings,	Jones, John S.	Reed,	Williams, C. G.
Cutler,	Joyce,	Reilly,	Williams, Richard
Danford,	Keightley,	Rice, William W.	Wren,
Davis, Horace	Killinger,	Roberts,	Wright.
Deering,	Lapham,	Robinson, G. D.	

NAYS—132.

Acklen,	Bell,	Boone,	Burchard,
Aiken,	Benedict,	Bonck,	Cabell,
Atkins,	Bicknell,	Bright,	Cain,
Banks,	Blackburn,	Brogden,	Caldwell, John W.
Banning,	Bland,	Buckner,	Caldwell, W. P.
Beebe,	Blount,	Bundy,	Calkins,
Candler,	Garth,	Kenna,	Smalls,
Chalmers,	Gause,	Kimmel,	Smith, William E.
Clark of Missouri,	Gibson,	Knapp,	Southard,
Clarke of Kentucky,	Giddings,	Knott,	Sparks,
Cobb,	Glover,	Landers,	Springer,
Cook,	Goode,	Ligon,	Steele,
Covert,	Gunter,	Lynde,	Stephens,
Cox, Jacob D	Hamilton,	Martin,	Swann,
Cox, Samuel S.	Harris, Henry R.	Mayham,	Throckmorton,
Craveens,	Harris, John T.	McCook,	Townshend, R. W.
Crittenden,	Harrison,	McKenzie,	Tucker,
Culberson,	Hartridge,	McMahon,	Turner,
Davis, Joseph J.	Hartzell,	Morrison,	Vance,
Dean,	Hatcher,	Muldrow,	Waddell,
Dibrell,	Hazelton,	Muller,	Walker,
Dickey,	Henderson,	Oliver,	Warner,
Durham,	Henkle,	Patterson, T. M.	Whitthorne,
Eden,	Henry,	Phelps,	Wigginton,
Eickhoff,	Herbert,	Pridemore,	Williams, A. S.
Elam,	Hewitt, Abram S.	Rea,	Williams, James
Ellis,	Hewitt, G. W.	Reagan,	Williams, Jere N.
Evins, John H.	Hooker,	Riddle,	Willis, Albert S.
Ewing,	House,	Robbins,	Willis, Benj. A.
Felton,	Hunton,	Robertson,	Wilson,
Finley,	Jones, James T.	Sayler,	Wood,
Forney,	Jorgensen,	Shelley,	Yeates,
Franklin,	Kelley,	Siemons,	Young.

NOT VOTING—52.

Bagley,	Douglas,	Loring,	Robinson, M. S.
Baker, William H.	Ellsworth,	Luttrell,	Scales,
Ballou,	Garfield,	Manning,	Schleicher,
Bisbee,	Hale,	Mills,	Sexton,
Bliss,	Hart,	Money,	Singleton,
Bragg,	Hiscock,	Morgan,	Starin,
Burdick,	Hubbell,	Pollard,	Townsend, Amos
Cannon,	Humphrey,	Potter,	Veeder,
Carlisle,	James,	Pound,	Wait,
Chittenden,	Jones, Frank	Powers,	Welch,
Clymer,	Keifer,	Quinn,	White, Michael D.
Davidson,	Ketcham,	Rainey,	Williams, Andrew
Denison,	Lockwood,	Rice, Americus V.	Willits.

So the motion of Mr. CONGER was not agreed to.

During the roll-call the following announcements were made:

Mr. LOCKWOOD. I desire to announce that I am paired with my colleague, Mr. HISCOCK.

Mr. SCALES. I desire to state that upon this question I am paired with Mr. ROBINSON, of Indiana.

Mr. MILLS. I desire to say that I am paired with Mr. HALE. If he were present, I should vote "no."

Mr. BRAGG. I desire to say that upon all questions touching the tariff I am paired with my colleague, Mr. POUND, who is absent by leave of the House.

Mr. CARLISLE. I am paired with Mr. POWERS, of Maine. If he were present, he would vote "ay" and I should vote "no."

Mr. SOUTHARD. I desire to announce that my colleague, Mr. RICE, is paired with my other colleague, Mr. KEIFER.

Mr. DAVIDSON. I desire to say that I am paired with my colleague, Mr. BISBEE. If he were present, he would vote "ay" and I should vote "no."

Mr. COLE. I desire to announce that my colleague, Mr. MORGAN, is paired with Mr. JAMES upon the tariff question.

Mr. CANNON, of Illinois. Upon this question I am paired with Mr. CLYMER, of Pennsylvania. If he were present, I should vote "no" and he would vote "ay."

Mr. CAMP. I wish to announce that my colleague, Mr. BAKER, is paired upon this question with my colleague, Mr. QUINN. If he were present, my colleague, Mr. BAKER, would vote "ay."

Mr. HARRIS, of Massachusetts. I desire to state that Mr. JONES, of New Hampshire, is paired with Mr. BAGLEY, of New York. If Mr. JONES were present, he would vote "no" and Mr. BAGLEY would vote "ay."

Mr. WILLIAMS, of New York. I desire to state that I am paired upon this question with Mr. MONEY, of Mississippi. If he were present, I should vote "ay."

Mr. HUBBELL. I am paired with Mr. BLISS, of New York. If he were present, I should vote "ay" and he would vote "no."

Mr. BURDICK. I am paired with the gentleman from Mississippi, Mr. MANNING. I am informed that, if present, he would vote "no" and I should vote "ay."

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is absent by reason of sickness, and I desire to state that my colleague, Mr. WILLITS, is paired with Mr. POTTER. If Mr. WILLITS were present, he would vote "ay."

Mr. PAGE. I desire to announce that my colleague, Mr. LUTTRELL, is paired with Mr. DENISON, of Vermont.

The result of the vote was then announced as above stated.

Mr. WOOD. I demand the previous question upon my motion.

Mr. BUTLER. Before that question is put, I ask the gentleman from New York if we cannot make some arrangement as to the limit of debate; say to three hours, or four hours, or five hours?

Mr. WOOD. The gentleman from Massachusetts is an old member of the House, and he must know that on a bill of this character, so important, where so many gentlemen desire to be heard, at this early stage of the discussion and when but two speeches have been made, it is impossible to fix a time when debate shall be closed. I would say, however, that at the earliest practicable moment I propose to move to proceed to the consideration of the bill, and to ask the House

to consider the question whether they will act upon the bill at this session or not. But until the debate has proceeded to such a condition that gentlemen on the other side of the House are better informed upon the subject than they seem to be now, I shall not consent to any limit to debate.

Mr. BUTLER. That will never be.

Mr. KELLEY. I ask leave to say a few words upon this subject.

The SPEAKER. Debate is hardly in order.

Mr. KELLEY. I ask unanimous consent to say a few words. This question is one of vital importance to the country and to the people. It touches the sources of revenue and the various industries of the country.

Mr. WOOD. I hope the gentleman will confine himself to the point of closing debate.

Mr. KELLEY. I will confine myself to that question. The bill deserves discussion and has received the consideration of very many gentlemen on this floor. It is fitting that those who were charged by the House with the consideration of so grave and far-reaching a question should have an opportunity of stating the reasons that have influenced them and of presenting their views to the House. I have voted against my colleagues and against my party friends——

Mr. CONGER. I object to the gentleman excusing himself here.

Mr. KELLEY. I have nothing to excuse myself for. I could not be driven into playing the part of a blackguard and perpetrating a gross indecency upon the Committee of Ways and Means by my colleagues on that committee or any other gentlemen on this floor. [Applause.] Having abstained from pursuing that course needs neither excuse nor defense.

The SPEAKER. This debate is hardly in order.

Mr. O'NEILL. If this debate goes on I propose to say a word.

The SPEAKER. The question is upon seconding the previous question.

Mr. O'NEILL. I ask the gentleman from New York [Mr. WOOD] to permit me to say a few words.

Mr. WOOD. I cannot yield now.

Mr. O'NEILL. I simply wish to ask the gentleman whether, in view of what has been said, he will at the proper time give an opportunity to a member opposed to this bill to move to strike out the enacting clause? [Cries of "Order!" "Order!"]

Mr. WOOD. I object to debate.

The SPEAKER. Debate is not in order.

The previous question was then seconded and the main question ordered; and under the operation thereof the motion of Mr. WOOD was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SAYLER in the chair.

REVISION OF THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, upon which the gentleman from Virginia [Mr. TUCKER] is entitled to the floor.

Mr. TUCKER addressed the committee. [His remarks will appear in the Appendix.]

Mr. ROBBINS. Mr. Chairman, a wise and just system of revenue must fulfill two conditions and have two grand aims. First, it must raise that amount of money which is necessary for the purposes of the Government. And secondly, it must do so by imposing the lightest possible taxes upon the people. To neglect the first is improvidence; to neglect the latter is extortion; to accomplish both is the perfection of statesmanship.

The first inquiry, Mr. Chairman, in the investigation of this subject is how much revenue do we need? To answer that, we must look into the purposes for which revenue is needed. One of these is to sustain the public credit and meet the obligations of the public debt. The debt of the United States is a great burden upon the American people; but it is a burden which must be manfully and honestly borne and discharged in a manner worthy of a great and honorable nationality. If there be, as I trust there are not, any of our statesmen or public men who are in favor of its repudiation, I must declare that my sympathies are not with them.

The State and section from which I come, it is true, were on the other side in the great conflict out of which most of this debt arose, and the Government contracted it in providing means to overthrow the cause for which I and my constituents fought. But that conflict is now over, and we are all again citizens of a common country and under a common Government, and I recognize the fact that the obligations of this common Government are binding upon us every one. I take great pride and pleasure in assuring this House and the country that the South in coming back to resume her place in the Union has brought with her that high sense of honor which was always one of her characteristics, and that the faith and credit and good name of the United States will never suffer by any dereliction on her part.

Those who fear southern influence in the public councils can rest easy on that point. The people of the whole country I believe mean to pay the debt honestly. Our creditors must be content to take their pay in the money "nominated in the bond," and not in a dearer medium; but nevertheless the debt must be paid honestly according to the terms of the contract; and those who seek to break the public promises by repudiation, and those who seek to give them a strained construction in favor of grasping bondholders, are equally to be resisted.

I make these preliminary observations concerning the inviolability of the public faith that no one may misunderstand the spirit in which gentlemen from my section of the country approach the discussion of questions pertaining to the public debt and the revenue. But the *onus* of paying the principal of the public debt or any large portion thereof ought not to fall upon the present generation. The losses and the sacrifices which the people of all the States have had to suffer by reason of the unfortunate conflict out of which the debt mainly arose have borne so heavily on the industrial and pecuniary resources of the whole Republic that time ought to be allowed for general recuperation before we are called upon to shoulder the load of paying off the debt itself. We are growing rapidly in numbers and in development.

In the life-time of those even who will remember the great sectional war our country will be magnificent and unexampled in wealth and be the home of a hundred millions of prosperous and happy citizens. A burden which would crush us now will be but a trifle then. We have been paying off the debt too fast. On the 1st of July, 1866, the outstanding principal of the debt was, in round numbers, $2,773,000,000, according to the Treasury reports. On the 1st of this present month of May, 1878, it was reduced to $2,203,000,000, without deducting the cash in the Treasury, so that in less than twelve years we have paid off $570,000,000 of the principal of the debt, or more than one-fifth of the whole of it.

Now, Mr. Chairman, I think this is unwise financiering. The world has faith in our solvency. The money-lenders of the world are willing to take our bonds at a low rate of interest as a good investment. Our bonds which have a long time to run bring more in the market than those which fall due to-morrow. Our material interests and industries, on the contrary, are languishing and paralyzed for the want of available capital and ready cash with which to carry on business. Wherein is the wisdom of taxing the people and drawing from them their limited supply of money in order to pay a debt that our creditors do not want us to pay, but which they prefer to hold as an investment on long time? What we need to do, Mr. Chairman, is to fund the debt at a low rate of interest and pay that interest punctually, giving the world assurance of our purpose in good faith to discharge our obligations; and then we may choose our own time for paying the principal of the debt.

We have now paid $240,000,000 more of it than was required by the law creating the sinking fund. I submit that as the first logical and obvious step toward lightening the people's burdens we should suspend the operation of that law for some years, as recommended by the Committee of Ways and Means, and cease at present to tax the people for the maintenance of the sinking fund. We only need revenue, then, for two things, to wit, for the ordinary expenses of the Government and for paying interest on the public debt. How much do we need for these purposes? In the last annual report of the Secretary of the Treasury he estimates that $140,000,000 is enough to meet the expenses of the Government for the next year, (apart from interest and the sinking fund,) and that the aggregate of the appropriations can be brought within the limit of these figures "without crippling any branch of the public service."

He says, also, that next year he will require but $93,000,000 to pay the interest on the public debt. Add the $93,000,000 to the $140,000,000 and you have $233,000,000 as the amount of revenue that is really needed for the next fiscal year, and with interest diminishing by funding the debt at lower rates and the expenses of the Government curtailed if we will by retrenchment in all Departments, we have no reason to anticipate higher estimates for many years to come. There is room, therefore, for a reduction in the revenues and in taxation; and this latter, after all, ought to be a prime object in all modifications of the laws on the subject of revenue. What boots it if we change our revenue legislation unless we ameliorate the burdens of the people?

How much are the receipts of the Government at present? During the fiscal year ending June 30, 1877, the receipts from customs duties were $130,956,000; from internal revenue, $118,630,000; from miscellaneous sources, about $20,000,000; making in all $269,000,000, in round numbers. And yet the last was not a prosperous year. The hard times and exorbitant tariff duties have caused imports to fall off steadily since 1872. In that year the customs duties amounted to $216,000,000. In 1877 they were only $130,956,000, as I have already stated. So that in six years they decreased more than $85,000,000. This, by the way, is an overwhelming argument against the existing tariff. The receipts from internal revenue, it is true, have somewhat increased, but not nearly so much as they would have done if business had been more prosperous and the internal taxes less onerous, so as not to oppress the great agricultural interests from which they are, by a most unwise policy, principally derived. But even with all disadvantages the receipts for the last fiscal year were $36,000,000 more than are needed for the next year, apart from the sinking fund.

From the Treasury reports and other sources of information we have assurance of the fact that even under the existing ill-adjusted system of revenue, the receipts of the Treasury have now about touched their minimum. The revival of business may be so gradual as scarcely to be perceived, but it is none the less sure and encouraging. Both our imports and exports are increasing.

The Secretary of the Treasury in his latest statement of the con-

dition of the Treasury gives the imports for the twelve months ending March 31, 1877, as $423,000,000, and for the twelve months ending March 31, 1878, as $465,000,000, an increase of $42,000,000, or about 10 per cent. in one year. He gives the exports for the same periods as $597,000,000 and $665,000,000, respectively, an increase of $68,000,000, or over 11 per cent. His report of receipts from customs for the quarter ending September 30, 1877, is nearly $37,000,000, largely over one-fourth of the amount received from this source during the last year. His estimates for the other three quarters of the current fiscal year are lower in ratio than for the first quarter, but the total comes up to within a trifle of the figures of last year. His estimates of receipts from internal revenue and miscellaneous sources likewise fall but little below those of last year. Certainly the Secretary is not disposed to make overestimates just now, for he opposes our measures of revenue reform and would naturally discourage them by unfavorable figures. It is fair to presume that the revenues of the current year will be at least as large as he conjectures.

This remark is corroborated by what he gives as the estimates for the next year. For the fiscal year ending June 30, 1879, he estimates the receipts from customs at $133,000,000; from internal revenue, at $120,000,000; and from other sources, at $16,000,000; making a total of $269,000,000, which is equal to the receipts of the last fiscal year; and I have shown that to be $36,000,000 above what we need to carry on the Government and pay interest.

The proposition may therefore be stated with emphasis, repeated, reiterated, that we are now secure of an annual revenue of thirty-six millions beyond the real needs of the Government. This revenue has touched its lowest figures in the aggregate even under present laws and will likely grow to a greater excess. The corollary to all this is that it is our bounden duty to reduce taxes.

But Mr. Chairman, if it is our duty to reduce existing taxes because the revenue they produce is not needed, how much more is it our duty to take off taxes which do not produce revenue to the Treasury, which were never designed for that purpose, but the sole object and effect of which are to wring money from the people and give it to certain favored classes and interests—to take it from the poor and give it to the rich—to take it from the laborer and give it to the capitalist and the monopolist. Let *doctrinaires* disguise it how they will, this is what a so-called protective tariff really means.

It is not my purpose to indulge in hard words while speaking on this point, for I know that no good cause is advanced by violence of temper or language on the part of its advocates. Nevertheless it is difficult to restrain one's indignation and to maintain becoming moderation in discussing the great wrong to which I now allude; and I am not sure but that the just wrath of oppressed multitudes ought to find voice in this forum in such blasting and withering terms of denunciation of this system of legalized robbery as would compel its apologists to hide their faces for shame.

Under the existing tariff about one-half of all the dutiable articles, on most of which high duties are laid, yield almost no revenue at all. For instance, saws of all kinds did not furnish a revenue of more than $220 last year, and yet the duty on them ranged from 20 to 50 per cent. Cut-nails and spikes, at a duty of more than 46 per cent., only furnished $29.06 revenue. Cut-tacks, brads, and sprigs, at a duty of 34½ to 44½ per cent., paid in a revenue of $27.40. Cast-butts and hinges, at a duty of 24½ per cent., paid the enormous amount of $4.16. One class of cotton jeans, denims, drillings, &c., paid $63.38; another paid $17.25; another paid $229; another $361; another $84; another $146, while the duty on all these ranged from 33 to 109 per cent. I might go on and fill pages with examples equally striking. Eight or nine hundred articles only pay a revenue of about one-third of a million dollars. How is this? Simply that these articles are virtually prohibited from importation by the high duties imposed. What is the purpose of it? Solely to exclude such articles from coming into our markets to compete with home productions having similar uses. What is the effect? Why, plainly it gives the manufacturers of these home products exclusive control of our markets and enables them to exact from every buyer and consumer in the United States a proportionally higher price for the same. A heavy contribution is thus levied upon the entire class of consumers, and these constitute an overwhelming majority of the people, and yet hardly a dollar of this sum finds its way into the Treasury, but nearly all of it goes into the pockets of those who are growing rich by preying upon their fellow-citizens.

The same principle holds true in a greater or less degree with regard to every article and commodity on which a protective duty is laid. In many cases the duty, while not absolutely prohibitory, is so high as to check importation and reduce the revenue far below what it otherwise would be. For instance, the revenue received on iron and steel and the manufactures thereof in 1872 was $21,922,127, but has been regularly falling off, until in 1877 it was only $3,765,846. We have become exporters of this product ourselves, and yet the iron men are clamorous for the continuance of the present high duties, which not only keep up prices to American consumers but will soon destroy the last vestige of revenue from this source.

The wrong which is done to the consuming classes of the people by protective duties on imports will startle any man who looks into the subject and finds how small an amount of revenue from many important articles goes into the Treasury and how large an amount is added to the prices which the people must pay for these articles by reason of the duties on them.

Statistics are dry things and I do not wish to encumber my remarks with too many of them. Nor is this necessary to enforce the point which I am now presenting. A single illustration will suffice. *Ex uno disce omnes.* Let us examine the statistics upon the subject embraced in the first schedule of the tariff law, the schedule relating to cotton manufactures. I take this schedule because it stands first and will serve my purpose well enough.

The value of all imports of cotton manufactures last year, according to the report of the Bureau of Statistics, was $18,923,654. The total revenue derived from the duties thereon was $6,554,826. I wish, just here, to call attention incidentally to the fact that the revenue from this source in 1872 was $12,306,215, showing that there has been a falling off in this particular, under the present high rates of duty, of nearly one-half, another proof of the unwisdom of the present tariff. The average duty imposed on the various items in this cotton schedule is over 53 per cent. ad valorem, and on many of the items the duty is practically prohibitory.

On those classes of cotton manufactures which yield any considerable revenue to the Government the average rate of duty is about 35 per cent., as is proven by dividing the total of receipts by the total of importations.

By the census of 1870 the value of the cotton manufactures produced in this country for the preceding year amounted to $177,489,739. Notwithstanding all the talk of hard times the quantity produced is much larger now. To show how much the increase has been, I refer to a table found on page 255 of a valuable work, which I hold in my hand, by William B. Dana, entitled Cotton from Seed to Loom, just issued from the press, and another table found on page 268 of the same work. It is there shown that the quantity of cotton used by American manufacturers in 1869 in making the product given in the census report of 1870 was 922,359 bales; that the quantity annually used since has been regularly increasing until it amounted in 1877 to 1,435,418 bales; which is 513,059 bales, or more than 55 per cent. of raw cotton now annually used by American manufacturers above what they used in 1870. It is true that the price of raw cotton has fallen in just about the same proportion that the quantity used has increased, and the fact deserves notice that our cotton manufacturers actually pay no more money for raw material now than they did in 1870, though they use so much more of it, and make and sell a much larger quantity of manufactures.

For the purpose of my argument I will therefore concede that the aggregate value of our home cotton manufactures stands at the same figures as in 1870, that is $177,489,739. Out of this we exported last year an amount valued at $10,180,984. (See page 257 of Dana's work aforesaid.) All the remainder of our manufactured cottons is bought and consumed by our own people. The New York Financial Chronicle of a recent date says:

> The past year * * * our spinners * * * have manufactured goods in increased quantities and sold them all.

Excluding the quantity exported, they have sold to our own people products to the value of $167,308,755. Besides this we imported cottons to the value of $18,923,654, as I have before stated. Add these two amounts together and you have $186,232,409, which represents the total value of manufactures of cotton consumed by the American people last year.

It is a problem which has been much discussed, and never solved with perfect accuracy, as to how much the price of any article is increased by the customs duty levied upon similar articles imported. Certain transcendental theorists, some of whom may yet be left in the land and even in this House, maintain that by laying high protective duties on commodities you actually lower their price. The only worthy reply to such a proposition is the conundrum, (not original with myself,) "How high must the duty be laid on an article to enable us to buy it for nothing?"

One thing is plain: protection is a fallacy if it does not protect. How does it protect? The only way by which it can protect the home producer or manufacturer is by enabling him to demand and secure an increased price for his product. What percentage of increased price is he thus enabled to exact? I answer, very nearly the same as that of the customs duty imposed on similar articles by the tariff. For it is manifest that the importer who pays the duty on any commodity will add that much to the price of what he imports and sells in this country. The fact that any article is imported and sold here at all is sufficient proof that the home manufacturer of the same article does not exclude the importer from our market by underselling him. Therefore, the price of the home product is regulated by that of the foreign import.

But some allowance must certainly be made for competition. The imported article and the home product compete with one another in the market, and the effect of that undoubtedly is to cut down the price of both a little. But the importation of cottons is only $18,000,000, and the home product sold in this country is $167,000,000. Therefore the effect of the competition of the foreign importations brought here in cutting down the price of the home product can be but a small percentage, as I think every fair-minded man will admit.

Mr. KELLEY. Will the gentleman pardon me a question or two?

Mr. ROBBINS. Certainly.

Mr. KELLEY. Is it not true as a general proposition that he who is compelled to seek a market must take the market rate, while he whose products are sought may fix his own price?

Mr. ROBBINS. He who has anything to sell can sell it higher by

preventing everybody else from going to the market to sell like things.

Mr. KELLEY. That is not an answer to my question; it is rather an evasion. The question was a simple and direct one.

Mr. ROBBINS. Put it again.

Mr. KELLEY. Does not he who is compelled to carry his goods to a market have to accept the market price?

Mr. ROBBINS. Yes, sir.

Mr. KELLEY. And may not he whose goods are sought by purchasers fix his own price? There is a great deal in that question, Mr. ROBBINS.

Mr. ROBBINS. Yes, I have no doubt there is; and I have no doubt we shall hear it elaborately discussed by the gentleman to-morrow morning, and I shall listen to him with great pleasure, as I always do. But that question is an abstraction which I have not time to go into.

Mr. KELLEY. Oh, no; it is not an abstraction.

Mr. ROBBINS. It is entirely out of the current of my present argument. I might and probably would answer both questions in the affirmative; but I say *non sequitur* as to what the gentleman might consider the logical sequence, because with all his wisdom I have often thought that he entertained many vagaries on this subject and he lives in a land which grows rich by making other States contribute to its wealth. It is very easy to see things the way that our interest points. It appears to me that as the foreign importer comes here with cotton manufactures and sells them, the home producer gets as high a price as the importer; but the importer when he brings his articles here, being required to pay 35 per cent. duty, must add this to the prime cost before he offers the goods in the market. This 35 per cent. becomes a part of the price which the consumer here must pay, and besides this the importer sells at a profit in this country, otherwise eighteen million dollars' worth of foreign products would not come here.

The home producers of course do not undersell the importer or they would exclude him; so the home producers get as high a price as the importer; and that, allowing for the competition of which I spoke, is about 30 per cent. more than what we would have to pay if we could buy in the world's free marts. Robert J. Walker, in discussing this question in 1846, said that while it was not easy to tell exactly the percentage it was quite sure that, upon an average, two-thirds of the duty was added to the price of imported articles sold in this country.

This being true generally with regard to the whole range of articles, it is fair to say with regard to the class of which I am now speaking, of which the importation does not bear a proportion of much more than one-ninth to the home product, that the competition is not sufficient to reduce the 35 per cent. below 30. I state, therefore, the proposition that every man who buys cotton manufactures in this country pays 30 per cent. more than he would have to pay if there were no protective tariff—no check on foreign competition in the market. How much is sold? One hundred and sixty-seven million three hundred and eight thousand seven hundred and fifty-five dollars' worth of home products and eighteen million nine hundred and twenty-three thousand six hundred and fifty-four dollars' worth of importations, making one hundred and eighty-six million two hundred and thirty-two thousand four hundred and nine dollars' worth sold in this country and consumed by our people; 30 per cent. of this is the amount paid in the shape of increased prices by the purchaser and consumer. How much is 30 per cent. of $186,232,409? Fifty-five million eight hundred and sixty-nine thousand seven hundred and twenty-two dollars. This is the sum which the American people are taxed annually on cotton manufactures. How much of this goes into the Treasury? Here are the figures from Secretary Sherman's report: $6,554,826. The remainder, $49,314,896, is a bounty paid by the masses of the consumers to the cotton manufacturers. In other words, out of every $9 paid by the people $1 goes into the Treasury, and $8 go into the hands of the greedy protectionists who shriek ruin whenever we talk of withholding from them this enormous tribute.

If I had time or deemed it necessary I might take up the subjects embraced in other schedules of the tariff, and show still more fully how oppressive to the masses of the people is the operation of the protective principle. The sugar schedule, about which, strange to say, there is a great deal of clamor, is constructed more nearly upon the revenue basis than any other schedule in the tariff law. There are 200,000,000 pounds of sugar produced in this country, and the duty averages about 2½ cents a pound. Make the calculation for yourselves, gentlemen, and you find that this gives only $5,000,000 bounty paid to the sugar-planters of the United States. How much revenue goes into the Treasury from sugar? Thirty-seven million eighty-six thousand nine hundred and ninety-two dollars. In other words, we pay on sugar a bounty of $5,000,000, and we get a revenue of $37,000,000. On cottons we pay a bounty of $49,000,000, and get a revenue of $6,500,000. On iron and steel, and manufactures thereof, we pay to the home producers a bounty of who can tell how many millions? and the Treasury receives from them only $3,765,846. The schedule of wools and woolens shows also a large bounty in proportion to the revenue received by the Treasury.

What is the use of adding words to these figures? The enormous wrong which they exhibit could not be worthily portrayed by any terms which the English tongue supplies. The people of this country have been deceived by ingenious sophisms on this question for a great while; but they are waking up; they are becoming better enlightened. I tell gentlemen that these wrongs must be righted. These great outrages will be stopped by the oppressed people of this country, even if they have to revolutionize politics, tear down parties, and reorganize them anew.

The bill reported by our committee falls far short of realizing my ideas of what a tariff law ought to be; but I support it heartily because it is the best we can now get and because it is much better than the law as it now exists. Believing in a tariff for revenue only, we have nevertheless been very tender with the protected interests. True statesmanship never forgets to be conservative. Nature is conservative. Night does not turn to day, nor winter to summer, without an interval. We have recognized this principle in our work. We have recognized the fact that the protected interests were like hothouse plants, and that it would be cruel to take them up and set them out in the open air at once. So we have only transferred them into an apartment of a slightly lower temperature; and by degrees we hope to accustom them to live outdoors.

The average reduction we have made in the duties does not exceed one-fourth to one-sixth of the present rates. Just think of it. As oppressive as the tariff now is, we have cut down the duties only one-fourth or one-sixth of what they are now; yet witness the clamors against this moderate measure. And when you see it you will realize how impossible it is to placate and satisfy those who antagonize this so just, so moderate, so conservative a measure. Their violent opposition only shows how extremely exacting they are.

The bill we have reported is an improvement on the present law in the fact that it abolishes compound duties. The present tariff has both ad valorem and specific duties on a great many articles. We have in every instance made the duty single, and also specific where it was practicable, and have only retained the ad valorem duty in cases where it was impossible to describe the articles specifically, so as to impose a specific duty upon them. The ad valorem principle may be correct in theory, but it has been found to open the door to so much cheating, so much imposition, so much fraud upon the revenue, that it is not wise to continue it any longer in practice. So we have resorted to the other method of specific rates in every instance where we could. This simplification of the law will reduce the expense of administering it nearly one-half.

The present tariff law levies duties on 1,524 articles. We have cut the number down to about one-half of that. That is an important consideration, a great improvement. The English people, from whom we could learn, if we would, so many valuable lessons on this whole subject—for no nation is more wise or far-seeing in its commercial and financial policy—levies a tariff on 18 articles only, and not one of them is produced or manufactured in that country.

The present tariff, Mr. Chairman, requires that in making out the invoice of imported goods on which ad valorem duties are imposed, there shall be added to the first cost the charge of transportation from the place where they are purchased in the foreign country to the port of shipment; also for packing, inspection, and sundry other items, and all these must be certified by the consul with perfect accuracy. It is very difficult to make out an accurate invoice with all these details. To get rid of that we have added 5 per cent. to the prime cost of articles wherever purchased in a foreign land in lieu of all these incidental charges. That is much simpler and much better in many ways. Many seizures of goods have taken place, for instance, because there was some inaccuracy or want of knowledge in regard to so trifling a matter as the cost of boxes in which the goods were packed. Such cases have occurred frequently. The plan we have adopted in this respect is also favorable to cheapness in the heavier and bulkier commodities which the poorer classes of our people have to buy.

We have provided also, Mr. Chairman, that foreign goods imported to be used in manufactures and re-exported afterward may be placed in warehouses and used as warehouse goods without paying duty, which is a great deal better than the system of drawbacks. The drawback system has nevertheless been retained in cases where the other is impracticable.

I might go on, if time permitted, and point out many other particulars in which our bill is better than the present tariff law, besides the important fact of its general reduction in the rate of duties.

On all articles in common use we have reduced the duty about 25 per cent., while on luxuries consumed by those who are able to pay for them we have left the duties nearly or quite as high as they are under the present law.

I will not go into a detailed discussion of the rates of duty on particular articles, but will leave that to be done at the proper time when we enter upon the consideration of this bill under the five-minute rule.

There is another branch of the general subject of revenue reform which the people I represent here are greatly interested in, and that is a change in the internal-revenue system. Some time ago this House took what I considered a snap judgment in regard to the spirit tax by passing a resolution declaring that it was inexpedient now to reduce the tax on spirits; and the Senate having concurred in that resolution, I recognize that matter as being removed out of the range of our action at this time. But I may be pardoned for saying that I think it was rather extraordinary on the part of this House to take

such hasty action in regard to a business which yields $57,000,000 or nearly one-quarter of all the revenue we raise from every source—to take action on it at the very time when your committee was engaged in preparing a bill concerning it—to decide the question without a hearing, without waiting for a report, and without any discussion on the subject.

I shall not dwell on that matter now, except to remark that distilled spirits are, it may be said, a product of the field, or at least but one remove from it, and I think the husbandmen and agriculturists of the country, although they have been denied it now, will find means yet to compel a hearing by the American Congress as to the propriety and justice of levying this immense tax on what they produce.

But I am glad to say that no unfavorable action has yet been taken in regard to the reduction of the tax upon tobacco. Two days ago the House, by a small majority, indicated that it was in favor of the reduction of that tax to 16 cents. That is not as low as I think it ought to be; and on the first day of this Congress, when it was in order, I introduced a bill placing the tax upon tobacco at 12 cents, and other gentlemen introduced bills of the same purport shortly afterward.

The agitation that has occurred on this subject has caused great loss, great disturbance to the trade; and some have blamed those of us who brought these bills forward as the cause of it. I am not nervously overanxious to defend myself on this point, for I feel safe in relying on the good sense of my constituents who know my zeal in behalf of their interests. But it is due to truth to say that I saw the agitation was bound to come whatever course I might pursue. So long as the tax is so exorbitant agitation cannot be kept down. It is not within the control of any member of Congress to stop such a thing. The people demand a reduction of this onerous tax. Seeing, therefore, that the agitation was coming and knowing that it could not be prevented as long as the tax was so abnormally high, I introduced a bill at the earliest possible moment for the purpose of hastening the settlement of a question so important to the trade; and from that day to this I have been laboring to hurry up the decision and settlement of this matter so that those interested might know what we are going to do with it.

I trust that the House will take the question up in regular order at an early day and dispose of it finally. And after this long delay it would be unpardonable not to grant the reduction asked for. There are a great many cogent reasons for reducing this tax. In the first place tobacco is an agricultural production. The tillers of the soil are the creators of all wealth. Out of the earth springs everything we have. She is well called Mother Earth. And the tillers of the soil ought not to be taxed when it is possible to avoid it, nor ought they to be taxed one cent more than is absolutely necessary for purposes of revenue.

I think I can show, Mr. Chairman, that the present tax on tobacco is beyond the proper maximum to raise the most revenue. For instance, when you raised the tax on tobacco from 20 cents to 24 cents you increased the tax thereby one-fifth, but you did not increase the revenue from it one-fifth; you scarcely increased it at all. It would be very easy to demonstrate, if I had time, that if you had left the tax at 20 cents on the pound the increase of production and the enlargement of the business would have been such that to-day you would have more revenue in the aggregate from the tobacco tax than you raise by the tax of 24 cents a pound.

Now, I lay down this proposition: that whenever you impose a tax or whenever you increase a tax, and it does not produce a corresponding increase in the revenue, such a tax is unjust and works mere oppression to the industry which is the subject of it. I know it is contended by some that the consumer of tobacco pays all the tax and that the reduction of the tax cannot benefit the leaf-grower. Well, sir, one thing is certain: the effect of a high tax is to diminish the number of men who have capital enough to go into the manufacture. It has a tendency to throw the whole manufacture of tobacco into the hands of a few.

And what do we see to-day? Who is opposing the reduction of the tobacco tax? It is the manufacturers in the great centers who wish to monopolize the business; men like the Lorillards, of New York, who want to keep everybody from manufacturing tobacco except themselves; those who have plenty of capital to pay this high tax, and who can lay up their tobacco and hold it as long as they please until it suits them to market it. Those men are opposed to a reduction of the tax in order that they may kill off the men who have less capital. What would be the effect of that? The number of purchasers in the market will be diminished, and whenever you cut down the number of manufacturers, say from one thousand to one hundred, the man who has the leaf to sell has but a hundred instead of a thousand customers.

Does not every one see that this will bring down the price of the leaf? Besides, this smaller number of buyers can more easily combine together and put the price of the leaf down to whatever figure they choose. The way, then, to increase the price of the leaf is to lower the tax, thus increasing the number of manufacturers, the number of customers to whom by existing law you compel the leaf-grower to sell. Under the law as it now is he can sell only to three classes of men, the manufacturers, the exporters, and the licensed dealers. But after you have shut him up to three classes of customers for a market, by your high tax you cut down the number of one of these classes almost to zero. Is there any gentleman here who fails to see the great hardship of this sort of legislation?

Remove your high tax. Let the business of manufacturing be open to men of small means and limited capital. This will make the manufacturers numerous; the leaf-grower will have a larger number of customers to sell to, and will receive consequently a larger price for his commodity. It seems to me that the soundness of these views cannot be controverted by any gentleman of candor. A vote for the reduction of the tobacco tax is truly a vote against monopoly and for the interests of the masses of the people.

There is another fact, Mr. Chairman, that sustains my proposition. When you raised the tax on tobacco from 20 to 24 cents the price of manufactured tabacco did not rise at all. Look at the price-lists before the tax was raised and then afterward, and you will find that the price of tobacco when the tax was 20 cents was just as high as it was after you put on 24 cents. On whom did the payment of those four cents fall? Not on the consumer. It was on the men who stood before the consumer, to wit, the leaf-grower, the manufacturer, and the dealer. That is plain common sense. It is the commonest principle of political economy. I learned it at school from old Wayland, that when you increase the price of any article you diminish the number of people that will purchase it; or if you do not diminish the number of purchasers you diminish the quantity which each feels that he can afford to purchase; so that you narrow the market as you increase the price and you cause a corresponding loss to every one who has anything to do with the article. In ordinary cases this would be compensated by the increased price which would be received and divided among the various parties interested. But in this case the increase of price results from the tax, and this all goes to the Government.

Have you considered, gentlemen, how exorbitant the tobacco tax is? The average price of the leaf is not over 6 or 8 cents per pound; and a great deal of it sells for 2, 3, and 4 cents. But take the average at 8 cents, and the tax of 24 cents is 300 per cent. on the prime value of this agricultural product. It amounts to 1,000 per cent. on the lower grades. But let the average stand at 300 per cent., and I venture to say that there is not and never was any country in the world which levied such an enormous rate of tax upon a product of its own soil.

But gentlemen stickle for the revenue and say: "We must have revenue, and there is no more suitable article to tax than tobacco." I tell you that if you keep the tax up at this figure you will kill the goose that lays the golden egg. The other day the Commissioner of Agriculture paid $1,700 for tobacco-seed to Mr. Bagwell (I think it was) down in Virginia, $100 per bushel for seventeen bushels. What for? To send out in little papers all through the country to be planted in the gardens and the truck-patches and the by-ways everywhere. What is the result? Hundreds and thousands of people all over the country are beginning to raise a little leaf for themselves. They cure it, twist it up, and chew it, or crumble it up and smoke it in these forms of imperfect manufacture.

Sixty million pounds of tobacco raised and prepared in this manner are used now by the consumers of this country, and none of this pays any tax. Only the other day we were urged by gentlemen here on behalf of the Agricultural Department to pay I do not know how many thousand dollars to keep that Department up, including of course this $1,700 for tobacco-seed which will be distributed all over the country and used in growing the imperfect product of tobacco of which I have just spoken. The revenue will be injured by it by limiting in so far the sales of regularly manufactured tobacco which alone pays a tax. This habit of raising a home supply of leaf is rapidly extending over the country.

There is only one way to stop it. Reduce the tax. Those who use the leaf in this way would prefer to have the regular article manufactured and prepared in the proper manner. But if you compel them to pay such an exorbitant tax and high price for it they will resort to this means of supplying themselves and make it do. It is all a question of taste. The whole use of tobacco is a matter of acquired taste and habit, and even a man who has been using only good tobacco, if forced by poverty and high prices, can get accustomed to using an inferior article and be satisfied with it. That is what they are doing. If you keep up this tax you break down the regular tobacco trade, and break down with it your revenue. I repeat, then, do not kill the goose that lays the golden egg.

We raise a little over $41,000,000 from tobacco. We ought to be content with $35,000,000. That is about one-seventh of all the revenues we now raise from every source. In the attempt to raise so much by keeping the tax up, the result will be that it will go down. And if gentlemen will adhere rigidly to the idea that all we have to do is to raise the most revenue from the article I tell them the way to raise the most revenue is to make the tax more reasonable. Everybody knows, Mr. Chairman, that in proportion as you take the burdens off any occupation or industry, you increase the business; and the tobacco business, like everything else, can be increased and will be if you foster it by liberality instead of crushing it by extortion. As the result of this we may calculate with certainty that the revenue will not fall off, even the first year, by any means in proportion to the proposed rate of reduction in the tax; and before long the revenue derived from it will be equal to or greater than the amount now received.

[Here the hammer fell.]

Mr. ROBBINS. I hope I shall be allowed a little time longer.

Mr. KELLEY. I move that the gentleman's time be extended.

The CHAIRMAN. How much time does the gentleman from North Carolina desire?

Mr. ROBBINS. Thirty minutes will be enough.

There was no objection, and Mr. ROBBINS's time was extended.

Mr. ROBBINS. I thank the House for its courtesy. Last year the revenue from tobacco was $41,106,546. Of this $1,896,500 was raised from special taxes on dealers, &c. We have not proposed to change that tax. The amount raised from cigars is $11,061,278. We propose to reduce the tax on these merely from $6 to $5 a thousand. Twenty-eight millions one hundred and forty-eight thousand seven hundred and sixty-seven dollars was raised from manufactured tobacco and snuff, and we would reduce the tax on these to 16 cents per pound. These changes in the tax, according to the most liberal estimates, will not cut down the revenue even for the next year more than $6,000,000. These being the figures I hope this Congress will not refuse to make the reduction, when I have shown that we have an excess of revenue of $36,000,000, if the sinking fund be suspended, as I most earnestly hope it will be.

This whole idea of a sinking fund was the ridiculous mathematical juggle of a visionary theorist of the last century who conceived the notion that debts could be paid by making figures and taking money out of one pocket and putting it into the other.

The Committee of Ways and Means have agreed to report in favor of suspending further payments into this fund until 1885, and I hope the House will adopt the report; but if gentlemen continue to insist upon paying the principal of the public debt, I ask if $2,500,000 a month or $30,000,000 a year is not paying it fast enough?

If we pass the income tax-bill we shall have several more million dollars than I have estimated, and if instead of leaving the tariff as it is now, raising only $130,000,000 a year, you will pass our new bill, according to calculations which I do not think extravagant we will raise many more millions. I think that the gentleman from New York [Mr. WOOD] the other day, and the gentleman from Virginia [Mr. TUCKER] to-day, have shown you that by reducing the duties in many cases you double, or at least greatly increase the revenue, and by passing this tariff bill there is reason to believe that we will raise some $10,000,000 more than we do under the present law. From whatever point of view, therefore, you look at the subject, the justice, the propriety, and the practicability of reducing the tobacco tax are clear. I would urge the House to mitigate the heavy burden now weighing down this important industry, and to do so without delay.

My time is growing short, and I will not trespass much longer upon the patience of the House; but before I conclude I want to call attention to the remarkable spectacle that we witness here. The Committee of Ways and Means, in a spirit of moderation which ought to meet a favorable response from every gentleman on this floor, have brought in a tariff bill which has no extreme features, which proposes no reckless innovations, which does not aim to uproot suddenly even the vicious system of so-called protection, but only to cut it down a little and turn the course of legislation gradually in the proper direction. How are we met? We are met here by a spirit of the most uncompromising opposition on the part of gentlemen representing those interests which have so long been protected, which have for so many years been fostered at the expense of others, which have grown rich and powerful through a system which makes everybody else their tributaries. Shall there be no end to this? Will the daughters of the horse-leech always cry "Give!" "Give?"

A few weeks ago a large delegation representing the iron interests came here to see and talk with the Committee of Ways and Means. They said they recognized the propriety of a reduction in some of the duties upon iron, and they made a proposition of compromise, embracing what they said those reductions should be, and we in a spirit of liberality, not desiring to oppress anybody, accepted their proposition. I have seen in the newspapers, since then, a notice of a large and enthusiastic meeting, held in Philadelphia, participated in by some of those very gentlemen I believe, at which they denounced our work and repudiated the compromise they offered us, and the gentlemen here who represent them and whom I esteem so highly that I regret all the more having to differ with them in opinion, oppose and antagonize our bill, if not with the wisdom of true statesmen, certainly with the zeal of honest fanatics.

Will those great and wealthy communities which have under the existing system so long thriven by contributions from their less prosperous brethren never be satisfied to lighten the burdens they impose upon the rest of us? Look, for instance, at Massachusetts and Pennsylvania, both represented by distinguished gentlemen on the Committee of Ways and Means, [Mr. BANKS and Mr. KELLEY.] Their valleys bloom like the rose! Their hills are white with the beautiful cottages and vine-trellised homes of happy and thrifty citizens. It is true that under the shadow of the vast piles of wealth there heaped up we hear sometimes the mutterings of discontent from the toiling masses below; but still those are rich, great, and fortunate States, and I am sure I do not envy, but rejoice at their prosperity. Look, on the other hand, at my own impoverished State of North Carolina, with a soil and climate and natural resources unsurpassed by any State in the Union. The sun kisses her cheek like a lover; nor was any region ever occupied by a more noble, brave, sober, steady, and industrious population.

The gentleman from New York [Mr. TOWNSEND] the other day paid them the just compliment of saying that they are now at work doing their duty and attending to their own business. Let me thank that gentleman for his kind remark, and at the same time tell him that North Carolinians have always been so—a people of the manliest type, of the best habits, and no nonsense. Yet they are pitiably poor, and superficial observers have attributed their slow material growth to their own want of genius and energy. Sir, have they shown any lack of these qualities in other respects? No people have exhibited a higher genius in government. No State can boast of wiser rulers or better laws.

And in the late conflict of arms, by the judgment of all her sisters, no State showed a greater capacity for warlike organization, a sterner persistency, or a more Titanic energy than my own gallant old State of North Carolina. Out of a white male population of only three hundred and fourteen thousand of all ages, she sent more than one hundred thousand soldiers to the tented field, or about one in three of all her white males. What State, what nation ever beat that? And what kind of soldiers were they? Let their great commander-in-chief bear witness. When he arrayed them for battle the last time at Appomattox, and the serried battalions of North Carolina filed by him into line, with bleeding feet, but still compact, still undaunted, with a tear in his eye he said, and it was his last word to them, "God bless North Carolina, always faithful."

Why does a State that is peopled by such men remain poor? Let me tell you. It is because she has been reduced to a skeleton by paying the perpetual tribute exacted from her by unequal and unjust Federal legislation. Nature and circumstances have made her heretofore an agricultural State. What interest of hers has ever been fostered by protection or promoted by your favors? The fishermen of New England have received bounties; the cotton-spinners of Massachusetts, the iron-workers of Pennsylvania, the sheep raisers of Ohio and Vermont, the hemp-growers of Kentucky and Missouri, even the sugar-planters of Louisiana, all these have had protection extended to their several industries, thereby increasing the value of their products and increasing also the price which North Carolina has to pay for nearly everything she buys abroad. You have donated millions of acres of the public domain to the new States of the West for railroads, for schools, and for other improvements, and thereby made those States great and rich.

As for North Carolina you give her nothing; you take everything from her. She is an agricultural State, and you are the representatives of a country whose real superiority among the nations originates from its vast agricultural resources; and yet you tax the fruit that grows on her trees; you tax the grain that waves in her fields; you have taxed the cotton that whitened her plains; you have taxed and are still taxing from 100 to 1,000 per cent. the tobacco that would otherwise be one of her great money-making crops.

Mr. KELLEY. Do we not protect her rice and ship-stores? And if she would work her iron ores and coal-fields, would she not be protected by the same laws that protect Pennsylvania?

Mr. ROBBINS. I have said that nature and circumstances and her peculiar labor system so recently abolished made North Carolina of necessity an agricultural State. Have you no fostering law for a State which pushes those industries for which nature best fits her? Must every State tread in the pathway marked out by Pennsylvania or Massachusetts in order to be sure of Federal favor? It would indeed seem so; and the suggestion of the distinguished gentleman from Pennsylvania [Mr. KELLEY] implies that there are favored interests, and that States which will adopt these as their own may thereby become Federal beneficiaries. But I thank my friend for alluding to our coal and iron, for I know the kindly interest which he personally feels toward my State, and I will say to him that we expect soon to enter upon the development of those great natural resources, but all we ask is fair play, hands off, no protection, only let there be no discrimination against us. Certainly we have never had any protection of North Carolinian interests yet.

Throughout most of her history no State has been truer to the Union; but the Union, allow me to say, has been to her like a stepmother. This has gone on until hundreds and thousands of her sons in despair have bidden adieu to their native hills and sought homes in other States, where Federal legislation brings benefits, and not burdens. To whatever State her sons have gone they have illustrated its annals by their genius and valor and statesmanship.

No citizen of hers has been President of this Republic, yet three Presidents were born within her borders, and they owed their success to the great qualities which they inherited from the sturdy stock of their native State. Other losses she might endure, but when you tax her to impoverishment and drive out her people to other States, like Jacob she exclaims, "If I be bereaved of my children, I am bereaved."

In spite of all the losses and misfortunes and injustice she has suffered, North Carolina, by the bountifulness of her resources and the energy of her people, is yet a great and magnificent State. She is yet sixth in rank of the old thirteen. Let those who speak of her slow progress remember the many States that have grown great and waxed fat by feeding on her vitals.

I shall make no apology for dwelling at such length upon the situation and comparative growth of my own State. I have done so because she is so good a representative of that large number of States that have been retarded in prosperity by unfair legislation here, especially in this matter of taxation and the distribution of favors.

By my voice, as one of her delegation, she asks now for justice; she demands reform in the revenue system; she asks to be protected from the protectionists and from the impositions and oppressions of the internal-tax gatherer. Robin Hood, the freebooter of Sherwood Forest, robbed the rich to help the poor; yet he was only an outlaw. What shall be said of those who rob the poor to favor the rich and call it protection? I appeal to this House to adopt the very moderate and conservative measures our committee have reported. Modify the high tariff duties levied for the benefit of long-favored classes; reduce the exorbitant taxes now imposed upon the products of the field; and in the race for wealth and prosperity give a more even chance to the agriculturists and to the old agricultural States.

Mr. KELLEY obtained the floor.

Mr. WOOD. If the gentleman from Pennsylvania [Mr. KELLEY] gives way I move that the committee rise.

Mr. KELLEY. I yield for the motion, with the understanding that I shall go on after the morning hour to-morrow.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, and had come to no resolution thereon.

OCEAN NAVIGATION COMPANY.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 4783) to incorporate the Ocean Navigation Company and to restore the shipping interest of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORMAN WIARD.

Mr. ELLIS also, by unanimous consent, introduced a bill (H. R. No. 4784) for the relief of Norman Wiard; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SEWERAGE OF WASHINGTON CITY.

Mr. MAYHAM, by unanimous consent, introduced a bill (H. R. No. 4785) for the improvement of the sewerage of Washington City, in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS FOR EVENING SESSION.

Mr. PAGE. I move that the House adjourn.

The SPEAKER. The Chair desires to state that a session has been ordered for this evening.

Mr. BURCHARD. It is desired by the gentleman who made the motion for the session of this evening that it be postponed until Friday evening.

Mr. KELLEY. I was about to ask, at the instance of other gentlemen, that a session be allowed to-morrow evening for general debate. A number of gentlemen desire to make speeches.

Mr. PATTERSON, of New York. I object to an evening session for debate; I have no objection to meeting for business.

The SPEAKER. A session has already been ordered for this evening, and the proposition is to vacate that session and fix one for Friday night.

Mr. KELLEY. Let to-night be assigned for general debate.

Mr. BURCHARD. The gentleman from North Carolina [Mr. ROBBINS] who has just spoken, and who would be entitled to the floor this evening, has informed me that he does not wish to proceed to-night. Therefore the order might be changed so as to allow general debate to-night.

The SPEAKER. The Chair will state the proposition of the gentleman from Illinois. It seems that the gentleman who asked for the session of this evening to consider the bill to promote the refunding of the national debt and the loan of savings to the United States for that purpose does not desire to go on this evening. It is therefore asked that the session of this evening be devoted to general debate, no other business whatever to be transacted. Is there objection?

There was no objection, and it was ordered accordingly.

PAVEMENTS IN WASHINGTON CITY.

Mr. HUNTON, by unanimous consent, reported back from the Committee for the District of Columbia a letter of the commissioners of the District, transmitting, in response to a resolution of the House, information as to bituminous and wood-block pavements; which was ordered to be printed and recommitted.

JAMES H. SANDS.

Mr. WALSH, by unanimous consent, introduced a bill (H. R. No. 4786) for the relief of Lieutenant-Commander James H. Sands, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. GARDNER, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of Charles Woelfer, second lieutenant Company E, Twenty-eighth Regiment Ohio Volunteer Infantry, no adverse report having been made thereon.

RAILWAY MAIL CLERKS AND AGENTS.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 4787) to provide for uniform service among the clerks and agents in the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARTIN R. ARCHER.

Mr. BELL, by unanimous consent, introduced a bill (H. R. No. 4788) for the relief of Martin R. Archer, postmaster at Gainesville, Georgia; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BENJAMIN F. SEVERSON.

On motion of Mr. MAYHAM, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Benjamin F. Severson, no adverse report having been made.

INTERNAL REVENUE.

Mr. BURCHARD. I ask by unanimous consent that House bill No. 4414, to amend laws relating to internal revenue, be reprinted. It is the special order in the House, and the regular number of copies has been exhausted.

There was no objection, and it was ordered accordingly.

EL PASO TROUBLES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from Colonel Hatch on the subject of the El Paso troubles; which was referred to the Committee on Foreign Affairs.

WRECK OF THE HURON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, recommending an appropriation for the payment of sundry bills for service rendered in connection with the wreck of the United States steamer Huron; which was referred to the Committee on Appropriations.

JOHN DILL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copy of court-martial proceedings in the case of John Dill, late colonel Thirty-ninth Kentucky Volunteers; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

Mr. ALDRICH, by unanimous consent, was granted leave of absence for five days.

INTERNAL REVENUE.

Mr. BURCHARD. Mr. Speaker, I call up the bill (H. R. No. 4414) to amend laws relating to internal revenue, which is the special order; and if gentlemen do not desire to proceed to its consideration to-night I will agree to a motion for a recess.

Mr. WOOD. Do not press it to-night.

Mr. THOMPSON. I move the House take a recess until seven and a half o'clock this evening.

The SPEAKER. The session to-night will be for debate only, no business whatever to be transacted, and the chair will be occupied by Mr. KENNA.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess.

EVENING SESSION.

The House reassembled at seven o'clock and thirty minutes p. m., Mr. CRAVENS in the chair.

Mr. VAN VORHES. As the gentleman from West Virginia [Mr. KENNA] who was designated by the Speaker to take the chair this evening as Speaker *pro tempore* has not yet arrived, I move the House take a recess for ten minutes.

The motion was agreed to.

At the expiration of ten minutes the House resumed its session, Mr. CRAVENS in the chair.

The SPEAKER *pro tempore*. By order of the House the session this evening is for debate only, no business whatever to be transacted.

TARIFF.

Mr. BAYNE. Mr. Speaker, the history of the proposed tariff bill scarcely shows its projectors to be "the great minds of the country who are to lead us onward in the important struggle for national grandeur, power, and wealth." (See Mr. WOOD'S speech, CONGRESSIONAL RECORD, page 2393.) Leaders of men and exponents of commanding ideas adhere with heroic purpose to their convictions. The projectors of the present measure have evinced a spirit of vacillation quite inconsistent with this. The original measure given out informally several weeks ago is widely different from the one now proposed. The duties on some leading articles have been increased by the latter as much as 500 per cent. over those imposed in the former, and so various are the changes that have been made that scarcely a phase of similitude is left.

It is not unlikely that the admonition given by the monster meetings of Allegheny and Pittsburgh and Reading and Pottsville, in which tens of thousands of workingmen participated to give emphatic expression to their protest against the reduction of duties, had something to do with these changes. Nor is it unlikely that the remonstrances, memorials, and petitions—a single one of which contained the names of over one hundred thousand workingmen—against tinkering with the tariff, that came like a deluge from all sections of the country where intelligence dominates the masses, exerted a somewhat potent influence over the "great minds" having the matter in charge. It is even possible to believe that the political fortunes of an aspiring party might be regarded as needlessly imperiled by too radical a change, for the great fact is dawning that the protection of American industries is no longer a local but a national question. The people of the Western States have already joined hands with those of the Eastern and Middle States upon this question, and the alliance is a formidable one. Certain portions of the South are now on the way in the same direction. The commanding political issue in this country to-day is protection and revenue therefrom *versus* free trade and revenue from internal taxation. The republican party, without reference to locality, will stand as a unit in favor of the first proposition. The democratic party, having due regard for certain localities and the possibilities of political preferment therein, will support the second proposition as a mass.

It is not a new issue. It has been canvassed year after year during our organic history, and the changes that have been made from time to time are more numerous than the years of our national life, being one hundred and twenty-eight as stated by the gentleman from New York, [Mr. WOOD.] These changes, frequent, sometimes sweeping and radical, operate most perniciously on the business interests of the country. It is in the very nature of things that they should have such effect. They unsettle values, disturb commercial relations, and necessitate new adjustments in every branch of industry at each recurrence. The statement of the gentleman from New York that he has just begun his work of destruction will not commend him to the thinking people of the country. In the present condition of affairs, with bankruptcies, business depression, low wages, and the enforced idleness of many who would be glad to get employment, the threat is simply cruel. All our past experience shows that prosperous times and high duties have invariably coincided; and conversely, that low duties and hard times have gone together. It moreover shows that high duties have always, and with success, been resorted to for the purpose of lifting the business interests of the country out of the depressions which have from time to time afflicted it. Let us examine some of the more notable examples.

In 1816 the democratic party became the earnest opponent of protection, and having a majority in both branches of Congress it reduced to a very low rate the duties on importations. From that year until 1824 great business distress prevailed. In the latter year the national republican party had gained a strong foot-hold in Congress, and with the assistance of a few democratic members that party passed the tariff of 1824, which was highly protective. This party in that year elected John Quincy Adams President, and got control so far in both Houses of Congress in 1828 as to be able to increase the duties on iron and many other articles. Highly advantageous results followed and the country continued to enjoy prosperity until 1834.

During this period of ten years from 1824 we imported thirty millions of specie more than we exported and paid off an indebtedness of about $100,000,000 resulting from the war of the Revolution and that of 1812. In 1832 South Carolina attempted nullification of the tariff laws, and although to the eternal credit of President Jackson he quickly nipped the movement, the democrats in Congress, desirous of appeasing the demands of that State, as well as doubtless to promote their favorite doctrine of free trade, exchanged the protective policy for one which provided for a gradual reduction of duties, which was to continue until 1842, after which a horizontal duty of 20 per cent. was to be charged. Disastrous consequences followed this reduction, and it doubtless was one of the principal causes of the terrible financial crash and general distress of 1837.

Relief was sought at the hands of the whig party, and in 1840 Harrison was elected President. When 1842 had arrived the whig party was sufficiently strong in Congress to control legislation. It gave to the country the protective tariff of that year. That good results and an improved condition of things followed is within the memory of many men still living.

The democratic party, realizing the popularity of the protective policy, changed front in the canvass of 1844, and adopted as its slogan, "Polk, Dallas, and the tariff of '42." Having faith in its sincerity, and especially in view of the fact that Dallas was a Pennsylvanian, the people placed the reins of government again in its hands. It soon repeated its old follies. Religiously wedded to free trade, it would not brook the continued existence of protective legislation, so it repealed the tariff of 1842 and substituted therefor the tariff of 1846, which imposed decreased ad valorem rates. The intention of the framers of this measure was to wholly eliminate the protective policy out of the laws imposing duties. The manufacturing industries soon felt the stroke thus inflicted, and gradually the depression spread over the whole country. Partial relief came from the discovery of gold in California which attracted considerable emigration, and from the Crimean war which created a large demand for our breadstuffs. In addition to creating this demand, the Crimean war generated a large European consumption which rendered protection for a time not necessary. After the war was over, however, and the waste had been supplied, the foreign manufacturers began to export largely into the United States, and although it was evident to everybody that financial distress and business prostration were imminent, the democratic party, with its wonted blind fatuity and fatal tendency to error, having full control, enacted the tariff act of 1857 which still further reduced the rates of duty.

This was the last piece of democratic legislation relating to the tariff. It gave birth to the ordinary and necessary consequences of the impolicy which it so faithfully represented. It left the Government bankrupt, and without credit. It checked the development of our resources in many important branches. It stopped our mills, put our furnaces out of blast, and drove to soup-houses able-bodied men and their wives and children, forcing them to eat the bread of charity instead of that of honest toil. It ruined multitudes of merchants and manufacturers, and cut a wide swath of desolation through the land.

When thus conditioned, the republican party came into power. Inheriting from its ancestor, the whig party, such traditions as fitly survived, it was not slow to recognize and adopt the policy of fostering the industries of the country. So in 1861, having the President and a majority in both Houses of Congress, it gave to the country the tariff acts of 1861 and the various supplements thereto, through all of which the spirit of protection runs as well as the idea of large revenues. The general prosperity which has prevailed in all the States that remained in the Union, up to 1873 at least, is convincing evidence of the excellence of the theory of the republican party respecting this subject. Who dare say that the economic ills of 1873 and the years since were not mitigated and alleviated by the tariff laws in force? We have had hard times since 1873. So has Great Britain; so has Germany; so has nearly every civilized country of the world. France is exceptionally somewhat fortunate. All others, like ourselves, are "passing under the rod." But it cannot be denied by any one that our condition has been and is much better than it would have been under free trade. In the progress of my argument I shall adduce some statistical data in support of this conclusion.

I have recalled only some of the salient phases of our experience of tariff legislation, such phases as have emphasis from the decisive character of that legislation, for the purpose of indicating the path of policy, of wisdom, and of safety. I have endeavored to show more particularly the opposing effects of protection and free trade upon the industrial and business interests of the country.

We are now called upon to consider tariff duties not only on account of their bearing upon our commercial, agricultural, manufacturing, and industrial interests, but also their bearing upon the important question of revenue. How to revive our depressed industries that labor may be employed and rewarded and that all branches of business may flourish, is one important question. How to raise sufficient revenue to gradually reduce the principal and pay the interest of the national debt and meet the current expenses of the Government is another important question. These questions are closely allied in many respects, and, fortunately as I think for the people of this country, their solution involves principles of compensation which mutually tend to benefit the Government, which levies and collects the taxes, and the people, who pay them; for if to-day the Government were not in debt, we would have a free-trade revenue measure instead of the comparatively protective bill before us. In that event the country would be subjected to a much more trying ordeal than that which is now impending. We are not left in doubt in this matter, for the chairman of the Committee of Ways and Means [Mr. WOOD] has frankly and repeatedly in the course of his speech explaining this bill avowed the policy of free trade. The traditions of his party, as I have shown, warrant his declarations, and he no doubt has abundant assurances of sympathy with his efforts to accomplish ultimately the consummation he and his party have so long and so devoutly wished.

Will the bill proposed yield sufficient revenue? Will it benefit or injure our industries? I ask these questions together because, as I have said, they are closely connected and the answer to each is necessarily responsive to the other.

The friends of the bill claim through their Representative [Mr. WOOD] that it will increase the revenue and relieve somewhat the burden of taxation and thus benefit the people of the country. They have not the temerity to claim that it enhances protection. On the contrary, they allege that our abilities and facilities are so far developed that we are now able to compete with foreign countries in our own markets. This statement is very far from being correct. We are not able to compete with foreign manufacturers either in our own or in foreign markets. It is true that in some specialties, such as pistols, rifles, muskets, and sporting-guns, sewing-machines, mowing-machines, and certain classes of edge-tools, our superior genius and skill, aided by patents in most cases, have enabled us to export and sell such articles in considerable quantities. Some of our manufacturers who employ convict labor at very low wages are also able to sell in foreign markets, but it is solely in consequence of this fact.

We are not now, nor will we be for years to come, able to compete

with foreign manufacturers. There are two great difficulties to be surmounted, which stand in the way of such a realization. These are our higher rates of the wages of labor and the interest on money, both of which are largely in excess of those paid in Great Britain, France, Belgium, Germany, Austria, and Russia, and varying respectively and variously from 30 to 100 per cent. The average rate of the interest of money in Great Britain, our greatest rival, is but little more than one-half of the average rate obtaining in the United States to-day, and our operatives in the mill, factory and mines, even at the present low rates of compensation, are receiving this day from 25 to 100 per cent. more than those of Great Britain. Such differences render successful competition on the part of our manufacturers impossible in foreign marts; and, by parity of reason, these same differences forbid the expediency of permitting foreign manufacturers from competing on equal terms with us in our own markets.

The proposition that we can dispose of our surplus manufactures in foreign markets is a delusion and a snare. It is not within the range of possibilities. The laws of trade, which regulate all such matters under existing conditions, imperatively deny to us any such privilege. Examined in the light its absurdity becomes apparent. I have shown that our higher wages and higher interest on money preclude such expectation.

But, says the chairman of the Committee of Ways and Means, our exports are increasing. True, I reply, but what do they consist of? Wholly almost of such things as incomparable natural and relative advantages enabled us to supply at market rates. Our total exports of domestic production for the fiscal year ending June 30, 1877, the latest to the details of which I now have access, amounted to, exclusive of gold and silver, currency value, $632,980,080.

The following articles were embraced:

Bread and breadstuffs	$117,806,476
Cotton, unmanufactured	171,118,508
Hops	2,305,355
Fruits	2,937,030
Furs, hides, and skins	6,269,229
Provisions, wheat, corn, &c	115,001,743
Seeds	3,533,755
Tallow	7,883,616
Ginseng	562,268
Hay	116,936
Hair, unmanufactured	338,487
Tobacco	32,020,214
Animals, living	3,325,203
Wool, raw	26,446
Other unmanufactured articles	792,297
Oil, petroleum in various forms	61,789,438
Coal	2,916,062
	528,742,063

Now it will be observed that all the items enumerated, excepting the last three, may be denominated agricultural productions. I have included petroleum oil because it has no rival in the world. And I include coal and other unmanufactured articles because neither can in any sense be called manufactures. Let us see the difference:

Total exports, exclusive of gold and silver	$632,980,080
Deduct foregoing	528,742,063
Leaving	104,238,017

for all other articles, the kinds of which cannot be less than one thousand, while those which yielded the aggregate of $528,742,063 do not reach one hundred different kinds of articles in the detailed official report of the Bureau of Statistics from which I have collated them. Now, when we take into consideration in this connection the significant and suggestive fact that our entire exports are but about 8 per cent. of our total productions, the conclusion that we must depend on the home demand for the consumption of our manufactures achieves a triumphant victory. We have excellent reasons for expecting an increasing export trade, but the source from which the bulk of it must come is agriculture. In claiming that this bill will yield sufficient revenue, its friends are also equally mistaken, though on this point there is an evident purpose to hedge on consequences adverse to the prediction.

The restoration of the obnoxious income tax is one method favorably suggested by many supporters of the bill.

Another hedging operation is the effort to stop payments to the sinking fund. The gentleman from New York has given us a long disquisition on the subject of sinking funds; has gone largely into English history to fortify the redoubts of his hostility to them; has shown that the national debt has been decreased $220,954,459.39 in excess of the amount required to be provided for the sinking fund by the act of February 25, 1862, and therefore concludes that payments to this fund should be stopped, and "we should provide only for the amount required for the actual living expenditures," and thus correspondingly lessen taxation.

This is an insidious fallacy, full of seeming promise, but fraught with evil, and that continually. Why is it that the rates of interest are so high with us? Why is it that money is not seeking business enterprise? What is it that impels the prevailing antipathy to the holders of public bonds? There is a latent logic even in this antipathy.

There are locked up in public bonds, municipal and national, over $3,000,000,000 in the United States, whose interest is payable out of taxes imposed upon the people. If this money were not so invested—if such opportunities for investment were not accessible—this vast volume of money would enter into the agricultural, commercial, and manufacturing industries, taxes would be reduced to the necessities of current municipal and national expenses, and unprecedented prosperity would abound. The simple truth is we are all burdened with debt. Public obligations are the debts *pro rata* of the individuals who compose the community. Every dollar of such indebtedness that is paid off is a relief to that extent, and to the same extent increases the amount of money to be employed in private enterprises. Therefore, Mr. Speaker, I say that he who would perpetuate public indebtedness is not a statesman, is not a true friend of society, but is its worst enemy.

The proposition of the advocates of this bill that it will increase the revenue is signally absurd, as the analysis of the measure and the theory of all the probabilities that surround it and our past experience will abundantly show.

The following statement, furnished by the Bureau of Statistics, exhibits a summary of the dutiable and free articles under the present tariff law, showing the number of articles paying ad valorem, specific, and compound rates of duty, embraced in Schedules A to M, both inclusive; also number of articles admitted free of duty, under the Revised Statutes of the United States, approved June 22, 1874, (paragraphs from 921 to 1805, both inclusive, Heyl's tariff:)

Number paying ad valorem rates	823
Number paying specific rates	541
Number paying compound rates	160
Total dutiable	1,524
Number free of duty	648
Total free and dutiable	2,172

The bill reported—

Says the gentleman from New York—

has but one list so called, and that is the dutiable one. It has no compound rates, the duties being either ad valorem or specific, and the latter as far as practicable. It comprises 247 classes of articles, and 775 articles against the large number comprised in the present law.

It will be thus seen that the list of dutiable articles is largely decreased. Assuming that the 160 articles paying compound rates under the present law are included in those paying ad valorem or specific rates, there are now 1,364 distinct articles chargeable with duties. By subtracting from this number the 575 articles chargeable with duties under the bill reported, it will be seen that the decrease in the number of dutiable articles cannot be less than 789. By a statement made by the Chief of the Bureau of Statistics, to which I shall hereafter advert, it appears that the loss of revenue which will result from this modification of the present law will be $3,198,221.69.

It was to be presumed that the Committee of Ways and Means had definite information on this subject, but the chairman of that committee failed to give it, and in lieu thereof indulged in what I must think chimerical speculations about the expense of collection under the present law, the ambiguities of its language, and the immoral practice of smuggling.

We are not driven, however, Mr. Speaker, to the necessity of depending on fatuous speculations regarding the amount of revenue the bill will yield. We have a calculation that is perfectly reliable, unclouded by free-trade prejudices and uninfluenced by that sympathy which spans the Atlantic Ocean at the expense of our own people.

The following statement made by Mr. Edward Young, Chief of the Bureau of Statistics, manifestly exhibits the loss of revenue which this bill will entail:

Summary statement by schedules of the amount of duty received from the articles enumerated in House bill No. 4106, reported by the Committee of Ways and Means, March 26, 1878, that entered into consumption in the United States during the fiscal year ended June 30, 1877, and the estimated amount of duty by the proposed bill, with the increase and decrease of each schedule.

Schedule.	Class or group.	Amount of duty. Received in 1877.	Amount of duty. Estimated. (New rates.)	Increase.	Decrease.
A	Cotton and cotton goods	$6,554,819 20	$4,553,359 63		$2,001,460 26
B	Earths and earthenware	3,511,506 40	3,031,563 73		479,942 67
C	Hemp, jute, &c	6,320,500 57	5,351,090 53		969,440 04
D	Liquors	5,848,641 71	6,378,350 90	$529,709 19	
E	Metals	6,560,366 64	6,302,442 95		257,923 69
F	Provisions	2,950,062 33	2,952,794 81	2,732 48	
G	Sugars	37,086,992 23	41,245,988 67	4,158,996 44	
H	Silk and silk goods	12,758,799 03	9,744,516 17		3,014,283 86
I	Spices	771,351 70	1,324,556 49	556,205 79	
J	Tobacco	4,364,143 22	4,395,934 66	31,794 44	
K	Wood	864,419 02	577,056 27		287,362 75
L	Woolen goods, wool	20,177,607 18	14,459,247 30		5,718,359 88
M	Sundries	17,055,775 80	18,299,247 65	1,243,471 85	
		125,024,985 72	118,819,148 76	6,522,906 19	12,728,743 15

Total duty received in 1877		$128,223,207 41
Total duty received in 1877, as above		125,024,985 72
Total duty not provided for in new bill		3,198,221 69
Duty received as per above schedules in 1877	$125,024,985 72	
Duty estimated as per above schedules	118,819,148 76	
Decrease of		6,205,836 96
Total decrease from receipts of 1877		9,404,058 65

In addition to the loss of revenue to the extent of nearly nine and one-half million dollars this statement shows some peculiarities that are creditable to neither the minds nor the hearts of the promoters of this miserable scheme. For instance, it increases the aggregate duties on sugar, a common necessary of life consumed by the poor as well as the rich. $4,158,996.44, while it diminishes the aggregate duties on silk and silk goods, a luxury coveted and enjoyed by the rich, $3,014,283.86. The nabobs of the East and the sugar-planters of the South would seem to have co-operated in effecting a result so mutually beneficent.

Then it shows, though in less degree, but possibly soon to be in equal or greater degree—who can tell what democratic ascendency will bring forth?—a decrease of duties on metals, whose production and manufacture gives employment to thousands of men, of $257,923.69, and this in the face of importations of iron and steel and manufactures of them, amounting to $2,560,394 for the quarter ending September 30, 1877, while it makes spices, the condiments of every table in the land, pay an increase over present rates of $556,205.79.

Then, again, this democratic sympathy which goes out to the South and to Europe, in all cases alike where their interests are supposed to harmonize, decreases the duties on cotton and cotton manufactures from 53.56 per cent., the present rate, to 28 per cent., and diminishes the revenue from this source over $2,000,000. It is to be borne in mind that our imports of cotton represent wholly, I believe, the manufactured article in various conditions. Now, the loss of revenue thus threatened is a matter of great importance; but the injury to the classes of operatives who earn their living at the loom, many of whom are women and boys and girls, is incomparably more serious.

It is part of the programme, however, I suppose, and must be carried out. The cotton-planters of the South, unlike the sugar-planters, have command of the domestic market. They produce a large excess over the home demand, having exported, as I have stated, over $170,000,000 unmanufactured cotton during the fiscal year ending June 30, 1877. On the theory that reciprocity of trade is conducive to the welfare of the interests participating, the duties are put so low as to invite the return of this same cotton after it is manufactured. Our poor operatives must not complain, and our manufacturers, though they supply all classes of cotton goods in abundance and at cheaper prices than ever before obtained in the United States, must close their mills in obedience to the requirements of the declared policy.

While in pursuit of this inquiry it may be well to advert to some other features of the bill.

The following comparisons are suggestive:

Articles.		Proposed duty.	Present duty.
Iron in pigs	per ton.	$5 00	$7 00
Scrap-iron, cast	do..	4 00	6 00
Scrap-iron, wrought	do..	6 00	8 00

Now, although the importations of these articles during the last two years have not been large, owing in all probability to the circumstance that our markets were glutted, the door is nevertheless opened wide by the bill for their admission the moment our iron trade revives. The principle of protection is expelled as to these articles entirely by the proposed reduction, and our iron-workers are denied in advance the fullness of the promise of better times.

From a statement published in the Bulletin of the American Iron and Steel Association of April 10, 1878, it appears that there were in the United States 716 completed furnaces on the 31st day of December, 1877, 270 of which were in blast and 446 of which were out of blast at that date.

The imports of pig iron in 1877 amounted to 66,871 net tons and our exports to 7,687 tons. The capacity of these furnaces is equal to a supply far in excess of any possible home demand. The capacity of the furnaces of Great Britain alone, it is claimed, is equal to the wants of the world. But, in addition to this, France, Germany, Belgium, Russia, Sweden, and Austria, with all of which we have intimate commercial relations, have an extensive capacity, having produced in 1876—the latest year I have obtained the production of—an aggregate of 4,959,080 tons. Add to this the production of Great Britain for 1876, which was 6,555,997 tons, and then compare this total production with our own for 1877, which was 2,314,585 tons, and is it not simply suicidal, in view of these facts, coupled with the telling circumstances relating to the wages of labor and the interest on money which I have heretofore endeavored to explain, to reduce the duties as proposed? Sharp domestic competition in this and every other industry has not only made cheap markets but has driven a vast number of business men into the straits of bankruptcy and deprived a much vaster number of workingmen of their occupations.

This bill is open to many other objections relating to metals, but I shall only mention one further instance which will forcibly point out one of its patent defects. The accepted theory of tariff legislation is that luxuries should pay high duties; that commodities which compete with home productions, either in the material or the labor which jointly make them, should pay such duties as will guard against exorbitant prices on the one hand and pay remunerative wages to labor and yield fair profits to capital on the other; and that all things else should come in free.

Now, this bill proposes to make "tin in plates or sheets, terne and tagger's tin," pay "one cent and one-tenth of a cent per pound; in bars, pigs, or blocks, and grain-tin, 10 per cent. ad valorem." This description covers only the pure metal, and unfortunately it is a metal of great value and utility which has not yet been discovered among our mineral resources. We consequently have to import from England, Australia, and other countries such quantities as we want. Under the present tariff tin in bars, pigs, and blocks, and grain-tin are free of duty. In view of the opportunity thus afforded two large tin-plate works have been established in Western Pennsylvania, one of which is in the district which I have the honor to represent. These works have a large capacity and their manufactures are sold in all parts of the Union. The present duty on similar manufactures is 2 cents and 2¼ cents per pound, according to the process of galvanizing or coating. This duty is a discrimination in favor of the home industry which the present bill will impair in two ways, first, by imposing a duty, as before stated, of 10 per cent. ad valorem on the raw material, and, secondly, by reducing the present duty on the manufacturers to 1¼ cents and 2 cents per pound, according to the process of galvanizing or coating. No good reason whatever exists for such discrimination against this industry; for like our planished sheet-iron, which has driven the once celebrated Russia sheet-iron from our markets, though but one mill in the United States makes it, and that mill, I am proud to say, is in my district also, the manufactures of these tin-plate works are cheap and excellent.

But, Mr. Speaker, it is not at all necessary to search out the inimical provisions that lurk in this bill. The gentleman from New York does not hesitate to assert the idea that permeates it. It is the first step toward a revenue tariff wholly devoid of the principle of protection. That gentleman says:

> If I had the power to commence *de novo* I should reduce the duties 50 per cent. instead of less than 15 per cent. upon an average, as now proposed.

That declaration discloses the animus of the bill unmistakably.

It will be noted, too, that he admits an average reduction of duties of nearly 15 per cent. I have shown by the estimate made by the Chief of the Bureau of Statistics that this bill would diminish the customs receipts nearly nine and one-half millions of dollars. In order to boost it into a respectable attitude before the nation's creditors the gentleman indulges the hope that our imports will increase and hence yield a greater revenue than that for the fiscal year ending June 30, 1877. Why the gentleman should cherish such hopes I cannot understand, because he has shown by facts, figures, and inferences that we are not only able to supply ourselves with all the leading articles that pay duty, but are prepared to enter into competition in the foreign markets of the world! One of these positions is surely untenable; which one I will leave the friends of this measure to determine.

We protectionists think, Mr. Speaker, that increasing imports tends to our impoverishment. One palpable result is the exportation of our gold and silver. The retention of these implies the accumulation of durable wealth like the building of houses, workshops, and mills, and the improvements of lands, while their exportation for the purpose of buying such commodities as are usually imported implies an early and almost absolute loss since the consumption of such commodities, excepting a few of the large number, means extinction. Wealth results from producing and selling more than we buy and consume; while poverty results from buying and consuming more than we produce and sell. Is it possible to retain our gold and silver if we buy from year to year millions of dollars' worth from foreign countries more than we sell to them? Is it possible for us to be busy when we voluntarily spend abroad the capital that stimulates enterprise? Can our workingmen expect employment when we substantially employ the workingmen of other countries to make the things we need? The adoption of the bill before us will draw this evil train.

Now, Mr. Speaker, let us examine some data which point with conclusive effect, I think, to the coincidence of high duties, large revenues, and prosperous times on the one hand, and low duties, small revenues, and hard times on the other. I have stated as a historical fact that depression of our industries preceded the tariff of 1824, that that tariff and its supplements largely increased the rate of duties, and that great advantages followed and continued until the adoption of the low tariff of 1832. I have also stated as matter of history that unfortunate consequences attended the latter and continued until the adoption of the high tariff of 1842. Although our population and capabilities gradually increased, and we should therefore have expected, on the theory of the advocates of this bill, that our revenues from customs would correspondingly increase, the following numerical data, which I take from an excellent article pub-

lished in the Pittsburgh American Manufacturer of July 20, 1877, at once show the fallacy of that theory and the truth of the historic fact:

Nine years under the high-duty policy.		Nine years under the low-duty policy.	
Years ended September 30.	Revenue from customs.	Years ended September 30.	Revenue from customs.
1825	$20,098,713 45	1834	$16,214,957 15
1826	23,341,331 77	1835	19,391,310 59
1827	19,712,283 29	1836	23,409,940 53
1828	23,205,523 64	1837	11,169,290 39
1829	22,681,965 91	1838	16,158,800 36
1830	21,922,391 39	1839	23,137,924 81
1831	24,224,441 77	1840	13,499,502 17
1832	28,465,237 24	1841	14,487,216 74
1833	29,032,508 91	1842	18,187,908 76
Total	212,684,397 37	Total	155,656,851 50

The difference in revenue in favor of high duties is thus shown to be $57,027,545.87. This should dispel the loose conjectures of the gentleman from New York as to increased imports and increased receipts therefrom.

But I said a few moments ago that increasing imports tends to our impoverishment. The following comparison of imports retained for consumption during the periods just mentioned, as representing the high duty and low duty policy, read in the light of the experience of those periods will effectually sustain the proposition.

Years ended September 30.	Imports retained for consumption.	Years ended September 30.	Imports retained for consumption.
1825	$63,749,432	1834	$103,208,521
1826	60,434,865	1835	129,391,247
1827	56,080,932	1836	168,233,675
1828	66,914,807	1837	119,134,255
1829	57,834,049	1838	101,264,609
1830	56,489,441	1839	144,597,607
1831	83,157,598	1840	88,351,207
1832	76,989,793	1841	112,477,096
1833	88,295,576	1842	88,440,549
Total	609,946,493	Total	1,055,698,766

Says this writer:

These statistics show that $445,752,273 more of imports were retained for consumption in the latter than in the former period. It was this vast excess that overwhelmed home industry and ruined the people and the Government. We may instructively note the fact that the revenue from customs during the nine years, 1825-'33, reckoned as a percentage on the total value of imports retained for consumption, both dutiable and free, was equivalent to 28.676 per cent.; while a like statement for the nine years 1834-'42 yields an average of only 6.782 per cent.

As I have verified my statements by incontestable mathematical data regarding the high tariff of 1824 and the low tariff of 1832, so I shall verify my assertions regarding the low tariff of 1846 and the subsequent acts consistent with it, and the high tariff of 1861 and the numerous acts which, especially in the earlier part of its existence, bettered it.

The following comparison of receipts from customs affords indisputable evidence of the correctness of the positions I have sought to maintain:

Fifteen years under the low-duty policy.		Fifteen years under the high-duty policy.	
Years ended June 30.	Revenue from customs.	Years ended June 30.	Revenue from customs.
1847	$23,747,864 66	1862	$49,056,397 02
1848	31,757,070 96	1863	69,059,642 40
1849	28,346,738 82	1864	102,316,152 99
1850	39,668,686 42	1865	84,928,260 60
1851	49,017,567 92	1866	179,046,651 58
1852	47,339,326 62	1867	176,417,810 88
1853	58,931,865 52	1868	164,464,599 56
1854	64,224,190 27	1869	180,048,426 63
1855	53,025,794 21	1870	194,538,374 44
1856	64,022,863 50	1871	206,270,408 05
1857	63,875,905 05	1872	216,370,286 77
1858	41,789,690 96	1873	188,089,522 70
1859	49,550,416 04	1874	163,103,833 69
1860	53,187,511 87	1875	157,167,722 35
1861	39,582,125 64	1876	148,071,964 61
Total	708,067,548 46	Total	2,278,950,074 87

Without tabulating the imports in detail let me call attention to those of some particular years. In 1857 the total imports for consumption were $360,890,141. The total customs receipts, as appears above, were $63,875,905.05. In 1864 the imports were $329,565,115, and the revenue to the Government was $102,316,152.99. In 1860 the imports for consumption were $362,166,254, and the customs receipts thereon $53,187,511.87. In 1868 the imports for consumption amounted to $371,624,808, and yielded a revenue of $164,464,599.56.

But why elaborate? It is clear beyond all question that high tariff rates pay large amounts into the Treasury while low rates yield small returns. And it is equally certain that the notable periods of prosperity in our national career have synchronized in the main with the years in which we have enjoyed the protective policy; while the adverse policy in the main has brought with it at each recurrence calamitous results.

Our necessities are great and pressing. The annual report of the Secretary of the Treasury shows a deficiency in the amount due the sinking fund of $3,389,255.51 for the fiscal year ending June 30, 1877. The receipts compared with the previous fiscal year show a decrease in customs revenue of $17,115,491.54; in proceeds of sales of public lands, in sales of coin, in tax on banks, in prize-money, in sales of public property, and in miscellaneous items, $6,421,297.08. There was an increase in internal revenue, in profits on coinage, and in miscellaneous items of $5,055,335.08, making a net decrease in the receipts from all sources of $18,481,452.54. The actual and estimated receipts for the present fiscal year amount to $265,500,000, and the actual and estimated expenditures, including the amount required for the sinking fund, will be $267,855,448.52, leaving a deficit of $2,355,448.52. The revenues for the fiscal year ending June 30, 1879, estimated upon existing laws will be $269,250,000. The estimated expenditures for the same period amount to $280,688,796.38. It thus appears that there will be a deficiency at the close of that year of $11,438,796.38. The Secretary suggests, however, that by making judicious reductions in the appropriations there need not necessarily be such deficiency, and therefore I shall not include his amount.

Now, I have shown by the estimate made by the Chief of the Bureau of Statistics that the bill under consideration will reduce the customs receipts about $9,500,000 on the assumption that the volume of the dutiable imports will not diminish. It is altogether probable, however, that it will diminish, because the inevitable effect of the reduction of customs duties will be to impair the purchasing power of the people by depriving labor of employment and capital of opportunities of investments in business enterprises. It is also a part of the scheme of the majority to reduce the taxes on tobacco and liquors. It is admitted the proposed reduction of the tax on tobacco will cause a falling off in receipts from that source of at least $10,000,000. I will accept that as correct for the purposes of argument, though I think the diminution would be much greater. If the scheme to reduce the tax on spirits had succeeded, it would have decreased the revenue from that source at least $25,000,000. And even now we know that the entire revenues from all quarters have fallen off as compared with last year at such a rate thus far as to indicate a decrease of over $10,000,000, principally from internal revenue.

Allowing that the tax on spirits will not be disturbed for some time, but that the tax on tobacco may be reduced as recommended, and that the bill before us becomes a law, the account will stand thus:

Deficiency under existing laws	$2,355,448 52
Decrease resulting from proposed bill	9,404,058 65
Decrease from proposed reduction of tobacco tax	10,000,000 00
Decrease from all sources as indicated by comparison with last year	10,000,000 00
Total	31,759,507 17

Thus ends the first consequence of democratic ascendency. Contrast this prospect with the actual results of the policy of the republican party which enabled the Government to pay off $700,000,000 of the public debt.

But this is not all that democratic policy forebodes. There are pending bills in the Senate and House of Representatives and claims before the southern claims commission which aggregated on the 31st day of March, 1878—those introduced since that date not being included—over $230,000,000. The following carefully prepared statement shows the general character of these claims, whence they come, what they are for, &c.:

States and Territories.	Property claims.	Taxes to be refunded.	Claims for services rendered.	Miscellaneous claims.	Public improvements.
Alabama	$231,583	$10,400,141	$775	$69,834	$3,435,000
Arkansas	313,278	2,555,638	19,400	5,008	130,000
California	70,690	3,000	6,400	28,091	2,179,212
Colorado			105	8,124	275,000
Connecticut	8,025	193	5,611	2,615	395,500
Delaware			949		
Florida	37,388	918,944			1,092,000
Georgia	696,698	11,893,002	13,931	130,131	1,177,000
Illinois	71,476	379,782	34,968	118,769	1,932,000
Indiana	7,348	93,815	6,370	24,450	704,026
Iowa	13,427			8,835	250,000
Kansas	62,240	286	8,194	2,503,827	1,530,000
Kentucky	717,166	581,511	31,064	5,234	500,000
Louisiana	457,349	10,102,711	115,963	257,827	17,365,500

Southern claims—Continued.

States and Territories.	Property claims.	Taxes to be refunded.	Claims for services rendered.	Miscellaneous claims.	Public improvements.
Maine	$25,200			$300	$15,000
Maryland	372,640	$67,877	$136,695	16,528	
Massachusetts	7,068	66,679	568	2,674	48,000
Michigan	2,638	21,500	424,297	10,551	4,002,000
Minnesota	54,011		3,491	154,182	
Mississippi	167,810	8,742,995	591	13,268	5,278,000
Missouri	289,334	626,098	106,343	16,831	1,935,000
Nebraska			100	17,002	
Nevada				7,174	125,000
New Hampshire	185		175	3,313	1,000
New Jersey	10,298	3,656	17,715	845	3,208,000
New York	14,077	889,304	173,579	1,064	930,000
North Carolina	243,217	1,968,285	3,292	745	1,537,000
Ohio	45,456	451,337	27,633	15,145	130,000
Oregon				271,647	561,033
Pennsylvania	229,536	142,313	553,738	247,125	1,460,000
Rhode Island		2,424	3,365	2,545	35,000
South Carolina	2,820	4,172,420	4,350	9,132	120,000
Tennessee	401,723	7,894,714	1,957	101,673	1,505,000
Texas	117,529	5,503,187	47,196	3,507,503	2,411,500
Vermont			3,007	252	31,000
Virginia	285,455	826,092	15,118	2,887	1,051,500
Dist. of Columbia	214,380	933	26,432		1,507,000
West Virginia	284,565	14,300	870	3,000	910,000
Wisconsin	94,909		27,042	83,802	520,000
Territories	160,033	1,375	18,899	670,503	944,000
Miscellaneous	2,145,608	48,174	896,216	1,918,515	2,614,000
Total	7,865,620	68,374,796	2,742,419	10,288,061	61,920,091

RECAPITULATION.

Property claims	$7,865,620
Taxes to be refunded	68,374,796
Claims for services to be rendered	2,742,419
Miscellaneous claims	10,288,061
Public improvements	61,805,091
Eight hundred and fifty-one pension bills	85,100
Claims before southern claims commission	25,000,000
Claims for the abandoned-property fund covered into the Treasury	24,251,269
Galveston and Camargo Railroad	2,112,000
Galveston, Harrisburgh and San Antonio Railroad	4,000,000
Southern Maryland Railroad	1,200,000
Mexican, Seminole, and Black Hawk pensions, yearly estimate	7,000,000
Washington, Cincinnati and Saint Louis Railroad	14,000,000
Total	228,724,356

In addition to this there are the following: Texas and Pacific, interest annually for fifty years on $38,750,000, $1,837,500; Brazilian mail service, yearly, for ten years, $810,000; National Railway, $12,000 per mile; and about forty other railroad bills, demanding money or lands, the amounts of money not being specified. There are also sixteen hundred and thirty-eight bills, embracing a great variety of subjects, but all craving money appropriations, in no one of which is any amount named.

Now, a portion, though a relatively small portion, of these claims is just. Nearly all those for pensions for invalid soldiers and marines of the late war are righteous claims, and Congress should not be hypercritical in passing upon them. Judicious appropriations for the improvement of our navigable rivers and harbors, and for the construction of public buildings where they are needed, should be made, and there are undoubtedly some among the multitude of private claims which ought to be paid. The vast majority of them, however, are nothing but efforts to raid the Treasury, and must be frustrated, or this nation will be shaken to its foundation.

It is not to be doubted that every one of these claims, whether appealing to the necessities of the Government, its supposed justice, or its bounty, is earnestly sought and will be persistently pressed. An immense preponderance of them comes from the Southern States. The public sentiment of that section, conscientiously perhaps, encourages their presentation, and will not be content with less than their satisfaction.

Now, the Representatives from that section of the Union are almost solidly democratic, and they outnumber so far their party colleagues from the Northern States that through the power and discipline of the caucus they can effectuate unanimity of action in any direction they desire.

I mention these matters not to stir up or keep alive sectional animosities, but to point out and emphasize the strength of the probability that, in the event of the democratic party attaining control, some of these claims at least will be paid. And so it comes to this, that the different measures proposed by the democratic majority in this body will immensely decrease the revenues and largely increase the expenditures of the Government.

The present revenue system of the United States is the best in the world. It is simply impossible to devise a better one. It makes luxuries, whether imported or produced in the country, pay high taxes. It levies duties on such imported articles as come in competition with home productions, and thus fosters home industry. It admits such commodities as we cannot produce free. It distributes the burden of taxation equitably and universally. It is acceptable to the masses of the people.

The representatives of but a few special interests among practical men complain of it. The *doctrinaires*, whose operations are in the field of speculation, with keen acumen for framing *a priori* hypotheses and ready methods of deduction, are the only unselfish men who point out objections to it. But what do they offer in its place? What system of taxation exists anywhere equally good and less onerous? The tariff does not preclude competition and establish monopolies, as Adam Smith insisted, and as the gentleman from Texas [Mr. MILLS] seems to think, because everybody knows that domestic competition in every branch of industry has become so active as to yield supplies at cheap prices largely in excess of the demand. The proverbial attribute of competition can no longer be invoked in the discussion of this subject. Instead of being the life of trade, competition is nowadays the death of trade.

The other argument we have heard so often, and which is now repeated by the advocates of this bill, namely, that free commerce will enable us to dispose of our surplus productions, is extremely faulty. It is very plausible however. Embellished with rhetoric and placed in the admirable category of free speech, free press, and free men, it captivates the imagination and derives support from the empiric logic that ignores principal factors of the problem. It is not to be disputed that tariff duties shut out a large circle of transactions which we would otherwise have with other nations. It is said that the present law on this subject injures our trade particularly with the Argentine Republic, with Chili, and with British North America, owing to their nearness to us and their demand for our staples.

By way of enforcing the argument the trade of these respective countries with Great Britain is contrasted with their trade with the United States, and the statistics show that Great Britain enjoys an immense preponderance, amounting to 95 per cent. in some things. Now if the effect of our protective policy results thus favorably to Great Britain, why is it that Great Britain is so anxious that we should adopt free trade? The argument is that we do not rival Great Britain and other countries in the markets of the world because we impose restrictions on trade; we could compete with Great Britain and other countries if we would remove these restrictions; and Great Britain and all other countries want a great competitor—for what? For the fun of the thing?

The truth is we are immensely rich in resources, and the whole world wants to pluck us. It is marvelously plain common sense that all the nations of the earth would not insist upon free trade with us unless they expected advantages from it. The gaining of such advantages to them implies corresponding losses to us, undoubtedly, in view of the salient fact, never to be forgotten in arguing this question, that we have within our own country everything necessary to supply our wants, excepting tea and coffee and a few articles of luxury. We admit the former free, and the latter should not escape the payment of duty.

Before concluding I desire to say a word regarding the partisan aspects presented by the pending controversy. I have held the democratic party responsible for this bill and for the adverse tariff legislation in the past. I have thought it proper to set forth the issue in this way, not only because history justifies the charge, but because the burden of the speech of the honorable gentleman from Virginia [Mr. TUCKER] is the old democratic construction of the Constitution, which denies to the General Government the right to regulate politico-economic questions, and the democratic side of the House to-day applauded this view as vigorously as ever in the past. I have thought it proper, moreover, because every member of this House, if I am not mistaken, who will vote for this bill, is a democrat, while every republican member, if I am not mistaken, will vote against it. The protection of the industries of the country has therefore a partisan character, and has assumed a more pronounced partisan character in fact than it ever had before. While this is the case, however, I do not wish to do injustice to my democratic colleagues from Pennsylvania, who will, I believe, unite with this side of the House to kill this bill, nor to any other such democratic members; but I cheerfully and gladly award to all such gentlemen their just meed of praise.

But, Mr. Speaker, I will not trespass further than to say that all good reasons in my opinion converge upon the conclusion that this bill should be defeated. If any bill relating to this subject should pass it should be a bill increasing rather than reducing the duties on imports. We import too many commodities now that our people can produce. Let us give employment to our own capital and our own people, diversify our industries and multiply our facilities for supplying our wants, and we shall soon have unbounded prosperity and happiness throughout the United States.

REPEAL OF THE RESUMPTION LAW.

Mr. KEIGHTLEY. Mr. Speaker, during the late extra session I took occasion to place upon the record, briefly, my reasons for voting against the repeal of the resumption act. Time and further examination have only served to strengthen the conclusion I then reached, and I now desire to give to the House and the country more fully and at length the reasons for my faith and action.

Questions touching the propriety of the repeal of the resumption

act or the fulfillment of its promise now occupy the foremost place in all political discussions. The wide divergence of opinion thereon, the zeal and ingenuity with which the advocates of utterly hostile theories urge their pet schemes for the cure of our financial ills, prove the necessity of giving to the subject the most careful thought and mature deliberation.

Where so many differ so widely not all can be right and many must be wrong. Widely as opinions differ, however, upon many points involved, upon one important point I think all are agreed. We all agree that we should so soon as possible give to the country a currency the most stable in value and the least liable to rapid increase or diminution in volume that it is possible for us to secure. A currency the purchasing power of which is subject to little or no change, the volume of which varies but little, cannot fail to maintain comparative steadiness in prices, and by so doing lend an element of certainty to commercial transactions, without which prosperity is impossible. Under such a currency the man of business who is called upon to aid or enter on a given enterprise, is enabled to judge closely of final results. He may thus the more readily be induced to engage therein though the margin of profit be small.

The investment of capital at the lowest possible rates of profit, is of the highest importance to the whole people and especially to the laboring classes. The earnings of capital beyond the rate of profit reserved to the investor inure to the benefit of the whole people. Eliminate so far as possible uncertainty from investments and capital will seek them eagerly at the lowest living rates in preference to others where a greater return is probable but where the hazard of failure is correspondingly increased. Where uncertainty attends an enterprise, in the same degree the promise of profit must be increased or no one will touch it.

If such a venture succeeds the increased rate of profit flows alone to the coffers of capital; if it fails, the capital invested is buried and lost. Under conditions of safe investment it would have still continued to contribute to the development of the country and the employment of its labor. A stable currency secures safe investments.

The adoption of a currency which will the most securely guard against great and rapid fluctuations in prices can alone give to the able, the diligent, and industrious those advantages which by every right they should possess over the scheming idler and reckless speculator.

The man who devotes his property and time to legitimate business, in order to succeed must devote his whole time thereto. His property invested must, in the nature of things, often be in such shape that sudden realization thereon would be impossible. No business man can rearrange his business day by day to meet suddenly changing conditions of prices. His only protection is to charge over upon his customers additional prices upon his wares to cover the risk imposed upon him. In this manner he can in some measure shift his burden, but it falls upon the shoulders of the people.

If prices rapidly rise the laborer finds that his wages do not rise in a corresponding degree. All experience attests that on a generally rising market wages are the last to rise, and that until a climax is reached the laborer's wages are clipped from day to day and from week to week.

On the other hand the speculators of Wall street and their kindred in other cities, the men who produce nothing; the men whose capital is always held in hand for speculative purposes; the men who do nothing but scheme and study how best to manipulate markets and take advantage of a rise or fall in prices, find in fluctuations their opportunities. They are familiar with the situation from day to day. Every indication of a rise or fall comes to them as certainly and quickly as the telegraph can transmit the information. Whether we go up or down, the harvest is the same to them. They are drones in the human hive, enabled by these opportunities to draw to themselves an undue proportion of the products of the shop and soil. Cut off these great fluctuations by giving us currency stable in value and steady in volume, and you drive the greater portion of capital now used solely for speculative gain into the service of mankind for lack of employment in its former field. So far I think there is little difference among us.

Where shall we find the currency that shall have a purchasing power least liable to change? Where shall we find the currency that gives the best guarantee of steadiness in volume?

I have studied the several experiments of the race with a purely paper currency, and to me they all furnish but one lesson. Avoid them as you would the plague. Nowhere and at no time has any people attempted to plant its business upon a purely paper currency that overwhelming ruin and disaster has not followed the attempt. It has always been found that no power could arrest its depreciation in value.

It will be of value to us, it will be of value to the American people, to review often and carefully these experiments of the past. I now propose to recall and group together the most important of these experiments and shall follow, so near as may be, their order in history. The first to which I shall call attention is that which is known in history as "Law's paper-money scheme."

John Law, the author and conductor of this scheme, is perhaps entitled to be considered the first prominent advocate of extended paper-money systems. Born a subject of Great Britain, and possessed of property and influence, he first strongly urged the adoption of his plans upon the English Government. Fortunately for that nation the man and his theories were rejected.

In France he met with better success and secured opportunities for testing his theories to the fullest extent. It will be found useful at this time to recall the principal arguments advanced by Law in support of his plans, and it is surprising how closely they resemble those put forward by inflationists of the present day.

It was the favorite argument of Law—the one upon which all his theories were based—that the power and prosperity of a nation increase in proportion to the amount of money circulating therein, and that as the richest nations have not specie enough to afford full employment to their inhabitants this defect may be supplied with paper money. Have we not heard the same arguments urged early and often upon this floor? Are not the different changes sounded upon them day after day by the opponents of resumption? If this be true, before we lend a willing ear to such arguments we should consider well the results flowing from the fabric reared by Law upon those arguments.

Law first obtained permission and authority to establish a company with the exclusive privilege of trading to the Mississippi and the then province of Louisiana. The company was chartered in August, 1717, with full and complete powers over commerce and taxes, and they were made the sole coiners of money. The company under the management of Law drew to itself privilege after privilege, until it was finally erected into the Royal Bank of France.

So soon as the bank from a private became a public institution its notes were issued to the amount of one thousand million livres. Backed by the whole power and authority of the nation (an expression we now sometimes hear) these notes for the moment commanded the confidence of all classes. Immense redundant issues caused a rapid nominal rise in prices. An era of apparent prosperity and speculative frenzy began which beggars description. Princes and peasants alike became victims to the mania. Capital and labor forsook the walks of industry and legitimate business to enter the vortex of speculation. Paper fortunes were builded up in a single day, the possessors of which hugged to themselves the delusion that their wealth was real.

As faintly describing the delirium that for a time reigned supreme, I read an extract from Mackey's account of this delusion:

> Law was now at the zenith of his prosperity, and the people were rapidly approaching the zenith of their infatuation. The highest and the lowest classes alike were filled with a vision of boundless wealth. * * * People of every age and sex and condition of life speculated in the rise and fall of the Mississippi bonds.
>
> The Rue de Quincampoix was the grand resort of the jobbers, and, it being a narrow and inconvenient street, accidents continually occurred in it from the tremendous pressure of the crowds. Houses in it worth in ordinary times a thousand livres of yearly rent yielded twelve or sixteen thousand. A cobbler who had a stall in it gained about two hundred livres a day by letting it out and furnishing writing materials to brokers and their clients. The story goes that a humpbacked man who stood in the street gained considerable sums by lending his hump as a writing-desk to the eager speculators. * * * At nightfall it was often found necessary to send a troop of soldiers to clear the street.

The fluctuations that gave rise to this terrible fever of speculation enabled the more shrewd and able operators to amass large fortunes. They were producing nothing. They were adding nothing to the general wealth. They were only gathering to their coffers that which the labor of the industrious had produced. The rich were growing richer and the poor poorer.

It was not possible for this condition of affairs to long continue. The more cautious and wary early in 1720, foreseeing the coming storm, began to convert their paper money into specie and send it to foreign countries. Specie could be used anywhere and at any time.

Soon the quiet, steady drain of specie attracted attention. To stop it, upon Law's advice an edict was published, depreciating the value of coin 5 per cent. below that of paper. This failed. Another edict followed increasing the depreciation 10 per cent. and forbidding payments by the bank in greater sums than one hundred livres in gold and ten in silver. Despotic power exercised to control natural laws was of no avail. Still the drain continued until specie became so scarce that trade was seriously disturbed.

In this emergency, (in February, 1720,) Law induced the government to issue an edict forbidding the use of specie altogether. This step, it will be observed, was quite as radical as any advocated by the most ardent greenbackers of to-day. Under this edict no man was allowed to possess more than $100 in coin under pain of heavy fine and confiscation. This law was expected to restore and maintain confidence in the paper money. Instead of doing this it precipitated the crisis which was sooner or later inevitable. The credit of the paper sank at once and forever. The great bubble which had for a period dazzled all France with its brilliancy, suddenly collapsed, leaving nothing but ruin on every hand. A few great fortunes towered above the general wreck, but misery and want ruled everywhere among the masses. For a long time the country hovered on the brink of revolution, and Law, who had been the public idol for a time, was hunted from the nation by an indignant populace.

Such was the first great experiment of the French people with irredeemable paper money.

AUSTRIA.

The experience of Austria is no less instructive. About the middle of the last century the Austrian government was committed to a paper-money system. By the Austrian National Bank, notes were issued which were made a legal tender, and from time to time the issues were increased. In compliance with a natural law no govern-

ment can arrest, with each succeeding issue the purchasing power of the whole declined. This note issue in 1796 was $41,000,000, in 1800 it was $200,000,000, in 1806 it was $449,000,000. In 1802 it was so depreciated that seven-kreutzer pieces known to be counterfeit commanded a premium over the genuine paper money.

The most stringent measures were adopted for the purpose of bolstering up the credit of the paper money, but without success. In 1810 the paper money fell to 500 for 100, then to 800, and then to 1095. The utter want of confidence in the stability of the currency crushed trade and enterprise. Venality and corruption crept into every branch of the public service. Salaries paid in depreciated paper failed to furnish the necessaries of life, and frauds upon the revenues resulted everywhere. In February, 1811, when this circulation amounted to one thousand million gulden, by a proclamation these notes were suddenly reduced to one-fifth of their nominal value. Provision was made for exchanging them at this rate for a new paper called "redemption notes," also to be a legal tender.

Notwithstanding the government promise that no more of the new paper should be issued than sufficient to redeem the old, on the basis fixed in the proclamation, the new issue followed rapidly in the downward track of its predecessor. The solemn promise of the Emperor, too, was soon violated and secret issues followed one another, until in 1816 the amount of paper money in Austria was over six hundred and thirty-eight millions. Of the situation at that time the historian Springer gives the following graphic picture:

> Austria offered the strange spectacle of a state buried in the stillness of death—a grotesque conglomerate of states of different sizes, some of which did not dare, others of which did not know how, to breathe independently and freely. * * * Undeniably the paper money exercised the worst influence on the *morale* of the people. Frugality and diligence were lost virtues. Vulgar pleasure-seeking and wild extravagance became habitual even in the lower classes. Of what use to care for the future? Why not to-day enjoy all the pleasures of the senses? How could any one hesitate to pay two hundred gulden for admission to a ball? In fact the money had no value, and if one stood reflecting he might lose ball and money both. The very fact of speaking continually of large sums, which, however, in truth amounted to but very small value, stimulated to frivolity and folly. So the ground was prepared for developing the celebrated "Viennese" disposition, and the loafer life in which the hot-spiced pleasures of the palate seemed the highest good, became indigenous to "the unique city of the Emperor."

Subsequently, and by slow and painful processes, the evils were in some measure reduced; but even yet the cloud hangs over the nation. Every year since has shown a deficit in the national finances.

THE FRENCH ASSIGNAT.

Again in France, in 1789, the advocates of irredeemable paper money came to the front. This time the government at the outset assumed control of the issues. The National Assembly provided for the issue of four hundred million francs in assignats, a paper money not only backed by the "power, credit, and authority" of the nation, but secured under and by the terms of its issue, by a pledge of productive real estate and bearing interest at the rate of 3 per cent. To quiet existing fears of a recurrence of the nation's terrible experience under John Law, the Assembly issued an address justifying their action, in which we find the following:

> Paper money is without inherent value unless it represents some special property. Without representing some special property it is inadmissible in trade to compete with a metallic currency which has a value real and independent of the public action. Therefore it is that the paper money which has only the public authority as its basis has always caused ruin where it has been established. That is the reason why the bank-notes of 1720, issued by John Law, after having caused terrible evils have only left frightful memories. Therefore it is that the National Assembly has not wished to expose you to this danger, but has given this new paper money not only a value derived from the national authority but a value real, immutable—a value which permits it to sustain advantageously a competition with the precious metals themselves.

Observe here the confession that "paper money which has only the public authority for its basis has always caused ruin where it has been established." This money, however, was to have "not only a value derived from national authority but a value real, immutable." The people were further assured:

> These assignats, bearing interest as they do, will soon be considered better than the coin now hoarded, and will again bring it out into circulation.

The finance committee of the Assembly declared, among other things, that "the circulation of paper money is the best of operations," that "it is the most free because it reposes on the will of the people."

To recall all the arguments advanced would be but to recapitulate those urged to-day by those who wish our paper kept irredeemable. Very little time elapsed after the first issue before the thoughtless and the speculative, their appetite whetted by the universal rise in prices, began to clamor for more paper money.

Mirabeau lent his powerful aid to forward the demand, although less than a year before he had written "paper money is a nursery of tyranny, corruption, and delusions; a veritable orgy of authority in delirium." Such thorough conversion is only paralleled by some we have witnessed in our day, notably that of the Senator-elect from Ohio.

The 29th of September, 1790, the Assembly again yielded. By a vote of 508 to 423 a new issue of eight hundred millions was ordered, making twelve hundred millions in all. A solemn pledge was then given, however, that the entire amount in circulation should never exceed this amount. Not so was the tide to be stayed. The breach once made in the wall the flood came pouring resistlessly in. Again came up the cry of "insufficient circulation." Less than nine months after the pledge of a limit was given an additional issue of six hundred millions was provided for.

Then the results of the suicidal policy began prominently to appear. The paper rapidly depreciated. Specie rapidly disappeared. The uncertainty of values became so clearly apparent that, practically, trade was brought to a stand-still, while speculations and stock-gambling ruled the hour. In the language of Louis Blanc, "Commerce was dead; betting took its place." The most reckless and corrupt spirit was engendered, that ran through all classes and conditions of life. Bribery of public servants was notoriously common. A dislike for steady labor and plain living became general throughout the nation and all eyes were turned to additional issues of paper money for relief.

December 17, 1791, a fourth issue of three hundred millions more was ordered. The total issues now provided for reached an aggregate of twenty-one hundred millions. Yet the insatiable maw of speculation called for more, and on the 30th of April, 1792, the Assembly added three hundred millions more. After this came other issues, until on December 14, 1792, the amount in circulation was twenty-eight hundred millions. If large issues of legal-tender paper create prosperity, France should have become the most prosperous country on the globe. On the contrary it was found that the depreciation of the paper money had caused such heavy advances in the necessaries of life that want and misery were spreading rapidly among the poorer classes. The effect upon the populace is well described by Professor Andrew D. White in his valuable account of this experiment, which I here and subseqently, quote and follow:

> The washer-women of Paris, finding soap so dear that they could scarcely purchase it, insisted that all the merchants who were endeavoring to save something of their little property by refusing to sell their goods for the worthless currency with which France was flooded should be punished with death; the women of the markets, and the hangers-on of the Jacobin club, called loudly for a law "to equalize the value of paper money and silver coin." It was also demanded that a tax be laid especially on the rich, to the amount of 400,000,000 francs to buy bread; and the national convention, which was now the legislative body of the French Republic, ordered that such a tax be levied. Marat declared loudly that the people, by hanging a few shop-keepers and plundering their stores, could easily remove the trouble. The result was, that on the 28th of February, 1793, at eight o'clock in the evening, a mob of men and women in disguise began plundering the stores and shops of Paris. At first they demanded only bread; soon they insisted on coffee and rice and sugar; at last they seized everything on which they could lay their hands, cloth, clothing, groceries, and luxuries of every kind. Two hundred shops and stores were plundered. This was endured for six hours, and finally order was restored only by a grant of 7,000,000 francs to buy off the mob. The new political economy was beginning to bear its fruits. One of its minor growths appeared at the city hall of Paris, where, in response to the complaints of the plundered merchants, Roux declared, in the midst of great applause, that "the shop-keepers were only giving back what they had hitherto robbed them of."

Laws were passed making the sale of goods compulsory and fixing their price in paper money. As a natural result every possible device was adopted to avoid making any sales. A great scarcity ensued and it was found necessary to put the people of large cities upon an allowance. Efforts to support the paper were redoubled. All the power of the government was brought into requisition to sustain the value of the paper. Laws were passed forbidding the sale or exchange of specie for more than its nominal value in paper under a penalty of six years in irons. Another law provided that whoever sold assignats at less than their nominal value should be punished by imprisonment for twenty years in chains.

Surely this paper money was backed by the whole "power, authority, faith, and credit of the government."

Still higher and higher rose the wave of inflation, until early in 1796 the circulation reached thirty-six thousand millions. Despite the stringent laws enacted to support the paper, enforced by such relentless men as led the reign of terror, at this time one franc in gold was worth 288 francs in paper money. Of the situation at this time Professor White gives us this graphic picture:

> The writings of the period give curious details of these prices. Thibaudeau in his Memoirs speaks of sugar as 500 francs a pound soap 230 francs, candles 140 francs. Mercier, in his life-like pictures of the French metropolis at that period, mentions 600 francs as carriage hire for a single drive, and 6,000 francs for an entire day. Everything was inflated in about the same proportion, except the wages of labor; as manufactories closed wages had fallen, until all that kept them up at all was the fact that so many laborers were drafted into the army. From this state of things came grievous wrong and gross fraud. Men who had foreseen these results fully, and had gone into debt, were of course jubilant. He who in 1790 had borrowed 10,000 francs could pay his debts in 1796 for about 35 francs. Laws were made to meet these abuses. As far back as 1794 a plan was devised for publishing official "tables of depreciation" to be used in making equitable settlements of debts, but all such machinery proved futile. On the 18th of May, 1796, a young man complained to the national convention that his elder brother, who had been acting as administrator of his deceased father's estate, had paid the heirs in assignats, and that he received scarcely one three-hundredth part of the real value of his share. To meet cases like this a law was passed establishing a "scale of proportion." Taking as a standard the value of the assignat when there were two billions in circulation, this law declared that in the payment of debts, one quarter should be added to the amount originally borrowed for every five hundred millions added to the circulation. In obedience to this law a man who borrowed two thousand francs when there were two billions in circulation would have to pay his creditors twenty-five hundred francs when half a billion more was added to the currency and over thirty thousand francs before the emissions of paper reached their final amount. This brought new evils, worse if possible than the old.
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> But, wide-spread as these evils were, they were small compared with the universal distress. The question will naturally be asked, on whom did this vast depreciation mainly fall at last? When this currency had sunk to about one three-hundredth part of its nominal value, and after that to nothing, in whose hands was the bulk of it? The answer is simple. I will give it in the exact words of that thoughtful historian from whom I have already quoted: "Before the end of the year 1795 the paper money was almost exclusively in the hands of the working-classes, employés, and men of small means, whose property was not large enough

to invest in stores of goods or national lands. The financiers and men of large means, though they suffered terribly, were shrewd enough to put much of their property into objects of permanent value. The working-classes had no such foresight or skill or means. On them finally came the great crushing weight of the loss. After the first collapse came up the cries of the starving. Roads and bridges were neglected; manufactures were generally given up in utter helplessness." To continue, in the words of the historian already cited: "None felt any confidence in the future in any respect; none dared to make an investment for any length of time, and it was accounted a folly to curtail the pleasures of the moment to accumulate or save for an uncertain future."

One last attempt was made by the government to sustain paper money. The old plates of the *assignat* were broken up, and it was announced that the former issues were to be replaced with a new paper money with a new name which was to be "as good as gold." Whoever spoke against the new issue was to be punished by heavy fine and imprisonment. In less than six months twenty-five hundred millions of the new paper were issued and it had sunk below 5 per cent. of its nominal value. The most infatuated then could not fail to see that to pursue such a course further was madness. At once the whole thirty-eight thousand millions were repudiated.

Again I quote from President White:

The collapse had come at last; the whole nation was plunged into financial distress and debauchery from one end to the other.

To this general distress there was indeed one exception. In Paris and in a few of the greater cities, men, like Tallien, of the heartless, debauched, luxurious, speculator, contractor, and stock-gambler classes, had risen above the ruins of the multitudes of smaller fortunes. Tallien, one of the worst of the demagogue "reformers," and a certain number of men like him, had been skillful enough to become millionaires, while their dupes, who had clamored for issues of irredeemable paper money, had become paupers.

So slow and painful was the nation's recovery from the wreck that the lessons of that hour have been ever since remembered by the French people. Though the terrible strains upon their finances during the Franco-German war compelled a temporary suspension of specie payments, (as with us during the late war,) an early return to a convertible currency has been ever kept in view and is already an accomplished fact.

Let us profit by their experience and example.

THE ENGLISH BANK RESTRICTION.

I shall speak now more briefly of what is known as the English bank restriction. The Bank of England suspended specie payment on the 27th day of February, 1797, not to resume again until May 1, 1821, when the bank, by its own wish and permission of Parliament, resumed the payment of specie. During the suspension the notes were given the force of legal tender by provisions denying the usual remedies for collection of debts to those who refused them.

The act of Parliament known as Peel's act, passed in 1819 and providing for the resumption of specie payments in 1822, has been charged with causing great and unnecessary distress and with precipitating an extraordinary number of failures. Against this charge the great weight of authority of the time is arrayed. Both houses of Parliament, through committees appointed for the purpose, examined the question most thoroughly, and the act was sustained by an almost unanimous vote.

One of the most careful statisticians England has known (Mr. Tooke) upon this subject says:

Never, indeed, was there a measure dictated by a sounder policy than that by which Parliament determined in 1819 that the trifling divergence which then existed between the paper and the gold should as speedily as was conveniently practicable be remedied, and the convertibility restored, with the strongest sanction against its being suspended. So loudly was that measure called for by every consideration of justice and good faith, and of the most comprehensive view of the public interest, that if for the purpose of carrying it into effect some actual derangement of prices and of credit had been distinctly contemplated, the effect would have been amply justified by the object.

But there is not a vestige of a ground for supposing that the smallest part of the fall in prices or of the derangement of credit in 1819 or from 1819 to 1822 can according to any evidence of facts or any consistent reasoning be traced to the operations, direct or indirect, of that measure. The sufficiency of the causes, without reference to Peel's bill, of the fall of prices between 1818 and 1822 can hardly, it is presumed, admit of a doubt in the mind of any person who, unbiased by any preconceived theory, will examine carefully the facts as they will appear in evidence in connection with the fall of prices.

He analyzes the operation of laws passed and natural causes existing by which from 1816 to 1818 importations into the United Kingdom were very nearly doubled in two years, and very pertinently asks, "Could it be imagined that the importations of 1818, being within a trifle of double what they were in 1816, could be sold at the same prices?"

In the single article of cotton the importations increased from 93,920,055 pounds in 1816 to 177,282,158 pounds in 1818. A comparison shows similar results in other articles of merchandise, and it is absurd to suppose that with such large additional supplies the old prices could be maintained.

Notwithstanding the decline in prices that occurred at this time the aggregate number of failures fell off. During the three years ending in 1816, a period when the people of England enjoyed every advantage that could be derived from inconvertible paper, having the force of legal-tenders, the number of failures reached 6,627. During the next three years, under the same circumstances and immediately preceding the passage of Peel's bill, the number of failures reached 7,042. In the three years succeeding the passage of Peel's bill and preceding the resumption of specie payments the number of failures were only 4,118. This is the strongest proof that so far as solvency is concerned, matters began to mend upon the passage of the act. Following resumption, trade revived at once, and the years 1823 and 1824 were especially prosperous. The English paper currency has ever since been kept promptly convertible into specie. As a consequence, it commands confidence everywhere and circulates readily in all the great marts of the world. Under this currency it is a historical fact that the English people have enjoyed comparative immunity from great commercial revulsions and have well maintained their positions as the most wealthy, prosperous, and powerful of civilized nations.

We ought to profit by their experience.

THE BANK OF VENICE.

In support of the theory that irredeemable paper can be safely relied upon we are often cited to the history of the Bank of Venice. No reference could be more unfortunate for the advocates of inflation. Mr. McLeod in his valuable work on banking and currency furnishes a brief and concise history of this money from which I quote:

Venice was a small state but gradually became the center of an enormous commerce and as an inevitable consequence a great quantity of clipped and worn foreign coins circulated in it, brought by the foreigners who resorted to it. When the practice of bills of exchange became common, the degraded state of the currency caused an intolerable inconvenience to merchants. To obviate this at some subsequent time, though at what precise period we are not informed, the plan was devised of the chamber of loans receiving deposits from private persons.

Every merchant deposited there the coins he received and he was credited with their value in bullion, and the bank gave him a corresponding number of its notes payable to bearer on demand in full weight of bullion.

As the bank always pledged itself to pay in full weight its notes always bore a premium as compared with the worn and clipped coin in circulation. All bills of exchange between merchants were made payable in this bank money. The bank, however, does not seem ever to have discounted bills upon its own account, and as its paper only represented the price of bullion actually in it coffers, it made no increase in the quantity of currency in circulation. Its only advantage was to save the wear and tear of the coinage and to insure a uniform standard in mercantile contracts. This bank continued to enjoy great credit and repute until it fell with the republic in 1797.

Mark the fact that no paper was issued by this bank that was not promptly convertible into specie at the will of the holder, and was payable not in current coins, but in full weight of bullion. The success of the Bank of Venice, the credit so long enjoyed by its paper, is therefore, a most powerful argument in favor of a currency always convertible into the precious metals at the will of the holders.

COLONIAL PAPER MONEY.

If, however, we need to go further, we may most profitably study the record of our forefathers. Daniel Webster well and truthfully said:

Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well disposed of a degraded paper currency authorized by law or in any way countenanced by Government.

Colonial history furnishes many melancholy lessons from the attempts of the different colonial governments to float irredeemable paper money, which was made a legal tender and "backed by the whole power, credit, and authority of the government.

The student of Bancroft will agree with me that the record is always found the same. Redundant issues, rapid depreciations, and resulting bankruptcy and repudiation. Such is the condensed history of each and every experiment.

CONTINENTAL CURRENCY.

We are all familiar with the history of the continental currency. We all remember that it was based upon the "faith, credit, resources, and power of the continent." It was given full legal-tender power, and the most stringent laws were enacted to sustain it. Still, the issues steadily sunk in value until it became "not worth a continental." The phrase comes down to us to express the most utter worthlessness that can be conceived.

When these issues had reached an aggregate of $350,000,000, so low had it sank in value, as history tells us, that in Philadelphia "a barber's shop was papered with the money, and a dog, coated with tar, and the bills stuck all over him, was paraded in the streets."

We ought to heed these lessons and return while we may to a sound convertible currency. We must learn, if not from past experience, then from future bankruptcy and ruin, that no government decree can inject value into paper, however strongly it may be backed with bayonets. We must learn that no nation can disregard the natural laws of trade and exchange without inviting disaster; that natural laws will sooner or later assert themselves above and beyond all human legislation.

OPINIONS OF EMINENT MEN.

To the admonitions of history we may add for our instruction the views of the most prominent men intrusted with the administration of our public affairs in the past. Nearly every one spoke in his day, with no uncertain sound. I have collected a number of quotations from the utterances of those who were highly honored by the nation, which I submit:

WASHINGTON.

Some other States are, in my opinion, falling into the very foolish and wicked plans of emitting paper money. I cannot give up my hopes, however, that we shall ere long adopt a more just and liberal system of policy.

JOHN ADAMS.

I cannot but lament in my inmost soul that lust for paper money which appears in some parts of the United States. There will never be any uniform rule, if there is any sense of justice, nor any clear credit, public or private, nor any settled confidence in public men or measures until paper money is done away.

THOMAS JEFFERSON.

Capital may be produced by industry and accumulated by economy; but jugglers only will propose to create it by legerdemain tricks with paper.

JAMES MADISON.

The loss which America has sustained since the peace from the pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied, or rather it is an accumulation of guilt which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it.

ANDREW JACKSON.

The progress of an expansion or rather a depreciation of the currency, by excessive bank issues is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their usual toils, they do not perceive that, although their wages are the same or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood and made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus by the depreciation, in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of adulteration is a tariff on our home industries for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is thus perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payments—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

Again:

There never was, nor ever could be, use for any other kind, (than redeemable currency,) except for speculators and gamblers in stocks; and this to the utter ruin of the labor and morals of the country. A specie currency gives life and action to the producing classes, on which the prosperity of all is founded.

JAMES BUCHANAN.

The evils of a redundant paper circulation are now manifest to every eye. It alternately raises and sinks the value of every man's property. It makes a beggar of the man to-morrow who is indulging in dreams of wealth to-day. It converts the business of society into a mere lottery; while those who distribute the prizes are wholly irresponsible to the people. When the collapse comes, as come it must, it casts laborers out of employment, crushes manufacturers and merchants, and ruins thousands of honest and industrious citizens.

ABRAHAM LINCOLN.

A return to specie payments at the earliest period compatible with due regard to all interests concerned should ever be kept in view. Fluctuations in the value of currency are always injurious, and to reduce these fluctuations to the lowest possible point will always be a leading purpose in wise legislation. Convertibility, prompt and certain convertibility into coin, is acknowledged to be the best and surest safeguard against them.

U. S. GRANT.

Among the evils growing out of the rebellion is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is the duty, and one of the highest duties, of the Government to secure to its citizens a medium of exchange of fixed and unvarying value. This implies a return to specie payment, and no substitute for it can be devised.

ALEXANDER HAMILTON.

Paper emissions by the Government are of a nature so liable to abuse, I may say so certain to be abused, that the wisdom of the Government will be shown by never trusting itself with so seducing and dangerous a power.

WILLIAM H. CRAWFORD, SECRETARY OF THE TREASURY.

A metallic currency having a value independent of that which is given to it by the sovereign authority does not depend upon the stability of the Government for its value.

Revolutions may arise, insurrection may menace the existence of the Government—a metallic currency rises in value under such circumstances. * * * Not so with a paper currency; its credit depends, in a great degree, upon the confidence reposed in the stability of the authority by which it was issued. Should that authority be overthrown by foreign force or intestine commotion, an immediate depreciation, if not an absolute annihilation of its value, would ensue.

SALMON P. CHASE.

The Secretary recommends no more paper-money scheme; but on the contrary, a series of measures looking to a safe and gradual return to gold and silver as the only permanent basis, standard, and measure of value recognized in the Constitution.

DANIEL WEBSTER.

Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. It is the most effectual of inventions for fertilizing the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation bear lightly on the masses of community, compared with fraudulent currencies and the robberies committed by depreciated paper money.

We have suffered more from this cause than from any other cause or calamity. It has killed more men, pervaded and corrupted the choicest interests of our country more, and done more injustice than even the arms and artifices of our enemy.

HENRY CLAY.

If there be, in regard to currency, one truth which the united experience of the whole commercial world has established, I had supposed it to be that emissions of paper money constitute the very worst of all conceivable species of currency.

CHARLES SUMNER.

Surely we must all be against paper money. * * * We must all set our faces against any proposition like the present, except as a temporary expedient rendered imperative by the exigency of the hour. * * * Reluctantly, painfully, I consent that the process should issue. And yet I cannot give such a vote without warning the Government against the dangers from such an experiment. The medicine of the Constitution must not become its daily bread.

HORACE GREELEY.

We advise any man who wants to cheat himself into the belief that the funded debt of the United States may lawfully be paid in greenbacks not to read this handy volume, (Spaulding's Financial History of the War,) unless he is anxious to know that he is a rascal and that every one sees it.

Utterances like the foregoing from the most renowned of our Presidents, from the ablest men called to preside over the Treasury, from the most profound statesmen the country has known, should have weight in a crisis like the present when we are called upon to choose between a sound convertible currency and the alternative of following, to the bitter end, the course of irredeemable paper money.

GOOD FAITH REQUIRES RESUMPTION.

Beyond this we insist that good faith and honesty demand that we should make the legal-tender issues convertible into coin at the earliest practicable moment. With surprise I have heard men who pretend to leadership of the inflation forces argue upon this floor that at the time these issues were provided for, no intention existed to provide for their ultimate redemption. The terms of the first law enacted with reference to the greenback promised payment. In proof of this we need only refer to the first paragraph of the law, which is in these words:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to issue on the credit of the United States $150,000,000 of United States notes, not bearing interest, payable to bearer at the Treasury of the United States, and of such denominations as he may deem expedient, not less than $5 each.

To say that the "promise to pay" borne upon the face of each and every one of these notes was unauthorized is to dispute the language of the act itself. It would do violence to the good sense and honesty of those who passed the law to say that it was intended that the payment provided for in the act should be made by exchanging for the original promise to pay, another promise exactly similar. No other payment could have been intended than payment to be made in that which in the prior history of the country had been recognized as money—gold and silver coin. Each and every succeeding act continued the same language and the same promise.

Every friend of the measure in either House of Congress who spoke at all on the subject, in the discussions leading up to its passage, expressly announced and reannounced that the issue was to be regarded as a temporary expedient, accompanied by great danger, but justified by overwhelming necessity.

Secretary Chase, in his first report, December 9, 1861, alluded to, but refrained from recommending the adoption of such a policy. Here is his language:

The plan, however, is not without serious inconveniences and hazards. The temptation, especially great in times of pressure and danger, to issue notes without adequate provision for redemption; the ever present liability to be called on for redemption beyond means, however carefully provided and managed; the hazard of panics, precipitating demands for coin, concentrated on a few points and a single fund; the risk of a depreciated, depreciating, and finally worthless paper money; the immeasurable evils of dishonored public faith and national bankruptcy—all these are possible consequences of the adoption of a system of Government circulation. It may be said, and perhaps truly, that they are less deplorable than those of an irredeemable bank circulation. Without entering into that comparison, the Secretary contents himself with observing that in his judgment these possible disasters so far outweigh the probable benefits of the plan that he feels himself constrained to forbear recommending its adoption.

Subsequently, as dangers from rebellion thickened and the need of ready funds grew more and more pressing, Secretary Chase did recommend the issue, but only upon a basis looking to a return "to gold and silver as the only permanent basis, standard, and measure of value recognized in the Constitution.

DEBATE UPON THE BILL.

In proof of the light in which it was regarded when being considered I here give extracts from speeches made by friends of the measure:

The chairman of the subcommittee from which the bill was reported was Hon. E. G. Spaulding.

In 1869 he published a valuable little work entitled "Financial History of the War," giving a synopsis of the debate upon the bill. At the beginning of his work, speaking of the act, he says:

Experience has proved that notwithstanding it was a forced loan the end justified the means. * * * Although it was a war measure, a measure of necessity not of choice, and could only be justified on that ground, it has for many years exerted a most decisive influence over the property and material interests of every individual in the United States.

This is but a restatement of his opinion expressed in opening the debate, when he further announced that he would be "among the first to advocate a speedy return to specie payments."

Thaddeus Stevens, then chairman of the Ways and Means Committee, and one whom the enemies of resumption sometimes delight to quote, said:

This bill is a measure of necessity, not of choice. No one would willingly issue paper currency, not redeemable on demand, and make it a legal tender. It is never desirable to depart from the circulating medium which, by common consent of civilized nations, forms the standard of value.

Mr. Blake, of Ohio, said:

The bill is brought forward as a war measure, to meet the pressing demands now on the Treasury.

Mr. Campbell, of Pennsylvania, said:

The bill now before the committee is necessary to sustain the credit of the country and carry on the war. It is with reluctance that I have come to that conclusion.

Mr. Walton, of Maine, said:

Necessity compels us to pay our creditors in Treasury notes.

Mr. Kellogg, of Illinois, said:

I treat this emphatically and clearly as a war measure. It is necessary to carry on the Government in a war direction.

When the bill came back to the House from the Senate, in the course of the ensuing debate, Mr. Spaulding, the author of the measure, said:

All are obliged to receive and pass it as money, and all are obliged to submit to heavy taxation to provide for its ultimate redemption in gold and silver.

Mr. Pomeroy, of New York, said, speaking of the issues authorized by the bill, bonds and notes alike:

The credit of the Government is alike bound for the payment of both classes of indebtedness ultimately in coin. Each derives its entire value from that.

These opinions are from the friends of the bill, by whose votes it was passed, and they certainly prove that in that day no one intended to provide for a permanent irredeemable paper money. The interpretation given the law by those who created it is more likely to be correct than that of our latter-day financiers, who court repudiation.

The enemies of the bill denounced it most unsparingly as unwarranted under any circumstances; predicted that the issues would become worthless and would be ultimately repudiated. Now, when the nation can and is about to redeem its promises, some of these men still prominent in politics are laboring diligently to bring about a fulfillment of their prophecies through the processes of inflation.

In the Senate the whole course of the debate shows the same unanimity of opinion as to the necessity for the measure, and that it could only be justified upon that ground. All agreed that a return to specie payment should be provided for so soon as practicable. We are now asked to disregard these distinct pledges of ultimate redemption given at every stage of the creation of the greenback.

If public pledges, solemnly made, are to be held better than mere tracings in the sand we ought not to turn back now. These pledges were the bone and sinew, the life of the greenback, and the friends of the currency should insist that they be sacredly kept. The men who fought this currency at the beginning, either in these halls or in the tented field, may consistently advocate measures looking to its depreciation, but the republican party, that is responsible for its existence, for the honor of its organization, for the credit of the nation and the good of the whole people, should insist that its promise be fulfilled. We should go forward until every dollar of its volume is worth one hundred cents.

SUPREME COURT DECISIONS.

Not only have we the pledges of the men by whose votes this law was passed that the inconvertibility of its currency should be considered a war measure, and not applicable to times of peace, but we have the decisions of our Supreme Court that only thus can it be supported. Witness the language of the Supreme Court upon this subject in 1871:

One of the duties of the Government is to preserve itself, and it has all the necessary powers to that end. If under the circumstances of the war and the means required to maintain the Army and Navy, it were certain that nothing else would have supplied the absolute necessities of the Treasury, that nothing else would have enabled the Government to maintain its Army and Navy, that nothing else would have saved the Government and the Constitution from destruction, while the legal-tender act would, it cannot be said that Congress transgressed its powers in the enactment of this law, or if this enactment did work the result it cannot be maintained now that it was not for a legitimate end, and appropriate and adapted to that end.

In the decisions we find this further language:

It is a power not to be resorted to except on extraordinary and pressing occasions, such as war or other public exigency of great gravity and importance, and should no longer be exercised than the circumstances of the case demand.

In the case entitled Bank *vs.* Supervisors, reported in 7 Wallace, the Supreme Court said:

It is clear that these notes are obligations of the United States. Their name imports obligation, and every one of them bears on its face a promise to pay a certain sum. The dollar note is a promise to pay a dollar, and the dollar intended is the coin dollar of the United States; a certain weight and fineness of gold or silver. * * * These notes are obligations. They bind the national faith. They are therefore strictly securities.

Again, referring to what is known as the Legal Tender decisions, in 12 Wall., 553, we find the following language in the decisions:

The legal-tender acts do not attempt to make paper a standard of value. We do not rest their validity on the assertion that their emission is coinage or any regulation of the value of money. Nor do we assert that Congress may make anything which has no value money.

Surely no one who reviews these facts with an unprejudiced mind can doubt our duty (if we retain the slightest regard for good faith and established law) to restore these notes, so soon as may be, to specie values.

RESUMPTION IS PRACTICABLE.

Next I say, Mr. Speaker, that resumption is practicable on the day fixed by law. The first and perhaps the most important fact to be considered in this connection is that we have already reached practical resumption. Already in most of our large cities and in many smaller towns gold is being paid over the counters side by side with legal tenders. The cheering news comes to us from the distant West that in one instance even a premium in gold has been paid for greenbacks, and nowhere does gold command a greater premium than one-half of 1 per cent. This would not be so did not the state of our credit and the condition of our affairs convince the people of our ability to keep the promise of the law and the currency.

The resumption law will not be repealed. That settles the purpose of the nation to resume if it has the ability. Long experience has shown that to maintain specie payments it is not necessary to keep a reserve fund greater than about 40 per cent. of the circulation or demand liabilities. For the remainder, sufficient resources to draw upon in time are all that is required.

The following table, furnished by the Secretary of the Treasury, shows the condition of the Treasury with reference to resumption April 1, 1878, and what it will be under existing laws and contracts on January 1, 1879:

Statement showing the apparent and probable condition of the United States Treasury, including the proposed accumulation of $50,000,000 *coin.*

	Apparent.	Probable.
Demand liabilities, April 1, 1878:		
Legal-tender notes	$347,848,712 00	$340,000,000 00
Coin certificates	57,883,400 00	57,883,400 00
Interest overdue	4,121,146 77	4,000,000 00
Debt, matured and interest	8,439,391 04	8,000,000 00
Currency certificates	25,215,000 00	25,215,000 00
Fractional currency	16,950,115 62	.....
Demand notes	62,342 50	.....
Unclaimed Pacific Railroad interest	7,267 03	.....
Totals	460,527,374 96	435,098,400 00
Demand resources, April 1, 1878:		
Coin	138,357,608 14	188,357,608 14
Currency	35,966,851 35	35,966,851 35
Totals	174,324,459 49	224,324,459 49
Percentage of resources to liabilities	.37	.51

And the following table from the same source shows with what reserve the national institutions mentioned therein have successfully maintained specie payments:

Statement showing the resources and liabilities of certain European banks at dates mentioned below.

Bank.	Date.	Demand liabilities.		Total.	Demand resources.	Percentage of resources to liabilities.	Average depreciation, per cent.
		Circulation.	Deposits.		Bullion.		
Bank of England	1818	$26,302,000	$7,928,000	$34,130,000	$8,363,000	.18+	2.13.2
Bank of England	1820	24,299,000	4,421,000	28,720,000	8,211,000	.28+	2.12.0
Bank of England	1822	17,465,000	6,399,000	23,864,000	10,098,000	.42+	Nil.
Bank of England	1824	20,132,000	9,680,000	29,812,000	11,787,000	.39+	Nil.
Bank of England	1826	21,564,000	7,200,000	28,764,000	8,754,000	.23+	Nil.
Bank of England	1828	21,358,000	10,201,000	31,559,000	10,499,000	.33+	Nil.
Bank of England	1830	21,465,000	11,621,000	33,086,000	11,150,000	.33+	Nil.
Bank of England	1832	18,320,000	10,278,000	28,598,000	7,514,000	.26+	Nil.
Bank of England	1834	19,195,000	13,300,000	32,495,000	7,303,000	.22+	Nil.
Bank of England	1836	18,018,000	12,040,000	30,058,000	5,230,000	.17+	Nil.
Bank of England	1838	19,488,000	8,922,000	28,410,000	9,540,000	.33+	Nil.
Bank of England	1840	17,170,000	6,254,000	23,424,000	4,299,000	.18+	Nil.
Bank of England	1842	20,332,000	8,690,000	29,022,000	9,729,000	.33+	Nil.
Bank of England	1844	21,465,000	12,138,000	33,603,000	15,315,000	.45+	Nil.
Bank of England	1846	21,390,000	16,322,000	37,712,000	16,388,000	.43+	Nil.
	1878.						
Bank of England	Feb. 20	26,584,674	28,054,497	54,639,171	24,739,793	.45+	Nil.
Bank of France	Feb. 14	99,350,000	21,193,000	120,543,000	78,896,000	.65+	
Bank of Germany	Feb. 7	30,967,000	10,311,000	41,298,000	24,759,000	.58+	
National Bank of Belgium	Feb. 7	13,170,000	2,330,000	15,500,000	3,991,000	.25+	

A comparison at once shows that the reserve then on hand will constitute a much larger percentage of the demand liabilities than is known to have been successfully relied upon by the European national banks. That the Secretary has not overestimated his resources to be obtained, is attested by the fact that the additional accumulation proposed by him, is coming in much more rapidly than he had hoped. The coin he expected to secure by the 1st of August is even now provided for. Add to this the fact that European nations produce but little of the precious metals, while we are adding to our present stock of gold and silver—amounting to $250,000,000 according to the best estimates—at the rate of over $80,000,000 in each year. Add to this the fact that the balance of trade is now most heavily in our favor, and must long continue to be, also the fact that the material wealth of the country and its resources for revenue are increasing at a wonderfully rapid rate, and the most timid ought to admit that the ability of the nation to resume is beyond question.

As well illustrating the rapid growth, within the last seven years, of interests which lie at the foundation of our national wealth and prosperity, I have compiled the following statement from the figures of the census of 1870 and statistics furnished by the Department of Agriculture at the request of the gentleman from Illinois, [Mr. BURCHARD.]

Statement showing the increase in the number of live animals and in the amount of cereal and other farm products in 1877 over 1870, and the percentage of such increase over the aggregate of 1870.

Animals.	Increase in number.	Percentage of increase over number in 1870.
Horses	3,184,330	44
Mules	512,085	45
Cows	2,364,768	26
Oxen and other cattle	4,338,024	29
Sheep	7,262,549	25¼
Swine	7,127,931	28

Crops.	Increase in amount.	Percentage of increase.
Bushels of corn	245,745,000	22¼
Bushels of wheat	124,114,300	52
Bushels of oats	157,922,600	62
Bushels of rye	6,627,000	42
Bushels of barley	9,304,600	35
Pounds of tobacco	229,372,000	91
Tons of hay	6,975,000	28
Acres cultivated	31,000,000	34

This vast increase of wealth is not confined to one section. It is the increased wealth of the whole country. It is an addition not to the wealth of the speculator and stock-jobber, but to the farm and field, upon which rests at last the prosperity of the whole nation. These facts show a silver lining to the cloud that has threatened us. I do not forget, and I would not disguise the fact, that we have passed through a period of severe business depression. It is because I well remember this that I would avoid a policy which, at the best, can only temporarily relieve and must ultimately aggravate the evils that have befallen us.

Turning from that darker side of the picture it is most gratifying to find assurance that there is solid ground beneath our feet, and that on every side are indications of the dawn of that safe, enduring prosperity that will surely follow resumption.

RESUMPTION DOES NOT MEAN CANCELLATION.

The cancellation or retirement of the legal-tender notes will not follow resumption. Under the Secretary's construction of the present law they would still be kept in circulation. But that no possible doubt may exist it is to be hoped that the wise provisions reported by the Finance Committee of the Senate in lieu of the act passed by this House will become a law.

The present volume of paper circulation will be maintained, not dishonored and depreciated, but always and promptly convertible into coin at the will of the holder. Three hundred millions of actual money, gold and silver, will be thrown into the circulation and our currency healthily expanded by so much. Side by side the promise of the Government and the money of the world will circulate among the whole people.

Then the money of the millionaire and the mechanic will be the same and be of equal value. Then the little stores of the frugal and industrious, laid by against the day of adversity, will not dwindle away to nothing under the withering influences of depreciation. Then will industry and legitimate business each receive its own and speculation find its "occupation gone."

We can go forward certain of success. We can go forward assured that subsequent events will vindicate our action. We can go forward assured that in history the complete success of resumption, the vindication of the nation's faith, honor, and credit, will be recorded as a triumph second only to the suppression of the great rebellion.

To recapitulate, I claim:

First. That all experience has shown that an irredeemable paper currency is among the worst of evils that can befall a nation, and more especially an evil to the working classes.

Second. That the best and wisest men the country has produced, each in his day has spoken against the evil.

Third. That to abandon resumption would violate the pledges given by those who passed the law, both before and after its enactment.

Fourth. That resumption on the day fixed by law can be accomplished, and that so far from decreasing the circulating medium it will, in fact, add to the currency $300,000,000 in actual money.

Fifth. It will insure stable values and solid prosperity.

POSTAL SAVINGS-BANKS.

Mr. HARDENBERGH addressed the House upon the postal savings-banks and the claims of labor. [His remarks will appear in the Appendix.]

LABOR VS. CAPITAL.

Mr. WHITTHORNE. Mr. Speaker, was the aspiration and belief of the men who founded and originated the governments making the Federal Union that the conflicts between labor and capital, which had embroiled the people of the Old World, would find their solution in the guarantees secured or attempted to be secured in written constitutions. In the struggle of man for life, liberty, and the pursuit of happiness he had been met by force, which, enthroned, claimed to govern by divine right. Force, obtaining power by fraud, treason, and might, sought, under the protection of religious sanction, to enslave the mass of mankind. This mass, protesting from time to time against the arbitrary power and rule of force, rebelled against its tyrannical exactions and asserted equality before God, and the right inalienable to life, liberty, and the pursuit of happiness. The mass represented labor. Capital was represented in force. The founders of the American Constitution, recognizing this conflict, wisely endeavored in framing a government to secure to each individual the fruits of his labor and the protection of his inalienable rights; hence their protests against perpetuities monopolies and hence the reservation to the people of the taxing power and the control of all questions affecting their rights, privileges, and responsibility of labor.

It was wise that they should do so. Almost living witnesses of the disgraceful and tyrannical oppression of the house of Stuart, who had made merchandise of the labor and rights of the people of England, careful students of the struggles of the oppressed laborers of centuries—of the millions tributary from the sweat of their toil to the luxuries and pleasures of those who were anointed by force—themselves fugitives from the oppressions of the few, who claimed jurisdiction over the soul and body of man, it is not surprising that, in defining the rights of the governed and the powers of the ruler, they should declare "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men;" and that they should make in our constitutions such monumental boundary marks as in their opinion would secure labor protection from the encroachments and dominion of power and capital. And for this they proclaimed the sacredness of jury trial, the freedom of speech and the press, the right of petition, the sanctity of contracts, and the preservation of the rights of person and property under the guardianship of the law.

Their idea and purpose in forming government was that it was the mere agent and creature of the people, made and ordained to establish "justice," by securing and guaranteeing to each citizen protection in the fruits of his industry and security in the pursuit of that which would insure his happiness, leaving him to the full enjoyment of these rights deemed inalienable, only enjoining that in such pursuit and enjoyment he should not trespass on the granted similar rights belonging to others. Thus independent and free, man, subject alone to government of his choice, would in peace, with full assurance of due reward to his labor, avoid conflicts which had heretofore made slaves of him and his children.

I have said that it was the aspiration of the founders of American governments that this conflict should be avoided, and with that view our peculiar and popular institutions were formed. Have these governments failed to accomplish this purpose?

He who reads our history and heeds the lesson of the present cry of distress now abroad in our land must conclude that, notwithstanding the form and character of our Government, the end is not yet, that the conflict still exists. Indeed, so severe and alarming have been the struggles between these opposing forces that conservative and patriotic lovers of constitutional liberty are awed with apprehension of danger thereto, from communism upon the one hand and centralization upon the other.

Capital seeks the protection of centralization. Distressed labor, denied the security of Government, resorts to communism. The effort of each is a stab at the form of government established by those from whom we inherited it.

Labor and its representatives assert that the Government is con-

ducted in the interests of capital, and so as to control its efforts and deprive it of its just rewards; that its industry and mechanism, through unjust and oppressive taxation, through partial and class legislation, are made tributary to the behests, dominion, and power of the few; and, impatient under the continuance of this domination, seeks by mobs, combinations, and other steps unknown to the law or a healthy political existence to be relieved of this enslavement.

Have we forgotten how the country was startled and shaken to its very foundation by the riots of the last year? Can we forget the immense destruction of property—counted in value by the millions—that occurred as the result of these riots? Is it possible that so soon have fled from our memory the fright of capital and the paralysis of commerce, and that, pallid with fear, they demanded the protection of the military arm of the Government? Do not the scenes of that eventful crisis speak in warning and prophetic tones of coming danger? Shall the lesson of that period go unheeded?

Were not these scenes the outgrowth of this conflict between labor and capital? Beyond these evidences of this conflict let me invite your attention to the increase of a sentiment in all sections of this country that threatens the repudiation of all obligations that rest for their enforcement or payment upon the tax powers of this Government. That this sentiment exists and is growing in numbers and strength no thoughtful citizen for a moment doubts.

In view of this unquestioned state of affairs, pausing for a moment that the full significance of the queries that I have propounded may find lodgment in considerate minds, I have to repeat, shall the lesson of these riots as well as the logic of threatened repudiation go unheeded?

That we may give full heed to them it is well, Mr. Speaker, that we should look deeply and wisely into the causes that have produced these results. A resort to force or an application of evasive remedies will not suffice. We must boldly and conscientiously confront the complaint made by labor and the tax-payer, and fearlessly, honestly, and justly give the remedy. If these complaints be just they should be met and relief granted. If they be not just, appeal to reason and correct the error. The stake is too high and precious—that of the preservation of our constitutional forms of government—to be submitted to the tyranny of centralization or the anarchy of communism. From the Scylla of the one or the Charybdis of the other the valued inheritance of free institutions must be saved. It behooves the honest, patriotic citizens to guard against the counsel and corruption of the advocate of capital, or the wiles and seductions of the demagogue who represents communism. In doing so, and in an honest inquiry into the complaints made by labor and the tax-payer, while condemning any appeal to violence, any disregard to law, or any repudiation of an honest, legal contract, I feel constrained, alike from observation and study, to say that in a very great measure if not altogether these complaints are just.

Let us examine them. Everywhere poverty and distress exist. Bankruptcy threatens the fortunes and homes of the great mass of our countrymen. On all sides of us comes the appeal of laboring men and women for employment, and behind the appeal is the cry and wail of starvation. Behind this countless army of supplicants for employment stands arrayed another ready from inadequate rewards for labor to form in reserve. Upon their flanks are stationed the thousands who have swelled the list of bankrupts in trade made since the era of contraction commenced. Look at the track of their march throughout our country; it is marked by wasted fields, voiceless machinery, idle mills, unused factories, unemployed furnaces. Crime and death are the camp-followers of this immense horde. The condition of the revenues of the National Government as well as those of a large number of the States exhibits a deficiency, and yet the tax-payers are only conscious of the increasing weight of taxation and that they are growing poorer day by day.

But there is another picture. See the favored of our land, immense wealth has been gathered into their hands, all the luxuries and pleasures as well as the comforts and ease that wit or appetite may demand is theirs. Day by day it doth seem their aggregate is increased. The multiplication of bankruptcy and the addition of general poverty and distress but adds to their treasury. They do fatten upon the misery of the unfortunate. Too highly colored may this picture seem, but yet behind the color we do recognize the character of the living truth which speaks in unmistakable tones that there is existing reality in them.

The friend of labor and the tax-payer when required to explain why such a state of things exists, answers and says that it is in consequence of the vicious, corrupt, and subservient legislation that has pervaded alike State, municipal, and Federal legislatures; that this legislation has created monopolies, has fostered corporations, has made special and favored classes, and has prostituted itself to the interests of capital, and in verification thereof points to the past history of the cities and States of the Union as also to that of the National Government. Passing from any review of that history prior to the civil war, although it is fruitful in much of class legislation and in the multiplication of corporate and associated wealth, and waiving any view or reflection that might justly be made that that war was precipitated by this conflict between labor and capital, we come to the more serious legislation of the National Government enacted during and since the war.

It is to be noted that during that fearful struggle capital dictated its own terms to the National Government in its rate of interest, in relief from taxation, and in banking facilities secured to the creditors of the Government and no one else. At the close of the war, when the Government found more than a million of its producers destroyed, with more than nine billions of its wealth blotted out; with an increased pension list; with a debt of nearly three billions requiring provision for its payment; with its States, cities, counties, and towns overburdened with obligations; with the States recently subdued impoverished, it had to confront the claims of its creditor, who demanded terms and conditions of his own making, and such was the power of capital that his exactions were complied with.

Not content with the security, the privileges, and the exemptions made in its favor, capital, dissatisfied with the partnership that existed with labor and the tax-payer in the fact that they had a common, cheap, full, and non-oppressive currency, (in the greenback notes and other evidence of a common indebtedness,) demanded its retirement; demanded the conversion of the bonds which might under the law have been paid in this non-interest bearing currency, into 6 per cent. bonds; demanded the contraction of the volume of currency; demanded that the sinking-fund pledge of the Government should be applied to the whole nominal amount of the nation's indebtedness; demanded that the entire debt of the Government should be paid in coin; demanded, after having gained this last victory, that the coin should be limited to gold; demanded that the creditor of the Government should be the only banker of its citizens, and demanded that the Government should in quick and prompt time resume payment of specie upon its Treasury notes held and valued by the people as their currency. Along with these demands, remorsely enforced, capital coerced high taxes and tariffs, and allied itself with the powerful corporations of the country that controlled its trade and industry, compelling labor to pay tribute to these monopolies which had been fostered and enriched by national legislation at the expense of the tax-payer. Let us pause for a moment to examine in detail the character and effect of these demands. In order to do so it is necessary and proper we should look at the condition of the currency and the state of the national indebtedness in the year 1865 and at the close of the war.

The bonded indebtedness, exclusive of the 7.30 notes, the old demand, one-year, two-year, and compound-interest notes, as well as legal-tenders and fractional currency, was $1,090,046,125.96.

At which time the state of the currency was in the notes referred to, excluding 7.20 notes, the sum of	$698,918,800 25
National-bank notes	146,406,720 00
Notes bearing 7.30 per cent. interest	234,400,000 00
Total	1,079,724,520 25

Under act of March 3, 1865, this amount was increased about six hundred millions by the issue of more 7.30 notes. So that the country had an apparent circulation of nearly $1,700,000,000 in the year 1866. The money power or capital demanded the contraction of this circulation. True, the large part of it was bearing interest, but it was likewise true it was held and received by our people. And its conversion into a long bond was with the avowed purpose that the long bond should be sold in foreign markets; a most ruinous and disastrous policy in every point of view, as subsequent events have made most manifest. This policy not only deprived our people of currency, but robbed them of interest and compelled their labor to pay tribute to a money power alien to them and their interests.

But that we may fully understand the immense contraction that has taken place, I submit the following figures, taken from tables prepared by Mr. Power, chief of the warrant division Treasury Department, December 10, 1877, and laid before the House by my friend Mr. MILLS, of Texas:

1866.	Total notes United States	$608,870,825
	National bank notes	281,865,368
	7.30 notes of 1864, 1865	806,251,550
	Total	1,696,987,643

Now, in 1877, the currency is shown to be as follows:

Old demand notes	$63,962 50
Legal-tender notes	359,764,332 00
One-year notes	55,425 00
Two-year notes	40,300 00
Compound-interest notes	296,630 00
Fractional currency	20,403,137 34
National-bank notes	317,048,872 00
7.30 notes	164,550 00
Total	707,837,238 84

This sum of $707,837,238.84 represents the nominal amount of the currency in the year 1877, and shows a contraction from the year 1866 of $989,150,405. We need not be told of the effects following step by step this reduction of the currency. Year by year the list of failures, amounting now to over eighty thousand in number and representing in amount a sum nearly equal to the present indebtedness of the Government, attests the result in the distress, desolation, and bankruptcy that pervade all sections of the country.

While this conversion of the 7.30, one-year, two-year, and compound-interest notes was going on, if the Government had exercised its clear legal right to discharge the 5.20 bonds in greenbacks or legal-tenders, the effects of contraction in this direction would have been counteracted; but the money power in conscious strength demanded

that the "sinking-fund pledge" of the Government should be redeemed, and at the same time exacted a new pledge or additional obligation that all the debts of the Government should be paid in coin.

The immediate effect of these two measures was to enhance the value of the bonds. This enhancement of the value of the bonds meant an increase in their purchasing power and a consequent diminution in the prices of the property of the people. In one alone of these measures, to wit, the coin act of 1869, by which the Government, subservient to the demand of the money power, pledged its faith to the payment of its entire debt in coin, it has been estimated that the increase in value of the securities in the hands of the money power was the sum of $250,000,000. This gain to their power was a loss of so much to the people. I feel sure that in all of its consequences, direct and remote, the loss has been far beyond this sum.

But turning a moment to the manner in which the redemption of the "sinking-fund pledge" has been executed, in which we see the same subserviency to the money power, it is to be remarked that Secretary Boutwell when he commenced in the year 1870–'71 to fix the amounts upon which he would establish the 1 per cent. assumed not the amount at that date, not the amount of the interest-bearing obligations of the Government created by and under the act of 1862, but he selected that date which showed the highest amount of outstanding indebtedness at any period since 1862, to wit, in August 1865, when the sum was $2,756,571.43. Now, in this sum was included not only the interest-bearing bonds and obligations of the Government issued for war purposes, but all bonds issued prior to the war, the Navy pension fund, (which is a mythical indebtedness,) certificates of gold deposit, and for which the gold was then in the Treasury, and the large amount of United States currency then outstanding.

Taking out the sums which ought not to have been included, and assuming that the amount of the interest-bearing obligations created by the war, due and existing at the time purchases were commenced on account of the sinking fund, it would give about $2,000,000,000 on which the 1 per cent. should have been reckoned, or, in other words, the sinking fund would have commenced at $20,000,000 per annum in 1870-'71, instead of twenty-eight millions. By so doing the people would in this year be paying from ten to twelve millions less than they do now. Under the assumption made the tax-payers are crushed with unnecessary and accumulated taxation in order to maintain and enhance the value of the bond. In the management of this fund for this purpose over $200,000,000 have been unnecessarily added thereto; in other words, this amount has been unnecessarily added to the wearisome burdens of the people during these years of bankruptcy and distress, and all at the dictate of the money power.

But, Mr. Speaker, why should the 1 per cent. upon this false amount of $2,756,431,571.43, assumed by Secretary Boutwell, be maintained; it is estimated, and a calculation will show correctly estimated, that with a continuance of this rate the entire public debt will be paid within the present century. By the report of the Secretary of the Treasury it appears that out of the taxes of the people, the sum of $220,954,459.39 has been paid in excess even of what the law requires. Again, it is not to be overlooked in this connection that a large part of the existing debt of the Government is now being reconverted at lower rates of interest into loans payable at long dates, and that with this deferred date and decreased rate of interest the debt will be extinguished before its maturity; hence it is cruel and unnecessary to oppress this generation with a wholly useless burden.

The process of contracting and funding inaugurated, the next step in the interest of capital is taken in the declaration and pledge of the Government made in 1869 that the debt of the Government should be paid in coin. The people had not asked this to be done for the amount held by them by currency; the tax-payer who supports the Government, maintains its Army, Navy, Legislature, judiciary, and Executive, had not demanded that the bond which was lawfully payable in currency (to wit, the five-twenties) should be made payable in coin. But yet the fiat of the money power required it and an obedient Congress and Executive complied, again increasing the purchasing power of the bond and diminishing the tax-paying resources of the country, again warring against labor and protecting capital. No more crushing and fatal policy of depression to the industrial energies of a people just emerging from a struggle in which had been destroyed from eight to ten billions of property could well have been adopted. From the hour of its passage to the present moment the history of desolated homes, bankrupt fortunes, unemployed labor, approaching poverty, and increasing distress have been daily witnessed.

But not content with these results the money power, in the continued possession of the controlling authorities of the Government, commands that the means of payment shall be limited, and this command is obeyed. By the act of 1869, the people are deprived of the right and privilege of paying, according to their contract, a portion of their debt in legal-tenders and are required to pay it in coin.

By act of Congress in 1870, the new bonds of the Government authorized to be issued for the purpose of funding the public debt in 5, 4½, and 4 per cent. bonds were made payable in coin of the United States at its then standard. At both these dates the silver dollar, as well as gold, was recognized legal coin, and silver dollars as well as gold were legal tender in payment of all the dues to the Government. About this time the German government, successful in her war against France, demonetized silver, most probably urged thereto by the desire to oppress and harass the French people, that country being the principal commercial government in the Latin union—a union that recognized the bimetallic standard of gold and silver—and with the further motive that, being a creditor government, such action would enrich her citizens. England, the great creditor country of the world, had previously demonetized silver; and it is a further fact to be noted that it is in these countries where the larger amount of our foreign debt, national, State, municipal, and railroad, is held. Bearing these facts in mind, and the further fact that the bonded indebtedness of this country is estimated at over $5,000,000,000, one-fifth, or about $1,200,000,000 of which is held abroad, and we commence to understand why it is that the money power demanded in 1873 that the means of payment of the people should be limited, or, in other words, why our creditors required that silver should be demonetized and that gold alone should be deemed a legal tender.

Regard for a moment the actual condition of the people at the time this requirement was made. A national debt of over $2,000,000,000; State debts exceeding eight hundred millions; municipal and corporate debts of over two billions, with an individual indebtedness exceeding the total of these amounts; all this hanging over a people whose surplus products, gathered from all the fields of labor, found no rewarding markets; and then, at this moment, secretly and fraudulently, they are deprived by the tricks of legislation of one of the means of payment, and the markets of one-half the world closed to their labor in the passage of the act of Congress, in 1873, demonetizing silver. No greater crime against the labor of the country has marked the legislation of any government.

No nation produced as much mineral wealth, and especially that of silver, in 1873, as did the United States. Gold and silver were among our chief resources. The production of silver was rapidly increasing, and it would seem that no policy could have been more foolish and mischievous or so unjust and oppressive as this. With the demands made upon the labor of the country to pay for the support of Government and the interest upon public indebtedness, it was the blackest of crimes to deprive one of the chief resources to meet these burdens, of its value for that purpose.

Sir, what would be thought of the wisdom of that architect or builder who, completing his structure, would commence diminishing his base which could barely sustain the weight of the entire structure, and, having reduced it more than one-half, should then contract or diminish it 50 per cent.? Would not the common sense of mankind pronounce it stupid folly, and say at once the superstructure must needs topple over. Suppose in the toppling over it brought death and destruction, would not the folly become crime?

And yet this is the fact in our financial legislation. From necessity the Government had built a pyramid of debt based upon a currency made up of a circulation of governmental notes, gold, and silver. The Government first subtracts from that base a large proportion of its notes, and in doing so adds to the weight of the pyramid by the increase of debt; and secondly, subtracts from the base "silver." Is it at all wonderful that the pyramid commences to tumble over? And, looking to the vast numbers under its shadow, some of whom are already buried and others pinioned so that they cannot escape, and now confront inevitable death and destruction in their fortunes, all the result of this criminal policy; what words of condemnation can be employed to do full justice either to the policy or its agents? No wonder is it that labor, appalled and paralyzed, should cry out in distress and protest against such domination. Who can measure the far-reaching effects of this legislation in the disturbance it made in values, the millions added to the treasury of capital and stolen thereby from labor?

But the end of this great conspiracy against labor for the felonious purpose of enriching capital, was not yet. The next step taken was by the act of January 14, 1875, in which it was enacted that the Government should upon the 1st day of January, 1879, redeem the notes of the Government then outstanding in coin. Let us pause for a moment to see the precise logic of this enactment. It was to convert the immense national, State, municipal, railroad, and individual indebtedness of the country, amounting to over ten billions of dollars, (the largest portion of which was contracted on a basis of the mixed currency authorized by law,) into coin.

In other words, the largest proportion of this indebtedness was contracted upon a volume of currency amounting upon an average to over a million of dollars, while its payment under this legislation is to be made upon a volume of currency, not exceeding in its practical use over five hundred millions. This being the logic of this legislation, the next question is to inquire into its effects. To do so, it is proper to understand, if we can, the amount of currency which will be in the hands of the people upon the 1st day of January, 1879, the date fixed for resumption. As I have said previously, the nominal amount of currency in the year 1877 was the sum of $707,837,238.84.

I give again the table showing this, which is as follows:

Old demand notes	$63,992 50
Legal-tender notes	359,764,332 00
One-year notes	55,425 00
Two-year notes	46,300 00
Compound-interest notes	296,630 00
Fractional currency	20,403,137 34
7.30 notes	164,550 00
National-bank notes	317,048,872 00
Making total	707,837,238 84

Now, approximating as near as can be done, I assume that it will be shown upon the 1st day of January next the following sums:

Legal-tender notes	$340,000,000
National-bank notes	300,000,000
Total	640,000,000

This will be about the nominal amount then shown to be outstanding by the books of the Treasury and the banks. But will this nominal amount show the real amount in circulation or accessible to the people for the purposes of effecting the exchange of the products of labor or for payment of debts, &c.? I answer, unhesitatingly, not. Why not? When that day arrives it will become the duty of the Secretary of the Treasury, in the interest of resumption, not only to retain as much as he can of the gold on hand, but also to husband in the Treasury as much as possible the legal-tender circulation. Its reissue makes the necessity of a redemand for resumption, and hence makes a constant demand upon the coin of the Treasury, and therefore it is that he must husband and keep the legal-tenders to a very large extent. That this demand will be large necessarily follows from the relations of the Treasury to the national banks, whose circulation the Secretary must be prepared to support and redeem.

Now, the banks must in order to maintain their position of solvency keep and hold in reserve a sufficiency of legal-tenders to meet any demands made upon them for the redemption of their circulation. Assuming that each, that is the Treasury and the banks, adopt (and the preservation of the public credit will compel and make necessary some such percentage) 33 per cent., and we have a mobile circulation of about four hundred and fifty millions; but deduct from this the lost and destroyed notes, and there will remain about the sum of four hundred millions of paper circulation to perform all the offices of currency for the trade, commerce, industry, and debts of the people of the United States. To this assumption of facts it is replied that gold and silver will form then a part of the currency. Let, then, one hundred millions be added on this account and we will have nearly or quite the sum of $500,000,000 to perform all the offices of currency required by the trade and commerce of forty-five millions of people inhabiting a territory larger than that of the whole of Europe, and whose import and export (foreign) trade is over $1,200,000,000 per annum, whose internal and domestic trade is estimated at nearly $20,000,000,000 per annum. I dare challenge any one safely to promise under the resumption policy any larger amount of circulation than that I have estimated.

It is about $11 *per capita;* quite 100 per cent. below that of any of the intelligent and commercial countries of the world. In France the circulation is estimated at about $44, in England it is about $28, in Germany it is about $24 *per capita.* With our immense domestic trade and between distant States, with our population remote from trade centers, there is a necessity for a retention of currency in the pockets of traders and people that does not exist in the countries named. In view of all these facts, will any disinterested man argue unselfishly that the amount of circulation promised under the resumption policy is sufficient? Is it not patent, with the volume of currency so contracted, that it subjects the property and labor of those who do not hold or possess it to the dominion and control of those who do? Is it not idle to argue so plain a proposition? But it is suggestively replied that banking is now free. Free to whom? The bondholder. If you want his bond for such purpose he dictates the price and may make your banking dear to you. But suppose it is not dear, and more banks are multiplied as they bring into life more bank-notes, do they not retire for purposes of maintaining and preserving resumption more "greenbacks?"

After all, Mr. Speaker, is not this the object of this grand conspiracy against the labor of the country, to foster, nourish, and perpetuate the national-banking system, whose very life is the national debt? To state the proposition in other words, is it not the policy to confer upon your creditor the right and privileges as well as monopoly of making, managing, and controlling that which is the representative of the labor, industry, and energy of the debtor? If the statement of the proposition is correct, and I undertake to say no one can successfully controvert it, is it not an enslavement of the labor and muscle of the great mass of our people—who are the laborers—to the dominion and mastership of the bondholders? Let us see for a moment what this dominion and mastership means. Assuming resumption is an accomplished fact, the Treasury of the Government, unless greenbacks be wholly retired, is at the mercy of the banks, who may constantly accumulate and constantly demand payment of these notes. The markets of the country are dependent upon the facilities they afford to commerce and trade; being lords of the currency, they enlarge or contract these facilities, and so control the industry and labor of the people.

Sir, recently you emancipated the black man from the slavery of the body. But the black man from his master obtained shelter, bread, and raiment. It is the dire misfortune of white and black who are now laboring-men under the ruinous policy inaugurated and maintained by the money power that they have as masters, whose system of slavery deprives them alike of shelter, bread, and raiment. I but pause to remark of the present national banking system that it is framed so as to enable Wall street, in New York, and State street, in Boston, to control the entire brood of banks throughout the limits of the Union, and that its whole tendency is to concentrate power into the hands of the metropolitan banks; and need I add that these metropolitan banks are controlled in a very large degree by foreign capital. In short, sir, the kings of the money power, now controlling, through these agencies, the trade, commerce, and industries of the United States, are foreign and alien to our people. No such dominion and power was ever before stolen from the people—the cruel results of which are plainly visible in our ruined commerce and prostrated industries.

Much more, sir, could I say in criticism of this system of banking, but just now I am content to protest against its privileges and powers and to utter a warning as to dangers which will affect not only the trade and commerce of the country, but the character of our free institutions, from a continuance of these powers and privileges.

Again, while these various measures were being put into force, labor complains that other monopolies were being created and that unjust and oppressive taxation was being enforced under the sanction of legislation, and points to the increase and multiplication of vast railroad and other corporations, a large number of which were enriched out of the public Treasury, either in lands or money belonging to the people, and that, in order to grant these largesses and give value to the investments of the money-power, heavy and onerous taxes were levied and collected. When we look to the grants of public lands and loan of bonds made to various railroads since the year 1862 by Congress, a table of which I append to my remarks, showing that the homeless of our country have been deprived of 180,311,573 acres and the tax-payers made liable for $64,623,512, with now nearly thirty millions of accrued interest, and then examine our present iniquitous tariff, under which our people are taxed from three to five hundred millions of dollars, not for the support of their Government or the payment of their debt, but for the benefit of the protected classes, we are compelled to concede the justness of the complaints made upon behalf of labor and the tax-payer.

And thus, Mr. Speaker, having gone over the complaints made by labor and its representatives, which complaints, as I stated in the outset of my remarks asserted, "that the Government is conducted in the interest of capital, and so as to control its efforts and to deprive it of its just rewards, that its industry and mechanism through unjust and oppressive taxation, through partial and class legislation is made tributary to the behests, dominion, and power of the few," and finding that labor has justly and temperately stated the truth, I have but now to invoke your attention to the remedies which are or may be suggested and to the agents who are or may be selected to apply them.

But before doing so let it be understood that in the period of time during which these iniquitous and inconsiderate measures were being adopted the democratic party had no authority or control. An appeal to the record will show, however, that step by step this conspiracy in favor of the money power against the labor and industry of the country has encountered the stern opposition of the great body of the democratic Representatives; and that now, while upon all sides of us and in all sections of our common country, notwithstanding the earth in production has been generous, the seasons have been kind and gentle, and labor has with skill and industry added increasing millions to the common treasury of the world, yet in our midst and among all classes save the favored few distress, poverty, and bankruptcy prevail, and that for this, alone, are those who at present administer our finances responsible. If there be merit in this state of things, John Sherman, the present Secretary of the Treasury, more than any other man, is entitled to the credit. If there be wrong, crime, and folly, he is the chief criminal.

Relief cannot come from a resort to violence; strikes fail as a remedy, and more often than otherwise recoil with disastrous effect to the cause they seek to favor. The law is the best friend of the poor and the laboring man. Battle that down and force is supreme. Nor can relief come from repudiation of legal and honorable contracts. Repudiation enforced is the destruction of credit. The destruction of credit is to take from the young their inheritance of hope and energy and to rob the poor of possibly the sole means they have of support. Repudiation is a check to commerce, trade, and public improvement. Repudiation demoralizes our faith in all things esteemed sacred. It is communism in its most dangerous form. Violence and repudiation take from the cause of labor its highest merit and chiefest support, the law and respect for its mandates, in fact its only safe shield and protection. He who teaches the people a resort to either distrusts their intelligence, manifests his want of confidence alike in the form of our government and faith in free institutions and the capacity and strength of the people to remedy the evils which may now or at any time threaten their interests.

These measures will not do; they but add to the existing distress. What are the proper measures of relief? Who shall decide? Shall we take the consideration of these questions away from the people? If so, to whom shall we refer them? It is sufficient now to say that the people have, under the Constitution, the consideration of these measures before them and are fearfully divided in their opinions in regard to them. The issues are well and sharply defined. Parties are strongly arrayed on each side.

Upon the one hand, adherence to the present legislation of the country is maintained with great obstinacy. The party in power, with

all the influence of the Government, conscious in its strength, is the advocate of adherence. Pointing to the fact that gold and the paper currency are nearly at par and that resumption is nearly an accomplished fact, they promise that when resumption is such fact the streams of confidence will commence to flow and the gates which now confine locked-up currency will be opened, values will be adjusted, and a new era of prosperity will dawn upon the country and all of its industrial pursuits; that our bonds calling for low rates of interest can be sold at or above par, thus enabling the Government to reduce the amount of expenditures per annum; that now, with such an era, with these means, in sight, it would be a great error to retrace our steps. In this policy of adherence there is no proposition to amend or modify the tariff and the internal-revenue laws. Adherence means no change in the laws which have brought the country to its present condition; no protest against the monopolies that control the trade and industries of the country; no modification of the banking laws, under which the bondholder controls and dictates the rewards of labor, and no relief from the burdens of taxation.

If we accept the measures of relief proposed by the policy of Mr. Sherman, we must prepare to adjust our trade, (foreign and domestic,) our debts, (national, State, municipal, corporate, and individual,) upon a specie basis, and that basis, according to the policy of adherence, must be maintained. Step by step, as we approach the day of resumption, bankruptcy, distress, poverty, and ruin mark and overtake every industrial pursuit and enter into almost every household of the land. Is the experience of other countries of any value to us in this crisis? Let us turn for a moment to what is said by two distinguished writers in reference to the legislation of Great Britain coercing resumption of specie payments. The Bank of England, which was the government's financial agent, had suspended specie payments in 1797, and in 1819 the British Parliament declared that resumption should take place in 1823; in reference to the effects of which, says Alison, in his history of that period:

> The effect of this extraordinary piece of legislation were soon apparent. The industry of the nation was speedily congealed, as a flowing stream is by the severity of an arctic winter. The alarm became as universal and wide-spread as confidence and activity had recently been. The country bankers, who had advanced largely on the stocks of goods imported, refused to continue their support to their customers, and they were forced to bring their stocks into the market. Prices in consequence fell rapidly; that of cotton, in particular, sank in three months to half its former level. The entire circulation of England fell from $232,000 000 in 1818 to $174,000,000 in 1820, and in the succeeding year it sank as low as $142,000,000.
>
> The effects of this sudden and prodigious contraction of the currency were soon apparent, and they rendered the next three years a period of ceaseless distress and suffering in the British islands. The accomodation granted by bankers diminished so much in consequence of the obligation laid upon them to pay in specie, which was not to be got, that the paper under discount at the Bank of England, which in 1815 had been $103,300,000, sank in 1820 to $23,350,000, and in 1821 to $13,610,000. The effect upon prices was not less immediate or appalling. They declined in general, within six months, to half their former amount, and remained at that low level for the next three years. Distress was universal in the latter months of 1819, and that distrust and discouragement were felt in all branches of industry which are at once the forerunner and the cause of disaster.

Doubleday, in his Financial, Monetary, and Statistical History of England, says:

> We have already seen the fall in prices produced by the immense narrowing of the paper circulation. The distress, ruin, and bankruptcy which now took place were universal, affecting the great interests both of land and trade; but especially among landlords, whose estates were burdened by mortgages, settlements, legacies, and the like, the effects were most marked. In hundreds of cases, from the tremendous reductions which took place in the price of land, the estates barely sold for as much as would pay off the mortgages, and the owners were stripped of all and made beggars.

Now, Mr. Speaker, when we look to the immense amount which must be paid by the labor of this country annually to the payment of interest upon the vast amount of indebtedness existing in various forms among and from our people, then to the support of our different governments—national, State, and municipal—and to the protected classes, under our existing tariff and internal-revenue laws, with the admitted fact that under this weight of taxation and interest our products do not and cannot successfully compete with the products of other peoples in the markets of the world, is it possible to maintain specie resumption? To maintain it successfully we must be able to pay and adjust necessary expenses from our productions, and from this source alone (not by borrowing and so increasing our debt) pay the interest upon so much of our debt as is held abroad.

It is estimated that for interest paid to foreign bondholders of American securities and freight paid to foreign carriers of our commerce, as well as the coin taken from our midst by absenteeism of our citizens, there is a coin demand upon the productions of our country amounting to about $175,000,000 per annum. With the statement warranted by the explanation recently made by the Secretary of the Treasury before the Committee on Banking and Currency of this House, that there will be available for purposes of resumption in the Treasury probably the sum of $188,357,608, in coin, to redeem three hundred and forty millions of legal tenders, about one hundred millions of other demand obligations, and to support the banks, while the banks will have on hand about the sum of twenty-five millions in coin and seventy millions in currency to meet $300,000,000 of bank-notes and $664,000,000 of deposits, I submit herewith a table that I have collated that shows this probable condition of the Treasury and banks upon the 1st day of January, 1879, to which I invite attention.

This statement shows the probable condition of the United States Treasury and national banks upon 1st day of January, 1879, (see notes of conference between Secretary Sherman and House Committee on Banking and Currency, pages 68 and 69:)

Instant liabilities of the Treasury for legal-tender and other notes, interests, certificates, &c.	$435, 098, 400
Circulation and deposits of national banks	960, 816, 052
	1, 395, 914, 452
Coin resources in the Treasury, if successful in negotiating an interest-bearing debt of $50,000,000	188, 357, 608
Coin resources in the banks	32, 907, 750
	221 265, 358

It is estimated that there is on deposit in the savings and State banks about nine hundred millions liable to instant demand.

In view of this state of things, and recognizing the fact that a demand for coin in foreign countries, or even an alarm among the depositors of these various banking institutions, will at once create a "run" upon the Treasury, who does not see that the attempt to maintain resumption of specie payments must result in a failure? And that failure will be the loss of billions to our agricultural, manufacturing, and mining industries, with its attendants of distress and poverty to the great mass of the people, while the gain will be to the capitalists of this and foreign countries.

So believing of this policy, I have consistently and uniformly opposed it, and in so doing have I, as I believe, faithfully reflected the views and sentiments of the people whom I have the honor to represent on this floor.

But I am asked, "What, in lieu of the policy you so oppose, do you propose and advocate as measures of relief?"

I have no hesitation in replying, and wish that time and opportunity favored me so that I could elaborate the reasons which induce me to support them, but inasmuch as time is not allowed me, I simply state—

First. I advocate a modification of our present banking laws, with a view that the Government should issue the paper used or to be used as currency; and in so doing that measures should be adopted to reduce not only the amount of our bonded indebtedness, but the rate of interest; and further, in so doing cease to pay 6 per cent. to individuals to furnish a currency based upon Government currency.

Second. An immediate and unconditional repeal of the resumption act, to the end that the day of resumption may be determined by the business prosperity of the country rather than by legislation.

Third. I would give to silver coin and bullion the advantages and privileges now secured by law to gold coin and bullion. With this done a most important step will be taken in securing for our agricultural and manufacturing labor the trade of the silver-producing countries, especially that of Mexico and South America, and in my judgment would open a stream of wealth to our people unequaled in the history of the commerce of the world. It is the law of all nature that matter seeks that association in which it has most value. And while Germany and England denies to silver advantages and power it has enjoyed from the birth of commerce, it would seem wisdom in us, in view of all the facts which surround the trade of the countries to which I have referred, to give to it the powers, privileges, and advantages of gold, its legal associate under our Constitution.

Fourth. I would favor the conversion of our present bonded indebtedness (not converted into currency) into bonds of a long date with a low rate of interest, said bonds to be of small denomination, convertible into currency upon demand, which currency should be reconvertible into this bond. These bonds would afford a good security to the poor, whose accumulations and savings are small; they would retain the interest upon them in this country, and at the same time, as did the interest-bearing notes in 1865 and 1866, form a part of the currency of the country, and thus increase its volume.

Fifth. The next relief measure would be, first, a suspension of the sinking fund for a period of six or eight years until, in the opinion of the most fastidious, the obligation of the Government in this regard is met, and that then, or whenever purchases shall be made on account of said "sinking fund," the same shall be done in such amounts and in such manner as will only provide for the payment of the bonded indebtedness of the Government at maturity thereof; and in this way, without prejudice to the good faith of the Government, a saving of annual taxation of several millions of dollars per annum can be made, thus lessening the burdens resting upon the labor of the people.

Sixth. The next in the order in which I mention them, but first in importance, is the modification and change of the tariff and internal-revenue laws. This tariff, framed ostensibly to meet the expenses of the war, but really with the view of affording protection to certain classes and interests in this country, has extorted per annum in indirect taxes more than the surplus production of the labor of the people, and has tended in a very large degree to increase the burdens of the people as well as their indebtedness. It is estimated by able and careful statisticians that under our present tariff system we pay from three to five times as much into the pockets of the protected classes as goes by way of revenue into the Treasury; that is to say, that when the consumer, who is the tax-payer, pays into the Treasury under the tariff the sum of $130,956,493 07, (the amount of customs dues paid in the last fiscal year,) he pays in the enhanced price of commodities obtained from the protected manufacturers from three to five times this amount to the favored classes. Add to this the

onerous and unjustly discriminating internal-revenue tax upon whisky and tobacco, a tax that discourages the agricultural producer and is annoying and offensive in its methods of collection, and that is exceedingly oppressive to the producers of tobacco in the limitation and control of its sale so as to benefit manufacturers, in view of which a change in our tariff and internal-revenue laws is demanded as an essential and necessary relief measure.

Seventh. The corporations, vast in their power and almost limitless in their control, must be subjected to the supreme law of the life of the Government. Their powers and privileges must be held amenable to the purposes for which the Government was created, and not superior to it.

The rapid growth of corporations, that admittedly control the legislation of the country and increase the burdens of labor, fills the minds of all patriotic citizens, friends of constitutional liberty, with apprehensions as to the permanency of free institutions, and the necessity of strong and effective remedies to arrest the growth and encroachment of their corrupting and dangerous influences is deemed an absolute and essential measure of relief. It is not a stretch of constitutional power to provide by proper punitive legislation a check against their combination to impede interstate commerce or their combinations to thwart labor of its just compensation. On the contrary, such legislation is but responsive to the demands of the people for relief.

Eighth. I do not forget other measures of relief that have been submitted for the consideration of this Congress, one of which has special merit in my judgment, and which will afford relief to the agricultural States of the Union, and especially to the Southern States. I refer now to the proposition I had the honor to introduce, in the House bill to repeal the tax imposed upon notes of State banks and associations. In the first place, the tax itself is wanting in constitutional fairness and equality, and is an unjust interference with the business of the people. Its evident object is to consolidate and concentrate the business of banking in the hands of the few, and under the operation of existing laws gives the control of the industries of the people to the jobbers and speculators in trade, a middle and favored class, between the producer and consumer.

The necessities and interests as well as the misfortunes of State street, in Boston, and Wall street, in New York, dominate the want, interests, and misfortunes of the producers and manufacturers of the South and West. The production and preparation of the principal products of these sections of our country cannot be made upon the basis of commercial necessity and proper needs in the East and North, and yet under present laws these products and their preparation are absolutely dependent upon the commercial necessities and interests of the East and West. A local currency, with a system of banking adapted to the wants and necessities of the producers, which are more or less the development of climate and season, is necessary to the independence, health, and security of the trade of the South and West. This local currency, left to the wholesome law dictated by the trade and commerce of the world, will secure the rapid restoration of the prostrated labor and industries of those sections of our country from which alone permanent prosperity and wealth are to come.

I have not now the time to argue this proposition as it deserves to be done, but trust, if opportunity is afforded in the discussion of the various currency measures which may be brought before the House, to do so, when I shall assume to meet all the objections which have been made to it, and to maintain that this measure will give almost instantaneous relief, at least to the section of the country I in part represent.

Ninth. The next step in the relief to be afforded to the people is to restore the Government in its administration to the economic methods and constructions of the powers of its executive and legislative departments to the teachings and practices of its founders. These teachings and practices were in effect that the Government was but the agent of the people, and none but granted powers were to be exercised, and then only without abuse, extravagance, or unnecessary expense. How far and widely have we departed from these teachings. An adherence to them would cure all the evils that now afflict us. An adherence to them would solve the conflict between capital and labor. An adherence to them would insure the safety of free institutions forever.

Shall we despair of the Republic? True, labor is oppressed; true, money power has centralized the forces of the Government; true, wide departures have been made from the faith of our fathers; true, bankruptcy and distress doth environ our broad country; true, gloom and despondency doth brood alike over our industries and our energies, but after all the ballot is left, that sure weapon of a people's safety and a people's liberty. This weapon is in their hands. Shall we distrust their intelligence or fear their integrity and devotion? I, for one, do not, and in sincere faith believe they will meet their oppressors in the field, where happily under our form of government they may yet contest and decide these questions of fearful import to constitutional liberty and struggling humanity.

Heretofore it has been the proud boast of the democratic party that it has been the friend of labor and the opponents of special and class legislation; that its sympathies are with the oppressed and against the oppressor, and let it be admitted that by the record it is shown the great body of its representatives have consistently opposed the measures that doth now oppress the labor of the country and which doth now paralyze the energies and fortunes of the people. If true to its ancient faith and present record, why seek other and untried agents for relief? Why, when near to the goal of victory, divide and disband? Division of its forces assures success to the adherents of the Sherman policy. No matter in what guise the advocate may come, or how plausible and tempting his pretext may be, it is to this complexion at last he will lead us.

APPENDIX A.

Statement of bonds issued to railroad companies.

Name.	Authorizing act.	Amount.
Central Pacific	1862 and 1864	$25,885,120
Kansas Pacific	do	6,303,000
Union Pacific	do	27,236,512
Central Branch Pacific	do	1,600,000
Western Pacific	do	1,970,560
Sioux City Pacific	do	1,028,320
Total		64,023,512

APPENDIX B.

Grants of land for railroad purposes to States and corporations.

Name.	Authorizing act.	Acres.
Cairo and Fulton in Arkansas	July 28, 1866	1,040,000
Cairo and Fulton in Missouri	July 28, 1866	182,718
Memphis and Little Rock	July 28, 1866	305,539
Little Rock and Fort Smith	July 28, 1866	458,771
Iron Mountain	July 4, 1866	864,000
Saint Louis and Iron Mountain	July 4, 1866	640,000
Burlington and Missouri	June 2, 1864	96,000
Chicago, Rock Island and Pacific	June 2, 1864	160,991
Cedar Rapids	June 2, 1864	356,988
McGregor and Missouri	May 12, 1864	1,536,000
Sioux City and Saint Paul	May 12, 1864	524,000
Grand Rapids and Indiana	June 7, 1864	531,800
Bay de Moquet	Mar. 3, 1865	128,000
Saint Croix and Lake Superior	May 5, 1864	565,000
Wisconsin Central	May 5, 1864	1,800,000
Lake Superior and Mississippi	May 5, 1864	920,000
Southern Minnesota	July 4, 1866	735,000
Hastings and Dakota	July 4, 1866	550,000
Leavenworth and Lawrence	Mar. 3, 1863	800,000
Missouri, Kansas and Texas	Mar. 3, 1863	1,529,000
Atchison and Santa Fé	Mar. 3, 1863	3,000,000
Saint Joseph and Denver	July 25, 1866	1,700,000
Missouri River, Fort Scott and Gulf	July 25, 1866	2,350,000
Total granted to States for railroads as above		20,894,809
Add to this the grants of lands direct to the various Pacific Railroads and their branches since 1862		159,489,766
Total		180,311,573

Mr. HUMPHREY. I will give way for some gentleman to make a motion to adjourn. I rise merely for the purpose of holding the floor for the next session for debate.

Mr. VAN VORHES. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and five minutes, p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Resolutions of the General Assembly of Pennsylvania, asking Congress to devise a means of aiding and encouraging the immediate building of the Texas Pacific Railroad, and that the tariff laws remain unchanged—to the Committee on the Pacific Railroad.

Also, resolutions of the General Assembly of Pennsylvania, favoring the passage of the bill embodying the principle of Government assistance to citizens who will emigrate to and settle upon the lands of the far West, with a view to alleviate, in some measure, the suffering that now exists in the overcrowded towns and cities of the coal-fields and manufacturing districts of that Commonwealth—to the Committee on Public Lands.

By Mr. CAMPBELL: The petition of citizens of Logan Township, Blair County, Pennsylvania, that Congress take favorable action on the bill, now pending, to aid in the completion of the Texas Pacific Railroad, and that the rates of transportation thereon shall forever remain under the direct control of Congress—to the Committee on the Pacific Railroad.

By Mr. ERRETT: Resolutions of the Legislature of Pennsylvania, favoring the bill granting aid to settlers on public lands—to the Committee on Public Lands.

Also, resolutions of the Legislature of Pennsylvania, favoring the granting of aid to the Texas Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. FREEMAN: The petition of Christiana Garren, for a pension—to the Committee on Invalid Pensions.

Also, the petitions of Brown Brothers & Co., Drexel, Morgan & Co., Morton, Bliss & Co., John A. Stewart, Peter Cooper, and others, of New York; of Joseph Patterson, Peter Wright & Sons, S. & W. Welsh, and others, of Philadelphia; of Lee, Higginson & Co., Foote & French, Charles A. Sweet & Co., Macullar, Williams & Parker, and others, of Boston; of Field, Leiter & Co., Charles P. Kellogg & Co., Franklin McVeagh & Co., William Blair & Co., Grey, Clark & Co., Crerar, Adams & Co., of Chicago; C. F. Adal & Co., Espey, Heidelbach & Co., R. M. Bishop & Co., and others, of Cincinnati; and of John A. Scudder, James Reilly & Co., Dutcher & Co., L. Butterfield & Co., Barton & Grant, and others, of Saint Louis, against granting the monopoly of landing and operating any ocean telegraphic cables to any one, and that all persons whomsoever be allowed the privilege of landing and using telegraphic ocean cables between the United States and foreign countries—to the Committee of Ways and Means.

Also, the petition of Captain Nathaniel R. Harris, Company D, Thirteenth Regiment Pennsylvania Cavalry, for relief—to the Committee on Military Affairs.

By Mr. HERBERT: The petition of C. A. Newton and other citizens of Belleville, Conecuh County, Alabama, that certain funds be appropriated to educational purposes—to the Committee on Education and Labor.

By Mr. JONES, of Ohio: Three petitions from citizens of Marion County, Ohio, against granting J. C. Birdsell an extension of a patent for a machine called a combined clover-thrasher—to the Committee on Patents.

By Mr. PAGE: Joint resolutions of the Legislature of California, in relation to choosing presidential electors—to the Committee on the Revision of the Laws regulating the Counting of the Electoral Votes for President and Vice-President.

Also, joint resolution of the Legislature of California, in relation to taxation of savings-banks—to the Committee of Ways and Means.

By Mr. ROBERTS: Resolutions of the Board of Trade of Baltimore, Maryland, opposing the transfer of the life-saving service to the Navy Department, and approving its retention in the Treasury Department—to the Committee on Commerce.

By Mr. SHALLENBERGER: The petition of Council No. 347, Order of United American Mechanics, Homewood, Pennsylvania, against a change of the tariff or the attempt to make the labor of the country appear hostile to capital—to the Committee of Ways and Means.

By Mr. SMITH, of Pennsylvania: The petition of 56 citizens of Columbia, Pennsylvania, against the enactment of an income-tax law—to the same committee.

By Mr. THOMPSON: Resolutions of the Legislature of Pennsylvania, in relation to affording assistance to persons who settle on the public lands—to the Committee on Public Lands.

Also, resolutions of the Legislature of Pennsylvania, favoring the granting of aid to the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. WHITE, of Pennsylvania: Resolutions of the Legislature of Pennsylvania, in favor of granting aid to the Texas and Pacific Railroad, and in favor of devising means for the employment of surplus labor—to the same committee.

Also, resolutions of the Legislature of Pennsylvania, in favor of employing surplus labor and aiding emigration to the West—to the Committee on Public Lands.

By Mr. WILLIAMS, of Michigan: The petition of Beehive Council, No. 2, of the District of Columbia, Sovereigns of Industry, representing 120 families in said District, for a law that will insure full weight to purchasers of coal and compel coal-dealers to send the certificate of a properly appointed Government weigher with every load of coal delivered—to the Committee for the District of Columbia.

By Mr. WRIGHT: Resolutions of the General Assembly of Pennsylvania, instructing the Senators and requesting the Representatives in Congress from that State to use their influence to secure the passage of a law to furnish assistance to citizens to enable them to emigrate and settle upon the public lands—to the Committee on Public Lands.

IN SENATE.

THURSDAY, *May* 9, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 25th of April, a report of the Chief of Engineers, and a copy of the report of Lieutenant-Colonel Q. A. Gillmore, and also the preliminary report of the board of engineers to whom the project of Colonel Gillmore was referred concerning the practicability and cost of constructing permanent works of improvement for the ship-channel at the entrance into the harbor of Charleston, South Carolina; which, on motion of Mr. BUTLER, were referred to the Committee on Commerce, and ordered to be printed.

MEXICAN COMMISSION AWARDS.

Mr. DAVIS, of Illinois. I should like to have the bill (S. No. 1016) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868, taken up by unanimous consent, and laid aside until the morning business is concluded.

Mr. DAVIS, of West Virginia. We had better go on with the morning business.

Mr. THURMAN. But the morning business can be gone on with. The Senator from Illinois wishes to take up the bill and then let the morning business proceed.

Mr. DAVIS, of West Virginia. Very well.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Illinois? The Chair hears none, and the bill is before the Senate.

Mr. EDMUNDS. Now let it be laid aside informally.

The PRESIDENT *pro tempore*. The bill will be laid aside informally for the reception of morning business.

PETITIONS AND MEMORIALS.

Mr. WALLACE presented resolutions of the Legislature of Pennsylvania, in favor of the passage of the Texas and Pacific Railway bill; which were referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 2, 1878.

Whereas numerous petitions have been presented by citizens of this Commonwealth, and especially from the mining and manufacturing districts thereof, urging such action by the Legislature as will tend to relieve the great distress prevailing therein; and it being of vital importance that labor should be provided for those who are willing to work; and

Whereas the increase of laborers during the rebellion and since, the over-production of our manufactured materials and mining resources, and subsequent financial stringency, over which the State of Pennsylvania has no control, and for the evils resulting from the same she is unable to furnish the much-needed relief in her legislative, judicial, or executive capacity; and

Whereas to this end legitimate enterprises which create a demand for the products of our mills, mines, and factories, should be encouraged, especially where they are national in their character, and while aiding the people will develop new wealth and increase the revenues of the country: Therefore,

Be it resolved, That the house of representatives (the senate concurring) would most earnestly and respectfully recommend that our Senators and Representatives in Congress devise a means of aiding and encouraging the immediate building of the Texas Pacific Railroad, and any other needed national improvement consistent with prudent economy and protection to our national interest.

Resolved further, That we recommend that they adopt some practical plan and furnish the necessary means by which a portion of the surplus labor of the country may be settled on the public domains and assisted until such times as they can be self-sustaining; and that we earnestly protest against any change, at the present time, of the tariff laws of the nation.

Resolved, That a copy of these resolutions be transmitted to each of our Senators and Members in Congress.

WM. C. SHURLOCK,
Chief Clerk House of Representatives.

Concurred in by the senate, May 2, A. D. 1878.

THOS. B. COCHRAN,
Chief Clerk.

Approved May 3, A. D. 1878.

J. F. HARTRANFT.

Mr. WALLACE presented the petition of Owen Brady & Co. and others, shipping merchants of Philadelphia, praying for the passage of the bill (H. R. No. 2478) to amend certain sections of the Revised Statutes concerning commerce and navigation and the regulation of steam-vessels; which was referred to the Committee on Commerce.

Mr. HARRIS presented the petition of James L. Williamson, of Tennessee, praying compensation for certain quartermaster and commissary stores taken from him in 1862 by the Army of the United States; which was referred to the Committee on Claims.

Mr. DAVIS, of Illinois, presented the petition of T. W. Chickering, late first lieutenant Sixth United States Cavalry, praying for the passage of a law restoring him to his former rank in the Army held by him prior to the 27th day of January, 1875; which was referred to the Committee on Military Affairs.

Mr. BOOTH presented a joint resolution of the Legislature of California, in favor of such an amendment of the present law relating to the election of President and Vice-President of the United States as to provide for the lapse of at least five months between the day fixed for choosing electors and the day fixed for the casting of their votes; which was referred to the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of President and Vice-President of the United States.

Mr. PLUMB presented the petition of J. M. Russell and others, citizens of Wyandotte County, Kansas, praying for the repeal of the resumption act; which was ordered to lie on the table.

Mr. RANSOM. I present, Mr. President, several petitions of citizens of North Carolina, praying Congress to repeal the clause of the national-banking act imposing a 10 per cent. tax upon the circulating notes of State banks. I find that these petitions are signed by the leading men of the State. One of them has the signature of the governor of our State, the attorney-general, the auditor of state, the secretary of state, various presidents of national banks, presidents of railroad companies, and the leading and principal merchants in the commercial cities of the State. I think I can say with propriety that the sentiment in North Carolina is, without exception, in favor of the repeal of that clause of the banking act.

I move that these petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented the petition of R. H. Porter, of Independence, Missouri, praying payment of balance of compensation for loss and damages to his property alleged to have been occasioned by the military authorities in the year 1857 at Camp Scott, Utah Territory; which was referred to the Committee on Claims.

Mr. DORSEY presented a resolution of the Beehive Council No. 2, Sovereigns of Industry of the District of Columbia, representing one hundred and twenty families, in favor of the passage of a law providing for the appointment of a coal-weigher for the District, and requiring all coal-dealers to send the certificate of such coal-weigher with each load of coal sold; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (S. No. 347) to remove the political disabilities of Manning M. Kimmell, late of Cape Girardeau County, Missouri, (by which I suppose it is not meant that he is dead) to report it favorably. The report is preceded by a petition, and on a former occasion we reported against the relief, because when this gentleman went into the rebellion he had left his accounts unsettled with the Government. Since that he has settled his accounts and paid up the balance to the entire satisfaction of the Government, and we now recommend the passage of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 66) for the relief of John Thorns, of Fayette County, Kentucky, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BOOTH, from the Committee on Patents, to whom was referred the bill (S. No. 570) to enable Moses Marshall to have a hearing before the Commissioner of Patents, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 896) to authorize the extension of the patent of Gilbert Jessup, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Railroads, to whom the subject was referred, reported a bill (S. No. 1218) to aid in the construction of the Portland, Salt Lake and South Pass Railroad; which was read twice by its title.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave, reported it without amendment.

AGRICULTURAL REPORT AND COLONIAL CHARTERS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution of the House of Representatives to print 300,000 copies of the report of the Commissioner of Agriculture for 1877, reported it with amendments.

The resolution, as proposed to be amended by the committee, was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 200,000 copies of the report of the Commissioner of Agriculture for 1877; 150,000 copies for the use of the House of Representatives, 30,000 copies for the use of the Senate, and 20,000 copies for the use of the Department of Agriculture: *Provided, however,* That the number of pages of said report shall not exceed six hundred.

And be it further resolved, That there be printed and bound in leather 4,627 copies of The Colonial Charters and Constitutions of the United States, compiled under the direction of the Senate, of which 960 copies shall be for the use of Senators and the Vice-President, and 2,500 copies shall be for the use of Representatives and Delegates, and the remaining 1,167 copies shall be distributed by the Public Printer, as follows: To the President of the United States, 2 copies; to the Department of State, 50 copies for transmission to United States legations and consulates-general abroad; to the War Department, 1 copy for the Military Academy at West Point; to the Navy Department, 1 copy for the Naval Academy at Annapolis; to the Department of Justice, 100 copies for the use of that Department; the Chief-Justice and justices of the Supreme Court of the United States, the judges of the circuit and district courts of the United S ates, the Court of Claims; the Assistant Attorney-General and the Solicitor-General; and to the Smithsonian Institute 1 copy; and 1,000 copies for sale by the Public Printer at the cost of printing and binding, under such regulations as he may prescribe, under the direction of the Joint Committee on Printing.

Mr. MORRILL. This resolution evidently involves a very large expenditure, and it embraces a very miscellaneous distribution. I think it had better be printed and laid upon the table so that we can all have an opportunity to see really what is contemplated by the distribution of the document. I do not know how much this is to cost, and I do not now remember whether the division proposed between the House and the Senate is that which has heretofore prevailed. I ask to have the resolutions printed and laid on the table.

Mr. DAWES. I did not hear the Senator from Rhode Island state what would be the aggregate cost.

Mr. DAVIS, of West Virginia. I wish to occupy just one minute on the resolution before it goes over.

Mr. DAWES. I simply inquire the aggregate cost of this printing?

Mr. ANTHONY. As the resolution comes to us from the House of Representatives the cost would be $95,000. As amended by the Senate it would cost $73,000. The Senate Committee on Printing have added a resolution to print the colonial charters and constitutions, which would cost $16,720.

Mr. DAWES. I observe a limitation attempted to be put upon the Commissioner of Agriculture in the resolution, that his report shall not exceed six hundred pages. I should like to inquire of the Senator what is the object or the necessity of such a limitation?

Mr. ANTHONY. The resolution as it came from the House restricts the volume to five hundred pages, and as it is reported from the Senate committee it is restricted to six hundred pages.

Mr. DAWES. What is the object of putting a restriction on the volume? That is so unusual that I should like to know the reason.

Mr. PADDOCK. It was done in accordance with the suggestion of the Commissioner himself.

Mr. DAWES. Does the Commissioner feel unable to restrain himself except by law?

Mr. PADDOCK. The report is ready and it makes six hundred pages. It was attempted by the House to eliminate so much of it as would restrict the volume, as I understand, to five hundred pages. The Committee on Printing of the Senate has changed that so as to allow six hundred pages.

Mr. DAWES. If it is already limited by the Commissioner's own free will to six hundred pages it seems to me that this would be unnecessary legislation. But if the Commissioner does not feel safe to trust himself without such a limitation, then it may be necessary.

Mr. ANTHONY. The resolution as it came from the House limited the number of pages to five hundred. The Commissioner of Agriculture addressed a letter to the chairman of the Committee on Agriculture, which he handed to me, asking that that limitation be removed, but submitting to a limitation of six hundred pages. The Committee on Printing have followed his suggestion in his letter to the Committee on Agriculture, leaving it at six hundred pages, although the Commissioner stated that he would like to have made the report contain eight hundred pages.

Mr. EDMUNDS. Let us call for the regular order.

Mr. COCKRELL. Has the Senator from Rhode Island any objection to allowing the resolution to lie over and be printed?

Mr. EDMUNDS. It must, having only been reported to-day, if anybody wishes. Let it go over and be printed.

Mr. DAVIS, of West Virginia. I wish to say as far as the proposed reduction of the number of Agricultural Reports is concerned that I feel an interest in that subject, and shall object to the reduction of the number. The House fixed the number at three hundred thousand. That was the number last year and I think that number ought to be retained. As to the increase of the volume in size, that is another question. I give notice now that when the resolution comes up again I shall ask that we concur with the House and agree to print three hundred thousand copies.

Mr. ANTHONY. I must express my surprise that my economical friend from West Virginia, who stands at the door of the Treasury with uplifted sword, should object to a proposition in the line of economy which would save over $20,000.

Mr. EDMUNDS. I call for the regular order.

Mr. DAVIS, of West Virginia. I beg to reply to the Senator from Rhode Island.

The PRESIDENT *pro tempore*. The regular order is called for. The introduction of bills is next in order. The resolution will lie on the table and be printed.

Mr. PADDOCK. If the Senator from Vermont will allow me to make a statement, I will say that my friend the chairman of the Committee on Printing overstates the amount that would be saved by the amendment. It would be less than $15,000, I think. The number of copies to be printed according to the action of the House would be the same, or substantially the same, as was printed last year.

Mr. EDMUNDS. All right. Let us have the regular order.

BILLS INTRODUCED.

Mr. COCKRELL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1219) for the relief of Richard H. Porter; which was read twice by its title, and referred to the Committee on Claims.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1220) granting a pension to Margaret Mills; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK. A bill was handed to me a moment ago with a request to present it, which I ask leave to do.

By unanimous consent, leave was granted to introduce a bill (S No. 1221) for the relief of Norman Wiard; which was read twice by its title, and referred to the Committee on Claims.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1222) to regulate the sale of coal by retail dealers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1223) to regulate the railway mail service; which was read twice by its title, and referred to the Committee on Post-Offices and Post Roads.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1224) to extend and continue in force the act approved March 3, 1877, to provide for the support of the District of

Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1225) to incorporate the National Electric Light Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1226) to provide for the payment of interest due the Chickasaw Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1227) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 29) *in re* claim of William B. Isaacs & Co.; which was read twice by its title, and referred to the Committee on the Judiciary.

T. B. M. MASON.

Mr. WHYTE. I enter a motion to reconsider the vote by which the joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship was referred to the Committee on Foreign Relations. I merely want to enter the motion.

The PRESIDENT *pro tempore*. That motion will be entered.

CHANGE OF REFERENCE.

Mr. GORDON. By mistake yesterday a bill introduced by me was referred to the Committee on Claims when it ought to have gone to the Committee on the Judiciary. It is the bill (S. No. 1215) to amend an act entitled "An act for the relief of Robert Erwin." It involves a law point, and I ask that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That change of reference will be made.

PAPERS WITHDRAWN.

On motion of Mr. SPENCER, it was

Ordered, That Mrs. E. H. Powers have leave to withdraw her petition and papers now on the files of the Senate.

DECORATION DAY.

Mr. BURNSIDE submitted the following communication from the Grand Army of the Republic; which was read, and ordered to lie on the table:

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC,
Grand Army Hall, Washington, D. C., May 6, 1878.

To the United States Senate:

On Thursday, the 30th instant, Decoration Day, memorial services in commemoration of those who fell in defense of the Union and the sacred and glorious cause in which they died will be held, under the auspices of the Department of the Potomac, Grand Army of the Republic, at Arlington National Cemetery; and in behalf of said department I hereby extend to the several members of your honorable body a cordial invitation to be present on that sacred occasion.

G. E. CORSON,
Department Commander.

MEXICAN COMMISSION AWARDS.

The PRESIDENT *pro tempore*. The morning business being concluded, the bill moved by the Senator from Illinois [Mr. DAVIS] is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1016) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 15 of section 1, after the word "assigns" to insert "except as is in this act otherwise limited or provided;" so as to make the section read:

That the Secretary of State be, and he is hereby, authorized and required to receive any and all moneys which may be paid by the Mexican Republic under and in pursuance of the conventions between the United States and the Mexican Republic for the adjustment of claims, concluded July 4, 1868, and April 29, 1876; and whenever and as often as any installments shall have been paid by the Mexican Republic on account of said awards, to distribute the moneys so received in ratable proportions among the corporations, companies, or private individuals respectively in whose favor awards have been made by said commissioners, or by the umpires, or to their legal representatives or assigns, except as is in this act otherwise limited or provided, according to the proportion which their respective awards shall bear to the whole amount of such moneys then held by him, and to pay the same, without other charge or deduction than is hereinafter provided, to the parties respectively entitled thereto. And in making such distribution and payment, due regard shall be had to the value at the time of such distribution of the respective currencies in which the said awards are made payable; and the proportionate amount of any award of which by its terms the United States is entitled to retain a part shall be deducted from the payment to be made on such award, and shall be paid into the Treasury of the United States as a part of the unappropriated money in the Treasury.

Mr. INGALLS. Before voting upon the bill I should like to hear the report read.

Mr. DAVIS, of Illinois. There is no written report accompanying it.

Mr. INGALLS. Then I should like to hear a statement about the provisions of the bill?

Mr. DAVIS, of Illinois. This bill was referred to the Committee on the Judiciary. It was, I believe, exactly similar to a bill which was introduced in the other House. The amendments which the committee propose are in section 3, that the costs shall be deducted before any payment of claims is made, to which there will not be any objection that I can see. The main amendment is in the fifth section. The commission under the convention between the United States of America and the Republic of Mexico, concluded its sittings in this city on the 4th of July, 1868, and awarded about $4,000,000. Two installments have been paid by the Mexican government, but they have not been distributed. The purpose of this bill is to distribute those amounts and all others as they may be paid into the Treasury, except the cases of Benjamin Weil and the La Abra Silver Mining Company. The Judiciary Committee have information that the Mexican government has represented to our Government that those claims were fraudulent, that they had no foundation in fact; not that they had cumulative testimony upon the subject but that they had testimony to show that the claims were actually fraudulent. The committee did not investigate the question at all to see whether those claims were fraudulent or not, and do not wish, in presenting this provision in the fifth section, to be understood as passing an opinion upon the merits of those claims at all; but we thought that the honor of this country, as well as common justice and equity, required that where a sovereign government with whom we made this convention had represented that these two claims were fraudulent actually, having no foundation in fact, we ought to give to the treaty-making power, the President of the United States, the opportunity to examine for himself and ascertain whether that is so or not; and we have intrusted to him this power and limited it to six months. If after that time he shall have done nothing in the matter, these claims are to be paid the same as the others.

Mr. HEREFORD. Will the Senator from Illinois allow me to ask him a question right there for information as to the alleged fraud of these claims? Does it come to our Government from the Mexican government officially?

Mr. DAVIS, of Illinois. So I understand, information officially that they are fraudulent. As I stated before, we do not pretend to pass judgment upon those claims, but we think that while there is any controversy in relation to them the other claims should not be deferred.

Mr. INGALLS. There is one point upon which I should like to be informed, and that is as to the amount that has been awarded to the citizens of each government respectively—the aggregate amount.

Mr. DAVIS, of Illinois. About $4,000,000.

Mr. INGALLS. I want to know the amount that has been awarded to Mexican citizens and to American citizens.

Mr. McDONALD. The amount that is to be taken out of the Treasury.

Mr. INGALLS. No, I want to know the amount that has been awarded to American citizens and to Mexican citizens separately.

Mr. DAVIS, of Illinois. I have a memorandum here.

Mr. EDMUNDS. The amount awarded to Mexican citizens appears in the second section, adding $50,528 in Mexican gold, $10,559 in American gold, and $89,410 in currency. That makes the total award to citizens of Mexico.

Mr. INGALLS. How much is that?

Mr. EDMUNDS. One hundred and fifty thousand dollars, I should think.

Mr. INGALLS. How much is there on the other side?

Mr. EDMUNDS. About $3,000,000. The Senator from Illinois has a memorandum of the amount.

Mr. DAVIS, of Illinois. Three or four million dollars.

Mr. EDMUNDS. Over $3,000,000.

Mr. VOORHEES. Mr. President, if this bill passes in its present shape there will be a great injustice done; and if I can engage the attention of the Senate for a few moments I will explain why it would be an act of injustice. The two claims that are singled out and stigmatized in the fifth section of the bill were submitted to the Mexican commission, discussed and investigated just as all the other claims were. The claim of Weil is for the alleged capture of a wagon train of cotton. It was pending before the commission provided for by treaty nearly seven years; it was investigated by the American commissioner and the Mexican commissioner during a large portion of that time. There never was a fairer opportunity to arrive at the truth than there was in regard to this claim. It was not a subject of mystery; it was not a complicated matter; it was a plain question of fact: whether a train loaded with cotton was taken or not—one of those ordinary questions that are governed by such evidence as we constantly hear in courts of justice. I have practiced law long enough and the Senator from Illinois has presided on the bench long enough to know that the losing party can always—it is one of his privileges—after the case is over allege that he has found additional evidence which shows that the judgment is wrong. As my friend the Senator from Texas [Mr. MAXEY] suggests, it was one of Mr. Lincoln's sayings, when his client got beaten, "Now, all that is left for us is to go to the tavern and curse the judge." [Laughter.]

In this case I repeat that for nearly seven years the Mexican government had its day in court; the Mexican government was heard

by its counsel; the question as to the capture of this cotton was fully discussed; the place where the train was said to have been captured was open to inspection. There is no circumstance connected with it that could be concealed, and there is no new light that can now be thrown upon this claim except in the shape of cumulative testimony.

At the conclusion of this investigation the commissioners divided, the American commissioner sustaining this claim, the Mexican commissioner deciding against it. Under the treaty it then became necessary to select a referee to pass upon the claim and decide between the disagreeing commissioners. That referee was Sir Edward Thornton, the British minister to this Government. He accepted the duty, and having examined the case to his satisfaction held the claim to be a valid one and that it ought to be paid. What else can now be done I am at a loss to perceive. Since, however, the case was thus settled by the referee I suppose I commit no breach of propriety in saying that a committee of the House of Representatives, the Committee on Foreign Affairs, have fully investigated——

Mr. EDMUNDS. I must ask the Senator not to go to the proceedings of the House.

Mr. VOORHEES. I stand corrected. I have no desire to infringe any of the rules. I will put it, however, in this shape: I believe if the Judiciary Committee would investigate this claim as it has been investigated elsewhere, that committee would arrive at the same conclusion that the American commissioner and the referee, Sir Edward Thornton, arrived at, to say nothing of conclusions unanimously arrived at by anybody else.

This bill comes here now singling out two claims and stigmatizing them as in some way tainted with fraud. Allow me a word on that compliance with our treaty, its reference to a man of distinguished point. After the long investigation of this Weil claim, the careful ability and probity, after all that had been done, whispers then for the first time began to be heard of fraud, until, as I am informed, the matter was at last pressed, I will not say by blackmailing parties, but it was pressed upon the attention of the Mexican government. The Mexican government did not take the initiative in opposition to the payment of this award. Why should she? She had not merely her day in court, but years. The treaty had exhausted all its powers. The last resort had been made for a decision to a referee, and the Mexican government was not complaining until the matter was urged upon her attention; and I believe now perhaps there is a quasi authority from the Mexican government to get clear of paying these claims if she can.

I hope this bill will not pass in its present shape. I hope it will come before this body in another and better form. Let there be investigation if necessary; but I see no propriety in hurrying this bill through in the interest of other claimants and to pay them at the behest of their lawyers who do not wish to wait until this matter can be properly disposed of.

Mr. HILL. Will my friend allow me to ask a question for information?

Mr. VOORHEES. Yes.

Mr. HILL. I do not know anything about this matter; but, as I understand from the statements of various Senators, there are certain claims and certain awards about which there is no dispute that they are perfectly just and ought to be paid.

Mr. THURMAN. There are only two about which there is any question.

Mr. HILL. I understand there are only two about which there is any dispute or charge of injustice or wrong; and I understand the purpose of this bill is to order the immediate payment of those about which there is no dispute and whose justice is admitted. Now, I wish to ask my friend, the Senator from Indiana, is it right that those claims which are not disputed and whose justice is admitted should be delayed even a day because of the delay necessary to investigate, either wholly or otherwise, the two claims which are in dispute?

Mr. VOORHEES. No, they ought not to be delayed; they ought to be paid; but in paying them a stigma ought not to be placed on claims that I contend are as fairly assessed and as justly awarded as the others.

Mr. EDMUNDS. The committee did not design to place any stigma upon these claims at all, but to allow the President of the United States as a matter of friendly duty to Mexico to consider whether there was any ground for a new trial. But inasmuch as this subject has been opened in the way it has by the Senator from Indiana, and as some things are in the possession of the committee that perhaps the Senate ought to understand which may bear upon this subject, and which I think ought not to be stated publicly, I move that the doors be closed.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Vermont moves that the doors be closed. That order is granted upon the request of any Senator.

Mr. VOORHEES. I did not hear the Senator. My attention was engaged.

Mr. EDMUNDS. The motion requires to be seconded under the rules, I believe.

Mr. DAVIS, of Illinois. I second it.

Mr. VOORHEES. What is the motion?

Mr. EDMUNDS. My motion is to close the doors. That requires, if there is any objection to it, the Chair to close the doors until it is considered whether the matter ought to be considered privately.

Mr. VOORHEES. I make no objection.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

The galleries having been cleared and the doors closed, the bill was considered, and various amendments having been made the bill was reported to the Senate and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed in the following form:

A bill to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, authorized and required to receive any and all moneys which may be paid by the Mexican Republic under and in pursuance of the conventions between the United States and the Mexican Republic for the adjustment of claims concluded July 4, 1868, and April 29, 1876; and whenever and as often as any installments shall have been paid by the Mexican Republic on account of said awards, to distribute the moneys so received in ratable proportions among the corporations, companies, or private individuals respectively in whose favor awards have been made by said commissioners, or by the umpires, or to their legal representatives or assigns, except as is in this act otherwise limited or provided, according to the proportion which their respective awards shall bear to the whole amount of such moneys then held by him, and to pay the same without other charge or deduction than is hereinafter provided, to the parties respectively entitled thereto. And in making such distribution and payment, due regard shall be had to the value at the time of such distribution of the respective currencies in which the said awards are made payable; and the proportionate amount of any award of which by its terms the United States is entitled to retain a part shall be deducted from the payment to be made on such award, and shall be paid into the Treasury of the United States as a part of the unappropriated money in the Treasury.

SEC. 2. That out of any moneys in the Treasury not otherwise appropriated, a sufficient sum is hereby appropriated to enable the Secretary of the Treasury to pay to the Secretary of State of the United States, in gold or its equivalent, the equivalent of $50,528.57 in Mexican gold dollars, and $10,559.67 in American gold coin, and $89,410.17 in United States currency, said sums being the aggregate in said currencies respectively of the awards made under the said convention of July 4, 1868, in favor of citizens of the Mexican Republic against the United States, and having been deducted from the amount awarded in favor of citizens of the United States, and payable by Mexico, in accordance with article 4 of the said treaty; and that said sums, when paid to the Secretary of State, as aforesaid, shall be regarded as part of the awards made under the said treaty, to be paid or distributed as herein provided.

SEC. 3. That out of the payments and installments received from Mexico, as aforesaid, on account of said awards, and out of the moneys which shall be received by the Secretary of State under the provisions of this act, the Secretary of State shall, when and as the same shall be received and paid, and before any payment to claimants, deduct therefrom and retain a sum not to exceed 5 per cent. of said moneys awarded to citizens of the United States, until the aggregate of the amounts so deducted and retained shall equal the sum of $114,948.74, being the amount of the expenses of the commission, including contingent expenses paid by the United States in accordance with article 6 of the treaty, as ascertained and determined in pursuance of the provisions of the said treaty; which said sums, when and as the same are deducted and retained, shall be, by the Secretary of State, transmitted to the Secretary of the Treasury, and passed to the account of, and be regarded as, unappropriated money in the Treasury.

SEC. 4. That in the payment of money, in virtue of this act, to any corporation, company, or private individual, the Secretary of State shall first deduct and retain or make reservation of such sums of money, if any, as may be due to the United States from any corporation, company, or private individual in whose favor awards shall have been made under the said convention.

SEC. 5. That the awards made in the case of Benjamin Weil and in the case of La Abra Silver Mining Company shall not, nor shall any part thereof, be paid, except as in this section provided. The President of the United States shall, within six months next after the passage of this act, consider and determine, upon such evidence and information as he shall deem just, whether there is probable cause to believe that the honor of the United States, the principles of public law or considerations of justice and equity require that said awards, or either of them, shall be opened or set aside, or a new trial be had in respect of the validity or justice of the respective claims on which they are founded; and if the President shall so determine, the award or awards so determined upon shall not be paid over by the Government of the United States to said claimants, and shall be suspended to await such action in respect thereto as the two governments may, in due course, agree upon, or the Government of the United States may determine. But if the President shall not so determine as aforesaid, within said six months, then the award or awards aforesaid not so determined upon shall be paid in the manner and proportions provided for the other awards in this act mentioned.

After one hour spent in secret session, the doors were opened.

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States herein named; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MERRIMON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, with the accompanying papers, and ordered to be printed.

T. B. M. MASON.

Mr. WHYTE. I moved this morning to reconsider the vote by which yesterday the joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship was referred to the Committee on Foreign Relations. I ask now that that motion may be considered.

The motion to reconsider was agreed to.

Mr. WHYTE. A Senate joint resolution in identically the same words has already passed the Senate and gone to the House; they crossed each other, and the subject has already been reported upon by the Committee on Foreign Relations. The object is to pass this joint resolution and let the one in the House be indefinitely postponed. I ask that it may be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate.

Mr. SARGENT. I have no objection to this resolution, for I believe there was gallant and meritorious service by this officer, and it comes within the rule I stated some time since.

The joint resolution was ordered to a third reading, read the third time, and passed.

RECOMMITTAL OF A BILL.

Mr. BAYARD. I move that the bill (S. No. 1098) to transfer Paymaster Robert Burton Rodney from the retired list to the active list of the Navy reported from the Committee on Naval Affairs by the honorable Senator from California [Mr. SARGENT] and indefinitely postponed, may be recommitted for the purpose of laying before that committee some additional testimony not in their hands at the time of the consideration. I have submitted this to the honorable Senator from California and he makes, as I understand, no objection.

Mr. SARGENT. I have no objection.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Delaware moves that the vote by which this bill was postponed indefinitely be reconsidered.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be recommitted to the Committee on Naval Affairs.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, the pending question being on the amendment of Mr. SARGENT to the amendment of the Committee on Appropriations to section 3, after the word "stipulation," to insert the words "for the several Indian tribes;" in the same line, after the word "of," to strike out "the various Indians" and insert "said;" and after the word "tribes" to insert "respectively;" so as to make the words proposed by the committee to be inserted read:

That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation, for the several Indian tribes, may be diverted to other uses for the benefit of said tribes respectively within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. ALLISON. There is no objection to that. It is right.

Mr. SARGENT. I supposed there would be no objection to perfecting the text.

The amendment to the amendment was agreed to.

The CHIEF CLERK. The next amendment is that of Mr. EDMUNDS, to strike out commencing in line 10 the words "for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and;" so as to read:

That the several appropriations herein made for various articles provided for by treaty stipulation may be diverted to other uses, &c.

Mr. SARGENT. I hope that will not be agreed to.

The amendment to the amendment was rejected.

The next question was stated to be on the amendment of Mr. HOAR, to strike out all after the word "that" and insert:

Whenever any of the foregoing appropriations shall, in the judgment of the President, be unnecessary, he may, with the consent of the tribe interested, expressed in the usual manner, dispense with the expenditure therein provided; and a sum not exceeding $10,000 is hereby appropriated, which may be expended for such other uses, for the benefit of such tribes, respectively, as the President, with such consent, shall approve.

Mr. SARGENT. I rise to a point of order on that amendment under the twenty-seventh rule. It has not been referred to the committee; it increases an appropriation; it has not been reported from any committee; and it is new legislation.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair sustains the point of order.

Mr. HOAR. I desire to be heard on the point of order a moment. This amendment——

Mr. SARGENT. I rise to another point of order. Are points of order debatable?

The PRESIDING OFFICER. They are decided without debate by the Chair, but a Senator may take an appeal from the decision of the Chair, and that is debatable.

Mr. HOAR. I trust the Senator from California will hardly press his point.

Mr. SARGENT. I will not do so, although the Senator yesterday morning called for the regular order to prevent me speaking.

Mr. HOAR. The Senator from California is very much mistaken in thinking I called for the regular order to prevent his speaking.

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate, which makes it debatable.

Mr. HOAR. I desire to inform the Senator from California that he is mistaken in thinking that I called for the regular order yesterday to prevent his speaking. He misunderstood the transaction that happened.

This bill proposes that certain expenditures therein contained may be dispensed with and the appropriation used for other purposes. The amendment proposes the same thing, that the appropriation provided in the bill may be dispensed with, but it limits the amount of the appropriation for other uses to $10,000; in other words, it cannot possiby increase the appropriation in any particular, and it may diminish very much the appropriation proposed in the bill. That is the only effect it can possibly have.

Mr. ALLISON. May I ask the Senator a question right on that point?

Mr. HOAR. Certainly.

Mr. ALLISON. Suppose the Secretary of the Interior should dispense with $1,000, say, of the original appropriation under the first clause of the Senator's amendment, he could then reach the whole $10,000 of the additional appropriation proposed by the amendment of the Senator.

Mr. HOAR. I will correct that by saying "of the appropriations herein provided," so as to read: "$10,000 of the appropriations herein provided."

Mr. SARGENT. It is very obvious for a great many reasons, which I will not take the time of the Senate to give, that that would be improvident. I move to lay the amendment of the Senator from Massachusetts on the table.

The PRESIDING OFFICER. The Senator from California moves to lay on the table the amendment of the Senator from Massachusetts.

The question being put, there were on a division—ayes 15, noes 9; no quorum voting.

Mr. SARGENT. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 15; as follows:

YEAS—32.

Allison,	Davis of W. Va.,	Kirkwood,	Spencer,
Bailey,	Dorsey,	Lamar,	Teller,
Bayard,	Eaton,	McCreery,	Voorhees,
Beck,	Gordon,	Merrimon,	Wadleigh,
Blaine,	Harris,	Mitchell,	Wallace,
Butler,	Hereford,	Randolph,	Whyte,
Conkling,	Hill,	Rollins,	Windom,
Conover,	Kernan,	Sargent,	Withers

NAYS—15.

Anthony,	Coke,	Howe,	Maxey,
Burnside,	Dawes,	Ingalls,	Morgan,
Cameron of Wis.,	Ferry,	Kellogg,	Paddock.
Cockrell,	Hoar,	McMillan.	

ABSENT—29.

Armstrong,	Dennis,	Jones of Nevada,	Ransom,
Barnum,	Edmunds,	McDonald,	Saulsbury,
Booth,	Eustis,	McPherson,	Saunders,
Bruce,	Garland,	Matthews,	Sharon,
Cameron of Pa.,	Grover,	Morrill,	Thurman.
Chaffee,	Hamlin,	Oglesby,	
Christiancy,	Johnston,	Patterson,	
Davis of Illinois,	Jones of Florida,	Plumb,	

So the amendment to the amendment was laid on the table.

Mr. HOAR. I ask that the amendment as it now stands be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The amendment of the Committee on Appropriations as amended is to strike out the third section of the bill, and insert in lieu thereof:

That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes, respectively, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. HOAR. I move to strike out the word "teachers" from the amendment.

Mr. ALLISON. I think that is a wise amendment.

Mr. SARGENT. I have no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out sections 4 and 5, in the following words:

SEC. 4. That in case of an emergency requiring immediate action and calling for an expenditure of funds for which no appropriation has been provided, the Secretary of the Interior, in his discretion, is hereby authorized to use for the purpose such funds herein provided for other purposes as may not be needed for the specific object for which appropriated, but no deficiency shall thereby be created in the fund from which any money is so taken: *Provided*, That funds appropriated to fulfill treaty obligations shall not be so used.

SEC. 5. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employés at any agency may be used by the Commissioner of Indian Affairs for the pay of clerks or other employés at such agency, but no deficiency shall be thereby created; and, when necessary, specified employés may be detailed for clerical or other service when not required for the duty for which they were engaged.

The amendment was agreed to.

Mr. SARGENT. The amendment just adopted was intended as a substitute for the fourth and fifth sections.

Mr. ALLISON. I move to insert in lieu of those sections:

SEC. 4. And no purchases of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without advertisement except in case of exigency, when purchases may be made in open market in amounts not exceeding $3,000.

This provision has been made in several Indian appropriation bills, and as arranged in the bill of last year it was supposed to cover future appropriations. But on a careful examination of the statute under a letter received from the Indian Office it is thought there may be some doubt about that, and therefore it is moved to insert it here.

Mr. DAVIS, of West Virginia. Will the Senator state the difference between the law and this amendment?

Mr. ALLISON. There is not the slightest difference, except that there is a doubt whether that law applies to appropriations made this year; or, in other words, whether the provision in last year's appropriation bill is not limited to the appropriations therein. This is the exact language of the law of last year.

Mr. DAVIS, of West Virginia. I do not know that I am opposed to this amendment; I hardly think I am; but I want information——

Mr. ALLISON. I thought I had consulted the Senator and he had consented to it.

Mr. DAVIS, of West Virginia. No; this is the first I knew of it. The information I wish is this: if the amendment is not adopted and the bill is passed as it came from the committee, will not all supplies have to be advertised for?

Mr. ALLISON. All supplies of the minutest character will most likely have to be purchased after advertising.

Mr. DAVIS, of West Virginia. The Senator's object is, whenever there is a sudden emergency where they cannot wait for regular advertisements, to allow small purchases to be made in open market.

Mr. ALLISON. Yes, sir; to a limited amount.

Mr. DAVIS, of West Virginia. I see the object.

Mr. ALLISON. It is a very necessary amendment.

Mr. INGALLS. I wish to suggest to the Senator from Iowa that there are several cases in this bill where contracts other than for supplies are to be made or are authorized to be made. I wish to suggest to him to so amend his amendment as to provide that no contracts shall be made without advertisement. I refer him particularly to the case of $20,000 of surveys for the Sioux reservation. It would evidently be improper to allow a contract of that kind and that magnitude to be made without advertisement, and I suggest to him to amend by adding at the beginning of the amendment the words:

No contract shall be made.

Mr. ALLISON. Well, Mr. President, with reference to the particular illustration of the Senator from Kansas, contracts for surveys are made under existing provisions of law with the price and rates fixed by law. I do not think it worth while to provide for an advertisement for this particular survey. If one is to be made, the law fixes the rate.

Mr. INGALLS. I did not allude to the particular contract except by way of illustration. The contract provided for in this bill would not be regulated by the law governing the surveys of public lands. It is a specific appropriation for a specific purpose.

Mr. ALLISON. Under the direction of the Commissioner of the General Land Office.

Mr. INGALLS. But there are other contracts authorized to be made by this bill, such as those for the removal of Indian tribes. In several cases in this bill there are appropriations made for the removal of certain tribes from their present location to others to be designated hereafter. Now, unless this amendment is made there will be a very large amount of money to be expended under contracts other than for supplies without advertisement, and the public interest would as well be consulted by having those matters advertised for, as for supplies or provisions. The Senator understands that in the case of the Nez Percés and of the Poncas and of many of the Sioux that are to be removed to new agencies contracts are to be made other than for the purchase of supplies, and I have no doubt that the interest of the Government will be better protected by competition than by allowing the Commissioner to issue these contracts to whomever he might see fit without the advantage of competing bids.

Mr. ALLISON. I think it would only confuse that class of work to have public lettings for it. I think it would be exceedingly difficult, for instance, to advertise in Chicago that four hundred Nez Percés are to be removed to a suitable location in the Indian Territory. It seems to me that that would not be a matter proper for a public letting. I submit to the Senator from Kansas that we must leave some things to the discretion of the Executive Departments of this Government; we must place some little reliance upon the integrity and capacity of the men who administer the Indian affairs of this Government.

Mr. INGALLS. Then, what is the use of the Senator's amendment, if that is the rule?

Mr. PADDOCK. I should like to inquire of the Senator from Iowa if it is not the practice of the Indian Office to have the agents in charge of the tribes to be removed superintend such removal? That certainly was the case with the Sioux last year, and it was the case with the Poncas to my certain knowledge.

Mr. ALLISON. It is the case almost universally. They are removed generally under the care of their local agents or some Indian inspector in the regular service of the Department.

Mr. INGALLS. The Senator is strangely misinformed. I happen to know that in two cases which occurred the last year the removal was made by contract, and that the contract in one instance was given to one of the most irresponsible scoundrels on the frontier.

Mr. ALLISON. I know the case to which the Senator refers. That was the Poncas.

Mr. INGALLS. It does not make any odds what the case was, I make the statement.

Mr. TELLER. Then, that is a very good illustration of the evil of letting by contract.

Mr. ALLISON. As the Senator from Colorado suggests, it is a very good illustration of the practice of letting by contract.

Mr. VOORHEES. I would ask the Senator from Kansas who made that contract with one of the most irresponsible scoundrels on the frontier?

Mr. INGALLS. I do not know.

Mr. VOORHEES. Whose duty was it to make the contract?

Mr. ALLISON. I think my amendment covers all that is necessary, and I hope that it will be adopted.

Mr. PADDOCK. My understanding was that the Poncas were removed by the then agent, or, at all events, that he superintended the removal.

Mr. WHYTE. It may be that he was the scoundrel.

Mr. ALLISON. I never had occasion to examine that subject critically; but I understood there were very loose contracts or arrangements made with reference to the Poncas, and that the party engaged in the removal of them was very soon afterward removed himself.

Mr. INGALLS. After he had got the money.

Mr. PADDOCK. I know the requirement to remove them was very loose.

Mr. VOORHEES. I want to ask a practical question. I have sat here and listened to this debate on Indian affairs as I have listened to similar debates in both branches of Congress for the last seventeen or eighteen years, and I always come to the conclusion, before the debate gets through, that we have the most corrupt and infamous set of men in the public service in this regard that there are in the world, and the character of my mind is such that I want to get at somebody, to punish somebody. Now, the Senator from Kansas states in his place that a contract to remove certain Indians from one location to another, which, I believe, is a lucrative job, was awarded in the last year or so to one of the most irresponsible scoundrels, to use his own language, on the frontier. I asked him who made that award. He tells me he does not know. I asked him whose duty it was to make such an award. Somebody ought to be punished.

Mr. INGALLS. The Senator from Indiana will excuse me for interrupting him.

Mr. VOORHEES. Certainly.

Mr. INGALLS. The Senator from Iowa said that he knew to whom I referred, and I suggest as he is the chairman of the Committee on Indian Affairs that he probably could advise the Senator from Indiana.

Mr. ALLISON. If the Senator will allow me a moment, the Senator from Kansas has a strange way of misunderstanding what I said. I said that I knew the tribe of Indians to which he referred, namely, the Poncas, but I do not know the person.

Mr. VOORHEES. Does the Senator know the tribe of scoundrels to whom the Senator from Kansas referred?

Mr. ALLISON. No, I leave that to the Senator from Kansas to explain.

Mr. VOORHEES. Let me ask the chairman of the Committee on Indian Affairs, as the Senator from Kansas has referred me to him, whose duty it is to make contracts for the removal of the Indians?

Mr. ALLISON. The Secretary of the Interior, under the guidance of his subordinate officer, the Commissioner of Indian Affairs.

Mr. VOORHEES. Then, until the contrary shall be shown, a *prima facie* case exists that the Secretary of the Interior awarded this contract to "one of the most irresponsible scoundrels on the frontier;" and in that shape I leave it for the present.

Mr. PADDOCK. I think the chairman of the Committee on Indian Affairs is not able to state to the Senate that any contract at all was made with anybody. I think there was no contract whatever made with any person.

Mr. VOORHEES. The Senator from Kansas stated otherwise.

Mr. PADDOCK. I think some inspector connected with the Indian Office, some one of the inspectors provided for by law, and the then agent of the tribe, whoever he was—his name has now passed from my mind—were the persons who superintended that removal, without any contract whatever. That was my understanding at the time, and I had some knowledge of the removal.

Mr. VOORHEES. As the Senator from Nebraska seems to be better advised on this subject than either the Senator from Iowa or the Senator from Kansas, I should like to have him bear testimony also as to whether this man was, as he has been so graphically described, "one of the most irresponsible scoundrels on the frontier."

Mr. PADDOCK. I do not feel it to be my duty even to make a response for any other person who has made a charge or declaration in respect to the character of anybody. I have made no such charge myself.

Mr. VOORHEES. As the Senator was testifying a little upon the matter, I did not know but that I could get some testimony on that point also.

Mr. PADDOCK. I do not know any such person at all on the frontier myself.

Mr. TELLER. I will say that the Poncas were not removed by a contract. They were removed under the charge of the Department by the Indian agent, Howard.

Mr. COCKRELL. By whom?

Mr. TELLER. By a man by the name of Howard. I have his report here. It appears that they were not removed by contract at all. The chapter of their removal would be interesting for the Senate and for the people at large to read. The consent of these people to be removed was obtained by bringing a United States Army there to compel them to move, and then they took them in improper conveyances in such a manner that they suffered for food and in every other way. The history of the removal is simply a disgrace to the Indian Department and to the nation, as nearly every page of our Indian history is. When the Senator from Kansas said they were removed by the most notorious scoundrel in the country, I had not any doubt that it was true, because if I wanted to find him I should look for him in the Indian department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Senator from Iowa, [Mr. ALLISON.]

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Iowa [Mr. ALLISON] as a substitute for the fourth and fifth sections.

The amendment was agreed to.

Mr. TELLER. I desire to call the attention of the Senator who has the bill in charge to line 82 of section 1, where it is provided that the Indian agent at the White River agency shall have $1,200. This Indian agent, who has recently been appointed, I believe to be an exceptionally good man. I think the agent there has been heretofore paid $1,500, and I think the appropriation should be increased at least to that amount.

Mr. ALLISON. I believe myself, in view of the fact that we are about to consolidate the Utes, that it would be wise to make that alteration, leaving the agent to receive what he is now receiving.

Mr. TELLER. Yes, that is the sum he is now receiving. Then I move to strike out "two" and insert "five;" so as to make the amount $1,500.

Mr. DAVIS, of West Virginia. I should like to hear some reason for that. This bill has been carefully considered by the Committee on Appropriations of the Senate. As it came from the House the sum fixed was $1,000. The Senate amended it by adding $200 more, and I understand from the subcommittee who had it in charge that that is just as the Commissioner recommended it. I therefore see no reason why the amount should be increased.

Mr. ALLISON. I will interrupt the Senator in order to say that if any member of the committee objects I shall also object. I supposed the members of the committee would consent to the change suggested by the Senator from Colorado.

The PRESIDING OFFICER. The amendment can only be received by general consent. It is not in order.

Mr. TELLER. I should like to state to the Senate why I think this amendment ought to be made.

The PRESIDING OFFICER. The amendment is not in order.

Mr. TELLER. It is in order if not objected to. I do not understand that the Senator from West Virginia objects. He said he should like to know the reason for it, and I should like to state the reason.

Mr. DAVIS, of West Virginia. I certainly object to it unless the Senator can give a very good reason for it. If there is any reason not yet known to me why the amount should be increased, I will hear it.

Mr. TELLER. I have had no opportunity to explain it.

Mr. DAVIS, of West Virginia. The committee looked pretty carefully into all these agencies. As I have just stated, the Senate committee increased the amount fixed for this agency by the House bill $200. Of course the Senator can make his explanation if he desires. I have no wish to prevent that.

Mr. TELLER. I understand that I have a right to move an amendment and to be heard upon my amendment.

Mr. DAVIS, of West Virginia. Of course as the amendment raises the amount it is subject to objection, but I withdraw my objection in order to give the Senator from Colorado an opportunity to explain it.

Mr. TELLER. I will move an amendment that will be perfectly in order. I move to strike out in line 80 the words "six hundred" and to strike out in line 82 the word "two" and insert "five." That does not increase the aggregate appropriation and I believe it will be in order. At the Los Pinos agency the committee who have so carefully considered this subject allow $1,600. At the White River agency where there is an equal number of Indians the agent is allowed $1,200, and at the Southern Ute agency the agent is allowed the same sum. Of all the Utes provided for by this bill at these agencies there are only twenty-nine hundred, as shown by the report. The report of the Commissioner of Indian Affairs shows that two thousand of them are at the Los Pinos agency and that nine hundred are at the White River agency. There are more, according to this report, at the Southern Ute agency. That is not correct. The fact is that it is the intention that they shall be about equally divided between the three places, and the White River agency is the one upon which it is proposed to consolidate all the Utes mentioned as the confederated bands. They ought to be consolidated there because they are safer from the aggression of settlers and miners than in the section where they now live. They ought to be consolidated at that place because the Government would save a vast amount of money in getting supplies to them there, it being so much nearer to the railroad, and it is a country that is non-mineral, and where they are not liable to be disturbed for many years. A very exceptionally honest agent, I believe, has been recently appointed by the Indian department, a Mr. Meeker, who was the founder of the Greeley colony, a man who has given great attention to the agriculture of that section of the country, a man who is thoroughly qualified to instruct the Indians in agriculture, and a man who will enter upon his work of taking charge of the Indian agency with an enthusiasm, with a zeal, and with a degree of integrity and intelligence that is not excelled by any man who ever went into that business. He is a natural-born philanthropist. He is not a politician. He is honest and poor, and he cannot afford to go to that agency for less than $1,500 a year. That is the point of all others in the agencies that we expect to fix upon if we ever succeed in civilizing and Christianizing these Indians; and I, a friend of the Indians, depend more on this man Meeker to do that than on all the other agents combined.

Mr. ALLISON. May I call the attention of the Senator to the fact that in case of consolidation the Secretary of the Interior is authorized by this bill to increase the compensation of any agent at the consolidated agency; so that, I think, that may cover the point.

Mr. TELLER. But of course we do not know whether we shall be able to accomplish that. It must be done by the consent of the Indians. If there is no consolidation, then this agent has at least nine hundred and thirty Indians, if I recollect the last report, at that agency. About one hundred of them are clothed as white people clothe themselves. If the Government had treated them fairly and paid their annuities at the agency where they belonged during the last year, they would all have been on the agency and made some progress in civilization; but they have been compelled to leave the agency during the last winter to sustain themselves and to keep from starving while their goods remained at the railroad, a distance of one hundred and twenty-five or one hundred and thirty miles away. Heretofore the agent at that place has had $1,500. It does seem to me that this agent ought to have that amount of money. I see no reason why the agent at the Los Pinos agency should have $1,600 while the agent at White River should receive but $1,200. Therefore I have moved the amendment.

Mr. ALLISON. Let the amendment be reported.

The PRESIDING OFFICER. Is the amendment objected to?

Mr. TELLER. The amendment does not propose to increase the appropriation, and I understand an amendment to be in order when it does not increase the appropriation. I have moved to strike out from one agency and add to another. I will modify my amendment, however, and make it a little better. In line 80 I move to strike out "six" and insert "three," making the sum for Los Pinos agency $1,300, and in line 82 to strike out "two" and insert "five," so as to make the sum for the White River agency $1,500. That leaves the same amount appropriated, but divides it a little differently.

Mr. ALLISON. I must submit to my friend that it would be hardly just to reduce the appropriation at the Los Pinos agency, where they have two thousand Indians, and a good many of them are wild Indians, to $1,300, and increase the appropriation to $1,500 at the White River agency, where they only have nine hundred Indians. That is a rule of arithmetic that would be hardly fair to this other man who did not found the Greeley colony.

Mr. TELLER. I will say that there may seem to be a little unfairness in that, and I would not have moved the amendment in that way if Senators had not objected to my first proposition.

The PRESIDING OFFICER. The Chair thinks the amendment is not in order.

Mr. TELLER. Then I shall offer an amendment that I believe the committee will agree to. In line 1277, after the word "dollars," I move to insert:

Provided, That of this sum the Secretary of the Interior, in his discretion, may authorize, with the consent of said Indians, the expenditure of a sum not exceeding $3,000 to construct an irrigating ditch on the White River.

Last year the Indians asked to have this amount, or so much as was necessary, taken out of their appropriation to build such a ditch, but the Commissioner decided that he had not the authority to do it. If this is done with the consent of the Indians, I think there can be no objection to it.

Mr. DAVIS, of West Virginia. I ask the Secretary to report what comes before the proviso proposed, so that we may see whether this $3,000 is to come out of the Indian fund or whether it is an additional appropriation.

Mr. TELLER. It comes out of the Indian fund.

Mr. DAVIS, of West Virginia. My colleague on the committee also tells me that it comes out of the Indian fund. If so, I have no objection to the amendment.

Mr. ALLISON. The Senator from West Virginia will observe that immediately preceding, the expenditure of money is authorized for the purchase of flour, beans, and potatoes. As I understand, the ob-

ject of the Senator's amendment is to allow them to irrigate and raise their own potatoes and beans; and I think it is a very worthy object.

Mr. DAVIS, of West Virginia. The money is to be expended by the consent of the Indians?

Mr. TELLER. By the consent of the Indians. They asked for it last year, and the Commissioner said that he had no authority to give it.

Mr. INGALLS. What Indians are these?

Mr. TELLER. The Utes.

Mr. PADDOCK. I suggest to the Senator from Colorado that their consent be obtained in open council.

Mr. SARGENT. I would not boil it down too close. Those words are used all the way through the bill.

Mr. PADDOCK. I merely make the suggestion.

Mr. DAVIS, of West Virginia. Let their consent be obtained in the usual way.

Mr. SARGENT. The words simply "with the consent of the Indians" occur all the way through the bill.

Mr. PADDOCK. I think their consent in all cases ought to be had in open council.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. DORSEY. I wish to call the attention of the Senator having charge of the bill to a verbal error in line 194, to the word "Cimarron," and in the following line to the word "Abiquiu." These words should be stricken out to conform to the text of the bill.

Mr. ALLISON. Is there no agency at Cimarron now?

Mr. DORSEY. There is no agency there.

Mr. ALLISON. We have made no appropriation for the Cimarron agency.

Mr. DORSEY. No, sir.

Mr. ALLISON. I think the Senator is right, and that that word ought to come out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas striking out the word "Cimarron," in the one hundred and ninety-fourth line of section 1.

The amendment was agreed to.

Mr. ALLISON. As to Abiquiu I am not so clear, because the Senate did not agree to the amendment of the committee in lines 74 and 75.

Mr. SARGENT. I suggest to my colleague on the committee that striking out "Cimarron" it gives us jurisdiction in the committee of conference over the whole paragraph, and we shall have time then to look into the Abiquiu agency question.

Mr. DORSEY. I withdraw the proposition to strike out "Abiquiu."

Mr. SARGENT. In order to make that paragraph consistent, in line 193 we should strike out "six" and insert "five," the number of tribes being five without the Cimarrons.

The PRESIDING OFFICER. That amendment will be made, being verbal, as there is no objection to it.

Mr. ALLISON. There is a correction to be made in the footing in lines 145 and 146. "Three thousand and three hundred" should be stricken out and "five thousand" inserted; so as to read, "$105,000." That is a change in the footing to correspond with the text already agreed to.

The PRESIDING OFFICER. That amendment will be made as a matter of course.

Mr. SARGENT. In line 227 I move to strike out "four" and insert "one" before "hundred;" so as to read, "in all, $27,100."

Mr. DAVIS, of West Virginia. What does that come from?

Mr. SARGENT. From taking off the Cimarron agency.

Mr. MITCHELL. I should like to make an inquiry of the Senator having charge of the bill and to have his attention directed to pages 1 and 2. I find that the salaries fixed by the House for the Indian agents and not changed by the Senate committee from the amount fixed by the House are at Warm Springs agency, Klamath agency, Grand Ronde agency, Siletz agency, Umatilla agency, Malheur agency, Neah Bay agency, and the Yakama agency. I desire to know whether there has been any change in those salaries from the sums now fixed by law?

Mr. SARGENT. Some are decreased and some are increased over the present year by the House.

Mr. MITCHELL. I want to know whether the salaries as fixed by the House are reductions?

Mr. ALLISON. Some of them are reduced and some are increased. It is a readjustment of salaries of Indian agents.

Mr. MITCHELL. I notice they are very low.

Mr. SARGENT. The Yakama agency is $2,000, which is a very decided increase. It is an important agency.

Mr. MITCHELL. I find that Klamath agency is fixed at $1,100. What was that before?

Mr. ALLISON. Fifteen hundred dollars.

Mr. MITCHELL. It ought to be $1,500 now.

Mr. SARGENT. The Commissioner of Indian Affairs and the committee of the Senate and the committee of the House thought $1,100 was the proper sum, considering the nature of the duties and the importance of the agency.

Mr. MITCHELL. The Senate committee has cut down the Colville agency from $2,000 to $1,500. The House fixed it at $2,000.

Mr. SARGENT. Yes; but no good reason could be given why they fixed it at $2,000. It is not an important agency.

Mr. ALLISON. It is not regarded as an important agency and the Commissioner of Indian Affairs thought that $1,500 would be ample there.

Mr. MITCHELL. There is one agency here that I know something about, the Malheur agency. The amount fixed is $1,000. That is unquestionably too low. It is a pretty large agency of wild Indians.

Mr. ALLISON. There are seven hundred and fifty-nine Indians there.

Mr. MITCHELL. There are about eight hundred Indians there, wild Indians, just gathered in.

Mr. SARGENT. We thought when we were giving over a dollar an Indian for the agent, where they are wild Indians, roaming Indians and not doing much work, merely wanting herdsmen rather than teachers, that an allowance of more than a dollar an Indian was doing pretty well.

Mr. MITCHELL. What was he getting before?

Mr. SARGENT. Fifteen hundred dollars. Adjustment was made of all the agencies by the House, having in view the nature of the duties and service required. At the Nez Percé agency, there are four or five times as many Indians as at this point, and the agent receives $1,600.

Mr. ALLISON. There are twenty-eight hundred Indians there.

Mr. SARGENT. Just four times as many.

Mr. McMILLAN. I move the adoption of an amendment which I send to the desk and of which I gave notice yesterday. I also send to the desk a communication from the Commissioner of Indian Affairs addressed to the chairman of the committee, which, in connection with this amendment, I ask to have read.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. After "dollars," in line 1375, it is proposed to insert:

For pay of a physician at the Chippewa agency, Minnesota, for one year, under the third article of the treaty of March 19, 1867, $1,200.

Mr. SARGENT. Is that recommended by the Commissioner of Indian Affairs?

Mr. McMILLAN. I ask to have read the letter from the Commissioner of Indian Affairs. It is addressed to the chairman of the Committee on Appropriations.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 7, 1878.

SIR: I have the honor to invite your attention to the fact that the provision for the pay of a physician at the Chippewa agency, Minnesota, under the third article of the treaty of March 19, 1867, with the Chippewas of the Mississippi, expires with the current fiscal year.

Under ordinary circumstances these Indians should have been in a condition of self-support, but owing to the ravages of the grasshoppers during several years past, their moneys have necessarily been mainly expended in providing them with subsistence and other necessary supplies.

The Indians at this agency number above twenty-eight hundred and a physician is absolutely necessary; therefore I respectfully recommend that an item of $1,200 be incorporated in the Indian appropriation bill now before the Senate, for the purpose above indicated.

Very respectfully,

E. A. HAYT, *Commissioner.*

Hon. WILLIAM WINDOM,
United States Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota, [Mr. McMILLAN.]

The amendment was agreed to.

Mr. INGALLS. I notice in the bill as it came from the House the following paragraph:

The Union agency in the Indian Territory is hereby abolished, and the duties heretofore devolving upon said agency are transferred to the office of the Commissioner of Indian Affairs.

These, as I understand, comprise what are known as the five civilized Indian nations in the Indian Territory. It appears to me that the Committee on Appropriations here must have improvidently struck out that provision of the House bill. Those Indians are semi-civilized in all cases, and in many cases entirely civilized. They have a form of government of their own, laws, literature, and a school system of their own, and are entirely capable, as I understand, of self-government. In any event, I should like to have the experiment tried for a single year to ascertain whether there is any objection to allowing these people to manage their own affairs. They receive no money from us by way of appropriations. Their funds are all invested, and we pay them yearly interest upon the bonds that we hold for their benefit. The moneys are paid direct from Washington. The agent is purely a supernumerary and has no functions to discharge, so far as I know, except those of drawing his salary, which I suppose he does with punctuality and dispatch.

Mr. BECK. Quarterly.

Mr. INGALLS. If the Senator from Iowa has no objection, it seems to me it would be well enough to try the experiment for a single year whether or not these Indians cannot get along without an agency. I suggest to him that he allow the Senate to disagree to the amendment striking out this clause.

Mr. ALLISON. I would rather take another year to make the experiment. I know that to some of these tribes it is very distasteful to have an agent at Union agency, but the Indian Bureau and the Interior Department think it very important that an agent should

be continued there. It is true these tribes are civilized, or known as the civilized tribes. They have their own council, and they dispense and disburse their own funds. At the same time the original treaties authorize an agent and it seems to me, as it does to the Department, and to the Commissioner, that it is important to continue this agent for these five confederated tribes in order to have some person there who can communicate constantly and accurately and intelligently with the Department here at Washington. I must say that where an Indian agent is deserving and understands his duty and discharges it, I think he can be of great service to the Department and to the Indians under his charge. Therefore, I trust that my friend from Kansas, who I know is so much interested in the welfare and success of these tribes in the Indian Territory, will not press the amendment which he suggests.

Mr. COCKRELL. I should like to ask the Senator from Iowa if there is anything but an Indian agent there. Are there any other employés at the Union agency?

Mr. ALLISON. I cannot answer my friend at this moment. I see he has some documents which will perhaps enable him to answer the question better himself. I think there are very few employés at this Union agency.

Mr. COCKRELL. I did not know but that this agency was in the same condition that the Secretary of the Interior himself describes other agencies. On page 402 of the report of the Secretary of the Interior, on this very important question of agents, the Secretary says:

> The anomaly of the present system of paying Indian agents needs only to be stated to be apparent. We pay an agent having charge of three hundred and twenty-five Indians $1,500, while another, having the care of seven thousand, is paid only the same sum. It may also happen that an agent having the oversight of but three hundred and twenty-five Indians may have with him a son employed as a clerk at $1,000 per annum, a daughter as a teacher at $600 per annum, a brother as a farmer at $900 per annum, a cousin as a blacksmith at $900 per annum, with a nephew as a carpenter at $800.

Mr. INGALLS. Where is that?

Mr. COCKRELL. This is the general condition of the agencies.

Mr. ALLISON. That is a suppositious case, as I understand it.

Mr. COCKRELL. I am reading from the report of the Secretary of the Interior describing the condition of the agencies.

Mr. ALLISON. At this moment? Describing them as they exist now or as they existed once?

Mr. COCKRELL. I read from volume 1, report of the Secretary of the Interior, being part of the message and documents communicated to the two Houses of Congress at the beginning of the second session of the Forty-fifth Congress:

> At the same time, another agent having the care of seven thousand, having only his wife, (not under pay,) though obliged to entertain all strangers and military officers visiting his agency, draws from his salary only a bare subsistence for himself and wife, and is necessarily in very straitened circumstances. This latter case, to my knowledge, is literally and exactly true of one agent. The first case stated, though a supposable one, is possible to have occurred under our present system.

Mr. ALLISON. Yes, it might have occurred.

Mr. COCKRELL. Now I desire to know if this agency is one of that class where the agent has a son and a daughter and an uncle and a brother and a cousin and a nephew feasting upon funds of this kind.

Mr. ALLISON. As the agent is a Dr. Marston, of Missouri, a neighbor and constituent of my friend, I will leave him rather to answer that question. Judging from other Missourians, however, I should think not.

Mr. COCKRELL. Well, sir, if the agent is from Missouri, I can say that if he were appointed under a certain administration which I hope will soon have possession of this Government I would vouch for his correctness and for his fidelity and for his faithful and honorable discharge of the duties; but I must beg to be excused from indorsing every man who may be appointed or may have been heretofore appointed from Missouri.

Mr. WINDOM. Anybody else probably would under the circumstances.

Mr. COCKRELL. I think a great many probably would vouch for him, and I doubt not that the Senator from Minnesota and the Senator from Iowa have both indorsed Dr. Marston for this office. The indorsements generally come from neighboring States for those who get positions as from Missouri now.

Mr. WINDOM. I supposed it was a suppositious case put by the Senator. Appointed by any other administration, would anybody indorse him but the Senator himself?

Mr. PADDOCK. It is due to the present Commissioner of Indian Affairs that I should state that I called his attention to an abuse of this kind which had existed under a preceding administration of that office, and he at once corrected it, and as I understand he has made a rule and has given instructions thereunder to all agents that they shall not employ members of their families in these subordinate places. I state that in justice to the Commissioner of Indian Affairs.

Mr. BECK. I desire to say in behalf of the Committee on Appropriations, as far as I am authorized to speak for them—I can speak for myself as a member of the committee—that it was to avoid just such things as have been suggested by the Senator from Missouri, that the Committee on Appropriations of the Senate struck out certain sections at the close of this bill and inserted the provision that the special appropriations made for millers, blacksmiths, farmers, carpenters, and others, where they were not needed, with the consent of the tribes and the acquiescence of the President, might be employed and used to provide blankets and provisions for the Indians, instead of keeping up these supernumeraries; and the Senate has very wisely inserted that provision in this bill. We avoid all these evils by that very provision.

Mr. ALLISON. And I think the Senator from Kentucky might add that in this bill we have also corrected the apparent injustice that was in it by increasing the compensation of certain agents and diminishing that of others.

Mr. BECK. That is true. That shows for itself, however, on the face of the bill. We have endeavored, instead of making them an allowance of $1,500 each, where the responsibility was great to give them more pay, and where the responsibility was small and somebody had to be on hand, to reduce it down to a point proportionate to the responsibility.

Mr. ALLISON. I mentioned that because the Senator from Missouri did not seem to have looked at it.

Mr. BECK. I want to say this only in regard to the action of the committee as to this item. The House inserted:

> The Union agency in the Indian Territory is hereby abolished, and the duties heretofore devolving upon said agency are transferred to the office of the Commissioner of Indian Affairs.

The Senate committee inserted among the list of agents:

> At the Union agency at $1,500.

There is no other employé provided for there; there is no treaty stipulation to be carried out so far as I am advised; and so far as I as a member of the committee am concerned, I consented to that because we are having a great many questions made in regard to the Indian Territory, in regard to the rights of the United States, in regard to the rights of the various tribes, as to whether they want a territorial government or whether they want to be allowed to remain just as they are, and questions involving their titles, their property. Everything is brought before the Congress of the United States. Some want the Territory of Oklahoma organized; some say it would be injurious to the Indians. Great corporations claim to have rights in that Territory; others deny that they have any rights. We thought it safer to have an agent among those nations who from time to time would make impartial reports to the Secretary of the Interior and advise us of the facts in regard to these matters, and that $1,500 would be well spent perhaps in obtaining the information from the agent as to the condition of these different nations in that Territory rather than to abolish the agency altogether and transfer the duties to the office of the Commissioner of Indian Affairs.

Mr. DORSEY. I would suggest to the Senator from Kentucky in addition to what he has already so well said, that this Indian agent represents the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, altogether about forty-five or fifty thousand Indians. They have no other agent except this one; and all differences as between those tribes, as between the different tribes or different individuals of different tribes, are submitted to him for adjudication, and he acts there more in the capacity of a judge than an Indian agent. I think it is one of the most important and necessary agencies in this country.

Mr. BECK. I am much obliged to the Senator from Arkansas for the suggestion. That was stated before us, I believe, by the Senator himself in committee, and acting upon that as well as upon the other matters we were advised of concerning the importance of this agency, we determined to retain it. We know that very many important questions are growing up there in every variety of form, and one man who is impartial was thought to be valuable, so that Congress could be advised without having to look to men who were employed on one side or the other of any controversy pending, and who would report if collisions took place among the tribes, if there were men who had no business there, if white men were selling whisky, or if the Cherokees and Choctaws were in difficulty among themselves, each espousing their own cause. In that case it would be advisable that some friendly person employed by the United States should be there to act as an umpire between them, and to tell us the truth as to what was the cause. I rather agree with the Senator from Arkansas that it is one of the most important items in the bill. After all the facts are presented, if the Senate think otherwise, however, that is for them.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The question will be taken on all the amendments together, unless a separate vote be demanded.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADVERTISING MAIL-LETTINGS.

Mr. FERRY submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3987) entitled "An act to regulate the advertising of mail-lettings," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 15, and agree to the same.
>
> That the House recede from its disagreement to the amendments numbered 11

and 12, and agree to the same, with an amendment as follows: In lieu of said amendments substitute the following:

SEC. 4. Hereafter all advertisements, notices, proposals for contracts, and all other forms of advertising required by law for the Post-Office Department may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts, such rates to be ascertained from sworn statements to be furnished to the Postmaster-General by the proprietors of the newspapers proposing to so advertise: *Provided*, That all advertising in newspapers since the 10th day of April, 1877, shall be audited and paid at like rates. But the Postmaster-General may secure lower terms at special rates whenever the public interest requires it.

And the Senate agree to the same.

That the House recede from its disagreement to the amendments numbered 13 and 14, and agree to the same with an amendment, namely:

Change the numbers of sections 6 and 7 to numbers 5 and 6, respectively.

And the Senate agree to the same.

T. W. FERRY,
A. S. PADDOCK,
ELI SAULSBURY,
Managers on the part of the Senate.
O. R. SINGLETON,
ANTH. EICKHOFF,
Managers on the part of the House.

Mr. FERRY. If any Senator desires, I can explain the bill; but I suppose there can be no objection to the report. The Senate amendments were nearly all concurred in, except the one in relation to the compensation for advertising. The price now is under the old law of 1853, forty cents per folio. That was deemed not sufficient. Newspapers were not willing to be paid at that rate. The Senate proposed to pay them at commercial rates with the usual discount, requiring them to treat the Post-Office Department as they treat individuals. It was not thought that the newspapers should print for the public at any less rates than they do for individuals. The House struck out that amendment, and by the by it covered all the printing of the different Departments of the Government as it passed the Senate. It is now so modified as to confine it to the Post-Office Department, based upon commercial rates.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 613) subjecting the Fort Wayne military reservation in the State of Arkansas to entry as other public lands in said State;

A bill (H. R. No. 699) to restore certain lands in Iowa to settlement under the homestead law, and for other purposes; and

A joint resolution (H. R. No. 176) to provide for the enforcement of the eight-hour law.

ORDER OF BUSINESS.

Mr. THURMAN. I now call up the bill to repeal the bankrupt law.

Mr. DORSEY. By the courtesy of the Senator from Ohio, I desire to say that it was the purpose of the Appropriation Committee to call up the post-office appropriation bill immediately on the conclusion of the Indian bill; but at the instance of another committee and of some members of the Appropriations Committee we have deferred it for to-day and will not antagonize the bankrupt-repeal bill. I give notice, however, that on Monday, immediately after the morning business is concluded, I shall call up the post-office appropriation bill.

Mr. INGALLS. Why not to-morrow?

Mr. THURMAN. I hope we shall be through with the bankrupt-repeal bill in half an hour, and then the Senator can call up his appropriation bill and leave it the unfinished business for to-morrow.

Mr. FERRY. I desire to call the attention of the Senator from Ohio and of the Senate to the fact that I shall take the floor at the close of the bankrupt-repeal bill for the purpose of calling up the question of the resumption act, the House bill on that subject. I desire to press the consideration of that bill.

Mr. ALLISON. Not to the exclusion of the appropriation bills?

Mr. FERRY. Not to the exclusion of the appropriation bills, because the understanding was that they should be considered first; but aside from them and aside from the bankrupt repeal bill, which it was understood would follow the appropriation bills, I shall press that measure.

Mr. THURMAN. I hope that may be done.

BANKRUPT LAW REPEAL.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 35) to repeal the bankrupt law.

Mr. THURMAN. I wish to call the attention of the Senate in a very few words to the effect of the vote upon the pending amendment in order that we may vote understandingly. The Judiciary Committee of the Senate in the amendment reported by it preserved that feature which had been voted by the Senate, that the bill should take effect on the 1st of January, 1879. The committee did not feel at liberty to alter that date, the Senate having voted to insert it. Upon the amendment being reported the Senator from Kentucky [Mr. BECK] moved to strike out the words "which shall be on the 1st of January, 1879," as the date when the act shall take effect, and to insert in lieu of it "from and after the passage of this act." If that amendment were to prevail, no alteration could be made of that date, because the words having been inserted they could not be stricken out.

In order to enable those who do not agree that the bill shall take effect on the 1st of January, 1879, nor that it shall take effect immediately upon its approval by the President, and as a compromise between them, I availed myself of my right to move to amend the text of the committee's amendment, and insert instead of "the 1st day of January, A. D. 1879," "the 1st day of September, 1878." I offered that, and I adhere to it.

Now, what I wish to call the attention of the Senate to is this: if my amendment prevails the date will be fixed, and it cannot be altered; but if my amendment be defeated, then it will be in order to move any other amendment fixing any other day. And if my amendment should be defeated I shall take it as the sense of the Senate that it considers the 1st of September as too far off for this bill to take effect.

Mr. RANSOM. No, too short a time.

Mr. THURMAN. Some may consider it too short. If any one thinks that, he can move to insert either the 1st of October or the 1st of November or the 1st of December, or to satisfy some who think it ought to continue in effect until after the beginning of the next session of Congress, so that it may be seen whether some amendment may not be agreed upon, he may move to insert the 31st day of December. But I shall consider a vote of the Senate defeating the 1st of September as an intimation of the opinion of a majority of the Senate that the bill should take effect before the 1st day of September, and I shall therefore in that case move to insert the 1st of August next; but for the present, and for the reasons that I have heretofore stated, I insist on the amendment fixing the date of the taking effect of the bill at the 1st of September.

I said on a previous occasion, and I repeat now, that I do not think the people of this country were fairly notified of the fact or expected that this law would be repealed at this session of Congress. The subject had lain a long time in the Judiciary Committee, and no pressing haste had been required of it. It is true that my friend from Kentucky on my left [Mr. MCCREERY] did at one time question the chairman of the committee on the subject, but there was nothing to attract public attention, I think, to the fact that both branches of Congress by large majorities were ready to repeal the law.

Under these circumstances and in the peculiar condition of the country, it seems to me fair to let the law remain in force until the 1st day of September. I know very well that it is urged very strenuously by business men, large merchants, large manufacturers, and the like that the effect of leaving the law in force until that time is to a certain extent to paralyze business in the country. So they think. Indeed, I have a telegram from a city in my own State, most imposingly signed by the leading business men of that city, in which a very surprising fact is revealed that all that we need for our prosperity is—I am not quoting their language but the effect of it—not the resumption of specie payments, not inflation, no legislation on the currency whatsoever, but all that is necessary to bring perfect prosperity to this country and all its business interests is to repeal the bankrupt law *instanter!* I confess, Mr. President, I was delighted when I saw that, because——

Mr. DAWES. I should like to inquire of the Senator from Ohio if that comes from the debtor class.

Mr. THURMAN. Entirely from the creditor class.

Mr. DAWES. I understood the Senator the other day to controvert a suggestion of mine that the continuance of the bankrupt law was in the interest of the debtor class, by replying that the debtor class had petitioned in large numbers for its repeal. I did not understand after that how the Senator, in order to give that debtor class that wanted the law repealed more time to take advantage of it, thought they ought to have a longer notice as far as September. It seems to me that if they want it repealed they do not want any notice until September. But if the demand comes from those who desire to avail themselves of the law, in whose interest the law is, and not those who are creditors, I can quite understand the position of the Senator.

Mr. THURMAN. That is a pretty long question [laughter] and if the Senator had done me the honor to listen to what I said the other day he would have found that there was no inconsistency at all between what I am stating now and what I stated then. I said then, and the records of this body and of the other House will show it to be true, that almost every petition which came to us in the session of 1873–'74 asking for the repeal of the bankrupt law came from the debtor class. They asked for its repeal because they said the existence of the law prevented them from making such arrangements with their creditors as would enable them to carry on their business. I was speaking then of the session of 1873–'74, and what I said was literally true. I think that every petition which came here was from men in embarrassed circumstances, who asked that that law be repealed because it prevented them from making arrangements with their creditors which would enable them to carry on their business.

Mr. EATON. I should like to ask my friend from Ohio if the petitioners of whom he has spoken as the creditor class are not largely the debtor class to another class of people?

Mr. THURMAN. They may owe. I do not know any merchants

scarcely who do not owe money as well as being the creditors of other persons; but this I will say to my friend, that I do not believe he could find anywhere in the United States a list of names of men less likely to go into bankruptcy than the men who sent that telegram to me. I do not think there is one of them that will ever have his foot inside of a bankrupt court in the world unless it be to prove a claim against some bankrupt. They are very solid men indeed.

But I did not rise to debate the merits of this bill one way or the other. I said the other day that I thought the country ought to have a little notice of this repeal bill before it goes into effect. I said that because I think some consideration is due to the people who are indebted and who are honest, for there are honest men who take the benefit of the bankrupt law as well as dishonest men. Some little consideration is due to them, and we ought not in hot haste and without full notice to the country to put an end to the law at once.

I now repeat what I said before, that if my amendment shall be adopted that settles the date; but if my amendment shall be voted down, then it will be in order to move another amendment fixing some other date..

Mr. BECK. Mr. President, I am somewhat at a loss to understand what the difference is between the proposition I made and the proposition made by the Senator from Ohio in its rights before the Senate. I moved to strike out and insert. It is true I moved to strike out "the 1st day of January, A. D. 1879," and insert "from and after the passage of this act." The Senator from Ohio announced that if that was done it would lock the door and clinch it; and he, under what he calls perfecting the text, makes precisely the same motion that I did, to strike out the "1st day of January, A. D. 1879," but to insert "the 1st day of September, 1878." It seems to me that I was perfecting the text just as much as he was, and it is simply an effort to get the advantage of the first vote by calling it "perfecting the text." It is a motion to strike out and insert just as I had made the motion, only fixing a different date and if the motion that I made, to strike out "the 1st day of January, 1879," and to insert "from and after the passage of the act" is not precisely the same motion, differing only as to the date, that the Senator from Ohio has made, I cannot quite understand the case, not being very familiar with the rules. I desire to know whether the motion I made is amendable. If it is not, then I deny the right of the Senator from Ohio to make his motion. If it is, then of course he has a right to make it. I desire to ask the Chair now whether the motion I made can be amended, being an amendment to an amendment.

The PRESIDING OFFICER. The Senator from Ohio does not move to amend the motion of the Senator from Kentucky, but moves to perfect the part that the Senator from Kentucky proposes to strike out.

Mr. THURMAN. That is it.

The PRESIDING OFFICER. And then the amendment of the Senator from Kentucky will be in order after the amendment of the Senator from Ohio is acted upon, whether it be adopted or not.

Mr. BECK. I do not see how he is perfecting the part I moved to strike out otherwise than as I am trying to perfect it, because his motion is to strike out "the 1st day of January, A. D. 1879," and insert a given day, and I moved to strike out "the 1st day of January, A. D. 1879," and insert a given day, and each is equally perfecting the text, as far as I am able to understand. They are both motions to strike out and insert; and unless he can move an amendment to my amendment he has no right to move another amendment, an independent amendment, while mine is pending. It seems to me that there can be no dispute on that point. For that reason I rose to ask the question, because his amendment, as he admits, locks the door, to use his own expression, as completely as the motion that I made locks the door. Therefore there is no use of disguising what the meaning is. The Senator from Ohio after four or five or six months of incubation over this bill in the Judiciary Committee, after it has passed the House by an overwhelming majority to take effect at once, after it has passed the Senate by an overwhelming majority to take effect at once, changes his tactics now, and wants to change the date of its taking effect to three months ahead. For what? To give people notice that it is coming. Did they not have notice by the passage of the bill in the Senate by an overwhelming majority? Did they not have notice by its passage in the House by a majority equally overwhelming? Has not every man that honestly desires to take the benefit of the bankrupt law had ample notice and been able to take it by this time? Will it not necessarily suspend all business and make all trade and commerce unsatisfactory until the day when it does take effect? Is the country in a condition to stand any more of that sort of thing?

This repeal is either a proper thing to do or an improper thing. If we are going to repeal this bankrupt law and it is a good thing for the country, it is a good thing to do it now. If it is not a good thing to do, then do not do it at all. Let the question be settled. Nothing disturbs business so much as uncertainty. I do not care if it is a change of the internal-revenue law, a change of the tariff, a change of a bankrupt law or a repeal of it, anything that produces uncertainty is of great detriment to all classes of men. To say that you will have that condition of things continued, to hold out inducements to men to put their property out of their hands and take the benefit of the bankrupt law between now and the 1st of September, is offering a premium to fraud. We had better not do this at all than to say that three or four months longer are given for such things to go on. If a man is honestly satisfied that he cannot get through, let him take the benefit of the law now. He has had all the opportunity to do it.

I say, then, that if the amendment of the Senator from Ohio is to be adopted, whether it be perfecting the text or whatever it may be, it is perfecting it exactly as I was perfecting it, by striking out one date and putting in another date. If the Senate wants to give that time, they will say so. If they desire to have the law repealed and the business of the country settled, and let it be understood from this time forward that the bankrupt bill is out of the way, they will vote down that amendment if it is in order, and I think it is not, but the Chair has decided that it is, and he knows better than I do.

Mr. THURMAN. My amendment was in order for the reason stated by the Chair, and which was stated at the time I offered it, and it was received in order. I moved to perfect the words which the Senator from Kentucky moved to strike out, and which I had a right to do before the question was put on striking out those words.

Mr. CONKLING. What was the motion of the Senator from Kentucky?

Mr. THURMAN. His was to strike out a clause in the bill and insert in lieu of it "from and after the passage of the act." I wish to change two words in the clause which he moved to strike out, and it comes under the general law that you may amend anything which is moved to be stricken out before the motion to strike out is put.

Mr. BECK. I should like to say to the Senator from New York, as he asked the question of the Senator from Ohio, that I moved to strike out "the 1st day of January, 1879;" the Senator from Ohio made precisely the same motion to strike it out word for word. I moved to insert "from and after the passage of the act" and he moved to insert "the 1st day of September, 1878."

Mr. CONKLING. I think I can satisfy the Senator from Kentucky that the ruling of the Chair must be right. Take the reverse; suppose the question should be taken on the motion of the Senator from Kentucky, and the date as it stands should be stricken out and his words inserted, namely, that the act shall take effect immediately; certainly it would not be in order after that for the Senator from Ohio to make his motion, and therefore if he can ever get the sense of the Senate upon it at all, it must be in the way he proposes. Now had the Senator from Kentucky moved to strike out the date and insert another future date, I could agree with all he says; but when he proposes to strike out all words which assign to the future the day when the act is to speak, and to put in words making it speak now, he will see at once, to use the expression both Senators use, that he would close the door forever, so that those of us who want to vote—if there are such, I do not—to fix a future day would never have an opportunity at all to vote on that day, but the whole question would be between the day as now proposed and an immediate day. The Senator from Ohio says "I want the question taken on the motion of the Senator from Kentucky, not as against the day now proposed, but against an earlier day which I want first to try." The Chair says that is right; he has a right to change what the Senator from Kentucky proposes to strike out altogether, before the vote of the Senate is taken. I cannot doubt that the ruling is right.

Mr. WHYTE. Mr. President, I am in favor of the absolute, immediate repeal of the bankrupt law. The debtor class, as well as the creditor class, of American citizens are in favor of repealing absolutely and immediately the bankrupt law. It is perfectly true, as the distinguished Senator from Ohio [Mr. THURMAN] has said, that in 1873 the petitions which came from all parts of the country into the Senate and into the House of Representatives asked vociferously that the bankrupt law should be then repealed. The cry was almost unanimous on all sides. The clamor was so great that the President of the United States in his message sent to Congress at the opening of the session in December, 1873, asked Congress to respond to that sentiment, and said that there were many and most urgent reasons why the bankrupt law should be repealed; and I think on the very first or second day of the session, certainly early in the session, a bill was introduced for the purpose of repealing the law then. These people came to Congress and asked for bread, and Congress gave them a stone. They asked for the repeal of the law, and instead of repealing it Congress turned its ear to the voice of certain creditors, changed the law, and by its amendments, instead of striking out that which was most obnoxious to the people, actually made the law more hateful after the amendments than it was before.

Mr. THURMAN. Will my friend allow me to interrupt him one moment?

Mr. WHYTE. Certainly.

Mr. THURMAN. I wish to say to him that every amendment made to the bankrupt law in the session of 1873–'74 was a concession to the debtor.

Mr. WHYTE. A concession to the rascally debtor but not to the honest one. It was a cunningly devised contrivance by which dishonest creditors and dishonest debtors could combine and form a conspiracy against honest creditors and honest debtors, by which men could pay thirty cents on the dollar when they were able to pay one hundred, and begin business anew with the seventy as a capital.

Mr. MERRIMON. I should be glad if my honorable friend from Maryland would point out the clause of the bankrupt law which tolerates such proceedings.

Mr. WHYTE. The settlement on 30 per cent.

Mr. MERRIMON. That is only in case the assets yield 30 per cent.

Mr. WHYTE. Only in case the assets returned pay 30 per cent.

Mr. MERRIMON. The amplest means are provided in case there is a fraudulent bankrupt of compelling him to return everything he has.

Mr. WHYTE. How many fraudulent bankrupts are compelled to return what they have hid away in the coffers of some creditor's pocket?

Mr. MERRIMON. Then it is because the courts will not do their duty.

Mr. WHYTE. Because the courts cannot find it.

Mr. MERRIMON. Because they will not find it.

Mr. WHYTE. The rogue knows where to hide his money to keep it for future use.

Mr. MATTHEWS. Will the Senator from Maryland allow me to interrupt him a moment?

Mr. WHYTE. Certainly.

Mr. MATTHEWS. Where will he find a remedy for that state of things when he gets the bankrupt act repealed?

Mr. WHYTE. I will find it in the State laws putting all men on an equality and allowing an honest man to divide his property fairly among all his creditors and not allow a few to combine together and for the payment of a certain sum to cut all the rest out.

Mr. MATTHEWS. Will not the Senator from Maryland admit that there are many States in this Union whose laws now permit the very preferences which the bankrupt act refuses?

Mr. WHYTE. Yes, and they are honest preferences. A man who is in trouble, a man who is in difficulty, who can be aided to-day to tide him over his financial embarrassments if he could protect the kind creditor who would loan him the money to go on with his business and pass the crisis of his trial—if that lender could be protected many an honest debtor could be enabled to pay all his debts dollar for dollar. But now, with this cloud hanging like the sword of Damocles over the head of a lender, that he may be deprived of security, that he may never get his money back, or be compelled to share with others, many an honest man is prevented from borrowing money and being enabled to carry on his business until he can pay off all his liabilities.

Mr. President, the people asked for the repeal of this law. They clamored for its repeal. They were answered merely by amendments, which have done them no good, and made the law more hateful in its character. Therefore, Mr. President, the debtor class have ceased to appeal to Congress. They found no friends to support and sustain them here. They have ceased to apply to us and ask us to repeal this law, and put every man upon an equality in his own State. Still we are asked through a few people yet, that this law may be repealed. The proposition to postpone the operation of the repeal comes from the enemies of repeal. No man who is in favor of an absolute repeal can want to delay the operation of it one moment beyond the approval by the President of the bill as it passes the two Houses of Congress. It is precisely the old route. When the act of 1843 was presented to Congress repealing the bankrupt law of 1841, the same proposition was made then. It was in February, 1843. The same proposition to postpone the operation of that law repealing the old bankrupt law until the 1st day of April was made by the enemies of repeal just as it is made to-day. The friends of repeal voted it down; and I hope the friends of the repeal will here to-day vote this proposition down.

Mr. President, if I saw the way clear, the pathway open to aid our friends from North Carolina after the appeal which they have made to us to give them more time that they may be saved from the operation of a recent decision of the Supreme Court of the United States, if I could see that there was relief opening for them, I should be inclined to give them the time and vote for a day later than the day when this bill shall be approved for it to take effect; if there is no clause put in with regard to the time of its operation. But, Mr. President, they cannot be helped; they cannot be aided; the decision of the Supreme Court of the United States reversing the decision of their own State court and deciding that the exemption in their constitution is unconstitutional precludes them from obtaining any benefit under the act of Congress of 1873; because that act cannot make operative any State law which is so construed to be unconstitutional. The Chief-Justice of the United States at Richmond, in the case of *In re* Deckert, so decided in express terms. It is reported in 10 National Bankruptcy Register Reports, and is the very first case in the volume.

Mr. MERRIMON. I beg to ask my honorable friend if that was not on circuit, and whether there are not two other decisions directly the reverse of that?

Mr. WHYTE. Not directly the reverse. There are two old decisions, one by Mr. Justice Miller and one a decision in Georgia, but not directly the reverse. This is the construction placed upon the act of Congress of 1873, and is the latest decision, and emanating from the Chief-Justice of the United States, whose opinion I respect not only because of the source whence it comes, but because of the reasoning upon which the opinion itself is based. Now, see what he says on page 4:

> Congress has power to establish uniform laws on the subject of bankruptcies throughout the United States. (Constitution, article 1, section 8.) A bankrupt law, therefore, to be constitutional must be uniform. Whatever rules it prescribes for one it must for all. It must be uniform in its operations, not only within a State, but within and among all the States. If it provides that property exempt from execution shall be exempt from assignment in one State, it must in all. If it specially sets apart for the use of the bankrupt certain property, or certain amounts of property in one State, without regard to exemption laws, it must do the same in all. If it provides that certain kinds of property shall not be assets under the law in one place, it must make the same provision for every other place within which it is to have effect.

And then he goes on to declare, referring to Virginia, that inasmuch as a certain law is declared to be unconstitutional in the State Congress cannot by any act make that constitutional which is declared in the State to be unconstitutional. Congress has no such power, and therefore an exemption of that character in North Carolina being declared to be unconstitutional cannot be made operative and constitutional by the act of 1873, curious, most remarkable act that it is, and indeed it is worth reading so that the country may understand the character of this bankrupt legislation:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it was the true intent and meaning of an act approved June 8, 1872, entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867," that the exemptions allowed the bankrupt by the said amendatory act should, and it is hereby enacted that they shall, be the amount allowed by the constitution and the laws of each State, respectively, as existing in the year 1871; and that such exemptions be valid against debts contracted before the adoption and passage of such State constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding.

So that Congress passed a law declaring that a law of a State construed by a State as unconstitutional shall be constitutional notwithstanding the construction of the highest court of the State! Chief-Justice Waite says that that law will not hold water.

Now, Mr. President, to delay this action is only to produce, as my friend from Kentucky says, uncertainty; it is only to make men, who might by a struggle pass through the dangers surrounding them of financial distress, halt and hesitate in the discharge of their duty, and while so halting and hesitating to plunge into the bankrupt court in the next few weeks to relieve themselves by an act of bankruptcy of all their past debts, when if they saw before them the path of duty clearly, if they had no such temptation as will thus be held out to them, they would march straight on to the discharge of their honest obligations and to the maintenance of their credit.

Mr. President, I ask the friends of repeal to listen to me a moment longer. I say that the true course for us to take, those who are in favor of the immediate repeal of this law, is to vote down all amendments of the Senate committee and adopt the amendment of the House of Representatives and make this bill a law to-day. Of course, according to parliamentary custom, we must vote first upon the amendments of the Senate committee, and we cannot, therefore, get at the question of concurrence with the House amendment until we have voted down these propositions; but, if we vote them down and adopt the amendment of the House, the bill will be as perfect, in my judgment, as it will be if you put these amendments of the Senate committee into it.

Now, let me show the friends of immediate repeal that such is the fact. I think the bill was good enough when it went from the Senate. I do not think that the House has improved it much; on the contrary I think whoever prepared the amendments of the House was rather hypercritical. I think that he relied too much upon language. He was not satisfied with substance, but wanted to ornate the bill with a little extra verbiage. The bill itself was ample; it repealed the act of 1867 and every other act that has been passed amendatory of or supplementary to it, and reserved in general words all that was necessary to save and protect parties who had already gone into bankruptcy, and to punish parties who had violated the bankrupt law. And all the House did was this: they proposed to repeal "Title 61 of the Revised Statutes" and an act entitled "An act to amend and supplement an act," &c., describing the act, "and all acts in amendment or supplementary thereto or in explanation thereof." And then came the proviso:

> *Provided, however*, That such repeal shall in no manner invalidate or affect any case in bankruptcy instituted and pending in any court prior to the day when this act shall take effect; but as to all such pending cases and all future proceedings therein—

This was our bill, to which they added—

> and all penal actions or criminal proceedings arising thereunder—

Our bill continues—

> the acts hereby repealed shall continue, &c.

That is all we want. Why, look at what the framers of the act of 1843 said. It is not one inch broader; it is not in the smallest degree wider in its scope than the act we passed and sent to the House. I will read it:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved on the 19th day of August, 1841, be, and the same hereby is, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation in like manner as if this act had not been passed.

The House of Representatives covers that whole case and goes further because it reserves all the penal actions or criminal proceedings

arising thereunder. We want no more, and I appeal to our friends who desire the repeal of this law and that it shall take effect immediately to vote down all the Senate committee amendments and to concur in the House amendment, and make this thing final to-day.

Mr. KERNAN. Mr. President, I hope that we shall pass the bill, voting down all amendments to make it take effect at a future day, and let it take effect on the day of its approval by the President. I do not urge this on my own judgment alone; I have in various ways, by letters, by telegrams, by conversation with the people in my own State, in cities and in the country, learned that there is a very general sentiment among those whom you may call men of property and those who are destitute of property, debtors and creditors, that this law should be repealed, and repealed now. Sir, can we doubt that the opinion of the intelligent business men of the country is in favor of the repeal of the bankrupt law? Think of it a moment. In January or early in February, 1876, the other House, by a vote nearly unanimous, passed and sent here a bill for the immediate repeal of the bankrupt act. It was referred by the Senate to the Committee on the Judiciary. It will be remembered that subsequently during the session there was a bill pending in the Senate to amend the bankrupt act in one particular, and a Senator moved to add to that a section repealing the law, as we had no report from the committee. The committee very properly said, "We are considering the House bill to repeal the law; do not do it by a single section like that, making no provision for pending cases;" and the friends of repeal desisted, and there was no vote on repeal in the Senate during that session. Now, I think the entire country understood that the other House had and that this body would when it came to a vote repeal the law. Has there been any manifestation of opinion by the country against the repeal?

That Congress dissolved; another House was elected; they during this session passed this bill to repeal the law and to take effect immediately. They had been home to their constituents; their action before was well known; it was a subject talked about in all business circles; and they came back after a new election, and by a vote of 205 against a small minority, if I remember aright, passed this bill to repeal the bankrupt law and to take effect immediately.

The Senate some weeks ago, I do not remember exactly how many, by a decided vote, only six voting against it of those who voted, passed a bill for its immediate and unconditional repeal. This went to the other House. They have passed that bill with some amendments, not on the subject of postponing the time when it is to take effect, but to make it more perfect as they thought. They passed it by a large vote. I therefore assume that the intelligent business men of the country, that all classes who are interested in the prosperity of business, are in favor of having this law repealed. My friend from Maryland [Mr. WHYTE] puts in my hand the House bill to repeal the bankrupt law passed in 1876. It was passed by the House in February, 1876, by an overwhelming majority, and sent here. We hear no remonstrance against this. I assume, therefore, that it is the settled conviction of those interested in the business of the country that the law should be repealed; that it has proved a failure; that it has not been satisfactory to either creditors or debtors, and that it is now a hinderance to the restoration of confidence and the revival of business. The experience of business men is that under the bankrupt law the estates of insolvents pay little more than the fees of officers and the expenses of the proceedings.

I am satisfied that it is the conviction of the country that this law should be repealed. I am daily receiving telegrams and letters urging its unconditional repeal. I read one from H. B. Claflin & Co., merchants, of New York City, dated May 1. This is a firm which buys and sells largely. They say:

> All legitimate mercantile interests will be grateful if you will lend your assistance to repeal the bankrupt act. Our honest customers can't continue long to pay one hundred cents on the dollar while their neighbors pay nothing.

While this law stands dishonest debtors, as experience shows, fix their property so that they pay nothing. One of the petitions I presented here some months since, signed by a thousand business men and firms in New York, stated that the average dividends on insolvents' estates before the bankrupt law were about 33 per cent., and the average dividends under the bankrupt law amounted to only 11 per cent.

Now, what good reason is there why it should not be repealed at once? The Senator from Ohio [Mr. THURMAN] says men should have notice that the law is to be repealed. Have they not had notice? Have there not been votes weeks ago by the House, and by the Senate by large majorities showing that it was to be repealed? Two years ago there was the same vote in the House; and if there was anything that men ought to do legitimately and honestly before the law was repealed they have had time to do it, and they have done it. I hold in my hand a petition signed by twenty-six firms. It is dated the 3d instant. I beg leave to read a few words from it. It is signed by Van Valkenburgh & Leavitt and others, of the city of New York. In the letter inclosing it they say it was drawn and signed that morning when they saw there was a disposition to postpone the day when the repealing act should take effect. The petition states:

> We respectfully urge upon you that if the bill to repeal the bankrupt law is to pass it should take effect immediately. The postponement as proposed, to December 31st, or even October 1st, will work irreparable injury to the business community. A repeal of the law to take effect months hence will enable persons so desiring to prepare themselves to take advantage of the act by dishonest disposition of their stock and preparation of their books to defraud creditors. Therefore, realizing as merchants the danger threatened by the proposed amendment delaying the effect of the repeal to some future time, we beg your earnest efforts in our behalf.

I have other communications from men in the country, written since the bill was referred to the committee this last time, urging that the bill that repeals the law take effect at once. I can conceive no good reason why the repealing act should not take effect at once. If it is wise to repeal it on the 1st of September, it is wise to repeal it now. This relieves everybody from apprehension and uncertainty, and prevents dishonest men from preparing to go into bankruptcy at a future day. Now, sir, all our people, the creditor class and debtor class, are interested and deeply interested in the restoration of confidence and the revival of business. This will give employment to labor. This bankrupt law while it remains in force will prevent the restoration of confidence and the revival of business. This seems to be the universal opinion of business men. The proposed immediate repeal of the law has been well known to the country for months; there have been no remonstrances against it; there have been no petitions that the date of the repeal should be fixed at a future day.

Mr. BECK. Will the Senator allow me one moment? As early as 1873, on the 16th day of December, Mr. Tremain, of New York, reported a bill with one section proposing a repeal and others providing long details. I moved then to substitute for the second, third, fourth, fifth, sixth, and seventh sections of the bill the following:

> SEC. 2. That all suits and proceedings now pending in the courts of the United States, wherein adjudication for bankruptcy has been made, shall be proceeded with and governed by the provisions of existing law, which are hereby continued in force only for the purpose of closing up suits and proceedings now pending: *Provided*, That from and after the passage of this act fees, commissions, and charges of the officers and agents of the court in bankrupt cases shall be reduced to one-half of the fees, commissions, and charges heretofore allowed.

The yeas and nays were called, and the House of Representatives on a call of the yeas and nays by a vote of 219 to 44, as early as December, 1873, voted to repeal the law.

Mr. KERNAN. And the repeal then was only prevented by a delusive hope that the law could be amended so as to make it better, and all my observation is that the present amended law is more unpopular with all classes than the old one was. This allows the debtor to propose a compromise, and if he can get a certain number in value and a certain number in amount of his creditors to accept it, the others are compelled to accept it. We hear complaints of this. There are claims manufactured with a view to force real creditors to compromise against their real interest and against their will.

I think with the Senator from Maryland that the bill as it passed the House protects all the rights that need to be protected as to winding up proceedings in bankruptcy commenced before the bill becomes a law, and that we should vote down all amendments making the law take effect at a future day. If we pass the bill as it came from the House it will become a law when signed by the President.

In my judgment the sooner the bankrupt law is repealed the better it will be for all honest business men; and I trust we will reject all amendments postponing the time when the law shall take effect to any future day, and pass the bill as it came from the House of Representatives.

Mr. MATTHEWS. Mr. President, I did not intend to prolong this debate. I expected that by a concurrence almost unanimous, the Senate would agree to the proposition made by way of amendment in the report of the Committee on the Judiciary offered by my colleague, that it would be accepted, both by those who had originally favored the immediate and unconditional repeal of the bankrupt act and by those who had hoped for something better. When the proposition to postpone the operation of the repealing act to the 1st of January, 1879, was originally introduced, one of the influential reasons which operated upon my mind in its favor was, that inasmuch as in the intervening time there would be one month in which Congress would be in session from the 1st of next December, we should have the opportunity, if not the will, to endeavor, in the spirit of a wise statesmanship, to frame an acceptable substitute. Therefore, in agreeing to vote in favor of the repealing act taking effect before Congress can meet, I waive one of the considerations which seemed to me to be weightiest in favor of the longest time.

The reasons for postponing the taking effect of this repeal until the 1st of September are not as strong in my mind as would be reasons for its taking effect on the 1st of January, 1879, for the consideration of which I have already urged; but the reasons that remain why it should not take effect immediately and unconditionally, and why therefore the Senate should prefer to postpone the operation of the repeal until the 1st day of September, are still, in my judgment, not only weighty but conclusive.

I am sorry to disagree with gentlemen who express themselves on the opposite side of this opinion with so much confidence and zeal, because the earnestness of their manner furnishes a *prima facie* presumption that they are right; and yet I have not found in what they have urged any sufficient motives for their zeal, and have been at a loss to comprehend on what basis of understanding and judgment their warmth rests.

I have been under temptations, as some other Senators have been, to change my course in respect to this vote. I have no doubt I should please a large number of my most influential friends, personal and

political, if I should unite with gentlemen, by reversing my vote, in supporting the immediate taking effect of this repealing law. Merchants and bankers—and I sympathize entirely with my colleague in the discovery—seem suddenly to have found a new thing under the sun; and that is, that it was not contraction, that it was not the resumption of specie payments, that it was not inflation, that it was not war and the destruction and loss of capital engendered by it, that it was not that course of ill-advised legislation described by the Senator from Georgia [Mr. GORDON] the other day as the source of all our woes, which at present is destroying the property and burdening and weighing down all the energies of the country. It is the bankrupt act; that, and that alone. According to them, and the Senators from Kentucky and the Senator from Maryland, and the other Senators on this floor who are now urging and pressing this matter with so much vehemence, repeal the bankrupt act and we shall have not only a free but a prosperous and a happy nation.

I am pleased, Mr. President, to hear of these happy vaticinations of future good; but I am inclined, after all, to criticise the substance of the prediction, and learn something of the grounds on which it rests. If these gentlemen, by reason of their business associations or political positions, are in a situation to know more of human nature, of the springs of its action, and of the course of human events still hidden from the eyes of ordinary mortals than we who are not able to see as they do, and are thus gifted with some divine afflatus and inspiration to know the things which shall be and the causes which shall make them thus and not otherwise, then we must bow to that authority; but here in this body of deliberate debate we meet on the plane of common judgment and reason. Let us understand the ground on which these gentlemen make these prophecies.

Mr. President, in the first place, the very principle of all such legislation is vicious. I ask the attention of Senators to that which probably they have overlooked, that we are engaged by the repeal of this act in the work of retrospective legislation. We are passing a new rule for past things. We are setting up a principle for the adjudication of the conduct of men, which is now irreversible and irrevocable, but which at the time they were engaged in its performance did not exist. It is as if you were trying a man for a crime under a statute which made that an offense which when he committed it was not a guilty thing. You are making a new rule to upset and invalidate and reverse the prior transactions and contracts of private parties. You are passing such a law as that, if it were passed by a State jurisdiction, it would be treated by the Supreme Court of the United States as unconstitutional and void. It is a part of the interpretation of every contract that you incorporate into the contract the law which was in force when the contract was made; and if you subsequently, after the execution of the contract, when rights have been vested under it, change that law so as to change those rights, you take away from a man a right or a remedy, and in either way you violate the fundamental principle of natural and abstract justice.

It is only because Congress is not hampered by that principle, it is only because Congress is not limited in its power in that respect, that you have a right even to entertain the proposition of repealing this act in such a way as to deprive those who contracted in reference to it of the rights which they secured by their contracts when they were made. Everywhere, by every writer on jurisprudence, by every enlightened tribunal of justice, retrospective legislati n, even where it is upheld as not in violation of constitutional law, is denounced as unjust and contrary to the principles of natural right.

Mr. WHYTE. Will the Senator from Ohio allow me to ask him a question?

Mr. MATTHEWS. With great pleasure.

Mr. WHYTE. Was not the passage of the bankrupt law itself retroactive legislation?

Mr. MATTHEWS. Yes, sir.

Mr. WHYTE. Did it not operate upon past contracts?

Mr. MATTHEWS. It did.

Mr. WHYTE. What is the difficulty, then, of repealing the same law in the same particular?

Mr. MATTHEWS. There is no difficulty, if the majority of the votes so determine. I am only arguing that it is wrong, not that you have not the power to do it.

Mr. WHYTE. May I ask the Senator, then, was it wrong to pass the bankrupt law?

Mr. MATTHEWS. Wrong in the sense in which it deprived a man of right, yes.

But, Mr. President, there are other considerations. The gentleman who has just taken his seat argues in favor of this repeal on the ground that the bankrupt act itself is wrong in producing equality of the distribution of the assets of an insolvent debtor among his creditors. The gentleman shakes his head as if I misinterpreted him. The language he used in the debate which goes upon the record will vindicate what I say. He argued here at some length in favor of the propriety of permitting preferences. Preferences to whom? To lenders of money that came in to bolster an insolvent debtor, and in that way secure a lien upon his assets, and when the general grab comes, comes in to swoop them away from all the general creditors; a thing that has happened thousands upon thousands of times, and which will happen again the moment the bankrupt act is wiped off the statute-book. And there are laws in several of the States of this Union—in New York, I assume, in Maryland, in Rhode Island, I believe in Connecticut, though perhaps not so—whereby it is made lawful for a debtor to prefer any creditors that he sees fit.

It may be morally right in peculiar circumstances for an insolvent and failing debtor to prefer some of his creditors over others; but what an unassailable protection and refuge that is for fraud! Under the pretense of preferring one creditor to another, we know as a part of the judicial history of this country that the general practice was to make conveyances to people who pretended to be creditors but were falsely such, and as to whom you had no means of proving the want of a consideration.

Gentlemen argue as if the repeal of the bankrupt act, and its instantaneous repeal, would have the effect of either annihilating all the dishonest men in this country who owe money, or of converting them from their dishonesty and making honest men of them. Do gentlemen lay that flattering unction to their souls? Do they believe that under the operation and in the administration of State systems of insolvency there will be any less fraud, either in the number of its instances or in the magnitude of its operations than under the bankrupt act? Certainly there is no ground for any such belief.

Now, what is the burden of the cry which comes here day by day and hour by hour, by telegraph and letter, from wholesale dealers in large cities and bankers and lenders of money? That it is paralyzing business; it is stopping the motion of the wheels of industry; it is suspending every industrial enterprise; nobody will lend money to anybody. Why? Because the bankrupt act is to be continued in force until the 1st day of next September. Will any intelligent gentleman explain to me the connection between that cause and the assumed effect? How will it paralyze industry? How will it stop credit? Is credit between the merchant and his customer based on the idea that he will not, because he cannot, take the benefit of the bankrupt act? Then why has there been any credit; why has there been any industrial enterprise and energy during the whole period of the time since the bankrupt act has been in operation? This bankrupt law was passed in 1867. It has only been within the last two or three years that there has been any desire to have it repealed. A cry did come in 1873, but from whom? Not from the creditors, but from the debtors, and it was in their interest that amendments were made, in order that it might, by way of concession to them, make it easier for them to get through with the operations of the bankrupt law and get their discharges. But up to the panic of 1873 there was no complaint of a general nature and of a serious kind from the creditor class of the community. Why then should the continuance in effect of this law for a few months longer suddenly come to have such a specific and peculiar effect upon the business of the country? Will some gentleman condescend to explain? Will some gentleman enlighten us on that point? It is too much to ask of a Senator, but will some gentleman who measures cloth by the yard come forward and give us that explanation of the philosophy of human affairs which will enable us to understand how it is that a law which has been beneficial for ten years in its operation shall for three months have the effect described?

I had a letter this morning from a person in Indiana denouncing myself and those who like me were opposed to the immediate and unconditional repeal of this act, upon the ground that nobody wanted it to continue in force except thieves! That is the style of the argument! That is about the modicum of sense and reason which there is in this clamor.

I wish to call the specific and special attention of some Senators on this floor to another question. There are gentlemen here who entertain the belief, I have no doubt with great sincerity, that a monstrous national injustice has been perpetrated upon the great mass and body of the community by a certain course of national legislation, dating I do not know how far back, certainly as far back as 1875, I think some go as far back as 1869, when by a statute the faith of this Government was pledged to the payment of its national indebtedness in coin and the payment of its non-interest-bearing debt in coin, followed up by successive steps in legislation, which it is said have had the effect of bringing about such a contraction of the currency of the country as that all values, except the value of coin and greenbacks, have been depreciated to the extent of fifty cents on the dollar, and, on the other hand, gold and greenbacks have been appreciated, so that a hundred dollars to-day will buy as much of every other description of property as $200 would have done three years ago. The injustice which is complained of is that it operates with signal hardship upon the great mass of the debtors of the country; that they contracted obligations measured in the extent of their burden by a currency at that time the volume of which was large and ample, and that now by this action of the National Government, by this course of legislation, without any fault on their part, without any imprudence, without any improvidence, without any of this dishonesty which now seems to be charged by the wholesale against every man unfortunate enough to have more of debt than he has of property, the measure of his obligations has been changed to his disadvantage, by which the burden of his debt has been increased, by which the means of payment have been abstracted from him. These are the people from whom you propose to-day to take away one of the terms of their contract, which was, at the time it was made, that if perchance it should turn out by any of the casualties and misfortunes of business and of life that they should not be able to pay in full they should have the right to go into a bankrupt court and on surrender

of all their assets for equal distribution among all their creditors they should go free and discharged.

Oh, sir, we have had eloquent appeals in behalf of the toiling masses, the horny-handed millions who work for their labor and for their life, who have been in this debate a victim of an oppressive policy on the part of the money power of the country! Where are their champions to-day? Where are the Senators from Kentucky? Where are the Senators from Indiana? Where is the Senator from Georgia? On whose side are they to-day? "O Consistency, thou art a jewel." And now, in the very middle of the crisis of their fate, when that in which they are to pay has been increased in value to the very last notch, when gold itself no longer bears a premium appreciable, and when property has been swept out of valuable existence, wages diminished, all active industry stopped, it is said, by this other cause of paralysis, you come in, and in the midst of this general bankruptcy and ruin, which you say has been the inevitable consequence and result of the legislation for which you and yours and your predecessors are responsible, you add the very last thing that they can bear to their sufferings by taking away that which remains when all other things are gone—the hope of recovery. Do the Senators who are so confident of the correctness of their judgments in this particular think upon reflection that they can meet "the sober second thought" of the enlightened judgment of the American people? They may be carried away, as thousands of others are in the large cities, by the appearance of a temporary interest to do the thing which ought not to be done; but when the great body of the people come to understand the principle and this application of it, I think, gentlemen, you will wish that you had been on the other side.

Senators seem to think that the great preponderance of votes in this body and the other branch of the National Legislature is strong proof of the correctness of the legislation; and they cite the overwhelming vote in this body, when only six votes were found recorded against the immediate and unconditional repeal of this act and the large corresponding vote in the House. Yet the Senator from Maryland undertook to denounce the act of 1873 in the most unmeasured and unconditional language as a contrivance of some kind which he characterized as bad as bad could be, when that passed this body by a vote of 43 to 11. If that approach to unanimity the other day is a sign of infallibility, how is it that the Senate of 1873 and 1874 was not as infallible?

Mr. RANSOM. Will the Senator from Ohio allow me to make a suggestion for a second?

Mr. MATTHEWS. Certainly.

Mr. RANSOM. I have the Journal showing the recorded vote of the Senate upon the amendatory act of 1873—a vote of 43 to 11. I will not consume enough of the Senator's time to read the report of the committee of conference on the later act of 1874. The report of the committee of conference was agreed to unanimously by the Senate. It was signed by "GEORGE F. EDMUNDS, George G. Wright, A. G. THURMAN, managers on the part of the Senate," and "Lyman Tremain and BENJAMIN F. BUTLER, managers on the part of the House." But as that act met also the criticism of the Senator from Kentucky, it may not perhaps be out of the way for me to remind the Senator from Ohio that that same report of the committee of conference passed the House also unanimously.

Mr. BECK. Did the Senator from North Carolina call my attention to the point?

Mr. RANSOM. I called the attention of the Senator from Ohio to this fact.

Mr. BECK. I understood the Senator to say that he would remind the Senator from Kentucky of something.

Mr. RANSOM. Yes, sir; I understood the Senator from Kentucky to share in the criticism made by the Senator from Maryland upon the amendatory act of June, 1874, to the bankrupt act. Am I mistaken in that respect?

Mr. BECK. I have read from the RECORD of December 16, 1873.

Mr. RANSOM. The same act.

Mr. BECK. Where I introduced an amendment striking out all of the sections of the bill that continued the law and providing for its unconditional repeal except so far as to suits then pending. That amendment was carried by a vote of 219 to 44; the yeas and nays were called; and I voted for it. That is what I said.

Mr. RANSOM. Will the Senator from Ohio allow me another moment?

Mr. MATTHEWS. Certainly.

Mr. RANSOM. Mr. President, that repeal bill as passed by the House then came to this body. The amendment, in substance, that is now a part of the act known as the amendment of 1874 was substituted in that bill for the repealing clause. It went back to the House; and to brighten the memory of the Senator, as the expression is, I read on page 1073 of the Journal that upon the motion to disagree to that amendment there were no yeas and nays called; and then on page 1199 I see that the conference committee's report, embodying the words and the letters of that amendment, was passed unanimously by the House without a call of the yeas and nays.

Mr. ALLISON. Was the Senator from Kentucky a member of the House then?

Mr. RANSOM. The Senator from Kentucky has informed the Senate not thirty minutes ago that he was the author of the repeal bill, when a few pages afterward we find him recorded with the unanimous majority, if I may say that of the House, in favor of this unhappy amendment.

Mr. BECK. Does the Senator find that the yeas and nays were called in the House?

Mr. RANSOM. I do not.

Mr. BECK. The Senator will find that like all other conference reports it had to be taken as a whole and agreed to.

Mr. RANSOM. It was agreed to.

Mr. BECK. The report, like all other conference reports, contained all sorts of provisions and amendments with no opportunity for separate votes; and that is called the unanimous action of the House!

Mr. RANSOM. I hope the Senator from Kentucky will take time on this matter and give it a little reflection.

Mr. MATTHEWS. The Senator from Kentucky will hardly deny that he did not dissent to that action.

Mr. BECK. I will only say to the Senator from Ohio that the RECORD shows that upon my motion a bill introduced by Mr. Tremain to continue the law was repelled by the House of Representatives by the vote I have indicated. It was patched up in some way in the Senate, and as all conference reports have to be agreed to as a whole and there is no chance to object to them at all, but they must be voted on as a whole, I suppose it was allowed to pass, and that is all there is of it.

Mr. MATTHEWS. Then, while the Senator from Kentucky did not affirmatively assist in the passage of it, he graciously allowed it to be done.

There is one other topic alone on which I desire to say a few words. There was a very earnest appeal made to the Senate the other day on this question by both the Senators from North Carolina, based upon a peculiarity in the situation of the people of that State, growing out of a constitutional provision of the State and its effect as declared by a recent decision of the Supreme Court of the United States. They begged that this bankrupt act might be allowed to continue in force long enough to enable a new one to be prepared which should save the rights of that people, because their rights were saved under the existing statute, and could only be by congressional action; and that is met by the citation by the Senator from Maryland of a decision of Chief-Justice Waite upon the circuit, in which it is held, as it is claimed, that no such relief can be expected or lawfully obtained by means of an act of Congress.

If I understand the situation it is this: the constitution of North Carolina makes certain exemptions in regard to homesteads and from execution applicable not only to debts contracted in the future after its passage but applicable to existing debts at the time of its adoption. In respect to those debts contracted before the adoption of the State constitution, the Supreme Court of the United States have held, and rightly I have no doubt, that that provision of the constitution of North Carolina was in contravention of the Federal Constitution which prohibited the passage by any State of a law impairing the obligation of a contract. It is argued that, inasmuch as a bankrupt act adopts the provisions of the State in respect to homesteads and exemptions, the present bankrupt law and any substitute for it, acting upon the same principle, would give to the citizens of North Carolina that relief which has been denied to them by that decision of the Supreme Court of the United States. Chief-Justice Waite, in the decision on circuit cited, held that that could not be, for the reason that any act of Congress such as a bankrupt act, in adopting the State exemptions, only adopted those which were valid and lawful in the State, and that, inasmuch as these exemptions in North Carolina had been declared unconstitutional by the Supreme Court of the United States, they could not be given any force to by being in an act of Congress.

Mr. President, the provision of the constitution in North Carolina was not void in North Carolina by reason of any law in North Carolina other than the operation of that principle of the Federal Constitution protecting the obligation of contracts. Now, then, when an act of Congress incorporates those exemptions into its own body, they cease to have force as the law of North Carolina and take effect as the law of the United States; and the constitutional prohibition against the impairment of the obligation of contracts does not apply to any legislation of Congress. So the conclusion does not follow from the premises. The act of Congress makes good everything which it incorporates into itself, and by reference to the rule of exemption in the constitution of North Carolina it makes that good, as against the Federal prohibition, which without that would not happen. So that, the opinion of the Chief-Justice in the case cited to the contrary notwithstanding, we have a right to argue that the passage of an act such as this and the continuance of this in force will, as long as it remains on the statute-book, furnish the reason to the Senators from North Carolina which they allege why they oppose its repeal.

Now, Mr. President, I have done. I do not propose to take any further part in this discussion. The matter is with Senators; they must act, each one for himself, upon such considerations of law and right and justice and public policy as seem to him best, taking counsel from his constituency or from the general public opinion of the land, as he may deem it his right to do. I stand for my own convictions. I shall vote as I have voted, because I believe it is for the good of the whole people of the country, because I believe it right, because I believe it is just. I impugn the motives of no man and no

set of men, nor will I allow my own to be drawn into question. Let every man stand or fall according to his own course, as may be dictated by his own judgment.

In these matters I know that not one of us can fully have his own way, and that the result as a general thing of the comparison of our views is mutual concession, resulting in that generally which not one perhaps considers the best, but which the body believes to be the best attainable. In that view, Mr. President, while I would greatly prefer the taking effect of this act of repeal, which I perceive to be foreordained, postponed to a late date, as late as the 1st of January, 1879, so as to give the opportunity of which I spoke to substitute a better for the imperfect system now in force, nevertheless I believe it to be the wisest course under all the circumstances for those who think the repeal ought not to be immediate and instantaneous to unite upon the proposition of my colleague in amendment of the proposition of the Judiciary Committee, and I shall so vote.

Mr. MAXEY. Mr. President——

Mr. ALLISON. I ask the Senator from Texas to give way. I do not think it is possible to finish this bill to-night.

Mr. MAXEY. I shall not take exceeding fifteen minutes.

Mr. ALLISON. I was about to suggest an adjournment.

Mr. THURMAN. We can finish this bill to-night.

Mr. ANTHONY. I move that when the Senate adjourns to-day, it be to meet on Monday next.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that when the Senate adjourns to-day, it be to meet on Monday next.

Mr. THURMAN. I ask permission to say a word.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. THURMAN. I wish to say this——

The PRESIDENT *pro tempore*. The motion is not debatable. Is there objection to the Senator proceeding? ["Yes."] The question is on the motion of the Senator from Rhode Island, that when the Senate adjourns to-day, it be to meet on Monday next.

Mr. BECK. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 31; as follows:

YEAS—19.

Allison,	Conkling,	Lamar,	Spencer,
Anthony,	Eustis,	Matthews,	Voorhees,
Bayard,	Ingalls,	Morrill,	Wallace,
Bruce,	Kellogg,	Patterson,	Whyte.
Burnside,	Kirkwood,	Ransom,	

NAYS—31.

Bailey,	Dawes,	Howe,	Randolph,
Barnum,	Dorsey,	Johnston,	Rollins,
Beck,	Eaton,	Jones of Florida,	Sargent,
Butler,	Ferry,	Kernan,	Saulsbury,
Cockrell,	Harris,	Maxey,	Saunders,
Coke,	Hereford,	McCreery,	Thurman,
Davis of Illinois,	Hill,	Merrimon,	Withers.
Davis of W. Va.,	Hoar,	Paddock,	

ABSENT—26.

Armstrong,	Conover,	Jones of Nevada,	Plumb,
Blaine,	Dennis,	McDonald,	Sharon,
Booth,	Edmunds,	McMillan,	Teller,
Cameron of Pa.,	Garland,	McPherson,	Wadleigh,
Cameron of Wis.,	Gordon,	Mitchell,	Windom.
Chaffee,	Grover,	Morgan,	
Christiancy,	Hamlin,	Oglesby,	

So the motion was not agreed to.

Mr. THURMAN. I wish simply to say that I believe if we come to an understanding now that we shall finish this bill to-day, it can be finished in half an hour.

Several SENATORS. That is right.

Mr. THURMAN. And I hope the Senate will finish it to-day and get it out of the way.

Several SENATORS. And then adjourn to Monday.

Mr. THURMAN. Then I shall have no objection to adjourning to Monday.

Mr. SARGENT. Some of the rest of us may.

Mr. EATON. Mr. President, I move that the Senate do now adjourn.

The question being put, there were on a division—ayes 29, noes 26.

Mr. THURMAN and Mr. WHYTE called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 28; as follows:

YEAS—26.

Allison,	Conkling,	Lamar,	Sargent,
Bailey,	Eaton,	McMillan,	Saulsbury,
Barnum,	Hereford,	Matthews,	Saunders,
Bayard,	Howe,	Merrimon,	Spencer,
Bruce,	Ingalls,	Patterson,	Wallace.
Butler,	Jones of Florida,	Ransom,	
Cameron of Wis.,	Kirkwood,	Rollins,	

NAYS—28.

Anthony,	Dawes,	Johnston,	Paddock,
Beck,	Dorsey,	Kellogg,	Randolph,
Burnside,	Eustis,	Kernan,	Thurman,
Cockrell,	Ferry,	McCreery,	Voorhees,
Coke,	Harris,	Maxey,	Wadleigh,
Davis of Illinois,	Hill,	Morgan,	Whyte,
Davis of W. Va.,	Hoar,	Morrill,	Withers.

ABSENT—22.

Armstrong,	Conover,	Hamlin,	Plumb,
Blaine,	Dennis,	Jones of Nevada,	Sharon,
Booth,	Edmunds,	McDonald,	Teller,
Cameron of Pa.,	Garland,	McPherson,	Windom.
Chaffee,	Gordon,	Mitchell,	
Christiancy,	Grover,	Oglesby,	

So the Senate refused to adjourn.

Mr. MAXEY. Mr. President, I have taken no part in the discussion of this very important question heretofore and shall now occupy the attention of the Senate but a very few minutes, contenting myself with giving plainly the reasons which actuate me in voting against all amendments of every character and description and for the House bill as it came to us.

I was surprised, Mr. President, at a proposition, as I understood it, from the Senator from Ohio who has just closed, [Mr. MATTHEWS,] deduced from what has come to be a maxim: that the law in force at the time and place when and where a contract is entered into enters into and constitutes a part of that contract. From that, as I understood him, he deduced the conclusion that as the bankrupt law was in force it thereby entered into the contract and constituted a part of it, and hence the repeal of the bankrupt law would be the impairing of the obligation of a contract and thus unconstitutional. That I understood to be the necessary deduction from the premises which he laid down.

Mr. President, I have never understood statutes of limitation, statutes of repose, statutes of relief, remedial statutes of any character, as having anything whatever to do with the law of contract. An examination of the various plans which were presented to the convention that framed the Constitution of the United States will show, I think, that there is no provision in any one of them granting to Congress the power to pass uniform laws on the subject of bankruptcy or laws on the subject of bankruptcy of any kind.

Mr. DAVIS, of Illinois. Will the Senator from Texas give way for a minute? I am satisfied now that the Senate is too tired to listen to this debate longer. Gentlemen are going off, first one and then another, and we might as well adjourn until to-morrow. I do not believe the Senator from Texas can be heard as he deserves to be in the Senate this evening, and I make the motion to adjourn if he will yield to it.

Mr. MAXEY. I understood the Senator from Ohio who has charge of the bill [Mr. THURMAN] to desire a vote this evening.

Mr. DAVIS, of Illinois. I just went to him and told him it was folly to insist on it. If the Senator from Texas will give way, I move an adjournment.

Mr. PADDOCK. I hope that motion will not prevail.

Mr. MAXEY. I should prefer personally to finish to-morrow what I have to say; but I was endeavoring to follow the wishes of the Senator from Ohio who has charge of the bill.

Mr. DAVIS, of Illinois. Here are half a dozen Senators who want to pair off and go away, and others have already gone.

Mr. PADDOCK. I wish the Senator from Illinois would consent to let this matter be brought to a conclusion to-day. The condition of the country is such that there ought to be a determination of the question.

Mr. DAVIS, of Illinois. If the Senator from Texas will allow me I will make the motion to adjourn.

Mr. MAXEY. I yield to let the Senate decide the question.

The motion was agreed to; and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 9, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATIONS.

Mr. BACON. I desire to make a personal explanation. During the week in which action was taken on the river and harbor bill, I was absent from the House by leave asked and obtained; the RECORD makes an omission of that fact, and it would appear that I have been absent without leave.

Mr. THOMPSON. I rise to a personal explanation. I send to the Clerk's desk and ask to have read what I have marked in pencil in to-day's RECORD.

The Clerk read as follows:

The SPEAKER. Upon the statement the gentleman has just made the Chair will submit his motion.

Mr. GARFIELD. I move to make the time two hours.

Mr. CONGER. I accept that amendment.

Mr. WOOD. If I am in order I move to amend by making the time one week. Until all the members of the committee are heard upon this question I shall resist any motion to limit debate.

Mr. BURCHARD. I am informed that the arrangement is that to-day the gentleman from Virginia [Mr. TUCKER] and the gentleman from North Carolina [Mr. ROBBINS] shall speak, the gentleman from Pennsylvania [Mr. KELLEY] intending

to address the committee to-morrow. I hope there will be no motion that will cut off the gentleman from Pennsylvania.

Mr. ROBBINS. I desire to say one word.

Mr. GARFIELD. My understanding was that the gentleman from Virginia [Mr. TUCKER] should first have the floor and then the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. ROBBINS. I desire to say that I have never addressed this House for one hour. I have not been absent from one of its sessions nor missed a single vote. I think it would be ungracious to deny me this privilege.

Mr. WOOD. I withdraw my amendment.

The SPEAKER. The pending motion is to limit the debate to two hours.

Mr. BURCHARD. I demand the previous question.

The previous question was seconded.

The question was on ordering the main question.

Mr. BUTLER. I rise to a parliamentary inquiry. Does the previous question cut off the power of amendment from the bill?

The SPEAKER. Not from the bill, but from the motion.

The main question was ordered.

Mr. MILLS. I rise to a parliamentary question. I ask whether the previous question operates on the amendment of the gentleman from New York, [Mr. WOOD.]

The SPEAKER. The gentleman from New York [Mr. WOOD] has withdrawn his amendment. It operates on the motion to limit the debate to two hours.

Mr WILSON. Would it be competent now to move to limit debate to two days?

The SPEAKER. It would not. The main question has been ordered.

Mr. CONGER. If it would be competent for me to do so I would accept an amendment making the time four hours.

The SPEAKER. That requires unanimous consent.

Several members objected.

Mr. WOOD. I object to any limitation.

Mr. FORT. I desire to make a parliamentary inquiry. If the motion limiting debate to two hours is voted down, will it not be in order to amend the original motion by making it four hours?

Mr CONGER. That is pending now.

The SPEAKER. It is not. Unanimous consent was not given.

Mr. THOMPSON. I rise to a point of order. When the gentleman from Michigan made his motion for two hours the gentleman from Ohio [Mr. GARFIELD] moved to amend by making it four hours.

The SPEAKER. The gentleman from Ohio did not make that motion. That may have been uttered in a colloquy between gentlemen. The original motion of the gentleman from Michigan was not as stated by the gentleman from Pennsylvania. It was for ten minutes.

Mr. THOMPSON. Then there was a proposition to make the time two hours, which the gentleman from Michigan accepted. Pending that a motion was made by the gentleman from Ohio [Mr. GARFIELD] to make the time four hours.

The SPEAKER. Not till after the gentleman from Illinois had demanded the previous question.

Mr. THOMPSON. It was before that.

The SPEAKER. The Chair thinks otherwise.

Mr. THOMPSON. I know it was not otherwise.

The SPEAKER. The gentleman from Pennsylvania stated a moment ago that the motion of the gentleman from Michigan was to limit the debate to two hours, while his motion was to limit it to ten minutes. The RECORD will show whether the gentleman's memory is correct or not.

Mr. THOMPSON. Mr. Speaker, for the first time during my brief service here I have felt called upon to make a personal explanation this morning for the reason that the colloquy between the Speaker and myself yesterday placed me in a position that was unwarranted by the facts of the case, as I understood them then and as I understand them now. The Speaker, in response to my proposition that I rose to a question of order, when I said that the motion of the gentleman from Michigan was to limit debate to two hours, and that the gentleman from Ohio [Mr. GARFIELD] had offerd an amendment to make it four hours, replied that the *original* motion of the gentleman from Michigan [Mr. CONGER] was not as stated by the gentleman from Pennsylvania. The specification, or what the particular motion made by the gentleman from Michigan was, was the specification of the Chair himself. I said nothing about the original motion nor the first motion. I used neither word. I said that the motion of the gentleman from Michigan was to limit debate to two hours. The RECORD shows that, and it is a fact. The order of motions was simply this: on taking the floor, the gentleman from Michigan moved that debate be limited to ten minutes. The gentleman from Ohio [Mr. GARFIELD] moved to amend by making it two hours. Thereupon, and instantly, the gentleman from Michigan accepted the amendment, adopted it and made his own motion, and thereafter the motion to limit debate to ten minutes had no existence in point of fact nor in point of parliamentary law. The motion, therefore, of the gentleman from Michigan, then pending, was to limit debate to two hours, not to ten minutes.

In answer to the declaration that I made that the motion of the gentleman from Michigan was to limit debate to two hours, the answer of the Chair, saying that the statement of the gentleman from Pennsylvania that the original motion of the gentleman from Michigan was to limit debate to two hours, was not warranted either by what I said or by the facts of the case as they then existed. On that point I wish to be distinct and understood. The Chair had misapprehended, in the excitement and confusion of the moment, I doubt not, the position of the question, and overlooked the fact that although the original motion of the gentleman from Michigan was for ten minutes, yet when he accepted the amendment of the gentleman from Ohio, as he had a right to accept and did accept it, fixing the time at two hours, the motion of the gentleman from Michigan was then to limit debate to two hours, and not to ten minutes. I then stated that that was his motion. It was his motion, and it was upon that motion, and that motion alone, that the vote was subsequently taken. The vote could have been taken upon no other motion, because there was subsisting no other motion made by the gentleman from Michigan, [Mr. CONGER.] Therefore the statement I made was not only accurate as to fact but it was accurate according to law. The motion of the gentleman from Michigan was to limit debate to two hours, he having accepted the motion made by the gentleman from Ohio, [Mr. GARFIELD.]

I stated further, and my point of order was directed to that, that the gentleman from Ohio [Mr. GARFIELD] had made a further motion that debate be limited to four hours. The Speaker answered me that the gentleman from Ohio had not made that motion; that he may have said so in colloquy with other gentlemen. And subsequently, when I further called the attention of the Chair to the matter, the Chair said to me and to the House that if the gentleman from Ohio had made that motion it was after the gentleman from Illinois [Mr. BURCHARD] had called the previous question. The Chair, however, then said to me that the RECORD would show it. The RECORD does not show it.

The SPEAKER. The RECORD as published this morning does show it.

Mr. THOMPSON. This RECORD?

The SPEAKER. Yes.

Mr. THOMPSON. I do not so understand it.

The SPEAKER. Then you do not read it.

Mr. THOMPSON. I have had it read by the Clerk. The RECORD does not show that the gentleman from Ohio made the motion at all to limit debate to four hours.

The SPEAKER. It shows that immediately upon the motion of the gentleman from Ohio to limit debate to two hours being accepted by the gentleman from Michigan the gentleman from Illinois [Mr. BURCHARD] demanded the previous question; that there was immediately a second of the previous question, and that the further proceeding of ordering the main question was delayed by interlocutory suggestions.

Mr. THOMPSON. The RECORD, in order either to carry out the views of the Chair or the views of those who objected to the statement of the Chair, should have shown that the motion if made was made after the demand for the previous question. The gentleman from Ohio did make a motion to extend the time for debate for four hours; there can be no question about that. No one denies it. But the RECORD does not show it; the RECORD does not show that the gentleman from Ohio at any time or at any point of the proceeding said "four hours" or thought "four hours."

The truth of it is merely this: in the excitement and confusion which was then prevailing I doubt not the Speaker did not hear the motion; I did. I doubt not the gentleman who was at the time reporting the proceedings did not hear the motion. I believe that he heard the gentleman from Ohio making some remarks, but it was probably at the very moment when the gentleman from North Carolina [Mr. ROBBINS] was also speaking; and probably my colleague from Philadelphia [Mr. O'NEILL] was also trying to speak.

But the gentleman from Ohio, on the withdrawal of the motion of the gentleman from New York [Mr. WOOD] to extend the time for general debate to one week, moved or suggested to the gentleman from Michigan [Mr. CONGER] to make it four hours. The gentleman from Michigan neither accepted that suggestion nor refused to accept it.

And thereupon in a distinct tone, heard by many in this Hall, the gentleman from Ohio made the formal motion that the time for general debate be extended to four hours. And then, and not until then, the gentleman from Illinois [Mr. BURCHARD] demanded the previous question.

Mr. BURCHARD. Mr. Speaker——

Mr. THOMPSON. This is a matter of probably little importance, but a matter in which I desire to be right. Without objecting to the gentleman from Illinois [Mr. BURCHARD] making his statement, I will ask that the gentleman from Ohio, [Mr. GARFIELD,] whom I heard make the motion, be permitted to make his statement as when he did make it.

Mr. GARFIELD. I do not conceive this to be a matter of any special importance. It is true that I made the suggestion to limit debate to two hours, because I supposed that, as the gentleman from Virginia [Mr. TUCKER] and the gentleman from Pennsylvania [Mr. KELLEY] were to speak, two hours would be enough. I afterward heard the statement by somebody here that the gentleman from Virginia [Mr. TUCKER] and the gentleman from North Carolina [Mr. ROBBINS] were to speak yesterday; and therefore my motion to limit debate to two hours, or rather my suggestion which was accepted by the gentleman from Michigan, [Mr. CONGER,] would cut off the gentleman from Pennsylvania. I then rose saying that I had understood that two hours would cover the time desired by the gentleman from Virginia [Mr. TUCKER] and the gentleman from Pennsylvania, [Mr. KELLEY,] but that I had not intended to cut off the gentleman from Pennsylvania, which would be the result probably if the time was limited to two hours to be occupied by the gentleman from Virginia [Mr. TUCKER] and the gentleman from North Carolina, [Mr. ROBBINS.] I then turned to the gentleman from Michigan [Mr. CONGER] and suggested that he make the time four hours.

While I was doing that the gentleman from North Carolina [Mr. ROBBINS] came down in front and addressed the Chair. I turned and did move formally that the time for general debate be made four hours. But at that moment the gentleman from North Carolina was talking, and the Chair did not recognize me, and I do not think he was bound to do so, for he was being addressed by some one nearer to him than I.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] was entitled to be recognized of course.

Mr. GARFIELD. I am not complaining; I am simply stating the fact. The reporters, when two members were talking at the same moment, doubtless took down the remarks of the one nearest to them, and in that way what I said does not appear in the RECORD. I do not blame the reporters; they took the remarks of the one nearest them.

The SPEAKER. The Chair did not hear the motion and the RECORD sustains the position taken by the Chair yesterday.

Mr. GARFIELD. I am not complaining; I state the fact that I did formally address the Chair.

The SPEAKER. There were six or seven gentlemen addressing the Chair; but the Chair was bound to recognize the gentleman from Michigan, [Mr. CONGER.]

Mr. GARFIELD. And then the gentleman from Illinois [Mr. BURCHARD] made the motion for the previous question.

Mr. WHITE, of Pennsylvania. I remember distinctly what occurred. The motion was made to limit the debate to ten minutes; then, at the instance of several gentlemen, the gentleman from Michigan modified the motion so as to fix two hours as the limit. There was considerable parleying; I was in it; I tried to make a motion myself; I was beside my colleague, [Mr. THOMPSON;] and the Chair, after endeavoring to restore order, finally put the question on the call for the previous question upon the motion to fix two hours. When that was put or immediately upon the result being ascertained, before it was announced possibly, the suggestion was made by the gentleman from Ohio [Mr. GARFIELD] that the debate be limited to four hours. Then and not until the result was announced or about to be announced upon the call for the previous question, was the suggestion made for four hours. Now I submit, in fairness to the Chair, that the Chair is entirely correct in this matter; for I was standing there and was a part of the proceeding myself. [Cries of "Regular order."]

Mr. THOMPSON. I have said that I did not believe the Chair heard the motion.

The SPEAKER. After the statement of the gentleman from Ohio, [Mr. GARFIELD,] who does not pretend to say that he was recognized to make the motion, and after the very honorable statement of the gentleman from Pennsylvania on the left, [Mr. WHITE,] the Chair thinks it not obligatory on him to make any reply to the gentleman from Pennsylvania, [Mr. THOMPSON.]

Mr. THOMPSON. I said distinctly that I did not believe the Chair or the reporter heard the motion. But the statement of my colleague [Mr. WHITE] puts the gentleman from Ohio in the absurd position of making an amendment to a proposition while the previous question was operating.

Mr. BURCHARD. I desire to say that immediately after the proceedings which have been referred to I asked the reporters to read to me their notes; and there has been no change; the reporters had taken down the proceedings identically as they are reported in the RECORD.

Mr. THOMPSON. There is no doubt about that. But the RECORD does not report all of the proceedings.

Mr. BURCHARD. I wished to ascertain to what the demand for the previous question applied; and standing immediately by the side of the gentleman from Ohio and not understanding that he had formally made a motion for four hours, and the Chair stating that the question was upon the motion to limit debate to two hours, I demanded the previous question on that.

The SPEAKER. That is just as the Chair recollects the matter. The Chair is generally calm; and when six or seven gentlemen are trying to address the Chair at once, he finds that he has to discriminate between those who with propriety should be recognized, and those who thrust themselves in improperly.

ENFORCEMENT OF EIGHT-HOUR LAW.

Mr. GOODE. I ask unanimous consent to report from the Committee on Education and Labor for consideration at this time a joint resolution which I think will take but a few moments.

The Clerk read the report of the committee, as follows:

The Committee on Education and Labor, to whom were referred sundry memorials of mechanics and laborers, citizens of the United States, praying for the enforcement of the eight-hour law, have had the same under consideration, and recommend the adoption of the following joint resolution:

Joint resolution to provide for the enforcement of the eight-hour law.

Resolved by the Senate and House of Representatives, &c., That according to the true intent and meaning of the act of Congress approved June 25, 1868, entitled "An act constituting eight hours a legal day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States," eight hours constitute a day's work for all such laborers, workmen, and mechanics; and while said act remains upon the statute-book no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics, on account of the reduction of the hours of labor.

The SPEAKER. Is there objection to the present consideration of this joint resolution? [A pause.] The Chair hears none.

There being no objection, the joint resolution (H. R. No. 176) was read a first and second time, and the question was on ordering it to be engrossed and read a third time.

Mr. REAGAN. If this interferes with the morning hour, I must object.

The SPEAKER. The Chair thinks that the gentleman from Texas is too late with his objection. This, however, will not interfere with the morning hour, which will come up immediately after this is disposed of.

Mr. COX, of New York. I ask consent of my friend from Virginia [Mr. GOODE] to add at the end of this joint resolution the following, which has been agreed upon by the workingmen and their delegates:

And all heads of Departments, officers and agents of the Government, are hereby directed to enforce said law as long as the same is unrepealed.

I offer this at the request of a delegation of the workingmen.

Mr. GOODE. I have no objection to that amendment.

The amendment was agreed to.

Mr. GOODE. I now demand the previous question upon the joint resolution as amended.

The previous question was seconded and the main question ordered, which was upon ordering the joint resolution, as amended, to be engrossed and read a third time.

Mr. EDEN. I would like to inquire of the gentleman from Virginia [Mr. GOODE] why he does not make this resolution apply to all laborers—not merely those who labor for the Government?

Mr. GOODE. Mr. Speaker, we have no control over any laborers except those employed by the Government, and I will say to my friend that this resolution has been reported by the Committee on Education and Labor in response to memorials and petitions coming from a large number of laborers, mechanics, and workingmen employed throughout the United States.

On the 25th of June, 1868, Congress passed an act providing "that eight hours shall constitute a day's work for all laborers, workingmen, and mechanics now employed or who may hereafter be employed by the Government of the United States." And after that the President in proclamation directed the heads of Departments to execute and enforce this law. And again, in May, 1872, the Congress interpreted and construed the law by requiring the proper officers of the Government to settle with these employés without making any reduction whatever in their pay on account of reduction of the hours of labor. And yet, notwithstanding this law, notwithstanding this proclamation, notwithstanding this legislative interpretation contained in this joint resolution, the heads of Departments and officers of the Government have persisted in requiring these men to work ten hours instead of eight, and if they do not work ten hours to submit to the corresponding reduction in their pay.

Mr. BUCKNER. Is it not for the courts to interpret the law?

Mr. EDEN. Ought not all laborers to be treated alike? Why should you not pass a law for the benefit of all laborers and workingmen and mechanics, and not confine it exclusively to the favorites who are employed in the Government service?

The SPEAKER. The gentleman from Virginia is in control of the floor and will say to whom he yields.

Mr. GOODE. I have promised to yield to the gentleman from New York, [Mr. COX.]

Mr. BEEBE. I wish to ask the gentleman from Virginia what good he expects to inure from the passage of a joint resolution directing the enforcement of a law if we already have a law upon the statute-book?

Mr. GOODE. In answer to that interrogatory I will say that we have reason to believe if an interpretation is put upon the law in this form by the Congress of the United States it will be respected by the heads of all the Departments.

Now, Mr. Speaker, let me say one word more on that proposition. I undertake to say, and I have given some examination to this subject—I undertake to say that no gentleman upon this floor, however much we may differ as to the policy and wisdom of the law originally, can read the debates which occurred in Congress at the time this law was passed and entertain for a moment a doubt as to what Congress intended. It was maintained by Senators Sherman and Fessenden, on the one side, there should be a corresponding reduction of pay when there was a reduction of the hours of labor; but Senator Morton, and Senator Hendricks, and Senator Buckalew, and a large number of gentlemen on the other side, combated this idea and based their advocacy of the law upon the broad and distinct proposition that in all mechanical employments men can perform as much work in eight hours as they can in ten; that the rest, the intellectual vigor, and the strength imparted to the operators would enable them to perform as much work in eight hours as in ten; that if the Government gets as much work in eight hours as in ten, it should pay the same price; that in this day of material development the necessities of mankind, when the aggregate of steam-power is equal to twenty-five millions of horses throughout the world, the necessities of mankind do not require now that men shall work as much as they were required to work formerly when the ten-hour law was established by the Government. Such was the view of Congress when the law was enacted. The workingmen understand their rights, and they are here by memorial and petition to assert and maintain them. They ask nothing more than the law guarantees to them. We are bound by every consideration of justice either to repeal the law entirely or require it to be observed.

Mr. CRITTENDEN. I wish to ask the gentleman from Virginia whether his attention has been called to the recent decision made by the Supreme Court of the United States upon what is known as "the eight-hour law?"

Mr. GOODE. Yes, sir; we have examined that. That decision does

not control the case. That was the case of the United States against Martin. The Supreme Court decided against Martin because he had referred his claim to the Fourth Auditor of the Treasury for pay accruing between June, 1868, and May, 1869, and had accepted $205, covering the whole arrearages of pay he claimed, and given his receipt in full, and the Supreme Court decided that was a bar to any further claim on his part.

The SPEAKER. To whom does the gentleman from Virginia yield?

Mr. GOODE. I yield to the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. Mr. Speaker, I wish to say a word just now, and that is this: I congratulate not only the workingmen but the committee on reporting back my bill here. The original law was presented to this House by the gentleman from Massachusetts who is in my eye. He gave an interpretation to it at the time. We either ought to repeal that law or enforce it. I am told by the Departments that if Congress will give an interpretation to the law they will follow it. There has been much trouble and a great deal of care and anxiety among the laboring-men about the interpretation of the law. There has been a committee here for ten weeks asking Congress to do something in this regard.

I am glad at last to have an opportunity of vindicating the original intention of the law.

Mr. BUCKNER. I desire to ask the gentleman a question. Is it the business of Congress to interpret the law?

Mr. COX, of New York. The business of Congress is to enforce laws which Departments are not so very willing to enforce. One-fifth of the hours of labor being cut off will add to the employment of one-fifth more of the workingmen of this country. And there never was a time when Congress could better do a graceful and beneficent act to the workingman than right now, for reasons I will not at this time go into.

Mr. BANKS. Will the gentleman allow me a word?

Mr. CANNON, of Illinois. I desire to ask the gentleman from New York a question.

Mr. DUNNELL. I wish to make a suggestion.

Mr. COX, of New York. I occupy the floor by the courtesy of the gentleman from Virginia. [Mr. GOODE,] and yield it back to him.

Mr. GOODE. I yield five minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER. May I ask for a moment the ear of the House in this matter. I voted for this law when it was before Congress and it was voted upon as I understand it upon this theory: the question was agitated in the country whether eight hours were not as long as men could work tending machinery and keep health and spirit and strength to do the daily task. That experiment had not been tried and it was necessary that it should be tried. It could not be tried by any manufacturer because his rivals working ten hours and forcing the labor would undersell him. The Government having a given class of work in its navy-yards and in its arsenals, having exact accounts kept of all the work that had been done under the ten-hour system, could by working its force eight hours and keeping a like account find whether it was practicable within any near percentage for a man to do by machinery in eight hours that which he had done in ten. And you will find some remarks of mine somewhere upon that question and the point that the experiment should be tried.

Now, this House and this Congress have never asked, so far as I know, for any report upon the results of that experiment. I wish the Committee on Education and Labor would do so because I believe it will turn out that upon careful investigation within a near percentage the same amount of work has been done subsequently to the passage of that law in eight hours that was previously done in ten hours.

Mr. DUNNELL. May I ask the gentleman a question?

Mr. BUTLER. Yes, sir.

Mr. DUNNELL. Am I to understand, then, that this law has been substantially complied with so that a report could be furnished?

Mr. BUTLER. Yes, sir.

Mr. DUNNELL. Then why this resolution?

Mr. BUTLER. I will tell you why. It is complied with in some establishments and it is not in others.

Mr. COX, of New York. That is it precisely.

Mr. BUTLER. It was attempted to be strangled in its birth by the opinion of an Attorney-General, and then the President overrode the opinion of that Attorney-General and ordered that the system should be tried, and it has been tried in the arsenals and in the armories. But owing to the great economy forced upon the Navy I understand the Secretary of the Navy has declared that all the navy-yards must work ten hours, and I do not know how far the report will show the difference between eight hours' work and ten hours' work in the Navy.

Now, then, I think that the law should still remain on the statute-book, and being on the statute-book like every other law, there is no man on earth who ought to disobey it. The difficulty with it is like what it is with almost all the rest of your laws—you have not any penalty attached to it. I would like to put a penalty upon any man who undertakes to set up his will against the will of the legislative power and say he will or he will not execute the law according as his own good judgment dictates. We have got too much of that in this country—a great deal too much—and I will not stop longer to speak of that matter at this time; but I hope this resolution will pass. And make it imperative; provide fine and imprisonment for anybody who will not carry it out. Let us have some powder in our resolution and balls with it so that it will be enforced.

Mr. BANKS. Will the gentleman from Virginia yield to me for a few moments?

Mr. GOODE. I yield to the gentleman five minutes.

Mr. BANKS. The reason why this resolution does not relate to or provide for all the working people of the country as suggested by the gentleman from Illinois is that we have not jurisdiction over that labor. But if the eight-hour law which the resolution is intended to enforce shall succeed as other efforts of this kind have succeeded it will in the end extend its beneficent and happy influence to labor of every class in every part of the country. In 1840 the President of the United States without any law at all issued an order upon his own authority that the labor in the navy-yards of the United States and their workshops should be limited to ten hours. That was carried out, and the influence of that order was such that in nearly all of the labor establishments of this country wherever it can be applied from the nature of the business the ten hours' system of labor has been adopted, and is applied to men, women, and children. It has been applied to all the corporations and manufacturing and mechanical establishments of Massachusetts, and in most of the other States. No one proposes the re-establishment of the old system of twelve, fourteen hours a day, and even sixteen hours a day, as men, women, and children were worked in England some years since. Now, if the existing eight-hour law when thoroughly tested shall be found to be advantageous to the industries of the Government and the hands engaged therein, the example of the Government will be accepted as it ought to be and applied to the labor of the country generally, wherever it is applicable.

I desire to submit another consideration, Mr. Speaker, of greater importance. We demand that the laboring-men of the country shall obey the laws. A great deal has been said on account of their having in some places some months since resisted the laws. We are setting a most scandalous and criminal example of disregarding the laws of the United States. We allow the agents of the Government to force upon laborers that which the law absolutely and positively forbids. The agents of the Government do not admit it. They say that the law does not require them to pay a mechanic or laborer for a day's labor unless he works ten hours, which they assume without authority and in defiance of law to be a day's work. This resolution will check this practical injustice.

Now let me say that this law makes very little change in regard to the laborers, and entails no loss upon the Government. The average labor in the navy-yards of the country for a year is not over eight hours and a half a day, nor has it been at any time since they were established. They never work after sundown and in winter the days are short in almost all the States where the navy-yards are situated, and the result is that eight hours and a half make the average of a day's work. It was not intended when the eight-hour law was enacted that the reduction in the hours of labor should affect the rate of wages. The rate of wages was fixed by another law, a different law. That law has never been repealed.

It still remains, or ought to remain, upon the statute-book. If it has been dropped out in the revision of the statutes, it was by accident, not by authority. The law which was made by Congress and approved by the President requires that the wages at the navy-yards shall be regulated and established from time to time by the statute relating to the subject of wages alone.

The law of 1869 relates to nothing but the number of hours of labor that shall constitute a legal day's work. The decision of the Supreme Court turned upon other questions, whether the Government could make a contract or not with the persons it employed. It does not affect this question, as the gentleman from Virginia has so well said.

The Government ought to enforce this law. It ought to call for reports from all its Departments as to the effect it has had upon its interests. The law ought either to be enforced or repealed. I shall vote with great satisfaction for the report of the Committee on Education and Labor and the passage of the joint resolution, and I am gratified and I will say grateful to the gentlemen of that committee for having presented it at this time.

Mr. GOODE. I now yield five minutes to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS. In 1868, Congress passed a law which fixed eight hours as a day's labor in Government yards, workshops, and on all Government works. This of course could not fix the hours of labor under private contracts for the laborers of the country, for Congress has no control of that, but it was the example set by the Government in fixing eight hours as a day's labor in all places where it had control. Many persons well qualified to speak declare eight hours' labor as the greatest amount that can be profitably or that ought to be exacted for the health of workmen. In the same law there was a provision that no reduction should be made in the wages of the men on account of the reduction of one-fifth of the hours of labor exacted. The design was not to reduce his condition, but to improve it. Immediately on the passage of the law in the western part of the country a reduction was made by many of the Government officials in charge of labor to the extent of one-fifth of the men's wages, and they were notified that if they would work ten hours instead of eight they would get their old wages, but if they did not their wages would be reduced one-fifth; and they were so reduced, which virtually de-

feated the spirit and purpose of the law, and I think its plain letter. A bill was passed some time later to pay them for a portion of the amount which had been withheld from them, and it was paid to a portion of them. There is to-day a bill pending in this House introduced by me to pay these men for the money so unjustly and I think illegally withheld from them. That bill was favorably reported in the Forty-fourth Congress, and only failed to become a law for want of time. That bill is again pending in this House and will, I believe, be reported to the House. I have had occasion to correspond with many persons employed on Government works in reference to the persistent evasion of the law, and I know that to-day the law is continually set aside. Some functionaries seem to think they are to be the judges as to what laws they shall execute and what laws they will put their foot through. I do not know why it was that this provision was dropped in the revision of the statutes, as the gentleman from Massachusetts has stated. It is not in the Revised Statutes but the record shows that it never was repealed, and, as has been stated, it is in force; but it is evident that this resolution is in accordance with the law, and for such a declaration there seems unhappily to be a need. The law fixes eight hours a day as the hours of labor on Government works and I hope the resolution will pass, and that when the bill comes before the House to pay the men what is due them for the amounts unjustly deducted from them I hope the House will pass it also and pass it very promptly. I am as anxious as any gentleman in this House for a just economy, but do not believe in saving money by depriving the laborer of what is justly due him, or of stripping the hard-working man of the little time he has for self-improvement and comfort.

Mr. COX, of New York. I desire to have inserted in my remarks the law of May 18, 1872, to which the gentleman from Virginia [Mr. GOODE] refers. At that time Congress construed the law and made an arrangement by which the men should be paid for their labor. I refer to the Revised Statutes, page 732.

The law is as follows:

> Allowance for reduction of wages under the eight-hour law:
> Of such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government, between 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages. (See § 3738.)

Mr. BANKS. I beg one minute's time. As I presented this law originally I want to state the reason on which it was presented, and which to some extent at least influenced the Congress by which it was approved and passed. It was based upon the philosophical and scientific fact that upon the most careful and thorough investigation of the amount of labor that can be endured by man or beast, upon the result of which investigation has been rated what is called "horse-power," it was discovered that a sound and strong horse could not be required to perform labor for more than eight hours without diminishing his power, and that the force developed in less than that period of time would be less than his full power. It is on the basis of such experiments, made by the ablest and most careful scientists and engineers, such men as James Watts and other men of different countries, that the forces of all motive power, whether of water or steam, have been and are still calculated. It is a complete vindication of the theory of the present enlightened law of labor; and so far as we have reports of its operation and results, of its practical value also, that as much value can be obtained from laborers, making a proper estimate of incidental expenses attending their employment, in eight hours as in ten. Another fact of some interest in this connection, and worthy our consideration: that enlightened and humane governments in other countries have prohibited by law the working of certain classes of animals more than eight hours in one day. May we not well and wisely apply such a well and thoroughly tested philosophical principle, which has been accepted as the soundest test of animal force and strength, and asserted for the protection of animals in other countries, to the intelligent men employed by the Government of the United States?

Mr. GOODE. I now yield five minutes to the gentleman from Ohio [Mr. SOUTHARD] who is a member of the committee, and then I shall ask for a vote

Mr. SOUTHARD. I desire to state to the House briefly the object of this resolution. The Committee on Education and Labor was memorialized to give an interpretation to this law. Some years ago it was placed upon the statute-book, and has been treated as a dead-letter by the officers of the Government. The laboring-men in certain Departments in this District and elsewhere memorialized the Committee on Education and Labor on this subject. This resolution simply gives interpretation to that law, and is supplementary in that sense to the original act. The question of fixing the hours of labor at eight hours was settled by the original statute, and the question now for the House to determine is, shall the officers of the Government obey the law that was put upon the statute-book. This joint resolution gives interpretation to that statute, about which it seems to me there can be no possible doubt. The law itself fixes eight hours as a day of labor. The Committee on Education and Labor deem it wise and proper to present this resolution at this time to the House giving this interpretation, and as supplementary to the original act.

The SPEAKER. The question is upon seconding the previous question.

The question was taken; and the previous question was seconded.

Mr. DUNNELL. I would ask if there is any ambiguity in the existing law?

Mr. COX, of New York. It is not enforced.

Mr. DUNNELL. Will they obey this joint resolution any more than the original law?

Mr. COX, of New York. The Secretary of the Navy says he will carry out the law if Congress will construe it, interpret it.

Mr. EDEN. I will ask the gentleman from Ohio [Mr. SOUTHARD] if he thinks it would be right and proper to pay persons in the employ of the Government in the same cities and at the same kind of labor the same wages for eight hours that private establishments pay for ten hours?

Mr. SOUTHARD. That was a question that was settled here years ago when the statute was passed. The question now is what does that law mean.

Mr. EDEN. I understand that it was not settled by the law at all.

Mr. SOUTHARD. Undoubtedly it has been settled according to the interpretation given by the Committee on Education and Labor. And if my friend from Illinois [Mr. EDEN] will read the statute he will see that it does settle the question. Whether it is expedient or proper now, or not, is not the question under consideration.

The SPEAKER. The question is upon ordering the main question.

Mr. HAYES. I desire to ask a question.

The SPEAKER. That is not now in order.

Mr. HAYES. I ask the gentleman from Virginia [Mr. GOODE] to yield to me.

Many MEMBERS. Vote! Vote!

Mr. GOODE. I cannot yield.

The main question was then ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time, and it was accordingly read the third time.

Mr. GOODE. I call the previous question on the passage of this joint resolution.

Mr. HUMPHREY. I desire to offer an amendment.

The SPEAKER. That is not now in order.

The previous question was then seconded; upon a division—ayes 120, noes 27.

The main question was then ordered, and under the operation thereof the joint resolution was passed.

Mr. GOODE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. I now call the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. WILLIS, of New York. I ask unanimous consent——[cries of "Regular order!" "Regular order!"]

The SPEAKER. The Chair cannot recognize the gentleman to ask unanimous consent; there is objection.

Mr. WILLIS, of New York. I do not think there is objection.

The SPEAKER. There is objection, and the gentleman from Texas is on his feet demanding the regular order. The morning hour now begins at four minutes past twelve o'clock, and the House resumes the consideration of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discrimination by common carriers. The gentleman from Texas [Mr. REAGAN] is entitled to the floor for five minutes remaining of his hour.

Mr. REAGAN. I do not propose to continue the discussion upon this bill, but I desire to submit to the House a proposition which will take this bill out of the morning hour and out of the way of other committees. If it will be agreeable to the House I ask unanimous consent that this bill may be taken up after the reading of the Journal on Saturday next and discussed and amendments offered until three o'clock, with the understanding that the previous question shall be called upon the bill at three o'clock on Saturday. In that way we can save the morning hour of to-day and the bill can be disposed of on Saturday. I submit this proposition because I desire, as do the other members of the Committee on Commerce, to get this bill out of the way of other committees who have reports to make.

The SPEAKER. This bill now occupies the morning hour. The gentleman from Texas [Mr. REAGAN] asks that immediately after the reading of the Journal on Saturday next this bill be taken up for consideration, with the understanding that the previous question shall be called at three o'clock.

Mr. REAGAN. It is suggested to me that I make it four o'clock, and I do so.

The SPEAKER. With the understanding that at four o'clock the previous question be called.

Mr. WHITE, of Pennsylvania. Not later than four o'clock.

Mr. REAGAN. Not later than four o'clock.

Mr. WOOD. The proposition of the gentleman from Texas [Mr. REAGAN] assumes that the whole of Saturday will be consumed in the consideration of this bill. It has already occupied two morning hours.

Mr. REAGAN. Only one morning hour has been taken in the consideration of the bill.

Mr. WOOD. Two morning hours have been occupied upon this bill. I think it would be better to have a night session for the consideration of this bill. It is likely that this bill will elicit a vast deal of discussion and opposition.

Mr. REAGAN. This is a very important bill.

The SPEAKER. This bill is a bill of vast importance, and the Chair does not think that it is probable members could be got to attend a night session for the considerationof this bill.

Mr. REAGAN. This bill is of such a character that I feel constrained to insist upon its being considered at a day session. If Saturday is not allowed for that purpose, I must insist upon the bill continuing to occupy the morning hour.

Mr. CARLISLE. This is a very important bill, and I think a very extraordinary one. In my opinion it should be considered in Committee of the Whole, where it can be subject to amendment and discussion under the five-minute rule.

Mr. WOOD. That would be better.

The SPEAKER. The gentleman from Kentucky [Mr. CARLISLE] suggests that this bill be considered in Committee of the Whole on Saturday next.

Mr. REAGAN. That would be equivalent to the defeat of the bill. I cannot consent to anything that will aid in the defeat of the bill at this session. I submitted the proposition to the House to consider this bill on Saturday next immediately after the reading of the Journal, because I desire to get it out of the way of other committees that have reports to make in the morning hour. If it is the pleasure of the House not to give Saturday for its consideration then I must insist upon continuing it in the morning hour.

Mr. HEWITT, of Alabama. I object to making this bill a special order for Saturday.

Mr. REAGAN. As there is objection to this arrangement which seeks to facilitate the business of other committees we must proceed with the consideration of this bill in the morning hour.

Mr. PAGE. Do I understand that there is objection to making this bill a special order?

Mr. REAGAN. I yield for a few moments to the gentleman from New York, [Mr. COX,] who wishes to make an arrangement in regard to the "life-saving bill" which was set as a special order for to-day.

The SPEAKER. The Chair will recognize the gentleman from New York for that purpose after the morning hour. It is not allowable for the morning hour to be consumed in that way.

Mr. REAGAN. The gentleman from Alabama, [Mr. HEWITT,] I understand, withdraws his objection. I therefore submit the proposition that the House take up this bill immediately after the reading of the Journal on next Saturday, with the understanding that the previous question shall be called not later than half past three o'clock.

Mr. THOMPSON. I object.

Mr. EDEN. Is it in order to make a motion that the bill be referred to the Committee of the Whole? If it is, I make that motion.

The SPEAKER. The Chair thinks that the gentleman has not the floor for that purpose. The Chair is first bound to recognize the gentleman from Texas in charge of the bill, so that he may test the sense of the House on his proposition.

Mr. THOMPSON. At the request of gentlemen around me I withdraw my objection; I will not stand in the way of the arrangement proposed; but I ask the gentleman from Texas to name four o'clock as the hour for calling the previous question, instead of half past three.

The SPEAKER. The Chair will again submit the question. The gentleman from Texas asks unanimous consent that this bill be taken out of the morning hour and considered immediately after the reading of the Journal on Saturday next, with the understanding that at half past three o'clock——

Mr. THOMPSON. Not before.

The SPEAKER. Not before half past three o'clock he will demand the previous question on the bill and such amendments as may be pending. Is there objection to this arrangement?

Mr. CANNON, of Illinois. Does that cut off amendments?

Several MEMBERS. Oh, no.

The SPEAKER. The Chair understands that the gentleman from Texas is willing to have as many amendments pending as the rules will allow. Is there objection?

Mr. CANNON, of Illinois. Yes, sir; I object.

Mr. REAGAN. Very well; I see that gentlemen cannot be satisfied. I propose to have an understanding that amendments may be prepared and offered during the general debate, and that the previous question when called shall operate on the bill and all amendments.

Mr. CANNON, of Illinois. If the gentleman will make a proposition to consider the bill in the House as in Committee of the Whole——

Mr. CLARK, of Missouri. I wish to understand the proposition of the gentleman from Texas. Is it to consider this bill immediately after the reading of the Journal on Saturday or immediately after the morning hour?

The SPEAKER. After the reading of the Journal.

Mr. CLARK, of Missouri. I object, unless the gentleman puts it after the morning hour.

Mr. REAGAN. That I shall not do. If gentlemen desire to keep this bill in the morning hour, it may stay there till they get sick of it.

Mr. BEEBE. Is it in order now to move to lay the bill on the table in order to test the sense of the House?

The SPEAKER. The Chair thinks it is.

Mr. BEEBE. I make that motion.

The SPEAKER. As many as are in favor of the motion of the gentleman from New York——

Mr. DUNNELL. I submit that this is hardly proper or fair treatment of this very important measure.

The SPEAKER. A motion to lay on the table is not debatable.

The question being put, the motion was not agreed to.

Mr. REAGAN. I now yield ten minutes to the gentleman from Pennsylvania, [Mr. THOMPSON.]

Mr. CONGER. I submit that the gentleman has not ten minutes to yield.

The SPEAKER. The gentleman from Texas has not control of the floor; but the Chair was not aware what gentlemen desired to speak.

Mr. THOMPSON. I have the floor, then, in my own right, though I shall not probably detain the House myself longer than ten minutes. The gentleman from Texas stated yesterday that this was a very important bill. An examination of its provisions will convince any one that the statement is accurate. The bill, although drawn at considerable length, is very simple in the purposes it proposes to accomplish; and those objects if accomplished are of very great interest to every citizen of this land. The bill does not interfere or attempt to interfere with the transportation of commerce within the States. It undertakes to manage only the interstate commerce of the country.

There are two evils imperatively demanding remedy which have grown up in the transportation of the commerce of the country. One is discrimination against individuals and the other is discrimination against localities. These two points are the main features of this bill, and these are the two evils it is intended mainly to remedy.

The first I have named has grown to be a grievous burden. I may state as illustrating this point what I know in reference to a subject in which I am interested somewhat and with which I am entirely familiar; that is, the transportation of oil from where it is produced in Pennsylvania to the seaboard. I hold in my hand a table which shows that the production of the State of Pennsylvania last season amounted in round numbers to thirteen millions of barrels. The established rates for transportation from the producing regions to the seaboard was $1.50 per barrel, which would have amounted to the sum of $18,750,000. Instead, however, of the railroad companies receiving $18,000,000 for the transportation of this oil under a "ring" arrangement they received nominally $1.50 per barrel, but the men in the "ring" received back in the form of drawbacks ranging from eighty cents to $1.10 for every barrel. Instead, therefore, of the stockholders of the railroads receiving $18,000,000 justly due them, and which the producers of oil are perfectly willing to pay, the stockholders of the railroad companies receive less than five, while thirteen millions of this money are diverted from the stockholders and from the shippers into the pockets of an unscrupulous "ring." This bill proposes to abolish that, and make it not only legally impossible but make it, as it should be, a crime and a misdemeanor.

The next point the bill seeks to correct is this: under an arrangement railroad companies will ship produce from a point one hundred miles east to a given point one hundred miles west for less money than they can ship it for a shorter distance. And in corroboration of that I send to the Clerk, but will not ask him to read now, a statement of the rates on westward-bound freight. I will refer, however, to a single example. From Boston to Chicago first-class freight on the one thousand and nine miles paid forty cents a hundred. From New York to the same point and one hundred and nine miles shorter distance, the same freight paid to the same railroad seventy-five cents, more than fifty cents of discrimination against the one and in favor of the other. The same runs down until I exhibit here twenty different points in which discrimination against particular localities ranges from 33 to 100 per cent. One reason for it, one justification for it is suggested, that at certain points where railroads radiate in different directions and there is great competition and the rates are very low and are destructive to the interest of the railroad, and because they are destructive to the interests of the railroad at these points, they are made up by discriminating against less favored points, which are compelled to pay not only fair and reasonable rates, but rates to make up what has been lost by the railroad in this unwise discrimination in behalf of more favored localities. I call attention to this table:

Statement of combination freight rates, as issued by all the trunk lines, November 15, 1875.

[Showing discriminations against shipments from New York, and in favor of Boston, Philadelphia, or Baltimore, of from 25 to 133 per cent.]

To—	From—	Miles.	Classification per cwt.				
			First.	Second.	Third.	Fourth.	Special.
			Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Chicago	New York	900	75	70	60	45	35
Do	Boston	1,009	40	40	30	25	15
Do	Philadelphia	823	68	63	54	41	32

Statement of combination freight rates, as issued by all the trunk lines, November 15, 1875—Continued.

To—	From—	Miles.	Classification per cwt.				
			First.	Second.	Third.	Fourth.	Special.
			Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Chicago	Baltimore	802	65	61	52	39	30
Saint Louis	New York	1,050	97	91	79	61	49
Do	Boston	1,212	55	55	43	36	23
Do	Philadelphia	973	88	83	72	56	45
Do	Baltimore	917	83	78	68	53	42
Cincinnati	New York	743	70	64	55	41	32
Do	Boston	967	37	37	28	23	16
Do	Philadelphia	667	62	56	48	36	28
Do	Baltimore	576	53	49	41	31	24
Dubuque	New York	1,090	1 35	1 20	1 00	75	65
Do	Boston	1,210	1 00	90	70	55	46
Do	Philadelphia	1,015	1 28	1 13	94	71	62
Do	Baltimore	1,060	1 25	1 11	92	69	60
Louisville	New York	870	86	81	79	61	44
Do	Boston	1,161	49	49	39	34	23
Do	Philadelphia	794	77	72	63	49	39
Do	Baltimore	706	69	64	56	43	35
Cleveland	New York	580	49	46	39	30	23
Do	Boston	671	30	30	25	20	14
Do	Philadelphia	682	44	40	33	28	20
Do	Baltimore	661	39	37	31	25	19
Toledo	New York	693	58	54	46	35	27
Do	Boston	784	31	31	25	20	14
Do	Philadelphia	617	50	47	40	30	23
Do	Baltimore	596	48	45	38	29	22
Indianapolis	New York	810	71	66	57	43	33
Do	Boston	951	38	38	28	24	16
Do	Philadelphia	735	63	59	51	38	29
Do	Baltimore	700	59	55	47	36	27
New Albany	New York	872	83	78	61	52	41
Do	Boston	1,075	46	46	36	31	21
Do	Philadelphia	798	75	70	61	47	37
Do	Baltimore	708	67	62	54	43	35
Burlington	New York	1,106	1 10	1 00	85	65	53
Do	Boston	1,216	75	70	55	45	34
Do	Philadelphia	1,030	1 03	93	79	61	50
Do	Baltimore	995	1 00	90	77	59	48
Columbus, O.	New York	623	60	56	48	36	28
Do	Boston	807	32	32	25	20	15
Do	Philadelphia	547	52	48	41	31	24
Do	Baltimore	512	47	44	38	28	22
Detroit	New York	673	53	49	42	32	25
Do	Boston	724	30	30	25	20	14
Do	Philadelphia	683	53	49	42	32	25
Do	Baltimore	661	45	41	35	27	21
Kansas City	New York	1,324	1 65	1 40	1 10	85	70
Do	Boston	1,487	1 23	1 04	74	60	44
Do	Philadelphia	1,248	1 56	1 32	1 03	80	66
Do	Baltimore	1,192	1 51	1 27	99	77	63
Memphis	New York	1,247	1 20	1 10	95	72	57
Do	Boston	1,438	83	78	63	51	36
Do	Philadelphia	1,171	1 11	1 01	87	66	52
Do	Baltimore	1,083	1 04	94	81	61	49
Milwaukee	New York	947	75	70	60	45	35
Do	Boston	998	40	40	30	25	15
Do	Philadelphia	908	68	64	55	41	32
Do	Baltimore	887	66	62	53	39	31
Omaha	New York	1,393	1 70	1 45	1 15	90	75
Do	Boston	1,503	1 35	1 15	85	70	56
Do	Philadelphia	1,317	1 63	1 38	1 09	86	72
Do	Baltimore	1,294	1 56	2 32	1 04	82	68
Saint Paul	New York	1,308	1 70	1 45	1 15	90	75
Do	Boston	1,418	1 40	1 25	1 00	80	71
Do	Philadelphia	1,242	1 68	1 48	1 24	96	87
Do	Baltimore	1,211	1 65	1 46	1 23	94	85
Saint Joseph	New York	1,356	1 65	1 40	1 10	85	70
Do	Boston	1,478	1 23	1 04	74	60	44
Do	Philadelphia	1,280	1 56	1 32	1 03	80	66
Do	Baltimore	1,253	1 51	1 27	99	77	63
Fort Wayne	New York	750	65	61	52	39	30
Do	Boston	887	35	35	26	22	14
Do	Philadelphia	676	57	54	46	34	26
Do	Baltimore	689	55	52	44	33	26
Kalamazoo	New York	817	70	66	56	42	33
Do	Boston	939	38	38	28	24	15
Do	Philadelphia	769	66	60	52	40	32
Do	Baltimore	773	57	53	45	35	27
Elkhart	New York	826	70	65	56	42	33
Do	Boston	928	37	37	28	23	14
Do	Philadelphia	772	.....	.....	.....	.....	.....
Do	Baltimore	800	.....	.....	.....	.....	35

In order to remedy this evil, this bill is drawn with great care, specifically pointing out the evils to be avoided and remedies to be enforced.

One remedy is this: that every railroad company under the provisions of this bill is compelled to place in its depot, in a prominent place, in plain type, conspicuously posted, a schedule of its rates and the class of rates from one point to another designated on its road, and it is also provided that it shall not charge A for the same service for the same time and over the same road more than it charges B. Why should not that be done? I can instance a case in my own State where, if you want to ship goods to-day to Chicago, Saint Louis, or Omaha, the shipper can ship them one hundred and twenty miles east, pay the freight on them, and then ship them twelve miles west, through the very point from which they shipped originally or to Chicago or Omaha, for less money than he could ship them originally direct. This is corrected in this bill, and it is a remedy which has been long needed and which cannot be provided too soon.

I have said, Mr. Speaker, that it was against the discrimination in the freight of oil to the seaboard which gave rise to this bill.

Now, in order that the country may understand the magnitude of that business and the importance of the traffic, I will simply state this fact orally, and then submit certain tables which will illustrate the point I am making. It is this: this oil is produced in a territory which a man can ride around on horseback in two days. Nine-tenths of all the oil in the world is produced in that isolated district. This is a commodity which was unknown to commerce fifteen years ago. Fifteen years ago not one barrel had been shipped to a foreign country. And yet it appears from the statistics of our Government that of all the articles of export in the year 1877 the second in importance and value was this oil. Cotton stands first on the list, then comes oil. The export is of the value of $61,789,438, bringing back into this country more gold than all the wheat, or flour, or bacon, or beef, or lumber, or tobacco, or any other commodity shipped from this country; and more than all the gold and silver bullion and gold and silver coin combined by $20,000,000.

The experience of these men previously had been such that this business was entirely broken down and prostrated. They ask that this legislation should be made. They have come here for that purpose; but it is not in their interest alone. Every interest, every manufacturer, every man who raises a bushel of grain or feeds a head of stock, meat, grain, lumber, manufactures—all are crushed in various localities by this unjust, illegal, and criminal legislation. It would be in the interest of the railroads to have this law passed. Let a law be passed under which they cannot commit *felo de se*. Let a law be passed under which they cannot be compelled to ship at ruinous rates. Let competition make its own rates. And this bill does not fix rates; it only fixes the relative value of rates. Railroads would be benefited, manufacturers would spring up in favored localities, its operation would go on from one portion of the country to the other and prosperity would cover the whole land; and in localities where they are now crushed, smothered out by these unjust discriminations, manufactures and productions of various kinds would be produced.

This is a matter in which every man in this land is directly or indirectly interested. And I say here without fear of contradiction that the importance of this bill is not second to any one that has been before this House. If adopted, more than a hundred millions of dollars will be saved to the producers and shippers of this country, and not one dollar will be taken from the coffers of the railroads or common carriers. But it will be taken from the ring; from the combination of thieves who have been permitted by law, as I have previously said, to fatten on the misfortunes of certain classes of the community. I shall print with my remarks certain statistics illustrating the argument I have been making, and will detain the House no longer.

The following are the statistics referred to by Mr. THOMPSON in his speech:

The following statement shows the number of wells in operation May 1, 1878, cost of wells, amount of iron-tankage, capacity of tanks and refineries, their cost, &c.:

Number of wells	9,000
Cost per well, $5,500—amounting to	$49,500,000
Twenty-five hundred miles of pipe lines, costing	7,000,000
Refineries, with 60,000 daily capacity, costing	6,000,000
Six million iron tankage, costing	6,000,000

The following statement shows the amount of oil shipped to the seaboard during the year ending March 1, 1878, and the cost of transportation from wells to the seaboard:

Number of barrels shipped	12,485,563
Pipeage from wells to railroad, twenty-five cents per barrel	$3,121,390 75
Transportation by railroad, at $1.50 per barrel	18,728,294 50
Total	21,849,659 25

The refined oil is shipped in barrels or casks, and for this purpose thirty thousand daily is a fair estimate, costing $1.36 each, and made up of the following items:

24 staves at 2½ cents each	$0 60
10 pounds hoop iron, at 3 cents per pound	30
Glue, 6 cents per pound	6
Labor, paint, &c	40
	1 36
30,000 barrels daily, costing $1.36 each	$40,800
And amounting yearly to the sum of, (counting 360 days a year)	15,668

The following statement shows the value of fifteen of our principal articles of export for the year 1877:

Cotton		$171,118,508
Petroleum		61,789,438
Bacon and hams		49,512,621
Wheat		47,155,562
Indian corn		41,621,245
Tobacco		32,020,214
Lard		25,562,665
Gold and silver bullion	$22,359,101	42,966,035
Gold and silver coin	20,606,934	
Wheat flour		21,663,947
Lumber		15,041,747
Cheese		12,700,627
Wool and woolen goods		9,834,849
Tallow		7,883,610
Beef		7,503,475

Table showing, in barrels, the stock of oil in the oil region on the first day of each month of the years shown.

Months.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.
January	340,154	537,751	5[illegible]2,974	1,183,728	1,948,919	4,011,703	3,585,143	2,604,128
February	342,390	587,021	579,793	1,266,373	2,284,032	4,546,188	3,734,835	2,860,636
March	351,474	642,944	662,407	1,244,657	2,598,219	4,592,364	3,829,250	3,240,454
April	328,609	673,810	877,[illegible]32	1,178,643	2,623,534	4,537,843	3,900,703	3,279,731
May	328,309	685,616	950,[illegible]03	1,192,541	2,503,246	4,552,672	3,989,904	3,173,008
June	351,568	554,424	1,010,302	1,324,491	2,701,625	4,502,896	3,791,642	2,942,674
July	321,840	541,676	990,229	1,433,620	2,794,790	4,386,720	3,336,746	3,004,723
August	356,908	530,000	979,166	1,513,890	2,932,444	6,223,397	3,304,405	2,852,544
September	419,477	541,000	951,410	1,521,185	2,758,504	3,812,945	2,930,456	2,503,657
October	473,869	495,000	914,433	1,452,777	3,134,902	3,672,101	3,040,108	2,504,012
November	576,014	503,547	759,630	1,493,875	3,449,845	3,701,235	3,030,745	2,471,798
December	554,626	522,974	1,084,423	1,625,157	3,705,639	3,550,207	2,824,739	3,127,837

Table showing, in barrels, the daily production of oil for the following eight years and the aggregate of each year.

Year.	Production.	
	Aggregate.	Daily average.
1870	5,649,829	15,479
1871	5,795,879	15,879
1872	6,293,691	17,243
1873	9,890,873	27,098
1874	10,681,186	29,263
1875	8,472,309	23,214
1876	8,982,738	24,543
1877	13,129,780	35,972

The following are the total exports of crude, refined, naphtha, &c., from New York, Philadelphia, Baltimore, and Richmond for the years mentioned:

Years.	New York.	Philadelphia.	Baltimore.	Richmond.
	Gallons.	*Gallons.*	*Gallons.*	*Gallons.*
1870	87,667,299	49,889,736	1,731,321	.....
1871	94,905,850	55,901,590	2,5[illegible]0,528	.....
1872	90,037,736	56,421,900	1,995,104	.....
1873	145,691,935	85,860,120	3,471,222	.....
1874	150,395,390	73,009,112	8,282,703	.....
1875	140,021,916	64,311,203	25,537,331	.....
1876	139,624,348	66,202,830	41,751,260	4,667,866
1877	247,965,845	49,068,975	44,856,165	3,123,072

The following are the total exports from the United States for the years—

	Gallons.
1870	141,238,155
1871	155,613,064
1872	150,162,419
1873	237,481,633
1874	235,143,151
1875	2[illegible]2,411,[illegible]17
1876	255,372,426
1877	349,246,917

The following statement shows the amount of shipments of crude oil from the Pennsylvania oil field for the years 1876 and 1877:

Total shipments for the year 1876, (barrels)	9,970,144
Total shipments for the year 1877, (barrels)	12,4[illegible]5,563

Statement showing the amount of crude oil transported from the oil regions monthly during the years 1876 and 1877.

Year.	Barrels.	Year.	Barrels.
1876.		1877.	
January	662,377	January	746,530
February	504,966	February	445,925
March	593,520	March	912,603
April	571,198	April	842,192
May	598,977	May	1,222,045
June	850,239	June	1,295,657
July	1,162,738	July	1,085,393
August	1,174,269	August	1,429,908
September	1,097,577	September	1,552,774
October	505,902	October	1,197,883
November	835,476	November	1,189,402
December	1,170,521	December	565,162

Mr. BRAGG obtained the floor.

Mr. REAGAN. If the gentleman from Wisconsin will allow me, I desire to make another proposition to the House.

Mr. BRAGG. I decline to yield the floor if my doing so shall interfere with my retaining it.

Mr. REAGAN. I do not propose to interfere with the gentleman's retaining the floor; but perhaps he would prefer occupying the floor at another time. I propose, if it be agreeable to the House, that it shall be ordered by unanimous consent that at the close of the morning hour on Saturday this bill be considered, and the previous question not called earlier than half past four o'clock.

The SPEAKER. The gentleman from Texas now proposes that the pending bill be taken out of the morning hour, and that its consideration be assigned for Saturday next immediately after the morning hour, and that debate shall close and a vote be taken on the bill and pending amendments at half past four o'clock instead of half past three, thus allowing more time for debate. Is there objection?

Mr. CANNON, of Illinois. I desire to ask the gentleman from Texas a question: whether he will not modify his proposition so as to allow the bill to be considered on Saturday in the House as in Committee of the Whole under the five minute rule.

Mr. REAGAN. I have no objection to that. Perhaps in that way we may get more intelligent debate on the bill. But let it be with the understanding that the previous question shall be called at that hour.

Mr. SAMPSON. Is it the understanding that the previous question shall be called at that time?

The SPEAKER. Not necessarily. The proposition is that the previous question shall not be called until then.

Mr. BRAGG. It is understood that if I yield the floor now I shall be entitled to the floor when the consideration of the bill is resumed on Saturday.

The SPEAKER. The Chair will so consider. Is there objection to the proposition of the gentleman from Texas, as modified?

There was no objection, and the order was made.

TIMBER LANDS.

Mr. PATTERSON, of Colorado, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

The bill was read. It provides that all citizens of the United States and other persons, *bona fide* residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral and not subject to entry under existing laws of the United States except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the undergrowth growing upon such lands.

Section 2 provides that it shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any of such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Section 3 provides that any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months.

Mr. PATTERSON, of Colorado. I now ask for the reading of the report of the committee of the Senate.

The Clerk read the report, as follows:

The committee have carefully considered the subject of timber and timber lands, and, after mature deliberation, with the view of devising the best methods of preserving, cultivating, and disposing of the same, have come to the conclusion that a distinction should be made between such trees as grow upon the mountains in the mineral districts and the forests of pine, oak, and other timber that grow in the more level portions of the country.

While the lumber of the latter is a regular and important article of commerce and is constantly being cut and transported in large quantities to ready markets, the character of the former renders the timber unfit for commercial purposes. Even were this otherwise, it is usually found in such inaccessible places as to preclude its transportation to market. Consequently it is used by the prospector, the miner, and other members of mining communities for domestic and other practical purposes incidental to the development of mineral districts. The committee do not believe that it would be wise policy on the part of the Government to seek to profit directly by the sale of this kind of timber nor to tax the pioneer by compel-

ling him to purchase it. Except as a source of revenue, by sale to the settler, it never can be of any value to the Government. Should the experiment be tried of requiring payment for it, it would be found that the cost of keeping agents for its sale and officers to prevent or punish infractions of the law at remote and widely separated settlements, would largely consume all sums received for this timber by the Government. Thus, while it is practically of but little value to the Government, it is essential to the settler and indispensable to his occupation and development of the mineral lands. It has been the custom of Congress to encourage the exploration and development of the mineral regions of the United States; and in this connection it should be borne in mind that it is mainly to the indomitable energy, hardihood, and daring of the pioneer that we are indebted for the discovery and development of the rich gold and silver districts of the country. What would be the condition of this country to-day had it not been for our product of gold and silver during the last quarter of a century? The $100,000,000 annually added by the United States to the world's stock of bullion will amply pay for the use of the scattering timber found in those localities. Instead of imposing this timber as a tax upon this important branch of industry, the committee are of opinion that, under the restrictions provided in this bill and on the grounds of equity and public policy, the Government should allow its free use by the actual settler for the purposes alluded to herein.

In 1866 Congress, by express statute, authorized the occupation and use of these mineral lands, as follows:

"*Be it enacted, &c.*, That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs and rules of miners in the several mining districts, so far as the same may not conflict with the laws of the United States."

This is an express grant by the Government to the people who occupy this portion of the public domain. There was no law by which settlers could purchase either the timber necessary for such occupation or the land upon which that timber is found. It is a well-settled principle applied to grants that the grant carries with it all the incidents necessary to enable the grantee to make the grant available. It is absolutely necessary for settlers to have timber for domestic use in order to enable them to occupy these mineral lands. It would have been a mockery to make this grant without including such use of timber. It cannot be said that it was ever intended the occupants should pay for this timber, since no provision has ever been made for its sale or purchase. The Government is more than paid for its value by the increased wealth added by mining operations to the grand total of taxable property. In view of these considerations, the committee recommend the passage of the substitute, which contains limitations and guards for the protection of undergrowth and such other restrictions as seem just and equitable.

Mr. FORT. I desire to make a point of order upon that bill. It occurs to me that it ought to be considered in Committee of the Whole on the state of the Union. It is liable to the point of order inasmuch as it proposes to dispose of public property. The language of the report clearly indicates that it is subject to a point of order.

Mr. PATTERSON, of Colorado. I desire to say that this is a bill that has already passed the Senate. It was reported by the Senate Committee on Public Lands unanimously. It was discussed in the Senate very fully by gentlemen who have had the subject of public lands and the subject of timber in the Territories called to their attention, and it passed the Senate of the United States also unanimously. It was referred to the Committee on Public Lands of this House, and that committee also took it under consideration and examined it carefully from every stand-point and they also unanimously concluded that it was a proper policy to adopt with reference to the class of people whom it is intended to benefit in the Territories.

Mr. FORT. The gentleman from Colorado is discussing the bill, and not the point of order.

The SPEAKER *pro tempore*. The gentleman must confine himself to the point of order.

Mr. PATTERSON, of Colorado. I was not speaking exactly to the point of order, but for the purpose of giving the gentleman from Illinois some information as to the deliberate consideration that the bill has received in both branches of Congress.

I will also state that the Delegates from the Territories unanimously presented a petition to the Committee on Public Lands in favor of this bill. I am thoroughly satisfied that if this House had the bill under consideration for any time it would then be passed by the House by an almost unanimous vote.

The SPEAKER *pro tempore*. Does the gentleman from Illinois insist upon the point of order?

Mr. FORT. I do.

Mr. PAGE. I would appeal to the gentleman from Illinois not to press the point of order on this bill. It is well understood by the House that some law must be passed to relieve the people of the Territories of the United States from the operations of the act of 1831, which makes it a misdemeanor for any person to trespass upon the public lands of the United States. The bill can be as well considered in the House as in Committee of the Whole on the state of the Union. This legislation is recommended by the Commissioner of the General Land Office and by the Secretary of the Interior, and it is demanded by the people everywhere that Congress should pass some law by which the people shall have the right to obtain some timber from the public lands. I therefore appeal to the gentleman from Illinois to allow the bill to be considered here. There will be abundant opportunity for amendment and discussion, and I ask him not to insist upon the point of order, when it will simply result in doing great injustice to the people of the western Territories.

Mr. MAGINNIS. Mr. Speaker, I hope the gentleman from Illinois will withdraw the point of order against this bill. In the two last Congresses I had the honor to introduce bills for the disposition of these timber lands. Sometimes we succeeded in securing their passage in one House, sometimes in the other, but have failed to secure the concurrence of both. The subject-matter has been extensively discussed in both Houses this winter, and the debate attracted the attention of the country. I spoke to the House some time ago in favor of a proposition of this kind, upon an appropriation bill. The House without a dissenting voice then sustained the position I assumed. It has already passed on the principles embraced in this bill. It is unnecessary to again go over the ground in Committee of the Whole. I trust the point of order will be withdrawn and the bill considered on its merits.

Mr. FORT. Allow me to say that this bill seems to allow unlimited license to cut timber on the public lands to an unlimited number of persons. It ought to be discussed in the Committee of the Whole on the state of the Union, but as the gentlemen who seem to be most interested in the passage of the bill have appealed to me to withdraw the point of order I will do so with the understanding that one or two amendments may be offered, and I will state one of the amendments which I think ought to be adopted. The bill provides that the Secretary of the Interior may make rules and regulations to protect the undergrowth, but it does not provide that he may make any regulations to protect the timber or to control this unlimited license which is given by the bill to cut timber.

It seems to me that for the public good the Secretary of the Interior ought to be authorized to provide proper rules and regulations to govern this matter of cutting timber on the public lands. Having said this much I will withdraw the point of order.

Mr. PATTERSON, of Colorado. Then I call the previous question.

Mr. FORT. While undoubtedly the constituents of gentlemen who favor this bill are interested in the subject of cutting timber on the public lands, still all the people of the United States are equally interested, for many of our people contemplate emigrating to and settling in that country. Therefore the timber should be preserved for them as well as for those who are already there.

Mr. PRICE. And they want the benefit of this very bill, or something similar to it.

Mr. PATTERSON, of Colorado. I call the previous question with the understanding that amendments may be offered afterward.

The SPEAKER *pro tempore*. The previous question would cut off all amendments.

Mr. FORT. I desire to move to amend the bill so that it shall not be open to railroad corporations to cut this timber, and also that the Secretary of the Interior shall make rules and regulations in regard to the cutting of the timber as well as the protection of the undergrowth.

Mr. MAGINNIS. We have no objection to those amendments.

Mr. PATTERSON, of Colorado. I call the previous question with the understanding that the amendments indicated by the gentleman from Illinois [Mr. FORT] are pending.

The previous question was seconded and the main question was ordered.

The first question was upon the amendment of Mr. FORT to add to section 1 the following:

And provided further, That the provisions of this act shall not extend to railroad corporations.

The amendment was agreed to.

The next question was upon the amendment of Mr. FORT to amend section 1 preceding the proviso so that it will read as follows:

Subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes.

The amendment was agreed to.

The bill, as amended, was then ordered to a third reading, read the third time, and passed.

Mr. PATTERSON, of Colorado, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT WAYNE MILITARY RESERVATION.

Mr. SMITH, of Georgia, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 613) subjecting the Fort Wayne military reservation, in the State of Arkansas, to entry as other public lands in said State.

The bill provides that all the lands embraced in the Fort Wayne military reservation, in the State of Arkansas, shall be opened and made subject to entry as other public lands in said State under existing laws; provided that all persons owning improvements on said reservation at the time of the passage of this act shall have a prior right to enter the same at any time within six months after this act goes into effect.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. DUNNELL. Is this bill recommended by the Secretary of War?

Mr. SMITH, of Georgia. It is.

Mr. DUNNELL. Bills of this character usually come from the Committee on Military Affairs.

Mr. SMITH, of Georgia. There is a report accompanying the bill, which I ask the Clerk to read, as it will give all the information desired.

Mr. DUNNELL. All right.

Mr. SMITH, of Georgia. The report is very short.

The Clerk read as follows:

The Committee on Public Lands report the bill (H. R. No. 613) favorably, and submit the following statement and recommendations from the Commissioner of

the General Land Office in support of the passage of the bill and in the nature of a report in favor of the same:

By the sixth section of the act of Congress of June 12, 1858, (Statutes at Large, volume 2, page 336,) lands embraced in abandoned military reservations, except reservations in Florida, are not subject to the operation of the general laws for the disposal of the public lands of the United States, and they can only be disposed of in such manner as may be provided for from time to time by special enactment.

The act of Congress of February 24, 1871, (Statutes at Large, volume 16, page 430,) provided for the disposal of certain useless military reservations therein mentioned, to wit, Fort Wayne, in Arkansas, and others. In accordance with the provisions of said act, the lands covered by the reservations at Fort Lane, in Oregon; Fort Zarah, in Kansas, and Fort Jesup, in Louisiana, have been offered at public sale, with no bidders in the case of Fort Lane and the sale of a few tracts in the case of Fort Zarah and Fort Jesup. The tracts not disposed of at the public sales thereafter became subject to private entry at the appraised price, under the terms of the act. In the case of the other reservations mentioned in said act, (Fort Wayne being one of them,) except the three offered at public sale as above stated, further action of Congress is deemed necessary for the proper disposal of them, and the recommendations made in connection therewith on pages 40, 41, and 42 of my last annual report are respectfully renewed.

The recommendations referred to are as follows: "5. Fort Wayne, Arkansas, contains 11,680 acres per survey. The appraisement was reported at $1.25 per acre as the value of the land, there being no improvements of any kind upon the abandoned reservation. This being the case, it is suggested that the lands be brought into market as other public lands; and to effect this the necessary legislation is recommended."

The whole object of this bill is to bring this useless military reservation into market as other public lands.

Mr. SMITH, of Georgia. I now call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SMITH, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORING LANDS IN IOWA TO SETTLEMENT.

Mr. SAPP, from the Committee on Public Lands, reported back with an amendment House bill No. 699 to restore certain lands in Iowa to settlement under the homestead law, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to restore to settlement under the homestead law, by published notice, all vacant unappropriated lands heretofore withdrawn for the Mississippi and Missouri Railroad, in the State of Iowa, situated more than twenty miles from the amended line of route as located under the act approved June 2, 1864, entitled "An act to amend an act making a grant of land to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," approved May 15, 1856: *Provided*, That all actual settlers now residing on said lands shall be permitted to enter not exceeding one hundred and sixty acres for each head of a family or single man over twenty-one years of age, embracing improvements, in preference to any other person, on making proof of such settlement in accordance with rules to be prescribed by the Secretary of the Interior: *And provided further*, That all actual settlers now residing upon the lands hereinbefore mentioned shall be permitted to make the final proof now required by law, and receive their patents at the expiration of five years from the date of their actual settlement.

SEC. 2. That this act shall not include any lands embraced in the confirmatory act approved January 31, 1873, entitled "An act to quiet title to certain lands in the State of Iowa."

The amendment was, in the first section of the bill, to strike out the word "law," after the word "homestead," and to insert in lieu thereof the words "and pre-emption laws;" so that it will read, "restore to settlement under the homestead and pre-emption laws."

The amendment was agreed to.

Mr. SAPP. I call the previous question on the bill as amended.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SAPP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSEND, of New York. Has the morning hour expired?

The SPEAKER. It has.

Mr. TOWNSEND, of New York. I call for the regular order.

Mr. WOOD. I move that the House resolve itself into Committee of the Whole on the tariff bill.

PRIVILEGES OF THE FLOOR.

Mr. WRIGHT. I ask unanimous consent that the privileges of the floor be extended to Mr. Peter Cooper, of New York.

There was no objection.

PERSONAL EXPLANATION.

Mr. LOCKWOOD. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. LOCKWOOD. I dislike very much to trouble the House upon such a question and should not do so under ordinary circumstances. But the RECORD of yesterday (following as I understand the Journal in this respect) reports me as not voting upon the motion of my colleague [Mr. WOOD] on Tuesday last to go into Committee of the Whole for the consideration of the tariff bill. The fact is, upon that motion I voted "no." The vote stood 108 in the negative and 109 in the affirmative. My recollection is very clear upon this point from the fact that before the vote was announced and before several gentlemen had changed their votes from the negative to the affirmative I was solicited by three of my colleagues from the State of New York to change my vote and vote in the affirmative so that the motion should prevail and the bill come up for consideration. I declined to do so, upon the ground that I believed the country was tired of this discussion and that the best interests and welfare of the people could not be promoted either by the passage of the bill or its further consideration. I dislike to appear in the RECORD or Journal or anywhere else as a dodger upon any question or vote arising in this House. That is not an element that enters into my character. Whatever opinions I entertain upon any question coming before this House or the country I am ready that the country should know them, and am always ready to place myself upon the record.

The SPEAKER. The Chair desires to state in behalf of the gentlemen at the Clerk's desk that the vote of the gentleman from New York [Mr. LOCKWOOD] was not heard at the desk. Besides, the roll was called over in the usual manner, and the opportunity was afforded to any gentleman who was not recorded to record his vote.

Mr. BEEBE. I desire to add my testimony to that of my colleague, [Mr. LOCKWOOD.] I know very well that he did respond when his name was called, although the clerks may not have heard him, owing to the temporary confusion.

Mr. LOCKWOOD. I cannot be held responsible for the fact that they did not hear. I usually speak in a tone loud enough to be heard by almost everybody in the Hall; and in this case I spoke sufficiently loud for my colleagues on the farther side of the House to hear me; for they came to me and tried to get me to change my vote, which I declined to do.

The SPEAKER. The Chair remembers distinctly calling the attention of the House during that very roll-call to the noise prevailing in the Hall. The fault in this respect rests with members themselves. It is the duty of each member to watch when his name is called and see that his vote is recorded.

Mr. LOCKWOOD. Gentlemen on the other side of the House heard me when I announced my vote.

The SPEAKER. No one is questioning the word of the gentleman; but the mistake arose from the confusion prevailing at the time.

ORDER OF BUSINESS.

Mr. WOOD. I move that the House resolve itself into Committee of the Whole.

Mr. KNOTT. I ask unanimous consent to withdraw from the files of the House papers in the case of Mrs. Ellen Camp, no adverse report having been made.

Mr. TOWNSEND, of New York. I object. That can be done at the close of the day.

TARIFF BILL.

The question being taken on the motion of Mr. WOOD, that the House resolve itself into the Committee of the Whole on the state of the Union, the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. SAYLER in the chair) and resumed the consideration of the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce and to reduce taxation, and for other purposes.

Mr. KELLEY. Mr. Chairman, the most noteworthy portion of the speech of the chairman of the Committee of Ways and Means [Mr. WOOD] on the pending bill was its opening sentence. He said:

In opening this discussion I do not propose to enter into any explanation of the details of the bill.

His colleagues and mine, the distinguished gentlemen from Virginia and North Carolina, [Mr. TUCKER and Mr. ROBBINS,] who have since addressed the House in support of the bill, have pursued the same evasive course. For the chancellor of the exchequer, in presenting a budget framed on novel principles, to thus decline to explain its details, set forth reasons for the proposed changes, and offer estimates of the effect they are likely to produce on the trade and revenues of the country, is a new position in the history of legislation. It thus happens that the duty of explaining the budget is remitted to the members of the opposition. My colleague on the committee, the gentleman from Massachusetts, [Mr. BANKS,] accepted the extraordinary trust, and at least so far as concerns the important question of cotton and wool and the manufactures thereof executed it very thoroughly and relieved me from the necessity of going beyond what gentlemen may regard as minor questions, the general provisions of the bill.

In adopting this extraordinary course the gentlemen, especially the chairman of the committee, have done themselves great wrong. The people waited with eager expectation for the exposition by its author of the provisions of a bill which was said to threaten the overthrow, in this period of unparalleled and increasing industrial and commercial depression, of a system of import duties to which our industries and commerce had adjusted themselves.

NO CITIZEN HAD ASKED FOR SUCH LEGISLATION.

Doctrinaires and editors of commercial organs have persistently criticised some of the details of our present tariff law and objected to the principles upon which our revenue system is based; but no part of the people have petitioned Congress to engage at this time in a revision of the tariff. From no city or town, county or township, had there come such a petition.

The loom and the spindle stand still. The mine is unwrought and the fires are out in the forge, the furnace, and the rolling-mill. The captains of industry by thousands are passing into bankruptcy and the laboring people of the country by millions into want, if not into absolute pauperism. They are not permitted to endure the primal curse and earn their bread in the sweat of their brows. They implore us to relieve them, but not one of them has suggested that it can be done by a revision of the tariff in the interest of foreign producers and their agents who are supplanting American merchants in New York and elsewhere. They are told by school-men and the organs of these foreign commercial agents that they are suffering from "overproduction;" that they are hungry because they have produced too much food; that they are naked or in rags because they have spun and woven too many fabrics; that they are shoeless and foot-sore because they have produced too many boots and shoes; and that they are houseless "tramps" because they have erected too many homes and constructed too much furniture.

They do not believe these preposterous assertions and ask us to legislate in quite another direction than the revision of the tariff in the interest of the employers of foreign labor.

From my own constituents petitions of this kind have come by scores and hundreds. Let me read this one from the cotton-workers of Manayunk:

We are informed and believe that the House of Representatives has now under consideration a change of the tariff laws which will reduce the duties on foreign goods and which must have an injurious effect upon the industry in which we are employed. The prices of all domestic fabrics are now lower than ever before, wages are at the lowest endurable point, many works are at a stand, and the distress among workingmen is so great that you cannot be ignorant of it. Bad as the situation is here we are advised and believe it is worse in England; the wages are lower there and goods cheaper, and that such a reduction of our tariff duties as will open the American market to their wares is greatly desired by English manufacturers. While we sympathize with foreign workmen we owe a duty to our own families. We do not want charity, we want work, and we claim as a right the home market for the products of home industry. We are advised of the urgency with which salaried English agents in this country are pressing for what they call revenue reform, but we beg you to consider that it will be no gain in the end to favor the foreign traders who want to sell their cheap goods, and to find that protracted idleness has ruined our orderly and industrious workingmen.

For these and other reasons we respectfully remonstrate against any reduction of duties which protect our labor.

THE CHAIRMAN DOES NOT UNDERSTAND HIS BILL.

In determining to avoid the duty of explaining the provisions of his bill the chairman, as I have said, did himself great wrong. The attempt to prepare an exposition of its provisions and their probable effect would have disclosed to him his ignorance of the details and general scope of his bill, the insufficiency of its provisions, their incongruity, the uncertainty in which, if enacted into law, they must involve importers and producers, and the vast amount of litigation such an enactment would inevitably engender. The correctness of this judgment may be shown by considering one brief paragraph of the gentleman's speech. He said:

The bill reported has but one list so called, and that is the dutiable one. It has no compound rates, the duties being either ad valorem or specific, and the latter as far as practicable. It comprises 247 classes of articles, and 575 articles against the large number comprised in the present law. It has no free list as such; all articles not enumerated and specifically named are to be admitted free.

The gentleman will pardon me for saying that it is not true that the bill has but one list, nor that it has in all cases so far as practicable avoided ad valorem duties, as will be seen by the metals schedule; nor that it embraces as dutiable but 247 classes of articles and but 575 articles; nor that it imposes duties on a smaller number of articles than are dutiable under the existing law. Nor is it true, inasmuch as it specifically provides that certain articles shall be free of duty, that it has no free list; nor that all articles not enumerated are to be free, though it is expressly asserted in lines 8 and 9 that all merchandise not herein provided for shall be free of duty. We cannot assume that the gentleman would consciously string together so many misstatements, and I am therefore compelled to believe that, like the creator of Frankenstein, he has produced a monster of the nature of which he was ignorant and the conduct of which he cannot control.

THE BILL IS OPPOSED BY INTELLIGENT FREE-TRADERS.

In response to the gentleman's assertion that none but extreme protectionists oppose the bill, I read the proceedings of a meeting or at least remarks made by gentlemen at a meeting of the New York Chamber of Commerce on Saturday, February 2, which was composed almost exclusively of free-traders and which was addressed among others by J. S. Moore, better known as "Curiosibhoy," the author of the Parsee Letters; also by Mr. Daniel C. Robbins, famous not only in this country but in other lands as a manufacturing chemist, who makes the advocacy of free trade a hobby. This report of the proceedings of that meeting was kindly furnished me by one who participated in it. The proceedings were for prudential reasons not published, but were sent in manuscript to a number of gentlemen. Mr. J. S. Moore is, I believe, the statistician of the Treasury who prepared some of the tables and estimates presented by the chairman of the committee:

THE CHAMBER OF COMMERCE, NEW YORK,
Saturday, February 2, 1878.

Mr. WOOD'S bill was pretty fully discussed by parties representing the shipping interest and the dry goods, grocery, and drug and chemical trades, and was generally condemned by all except the shipping interest, which approved the provisions allowing the purchase of foreign-built vessels and the free importation of materials used in the construction of ships.

Mr. J. S. Moore, the statistician, made the opening address, and his remarks were full, while he was somewhat reserved and cautious in his statements. He expressed regret that the bill had not been more maturely considered before publishing, and made a very strong point against it in the fact that out of the present free list, which comprised an amount of about one hundred and fifty millions of imports, this bill placed over fifty millions under duties again, thereby reducing the present free list very materially. Mr. Moore further stated that, so far as he knew, no advice had been taken from the various trades or customs and revenue experts like himself or Mr. David A. Wells. He also pointed out various inconsistencies in taxing raw materials and leaving manufactures from these materials free of duty as an oversight which no doubt arose from the fact that the proposed list abolished all previous ones and that none of the trades had been consulted. The plan of the committee having been to ask much advice and select what they chose, the imperfections and the inconsistencies in the proposed bill proved the unwisdom of consigning tariff reform to inexperienced hands.

On the part of the drug and chemical trade, Mr. D. C. Robbins said that the proposed Wood bill was a great disappointment, because for some years past, commencing with the legislation of 1869 and 1870, much attention had been paid to the drug and chemical interest, and very important reforms had taken place; so much so that this trade from having been, as D. A. Wells stated in one of his earliest reports after the war, in the most neglected condition of all, it was no doubt at present in as good as any, considering the multiplicity of articles involved and the variety of manufactures connected with it. To particularize these reforms, almost all crude articles or natural products that should be free had been added to the free list, and important reductions had been made in the duties on chemicals and other manufactures, instancing quinine, morphine, &c., as examples; that the present feeling between the commercial and manufacturing interests was for a reduction of duties within fair limits, and there never was a more favorable period for wise reform.

The present bill was not a reform, and would not be accepted by either the commercial or manufacturing interest. The reimposition of duties on crude or raw materials was a very unwise measure, which would interfere with imports and foreign commerce and prevent the exportation of domestic manufactures. Further it would cripple the manufacturing interest at home. At present opium paid a duty of $1 per pound and morphine was allowed a compensating protection of $1 per ounce; but in the proposed bill opium, besides being disallowed the privilege of being bonded, which was a direct blow at foreign commerce, was subjected to a duty of $2 per pound, while morphine, because of the fact that it had not been embraced in the dutiable list, would be admitted free. Sulphate of quinine, which was a very important remedy, and a product of Peruvian bark, the last being free, paid at present a protective duty of 20 per cent; and he believed the manufacturers would consent that it should be reduced to 10 per cent. if bark remained free.

These were only some important examples, and he would not take up the meeting for further illustration. He considered the whole bill in fact as a very crude attempt at tariff reform on the part of a committee without practical experience in such matters or any special knowledge of the various interests involved, and immediate measures should be taken to have the bill modified in the Committee of Ways and Means.

Mr. WOOD'S plan of simplifying the collection of duties and the list of the tariff by substituting for a numerous list of special articles a single line, which imposed a percentage on all vegetable products, the most numerous of the three natural kingdoms, is about as sensible as the imposition of a fixed percentage upon all things visible, which would reduce the tariff to a single line, and dispense with all discrimination, and place American commerce and American manufacture upon a level with some of the smaller South American states where all duties upon all articles are collected by a fixed percentage upon gross weight.

This bill was not a reform; it was a step backward, or at most a very crude beginning. To view it in the most charitable light it is simply as yet a conception not fitted for the light of birth, and any attempt to so obtrude it will prove a misfortune.

All the representatives of the various trades, except the shipping interest, concurred in denouncing the present bill, and a general regret was expressed that a more careful bill had not been matured by a committee which for the first time in many years specially represented in its chairman the commercial interest.

The meeting adjourned to meet again at the call of the chairman.

DOES THE BILL CONTAIN BUT ONE LIST?

I have said it is not true that the bill contains but one list. Here, sir, are seventy lists taken from the bill, and no man, whether he be a member of the Committee of Ways and Means, Secretary of the Treasury, or statistician, can tell what any one of them embraces, or in the progress of science, art, and manufactures, or by ingenious changes of nomenclature, may be made to embrace.

Thus, in lines 78, 79, and 80, we find that on all manufactures of cotton, or of which cotton shall be a component of chief value, not otherwise provided for, a duty of 25 per cent is imposed. On lines 131, 132, &c., we have all articles of glass not otherwise provided for. In lines 145 and 148 china, porcelain, and Parian ware, ornamented or not ornamented, not otherwise provided for. In lines 151 and 152 all earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, not herein otherwise provided for.

So through all the schedules run these little vague and indefinite lists until they number seventy. Nor, as I said, is it true that the bill is without a free list, which with the others make seventy-one additions to the gentleman's solitary list. Let me refer gentlemen to the free list. In lines 521 and 522, in the schedule of silk duties, they will find that bolting-cloths are to be free; if they turn to lines 991, 992, and 993, that madder, munjeet or Indian madder, and extracts thereof, and alizarine are to be free; and in lines 583 and 584 they will find the most marvelous item ever put into a tariff bill. It specially provides that shooks for tobacco-boxes shall be free; so as to give Virginia the chance to range the world over, while saving her own timber, to get cheap wood for making the boxes in which, by the gentle force of the hydraulic press, the twisted rolls of cavendish tobacco are flattened into the form in which we northerners learn to know that priceless luxury.

I must ask the committee to pardon a brief digression. I cannot abstain from saying in this connection that I am more than half persuaded that the magnificent denunciations of the protective system uttered yesterday by the gentleman from Virginia [Mr. TUCKER] were, notwithstanding his apparent earnestness, only in a Pickwickian sense. In support of this surmise I refer to the facts that while the highest manufactures of the North are stricken at by this bill, the blossoms or leaves of sumac, an indigenous bush which infests the hill-sides of Virginia and which are gathered by old women and children as an

amusement, are to be protected by a duty of 10 per cent. and tobacco shooks are made free by special provision.

I do not think it will be suspected that any gentleman outside of Virginia caused those provisions to be inserted in the bill; and from their presence there I infer that the gentleman would accept a little protection if Virginia had any manufacturing industries to be protected. [Laughter.]

I do not complain, Mr. Chairman, that these articles are made free. They ought all to be free except perhaps the shooks. Were competition in that important article possible it might stimulate some stalwart Virginian to cut a few trees and shape them into shooks. But I take no special exception even to that item. What I do complain of is that there is not a full and specific free list. I assert without the fear of plausible contradiction that the absence of such a list is a fatal defect.

No tariff has ever been made by a manufacturing nation that did not embody a specific free list. The commercial and manufacturing nations of the world have agreed that raw materials which cannot be produced within the country of their conversion, especially those which come from tropical or other countries which will take their manufactures in exchange for raw material, should be admitted free of duty. We alone impose duties upon any of them and if we are to manufacture either for home consumption or in the hope of reaching a foreign market we must adopt this part of the policy of other nations which puts us under bonds to maintain a free list embracing all such raw materials.

THE EXAMPLE OF ENGLAND.

Why, sir, England, whose policy stands out in contrast with that of all other nations; England, who boasts that free trade is her policy; England, whose tariff embraces but sixteen heads—I refer to the dutiable list, beer, chiccory, chocolate, cocoa, coffee, essence of spruce, dried fruits, gold or silver plate, spirits, malt, pickles, playing-cards, tea, tobacco, vinegar, and wine, with subdivisions of some of these articles, all of which are specifically named—England still maintains a specific free list.

Remembering how the practical men of the country had been excluded from the committee-room, I have sought, as you will discover as I proceed, the counsel of some of them. It was a mistake to exclude them, as many of them are not only practical men in their respective callings, but are scientific students of international trade and the laws which promote or restrict it. In connection with the question under consideration I appealed to my friend, Mr. A. H. Jones, of Philadelphia, who has the amplest collection of tariffs, present and past, American and foreign, of any gentleman known to me, and who is a philosophic student of their provisions. Let me read an extract from his response:

In the British tariff for 1848-'49 there is one "table of duties of customs," which embraces both dutiable and free goods, as follows:

CHALK, not manufactured—free.
Chalk, prepared or manufactured—10 per cent.
Chalk, prepared or manufactured, of and from British possessions—5 per cent.

This brief extract furnishes a fair illustration of the arrangement of the British tariff of that day, as it shows that free goods as well as those dutiable were specified; that crude materials were free; that manufactured products in very many instances were dutiable, and that a discrimination was made in favor of goods manufactured in the British possessions, which were admitted at lower rates of duty than were imposed on articles manufactured in other countries than British dependencies.

The lists are alphabetically arranged, and in addition to them there are two general clauses, one embracing goods not manufactured, and the other goods manufactured in part or in whole, as follows:

One provides that all goods not being either in part or wholly manufactured, not enumerated or prohibited—duty free.

And the other embracing goods, wares, or merchandise, being either in part or wholly manufactured, and not being enumerated or described, and not otherwise charged with duty and not prohibited to be imported into and used in Great Britain or Ireland, per £100 in value, £10—say 10 per cent.

The arrangement of the tariff of 1858-'59 is the same, and I take from it another illustration, thus:

YARN, namely, cable yarn—free.
camel or mohair—free.
linen, raw—free.
of silk and worsted spun together and not dyed—free.
Woolen or worsted, namely: commonly called Berlin wool, or zephyr yarn, and woolen and worsted yarn of two or more threads:
Scoured, bleached or colored, per pound weight, 6*d*.
Not scoured, bleached or colored, per pound weight, 3*d*.
Raw, for weaving, not dyed or only partially dyed, free.

The paragraphs relating to non-enumerated articles cited from the tariff of 1848 and 1849 remain.

The British tariff of 1862-'63 contains one list for dutiable goods and another for free goods, the free list being simply an enumeration of articles with the quantity or value by which they are severally to be stated in the entries. In the dutiable list I find the following paragraph:

Ships, foreign, built of wood, and ships built of wood in a British possession abroad, on registration as British ships, in Great Britain and Ireland, no deduction to be allowed on account of engine room or otherwise, per ton, 1*s*.
Varnish, containing any quantity of alcohol or spirit, per gallon, 12*s*.
Cologne water, to be charged as perfumed spirits, per gallon, 14*s*.

The tariffs of 1873 and 1876, like those already referred to, contain two lists, designating the innumerable articles that are to be free, and the quantity, measured by the unit of weight or value, the object being to afford the board of trade accurate statistics by which to calculate the increase or decrease of the trade in each article, thus:

FREE LIST.

Albumen, cwt.
Alkali.
Pearl and potashes, cwt.
Alum, cwt.
Bacon, cwt.
Bark, (Peruvian,) cwt.
Baskets, value.
Cameos, (not set,) value, &c.

And this the latest British tariff, as you are aware, imposes countervailing duties on all goods manufactured abroad of which alcohol is a component part, or in the production of which it is used as a solvent or otherwise. Thus under the head of spirits we find the following provisions:

Chloroform, per pound, 3*s*.
Collodion, per gallon, £1 4*s*.
Cologne water, per gallon, 16*s*. 6*d*.
Ether, sulphuric, per gallon, £1 5*s*.
Varnish, containing any quantity of alcohol or spirits, per gallon, 12*s*.

Now, sir, had not the practical men to whom I have referred been excluded from free conference with the committee, had they been allowed to make their own statements and be interrogated by members of the committee, as has been the case when all former tariffs were under consideration, facts like these would have been brought to the attention of the committee, a free list would have been inserted, and the committee been saved, the reproach of having reported a ridiculous abortion.

GENERAL CONSIDERATIONS.

A tariff is not a matter of inspiration. It is a thing of slow growth and of adaptation to the extent, resources, and development of a country. Switzerland, with her few miles of territory, her snow-capped mountains, and her lakes, enriched with no native resources in the way of metals, may need free trade. But it is not adapted to a young and sparsely populated country which extends, as ours does, from ocean to ocean, embraces all climates, is more richly endowed than any other country with soil and climate for varied agricultural productions, and is still more richly endowed with minerals, useful and precious, and whose people, having been trained in the industrial centers of all countries, are in the enjoyment of schools of art and science such as the magnificent one founded by the munificence of the venerable man who does me the honor to listen to me, (Mr. Peter Cooper,) which, with its stores of literature, its models, its drawings, its scientific apparatus, and other educational appliances, is open to the poorest child of either sex in the country.

Such a country needs a protective tariff that will enable its people to employ whatever faculties Heaven has endowed them with; the feeble, with a taste for art to embellish our productions and adorn our homes and public halls; the vigorous and enterprising, to explore our mountains and develop their wealth; those with mathematical or mechanical gifts, to advance the arts and industries and carry them forward with the advancing line of civilization into our unpeopled wastes. The inhabitants of such a country develop their faculties and aptitudes by laboring to supply and gratify each other's needs and desires; but to enable them to do this the Government must secure to them at least equal chances with the foreigner in their own markets; and this can only be done by a tariff ample for the purpose of protection. This is all that a judicious tariff is. It is all that the manufacturers of this country ask, and had the Committee of Ways and Means met them they would have indicated reductions of duties that could be made with safety and extensions of the free list which might be made and which when made would justify a further reduction of duties upon the articles derived from such materials. They do not seek to injure their countrymen by the establishment of protected monopolies.

THE EXAMPLE OF FRANCE.

Let me glance hastily at the French tariff, that we may see how its scientific classification of commodities contrasts with the ill-digested and incongruous provisions of the bill under consideration. Let me invite attention to its schedules. But first let me remark that France has two tariffs: a general tariff, applicable to nations which have not made treaties with her; and what school-men falsely call her free-trade or reciprocal tariff, the result of treaties between her and Great Britain, Belgium, Italy, Switzerland, Sweden and Norway, Netherlands, Portugal, Austria, and the Ottoman and German Empires. In both of them she classifies commodities thus:

1. ANIMAL SUBSTANCES: Living animals; products and skins of animals; fishes; substances belonging to medicine and to perfumery; hard materials for cutting.
2. VEGETABLE SUBSTANCES: Farinaceous substances for food; fruits and grains; colonial articles for consumption, (as foods;) vegetable juices; ingredients for medicines; common woods; exotic woods; fruits, stems, and thread for working; dyes and tanning materials; sundry products and residues.
3. MINERAL SUBSTANCES: Stones, earths, and combustible minerals; metals.
4. MANUFACTURES: Chemical products; prepared dyes; colors; sundry compounds; drinks; vitrified wares; threads; tissues; paper and its applications; work in sundry materials.

Under this classification every item known to the commerce of France finds itself under a duty or on a list providing that it shall enter free. But to provide for new productions and the possibility of ingenious changes of name in foreign countries both tariffs contain a general provision that whatever is not enumerated therein shall pay a specific rate of duty much higher than that charged on many dutiable articles.

Thus England by her free list indicating only weight, measure, or value of articles, and France by her well and carefully devised tariff keep records of their commercial transactions which no man disputes. We can have the statistics of those countries, but under a tariff with no recognized free list, with seventy clauses providing for articles not otherwise provided for, the statistics of the United States would not be worth keeping.

The chairman of the committee spoke of the number of suits pending in the courts which have grown out of the tariff, but he failed to

tell us how many such actions have been adjudicated and thus removed further litigation on the questions involved.

Our tariff is not found exclusively in the provisions expressed in the enactments of Congress. Many of these were of doubtful construction until by adjudication what was questionable has been settled. As much of the tariff law of this country as of the laws of the States is found in cases decided rather than in the text of statutes, and to pass this bill would by rendering these decisions inapplicable open a flood of litigation. It would also leave every importer free to charge his customers duties on free goods under the allegation of the uncertainty of the law. It would thus impose enormous taxes on the people for the benefit of importers and unscrupulous customs-brokers. Sir, the object or purpose of this bill would give examiners, appraisers, the Secretary of the Treasury, and the judges no assistance in construing it. Indeed it seems to have no special purpose. Yet an English editor seems to have discovered that it has a prevailing purpose.

Capital and Labor, a leading British trade journal, in its issue of March 6 said:

> As the new tariff is to please the South and West, it does not reduce the duties on wines, spirits, or tobacco, and takes good care of the Louisiana sugar-growers; but on almost all other protected articles it makes general reductions, putting many on the free list, and making in the others an average reduction of 25 per cent. Three-fourths of the articles now taxed are made free. Over against this must be placed the ominous fact of some additions to the list of dutiable commodities which seem perversely designed to check the revival of manufacturing industry. What can be the reason for imposing new duties on raw material in a tariff professing to favor free trade? Raw silk, cork-bark, ivory, dyestuffs of various kinds, and gums of all kinds are among the commodities hitherto duty free from which Mr. WOOD'S bill proposes to extract revenue. The fact is that many of the provisions of the bill seem to be directed, not against protection as a false and mischievous doctrine, but against manufacturers as a class hostile alike to the importing merchant and the agricultural producer.

There is unhappily much evidence in the bill as reported by the committee, and there was more in the original bill presented by the chairman, that its aim, as is here suggested, is to prostrate manufacturers as a class. But the blows are often aimed so unskillfully and awkwardly that over the shoulders of the manufacturer they strike the head of the farmer. The truth is, the committee seems to have been moved not by malice against anybody in particular but by malice against manufacturing industry in general. As I sat often a mere listener to the deliberations and conclusions of the committee I could not help thinking of that ugly habit they have in climes that produce spices and other tropical luxuries of "running amuck." In those regions of perpetual summer it is common for a man infuriated with arrack or hasheesh or some other infernal distillation to arm himself with a keenly-sharpened knife and go forth to hack and slay whoever he may meet. He is animated by no hostility toward any individual; but under the influence of the liquid he has taken he runs amuck, as the phrase is, against mankind. I think I can show you that the committee of which I have the honor to be a member, inspired no doubt by the wonderful writings of British free-trade dreamers, determined upon running amuck among the American working people.

INCONGRUOUS PROVISIONS.

The bill is a nondescript. When going over it to make an analysis of its provisions, I could not help thinking of the mule so pathetically described by the witty Senator from Oregon, Mr. Nesmith, and made up my mind that like it this bill was a thing that could have no pride of ancestry, for it was unlike anything that had ever gone before, and could have no hope of posterity as it was not possible that any deliberative body would accept it as a model.

It retains duties which yield little or no revenue, and repeals those which yield large sums. It retains duties on some things and repeals them on other articles identical in character and use. It imposes duties on materials and removes them from the articles into which these materials have been wrought. Let me by referring to a few of these instances present some of its assaults upon the interests of the farmer.

The freight question is almost a primary question for the agricultural producers of this country. To carry one bushel of corn to the eastern market from the great corn-fields of the country demands the price of one bushel or more. But if corn be converted into alcohol the products of one bushel will carry five or six bushels to market. One bushel of corn will not carry another bushel to market. But if converted into glucose one bushel will, as in the case of alcohol, carry five or six to market. I wish gentlemen representing agricultural districts would keep this question of freight in mind while considering the provisions of this bill.

For instance, it retains the duty of 20 cents per bushel on wheat, which yielded $7,496; but it relieves from duty wheat flour, bread, cakes, biscuits, and all other manufactures of wheat, which together paid last year nearly $17,000. While striking off the duty from wheat flour and the products thereof, it carefully retains the duty of 10 per cent. on rye flour, from which in 1875 and 1876 we did not get a cent, and from which in 1877 we got the enormous sum of 45 cents. It keeps the duty on corn-meal, which yielded last year but $169, and strikes off the duty on glucose, which yielded $46,673.

Now, some gentleman may ask me, as doubtless some members of the committee might, what is glucose? [Laughter.] Glucose is the sugar of corn, into which more than 10,000 bushels of corn are manufactured daily in this country. It is made in at least five States—New York, Pennsylvania, Ohio, Illinois, and Missouri. The present duty is 20 per cent.

Mr. PRICE. Add Iowa to the list. There is a large manufactory in that State.

Mr. KELLEY. The gentleman says there is a large manufactory of glucose in Iowa. Then the consumption of corn in the production of that article is probably 12,000 bushels daily. The price ranges from 6 to 8 cents per pound. It is used by chemists, brewers, wine-makers, confectioners, and in many culinary processes. Its consumption is increasing rapidly, as is shown by the fact that our importations for the last three years were as follows: in 1875 our importations were worth $2,352; in 1876, $65,789; and in 1877, $233,366.

Now, gentlemen, I ask why, if under a duty of 20 per cent. our importation is increasing so largely, shall we take the duty off glucose, at the risk of preventing its manufacture in this country? Why strike down the flouring-mills along our northern border by giving to the Canadian miller a bonus of 20 per cent. upon his wheat flour? New England consumes a million barrels of western flour annually as food or in her manufactures. The wheat fields of Canada lie close upon her borders. Water navigation and well-constructed railroads connect them, and the duty now imposed on wheat flour is the sole means of securing to Minnesota and the other northwestern States the market for that million or more of barrels of flour annually.

Is this done designedly? If so, it is our duty to defeat its purpose. Is it done ignorantly? Then we should dispose of the bill and remit the consideration of the tariff to a future Committee of Ways and Means, who shall either know more about the subject or have humility enough to listen to suggestions from practical men.

It retains a duty of 105 per cent. on rice, the rice of the Carolinas, for which the gentleman from North Carolina [Mr. ROBBINS] spoke so earnestly yesterday. Rice which comes into the country to compete with that produced in the Carolinas or Georgia if cleaned pays a duty of 105 per cent. and a fraction; if uncleaned it pays 104 per cent. and a fraction; but if converted into rice flour by northern energy, machinery, and industry it is to be admitted free of duty, though rice flour last year yielded $2,184. In striking at the rice mills of the North, do not gentlemen see that they hit the rice-growers of the South?

Buckwheat and buckwheat flour are put on the free list. It is true they yielded last year but $466. But that for one year is a great deal more than rye flour gives us; which, as I have said, has been but 45 cents in three years.

Pease, beans, and seeds of other leguminous plants, which last year yielded $26,962, are made free, as are bran, mill-feed, &c., which for the last three years have averaged considerably over $4,000 a year. Canada would rejoice over the passage of this bill. It would give her and her civilization a new impulse, for New England is as great a consumer of bran, mill-feed, and seeds of leguminous plants as she is of wheat.

Vegetables not otherwise specified yielded last year $32,097. They are to be free under this bill; they cannot, by any possibility, be counted in under what the committee familiarly calls an n. o. p.; not otherwise provided. [Laughter.]

This bill proposes to retain existing duties on beef and pork; but mutton, poultry, &c., which yield much more revenue than beef and pork, it will relieve from duty.

POTATOES AND POTATO STARCH.

Potatoes gave us last year $472,918. Yet you cannot find in the seventy n. o. p's. one into which a single potato can be squeezed, even though it had been boiled. [Laughter.] With free potatoes, the duty on potato starch is to be reduced.

Could the committee have brought itself to admit a few members of the House to its counsels, these provisions might have been modified. But it could not hear any of them. One after another, gentlemen who sit with us on this floor requested the privilege of explaining the necessities of some special industry of their respective districts; and if one was admitted to address the full committee, I ask him to rise and disclose the fact.

Why, sir, the provisions relative to potatoes and potato starch will, if enacted into law, utterly destroy the leading industry of the northern counties represented by my friend from New Hampshire, [Mr. BLAIR,] and greatly impair the value of the farms in those counties.

The story is a simple one. It is a hard region of country, far up toward the Canada line—rocky and rough. Its people are full of regular New England "grit." They have the characteristics of the old Green Mountain Boys of revolutionary days. Poets have celebrated the devotion with which mountaineers love their sterile lands, and these New Hampshire people cling to their old family homesteads with an affection which natives of more genial climes cannot understand. Happy in their independence they gather each year from their well-worn soil a slender crop of potatoes; they and their families convert those potatoes into starch, of which they produce annually about 4,000 tons.

This is, as I have said, the main source of the income of these hardy men. Remove the duties from potatoes and reduce that on potato-starch as much as is proposed and they must abandon their cherished homes; the land with all the labor they could bestow upon it would not maintain them. For in the fresh land just beyond the Canada line

potatoes can be produced so that a satisfactory Canadian profit—it is small, I grant—is made by selling them at eight cents per bushel, while their production costs about twenty cents in New Hampshire, where the people are burdened with war taxes, where the farmers maintain schools and churches and live as intelligent American citizens should live.

[Here the hammer fell.]

Mr. TUCKER. I move that the time of my colleague on the committee be extended.

There being no objection, the motion was agreed to.

Mr. KELLEY. I thank my friend and the Committe of the Whole for this courtesy.

Mr. Chairman, so long a succession of such incongruous and contradictory provisions might justify the suspicion that caprice or chance presided over the preparation of the bill containing them.

NITRATE OF SODA AND MURIATE OF POTASH.

A striking illustration of this fact occurs to me, (and I might as well mention it here, for it connects itself with farming.) It is that nitrate of soda and muriate of potash are to be transferred from the free to the dutiable list. These bulky articles contribute to the support of our commercial marine. We send to Germany for potash and to the dry and rainless regions of South America for nitrate of soda, which cannot be obtained from a country in which rain falls. We depend for saltpeter, an article of prime importance in peace or war, upon British India. From nitrate of soda and muriate of potash gunpowder is largely made in New England and elsewhere; and if our supply of saltpeter were cut off and we could still obtain these two ingredients we would be independent of the world for our supply of gunpowder so far as the uses of that explosive are concerned.

But, more than this, it was recently discovered (the discovery was purely empirical) that nitrate of soda is the finest stimulant for grassland that science or accident has yet disclosed. The story of the discovery, which seems to have been unsuspected by science, runs thus: a maker of paper in New England, having purchased as stock a number of bags in which nitrate of soda had been imported, threw them upon his lawn, in order that a coming rain might cleanse them from adhering particles of the nitrate. The threatened rain came, and when the warm sunshine followed the bags were carried to the vat and converted into paper, and in a little while the ground on which the bags had lain sent up a crop of grass unequaled not only by that on any other land owned by the proprietor, but by that grown on land belonging to any of his neighbors. The hint was taken by him and others, and nitrate of soda is now largely imported into New England as a stimulant for grass. Why will not the land-owners of the South also accept this suggestion from nature? Nitrate of soda would doubtless do much to bring up the land there and enable the people, in spite of the heat of their climate, to begin dairy-work. But it and muriate of potash were known to the committee only as elements of manufacture. Both, though now admitted free, were put under duty. Was this done for the purpose of increasing the revenue?

SIMPLIFYING THE TARIFF. THE WAY IT WILL AFFECT FARMERS.

The gentleman said that his bill was going to simplify the tariff; that it was to strike from the dutiable list a great number of articles which yielded but little duty, so little that its collection cost more trouble than it was worth. Yet, as we have it before us, it proposes to put nitrate of soda, muriate of potash, gallic acid, arsenious acid, boracic acid, oxalic acid, bromine, chloride of lime or bleaching-powder, and iodine (crude) each under a duty of 1 per cent.

Now, considering that bromine, though on the free list, has not been imported, how much revenue may we hope to derive from the proposed imposition of a duty of 1 per cent. upon it? Gallic acid will, it is estimated, yield $2.31; arsenious acid, $112, and so on. What a ridiculous mouse is this to be the product of such a mountain of fine promises. But let us not be too hasty. This absurd list embraces chloride of lime, bleaching powder, an essential element in the manufacture of paper, the duties on which are fatally reduced, and it will, it is estimated, take from the manufacturers of that article $7,116; and farmers, makers of gunpowder, and others are expected to pay the Government, under this provision, $13,242 for the privilege of sending ships to Chili for nitrate of soda.

The farmer, though he may be ignorant of the fact, is interested in about an equal degree with the manufacturer in the production of Cologne water, perfumery, cosmetics, and varnishes, because their manufacture secures him a market for his corn, manufactured into alcohol, which he can reach, as I have shown, notwithstanding the charges for transportation.

In the letter from Mr. A. H. Jones, I showed you that chloroform was dutiable in free-trade England at 3*s.* per pound; collodion, at £1 4*s.* per gallon; and Cologne water at 16*s.* 6*d*; sulphuric ether, £1 5*s.*; and that varnish, containing any quantity of alcohol or spirits, pays 12*s.* per gallon.

I bring these provisions of the free-trade British tariff of 1876 to the attention of the committee again because, as England is an importer of grain, they are retained by her for the single purpose of protecting the government's interest in the excise or internal-revenue taxes; but, as we are exporters of grain, similar duties are required to protect our farmers in the enjoyment of the home market for corn for manufacture into alcohol, as well as to protect the revenues of the Government. The oils used in Cologne water and other cosmetics and perfumery and fine soaps are now all free of duty, but this bill proposes to impose a duty of 10 per cent. upon the entire list, embracing oil of almonds; of amber, crude and rectified; of ambergris; of anise or aniseseed, of anthos or rosemary, of bergamot, of cageput, of caraway, of cassia, of cedrat, of chamomile, of cinnamon, of citronella or lemon grass, of civet, of fennel, of jasmine or jessamine, of juglandium, of juniper, of lavender, of mace, oil or attar of roses, oil of poppy, of sesame, or sesamum seed, or bene; of thyme, red, or origanum; of thyme, white; and oil of valerian.

Cologne water is pure alcohol, flavored by one of these oils. Collodion is alcohol, with a slight admixture of gun-cotton. Chloroform is in bulk and weight alcohol. In these forms we not only supply our own people with the essence of American-grown corn, but are exporting it largely. But, as I will show, the provisions of this bill will change all that and compel us to import these articles.

The duty on Cologne water or, as it is sometimes called, perfumed spirit is now $3 per gallon and 50 per cent. ad valorem, which is to be reduced to 75 per cent. ad valorem. Under this change I am assured by experts, some of whom have no connection with the production of or trade in perfumes, Cologne water could not be produced here in competition with that of Germany, whose people not only produce cheap alcohol in connection with the beet-root sugar manufacture, but whose government secures manufacturers a supply of untaxed alcohol.

The same reduction of rate is to be applied to all other perfumery of which alcohol forms the principal ingredient, such as rum essence or oil, bay-rum essence or oil, and all other flavoring extracts.

These provisions may seem to be a blow at feebler branches of manufactures, but, over the shoulders of the manufacturer, they fall upon the head of the farmer; for while he will no longer be able to distill his grain into spirits for the use of manufacturers in the East, he will, if his family uses any of these gentle luxuries, become in so far a consumer of German alcohol.

Like unto this is the treatment of varnish. How widely varnish enters into the practical uses of life few gentlemen know. Some of it is of comparatively little value; other qualities are very high priced, especially those into which alcohol enters. The range is so large that it makes a clear case for compound duties, of which the chairman of the committee seems to have such abhorrence. The present rates are, on varnish valued at $1.50 or less per gallon, 50 cents per gallon and 20 per cent. ad valorem; valued at above $1.50 per gallon, 50 cents per gallon and 25 per cent. ad valorem. The duty proposed for varnish of every grade, whether alcoholic or otherwise, is 50 cents per gallon, which is a reduction to the extent of the ad valorem of 20 or 25 per cent.; but, as if afraid that these provisions might possibly fail to close our market for distilled corn against American farmers, the bill of the committee proposes to transfer all varnish and other gums from the free to the dutiable list. Many of these gums are used in medicinal preparations and others in the mechanic arts. They are in all cases raw material, which cannot be or never have been produced in this country. Alcohol is the solvent of most if not all of them. Gum shellac, which enters very largely into use in the mechanic arts, is to pay the inordinate duty of 5 cents per pound and all other gums 10 per cent.; and lest any gum may be unknown to or have escaped the attention of the committee a provision is inserted that all gums not specifically named are to be dutiable at 10 per cent. The list contains camphor, which the committee expressly determined should be free; and it will be for the courts to decide whether the raw material for India rubber is or is not a gum, and is as follows:

GUMS.—Aloes, amber, Arabic, Australian, Barbary, bdellium, benzoin or benjamin, camphor, cape, copal, Dammar, East India, gamboge, garbanum, guaiacum, Jeddo, kowrie, mastic, myrrh, olebanum, sandarac, Senegal, shellac, and tragacanth.

THE EFFECT OF SIMPLIFICATION ON THE REVENUES AND HONEST IMPORTERS.

But I must hurry on. Let us glance hastily at some other crudities. In the existing free list are included sticks cut to lengths suitable for canes, umbrellas, parasols, and sunshades, and not further advanced than cut to lengths. Not being enumerated or covered by an n. o. p., the committee, it is evident, intended they should continue to be free. But if gentlemen will refer to the duty on umbrellas, on page 45, they will find that by lines 1098, 1099, and 1100 sticks, handles, &c., are to be dutiable at 35 per cent. So that, by way of simplifying the tariff, the examiner and appraiser when opening an invoice of sticks must decide *a priori*, or by instinct, which of them will be used for umbrellas or sunshades or parasols and assess a duty of 35 per cent. upon them, while those that will be used for canes or other purposes are to be admitted free. Do not such provisions simplify the tariff? Another illustration of this simplification will occur when a cargo of short wool comes up for appraisement. The examiner will report it as "wool for felt-carpeting, for the production of certain kinds of cloth, and for working in with shoddy in other sorts of cloths," and the appraiser will charge it with 35 per cent. under the general provisions for duty on wool. He will in all probability be right, but the importer will indignantly protest that it is to be consumed in the manufacture of hats, and is therefore by a special clause to be admitted at 20 per cent.

Under this beautiful process of simplification we shall import no short wool for use in cloth or carpet; but the figures of the statistical bureau for the next year will show that we will have imported in a single year hatters' wool enough to make hats for our own people and our foreign customers for the next quarter of a century. Fortunately

for the importers they need not hold the excess as it can be manufactured into cloths and carpets to the ruin of honest importers who will have paid the higher rate of duty.

Another effort at simplification may possibly embarrass some of the officers. If flaxseed oil be imported it must pay a duty of 30 cents a gallon, and whiting $5 a ton. No difficulty will arise about these articles when imported separately, the duty on each being fixed by the terms of the bill; but with them may come an invoice of putty which is simply whiting, and flaxseed oil advanced in value by the labor which was required to compound them into that article. What shall the appraiser do? Shall he impose the oil duty? No; he cannot measure putty by the gallon, and it would be to impose an inordinate duty on whiting if he could. A careful study of the law, should this bill pass into that condition, will relieve him, for, though both ingredients are dutiable, he will find that when their value has been increased by labor and nicely-adjusted combination of the two articles they are to be admitted free of duty, and his difficult problem will be solved by this delicious system of simplification.

But, Mr. Chairman, let me invite your attention to a part of the bill which will satisfy everybody that the committee knows all about everything and was right in saving its precious time by refusing to be counseled by practical men.

A striking case of simplification arises in the matter of nuts. Nuts are now admitted under specific duties: almonds at 6 cents per pound, other nuts at different rates down to 1 cent per pound, and the cocoa-nut is admitted free. Why make an exception and admit the cocoa-nut free and impose duties on all other nuts? The hull of the cocoa-nut affords a fiber from which heavy door-mats and carpets for offices and depots are made and is a very valuable raw material. Therefore it was deemed proper to admit the cocoa-nut with its hull on free. But in this bill the rate on almonds is 6 cents a pound if they are imported as almonds and 3 cents a pound if imported as nuts. The rate on all nuts is 3 cents a pound. So that the fool who will import his almonds as almonds will by his own folly put them at 6 cents a pound, while the man who with good sense brings them in under the general name of nuts will get them at 3 cents. Cocoa-nuts with the hulls on would by this duty be effectually prohibited and we would have to fall upon some other material for matting for our doors and offices. The manufacture of cocoa mats and carpets is not a leading industry, but its destruction would deprive a few thousand people of employment.

A DISTINCTION WITHOUT A DIFFERENCE.

I have shown you that madder and munjeet or Indian madder and alizarine and all extracts thereof are to be free under an express provision of this bill, which as the chairman of the committee told us has no free list. There are only four fixed colors and all of these every manufacturer of textiles must use. They are madder, indigo, cochineal, and aniline black. There is not a gentleman on this floor, or a page, whose clothes do not show the presence of indigo or aniline black, and there is probably not one of us whose carpets and the clothing of whose wife and children, if fortunate enough to have them, do not show madder, cochineal, indigo, and aniline black. Can any one tell me why it is that madder is to continue duty free, while indigo, cochineal, and aniline black are to be made dutiable at high rates unless it be for the purpose of simplifying the tariff? Yet such is one of the remarkable features of this bill. But as if to make the ruin of our producers of textiles certain beyond a peradventure all dyes and dye-stuffs and the materials for them are transferred from the free to the dutiable list. Thus it occurs that, by the force of provisions the effect of which its author does not seem to understand, this bill, in contradiction of his assurances, embraces more dutiable articles and imposes on the officials of the customs more embarrassing questions than are embraced by or arise under the existing tariff law.

THE IMPORTATION OF GOLD AND SILVER PROHIBITED.

Most of the members of the committee profess to be in haste to resume specie payments, and I do not know whether the provisions to which I am about to call attention were put in for the protection of the bonanza kings of Nevada or in the hope of reviving the working of the abandoned gold mines of Georgia and the Carolinas. Of one thing, however, I am certain, that it was not for the purpose of facilitating the resumption of coin payments, as coin is made dutiable at 40 per cent. and gold and silver bullion at 20 per cent; and so determined has the majority of the committee been to prohibit the importation of foreign gold and silver to compete with the production of our native mines that it has removed from the free list even the sweepings of jewelry and gold-beaters' shops, &c., named on the free list of our tariff as "gold and silver sweepings." It takes them out of that list and makes them dutiable at 20 per cent. I am in favor of protecting American industries and am a good deal of a paper-money man, but I cannot believe that it is wise in the present condition of our finances to thus prohibit the importation of gold and silver by putting a minimum duty of 20 per cent. on them. Under the provisions of this novel bill a curious coin or medal of gold or silver cannot be imported for a museum without paying a duty of 40 per cent. on it.

THE BILL CANNOT BE PERFECTED.

Gentlemen say we can go through this bill in Committee of the Whole and correct these errors. They are mistaken. It is utterly wanting in governing principle, and its provisions are so helter-skelter and incongruous that it would be easier to blot the whole thing out and begin anew. From now until next December would not be long enough for the Committee of the Whole on the state of the Union, proceeding as rapidly as I have ever seen it proceed with a tariff bill, to correct the blunders, stupidities, incongruities, and absurdities embodied in the committee's bill.

I listened with amazement to the statement of the chairman of the Committee of Ways and Means as to the decline of wool-growing in this country. I had studied the question through the books of American and foreign writers on the subject, and when in 1871 and 1872 I was compelled to escape from the region of tide-water in order to be able to breathe, I spent the time in our mountain regions among the flocks, and thus studied it practically. I saw how the little Mexican sheep was being transformed into the finest breeds for mutton and wool growing. I once went down the Pacific coast on a steamer that carried more than seventy sheep that had been sent by express under careful attendance from the hills of Vermont to San Francisco. They were on their way to the beautiful valleys of Southern California for the improvement of the immense flocks that feed on the perennial grasses of that country. I could not therefore accept the statements of the gentleman or the columns of figures by which he sought to sustain them, and again determined to invoke the assistance of the practical men who had been excluded from the committee-rooms. I accordingly wrote to my friend, John L. Hays, esq., secretary of the National Association of Wool Manufacturers, whom I regard as the best informed man on this subject in this country. His reply was as follows:

DEAR SIR: I beg to acknowledge the receipt of your note in which you call my attention to a statement contained in the speech of the chairman of the Committee of Ways and Means of April 9, the statement being as follows:

"A few figures compiled from the reports of the Department of Agriculture for the years 1865 to 1866 and 1874 to 1876 will serve to show that the present tariff has not proved beneficial to the woolen manufacturers or to the wool-growers, especially to those wool-growers residing in the States on this side of the Mississippi, in whose interest this tariff was supposed to have been especially made:

Name of State.	Number of sheep, February 1, 1867.	Number of sheep, January 1, 1877.
Ohio	7,159,177	3,900,000
Michigan	4,028,767	2,100,000
Pennsylvania	3,456,568	1,607,000
New York	5,373,005	1,897,500
Indiana	3,033,870	1,175,000
Illinois	2,764,072	1,258,500
Wisconsin	1,664,338	1,151,100
Total	27,479,797	13,089,300

"We have in these States a decrease of 52 per cent. since this tariff was enacted. If we include New England, the total decrease in the States east of the Mississippi will be found to be quite as great. The whole number of sheep in the United States in 1867 was 42,000,000, (see Agricultural report for 1871, page 39;) in 1877, 35,804,000; a decrease of 15 per cent."

The statement incorporated in the speech of Mr. WOOD to show the unfavorable influence of the existing tariff upon the production of wool in this country I am compelled to regard as not only fallacious, but willfully deceptive, because while showing the apparent decline of wool-growing in certain of the older States, it omits the increase in the new States and Territories, and makes no reference to the changed character of the sheep husbandry of the older States. While it is true that the total number of sheep in the United States was greater in 1867 than in 1877, the improvement of sheep, the greatly increased weight of the fleeces upon the common or Merino sheep, and the introduction of mutton sheep producing heavier fleeces, in the old States especially, has made the production of wool in 1877 to greatly exceed that grown upon the larger number of sheep in 1867. The estimate for 1867 as given by the Agricultural Department is 147,000,000 pounds. The estimate of Mr. Lynch, accepted as the highest authority on the statistics of wool production, for 1866 is that the clip of the old States was 120,000,000 pounds, and of the Pacific States and Territories 17,000,000; a total of 137,000,000 pounds. He states the production or clip in 1877 to have been in the old States 117,000,000 pounds and of the Pacific States and Territories to have been 91,250,000 pounds, a decrease in the old States of but 3,000,000, and a gain in the Pacific States and Territories of 74,250,000 pounds; a total in the United States of 208,250,000, and a gain in eleven years of 71,250,000 pounds—a result totally different from that indicated by the tables quoted by Mr. WOOD.

Mr. G. W. Bond, a wool-dealer and with no aympathy with high-wool duties, but a thoroughly honest man, says, in quoting these figures of Mr. Lynch:

"This shows to what a wonderful extent the high duties on wool stimulated its growth in the new States and Territories where the wool grown is for the most part from Merino or grade-Merino sheep; while in the old States attention is year by year more given to the growth of combing wools."

The State of New York has very largely substituted the more profitable long combing-wool or mutton sheep for the Merinos generally grown before 1867. From returns furnished by the State commissioners it appears that of about 1,100,000 sheep in Wisconsin about one-qunrter is of the long-wooled or mutton race. Of 8,000,000 pounds of wool produced in Michigan in 1875, about one-quarter is of the same race. In Oregon, of 2,000,000 pounds produced in 1875 the quantity of long combing-wools is in the same proportion.

The encouragement given to wool-growing in the new States by the tariff of 1867 has not been injurious to the old States. It has furnished a profitable market for their surplus sheep. It has encouraged the more profitable business of breeding the more costly, high-blood sheep for improving the stock of sheep in the new States and has made the sheep husbandry of the older States really more profitable even with diminished numbers. It has not destroyed the sheep husbandry of the older States, it has changed its character.

The diminution in the number of our sheep since 1867, when they reached the high number of forty-two millions, is quite erroneously attributed to the tariff of that period. The high number of sheep attained in 1867 was due to a higher protection which had existed for the several preceding years than has existed before or since.

The number of sheep in 1861 was 21,500,000, producing 55,000,0 0 pounds of wool. Under the stimulus of the war demand for clothing for our armies and the protection afforded by the premium on gold the number of sheep nearly doubled in six

years. The premium on gold alone made this the highest protective period the wool-growers of this country ever had.

The depression was produced by causes absolutely independent of the actual effect of the tariff of 1867. In anticipation of the increase in custom duties on wool a quantity of manufactured goods had been imported in 1866 equal to about half of the entire importations of the five previous years, namely, $57,115,901, against an annual average importation of $23,208,71. The importation of wool in that year was 67,917,031 pounds, an increase of 24,058,877 over that of 1865, and almost equal to the average of the four years of the war when a double supply was required. In addition an enormous supply of military clothing was thrown on the market at this period, over 2,000,000 of one article (overcoats) having been sold.

These causes had the effect of reducing the price of Ohio fleece wool in the year 1868, in the principal market of the country, Boston, from the high price 60.90 in gold, which it had attained in 1863, to 33.88 in gold, the very lowest point reached in a period of twenty years. It was this ruinously low price, and not the tariff of 1867, which killed off the flocks in Ohio and Michigan. The destruction took place immediately upon the fall of wool. It commenced in the autumn of 1868, and a reduction of over four millions of sheep took place in the following winter. The decrease in Ohio from 7,022,495 to 4,302,904, amounting to 43 per cent., took place in three years. A large part of the decrease was due rather to disease than the knife. Flocks were neglected, foot-rot, scab, and numerous other forms of disease resulted from starvation and want of shelter. It was the tariff of 1867 alone which arrested complete annihilation. It gave hope to the more intelligent wool-growers. Flocks were culled of diseased animals. Inexperienced growers gave up the business. A more careful and economical system of sheep husbandry was pursued, and it is the universal testimony of practical wool-growers that there never has been a period of such healthy progress in the American sheep husbandry, although with but moderate profits, as that which succeeded the destruction of 1868, a progress and stability mainly due to the tariff of 1867.

This charge that the tariff of 1867 killed off our sheep is an old one, and was long ago refuted by men the most competent to speak on the subject. Mr. Samuel Archer, now of Kansas City, formerly the most prominent sheep-breeder in West Virginia, said in 1869:

"I mean to say that in 1867 one-third or about *ten millions* of the sheep then existing should have been dead; not because there were too many but because they were *too worthless*, and occupied ground that might and would be filled with better ones. *The vast majority of the great number that is now disappearing are of this comparatively worthless class, and it seems that this is preparing the way for improvements in all kinds of sheep.*"

The italics are Mr. Archer's.

Mr. A. M. Garland, president of the Illinois Wool-Growers' Association, who had 8,000 sheep of his own in 1866, said in 1870, in the Western Rural, published in Chicago:

"The stimulus of paying prices for wool during the war rescued from the shambles a considerable portion of the animals (wethers) ordinarily turned over to the butcher, at two or three years old. That of course added largely to the number thrown upon the market when wool began to decline in price. The same cause, (a good price for wool,) coupled with the demand for sheep at high prices, encouraged an unusual, in some instances, an unnatural increase by breeding. (In several instances within our knowledge ewe lambs were bred.) Every ewe was bred without regard to merits of fleece or constitutional characteristics. Pampered or otherwise worthless rams were bought of peddlers; of whose honesty as little was known as of the antecedents of the animals they sold. The inevitable result of such recklessness was the production of animals worthless for either breeding or shearing. Of these latter, with few exceptions, are made up "whole flocks slaughtered for their pelts or tallow," to which the orators against the wool tariff refer with such gusto. Their destruction is no loss to the country and a gain to their owners. An inferior animal is a poor investment at any price, and a thorough culling will result in an elevation of the general standard of the flocks of the country and go far toward silencing the too prevalent cry of 'sheep won't pay.'"

You may judge of the marvelous improvements made in sheep husbandry and in the wool-bearing capacity of the animal by the following extract from a letter dated April 21, 1878, written to the undersigned by Mr. William G. Markham, president of the New York Sheep-Breeders' and Wool-Growers' Association, who, speaking of improvements made within the last ten years in Merinos, says:

"This additional care has enabled our breeders to attain greater and more valuable fleeces than ever before produced from this variety of sheep. Our flocks are small, usually containing from fifty to one hundred breeding ewes, the clip of which will, in some instances, average upward of fifteen pounds each, while selections of ewes not in breeding often shear as high as eighteen to twenty-two pounds, unwashed; which scour from six to seven and a half pounds. The live weight of these ewes reaches ninety to one hundred and thirty pounds. The stock rams produce from twenty-six pounds to thirty-six pounds; yielding about the same proportion of scoured wool, weight one hundred and fifty pounds to one hundred and ninety pounds."

And these sheep are the direct descendants, without admixture of other blood, of the importations from Spain prior to 1813, which gave three to five pounds unwashed wool from ewes, and seven to nine pounds from rams.

These improvements have been encouraged by the stable legislation which the wool industry of the country has enjoyed for the last ten years.

Respectfully, yours,

JOHN L. HAYES,
Secretary of the National Association of Wool Manufacturers.

Hon. WILLIAM D. KELLEY.

IRON AND STEEL.

Reference has been made by the chairman of the committee and other gentlemen to the iron and steel schedule, and it has been privately asserted on the floor of the House and in the committee-room that the Iron and Steel Association assented to the reductions of duty it proposes. I deny the statement, and am authorized to say that many of the leading iron and steel makers of the country came to Washington by invitation and were assured that the bill that would be reported by the committee would inevitably pass the House. They were told by very high authority that their only chance to have a voice in making the iron and steel tariff was to make a concession and state the lowest rates of duty under which they could live; and even under this pressure as a body they refused to make any terms, but said, "Let us go down with all other industries, if it be the judgment of Congress that the manufacturing power of the country must be prostrated." The Iron and Steel Association has earnestly protested against the mad project of revising the tariff at a time when prices are abnormally low throughout the world. I have the stenographic notes of an interview between Mr. James M. Swank, secretary of the Iron and Steel Association, and myself on that point, with extracts from letters from a number of the leading members of that association in Pennsylvania, Ohio, and other States, showing that eight or ten of their number were entrapped into stating the lowest rates under which they believed the best situated works might be able to live, which admissions were used by the committee to establish rates for the government of the whole iron and steel trades. These notes read as follows:

Stenographic report of a statement made by James M. Swank, secretary of the American Iron and Steel Association, to Hon. WILLIAM D. KELLEY, April 29, 1878.

The American Iron and Steel Association is composed of over three hundred firms engaged in the manufacture of iron and steel in more than twenty States of the Union. It has at no time in any manner expressed its willingness to accept any part of Mr. WOOD's tariff bill. On the 12th day of February, at a called meeting of the association held at its rooms in Philadelphia, resolutions were formally adopted disapproving of any revision of the tariff at the present time. At this meeting over fifty manufacturers were present, and letters were read from other members of the association, all advocating a policy of resistance to a reduction of duties as contemplated in Mr. WOOD's bill. Again, on the 2d day of April, after the revised bill of Mr. WOOD had been reported from the Committee of Ways and Means to the House, the executive committee of the association was called together to consider the measure. At this meeting of the committee letters were read from many members of the association earnestly urging that it maintain the position originally assumed with regard to tariff legislation by the present Congress. These letters enabled the committee to speak authoritatively and conclusively for the association, and it unanimously resolved, both for itself and for the manufacturers whose letters had been read, that it could not recede from the position originally assumed by the association in February, and a resolution to this effect was adopted.

No one of all the members of the association has written to its executive officers approving of either the original or the revised bill of Mr. WOOD. The Bulletin of the association has, on the contrary, week after week, assigned reasons why the bill should not be adopted, and printed statements, in pamphlet form, elaborating these reasons, have been twice submitted to Congress.

It is not denied that a few iron and steel manufacturers, less than a dozen in number, have made suggestions to Mr. WOOD of rates of duties to be incorporated in his bill. These suggestions were made under the pressure of intimations that, if the iron and steel manufacturers would not accept a small reduction of duties, larger reductions would be insisted upon by the present or the next Congress, in which event the manufacturers would see their business destroyed. For fear that this threatened policy might be carried out, rates of duties were suggested to Mr. WOOD which it was thought would not be destructive to the interests of the manufacturers making them; but none of these manufacturers, if left entirely free to act for themselves, would for one moment have consented to any reduction of duties whatever. The gentlemen would not have made the suggestions to Mr. WOOD which they did, embodying slight reductions of duties on articles competing with their own products, but for implied promises that, if this bill became a law, the tariff would not be altered for several years to come. After these rates of duties were submitted to Mr. WOOD, and his bill was perfected, in his opening speech in advocacy of the bill he plainly absolves these gentlemen from any implied obligations to support it, for he expressly gives them to understand that, when opportunity offers, further reductions of duties will be recommended and insisted upon.

All the iron and steel manufacturers of the country who have submitted schedules or rates of duties to Mr. WOOD will not exceed ten in number, and even their suggestions were not adopted in full by Mr. WOOD, but very important ones were disregarded by him; as, for instance, the suggestion by Mr. James Park, jr., which was earnestly insisted upon, that a definition of steel which would distinguish it from iron should be incorporated in the bill, to avoid erroneous classification by the custom-house officers, and to avoid the admission of steel at rates of duties which should only be applicable to iron. It should be borne in mind that these ten gentlemen at no time assumed to represent any persons but themselves. Since the revised bill has been reported to the House, and they have had an opportunity to study it as a whole, in its bearings not only upon their own industry but upon other industries, they are not satisfied with it, and do not desire its passage.

The following extracts from letters to the secretary from prominent members of the association are given as illustrations of the views entertained of the Wood tariff bill by iron and steel manufacturers generally:

From H. W. Oliver, jr., of Pittsburgh, March 16, 1878:

"Your telegram just received. I inclose the schedule as requested. You will notice the concessions are very slight. Our aim is to induce the committee to quit their ad valorem views and adopt specific duties. This schedule was given by request of members of the committee, and only as the individual views of a few of us, and in no way is binding on our association or on members of Congress."

From A. B. Stone, of Cleveland, March 29, 1878:

"My impression is that the business of the country cannot bear a long discussion upon the tariff question, and that it will be better for all the manufacturing interests to strenuously oppose from the beginning any change in the present tariff, and kill the bill now before Congress at the earliest possible moment."

From J. B. Moorhead, of Philadelphia, March 30, 1878:

"The present duty on pig-iron and scrap-iron is barely sufficient to prevent importations. The proposed reduction to $5 on pig iron and $4 and $6 on scrap, would be a very serious blow to all pig-iron producers."

From William Means, of Cincinnati, April 15, 1878:

"Yours with regard to the Wood tariff bill received. In reply I have to say that Mr. SAYLER, our member in Congress, from the first district, was good enough to advise with me respecting the proposed modifications, and that I and my friends here engaged in the iron business have strongly urged the necessity of making no changes whatever. We will continue to do so at every opportunity."

From James Park, jr., of Pittsburgh, April 27, 1878:

"Before leaving for home this evening I will take time to write to you that I have read carefully the argument against the adoption of the Wood tariff, and pronounce it admirable; I am, in a word, greatly pleased with it."

From W. D. Wood & Co., of Pittsburgh, February 6, 1878:

"We are of course opposed to any reduction of duty on polished or other sheet iron."

From the Collins Company, Collinsville, Connecticut, April 11, 1878:

"We are utterly and entirely opposed to the Wood tariff."

From R. N. Gere, of Syracuse, New York, February 6, 1878:

"I fully concur in the importance of a strong and concerted action in the protest proposed, and authorize you now to sign my name to the paper that may be agreed upon by your meeting."

From Oliver Williams, Catasauqua, Pennsylvania, February 12, 1878:

"I will do all in my power in this valley to further any action taken by the meeting to-day."

From R. E. Blankenship, Richmond, Virginia, February 11, 1878:

"Your circular of 2d instant is to hand. I cannot arrange to attend the meeting

to-morrow, but I cordially sympathize with the object and hope the iron-workers, masters and men, will make such a demonstration as will be felt at Washington."

From Charles J. Nourse, Columbia, Pennsylvania, March 29, 1878:

"I would suggest for consideration that the executive committee of the association write a short, plain, strong letter objecting to any changes of the tariff at present."

From Horace L. Brooke, of Baltimore, February 6, 1878:

"Are you watching the new tariff bill? The duty named on scrap, $1 per ton, would be ruinous. The English furnaces would run their iron direct from the furnace into some rough castings, break them up, call them scrap iron, and literally flood our country with pig-iron paying but $1 per ton duty. Iron ore should come in free, but instead of making it free the duty is to be increased 40 per cent., and the duty on pig-iron reduced 30 per cent."

From Hon. D. J. Morrell, Johnstown, Pennsylvania, April 1, 1878:

"I am in favor of opposing the passage of the new tariff bill upon general principles, and because of the features which I regard as extremely injurious. If it is not possible to defeat it as a whole, I advise fighting it in detail; in short, the acceptance of nothing. I regard it as the right policy to protest against any reduction of duties."

From William P. Shinn, of Pittsburgh, April 8, 1878:

"I wish to be understood that I agree with you entirely that this is not the time when a reduction of the tariff should be made, and also that the proper way to revise the tariff is the plan you suggest of having a commission appointed to examine thoroughly into the subject."

From W. E. C. Coxe, Reading, Pennsylvania, February 11, 1878:

"The most dangerous element in the new bill, as it threatens to damage the interests in which I am concerned, is the reduction of the duty on wrought scrap-iron from $8 to $1 per ton. It will cause a depreciation of 33 per cent. in the value of the iron rails now in our roads, and the country will be flooded with old rails from Canada and Europe, to the detriment of our own supply."

From W. C. Cronemeyer, McKeesport, Pennsylvania, November 28, 1877:

"Inclosed we take leave to render you a pamphlet in which we have set forth the importance of introducing the manufacture of tin, terne, and tagger plates in this country, as well as the obstacles which lay in the road of such undertaking. Our firm has now been laboring for several years to gain a foothold in this enterprise, and although we have succeeded to manufacture an article which is equal to any imported, we have not been able to realize a reasonable profit out of it, and have been compelled to manufacture other goods which run against a home competition instead of a foreign. As you are well aware, the only cause for this is the want of a proper protective duty on tin, terne, and tagger plates, and we therefore request you to lay our case before your worthy association with a view of assisting us to induce Congress to increase the duty on these articles to at least 2½ cents per pound, (same as galvanized iron.)"

Before leaving this subject let me say that in the iron and steel schedule as elsewhere higher duties are in many cases put upon the material than on the advanced article produced therefrom. Thus the duty on steel such as is used for files and steel pens is increased, and those on files and steel pens are reduced. What with the increase of duty on the material and the decrease of duty on the product, if there be truth in the theory announced by the friends of the bill, that the duty imposed inevitably adds itself to the price of an article, the changes must ruin the manufacturers of files and steel pens throughout our country.

PAPER.

But, Mr. Chairman, the paper-makers of the country have graver cause of complaint against the committee than the iron and steel men. The most fortunate of these establishments cannot live under the provisions of this bill, though in so far as it proposes to admit rags free it is an improvement on the original bill. On this point I asked the views of several gentlemen largely engaged in the trade, and say what I have said advisedly. One of them, who is well known to me as a diligent student of social science and an experienced and energetic business man, Mr. C. O. Chapin, of Springfield, Massachusetts, responded by sending me a copy of a protest he had handed to the chairman of the committee, but of which I had not heard. I will let Mr. Chapin speak for himself and his trade, by submitting the practical part of his paper, which is as follows:

First, as to paper. The classification of paper and manufactures of, &c., as it stands in the existing tariff, was made after a careful examination of European tariffs in comparison with our own at the time the tariff was made, and was then thought to be an improvement on them all. It was approved by both producers and consumers, the importers themselves offering no objections. With a view to meet as far as possible your own desire to simplify the tariff bill you were making by lessening the number of classes, and to yield in a measure to a call for a general reduction in duties, although no petition for a reduction in the duties on paper have been presented to Congress, the paper manufacturers, through Mr. Russell and myself as their representatives, proposed to you to make but two classes, embracing all paper and manufactures of, &c. The present tariff classification is as follows, namely:

"Paper, sized or unsized, suitable only for printing paper, 25 per cent.; printing, unsized, used for books and newspapers exclusively, 20 per cent.; manufactures of, or of which paper is a component material, not provided for, 35 per cent.; sheathing-paper, 10 per cent. Paper boxes, 35 per cent. Paper envelopes, 35 per cent. Paper hangings and paper for screens or fire-boards; paper, antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and all other paper not provided for, 35 per cent. Papier mâché, manufactures, articles and wares of, 35 per cent."

The classification in the schedule presented for your approval by Mr. Russell and myself, after it had received the approval of manufacturers and consumers of paper, is as follows, namely:

"Paper, sized or unsized, suitable only for printing, 20 per cent. Paper and all manufactures of, or of which paper is the component material of chief value, not otherwise provided for, 30 per cent."

A rigid adherence to the idea that there should be but one rate of duty to apply to all kinds of paper grouped in a single class would be unfair to the manufacturers of the higher-priced paper. The difference in the first cost of the plant necessary to produce equal quantities of the high and low grades of paper, the difference in cost of labor and the time occupied in manipulating and preparing for market and the mode of distributing the two classes of goods all contribute to make them proper subjects for separate treatment in tariff legislation. In your bill you make many classes of textile fabrics of whatever material, of all metals and manufactures, of tobacco, wood, marble, &c. There is a greater variety of paper and manufacturers of, &c., than of most of these materials, and if exceptions to the rule are made in regard to them the same reasons are applicable to paper. Nearly all European countries recognize the distinction and none make so comprehensive a grouping as is done in the schedule presented by us. You take from the better grades of paper 42 per cent. of the present duty, which would be disastrous in the extreme to the manufacturers in this country and to the laborers employed by them. At the same time the revenue would not be so large as under the existing duty. Therefore, as the consumers do not ask for any reduction of the duty, as the revenue will gain nothing, but rather lose by the change you propose, and the manufacturers and their employés will be most seriously injured by so sweeping a reduction, we hope you will review your action in regard to the matter and adopt the schedule offered.

Second. In regard to placing a duty on rags and waste material for making paper, also on hide-cuttings for making sizing for the higher grades of paper, I would say that rags, &c., have been on the free list in this country for many years. No European country, save Switzerland, places an import duty, though nearly all put an export duty on them. This export duty is equivalent to 10 per cent. on their cost to us. Now we are to be subjected to an import duty of 10 per cent. and a still further tax of 10 per cent. on the duty itself by reason of the fact that most of our rags come from countries having discriminating duties against the United States. With this triple burden placed upon us, we can truly say that our burdens are greater than we can bear. The same facts apply to hide-cuttings. These two items alone make from 50 to 60 per cent. of the cost of the cheaper grades of writing-paper. In the belief that these articles were permanently placed on the free list millions of money have been invested in this country in the manufacture of paper. Is it just to jeopard so great an industry by so violent a change of policy?

In looking further at your tariff bill with reference to its bearing on the paper interest, I notice that the old rates of duty are kept intact on the following named materials, all of which are items entering into the cost of making paper:

a Coal,
a Sponges for filters,
a Twine,
a Ultramarine,
b Duties are retained on (though modified:)
b Canvas drier felts,
b Woolen felts,
b Brass wire,
b All colors for coloring paper,
b Rubber and leather belts,
b Soda-ash,
b Vitriol.

Cochineal taken from free-list and charged 50 per cent. besides the general (*b*) duties on all building material and the metals used in constructing machinery and making repairs which add largely to the cost of the plant and the keeping up of the same. Briefly, the comparative condition of the paper industry under the old and new tariffs would be as follows:

The old rates of duty retained on all articles marked *a*—modified duties on articles marked *b*.

Rags taken from free list and charged about 11 per cent.; cochineal taken from free list and charged about 50 per cent.; hide-cuttings taken from free list and charged about 10 per cent.; and the duty on the better kind of printing-paper reduced 20 per cent. and on writing paper reduced 42 per cent. Alum alone of the dutiable articles in the old list as paper-making material is changed to the free list by not being mentioned at all.

In the name of the whole paper interest of the country I must protest against such treatment of an industry so important to the country in its civilization and education.

SILK.

So, too, with silk goods. The duties on silk are reduced, and the coloring matter and other essential elements of the manufacture are transferred from the free dutiable list. A higher rate of duty is imposed on silk goods in the piece than on embroidered articles. There are tens of thousands of women who make a respectable living by embroidering silk for the use of man and woman; and yet this bill proposes to put a higher duty upon the piece goods than it does on the same goods after they shall have been cut and wrought into shapes and elaborately embroidered. Why should poor American women have so pleasant a means of making a living? Why should it not be transferred to those of France and Germany, which will enable foreign consignees who sell only through their agents in New York to accumulate fortunes more rapidly?

LACE.

In submitting this letter I enable one who is engaged in one branch of silk manufacture to speak for himself and his trade, and I think gentlemen will agree with me in thinking he makes a strong case against a committee that proposes to reduce the duty on lace from 60 to 20 per cent.

NEW YORK, *February* 18, 1878.

To the honorable the Committee of Ways and Means of the House of Representatives:

GENTLEMEN: Some of the important points in reference to the rate of duties to be imposed on lace goods are, in brief, as follows:

The business of manufacturing laces in this country was commenced, and so far has been continued with gradual success, under a tariff of 60 per cent.

Buildings have been erected; a large amount of expensive machinery imported from England, at a duty cost of 35 to 45 per cent.; skilled designers, draughtsmen, and operators brought over from England and France. Besides the capital invested and all engaged in making lace by machinery, there are also many women making, and others learning to make, lace by hand.

So far, the business has been established in the confident belief that the import duties would not be reduced, or would at least equal the rate imposed on silk dress goods.

There are many reasons why lace goods should have a higher rate of duty than any other textile fabric.

The machines employed are expensive, some of them costing over $5,000 to import, weighing over 10,000 pounds, requiring in their use constant repairs. These machines are intricate and difficult to operate, requiring skilled men who have learned their trade.

The business at the best is hazardous, as is proved by the history of lace manufacturers in Europe.

The article, in respect to value, is perishable; the style, make, figure, and color, all subject to the caprice of fashion.

When it is remembered that lace manufacturers do not spin or throw their yarns, that these yarns, specially made for them, bear a high rate of duty in the old and in the proposed tariff bill, it must be evident that lace should pay a higher rate of

duty than any other article of dress, in order to insure the manufacturer a just return on his capital.

There is no other article made where so much of its value is composed of the labor in its manufacture, for it is its chief element of cost.

In the proposed tariff there is no other class of textile goods so reduced in the rate.

Silk goods, with one or two exceptions, pay 50 per cent. They are made on looms very simple and inexpensive, as compared to the lace machine; the former are worked by girls, while the latter require men skilled in the art.

Carpets made on Jacquard looms, requiring less skill, pay 50 per cent.; even cotton and mohair yarns, made by machinery still less costly, are made to pay from 50 to 75 per cent. duty.

In making cotton laces much of the yarn required costs from 70 cents to $1 per pound, which, at the proposed rate, would pay 60 to 75 per cent. duty, while the lace it is made into pays only 20 per cent.

Heretofore we have been unable to make cotton laces under a duty of 35 per cent. ad valorem, owing to this high rate of duty on the yarns.

The production has been confined to silk lace, the raw material of which has been admitted free of duty.

The manufacturers of laces in this country never believed that the Government would impose a less duty than is put on the best class of dress-goods.

If the rate 20 per cent. is to prevail, or any less rate than is imposed on other silk goods, it will deprive many worthy persons of an occupation and a livelihood, cause valuable machinery to rust, capital to be sunk, and, more than that, will destroy a new industry in this country just as it bids fair to be, as in Europe, a source of wealth.

In the past twelve years great progress has been made in the manufacture of laces in our country, in evidence of which we refer you to the samples forwarded to your committee.

The following is an abstract of the award given to American laces at the Centennial: "Product, silk laces; commended as an attractive exhibit of guipure, cashmere, and other laces and trimmings; also for a general assortment of net goods, highly commendable for excellent fabrication. This exhibit is noticeable as illustrative of an important manufacture just introduced into the United States by the exhibitor."

With the raw material free or an equitable adjustment of duties on the material and the product, Americans will yet excel in this industry, and also produce better lace machinery, more simple and more durable.

Laces are often combined and connected with silk dress-goods, cotton, worsted, and mohair yarns, and goods in various kinds of garments, and in many different ways. If silk lace has a different rate of duty, the appraiser has always a difficult task to decide the question of "component material" and "chief value."

It is difficult to tell where lace begins and ends; how fine or coarse shall be the meshes; how much solid, how much open work; whether it shall be made by hand or on what class of machines.

If, then, lace has a less rate of duty than other goods of same material, the importer will invoice such goods as lace, and endeavor to bring them in at the lowest rate.

The appraisers would have the difficult task to decide what is and what is not lace. This would prove a source of litigation, and would require legislation on the part of Congress to define the nature of and limit the bounds of lace fabrics.

Although all lace fabrics should have, as we hold, a higher rate of duty than is imposed on other textile fabrics, yet one uniform rate of duty on dress-goods, laces and embroideries would remove all difficulties of the appraiser, as he would have only the question of invoice value to decide.

The only reason advanced in favor of low rates on laces is that it would prevent smuggling.

The amount of laces smuggled is trifling, and generally for the benefit of the fair smuggler. The amount does not probably equal the proportion of other dress-goods, and is not worthy to be mentioned as a basis of tariff legislation. Fine laces cannot be sold so as to pay the risk; for smugglers know that respectable and wealthy ladies, who buy that class of laces, will not buy of smugglers or any of kin to them.

These buyers would only go to houses of reputation, as one would to a jeweler for a diamond, or a banker of reputation for a bond not forged or stolen.

There is no other fabric that can be so easily undervalued in the invoice of importation, without detection, as laces. It is undervaluation that we should guard against, and for that we must have appraisers experienced, honest and true.

Laces are not a necessity, but a luxury used by the rich. That they will bear the highest rate of duty without being felt a burden, is an important fact for the Government. A duty on lace goods equal to the highest laid upon silk, mohair, worsted, and woolen dress-goods, and on cotton and mohair yarns, will prove a source of great revenue to the Treasury that should not be lost.

Respectfully,

A. G. JENNINGS,
(On behalf of himself and other lace manufacturers.)

Thus, Mr. Chairman, all through the bill you will find provisions which must disturb industry and destroy capital invested in productive pursuits. Sir, in this period of depression its adoption would involve a revolution. Industry stands appalled. The wool-grower of the West can get no price for his wool, because the manufacturer of the East has no remunerative market for his fabrics and does not know what protection he is to have against foreign competition in the future. One thing he does know, which is that if this bill is to prevail his mill must close and add to the millions of people now unemployed. It will entirely close forges, furnaces, and factories, so that all industries will be paralyzed. Who will feed then the hungry working-people and what army will restrain manifestations of their discontent? I say it is a revolutionary measure. The time to revise a tariff and reduce customs duties is when a country is prosperous and prices are advancing. No nation ever undertook such a revision as this bill proposes in a time of such universal depression and despondency.

A QUESTION OF WAGES.

I regard this bill as an iniquitous one. Its provisions all aim at the further prostration of wages and the wage-earning classes. Its theory is that labor and capital so invested as to employ labor have no right to protection against any competition, though it be absolutely destructive. Let us contemplate the results of such legislation. Each day brings us accounts of fresh strikes against further reductions of wages by British workmen. Wages are being forced down below even a living rate in England, and, as I shall presently show, the great capitalists have determined to pursue this policy until they shall in spite of protection be able to undersell us in our own markets. Listen to the paragraphs on this subject which appeared in a single issue of Ryland's Iron Trade Circular, that of April 6:

The coal owners of West Yorkshire have given notice of their intention to reduce the wages of the coal miners 5 per cent.

Between two and three hundred men and boys have been locked out at Mitchell's main colliery, Wombwell in consequence of their refusing to accept a reduction of wages for working coal in a certain part of the mine, besides the general reduction of 5 per cent.

The majority of the smaller slate quarries in North Wales yesterday gave notice of a decrease of wages averaging about 10 per cent.

At Messrs. Samuelson's Newport Iron-Works the men refused to accept the 10 per cent. reduction and the firm at once began to damp down the furnaces. The men, however, after a short interval submitted and resumed work, it being understood that they would pay the extra expense to which the employers had been put in consequence of their unjustifiable conduct. They thus pay the cost of the coke used for damping down.

Reductions of wages 5 per cent. have taken place this week in Dean Forest, where the house-coal trade, as well as the other staple industries, are still depressed.

The reduction in blast-furnace men's wages has generally taken place this week.

Mr. David Dale has accepted the office of arbitrator in the wages case, the employers having, as was reported, refused to accept the 5 per cent. offered by the men. The award is expected to be given next week.

Messrs. Neilson & Co., of the Mossend Iron-Works, have in accordance with the decision of the North of England arbitration board reduced the wages of their puddlers 9*d.* per ton, and those of millmen, forgemen, and others engaged in the manufacture of finished iron, to the extent of 7½ per cent. At the Dalziel Iron-Works, Motherwell, belonging to Mr. Colville, a reduction of 10 per cent. has been made in the wages of mechanics. Despite these facts the strike at the Phœnix Iron-Works, Coatbridge, still continues, but it is not expected that the men will hold out much longer. The reduction made in their case by the Messrs. Spencer was 10 per cent.

There is an extensive strike of colliers in the Avidrie and Slamanan districts, and several mass-meetings of the men have been held, at which they have pledged themselves to resist the "break" in the wages; but as they have no funds to support them during a struggle, it is anticipated that they will yield in the course of the next or following week. In all the other districts the reduction has been accepted without opposition. The coal trade is not in the least degree improved.

On Saturday last a notice which Messrs. Bolckow, Vaughan & Co. had given to reduce the wages of their mechanics, blacksmiths, pattern-makers, and moulders at Middlesbrough and Eaton, 10 per cent. expired. The men agreed to accept 5 per cent. reduction. The firm have continued to employ a portion of the men at that rate and have informed the remainder that their services will not be required.

It is announced that Messrs. Bolckow, Vaughan & Co., of Middlesbrough and elsewhere have seceded as members from the North of England board of arbitration and conciliation, intending to manage their own wages disputes. This state of things explains Messrs. Bolckow, Vaughan & Co.'s dealings in the recent closing of the works at Witton Park, the men requiring an arbitration that was impracticable.

Gentlemen will please bear in mind that the boards of arbitration and conciliation referred to have been heralded to the world as the crowning glory of the industrial system of Britain, and that had concentrated capital continued to be as willing as the working millions have been to abide by the decisions of such boards and maintain the system, it would unquestionably have justified the claim set up for it by its projectors and promoters. But while wages were rising capital availed itself of the system, for then its decisions were sure to be against any excessive demand made by labor; but now when business is paralyzed, and starving laborers are by the million clamoring for the privilege of earning food for themselves and their families, capital spurns the system and demands that labor shall accept what pittance it pleases to bestow.

Who are Messrs. Bolckow, Vaughan & Co., of Middlesbrough and elsewhere, who thus contemptuously spurn the good offices of the boards of arbitration and conciliation, and intend not only as is here said, "to manage their own wages disputes," but to settle those of all England and compel her workmen to accept lower than Belgian wages? *Capital and Labor*, a London trade journal of the highest standing, in its issue of the 3d of last month thus notices its establishment and operations:

When a dozen years ago the firm was merged into a limited company, its dimensions had become colossal. It had then blast-furnaces at three centers in Cleveland and South Durham, with contributory iron mines among the largest known, as well as coal mines, limestone quarries, rolling-mills, founderies, steel works, steamers, and allied possessions. It produced about a quarter of a million tons of pig-iron yearly, as well as 100,000 tons of finished iron and castings, and other work proportionately. It raised, then, a million tons of coal yearly, three-quarters of a million tons of ironstone, and over 150,000 tons of limestone. It owned hematite iron mines in Spain, farmed thousands of acres of its own land, kept a fleet of steamers, owned and worked thirty or forty miles of railway, and possessed a rolling-stock for minerals such as many railways might envy. At the mines, the works, the coke-ovens, limestone quarries, and other establishments, about 10,000 workmen were employed. Since that time there has been a growth in many departments of this gigantic trading corporation, and it has entered into the business of steel manufacturers, having erected large mills and works. It now employs 12,000 operatives, it pays £1,000,000 yearly in wages, and its subscribed capital is £3,650,000. It has twenty blast-furnaces—a huge smelting plant, in which £400,000 must have been invested; its steel-mills have turned out steel rails at the rate of over 60,000 tons yearly; its coal mines have a capacity of production of probably close upon 2,000,000 tons yearly; and its mining operations in Cleveland, South Durham, and Spain are on a scale of unexampled magnitude.

That the iron trade of England is suffering unparalleled depression is notorious, yet such are the appointments, appliances, and power of this copartnership whose capital is nearly $20,000,000 that in the year of depression referred to it declared and divided a profit of £155,288 or $776,440. The gentleman from Virginia [Mr. TUCKER] who derided our infant industries with so much gusto will admit that if this paragraph describes an adult establishment the largest of ours are of but infantile proportions.

Mr. Chairman, I have said that this firm proposes to make the low wages of Belgium the standard by which the wages of the coal-miners and iron-workers of the world shall be regulated. It may not be known to gentlemen that they are lower even than the rates paid; yes, much lower than those paid for labor in the State prisons of this country with which the chairman of the committee has shown that he thinks the taxed and taxable laboring people of this country should be made to compete. In coal and iron mines, forges, furnaces, rolling-mills, glass-works and other such establishments in Belgium women and female children are employed on the rougher work and in attendance as laborers upon men, who perform lighter work requiring greater skill. The spirit of our century has impelled the Belgian people themselves to protest against this degradation of woman as a means of depressing the wages of labor and ask the Belgian Chamber to exclude females from work in coal mines and also to implore it to exclude boys under a certain age from the same character of work; but in the *Iron Age* for April 25 I find the response of the Chamber to these humane suggestions. Of course it was in the negative. Here is the paragraph:

WOMEN IN BELGIAN MINES.

The Belgian Chamber has rejected the proposal excluding females from work in the coal mines and has adopted the ministerial amendment fixing the minimum age of boys working in the mines at twelve and that of girls at thirteen years. The work performed by women in the Belgian coal mines is usually loading the trams and "putting" or hauling them down into the main roads and attending doors. The work in its nature is wholly unsuited to women, and from the fact that it is performed in the mines it is in the last degree demoralizing.

But in the present depression of trade the giant power of Bolckow, Vaughan & Co., limited, is undaunted by the degradation Belgium inflicts upon her laborers, and by forced reductions of wages has been able to sell and deliver steel rails at $32.50 per ton, which is cheaper than they have yet been sold when produced by the women and girls in Belgium, and the *Colliery Guardian* in a recent issue celebrates this achievement and makes it the occasion for a short sermon to the workingmen of England and through them to those of the United States, the substance of which embodies the whole gospel of British capital to labor, "Servants, obey your masters." It says:

CHEAP STEEL RAILS.

We wish to preach a short social sermon from the text of the £6 10*s.* per ton tender for steel rails, delivered by the Messrs. Bolckow, Vaughan & Co., limited. It is clear that this great Cleveland firm could never have attained this result had not its management been distinguished by ability and experience of the highest order. An intimate knowledge of continental industry, a careful utilization of the cheapest raw materials, an introduction of the best and most approved mechanical appliances, and a resolute determination to perseveringly face difficulties of every kind, these and these means alone must have enabled Messrs. Bolckow, Vaughan & Co., limited, to undertake the delivery of steel rails at Leghorn at £6 10*s.* per ton. But all the skill, energy, and business experience of Messrs. Bolckow, Vaughan & Co., limited, would, in our judgment, have availed nothing if the successive reductions which have been taking place during the last two years of Cleveland coal miners and iron-makers had not enabled the company to obtain cheaper supplies of raw material. To enable the manufacturing industries of Great Britain of every description to recover and regain its old supremacy, it must produce at a cheap rate, and this cheap production can only be effected with the aid of cheap labor, or at any rate reasonably cheap labor. We have been haunted since 1873 with the phantom of Belgian competition; but why has this phantom ever made its appearance? Because in 1873 and 1874 wages had risen in Great Britain to an impossible level; that is, a level at which competition with foreign firms could not be profitably maintained by British industries. But let wages descend to a reasonable point, and let something like harmonious action be restored between English employers and English employed, and what becomes of this foreign competition of which we hear so much? It vanishes like the baseless fabric of a vision; and old England once more shows that if she is but true to herself she has not much to fear, either as regards iron-making or anything else, from external opponents and external competitors.

A PLAUSIBLE FALLACY EXPOSED.

But time will not permit me to further examine details. Let me, however, hastily consider some of the doctrines of the chairman of the committee. He assumed throughout his speech, and so did the gentleman from Virginia, that duties add themselves to the price not only of imported articles but of like articles produced in this country. Let me ask them do competition in the market and increase of supply increase prices? Are the prices of cotton, woolen, worsted, and silk goods, of locomotives, iron or steel rails, machine tools, agricultural implements, mechanical toys, or any of the thousand other articles we now produce, as high as they were under the free-trade tariff of 1857 or at any time prior to the increase of the rates of duty in 1861? No, sir; all kinds of American goods can be bought cheaper under the higher duties of to-day than they could be under the lowest rates ever fixed by our tariff laws, and it is the very madness of theory to assert, as the gentlemen have done, that duties which stimulate production and add to the world's supply enhance prices.

I was amused by the chairman's expression of sympathy with the overtaxed farmer, and wish he would do me the honor to lend me his ear. I fear that he saw me laughing as he uttered that rhetorical gem with such admirable emphasis, and desire to assure him that I meant no disrespect to him, and only laughed because I could not help it. It was so amusing to note the gravity and pathos with which he started his poor farmer out to buy taxed hardware, shoes, &c., for himself and clothes and medicines for his wife. When I first read that gem of his speech in my youth or earliest manhood, just after Sydney Smith had produced it, it made an impression upon my mind that still lingers. [Laughter.] But I have become so used to hearing it, that when he commenced its delivery with such fine effect I found myself in the condition of Diggory, in She Stoops to Conquer. You remember, sir, that that "fine old English gentleman all of the olden time," Mr. Hardcastle, having planned a good match for his daughter, determined to give a large dinner party as a means of promoting it. His household servants were not numerous enough to wait upon so large a company as he proposed to entertain, and having brought in the farm hands to assist he gave them a lecture on propriety. "Now mind," said he, "you must remember that you are not company and must not engage in the conversation. Diggory you talk too much; you must neither talk nor laugh while attending on this party." "Ecod! Squire," rejoined Diggory, "then you must not tell that story of old Grouse in the gun-room, because I have been so used to laughing at that story for the last twenty years that I am afraid I can't hold myself." [Laughter.]

Sir, for the last twenty years I have been so in the habit of laughing, at least in my sleeve, when hearing gentlemen reproduce that admirable novelty that I could not help doing so when the chairman of my committee startled me by reciting it. I have it before me as uttered by the gentleman, then from Ohio, but who has carpet-bagged to New York, [Mr. COX,] and who is sometimes known by the *sobriquet* of "Sunset," as he delivered it in 1864. [Laughter.]

Mr. COX, of New York. What was that?

Mr. KELLEY. Oh, I am only referring to an admirable witticism you perpetrated in the House in 1864. [Laughter.] It was quoted the other evening by the gentleman from Mississippi [Mr. MULDROW] who, unlike the chairman of the committee, also quoted precisely what Sydney Smith had said, which was a great mistake, because anybody could see that my friend from Ohio, as he then was, had said just what Sydney Smith had written so long ago, having only changed the rates and some items, so as to accommodate the rhetorical novelty to the tariff then under consideration.

Subsequently I heard it from my friend the late James Brooks. Then from our friend S. S. Marshall, of Illinois, and there has never been a tariff bill under discussion that I have not heard it three or four times; and I repeat that I could not help laughing when the chairman of the committee got it off with such solemnity.

Mr. COX, of New York. As original?

Mr. KELLEY. He did not indicate that he had ever read Sydney Smith's works or heard of Sam. Marshall or Sam. Cox or any other Sam who has sent the poor farmer out to make purchases? [Laughter.]

I am afraid gentlemen may charge me with exaggeration and think that I laughed at the chairman irreverently, and therefore I propose to read the novelty to them from the British Trade Journal of January 1, 1877, and thus show what an interest the conductors of that enterprising British journal have in our American farmer who is so terribly overtaxed. They foolishly quoted it, not from Sydney Smith, but ascribed it to the Pictorial Tax-Payer, in which the American branch of the Cobden Club, the Revenue Reform Association, had published with illustrative cuts.

The farmer rises in the morning and puts on his flannel shirt taxed 65 per cent., his trousers taxed 60 per cent., his silk vest taxed 60 per cent., his coat (cloth) taxed 60 per cent., buttons taxed 40 per cent., lining taxed 60 per cent., padding taxed 150 per cent. He draws on his boots taxed 35 per cent., sits down to breakfast from a plate taxed 45 per cent., with knives and forks taxed 35 per cent., reads a newspaper taxed 20 per cent., with ink taxed 35 per cent., and type taxed 24 per cent; puts on his slouch hat taxed 70 per cent., hitches his horse, shod with nails taxed 67 per cent., to a plow taxed 45 per cent., with trace-chains taxed 100 per cent., and harness taxed 36 per cent. He goes to the village and buys his wife a handkerchief taxed 35 per cent., shawl (woolen) taxed 200 per cent., silk for a dress taxed 60 per cent., hat taxed 40 per cent., stockings (worsted) taxed 75 per cent., boots taxed 36 per cent., silk cravat taxed 60 per cent., silk umbrella taxed 60 per cent., needles taxed 25 per cent., thread taxed 73 per cent., pins taxed 35 per cent., gloves taxed 50 per cent., steel pens taxed 70 per cent., rice taxed 82 per cent., soap taxed 70 per cent., candles taxed 25 per cent.

By Jupiter! These fellows omitted the asafetida which the gentleman included with such unction! [Laughter.]

Now, Mr. Chairman, I propose to furlough this weary and overtaxed British farmer, who so incessantly obtrudes himself into our discussion of the tariff question. It is about time for him to retire from this Hall.

The theory he attempts to enforce is false. It is that a duty imposed upon any article is, as I have already said, not only added to the price of that article when imported but adds itself to every like article produced in the country of consumption. Now, if this proposition be true, I, in common with most of my countrymen, am like the client who cried in court because he had not known how badly he had been injured until he heard his counsel state the case. If this theory be correct, which I deny, our farmers have been robbing and plundering me and all other dwellers in cities and towns until it is no wonder that we are so poor and depressed. I have prepared a table showing the amount of wheat, barley, oats, potatoes, corn, and rye raised in the country in 1877, the amount exported and the rates of duty on each, and the amount of tax imposed on the country at large by the farmers, if it be true that the import duty increases the price not only upon the imported article but upon the product of the country. On wheat alone they stole $60,591,212.80 from us. Did you know that? Upon barley, $5,162,080.60; on rye, $1,937,300; on potatoes, $21,820,552.50; on oats, $40,214,587.20; and on corn, $126,689,948.20; making in all $256,465,681.35—enough to have paid the duty on all the asafetida taken by farmers' wives since the country was first settled, and upon the annual consumption of all the articles the

chairman of the committee supposed Sydney Smith's farmer was going forth to purchase. Here is the table:

Statement of the amount of wheat, barley, potatoes, corn, oats, and rye raised in this country in 1877; the amount exported, the rate of duty on each, and the consequent tax imposed on the people of the country at large by the farmers if it be true that the equivalent of import duties are added to the price not only of imported articles but to those of domestic production.

Products.	Number of bushels in 1877.	Number of bushels exported.	Balance for home consumption.	Duty.	Amount of tax imposed on the consumers of the United States, calculated in accordance with the free-trade dogma propounded by the chairman of the committee.
Wheat	380,000,000	57,043,936	302,956,064	$0 20	$60,591,212 80
Barley	35,600,000	1,186,129	34,413,871	15	5,162,080 60
Potatoes	146,000,000	529,650	145,470,350	15	21,820,552 50
Corn	1,340,000,000	73,100,518	1,266,899,482	10	126,689,948 20
Oats	405,000,000	2,854,128	402,145,872	10	40,214,587 20
Rye	22,100,000	2,227,000	19,873,000	10	1,987,300 00
Total	2,308,700,000	136,941,361	2,171,758,639	.....	256,465,681 35

Take into consideration the other protected agricultural productions and it will appear by this assumption that they have assessed us not less than $600,000,000 a year. Could any theory be more preposterous? The brilliant and logical gentleman from Virginia [Mr. TUCKER] saw the possibility of this rejoinder and tried to break its force. His effort recalled to my mind an interesting chapter of the political history of the Berks County district. I wish my friend from that district [Mr. CLYMER] were here. It was once represented by a very popular and distinguished gentleman of the county. He was influential in the councils of his party and attained the position of chairmain of the Committee of Ways and Means of this House. But unfortunately for him his party, the democratic, took it into its head to reduce the customs duties. Forgetting his constituents, and dreaming perhaps of foreign missions and of possible reversionary rights to the Presidency, he went with his party against the interests of his people. At the next election some of the people of his district nominated as an independent candidate a simple-minded but worthy farmer by the name of John Swartz, Major John Swartz. He had not served in any war, but had led the militia of Berks County by battalion many a time. [Laughter.] He was for protection, and he beat the distinguished democratic chairman of the Committee of Ways and Means and came to Congress.

Here he was regarded as a very remarkable man, that Major John Swartz, and the free-traders set at him to ascertain the source of his power and, if possible, to convert him. They beset him with all those fine-spun theories which were evolved with such beauty by the gentleman from Virginia, [Mr. TUCKER.] They plied him with syllogisms and equations and all sorts of things to which he was a stranger. "Now, Major Swartz," said a distinguished gentleman who had just deluged him with plausible fallacies, "is not that so?" "Well, yes; it does look so." "Then why are you a tariff man?" "Well," said he, "the way you put it, it does look so; but there is one thing I can tell you: it does not work that way with pig-iron." [Laughter.] So the gentleman from Virginia, taking the hint, thought he would put in a caveat and say that it did not work that way with agricultural products, especially with sumac, the proud weed of Virginia, which is safe under a protecting duty of 10 per cent. [Laughter.]

There is a rule on this subject which I will in a few minutes attempt to express. The witty remark of the gentleman from Virginia, that, if Mr. Carey's theory that brings into proximity the producer and the consumer was a sound doctrine, then the man was best off who made everything for himself and consumed all he made, was hardly worthy of him, as it showed that he had not made himself familiar with the principles of the great master of social science. Mr. Carey starts out with the proposition that association is the first and paramount want of a human being. He also teaches that from diversity of employment comes unity of interests and freedom of association.

The gentleman from North Carolina [Mr. ROBBINS] propounded a conundrum by premising that he had heard it said the higher the duty the lower would be the price of the commodity. I never heard the proposition except in derision. What I have heard is that a duty, no matter how high it may be, if required to enable an ingenious and industrious people to supply their own wants out of the raw material with which Providence had endowed them, is the proper duty; and being high enough to do that it will so increase production as to reduce prices; and this is in accordance with Mr. Carey's doctrines. Therefore a duty is never too high when in a country of such native resources as ours the supply of the home market may be vitally interfered with by foreign competitors notwithstanding that duty. That question furnishes the measure of a just duty in the mind of an intelligent protectionist.

The gentleman from Virginia, [Mr. TUCKER,] who I am happy to see does me the honor to be present, unconsciously paid me what I shall cherish as the most magnificent tribute received during my now somewhat extended congressional life.

Mr. TUCKER. If the gentleman from Pennsylvania [Mr. KELLEY] will permit me to interrupt him, I will say that if I did it unconsciously I am very willing consciously to pay him any compliment.

Mr. KELLEY. I believe the gentleman and thank him anew. Referring to the tariff of 1870, he said that it had placed on the free list a large number of articles; I am sorry I have not his exact language; and he added that in consequence of the transfer of those articles to the free list our manufactures had grown and our exports had increased, I think he said, from $60,000,000 to $160,000,000 a year. Let the figures be what they may it is undeniable that as a consequent of the changes made by that law our productions and exports increased suddenly and largely.

I had the honor of initiating that enlargement of the free list. It cost me the labors of a whole vacation and correspondence with consumers of raw material in every branch of industry. When Congress reconvened I came here with printed lists of articles which the different manufacturers suggested should be released from duty and of articles which, if the revenues of the Government would not permit them to be put into the free list, should have the duties upon them greatly reduced; and with another indicating corresponding reductions in the rates of duty on all articles derived from those hitherto dutiable articles which were henceforth to be free or from those on which duties had been greatly reduced. By this work and my labors in that Congress I earned the honorable *sobriquet* of "Old Pig-Iron." Those who hoped by inaugurating what they called revenue reform to destroy the industries of this country saw that to make raw materials free was to enter wisely on the march toward free trade. While by the prevalence of the teaching of British economists they could keep our raw material under heavy duties they could compete with us in our own market and prevent the growth of our foreign trade. Then it was that their well-paid lobby, with its open rooms in every elegant portion of Washington City, set upon my devoted head the scribblers of the nation and bestowed upon me the *sobriquet* that I now cherish, of "Old Pig-Iron," which is said to be significant of the fact that through good report and ill report I had stood by my intelligent convictions and the interest of the laboring people of the whole country.

A VOICE FROM THE PAST AND THE LOGIC OF RECENT EVENTS.

The very able speech of the gentleman from Virginia [Mr. TUCKER] came to me as a voice from the grave, but not as a doleful sound. It revived recollections of days long past when I was a young and enthusiastic student of these subjects; and by the aid of his polished rhetoric and graceful elocution I listened to the teachings of Calhoun, McDuffee and their school of abstractionists as though nothing had happened during the intervening forty-five years.

We were then an agricultural people. Our exports consisted of bulky raw materials—the cereals and provisions. Free trade had been the doctrine of the country, the master section of which would not tolerate the idea of building up towns and cities; and raising agricultural products by the hands of unpaid labor, its leaders believed that the workshops of the nation had better be beyond the seas and in other lands. But for the war we would probably now be in the same condition. But the hair-splitting logic of men, the most perfect syllogisms and systems of equations will not stand against the invincible power of the logic of events. Free trade prevailed as long as the South was contented with her civil supremacy, but when Sumter was fired on and the Government was required to raise the means for maintaining a great and protracted war the dominion of free trade was limited to the territory south of the Potomac, for the exigencies of the war compelled us of the North, whether we believed in high or low duties, to double our duties in order to obtain adequate revenue.

We did not reduce duties to stimulate imports in accordance with the fine-spun theories of the gentleman from Virginia, in the hope of increasing receipts; we piled on duties—100 per cent. by a single resolution, 50 per cent. by another. We thus not only increased our duties but our receipts of revenue; and he who has an open eye can read the effect of the protection thus afforded to labor and capital in ineffaceable characters along the entire line around the confederacy. The gentleman pointed to New England and Pennsylvania as the parts of the country specially enriched by protection. He need not go so far to find evidence most ample of its beneficent effects. Look at the contrast between old Virginia in her poverty and desolation, and her young daughter, West Virginia, that, under the stimulus of the tariff of 1861, and the wool tariff of 1867, and the other tariff laws complained of by the chairman and my colleagues on the committee, has her busy and thriving city of Wheeling and her whole river coast dotted with thrifty workshops and towns built by people who are prosperous even in these times of depression.

Go thence to Kentucky; and as you go cast your eyes on the other side of the river and behold Southern Indiana and Illinois, with their glass-works, their iron-works, their coal-fields, unrecognized twenty years ago but now swarming with busy laborers. See the towns that have sprung, as it were, from the earth, now populous with intelligent and enterprising inhabitants. Visit Lexington and see its workshops

and rolling-mills. See how it has grown, although for a long time Kentucky was debatable ground, furnishing about an equal number of soldiers to both armies. Pass beyond and go to Saint Louis and other parts of Missouri and measure her manufacturing powers and the wealth and numbers of her people and compare them with what they were under revenue tariffs. Then pass within the limits of the confederacy and behold the barren and unfenced fields, the ill-clad laborers, the idlers that swarm at every cross-road and at every railway station on the arrival of a train of cars. Travel throughout the free-trade South and you will read, written by the hand of the Almighty upon the face of the earth and in the habits of the people, a terrible contrast to the effects of sixteen years of protective duties upon all that part of our country that derived any share of the compensating blessing which sprung from the necessities of the war.

The gentleman from Virginia and the chairman of the committee support the bill as a free-trade measure. Is it that or something else. Its provisions are so hap-hazard and incongruous that no man can tell whether it most promotes free trade or protection. Mr. Moore, the Parsee merchant, protests against it, because of its violations of free-trade principles, and Mr. D. C. ROBBINS protests with even greater emphasis that it is violative of every principle of free trade; while I and gentlemen around me say that its provisions would prove to be alike destructive to the free-trader and the protectionist.

THE TENDENCY OF THE TIMES IS TOWARD PROTECTION.

But, if it could be shown that it favors free trade, it would simply prove that it is an attempt to resist the tendency and drift of the age. England herself begins to realize the sad mistake she made when she failed to confine freedom of trade with her ports to raw materials and food. Many of the ablest thinkers of that country are now asking that the errors of Cobden and Bright may be corrected. On the 3d of last month, Mr. Ernest Seyd, than whom there is no more proficient statistician in England, addressed the British Society of Arts in London. I clip from his address, in which he reiterates his belief in the abstract doctrine of free trade, the following:

I will admit that the increased imports are due partly to foreigners forcing goods here, but there is this year already a falling off in the imports. I will further admit that our habits are, perhaps, too luxurious. Although I am a thorough free-trader, I am aware that such luxurious habits cannot be checked by mere moral suasion, and I am of the opinion that unless there is soon a better balance between our imports and exports, there is really no other method of effecting this than by a partial return to protection.

Here is a pamphlet with which the British Islands have been flooded within the last few months. It is Lord Bateman's plea for limited protection or for reciprocity in free trade; a letter reprinted from the *Times* of November 12, 1877, with a preface by the author, in which his lordship takes precisely the ground I have indicated, the free import of raw material and food and the imposition of protective duties upon manufactured articles. Let me read the closing paragraph:

I appeal to the common sense and to the patriotism of my countrymen, and if they are convinced how great has been the fallacy of our free-trade policy without reciprocity it is for them to say, as I believe sincerely they will say, whether a return to a policy of limited protection, so far from being impossible or undesirable, is not the true and simple solution of our present difficulties, and will tend, in a more simple and natural way than any other, to retrieve our losses, increase our revenue, lighten our burdens, bring peace, contentment, and employment to our working classes, and teach them and us to bless the day which restored the old policy and the old watch-word of "protection to native British industry."

The cotton lords of England, as her manufacturers were called, are demanding the protection of their investments against the terrible competition from India to which the gentleman from Massachusetts [Mr. BANKS] alluded the other day. Let me read you some extracts from the London Times, premising that the British Indian government in order to raise an adequate annual revenue has been compelled to impose a duty of 5 per cent. on cotton goods imported into Indian ports and the British manufacturers are demanding the repeal of that duty as an act of justice to them. Why? Because, in their judgment, India now has no more rights than America had when Great Britain by statutory provisions prohibited us from making a nail, erecting a slitting-mill, or making a hat. The principle then was trade for England at the cost of the industries and happiness of every other nation, and that spirit lives in the ruling classes of England to-day.

[Here the hammer fell.]

Mr. COX, of New York. I hope the gentleman will be allowed to go on.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLEY. I read from the London Times:

There was scarcely a town in our cotton manufacturing districts which was not represented. Lancashire *en masse* had turned out for the occasion, personally or by deputy, and the speakers may be fairly taken as expressing the fixed opinions of some hundreds of thousands of Englishmen. Private disputes were sunk for the moment in the face of a great question in which the earners and payers of wages were equally concerned, and Lancashire, for once in a way, was in perfect harmony in all its sections. * * * Their wish to preserve a foreign market for their goods is natural enough, and, within decent limits, praiseworthy enough. We can scarcely say much for them when they ask not only that Indian finance shall be regulated for their own convenience, but that the export trade of India shall be kept within the bounds they wish to assign to it, and shall be crushed out of existence when it intrudes itself as their rival. It was nothing less than this that the deputation were asking for, and with scarcely a disguise as to their real meaning. It is a strange thing, we cannot help remarking, to observe the new quarters from which proceed, in the case before us, the attack on free trade.

I draw to a close. I have here a slip from the London *Saturday Review* of about a month ago, although I cannot give the precise date. The article at large was on the French exposition, and the paragraph I propose to read expresses the growing opinion of England and Europe. I pray gentlemen to hear it:

The first exhibition was held at London, and was avowedly intended to be a sort of consecration of free trade. The new exhibition is to be held at Paris, and is a consecration of protection. Conquered France has at last conquered its proud captor. Prince Bismarck has just issued a manifesto through one of his organs, in which he explains his new financial policy. It seems that he has been meditating over the financial system of France, and is lost in admiration at what he finds to be its basis and its method. It is through protection that France pays the interest on the milliards which he carried off. He thought that he had crushed France pecuniarily, and he discovers that apparently she is not crushed at all. Her national and local taxation now amounts to about £150,000,000 a year, and the Chamber is gaily embarking on new and vast schemes for railways, canals, and improved military organization. How this is done is the question which Prince Bismarck has seriously asked himself, and the only answer he can discover is that it is done through a system of wise and bold protection. He therefore invites his countrymen not to be above imitating France. Free trade is only a theory, and theories, as Goethe has taught his countrymen, are apt to get gray and old. The green and golden tree of life is protection, and of that tree sensible, prudent France has eaten freely, and has prospered, while Germany has looked on, cold, miserable, and poor, feeding itself on the wind, and pluming itself on its philosophy. Scientifically, no doubt, France and Prince Bismarck are quite wrong, but if there was one thing which the disciples of Mr. Cobden could never have expected in 1851 to live to see, it was a spectacle of a much grander exhibition than theirs, opened at a moment when the ablest of German statesmen was exhorting his countrymen to follow in the wise paths of protection, by adhering to which France was enabled to produce amid order and prosperity this new wonder of the world.

THE CROWNING GLORY OF OUR FIRST CENTURY.

In characterizing the last quarter of the first century of our existence the chairman of the committee said:

It marked the most extraordinary epoch in our history—distinguished for its extinction of slavery—the greatest civil war of any time, and its consequent demoralization and stimulating effects upon values, and the vicious legislation which of necessity followed. The nation, in consequence, lies weakened and prostrated, and sick almost unto death.

Our great civil war and the extinguishment of slavery were memorable events, but they do not characterize the period alluded to. Slavery caused the war of which its extinguishment was a consequence. But other nations, England, Russia, Brazil, have abolished slavery in obedience to the dictates of philanthropy or sound economic principles; and other nations have had great wars. History is made up of the story of great wars, and though ours may have had distinguishing features, it did not characterize the last quarter of our first century. The crowning glory of that period was a triumph of the arts of peace and the testimony the United States gave to the world of the power of the protective system in developing the resources of a continent and the attributes of a people. The crowning glory of that century of American history centered in the buildings in the shadow of whose magnificent proportions stands my humble home, and to the construction and maintenance of which a niggardly Congress refused to permit the Government to contribute a dollar. It was an illustration of the capacity of a free and self-governing people. We behold it in the display there made of machinery the most wonderful that man had ever beheld; in the products of genius, taste, skill, and industry put forth in the field, the workshop, the mine, the mill, the laboratory, and the studio. It was there in the habits, manners, and apparel of our people who gathered there by millions, and who, thanks to the general principles of the protective system, and especially to the tariff of 1867 on wool and woolens and to the stimulus the additional duties it imposed on ready-made clothing gave to that industry, were clad, the rich and the poor, the capitalist and the laborer, the farmer and the denizens of cities, in garments of the same texture, cut, and make, and presented to foreigners an undistinguishable mass, so that as they loitered through the immense buildings or among the crowds which swarmed in the beautiful grounds, they inquired of their American friends, "Where are the people, the artisans, the *paysans*, the laborers?" No matter from what country they came, none of them had ever seen the laborer and farmer so clad and, so orderly that they could be crowded together a quarter of a million within a single inclosure without the presence of troops, or *gens d'armes*, or even the appearance of a palpable police. This exhibit of the developed resources of our country, of the skill and attainments of our people, of the influence of self-government upon the social habits of a people, was the crowning glory of the first century of our history. It came as the result of our challenge to the world to peaceful competition, and it is for this that we are receiving the benedictions of the scholars, statesmen, and thinkers of the world in grateful recognition of the instruction the American people have imparted to all nations by their example.

Mr. HARRIS, of Georgia. Mr. Chairman, at an early period in our national existence the question of raising an adequate revenue to meet the necessities of the Government claimed and received the earnest attention of both the executive and legislative branches of the Government.

The same problems which were so perplexing to the statesmen of that day and so difficult of solution have remained unsettled, and are again presented to us, as they were then, for such determination as shall secure the required revenue to the Government, and at the same time provide as far as possible for the equal distribution of the burden upon all sections and upon all industries.

It is essential that we should inquire into the cause or causes which have prevented the settlement of a question so vital in its character; and it is safe to say that this failure is more largely attributable to

the different opinions entertained by those interested in the various industries of the country, as to what should be subjected to taxation and what proportionate share of the burden the several objects should bear, than to any other of the causes which have tended to interfere with the harmonious workings of our own different tariff systems.

Self-interest controls the judgment of men and is the mainspring of human action, and to this principle the conflicting opinions which have been and still are so persistently maintained by the advocates of the different systems of taxation owe their origin. To illustrate this, compare the demand of the agriculturist for free trade in all the manufactured articles which he requires with that of the manufacturer for the protection of these same articles against foreign competition. And it must be borne in mind in this connection that the demand for protection has never failed to secure the listening ear of our Federal councils, and that its exactions have in one form or another been uniformly complied with.

Free trade has been described as "buying where it can be done cheapest, and selling where the best price can be had;" but past experience points us inevitably to the conclusion that we can never enjoy the benefits of such an unrestricted system of trade so long as self-interest overrides patriotism and public honor is subordinated to sectional selfishness. There would, however, be no plausible excuse for this selfish demand on the part of one section, or of one class of industries, to be protected at the expense of others, were it not found in the position we occupy as a debtor nation, and the consequent demand for a revenue, not for governmental purposes, but to pay the debt created by bad government and vicious legislation.

This indebtedness, however, exists, and the committee having in charge this grave and important matter, recognizing this fact, have labored assiduously and continuously for the past six months, with a view of framing such a system of taxation as shall equally distribute the heavy burden to be borne among the different sections and the diversified interests of the country, in order that, none being oppressed, activity and life might once more pervade all our industries.

THE PRESENT CONDITION OF THE COUNTRY.

The industries of the country of every description were never in a more prostrate, unprofitable, and therefore unsatisfactory condition than they are to-day. Two years ago I appealed to this House to take some steps for general relief. The angry cloud which then hung over us auguring destruction and ruin, has increased in size and is now overwhelming those interests which have not already fallen before its fury. Every breeze wafts to our ears the cries of those stricken down by the blasts of this financial tornado. The agriculturist is unremunerated for his labor and the investment of his capital; the manufacturer has seen his ponderous machinery cease from its movements, its mechanism no longer urged to action by the spirit of thrift and enterprise; while the producers of the wealth, the cultivator of the soil, the skilled mechanic and the toiling laborer, deprived of employment and of the opportunity to labor, wander penniless and homeless over the land, receiving at the hands of charity that which in the days of their manhood was the fruit of their honest toil. Yes, sir, in this very Hall the gaunt specters of want and wretchedness gaze down upon us with imploring look, asking that relief which it is within our power to confer; and we cannot, sir, discharge the duty we owe to humanity unless we exert every effort to alleviate by wise and patriotic legislation the destitution, suffering, and want which are spread broadcast over the land.

Was there ever, I ask, sir, a time in all our history when reform in our revenue and financial systems was so imperatively demanded as now?

THE NEW TARIFF BILL.

In what I may say with reference to the bill reported from the committee revising and changing our present tariff system, it is not my purpose to review it in detail. I do not propose to criticize such of its features as are not precisely in accordance with the wishes of my constituents or with my own views, nor do I desire to applaud and express my admiration for such of its provisions as seem to me in more perfect accord with a well-regulated tariff system. It is my intention, Mr. Chairman, to view it as a whole, and in that aspect I regard it as effecting desirable changes in the existing system. I am content that it shall be permitted to accomplish the good of which it is capable, and to leave to a future day that perfect illumination which inevitably follows the admission of the first ray of light into darkness. The necessities of the people demand that there shall be a revision of the present tariff system; it is my purpose to show the pressing character of the demand upon us.

IS THIS THE TIME FOR REVISION?

The opponents of the bill now under consideration assert that it is an unpropitious time to revise and modify our present tariff. Do such men realize the condition of our industrial and commercial interests? Do they stop to inquire how much of the present prostration is attributable to our revenue and financial systems? They do not, or they would not say this was an unpropitious time for the adoption of any measure which promises relief to our languishing industries and distressed people.

If their theories are correct and their opposition to the reforms proposed by the Committee of Ways and Means is well founded, then there can be no time when reforms would be fraught with benefit to the people, and we are therefore as a people in a prosperous condition to-day, and no legislation affecting in any way our great industrial interests should be either sought or demanded, nor would it be justified.

The position of the opponents of this bill is like that which those who opposed the remonetization of silver held before the passage of that bill, when they predicted disaster and derangement of business as the result thereof.

They expressed very grave fears that our whole land would be flooded with the demonetized silver of Germany, France, and every other country which has rejected it as a circulating medium. At no time, Mr. Chairman, did I indulge in any such apprehensions. On the contrary, I say, let it come from the East and the West, from the North and the South, from the highways and hedges wherein it lies hidden away, and still there will be room for its employment through the impetus which it will give to production of every kind.

There is a story told of an English prince which seems to me to so aptly illustrate the proper reply to these carpers and "prophets of evil" that I cannot but recall it, trite as it is: the prince was condemned to die, but as a special boon he was permitted to select the mode and manner of his death. The prince said that there was a certain wine of which he was very fond, and he would prefer to be drowned in that. And I say to you that if we are to suffer a financial death, let us be drowned in a sea of silver.

But their prophecies have failed, and so far are they from being verified that the only practicable and visible relief which has accrued to the general business of the country thus far, from the action of this Congress, has come from the restoration of silver to the currency of the country.

WHAT IS CLAIMED FOR THE BILL.

The most ardent friend of the new tariff bill now under consideration does not claim that it is all that it should be; but that it is a step in the right direction no one can or will deny, except some blind idolater at the shrine erected by believers in the effete system of which a high protective tariff is the corner-stone.

THE NECESSITY FOR REVISION.

To say that no change should be made in our present tariff and revenue laws is to say that the taxes of our people should not be reduced. Why, Mr. Chairman, statistics show that we, the people of the United States, pay a heavier average tax *per capita* than any of the peoples of the civilized world. According to the census of 1870 the tax paid by every one of our population was $21.83, showing a larger rate of taxation than any nation of modern times has ever been subjected to in a time of peace. Compare these figures in the United States with the tax *per capita* in England, amounting to only $3.87. These are significant facts; they tell their own story and point their own moral.

In view of this and kindred illustrations is it not our duty as legislators to do all in our power to lighten this burden of taxation by reducing, as far as the necessary demands of the Government for revenue will allow, the present rates of customs duties and internal-revenue taxation?

HOW MANUFACTURES HAVE BEEN FOSTERED AND OTHER INDUSTRIES DWARFED.

Under the present exorbitant tariff our manufacturing industries have increased and developed to such undue proportions, as compared with our other industries, that they far exceed in their products the capacity of our country for consumption.

It follows that a change is imperatively demanded, in order that manufacturers themselves may find relief in an increased home demand and in the creation of foreign markets which will take their surplus stocks. We already manufacture more goods than we can consume, and it is the surplus left on hand which, operating as a dead weight, depresses the manufacturing interests, compelling manufacturers to discharge their operatives and stop their machinery, thus limiting to that extent the demand for the raw material and thereby entailing loss, not only on the manufacturers themselves, but upon the producers of cotton, the growers of wool, and indeed upon all those engaged in agricultural, pastoral, or mining pursuits.

I need not attempt to portray how a blow struck at these industries reaches from the palace to the hovel, and not only destroys prosperity, but threatens as well the structure of society and the principles of free government. A change is therefore demanded by every business interest in the land. With the friends of this bill it is not so much a question of protection or of free trade as of expediency. They claim that it will aid in reviving all of our languishing industries at home, and in extending our commerce abroad with other nations which need American goods and products for consumption, and whose citizens have the means to purchase them whenever the commercial relations between the respective nations is such as to bring them within their reach.

THE TRUE SOURCE OF NATIONAL WEALTH.

I presume that it will not be denied by any one, Mr. Chairman, that production is the foundation of national as well as individual wealth. No matter whether the products are the result of agricultural labor or of the mechanic arts, they are alike valuable and equally dependent on each other. So closely is the one allied to the other that when one productive industry suffers from any of the causes which affect its healthful existence the sympathetic chain which binds all our industries together, making each one dependent on the other, conveys to the heart of each the tidings of the shock and makes

each one feel in itself the blow which has struck and paralyzed the other.

Just as in the human body, the head, the hand, or the foot cannot suffer without entailing suffering upon the other members; and should any one of them perish the loss would be either fatal or irreparable; so it is with the relations of our industrial resources as regards their greater or less development. As soon as the stage of development attained by any one is more advanced than that attained by its sister industries, the whole system becomes disordered and deranged. Stimulate agriculture at the expense of the manufacturing industries, or these industries at the expense of agriculture, and the inequality creates and results in deformity of the body-politic as inevitably as does an unnatural growth of any of the members of the human system distort and deform the whole.

This overstimulation is the fruit of what is called a protective tariff. It is impossible to perfect such a system so that it will equally distribute the burdens it imposes upon all industries alike, advancing and developing them with equal step.

Do not understand me, Mr. Chairman, as in any way opposing the development and utilization of the almost limitless resources of our country, whether in field, factory, or foundry. But what I desire is that this development should be, as far as possible, uniform and healthy—not a fungus growth which owes its existence to legislative stimulus and which will wither under the first malign breath; but a firmly rooted tree, with its branches extending to every quarter, drawing its sustenance and its life from the reservoirs of national plenty, and preserving that life by means of the wise provisions of the Government made for the welfare of the whole.

To this policy of fostering and forcing certain industries, while others of equal importance to the prosperity of the nation are ignored and neglected, are largely attributable the troubles which now press so heavily upon us as a people.

In an argument made by Mr. Starrow before the Committee on Patents of this House during the present session of Congress the following startling facts and figures were brought to the attention of the Committee: by the census of 1870 the agricultural products of the country were valued at $2,449,538,638, and the manufactured products at $4,232,325,442. The wages of the farm laborers amounted to $310,286,285, while those paid to operatives amounted to $775,584,343.

And yet, Mr. Chairman, these farm laborers numbered 2,885,000, while only 377,000 persons were employed in the various manufactories; showing that while farm laborers received as wages only an average of $107 per annum, the operative received more than $520 per annum. Now let me ask the friends and advocates of protection, in all candor, should the system which has produced such inequality continue longer in existence? But again, the last census shows that, while our population from 1860 to 1870 increased at the rate of 22 per cent., the products of our manufacturing industries increased 52 per cent.

In 1850 the value of our annual manufactures averaged $44 *per capita*, in 1860 it averaged $65 *per capita*, and in 1870 $100 *per capita;* showing conclusively that the capacity of our country in the production of manufactured articles has led to a production exceeding the demand for home consumption.

HOW TO OBTAIN RELIEF.

There is but one way to relieve the plethora caused by this accumulation of surplus stocks, and that consists in opening the markets of the world to our manufactured goods. To afford this relief is one of the leading objects of the friends of this bill; and its passage will go far toward creating that condition of affairs which will lead to the consummation of a result so essential to our welfare.

Let us, then, remove as rapidly as possible all unnecessary restrictions upon our foreign trade, thereby enabling our producers to supply the demand of other nations as well for our raw material as for our manufactured goods.

EXPORT OF MANUFACTURED COTTONS.

Under the existing tariff we send abroad but a comparatively small quantity of manufactured cotton goods, whereas it is within our power to furnish the world to a large extent with the fabrics manufactured from our great staple. This would relieve alike the producer and the manufacturer, and would prove a source of incalculable wealth to the nation. With an increased demand for our raw cotton and our cotton fabrics, arising from an extended commerce with other nations, the price of our great staple would become remunerative, and increased production being thereby stimulated the immense area of territory in the Southern States adapted to its growth would be rapidly utilized.

Mr. Chairman, to accomplish this and to secure profitable markets for our products at home and abroad, it is evident to my mind that we must change the present systems under which our customs duties and internal-revenue taxes are collected. Just so long as we impose high rates of duties upon certain articles, in order to protect and build up home markets, just so long will we be unable to compete successfully in foreign markets. I do not think there is any business man who will question the fact that the protection which is needed most by our producers and manufacturers is the ability to compete successfully with the producers and manufacturers of other lands in the markets of the world.

So long, Mr. Chairman, as we the legislators of the nation fail to remove this one great cause of our present difficulties and suffer our industries of every class in every section of the Union to hobble about upon a broken pair of protection crutches, just so long may we rest satisfied that we will never see these industries develop with that vigor and energy which give evidence of an activity and ability to keep step with that tide of progress which flows on toward prosperity.

Every measure which in any way cripples or restricts the production of our various industries is one tending to impoverish the people, and renders them the less able to bear the burdens of taxation. And the Representative here who neglects or refuses to do all within his power to foster our industries and to encourage and increase their productive capacity, by bringing within the reach of our producers profitable markets, commits a crime against humanity, and deserves to have meted out to him the fullest measure of public reprobation.

THE PUBLIC CREDIT.

We prate loudly and constantly about the obligation resting upon our people to sustain the public credit. Now, sir, tell me, upon what does that credit rest? No one can deny that it rests solely and absolutely upon the right of taxation. What, sir, constitutes the value of this right? It is the ability of the citizen to pay the taxes levied. And what is the source whence this ability is derived? Plainly the surplus products of the country. We see, then, that this term "public credit" at the last resolves itself into this: have we such a surplus of products as will enable us by disposing of them to extinguish our indebtedness?

Whenever this is the case the puplic credit is an established fact; when it is not it is a mere figurative expression. Beyond this, it must be borne in mind that the value of this surplus product will be utterly destroyed, if we fail to furnish to our producers, through wise tariff regulations, a profitable market in which to sell their products and thereby realize their commercial value.

THE CAUSE OF OUR FINANCIAL DISTRESS.

If I am not mistaken as to the immediate great cause of our financial distress, it will be found in the fact that the farmers of the country—under the operation of our present tariff and the iniquitous policy of contracting the currency which has been pursued—have failed to find profitable markets for their surplus products, and hence, being unable to dispose of them, have been unable to buy the manufactured goods they would otherwise have consumed.

The consequence of this is that both farmers and manufacturers have been compelled to suffer as the victims of vicious and misguided legislation. Millions of bushels of grain have been wasted and destroyed in the West, no market being available at which they could be sold; while the cotton of the South, which constitutes by far the largest item in our list of national exports, has been sold for years past at less than the original cost of production, thereby entailing ruin upon its producers.

Nor have the manufacturers fared any better; with no markets abroad and a lessening demand for home consumption, resulting from the inability of consumers to purchase even the necessaries of life, they have been compelled to suspend their operations, permit their factories to remain idle, and many of their laborers, to whose skill and industry were due the former profits of their mills, are now roaming over the land asking for employment, and, not finding it, are consigned to idleness and want.

OUR RESOURCES.

The resources of our favored land are as boundless and inexhaustible as the beneficence of Providence could make them; and these resources, under the hand of the industrious and skilled laborer, constitute the real wealth of a nation; for, like the widow's cruse of oil, they fail not, and are capable, under the direction of wise and enlightened statesmanship, of endless development.

I think, sir, that the history of the world teaches us that the surest way to depress and impoverish a nation is to neglect and thereby destroy its industrial arts, and especially its agricultural economy. Spain and Mexico present notable illustrations of this truth. At one time they possessed and controlled a large proportion of the wealth of the world. But they neglected their commerce, their internal trade, and public highways, and as the result thereof they are both to-day comparatively insignificant in the catalogue of nations.

So, too, of Turkey and Persia, splendid empires once, whose glory overshadowed the East. In both of these countries for centuries past the agriculturist has been but a serf and the mechanic a mere menial, and as a natural consequence they lie prostrate in the dust, never to rise again.

On the other hand, look at England, where the enlightened yeomanry and scientific artisan are the care and pride of the nation, and you see a people who are not only great, prosperous, and happy at home, but who are contributing more to the cause of Christianity and true liberty everywhere than any of the nations upon the globe.

Even in France, with a government politically bad, oscillating, as it were, between an unlimited despotism and an irrepressible communism, we find her great statesmen directing their efforts to the development of her industrial resources, the improvement of her internal transportation, the general education of her citizens, and the adoption of a financial policy suited to the character and genius of her people. Compare her condition with that of some of her nearest neighbors, who have neglected these great interests and are struggling in penury and want, while she presents a spectacle of unpar-

alleled prosperity. Ought we not, Mr. Chairman, in our efforts here to relieve the wants of our people and to bring back prosperity to our borders, to profit by these illustrious examples?

THE IMMEDIATE EFFECT OF OUR PRESENT TARIFF SYSTEM.

The history of our tariff systems shows conclusively that the effect of the imposition of high rates of customs duties is to enhance the cost of producing the raw material. It being, then, true that the price of manufactured goods to consumers is increased to the extent of the duty levied, the natural effect is to lessen home consumption and to check exportation and to render us as producers of the raw material and of manufactured goods less able to compete with foreign producers in the markets abroad.

THE IMMEDIATE REMEDY.

Let us, so far as the demand of the Government for revenue will allow, remove prohibitory duties, so that we can secure profitable market for our surplus products of raw material and manufactured goods, and by so doing revive production of all kinds. This will enable the agriculturists to receive a fair renumeration for their labor and reasonable interest on their investments of capital. Then, with production (the basis of all prosperity) restored to its legitimate functions, not only will our farmers, but the manufacturers, mechanics, capitalists, and all classes and conditions of our people, be blessed with a restored confidence, prosperity, and peace.

Common justice, to say nothing of philanthropy and the general welfare of the nation, demands an entire change in our present tariff system. Its inequalities and oppressions have been so plainly and fully exhibited by the distinguished chairman of the Committee of Ways and Means [Mr. WOOD] in his remarks on this floor on the 9th of April that it is unnecessary to repeat them. Still there is one portion of his remarks which comes so directly home to our people, and which is so aptly and truthfully stated, that I desire in this connection to reproduce it.

THE FARMER AND THE TARIFF.

The farmer, whose whole mind is bent on his agricultural pursuits, has neither the time nor opportunity to investigate the influence of the tariff tax on his household expenses; it is a fact, however, that every article he uses is either directly subject to a tariff tax or enhanced by the tariff. Let us enumerate these burdens: the farmer's house in the West, where lumber is scarce, pays either a direct or enhanced tax of 20 per cent. on the lumber his house is built of; a tax of 35 per cent. on the paint it is painted with; of 90 per cent. on his window-glass; of 35 per cent. on the nails; of 53 per cent. on the screws; of 30 per cent. on the door-locks; of from 35 to 40 per cent. on the hinges; of 35 per cent. on the wall-paper; of from 60 to 70 per cent. on his carpet; of 40 per cent. on his crockery; of 38 per cent. on his iron hollow-ware; of 35 per cent. on his cutlery; 40 per cent. on his glassware; of from 35 per cent. to 40 per cent. on the linen he uses in the household; of 51 per cent. on the common castile soap he uses; 48 per cent. on the starch. When he goes into his stable, barn, or workshop he will find that he pays 35 per cent. on the iron he uses; 53 per cent. on the halter-chains; 45 per cent on the files and rasps he may use; 47 per cent. on the backsaw; 49 per cent. on cross-cut saws; 38 per cent. on the handsaw, and 35 per cent. on any sheet-iron he may require. On his medicines he pays 20 per cent.; on the quinine pills he swallows, 20 per cent.; on blue-pills, 40 per cent., and 40 per cent. on any medicinal preparations. The female portion of his house cannot even go into hysteria without paying a tax of 20 per cent. on asafetida that may be required to quiet their excited nerves. On his sugar he pays a tax of at least 60 per cent. As for the clothing he and his family use, let me enumerate the tax separately: on his wool hat he pays from 60 to 80 per cent.; on his fur hat, from 45 to 60 per cent.; on his suit of woolen clothes, some 55 per cent.; on the leather for his boots and shoes, 25 per cent.; on his hosiery, 35 per cent.; on his wife's and daughter's common alpaca dress he pays 65 to 70 per cent.; on spool-thread, 70 per cent., and on the needles, 35 per cent. If I were inclined to pursue these topics further it would take up too much time; suffice it to say that the furnishing of his child's cradle and the coffin in which he is finally buried pay a direct tax or are enhanced in price by our tariff system.

After such a presentation of statistical facts, the truth of which no one can question or deny, what further argument is needed to satisfy this House that a change should be made in our present tariff rates? As they stand they are certainly in the interest of the few as opposed to that of the many; and while under their operation temporary benefits may have accrued to the manufacturers, yet the universal paralysis which exists in all of our industrial interests shows conclusively that the results have been alike disastrous to all. No candid, impartial mind can or will deny the fact that the present business derangement of the country, the enormous bankruptcies of corporations and individuals, and the demoralization of the people are largely, if not exclusively, attributable to the unequal and unjust system of revenue and finance which have obtained since the war.

IT HAS CAUSED A POLITICAL REVOLUTION.

The prime cause which has placed the democratic party in a majority on the floor of this House is the demand on the part of the people for a change from the existing policy. Whatever may be said of the wrongs and oppressions imposed by the republican party upon the country, and especially that portion of it which I have the honor in part to represent, (and they have been both enormous and unpardonable,) the evil effects which have sprung from their bayonet government and miserable reconstruction measures, intended to retard the recuperation and recovery of the business of the Southern and Western States from the sad havoc of war, are surpassed by those resulting from the systems of taxation and finance which that party inaugurated and which as a party they are endeavoring to perpetuate and fasten upon the country.

And the republican party to-day, with here and there an honorable exception, are upholding a system of finance which had its origin in the exigencies of war, which is wholly unsuited to the times of peace, and which was never designed by its authors to be continued as an established policy of the Government. Hence the republican party is responsible for the present enormous burden of taxation which the people are called upon to bear and the antagonisms between labor and capital which to-day keep capital locked up in the vaults of the banks and of a few favored capitalists, while millions of the honest working-people are out of employment, or, if employed, receive such wages as keep them constantly shuddering in anticipation of those privations and sufferings for themselves and their families which follow in the train of want and destitution.

FAILURES AND BANKRUPTCIES.

The extent and character of the ruin which has been entailed upon the country, Mr. Chairman, within the last twelve years, and which can be shown to be almost exclusively attributable to the systems of revenue and finance which have prevailed, are simply appalling. A review of the large number of failures and bankruptcies which have occurred within this period in our commercial and mercantile circles alone gives us only a partial conception of the extent of this widespread disaster and ruin. Carefully compiled statistics, which I here submit, show the following astounding results:

Year.	Number of failures.	Liabilities.
1868	2,608	$63,774,000
1869	2,799	75,054,000
1870	3,551	88,242,000
1871	2,915	85,252,000
1872	4,069	121,056,000
1873	5,183	228,499,000
1874	5,830	155,239,000
1875	7,490	197,210,922
1876	9,092	191,117,786
1877	8,872	190,669,936
Total	52,409	1,396,114,644

This exhibit aggregates 52,409 failures in business since the year 1868, with liabilities amounting to $1,396,114,644. Nor is this all. To this catalogue of disaster must be added the enormous bankruptcies and failures in business which have occurred among private individuals, and also the depreciation in real estate, estimated at not less than 30 per cent. of the census valuation of 1870, the shrinkage in the value of stocks and bonds of our railroads and other corporations, the loss accruing to the wealth of the country on account of its labor being idle, estimated at not less than $5,000,000,000, the aggregate value of the property so lost to the country amounting to the stupendous sum of $10,000,000,000. And to this we must still add the thirty-three hundred and fifty-five failures, with liabilities amounting to $82,078,826 for the first quarter of the year 1878; the whole aggregating an amount equal to one-third of the estimated value of all the wealth, of every kind and description, of the entire country. This immense destruction of values has been the result of the vicious, misguided, and mistaken legislation devised and perpetuated by the republican party, in their systems of revenue and finance, which are altogether unsuited to the exigencies of the times, the development of our industries, and the necessities of the people. And still, with this alarming state of things existing, there are to be found some who, in their lust for power and in their greed for gain, oppose every attempt to remove or even reform the causes which have precipitated these disasters.

THE EFFECT OF CONTRACTION.

Let us for a moment, Mr. Chairman, notice the effect of the contraction policy of the Administration upon the railroad interests of the country. There are over seventy thousand miles of railroad in the United States, completed mainly by private enterprise, representing over ten thousand millions of capital. Most of this vast sum is the accumulated savings of poor and moderately rich men who invested their surplus means in works of internal improvement for the benefit of themselves, while at the same time they developed the commerce of the country.

Now, after three years of contraction, let us see its effects upon these railroads. In 1877, as detailed in the Chicago Railway Age, there were sold, under foreclosure of mortgages, for the benefit of bondholders, fifty-five railroads, aggregating thirty-eight hundred and seventy-five miles of completed railroad, with a capital stock of $79,045,700. Suits that will result in sales were commenced against forty-four other railroads with a length of fifty-four hundred and nine miles, and a capital of $156,108,040. Besides these, sixteen other roads, twenty-three hundred and eighty-eight miles long, with a capital stock of $126,921,900, were ordered to be sold at some future day. Thus we see that in the year 1877 alone there were sold and ordered to be sold 11,672 miles of railroad, aggregating a capital stock of $362,000,000. That is to say, that more than one-seventh of the entire railroads in the United States have been or will be sold for the benefit of the bondholders, and the people who built and owned these roads have lost every dollar invested in them.

While labor and industry are thus robbed of their legitimate profits let us see how the Government has oppressed them by its systems of revenue and taxation. The following table, compiled from official

records, shows what the people, and mainly the laboring people, have paid to support the Government during fifteen years:

June 30, 1862	$570,841,700 25
June 30, 1863	714,709,995 58
June 30, 1864	865,234,087 00
June 30, 1865	1,290,312,982 41
June 30, 1866	1,141,072,666 09
June 30, 1867	346,729,124 33
June 30, 1868	337,340,284 00
June 30, 1869	321,490,597 75
June 30, 1870	309,653,560 75
June 30, 1871	292,177,188 25
June 30, 1872	270,559,626 91
June 30, 1873	269,264,216 97
June 30, 1874	302,633,873 76
June 30, 1875	268,447,543 76
June 30, 1876	258,459,797 10
Total to maintain the Government fifteen years	7,591,617,314 76

In addition to this vast sum the people have been taxed to pay the interest on untaxed capital invested in bonds, as the following well-authenticated statistics will show, to the amount of $1,596,854,901.13:

June 30, 1861	$6,112,296 18
June 30, 1862	13,190,524 45
June 30, 1863	24,729,846 61
June 30, 1864	53,685,421 69
June 30, 1865	132,987,370 25
June 30, 1866	133,067,741 69
June 30, 1867	135,034,011 00
June 30, 1868	140,428,045 00
June 30, 1869	139,094,241 80
June 30, 1870	129,235,498 00
June 30, 1871	125,576,565 93
June 30, 1872	117,357,839 72
June 30, 1873	140,947,583 27
June 30, 1874	107,119,815 21
June 30, 1875	103,093,544 57
June 30, 1876	100,243,271 00
June 30, 1877	97,050,000 00
Total	1,596,854,901 13

Making a grand total of $9,187,771,215.80, or nearly one-third of the entire value of the property of the country, paid by the few, in support of the Government, within the short space of fifteen years. Is it surprising, Mr. Chairman, that with such a system of oppression and wrong, want and disaster should overspread the land, and that the people should cry for deliverance?

THE RIGHTS OF THE DEBTOR.

But again, Mr. Chairman, is it not the duty of the Government to allow the debtor to pay his debts in the currency in which the debt was contracted? Since to every debt there is a corresponding credit, and as there are more than three debtors to every creditor, have not the debtors rights that are entitled to protection as well as those of, the creditors?

If debts are contracted in gold, require payment in gold; and if contracted in silver, let them be paid in silver; but if in gold and silver let them be paid in either gold or silver; and if contracted in greenbacks, let payment be made in greenbacks. It is nothing more than common justice to both creditors and debtors that the quality as well as the quantity of money of different kinds should be neither changed as to the former nor diminished as to the latter so as to differ from the terms of the contract at the time when the debt was contracted. If you change either the quality or the quantity, you make money harder to obtain, and thereby render the payment of the indebtedness of the country more difficult.

A very large portion of the debts of the country, which now hang as a weighty incubus upon private and public credit and which hinder the return of confidence and prosperity, were created when gold, silver, and greenbacks were legal tenders; and hence we now say, let them be paid in the same way! At the close of the war there was $710,000,000 of greenbacks and fractional currency in circulation; but through the connivance and dictation of the capitalists and bondholders, the policy of the Government has destroyed more than half of this amount, and other currency in the form of bank-notes has been substituted for it.

In other words, the people's money has been withdrawn and bankers' money placed in its stead, and as a consequence the rates of interest which the people have been forced to pay for money necessary to carry on their business has exceeded their profits, and as a result they have been reduced to bankruptcy, while capitalists themselves have steadily grown richer and richer by the operation. Do not understand me as seeking to array one class of citizens against another, for such is neither my wish nor purpose. I would rather, on the other hand, harmonize the interests of all sections and classes by inaugurating a policy of legislation which would preserve and promote alike the interests of all.

THE INTEREST OF THE SECTIONS THE SAME.

I have long since been satisfied in my own mind that if we, as the legislators of the nation, would study more the dependence of the different sections and interests of our common country upon each other, we could to a very great extent allay, yea, banish from this Hall and bury out of sight those unnatural antagonisms which too often usurp the place of patriotism and seem but to engender strife, breed jealousies, and fire sectional animosities.

Let us remember, Mr. Chairman, that we can never have a return of prosperity so long as a line of policy is pursued which renders the people restless and unhappy by forcing idleness upon the masses, and which robs labor of the legitimate remuneration to which the laws of God and the demands of humanity alike entitle it. As the representatives of both capital and labor, let us stop and consider the equities and the dependent relations that exist between the several sections of our country and the different classes of our citizens. *Let us rise to the realization of the fact that capital, on the one hand, without labor, finds neither investment nor profit, while labor, on the other hand, without capital, has neither employment nor bread.*

OUR APPROPRIATIONS.

Let us, Mr. Chairman, look for a moment at the injustice and inequality of our annual appropriations.

The following table exhibits the amounts of money appropriated to the several Departments of the Government for the fiscal years 1877 and 1878:

Expenditures for 1877 and 1878.

Departments, &c.	1877.	1878.
Department of State	$1,188,797 50	$1,147,660 48
Treasury Department	14,837,337 47	12,784,718 94
War Department	7,337,675 02	1,983,902 73
Military establishments	29,651,769 86	
Navy Department	388,588 24	365,966 67
Naval establishments	12,739,790 90	14,536,432 50
Department of the Interior	3,418,432 89	3,450,627 14
Indian affairs	5,147,897 63	4,877,990 00
Post-Office Department	567,860 29	936,549 29
Postal service	5,917,498 00	2,939,725 00
Department of Justice	385,876 20	412,622 65
Department of Agriculture	174,686 96	208,640 00

Here we find only $208,640 appropriated to the Agricultural Department, while nearly $5,000,000 have been given to the Indians and $36,989,444.88 applied to the support of the War Department and military establishments. Why, sir, notwithstanding the almost incalculable amount of taxes paid into the National Treasury annually by the people, the largest proportion of which has been contributed by the unprotected farmers and laboring-men of the country, they have only received in return since the organization of the Government the insignificant sum of $3,216,114.37.

The history of the world furnishes no instance in which government has done so little for the producing interests as in our own country. Is it not time, Mr. Chairman, that we were seeking to repair the neglect and wrong inflicted upon this the greatest of all our industrial interests?

REMEDIAL MEASURES.

We may do much for the relief of our people and the permanent development of our productive resources by the improvement of our routes for internal transportation and our public highways. But this would be a mere primal feature in the great step which must be taken before relief is actually afforded to the suffering masses, and that step is the adoption of such measures as shall restore health to our paralyzed trade.

THE EFFECT OF TRADE UPON OUR CURRENCY.

Why, sir, if we wish to return to a specie basis and maintain our currency upon it, there is but one legitimate instrumentality through which it can be accomplished—that of trade. This is the only conservative and reliable method of attaining that desirable end. You may contract the volume of our currency until only one dollar of it remains, and that single dollar will not have the exchangeable value of gold so long as the balance of trade is against us.

OUR FOREIGN TRADE.

The war between Russia and Turkey having closed the Black Sea and cut off the trade of Western Europe from the great grain emporiums of the East, the result has been an advance in the price of grain and an increased demand for American breadstuffs, so that for a season we have had a small balance of trade in our favor. This has already had the effect of reducing the price of gold until it is very nearly at par with greenbacks. If we can maintain this state of affairs for a definite and lengthened period, a supply of gold commensurate with the necessities of the people will flow to us from abroad. But I ask, does the condition of our business, present and prospective, justify the conclusion that our exports will for any considerable time exceed our imports?

The real truth is, that while the aggregate of our actual exports has increased to a small extent, much the larger portion of the balance of trade in our favor reported by the Secretary of the Treasury is due to a decrease in the amount of our imports, and this is attributable to the fact that our people are too poor to purchase foreign goods; so that the prosperity which it is claimed is indicated by this state of facts is a negative and not a real prosperity.

The restoration of peace between the contending powers, which may occur within a brief period, would, by reopening the Black Sea to the commerce of Europe, remove the causes which have led to the commercial advantages we now enjoy, and force our return to the position we held before. In such an event, what would become of our increased grain and provision trade? The experience of this

country at the close of the Crimean war will furnish the answer. The trade which by reason of the existing complications had come to us was almost instantly transferred to the Black Sea provinces, and this same result must inevitably follow the close of the present war and again turn the balance of trade against us.

It is our duty, sir, to look these facts boldly in the face and to endeavor to take proper steps to guard against the evils which seem to threaten us in the future.

COTTON.

There was a time when the cotton of the South constituted the greater part of our foreign exports, exceeding in amount $300,000,000 whereas to-day it does not reach $170,000,000; and more than this, as one of the results growing out of the transitions of the war, instead of producing and exporting the long staple varieties of cotton, we are actually importing them into this country.

Thus we find that instead of controlling, as we should do, the cotton trade of the world, both as to the raw material and manufactured goods, the scepter is rapidly passing from our hands and we are scarcely able to maintain a foothold where we were once sovereign and all-powerful. It is to remedy such evils as this that the committee have reported the bill now under consideration.

The present tariff system owes its existence solely and exclusively to the influence exercised by the manufacturing interests. Its intention is not to provide a revenue nor is it to oppress the agriculturist, but it is simply to build up the manufacturing interest, and of this we should not complain, if its purpose was not achieved at the expense of every other industry and the sacrifice of national progress and development. The agriculturist and the consumers are the direct victims of this pernicious policy.

This country has been built up first by the hardy pioneers who opened the way, through their strong arms and willing labor, for the thousands who were to follow in their footsteps. What has been their recompense?

When these fertile lands were within the control of the husbandman, his hand grasping the implements of labor brought forth from the soil its inexhaustible wealth. Step by step he advanced onward until the rich fields of the South and the boundless plains of the West were filled with hosts of laborers who were making of our new country the greatest grain and cotton producing country of the world.

Their labors were remunerative; nearly $300,000,000 was paid in 1860, to purchase the exports shipped from southern ports, and in later years the golden grain from the store-houses of the West has been transported to Europe in order that the starving thousands there might be fed.

The wealth that has come to our country from these sources has laid the foundation for every enterprise. It has erected the factories of the East and the foundries of Pennsylvania; it has built our railroads and opened up not alone this country, but the markets of the world to our commerce. And again I ask, Mr. Chairman, what has been the recompense of these producers of national wealth? Go among them, sir, and let their destitution answer you!

It costs to-day more to produce a pound of cotton than it can be sold for, and the grain of the West lies heaped up to be used as fuel, while its producer sees his land swept from his ownership under the hammer of the sheriff to satisfy mortgages held by eastern and northern capitalists. It is from this picture, Mr. Chairman, that I deduce my final reason why our present odious system of taxation should be changed; and that is, that the time has come to do justice to an oppressed interest and to those sections of the country whose interests have been hitherto ignored.

If a sense of justice is not sufficient to dictate such a course, then expediency must be, for I assert, and I know that the facts will bear me out in the assertion, that, unless the change is made, you will utterly destroy the agricultural interests of the country, and, with their destruction, your stocks, your bonds, and your credits will dwindle in value, and pauperism will not be confined to the sons of toil, but will spread itself among the ranks of those to whom is due the pernicious policy which has wrought all this ruin.

Since the adoption of the Constitution up to June, 1873, the appropriations made to seventeen southern States for certain purposes amounted to $71,841,581.76.

For the same period the amount appropriated to the twenty-two northern and western States and Territories amounted to $227,886,202.17.

I submit herewith a tabular statement showing the disposition of these sums, which I take from a speech delivered in this House on the 24th day of April, 1878, by Hon. HERNANDO D. MONEY, of Mississippi:

Statement showing the amount of money expended by the Government of the United States from the adoption of the Constitution to the 30th of June, 1873, in each State and Territory of the Union, for navy-yards, custom-houses, court-houses, and other public buildings; for the improvement of rivers and harbors, and for the construction of forts, arsenals, and armories, railroads, canals, and wagon-roads:

TOTAL RECAPITULATION—NORTHERN AND WESTERN STATES AND THE TERRITORIES.

Maine	$7,564,194 93
New Hampshire	4,864,954 02
Vermont	638,471 25
Massachusetts	19,667,639 45
Rhode Island	3,163,157 93
Connecticut	1,590,345 69
New York	38,836,701 93
New Jersey	1,790,836 69
Pennsylvania	8,295,152 46
Delaware	5,360,773 63
Ohio	4,994,388 06
Indiana	2,910,423 29
Illinois	10,500,645 29
Michigan	6,542,934 06
Wisconsin	2,718,369 97
Iowa	3,250,824 57
Minnesota	1,490,818 18
Kansas	2,558,806 76
California	18,567,310 29
Oregon	1,518,793 45
Nebraska	474,822 49
Nevada	422,681 23
Colorado	104,550 20
Territory of Arizona	246,415 20
Territory of Idaho	886,233 15
Indian Territory	7,920 00
Territory of Montana	41,575 00
Territory of New Mexico	335,718 67
Territory of Utah	76,197 55
Territory of Washington	496,478 36
Territory of Wyoming	77,454 92
Maine and Massachusetts	10,000 00
Connecticut and New Jersey	23,499 79
Wisconsin and Michigan	50,000 00
Utah, Nevada, and California	34,267,704 49
Utah, Nebraska, and Wyoming	34,350,703 70
Kansas and Colorado	7,766,212 11
Iowa and Nebraska	2,182,703 38
Total	227,886,202 17

TOTAL RECAPITULATION—SOUTHERN STATES.

Maryland	5,909,980 90
Virginia	16,034,724 99
West Virginia	5,094 25
North Carolina	3,314,899 58
South Carolina	4,868,155 08
Georgia	2,485,584 92
Florida	14,738,509 86
Alabama	3,792,201 22
Mississippi	1,857,430 46
Louisiana	12,032,075 24
Texas	846,309 26
Arkansas	976,105 22
Missouri	2,569,683 48
Kentucky	1,597,249 28
Tennessee	537,932 84
Maryland and Virginia	180,645 18
Louisiana and Arkansas	95,000 00
Total	71,841,581 76

Add to this, showing the number of acres of land granted the North and West for public improvements, in round numbers, one hundred and seventy-six million acres. For the Southern States, seventeen million acres.

This table shows that the State of New York with the New England States receive more than the seventeen States which in 1860 produced twelve-thirteenths of the exportable wealth of the country.

Is it not time, I ask, Mr. Chairman, in the face of such figures as these, for us to express our reprobation of a policy which has been so unjust and sectional and which has wrought so much disaster?

In conclusion, Mr. Chairman, I desire to repeat the language of the honorable chairman of the Committee of Ways and Means, [Mr. WOOD.] He said:

If I had the power to commence *de novo* I should reduce the duties 50 per cent. instead of less than 15 per cent. upon an average, as now proposed.

I desire to say in this connection that while I cannot permit myself to go so far as to say that the performance of an act of justice should be deferred through a feeling of tenderness for the wrongdoer or as a matter of expediency, still, when a disease may be healed surely and finally by the application of milder remedies, I should be slow to recommend severe and heroic treatment.

This bill, coupled with the declaration which I have just quoted, is a warning to the manufacturers of the land to set their houses in order, *to prepare for equality of treatment under the law. It notifies them that while we now reduce these duties but 15 per cent., our next step will be to reduce them to the minimum rate which will provide a revenue for an economical administration of the Government.*

Mr. SMITH, of Georgia. Mr. Chairman, I propose to submit a few thoughts on the laudable effort of the House Committee of Ways and Means to revise the present tariff on foreign importations. I do not essay this with the hope of adding further information or stronger inducements to such as are already in the possession of the House, but simply and briefly to place my views on record.

The necessity of government among men is too evident to admit of doubt; and, while it is the duty of such government to protect its citizens in life, liberty, and property, it is the reciprocal duty of its citizens to support and maintain their government. These reciprocal duties and rights should bear some proportion to each other. A tyrannical government, having for it object the oppression of the governed, should not be maintained, but should be destroyed. On the contrary a benign, intelligent, and fostering government should be supported to the extent of supplying all the means and power necessary to the successful execution of all its functions.

The sole object of government among men should be the happiness and prosperity of its citizens, and as long as these objects are sought to be attained by the government all citizens should cheerfully con-

tribute men and money for its maintenance, and when these objects are abandoned this support should be withdrawn.

Of all the forms of government on earth ours is the best adapted to attain these great ends. Ours is essentially a government by the people, administered in their own interest, and so guarded by written constitutions, State and Federal, that even in moments of great passion and excitement sudden changes are impossible and legislation can go to certain well-defined limits and no further. Our State governments provide for local legislation while that of the United States possesses all the attributes of sovereignty drawn from the individual States necessary to furnish us with legislation on national and foreign matters. Our frame of government is admirably adapted to secure the great objects for which it was created. And so attached to the principles and form of our Government is the American mind that even in the late civil war between the National Government and the southern seceding States the form and principles of our Government were sacredly preserved by the States in opposition.

Our republican form of government, State as well as Federal, I maintain is the best known to man, and best adapted to secure his happiness and prosperity, and as such should be supported within constitutional and economical limits with both men and money.

Principal among the aids required by all governments is money; money to maintain the executive, legislative, and judicial departments, to provide for the general defense and promote the general welfare. This money must be raised by taxation, and the people must contribute it. Whether drawn from them directly or indirectly through the means of a tariff, the effect is the same. They supply the revenue. But it matters very little with the citizen how he is taxed so that the advantages of government are enjoyed alike and taxation is so levied as to bear equally on all and with injury to none. It is interesting to know what our resources are now, what they have been in the past, and the amounts and objects of taxation.

Prior to 1861 and as far back as 1836 and 1837 our revenue was principally drawn from duties imposed on foreign goods and the sales of public lands. The receipts from these sources were then as follows:

1836.	From customs	$19,391,310
	From public lands	14,757,600
	Total	34,148,910
1837.	From customs	$23,409,000
	From public lands	24,877,000
	Total	48,286,000

But now observe what a change. From the last report of the Secretary of the Treasury I extract the following:

FISCAL YEAR 1878.

For the present fiscal year the revenues, actual and estimated, will be as follows:

Receipts.	For the quarter ending September 30, 1877.	For the remaining three quarters of the year.
	Actual.	Estimated.
From customs	$36,983,531 56	$92,516,468 44
From internal revenue	28,393,382 58	89,606,617 42
From sales of public lands	218,791 19	781,208 81
From tax on circulation and deposits of national banks	3,449,936 84	3,550,063 16
From repayments of interest by Pacific Railway Companies	236,162 18	863,837 82
From customs' fees, fines, penalties, &c	295,340 32	704,659 68
From fees—consular, letters-patent, and lands	441,604 35	1,308,395 65
From proceeds of sales of Government property	65,588 36	284,411 64
From premium on sales of coin	130,432 67	369,567 33
From profits on coinage, &c	427,777 10	1,272,222 90
From miscellaneous sources	895,022 67	2,704,977 33
Total receipts	71,537,569 82	193,962,430 18

The expenditures for the same period, actual and estimated, will be:

Expenditures.	For the quarter ending September 30, 1877.	For the remaining three quarters of the year.
	Actual.	Estimated.
For civil and miscellaneous expenses, including public buildings, light-houses, and collecting the revenue	$15,221,376 05	$36,198,623 95
For Indians	1,658,572 96	3,191,427 04
For pensions	7,416,783 59	21,083,216 41
For military establishment, including fortifications, and river and harbor improvements and arsenals	2,072,037 48	35,927,962 52
For naval establishment, including vessels and machinery, and improvements at navy yards	3,695,545 51	12,604,454 49
For interest on the public debt	40,406,589 96	52,694,053 76
Total ordinary expenditures	70,730,905 55	161,699,738 17

From the actual receipts for the first quarter of the fiscal year and the estimates for the remaining three quarters, based upon existing laws, the total revenues for the current year will amount to $265,500,000 and the expenditures to $232,430,643.72, which will leave a surplus revenue of $33,069,356.28; and as the amount required for the sinking fund is $35,424,804.80, there will be a deficit on this account of $2,355,448.52.

FISCAL YEAR 1879.

The revenues for the fiscal year ending June 30, 1879, estimated upon existing laws, will be:

From customs	$133,000,000 00
From internal revenue	120,000,000 00
From sales of public lands	1,000,000 00
From tax on circulation and deposits of national banks	7,100,000 00
From repayment of interest by Pacific Railway Companies	1,100,000 00
From customs fees, fines, penalties, &c	1,000,000 00
From fees—consular, letters-patent, and land	1,750,000 00
From proceeds of sales of Government property	500,000 00
From premium on sales of coin	50,000 00
From profits on coinage, &c	1,000,000 00
From miscellaneous sources	2,750,000 00
Total ordinary receipts	269,250,000 00

The estimates of expenditures, for the same period, received from the several Executive Departments, are as follows:

Legislative	$3,843,256 16
Executive	13,288,462 25
Judicial	391,900 00
Foreign intercourse	1,214,397 50
Military establishment	31,597,270 68
Naval establishment	16,233,234 40
Indian affairs	5,415,891 20
Pensions	28,000,000 00
Public works:	
Treasury Department	5,076,675 90
War Department	7,953,077 76
Navy Department	2,314,231 00
Interior Department	526,244 00
Department of Agriculture	15,750 00
Postal service	8,093,672 72
Miscellaneous	15,143,585 22
Permanent annual appropriations:	
Interest on the public debt	92,680,802 51
Sinking fund	37,196,045 04
Refunding acts—customs, internal revenue, lands, &c	5,043,000 00
Collecting revenue from customs	6,500,000 00
Miscellaneous	1,161,300 04
Total estimated expenditures	280,688,796 38

From these statements it will be seen that the principal source of our annual revenue has been, and is yet, from duties laid on foreign importations. Receipts from this source have vastly increased, while the receipts from the sales of public lands have greatly fallen off.

The amount of revenue to be raised from customs for the fiscal years 1878 and 1879 is as follows:

For 1878	$129,500,000
For 1879	133,000,000

These vast sums are to be paid into the Treasury by our people. If distributed equally so that each one could contribute an equal amount there would not be either complaint or injustice; but this is impossible under the operation of any tariff, however wisely conceived and perfectly executed.

The existing tariff has not been revised since our late civil war. The House committee of the Forty-fourth Congress, through their chairman, Mr. MORRISON, presented a tariff bill for this purpose; but it was defeated. The same committee of the present Congress, through Mr. WOOD, now attempts the same object. The bill is not such a one as I would prefer, but it is an improvement on the present law and is a step toward the equalization of the burdens of taxation.

If the principles of free trade cannot be carried into practical effect, to which I do not agree, and if the policy of our Government is committed irrevocably to a tariff for revenue, then I insist that in imposing a tariff two considerations should receive attention. First, the duties should be laid so as to produce the required revenue and no more, and without discriminating against any section or class. Second, in its operation the revenue collected should bear equally upon all persons, all classes, all industries, and all sections.

First. A tariff should be laid for revenue and not for protection, and if protection should become an incident, then all should share in this advantage. Revenue collected through the means of a tariff on foreign importations is protective to the extent of the duty imposed. All such tariffs are protective in their nature, operation, and effect. The manufacturer or producer in this country of a similar fabric or production to the one taxed is benefited to this extent, and the consumer of such taxed fabrics and productions is taxed to the same extent. For, although the duty is paid in the first instance by the importer, it is finally paid by the consumer, so that it is the consumer who pays the revenue to the Government, while the producer or manufacturer derives a profit on his goods and produce equal to the duty laid.

It is a tax on home consumption for the benefit of home capital and home industry. It is a tax on one man to benefit another, and this is unequal and unjust. Taxes should be imposed for the benefit of the Government, for nothing else and no more. All are equally interested in maintaining and supporting the Government and to this end all should contribute equally. Equality is equity in everything and everywhere.

When taxes are levied for other purposes than those essential to the administration of the Government or for more than the Government requires for a just and economical administration it becomes oppression, so that when the Government draws from the people more than is necessary to satisfy current expenses and applies the surplus for the benefit of one section over another, or one class over another, or one industry over another, it becomes unjust and oppressive. Mr. WOOD, in his speech on this subject, says:

While unquestionably the power to tax if confined to its legitimate object is restricted to that duty alone, yet if it can be made an instrument so as to combine other objects not inconsistent with just and equal taxation, by which the whole nation, as well the people as individuals, shall be alike advantaged, then is it not our duty to adopt it? To this end we should connect with our system a more enlarged and comprehensive scheme than that which now exists.

And as protection is an incident to the nature and effect of a tariff, this incident should itself be so directed as to benefit all equally: so that, while the burdens of taxation shall be equal, the incidental advantages should also be equal. The tariff for protection is odious to a community composed of consumers. A small portion of our people being interested in producing or manufacturing may look favorably on such a tariff, but the consumer who "protects" by the payment of an unequal burden never will.

At one time in the history of our country manufacturing industries were in their infancy and articles of prime necessity were imported from Europe. Then the protection plan might well have been temporarily enforced, but now it is not required. Our manufacturers have reached a point where they not only compete successfully with European manufacturers but are actually in competition with themselves, and more than this they are producing more goods than they can sell. We do not need a protective tariff now. We have protected and encouraged manufacturing until their fabrics have exceeded all demand. What we need now is less protection and more consumers. We need larger and stronger markets, and for these we are now turning our attention to Mexico and South America, to Japan and to China.

One disastrous effect of the protective policy is that both laborer and manufacturer are now distressed. The one desires labor, and at a higher price; the other less labor at a lower price. The one is a consumer, without the means to supply his necessities; the other is seeking consumers with means of acquisition. The one is knocking at the doors of Congress, asking for a loan of $400,000,000 to aid him in his transit and establishment in the great West; the other is equally clamorous for subsidies for steamship lines, railroads, and other connections with foreign countries, which, they hope, will open up new markets and stronger markets and a better trade.

As we cannot recall the past, we must accept the situation and provide for the future. Let the protective feature in our tariff cease; let the tariffs hereafter be established upon an ad valorem principle, and as soon as practicable put in practice the equitable principles of free trade. Let the world be thrown open to the consumer as well as to the manufacturer.

Secondly. A tariff should be so low as to bear equally upon all classes, all sections, all persons, and all industries.

If taxation should be equal, then the above proposition becomes self-evident; it admits of no dispute, no discussion. If a tariff cannot be devised so as to accomplish this result, then it should be abandoned, because unequal, unjust, and impracticable. My opinion is that it is both unequal and impracticable and should be abandoned. But this is impossible in the present condition of the country and the policy of our people. The nearest approach possible is all that we can now expect. A tariff imposed on ad valorem principles so devised that the element of protection shall be distributed in such a way as to approach equality in its operation, is all that we can at this time hope for.

If the consumers in this country must pay this great tribute, let the amount to be contributed among them and by them at least be equal. Let foreign importations be taxed according to their value, so that the rich and luxurious, those who have large estates and great incomes, may contribute their full proportion of the revenue. Let the humble citizen, too, contribute his share by a tax on the imported goods he may consume, according to their value; then there can be no dispute or discontent among them. The equalization of the protective principle is far more difficult and therefore more onerous.

In some sections our people need no protection and ask none. In others, whether needed or not, they have continually asked for it and have continually received it. If this protection is to be continued, as I fear it will be, let the imposition of duties be so graduated and arranged that the agriculturist, the laborer, and others of like vocations who need but little protection be supplied with necessary articles, machinery and goods useful in their pursuits and occupations, free of duty, and thus set off the protective advantages secured to manufacturers and others. This duty of equalizing the benefits and burdens of a tariff law is, I admit, a most difficult task. But still I hope it is not unattainable. This bill is a great improvement on the existing law, and while it does not meet my expectations, it is one great step in the right direction. It is the best we can get, and in the absence of a better shall receive my support.

Mr. BURCHARD obtained the floor.

Mr. WOOD. If the gentleman from Illinois will yield I will move that the committee rise.

Mr. BURCHARD. I yield for the motion, with the understanding that I am to go on after the morning hour to-morrow.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, and had come to no resolution thereon.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair desires to present certain executive communications, if there be no objection, for reference to the appropriate committees.

Mr. MILLS. I object to the presentation of executive communications at this time, and ask that they be withheld, to be presented at the proper time at the expiration of the morning hour when we go to business upon the Speaker's table.

The SPEAKER. We had a morning hour to-day; and these are executive communications which ought to go to the appropriate committees.

Mr. MILLS. The Chair will understand me. I want these and everything else upon the Speaker's table to remain there so as to have a morning hour to-morrow, when, at the expiration of which, it will be in order to move to go to the business upon the Speaker's table, and if this business remains upon the Speaker's table there will be an inducement on the part of the House to adopt that motion.

The SPEAKER. The motion to go to the business upon the Speaker's table will be in order to-morrow after the morning hour.

Mr. MILLS. But there will be no object in going to the Speaker's table if these communications which require reference are taken up by unanimous consent and referred at this time. But I withdraw my objection for to-day.

COURT OF CLAIMS JUDGMENTS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting two bills of additional judgments rendered by the Court of Claims; which were referred to the Committee on Appropriations.

WRECK OF THE HURON.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Navy, relative to the expenses incurred in relation to the wreck of the steamer Huron; which was referred to the Committee on Appropriations.

MOLINE WATER-POWER.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a letter from the president of the Moline Water-Power Company, Illinois; which, on motion of Mr. HENDERSON, was referred to the Committee on Appropriations, and ordered to be printed.

REMOVAL OF INDIAN TRIBES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting estimate of appropriations for the removal of Pima, Maricopa, and Papago Indians to the Indian Territory; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FULLER, for one week;

To Mr. CLARK, of New Jersey, for two days;

To Mr. EVANS, of Indiana, for two weeks, on account of important business; and

To Mr. TOWNSEND, of New York, for two weeks.

MRS. HELEN CAMP.

On motion of Mr. KNOTT, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Mrs. Helen Camp, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. BURCHARD. Mr. Speaker——

Mr. CONGER. I move that the House do now adjourn.

Mr. BURCHARD. I call up the bill (H. R. No. 4414) to amend laws relating to internal revenue.

The SPEAKER. That is, the Chair thinks, already unfinished business, having been called up yesterday; but the gentleman did not assert his right this morning by reason of some arrangement unknown to the Chair.

Mr. CONGER. If the order is not taken up it is not unfinished business for to-morrow. I want the morning hour to-morrow.

The SPEAKER. The Chair finds that the bill was not read last night. The Chair stands corrected.

Mr. BURCHARD. I was recognized by the Chair to call up the bill.

The SPEAKER. The gentleman was recognized yesterday, and the Chair now recognizes him to call up the bill the title of which will be read by the Clerk.

The Clerk read as follows:

A bill (H. R. No. 4414) to amend laws relating to internal revenue.

Mr. CONGER. I desired that should not obtain the place of unfinished business and was endeavoring to prevent that.

The SPEAKER. The Chair recognized the gentleman from Michigan as moving that the House do now adjourn.

Mr. BURCHARD. The gentleman from Michigan had not the floor. The Speaker recognized me. The motion of the gentleman could not take precedence of my calling up this special order and while I had the floor.

The SPEAKER. The bill is still a special order in the House.

Mr. BURCHARD. The gentleman from Michigan certainly could not take me from the floor by the motion to adjourn.

The SPEAKER. The gentleman from Michigan was recognized to make the motion to adjourn. The bill loses nothing. It retains its place. Only the gentleman from Illinois wants that it shall have the additional weight of being unfinished business.

Mr. BURCHARD. I make the point of order that, being on the floor to call up this bill that the House may proceed to its consideration, the gentleman cannot take me from the floor by a motion to adjourn.

The SPEAKER. But pending the motion of the gentleman from Illinois the Chair would be bound to recognize the gentleman from Michigan for a motion to adjourn.

Mr. CONGER. When I made the motion to adjourn my intention was to take the gentleman off the floor.

Mr. BURCHARD. The gentleman from Michigan cannot by a motion to adjourn take a gentleman from the floor who is entitled to the floor.

The SPEAKER. The gentleman from Illinois was recognized and called up the special order; and then the gentleman from Michigan moved that the House do now adjourn.

Mr. CONGER. That is not the order in which I desired it. My object was to prevent the gentleman from calling up the order.

The SPEAKER. The gentleman from Illinois was first recognized for that purpose.

Mr. CONGER. While the gentleman was calling up the order I rose to a question of the highest privilege.

The SPEAKER. But you could not cut him off in the middle of his sentence while making his motion. The motion of the gentleman from Illinois was pending. The gentleman from Michigan comes in then with a motion of the highest privilege, a motion to adjourn.

Mr. BURCHARD. It was not necessary I should make any motion. All I had to do was to call for this, which is the regular order.

The SPEAKER. The gentleman could have demanded the regular order; but pending that the Chair was bound to recognize the motion to adjourn, being a motion of the highest privilege.

Mr. BURCHARD. But the order itself would come before the House.

The SPEAKER. The bill stands precisely where it was, being a special order in the House.

Mr. HOOKER. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The question being put, the motion was agreed to.

And accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BRIDGES: Resolutions of the Legislature of Pennsylvania, asking Congress to grant aid to citizens in settling upon the public lands—to the Committee on Public Lands.

Also, resolutions of the Legislature of Pennsylvania, asking Congress to aid in the building of the Texas Pacific Railroad, to aid citizens to settle upon the public lands, and against a change in the tariff laws—to the Committee on the Pacific Railroad.

By Mr. COLE: The petition of hatters and others, to reduce duties on hatters' black-silk plush—to the Committee of Ways and Means.

By Mr. COVERT: The petition of John R. Mather and others, ship owners and captains of vessels, of Port Jefferson, New York, against compulsory pilotage—to the Committee on Commerce.

By Mr. ELLSWORTH: The petition of A. J. Newton, James Barclay, and 100 others, of Michigan, against the passage of any bill for the better protection of food-fishes in the great lakes of the United States, or any of them, and especially against the passage of the bill introduced by Mr. A. S. WILLIAMS in the House on that subject—to the same committee.

By Mr. GIDDINGS: The petition of citizens of San Patricio, Texas, for the division of the State of Texas into two judicial districts—to the Committee on the Judiciary.

By Mr. HARMER: Resolution of the General Assembly of Pennsylvania, in relation to granting aid to the Texas Pacific Railroad and against any change in the tariff laws—to the Committee of Ways and Means.

Also, resolution of the Legislature of Pennsylvania, in relation to furnishing assistance to citizens who will emigrate and settle upon public lands in the far west—to the Committee on Public Lands.

Also, memorial of citizens of the United States interested in existing telegraphic cables, requesting that Congress may reject all applications for exclusive privileges, and to pass a law giving to any and all persons and companies permission, without preference, to land telegraphic cables on the shores of the United States and through them, and keep up telegraphic communication between this and other countries—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY: The petition of Merrill H. Cram, for a pension—to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of John L. Moore, for a pension—to the same committee.

Also, the petition of John L. Moore, for compensation for three horses taken during the late war—to the Committee on War Claims.

By Mr. KELLEY: The petition of 53 citizens of Manayunk, Philadelphia, Pennsylvania, against the passage of any bill reviving the income tax—to the Committee of Ways and Means.

By Mr. MORGAN: The petitions of M. N. Wills and others, and of W. E. Condict, C. V. Criss, and others, citizens of Barton County, Missouri, that Congress prohibit the driving, herding, or otherwise introducing into the State of Missouri, of Texas or Indian cattle during the summer months—to the Committee on Commerce.

By Mr. NEAL: The petition of Robert Erwin and 50 other citizens of Rockport, Maine, against reducing the duties on cut stone—to the Committee of Ways and Means.

Also, the petition of 1,125 members of the Granite Cutters' International Union, Rockland, Maine, of similar import—to the same committee.

By Mr. O'NEILL: A communication of F. M. Brooke, president of the Commercial Exchange of Philadelphia, Pennsylvania, correcting a statement made in the CONGRESSIONAL RECORD of April 25, 1878, which declared that said association "approved" instead of "opposed" the transfer of the life-saving service to the Navy Department—to the Committee on Commerce.

By Mr. ROBINSON, of Massachusetts: The petition of the Springfield and New London Railroad Company, for permission to maintain a bridge across Water Shops Pond, in Springfield, Massachusetts—to the Committee on Military Affairs.

By Mr. SOUTHARD: The petition of James H. Smith, that a pension be granted to Diana Braysacher—to the Committee on Invalid Pensions.

By Mr. STENGER: The petition of Mary A. Tyson, to be placed on the pension-rolls—to the same committee.

Also, the petition of 43 citizens of Huntingdon County, Pennsylvania, for the extension of the national credit to the completion of the great southern line to the Pacific Ocean—to the Committee on the Pacific Railroad.

By Mr. WILLIAMS, of Alabama: The petition of citizens of Coffee County, Alabama, in favor of the passage of the bill (H. R. No. 1670) providing for the repayment of the cotton tax of the years 1865, 1866, 1867, and 1868—to the Committee of Ways and Means.

By Mr. YOUNG: The petition of Samuel Tate, administrator, &c., to be refunded taxes illegally assessed and collected by internal-revenue officers—to the Committee of Claims.

IN SENATE.

FRIDAY, *May* 10, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 613) subjecting the Fort Wayne military reservation, in the State of Arkansas, to entry as other public lands in said State; and

A bill (H. R. No. 699) to restore certain lands in Iowa to settlement under the homestead law, and for other purposes.

The joint resolution (H. R. No. 176) to provide for the enforcement of the eight-hour law was read twice by its title, and referred to the Committee on Education and Labor.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a communication from Charles Atkinson, president of the Moline Water-Power Company, with a report thereon from the Chief of Ordnance, renewing a former recommendation that Congress appropriate $157,330 to complete the development of the water-power at Rock Island arsenal; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 17th ultime, a statement from the Bureau of Statistics showing, so far as data have been obtained, the total consumption within the United States of all manufactured articles to which tariff duties apply; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 17th ultimo, relative to the right of the Indians to impose taxes in the Indian Territory, a copy of a letter of that Department to the Commissioner of Indian Affairs, with the Commissioner's reply there-

to, upon the subject of a tax upon cattle driven through the Cherokee country; and also copy of a communication from that Department to F. A. Sears, esq., attorney for the Missouri, Kansas and Texas Railroad Company, in relation to a tax attempted to be levied upon that road by the authorities of the Cherokee Nation.

The PRESIDENT *pro tempore*. The communication will lie upon the table, if there be no objection. Shall the papers be printed?

Mr. EDMUNDS. I have the impression that that subject has been referred to the Committee on the Judiciary, and under that impression I move that these papers be referred to that committee.

The PRESIDENT *pro tempore*. Shall they be printed?

Mr. EDMUNDS. Perhaps it is not necessary to make the order to print now. Are they very voluminous?

The PRESIDENT *pro tempore*. They are voluminous.

Mr. EDMUNDS. Let them be referred, without printing.

Mr. DORSEY. I submitted the resolution to which the papers just laid before the Senate are an answer. My object was to have the papers go before the Committee on Territories, who are now investigating this whole question. I should be glad to have them take that reference if the Senator from Vermont has no objection.

Mr. EDMUNDS. I have no objection; only, if I am not greatly mistaken, the Senate sent to the Committee on the Judiciary an inquiry into the state of the law on that very point; and therefore I supposed that this information was desirable. I did not know of the reference to which the Senator has alluded. Of course I shall make no objection to sending the papers wherever the Senate like; but, inasmuch as the Senate appears to have instructed two committees to engage in the same work, I must ask that the papers be printed, in order that all may have an opportunity to examine them.

The PRESIDENT *pro tempore*. The papers will be referred to the Committee on Territories, and printed if there be no objection.

COMPLETION OF WASHINGTON MONUMENT.

Mr. DAWES. I ask leave, subject to morning business, to take up the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

Mr. DAWES. I now yield for morning business.

PETITIONS AND MEMORIALS.

Mr. DORSEY presented the petition of Benjamin Severson and others, citizens of the District of Columbia, suggesting certain improvements of the Potomac River, and praying for the appointment of a commission of engineers for the purpose of considering these plans and making a report to Congress; which was referred to the Committee on the District of Columbia.

Mr. BUTLER presented a memorial of the Chamber of Commerce of Charleston, South Carolina, in favor of the adoption of the plan proposed by General Gillmore for deepening the channel and removing obstructions to the entrance of Charleston Harbor, and in favor of an appropriation by Congress for that purpose; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

Mr. SARGENT. I present the memorial of Painter & Co., manufacturers of and dealers in type and printing material, of San Francisco, California, protesting against a proposition before the Senate for the remission of a fine imposed upon Miller & Richard of between $3,000 and $4,000 as a penalty for undervaluing a lot of goods passed through the San Francisco custom-house, and giving the reasons therefor at considerable length; the reasons, if true, being very forcible. I have no doubt they are true. I move that the memorial be referred to the Committee on Finance, which, I believe, has the subject before it.

The motion was agreed to.

Mr. BECK presented the petition of A. H. Cardin and other citizens of Crittenden County, Kentucky, praying for the repeal of the resumption act, for the withdrawal of national-bank currency, and the substitution of greenbacks therefor; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom the subject was referred, submitted a report accompanied by a bill (S. No. 1228) for the relief of Mrs. M. J. Donohoe.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2026) granting a pension to Mrs. Julia S. W. Evans, widow of Henry D. Evans, late first lieutenant of Company B, Thirteenth Missouri Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 482) for the relief of William H. Nessle, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (S. No. 553) for the relief of William H. Akins and Jacob D. Felthousen, their heirs and assigns, reported it without recommendation, and submitted a report thereon; which was ordered to be printed.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 1892) for the relief of Mrs. Amanda Rains, of Illinois, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1119) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico, reported it without amendment.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the bill (S. No. 362) granting a pension to A. G. Ege, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3107) granting a pension to Louisa J. Guthrie and others, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 849) for the relief of Abraham Alstead, late a second lieutenant of Company A, of the Fifty-fifth Regiment Pennsylvania Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1949) granting a pension to Benjamin C. Webster, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of Peter Staub, of Tennessee, praying compensation for the alleged use and occupancy of his property by United States military forces, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1229) for the relief of F. X. Coincon; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1230) for the relief of F. X. Coincon; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Indian Affairs.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1231) granting a pension to Captain Marshal H. Twitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1232) to repeal the provision of the act of July 24, 1876, concerning free roads, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT OF RULES.

Mr. INGALLS. I offer a resolution to amend Rule 43, which I ask may be referred to the Committee on Rules.

Mr. ANTHONY. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read as follows:

Resolved, That Rule 43 be amended by striking out the words "relating to adjournment" and inserting the words "to adjourn."

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. KELLOGG and Mr. WHYTE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

MILITARY RAILWAY IN TEXAS.

Mr. COKE submitted an amendment intended to be proposed by him to the bill (S. No. 853) to aid in the construction of a military, commercial, and postal rail highway from the military headquarters of the United States Army at San Antonio, in the State of Texas, to the Rio Grande, at or near the town of Laredo; which was referred to the Committee on Railroads, and ordered to be printed.

TEXAS PACIFIC RAILWAY.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the bill (S. No. 1186) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto; which was referred to the Committee on Railroads, and ordered to be printed.

RATES OF PENSION.

Mr. VOORHEES submitted certain amendments to the bill (H. R. No. 4422) to amend section 4695 of the Revised Statutes of the United States, reported by him from the Committee on Pensions on April 30,

and moved that the bill be recommitted to the Committee on Pensions, and printed together with the amendments; which was agreed to.

BALTIMORE DRY-DOCK.

Mr. WHYTE. I ask the Senator from Massachusetts to yield a moment that I may ask the Senate to take up the bill (S. No. 1044) granting a site for a dry-dock in the city of Baltimore upon certain conditions. I do not think there will be the slightest objection to it.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield for that purpose?

Mr. DAWES. If, as the Senator suggests, it will not cause debate, I will yield to the Senator; but if it is to cause debate I hope the Senator will allow me to proceed with the joint resolution which is regularly before the Senate.

Mr. WHYTE. I ask that the Senate proceed to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1044) granting a site for a dry-dock in the city of Baltimore upon certain conditions. It directs the Secretary of War to convey to the Baltimore Dry-Dock Company, of Baltimore City, a body-corporate created under the laws of the State of Maryland, for the consideration described in the second section, so much of the land belonging to the United States in that city, known as the Fort McHenry tract as lies between the northwestern boundary line of the tract and a line parallel thereto and distant four hundred and fifty feet therefrom, and between a line two hundred and fifty feet from the northern side of Fort avenue (a street or avenue of that city, extented) and parallel thereto and the northwest branch of the Patapsco River.

The bill was reported from the Committee on Military Affairs with an amendment, in section 2, line 7, before the word "use," to insert "the," and after the word "use" to insert "forever of;" so as to make the section read:

That in consideration of the said conveyance, and as the condition upon which the same is made, the said dry-dock company shall be required to construct, upon the land conveyed as aforesaid, within two years from the date of the conveyance, an efficient Simpson's improved dry-dock four hundred and fifty feet in length, and to accord to the United States the right to the use forever of the said dry-dock, at any time, for the prompt examination and repair of vessels belonging to the United States, free from charge for docking.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I should like to call the attention of the Senator from Maryland to the absence from this bill of any provision for this dry-dock being kept up fit for use, and of any provision for the reverting of the land to the United States in case it should not be kept up for the uses for which it is granted.

Mr. WHYTE. I have no objection to the insertion of such an amendment. The Senator from Vermont can suggest it.

Mr. EDMUNDS. From what I have heard of the subject I am inclined to look with favor upon the proposition; but I think there ought to be a provision that, if at any time the dry-dock shall be abandoned or shall not be kept in proper condition for use for a certain space of time, then the property shall revert to the United States.

Mr. WHYTE. If the Senator will put that suggestion in writing I will assent to it.

Mr. EDMUNDS. I move to amend the second section of the bill by striking out the period at the end of the section and inserting a semicolon, and also adding these words:

And if at any time said property hereby conveyed shall be diverted to any other use than that herein named, or if the said dry-dock shall be at any time unfit for use for a period of three months or more, the property hereby conveyed, with all its privileges and appurtenances, shall revert to and become the absolute property of the United States.

Mr. WHYTE. I suggest to the Senator to make the time six months. Three months is a little too short a time in case of accident to the dock.

Mr. EDMUNDS. Very well; I will say six months.

Mr. WHYTE. Then I will accept the amendment without any hesitancy.

Mr. EDMUNDS. Six months' time is satisfactory enough.

Mr. WHYTE. I hope the amendment of the Senator from Vermont will be accepted unanimously.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont as modified.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND CLAIM IN NEW MEXICO.

Mr. EATON. I appeal to my friend from Massachusetts also that I may call up a bill which was passed over at my request the other day when it was reached in its order on the Calendar, because the Senator from Oregon [Mr. GROVER] who reported the bill was not present.

Mr. DAWES. Very well.

Mr. EATON. I move that the Senate proceed to the consideration of the bill (S. No. 753) to confirm a certain private land claim in the Territory of New Mexico.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confirms the private land claim in the Territory of New Mexico known as the Mesita Juana Lopez grant, made by the Spanish Government January 18, 1782, examined, approved, and recommended for confirmation by the surveyor-general of New Mexico November 29, 1872, designated as private land claim No. 64, and duly surveyed by the United States.

The bill was reported from the Committee on Private Land Claims with an amendment, to add at the end of the bill the words "nor shall the United States be liable to make compensation for and part of said land to which there are or may be any adverse rights or claim;" so as to make the proviso read:

Provided, That the foregoing confirmation shall only be construed as a quit-claim or relinquishment of all title or claim on the part of the United States in and to said private land claim, and shall not affect the adverse rights of any person or persons to the same; nor shall the United States be liable to make compensation for any part of said land to which there are or may be any adverse rights or claim.

The amendment was agreed to.

Mr. EDMUNDS. I should like to ask whether the bill contains the provision that modern experience has shown to be necessary for security against any claim upon the United States in the event of a failure of title to any of this land.

Mr. THURMAN. That is provided in the bill:

Nor shall the United States be liable to make compensation for any part of said land to which there are or may be any adverse rights or claim.

That is the amendment which has just been adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMPLETION OF WASHINGTON MONUMENT.

Mr. HARRIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. DAWES. For what purpose?

Mr. HARRIS. I wish to ask the Senate to consider Senate bill No. 532.

Mr. DAWES. I wish the Senator would excuse me. I have yielded two or three times and I have some personal reasons why I should like to proceed with the joint resolution at this time. I ask the Senate now to consider it.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument. It authorizes the joint commission created by the act of Congress entitled "An act providing for the completion of the Washington Monument," approved August 2, 1876, to apply a portion of the money appropriated by that act, not exceeding $36,000, to give greater stability to the foundation, if they deem it advisable.

The Committee on Public Buildings and Grounds reported an amendment, to add to the joint resolution:

And said commission shall report the result of such expenditure to Congress at the next session, with their opinion of the stability of the foundation after such expenditure: *And provided*, That nothing herein contained shall authorize, until the further action of Congress, the expenditure of any part of said $200,000 otherwise than as herein provided.

Mr. EDMUNDS. I should like to have the Senator from Massachusetts explain this matter to us. Of course we can understand what the resolution says; but a great many people in the United States, of whom I am one, would be very glad to know why this monument to the chief founder of this Republic cannot be finished some time or other, when Congress has been trying so long and so often to get it done.

Mr. DAWES. I will explain to the Senate the reasons why the committee propose to attach this amendment to the House resolution, and I think that if the whole people of the United States, sympathizing, as I have no doubt they do, with the Senator from Vermont, should know exactly the situation of things as they appeared to the committee, they would agree with the committee that this is a wise provision.

The original appropriation of $200,000, made by the act of 1876, contained two conditions precedent to the expenditures of any part of the money, neither of which has been complied with. The first was that the Washington Monument Association should make a conveyance to the United States of the property upon which the monument is now situated, should reconvey it to the United States so that the Government should have jurisdiction and control of it. There is no objection that I know of on the part of the monument association to fulfilling that condition when the other conditions are sufficiently in progress to justify it. There has been so much talk, first, about the site itself, and then about the condition of the foundation of the monument, that the monument association have hesitated; and, being so devotedly attached as they are both to the site and to the form of the structure, they have not been willing—and no one wonders at their present feeling—to let go their jurisdiction until that point is settled. That point has not been settled, and therefore, holding to the original idea upon which the grant was made, there could be no use of the money appropriated for continuing of work until that was done.

The other condition is a more serious one. The second section of the act provided:

That prior to commencing any work on said monument an examination shall be made as to the foundation of the monument in order to thoroughly ascertain whether it is sufficient to sustain the weight of the completed structure, and if the same shall be found insufficient then the further continuance of the work shall not be authorized by anything herein contained until the further action of Congress.

The committee construe that to mean that Congress shall have an opportunity to pass upon the condition of that foundation. The result of the commission's examination is embodied in this paragraph of their report:

The commission is of the opinion that, in view of the reports made by the board of engineers, it must be assumed that the foundation is insufficient to sustain the weight of the completed structure; also that, while it is feasible to bring the foundation to the required stability, under the wording of the law no authority exists for making this expenditure. The subject is therefore submitted to Congress for further action.

They desire the diversion, if I may use that word, of a portion of the $200,000 to the work of making firm and stable the foundation of this monument. I think the country will be surprised to learn that a monument designed to be six hundred feet in height, as was the original plan of this monument, and of the weight of this whole structure, should have a foundation which is sunk only eight feet in the ground and resting eight feet below the surface upon clay and sand. Yet that is the fact in relation to this monument. That the structure has been very thoroughly made from that point, I do not know that there is any doubt among the engineers; but so placed upon clay and sand, only eight feet below the surface, great anxiety has existed for many years about the future of the monument. It is ascertained beyond doubt that the foundation of the monument has inclined six-tenths of an inch, making a deflection from the perpendicular of the monument at its present height of one and six-tenths of an inch. There is a good deal of controversy between the monument association and the engineers and others about the fact whether this foundation is sufficiently firm for the completed structure. The monument association are very sanguine and are very strongly convinced that it is sufficient. The result of the examination of the board of engineers under whose control this $200,000 was placed, is in the paragraph that I have read.

Mr. THURMAN. Will the Senator allow me to ask him one question? Do the board of engineers give any opinion as to whether the foundation can be made sufficient?

Mr. DAWES. I was going to state it. That is stated in the conclusion of the paragraph that I a moment ago read, and I will state it further at length.

The commission is of the opinion—

As I have read—

that, in view of the reports made by the board of engineers, it must be assumed that the foundation is insufficient to sustain the weight of the completed structure; also—

Which is the answer to the Senator from Ohio—

that, while it is feasible to bring the foundation to the required stability under the wording of the law, no authority exists for making this expenditure.

The engineers go into details, and at length and with very complicated mathematical problems, to demonstrate their conclusions, which are unintelligible to me, and therefore I cannot make them intelligible to any one else. Their conclusion, however, I think we have a right to assume, and that is that they feel confident that the foundation can be made firm. They propose one of two methods for making that foundation firm. I will state those two methods, and the Senate will see then the propriety of the amendment proposed to this joint resolution.

The first of these methods is to substitute a new foundation, to take out the present foundation at the bottom of this monument, and put a new one there, taking it out of course in sections. They, however, came to the very wise conclusion that that is not only a very expensive experiment but a very hazardous one, and they do not recommend that. They propose another, which is the only method that they recommend; and that is to first surround the present foundation with piles driven into the ground a great distance, and then surround those piles by a wall which they describe, and from the description it would appear to be a very solid and firm wall, some twenty-two feet below the surface; then take out the earth between the piles and the present existing foundation, taking that out by sections carefully so as not to disturb it, and substitute in the place of it solid masonry, and then place upon the surface inside of the monument and outside of the monument—the monument of course every one knows has a chord inside—a superincumbent weight equal, together with the present structure, to the whole weight of the completed structure in order to compress and make firm the foundation which they propose to substitute for the existing state of things. They suggest that it is possible to so arrange this weight as to bring the monument back to perpendicular. They do not promise that, but suggest the possibility of so doing that, and they rely as a part of this undertaking upon the weight which they propose to pile up around and inside of this monument to make solid the foundation upon which they propose to rest the structure. Seventy-five or eighty feet high they calculate will be necessary to put on a weight which together with the present structure will be equal to the entire weight when it is completed. They speak with great confidence of the success of this method, but they say in reference to it that time will determine how long it will be necessary for this superincumbent weight to remain there before the result they expect will be attained, and therefore before they commence the structure. So the Senate will see at once that if we follow the suggestions of the commission, there can be no commencement of the completed structure this summer or before the meeting of Congress again.

Mr. PADDOCK. What will be the expense of this experiment?

Mr. DAWES. This method they estimate will cost $55,000. This resolution proposes to divert $36,000. I understand that $36,000 was put in in the other branch because there is in the report of the commission, extracted from a report made in 1874 to the other branch, a method of strengthening this foundation submitted by another engineer, which he suggested would cost but $36,000. This is embodied in the report, but the details of it and the character of it are not in the report, and all that can be learned of it is from a drawing which is in this report of the commission that I hold in my hand. Whether it is practicably feasible, or will meet the commendation of the commission, is not known. It has never been submitted to either branch, so far I know. It appears to be a very intelligent and plausible plan of accomplishing the work.

This money is placed under the control of the commission, no one of whom is the gentleman who suggested this method. He suggested that this could be done for $36,000, and the resolution that comes from the House proposes to divert $36,000 to that work, and so I assume that the House proposed to adopt his method, although I do not speak with any authority.

Mr. PADDOCK. I understand from what the Senator says that if they should fail to restore the perpendicular of the shaft this preliminary expenditure would be lost.

Mr. DAWES. Oh, no. They do not propose to abandon the work by any means if the slight deflection from perpendicular of 1.6 inch at the present height is not restored. They do not propose by any means to avoid completing the structure. They propose to cure that in the further progress of the work. It is not proposed by any of the recent plans to carry the work up to its original height of six hundred feet, but a little over four hundred feet is the height.

Mr. INGALLS. Four hundred and eighty-five.

Mr. DAWES. Four hundred and eighty-five feet. That is unfortunately three or four feet below another obelisk, so that it will not be the highest in the world, as I understand. The committee came to the conclusion that it was the original design of Congress before the work was commenced by the money appropriated by Congress that Congress should be made certain that this foundation was perfectly stable. Doubt arising about the different methods, and all these methods requiring for their completion certainly all the time between these sessions of Congress, and in view of the fact that the association had not as yet conveyed the ground to the Government, it was deemed wise to put in this proviso that would prevent any construction of the original provision that would authorize going on with the work until Congress was certain of the foundation.

Mr. CONKLING. Will the Senator let me ask him a question?

Mr. DAWES. Certainly.

Mr. CONKLING. Do any of these statements show what the cost would be of taking down the present blocks and making a new and undoubtedly adequate foundation, and piling them up again?

Mr. DAWES. None of them, I believe, contemplate the taking out of the original blocks in estimating what would be the cost, and the committee did not consider that. The committee thought that Congress had gone so far in legislation as to have determined, so far as Congress were concerned, that they would not entertain that idea. The committee may, of course, have been in error; but they would do two things if the two things could be done. They would complete this monument nearly according to the original plan; but before they would do that they would be certain that by no mischance what has been done and what may be done would be involved in the great misfortune, not to say reproach, that would come upon the work and the undertaking if it should fall down in the end.

Mr. SAULSBURY. I desire to ask the chairman of the committee whether it would be competent in Congress to order that monument to be taken down. As I understand, it was built by an association and by private contributions, and not by appropriations from Congress.

Mr. DAWES. I will say in answer to the suggestion of the Senator from Delaware, that without the consent of the monument association I do not know that Congress would have any more right to take it down than they would to take down my house. The United States conveyed the land constituting the site to this association under the direction of Congress, by deed signed by the President of the United States with a good deal of formality. The United States conveyed to the association this land and the jurisdiction over it, for the purpose of this monument, and they have a right for aught I can see to exercise exclusive control over it. However, they are willing to co-operate with us. But the Senate can see why they are so tenacious of the hold they have upon it until it can be completed in this way. The ground has some peculiar associations about it. We have in the committee-room the original map of the city of Washington, laid out by a French engineer by the name of L'Enfant, under the direction of General Washington himself, and submitted to Congress for its approval at the time. Upon that map there is laid out from the White House to this very point an avenue four hundred feet

wide, from this point turning a right angle to what is called "the Congress House" the same way. He describes the mode of laying out that broad avenue and how it is to be adorned by trees and walks in a style very magnificent; and then he puts in that angle the letter "A" and at the side corresponding to the letter "A" is this:

Site for an equestrian monument of George Washington.

This was submitted by Washington to Congress in 1791 I think, and Congress approved of it. Subsequently, in 1795, there came an Italian artist of great merit to this country, and there was a great deal of effort to secure the erection in this country of a monument to the American Revolution. President Washington selected for the site on which to erect this monument this very identical spot, where they had yet failed to put the equestrian statue of Washington, which was authorized by the Continental Congress in 1783. Those suggestions, derived from the early history of the city, are relied upon by the monument association very strongly for holding to this spot.

Then the monument association have expended some $200,000. They have received, I think, one hundred and twenty memorial tablets from foreign nations and from other states and associations to be placed in this monument with different inscriptions upon them. They have placed in it some forty. The remainder are there on the ground ready to be placed.

Every consideration connected with the mode of progress of the work hitherto, as well as the associations connected with the spot, render it altogether out of the question, the committee believe, to consider whether it is worth while now for us to take down the monument and seek a more desirable spot and a different plan. However we might differ, if it were an original question at this moment, with the monument association as to the spot, or however we might differ with them as to the plan of the monument itself, the idea of taking down stone by stone the work thus far constructed and moving it off to some other place in the city, and beginning a work which may be subject to the contingencies before it is completed that would thus overtake this work, is a spectacle that the committee do not desire to be responsible in suggesting to Congress. The work has gone on thus far, the money obtained by private subscription has been thus far expended; tablets sent here by foreign nations have been placed in this work; and whether we could better it or not, if the foundation can be made certain, it seems to the committee that the work had better go on to completion as it is; and if it had better go on to completion, the sooner it goes on to completion consistent with the safety of the work, the better; and nothing beyond that is sought by the committee in the attachment of this amendment to the House resolution.

Mr. CONKLING. How high is it now?

Mr. DAWES. One hundred and eighty feet including the foundation. I should like to add another proviso to the amendment:

And provided further, That the President may detail an officer of the Engineer Corps to report to said joint commission for duty in carrying out the work herein provided for.

So that whoever has the control of it shall be there by authority.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves this amendment to the amendment of the committee. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

Mr. COCKRELL. Let the joint resolution be reported as it now stands.

The PRESIDENT *pro tempore*. It will be reported as amended.

The Chief Clerk read as follows:

That the joint commission created by the act of Congress entitled "An act providing for the completion of the Washington Monument," approved August 2, 1876, be, and they are hereby, authorized to apply a portion of the money appropriated by said act, not exceeding $36,000, to give greater stability to the foundation, if they deem it advisable; and said commission shall report the result of such expenditure to Congress at the next session, with their opinion of the stability of the foundation after such expenditure: *And provided*, That nothing herein contained shall authorize, until the further action of Congress, the expenditure of any part of said $200,000 otherwise than as herein provided: *And provided further*, That the President may detail an officer of the Engineer Corps to report to said joint commission for duty in carrying on the work herein provided for.

Mr. DAVIS, of West Virginia. I ask the attention of the Senator from Massachusetts for a moment. I desire to ascertain from him what amount has already been appropriated, and what is the estimate of the cost? I am in sympathy with the finishing of the monument; I believe it ought to be done; but I want the information.

Mr. DAWES. Does the Senator inquire how much has been expended on it thus far?

Mr. DAVIS, of West Virginia. No, sir; how much has been appropriated and what is the estimate of the cost?

Mr. DAWES. How much by Congress?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. DAWES. There was appropriated two years ago the sum of $200,000, $50,000 a year for four years, with a section attached that no part of it should be expended if the commission had doubts about the foundation of the monument until further action of Congress. No part of it has been expended at all, for they did not feel that they were authorized to do so by the wording of the bill.

Mr. DAVIS, of West Virginia. Now is there an estimate of the cost?

Mr. DAWES. There is no very accurate estimate; but about $250,000 is supposed to be necessary to complete the monument at its present height.

Mr. DAVIS, of West Virginia. According to the original plan?

Mr. DAWES. My colleague on the committee [Mr. MORRILL] says it is more than that. He has it more familiarly in his mind than myself.

Mr. DAVIS, of West Virginia. Is it in contemplation to complete it as originally designed?

Mr. DAWES. Not as originally designed. As originally designed there was to be a pantheon about it one hundred feet high that was to cost of itself more than a million dollars, and from its center was to rise this shaft six hundred feet high. The monument association has abandoned the original design and so modified the obelisk as to reduce it to four hundred and eighty-five feet from six hundred feet. There is no other modification that I know of.

Mr. CONKLING. Mr. President, one consideration occurs to me which I hope will not sound like a criticism——

The PRESIDENT *pro tempore*. The morning hour has expired. Is there objection to the further consideration of this joint resolution? The Chair hears no objection.

Mr. THURMAN. I am content to let it go on for fifteen minutes, subject to a call for the regular order.

The PRESIDENT *pro tempore*. That will be the understanding.

Mr. CONKLING. I was going to say, Mr. President, that I should dislike to subject myself to the suspicion of being wanting in any of the interest which so properly and naturally attaches to this subject. The object, of course, as indicated by the Senator from Massachusetts, is to do an effectual work and accomplish something which will be not only enduring but creditable. To carry up this monument to two-thirds of the distance originally contemplated, and leave it with a suspicion of being ill-founded, so that even the present generation would dread to see it tumble down and the next generation would expect it to do so, would be I think I might say almost worse than doing nothing, except to abandon the enterprise. I have no right to assume in the presence of the somewhat qualified statements of these engineers that such would be the result of the proposition of the committee; and yet I think nobody listening to the statements and reading these reports can dismiss from his mind such a fear.

Now, very obviously there occurs to me an alternative, and it seems to me it is feasible, and certainly it would be effectual if you assume that ordinary skill would obtain in its application. In the case of this structure, as in that of most structures of stone or ponderous material brought from a long distance, a very considerable part of the cost is in the material and transportation. The material is here; it has been transported from distant places; and it is on the very spot where for reasons referred to by the Senator it should be. Now, to take apart these blocks and rebuild them, involves only one of the elements of cost in piling up a structure; that is, labor merely. I asked the Senator whether anybody had stated the expense of doing that. He said no. I am not able to state it; but suppose it should turn out, as I think it would, that for a sum not very large these blocks could be taken down, the ground entirely denuded, so that as an original matter that foundation could be laid which engineers would insist was the true foundation to support six hundred feet of uplifted stone as was the original design Then every part of this object would be accomplished; the original design would be carried out; the tallest obelisk of this sort extant on the globe would be reared, and something would be done not only creditable, a memorial would be made not only stately, but literally perpetual so far as masonry can be.

Under this bill an experiment is to be tried. If it fails, the money is wasted altogether. If it succeeds, it leaves a problem, which rests in the opinion, how long this will stand, and should it stand perpetually. All that the committee propose to found on the present work is an obelisk four hundred and eighty-five feet high which, instead of carrying out the original design and being a thing peerless of its kind, is to be secondary and inferior to already erected monuments of the same kind.

Mr. EDMUNDS. Already erected obelisks?

Mr. CONKLING. So I understand. I heard the Senator from Massachusetts refer to one which is taller than this is to be if it were made four hundred and eighty-five feet.

Mr. DAWES. That is the way I understand it. The Senator from Kansas [Mr. INGALLS] shook his head when I made the statement. I think there is somewhere in these papers a list of the various obelisks.

Mr. MORRILL. It is another monument that is higher, not an obelisk.

Mr. CONKLING. As long as the Senator from Massachusetts utters his voice and some other Senator only shakes his head, I will stand by the Senator from Massachusetts as long as he stands by himself. However that particular point may be, the original design was to make this six hundred feet. That was to out-top all other things of the sort. All that can be done now if we can secure a foundation; and I should like before voting upon this bill to know how much it would take to separate these stones from each other, to lay them aside, and make this ground blank again, to the end that just

such a foundation as ought to have been, may be, put there, and the original design executed. If it is a very large sum of money, perhaps there would be very little utility in the suggestion. I presume my friend from Vermont [Mr. EDMUNDS] will not object to my saying that he suggests to me, perhaps as his own opinion merely, that it would cost $100,000. If, as I am told, it will cost $55,000 to try this experiment, and $100,000 will do what I have stated and enable us to execute the original design, until I hear some suggestion to the contrary I should vote without hesitation for the expenditure of $100,000 in order to do effectually and well that which, if it is worth doing at all, is worth doing in the best manner. Considering that we are building for a far futurity and building in the capital of a great nation, a capital not excessively crowded with successful works of art, I would rather make a mistake on the right side than the wrong. I dare not say much about the works of art in this city, having the fear of the Senator from Massachusetts before my eyes. There are works of art here which, if I felt at liberty to do so, I would commend very highly. The Senator alluded to an equestrian statue. There stands an equestrian statue on Sixteenth street and Massachusetts avenue, and I think any member of the Senate will wander far and wide before he will find an equestrian statue which can endure criticism better than that. I would we had more such.

Mr. DAWES. The highest pyramid, the Cheops, is four hundred and eighty feet. That is five feet below this; but the spire of Cologne is five hundred and ten, and the spire of old St. Paul's, in London, which was destroyed by fire in 1661, was five hundred and eight. So far as I am informed, these two were higher than this will be—four hundred and eighty-five feet. The highest of all the pyramids is only four hundred and eighty feet.

The Senator from West Virginia inquired about the expenditure. Upon the seventeenth page of the commission's report is an estimate of the approximate cost of completing the shaft to four hundred feet with a terrace at its base. According to that estimate it would cost $310,685.93 for four hundred feet.

Mr. THURMAN. As I understand the Senator from Massachusetts, the engineers are of the opinion that this foundation can be made perfectly secure. If that be so, where is the necessity of pulling down the structure that has been erected? I think we ought not to pull down when, for a less expense than would be incurred in pulling down, we may make the foundation secure. Therefore, I hope that this resolution without further debate will pass.

Mr. HOWE. Mr. President, the Senator from New York has admirably stated an idea that I could not have stated nearly as well, though it had occurred to me; and that was that the pulling down and reconstructing was the cheaper method of securing a good foundation. It was thrown out here while he was speaking that the cost of that would not exceed $100,000. I understand the monument as it now stands at one hundred and eighty feet—it is proposed to make it six hundred feet——

Mr. CONKLING. It was proposed——

Mr. THURMAN. Will my friend from Wisconsin bear in mind that it is not the cost of pulling down alone? If you pull down you have to build up.

Mr. CONKLING. The Senator does not suppose it would cost $100,000 to take those stones down?

Mr. THURMAN. You cannot take them down and put them up for $100,000, because it has cost a great deal more than $100,000 to put them up.

Mr. HOWE. I understand the Senator from Massachusetts that the work is estimated to cost not over $250,000.

Mr. DAWES. I was mistaken and I corrected myself, for the estimate in the commission's report for putting it up to four hundred feet is $310,685.93. That is their estimate for carrying it up to four hundred feet.

Mr. CONKLING. That includes the material?

Mr. DAWES. That includes everything.

Mr. HOWE. I am not so confident as I was about this being the cheapest process; but I still think we ought to remember that the engineers do not undertake to guarantee that we can get sure foundations if we expend $55,000 on that experiment. It certainly would not be a very gratifying circumstance, in addition to what has been laid out there, if we were to spend $55,000 and still be without a proper foundation for the monument.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

TRADE-DOLLAR COINAGE.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish the Senate with a statement of the circumstances under which the receipt of deposits at the different mints for coinage into trade-dollars was suspended in October, 1877, together with copies of all correspondence in relation to the same.

AMENDMENT TO POST-ROUTE BILL.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 9th instant, approved and signed the act (S. No. 328) granting a pension to Mrs. Esther A. George.

WITHDRAWAL OF PAPERS.

On motion of Mr. PADDOCK, it was

Ordered, That B. L. Fletcher have permission to withdraw from the files of the Senate the papers in his case, the originals being on file in the War Department.

BANKRUPT-LAW REPEAL.

Mr. THURMAN. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the consideration of the amendments of the House of Representatives to the bill (S. No. 35) to repeal the bankrupt law. The first amendment has been concurred in. The pending question is on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment reported by the Committee on the Judiciary to the second amendment of the House of Representatives, on which the Senator from Texas [Mr. MAXEY] is entitled to the floor.

Mr. MAXEY. Mr. President, when yesterday, owing to the lateness of the hour and the long continuance of the session, I yielded for an adjournment, I was endeavoring to trace the nature, power, and extent of the grant in the Constitution to Congress "to establish uniform laws on the subject of bankruptcies throughout the United States." Whatever power Congress has to pass uniform laws on the subject of bankruptcies throughout the United States is gathered entirely from that clause of the Constitution. It is not a question before the Senate whether that clause is broad enough and liberal enough, whether that clause ought to be sufficient to include insolvent laws as well as bankrupt laws; but the question, and the only question, for us to inquire into is, what is the grant of power contained in that clause of the Constitution? for it is entirely clear that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In the case of that question or any other difficult and doubtful question in the Constitution, it is well to refer to the constitutional history from which we are to gather the true intent and meaning of the framers of the Constitution and the meaning of the States and people in adopting the Constitution.

The convention which framed the Constitution met for business on the 25th of May, 1787. On the 29th of May, four days after the session began, Mr. Charles Pinckney, of South Carolina, submitted a draft of a constitution for a Federal government, which was referred to the committee of the whole. On the same day Mr. Edmund Randolph, of Virginia, submitted resolutions amendatory of the Articles of Confederation, which were in like manner referred to the committee of the whole. On the 15th of June Mr. Paterson, of New Jersey, submitted propositions to revise the Articles of Confederation, which had a like reference. These great and well-considered papers, many parts of which now constitute a portion of the Constitution of the United States, were referred to a committee, and that committee, through its chairman, Mr. Rutledge, on the 6th day of August, 1787, reported a draft of a constitution, and subsequently, on the 20th of August, submitted a supplemental report to be added to that which they had made on the 6th of August.

It is a remarkable fact that from the 29th day of May up to the 6th day of August, 1787, not one word was said in the convention, nor was there one word mentioned in any proposition which was submitted to the convention, in respect to a bankrupt law of any nature, character, or description; but the first remark that was made in regard to a bankrupt law at all was a motion made by Mr. Charles Pinckney, of South Carolina, on the 29th day of August, 1787:

To establish uniform laws upon the subject of bankruptcies, and respecting the damages arising on the protest of foreign bills of exchange.

That motion of Mr. Pinckney was referred to the same committee, and on the 1st day of September the committee, through Mr. Rutledge its chairman, made its report in the following language:

Hon. Mr. Rutledge, from the committee to whom sundry propositions entered on the Journal of the 28th ultimo were referred, informed the House that the committee were prepared to report. The following report was then read: That the following additions be made to the report, namely: after the word "States," in the last line on the margin of the third page, add "to establish uniform laws on the subject of bankruptcies," and insert the following as the sixteenth article, namely:

That question came up then. This report was made on the 1st of September and was acted on by the convention on the 3d of September, and was by the convention adopted:

On the question to agree to the following clause of the report: "to establish uniform laws on the subject of bankruptcies."

It was adopted by a vote of nine States in favor and one against. The report thus adopted was then transferred to the main report, which had been made on the 6th of August, and now constitutes a part of the eighth section of the first article, in the clause "to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States."

Turning from the journal of the convention, from which I have read, to the debates, I find this:

Mr. Pinckney moved to commit article 16, with the following proposition: "to

establish uniform laws upon the subject of bankruptcies, and respecting the damages arising on the protest of foreign bills of exchange."

The sixteenth article of the report of the 6th of August, 1787, to which he referred, was this:

Article XVI. Full faith shall be given in each State to the acts of the Legislatures, and to the records and judicial proceedings of the courts and magistrates of every other State.

What ensued?

Mr. Gorham was for agreeing to the article, and committing the proposition.
Mr. Madison was for committing both.

Turning on then to the action taken on the report of the 1st of September, which was on the 3d of September, I find in the debates of the convention:

The clause in the report, "to establish uniform laws on the subject of bankruptcies," being taken up—
Mr. Sherman observed that bankruptcies were, in some cases, punishable with death by the laws of England, and he did not choose to grant a power by which that might be done here.
Mr. Gouverneur Morris said this was an extensive and delicate subject. He would agree to it, because he saw no danger of abuse of the power by the legislature of the United States.
On the question to agree to the clause, Connecticut alone was in the negative.

Thus we have in that very short debate the view which was taken by the framers of the Constitution in regard to what a bankrupt law was. Referring now to Blackstone's Commentaries, we find the meaning of what was said by Mr. Sherman when he declared that in some cases bankruptcies were punishable with death by the laws of England, and that he did not choose to grant a power by which that might be done here. We find the definition of "bankruptcies" given in Blackstone, which then was a standard authority, as it now is, and well understood by the convention and evidently well understood by Mr. Sherman, who made the remark which I have just quoted from the debates of the convention.

The eighth and last method whereby lands and tenements may become forfeited is that of bankruptcy, or the act of becoming a bankrupt; which unfortunate person may, from the several descriptions given of him in our statute law, be thus defined: a trader who secretes himself, or does certain other acts, tending to defraud his creditors.

Further on, on the same subject, Blackstone says:

Who may become a bankrupt? A bankrupt was before defined to be "a trader, who secretes himself, or does certain other acts, tending to defraud his creditors." He was formerly considered merely in the light of a criminal or offender, and in this spirit we are told by Sir Edward Coke that we have fetched as well the name as the wickedness of bankrupts from foreign nations. But at present the laws of bankruptcy are considered as laws calculated for the benefit of trade and founded on the principles of humanity as well as justice; and to that end they confer some privileges, not only on the creditors, but also on the bankrupt or debtor himself. On the creditors, by compelling the bankrupt to give up all his effects to their use, without any fraudulent concealment; on the debtor, by exempting him from the rigor of the general law, whereby his person might be confined at the discretion of his creditor, though in reality he has nothing to satisfy the debt: whereas the law of bankrupts, taking into consideration the sudden and unavoidable accidents to which men in trade are liable, has given them the liberty of their persons, and some pecuniary emoluments, upon condition they surrender up their whole estate to be divided among their creditors.

Referring to Bailey's English Dictionary, which was also a standard work at the date of the adoption of the Constitution, we find the word "bankrupt" defined thus:

One who by the laws of the land is obliged by his creditors to yield up his goods, chattels, estate, and debts, &c., for their use, till they are discharged of their respective debts, as far as the said estate, &c., will allow; also a trader that breaks and steps aside with design to defraud his creditors.

It is entirely clear, therefore, that bankrupt laws as understood at the date of the adoption of the Constitution were traders' laws. It is entirely clear that this meaning of "bankrupt" and "bankruptcy" was perfectly understood by the framers of the Constitution. The remark which was made by Mr. Sherman, which evidently referred to the quotation I have made from Blackstone, shows clearly that the framers of our Constitution, when they inserted that clause, had a perfectly clear meaning and understanding of the word "bankruptcy." In not one of the original drafts of the Constitution, in none of the resolutions submitted to the convention, was the word "bankruptcy" contained. It was not in the report of the 6th of August, 1787, made by the committee to the convention nor in the supplemental reports of that committee. Not one word occurs anywhere in any of these papers in regard to bankruptcy at all; and the framer of the draft which was more used in the framing of the Constitution than any other paper that went before that convention, the draft of Mr. Pinckney, of South Carolina, seems never to have thought of this question of bankruptcy until it occurred to him on the 29th of August, 1787, and then he coupled it with the damages resulting from the protest of a foreign bill of exchange, clearly showing that in his mind, when he introduced that clause in the convention, he had in view a traders' law.

It is not for us to determine whether the Constitution should be so broad and liberal as to cover insolvent acts as well as bankrupt acts. The question for us to determine is, what is the power which was conferred on Congress by the Constitution in the clause "to establish uniform laws on the subject of bankruptcies throughout the United States?" On that subject I beg to read a clause in the Federalist, in the forty-second number, written by Mr. Madison, and this will show that Mr. Madison himself understood that clause of the Constitution to refer to a trader's law:

The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce, and will prevent so many frauds where the parties or their property may lie or be removed into different States, that the expediency of it seems not likely to be drawn into question.

Upon the same subject, Mr. Van Buren, in this Chamber on January, 1826, made these remarks:

At the time of the adoption of the Constitution they [bankruptcy and insolvent laws] were known and distinguished both in England and in this country as distinct systems—the one having for its object to afford a summary and speedy remedy for creditors against fraudulent or failing traders, the other affording relief to insolvent debtors of all denominations. The Constitution of the United States, he said, had clothed the national legislature with power to establish the former, and had left the right to pass and the duty of establishing the latter upon the State governments.

* * * * * * *

There was, he said, no middle ground. If the partition wall between bankruptcy and insolvency was once broken down, all State legislation was subjected to the absolute and arbitrary supervision of Congress. He did not believe that such was the design of the framers of the Constitution. He did not believe that such was the Constitution.

Mr. Woodbury said on this subject on the 24th of January, 1827, this:

The gentleman on his right [Mr. Berrien]—

That was in this Chamber also—

had said that Congress might legislate without limitation as to the objects or manner of a bankrupt system, because no limitation as to them had been expressed in the Constitution. But the limitation existed in the subject-matter of the grant. The grant was not to legislate on the subject of contracts generally, of descents, of suits at law, but on the subject of bankruptcy. To bankruptcies, and to bankruptcies alone, then, was the power confined. And the word bankruptcies, as used in the Constitution, was never, in his apprehension, intended to extend beyond embarrassments and failures among mercantile men.

Further on Mr. Woodbury said:

The question lay in a very narrow compass. It was whether Congress had been clothed with power to pass laws regulating the insolvencies of persons not traders, and making their operation upon such persons dependent on their consent. The solution of this question rested mainly on the meaning of the word "bankruptcies" as used in the grant of power on this subject, by the States to the General Government, in the eighth section of the first article of the Constitution. It thus became a momentous question of State rights, and hence deserved most deliberate consideration.

Mr. Woodbury was a man of clear, sound judgment, cool, deliberate frame. He was a democrat of the old school who could not find it in his heart to bend the Constitution to suit an emergency; "thus is the Constitution written" was with him the guide, and having traced out clearly what the Constitution was, he stood by it. I apprehend that no constitutional lawyer will deny that however much the word "bankruptcy" may be enlarged in meaning, however much it may have changed in meaning since the Constitution was written, the very meaning that the word had when it was ratified by the States is the meaning that it has to-day. If, then, when the Constitution was ratified by the States in convention assembled and thereby became operative "bankruptcy" had the meaning which is attributed to it by Mr. Madison in the Federalist, by Mr. Van Buren in this body, by Mr. Woodbury in this body, by Mr. Sherman in the convention, then it has the same meaning to-day; and I have shown by reading from Blackstone and by reading from the standard English dictionary of that day that the technical meaning of the word and the meaning of the word "bankruptcy" in its ordinary signification were the same. So that it is not for us because some great emergency has arisen to enlarge the meaning of a word which is fixed in the Constitution.

Under that clause of the Constitution we have had bankrupt acts, one passed on the 4th of April, 1800; one on the 19th of December, 1803; one on the 19th of August, 1841; and then the act of March 2, 1867, with its various amendatory and supplementary acts, which we are now considering. The present law has lasted very much longer than any other law which was ever passed by Congress on the subject of bankruptcies. The act of 1800, the act of 1803, and the act of 1841 were all speedily swept from the statute-book. They were swept from the statute-book at the fiat of the people because the people regarded them as against their interest. Now comes up this act of March 2, 1867. I will admit that at the close of a great internecine war such as we had, when thousands of good men all over the land were broken and bankrupt in fortune without fault of their own, there was a humanity in passing such an act as that; but the great good which that act was designed to accomplish has been accomplished. Those men who were broken up by the war, who desired so to do, have availed themselves of the benefit of the bankrupt act and are to-day free. The great purpose, what was conceived by the law-maker as the overwhelming necessity for the passage of the bankrupt law, has had its day in court; it has discharged its duty; and the people over this land from one end to the other now demand that this act, which has been on the statute-book for eleven years, should sleep with those which heretofore by their fiat have been sent to the tomb of the Capulets.

Mr. President, the practical operation of the law of March 2, 1867, with all its various amendatory and supplemental acts, is well understood by every Senator here, and well understood by the people. It does not work well. It is a cumbersome machinery. It is difficult to comprehend. The bankrupt courts all over this land differ essentially and materially in their construction of it. It has worked evil, and great evil; and while it has worked some good, yet upon the great principle that laws should be made for the greatest good to the greatest

number, it has worked in my judgment infinitely more evil than it ever has good. It is now proposed to repeal it, and it seems to be well understood that everybody is in favor of the repeal of the bankrupt law. On that question there seems to be no doubt. It seems to be understood everywhere that this is one of those great causes which have aided most essentially and materially in bringing the country to its present distressed condition; that this is one of the heads of that hydra which Congress is called upon to destroy.

But it is insisted by some that there should be a little more sleep over this, a little more slumber, and that we should not put the knife now and destroy this evil at once, but should temporize with it and extend it. Mr. President, in my deliberate judgment it is one of the great causes in this country of want of confidence, and confidence must be restored before this country can ever again be prosperous. If that be true, then the sooner this is stricken from the statute-book, the better. If it is one of the great evils that have brought the country to its present condition, then the sooner we extirpate this evil the better for the country; and while it may and doubtless does do good in relieving some distressed debtors, yet they are relieved at the expense of hundreds of thousands of honest men all over the country who by virtue of their debtor becoming relieved of his liabilities under the bankrupt law lose what little he has owing to them and for which they have given labor or given substance; so that wherever the bankrupt law does one man good it does many men evil. You may take the most prosperous county in the country; take such a county as that in which I live, giving over four thousand votes; and not exceeding thirty-five or forty men at the outside in all these eleven years have ever taken the benefit of the bankrupt law. The masses of the people are the sufferers, and the few are the beneficiaries; and it is because of this, because the people believe that it is injurious to their best interests, that this loud cry comes up from every section of the country to repeal this bankrupt law.

The question, therefore, is if this law be an evil shall we at once dig it up by the roots, or shall we prolong the evil for special and exceptional purposes? Mr. President, I have always opposed this special and exceptional relief. It is wrong in principle. The question is, is this bankrupt law an evil to the forty-four millions of the American people; do they demand that it should be repealed; will the greatest good to the greatest number be subserved by the repeal of it? If so, then repeal it.

An amendment was originally offered here fixing the date of the repeal to take effect on the 1st day of next January. That has been amended to take effect on the 1st day of next September. The bill as it came from the House was that the repeal should take effect now. So far as the textual changes made in the bill as it came from the House by the Judiciary Committee are concerned, to my mind they are entirely unnecessary. They have not strengthened the bill by these amendments. The bill as it came from the House is a substantial repeal that would hold as such in any court of justice on the face of the earth. Therefore I am opposed to any amendment whatever to the bill, and I have from the beginning of this controversy in every vote which has been taken voted consistently and persistently against all amendments whatever, determined, so far as my vote was concerned, that when this bill left the Senate Chamber, if it received a majority of this Senate, it should be sent not back to the other House, but be sent to the President for his signature of approval or disapproval.

These, sir, are the reasons which I have for voting as I do. I regard this simply as one of the heads of the hydra, of that monster which has brought distress throughout our whole land. I believe that much, very much of the distress of this country to-day is the result of unwise legislation, much of which has been in violation of the Constitution. I believe it to be the bounden and imperative duty of this Congress, and I devoutly hope they will have the strength of purpose and the will to cut off the heads of this hydra until they come to the vital head and inflict upon that a fatal blow. It is only by meeting these questions with nerve, not by temporizing, not by expedients, but where we find a wrong let us correct that wrong at once. I want to go back to honest methods; I want to inculcate the spirit of honesty among the people; I want them to understand the great Bible injunction, "Pay that thou owest;" I want to see confidence restored in the country; I want to do all that is in my power to lift the people up out of their slough of despond and put them on their feet again; and believing that the vote which I cast for this repeal aids in that great purpose I have so voted and shall continue so to vote.

Mr. HILL. Mr. President, I am not going to make a speech, because, if I understand it, an overwhelming majority of the Senate have expressed a desire to repeal this bankrupt law, and the only issue in this body is whether that repeal shall take immediate effect or whether it shall be postponed to a future day. That question was made some week ago in this body, or more, and since that time I have received resolutions passed by various commercial bodies in Georgia—among them the Board of Trade and Chamber of Commerce of Atlanta—and from other persons, and they have unanimously insisted that the repeal should take effect immediately. I have received no request from any source that the repeal should be postponed until a future day. I am satisfied, as far as my information goes, that there is a general desire, almost a universal desire, in the country that this bankrupt law should be repealed, and repealed at once. I shall therefore vote against all amendments, and shall cast that vote which will give the repeal the most immediate effect.

I will say here that I think the amendments of the House were wholly unnecessary. I think the bill as originally passed by the Senate was ample to accomplish the purpose which it sought to accomplish; but, as the House have put some formal amendments on the bill, I am willing to concur in those amendments simply to avoid the necessity of sending the bill back to the House.

Now, sir, on the general subject I have but one remark to make, and it is this: it has been the scarcity of confidence, more than the scarcity of money, which has produced the financial distress of which we have heard so much during the past few weeks. That confidence has been destroyed not by any one cause, not solely by the legislation of the country, nor by any other one cause; it is attributable to many causes. I believe among those causes which have destroyed the confidence of capital are to be placed the existence and especially the fraudulent administration of this bankrupt law. It has been so administered that it has tended to destroy the confidence of capital; it has prevented the dishonest debtor from getting credit, because it multiplied the opportunities for fraud; it has prevented the honest debtor from getting credit, because it has prevented capitalists from crediting the honest debtor with safety. I shall therefore vote to repeal this bankrupt law, believing that I thereby remove one of the causes which have destroyed that confidence the want of which has produced the distress that is upon this country.

As I said the other day, while I favor a general system of bankruptcy well guarded, after having given the subject the maturest consideration, I am thoroughly satisfied that there is no way to establish a proper system, no way to cure the evils which have grown up under the present system, except by the total repeal, immediate and absolute, of the present bankrupt law.

It would delight me, as was said by the Senator from Maryland, [Mr. WHYTE,] if I could concur with the wishes of our friends from North Carolina; but I believe the postponement of this repeal will not do them the good that they expect from it. I believe, therefore, that we should make a mistake by postponing the repeal in every view of the case; and I ask the friends of repeal to unite and vote down all amendments except the amendments of the House, and let us concur in those amendments solely because it is the speediest way to end this controversy and effect the repeal.

Mr. DAWES. Mr. President, I shall vote against the amendment offered by the Senator from Ohio, [Mr. THURMAN.] I have been of opinion, and so expressed it here when the general subject was before the Senate, that it was very desirable to maintain a system of bankruptcy in every commercial nation, especially in this nation situated as we are composed of very many administrations, subject to different rules and different methods, over all of which the Constitution had given to Congress general jurisdiction upon the subject of bankruptcy. I voted, therefore, the other day to postpone until January the taking effect of this repeal. I did so in the hope—and it was a faint hope—that possibly between now and the taking effect of the repeal there might be such a thing as a more simple and a better system of bankruptcy adopted by the nation; but I do not see what service it can be to the country, in the light in which those who favor such a system of bankruptcy look at the subject, to pass a bill repealing the bankrupt law to take effect in September, in the vacation. We have the certainty of the repeal; we have the loss of all expectation of a modified system or of any system, and we have what? We have uncertainty; we have want of confidence; we have the door open to all there is faulty and wrong and pernicious in the administration of the law, and in the effect of that administration upon the business of the country. So far as the honest bankrupt is concerned, he who is a bankrupt to-day, he has had the opportunity of the discussion upon this repeal to avail himself of the provisions of the law. Those who take the benefit of it between now and September, if it continue, will be either those who become bankrupt between now and then or those who have prepared for the benefit of it. I think, sir, that the business of the country will wait till after the taking effect of this measure; it will postpone that energy and effort and confidence in new business which are so necessary to its revival and to prosperity. If men know that for two or three months the door is open for anybody who may make new contracts to make them with the view or with the hope or with the power of relief from them between now and September, the result will be to delay the revival of confidence, which is so necessary to the inauguration of an era of prosperity.

I therefore think that, if the bankrupt law is to go by the board and we are not to have any national system, it would be better that we have the repeal take effect now than to have the certainty of it two or three months hence; and in that view, while, if I could entertain any reasonable hope or expectation that there could be a proper national system of bankruptcy, I for one would do anything by my vote to bring about such a result, yet as no such result comes from postponing the operation of this bill until the middle of the vacation when the law comes to an end, and as it does not seem to me that the postponement of it now gives those who are at this moment honest bankrupts, desirous of taking the benefit of the act, the opportunity so much as it does give those who are least entitled to the benefits of

it the opportunity to avail themselves of its provisions, I shall vote against any extension of time. If repeal is to take place, let it occur at once.

Mr. McCREERY. Mr. President, to postpone the operation of the pending bill to the 1st day of January next, to my mind, has very much the appearance of no repeal at all. In this view I am sustained by the leading business men of the country, who by letters and by telegrams have communicated their apprehensions to me that the best-established mercantile houses can scarcely withstand another season of trade followed by the usual number of bankruptcies. These are not the groundless fancies of croakers who see danger in everything, but they are the settled convictions of solid and substantial men, who have given reflection to the subject and whose experience and intelligence add force and weight to their opinions.

It has been frequently asked why we are in such a hurry to repeal the bankrupt law. After an uninterrupted existence of eleven years, it would seem that, if it is ever to have an end, the time has come. The longer it lasts the more difficult it will be to fix the period of its termination. If we are to wait until all pending and prospective cases are disposed of it is clear that the law will last forever. There never will be a time in the future when misfortune will not drive some and when the temptations of avarice will not seduce others into bankruptcy. The session of Congress which intervenes before the 1st day of January will afford another opportunity of postponement, and the pretense of necessity will be as pressing then as now.

The opponents of this bill seem to regard it as designed in an especial manner to favor the creditors and to oppress the debtors of the country. They evidently consider it as class legislation, sustaining one interest to the detriment and destruction of another. All their anxieties and all their sympathies gather around the debtor, and the creditor will have to content himself with their neglect or contempt. If it is class legislation, has not one class held undisputed sway for eleven years, and is it not full time, in all fairness, to give the other class a chance for at least as long a period to assert equal rights? Or is it contended that the authority and the power of the Government may be invoked to invalidate and annul a contract, but never for its enforcement? It would require a savage or a brutal nature to turn with perfect indifference from the sufferings of others; but I have as much feeling for the man who, by industry and economy, has earned a dollar as I have for the man who has borrowed and spent it. I have as much sympathy for the toiling millions, who are diligently engaged in cultivating their farms and in educating their families, as I have for the so-called speculators, who are roaming among them, appropriating their productions, and scattering the seeds of distrust and dissatisfaction wherever they go.

Much has been said upon this floor about the advantages and disadvantages of tariffs for revenues and tariffs for protection. Volumes have been written and spoken upon the evils and benefits of contraction and expansion of the currency. Resumption and anti-resumption have been advocated and condemned as the true financial policy; and the increase or modification of taxation upon necessaries and upon luxuries has been considered. The proper adjustment of these questions may afford some measure of relief to the country; but higher than any or all of them together rises the great inquiry as to the best means of restoring confidence among the people. If a few who have been thoughtless and improvident are left without the benefit of the bankrupt law is it not better than that the welfare and prosperity of forty million people should be held in jeopardy, until convenience shall enable the few to seek and obtain their certificates?

Armies, contending in a great cause, have never been stopped on the march because the hoofs of the cavalry or the wheels of the artillery might crush out and destroy the growing grass of the citizens; and should the politician or the statesman stop in the great work of the restoration of confidence and the re-establishment of prosperity simply because a few hundred or a few thousand insolvents or would-be insolvents have not exactly made up their minds whether to pay their debts in money or in bankrupt certificates?

We are enacting laws for the moral and material advancement of forty million people, and if we are loyal to their interests we will not tell them to stand still until every delinquent has been, by due process of law, discharged from his obligations. The legislation of Congress, wise and prudent as it may be, will be utterly powerless for good as long as the bankrupt law exists.

The people are suffering, actually suffering, for money to meet their daily wants and necessities, while there are millions and millions deposited in the banks and not drawing a cent of interest. Why is this? It is because the men who have worked for the money would rather lose the interest than take the hazard of collecting their debts through the judgment of a bankrupt court. No sensible man wants to keep his capital idle; but he is even more opposed to throwing it away.

Repeal the bankrupt law and confidence will gradually revive; money will leave its depositories and seek remunerative investments; labor will find employment; trade and commerce, relieved of the shackles which have paralyzed them, will be invigorated with renewed life. The people inspired by hope and faith will forget their suspicions and distrust in the enjoyment of wide-spread and general prosperity.

Mr. HOAR. Mr. President, this question is certainly one, if there be any such question, which is fit to be discussed and to be determined by the Senate of the United States. It is a question which has been discussed by lawyers, by statesmen, by writers upon the science of politics for generations. It was one of the subjects most extensively discussed before the American people in the age when the national and State constitutions were formed.

The experience of all commercial and civilized nations is agreed that justice, that the interest of trade, that the interest of the people, concur in demanding a principle of legislation which shall insure the division of a debtor's property equally among his creditors, rather than a principle of legislation which provides for the seizure of it by the first creditor who may undertake to collect a debt. I have listened to this debate for the last few days and I can challenge any Senator to point out in any speech which has been addressed to the Senate the statement of a single reason for the refusal to postpone or prolong the operation of the existing law for a few months. We are told what this board of trade thinks and what that company of merchants in some distant city has telegraphed, and we have been told that wide-spread ruin will take place or continue unless the bankrupt law is at once repealed; but not a single argument, not a single topic has been addressed, so far as I know, to the judgment of the Senate which tends in the least to show any connection between this condition of things and the bankrupt law.

We have a costly, clumsy, and incomplete provision for dividing the property of debtors among their creditors when they cannot pay their debts in full; but what Senator can state any reason whatever for the suggestion that the existence of that incomplete provision tends to create commercial ruin or want of commercial confidence, and that the substitution for it at once of a method by which the nearest creditor, the one most in collusion with the debtor, may seize upon the whole property of an insolvent debtor and apply it to his own debt, leaving the other creditors out in the cold, will tend to restore commercial confidence and commercial prosperity? The debtor class, the men who desire this brief opportunity to turn themselves to escape if they can by negotiation or arrangement with their creditors from the necessity of bankruptcy and to save their business interests and their solvency, are not represented in the meetings of merchants in cities or in the meetings of boards of trade.

I have listened carefully, and it is difficult for me to conceive of any reason why this measure, instead of being precipitated instantly upon an unprepared and astonished community, should not take effect at a time a few months or a few weeks in the future. If the postponement until the 1st of January is too long, you may make the time the 1st of September, or the 1st of October, as is proposed by the Senator from Ohio, but it seems to me you cannot put into legislation a more unjust or a more indefensible provision than to say that a country of forty-five million people occupying this great continent, with its diversified interests, with its business interests interlaced, with the relations between different States, the relations of debtor and creditor existing between persons residing thousands of miles apart, shall without notice, as with a clap of thunder from a clear sky, be prohibited from the further operation of a law which divides the property of debtors equally among the creditors, and from this moment the creditor the most alert, the most intimate of the creditors in his connection with the debtor, shall be entitled to seize and secure the whole of the debtor's property for his own purposes.

For these reasons, though acting in obedience to the sense of the interests of my own State I should be prepared to vote for the repeal of the bankrupt law as I have voted for it heretofore in the other branch, because I believe that the present clumsy and imperfect and costly method of its administration is very much worse for the people that I represent than the similar law which stands upon the statute-book of my own State, I am not prepared to inflict upon the American people the gross injustice of abolishing the bankrupt law at a day's notice.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is upon the amendment proposed by the Senator from Ohio [Mr. THURMAN] to the amendment reported from the Committee on the Judiciary, which is to strike out "January" and insert "September," and strike out "nine" and insert "eight."

Mr. SARGENT. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. EATON. Mr. President, one moment. My friend from North Carolina, [Mr. MERRIMON,] who is not now in his seat, and who has just been occupying the chair, told me that he desired to be heard. He left the chair and went out of the Chamber. I desire that the Senate delay taking the vote for a few moments until he shall come in.

Mr. THURMAN. Speak until he comes in.

Mr. EATON. My friend says "speak until he comes in." That is one way to keep the Senate quiet. [Laughter.]

Mr. President, the people whom I in part represent are pretty uniformly in favor of the repeal of this law. So far as I know, I should say seven-eighths of the people of Connecticut are in favor of the repeal of this law. I am in favor of its repeal myself. I will not say that I have not been in favor of its immediate repeal, but under all the circumstances of the case I have concluded to vote for the amendment offered by my friend from Ohio.

I desire to say to certain Senators who suppose that a continuance three months longer of the provisions of this law is to disarrange the

business of creditors, that it is impossible to disarrange it any more than it is now disarranged. I desire to say to those Senators that I think there is nothing in a claim of that character. Here is a great law which for eleven years has held in its grasp the credits of the country. Is it too much to say that upon the repeal of a law of this character we should give to the people of the different communities of States three months' time to set their houses in order?

I have no idea that a repeal of the bankrupt law will revive business. It is absurd, in my judgment, to make a claim of that character. I no more believe it than I believed the coining of a few million dollars would revive business. I am not going into a discussion of that matter; it is not necessary at this time and in this place. I believe that this system ought to be destroyed. It is not necessary for me to say what my opinion is with regard to the necessity of some general bankrupt law, but there is one thing I will venture to say, and that is that no bankrupt law that admits of the voluntary principle will ever receive my vote. It is fatal, in my judgment, to honesty and to honest dealing. The very idea of bankruptcy should be involuntary, and not voluntary. The principle of voluntary bankruptcy, in my judgment, is what has brought the law into disrepute, if possible, more than the expenses attending this system.

I see that I have been able to talk long enough to bring back my friend from North Carolina on the floor. That is the only object I had in view, and therefore I will give way to him.

Mr. MERRIMON. Mr. President, I listened a few moments ago with great interest to the able constitutional argument made by the Senator from Texas, [Mr. MAXEY,] and if the question that he discussed were a new one I might stop to treat his argument with seriousness. It was raised and discussed more than fifty years ago in this body, and the courts have decided, I suppose at least five hundred times, that the existing bankrupt law is and those like it which preceded it were valid under the Constitution of this country. The former laws have embraced most if not all the features that are embraced in the present law, so that the argument which the Senator made upon that point must necessarily go for nothing.

I listened also with infinite pleasure to the elegant diction and finely rounded periods so well delivered of my distinguished friend from Kentucky, [Mr. MCCREERY.] He certainly made a handsome speech. He told us in substance that the present bankrupt law is the substantial evil that is now preying upon the country, and that if we would repeal it in such a way as that it would go forthwith into effect, prosperity and universal happiness would soon again prevail. But, sir, he offered us no facts, no argument, no fact, to sustain this handsome declamation and convince our judgment.

I was struck with a remark made by the Senator from Massachusetts [Mr. HOAR] a moment ago. He said he had listened to this debate for days, and he had heard it said over and over again that if we were to repeal the bankrupt law forthwith prosperity would revive, but he had not heard any one give any reason for the declaration. I join with him in that expression. I have watched this debate with intense interest, and I undertake to say that I have heard no reason offered to sustain the declaration so often made to which he referred first.

Mr. President, I deprecate the tone and temper manifested by some gentlemen who have spoken in favor of the immediate repeal of the bankrupt law. Time after time, in the most declamatory manner, in the most impassioned way, Senators have said, "Let those who favor immediate repeal stand together and vote down every proposition that looks to a postponement of the repeal." That amounts to saying to everybody, "Close your eyes and your ears to facts and argument and act stubbornly and recklessly in the dark." This it seems to me is a vicious way to legislate, and it is unworthy of this body. The Senate ought to be willing to hear and act upon reason and truth even to the last moment. I take the opportunity of telling these honorable Senators that I for one am not frightened from my propriety; that I cannot be driven; that I believe it is worth while to take time to discuss this subject, and let us see the reason of the thing. Let us see and understand the groundwork of, and the consequences to flow from, the action that we are about to take in repealing this important law.

Mr. President, time and time again we have been told that the bankrupt law is a vast machine for the advancement and enforcement of fraud. No one, however, has proceeded by an examination of the law and the ground upon which it rests to establish so grave an imputation as that. I undertake to say that that declaration is unfounded in fact; and I respectfully challenge him who can show to the contrary to do so, not simply to addressing to us empty declamation and impassioned appeals in favor of repeal, but let him adhere to the reason and arguments which can satisfy the mind of a reasonable man that such is the fact. I undertake to say that in my judgment directly the reverse of this is true, and I call upon the Senate to witness whether I submit considerations tending to show that I am correct.

The bankrupt law is founded upon the principle and the policy that an insolvent debtor shall surrender all the property that he has of every kind, and that it shall go to his creditors to be equally distributed among them all, except where valid and honest liens may have been made according to law in favor of particular creditors, and that then the debtor shall be discharged from all further liability. That is the groundwork of the law. Now, it seems to me, looking to the interests of society, the interest of business, the good order of things, the general prosperity of the people, that this is wise and just and proper. Wherever a man has become honestly insolvent, and it is impossible for him to pay his debts, he does that which is wise and just and prudent when he tells all his creditors alike that they may share what he has among them, and every law to enforce such a purpose, it seems to me, is a wise and proper one. It has been so considered in this country and in the most enlightened countries of the civilized world. And hence the several States, in the absence of a general bankrupt law, has each an insolvent law.

That is the purpose of this statute, which has been denounced over and over again. It is said that the law is a loose one; that it is an imperfect one; that it is a dishonest one; that it promotes fraud and benefits nobody. I shall not say that the present bankrupt law is as perfect at it might be. I will not say that it has been as well administered as it might have been; but I will say, that it is not subject to the denunciation that has been heaped upon it in this debate; and I will say further that I believe the errors imputed to it are greatly magnified and for the purpose of precipitating its repeal here. Any one who will examine that law will find that there is no more stringent and exacting law upon our statute-book. Of all the statutes that I am familiar with—and I believe I have a general knowledge of most of our statutes—it is the most exacting, the most penal, the most inquisitorial of all others. It provides, in the first place, that the creditor shall surrender faithfully all the property of any kind that he has; it then provides, that if he shall by any means, directly or indirectly, do any fraudulent or dishonest act with a view to his insolvency; if he shall give a preference to any creditor, or make any conveyance or gift—in the first place, that he shall be deprived of all right to a discharge from liability to his creditors; and, in the next place, that he shall be subject to be indicted in the proper court and, on conviction, punished it may be in the penitentiary at hard labor for three years.

Not only that, but it provides, further, that if any creditor shall collude with him for the purpose of giving preference to any particular creditor, he shall thereby forfeit his debt, and for such a conspiracy, also, that he shall be indicted. These great ends are secured by the most stringent provisions, I repeat, that I have found in any statute upon our statute-books. Not only that, but the higest possible inquisitorial powers are conferred upon the courts in order to enable them to see that all the property of the bankrupt shall pass to his creditors according to the provisions of this law. The bankrupt himself is subject to be examined, not once, not twice, but as often as it may be deemed necessary, with a view to ascertain whether he has perpetrated any fraud. Not only the bankrupt himself but his wife may be examined, his friends may be examined, and his creditors may be examined, from time to time, until his whole assets are revealed and distributed to his creditors; and finally if the bankrupt has been honest in all respects, and only in that case, he then is entitled to a discharge from his creditors, to whom he may be in debt at that time, of every class, but only on that condition. Let any one who will take up the statute read and understand it and he will find the most stringent provisions all tending to these ends.

I ask, then, how is it that this law has wrought such demoralization among the people? If I am any judge of what is desirable to men, I am very sure that they will not willingly submit themselves to a court of bankruptcy, unless they go through it in strict accordance with law. They are subjected to the strictest scrutiny, if the law shall be faithfully executed; they are subjected to high penalties if they do otherwise than as the law directs, and surely when under this stringent law the creditor gets all that his debtor has he ought to be satisfied and let him go and try fortune again.

Without a law of this sort the insolvent debtor becomes a beggar; he becomes the slave of debt and practically the slave of his creditors for the term of his life. He is cut off from every incentive to acquire and accumulate property, he ceases to be useful to society, he becomes desperate and hopeless. Not only is he so, but this terrible condition operates to darken and destroy the hopes and happiness of his whole family and those who are near and dear to him. In that way society loses hundreds and thousands of men who might be otherwise happy and useful. To be the slave of creditors! How terrible to him who can appreciate perfect freedom.

One of the great objects to be accomplished by this law is to advance the interest of society and Government and promote domestic and individual happiness by relieving the honest debtor of burdens of debt greater than he can bear if he will surrender to his creditors all he has. What reasonable motive has government, what can move society to keep a man in such bondage, a slave to his debts and to his creditors? Why should the creditor wish to keep his debtor so enslaved? The debtor in such a case cannot help himself; he is hopeless and becomes desperate. What incentive has he to go forward and acquire property and to accumulate it when the insatiate creditor, with his execution, stands ever ready to take what he may make as fast as he earns it? The incentive is gone in that case and hope and energy are gone with it. This law is essential to the well-being and to the prosperity of society. Its purpose is to free the slave, to restore hope, energy, the spirit of enterprise, and open anew the highway to fortune and happiness. In this way society, government, everybody, may be benefited and no real interest need be impaired.

It is said the law is badly administered. I have heard that over

and over again, but no man has pointed to any case where the assets have been swallowed up by the officers of the courts, by the assignees, or that by the particular creditors they have been wasted and squandered; and if occasionally it has been done, it has been done in great measure because of the neglect of the creditors, that they would not look after their interests as they ought to have done and as the law required they should do if they would be benefited to the fullest extent. I remember a case of note in my own State where a bank became bankrupt. The assignee in that case went on and collected the assets and paid every dollar that the bank owed, involving hundreds of thousands of dollars. I know many cases in my State where the law has been faithfully executed and the creditors realized all that the debtor had, and where it operated beneficially to society in turning industrious and enterprising men loose to begin again a life of energy and industry, when but for the operation of this law such a person would have been a beggar and the slave of his creditors indefinitely, and would have done society no longer any good.

Mr. President, let us inquire a moment what gave rise to the existing law. At the close of the late war the people of the Southern States, particularly, were almost absolutely bankrupt. They had lost all their slave property, they had lost nearly all their personal property, the great bulk of their rights, and credits, and bonds were absolutely destroyed, and they scarcely had the necessaries of life; the whole country was desolated, while the people were overwhelmed with debts that had been contracted before the war began and which were still hanging over them at its end. To pay these debts was in most instances impossible. There was great derangement throughout the North also, created by reason of the fact that thousands and tens of thousands of people had gone into the Army and turned their private business loose to care for itself, and when they returned they found themselves insolvent and in such entanglements as that without the aid of a bankrupt law they would have been embarrassed to a greater or less extent like the southern people. This law was passed for the beneficent purpose of giving relief particularly to the southern people and the northern classes to which I have alluded. I undertake to say that it was a great boon to the southern people. It relieved thousands of people there who otherwise would have been practically slaves to their debts and debtors for life. It helped to lift them up and to inspire them to hope anew. If hundreds and thousands more of men in the South, in their impoverished or ruined condition, had taken the benefit of this law so generously offered to them, in my judgment, the South had this day been the most prosperous portion of the Union. I have no doubt about that. I know that pride of spirit kept many a southern man out of the court of bankruptcy. He said, "My debts are great; they are greater than I can pay; still I will struggle on, I will not resort to this court of bankruptcy; some one will say it is wrong and dishonorable." And indulging in false pride, false notions of that character, those men are this day impoverished and will be while they live, unless they shall yet take advantage of this generous law passed in a large measure for their benefit. It never was dishonest or dishonorable for an honest debtor, overwhelmed by misfortune or misadventure, to give up all he had to his creditors and take a discharge. Having done all he could justice in mercy would ask no more. That is the spirit of our law and the policy of our institutions.

It was a great boon, a great blessing, to the southern people, and a pity it is that more of them did not accept it; and I cannot understand how Senators representing Southern States, representing people who ought to have taken the benefit of this law, can stand up to-day and denounce it as machinery for the perpetration of fraud and outrage upon creditors. It has done vast good all over the South. It has done vast good throughout this country in relieving those men who in the embarrassing times through which we have been and are passing—by it they have been able to get rid of debt that would have kept them down for their life-time and injured their families after they had passed away. I do not doubt that the law has been prostituted; but it is not justly subject to all this denunciation heaped upon it here. It may be imperfect, but point me to a perfect law and one that has not in some way been prostituted. It may be that it has been badly administered, but point me to a law that has been faithfully administered in all respects and at all times and under all circumstances. The law forbids murder, and yet how many murderers escape. The law forbids assault and battery and riot, and yet those who perpetrate these crimes often go on as though there were no law forbidding them. The argument that is good against this law is good against all laws. It amounts to no argument at all. Day after day, and this very day, Senators clamorous for the repeal of the present law admit that a bankrupt law is necessary, and yet not one of these Senators has proposed to amend and correct any defect in the existing one, but propose to leave the country without any such law at all. They shrink from the responsibility of the duty of making this law what it ought to be. They would turn the people loose in the present embarrassed and distressed condition of business throughout the country without any relief to the people by means of a bankrupt law.

One Senator said that this law was passed on account of the evils and embarrassments growing out of the late war, that eleven years had elapsed since it was passed, the war was over, and the time had come, if it ever would come, for its repeal. That Senator was very much mistaken when he said that we had gotten rid of the evils of the war. We are yet emerging, and slowly emerging, from the war. This country is not yet relieved from the business and financial embarrassments growing out of the war. In the slang language of somebody, we have "not reached bottom." It is a great mistake to suppose that we have. Daily the papers are filled with telegrams from the great commercial and manufacturing cities and towns in the Union telling us of failures; not only the merchants are failing day by day, but the plain, honest men, North, South, East, and West, all over the land are failing, with a prospect that at no distant day this country may experience another terrible crash like that which we had in 1873. This is no time to be trifling about this matter. How soon thousands and tens of thousands of the best business men in this country may find it necessary to invoke the benefits of a law like this, no one here to-day is so well informed as that he can undertake to say. The prospect is gloomy, very gloomy. I would it were otherwise.

Upon this point, I beg to read an extract from the speech delivered by the Senator from Indiana [Mr. VOORHEES] the other day, with a view to show the state of the business of the country for the last few months. It is sufficient for me to call the attention of Senators to the failures and the bankruptcies that are reported daily in the papers. I have been struck with the great number. The telegraphic columns of the newspapers tell us only of the more important failures. From half a dozen to a dozen are reported daily and the number not reported nobody can even conjecture. But let me quote from the speech of the Senator from Indiana. He cites authority and it is as accurate as any authority can be under the circumstances. He said:

> Within the last few days I have examined the report of the Mercantile Agency of New York, keeping a record of the business failures of the United States for the first three months of the present year. It contains an appalling exhibition. During the three months of January, February, and March the number of failures is put at thirty-three hundred and fifty-five and the amount of their liabilities at the startling sum of $82,078,826. If we compare that report with the same period of time during the last year we find the liabilities growing out of bankruptcies to be $27,540,856 greater in the first quarter of 1878 than in the first quarter of 1877. A similar comparison with the first quarter of the year 1876 shows the bankrupt liabilities of the country to have increased $17,434,670 from that time to the present.—*Congressional Record*, page 3084.

Yet Senators tell us here, and without citing or stating any facts to sustain the declaration, that this country is in such a condition now as not to require a bankrupt law, that there is no necessity for it, and that to repeal it will restore confidence. What a mockery of the facts! How is the repeal of that law going to restore confidence, as my friend from Connecticut asked a moment ago, and how has the existence of that law served to destroy confidence or to impair it any more than any other law? Suppose it were repealed, what would be done? Under the laws that exist in my State, every debtor there may prefer any creditor he pleases, and I think it is so generally throughout the Union. He may go and sell him all his property, leaving other creditors without a farthing; he may make a mortgage to him excluding everybody else. How natural that the debtor should favor those creditors near him! How natural that he should exclude those creditors—strangers—who live at a distance. Right or wrong, experience shows that debtors will do it. What may the merchants in Baltimore, Philadelphia, New York and Boston expect when men in the desperate straits in which many are placed now are forced into insolvency in Georgia, for example? The debtor, ruined, hopeless, will pay his neighbors and make such terms as he can, and let his foreign creditor go unprovided for. That example not only applies to our State but it applies to every State in the Union. Take the debtor in Missouri: if by the laws of Missouri he may make such preferences, he will certainly do it, and the creditors in the great cities may whistle for their money.

But there is another evil and perhaps a greater than that. Under the insolvent laws of the several States, although the poor debtor may surrender every dollar that he is worth, he gets no discharge from his debtors except so far as the jurisdiction of the State goes. As to the creditor of the North Carolina debtor in New York or Boston or Maryland, at any distance of time within the statute of limitations he may proceed to get his debt notwithstanding the honest debtor has surrendered every dollar and everything on earth that he has.

Will any one longer contend that it is wise in the present embarrassed condition of the country, while we are still emerging from the war, to repeal this law? I am tired of hearing it said that we are out of the war, for we are not. We may as well look the facts in the face. We see its effect everywhere staring us in the face. Even the animosities of the war have not yet passed by. We see manifestations of it constantly throughout the land, in newspapers and among the politicians and everywhere else. We have not even got rid of that yet, much less have we got rid of the business embarrassments growing out of the war. We are told that because some bad and corrupt men have managed to prostitute and avoid the law therefore all the honest men and the good men shall not have the benefit of it. That is a strange sort of reasoning. It is absurd, and it sounds harshly upon the ear that is accustomed to truth and logical fairness.

My colleague and myself have special considerations that move us to oppose the immediate repeal of this law. We realize the fact—sad to us, and it is realized more sensibly by many of our suffering constituents—of the necessity of the prolongation of this bankrupt law. Everybody here knows that the people of North Carolina were for the most part ruined financially at the close of the late war. They are gradually struggling to recuperate their material interests; and I trust they are, though slowly, and that before a great while,

with the help that ought to be extended to them by wise legislation here and in the State, they will again be the proud and happy people that they have been in the past.

But, sir, they still suffer from the embarrassments of the war. Thousands and tens of thousands of people there have only the homestead that was left them under the beneficent provision of the constitution of 1868. That constitution provided that each head of a family should have a homestead in real estate equal in value to a thousand dollars, and that he should also have, exempt from execution, personal property of the value of $500. It was contended that by the Constitution of the United States the convention had no power to exempt this homestead and this personal property exemption from the satisfaction of the creditor's debt when the debt was contracted prior to the adoption of the constitution. The question was made before the supreme court of North Carolina, and that court held that this homestead provision of the constitution did operate retroactively and protected the debtor and his family in their home from old as well as new debts. That court repeatedly reaffirmed that decision, until at last a creditor brought the question to the Supreme Court of the United States, and about twenty days ago the Supreme Court of the United States overruled the decision of the supreme court of North Carolina, whereby hundreds and thousands of creditors were turned loose upon the homesteads of hundreds of people who had but little more than their homesteads. A cry of distress comes to my colleague and myself and to our colleagues in the House daily; hundreds of our constituents fear that they and their families will be turned out of their homes shelterless and homeless.

It would move the hearts of Senators if they could read the letters which come to us, some of which I have received this very day, telling of the distressed condition of the people, their woe and their suffering and their hopelessness. I cannot bring the Senate to realize that the last hope those people have is to invoke the benefit of this bankrupt law. Yet here are Senators representing Southern States, who ought to be able to appreciate the condition of that people, voting against the extension of this law even for a brief while until those debtors with but their homesteads may take advantage of it! That is strange indeed to me. It will sound strangely to my people, that we must look to the stranger for help, for protection, and for relief. I thank heaven that there are strangers who can sympathize with our people in this hour of their calamity!

But it is said by these Senators and by others, "Suppose we were to extend the law until the 1st of January next, it will not bring relief to your people, because the Chief-Justice of the United States made a ruling to the effect, that so much of the bankrupt law as exempted a homestead in the State as against old debts was void, and the act of Congress providing virtually for a homestead in North Carolina which was not provided for in South Carolina and other States, is therefore void." I shall not undertake to say that the Chief-Justice is wrong. I have great respect for the Chief-Justice and for the high office which he fills, but I must call attention, and I do so with the greatest deference to that high officer, to the fact that other judges dissent from his ruling. It is right and proper to say that while he has thus held, there are several decisions the reverse of his decision. More than half a dozen decisions have been made, one of them by Associate Justice Miller, and three or four by circuit and district judges, directly to the reverse of the ruling which the Chief-Justice made in that respect. As this matter is one of moment, let me call the attention of the Senate particularly to the exemption law and then to the ruling which the Chief-Justice has made. The material part of the exemption provision is in these words:

> And such other property as now is, or hereafter shall be, exempted from attachment, or seizure, or levy on execution by the laws of the United States, and such other property not included in the foregoing exceptions as is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount allowed by the constitution and laws of each State, as existing in the year 1871; and such exemptions shall be valid against debts contracted before the adoption and passage of such State constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding. These exceptions shall operate as a limitation upon the conveyance of the property of the bankrupt to his assignee; and in no case shall the property hereby excepted pass to the assignee, or the title of the bankrupt thereto be impaired or affected by any of the provisions of this title; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of the said court.—*Revised Statutes United States*, section 5045.

The Chief-Justice, in a case in Virginia, passed upon the act which I have cited. I read the syllabus of the decision he made. He decided that—

> The amendment to the bankrupt act of March 3, 1873, is unconstitutional, because it destroys the uniformity of the act.—*In re Daniel Deckert*, 10 *National Bankrupty Register*, 1.

Before he made that decision, however, Associate Justice Miller had decided directly the reverse, for he held that—

> The provisions of section 14 of the bankrupt act, adopting the exemptions in favor of execution debtors established by the laws of the several States, does not destroy the uniformity of the bankrupt act nor violate any provisions of the Federal Constitution.—*In re Beckerkord*, 4 *National Bankruptcy Register*, 204.

Mr. WHYTE. May I ask my friend from North Carolina whether that decision of Mr. Justice Miller did not have reference to the act of 1872 and not to the act of 1873?

Mr. MERRIMON. I think it embraced the whole.

Mr. WHYTE. No, sir.

Mr. MERRIMON. I have the reference to it. I think it does. I will not say positively until I look.

Mr. WHYTE. If my friend will allow me, the distinction which is found in the case was this: that Justice Miller only decided that exemption laws in a State which were recognized by the State as constitutional could really prevail as against the bankrupt; but Mr. Chief-Justice Waite decided that where under the State law the exemption was declared to be unconstitutional, then it could not prevail in favor of the bankrupt. That was the distinction, and it grew out of the language of the act of 1873 that Mr. Chief-Justice Waite decided the case upon.

Mr. MERRIMON. On turning to the opinion of Associate Justice Miller—and he was concurred with by the judge then sitting with him, Judge Krekel; there were two judges sitting in that case—I do not see that he cites the date of the statute anywhere upon which he was passing. I cannot stop at this moment to see exactly the words he passed upon, but I have another case here decided after the Chief-Justice made his decision, where the court not only passed upon the words of the act which I have read, but the case in which the Chief-Justice gave his opinion was at the time before the court. I refer to the case *in re* Willis A. Jordan. The register says:

> The amendment of the bankrupt act of March 3, 1873—

That is the statute that I read a moment ago—

> in respect to exempt property is constitutional, and the exemptions allowed by that amendment are valid against debts of the bankrupt, without regard to the time when contracted, whether before or after the amendment, and also against liens by judgment or decree of any State court.

So that you see that the court went the whole length; and now, to let the Senators see that they were cognizant of the decision of the Chief-Justice, I will read an extract:

> This is a question involving the constitutionality of the amendatory bankrupt act of March 3, 1873, and the movers of the objections are prompted by the recent decision of Chief-Justice Waite, *in re* Daniel Deckert, 10 N. B. R., 1.
>
> The constitutionality of this amendment has been sustained by Judge Dick, *in re* Jordan, 8 N. B. R., 180; by Judge Rives, *in re* Kean, Id., 367, and by Judge Erskine, *in re* Smith, *id.*, 401; and the same principle has been sustained by Judges Miller and Krekel, *in re* Beckerkord, 4 N. B. R., 203.

So that here were at least a half dozen judges, having the decision of the Chief-Justice before them, who held that the Chief-Justice erred in his ruling. While I say frankly that I am not prepared to assert that the Chief-Justice is not correct, yet I find in conversation with some of the great lawyers of this body that they are confident that he has erred in his ruling. So that the Federal judges in North Carolina may hold that if the act of Congress is valid this exemption is good.

I do not care now to enter into an argument to show that the Chief-Justice is right or wrong. I present these authorities to show that it may be that every owner of a homestead can be secured by the operation of this law if he shall invoke its benefit. It is a matter of the gravest moment to many persons, and I want them to have the opportunity to revoke the law, if they should see fit to do so.

It is said that the country is clamorous for a repeal of the bankrupt law. Where is the evidence of this? You may look to the memorials that lie upon the table and which are among the files of the Senate, and in my judgment, judging from what I have heard of them, not a thousand men out of the forty-five million of the American people have asked for the repeal. And is it the debtor class, those embarrassed, who are asking for the repeal? No, it is the merchants, the bankers, the creditor class, who are not content to take all that the poor debtor has, as the creditor may do under this law, if he will stand by and see the provisions of the law executed.

It is not true to say that the whole country is wild and clamorous for the repeal of this law. There is no evidence of it. While telegrams have come from day to day manifestly for the purpose of stimulating precipitate action on the proposition to repeal the bankrupt law, day after day my colleague and myself have been receiving the most piteous appeals from many of our constituents, the debtor class, those men who are to feel the weight of the ruin that is to come upon them if this law is to be repealed at once.

Other Senators have received protests against the proposed repeal. The Senator from Illinois [Mr. DAVIS] the other morning read to the Senate a telegram or a private letter, in which one of the greatest and largest merchants in this country, as he represented him to be, protested against the repeal of the law and declared that the country was not in a condition yet to dispense with it. What forty-five million people would say if they were to be consulted on this subject nobody here knows; and I say that it is unworthy of the dignity and the propriety of this great legislative body to be led into precipitate action by telegrams and appeals that come in in this disorderly way, which are at best mere suggestions.

I should be the more ready to act upon these declamatory and impassioned appeals made by Senators for the immediate repeal of this law if they would submit arguments and facts going to show that it had destroyed public and business confidence and that it was calculated to restore that confidence if it should be repealed. But facts are not shown; I take it they cannot be shown. There are complaints against the manner of administering the law. Then, let us make it more efficient. I want more than declamation. I want truth and reason to convince my judgment before I can consent to act as

suggested. When that is done I shall be ready to act upon it; and until that is done I shall not be ready to act upon it.

It is said that if it can be extended until the 1st of September everybody can avail himself of the benefits of this law who may desire to do so. I do not concur in that judgment. I have already adverted to the fact that this country now is in a large sense in a bankrupt condition. There are hundreds and thousands and tens of thousands of men, not in one section only, but in all sections of the Union, that are upon the border of bankruptcy and that are—I repeat what I said before—to become slaves to their creditors for life unless they shall be allowed to avail themselves of the benefit of a bankrupt law, whereby they can be freed from their creditors, not dishonestly as Senators say, but honestly, according to the provisions of this stringent law. In my State, if the Senate in its generosity is disposed to benefit our people, the time to the 1st of September will be very short. Many of those people have but their homesteads, and it will trouble them more or less to get the money necessary to pay the reasonable costs of the bankrupt court, and many of them live remote from the courts and from the railroads and the news will reach them slowly that this is the last hope they have. This is the only protection that stands between them and hopeless despair and beggary for themselves and their little ones. I trust, therefore, that the time will be extended as long as possible if the Senate and Congress be resolved that the law shall be repealed.

Then, I say, in the first place, to summarize the points I have made, that this law is not the iniquitous law that it is represented to be. It has not produced the demoralization that has been attributed to it. The repeal of it will not revive confidence, as has been said. In the next place, I have pointed to the necessity for the passage of this law shortly after the war. I have called attention to the fact that the war and its embarrassing consequences are not over in a business sense; that the business interests of this country are not yet settled, and from present indications are not likely to be settled for some time to come. We are slowly emerging from the war and its consequences. It is not yet over, and we cannot say when it will be over. And this law is essential until that time shall come. If every Senator would vote on the subject as he feels, I think he would say that a permanent bankrupt law is essential to the business of the country.

In the next place I have pointed to the lamentable condition of thousands of the people of my own State, in support of the proposition to extend the time when this law is to be repealed. I have shown that the condition of the country at this time proves that precipitate action may be very ruinous and that reasonable opportunity will not be extended particularly to the people of North Carolina to avail themselves of it. The business disorders in all parts of the country are threatening and alarming, and he is unwise who will not take note of the signs of the times. I beg pardon for having seemed to speak warmly on this subject. I feel warmly upon it. This law stands between a large portion of the people whom I in part represent and absolute ruin and beggary. So I fear. I feel anxious for these distressed people and wish to do all I can properly for their relief and benefit. I trust the proposition to repeal the law at once will not prevail.

Mr. WHYTE. Mr. President, I do not propose to make a speech; but I can hardly let the view presented by my friend from North Carolina go unchallenged in regard to the decision of Chief-Justice Waite. The opinion which the Senator read is the opinion of a register in bankruptcy who speaks——

Mr. MERRIMON. Why, Mr. President, my friend must see that the judge adopted his opinion as his own.

Mr. WHYTE. Yes; the judge says:

> The opinion of Register Murray is correct.

And this is what Register Murray says of the Chief-Justice, and I will show that his decision has no reference whatever to the ground upon which the Chief-Justice's opinion went:

> When we reflect that the two Houses of Congress, many members of each being well versed in our Constitution and laws, have given this amendment their approval and that it has been examined and sustained by this array of legal talent, we should be slow to throw aside that theory which has been approved and acted on for seven years—

This opinion was delivered in 1874, construing an act passed in 1873, and he speaks of it as an opinion which has prevailed for seven years—

> that theory which has been approved and acted on for seven years to adopt a new one advanced by one justice, and he a new man in the position he occupies.

That is the opinion of Mr. Alexander G. Murray, which the judge of the district court passes as correct.

This opinion proceeds upon the theory of the old State act of 1864 and the act of 1872; that is to say, it simply recognizes that there can be uniformity under the bankrupt law so far as the exemptions in the various States are concerned, provided those exemptions are recognized in the States by the courts of the States as constitutional in themselves. That was the distinction Chief-Justice Waite made, and that is the difficulty in regard to the exemption in the constitution of North Carolina. All these decisions to which my friend from North Carolina has referred are based upon the act of 1864 or the act of 1872, and have no reference to this act of 1873, which, being construed by Chief-Justice Waite, is thus explained: for instance, where the highest court of the State or where the Supreme Court of the United States, reviewing the decision of the highest court of the State, determines that a law or a clause in the constitution of a State exempting certain property is unconstitutional and void, then the act of 1873 cannot give effect to that law which the State courts or the Supreme Court of the United States reversing the State courts have determined to be unconstitutional. It is too plain for a lawyer to dispute. If the State courts recognize the constitutional exemption to be operative, then the exemption is good and then there is sufficient uniformity, though it differ in the various States as regards the amount or the quality of the exemption; but if the law or the clause of the constitution is pronounced to be unconstitutional and void, as impairing the obligation of contracts, either by the State courts or by the Supreme Court of the United States reviewing the action of the State courts, then the exemption falls and no act of Congress can make that constitutional which the State courts or the Supreme Court of the United States have declared to be unconstitutional.

Why it is too plain for a lawyer to argue about. That was the distinction of Chief-Justice Waite, and there is the difference between it and the decision referred to by my friend from North Carolina. Here is their difficulty: since these very decisions that clause in the constitution of North Carolina, which up to the decision of the Supreme Court in the last three weeks had been recognized by the inferior tribunals, had been approved by the supreme court of North Carolina, stood as the law of that State; and so standing as the law of that State, the bankrupt law gave effect to it; but recently, by this decision of the Supreme Court of the United States, the action of the supreme court of North Carolina has been reversed, and the Supreme Court of the United States has said that that exemption is unconstitutional and void; and I claim, therefore, that the act of 1873 cannot make that constitutional in a State which the Supreme Court of the United States has declared to be unconstitutional and void. That is the whole of it.

Mr. MERRIMON. Mr. President, I cannot consent that the remarks of my friend from Maryland shall go unanswered, for he has clearly misapprehended the facts of the case that he has just been commenting on. Let us see what the Chief-Justice decided. By the constitution of North Carolina a homestead of the value of $1,000 is exempt from execution, and personal property to the amount of $500 is also exempt from execution. The supreme court of North Carolina held that that provision of the constitution operated retroactively, and that property was not subject to the satisfaction of debts contracted prior to that time. It came to the Supreme Court of the United States by appeal, and the Supreme Court of the United States reversed that decision. The Chief-Justice had a case in Virginia on the circuit, that presented the question as to whether the act of Congress—for there is no question about the purpose of the act of Congress—whether so much of the act of Congress as allowed a homestead exemption according to the State law was valid. The Chief-Justice said it was not valid, and for the reason that Congress undertook by the provision that we both refer to to provide a homestead in Virginia not allowed by the laws of Virginia. He held that that provision of the act of Congress was void on the ground that it provided a homestead for Virginia that it did not provide for South Carolina and Georgia and other States.

Mr. THURMAN. I only rise to express the hope that we may now come to a vote. Of course I do not mean by making this remark to intimate that the observations of any Senator on the bill would be unacceptable to the Senate; but it is now past three o'clock and there may be several votes on the yeas and nays before we dispose of this bill, and I trust we may come to a vote.

Mr. MERRIMON. I am not through with my explanation.

Mr. THURMAN. I beg pardon; I thought the Senator was through.

Mr. MERRIMON. I was not. I want to call the attention of the Senate to the facts of the Georgia case to show that it was on all fours with the case before the Chief-Justice:

> On the 12th day of June, 1873, Willis A. Jordan filed his voluntary petition in bankruptcy, annexing thereto a schedule of his debts and assets, and in schedule B, 5, claimed to have exempt to him, in addition to necessary household and kitchen furniture and other articles and necessaries, to an amount not exceeding $500, personal property to the value of $1,000 in specie and real estate to the value of $2,000 in specie.
>
> To this claim of the bankrupt, S. B. McWilliams and William S. Heronton except, and each alleges that his debt against the bankrupt was contracted in the year 1860, when the homestead allowed by the laws of Georgia was fifty acres of land, and five acres additional for each child under sixteen years of age, and object to the setting apart of any other or greater homestead than that allowed by law when his debt was contracted, they contending that any law allowing a greater homestead than the one allowed by law at the date of their contract, which was long anterior to the adoption of the constitution and laws of Georgia, under which this large homestead is claimed, is, as to their debts, unconstitutional and void. These facts are not controverted.

So that the facts of this Georgia case show that it was exactly in point of principle and fact the very case that the Chief-Justice passed upon in Virginia. See further what the register says in his opinion, which was adopted by the judge:

> This is a question involving the constitutionality of the amendatory bankrupt act of March 3, 1873, and the movers of the objections are prompted by the recent decision of Chief-Justice Waite *in re* Daniel Deckert, 10 N. B. R., 1.

How can my friend, then, say that the very same point was not then passed upon? And not only that; the register goes on to cite half a dozen other decisions. For my friend's benefit I will call attention to them again:

> The constitutionality of this amendment has been sustained by Judge Dick, *in re* Jordan, 8 N. B. R., 180; by Judge Rives, *in re* Kean, *id.*, 367, and by Judge Er-

skine, *in re* Smith, *id*, 401; and the same principle has been sustained by Judges Miller and Krekel, *in re* Beckerkord, 4 N. B. R., 203.

How is it possible that my friend can say they did not pass upon that law when it is plain that they had the decision of the Chief-Justice before them, and absolutely reversed his decision so far as they had power to do it? Then my friend sticks in the bark by saying that was the decision of a register. So it was; but the judge adopted the opinion of the register as his, and it is as much his as if he had written every word of it.

I have nothing further to say.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment of the Committee on the Judiciary, which will be stated.

The CHIEF CLERK. The amendment is to strike out of the amendment of the Committee on the Judiciary "January" and insert "September," and strike out "nine" and insert "eight;" so as to read:

Which shall be on the 1st day of September, A. D. 1878.

Mr. DAVIS, of Illinois. I shall vote for the amendment of the Senator from Ohio because I am afraid no other time can be carried. I am in favor of the longest time, the 1st of January, but, being afraid I cannot get that, I shall vote for this.

The Secretary proceeded to call the roll.

Mr. DAVIS, of Illinois, (when Mr. ALLISON'S name was called.) I am requested to state that the Senator from Iowa [Mr. ALLISON] is paired on this subject with the Senator from Kansas, [Mr. PLUMB.] The Senator from Iowa, if present, would vote "yea."

Mr. RANSOM, (when Mr. BAYARD'S name was called.) I am authorized to say that the Senator from Delaware [Mr. BAYARD] is paired on this question with the Senator from Alabama, [Mr. MORGAN.] The Senator from Delaware, if here, would vote "yea" and the Senator from Alabama would vote "nay."

Mr. DAVIS, of Illinois, (when Mr. EDMUNDS'S name was called.) The Senator from Vermont [Mr. EDMUNDS] is paired on this subject with the Senator from Michigan, [Mr. CHRISTIANCY.] The Senator from Vermont would vote "yea" and the Senator from Michigan "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Iowa, [Mr. ALLISON.] If he were present, I should vote "nay."

Mr. WADLEIGH, (when his name was called.) I am paired upon this bill with the Senator from Maine, [Mr. BLAINE,] who is in favor of the repeal of the bankrupt law, but also in favor of having the repeal take effect on the 1st of January next. As I do not know how he would vote on this particular question I shall refrain from voting.

I will also state that my colleague [Mr. ROLLINS] is paired with the Senator from Colorado, [Mr. CHAFFEE.] My colleague occupies the same position that I do.

The call of the roll was concluded.

Mr. RANDOLPH. My colleague [Mr. MCPHERSON] is detained at home by illness. He is in favor of the immediate repeal of the bankrupt bill. I have telegrams from him requesting that this statement be made.

Mr. COKE. I am paired with the Senator from Mississippi, [Mr. LAMAR,] who, if present, would vote "yea" and I should vote "nay."

Mr. BOOTH. On this question I am paired with the Senator from Maine, [Mr. HAMLIN.] He is opposed to the bill and I am in favor of it. I do not know how he would vote on this amendment, and I refrain from voting.

Mr. MITCHELL. I observe at this moment that the Senator from Pennsylvania [Mr. WALLACE] is not in his seat. He kindly paired with me yesterday for yesterday, requesting that I should pair with him to-day in case he was not here. I had not observed that he was not here until this moment. He is in favor of the immediate repeal of the law, and I should prefer to make it take effect on the 1st of January. I shall not vote.

Mr. INGALLS, (after having voted in the affirmative.) The junior Senator from Rhode Island [Mr. BURNSIDE] when he left the Chamber last evening requested me to pair with him upon this question and cognate questions. I understood from him that the pair was to extend only for yesterday; but I am informed by his colleague that the Senator from Rhode Island understood the pair to continue on this bill; and rather than have any misunderstanding I withdraw my vote.

The PRESIDING OFFICER. The Chair hears no objection to the withdrawal.

The result was announced—yeas 27, nays 20; as follows:

YEAS—27.

Bailey,	Eaton,	Jones of Florida,	Ransom,
Barnum,	Eustis,	Kirkwood,	Sargent,
Bruce,	Ferry,	McMillan,	Saulsbury,
Butler,	Gordon,	Matthews,	Spencer,
Davis of Illinois,	Grover,	Merrimon,	Thurman,
Davis of W. Va.,	Hoar,	Patterson,	Windom.
Dorsey,	Johnston,	Randolph,	

NAYS—20.

Anthony,	Dawes,	Kernan,	Oglesby,
Beck,	Garland,	McCreery,	Saunders,
Cameron of Wis.,	Harris,	McDonald,	Voorhees,
Cockrell,	Hill,	Maxey,	Whyte.
Conkling,	Howe,	Morrill,	Withers.

ABSENT—29.

Allison,	Christiancy,	Jones of Nevada,	Rollins,
Armstrong,	Coke,	Kellogg,	Sharon,
Bayard,	Conover,	Lamar,	Teller,
Blaine,	Dennis,	McPherson,	Wadleigh,
Booth,	Edmunds,	Mitchell,	Wallace.
Burnside,	Hamlin,	Morgan,	
Cameron of Pa.,	Hereford,	Paddock,	
Chaffee,	Ingalls,	Plumb,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. BECK. The Senator from Ohio has perfected his text, and now I ask for a vote on the amendment I offered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky, to strike out the words which have just been amended——

Mr. EATON. That cannot be done. It is contrary to an express principle of parliamentary law. When shall we ever get through? When shall we perfect the bill?

The PRESIDING OFFICER. The amendment of the Senator from Kentucky will be reported.

The CHIEF CLERK. The amendment of the Senator from Kentucky is to strike out the words "on the 1st day of September, A. D. 1878," and insert "from and after the passage of this act."

Mr. BECK. I beg pardon; that is not my amendment. The amendment was to strike out the words "on the 1st day of January, A. D. 1879," and insert "from and after its passage."

Mr. EATON. The words are out already; they are not there.

Mr. BECK. I beg pardon; they have not been stricken out.

Mr. THURMAN. Mr. President——

Mr. BECK. I desire to be heard a moment. The Senator from Ohio was told by the Chair that he could not amend my amendment, but he claimed the privilege of correcting the text before my amendment was voted upon. He did not move to strike out "on the 1st day of January, A. D., 1879," but he moved to insert "September" in place of "January," and "eight" instead of "nine," striking out only two words, which purported to be a correction of the text. I had moved to strike out the whole of the words in parenthesis, beginning with the word "on," namely: "on the 1st day of January, A. D., 1879," and to insert in lieu of them the words "from and after its passage."

The PRESIDENT *pro tempore*. The question is on the motion to strike out and insert.

Mr. BECK. I was claiming the right to have a vote upon that, because the only ground on which the motion of the Senator from Ohio took precedence of mine, it being admitted that he could not amend my amendment——

The PRESIDENT *pro tempore*. There is no question that the motion is in order.

Mr. THURMAN. I make the point of order, and I ask the indulgence of the Senate for one moment. The motion made by the Senator from Kentucky is no longer a motion that can be entertained. He moved to strike out the word "January" and the word "nine," with divers other words. The word "January" and the word "nine" are not there any longer. He has now to submit a new motion, and that is to strike out the clause as it now stands, and then he is met by the imperative rule that he cannot move to strike out that which the Senate has inserted. If there is anything plainer than that, I should like to know it.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Kentucky to have moved to strike out a certain date which the Senate at a subsequent period has changed. The Senator from Kentucky modifies his motion, as the Chair understands, to strike out the time inserted by the Senate and substitute other words, which he has a right to do.

The question is on the amendment proposed by the Senator from Kentucky.

Mr. SAULSBURY. Has he a right, after the Senate has expressed its judgment by its deliberate vote that the law shall take effect on the 1st of September, now to modify his motion so as to reverse the deliberately expressed judgment of the Senate?

The PRESIDENT *pro tempore*. The Chair will state that any Senator has a right to move to strike out and insert other words. The proposition of the Senator from Kentucky was to strike out certain words and insert other words. It is true a change has been made in the words he originally proposed to strike out, but he has a right to move to strike out those changed words, provided he moves to insert others. If it was simply a motion to strike out, it could not be done, because the Senate by a previous vote had agreed to insert the words. The motion is not divisible. Therefore the Chair has to put it as submitted by the Senator from Kentucky.

Mr. WITHERS. The judgment of the Senate has been expressed as between January and September, but has never been expressed as between September and the immediate passage of the bill.

Mr. THURMAN. Let us have the yeas and nays that we may have the sense of the Senate.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky, [Mr. BECK,] to strike out the clause and

insert what he proposes, which will be read by the Secretary so that it may be understood perfectly.

The CHIEF CLERK. The amendment is to strike out "on the first day of September, A. D. 1878," and insert "from and after its passage."

The Secretary proceeded to call the roll.

Mr. RANSOM, (when Mr. BAYARD's name was called.) On this question the Senator from Delaware [Mr. BAYARD] is paired with the Senator from Alabama, [Mr. MORGAN.] The Senator from Delaware, if here, would vote "nay" and the Senator from Alabama would vote "yea."

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. HAMLIN.] If he were here, he would vote "nay" and I should vote "yea."

Mr. DAVIS, of Illinois, (when Mr. EDMUNDS's name was called.) The Senator from Vermont [Mr. EDMUNDS] is paired on this and all cognate questions with the Senator from Michigan, [Mr. CHRISTIANCY.]

Mr. MITCHELL, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were here, he would vote "yea" and I should vote "nay." He is in favor of the immediate repeal of this law.

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, he would vote "yea" and I should vote "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Iowa, [Mr. ALLISON.] If he were present, I should vote "yea."

Mr. ROLLINS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were present, I should vote "yea" and he would vote "nay."

Mr. WADLEIGH, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. BLAINE.] If he were present, he would vote against the amendment and I should vote for it.

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were present, he would vote "nay" and I should vote "yea."

Mr. DAVIS, of West Virginia. My colleague, Mr. HEREFORD, is paired with the Senator from Colorado, Mr. TELLER. I do not know how either of them would vote on this amendment; but I was requested to announce the pair.

The result was announced—yeas 22, nays 24; as follows:

YEAS—22.

Anthony,	Garland,	Kernan,	Randolph,
Bailey,	Harris,	Maxey,	Voorhees,
Beck,	Hill,	McCreery,	Whyte,
Cameron of Wis.,	Howe,	McDonald,	Withers.
Cockrell,	Johnston,	Morrill,	
Dawes,	Kellogg,	Oglesby,	

NAYS—24.

Barnum,	Dorsey,	Jones of Florida,	Ransom,
Bruce,	Eaton,	Kirkwood,	Sargent,
Butler,	Eustis,	Matthews,	Saulsbury,
Conover,	Ferry,	McMillan,	Spencer,
Davis of Illinois,	Grover,	Merrimon,	Thurman,
Davis of W. Va.,	Hoar,	Patterson,	Windom.

ABSENT—30.

Allison,	Christiancy,	Ingalls,	Rollins,
Armstrong,	Coke,	Jones of Nevada,	Saunders,
Bayard,	Conkling,	Lamar,	Sharon,
Blaine,	Dennis,	McPherson,	Teller,
Booth,	Edmunds,	Mitchell,	Wadleigh,
Burnside,	Gordon,	Morgan,	Wallace.
Cameron of Pa.,	Hamlin,	Paddock,	
Chaffee,	Hereford,	Plumb,	

So the amendment of Mr. BECK was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on the Judiciary, as amended, to the second House amendment. The second House amendment is to insert after the word "therein" the words "and all penal actions or criminal proceedings arising thereunder." The amendment of the Committee on the Judiciary, as amended, is to substitute therefor the following:

And in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurred, under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors (except the right of commencing original proceedings in bankruptcy,) and all rights of, and suits by, or against assignees, under any or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect (which shall be on the 1st day of September, A. D. 1878) or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day.

Mr. WHYTE and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. I wish to say a single word. I fear if this bill is sent back to the House there will be great danger that we shall not have the law repealed at September or any other time. I believe the bill as the House amended it protects every right that ought to be protected, and I hope those in favor of repealing the bankrupt law will vote down the Judiciary Committee amendments. I said yesterday that I believed we ought to vote down the amendment of the Judiciary Committee, and every other amendment, and let the bill become a law when it passes this body and is signed by the President, and not have it all summer going back and forth as it has been.

Mr. DAVIS, of Illinois. The friends of the repeal of this law tried to perfect it in the House; the Judiciary Committee did not try to perfect it here at all until it was sent to them this last time. Two or three of us were opposed to its repeal. The bill is perfected now so that if it is to go into operation it should go into operation with proper saving clauses. I think it would be very wrong to pass it without adopting the committee's amendment.

The PRESIDENT *pro tempore*. The question is on the committee's amendment, as amended, to the House amendment.

Mr. DAVIS, of Illinois. I would say in reply to the Senator from New York that unless this saving clause is adopted there will be more litigation than there would be under the bankrupt law.

Mr. HILL. The bill was just as perfect when it went from this body and is as perfect now as it can be made. I do not think the amendment of the House changes it one particle; but I am willing to vote for the amendment of the House because it saves the necessity of sending the bill back, and thereby hazarding it. I say now, after having carefully examined it, that I believe the bill as originally passed by this body is perfect and complete and covers everything that the amendment proposed by the Judiciary Committee covers.

Mr. KERNAN. It certainly does, with the House amendment.

Mr. MERRIMON. I trust these rallying appeals, just as we are coming to a vote, will not prevail.

Mr. KERNAN. After the very warm appeal of my friend this morning he might allow some of us to say one word very coolly.

The Secretary proceeded to call the roll.

Mr. DAVIS, of Illinois, (when Mr. ALLISON's name was called.) The Senator from Iowa [Mr. ALLISON] would vote "yea" if here; but he is paired with the Senator from Kansas, [Mr. PLUMB,] who would vote "nay."

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. HAMLIN.]

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] If he were here, he would vote "nay" and I should vote "yea."

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, he would vote "nay" and I should vote "nay."

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Colorado [Mr. CHAFFEE] on the question of time only. I hardly know whether I ought to vote upon this motion or not.

Mr. DAVIS, of Illinois. Of course not. The time is the very question. This is a question of time. It is the very point of the whole thing.

Mr. ROLLINS. I shall withhold my vote.

Mr. WADLEIGH, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. BLAINE.] If he were present, he would vote against the motion and I should vote for it.

The roll-call was concluded.

Mr. COKE. I wish to state that I am paired with the Senator from Mississippi, Mr. LAMAR.

Mr. MORGAN. I am paired with the Senator from Delaware, Mr. BAYARD.

The result was announced—yeas 26, nays 21; as follows:

YEAS—26.

Barnum,	Eaton,	Kirkwood,	Sargent,
Bruce,	Eustis,	McMillan,	Saulsbury,
Butler,	Ferry,	Matthews,	Spencer,
Conover,	Gordon,	Merrimon,	Thurman,
Davis of Illinois,	Grover,	Morrill,	Windom.
Davis of W. Va.,	Hoar,	Patterson,	
Dorsey,	Jones of Florida,	Ransom,	

NAYS—21.

Anthony,	Garland,	Kernan,	Voorhees,
Bailey,	Harris,	McCreery,	Whyte,
Beck,	Hill,	McDonald,	Withers.
Cameron of Wis.,	Howe,	Maxey,	
Cockrell,	Johnston,	Oglesby,	
Dawes,	Kellogg,	Randolph,	

ABSENT—29.

Allison,	Christiancy,	Jones of Nevada,	Saunders,
Armstrong,	Coke,	Lamar,	Sharon,
Bayard,	Conkling,	McPherson,	Teller,
Blaine,	Dennis,	Mitchell,	Wadleigh,
Booth,	Edmunds,	Morgan,	Wallace.
Burnside,	Hamlin,	Paddock,	
Cameron of Pa.,	Hereford,	Plumb,	
Chaffee,	Ingalls,	Rollins,	

So the amendment of the Committee on the Judiciary, as amended, to the House amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on concurring in the second amendment of the House as amended by the Senate.

The amendment, as amended, was concurred in.

The PRESIDENT *pro tempore*. The bill is disposed of so far as the Senate is concerned.

EXECUTIVE COMMUNICATIONS.

Mr. MATTHEWS. I move that the Senate do now adjourn until Monday next.

Mr. SARGENT and others. Let us have an executive session.

Mr. McMILLAN. There is a communication upon the President's desk which I ask may be read.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, recommending an appropriation for the construction of a bridge across the Mississippi River at or near Fort Snelling, and the granting of the right of way for a public highway through the reservation; which was, on motion of Mr. McMILLAN, referred to the Committee on Military Affairs, and ordered to be printed.

ADJOURNMENT TO MONDAY.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. MATTHEWS] moves that the Senate adjourn to Monday next.

Mr. HOWE. Will not the Senator from Ohio withdraw that motion to allow a short executive session?

Mr. DAVIS, of West Virginia. I understand the motion is that when the Senate adjourns it be to meet on Monday next.

Mr. MATTHEWS. No, it is a present motion to adjourn.

The PRESIDENT *pro tempore*. The motion is that the Senate do now adjourn until Monday next.

Mr. DAVIS, of West Virginia. Some of us want an executive session.

Mr. WHYTE. I move to amend, that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. SARGENT. I move that the Senate proceed to the consideration of the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1878, and for other purposes, in order that it may be the unfinished business for Monday.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HOWE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 27, noes 16; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 10, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

JOHN G. MAXWELL.

Mr. DURHAM. I am directed by the Committee on Appropriations to report back the petition of John G. Maxwell, late marshal of the district of Utah, and ask that the committee be discharged from its further consideration and that the same be referred to the Committee of Claims.

The motion was agreed to.

COMPENSATION OF UNITED STATES ATTORNEYS.

Mr. DURHAM, from the Committee on Expenditures in the Department of Justice, by unanimous consent, reported a bill (H. R. No. 4789) fixing the compensation of United States attorneys, and for other purposes; which was read a first and second time, ordered to be printed and recommitted to the committee, not to be brought back on a motion to reconsider.

RETURN OF DUTIES.

Mr. WOOD, by unanimous consent, introduced a bill (H. R. No. 4790) to provide for the return of duties erroneously paid under protest, out of the permanent appropriation, as provided by law; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

NAVAL CONTRACTS.

Mr. WILLIS, of New York, from the Committee on Expenditures in the Navy Department, submitted a report accompanied by the following resolutions:

Resolved, That the Committee on Appropriations be, and hereby is, instructed to report an appropriation in the sum of $3,217,738.76, or so much thereof as may be necessary, to enable the Secretary of the Navy to pay the claims mentioned, to the respective parties named hereinbefore.

Resolved, That the Secretary of the Navy be, and he hereby is, instructed to cancel contracts dated March 3, 1877, with Phineas Burgess, for completion of Monadnock, $695,000; with William Cramp & Sons, for completion of Terror, $578,000; with John Roach, for completion of Puritan, $1,417,642; also contracts with the South Boston Iron Company, dated respectively March 7 and 10, 1877, for construction of boilers, for the sum of $331,621.09; together amounting to the sum of $3,600,263.09.

Mr. PAGE, from the same committee, presented the views of the minority proposing to amend the second resolution of the majority by striking out the word "cancel" before the word "contracts," and to insert in lieu thereof the words "examine certain;" so that it shall read "that the Secretary of the Navy be, and he hereby is, instructed to examine certain contracts," &c.; also, to add to the resolution the words "and on being satisfied that the same are with responsible parties and for proper prices to confirm and carry out the same."

Mr. WILLIS, of New York. I move that the report of the majority, together with the views of the minority, be printed and made a special order for the 25th of May.

Mr. HALE. Is that assented to by the minority of the committee?

Mr. PAGE. I will say in reply to the gentleman from Maine, [Mr. HALE,] that the minority have not consulted together in reference to that matter, but it is important that this subject should be discussed before the deficiency appropriation bill is reported to and acted upon by the House.

Mr. WILLIS, of New York. I ask that it be made a special order for the 25th of May, not to interfere with the reports from the Committee on Appropriations and the Committee of Ways and Means.

Mr. WHITTHORNE. I desire to state that I reserve for myself the right to offer a resolution in lieu of the first resolution reported by the majority.

There being no objection, the reports were received, ordered to be printed, and made a special order for the 25th of May, not to interfere with the reports from the Committee on Appropriations and the Committee of Ways and Means.

Mr. WILLIS, of New York, moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNNELL. I ask unanimous consent to introduce a bill to be acted upon at the present time.

Mr. MILLS. I think I must call for the regular order.

Mr. DUNNELL. I think there will be no objection to this bill when read.

Mr. MILLS. I desire to offer a joint resolution for reference.

The SPEAKER. The Chair will recognize gentlemen for the introduction of bills and joint resolutions for reference.

TENTS, ETC., FOR TEXAN TROOPS.

Mr. MILLS, by unanimous consent, reported a joint resolution (H. R. No. 177) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. B. M'CARTHY.

Mr. LANDERS, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay out of the contingent fund of the House of Representatives the sum of $180 to John B. McCarthy, for services rendered as clerk to the select committee investigating the public commissioners of the District of Columbia during the second session of the Forty-fourth Congress, in accordance with the resolution of the House passed March 3, 1877.

GEORGE W. MILLER.

Mr. BROWNE, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of the House of Representatives be, and he hereby is, authorized and directed to pay to George W. Miller, of the District of Columbia, out of the contingent fund of the House of Representatives, the sum of $52, for services rendered the House as a laborer from April 5, 1878, to April 30, 1878, inclusive.

EMPLOYÉS IN THE DEPARTMENTS.

Mr. REED, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That in addition to the information called for by the resolution of this House of the 1st instant, the officers therein named be requested to furnish this House with a list of the names of the persons in the service of the respective Departments who have at any time been in the military or naval service of the United States; stating when the present service of such persons commenced, and also the names and commencement of service of orphans and widows of persons at any time in such military and naval service who are now in the employ of said Departments.

AUTOMATIC GAS-MACHINE.

Mr. KIMMEL, by unanimous consent, submitted the following resolution, which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the architect of the Capitol be, and he is hereby, authorized and directed to facilitate the adjustment of Palmer's carburetter and automatic gas-machine to the gas-pipe by which the Capitol is supplied: *Provided*, That neither injury nor expense shall thereby accrue to the United States, and that the owners of said gas-machine pledge themselves to remove the same upon the demand of the architect.

SOUTH FARALLON ISLANDS, CALIFORNIA.

Mr. KENNA, by unanimous consent, from the Committee on Commerce, reported back the bill (H. R. No. 2145) to appropriate money for the establishment of a fog-bell and steam-whistle on South Farallon Islands, California; and the same was referred to the Committee on Appropriations.

ROBERT J. OWENS.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 4791) granting a pension to Robert J. Owens, Company D, Second District of Columbia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTESTS UNDER HOMESTEAD AND PRE-EMPTION LAWS.

Mr. DUNNELL. I ask unanimous consent that the Committee on Public Lands be discharged from the further consideration of the bill (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States, and that the bill be now considered by the House.

The bill was read. It provides that the notices of contest now provided by law under the homestead, pre-emption, and tree-culture laws of the United States shall, after the passage of this act, be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land.

Mr. DUNNELL. This bill has the unanimous sanction of the Committee on Public Lands, and is in the interest of settlers.

There being no objection, the Committee on Public Lands was discharged from the further consideration of the bill, which was thereupon ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRANSFER OF INDIAN BUREAU.

Mr. SCALES. I desire to announce that on Tuesday next I will call up the bill for the transfer of the Indian Bureau.

PAY OF HOUSE CLOAK-ROOM EMPLOYÉS.

Mr. CRAVENS. I ask unanimous consent to report for present consideration a resolution from the Committee on Civil-Service Reform.

The Clerk read the resolution as follows:

Resolved, That ten laborers, known as cloak room men, of the House of Representatives, who clean the Hall of the House daily, are entitled to pay as laborers from the 16th of December last, and that they be paid as such; that hereafter eight laborers only be employed as session laborers on the roll of the Doorkeeper of the House to perform said labor, and that they be paid at the same rate as other session laborers.

There being no objection, the resolution was considered and agreed to.

Mr. CRAVENS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES W. COMBS.

Mr. CRAVENS. I ask unanimous consent to report from the same committee for present consideration a resolution relative to an employé in the folding-room.

The Clerk read the resolution, as follows:

Resolved, That Charles W. Combs has been employed in the folding-room of the House as document messenger since the 1st day of January last, and has performed necessary and valuable service; that said Combs be paid for such service hitherto at the rate of $100 per month, and that he be paid hereafter for the remainder of the current fiscal year upon the roll of the folding-room of the House at the rate of $1,200 per annum.

Mr. ATKINS. I desire to ask how this person came to be employed. By what authority was he employed?

Mr. CRAVENS. By resolution of the House, I think.

Mr. ATKINS. The gentleman says he "thinks" it was by resolution of the House. Does he know there was a resolution of the House? I move the reference of the resolution to the Committee of Accounts.

Mr. ROBERTS. I hope that will not be done, because the resolution has already been considered by the Committee of Accounts, partially considered by the House, then referred to the Committee on Civil-Service Reform, by whom it has been considered, and is now reported back. I hope the House will act on it favorably.

Mr. ATKINS. I ask the gentlemen who reports this resolution how this individual came to be employed. Who employed him? By what authority was he employed, by resolution of the House or according to law or how?

Mr. BREWER. I object to the consideration of the resolution. Let all cases of this kind come in together.

AMENDMENT OF RULES.

Mr. GARFIELD. I rise to present from the Committee on Rules the report which I send to the desk.

The Clerk read as follows:

Amend Rule 151: after word "report," in last line, insert "bills or resolutions touching the revenue or public debt at any time, and other bills."

Amend Rule 119: after the words "appropriation bills," in the second line, insert "or bills touching the revenue or public debt, and no others."

Mr. GARFIELD. These two propositions are parts of the same general amendment to the rules, and I will state briefly their purpose. As the practice has grown up we have found that the House was being cumbered with special orders, and under the present construction of the rule it can be so cumbered in that way as to mortgage altogether all its available time. The amendment here proposed allows the Committee on Appropriations to report, as they now do, general appropriation bills and have them made special orders by a majority vote. It also allows to bills from the Committee of Ways and Means having relation to taxation and the public debt the same position. This has in fact been the practice hitherto, though not in accordance with the exact letter of the rule. Then we add the words "and no other bills." In other words, after allowing appropriation bills and bills touching the public revenue and the public debt to be reported at any time and made special orders by a majority vote of the House, the rule then excludes all other bills from the same privilege, so that it will require a suspension of the rules to make any other bill than those named a special order. Of course if any committee obtains authority to report at any time, that will carry with it the right of consideration when reported. I have stated, I believe, all there is in the report just submitted.

Mr. PHILLIPS. Had not this proposition better lie over till it can be examined by the House?

Mr. GARFIELD. If gentlemen will open their Digest of Rules I think they will see precisely the effect of the amendment.

The SPEAKER. The Chair suggests that the rule, as it will read if amended, be read by the Clerk.

Mr. GARFIELD. I ask the Clerk to read, from page 139 of the Manual, Rule 151 as it will read with the amendment we propose.

The Clerk read as follows:

Amend Rule 151 as follows:

After the word "report," in the last line, insert "bills or resolutions touching the revenue or public debt at any time and other bills;" so, if amended, it will read:

151. It shall be the duty of the Committee of Ways and Means to take into consideration all reports of the Treasury Department, and such other propositions relative to raising revenue and providing ways and means for the support of the Government as shall be presented or shall come in question, and be referred to them by the House, and to report their opinion thereon by bill or otherwise, as to them shall seem expedient; and said committee shall have leave to report bills or resolutions touching the revenue or public debt at any time, and other bills for commitment at any time.

Mr. GARFIELD. The House will see that the only amendment here is in the last line. Literally construed the rule now reads the Committee of Ways and Means shall have power to report for commitment only. This continues their power for commitment generally on other matters, but upon bills touching the revenue or public debt they may report for consideration, or, as will be seen in the next rule, for making a special order. Of course this cannot affect the tariff bill now, because it is already in its place, but it would affect a bill for refunding the public debt, or a bill making any change in the order of the public debt. It is a subject naturally and properly under this privilege, as the committee believe. Let the Clerk read again the last two lines of the rule as amended.

The Clerk read as follows:

And said committee shall have leave to report bills or resolutions touching the revenue or public debt at any time, and other bills for commitment at any time.

Mr. CONGER. That would give them the privilege of reporting simple House resolutions at any time they deemed it expedient.

Mr. GARFIELD. I am not sure but that should be joint resolutions. I think it would perhaps enable the committee to report any resolution of the House. If there be no objection I will ask the word "joint" be put before the word "resolutions," so it will not refer to mere House resolutions.

Mr. WOOD. The gentleman has made the House understand the only change proposed by the Committee on Rules is simply to give to the Committee of Ways and Means the same right to report upon those particular questions, the revenue and public debt, at any time.

Mr. GARFIELD. That is what I have said.

Mr. WOOD. That is all. If the gentleman makes it a joint resolution or bill he will see that he will deprive the committee of the privilege of reporting on propositions of the House.

The SPEAKER. The word "bills" embraces joint resolutions.

Mr. GARFIELD. It is true, but the point raised by the gentleman from Michigan is that the word "resolutions" might be construed to allow political resolutions on any subject not in the nature of bills which are to go to the Senate, but in the mere nature of House resolutions.

Mr. WOOD. It is not intended by this amendment to have any effect on any measure already reported from the Committee of Ways and Means.

Mr. GARFIELD. I have already stated that.

Mr. WOOD. I only desire to disarm the apprehension of gentlemen who think this will affect any existing bill before the House or in the Committee of the Whole.

Mr. CONGER. The gentleman from New York could report a new tariff bill in twenty-four hours.

Mr. WOOD. Then it would be for the House to dispose of.

Mr. CONGER. I know that.

Mr. GARFIELD. I yield now to the gentleman from Kansas for a question.

Mr. PHILLIPS. I wish simply to ask the gentleman from Ohio, as this is a rule to limit and restrict the powers of this House, that he allow it to lie over for the present, to be printed and to give us one or two days to consider it. I hope the House will not act on it until it is perfectly understood.

Mr. GARFIELD. It is plain I have no choice but to press its consideration.

Mr. CONGER. I think it is so plain that with the power already given to the Committee on Appropriations—that it is so plain if we give this power to this Committee of Ways and Means they can take away whatever this House has not left to itself.

Mr. PHILLIPS. That is what I think.

Mr. CONGER. I think so, too.

Mr. PHILLIPS. It should be carefully disposed of.

Mr. CONGER. I think it should be laid over until members see what will be its effect.

Mr. GARFIELD. I yield to the gentleman from Illinois.

Mr. MORRISON. I desire to make an inquiry of the gentleman from Ohio to see if I understand the probable effect of this rule. As the rule now stands, if the Committee of Ways and Means report a bill to reduce taxes on tobacco that will go to the Committee of the Whole on the state of the Union for consideration. And if they reported a bill to suspend the sinking fund that must go to the Committee of the Whole and take its chances for consideration under the rules during this session. But with the rule amended as is now proposed, they can report to-morrow a bill for the reduction of the tobacco tax and to suspend the sinking fund; it must be immediately considered. Would that be the effect of it?

Mr. GARFIELD. I answer the gentleman distinctly, no. This does not affect the rule that requires any bill touching the revenue or appropriations to go to the Committee of the Whole. That point would be just as well taken under the new rule as it can be now. It does not affect that at all. If gentlemen will look at Rule 119, page 122, which it is also proposed to amend to make it conform to this change of rule, it will be seen we propose to put bills for raising the revenue and for the management of the public debt in precisely the same category as the general appropriation bills. So that a bill to take money out of the Treasury shall have no more right of consideration than a bill to put money into the Treasury. A bill to pay out the money we think ought to be put upon the same ground and stand in the same category of rights as a bill to put money into the Treasury, and no more. But both these classes of bills, those making appropriations and those touching the public revenue, must have their first consideration in the Committee of the Whole. Another rule, which I will report when this is disposed of, goes to the extent of saying that when the Senate puts on an appropriation not germane to a bill sent to them, making an appropriation entirely independent, that must go to the Committee of the Whole here, if the point is made, so as further to protect the rights of the House in all things touching the receipt or payment of money.

Now the further great object is to say that we limit to these two classes of bills alone the power to be assigned as special orders at any time so that they may have the preference in the power of the majority to control them. The point the gentleman from Illinois makes is not affected at all by this change of the rule.

Mr. MORRISON. Only to this extent, that when the committee report a bill they may, instead of its going to the Committee of the Whole, set it for a hearing.

Mr. GARFIELD. Oh, no. If they should set it for a hearing, whenever it comes up it can still, on the point being made by a single member, be sent to the Committee of the Whole, on the ground that it contains an appropriation that makes a change in the revenue laws. The bill remains subject to that point whether it is made a special order or not. We do not touch that; and I agree most heartily with the gentleman from Illinois that we should not touch that.

The SPEAKER. It is not understood as interfering with the right of a single member to make the point that the bill shall have its first consideration in Committee of the Whole.

Mr. GARFIELD. Oh, no; any member making the point can send it to the Committee of the Whole.

Mr. MORRISON. Then, as explained by the gentleman from Ohio, the proposed change of rule does not mean much.

Mr. CONGER. I ask that the amendment reported by the Committee on Rules may be printed, that we may understand it, and let it come up at some other time. I desire also to ask the Chair whether the committee has the right to make this report. As I understand, this subject has not been referred to them.

The SPEAKER. All the rules are referred to the Committee on Rules, under the resolution constituting the committee.

Mr. GARFIELD. I yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. It has been ruled by the Speaker that a committee entitled to report can report a resolution making a bill a special order in Committee of the Whole. During previous Congresses I think, as members will recollect, the Committee of Ways and Means reporting revenue bills usually accompanied the reports with a motion to set those bills as special orders for consideration. Such were the motions that Mr. Schenck and Mr. DAWES made when they occupied the position of chairman of the Committee of Ways and Means. Now it is thought, as I understand, by the gentleman from Ohio, best that the right to be assigned as special orders in the House should be confined to those bills that affect the revenue: the raising of revenue, the putting money into the Treasury or taking money out, or affecting the receipts that are to go into the Treasury; in short, that bills of that class from the Committee of Ways and Means should be put into the same category with bills from the Committee on Appropriations. That is the extent of this amendment of the rules authorizing these bills, and these only, to be reported for consideration.

Now, the Committee of Ways and Means, when it is called, can report any bill of the class that has been mentioned under its general authority to report at any time; but a bill so reported would necessarily go to the Committee of the Whole. Any bill that it reports goes under the rule to the Committee of the Whole. If this resolution is adopted, any bill that affects the revenue, on which the point of order is made, would also go to the Committee of the Whole. This would not change the rule in that respect. But a subsequent amendment which, as I understand the gentleman from Ohio, he proposes to report, would provide that the bill reported might by the order of the majority of the House be made the special order for consideration, reserving to it all the rights of the House and all the privileges that belong to the House in the consideration of such bills in Committee of the Whole. The whole subject is then under the control of a majority of the House; and whatever the majority of the House desires in regard to giving precedence to any bill under the resolution, it can do and not be subject to the will of a single member as to putting the bill in a place where it could not be considered.

Mr. GARFIELD. I yield now to the gentleman from Texas, [Mr. MILLS.]

Mr. CONGER. I ask for the reading of Rule 145.

Mr. MILLS. I believe I have the floor.

Mr. CONGER. I claim that this proposition to change the rules cannot be considered to-day, but must lie over one day, according to Rule 145.

Mr. MILLS. While the Chair is examining that question I desire to say that during the four or five years that I have been in this House I have been reminded day by day that the net-work that the rules of the House throw around members obstructs the transaction of the public business. Cushing in his work on Parliamentary Law in the last sentence of the book, which he emphasizes by putting it in capitals, says that the general rule to be observed by parliamentary assemblies is to expedite and facilitate legislation.

Now, our rules are made to obstruct legislation. One member can make a point of order and prevent the majority from executing the public will. It seems to me that every rule made heretofore has had the effect to throw some impediment in the way of the House in discharging the duties devolving upon it. We ought to have the whole code of rules revised. I have talked to a number of members on this subject and I find that the general opinion is in favor of such revision. Why not have a committee to sit during the vacation or during the sessions of the House, to so revise the rules as to make it possible that a majority of the House may control the business of the House?

The SPEAKER. The Chair would state that the Committee on Rules are at this time, and have been for some time past, engaged in that work.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. No. 3987) to regulate the advertising of mail-lettings.

The message further announced that the Senate had passed a joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy, for extinguishing a fire on a powder-ship; in which the concurrence of the House was requested.

The message further announced that the Senate had passed a bill (S. No. 1016) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868; in which the concurrence of the House was requested.

AMENDMENT OF THE RULES.

Mr. MILLS. Now, Mr. Speaker, under the rules as they now are it requires almost unanimous consent to do anything. The Speaker cannot lay the message just transmitted to the House from the Senate before the House if a solitary member objects. He has to wait until the morning hour expires and may have to wait until by some chance a majority of the House agree to go to business on the Speaker's table or else he must appeal for the unanimous consent of the House to lay before the House the business that comes to the House.

I was put in an awkward position yesterday in having to object to the Speaker laying executive communications before the House in order to reach a measure in which my constituents are interested on the Speaker's table. Under the present rules a single objection sends a message from the Senate to the foot of the Calendar, where it may perhaps not be reached. I have a bill which was reported unanimously to the House, which is to-day upon the Calendar, but it cannot be reached under your rules. Four-fifths of the House cannot pass any measure, if there be one solitary objector. The rules require revision. I agree with the gentleman from Michigan [Mr. CONGER] that this matter had better be laid over and the proposed amendment to the rules printed, so that we may see the effect of the rule. The first thing we do when Congress organizes is for some old member to get up and move that the old net-work of rules that has tied the hands of former Congresses be adopted, and in a moment it is done,

and then you cannot get out of it. You cannot bring any matter before the House and a majority of the House is unable to carry out the will of the people.

Mr. GARFIELD resumed the floor.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] desired to raise a question of order.

Mr. GARFIELD. I desire to make a single suggestion only.

The SPEAKER. The Chair would like to meet the point of order which the gentleman from Michigan makes.

Mr. CONGER. I make the point of order under Rule 145, first paragraph.

The SPEAKER. The Clerk will read that portion of the rule.

The Clerk read that portion of the rule, as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor.

The SPEAKER. The practice has grown up that the Committee on Rules shall have leave to report at any time, and that practically comes from the following resolutions usually offered at the beginning of each Congress, and which were offered at the beginning of this Congress. The Clerk will read from the Journal.

The Clerk read as follows:

Mr. WOOD, as a question of privilege, submitted the following resolutions; which were read, considered, and agreed to, namely:

Resolved, That the rules of the House of Representatives of the Forty-fourth Congress shall be the rules of the House of Representatives until otherwise ordered.

Resolved further, That a committee of five, to consist of the Speaker and four members, to be named by him, be appointed, to whom shall be referred the rules of the House, and who shall be authorized to report at any time such amendments on the revision of the same as they may think proper.

The SPEAKER. Gentlemen will see that the Committee on Rules, under these resolutions of the House, have a right to report at any time on the revision of the rules. The other rule, to which the gentleman from Michigan has referred, would seem to prevent the precipitation of a change of the rules of the House by any single member.

Mr. CONGER. The committee may report at any time, it is true; but it would seem that the rule which has been read would apply to that report and that it must lie over for one day.

The SPEAKER. The right to report carries with it the right to consider, of course.

Mr. CONGER. I thought not; with this rule still unchanged, still a rule of the House.

The SPEAKER. The Chair thinks that the Committee on Rules, having been charged with the revision of the rules, have uniformly been allowed to report at any time.

Mr. CONGER. Then I raise the question of consideration now.

Mr. GARFIELD. It is too late to do that now, for the matter has already been discussed. I have no disposition to force hasty action upon this matter, and several gentlemen have asked me that the report be made together with an additional rule which we propose to report and printed together. I would say that I believe that what we have done is for the wise and judicious conduct of the business of the House.

Mr. CONGER. When will the gentleman call it up?

Mr. GARFIELD. Perhaps to-morrow.

Mr. CONGER. Will these rules be printed in the RECORD?

The SPEAKER. They will be printed in the RECORD?

Mr. GARFIELD. I now ask for the reading of the other rule which we propose to report.

The Clerk read as follows:

To be appended to Rule 112.

All bills originating in the Senate, appropriating money, land, or property of the United States, shall have their first consideration in the Committee of the Whole House on the state of the Union or the Committee of the Whole House, and all amendments made to House bills not germane to the subject-matters contained therein as originally passed by the House, shall in like manner have their first consideration in the Committee of the Whole House on the state of the Union or the Committee of the Whole House.

Mr. GARFIELD. I will mention that the journal clerk has prepared a report giving the history of this rule and I ask that that be printed in connection with the proposed rules.

The SPEAKER. The report will also be printed in the RECORD.

It is as follows:

The Committee on Rules, to whom were referred the rules of the House with leave to report at any time such amendments as they may think proper, having had the same under consideration, report the following amendments, namely:

Amend Rule 112 as follows, namely: after the word "made," in line 4, insert the following, namely: "or releasing alleged indebtedness to the Government."

This amendment is necessary in order that bills of a private nature may be subject to a uniform rule of consideration, which is not at present the case. Bills proposing to release disbursing officers of the Government from indebtedness or responsibility on account of the loss by defalcation or otherwise of subordinates under the rules and practice are not required to be "first discussed in a Committee of the Whole Hous ," as your committee believe they should be, and this amendment establishes a common rule of proceeding with relation to all private bills "touching appropriations of money."

Your committee propose the following amendment to Rule 112, as an additional paragraph, namely:

All bills originating in the Senate appropriating money, land, or property of the United States shall have their first consideration in the Committee of the Whole House on the state of the Union, or the Committee of the Whole House; and all amendments made to House bills not germane to the subject-matters contained therein as originally passed by the House, shall in like manner have their first consideration in the Committee of the Whole House on the state of the Union or the Committee of the Whole House.

Rule 112 was substantially adopted November 13, 1794, and was as follows, namely: "All proceedings touching appropriations of money shall be first moved and discussed in a Committee of the Whole House." December 17, 1805, the word "moved" was stricken out, and January 13, 1874, the rule was amended by adding the following, namely:

After the word "money," where it first occurs, insert: "and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made."

While your committee are of opinion that the proper construction of the rule requires that Senate bills making appropriations of money or property or requiring such appropriations to be made or authorizing payments out of appropriations already made shall, upon the demand of a member, be referred to the Committee of the Whole House on the state of the Union or the Committee of the Whole House, as the case may be, your committee believe the rule should be made specific, distinct, and positive.

Your committee believe that amendments of the Senate to House bills, where not germane to the bill as it originally left the House, where such amendments involve appropriations of money or property or require such appropriations to be made or authorizing payments out of appropriations already made, should also be considered in the Committee of the Whole House on the state of the Union or the Committee of the Whole House.

Your committee further report the following amendment to Rule 119, namely:

After the words "appropriation bills," in the second clause, insert "or bills touching the revenue or public debt, and no others."

Also to amend Rule 151 as follows, namely:

After the word "report," in last line, insert "bills or resolutions touching the revenue or public debt at any time, and other bills."

The effect of these latter amendments is to give to the Committee of Ways and Means the same powers and privileges possessed by the Committee on Appropriations with respect to appropriation bills. Your committee are of opinion that no good reason can be urged against conferring upon the committee charged with the duty of "reporting propositions relative to raising revenue and providing for the support of the Government" the same privileges conferred upon the committee charged with the duty of reporting bills for the disbursement of the public money for carrying on the several departments of the Government, and accordingly report the said amendments with the recommendation that the same be adopted.

Mr. BRIGHT. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour commences at twenty minutes to twelve o'clock.

Mr. PHILLIPS. The RECORD will be printed to-morrow and members will not have time to consider the effect of these new rules, and I ask the gentleman from Ohio not to call them up to-morrow, but some day next week.

Mr. GARFIELD. I will not call up the report until members have had an opportunity of examining it.

The SPEAKER. There is no necessity for haste about it.

ARMS FOR THE TERRITORIES.

Mr. BANNING. I ask the gentleman from Tennessee to yield for a moment that I may ask the House to pass upon a joint resolution (H. R. No. 153) providing for the issue of arms to Territories. The resolution has been unanimously agreed to by the Committee on Military Affairs, and is recommended by the Secretary of War at the request of the governor of Idaho.

Mr. GARFIELD. I understand that in the arsenals there are only about five thousand guns of approved patterns, and if we are going to give them away we shall leave ourselves unarmed.

Mr. BANNING. The arms proposed to be given by this resolution are arms that will not be used for army purposes.

Mr. GARFIELD. It does not propose to give away our improved Springfield muskets?

Mr. BANNING. Oh, no; these are arms which would not be further used in the Army. I am instructed to report this joint resolution with an amendment.

The joint resolution was read, as follows:

That the Secretary of War is hereby authorized to cause to be issued to each of the Territories of the United States (in addition to arms and ammunition the issue of which has been heretofore provided for) such arms as he may deem necessary, and ammunition for the same not to exceed fifty ball-cartridges for each arm: *Provided*, That such issue shall be only from arms owned by the Government of the United States which have been superseded and no longer issued to the Army: *And provided further*, That said arms shall be issued only in the following manner, and upon the following conditions, namely: upon the requisition of the governors of said Territories showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within or of Indian raids into such Territories.

The amendment reported by the committee was to insert after the word "arms" the words "not to exceed one thousand in number."

Mr. BANNING. My colleague from Ohio will observe that these are arms which have been superseded and not to be used by the Army.

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AWARD OF THE MEXICAN CONVENTION.

Mr. BRIGHT. I yield to the gentleman from West Virginia [Mr. WILSON] to ask the reference of a bill upon the Speaker's table.

Mr. WILSON. I ask unanimous consent to take from the Speaker's table a bill from the Senate, No. 1016, to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, on the 4th day of July, 1868.

Mr. MILLS. I object.

The SPEAKER. The morning hour begins at six minutes to twelve o'clock, and to-day being Friday, reports of a private character are in order, and the call rests with the Committee on Invalid Pensions.

CALVIN HALSTEAD.

Mr. RIDDLE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4792) granting a pension to Calvin Halstead, minor child of Calvin Halstead, deceased, late private in Company G, Fourth Tennessee Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

NATHAN UDELL.

Mr. RIDDLE also, from the same committee, reported back, with a recommendation that it do pass, the bill (H. R. No. 698) granting a pension to Nathan Udell; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

JAMES MAHEW.

Mr. WALSH, from the same committee, reported, as a substitute for the bill H. R. No. 2977, a bill (H. R. No. 4793) granting a pension to James Mahew, late a private in the Twenty-third Battery of Indiana Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

PETER YARNELL.

Mr. WALSH, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4794) granting a pension to Peter Yarnell, late private in Company D, Twelfth West Virginia Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

CAROLINE M. EGBERT.

Mr. WALSH also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 547) granting a pension to Caroline M. Egbert; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

DENNIS M'GINNIS.

Mr. MACKEY, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1994) granting a pension to Dennis McGinnis; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

SARAH HOUSTON.

Mr. MACKEY also, from the same committee, reported adversely upon the petition of Sarah Houston, widow of Robert Houston, late lieutenant in Company G, Sixty-third Pennsylvania Volunteers, praying for a pension, and the same was laid on the table, and the report ordered to be printed.

JOHN B. GILLISPIE.

Mr. MACKEY also, from the same committee, reported adversely upon the petition of John B. Gillispie for a pension, and the same was laid on the table, and the report ordered to be printed.

Mr. MACKEY. I have a report of a public nature which I would like to present to the House.

The SPEAKER. That is not in order except by unanimous consent.

Mr. EDEN. I object to the reporting of public bills under this call.

OSCAR B. KNOTT.

Mr. JOYCE, from the Committee on Invalid Pensions, reported back, with an amendment, the bill (H. R. No. 892) granting a pension to Oscar B. Knott, late a private of Company K, One hundred and sixty-first Regiment Ohio Volunteer Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ANN CORNELIA LANMAN.

Mr. JOYCE also, from the same committee, reported, as a substitute for House bill No. 3053, a bill (H. R. No. 4795) granting a pension to Ann Cornelia Lanman; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY B. MARSH.

Mr. JOYCE. I am instructed by the Committee on Invalid Pensions to report back, with a favorable recommendation, Senate bill No. 930, granting a pension to Mary B. Marsh, and to ask that it be considered at this time. It is the unanimous report of the committee.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Marsh, widow of W. R. Marsh, late surgeon Second Regiment Iowa Infantry.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JOYCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH BRATTON.

Mr. METCALFE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4796) granting a pension to Joseph Bratton; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH WARD.

Mr. METCALFE also, from the same committee, reported back, with an amendment, the bill (H. R. No. 3150) granting a pension to Joseph Ward; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL C. PUTNAM.

Mr. METCALFE also, from the same committee, reported back, with an amendment, the bill (H. R. No. 585) for the relief of Daniel C. Putnam; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DISMAL SWAMP COMPANY.

Mr. CABELL. As I expect to be absent when the Committee on Railways and Canals will be next called for bills of a public character, I ask consent to report at this time, for reference to the Committee of the Whole on the Public Calendar, a bill to aid the Dismal Swamp Company in improving their canal. I will say that it is in contemplation to present a minority report, and I ask consent that it be printed with the majority report.

There being no objection, the bill (H. R. No. 4797) was received, read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying reports, ordered to be printed.

LABORERS ON FOX RIVER IMPROVEMENT, WISCONSIN.

Mr. SOUTHARD, from the Committee on Education and Labor, reported back, with a favorable recommendation, the bill (H. R. No. 4327) for the relief of certain laborers employed upon Government works.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War of the United States is hereby authorized and directed to pay to the laborers who worked upon the Government improvements upon the Fox River, in the State of Wisconsin, under or employed by Day, Call & Co., (or subcontractors under them,) late contractors with the Government in the improvement of the Lower Fox River, in the State of Wisconsin, the amount due each of such laborers, respectively, for work, labor, and services by them done and performed, respectively, upon and about said improvements as aforesaid, out of and from any moneys actually earned by said Day, Call & Co., (or subcontractors under them,) under their said contract with the Government, or for work done and materials furnished by said Day, Call & Co., (or subcontractors under them,) and which have not been paid for by the Government and which may be withheld by the Government from the said Day, Call & Co. on their said contract as a forfeiture or otherwise: *Provided, however*, That if the amount thereof is not sufficient to pay in full the amount due to such laborers, respectively, then to pay said laborers *pro rata*. Such payments may be made after giving notice four weeks successively in some newspaper published in the county of Outagamie, Wisconsin, for such laborers to present and prove their claims: *It is further provided*, That such payments be made in the State of Wisconsin by and through some engineer officer of the United States, designated by the Secretary of War.

Mr. EDEN. If there is a report accompanying the bill, I ask that it be read.

The report was read, as follows:

The Committee on Education and Labor, to whom was referred House bill No. 4327, "for the relief of certain laborers employed upon Government works," reports as follows: That in 1875 the Government let a contract to Day, Call, & Co., to do certain work on the improvement of the Lower Fox River in the State of Wisconsin; that on or about the 20th of November, 1875, the said Day, Call & Co. failed, and were put in bankruptcy. At the time of such failure they were largely indebted to the laborers in their employ for work actually done on such Government works. At the time said Day, Call & Co. were put in bankruptcy there was unpaid then by the Government for work by them done, and materials by them furnished, the sum of $7,135.01. The same being 10 per cent. kept back by the Government on their contract, by the terms thereof, as security. The same has never been paid in whole or in part.

Major D. C. Houston, of the United States Engineer Corps, then and now in charge of said Government works, in an official communication relative thereto, to Brigadier-General A. A. Humphreys, Chief of Engineers United States Army, of date, June 27, 1876, (a copy of which is hereto attached,) says: "Sum earned by and due the contractors at the time they made default was $7,135.01, none of which has since been paid. As near as I can judge, this will nearly, if not quite, pay the amounts due the laborers and mechanics. These petitioners are poor men, dependent for support upon their daily labor.

"Owing to the misconduct of the contractors, who are now bankrupt, for a large amount, they were deprived of their just dues. They simply ask that the amount forfeited by the contractors and which they earned may be applied, as far as it will go, in paying their just dues.

"They do not ask the Government to appropriate any more money, but that money actually earned may be paid to them, or, in other words, that the amount forfeited by the contractors for work actually performed by them may be paid them.

"This reasonable request I would urgently recommend to the favorable consideration of the committee."

This bill provides that the Secretary of War pay to the said laborers the amount due them respectively out of the said money so earned and unpaid, and if the same is not sufficient to pay them in full then they be paid *pro rata*.

These laborers having actually performed the work, and the Government enjoyed the benefit thereof, and the bill providing for the payment only of the amount earned and unpaid for by the Government, the committee are of the opinion that justice and equity demand that the said sum so earned and unpaid be paid over to said laborers as provided in said bill, and therefore recommend the passage of the same.

UNITED STATES ENGINEER OFFICE,
Milwaukee, Wisconsin, June 2, 1876.

GENERAL: I have the honor to report, in compliance with your letter of the 18th ultimo, inclosing letter from the United States Senate Committee on Claims, that immediately on its receipt I called upon the late contractors, L. J. & J. Day and T. W. Call, for a statement of amounts due by them to employés under their contracts on the Fox River improvement, and have received no response from them, though I have written them twice.

This was, as I supposed, the only way to obtain the information desired, as we had no record of their affairs. The United States commissioner in bankruptcy

has, however, promised me the amounts due, which I will forward as soon as received. The other information called for by the committee is as follows: Sum earned by and due the contractors at the time they made default was $7,135.01, none of which has since been paid, (see inclosed statement in detail.) As near as I can judge this will nearly if not quite, pay the amounts due the laborers and mechanics. I know of no other information which would be of service to the committee.

These petitioners are poor men, dependent for a support on their daily labor. Owing to the misconduct of the contractors, who are now bankrupt for a large amount, they were deprived of their just dues. They simply ask that the amount forfeited by the contractors, and which they earned, may be applied, as far as it will go, in payment of their just dues.

They do not ask the Government to appropriate any more money, but that money actually earned may be paid to them; in other words, that the amount forfeited by the contractors for work actually performed by them (the petitioners) may be paid them.

This reasonable request I would urgently recommend to the favorable consideration of the committee.

The letter from the clerk of the committee is herewith returned.

I am, general, very respectfully, your obedient servant,

D. C. HOUSTON,
Major of Engineers.

Brigadier-General A. A. HUMPHREYS,
Chief of Engineers, United States Army, Washington, D. C.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SOUTHARD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MUTILATION AND DEBASEMENT OF UNITED STATES COIN.

Mr. MAISH. I am instructed by the Committee on Coinage, Weights, and Measures to report a bill in reference to the mutilation and debasement of United States coin.

The SPEAKER. That is a public bill and not in order during this call, except by unanimous consent.

Mr. EDEN. I object to public bills.

THOMAS A. WESTON.

Mr. VANCE. I am directed by the Committee on Patents to report back, with an amendment, House bill No. 314 to confirm the term, for the period of seventeen years from the date of its original grant, of the patent of Thomas A. Weston. I desire that that bill shall now be considered, or rather I will ask consent to take from the Speaker's table and consider at this time Senate bill No. 148, which is the same as the House bill and has been informally considered by the Committee on Patents.

Mr. JONES, of Ohio. I object to that.

Mr. VANCE. Then I ask that the Senate bill be taken from the Speaker's table and referred to the Committee on Patents.

Mr. MILLS. I object to taking any bill from the Speaker's table out of its regular order.

Mr. VANCE. Then I ask that this House bill No. 314 be considered at this time.

The bill was read, as follows:

Be it enacted, &c., That the patent for improvement in pulleys, No. 67470, granted to Thomas A. Weston, August 6, 1867, for the term of seventeen years from that date, and reissued No 4971, July 9, 1872, shall be deemed to be, and the same is hereby declared to be, in full force and effect for the term of seven en years from the date of its original grant, namely, August 6, 1867, according to the terms expressed in said original grant.

The amendment reported from the committee was to add to the bill the following:

Provided, That no one shall be held liable for any infringement of the patent during the period from the date of its lapse to the passage of this act, or for the use or sale hereafter of any specific devices embracing the patented invention made within that period.

Mr. VANCE. There is a report accompanying this bill, but I can explain it in a few minutes, unless gentlemen prefer to have the report read.

Mr. KEIFER. Should not this bill go to the Committee of the Whole on the Private Calendar?

Mr. VANCE. It does not take any money out of the Treasury.

Mr. Speaker, if there be no objection, I will explain the bill. I can do so in a few words.

Mr. KEIFER. I make the point that this bill should go to the Committee of the Whole on the Private Calendar.

The SPEAKER. Under what requirement of the rule?

Mr. KEIFER. It is a private bill and ought to be considered in Committee of the Whole; it cannot be considered properly in the morning hour.

The SPEAKER. The Chair thinks the bill is not subject to a point of order. It appropriates neither money, land, nor any other property of the Government.

Mr. BEEBE. Can it be considered now without unanimous consent?

The SPEAKER. Undoubtedly.

Mr. KEIFER. Then I insist on the reading of the report.

The Clerk read the report, as follows:

The Committee on Patents, to whom was referred House bill No. 314, to confirm the term, for the period of seventeen years from the date of its original grant, of the patent of Thomas A. Weston, No 67470, granted August 6, 1867, and reissued No. 4971 July 9, 1872, hereby report that it appears satisfactorily before the committee that Mr. Weston had made his invention in the year 1859 and filed a caveat for its protection in the United States Patent Office. In the same year he took out a patent for it in England. In 1860 he renewed his caveat, and in 1861, while it remained in force and while he was lawfully entitled to notice of any conflicting application for patent that might be filed, an application was filed, and without notice to Weston, and in disregard of his caveat, a patent was granted to J. J. Doyle, dated January 8, 1861, covering Weston's invention. Afterw..rd in the year 1861, Weston filed his application for patent and was rejected on reference to Doyle's patent. He instituted interference proceedings repeatedly but without avail, and finally, during the year 1867, through due legal proceedings had, he was adjudged to be the original and first inventor, and his patent was granted him August 6, 1867. The interference tribunal in the Patent Office, in its official decision reviewing the facts and evidence, and awarding priority of invention to Weston, said: 'The fact cannot be denied that Doyle's patent, under the circumstances, no notice having been taken of Weston's caveat, was improperly issued, and that an act of great injustice, unintentionally of course, was perpetrated toward Weston."

The effect of thus wrongfully delaying the grant of Weston's patent to him, through the unlawful grant of a patent for his invention to another who proved not to be the first inventor, has been to deprive him of the benefit of a large portion of the term of his patent, as well as to put him to considerable expense in carrying on legal proceedings to obtain his patent, to which he ought not to have been and would not have been subjected had the law respecting caveats been observed in the Patent Office. The deprivation of a portion of the term of his patent has occurred to Weston, as follows: having obtained his English patent (which he was obliged as a matter of safety to obtain, if he obtained it at all before he procured his American patent) in 1859, his patent in this country could only run, as has been judicially settled in Weston's case, (Weston *vs.* White *et al.*, United States circuit court for the district of Connecticut,) seventeen years from October 22, 1859, the date of his English patent. His patent therefore expired, as the court has held, October 22, 1876, having run a little over nine years. It purports on its face to be granted for seventeen years like all other American patents granted since the patent act of 1861. The bill seeks only to confirm it for that term, and not to extend the term beyond that uniformly given to other patentees. The loss of a large part of the term granted, and the unusual and expensive proceedings to which Weston was put to ultimately obtain his patent, appear clearly to have arisen from no fault of his own, and they seem to raise an equity in his behalf worthy of consideration. The novelty and utility of his invention have been judicially sanctioned by suits both in this country and in England. (Tangye, assignee of Weston, *vs.* Stott, before Vice-Chancellor Sir W. P. Wood and a special jury, December 11 to 18, 1865, Higgin's Digest, page 501 and 14 W. R. 124.) Abundant testimonials of its importance are shown from national, international, and State fairs and expositions, scientific publications, mechanical text-books, letters from mechanical engineers, and the invention appears to have been adopted throughout the world. Weston appears to have thus far derived but a very small, if any, net profit from his patent, owing to expenses incident to litigation and otherwise connected with the matter. The title to the patent appears to be wholly vested in Weston. Most of the above-stated facts are matters of record, and they, together with matters not of record, have been duly and amply attested before the committee. We therefore recommend the passage of the bill.

Mr. VANCE. As appears from the reading of this report Mr. Weston in 1859 went to England and obtained a patent. In the mean time he filed his caveat to protect his invention in this country. A patent was granted to a man named Doyle for the same invention; and when Mr. Weston applied for his patent an interference was declared, on which the decision was suspended for some time. Finally the Patent Office acknowledged that it had made an error and granted him a patent; but he lost these six years and a half by the delay. This bill is not for the extension of his patent. It proposes merely to allow this patentee the term of seventeen years which the law contemplates. The committee think this a just case and ask the House to pass the bill. No objection is filed to this application on the part of Mr. Weston, and I hope the House will pass the bill.

Mr. JONES, of Ohio. Will the gentleman from North Carolina [Mr. VANCE] yield to me a moment? I want to suggest some reasons why the bill ought not to pass.

Mr. VANCE. I yield to the gentleman.

Mr. JONES, of Ohio. So far as this particular case is concerned, I am not advised as to all the facts; but I am opposed on principle to the extension of patents.

Mr. VANCE. This is not an extension.

Mr. JONES, of Ohio. And I am opposed to the confirmation of patents so as to secure to a party the whole term where there has been negligence on his part in the prosecution of his patent.

Mr. TOWNSHEND, of Illinois. The gentleman will allow me to correct him. This is not an extension of a patent; and it does not propose to give additional time to a party who has lost time by his own neglect. This is simply a bill to give this patentee the benefit of the time of which the Patent Office itself deprived him by its own error.

Mr. JONES, of Ohio. There is no use of having a Patent Office unless we conform to our own laws on the subject without undertaking to help out parties by special acts. The reason why our laws authorize patents for so long a term as seventeen years is that the party may have the advantage of at least half the time in order to carry on litigation which may be necessary to sustain the patent, in order to enable him to do what this man has been doing. He has had the benefit of his invention for nine years, as I understand; and that is a sufficient time for a person to dispose of his invention and make out all there is in it. I think, therefore, that he should not be helped out by a special law of this kind, which undertakes to give him the benefit of seventeen full years without making any allowance whatever for the time occupied in the litigation and establishment of his patent-right. I think we ought not to interfere by special act in this case. This party had the benefit of the full term of his patent in England and of nine years in the United States. I think this is long enough.

Mr. VANCE. Mr. Speaker, it was not the fault of Mr. Weston that he did not receive his patent when he applied for it. The caveat was filed in the Patent Office. Weston was entitled to notice of the application which conflicted with his invention. He did not receive notice. When he applied for his patent he was refused; and the patent had been granted to another man. The case then went into interference three different times, and thus Mr. Weston was withheld from the use of his invention for six years and a half. To refuse now to

pass this bill for his relief would be a great wrong. The Committee on Patents, after examination of the matter, believe that Mr. Weston is entitled to the relief here proposed. The bill passed the Senate without opposition, and I hope it will be passed by the House.

Mr. HARTZELL. Where did Mr. Weston first take out his patent? In England?

Mr. VANCE. He filed his caveat here and then took out his patent in England.

Mr. HARTZELL. Then did not the Department decide that the patent expired here at the same time as in England?

Mr. VANCE. The law so decides.

Mr. HARTZELL. Then this bill is for the purpose of modifying the law to suit this particular case, is it not?

Mr. VANCE. But the Patent Office acknowledged that it had done the man wrong by withholding his patent for six years and a half. But for this wrong, Mr. Weston would not be here asking relief. He was deprived for six years and a half of the use of his invention. I will say that this bill was passed by the Senate and reported favorably by the Committee on Patents of this House in the Forty-fourth Congress. It was placed on the Calendar ready to be passed, but was not reached. It has in every instance been favorably reported.

Mr. HARTZELL. If Mr. Weston had discovered, as he should have done, and perhaps did, that his patent expired at the same time in this country as it did in England, could he not have applied for and obtained a renewal at the time of the expiration of the patent in England?

Mr. VANCE. No, he could not have obtained a renewal.

Mr. HARTZELL. The report does not show it, and I should like to know whether there is any evidence before the Committee on Patents as to the amount of money this man has received already from this patent.

Mr. VANCE. He received but a small amount.

Mr. HARTZELL. How much?

Mr. VANCE. Not a large sum.

Mr. HARTZELL. My recollection is that in the Forty-fourth Congress it was shown the sum, according to his own statement, amounted to considerable.

Mr. VANCE. The gentleman is mistaken; it was a very small sum on this patent

Mr. JONES, of Ohio. Will the gentleman allow me to make a sing e suggestion?

Mr. VANCE. I have yielded to my colleague on the committee, the gentleman from Illinois, [Mr. TOWNSHEND,] but will hear the gentleman's suggestion.

Mr. JONES, of Ohio. One reason why I oppose the pending proposition is this: I believe the same rule should apply to all these extensions of patents by act of Congress that is applied in the Department itself. The law requires notices to be given, so any person having knowledge as to the amount of money made by the patent, whatever speculation there may be in regard to it, to whom it has been transferred, and whatever other information proper to an intelligent judgment of the case shall be brought to the attention of the Patent Office. For instance the patent cannot be renewed at the Patent Office without general notice, in order that the public, which may have acquired rights by the sale, transfer, or purchase of the articles, may be advised and without a showing to what extent profit may have been made out of the invention. In this case there is no showing in reference to these facts. There is no statement in this report that any notice was ever given to those interested in the invention or interested in the using of these pulleys. There is nothing to show that this party, in the nine years that he has already enjoyed the patent, may not have made a fortune out of it. There is nothing to show that this patent remains still in the hands of the original inventor or has not gone into the possession of speculators, who have bought out his rights. All these matters are required to be brought to the attention of the Patent Office before any renewal of patent is granted, and they should likewise be brought to the attention of this House, and the party is relieved from the ordinary embarrassments and ordinary litigation arising out of this extended privilege in the renewal of the patent. I submit——

Mr. TOWNSHEND, of Illinois. This is the longest question I have ever heard in the House.

Mr. JONES, of Ohio. Unless the committee can show the amount of profit arising from the patent already we ought not to act favorably on the proposition.

Mr. TOWNSHEND, of Illinois. I can answer the question propounded by the gentleman to the satisfaction, I think, of every one in the House. But before I reach that point I wish to say this in reference to the committee itself: in my judgment no Committee on Patents which has ever been appointed since the establishment of the Government has guarded the people with more jealous care from unjust extensions of patents than the present commiftee which has reported the pending bill. This committee has been in session twice each week during some seven or eight months, and not one single bill has yet been reported to the House in favor of granting the extension of a single patent. I will say further that the majority of the members of that committee are as much opposed to the extension of patents as the gentleman from Ohio or any other member on this floor. No man on this floor, and I may say you will find it difficult to find one off the floor, who is more radically opposed to the extension of patents than I am myself. I have opposed in that committee the extension of all patents whatsoever. Not one single bill, I repeat, has been reported from that committee for the extension of a patent.

Now, Mr. Speaker, I was a member of the subcommittee of the Committee on Patents, which investigated this particular case, and I wish to say in reply to the gentleman from Ohio that this is not a bill to extend a patent in the usual sense of the term, but it is simply for the purpose of correcting a mistake committed by an officer of this Government whereby this man has been deprived of six years of the life of his patent under the law. It arises solely and only from a mistake or neglect of duty of the Patent Office. The facts have been correctly stated by the chairman of the committee. This man filed his caveat and then went abroad to secure a patent in England for the same invention. The Patent Office, in disregard of his rights, ignored or omitted to notice his caveat and issued a patent to a person by the name of Doyle for the same identical invention mentioned in Weston's caveat. When he returned to this country and found another enjoying the fruits of his own genius he applied to the Patent Office for the purpose of having an interference and his rights protected. An interference was granted and three different investigations occurred, and the final interference resulted in the Patent Office deciding that Weston was the original and true inventor, and that he was entitled to the patent; but the Patent Office did not do him justice until 1866. The office found then the patent had been granted wrongfully to the other man, and that the Patent Office itself by its own act had deprived him of six years of the life of his patent. The Patent Office would have been willing in 1866 to give him a patent for seventeen years, but the language of the law was such that it was not permitted to do so.

And now, sir, the Committee on Patents has simply recommended that you give to this man what is given under the law to every inventor, seventeen years as the life of his patent. The bill before the House is for the purpose of allowing his patent to run the full term allowed by law on all other patents, and nothing more.

Mr. HARTZELL. When did this patent expire?

Mr. TOWNSHEND, of Illinois. It has not yet quite expired.

I will say this much further to my colleague [Mr. HARTZELL] in regard to the amount of profits realized on this invention. I do not remember the figures now, but the profits realized by the inventor have not been large; they have probably been $3,000 or $4,000. I feel quite sure they have not been exceeding $5,000.

I am satisfied the bill ought to pass and that there is no good reason to be urged against it. If there had been one single reason to be found why the bill should not be passed I should have protested against its passage in the committee, and would be found here endeavoring to defeat its passage in the House. I am opposed to all abuses of the patent system and shall use every means in my power to secure such a revision of the patent laws as will protect the public from the injustice and oppression which has so often resulted in the past from the allowance and extensions of patents.

Mr. VANCE. I now yield to my colleague on the committee, the gentleman from Pennsylvania, [Mr. WARD.]

Mr. WARD. I merely desire to say that I hope this bill will pass. I believe that it is meritorious in every respect and does simply an act of justice to the applicant. The misfortune or the difficulty in his case arose out of no fault of his own, but out of an error committed by the Department of the Government to whom the jurisdiction of this class of cases is committed; and it certainly will not be said that where the Department having the jurisdiction acts in a manner derogatory to the rights of the applicant and without fault of his own and in disregard of his rights and of the law does him an injury, when he comes in here and asks to have simple justice awarded him it shall be refused by this House. It is not a case of an extension of a patent and is not subject to prejudice by the argument that applies to such cases. This, as I said before, grants the application of an honest and deserving man to have the rights awarded to him which the law guaranteed to him, and I hope the bill will pass.

Mr. KEIFER rose.

Mr. VANCE. I call for the previous question.

Mr. KEIFER. I desire to be heard.

Mr. VANCE. For how long?

Mr. KEIFER. About ten minutes.

Mr. VANCE. I will give the gentleman five minutes.

Mr. KEIFER. I do not desire to be limited. I think it exceedingly dangerous to have bills of this character passed merely on speeches made in their favor.

Mr. VANCE. Then let the gentleman go ahead.

The SPEAKER. The gentleman from Ohio has the floor without limit of time.

Mr. KEIFER. I desire to say in the first place that this bill proposes to give to this patentee two years more time on this patent than he would have had provided there never had been any interference declared at all. That is one thing I have to say in opposition to it. Weston, the patentee, filed his first caveat in the year 1859. He neglected to take any steps toward perfecting his patent till his rights under that caveat, as appears by the report, had expired.

He again filed a caveat in 1860 to perpetuate his right to a patent. Then he took no steps to have a patent granted until some time after a period in 1861, when a Mr. Doyle came in and obtained a patent.

Then after that he made an application for a patent. Having rested upon whatever rights he had for a period of about two years, he made an application for a patent. Now, if you leave out of view the new patent that came in, which the committee says operated to deprive the man of his rights under the seventeen years' patent, you will see still the seventeen years' patent had run two years of its time, because he had not even applied for a patent, according to the committee's report, until in 1861. The committee propose by this bill to give him the benefit of his laches, of his fault, and to give him two years' time that he would not have had at all if there had been no other patent applied for or obtained. That is one objection I have to it.

Another objection is a more general one. It is this: that there hardly can be found to be a good patent of any importance in the United States where you could not have a bill of this kind passed to relieve the patentee, if this bill is a good one. Almost all of the patentees of good and valuable patents have had more or less trouble and interference at the Patent Office.

Mr. VANCE. Let me ask the gentleman, if persons come in here with meritorious bills ought they not to be heard and relief granted?

Mr. KEIFER. I would not grant relief simply because a man had the misfortune to have a lawsuit either in England or America; because there are very few patents in this country that have proved valuable, about which there has not been a lawsuit. And will you lay down the rule that wherever some misfortune grows out of an interference in the Patent Office or a controversy in the courts you will give the man an extension on his patent by reason of that delay or expense? Is that the proposition of the committee? I understand it to be so laid down by the report and the gentlemen of the committee.

Mr. TOWNSHEND, of Illinois. This does not arise from litigation.

Mr. KEIFER. It arises as I understand from a litigation growing out of interference in the Patent Office.

Mr. TOWNSHEND, of Illinois. Oh, not at all.

Mr. KEIFER. In the report it is so.

Mr. TOWNSHEND, of Illinois. Allow me to correct that. I stated a while ago that the delay was occasioned by the Patent Office neglecting to take proper notice of his caveat, disregarding his caveat, and issuing a patent to another party. After he discovered that fact he went to the office and asked for an interference. That was not litigation; it was done under the law.

Mr. KEIFER. It was not litigation in the courts, but this patentee had a contest upon the interference about the patent with Mr. Doyle, who claimed to be the original patentee. Weston had filed two caveats, and one at least had expired, if not both, before Doyle applied for a patent.

But, as I stated before, the committee proposes to give to Mr. Weston two years' time, which he lost by not filing his application for a patent in time. He lost that time by his own neglect in not filing his application for his patent. I do not think there is any special merit in the case, and my observation has been that in almost all these cases they are presented for the benefit of somebody who has in some way obtained control of the patent, and some manufacturing establishments that are struggling along and trying to run their business have to pay tribute to them. It will be found no doubt, by an examination of the record, and if we had a little time we could do it here, that this patentee has sold his right in the patent to some manufacturing establishment for the life of the patent, and then when his patent has expired he comes here and asks to have it extended, and when it is extended he will go back to the parties to whom he sold his patent and demand a royalty as tribute.

Mr. WARNER. That is not the case here. This man is manufacturing in his own name and is the only man interested in the patent.

Mr. KEIFER. Is he the only man who is using the patent?

Mr. WARNER. No, he is not.

Mr. KEIFER. If his patent is so poor that nobody will use and pay for it, then he can go on and use his patent without an extension for all time, but doubtless he has sold the patent to some manufacturer or other and he now demands of Congress simply the right to go back to the very same men to whom he has sold his patent and say to them: I have had my patent extended, and notwithstanding you have paid me for the patent for its original life you must make further payment to me.

Mr. WARNER. The gentleman is drawing on his imagination so far as this case is concerned.

Mr. KEIFER. Not at all. If you will postpone this case for a week I venture to say that I will find by the records of the Patent Office that this man has assigned his patent.

Mr. TOWNSHEND, of Illinois. The gentleman's remarks do not apply to this case.

Mr. KEIFER. Why not?

Mr. TOWNSHEND, of Illinois. Because this is not an application for an extension. The patent has never been assigned, and during the time the case has been pending before the committee there has never been a protest against this measure. The case has been pending for four years. In the last Congress it was favorably reported upon, and at this session a bill of this nature has passed the Senate and now lies upon the Speaker's table, and never a word has been said against it.

I would say further that I would go as far as the gentleman would go, or any other member of the House, in opposing the extension of patents, but not one word, not one scintilla of his argument applies to the case now before us. It is simply a question of correcting an error of the Patent Office.

Mr. KEIFER. The gentleman says that this is not an application for the extension of the patent. I say it is on the face of the report. The effect of the bill will be to give this man about eight years' more time. It is an extension; that is what it amounts to.

Now, if the gentleman is right in saying that this man has never assigned his patent, and the gentleman from Connecticut [Mr. WARNER] is right in saying that no one but himself has used his patent, it is about time we found out that the patent is not worth extending. If nobody wants it why should we extend the patent?

I have a word further to say in relation to an amendment which I desire to offer.

Mr. VANCE. Has not the gentleman's time expired? I yielded to him only for ten minutes.

Mr. KEIFER. I understood that I was speaking in my own time.

The SPEAKER. The gentleman from North Carolina, [Mr. VANCE,] as the Chair thinks, stated that he was willing to yield five minutes to the gentleman from Ohio, and the gentleman from Ohio desired further time, and then the gentleman from North Carolina said: "Let him go ahead," and the Chair then said that the gentleman from Ohio was upon the floor without restriction of time.

Mr. VANCE. I certainly understood that the gentleman from Ohio only wanted ten minutes.

Mr. TOWNSHEND, of Illinois. The gentleman from North Carolina, at my solicitation, yielded ten minutes to the gentleman from Ohio.

The SPEAKER. The Chair thinks not. The Chair would like to look at the notes of the reporter.

Mr. KEIFER. The amendment proposed to this bill by the committee is I think too indefinite. It reads thus:

Provided, That no one shall be held liable for any infringement of the patent during the period from the date of its lapse to the passage of this act, or for the use or sale hereafter of any specific device embracing the patent made within that period.

Now, I do not understand that this is a device at all in that sense, and if there is a sale of machinery that involves the patent, it would not be protected by the proviso, and I suggest to the gentlemen of the Committee on Patents that they should insert after the word "specific" the words "machine covering any;" so that it will read:

Any specific machine covering any device embracing the patent, &c.

I will offer that amendment. It is unusual to extend a patent after it has expired. This patent expired in 1876. Men may have gone into business in the manufacture of the invention since the expiration of the patent who will have to close up or pay a royalty. Others may have bought for use the patented machinery who will be obliged to cease its use or pay royalty.

Mr. VANCE. I have no objection to the amendment; but I think the proviso reported by the committee covers that ground.

The SPEAKER. The Chair is corroborated in what he stated as to the time allowed the gentleman from Ohio [Mr. KEIFER] by reference to the notes of the reporter.

Mr. BRIGGS. I wish to say but a word or two upon this subject. The patent laws of this country give the patentee the benefit of a patent for a certain term of years upon the payment of certain sums. This individual has paid all that the law requires to be paid by the patentee, and from the neglect or the carelessness, or something else of the Patent Office itself, the patentee has been deprived of six or seven years for which his patent ought to run. This bill simply restores to him his rights and remedies the wrong which one of the Departments has committed. That is all there is of it.

Mr. VANCE. I call the previous question upon the bill and amendment.

Mr. JONES, of Iowa. Before the previous question is called I desire to offer an amendment requiring this person to give notice to parties using his machine.

Mr. VANCE. I cannot yield for that amendment. No one has made any objection to this bill before the Committee on Patents.

Mr. KEIFER. Will the gentleman consent to amend this bill so as to allow the patentee to lose the period between the time of his caveat and the time of his application?

Mr. VANCE. No, sir; we want to pass the bill with the amendment reported from the Committee on Patents. And as the morning hour is nearly out, I must insist upon my call for the previous question.

The previous question was seconded and the main question ordered.

The first question was upon the amendment of Mr. KEIFER to the amendment of the committee, to insert after the word "specific" the words "machine covering any;" so that the amendment of the committee, if amended, would read as follows:

Provided, That no one shall be held liable for infringement of the patent during the period from the date of its lapse and the passage of this act, or for the use or sale hereafter of any specific machine covering any devices embracing the patented invention made within that period.

The amendment of Mr. KEIFER to the amendment, as amended, was then agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill; and upon a division there were—ayes 92, noes 28.

Before the result of the vote was announced,

Mr. HARTZELL called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 32, noes 107.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 69, not voting 83; as follows:

YEAS—139.

Acklen,	Deering,	Ittner,	Sampson,
Aiken,	Dibrell,	Joyce,	Sayler,
Bacon,	Douglas,	Kelley,	Scales,
Baker, John H.	Dunnell	Kenna,	Shallenberger,
Bayne,	Dwight,	Kimmel,	Sinnickson,
Benedict,	Eames,	Knapp,	Smith, A. Herr
Boyd,	Eden,	Lapham,	Springer,
Brentano,	Eickhoff,	Lindsey,	Starin,
Brewer,	Elam,	Loring,	Stewart,
Bridges,	Ellsworth,	Maish,	Stone, John W.
Briggs,	Evans, I. Newton	Manning,	Stone, Joseph C.
Bright,	Evins, John H.	McCook,	Strait,
Brogden,	Finley,	Metcalfe,	Swann,
Browne,	Fort,	Morrison,	Thompson,
Bundy,	Freeman,	Morse,	Throckmorton,
Burdick,	Gause,	Mudrow,	Tipton,
Cabell,	Goode,	Norcross,	Townshend, R. W.
Calkins,	Hanna,	O'Neill,	Vance,
Camp,	Hardenbergh,	Overton,	Wait,
Cannon,	Harmer,	Page,	Walker,
Caswell,	Harris, Benj. W.	Patterson, G. W.	Walsh,
Chalmers,	Hartridge,	Phelps,	Ward,
Claflin,	Haskell,	Price,	Warner,
Clark, Rush	Hatcher,	Pridemore,	Watson,
Cole,	Hayes,	Pugh,	Welch,
Conger,	Hazelton,	Rainey,	White, Michael D.
Cook,	Hendee,	Randolph,	Wigginton,
Covert,	Henry,	Reed,	Williams, A. S.
Crapo,	Herbert,	Rice, William W.	Williams, C. G.
Cravens,	Hiscock,	Riddle,	Williams, James
Cummings,	Hooker,	Robbins,	Wilson,
Cutler,	House,	Roberts,	Wren,
Danford,	Humphrey,	Robertson,	Wright,
Davidson,	Hungerford,	Robinson, G. D.	Young.
Davis, Joseph J.	Hunton,	Ross,	

NAYS—69.

Banning,	Davis, Horace	Jones, John S.	Rea,
Beebe,	Dean,	Keifer,	Reagan,
Bell,	Durham,	Keightley,	Reilly,
Bicknell,	Errett,	Lathrop,	Slemons,
Blackburn,	Felton,	Ligon,	Smith, William E.
Bland,	Forney,	Lockwood,	Southard,
Boone,	Foster,	Luttrell,	Sparks,
Bragg,	Franklin,	Lynde,	Steele,
Caldwell, John W.	Garfield,	Mackey,	Stenger,
Caldwell, W. P.	Garth,	Marsh,	Townsend, Amos
Campbell,	Giddings,	Mayham,	Turner,
Candler,	Hamilton,	McKenzie,	Turney,
Clark of Missouri,	Harris, Henry R.	McMahon,	White, Harry
Cobb,	Hartzell,	Mills,	Williams, Jere N.
Collins,	Henderson,	Monroe,	Willis, Benj. A.
Cox, Jacob D.	Hewitt, G. W.	Morgan,	
Crittenden,	Hunter,	Neal,	
Culberson,	Jones, James T.	Oliver,	

NOT VOTING—83.

Aldrich,	Denison,	Ketcham,	Sapp,
Atkins,	Dickey,	Killinger,	Schleicher,
Bagley,	Ellis,	Knott,	Sexton,
Baker, William H.	Evans, James L.	Landers,	Shelley,
Ballou,	Ewing,	Martin,	Singleton,
Banks,	Frye,	McGowan,	Smalls,
Bisbee,	Fuller,	McKinley,	Stephens,
Blair,	Gardner,	Mitchell,	Thornburgh,
Bliss,	Gibson,	Money,	Townsend, M. I.
Blount,	Glover,	Muller,	Tucker,
Bouck,	Gunter,	Patterson, T. M.	Van Vorhes,
Buckner,	Hale,	Peddie,	Veeder,
Burchard,	Harris, John T.	Phillips,	Waddell,
Butler,	Harrison,	Pollard,	Whitthorne,
Cain,	Hart,	Potter,	Williams, Andrew
Carlisle,	Henkle,	Pound,	Williams, Richard
Chittenden,	Hewitt, Abram S.	Powers,	Willis, Albert S.
Clark, Alvah A.	Hubbell,	Quinn,	Willits,
Clarke of Kentucky,	James,	Rice, Americus V.	Wood,
Clymer,	Jones, Frank	Robinson, M. S.	Yeates.
Cox, Samuel S.	Jorgensen,	Ryan,	

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. MCKENZIE. My colleague, Mr. CARLISLE, is paired with Mr. POWERS, of Maine.

Mr. SHELLEY. I am paired with Mr. EVANS, of Indiana. If he were here, I would vote "no."

Mr. PUGH. I am paired on all political questions with Mr. MARTIN, of West Virginia. As this is not a political question, I have voted.

Mr. RYAN. I am paired with Mr. SINGLETON, of Mississippi.

Mr. ROBINSON, of Massachusetts. On all political questions I am paired with Mr. LANDERS, of Connecticut. As this is not a political question, I have voted.

Mr. WILLIAMS, of Oregon. I am paired with Mr. MCKINLEY, of Ohio.

Mr. PATTERSON, of Colorado. I am paired on all questions with Mr. SAPP, of Iowa.

Mr. COBB. My colleagues, Mr. FULLER and Mr. SEXTON, are paired.

The result of the vote was then announced as above stated.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING TESTIMONY BEFORE A COMMITTEE.

The SPEAKER. The gentleman from Kentucky [Mr. CALDWELL] asks an order of the House that testimony taken and to be taken by the Committee on Expenditures in the Post-Office Department be printed.

There being no objection, it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. HARRIS, of Massachusetts, for one week from Monday next;

To Mr. MAISH, for Monday and Tuesday of next week; and

To Mr. LANDERS, for one week from Monday next.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole on the Private Calendar; and I ask unanimous consent that to-day be considered as "objection day." Two "objection days" within the last month have been taken up by the Committee on Appropriations; and I think it but fair that to-day should be considered as "objection day."

Mr. MILLS. Does the gentleman agree that the call shall commence at the beginning of the Calendar?

Mr. BRIGHT. I have only made the general request that this be considered "objection day."

Mr. FORT. I object; and I wish to state——

The SPEAKER. An objection is sufficient. There is no occasion to state any reason.

Mr. FORT. There are many bills on that Calendar worthy to be considered——[cries of "Regular order!"]

The SPEAKER. The regular order is demanded, which is the motion of the gentleman from Tennessee that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. KNAPP in the chair,) and proceeded to the consideration of business on the Private Calendar.

WILLIAM AND MARY COLLEGE.

The CHAIRMAN. The pending bill is the bill (H. R. No. 189) to reimburse the College of William and Mary, in Virginia, for property destroyed during the war.

Mr. GOODE. Several gentlemen who desire to speak on this bill are absent to-day, and there are other gentlemen anxious for the consideration of other bills coming after this on the Calendar. I therefore move that this bill be passed over and not considered to-day.

Mr. KEIFER. Does this motion require unanimous consent?

Mr. BRIGHT. No, sir; it can be adopted by a majority vote.

The motion was agreed to.

Mr. CONGER. As this bill is now passed over and may not be reached again, I ask leave to print some remarks on the subject.

Mr. WHITE, of Pennsylvania. I make the same request.

Mr. BRIGHT. I suppose it would be proper to allow any gentleman the privilege of printing remarks on this subject.

The CHAIRMAN. The Chair understands the gentleman from Tennessee [Mr. BRIGHT] to ask unanimous consent that any gentleman may print remarks on the bill just laid aside. The Chair hears no objection to this request.

There being no objection, leave was granted. [See Appendix.]

Mr. KEIFER. I desire to understand whether this is to be the last of this bill for this session?

Mr. GOODE. I presume that on another consideration day the call will be taken up where we leave it to-day.

Mr. KEIFER. Does the gentleman expect to press his bill this session?

Mr. GOODE. I do not.

Mr. WHITE, of Pennsylvania. Then I would have preferred to have stricken out the enacting clause.

MARY FEARON AND JESSIE CROSSIN.

The next business on the Private Calendar was the bill (H. R. No. 2138) to pay Mary Fearon and Jessie Crossin, executrices of Samuel P. Fearon, deceased, for certain registered United States bonds redeemed by the Government on forged assignments and power of attorney.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to Mary Fearon and Jessie Crossin, as executrices of Samuel P. Fearon, deceased, late of Philadelphia, Pennsylvania, or to the legal personal representatives of said Samuel P. Fearon, deceased, the sum of $4,000, with the lawful interest which would have accrued thereon from the date of the last payment of interest to the legal personal representatives of said Samuel P. Fearon, deceased, upon the following certificates of registered stock of the United States, re-

deemed or assigned upon forged power of attorney and forged assignment, namely, No. 2081, act of March 3, 1864, for $1,000, and Nos. 3424, 3425, 3426, 3427, 3428, and 3429, act of February 23, 1862, for $500 each, the property of said estate; the payment of principal and interest to be made according to the terms and stipulations of the original certificates.

The bill was laid aside to be reported favorably to the House.

RICHARD HEATER.

The next business on the Private Calendar was the bill (H. R. No. 2119) making appropriations for the payment to Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named for value of stores and supplies taken and used by the United States Army.

The bill was read. It authorizes and requires the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to Richard Heater, executor of the estate of John Heater, deceased, late of Loudoun County, Virginia, the sum of $3,365, the same being in full, and the receipt of the same to be taken and accepted as a full and final discharge of the claim presented by said John Heater to the commissioners of claims, under the act of March 3, 1871, and numbered by said commissioners of claims "claim No. 12467."

Mr. WHITE, of Pennsylvania. If there is any report in this case, I ask that it be read.

The Clerk read the report, as follows:

The Committee on War Claims, to whom was referred the petition of John Heater having considered the same, submit the following report:

The original claimant, John Heater, (now deceased,) was a resident in 1861 of Loudoun County, Virginia. Richard Heater is now the executor of his estate and presents this claim.

The claim is for quartermaster stores taken in 1861 and 1862 from an island farm of John Heater, situate in the State of Maryland, by order of Colonel John W. Geary, of the Twenty-eighth Pennsylvania Volunteer Infantry, save the two horses.

This claim was presented to and rejected by the Quartermaster's Department for the reason that John Heater was not a "loyal citizen of a State not in rebellion."

Section 300 of the Revised Statutes of the United States (Appendix, page 1434) only gives jurisdiction to the Quartermaster-General to adjust claims for quartermaster stores of loyal citizens of States not in rebellion, and as the State of Virginia where the original claimant lived, was found to have been in rebellion, the Quartermaster-General refused properly to take jurisdiction of the claim.

The original claimant then presented his claim to the commissioners of claims, and they, after all the testimony was taken in support of it, decided that they were without jurisdiction, because the statute only gave them jurisdiction over claims for supplies taken or furnished in the insurrectionary States. Maryland, where these supplies were taken or furnished, was not one of these States.

There seems to be no remedy for the claimant save by an act of Congress.

The proof shows the original claimant was during the late war a loyal man. He had a son, with his consent, in the Union Army.

The property was irregularly taken and not receipted for by the proper officers, but it was doubtless taken with John Heater's consent, and used by the Union troops, and with the understanding that it would be paid for by the Government.

The two horses mentioned in the claim, the claimant swears, were taken, one by the Fourteenth New York Cavalry, and the other by Captain Samuel C. Means, of an independent cavalry company. Captain Means swears that he took two horses from John Heater by order of Colonel Geary, for use in a battery of artillery.

The testimony is not satisfactory as to the amount of stores taken, nor as to their value. It is found, however, that there was taken—

(1) 1,700 bushels of corn, worth per bushel 70 cents	$1,900 00
(2) 200 bushels of oats, worth per bushel 50 cents	100 00
(3) 15 tons of hay, worth per ton $15	225 00
(4) 500 bushels of wheat, worth per bushel $1	500 00
(5) 20 tons of wheat-straw, worth per ton $5	500 00
(6) 350 cords of wood in amount, (chiefly in the form of rails in the fence,) worth per cord $3	1,050 00
(7) 2 horses, worth $100 each	200 00
Total	3,365 00

The testimony does not show the value of the property, but the prices fixed above are the minimum prices allowed by the Quartermaster's Department, and adopted by the commissioners of claims, for property taken or furnished for the Union Army at that period of the war.

Your committee respectfully report the accompanying bill, and recommend its passage.

Mr. BRAGG. Mr. Chairman, I am opposed to the passage of this bill. Although it may be very fair on its face, yet I am not satisfied to allow it to pass without entering my protest against it. The report shows that the reason the Quartermaster's Department did not pay for the grain and supplies when they were taken was that there was a law prohibiting such payment to any citizen who was a resident of a State in rebellion. That very statement in the report satisfies me that this claim is a fraud, because the law which prevented the Quartermaster's Department from settling with loyal people, if there were any south of the Potomac, was not passed until 1867, six years after this property was taken. During those six years the Quartermaster's Department had authority to pay this claim, and had this man been what he is now represented the Quartermaster's Department would have settled it.

Mr. EDEN. The law to which the gentleman refers was passed July 4, 1864.

Mr. BRAGG. That may be. But this claim arose in 1861, in a country almost adjacent to Washington; the loyal people of that country (and there were some who were traitors) were in communication with the people of this city and the officers of the Government all the time. The fact that this claim, while all the facts were within the immediate knowledge of the Quartermaster's Department, should have been allowed to lie four or five or six or seven years, then go before the commissioners of claims and then come here to Congress, is to my mind sufficient to stamp it with the character of a fraudulent claim seeking to find favor from Congress through the medium of testimony by affidavit to the claimant's loyalty. I am opposed to it. I know how cheap affidavits are and how readily such testimony is procured.

Mr. EDEN. Let me say this testimony is not affidavits taken *ex parte*, but testimony taken in the first instance before the Quartermaster's Department, and afterward before the commissioners of southern claims.

Mr. KEIFER. If the gentleman from Wisconsin will give attention a moment, I think I can satisfy him his conclusions are wrong. It was the policy of this Government to provide the method of settling claims of loyal citizens. It was the policy of the Government to allow the Quartermaster and Commissary Departments to settle claims of citizens living in the loyal States. It was the policy of the Government to remit all other claims of loyal citizens to the commissioners of claims to settle all claims for commissary stores and quartermaster stores taken or furnished, to use the language of the statute, from residents of insurrectionary States.

Now, Mr. Chairman, let me state the peculiarity of this case, and I have here before me the original papers.

Mr. BRAGG. Let me ask the gentleman a question.

Mr. KEIFER. Certainly.

Mr. BRAGG. If this property was taken by order of the Quartermaster's Department, so as to charge the Government, would not the quartermaster have issued a voucher to the citizens from whom he took the property, so it could be presented to the proper department and be paid?

Mr. KEIFER. The answer to that is, he would if he was prepared to do it, but he was not bound to do it; and the second answer is, that if he had issued the voucher to this man Richard Heater, in the State of Virginia, the Government, by no machinery that has been provided up to the present hour outside of Congress, would have ever paid for it. The voucher would have stood for naught. I understand this man Richard Heater in his life-time presented his claim for these stores and this property to the Quartermaster's Department, and there it was considered. I have the report upon my table. The quartermaster held that while as a matter of fact the property was taken from the citizen in an insurrectionary State, it was still taken from a farm belonging to Richard Heater, in the State of Maryland, a loyal State. While the quartermaster found the property was taken and that the Government of the United States had the benefit of it, and that it should be paid for, yet under the law, the man himself living in an insurrectionary State and his property in a loyal State, he had no jurisdiction to make an allowance.

Mr. BRAGG. Will the gentleman answer another question?

Mr. KEIFER. Let me finish this first and then I will answer the gentleman's question.

Then Mr. Heater went with his claim to the commissioners of southern claims. There he thought they had jurisdiction. There the testimony was retaken. The property was found to have been taken and used by the United States, and ought to be paid for. The commissioners of claims held that the property was taken in a loyal State and not in a disloyal State, and therefore they had no jurisdiction to grant relief, merely because the property was in the wrong State. In the first instance the man was in the wrong State, while in the last the property was in the wrong State, and there was no relief to be obtained except from Congress. I will now yield to the gentleman for a question.

Mr. BRAGG. Will the gentleman answer my question?

Mr. KEIFER. I will try to.

Mr. BRAGG. How happened it that this claim lay dormant until there was a law passed prohibiting the Quartermaster's Department paying it?

Mr. KEIFER. This claim went into the Quartermaster's Department while the law was in full force as the letter from the Quartermaster lying upon my table shows. It states the reason why he did not order it to be paid. It was because the man lived in an insurrectionary State, and the Quartermaster-General therefore had no jurisdiction to pay him, and it made no difference whether the law was passed taking away the power from the Quartermaster's Department or not, because that Department never had the power under the law and the construction given it by the Quartermaster-General to grant relief.

Mr. BRAGG. Does the gentleman say this claim was presented before 1864?

Mr. KEIFER. Yes, sir.

Mr. BRAGG. How early?

Mr. KEIFER. I do not know that. I cannot give the precise date; but it was presented in due time and considered and rejected, because the Quartermaster's Department held it had no jurisdiction under the law to grant him relief, as he lived in an insurrectionary State. Then Mr. Heater went before the commissioners of southern claims, there presented his claim, there took all the testimony, and had the case fully heard; but the commissioners found, because the property was taken in a loyal State, notwithstanding Mr. Heater lived in an insurrectionary State, they could not grant relief. Their report lies here before me.

Mr. BRAGG. What is the proof showing the amount of each kind of grain that was taken?

Mr. KEIFER. The proofs are all here and are ample to show the

amount. And if the gentleman will examine the report he will see that the Committee on War Claims cut down the values and did what is regarded by very many people in the South, perhaps also in the North, as a great injustice—they reduced good cedar rails to cord-wood and put at the ordinary rates for which cord-wood sells here on the Potomac River; and fences made of good cedar timber and buildings which had been used for fuel. All this was put down at the rate for cord-wood and not according to the real value of the material. The prices allowed are the minimum prices adopted by the commissioners of claims, who have been in the habit of allowing for such property the value at the time; and it was very low. Three dollars per cord was only allowed. Wheat is put in at a dollar a bushel and corn at seventy cents. The other things are rated exactly in accordance with the allowance uniformly made by the commissioners of claims and the Court of Claims.

Now, let me say one thing further. This claim was kindred to other claims that have been presented to the Quartermaster and Commissary Departments and that have come before the commissioners of claims, and hundreds of thousands of dollars of claims like this have been paid; and this would have been paid but for the simple fact that neither the Quartermaster's Department nor the commissioners of claims had jurisdiction to allow and pay it.

Mr. EDEN. Will the gentleman yield to me for one question?

Mr. KEIFER. With pleasure.

Mr. EDEN. Did not the commissioners of claims find this claimant loyal?

Mr. KEIFER. Yes, sir.

Mr. EDEN. And did they not find the fact in his favor about the property being furnished?

Mr. KEIFER. The Quartermaster's Department and the commissioners of claims each found everything in his favor, save and except the fact that the claimant lived without their jurisdiction or that his property was without their jurisdiction.

Mr. BRAGG. Perhaps I ought to excuse myself after the Committee on War Claims so strenuously advocate this claim and when I find my friend from Ohio [Mr. KEIFER] so suddenly becoming a convert to the payment of southern war claims, by stating that it was my fortune at one time during the war to have passed through every section of Virginia, from Westmoreland to Harper's Ferry. I lived in Virginia—I do not say in what capacity—during a year and a half or two years while the war was going on; and it was some time after the war was over before I ever heard of a man who was a loyal Virginian in any other sense than being loyal to the old State of Virginia and letting the Government of the country go. Loyalty in Virginia meant loyalty to Virginia, and not loyalty to the Federal Government.

I know that it is very easy to supply the proofs that are necessary to satisfy a committee or a court constituted as the Court of Claims was, of the loyalty of the claimant. It is not twenty-four hours ago since I myself was applied to to support a claim for a widow lady whose property was burned during the seige of Vicksburgh. She had the certificates of General Grant as to her loyalty. And when I mentioned the fact that I was opposed to the payment of any of those claims and that I was opposed to the payment of her claim, even though she may have been loyal, as the injuries she received were the necessary result of her people going into war and it was a loss consequent upon the war, those who were supporting the claim said to me, "We can point you to dozens of our neighbors whose sons were in the rebel army, who were always secesh, who have supplied proofs to the Court of Claims they were loyal, and got the money, and why, now, should you treat this lady differently?"

Mr. KEIFER. The gentleman from Wisconsin suggests that I am a convert to the payment of this class of claims. Let me say first for John Heater who is now in his grave, the testimony showed most conclusively and the fact is well known that he was a loyal man. He gave his son for the cause of the Union. His son went into the Union Army with his own consent and gallantly served in it during the war.

Mr. FINLEY. Will the gentleman yield to me that I may ask him a question for information.

Mr. KEIFER. Yes, sir.

Mr. FINLEY. I wish to ask whether this sum of $3,365 is a part of the list of war claims furnished in the recent speech of the gentleman from Indiana, [Mr. HANNA;] because if it is I want it to be understood it is being advocated by gentlemen who are opposed to that class of claims and we should have credit for it if it is paid.

Mr. KEIFER. I do not intend the gentleman shall classify me at all on this subject of paying these claims. I have my own views about it. I believe in paying such claims as this. I believe in a liberal rule, and I do not care what the views of other gentlemen may be from a regard to political considerations. Whatever others may do, I believe I shall advocate on the floor of this House as I have advocated in the committee, and gentlemen of the committee will corroborate me in this statement, a liberal rule as to the payment of claims of loyal men living in the South. I am not to be classed among those opposed to paying. And I desire—although I do not wish unnecessarily to take up the time of the House—to send to the Clerk's desk some paragraphs from a speech made some years ago in the Senate of the United States by a distingnished Senator, a man of both head and heart, Senator Morton, of Indiana, on this subject of the payment of claims of loyal citizens of the South.

The Clerk read as follows:

But, Mr. President, let me take the case of a Union man in the South who has borne the heat and burden of this civil war, who has been persecuted, and who has sustained all those hardships that we know were incident to a Union man in the South during the war. To say that we will treat him as a public enemy, and that we will refuse to pay him for his property deliberately taken by the Government, where under the same circumstances we would pay a man living in the North for his property taken by the Government, is revolting to the plainest principles of justice. I cannot subscribe to any such doctrine. Why, sir, I know that where a camp was organized in the State of Indiana, or Ohio, or Pennsylvania, for the purpose of collecting and preparing troops, the owner of the property was indemnified by the Government for the damage done to it, or where forage and provisions were taken for the purpose of subsisting those troops the parties were indemnified for their property. To say that we will not pay a Union man in the South where his property has been taken under the same circumstances is revolting to the common principles of justice. I would throw to the winds all these technical rules by which the Union man of the South is to be treated as a public enemy and by which we shall refuse to do him that justice which we would do to a man in the North, of doubtful loyalty, who was living in peace, comfort, and safety.

Mr. President, there was one authority referred to, I believe, by the Senator from West Virginia [Mr. Willey] which perhaps might even cover all the cases, and I think that was in Vattel. He can correct me if I state it incorrectly. That authority was that even, for example, in a loyal State or in a part of the country where the insurrection did not prevail, if the Government deliberately took property, as a house or a garden, to make a rampart or fortification, or if it took forage or subsistence deliberately, the Government was bound to make payment. According to that authority, as I understand it, when General Lee invaded the State of Pennsylvania and the army of General Meade was falling back, if in the course of a march or a battle they destroyed the property of loyal men, that would be an act of war for which the Government would not be liable even in a loyal State.

And, sir, applying that principle to the Southern States where General Sherman on his march, or in the course of a battle, passed over and destroyed the property of Union men the Government is not liable; but if General Meade in the course of expelling Lee deliberately destroyed property which became necessary for a fortification, or seized the forage and provisions of loyal men around him there, the parties would be paid, and under the same circumstances they should be paid in the South, always upon the condition that they are true and loyal men.

Then, does not the rule reduce itself down to simply this, that wherever a loyal man in the North would be paid for his property which was deliberately appropriated by the Government, a loyal man in the South should be paid for his property deliberately appropriated by the Government; and where in the North a loyal man would not be paid for property destroyed in the course of a march, or at a battle, so in the South a loyal man should not be paid for his property destroyed in the same way.

Can we afford to make any other rule on this subject? We might save some money by making another rule; but it would in the end be penny-wise and pound-foolish economy. After having expended some $5,000,000,000 to keep the South in the Union, and after all our labors to build up a loyal party down there, shall we come here making shipwreck in the end by declaring upon the floor of the Senate that the loyal men whose hardships and sufferings we can never estimate shall be treated as public enemies, and that we will not pay them under the same circumstances under which we would pay a man for the taking of like property in the North. I can never consent to it.—*Congressional Globe*, volume 71, page 302.

Mr. HUNTON. I desire to say a few words upon this subject but I will first yield to my friend from Illinois, [Mr. EDEN.]

Mr. EDEN. I would not talk upon these cases at all were it not for the fact that no matter what the Committee on War Claims may report to this House they have all to run the gauntlet either on one side or the other. I think that the remark of the gentleman from Wisconsin [Mr. BRAGG] that the Committee on War Claims would report a case to the House that was fabricated, that was not supported by sufficient testimony, was entirely gratuitous. The committee is not in the habit of reporting bills to the House in any such cases as that.

The testimony in this case was taken before two tribunals in which the Government of the United States was represented in each of those tribunals, and each of those tribunals found all the facts in this case that we found; but for the reason that these tribunals did not have jurisdiction to pay this man, he did not get his pay and therefore he came to Congress for it. If it is wrong to pay a man living south of the Potomac who was loyal to the Government during the war and who furnished supplies to the Army of the United States, repeal your law of 1871. It provides for the payment of all that class of claims where the claimant has proved his case before the commissioners of claims. This case was proven there, but for the reason that the property of this man was situated in Maryland and not in Virginia that tribunal could not give him relief, and when the party went to the Quartermaster-General's Department he could not get relief because he lived in Virginia and not in Maryland, and that is the reason that he did not get his claim paid long ago. He stands precisely on the same footing that every man stands on who has been paid under the act of Congress of 1871, creating the commissioners of claims. That is all I have to say about the case.

Mr. HUNTON. Mr. Chairman, as this claimant is a resident of my district it would probably be unbecoming in me to be silent while this bill is under consideration. The gentleman from Wisconsin [Mr. BRAGG] states that he lived in Virginia a year and a half.

Mr. BRAGG. I lived there four years, but only a year and a half in the gentleman's district.

Mr. HUNTON. I have no doubt that he was received in that district with the usual old Virginia hospitality and while he may have been in Virginia four years and a resident of my district a year and a half I claim to know a little more of these people than the gentleman from Wisconsin can know.

Mr. BRAGG. Where were you during the time I was there?

Mr. HUNTON. Wherever the gentleman was during the four years, I was in his neighborhood.

Now the gentleman from Wisconsin states the rule accurately. As a rule in the State of Virginia the people of Virginia were loyal to our flag. But, sir, there were exceptions to that rule and a large portion of the people embraced within that exception lived in the good

old county of Loudoun, and in that county where there happened to be a large portion of Quakers and Germans there was a considerable infusion of the Union element. That Union element embraced some of as worthy, responsible, and good citizens as lived in the Commonwealth of Virginia.

Now it would probably be a want of candor on my part if I did not say that in the sentiments of those people, however worthy they might have been in other respects, I had not the slightest sympathy.

But I, like the gentleman from Wisconsin, lived among those people during the early period of the war, when to be a Union man in Virginia cost something in sentiment and feeling, when no man in that portion of the country claimed to be a Union man unless he was at heart a Union man. I was in this very county of Loudoun where this claimant resided and where his executor now resides, from the 8th May, 1861, until the close of that year, and I do know something about the sentiments of that people during that period, and I knew then, and knew with heartfelt regret, that there were within the confines of the county of Loudoun some as sincere Union men as lived north of the Potomac River. I say, therefore, that if the House means to pay any claims for losses during the war anywhere it seems to me that the proof in this case not only entitles this claimant to his claim, but demands of the House the passage of this bill, because it is eminently just and comes within the purview and equity of the law. He would have been paid his claim without coming to the House but for the question of jurisdiction.

Mr. FINLEY. I do not rise to advocate this bill or to oppose it in any particular, but I desire to say that the Committee on War Claims do not need to feel sensitive over what may be said upon this subject. The gentleman from Illinois [Mr. EDEN] just now said that whatever bills were reported here they had to run the gauntlet on one side or the other of this House. That is not on account of any feeling toward that committee, because I believe every gentleman in this House has full confidence in the committee. It is because the republican party to-day are seeking to make political campaign capital of the fact, as they claim to the country, that this confederate House is going to pay enormous war claims.

Mr. FRANKLIN. Is that the reason you are afraid to do right?

Mr. FINLEY. The gentleman asks me if that is the reason I am afraid to do right? I will say to the gentleman that I am not afraid to do right, I intend to do right, but I have not forgotten that a short time since a claim was presented to this House from Alexandria for about $12,000, for the use of property in that city during the war, which it was proved beyond question the United States Government had taken and enjoyed, and it was also proved that the owners of the property were loyal men in every respect. The only argument against the bill which I heard that appeared to carry conviction to republican hearts was the argument *ad hominem*, that it ought to be defeated because a man by the name of Ellsworth had been killed in Alexandria. And that side voted against the bill. I do not say that they did it because that argument was made, but I do say that they did it although they knew at the time that the claim was a just one.

Since that time the word has gone forth all over the country from the republican members of this House and through the republican papers, that the democratic House was going to ruin the country by the payment of war claims. Is it therefore to be wondered at that when a claim comes before this House, however just it may be, members on this side, after what comes from that side, feel a delicacy about voting for the claim and thus giving confirmation to that rumor, if you may call it such?

I think the better plan is to repeal the present law and to enact another law by which claims may be presented to a commission or to a court having jurisdiction and be adjudicated as other claims are adjudicated, and paid if found just. But as long as the feeling exists that has existed for some time in this House, it is not to be wondered at if not a dollar is paid upon any of these claims, however just they may be.

Mr. HAYES. Is the gentleman willing to deal unjustly with an individual simply because the republicans of this House want to make a little party capital? That is his argument.

Mr. FINLEY. I am just as willing as the gentleman is and has been to do justice. But when I see the republican party on that side vote almost as a unit against a claim that was shown beyond controversy to be just, and then attempting to make party capital against the democratic party for reporting the claim which everybody knew was just, then I am prepared to stand here as a member of this House and say as I have said that I am in favor of repealing the law and be done with the subject in this House.

Mr. HAYES. This House ought to rise above such influences as that and deal justly with individuals.

Mr. FINLEY. I will ask the gentleman if he rose above influences of that kind when the Alexandria claim came up?

Mr. FRANKLIN. I understand the gentleman to be opposed to paying this claim, because, as he thinks, the republican party opposed the payment of the Alexandria claim. Now will he go before the country upon any such ground as that?

Mr. FINLEY. I have not said so.

Mr. FRANKLIN. I certainly so understood you.

Mr. FINLEY. I beg the gentleman's pardon.

Mr. FRANKLIN. Then what is the ground of your opposition?

Mr. FINLEY. I have not said that I was opposed to this bill at all. I took good care when I rose to say that I did not rise either to oppose or to advocate it. I rose to state facts which are known to every member of this House, and to show up the republican record on this subject in its proper light.

Mr. THORNBURGH. The gentleman from Wisconsin [Mr. BRAGG] said that he was in the Federal Army and was unable to discover many, if any, Union men in the South.

Mr. BRAGG. I beg leave to correct the gentleman; I did not state that I was ever in the Federal Army.

Mr. THORNBURGH. I misunderstood the gentleman, then.

Mr. BRAGG. I carefully avoided making any allusion to the fact, if it was a fact, that I was in the Federal Army.

Mr. THORNBURGH. I will say that there were many Federal officers who did not take the pains they should have taken to ascertain who were loyal when they went South. There was no distinction made; property was taken alike from both the Union people of the South and the confederates of the South. I will say for the other side that they made more discrimination in behalf of their people than the Federal Army did in behalf of the Union people of the South.

We were living in States in rebellion, and under the law of nations we were all treated as rebels. Property was taken which has never yet been paid for. If all the claims of the loyal people of the South that are now pending in Congress and are before the Departments and are in the Court of Claims should be paid, they, with all that have been paid already, would not amount to one-tenth of the property that was taken from the Union people of the South.

If there is a section of the South where a majority, and a decided majority, of the white people remained loyal to the Federal Government, I come from that section and represent that people. Their claims have not been paid. A republican Congress did not pay them, only in part, and very few considering the whole number that were presented. They are not being paid this session of Congress. The committee are reporting very few of them, fewer far than heretofore, as the records will show.

And the other day, when the question of paying contractors for carrying mails in the Southern States before the war broke out, came before this Congress, it was discovered that the confederate congress had passed a law providing that those contractors should be paid by the confederate government; and it was discovered that some of them had been paid by the confederate government. And in that very statute passed by the confederate government there was an express proviso that no contractor that was not loyal to the confederate government could receive one cent. This side of the House made no effort to see that that class of claimants in the South should receive compensation; and the other side of the House have not recovered sufficiently from the rout they received on that occasion to report back a bill to pay the loyal men of the South.

Mr. BRAGG. Will the gentleman allow me a question?

Mr. THORNBURGH. Yes, sir.

Mr. BRAGG. Does not the gentleman from Tennessee know that that claim which proved to be fraudulent was about being passed without any objection from the republican side, without any report from the republican minority of the committee against it, when the member who represents my district stepped down and called attention to the fact that it was a war claim of that kind, which led to an investigation? So that what the gentleman at this time takes credit for as a total "rout" upon this subject was simply the result of attention being called to the matter by a member on this side of the House.

Mr. CANNON, of Illinois. There was a minority report. If the gentleman had looked at the records he would have found it.

Mr. BRAGG. The gentleman said there was not.

Mr. CANNON, of Illinois. I said there was, and the records show it. Let the gentleman stick to the record.

Mr. THORNBURGH. I ask the gentleman from Wisconsin [Mr. BRAGG] whether he does not know that the statute passed by the confederate government, under which many of these claimants were paid, contained an express provision that loyal claimants of that character in the South should not be paid, and whether he made any effort to secure their payment?

Mr. BRAGG. I will answer the gentleman. I had so little interest in the confederate government that I never studied their laws.

Mr. THORNBURGH. This was read at the Clerk's desk, and it was known to all the members of the House who listened to the discussion or investigated the question.

Mr. Chairman, to repudiate—and that is the only proper word to use—to repudiate the honest debts that the Government owes to the loyal people of the South for supplies, many times furnished on application or sold, at other times taken from the people who remained loyal in a country where it meant something to be loyal to the Government—to refuse to pay those people for the supplies which the Government would have had to buy from others, if it had not taken them from these loyal people, is as much repudiation and as dishonorable as it is to repudiate any part of the national debt.

Mr. RIDDLE. My colleague will allow me to ask him which side of the House seeks to repudiate those claims?

Mr. THORNBURGH. You are not reporting these claims of loyal people as you should.

Mr. HUMPHREY. Mr. Chairman, it should not be said and it should not go to the country that republicans voted against a claim

of this class because Colonel Ellsworth fell at Alexandria, Virginia. This is the first time I have heard that remark made. Each claim stands upon its own merits.

Mr. FINLEY. If the gentleman will turn to the RECORD he will find that when the argument was being made against the claim, the gentleman from New York said, "They killed Ellsworth down there," and the whole republican side applauded.

Mr. HUMPHREY. The gentleman from New York, whoever he is, is not the republican party.

Mr. FINLEY. The republicans on that side applauded.

Mr. HUMPHREY. I desire to say in connection with this question that a few evenings since my distinguished colleague from Wisconsin [Mr. BRAGG] showed here conclusively, if his record is correct, that every claim of this kind which has been paid has been paid by republican votes. He did this for the purpose of showing that not one would be paid by a majority vote of this House on the democratic side.

This is with us a matter of principle. We do not care in what State the particular events happened, whether Virginia or Kentucky, or any other State. We only wish to know whether the claim is a just and true one. If your side are disposed to do right we will go with you, discriminating as to the merits of each particular case as it arises. The Virginia case which has been spoken of belongs to a very different class from the one now in hand. That case was a questionable one; its correctness was questioned on the floor of this House. But in this case no question has been raised except the fact that two laws were passed within which it was supposed this case would be embraced, but which did not meet it, because, under one provision the property must be situated within the limits of the military district in rebellion, while this was in a State that was loyal, not in a condition of rebellion; and under the other provision of law it was agreed the party must have resided in a loyal State, while in this case he resided in a State in rebellion while the property was in a loyal State, so that the law did not meet the case. If this man is a loyal man, and if our Army took his property and used it, under the circumstances this case should be one in which we should do justice, and the gentleman from Tennessee well remarked that if there had been any case in which justice has not been done it has been for a class of persons in the South who—if my colleague is correct in his estimate, that not one man in the South could be a loyal man under the circumstances, living in the limits of the rebellion, with his sympathies resting as they did with his own people and State, yet if his heart beat in unison with the old flag and the old Government which had supported him, but he still for a moment gave way but returned again to his first love and never took part in the rebellion, he would be entitled to more sympathy than the men in the North who stood back and did nothing and did not help one way or the other.

Mr. MCMAHON. Mr. Chairman, I am delighted to see this free conference between the members of both sides of this House; a little confidential talk, which may as well go to the country in its true aspect in order that the country may be able to tear off the veil of hypocrisy that has been heretofore concealing the issues between the two parties. Our friend from Tennessee [Mr. THORNBURGH] comes to the front and assures us that the bulk of the claims which are here before Congress and pending before the Departments are the claims of loyal men. He rather surprised me, however, by the further remark that if all which were still pending were to be paid and added to all that have been paid, it would not amount to one-tenth of what was destroyed for the loyal people of the South during the war.

Mr. THORNBURGH. Will the gentleman allow me a moment?

Mr. MCMAHON. I will yield if it does not come out of my time.

Mr. THORNBURGH. Only a moment to explain my meaning. The reason of that is this——

Mr. MCMAHON. I do not hear the gentleman.

Mr. THORNBURGH. The reason that all the claims have not been presented is this: a great many of them are of poor people and are for very small amounts, which did not justify them in employing attorneys to present them.

Mr. MCMAHON. Yes, sir.

Mr. THORNBURGH. Again, I believe it was in 1872 the claims commission was organized and had jurisdiction. In the mean time parties who could have been used as witnesses to establish claims had removed or died and the proof could not then be ascertained so that the claims could be presented.

Mr. MCMAHON. Now, Mr. Chairman, to repeat the remark, I am glad to see the gentleman coming to the front and admitting from whom all these southern claims have come and from whom we are to expect them in the future. Stating the amount which has been paid, he said that all that have been paid and all that ought to be paid to the Union men of the South would not be more than one-tenth of the actual losses of the Union men. And he now bows his head to me in assent to the correctness of my statement of his speech. Therefore we start right and upon a basis understood by each other. I had the pleasure the other day of reading (to discover how much had been paid) the statement of a very distinguished gentleman in the republican party, now Secretary of the Treasury and for many years the head of the Finance Committee of the Senate, the honorable John Sherman. I read from his speech the statement that the republican party had already paid in a spirit of liberality $100,000,000 for these war claims, and that in his judgment it was time to stop. I want to ask the gentlemen on that side, I want to ask the gentleman from Tennessee [Mr. THORNBURGH] particularly, whether he claims now $1,000,000,000 is the amount of property belonging to loyal men in the South that was destroyed by our troops.

Mr. GARFIELD. Do you say $1,000,000,000?

Mr. MCMAHON. Yes, sir; $1,000,000,000. We have paid $100,000,000 already, according to Mr. Sherman, and the gentleman said that is not one-tenth part of the losses. I have Mr. Sherman's statement here. No one can contradict or dispute it, because Mr. Sherman prepared his speech carefully. He went to the State of Ohio for the express purpose of making the key-note speech in the campaign of 1876, not simply for the State of Ohio, but for the whole United States.

Mr. THORNBURGH. Will the gentleman let me ask him a question?

Mr. MCMAHON. Yes, sir.

Mr. THORNBURGH. I repeat what I said in order that the gentleman from Ohio may not misunderstand it. There have been, as every one knows, fraudulent and false claims presented——

Mr. MCMAHON. And paid by whom?

Mr. THORNBURGH. And probably paid.

Mr. MCMAHON. Yes, paid. And paid by that side of the House—by the republican party—by Congress and your different departments of the Government.

Mr. THORNBURGH. And paid by you during this and the last Congress.

Mr. MCMAHON. But, my dear sir, we have paid nothing in this Congress, and the speech I referred to was delivered on the 12th August, 1876. It was up to that date the $100,000,000 had been paid. The democratic House did not pay anything of this.

Mr. THORNBURGH. If the gentleman will allow me to answer the question, I will do so.

Mr. MCMAHON. Yes, sir; I want an answer.

Mr. THORNBURGH. I said before, when the gentleman asked the question, and I say now, if all the claims which the loyal men of the South presented had been paid—of course not fraudulent claims, but honest claims, for this House ought to weed out those dishonest claims which have brought reproach on the honest and loyal applicants—if, excluding the fraudulent claims, all the honest claims had been paid, not one-tenth would be paid to the loyal men of the South that ought to be paid on a fair and just account stricken between the United States and the people.

Mr. MCMAHON. Now will the gentleman give me one fraudulent claim that ever passed a democratic House for as much as $5? The gentleman need not go away, I am waiting now for an answer.

Mr. THOMPSON. Let me remind the gentleman of the $375,000 for the southern mail contractors.

Mr. MCMAHON. That is not a part of the hundred millions, and it never became a law.

Mr. THOMPSON. Did it not pass the democratic House?

Mr. MCMAHON. I believe it did at one time.

Mr. THOMPSON. Then I will leave the country to decide whether it is or is not a part of the war claims.

Mr. MCMAHON. And it passed the republican Senate at the same time.

Mr. THOMPSON. Not at the same time. But it passed the democratic House unanimously and enthusiastically, and was on the very point of passing the same democratic House this year.

Mr. REAGAN. Let me say that that is not a war claim and also that it is not a fraudulent claim.

Mr. THOMPSON. I did not say it was a fraudulent claim. I was simply asking the gentleman from Ohio a question. Did it pass the democratic House?

Mr. MCMAHON. What the gentleman from Pennsylvania refers to was a claim arising upon contracts existing prior to the war and for services before the war. It was not what we know as a war claim. It never went in any way before the Committee on War Claims.

Mr. THOMPSON. Let me ask the gentleman if the claim of the William and Mary College ever went to the Committee on War Claims.

Mr. MCMAHON. Has this bill passed the House yet?

Mr. THOMPSON. I wish the gentleman to answer my question. Did the bill for the College of William and Mary go to the War Claims Committee?

Mr. MCMAHON. I do not yield to the gentleman further. He has put his question and may sit down. It is not important to what committee it was referred.

Mr. THOMPSON. I wish an answer to my question. Did it pass this House?

Mr. MCMAHON. No, sir; but it has been favorably reported from a committee. Has the gentleman any objection to the claim of the College of William and Mary? I am just informed that it passed twice in a republican Congress.

Mr. THOMPSON. That would make it only the worse. But when was that?

Mr. MCMAHON. At any rate it was reported favorably by a republican committee?

Mr. THOMPSON. Then you admit it did not pass a republican House.

Mr. FORT. The gentleman from Ohio [Mr. McMAHON] is becoming so wild in his statements that I think I must rise to correct them.

Mr. MANNING. It passed the House during the Forty-second Congress.

Mr. McMAHON. I am informed that it did pass a republican House, as I stated in the beginning.

Mr. KEIFER. It is said that that bill passed a republican House in the Forty-second Congress. I have before me the report in the Congressional Globe, and I find that the bill received in that Congress on a yea-and-nay vote of the House 36 votes in its favor, while there were 127 votes against it and 78 not voting.

Mr. McMAHON. Does the gentleman say the bill did not pass the House in the Forty-second Congress?

Mr. KEIFER. I say it was defeated by a vote of the House. I understand the gentleman appeals to the record. I have it here.

Mr. McMAHON. The gentleman will please sit down for the present. Gentlemen upon that side appear to be, every one of them, upon their feet. I have sent for the record.

Mr. KEIFER. Does the gentleman decline to let the record come in?

Mr. McMAHON. No, sir; the record will be in before the hour is up. I have sent for the Journal. Now I request the gentleman to take his seat. I have declined to yield.

Mr. KEIFER. When the gentleman is in error he ought to be corrected.

Mr. McMAHON. I call the gentleman to order. I desire to proceed, and will furnish the Journal in a few moments.

Mr. KEIFER. I supposed the gentleman wanted to be right; but, as he evidently does not, I take my seat.

Mr. McMAHON. I want to be right, and I propose to have the country right as well; and I will take delight in setting the gentleman right, especially when I remember that the gentleman who has so frequently interrupted me was engaged in the late campaign in Ohio talking his hypocritical talk about the danger of the payment of war claims by the democratic party, and now see him the chief advocate on the floor of this House of a similar class of claims, such as have depleted the Treasury of $100,000,000.

Now, to proceed without further interruption, I am glad to have received the free confession of the republican gentleman from East Tennessee, [Mr. THORNBURGH,] not only that these claims were the claims of loyal people, but that a large portion of those already paid must have been fraudulent claims, because it is the party represented by that side of the House which paid or allowed them, in Congress, or by its heads of Departments, or by its republican judges in the Court of Claims and in the southern claims commission. The republican party when in power drew out the people's money by all imaginable machinery to pay war claims. And yet they come before the country and say that the "rebels" on this side of the House are making a raid on the Treasury for "rebel claims!"

Now, having had the confession of the gentleman from Tennessee, [Mr. THORNBURGH,] I am glad to welcome also the confessions of the gentleman from Wisconsin [Mr. HUMPHREY] and the gentleman from Ohio [Mr. KEIFER] and others that where the claim is from a "loyal" man they are going to vote for it.

Mr. HUMPHREY. Will the gentleman allow me to ask him a question?

Mr. McMAHON. Certainly.

Mr. HUMPHREY. I desire simply to say that the reason why we speak of a claim being a loyal claim is not because we would be unwilling to do anything that would cement this Union firmly forever, but merely as a matter of principle, holding to the principle that damages resulting from wrongful acts should not be paid.

Mr. McMAHON. My friend labors under this great mistake, that while republican members of Congress and republican heads of departments were trying so make somebody believe they were cementing the Union by paying war claims they were only trying to build up a republican party in the South and perhaps to put money in the hands of sundry claim-agents, and made rich the northern "loyal" partners in these innumerable and never-ending claims.

Mr. HUMPHREY. We simply say as a matter of legal right and as a matter of justice that those who went into the rebellion should not receive payment for damages resulting from their wrongful acts; that as a matter of law, principle, and justice they should not be paid. We say that the passage of such a bill as this would be a precedent of that character and would be wrong.

Mr. McMAHON. There is nobody here asking the payment of claims to any except loyal citizens. Nobody in this House is claiming pay for rebel claims. The trouble is that after this lapse of time the proof of loyalty is too easily got; the desire to get a little money is too great a temptation to a large number of persons to bring their claims here, and the ease with which loyalty has been proved in times past to the satisfaction of republican officials is startling.

Mr. THORNBURGH. The proof of loyalty taken ten years ago has not yet been acted upon; it is still lying in your committee-rooms and in the room of the southern claims commission.

Mr. McMAHON. I am sorry to hear that the Union men of the South have not yet been paid for the destruction of their property by Union soldiers. I believe they, or somebody, have been more than paid. I denounce as a base slander upon the Union armies that they destroyed anything like one hundred million dollars' worth of property belonging to Union men. I say it is a base slander upon the officers who led the Army and upon the privates in the field. There may have been occasions where property belonging to Union men was destroyed; but the idea that it ever amounted to $100,000,000 or to the enormous sum stated by our republican friend from Tennessee, of $1,000,000,000, is an idea to be scouted. I say that it was not $10,000,000. I say that the losses of the real Union men of the South, the men who were in fact loyal to the Government, would not reach $10,000,000.

Mr. THORNBURGH. Those are the gentleman's figures, not mine.

Mr. McMAHON. What are my figures?

Mr. THORNBURGH. Those you are now using.

Mr. McMAHON. That the property of Union men destroyed amounted to a hundred million dollars.

Mr. THORNBURGH. I do not know where you got them; you did not get them from me.

Mr. McMAHON. I got them from higher republican authority than even the gentleman; a man high up in his party; a man who was chairman of the Committee on Finance of the Senate, and I will read it to the gentleman now.

Mr. THORNBURGH. Will the gentleman tell me what it includes? Does it include the claims of disloyal persons who have entered suit in the Court of Claims for cotton taken and sold and the proceeds covered into the Treasury? Does it include that class of persons who have been paid under the law of 1834, which allowed disloyal persons after they had taken the oath of allegiance to be paid their claims? Or does it include the claims of those who were and remained loyal during the entire war?

Mr. McMAHON. Let me read to the gentleman, and he can make his own comment upon it and draw his own conclusion. I read from the speech of Hon. John Sherman, delivered at Marietta, Ohio, on the 12th of August, 1876. This statement is one which should go into every household in this land, in order that people may know where the blame lies as to the payment of the so called "rebel war claims."

I now read again from Mr. Sherman's speech at Marietta, in August, 1876:

> When the war closed innumerable claims against the United States were made from the lately rebel States, and Congress in the most liberal spirit made provision for the payment of all that by the well-settled rules of civilized war could be properly made against the United States. The officers of the Departments, Supreme Court, the Court of Claims, and the southern claims commission were authorized to adjust and pay different classes of claims, and Congress passed many acts for equitable relief; so that it may with safety be said that more than $100,000,000 was paid after the war was over to citizens of the South for losses caused by the rebellion.

Mr. THORNBURGH. The word "loyal" is not used there at all.

Mr. McMAHON. Do you mean to say that the republican party has paid disloyal men? Is that what Mr. Sherman meant?

Mr. THORNBURGH. I mean to say that we have paid men from the close of the war down who were not loyal.

Mr. McMAHON. Do you mean to say that the Secretary of the Treasury meant to state in that speech that a part of that money was paid to disloyal men by the republican party?

Mr. THORNBURGH. Does not the gentleman know that the law pays men now, and the Supreme Court has held that they should be paid after they have taken the oath of allegiance? Does not the gentleman know that captured property sold by the Government and the proceeds paid into the Treasury has been paid out, millions of it, to men who were not loyal?

Mr. McMAHON. I am thankful to the gentleman for his open confession; but he is in part mistaken. That decision was made comparatively recently, and my friend knows that a great many men did not know that such a decision was going to be made, and never filed their claims in time. The really disloyal men of the South did not file their claims because they did not think they could prove themselves to be loyal by simply taking the amnesty oath—gentlemen around me well know this to be the fact—and the Court of Claims had decided that the taking of the amnesty oath did not entitle them to recover.

Mr. THORNBURGH. The gentleman knows, if he will think for a moment, that claims decided since that decision of the Supreme Court were filed and pending for years before the decision.

Mr. McMAHON. Mr. Chairman, I have now before me the Journal. My friend from Ohio a while ago challenged the production of the record when I stated that a republican House had passed the bill for the relief of William and Mary. I read now from the Journal of the House in the Forty-second Congress.

Mr. GOODE. If the gentleman will allow me one moment, I have just understood that the statement has been made that the bill for the relief of the College of William and Mary did not pass in that Congress. I have here the record showing that it did pass by a vote of 111 to 75.

Mr. McMAHON. I have the Journal of the House on the same subject; and I call attention of the gentleman from Ohio to the proceedings on page 412 of the House Journal for the third session of the Forty-second Congress:

> Mr. Storm on leave introduced a bill (H. R. No. 3073) for the relief of the College of William and Mary, in Virginia; which was read a first and second time.
> Pending the question on its engrossment,
> Mr. Storm demanded the previous question, which was seconded.
> The question was then put, Shall the main question be now put?
> And it was decided in the affirmative—yeas 111, nays 82.

Then, after other proceedings which I need not read, the vote was taken by yeas and nays on the passage of the bill and it was passed by a vote of 111 to 75.

Mr. KEIFER. What is the date of that?

Mr. McMAHON. You are getting a little particular about dates, are you? The gentleman was very sure a while ago. [Laughter.] It is February 17, 1873. I will take the liberty of incorporating as a part of my remarks the full vote on the passage of the bill to show that a large number of republicans either voted for the bill or refrained from voting against it:

YEAS—111.

Acklen,	Dox,	Kendall,	Robinson,
Archer,	Du Bose,	Kerr,	Rogers, J.
Arthur,	Duke,	King,	Rogers, S. H.
Banks,	Dunnell,	Lamison,	Roosevelt,
Barnum,	Eldredge,	Leach,	Sargent,
Barry,	Ely,	MacIntyre,	Sheldon,
Beck, E. W.	Esty,	Marshall,	Sherwood,
Beck, J. B.	Foster, H. D.	Maynard,	Shober,
Bigby,	Garrett,	McCormick,	Slater,
Biggs,	Giddings,	McGrew,	Speer,
Bird,	Golladay,	McKinney,	Stevens,
Blair, J. G.	Griffith,	Merrick,	Stephenson,
Boarman,	Haldeman,	Meyers, B. F.	Storm,
Boles,	Hambleton,	Mitchell,	Sutherland,
Braxton,	Hancock,	Morey,	Sypher,
Bright,	Handley,	Morgan,	Terry,
Burdett,	Hanks,	Niblack, S. L.	Tuthill,
Butler, B. F.	Harper,	Niblack, W. E.	Twichell,
Butler, R. R.	Harris, G. E.	Parker, H. W.	Vaughan,
Carroll,	Harris, J. T.	Perce,	Voorhees,
Cobb,	Hay,	Perry,	Waddell,
Coghlan,	Hays,	Platt,	Wallace,
Conner,	Hereford,	Porter,	Warren,
Crebs,	Herndon,	Price,	Wells,
Critcher,	Hill,	Read,	Whitthorne,
Crossland,	Hoar,	Rice, E. Y.	Winchester,
Davis,	Hooper,	Ritchie,	Young.
Dodds,	Kellogg,	Roberts, W. R.	

NAYS—75.

Ambler,	Farnsworth,	Lowe,	Slocum,
Ames,	Finkelnburg,	Lynch,	Smith, H. B.
Barber,	Foster, C.	McClelland,	Smith, J. A.
Beatty,	Frye,	McJunkin,	Smith, W. C.
Bell,	Garfield,	Merriam,	Snyder,
Bingham,	Goodrich,	Monroe,	Sprague,
Blair, A.	Hale,	Morphis,	Starkweather,
Buckley,	Havens,	Negley,	Stoughton,
Bullinton,	Hawley, J. B.	Orr,	Taffe,
Bunnell,	Hawley, J. R.	Packard,	Turner,
Burchard,	Hazelton, G. W.	Palmer,	Tyner,
Clarke,	Hazelton, J. W.	Peck,	Upson,
Coburn,	Hibbard,	Pendleton,	Van Trump,
Conger,	Holman,	Roberts, E. H.	Wakeman,
Cotton,	Houghton,	Rusk,	Waldron,
Darrall,	Kelley,	Sawyer,	Wheeler,
Dawes,	Ketcham,	Sessions,	Willard,
Donnan,	Lamport,	Shellabarger,	Wilson, J. T.
Eames,	Lansing,	Shoemaker,	

NOT VOTING—53.

Adams,	Foster, W. D.	Parker, I. C.	St. John,
Averill,	Getz,	Peters,	Swann,
Brooks,	Halsey,	Poland,	Thomas,
Caldwell,	Harmer,	Potter,	Townsend, D.
Campbell,	Killinger,	Prindle,	Townsend, W.
Comingo,	Kinsella,	Rainey,	Walden,
Cox,	Lewis,	Randall,	Whitcley,
Creely,	Manson,	Rice, J. M.	Williams of Ind.,
Crocker,	McCrary,	Scofield,	Williams of N. Y.,
Dickey,	McHenry,	Seeley,	Wilson, J. M.
Duell,	McNeely,	Shanks,	Wood.
Elliott,	Moore,	Sloss,	
Farwell,	Myers, Leonard	Snapp,	
Forker,	Packer,	Stowell.	

Now the gentleman, who is a member of the Committee on War Claims, ought to have been a little better posted than to have made so positive a denial of my statement; and my friend from Pennsylvania, [Mr. THOMPSON,] who has only made his appearance in Congress at this session, ought not to have been so certain about what the record would show and would not show.

Mr. THOMPSON. "The gentleman from Pennsylvania" did not refer to the record at all, for the very satisfactory reason that he knew nothing about it, and very safely he generally confines his remarks to what he knows something about.

Mr. McMAHON. Now as to the result of this discussion so far, we have the admission that the property of Union men destroyed in the South amounts to $1,000,000,000; that only $100,000,000 has been paid, and that they want the other $900,000,000 paid at an early day. We have also the confession of gentlemen on the other side that when a claimant is proved to be "loyal" they propose to vote for the claim. And if the $900,000,000 is shown to be held by "loyal" men, they propose to pay it all.

Mr. DUNNELL. The gentleman should also state that it is further conceded to be legitimate to make a second use of John Sherman's speech.

A MEMBER. A third. [Laughter.]

Mr. McMAHON. This is only the second time; but I do not expect to stop at this. It is too good a document not to be refered to frequently. I want this statement of John Sherman's to go on record as often as possible, because he knew more about this question than almost any man on the other side of the House. He has been in Congress ever since some of us were small boys. He was for a long time a member of the Ways and Means Committee in the House and also of the Finance Committee in the Senate. He knew what was being done and knew what he was printing when he printed the speech at Marietta.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman from Minnesota [Mr. DUNNELL] whether he did not in the Forty-second Congress vote for the passage of the bill for the relief of William and Mary College.

Mr. DUNNELL. I am unable to answer; I presume I did. [Laughter.] I will say to the gentleman that I have not voted against it in this Congress.

Mr. GOODE. I hope the gentleman will vote for it again.

Mr McMAHON. The amount asked for William and Mary College is a small matter compared with the $900,000,000, the payment of which the other side expect to advocate and press when they get full power. But while they are in the minority how pious they are!

> The Devil was sick, the Devil a monk would be;
> The Devil was well, the Devil a monk was he.

[Laughter.] So it will be with gentlemen on that side. Who ever heard complaint of the payment of war claims as a matter of political capital against any political party of this country until the republican party became a minority in this House? It then got down on its knees and began to be virtuously indignant. It had paid while in power $100,000,000 of the people's money for war claims, not all to loyal men either, as the gentleman from Tennessee [Mr. THORNBURGH] admits. He admits that they paid fraudulent claims to the amount of $80,000,000 or $90,000,000 probably.

Mr. THORNBURGH. Where do you get that?

Mr. McMAHON. From your statement.

Mr. THORNBURGH. I made no such statement.

Mr. McMAHON. I say that of the $100,000,000 already paid probably not $20,000,000 (if you except the money paid under the captured and abandoned property act) was honestly paid.

Mr. THORNBURGH. How much has been paid after deducting payments under the captured and abandoned property act?

Mr. McMAHON. I ask the gentleman the same question.

Mr. THORNBURGH. Well, I will tell you. Decidedly the larger bulk of the claims that have been paid have been paid under that and other acts for captured and abandoned property, and for cotton which was sold, the proceeds having been paid into the Treasury.

Mr. McMAHON. If the gentleman will look at the letter of the Secretary of the Treasury, in which he incorporates certain other letters and makes reports to Congress, he will find that under the captured and abandoned property act a very limited portion of the $100,000,000—a very limited sum indeed—was paid. As I understand it, there are $13,000,000 not yet paid out and the whole fund did not exceed $30,000,000.

Mr. THORNBURGH rose.

Mr. McMAHON. You cannot cover it up in that way.

Mr. THORNBURGH. Will the gentleman tell me how much was paid for cotton seized and sold in that form?

Mr. McMAHON. I think about fifteen or sixteen million dollars—not to exceed that. Now, what has become of the balance? What has become of the balance of the $100,000,000? Suppose that to be included, as I suppose it was. Why, you could not persuade me, you cannot persuade your friends on that side of the House, you cannot persuade any one sitting on this side of the House, that $10,000,000 will not cover the losses arising from supplies taken or property destroyed of Union men in the South by Union soldiers during the war. We all know as a matter of fact of current history in the war of the late Confederate States the poor men in East Tennessee, in the mountain districts of that and other States, were the men loyal to the Union, and not the great property-holders. It was not the fact. We all know that it was the rich man's war; inaugurated, as he thought, for the protection of his property. The poor man was not always a "loyal" man, but a loyal man was nearly always a poor man. I challenge denial of this fact.

Mr. Chairman, I am glad this discussion has been had. We are all getting right before the country. We are taking our proper positions. We have good republican authority that there remains to be paid $900,000,000 of claims of "loyal men." And our republican friends will join with our southern friends, as they are now joined upon this bill, in voting for and advocating every bill for a "loyal" man's relief. The so-called "rebel claims" have taken their proper shape and name. They are the claims of "loyal" men, whose loyalty is generally tested by the ticket they vote or profess to vote. The danger to the country is not from the claims of "rebels," but the claims of "loyal" men. The raid on the Treasury is to be made, as in times past, with the assistance of our republican friends. And the danger to the country is not in keeping the democratic party in power, but in restoring a party which has paid so much already—whose representatives openly avow that they intend to pay all "loyal" claims.

Mr. CABELL. How much time have I?

The CHAIRMAN. The gentleman has an hour.

Mr. KEIFER. I desire to reply to the strictures of the gentleman on the other side.

Mr. CABELL. How long does the gentleman want?

Mr. KEIFER. I think about fifteen minutes.

Mr. CABELL. I will conclude in less than fifteen minutes, and the gentleman can follow me.

Mr. KEIFER. I should like to follow the gentleman from Ohio, as he referred to me.

Mr. CABELL. I will yield directly to the gentleman.

Mr. McMAHON. Mr. Chairman, I desire before sitting down to put myself on record on this and similar bills. I do not know that I stated distinctly what I intended to do; but I purpose to vote against this and all bills of a like character. After the republican party has been in undisputed power for ten years, during which time it paid every kind of southern war claim that made any decent showing, and many that did not, I am compelled to believe that a claim that was not paid by them during that time is wanting in some of the elements of a proper claim. Either it was dishonest, or the man's loyalty was not capable of proof, or some valid objection intervened. When they paid so many objectionable claims, one that they did not pay must have been bad indeed. I can never vote, of course, to pay the claims of "disloyal" men. Indeed their claims are never urged except under cover of proof of "loyalty." And as to the claims of "loyal men," it is time the Government was having a rest. Our patience has been exhausted on that subject. I shall vote against all "claims," whether for "loyal" or "disloyal" men.

Mr. DUNNELL. I should like to ask the gentleman a question.

Mr. KEIFER. I believe I have the floor.

Mr. CABELL. I yield to the gentleman.

Mr. KEIFER. I am gratified the gentleman from Ohio finally stated the point to his whole speech. We will understand that he stated the reason why he declines to vote for this bill to pay the estate of an old man who was loyal, who lived, it is true, in a confederate State—that the reason why he will not vote to pay this claim is because the republican party will not vote to pay disloyal men their claims when they come here. That is the whole point and pith of it.

Mr. McMAHON. One moment.

Mr. KEIFER. I will not submit to any interruption. If the gentleman will take his seat, as he ordered me to do, I will answer the balance of his speech.

Mr. McMAHON. Mr. Chairman, I will not submit to any misrepresentation by the gentleman.

Mr. KEIFER. I am not to be interrupted. I wish the Chair to protect me in my right to the floor.

Mr. McMAHON. I will not permit the gentleman to misrepresent me.

Mr. KEIFER. I appeal to the Chairman for order. I decline to let the gentleman interrupt me. I hold in my hand the record to show that the Forty-second Congress voted down a bill giving to the William and Mary College $65,000—that in December, 1872, the Forty-second Congress voted down that proposition.

Mr. McMAHON rose.

Mr. KEIFER. I decline to be interrupted. I state the record exactly right.

Mr. McMAHON. I allowed the gentleman to interrupt me.

Mr. KEIFER. I cannot consent to allow the gentleman to interrupt me after treating me with such gross discourtesy, ordering me to take my seat.

Mr. McMAHON. I allowed the gentleman to speak in my time.

Mr. KEIFER. I hardly expect him to interrupt me.

Mr. McMAHON. I allowed the gentleman to interrupt me half a dozen times.

Mr. KEIFER. When the gentleman interrupted me I was about to say——

Mr. McMAHON. When the gentleman misrepresents me as he does——

Mr. KEIFER. The gentleman had a whole hour, and I do not now yield to him.

Mr. McMAHON. The gentleman misrepresents me.

Mr. KEIFER. I do not misrepresent the gentleman.

Mr. McMAHON. You do.

Mr. KEIFER. The gentleman says in the last campaign I undertook to make capital out of the payments of this sort of claims. I never did. Everywhere and always I contended that the Government ought to be just to all those men who stood by it during the war, whether they were from the South or the North. And when the gentleman makes that statement it proceeds from a spirit that lies deep in his own bosom, the spirit of demagogery. He merely imagined we would do it.

Let me say further that I have heard that speech about John Sherman down at Marietta twice since I have been on the floor, and I do not know but it was repeated twice here to-day. The gentleman is utterly ignorant of the law under which that $100,000,000 spoken of by Mr. Sherman was paid. After the pardon was granted by the general proclamation of Andrew Johnson, it was held by the Supreme Court of the United States that that pardon remitted all persons who had property taken from them in the South, under the abandoned-and-captured-property-act, however disloyal, to receive from the Treasury of the United States the moneys derived from the sale of captured and abandoned property. And in that way many millions of dollars were paid, and rightfully paid, because I submit the decision of the Supreme Court of the United States was right.

Now, the gentleman has got that summed up here and included in that statement, and undertakes to throw it in the face of the gentleman from Tennessee [Mr. THORNBURGH] when he rises to speak for his loyal constituents and on behalf of them on this measure. I am sorry the gentleman from Ohio [Mr. McMAHON] has left the Hall and gone off to correct the record while I am attempting to reply to him.

Let me say further that I do not intend to submit here to be driven from my line of duty by any such taunts as have been thrown out by my colleague who has just left the Hall, or my colleague who spoke a few minutes ago, [Mr. FINLEY.] He, too, gave as a reason why he did not dare to do his duty here as a member of the House, that the republican party had voted to pay loyal claims in the past and was now trying to make capital out of war claims by a democratic House. He contented himself with saying—for that was the logic of his whole speech—that he was opposed for that reason to all these measures and these bills. I hope, sir, this Congress will not be moved by any such low and disgraceful motive, either on the one side or the other.

I did not myself believe that we should undertake to pay damages occasioned by the war, such as are classified under the general head of ravages of war by either army. I challenge the consistency of my colleagues from Ohio, [Mr. McMAHON and Mr. FINLEY.] In vain have I listened to hear from them the announcement of some principle of law for excluding loyal men's claims for supplies furnished to the United States during the war. They each assail the republican party for having paid in past years claims of loyal men. No political sin of that kind lies at their door. The magnanimity of many southern men who were against the Union, and some of whom fought valiantly in the confederate army, contrasts favorably with them. Whatever may be said of the reconciliation of southern men in giving in their adhesion to the Union in good faith, nothing can be said for some northern democrats. [Applause.]

I know that many of these questions were presented here in 1872 before a commission that was appointed partly by the United States and partly by Great Britain—appointed under what was called the Washington treaty, by the twelfth article of which the United States agreed to pay all legal claims of Her Britantic Majesty's subjects growing out of the war. Count Louis Corti, of Italy, presided over that commission; Judge James S. Frazer, of Indiana, formerly a justice of the supreme court of that State, was one of the members of that commission; and the Right Hon. Russell Gurney, of Her Britannic Majesty's privy council, I believe, represented Great Britain. That commission unanimously found, when there were claims presented on behalf of subjects of Great Britain before it for losses of property during the late war, that there was no legal claim under the rules of international law against the United States for any losses by the war that came from the ordinary devastation or ravages of war. Before that commission the liability of the United States to pay all legal claims was admitted. No question of loyalty was involved. And therefore we stand upon that rule. I stand on it for other reasons. In effect it has been decided frequently by our own Supreme Court, and the rules of international law are well settled in regard to it. But when it comes to a question of taking a loyal man's property and the United States getting the benefit of it, appropriating it, using it for the purposes of the Government in the prosecution of the war and in putting down the rebellion, I see no reason why the United States should not pay a loyal man without reference to where he lives or where his property was.

Mr. GOODE. Will the gentleman allow me one moment to make a statement?

Mr. KEIFER. Let me complete what I am saying, and then I will yield to the gentleman with pleasure. I am informed now that after the vote was taken in December, 1872, on the passage of the bill in favor of the College of William and Mary, when the bill was voted down by the exact vote I stated a few moments ago—yeas 36, nays 127, not voting 78—a motion was made to reconsider, and that was laid on the table. But subsequently to that time, near the close of that session, a new bill was introduced which did pass. To that extent I was mistaken. But the bill was voted down by the exact vote I stated in December, 1872, and another bill was passed subsequently.

Mr. GOODE. It passed on February 23, 1873, by a vote of 111 to 75. I think it due to the southern people to say that, so far as my information extends, and I have given some examination to the subject, ninety-nine out of one hundred of these claims have been brought by men who protested their loyalty to the Union throughout the whole war. I want to say further that the great body of the southern people, and I mean the confederate people, did not expect that the losses incurred by individuals as incident to the war would ever be reimbursed to them. They staked their all on the issue of the struggle; they lost, and they accept the loss as the fate of war.

Mr. BLAIR. Does the gentleman believe that those protestations are true?

Mr. KEIFER. Allow me one moment.

Mr. CABELL. I will yield three minutes to the gentleman from Ohio, [Mr. McMAHON.]

Mr. McMAHON. I only take the three minutes for the purpose of putting myself right on the record as against the misrepresentation of my colleague from Ohio, [Mr. KEIFER,] who did not show on this occasion the courtesy I showed to him in the first instance. I gave him the opportunity to interrupt me and ask me questions until he

undertook to make an argument about the Journal, for which I had sent, and then I said that he ought to stop and sit down, when he had persistently refused to wait for the record. If he thinks that he can get even with argument by misrepresenting what I stated in the hearing of every gentleman here, he makes a mistake that is common with a class of individuals. I never said that I was in favor of not paying these claims because the claims of disloyal men were not to be paid.

Mr. KEIFER. That was the logic of your argument.

Mr. MCMAHON. Nothing but the gentleman's distempered imagination could have given what I said that bearing, and I can scarcely believe that the gentleman drew the conclusion by any honest influence of logic. I presume he desired to draw that conclusion that he might break the force of what I had said. I am not in favor of paying any loyal or disloyal claim, and I have never voted to pay any loyal or disloyal claim. Even in the case of William and Mary College, which is a sort of impersonal corporation, I said some months ago to an ardent friend of that institution that I could not vote for that bill because it would be used as an entering wedge for the claims standing behind it. But it is not presented here for payment as a claim. The honorable gentleman from Massachusetts [Mr. LORING] put it on the distinct ground that it was a benevolence to an institution of learning. The gentleman's endeavors to break the force of what has been said by any want of courtesy or improper representation of my views cannot but react against himself, and is no offset to the argument.

Mr. KEIFER. Allow me one word. I wish to say, in order that it may go upon the record, that all the discourtesy between my colleague and myself originated in his own discourtesy to me.

Mr. CABELL. Mr. Speaker, I have been a member, since the commencement of the Forty-fourth Congress, of the Committee on War Claims, and it has always been a subject of regret to me that whenever a bill is reported from that committee it should be bitterly opposed on the floor of the House by gentlemen who have inquired into neither the justice nor the merits of the claim.

What has the discussion which has been carried on here to-day to do with the claim here presented for the consideration of the House? Has anything been said about the justice or injustice of this claim? Is this claim, which is a just and honest one, to be rejected because forsooth there are men, bad men, who have presented unjustifiable claims against the Government? The right way for the House to do is to consider whether the claim before it is a just and honest claim, to consider, not whether it comes from the north or south side of the Potomac, but to consider whether it is a just claim, and whether it comes within the purview of the law. When you have decided that, you have decided the whole question. Gentlemen do injustice to themselves, injustice to the claimants; ay, injustice to the country when they come forward and vote upon questions of this kind without knowing the facts in the case, without knowing whether or not a man is legally entitled to what he claims, or whether his claim is a just or an unjust one.

When I went upon the Committee on War Claims I found the law to be that no man should be paid a claim arising during the war unless he could prove his loyalty, and there are gentlemen upon this floor who will bear me out in saying that as an individual member of the Committee on War Claims, whenever that question was brought up I insisted that the claimant should prove his loyalty beyond a doubt. I know how loyal to the Government of the United States most of these men were, and knowing that, and with the law staring me in the face, I required that each claimant should prove it, and when he proved it I was in favor of paying his just claim.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. MAISH having taken the chair as Speaker *pro tempore*, a message was received from the President, by Mr. PRUDEN, one of his secretaries, who announced that the President had approved and signed bills and joint resolutions of the following titles:

A bill (H. R. No. 847) for the relief of Susan Robb;

A bill (H. R. No. 1305) for the relief of the minor heirs of John H. Evans, deceased;

A bill (H. R. No. 1887) to extend the provisions of section 3297 of the Revised Statutes to other institutions of learning;

A bill (H. R. No. 1639) making an appropriation for pier-lights at the entrance of the jetties in the South Pass of the Mississippi River;

A bill (H. R. No. 3822) making appropriations for the naval service for the year ending June 30, 1879, and for other purposes;

A bill (H. R. No. 3859) for the relief of Silas M. Morton, postmaster at Bristol, Connecticut;

A joint resolution (H. R. No. 78) granting the use of artillery, tents, &c., at the national soldiers and sailors' reunion to be held at Marietta, Ohio; and

A joint resolution (H. R. No. 158) for the erection of a monument over the grave of Thomas Jefferson.

RICHARD HEATER.

The Committee of the Whole resumed its session and the consideration of the bill (H. R. No. 2139) making appropriations for the payment to Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named, for value of stores and supplies taken and used by the United States Army.

Mr. CABELL. When I was interrupted I was saying that the law required a man to prove his loyalty, and I always insisted that every one of these claimants should prove his loyalty. But when he came with that proof which was the fulfillment of the law itself, I was ready to favor his claim and vote him that which was just and was proper. It has booted little with me whether the man came from the North or came from the South; if he brought himself within the purview of the law I was ready to give him his rights under the law. Are not gentlemen here ready to do that? Are you not ready to look above party and beyond section, and to do what is right and what is just between man and man, and between the Government and the citizen?

How does this case stand? A man in the State of Virginia sustained losses during the war. He furnished to the Government of the United States that which it needed to feed its armies; furnished horses to move its artillery. He now comes here and asks this House to give him pay for his property, because he comes within the requirements of the law, because he is a loyal man, notwithstanding he was, as the term goes, living in a rebellious section and surrounded by disloyal citizens.

It is true that the State of Virginia was within the confederate lines. It is true that the great mass of her citizens rallied around, not only the State flag, but the confederate flag. It is true that the truest, the noblest, and the best of her citizens followed bold Robert E. Lee and his gallant captains to the forefront of battle. But it is none the less true that there were men in the State of Virginia who never forgot their devotion to the Union and their attachment to the Government of their fathers. It was a notorious fact that in the county of Loudoun, so well represented here by my distinguished colleague, [Mr. HUNTON,] there were many Union men. We in the South and of the southern army knew it and recognized it. We bitterly regretted it at the time. We could have spotted many of them and well understood it. It is not surprising, therefore, that there should be those who can bring forward proof of loyalty when they present their claims here, and who deserve to be paid under the laws of the land.

I ask, gentlemen, in the consideration of this question, to consider the facts and to do what is just under the law, to do what is right. Do not mix this claim up with what you are pleased to term "rebel claims." Do not confound it with other cases. But remember that you are sitting here as judges, and take this case and try it fairly. In the first place ascertain whether it is right, and if it is right and has been properly proved, then render to the man what is his due.

You have been told by the gentleman on the other side, the gentleman from Ohio [Mr. KEIFER] who reported this bill, that you should render to the estate of this man—for it appears that the man himself is dead—that which is due to it. It is just and right and honest that you should do so.

This bill should not be classed with the great mass of claims which the gentleman from Tennessee [Mr. THORNBURGH] has spoken of as coming from the South. I do not believe that there are any thousand millions or hundred millions of dollars of claims against this Government from Union citizens coming from the South. It is a mistake; the claims from the South are neither so large nor numerous as claimed.

My colleague [Mr. HUNTON] has well said that the great bulk, the great mass of the southern people went into the war and went into it willingly. If they did not go into it willingly, they at least yielded their assent to it, and went in honestly and determined to win if they could. When they did go in they crossed the river, and as far as they could burned their bridges behind them.

They never expected to come here to Congress and ask to be paid for their losses—losses which ensued from the ravages of war. They asked nothing of the kind then, and they do not ask it now. Men, however, have asked that, when the Government came and took their property and used it for Government purposes, the Government should pay for it. When the Government takes the property of a man and uses it, has the benefit of it, and at the time saves the expenditure of that much money for provisions and stores and supplies for its Army, why should it not pay for it?

The Committee of the Whole rose informally, and Mr. BANNING took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, with an amendment in which the concurrence of the House was requested, a joint resolution of the following title:

A joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress to provide for the completion of the Washington Monument.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 753) to confirm a certain private land claim in the Territory of New Mexico; and

A bill (S. No. 1044) granting a site for a dry-dock in the city of Baltimore upon certain conditions.

RICHARD HEATER.

The Committee of the Whole resumed its session and the consideration of the bill for the payment of Richard Heater.

Mr. CABELL. I was asking that when the Government got supplies that it used for its own purposes why should it not pay for them? Especially why should it not pay those who were loyal to this Government and entitled under the law to claim? A republican Congress passed that law and put it upon the statute-book, and stated to the country that loyal men should be paid for the property taken and used by the Government.

Here is an instance in which the Government took the property of a citizen and used it. No man gives a reason why it should not be paid for. I know my friend from Wisconsin [Mr. BRAGG] has said that claims of this character look as if they had fraud in them. That is an easy cry to raise against any claim. But the claim now under consideration has been examined by a committee as jealous of the rights of this Government and of the good name of this House as is that gentleman or any other gentleman upon this floor. This claim is not to be classed with ordinary claims which we hear so often denounced as rebel claims.

There is a great deal said about these rebel claims. You will in fact, however, rarely find a bill referred to any of your committees or brought before this House that can be truly termed a rebel claim. Now, in answer to what the gentleman from New Hampshire [Mr. BLAIR] said awhile ago about our presenting these southern claims, I will ask him why he presents the claim of any citizen from his State with whom he differs in opinion?

Men on this side of the House, like those on the other side, present the claims put into their hands by their constituents. It is the right of the constituent to ask and the duty of the Representative to present his application to Congress. The mere fact that we present such applications, if they are presented at all, is no reason why we should either be in favor of them or that we should vote for them or give them countenance or support, unless we are satisfied of their justice upon proper investigation.

Mr. BLAIR. Will the gentleman allow me a question? Here is a large mass of claims which have become of national and international celebrity on account of their admitted frauds. Can gentlemen from the South as a body justify themselves in introducing this large mass of claims which are characterized by fraud as a whole, and known and admitted to be so by gentlemen now upon the floor? Does the gentleman think, would he intimate, that the mass of Representatives from the North are here presenting claims which they know and understand to be, almost the whole of them, fraudulent in their character, to be sustained if at all by perjury?

Mr. CABELL. Will the gentleman stop now? His question is one of considerable length. [Laughter.]

Mr BLAIR. But I think it is a question which is a pertinent answer to the gentleman's explanation.

Mr. CABELL. I will give my answer to the question which the gentleman has asked, though it is so fine-spun and long-drawn out that I do not know whether I can catch up with it. The gentleman asks why southern members as a body will give countenance to fraudulent claims presented here. Who says there are fraudulent claims presented from the South? That is the *ipse dixit* of such gentlemen as himself. Who will get up here and make such an assertion after having investigated these claims, knowing whence they come and what they are?

Mr. BLAIR. The gentleman's reply is accompanied with unnecessary warmth.

Mr. CABELL. I beg pardon. When the gentleman gets up and talks about our presenting fraudulent claims he should know and understand that there are no gentlemen here from the South who would present knowingly any fraudulent claim against the Government.

Mr. BLAIR. The gentleman will hear me, I presume. My remark in regard to the character of these claims was based upon the spontaneous admission of several gentlemen on the other side made in my hearing, and characterizing these claims in the manner I have described. I asked the question whether gentlemen had confidence in the protestations of loyalty accompanying these claims, and half a dozen gentlemen on the other side of the House spontaneously answered "no." Then I put the question, "Why, then, as a section, do you propose these claims?"

Mr. CABELL. Sir, I deny that "as a section" we have presented these claims; much more do I deny that we have presented any fraudulent claims. I spurn the idea that a southern Representative would come here either presenting or upholding in the slightest degree any fraudulent claim. We are a poor people. We have been bereft of our property and despoiled of our rights. We have nothing left to us save the good name which our fathers gave us; but by the help of an overruling God we hope and expect to maintain that. We expect to keep our high honor and character untarnished. Though we may not be able to vie with gentlemen of the richer section in wealth, still we will not come here and ask the Government for that which we ought not to have.

When a claim is brought here and put into the hands of a Representative, he, as every just man would do, should present it; for before it can be paid it must undergo the scrutiny of a committee, the scrutiny of the Committee of the Whole, and the scrutiny of the House. Every man who presents a claim, every Representative who fathers it must know and understand that if there is anything wrong in the claim the fraud will be uncovered in all its nakedness.

Mr. BLAIR. Now if the gentleman will allow me just a moment——

Mr. CABELL. I will if you do not ask me quite so long a question as before.

Mr. BLAIR. I do not wish to ask a question now. I wish to say that no gentleman in this House or this country would be less ready than I am to say a word derogatory to the honor of southern gentlemen on this floor or their constituencies as a whole. I have admired the bravery with which gentlemen who fought for the confederacy illuminated the annals of the human race; I have admired it as much as any other man; but it has seemed to me strange that gentlemen as a mass representing that section should come here and present these claims year after year when they are so generally understood to be fraudulent in their character, so that they cannot be allowed except in violation of the laws of the country. Although the gentleman might feel justified in presenting any bill sent to him by a resident in his own locality, I do not think that if the proper effort was made by Representatives to discourage the presentation of such claims they would be presented here session after session to be a stumbling-block, a by-word, a hissing, and a source of contention between the sections of our country.

Mr. CABELL. Why, the gentleman is worse than he was before. [Laughter.]

Mr. BLAIR. Then I shall despair of making myself any better, and I will make no more explanations.

Mr. CABELL. But, the gentleman, when he talks about these southern claims, forgets that the vast majority of these "rebel claims," as you call them, that have been allowed were allowed by republican Congresses. More than that, I will say that the War Claims Committee of the Forty-third Congress allowed more claims of this description than the same committee in the Forty-fourth Congress.

Mr. BLAIR. Both committees and both Congresses were undoubtedly imposed upon.

Mr. CABELL. From your stand-point, they were imposed upon. When any man presents a claim of this kind here, you think that as a matter of necessity it must be a wrong one.

Mr. BLAIR. By no means; I make no such assumption. But the gentleman speaks of the allowance and payment of fraudulent claims by republican Congresses.

Mr. CABELL. I said nothing about the payment of fraudulent claims by republican Congresses.

Mr. BLAIR. Then I misunderstood the gentleman essentially.

Mr. CABELL. I do not know whether the claims were fraudulent or not, but I said that the vast bulk of the southern claims that have been paid since the war have been paid under the direction and by virtue of laws passed by republican Congresses. And more than that, a considerable amount was paid through your claims commission and through your Court of Claims tribunals, made up in whole, and not in part, of republican members.

And it is a strange thing here to me to-day, it is a strange spectacle exhibited in this country now, that gentlemen on the other side should be talking to us about these rebel claims. If we come to present a claim for one of these men who were their pets in time of war, if we come here and present a claim for a man who was loyal to the United States Government during the war, you cry out, "here is a rebel claim," and the strangest part of all this business is that the South is continually put in a false position, no matter which horn of the dilemma she takes.

The law provides that no man but one who was loyal during the war shall be paid. That is your law, and it is the law by which we are all guided. It is the law passed by a republican Congress. Ninety-nine out of every hundred of all claims presented to Congress from the South come from men who were loyal or claimed to be loyal men during the war. Those men who were of no avail, of no assistance to the South, who were burdens upon us in our midst, if I may so state it, during the war, those men come here and ask you, their patrons and friends, to pay their claims, and you turn your backs upon them and say, "We will not pay you; we will not pay rebel claims." You made us endure the disadvantage of those loyalists during the war, and now when they come here after you have given them aid and comfort and held them up against us during the war, and ask you to pay their claims, when they come here and ask you to compensate them for losses suffered by your own troops, you say "Oh, no, we will not pay rebel claims." The South had the disadvantage of them during the war and now you wish still further to impose difficulties upon us by charging their claims to us as rebel claims. They were your people, your loyalists in time of war, you aided them, you encouraged them, you called them your people and you said you would pay them as loyal men. Now as good and true men you should stand up to your promises and the law you made to pay those men you thus aided and encouraged.

But instead, when they come here and present their claims, gentlemen turn around and attempt to call the demands of these loyalists rebel war claims. Rebel claims indeed! But few rebels have brought their claims here, and fewer still, I take it, have been paid. Some poor fellow may have slipped in and got something here and there; but the vast number of those who have been paid have been proved southern loyalists, and it does not lie in your mouths to turn around to this side of the House and attempt to put them upon the South and upon her people as rebels and undertake to say that the South must suffer contumely and reproach because of the presentation of

the claims your own people have presented. Loyal men have presented all or nearly all of these southern claims, and it does not become you gentlemen of the opposition now to talk about rebel claims. Take your own responsibilities, gentlemen.

Mr. THOMPSON. Mr. Chairman, my apology for troubling the committee at this time is that I am a member of the Committee on War Claims, who reported this bill. It is proper that this and similar measures should provoke discussion and reveal a diversity of opinion. These are important questions, and they involve important legal and practical principles.

Probably there are but few subjects upon which the people look with more interest than the payment of these war claims, and there is no discussion which will attract more attention. I am not, therefore, surprised that gentlemen differ widely in their views on this interesting subject; but I am surprised and amazed to hear some of the reasons assigned for opposition to the best of these claims. As an American citizen I feel humiliated by the declarations of some gentlemen on this floor on the other side of the Hall that they will oppose all claims because the republican party would seek to make political capital out of their acts. These declarations are not the result of temporary excitement, but the cool, sober announcement of settled conviction, and are now part of the country's history. A claim may be honest, may be made by a loyal man, and from its nature may be of the highest equity, but these are all to be disregarded and the rights of the citizen, the honor of the nation, and the duty of the Representative to be ignored, not because it is not meritorious and just, but because somebody might laugh at him or the republican party seek to turn it to his political detriment. Strange that any gentleman could be frightened from the discharge of his official duties because demagogues might ridicule his conduct. I have heard illogical reasons given to excuse official misconduct, but I never heard so weak a reason to excuse an act of such grave import and solemn duty.

When the time comes that the fear of our political enemies will control our official action, and that fear boldly confessed as the reason, our free institutions will be imperiled and the national honor stabbed in the house of its friends. If an unpatriotic prejudice exists on any subject among the people, let us not bow to its mandate and intensify its bitterness, but rather seek to correct its authors and remedy its wrong. I trust, sir, that while I retain a seat in this body no sentiment of either fear or prejudice will influence my action on any subject, but while maintaining my personal manhood I will honorably and fearlessly meet my official duty as I understand it.

I suppose I will not be charged with undue partiality toward southern war claims. I am not partial to them on general principles; but while this is true I entertain on the other hand no narrow prejudice against them. No claim can be favorably considered unless it appear clearly that the claimant is loyal and continued loyal throughout the war. This, I desire, should be understood: the question of loyalty meets every claimant on the threshold, and if a reasonable doubt clouds his loyalty he cannot enter the tribunal to demand compensation. The law demands of him clear and satisfactory proof of loyalty; but when this is shown the doors of justice open and he may enter. Toward such a man I have no prejudice, no matter from what State he hails. Indeed I feel kindly toward him if he be a southern man.

It required no effort for a citizen of Pennsylvania or New York to be loyal when all the traditions of the State, the sentiment of the people, and the teaching of his childhood like a rushing torrent swept him into the loyal ranks; but the loyal man in a seceded State occupied a very different position. He stood alone. Treason and rebellion held high carnival. State rights and local prejudices urged him strongly to desert his duty; but he stood firmly by his flag through evil report and good report, in defeat not less than in victory. Thus he stood, as stated by the gentleman from Virginia, [Mr. CABELL,] when he might have been spotted. May I not intimate that scores of such men were spotted for the crime of being loyal, and are such men in some sections not spotted yet?

Mr. HUNTON. I will ask the gentleman to name a case.

Mr. THOMPSON. I am not able to do it.

Mr. HUNTON. Then do not make the charge.

Mr. WHITE, of Pennsylvania. Will my colleague allow me to answer the inquiry of the gentleman from Virginia?

Mr. THOMPSON. Yes, sir.

Mr. WHITE, of Pennsylvania. If the gentleman from Virginia wants to be told of instances where loyal southern men were arrested, imprisoned, and starved to death, I can appeal to the records of your prisons and to the graves of southern Union men in Richmond and elsewhere. They will tell their sad, sad story. If the gentleman from Virginia, who is my peer and I his upon this floor, wants instances where Union men from the valley of Virginia, from Eastern Tennessee, and elsewhere were captured, imprisoned, and, if not murdered, were gradually starved to death, I can give them to him. I speak only whereof I can bear witness. In the summer of 1863, when the passions of the war were fiercest, when Lee's army invaded Pennsylvania, there were in a room in Libby prison loyal Union men from the valley of Virginia and from Tennessee and from other portions of the South and some soldiers as prisoners, men who had no active voice in Washington to interfere with the Federal Government by retaliatory measures for their protection. Day after day they died from starvation in the clutch of famine, and without ceremony were carried from that prison and covered in some obscure and, possibly, unmarked graves. There they lie, many of them, I believe to this day. I would I could draw the veil of oblivion over these scenes—and I do not speak of them now in a spirit of taunt or with an air of triumph. I speak of them because the gentleman has given the taunt to us and said "name them."

Ah, sir, in those days, those dreary summer days of 1863, when Lee's army had invaded Pennsylvania or was in the valleys of Virginia, these men to whom I have referred were not supplied with the ordinary rations necessary to sustain life. This became known to their fellow-prisoners, to us soldiers of the Union Army captured in honorable warfare, and in a different part of the building. Through those long summer days occasional intercourse was had with these suffering men who were occupants of what was known as the "middle-room," through apertures in the floor. They appealed for help. Communications were addressed to the authorities in their behalf stating their condition. Relief did not come, and for weeks, day after day, some of our Union soldier prisoners would divide their scanty rations with them; and at the usual hour of the day for rations as you would drop to the floor, put your eye to the aperture to observe these famishing men, you could see upturned, anxious faces, glaring eyes, slender bodies, upreached arms with their extended skinny fingers. It was horrible. As you would drop the morsel they would jostle each other for it as starving men. Such were instances of cruelty, suffering, neglect, if you please to call it; I call it criminal and wicked. Other instances I could speak of. Oh, sir, they were cruel, black spots in the conduct of the war by the confederacy. I can do justice to those, if necessary, who should be relieved from a share of the responsibility for these cruel practices. I have named instances of what I believe to be inhumanity to Union prisoners, because of what I regard was the taunt to do so. I can multiply them if required.

Mr. HUNTON. I desire to reply for a moment to the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. THOMPSON. I will yield to the gentleman if it will not be taken out of my time.

The CHAIRMAN. It will not.

Mr. THOMPSON. Then I will yield to the gentleman from Virginia, [Mr. HUNTON,] retaining the floor myself.

Mr. FORT. I submit that this debate is not upon the pending bill.

Mr. HUNTON. I am aware of that; but I desire to say a few words in reply to what has been said by the gentleman from Pennsylvania.

Mr. FORT. I do not wish to cut off the gentleman from Virginia; but I submit that after he concludes, this debate ought to stop.

Mr. HUNTON. I appeal to both sides of the House to bear me out in the declaration that I have not obtruded anything into this debate to rankle the feelings growing out of the late sectional strife. As long as I have been a member on this floor I call gentlemen to witness that no word has fallen from my lips calculated to stir up the bad feelings engendered by that strife, nor have I given the gentleman from Pennsylvania [Mr. WHITE] to-day the least excuse for the picture that he has drawn from his own imagination.

Mr. WHITE, of Pennsylvania. I beg the gentleman's pardon. Did he not ask me to name cases?

Mr. HUNTON. I decline to be interrupted. I did not interrupt the gentleman, and I do not want to be interrupted myself.

When the gentleman to whose courtesy I am entitled to the floor was traveling out of the legitimate line of debate upon this question to throw an imputation upon the district which I represent and upon the confederate army, of which I was an humble member, I asked him to name the cases to which he referred, and that was the pretext for the remarks which fell from the other member from Pennsylvania, [Mr. WHITE,] and I say here, without fear of contradiction, that the picture drawn by the gentleman from Pennsylvania to-day was a picture of his imagination. He has told us that he could prove these things if the witnesses were here; but I venture to say that his witnesses will never be here.

Mr. WHITE, of Pennsylvania. I stated what I know.

Mr. HUNTON. I do not yield to the gentleman and do not mean to be interrupted.

Mr. WHITE, of Pennsylvania. I stated what I know.

Mr. HUNTON. I state to the gentleman from Pennsylvania that I have the floor now and I do not mean to yield it. If Union prisoners suffered during the war in confederate prisons, the fault lies at the door of the Federal Government, because I know, sir, that the prisoners we had in our prisons had the same rations dealt out to them in their prisons that were dealt out to the confederate soldiers who were at the front, in the field, and if food and medicine and provisions of every kind were scarce it was by the action of the Federal authorities, and they could not be obtained to give either to the soldiers in the field or to the prisoners in the prisons.

A MEMBER. How about the difficulty of exchange?

Mr. HUNTON. I am coming to that. We know, and the gentleman knew when he made the remark, that we had on hand a number of prisoners, and that we sought by every means, by every concession that an honorable belligerent could make, to bring about an exchange of prisoners of the Union Army for a like number of confederates who were held by the Federal Government. He knows and the history of the country proves that these efforts were made time and again to release these Union soldiers from our prisons in exchange for a like number of confederate prisoners on the other side, and those

efforts, constantly and persistently made, were met by a refusal on the other side under the pretext or declaration that it would be prolonging the war if they released the confederate soldiers who were imprisoned in exchange for the Union prisoners that we held.

If they suffered in prison it was not our fault, because we did the very best we could for them, but it was the fault of the government to which the gentleman then belonged, which sought to terminate the war by allowing the prisoners in our hands to suffer rather than exchange them for confederate soldiers.

Now, I deny, and I defy proof to the contrary, that any unnecessary and unavoidable privations were suffered by the Union prisoners in our hands.

This question has been investigated thoroughly and completely, and although the Federal prisoners might have suffered in our prisons, yet the history that will go down to posterity will show that the confederate government did all in its power for them, and that the fault was with the Federal Government, which would not allow exchange. I might retort upon the gentleman from Pennsylvania by detailing the complaints and sufferings that I have heard from those who were prisoners upon your side, but I will not go into the question. It is not proper that that question should be discussed here. I, for one, came here as the Representative of a district in the Union, and my effort has been to say and do nothing that would stir up the strife of the war, but rather to bring about harmony and conciliation between the sections. I hope that we shall have no more of this kind of debate.

Mr. THOMPSON. Mr. Chairman, after this interruption I resume the floor. Instead of being prejudiced against these men, I am strongly attached in their favor.

Mr. HANNA. Is it in order to move that the committee now rise?

Mr. THOMPSON. I have the floor and I decline to yield it.

Mr. VANCE. The motion to rise was made before the gentleman from Pennsylvania had resumed the floor; he had yielded it.

Mr. THOMPSON. I did not yield the floor; I did not intend to yield it and gentlemen may save themselves further trouble by accepting that as a settled fact.

Mr. HUNTON. The gentleman certainly has the floor, and only yielded to me for a few moments.

Mr. THOMPSON. I yielded the floor to the gentleman from Virginia, and I do not think it fair that the gentleman who moved that the committee rise should assume that I yielded it for his selfish purpose.

All honor to the man who amid this wild delusion of secession, which swept the land like a simoon, and covered it with blood and desolation, stood unbent and unshaken as his own pine tree, one among ten thousand, true amid the false, loyal amid the disloyal, faithful among the faithless. His country's flag was his cloud by day, its stars his pillar of fire by night, and the soil beneath its folds hallowed by the glories of the dead and sanctified by the blood of the living. No man in the North withstood such fiery temptations, none encountered such obstacles; but, like the prophet of old, he came out of the fire without its smell on his clothes. Such a man was Richard Heater. He owned a farm but a few miles from this Hall over in Virginia—a rebel State, its citizens generally disloyal to the core.

The Union forces encamped upon his farm, occupied his dwellings, used his timber, fences, &c., for fuel; by order of the commanding officers took his horses and other stock for the use of the Army. Why should he not be paid? Not only this, sir, but in the darkest period of the war this old man sent his only son into the Union ranks to fight for the old flag and, if so willed, to die in its defense. Nor is this all. That boy whom the proud father had hoped would bear his name and inherit his honor fell fighting for his country, thus honoring the father, whose love of country was stronger than for his own son. Then indeed joy fled, and with his son hope fled, and all save life and honor. Wearily the old loyalist dragged on through many years, bowed down with unspoken griefs. At length he found in the grave, by the side of his soldier son, peace and rest.

I regret that gentlemen on the other side manifest a desire to make the Government responsible for the payment of dishonest claims and to draw comparisons in the treatment of prisoners of war unfavorable to the Union Army. I regret that this element—certainly not legitimate in this discussion—has been cast into this debate. I reluctantly take note of it.

The people believe that in the treatment of Union prisoners unnecessary rigor was imposed and cruel treatment inflicted. It will be time to deny that Union prisoners suffered untold cruelties when Libby and Belle Isle are forgotten names, where the dead-line and dead soldier marked the limit of the camp and the soldier's life—time when the people of other lands have learned to read with unblenched cheek the tales of suffering which make Andersonville and Belle Isle the synonyms of heroic endurance.

Why was it that hundreds and thousands of citizens, citizens of the Southern States, men who were entitled to the protection of their country and its flag, why was it that they became refugees and fled into our lines whenever the Union Army approached them; fleeing from their friends, from their homes, and from their country to us, not of choice, not for the purpose of taking arms against their friends, but for the purpose of saving their property, their liberty, and their lives? History has written it and the world knows it, and no sophistry that can be adduced here or elsewhere can wipe out the record which is made so deep that this generation can never forget it even if they would.

Whenever I find the claim of a loyal man from a disloyal State I will vote for it. Here is a case which I believe is of that kind.

Mr. BRAGG. Will the gentleman allow me to ask him a question?

Mr. THOMPSON. Certainly.

Mr. BRAGG. Where did these thousands of refugees rush into the Union lines?

Mr. THOMPSON. From the Southern States, wherever our flag was unfurled, not only hundreds but thousands sought under that flag the protection denied them under the stars and bars. The gentleman himself saw it and knows it; I have seen it, and hundreds of others in this land witnessed it and will not forget what they then saw.

His representatives now come here and make claims for his property taken by the Union Army. And my friends on the other side say to me here unblushingly, and say to the country, that they will not vote to pay a dollar of this claim because it is a war claim.

In fact, they say that they will not pay this claim of a loyal man, because we will not pay the claims of disloyal men. And the gentleman from Ohio [Mr. MCMAHON] a few moments ago stated in language clear and unmistakable that he would vote to pay no loyal man and he would vote to pay no disloyal man. And his colleague [Mr. FINLEY] had inadvertently and unwittingly a few moments before given the reason for that. It was because the republican party would laugh at him if he did so. The republican party never laughs at an honest man for performing his duty in a proper manner. Sir, the republican party to-day calls upon the democratic party and especially upon the gentleman from Ohio to forego his timidity about being laughed at by the republican party; to forego his fear about political capital being made of this thing in the next campaign, and to stand up here, not as a republican, not as a democrat, not even as a Representative, but to stand up here as a man and do his duty, and let the result take care of itself. I assure my friend from Ohio that there never has been and never will be a time in the history of this country when a man discharging his duty fearlessly and honestly will be harmed by any party.

Mr. FINLEY. Did I say I was not going to vote for this claim or any other claim?

Mr. THOMPSON. I do not think you did.

Mr. FINLEY. Then whom do you mean?

Mr. THOMPSON. I mean you and your colleague, [Mr. MCMAHON.] You said that if you voted for this and like bills the republican party would make capital of it.

Mr. FINLEY. I beg your pardon; I did not say anything of the kind.

Mr. THOMPSON. If I am wrong, then doubtless the RECORD is as wildly wrong as I am.

Mr. FINLEY. I do not think you wish to misrepresent me.

Mr. THOMPSON. I do not.

Mr. FINLEY. What I did say was that I would not vote for this claim for the reasons I assigned; and that I desired simply to put the republican party on its record.

Mr. THOMPSON. Very well; I accept that amendment. The gentleman says he is going to put the republican party on the record. Sir, he has had the republican party on the record for the last fifteen years. He has the benefit of that record to-day, and he shall have all he can make out of it now or hereafter. Now, I want to call his attention and that of the friends who stood around him to another point. They charge that the republican party has voted a large amount of money to the very men who were their friends, the very men who are now asking protection, the very men whom the law protects and whose claims the law allows. Why? The republican party seeks no advantage which rests on wrong to the citizen or dishonor to the country. It is a powerful party, but it is too noble to do or permit to be done an injury to any man, be he white or black, poor or rich.

Why, has it come to this, Mr. Chairman, that the democratic party is to arrogate to itself the right to sit in judgment upon the republican party and condemn it because it paid, as it was bound to do, whether the democratic party approved or not, such claims as were proved to be legal and valid before the committees of this House and subsequently before the House itself? One gentleman asserts that we have paid $100,000,000 of these claims. What are they? War claims. Is that a reason the republican party is to be censured by gentlemen? Who caused these war claims, who are responsible for this damage, who devastated this country, clothed it in sorrow, and dotted it with graves from one end to the other? Is the republican party to be censured to-day for paying the claims of these men? The next step will be that the republican party will be condemned by the same gentlemen for a liberality far beyond that—a liberality which, as I said a few weeks ago, has no parallel in the annals of any nation on earth—a liberality that pardoned, forgave, and atoned for the crime of a million of men in a single day. Is that liberality also to be charged against the republican party as an offense? Men who had forfeited liberty, property, and life by every law of every civilized nation on earth were pardoned, their lives were spared, their liberty and property protected. And this is to be treasured up against the republican party and given as a reason why it should be watched closely, why no vote should be given which may be taken advantage of by the re-

publican party! Sir, the republican party has been generous, has been liberal and magnanimous; it is and will be so. Wherever right and law point its duty, there it will follow whether political capital is to be made for it or against it.

Mr. Chairman, I believe this is an honest claim, one which ought to be paid, because the claimant whose property was taken was loyal to his country. That is not disputed by any gentleman on this floor. The value of the property taken is not controverted. These two material questions, the only ones that are before the House, are settled by the report of the committee, and no gentleman on this floor disputes their finding. Why should not the claim be paid? Simply and solely because, if paid by a Congress in which the democratic party is in the ascendant, it may be charged to the liberality of the democratic party. I will be glad to charge an act of magnanimity, of justice, and of right to any party and for the benefit of any living man beneath the flag of his country. I know no party, no section, no State when a citizen demands his right from a Government that is bound to recognize and observe it.

I shall vote cheerfully to pay this claim because I believe it is right; and whenever another claim equally well substantiated is presented by any citizen of this Government, North or South, (and in this matter I know neither North nor South,) I will vote to pay it. I assert here once for all that I will vote to pay the honest claim of any loyal man, if it is in my judgment a claim that ought to be paid, whether it redounds to the advantage of the republican or the democratic party; and I doubt not that every member of the republican party on this floor is willing to do the same.

My friend from Virginia turned to and addressed my colleagues on this side; he should have addressed his colleagues on his own side Two gentlemen on that side—the gentleman from Ohio [Mr. FINLEY] and the gentleman from Wisconsin [Mr. BRAGG]—have announced, as reasons for their votes, reasons which I am happy to say only they have announced, and which I say with all respect ought not to influence any man of the democratic side—reasons which the humblest representative on this side of the House would spurn as unworthy to influence his motives or action in the slightest degree.

I have no controversey with any gentleman because he votes as he pleases. This is his right. But I protest against the declaration which would repudiate the obligations of the Government and wrong the citizens because political capital might thereby be furnished.

Mr. Chairman, I have but little more to say. I desire that this case shall be considered precisely like a case in court—on its merits. If the claim is right, let us pay it; if it is wrong, let it be rejected; but in the name of reason and manhood let no unworthy consideration, as much as has been intimated if not expressed on the other side, be given as a reason why the obligations of the Government should not be observed and its debts recognized and paid. The rights which this old man had while living have to some extent become hallowed by the fact that he has ceased to be. He is not here in person; he is here now by his representatives. In their behalf and in behalf of my country, I ask, not that a claim of questionable policy should be recognized, but that the honor of the country and its obligations shall be met regardless of what the claim is for, by whom it is presented, or from what section of the country it comes. Let us discharge the duty and the debt like honest men regardless of political consequences. When both political parties thus meet and perform their duties, and when gentlemen here cease to regard political consequences so much, it will be better for them and the country. Then will dawn a day of peace and prosperity, and unborn generations will bless their sires who taught these lessons of fidelity to duty whether in the council chambers of the nation or on the field of battle.

Mr. BRIGHT was recognized by the Chairman.

Mr. THOMPSON. I yield to my colleague from Pennsylvania, [Mr. WHITE.]

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. THOMPSON] has expired.

Mr. BRIGHT. I do not rise for the purpose of protracting this unprofitable——

Mr. WHITE, of Pennsylvania. I believe I have the floor and want to reply to the gentleman from Virginia, [Mr. HUNTON,] who has charged responsibility on the Federal Government for the cruelty to prisoners of war and has demanded instances of cruelty and inhumanity to prisoners held by the confederacy.

Mr. THOMPSON. I have yielded to my colleague.

Mr. BRIGHT. I believe I hold the floor by recognition of the Chair.

Mr. WHITE, of Pennsylvania. I beg pardon; my colleague has yielded to me.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. THOMPSON] had expired.

Mr. BRIGHT. So I understood.

Mr. WHITE, of Pennsylvania. But I was to be recognized next and the list shows it.

Mr. THOMPSON. I think my time has not expired.

Mr. VANCE. I move that the committee rise.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee.

Mr. BRIGHT took the floor.

Mr. WHITE, of Pennsylvania. I submit, Mr. Chairman, I am upon your list. Look at it; is it correct or not?

Mr. BRIGHT. I hold the floor.

Mr. WHITE, of Pennsylvania. I was to be recognized after my colleague, who, as you told me, was a member of the Committee on War Claims and had the preference.

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. WHITE, of Pennsylvania. I will yield, of course; I am amenable to parliamentary law, but I am next on the list of the Chair to be recognized in this debate.

Mr. BRIGHT. I do not rise for the purpose of discussing this question; I think it has been already exhaustively discussed; but I rise for the purpose of making a request which I think is entirely reasonable on both sides of this House to take a vote.

Mr. WHITE, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. BRIGHT. I cannot yield to any question.

Mr. WHITE, of Pennsylvania. I submit in justice to myself after the remarks of the gentleman from Virginia [Mr. HUNTON] I should have an opportunity for five or ten minutes to reply to them.

Mr. BRIGHT. I will yield a minute, if that will be satisfactory to the gentleman. [Cries of "Go on!" from the republican side.]

Mr. WHITE, of Pennsylvania. I have no desire to uncover the unpleasant recollections of the past. I have no desire to march before this Chamber the skeletons in the death-clutch of starvation from Libby, from Andersonville, Salisbury, Charleston, Florence, and elsewhere. [Cries of "Vote!" "Louder!" on the democratic side, and confusion.] I have no desire to present a picture, panorama-like, in this Chamber of those inhuman, hideous scenes of the past to stir up the angry passions of the rebellion. [Cries of "Order!" "Louder!" from the democratic side.] All right, gentlemen. I cannot be cried down. I have a right to be heard.

Mr. CONGER. I demand order.

Mr. WHITE, of Pennsylvania. Gentlemen, you are unwilling to hear the truth. All I ask is fair, patient hearing.

Mr. CONGER. I rise, Mr. Chairman, to demand order.

Mr. WHITE, of Pennsylvania, (speaking to the democratic side.) You are my peers and I am your peer. You seek to deny me a hearing. I will maintain my right as a member of the American Congress to be heard in behalf of a great public question—to vindicate the truth of history and to defend my Government from an unwarrantable slander.

Mr. EDEN. The gentleman's time has expired.

Mr. WHITE, of Pennsylvania. The gentleman from Virginia, who as an individual I respect, has made the issue and has declared his confederate government while war was rampant treated Union prisoners, so far as concerned issuing rations to them, as they did confederate soldiers during the war in the field. With all deference to the gentleman from Virginia, I deny the statement and make the issue. I will proceed to maintain the issue on my part by citing instances of cruelty, inhumanity, indeed barbarism, for which I hold confederate authorities responsible to history. [Cries of "Order!" "Time's up!" from the democratic side.]

Mr. VANCE. Was the gentleman in the southern army?

Mr. WHITE, of Pennsylvania. Thank Heaven, I was not. I was in the Union Army from the first of the war. The casualties of war threw me into rebel hands as a prisoner of war for sixteen months, and I speak of nothing here except what I know and have seen. I will make no utterance here but what I can substantiate.

It is not for the purpose of lashing into a tempest political passions, but to vindicate history—to vindicate the Federal Government in the conduct of the war against rebellion—when it is charged in my hearing here that the course of our Government in the prosecution of the war was the cause of the ill-treatment which the Union prisoners received from the confederate authorities. I say, Mr. Chairman, that the confederate government in 1863 did not treat southern Union prisoners or supply them with rations as it did its own soldiers. I will now cite the evidence to maintain this position.

Mr. EDEN. I rise to a question of order.

Mr. WHITE, of Pennsylvania. I say Union prisoners from the valley of Virginia, from East Tennessee, and from elsewhere were deliberately starved in rebel prisons, were persecuted because of their Union sentiments, and I will give proof of it. I will cite instances——

Mr. WHITE, of Pennsylvania. I am going to give some instances

Mr. TURNER. Has not the time expired?

I utter nothing I do not know.

Mr. GLOVER. We have heard them before.

Mr. WHITE, of Pennsylvania. Why not hear them again? Why deny their truth? The gentleman from Virginia defied us to name them.

Mr. BRIGHT. I claim the floor.

The CHAIRMAN. The gentleman from Tennessee has the floor and declines to yield.

Mr. TURNER. Is that side of the House bound by the rules of the House? When the gentleman from Pennsylvania is out of order and the Chair says so must he not take his seat?

Mr. WHITE, of Pennsylvania. I am only giving instances, and when men say the American Government is responsible for the action of the confederate government I say it is false. I say the action of the United States Government was justifiable and the conduct of the confederacy cruel and wicked. [Cries of "Order!" and great confusion on the floor.]

Mr. TURNER. I call for order, and insist upon the Chair maintaining the authority of the House. I wish to know whether that side of the House is bound by the rules.

Mr. WHITE, of Pennsylvania. I am bound by the rules.

Mr. DAVIDSON. Why discuss the war over again?

Mr. WHITE, of Pennsylvania. I will not stand here and hear our Government in its conduct of the war slandered. [Cries of "Order!" "Order!" on democratic side.]

Mr. TURNER. I call for order.

Mr. WHITE, of Pennsylvania. Allow me to proceed without interruption to maintain my assertion, to reply to what has fallen from the lips of the gentleman from Virginia. I will narrate instances of my own knowledge.

Mr. SPRINGER. I move that the committee do now rise.

Mr. WHITE, of Pennsylvania. I want and have a right to be heard.

The CHAIRMAN. Gentlemen will take their seats; otherwise the Chairman will direct the Sergeant-at-Arms to enforce order.

Mr. STEELE. Yes, let him take them up and I will help him to do it.

[Confusion existed, and proceedings were suspended until order was restored.]

Mr. BRIGHT. I desire to make a suggestion to the committee. It would be unfortunate that the rights of a private citizen of the United States should be submerged and lost forever beneath the fiery billows of debate that have been surging back and forth for the last few hours. I hope the request will be granted; that representatives on both sides will calmly, in view of the demands of justice, and free from the fires of passion, vote dispassionately upon the claim of the private citizen who has laid his claim before this House and asked a deliberate consideration and just verdict to be rendered upon it. I hope, therefore, that the committee will now come to a vote upon this bill.

Mr. BRAGG. I move to strike out the enacting clause of the bill.

Mr. MILLS. Pending that, I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 49, noes 97.

So the motion was not agreed to.

The CHAIRMAN. The motion now pending is the motion of the gentleman from Wisconsin [Mr. BRAGG] to strike out the enacting clause.

Mr. EDEN. If the gentleman from Wisconsin will withdraw that motion I will move that the committee rise and report the bill to the House. That will bring the committee to a test vote upon the bill.

Mr. CONGER. I make the point of order that the committee cannot report the bill to the House while amendments are pending.

Mr. EDEN. I understand the gentleman from Iowa, [Mr. OLIVER,] who is a member of the committee, desires to speak. I therefore do not insist on my motion that the committee rise.

Mr. BRAGG. As I have the floor and have made my motion I propose to insist upon it. I have not withdrawn my motion to strike out the enacting clause of the bill.

Mr. OLIVER. That motion is debatable, I believe?

The CHAIRMAN. It is not debatable.

The question being taken on Mr. BRAGG's motion, the Chair announced that in the opinion of the Chair the noes had it.

Several members called for a division.

The committee divided; and there were—ayes 28, noes 71.

So (further count not being called for) the motion was not agreed to.

Mr. PATTERSON, of Colorado. I move that the committee do now rise.

The CHAIRMAN. The Chair cannot now entertain that motion as the gentleman from Iowa [Mr. OLIVER] has been recognized.

Mr. OLIVER. I hope I may be pardoned by the House for attempting to call back their attention for a few moments to the facts in this case, which seem to have been entirely lost sight of in the fierce debate which we have had to-day. It has been the uninterrupted policy of this Government to pay certain claims of loyal citizens; and it has been equally the policy of this Government not to pay other claims. Uniformly the claims of loyal citizens for supplies taken and used by the United States Army have been paid. I think there is no instance to be found, either in the legislative action of this House or anywhere, that those claims have been denied. But the claims for damages arising from and incident to war have been refused almost as uniformly.

Now, what is the character of this claim? It is a claim of a citizen of Virginia, and a loyal citizen of Virginia, shown to be loyal by the most indisputable testimony, a citizen who gave the life of his son to the cause of the Union. That is the character of the claimant. The claim is for supplies taken and used by the Union Army in the State of Maryland.

Now, Mr. Chairman, if this claim had been by a citizen of Maryland it would have been paid by the Quartermaster's Department. All the claims of citizens of loyal States for supplies have been paid by that Department; but they were forbidden by law to pay the claims of citizens of disloyal States. If it had been the claim of a citizen of Virginia for property taken in Virginia, it would have been paid by the claims commissioners. They have adjudicated those cases; they have had authority to adjudicate them. They are still acting under that authority, and to-day they are paying one by one the claims of just this class of loyal citizens for property taken in the disloyal States. But the payment of the claim was denied by the Quartermaster's Department because the claimant was a citizen of Virginia, and therefore that Department had no authority to pay it; they were forbidden by law to pay claims of citizens of the disloyal States. The payment of the claim was denied by the Court of Claims because the property was taken in the loyal State of Maryland; and under the provisions of the law constituting the claims commission they were only given jurisdiction to entertain claims for property taken in the disloyal States. It is an isolated case. There is perhaps not another like it in the country. The claimant is denied his rights not because his claim is not just, but merely because there is no tribunal to which he may appeal for its payment, and he therefore comes to Congress.

Now, sir, it has never been the policy of the republican party or of any party in this country to refuse the payment of claims of this kind. They have been recognized as just, as equitable, as binding upon the Government by republican Congresses and by democratic Congresses alike.

What are the reasons that are urged against its payment? Why, the honorable gentleman from Wisconsin [Mr. BRAGG] tells us that he was in Virginia during the war and that he did not find any loyal citizens there. He says that he lived there a year and a half.

Now, sir, I am sorry that the bearing and conduct of that honorable gentleman, whom I had supposed, until he denied it to-day upon this floor, was there as an officer and an honorable and distinguished officer in the Federal Army—that his conduct and bearing when down there was such that no single one of those hundreds of Union men whom the gentleman from Virginia [Mr. HUNTON] tells us lived in that county, that he knew resided there, thought proper to make himself known to him and to make him the confidant of his loyalty.

There is another reason urged against the payment of this claim. We are told by two honorable gentlemen from Ohio [Mr. MCMAHON and Mr. FINLEY] that the republican party and republican politicians had been preaching about the danger of southern claims to their constituents.

Sir, it is not southern claims of this kind that we fear; it is those that come up by millions for damages for property injured or destroyed; for the use, occupation, injury, and destruction of churches, of colleges, of school edifices, and of private property. These are the claims that the republican party fears and these are the claims that they are warning the country against the payment of.

Sir, I sympathize with those gentlemen who live in districts where it is necessary to resort to such subterfuges, who live in close districts where they need every vote they can get to return them to Congress, but I submit to those gentlemen, and I submit to the country, that that fact does not warrant them in ignoring the rights of a citizen of the United States, and a loyal citizen and making him an exception. I submit that the argument upon which they rely is, to say the least, a very weak argument, but if the gentlemen are willing to go to their constituents upon it, I am content.

It is not for me to criticise the motives or the action of gentlemen of this House. Every one has a right to fix for himself his own standard of right and of action. But I submit to these gentlemen, and I submit to this House, whether it would not be far nobler and manlier and whether in the long run it would not be far better and wiser to dare to do right.

Mr. BRIGHT. I ask now for a vote upon the bill.

Mr. EDEN. I move that the committee rise and report the bill to the House.

Mr. FINLEY. That motion is not in order pending the motion of the gentleman from Wisconsin [Mr. BRAGG] to strike out the enacting clause.

The CHAIRMAN. That motion was put and voted down.

The question was taken on Mr. EDEN's motion; and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KNAPP reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report two bills to the House with a recommendation that they be passed.

MARY FEARON AND JESSIE CROSSIN.

The first bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. No. 2138) to pay Mary Fearon and Jessie Crossin, executrices of Samuel P. Fearon, deceased, for certain registered United States bonds redeemed by the Government on forged assignments and power of attorney.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RICHARD HEATER.

The next bill reported from the Committee of the Whole favorably was the bill (H. R. No. 2139) making appropriations for the payment to Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named for value of stores and supplies taken and used by the United States Army.

Mr. EDEN. I move the previous question on the engrossment of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. EDEN. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. McMAHON. I move to lay the bill upon the table.

The question was taken on Mr. McMAHON's motion; and on a division there were—ayes 49, noes 75.

Mr. McMAHON. I call for the yeas and nays.

The yeas and nays were ordered.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the following titles:

A bill (H. R. No. 3987) to regulate the advertising of mail-lettings, and for other purposes; and

A joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes of the United States.

RICHARD HEATER.

The question was taken on Mr. McMAHON's motion; and there were—yeas 61, nays 110, not voting 120; as follows:

YEAS—61.

Banning,	Davis, Horace	Ligon,	Smith, A. Herr,
Bayne,	Dwight,	Lockwood,	Southard,
Bicknell,	Finley,	Lynde,	Sparks,
Bragg,	Hamilton,	Mackey,	Springer,
Brewer,	Hardenbergh,	Maish,	Starin,
Briggs,	Hartzell,	Marsh,	Stenger,
Browne,	Hayes,	McGowan,	Stone, John W.
Caldwell, W. P.	Henderson,	McKinley,	Turney,
Clark of Missouri,	Hiscock,	McMahon,	Ward,
Cobb,	Hunter,	Metcalfe,	White, Harry
Cole,	Hungerford,	Patterson, T. M.	White, Michael D.
Collins,	Jones, John S.	Reilly,	Wigginton,
Covert,	Joyce,	Ross,	Williams, James.
Cox, Jacob D.	Keightley,	Sampson,	
Culberson,	Lapham,	Sexton,	
Cutler,	Lathrop,	Shallenberger	

NAYS—110.

Atkins,	Deering,	Hewitt, G. W.	Rea,
Bacon,	Dibrell,	Hooker,	Reed,
Baker, John H.	Douglas,	Humphrey,	Rice, William W.
Banks,	Dunnell,	Ittner,	Riddle,
Bell,	Durham,	Jones, James T.	Robbins,
Blackburn,	Eames,	Jorgensen,	Roberts,
Blair,	Eden,	Keifer,	Sayler,
Bliss,	Elam,	Kelley,	Smalls,
Boyd,	Ellsworth,	Kenna,	Steele,
Brentano	Evans, L. Newton	Knapp,	Stewart,
Bright,	Evins, John H.	Mayham,	Strait,
Bundy,	Felton,	Mills,	Thompson,
Burchard	Forney,	Mitchell,	Thornburgh,
Burdick,	Fort,	Monroe,	Throckmorton,
Cabell,	Foster,	Morgan,	Tipton,
Caldwell, J. W.	Franklin,	Morrison,	Townshend, R. W.
Candler,	Garth,	Muldrow,	Turner,
Cannon,	Gunter,	Muller,	Vance,
Chalmers,	Harmer,	Neal,	Van Vorhes,
Clark, Rush	Harris, Henry R.	Norcross,	Walsh,
Conger,	Harrison,	Oliver,	Watson,
Crapo,	Haskell,	O'Neill,	Whitthorne,
Cravens,	Hatcher,	Page,	Williams, A. S.
Crittenden,	Hendee,	Patterson, G. W.	Williams, C. G.
Cummings,	Henkle,	Price,	Williams, Jere N.
Davidson,	Henry,	Pridemore,	Young.
Davis, Joseph J.	Herbert,	Pugh,	
Dean,	Hewitt, Abram S.	Randolph,	

NOT VOTING—120.

Acklen,	Danford,	Ketcham,	Sapp,
Aiken,	Denison,	Killinger,	Scales,
Aldrich,	Dickey,	Kimmel,	Schleicher,
Bagley,	Eickhoff,	Knott,	Shelley,
Baker, William H.	Ellis,	Landers,	Singleton,
Ballou,	Errett,	Lindsey,	Sinnickson,
Beebe,	Evans, James L.	Loring,	Slemons,
Benedict,	Ewing,	Luttrell,	Smith, William E.
Bisbee,	Freeman,	Manning,	Stephens,
Bland,	Frye,	Martin,	Stone, Joseph C.
Blount,	Fuller,	McCook,	Swann,
Boone,	Gardner,	McKenzie,	Townsend, Amos
Bouck,	Garfield,	Money,	Townsend, M. I.
Bridges,	Gause,	Morse,	Tucker,
Brogden,	Gibson,	Overton,	Veeder,
Buckner,	Giddings,	Peddie,	Waddell,
Butler,	Glover,	Phelps,	Wait,
Cain,	Goode,	Phillips,	Walker,
Calkins,	Hale,	Pollard,	Warner,
Camp,	Hanna,	Potter,	Welch,
Campbell,	Harris, Benj. W.	Pound,	Williams, Andrew
Carlisle,	Harris, John T.	Powers,	Williams, Richard
Caswell,	Hart,	Quinn,	Willis, Albert S.
Chittenden,	Hartridge,	Rainey,	Willis, Benj. A.
Claflin,	Hazelton,	Reagan,	Willits,
Clark, Alvah A.	House,	Rice, Americus V.	Wood,
Clarke of Kentucky,	Hubbell,	Robertson,	Wren,
Clymer,	Hunton,	Robinson, G. D.	Wilson,
Cook,	James,	Robinson, M. S.	Wright,
Cox, Samuel S.	Jones, Frank	Ryan,	Yeates.

So the motion to lay on the table was not agreed to.

During the call of the roll the following announcements were made:

Mr. HUNTON. I am paired on this question with Mr. HANNA, of Indiana. If he were here, he would vote "ay" and I would vote "no."

Mr. McMAHON. My colleague, General RICE, is absent from the House by leave, and is paired upon all political questions with Mr. SINNICKSON, of New Jersey, probably not upon this. If present, I think he would vote "ay."

Mr. CALDWELL, of Kentucky. My colleague, Mr. WILLIS, is paired with Mr. CAMPBELL, of Pennsylvania. If present, Mr. WILLIS would vote "no."

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is detained at his room by sickness, and is paired with Mr. HARRIS, of Massachusetts.

Mr. VANCE. My colleague, Mr. SCALES, is detained from the House by sickness, and is paired with Mr. ROBINSON, of Indiana.

Mr. BLACKBURN. My colleague, Mr. KNOTT, is paired with Mr. FRYE, of Maine.

Mr. EDEN. Mr. JONES, of New Hampshire, is paired on all political questions with Mr. BAGLEY, of New York.

Mr. DURHAM. My colleague, Mr. CLARKE, of Kentucky, is detained from the House on account of important business.

Mr. HOOKER. My colleague, Mr. SINGLETON, is confined to his room in consequence of an accident, and is paired with Mr. RYAN, of Kansas.

Mr. BOUCK. I am paired with Mr. CLAFLIN, of Massachusetts. If he were present, I would vote "ay."

Mr SHELLEY. I am paired with Mr. EVANS, of Indiana.

Mr. COBB. My colleague, Mr. FULLER, is paired with Mr. OVERTON, of Pennsylvania.

Mr. PUGH. I am paired on all political questions with Mr. MARTIN, of West Virginia.

Mr. WILLIAMS, of Oregon. I am paired on this question with Mr. HARRIS, of Virginia.

Mr. CALKINS. I am paired on this question with Mr. ACKLEN.

Mr. ROBINSON, of Massachusetts. I am paired with Mr. LANDERS, of Connecticut. I desire also to state that my colleague, General BUTLER, is paired with Judge TUCKER, of Virginia.

Mr. SINNICKSON. I am paired with Mr. RICE, of Ohio.

Mr. HASKELL. My colleague, Mr. RYAN, is paired with Mr. SINGLETON, of Mississippi.

Mr. O'NEILL. Mr. WAIT, of Connecticut, is absent from the House temporarily on important business.

The result of the vote was then announced as above stated.

The bill was then passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLOAK-ROOM EMPLOYÉS.

Mr. CRAVENS. I offered a resolution this morning in regard to the cloak-room employés. It should have been a joint resolution, and I ask consent that it be made a joint resolution, and passed.

There was no objection, and accordingly the joint resolution (H. R. No. 178) to pay laborers known as the cloak-room men and to place them on the Doorkeeper's roll was read three several times, and passed.

PENSION APPROPRIATION BILL.

Mr. SMITH, of Pennsylvania. I ask unanimous consent that the bill of the House No. 3974, returned from the Senate with amendments, making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, and for other purposes, be now taken from the Speaker's table and referred to the Committee on Appropriations.

There was no objection, and the bill and Senate amendments were accordingly taken from the Speaker's table and referred to the Committee on Appropriations.

INDIAN APPROPRIATION BILL.

Mr. SPARKS. I ask consent that House bill No. 4549, with Senate amendments, making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, be taken from the Speaker's table, printed with the Senate amendments numbered in their order, and referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

JOHN N. REED.

Mr. THROCKMORTON, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to John N. Reed, out of the contingent fund of the House, the wages of a messenger from the 1st day of November, 1877, during the current Congress, deducting payments already made.

LAKE-FRONT GROUNDS, CHICAGO.

Mr. BICKNELL. I ask unanimous consent that the Committee on Private Land Claims be discharged from the further consideration of the bill (H. R. No. 4046) to authorize the State of Illinois to sell what are known as the lake-front grounds in Chicago, Illinois, and to use the proceeds on the Illinois River improvement instead of on the Illi-

nois and Michigan Canal, as is now required in the grant that was made of said lands by Congress to said State, and that the same be referred to the Committee on the Judiciary.

Mr. DUNNELL. Why should this go to the Committee on the Judiciary?

Mr. BICKNELL. It involves important legal questions which that committee ought to examine. This property is said to belong to the State of Illinois; it is said to belong to the city of Chicago, and it is also said to belong to the General Government. The question ought to be examined by the Judiciary Committee.

There being no objection, the Committee on Private Land Claims was discharged from the further consideration of the bill, and it was referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

DANIEL HAMETT.

On motion of Mr. BICKNELL, by unanimous consent, the Committee on Private Land Claims was discharged from the further consideration of the memorial of Daniel Hamett and others to be reimbursed for damages sustained in consequence of being driven from their lands in Dakota by the Government; and the same was referred to the Committee of Claims, not to be brought back on a motion to reconsider.

DRY-DOCK, BALTIMORE.

On motion of Mr. ROBERTS, by unanimous consent, the bill (S. No. 1044) granting a site for a dry-dock in the city of Baltimore upon certain conditions was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce, not to be brought back on a motion to reconsider.

MEMORIAL SERVICES ON "DECORATION DAY."

Mr. KEIFER. I ask unanimous consent to present an invitation to the House of Representatives in relation to "Decoration Day."

The Clerk read as follows:

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC, GRAND ARMY HALL,
Washington, District of Columbia, May 6, 1878.

To the House of Representatives, United States:

On Thursday, the 30th instant, "Decoration Day," memorial services in commemoration of those who fell in defense of the Union, and the sacred and glorious cause in which they died, will be held at Arlington National Cemetery, and in behalf of the Department of the Potomac, Grand Army of the Republic, having in charge the arrangements therefor, I hereby extend to the several members of your honorable body a cordial invitation to be present on that sacred occasion.

G. E. CORSON, *Department Commander.*

There being no objection, the communication was received and laid on the table.

SAMUEL DUNNELL.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting the military history of Samuel Dunnell; which was referred to the Committee on Military Affairs.

DETAIL OF ARMY OFFICERS FOR COLLEGE DUTY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the detail of Army officers for duty at colleges; which was referred to the Committee on Military Affairs.

MRS. ADELINE SHIRLEY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the claim of Mrs. Adeline Shirley; which was referred to the Committee on War Claims.

SURVEYS UNDER WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting information relative to surveys conducted under the War Department during the last ten years; which was referred to the Committee on Appropriations, with authority to have the same printed.

APPRAISAL OF LANDS IN INDIAN TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of appraisal of certain lands in the Indian Territory under the act of May 29, 1872; which was referred to the Committee on Appropriations.

DAY-BEACON, SAN FRANCISCO HARBOR.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, recommending the appropriation of $1,500 to complete the establishment of a day-beacon on Anita Rock, San Francisco Harbor; which was referred to the Committee on Commerce.

MILITARY PRISON AT FORT LEAVENWORTH.

The SPEAKER also laid before the House a letter from the Secretary of War, returning papers received from the Committee on Appropriations in regard to the deficiency in the appropriation for the support of the military prison at Fort Leavenworth, with report from the Quartermaster-General that the sum of $4,548 is required to reimburse the Quartermaster-General's department for clothing issued to prisoners during the present fiscal year; which was referred to the Committee on Appropriations.

H. W. MARTIN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copies of all papers in the case of H. W. Martin; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave was granted—

To Mr. KNOTT, for two days;

To Mr. LINDSEY, for two days; and

To Mr. CLARKE, of Kentucky, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. OLIVER, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of Elias D. Brewer, no adverse report having been made.

LEAVE TO PRINT.

Mr. KNAPP, by unanimous consent, obtained leave to have printed in the RECORD certain remarks on the state of the Union. [See Appendix.]

REPEAL OF BANKRUPT LAW.

Mr. COLE. I ask, by unanimous consent, to have read a resolution of the Merchants' Exchange of Saint Louis, which is in the nature of a memorial, so it may go into the RECORD.

There was no objection, and the memorial was read, as follows:

MERCHANTS' EXCHANGE OF SAINT LOUIS,
Saint Louis, May 2, 1878.

DEAR SIR: At a meeting of the Exchange held this day, the following was unanimously adopted:

"*Resolved*, By the Merchants' Exchange of Saint Louis, that our Senators and Representatives in Congress be earnestly requested to urge the prompt passage of the bill for the repeal of the bankrupt law, and that the same take effect immediately, as a delay to a later date for its enforcement is calculated to keep business prostrate and invite a further demoralization in the trade of the country."

Yours respectfully, GEO. H. MORGAN, *Secretary.*

Hon. NATHAN COLE.

GEORGE M'DERMOTT.

Mr. STRAIT, by unanimous consent, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 1860) for the relief of George McDermott; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HENRY WOECKNER.

Mr. STRAIT also, by unanimous consent, moved that the Committee on Military Affairs be discharged from the further consideration of a bill (H. R. No. 2500) for the relief of Henry Woeckner; and the same was referred to the Committee on War Claims, not to be brought back by a motion to reconsider.

And then, on motion of Mr. PATTERSON, of New York, (at five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Centennial Council, No. 7, of the District of Columbia, Sovereigns of Industry, representing one hundred and thirty-six families, relative to the enactment of a law insuring to purchasers of coal full weights—to the Committee for the District of Columbia.

By Mr. BAYNE: The petition of James L. Jordan, for a pension—to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of Pennsylvania, asking that aid be granted to the Texas and Pacific Railroad, for aid to emigrants to settle on the public lands, and against a change in the tariff laws—to the Committee on the Pacific Railroad.

Also, joint resolution of the Legislature of Pennsylvania, asking Congress to grant aid to citizens settling on public lands—to the Committee on Public Lands.

By Mr. BLAND: A paper relating to the establishment of certain post-routes in Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: The petition of citizens of Hopeville, Pennsylvania, for the extension of the national credit to aid in the completion of a great southern line of railroad to the Pacific Ocean—to the Committee on the Pacific Railroad.

By Mr. CLAFLIN: The petition of the National Union Charitable Industrial Association, relative to a certain lot of land and the improvements thereon, in the city of Washington, District of Columbia, heretofore granted by Congress for the use of said association—to the Committee for the District of Columbia.

By Mr. HENKLE: The petition of merchants of Annapolis, Maryland, for an investigation into the appointment at the Naval Academy, by the naval authorities, of a purveyor or storekeeper for the special use of the officers and employés, in furnishing private supplies for said officers and employés and their families, and not for the use of the Government; and also for an investigation into the uses of the steamer Phlox, now at said academy—to the Committee on Naval Affairs.

By Mr. LUTTRELL: Papers relating to the condition of the stone dry-dock, Mare Island navy-yard—to the same committee.

By Mr. MONROE: The petitions of James B. L. Primm, Hezekiah S. Bell, and Humphrey E. Woodhouse, for a rehearing of their several claims against the government of Mexico, rejected by the Mexican claims commission—to the Committee on Foreign Affairs.

By Mr. MORGAN: The petitions of H. E. Rudisaile, J. H. Krim-

minger, and others; of J. W. Dunn, M. D., and others; of J. S. Howell, R. W. Barr, and others; of J. D. Webb, S. G. Avery, and others; of William S. Mack, W. E. Bartlett, and 50 others; of W. H. Avery, G. G. Ryan, J. J. Humphry, and 100 others; and of Lorenzo Bailey, W. C. Bateman, and others, citizens of Barton County, Missouri, for the enactment of a law prohibiting the introduction of Texas and Arkansas cattle into the State of Missouri during the summer months—to the Committee on Commerce.

By Mr. TURNER: Papers relating to the war claim of Madison Female Academy, Richmond, Kentucky—to the Committee on War Claims.

By Mr. VANCE: A paper relating to the establishment of a post-route from Franklinsville to Why Not, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: Resolutions of General Marion Council, No. 117, Order of United American Mechanics, of Philadelphia, Pennsylvania, indorsed by Union Star Council, No. 204, of the same order, of Delaware County, Pennsylvania, against the reduction of tariff duties and in favor of the protection of American industries—to the Committee of Ways and Means.

By Mr. WILLIAMS, of Michigan: The petition of W. W. Jackson, of Washington, District of Columbia, for compensation for money paid out in recruiting the First Mississippi Mounted Rifles—to the Committee on War Claims.

Also, resolutions of Franklin Council, No. 9, of the District of Columbia, Sovereigns of Industry, representing one hundred and ninety-two families, requesting the passage of a law to insure full weight of coal to purchasers—to the Committee for the District of Columbia.

By Mr. YOUNG: The petition of George M. Lloyd, of Hardeman County, Tennessee, for compensation for quartermaster stores taken by the United States Army—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 11, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the first amendment of the House to the bill (H. R. No. 35) to repeal the bankrupt law, and had agreed to the second amendment of the House, with an amendment in which concurrence was requested.

MYRON M. LOCKWOOD.

Mr. BEEBE, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 4798) for the relief of Myron M. Lockwood; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORRECTION OF JOURNAL.

Mr. MAISH. Mr. Speaker, I rise to correct the Journal. On the motion to lay upon the table the bill (H. R. No. 2139) making appropriations for the payment of Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named for value of stores and supplies taken and used by the United States Army, I am recorded as not voting. I did not vote when my name was first called, but afterward, and before the roll-call was completed, I asked and obtained permission to vote and did then vote in the affirmative. I ask that the correction be made accordingly.

The SPEAKER. The correction will be made as indicated.

VENEZUELAN AWARDS.

Mr. HAMILTON, by unanimous consent, from the Committee on Foreign Affairs, reported back, as a substitute for House bills Nos. 1069 and 4569, a bill (H. R. No. 4799) in relation to the Venezuelan mixed commission; which was read a first and second time, and ordered to be printed with the accompanying report and recommitted, not to be brought back by a motion to reconsider.

ISSUE OF ARMS.

Mr. FENN. I move by unanimous consent to take from the Speaker's table an act (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876, returned from the Senate with amendments, and to move concurrence in those amendments.

There was no objection, and it was ordered accordingly.

Mr. EDEN. Let the amendments of the Senate be read.

The Clerk read as follows:

Strike out in line 4 the word "Territories" and insert "and Territories," and at the end of the bill add the following: "*Provided*, That the quota to the States now authorized by law shall not hereby be diminished;" so that if amended the bill will read as follows:

That a joint resolution approved July 3, 1876, entitled "Joint resolution authorizing the Secretary of War to issue arms," be amended as follows: by inserting in the fifth line, after the word "States," and before the word "each," the words "and Territories," and by striking out after the word "each" in said fifth line and before the word "provided" in the sixth line, the words "are not more than five hundred to each of said Territories:" *Provided*, That the quota to States now authorized by law shall not hereby be diminished.

The amendments of the Senate were concurred in.

Mr. EDEN moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE HAYDEN AND OTHER PUBLIC SURVEYS.

Mr. PATTERSON, of Colorado, by unanimous consent, from the Committee on Public Lands, moved that testimony taken before that committee of Messrs. Hayden, Wheeler, and Powell, relative to public surveys be printed for the use of the committee and the House; which motion was agreed to.

GEORGE E. WARNER.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 4800) for the relief of George E. Warner, of Ingham County, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORRECTION OF THE JOURNAL.

Mr. WARD. Mr. Speaker, on the vote to lay upon the table the bill (H. R. No. 2139) making appropriations for the payment to Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named for value of stores and supplies taken and used by the United States Army, I am recorded as not voting. I was present in the House and voted in the affirmative, and ask that the Journal be corrected accordingly.

The SPEAKER. The correction will be made accordingly.

MORNING HOUR.

Mr. GAUSE. I now demand the regular order of business.

The SPEAKER. The morning hour begins at thirty minutes past eleven o'clock a. m., and the call of committees for reports still rests with the Committee on Public Lands.

SALE OF TIMBER LANDS.

Mr. WIGGINTON, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (S. No. 926) for the sale of timber lands in the States of California and Oregon and in Washington Territory.

Mr. FRANKLIN. I desire to make an inquiry of the Chair: has not the Committee on Public Lands exhausted its privilege of reporting? It had an hour yesterday and it had one night besides assigned for its business.

The SPEAKER. That was by unanimous consent.

Mr. FRANKLIN. My understanding was that it was in lieu of one of its days.

The SPEAKER. The record does not show that. The record shows the committee had that privilege by unanimous consent. And if equity is to come in, the committee, as a matter of fact, did not have any night.

Mr. FRANKLIN. I certainly understood that that night was in lieu of one of the days allowed under the rule.

The SPEAKER. The Chair thinks not. But at any rate there were no reports acted upon that night. The gentleman from Missouri will recollect that there was a call of the House.

Mr. FRANKLIN. I do not know that that makes any difference. The same proceeding might occur to-day.

The SPEAKER. This is one of the two hours which under the rule the committee have for making reports.

The bill was read. It provides that surveyed public lands of the United States within the States of California and Oregon and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of $2.50 per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands; provided that nothing therein contained shall defeat or impair any *bona fide* claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any *bona fide* settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes; and provided further, that none of the rights conferred by the act approved July 26, 1866, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by the act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under the act.

It provides in its second section that any person desiring to avail himself of the provisions of the act shall file with the register of the proper district a written statement in duplicate, one of which is to

be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under the act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract in any way or manner with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of *bona fide* purchasers, shall be null and void.

It provides in its third section that upon the filing of said statement, as provided in the second section of the act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May 10, 1872, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon; provided, that any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of the act by regulations to be prescribed by the Commissioner of the General Land Office.

It provides in its fourth section that after the passage of the act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy any timber growing on any lands of the United States in said States and Territories or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars, provided that nothing therein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties therein provided shall not take effect until ninety days after the passage of the act.

It provides in its fifth section that any person prosecuted in said States and Territory for violating section 2461 of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States may be relieved from further prosecution and liability therefor upon payment into the court wherein said action is pending of the sum of $2.50 per acre for all lands on which he shall have cut or caused to be cut timber, or removed or cause to be removed the same; provided that nothing contained in the section shall be construed as granting to the person hereby relieved the title to said lands for said payment, but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided before in the act; and further provided that all moneys collected under the act shall be covered into the Treasury of the United States. And section 4751 of the Revised Statutes is thereby repealed so far as it relates to the States and Territory therein named.

The sixth section repeals all acts and parts of acts inconsistent with the provisions of the act.

Mr. WIGGINTON. This bill was favorably reported by the Committee on the Public Lands of the Forty-fourth Congress. It passed the Senate in the Forty-fourth Congress. It has again passed the Senate and is unanimously reported by the Committee on the Public Lands. I call the previous question.

Mr. WREN. I desire to offer an amendment.

Mr. WIGGINTON. I yield for the amendment to be offered.

Mr. WREN. I move to amend by inserting the words "and Nevada" in the bill after the word "Oregon" wherever it occurs.

Mr. WIGGINTON. I accept the amendment.

Mr. PATTERSON, of Colorado. I ask that the amendment may be modified so as to include Colorado also.

Mr. WIGGINTON. Very well. Let the words be added "Nevada and Colorado."

The amendment, as modified, was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WIGGINTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The title ought now to be amended.

Mr. PATTERSON, of Colorado. I move that the title of the bill be amended so as to include the States of Nevada and Colorado.

The motion was agreed to, and the title of the bill was amended accordingly.

SCHOOL LANDS IN ARKANSAS.

Mr. GAUSE, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 616) granting additional lands to the State of Arkansas for the use of schools.

The bill was read, as follows:

Be it enacted, &c., That section 36 of each township in the State of Arkansas, and in fractional townships where there is no section 36 then the last entire section in such township, be, and the same is hereby, granted to said State for the use and support of schools, and for no other use or purpose whatever; said land to be disposed of in such manner as the General Assembly of said State has now provided, or may hereafter by law provide, for the support of schools.

SEC. 2. That in all cases where the land hereby granted, or any part thereof, has been heretofore disposed of by the United States, the State of Arkansas, through its commissioner of State lands, or other proper officer designated by the Governor, if there be no such commissioner, may select a like quantity of land in lieu of so much of said land as has been so disposed of by the United States from any other lands of the United States, not mineral, in said State, now remaining undisposed of: *Provided*, That not more than two of such sections shall be selected in any one township: *And provided further*, That this act shall not be construed to affect in any manner the Hot Springs reservation.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. EDEN. I would like to ask the gentleman from Arkansas a question.

Mr. THOMPSON. That bill ought to go to the Committee of the Whole.

Mr. EDEN. My question is this: do I correctly understand that the State of Arkansas has but a single section in townships for school purposes?

Mr. GAUSE. Yes, sir; only one.

Mr. EDEN. And this is intended to give an additional section for the remainder of the public lands?

Mr. GAUSE. The difficulty is this: all the States which have been admitted into the Union since 1850 have received two sections for school purposes. This only gives to the State of Arkansas one additional section.

Mr. EDEN. Is it the intention of this act to give to the State of Arkansas one additional section of land covering the whole territory of the State or one additional section of what remains of the public lands?

Mr. GAUSE. It is proposed to give one additional section of every township in the State.

Mr. EDEN. So that where townships have been entirely disposed of, the State will be entitled to select enough to make up what it would have had if this right had been reserved to it in the first instance?

Mr. GAUSE. Yes, sir; but so that no more than two sections are located in the same township.

Mr. EDEN. Does that apply as well to cases where lands have been granted for railroads and other improvements?

The SPEAKER. The Chair desires to state that the point of order has been made against the bill by the gentleman from Pennsylvania, [Mr. THOMPSON.]

Mr. GAUSE. I hope the gentleman from Pennsylvania will withdraw the point of order.

Mr. CONGER. I think the bill should go to the Committee of the Whole. We ought to know what the law is in regard to free schools in that State, and whether it gives equal privileges irrespective of race or color.

The SPEAKER. Does the gentleman from Pennsylvania insist on the point of order?

Mr. THOMPSON. Yes, sir.

Mr. GAUSE. Let me say, in answer to the gentleman from Michigan, [Mr. CONGER,] that the schools are perfectly free; and since the passage of the act granting the sixteenth section in the State of Arkansas we have now 39,600 colored children in the schools.

Mr. CONGER. Are they mixed schools or colored schools?

Mr. GAUSE. They have mixed or separate schools as each county may select them. Each county has the fund to dispose of at its pleasure.

The SPEAKER. Does the gentleman from Pennsylvania insist upon the point of order?

Mr. THOMPSON. I think the bill ought to go to the Committee of the Whole on the state of the Union. It is a grant of a large quantity of land.

The SPEAKER. The gentleman from Pennsylvania insists upon the point of order and the Chair sustains the point of order, and the bill will be referred to the Committee of the Whole on the state of the Union.

Mr. GAUSE. I withdraw the bill.

HOMESTEADS TO ACTUAL SETTLERS.

Mr. WRIGHT, from the Committee on Public Lands, reported back, with amendments, a bill (H. R. No. 110) supplemental to an act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and moved that it be referred to the Committee of the Whole on the state of the Union and ordered to be printed.

Mr. HEWITT, of Alabama. Is that a report from the majority of the committee?

The SPEAKER. The Chair is not advised on that subject.

Mr. HEWITT, of Alabama. I want to know whether the majority of the committee favored that bill.

Mr. WRIGHT. I have been waiting six months with that bill in my desk for an opportunity to report it, and I only ask that it be referred to the Committee of the Whole on the state of the Union. It was unanimously agreed by the committee that it should be reported to the House for its action.

Mr. PATTERSON, of Colorado. It was agreed to report it to the House without recommendation.

Mr. WRIGHT. For the action of the House.

Mr. PATTERSON, of Colorado. Yes.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

LANDS IN THE TERRITORY OF UTAH.

Mr. GAUSE, from the Committee on Public Lands, reported back, without amendment, the bill (H. R. No. 775) for the restoration to market of certain lands in the Territory of Utah.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of Congress approved May 5, 1864, and entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley," as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to, be, and the same is hereby, repealed; and the Secretary of the Interior is hereby authorized and directed to restore the same to the public domain for disposition as other public lands.

Mr. EDEN. I would like to ask why these lands are not offered for public sale, as the law requires, and what is the object of withdrawing them from under the operation of the law?

Mr. GAUSE. I will have read the letters, which I send to the Clerk's desk, which will explain this matter. These lands were included in an Indian reservation and were withdrawn from the operation of the law.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 8, 1876.

SIR: I have had the honor to receive your letter of the 26th ultimo, inclosing a bill (S. No. 425) introduced by Senator Buckingham into the Senate at the last Congress, entitled "A bill for the restoration to market of certain lands in the Territory of Utah," and papers connected with the subject matter.

It appears that this bill was drawn up in the Office of Indian Affairs, and that before it was introduced into the Senate it received the approval of the Commissioner of that office and the Secretary of the Interior. Its provides for the restoration of the lands in question to the public domain for disposition as other public lands. This would bring the lands under the operation of the pre-emption and homestead laws for the benefit of actual settlers thereon, and under the operation of the town-site laws. It seems, therefore, to be broad enough for the purposes you have in view, and in the opinion of this office it ought to be passed.

I return the papers you inclosed, and send also copies of my general circular of June 17, 1875, showing the rights of actual settlers under the pre-emption and homestead laws, and circular of September 21 1868, relating to town sites on the public lands.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT,
Acting Commissioner.

Hon. GEO. Q. CANNON,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 29, 1878.

SIR: I have had the honor to receive a letter from Messrs. SMITH, GAUSE, and Pacheco, of your committee, dated the 23d instant, relative to H. R. No. 775, entitled "A bill for the restoration to market of certain lands in the Territory of Utah," the object of which "seems to be to take the several Indian reservations or lands occupied as such in the Territory of Utah from the operation of the act approved May 5, 1864, and to restore the same to the public domain for disposition as other public lands."

They ask for an expression of my "opinion as to the necessity, the propriety, and practicability of making the change desired," and also for a statement of "the number of acres contained in said lands, the number and names of the several reservations."

The lands referred to are embraced in four several tracts, which, it appears, were never formally reserved for Indian purposes by any treaty or executive order, but were established as reservations by the local Indian agent with the consent and approval of the Indian Office about 1855 or 1856, before the pre-emption, homestead, and other laws for the disposal of the public lands were extended to Utah Territory. They are known as the Spanish Fork reservation containing 11,253 acres; the Corn Creek reservation containing 62,664 acres; the Deep Creek reservation containing 30,000 acres, and the San Pete reservation containing 65,973 acres; the aggregate contents thereof being 169,899 acres.

The act of May 5, 1864, statutes, volume 13, page 63, provided for locating elsewhere the Indians who had used these lands, for surveying and appraising the lands, and for selling them, at not less than the appraised value, on sealed bids, as therein prescribed. The provisions of the act for locating the Indians elsewhere and for surveying the lands have been carried into effect. The lands embraced in the Spanish Fork reservation were appraised in 1866; those in the Corn Creek reservation in 1869. The other two reservations have not yet been appraised.

The proceedings mentioned were taken under the direction of the Commissioner of Indian Affairs, the lands in question not having been transferred to the jurisdiction of this office until 1872. At the time the lands in the Spanish Fork reservation were appraised in 1866, the public-land laws generally were not operative in Utah Territory, and it was thought they would command a higher price from the fact that there were no other lands in the Territory title to which could be acquired from the United States. The appraisement of the Corn Creek reservation was made not long after the passage of the act of July 13, 1868, providing for the disposal of the public lands in the Territory, and since then they have been open to disposal under the pre-emption and homestead laws. The valuation of the lands in the two reservations as then made averages about $1.35 per acre, a trifle over the ordinary minimum price of the public lands. It appears that a portion of the lands is occupied by the villages of Meadow Creek and Petersburgh, and other portions by settlers who claim that they went on the land without knowledge that it was in a state of reservation.

Since the appraisement of the Spanish Fork and Corn Creek reservations as before mentioned, no further proceedings have been taken for the sale of the lands. There is no appropriation within the control of this office applicable to paying the expense of completing the appraisement and selling these lands under the act of 1864. If it is concluded to hold them for disposal according to the provisions of that act an appropriation will be necessary to meet these expenses.

The said bill is substantially the same with one which received the approval of this office, as expressed in a letter addressed to the Hon. GEORGE Q. CANNON, of the House of Representatives, under date of the 8th February, 1876, a copy of which is herewith submitted.

I am of opinion that under existing circumstances it would not be profitable to the public Treasury to proceed with the disposal of these lands in the manner prescribed in the act of May 5, 1864, and that the change proposed in bill No. 775 is necessary, practicable, and proper, in view of all the interests concerned. I therefore recommend the passage of the same.

Very respectfully, your obedient servant,

J. A. WILLIAMSON, *Commissioner.*

Hon. WILLIAM R. MORRISON,
Chairman Committee on Public Lands,
House of Representatives.

Mr. GAUSE. I demand the previous question.

Mr. CONGER. Is that bill subject to a point of order?

The SPEAKER. The Chair thinks not. In what respect would it be subject to a point of order? It proposes merely a withdrawal of lands from public sale.

Mr. CONGER. It has another provision which provides for the disposition of these lands under the tree-culture law.

Mr. CANNON, of Utah. I will say to the gentleman that a bill precisely similar to this passed last Congress and only failed to pass the Senate for want of time.

Mr. CONGER. One of those recommendations which have been read is from a man whose complications in land matters would not make his recommendation of any great weight now.

The SPEAKER. The clause the gentleman refers to takes these lands out of the category of lands for sale under a particular act and throws them in common with all the other lands in the United States, but it does not dispose of them.

Mr. GAUSE. The only difference it makes is this, that these lands at the present time are directed to be sold at private sale under sealed bids upon an appraisal of $1.35 per acre. This bill allows them to go into the general market the same as other public lands.

Mr. CONGER. It changes the law in this respect: public lands of this class are first offered for sale at public auction and then subject to private entry, and it would of course affect the revenue derived from them as it disposes of that amount of revenue. It seems that these lands were appraised at $1.35 an acre and now if they are entered at $1.25 an acre there is a loss of so much of the appraised value provided for by law. I do not however make that point, but it seems to me that the recommendation of this bill by one who has been connected with the improper use of land warrants does not commend it to the House.

Mr. CANNON, of Utah. The bill was introduced in the Senate in the first instance by Senator Buckingham on the recommendation of the Indian Department.

Mr. CONGER. I would ask if there is not attached to this bill a provision in relation to tree culture.

The SPEAKER. There is no clause of that kind in the bill.

Mr. WIGGINTON. That is in another bill.

Mr. CONGER. Then I do not make the point of order on it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAUSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRE-EMPTION LAWS.

Mr. WELCH, from the Committee on Public Lands, reported back, with a recommendation that it do pass, the bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws.

The Clerk read the bill, as follows:

That any person who has made a settlement on the public lands under the pre-emption laws, and has, subsequent to such settlement, changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to

be made, under the pre-emption laws, subject to all the provisions of the law relating to homesteads.

Mr. WELCH. As there is no report in this case I desire to say that the Forty-fourth Congress passed a bill of a similar nature which allows to a settler who had taken pre-emptions and had lived upon his lands for a certain time a settlement on homestead if he changed his pre-emption right into a homestead entry, but the Commissioner of the General Land Office has made such rulings that that law only applied to changes made after the passage of that law. This is a bill to enable settlers to do the same thing if they had made their entry prior to the passage of the law.

I move the previous question.

The previous question was seconded and the main question ordered; and, under the operation thereof, the bill was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

Mr. WELCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOREST-CULTURE.

Mr. WIGGINTON. I am directed by the Committee on Public Lands to report House bill No. 3982 as a substitute for Senate bill No. 801.

The SPEAKER. The correct form would be for the gentleman to report back the Senate bill and to move as a substitute for it whatever the committee may have agreed upon. The Senate bill must be before the House in order to have something to act upon.

Mr. WIGGINTON. Then I report back Senate bill No. 801, to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys, and move to strike out all after the enacting clause and to insert in lieu thereof the body of House bill No. 3982, to amend an act to encourage the growth of timber on the western prairies.

The Senate bill was as follows:

Be it enacted, &c., That section 2403 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

SEC. 2403. Where settlers make deposits in accordance with the provisions of section 2401, the amount so deposited shall go in part payment for their lands situated in the townships the surveying of which is paid for out of such deposits, or the certificates issued for such deposits may be assigned by indorsement, and be received in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws of the United States, and not otherwise.

The substitute was to strike out all after the enacting clause and to insert in lieu thereof the following:

That the act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on western prairies,'" approved March 13, 1874, be, and the same is hereby, amended so as to read as follows:

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years ten acres of timber, the trees thereon not being more than four feet apart each way, on any quarter section of any of the public lands of the United States, or five acres on any legal subdivision of eighty acres, or two and one-half acres on any legal subdivision of forty acres, or one-eighth part of any fractional subdivision of land less than forty acres, shall be entitled to a patent for the whole of said quarter section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance of the further conditions as provided in section 2: *Provided further*, That not more than one-quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered which in the aggregate shall not exceed one quarter section.

SEC. 2. That the person applying for the benefits of this act shall, upon application to the register of the land district in which he or she is about to make such entry, make affidavit before the register or the receiver, or the clerk of some court of record, or officer authorized to administer oaths in the district where the land is situated; which affidavit shall be as follows, to-wit:

"I, ——— ———, having filed my application, number ——, for an entry under the provisions of an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,'" approved ——— —, 187-, do solemnly swear [or affirm] that I am the head of a family [or over twenty-one years of age] and a citizen of the United States [or have declared my intention to become such;] that the section of land specified in my said application is composed exclusively of prairie lands, naturally devoid of timber; that this filing and entry is made for the cultivation of timber and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I intend to hold and cultivate the land and to fully comply with the provisions of this said act; and that I have not heretofore made an entry under this act or the acts of which this is amendatory."

And upon filing said affidavit with said register and said receiver, and on payment of $10, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter section under the provisions of this act shall be required to break or plow five acres covered thereby the first year, five acres the second year, and to cultivate to crop or otherwise the five acres broken or plowed the first year; the third year he or she shall cultivate to crop or otherwise the five acres broken the second year and to plant in timber, seeds, or cuttings the five acres first broken or plowed and to cultivate to crop or otherwise the remaining five acres, and fourth year to plant in timber, seeds, or cuttings the remaining five acres. A party making an entry of eighty acres shall break or plow and plant at the times hereinbefore prescribed one-half of the quantity required of a party who enters a quarter section, and a party making an entry of forty acres shall break or plow and plant, at the times hereinbefore prescribed, one quarter of the quantity required of a party who enters a quarter section, or a proportionate quantity for any smaller fractional sub division: *Provided, however*, That in case such trees, seeds, or cuttings shall be destroyed by grasshoppers, or by extreme and unusual drought, for any year or term of years, the time for planting such timber, seeds, or cuttings shall be extended one year for every such year that they are destroyed: *Provided*, That the person making such entry shall, before he or she shall be entitled to such extension of time, file with the register and the receiver of the proper land office an affidavit, corroborated by two witnesses, setting forth the destruction of such timber, and that in consequence of such destruction he or she is compelled to ask an extension of time, in accordance with the provisions of this act: *And provided further*, That no final certificate shall be given or patent issued for the land so entered until the expiration of eight years from the date of such entry; and if at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he or she or they have planted and for not less than eight years have cultivated and protected such quantity and character of timber as aforesaid, and at the time of making such proof that there shall be then growing at least nine hundred living and thrifty trees to each acre, they shall receive a patent for such quarter section or legal subdivision of eighty or forty acres of land, or for any fractional quantity of less than forty acres, as herein provided.

SEC. 3. That if at any time after the filing of said affidavit, and prior to the issuing of a patent for said land, said party shall fail to do the breaking and planting required by this act, or any part thereof, or shall fail to cultivate, protect, and keep in good condition such timber, excepting such cases as are provided for in this act, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided*, That the party making claim to said land, either as a homestead settler or under this act, shall give, at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office, and the rights of the parties shall be determined as in other contested cases.

SEC. 4. That no land acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

SEC. 5. That the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall each be entitled to receive $2 at the time of entry, and the like sum when the claim is finally established and the final certificate issued.

SEC. 6. That the fifth section of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes," approved March 3, 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 7. That parties who have already made entries under the acts approved March 3, 1873, and March 13, 1874, of which this is amendatory, shall be permitted to complete the same upon full compliance with the provisions of this act; that is, they shall, at the time of making their final proof, have had under cultivation, as required by this act, an amount of timber sufficient to make the number of acres required by this act.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

The question was upon agreeing to the substitute.

Mr. OLIVER. I ask the gentleman from California [Mr. WIGGINTON] to yield to me to offer two amendments to the substitute.

Mr. WIGGINTON. I will yield to hear them read.

Mr. OLIVER. I move to amend section 1 of the substitute by striking out the words "the trees thereon not being more than four feet apart each way;" I also move to amend the third paragraph of section 2, near the close of the section, by striking out the word "and" and inserting in lieu thereof the words "that not less than twenty-seven hundred trees were planted on each acre and that;" so that it will read as follows:

Shall prove by two credible witnesses that he or she or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of timber as aforesaid, that not less than twenty-seven hundred trees were planted on each acre, and that at the time of making such proof that there shall be then growing at least nine hundred living and thrifty trees to each acre.

Mr. WIGGINTON. I have no objection to those amendments.

The amendments to the substitute were agreed to; and then the substitute, as amended, was adopted.

The Senate bill, as amended, was then ordered to a third reading, read the third time, and passed.

Mr. WIGGINTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEBRASKA AND MISSOURI.

Mr. HEWITT, of Alabama, from the Committee on Public Lands, reported, as a substitute for House bill No. 599, to change a portion of the boundary line between the States of Missouri and Nebraska, and to cede a portion of the State of Nebraska to the State of Missouri, a joint resolution (H. R. No. 179) giving the consent of the Congress of the United States to the Legislature of the State of Nebraska to cede and transfer certain territory now under the jurisdiction of the State of Nebraska to the State of Missouri, the Legislature of Missouri consenting thereto; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution provides for giving the consent of Congress to the Legislature of the State of Nebraska to cede and transfer to the State of Missouri, the Legislature of Missouri consenting thereto, all that part of the Territory of Nebraska lying on the east side of the Missouri River, known as McKissick's Island, in the county of Nemaha, Nebraska, including sections 25 and 36, in township 7 north, of range 15, and sections 30 and 31, in township 7 north, of range 16, and section 1, in township 6 north, of range 15, and section 6, in township 6 north, of range 16.

Mr. CONGER. I would ask whether the people of this island desire to have this change made.

Mr. HEWITT, of Alabama. My information is that the people desire it. The bed of the river has changed so as to throw this island on the Missouri side. This joint resolution simply gives the consent of Congress to this transfer, both States consenting thereto.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL LANDS FOR COLORADO, NEVADA, AND CALIFORNIA.

Mr. PATTERSON, of Colorado, from the Committee on Public Lands, reported, as a substitute for House bill No. 1874, a bill (H. R. No. 4801) to place the States of California, Nevada, and Colorado upon an equality with other States in the matter of public lands for school purposes; which was read a first and second time.

Mr. CONGER. I desire to raise a point of order on the bill.

Mr. BEEBE. From the reading of the bill there seems to be this defect: although the State of California, for instance, may have selected a number of sections 16 and 36, the bill makes no provision for the exception of those sections, but authorizes the State to select as many sections 16 and 36 as there may be in the entire State.

Mr. WIGGINTON. Oh, no.

Mr. BEEBE. I think that an examination of the bill will bear me out. I listened very attentively to the reading.

Mr. CONGER. I think the bill had better be printed and go to the Calendar.

Mr. PATTERSON, of Colorado. If the gentleman insists on the point of order I have no objection; but——

Mr. CONGER. To meet this very deficiency section 36 was given to these States in addition to section 16 given to other States. Now this bill proposes that not only the deficiency of section 16 but also of section 36 be granted out of other lands. I do not know that this is not right, but I prefer to see the bill in print.

The SPEAKER. The gentleman insists on the point of order; and the bill will be referred to the Committee of the Whole.

Mr. PATTERSON, of Colorado. I ask that the bill be printed and that I have permission to file a report which shall also be printed.

The SPEAKER. The Chair hears no objection.

LAND GRANTS TO TERRITORIES FOR UNIVERSITY PURPOSES.

Mr. KIDDER, from the Committee on Public Lands, reported a bill (H. R. No. 787) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes.

The bill was read.

Mr. CONGER. I desire to reserve a point of order on the bill.

Mr. EDEN. In some of the Territories there is a large amount of mineral lands. Is it intended to include those in this grant?

Mr. KIDDER. Not at all.

Mr. EDEN. Mineral lands are excluded?

Mr. KIDDER. Yes, sir.

Mr. DUNNELL. I will ask the gentleman from Dakota [Mr. KIDDER] whether this bill is not in harmony with previous bills providing for universities in the States.

Mr. KIDDER. It is.

Mr. DUNNELL. This bill, in my opinion, contains some very admirable provisions and safeguards. Like provisions were incorporated in the bill with reference to Colorado. It will be seen that the proceeds of these sales are to be converted into United States bonds and to become a permanent fund. None of these lands can be sold for less than $2.50 per acre.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] makes a point of order that this bill provides for the disposition of public lands and must receive its first consideration in Committee of the Whole.

Mr. KIDDER. I hope there will be no objection to the consideration of the bill now.

Mr. CONGER. I have made the point because I think the bill should provide that no part of the fund given by the United States should be used for buildings; that the fund should be devoted to educational purposes entirely. I think the bill ought to be amended in that respect.

The SPEAKER. The Chair sustains the point of order. The bill will be referred to the Committee of the Whole on the public Calendar.

Mr. REAGAN. The morning hour has expired. I call for the regular order.

Mr. KIDDER. The bill is no doubt subject to the point of order; but if I can be indulged a moment, I hope the gentleman from Michigan will withdraw it. If there is the least objection to the passage of the bill, I shall not press it now.

Mr. CONGER. My only objection is what I have stated. I do not like the disposition of the fund.

The SPEAKER. The point of order is sustained. The gentleman from Texas demands the regular order.

Mr. CONGER. I will withdraw the point of order, and let the bill go over until the next morning hour.

Mr. PATTERSON, of New York. I renew the point of order.

PAYMENT OF FRAUDULENT CLAIMS BY THE TREASURY DEPARTMENT.

Mr. REAGAN. I yield for a moment to the gentleman from Mississippi, [Mr. MANNING,] with the understanding that his proposition shall elicit no debate.

Mr. MANNING. I ask unanimous consent to introduce and have adopted the resolution which I send to the desk.

The Clerk read as follows:

Whereas the Secretary of the Treasury in his annual report for the year 1877, referring to the payment of claims against the Government, said, "most of these claims are paid out of what are classed as permanent annual appropriations, contained in section 3689, Revised Statutes, which do not come under the annual supervision of Congress. These appropriations, though declared to be annual, have been used for the payment of claims however old, including nearly every case of fraudulent or exaggerated claims paid by this Department:" Therefore,

Resolved, That the Secretary of the Treasury be directed to report to this House what fraudulent claims have been paid by the Treasury Department from the appropriations authorized by section 3689, Revised Statutes, and what fraudulent claims, if any, have been paid from other appropriations since June 22, 1874, up to and including the date of his said annual report—the amount and date of each fraudulent claim paid during the time above mentioned, specifying the appropriation from which paid, the nature of each claim, to whom paid; and what recommendations have been made or action taken or ordered by the Treasury Department to recover any money thus paid, with the date of such recommendations, action, or orders, and a statement of the result, if any, of such recommendations, action, or orders in each case; and also to furnish this House with the evidence upon which said statement of fraud is predicated.

Mr. FOSTER. I object. I will inform the gentleman that he will find the information which this resolution calls for in document of this House, No. 27.

Mr. MANNING. I think the gentleman, if he will examine that document, will not find the information which this resolution calls for.

Mr. FOSTER. I think I shall.

The SPEAKER. Does the gentleman from Ohio insist on the objection?

Mr. FOSTER. Yes, sir.

The SPEAKER. The resolution is not before the House.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I rise to make a privileged motion. I move that the House resolve itself into the Committee of the Whole. I give notice that I do this for the purpose of taking up what is known as the Mexican pension bill.

Mr. REAGAN. I am reluctant to antagonize that bill; but we have agreed by unanimous consent to consider this morning the bill from the Committee on Commerce regulating interstate transportation; and I suggest that the gentleman has not the right now to interpose the question of consideration as against an arrangement made by the unanimous consent of the House.

The SPEAKER. The Chair thinks this arrangement was adopted by unanimous consent which is equivalent to a suspension of the rules, but the remedy the gentleman seeks would be in raising the question of consideration. If the motion to consider the bill indicated by the gentleman from Texas be voted down, then the motion to go into the Committee of the Whole on the state of the Union for the purpose of reaching the bill granting pensions to surviving Mexican soldiers would be in order.

Mr. REAGAN. Mr. Speaker, can the question of consideration be raised against what has been determined by the unanimous consent of the House?

The SPEAKER. Undoubtedly; for it may so happen when the House reaches the question fixed for a certain day it may not be ready at the time to consider it and may on the question of consideration being raised by a majority vote to go to other business.

Mr. REAGAN. I know under the rules of the House such may be the case, but——

Mr. BUCKNER. The object of the gentleman is to raise the question of consideration.

Mr. REAGAN. But when the House by unanimous consent has fixed a certain time for the consideration of a bill, can that unanimous consent be set aside under the question of consideration? If so, I have not seen the decision by which it can be done.

Mr. HEWITT, of Alabama. I only gave my consent at the time knowing under the practice of the House we could raise the question of consideration if it were deemed necessary to do so.

The SPEAKER. The Chair thinks the question of consideration can be raised.

Mr. BURCHARD. There would be objection to the motion to go into the Committee of the Whole on the state of the Union for the purpose of taking up a particular bill.

Mr. HEWITT, of Alabama. I do not make that motion.

Mr. BEEBE. The gentleman has only raised the question of consideration.

Mr. HEWITT, of Alabama. Certainly; and if the House determines not to consider the bill of the gentleman from Texas, then I shall move to go into the Committee of the Whole on the state of the Union, giving notice that I shall make the effort to call up for consideration the bill granting pensions to the Mexican soldiers.

Mr. THOMPSON. I rise now, Mr. Speaker, for the purpose of withdrawing my objection to the university bill.

The SPEAKER. That bill has been passed.

Mr. REAGAN. In order to get out of the way of the other committees of the House the Committee on Commerce waived its privilege in the morning hour on the express condition that it should have unanimous consent to proceed to-day to the consideration of the bill relative to interstate commerce. If the question of consideration can now be raised, then that agreement was a cheat and a fraud and de-

feats the bill. Surely it is not parliamentary law or parliamentary usage to indulge in a cheat and a fraud.

Mr. HEWITT, of Alabama. The gentleman from Texas ought to know the rules of the House.

Mr. MILLS. That is what very few on this floor seem to know.

Mr. HEWITT, of Alabama. If he is cheated, then the gentleman has only cheated himself.

Mr. REAGAN. I am not as familiar, perhaps, with the rules of the House as the gentleman from Alabama, but I am familiar with the rules of common honesty and general understanding.

Mr. HEWITT, of Alabama. The gentleman does not propose to intimate that any member of this House is acting dishonestly?

Mr. REAGAN. The gentleman from Alabama had it in his power to prevent the agreement by his single objection. If he did not do it, he has now no right to come in here when we have reached the day and hour fixed for the consideration of this interstate-commerce bill in order to prevent its being taken up for consideration.

Mr. HEWITT, of Alabama. I have the right to assert my privilege as a member under the rules of this House, and that I am doing and nothing more, as the Speaker has decided. I gave my consent knowing that under the rules of this House and under the practice of the House any member could raise the question of consideration.

Mr. REAGAN. The gentleman can raise the question of consideration, but not against the unanimous consent and agreement of the House.

The SPEAKER. The Chair will cause Rule 54 to be read.

The Clerk read as follows:

54. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day.

The SPEAKER. "And to the orders of the day." This is the order of business fixed by unanimous consent, as the gentleman from Texas has stated, for this day. The only point that the gentleman from Alabama can raise to proceeding to the consideration of this bill at this time would be what under the rule is known as "the question of consideration."

Mr. REAGAN. Let me say this: under the rules of the House, when we proceed to the consideration of the orders of the day the question of consideration may be raised, but when this House has given its unanimous consent to do a particular thing at a particular hour, if when that hour arrives that unanimous consent can be set aside and rendered of no account, then no member will trust himself to the treachery of unanimous consent, for it will amount to nothing.

The SPEAKER. The Chair has recognized, by causing the rule to be read, that the gentleman from Texas in respect to his bill has the privilege of calling it up as the order of the day. But the gentleman from Alabama has the right to raise the question of consideration.

Mr. HEWITT, of Alabama. As the gentleman from Texas exhibits so much feeling in this matter and appears to think some one is trying to cheat him, I will give way to him.

Mr. REAGAN. I am much obliged to the gentleman.

The SPEAKER. The Chair desires to state in support of his position as to raising the question of consideration that under Rule 41 it is expressly provided "when any motion or proposition is made, the question, 'Will the House now consider it?' shall not be put unless it is demanded by some member or is deemed necessary by the Speaker." It will be seen that the question of privilege can be raised even against a question of privilege.

Mr. MILLS. The Chair mistakes the distinction made by my colleague. One is a proceeding in subordination to the rules of the House, while the other is a proceeding in defiance of the rules of the House and by unanimous consent. In the latter instance the House takes it from under the rules and falls back upon its sovereignty aside and away from the rules.

The SPEAKER. That is only to give it a status for consideration.

Mr. REAGAN. I understand the gentleman from Alabama has waived the question of consideration.

INTERSTATE COMMERCE.

The SPEAKER. The gentleman from Alabama [Mr. HEWITT] withdraws the question of consideration and the House now as in Committee of the Whole under the five-minute rule resumes the consideration of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. REAGAN. I ask that the order under which we proceed be read.

The SPEAKER. At the time the order was made the gentleman from Wisconsin [Mr. BRAGG] was on the floor.

Mr. TOWNSHEND, of Illinois. Does the five-minute rule apply?

The SPEAKER. That is the order. The Chair will cause to be read from the RECORD the proceedings when the order was made.

The Clerk read as follows:

Mr. BRAGG obtained the floor.

Mr. REAGAN. If the gentleman from Wisconsin will allow me, I desire to make another proposition to the House.

Mr. BRAGG. I decline to yield the floor if my doing so shall interfere with my retaining it.

Mr. REAGAN. I do not propose to interfere with the gentleman's retaining the floor; but perhaps he would prefer occupying the floor at another time. I propose, if it be agreeable to the House, that it shall be ordered by unanimous consent that at the close of the morning hour on Saturday this bill be considered, and the previous question not called earlier than half past four o'clock.

The SPEAKER. The gentleman from Texas now proposes that the pending bill be taken out of the morning hour, and that its consideration be assigned for Saturday next immediately after the morning hour, and that debate shall close and a vote be taken on the bill and pending amendments at half past four o'clock instead of half past three, thus allowing more time for debate. Is there objection?

Mr. CANNON, of Illinois. I desire to ask the gentleman from Texas a question: whether he will not modify his proposition so as to allow the bill to be considered on Saturday in the House as in Committee of the Whole under the five-minute rule.

Mr. REAGAN. I have no objection to that. Perhaps in that way we may get more intelligent debate on the bill. But let it be with the understanding that the previous question shall be called at that hour.

Mr. SAMPSON. Is it the understanding that the previous question shall be called at that time?

The SPEAKER. Not necessarily. The proposition is that the previous question shall not be called until then.

Mr. BRAGG. It is understood that if I yield the floor now I shall be entitled to the floor when the consideration of the bill is resumed on Saturday

The SPEAKER. The Chair will so consider. Is there objection to the proposition of the gentleman from Texas, as modified?

There was no objection, and the order was made.

The SPEAKER. The gentleman from Wisconsin [Mr. BRAGG] is recognized.

Mr. REAGAN. I wish to say notwithstanding the form of the agreement, as there has been an hour's speech made in favor of the bill, it seems to me fair that the gentleman from Wisconsin [Mr. BRAGG] or those who agree with him in antagonizing the bill should have an hour for general debate against it. So far as I am concerned I have no objection to that.

The SPEAKER. The Chair then will understand the gentleman from Wisconsin has the floor in his own right for one hour, and thereafter the debate shall be conducted as by agreement under the five-minute rule.

Mr. CANNON, of Illinois. I have no objection to that provided the gentleman does not occupy the floor longer than he speaks himself.

The SPEAKER. The gentleman from Wisconsin has his rights. He stipulated distinctly for them.

Mr. KENNA. As I understand what occurred the other day and as I understand the gentleman from Wisconsin now, he does not claim any longer time than he desires to occupy himself; and I submit that would not be in accordance with the understanding when the agreement was made.

The SPEAKER. Nothing was said about the length of time. The gentleman from Wisconsin claimed his rights as being on the floor. He yielded, if it did not interfere with his right, to the unanimous agreement. The right that he maintained was that he should have the floor in his own right for one hour, and the Chair understands this morning that the gentleman from Texas, [Mr. REAGAN,] who has charge of the bill, assents to that.

Mr. CONGER. I presume if the gentleman from Wisconsin has time which he does not wish to occupy the understanding is he gives it to those who are opposed to the bill.

The SPEAKER. That is the suggestion of the gentleman from Texas, that if the gentleman from Wisconsin does not occupy the whole time it shall be occupied by those adverse to the bill, more than one hour having been occupied by those favorable to it. The Chair understands the gentleman from Texas in a spirit of pure equity to agree to that.

Mr. WHITE, of Pennsylvania. That leaves the gentleman from Wisconsin to dispose of his hour as he sees fit.

Mr. CONGER. I ask the gentleman from Wisconsin if he has more than his hour to give it to those who are opposed to the bill, and not to its friends.

The SPEAKER. The gentleman from Wisconsin [Mr. BRAGG] gives his assent to that suggestion. The House being as in Committee of the Whole during the consideration of this bill, the gentleman from Illinois [Mr. EDEN] will please take the chair.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. BRAGG] is entitled to the floor.

Mr. BRAGG. I am opposed to the passage of this bill; and as the bill purports to be one of very great benefit to the agricultural interest of the West, which in part I represent, I desire to state as clearly as I may my objections to the bill in order that my opposition to it may not be misconstrued.

I have always, sir, been an opponent of railway monopoly and I am not prepared now at this time of life to yield the ground which I have always maintained upon that subject. When this bill is introduced it is announced that it is a bill for the purpose of restricting monopolies; it is a bill for the purpose of putting railways and other common carriers under the control and regulation of law for the benefit of the producing, agricultural interest.

Now, I say, Mr. Speaker, that this bill, instead of being the bill it purports to be, is a bill directly in antagonism to the very interests that it purports to support, foster, and maintain.

I submit to the chairman of the Committee on Commerce if there ever was a bill introduced into the National Legislature or into any State Legislature that interfered with or restricted the rights of railway corporations, whether the corridors and lobbies were not filled with men representing railroad interests urging their members to do all they might do to prevent the passage of a bill which would interfere with them in the rates which they imposed on the people. Then I ask him whether any railway company has ever raised its voice

against this bill—whether or not all the railway companies and the great railway kings are not in favor of this bill, and under the pretense of protecting the farmer and his interests are preparing a bill here by which they themselves can form a combination by which they can ruin at their will all the interests that this bill proposes to protect? I shall as soon expect to see the beautiful waters of the Kiskiminetas River improved under the river and harbor bill, carrying on its broad bosom all the commerce of the world, having floating thereon the flag of every nation—just so soon as I shall expect Tom Scott's legislature to instruct their Representatives in this House to vote for a bill that is hostile to his interests.

I see by the RECORD that the Legislature of Pennsylvania has instructed their Representatives in this House to support this bill as a wise and beneficent measure.

Mr. REAGAN. Does the gentleman call it Tom Scott's legislature? Is it not the Legislature of the State of Pennsylvania?

Mr. BRAGG. So far as I know from past experience, with the addition of one or two more clans in that State which have Scotch names, the clans combined are simply synonymous of the term "Pennsylvania Legislature."

I oppose this bill, Mr. Speaker, first, because I doubt the power of Congress to legislate on this subject; secondly, if it has the power, that it is an unwise use of power to exercise it in the manner as it is proposed to be exercised in this bill; thirdly, that the bill does not accomplish the purpose that it pretends to accomplish, but accomplishes directly the opposite purpose.

I may be old-fashioned, sir, in my notions, but I feel that in judging the question of State rights, after the great struggle that has taken place in which it has risen to be a bugbear in the minds of all modern statesmen, we must guard against running away from the doctrine of State rights and running in the contrary direction. In trying to get away from one evil you are apt to drop into an evil greater than it. I do not believe that when the Constitution was adopted conferring upon Congress the power to regulate commerce between the States the wise men who framed that instrument ever intended that Congress should make laws regulating the rates that a wagon might charge for transportation if it happened to pass over a State line, or regulating the business of private corporations or persons, whether engaged as common carriers or otherwise. I do not believe that they ever intended that the rates of transportation upon railways, that the rates of transportation upon steamboats, that the price that is to be paid for the carriage of wheat by steamer from Chicago to a port in a different State, say Buffalo, were to be subject to the law of Congress; that Congress could say to the shipper at Chicago how much he should pay for carrying his freight to Buffalo or to the shipper at Pittsburgh what he should pay for carrying it down the river to Saint Louis. The very moment we adopt the precedent that Congress can so interfere, we have done that which is calculated to promote a general centralization of power in the Federal Government; this will become not a Government of confederated States but a Government representing a centralized power. If we can say to the shipper in Ohio, who ships his goods to Pennsylvania, that we have a right to fix the price he shall charge upon the freightage of the goods; why might we not say to the merchant in Chicago who charges a higher rate upon his goods to the people of Pennsylvania than he does to the people of Ohio, "Sir, you must sell your goods at the same price; you are discriminating against Pennsylvania."

It has been announced upon this floor that this bill originated in Pennsylvania; Pennsylvania comes here crying for protection; her iron must be protected; her steel must be protected; her manufactures must be protected; her oil wells must be protected, and Tom Scott must be protected against competition from the New York Central Railroad, the New York and Erie Railroad, and the Canada roads, whose competition compels him to reduce his rates of freightage.

Mr. THOMPSON. I desire to ask the gentleman a question in regard to the point he is now making, if he will allow me.

Mr. BRAGG. Presently I will.

Mr. THOMPSON. I simply wish to state——

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin yield?

Mr. BRAGG. I do not now. Now, in order to determine what the framers of the Constitution meant, we are to look at the condition of things as they existed when the Constitution was adopted; we are to listen to the voices of the fathers who framed the Constitution and who may be presumed to have known what they intended and what they meant. At that time there was no such thing as railway communication. I shall read upon the subject from an old-fogy book called the Federalist one of Mr. Madison's articles upon this question, showing what was the intention of the framers of the Constitution by this clause. It was to prevent the States, powers within the Federal Government, from discriminating against other States as States, and was not intended to relate in any manner to business transactions between the people of the different States. Mr. Madison says, in the Federalist, on page 292:

> The defect of power in the existing confederacy to regulate the commerce between its several members, is in the number of those which have been clearly pointed out by experience. To the proofs and remarks which former papers have brought into view on this subject, it may be added that without this supplemental provision the great and essential power of regulating foreign commerce would have been incomplete and ineffectual. A very material object of this power was the relief of the States which import and export through other States from the improper contributions levied on them by the latter. Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export during the passage through their jurisdiction with duties which would fall on the makers of the latter and the consumers of the former. We may be assured by past experience that such a practice would be introduced by future contrivances; and, both by that and a common knowledge of human affairs, that it would nourish unceasing animosities and not improbably terminate in serious interruptions of the public tranquillity. To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors must appear not less impolitic than it is unfair, since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade. But the mild voice of reason, pleading the cause of an enlarged and permanent interest, is but too often drowned before public bodies as well as individuals by the clamors of an impatient avidity for immediate and immoderate gain.
>
> The necessity of a superintending authority over the reciprocal trade of confederated states has been illustrated by other examples as well as our own. In Switzerland, where the union is so very slight, each canton is obliged to allow to merchandise a passage through its jurisdiction into other cantons without an augmentation of the tolls. In Germany, it is a law of the empire that the princes and states shall not lay tolls or customs on bridges, rivers, or passages without the consent of the Emperor and the Diet; though it appears from a quotation in an antecedent paper that the practice in this, as in many other instances in that confederacy, has not followed the law, and has produced there the mischiefs which have been foreseen here. Among the restraints imposed by the union of the Netherlands on its members, one is, that they shall not establish imposts disadvantageous to their neighbors without the general permission.

This illustration of the purposes which were intended by the adoption of this provision of the Constitution in relation to the regulation of commerce shows clearly that it was aimed at the States, so as to prevent one State from imposing any impost, duty, burden, or hardship upon the exports or imports of any other State which might be passing through its borders. This seems to me to be entirely clear from the reasoning of Mr. Madison.

But if it be not clear, I am one of those who believe in the language of old George Clinton, than whom there was no more sound statesman in this country, that Government is best supported not by the assumption of any doubtful power, but by the wise and energetic use of such power as is incontestible.

But this bill is subject to another constitutional objection, in my judgment. The fourth and sixth sections of the bill propose to regulate the tariff which shall be charged upon goods carried by common carriers where that transportation is wholly within the boundaries of a State. There are gentlemen upon this floor who do not admit that is the true construction of this bill. I maintain that that is its true construction, and I am supported in that by one of the gentlemen who support this bill, the gentleman from Pennsylvania, [Mr. THOMPSON,] who tells you that the provisions of this bill were drawn up for the purpose of providing against a discrimination in the transportation of oil from the oil-wells of Pennsylvania.

Mr. REAGAN. Will the gentleman allow me——

Mr. BRAGG. Not at all.

Mr. REAGAN. The gentleman does not wish to be corrected, then?

Mr. BRAGG. After I get through I will answer any question you have to ask.

Mr. REAGAN. I suppose the gentleman does not wish to proceed upon a false statement of the purposes of the bill. I wanted to say that it simply defines what is interstate commerce and deals with nothing else.

Mr. BRAGG. It may be that this bill intends nothing but interstate commerce. That would call me to comment upon this bill from the fact that it looks as if some one had clipped words out of a dictionary of every kind of language in the world, which had been then shaken up in a basket and enough drawn out to make these sentences, giving as many "ifs" and "ands" and "whereases" and "aforesaids" as possible, so as to clog up this bill until one might well call it a bill more for the purpose of encouraging litigation that might grow out of the railway transportation than anything else. The fourth section of this bill to which I referred is as follows:

> SEC. 4. That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged as aforesaid, directly or indirectly, to charge or receive any greater freight, rate of freight, compensation, or reward for the carriage of any property carried or to be carried in or by one actually or substantially continuous carriage as aforesaid, for a shorter than for a longer distance—

I suppose that means that a carrier may charge just as much for carrying freight from Westchester to New York as from Buffalo to New York. It says that he shall not charge any greater freight for a shorter than for a longer distance—

> or for the carriage of any of the same per mile than shall be charged per mile, and received and retained, for the carriage of property of the same or substantially same or similar kind, the carriage of which is or is to be entirely performed within one State or Territory, and which is, is to be, or should have been carried at the same time or substantially the same time or times; and the charges, compensation, and reward for the receiving, delivering, loading, unloading, handling, and storing of any property so carried or to be carried in or by one actually or substantially continuous carriage as aforesaid shall be no greater than the charges, compensation, or reward received and retained, respectively, for the same or substantially the same or similar act or acts, service or services, done or performed, or which is or are to be or should have been done or performed at the same or substantially the same time or times, for or as to property of the same or substantially the same or similar kind, the carriage of which is, or is to be, completed within one State or Territory.

There, I have read for the benefit of this House the most perspicuous section of this bill, and I have no doubt that every member of the House who listened to it understands thoroughly all the questions that can be raised under it and precisely what the committee

intended by it. I do not. But it certainly provides for regulating the rates of freight where the transportation is to be entirely within one State.

The proviso to section 6 goes further and recognizes that as being its principal purpose, where provision is made relative to the change of the schedule of rates:

But it is expressly provided, That if change is made in the freight, rate of freight, compensation, or reward to be paid for the carriage, receiving, delivering, loading, unloading, handling, or storing of any property carried or to be carried wholly in one State or Territory—

This is but a single proviso; it is not a very long thing and gentlemen will very readily understand it—

then the freight, rate of freight, charge, compensation, and reward, respectively, for the same or substantially the same or similar carriage, act or acts, service or services, for or as to any property to be carried in or by one actually or substantially continuous carriage as aforesaid, shall not be greater than the freight, rate of freight, compensation, and reward, respectively, for the same or substantially the same carriage, act or acts, service or services, for or as to property of the same, or substantially the same or similar kind, the carriage of which is or is to be performed within one State or Territory, done or performed, or which is to be or should have been done or performed, at the same or substantially the same time or times.

Now, in my judgment, that simple proviso means that by this bill Congress may undertake to regulate the transportation by common carriers of freight within a State, or else it provides that every bushel of grain that is shipped from Minnesota shall be subject to the local freight rates of Minnesota, to the local rates of Iowa, to the local rates of Illinois, to the local rates of Ohio, and to the local rates of Pennsylvania, or the local rates of New York, in order to get to market. It either is the one thing or the other. It either means that the price fixed in a State is to be the standard, or else this bill asserts the power in Congress to provide for a standard in those States.

Now, if we attempt to provide a standard of freight for goods that are carried within State lines, the moment that we undertake to do that we interfere directly with the power of a State to regulate its own corporations, which power has been supported and maintained by the Supreme Court of the United States in the "granger" cases, in which it recognized the constitutional power in the State. If we exercise that power and they exercise the power, each exercising together and each being separate and distinct from the other, we bring about at once a conflict between State and Federal jurisdiction, and those conflicts provided for in this bill must all be settled in the Federal courts.

Mr. REAGAN. Will the gentleman allow me——

Mr. BRAGG. Presently I will; not now.

Mr. REAGAN. I had hoped that the gentleman did not wish to misrepresent the bill.

Mr. BRAGG. I am speaking upon this bill as I understand it. I have read it only four times and abstracted it once, and from the sections which I have read here this morning gentlemen will readily understand that perhaps I have made a mistake in some of the deductions I have drawn from it.

Mr. REAGAN. I would like to ask the gentleman if he does not know that we only say that where State rates are adopted they shall not charge interstate commerce more than those State rates?

Mr. BRAGG. I do not find any such clause in this bill.

Mr. REAGAN. That in no case do we say that any rate of freight shall be charged?

Mr. BRAGG. I am arguing this bill not upon the intention of the chairman of the Committee on Commerce. If I were arguing it in that way, I should do him the justice to say that I would support his intention. I am arguing the thing which the committee gave birth to, not what they intended to give birth to.

As I said, we have in this bill a direct recognition of the power of States to regulate transportation charges; and if we pass the bill, even though it may not be so bad as I think it is, yet every member will see at a glance that it is so drawn as to be subject to all sorts of constructions; and the multiplicity of constructions to which it is liable will lead to an endless amount of litigation, which litigation the bill provides shall all take place in the Federal courts, no matter who may be the parties, no matter what may be the amount involved. The moment a farmer, whether his claim be large or small, seeks to enforce any of the provisions of this bill or to claim any of his rights under it, the bill itself provides that those questions shall be determined in the Federal courts. Thus the man will be taken from his vicinage and put to more expense than all the loss he may sustain by reason of a breach of the law, independently of the loss of time to himself and his witnesses.

Therefore, Mr. Speaker, I regard the passage of this bill, even though the constitutional power exists in Congress, as unwise and impolitic. I am astonished to see gentlemen representing what was originally the old State rights party coming in here to father a bill which assumes on the part of Congress power to go into all the States and regulate the business of private corporations, corporations never created or organized by this body; corporations that have their life and being as children of these States. Not stopping here the bill proposes to deal with common carriers as a class so as to interfere with and restrict their business, providing that, whether corporations or private persons, they shall not make any special contracts.

I say further that this bill is hostile to the interests which I represent and to the great agricultural interests of the West. I do not care how much its advocates may claim they are doing for us. We ask no such interference. Our experience has been that whenever railroad corporations select Washington as the scene of their operations they have too much money and too much influence for any farmer in the West to compete with them.

Mr. REAGAN. I desire to ask the gentleman whether he means by insinuation or direct statement to say that any railway corporation or interest has influenced the action of the committee in this case?

Mr. BRAGG. I do not, sir. I maintain that the railroad corporations, seeing the bent of the committee, quietly let them rush on spreading a net which was expected to catch the railroad corporations; but instead of that the committee have dug a pit into which all the interests they are seeking to protect will fall. What I meant to be understood as saying was this: we are opposed to the principle that this question should ever come to Congress for the reason that if Congress once exercises this power and legislates in this direction we make Congress the forum where the railroad companies will send their representatives; and our experience in the past is that individual interests representing the agriculture of the West stand no chance in a competition at Washington with the railroad corporations. Not that they procured this bill to be passed, but that the bill establishes the precedent of congressional legislation which in the end will swallow us up entirely, because it will congregate the entire railroad force here, where the people have no one to represent them except those gentlemen who represent the agricultural districts from the extreme far West and the South.

There is another consideration against the bill, and it is one in regard to which I know there will be no disagreement between the gentleman representing the Committee on Commerce and myself. The railroads leading from the great business centers of the West are protected under this bill against all competition either between themselves or with any adverse interest. We have now a competition by which for a portion of the year we may send by water or we may send across Michigan and the two Canada roads; we may send over the Lake Shore road and the Erie; we may send over the Lake Shore road and the New York Central; we may send over the Pittsburgh and Fort Wayne, and the Pennsylvania Central; or we may send over the Baltimore and Ohio road. We have seen what the experience of business men teaches that, when business gets dull those great trunk lines enter into competition with each other in order to keep their rolling-stock in use, and even if the business does not pay a profit to the stockholders, it at least helps to pay the interest upon their indebtedness and the salaries of their officers. They induce freight to be shipped by reducing rates; and the moment one of those trunk lines reduces its rates, it of necessity forces other trunk lines to do the same. While these lines are quarreling among themselves, the farmers are permitted, under cover of their fight, to send their products to market at rates which will enable them to raise their wheat, grain and other products and forward them to the eastern market at remunerative prices. But by the terms of this bill there is an absolute prohibition against competition. All that is necessary to be done is for the great trunk lines to meet; and this bill compels them to meet.

They make one schedule and it is a schedule for all. It protects one against the other; Garrett against Scott and Scott against Garrett, and the representatives of Vanderbilt against both. Not being obliged to fight each other, they turn all their individual power and power of corporations to consuming what little is left by the grasshoppers to the farmers of the West. [Laughter.] That is the reason why I oppose it. I do not propose to put it in the power of these railroad corporations to unite and make a schedule of rates which the laws will protect and to make them a law which will punish any one of the roads which violates that law by carrying at a less rate. And that is the purpose of the bill, and, such being its purpose, it is directly in hostility and antagonism to the interests I represent; and I desire those people whom I represent to know when I oppose this bill I do not oppose it because it is a restriction upon railroad corporations, but I oppose it because I regard it as a fraud and a deception upon the people and really in the interest of the railroad instead of adverse to it.

Mr. WHITE, of Pennsylvania, rose.

The SPEAKER *pro tempore*, (Mr. EDEN in the chair.) To whom does the gentleman yield?

Mr. BRAGG. Under the understanding I do not know whether my friend from Pennsylvania desires to speak for or against the bill, but if I had my own direction I would yield to him; but I heard of something of an obligation and understanding it should only be yielded to such as were adverse to the bill. If that be the understanding of the House, of course it would not be proper to yield to the gentleman from Pennsylvania. I much prefer to yield to him if the House consents.

Mr. WHITE, of Pennsylvania. I am for the bill; and if there is an understanding of that kind, I of course yield the floor.

The SPEAKER *pro tempore*. The gentleman from Wisconsin will exercise his own judgment; he has an hour and will yield the floor to whom he pleases.

Mr. BRAGG. Then, under that understanding, I yield for five minutes to the gentleman from Massachusetts, [Mr. DEAN.]

Mr. DEAN. Mr. Speaker, the fourth section of the pending bill provides that there shall not be charged a greater rate of freight for a short distance than for a longer distance. This question of the com-

parative charges of through and local freights has been before committees of the Legislature of Massachusetts in reference to our railroads at different times, because the people living on the lines of the road seeing through freights passing by their doors from the far West at very low rates while they had themselves to pay for short distances much higher rates per mile, naturally desired the benefit of the cheaper transportation. This bill provides that it shall be unlawful to charge any "greater freight, rate of freight, compensation, or reward for the carriage of any property carried or to be carried in or by one actually or substantially continuous carriage as aforesaid, for a shorter than for a longer distance, or for the carriage of any of the same per mile," &c. So that it covers the question of the aggregate charge. It covers the question of the rate of freight as well. Persons doing a large business and paying large amounts for freights would naturally say "if we can get along by paying the same rate of freight that through traffic pays, it would be a great saving to us."

And accordingly they have appealed to the Legislature and been heard before the committees of the Legislature of Massachusetts, for the purpose of enforcing some legislation to give them the same low rates of freight charged for through freights, and invariably the investigation has sent them home with the conviction on their own part that what they asked was wrong, or, at any rate, impracticable. Take for instance—and I will only speak of my own State as a matter of illustration, and the illustration tests the provisions of this bill; our Massachusetts railroads are mostly short roads; they were chartered in the inception in this country of railroads—the Boston and Lowell Railroad, for instance, is only about twenty-five miles long. It connects with the Nashua and Lowell Railroad, which runs into New Hampshire between Lowell and Nashua, one city in New Hampshire and the other in Massachusetts, and is only fifteen miles long. So they go on by small roads until they connect with the great routes to the far West. These great routes, however, by having a manager for each road, have succeeded in accomplishing results substantially the same as if they were one continuous road, and by an arrangement between themselves they have established very low rates for through freights, and have furnished ample terminal facilities for the great and growing business of the great West. It was an easy thing to see when it came to be examined that it was utterly impossible for these roads to live upon the low through rates; that if they were to only receive the low through rates they could not exist. In other words, these roads were kept up by local freights; that they were supported by local freights; and that they paid dividends largely, if not mostly, out of their local business.

And yet what they did get, what little they did get for the through trade went simply so far in supporting the roads and paying the dividends. Now, to say they shall only charge the same rate for the short freight that is charged for the long freight would make it utterly impossible for the roads in any thickly settled community to exist. And I have known instances where persons have been before committees of Legislatures seeking relief when they have had the working of this explained to them who have seen it was utterly impossible for them to insist upon their demands and have gone home satisfied. They learned that the road must be supported by the local, short freights alone, if there were no through freights, and that all that was received for through freights helped to support the roads for their benefit and so far lessened their burdens. But let us see the benefit of this upon those sending through freights from the West to the seaboard and the consequences of passing this bill upon those interests which seek its passage.

Now, the through freights are low because of the great help received from local business, the two kinds of business making roads strong and powerful enough to do well all the western business.

But suppose that some of these short roads—which now are having hard times enough to make ends meet—should be compelled, because they could not reduce their charges for freights to the low rates of long through freights, to refuse the through freights in order to maintain their local freights, would not that be an injury to the western producer? Is not he better off with the competition of roads than without it, or than by lessening the number of competing roads?

Now, what I have said of one of our lines of railroad may be said of others of them, for while we reach New Hampshire from Boston in thirty miles we reach Rhode Island and Connecticut in fifty miles.

Now, will you say that these roads, which have done so much to aid through freights, which have done so much to furnish terminal facilities for your western and southern process, shall abandon this great business or seek to obtain its income by an increase of passenger rates? For you know these roads must live somehow. Besides through freights once on the cars go a thousand miles without handling, while local freights cost much more trouble and expense.

There are other considerations to be thought of.

[Here the hammer fell.]

Mr. BRAGG. I yield eight minutes to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS. The bill before us, Mr. Speaker, is one that comes with great plausibility as a measure professedly against corporations but which is believed to be framed in their interest; one that professes to meet the abuses of our railroad system, but yet I venture to say it is one that most members of this House look upon with great distrust. I regret that my friend from Wisconsin [Mr. BRAGG] used so much of his time in discussing the constitutional question, because the practical business question involved in this bill is after all the only question for us to consider. I hold that the Constitution affords ample powers to regulate interstate commerce. I hold, moreover, that this power it behooves us to exercise judiciously and intelligently against these corporations.

The purpose is, as has been stated by the gentleman who last spoke, to compel those sending freight for long distances to pay precisely the same amount per mile as those sending for shorter distances. Now, it is well known to-day that cattle trains and cars from the West and from the South carry their freight at very low rates, which renders it possible to ship those cattle, renders it possible to have a connection between the markets of New York and the stock-raisers of Texas, Minnesota, and Kansas. So with wheat. At a very low rate a train of cars is loaded in the extreme West and sent to New York City, sent to the eastern seaboard. This through-freight trade is a great wholesale freight trade, these low rates rendering this trade possible. And to-day in this measure it is proposed to reduce the rates of the short lines and inevitably increasing them on the long through lines, so that it will be impossible to maintain this great through trade. The rates of freight imposed under the operation of this law would be so great that the shipments would be impossible at any living rates to the producer. That is the practical question. These immense through trains at low rates have grown up in a natural way. I grant that there are evils in that direction we should remedy, but this bill does not remedy them.

I could wish, Mr. Speaker, we had a system of general law to regulate railroad corporations and furnish distinct rules to govern those companies. I wish there were penalties to-day to punish the watering of stocks, the pooling of profits, and the dishonest bargains with express companies. I wish we had a law to-day to regulate those transactions by which it has been rendered almost impossible to build railroads. I wish we had a law at once to protect stockholders and the patrons of the roads, a system of universal railroad law for our interstate commerce. This bill professes to be in that direction. But, Mr. Speaker, this bill is not such a bill; it is a bill which those who present it seem unable to explain. This bill proposes, as I say, to render it impossible to ship freight over a great and continuous line through many States by compelling the roads to carry local traffic at the same rate.

Let me give a single comparison. To-day you may travel from Minnesota on one of those coupon tickets and get that through ticket for about twice as much or twice and a half as much as you would have to pay in crossing a single State, and you will cross six or seven States. Why not then pass a law forbidding any company to charge less in proportion for those through tickets than for a ticket across a single State? It would be equally just, it would be equally practicable. And in calling the attention of the House to this bill, so far as it affects the rebates, I favor it. The section to put an end to eveners I favor. There is a legitimate object in the bill. But so far as it professes to compel a railroad company to charge the same rates going from Minnesota to New York, or from Kansas to Philadelphia, as across a little line between two towns in Ohio and Indiana, the bill is not a practicable one. It would cripple the interests of the country and would directly interfere with the commerce of the country.

Mr. Speaker, I do not wish to consume time. Other gentlemen desire to address the House. When the bill comes before us for debate under the five-minute rule I shall probably call your attention to its details. I speak now merely to call the attention of the House to those salient facts connected with the measure. I hope when we get through with it if we find that we cannot mature a measure that will justly commend itself to us, we will send this bill back to the committee from whence it came to mature a measure for which we can justly and safely vote, a bill intelligently framed and that does not couple good with objectionable propositions.

I desire to refer to a statement made by the gentleman from Pennsylvania [Mr. THOMPSON] the other day. He said the oil export trade amounted to I think some $60,000,000, and wished this protection so as to get lower rates.

Mr. THOMPSON. No, sir; not lower rates. I said distinctly that no producer of oil objected to paying the schedule rate, $1.50 per barrel; but I said he did object to paying $1.50 on his oil when the men in the "ring" shipped from the same point to the same point and got $1.10 of rebate or drawback. That is what I said.

Mr. PHILLIPS. I will simply state to the gentleman from Pennsylvania that an interest which amounts to $60,000,000 annually can always command just terms from the transportation companies of the world. And when he comes here and states that a trade amounting to $60,000,000 cannot get as good terms as anybody else, I doubt it very much. I think, as I have already stated, that this is a bill which ought to be weighed very carefully, and I hope it will not pass in its present condition, and that those who urge it will permit it to be amended so as to strike out the objectionable features, and consent that it be recommitted to the committee.

Mr. BRAGG. I now yield seven minutes to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. Mr. Speaker, I have no doubt Congress has the power to enact this or any other legislation to regulate commerce among the States and I am for any necessary, well-considered measure to that end, but I am not in favor of every proposition that

may be offered touching this subject, and I will state that I am not satisfied with this bill, for while the objects to be attained in the main, as explained by its friends, are desirable, I cannot say that the bill will accomplish those objects; especially I am not clear as to the effect of the fourth section, in connection with other sections, and with all due respect to the committee that reported the bill, it appears to me that a half dozen lawyers or others might read it and no two of them would agree as to what it means. So far as its object is to prevent discrimination against one or more shippers to the advantage of another shipper, I am in favor of it, for I am satisfied that such favoritism is injurious, not only to the shippers, but to the whole people. So far as it undertakes to destroy competition between parallel routes, either railway or water routes, (if that is it effect,) I am against it.

I recollect, Mr. Speaker, in the first session of the Forty-third Congress, in 1874 a bill reported by the Committee on Railways and Canals through its then chairman, Mr. McCrary, now Secretary of War, to regulate commerce among the States, was discussed for weeks and finally passed the House to sleep in committee in the Senate. Its provisions were in the main different from the provisions of this bill, and met the active opposition of at least some gentlemen who are as yet quiet in opposing this bill. Its provisions were discussed by the press and people all over the country and its passage quite generally demanded.

I do not find that this bill has been generally discussed anywhere, nor is it generally known throughout the country that it is pending. It has been discussed for two hours only in this House, and I suppose that the gentleman from Texas, in charge of the bill, desires to pass it to-day. I hope he will not press it to a vote or seek to put it on its passage until it has been discussed for at least a week or ten days. It is certainly of more importance than any bill now pending in the House, and we should, I feel sure, regret to wake up after it is passed and find that it is a bill that favors monopoly instead of preventing it.

Sir, the gentleman from Texas says that there is $30,000,000,000 in value of products transported upon these lines annually. And it is folly to think about rushing a bill through this House affecting such vast interests and the whole people in a single day, especially when it is recollected that there are but few members who have a practical knowledge respecting the detail of this large carrying trade. I trust it will be fully considered, discussed, and amended before it is sought to put it upon its passage. I, for one, will not vote for a bill of this magnitude until I at least think I understand how it will operate.

[Here the hammer fell.]

Mr. BRAGG. I now yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, in view of the great corporations of our time few things seem more curious than the provision in the Constitution that forbids the creation by the States of orders of nobility. Our fathers who formed this Government were so anxious to prevent privileged classes that they forbade entailed estates and hereditary distinctions in every form. A man in the service of this Government cannot even accept an honorary badge from any foreign ruler without the consent of Congress. Yet beginning as our fathers did with the absolute prohibition of all privileged classes we have gone on year by year creating a classs of artificial creatures which never die and permitting them to consolidate themselves until we have to-day in the United States a class of great corporations each of which controls a territory vaster than the domain of many a prince and exercises powers greater than those of any noble. These great artificial creatures are not subject to casualties or death; they are not subject to human infirmities; they never die, they never become incompetent to exercise power. On the contrary, they go on year by year accumulating capital and force until to-day some of them reach across the continent and more or less control the selection of every member of Congress and of every member of the State Legislature along their routes.

It is, indeed, a curious subject for reflection that, determined as the founders of our Government were that there should be in these States no privileged class, we should yet have built up among us the greatest and the most dangerous aristocracy that exists anywhere on the face of the earth. And now, when these artificial creatures have become so great and powerful, it is not strange that means should be sought for to put some check upon their action.

There have been several bills to regulate the great railroad companies introduced into Congress of late years. They were first proposed in republican Congresses. I confess to some surprise to see one now come into a democratic Congress, reported by one of its principal committees. It shows how things are changing politically as well as otherwise.

I quite understand, sir, that the Constitution gives Congress the power to regulate commerce between the States; but if, under that power, Congress may assume to regulate the charges that a carrier may make for transporting goods from Alexandria to Washington, or between any other points not within the same State, then this power is more dangerous than it has been heretofore supposed to be.

Mr. REAGAN. There is nothing in the bill that says that or anything like it.

Mr. POTTER. Not which says that exactly, but which asserts a power that may be extended to the case I stated.

Mr. REAGAN. It will be time enough to oppose a bill of that kind when it is reported.

Mr. POTTER. This bill says what the carrier shall not charge. But if Congress can lawfully say to a common carrier in interstate trade what he may not charge, how can it then be logically said that Congress could not have the power to say what the carrier shall charge? Now, I am one of those who recognize fully the danger of these corporations. It seems to me one of the unwisest things that could have occurred, in a republican government, to have permitted them to grow up to their present dimensions; but if Congress can, under the power to regulate commerce, say what the great carriers shall charge or shall not charge, the result would, I fear, be an evil greater even than any that now exists from the action of these companies. For such action by Congress would be likely to end at last in these great companies controlling the legislation of Congress about them. We had better leave the correction of these evils to the States that created these companies and where they belong than to set about regulating them here.

Mr. KENNA. What provision in this bill states what shall be charged or not charged by persons, corporations, or others engaged in transportation?

Mr. POTTER. Mr. Speaker, there are no figures in this bill, nothing but a declaration that it shall be unlawful for any corporation to charge more for freight transported within a State than for freight transported or through lines.

Mr. KENNA. The gentleman misconceives the bill entirely.

Mr. POTTER. What is your understanding of it?

Mr. KENNA. When I have the floor in my own right I will undertake to state what I understand the bill to mean. And I would advise gentlemen to read the bill themselves, in order that they might not be obliged to call on me for my understanding of it.

Mr. POTTER. The gentleman interrupted me and I yielded courteously to him, and when he said that I was mistaken as to the meaning of the bill I courteously asked him what his understanding of it was that I might address myself to his statement, and so avoid discussion about the meaning of the bill. I will now yield to the gentleman from Texas, the chairman of the committee reporting this bill, to state what he understands to be the effect of the provisions of this bill. I do not wish in any way to misstate its effect.

Mr. REAGAN. This bill provides that on the same road, not on different roads, or at least on the same line of haul, be it composed of many or few roads, a greater amount shall not be charged for a shorter distance than for a longer distance. There is nothing else in the bill. It does not undertake to provide any particular rate of freight.

Mr. POTTER. No, but it does in effect exactly that; it says that you shall not charge more for a longer distance than for a shorter distance.

Mr. REAGAN. No; shall not charge more for a shorter distance than for a longer distance.

Mr. POTTER. That is what I should have said and meant to say. I inverted the words.

Mr. BRIGHT. Here is the language: "any greater freight for a shorter than for a longer distance."

Mr. POTTER. Yes; you shall not charge more for a shorter than for a longer distance. Now, my difficulty is this: if Congress has the power to do that, then it has the power to make kindred regulations and to say that these common carriers shall not charge more than so much for such a distance or such a service.

Mr. HARTRIDGE. Will the gentleman yield to me for a moment?

Mr. POTTER. For what purpose?

Mr. HARTRIDGE. This bill provides for more than that.

Mr. POTTER. Yes; I understand that to be as the gentleman from Georgia says, and if I do not yield to him now to have this made plain it is only because I have not the time.

Whatever the particular restrictions of this bill, it remains that if the Congress of the United States has the power to say that a common carrier shall be controlled as to his charges in one respect, then Congress necessarily has the power to say that he shall be controlled as to his charges in other respects.

Mr. KENNA. No, because one may be right and the other may be wrong.

Mr. POTTER. Ah, that is where the measure might address itself to the discretion of Congress; but the power must exist for both purposes if it exist at all, and that is what I object to. I do not say the particular provisions of this bill would be unwise if Congress had the clear power to make such provisions. I only say it would be a dangerous power to be exercised by Congress at all, and not, I think, within its province.

Mr. REAGAN. Does the gentleman hold that the States can regulate interstate commerce? And if not, does he hold that these corporations shall, without any restraint or regulation, control the whole commerce of the country?

Mr. POTTER. I say that the States can control the corporations which they create; those corporations are their creatures and the States can control them. But it is not a question whether there is any other remedy or not, but whether Congress has the power contended for and whether it be not more dangerous for Congress to undertake to control these creatures which the States have authorized than to leave them to the restraints that the States and the

courts can exercise over them. To my mind it is. I greatly fear that if Congress assumes to regulate such matters it will end in the control of Congress by these corporations. Pass this law, and I apprehend that it will soon be understood that no man living on the lines of one of these great railroads can expect to be elected to Congress unless he is committed to act as to these regulations of trade as these great companies may require.

Mr. REAGAN. That is where we are to-day.

Mr. THOMPSON. How does the gentleman propose to regulate commerce among the States.

Mr. POTTER. I cannot tell the gentleman in the two or three minutes I have. But I say that if the power to regulate commerce among the States extends to the power of Congress to say to a common carrier that he shall charge only so much for a certain service, or that he shall not discriminate in his charges according to his own will and his agreement with his customers, then this power to regulate commerce may be extended to other commercial transactions, and will enable Congress at its good pleasure to put a tariff on every service, and so control our interstate commercial transactions as even to granting monopolies of the sales of commodities to persons without the State; for if Congress can control bargains as to the carriage of goods why may it not as to their sale? I say that would be a great deal more dangerous than to leave the evil complained of where it is, and to the powers, State and judicial, that can exercise control over it.

Mr. BUCKNER. Does the gentleman hold that the State of New York can pass such a law as this to regulate its own commerce?

Mr. POTTER. Oh, yes, so far as concerns the common carriers and the corporations it has created.

Mr. BUCKNER. Then, is there any authority except in Congress to regulate commerce between the States?

Mr. POTTER. I do not know of anybody that has power to regulate commerce between the States except the Congress of the United States.

Mr. THOMPSON. Then you admit the power but decline to exercise it.

Mr. POTTER. I do not admit the right of Congress to regulate commerce in the way proposed by this bill. It would be an exercise of that power without precedent, and I think as dangerous as novel.

Mr. THOMPSON. But for the purpose of regulating interstate commerce——

Mr. POTTER. Does the gentleman hold that the power to regulate interstate commerce means that Congress has the power to say that a common carrier shall charge only so much?

Mr. THOMPSON. This bill does not fix any rate or charge.

Mr. POTTER. It does indirectly, for if Congress has power to say what he shall not charge, it is in effect to limit and determine what he shall charge.

The SPEAKER *pro tempore*. The time for general debate has now expired. The bill will now be read by sections for amendment under the five-minute rule. The Chair understands that the gentleman from Texas, [Mr. REAGAN,] who has charge of this bill, has some amendments to offer from the Committee on Commerce. The amendments from that committee will be first acted upon.

Mr. REAGAN. I shall propose an amendment to section 4 when we reach that section.

The SPEAKER *pro tempore*. An amendment to that section will be in order when it is reached. The first section of the bill will be read by the Clerk.

The Clerk read the first section, as follows:

Be it enacted, &c., That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged alone, or with any other corporation, company, person, or party, in or about operating, running, or using any railroad or railway, or the carriage of any property on or by means of any railroad or railway or other means of transportation by common carriers, directly or indirectly to charge to, or receive from, any corporation, company, person, or party, any greater or less rate or amount of freight, compensation, or reward for the receiving, delivering, loading, unloading, handling, storing, or carriage of any property carried, or to be carried, on or by any such railroad or railway, or other means of transportation by common carriers, and which is, or is to be, wholly or partly carried on or by such railroad or railway, or other means of transportation by common carriers, in, or as part of, one actually or substantially continuous carriage, from or to any foreign nation or country, into or from within any State or States, Territory or Territories, of the United States, or in or through two or more States or Territories of the United States, or from within one State or Territory of the United States into or through one or more other State or States, Territory or Territories, of the United States, than shall be received and retained from any other corporation, company, person, or party, for the same or substantially the same or similar act, service, or thing, acts, services, or things, respectively, done or performed, or which is or are to be, or should have been, done or performed, respectively, at the same or substantially the same time or times, or while the same schedule relating thereto, hereinafter provided for, shall be in force. Every corporation, company, receiver, trustee, and person acting or engaged as aforesaid shall afford and furnish the same and equally good, cheap, and expeditious advantages, services, means, and facilities for the carriage of all property entitled to be carried, and shall equally and as cheaply and expeditiously do and perform each and all acts, services and things in, about, or connected with the receiving, delivering, loading, unloading, handling, storing, or the carriage of all property which is, or is to be or shall have been, carried in or by one actually or substantially continuous carriage, as aforesaid; and for, in, about, or connected with through rates of freight, compensation, or reward, and for, in, about, or connected with any carrying connection, or any receipt, delivery, wharfage, or storage, and in all other respects, as is, are, or shall be afforded or furnished or done for, in, about, or connected with the receiving, delivering, loading, unloading, handling, storage, or carriage, respectively, of any other property of the same or substantially the same, or similar kind, when said acts, services, and things, respectively, are furnished, done, or performed, or are to be, or should be, or should have been furnished, done, or performed, respectively, at the same or substantially the same time or times, or when the same schedule aforesaid in respect thereto is in force. No break, stoppage, or interruption in carriage, or any contract, arrangement, or understanding, or any act or acts, thing or things, shall prevent the carriage of any property from being, or being regarded as, actually and substantially one continuous carriage as aforesaid, unless such break, stoppage, interruption, contract, arrangement, or understanding, act or acts, thing or things, is or are, or was or were, for some practical purpose, and without intent to prevent such carriage from being, or being regarded as, actually or substantially continuous as aforesaid, and without intent to evade any provision of this act.

Mr. REAGAN. I desire to offer an amendment, not as coming from the Committee on Commerce, but on my own motion, to line 8, of this section, to strike out the words, "other means of transportation by common carriers," and insert in lieu thereof the words, "ship, steamboat, or other vessel," so that it shall read as follows:

That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged alone, or with any other corporation, company, person, or party, in or about operating, running, or using any railroad or railway, or the carriage of any property on or by means of any railroad or railway or ship, steamboat, or other vessel.

Objection has been made to the provisions of this section because, it is said, they might embrace wagon carriage. I have had no opportunity to consult with all my colleagues on the committee, but after consultation with a portion of them, who have no objection to this amendment, I propose it. I only do so to accommodate an accidental view, which, it seems to me, has no force, because this bill does not intend to regulate local commerce, only interstate commerce. Our purpose is to embrace the great lines of commerce and transportation. But to obviate this objection we propose, by the amendment, to limit the operation of the bill to railroads, ships, steamboats, or other vessels, so that no question can be raised about interference with wagon carriage.

Besides, the bill applies only to railroad freight amounting to not less than an ordinary load of a freight car, and to freight of not less than one ton when carried by other modes of conveyance; so that really there is no substantial difficulty about the matter.

Mr. CLYMER. The gentleman will have to make a corresponding amendment to other parts of the section.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, arguments in favor of the exercise by Congress of the power to regulate and control railway transportation have been furnished by those who oppose as well as by those who advocate this bill. The gentleman from Wisconsin [Mr. BRAGG] who antagonized the entire bill has declared that the railroad monopolists are oppressive to the people of this country, and he also confessed that this power has grown so strong as to exercise supreme control in a State which ranks second in the Union in population and wealth. Well, sir, if this power has become so gigantic as to control large States of this Union, is it not necessary in order to preserve the Republic itself that we should test the question whether it is more powerful than the National Government?

The power of the great monopolies has assumed such stupendous proportions that the public welfare is being endangered by them. The railways hold to-day the internal commerce of this country in their hands. Four trunk lines, governed alone by their greed and avarice, impose a tax upon every furrow turned by the plow of the western farmer and upon every blow which is struck by the mechanic. Shall we sit supinely here and see such a power overriding State authority, ignoring and trampling upon private rights and arbitrarily exercise absolute dominion over the commerce of this land!

The gentleman from Wisconsin [Mr. BRAGG] utterly failed to show wherein this bill is unconstitutional or is not such a measure as will meet the demand of the public welfare. His opposition to the bill seems to be based mainly on the absence of any railroad lobby manipulating this House against the bill, and therefore he fears it is favorable to their interests. Sir, if there is force in such an argument, may I not retort that if the railroads wish this bill passed their agents would be here in our corridors and lobbies urging its passage? Does my friend not know that but a short time ago the Pacific Railroad sinking-fund bill was acted upon and passed in this House in the absence of any railroad lobby? But he knows the case was different at the other end of the Capitol when that bill was pending there. Now, why does the lobby not likewise hang around this Hall when measures affecting railway companies are pending here? I think I can furnish a reply. In the first place it is well known that this is a democratic body, and the history of that party during the whole of its long life has demonstrated that in every contest between corporations and the people it has been true to the people. Furthermore, these corporations, knowing that the members of this House are chosen directly by the people and are familiar with their wants and sufferings, in all contests for power over the people may feel that their efforts to influence the action of the Representatives of the people will be in vain.

So, Mr. Speaker, I apprehend as long at least as the democratic party is in power here this House will not be molested by the lobbyist. But seriously, sir, do not let us be influenced by the fear of scarecrows, but, like conscientious and intelligent legislators, examine this bill; reject it if there is evil in it or pass it if it be a just and wise measure.

CHARACTER OF THE BILL.

The first three sections of this bill substantially embody the leading features of a bill introduced by myself early in the present session. They are intended to prevent discriminations and combinations against the general public, while by means of special contracts, &c.,

large advantages and privileges are granted to individuals and favorites. These sections are intended to enforce the common-law rule of equality between all shippers in price, privileges, and convenience. I find no objection urged against these sections, and all seem to regard them as important for the public interest.

The objections that have been made are mainly against the adoption of the fourth section. It substantially prohibits companies from charging more for carrying a short distance than they do for carrying a long distance—not per mile—but, for instance, they shall not charge more for carrying a car-load four hundred miles than for carrying a car-load eight hundred miles; they may charge as much for the short distance as they do for the long distance, but not any more.

OPPOSITION TO FOURTH SECTION.

I am not as well advised as I desire to be of the effect this section may have upon the long hauls from the West to the East. Finding some difference of opinion among good men as to the effect of this section and owing to the uncertainty in that regard in my own mind, I regret that it has been introduced in the bill, but would prefer that it had come up as a separate proposition. Still I do not share in the serious apprehension of those who think it will operate to the injury of persons who are interested in long hauls. In order however to avoid uncertainty on this point and to secure the remaining sections of the bill, to which I believe there is no serious opposition, I will vote to strike out the fourth section. I prefer that it should come up for consideration as an independent measure when the intricate questions it presents may receive the profound thought and searching investigation it merits.

The remarks I shall make now will relate chiefly to the first three sections. I trust they will be adopted with the sections prescribing penalties for violations of the provisions of the bill. They are of very deep importance to the producer and the consumer. Upon the fate of this bill largely hangs the question whether the four trunk lines which do the carrying between the East and West and, indeed, railway corporations generally are stronger than the power of the people. They have already proven themselves stronger than sovereign States, and now it remains to be seen if they are stronger than the National Government. If the decision is in their favor, then must we confess with humiliation that, although our fathers by courage and sacrifice made themselves free, yet their children of this generation have tamely submitted themselves to enslavement under the power of corporated capital.

During fifteen years past the legislation of this country has been largely in the interest of corporated organizations.

ONEROUS LEGISLATION.

So onerous has this legislation become to the masses that the people of all sections cry aloud for relief and demand that we shall turn back the tide of oppression emanating from this source. The New York Central, the Erie, the Pennsylvania Central, and the Baltimore and Ohio Railroads, constituting the four trunk lines connecting the East and West, have seized upon the powers created by this legislation to levy heavy tribute upon the western farmer and the consumer of the East.

The people of the West feel the effect of this power more sensibly than those of any other section, for these roads have exercised the prerogative of marking up or marking down the price of wheat, corn, and provisions. The tariff rates that these roads arbitrarily fix for carrying grain and provisions are prominent among the causes which produce fluctuations in the price of these products in the boards of trade

IMMENSITY OF INTERNAL OVER FOREIGN COMMERCE.

If we examine the statistics we shall find that our internal commerce has in recent years greatly outgrown our foreign commerce. In a report published by order of this House, prepared by Mr. Joseph Nimmo, chief of the bureau of internal commerce, I find that, during the year 1876, 83 per cent. of all the grain receipts of the Atlantic seaports was by rail. And it is said that 90 per cent. of all the commerce between the West and the seaboard is now carried over the great trunk railroads. I quote the following statement entire from Mr. Nimmo's report:

> The relative importance of internal and of foreign commerce may be inferred from the following comparative statements:
>
> | | |
> |---|---|
> | Estimated value of shipping (American and foreign) employed in our foreign trade | $200,000,000 |
> | Estimated value of the railroads of the United States | 4,600,000,000 |
>
> The value of the commodities embraced in our foreign commerce and the estimated value of commodities transported on railroads are as follows:
>
> | | |
> |---|---|
> | Value of imports and exports, (foreign commerce) | $1,121,634,277 |
> | Estimated value of commodities transported on rail, (internal commerce) | 18,000,000,000 |
>
> It appears from these estimates that the value of the railroads of the country is about twenty-three times the value of the shipping engaged in our foreign trade, and that the value of our internal commerce on railroads is about sixteen times the value of our foreign commerce.
>
> It is to be observed that these comparative statements embrace the value of our entire foreign commerce, whereas the data in regard to internal commerce relate only to railroads. If it were possible to ascertain the value of the commerce between the different sections of the country on the ocean and Gulf and on the lakes, rivers, and other avenues of transportation, we should probably find that the total value of our internal commerce is at least twenty-five times greater than the value of our foreign commerce. But the average value per ton of the commodities composing the internal commerce of the country being very much less than the average value of the commodities composing our foreign commerce, it is evident that the tonnage of internal commerce (*i. e.*, employment of the vehicles of transportation) bears a very much higher ratio to the tonnage of our foreign commerce than does the value of our internal commerce to the value of our foreign commerce. It is probable, therefore, that the tonnage transported on the various avenues of internal commerce is more than one hundred times greater than the tonnage composing our foreign commerce.

MAGNITUDE OF RAILROADS AND THEIR CONTROL OVER COMMERCIAL PROSPERITY.

Poor's Railroad Manual furnishes us with the information of the rapid growth of railroads during the past few years.

The number of miles of railroads in this country in 1867 and 1876 was as follows:

Number of miles in 1867	39,276
Number of miles in 1876	77,470
Increase of mileage in nine years	38,194
Percentage of increase	97.25

Now compare these figures with the progress of our population:

Population in 1867	36,353,099
Population in 1876	44,736,859
Increase in population	8,383,859
Percentage of increase	23.06

These figures show how much more rapidly the railroads have proportionately grown than the population of the country!

It has been ascertained that the gross earnings of the railroads in 1876 were $497,257,959. This vast sum was the amount of the tax paid by our people in that year to the railroad companies for transportation. It is not very far from being double the amount of the entire expenses of the National Government and the interest on the public debt for the last year.

The internal commerce, and, I may say, the prosperity of the country, is under the control of the railroad companies. By their power of indirect taxation the prosperity of the agricultural and the mechanical classes is brought under subjection to these companies. If such a power is left without check or control it will augment its strength to such proportions as to rival the powers of the Federal Government. Can the Republic long exist with a superior power in the same land? Is there danger that it may lose its attributes of democracy and become an oligarchy of corporate officials? I do not say there is such danger, but will it not be well to put guards out in that quarter?

That conservative and able paper the New York Nation has declared that—

> The locomotive is coming in contact with the framework of our institutions. In this country of simple government the most powerful centralizing force which civilization has yet produced must within the next score of years assume its relations to that political machinery which is to control and regulate it.

These organizations have no franchise, power, or vitality which does not rest upon the license of the Government. They have not one dollar of revenue which has not been drawn from the people; and yet there are those who tell us these creatures of the Government are stronger than their creator.

VALUE AND NECESSITY OF RAILWAYS.

I am no enemy of railroads. I fully recognize their value in the processes of civilization and of the development of our country. I concede their absolute necessity in the operations of commerce. I know full well how essential they are to the convenience and well-being of that great inland section where I have my home. Knowing this, I would not destroy or oppress them or place any unreasonable restrictions upon them; but because I find them to be one of the great agents of civilization, because I regard them as essential to the prosperity of my country in peace and indispensable in war, for these reasons, and in order that they may prove a blessing rather than a curse to the people, do I insist that they like all institutions in this land be placed under the control of law and that the people may not be afflicted with their unjust and arbitrary exactions.

The security and real prosperity of the railways themselves will be best promoted by being placed under the regulation and protection of law. Far better than to be left as now in a loose and uncertain condition, to battle with mobs, riots, and the horrors of the torch and bloodshed. If they are above and beyond the law should they not look to the higher law for protection in times of violence? Undoubtedly they will be better off under the regulation and protection of laws to which all in the name of the people shall yield. If these roads deal fairly and justly with the people and are operated for the public convenience and good, the people will be ready to yield to their reasonable demands, and will feel an interest in guarding them from danger as public institutions.

ABUSES OF RAILWAYS.

Before entering upon the discussion of the power of Congress under the Constitution to regulate and control railway interstate traffic I shall ask your attention to some of the abuses which exist and which the bill I introduced was intended to cure.

COMBINATION DESTROYS COMPETITION.

Many have believed that competition would prevent railroad monopoly, but it has time and again been demonstrated that by means of combinations, pooling, &c., competition is avoided and lines of transportation can strangle commerce, consume its profits, and tax it beyond endurance. George Stephenson, the father of the railway system of Great Britain, asserted that "wherever combination is possible competition is impossible."

The four great trunk lines to which I have alluded often combine to establish rates of freight, and by means of pooling their earnings for distribution among themselves on an agreed basis avoid competi-

tion and obtain complete mastery over shippers. They decide for themselves what part of the produce of the West and profits of the eastern dealers they will demand and take. The western farmer and the merchant are helpless in the hands of these greedy and avaricious corporations.

These roads have been clothed with exalted and valuable privileges for the public good and convenience, and should use them for that purpose, yet they use these privileges to prey upon the public and practice irritating and unjust discriminations against some shippers while granting to others the most extraordinary favors. Public privileges should be used in such a way as to do equal and exact justice to all. No discrimination or favoritism should be allowed, no partiality should be extended to one shipper over another. The privileges enjoyed by these corporations are borrowed from each and every individual in the states enfranchising them, and each and all parted with these privileges upon the implied compact that in their exercise all should be treated alike. That is the fundamental principle on which all public or quasi-public corporations, such as railroads, are endowed with the franchises they enjoy.

DISCRIMINATIONS AGAINST THE PUBLIC.

How have these trunk lines in return for the favors received kept faith with the public? By means of special contract some shippers are given rates from 50 to 75 per cent. cheaper than those charged to the general public. Take for instance the pooled lines running between Chicago and New York. Lately they fixed their reduced rates as follows: on first class, 75 cents per hundred; second class, 60 cents per hundred; on third class, 50 cents per hundred, and 40 cents for fourth class. These are the rates the public are compelled to pay; but favored parties have been given contracts by these lines running through the year at 25 cents per hundred for all classes. This is the kind of equality before the law meted out to the great mass of the people of Illinois and the Northwest.

But I will go farther east for an instance. The people generally are required to pay for rates on the New York Central, from New York to Syracuse, 50 cents on first class, 40 cents on second class, 34 cents on third class, and 23 cents on fourth class. But favored dealers are given contracts by which all classes of goods are carried for 12 cents per hundred. I obtain these figures from the report of the committee on railroad transportation of the New York Chamber of Commerce, and of course their correctness cannot be impeached.

A merchant of the highest credit in Evansville, Indiana, informed me during last summer that notwithstanding the rates charged the public for a certain class of freight from Boston to Evansville in 1877 were 90 cents per hundred, yet he had succeeded by special contract in obtaining a reduction on his own freight during that year between those points to 45 cents per hundred.

OUTRAGES OF THE EVENERS.

Another of the great abuses by which the public, and especially Western cattle dealers, have been plundered, results from a combination known as "Eveners." It illustrates one of the evils against which the three first sections of this bill is directed, and which I believe will be cured by their operation.

A description of the "evener" process of extortion is given in a pamphlet recently published by J. F. Rushing, at pages 3 and 4:

These roads, (all the great trunk lines except perhaps the Baltimore and Ohio Railroad,) when united, have practically no competition, for they alone reach out and take the cattle off of the cheap pasture lands and set them down in the eastern markets. But if not united the competition between these four roads would certainly reduce the cost of this transportation to a proper figure. In order to destroy this competition and keep up high rates of transportation it was only necessary for these roads, or a majority of them, to agree upon a rate of transportation and agree to supply stock-cars only at the yards of certain large stock-dealers at the great shipping points in the West. Accordingly, the railroad officials and the owners of stock-yards, from which the farmer and drover of the West can alone ship cattle east, have organized an association and placed the power to control this trade in the hands of select men called "eveners." We have, then, the railroads, the great stock-yards, and the "eveners," who are parties to an agreement that robs the producer and the consumer of meat by maintaining the cost of its transportation at twice the cost on any other article. It is done in this way: the railroads agree—

First. To charge $115 per car on all live stock shipped from Chicago or Saint Louis to New York, and this is paid of course by the owner of the stock.

Second. The railroads agree to pay to the "eveners" $15 for each car of stock shipped from any point West to New York, and this without regard to whether the stock is shipped from the yards of the men belonging to the association or not.

Third. The net sum received by the roads belonging to the association (that is, $100 per car) is pooled and the sum total is divided between the roads without any reference to the number of cars actually transported by each.

The men who belong to this association make annually the sum of $1,000,000 on the $15 per car that is charged over and above the $100 that is retained by the railroad companies. In addition to this they receive $1,000,000 on the hay and grain given to the stock more than they are justly entitled to; and in addtion to this they have a clean profit over all legitimate cost of $500,000 per year for yardage.

Discriminations like these paralyze commerce and most flagrantly oppress producers of the West and consumers of the East.

LARGE ROADS OPPRESS SMALLER ROADS.

But individuals and private shippers are not the only classes injuriously affected by discriminations and combinations. The smaller and weaker railroads are also often victimized and oppressed by their more powerful rivals or by combinations of two or more companies.

I could, if I had time, cite in detail instances illustrating this point, but will content myself with the general statement of the abuse in a case within my knowledge, where two railroad companies, running between two important points, competing for freights in territory common and open alike to both—one of these companies entered into a special contract or conspiracy with the only line furnishing an outlet east of the terminal point of the two roads first alluded to, whereby the road discriminated against was driven out of competition on through freight and an absolute monopoly was created for the rival line in the territory from which the freights were drawn.

The plan resorted to for the accomplishment of this result is as follows: the sole line furnishing the eastern outlet formed a contract with the favored company by which a rate of charges is based on the length of haul by such road, or a through rate per ton per mile, while it charges the rival company, and only competitor in the country contributary to these roads an arbitrary or local rate much higher than the through rate per ton per mile charged the other road, and, in fact, so high as to effectually prohibit the receiving of such through freight by the company discriminated against.

I will not weary you with further details of the injustice practiced on the public by discriminations, combinations, &c. Enough is shown and enough is doubtless known by members and the country to warrant congressional interference for the correction of these evils.

POWER OF CONGRESS TO REGULATE INTERSTATE TRAFFIC.

I am not an advocate of the policy of the Government running and operating railroads on its own account. In addition to the extravagance and expense which would be entailed, an army of officials would be created whose political power would endanger the liberties of the people, and bands of plunderers might be generated under such governmental management like that of the Credit Mobilier. What I believe the country needs is that wise laws shall be enacted to so regulate the railway system that it shall not be used as an engine of oppression and an element of discord among the people.

The right of Congress to enact such laws is unquestionable. Happily for us, although the advancement of science and mechanical improvements had not brought to the knowledge of those who laid the foundation of the Government these instruments of commerce, yet they placed in the Constitution a provision which confers on Congress ample power to make all necessary laws for the purpose of regulating and controlling any and all channels of commerce among States, either natural or artificial. Section 8, article 1 of the Constitution, declares that—

Congress shall have power to regulate commerce with foreign nations and among the several States.

Railroads are merely channels of commerce running on and across State lines and "among States."

This bill contains, in my judgment, considerable unnecessary verbiage and technicality; yet it should not be rejected for that reason. It is simply declaratory of the common law and is the exertion of a constitutional power conferred on Congress. It seeks to apply well-established common-law principles for the protection of the public from the extortions of a monster institution which has sprung into existence of late years and which is exerting an enormous influence upon the commercial and political aspects of society, an institution which finds a superior force nowhere except it be in the strong arm of the National Government. I cannot conceal my surprise that two such able lawyers as the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from New York [Mr. POTTER] question the power of Congress to legislate for the regulation of interstate commerce.

CONSTITUTION ADOPTED TO CREATE THE POWER.

Why, sir, the want of power under the Articles of Confederation "to regulate commerce with foreign nations and among the several States" was one of the leading defects our fathers found under the confederation, and probably as much as any one cause conduced to the establishment of the Constitution.

Judge Story in his Commentary upon the Constitution (section 259) draws a picture of the deplorable condition of commerce at that period, which bears a marked resemblance to the present situation so far as interstate commerce is concerned. Story writes that—

The want of any power in Congress to regulate foreign or domestic commerce was deemed a leading defect in the confederation. This evil was felt in a comparatively slight degree during the war; but when the return of peace restored the country to its ordinary commercial relations the want of some uniform system to regulate them was early perceived; and the calamities which followed our shipping and navigation, our domestic as well as our foreign trade, convinced the reflecting that ruin impended upon these and other vital interests unless a national remedy could be devised. We accordingly find the public papers of that period crowded with complaints on this subject. It was indeed idle and visionary to suppose that while thirteen independent States possessed the exclusive power of regulating commerce there could be found any uniformity of system or any harmony and co-operation for the general welfare. Measures of a commercial nature which were adopted in one State from a sense of its own interests would be often countervailed or rejected by other States from similar motives.

Mr. Webster confirms the statement that this was one of the main causes which induced the establishment of our present Constitution, (see Webster's Works by Curtis, volume 1, page 103,) in which he said "maritime defense, commercial regulation, and national revenue were laid at the foundation of the national compact. They are its leading principles and the cause of its existence. They were primary considerations not only with the convention which framed the Constitution, but also with the people when they adopted it. They were the objects, and the only important objects, to which the States were confessedly incompetent. To effect these by means of a national government was the constant, prevalent, the exhaustless topic of those who favored the adoption of the Constitution."

NECESSITY AND MEANING OF THE POWER.

Mr. Story in his work referred to, in speaking of the power of Congress to regulate interstate commerce, says it "is a power vital to the prosperity of the Union, and without it the Government would scarcely deserve the name of National Government and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty to mock our hopes and involve us in a common ruin." (See section 1057.) He defines the meaning of this constitutional provision in the following clear and explicit language, (section 1061,) in discussing the meaning of the clause "to regulate commerce:"

Commerce undoubtedly is traffic, but it is something more. It is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

Further on he remarks that—

The power over navigation and over commercial intercourse was one of the primary objects for which the people of America adopted their Government, and it is impossible that the convention should not have understood the word "commerce" as embracing it. Indeed, to construe the power so as to impair its efficacy would defeat the very object for which it was introduced into the Constitution.—*Section* 1062.

The learned commentator further remarks in sections 1065 and 1066 of his work, that—

This power the Constitution extends to commerce with foreign nations and among the several States and with the Indian tribes. * * * The word "among" means intermingled with. A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior. It does not indeed comprehend any commerce which is purely internal, between man and man, in a single State or between different parts of the same State, and not extending to or affecting other States. Commerce among the States means commerce which concerns more States than one. It is not an apt phrase to indicate the mere interior traffic of a single State. The completely internal commerce of a State may be properly considered as reserved to the State itself. * * * The importance of the power of regulating commerce among the States for the purposes of the Union is scarcely less than that of regulating it with foreign states.

The Supreme Court of the United States has in a number of decisions held that the power to regulate commerce among the States belongs to Congress and that this power is exclusive in the Government of the United States. It is not claimed by any one that this power extends to the internal commerce of a State.

RAILROADS ARE PUBLIC HIGHWAYS.

Some authorities base the right of legislative control over railroads upon the theory that they are public highways and as such are subject to public control. In Chicago, Danville and Vincennes Railroad Company *vs.* Smith, the supreme court of Illinois held that "railways are improved public highways," and in Olcott *vs.* Board of Supervisors of Fond du Lac County the Supreme Court of the United States held:

It is the purposes and uses of a work which determine its character. Whether the use of a railway is a public or private one depends in no measure upon who constructed it or who owns it. It has never been considered a matter of importance that the road was built by the agency of a private corporation. No matter who is the agent the function performed is that of the State. Though the ownership is private the use is public. So turnpikes, bridges, ferries, and canals, although made by individuals under public grant or by companies, are regarded as *publici juris*.

The railways have in fact superseded all other highways so far as the carrying of 83 per cent. of the entire internal commerce of the country is concerned.

This power can also be well maintained on the ground that the same sovereignty which gives railroad companies the right of eminent domain or the right to drive a citizen from his home and deprive him of what at common law is his castle and use it for public purposes certainly has the power to regulate and control these companies in their use of this property. If no such power to regulate exists, they may in addition to depriving the citizen of his home deprive him of all else that he enjoys. Can you name a more eminent living authority than Judge Cooley upon questions of this character? He has said:

I do not understand that the right of eminent domain can be exercised on behalf of private parties or corporations, unless the State permitting it reserves to itself a right to supervise and control the use by such regulation as shall insure to the public the benefit promised thereby and as shall preclude the purpose which the public had in view in authorizing the appropriation being defeated by partiality or unreasonable selfish action on the part of those who only on the ground of public convenience and welfare have been suffered to make the appropriation.—*People vs. Township Board of Salem*, 20 *Mich.*, 483.

The right of eminent domain being a sovereign power is inalienable, and it would seem to follow that the right to supervise and control the use for which private property is taken by virtue of the sovereign power of the State is also inalienable.

POWER GIVEN BY EXPRESS LANGUAGE OF THE CONSTITUTION.

But, sir, the position is impregnable that in addition to common-law principles Congress derives this power from the express language of the Constitution. In the common law we find the right of legislative control because these roads are common carriers and partake of the nature of public institutions. The bill is, as I have already stated, simply declaratory of the common law, and only seeks by exercising power expressly conferred by the constitution to remove any difficulty that may exist in applying these principles to railroads, and in this it performs one of the great offices of statutes in this country that is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances.

DECISIONS OF THE SUPREME COURT.

I shall call your attention now to decisions of the Supreme Court of the United States which answer every doubt and close the mouth of every caviler and quibbler. In the decision of the Supreme Court of the United States rendered in the Granger cases, March 1, 1877, of Munn & Scott *vs.* The people of the State of Illinois, 4 Otto, 113, Chief-Justice Waite said:

This brings us up to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to common law, from whence come the rights which the Constitution protects, we find that when private property is affected with a public interest it ceases to be *juris privati* only. This was said by Lord Chief-Justice Hale more than two hundred years ago in his treatise De Portibus Maris, and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to the control.

After quoting Lord Hale as to ferries and wharfingers, and the decision of the supreme court of Alabama, because the court thought they found in them the principle which supports the legislation they were examining, the opinion continues as follows:

"Enough has already been said to show that when private property is devoted to a public use it is subject to public regulation."

Look at the decisions which I shall now quote and see how clearly this power is defined and recognized. Some of these decisions are old and some are new. They are solemn announcements of the bench when occupied by as profound jurists as this country has produced. I challenge and defy the gentleman from Wisconsin [Mr. BRAGG] or the gentleman from New York [Mr. POTTER] to produce a single adjudication of the Supreme Court contravening this doctrine.

In the great case of Gibbons *vs.* Ogden, 9 Wheaton 1, 196, Chief-Justice Marshall, in pronouncing the decision of the court, said:

We are now arrived at the inquiry, what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

On page 229, of same report, he said:

Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange, become commodities, and enter into commerce; the subject, the vehicle, the agent, and their various operations, become the objects of commercial regulation. Ship-building, the carrying trade, and propagation of seamen, are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce.

That such was the understanding of the framers of the Constitution is conspicuous from provisions contained in that instrument.

In Brown *vs.* State of Maryland, 12 Wheaton, 419, 446, Chief-Justice Marshall says:

"What, then, is the just extent of a power to regulate commerce with foreign nations, and among the several States?

"This question was considered in the case of Gibbons *vs.* Ogden, 9 Wheat. Rep., 1, in which it was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution. The power is coextensive with the subject on which it acts, and cannot be stopped at the external boundary of a State, but must enter its interior."

In the City of New York *vs.* Mills, 11 Peters, 102, 157, Mr. Justice Story says:

"It has been argued that the power of Congress to regulate commerce is not exclusive, but concurrent with that of the States. If this were a new question in this court, wholly untouched by doctrine or decision, I should not hesitate to go into a full examination of all the grounds upon which concurrent authority is attempted to be maintained. But in point of fact the whole argument on this very question, as presented by the learned counsel on the present occasion, was presented by the learned counsel who argued the case of Gibbons *vs.* Ogden, 9 Wheaton R., 1; and it was then deliberately examined and deemed inadmissible by the court. Mr. Chief-Justice Marshall, with his accustomed accuracy and fullness of illustration, reviewed at that time the whole grounds of the controversy; and from that time to the present, the question has been considered (as far as I know) to be at rest. The power given to Congress to regulate commerce with foreign nations and among the States, has been deemed exclusive, from the nature and objects of the power, and the necessary implications growing out of its exercise. Full power to regulate a particular subject, implies the whole power and leaves no residuum; and a grant of the whole to one is incompatible with a grant to another of a part."

In Corfield *vs.* Coryell, (4 Wash., Cir. C. R., 344–378,) as early as 1823, Justice Washington remarked:

Commerce with foreign nations and among the several States can mean nothing more than intercourse with those nations and among those States for purposes of trade, be the object of trade what it may, and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States or by a passage overland through the States, where such passage becomes necessary to the commercial intercourse between the States. It is this intercourse which Congress is invested with the power of regulating and with which no State has a right to interfere.

In the case of The State Freight Tax, (15 Wallace, 282, 275,) the Supreme Court of the United States held as follows:

"The transportation of freight or of the subjects of commerce is a constituent part of commerce itself. A tax upon freight transported from State to State is a regulation of commerce among the States.

"Whenever subjects, in regard to which a power to regulate commerce is asserted, are in their nature national, or admit of one uniform system or plan of regulation, they are exclusively within the regulating control of Congress.

"Transportation of passengers or merchandise through a State or from one State to another is of this nature.

"Hence a statute of a State imposing a tax upon freight taken up within the State and carried out of it, or taken up without the State and brought within it, is repugnant to that provision of the Constitution of the United States which ordains that Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes."

The questions arose in respect to the power to thus tax railroad companies as well as other parties, and the decision is applicable, therefore, to the question of means of transport (*Post*, II of this point) as well as to the question of general power.

Mr. Justice Strong, in pronouncing the opinion of the court, says:

"Beyond all question the transportation of freight or of the subjects of commerce for the purpose of exchange or sale is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer or from the place of production to the market was not contemplated, for without that there could be no consummated trade, either with foreign nations or among States. In his work on the Constitution Judge Story asserts that the sense in which the word 'commerce' is used in that instrument includes not only traffic, but intercourse and navigation. And in the Passenger Case it was said: 'Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer to gain the freight.' Nor does it make any difference whether this interchange of commodities is by land or water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted."

I shall make but one further quotation, although I have references to many other decisions in the same direction. I will now invite your attention to the case of Gray *vs.* The Clinton Bridge, 1 Woolworth, 150. The case arose in the circuit court of the United States for the district of Iowa. The questions were with respect to an act of Congress of February 17, 1867, as to a bridge erected by a railroad company across the Mississippi River at Clinton, Iowa. In commenting upon the act, Judge Miller, of the Supreme Court of the United States, in deciding the case, said:

Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water; and the power of Congress to regulate it is as ample in one case as in the other. The "commerce among the States" spoken of in the Constitution must at the time that instrument was adopted have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted, a means by which merchandise is transported across States and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has with great benefit been subjected to the control of salutary congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is therefore neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States, and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States, and to all the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become a part of one of those lines of interstate communication, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it.

Upon the appeal of this case to the Supreme Court of the United States, the decision of the circuit court was affirmed. (The Clinton Bridge, 10 Wall., 454, 462.)

I will not consume the time of the House in quoting from numerous other cases that I have collated from decisions of English courts and the courts of this country clearly establishing the doctrine that railways, being common carriers, have no right to make unjust discriminations, but are bound to carry for all persons or companies at the same rate under the same circumstances. The charge must be the same for all freights of like kind, class, and quality, for like services. And that in all these matters they are subject to the control of the political department. It is contrary to public policy to allow discriminations against particular companies or persons or to permit these "highways of commerce" to grant exclusive privileges to others in order to secure monopolies to themselves.

Enough authorities have been cited to show the power of Congress to enact this law. But, sir, independent of authorities, this power is inherent in the Government. In truth, the Government would be a failure without it. The great right of self-preservation of the Republic furnishes the power and the public welfare demands its assertion.

ARE CORPORATIONS STRONGER THAN THE REPUBLIC?

Some seem to think that railway corporations are hedged around by a divinity too sacred for the Legislature to touch. Who placed them above and beyond the power of the Government? Have the people parted with their sovereignty by constitutional enactment? If so, show it to me! Has the legislative department shorn the people of their sovereignty and created a power greater than the republic? I deny that such a power has ever existed in the legislative department. The Legislature is not the sovereignty! Sovereignty resides alone with the people of the States. The power which has created these corporations is strong enough to regulate them.

When we find an institution in this land which has grown strong enough to deprive a citizen of his home against his will, which levies tribute upon his energies and toil, which successfully overrides the power of sovereign States, then, sir, we have reached the period when the combined powers of all the States, acting through the General Government, should be put in operation to subject this leviathan to restraint and regulation, lest it may regulate the National Government.

THIS QUESTION CAN BE IGNORED NO LONGER.

This question should be ignored no longer. It is too important to be driven out of Congress by sneers and quibbles. All admit the necessity for some legislation on this subject.

If you go on record against this bill you cannot satisfy the country by laughing at its phraseology and by saying you did not understand it. You will be readily answered that if this bill as presented for your consideration is imperfect your solemn duty to the people requires that you should seek in their interest to perfect it. If you can improve this bill, and thereby more securely protect the public, you will find no justification for your neglect to do so by saying that no railroad lobby was here fighting the bill. I, for one, am happy to see the day when we can sit here as law-makers freed from the corrupting influence of lobbyists. Let us take hold of this question and dispose of it before the lobby arrives. Inaction on our part will be in the interest of corporations. They do not want any more legislation than they have already.

As I have said, for fifteen years the legislation of this country has been largely in their interest. The passage of the Pacific Railroad sinking-fund bill is a happy augury to the people that the course of congressional legislation has changed. The passage of that act over the determined, stubborn opposition of the most potential corporations in this land is a glorious achievement of which this Congress can justly boast. It stands out in bold relief as proof of the wisdom, integrity, and fidelity of the Forty-fifth Congress. It will contribute as largely as any law it can make to vindicate this Congress from the assaults of its slanderers.

TRUNK LINES FATTENED ON THE LABOR OF THE WEST.

Let us follow up this good act with another very much needed. The great West, far away from the sea-port markets, is compelled to send the fruit of the labor of its toiling millions mainly over the four trunk lines of transportation. Its industrious people are tired of yielding the profit of their toil to these corporations. They have seen Vanderbilt gather a hundred millions, mainly coined from the sweat of their brow. They have seen the directors and officers of the Erie road become millionaires out of their hard earnings. They have seen the Pennsylvania Central grow strong enough to own, as has been said by the gentleman from Wisconsin, the Legislature of the State of Pennsylvania, and control lines running into eleven States of the Union and have a traffic of 8½ per cent. of all the railroads in the United States. And they have seen the Baltimore and Ohio fatten upon the profits of their energy.

TAX ON MEAT AND BREAD.

But this relief is not asked alone for the West, it is needed as well for the consumer of the East. These corporations place an onerous tax on meat and bread. Why in this day of abundant harvest have men and women starved in the eastern cities? Was this suffering increased because bread was too high for them to obtain?

It has often been urged in the past that the evils complained of would work out their own cure and therefore the law-maker should not interfere, but, sir, these predictions have not been verified. On the contrary the evils have grown apace and have become more and more burdensome. As soon as the trunk lines have laid aside one device they resort to another more subtle and more oppressive to the public.

SEPARATE STATE ACTION INEFFECTUAL.

Effort has been made in several States to regulate railway traffic and prevent these evils. While some relief has thus been obtained their efforts have in the main proved abortive, because of a lack of concert among the States, a want of similarity in the laws, and because State legislation can only operate within the boundaries of the State enacting the laws. Indeed our laws with regard to interstate railway traffic are but little if any better than the laws governing commerce under the confederation as described by Judge Story, which I have read to you.

As I have mentioned, one combination extends into eleven States; a person shipping over such a line in the absence of a national law regulating railroads is subjected to the liability, exemptions, and responsibilities of every State through which the shipment may pass. As State laws can only operate on portions of these great lines of transportation we need the exertion of an authority coextensive in its jurisdiction with these lines to regulate and control them. That authority can only be found in Congress.

THE DESIRE OF THE WEST.

What we of the West desire to accomplish is that we may have the use of these agencies of commerce, these highways of commerce, to carry our products to the eastern markets at as low rates as the railroad companies can afford by honest and economical management to

carry them, and that all men shall stand upon an equality in the use and cost of the conveniences and facilities of these highways. The men of the West do not desire to do injustice to railroad companies or any class. It is far from their desire to destroy or cripple railway usefulness, for they fully appreciate how much the prosperity of the West is dependent upon the facilities afforded by them, and they are ever willing to pay a fair compensation for these facilities; but they want relief from the extortions of "eveners" and the exactions of all other plundering combinations.

Mr. Speaker, John Randolph of Roanoke, Story, Webster, and other statesmen and writers tell us that the want of power in the Federal Government to regulate commerce was one of the main causes which led to the formation and establishment of the present Constitution. If the progress and development of commerce, if the discoveries and improvements in arts and science have outgrown the power and fitness of the constitutional provision made by our fathers to regulate commerce and promote the welfare of the "greatest number," then I hope the people are yet wise and strong enough to so amend the Constitution that the National Government shall have power to compel corporations, no matter how great and powerful they may be, to yield obedience to law and do justice to all.

Mr. ERRETT. I move *pro forma* to amend by striking out the last word.

Mr. Speaker, for more than twenty years the people of various sections of the country have been complaining that the railroad companies were discriminating against them in the rates of freight, and this complaint has grown louder and louder as the years have advanced until we find it here embodied in this bill, with a remedy against the recurrence of such an evil.

So long as the people who resided upon the navigable streams of the country had recourse to steamboats for transportation of their wares this evil of railroad discrimination was not so keenly felt; but gradually, slowly, and surely the steamboats have been driven by fierce competition from the rivers, until now there is scarcely a boat to be seen upon the western streams; and as they have dropped out of the carrying trade the railroads have come into a monopoly of the freight traffic, and have imposed upon all or nearly all the cities within their reach such rates of carriage as they chose to frame.

For a while the Ohio and Mississippi Rivers were competitors for the carrying trade; they are such no longer, whatever they may hereafter become. For a while, also, we had the Pennsylvania Canal, and it, with the New York canals, were brisk competitors for the traffic between the East and West; but the Pennsylvania Canal was purchased by a railroad company and destroyed as a through route by the abandonment of its western division, while the New York canals have been steadily dwindling in trade until they no longer pay the cost of maintenance. They can be kept up only by taxing the people for their support; and it is not likely that that course will long be submitted to. Practically, the whole carrying trade of the country is now in the hands of the railroad companies; and it behooves Congress, in the exercise of its constitutional privilege, to regulate commerce between the States, to step in and enact laws that will prevent these railroad companies from injuring the trade of any portion of the country by discriminating against it in the matter of railroad charges.

I hope that the next generation, if that sight is to be denied to this one, will wake up to the real value of our water-courses for transportation, and will learn to use them wisely as the cheapest and best highways of commerce. When the fever of the present day has abated and the national blood courses more coolly through the veins of the people they will learn what the people of Europe have already learned, to take hold of and improve every stream that will bear and carry a burden, and to supplement the streams with canals where streams are not available. Our rivers will then no longer run idly to the sea, as untamed and useless as the wild horses of the plains, as they do now; but until that era of good sense and sound judgment returns we are shut up to the necessity of regulating the commerce between the States upon the railroads which have secured a monopoly of it, and which exercise their unrestrained powers at their own unrestrained will, utterly regardless of the fatal results which may thereby follow to the commerce of certain parts of the country.

The discrimination in railroad rates, which is so bitterly and with so much good reason complained of, developed itself first when the struggle began between the trunk lines which stretch from the ocean to the West. There are now five of these lines, one from Portland, Maine, two from New York, one from Philadelphia, and one from Baltimore, while for near twenty years there have been four of them. All of these grasp for the trade of the West, and so eagerly that the president of one of them, Mr. J. Edgar Thompson, once characterized the struggle as "an insane competition." Insane it undoubtedly is and has been; and the insanity has been so long-continued as to become chronic and well-nigh incurable. The only remedy for it is the one proposed in this bill; and if Congress has in it the instincts of a good physician, it will apply the remedy with relentless vigor and promptitude.

The insanity of the rivalry of these trunk lines is shown in the fact that although railroads were originally built with capital invested for profit, and although that fact seems to have been entirely lost sight of, yet it takes a certain amount of money to operate them and keep them in good condition. This certain amount of money can be got only out of their earnings, and if their earnings fall short of their expenses they must become bankrupt. The actual cost of running and maintaining a railroad can be ascertained with mathematical exactness, and I will assume that it has been so ascertained. Assuming, then, that it costs 30 cents for every 100 pounds transported over a road from Chicago, or Saint Louis, or Milwaukee to New York, and that the railroads by a mutual agreement fix the rate at 40 cents per 100 pounds, it is clear that so long as that rate is kept up the roads will earn a fair margin of profit, and that they can moreover afford to carry 100 pounds from Pittsburgh to New York, just half the distance, for half that rate. All this is reasonable, sensible, and sane. But presently one of the five trunk lines fancies that it is not getting its share of the traffic, or that by a little finesse it can get more. So its agents slip quietly around and agree to carry for 35 cents instead of 40, or to carry 2,000 pounds as if they were but 1,750. No sooner does this fact become known (and it becomes known with the rapidity of commercial lightning) than the other four roads at once put down the rate to 30. The first road answers this by defiantly cutting the rates down to 25; and this defiance is answered by another reduction to 20.

It is evident to every one that not one of these roads can afford to do this. If it costs every one of them 30 cents to put down 100 pounds of freight in New York, every one of them must lose money on every 100 pounds they carry at rates below 30. To continue such a costly rivalry is the very insanity of competition, and Mr. J. Edgar Thompson had the clearness of vision necessary to characterize it properly.

But there is method in this madness, as there is in most other kinds of madness. The managers of these railroads see that if they must, in order to secure business at Chicago or elsewhere, carry freight at a loss, they can make it up by charging more to shippers at other points where shippers cannot help themselves. Thus, we will say that on the 1st of April last the rates mutually agreed upon by the five trunk lines was 40 cents per 100 pounds from Chicago to New York for fourth-class freight, and 20 cents from Pittsburgh to New York. So far all is fair, and the published schedules of the roads show no discrimination, or at least not enough to speak of. But when the rate falls to 20 in Chicago, it still remains at 20 in Pittsburgh. The published schedules are void as to Chicago and New York or any other terminal points, but they are rigidly adhered to in Pittsburgh and other intermediate points where there are no competing lines; and it has thus frequently happened that it cost more to ship a barrel of flour or a bushel of wheat from Pittsburgh to New York than from Chicago, although Pittsburgh is 420 miles nearer to New York than the latter.

So long, therefore, as the railroads are left to themselves so long will this discrimination continue. The people at intermediate points will be taxed severely to enable these roads to keep up this insane and ruinous competition between themselves. It is safe to say that in their present power to discriminate in this way lies their sole power to keep up this destructive warfare with each other. Remove this, deprive them of the power to charge more per mile from one place than another, and that moment you deprive them of the means of carrying on this insane competition. If an insane man in a hospital is found with a destructive weapon in his hands every instinct of self-preservation counsels the taking of it from him; and the removal of this weapon of discrimination from the railroads will forever deprive them of the power to carry on their fights with each other. The merchant who is forever losing soon becomes bankrupt; and a railroad which carries freight at a loss must break up.

I do not say that the discriminations alluded to have sufficed to make up to these roads their losses by cutting rates, for such is not the fact. They have served, however, to break the fall of the roads, and have postponed a bankruptcy which must sooner or later ensue. The stockholders and bondholders of these roads are all directly interested in putting a stop to this "insane" competition. I have the authority of one of the first railroad men in this country, a man largely interested in railroads, and one also who adds to his knowledge of engineering a long experience in railroading, for saying that if some such measure as this is not soon passed every one of the trunk lines will eventually find itself in the hands of a receiver. Why? Because, with all their discriminations, they are and have been carrying at a dead loss. Their discriminations against intermediate points, carried on now for a long period, have broken down the business of those points and deprived the railroads gradually of a traffic which at first was large but is steadily declining. They are killing the goose that laid the golden eggs for them, and they are fast tending to the point of having little else than through business to do. The time was when the grain and flour business of Pittsburgh was a large and growing one; now it is practically destroyed. And so of other business. The whole tendency of discrimination is to concentrate business at the extremities and to render it impossible to carry on business anywhere else. The result is that the roads get much more business to do at losing rates than they are able to pick up at profitable rates; and, if the present state of things continues, the period at which all these roads will be ruined is simply a matter of calculation.

The principle of fair play is the only one under which business can be successfully carried on; and so far as Congress can enforce that principle, so far is it bound to see that it is enforced. Property near the seaboard is more valuable than property in Nebraska because it

is nearer to market; but if nearness to a market is not accompanied with corresponding cheapness of transportation all the advantages of nearness are lost. The farmer in Lebanon County, Pennsylvania, is within eighty miles of Philadelphia, and he has raised a splendid crop of wheat upon a farm that cost him from one hundred and fifty to two hundred dollars an acre. If it costs him as much to ship his wheat to Philadelphia as it does the farmer in Wisconsin, who paid but $10 an acre for his farm, what compensation has the Lebanon County man for the difference in capital? The whole system is too unfair to be argued upon. The wrong is a self-evident one; and there would be just as much reason in arguing that larceny and arson are wrong as to waste time in proving that to be wrong which every man must see and feel is so.

The people of this country who live at points touched by competing lines do not feel this system of oppression; but they must remember that there are many other places which have not that good fortune and cannot have, in the nature of things. These are the places which cry out for the help which this law proposes. They cannot help themselves by any act of their own, and unless Congress helps them, by insuring them common justice, they must be content to see their business ruined, their capital destroyed, and their hopes of future prosperity blasted. All they ask is fair play. They are willing to pay as much for transportation as other people pay, in proportion to their distance from market, but they are not willing to pay more, and it is the duty of Congress to see that they are not required to pay more. What would the people of Chicago say if they had to ship their freight to Milwaukee or Saint Louis in order to get cheaper rates to the seaboard? Yet that is what has happened in Pittsburgh in more cases than one. I am told of a manufacturing firm there which, having an order from Boston, was compelled to send the wares ordered first to Cincinnati, four hundred and fifty miles west by water, and thence three hundred miles by rail back through Pittsburgh, and was able thus, by sending them a useless journey of seven hundred and fifty miles, to ship them cheaper to Boston than it could do by shipping them direct from Pittsburgh to Boston. It would be possible to give thousands of similar instances, but it is not necessary. I may merely mention, in passing, as illustrating another phase of this question, that it has been found cheaper to ship goods, say marble for instance, from Philadelphia to Washington, Pennsylvania, a distance of three hundred and eighty-one miles, than from Pittsburgh to Washington, Pennsylvania, a distance of only twenty-eight miles. The reason is that Washington, Pennsylvania, can be reached by two routes from Philadelphia and by only one from Pittsburgh. Such anomalies as these cannot be suffered to exist without exacting a loud remonstrance; and fairness demands that the remonstrance should be heard and heeded.

In passing this law Congress is doing no injury or wrong to the railroads. On the contrary, it is keeping the railroads from doing injury to themselves. Experience has proved to every railroad man that no form of mutual agreement can be devised that will compel the railroad companies to keep faith with each other. Their compacts are broken almost as soon as made, and nothing but the firm hand of the law will keep them from cutting each other's throats. When they find that they cannot make up their losses on through freight by levying double tolls upon local freight, they will be compelled to carry at remunerative rates or go into bankruptcy. Discrimination in local freights is now the one sole resource that enables them to cut on through rates. Take that away from them and they will have to confront the naked question, How far can we cut rates in safety to ourselves? And having found the boundary which they cannot safely pass, they will learn to regard it as a "Thus far shalt thou go and no farther," and abide on the hither side of the line.

Mr. WHITE, of Pennsylvania, addressed the House. [His remarks will appear in the Appendix.]

Mr. MILLS. I was astonished a few moments ago to see so good a lawyer as my friend from New York openly and defiantly challenge the production of authorities to support the power of Congress to regulate charges made by common carriers, and I should not have taken the floor but to give him the authorities he has called for.

Now, sir, in the case of Munn *vs.* Illinois, 94 U. S. Reports, S. C., 113, that very question came before the Supreme Court of the United States, the precise question whether the Government had a right in the regulation of commerce to prescribe the maximum of charges. Of course in five minutes I cannot fully go into the details of the question, but in this case of Munn *vs.* The State of Illinois the Supreme Court of the United States decided that the Government cannot interfere as to regulations of the price of property where it is purely of an individual nature between man and man, but that where the property is used for a public purpose, where the public have an interest in it as that of common carriers, there it is a part of the right of regulation. As I have said, I have not time to read the whole decision, but I give what refers to the legal question. It is a decision made by Chief-Justice Waite:

> Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to the control.
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> In countries where the common law prevails it has been customary from time immemorial for the legislature to declare what shall be a reasonable compensation under such circumstances, or perhaps more properly speaking, to fix a maximum beyond which any charge made would be unreasonable. Undoubtedly in mere private contracts, relating to matters in which the public has no interest, what is reasonable must be determined judicially, but this is because the legislature has no control over such a contract. So, too, in matters which do affect the public interest, and as to which legislative control may be exercised, if there are no statutory regulations upon the subject the courts must determine what is reasonable. The controlling fact is the power to regulate at all. If that exists, the right to establish the maximum of charge, as one of the means of regulations, is implied.

I will state to the House that in 1874 when a bill was reported from the Committee on Commerce by Mr. McCrary, this very question was discussed, and I in common with all this side of the House, and of course, with my friend from New York, voted against that bill. And I would have voted against it to-day, but I hold my own private view about the question as well as that of the gentleman from New York as to the legal interpretation is controlled by the decision of the Supreme Court of the United States. But when the Supreme Court of the United States created to decide this question lays down the law, there is an end to litigation on this subject.

[Here the hammer fell.]

Mr. BEEBE. Mr. Speaker, we are evidently entering on an untried field of legislation, and certainly the dictates of common caution should induce us to proceed with care, especially as this bill is so encumbered with a mass of words as to render its true construction extremely difficult. The power of the Federal Government undoubtedly extends to the right—

> To regulate commerce among the several States.

And the Constitution provides further that—

> No preference shall be given by any regulation of commerce to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Now this bill, if I understand it, and I have given it some care, provides that a corporation—one extending, we shall say, from the city of Saint Louis to the city of New York—shall not charge more for carrying a car-load of freight from Saint Louis to a point we shall call Smithtown, one hundred miles west of New York, than for carrying it clear through to New York. Now, let us see if this is clear from criticism. At this little place of Smithtown the company is obliged to keep up a full corps of agents, all the officers necessary in a large city. The car must be stopped there. When unloaded that car must be carried somewhere else, because they cannot get a return load of freight. At this point they may not have a car-load of freight more than once or twice a year. Then, to say the company shall get no more for carrying that car-load to Smithtown than for carrying it through to New York, where they would have an immediate opportunity to reload and return, is, in my judgment, an attempt to exercise unjustly the power of Congress, if it has any power in this direction, as against the company.

Again, what does this right to regulate commerce mean? I believe, sir, that the current of the decisions of the Supreme Court will not oppose the view I take when I submit that this right merely means that the people of Pennsylvania, to use an illustration already introduced into this debate, with reference to their oil shall not charge a citizen of the State of New York, or that a corporation created by the State of Pennsylvania shall not charge a citizen of New York or of Ohio, any more for carrying that character of freight from Pittsburgh to New York than it charges a citizen of Pennsylvania. It means that the State of Illinois, on the other hand, or Indiana or Ohio shall not either directly or indirectly by creation of agencies or corporations provide that a discrimination shall be made for the carriage of freight through those States from Saint Louis to New York against the city of New York or South Carolina or any other State; that, in a word, the privilege of a citizen of the United States attaches in virtue of his citizenship, and that no unjust discriminations shall be made in favor of one citizen and against another. To use the current phraseology of our treaties, "The citizen of one State shall be entitled to all the privileges in this regard enjoyed by the citizen of the most favored State." When we have done that, Congress, in my judgment, has done all it should attempt to do in this direction. I do not believe it is wise for us to say or attempt to say to the corporations created in the several States that we shall adjust or fix the rates or compel them to desist from discriminations in the one direction or the other; and if there is one car-load of freight to be carried by one company there should be extended to it the privileges which apply to a company having a thousand car-loads to carry.

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

Mr. CALKINS. I renew it.

I do not propose to undertake to argue any constitutional question in a five-minute debate, but to call the attention of the committee to some of the provisions of the bill, and then to ask the chairman of the Committee on Commerce to make an explanation as to whether my deductions are right or wrong. I want to say by way of premising my remarks that amid the sarcasm, wit, and logic of the gentleman from Wisconsin [Mr. BRAGG] he brought out one serious objection to the bill, as I understood him. To this I desire to call the attention of the gentleman from Texas. The first section provides that it shall be unlawful for any corporation to charge a greater or less sum than any other corporation will charge for the like freight

Several MEMBERS. Oh, no.

Mr. CALKINS. Wait a moment. Let me read this section stripped of its verbiage. This section provides—

That it shall be unlawful for any corporation, company * * * running or using any railroad or railway * * * directly or indirectly to charge to or receive from any corporation, company, person, or party any greater or less rate or amount of freight, compensation, or reward for the receiving, delivering, * * * than shall be received and retained from any other corporation, company, person, or party for the same or substantially the same or similar acts, * * * or while the same schedule relating thereto hereinafter provided for shall be in force.

Now, if it does not provide that substantially, then I am wrong in my construction of language; that is, that it shall be unlawful for any railroad company to charge a greater or less freight than is charged by another railroad company which has a fixed tariff as provided in section 6.

Mr. BEEBE. Oh, no!

Mr. REAGAN. Will the gentleman from Indiana state his proposition again?

Mr. CALKINS. I have not time to state it again. I want to call attention to section 6, which provides the schedule. Section 6 provides—

First, the different kinds and classes of all property to be carried;

Second, the different places and termini between and at which each kind and class of such property will be carried, received, and delivered; and,

Third, the rates of freight and prices for the carriage from place to place, and between the different places aforesaid, and for the receiving, delivering, loading, unloading, handling, and storing of each kind and class of said property, and the rates of freight and prices aforesaid, separately, when separate rate or charge, rates or charges, are to be made for any of the matters aforesaid.

Now, there is a schedule fixed by the bill, if I am not mistaken, and I want to ask whether the point made by the gentleman from Wisconsin [Mr. BRAGG] is not good: that instead of preventing a combination the bill directly makes a combination between railroad companies.

Mr. REAGAN. I will respond to the gentleman in my own time.

Mr. CALKINS. It amounts to this: that, if one trunk line shall prescribe a certain rate of freight which is lower than another, it could force all the others to take the lower rate of freight or break up their business and thus destroy competition. Is not that the legitimate construction of the two sections?

Mr. REAGAN. In the first place we make no comparison of different rates; but we require by the bill that the rates of freights and facilities afforded upon lines of transportation shall be equal to all.

Mr. CALKINS. How is that fixed by the bill?

Mr. REAGAN. The gentleman refers to the clause of the bill relating to the schedule and suggests whether under this section we do not regulate the rates of freight. The only thing prescribed in relation to freight rates is that the rates of State freights shall be posted up. That is an enforcement by the bill for the equalization of interstate trade in accordance with the decision of the Supreme Court of the United States that no man shall be charged more for interstate commerce than is charged for State commerce. The first section of the bill defines what interstate commerce is. It is commerce passing through a State or a Territory or from the United States to a foreign country or from a foreign country into the United States.

It does not matter whether the freight passes over one line or over several lines before it reaches its destination; and in order to regulate the subject and to give efficiency to the regulation the bill requires the posting up of the rates on State commerce in order to protect the interstate commerce from being charged more than the State commerce is charged. I want to say, with all the emphasis that I have the power to say it with, that this bill does not provide in any particular for the fixing of any rate, great or small, on commerce, either in or out of the States. It does not make the rates upon one road depend in any particular upon the rates of another road. It does not make the rates on a line of transportation, whether over one or many roads, depend upon the existence of another line of transportation. It does not, as was said by the gentleman from Wisconsin, [Mr. BRAGG,] defeat competition, for it fixes no rate, but leaves the field just as open to competition after the bill is passed as it is to-day.

Gentlemen are fighting a wind-mill.

Gentlemen may think that the bill is too technical, but in dealing with railroad corporations we should have the law so framed as to prevent it, by any technical arrangement, from defeating the will of the people. And this bill was framed by a skilled lawyer, not by my skill, who had studied the subject and so drew it as to exclude every technical trick or advantage and to insure that justice to the people that should be enforced by the law.

Mr. LAPHAM. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. LAPHAM. Does not this bill require railroads which are entirely within the bounds of one State to carry freight at the same rate which is charged by roads running through various States?

Mr. REAGAN. I am glad that the gentleman has asked me that question, because he has discussed the question under a misapprehension that may have misled others. The bill does not do so. It does this: you will see that in the first section of the bill, that defines interstate commerce, it prescribes no rates for freight, but says that as to interstate commerce a greater amount shall not be charged for shorter than for longer distances; but if the commerce begins and ends in one State the bill does not touch it, and we have not the power to touch it.

Mr. LAPHAM. Then why the necessity of the fourth section?

Mr. REAGAN. I have stated its objects. The first part declares that as to interstate commerce a man shall not be charged more for a shorter than for a longer distance, and then it provides that more shall not be charged for interstate commerce than for State commerce.

[Here the hammer fell.]

Mr. BLAIR. I wish to ask the gentleman if he has any objection to state what good lawyer drew the bill. He said he did not draw it himself, but that a skillful lawyer drew it.

Mr. REAGAN. The gentleman had better speak to the bill, and not to the lawyer who drew it.

Mr. BLAIR. I have great difficulty in understanding the bill.

Mr. CALKINS. I withdraw my amendment.

Mr. DUNNELL. As a member of the Committee on Commerce I gave a reasonable share of attention to this bill and think I have something like an approximate idea of what the bill proposes. I have never heard a bill discussed here in this House by gentlemen so thoroughly ignorant of the provisions of a bill as they are in this case.

Mr. CLYMER. How could it be otherwise?

Mr. DUNNELL. There are gentlemen here who ought to be earnestly in favor of the passage of the bill, but who have made speeches against it, whose voices would not have been raised against it if they had understood its simple provisions.

As I understand the bill, it simply aims at two things. It seeks to prevent the unjust discrimination which now characterizes the interstate commerce carried on by railroads. It prevents drawbacks or rebates. It says that I shall be allowed to ship a car-load of wheat from Chicago to New York at precisely the same rates of freight, no more and no less, as my neighbor may ship it from the same point. This is the great leading principle of the bill: that there shall be no drawback; that the powerful corporation shall have no rights which the private citizen along the line of the road may not have; that no corporation or person shall get better rates than an individual; that this interstate commerce shall be absolutely just, absolutely equal to all who participate in it. Now, I do not believe that any man on this floor can find fault with this provision of the bill.

There is another provision, the only other provision, the very crowning virtue of this bill, in my judgment, and these two objects are the only two objects which the bill seeks to attain. The other object is, that there shall not be charged a higher rate for a shorter than for a longer distance. As an illustration, a car loaded with wheat shall not leave Milwaukee, under the rules and regulations of interstate commerce, and be landed at Philadelphia at a less charge than that same car-load of wheat can be carried from Milwaukee to Pittsburgh. It is but right and just that Pittsburgh, being nearer to the wheat-fields of the West, shall get her wheat at least as cheaply as does Philadelphia. Under the regulations now adopted by railroads, the people of Philadelphia get their flour cheaper from the manufacturer in the West than do the people of Pittsburgh. The eaters of flour in Pittsburgh must pay more for their flour than the people of Philadelphia. This is the great evil which this bill seeks to remedy.

Gentlemen see terrible bugbears in this bill. The gentleman from Illinois, [Mr. CANNON,] who spoke here to-day, says that he wants more than a day in which to turn a somersault on this question. A day is enough for a man to turn a somersault on the question whether Congress can regulate this interstate commerce. And I was surprised that the gentleman from Wisconsin, [Mr. BRAGG,] with all his learning, his keenness, and his recognized ability, did not attack the impregnable argument that was made by the gentleman from Texas, [Mr. REAGAN.] I say that the argument of the gentleman from Texas is unanswerable. Not one of the Supreme Court decisions contained in the argument did these gentlemen even refer to, for they were unable to meet them.

The reasonings and decisions of the Supreme Court upon the power and right of Congress to regulate interstate commerce are found in the following cases: Gibbons *vs.* Ogden, 9 Wheaton, 1; License cases, 5 Howard, 504 and 509; case of the State freight tax, 15 Wallace, 232, 275.; Passenger cases, 7 Howard, 285, 462; The Daniel Ball, 10 Wallace, 557.

In the first case above referred to Chief-Justice Marshall says, on page 196:

We are now arrived at the inquiry, what is this power? It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

In the case of the City of New York *vs.* Miln, 11 Peters, 102, 157, Mr. Justice Story says:

The power given to Congress to regulate commerce with foreign nations and among the States has been deemed exclusive from the nature and objects of the power, and the necessary implications growing out of its exercise. Full power to regulate a particular subject implies the whole power, and leaves no residuum, and a grant of the whole to one is incompatible with a grant to another of a part.

The following cases are also cited: Sinnot *vs.* Davenport, 22 Howard, 227, 243; Gilman *vs.* Philadelphia, 3 Wallace, 713; Crandall *vs.* State of Nevada, 6 Wallace, 35.

In Corfula *vs.* Coryell, 4 Wash. Cir. C. R., 344, 378, Mr. Justice Washington said:

Commerce with foreign nations and among the several States can mean nothing more than intercourse among those States for purposes of trade, be the object of the trade what it may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States or by the passage overland through the States when such passage becomes necessary to the commercial intercourse between the States.

Chief-Justice Marshall, in 1824, said:

Commerce in its simplest signification means an exchange of goods; but in the advancement of society labor, transportation, intelligence, care, and various medi-ums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations become the objects of commercial regulation.

Mr. Justice Field, in Welton *vs.* State of Missouri, 1 Otto, 275, 280, said:

The power to regulate it [commerce] mbraces all the instruments by which such commerce may be conducted.

Other numerous decisions could be given.

It has been said in the debate that under this bill competition among railroads will come to an end or be rendered impossible. There is not a single provision of the bill which can at all conduce to such a result. Each and every railroad is left wholly free to charge what they please and combine in their business or not. In this regard they must charge to all the same and they must do equal justice to all. I would if I had time answer other objections which have been raised during the discussion, but time is not allowed me.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. POTTER. Mr. Speaker, I want to say that the case which the gentleman from Texas [Mr. REAGAN] cited as having led him to change his judgment in respect to the power of Congress to pass this bill is a case, as I read it, which has nothing at all to do with the question of constitutional power involved here.

The learned gentleman said that when bills of a character like this were being considered in a former Congress he thought that Congress had no power under the authority to regulate interstate commerce to make provisions such as those contained in this bill. But he thinks he finds in the decision of the Supreme Court of the United States he cited, the case of Munn *vs.* Illinois, that that high court had held that such a power could be exercised, and therefore is ready to support this bill. It is true the court so held; but of a power exercised by whom? Exercised by the Legislature of the State of Illinois, under a provision of the constitution of the State of Illinois.

In that case it was argued that the State had no right to make the regulation which it had made, first, because of the provisions of the fourteenth amendment of the Constitution of the United States against the interference by any State with vested rights of property; and, second, that the law regulating warehouses in Illinois, under which the suit was brought, was in violation of that provision of the Constitution of the United States which gives to Congress the power to regulate commerce between the States.

Now, the decision of the court, so far from saying that Congress had power to make any regulation of the kind which was therein debated, held only that the regulation by the State was authorized, and did not interfere with the power of Congress referred to. That the House may see that this is so, I send up to be read by the Clerk a paragraph from the opinion.

Mr. WHITE, of Pennsylvania. What case is that?

Mr. POTTER. The Chicago Warehouse case.

The Clerk read as follows:

We come now to consider the effect upon this statute of the power of Congress to regulate commerce. It was very properly said in the case of the State tax on railway gross receipts, 15 Wall., 293, that "it is not everything that affects commerce that amounts to a regulation of it, within the meaning of the Constitution." The warehouses of these plaintiffs in error are situated and their business carried on exclusively within the limits of the State of Illinois. They are used as instruments by those engaged in State as well as those engaged in interstate commerce; but they are no more a part of commerce itself than the dray or the cart by which but for them grain would be transferred from one railroad station to another. Incidentally they may become connected with interstate commerce, but not necessarily so.

Mr. POTTER. Now Congress never having made any regulation of the kind proposed by the bill under consideration, no question of its constitutionality could ever before have arisen, and no court could therefore ever have passed upon that question.

Mr. REAGAN. Congress, I believe, has passed a law to regulate the carrying of cattle on cars.

A MEMBER. That bill never became a law.

Mr. POTTER. I think the gentleman from Texas is right. I believe such a statute was passed by a former, a republican Congress.

Mr. REAGAN. I have not read the law, but I have seen the practice under it, and therefore suppose it did pass.

Mr. POTTER. Gentlemen around me say that it did not become a law. But I remember very well that it passed this House, and I remember it was urged as a measure of humanity. But at the time I predicted that it would before long lead to some assumption of power over trade by Congress of far greater consequence, and I think the democrats of the House generally opposed it.

Mr. PRIDEMORE. The bill did become a law.

Mr. POTTER. Of course the difference between saying that cattle shall be watered every twelve hours and saying what a railroad company shall or shall not charge is material enough; but the legislation is all in the same line. It illustrates what I said when I was up before: once begin with this business of "regulating" and Congress will have to go on "regulating" everything connected with interstate trade.

Now, I agree that there are evils in the direction at which this bill points; that our railroad corporations make unjust discriminations among their customers. It may indeed be that the States cannot sufficiently control them. But that has not been tried, and however that may prove, it does seem to me that if there is anything in the world that is dangerous or anything that is undemocratic, it is for Congress to begin to set on foot "regulations" of the character proposed by this bill.

[Here the hammer fell.]

Mr. DICKEY obtained the floor and yielded his time to Mr. POTTER.

Mr. POTTER. We shall thus, if we begin, be drawn on step by step until by and by the whole time of the Congress will be needed for "regulating" the trade of the country. When that time comes these great corporations will, I fear, find means to "regulate" Congress. When property to the extent of $100,000,000 gets concentrated in the hands of one concern the less we attempt to palliate the evils resulting from its management by measures like that under consideration, and the sooner we set about restricting by amendment to the Federal Constitution, if necessary, the creation of such great concerns the better. Abuses of the kind referred to in this bill will be corrected in some way—by the action of the people, by the action of the State Legislatures, or by the action of the courts. But every injustice is not to be made the subject of legislation in Congress. Indeed if it had power Congress is ill fitted by its nature from dealing wisely with such evils.

The States are far more competent to regulate and to regulate wisely such matters, and they will regulate them in some way or other. They can repeal the charters of these companies or make other laws in respect to them as common carriers. Let Congress, then, leave these regulations to the States. If, then, it would forbid the consolidation of corporations created by different States we should have no more artificial creatures too great to be controlled by the States which made them——

Mr. MITCHELL. That, I will remind the gentleman from New York, is not always within the power of the State Legislatures. For instance, in my own State, the Pennsylvania Railroad Company was chartered long before there was inserted in the Constitution any provision reserving to the Legislature the power to amend or repeal charters of corporations; and now the railroad company takes the position that the provision of the new constitution adopted in 1873 prohibiting railroad companies from charging more for a shorter distance than for a longer distance on the same line does not apply to them.

Mr. POTTER. Yes, sir; but I understand there is a further provision in that constitution that whenever any further legislation is accepted by the company they shall accept the provisions of the constitution.

Mr. MITCHELL. That is true.

Mr. POTTER. Though the contingency has not yet arrived on which that provision is to become operative it must come. But in Heaven's name, if you cannot reach the Pennsylvania Railroad Company in the State of Pennsylvania, how are you going to reach it in this Congress? Is this House to "regulate" everything?

Mr. MITCHELL. I submit that the question is one of power, not of policy.

Mr. POTTER. I submit that it is both. One must consider the effect of the power in seeking to determine where the power rests; and a construction of the Constitution which enables Congress, under the power to "regulate commerce," to deal with railroad freights will be a construction so dangerous that it will deliver this Government over to worse things, I fear, than any we have ever seen. That is the reason I am opposed to such a construction.

Mr. CHALMERS. Will the gentleman yield to me for a single question?

Mr. POTTER. Certainly; I always yield to everybody who asks me to yield.

Mr. CHALMERS. Does not the gentleman see that a case may arise in which it will be found that a State, under the form of regulating its own affairs, is encroaching upon the exclusive domain of Congress in respect to interstate commerce?

Mr. POTTER. Of course there may be such cases. The States have made many regulations of foreign trade which have been held to interfere with the exclusive domain of Congress in respect to commerce. But because a State has not power, it does not therefore necessarily follow that Congress has that power——

Mr. CHALMERS. The gentleman admits that Congress has exclusive control over interstate commerce.

Mr. POTTER. Certainly; but the vital question is whether that exclusive jurisdiction extends to the right to regulate the price which the interstate carrier shall put on his services.

Mr. REAGAN. That we do not pretend to do. There is no use of arguing against it; it is not in the bill.

Mr. THOMPSON. The bill does not undertake to prescribe what shall be charged, but merely that there shall not be improper discrimination in charges.

Mr. POTTER. The gentleman only turns the provision of this bill bottom side up. He does not alter the question at issue at all. If Congress has power to say that the railroads shall not charge more for one service than for another, it has power to regulate the charge to be made by the railroads for their service. That is the whole question of power involved.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Speaker, in company with a great many gentlemen who have spoken on this bill I regret that it is drawn so much in the form of a common-law indictment. I have no doubt that the verbiage used in it has misled a great many men as to its purposes. I have read it through with as much care as I could give it, and I will try to state what I understand to be its provisions.

The first and second sections define what is meant by an interstate railway. It is a road owned by one company, running through more than one State, or a combination of roads owned by several companies, so as to make a continuous line through more than one State.

Taking that as a definition of interstate railway, the bill makes the following provision: first, that an interstate railroad company as defined above shall afford equal facility both as to handling and transporting freights to all its customers, whether they be persons or corporations, and that it shall have equal charges for freights and service to all its customers, whether they be persons or corporations, for the same sort of service. That I take it is the first general doctrine of the bill. That is backed up and defended by these, in the second and third sections, that the companies described above shall not be permitted to evade the provisions of the first section by pretending or contracting with some parties as though they were a continuous line and treating others as though they were not; that being defined to be an interstate road they shall be so to everybody. And in the second place they shall not evade this provision by taking any rebate or giving any rebate as they do in many cases. That makes four of the sections of the bill. Those four sections are crystallized around the one thought that an interstate railway as above defined shall give equal facilities to all its customers, and shall charge the same rate to all for the same service. In that I concur.

The second point in the bill is this: that an interstate railway company or combination of companies shall never charge a greater rate for a short distance than they charge for the same service for a longer distance.

A MEMBER. Per mile.

Mr. GARFIELD. No, not per mile, but distance. If they will carry at a certain figure five hundred miles, then they shall never charge more for carrying four hundred and fifty or three hundred miles or any shorter distance. That is the second principle of the bill. I regret those two central doctrines of the bill have been wreathed about by so much of the verbiage of a common-law indictment, but I believe the bill fairly illustrates and expresses, though entangled with words, those doctrines. To those doctrines I give my assent.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. JONES, of Ohio. I take the floor, and yield my time to my colleague.

Mr. GARFIELD. I thank my colleage for his courtesy.

Now, Mr. Speaker, let me state further that the seventh and eighth sections provide penalties for the violation of these provisions, and the ninth and last section provides, as I understand it, that this bill shall not apply to less than a car-load, as that would be going down into the minutiæ, which we could not undertake to do. It then provides that the United States shall have special privileges and rights over all other customers. I think I have stated in brief the substance of this bill.

In the Thirty-eighth Congress a case arose upon which I had occasion to present a report and make a speech to this House. The State of New Jersey gave exclusive rights for twenty years to the Camden and Amboy Railroad to do all the railroad transportation from Philadelphia to New York and they absolutely prohibited any other company from carrying a ton of through freight anywhere. They charged a higher rate for through freight and through passengers than they did for local freight and local passengers. By giving a sort of bounty to the State of New Jersey they levied a tax upon all her sister States, and for years before the war that State received enough bounty from that source to pay off the State debt and leave a surplus; so that the State of New Jersey absolutely maintained its government by a tax upon the travel of the world of outsiders. And when during the war a combination of smaller routes enabled the people of that State to carry by what was known as the "elbow route," from Camden to the Raritan Bay, and when under the pressure of the war Secretary Stanton gave them power to carry troops and munitions of war, the officers of the Camden and Amboy Railroad absolutely came to this capital and asked the Secretary to pay them all the pay that the other and rival road had got upon the ground that the other and rival road had no business under the law of New Jersey to carry through freight whatever. The Secretary of course refused their demand; but they came to this House, and I was a new member on the Committee on Military Affairs at the time, and presented to that committee their bill, asking us to pass a law directing the Secretary of War to pay them all the other company had earned because they had done it in violation of the monopoly rights of the Camden and Amboy Railroad. On that hint I spoke. We passed a law of five lines—and I esteem it to have been an honor to have had a part in that work—that when any railroad was built anywhere which made a continuous line it should be lawful for it to carry freight and passengers and charge therefor. That was the first break ever made in this miserable, narrow State policy. But no sooner had we passed it than the Camden and Amboy Railroad bought up the rival road and consolidated it into its own power.

Now at last, under the decision of the Supreme Court and the larger thoughts of unity in America, we are achieving a bill here to-day based on the Constitution and, in my judgment, based on the great rights of commerce; and while I regret that it is wreathed about with so many words and phrases I shall vote for it, trusting to the committee's statement that they have made it conform to the two ideas I have indicated.

Mr. LATHROP. I desire to ask the gentleman a question. If this bill should become a law, would it be lawful for a merchant at Chicago to charter a vessel to carry a load of grain to Buffalo?

Mr. REAGAN. This bill has nothing to do with the chartering of vessels. It does not affect that one way or the other.

Mr. ITTNER. I am in favor of this bill because I believe it is a move in the right direction. As far as concerns the constitutional power of Congress to pass and enforce such a bill I shall leave to others to decide; but if Congress has not that power under the present Constitution, the sooner the Constitution is so changed as to give that power the better it will be for the people of this country. I say, sir, if we cannot make this proposed legislation fit to the Constitution, then let us make the Constitution fit to it. That is all I desire to say on the constitutional question involved in this bill.

Mr. Speaker, I am in favor of this bill because, sir, I believe it will accomplish an object that I as a member of the legislative body of my State have during several sessions endeavored to accomplish, and that, sir, was in relation to the great discriminations and outrages that were perpetrated upon the stockholders of railroads and the shippers thereon in my State for years, brought about under the exactions of these fast freight transportation companies. I believe, sir, that the provisions of this bill, should it pass and become a law, when they are enforced, will reach to those evils and exterminate these parasites and blood-suckers, since they can be called by no other name. I desire to say as between the humblest citizen of the United States and the most powerful monopoly within its domain I would in splitting a hair split it in the center. I am no communist; but I desire to say in reference to the remarks made by the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from New York, [Mr. POTTER,] wherein they expressed the fear that a time is approaching, and that the passage of this bill will hurry that time, when the railroad monopolies of this country will control Congress and its legislation——

Mr. FRANKLIN. I desire to ask the gentleman a question.

Mr. ITTNER. In the five minutes allotted to me I cannot afford to be interrupted in the course of my remarks. I desire that that issue shall be raised. And do we know that even now the monopolies of this country are not in a great measure controlling the election of members to this body?

I say, sir, I desire that that issue shall be made. Here is the language of the gentleman from New York—you pass this bill and soon no man living on the line of one of these great corporations can expect to be elected to Congress unless he is committed to act as these roads may require. I say God forbid that such a sad fate should ever befall this country. If with all our boasted freedom and ability for self-government there still remains in store for us so sad a fate as that depicted by the gentlemen from Wisconsin and New York, the sooner we know it the better. For myself, I entertain no such fears. No, I cannot and will not believe that the American people who fought so long and suffered so much to free themselves from the yoke of British tyranny are at this late day prepared to become the voluntary slaves of moneyed monopolies. No, I will not believe it.

Mr. CHALMERS. When I called the attention of the gentleman from New York [Mr. POTTER] to the clause of the decision of the Supreme Court of the United States, in which it was announced that the Congress had the exclusive jurisdiction over interstate commerce, the question was asked by two gentleman from that State [Mr. POTTER and Mr. BEEBE] what was meant by interstate commerce, as if that did not include the right to regulate charges on railroads. I refer the gentlemen to the very same decision in which the court says:

> The controlling fact is the power to regulate at all. If that exists, the right to establish the maximum of charge, as one of the means of regulation, is implied. (Munn vs. Illinois, 4 Otto, 134.)

There, sir, you have an answer as to what is meant by regulating interstate commerce. But that is not all that the Supreme Court has said. In the case of the Chicago, &c., Railroad Company vs. Iowa, the court uttered this emphatic language, which I shall quote. This, I will state, was a case arising upon a State statute involving the right to regulate the charges of railroads, the very question which now comes up here, except in that case it was as to the power of a State to regulate the charges of a railroad in its own limits, and here it is as to the power of Congress to regulate the charges of a railroad running through more than one State. The court says:

> The objection that the statute complained of is void because it amounts to a regulation of commerce among the States, has been sufficiently considered in the case

of Munn vs. Illinois. This road, like the warehouse in that case, is situated within the limits of a single State. Its business is carried on there, and its regulation is a matter of domestic concern. It is employed in State as well as in interstate commerce, and until Congress acts the State must be permitted to adopt such rules and regulations as may be necessary for the promotion of the general welfare of the people within its own jurisdiction, even though in so doing those without may be indirectly affected.—*Chicago et al. Railroads vs. Iowa*, 4 Otto, 163.

"Until Congress acts." Acts how? Acts upon what? Upon the regulation of the rates of charges made by these great corporations which are created by legislation. They are artificial channels of commerce created by man under authority of law. The gentleman from Wisconsin [Mr. BRAGG] well said to-day that when the Constitution was framed we had no idea about railroads. That is true. Nor had we then any idea of telegraph lines. Yet the Supreme Court has recently decided in a Florida case, not yet reported, that Congress has power over the telegraph lines by the same clause of the Constitution which gives it power to regulate commerce. The court speaking of railroads again says:

Their regulation is a thing of domestic concern, and certainly, until Congress acts in reference to their interstate relations, the State may exercise all the powers of government over them, even though in so doing it may indirectly operate upon commerce outside its immediate jurisdiction. We do not say that a case may not arise in which it will be found that a State, under the form of regulating its own affairs, has encroached upon the exclusive domain of Congress in respect to interstate commerce; but we do say that, upon the facts as they are represented to us in this record, that has not been done.—*Munn vs, Illinois*, 4 *Otto*, 135.

These railroads, as I have said, are great artificial channels of commerce, and it is the duty of Congress and the States to regulate them. Why? Because exclusive privileges are conferred upon them. They have the right of eminent domain given to them. They have to some extent the powers of sovereignty vested in them.

They have certainly a monopoly of their tracks, and in this are unlike our great rivers upon which any man may set afloat any boat he chooses, and it is essential to the rights of the people that the States shall regulate commerce upon railroads in the States and Congress shall regulate rates of railroads wherever interstate commerce is concerned. Whenever a road runs through more than one State, then Congress should exercise the power which the State exercises within its own borders. But this bill does not interfere with the rights of the States at all, because the bill simply prevents a road from charging more for short than for long distances. Thus by its very terms regulating the long and not the short rates, it can never interfere with any regulations made by the States, nor does it seek to regulate the charges on roads which lie within the limits of any one State.

We had occasion in the Committee on the Pacific Railroad to investigate the action of a great railroad corporation, the Union Pacific, chartered by the Government itself, and we found that it had failed to obey the law of its own creation, that it was swallowing up another smaller corporation, the Kansas Pacific, in the same manner as the road described by the gentleman from Ohio [Mr. GARFIELD] in his reference to the Camden and Amboy Railroad Company.

[Here the hammer fell.]

Mr. REAGAN. I ask that the five-minute rule be read and enforced.

The Clerk read the rule, as follows:

60. No member shall occupy more than one hour in a debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee. *Provided, further*, That the House may, by a vote of a majority of the members present, at any time after the five-minute debate has taken place upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or at their election upon the pending amendments only.

Mr. ITTNER. I withdraw my amendment.

Mr. BANKS. I renew the amendment. The object of this bill, as I understand it, is to assert the power of the Government of the United States to regulate the railroad traffic among the States. I believe fully in the existence of that power. I believe that it is as necessary that it should be exercised by the Government as it is that any other act should be done by Congress, and I have no doubt whatever that it will be exercised. There may be defects in the provisions or expressions of this bill, but so far as the constitutional power is concerned its existence cannot be denied. We have the power under the Constitution to regulate commerce among the States and that is applicable to the railroads between the States as it is to other means of transportation.

I think that it is an error to consider this question as limited by growing out of the law relating to common carriers. The railroads are not merely common carriers; they are something more than common carriers. A common carrier cannot take property; he cannot build a road through a town, city, or State; he cannot tear down a church; he cannot change the rights of individuals in any property whatever, but, under a charter from a State or from the General Government, a railway company can go anywhere within the limits of its charter and take possession of any kind of property in its way. It is because it has a charter from the General Government or from a State that it can do this. The law of common carriers confers no such privileges and gives no such rights. It is a franchise conferred by the Government and there are corresponding obligations that attend it. Such companies, therefore, are infinitely superior in their character as in their capacities to common carriers, and they are not to be limited by the power of the Government over common carriers, if the Government has any power over them.

I do not now make any question in regard to the creation or control of these corporations as whether it be of the General Government or the governments of a State. I consider the question only as affecting the right and power of the government, State or national, whichever it may be, to control these corporations for purposes of transportation. It is indispensable that this power should be recognized and exercised, otherwise they have entire control of the domestic and foreign commerce of the country. They can do what the Government of the United States cannot do. They can control the commerce of the country in favor of the port of New York, Philadelphia, or Baltimore as against Boston or any other city. Congress cannot do that; the Constitution forbids it. And to say that Congress must allow these corporations to exercise such power as that, is a proposition absolutely indefensible, and which, if established, would be resisted. It is for this reason that some legal and constitutional authority should interpose for the protection of the interests of the people and the rights of the several governments, State and national.

In my own section of the country I have been told that in the town of Brighton, where there is a celebrated cattle market, which has existed for nearly a hundred years, five men control it. I was told by a butcher in my neighborhood, that he could not buy an animal in the market, and if a man enters into a contract with another individual against the privileges conferred by these corporations, upon those associated with them, he would have thereafter no chance to trade in that market. It is such combinations that have increased so largely the cost of the necessaries of life, and it can only be done by some act like that before us. I give it my support for these reasons.

[Here the hammer fell.]

Mr. MITCHELL. I desire to say in reference to the power we have over this subject that I disagree entirely with the distinguished gentleman from New York, [Mr. POTTER,] and in this disagreement I think I am wholly justified by the decision of the Supreme Court of the United States in the Dartmouth College case and the cases following it. The Supreme Court has held from the beginning that a charter to a corporation is a contract within the Constitution of the United States which prohibits all the States of the Union from impairing the obligations of contracts. Under those decisions it has been held repeatedly—so many times that it cannot now be questioned—that no Legislature of any State has a right to change a contract made between a State and a corporation by a charter.

Mr. POTTER. Will the gentleman allow me to say that I do not dispute that. But in many States the constitution reserves to the Legislature the power to repeal or alter any charter, and therefore the power is reserved.

Mr. MITCHELL. That is true as to New York, but it was not so in the beginning; it is also true as to Pennsylvania, but not prior to the adoption of the constitution of 1873. The Pennsylvania Railroad was chartered in 1846, but it now claims to hold its charter superior to the constitution made in 1873, and in that particular I fear they are correct and that the courts will determine that that corporation is superior to all the power the people have on the subject.

Mr. POTTER. Will the gentleman answer me this question: does he claim that because a State has inhibited itself from exercising power over its creature, that confers any power upon Congress?

Mr. MITCHELL. No, sir; I did not say so; but the gentleman asserted that this was a matter that should be regulated by the States, if I understand him correctly. In reply to that I say that the question of power is in the way, that the people have no power, except they have reserved it in the original charters granted to railroads; and that was not done in the case of the Pennsylvania Railroad and other railroads. For that reason, if for no other, I say that the time has come in the history of this Government when the people through their representatives here must exercise the right which they have under the Constitution to regulate commerce, if they would preserve their liberties and privileges as a free people.

Mr. LOCKWOOD. Does the gentleman say that Congress has the power to legislate and take away from these corporations a power which the States have given them, and which by the laws and constitutions of the States those States themselves cannot take away?

Mr. MITCHELL. I do, in any case coming within the provisions of the Constitution of the United States granting power to Congress. And the gentleman must not presume that I am so ignorant as to claim that Congress has a power unless it is given that power by direct grant. Here we have an express grant of power to regulate commerce among the States. If we have not, then I agree wholly in sentiment with the gentleman from Missouri, [Mr. ITTNER,] that it is high time that the people of the United States as a whole shall demand that the Constitution of the United States shall be so amended in that particular as that there shall be no corporation greater than the Government, either State or national.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BANKS. I withdraw my *pro forma* amendment.

Mr. CONGER. I renew it. There can be no one upon this floor

more anxious than I am to assist in passing a bill which will regulate freights upon railroads in the interest of cheap transportation for the producer and for the consumer, a uniform, cheap transportation. And I have no scruples about the power of Congress under its authority to regulate commerce among the States, to control those great systems of communication without which commerce would not fully and perfectly exist.

I desire to state these two propositions because I wish to say further that I have examined the bill now under consideration with an earnest desire to find that it did accomplish the purpose of protecting the people of my State and of the other Western States in their right to send their products to market as cheaply and as reasonably as they could. I hoped to find such a provision in this bill. If I believed that this bill embodied to any slight tangible degree the sentiment of the gentleman from Ohio, [Mr. GARFIELD;] if I believed that his exposition of this bill did not arise out of his inner consciousness, and his attempt on a former occasion to do something that he thought was right and fair, and not from any construction which he has given or can give to this bill, I would vote for it most cheerfully.

Does the gentleman pretend to say that it is within his power to strip from this bill so much verbiage that he can find in it even the germ of his thought? Other gentlemen upon this floor, my colleagues and myself, alone and together, have sat down with pencil in hand and marked a pathway through this bill. As we say in the West in regard to our fine forests, we have gone from point to point and "blazed" the trees. We have "blazed" the words in this bill which should connect themselves together in some sentence that would enable us to find out what this bill meant. And we have become entangled and lost in its mazes beyond recovery, until we rushed away from the bill, taken thought again and regained our consciousness, and then come in here to hear some one else talk and become again confused. [Laughter.]

I did believe that this bill did not intend to lay its hand upon those rivals of railroad monopolies, steamboats, vessels, and canal-boats. I had intended at the proper time to move to strike out the words "or other means of transportation by common carriers," wherever they occurred in this bill, lest by any chance the bill should reach over and lay its hand upon the rival transportation by steamboats and vessels upon our lakes and rivers, the only preventive in the land to these vast railroad monopolies.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CRITTENDEN. Mr. Speaker——

Mr. PAGE. I will take the floor and yield my time to the gentleman from Michigan, [Mr. CONGER.]

Mr. REAGAN. As the previous question is to be called at four o'clock, I hope that we shall now be allowed to have a vote.

Mr. CONGER. I hope the gentleman will not interrupt me now; he has occupied only an hour and a half on this bill.

Mr. REAGAN. I thought the time of the gentleman had expired.

Mr. CRITTENDEN. Am I not entitled to the floor?

Mr. CONGER. The gentleman from California [Mr. PAGE] has taken the floor and yielded his time to me. I will withdraw my amendment when I get through, so that the gentleman from Missouri, [Mr. CRITTENDEN,] if he desires, can renew it.

Mr. CRITTENDEN. Very well.

Mr. CONGER. When I was trying to find an escape for "other means of transportation by common carriers" those rivals of these great railroad corporations, these great trunk lines which if unchecked will swallow up all the smaller lines of our great Northwestern States, as well as buy up the canal boats, steamboats, and all other means of transportation where they can; while I was trying to do this, the gentleman from Texas [Mr. REAGAN] came in with an amendment to strike out the words "other means of transportation by common carriers" and boldly and broadly proposed to put in the words "ship, steamboat, or other vessels."

Now, does the gentleman mean that when wheat is taken from Oshkosh to Milwaukee, and thence by steam to Buffalo or Ogdensburgh, and thence by railroad to Boston and New York, that steamboat transportation shall be included in and covered by this bill, and that it shall be unlawful for any man to contract to pay more or to pay less freight upon any part of the whole line than he does upon any other given part of that line? Does he mean, by force of the law of the United States, to make steamboat freight and vessel freight and canal freight come up to the freight of the trunk lines or the smaller roads? If I can read rightly, if I can travel through this maze of words, it does mean that. "Oh, no," these learned gentlemen say. The gentleman from Minnesota [Mr. DUNNELL] says it is "as clear as mud," and he wonders that other men cannot see it as clearly as he can. The gentleman from Ohio [Mr. GARFIELD] speaks, as he frequently does, from his former views and from his wishes. His wishes are mine, and I respond to them. But can the gentleman find anything like his beautiful theory in this bill? He says he has not read it.

Mr. GARFIELD. Oh, I did not say that.

Mr. CONGER. He said he had not read it much. Who can read it much? [Laughter.] If ever a man reads a bill at all he must read it more than the gentleman from Ohio read this.

Mr. GARFIELD. Nobody can read it without reading it much. [Laughter.]

Mr. CONGER. Now, sir, I wish that a bill to accomplish the objects suggested by the friends of this measure could be framed. I wish that this bill might go back to the committee, and that they might cut away from one end to the other words, words, words, until they have left thought and meaning expressed in sentences that an ordinary man like myself might possibly understand, with the help of all the interpretations that two or three hours' discussion could give. Let a bill be prepared that shall express the object. Let it be prepared so that it shall not compel steamboats and canals to be a part of these continuous lines and to have their freights regulated accordingly. Let the bill be so framed that, when the freight business is dull upon lines of railroad, men may ship their lumber and their wheat at a smaller rate than that continuous schedule. Under this bill no company can possibly change its rates until the schedule is changed, and that cannot be changed without ten days' notice.

[Here the hammer fell.]

Mr. THOMPSON. I desire to ask the gentleman whether there is anything in this bill which will prohibit a steamboat company from charging nothing or almost nothing, while the railroads are charging exorbitant prices.

The SPEAKER. The time of the gentleman from Michigan [Mr. CONGER] has expired.

Mr. CONGER. I withdraw my *pro forma* amendment.

Mr. CRITTENDEN. I renew the amendment. I was surprised to hear the sentiment avowed by the distinguished gentleman from New York, [Mr. POTTER,] that it would be dangerous to legislate against any power possessing so much money as these corporations; that if we undertake to legislate at this day and in this Hall against such corporations our seats would very soon be filled, not by the Representatives of the people but by those whom the corporations would send here as their minions and tools. That is a dangerous sentiment to announce at a time like this when we are already brought in contact with these same corporations, with this same immense power, and when the issue is to be met and determined whether the people shall control the corporations or whether the corporations are to control this Congress.

By parity of reasoning the gentleman might have assumed that it was dangerous in New York City to attack Tweed after he had assumed the power of that whole city and concentrated millions of money in his hands and in the hands of his co-conspirators against the interests of that city. You did attack that power; you broke it down; and in so doing you extricated your city from a band of men who, you charged, had been robbing it for years. The question now is whether this Government is stronger than the corporations or whether the corporations are stronger than the Government; whether the commerce of this country is to be run in the interest of the people or in the interest of corporations. I hold that now is the time to determine that question. If this bill is not in the right form, let its defects be remedied; let us get a bill that will be right, that will regulate the commerce of this country in such a way that the whole price of our productions in the market will not be consumed by their transportation.

Mr. POTTER. Will the gentleman allow me one moment? I quite agree with him as to the magnitude of corporate power and its dangers; and I am in favor of any lawful exercise of the power of Congress in respect of those dangers. All I meant to say was that the greater and the richer the country grows, the more dangerous it is to centralize in this body the exercise of power which can, I think, be more wisely, more safely, more effectually exercised by the States and the localities.

Mr. CRITTENDEN. Mr. Speaker, I hold that it is safer to lodge the power here than in the corporations. Here is the place for the controlling power to be exercised. We are the Representatives of the people; and as such we represent the States. We had better exercise this power than allow the corporations of the country to do it. Every few days we see in the newspapers that there has been a combination between four great trunk lines of railroad in this country. What is the result of that combination? It is to draw from the people heavy exactions in the way of freights—in fact to consume the very productions of this country in their transportation to market. This bill will remedy that evil, at least it is a step in the right direction. It is intended to remedy that evil, and if defective, I ask gentlemen who object to it to suggest the cure for these defects by way of amendment.

It is bad policy for gentlemen to say this bill does not do anything. Why do they not cure the defects of this bill, if there are any, by proper amendment and not undertake to slaughter it by these personal attacks when they fail to do anything to remedy the evil which all admit. I say that it is a step in the right direction, and unless we do support this bill we will be in no better position than we are now. It is due to the people of this country whom we represent upon this floor that we should support this measure and make it the law. If it is not everything that ought to be done, if it should be defective in any point, we can provide hereafter for curing that defect and make it everything it should be to meet the demands of the people.

[Here the hammer fell.]

Mr. THOMPSON. Mr. Speaker, a few days ago I stated to this House this bill had two main features and purposes: one was to prevent discrimination against persons and the other was to prevent undue discrimination against places. After a discussion of two hours

I think every gentleman on this floor who has paid any attention to it will concur in the assertion I have made. There are no other objects in it, there are no other remedies sought to be enforced than to prevent unjust discrimination against persons and to prevent discrimination unjustly against places.

So far as interstate commerce is concerned the purpose of the bill is to blot out the favoritism on the one side of State lines and county lines and districts on the other.

To those gentlemen who seem to be afraid it will interfere with the State-rights doctrine I wish simply to say this: that there is not in this bill from the beginning to the end of it one word which either limits or enlarges or controls in the most remote degree the right and power of the States over the State commerce and State trade. If States are unwise enough to desire to discriminate unfairly against their own citizens or the public by exorbitant rates, that is their own business and Congress has no power to interfere; but this bill does not assume jurisdiction; it simply provides that any interstate commerce passing through one State, or the company which transports that commerce, shall charge no more per mile per car for a certain character of freight than is authorized by the State law. So far, then, from interfering with State rights, it recognizes the control by the local government of every State of this Union.

Nor, sir, is the suggestion of the gentleman from Michigan [Mr. CONGER] well founded that because a railroad company is limited in its charges therefore a steamboat or a steamship company must charge no more or no less. I want to say to my friend from Michigan that the first section of this bill has nothing to do with the rates of freight on commerce. It is confined exclusively to persons: that there shall be no unjust discrimination against persons; that a steamship company shall neither charge me more nor less than the gentleman from Michigan for a certain service at the same time. If a railroad shall charge $1,000 for a particular service and a steamship company will agree to perform the same service at the same time for nothing, it has the right to do it. There is nothing to prevent it. There are no comparative rates. The steamship company may charge its rates, and the railroad company may charge its rates, and one is absolutely free and independent of the other. One is not limited or affected by the other.

I regret, Mr. Speaker, exceedingly to be compelled to repeat what I stated the other day, that although the purposes of the bill are few, its objects simple, and while it is intended to carry out the desire of every gentleman on this floor, yet for certain causes, out of abundant caution no doubt, the real points have been covered up in a cloud of words which make it suspicious to some gentlemen who cannot comprehend, and who take suspicion from the fact it is guarded so minutely.

[Here the hammer fell.]

Mr. REAGAN. I move, Mr. Speaker, to close debate on this section and all amendments which may be offered to it, and I do so for the reason that unless we proceed to vote we will not get through with the bill to-night.

Mr. CANNON, of Illinois. I have a substantial amendment to this section, which I hope the gentleman will not cut off.

Mr. REAGAN. I do not desire to prevent amendments, but merely desire to close debate.

Mr. CANNON, of Illinois. I hope the gentleman will accept my amendment and let me have five minutes in which to explain it.

The SPEAKER *pro tempore*. The gentleman from Texas moves to close all debate on the section and amendments thereto. The amendment offered by the gentleman from Texas himself is the only one now pending.

Mr. REAGAN. I do not want to exclude amendments, but to close debate on the section and all the amendments thereto.

Mr. CANNON, of Illinois. I hope the gentleman, as I desired to introduce an important amendment, will allow me to have five minutes of it.

Mr. REAGAN. The gentleman from Illinois suggests he has an amendment which he desires to discuss. I fear others may wish to follow him. I will agree, however, that he shall have his five minutes if it is understood that we shall then close debate.

Mr. CANNON, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 65, section 1, add the following:

Any contract made by any person or corporation or person and corporation engaged in business as common carriers from one State or Territory into another State or Territory with any other person or corporation or person and corporation engaged in the like business of carrying from the same State or Territory to the same other State or Territory, but upon a different way, to divide his or their earnings arising from such business or from any part of such business, is hereby prohibited and declared to be of no effect; and any person or corporation or person and corporation who shall violate or evade this section shall not be entitled to recover or receive any compensation for any such carrying while so violating or evading the provisions hereof.

Mr. CANNON, of Illinois. Mr. Speaker, when the railroads leading from the seaboard to the West compete for business which they generally do when the water-ways are open, the products of the country are carried at a reasonable price. Generally, however, when the water-ways are closed during the winter, the great trunk lines meet through their representatives at New York or some other point, and agree that the earnings of the different through lines, without regard to the amount of freight carried by each, shall be brought together and divided, and then proceed to put up the price of carrying from 25 to 50 per cent. Now the very object of the grant of the franchise to these roads, and in many instances the aid given to assist in their construction, was that, running as they do parallel to each other from the East to the West, they would and should enter into a fair competition for the carrying trade from and to different parts of the country, and any agreement between them which defeats this object is contrary to public policy and should be prohibited and such remedies afforded as would prevent it. I drew the amendment hastily, for the reason I had to do so, if I drew it at all, as the bill is being considered hastily; but I think if adopted it will at least tend to accomplish the desired object—and I hope members will scrutinize it with a view to perfect it if it is not as it should be—I especially desire to call the attention of the gentleman from Ohio [Mr. GARFIELD] to it, who has so clearly stated (as he always does as to any matter he talks about) the supposed objects of this bill, and I submit to him as well as to the House that if the amendment is sufficient to accomplish the object aimed at it is perhaps of as much importance as the rest of this bill.

Mr. REAGAN. I ask that the amendment of the gentleman from Illinois may be again read that we may understand it.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois will not be in order till after the amendment of the gentleman from Texas [Mr. REAGAN] is voted on. The Clerk will read the amendment of the gentleman from Texas.

The Clerk read as follows:

In line 8, section 1, strike out the words "or other means of transportation by common carriers" and insert "ship, steamboat, or other vessel;" so that it will read:

That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged alone, or with any other corporation, company, person, or party, in or about operating, running, or using any railroad or railway, or the carriage of any property on or by means of any railroad or railway, ship, steamboat, or other vessel, &c.

And in lines 16 and 17 strike out the words "or other means of transportation by common carriers" and insert "ship, steamboat, or other vessel;" so that it will read:

And which is, or is to be, wholly or partly carried on or by such railroad or railway, ship, steamboat, or other vessel, &c.

Mr. CONGER. I ask for a division of that amendment.

The SPEAKER *pro tempore*. A motion to strike out and insert is not divisible.

Mr. CONGER. Then I move to amend the gentleman's motion by striking out of his motion the words "and insert" and all the words following.

Mr. REAGAN. It cannot be done in that way.

The SPEAKER *pro tempore*. That is substantially the same thing as a division of the question.

The question being taken on Mr. REAGAN's amendment, there were—ayes 48, noes 13.

So (further count not being called for) the amendment was adopted.

The SPEAKER *pro tempore*. The question is now on the amendment proposed by the gentleman from Illinois, [Mr. CANNON.]

Mr. REAGAN. I ask that that amendment be again read. I do not know that I understand it.

The amendment was again read.

The question being taken, there were—ayes 46, noes 6.

So (further count not being called for) the amendment was adopted.

The Clerk read section 2 of the bill, as follows:

SEC. 2. That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged as aforesaid, directly or indirectly, to allow, return, deliver, do, cause, furnish, or pay, or cause, or suffer, or permit to be allowed, returned, delivered, done, caused, furnished, or paid, any rebate, drawback, commission, sum, act, service, or thing, which shall actually or substantially make, result in, or tend to make the freight, compensation, or reward received from or paid by any corporation, company, person, or party, or connected with the receiving, delivering, loading, unloading, handling, storing, or carriage of any property carried or to be carried in or by one actually or substantially continuous carriage as aforesaid, less or more than the freight charge, compensation, or reward, respectively, received or paid and retained, for the same or substantially the same or similar carriage, act or acts, thing or things, respectively, done or performed, or to be done or performed, for any other corporation, company, person, or party, in, about, or connected with the receiving, delivering, loading, unloading, handling, storing, or carriage of any other property of the same or substantially the same or similar kind, and done or performed, or which is or are to be, or which should be or have been done or performed at the same or substantially the same time or times, or when the same schedule aforesaid relating thereto shall be in force.

Mr. REAGAN. I offer the following amendment:

In line 22, after the word "or," insert the word "should;" so that it will read: Or which should be or should have been done or performed, &c.

Mr. BAYNE. I move to strike out the last word. It may seem that this bill contains a great deal of verbosity, and there is no doubt about that fact, but the provisions of this measure, notwithstanding its seeming verbosity, seem to be pretty well understood. It is rather a singular coincidence that the opponents of this bill come from the seaport cities, or nearly all of them from the seaport cities of the country.

The great shipping ports are the ones which derive advantage from the unjust discrimination which now prevails in this country, and when I see gentlemen from Boston, Massachusetts, gentlemen from New York, gentlemen from Philadelphia, and gentlemen from other seaport cities come here and oppose this measure, it strikes me that the assumed verbosity of the measure is rather a pretext than anything else. Gentlemen seem to understand very well its provisions; the bill seems to be well understood by those gentlemen whose interests happen to coincide with their judgments.

Now, sir, the evil which we who live upon the intermediate lines of railroad complain of is that they charge the rates upon freight necessary to pay dividends along the line of these roads upon us These trunk lines from New York and Boston to the West get to competing with one another; they get to cutting each other's throats, as the phrase goes, and the consequence is that the rates of freights they charge upon through freight are far lower than they otherwise would be, and when they come to the intermediate points, fifty or one hundred miles from the starting point, they put up the rates of freights far higher than the shipper who sends the freight the whole way has to pay, and thus secure to the treasury of the companies enough money to pay their expenses and pay their dividends.

Now the object which we who reside in the interior of the country have in view is to prevent a discrimination of this sort and to say, as this law plainly does, notwithstanding the inability of gentlemen to understand it, that we will, if possible, prevent those parties who ship from these great central points upon the shores of the ocean from shipping their freight for a less rate than we have to pay. Consequently one of the provisions is that we shall not be charged more than they are charged, and surely no man ought to complain of that.

[Here the hammer fell.]

Mr. AIKEN. I would like the attention of the chairman of the committee who has presented this bill for a few moments. I take it that this section 2 is simply one to disallow a rebate, an unfortunate term, an unpopular word to use in this connection. As I understand the object of the section it is simply this: that wherever there is retail trade and wholesale trade the transportation company can claim a rate for the transportion at wholesale at less rates than they do at retail. This bill says that that shall be unlawful.

Now, I am in favor of the general provisions of the bill, but in this particular section it seems to me that a discrimination is made which the laws of trade will not recognize. We all know that in dealing at wholesale we always make a better bargain than in dealing at retail.

If I were a farmer in the Northwest and desired to ship a car-load of my products to the eastern market, I ask the gentleman if I could under this bill, if it passes, demand that the railroads should carry my products to market identically at the same rate that the railroad would carry five hundred car-loads for another individual or company dealing in the same article?

I think it is unjust. I do not think that any individual should be privileged to go to a great corporation and say, you shall carry a single car-load of my products at the same rate that you carry for a company that would give every day, probably, during the shipping season an entire train-load of the same product. That is not according to the rules of trade. In all mercantile business we find that if you go to a wholesale merchant you always make a better trade than with a retail merchant.

The word "rebate" means the same thing: that you may get a lesser freight when you ship by wholesale. If I am correct I do not believe that this section will amount to anything. I believe it will be impracticable. What is to prevent a man who is a speculator in grain or cotton or any other product from going privately to the corporation and saying, I will concentrate my trade with you if you will allow me a rebate of a certain per cent. How are you going to reach them, unless that fact is discovered? It is a private contract between two people. I see no reason for loading down the bill with such a provision as that.

Mr. REAGAN. The gentleman from South Carolina is entirely correct in his suggestion as to what the meaning of the section is. It was meant to prevent charging one man $100 for a car-load and another $50. It was meant to do that, whether the party had one car-load or a hundred or a thousand car-loads. The theory of this bill is to try to equalize the cost of freight among the people, the producers, the merchants, and the manufacturers who deal in the products of the country. If the gentleman's theory is correct we are by our legislation to discriminate in favor of those who have large business against those who have smaller business of the same kind; or, if his theory is that by avoiding legislation we shall permit the continuance of such a thing, then we will legislate or omit to legislate in the interests and to the advantage of the men engaged in large business.

The Committee on Commerce, during the Forty-fourth Congress, had a pretty good illustration from sworn testimony of the very principle which the gentleman from South Carolina now advocates. It was made to appear before the committee that the Cleveland Standard Oil Company, by combination with certain railroad companies, had been able to control a large portion of the business, and that by these combinations they were able to secure rebates of about 30 per cent. on the cost of transportation, and to break up a large number of other companies engaged in the production of oil in the oil regions, and to secure a monopoly of the oil business, which constitutes one of the most extensive branches of trade in this country.

Now, why should there be a discrimination in favor of the man who has ten car-loads of freight to transport and against the one who has not that many? One car-load is the unit of measure. All the different cars are hitched on and started from the same place and dropped at the same place. Then why discriminate in favor of the man who has ten car-loads and against the man who has but one?

The man who raises one car-load of grain desires to realize from it the same rate of profit as he who raises ten car-loads. And the merchant who has one car-load of grain to ship to market is entitled to the same facilities of transportation and the same ratio of profit as the one who has ten car-loads of grain to ship. And yet the gentleman from South Carolina [Mr. AIKEN] would discriminate against the man who has the one car-load.

The communications on this subject of rebates and drawbacks from numerous persons in Boston, New York, Philadelphia, Pittsburgh, Cincinnati, Saint Louis, and Chicago all unite in saying that the railroads will agree with some particular man or set of men to allow them rebates on certain kinds of business and will refuse to make that allowance to others. That gives them the power to transfer all the business from the many to the few, in the interest of monopoly and combination and fraud against trade. We desire to break that up.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BAYNE. I withdraw my *pro forma* amendment.

Mr. CASWELL. I renew it. I do not desire to oppose the general features of this bill; I am very much in favor of them. But there is one feature, if I understand it correctly, which I am in duty bound to oppose.

I understand that this bill provides that the railroad companies shall carry freight over a part of its line for the same rate that it does over its entire line. If I am incorrect in that, then I hope that the chairman of the Committee on Commerce, who has charge of this bill, [Mr. REAGAN,] will correct me. I understand that by this bill the rate of freight per mile must be the same over a part of a road that it is over the entire line of that road.

Mr. REAGAN. In order to exclude all doubt upon this subject, I have been authorized by the Committee on Commerce to move an amendment to cover that point.

Mr. CASWELL. If my friend from Texas will amend the bill so as to take from it that feature, then I have no objection to it and will be in favor of the bill.

But in my opinion this bill ought to be recommitted to the Committee on Commerce and be revised by that committee. They should be instructed to strike out some of its verbiage and to put in plain common-sense language that will preserve to the people of this country the right to ship their products from one portion of the country to another over these roads without discrimination.

I am opposed to a bill that embodies so much of obscurity that scarcely any railroad company can settle upon what it means unless by an appeal to the courts. Let us recommit this bill to the Committee on Commerce, with leave to report at any time. I will favor the bill if they will put it in such shape as will make it practicable.

Mr. COX, of Ohio. Mr. Speaker——

Mr CASWELL. Before I yield the floor I desire to inquire of the Chair if it is in order for me at this stage to move to recommit this bill to the Committee on Commerce.

The SPEAKER *pro tempore*. The Chair does not think it would be in order at this time.

Mr. CASWELL. The bill is in the House, and I think a motion to recommit is in order.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. COX] is entitled to the floor.

Mr. CASWELL. I do not wish to deprive the gentleman from Ohio [Mr. COX] of an opportunity to make his remarks. But if I have the right I wish before I yield the floor to move to recommit this bill.

The SPEAKER *pro tempore*. The gentleman from Ohio has the floor.

Mr. COX, of Ohio. I think there will probably be a time for the gentleman to make the motion he indicates, if it is a proper one. I desire, however, to say that I hope the motion will not be made.

I have studied the provisions of this bill, and while it may be a matter of regret that technical legal language may be necessary to meet a condition of things which is of itself a very troublesome one, you cannot by any possibility meet all the shifts and evasions and peculiar phases of trick and idea which have grown up in the business of this class, without knowing thoroughly what you are about, and drawing your "common-law indictment," to use the words of my colleague, [Mr. GARFIELD,] and doing it with great technicality. Therefore I venture to say that any gentleman who thinks he can put the provisions of this bill into a few simple, untechnical words will find that the bill will not be worth a copper when it is done. I say that after a careful examination of the subject.

Now a word in regard to the matter of rebates, for I have no time for more than that. I do not know anything that excites in my mind a more lively astonishment than for a gentleman representing particularly an agricultural region, and one that has an interest in the business of transportation, to get up here and speak in favor of these rebates. What are they? They are bargains secretly made by which a person to whom the favor is given is able to have his freight transported at a less rate than the public, and at a rate which the agent who makes it will generally swear, if need be, is exactly even with all the rest when he knows it is not even. The boldness, the effrontery, with which these special rates are made to favor secret contracts has become the bane of the whole railway system, until honest men who are in it are praying that there may come some eruption that shall break it up.

How does the system work? Let us take a few examples. At the great points for shipping cattle in the country, a few men, by secret

understanding with the railroad officers, have obtained such control of the rates that you cannot ship a hoof without going to them to ship it. They levy black-mail upon every shipper and every cattle-raiser. Any one familiar with the railroad business knows that you cannot ship from Saint Louis or Chicago a solitary head of stock that does not pay its black-mail in this way. The system has grown to such an extent that there is scarcely a shipping-point on any great line of railway where some railroad officer has not a secret understanding with some favored shipper or shippers to divide profits out of secret rates. This evil has gone so far that at various times the Legislatures of the States have been obliged to interfere. Under the name of "fast-freight lines," &c., the directors of railroad companies, by an arrangement between themselves as individuals and themselves as the company, obtain the almost exclusive right to ship freight over the line at certain rates which are not compensatory to the stockholders.

Mr. CRITTENDEN. I hope the gentleman will explain the term "eveners."

Mr. COX, of Ohio. The "eveners" are an organization of men controlling shipments from the stock-yards who, by a direct understanding with the officers of the great lines, have secured rates which are allowed to no one else, and which consequently make it absolutely necessary that everybody desiring to ship shall do so through them. These rebates are oftentimes large. They are now understood to be about $15 on a car-load of stock.

[Here the hammer fell.]

Mr. REA obtained the floor.

Mr. COX, of Ohio. I would like to go on a few moments longer.

Mr. KENNA. I hope the gentleman from Missouri [Mr. REA] will yield to the gentleman from Ohio.

Mr. REA. I will do so.

Mr. COX, of Ohio. This evil is not confined to any special class of business but extends itself to all, and the temptation to fraud is so great that, in spite of everything the managers of railways can do, this abuse has passed from the great magnates of the companies down to the lesser agents, so that at every competing point in the country you will now find an irresponsible agent of a railroad company receiving perhaps $1,200 or $1,500 a year, who has the right to make rates. Thus there is put into his hands a temptation to make special rates for the benefit of anybody who will pay him for the favor. It is a matter of notoriety in the railway business that this is done wherever these agents choose to be fraudulent. To prevent these secret arrangements it has become an absolute necessity to the carrying business of the country that there shall be some one unit of charge publicly fixed, so that the whole country may know what it is and that all business, whatever it may be, shall be done under this uniform rule. I have known, for example, a miller upon a line of railroad to be broken up because his neighbor over the way, having a secret partnership of some kind with the freight agent of the railroad, obtained a rebate that enabled him to destroy his competitor in business while at the same time cheating the railroad company. Publicity is the only safeguard, and the public themselves should be made the parties interested in rooting out the evil. So long as there is any system of secret bargains which may be made by the agents of the railroad as they please, whenever their favor is bought or whenever they have a personal interest, so long you will find there will be no profitable business along the road except one in which the officers of the road have some controlling influence.

Mr. McCOOK. Does the gentleman think that this bill as drawn will break up the infamous system he has described?

Mr. COX, of Ohio. I believe it will do more toward breaking it up than any bill that has ever been introduced, and that honest men who have *bona fide* interests in railways ought to hail it as a measure that will make honest work possible; and I affirm it is not possible in that business to-day.

[Here the hammer fell.]

Mr. KENNA obtained the floor and said: In order that the time of the gentleman from Ohio might be extended, I asked the gentleman from Missouri [Mr. REA] to yield his time. I now yield to the gentleman from Missouri.

Mr. REA. Mr. Speaker, during my service here I have not seen proper to trouble the House by talking, except on one or two occasions. Permit me to say that the bill now before this House is in my judgment one of very great importance. I believe no proposition more vital to the business interests of the country can be presented than the one now under consideration.

The question in the first place presents itself whether Congress has the power to indicate the proposed legislation. And I desire here to state that, as a strict constructionist of the Constitution, if I believed the power did not exist in and under that instrument to enact the legislation proposed, then I should oppose it. I do not think Congress ought to arrogate to itself powers which do not belong to it, but those which do, it should not shrink from exercising when the needs of the country require it.

The gentleman from New York [Mr. POTTER] tells us the power exists in Congress to pass this legislation, that the power is exclusively in Congress to regulate interstate commerce, but that we ought not to do it, that we ought not to exercise the power the Constitution gives us because, if we do, in the end we will get beaten. What does it mean? It is that although the Constitution of the country authorizes and makes the Congress of the United States the exclusive body to regulate this commerce, yet if you touch it the railroad companies will send men here to control Congress itself. It amounts to this: let them do as they please now, because if you attempt to control them they will do as they please anyhow. We are just where we commenced if we do, and we have lost nothing in the effort.

That power exists in the Congress to regulate interstate commerce, I have no question. There is a long line of judicial authority on that question which is incontrovertible. The problem now presents itself that the Congress of the United States is the one power in this country which can regulate this interstate commerce, and if the Congress of the United States does not do it, then it cannot and will not be done. Hence the question which presents itself to us is will Congress attempt to give the relief to the country that they can give and the only power which can do it under the Constitution or law, or will you shrink back and say the great monopolies which the gentlemen have said are overriding this country must not be touched or else they will assert their authority over us and redouble their energy against us?

It seems to me, Mr. Speaker, the legislation proposed here is not to hurt any one. I have examined this bill with the best ability I have, and if I should see it was to destroy the railroads of the country, then I would not vote for it, because I do not wish to cripple or to injure them. But, sir, it seems to me this bill is in the line of right and of justice between shippers and the roads.

As has been well said, this bill only proposes to give equality of rates between shippers and to prevent drawbacks. That is all there is in it. Is not that right? Have we come to the time in this country when a few men anywhere have exclusive rights upon the railroads of the United States which every other man does not enjoy? The common sense of this country revolts at such an idea. He who has five car-loads of cattle to ship has the same right to ship them at the same rate per car as he who owns a hundred car-loads.

Mr. AIKEN. If the gentleman will allow me to ask him a question just here it will perhaps save the House from hearing me for five minutes hereafter. What I wish to ask is this: if a man hires a laborer for one day is he not willing to pay more for that one day's labor than *pro rata* at that rate for twelve months?

Mr. REA. I might in the instance given by the gentleman be willing to do that, but if I wanted five day's work done I am willing to give five laborers for doing that work in one day precisely what I would give one workman for doing it in five days. It is the same proposition.

[Here the hammer fell.]

Mr. BROGDEN. I move a proviso to come in at the end of the second section.

Mr. BEEBE. I wish to inquire whether under the order adopted by unanimous consent the vote was not to be taken on this bill at this time?

Mr. KENNA. It is now half past four, and the only understanding was that the previous question should not be called before half past four. There was no understanding at all it should be called at half past four.

Mr ATKINS. I thought it was the distinct understanding of the House as announced by the gentleman from Texas that the vote was to be taken on the previous question at half past four o'clock this afternoon.

Mr. REAGAN. Not at all.

Mr. KENNA. If the gentleman will examine the RECORD he will find on the contrary the agreement was that the previous question should not be called before half past four, and there was no understanding that it should be called at that hour.

Mr. ATKINS. Then we have been deceived as to what the understanding was.

Mr. REAGAN. Let me read what did take place.

Mr. REAGAN. I do not propose to interfere with the gentleman's retaining the floor, but perhaps he would prefer occupying the floor at another time. I propose, if it be agreeable to the House, that it shall be ordered by unanimous consent that at the close of the morning hour on Saturday this bill be considered, and the previous question not called earlier than half past four o'clock.

Mr. ATKINS. Is not that an indication that the previous question was to be called at half past four?

Mr. KENNA. There is no such implication that it should be called at that time. The understanding was by unanimous consent that the previous question should not be called earlier than that hour.

Mr. ATKINS. Is it in order to move to recommit this bill?

The SPEAKER *pro tempore*. The Chair understands the previous question was not to be called before half past four o'clock. That hour has now arrived. It is within the control of the House if the previous question is called.

Mr. ATKINS. I have risen to a parliamentary inquiry. Is it in order to move to recommit this bill?

The SPEAKER *pro tempore*. The practice under the rules is to allow the friends of the bill to test the sense of the House before the motion indicated by the gentleman from Tennessee is entertained.

Mr. REAGAN. We have not been able to get through the various sections of this bill. Gentlemen have been disposed to occupy the time in debate. I desire at least the privilege for members to offer amendments to the bill, and with that view I think it better to let it go over as unfinished business before calling the previous question.

Mr. BEEBE. Does the gentleman contemplate that the bill shall come up as unfinished business on Monday?

Mr. REAGAN. No, sir; my idea is that it should go over Monday.

The SPEAKER *pro tempore*. As the Chair understands it, if the House should adjourn now, this bill will come up as unfinished business on Tuesday after the reading of the Journal. If the previous question should be seconded and the main question ordered, it would come up on Monday after the reading of the Journal.

Mr. BEEBE. If it will come up as unfinished business on Tuesday, I move that the House do now adjourn.

Mr. HALE. I rise to a parliamentary question. What were the terms of the order under which the House is now acting? I do not understand that the bill was made a special order from day to day until disposed of, although that may have been the case. If not, it merely takes its chance of being disposed of to-day.

The SPEAKER *pro tempore*. The Chair will cause to be read Rule 56.

Mr. REAGAN. If I can get the consent of the House to offer an amendment to the fourth section, I will then call the previous question on the bill and amendments.

The SPEAKER *pro tempore*. In connection with the parliamentary question of the gentleman from Maine, [Mr. HALE,] the Chair directs the Clerk to read Rule 56.

The Clerk read as follows:

56. The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.—*March* 18, 1860.

Mr. HALE. Now let the Clerk read from the paragraph on page 316 of the Manual the statement beginning with the words "and sometimes."

The Clerk read as follows:

And sometimes the words "and from day to day until disposed of" are omitted. Journal 1, 31, page 522, (in which case it is a special order for the day named only,) and if the matter made a special order is not taken up, or, if taken up, is left undisposed of on the day fixed, thereafter it loses its specialty.—Journal, 1, 31, pages 631 and 897.

Mr. HALE. Now, my experience has been that where a bill is by unanimous consent made a special order if the gentleman in charge of it does not care to see that it is made a continuing order from day to day, his day in court is the day named and that only, unless he gets the main question ordered upon the bill which in this case has not been done.

Mr. REAGAN. I ask the consent of the House to offer this amendment, and then I will call the previous question.

In line 4, section 4, page 6, strike out the word "freight," where it first occurs, and insert in lieu thereof the words "per car-load as;" so that it will read:

That it shall be unlawful for any corporation, company, receiver, trustee, or person acting or engaged as aforesaid, directly or indirectly, to charge or receive any greater freight per car-load, as compensation or reward for the carriage of any property carried, &c.

The SPEAKER *pro tempore*. The amendment offered some time ago by the gentleman from Texas has not yet been acted upon.

Mr. BEEBE. What has become of my motion that the House do now adjourn?

The SPEAKER *pro tempore*. Does the gentleman from New York insist on his motion?

Mr. BEEBE. If the gentleman from Texas will now call the previous question I will withdraw the motion to adjourn.

Mr. REAGAN. I will call the previous question after this amendment is received as pending.

Mr. BURCHARD. I desire, if the Chair will allow me, to say there were several instances in the Forty-first and Forty-second Congresses where, when a bill was named for a day and not from day to day, the Speaker held it did not, unless the main question was ordered, go over as unfinished business.

Mr. BROGDEN. I claim I was recognized by the Chair and am ahead of the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. Am I recognized to offer the amendment I have indicated?

The SPEAKER *pro tempore*. The Chair first desires to answer the parliamentary inquiry of the gentleman from Illinois. The Chair would inquire of the gentleman if his construction of the rules is correct when he considers this bill would be again in order?

Mr. BURCHARD. It would not come up again at all. Bills have been frequently killed when assigned to a particular day without the addition of the words "from day to day thereafter until disposed of," by somebody moving to adjourn; if the House adjourns that ends the bill so far as an opportunity of reaching it again is concerned.

The SPEAKER *pro tempore*. That was because they were not called up when they were in order.

Mr. REAGAN. Then I desire to enter the amendment I have indicated to the fourth section.

Mr. PAGE. I object to an amendment of the fourth section of the bill when we are considering the second section.

Mr. BROGDEN. I submit that I am entitled to the floor.

Mr. REAGAN. Then I call the previous question.

The SPEAKER *pro tempore*. The previous question cannot be demanded until the gentleman from North Carolina yields the floor.

Mr. BROGDEN. I was recognized by the Chair and my amendment is germane to the second section of the bill. I ask that it be read.

Mr. REAGAN. I have called for the previous question.

The SPEAKER *pro tempore*. The gentleman from Texas could not demand the previous question while the gentleman from North Carolina was on the floor. As soon as the gentleman from North Carolina has occupied his time the Chair will recognize the gentleman from Texas, [Mr. REAGAN.]

The Clerk read the amendment proposed by Mr. BROGDEN, which was to add to section 2 the following:

Provided, That nothing contained in this act shall be so construed as to prevent any railroad, steamboat, or other transportation company or corporation from making special rates or contracts for the transportation of freight and persons on land and water within the several States and Territories.

Mr. REAGAN. I now demand the previous question on the bill and the pending amendments.

Mr. WAIT. And pending that I move that the House do now adjourn.

The question was put on Mr. WAIT's motion; and on a division there were—ayes 72, noes 65.

Mr. REAGAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THOMPSON. Those who want to kill this bill will vote "ay."

Mr. PAGE. Of course we all know that.

The question was taken; and there were—yeas 77, nays 106, not voting 108; as follows:

YEAS—77.

Aiken,	Crapo,	Ketcham,	Southard,
Atkins,	Culberson,	Lapham,	Sparks,
Bacon,	Davis, Horace	Lathrop,	Springer,
Beebe,	Davis, Joseph J.	Ligon,	Starin,
Bell,	Dean,	Lockwood,	Steele,
Benedict,	Dickey,	Lynde,	Stewart,
Blair,	Durham,	Mackey,	Strait,
Bouck,	Eames,	Mayham,	Swann,
Bragg,	Eden,	McCook,	Throckmorton,
Briggs,	Elam,	McMahon,	Vance,
Bright,	Evins, John H.	Mills,	Wait,
Burdick,	Felton,	Morrison,	Whitthorne,
Cabell,	Forney,	Norcross,	Williams, A. S.
Caldwell, John W.	Franklin,	Page,	Williams, James
Caldwell, W. P.	Garth,	Reed,	Williams, Jere N.
Candler,	Gunter,	Rice, William W.	Willis, Benjamin A.
Cannon,	Hale,	Robinson, G. D.	Young.
Claflin,	Harris, Henry R.	Scales,	
Cook,	Harrison,	Sinnickson,	
Covert,	Herbert,	Smith, William E.	

NAYS—106.

Baker, John H	Danford,	Hunter,	Reagan,
Banks,	Deering,	Ittner,	Riddle,
Bayne,	Dibrell,	Jones, John S.	Robbins,
Bicknell,	Dunnell,	Jones, J. T.	Roberts,
Brentano,	Dwight,	Jorgensen,	Sampson,
Bridges,	Errett,	Joyce,	Shallenberger,
Brogden,	Evans, I. Newton	Keifer,	Smith, A. Herr
Browne,	Foster,	Keightley,	Stenger,
Buckner,	Gardner,	Kenna,	Stone, Joseph C.
Bundy,	Garfield,	Maish,	Thompson,
Burchard,	Glover,	Manning,	Tipton,
Calkins,	Hamilton,	Marsh,	Townshend, R. W.
Camp,	Hardenbergh,	McGowan,	Turner,
Campbell,	Hartzell,	McKenzie,	Turney,
Caswell,	Haskell,	McKinley,	Van Vorhes,
Chalmers,	Hatcher,	Metcalfe,	Walker,
Clark, Rush	Hayes,	Mitchell,	Walsh,
Clymer,	Hazelton,	Monroe,	Ward,
Cobb,	Henderson,	Morgan,	Watson,
Cole,	Henkle,	Muldrow,	White, Harry
Collins,	Henry,	Muller,	White, Michael D.
Conger,	Hewitt, Abram S.	Oliver,	Williams, Andrew
Cox, Jacob D.	Hewitt, G. W.	Patterson, G. W.	Williams, C. G.
Cravens,	Hiscock,	Price,	Wren,
Crittenden,	House,	Pridemore,	Wright.
Cummings,	Humphrey,	Randolph,	
Cutler,	Hungerford,	Rea,	

NOT VOTING—108.

Acklen,	Ellsworth,	Knapp,	Ross,
Aldrich,	Evans, James L.	Knott,	Ryan,
Bagley,	Ewing,	Landers,	Sapp,
Baker, William H.	Finley,	Lindsey,	Sayler,
Ballou,	Fort,	Loring,	Schleicher,
Banning,	Freeman,	Luttrell,	Sexton,
Bisbee,	Frye,	Martin,	Shelley,
Blackburn,	Fuller,	Money,	Singleton,
Bland,	Gause,	Morse,	Slemons,
Bliss,	Gibson,	Neal,	Smalls,
Blount,	Giddings,	O'Neill,	Stephens,
Boone,	Goode,	Overton,	Stone, John W.
Boyd,	Hanna,	Patterson, T. M.	Thornburgh,
Brewer,	Harmer,	Peddie,	Townsend, Amos
Butler,	Harris, Benj. W.	Phelps,	Townsend, Martin I.
Cain,	Harris, John T.	Phillips,	Tucker,
Carlisle,	Hart,	Pollard,	Veeder,
Chittenden,	Hartridge,	Potter,	Waddell,
Clark, Alvah A.	Hendee,	Pound,	Warner,
Clark of Missouri,	Hooker,	Powers,	Welch,
Clarke of Kentucky,	Hubbell,	Pugh,	Wigginton,
Cox, Samuel S.	Hunton,	Quinn,	Williams, Richard
Davidson,	James,	Rainey,	Willis, Albert S.
Denison,	Jones, Frank	Reilly,	Willits,
Douglas,	Kelley,	Rice, Americus V.	Wilson,
Eickhoff,	Killinger,	Robertson,	Wood,
Ellis,	Kimmel,	Robinson, M. S.	Yeates.

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. HUNTON. I desire to state that I am paired with Mr. HANNA.

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is detained

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at his room by sickness, and is paired with Mr. HARRIS, of Massachusetts.

Mr. DAVIS, of North Carolina. My colleague, Mr. YEATES, is detained from the House by sickness.

Mr. WILLIS, of Kentucky. My colleague, Mr. CARLISLE, is paired with Mr. POWERS, of Maine.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, who I notice is just now absent from his seat, is paired with Mr. ALDRICH.

Mr. PATTERSON, of Colorado. Upon all votes upon this bill I am paired with Mr. O'NEILL.

Mr. MCKENZIE. My colleague, Mr. CLARKE, is paired with Mr. WATSON, of Pennsylvania; my colleague, Mr. BOONE, is detained from the House by sickness; my colleague, Mr. KNOTT, is paired with Mr. FRYE, of Maine.

Mr. MULDROW. I desire to say that my colleague, Mr. SINGLETON, is paired with Mr. RYAN, of Kansas.

Mr. COX, of New York. I desire to state that I am paired upon this question with Mr. HARMER, of Pennsylvania.

Mr. KENNA. My colleague, Mr. MARTIN, is detained at his room by sickness in his family. He is paired with Mr. PUGH, of New Jersey. My colleague, Mr. WILSON, understanding that nothing but the pending bill would be reached this evening, and that no vote would likely be taken upon it, is at his quarters, attending to duties connected with the Committee on Foreign Affairs, of which he is a member.

Mr. HERBERT. My colleague, Mr. SHELLEY, is paired with Mr. EVANS, of Indiana.

Mr. COBB. I desire to announce that my colleague, Mr. FULLER, is paired with Mr. OVERTON, of Pennsylvania.

Mr. CANDLER. I desire to state that my colleague, Mr. HARTRIDGE, is paired with Mr. MILLS, of Texas. If Mr. HARTRIDGE were here, he would vote "ay."

Mr. BLAIR. I desire to state that my colleague from New Hampshire, Mr. JONES, is paired with Mr. BAGLEY, of New York. I do not know how either gentleman would vote, if here.

Mr. STEWART. I have been requested to state that Mr. WILLIAMS, of Oregon, is paired with Mr. HARRIS, of Virginia.

Mr. JONES, of Ohio. My colleague, Mr. FINLEY, is paired on this question with Mr. BOYD, of Illinois.

Mr. CAMP. My colleagues from New York, Mr. BAKER and Mr. QUINN, are paired.

Mr. TOWNSEND, of Ohio. I am paired with Mr. BLACKBURN, of Kentucky. If he were present, I would vote "no."

Mr. ROBINSON, of Massachusetts. I am paired on all political questions with Mr. LANDERS, of Connecticut. This not being a political question, I consider myself free to vote and have voted. I desire also to announce that my colleague, General BUTLER, is paired with Judge TUCKER, of Virginia, and that my colleague, Mr. LORING, is paired with Mr. GOODE, of Virginia.

Mr. WATSON. I am paired on all political questions with Mr. CLARKE, of Kentucky. This not being a political question, I have voted in the negative.

The result of the vote was then announced as above stated.

The question recurred upon seconding the call for the previous question.

Mr. REAGAN. I desire to give notice that I have called the previous question in order that this bill may come up when the House again meets; but I do so with the understanding that should it be now seconded and the main question ordered, when the bill is again reached I will move to reconsider the vote ordering the main question in order to open the bill to further amendment.

The previous question was seconded and the main question was ordered.

Mr. REAGAN. I now move that the House adjourn.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Pending the motion to adjourn,

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876; and

A joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship.

GEORGE WILLIAMS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers and accompanying papers upon the bill (H. R. No. 4412) for the relief of George Williams; which was referred to the Committee of Claims.

ARREARS OF PAY AND BOUNTY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Second Auditor of the Treasury, setting forth that after June 30, 1878, payment of claims for arrears of pay and bounty due discharged soldiers of the regular and volunteer service will cease if reappropriations to continue such payments are not made prior to that date; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. CABELL, by unanimous consent, was granted leave of absence for three days.

SALE OF TIMBER LANDS.

Mr. PATTERSON, of Colorado. The House this morning passed Senate bill No. 903, for the sale of timber lands in the States of California, Oregon, Nevada, and Colorado, and in Washington Territory. At my instance the word "Colorado" was inserted in the body of the bill and also in the title. Since then I find that such insertion will bring the bill in conflict with a bill upon the same subject passed the other day. I therefore ask unanimous consent to eliminate the word "Colorado" both from the body of the bill and the title.

No objection was made, and it was so ordered.

PUBLIC BUILDING IN NEW YORK.

Mr. MULLER, by unanimous consent, introduced a bill (H. R. No. 4802) for the construction of a public building for use by the United States Government in the city of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MONONGAHELA CEMETERY.

Mr. SHALLENBERGER, by unanimous consent, introduced a bill (H. R. No. 4803) donating four condemned cannon and sixteen cannon balls to the Monongahela Cemetery to be placed in a lot held as a free burrial-ground for ex-soldiers, sailors, and marines; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. COX, of New York. The bill in relation to the life-saving service, reported from the Committee on Commerce by the gentleman from Texas, [Mr. REAGAN,] was made a special order for Thursday last. The gentleman now agrees that it may be made a special order for two weeks from next Tuesday, immediately after the reading of the Journal, and from day to day until disposed of. I ask consent that that be done.

Mr. PAGE. Will it conflict with any other special order?

Mr. COX, of New York. It will not conflict with California.

Mr. PAGE. Will it conflict with any other special order?

Mr. COX, of New York. Not with any of prior date.

There was no objection, and it was so ordered.

Mr. COX, of New York, moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The motion of Mr. REAGAN was then agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BREWER: A paper relating to the pension claim of George E. Warner—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: The petition of citizens of Blair County, Pennsylvania, for the passage of the bill now pending, to aid in the construction of the Texas Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. COVERT: The petition of George Van Ansdall and 232 others, for the erection of a light-house on the middle ground at Cold Spring Harbor, Long Island, New York—to the Committee on Commerce.

By Mr. JONES, of Alabama: A paper relating to the establishment of a post-route from Gaston, Sumter County, via Bevill's Store, to Tompkinsville, Choctaw County, Alabama—to the Committee on the Post-Office and Post-Roads.

By Mr. KENNA: Model and specifications of an invention of Messrs. Brace & Dubois, of Charleston, West Virginia, of a gun-spade, for military purposes—to the Committee on Military Affairs.

By Mr. LORING: The petition of Benjamin Webb, for compensation for the loss of the brig Leontine, sunk by collision with a United States steamship in 1868—to the Committee of Claims.

By Mr. LYNDE: The petition of the governor of Chickasaw Nation, for the payment of interest on trust funds held by the United States—to the Committee on Appropriations.

By Mr. McMAHON: The petition of Charles Perkins and 84 other wounded soldiers, favoring the passage of the bill (H. R. 2059) for the equalization of pensions—to the Committee on Invalid Pensions.

Also, the petition of John Sherdan and 19 other disabled soldiers at Augusta Home, of similar import—to the same committee.

Also, papers relating to the pension claim of Catherine Lee—to the same committee.

By Mr. MITCHELL: Resolutions of the General Assembly of Pennsylvania, requesting the passage of a bill to enable citizens to settle upon public lands—to the Committee on Public Lands.

Also, resolutions of the General Assembly of Pennsylvania, requesting the Representatives in Congress from that State to favor the immediate construction of the Texas Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. WALKER: Resolutions of the Chamber of Commerce of Richmond, Virginia, in favor of the immediate repeal of the bankrupt law—to the Committee on the Judiciary.

By Mr. WIGGINTON: The petition of E. Hattery and 375 others, for the passage of the bill (H. R. No. 3232) for the relief of settlers on certain lands in the State of California—to the Committee on Public Lands.

Also, the petition of Antonio Quintana and 150 other citizens of Los Angeles County, California, for compensation or other relief for lands granted them by the Mexican government and afterward declared a part of the public lands of the United States Government—to the same committee.

IN SENATE.

MONDAY, *May* 13, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a copy of a letter from the Second Auditor of the Treasury, showing that after June 30, 1878, payment of claims for arrears of pay and bounty due discharged soldiers of the regular and volunteer forces will cease if reappropriations to continue such payments are not made prior to that date; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, submitting a draught of a bill to prevent frauds upon the customs revenue, and recommending its favorable consideration; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Adjutant-General of the Army proposing a substitute for section 5485 of the Revised Statutes of the United States, relative to attorney-fees in claims for bounty, &c., and a brief of certain correspondence wherein the necessity of the proposed amendment is shown; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of William R. Browne and Thomas Fitch, citizens of Connecticut, praying that they may be paid the sum of $20,000, with interest from 1855, out of the Japanese indemnity fund on account of certain losses sustained by them; which was referred to the Committee on Foreign Relations.

He also presented resolutions of the Osceola Council, No. 23, Order of United American Mechanics, of Brooklyn, New York, against any change in the tariff duties on imports which would affect American labor; which were referred to the Committee on Finance.

Mr. ANTHONY. I present the petition of George E. Matheuny, Benjamin O. Durant, Moore & Angell, and numerous others, hat manufacturers in the city of Providence, Rhode Island, praying for the abolition of the duty levied on hatters' black silk plush, which is manufactured in France and is not manufactured at all in this country, and protects no industry of ours. It is a raw material and cannot be used for any other purpose than in the manufacture of hats. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN. I present the petition of G. L. Dyer, master in the United States Navy, who represents that he has been injured by the promotion of one U. M. Wood, who was not by law entitled to promotion, and he prays for such reparation of his injuries as Congress shall adjudge proper. I would have presented this petition some days since but for the fact that I have been absent. I move that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. MATTHEWS presented the petition of R. W. Wilson & Co. and others, engaged in the manufacture and sale of silk hats, praying for the abolition of the duty on hatters' black silk plush, or its reduction to not more than 10 per cent. ad valorem; which was referred to the Committee on Finance.

Mr. BOOTH. I present the following resolution of the District Council Sovereigns of Industry of the District of Columbia:

Resolved, That the Council of the District of Columbia, Sovereigns of Industry, representing two thousand families in said District, does hereby respectfully petition the Congress of the United States to enact such a law as will insure full weight to purchasers of coal and compel coal dealers to send the certificate of a properly appointed Government weigher with every load of coal delivered in the District of Columbia.

I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. BUTLER presented the petition of William Wallace and 150 others, citizens of Columbia, South Carolina, praying for the repeal of the clause in the national-banking laws which levies a tax of 10 per cent. on the circulating notes of State banks; which was referred to the Committee on Finance.

Mr. SAUNDERS presented the petition of Sarah Ireland, of Sarpy County, Nebraska, praying for a pension on account of the services to the Government of her two sons during the late war; which was referred to the Committee on Pensions.

Mr. SARGENT presented the memorial of Marder Luse & Co., of San Francisco, California, remonstrating against the passage of a law to refund to Miller & Richard the amount of a fine imposed upon them as a penalty for undervaluing a lot of goods through the custom-house at that place; which was referred to the Committee on Finance.

He also presented the petition of R. H. Hewitt and others, printers, stereotypers, &c., of California, praying for the passage of a law imposing a tariff duty of thirty cents per pound upon all stereotype and electrotype plates imported into the United States; which was referred to the Committee on Finance.

Mr. MORRILL. I present the petition of A. J. Johnson and William M. Merrill, of Boston, and other mechanics of that city and vicinity. They "respectfully represent that they have seen presented in the House of Representatives a resolution to enforce what is known as the eight-hour law, that is to pay laborers employed on Government works as much pay for eight hours' labor as the same class of men are paid for ten hours' work elsewhere," and they conceive that this is a "great outrage to those mechanics who from political or other reasons have never been able to get employed in the navy-yards or other public works. The extra pay these few will get comes out of us," they say, "in the way of taxes on the great body of the industry of the country;" and they assert that "not one in ten thousand of the mechanics or laborers of the country can be employed on Government works, and those who get this employment are the henchmen of the members of Congress for whose election they work, as every one familiar with the subject knows."

They also represent that they are "not among the thriving laborers of the country. When it is seen that in all agricultural and farming occupations there can from the necessity of the case be no such thing as the regulation or limitation of the hours of labor, and that this department of industry requires more labor than all the other departments together, and that the burden of taxation falls more heavily upon this interest than on any other," it seems strange to them, they assert, that any one fit to go to Congress should advocate the paying of political laborers 20 per cent. more than better mechanics elsewhere can get. They respectfully pray "that the eight-hour law be repealed, or so enforced as that the men who get on Government work shall not be paid any more than others can get, or if they can, that their extra pay shall come out of the salaries of the members of Congress who get them the work."

Mr. HOAR. I should like to inquire how many signatures there are to that petition.

Mr. MORRILL. It is signed by A. J. Johnson, William M. Merrill, A. F. Heath, Thomas R. Harriman, Austin P. Carter, S. P. Hall, and Horace A. Mills; and they assert in a postscript that they could get every honest mechanic to sign it if they had the time to present this paper to them.

Mr. HOAR. They found five or six honest mechanics in Massachusetts who have signed it so far.

Mr. MORRILL. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. KIRKWOOD presented the petition of Oscar L. Clyde, of Minnesota, praying a correction of his record in the War Department, and that he have an honorable discharge, and that he be paid the back pay and bounty claimed to be due him; which was referred to the Committee on Military Affairs.

He also presented the petition of Josiah Kellogg, late private Company G, Forty-Sixth Iowa Infantry Volunteers, praying for a pension; which was referred to the Committee on Pensions.

Mr. WITHERS presented the petition of H. G. C. Warder, of Virginia, administratrix of the estate of Samuel Warder, deceased, praying that her claim for compensation for property alleged to have been taken from the estate of the decedent and appropriated by the United States military forces during the late war, and which was referred to the southern claims commission and disallowed, may be recommitted to that commission for further consideration; which was referred to the Committee on Claims.

He also presented resolutions of the Chamber of Commerce of Richmond, Virginia, in favor of the immediate repeal of the bankrupt law; which were ordered to lie on the table.

Mr. HOWE presented a letter from the Secretary of the Interior, transmitting the petition of Anna M. Clark, of Florida, praying confirmation of a certain private land claim in that State; which was referred to the Committee on Private Land Claims.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Mrs. M. A. McClannahan, of Knoxville, Tennessee, praying compensation for the alleged use and occupancy of her property by United States military forces during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 380) to provide for circuit and district courts of the United States at Toledo, Ohio, reported it with an amendment.

He also, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1896) for the relief of Nancy A. Herrick, of Rochester, New York, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 854) for the adjudication of title to lands claimed by José Apis and Pablo Apis in the State of California, reported it with an amendment.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred a letter from the Secretary of War with reference to an appropriation for wagon roads in Colorado and New Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

BILLS INTRODUCED.

Mr. BARNUM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1233) for the relief of David Huestis; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1234) for the relief of the heirs of Sheldon S. Hartshorn; which was read twice by its title, and referred to the same committee.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1235) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1235) making an appropriation for the erection of a light-house at the heads of Port Orford, in Oregon, on the Pacific coast; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1237) to declare the legal effect of permits granted by the President of the United States to purchase products of the insurrectionary States; which was read twice by its title and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1238) to levy a tax on the sale of spirituous and malt liquors in bar-rooms and all places where intoxicants are sold by the drink in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EUSTIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1239) for the relief of Edward H. Wilson; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1240) to provide for steamship mail service between Galveston, Texas, and Vera Cruz, Mexico; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

NORFOLK HARBOR.

Mr. JOHNSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to furnish the Senate with the late report of the advisory board relating to the harbor of Norfolk, Virginia, together with the estimates for the work recommended.

POST-ROUTE IN GEORGIA.

Mr. GORDON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be directed to inquire into the expediency of establishing a post-route from Dublin, Lawrence County, Georgia, to Red Bluff, Montgomery County, Georgia.

AMENDMENTS TO APPROPRIATION BILL.

Mr. CONOVER, from the Committee on Post-Offices and Post-Roads, reported an amendment to the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations.

Mr. BARNUM and Mr. BUTLER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which, with the accompanying papers, was referred to the Committee on Appropriations.

AMENDMENTS TO POST-ROUTE BILL.

Mr. BUTLER and Mr. HILL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4283) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

CHARLES COLLINS.

Mr. SAULSBURY. Some days ago I made an adverse report on the bill (S. No. 980) for the relief of Charles Collins, and on my motion the bill was indefinitely postponed. I should like to have the bill and the papers accompanying it recommitted to the Committee on Post-Offices and Post-Roads for further consideration.

The PRESIDENT *pro tempore*. The Senator from Delaware asks to reconsider the vote by which the bill was indefinitely postponed and that the bill be recommitted to the Committee on Post-Offices and Post-Roads with the accompanying papers. The Chair hears no objection, and it is so ordered.

JOHN C. BIRDSELL'S PATENT.

Mr. HOAR. The bill (S. No. 501) for the relief of John C. Birdsell was recommitted to the Committee on Patents, and I ask unanimous consent that this case may be restored to its old place on the Calendar. The bill was reported from the committee, and after the committee had made their report and the bill had been on the Calendar some weeks one of the members of the Committee on Patents recollected that there had been a communication made to him in behalf of a respondent who desired to oppose the claim; and therefore the committee requested that the bill be recommitted to them. A full hearing has been given the respondent. That being an accident for which the petitioner was not in fault, but an accidental forgetfulness on the part of the members of the committee, we ask unanimous consent that the case may stand in its old place on the Calendar. I do not propose to call it up this morning.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the bill will be placed on the Calendar in its former position before the recommittal.

PARDON OF ALLEGED DESERTERS.

Mr. SARGENT. Some time since the Committee on Military Affairs reported back adversely the bill (S. No. 1094) for the pardon of certain deserters from the United States Army in 1848, and moved its indefinite postponement, and it was indefinitely postponed by the Senate. That was done, I think, under an error as to the intention of the bill, as it was supposed to be covered by another bill which the committee at that time reported. I ask unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered, and that it be referred again to the Committee on Military Affairs; and then I have an amendment which I wish to send to the committee.

These deserters were thirty-nine or forty men who some thirty years ago went in what was called Stephenson's Regiment, the First New York Cavalry, around the Horn to California. They were really armed emigrants. Under the influence of the gold fever, which at that time existed, some forty members of the regiment deserted and went to the mines. There were very peculiar circumstances excusing the act of these parties. Nearly everybody left; captains of ships left their ships, &c., and the wonder is that not more than forty members of this regiment left it. I ask that the bill be sent back to the committee in order that they may consider the propriety of giving these persons a discharge. Some of them are now dead. Many of them are among the first citizens of our State. They were the Argonauts. Many of them since that time have made good reputations in the community, having acquired property, &c., and they want this stigma, made in time of youth, thirty years ago, and under very peculiar circumstances, removed from their record.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent that the vote by which the bill was indefinitely postponed be reconsidered for the purpose of recommittal to the Committee on Military Affairs.

Mr. MAXEY. I will state in connection with what has been said by the Senator from California, as the bill was reported by myself on behalf of the Committee on Military Affairs, that our judgment was that the bill just now mentioned was covered by Senate bill No. 1114, to amend the one hundred and third article of war, which was also reported from the committee at that time. Since that report was made, however, a fact has been called to the attention of the committee, being a proclamation of the President, which I understand bears very materially upon the question at issue, about the time referred to by the Senator from California. The Military Committee did not examine that proclamation, because their attention was not called to it. For that reason I join with the request of the Senator from California, because the committee doubtless desire to do right.

The PRESIDENT *pro tempore*. There being no objection, the vote will be reconsidered and the bill recommitted to the Committee on Military Affairs.

Mr. SARGENT. Now I ask leave to submit an amendment to the bill, that it may go to the committee with the bill.

The PRESIDENT *pro tempore*. The amendment will be printed and referred to the Committee on Military Affairs.

OREGON CENTRAL RAILROAD COMPANY.

Mr. MITCHELL. I ask the Senate to proceed to the consideration of the bill (S. No. 306) amendatory of the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon." I do not think it will require very long to consider it. The bill merely extends the time enabling a railroad company to complete the rest of its road.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

JOHN F. SUTHERLIN & BROTHER.

Mr. VOORHEES. I wish the Senate to take action on the bill (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana. It is a unanimous report from the Finance Committee. It involves a settlement with the Commissioner of Internal Revenue of some unsettled taxes.

The PRESIDENT *pro tempore*. There is a bill pending, of which the Senator from Oregon asks the present consideration.

Mr. VOORHEES. I hope the Senator from Oregon will allow me to call up this bill.

Mr. MITCHELL. Certainly, if it does not lead to discussion.

Mr. VOORHEES. I hope the Senate will pass the bill. It is a matter that is unanimously reported from the Finance Committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana.

The bill was reported from the Committee on Finance with an amendment, to strike out all after the word "distillers," in line 6, and to insert:

By receiving in full discharge thereof the amount of tax due upon the actual number of gallons of proof-spirits produced by them, without further claim in the nature of damages, penalty, or other charge.

So as to make the bill read:

That the Commissioner of Internal Revenue is hereby authorized and directed to settle the claim or account of the United States against said John F. Sutherlin & Brother, of Parke County, Indiana, distillers, by receiving in full discharge thereof the amount of tax due upon the actual number of gallons of proof spirits produced by them, without further claim in the nature of damages, penalty, or other charge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. VOORHEES. I also desire action upon the bill (H. R. No. 1889) for the relief of David W. Cheeseman, of Lake City, in Lake County, in the State of Oregon, which was reported from the Committee on Finance.

Mr. MITCHELL. I have the floor, but I yield to the Senator from Indiana for that purpose.

Mr. MORRILL. The Senator from Indiana had better not call up that bill this morning. It will probably have to be discussed a little.

Mr. VOORHEES. Very well. If there is any objection of course I shall not press it.

The PRESIDENT *pro tempore*. If there be no objection, the bill which has just been read at length is before the Senate as in Committee of the Whole.

Mr. McMILLAN. That bill seems to be one of an important character. I have not had an opportunity of examining the bill, and I desire to have such an opportunity. I hope the Senator from Oregon will not ask that the bill be considered now during the morning hour.

Mr. MITCHELL. I will state that the bill has been on the Calendar something over a month now, and it was reported from the Committee on Railroads. I am very anxious to get as early action as possible. At the same time, if the Senator from Minnesota or any other Senator desires further time to examine the matter I shall not press it this morning, but give notice that to-morrow morning, as soon as the morning business is over, I shall ask the Senate to proceed to the consideration of the bill. I will simply state in this connection that the bill merely proposes an extension, under restrictions and conditions, of a land grant made in 1870 to enable this company to complete its road. The road has been completed with the exception of some ninety miles, and this is simply an extension of time to enable them to complete the road.

Mr. McMILLAN. I have no objection to a reasonable extension of time to any road the construction of which has been authorized by Congress, of course, but I simply desire to look into the matter.

Mr. MITCHELL. That is all that this is; but that the Senator may have an opportunity to examine the bill I will let the matter go over until to-morrow, giving notice that to-morrow morning, at the conclusion of the morning business, I shall endeavor to have the bill considered, and I hope the Senate will grant me that privilege.

POTTAWATOMIE LAND PATENTS.

Mr. INGALLS. I was absent while the Calendar was under consideration a few days ago, and a bill which I had reported from the Committee on Indian Affairs was laid over to await my return. It is a matter affecting a few of my constituents and I ask the Senate to oblige me by considering it now. It is Senate bill No. 766.

There being no objection, the bill (S. No. 766) to legalize certain patents issued to members of the Pottawatomie tribe of Indians, was considered as in Committee of the Whole.

The Committee on Indian Affairs proposed to amend the bill in line 5, after the word "Kansas," by striking out the words "in accordance with" and inserting "under;" in line 8, before the word "eight," inserting the words "sixth and;" and in the same line, after the word "eighth," striking out the word "article" and inserting "articles;" so as to make the bill read:

That the patents issued April 15, 1871, to certain Pottawatomie Indians in the State of Kansas, under the third article of the treaty between the United States and the Pottawatomie tribe of Indians, of November 15, 1861, and the sixth and eighth articles of the treaty between the United States and said tribe of Indians, concluded February 27, 1867, be, and the same are hereby declared to be, valid and in full force and effect to the same extent as they would have been had said patentees become naturalized citizens of the United States prior to the issuing of said patents: *Provided*, That this act shall only apply to patents for lands for which conveyances have been made in good faith by the patentees subsequent to the issuing of their patents.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENTRIES UNDER SOLDIERS' HOMESTEAD LAW.

Mr. SARGENT. I ask for the consideration of the bill (S. No. 989) for the relief of certain settlers on public lands and to provide for the repayment of certain fees and commissions paid on said entries of public lands. I move to take it up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Public Lands reported the bill with amendments.

The first amendment was, in line 5 of section 1, after the word "commissions," to insert "and excess payments;" in line 17, after the word "commissions," to insert "and excess payments;" and at the end of the section to insert "and shall be payable out of the appropriation to refund purchase-money on lands erroneously sold by the United States;" so as to make the section read:

That in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,' and amendments thereto," approved March 3, 1873, and now incorporated in section 2306 of the Revised Statutes of the United States, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase-money on lands erroneously sold by the United States.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "commissions," to insert "and excesses;" so as to make the section read:

SEC. 2. In all cases where homestead or timber-culture entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the receiver of public moneys of the land office in which such entry was made shall repay to the person who made such entry the fees and commissions and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "shall," to strike out "be furnished with funds as disbursing officer of the United States to make the payments" and insert "repay such fees, commissions, and excesses the repayment of which is," and after the word "act," in line 5, to insert "out of any money in his hands received in payment of fees and commissions and excesses on like entries of public lands;" so as to make the section read:

SEC. 3. The receiver of public moneys shall repay such fees, commissions, and excesses the repayment of which is provided for in the second section of this act, out of any money in his hands received in payment of fees and commissions and excesses on like entries of public lands.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. There ought to be an explanation of the bill. It appears to be an important one and needs some explanation.

Mr. SARGENT. It is not a very important bill, although it is to some persons who paid fees on entries which subsequently were canceled. The Committee on Public Lands makes quite a lengthy printed report on the bill. The Senator may remember, and the Senate may remember, that in 1873 a law was passed authorizing soldiers who had entered upon eighty acres of land as a homestead to take eighty acres in addition. There was not the provision, which we have put in such measures subsequently, providing that it should be contiguous land. Under the operation of this bill certain parties made fraudulent applications, and these were sold to innocent parties. These innocent parties located them, paid their fees upon them, and the frauds were subsequently detected at the Land Office, and the parties lost the moneys which they paid to their vendors, and also the commissions and fees they paid the General Government. The object of this bill is to pay them back the fees and commissions. The Government of course does not desire to retain moneys collected under such circumstances. It is not a very large amount any way, but is considerable to these individuals. There are precedents for this action, but not applying to payments of this character. The whole

thing is very fully set out in the report by the Senate Committee on Public Lands, which can be read if the Senator desires.

Mr. DAVIS, of West Virginia. No; I do not want that. I ask what section of country does this bill specially affect?

Mr. SARGENT. All sections of the country. It does not affect one more than another; Iowa, Indiana, Minnesota, California, Oregon, everywhere where these additional soldiers' homesteads were located. Many of the entries were just and correct and the parties got the benefit of them.

Mr. DAVIS, of West Virginia. I ask the Senator is it so general as to be scattered all over the country? If so, it must involve a very considerable amount.

Mr. SARGENT. No; only a few in every State wherever these fraudulent claims have been located.

Mr. DAVIS, of West Virginia. I understand the bill is reported from the Committee on Public Lands.

Mr. SARGENT. Yes, sir; with a printed report.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERCOURSE WITH MEXICO.

Mr. MORGAN. I ask consent to take up certain resolutions which I offered on the 8th instant, in relation to our policy in intercourse with Mexico, with a view to postpone their consideration until to-morrow, when I desire to submit some remarks.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to take from the table certain resolutions which he names; is there objection? The Chair hears none.

Mr. HOAR. What are the resolutions?

The PRESIDENT *pro tempore*. Concurrent resolutions touching the relations of the United States of America with the Republic of Mexico. The Chair hears no objection to the request of the Senator from Alabama, and the resolutions are before the Senate.

Mr. MORGAN. I move that they be postponed until to-morrow.

The motion was agreed to.

INSPECTION OF FLOUR.

Mr. ROLLINS. I move to take up House bill No. 4425. It will not occupy more than a few moments.

The motion was agreed to; and the bill (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour was considered as in Committee of the Whole.

The bill amends section 6 of an act of the Legislative Assembly of the District of Columbia, approved August 21, 1871, entitled "An act relating to inspection of flour," so as to read:

That all and every barrel and half barrel of flour manufactured in the District, or brought to the same for sale, shall be subject to the examination of the inspector, by boring, searching, and trying it through with an instrument not exceeding five-eighths of an inch in diameter, to be provided by the inspector for that purpose, who shall afterward plug up the hole with a round plug, made of soft wood, so as to prevent the entrance of water; and if the inspector shall judge the same to be merchantable according to the direction of this act he shall, at the time of inspecting, mark or brand on the head or quarter of every barrel and half barrel of flour, in letters one half inch in length, the word "Georgetown" if inspected in Georgetown, and "Washington" if inspected in Washington, together with the word or words designating the degree of fineness which he shall, at the time of inspection, determine said flour to be entitled to, with the exception of the degree of superfine, which he shall mark or brand over the quarter; and the several degrees in quality shall be distinguished as follows: Family extra, superfine, fine, and first middlings. And for the inspection of which the said inspector shall have and receive of the owner or agent of said flour, for each and every barrel and half barrel, one cent and one drawing of flour for all inspected in Washington or Georgetown; and every barrel or half barrel of flour which shall prove, on examination thereof, to be unmerchantable, according to the true intent and meaning of this act, the said inspector shall mark on the head or quarter with a broad arrow, and no barrel or half barrel of flour not examined and branded by the inspector as aforesaid shall be sold within the District under penalty of $1 for each and every barrel or half barrel, to be paid by the person or persons so offending.

The Committee on the District of Columbia proposed to amend the bill in line 27, by striking out the word "inspection" and inserting "inspector."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES J. WARING.

Mr. BAYARD. I ask the Senate to consider the bill (H. R. No. 251) for the relief of James J. Waring, of Savannah, Georgia, which was unanimously reported from the Committee on Finance on the 23d of April, and it will take but a few moments for its consideration.

There being no objection, the bill (H. R. No. 251) for the relief of James J. Waring, of Savannah, Georgia, was considered as in Committee of the Whole. It provides for refunding to James J. Waring eight hundred and ninety dollars, in gold, and one cent, on account of that amount having been paid by him on a portion of the steam-plow machinery imported by him, which was ordered when the same was duty free, but a portion of which did not arrive in the United States until after duty was established on the same.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. DORSEY. I move now that the Senate proceed to the consideration of House bill No. 4246, the post-office appropriation bill.

Mr. WALLACE. I hope the Senator will give way after it is taken up and allow me to call up a small bill.

Mr. DORSEY. The bill comes up after the morning hour as unfinished business. The morning hour has not quite expired, and I think we shall get through with the bill in a short time. I will yield to the Senator from Pennsylvania one moment.

WILLIAM BRINDLE.

Mr. WALLACE. I move to proceed to the consideration of the bill H. R. No. 2132.

The motion was agreed to; and the bill (H. R. No. 2132) to pay for clerical services and extraordinary expenses under the seventh section of the act of August 18, 1856, in the Pawnee land district in Kansas, was considered as in Committee of the Whole.

In accordance with the seventh section of the act of August 18, 1856, and the settlement of the account of William Brindle, receiver of public moneys and disbursing agent in the Pawnee land district in Kansas, under and in accordance with that act, and the report by the Secretary of the Interior to Congress on January 23, 1861, as required by the act, the bill appropriates $4,713 to be placed to the credit of Brindle, late receiver, to bear date from January 26, 1861, being the date of settlement and report of the account.

The Committee on Finance reported an amendment, to insert at the end of the second section the words "reserving, nevertheless, the right of appeal to either party from the judgment of the said court;" so as to make the section read:

SEC. 2. That the suit now pending in the district court of the United States for the eastern district of Pennsylvania, at May sessions, 1877, No. 4, brought by the United States against William Brindle, shall not be withdrawn, discontinued, nor abandoned by the United States without the written request or consent in writing of the said William Brindle, filed of record therein; and in the trial of said cause, the said court shall hear and determine all disputes and differences between the United States and the said William Brindle in reference to his various accounts as receiver and acting disbursing agent of public money in the Pawnee land district in Kansas, and also in relation to his accounts as special receiver of Indian trust moneys received and expended under the Indian treaties of May 6, and May 30, 1854, as well under said Indian treaties as under the laws of the United States; and the said William Brindle, in the trial of said cause, shall be permitted and be entitled to make defense and claim set-off in his favor in said court if said court shall determine him to be entitled thereto, with the same effect as if said suit were commenced by an individual against the said William Brindle; and said set-off shall not be barred by any statute of limitations. And should the said court, in the said trial, determine that there is a balance due to the said William Brindle upon said accounts, the court shall certify the amount so found to be due to him to the Secretary of the Treasury of the United States for payment out of any moneys in the Treasury not otherwise appropriated, reserving, nevertheless, the right of appeal to either party from the judgment of the said court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

NUMIS H. COVERDALE.

Mr. BAYARD. I ask the Senate to proceed to the consideration of——

Mr. DORSEY. I yielded the floor for a moment to the Senator from Pennsylvania for the purpose of considering a bill which has been considered and passed. I move now that the Senate proceed to the consideration of the post-office appropriation bill.

Mr. SAULSBURY. I wish the Senator from Arkansas would give way to my colleague to pass a House bill to which there will be no objection.

Mr. BAYARD. It is a House bill which will lead to no debate.

Mr. DORSEY. I yield for a moment.

Mr. BAYARD. I ask the Senate to proceed to the consideration of the bill (H. R. No. 3121) for the relief of Numis H. Coverdale.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides for the payment to Numis H. Coverdale of $6,718, being the balance of the amount of money reserved on payments made to him on behalf of his contracts of July 27, 1863, and March 29, 1864.

Mr. BAYARD. I ask the Senator from California [Mr. SARGENT] to state the circumstances of this case.

Mr. HOAR. Has the bill been before any committee of this body?

Mr. BAYARD. There is a report from the House Committee on Naval Affairs. The Senator from California will explain the case.

Mr. SARGENT. The report was made in the House by a colleague of the Senator from Massachusetts, [Mr. HARRIS;] I believe a very careful man. The Committee on Naval Affairs of the Senate did not make a written report in the case because the report of the House committee is so full in all its particulars and so correct, as we discovered by our examination of the case, that it was entirely unnecessary; and we reported the bill back with this report accompanying it.

The facts in the case are that in 1863 or 1864 Mr. Coverdale, the beneficiary of this bill, made a contract with the Navy Department to deliver white oak at the navy-yard at Philadelphia, and also a contract to deliver it at Brooklyn, New York. By the terms of the contract, as was usual in those days, 20 per cent. of the sum due was reserved on the amount he delivered up to the completion of the con-

tract until the rest should be delivered. Under this contract the party went on in good faith and did deliver the white oak at these two navy-yards until the amount of the reservation amounted to $6,719.15.

After this, he had all the white oak to complete his contracts ready to ship from Wilmington, when, on account of a raid made by confederate forces into Maryland, cutting the communication between Havre de Grace and Baltimore, the military officer in command of the United States forces at Havre de Grace sent a requisition for all vessels at Wilmington and other places, to be immediately sent to Havre de Grace to furnish means of communication to transport troops and supplies, &c., from Havre de Grace to Baltimore and Washington. The vessels which were then loading with this lumber to fulfill these contracts were seized and were taken to Havre de Grace and were detained there for weeks. Meanwhile the time during which the lumber could be delivered expired and a forfeiture occurred, not by the fault of this party, but by the fault of the Government, if there was any fault, or from the emergency which so arose causing a failure of the fulfillment with the Government, leaving the reservation still in the hands of the Government. The party offered to deliver white oak from other places, but the officers at these yards refused to take the oak excepting coming from Wilmington and of the exact character described. The result was that the party, without his own fault, has been left without the payment of this percentage. We think it is only just and right to him that the Government should pay this money over to him, which was the ascertained value at that time of the goods which he did deliver, their further delivery being prevented by the act of the Government itself. On these principles, thinking the equity entirely with this party, we concurred with the House in recommending the passage of the bill.

Mr. COCKRELL. Do I understand that the contract was not completed on account of the refusal of the Government, after this lapse of time, to receive the goods when the contractor offered to go on and finish the contract at the same price?

Mr. SARGENT. I did not say that. I stated that, at the time in 1864 when the party found the Government had seized the vessels which he had brought to transport the lumber, he then offered to furnish other lumber, but the Department declined to receive that; and the result of it was that he was unable to fulfill his contract at all except to the extent that he had up to the time of the seizure of the vessels.

Mr. COCKRELL. Why could he not have fulfilled the contract, but for the lapse of time, after that? After the expiration of the time, did he offer to go on and complete the contract?

Mr. SARGENT. He was treated as in default, and the Department refused to receive any further compliance with it. They purchased other lumber to fulfill the contract at a cost over Coverdale's contract price.

Mr. COCKRELL. After the Government had prevented him from fulfilling the contract, did he offer to go on and complete it at the same price? That is the point I want to get at.

Mr. SARGENT. The Government needed this oak for a particular purpose. He was prevented from fulfilling his contract by the cause which I have mentioned. The Government then went on and bought it of other parties, and did not need it of him, and would not receive it from him. They declared him in default, his contract forfeited, and bought from other parties. The amount of percentage coming to him was 20 per cent. of the contract price which he was to receive, and they held it as security that he would keep his contract within the time limited. This is not a gratuity to him at all, but it is simply the honest value of the lumber that had been furnished up to that time.

Mr. COCKRELL. The point I was making is this: this amount was reserved in order to secure the completion of the contract, and the Government prevented him from completing the contract within the time specified. He was willing after that, as the Government was the party in default, to go on and complete his contract.

Mr. SARGENT. He was, but the Government did not need the lumber at that time. They bought it of other parties.

Mr. COCKRELL. The Government refused to let him go on and complete his contract?

Mr. SARGENT. So I understand.

Mr. SAULSBURY. I know this gentleman. He was greatly damnified by the action of the Government. In consequence of his not being able to get this money, his creditors came down upon him; and he, a man who was in comfortable circumstances, was sold out, and to-day is working for his support, whereas the Government is keeping in the Treasury the 20 per cent. due him on lumber it actually received. I think if every member of the Senate understood the case there would not be the slightest objection to the passage of the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876.

The message also announced that the House had passed the bill (S. No. 930) granting a pension to Mary B. Marsh.

The message further announced that the House had passed the bill (S. No. 926) for the sale of timber lands in the States of California and Oregon and in Washington Territory, with amendments, in which it requested the concurrrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 314) to confirm the term for the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston;

A bill (H. R. No. 775) for the restoration to market of certain lands in the Territory of Utah;

A bill (H. R. No. 2138) to pay Mary Fearon and Jessie Crossin, executrices of Samuel P. Fearon, deceased, for certain registered United States bonds redeemed by the Government on forged assignments and power of attorney;

A bill (H. R. No. 2139) making appropriation for the payment of Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named for value of the stores and supplies taken and used by the United States Army;

A bill (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States;

A bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws;

A bill (H. R. No. 4327) for the relief of certain laborers employed upon the Government works;

A joint resolution (H. R. No. 153) providing for the issue of arms to Territories;

A joint resolution (H. R. No. 178) to pay the laborers known as the cloak-room men and to place them on the Doorkeeper's roll; and

A joint resolution (H. R. No. 179) giving the consent of the Congress of the United States to the Legislature of the State of Nebraska to cede and transfer certain territory now under the jurisdiction of the State of Nebraska to the State of Missouri, the Legislature of Missouri consenting thereto.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

An act (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876;

A bill (H. R. No. 3987) to regulate the advertising of mail-lettings, and for other purposes;

A joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes of the United States; and

A joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore.* The morning hour has expired, and the unfinished business of Friday's session, being the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. DORSEY. Before the Senate proceeds to the actual consideration of this bill, I wish to say a word or two in regard to the general character of it.

As it came to the Senate from the House of Representatives it appropriated $33,140,000, in round numbers. The Senate Committee on Appropriations have added enough to make the amount as reported to the Senate $33,996,000, which is short of the estimates $2,431,000 and $109,000 less than was appropriated for the same service last year.

The most important change made by the Senate Committee on Appropriations in this bill is in regard to the compensations to railroads, the increase in that one item being $535,000. The other increases are small in amount. In the matter of letter-carriers, the committee have added $135,000 additional, which makes the same sum that was appropriated three years ago for this service. It provides nothing for increase or growth. In regard to the letter-carrier system I will say that it is about the only bureau of the Post-Office Department that pays its way. Four cities in the United States pay a surplus into the Treasury from this service alone of $897,000, New York paying $742,000, Philadelphia $130,000, Boston $5,000, and San Francisco $18,000. The deficiencies in other cities were more than made up by these excesses, so that the surplus in round figures is $360,000. This service has not been extended to any new cities within the last three years, if I am correctly informed, and the number of letter-carriers in cities where the service existed before has not been increased. The committee recommend an increase in the appropriation for railway post-office clerks of $50,000, which makes the amount very much less than the estimate and very much less than what the Department think they can get along with. There are some increases of a minor character in three or four other items, which will be explained as we reach them in the course of the reading of the bill.

I ask that the five-minute rule be applied to this bill and that the

amendments be acted upon as the reading of the bill is proceeded with.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senator from Arkansas asks that the five-minute rule be applied to the consideration of this bill.

Mr. BECK. I do not object to the five-minute rule being applied to the bill and amendments of the Committee on Appropriations; but there are other important amendments to be proposed, as we have been advised, among others, for example, the Brazilian mail subsidy and another changing the whole system by a new bill from the Post-Office Committee, and I shall surely object to the five-minute rule applying to those amendments.

Mr. DORSEY. I ask that the five-minute rule be applied to the bill and the amendments of the Committee on Appropriations.

Mr. BECK. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Arkansas? The Chair hears no objection, and the five-minute rule will be applied to the bill and the amendments proposed by the Committee on Appropriations. The bill will now be read, and the amendments of the Committee on Appropriations acted on as they are reached in the reading.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was after the word "Revised Statutes," in line 17 of section 1, to insert "except such, not exceeding ten in number, as are appointed by the Postmaster-General to duty at such important points as he may designate;" so as to read:

Provided, That hereafter the per diem pay of all special agents appointed under section 4017, Revised Statutes, except such, not exceeding ten in number, as are appointed by the Postmaster-General to duty at such important points as he may designate, shall only be allowed when they are actually engaged in traveling on the business of the Department.

Mr. DORSEY. I have another amendment to offer here.

Mr. DAVIS, of West Virginia. Will not the Senator let the amendment proposed by the committee be first adopted?

Mr. DORSEY. I have no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. DORSEY. I now move further to amend that clause by inserting after the word "designate," in the amendment just adopted, the following:

And nine assistant superintendents of railway mail service as may be detailed to act as superintendents of division of railway mail service.

Mr. INGALLS. That does not properly come in there.

Mr. MORRILL. I call the attention of the Senator from Arkansas to the fact that the limitation that follows his amendment applies to the special agents; but after his amendment is inserted it will apply to these new appointments.

Mr. DORSEY. The appointments for special agents and for railway mail service are both made under the same section of the Revised Statutes, to wit, section 4017. These persons are first appointed special agents and then assigned to duty by order of the Postmaster-General as assistant superintendents of railway mail service, so that all come under the same head of "special agents."

Mr. INGALLS. Is it not the purpose of the Senator from Arkansas to designate nine additional superintendents of railway mail service or to limit their pay?

Mr. DORSEY. The purpose is to allow the Postmaster-General to detail nine special agents appointed under section 4017 of the Revised Statutes who shall act as assistant superintendents of railway mail service

Mr. INGALLS. That is what I supposed: but as inserted in the bill the result will be that their pay will be limited, and not that they will be designated for service.

Mr. DORSEY. If the Senator will turn back in the bill he will find that they will receive the $5 extra during the whole year by inserting the amendment here, while if they were not named here they would only receive the $5 a day while traveling.

Mr. INGALLS. The amendment reported by the committee is "except such, not exceeding ten in number, as are appointed by the Postmaster-General to duty at such important points as he may designate." The following language limits the pay of those provided for in that amendment of the committee to the time that they are actually engaged in traveling on business of the Department. Now, I submit to the Senator that if he desires to provide in this bill that the Postmaster-General may designate nine additional superintendents of railway mail service, he should not put it in connection with that amendment. It does not belong there.

Mr. DORSEY. I do not understand why it does not belong there.

Mr. DAVIS, of West Virginia. I understand the amendment in this way: at present the law provides for a number of special post-office agents, and nine out of this number are designated as special railway mail superintendents. The intention of the amendment is that these nine men shall have $5 a day as traveling expenses, while the remainder not designated by this bill get $5 a day only when actually traveling. I understand that to be the substance of the amendment, and I think it comes in properly to cover the point.

Mr. DORSEY. If the Senator from Kansas will look back he will see—

That hereafter the per diem pay of all special agents appointed, under section 4017, Revised Statutes, except such, not exceeding ten in number, as are appointed by the Postmaster-General to duty at such important points as he may designate.

And this adds the further exception of the nine which are detailed as superintendents of railway mail service. Those nineteen are excepted from the provisions of this section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

Mr. BECK. Perhaps as the section of the Revised Statutes has not been read it might be as well to read it, so as to make it perfectly plain. The Postmaster-General by section 4017 is authorized to employ "such number of other special agents as the good of the service and the safety of the mail may require. Such agents shall be entitled to a salary at the rate of not more than $1,600 a year each, and shall each be allowed for traveling and incidental expenses, while actually employed in the service, a sum not exceeding $5 a day." The House has limited that by saying that the per diem "shall only be allowed when they are actually engaged in traveling on the business of the Department." We have excepted certain classes who may be located at very important points and not be traveling, and restored the section of the Revised Statutes as to them, allowing them pay while actually engaged in the service; and they are just as much engaged in the service while located at New York, Philadelphia, or other places where they have to pay about $5 a day, as they would be if they were traveling. It makes an exception of that class so necessarily located.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 26, section 1, to increase from $25,000 to $40,000 the appropriation "for preparation and publication of post-route maps."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, line 84, after the word "dollars," to insert "or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court;" so as to read:

And any postmaster who shall make a false return to the Auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than $50 nor more than $500, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 1, after the word "dollars," in line 103, to strike out "and, further, shall be disqualified from holding any office of trust or profit under the United States;" so as to read:

And any postmaster, or other person connected with the postal service, who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars.

Mr. COCKRELL. I think that clause ought to be retained, but placed in a different position.

Mr. DORSEY. The Committee on Appropriations thought that the imposition of that disqualification on a person guilty was proposing a rather difficult and hard sentence, and there was also some doubt expressed as to whether the Congress of the United States had power to disqualify any person from holding an office under the United States for perpetrating a crime of that kind.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out the words.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, line 105, to increase the appropriation "for compensation to clerks in post-offices," from $3,440,000 to $3,500,000.

The amendment was agreed to.

The next amendment was, in lines 107 and 108 of section 1, to increase the appropriation "for payment to letter-carriers" from $1,800,000 to $2,000,000.

The amendment was agreed to.

The next amendment was, in section 1, line 115, to increase the appropriation "for rent, light, and fuel," from $380,000 to $400,000.

The amendment was agreed to.

The next amendment was, in section 1, line 117, to increase the appropriation "for office furniture" from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, in section 1, line 119, to increase the appropriation "for miscellaneous and incidental items" from $80,000 to $100,000.

The amendment was agreed to.

Mr. MAXEY. I desire to offer an amendment to come in just at the point where the Clerk is reading, at line 120.

The PRESIDING OFFICER. The amendment can be offered after the amendments of the Committee on Appropriations are gone through.

Mr. WITHERS. I give notice that I desire to offer an amendment to the Senator's amendment when it shall be presented.

Mr. DORSEY. As soon as the amendments of the Committee on Appropriations are acted on by the Senate, the Senator from Texas can propose his amendment to come in anywhere he likes.

Mr. MAXEY. I mentioned it now, because that seems to be the proper place for it to come in. But I will wait.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, line 127, to increase the appropriation "for transportation by railroad," from $9,100,000 to $9,635,000.

Mr. BECK. I should like to make a suggestion in regard to this amendment. If this amendment is adopted by the Senate, I want to know the effect of it, because the amendment that will be offered by the Senator from Texas, coming from the Committee on Post-Offices and Post-Roads, is in direct conflict with this, and necessarily supersedes it. This cannot remain as a part of the bill, and the amendment which the Senator from Texas proposes to offer also be incorporated in it. If this amendment be inserted here, can it be afterward stricken out?

Mr. DORSEY. I am not aware of the character of the amendment the Senator from Texas is about to propose.

Mr. BECK. I find that I was mistaken in the amendment that the Senator from Texas intends to propose; but the committee were advised, and I supposed the Senator from Texas was going to offer it, that the Committee on Post-Offices and Post-Roads will offer Senate bill No. 1142 regulating the transportation of mails on railroad routes, a bill of nine sections, altering and changing the whole system, and perhaps an improvement upon the present one, upon which we heard argument this morning, and upon which we desire to hear still further argument before the committee will be able to say whether this portion that is now in the bill sent from the House and amended by the committee of the Senate should remain, and I desire not to pass upon this clause of the bill in anticipation of what we know will be offered, and what the Post-Office Committee have assured us is a good improvement. Mr. Gardiner G. Hubbard, who has been on the special commission, has been insisting on it all the morning, and Mr. Vail, superintendent of the railway mail service also thinks it is an improvement. When the committee is considering it and expects to meet again to-morrow morning still further to consider it, I did not want anything done that would preclude it.

Mr. DORSEY. If the Senator from Kentucky will allow me, I will explain the matter.

Mr. BECK. I ask the question whether this being inserted now will preclude us from striking it out and having the other amendment put in if it is found to be better? I misunderstood what the Senator from Texas was about to offer.

Mr. DORSEY. The Senator from Kentucky is laboring under a misapprehension. The estimate of the Post-Office Department for the transportation of mail by railway is $10,145,000 as the laws now stand. That, it is represented, is the very closest estimate they can make, and the very least they can get along with. If, however, the manner of paying the railways is changed from weight to space, as they recommend, they say they can get along with $9,635,000, the exact amount which we have in this bill as amended. So that, if the Committee on Appropriations agree to the amendment suggested by the Committee on Post-Offices and Post-Roads, and the Senate put that amendment upon this bill, the appropriation as recommended in this paragraph is just the amount we should be required to make to carry out the law. If, on the other hand, no change be made in the present manner of paying railways, this sum should be increased to $10,145,000.

Mr. MAXEY. The amendment I was instructed by the Committee on Post-Offices and Post-Roads to offer is not an amendment to this clause as supposed by the Senator from Kentucky, but on a different subject. The members of the committee who have charge of that amendment will of course present it at the proper time. The one that I suggested I proposed to offer at the present time, but I am now told the proper time is after the Appropriation Committee's amendments have been acted upon.

Mr. DAVIS, of West Virginia. As I understand the rules, it is altogether competent at any time before the passage of this bill to offer an amendment, to strike out the whole section if necessary and insert another. That is optional with the Senate entirely; so that at any time before the passage of the bill, when the bill is reported to the Senate, or after it is reported to the Senate, it is perfectly competent to amend the amendment now made, if it be adopted; and that being the case I take it the Senator from Kentucky agrees with the committee that if the present provision is to remain in the law this amount ought to be increased.

Mr. DORSEY. The difficulty which the Senator from Kentucky suggests can be readily avoided, and I ask——

Mr. DAVIS, of West Virginia. I would suggest to the Senator from Arkansas that it would be better to go on and complete the bill as recommended by the Committee on Appropriations, and whatever amendment may be desired can be offered afterward.

Mr. DORSEY. Very well.

Mr. HAMLIN. This matter is very plain. Suppose amendments shall be offered subsequently in the Senate that will necessarily require an increased appropriation. Then when the bill comes from the Committee of the Whole to the Senate we shall adapt the sum to what the amendments shall require. If amendments shall be offered and not adopted, then the bill is all right as it stands.

Mr. DORSEY. I ask that a letter from the Second Assistant Postmaster-General on this subject be printed in the RECORD.

Mr. DAVIS, of West Virginia. But not read at present.

Mr. DORSEY. No. Let it be printed as an explanation.

The communication is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., May 6, 1878.

SIR: Referring to the provisions of House bill 4246, providing for the transportation of mails by railroad for the fiscal year of 1879, $9,100,000; and requiring a reduction of 5 per cent. in the rates of pay fixed for the weight of mails, I beg leave to submit the following statement for the consideration of your committee:

In the estimate of the cost of railroad service for 1879, presented in the annual report of the Postmaster-General, the cost for that year is set down at $10,140,126. The basis of that estimate is that the cost of the service on the 30th June, 1876, was $9,543,134. The actual reduction in the cost of the service, under the provisions of the act of July 12, 1876, was $935,547; and notwithstanding this deduction, the cost of the service on the 30th June, 1877, was $9,053,936, which is but $489,198 less than the cost of the service on the 30th June, 1877, leaving $446,302 as the amount attributable to the growth of the service for 1877.

From an actual statement of the monthly expenditures for railroad transportation, it is found that the $9,250,000 appropriated for the current year is at this time fully covered, and unavoidable obligations now resting upon the Department will carry the cost to over $9,400,000 as the figure with which to enter upon the new fiscal year, and this is aside from the readjustment to be made from July 1, 1878, on all railroad routes in the western section.

The readjustment for 1877 covered the New England section, where there is as little increase in the weight of mails as in any section of the country. The readjustment from July 1, 1878, will represent the section where there is the greatest development.

The number of miles of new service to be paid for in 1879 is at the present time nineteen hundred and sixty-nine. With this data, it is reasonable to conclude that the increased service for 1879 will reach 7 per cent. over the cost for 1878, which is the rate given in the estimates.

In a statement furnished the Committee on Appropriations of the House based on the cost of service to April 1, 1878, the estimate was made $10,045,637.05. Of this sum the present cost of railroad post-office service is $1,000,000; service under contract, $838,280.05, making the total sum exempt from any reduction $1,838,280.05; this deducted from the $10,045,637.05 leaves $8,207,357; this amount less the proposed abatement of 5 per cent. leaves $7,796,989.15; again adding the $1,838,280.05 makes the amount necessary to be appropriated, if the rates are reduced 5 per cent. as proposed by the House of Representatives, $9,635,269.20.

The amount proposed by the bill is $9,100,000.

Taking the current appropriation, $9,250,000, (the obligations of the Department are now considerably greater than that sum, and any other statement would be delusive,) as the basis for estimating the cost for 1879, on the plan proposed by the bill, would make the cost $8,879,414, which would leave for the expansion of the service $220,586.

Out of this, nineteen hundred and sixty-nine miles of new service are to be paid for for (say) one-half of 1878 and all of 1879; this will cost not less than $63,190.25 per annum, or for the period covered, $125,786.12; this would leave $94,799.28 to cover the increase from all other causes. That this sum, under the circumstances, is insufficient, cannot be doubted.

The railroad companies, especially those controlling the lines carrying light mails, which cover forty-eight thousand miles of road, have long complained that the requirements of the Department as to space, frequency of service, and the delivery of mails from stations to post-offices, are being constantly enlarged while the compensation has not been increased but diminished. It is conceded that in the main there is foundation for these complaints. If, therefore, the rates of pay are to be further reduced, the railroads should be relieved of the delivery of mails from stations to post-offices.

Very respectfully, &c.,

THOS. J. BRADY,
Second Assistant Postmaster-General.

Hon. S. W. DORSEY,
Committee on Appropriations, United States Senate.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the word "actually," in line 140 of section 1, to strike out "traveling" and insert "employed," so as to read:

Provided, That hereafter the Postmaster-General may appoint one agent only to superintend the postal railway service, who shall be paid, out of the appropriation for the transportation of the mail on railways, a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses while actually employed in the service not exceeding $5 per day.

Mr. KERNAN. "Incidental expenses, except while traveling," at $5 a day, with $2,500 a year, it seems is giving him about $1,500 more.

Mr. DORSEY. That is what it is, but we think he is worth it.

Mr. EDMUNDS. Then why do you not say so and put it into his compensation?

Mr. DORSEY. We do say so.

Mr. KERNAN. Why not call it $3,500 instead of $2,500, and not have these incidental expenses footed up at $5 a day?

Mr. DAVIS, of West Virginia. The provision offered by the committee is just as the law is to-day and has been for some time. The salary will not be increased or decreased by adopting the committee's amendment.

Mr. DORSEY. The salary of this officer has always been $2,500 a year and $5 a day. It is true he is not traveling all the time, but he travels a great deal, and when he travels his expenses are much more than $5 a day. He is at the head of one of the most important bureaus of this Government and discharges his duties in a very able and commendable manner.

Mr. EDMUNDS. This is rather an underground way of paying a high salary, it strikes me.

Mr. DAVIS, of West Virginia. I will say to the Senator it is just as the Revised Statutes now do.

Mr. EDMUNDS. It is not the less underground if it is. Here you propose in an appropriation bill, as it is called in its title, but which when you read it through appears to be a general bill for the regulation of the Post-Office Department with incidental appropriations, a provision for the employment of an agent or superintendent of the postal railway service at a salary of $2,500 a year, with an allowance for traveling and incidental expenses while actually employed.

as the committee propose to say, in the service. If he has a salary, he is employed in the service all the time. There are three hundred and sixty-five days then to be added at $5 a day. Is not that it?

Mr. DAVIS, of West Virginia. That is right.

Mr. DORSEY. Does the Senator from Vermont think that too much?

Mr. EDMUNDS. That is not the point I am on just now. I am thinking about what the Heathen Chinee said "the tricks that are vain," to have a salary of $2,500 a year and an absolute horizontal $5 a day for the whole three hundred and sixty-five days in the year under the pretense that it is "incidental expenses."

Now, Mr. President, the best feature in legislation is honesty, and candor, and plain speech. If this gentleman ought to have $1,900 a year, in round numbers, added to his $2,500, making $4,400, then why did not the committee make this bill say so?

Mr. DORSEY. Mr. President——

Mr. EDMUNDS. Will the Senator be kind enough to wait a moment?

Mr. DORSEY. I want to answer that question.

Mr. EDMUNDS. Not just now, if you please.

Why did not the committee say so and make his salary $4,500 a year instead of obfuscating the thing, to use a western phrase, or to use a New England phrase I will say to make it perfectly safe, by declaring that his salary is $2,500 a year—all the people can see that we have low salaries, and they do not see that this other clause means that he is to have $1,900 a year more, that is just as certain and just as fixed as his salary is. If that is a good way to legislate, then I shall be glad to have my friend from Arkansas say so, for which I now yield the floor.

Mr. DORSEY. The reason the Committee on Appropriations did not say that this officer should receive $4,400 a year is because the Revised Statutes, under a law which has been in existence since the railway postal service was organized, say that this officer shall get $2,500 a year and $5 a day, and the Committee on Appropriations are not in the habit of changing the Revised Statutes when they can help it.

Mr. EDMUNDS. They have missed their habit badly, then, in this bill, I am very sure, for they have changed the law a good deal. Now what does the Senator say the section is?

Mr. DORSEY. Four thousand and twenty.

Mr. EDMUNDS. Section 4020 is:

> The Postmaster-General may appoint two agents to superintend the railway postal service.

So far the Revised Statutes say one thing and this bill says another. It says he may appoint one.

Mr. DAVIS, of West Virginia. I will say to the Senator that is a reduction.

Mr. EDMUNDS. So it is, but it is a change of the Revised Statutes which seemed to be the sacred thing the committee cannot touch!

Mr. DAVIS, of West Virginia. But the Senator will recollect probably that it was changed not in this bill, but in some former bill.

Mr. EDMUNDS. I do not recollect anything about that. I take the bill just as it is.

> Each of whom shall be paid out of the appropriation for the transportation of the mail a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses while actively employed in the service.

The committee has seen fit to drop "actively employed" and to say simply "employed," the Revised Statutes intending that this "actively employed" shall mean when he is traveling away from home and is incurring expense different from the expense he would incur in his normal condition of sitting in his office in the capital and attending to his affairs. There is change number two in the Revised Statutes that are so very sacred to the committee.

> Of not more than $5 a day.

The difference between the existing state of the law and this is that the Revised Statutes provide that he shall have a salary of $2,500 a year, and traveling and incidental expenses not exceeding $5 a day when he is actively employed in the discharge of his duties.

Mr. KERNAN. That is the way the House passed the bill, using the words "incidental expenses while traveling," and not at other times.

Mr. EDMUNDS. I am not complaining of what the House has done, for the House has put the correct construction upon this provision in the Revised Statutes which was intended to mean and which fairly understood does mean, and nothing more, that when this gentleman is put to extraordinary expense out of his ordinary course, he shall have not exceeding $5 a day for the necessary incidental disbursements, and so forth, that he is obliged to make. Now the Senate committee proposes that whenever he is actually employed in the service, which is all the time, Sundays included, he shall have $5 a day; in other words, that his salary shall be increased from $2,500 a year to $4,500; that is what it comes to in round numbers. It may be that this officer ought to have a salary of $4,500 a year; and if he ought, then the committee ought to put the language of this statute in such terms that it is a salary, and if it be a salary then it ought to be understood that he pays his own expenses whenever he travels. But the committee appears to have gone around the thing in both ways, providing, not as the law now is, and not as the House bill did, that this addition to his compensation should be a limited remuneration for what he actually paid out in the performance of his duties, the $2,500 a year being his pay, but that he should really have $2,000 a year in round numbers, more than he gets now. If that be right, it ought to be stated in the honest and plain way, that his salary shall be $4,500 a year and he shall have no allowance for traveling expenses.

Mr. INGALLS. It does not cost these officers anything to travel. They are always furnished with free transportation over all mail routes.

Mr. EDMUNDS. Hotel bills they would have to pay, and for their morning newspaper, and their bootblack, and the various other little things they have to submit to.

Mr. WITHERS. I wish to say one word in connection with the action of the committee on this subject. If there are any "tricks that are vain," as the Senator from Vermont intimates, connected with the matter, certainly the present Committee on Appropriations are not responsible for them.

Mr. EDMUNDS. Certainly not. I do not think they are.

Mr. WITHERS. The phraseology of the Revised Statutes has been followed in this case precisely.

Mr. EDMUNDS. Oh no, the Senator is mistaken.

Mr. DORSEY. We left out the word "actively." Otherwise it is precisely the same.

Mr. EDMUNDS. Let me read to the Senator from Virginia, to correct a mistake into which I think he has fallen, the language of the Revised Statutes:

> A salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than $5 a day.

Now this bill reads:

> With an allowance for traveling and incidental expenses while actually traveling in the service.

That is the House bill, but here:

> While actually employed in the service.

So the Senate will see that the language is not the same and that the committee has not followed the statute.

Mr. WITHERS. One is "actually" and the other "actively;" that is the difference.

Mr. EDMUNDS. Oh, no.

Mr. WITHERS. I am not speaking of the distinction of the House bill, but on the language of the Revised Statutes; one is "actively" and the other "actually." Now, while I concur fully with the views of the Senator from Vermont as to the proper construction of the language of the Revised Statutes, I would say that this change was made because the construction actually put upon the section in practice has been different, and all these special agents have been receiving not only the amount of their salaries, but $5 a day the year round, whether they traveled one mile or not.

Mr. EDMUNDS. Then there was a violation of the law.

Mr. WITHERS. And the House, in order to correct that evil, restricted the $5 per diem in their bill to the days when they were actually traveling, and I must acknowledge that my prepossessions were in favor of the House bill until upon examination I found that some of the most important agents of the Post-Office Department, some of the most valuable men in the service, would be compelled to quit it, because under the practical operation of the law as amended by the House bill they would only receive $2,500 a year, when their services would command a very much larger salary in almost any other business, and it was deemed improper to restrict such valuable agents to the sum of $2,500, and therefore the committee made an exception in nine cases, to be designated by the Postmaster-General, where the services of such agents were needed at the most important points throughout the country. Then when we came to this particular officer, if the House bill had been followed we knew that his services could not be retained, the Postmaster-General had been before the committee in person and also by written communication and urged the great importance to the Government of retaining the services of the present superintendent of the railway mail service, and insisted that his salary should be made adequate to the position and duties which he filled. The committee therefore fell back upon the language of the statutes with the qualification which I have mentioned of substituting "actually" for "actively," and provided this salary by this indirect mode, as the Senator very correctly says.

Now it is essentially necessary, in the opinion of the Postmaster-General, that the services of this officer should be retained as being of exceeding value to the whole country; and if the Senator desires to amend by prescribing a salary of $4,500 per annum and striking out the latter portion, individually I have no objection to it in the world; but I wanted to explain the reasons which influenced the committee in readopting the language which has been used in successive appropriation bills for many years, as I am informed.

Mr. EDMUNDS. I hope no Senator supposes that I was criticising the conduct or the motives or the purposes of the committee. I was only expressing my criticism upon the bill as presented which appears, as it is frankly stated by the Senator from Virginia, to provide in an indirect and a kind of covered-up way for a greater salary than $2,500 a year. It is salary and nothing else that this general superintendent is to have, because probably ten months in the year he sits in his office in Washington and has no more expense to incur than any other officer here has.

It is not in order for me to move (which I should be glad to do and will if there is unanimous consent for it) to put the salary up to $3,500 a year and strike out the provision for traveling and incidental expenses, so that he stands just like any other bureau officer in Wash

ington, as this particular person is; and I will make that motion, and if there is no objection, of course the Chair can put it.

Mr. SAULSBURY. I desire to say to the Senator from Vermont that the gentleman discharging this particular service appeared before the Committee on Post-Offices and Post-Roads and I am bound to say that a very large proportion of his time is employed in traveling from point to point arranging mail service on the railroads of the country.

Mr. WITHERS. That is true.

Mr. SAULSBURY. I know from the expression of views on the subject that there is perhaps no man in the country so well qualified as he is.

Mr. EDMUNDS. It is very dangerous to pass laws upon the particular merits of particular men. This gentleman, if he is very worthy and efficient, has not any permanent lease of office. I do not mean by that that he is likely to be turned out for that reason; but even the best of men may die and inferior men may take their places. If the duties of this office require a person who ought to receive more than $2,500 a year as pay, as distinguished from the expenses that he is obliged to incur, then let us increase the salary and then pay only the actual expense that this officer is obliged to incur when he travels in the performance of his duty. That is the right way of doing it, I respectfully submit to the Senate and to the committee.

Mr. SAULSBURY. I only interposed a remark because I understood the Senator from Vermont supposed the superintendent in charge of this railroad service was in Washington about ten months in the year, whereas according to my impression from what he stated he was absent perhaps ten months out of the twelve.

Mr. EDMUNDS. I accept the correction with great pleasure, assuming it to be correct.

Mr. WITHERS. That is the statement of the Postmaster-General, too, that he is absent ten months in the year.

Mr. EDMUNDS. That being so, I think it would be much better to stick to the House bill and pay this extra allowance for what it is really intended to be by the law as it now stands, and that is for the disbursements that this officer is obliged to incur in the performance of his duty. That is what the Revised Statutes mean, fairly construed; that is what the House bill is; and then if his salary is not high enough at that, if he ought to have more besides the disbursements that he is obliged to submit to, then strike out "twenty-five hundred" and make it $3,000 or $3,500 or whatever the committee choose; but do not let us in this indirect and obscure way undertake to increase a salary under the profession that we are paying disbursements.

Mr. DORSEY. The Senator from Vermont alludes to this language as changed by the Committee on Appropriations as if it was something entirely new. He refers to this case as being a roundabout way of giving a man a salary, and as an entirely fresh thing. Now, the truth is that since we have had special agents of the Post-Office Department, which I presume is thirty or forty years—certainly ever since I have known anything about the Department—they have been paid this way. But since this officer has exercised the duties of his office, and while his predecessor was in office who organized the office, they have both been paid in the identical way provided in this bill. And unless the Revised Statutes are changed by this appropriation bill *in toto* he cannot be paid any other way.

Now, as to the word the Appropriation Committee has used, "actually" instead of "actively," it conforms precisely with the statute. That, however, is a matter of no consequence. I would just as soon that "actively" should be used there as the word that is used.

I have a letter from the Postmaster-General on this subject, which I desire the Clerk to read that his views may be laid before the Senate.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., May 4, 1878.

SIR: In accordance with the request of your letter of the 2d instant I have the honor to transmit herewith, for the information of your committee, the statements desired from the officers of this Department in regard to the increase considered expedient by them in the appropriations for their respective bureaus, as follows:

A, letter of topographer.

A', extracts from topographer's report to the Postmaster-General, showing the work of the bureau.

B, letter of the acting First Assistant Postmaster-General.

C, letter of the superintendent of the free-delivery service.

D, letter of the superintendent of the railway mail service.

These statements will, I think, supply all the information desired by your committee, and the recommendations of the bureau officers are cordially indorsed by me.

I desire to call attention to the injustice which will be done to the special agents and superintendents of railway mail service by limiting their per diem to the time actually spent in traveling without increasing their salary. The salary of most of these officers is fixed at $1,200, and their per diem is now paid for each day they are actually engaged in the business of the Department, whether traveling or not. No allowance outside of the per diem is made for expenses, which often greatly exceed the per diem, and if the per diem is only paid when the officer is actually traveling on the business of the Department he will often be compelled to draw upon his salary to pay the expenses necessarily incurred in excess of the per diem.

The compensation of the special agents cannot be deemed excessive in view of their difficult and often dangerous duties. Persons capable of discharging the duties assigned to special agents and to superintendents of railway mail service receive higher salaries from private corporations than do these officers of the Department. The American Express Company, with less than twenty thousand miles of route, employs three superintendents and assistant superintendents to one employed in the railway mail service, with nearly eighty thousand miles of route. The Post-Office Department does quite as much transportation in bulk and infinitely more in pieces than the express companies do. The express companies pay their assistant superintendent from $3,500 to $5,000 per annum and all expenses.

The Post-Office Committee of the House of Representatives, at the suggestion of the Department, proposed to make the salary of the chief special agent the same as that of the general superintendent of railway mail service, but the amendment was ruled out under the point of order.

I would recommend that the bill be so amended and that the salary of these two officers be fixed at $2,500, with per diem, as now, when actually engaged in the business of the Department. Officers of other Departments in analogous positions, with less responsibility and lighter duties, receive greater pay. The duties of the general superintendent of railway mail service are similar to those of the general superintendent of an express company and, in some respects, more difficult. An officer capable of discharging these duties efficiently receives from these private corporations a salary of from $10,000 to $15,000, and all expenses.

To limit the per diem of these officers and of the special agents and assistant superintendents of railway mail service to the time when they are actually traveling would reduce the compensation of many of them when they are really most industriously engaged.

I am not prepared to say that the present system of compensating the special agents and superintendents of railway mail service is the best that can be devised. If, as has been intimated, it should hereafter be the pleasure of Congress to consider a bill to reorganize the Post-Office Department, it may be that a better system of classifying and grading the pay of these officers can be devised, but so long as the present system is maintained it would be an injustice to some of the most deserving of them to limit the per diem, as proposed by the House bill.

I have the honor to be, very respectfully, your obedient servant,

D. M. KEY,
Postmaster-General.

Hon. S. W. DORSEY,
United States Senate.

Mr. BECK. I desire to say a word relative to the action of the committee. The Senator from Vermont must recollect that one desirable object is not to change existing laws in appropriation bills. We have done it very often, but always badly.

Mr. EDMUNDS. That is why I oppose this clause.

Mr. BECK. I want to explain that. We found fifty-three special agents employed under section 4017 of the Revised Statutes, and the language used was that they should have a salary not exceeding $1,600 a year "and shall each be allowed traveling and incidental expenses, while actually employed"—not actively—"in the service not exceeding $5 a day;" and the Committee on Appropriations, thinking they had a right to cut down as much as they could, deprived all the fifty-three of that class of agents of that right except nineteen, and they were excepted from it because they were located at large cities, frequently had to remain at the same point for a good while to arrange the business, and were as much under expense as if they were traveling, because ordinarily while traveling those agents have free passage right along, and it is a good deal cheaper for them to travel than to live at a large hotel in New York. Of those men so located nineteen were reserved from the operation of the cutting off of the per diem.

When we came to Mr. Vail, as the Postmaster-General had the right to appoint two and the House had limited him to one superintendent, we agreed to limit him to one at $2,500, and $5 a day while actually employed. The language of the Revised Statutes, as we now see, is "while actively employed." I confess I did not observe the difference between "actually," as used in section 4017, and "actively," as used in section 4020, and I shall move to strike out the word "actually" and insert the word "actively," so as to comply literally with the Revised Statutes. Then, if there is anything wrong in the administration of the law we can change it by a subsequent law; but as long as the Revised Statutes made that provision the intention of the committee, at least my intention was, to comply exactly with them, and having seen the words "actually employed" in section 4017 I did not look to the other section to see the change; and finding the word "traveling" in the House bill we struck it out and put in the word "employed," without observing that the word "actively" was used in section 4020, and not "actually." I shall endeavor to make it conform precisely to the statute by using the words "actively employed in the service," and then let the construction follow, whatever it may be.

I believe in striking down all supernumerary officers, and perhaps we could do very well with one superintendent; but that superintendent has to be a man of very decided ability. I do not care whether he is the present one or not, he has to deal with great railroad corporations; he has to act upon matters involving thousands and sometimes hundreds of thousands of dollars. He has all the arrangement of the mail service on the great railroads of the country under his control; and, though I never saw Mr. Vail I believe until within the last year, I have had one or two conversations with him on business transactions and I am satisfied that he is certainly a man who ought to have a fair salary, and that the Government is quite fortunate in having a man of his ability and general information at the head of this department. I would have no hesitation, as the Senator from Virginia said, in giving him a salary much larger than $2,500, rather than lose him, but I want the law to remain just as it is, and if the salary is to be changed let it be changed directly. I move to strike out "actually," in line 140, and insert "actively."

Mr. EDMUNDS. The remarks of the Senator from Kentucky on the subject of the propriety of increasing this gentleman's compensation, of course have great weight; but my point is that if the compensation is to be increased it ought to be increased plainly as an increase of compensation that a worthy public servant justly deserves. That is the way to do it. Now the Senator says that the difficulty about that was that the committee wanted to follow the law in an appropriation bill. That is a very good point, and one from which I very rarely have departed, and I hope never hereafter shall depart. But the House itself has changed the law in this appropriation bill

on this very point of the superintendent of the postal railway service. The law provides for two, and duly construed it provides for a salary of $2,500 a year and for the actual disbursements of these people while engaged in going about the country to perform their duties. That is the fair meaning of it.

Mr. BECK. The law does not provide for two, but says the Postmaster-General may appoint two.

Mr. EDMUNDS. Yes, and this says that the Postmaster-General may appoint only one, and it amounts to a prohibition against his appointing two. So the House of Representatives in its bill, and the Senate Committee on Appropriations, have both chosen to change the law in respect of these superintendents of postal railway service. If, then, they are willing to change the law, where is the difficulty in their changing it so as to give these people proper compensation as compensation and proper expenses for disbursements as disbursements while they are traveling about the country? That is what the House undertook to do. The House evidently was of opin on that $2,500 a year, with the actual disbursements for traveling expenses and the expenses incident to traveling, was enough. Senators of the committee seem to think that it is not. Then the committee, I respectfully submit, ought to have proposed, as we are changing the law about that business, to have increased the salary, and still to have put this limit upon the disbursing expenses just where the House left it, the actual traveling disbursements. That is the sensible way to do it, as it appears to me. I may be wrong; but I am opposed on all appropriation bills, as I stated a few days ago about the pension bill, to changing the law at all. An appropriation bill ought to be merely the furnishing of the money to carry out existing laws; and if this bill were an original bill in the Senate, we have a rule that would prohibit the committee, and prohibit the Senate without unanimous consent, from changing any part of the system, great or small, but merely providing for the appropriation of the money necessary to carry out the law as it is.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee. The Senator from Vermont indicated an amendment some time since. Does the Senator withdraw the amendment? It could only be entertained by unanimous consent.

Mr. EDMUNDS. I conclude that as the thing stands I will not propose the amendment, but leave the committee to do it if their own amendment should not be agreed to, because I do not wish to change the existing law about any thing in an appropriation bill.

Mr. DORSEY. I suggest that the amendment of the Senator from Kentucky to the committee's amendment be agreed to by unanimous consent.

Mr. EDMUNDS. Let us try it on the committee's amendment first.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out "traveling" and insert "employed."

Mr. SARGENT called for the yeas and nays; and they were ordered.

Mr. McMILLAN. May I ask the Senator who has charge of this bill what difference in the compensation there is between the amount allowed by the committee's amendment and the amount which would be allowed by the House bill?

Mr. DORSEY. The difference would be $5 a day while he was not absent traveling. That probably is six or seven months in the year. The difference might be $1,000 a year.

Mr. McMILLAN. Then there would be that added to the $2,500, which would make about $4,000 a year.

Mr. DORSEY. No, sir.

Mr. McMILLAN. That would be the salary allowed.

Mr. DORSEY. The total salary under this bill would be about $4,500 a year, supposing this gentlemen to get $5 for every day in the year. If the House provision is agreed to he would only get the $5 a day when he was actually absent from his post here traveling, which would be two or three months in the year.

Mr. McMILLAN. How do the duties of this office compare with the duties of the office of Commissioner of Indian Affairs or of Commissioner of the General Land Office and of the different Auditors in the Treasury Department?

Mr. DORSEY. I think the place much more important than either one of them and much more difficult.

Mr. SARGENT. This officer really has the supervision of the expenditure of the whole $9,000,000 mentioned in this paragraph, and obviously is a very important officer, who has necessarily to keep the details of all postal service on the railways throughout the United States, eighty thousand miles. It requires, and I have no doubt we now have, a man of great discrimination and executive ability. Certainly the office requires that; and the amount which is now paid to this officer, for the services of a man who can peform all these varied and responsible duties properly, is not too great.

I do not understand that the Senator from Vermont objects that the amount paid by law now to this man is too great. He prefers, however, that it shall be by way of salary, and then if there is anything by way of expenses those should be ascertained for each day that he travels, rather than that the party should be made up in that manner. If this were an original bill I should agree with him entirely. It seems to me it would have been very much better for Congress originally to have made the proposition in that form; but the Committee on Appropriations endeavor as far as possible to follow the existing statutes, and wherever we find in an appropriation bill that they are departed from we conceive that it is not our duty; we make the bill, if we can, conform with the existing laws.

This is only another method, perhaps an indirect method, of ascertaining what the salary of this person shall be. The amount, of course, is directly ascertained by saying he shall have $2,500 a year and that he shall have $5 a day additional, which shall be taken to compensate him for the time he is actually traveling. As a matter of fact the $5 a day will not compensate him for the time he is actually traveling, because it is often the case that his expenses will exceed that, as the Postmaster-General says, and he therefore draws on his salary for the rest of the time. Five dollars a day will not pay the expenses of the Senator from Vermont in going to New York and spending five or six days and returning to Washington.

Mr. EDMUNDS. But unhappily I have to pay railroad fare, and the post-office agent does not.

Mr. SARGENT. This man has to pay the Pullman-car fare. That is invariable, I believe; nobody is allowed to dead-head on that, because it has nothing to do with the railway mail service; and that itself is a serious charge. Out in my country it is $3 a day, and a man's meals would soon run it up to over $5 a day. But a man cannot stay in New York at a decent hotel and pay his expenses there out of $5 a day; so that to a certain extent, greater or less, the amount of his annual salary is trenched upon even if you allow him $5 a day.

I do not think that $4,000 a year is too much for the man who discharges this duty, as the Postmaster-General says and says most earnestly. Express companies which employ persons for similar service but with less responsibility, with less miles of road to take care of, pay very much greater salaries—from $3,500 to $5,000 besides all expenses of travel. We pay very much less than those persons. Of course they are presumed to act, having only selfishness and their own interests to guide them, by the best principles of business; hence they bring to bear upon it the best judgment which business men can upon such propositions, and they find that their interests are subserved by paying a decent price for good service. Now, suppose the pay is reduced, so that a man holding this place can only get $2,500, the result would be that this man, like Mr. Bangs, probably would leave the service, and we should lose a valuable agent.

Mr. EDMUNDS. Bangs left long ago.

Mr. SARGENT. Simply because he did not get enough. We lose the services of men in these responsible places because we do not pay enough for them.

Mr. EDMUNDS. Then why does not the committee propose to make the salary sufficient, and pay in addition the actual disbursements in traveling?

Mr. SARGENT. I said that I thought as an original proposition that would be better. I agree with the Senator entirely in his logic, but I have felt as a member of the Committee on Appropriations, by long practice and habit, a prejudice in favor of reporting the money in the bills to correspond with existing law.

Mr. EDMUNDS. That is right, but in this very case the House has changed the law about this very officer.

Mr. SARGENT. Unquestionably the House has reduced one agent. They have not changed the law by their proposition of amendment. That does not change any law. The only instance in which I consent to their change is where they abolish an office; and there I am disposed to believe that the office can be got along without. I think it was created under peculiar circumstances and that there was no necessity for it, and my judgment must concur with my prejudice in favor of keeping the law as it is if the law is in some sense a beneficial law. This is beneficial in that it gives a man the pay he ought to have, and therefore I do not see for that reason why we should invade the real province of the Committee on Appropriations by recommending changes in the law.

Mr. EDMUNDS. But we do not if we take a change in the law on this very subject that is presented to us by the House. They say on this very point, "Let us reduce these agents to one, and let us pay that agent $2,500 a year and his actual traveling expenses." That is what it means. Now, the committee say, "We will submit to this change in the law, because we think it is good, but we will not make a corresponding change in the very same law that we do think is good by putting up this salary where it ought to be, and paying the disbursements measured by what is actually paid."

Mr. SARGENT. In exactly the same manner I should like to say to my friend that I will agree that the number of the fourth-class clerks, or the number of the third-class clerks, or the number of the first-class clerks shall be reduced, if the service will spare the reduction; but I will not agree on an appropriation that first-class clerks who receive $1,200 shall be reduced to a thousand dollars, and I will not agree that fourth-class clerks shall be reduced in salary. In other words, I do not think that the Committee on Appropriations, as it is constituted, has time to attend to such matters.

Mr. EDMUNDS. Very good.

Mr. SARGENT. This is upon exactly the same principle. The House believed that we could get along without one officer, and therefore ab lished his office. I would not agree to reduce the number of twelve-hundred-dollar clerks if I thought we could not spare the number; but I do not think that fixing the compensation of men involves the principle of changing the law. We may drop officers from the bill who are merely discretionary, like clerks; sometimes

we do where they are not discretionary, as where they are fixed in the organic law, as in the Land Office.

Mr. EDMUNDS. And as in this very bill.

Mr. SARGENT. But we have had the valuable service of my friend from Vermont over and over again in resisting the proposition to change salaries upon an appropriation bill.

Mr. EDMUNDS. So I do, and yet what the Senator says about agreeing to drop a superintendent of the postal railway service involves the entire proposition of changing the whole law. Take the Army or the Navy for illustration. That is no more fixed by law than these two postal railway superintendents are; not a bit.

Mr. SARGENT. I should think it was.

Mr. EDMUNDS. They are not, Mr. President. The Revised Statutes say that there is authority to employ two of these men. This appropriation bill says there shall be authority to employ only one. The Revised Statutes of the United States say that the Army shall consist of so many regiments and so many men.

Mr. SARGENT. Certainly; "shall."

Mr. EDMUNDS. The appropriation bill says it shall not consist of so many. You therefore violate the very law just as much in the one case as in the other, as far as I can understand it.

But coming back to this very point, the House bill, while it does change the law as to the number, carries out the law as to the allowance. The law as it now stands justly construed, in my opinion, and I think in the opinion of every lawyer and judge is that the postal agent is to have not exceeding $5 a day for his actual incidental disbursements and incidental expenses. It is not when he is not at an expense; it is when he is traveling and is obliged to disburse money to pay for his going about the country. That is the practical meaning of the Revised Statutes. The House of Representatives have made that clear, because they say there is an abuse, the law is not construed now so, and they bring it up to light. The Senate committee say, because this man ought to have more money, (grant that he ought to have it,) they will give it to him in the form of having a constructive disbursement under the head of incidental expenses while actually employed in his duties, which is all the time. I respectfully submit to the committee that inasmuch as they are changing the true theory and tenor of the law, both the House and the committee, to take the necessary step of putting this salary up to where it ought to be and confine the disbursements to what they actually are.

Mr. SARGENT. Mr. President——

Mr. DORSEY. Will the Senator from California allow me a moment?

Mr. SARGENT. I believe the Senator from Vermont has been talking in my time, and I will yield to the Senator from Arkansas.

Mr. DORSEY. If it is true, as the Senator from Vermont says, that the Revised Statutes simply mean that these men shall receive $5 a day compensation when they are actually traveling and at no other time, I should be glad to inquire what has become of the money that has been paid these men for their services every day in the year for the last eight or ten years?

Mr. EDMUNDS. It is an abuse of the law, and the man guilty of that sort of abuse ought to be dealt with by some committee existing at some end of the Capitol.

Mr. DORSEY. The First Comptroller of the Treasury and the Postmaster-General are the disbursing officers upon my theory.

Mr. EDMUNDS. The First Comptroller of the Treasury has nothing to do with it. It is a rare circumstance to which attention ought to be called that in respect to postal disbursements no body but the Sixth Auditor, practically a postal agent himself, has any charge of the settlement of the accounts. The Post-Office Department settles its own accounts. That is the amount of it.

Mr. McMILLAN. If the salary of this officer is to be increased, I think with the Senator from Vermont, that it should be done by language which would indicate directly the intention to increase it. I am not very familiar with the duties to be performed by this officer, but the amount allowed under the committee's amendment will be a larger sum than the amount appropriated for the salary of the Commissioner of Indian Affairs, which it seems to me is an office of as great responsibility, and the duties of which are as onerous as the duties of the superintendent of the railway mail service. If this increase is to be made let it be made directly. If the salary is to be increased, we should know what it is and pay it as we pay other officers of the Government.

Mr. WITHERS. This is no increase of salary.

Mr. DORSEY. I call the attention of the Senator from Minnesota to the fact that there is no increase proposed.

Mr. EDMUNDS. It is an increase of pay, whatever you may call it.

Mr. DORSEY. It is the salary that the officer in this place has received ever since the office was established. I will say furthermore, while I am up, that when we shall come to fix the pay or salary of the Commissioner of Indian Affairs or the Commissioner of the General Land Office, I will be ready to act with my friend from Minnesota. But the salary of the Commissioner of Indian Affairs is not now under consideration.

Mr. McMILLAN. If the Senator from Arkansas will allow me to interrupt him, I understood him to say, in answer to a question put to him by myself, that the difference between the amount allowed by the House bill and the amount which would be allowed under the amendment of the Senate committee would be about $1,500.

Mr. DORSEY. No, sir, I did not say that. The Senator is mistaken.

Mr. McMILLAN. I should be glad to hear what the Senator did say.

Mr. DORSEY. I said that under the House bill this officer could only receive $5 a day while he was absent from the city of Washington traveling, and that while here at his post performing the duties of his office he would receive only $2,500 a year. Probably during the year he is absent two or three months, and for those two or three months he would receive $5 a day, when he would expend in that time $8 or $10 a day. That is what I said.

Mr. WINDOM. I have usually the utmost confidence in the reports of the Committee on Appropriations. In this case, however, I do not agree with them, and I feel at perfect liberty to oppose the amendment, because I gave notice to the committee when the action was taken that I should not vote for this proposition. I am opposed to the amendment of the committee for several reasons. In the first place, I think that it makes a compensation that does not correspond with that paid to other officers, and, in the second place, if the compensation be not larger than it should be, it is not made in the proper way, but should be made directly, so that every one would understand precisely what the language means.

Upon the first of these points, I want to ask the attention of the Senate for a single moment to the disparity in the payment of this officer and of his superior officers in the Post-Office Department itself. The First Assistant Postmaster-General is paid $3,500 per annum; the Second Assistant Postmaster-General, $3,500, and the third assistant receives the same compensation.

Mr. SARGENT. Do they have any traveling expenses of any kind?

Mr. WINDOM. I do not know that they do.

Mr. EDMUNDS. There is no provision by law for it.

Mr. SARGENT. There is no provision by law for it, and no necessity for it. Five dollars a day at any rate is supposed to pay traveling expenses. A large part of this man's time is spent in traveling, to my positive knowledge. He only gets $2,500 a year, which is a thousand dollars less than the officers mentioned by the Senator from Minnesota.

Mr. WINDOM. But, so far as the actual compensation paid is concerned, the Senator from Arkansas tells us that this amendment gives him in all about $4,500 per annum. I think he overstates it a few hundred dollars. I think it is about $4,250.

Mr. PADDOCK. That is the gross sum, the salary and allowances for traveling?

Mr. WINDOM. That is the whole sum. Four thousand two hundred and twenty-five dollars, I believe, is the exact sum, allowing $5 a day for three hundred and sixty-five days, Sundays included. I understand that under the law as it now exists the compensation is estimated at $5 a day for three hundred and sixty-five days. The officer is supposed to be actually employed in the service Sundays and every other day. I do not think that a proper relation in salaries is maintained. My colleague has referred to the Commissioner of Indian Affairs, who is paid $3,000 a year. He has responsibilities greater than this man by far. You cannot estimate the responsibility by the sum that is expended for the service. If you would do that some of the officers of the Treasury, for instance the Treasurer himself, through whose hands billions of money pass, would certainly have a responsibility that would be incalculable. It is true there are about $9,000,000 appropriated for this service, but the officer whose pay is under consideration has very little to do with the application of that vast fund to the service.

Mr. PADDOCK. Of course it is well enough known to every one that the superintendent of the railway mail service has a great deal of traveling to do. I should like to inquire of my friend, the Senator from Minnesota, if it is not true that whenever the Commissioner of Indian Affairs goes anywhere upon business connected with his bureau his expenses are paid?

Mr. WINDOM. His expenses may be paid out of the incidental appropriations for the Department. Possibly his expenses are paid when he travels.

Mr. PADDOCK. There is no question about it at all.

Mr. WINDOM. I presume that is the fact.

Mr. PADDOCK. The expenses of the Commissioner of Indian Affairs are always paid. If he goes to New York upon business connected with his office, his expenses are paid. If the gross sum of those expenses should be added to his salary, I think my friend would discover that his salary would amount to a great deal more than that of the officer in question.

Mr. WINDOM. I think the Commissioner of Indian Affairs has no occasion to travel to an extent that would make it anything near so much as the salary we propose to pay here.

Mr. PADDOCK. The duties of course are not analogous.

Mr. WINDOM. How much travel may be necessary in this case, I do not know. I am entirely willing to agree to the House proposition which pays this officer for all the traveling that he is required to do. He does not pay his own expenses. He travels free upon every train; I do not know whether upon the Pullman sleeping-car or not, but certainly upon every train throughout the country. Just look for a moment at the law to which this construction is given:

The Postmaster-General may appoint two agents to superintend the railway

postal service, each of whom shall be paid out of the appropriation for the transportation of the mail, a salary at the rate of $2,500 a year, with an allowance—

For what? For staying at home? For Sundays? No, sir—

With an allowance for traveling and incidental expenses, while actually employed in the service, of not more than $5 a day.

It does seem to me, Mr. President, that the construction of the present law is very clear upon that subject. It was not designed to pay this officer for the time that he remains at home. The $5 a day are for traveling expenses, for incidental expenses when traveling. I believe, as the Senator from Vermont has said, that the construction which has been given to this law is an abuse of the law itself. Now, I do not propose to make that abuse permanent by incorporating it in the statute which we are about to pass.

Mr. PADDOCK. My friend does not consider the allowance of $5 a day extravagant.

Mr. WINDOM. Not for traveling. I believe an allowance of $5 per day while traveling, when the railway transportation costs nothing, is a full compensation. That was what the law originally designed. The House proposition simply gives the construction which was designed to be given to it, as I believe, when the law was made. Under the House proposition this officer would get $2,500 per annum, and $5 per day for every day actually employed in traveling. Under the amendment proposed by the Committee on Appropriations he would get $2,500 a year and $5 per day for incidental expenses and traveling expenses for every day he stays at home. I do not believe that is the right principle.

Mr. DAVIS, of West Virginia. I ask the chairman of the committee whether that has not been the construction of the Post-Office Department in regard to the special agents since they have been in service?

Mr. WINDOM. I understand that it is the construction, but I think it is an erroneous construction.

Mr. DAVIS, of West Virginia. We have year after year followed along in the same track, and there is no reason why we should make an exception of this one man. We have already provided in the bill for twenty-odd of them.

Mr. BECK. Nineteen.

Mr. DAVIS, of West Virginia. Yes, nineteen. I thought it was twenty-odd. Previously this has been done each year. Now, here is a man singled out, and he is to be made an exception. I do not think it is right.

Mr. EDMUNDS. My friend from West Virginia I think is mistaken——

Mr. DAVIS, of West Virginia. My friend, probably he did not intend it, but this morning he sat me down very unceremoniously indeed, as I thought. I suppose he did not intend to do it.

Mr. EDMUNDS. I only rose to correct the palpable mistake into which the Senator has fallen about his own bill; but I shall take my time for it.

Mr. DAVIS, of West Virginia. I thought I was going to correct the Senator this morning when he would not hear me. But I will listen to the Senator from Vermont with pleasure.

Mr. EDMUNDS. I will wait until the Senator is through.

Mr. WINDOM. Then I will have mercy upon the Senator from West Virginia and say that he is entirely mistaken in this respect. There are fifty-three special agents who are expected to receive their pay under the same provision that the Senate proposes to give to this officer. But we have changed that as to all the fifty-three except ten, whom we authorize to be located at certain places, and nine other officers who have been added by the amendment of the Senator from Arkansas.

Mr. EDMUNDS. There are forty-three of these men whose compensation has been changed because of the apparent abuse of paying men for traveling and incidental expenses when they were staying at home, which was certainly never intended to be done. I only ask that the same rule shall be applied to this officer that we have applied to the forty-three other special agents.

Mr. DAVIS, of West Virginia. I have no particular interest in this officer. I know him, but that is about all. I have heard that he is a very efficient officer. I would not state what the Postmaster-General said in committee, but he said to me individually that he was a very valuable man, and he did not know what would become of the service but for him; that he had to arrange and control nearly the entire nine millions of money appropriated for this service; that the railroads all through the country came in contact with him, and that he was a man among all in the Department whose services were most valuable.

Mr. WINDOM. Will the Senator allow me to ask him a question right there?

Mr. DAVIS, of West Virginia. Certainly.

Mr. WINDOM. My friend from West Virginia says that this officer has control of nine millions of money.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. WINDOM. Is he not a little mistaken?

Mr. DAVIS, of West Virginia. I can hardly say that the Postmaster-General meant to say he had control of it. I meant to say that a considerable portion of it was under his control.

Mr. WINDOM. I want to get at the exact fact, if the Senator will allow me, as to the extent of this control. A very large proportion of this amount, I do not know what percentage, about 80 or 90 per cent. of it, is paid to the railroads and other transportation companies under contracts for carrying the mails under the law.

Mr. DAVIS, of West Virginia. Under the law, of course.

Mr. WINDOM. Under the law and under contracts which these people make.

Mr. DAVIS, of West Virginia. There is no such thing, I understand, as a contract with a railroad company.

Mr. WINDOM. All the railroads of the country carry the mails—a law tantamount to a contract, I understand.

Mr. DAVIS, of West Virginia. Under the construction of the law this man gives direction as to where the mails shall go. The whole railway service is under his supervision. He goes to New York or Boston, whence there are three or four roads running to the West, and the superintendent has the direction to a great extent as to what line and what time and what train the mails shall be carried on, and he comes in contact with all the railroad superintendents for the purpose of making special arrangements for carrying the mails.

Mr. WINDOM. Undoubtedly he has much to do with giving direction as to where the mails shall go, but he has nothing to do with fixing the compensation. The law fixes the compensation at so much per pound or so much per hundred pounds on each of the roads where the mail is carried. He has really very little discretion as to the use of this large amount of money. To say that there are nine millions of money expended by his office does not measure his responsibility in the slightest degree. I admit it is an important office, but then its importance is not to be measured by the $9,000,000 of money expended in this service by any manner of means. If the salary is not high enough, let us make it higher; let us fix on some amount and not have any of this constructive pay. We have long ago got over the idea of constructive pay in this country. I think we should fix the salary at a given sum. If it is not enough, I will vote for $3,500 freely; but I cannot vote for the proposition of the Committee on Appropriations.

Mr. KIRKWOOD. I always like to understand exactly how matters stand. The law as it now stands provides for two officers at a certain rate. Each one of them is to have $2,500 per annum and an allowance for expenses. The proposition as it comes to us from the House is to dispense with one of these officers, imposing upon the other the entire duty now performed by the two, as I suppose, and then, instead of increasing his pay in proportion to the increased amount of labor imposed upon him, the second proposition is to materially decrease his pay. That seems to me to be hardly fair. If heretofore we have provided for two officers, giving each one of them a certain sum of money, and now we abolish one of these officers and impose the duties of both upon one, it seems to me hardly fair to impose upon him double the labor and decrease the pay he formerly got for doing half the labor.

Mr. WINDOM. I think upon that point the Senator will find upon investigation that the House discovered a little abuse in connection with this thing, and they endeavored to correct it, and we want to help them.

Mr. KIRKWOOD. I understood that perfectly well. In other words, if I understand it, we had two officers and each was receiving $4,325 a year. We now dispense with one of them entirely and instead of leaving to the other one $4,325, when he has the whole work of the two to perform, we propose not only to add to his labor the labor performed by the other man, but to decrease his salary below what he formerly received for doing half the work. That strikes me as hardly fair. The duties of this office are exceedingly important, as I understand. We are having mails carried over our railroads to the extent of some seventy-five or eighty thousand miles a year. The convenience of a majority of the people of this country depends upon the regularity with which that service is performed. This man has to superintend all of it. He does not actually spend the $9,000,000 but he makes arrangements with the railroad companies by virtue of which the money is spent. He has to settle all the many controversies arising between the Department and the railroad companies as to the amount of compensation which they shall receive. The office is in my judgment one of the most difficult to discharge that we have in the Department, and it requires a degree of ability equal to that of the management of any railroad line in any part of our country. I do not care in what way the thing is got at, I do not think that the salary this man has been receiving ought to be reduced. It seems to me rather late in the day for this amount of virtuous indignation as to the manner in which the payment has been made when it has been allowed by the Senate to continue for six years.

Mr. EDMUNDS. When would the Senator correct it, if it is too late in the day to discover an error?

Mr. KIRKWOOD. It is all right to correct it if it is wrong, but there is a virtuous indignation about it at this moment as if it were a new proposition and not a matter which has received the assent of the Senate again and again for at least six years.

Mr. EDMUNDS. When would the Senator correct it, if it is wrong?

Mr. KIRKWOOD. I am perfectly willing to correct it now, but do not correct it by giving a man less pay for doing double the work than he received when he did only half the work.

Mr. WINDOM. I think the reason this question has not been brought before the Senate heretofore is that the salary is fixed in the law creating the office and is to be paid out of another appropriation,

which is a very improper way of appropriating for a salary, to start with. He is paid out of the appropriation for the railway mail transportation. His salary or compensation was fixed by a law passed some years ago. It never comes under the revision of Congress or of its committees, and consequently it has been overlooked until the House discovered that it was an improper mode of payment and sought to correct it. I hope the Senate will agree with the House in this matter and make the correction.

Mr. FERRY. Mr. President, there is another feature of the service that has not been alluded to bearing upon this question, and it is that upon the rapidity of the mail service between the grand trunk lines depends the service upon other lines that are tributary to them. This agent of the Government has the whole responsibility of that service. Public opinion demands not only rapidity in the transmission of the mail but it also demands that the service be by the present method of postal cars by which the mail is distributed while the trains are in motion instead of having the work of distribution done at the different post-offices. We are thus saving at least twenty-four hours in the delivery of the mails at distant points by having the mail distribution take place on the cars instead of at the different offices. All this creates more or less friction, and it requires the attention of some single mind in order to control and adjust the matter.

There are no contracts with the railroad companies. The Government is dependent largely upon the railroad companies. While the law fixes the maximum that the roads are to receive for carrying the mail, yet it requires constant attention. This agent is required to fix the different rates, to confer with the companies, and make adjustments with them wherever friction occurs. It is known to all who have access to the Post-Office Department that very often, in fact in the majority of the cases, this agent is absent from his office here in the discharge of his duties elsewhere. While the proportion of the railway service to the general service is but 25 per cent., yet it embraces this large feature of the service which in fact controls and shapes the 69 per cent. of star service which with about 6 per cent. of steamboat service comprise all the rest.

To throw the responsibility upon one person of the management, adjustment, regulation, control, and direction of all this business which groups the whole of the railway service, at the salary of $2,500, I think is beneath a great Government like this. It requires a man of no ordinary intelligence and capacity. It requires a man who by his experience is fitted for it. None of the ordinary employés of the Government can fill such a place. It requires a man of good judgment. He is brought in contact with leading railroad men. He is the officer between the Government and the railroad companies to adjust and fix the rates finally, because there is a margin. While it has been stated here that the law fixes the maximum rate, yet frequently the Postmaster-General is unable to adjust with the companies at lower than the maximum rate. It is within our knowledge that frequently the railroad companies throw off the mails, or are unwilling to put on postal cars because they are not compensated sufficiently. This requires the immediate attention of this agent, who leaves his business here and visits the company and adjusts the matter on the best possible terms. I think when we come to consider not only the labor but the responsibility resting on this individual, it will be perceived that the salary proposed is not too much.

Mr. EDMUNDS. Why do you not make it a salary?

Mr. FERRY. The Senator from Vermont asks why not make it a salary. The Committee on Appropriations have seen fit to do otherwise. I am only taking the aggregate amount as stated by my friend on my left, the chairman of the Committee on Appropriations. Taking that for the whole three hundred and sixty-five days at the per diem of $5 per day and add it to the $2,500, would not be too much for such a man who can fill the place with credit to himself and justice to the Government and to the people.

Mr. DORSEY. The Committee on Appropriations follow the law.

Mr. EDMUNDS. They do not follow the law; the law follows them.

Mr. BECK. I desire to say that the Committee on Appropriations thought it was best not to attempt to change the existing law, and we did not with the exception of using the word "actually" instead of the word "actively," which word they now recommend shall be changed to actively, to correspond with the law, and thus follow literally the language of the Revised Statutes. We determined not to legislate any more than we could possibly help in an appropriation bill. I desire to say for myself that I have constantly—in the other House and here—endeavored to resist all new legislation in appropriation bills. Some of the most vicious legislation that this country has ever been cursed with has been added to appropriation bills on the ground very frequently that the measure could not be passed unless it was tacked to an appropriation bill. The celebrated Morrill amendment eight or ten years ago was tacked to an appropriation bill by the Senate. The right to testify in the courts of the country by parties regardless of race, color, or previous condition of servitude was tacked to an appropriation bill. The civil-rights bill and all sorts of things have been added to appropriation bills. Only the other day the Senate saw fit upon an appropriation bill to take away the constitutional right of the President to look all over the country and appoint the most competent and efficient men as pension agents, and limited his power of appointment to wounded or disabled soldiers. That sort of legislation is all wrong. I could name hundreds of other instances of the same sort.

The Committee on Appropriations did not desire to do more than to adhere to the law, which was that the special agent to superintend the railway postal service should be entitled to $2,500 a year, with an allowance for traveling and incidental expenses while actively employed in the service of not more than $5 a day. That is all we have said; that is what the Revised Statutes say. Yet gentlemen here talk about the Committee on Appropriations having violated the law. The House did restrict the Postmaster-General to one agent instead of allowing him the right to select two agents, as he had before; but there is a rule of that House (whether a good one or a bad one the Senate cannot interfere with it) that the House may in what they may consider the interest of economy reduce the number of employés or reduce their compensation. In the exercise of that authority they have said the Postmaster-General shall appoint only one agent instead of two, and having done so in the exercise of their right under the rule adopted by the House the Senate committee has acquiesced in their action and said substantially, "we admit your right to limit the number to one; we do not see fit to differ with you." But the fact has been developed that fifty-three agents have been receiving a per diem of $5 a day since 1872 in addition to their salary, and the Committee on Appropriations of this body, of which the Senator from Minnesota has been chairman, I believe, for the last four or five years, how long I do not know, has never interfered with it. The committee of the House, whose special duty it has been to inquire into the expenditures of the Post-Office Department, have had the subject before them since 1872 and this practice has never been interfered with. It comes with a bad grace now to say that the Committee on Appropriations of the Senate ought to set aside the law, that it ought to make a new law, that it ought to disregard the Revised Statutes, remodel the whole system, correct departmental rulings, and do what the Committee on Appropriations of the Senate and the Committee on Expenditures of the Post-Office Department of the House have for the last six or seven years failed even to consider. If the administration of the Post-Office Department is wrong, if they have in violation of law paid $5 a day when they ought to have paid less, call upon the Postmaster-General and hold him responsible. Punish the men who have made wrongful payments to officials of money in violation of law, or change the law and make it so plain that it cannot be misunderstood. That ought to have been done long ago. It has not been done. Why the practice was allowed to continue I do not know. We do not propose to change the law to reduce the pay of one man.

I never saw Mr. Vale, the present superintendent, as I said, but once or twice; but what little I have seen of him satisfies me that he is a very able man, a man who has to perform a service that but few men can perform, and that he is entitled to as much compensation as the present law allows him. I do not propose to cut down his salary. The law allows him $2,500 a year and $5 a day "while actively employed in the service." It is for the committees of the House and of the Senate to determine what those words mean, when his accounts are passed upon, or to change the law so as to give them a definite meaning. The Committee on Appropriations of the Senate have not seen fit to seek to change the existing law, but propose to continue his compensation in the words of the law, and then if he is paid more than he ought to be paid let the men who pay him in excess of what the law allows him be held responsible before the country or the courts or wherever the responsibility can be settled.

Mr. EDMUNDS. Does my friend from Kentucky mean to say that the law as it now stands allows this officer $5 a day actually and absolutely, besides his $2,500?

Mr. BECK. I do not. I say that the language of our bill when perfected will be "actively" instead of "actually," so that he shall receive $5 a day while actively employed.

Mr. EDMUNDS. No, but what I am calling the attention of the Senator to is the present state of the law, saying nothing about this bill. Does the Senator mean to say that the law now allows this superintendent of the railway service $2,500 a year and $5 a day?

Mr. BECK. I do not say so; but I say it comes with bad grace from gentlemen who for seven years have been allowing it to go on and never found fault with it before, when they allowed it to pass for nineteen officers in the last five minutes, to raise this question over the most valuable officer in the Department, and to fasten a construction in his case that they do not seek to put upon the others. Why was not all this inquiry made when we were passing upon the fifty-three route agents?

Mr. EDMUNDS. Will the Senator be good enough to read the clause that gives the fifty-three men that?

Mr. BECK. "Such agents shall be entitled"——

Mr. EDMUNDS. I ask the Senator to be good enough to read the clause of the bill that gives that.

Mr. BECK. The bill, page 2, provides "that hereafter the per diem pay of all special agents appointed under section 4017, Revised Statutes, except such, not exceeding ten in number, as are appointed by the Postmaster-General to duty at such important points as he may designate, shall only be allowed when they are actually engaged in traveling on the business of the Department;" and nine assistant superintendents of railway service have been excepted from the change made by the House provisions by the amendment of the Sen-

ator from Arkansas, making nineteen as to whom the provisions of the Revised Statutes are continued.

Mr. EDMUNDS. The Senator was speaking of our making it pass in this bill, that we have given that in this bill to fifty-three men. Will he point out the place in this bill where that is?

Mr. BECK. I say that the provision retained for Mr. Vail is given to nineteen men in this bill, and that ever since 1872 it has been given to fifty-three men.

Mr. EDMUNDS. Will the Senator be pleased to read at the place in this bill where it gives it to nineteen men?

Mr. BECK. It is given in the samb language that we now propose to insert for the superintendent of the railway service.

Mr. EDMUNDS. Will the Senator read it?

Mr. BECK. In lines 18, 19, and 20 of this bill as amended on the motion of the Senator from Arkansas.

Mr. EDMUNDS. Will the Senator read it?

Mr. BECK. The provision as amended reads:

> Except such, not exceeding ten in number, as are appointed by the Postmaster-General to duty at such important points as he may designate, and nine assistant superintendents of railway mail service, as may be detailed to act as superintendents of division of the railway service.

Mr. EDMUNDS. Very well. I do not hear anything there about $5 a day while employed in the service.

Mr. BECK. Those nineteen men are excepted from the provision of the House bill and allowed to remain as they have been heretofore. It has been stated time and again to-day that they have been receiving their $5 a day for every day in the year.

Mr. WITHERS. And that is the accepted construction.

Mr. BECK. And that is the construction maintained and acted on by the Department so avowed, and it has been paid them ever since 1872, and not one word has been said against it, as we are told.

Mr. EDMUNDS. The Senator is vastly mistaken, I think, as to the construction that the Department puts upon the law as it stands, and I should be glad to see anything from the Department in writing upon that point.

Mr. BECK. The subcommittee on appropriations of the House saw in the Postmaster-General's report that the construction——

Mr. EDMUNDS. I do not know anything about subcommittees of the Committee on Appropriations of the House of Representatives.

Mr. SARGENT. It came in a letter which has been read at the desk.

Mr. EDMUNDS. The Senator I think puts a different construction on the letter from what I do. I have heard of one or two postal agents in Maryland who have stated to me a different construction of the statute and that they only received $5 a day when they are doing what the House bill now provides they shall be doing when they receive it, actually traveling in the performance of their duties. By that I do not mean that they were actually on the cars, but if they were to go a hundred miles to examine a post-office and spent a day and came back, they got $5 for that day that they spent away from home while traveling.

To come back to this provision, the Senator from Kentucky says that we have been for seven years silent about this business. Supposing we had and it now turns out to be wrong, ought it not to be corrected? The Senator and a good many of his friends have been talking rather fervently about their readiness to correct all abuses that have been existing too long, but it appears on this argument that here is one that has got so old, seven years old, that it is impossible to correct it even by the democratic members of this body, who are strong on that particular line. That will hardly do, Mr. President.

Mr. BECK. Mr. President, that is extremely——

Mr. EDMUNDS. Will the Senator just let me finish my reply to him? Then the Senator tells us that on page 2 of the bill we have made this same provision for nineteen agents. My honorable friend is mistaken. We have left the nineteen just where the Revised Statutes leave them, that is all, be it right or be it wrong. As to this one you do not propose to stand on the Revised Statutes, but you propose to import a special and particular provision. Therefore the Senator is unjust in saying that Senators have been silent here while the same provision was being made for nineteen men.

Mr. BECK. I insist that we propose to leave this man just where the Revised Statutes place him and his compensation, and just as the other nineteen were left after substituting the word "actively" for "actually," as we propose.

Mr. EDMUNDS. Then you have got to strike out all this provision about the allowance, because there is no provision about an allowance either for the fifty three, or for the nineteen in the bill that I can see. If anybody can point it out I should like to see it. But when you come to this particular man you are not content with the Revised Statutes; you must have a special and particular provision, differing from the Revised Statutes, by employing different phraseology, (it may mean the same or not, but phraseology is usually employed for a purpose,) to make up a greater sum of compensation, because you argue, and very justly no doubt, that this gentleman ought to have more pay.

But now, Mr. President, just turn for a moment to the honest and fair construction of this language, and then I shall have done. I have spoken too much about it already, because it is a single matter. What is this allowance for? It is "for traveling and incidental expenses a sum not exceeding $5 a day." The statute does not say he shall have $5 a day, but he shall have whatever his traveling and incidental expenses are while actively—using the language of the Revised Statutes—employed in the performance of his duties, but the maximum that he shall be allowed shall not exceed $5 a day. What does that mean in all truth, and justice, and fairness? It means that wherever this man makes an actual and necessary disbursement for traveling expenses and expenses incidental to that traveling, he may be allowed for what he actually disburses; that allowance the law intended, but not to exceed $5 a day. That is the fair construction of the statute. If any Department has construed it otherwise, that Department in my humble judgment has done wrong, and I am quite unwilling, if it is discovered seven years afterward, to be a party to any such construction of the statute any longer.

Mr. BECK. If the Senator from Vermont has concluded, I desire to submit, as I was going on to say, that the Committee on Appropriations of the Senate, have not, with all due respect to his criticism, varied the provision made for this officer from the provision made for the other nineteen, and I now propose to read the statute and to read the bill to show that what I state is absolutely accurate. Section 4020 provides that—

> The Postmaster-General may appoint two agents to superintend the railway postal service, each of whom shall be paid out of the appropriation for the transportation of the mail, a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than $5 a day.

The provision inserted in the House bill, and we agree with them, is as follows:

> That hereafter the Postmaster-General may appoint an agent only—

That was their right to limit it under their rule—

> to superintend the postal railway service, who shall be paid, out of the appropriation for the transportation of the mail on railways, a salary at the rate of $2,500 a year with an allowance, for traveling and incidental expenses while actually employed in the service, not exceeding $5 dollars per day.

We have followed the language of the statute word for word except that the word "actually" is inserted instead of "actively." With that exception there is not a word varying from the statute.

Mr. EDMUNDS. Why did not the committee put in as to these fifty-three special agents provided for in section 4017 the same provision, then? The bill does not contain it as I read it. Section 4017 says that:

> The Postmaster-General may employ two special agents for the Pacific coast, and such number of other special agents as the good of the service and the safety of the mail may require. Such agents shall be entitled to a salary at the rate of not more than $1,600 a year each, and shall each be allowed for traveling and incidental expenses, while actually employed in the service, a sum not exceeding $5 a day.

When you come to the appropriation for that on page 2 of the bill you do not put anything of that sort into your bill; but when you come to the next section that provides for this postal agent, you take pains to provide in the appropriation that he shall have such and such allowances. Why is this difference?

Mr. BECK. We followed the language of the statute in providing for this special agent.

Mr. EDMUNDS. Why did you not as to the others?

Mr. BECK. The House of Representatives saw fit to change the language in regard to the others and the Senate, with the consent of the Senator from Vermont and of all the Senators who are now making objection to this agent, consented to the change.

Mr. EDMUNDS. Why, Mr. President, the Senator, unless I misunderstand this bill, is mistaken in saying that the House of Representatives has changed this allowance at all. It says that the per diem of the special agents, excepting nineteen, shall be only allowed when they are actually engaged in traveling. If I understand that in connection with section 4017, it is that they are not to be paid at this rate of $1,600 a year except when they are actually engaged in the business. If it means the other thing, which is doubtful, I agree, that it provides for the allowance, then the House of Representatives has done exactly by these fifty-three men what it proposed to do by this postal agent, and that is only to make this allowance when he is actually traveling in the performance of his duties.

Mr. BECK. The House of Representatives changed the language which is contained in the Revised Statutes from "actively employed in the service" to "actually engaged in traveling," and nineteen have been excepted from that provision. Therefore whatever the effect of that is, it is for the Senate to determine and for gentlemen who settle the accounts of the Department to decide. All I desire to say is that in this particular case we have followed the language of the Revised Statutes verbatim, and, whatever the proper construction, it is for those who settle the accounts of the Post-Office Department or for the courts to determine. No criticism can be made on the Committee on Appropriations when it endeavored not to change the law, not to attempt to make any construction of the meaning of the law, but to leave it where the law places it; which I understand is the duty of committees on appropriations. We have no right to legislate.

Mr. WINDOM. Upon that point I would ask the Senator how he reconciles his action with reference to the change of compensation to the forty-three agents on page 2? He will find that the bill changes their compensation and pays them only when they are actually trav-

eling. The Senator says that we have adhered to the law. Why not do it in that case?

Mr. BECK. I reconcile it in this way: the House of Representatives saw fit to cut down the compensation of those men, and very many of them, as was shown to us, are men who do very little service. The Senator from Minnesota may recollect what was said by the Senator from Virginia and others upon that subject and desiring, as the Senator from Vermont very properly said, that we on this side of the Chamber desire to cut down expenses wherever we properly may.

Mr. EDMUNDS. I did not say you desire to do it; I said you profess to do it.

Mr. BECK. Well, we profess to do it, and we expect to carry out our professions whenever it is proper, but we do not think that parsimony is economy. We do not believe that, and we do not think that it comes with a very good grace from gentlemen on the other side to be intimating that we ought to be cutting down right or wrong. I believe when a public servant does his work well that he should be paid fairly for his work; and I do not intend on any idea of economy, or parsimony, or any thing else to demand faithful and efficient service from a faithful and efficient officer of great responsibility without granting him compensation on which he can live. There are two sets of men who can serve this country for nothing. Rich men, who have great jobs to put through, belonging to banks and other monopolies, can work for nothing, and all the employés or agents of railroads and other great corporations who get compensation outside will do this work for nothing. There is another and a worse set who can serve for nothing, but men who are honest, faithful, and competent in a country where every office is open to every man and where his poverty should not be the means of excluding him from honorable public employment, he should have a sufficient compensation for the work he does.

I believe this man, who is the sole superintendent of this railway service, has an extremely important work to perform and that he is honest, faithful, and competent, and I further believe that when he is in the city of New York negotiating with great railroad corporations for postal cars and other things, for which these $9,000,000 are expended, and when he goes to Chicago, or Saint Louis, or anywhere else, even if not traveling yet if working for the Department and actively employed in maintaining the interests of the Government and paying out his $5 a day or perhaps $10 a day while there that he ought not to draw on his $2,500 a year salary to pay for the expenses that he is necessarily compelled to incur, and that even when not traveling on cars or on steamboats, but while actively employed in great cities negotiating with railroad corporations and their attorneys as to the best terms upon which the Government can get its mails transported, his expenses should be paid. That is as active employment, that is as costly employment, that is as laborious employment and requires more of the intellect of the man who is employed, than it does while he is traveling along in the cars doing nothing. Would it be proper to pay this officer only $2,500 a year when the law gives him compensation while he is actively employed, and send him to New York and make him spend three months in arranging with the Erie road and the New York Central road and all the other roads as to what postal cars should be used, to see whether they charge the Government properly for the amount of mail matter by the pound that they were carrying, to see into the thousand other things necessary for the Department to know, and keep him there at the New York Hotel, or the Fifth Avenue Hotel, or the Hoffman House, or anywhere else, where they charge him $5 a day for his board alone? Although he is not traveling, yet you cannot properly require him to pay all his expenses while he is there out of the $2,500 allowed him. That is the idea of the amendment.

Mr. WINDOM. Will the Senator agree to an amendment that will cover that proposition and be confined to that proposition?

Mr. BECK. I have no special feeling about this matter. In regard to any amendment that the Senator from Minnesota will offer that is agreeable to the Senate, if I like it I will vote for it, and if I do not I will not vote for it. I do not propose to change the law. I am standing by the Revised Statutes. If this agent is not entitled to that compensation while he is in New York, or Philadelphia, or San Francisco, or Chicago, and if he must pay all his expenses while remaining there and is actively engaged in this important business that he has to transact with these railroad corporations out of $2,500, and the Senate think they can retain the services of a useful, able, efficient, intelligent man, competent to transact that great work and to hold his own and maintain our rights with these great corporations and all their lawyers for $2,500 a year and require him to spend $1,500 of it to pay his own expenses while doing business for the Government, then vote down the amendment of the committee and get some inferior man who will belong to the railroad companies, who will not have brains enough to resist their applications and expose their efforts to take advantage, who can be cheated by them whenever they want to cheat, and thus enable them to make hundreds and thousands of dollars out of the Government while you are saving a dollar or two out of the expenses, when you could have an able, energetic man who would faithfully perform the service which you give him to do. You can get plenty of men who will be glad to work for $2,500 a year and pay their own expenses. The railroad companies will furnish plenty such. There is no doubt about that. There are plenty of men who would come to the Senate and House of Representatives and pay their own expenses, and be glad to do it. Plenty of men will occupy any position for nothing and look to outside rings for their pay, but these are not the kind of men that the good of the country requires should be either here or in the Post-Office Department or in any other Department of the Government.

As I said, my idea of economy is to cut down all supernumeraries and to pay men in responsible positions a fair salary for the work they are required to do, and not pinch them wherever and whenever we can. That is parsimony, and not economy.

Mr. SAULSBURY. I apprehend that the difficulty arises in this case not because of any improper estimate of the services of the gentleman who is employed in this capacity, but because of the language of the Revised Statutes which it is desirable should not be altered upon an appropriation bill. In reference to the service which this gentleman confers upon the country, I believe there seems to be a very general concurrence of opinion. The importance of his office does not arise from any responsibility with reference to the fund appropriated of $9,000,000, but the importance of his services arises from the fact that his business is to make arrangements with the railroad companies for the transportation of the mails in a manner most serviceable to the business of the country. That includes not only the cars in which they shall be carried, but it includes the trains in which they shall be carried, the speed at which the trains shall run, and general fidelity on the part of the railroads in the transmission at the earliest possible moment of the mails of the country. This to the people of the United States is of the greatest importance. From what little intercourse I have had with this gentleman, which has simply been in an official relation, as I have met him in the room of the Committee on Post-Offices and Post-Roads and nowhere else, I have come to the conclusion that perhaps there is no gentleman in this country more familiar with the transportation of the mails by railroad than Mr. Vail. I do not believe that what is proposed in this bill is an exorbitant salary for such an officer, and I would be perfectly willing to pay him all as a salary that is proposed to be paid here as a salary and as traveling and incidental expenses. The difficulty seems to be in so arranging the language of the provision that it will not seem to be legislation upon an appropriation bill.

Mr. FERRY. Since the Senator from Delaware is a member of the Committee on Post-Offices and Post-Roads and has given in some detail the labors of this agent of the Government, I want to remind him of another very important duty which he discharges, which lies at the foundation of all the compensation paid to railway mail-service, and that is the weighing of the mails. This, which is a very large and a very important item, is under his superintendency. The mails have to be weighed with a great deal of care. If there is any pressure anywhere, it is sometimes directed at that point, and we need a man not only of capacity, but of standing and integrity, to fill the position.

Mr. SAULSBURY. What has been said by the Senator from Michigan is true. I will add further, that there is a proposition, which perhaps will come before the Senate at this session, to change the mode of compensation to the railroads which would entail for the next twelve months, at least upon this officer, very important services. There will be a proposition before the Senate to change the mode of compensation to the railroads from weight to space, and all the arrangements necessary to carry out the new order of things, if that measure should meet the favorable consideration of the Senate, would devolve upon this officer, and it would be a very important service which he would be required to render.

I have myself no special fancy for high salaries. I think that those who have noticed my course in the Senate in reference to the expenditures of the Government, at least will do me the credit to say that I have not been extravagant in my ideas as a general rule; nor do I consider this measure as it came from the House of Representatives indicative of a disposition to increase the expenses of the Government. The proposition is to dispense with one of the postal agents and to place upon one man the responsibility and duty which have been heretofore devolved upon two gentlemen. This is in the line of economy. Even if we should increase the compensation to the agent we shall employ somewhat it will not amount to what both the agents have heretofore received. Therefore the House bill as it came to us is in the line of economy, and it would be in the line of economy if the suggestions of the Senate Committee on Appropriations in reference to this officer are agreed to. We ought not to increase the expenses of the Government. They have been onerous and oppressive to the people, and we ought so far as the public service will allow to be economical in the expenditures of the Government. If this were a proposition to increase the expenditures of the Government in reference to this particular service, I should hesitate long before I would vote for it. But the proposition is to dispense with one agent, and to increase to a very small extent the compensation given to Mr. Vail. Therefore it is a matter of economy rather than of extravagance to adopt the suggestions that have been made by the Senate Committee on Appropriations.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. TELLER, (when Mr. CHAFFEE's name was called.) My colleague [Mr. CHAFFEE] is detained from the Senate by sickness, and has been ill for several days.

Mr. DORSEY, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] has been unexpectedly called home by the illness of one of his sons, and since he has left I have learned that his child is dead.

The roll-call having been concluded, the result was announced—yeas 32, nays 13; as follows:

YEAS—32.

Barnum,	Conkling,	Kellogg,	Randolph,
Beck,	Conover,	Kirkwood,	Rollins,
Blaine,	Davis of W. Va.,	Merrimon,	Sargent,
Booth,	Dorsey,	Mitchell,	Saulsbury,
Bruce,	Ferry,	Morgan,	Saunders,
Burnside,	Grover,	Oglesby,	Teller,
Butler,	Hamlin,	Paddock,	Wadleigh,
Cameron of Wis.,	Ingalls,	Plumb,	Withers.

NAYS—13.

Cockrell,	Jones of Florida,	McMillan,	Windom.
Edmunds,	Kernan,	Morrill,	
Harris,	Maxey,	Voorhees,	
Hoar,	McCreery,	Wallace,	

ABSENT—31.

Allison,	Coke,	Hereford,	McPherson,
Anthony,	Davis of Illinois,	Hill,	Patterson,
Armstrong,	Dawes,	Howe,	Ransom,
Bailey,	Dennis,	Johnston,	Sharon,
Bayard,	Eaton,	Jones of Nevada,	Spencer,
Cameron of Pa.,	Eustis,	Lamar,	Thurman,
Chaffee,	Garland,	Matthews,	Whyte.
Christiancy,	Gordon,	McDonald,	

So the amendment was agreed to.

Mr. DAVIS, of West Virginia. I give notice now that I shall ask the enforcement of the five-minute rule and speaking but once on each amendment. I call the attention of the Chair to the fact that the five-minute rule is in operation and it ought to be enforced.

The PRESIDING OFFICER. The Chair will take notice.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was after the word "day," in line 141 of section 1, to strike out the following proviso:

And provided further, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1878, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails, on the basis of the average weight fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876.

The amendment was agreed to.

The next amendment was, in line 155 of section 1, to increase the appropriation "for compensation to railway post-office clerks" from $1,275,000 to $1,325,000.

Mr. SAULSBURY. I should like to know the necessity of that increase over the House appropriation.

Mr. EDMUNDS. It is probably for incidental expenses.

Mr. DORSEY. The increase of this item is only $50,000. The estimate of the Department was $1,385,000, every cent of which, in my judgment, they ought to have to meet the increase of the mails in the West and Southwest on new railways alone. I have in my hand a letter from the superintendent of railway mail service, in which he gives the present condition of the service and the necessity for this increase, which I send to the desk to have read as a portion of my remarks.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT RAILWAY MAIL SERVICE,
Washington, D. C., May 4, 1878.

SIR: The following in regard to the estimates for railway post-office clerks, route agents, mail-route messengers, and local agents is respectfully submitted for the information of the Senate Committee on Appropriations:

RAILWAY POST-OFFICE CLERKS.

By reference to table A, on page 9 of the report of the railway mail service, hereunto appended, it will be seen that the expenditures for railway post-office clerks for 1876 was $1,223,750; for 1877, $1,223,560.

The appropriation for 1878 is $1,225,000.

The miles of annual railway post-office service for the same periods were: 1876, 15,309,915; 1877, 16,898,040; 1878, over 18,000,000.

The increase in the mails handled is best shown by the following comparative statements of mails handled:

Comparative statement of mails handled on the New York and Pittsburg division of the New York, Cincinnati, and Saint Louis railway post-office.

Date.	Paper sacks.		Letter packages.		Registered packages.
	Distributed.	Not distributed.	Distributed.	Not distributed.	
1877.					
March ...	5,486	200	28,992	506	11,000
1878.					
March ...	9,959	165	53,542	585	93,993

NEW YORK AND CHICAGO RAILWAY POST-OFFICE.

Date.	Paper sacks.		Letter packages.		Registered packages.
	Distributed.	Not distributed.	Distributed.	Not distributed.	
1877.					
Sept	34,261	131	226,594	408	47,527
1878					
March...	44,730	240	294,374	941	74,617

These lines are selected as they are representative roads connecting the great sections of our country and are not affected by local causes.

The increase in the mails on the roads leading from New York and New England to the South, Southwest, and West, taken from actual weighings made to adjust the compensation, is shown by the following:

	Pounds.
Daily average for February, 1877	108,000
Daily average for March, 1878	124,000

Increase, 16,000 pounds or about 15 per cent.

The weighing of March, 1878, does not include any post-office supplies, while the weighing in February, 1877, does.

In January, 1878, the Department succeeded in obtaining from the New York Central the postal facilities of which it had been deprived since July, 1876, (the road having refused to furnish them,) and from the roads between New York and Boston additional facilities.

It has become necessary to increase the postal-car facilities from Chicago to the West and Northwest, and from Saint Louis to the Southwest, owing to the great increase in the mails.

There are also some additional postal-car facilities needed in the South.

All these need increased force, and if the railway post-office service is to be extended with the increase of the mails and the extension of the railroad system, some increased appropriation is necessary or the mails cannot be forwarded with the expedition demanded by the public.

* * * * * * *

Very respectfully, &c.,

THEO. A. VAIL,
General Superintendent Railway Mail Service.

Mr. DORSEY. The Postmaster-General in his report, page 129, says:

The mileage of daily railway post-office service has increased over that in operation June 30, 1876, which include the fast mail service, forty-six hundred and twenty-five miles, and the mileage of annual service, 1,688,135 miles, although during the year the fast and limited services on the New York Central and Hudson River, Lake Shore and Michigan Southern, and Pennsylvania Railroad and its connections were discontinued, and but partially restored.

This, together with a large number of new routes and new service upon the routes in the West, require a very large number of postal agencies. That increase was about two years ago. Within the last two years there has been no increase in the number of agents and their pay, while the increase in mileage and in the amount of work to be done has been going on all the time.

Mr. DAVIS, of West Virginia. In addition to what the Senator from Arkansas has said, the Post-Office Department say that they ought to have $60,000 more than the amendment allows, and they say they do not know how they will get along without it; but the committee after thoroughly examining this matter and getting what information they could, made the amount $325,000, instead of $385,000 as the Post-Office Department ask.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the word "dollars," in line 156 of section 1, to strike out the following proviso:

Provided, That postal clerks, route agents, and mail-route messengers shall not be required to wear uniform other than cap or badge.

The amendment was agreed to.

The next amendment was, in line 159 of section 1, to increase the appropriation "for route-agents" from $1,020,000 to $1,030,000.

The amendment was agreed to.

The next amendment was, in line 162 of section 1, to increase the appropriation "for mail-route messengers" from $165,000 to $171,000.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the words "four million," to strike out "one hundred and six" and insert "nine hundred and sixty-two;" so as to read:

That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $4,962,274.72, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in revenue of the Post-Office Department for the year ending June 30, 1879.

Mr. SAULSBURY. On an amendment so important as that we ought to have some explanation of the necessity for it.

Mr. DORSEY. That amendment is simply a change of the footings to correspond with the changes in the items through the bill. It is a necessary change in consequence of what we have already done.

The amendment was agreed to.

The next amendment, was in the same section, line 17, after the word "draughtsmen," to strike out "clerk, female," and after the word "clerks" to strike out "and colored;" so as to read:

And provided also, That the pay-rolls of the draughtsmen, clerks, messengers, and other employés of the topographer's office shall be regularly made out by the chief of the topographer's office, examined and checked by the appointment clerk of the Post-Office Department, and the payments thereof made by a bonded disbursing officer of the Post-Office Department.

The amendment was agreed to.

The next amendment was, in line 23 of the same section, after the word "all," to strike out "purchases" and insert "expenditures;" so as to read:

And also provided further, That all expenditures made by the chief of the topographer's office for the preparation and publication of post-route maps shall be accounted for by vouchers, accompanied by affidavit, and the moneys therefor shall be disbursed by a disbursing officer of the Post-Office Department.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BECK. If the amendments of the committee are through, I desire on line 140 of section 1 to strike out the word "actually" and insert "actively," so as to make it correspond with the Revised Statutes.

Mr. DORSEY. I have no objection to that amendment.

The amendment was agreed to.

Mr. MAXEY. I offer an amendment by direction of the Committee on Post-Offices and Post-Roads, for the establishment of mail-steamship connection between the United States and Brazil by two lines, one from New York to Brazil and the other from New Orleans by way of Galveston. I send the amendment to the Chair to be read. I propose that it shall come in between lines 120 and 121 of the first section of the bill as reported from the Committee on Appropriations.

The PRESIDING OFFICER. The words proposed to be inserted will be read.

The Chief Clerk read as follows:

SEC. —. That the Postmaster-General be, and he is hereby, authorized and directed to establish direct mail communication semi-monthly between the United States and the Empire of Brazil by means of two monthly lines of first-class sea-going steamships; the first of the said monthly lines of steamships to ply between the city of New York, in the United States, and the city of Rio de Janeiro, in Brazil, to touch at Saint Thomas, Pará, Pernambuco, and Bahia, both going and returning; the second of said monthly lines of steamships to ply between the city of New Orleans, in the United States, and the city of Rio de Janeiro, in Brazil, touching, both going and returning, at Galveston, and at such ports in the United States, the West Indies, and Brazil as the Postmaster-General may deem necessary and expedient; it being the true intent and meaning of this act that by the 1st day of January, 1879, service on both of said routes described in this section shall be established, to make this act effectual as to either of them from and after that date.

SEC. —. To establish said semi-monthly mail communication between the two countries, the Postmaster-General is hereby authorized and directed to invite proposals for said mail steamship service by proper public advertisement in one newspaper published in each of the cities of New York, Philadelphia, Washington, Baltimore, New Orleans, and Boston, and to contract with the lowest responsible bidder who shall possess the means to furnish the steamships required for the service, and who shall give good and responsible sureties for the faithful performance of the service under such contract. The two lines shall be contracted for separately, and each shall make monthly trips, that is to say, twelve round voyages per annum; the dates of departure of the steamships of the said two lines, from the cities of New York and New Orleans, to be regulated and determined by the Postmaster-General, so that said dates may be two weeks apart, as nearly as practicable: *Provided*, That separate contracts shall be made by the bidders for each of the two lines, and that the Postmaster-General shall not accept any bid in excess of $30 per mile per annum for each line for the distance between the termini of the routes, respectively, which distance shall not be estimated nor paid for at more than five thousand miles for each of said routes. Said contract for each of said lines shall be for the term of ten years, to begin with each line from the day on which the first steamship, as above described, of said line, may depart, from the city of New York or the city of New Orleans, with the mails for Brazil; and the first departure of a steamship of the first line shall not be later than the 1st day of June, 1878, and the first departure of a steamship of the second line shall not be later than the 1st day of January, 1879.

SEC. —. The steamships contracted for and furnished for said mail service shall be of not less than three thousand tons burden, American built and owned, and constructed of iron, after the best models, equipped with all modern improvements and approved appliances adapted for sea-going steamships of the first class, and shall be capable of making thirteen nautical miles per hour, and to be so constructed as to be readily adapted to the armed naval service of the United States in case of war; and before their acceptance by the Postmaster-General, they shall be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, and whose report shall be made to the Postmaster-General; that the Government shall be entitled to have transported, with the fare and accommodation of a first-class passenger, free of expense, on each and every steamer of said two lines engaged in this service, a mail agent to take charge of and arrange the mail-matter, and to whom suitable accommodation for that purpose shall be given; that in case of failure from any cause to perform any of the regular monthly voyages stipulated for in the contracts, a *pro rata* reduction shall be made from the compensation on account of such omitted voyage or voyages; that suitable fines and penalties may be imposed for delays and irregularities in the performance of the service according to the contracts; and the Postmaster-General shall have the power to determine the contract for either of said lines at any time such contract may be transferred, assigned, or underlet to any other party; and the said steamships shall at all times be subject to the use of the Government at reasonable rates of charter-party therefor.

SEC. —. That the mail steamships employed in the service authorized by this act shall be exempt from all port charges and custom-house dues at the ports of arrival and departure in the United States: *Provided*, That a similar immunity from port charges and custom-house dues is granted by the government of Brazil.

Mr. MAXEY. Mr. President——

Mr. EDMUNDS. I rise to a point of order if my friend from Texas does not. If he rises to a point of order, I do not wish to interrupt him.

The PRESIDING OFFICER. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. I make the point of order that this is contrary to the twenty-ninth rule of the Senate, which provides:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

Mr. MAXEY. I was going to observe that, according to the RECORD, on the 2d of May I was instructed by the Committee on Post-Offices and Post-Roads to report this amendment which I did and by the direction of the Senate it was referred to the Committee on Appropriations. That committee on the 7th (as appears in the RECORD) through the Senator from Arkansas [Mr. DORSEY] made this report:

Mr. DORSEY, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes, reported it with amendments.

Mr. DORSEY. From the same committee I report back an amendment to the bill just reported, offered by the Committee on Post-Offices and Post-Roads, so that the latter committee can move it in the Senate. I desire to say that the Committee on Appropriations do not formally express an opinion upon this amendment, and certainly nothing adverse to it.

So that I apprehend the proper course has been taken to bring this within the rule. The amendment came from the Post-Office committee, was formally presented in the Senate, and by the Senate was referred to the Committee on Appropriations. The Committee on Appropriations reported it back to the Senate in order, as they say in their report, that the Post-Office Committee may offer it as an amendment to the bill in the Senate. This course has been pursued.

Now, as to its being germane; I very readily admit that I am not very familiar with the rules. I do not pretend to be; I do not suppose I ever shall be; but I apprehend that the bill which we have under consideration is a bill making appropriations for postal service. When a bill making an appropriation originates in either House it may be amended in the other. If it originates in the House of Representatives, the Senate may make an amendment thereto. Even in the case of a bill for raising revenue, which is required by the Constitution to originate in the House of Representatives, the Senate may make amendments. This is an amendment to a bill making appropriations for postal service. It has gone through all the formulas so far as I know anything about what the rules require. It comes here and in my judgment is germane to the bill under consideration. That is all I care to say about the point of order.

Mr. EDMUNDS. I did not make the point of order on the twenty-seventh rule that it had not been moved by direction of a standing committee, or that it had not been referred to the Committee on Appropriations. That appeared to have been done; but my point of order is based on the twenty-ninth rule, in that it proposes general legislation upon the subject of sea service with Brazil, and in that it is not germane to this bill which appropriates money to carry out existing laws.

Mr. MAXEY. I am certainly, as the Senator from Vermont admits, strictly within the purview of Rule 27, and I cannot see how Rule 29 has any application whatever. This is not general legislation in regard to any matter which might come up, but is legislation directly pertinent and germane to the bill under consideration.

Mr. DAVIS, of West Virginia. One word on the point of order. Without expressing any opinion upon the merits of the amendment, in my judgment it certainly is in order. It is well known to the Senate that all amendments have had wide scope. If I mistake not, the civil-rights bill was held in order by the Chair on a judiciary appropriation bill.

Mr. EDMUNDS. Not under this twenty-ninth rule as it now is.

Mr. DAVIS, of West Virginia. Very little difference. There may be some words different; but it amounts to the same thing in substance, as I understand. There is hardly anything that has not come on appropriation bills when it was deemed necessary for a purpose, as this is, of course, for it is plain to see that this purpose is to carry the mails; and therefore I should think without any question, and without expressing any view of the merits of the proposition, that the amendment is in order.

Mr. FERRY. In my judgment if there is any point to this question of order, it is upon the general character of the legislation proposed by the Senator from Texas. I cannot possibly conceive how a branch or division of the mail service can be considered "general." Certainly there must be special and general, and a branch of the service between this and Brazil does not cover all the mail service of the United States Government, so that I cannot understand how this can be considered as general legislation. It is specific. General legislation would cover the whole mail service of the country. This is but one arm of it, foreign instead of domestic. And so far as the relevancy of the amendment is concerned, this is mail service and that is mail service, and I cannot see how that question can be raised. But so far as the question of relevancy is concerned, the rule provides, to avoid the friction which has occurred between the Chair and the Senate in just such cases as this, that wherever a question of relevancy occurs it shall be submitted to the Senate. I take it, then, the only thing now for the Chair to do is to submit the matter to the Senate upon the question whether this is general or special legislation.

Mr. HOAR. Mr. President, I should like to ask the honorable Senator who just sat down, and who is so eminent an authority on parliamentary questions in this body by reason of his great experience in the Chair, why it is that a provision in the post-office appropriation bill providing for carrying the mail over a new route, which has not been a postal route before, is inadmissible? Is it not because the law which creates the new postal route is general legislation, and solely on that ground?

Mr. FERRY. The rule, I take it, was to avoid the practice of the

Senate of putting innumerable mail routes upon the mail-route bill. If I understand the point made by the Senator from Massachusetts, it is in reference to the putting of service upon new routes or authorizing the establishment of service upon new routes.

Mr. CONKLING. Does this route exist by law now?

Mr. HOAR. That is the point.

Mr. FERRY. All routes are made post-routes.

Mr. CONKLING. But is there provision of existing law for transmitting mails to Brazil?

Mr. FERRY. No.

Mr. HOAR. That is the precise point.

Mr. CONKLING. My impression is—I speak with uncertainty—that there is a general provision for sending mails upon the navigable waters on which mails have been carried before.

Mr. EDMUNDS. I should like to hear the statute read.

Mr. FERRY. My impression is that wherever there is steamboat service on the waters that is declared to be a mail route, and when that service is taken off it ceases to be such.

Mr. EDMUNDS. Will the Senator be good enough to show us the law for that.

Mr. FERRY. I state it as law. I understand that there is mail service now between the United States and Brazil.

Mr. BECK. By way of Liverpool.

Mr. FERRY. By way of Liverpool one way, and from Brazil here direct. Mails are sent by steamers that run, but they are not running regularly, because there is no contract between the Government and those steamers. They simply get the sea postage for the service.

Mr. SAULSBURY. Will the Senator from Michigan allow me to correct that? There is a regular line between New York and Rio de Janeiro, Brazil, which runs regularly and has been running for twelve months. They carry the mail.

Mr. FERRY. I accept the correction in part. I stated that there was mail service between the United States and Brazil, but not regularly carried. In other words, the steamers do not depart at stated periods. They depart whenever it is convenient, and that seems to be an objection to that service, and adds force to the proposition of the Senator from Texas who now seeks to have an established line leaving at certain defined periods.

Mr. EDMUNDS. Then the law does not provide for the establishment of the line now.

Mr. SAULSBURY. I think the Senator from Michigan is still laboring under a mistake. I understand that the Merchants' line of steamers from New York to Brazil runs regularly, that there are three steamships employed in that service, that they have now been carrying the mail regularly for the last twelve months, and that it is an established line by which the mails of this country are sent directly to Rio de Janeiro.

Mr. FERRY. I think the Senator from Delaware is correct in part, but not wholly. I made inquiry at the Post-Office Department and found that the mails were sent not only by this line but by any steamer that plies between the United States and Brazil. The steamers leave New York whenever they can get freight. They reach Rio de Janeiro and lie there until they get freight enough to pay for their return. They do not leave at stated periods, as is proposed by this amendment or as provided for by the contract of the Emperor of Brazil with a certain steamship-owner. They have to leave at a certain day, and in case they fail to leave at that time they forfeit pay for that trip. That is regular defined service. But the present condition of the service between the United States and Brazil is incidental and accidental, although there is a line of steamers running between the United States and Brazil as best they can.

Mr. HOAR. I understand that it is settled by the practice of both branches of Congress, a practice which has existed for many years, that a law which requires the transportation of the mail over a new route is general legislation, and it is not in order to propose that in either branch as an amendment to the post-office appropriation bill without first having secured the passage of a law making it the legal duty of the Department to take the mail over that route.

Mr. FERRY. If the Senator will allow me right there, that seems to be necessary on land; but we have a general provision that all the waters of the United States during the time the mail is carried on them shall be mail-routes.

Mr. HOAR. I understand. I was coming exactly to that. Now, it is general legislation to require by law the conveyance of a mail over a new route. It is true that all the waters over which the mail is actually carried at a particular time, in particular directions, from one particular point to another, are made postal routes by the act which the Senator has cited; but unless they are so made postal routes by the existing and established lawful practice, which this is not, then it is general legislation to make them postal routes, either by inserting them in a general bill or by establishing a line of mail service over them.

But it seems to me that this proposition is liable to the objection which has been raised, by reason of many provisions in it other than the simple provision establishing a direct mail communication semi-monthly between the United States and the Empire of Brazil. The last section enacts:

> That the mail steamships employed in the service authorized by this act shall be exempt from all port charges and custom-house dues at the ports of arrival and departure in the United States.

The last section but one authorizes the use of the steamers by the Government at reasonable rates of charter-party to be determined by the Postmaster-General. It is not confined to a simple provision for the transportation of the mail over an existing established route by sea, but it contains other provisions.

Mr. FERRY. So far as the features of the proposition are concerned, I think they correspond with a similar contract made by the Emperor of Brazil with certain parties to transport the mails between that empire and the United States.

Mr. EDMUNDS. That does not help it any.

Mr. FERRY. The Senator from Vermont says that does not help the matter any. It helps it so far as this, that it shows that this case is specific, that it does not apply to other sea routes, and therefore it cannot be considered as general legislation. I am surprised at the point made by the Senator from Massachusetts, that the establishment of a simple route between two points, twenty-five miles apart, on which there is no service, declared to be a post-route now by legislation, can be considered in any sense as general legislation. It is the application perhaps of general authority to a specific route. Certainly it cannot be general legislation. It does not apply to other points except those two terminal points with intermediate space.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. FERRY. Certainly.

Mr. EDMUNDS. Would it not be general legislation in this bill for me to move that the salary of the Postmaster-General should be $10,000 a year, although it only applies to one officer?

Mr. FERRY. No; I should say not. He would have to include all the officers of the United States to make it general. I think that comes under the same rule, that it is taking out of the general fund money to apply to a specific person; therefore it cannot be general legislation. Now I take the ground that "general legislation" must apply to all the railroad routes in the railroad branch of the service; and if it is the sea service it must apply to all the sea service alike and be of general character. Now, this is a specific route between the United States and Brazil. It has restrictions pertaining to that, peculiar to that service.

Mr. HOAR. The Senator from Michigan will allow me to ask if he means to say, because I understand him to say, that a provision which should apply to every mail route in this country except the route from the Baltimore and Potomac station to the General Post-Office in Washington would not be general legislation, because it did not apply to every other route?

Mr. FERRY. No more than it would be general legislation if there should be an appropriation for the mail service between here and the city of New York. The appropriation of nine millions of money, as proposed by this bill—I give it in round numbers—is general legislation because it covers all the mail service of the country by railroad; but to appropriate for a specific route, whether between here and New York or between here and Boston, is special, not general. I cannot see how by any construction it can be characterized as general. It must be general, if it is so, upon some principle. It does not cover the whole area; it does not cover the whole mail service of the country; it does not cover the whole appropriation for the mail service; and upon what principle can it be considered as general? It is specific, just exactly as is the service between any two points in the United States. It is between New York and the city of Rio de Janeiro; this special route, this special service cannot be general legislation.

Mr. BAILEY. Mr. President, it seems to me that this is an attempt to ingraft legislation upon an appropriation bill. Notwithstanding the amendment offered by the Senator from Texas proposes to make an appropriation for the post-office service of the United States, the object and intent, the real purpose is to establish a line of steamers between the United States and Brazil and to obtain a subsidy therefor. In other words it is an attempt, under the pretense of making an appropriation for mail service, to establish a subsidy and to support a line of steamers by means of a subsidy. That the services of this line of steamers as mail carriers would be worth $150,000 or anything like that, between New York and Rio de Janeiro or between New Orleans and Rio de Janeiro, no one can pretend. But the object of this amendment is as to our commercial relations between the United States and Brazil, thereby to build up trade, traffic, commerce, between certain portions of the United States and the city of Rio de Janeiro.

As was stated by the Senator from Delaware, we have information that already a line of steamers is plying between New York and the city of Rio de Janeiro. They do not run at regular stated periods, but they do perform mail service for the United States and a service for merchants of the United States whenever there is business to perform.

I have in my hand a letter which I shall send to the Clerk's table and ask to have read, from the agent of this line, giving information on this subject, addressed to a member of the House of Representatives in the Congress of the United States, and I have also, which I will send forward, a statement of the sums that have been paid to this line of steamers for the transportation of the mails, or in other words for the mail service that it has rendered. I find that during the year 1878, in the months of January, February, and March, this mail service has been rendered and it has cost the Government at the rate of $103 a month instead of at the rate of $12,500. Then to say

that this is proposed simply as an aid to the mail service of the country, it seems to me is a mere pretext. It is intended to aid in promoting the commerce of the country. That is a question to be discussed, it seems to me, at another time, on a bill that distinctly presents the question whether the Government and people of the United States are prepared to maintain lines of steamers between the ports of the United States and foreign countries by paying subsidies and granting tens of thousands or hundreds of thousands or millions of dollars for the purpose; in other words, whether it is for the interest of the Government and people of the United States to maintain lines of steamers that cannot maintain themselves, out of the Treasury of the United States, for the purpose of promoting the commerce of the country? I have said this much and now I ask that these papers be read.

The Chief Clerk read as follows:

MAY 9, 1878.

Hon. BENJAMIN A. WILLIS, M. C.,
Washington, D. C.——

Mr. MAXEY. I make the point of order not knowing what the paper is, that it has nothing to do with the point of order pending.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. If the Senator from Tennessee will suspend his remarks for a moment, the Chair will state that not having that great familiarity with the rules and precedents of this body which is only acquired by long experience, he would prefer to submit the question of order to the Senate.

Mr. INGALLS. Under the rule that is the only place where it can be submitted.

The PRESIDING OFFICER. Under the fortieth rule?

Mr. INGALLS. No; the twenty-ninth rule.

Mr. CONKLING I should like to inquire of the Senator who sends this letter to the desk, whether I heard him aright in supposing that he said the letter proved that there was an established service, although an irregular one, between New York and Rio?

Mr. BAILEY. No; I cannot say, nor do I remember that I did say, that it proved it. I offered, simply for the information of the Senate, a letter addressed to a member of the House of Representatives, in which certain facts are cited, or what purport to be facts, in regard to a line of steamers plying between the city of New York and the city of Rio de Janeiro.

Mr. CONKLING. And carrying the mail?

Mr. BAILEY. And that has carried the mail.

Mr. CONKLING. Then my suggestion to the Senate is that it does relate to the point of order.

Mr. BAILEY. The language employed by the Senator from New York was whether it proved this. I do not say that it proves it, but it does relate to the point of order. The point of order that was made, as I understand, is that this is an appropriation bill, and it is proposed by distinct legislation, upon an amendment offered to an appropriation bill, to establish new lines or to establish new post-office routes, or in some other way to change the existing law, or, in other words, to enact general legislation. I endeavored to maintain the propriety of the objection made by showing that this is not intended really to make an appropriation for the postal service of the Government, but is intended to establish a line of steamers and pay a subsidy therefor, and that the effort looks not to the perfection of the mail service of the country but looks alone to the establishment of commercial relations and to the enlargement of the commerce of this country with another country. I ask that the letter may be read.

Mr. BLAINE. One moment. If I understand the honorable Senator from Tennessee his point is that there being a proposition to establish a line of American steamships to a certain port, he wants to show that that is not in order because there is a line of British steamships running there now. That is the whole of it.

Mr. SAULSBURY. I should like to inquire of the Senator from Maine what he means by a line of British steamships? Does he mean that they are owned and controlled by British interests alone, or that American citizens have an interest in them?

Mr. BLAINE. I mean by a line of British ships vessels that sail with British registers and under the flag of Great Britain. As to the private ownership I, of course, no more than the Senator from Delaware would be competent to speak; but I speak of an American line of ships as one that is registered in the United States and bears the American flag. I speak of a British line of ships as one that is registered in Great Britain and bears the British flag. As I understand the point of the honorable Senator from Tennessee, it is that it is not in order pending an appropriation bill for the United States postal service to propose an American line of steamships on any route that is already occupied by a British line of steamships.

Mr. BAILEY. Not at all, Mr. President, I do not say that it is not in order to do this, that, or the other; but I say it is not in order under the pretense of doing one thing to do another. The question before us to-day is not whether we shall open the ports of America to the shipping of foreign states; it is not whether we should maintain our navigation laws; there is no question of that kind here. It is no question of American or British ships, or whether they shall be navigated by American or British sailors; but it is a question of whether this amendment is intended really to enlarge the postal service of the country or to enlarge the commerce of the country. That is the question and the only question. I ask that these papers be read.

Mr. EDMUNDS. I call for the yeas and nays on this question of order.

The yeas and nays were ordered.

Mr. BAILEY. On what question are the yeas and nays to be taken?

Mr. EDMUNDS. The Chair has submitted to the Senate the question whether this proposition offered by the Senator from Texas is in order; and on that question I ask for the yeas and nays.

Mr. BAILEY. Prior to that, if the Senator from Vermont will permit, I have asked that written papers which I have sent to the table may be read. I think I have a right to that.

The PRESIDING OFFICER. The Secretary will read the communication unless there be objection.

The Chief Clerk read as follows:

MAY 9, 1878.

Hon. BENJAMIN A. WILLIS, M. C.,
Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant——

Mr. SARGENT. By whom is it written?

Mr. BAILEY. It is written by Mr. Borland, of the city of New York.

Mr. CAMERON, of Wisconsin. I ask if debate is in order.

Mr. BAILEY. I think I have a right to have the letter read as part of my remarks.

Mr. CAMERON, of Wisconsin. I inquire if debate is in order; and if debate be not in order, then I submit the reading of this letter is not in order, that being in the nature of debate.

Mr. DAVIS, of West Virginia. I hope there will be no objection to the reading of the letter which the Senator from Tennessee asks to have read as part of his remarks.

The PRESIDING OFFICER. In the opinion of the Chair, debate is in order.

Mr. CAMERON, of Wisconsin. I wish to call the attention of the Chair to the rule which expressly provides that debate shall not be in order on a point of order.

Mr. EDMUNDS. That rule only applies to the question of relevancy. On the first question as to whether this amendment is general legislation, the rule against debate does not apply; and here both questions are involved.

The PRESIDING OFFICER. The Chair is of opinion that debate is in order, as the question submitted is under the first clause of Rule 29. Now the reading of the paper will be continued unless there be objection.

The Chief Clerk read as follows:

MAY 9, 1878.

Hon. BENJAMIN A. WILLIS, M. C.,
Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, to which I beg to reply as follows:

The steamers of the Merchants' Line are English steamers of one thousand tons or thereabouts, built of iron especially for the trade with Brazil, carrying cargo, passengers——

Mr. PADDOCK. I move that the further reading be dispensed with. It is evident the Clerk cannot read the letter.

Mr. BAILEY. If the Clerk will send it to me I will read it myself.

Mr. DORSEY. It is evident this letter has nothing to do with the point of order, and it is also evident that the letter is so blurred that the Clerk cannot read it. I suggest that the reading be dispensed with.

Mr. SAULSBURY. I should like to inquire what authority the Senator from Arkansas and the Senator from Nebraska have to interfere with the delivery of the speech of the Senator from Tennessee. [Laughter.] It is a part of his speech and he has sent it there to have it read as a part of his speech, and I do not think any Senator can step in and move that further debate be dispensed with.

Mr. DORSEY. If the Senator from Tennessee acknowledges that to be his speech, I am content that he shall go on.

Mr. PADDOCK. If the Senator from Tennessee is ready to proceed with his remarks, I certainly shall take my seat.

Mr. KERNAN, (to the Chief Clerk.) Send him his speech.

Mr. BAILEY. I asked that the letter be read for the information of the Senate. As a matter of course, it is always understood that it is a part of my remarks. If the Clerk is unable to read it himself, if he will send it to my desk I will undertake to read it myself. [The paper was returned to Mr. BAILEY.] This is a letter addressed by the agent of the steamship company to Mr. WILLIS, Representative in Congress from the State of New York, dated May 9, 1878.

MAY 9, 1878.

Hon. BENJAMIN A. WILLIS, M. C.,
Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of 8th instant, to which I beg to reply as follows:

The steamers of the Merchants' Line are English steamers of one thousand tons or thereabouts, built of iron, especially for the trade with Brazil, carrying cargo, passengers, and mails for Pernambuco, Bahia, and Rio de Janeiro, in the order named; have for the past fourteen months afforded to the Postmaster-General regular and punctual and the only means of direct steam communication with the coast of Brazil; do not run on schedule time, (assuming that by that you mean a uniform speed each voyage, departure at and arrival upon a date fixed by the Post-Office, and delivery of mails within a given time,) but our sailings from this have been regular and punctual, and, so far as I know, have been satisfactory to the Post-Office authorities, both here and in Brazil. The sailing dates from this port are fixed from six to eight weeks ahead, and the steamers have hitherto sailed upon that rate, the cargo being aboard in good time to admit of sailing at the hour

fixed. The usual time occupied on the round voyage is from sixty to seventy days, according to weather, condition of markets, and supply of coffee, and the health of the port of Rio. The ships are rated A 1 at Lloyd's, one hundred years in Liverpool book, and are staunch, strong, and suited for the trade. They are comfortably fitted for carrying six to eight first-class passengers, but not in the style of the ocean steamers to England and Europe. Thus far the accommodation has been in excess of the passengers.

The comparative merits of the steamers of our line and those of the best French and English steamers to Europe are difficult to determine, so many elements other than speed having to be considered; but I may say that for the mere conveyance and transportation of cargo we do not run the boats to their utmost speed, and studying time made on the passages our boats appear to disadvantage.

To your eighth inquiry, I am honestly constrained to reply that in accommodation and tonnage our boats do not conform to the requirements of the bill regarding speed. I am reasonably safe in saying their capability is so, but is kept in reserve. In building place, ownership, flag, tonnage, and accommodation, they fail to meet the conditions of the bill. But I think it is but fair to myself to say I do not desire on behalf of myself or my principals, the owners of this line, to be a competitor for the benefits of this bill. The stipulations and provisions of the bill have been too carefully worded to admit of any person or company, except the one in whose interest the bill was provided, from availing of its pecuniary advantages. And while I cannot come in as a competitor, I claim at the hands of the Congress of the United States equitable and just respect of vested interests, particularly when these interests are endangered and threatened by the special legislation which is so evident in the bill now on passage. The steamers of the Merchants' Line, although under the disability of a foreign flag, are quietly and unostentatiously serving to develop the trade and commerce of the two greatest nations on this hemisphere, (no inconsiderable amount of which has for years passed through my hands and is still passing,) it has carried satisfactorily the United States mails, receiving therefor a nominal but equitable recognition from your Postmaster-General and is ready to continue to do so in the future if required. Relying upon freighting alone, these steamers are conducted on economical and purely commercial bases, are ample in capacity for all the demands of a legitimate business in a normal condition of the markets, and ask no favors, or assistance, or exemption from either this or the Brazilian government, but only not to be legislated against by favorable legislation for a competitor whose existence and history are the future. The business between the United States and Brazil cannot be developed safely or beneficially by subsidized steamers. The commercial enterprise and investment of capital must induce adaptation of products, and interchange, which will follow in due course, will cause traffic and trade over sea for which vessels and steamers will be needed and used, but the steamers and vessels first will not produce the commerce. Under any circumstances the means of communication and transportation will certainly appear as soon as there is trade sufficient to warrant it. Commercial men are wide awake on such matters and if the trade can be secured in a natural and legitimate way without subsidy, I fail to see the need of granting one at this time, when there is absolutely no necessity for it.

Allow me most respectfully to call your attention to the inclosed extract from the Buffalo Express, and apologizing for thus occupying your valuable time, a liberty I have presumed to take knowing that this city, its interests, and commercial importance, are matters of moment to you, I have the honor to be, dear sir, your most obedient servant,

R. B. BORLAND, *Agent.*

There is a paper accompanying this letter, giving the sums paid by the Post-Office Department to this line of steamers for the transportation of the mails, which I ask may be read for me.

The Chief Clerk read as follows:

Amounts paid by the Postmaster-General to the Merchants' Line of steamships of New York for carrying the United States mails from New York direct to Brazil.

For the year 1877:	
Mails per steamah p Cassini, March	$52 36
Mails per steamship Cassini, May	52 98
Mails per steamship Cassini, August	54 72
Mails per steamship Glensannox, October	104 42
Mails per steamship Glenlogan, December	84 70
Total for five trips in 1877	349 18
For monthly service for the first quarter of 1878:	
Mails per Glensannox, January	94 96
Mails per Glenlogan, February	108 94
Mails per Cassini, March	106 24
Total for monthly service during the first quarter of the present year	310 14

Mr. THURMAN. I believe debate is not in order on this question which is to be submitted to the Senate, but I think I shall ask the unanimous consent of the Senate to say a very few words upon it in explanation of the vote I shall give.

Mr. President, this is a bill making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes. The amendment proposes to pay for the transportation of mails between certain ports of the United States and Rio de Janeiro, in Brazil. The first question which suggests itself is where do we get the authority to provide for the transportation of these mails and to pay for that transportation? We certainly do not get it under what is called the post-office power. That is a power to Congress "to establish post-offices and post-roads," and I suppose that no one will contend or ever has contended that by "post-roads" is meant a sea-going service such as this to a foreign country. Then, if the power exists, it must be under one of two other clauses in the Constitution: first, under the commercial power or, secondly, under the power to maintain a navy. It was on this latter clause in the Constitution that the first subsidy bill of this character was advocated in Congress more than thirty years ago, and the bill provided that the ships should be so built that they should be suitable for the Navy of the United States and might be taken by the Government at their cost or their value—I forget which—whenever the Government saw fit to appropriate them; and therefore it was said that the bill came within the power of Congress to maintain a navy.

I notice that this amendment provides that these ships shall be so constructed as to be readily adapted to the armed naval service of the United States in case of war; but there is no such provision as was contained in the bill to which I have referred, the first bill of this character, that the Government may take them at its will whenever it sees fit to do so at the value or the cost whichever it then was.

But if I am right in saying that the word "post-roads" in the Constitution does not include the route from the United States to Brazil, entirely a sea route, then it follows as I have said, that we must find in some other clause of the Constitution, possibly in the commercial clause, or in the clause authorizing the maintenance of a navy, the power to pass this amendment. If that be so, then is this not general legislation; or, to put it in other words, is it germane to this bill? The twenty-ninth rule prohibits general legislation on an appropriation bill, but it goes further than that and prohibits "any amendment not germane or relevant to the subject-matter contained in the bill," and says that no such amendment shall be received. Now this is a post-office bill; it is a bill for the service of the Post-Office Department; and if we have no power under the post-office clause in the Constitution to provide for such a service as is proposed in this amendment, then is the amendment germane or relevant to the bill; and if not, is it not general legislation?

Although the question is not entirely free from doubt, it seems to me, according to my best judgment, that this question must be answered that it is general legislation, and that it is not relevant to the subject-matter of this bill. I come to that conclusion the more readily because of the great evils that have resulted and will continue to result to the country if we attach to appropriation bills anything like general legislation. An appropriation bill ought not to be made the carrier of new schemes or new ideas. It ought to be limited simply to appropriations provided for by law, and therefore I am inclined to resolve all doubts against any amendment that does not come clearly and undoubtedly within the scope of the appropriation bill; and I shall therefore be compelled to vote that this amendment is not in order.

Mr. FERRY. I should like to have the views of the Senator from Ohio on one point. He says that the constitutional power to establish service between New York and Brazil is not derived from the post-office clause. Where, then, is the power derived to establish service between New York and New Orleans by water?

Mr. THURMAN. The power to establish a line of steamships from New York to New Orleans, I do not think, unless it were within the waters of the United States, within the jurisdiction of the United States, can be derived from the clause granting power to establish post-roads.

Mr. CONKLING. Under what provision of the Constitution do we proceed as to Mexico?

Mr. THURMAN. It must be the same thing. If my friends will look at the debate on the first subsidy bill, which was in the year 1845 or 1846, in the House of Representatives, and where the subject was fully discussed, I think they will find that very few contended that the power "to establish post-offices and post-roads" included the power for sea service, unless indeed that sea service were such as you might have across Lake Erie or Lake Superior or running from Wilmington, North Carolina, to Charleston, South Carolina, within our own waters.

Mr. HAMLIN. Will the Senator allow me to invite his attention to section 4007 of the Revised Statutes, as I really wish his opinion upon that section? If there be force in the Senator's argument, if he be right, we have no authority to make a contract to transport our mails outside of the admiralty jurisdiction. I think, then, that he must come to the conclusion that this section is entirely unconstitutional.

Mr. THURMAN. My friend misunderstands me. I have not said that we have no such power. What I have said is that it cannot be derived upon any fair interpretation from the post-office clause in the Constitution. I have not said that under the commercial power we might not provide for the transportation of the mail.

Mr. HAMLIN. I thought the Senator's argument went to the full extent of the power.

Mr. FERRY. I wish to call the attention of the Senator from Ohio. He draws a distinction between the waters of the United States and the open sea as to the source of the constitutional power to establish postal service.

Mr. THURMAN. I have no doubt that within the waters of the United States, along the Mississippi River, or within a marine league of the shore, you may call it a post-road within the meaning of the Constitution; but I say that when you leave the territory of the United States, then the power to pay for the transportation of mails must fall under the commercial power or under the power to maintain a Navy. My own impression is that it falls under the commercial power.

Mr. WITHERS. Take the route from New Orleans to Galveston. How is the mail carried there? How is the mail carried across our great lakes between Canada and the United States?

Mr. THURMAN. Precisely under the commercial power, for the commercial power extends to commerce, not only with foreign nations but between the States.

Mr. WITHERS. But the contracts are made by the Post-Office Department.

Mr. THURMAN. I do not care what they are made by, or by whom. They might be made by anybody else that Congress should think proper to direct. The question is where is the power; and if the

power is not one that properly belongs to the Post-Office Department, then this is general legislation that is not relevant to this bill.

Mr. FERRY. Then we understand the Senator from Ohio to say that within the marine league, within the waters of the United States, the power is derived from the post-office clause of the Constitution, but beyond the league, the three miles, it is derived from the commercial clause of the Constitution. Now the statute declares:

> The following are established post-roads:
> All the waters of the United States during the time the mail is carried thereon.

So that within the marine league the power is derived from the post-office clause. How is it possible to establish a mail route between New York, New Orleans, and Rio de Janeiro without passing through the league? Then the Senator invokes two powers under the Constitution to establish the mail line, and declares that because the constitutional authority comes from the commercial part of the Constitution therefore this is not germane to this bill.

Mr. BLAINE. This debate on a point of order has taken rather a wide range and I shall not transgress the bounds by reading a brief extract of a letter, the whole of which has been read, because I think the letter presents one of the most remarkable scenes in itself that ever occurred in a legislative assembly. Here is a proposition in the American Senate to do something for American commerce, and an agent of an avowed British line of steamers has read in the Senate a protest against the United States doing that thing. Let me read for the benefit of the Senate (for I do not think they could have all heard it) what this modest agent says:

> And while I cannot come in as a competitor I claim at the hands of the Congress of the United States equitable and just respect of vested interests, particularly when these interests are endangered and threatened by the special legislation, which is so evident in the bill now on passage. The steamers of the Merchants' line, although under the disability of a foreign flag, are quietly and unostentatiously serving to develop the trade and commerce of the two greatest nations on this hemisphere, (no inconsiderable amount of which has for years passed through my hands and is still passing.)

Is not that cheek? Here is a British line of steamers put on the sea while the negotiation was going on with the Emperor of Brazil by the American agent in Rio de Janeiro. They tried to bully and bribe and buy him off there, and they could not do it. The Emperor of Brazil, not desiring this line, gave to the American ship-builder contracts for ten years to carry his mails to the United States; and in order to prevent any possibility of direct trade growing up in that way the English, who have elbowed us entirely out of the South American trade, immediately put on a line of three steamers; and well may the agent say that no inconsiderable portion of the whole commerce between Brazil and the United States is going through his hands! It does not take a very large pair of hands to handle all we send out to Brazil; but lest it might grow larger this British agent comes into the American Senate and says: "Do not interfere with our vested rights; I claim here in this letter just and equitable protection in the American Senate for British vested rights between the chief ports of the United States and South America;" and a Senator of the United States—I do not think he comprehended exactly what he offered when he had it read, for I have great respect for him as a Senator, and for his opinion as a Senator generally—presents that in an argument in the American Senate. Let the Senator move to amend the bill and make it a bill to protect and prolong the monopoly of Great Britain for all the trade between the United States and South America. That is what this agent demands of us; that is what this agent says. He says, "Hands off, I demand a just and equitable protection of vested rights," avowing himself as the representative of an English line of steamers, and he speaks of the disability of a British flag! Surprises will never cease.

Mr. BAILEY. Mr. President, I offered that letter for the purpose stated, to show that this amendment to an appropriation bill was not intended, as it purports, simply to establish mail communication between the United States and Brazil, but to promote commercial relations between the United States and Brazil; and it was upon a question of order made by the Senator from Vermont. I did not choose to go into a general discussion of this question; nor do I propose to do so now; nor do I offer myself as the advocate of British interests any more than the Senator from Maine; but I do appear as an advocate of the interests of the American people, of those whose money it is proposed here to vote away. For what purpose? To promote mail communication between the United States and a foreign country? Not at all, but to promote the commercial interests of a particular section of the country, or a particular interest, or a particular person or particular ports, I do not care how it may be described.

Allusion has been made to the circumstances under which this line of steamers was established. I know nothing about them and care nothing about them; and a discussion of that question is foreign to the issue now presented to the American Senate. I understand the Senator from Maine to say that a negotiation had been pending between the Emperor of Brazil and a certain citizen of the United States, and a contract was made between this citizen and the Emperor of Brazil, by which he agreed for a certain consideration to put a line of steamers between an American port and the commercial metropolis of the Empire of Brazil. The terms were stipulated and a certain sum was agreed to be paid. It is generally known here that a contract was made, signed, sealed, and delivered, that ships have been built, ships have been launched, ships are sailing now upon the broad ocean to carry out that contract; and, notwithstanding that contract exists, an American Senator appears here now and offers to vote a part of the money of the American people to maintain that contract. The contract exists, and the parties to it are bound by it. Its terms must be observed; its stipulations must be performed. But, notwithstanding that, we are to give a bounty, not for the purpose of maintaining this line of steamers, but for the purpose of putting money into the pockets of the man who has obtained that contract with the Emperor of Brazil.

Mr. HAMLIN. Mr. President, this is a question of order, and I try to be orderly myself in this body; but I believe the only real method of proceeding here and the only way to be in order is to be out of order. What has all this discussion to do with the question before the body? I confess it needs perception much clearer than any I possess to see it. I cannot comprehend it. I have just one word to say upon this question of order, and I will try to make myself understood without saying how much there may be in the point I make or not.

I must, however, before stating the precise point, be permitted to make myself intelligible. On referring to your statutes you will find that they declare all the navigable waters of the United States to be post-routes. Then they go on to declare that the Postmaster-General may send letters in any vessel, either an American or a foreign bottom, between the ports of the United States, or between foreign ports and a port in the United States, and allow to the master or owners of that vessel two cents a letter. I think that establishes pretty conclusively the opinion which I entertained that we have no right, we have no power, we have no authority to establish a post-route outside the admiralty jurisdiction. In other words, we cannot establish a post-road from New York to Brazil, or from New York to Liverpool; but I hold that we can make a contract with an American citizen—and I am in favor of an American citizen over a foreigner—to transport the mail between any of our ports and any foreign port on the face of the globe; and I say that the statutes have clothed the Post-Office Department with all the authority we possess, and we have now to-day upon the statute-book a section of law which authorizes the Postmaster General to enter into a contract for transporting the mail between any port in the United States and any foreign port when in his opinion it shall be best and expedient so to do. I will read the section.

Now, that being the law, it establishes all of a post-route that we can establish between a foreign port and one of our own. It is not a post-road, but it clothes the Postmaster-General with the authority to make these contracts. That I hold we may do; and now I hold that this amendment submitted by my friend from Texas is simply carrying out the existing law which I am about to read. It is true that it has conditions about it; it provides the kind of vessels that shall be employed, and it adds the amount, and it provides further as a matter of safety, and to bring it perhaps within that other clause of the Constitution with which I am somewhat familiar, as the Senator from Ohio and myself both remember the original discussion very well, to bring it within the commercial power also, that these vessels shall be made and constructed so that they may be converted into Government use whenever the Government shall require it. This section then clothes the Postmaster-General with that authority and this measure is one simply extending and carrying out a contract upon that section—I will read it—and hence I come to the conclusion that it is in order:

> The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

That is all of a route that we can establish. If we were to consider this matter separate and alone and pass it into a law we should make no more of a post-route in it than that section to which I have referred made it. This, then, is only applying the service to that contract; and in that view I think it is within the rules of the Senate.

Besides, I think I should agree with the Senator from Vermont; very likely I would agree with him if he had raised this question thirty years ago and it had at that time been settled, although I am not quite sure that thirty years is a long enough period of time. If he or somebody else had then raised the question as an original one, I might have agreed with him; but when I know that the practice of this body has been consistent and persistent in admitting this kind of legislation upon your appropriation bills for all the time I have had any knowledge here, I must conclude that taking the case as it is presented and the practice of the Senate, it can leave no doubt upon my mind.

Senators will remember that at the last session but one, I think, of Congress we had all kinds of legislation here. I am not talking about the expediency of it, but the practice and the right under the the rules. I think at the very last session of Congress we incorporated into this very bill a long list of post-routes, in almost every State, if not every State and Territory in the country.

I have perhaps not made myself as clear as I ought, but I have stated the point as it presents itself to my mind.

Mr. DORSEY. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 13, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. ALFRED H. AMES, of Washington, District of Columbia.

The Journal of last Saturday was read and approved.

INTERSTATE COMMERCE.

The SPEAKER. The first business in order this morning is the resumption of the consideration of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers. Upon this bill, which was reported by the gentleman from Texas, [Mr. REAGAN,] from the Committee on Commerce, the main question has been ordered.

Mr. REAGAN. According to the understanding on last Saturday, I submit a motion to reconsider the vote ordering the main question, in order that the bill may be further considered by sections as in Committee of the Whole, under the five-minute rule.

The SPEAKER. The Chair advises the gentleman that if the motion to reconsider should prevail, the bill will be divested of the operation of the previous question, which now requires its consideration prior to the morning hour. In that case the regular order might come in and this bill might have to go over until to-morrow.

Mr. REAGAN. What would be the effect if I should wait until the morning hour has expired?

The SPEAKER. The Chair distinctly stated on Saturday that if the previous question was not sustained and the main question ordered the bill would go over as unfinished business until Tuesday. It comes up this morning because of the previous question having been seconded and the main question ordered on the bill and amendments. But if a motion to reconsider should now be adopted, the bill would be divested of that quality which brings it up this morning. The Chair thinks that then the morning hour of Monday would come in, which might be followed by other matters, so that this bill would go over until to-morrow morning.

Mr. REAGAN. I had supposed that the bill would come up this morning as unfinished business, with the understanding that, the main question being reconsidered, we should continue the consideration of the bill by sections for amendment.

The SPEAKER. The Chair has never held that mere unfinished business would interrupt the morning hour of Monday or the suspension of the rules on Monday, for the reason that any class of business going over as unfinished should go over until a time when the rules provide for the consideration of that class of business.

Mr. REAGAN. I make this inquiry of the Chair: if the motion to reconsider be now made and adopted, will the bill have precedence as unfinished business after the morning hour of to-day or will it go over till to-morrow?

The SPEAKER. It will come up after the reading of the Journal to-morrow.

Mr. REAGAN. It will then take precedence as unfinished business

The SPEAKER. It would come up as unfinished business, the theory being that, when the House determines to consider a bill, that bill should remain before the House until some action of an affirmative or negative character has been taken upon it.

Mr. THOMPSON. I understand there are several gentlemen who desire to offer amendments to different portions of the bill; and I suggest to the gentleman in charge of it to ask unanimous consent that amendments be offered pending the previous question, and that the vote be taken upon them as they are offered. Then the bill would remain under the operation of the previous question.

Mr. BUCKNER. The bill had better go over till to-morrow.

Mr. REAGAN. I am willing that the course suggested by the gentleman from Pennsylvania [Mr. THOMPSON] should be taken; that the question be submitted to the House whether it will give unanimous consent.

The SPEAKER. For all amendments or for such amendments as the gentleman from Texas may designate?

Mr. THOMPSON. I suggest to the gentleman that he allow any amendments which any gentleman may desire to offer.

Mr. REAGAN. Certainly; I should have no objection to that.

The SPEAKER. Debate would be cut off, the House will remember, upon all such amendments.

Mr. REAGAN. Does the ordering of the main question cut off the right to close the debate or does it leave that open?

The SPEAKER. It does not cut off the right of the gentleman from Texas in that respect.

Several members called for the regular order.

The SPEAKER. The regular order is demanded, which is the vote upon the first pending amendment.

Mr. REAGAN. Mr. Speaker, I submit the motion to reconsider the vote by which the main question was ordered.

The SPEAKER. The effect of which will be to allow this bill to go over till to-morrow morning as unfinished business.

Several MEMBERS. Why not?

The SPEAKER. The business for to-day is set forth distinctly in the rule; and the only reason why this bill comes up at all in preference to the usual business is because the main question is operating upon it.

Mr. REAGAN. I do not know that I can do better than to make the motion and let the bill go over till to-morrow morning.

The motion of Mr. REAGAN to reconsider the vote by which the main question was ordered was agreed to.

Mr. CONGER. Is it now in order to move to strike out the enacting clause?

The SPEAKER. The bill goes over till to-morrow morning.

ORDER OF BUSINESS.

Mr. STEPHENS, of Georgia. I ask general consent to make a report from the Committee on Coinage, Weights, and Measures, to which I think there will be no objection. If there is I shall move a suspension of the rules.

The SPEAKER. The Chair will recognize the gentleman after the morning hour or as soon as practicable under the rules. The regular order having been demanded the Chair has no volition, but must announce the business of the morning hour on Monday.

The morning hour begins at twenty minutes past eleven o'clock a. m. This being Monday, the first business during the morning hour is the call of States and Territories, beginning with the State of Maine, for bills and joint resolutions for introduction and reference to appropriate committees. During this call memorials and joint resolutions of State and territorial Legislatures are in order for reference.

Mr. DAVIS, of California. I move by unanimous consent the call be continued until all the States and Territories have been called.

There was no objection, and it was ordered accordingly.

FIELDING BRADFORD.

Mr. BRIGGS introduced a bill (H. R. No. 4804) granting a pension to Fielding Bradford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT PRISONERS.

Mr. CLAFLIN introduced a bill (H. R. No. 4805) to provide that persons sentenced to hard labor by the courts of the District of Columbia may be confined in the jail in said District, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed

UNITED STATES AND PORTUGAL STEAMSHIP SERVICE.

Mr. CRAPO introduced a bill (H. R. No. 4806) to provide ocean mail steamship service between the United States and Portugal; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SIGNAL STATION AT FALL RIVER, MASSACHUSETTS.

Mr. CRAPO also introduced a bill (H. R. No. 4807) to establish and maintain a signal station at Fall River, Massachusetts; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL ELECTRIC LIGHT COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. WAIT introduced a bill (H. R. No. 4808) to incorporate the National Electric Light Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

VACATING HACK-STAND.

Mr. WILLIS, of New York, introduced a bill (H. R. No. 4809) declaring a certain ordinance entitled "An act authorizing a hack-stand on Vermont avenue, between H and I streets, in the city of Washington," void and of no effect; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DISTRICT CLAIMS.

Mr. MAYHAM introduced a bill (H. R. No. 4810) to provide for the settlement of all outstanding claims against the District of Columbia, and for conferring jurisdiction on the Court of Claims to hear the same, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

J. W. LE BARNES.

Mr. MAYHAM also (by request) introduced a bill (H. R. No. 4811) for the relief of J. W. Le Barnes; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

INCREASE OF THE ARMY.

Mr. LAPHAM introduced a joint resolution (H. R. No. 180) providing for the increase of the Army during the recess of Congress; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. SCOTT WHITNEY.

Mr. WILLIAMS, of New York, introduced a bill (H. R. No. 4812) for the relief of W. Scott Whitney, of Lake George, Warren County, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGETOWN AND LITTLE FALLS RAILROAD COMPANY.

Mr. HARDENBERGH (by request) introduced a bill (H. R. No. 4813) to incorporate the Georgetown and Little Falls Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. MACKEY presented concurrent resolutions of the Legislature of the State of Pennsylvania, recommending their Senators and Representatives in Congress to aid and encourage the building of the Texas Pacific Railroad and any other needed national improvements; which were referred to the Committee on the Pacific Railroad.

JACOB NEYHART.

Mr. MACKEY also introduced a bill (H. R. No. 4814) granting a pension to Jacob Neyhart, late captain Company I, Two hundred and second Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. LONG.

Mr. STENGER introduced a bill (H. R. No. 4815) granting a pension to James P. Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF PATENTS.

Mr. KIMMEL introduced a bill (H. R. No. 4816) to authorize the extension of the patent of Levin P. Clark; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TAX ON SPIRITS, ETC., DISTRICT OF COLUMBIA.

Mr. JORGENSEN introduced a bill (H. R. No. 4817) imposing a tax and prescribing the mode of collecting the same on the privilege of selling wine, ardent spirits, malt liquors, or any mixture of any of them, for the support of the District government and to pay the interest on the debt; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SAMUEL LORD, JR.

Mr. EVINS, of South Carolina, introduced a bill (H. R. No. 4818) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

E. M'DONALD.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 4819) for the relief of E. McDonald, of the State of Georgia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

FRANCIS M. JOHNSTON.

Mr. SHELLEY introduced a bill (H. R. No. 4820) for the relief of Francis M. Johnston; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LIEUTENANT D. F. TOZIER.

Mr. ACKLEN presented a joint resolution (H. R. No. 181) presenting the thanks of Congress to Lieutenant D. F. Tozier and the officers and men of the revenue steamer Dix, and authorizing Lieutenant Tozier to accept a gold medal from President McMahon, of the Republic of France; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MARY JOYCE.

Mr. BANNING introduced a bill (H. R. No. 4821) granting a pension to Mary Joyce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DAUGHERTY.

Mr. VAN VORHES introduced a bill (H. R. No. 4822) granting a pension to William Daugherty, late captain of Company K, Sixty-second Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF NAVAL EMPLOYÉS.

Mr. WHITTHORNE introduced a bill (H. R. No. 4823) to protect employés in the naval service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SETTLEMENTS OF POSTMASTERS.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 4824) to amend section 3843 of the Revised Statutes in relation to settlements of postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

THEODORE LEVERON.

Mr. COBB introduced a bill (H. R. No. 4825) for the relief of Theodore Leveron, of Brownsville, Knox county, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE H. GAINES.

Mr. CALKINS introduced a bill (H. R. No. 4826) granting a pension to Jesse H. Gaines, of Saint Joseph County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEADS OF DEPARTMENTS.

Mr. HARRISON introduced a bill (H. R. No. 4827) to enable the heads of the Executive Departments of the Government to occupy seats upon the floor of the House of Representatives and to participate in debate, and for other purposes; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

CHAPTER 27 OF REVISED STATUTES.

Mr. BRENTANO introduced a bill (H. R. No. 4828) to amend chapter 27 of the Revised Statutes relating to the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

BARNETT B. MITCHELL.

Mr. MORGAN introduced a bill (H. R. No. 4829) for the relief of Barnett B. Mitchell, first lieutenant Company K, Second Kansas Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSPORTATION OF CATTLE IN SUMMER.

Mr. MORGAN also introduced a bill (H. R. No. 4830) to prohibit the driving, herding, and otherwise introducing into the States of Missouri, Kansas, and Illinois, of Texas, Mexican, and Indian Territory cattle during the summer months of each year; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES C. MERRICK.

Mr. LATHROP introduced a bill (H. R. No. 4831) granting a pension to Charles C. Merrick, late captain Fifty-first Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. STERLING MORTON AND OTHERS.

Mr. GUNTER introduced a bill (H. R. No. 4832) authorizing J. Sterling Morton, Charles A. Manners, and Andrew Hopkins, to sue in the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BENJAMIN F. RICHARDSON.

Mr. SLEMONS introduced a bill (H. R. No. 4833) for the relief of Benjamin F. Richardson, of Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GOVERNMENT EMPLOYÉS IN THE DISTRICT.

Mr. WILLIAMS, of Michigan, (by request,) introduced a bill (H. R. No. 4834) for the relief of certain employés of the United States Government in the District of Columbia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

J. R. WILLIAMS AND H. DOWD.

Mr. WILLIAMS, of Michigan, also introduced a bill (H. R. No. 4835) for the relief of J. R. Williams and Heman Dowd, second lieutenants Third Artillery, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS' MONUMENT AT QUINCY, MICHIGAN.

Mr. McGOWAN introduced a bill (H. R. No. 4836) granting condemned cannon to the village of Quincy, Michigan, for a soldiers' monument; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON FOR SOLDIERS' MONUMENT.

Mr. CONGER introduced a bill (H. R. No. 4837) authorizing the Secretary of War to deliver to the city of Port Huron, Michigan, certain condemned cannon and balls for a soldiers' monument in Lakeside Cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GRANT OF LAND TO PRESBYTERIAN CHURCH, SAINT AUGUSTINE.

Mr. DAVIDSON introduced a bill (H. R. No. 4838) granting to the trustees of the Presbyterian congregation in the city of Saint Augustine, Florida, a lot of land on which to erect a church building and parsonage; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUILDING FOR THE UNITED STATES LEGATION, TOKEI, JAPAN.

Mr. SCHLEICHER introduced a bill (H. R. No. 4839) to provide a building for the use of the United States legation at Tokei, Japan; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FORT CLARK, TEXAS.

Mr. SCHLEICHER also introduced a bill (H. R. No. 4840) to authorized the purchase of the site of Fort Clark, in the State of Texas; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MILITARY AND COMMERCIAL RAILROAD.

Mr. SCHLEICHER also introduced a bill (H. R. No. 4841) to aid in the construction of a military, commercial, and postal rail highway

from the military headquarters of the United States Army at San Antonio, in the State of Texas, to the Rio Grande at or near the town of Laredo; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ERECTION OF PUBLIC BUILDINGS.

Mr. SCHLEICHER also introduced a bill (H. R. No. 4842) to provide for the completion and erection of certain public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATIONAL LABOR ASSOCIATION.

Mr. WILLIAMS, of Wisconsion, (by request,) introduced a bill (H. R. No. 4843) to organize the National Labor Association of the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

AUGUSTUS C. HELMENSTINE.

Mr. HAZELTON introduced a bill (H. R. No. 4844) to remove charges against Augustus C. Helmenstine, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, on file in the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN TAYLOR.

Mr. HAZELTON also introduced a bill (H. R. No. 4845) granting a pension to Susan Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HAYS.

Mr. HAZELTON also introduced a bill (H. R. No. 4846) to grant a pension to Samuel Hays; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. G. STREETER.

Mr. HAZELTON also introduced a bill (H. R. No. 4847) for the relief of D. G. Streeter; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHRISTOPHER SILVER.

Mr. HAZELTON also introduced a bill (H. R. No. 4848) granting a pension to Christopher Silver, survivor of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

MERRITT H. CRAM.

Mr. HUMPHREY introduced a bill (H. R. No. 4849) granting a pension to Merritt H. Cram, private Company F, First Regiment United States Sharpshooters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTONIO QUINTANA.

Mr. WIGGINTON introduced a bill (H. R. No. 4850) for the relief of Antonio Quintana and others, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MILITARY TELEGRAPH LINE.

Mr. STRAIT introduced a bill (H. R. No. 4851) to provide for the construction, maintenance, and operation of a military telegraph line in Dakota and Montana Territories; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEMEN F. M'KIBBEN.

Mr. DUNNELL introduced a bill (H. R. No. 4852) for the relief of Lemen F. McKibben; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

REISSUE OF CIRCULATING NOTES.

Mr. PHILLIPS introduced a bill (H. R. No. 4853) to provide for issuing and placing in circulation certain moneys now held in reserve in the Treasury of the denomination of one and two dollars; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PENSIONS.

Mr. PHILLIPS also introduced a bill (H. R. No. 4854) to amend section 4721, title 57, of the Revised Statutes, relating to pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN LANDS IN KANSAS.

Mr. HASKELL introduced a bill (H. R. No. 4855) to further provide for the sale of certain Indian lands in Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM H. MORGAN.

Mr. RYAN introduced a bill (H. R. No. 4856) for the relief of William H. Morgan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAPS OF THE BATTLE OF GETTYSBURGH.

Mr. MAGINNIS introduced a bill (H. R. No. 4857) to provide for additional maps of the battle of Gettysburgh; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ROBERT C. WALKER.

Mr. MAGINNIS also introduced a bill (H. R. No. 4858) for the relief of Robert C. Walker, late paymaster United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been concluded, the Chair will now recognize gentlemen who were not in their seats when their States were called, to introduce bills for reference to appropriate committees, not to be brought back on motion to reconsider.

ELIZABETH WOODS.

Mr. BELL introduced a bill (H. R. No. 4859) for the relief of Elizabeth Woods, of Lumpkin County, Georgia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM H. AKINS AND J. D. FELTHOUSEN.

Mr. SPRINGER (by request) introduced a bill (H. R. No. 4860) for the relief of William H. Akins and Jacob D. Felthousen; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM GEISSEL.

Mr. WILLIS, of Kentucky, introduced a bill (H. R. No. 4861) for the relief of William Geissel, late second lieutenant Sixth Regiment Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN B. LYNCH.

Mr. SEXTON introduced a bill (H. R. No. 4862) granting a pension to John B. Lynch, late private Company D, Third Regiment Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY S. WELCH.

Mr. HENKLE introduced a bill (H. R. No. 4863) for the relief of Mary S. Welch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS D. ISOM.

Mr. MANNING introduced a bill (H. R. No. 4864) for the payment of $600 to Thomas D. Isom, of Oxford, Mississippi, for rent of judges' official chambers; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LEVI WERNER.

Mr. BRIDGES introduced a bill (H. R. No. 4865) granting a pension to Levi Werner, Company C, One hundred and twenty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN RESERVATIONS.

Mr. COVERT introduced a bill (H. R. No. 4866) providing for the extension of civil and criminal law over Indian reservations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia [Mr. STEPHENS] asks leave of absence for one week for the benefit of his health.

There was no objection, and leave was granted accordingly.

The SPEAKER. In consequence of the leave granted by the House, the Chair now asks consent to recognize the gentleman from Georgia [Mr. STEPHENS] out of the order of his list of gentlemen to be recognized for suspension of the rules to move a suspension of the rules at this time.

Mr. CONGER. I would like to hear the subject of the gentleman's request, reserving till then my right to object.

The SPEAKER. It will be read by the Clerk.

THREE-CENT AND FIVE-CENT COINS.

Mr. STEPHENS, of Georgia. I ask general consent of the House (I think there will be no objection) to report and have passed a bill which is unanimously approved by the Committee on Coinage, Weights, and Measures.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill (H. R. No. 4704) to retire certain silver coins now in use, and to provide for the exchange of subsidiary silver coins for legal-tender money under certain circumstances.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the five-cent and three-cent silver pieces shall not hereafter be coined; but all heretofore coined of these denominations shall be taken up, and fractional or subsidiary silver coins shall be given in exchange for them when presented, at the several coinage-mints of the United States, in sums of $5 or over, and, when taken up, shall not again be reissued, but shall be coined in pieces of other denominations of like currency; and the difference between the nominal and bullion value shall be defrayed from the silver profit fund.

SEC. 2. That the present fractional or subsidiary silver coins shall hereafter be

a legal tender in all sums not exceeding $20 in full payment, and shall be taken up and legal-tender money given in exchange for them when presented at the Treasury of the United States in sums of $20 or over.

SEC. 3. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

The SPEAKER. The Chair hears no objection to the entertainment of the motion of the gentleman from Georgia, who moves that the rules be suspended and that the bill just read be passed.

The question being taken, there were—ayes 153, noes 19.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

ALLEGED FRAUD IN PRESIDENTIAL ELECTION.

Mr. POTTER. I rise to a question of privilege, and send to the Clerk's desk a resolution for the investigation of alleged fraud in the late presidential election in the States of Louisiana and Florida.

Mr. CONGER. Mr. Speaker, after the resolution is read will there be opportunity to object that it does not present a question of privilege?

The SPEAKER. Certainly.

Mr. CONGER. I wish to reserve all points.

The Clerk read as follows:

Whereas, the State of Maryland has by its Legislature formally declared that due effect was not given to the electoral vote cast by that State on the 6th day of December, 1876, by reason of fraudulent returns of electoral votes from the States of Florida and Louisiana; and

Whereas an affidavit by Samuel B. McLin, chairman of the board of State canvassers of the State of Florida, for the election held in that State in November, 1876, for electors of President and Vice-President, has been made public, alleging false and fraudulent returns for votes for such electors in that State whereby the choice of the people of that State was annulled and reversed, and that the action of the board of State canvassers in making such returns was influenced by the conduct and promises of Hon. Edward F. Noyes, now a minister for this Government to France; and

Whereas it is alleged that a conspiracy existed in the State of Louisina whereby the republican vote in all the precincts of the parish of East Feliciana and in some precincts of West Feliciana, at the general election in November, 1876, was purposely withheld from the polls to afford a pretext for the exclusion by the returning board of that State of the votes cast in those precincts for electors of President and Vice-President and that James E. Anderson, the supervisor of registration of East Feliciana, and D. A. Weber, the supervisor of registration of the parish of West Feliciana in that State, in furtherance of that conspiracy, falsely protested that the election in such precincts had not been fair and free, and that the said returning board thereupon falsely and fraudulently excluded the votes of the said precincts and by means thereof and of other false and fraudulent action by the said returning board, the choice of the people of that State was annulled and reversed and that such action of the said Weber and Anderson was induced or encouraged by the assurances of Hon. John Sherman, now Secretary of the Treasury of the United States; and

Whereas the gravity of these charges, the nature of the evidence upon which they are reported to be based and the official dignity and position of the persons named in connection with the said frauds make it proper the same should be inquired into to the end that the honor of the nation may be vindicated and the truth as to such elections made known; Therefore,

Be it resolved, That a select committee, consisting of eleven members of this House, be appointed by the Speaker to inquire into the aforesaid allegation as to the conduct of the persons in office aforesaid in respect of the said election, and into the alleged false and fraudulent canvass and return of votes by State, county, parish, and precinct officers in the said States of Louisiana and Florida, and into all the facts which, in the judgment of the said committee, are connected with or pertinent thereto; and that the said committee, for the purpose of executing this resolution, shall have power to send for persons and papers, to administer oaths, and to take testimony, and in their discretion to detail subcommittees, with like full authority of said committee in every particular, and with power to sit in Florida and Louisiana, which subcommittees shall be committees of this House; and the chairman thereof shall be authorized to administer oaths; that the said committees and subcommittees may employ stenographers, clerks, and messengers, and be attended each by a deputy sergeant-at-arms, and may sit during the sessions of this House and during the vacation; and that said committee do forthwith proceed in this inquiry and have leave to report at any time.

Mr. POTTER was recognized by the Chair.

Mr. CONGER. I make the point that this resolution is not a question of privilege, and does not show on its face anything which this House can sustain as such. I make the further point that the action provided for in the resolution changes the rules of this House. It not only gives very extraordinary privileges and powers to a general committee, but undertakes to give to a subcommittee and to the chairman of a subcommittee power which the law does not permit in regard to the administration of oaths. I ask the ruling of the Chair in the first place upon the question whether this is a question of privilege.

Mr. POTTER. Will the Chair hear me one moment as to the question of privilege? Mr. Speaker, one would suppose that if there be any subject entitled to preference in the order of business in this House it is a resolution introduced because of the memorial of a sovereign State touching the official conduct of high officers of the Government and relating to frauds alleged to have occurred and to have changed the result of the election of the highest officers of this Government.

Mr. CONGER. Will the gentleman allow me one question in this connection? Has this memorial to which he refers been committed to the gentleman from New York so that he has any such possession of it as would authorize him to draw such a resolution?

Mr. POTTER. I am now speaking to the question of order. Later, if this resolution shall be admitted and if I should have an opportunity to say anything, I shall be happy to make answer to the inquiry just put by the gentleman from Michigan.

As to the question of order, it seems to me that to state this case is to argue it. If, for the reason that appears upon the face of this resolution, this inquiry is not privileged, nothing can be privileged. If the House of Representatives ought to give preference to the consideration of any subject over its ordinary business, surely a subject of this nature and magnitude must be one of those to which it ought to give preference. I do not think it can be necessary to make any further suggestion in reply to the gentleman from Michigan. As to what he has said about the tenor of the resolution, that matter will arise properly after the resolution is admitted to be discussed.

Mr. HALE. Will the Chair hear me a moment on the point of order?

The SPEAKER. Certainly.

Mr. HALE. Mr. Speaker, questions of privilege are distinctly stated in the rules, even to the extent of enumerating them, so that every man's mind may well grasp the subject and see of what nature they are. On page 287 of our Manual and Digest of Rules there is an enumeration of the various questions of privilege that may arise. The remark is made that of course all cannot be given, "but the following list," it is stated, "embraces all that have arisen." Then follows a specification of these questions: "Election of a Speaker;" "right of a member to be seated;" "election of President;" "contested-election cases."

Now, Mr. Speaker, if this is a question of privilege at all, it comes under some such principle as applies to the questions I have just enumerated. For instance, it must be a question in which action is sought, and not a question of expression of opinion upon the subject-matter. The election of a Speaker is enumerated, and that means that any resolution proposing to go to the election of a Speaker is highly privileged. Even after the election in the beginning of a Congress a member may rise in his seat, I take it, and by a resolution declare that the House shall proceed to an election, making it privileged. The right of a member to be seated is a privileged question, because upon it action is to be taken, a member is to be seated or another member turned out, or a vacancy is to be filled. So generally as to contested-election cases. In this category is found the election of President. On these principles, and these only as such, this can be here.

I await with solicitude the ruling of the Speaker. If this resolution, however deprecatory it may be in language, means that this House is to enter upon, as it would in the election of a Speaker or in the seating of a member, the practical question affecting the election of a President, thereby intending to subvert accepted results, then there may be some claim that it is a question of privilege. But as an expression of opinion, as for instance if I should rise and offer a resolution that the gentleman from New York or his title to his seat here was affected by rumors, and as an expression of opinion it was desirable to settle history on that, the Chair would undoubtedly at once rule it was not a question of privilege, because no action was intended. I put it squarely to the Speaker, and upon that, as I have said, shall await with solicitude his ruling, whether, under the provisions of the rule, this is a resolution calling for action on the election of President, which action must be in the direction of attacking the legality of the title of the President of the United States, to the subversion, it may be, of that title and the expulsion of the incumbent. All that is involved if this question belongs here.

Mr. GARFIELD. Mr. Speaker, the gentleman from New York bases the ground of his claim this is a question of privilege upon the fact that the memorial which he recites in the preamble of his resolution is a memorial from a sovereign State, and is therefore entitled to a very high place in the consideration of this House. I think the gentleman from New York is unfortunate in planting his case upon that ground. The States of this Union are represented here by individual members who are elected to speak and vote for the States and in no other way whatever except by petition can a State of this Union be heard on this floor. By a recent modification of our rules—I say recent, for in the first eighty years of the history of this Government the State had no other means whatever of being heard except by the voice and vote of individual representatives and by petition; but in the year 1867 this House so far modified its rules as a matter of courtesy to the State and not as a matter of their right to permit what I will now read. The end of the one hundred and thirtieth Rule, the last clause of which was enacted in 1867, is in these words:

And on said call—

That is, the Monday morning call—

joint resolutions of State and territorial Legislatures for printing and reference may be introduced.

"May be introduced." But for this they could only present petitions in the box by the hand of a member. The courtesy of the House was extended in 1867 to joint resolutions of the Legislatures of the States. So far from constituting the action of the State a question of privilege, that rule, after eighty years of action without the privilege they now enjoy, this courtesy was extended to the Legislatures of the States to let them be heard through a joint resolution in the Monday morning hour. And that, not because the State had a right thus to be heard, but because as a matter of comity the House extended that privilege.

The SPEAKER. Would the gentleman from Ohio deny to a State the right of petition as given in the article of the Constitution which states——

Mr. GARFIELD. The right of petition they would have, of course.

The SPEAKER. As provided for, wherein it is stated that Congress shall make no law abridging the right of the people to petition the Government for redress of grievances.

Mr. GARFIELD. The Speaker's reference to the right of petition is entirely unnecessary in this connection.

The SPEAKER. It is analogous.

Mr. GARFIELD. The right of petition was discussed on the presentation of the Maryland resolutions. Everybody admitted the unquestioned right of petition; but the right of action here on this floor is a different thing. The question which rises to the dignity of a privileged question depends upon the right of action which some one can demand of the House. A member here can demand action in regard to his right to his seat.

Anything that leads to an action relating to these high questions of privilege of course can be called a privileged question. But this memorial received here by the courtesy of the rules of the House, and not as a matter of right, except as a petition, cannot now by any form of logic be raised to the dignity of a question of privilege.

Now, I say another thing. This would be a question of privilege without any doubt provided the resolution alleges a purpose to institute proceedings in impeachment. If he says this is a proceeding intended to pave the way for an impeachment doubtless it may be made a question of privilege.

If he says that it is a proposition by this House to raise and determine the question of the title of the present Chief Magistrate to the office which he holds, then I answer him that that question has been determined by the joint action of the two Houses of Congress, and is as much beyond the reach of this House as the election of Grant or Washington.

Again, if the object of this resolution is merely to organize a committee for campaign purposes, to make campaign literature for the coming fall, I affirm that the exigencies of a political party have never yet been treated as a question of privilege.

Furthermore, there is in this resolution—and I reserve the point of order after the point now raised shall have been settled—a proposition that the committee shall have the right to report at any time, and that they shall have the right to sit in recess. Neither of these things can be effected by a majority vote if it comes to that, and I reserve on them the points of order when the time shall have arrived. I conclude by saying I am glad that at last after this proceeding has so long been hanging over the country we now know what they are seeking to do. For some weeks I have been inclined to say to these gentlemen in the language of Hamlet in his advice to the players:

Leave off your damnable faces and begin.

Mr. HALE. I desire to say that if the resolution is sustained as being a question of privilege before the House, I have an amendment I desire to offer before the question is taken.

Mr. COX, of New York. Let me say one word in reply to the gentleman from Ohio, [Mr. GARFIELD.] The gentleman from Ohio was one of the electoral commission. On the 9th of February, 1877, he decided on the question of Florida. He voted in the affirmative along with Messrs. Miller, Strong, Bradley, EDMUNDS, Morton, Frelinghuysen, and HOAR—eight, including himself, against seven. At that time he held, according to the report—

That it is not competent under the Constitution and the law, as it existed at the date of the passage of said act, to go into evidence *aliunde* on the papers opened by the President of the Senate in the presence of the two Houses to prove that other persons than those regularly certified to by the governor of the State of Florida, in and according to the determination and declaration of their appointment by the board of State canvassers of said State prior to the time required for the performance of their duties, had been appointed electors, or by counter-proof to show that they had not, and that all proceedings of the courts or acts of the Legislature, or of the executive of Florida, subsequent to the casting of the votes of the electors on the prescribed day are inadmissible for any such purpose.

The gentleman from Ohio has a convenient conscience or rather a convenient logic. At that time it suited his purpose not to allow the States to come in at all. It was *aliunde*. Now it suits his purpose, since these "damnable faces have begun," to keep out the States from presenting their grievances for inquiry under fresh allegations and proofs, so that they are not permitted to come here, hardly even by courtesy, as was held by the gentleman the other day when the State of Maryland presented that petition.

It seems to me, therefore, that whatever we may do, whatever steps may be taken to reach and unravel this great transaction, we cannot at least agree with the gentleman from Ohio when he says that all these questions were and are outside the record. It would be strange, indeed, if we cannot hear from the States on a subject so momentous in its tenor and consequences.

So far as a question of privilege is concerned in this matter it seems to be a high question, one of the highest. It is one of the categories in our book of rules: "Election of President." Whether the ruling referred to in the Digest (on page 287, Journal second session, Forty-fourth Congress, pages 555, 556) refers to the matter of questioning the election of a President when the count is pending or whether it refers to other and subsequent matters challenging the count, I have not examined, nor is it necessary. They are of equal importance and dignity. But an election of President and all that concerns it, is a question of privilege. *Non constat*, but it may lead to impeachment or its preliminaries. So far as this resolution goes, the very terms of the resolution fix some sort of charge upon certain officers, a Secretary of the Treasury, a minister abroad, and in that respect it is a question of the highest privilege. It is so according to the dictum of the gentleman from Ohio himself. Therefore, if he be correct in saying that this is a question of privilege, if it should proceed until it reach to impeachment, then, according to the very terms and intent of the resolution, impeachment in the end may be reached by this process.

Mr. CONGER. In answer to the remarks of the gentleman from New York [Mr. COX] and partly in answer to the other gentleman from New York, [Mr. POTTER,] I desire to say that the very memorial upon which this whole matter is based is not before the House. It is not in the possession of the mover. But it has nothing to do with it. This House has received the memorial of the State of Maryland, whether as petition or memorial or whatever it may be, and this House has referred it to the Committee on the Judiciary, and there that memorial is, in the hands of that committee. It is not before this House for any earthly purpose, then, until the House discharge that committee or the committee report it back to the House.

Now, sir, I cannot understand by what rule any member of this House can assume under color of any pretended question of privilege to lay his hands upon the memorial and state it has been received by the House and has been referred to a committee while that memorial still remains with that committee, and assume himself to use it and bring it in a roundabout way before this House.

The gentleman from New York is not even a member of the committee. He has no access to that memorial. He lays hands upon it in violation of the order of the House placing it in charge of the Committee on the Judiciary. If I might characterize it I would say that it is disrespectful to the House for him to claim his right to act upon it when the House has otherwise directed. If I might characterize it, I would say that it is disrespectful to the committee of this House to whom the memorial and the subject have been referred, without discharging that committee, for any member to put his hand upon that memorial and bring it in here and make it the foundation of action while he has not, neither has the House, the memorial in its possession.

But, sir, I admit that, if this is a question of privilege at all, any member of the House may bring up, then, any memorial of the legislation of any State, which has been of sufficient importance to command the attention of its Legislature, of sufficient importance that they should put their views, their weight, their request, their directions in the form of a joint resolution and send it to Congress or to this House; that, too, is a question of privilege which any member may call up any day at any time and move that it be referred to a special or other committee. I speak of that because that is the naked proposition made here, that the wishes of a sovereign State make the question a question of privilege; and, if that be so, our Journal is full of the notices of the presentation of the joint resolutions of many if not all of the States of this Union, and it would lead to this, that any gentlemen catching the eye of the Speaker could claim that the joint resolution of any State, no matter to what committee it had been sent, no matter how the House may have disposed of it, could raise the question of privilege, and gentlemen could rise as often to a question of privilege as such resolutions have been presented to the House.

But, Mr. Speaker, I shall assume, from the study I have given to the rules and to the question of privilege, that, if this be decided a question of privilege, it will be so decided independent of the fact that the memorial comes from a State. I shall assume that it is decided to be a question of privilege because, as the gentleman from New York claims, and I was glad to hear him claim it, it relates to the election and tenure of office of the President of the United States, and to the tenure of the office of the present incumbent. I admit freely that, if it does embrace that question and proposes to open the question of the election and incumbency of the President, if that be involved in this resolution logically and properly, and action by this House is to be taken in reference to the election and to the occupancy of the incumbent, it is a question of privilege.

Otherwise, and for the reasons given by the gentleman from New York, I maintain that such a decision would carry with it the right of members continually to raise questions of privilege upon every resolution sent here from every sovereign State in the Union.

Mr. MILLS. Mr. Speaker, I cannot see any sound reason why this may be considered a question of privilege in this House; and, as there is nothing so dangerous as a precedent, it is well that we should make a right precedent in this case. The right of petition is guaranteed by the Constitution of the United States, and it is a privilege of which the people cannot be deprived; but that does not extend to the present consideration of the petition. The privilege of the people of the United States to petition this body extends only to the reception of their petitions. They have a right to petition, but they have no right to exact of this body the present consideration of their petitions.

This whole question was brought before the Congress of the United States many years ago, I believe when John Quincy Adams presented petitions for the dissolution of the American Union. The question was then very thoroughly discussed, and the result of that discussion was that the petitions were received, laid upon the table, and not considered, and that was a fulfillment of the constitutional requirement. But it cannot be claimed that under the right of petition the State of Maryland can demand that the House shall leave all other

business under its rules and require it to investigate any subject which she may bring before the House. That right cannot exist under that provision of the Constitution, and if it exists at all it must exist not under the right of petition. It can only exist under that power in the Constitution which gives the right to the House to originate impeachments, to charge the President with high crimes and misdemeanors, and to bring him before the bar of the Senate for trial. To do that there must be charges against him, charges of sufficient gravity to place him on trial for impeachment.

Gentlemen say that there are frauds charged in the election by which the President of the United States obtained his position. Will it be forgotten by the members of the House that all these alleged frauds were once investigated by investigating committees of this House, and the competent body under the Constitution, the Forty-fourth Congress, declared the present incumbent of the Presidency duly elected under the Constitution and laws. Why, sir, the right of trial by jury is a privilege, one that touches as close to personal liberty and safety as any other that the citizen enjoys. But will any one say that, when a citizen has been arrested, brought before a court, and tried by a jury, his privilege still exists and he has a right to be tried again by a jury? His privilege no longer exists; and the exercise of the power by the Forty-fifth Congress over the question of the election of President of the United States is a usurpation. We have no power over that question at all. By the Constitution of the United States that power to inquire as to who was elected President of the United States was vested in the Forty-fourth Congress, and when that Congress spoke or failed to speak on that question, when it made a law by which it abdicated that power conferred upon it by the Constitution of the United States, it parted with it forever, and so far as this, the Fourty-fifth Congress, is concerned there remains not a shadow of authority to investigate the election of the President.

The only power we have over the President at all is the power to impeach him for some high crime or misdemeanor which he himself has committed, not for the frauds which others may have committed in order to bring him into the Presidency. If we have the right to investigate how Mr. Hayes was brought into the Presidency, then we have the right to investigate how any man occupying the executive chair of this nation was brought into it. We might go back through them all, even to the days of George Washington, and unravel charges of fraud connected with the election of any President.

Such power exists not in this Congress. Whatever power Congress had over the question as to who was duly elected President of the United States was committed by the Constitution of the United States to the Forty-fourth Congress. And on the 4th day of March, 1877, when that Congress expired, all power over the question as to who was duly elected President of the United States passed away from Congress; and any attempt in this Congress to investigate and undo what was done by the Forty-fourth Congress declaring Mr. Hayes President of the United States is nothing short of a usurpation of a power not granted by the Constitution of the United States. [Applause on the republican side.]

Mr. POTTER. Mr. Speaker, the question of privilege raised by the objection of the gentleman from Michigan [Mr. CONGER] is a question of privilege only as to the order of business in this House. The privilege asked for is the privilege of having now considered the preamble and resolution sent to the Clerk's desk.

The gentleman from Ohio [Mr. GARFIELD] says that the memorial of a sovereign State never rises in the order of business to the dignity—that was his phrase—of anything beyond a memorial to be referred to a committee. I submit that depends upon what the subject of the memorial is.

The gentleman from Michigan [Mr. CONGER] insists that if this resolution is received, then resolutions touching every subject upon which States have ever memorialized Congress shall for all time be considered as entitled to a preference in consideration. No, Mr. Speaker; question of privilege depends upon the manner in which a question is reported to or brought before the House; upon the subject-matter involved, and upon the person at whose instance it is set in motion.

The privilege which this resolution is entitled to arises, first, from the fact that it is set in motion by the formal action of a sovereign State; and, second, from the nature of the subject-matter to which it refers. The gentleman from Maine [Mr. HALE] and the gentleman from New Hampshire [Mr. BLAIR] and the gentleman from Michigan [Mr. CONGER] are quick to declare that if I will say that the purpose of this resolution is to impeach and unseat the President of the United States, then they will admit that it is in order. And the gentleman from Michigan even said that he was glad to understand from my colleague [Mr. COX] that fact might possibly be its result. Mr. Speaker, I make no declaration of the kind; I absolutely and positively refuse to declare any such purpose.

My purpose is only to inquire; and if the construction which the gentleman from Maine [Mr. HALE] gives to the rule is right, that the privilege in respect to the election of President is only to inquiry in regard to his election before he is seated, or with a view of unseating him, then it is a construction that prevents this House inquiring into frauds which have been successfully committed and have come to light after their successful accomplishment.

Now, if there is anything in the character of a fraud which should deserve to be inqired into, it is when it has been successfully accomplished, and when the confession of people who took part in bringing it about or other facts connected with it have become known *after* its accomplishment. If we refuse to inquire into a fraud which has been successful, then we encourage the commission of frauds hereafter; and so far from securing we jeopard the peace and the security of the country.

The SPEAKER. First, as to the question of privilege; the other points of order of course will be reserved until presented.

The issue involved is a new one in the history of our country. An examination of the basis upon which the preamble and resolution are introduced is proper. The Legislature of the State of Maryland passed a joint resolution touching the subject treated of in the preamble and resolution just read, a copy of which has been remitted to this body, received and referred, and is within the knowledge of the members of the House. The following language is used:

> That due effect has not been given to the electoral vote cast by this State on the 6th day of December, 1876, by reason of fraudulent returns made from other States and allowed to be counted provisionally by the electoral commission and subject to judicial revision—
>
> And further—
>
> alleging that the returns from Louisiana and Florida, which were counted for the present occupant of the executive chair, were fraudulent and void.

Here is the appeal of a State of this Union to the Federal legislative power for the correction of a high grievance said to have been committed in the States of Florida and Louisiana against the rights of the State of Maryland, in having by fraud, in said States of Florida and Louisiana, produced a different result in the election of a President and Vice-President from that actually decreed by the people themselves at the polls.

Whether these allegations can be sustained by proof is not for the Chair to consider. It is enough for him to know that they come from a power which within the limits is recognized as sovereign by the Constitution, and that the issue involved runs to the welfare of the people of all the States. Nor is it within the range of propriety for him to express an opinion as to how far such investigation should go to reach the facts, nor what limits should be set up as to remedies to be provided against a recurrence of such like events.

A higher privilege than the one here involved and broadly and directly presented as to the rightful occupancy of the chief executive chair of the Government, and the connection of high Government officials with the frauds alleged, the Chair is unable to conceive.

The Chair finds enumerated among the questions of privilege set down in the Manual the following: "Election of President."

The Chair therefore rules that the preamble and resolution embrace questions of privilege of the highest character, and recognizes the right of the gentleman from New York to offer the same.

Mr. REAGAN addressed the Chair.

Mr. CONGER. The other points which I make——

The SPEAKER. The other points are held in reserve, of course, till they are formally presented.

Mr. CONGER. I have not specified those points; but I desire that they shall not by any discussion be cut off.

Mr. REAGAN. Mr. Speaker, was I recognized?

Mr. CONGER. I desire to have the sense of the House upon the ruling of the Chair, and therefore take an appeal from the decision.

Mr. REAGAN. I believe I am recognized by the Chair, and I desire to say a word.

The SPEAKER. The gentleman from Michigan appeals from the decision of the Chair, which is first in order.

Mr. REAGAN. I addressed the Chair before an appeal was taken.

The SPEAKER. It is the right of the gentleman from Michigan under the rules to take an appeal. The Chair will, however, hear the gentleman from Texas momentarily.

Mr. REAGAN. I desire to say, Mr. Speaker, that while I shall vote in accordance with the view that the resolution presented is a question of privilege, I wish to place that vote upon a ground that demands my approbation. I say, sir——

Mr. CONGER. I submit that debate is not in order.

Mr. POTTER. I move to lay the appeal on the table.

Mr. REAGAN. I have only a few words to say. I hope gentlemen will not object.

The SPEAKER. The Chair will recognize the gentleman hereafter. The gentleman from Michigan appeals from the decision of the Chair, and the gentleman from New York moves to lay that appeal on the table.

Mr. REAGAN. A motion to lay on the table is not debatable, I believe.

The SPEAKER. It is not.

Mr. REAGAN. Then I am taken off the floor in order that this motion may come in.

The SPEAKER. The Chair will recognize the gentleman hereafter.

Mr. REAGAN. But I want to say what I have to say now, before the vote is taken.

The SPEAKER. The Chair has no remedy unless the House gives the gentleman unanimous consent.

Mr. CLARK, of Missouri. I object.

Mr. REAGAN. The Chair had the power to let me retain the floor as I had it, without allowing another member to take me from it.

The SPEAKER. The Chair having made his decision was bound first to recognize an appeal from that decision. Surely the gentleman from Texas will not controvert that position.

Mr. REAGAN. I would not if that motion had been made before I took the floor, but surely there was no appeal pending when I was first on the floor.

Mr. FORT. I trust the gentleman will be allowed to go on by unanimous consent.

Mr. WHITE, of Pennsylvania. I ask that unanimous consent be given to hear the gentleman from Texas.

The SPEAKER. There has been objection.

Several MEMBERS. Who objects?

Mr. BAKER, of Indiana. No objection has been heard on this side. Who objects?

The SPEAKER. The gentleman from Missouri [Mr. CLARK] objected. [Cries of "Regular order!"]

Mr. BANKS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BANKS. An appeal having been taken, if the gentleman from Michigan yields the floor and the gentleman from Texas is accorded the floor——

The SPEAKER. The gentleman from Michigan did not yield the floor, but made his appeal; whereupon the gentleman from New York moved to lay the appeal on the table. That is the history of the proceeding.

Mr. CONGER. I have the appeal in writing, but I can state the points.

The SPEAKER was about to put the question, when

Mr. CONGER said: I ask that my appeal be read.

Mr. COX, of New York. I object.

The SPEAKER. The gentleman has reduced his appeal to writing, and the Chair thinks it is his right to have it read.

Mr. COX, of New York. Certainly; but I object to a speech.

Mr. CONGER. I had not finished the statement of my appeal, and therefore I have the right——

Mr. COX, of New York. I object to anything in the nature of a speech.

The SPEAKER. The Chair cannot recognize the gentleman from Michigan for any remarks, because he had entertained the motion to lay the appeal on the table.

Mr. CONGER. But I had not finished my statement.

The SPEAKER. The Chair is desirous to hear the appeal read.

The Clerk read as follows:

The Chair having decided that the resolution presented by the gentleman from New York [Mr. POTTER] involves a question of privilege, from that decision the undersigned appeals.

OMAR D. CONGER.

The SPEAKER. The question is on the motion to lay the appeal on the table.

Mr. CONGER. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAYLER. For the sake of observing the formalities of the House, I would suggest that the rule requires that two members shall append their signatures to a formal appeal.

The SPEAKER. The Chair has always recognized an appeal when made by any one member.

Mr. GARFIELD. I append my signature, if necessary.

The question was taken; and there were—yeas 128, nays 108, not voting 55; as follows:

YEAS—128.

Acklen,	Davis, Joseph J.	House,	Sayler,
Aiken,	Dean,	Jones, Frank	Scales,
Atkins,	Dibrell,	Jones, J. T.	Schleicher,
Banning,	Dickey,	Kenna,	Shelley,
Beebe,	Durham,	Kimmel,	Singleton,
Bell,	Eden,	Knapp,	Slemons,
Benedict,	Elam,	Ligon,	Smith, William E.
Bicknell,	Ellis,	Lockwood,	Southard,
Blackburn,	Evins, John H.	Luttrell,	Sparks,
Bliss,	Ewing,	Lynde,	Springer,
Blount,	Felton,	Mackey,	Steele,
Boone,	Finley,	Manning,	Stenger,
Bouck,	Forney,	Martin,	Swann,
Bragg,	Fort,	Mayham,	Throckmorton,
Bridges,	Franklin,	McKenzie,	Townshend, R. W.
Bright,	Garth,	McMahon,	Tucker,
Butler,	Gause,	Mitchell,	Turner,
Caldwell, John W.	Gibson,	Morgan,	Turney,
Caldwell, W. P.	Glover,	Morrison,	Vance,
Candler,	Gunter,	Muldrow,	Waddell,
Chalmers,	Hardenbergh,	Muller,	Walsh,
Clark, Alvah A.	Harris, Henry R.	Patterson, T. M.	Whitthorne,
Clark of Missouri,	Harrison,	Phelps,	Wigginton,
Clymer,	Hartridge,	Potter,	Williams, A. S
Cobb,	Hartzell,	Prideмore,	Williams, James
Collins,	Hatcher,	Rea,	Williams, Jere N.
Cook,	Henkle,	Reagan,	Willis, Albert S.
Cox, Samuel S.	Henry,	Reilly,	Wilson,
Cravens,	Herbert,	Riddle,	Wood,
Crittenden,	Hewitt, Abram S.	Robbins,	Wright,
Culberson,	Hewitt, G. W.	Robertson,	Yeates,
Cutler,	Hooker,	Ross,	Young.

NAYS—108.

Bacon,	Blair,	Briggs,	Bundy,
Baker, John H.	Boyd,	Brogden,	Burchard,
Banks,	Brentano,	Browne,	Burdick,
Bayne,	Brewer,	Buckner,	Cain,
Calkins,	Foster,	Ketcham,	Reed,
Camp,	Gardner,	Killinger,	Rice, William W.
Campbell,	Garfield,	Lapham,	Ryan,
Cannon,	Hale,	Lathrop,	Sampson,
Caswell,	Harmer,	Marsh,	Sapp,
Claflin,	Haskell,	McCook	Sexton,
Clark, Rush	Hayes,	McGowan,	Shallenberger,
Cole,	Hazelton,	McKinley,	Smalls,
Conger,	Hendee,	Metcalfe,	Stewart,
Cox, Jacob D.	Henderson,	Mills,	Stone, John W.
Crapo,	Hiscock,	Monroe,	Stone, Joseph C.
Cummings,	Hubbell,	Neal,	Strait,
Danford,	Humphrey,	Oliver,	Thompson,
Davis, Horace	Hungerford,	O'Neill,	Thornburgh,
Deering,	Hunter,	Page,	Tipton,
Denison,	Ittner,	Patterson, G. W.	Townsend, Amos
Dunnell,	James,	Peddie,	Van Vorhes,
Dwight,	Jones, John S.	Phillips,	Wait,
Eames,	Jorgensen,	Pound,	Ward,
Ellsworth,	Joyce,	Price,	White, Harry
Errett,	Keifer,	Pugh,	White, Michael D.
Evans, I. Newton	Keightley,	Rainey,	Williams, C. G.
Evans, James L.	Kelley,	Randolph,	Wren.

NOT VOTING—55.

Aldrich,	Freeman,	Loring,	Smith, A. Herr
Bagley,	Frye,	Maish,	Starin,
Baker, W. H.	Fuller,	Money,	Stephens,
Ballou,	Giddings,	Morse,	Townsend, M. I.
Bisbee,	Goode,	Norcross,	Veeder,
Bland,	Hamilton,	Overton,	Walker,
Cabell,	Hanna,	Pollard,	Warner,
Carlisle,	Harris, B. W.	Powers,	Watson,
Chittenden,	Harris, John T.	Quinn,	Welch,
Clarke of Kentucky,	Hart,	Rice, Americus V.	Williams, Andrew
Covert,	Hunton,	Roberts,	Williams, Richard
Davidson,	Knott,	Robinson, G. D.	Willis, Benj. A.
Douglas,	Landers,	Robinson, M. S.	Willits.
Eickhoff,	Lindsey,	Sinnickson,	

So the appeal was laid on the table.

During the vote,

Mr. HARRIS, of Georgia, said: Mr. Speaker, my colleague, Mr. STEPHENS, is paired with Mr. HARRIS, of Massachusetts.

Mr. WILLIS, of Kentucky. My colleague, Mr. CARLISLE, is paired with Mr. POWERS. If he were present, he would vote in the affirmative.

Mr. PRIDEMORE. My colleague, Mr. CABELL, is paired with Mr. SMITH, of Pennsylvania; my colleague, Mr. HARRIS, with Mr. WILLIAMS, of Oregon; and my colleague, Mr. HUNTON, with Mr. HANNA.

Mr. LOCKWOOD. My colleagues, Mr. HART and Mr. BAGLEY, are paired on this question. If Mr. HART were present, he would vote in the affirmative.

Mr. MULDROW. My colleague, Mr. MONEY, is paired on this question, but I have not been able to understand with whom. He is absent by leave of the House.

Mr. COVERT. On all questions of a political character I am paired with my colleague, Mr. TOWNSEND. Personally I regard this as more a semi-legal than a political question; but I will yield to the judgment of others who differ from me, and shall refrain from casting my vote. If my colleague were present, I would vote in the affirmative. I wish further to announce that my colleagues, Mr. QUINN and Mr. BAKER, and Mr. VEEDER and Mr. STARIN, are also paired on this question.

Mr. EICKHOFF. I am paired with Mr. BALLOU. If he were present, I would vote in the affirmative.

Mr. HAMILTON. I am paired with my colleague, Mr. ROBINSON. If he were present, I would vote in the affirmative and he would vote in the negative.

Mr. GIDDINGS. I am paired with Mr. FREEMAN.

Mr. DAVIDSON. I am paired with my colleague, Mr. BISBEE. If he were here, I would vote in the affirmative.

Mr. COBB. My colleague, Mr. FULLER, is paired with Mr. OVERTON. If Mr. FULLER were present, he would vote in the affirmative.

Mr. WAIT. I have to announce that Mr. WILLIAMS, of Oregon, is paired with Mr. HARRIS, of Virginia.

Mr. SINNICKSON. I am paired with Mr. RICE, of Ohio. If he were here, I would vote "no."

Mr. PEDDIE. I am paired with the gentleman from Mississippi, Mr. MONEY. If he were present, I would vote in the negative.

Mr. ROBINSON, of Massachusetts. I am paired with Mr. LANDERS. If he were present, I would vote in the negative and he would vote in the affirmative.

Mr. NORCROSS. I am paired with my colleague, Mr. MORSE. If he were present, I would vote in the negative.

Mr. BREWER. My colleague, Mr. WILLITS, is paired with Mr. ROBERTS. If Mr. WILLITS were present he would vote in the negative.

Mr. STARIN. I am paired with my colleague, Mr. VEEDER. If he were present, I would vote in the negative.

Mr. SMITH, of Pennsylvania. I am paired with Mr. CABELL. If he were present, I would vote in the negative.

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky. If he were here, he would vote "ay" and I would vote "no."

Mr. MCKENZIE. I wish to announce that my colleague, Mr. KNOTT, is paired with Mr. FRYE.

Mr. STENGER. My colleague, Mr. MAISH, is absent by leave of the House.

Mr. POLLARD. I am paired with Mr. DOUGLAS, of Virginia.

The vote was then announced as above recorded.

Mr. POTTER moved to reconsider the vote by which the appeal was laid upon the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REAGAN rose.

Mr. CONGER. I desire to have all points of order reserved.

The SPEAKER. The Chair is under some obligation to recognize the gentleman from Texas. The rights of the gentleman from Michigan in reserving all points of order will be protected.

Mr. REAGAN. Mr. Speaker, while I shall vote for the adoption of this resolution I desire to say a word in reference to the grounds upon which I shall place that vote that this resolution involves a question of privilege. For I should not like to have either myself or those with whom I act politically go before the country upon a wrong reason if the right one existed. I agree with my colleague and friend who spoke a short time ago, that the petition which has been received by this House from the State of Maryland, and referred to the Judiciary Committee, of itself does not present a privileged question, and it must be disposed of regularly as all such petitions are disposed of under the rules of the House.

And I desire to state distinctly that that portion of the memorial or resolution from the Legislature of the State of Maryland which looks to the institution of legal proceedings to retry the question of the election of the President is a thing which cannot be done by this House, as that was a political question settled by the highest political authority, and settled under and in accordance with the rules which control the action of Congress. The courts cannot and will not take jurisdiction on a political question of that character. Besides, the authority which could determine the title of the President to hold his office has acted on it and settled that question and we cannot now disturb it.

And probably I might go still further and say it would be to the best interests of the country that we should not disturb it. While, therefore, I cannot vote for the resolution upon the ground that the petition of itself involves a question of privilege, or that we have the right to reopen and retry the question of the election of the President, I do maintain that the resolution as offered by the gentleman from New York, in making a charge that great frauds were perpetrated in the election of President and Vice-President, and in which it is charged that one now acting as Secretary of the Treasury and one now acting as a foreign minister were participants in those frauds—I maintain that that charge of fraud against those officers does raise a question of the highest privilege which may be investigated by this House for great public reasons. It is just to the country and it would be right to those gentlemen that such a charge having been made should be investigated. I therefore vote for the resolution, because, in my judgment——

Mr. CONGER. I rise to a question of order. I submit that the gentleman from Texas has no right here to give a construction to a resolution upon which we are voting.

The SPEAKER. The Chair might suggest that the gentleman is following many other gentlemen in the like circumstances in the mode of discussing a question. The gentleman from Texas is certainly not out of order.

Mr. CONGER. The discussion of this question may make the points of order too late if the Chair does not reserve them.

The SPEAKER. The Chair will not shut out the gentleman from Michigan from his right to make points of order on the resolution.

Mr. CONGER. Then I object to the gentleman from Texas giving his views of the effect or meaning of the resolution until it comes before the House in the regular course of debate.

Mr. REAGAN. If the resolution is before the House, I think I am not out of order in stating the reasons why I support it.

The SPEAKER. The Chair thinks not.

Mr. REAGAN. And I believe I have now said all I wish to say. [Laughter.]

Mr. POTTER. I wish to inquire of the Chair if there are other questions of order in regard to the resolution not yet disposed of?

The SPEAKER. There is no question of order pending; but the Chair has received notice that there will be questions raised as to points of order.

Mr. POTTER. I understand I am entitled to the floor as against anything except points of order.

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. POTTER] as entitled to the control of the floor.

Mr. CONGER. I now repeat the statement I made a short time ago as to the point of order, that this resolution cannot be adopted without a suspension of the rules or without a two-third vote, because it changes the rules of the House in several material respects: first, in granting unusual powers to the select committee; second, in permitting—which is a violation of the law, or at least enlarges the law—the chairmen of subcommittees to administer oaths. And I make the further point, Mr. Speaker, that this resolution involves an expenditure of money and should have its first consideration in Committee of the Whole.

Mr. POTTER. I understood the gentleman from Michigan to make the point of order on this resolution that it provides for the administration of oaths by the subcommittees provided for in the resolution.

Mr. CONGER. I ought to have added that I make the point of order on the power of sitting in recess. I stated that before.

Mr. POTTER. Now, I understand the law gives certain officers, including the chairmen of committees, the power of administering oaths; and it is because of that provision of law there has been inserted in the resolution a declaration that the subcommittees which may be appointed under the resolution shall sit as committees of this House, in order to have the very power to which the gentleman refers.

Now, as regards the power to sit in recess, I agree the committee has not the power to sit in recess without the permission of the House, and therefore it is that the resolution provides it shall have power to sit in recess. And I had supposed that was the part of the resolution which would have been particularly agreeable to gentlemen on that side; and I am quite surprised at the point of order coming from them in regard to it.

As regards the third point of order, which I understand is raised by the gentleman from Michigan, that the resolution appropriates money, I desire to say that it appropriates the fund of the House for purposes of the House, and therefore does not go to the Committee of the Whole.

Mr. GARFIELD. If the gentleman will allow me, I desire to say that the point of order is not that we cannot authorize this committee to sit during the recess; but it is that a majority vote of the House cannot authorize a committee to sit during the recess. It is that that must be done by a suspension of the rules; because it is one of the rules of the House that when the House adjourns it carries with it all its committees except such as by a suspension of the rules have had their power projected into the recess. This has always been recognized; so far as I know it has never been denied at any time.

Mr. SAYLER. I desire to respond to the proposition of my colleague from Ohio [Mr. GARFIELD] in regard to one point, the only one so far as I know among those made by the gentleman from Michigan which is deserving of any very serious consideration; that is, the question of the relation of this resolution to the rule of the House which provides that no committee shall sit during the vacation of the House without special leave.

Mr. Speaker, this matter is not without precedent, and the usage has been settled by the almost uniform action of the House from the beginning. It grows out of what is laid down in the old Manual, that—

> Committees may be appointed to sit during the recess by adjournment, but not by prorogation.

A note in the Digest, page 189, has been appended, to this effect:

> This has been construed (and in view of the distinction which exists between a "session" of Parliament and of Congress, very properly so) not to restrain a committee of the House, with the leave of the House, from sitting during the recess between a first and second session of Congress.

Now I undertake to say that the leave of the House has always been the leave of a majority of the House and that my colleague from Ohio can show no instance in which either a two-third vote to suspend the rule or the suspension of the rule by unanimous consent has been declared to be necessary to authorize a committee to sit during the recess between the first and second sessions of any Congress. On the same page and prior to that——

Mr. GARFIELD. Will the gentleman mention a single instance where the question has been raised and decided as he says?

Mr. SAYLER. Yes, I can and I will do it now, as the gentleman has called attention to it. If he will refer to the Journal, Thirty-second Congress, page 1119, he will find that precisely this point has been decided in one case very analagous to this, and one which my colleague will well remember, because it involves our former illustrious fellow-citizen, Thomas Corwin. In that case a resolution was offered providing for an investigation of the connection of Thomas Corwin, then Secretary of the Treasury, with the Gardiner claim, in which precisely the same power to sit during the vacation and to examine witnesses under oath was granted. I ask the Clerk to read the resolution.

The Clerk read as follows:

> *Resolved*, That the select committee appointed to investigate the connection of Thomas Corwin, Secretary of the Treasury, with the Gardiner claim, have leave to sit in the vacation and to send for persons and papers and to examine witnesses under oath.
>
> Mr. Edgerton moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.
>
> The latter motion was agreed to.

Mr. SAYLER. The resolution in that case was carried by a majority vote.

Mr. GARFIELD. But was there a point of order made upon it?

Mr. SAYLER. There was a point of order raised in connection with the resolution, but it was upon another question. This is a specimen of what has been the uniform practice of the House, and it is stated in the Digest, which is accepted as the law of the House, that it is quite common to grant this privilige to select committees at the time of their organization.

I want to say further that the power to sit during the recess between sessions of Congress is expressly affirmed in the Digest as the custom of the House. The gentleman from Ohio asked me to cite an instance, and I cited one in which it was done, and done without objection. Now I challenge him to cite an instance to the contrary. It has been customary to couple with a resolution to investigate the

power of the investigating committee to sit during the sessions of the House, or between the first and second sessions of the House, or until the final adjournment of any Congress, and that may be done by a simple majority vote of the House, or by the leave of the House thus expressed.

Mr. GARFIELD. The gentleman has utterly failed to show any case where the point was raised and decided. I can give him a case much stronger than the one he cites, much stronger if I reason from his stand-point. A few days ago the gentleman from New York [Mr. COX] offered a resolution for a special committee on the next census and I suggested that it ought to have power to sit during the recess and he added the words "with power to sit during the recess," and that resolution was adopted, not by a majority vote, but by two or three members voting "ay." Why? Because nobody objected or raised the point of order, and whether it has been done hundreds of times or thousands of times in that way, that has no bearing upon the question unless the gentleman can show that when the point was raised that it could be done by a majority vote, it was so decided.

Now, the gentleman admits that the general rule of the House is that all committees die with the session so far as their power to continue in session is concerned unless they have leave of the House. That is the ordinary and normal operation of the rule so that a committee stops when the House adjourns finally. That rule must be changed, or any committee is overriding the rule which goes on and holds sessions during the recess; his argument, therefore, is perfectly fatal to his proposition, and I have really never before known anybody hold that a motion for a committee to sit during recess could be adopted without a suspension of the rules.

This question has been sprung upon us suddenly. I have not looked into the precedents, but I have not the slightest doubt that I can find abundant cases where resolutions of this kind were objected to because they could not be passed without a suspension of the rules.

The SPEAKER. As to the first point made by the gentleman from Michigan, as to the power of committees to sit during the recess, the Chair will reserve its decision for a moment. The second point, that the giving of power to the chairmen of subcommittees to administer oaths is in violation of the law, not being authorized by section 101 of the Revised Statutes, nor by the rules of the House, the Chair thinks that that point clearly belongs to the committee and that they can determine it when they convene, in case they are authorized.

Mr. CONGER. The Chair will allow me a moment. That question was raised, I cannot refer to the precise time, on the action of a committee in the Forty-third Congress. It was discussed—I have not been able to find the point—and a request was made of the House to authorize the chairmen of subcommittees to administer oaths.

The SPEAKER. That is very often done.

Mr. CONGER. Objection was made. I do not recollect that the Chair decided the point, but it was admitted that the decision must be against the resolution, and the objection was withdrawn. That occurred in the Forty-third Congress, and the question was renewed in the Forty-fourth Congress, and the objection being again withdrawn the chairmen of the subcommittees were authorized to administer oaths.

Mr. POTTER. In those cases the resolutions did not declare that the subcommittees should be committees of the House.

Mr. CONGER. Ah, but if the resolution may declare that somebody else than the regular committee shall be a committee of the House, whether it consist of one or a dozen, that is an open and palpable violation of the rules.

Mr. SAYLER. In our investigating committees of the last Congress each one was divided into three subcommittees and the chairman of each subcommittee administered oaths.

Mr. CONGER. That was by a resolution of the House, and no objection was made, but here objection is made.

Mr. SAYLER. Well, after the House has acted for a long series of years upon a proposition, and it has been consented to time and time again and acted upon time and again, and no question has ever been raised in regard to it, I undertake to say such practice becomes a part of the common law of the House, to which a mere factious objection cannot be opposed.

The SPEAKER. The Chair thinks that it would not matter whether it was by a majority or a two-third vote, if in either case it was a violation of the law.

Mr. BUTLER. I have a precedent in my mind where, as I remember it, the House passed upon the question. During the proceedings in the case of the impeachment of Andrew Johnson, a subcommittee of the Committee on the Judiciary administered oaths to certain witnesses, one of whom was a recusant witness and refused to answer. He was brought before the House and was ordered to answer, and was imprisoned until he did answer, although the oath administered to him was administered only by a chairman of a subcommittee. He was obliged to answer the question, as any other witness under oath. So that the House passed upon the question at that time. I happen to have it in memory, because I was the chairman of that subcommittee.

Mr. MORRISON. This authority was conferred upon the committee that investigated the Louisiana election, in the Forty-fourth Congress; the committee of which Mr. HOAR was chairman. The authority for chairmen of subcommittees to administer oaths was conferred by virtue of a resolution drawn by Mr. HOAR, in the identical terms of this resolution. That precedent was followed also during the last Congress by a resolution authorizing chairmen of subcommittees of committees of investigation to administer oaths. Subcommittees were constituted by the chairmen of the several committees, and by the action of the House, under a resolution especially so providing, those subcommittees became committees of the House for that purpose.

Mr. CONGER. I think there are one or two cases where the courts have held that under our rules the administering of an oath by a person not authorized to do so by law, or by a resolution of the House which brought such persons within the law, would not permit the charge of perjury to lie against the person to whom such oath was administered. That is a material fact in such a case as this.

Mr. THOMPSON. Let the law be read.

Mr. CONGER. If it be that the administering of an oath by a person not authorized to administer it would relieve a witness of the charge of perjury, then we should see to it that that was not done.

The SPEAKER. It is nearly an every-day occurrence in this House for chairmen of subcommittees to administer oaths in the investigations ordered by this House.

Mr. CONGER. I do not deny that at all; I know the House has done it. But the House does it by making the chairmen of subcommittees equivalent to chairmen of committees, and authorizes them to administer oaths by a change of the rule. The point I make is that that is a change of the rules and requires a two-third vote. I do not deny the power of the House to do it by a change of the rules.

The SPEAKER. If it was a change of the rule and requiring a two-third vote, the gentleman could not stand upon it against the law any more than he could stand upon a mere majority vote against the law.

Mr. CONGER. You may change the rule so as to make the chairman of a subcommittee equivalent to the chairman of a committee, and thus bring him within the law; but the rule does not make him so, it is the law. That is the very point I make, that when you wish to make the chairman of a subcommittee come within the law as chairman of a committee you have to change the rule to do it, and that requires a two-third vote.

Mr. THOMPSON. I desire to say a few words on the point of order. Why is it that a committee cannot sit during a recess? Simply because the rule upon which a committee is constituted forbids it, and it is a rule which is as operative in this case as any other rule is operative to any case to which it may apply.

The rule is for the time being the law of the House. We call them "rules," but they are the law of the House so far as the House alone has power to make laws. If there were no provision in the rules themselves by which they could be suspended or rescinded, then under the law applicable to parliamentary proceedings a majority of the House could suspend a rule or abrogate it temporarily or absolutely. But the universal rule of parliamentary law is that where the rules prescribe the mode by which any rule may be modified, suspended, or repealed, that mode must be adopted, and the power to do it must be fully set forth.

In this case our rules provide that no committee shall sit during the recess. Another rule of the House provides two things to which I wish to call attention. One is that no standing rule of this House shall be changed or suspended unless one day's notice for that purpose be given, except on Mondays. The other is that no standing rule of the House can be suspended on Monday or on any other day when suspensions are in order, either directly or indirectly, except by a two-third vote; so the rule declares. Now to hold that a motion can be made to suspend indirectly a rule by a majority vote would be to hold that the rule which provides for suspension or other change has no existence or force.

Mr. SAYLER. What rule is suspended or changed in this case?

Mr. THOMPSON. Rule 72, on page 117.

Mr. SAYLER. Will the gentleman read Rule 72?

Mr. THOMPSON. "No committee shall sit during the session of the House without special leave."

Mr. SAYLER. What is the "special leave?"

Mr. THOMPSON. What is a "rule?"

Mr. SAYLER. The "special leave" to which the rule refers, of course, is simply this: No committee of this House shall of its own action, of its own accord and good will go out of this House during the session of the House for the purpose of sitting as a committee. But that rule also means that, if a majority of the House gives to the members of that committee special leave to sit during the sessions of the House, then they have that special leave, and that special leave is given by a majority of the House. Therefore, I ask the gentleman on the other side to say what rule is suspended in this case.

Mr. THOMPSON I say that Rule 72 is suspended and Rule 73 is suspended; not only suspended, but for the time being destroyed or disregarded.

Mr. SAYLER. Why, the rule itself provides that it may be suspended——

Mr. THOMPSON. How?

Mr. SAYLER. By special "leave of the House."

Mr. THOMPSON. The general rule is that no rule shall be suspended except by a two-third vote. A rule may be suspended or disregarded when no objection is made; but there is provision in your rules by which a rule cannot be suspended, disregarded, modified, or

annulled by less than a two-third vote; otherwise your rules mean nothing.

Mr. SAYLER. Now, Mr. Speaker, I want to call the gentleman's attention to this point: he would be right if Rule 72 read in this way: "no committee shall sit during the sitting of the House." But, unfortunately for the gentleman's argument, these words are added: "Without special leave."

Mr. THOMPSON. Then my friend means to say that the phrase "special leave" destroys the effect of the provision of our rules that no rule shall be suspended or changed except by a two-third vote. Our rules have sought to keep us clear from the dilemma in which the gentleman wishes to place us; they have sought to prevent any interference with the rules except by a two-third vote. But the gentleman holds that the use of the phrase "without special leave" nullifies and abrogates the provision requiring a two-third vote for a suspension of any rule. I do not so believe.

Mr. SAYLER. The gentleman will allow me to say that there is no instance provided for in the rules in which a two-third vote is necessary for any purpose unless such a vote is expressly specified.

Mr. THOMPSON. I say that no rule of the House (and there is not a solitary exception) can be suspended for a moment without a two-third vote.

Mr. POTTER. The gentleman from Pennsylvania will allow me to say that while I accept distinctly what he now says, so far from seeking to change the provisions of any rule, and above all Rule 72 which he is citing, it is in order to comply with that rule that I have asked the leave of the House for which it provides.

Mr. THOMPSON. Now, I think there is another point of order. I think it is the right of any gentleman on this floor (and I give notice now that when the time comes I shall raise the question) to ask that the vote be divided, so as to submit first as a separate proposition the question, "Will the House supend the rules?" not "in order to adopt the resolution," but, Will the House suspend the rules for the purpose of allowing it to be voted on? I give notice now that if I should have the opportunity I will ask the Chair to present the motion to the House in that form, so as to have a distinct vote upon the question, Will the House suspend the rules?

I desire to make a remark upon another point. The gentleman says that this resolution is so adroitly drawn that if passed it will not violate any law. This is not a mere proposition to constitute a select committee of eleven men, the chairman of which shall, under the law and rules, have power to administer oaths so that a witness willfully testifying falsely would be guilty of perjury. This proposition goes further. It is not that this House shall constitute more than one committee, but that this committee, when appointed, may at its pleasure constitute eleven new committees, each one composed of a sing'le member, who shall be regarded as chairman, and that each of these chairmen, not in accordance with any rule or law but under the mere direction of this House, which has no legislative powers except for its own government, shall be authorized to administer oaths, and that witnesses thus sworn, if they testify falsely, shall be guilty of perjury. The law declares that only the Speaker of this House, the Sergeant-at-Arms, the chairmen of the special committees, the chairman of the Committee of the Whole, and the chairman of a standing committee shall have power to administer oaths. Under the law the chairman of a sub-committee cannot administer an oath any more than any private citizen in this land. False swearing under an oath administered by the chairman of a subcommittee would not be perjury, as the gentleman from Ohio surely knows. Yet here is proposed a drag-net examination; and oaths are to be administered by men who have no power to administer them, to men who will probably be willing under these circumstances, having before them no fear of the penalties of perjury, to testify unfairly and untruthfully. I repeat that this House cannot, by mere resolution, authorize any man to administer oaths the violation of which shall constitute perjury. That is a legislative power to be exercised by the three departments of our Government to which such power has been confided.

Mr. CASWELL. I do not think that Rule 72, to which my friend from Pennsylvania refers, has any application at all to this case.

The SPEAKER. None, the Chair thinks.

Mr. CASWELL. That rule prohibits committees from sitting during the sessions of the House, but not during the recess. The point which I suppose it would be proper to make is that when Congress adjourns, all its powers, whether in committees or otherwise, cease, except by the concurrence of the two Houses. Now, I call the attention of the Chair to the Manual, on page 91, which embodies precisely my idea:

> Committees may be appointed to sit during a recess by an adjournment but not by prorogation. Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other two branches. When done it is by a bill constituting them commissioners for the particular purpose.

The SPEAKER. That is an instance in the British Parliament.

Mr. CASWELL. I make the point that when the Congress adjourns all the powers of the Congress cease, unless by concurrence of the two bodies, embraced in the form of a bill or joint resolution, committees shall be appointed to sit during the recess.

Mr. SAYLER. Let me suggest to the gentleman from Wisconsin to read the comment made on that rule of the British Parliament, which he will find on page 109 of the Digest, in which a distinction is drawn between the action of the House of Representatives directly and the British Parliament. He will find this section construed, in view of the distinction which exists between the sessions of Congress and the sessions of the British Parliament, and very properly, not to restrain the committees of the House with the leave of the House, sitting during the recess between the first and second sessions of a Congress. That distinction has frequently been drawn, and that is the only point involved here. The gentleman is perfectly correct as to the action of the British Parliament, and I have no doubt the gentleman would be perfectly correct if when we adjourn at the end of this session it was the final adjournment of the Forty-fifth Congress. But, sir, that is not so, for when we adjourn at this session it will merely be a recess between the second and third sessions of the Forty-fifth Congress, expressly provided for and referred to in the Digest, accepted as the authority of the House, and committees may sit by leave of the House.

Mr. CASWELL. I refer to that authority as being analogous in reason to support the point I have made. It is also analogous to the proposition that one House cannot adjourn more than three days without the consent of the other body, and when both Houses resolved to adjourn upon a particular day it adjourns both Houses on that day, which could not be done by either House without the consent of the other, but must be done by the concurrence of the two Houses.

The SPEAKER. The Chair considers this proposition is properly before the House and that it is competent for the House to instruct its committees as to how they shall proceed. If they have the authority to institute the procedure they have the right to instruct the committee as to the time and manner. The Chair thinks that ruling is sustained by the paragraph in the Manual that "select committees do not hold over to the second or subsequent session after their appointment, unless specially authorized to do so."

The Chair thinks this provision authorizes them specially to do so both as to manner and as to time, and the Chair therefore——

Mr. GARFIELD. The Chair will allow me a word.

The SPEAKER. Certainly.

Mr. GARFIELD. I ask for a moment to state an example to the Speaker on this question of the right to sit during the recess and the right to sit at any time. On the 24th of April, 1876, a resolution was introduced by the gentleman from New Orleans, [Mr. GIBSON,] that a committee of nine members be appointed by the Speaker, with instructions to make thorough examination into the conduct and management of the custom-house at the port of New Orleans, &c., with power to employ a stenographer, send for persons and papers, to sit in New Orleans during the recess, and to report by bill or otherwise at any time. The Speaker will find that on page 857 of House Journal, first session of the Forty-fourth Congress, the yeas and nays were called and the resolution was declared not adopted because two-thirds had not voted in favor thereof.

Mr. COX, of New York. Was any question raised on the subject at the time?

The SPEAKER. That does not at all conflict with the position of the Chair that when a resolution is properly before the House it is competent for the House to instruct as to the time and manner of proceeding.

Mr. GARFIELD. The Chair will allow me to read another illustration.

Mr. SAYLER. Was not the motion to which the gentleman from Ohio refers made under a suspension of the rules?

Mr. GARFIELD. Yes, and it was considered necessary to suspend the rules in order to introduce a resolution.

Mr. SAYLER. And that was done on a Monday. It did not come before this House as a question of privilege, and in that regard is unlike this case, for this does come before the House as a question of privilege, and it has been decided that it is a question of privilege. The case to which the gentleman refers was a resolution sought to be introduced on Monday by a two-third vote suspending the rules.

Mr. GARFIELD. If gentlemen will listen to me——

The SPEAKER. The Chair will listen, if gentlemen do not.

Mr. GARFIELD. On January 22, 1877, a resolution was introduced by the gentleman from New York [Mr. FERNANDO WOOD] that the message of the President and the accompanying documents in answer to the resolution of the House calling for copies of all dispatches, orders, &c., relating to the use of troops in the States of Virginia, &c., be referred to a select committee of eleven members, with instructions, &c., and with the power to send for persons and papers, to administer oaths, and to report at any time.

Mr. KASSON made the point of order that the resolution was not in order except upon a motion to suspend the rules.

The Speaker held that unanimous consent having been given to lay the said message before the House, the question of reference in the event of different committees being proposed was prescribed by Rule 43, and the resolution, so far as it created a select committee and conferred power to send for persons and papers, was in order.

Mr. BANKS made the point of order that that portion of the resolution giving the proposed committee the right to report at any time was not in order, as the order of business prescribed by the rules would thereby be changed, which could not now be done except by a suspension of the rules.

The Speaker sustained the point of order.

The SPEAKER. And the Chair would sustain the same point of order again.

Mr. GARFIELD. And Mr. WOOD modified his resolution by striking out that part "to report at any time."

The SPEAKER. It was because that changed the order of business in the House, giving that committee the power to report over any other committee.

Mr. GARFIELD. But that is in this resolution.

The SPEAKER. That point of order has not been raised.

Mr. GARFIELD. I raised that point of order, or gave notice that I would do so when I first addressed the Chair.

The SPEAKER. The Chair had taken a note of the points of order raised by the gentleman from Michigan.

Mr. GARFIELD. This was one of the points of order I made.

The SPEAKER. The Chair is willing to listen to all the points. He will take no advantage of gentlemen. The first point of the gentleman from Michigan was that the resolution gave to the select committee the unusual power of sitting during the recess. The Chair has overruled that point of order on the ground already stated.

Mr. CONGER. Will the Chair allow me to make a remark on the next point of order?

The SPEAKER. With pleasure. But if any gentleman has the statute the Chair would like to hear it read.

Mr. TIPTON. I had risen for the purpose of calling the attention of the Chair to it. I have it here.

Mr. SPRINGER. The rule, as stated by Barclay in his Digest, is not in conformity with the text of the Revised Statutes, section 101; and as some gentlemen may have been misled by the language of the law as printed in Barclay's Digest, I ask the Clerk to read section 101 of the Revised Statutes.

The Clerk read as follows:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Mr. SPRINGER. This section of the law as printed on page 327 of our Manual, being copied by our present journal clerk from Barclay's Digest, contains the word "standing" before the word "committee," so that it reads "or a chairman of any standing committee." That is not in accordance with the text of the Revised Statutes.

The SPEAKER. Section 101 of the Revised Statutes says, "or of any committee."

Mr. CONGER. I would like to make a remark.

Mr. THOMPSON. I ask the Clerk to read section 5392 relating to perjury.

The SPEAKER. That relates to a legal question, and the Chair does not decide legal questions any more than constitutional questions. But the Chair will listen.

Mr. CONGER. The statute prescribes who shall administer oaths. Now our rules prescribe the persons coming within the description of the statute. The statute says among other things the chairman of a committee of either House of Congress is empowered to administer oaths. Our rules declare who shall be chairman of committees. Rule 68 says:

The first-named member of any committee shall be the chairman—

So far that defines under the law who may administer oaths—

and in his absence, or being excused by the House, the next-named member shall be chairman.

And so on as often as the case shall happen unless the committee by a majority of their number elect a chairman.

Now, we have, Mr. Speaker, a statute saying who in this regard may administer oaths. It shall be the chairman of a committee. Our rules define who shall be that chairman. He shall be the first person named upon the committee, and in his absence the next in order named upon that committee, and so on successively, unless the committee shall elect its chairman, and then he shall be the person authorized to administer oaths.

Now, the point I make is that this House cannot by a rule make the person contemplated in the statute the chairman of a committee, different from our rules, as the chairman of a subcommittee; or there may be a subcommittee of one, and under this resolution there is an attempt to make that one the chairman of a committee or the chairman of himself. I refer to it in that way to show the utter absurdity of a proposition that the chairman of a subcommittee shall be considered as coming within the statute.

Now, the gentleman will say that this resolution makes more committees, that is, that it makes subcommittees committees of this House. That is what the resolution undertakes to do. The resolution undertakes to make subcommittees committees of this House in order that their chairmen may be legally authorized under the laws of the land to administer oaths. Sir, if there be any sanctity about an oath, if there be any penalty for violation of an oath, certainly this House should of all others desire that the person authorized to administer the oath upon which perjury can be based should be a known officer of the law, recognized for that purpose. And I submit that this is giving a power which this House cannot give by a majority vote. It cannot change that rule, no matter what comes before the House for consideration.

And I submit to the Chair that that remark which has been quite common lately and which seemed to the Chair in the cases cited sufficient—that when a matter may be considered or a thing may be done, there seems to be conveyed a power to do it in this way or the other—it seems to me that embodies a principle which ought to be guarded by the Chair very carefully, and confined at least to the case in which no doubt can arise in the mind of the Chair as to the power following with the consideration.

Now, I think that this very power to give to the chairman of a subcommittee authority to administer oaths has been asked in this House on several occasions by resolution and by request, and that it has been granted without the point being raised, and that when the point was raised on one or two former occasions within my recollection, especially in the case referred to of the Louisiana committee, and in a case in regard to the Vicksburgh committee in the Forty-third Congress, the objection was withdrawn, else the Chair would not have entertained the proposition except under a suspension of the rules.

Mr. POTTER. Upon the question of order now raised let me suggest that the gentleman from Michigan must be exceedingly apprehensive of the examination proposed to raise an objection to the method of swearing witnesses that has been so long and so uniformly practiced by the committees of the House. As to the merits of the objection the law authorizes the President, the Speaker, and the chairmen of committees to swear any person as to any matter under their examination. Now I call the attention of the gentleman from Michigan to the fact that the statute does not say that nobody else shall swear witnesses. His construction of this section would exclude the Chief-Justice of the United States and every legal officer of the Government. Under his construction of the law, Mr. Speaker, you could find no one on the face of the earth who could in an investigation like the one proposed administer an oath in the absence of the chairman of the committee and this would result in neutralizing the action of the committee.

Mr. CONGER. Does the gentleman care whether the witnesses are legally sworn or does he not care?

Mr. POTTER. I shall take care, if I have anything to do with the matter, to have them legally sworn and any relief the gentleman from Michigan expects to gain from my remissness in that regard he will be welcome to.

The SPEAKER. The Chair thinks that the objection of the gentleman from Michigan, which is a technical one, is calculated to cripple the House in its wish to investigate. A close examination of the statute would seem to give authority to any committee of this House to administer oaths and the terms of the resolution authorize the appointment of subcommittees in the manner provided by the resolution. If the House should authorize the appointment of subcommittees they would have the power to administer oaths under the very words of the statute.

Mr. POTTER. And the words of the resolution as well.

The SPEAKER. The Chair therefore overrules the point of order, and will now hear the next point of order made.

Mr. CONGER. The next is the one made by the gentleman from Ohio, [Mr. GARFIELD.]

The SPEAKER. The Chair will state the proposition as he understands it, and if he does not state it accurately the gentleman from Ohio can correct him. The gentleman from Ohio raised the point that this resolution provides for a change of the rules of the House, and gives the committee the right to report at any time, in contravention of the rules of the House, which provide that the committees shall report in order. The Chair sustains the point of order.

Mr. POTTER. I did not know that the point had been made by the gentleman from Ohio until now, and I ask leave to withdraw the words "with leave to report at any time."

The SPEAKER. The Chair did not hear this point raised when he was taking notes of the points of order that were raised. He only took down those made by the gentleman from Michigan, [Mr. CONGER.]

Mr. SAYLER. I rise to a parliamentary inquiry. I ask for information, whether, the subject-matter here having been decided to be privileged, under that privilege, without any specification of the kind in the resolution, the committee would not have the power to report at any time.

The SPEAKER. The Chair will reserve that point; it will come up whenever the committee wish to report; but the Chair sustains the point of order raised by the gentleman from Ohio.

Mr. SAYLER. I concur entirely with that decision of the Chair.

Mr. SPRINGER. Are we to understand that if the report of a committee should contain privileged matter the committee could report at any time?

The SPEAKER. The Chair will examine that point and decide it when the committee is ready to report, if it should be.

Mr. POTTER. The Chair understands that I have stricken out the words "with leave to report at any time."

Mr. HALE. I wish to offer an amendment to the resolution before the gentleman calls the previous question, and I presume there will be no objection to that.

Mr. CONGER. One point has not been ruled upon, and that is that the resolution involves an expenditure of money and must have its first consideration in the Committee of the Whole.

The SPEAKER. The Chair thinks that it does not on its face involve an expenditure of money; but if it did it would only involve an expenditure out of the contingent fund of the House and would not therefore be subject to a point of order according to practice.

Mr. POTTER. The various points of order raised to the reception of this resolution having been disposed of, I desire to make only one remark, and that because of something personal said by the gentleman from Michigan, [Mr. CONGER,] before I shall ask the House whether it desires to close discussion on this resolution or not by the previous question.

The gentleman from Michigan intimated that it was an impertinence on my part to introduce this resolution. Mr. Speaker, very few gentlemen of the House, I think, would assume the responsibility of introducing a resolution of the character and magnitude of the resolution I have offered without being requested to do so. I introduced it upon the request of my political associates in this House made to me this morning, gentlemen whose request I did not feel at liberty to refuse. I think few gentlemen on this side of the House when so requested would have felt themselves at liberty to refuse to propose the resolution in question.

I want to add also, in view of something that was said by the gentleman from Texas, [Mr. MILLS,] and by gentlemen on the other side, that the resolution contemplates nothing but an inquiry into the facts connected with the electoral vote of the States of Florida and Louisiana, and into the participation of officers of the Government in connection with the alleged frauds there. What can be done after the inquiry is completed, what ought to be done, should be determined only after the inquiry has been concluded. For myself, I have no purpose in this respect, and I know of none on the part of my political associates.

I desire to add further that I have no wish to disturb the peace and quiet of the country and that prosperity which I hope is now beginning to revive, and that I have no fear that the investigation proposed can result in disturbing it. The Government of this country was made by the people and they are competent to preserve it without violence and to right peaceably the wrongs that should be righted or, if need be, to submit for a season to wrong if the public interests demand that they should submit to it. But I repeat what I said before, that to refuse to inquire into successful frauds is to invite their repetition, and is in the end to jeopard, not to secure, the public safety.

And now as the subject-matter of this resolution is familiar to all the members of the House, I will call the previous question upon it and let the House determine whether it shall be further debated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 251) for the relief of James J. Waring, of Savannah, Georgia; and

A bill (H. R. No. 3121) for the relief of Numis H. Coverdale.

The message also announced that the Senate has passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana;

A bill (H. R. No. 2132) to pay for clerical services and extraordinary expenses, under the seventh section of the act of August 18, 1856, in the Pawnee land district in Kansas; and

A bill (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 766) to legalize certain patents issued to members of the Pottawatomie tribe of Indians; and

A bill (S. No. 989) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands.

ALLEGED FRAUD IN PRESIDENTIAL ELECTION.

The House resumed the consideration of the preamble and resolution of Mr. POTTER, upon which he had called the previous question.

Mr. HALE. I have an amendment clearly germane to the resolution offered by the gentleman from New York, [Mr. POTTER.] It is an amendment which the gentleman will see should be permitted in fairness to be offered. Considering the magnitude of the subject, which has been well referred and acknowledged by the gentleman, I hope that he will not seek here and now to stifle further debate, to allow no opportunity to answer what has been said, and to give no permission to this side to offer an amendment to his resolution, so that the investigation which his committee shall make shall be the more exhaustive and searching. I ask him to yield to me to offer an amendment.

Mr. POTTER. In answer to the suggestion of the gentleman from Maine [Mr. HALE] as to stifling debate, I beg to remind him that whatever debate has been had upon the merits of this matter has been under cover of points of order and by gentlemen opposed to the resolution.

Mr. HALE. There has not been any debate whatever on the merits of the resolution.

Mr. POTTER. As to the amendment, I will yield to the gentleman to state the nature of it. It may be that in the form of an amendment he has some speech.

Mr. HALE. The better way would be to have the amendment read.

Mr. POTTER. The gentleman is exceedingly familiar with parliamentary law, and is able to state the nature of his amendment so as to advise me what it is, and then I will answer the gentleman.

Mr. HALE. Then I will read the amendment. [Cries of "No!" "No!" on the democratic side."]

Mr. POTTER. I do not ask the gentleman to do that. The gentleman is perfectly aware of what the parliamentary courtesy I offer him amounts to, and I ask him to state the nature of the amendment.

Mr. HALE. I will state further, and I think it is permissible for me to be allowed to do so, that this matter has not come up here suddenly. It has been considered a long time by the gentleman and his associates, but it was never known to us when it would be sprung upon the House. Feeling that it was of course becoming a party matter, I consulted the Speaker of the House, who I am glad to say in these matters is always ready to give the minority a chance to be heard. I received from the Speaker the assurance that this side of the House should be represented in this matter and should have an opportunity of putting in its proposition.

Now, all that will result from the gentleman's yielding to my courteous request to allow my amendment to come in is the opportunity to vote upon it. He and his associates may vote it down, if they will, and then they may vote upon their own proposition.

He will see that my amendment is germane, is in the direction of investigation; that, so far from narrowing or stifling it in the least degree, it sends to this select committee to be appointed for a purpose subject-matters connected only with the subject-matter of his original resolution, and it departs not an iota from the character of the subject-matter of his resolution, that is, the investigation of the circumstances and facts of alleged frauds attendant upon the presidential election of 1876.

I now ask him, as he seeks full investigation, that he may not here, by the power which he has in the management of this resolution and representing the majority, seek to throttle the rights of this side of the House, and to refuse me what I have never known to be before refused, the opportunity of offering an amendment in the direction in which his original resolution runs.

The SPEAKER. The Chair desires to say in corroboration of the statement of the gentleman from Maine [Mr. HALE] that he did state to that gentleman this: that if the gentleman from Maine [Mr. HALE] desired to submit an amendment he would be recognized by the Chair for that purpose if the gentleman who was in charge of the proposed resolution (which was then the subject of discussion between the gentleman from Maine and the Chair) gave him the opportunity to do so. And then the gentleman from Maine asked whether an amendment germane to the subject-matter of the resolution was not as much a question of privilege on the one side as on the other. The Chair told him, that if he was refused an opportunity to offer the amendment to the original resolution, then it would be competent for the gentleman himself as a question of privilege, if it was determined to be a question of privilege, to offer the proposition in his own right.

Mr. HALE. I admit clearly the trouble now is not with the Chair, but with the gentlemen representing the majority on the other side. My amendment is here and I desire to offer it.

The SPEAKER. The gentleman from Maine will see at once that a proposition which is a privileged question in one particular would seem to run with equal privilege in other particulars, if germane.

Mr. POTTER. I accept all the responsibility which belongs to me, but the determination of whether the gentleman's amendment shall come in if I do not yield for it now will not rest with me; it will rest with the House of Representatives. If the House wants it, they will vote down the previous question. Now the gentleman has made no answer to my request as to the subject-matter of his amendment, except to say that it relates to the general subject of the alleged presidential frauds.

Several MEMBERS, (to Mr. HALE.) Read it.

Mr. HALE. Will the gentleman let it be read? I will send it to the Clerk's desk to be read for information. [Cries of "No!" "no!" on the democratic side.] If the gentleman seeks information, it lies in these pages, [holding up manuscript.]

Mr. POTTER. The gentleman from Maine knows that he could answer if he chose; if he refuses to answer and insists on giving me an answer in a quire of foolscap, I say that is not such an appeal to my courtesy as I ought to yield to. He refuses to tell me that his amendment is germane to the inquiry into the States of Florida and Louisiana, to which alone this resolution relates. For aught I know it may relate to inquiries in other States.

Mr. HALE. Then the gentleman seeks to limit the inquiry to selected States, and does not desire to let us go outside?

Mr. POTTER. I thank the gentleman for that reply. I answer just as frankly——

Mr. HALE. I tell the gentleman plainly that my amendment is not confined to the States of Florida and Louisiana.

Mr. POTTER. Now I have got at last the answer I have been asking for. I reply that I decline to yield; for if in Florida or Louisiana frauds were attempted they became operative. If the gentleman will tell me that he proposes to show that there were frauds in South Carolina, by which the electoral vote of that State was counted for Hayes when it ought to have been counted for Tilden, then I shall be prepared to permit an amendment of that sort, for that will be

germane. But the gentleman does not venture to declare; he will not declare anything of the sort.

Mr. HALE. In other words, frauds which apply only to one side are to be examined into here, and the gentleman seeks to exclude an inquiry into the frauds committed at the hands of his own party. Is that it? [Applause on the republican side.]

Mr. POTTER. Oh, no, Mr. Speaker. The room for inquiry into wrong and moral obliquity in this world is very wide. If the gentleman wants to inquire into what some person has attempted to do which ought not to be done, and which that person failed to accomplish, let him introduce his resolution, put himself at the head of the committee, and go into the investigation. I shall not object. [Applause on the democratic side.] I am not aiming at persons. I only desire to ascertain whether a fraud in the electoral vote of these two States was successfully perpetrated, and, if so, how it was perpetrated, in order that hereafter such frauds may be prevented. The inquiry is not who has done wrong, not who has been wicked elsewhere in the country, but what fraud in the electoral vote was accomplished.

Mr. HALE. Then the gentleman denies every attempt at investigation where clearly shown frauds, the boldest and worst in American history, are at the skirts of his own party in half a dozen other States.

Mr. POTTER. No, sir; I will vote for any kind of investigation which the gentleman may propose as an independent proposition; but I will not admit an amendment clearly and obviously not germane and intended to embarrass the investigation proposed.

Mr. HALE. Why should not this matter be referred to the committee of which the gentleman is to be chairman? I do not ask a committee a majority of whose members shall belong to this side of the House; but I ask that this inquiry be sweeping, as the country will demand that it shall be, and I am willing that the gentleman's committee shall make it.

Mr. POTTER. Well, let the gentleman from Maine "sweep" up any dirt he pleases. [Laughter.] That is not the purpose of the investigation I desire.

Mr. HALE. The gentleman from New York evidently does not mean to "sweep."

Mr. POTTER. No, not with such an impracticable broom as the gentleman from Maine would give me.

Mr. GARFIELD. Will the gentleman from New York yield to me for a question?

Mr. POTTER. Oh, yes. I yield to any one of the "visiting statesmen."

Mr. GARFIELD. I understood the gentleman from New York to say, when he was first up, that he was not discussing——[Cries of "Regular order!"]

The SPEAKER. The gentleman from New York has yielded to the gentleman from Ohio for a question.

Mr. GARFIELD. If these impatient statesmen will wait a moment, they will be relieved of me; but they cannot roar me down by noise. [Cries of "good!"]

The SPEAKER. The Chair thinks there is no attempt of that sort.

Mr. GARFIELD. It would seem that many members on the other side are undertaking it.

The SPEAKER. The Chair will protect the gentleman in his rights.

Mr. GARFIELD. I understood the gentleman from New York, when he first arose, to say that he was not seeking to investigate the presidential title, but to investigate the question of frauds in the presidential election. Now, if that be so, I cannot understand the gentleman's present position—that he will not consent to investigate any alleged fraud in any State unless the vote of that State was necessary to put the Presidency where it went; for only in such a case, he says, would the vote, affect the result. He asked my friend from Maine [Mr. HALE] whether his amendment related to any State the vote of which was necessary to put the presidential title where it now is. Now, the gentleman from New York utterly changes his first position to one of seeking to get at the presidential title. If he is seeking merely to investigate frauds in the presidential election, then I believe he will get the unanimous vote of this House for his resolution; provided he will enlarge it so as to include all other cases where there is any *bona fide* allegation, believed in by a large body of people, of fraud and these allegations of fraud, every way as well grounded as any that he believes in with regard to these two States. If he will enlarge his resolution in that way, he shall have my vote, and I believe he will have the vote of every man on this side of the House.

Mr. CONGER and others. Every man.

Mr. GARFIELD. But if he elects a partial and narrow limit of alleged fraud which, in case it is proved, can conduce only to the political advantage of one party and not to the general advantage of truth and public justice, he will have all the opposition that all honorable men can offer to such a narrow, partial, partisan, unjust investigation. [Applause on the republican side.]

Mr. POTTER. The gentleman from Ohio asked me to yield to him for a question. It was a very long question and I shall answer it in a much shorter time than he asked it.

Mr. Speaker, the gentleman says I have changed my ground and that I want to attack the presidential title. Not at all. Whatever, if anything, may happen to the presidential title as a result of this inquiry does not concern me now. I have no purpose of disturbing it. That I have said before and repeat.

The gentleman further says then if I only want to investigate election frauds his side of the House would be glad to go into an investigation so sweeping and general as the one he refers to. Sir, such an investigation would never come to any termination whatever. Perhaps that is why that side of the House seeks it. But there is between the two extremes this obvious distinction: I seek to investigate not with a view to disturb the presidential title; not with a view of injuring anybody's character; I seek to investigate frauds which became operative, which were not only attempted but which were carried out, and which have been brought to our notice by the complaint of a sovereign State of this Union. There are but two States in which that occurred and no more. Therefore any investigation looking beyond those is not germane, and if there is no political effect to be gained by the gentlemen on the other side of the Chamber by an investigation of the frauds in the States of Louisiana and Florida, it is because they got the political effect of such frauds on the 6th of December, 1876, when their electoral votes were unjustly recorded for the present incumbent of the executive office.

Mr. CONGER. I desire to ask the gentleman a question. [Cries of "Vote!" "Vote!"]

Mr. BEEBE. I demand the regular order of business.

Mr. CONGER. I wish to say the gentleman from New York——

Mr. POTTER. What does the gentleman ask now?

Mr. CONGER. If he will not permit this side of the House to take any part in framing this resolution, we will let him go through with his own party if he can.

Mr. POTTER. The gentleman from Michigan is kind, but we can do that without his permission. If he will bring in the resolution for investigation into the frauds he speaks of we will be more liberal; in that event he may count upon votes on this side of the House to adopt it.

Mr. HALE. I only wish to say on this matter that I made the proposition in good faith. Gentlemen on the other side have denied it. Now let them go on by themselves.

Mr. COX, of New York. I rise to a question of order. The gentleman has demanded the previous question.

Mr. HALE. Let them go on by themselves.

Mr. LUTTRELL. I understood the regular order was demanded.

Mr. MAYHAM. I demand the regular order of business.

The SPEAKER. In a matter like this the Chair desires to accommodate himself to any reasonable expression desired by the one or the other side of the House. The attention of the Chair, however, having been called to the fact that the previous question has been demanded, must comply with the rules of the House.

Mr. BUTLER. I wish to ask the gentleman from New York a single question. Will he yield for that purpose?

Mr. POTTER. Yes, sir.

Mr. BUTLER. Will the gentleman let me put in the words "South Carolina" after Louisiana?

Mr. GARFIELD. And Mississippi.

Mr. POTTER. No, Mr. Speaker, I cannot yield for that purpose, and for the same reason, there was no fraud which became operative in South Carolina.

Mr. MAYHAM. I rise to a parliamentary inquiry, and that is whether after the previous question has been demanded any debate is in order?

The SPEAKER. It is not, under a close construction of the rules.

Mr. COX, of New York. How, then, does the gentleman yield to gentlemen on the other side of the House?

The SPEAKER. The gentleman did yield, and the Chair permitted it.

Mr. COX, of New York. But he would not permit gentlemen on this side of the House to be heard.

Mr. LUTTRELL. I object to all further yielding.

The SPEAKER. The Chair supposed the gentleman from New York [Mr. POTTER] was speaking for gentlemen on this side.

Mr. LUTTRELL. Let the gentleman withdraw the demand for the previous question, and let both sides of the House have the same chance.

Mr. HALE. I demand a division on the seconding of the demand for the previous question.

The House divided; and there were—ayes 109, noes none.

Mr. HALE. No quorum has voted,

The SPEAKER. The Chair will order tellers, and appoints Mr. POTTER and Mr. HALE.

The House again divided; and the tellers reported ayes 115.

The SPEAKER. Gentlemen are requested to vote, or the House will find itself without a quorum. [Laughter.]

Mr. LUTTRELL. I should like to know what has paralyzed the limbs of gentlemen on the other side that they do not vote. [Laughter.]

The SPEAKER. The negative vote has not yet been reported.

Mr. HALE. There are none voting in the negative.

Mr. POTTER. I report the gentleman from Maine who acted as one of the tellers as the only one who voted in the negative.

The SPEAKER. The tellers report—ayes 115, noes 1.

Mr. LUTTRELL. Where is the gentleman from Maine? He was one of the tellers.

The SPEAKER. No quorum has voted.

Mr. SPRINGER. In order to show there is a quorum present I now move there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Aldrich,	Douglas,	Knott,	Roberts,
Bagley,	Ewing,	Landers,	Robinson, M. S.
Baker, William H.	Freeman,	Lindsey,	Stephens,
Ballou,	Frye,	Loring,	Swann,
Banks,	Fuller,	Maish,	Townsend, M. I.
Bisbee,	Goode,	Money,	Veeder,
Brogden,	Hanna,	Morse,	Waddell,
Cabell,	Harris, Benj. W.	Overton,	Walker,
Carlisle,	Harris, John T.	Powers,	Warner,
Chittenden,	Hart,	Quinn,	Willits.
Clarke of Kentucky,	Hunton,	Rice, Americus V.	

The SPEAKER *pro tempore*, (Mr. VANCE.) The Chair will cause Rule 36 to be read.

The Clerk read as follows:

36. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.—November 13, 1789, and December 14, 1795.

Mr. PAGE. I wish to inquire of the Chair if the roll-call does not disclose the presence of a quorum? If that be so, I believe it is unnecessary to have any further proceedings under the call.

Mr. SAYLER. There may be further proceedings under the call, whether a quorum is present or not.

Mr. TOWNSEND, of Ohio. I move that all further proceedings under the call be dispensed with.

Mr. TIPTON. I desire to announce that my colleague from Illinois, Mr. ALDRICH, is absent by leave of the House.

The SPEAKER. That announcement is not now in order.

The question being taken on the motion of Mr. TOWNSEND, of Ohio, it was agreed to; and further proceedings under the call were dispensed with.

Mr. POTTER. I desire to make a parliamentary inquiry. I desire to be informed by the Chair whether, if the House should now adjourn, the consideration of this resolution would come up as unfinished business.

Mr. HALE. Oh, let us go on and finish this to-night.

The SPEAKER. The gentleman from New York inquires whether, if the House should now adjourn, the consideration of this resolution will come up as unfinished business. The Chair is of opinion it would. The Chair thinks in addition it would retain its rank and character as a question of privilege until disposed of.

Mr. POTTER. The gentleman from Maine [Mr. HALE] says: "Go on and finish this." Gentlemen on that side have been attempting to prevent our finishing it.

Mr. HALE. You have shown you cannot finish it.

Mr. SAYLER. The gentlemen on that side have shown they do not wish to finish it. We will have a quorum of democrats here, and then we will finish it.

Mr. FORT. If the gentlemen on the other side want a caucus, we will accommodate them and adjourn.

Mr. SAYLER. I think we are competent to run our side of the House without the assistance of the gentleman from Illinois.

Mr. HAYES. I wish to know if gentlemen on the democratic side have so quickly discovered a blunder?

Mr. FORT. I would like the gentleman from New York [Mr. POTTER] to state what is his object in moving to adjourn. [Cries of "Regular order!"]

The question being taken on the motion to adjourn,

The SPEAKER stated that in the opinion of the Chair the "ayes" had it.

Mr. HALE and Mr. GARFIELD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 110, not voting 63; as follows:

YEAS—118.

Acklen,	Clymer,	Gunter,	Manning,
Aiken,	Cobb,	Hardenbergh,	Martin,
Atkins,	Collins,	Harris, Henry R.	Mayham,
Banning,	Cook,	Harrison, .	McMahon,
Bell,	Cravens,	Hartridge,	Mills,
Benedict,	Crittenden,	Hartzell,	Morgan,
Bicknell,	Davis, Joseph J.	Hatcher,	Morrison,
Blackburn,	Dean,	Henkle,	Muldrow,
Bland,	Dibrell,	Henry,	Muller,
Bliss,	Dickey,	Herbert,	Patterson, T. M.
Blount,	Durham,	Hewitt, Abram S.	Phelps,
Boone,	Eden,	Hewitt, G. W.	Potter,
Bouck,	Elam,	House,	Pridemore,
Bragg,	Evins, John H.	Jones, Frank	Rea,
Bridges,	Ewing,	Jones, James T.	Reagan,
Bright,	Felton,	Kenna,	Reilly,
Buckner,	Finley,	Kimmel,	Riddle,
Caldwell, John W.	Forney,	Knapp,	Robbins,
Caldwell, W. P.	Franklin,	Ligon,	Robertson,
Candler,	Garth,	Lockwood,	Ross,
Chalmers,	Gause,	Luttrell,	Sayler,
Clark, Alvah A.	Gibson,	Lynde,	Scales,
Clark of Missouri,	Glover,	Mackey,	Schleicher,
Shelley,	Steele,	Vance,	Willis, A. S.
Singleton,	Stenger,	Walsh,	Willis, Benj. A.
Siemons,	Throckmorton,	Whitthorne,	Wilson,
Smith, William E.	Townshend, R. W.	Wigginton,	Wood,
Southard,	Tucker,	Williams, A. S.	Yeates.
Sparks,	Turner,	Williams, James	
Springer,	Turney,	Williams, Jere N.	

NAYS—110.

Bacon,	Deering,	Jorgensen,	Randolph,
Baker, John H.	Denison,	Joyce,	Reed,
Banks,	Dunnell,	Keifer,	Rice, William W.
Bayne,	Dwight,	Keightley,	Ryan,
Beebe,	Eames,	Kelley,	Sampson,
Blair,	Ellsworth,	Ketcham,	Sapp,
Boyd,	Errett,	Killinger,	Sexton,
Brentano,	Evans, I. Newton	Lapham,	Shallenberger,
Brewer,	Evans, James L.	Lathrop,	Smalls,
Briggs,	Fort,	Marsh,	Starin,
Browne,	Foster,	McCook,	Stewart,
Bundy,	Gardner,	McGowan,	Stone, John W.
Burchard,	Garfield,	McKenzie,	Stone, Joseph C.
Burdick,	Hale,	McKinley,	Strait,
Cain,	Harmer,	Metcalfe,	Thompson,
Calkins,	Haskell,	Mitchell,	Thornburgh,
Campbell,	Hayes,	Monroe,	Tipton,
Caswell,	Hazelton,	Neal,	Townsend, Amos
Claflin,	Hendee,	Oliver,	Van Vorhes,
Clark, Rush	Henderson,	O'Neill,	Wait,
Cole,	Hiscock,	Page,	Ward,
Conger,	Hubbell,	Patterson, G. W.	Welch,
Cox, Jacob D.	Hunter,	Peddie,	White, Harry
Crapo,	Humphrey,	Phillips,	White, Michael D.
Culberson,	Hungerford,	Pound,	Williams, C. G.
Cummings,	Ittner,	Price,	Wren.
Danford,	James,	Pugh,	
Davis, Horace	Jones, John S.	Rainey,	

NOT VOTING—63.

Aldrich,	Davidson,	Knott,	Sinnickson,
Bagley,	Douglas,	Landers,	Smith, A. Herr
Baker, William H.	Eickhoff,	Lindsey,	Stephens,
Ballou,	Ellis,	Loring,	Swann,
Bisbee,	Freeman,	Maish,	Townsend, M. I.
Brogden,	Frye,	Money,	Veeder,
Butler,	Fuller,	Morse,	Waddell,
Cabell,	Giddings,	Norcross,	Walker,
Camp,	Goode,	Overton,	Warner,
Cannon,	Hamilton,	Pollard,	Watson,
Carlisle,	Hanna,	Powers,	Williams, Andrew
Chittenden,	Harris, Benj. W.	Quinn.	Williams, Richard
Clarke of Kentucky,	Harris, John T.	Rice, Americus V.	Willits,
Covert,	Hart,	Roberts,	Wright,
Cox, Samuel S.	Hooker,	Robinson, G. D.	Young.
Cutler,	Hunton,	Robinson, M. S.	

So the motion to adjourn was agreed to.

During the call of the roll the following announcements were made:

Mr. COVERT. On questions of a party character I am paired with my colleague from New York, Mr. TOWNSEND. If Mr. TOWNSEND were present, I would vote "ay."

Mr. WILLIS, of Kentucky. My colleague, Mr. CARLISLE, is paired with Mr. POWERS, of Maine. Mr. COX, of New York, has been called home by sickness in his family.

Mr. TURNER. My colleague from Kentucky, Mr. KNOTT, is paired with Mr. FRYE, of Maine. My colleague, Mr. CLARKE, is paired with Mr. WATSON, of Pennsylvania.

Mr. HAMILTON. I am paired with my colleague, Mr. ROBINSON. If he were present, I should vote "ay" and he would vote "no."

Mr. WILLIAMS, of Oregon. I desire to say that I am paired with Mr. HARRIS, of Virginia.

Mr. ROBINSON, of Massachusetts. I am paired upon all political questions with Mr. LANDERS of Connecticut. If he were present, I should vote "no" and he would vote "ay." I desire also to state that my colleague, Mr. LORING, is confined to his room by illness, and is paired with Mr. GOODE, of Virginia.

Mr. POLLARD. I desire to announce that I am paired with the gentleman from Virginia, [Mr. DOUGLAS.] If he were present, he would vote "ay" and I should vote "no."

Mr. MITCHELL. I desire to say that my colleague, Mr. OVERTON, is paired with Mr. FULLER, of Indiana.

Mr. BREWER. My colleague, Mr. WILLITS, is paired for the day with Mr. ROBERTS, of Maryland.

Mr. SMITH, of Pennsylvania. I am paired with the gentleman from Virginia, Mr. CABELL. If he were present, I should vote "no" and he would vote "ay."

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky.

Mr. DAVIDSON. I would state that I am paired with my colleague, Mr. BISBEE. If he were present, I should vote "ay" and he would vote "no."

Mr. WILLIAMS, of New York. I desire to state that I am paired with Mr. MONEY, of Mississippi.

Mr. SINNICKSON. I am paired with Mr. RICE, of Ohio.

Mr. NORCROSS. I desire to state that I am paired with my colleague, Mr. MORSE.

Mr. GIDDINGS. I desire to announce that I am paired with Mr. FREEMAN, of Pennsylvania.

Mr. FORT. My colleague, Mr. ALDRICH, is absent by leave of the House.

LEAVE OF ABSENCE.

The SPEAKER. Before announcing the result of the vote the

Chair desires to make certain requests of the House for leave of absence.

By unanimous consent, leave of absence was granted to the following:

To Mr. ERRETT, for two weeks from to-day, on account of important business.

To Mr. BUNDY, for twelve days, from after the 14th instant, on account of important business; and

To Mr. COX, of New York, for ten days, on account of illness in his family.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York, from the Committee on Appropriations, reported a bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HEWITT, of New York. I give notice that I shall endeavor to call up that bill on Wednesday next.

Mr. HALE. I desire to reserve all points of order upon the bill.

DEATH OF PROFESSOR HENRY.

The SPEAKER. The Chair announces with great sorrow (a feeling all will experience) the death of Professor Henry, an American whose scientific attainments are of world-wide fame and who has devoted a lifetime to the interests of science, regardless of personal comfort or emolument.

The result of the vote on the motion to adjourn was then announced as above stated; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ACKLEN: The petition of Mr. Hezekiah S. Bell, of New Orleans, Louisiana, that his own and other rejected claims against Mexico may be reopened in case any awards against Mexico shall be reopened—to the Committee on Foreign Affairs.

Also, the petition of Thomas Cottman, of Louisiana, for compensation for services in the Thirty-seventh Congress—to the Committee of Elections.

Also, the petition of citizens of the parish of Calcasieu, Louisiana, against any change of the life-saving service from the Treasury Department—to the Committee on Commerce.

By Mr. BLISS: The petition of Hannah J. Oltrogge, for a pension—to the Committee on Invalid Pensions.

Also, the petition of George B. Squires, E. R. Johnson, James Tanner, George F. Tait, J. L. Watson, A. H. Frost, and other soldiers of the late war, for the publication of the data used in the compilation of the War Department maps of the battle of Gettysburgh—to the Committee on Printing.

By Mr. BUCKNER: A paper relating to the establishment of a post-route from Mackville to Cuivre, Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: The petition of George H. Wellman and H. W. Boardman, for a post-route from Fond du Lac to Iron Ridge, on the Fond du Lac, Amboy and Peoria Railroad—to the same committee.

Also, the petition of Lizzie E. Robertson, for a pension—to the Committee on Invalid Pensions.

By Mr. CLARK, of New Jersey: The petition of the Shining Light Council, of Clinton, New Jersey, opposing any alteration of the tariff—to the Committee of Ways and Means.

By Mr. DEAN: The petition of Thomas Carberry Brophy and 127 others, that national-bank notes may be retired and Treasury notes issued in their stead—to the Committee on Banking and Currency.

By Mr. EAMES: The petition of G. E. Mathewson and others, of Providence, Rhode Island, manufacturers of silk hats, to place hatters' black silk plush on the free list—to the Committee of Ways and Means.

By Mr. ELLSWORTH: Papers relating to the pension claim of Nancy M. Richmond—to the Committee on Invalid Pensions.

By Mr. FORNEY: The petition of Professor R. W. Beck and other citizens of Steel's Station, Saint Clair County, Alabama, for the favorable consideration of House bill No. 1670—to the Committee on Education and Labor.

By Mr. HOOKER: The petition of citizens of Simpson County, Mississippi, of similar import—to the Committee of Ways and Means.

By Mr. JORGENSEN: The petition of the publishers of the Daily Post, Petersburgh, Virginia, for the abolition of the duty on type—to the same committee.

By Mr. KIDDER: The petition of W. H. H. Beadle and 100 others, for a port of entry at Yankton, Dakota Territory—to the Committee on Commerce.

By Mr. MANNING: Papers relating to the war claims of B. F. Tingle, and the estate of Jacob D. Virtz—to the Committee on War Claims.

By Mr. MAYHAM: The petition of citizens of Green and Delaware Counties, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. MULDROW: The petition of Abel Childres, for compensation for property taken by the United States Army—to the Committee on War Claims.

By Mr. SHELLEY: The petition of John J. Steele and other citizens of Lowndes County, Alabama, for the favorable consideration of House bill No. 1670—to the Committee on Education and Labor.

By Mr. STENGER: The petition of James P. Long, for a pension—to the Committee on Invalid Pensions.

Also, the petition of 23 citizens of Huntingdon County, Pennsylvania, for an extension of credit of the Government to aid in the completion of a great southern line to the Pacific—to the Committee on the Pacific Railroad.

By Mr. STONE, of Michigan: The petition of J. W. Snedaker and 200 other citizens of Allegan, Michigan, for the removal of duty on quinine—to the Committee of Ways and Means.

By Mr. VANCE: The petition of Levi P. Clark, for extension of patent No. 2181 for an improvement in hydrants—to the Committee on Patents.

By Mr. VAN VORHES: Papers relating to the pension claim of William Daugherty—to the Committee on Invalid Pensions.

By Mr. WADDELL: Papers relating to the war claim of John Brown—to the Committee on War Claims.

By Mr. WIGGINTON: The petition of Murphy, Grant & Co. and 13 other business firms of San Francisco, California, for the passage of the bill (H. R. No. 3648) making appropriations for deficiencies in the Interior Department for the year ending June 30, 1876—to the Committee on Appropriations.

By Mr. WILLIAMS, of Delaware: Papers relating to the claim of Captain H. S. Hawkins—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Michigan: The petition of J. R. Williams and Herman Dowd, for relief—to the same committee.

By Mr. WILLIS, of Kentucky: The petition of William Geissel, of Louisville, Kentucky, for pay as an officer in the United States Army—to the same committee.

Also, the petition of citizens of Louisville, Kentucky, that an investigation be made of the expenditure of the $100,000 appropriated for the steam-boiler testing commission—to the Committee on Expenditures in the Treasury Department.

By Mr. YOUNG: Papers relating to the war claim of Robert C. Brinkley—to the Committee on War Claims.

IN SENATE.

TUESDAY, *May* 14, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SARGENT, and by unanimous consent, the further reading was dispensed with.

DEATH OF PROFESSOR JOSEPH HENRY.

The PRESIDENT *pro tempore*. The Chair has the painful duty of laying before the Senate the following announcement of the death of Professor Joseph Henry, Secretary of the Smithsonian Institution, by Chief-Justice Waite, chancellor of that institution, which the Secretary of the Senate will now read.

The Chief Clerk read as follows:

SMITHSONIAN INSTITUTION,
Washington, May 14, 1878.

SIR: I am requested by the Regents of the Smithsonian Institution to inform you, and through you the Senate of the United States, of the death of Professor Joseph Henry, the Secretary and director of the institution, which occurred in this city on Monday, May 13, at 12.10 p. m. His funeral will take place at the New York Avenue Presbyterian church on Thursday, May 16, at half past four o'clock in the afternoon, and the Senate is respectfully invited to attend.

I have the honor to be, very respectfully, your obedient servant,

M. R. WAITE,
Chancellor of the Institution.

Hon. W. A. WHEELER,
Vice-President of the United States.

Mr. SARGENT. I offer the following resolution, and ask for its present consideration:

Resolved by the Senate, (the House of Representatives, concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses at four o'clock on Thursday, the 16th instant for the purpose of enabling Senators and Representatives to attend the funeral of the late Joseph Henry, Secretary of the Smithsonian Institution.

The resolution was considered by unanimous consent and agreed to unanimously.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 775) for the restoration to market of certain lands in the Territory of Utah;

A bill (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States; and

A bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 314) to confirm the term, for the period of seventeen years from the date of its original grant, of the patent of Thomas A. Weston—to the Committee on Patents.

A bill (H. R. No. 2138) authorizing the Secretary of the Treasury to pay Mary Fearon and Jessie Crossin, executrices of Samuel P. Fearon, deceased, for certain registered United States bonds redeemed by the Government on forged assignments and power of attorney—to the Committee on Finance.

A bill (H. R. No. 2139) making an appropriation for the payment to Richard Heater, executor of John Heater, deceased, late of Loudoun County, Virginia, of the sum therein named for value of the stores and supplies taken and used by the United States Army—to the Committee on Claims.

A bill (H. R. No. 4327) for the relief of certain laborers employed upon the Government works—to the Committee on Commerce.

A joint resolution (H. R No. 153) providing for the issue of arms to Territories—to the Committee on Military Affairs.

A joint resolution (H. R. No. 178) to pay the laborers known as the cloak-room men, and to place them on the Doorkeeper's roll—to the Committee on Appropriations.

A joint resolution (H. R. No. 179) giving the consent of the Congress of the United States to the Legislature of the State of Nebraska to cede and transfer certain territory now under the jurisdiction of the State of Nebraska to the State of Missouri, the Legislature of Missouri consenting thereto—to the Committee on the Judiciary.

TIMBER LANDS ON PACIFIC SLOPE.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 926) for the sale of timber lands in the States of California and Oregon and in Washington Territory; which were read.

The amendments of the House of Representatives were, in line 2 of section 1, after the word "Oregon," to insert the words "and Nevada," and to amend the title of the bill so as to read: "An act for the sale of timber lands in the States of California, Oregon, and Nevada and in Washington Territory."

Mr. SARGENT. The only question presented by the amendments of the House is whether the bill shall be extended to the State of Nevada, and there is no question that it ought to be. The Representative from that State moved in the House that that State be inserted. That is the only change. I move that the Senate concur in the amendments of the House.

The amendments were concurred in.

TIMBER IN COLORADO AND TERRITORIES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes; which were read.

The amendments of the House of Representatives were, after the word "protection," in line 13, to insert the words "of the timber and," and at the end of line 14 to add "and for other purposes: provided the provisions of this act shall not extend to railroad corporations."

Mr. TELLER. The amendments are satisfactory. I move that they be concurred in.

The amendments were concurred in.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, submitting a statement of the amount of work executed at the south pass of the Mississippi River; which was referred to the Committee on Transportation Routes to the Seaboard, and ordered to be printed.

TAX ON DISTRICT CHURCH PROPERTY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in compliance with a resolution of the Senate of the 8th instant, letters from the attorney and collector of the District of Columbia, and an exhibit showing the church property in default for taxes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. M. D. Ball and others, railway post-office clerks, route agents, and mail route messengers of the seventh division, United States railway mail service, praying for an increase of compensation and for the organization of the employés of the railway mail service into one body with numerical grades; which was ordered to lie on the table.

Mr. ROLLINS presented the petition of Mackellar, Smiths & Jordan, of Philadelphia, Pennsylvania, and 133 others, manufacturers of and dealers in type material, praying that the bill to refund the sum of $3,183 to Miller & Richards, which was imposed upon them as a fine for undervaluation, may not pass; which was referred to the Committee on Finance.

Mr. DORSEY presented a resolution of Potomac Council No. 8, of the District of Columbia, Sovereigns of Industry, representing fifty families in the District, in favor of the enactment of such a law as will insure full weight to purchasers of coal and compel coal-dealers to send the certificate of a properly appointed Government weigher with every load of coal delivered; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL presented the memorial of Joseph M. Wilson, of Washington City, District of Columbia, praying that a portion of the amount received from the sale of public lands be appropriated for the encouragement and support of industrial education in the public schools of our country; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. SARGENT. I present two petitions, one of them numerously signed, praying that a duty of thirty cents per pound be levied on all stereotype and electrotype plates imported into the United States. These petitions are signed by printers and publishers of California, and they give the reasons for their prayer. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. DAVIS, of Illinois, presented the petition of J. S. Anawalt, of De Witt County, Illinois, formerly of Kansas City, Missouri, praying compensation for horses taken in Missouri during the late war by the Union forces; which was referred to the Committee on Claims.

Mr. JONES, of Florida, presented the petition of James W. Allen and others, citizens of Saint Augustine, Florida, praying for the donation of a certain lot of land in that city for the purpose of erecting a church building thereon; which was referred to the Committee on Public Buildings and Grounds.

Mr. WITHERS presented the petition of Joseph McGuckian, of Washington, District of Columbia, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WALLACE presented a resolution of the Legislature of Pennsylvania, instructing the Senators and requesting the Representatives in Congress from that State to vote for a bill to extend aid to citizens who will migrate to and settle upon public lands in the far West; which was referred to the Committee on Public Lands.

He also presented the memorial of Oliver Evans Woods, suggesting a plan for better securing the safe delivery of letters, especially those sent from the older States to the new States and Territories; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Alfred D. Jessup, of Philadelphia, Pennsylvania, proposing to sell to the Government at an appraised value the fire-proof building now occupied by the Pension Bureau in Wasington, District of Columbia; which was referred to the Committee on Public Buildings and Grounds.

He also presented five memorials of councils of the order of United American Mechanics, of Pennsylvania, remonstrating against any change in the present tariff laws: which were referred to the Committee on Finance.

He also presented the memorial of Alexander Brown and others, citizens of Fayette County, Pennsylvania, in favor of the repeal of the bankrupt law and the resumption law, and remonstrating against any contraction of the currency; which was ordered to lie on the table.

He also presented the memorial of Collins & McLeester, Clarence L. Becker, and others, type dealers of Philadelphia, remonstrating against refunding to Miller & Richards certain fines imposed upon them as a penalty for undervaluing a lot of goods through the custom-house at San Francisco, California; which was referred to the Committee on Finance.

He also presented the petition of Samuel F. Cooper and others, citizens of Huntingdon County, Pennsylvania, praying for the passage of the Texas and Pacific Railway bill; which was referred to the Committee on Railroads.

Mr. THURMAN presented the petition of R. W. Wilson & Co. and others engaged in the manufacture and sale of silk hats, of Cincinnati, Ohio, praying for the abolition of the duty on hatter's black plush, or its reduction to not more than 10 per cent. ad valorem; which was referred to the Committee on Finance.

Mr. THURMAN. I have a petition that may have been presented before by some other Senator, but I am not aware of that fact, and therefore present it now. It is the petition of numerous citizens of New York, Philadelphia, Boston, Chicago, Cincinnati, and Saint Louis, praying that permission may be given to any and all persons without preference to land telegraphic cables on the shores of the United States. I move its reference to the Committee on Foreign Relations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. JOHNSTON, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 1025) for the payment of compensation to Edward S. Offley, late consul to Smyrna, Turkey, for judicial services rendered, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 877) providing the times and places of holding the circuit court of the United States in the district of Iowa, and the appointment of an additional judge in said district, reported it with amendments.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 1241) to provide for the service of process in

cases of interpleader in the courts of the United States; which was read twice by its title.

Mr. CHRISTIANCY, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1150) to amend section 5447 of the Revised Statutes of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1151) to amend section 5497 of the Revised Statutes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 254) to amend section 764 of the Revised Statutes of the United States and to enlarge the right of appeal in *habeas corpus* cases, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALLACE, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 742) in relation to the Japanese indemnity fund, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, reported a bill (S. No. 1242) to repeal section 1233 of the Revised Statutes, relating to company cooks in the Army; which was read twice by its title.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (S. No. 307) creating an additional land district in the Territory of Idaho, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1135) to create an additional land district in the Territory of Idaho, reported it without amendment.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. No. 992) for the relief of Columbus F. Perry and Elizabeth H. Gilmer, of Chambers County, Alabama, reported it with an amendment.

Mr. PLUMB, from the Committee on Claims, to whom was referred the bill (H. R. No. 1371) for the relief of John W. Skiles, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

HEAD-STONES FOR SOLDIERS' GRAVES.

Mr. PLUMB. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1060) directing the Secretary of War to erect head-stones over the graves of soldiers interred at the cemetery at Mound City, Kansas, to report it with an amendment in the nature of a substitute; and, as the bill is short and the matter has been heretofore under consideration, I ask for the present consideration of the bill. I will state in brief that the act of March 3, 1873, provides for the erection of head-stones over the graves of Union soldiers in the national cemeteries; but, according to the report of the Quartermaster-General, there are about seventeen thousand Union soldiers buried in private, village, or city cemeteries throughout the United States. His statement is also that the head-boards and all evidences of identity are fast disappearing, and that it is essential that immediate action should be taken if it is to be taken at all to provide for the erection of head-stones over these graves also. The act of March 3, 1873, provides for the appropriation of $1,000,000 for that purpose, a very large sum of which, $300,000 perhaps, still remains unexpended. The Pennsylvania General Assembly has memorialized Congress upon this subject, and at various times it has been called to the attention of Congress by the War Department. By reason of this fact, and as the session is now drawing to a close, I ask that the bill be considered at this time.

Mr. MITCHELL. I ask the Senator from Kansas if the bill is not just reported this morning?

Mr. PLUMB. It is.

Mr. MITCHELL. Will not the Senator let it lie over one day?

Mr. PLUMB. If the Senator desires.

Mr. MITCHELL. I think it will lead to discussion. The subject was discussed considerably at the last session and I am afraid it will lead to considerable discussion this morning. Therefore I ask that it go over.

Mr. PLUMB. I do not think the bill can lead to any discussion whatever, but at the same time if any Senator thinks it will I am willing that it should lie over until to-morrow, with the notice that I shall call it up to-morrow morning in the morning hour.

The PRESIDENT *pro tempore*. Objection being made the bill goes over.

Mr. MITCHELL subsequently said: The bill reported by the Senator from Kansas, [Mr. PLUMB,] the present consideration of which he asked for, is an entirely different bill from what I supposed it was, and I withdraw my objection to its present consideration.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws his objection, and the Senator from Kansas asks for the present consideration of the bill. The bill will be read for information subject to objection.

The Chief Clerk read the bill (S. No. 1060), directing the Secretary of War to erect head-stones over the graves of soldiers interred in the cemetery at Mound City, Kansas.

The bill was reported from the Committee on Military Affairs with an amendment, which was read, to strike out all after the enacting clause of the bill and to insert:

That the Secretary of War is hereby authorized to erect head-stones over the graves of soldiers who served in the regular or volunteer Army of the United States during the war for the Union and who have been buried in private, village, or city cemeteries, in the same manner as provided by the law of March 3, 1873, for those interred in national military cemeteries. And for this purpose, and for the expenses incident to such work, so much of the appropriation of $1,000,000, made in the act above mentioned, as has not been expended and as may be necessary, is hereby made available.

Mr. DAVIS, of West Virginia. I ask the Senator from Kansas what amount of this appropriation is now unexpended?

Mr. PLUMB. About $300,000. The price paid for head-stones under the contracts for these stones which were required in the military cemeteries was $3.39, which is the estimate of the Quartermaster-General of the cost for erecting those provided for by this bill.

Mr. DAVIS, of West Virginia. I have not in my mind definitely what it was, but I recollect that there was some report, to use a common expression, about a job in that contract, and a very large one, and it was said the expenditure ought not to have been placed in that form. I do not know the particulars of it. I ask the Senator whether there is a report accompanying this bill?

Mr. PLUMB. There is a brief report and a letter from the Quartermaster-General, which is embodied in the report. I ask the Clerk to read the letter.

Mr. DAVIS, of West Virginia. Let the report and letter be read.

Mr. PLUMB. The letter covers the report.

The Chief Clerk read as follows:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 2, 1878.

SIR: I have the honor to return herewith Senate bill 1060, directing the Secretary of War to erect head-stones over the graves of soldiers interred in the cemetery at Mound City, Kansas.

There are, it is estimated, seventeen thousand Union dead interred in soldiers' lots in village and private cemeteries throughout the United States. If one of these soldiers' lots is furnished with head-stones, all should be; otherwise it will add to the discontent already existing in regard to this matter, as evidenced by the recent resolution of the General Assembly of Pennsylvania in reference to the soldiers' lot at Harrisburgh, copy of which was transmitted to the Senate by the Secretary on the 1st ultimo.

There are but thirty soldiers' graves in the Mound City cemetery. The bill requires the head-stones to be erected "in the same manner as provided by the law of March 3, 1873, for those interred in national military cemeteries," that is, by contract; and under that law it would first be necessary to advertise for proposals in ten newspapers of general circulation for sixty days.

If it is the intention, as is presumed, and as has been frequently recommended, to furnish head-stones for all these soldiers' lots, it can only be done at a reasonable cost by providing for the entire work at the same time. To do it in small lots will make it a very expensive undertaking. The cost of a separate advertisement for the thirty head-stones provided for in this bill is estimated at $840. The cost of the stones at the rate paid under the contract recently fulfilled ($3.39 each) would be $101.70, but in small lots the price would doubtless be much higher.

This subject requires early attention. The old head-boards first erected are rapidly decaying, and unless they are soon replaced by permanent and durable gravemarks, the identity of the graves must be lost.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General United States Army.

To the honorable SECRETARY OF WAR.

Mr. DAVIS, of West Virginia. I should like to have the bill read again. It is very short.

The Chief Clerk again read the substitute proposed by the Committee on Military Affairs.

Mr. SARGENT. Is that bill reported from any committee?

The PRESIDENT *pro tempore*. From the Committee on Military Affairs.

Mr. SARGENT. Has it been printed?

Mr. MITCHELL. It was reported this morning.

Mr. SARGENT. I object to its present consideration if it was reported this morning. I do not know that I have objection to the bill particularly; but I want to examine it. I think it would be a very large permanent expense to the Government of the United States and perhaps a useless one.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. DAVIS, of West Virginia. The report and bill will be printed?

The PRESIDENT *pro tempore*. Both will be printed.

Mr. PLUMB. I give notice that I shall call up the bill to-morrow morning.

STATUE OF ST. GEORGE AND THE DRAGON.

Mr. BAYARD. I am directed by the Committee on Finance to report favorably the joint resolution (H. R. No. 151) directing the Secretary of the Treasury to refund to the Society of the Sons of St. George, established at Philadelphia, the sum of $1,440.25 in gold, being the amount paid by said society upon a colossal statue of St. George and the Dragon. As the resolution is unobjectionable and will take but a moment, I ask for its present consideration, if there be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1243) for the relief of Somerville Nicholson; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1244) for the relief of George Williams, which

was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1245) for the relief of William H. Davis, which was read twice by its title, and referred to the Committee on Claims.

Mr. GROVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1246,) requiring the examination or survey and estimate of cost of improving the entrance of Coos Bay and the mouth of Coquille River in Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1247) for the relief of Mrs. E. H. Powers; which was read twice by its title, and referred to the Committee on Military Affairs.

FRANK A. PAGE.

On motion of Mr. BURNSIDE, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the bill (S. No. 664) for the relief of Frank A. Page, and that the petitioner have leave to withdraw his petition and papers.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 4235) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors; which was referred to the Committee on Commerce.

AMENDMENT TO POST-ROUTE BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

WILLIAM NESSLE.

Mr. MATTHEWS. The bill (S. No. 482) for the relief of William Nessle was reported adversely from the Committee on Claims a day or two ago without any observation on my part, and was then indefinitely postponed. I move to reconsider the vote indefinitely postponing the bill, in order to restore it to the Calendar.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill is restored to the Calendar by order of the Senate.

THOMAS BUROUGHS.

Mr. VOORHEES. Some days ago I made a report to the Senate from the Committee on Pensions on the bill (H. R. No. 2711) granting a pension to Thomas Buroughs, late a private in Company G, First Vermont Cavalry Regiment, and moved its indefinite postponement; which was agreed to. From information which I have since received I am induced to ask a reconsideration of the vote by which the bill was indefinitely postponed, and that the bill be recommitted to the Committee on Pensions, for further examination.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Pensions, if there be no objection.

TEXAS PACIFIC RAILROAD.

Mr. MATTHEWS. I desire the Senate to take notice that on Tuesday of next week I shall ask the Senate to take up for consideration Senate bill No. 942, known as the Texas Pacific Railroad bill, in order that it may be considered.

SURVEY OF CATTARAUGUS RESERVATION.

Mr. KERNAN. I move that the Senate take up the bill (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation in the State of New York, which was reported from the Committee on Indian Affairs. It simply authorizes these Indians to have their land surveyed at their own expense, under the direction of the Secretary of the Interior, and it will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to cause the Cattaraugus Indian reservation in the State of New York to be resurveyed in accordance with the original survey thereof, and the exterior boundaries thereof to be marked by stone or iron monuments, the expense not to exceed $2,000 and to be paid by the Seneca Nation of Indians, who are authorized to select a surveyor, to be approved by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREGON CENTRAL RAILROAD COMPANY.

Mr. MITCHELL. I move that the Senate again proceed to the consideration of the bill which was up yesterday morning—Senate bill No. 306.

The motion was agreed to; and the bill (S. No. 306) amendatory of the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," was considered as in Committee of the Whole.

The Committee on Railroads reported an amendment to strike out after the enacting clause and insert a substitute.

Mr. MITCHELL. I move to amend by striking out, so as to conform to legislation heretofore, in section 14, lines 3 and 4, the words "having due regard for the rights of the company."

The amendment to the amendment was agreed to.

Mr. MITCHELL. I also move, in section 11, line 13, after the word "homesteads" to insert "by extending their claims to contiguous lands."

Mr. MERRIMON. I beg to ask what bill this is.

Mr. MITCHELL. Senate bill No. 306.

Mr. MERRIMON. What is the title of it?

Mr. MITCHELL. A bill amendatory of the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon."

Mr. MERRIMON. Is there any written report accompanying the bill?

Mr. MITCHELL. There is a printed report. I can state in a word what the bill is. On the 4th of May, 1870, Congress passed an act making a donation of lands to aid in the construction of a railroad from Portland, Oregon, to Astoria, Oregon, with a branch from a suitable point of junction at or near Forest Grove to the Yamhill River, at or near McMinnville. The company proceeded to the construction of the road under the act, completed it to "a suitable point of junction," and also completed the branch to Yamhill River. It is twenty miles to the "suitable point of junction." That portion was accepted by the Government on the 16th of February, 1872. Twenty-seven and a half miles of the branch were completed and accepted by the Government June 23, 1876. The remaining portion of the road that is not completed is from the "suitable point of junction" to Astoria, a distance of ninety miles. That remains uncompleted; and the object of this bill is to extend the time to enable the company to complete that road. It makes no new grant, but is simply an extension of time.

Mr. DAVIS, of West Virginia. Did I understand the Senator to say that the road was within the State of Oregon?

Mr. MITCHELL. Exclusively.

Mr. DAVIS, of West Virginia. Then what has the State of Oregon to say about it; and what have we to do with granting a charter in the State of Oregon?

Mr. MITCHELL. The Senator will have to ask the Congress of 1870 that question.

Mr. DAVIS, of West Virginia. But we are acting upon it to-day; and I ask the Senator in earnest what has Congress to do with a railroad entirely within the State of Oregon from beginning to end?

Mr. MITCHELL. I suppose Congress has the right to aid any internal improvements in this country anywhere, whether in a State or not in a State, if the effect is to aid and develop the commerce of the country.

Mr. DAVIS, of West Virginia. Then, with this exception probably, Congress has never aided a railroad entirely within one State?

Mr. MITCHELL. On the contrary, I think it has done so quite frequently. I know there have been innumerable grants to wagon roads made exclusively within a State, and the principle is entirely the same.

Mr. DAVIS, of West Virginia. I understand it as to Territories very well; but I do not recollect where it has been done as to States.

Mr. MITCHELL. There are several instances in my own State with regard to wagon roads.

Mr. DAVIS, of West Virginia. I cannot well support such a bill where the entire line of road is within a State. It is my impression that Congress has very little or nothing to do with railroads belonging to a State entirely. There might be a difference, and there would be a difference, if the railroad traversed several States, or if the road was from a Territory to a State or from one State to another State. I know nothing of the provisions of this bill; I have not heard it read. It was read yesterday morning, I am told. I think it ought to be carefully considered before it is passed, and I think probably it ought to be read again. But the Senator has stated that there is a report, and that probably explains the whole of it.

Mr. MITCHELL. I will suggest to the Senator from West Virginia that this bill has been on the Calendar over a month and has been read twice. It was read once before and was read again yesterday. I suggest to the honorable Senator that it is my impression, and that is the suggestion made to me by Senators on both sides of me, that the first grant ever made in aid of any railroad was in aid of one exclusively within the State of Illinois. Certainly our records are full of instances where grants have been made by Congress in aid of internal improvements wholly within a State. I do not think there is anything in that objection.

Mr. SAULSBURY. I should like to inquire of the Senator from Oregon whether this road runs down near the Columbia River, or how far from the river this road runs.

Mr. MITCHELL. As a rule it will be an average of forty or fifty miles from the river. There is a range of mountains, I will say to the Senator from Delaware, as he probably observed when he was out there last year, that separates the river from the great valley which will be penetrated by this road.

Mr. MERRIMON. Is this company chartered by the State of Oregon?

Mr. MITCHELL. The company is organized under the general incorporation laws of the State of Oregon, and after its organization Congress made this grant on the 4th of May, 1870, to this company.

Mr. MERRIMON. I suppose all that Congress did was simply to grant a land subsidy.

Mr. MITCHELL. That was all. It incorporated no company; it simply granted the aid, and did not attempt to incorporate the company. Perhaps that was the point on which my friend from West Virginia based his objection.

Mr. MERRIMON. Is there any provision in the act that this road shall be used for military and postal purposes?

Mr. MITCHELL. Certainly it provides for all that. I do not think there can be any objection to this bill.

Mr. DAVIS, of West Virginia. The Senator now states what relieves the difficulty in part in my mind. I had understood from him that in 1870 or 1872 Congress had chartered this road.

Mr. MITCHELL. Oh, no.

Mr. DAVIS, of West Virginia. Now I understand that it is a road chartered by the State, and Congress granted aid to it.

Mr. MITCHELL. That is the fact.

Mr. SAULSBURY. I should like to inquire whether this road belongs to a corporation, a company of individuals exclusively, or whether the State has taken any special interest in the road.

Mr. MITCHELL. The State has nothing to do with it whatever. It is a private corporation, organized under the general incorporation law of the State of Oregon.

Mr. SAULSBURY. Then this is a proposition to extend a land grant which was formerly granted to a corporation of individuals within the limits of the State of Oregon.

Mr. MITCHELL. It is to extend the time; that is all. The original grant was made to this corporation organized under the laws of Oregon.

Mr. SAULSBURY. I have a very kindly feeling for the people of Oregon and I know something of the necessities under which they labor for railroad communication; but it seems to me the time has come when the Congress of the United States ought to pause and hesitate before it gives away the public domain of this country, which belongs to the people of the whole country, to private individuals in any State or in any Territory. Perhaps there might have been some reason for a grant of the public domain to aid and assist the railroads which connect the eastern portion of the country with the Pacific coast; but this is a distinct and different measure. Here is a corporation existing within the limits of one State, exclusively composed of private individuals who have gone into the measure I suppose as a matter of private enterprise; and the proposition now is, after they have forfeited the privileges granted to them heretofore, to come in and have them extended again.

Mr. MITCHELL. I will state to the Senator that there is a very serious question in my mind whether there has been really any forfeiture. One construction would make the time expire some two years ago, and another construction, which I think is equally reasonable, would not make it expire until the 4th of the present month. It has expired under any construction on the 4th of this month, it is true.

I will suggest now to my honorable friend from Delaware that the grant in favor of the overland road to the Central Pacific Railroad Company was made to a company that was organized under the laws of a State, operating exclusively under those laws. The Central Pacific Railroad Company was not incorporated or organized by an act of Congress.

Mr. SAULSBURY. That company was authorized to extend its road into the Territories of the United States through the public lands of the United States. It was a distinct and different measure from that which the Senator from Oregon has under consideration. I commend very much the zeal of the Senator from Oregon in behalf of the interests of the people of his State. He has already pressed upon the attention of the Senate the claim of the Northern Pacific Railroad so far as it is connected with Oregon, and I believe he has also a bill to connect the Columbia River with the Central Pacific near Salt Lake.

Mr. MITCHELL. My friend from Delaware, I hope, will agree that that road ought to be encouraged and built.

Mr. SAULSBURY. I am satisfied the people of Oregon need communication with the East; but I do not know that it is calculated to promote their interests to press many measures of this kind upon the attention of Congress at once and to provide subsidies and land grants for all of these railroads.

Mr. MITCHELL. I only press one at a time. I do not think there is any further objection, Mr. President.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon to the amendment of the Committee on Public Lands.

The amendment to the amendment was agreed to.

Mr. COCKRELL. I suggest to the Senator from Oregon an amendment on line 20 of section 6. It now reads:

> The second shall be filed with the Secretary of the Treasury who shall thereupon pay to the corporation the sum or sums of money in such abstract stated as aforesaid, together with all interest accrued thereon, without further legislation or appropriation; and the third shall be delivered to said company.

That would seem to make the Government liable for interest upon the proceeds of these pre-emption claims. I presume that is not the intention of the bill; but it would seem that the Government would become liable for the interest on the sums of money paid into the Treasury on these pre-emption claims. I see in section 8 there is this proviso:

> That it shall be the duty of the Secretary of the Treasury, from time to time, to invest said proceeds for the benefit of the company constructing such road, in United States securities, and the same dispose of from time to time as the road is constructed.

This interest I presume refers to that; but there ought to be some words making it more definite and certain, so that the Government will not become responsible for interest upon the proceeds of these pre-emption claims.

Mr. MITCHELL. I would inquire of my friend if there is, after all, any real objection to that? It is the object to give these proceeds in aid of this enterprise. Is there any objection to giving the interest that would accrue on these particular proceeds?

Mr. COCKRELL. I do not think that the United States Treasury ought to be made a bank of deposit wherein any and everybody can put his funds and make the tax-payers of this country pay interest whether they receive any or not.

Mr. MITCHELL. It is not the object of this bill to compel the Government to pay interest unless they receive it.

Mr. COCKRELL. I presumed not.

Mr. MITCHELL. It is only that which will accrue on these proceeds. I will accept any amendment that will make it more plain.

Mr. COCKRELL. I presume that was the intention of it, and that was the reason why I called the attention of the Senate to it. Say:

> With all interest accrued thereon on investments made as hereinafter provided.

Mr. MITCHELL. I have no objection to that; that will make it perfectly plain.

Mr. COCKRELL. Then in lines 20 and 21 of section 6 I move to insert after the word "thereon" the words "on the money invested as hereinafter provided."

Mr. MITCHELL. I have no objection to that.

The PRESIDENT *pro tempore*. The Secretary will report the amendment of the Senator from Missouri.

The CHIEF CLERK. After the word "thereon" in line 21 of section 6 it is proposed to insert:

> On the money invested as hereinafter provided.

The amendment to the amendment was agreed to.

Mr. COCKRELL. Now I desire to ask the Senator one question: whether under this bill—I have not had time to compare all its provisions and the different sections with each other—the Government becomes liable to pay to this company any money in lieu of any lands which may have been granted along the road for which the Government does not receive compensation.

Mr. MITCHELL. Not one dollar.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to, being to strike out all after the enacting clause of the bill and insert:

> That three years' additional time from the passage of this act is hereby granted to the Oregon Central Railroad Company for the completion of the construction of its railroad and telegraph line from Portland to Astoria, Oregon, under its charter, and the act of Congress, of which this is amendatory, relating thereto, except as herein otherwise provided.
>
> SEC. 2. That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices the lands embraced in such entry shall not be held as within the grant to said company, and shall be patented to the parties lawfully entering the same, and under the provisions of this section, and, in case of abandonment by them, shall be open to pre-emption and homestead entry only of actual settlers.
>
> SEC. 3. That entries remaining unadjusted and suspended in the General Land Office on account of an increase of price of the even sections within the limits of the grant, where the same were made or based upon settlement made prior to the receipt of the orders of withdrawal aforesaid at the respective district land offices, shall be relieved from such suspension, and carried into patent; but nothing in this act shall be construed to affect existing adjustments, nor to authorize the refunding of any moneys received for such lands under existing laws.
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> SEC. 4. That the lands upon the whole of the present non-completed line of road from Portland to Astoria, granted in aid of its construction, with the exception of its right of way and lands appurtenant thereto, on either side thereof, necessary to be used in the construction and in the operation of said road or line, and that required for depots, freight-houses, side-tracks, water-stations, wharves, and other purposes essential to the operation of the road or line, and excepting lands already earned by said Oregon Central Railroad Company, shall be disposed of by the United States, to actual settlers only by pre-emption, in quantities not exceeding one quarter section, or one hundred and sixty acres, to one person, at the price of $2.50 per acre, payment to be made by such settler to the United States, as provided by law: *Provided*, That iron and coal lands granted to the said Oregon Central Railroad Company shall not be subject to pre-emption and sale under the provisions of this act, but shall be disposed of by the Secretary of the Interior under the general laws of the United States applicable to such lands, and the net proceeds thereof shall be paid into the Treasury of the United States, and applied to the benefit of said company, as hereinafter mentioned.
>
> SEC. 5. That the proceeds of the sales of the land before mentioned shall be set apart by the Secretary of the Treasury to the credit of the said corporation, and shall be paid over by him to such corporation, its trustees or assigns, in the event the road is constructed by said Oregon Central Railroad Company, or, if constructed by any other company under the provisions of this act, then to such other company, its trustees or assigns, without further legislation or appropriation, as hereinafter provided, and not otherwise.
>
> SEC. 6. That on the completion and acceptance of any one or more sections of said road of twenty miles each, as provided under existing laws, it shall be the duty of the Secretary of the Interior, as soon and as often as the surveys and plats of any

one or more townships or fraction of a township within the grant upon such accepted section or sections of road shall be approved, to cause to be made in triplicate a complete abstract, showing, first, lands unsold, and to which no pre-emption rights have attached, and so earned by the company; second, lands sold, and the amount of proceeds thereof paid into the Treasury; and, third, lands to which pre-emptions shall have attached prior to the completion and acceptance of such section or sections as aforesaid, and for which payment has not then been made. The first of said abstracts shall be retained in the office of the Secretary of the Interior, upon which patents shall issue to the corporation for the lands therein stated to have been earned; the second shall be filed with the Secretary of the Treasury, who shall thereupon pay to the corporation the sum or sums of money in such abstract stated as aforesaid, together with all interest accrued thereon, on the money invested as hereinafter provided, without further legislation or appropriation; and the third shall be delivered to said company.

SEC. 7. From the date of the completion and acceptance of any section or sections of said road, and of such public notice thereof as shall be prescribed by the Secretary of the Interior, the lands within said grant, and adjacent to such completed section or sections, and designated by odd numbers, and to which pre-emption rights shall not have attached, shall no longer be open to settlement and pre-emption as aforesaid, but shall be patented as aforesaid to the said corporation; and all pre-emption claims shall be paid for within the time now fixed by law for the payment of pre-emption claims; otherwise they shall be deemed forfeited to such railroad company, and shall be patented to such company. But Congress may, for any good reason, extend the time for the payment for pre-emption claims.

SEC. 8. That rights under pre-emption claims attaching to lands as aforesaid, within completed and accepted sections, shall be proceeded in and determined under the general laws and regulations respecting such claims until paid for or forfeited, and patents for the same shall be issued direct to the settlers on compliance with the laws in relation thereto. And the proceeds of all sales of pre-emptions which have not been paid to the United States prior to the completion and acceptance of any one or more sections as aforesaid, shall be paid into the Treasury of the United States, and by the Secretary of the Treasury paid to said railroad company, its trustees or assigns: *Provided*, That it shall be the duty of the Secretary of the Treasury, from time to time, to invest said proceeds for the benefit of the company constructing such road in United States securities, and the same dispose of from time to time as the road is constructed. And it shall be the duty of the Secretary of the Interior to file with the Secretary of the Treasury quarterly statements of the sales of all lands included in this grant and designated by odd numbers, giving location and description of such lands, and the amount of the proceeds arising from such sales: *Provided further*, That all lands that may be patented to the company constructing said railroad under the provisions of this act (excepting iron and coal lands) shall be sold by such company in quantities not exceeding one hundred and sixty acres, and at a price not exceeding $2.50 per acre.

SEC. 9. That the extensions, franchises, and privileges granted by this act to the said Oregon Central Railroad Company are on the express condition that such company shall, within nine months from the approval of this act, commence the construction of the uncompleted portion of said road and telegraph line at the proper point of junction with the present road running to McMinnville, at or near Forest Grove, and construct and equip, within one year thereafter, not less than fifty miles thereof, and shall complete and equip the whole thereof to Astoria, Oregon, within three years from the date of the approval of this act.

SEC. 10. That if the said Oregon Central Railroad Company shall not commence the construction of said incompleted road at the junction aforesaid within nine months from the date of the approval of this act as aforesaid, and prosecute the construction of the same as provided in the preceding section, then any corporation duly incorporated and organized under the laws of the State of Oregon, and which shall, within nine months from the approval of this act, and prior to any other company, file with the Secretary of the Interior a notice of its intention to construct such road and telegraph line in the event of a failure on the part of said Oregon Central Railroad Company, may, at any time within three months after such failure upon the part of the said Oregon Central Railroad Company either to commence or prosecute as aforesaid, proceed, in like manner and upon like conditions, to the commencement and construction of such road, either at the point of junction aforesaid, at or near Forest Grove, or at the city of Astoria, Oregon; and such company shall be entitled to the aid granted for its construction by completing at least twenty-five miles of such road within one year after such commencement, and the whole thereof within three years from the date of the approval of this act; and as often as there shall be such failure, any other company next in order in the date of its notice with the Secretary of the Interior shall have the right, at any time within three months from the date of such failure, to proceed with such construction upon like conditions and with like benefits.

SEC. 11. That the sections designated by even numbers within the limits of the grant upon the line of the said Oregon Central Railroad be, and the same are hereby declared to be, from the date of the approval of this act, open to settlement and pre-emption, at the price of $2.50 per acre, and to homesteads, in quantities not exceeding one-quarter section, or one hundred and sixty acres, to be taken in conformity to the existing pre-emption and homestead laws: *Provided further*, That all persons who, under the restrictions of the existing laws granting lands to aid in the construction of said road, have taken homesteads of not exceeding eighty acres, shall have the privilege of increasing the amount of their said homesteads by extending their claims to contiguous lands, so that the aggregate shall not exceed one hundred and sixty acres; this to be done under such regulations as may be prescribed by the Secretary of the Interior.

SEC. 12. That the said Oregon Central Railroad Company, or any other company authorized under this act to construct said railroad, is hereby authorized to issue its bonds, from time to time, not exceeding $25,000 per mile, to aid in the construction and equipment of its said road, and to secure the same by mortgage on the whole or any part of its railroad and property, and rights of property of all kinds and descriptions, with the rights, privileges, and functions thereto appertaining; and as proof and notice of the legal execution and effectual delivery thereof, such mortgage shall be filed and recorded in the Department of the Interior.

SEC. 13. That the said Oregon Central Railroad Company shall file with the Secretary of the Interior, within six months from the date hereof, its assent to the provisions of this act, or be forever debarred from taking or receiving any benefit from or under the same.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this act at any time, and the act of which this is amendatory, and to provide by law against unjust discriminations and excessive charges on the part of said company.

SEC. 15. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. EATON. My attention has just been called to this bill. This railroad company was chartered by the Legislature of Oregon, as I understand the remarks of the Senator from Oregon. I ask, then, what have we to do with saying that it may issue bonds? What has the Senate of the United States to do with that? My own impression is that that legislation should be required at the hands of the Legislature of Oregon.

I notice by this bill we empower this railroad company—

To issue its bonds, from time to time, not exceeding $25,000 per mile, to aid in the construction and equipment of its said road, and to secure the same by mortgage on the whole or any part of its railroad and property, and rights of property of all kinds and descriptions.

I submit that we have no right to legislate in that manner. I do not apprehend that when the State of Massachusetts charters a railroad company, that corporation will come to Congress and ask for power to issue bonds. I suppose the Legislature of Massachusetts can attend to that matter. So with the Legislature of Ohio or the Legislature of any other State in this Union. I am opposed to that.

Mr. MITCHELL. I suppose that if Congress grants aid to any company, if it has power to do that, it has all the powers to do whatever is necessary in order to make the aid available, so far as that is concerned.

Mr. EATON. That does not follow.

Mr. MITCHELL. But I am not particular about that. The State can give them the power. I presume they have the power. If the Senator makes a point on that, strike it out.

Mr. EATON. I shall make a point on that, and I have one or two other objections. I think the bill had better go over.

The PRESIDENT *pro tempore*. The morning hour has expired and the Chair will call up the unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the resolution of the Senate directing the President of the Senate and the Speaker of the House of Representatives to adjourn their respective Houses at four o'clock p. m. on Thursday, the 16th instant, for the purpose of enabling Senators and Representatives to attend the funeral of the late Joseph Henry.

The message also announced that the House had passed a bill (H. R. No. 4704) to retire certain silver coins now in use, and to provide for the exchange of subsidiary silver coins for legal-tender money under certain circumstances; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 285) granting a pension to Elizabeth D. Stone;
An act (S. No. 697) granting a pension to Anna L. Robbins;
An act (S. No. 703) granting a pension to Melvina A. Maltby;
An act (S. No. 724) granting a pension to Nancy E. McClelland;
An act (S. No. 755) granting a pension to Martha C. Kendall;
An act (S. No. 869) granting a pension to Mrs. Mary Wilkes, widow of the late Admiral Charles Wilkes, United States Navy; and
An act (S. No. 873) granting a pension to Hannah Streets.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Texas [Mr. MAXEY] having submitted an amendment to the bill, the Senator from Vermont [Mr. EDMUNDS] raised the point of order on the amendment that it was not in order under the twenty-ninth rule. That question was submitted to the Senate. The question is, is the amendment submitted by the Senator from Texas in order upon this bill?

Mr. EDMUNDS. Mr. President, the rule under which I propose this point of order is the twenty-ninth rule of the Senate. It was adopted only a little more than a year ago, and I wish to read to the Senate the standing rule of the Senate as it stood down to the adoption of this rule, in order to show, as I think I can clearly, that the spirit and purpose, as well as the literal tenor of this rule that is now in force, was to cure the infelicities that had existed under the previous rules on this very question of riding on to appropriation bills every scheme that everybody had, however patriotic or however otherwise, to draw money from the Treasury and engage the responsibility of the United States in fresh undertakings. The old rule on the subject of amendments to appropriation bills was Rule 30, which read in this way:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate.

Mr. MAXEY. I raise the point of order that part of the twenty-ninth rule is that the "relevancy of amendments under this rule, when raised, shall be submitted to the Senate and decided without debate."

Mr. EDMUNDS. I am addressing myself, Mr. President, to the other part of this proposition.

The PRESIDENT *pro tempore*. That question was ruled on yesterday.

Mr. EDMUNDS. On which I believe the Senator from Texas can put no bridle on my mouth. Now I will begin again. The old rule was—

No amendment proposing additional appropriations shall be received to any general appropriation bill—

Mark the word "general" both in the old rule and in the present one as applied to the nature of this bill, because it has a bearing in

the application of the word "general" to the "legislation" mentioned in the present twenty-ninth rule—

unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate—

As this amendment is—

or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Then follows the clause that—

All amendments to general appropriation bills reported from committees of the Senate proposing new items of appropriation shall, one day before they are offered, be referred to the Committee on Appropriations.

That was the old rule. Under that rule every species of legislation that anybody wished to move upon an appropriation bill, so that it did not increase an appropriation, might be moved by any Senator without the authority of a committee; any that proposed additional appropriations must be moved by the direction of a standing or select committee; but if moved by the direction of a standing or select committee, no matter how extensive the proposition was, no matter how much money it involved, no matter how far it was from the actual appropriations provided for in the bill, no matter how sweeping was the legislation that it contained, whether upon universal subjects or upon particular subjects, it was in order, and the Senate was forced to vote upon it in the absence of that careful and independent consideration of it upon its own merits and disconnected with other propositions it might be.

That being the state of the case, we came along to 1871–'72. A special order was made by the Senate on the 29th of April, 1872—not a standing rule but a special order for that session, in this language:

Resolved, That during the present session it shall be in order at any time to move a recess; and pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received.

That provided only for "legislative provisions;" it did not contain what the twenty-ninth rule does now—the question of the relation of particular items in the bill to the particular propositions advanced by the amendment. That was agreed to by 33 yeas to 13 nays. The first question that arose under it was about a week or ten days afterward when it was proposed to insert in the legislative appropriation bill provisions respecting the appointment of persons prosecuting claims, &c. The question of order was raised and it was decided that as that related to the particular provisions stated in the bill, it was in order. The next occasion was on the very same day on the post-office appropriation bill——

Mr. SARGENT. What is the date?

Mr. EDMUNDS. That was the 7th of May, 1872. First an amendment was moved by Mr. Fenton to strike out in section 4, lines 25 and 26, "for steamship service between the United States and Brazil $150,000," and insert "for steamship service between the United States and Brazil $400,000; and the Postmaster-General is directed to increase the service" in a certain way prescribed. No point of order was made on that, and the amendment was agreed to by a vote of 25 to 24. Then Mr. Casserly of California—being the second step in the subsidy business—proposed to insert, instead of striking out and inserting as the previous amendment had been, to provide for San Francisco, the Sandwich Islands, New Zealand, and Australia. A question of order was raised by Mr. Chandler "whether the amendment was in order under the last clause of the resolution of the Senate of April 29th last, which requires that all amendments shall directly relate to the appropriation contained in the bill."

That was not on the point of its being legislation, but the point was made on the question of its relation to the appropriations contained in the bill.

The VICE-PRESIDENT submitted the question of order to the Senate:

"Does the proposed amendment directly relate to the appropriations contained in the bill?"

That was determined in the affirmative, yeas 31, nays 19. There the Senate held that the California subsidy did relate to the appropriations contained in the bill, there being, I think you will find, as there was in the case of Brazil, a provision for steamship service between San Francisco and China a general round sum, and that was changed to make special provisions upon the subject.

The next time the question arose was on the 18th of May when "the Senate, as in Committee of the Whole, resumed the consideration" of the Army appropriation bill and Mr. Stewart raised the question of order that a provision repealing section 9 of the act of March 3, 1871, making appropriations for the support of the Army for the year ending June 30, 1872, &c., was out of order as being legislation.

The VICE-PRESIDENT decided that the point of order was well taken, and ruled the amendment out of order.

And that decision was acquiesced in. There the Senate will see the question was whether legislative provisions under this temporary rule of April, 1872, fell within the scope of the proposition contained in the rule of the Senate; and a simple provision in the Army bill which provided for repealing the ninth section of an act relating to the Army previously passed was held to be legislation upon general topics within the prohibition of the rule, with universal acquiescence.

The next time the question arose was on the sundry civil bill on the 4th of June. The question was to "agree to the reported amendment," reported by the Committee on Appropriations:

And the Secretary of War is hereby directed to pay, for expenses incurred in suppressing Indian hostilities in the Territory of Montana,

Certain amounts mentioned in certain reports of Army officers.

Mr. SHERMAN raised the question of order, that the said amendment did not directly relate to any appropriation contained in the bill.

That was under the relation clause and not under the legislation clause as Senators will see:

The PRESIDING OFFICER (Mr. Ramsey in the chair) sustained the point of order made by Mr. Sherman, and decided that the amendment was not in order. * * *

From this decision of the Chair, Mr. Pomeroy appealed to the Senate.

After debate, on motion of one of the Senators the appeal was laid on the table, the Senate thereby sustaining the decision of the Chair as laying an appeal on the table under such circumstances, as the bill goes on, acquiesced in the decision.

On the next occasion, there was a river and harbor bill before the Senate, which, by this rule—a part of it that I did not read—is also brought under the operation of the same provision. The question was to amend by this proviso:

Provided, That to enable the Secretary of War to comply with the provisions of this act, so much of the sixth section of the act approved March 3, 1869—

Giving its title—

as applies to the Engineer Department, be, and the same is hereby, repealed.

Mr. MORRILL, of Maine, made the point of order that the said reported amendment, being in its nature a legislative provision, other than such as directly relates to an appropriation in the bill, could not be received under the resolution of April 29, 1872.

The PRESIDING OFFICER (Mr. Pomeroy in the chair) sustained the point of order made by Mr. Morrill, of Maine, and decided the amendment not to be in order.

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From this decision of the Chair, Mr. Chandler appealed to the Senate. * * *

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

It was determined in the affirmative.

Then they changed it, and Mr. Pomeroy left the chair and took the floor and moved to amend by providing that—

To enable the Secretary of War to comply with the provisions of this act, so much of the sixth section of the act approved March 3, 1869, &c., be, and the same is hereby, repealed.

Mr. Hamilton, of Maryland, made the point of order that that amendment, being in its nature a legislative provision, could not be received.

The PRESIDING OFFICER (Mr. ANTHONY in the chair) having submitted the question to the decision of the Senate, viz: Is the amendment of Mr. Pomeroy in order under the resolution of the Senate of 29th April last?

It was determined in the negative.

There the Senate again, although the phraseology was changed to get it in order if possible, reaffirmed the substance of the decision that it had made before.

The next time that a question of this kind arose was on a subject referred to yesterday, I think by the Senator from West Virginia, [Mr. DAVIS,] which he called a civil-rights bill, in which he was mistaken. It was on the sundry civil bill that a proposition was made by the Senator from Louisiana, [Mr. KELLOGG.] The bill containing provisions for carrying into effect the registration and voting powers of the people, he moved to amend the section which the act proposed to furnish money to carry into effect, by striking out certain words and inserting others, striking out "having upward of twenty thousand inhabitants," and the words "city" or "town" wherever they occurred and inserting instead thereof the words "county or parish," and so on, changing merely the detailed phraseology of the provisions of the law that the sundry civil bill in respect of a large item that it had in it was appropriating money to carry into effect, so as to direct the use of money already appropriated to a wholly different object in respect of description, by striking out "city or town" and inserting "county or parish" for the registration business. The question of order was raised on that by Mr. Hamilton, of Maryland.

That the amendment was in its nature a legislative provision which did not directly relate to any appropriation contained in the bill, and therefore could not be received under the resolution of the Senate of the 29th April last.

The PRESIDING OFFICER (Mr. ANTHONY in the chair) overruled the question of order made by Mr. Hamilton, of Maryland, and decided that the amendment of Mr. KELLOGG was in order.

From this decision of the Chair Mr. THURMAN appealed to the Senate.

The decision of the Chair was sustained—yeas 28, nays 22. And that, as I have stated, was upon the ground that this provision merely directed the application of the money that was already contained in the bill as an appropriation for the expenses of registration in counties and parishes, instead of cities and towns as the law stood. That was a very doubtful question. I find that I voted with the majority, which was probably on account of my love for fair voting; I do not mean by that that my friend from Ohio loved anything else; but the Senate sustained that decision of the Chair, which is in perfect harmony, (although it comes very close to the line and perhaps goes over it,) with the previous decisions holding as in cases like this with a persistent regularity on the question of legislation, that an amendment of this character was a legislative provision which could not be introduced.

Then, in order to show the distinction upon which the Senate proceeded in holding that the last amendment I have referred to was

admissible, let me call your attention to what followed on the same bill where the Senate decided a proposition to be out of order as coming within the scope of the rule Mr. Sumner moved to amend the amendment of Mr. KELLOGG, which I have already referred to, by inserting at the end thereof the civil-rights bill containing five or six sections about "carriage by land, by water," and all that.

Mr. COLE made the point of order that the amendment was in the nature of a legislative provision which did not relate to any appropriation contained in the bill, and therefore could not be received under the resolution of the Senate of the 29th April last.

The PRESIDING OFFICER (Mr. POMEROY in the chair) sustained the point of order.

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From this decision of the Chair Mr. Sumner appealed to the Senate.

The judgment of the Senate was that the decision of the Chair was right, by a vote of 33 to 6, affirming again then as it had done on the previous occasions most positively and by large majorities, that a clear and definite new provision which did not have anything to do with the objects contained in the bill, not in respect of the service with which the bill had to do, any proposition which went outside of regulating the expenditure of the very moneys already contained in the bill was entirely out of order, and anything which went to the extent of making a general legislative provision or a particular legislative provision by legislation which was general and permanent in its character, as providing for entering into contracts—one of the very instances that I have already brought to your attention—was out of order.

That ended that session I believe. Then at the next session the same special order was readopted and the first time the question arose was on the Navy bill.

On motion by Mr. Nye further to amend the bill by inserting after line 533 the following:

"*Provided*, That the chief of the Bureau of Steam Engineering may be appointed from the list of engineer officers having the relative rank of captain or commander in the Navy;"

Mr. SPRAGUE made the question of order that the said amendment did not directly relate to any appropriation contained in the bill, and therefore could not be received under the resolution of the Senate of the 15th instant.

The PRESIDING OFFICER (Mr. EDMUNDS in the chair) sustained the point of order raised by Mr. Sprague, and decided the amendment of Mr. Nye not to be in order under the said resolution.

From this decision of the Chair Mr. Nye appealed to the Senate.

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On motion by Mr. FERRY, of Michigan,

"*Ordered*, That the appeal lie on the table."

The Senate there sustained the decision of the Chair that one single provision not relating to the expenditure of money provided for already in the bill, one single provision respecting one single officer of the Navy of the United States, was of that character that the rule was designed to exclude from these bills appropriating money to carry out the laws of the United States.

Then we had the sundry civil bill in 1873 and on that bill the Senator from Rhode Island [Mr ANTHONY] moved to amend an amendment reported by the Committee on Appropriations by providing—

That the joint Committee of Congress on Public Printing is hereby authorized to direct the Congressional Printer to contract, on behalf of the United States of America—

Just as the Postmaster-General is here authorized to contract for carrying these mails—

with William J. Murtagh, of Washington, District of Columbia, for the reporting and publication of the debates in Congress.

And providing a detailed scheme just as this amendment provides the details of this Brazilian scheme.

Mr. TRUMBULL raised a question of order, namely, that the amendment was in its nature a legislative provision which did not directly relate to any appropriation contained in the bill, and therefore could not be received under the resolution of the Senate of the 15th instant.

These were special resolutions, as I have stated, from session to session.

The PRESIDING OFFICER (Mr. FERRY, of Michigan, in the chair) submitted the question of order to the decision of the Senate; and

On the question, is the amendment of Mr. ANTHONY in order under the resolution of the Senate of the 15th instant? It was determined in the negative; yeas 25, nays 28.

The argument in favor of that made by the Senator from Rhode Island and others was that there was in that bill a distinct provision for publishing the debates of Congress; money had been appropriated for that purpose; and therefore it was urged that it did relate to the application of the money provided for in the bill, and would therefore fall within the decision of the Senate in respect to changing the words "city or town" to "county or parish" in the miscellaneous bill about registration, and there was great force in the argument; but the Senate either thought there was a distinction or held that it had decided wrong in respect of the provisions I have referred to about registration, and decided that the amendment was not in order.

It is due to the candor which should characterize any discussion in this body, that I should say that not long afterward and on the same bill the Senator from Wisconsin, [Mr. HOWE,] from the Committee on Printing, moved what was substantially the same amendment which the Senator from Rhode Island [Mr. ANTHONY] had moved, and Mr. Sprague raised the question of order "that the amendment is in its nature a legislative provision," and the Vice-President submitted the point of order to the decision of the Senate, and the Senate decided then that it was in order, yeas 32, nays 27, going back to the principle that they had already adopted in the case of legislative amendments, that it was merely relating to the expenditure of the very money that the bill had appropriated for public printing, and as I said the argument can be stated with great force on that side of the question.

I could go on coming down to the latest time that this order was in force, 1873–'74, and then it dropped out for four or five years until it was readopted in the general rules last year. In every instance that I have been able to find, except these that I have mentioned as deciding apparently the other way and I have stated the ground of them; in every instance like this where there is no money in the bill to provide for the payment of the contracts, where there is no legislation in the bill which has anything whatever to do with the subject of a line of steamers from here to Brazil and the provision offered is one clearly of a general legislative character providing for carrying on the general operations of the Government—which is what is meant by "general legislation" as distinguished from a private claim or something of that sort—I say there is no instance that I have been able to find (some may exist but it has escaped my eye) where in a case of this kind the Senate has not persistently said under these standing orders that it had during these sessions of the Senate that the amendment could not be received.

Mr. SARGENT. Will my friend allow me to call his attention to one?

Mr. EDMUNDS. Yes.

Mr. SARGENT. Shortly after the adoption of the rule that is now in force—I refer to volume 5, part 3, of the CONGRESSIONAL RECORD, Forty-fourth Congress, second session—on the 21st day of February, 1877, the post-office appropriation bill being under consideration, the Senator from Maine, [Mr. HAMLIN,] from the Committee on Post-Offices and Post-Roads, moved an amendment, which I will not read at length, because I do not wish to trespass on the Senator's time.

Mr. EDMUNDS. It is not a trespass.

Mr. SARGENT. It provided:

That the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to continue the steamship mail service between San Francisco, Japan, and China for one year with the Pacific Mail Steamship Company, upon the terms specified under the act of February 17, 1865, and February 18, 1867, "for transporting a monthly mail from San Francisco, Japan, and China," at the same terms and conditions so far as applicable; and the Postmaster-General is directed to continue said service as herein provided.

An amendment to this was moved by Mr. Bogy:

And that the sum of $500,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for a monthly mail service from New Orleans to Rio Janeiro; and the Postmaster-General be, and he is hereby, authorized to enter into a contract for this purpose with any party or parties to carry said mails in American built and owned vessels and of not less than two thousand tons burden, and of approved construction and seaworthy.

These amendments were subsequently modified in terms, and the Senator from North Carolina [Mr. MERRIMON] raised the question of order whether it was not new legislation under this rule which the Senator has read at length. The Chair overruled the point of order, and said that under the new rule of the Senate he would submit that question to the Senate. The question was taken, and the Senate sustained the Chair. I am somewhat surprised not to find in the Journal a notice of this point of order and the action of the Senate upon it. It obviously did not attract the attention of the compiler; but the CONGRESSIONAL RECORD sets it out in full, with the reasons *pro* and *con* and the decision of the Senate, and that in every essential particular that I can see embraces the principles which are here involved.

Mr. EDMUNDS. I cannot find it in the Journal at all.

Mr. SARGENT. There is only one difference that can possibly be made between the two cases. Some Senators there objected that the point of order was raised too late, because the Senate had already discussed the proposition and acted upon it in Committee of the Whole; but I believe it has been uniformly held under the rules that a point of order may be raised at any time if the proposition is obnoxious to it. That is the only interpretation of this rule that I know of since its adoption.

Mr. EDMUNDS. I think as this is the only precedent which seems to come anywhere near having an affirmative bearing upon this present amendment and is in the face of all the previous decisions of the Senate that I have read apparently, I had better read just what occurred, and I will go back a little earlier. There had been an amendment pending for some time reported by the committee or offered by Mr. Bogy.

Mr. SARGENT. His amendment was to the amendment of the Senator from Maine [Mr. HAMLIN] from the Post-Office Committee.

Mr. EDMUNDS. Yes; but whether the bill itself contained a provision for the China service as it came from the House I do not know.

Mr. SARGENT. It did not. I remember the circumstance distinctly. The China service had expired the year before. The Post-Office Committee thought it should be continued. The Committee on Appropriations reported no provision for it in the bill; but in the Senate the Committee on Post-Offices and Post-Roads moved the amendment continuing it another year.

Mr. EDMUNDS. That would depend a little upon exactly when it expired. That would need to be looked up in order to make this a precedent. I see there was a long debate on the subject.

Mr. SARGENT. It expired with the current year. This bill was to take effect from the 1st of July next ensuing, and on that day the service expired, having been appropriated for the previous year. The service was then going on, but would expire at the end of the fiscal year.

Mr. EDMUNDS. The service was existing, and existing under a contract. When the contract would expire, I do not know. The Senator thinks it would have expired before this appropriation would come into play. Then an amendment was proposed to provide money for continuing that existing service. That is the very most that can be made of the case. Now let us see what took place. After it had been debated for a whole day or more:

Mr. MERRIMON. I submit whether the proposed amendment is not in fact a violation of the rule which provides that no general legislation shall be incorporated into an appropriation bill.

The PRESIDENT *pro tempore*. It does not change the amount agreed to in committee.

That is the answer of the President *pro tempore* to the inquiry of the Senator from North Carolina.

Mr. MERRIMON. It provides, however, in fact there shall be a mail carried between San Francisco and China and Japan. There is no existing law which provides for it, and without this provision the mail could not be carried under specific contract.

Mr. HAMLIN. I suggest that the amendment has been offered and acted upon in the Senate and the time has passed when the question could be raised, if it were a question to be raised.

The PRESIDENT *pro tempore*. The Chair was about to state that in Committee of the Whole the Senate agreed to a certain amount and like service embraced in the amendment proposed by the Senator from Kansas. Therefore, it is not a new proposition. The amount is not increased, nor is the nature of the service changed. The point of order was not made in Committee of the Whole, and it is too late to make it now.

Mr. MERRIMON. I submit whether the point of order cannot be raised at any time whenever the Senate wishes.

The PRESIDENT *pro tempore*. Under the new rules as to the question of relevancy the Chair will submit to the Senate whether the amendment to the amendment is relevant under the rule.

When that question was submitted an amendment had already been agreed to in Committee of the Whole and reported to the Senate as a part of the general body of the bill, and was under consideration; then the amendment, the question of the relevancy of which was submitted by the Chair to the Senate, was an amendment to that provision, which did not, as the Chair correctly stated, either change the sum or the nature of the service. Then what did the Chair submit? The Chair submitted this:

Whether the amendment to the amendment is relevant under the rule. [Putting the question.] The ayes have it, and the Senate decides that the amendment to the amendment is relevant. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to the amendment made as in Committee of the Whole as modified.

Mr. President, I am sure every Senator, as that question stood at that moment, must have been obliged to decide exactly the same way. You had already got into the bill—under the decision of the Chair, in an attitude that you could not get it out on a point of order—a provision for that very thing. The amendment, therefore, which the Senate decided to be relevant was an amendment on that very point, to change, not the sum nor the general nature of the proposition, but only to regulate the detail of the thing that the Senate had already fixed in the bill where the Chair decided it could not be got out. It would have been amazing, therefore, if the Senate should have decided that that amendment to a proposition already irrevocably in the bill as far as order went would not be in order.

Mr. SARGENT. I do not wish to interfere with the time of my friend, but I should like to make one remark.

Mr. EDMUNDS. The Senator may just as well do it now.

Mr. SARGENT. Following the course of reasoning the Senator has adopted, it would seem that the Senate must have been very strangely wrong in holding that that was relevant. It certainly was not relevant to the existing service between the United States and China and Japan, for it was thousands and thousands of miles away. It was not relevant to anything in the bill, for there was no legislation authorizing any service between New York and Rio de Janeiro or New Orleans and Rio de Janeiro. It was a naked whole proposition hung on to an entirely dissimilar proposition. If it went off on the score of relevancy, the Senate certainly was very wrong in holding that it was relevant to any provision in the bill, for there was no provision in the bill that related to the subject of general mail service between New Orleans and Rio de Janeiro; and the fact that in Committee of the Whole the Senate had put a proposition on putting on a new service, putting it on for a new year, when by law it expired before that new year commenced, between the United States and China and Japan, did not make a similar service between other points any more relevant than it would have been if the China service had not been put in at all.

It seems to me the only logical inference to be drawn from the action of the Senate on that case was that this was relevant and proper upon the bill because it was for the mail service of the United States, whether at home or abroad. Perhaps the Senator himself would have raised the point if he had been present on that occasion; and I notice that he was not, and therefore he was not guilty of an inconsistency in not raising the point at that time and is excusable. He having been detained by some business or other, he could not have raised the question at that time.

Mr. EDMUNDS. There was a good deal of business going on that demanded more attention than points of order, at that time.

Mr. SARGENT. I am aware of it, and quite a number of Senators were absent, and therefore I make no point that the Senator did not raise the point of order at that time, for he could not do it. I think if he had been present he would have insisted, and insisted with force, with the peculiar power that he possesses on such questions, that it could not possibly be relevant to that bill, that it was new legislation under the rule, and that the Senate ought not to decide that it was otherwise. That was certainly a fair inference from the rule if the Senator's argument this morning is good.

Mr. EDMUNDS. No, Mr. President, I do not know what the precise amendment there was; that is, the amendment to the amendment, because I did not take time to read it. I only took the statement of the Chair to be correct, that it was an amendment perfectly within the scope of the original amendment, only changing that, that it did not increase the amount and did not change the service. That is what the Chair stated. I assume that the Chair stated it truly. I did not take time to read what the precise amendment was. If, as the Senator says, it was a perfectly cold and new proposition, then the Chair was plainly wrong in saying the point of order came too late because it had not then been received and adopted and agreed to, but I do not know how that is, and perhaps it is not very material.

It is quite obvious that in the state of things existing on the 21st of February, 1877, and with the slight amount of attention that was called to it under the rule which had just been adopted and with no discussion of it, it amounted to anything at all upon either side. There was a mere statement of the question with an endeavor undoubtedly in a hurry to get rid of it in some way. I do not think it can be drawn in as a precedent which ought to weigh with us now when for the first time we are called to face the responsibility of giving one construction or another to this rule.

I have shown to you, Mr. President, and I think with some success, that for three or four years when the substance of this rule was a special order of the Senate from session to session, whenever this question came up, and it came up often, in every instance of a case like this for a new proposition not relating to the disposition of the money contained in the original bill but for a new and distinct service, whether it was a service for the Army or the Navy or the home service or the foreign service—I repeat in every instance the Senate on the question made and on the yeas and nays decided that such propositions were not in order and that the old rule existing in 1866 and down to 1872 had been changed by this special rule for the very purpose of excluding what had been the constant practice of running on to appropriation bills all manner of schemes and subsidies and jobs and what not.

If we are to hold in this way, the rule of 1866 was just as good as the rule of 1877. It was exactly this kind of amendment about naval contracts, about post-office contracts, about steamship subsidies, about railway subsidies, about reorganizing the Army and making a general muss, if I may use such a phrase, of the legislation of the United States on an appropriation bill, that the Senate desired and set itself deliberately to correct by not leaving the rule to stand as it did in 1866 on such subjects, but declaring three distinct things: first, that general legislative provisions—and I believe I have explained sufficiently that that is a general legislative provision which relates to the general welfare as distinguished from a private bill, just as this is a general appropriation bill called so in the rules, called so in our practice always, not because it is a provision for all the service of the country, it relates to one small branch of the service of the country, but it is a general appropriation bill because it is an appropriation bill for the general good, although the appropriations are applied to special and particular objects of public expenditure. As I say, the repeated judgments of the Senate have been whenever there has been discussion and reflection upon the subject since this change was made, made as I say for the purpose of excluding the consideration of questions of this kind upon appropriation bills, however meritorious they may be, that these things ought not to be received. Now we have incorporated for the first time last year into the standing rules of the Senate the special provision that for two or three years in 1871, 1872 and 1873 was adopted by the Senate for its ordinary work for that session; and we are told now in opposition to this point of order that precisely the kinds of amendment that could be tolerated under your old rules are receivable under the new one, although the new one was made confessedly to exclude this species of legislation.

We have gained nothing, therefore, according to this argument, by adopting the twenty-ninth rule. What do you come to then? You have got it, then, just as you had it in 1866. My honorable friend who is interested in commerce with Brazil—I do not mean "interested" in the sense of having his pocket in it but his patriotic heart in it, as I am sure all our hearts are—instead of having this measure stand upon its own merits, it being a bill before us for consideration, chooses to urge it upon the post-office appropriation bill not because there is any money appropriated in the post-office bill for this service, as it is merely a regulation of it; not because it has anything to do with any part of the service that the bill provides for; but because he believes it to be for the general welfare that this independent and new proposition should be enacted into a law. Then comes the proposition of my honorable friend from California, this being received, to provide for a subsidy to a steamship line to the Sandwich Islands and another

that it shall stretch over the ten thousand miles of the tranquil sea to Yokohama and Hong-Kong.

Mr. SARGENT. Why does the Senator say "the Senator from California?"

Mr. EDMUNDS. Because he is nearest to that golden shore.

Mr. SARGENT. But have I offered any such amendment?

Mr. EDMUNDS. No.

Mr. SARGENT. Am I in favor of any such amendment?

Mr. EDMUNDS. I do not know. I hope not.

Mr. SARGENT. I have tried as well as I could to restrict the evil of Chinese immigration; and I am not prepared to build any more bridges to China.

Mr. EDMUNDS. Now my honorable friend supposes I am making a personal application. I beg him not to misunderstand me.

Mr. SARGENT. The Senator did not intend it, but I do not wish to be put in a false position.

Mr. EDMUNDS. I did not intend to misrepresent the Senator. I am only stating what might happen. If it is disagreeable to the Senator, I will take another Senator. Here comes my honorable friend from Maine, the extreme tip northeasterly corner of the United States, then, who may say: "Let us now cross the Pacific with a line from the Golden Gate to Hong-Kong; let us put up a subsidy of $125,000 a year, paying that on a ten years' contract to carry the mails, and to build iron steamships that may be devoted to war purposes, or sold, it may be, for Russian or English privateers just as the occasion warrants, and build up the commerce of the country there." It all relates to this affair; it is not general legislation; it is only special legislation, and in one sense it is very special. There are a good many people within the sound of my voice above this floor who have a special interest in it I have no doubt.

Then comes another Senator, I will say myself from Vermont, because I have a great admiration for the birds of New Zealand. There are some of the most extraordinary objects of the feathered tribe there on the globe. I propose a line that shall start from New York, or from Otter Creek on Lake Champlain, or somewhere on the borders of this great Republic, and have a tri-monthly, or tri-yearly, or tri-weekly steamship line to New Zealand. Great objects can be gained by it. Wool is raised there that would fill up the factories of New England; but whether it would make the heart of a Vermont wool-grower glad or not, I do not know; but it would make the manufacturer of wool glad because he would get it cheaper. Would it not develop the industry of the United States? Who can be so dead to patriotic impulses as to be trifling about points of order upon such a great proposition? Why, Mr. President, we can load up that bill with all the beneficial schemes—tariff or free trade, reform of the judiciary system, or whatever that our patriotic impulses and our ingenuity in framing and introducing bills (which is not small) may devise under this provision of the rule this way construed.

Now, the question is for the first time to set an example about this business, whether we really mean to keep an appropriation bill what the law contemplates, what our rules contemplate, what good sense and fair play contemplate; that is, the appropriation of the public money to carry on the existing and legal service of the United States. If we mean to make such bills the omnibus to put our pet and favorite schemes and measures in all together and then put all our shoulders to the wheel and roll them through, let us say so and admit this amendment and all the rest. If we do not, but intend that every measure, be it good or ill, shall stand on its own merit or want of merit and be considered by itself, then let us have the courage to say, what this rule plainly does say, that this legislative provision which not only is legislative and general in its character but which also has no relation to any appropriation in the bill, no relation to any item of it, shall stay out and be considered upon its own merits.

Mr. HILL. I shall detain the Senate but a moment. I have been a member of this body but a short time and I therefore take a position on such a question with great caution, and the more so because in the short time I have been a member of this body I have learned to have very little respect for an argument based upon precedents, especially the precedents of this body and the practices of this body. I arrived at the same conclusion after a short service in the House of Representatives. I find that a gentleman can prove anything he chooses to prove by precedents of these two Houses. The Senator from Vermont can most conclusively prove his side of the question by the precedents of this body; and any other gentleman who chooses to look through the Journals can prove the other side with equal conclusiveness; and I have come to the conclusion that when Senators desire, as a general rule, to accomplish a given proposition and are in favor of a proposition before the Senate they care nothing about the rules; they go for the proposition; and when they are opposed to a proposition, then they get exceedingly critical about rules and they enforce the rules with great care. The result is, I must confess, that, young as I am as a member of this body, I cannot have respect for an argument that is based on the mere practices of the body. I am sorry to say so.

Now I will take warning; at least I have endeavored heretofore in the little time I have been a member of this body to take warning, and I shall guard myself in the future on this subject. I therefore have adopted a rule as a member of this body to vote upon no proposition according to my predilections or according to my real wishes, but according to my convictions of what is right. A short time ago following that rule I found myself compelled to differ with the Judiciary Committee on a very grave proposition. When my whole heart was with them my whole head was against them. I find, too, the general rule is to assign a gentleman's position on the merits of a proposition according to any mere conviction he may have as to the constitutionality of the question or the regularity of its order of adoption.

I protest that the conclusion that I may have arrived at upon this question of order shall not be construed by anybody to determine what I think of the measure before the body. I may or may not be in favor of subsidizing the proposed line. All I have to say now is let no gentleman assume that I am either for or against the main proposition because of the conclusion at which I may have arrived upon this question of order. Without, therefore, being influenced in the slightest degree by the precedents which can be produced on both sides without number, I am going to take my position on this question, take the venture at least of voting according as I think is the proper construction of this rule as applicable to this proposed amendment.

We are considering, Mr. President, a bill making appropriations for the service of the Post-Office Department. That is the bill, one making appropriations for the service of the Post-Office Department. Now what do you understand by a bill making appropriations? I may be wrong; if I am Senators may correct me; but I understand the business, the proper function of an appropriation bill is to appropriate money to authorize the executive department to carry out the existing law. Members of Congress are entitled to receive $5,000 a year for their salaries. I believe, by the way, that they get that sum by an amendment to an appropriation bill. The President is entitled to receive $50,000 a year for his salary, which I believe also he gets by an amendment to an appropriation bill. If I am not mistaken, the salaries of members of Congress and of the President were all raised by an appropriation bill. But that money cannot be paid unless it is appropriated.

Mr. HOAR. Will the Senator from Georgia allow me to state rather an interesting fact in that connection, that an amendment was moved to an appropriation bill increasing the President's salary, and it was held out of order on an appeal from the decision of the Chair by a very large majority? Then it was renewed, including an increase of salaries of members of Congress themselves, and it was held in order by an equally large majority. [Laughter.]

Mr. HILL. Precisely. Was that proper? I do not think it was; and to be candid, whatever may be my opinions or desires about the merits of the scheme proposed by this amendment, I do not believe it is proper as an amendment to an appropriation bill, and therefore I shall be compelled to vote against it. It is not an appropriation. Here we have three or four sections, embracing four pages, authorizing the Postmaster-General to enter into a contract to subsidize a steamship line. What is the purpose? Honorable gentlemen may argue that it is for the purpose of increasing the commerce of the country, and it may be a very desirable thing to increase the commerce of the country. Very well; it is a desirable thing to increase the commerce of the country, and it may be a very desirable thing to accomplish the very thing proposed by the amendment; but that is not the question before the Senate. The question before the Senate is, Is it proper as an amendment to a general appropriation bill? and I am called upon to say in my character as a Senator, do I consider that this scheme is proper as an amendment to this appropriation bill.

It does not appropriate anything. There is nothing in this amendment appropriating one dollar for this purpose. This amendment is simply a bill, an act of legislation injected into the appropriation bill, authorizing the Postmaster-General to make a contract; but then it fails to appropriate the money to execute that contract; it does not appropriate a dollar to carry out that contract. If he makes it, where is the money to come from? Suppose you pass it, suppose this amendment was the law now by a separate independent bill, the proper way in which I think it ought to become a law, and then suppose this appropriation bill were passed, could the Postmaster-General apply one dollar of the money appropriated by the bill to this purpose? It occurs to me not. It occurs to me the only proper way to do this thing is to pass an act authorizing this contract to be made, and then let the contract be made, and then by an appropriation appropriate the money necessary to execute that contract. That, it occurs to me, is the proper way to do this thing, and I must say that I think that is the very object of the adoption of this rule, if I can understand language.

What is the first clause of Rule 29 so often read? "No amendment which proposes general legislation shall be received to any general appropriation bill." Gentlemen endeavor to show that that does not apply to this amendment because the term "general legislation" is used, and they say this is specific legislation. With all due deference to gentlemen, that is not the meaning of "general legislation" in this rule. It does not mean a bill covering a whole subject and everything embraced in that subject; but it simply means legislation which is appropriate to be done by regular enactment, by regular authority, authority of Congress. I say, therefore, that whatever may be my opinion upon the merits of this proposition, while I admit there are precedents in abundance to justify the adoption of this amendment as part of the appropriation bill, I think those precedents are wrong;

I think those practices are wrong; and though I may desire ever so much to adopt this measure I cannot do it in this form, and therefore I shall be compelled to vote against it.

Mr. BLAINE. Mr. President, I do not want to detain the Senate for any length of time on a question of order because I know it is always a very dry subject to debate; but the argument of the Senator from Vermont so entirely narrows the scope of the three rules, 27, 28, and 29, as to render them utterly valueless to the Senate; and if I can have the attention of Senators for a few moments I think I can demonstrate that. If his construction of the twenty-ninth rule be the correct one, then the twenty-seventh rule has no meaning and no practical force; and if the Senate votes upon the question, which will probably be submitted by the Chair, in accordance with the argument of the Senator from Vermont, it really votes to destroy all the privilege which is conferred by the twenty-seventh rule.

The *gravamen* of the argument of the Senator from Vermont was that it was incompetent under this rule prohibiting general legislation for the Senate to put in anything that did not relate to an appropriation in the bill, that did not relate, in his exact language, to money already contained in the bill. Now let me read the twenty-seventh rule, and of course the rules must all be construed together. The twenty-seventh rule says:

No amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session.

If it stopped there, there would be some force in what the Senator from Vermont said; but the twenty-seventh rule takes one more step, and it is a large step which covers this case, for it adds:

Or unless the same be moved by direction of a standing or select committee of the Senate.

Therefore, a new item of appropriation, an item not at all contained in the money already in the bill, is expressly authorized in the twenty-seventh rule. If you construe the twenty-ninth rule as closely, then, as the Senator from Vermont has construed it, there is no force or vitality left in the twenty-seventh rule whatever, and the privilege that is reserved to committees of this body of moving amendments to appropriation bills is entirely wiped out. That is the objection I make to the construction of the Senator from Vermont.

One point further, Mr. President, I think the rules 27, 28, and 29 are very wisely constructed, and out of long experience in the Senate. They were intended to take from individual Senators on the floor the power to increase an appropriation or to delay the Senate by a motion thereto. They were intended to take away from any individual Senator the right to delay the Senate by proposing general legislation; and it will be observed that nearly all the precedents that the Senator from Vermont quoted in which the Senate made an adverse decision were precedents where the legislation was proposed by a single Senator and not moved from a committee.

Now, legislation upon an appropriation bill, if I may allude to the other branch of Congress, is severely restricted in the House of Representatives; but still it is allowable in the House, as we are at liberty to remark, because their rules are in our own Manual, for two-thirds to suspend their own rules of restriction and put upon an appropriation bill anything they choose. In the Senate we still further restrict, because we say that no general legislation, that is, legislation not in harmony with or in some way germane to the bill, shall be put by anybody, either by a committee or one Senator singly; but we provide that legislation which is germane to the bill, legislation which is relevant—leaving the Senate, if the question be raised, to determine the relevancy—may be moved, not by a single Senator but by any standing committee of the Senate.

The Senator from Vermont spoke also of two clauses in the twenty-ninth rule. I think that the fair construction of the twenty-ninth rule is to take it as one whole. Let me read it:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

These are all repetitions; these are nothing but further definitions, further illustrations of the inhibition contained in the rule; that is, that on a post-office bill you shall not put what affects the Army or the Navy; that on the Navy bill you shall not regulate the post-office; but I maintain that under these rules general legislation, if you so choose to call it, that is relevant, may be moved on an appropriation bill; and I would submit to the Chair, if the question were one to be ruled upon, whether this post-office bill being under consideration here, it would not be competent to entertain an amendment moved by the Post-Office Committee regulating the rates of postage, the Appropriation Committee being duly notified. Of course it would not be relevant to put on here a provision regulating the wages of sailors or the pay of soldiers, or legislation that spread away beyond the limits and confines of the bill; but any legislation which is germane and relevant the Senate reserves to itself the right to consider, if it is moved by a standing committee having the subject in charge. If it gives up that privilege, the Senate has so entirely and narrowly restricted itself on the whole question of appropriation bills that it would have little left to itself except to say yea or nay to any proposition which the House may send here.

The House has power to originate; the House has the power to propose; the Constitution reserves to the Senate the right to amend; but under the restriction which the Senator from Vermont contends for the right reserved to the Senate to amend would amount to nothing whatever.

But, Mr. President, I think the abstract argument does not seem to be needed in the face of this fact. The present rules were reported by the honorable Senator who now sits in the Chair in January of last year, January, 1877. They were approved in the Senate on the 17th day of January as they now stand. On the 21st day of February, the Post-Office Committee reported two amendments as precisely like the one now pending as two peas in a pod resemble each other. They are almost copies of one another. Even to the watchful Senator from North Carolina, [Mr. MERRIMON,] himself a member of the Committee on Rules and perfectly well posted and skilled in them, it never occurred until the next day that there was a possibility of making a point upon it. Forty-five Senators voted upon it, and it never occurred to them that that was not in precise and absolute harmony with the rules. Even after the question was raised on one amendment on which there might have been some excuse, which the Senator from Vermont pointed out, yet on the second one, the proposition for a line from New Orleans to Rio de Janeiro, if the point could ever be made at all then was the time to make it, and on that the Senate did not even entertain it. So we not only have the rule in its clear and positive meaning in accordance with all the past practice of the Senate, but we have it *res adjudicata*, we have it absolutely enforced and applied on two amendments of which the pending amendment is almost a precise copy.

Mr. SAULSBURY. I should like to ask the Senator from Maine, because he is so great an authority on questions of parliamentary law, whether I understood him correctly in his construction of the twenty-ninth rule. I understand him to say that any legislation which relates to the subject embraced in the appropriation bill may be attached to it. Now, I want to put this proposition to him: under existing law the mails of this country are carried upon railroads according to the weight of the mail. I ask him whether an amendment which proposed to change the mode of compensation to railroads from weight to the linear measure of the car furnished for the postal service would not be general legislation, and whether that would be appropriate upon this bill to provide appropriations under existing laws?

Mr. BLAINE. I have not the slightest hesitation in answering the honorable Senator from Delaware. I have not the least hesitation in saying that that legislation in my judgment can come within the express provision and purview of the twenty-ninth rule; and I am fortified on that—if my colleague will allow me to refer to him—by my colleague who has so long presided over the Senate and who has been chairman of the Post-Office Committee who agrees with me that that legislation would be entirely in order on this bill. It would be absolutely relevant.

Mr. SAULSBURY. I have very great respect for the colleague of the Senator from Maine [Mr. HAMLIN] who has so long served in this body and so ably served on the Post-Office Committee; but I read the first clause of the twenty-ninth rule as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is a broad declaration of the rule, without reservation as to the character of the general legislation proposed, and according to my interpretion if the legislation proposed is general, although it may relate to the particular subject considered in the appropriation bill, it is general legislation and is prohibited by this first clause of the twenty-ninth rule. The subsequent clauses of the rule, according to my interpretion, neither modify nor qualify nor in any manner affect the first clause. Each of the clauses of the rule stands by itself unaffected and uninterpreted by anything subsequent or precedent.

Mr. BLAINE. Now, will the honorable Senator, while he is up, be good enough to construe the subsequent clauses of that rule and state to what they apply and what is their meaning?

Mr. SAULSBURY. I do not consider that I am the best qualified person to interpret the rules of parliamentary law; but it has been a part of my duty in life to construe and interpret the statutes of the State in which I live. According to my interpretation of this rule, the first inhibition against attaching to appropriation bills is contained in the first clause of the rule, and that is that no amendment proposing general legislation shall be attached. Then the next clause is a further inhibition: "nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received." That is the second. "Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto." Here are three distinct inhibitions against legislation upon general appropriation bills: first, that no measure proposing general legislation, relating to whatever subject it may, shall be attached to such bills; second, nothing that is not germane shall be attached to them; third, nor shall any amendment to any item or clause of such bill be received which does not relate thereto. Here are three distinct inhibitions against the legislation, and neither one of these inhibitions depends upon the others for force and vitality. If the amendment contains either of these matters prohibited, it is not admissible to this bill according to my interpretation.

Mr. BLAINE. If the honorable Senator from Delaware is through, I do not know that I have anything to add. It occurs to me that he did not give quite a lucid reason for regarding those subsequent clauses of Rule 29 as separate and apart from its introduction. It seems to me that there is no particular mode of construing the rule to make it applicable to the practice of the Senate and to the English language, but to take it as one whole. As I said when I began, the narrow construction which the Senator from Vermont applies to it utterly destroys the whole vitality of the twenty-seventh rule. The declaration of the Senator from Vermont that under the twenty-ninth rule no amendment is in order not relating to money contained in the bill, is absolutely contradicted and provided against in the twenty-seventh rule. If I could not show the inaptitude of the construction which he gave by directly arguing on the twenty-ninth rule, I infer it absolutely and undeniably from the fact that his construction of the twenty-ninth rule renders of no effect the twenty-seventh rule.

Mr. EDMUNDS. I have the greatest respect for the rulable learning of my friend from Maine; but his proposition last addressed to us is so extraordinary that I must beg leave to reply to it. He says that my construction of the twenty-ninth rule absolutely destroys the force of the twenty-seventh rule, if I correctly understand him. Let us see why. The twenty-ninth rule says that "no amendment which proposes general legislation shall be received." I will confine myself to that point now. What does the twenty-seventh rule say? It says that—

> No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill—

I will stop on that item; one is just as good as going through the whole list of alternatives—

> unless the same be moved by direction of a standing or select committee of the Senate.

What does that provide? It provides that where this appropriation bill declares that, "for mail depredations and special agents $150,000" are appropriated, nobody shall move to make that $160,000 unless he does it by direction of a standing or select committee; and in addition that it shall be referred to the Appropriation Committee. But that is apart from the necessities of this argument. Does that make my construction of the twenty-ninth and twenty-seventh rules in the least degree inconsistent? Not a bit of it. One is making provisions of law in order to get a chance to spend money, and that is what the twenty-ninth rule commands us not to do. The other is under the twenty-seventh rule, when you have got the provisions of law for spending the money, to say you shall not increase the expenditure stated in the bill unless you do it upon the responsibility of the motion of a committee that presumably has had time and opportunity, and has in fact examined the question. They stand in perfect harmony so far as my humble apprehension goes, Mr. President.

Then my honorable friend says that in order to give the true construction to the twenty-ninth rule you must take it as a whole. I never heard before that a rule or statute of prohibitions, that were, every one of them, in the alternative, must be taken as a whole. You might as well say in a statute against murder, and manslaughter and assault with intent to kill, that you must take the whole section together, the section reading, "If any man shall commit murder, or shall commit manslaughter, or shall assault another person with intent to kill, he shall be punished" so and so. Now, says the logic of my honorable friend from Maine, you shall not punish him at all unless you take that section as a whole and show that he did all three of those things. That will not do, Mr. President. The Senator would be right if this was affirmative and conjunctive instead of disjunctive and prohibitive. But it says, first, no amendment shall be received for general legislation; second, no amendment that is not germane; third, no amendment to an item that does not directly relate to that item. All those are negatives. They might have stood in three separate and distinct rules and would have meant exactly the same thing.

So then I think the error into which my honorable friend has fallen in saying that this must be taken as a whole arises from the fact that it escaped his attention that each one of these was a negative proposition, and therefore disconnected, as it is in the very language of the rule, from the other.

Mr. BLAINE. If that is all the Senator has to say he has not touched the point that I criticised him upon. The Senator has a very convenient way, which of course is skillful, of reading just as much of a statute as applies to his case, conveniently skipping the other parts of it.

Mr. EDMUNDS. I have read the whole of it.

Mr. BLAINE. Not of Rule 27. The Senator read Rule 29. When he came to read the twenty-seventh rule he said that "No amendments shall be received to any general appropriation bill, * * * unless the same be moved by direction of a standing or select committee of the Senate." The Senator skipped right over two or three very important clauses, but particularly remembered to omit the clause that applied to the argument on which I pointed out what I thought was an error in his position. The Senator stated in his speech of some length this morning that no amendment was in order that did not relate to money contained in the bill. Now, let me read the twenty-seventh rule, and I shall read it all, beginning at the point where the Senator did. I will read from the fourth line:

> And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate.

There is an entirely new item of appropriation. That refers to money not contained in the bill. That refers to money that it is proposed to put in the bill.

Mr. CHRISTIANCY. Will the Senator allow me to ask him if this amendment now under discussion, on which the point of order is raised, is an item of appropriation at all?

Mr. BLAINE. Yes, contingent.

Mr. CHRISTIANCY. I do not so understand it.

Mr. BLAINE. It is a contingent appropriation, certainly. It proposes to pay a certain amount of money provided something else is done.

Mr. CHRISTIANCY. It is authority to make a contract.

Mr. BLAINE. And to appropriate money for carrying it out.

Mr. CHRISTIANCY. But that provision is to be made hereafter.

Mr. BLAINE. That is the point on which I desire the attention of the honorable Senator from Vermont.

Mr. EDMUNDS. The Senator shall have it. I did not happen to hear him before; I was out of the Chamber.

Mr. BLAINE. The Senator necessitates my now iterating for his benefit.

Mr. EDMUNDS. I understand the point now that the Senator has stated it.

Mr. BLAINE. I will repeat another point for his benefit. Of all the cases that the Senator has cited I think a large majority of them were where individual Senators moved the amendment.

Mr. EDMUNDS. But always by the direction of a committee.

Mr. BLAINE. No.

Mr. EDMUNDS. I did not have any others.

Mr. BLAINE. Did the Senator have all by direction of a committee?

Mr. EDMUNDS. All. No point was made about the others.

Mr. BLAINE. Very well, then on that point I was mistaken. One other thing was noticeable. The Senator repeated a very large number of cases. I have not the yeas and nays on which the appeals were taken and on which the relevancy or irrelevancy was decided by the Senate, but I might say that it would be very amusing, I think it would be so proved to us, to find that the Senate divided exactly upon the merits of the case. On a question relating to the civil-rights bill, involving what would be called some radical legislation, the Senator from Ohio [Mr. THURMAN] and the Senator from Vermont [Mr. EDMUNDS] naturally voted on opposide sides.

Mr. EDMUNDS. The Senator is mistaken. All but six voted against that amendment.

Mr. BLAINE. On Mr. Sumner's proposition?

Mr. EDMUNDS. On the civil-rights bill, Mr. Sumner's amendment.

Mr. BLAINE. On the force bill the Senate divided only on the line of party, and I imagine if you go down through those fifteen or twenty cases the Senator adduced you will find the same Senate dove-tailed in and out according to their wish and view upon the particular amendment. The Senator from Vermont has already referred to the fact that the House, I believe, voted that an amendment increasing the salary of the President was not in order.

Mr. EDMUNDS. I have not heard of any such fact.

Mr. BLAINE. The Senator from Massachusetts, I beg pardon. But the moment that it was proposed to increase the salary of members it immediately became in order.

Mr. HAMLIN. The difference between *meum* and *tuum*.

Mr. BLAINE. Yes. It immediately became in order as soon as that was done. In order that we may give just as much line to this case as it will bear, I will repeat another thing for the benefit of the Senator from Vermont, that, according to my construction of the twenty-ninth rule, (and I should like to have his views on that, for the construction of that rule in this somewhat lengthy discussion that it draws out may be of advantage in the future,) it is entirely in order for the Post-Office Committee, by complying with the rule of the Senate, in notifying the Senate of their intention, to change the rates of postage in the United States. It is entirely in order, being relevant to this bill, to do that. It is not in order to change the pay of the Army or to change the tariff or to overhaul the judiciary of the Territories, or to do a thousand and one things outside, but to change the mode of carrying the mails and to change the amount that shall be charged to the individual for carrying his letter or his paper I hold to be entirely within the purview of that rule, if the Post-Office Committee comply with the rule itself in recommending it and referring it in due season to the Appropriation Committee.

Mr. EDMUNDS. Mr. President, I happened to be out at the moment that the Senator made his observations which he says I skipped in reading the rule to get rid of, and therefore I must plead not guilty to any skipping with any such intention. I thought I read all of that part of the rule which related to the point that I was making, and I respectfully submit that I did. I will take up the point that the Senator now makes, that I have heard for the first time.

Mr. BLAINE. That was not my fault.

Mr. EDMUNDS. It was certainly not the Senator's fault, although it was his fault to impute to me a disposition to dodge his observation when I had not heard it.

Mr. BLAINE. No; but the Senator skipped four lines in reading the twenty-seventh rule.

Mr. EDMUNDS. If the Senator will only let me speak, I will tell him that I never dodge the shot of a gun until I see the gun or smell the powder. I am not so timid as that.

The Senator's point now is, in answer to what I said before, that the Committee on Appropriations or any other standing committee may propose an amendment under the twenty-seventh rule containing an item of appropriation that is not in the bill at all. Grant it. What is that item of appropriation when you look at it in the light of the twenty-ninth rule? It is an item of appropriation to carry out an existing law, just as another part of the twenty-seventh rule says, that has not been provided for. Take this very bill. The existing law provides for the compensation of postmasters. There is a law for that. Suppose the House bill by a mere accident or for any other reasons omitted the item usually contained in this bill to pay postmasters, and there was no provision to pay postmasters at all. What is the Senate committee to do? Why, the Senate committee, not any Senator himself, but the Senate committee, may move an addition to this bill of an item to cover that object of proper public expense that the law requires to be carried out. That answers the twenty-seventh rule and answers my honorable friend. That is the kind of amendment that they make that does propose a new item of expenditure that the bill does not contain. But when you come to the twenty-ninth rule, all that being done and consistently with it, the limit of your power, put in on purpose and put in recently to prevent the nine appropriation bills from drawing to them all the legislation of the country, as they may on the Senator's stated theory, one after the other, is that you shall not legislate except legislating by some mere item, nothing that amounts to general legislation; that you shall not go outside of the subject contained in the bill. It says when you come to changing items that you shall not go out of the relation to that item under pretense of changing an item; and yet it says all the time in the twenty-seventh rule that whatever may be done under an appropriation bill, still made lawful, must be done on the motion of a standing or select committee when it increases an item of appropriation or proposes an item that is not already in. They stand in perfect harmony to my humble comprehension.

But there is some force in what the Senator from Maine says, and certainly he is entitled to judge of it, and he must judge for himself and not for me, that everybody votes upon these questions just as he wishes the result to be. I assume, therefore, that the Senator from Maine on his own statement intends to vote that this is in order for the commanding and sufficient and controlling reason that he wishes this subsidy to be granted. Well, that is perfectly frank; nobody can dispute that. But I must be excused from being put into that category. The Senator will find, different from what he supposes, although he can find many instances where it is too much so—he will find in looking through the yeas and nays of the Senate on questions of order that it has very often happened, more often than otherwise, largely more often than otherwise, that Senators have divided on these questions of order not according to what their desires were as to the merits of the particular proposition in respect of which the question of order was made. It was so in respect of the amendment moved by Mr. Sumner upon the miscellaneous bill of the civil rights bill. Every republican Senator, with perhaps two or three exceptions, was heartily in favor of the proposition proposed by Mr. Sumner, and they afterward enacted into a law through his efficient aid the substance, the general purport of it; and yet only six Senators on the republican side could be found to sustain his proposition that that amendment was in order. So, Mr. President, I think my friend from Maine states too strongly——

Mr. BLAINE. I did not state it as the Senator states it at all.

Mr. EDMUNDS. I think I comprehend what language is tantamount to pretty well, and the general purport and effect of the proposition of the Senator from Maine, and it was that as a rule, and he referred to the House of Representatives as one illustration of it, and the civil-rights bill, or the force bill as he afterward styled it as another, that Senators divided on questions of order according to their notions of the merit of the proposition upon which it is raised. I admit that we are led into that too often, but I deny, for the honor and the dignity and the uprightness of the Senate that that is anything like a rule. It is the exception, and when it is the exception it is a mistake.

Mr. BLAINE. I do not see the necessity of the remark of the Senator from Vermont. The Senator need not have attempted to introduce any personal thing into the debate.

Mr. EDMUNDS. I have not. That is just what the Senator said.

Mr. BLAINE. The Senator is very skilled in that kind of debate exactly. I was referring to what had been the practice of the Senate; and now I undertake to say, without the Globes or RECORDS here, that there is not a Senator sitting in these chairs who has moved more general legislation to appropriation bills than the Senator from Vermont. I do not happen to have the Globes and RECORDS here, but I have kept a pretty accurate run of what has been done in Congress for the last fifteen years, and I undertake to say that whenever the Senator from Vermont was very intent upon a piece of legislation he did not find a bit of scruple in putting it upon an appropriation bill. If the Senator takes issue on that fact and gives me the time I will bring the RECORD here for him; so that if I applied the argument *ad hominem* I should say, "Thou art the man." If there be offense in this, the Senator had led in that offense. I did not introduce the instance of the House of Representatives. The Senator from Massachusetts introduced it humorously, with good nature. I referred to that as an illustration; and then the Senator from Vermont gets up here with a sanctimonious air and reads me a lecture upon the independence of the Senate, and he trusts I underrate it, and puts on a lofty air about a practice about which he, if there be evil in it, has indulged as far and as fast as any other Senator has within the ten or fifteen years that he has honored the Senate with his presence.

Mr. President, in this very post-office bill which we are considering, if the Senator from Vermont will cast his eye upon it, he will find that from the forty-fourth line down to the one hundred and fourth it contains absolutely general legislation that is germane to a post-office bill. It makes an entirely new law, as the Senator from Arkansas well suggests, in regard to the compensation of postmasters. It overturns the whole system of the compensation of postmasters of a certain class; and I did not hear that it excited the ire or the opposition or the criticism of the Senator from Vermont. I hold that it is entirely in order, that there is nothing more pertinent in legislation than to regulate the receipts and disbursements of the Post-Office Department when you have the whole subject before you, if you choose to do it through the rules that are framed by the Senate.

I have not said one solitary word about the merits of the amendment of the Senator from Texas. I was somewhat astonished yesterday at a letter being introduced from a British steamship company suggesting to the Congress of the United States that they had vested rights in our legislation and that we had better not interfere. A British agent of New York sends a letter over here to a member of the House of Representatives, which is read in the Senate, suggesting that on the whole we had better not interfere with his rights to navigate between Brazil and New York. He is ready to do all the business for us, he says. I commented on that letter; I commented on this point of order; and when the Senator from Vermont attempts to lecture me on that he had better have recourse to his own ideas of propriety in forecasting and predicting what may be my course upon this measure when it comes up, or inferring that because I am on one side of this point of order I am any more on one side of the merits than because he is on the other side of the point of order he is on the other side of the main question.

Mr. EDMUNDS. Mr. President, I have just one word to say in reply to my uneasy friend from Maine. I am sorry that he appears to have got disturbed at the simple circumstance that I called his attention to his own observations, which if they appear in the RECORD to-morrow, as I have no doubt they will, exactly as he stated them, every Senator will perceive are entirely just and entirely appropriate, provided I am right in my opinion, and I suppose I am entitled to my opinion. I will not take any issue with the Senator on the question of sanctimoniousness. He may be entirely right about that. But I will take issue with him upon the subject of my previous course, which, without any proof whatever, he says has been in contradiction to what I now maintain. The Senator is vastly mistaken in that respect. We have not had any rule of this kind as a standing rule of the Senate until the last session of the last Congress. We had for two or three years a special rule like this, and during those two or three years I think the Senator will do me the justice to say when he looks it up that he will find that I was among those who were most active and perhaps officious, as he might have said if he had been here then, in making the very objections that I make now, to keep legislation off appropriation bills. My honorable friend, therefore, is mistaken when he supposes that my conduct was otherwise in this respect.

Mr. BLAINE. Anterior to that date.

Mr. EDMUNDS. Anterior to that date, my friend says. Then I will reply to my honorable friend by saying that anterior to that date the rules of the Senate permitted any kind of legislation to be put on an appropriation bill; and inasmuch as it was constantly done, sometimes where a high public emergency existed, as my party friends thought, undoubtedly I can be convicted of doing what the rules then allowed, confessedly, of putting some act of legislation, if we wanted it, on an appropriation bill; and if my friend had been here I should have had his aid in doing so.

Mr. BLAINE. Then all the Senator from Vermont means is that as long as everybody was taking a turn at it he had a full share, and when the rule came in and forbade it he began to obey that rule.

Mr. EDMUNDS. That is it.

Mr. BLAINE. And now he lectures all the Senate because they do not look at the rule exactly in the light that he finds it to be a guide to his feet and a light to his walk.

Mr. EDMUNDS. That is the whole of it.

Mr. BLAINE. Now the Senator will permit the rest of us to construe the rule according to our views of propriety.

Mr. EDMUNDS. Undoubtedly.

The PRESIDENT *pro tempore*. The question is whether the amendment proposed by the Senator from Texas [Mr. MAXEY] is in order under the twenty-ninth rule of the Senate, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HOAR, (when the name of Mr. DAWES was called.) My colleague [Mr. DAWES] is necessarily absent in Massachusetts, and would

be paired if the question had come up on its passage of the measure proposed by the Senator from Texas. I do not know how he would vote on this question of order.

Mr. McCREERY, (when his name was called.) I am paired on this measure with the Senator from Colorado, [Mr. CHAFFEE.] I do not know how he would vote upon the question of order, but I think he would vote "nay."

Mr. TELLER, (when his name was called.) On this subject I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 23, nays 32; as follows:

YEAS—23.

Barnum,	Dorsey,	Kirkwood,	Rollins,
Blaine,	Eustis,	Matthews,	Sargent,
Coke,	Ferry,	Maxey,	Saunders,
Conkling,	Hamlin,	Mitchell,	Spencer,
Conover,	Johnston,	Paddock,	Withers.
Davis of W. Va.,	Kellogg,	Plumb,	

NAYS—32.

Anthony,	Dennis,	Lamar,	Thurman,
Bailey,	Eaton,	McDonald,	Voorhees,
Bayard,	Edmunds,	McMillan,	Wadleigh,
Beck,	Harris,	Merrimon,	Whyte,
Booth,	Hill,	Morgan,	Windom.
Burnside,	Hoar,	Morrill,	
Cameron of Wis.,	Ingalls,	Oglesby,	
Christiancy,	Jones of Florida,	Randolph,	
Davis of Ill.,	Kernan,	Saulsbury,	

ABSENT—21.

Allison,	Cockrell,	Howe,	Sharon,
Armstrong,	Dawes,	Jones of Nevada,	Teller,
Bruce,	Garland,	McCreery,	Wallace.
Butler,	Gordon,	McPherson,	
Cameron of Pa.,	Grover,	Patterson,	
Chaffee,	Hereford,	Ransom,	

So the amendment was not received.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The bill is in Committee of the Whole and still open to amendment.

Mr. CONOVER. There is an amendment which I wish to submit in a few moments which I reported yesterday morning from the Committee on Post-Offices and Post-Roads. I have sent for a copy of the amendment.

The PRESIDING OFFICER. The Senator from Florida can offer his amendment in the Senate. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. CONOVER. I shall not offer my amendment.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RAILROAD BRIDGES IN LOUISIANA.

Mr. KELLOGG. I ask that the vote by which the bill (H. R. No. 3268) authorizing the North Louisiana Railroad Company to construct a bridge over the Ouachita River at or near Monroe, Louisiana, and a bridge over the Red River at or near Shreveport, Louisiana, which was reported adversely from the Committee on Commerce, and was postponed indefinitely, be reconsidered, and that it be placed upon the Calendar.

The PRESIDING OFFICER. Is there objection to reconsidering the action of the Senate indefinitely postponing the bill?

Mr. KELLOGG. I believe that is the usual motion.

The PRESIDING OFFICER. The Chair hears no objection, and the vote is reconsidered. The bill will take its place on the Calendar.

BILLS INTRODUCED.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1248) for the improvement of the sewerage of the city of Washington, in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1249) for the relief of O. H. Perry, administrator of Mary Scott, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1250) to provide for the payment of additional interest upon judgments rendered by the court of commissioners of Alabama claims; which was read twice by its title, and referred to the Committee on Claims.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating, in answer to a Senate resolution of April 29, information respecting the terms and conditions under which the surrender of the Cuban insurgents has been made, together with information respecting the future policy of Spain in the government of the Island of Cuba; which was referred to the Committee on Foreign Relations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4704) to retire certain silver coins now in use, and to provide for the exchange of subsidiary silver coins for legal-tender money under certain circumstances, was read twice by its title, and referred to the Committee on Finance.

ORDER OF BUSINESS.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Secretary will report the first bill on the Calendar at the point where the Senate left off in its consideration when the Calendar was last before it.

Mr. VOORHEES. I understand the next business in order is the bill reported from the Committee on Finance, known as the repeal of the resumption act, upon which the Senator from Texas [Mr. COKE] desires to occupy the floor to-day. That was to be the order after the appropriation bill was disposed of.

The PRESIDING OFFICER. The Chair believes it was the understanding that upon the conclusion of the post-office appropriation bill the Senate should resume the consideration of the bill reported from the Committee on Finance, to which the Senator from Indiana refers. It will therefore be regarded as before the Senate, upon which the Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. THURMAN. The Senator from Alabama [Mr. MORGAN] submitted a resolution some days since in respect to our relations with Mexico, and notified the Senate that he would ask that the resolution be taken up to-day in order that he might address the Senate upon it. Owing to some casualty resolutions were not called for this morning, and he therefore did not have the opportunity to deliver the address that he wished to make to the Senate. The subject is one of great importance, and according to the universal usage and courtesy of the Senate the Senator ought to be heard to-day. I move to lay aside informally all other matters and to take up the resolution offered by the Senator from Alabama.

Mr. EDMUNDS. I thought the Senator from Texas was entitled to the floor to address the Senate upon the resumption bill.

Mr. THURMAN. Oh, then, I shall not press the motion.

Mr. EDMUNDS. After he is through the resolution can be taken up.

Mr. THURMAN. I was not aware of that.

Mr. MORGAN. I yield to the Senator from Texas.

Mr. COKE. Mr. President——

Mr. SARGENT. I desire to ask the Senator from Texas if he prefers to proceed this afternoon or will he allow us to go to the consideration of executive business? This bill for the resumption of specie payments would be the unfinished business for to-morrow.

Mr. COKE. I would prefer to go on now.

RESUMPTION OF SPECIE PAYMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorizes the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

Mr. COKE. Mr. President, my convictions, as heretofore expressed on this floor, of the utter impracticability of maintaining specie payments under the conditions now surrounding the country, and which must continue for an indefinite time, have, by all the thought I have given the subject, and all the information I have been able to acquire, been riveted more firmly than ever. I have carefully considered the views of Mr. Secretary Sherman, elaborated before the Finance Committee of the Senate, and the House Committee on Banking and Currency, in which the policy and practicability of specie resumption are advocated and maintained by the honorable Secretary with great earnestness, and presume that the arguments so ably presented are at least exhaustive of that side of the question, especially in view of the fact that the advocate was aided on one side by suggestions from members of the two committees who concurred with him, and on the other by those who did not, and presented to his attention arguments requiring refutation. If additional reasons had been necessary to fortify my conclusions on this subject, these discussions would have furnished them so abundantly as to exclude a shadow of doubt. Bearing in mind the recent discussion of the question of remonetizing silver, the great earnestness with which that measure was opposed by the honorable Secretary of the Treasury and his coadjutors on the Finance Committee of the Senate, who are pressing specie resumption, one's attention is arrested by the remarkable fact developed in these "interviews," that the much-abused silver dollar is greatly relied on by these same gentlemen as a potent agent for effectuating their resumption policy. They were as earnest resumptionists when bitterly opposing silver remonetization as they are now. The conclusion cannot be escaped, upon a careful perusal of these "interviews," that the aid given in swelling the coin figures upon which the practicability of specie resumption depends, by the addition of silver coin, imparts to the honorable Secretary's arguments the small amount of plausibility they possess. These facts are adverted to because, while placing in a strong light the candor which acknowledges frankly a mistake in opposing the coinage of silver, warn the Senate that on the kindred subject of specie resumption the judgment of these distinguished and able gentlemen is not to be implicitly relied on.

The honorable Secretary of the Treasury, in reply to a question propounded by the chairman of the House committee, says "specie payment means the equivalency of gold and paper." He, in the same interview, says, repeatedly, that paper is raised in value and can be

brought up with gold by rendering it scarce, that is, by contracting the volume this "equivalency" is to be produced. I have looked diligently through these elaborate "interviews" for some expression of opinion on the part of the honorable Secretary as to the amount of circulating medium necessary to carry on the vast business of the country, and find none—no indication of thought or judgment on the subject. The sole question, deemed worthy of consideration in his mind, seems to be as to some mode of establishing an "equivalency" between coin and paper. The amount of money, whether paper or coin, or both, necessary to place business on a normal and healthy footing, to establish a just compromise between labor and capital, by which one shall live and have hope for the future, and the other a reasonable profit, which shall raise property from its present depreciation to a representation of something like the values invested in it, or the labor and skill required to earn it, which will be sufficient to effect the vast sum of the exchanges of the country, and minister to the wants of the forty-five millions of people in whose interest this Government is supposed to be administered, is not spoken of or adverted to, and seemingly is a subject not fit to be considered in connection with the much-coveted "equivalency" of paper and coin. The stock of coin in the country is the bed upon which the volume of currency must be laid, to the dimensions of which it must be contracted, so that it shall fit and be not too large, whether that coin basis be or not sufficient to maintain the amount of circulation required by the necessities of the country, and regardless of the ruin, the destruction, and suffering it may produce. The business of the country must be reduced, according to the resumption theory, to the capacities of the coin basis, however insufficient that may be. When this basis is threatened with a drain, another turn of the screw, a further tightening of the coil of contraction, is the remedy.

There are other elements, Mr. President, than the mere "equivalency of gold and paper" which enter into the definition of specie payment. I would define specie payment to be a paper circulation, redeemable on demand in coin, sufficient to effect healthfully all the exchanges of the country, maintained at par in public confidence by the presence of a coin reserve ample for its redemption. To contract the currency to one-fourth of the volume required by the necessities of the country, and, by rendering it "scarce" and difficult to procure, produce an "equivalency of gold and paper," is in no sense resumption. The existing substantial "equivalency of gold and paper" produced in this way is heralded by the press and by honorable Senators on this floor as a consummation of resumption. It is to me evidence of the money famine which, like a destroying angel is devastating this country—nothing more.

The practicability of maintaining the business exchanges of this country upon a specie basis, all will admit must depend upon the relative amounts of those exchanges and of the stock of gold and silver to be in the country on the 1st day of January next, and the probabilities of its increase or diminution. Now, I undertake to show, Mr. President, from official figures, and from facts well established in the financial history of this country, that we have not now, cannot have in January next, nor probably within the next decade, a sufficient stock of gold and silver to form the basis of the requisite volume of circulation or to justify the experiment of a return to specie payment. I further undertake to show, from the same character of evidence, that the effort being made to resume specie payment under the existing law is vain, and if not arrested must end in failure accompanied by disaster greater and more wide-spread even than that it has already produced.

I refer, first, to the coin statement of Dr. Linderman, Director of the Mint, made up to April 1, 1878, and indorsed by the Secretary of the Treasury, and will premise of this statement, which does not profess to be anything more than an estimate, that Dr. Linderman himself admits it to be possibly an overestimate, while other gentlemen, not such enthusiastic advocates of resumption as the Director of the Mint, and having quite as good means of information, believe his estimate excessive by at least $20,000,000; but his figures will be accepted. According to this official estimate, made on the 3d of April last to the House Committee on Banking and Currency, the sum total of gold and silver coin and bullion in public and private hands in the United States, after allowing for what will be used in manufactures and the arts, is $250,000,000. Of this total, $50,000,000 are estimated to be in "the form of fractional silver, trade-dollars, and Mexican coin, and $1,200,000 in standard silver dollars." The fractional silver amounts to about $45,000,000, and this I deduct from the $250,000,000, because, first, it is not of standard fineness, and not legal tender in sums exceeding $5; and, second, it was designed to take, and has taken, the place of the retired fractional currency, and is and will remain in actual circulation, and therefore cannot be a part of the reserved coin redemption fund. After this deduction, we have left $205,000,000, the total of coin and bullion in the United States at this time, which, if in possession of the banks, would be available for resumption purposes. No one will deny the insufficiency of this stock of coin for resumption and a continued maintenance of specie payments.

From what quarter can we expect to recruit our existing stock of coin? There are three sources relied on by those who oppose a repeal of the resumption law to furnish an additional accumulation of coin. One, the national export trade, through which coin is supposed to be brought from foreign countries in payment for the excess of exports over imports; another, the products of our own mines, and the third, from sales of Government bonds. The last is included in the two first, because Secretary Sherman admits in his House committee "interview," that coin to be brought to the United States cannot be raised by sale of United States bonds in foreign markets and that his sales of bonds will be confined to home purchasers.

An examination of official statistics, covering many years past, will show that any hope of early relief, if of relief at all from these supposed sources of supply, is vain and illusory. The Chief of the Bureau of Statistics certifies a statement of the imports and exports of coin and bullion from 1865 to 1877, which shows a total for the thirteen years of exports over imports of $692,000,000, or an average of $53,264,000 per annum. As evidence that the showing made by these figures is not the result of a transitory and abnormal condition of affairs, I refer to the report of Mr. Secretary Bristow, made in response to a Senate resolution, asking information on the subject, in 1876, which states that for the twenty-seven fiscal years from the 30th of June, 1848, to the 30th of June, 1875, the product of our mines was $1,167,150,000, but that the excess of exports over imports during the same period was $1,211,480,000, which deducted from the mine product left a net increase of $405,670,000, of which he estimated that $150,000,000 had been used in the arts and manufactures, leaving for money purposes, as the saving of that entire period, only $279,670,000. For fifteen years of that twenty-seven our indebtedness was insignificant and held at home, and there was no drain of coin, as now, to pay interest due in foreign countries. If the present indebtedness of the country had existed during those fifteen years with its attendant annual outflow of $100,000,000 of coin to pay foreign interest, instead of an increase of $279,670,000, the excess of coin exports over imports and the product of our mines combined would have been $1,094,330,000.

The only offset to this annual drain from the country of $100,000,000 to pay interest is an average annual increase of about $25,000,000 in the products of our mines. The records of the Government show that for more than thirty years the drain of coin from this country has been constant and ceaseless, and that the average excess of the current of exit over the influx for the three years past is very nearly as great as ever, being an average of $42,396,000 a year, although active preparation has during that time been in progress for resumption, and constant efforts to accumulate coin here for that purpose have been put forth, and although there has been for that period a small balance of trade in our favor; and this balance of trade, small and unimportant as it is, cannot be relied on, for the figures show that it results not from an increased volume of exports, (for this increase is insignificant,) but from a large and striking decrease of imports since 1874, resulting from our impoverished condition and diminished ability to buy. Will returning prosperity restore the old balance which in the past has been almost uniformly against us? I believe, Mr. President, that under the existing tariff legislation, which with its enormous duties forbids an exchange of commodities with foreign countries, it will. Southern markets for manufactures were well-nigh destroyed by the war; the people are now too poor to buy, and the tariff builds a wall against foreign markets, because ships will not carry out our products to return empty. We need foreign markets to swell the sum of our exports. We overproduce for our home market and are shut out by legislation from all others. We need cheaper transportation for the land-locked products of southern and western farms, so that breadstuffs and meats now lying unsalable and valueless in granaries and smoke-houses may find sale in our northern and eastern cities, and to the denser populations of the Old World, where so much wanted. If we will only legislate so as to liberate the products of the country and stimulate productive industry by opening up markets wherein its just reward may be reaped, the volume of our exports will increase and its excess over that of the imports will be established in a steady and constantly increasing stream, which in time will afford ample guarantee for an abundant coin basis for the redemption of all the paper money required to effect the exchanges of the country. If we fail to do this, as surely as effect follows cause, with the first letting-up of the existing stringency and depression the volume of imports will increase and the old balance of trade against us be restored and the annual outgo of coin increased beyond its present large average.

In addition to the inexorable logic of these facts and figures, a still greater obstacle to the accumulation and retention of coin with which to maintain specie payments is found in the bonds of the United States and of the States and of municipal, railroad, and other corporations of this country, estimated at from twelve to fourteen hundred millions, outstanding in Europe, the same which creates the interest drain before referred to. These bonds have a well-ascertained market value in the United States and in Europe, and if, contrary to all the probabilities indicated by the experience of more than thirty years, the outward flow of coin should be reversed, any balance due us would be paid in bonds. It is well known that the specie-paying countries of Europe will not permit the removal of coin in any considerable quantity to the United States. This Government was recently compelled to accept its own bonds for $21,000,000 to its credit in London, and the award of $15,500,000 in favor of the United States at Geneva was settled in the same way. But worse still, Mr. President, not only may surplus exports be paid for in bonds, but the existing stock of coin in the United States, the product of the mines, all may be swept from the country at the will and pleasure of the foreign holders of our bonds. Hear what Secretary Sherman admits

on this subject. I read from the report of his "interview" with the House committee:

Mr. EWING. Do you not anticipate that drain?

Secretary SHERMAN. I would expect it. Our production of gold and silver is greater than is necessary to maintain resumption in this country, and it will go to help other countries.

Mr. EWING. Will it not go abroad irrespective of our demand for it here?

Secretary SHERMAN. It depends upon whichever demand is the greatest.

Mr. EWING. And upon whoever has the most ability to keep it?

Secretary SHERMAN. Yes, sir.

Mr. EWING. We being the debtor nation, and the people of Europe holding our debts, can they not attract gold from us at present?

Secretary SHERMAN. If we are a debtor nation we are also a nation which the European nations like to have for a debtor. Our nation has been a productive, active nation, and foreign capital seeks a favorite investment here.

Mr. EWING. Still, in case of a want of gold abroad they have it in their power to get it at any time by the sale of our securities.

Secretary SHERMAN. Yes; they can recall it if they want to do so, but the chances are that they will be more likely to invest in our securities in the future than they have been in the past, because this country is a stable country. It has gone through a great civil war, and it has elements of strength and stability which no European country possesses.

Mr. EWING. Our ability to keep gold practically depends upon this, whether our creditors abroad prefer to hold our bonds or to take our gold?

Secretary SHERMAN. Certainly.

Mr. EWING. If they prefer to take our gold they can get it by sending their bonds here and selling them?

Secretary SHERMAN. Yes.

I read again.

Mr. EWING. Of course, if there was an established difference of 1 per cent., or one-half of 1 per cent., between gold and greenbacks, the Treasury would be broken pretty quick.

Secretary SHERMAN. Yes, sir, or a quarter of 1 per cent.; there is no doubt about that.

Mr. EWING. Therefore, after resumption, greenbacks must necessarily be at par with gold so long as the Secretary is able to maintain resumption? Now, I am supposing a case of a drain of gold from the action of foreign creditors, or from any other cause, and want to know what means you would resort to to check it?

Secretary SHERMAN. I do not think that it would be necessary to resort to any means; but if it were necessary to devise some means, I would resort to such as have been adopted in other countries—the temporary suspension of specie payment. That is a question for Congress. The British bank act, which is so often quoted as the standard, makes no provision for suspension; there is no legal suspension of payment in England, nor does our law make any provision for it. If the Government should meet such an adverse state of circumstances as to make suspension absolutely necessary, the Government would necessarily have to take the responsibility of it, leaving Congress to determine whether the circumstances justified it. That has always been so.

If the resumption law is not repealed, the financial policy of the Government will exist solely by the permission of foreign bondholders. By the admission of the Secretary of the Treasury, (and he is the last man in the world who would admit it if a particle of doubt existed about it,) we will be completely at their mercy, and at any time it pleases them a suspension of specie payments can be forced. Specie payments, when once established, Mr. President, cannot be suspended without a shock to all business, a destruction of all credit, a paralysis of trade and industry, and a complete stagnation of all the elements of prosperity. If my pride as an American citizen did not revolt as it does against this domination, I would never, upon considerations of mere expediency, consent that the power to produce that calamitous condition in this country should rest in the hands of any man or set of men, much less in those of a lot of foreign gold-mongers and bond-brokers. Mr. Secretary Sherman says the foreign bondholders will choose not to drain the gold from this country and compel a suspension of specie payments; but it must be borne in mind that this distinguished gentleman has not proved a success as a prophet in matters of finance. He predicted that upon the remonetization of silver gold would go up, and thereupon gold went down. He predicted that bonds would go down, and thereupon bonds straightway went up. He predicted that the new silver dollar would be at a heavy discount, and it went forthwith to par; and, lastly, he said it would seriously embarrass a return to specie payments, while he confesses now that silver is a most valuable auxiliary in advancing his resumption plan.

I take it for granted, Mr. President, that both the foreign and domestic bondholders will deal with the bonds with an eye single to their own interests, and we all know that a forced suspension of specie payments, after resumption has been established, would send gold up at once to a high premium, and that all holders of it would reap a rich harvest of profit. The holders of one or two hundred millions of the $800,000,000 of Government bonds in foreign hands can throw them upon our market and exchange them for gold or for greenbacks and demand their redemption in coin at the Treasury, and after exhausting the reserve, make more profit upon the premium arising from a suspension of specie payments in one year than the interest on the bonds will amount to in three; and the domestic holders of bonds have it completely in their power to perform exactly the same operation, and the same inducements to do it. Whatever the bondholders, foreign or domestic, may or may not do, Mr. President, a law which makes them masters of our financial system, which places the yoke upon the necks of our people, leaving them dependent upon clemency and forbearance as the only security against a great calamity, should remain upon the statute-book not one moment longer than is necessary to repeal it.

I have shown that $205,000,000 is the estimated total of all the coin and bullion in the United States, except the fractional silver in circulation and that portion of it used in the arts and manufactures.

I will increase the figures, for argument sake, to $235,000,000, so as to include any possible increase by the 1st day of January next. The Secretary of the Treasury claims that of the existing stock of metal in the country he has in the United States Treasury (including bullion fund of mints and assay offices) April 1, 1878:

Coin		$138,357,608 14
Less coin certificates	$57,883,400 00	
Outstanding called bonds	7,305,200 00	
Other outstanding coin liabilities	4,643,276 28	
		69,831,876 28
Deducting these liabilities from the coin fund in the Treasury we have		68,525,731 86

for resumption purposes. The honorable Secretary, while the above are his own figures, claims $70,000,000 in the Treasury, and this amount will be conceded in the argument, although excessive. By the sale of bonds the honorable Secretary proposes to increase the $70,000,000 to $130,000,000 by the 1st day of January next, and with this says he is ready for specie payment. This amount of coin, if it shall be accumulated in the Treasury, when deducted from $235,000,000, the estimated total to be in the United States on the 1st day of January next, will leave $105,000,000 in the hands of the people and the banks, scattered over all the States and Territories of the Union, two-thirds of it on the Pacific coast, and less than one-third, or about $32,000,000, held now by banks, and to become still less, doubtless, under the pressure for the needed accumulation in the National Treasury.

Now, Mr. President, having seen the state of preparation, not existing now but expected by those who favor resumption, to be reached by the 1st day of January next for resuming specie payment, let us glance for a moment over a few figures which will exhibit in a very striking manner the vast amount of duty proposed to be devolved on a very small amount of coin; and for the benefit of those who lay so much stress on the aid of silver, I will say that up to April 1st there was only $1,200,000 of legal-tender silver coin in the United States, and it cannot be coined faster than at the rate of about $40,000,000 a year.

What does "specie payment" mean practically to the Government, State and national, to corporations, and to the people in the infinitely varied business transactions of daily and hourly occurrence?

It means that $299,240,475 of national-bank notes must be redeemed over the bank counters in United States notes, and $347,848,712 of United States notes must be redeemed on demand at the National Treasury in gold and silver coin, making $647,089,187 of paper to be floated by coin.

It means that $2,100,000,000 of deposits in the banks in the United States must be paid in coin or in paper redeemable on demand in coin.

It means that $878,055,305 of loans and discounts due to national banks must be paid in coin or in paper redeemable on demand in coin.

It means that $1,500,000,000 of loans and discounts due to State, savings, and private banks and to loan and trust companies must be paid in coin or in paper redeemable on demand in coin.

It means that all State, county, municipal, and national revenues and taxes, amounting to $700,000,000, must be paid in coin or in paper redeemable on demand in coin.

It means that the estimated debt of merchants, traders, and manufacturers in the United States of $13,244,000,000 must be paid in coin or in paper redeemable in coin.

It means that the vast annual aggregate of the business of merchants, traders, manufacturers, and insurance companies, reaching figures of enormous magnitude, must be conducted with coin or paper redeemable in coin.

It means that the indebtedness arising out of the dealings with each other of forty-five millions of people, as evidenced by mortgages, deeds in trust, promissory notes, open accounts, &c., reaching an almost incalculable amount, must be paid in coin or in paper redeemable in coin.

It means that the six billion dollars' worth of products evolved annually from the various forms of industry in the United States must be moved with coin or with paper redeemable in coin.

It means that every marshal, sheriff, constable, lawyer, collecting agent, trustee, guardian, and administrator shall demand and receive only coin or paper redeemable in coin.

It means that the debt of railroad and canal companies in the United States, estimated at $2,650,000,000 principal when due, and annually accruing interest shall be paid in coin or in paper redeemable in coin.

It means that the $900,000,000, due by counties, cities, and towns in the United States when due, and the annual accruing interest shall be paid in coin or in paper redeemable in coin.

It means that the national and State debts, amounting, by estimate, to $2,600,000,000, not already made by contract payable in coin, shall be paid, when due, with the annually accruing interest, in coin or in paper redeemable in coin.

In short, Mr. President, it means that every dollar of money used in the vast system of exchange running through the untold billions of value going to make up the sum-total of the great business of the country, public and private, becomes, after the 1st day of January next, demandable and payable in coin or in paper redeemable in coin.

To float this vast mass of values, this sum of exchanges so enormous that the mind tires in the effort to grasp and comprehend the

figures which measure it, it is expected that there will be in the United States next January, have the task is commenced, gold and silver coined and uncoined, all told, by exaggerated estimate, only $235,000,000, and of that only $135,000,000 in the Treasury and $32,000,000 in the banks, leaving about $70,000,000 only in the hands of the people.

The honorable Senator from Nevada, [Mr. JONES,] so able and so accurately learned in all that pertains to the subject of finance, in a speech delivered in the Senate in April, 1876, after saying that the stock of coin in the United States in 1861 amounted to $300,000,000, and that the population had increased 50 per cent., used this emphatic language:

It cannot be doubted that the bulk of to-day's exchanges in this country is at least double that of a corresponding day in 1862.

Supposing that they are no more than double now, to resume specie payment on the same footing that we stood in 1861, when we had no more coin than was needed, we would require $600,000,000 of coin for the purpose, instead of the $235,000,000 it is estimated we will have if British and German holders of our bonds choose not to take it from us. Besides, Mr. President, we had no annual drain of $100,000,000 of coin from the country then to provide against, nor was the public mind disturbed by the apprehension then that half a dozen foreign gold brokers, some evening over their wine, might conclude to return enough of our bonds to produce a financial collapse. Instead, there was confidence in the solvency of the circulation, resulting not from its scarcity, but from the broad coin basis on which it rested, ample for its redemption, as the volume was sufficient for the business and enterprise of the country.

And this, Mr. President, is the only predicate upon which a return to specie payment can be made. The theory of those who favor resumption, that the stock of coin will be increased, and with it that confidence will return, which will lead to a release of capital from its hiding-places and a consequent expansion of the volume of circulation; if the country was not in debt, if we were not suffering from a heavy annual drain of coin; if our bonds were not in foreign hands, to be sent back we know not when to consume our coin reserves, and therefore a constant menace; if the balance of foreign trade were firmly fixed in our favor; and if our exports when in excess of imports were paid for in coin instead of bonds, would be a sound one. But surrounded as we are with the adverse and insuperable contrary conditions, it is false and utterly impracticable, for no conceivable ground exists upon which to base a reasonable hope of accumulating, within any definite period, a sufficient amount of coin.

If, as I have shown from official figures, we were twenty-seven years accumulating $279,000,000 under infinitely more favorable conditions than now exist, how long will it take us to accumulate $300,000,000 more? for every dollar of it is necessary, in addition to our present stock, to maintain specie payment with the needed volume of circulation. No, Mr. President, we have not the coin, and cannot get and keep it, to maintain specie payment on; and the existing "equivalency" between paper and coin, if sustained on the theory of the resumption law, must be kept up and continued by that same repressive, coercive, relentless deprivation of money, called "contraction," which produced it; and here, Mr. President, I will show the extent to which this "contraction," this rendering "scarce" of the circulating medium has been carried, in order to produce the almost "equivalency between gold and paper," for the country is not aware of the half of it. When the resumption act was passed on the 14th January, 1875, there were in circulation actually—

Legal-tender notes	$382,000,000
National-bank notes	351,861,450
Making a total of	733,861,450

The coin then in the country was not in circulation, as is well known. This total had been reduced, up to April 1, (and reduced further since,) by retirement and cancellation, to $347,848,712 legal-tenders and $299,240,475 national-bank notes, leaving the aggregate nominal circulation $647,089,187. The actual circulation is very far below that figure. According to Secretary Sherman's statement before the Senate Finance Committee and according to the Treasury reports, $220,979,426 of currency, being $84,000,000 in excess of the reserve required by law to be held, has been taken out of circulation and is held in reserve by the National banks, locked up in their vaults, to provide against resumption day. In addition, about $35,000,000 are locked up in the National Treasury for the same purpose; and if to this is added 2 per cent. for loss and destruction in various ways of the original aggregate of circulation, say $14,000,000, the three items aggregate $269,979,426, which, deducted from the nominal circulation, leaves $377,109,761, and no more. The fractional silver which replaced the fractional currency withdrawn is included in those figures. And contraction still goes vigorously on, and the substitute of the Senate committee for the House bill repealing the resumption act permits the Secretary of the Treasury to continue to contract until the 1st day of October, and it is well known he believes that legal-tenders should be reduced to $300,000,000, as required by the resumption law, and that he will have the aid of all the capitalists to reduce the volume to that figure by October.

But, Mr. President, the existing actual circulation is still smaller than is indicated by the figures I have given. I have deducted from the nominal circulation only the currency reserves of the national banks and the National Treasury, but it must not be forgotten that there are other banks besides the national banks, which must be fortified with reserves in order to be ready for specie payment. These are the State, savings, and private banks and the loan and trust companies. The importance of these may be seen in the fact that while the deposits in the national banks amount to $661,575,577 the deposits in these other banks aggregate the enormous sum of $1,500,000,000, or two and a half times as much. There are two thousand and seventy-eight national banks and thirty-eight hundred and twenty-five of the others. The deposits alone in these banks are shown by the Treasury report to be greater than the note circulation and deposits combined of the national banks. These banks hold the little earnings and savings of the great mass of the people—those least able to lose them. Very small sums go to make the vast aggregate of their deposits. They are emphatically the people's banks, as the vast sum of their aggregate deposits shows.

The failure of one-third of these banks will produce more wretchedness and misery and destitution, more vice and crime, deeper and more angry social disorder, than that of all the national banks combined. Two days ago one of the papers of this city stated that in New York City alone seventy-seven thousand depositors have suffered a loss of $7,120,202 out of a total deposit of $11,919,728, through the failure of twenty-one savings-banks since 1871. And it must be remembered that deposits are the most dangerous of all bank liabilities. These banks issue no notes. Their liabilities are for deposits. Unlike bank-notes, which roam in circulation throughout the expanse of the country, certificates of deposit remain at home within easy reach of the bank. There is scarcely a bank in the country two-thirds of whose deposits may not be demanded over its counter on twenty-four hours' notice. Vast as are the interests in keeping of these banks, they are utterly ignored in the resumption scheme; they are not considered in that connection. Secretary Sherman says of them, (I read from the House "interview:")

Mr. EWING. What about the $1,500,000,000 of deposits in other banks than national banks?

Secretary SHERMAN. They are private individual banks; the Government has nothing to do with them.

Mr. EWING. The Government has certainly to consider them in the plan of resumption?

Secretary SHERMAN. It has to consider them just as it has to consider any other public fact.

Are these banks fortified with reserves? If they are not, is it possible that they can fall and not drag down the national banks, and must not specie payment by the National Treasury be suspended as an inevitable consequence? The extent to which these banks are provided with reserves as preparation for resumption cannot be shown with anything like accuracy; but whatever their reserves may amount to, except about $15,000,000 of coin they hold, must be deducted from and still further reduce the volume of currency now outside of the national-bank and National-Treasury vaults which, as we have seen, is $377,109,761. Although we may not know the sum of the reserves held in the vaults of these banks, yet knowing the amount of deposits they hold we do know that according to all the axioms of safe banking they should have reserves at least equal to 30 per cent. of these deposits.

But it is simply impossible, Mr. President, that they can have this per cent., for the reason that the amount, $450,000,000, exceeds all the circulation in the United States outside the Treasury and national-bank vaults by $72,895,239. The failures of these banks for several months past in great numbers, and the accounts which reach us daily now of their collapse in all parts of the country, with increasing frequency, show conclusively the insufficiency of their reserves. While this is true, it cannot be doubted, however, that many of them have provided sufficient reserves; how many, of course, cannot be known, but I will assume that the aggregate of all their reserves is as much as 12 per cent. of their aggregate deposits, less considerably than half enough, which amounts to $180,000,000, and this deducted from the $377,109,761 of circulation outside of the Treasury and national-bank vaults leaves as the actual money circulation of the United States only $197,109,751, or a *per capita* of $4.17 for the population, when the estimated aggregate of Federal, State, county, and municipal taxation in the United States is $700,000,000!

I honestly believe, Mr. President, that the actual money circulation is less considerably than is represented by these figures, for, in his House "interview," Mr. Sherman stated that in April last there was in New York City, the great commercial metropolis and money center, where all the banks in the country keep large deposits and the bulk of the capital of the country is usually aggregated, only $11,000,000 of legal-tender notes. The currency has been retired and destroyed and hoarded in the bank and Treasury vaults, until but little is left for circulation among the people, and the business of the country lies utterly prostrate under the depletion. But the end is not yet; the dregs of the cup of bitterness have yet to be drained. To-day gold is at a premium of three-eighths of 1 per cent., when Secretary Sherman says, and truly too, that one-fourth of 1 per cent., or less, will produce a "run" on both Treasury and banks which would break all of them, and contraction must go on until perfect "equivalency" is produced and assured.

Why this continued contraction? Why tighten further the coil which has already strangled the energies and hopes of the country

and brought her industries to the throes of dissolution, which has reduced thrifty independence to want and stalwart labor to beggary? It is to reduce the volume of circulating medium to the capacity for its redemption, of a coin basis just one-third enough for the requirements of the country. When the day for resumption of specie payment comes will the condition improve? I answer, Mr. President, emphatically, no! The essential, the paramount requisite, the *sine qua non*, for an improved condition is a greatly more abundant stock of coin, and this we cannot have. We will have our existing stock, if at all, by the sufferance alone of European, aye, and if they permit, then by the toleration of domestic bondholders, for we are at the mercy of either or both. They or either of them can absorb it at pleasure. When did the financiers of Europe fail to grasp all the coin in their reach? Will there be less necessity for keeping bank reserves then than now? Not one particle less, but more and greater. The banks hoard now simply to prepare for resumption, and when resumption is reached they must maintain their same reserves. We have seen that the State, savings, and private banks have but little more than one-third of a proper reserve now. Can they put any of theirs into circulation after resumption commences? The national banks, outside a few cities, are only required by law to hold in reserve 15 per cent. of their deposits, which any banker knows is just half enough to make their depositors safe. Knowing this, the managers of these banks, as Mr. Sherman tells us, have $84,000,000 more of reserve fund than the law requires, and they will be bound to hold it in reserve after resumption as now, because with that they have less than the lowest percentage of their deposits, which any prudent banker would think it absolutely necessary to hold.

The holders of national-bank notes are safe, because United States bonds in the Treasury secure them, but the depositors in those banks have only the 15 per cent. of deposits required by law to be kept, and this is just half of a safe reserve, and the present excess of their reserves over that percentage fails to make up the other half by $50,000,000.

Senators speak of circulation being liberated after resumption commences, and flowing out among the people carrying joy and gladness, driving away gloom and despair. But where is it to come from? It cannot come from the banks or the Treasury, for they are hoarding now what they could at this time do without, but will be compelled to have and keep then. But it is said that confidence will be restored, that everybody will take for granted that all is right, and nobody will want coin and all prefer paper. Whence will come this confidence? It does not exist now. If it did there would be no premium on gold, there would be "equivalency" between coin and paper. This "equivalency" has yet to be produced by further contraction. Will contraction of the currency, until this "equivalency" is produced, generate confidence? I answer that it will, because it will be evident then that the volume of paper has been brought down to dimensions which will enable the coin to redeem it, and this is the only basis for that confidence of which so much is said. But mark you, Mr. President, the volume must be kept at that point. That point has not yet been reached; when it is, by additional contraction, it must stay there, it must not be expanded beyond the coin bed on which it rests; if it is, the "equivalency" is lost and the premium on gold reappears, and a "run" on banks and Treasury closes the scene. Hence, I say that the same means which have produced so near an approach to "equivalency" between coin and paper, to wit, contraction, must be continued to preserve that condition. There must be no letting up of the pressure, no relaxing of the ligature. An enlargement of the volume of circulation and at the same time a preservation of its "equivalency" with coin can only come *pari passu* with an increase of the coin basis on which it is predicated. But we have seen that there is no hope for any material increase of coin, and, per consequence, none for an increase of the existing volume of the actual circulation, only $197,109,751 or a *per capita* of $4.17, and to be reduced yet by further contraction. We dare not expand beyond that, because to do it will produce the premium on gold and the inevitable collapse. The Scylla of a circulation, not one-sixth enough for the exchanges of the country, on one side, and the Charybdis of a financial crash on the other if we attempt to enlarge it; and yet we are boastfully told by Senators on this floor that resumption is an accomplished fact, that prosperity and gladness are near at hand, while the country is being tossed in the seething maelstrom of ruin. "Confidence is a plant of slow growth," a great English statesman once truly said; but these gentlemen tell us that the doubt and distrust and uncertainty of the present are, by one wave of the magician's wand, on the 1st day of January next, to be transformed into the most perfect and childlike confidence, that at its beck timid capital will hasten out from its secret retreats and thrust itself into the pockets of the impecunious people of the country; that gold is to be a drug in the market, desired by nobody, while paper is to be clutched with avidity. I would be glad to believe all this, but the truth of history and the recorded experience of mankind forbid it.

No statesman or financier has ever yet invented a process through which specie payment can be maintained without the actual coin. The confidence which is talked about as so important a factor in matters of finance is found always close to the cash, and is always gone when the cash is absent. The two are inseparable; they go or stay together. When it is known that the coin is present and ready, all have confidence and nobody wants it, and when it is not confidence takes wings and everybody demands coin. This is the unvarying experience of the world. Nor can deception be practiced as to the presence or absence of the coin. If it is present the fact is known, if it is not the fact cannot be concealed. The shrewd, sharp men, who grow rich by manipulating coin, will never fail to advertise its scarcity and gather the ensuing premium. Now, a premium on gold of 1, 2, 3, or 4 per cent. gives nobody any trouble. The country, the mass of the people, if they hear of it, give it no attention and are not affected by it. After resumption commences a premium of one-fourth of 1 per cent., or even less, as Secretary Sherman admits, will produce a "run" on the Treasury and the banks which will close and suspend them, will shock the country from center to circumference, will cast down its values, disorganize its industries, unsettle its investments, and fill the country with gloom and misery.

In the facility furnished in the methods of modern sensationalism under the manipulation of rings and cliques for affecting the market values of stocks, currency, and coin lies one of the greatest dangers which will menace the country after resumption commences. A large proportion of our vast indebtedness is held or controlled by those both in Europe and America, whose business and vocation it is to gamble in stocks, in the rise and fall of bonds and gold and greenbacks. Fortunes of almost fabulous proportions have in the last decade and a half been made through the devious processes of these operators. Immense amounts of capital have been concentrated in a few hands, so that combinations of vast sums for the accomplishment of any purpose are easily made. How easy it will be for one of these combinations to produce, through the means and appliances so well understood by them, and so thoroughly at their command, a feeling of uneasiness, or, if you please, a panic, which shall create a premium on coin and lead to a run on the banks and the Treasury, to a suspension of specie payments, to a financial storm in which these trained experts with their ready capital would not fail to add to their already overgrown wealth the stores which the skill of experienced wreckers can gather from the ruin they have wrought.

It is better, Mr. President, that we bide our time and turn back from the frightful abyss of ruin which yawns across the pathway to resumption. The experiment must end in failure, and must engulf the country in a lower deep of misery than it has yet fathomed. The bulk of the State, private, and savings banks, with their vast sum of the people's deposits, must go by the board by reason of the insufficiency of their reserves, and many of the national banks must fall from the same cause. In this general crash the whole system, from the Treasury down, must succumb. It is simply a question of time, for this result must occur, and in my judgment the time will be very short after the 1st day of January next. No Senator on this floor desires more than myself to see the circulating medium of this country bottomed on a sound metallic basis, but I am not willing to sacrifice the interests of the great mass of the people in the effort to reach it, and especially not when it is clear to my mind that the effort will be fruitless. I hold the welfare of the people superior to all other considerations. The Government is theirs; they maintain it, and it should not be used for their destruction.

The great American people, whose servants we are and whose will we cannot rightfully defy, have with overwhelming voice demanded a repeal of the resumption law. The depth and earnestness of the popular feeling on this subject is neither understood nor appreciated in this Capitol. It is not a transitory and temporary feeling, to be appeased with professions or satisfied with expedients. The question of specie resumption has been undergoing discussion among them for three years, and their conclusions are the result neither of prejudice nor passion, but of intelligent thought and of calm and enlightened judgment; and those who imagine they will be abandoned, or that anything less than an enforcement of their sovereign will will put an end to this agitation will find themselves egregiously mistaken. This Government has been administered in the interests of capital, and the millions who produce have been saddled with burdens which have become intolerable for the enrichment of the select few, and burning under a sense of wrong the country is aroused and not to be longer trifled with. If the theory of the Government is not a cheat and a fraud, if the people are in truth sovereign and the source of all power, and if their well-considered judgment on a great question vitally affecting their dearest interests should, of right, be given the force and potency of law, then they have been most grievously sinned against in their own Capitol, and by their own trusted servants, in the failure of this Congress six months ago to arrest the ruin, the distress, and the despair which for two years past has been growing daily and hourly in intensity.

The people have a vivid recollection of the prosperity of the country under an abundant circulation when the policy of contracting the currency commenced, and none of us here have forgotten it. Labor was finding ample employment and an abundant reward, enterprise was daring the chances of every adventure, where skill, energy, and resource could find promise of success, railroads and canals were being projected and built, new mines being opened, new farms being cleared and cultivated, cities and towns being founded and built, new furnaces and manufactories being started and worked, the wilderness of the far West being penetrated, and out of its silent wastes new States and Territories, with hardy, thrifty, adventurous populations, being added to the strength and wealth of the nation, and the South, too, rising from the ashes of her desolation, and with that invincible spirit

which in every crisis of her history has marked the character of her people, though stricken with poverty and struggling with every form of calamity, every phase of adversity, was beginning to revive and resolutely preparing to build anew the foundations of prosperity; in short, the industrial activity and material prosperity of the country was simply wonderful.

Unfortunately, Mr. President, for the country, American statesmanship failed to rise to the height of the great occasion. Then was the time to have stricken the shackles from commerce, to have reduced the tariff to the lowest possible revenue basis, to have repealed the navigation laws and the laws for the registry of shipping, to have made the nearest possible approach to free trade in free ships, to have opened the way to every port and every market in the civilized world for the products of American industry, which the commonest sagacity could foresee would shortly glut the home market to which the restrictive legislation referred to confined them. Our lost commerce would have been recovered, our industries have received an additional stimulus, the world have become our customers, and the high prosperity of the period crystallized and perpetuated. The volume of our exports would have swelled into a steady, unvarying excess over imports, and the returning current would have borne back our foreign-held bonds, and redeemed the nation from a foreign financial thralldom, and established an impregnable metallic basis for specie payment. No sacrifice, no contraction, no grinding and crushing between the upper and nether millstone of all the elements of prosperity would have been necessary. The volume of exchanges, if the currency had been in excess, (which was not the case,) would have grown up to and swelled beyond it, and there would have been no stop, no check, no pause in a career of grand progression.

Instead of the sagacious counsels which would have produced these great results, the absorbing purpose of the Government seems to have been to care for the public creditors, first by converting bonds payable in currency into coin obligations, then by demonetizing silver to make them payable in gold with increased value, and this done again to add to their value and to the value of all capital by contracting and lessening the currency, the abundance of which was the great agent in producing the country's surprising prosperity; and thus was the welfare of the great mass of the people stricken down cruelly and relentlessly, their property depreciated in value one-half, their debts doubled, their splendid industries blighted, their enterprise strangled, their present made intolerable, and their future almost hopeless, and the whole country smitten with unequaled calamity, except the favored few whose wealth was fabulously increased. All the legislation was in the highest interest of capital, and most withering and crushing upon the people. The public creditors could have been amply provided for, their bonds secured and as high a premium assured for them as has been established, and the people could have been permitted to be prosperous, the country could have been spared the cruel afflictions it now bears and must continue to bear for an indefinite time. Equal justice and the highest public policy demanded it; but the interest of capital required contraction—that one-half of the volume of money be destroyed in order that its own value might be doubled—and the deed was done. The wrong was and is unparalleled in the immensity of its proportions and in the vastness and enduring character of its calamitous consequences.

The people—the labor of the country, the creators of capital, the architects of all value—have been delivered into the hands of money-changers. Money has been made "scarce," until only they have it, and the people are mendicants at the footstool of their power. When the people had money and were independent and prosperous, and labor and property met capital for exchange on equal terms, we were told this is "inflation," and "contraction" is the remedy. The remedy has been applied—the people have no money, labor begs for bread, property worthless, the country in despair, and capital enthroned king. [Applause in the galleries.] This is resumption, which we are told is an accomplished fact. Those who have done the work complacently look on the result and say, "'tis well done."

But, Mr. President, this is not all. Another great measure has consolidated the power of capital, and placed in its control one great department of the executive branch of the Government, and established under its influence an enormous political power, to be wielded in its own interest, of course. I allude to the system of national banks, of which the National Treasury is the head and government bonds, in the hands of individual or associated holders, the basis. These banks, whose capital consists in bonds deposited in the National Treasury, permeate the whole country and are found in nearly every town, village, and hamlet. They are the depositories of all public moneys outside of the National Treasury, and are the fiscal agents of the Government in distributing its circulating medium.

They are the connecting link between capital and the Government. Each one has more or less its influence with the local press and with those who form or lead public sentiment, and these influences summed up aggregate an overshadowing power, a power wielded solely by the bondholders and capitalists of the country. These national-bank companies were a unit in opposing silver remonetization and are today a unit in opposing a repeal of the resumption law. It is notorious that they contribute largely to campaign electioneering funds and are active political agents. They can combine and dictate terms to the Secretary of the Treasury, and have it in their power in sixty days after the 1st day of January next, if the resumption law is not repealed, to present their legal-tender notes for redemption in coin, drain the Treasury, and produce a suspension of specie payments. The Secretary of the Treasury will not dare antagonize them. On the other hand, the Secretary of the Treasury and his subordinate, the Comptroller of the Currency, have great power under the law over the banks. They are mutually dependent. In a contest the Secretary would go to the wall; but neither can afford a contest, and the colossal power of the banks will always secure the favor of the Administration and in return their influence will be wielded for its support. The result of specie resumption will be to crush out the bulk of the State, savings, and private banks, and the whole field will substantially be occupied by national banks; and when it is, the power of the combination will be simply irresistible in the politics of the country and the administration of the Government. This power, although in its infancy, is already a giant in influence, and when it becomes firmly rooted in the soil will dominate every branch of this Government and bend to its all-powerful will every resource and every interest of the country.

The memorable contest which resulted in the overthrow of the Bank of the United States, because that institution was believed to be corrupting in its influence over the Government and dangerous to the liberties of the people, is still vivid in the recollection of some in this Chamber. The reasons which determined the American people then to crush out this monster, as it was called, exist with a force multiplied a thousand times for rooting out the existing system of national banks; and unless the people shall surrender unconditionally the contest yet to be made against its remorseless tyranny will dwarf into insignificance that other contest which only the genius and will of Jackson could lead to success. The two thousand and eighty national banks have on deposit in the National Treasury, in round numbers, $350,000,000 of United States bonds, on which interest is paid semi-annually by the Government. Upon these bonds $300,000,000 of national-bank notes have been issued to them, upon which they pay not one cent of interest, but for the use of which the people pay them 1 to 3 per cent. per month.

Let me illustrate: a banking association in Texas deposits $100,000 of 6 per cent. bonds in the Treasury, receives $90,000 of bank-notes, nets 18 per cent. on the banking business $16,200
Interest on the bonds 6,000

Annual net profit 22,200

This profit is made on $100,000 of bonds, which are being safely kept for the bank in the granite fire-proof vault of the National Treasury, to be redelivered on demand and a return of the $90,000 bank-notes. Resumption of specie payments, by substantially crushing out all competition with national banks and completing the dependence of the National Treasury upon them, is all they need to perfectly consummate the money power as the controlling element, not only in American finance, but in American politics and American government. It is not wonderful, then, that we see in the daily papers each morning, under the flaming caption "Resumption consummated," the announcement that the national banks in this, that, and the other city are paying out gold indiscriminately with paper. They are playing for a great stake, no less than the power to rule this country and people, and the very crisis of the contest is now reached in the staggering blow aimed at the supremacy of capital in the bill repealing the resumption law sent by the House to the Senate, which if it becomes law will be a second victory for the people, as silver remonetization was the first. This is one of the many devices resorted to for its defeat. I make no war upon men, but upon the assumption of right by any class to rule this Government. Bondholders are neither more nor less honest, more nor less patriotic, better nor worse citizens than other men. Every dollar, principal and interest, of their bonds should be and will be paid according to the letter and spirit of the contract, justly, honestly, and liberally interpreted. This is all they can ask and all that ought to be conceded. I am not willing that they shall have exclusive privileges; I desire to see a complete divorce of this Government from all class interests, and the common interest and general welfare of all the people, in all the States and Territories of the Union the sole object of its legislation and administration, which is impossible with the existing banking system and system of national finance under the control of a favored class.

If, Mr. President, as we should at once, we will make United States legal-tender notes receivable for customs dues, they will be convertible at par with gold, performing, as they will then, all the offices of gold; and if in addition, as we should, we pass the House bill repealing the resumption act unconditionally and take away the power to contract the volume of currency further, there being no paper to be redeemed, all the hoarded coin and currency in the country will be released from prison and go out into circulation. Then the only reserves necessary to be kept in the banks will be enough to secure deposits. The aggregate of coin and currency, as it now stands, without further contraction—about $850,000,000—would, less deposit reserves, be available for the circulation of the country, as it is not now and cannot be if specie payment is resumed. While this amount would not be sufficient for healthy business by $350,000,000, yet it would be a vast improvement over the present condition, and the country would at once feel its beneficial effect.

Twelve hundred millions of dollars are needed in this country to

secure bank deposits and furnish a sufficient circulation. A larger volume than this was in circulation in 1865, when the policy of contraction was practically inaugurated, and at that time there was no circulation at all worth mention in twelve States of the South, and since that time Colorado and Nebraska have grown from Territories and been admitted as States, and a territorial government has been erected in Wyoming. The population of the United States then, by the best estimates, did not exceed thirty-five millions, while estimated to be forty-five millions now, and the exchanges of the country are doubtless doubled, or would be under healthy conditions. This would give our people a *per capita* of $26.30—less than the *per capita* of Germany and England, and but little more than half that of France. The country demands at least that amount, and will have it. Agitation will go on until it is furnished.

The remonetization of silver was only the beginning of the financial reform demanded by the times. The dogged and persevering obstinacy with which class interests contest every inch of ground evinces the high estimate placed upon the advantages they hold, but the determination of the people is fixed and unyielding that their will shall be the law of this Republic, and the common welfare of all, rather than the enrichment of a few, the purpose and aim of this Government; and I say, God speed them success, and succeed they will.

The democratic party went before the people of the United States in 1876 upon the platform adopted in national convention at Saint Louis which pledged a return to specie payments at the earliest practicable moment, but denounced the resumption law as utterly impracticable, and declared an unyielding purpose to repeal it, and upon this explicit declaration was indorsed by a popular majority of over a quarter of a million. Every democratic State convention since then assembled south of the Potomac and west of the Alleghanies, so far as I know or believe, has indorsed that pledge and demanded a repeal of that law. Still later and up to this day, by all the means through which public sentiment can manifest itself or the popular voice be heard, the same demand has come from the people of the sections named regardless of party. For one, so far as my vote and voice can do it, the pledge of the democracy shall be redeemed and the will of the people made the law.

Mr. HARRIS. Mr. President, the act approved January 14, 1875, requiring the resumption of specie payments on and after the 1st day of January, 1879, is one of a series of measures which seemed to have been conceived, perfected, and enacted for the sole purpose of fostering and promoting the interests of capital at the expense of the labor and productive industries of the country.

The act approved February 25, 1862, which authorized the issue of legal-tender notes and the issue and sale of certain bonds of the United States, may be assumed to be the beginning of our bonded debt; and in order that the rights of the Government and its creditors may be the better understood I will quote at some length the act under which the bonds were issued and sold. Among other things it provides—

> That such notes [greenbacks] herein authorized, shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except for interest on bonds and notes, which shall be paid in coin; and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid. And any holders of said United States notes, [greenbacks,] depositing any sum not less than $50, or some multiple of $50, with the Treasurer of the United States, * * * shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States * * * bearing interest at the rate of 6 per cent. per annum, payable semi-annually, and redeemable at the pleasure of the United States after five years, and payable twenty years from the date thereof.
>
> And such United States notes [greenbacks] shall be received the same as coin at their par value in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be reissued from time to time, as the exigencies of the public interest may require.

By the express words of this act every bond issued by the Government which did not by its terms stipulate for payment in coin was payable in legal-tender notes; and the right to redeem the 5.20 bonds, "at the pleasure of the United States, after five years from the date thereof," in legal-tender notes is too clear to admit of doubt or debate.

This was the well and universally understood law of the contract under which and the acts amendatory thereof the 5.20 bonds were issued, amounting to more than $1,500,000,000, and paid for by the bondholders in greenbacks at par when the coin value of the greenbacks ranged from fifty to seventy-five cents in the dollar.

By this act, the Government proposed to exchange these bonds for greenbacks at par, binding itself to pay interest upon the bonds in coin at the rate of 6 per cent. per annum, for five years, but in express terms reserving the right to redeem them in greenbacks at the expiration of five years from their respective dates. When this proposition was accepted the greenbacks paid and the bonds received, the contract was complete, and all that the bondholders had a right to demand or expect, all that the highest and most delicate sense of honor and good faith could require of the Government, was to perform its obligations according to the letter and spirit of the contract.

Why did the Government reserve the right to redeem these bonds at the expiration of five years from their date? Such reservation certainly made them less desirable as an investment and diminished their market value.

The only possible value of this reservation is to be found in the fact that it put it in the power of the Government to stop the interest upon this immense debt at that time and thereby save to the tax-payers of the country over $90,000,000 per annum.

But instead of relieving the staggering and almost prostrate industries of the country of this great burden by the exercise of this reserved right to redeem these bonds, under the false pretense of "settling conflicting questions and interpretations of the laws" under which the bonds were issued, and without the slightest benefit or advantage to the Government, and wholly without consideration good or valuable, the act approved March 18, 1869, was passed, which provides:

> That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations, * * * except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Now, was it true that there were, or could have been, "conflicting questions and interpretations" as to the spirit, meaning, and legal effect of the act of February 25, 1862? The ingenuity of the human brain, however severely taxed, cannot employ language more explicit and plain than the language of that act; its intent and meaning is so obvious as to positively exclude all ambiguity or uncertainty. The total absence of necessity for legislation to explain that act, or settle the rights of contracting parties under it, forces us to the conclusion that the sole object and purpose of the act of March 18, 1869, was to change the contracts which had been made under the act of 1862, and which by their express words were payable in legal-tender notes, into contracts which deprived the Government of the right to redeem the 5.20 bonds in five years except in coin, and which compels it to pay to the bondholders coin instead of greenbacks upon at least three-fourths of the public debt. There are reasons, abundant and potent, why the bondholders should have desired to change their contracts which were payable in non-interest-bearing greenbacks to contracts payable in coin, because such change must greatly enhance the market value of their bonds.

But exactly why the Government should desire or consent to such change is what the overtaxed and toiling millions of the country cannot so readily comprehend.

Yet, so far as an act of Congress could substitute the one contract for the other it was done, the profits of which to the bondholders and the increased burdens to the tax-payers may be safely estimated at not less than $500,000,000.

But this attempted change of contract, existing only in legislative enactment and resting upon no consideration, good or valuable, was not beyond the reach of repeal. Therefore the bondholders did not feel entirely secure in the immense profits promised by the change.

Hence it was followed by the act approved July 14, 1870, which authorized the issue and sale of $1,500,000,000 of new bonds, principal and interest payable in coin, two hundred millions of which are to bear interest at the rate of 5 per cent.; three hundred millions at the rate of 4½ per cent., and the balance at the rate of 4 per cent. per annum; these bonds to be sold for coin at not less than par, and the coin to be used in the redemption of the 5.20 bonds, or the new bonds to be exchanged, dollar for dollar, for the 5.20 bonds; and this, too, when it was known that Government, States, counties, cities, private corporations, and the whole people were more oppressed with debt and exorbitant taxation than ever before, and when the contraction of the volume of currency was crippling our commerce, paralyzing our manufacturers, and prostrating the enterprise and productive energies of the whole people. At a time and under circumstances which, by every consideration of sound policy and duty to an oppressed and struggling people, demanded that contraction should be arrested by redeeming as rapidly as possible the 5.20 bonds in greenbacks, to the extent that greenbacks were authorized to be issued, which would not only have stopped interest to that extent, but would have inspired new life, vigor, and hope in the hearts of an almost despairing people.

Great merit is claimed for this measure, because of the reduction of interest from 6 to 4, 4½, and 5 per cent. But the toiling men and women of the country who, by the unnecessary and unjust exactions of the Government, are reduced to the necessity of struggling from day to day for a precarious existence, will not forget that under the law of the contract it was the right and, as I maintain, the duty of the Government to have redeemed the 5.20 bonds in greenbacks as rapidly as the amount of greenbacks authorized by law would permit at the expiration of five years from their respective dates, and relieved the tax-payers of this burden of over $90,000,000 a year. But it is said that good-faith and national honor forbade it.

Throughout the history of the world there has never been a usur-

pation or an act of great oppression and wrong inflicted upon a people that the honor and good-faith of the nation has not been appealed to for its justification.

In what age of the world, and in what country, has the honor or credit of a debtor suffered who performed the obligations of the contract in letter and spirit? American honor is too well established to be so easily alarmed and American credit too substantial to suffer injury by such false and sentimental sophistry, however loudly and constantly it may be dinned in the public ear. But the refunding act was passed, and the work of contraction goes on with its legitimate harvest of commercial and business failures, day by day, week by week, and month by month. Under these acts capital congratulates itself upon its newly and wrongfully acquired right to demand from the Government coin upon all of its obligations.

Not content with this, but encouraged and emboldened by recent and signal successes, the next demand in its greed of gain and selfish exactions was the demonetization of silver, and in obedience to the demand, by the fifteenth section of the act approved 12th February, 1873, this additional and almost fatal concession was made, not only to pay all obligations in coin, but to strike down and destroy the money quality, the legal-tender power of one of the precious metals, thus reducing the legal-tender coin of the country about one-half and diminishing the ability to pay in the same ratio. It would seem that the cupidity of the most avaricious should have been satisfied, if not sated, by the ready submission to these various and exorbitant exactions. But no; the resumption of specie payments will still further contract the volume of currency and increase the purchasing power of money, still further reduce the value of labor and property.

This, too, was demanded. And by the act approved 14th January, 1875, conceded, which act, among other things, provides that—

Whenever, and so often as circulating notes shall be issued to any banking association increasing its capital or circulating notes, or any newly organized bank, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent. of the sum of national-bank notes so issued, * * * * and to continue such redemption as such circulating notes are issued, until there shall be outstanding the sum of $300,000,000 of such legal-tender notes, and no more.

And on and after the 1st day of January, 1879, the Secretary of the Treasury shall redeem, in coin, the legal-tender notes then outstanding on their presentation for redemption. * * * And to enable the Secretary of the Treasury to prepare and provide for the redemption * * * he is authorized to use any surplus revenues in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of 14th July, 1870.

This act not only requires further contraction upon the part of the Government, with the necessary increase of all the evils, bankruptcies, and ruin that contraction has already produced, but requires the sale of interest-bearing bonds for coin, with which to redeem non-interest-bearing legal-tender notes. This requirement is an admission, in the face of the act, that the Government was not, and recognized the fact that it would not be, on 1st January, 1879, in condition to resume and maintain specie payments.

In addition to this, resumption makes it necessary for every bank in the country to demand payment from its debtors, withhold loans and discounts from its customers, and hoard its resources to be in condition to maintain specie payment.

The experience of all nations proves the great evil of sudden contractions and expansions in the volume of currency, and that the most effective, if not the only, remedy is to require the circulating medium to be based upon and convertible into coin, at the will of the holder.

And while I hold it to be the duty of the Government to adopt this as its settled and permanent policy, I deny that it can do so at this time, without utter ruin to the industrial interests and general business of the country.

The exigencies and necessities of the war not only justified but compelled the Government to issue and put in circulation greenbacks, a paper currency, to an unprecedented extent, an amount many times larger than all the coin in the country could redeem, producing the highest state of inflation that ever existed in the history of the country, rendering specie payments utterly impossible.

Every consideration of sound policy demanded that the process of reducing this immense volume of currency to the proper standard, to the redeemable point, should be slow and gradual, depending, to a great extent, if not entirely, upon the returning prosperities of the country.

Arbitrary legislative enactment cannot increase the production of the precious metals or bring them from other countries to this, nor can it secure the payment of coin more rapidly than coin can be obtained. These metals can be obtained only from our mines and by the production and exportation of such staples and commodities as will bring them from other countries.

It is impossible for Congress to anticipate and fix with any degree of certainty the time at which the production of precious metals in our mines, or the production of those staples and commodities which command coin in other countries, will enable the Government to resume and maintain specie payments; yet, while the act requiring resumption remains in force, day by day it leads to further contraction, and contraction has already produced almost universal bankruptcy and ruin throughout the whole country. I therefore insist upon repeal, not only of that part of the act which fixes a day for resumption, but also those parts which require the redemption of legal-tender notes in the ratio of 80 per cent. of the bank-notes issued, and especially that part which authorizes the sale of interest-bearing bonds for coin with which to redeem non-interest-bearing legal-tender notes.

Repeal the act, and the whole act, and let resumption come when the returning prosperity of the country shall make the maintenance of specie payments possible.

Unfortunately, Mr. President, these are not the only evils growing out of class legislation of which the people have cause to complain. There are other abuses and wrongs of a kindred character under which the people have suffered and still suffer, from which they demand and are entitled to relief, to one of which, now pending in the other end of the Capitol and, in the form of a declaratory resolution, pending here, I propose, with the indulgence of the Senate, briefly to refer. For the last sixteen years you have maintained a high protective tariff, under which the whole people are taxed upon almost every article used or consumed by them at the average rate of 44 per cent., under the pretense of raising revenue, when the duties are so high upon some articles as to prohibit importation altogether, while upon many other articles importation is discouraged and greatly diminished by the excessive duties imposed, cutting off revenue altogether in the one case and reducing it in the other, while the tax upon the consumer is increased, because to a great extent he is compelled to buy from the home manufacturer, who is protected to the extent of the duty imposed and who fixes the price at that much more than he could sell for if the foreign article was allowed to come in competition with his; but the foreign article comes in competition with the home manufacturer encumbered with the cost of transportation from a foreign country and the amount of the import duty imposed, thus enabling the home manufacturer to add to the price of the article the amount of the duty (which under the present tariff averages 44 per cent.) and undersell the importer at least to the extent of the cost of transportation.

Under this system the consumer pays the duty as well upon the home manufactured article as upon that which is imported. The duty paid upon the imported article goes into the Treasury, while that paid upon home manufactured goods goes into the pocket of the manufacturer.

It is safe to assume that at least four-fifths of the articles consumed by the American people are of American manufacture and only one-fifth imported; hence under this system the people have to pay a bounty of at least $4 to the manufacturer in order to get $1 into the Treasury.

To illustrate, I quote from a speech of Mr. BURCHARD, a republican Representative from Illinois, delivered in 1872, advocating the reduction of duties upon some leading articles, Mr. BURCHARD being then as now a member of the Committee of Ways and Means and distinguished for his accuracy in commercial and manufacturing statistics. He said:

The reductions in the bill of the duties upon but six classes of manufactures lessen the revenue not quite $10,000,000, but lighten taxation $54,000,000. A comparison of the domestic production with the imports will show as follows:

Articles.	Reduction of revenue.	Reduction on cost of domestic production.
Salt	$615,522	$1,175,000
Leather	329,258	3,890,000
Iron	2,135,223	10,583,000
Steel	745,530	1,736,000
Woolens	4,967,452	23,000,000
Cottons	788,724	5,000,000
Total	8,781,718	45,333,000

This table shows that upon these six articles, which every citizen, however poor, must consume, and consume to an extent equal to the largest capitalist, a bounty is paid to the manufacturers of more than five times as much as the revenues which are collected upon them. The report of the Secretary of the Treasury shows that for the fiscal year ending 30th June, 1877, $130,956,493.07 were collected from customs.

Now, if the consumption of other home-manufactured articles bears the same proportion to similar articles imported that the six articles already mentioned bear, we may approximate the amount of the bounty paid by the whole people in the last fiscal year to the comparatively small number of capitalists who are engaged in manufacturing by multiplying the amount of revenue collected by five, which shows—

The bounty to be	$654,782,465 35
Add to this the revenue collected	130,956,493 07
And it makes the sum of	785,738,958 42

which was under the present tariff system drawn from the pockets of the people in order to put $130,956,493.07 into the Treasury.

However clear may be regarded the constitutional power of Congress to impose a tax upon imports for the purpose of raising revenue necessary to support the Government, I deny the constitutional power

to impose or increase the amount of such tax for the purpose of protection.

The object and purpose of a tariff law must be revenue, and in every instance where the duty is increased above the strict revenue point for the purpose of protection it is a usurpation of power to subsidize one industry at the expense of all other industries; to foster and enrich one small class at the expense of all other classes.

The whole system in its operations is unequal, unjust, and oppressive, because it extorts four or five times as much money from the people under the name and pretense of revenue as the amount of revenue which the Treasury actually derives from it, and builds up and enriches a single industry at the expense of every other industry and every other interest in the country. Yet, unjust as it is, in view of the present necessities of the Treasury, it may not be wise to abolish it. But every consideration of justice and sound policy demand that the duties should be reduced at least one-half, and adjusted with a view to revenue, rather than protection, and as far as may be in favor of those least able to pay.

Every citizen should contribute to the revenues of his Government in proportion to the extent of the interest he has to be protected by it, and in proportion to their respective abilities to pay. A tariff reduced and adjusted as suggested would in my judgment produce almost if not quite as much revenue as the present high protective and almost prohibitory tariff produces and relieve the people of more than half of the immense burden it imposes and give to the home manufacturer incidental protection to the extent of about 20 per cent., which with the natural advantages this country affords will in my opinion enable him to compete successfully with all the nations of the earth. But whether this be true or not, the manufacturer cannot justly demand more protection than a strictly revenue tariff will give, cannot expect, and should not desire that the burdens of the whole people should be increased to pay him a bounty.

Justice and sound policy demand that these evils to which I have referred, should be effectually and speedily remedied. Under these exorbitant and unjust exactions, and this policy of continued contraction, property has not only greatly depreciated in price, but has almost ceased to have a convertible value, and labor finds little employment, and, when employed, no adequate reward.

The measures referred to have day by day increased the burdens of the people, while day by day they have diminished their ability to pay, robbed labor of its earnings, and reduced honest industry from comfort and independence to penury and want.

If this policy is persevered in, it will not only perpetuate the almost universal discontent now prevailing, but rapidly popularize the idea of repudiation, murmurs of which are already not unfrequently heard. No greater calamity could befall the country than the stain of repudiation, a calamity which you, Mr. President, and all of us must deplore. And if we would avert it, and the possibility of even greater evils, we should not forget that a people taxed beyond their ability to pay, and under a system which is unequal and unjust, and by the exactions of that unjust system find themselves reduced from comfort and independence to poverty and want, may easily fall into the error of repudiation, while the more restless spirits may possibly be driven into the more fatal errors of bread-riots, labor-riots, and the lawless demands of the commune.

Abolish every act of class legislation; and while we carefully protect the equal rights of all we should as far as possible promote the interests of the largest numbers. All of our prosperities, depending as they do upon the productive industries, agricultural, mechanical, manufacturing, and mining, these great interests should be fostered and encouraged in every legitimate manner and by every legitimate means, for when they prosper all other interests prosper and when they languish or fail all others languish or fail with them; but neither one of these great interests should be fostered at the expense of the others.

The following table, taken from the report of David A. Wells, special commissioner, &c., shows the comparative values of the products of agriculture and manufacturing. Mr. Wells says:

A summary statement of the values created by the leading industries of the country would appear to be substantially as follows:

Agriculture	$3, 282, 950, 000
Cotton manufacture	71, 500, 000
Woolen manufacture	66, 000, 000
Iron production, pig and bar	119, 950, 000
Leather manufactures	222, 600, 000
Railway service	360, 000, 000
Fisheries	100, 000, 000
Total	4, 223, 000, 000

This table shows that the value of agricultural products is about seven times as great as all the manufactures of cotton, woolen, iron, and leather, which constitute the great bulk of American manufactures. Agriculture being the great and paramount industry of the country, not only in respect to value of products, but also in respect to the numbers engaged in it, it is and must always be the business of at least three-fourths of the American people, and has the highest claim to the fostering care of the Government.

The interests of agriculture can be best promoted by relieving it of unjust burdens and opening the markets of the world to its products, encouraging commerce by taking off restraints as far as possible and securing to agriculture abundant and cheap transportation. Every tax upon imports is a restraint upon commerce, diminishing importations, and necessarily diminishing exportation in something like the same ratio, because, if we cannot afford to receive the products of other countries in exchange for ours, they cannot afford to purchase ours to the extent that they otherwise would. Hence, the tendency of every tax upon imports is to close the markets of the world to our products, and the higher the tax the greater the tendency.

But I do not propose to discuss the tariff question at this time, and have only referred to some of the evils growing out of the present tariff which in my judgment demand prompt action, thorough revision, and remedy.

The old time-honored silver dollar has been restored to its rightful place as one of the legal-tender coins of the country, giving its quantum of aid to swell the volume of currency and check the evils of contraction. But the relief from this source is wholly inadequate to the present pressing necessities and demands of the country. Repeal the resumption act and require legal-tender notes to be received in payment of duties on imports as well as all other dues to the Government. Levy a fair and reasonable tax upon incomes; reduce the tariff duties to the strict revenue standard; abolish the tax on the circulating notes of State banking associations; reduce public expenditures as far as possible and consistent with efficient administration, and we may reasonably hope to see, at no distant day, thrift, prosperity, and independence take the place of the stagnation, poverty, and want which now pervade the country.

Mr. SARGENT. I move that the Senate do now adjourn.

Mr. THURMAN. I wish to make a report in executive session.

Mr. SARGENT. I will yield for that purpose.

Mr. THURMAN. There are some reports that ought to be made. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Before that motion is put, I desire to ask the Senate to set aside all other orders and take up the resolutions I had the honor to present a few days ago, so that I may be able to discuss them to-morrow.

Mr. SARGENT. Is it only for the purpose of discussion? The Senate is too thin now to assign any measure for consideration, but if the Senator desires to speak on the matter to-morrow nobody will object.

Mr. VOORHEES. In that connection I desire to give notice that at the expiration of the morning hour to-morrow I will move to set aside this bill as unfinished business for the purpose of allowing the Senator from Alabama to make the speech he desires to make on the subject that he has in view, and after that I shall insist upon the Senate adhering to the unfinished business until a vote is taken; that is, the subject which has been before us this afternoon.

Mr. BAYARD. Let the subject which the Senator from Alabama desires to discuss be taken up now so as to be the unfinished business for to-morrow.

Mr. VOORHEES. I move, then, that the bill in regard to resumption be laid aside in order to enable the Senator from Alabama to address the Senate to-morrow at the expiration of the morning hour with the understanding that the unfinished business shall then be resumed.

Mr. THURMAN. There is no necessity whatever for that motion. Let it be by general consent laid aside informally—that is our custom—and let the Senator from Alabama proceed to-morrow at one o'clock.

Mr. VOORHEES. Very well.

Mr. THURMAN. Let this bill remain the unfinished business and to-morrow at one o'clock let it be laid aside informally.

Mr. VOORHEES. I only desire to give notice that I shall not consent to allow the unfinished business, which is the consideration of the bill reported by the Finance Committee, to be laid aside except for the accommodation of the Senator from Alabama.

The PRESIDENT *pro tempore*. The unfinished business is the resumption-repeal bill and, as the Senator from Ohio suggests, it can be laid aside temporarily for the purpose named.

Mr. THURMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 14, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. ALFRED H. AMES, of Washington, District of Columbia.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. BACON. I rise to correct the Journal. Yesterday, on the call of the House, my name was called and I answered. A page was sent to me and I replied that I had answered to the call of my name. To make the matter entirely certain, I went to the Clerk's desk and the Clerk said it was all right.

The SPEAKER. The gentleman's name is recorded in the Journal.
Mr. BACON. It is recorded among the absentees on the roll-call.
The SPEAKER. Ah! it is not down on the roll-call on the call of the House.
Mr. BACON. But I was here and answered to my name.
The SPEAKER. The Chair supposed that the gentleman referred to the roll-call upon another question.
Mr. BACON. No, sir; I refer to the call of the roll on the call of the House.
The SPEAKER. The correction of the Journal will be made.
The Journal, as corrected, was then approved.

ALLEGED FRAUDS IN THE PRESIDENTIAL ELECTION.

Mr. CLYMER. I call for the regular order.
Mr. BLACKBURN. I insist upon the regular order.
The SPEAKER. The regular order being demanded, the House resumes the consideration of the unfinished business of yesterday, and the pending question is upon seconding the previous question upon the resolution offered by Mr. POTTER yesterday.
Mr. HENDEE. I ask unanimous consent——
Mr. FOSTER. I desire to make a report from the Committee on Appropriations.
Mr. POTTER. I shall be happy to yield for anything that should be done by unanimous consent as soon as gentlemen on the other side of the Chamber are willing to attend and make a quorum; but to yield to their determination to count out the House whenever there is business pending which they do not like and to make a quorum only for the business they wish considered is something we cannot assent to. It is something not only factious but unprecedented and revolutionary.
Mr. FOSTER. Very well; have it your own way.
Mr. HALE. We must have the regular order.
The SPEAKER. The regular order is the question upon seconding the call for the previous question on the preamble and resolutions submitted yesterday by the gentleman from New York, [Mr. POTTER.]
The question was taken; and upon a division there were—ayes 102, noes 0.
Mr. HALE. No quorum has voted.
Mr. WOOD. Let us have tellers.
The SPEAKER. No quorum having voted, the Chair will order tellers; there is evidently a quorum present in the House.
Tellers were ordered; and Mr. HALE and Mr. POTTER were appointed.
The House again divided; and the tellers reported that there were ayes 111, no 1.
Mr. HALE. No quorum has voted.
Mr. POTTER and Mr. HALE moved that there be a call of the House.
The motion was agreed to.
The Clerk proceeded to call the roll, and also called the list of absentees; when the following members failed to answer to their names:

Aldrich,	Ellsworth,	Killinger,	Robinson, Milton S.
Bagley,	Errett,	Landers,	Sapp,
Baker, William H.	Freeman,	Loring,	Stephens,
Ballou,	Frye,	Money,	Townsend, Martin I.
Bayne,	Gibson,	Morse,	Veeder,
Bisbee,	Glover,	Overton,	Walker,
Cain,	Harris, Benj. W.	Powers,	White, Harry,
Calkins,	Hart,	Pugh,	Willis, Benj. A.
Carlisle,	Hazelton,	Quinn,	Willits,
Clark, Rush,	Hunton,	Rice, Americus V.	Wren.
Clarke of Kentucky,	Jorgensen,	Roberts,	
Ellis,	Ketcham,	Robertson,	

During the call of the roll,
Mr. MANNING said: If it is in order I desire to announce that my colleague, Mr. MONEY, is absent by leave of the House.
The SPEAKER. Such announcements are not in order at this time. The call of the roll shows that 246 members have answered to their names and that there are 46 absentees. A quorum is present.
Mr. POTTER. I move to dispense with all further proceedings under the call, there being a quorum present.
The motion was agreed to.
The SPEAKER. The question recurs upon seconding the demand for the previous question.
The question was taken; and upon a division, there were—ayes 113, noes 0.
Mr. HALE. No quorum has voted.
Mr. LUTTRELL. I rise to a parliamentary inquiry. How is it possible for the gentleman from Maine [Mr. HALE] to raise the point of order that no quorum has voted, when he himself did not vote?
The SPEAKER. That is a matter for the gentleman to determine, not for the Chair.
Tellers were ordered; and Mr. HALE and Mr. POTTER were appointed.
The House again divided; and the tellers reported that there were—ayes 113, no 1.
Mr. HALE. No quorum has voted.
Mr. WOOD. As the factious minority seem determined to obstruct all public business, I move that the House now adjourn.
Mr. GARFIELD, (amid cries of "Order!" "Order!") I hope the adjournment will be delayed until a resolution is received from the Senate in relation to attending the funeral of the late Professor Henry, of the Smithsonian Institution.
Mr. HALE. I call for the yeas and nays on the motion to adjourn.
The yeas and nays were ordered.
The question was taken; and there were—yeas 130, nays 105, not voting 56; as follows:

YEAS—130.

Acklen,	Cutler,	House,	Scales,
Aiken,	Davis, Joseph J.	Jones, Frank	Schleicher,
Atkins,	Dean,	Jones, James T.	Shelley,
Banning,	Dibrell,	Kenna,	Singleton,
Beebe,	Dickey,	Kimmel,	Siemons,
Bell,	Douglas,	Knapp,	Smith, William E.
Benedict,	Durham,	Ligon,	Southard,
Bicknell,	Eden,	Lockwood,	Sparks,
Blackburn,	Elam,	Luttrell,	Springer,
Bland,	Evins, John H.	Lynde,	Steele,
Bliss,	Ewing,	Mackey,	Stenger,
Blount,	Felton,	Maish,	Swann,
Boone,	Finley,	Manning,	Throckmorton,
Bouck,	Forney,	Mayham,	Townshend, R. W.
Bragg,	Franklin,	McKenzie,	Tucker,
Bridges,	Fuller,	McMahon,	Turner,
Bright,	Garth,	Mills,	Vance,
Buckner,	Gause,	Morgan,	Waddell,
Cabell,	Giddings,	Morrison,	Walsh,
Caldwell, John W.	Glover,	Muldrow,	Warner,
Caldwell, W. P.	Gunter,	Muller,	Whitthorne,
Candler,	Hardenbergh,	Patterson, T. M.	Wigginton,
Chalmers,	Harris, Henry R.	Phelps,	Williams, A. S.
Clark, Alvah A.	Harris, John T.	Potter,	Williams, James
Clark of Missouri,	Harrison,	Pridemore,	Williams, Jere N.
Clymer,	Hartridge,	Rea,	Willis, Albert S.
Cobb,	Hartzell,	Reagan,	Wilson,
Collins,	Hatcher,	Reilly,	Wood,
Cook,	Henry,	Riddle,	Wright,
Cox, Samuel S.	Herbert,	Robbins,	Yeates,
Cravens,	Hewitt, Abram S.	Robertson,	Young.
Crittenden,	Hewitt, G. W.	Ross,	
Culberson,	Hooker,	Sayler,	

NAYS—105.

Bacon,	Davis, Horace	Keifer,	Rice, William W.
Baker, John H.	Deering,	Keightley,	Ryan,
Banks,	Denison,	Kelley,	Sampson,
Bayne,	Dunnell,	Ketcham,	Sapp,
Blair,	Dwight,	Lapham,	Sexton,
Boyd,	Eames,	Lathrop,	Shallenberger,
Brentano,	Ellsworth,	Lindsey,	Smalls,
Brewer,	Evans, I. Newton	Marsh,	Smith, A. Herr
Briggs,	Evans, James L.	McGowan,	Starin,
Brogden,	Fort,	McKinley,	Stewart,
Browne,	Foster,	Metcalfe,	Stone, Joseph C.
Bundy,	Gardner,	Mitchell,	Strait,
Burchard,	Garfield,	Monroe,	Thompson,
Burdick,	Hale,	Neal,	Thornburgh,
Camp,	Harmer,	Norcross,	Tipton,
Campbell,	Hazelton,	Oliver,	Townsend, Amos
Cannon,	Hendee,	O'Neill,	Van Vorhes,
Caswell,	Henderson,	Page,	Wait,
Chittenden,	Hiscock,	Patterson, G. W.	Ward,
Claflin,	Hubbell,	Peddie,	Welch,
Clark, Rush	Humphrey,	Phillips,	White, Michael D.
Cole,	Hungerford,	Pollard,	Williams, C. G.
Conger,	Hunter,	Pound,	Williams, Richard
Cox, Jacob D.	Ituer,	Price,	Wren.
Crapo,	James,	Ramey,	
Cummings,	Jones, John S.	Randolph,	
Danford,	Joyce,	Reed,	

NOT VOTING—56.

Aldrich,	Errett,	Killinger,	Robinson, G. D.
Bagley,	Freeman,	Knott,	Robinson, M. S.
Baker, William H.	Frye,	Landers,	Sinnickson,
Ballou,	Gibson,	Loring,	Stephens,
Bisbee,	Goode,	Martin,	Stone, John W.
Butler,	Hamilton,	McCook,	Townsend, M. I.
Cain,	Hanna,	Money,	Turney,
Calkins,	Harris, Benj. W.	Morse,	Veeder,
Carlisle,	Hart,	Overton,	Walker,
Clarke of Kentucky,	Haskell,	Powers,	Watson,
Covert,	Hayes,	Pugh,	White, Harry
Davidson,	Henkle,	Quinn,	Williams, Andrew
Eickhoff,	Hunton,	Rice, Americus V.	Willis, Benj. A.
Ellis,	Jorgensen,	Roberts,	Willits.

So the motion to adjourn was agreed to.
During the call of the roll the following announcements were made:
Mr. TURNEY. I am paired with my colleague, Mr. WHITE, of Pennsylvania. If he were here I would vote "ay."
Mr. COVERT. I am paired with my colleague, Mr. TOWNSEND. If he were present, I would vote "ay." I desire further to state that my colleague, Mr. QUINN, and Mr. BAKER are paired, and my colleague, Mr. VEEDER, is paired with Mr. WILLITS, of Michigan.
Mr. GOODE. I am paired with Mr. LORING, of Massachusetts.
Mr. WILLIS, of Kentucky. My colleague, Mr. CARLISLE, is paired with Mr. POWERS, of Maine. If present, my colleague would vote "ay."
Mr. HAMILTON. I am paired with my colleague from Indiana, Colonel ROBINSON. Were he present, he would vote in the negative and I should vote in the affirmative.
Mr. EICKHOFF. I am paired with the gentleman from Rhode Island, Mr. BALLOU.
Mr. DAVIDSON. I am paired with my colleague, Mr. BISBEE.

Mr. BLACKBURN. My colleague from Kentucky, Mr. CLARKE, is paired with the gentleman from Pennsylvania, Mr. WATSON.

Mr. KNOTT. I am paired generally with the gentleman from Maine, Mr. FRYE. I therefore decline to vote on this call. If he were here, I should vote "ay."

Mr. MCCOOK. For this day only, I am paired with my colleague from New York, Mr. WILLIS. If he were here, I should vote "no."

Mr. WILLIAMS, of New York. I am paired with the gentleman from Mississippi, Mr. MONEY.

Mr. HANNA. I am paired with the gentleman from Virginia, Mr. HUNTON.

Mr. ROBINSON, of Massachusetts. I am paired with the gentleman from Connecticut, Mr. LANDERS.

Mr. STONE, of Michigan. I am paired with the gentleman from Maryland, Mr. ROBERTS. If he were present, I should vote "no."

Mr. WATSON. I am paired with the gentleman from Kentucky, Mr. CLARKE.

Mr. MITCHELL. My colleague, Mr. OVERTON, who is absent by leave of the House, is paired with the gentleman from Indiana, Mr. FULLER.

Mr. MARTIN. I am paired with the gentleman from New York, Mr. PUGH. If he were here, I should vote in the affirmative.

FUNERAL OF PROFESSOR HENRY.

During the roll-call, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted the following resolution, in which the concurrence of the House was requested:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and the Speaker of the House of Representatives respectively adjourn their several bodies at four o'clock on Thursday, the 16th instant, for the purpose of enabling Senators and Representatives to attend the funeral of the late Joseph Henry, Secretary of the Smithsonian Institution.

The SPEAKER, (when the roll-call as above recorded was concluded,) said: Before announcing the result of the vote on the motion to adjourn, the Chair asks unanimous consent to submit a communication from the Chancellor of the Smithsonian Institution in relation to the death of the late Professor Henry. Is there objection? The Chair hears none.

The Clerk read as follows:

SMITHSONIAN INSTITUTION,
Washington, May, 14, 1878.

SIR: I am requested by the Regents of the Smithsonian Institution to inform you, and through you the House of Representatives of the United States, of the death of Professor Joseph Henry, the Secretary and director of the institution, which occurred in this city, on Monday, May 13, at 12.10 p. m. His funeral will take place at the New York avenue Presbyterian church, on Thursday, May 16, at half past four o'clock in the afternoon, and the House of Representatives is respectfully invited to attend.

I have the honor to be, very respectfully, your obedient servant,

M. R. WAITE,
Chancellor Smithsonian Institution.

Hon. S. J. RANDALL,
Speaker of the House of Representatives.

Mr. CLYMER. I ask unanimous consent that the resolution just received from the Senate on this subject be taken from the Speaker's table and considered.

There being no objection, the resolution was taken up, read, and unanimously concurred in.

SESSION FOR DEBATE.

Mr. KELLEY. Before the Chair announces the result of the vote on the motion to adjourn will he permit me to ask unanimous consent that there be a session of the House this evening for debate only?

Mr. BLACKBURN and others objected.

Mr. KELLEY. Then to-morrow evening.

Mr. EDEN. Wait until to-morrow, and we can tell then whether we shall object or not. [Cries of "Regular order."]

The result of the vote on the motion to adjourn was then announced as above recorded; accordingly (at twelve o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. GARTH: The petition of Francis M. Grace and other citizens of Lawrence County, Alabama, for the passage of House bill No. 1670—to the Committee on Education and Labor.

By Mr. PRIDEMORE: Papers relating to the pension claim of Elisha Franklin—to the Committee on Revolutionary Pensions.

By Mr. WILLIAMS, of Michigan: The petition of Potomac Council, No. 8, of the District of Columbia, Sovereigns of Industry, for a law securing the full weight of coal to purchasers—to the Committee for the District of Columbia.

By Mr. WILLIAMS, of Delaware: The petition of 1,419 citizens of Delaware, for the passage of the bill (H. R. No. 20) to extend the scope and efficiency of an act entitled "An act to secure homesteads to actual settlers on the public domain"—to the Committee on Public Lands.

IN SENATE.

WEDNESDAY, *May* 15, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON. I present a petition of citizens of Petersburgh, Virginia, signed by the mayor of the city and a number of prominent citizens, urgently requesting that the Government "recognize and in part reward the past services and honorable career of General James Shields in the defense of our common country in its time of need, by placing him on the retired list with rank, &c., as set forth in the bill which lately passed the House of Representatives." As the bill has been reported from the Committee on Military Affairs, I move that the petition lie upon the table.

The motion was agreed to.

Mr. BECK. I present a petition which was handed to me a few moments ago with the request to present it, of Mr. Hugh Coyle, of the city of Washington, praying that Senate report No 572, second session Forty-fourth Congress, relating to a form of government for the District of Columbia, be reprinted for public distribution, and protesting against the passage of the bill providing a government for the District of Columbia as it came from the House. The petition requests also that this petition be read. I do not know whether it is right or not to have that done. I present the petition according to his request without knowing what is in it, as I have not had time to read it.

The PRESIDENT *pro tempore.* The petition is presented by request and will be referred to the Committee on the District of Columbia, if there be no objection.

Mr. BECK. If there is no objection I should like to have it read. I do not know myself the entire contents of it.

The PRESIDENT *pro tempore.* Is there objection to its being read?

Mr. INGALLS. I think unless the Senator from Kentucky is able to vouch for the contents of the petition it ought not to be read.

Mr. BECK. I am not able to do that.

The PRESIDENT *pro tempore.* Objection being made, the petition cannot be read.

Mr. SARGENT. Are we to understand that the citizens of Washington, or some part of them, petition against the Government of the United States paying a reasonable share of the expenses of this District? If that is so, Senators representing distant States may be disposed to follow their advice. It seems to me a very unpatriotic move on the part of any citizen of this District to object to the United States Government paying its due proportion of the taxes or expenses of this District. If they object to other things in the bill, of course there are features of the bill on which the committee may be disposed to agree with them.

Mr. BECK. I think that is a part of the petition. Each individual has a right to petition Congress and to have his petition presented. I asked leave to present the petition, as I did, without vouching for it or even knowing what it is, or agreeing to it, but merely complying with the request to present it.

Mr. SARGENT. I have always believed very firmly in the justice of the report made by the Senator from Ohio, Mr. Sherman, several years since on the duty of the Government to bear its share of the burdens of this District. I thought that the reasons given at that time by that eminent Senator were just and wise, and I am only sorry that there should apparently be a difference of opinion among the citizens of the District, some of them arraying themselves against this act of relief and justice on the part of the Government toward the District.

Mr. BECK. But the Senator must agree that it is the right of a citizen to present a petition to Congress, and that is all that has been done.

Mr. HOAR. I understand that the reading of this petition is objected to on the ground that the Senator presenting it is not able to vouch for its contents. I understand that the rule of the Senate requires every Senator presenting a petition to be able to vouch for and to state its contents. Therefore, if the petition is one proper to be presented, it is proper for it to be read.

The PRESIDENT *pro tempore.* Does the Senator from Massachusetts object to its being received?

Mr. HOAR. No, sir.

The PRESIDENT *pro tempore.* The petition will be referred to the Committee on the District of Columbia.

Mr. BUTLER presented the petition of J. L. Wilson and 48 others, merchants, bankers, and business men of the city of Augusta, Georgia, praying for the repeal of the clause of the national-banking laws imposing a tax of 10 per cent. on the circulating notes of State banks; which was referred to the Committee on Finance.

Mr. PLUMB presented the petition of R. P. Tulist and others, citizens of Wyandotte County, Kansas, praying for the repeal of the resumption act, and that there be no further contraction of the currency; which was ordered to lie on the table.

Mr. ALLISON presented two memorials signed by pilots, steamboat owners, engineers, &c., of Iowa, remonstrating against the passage of

any law abolishing the local board of inspectors located at Galena, Illinois, and in favor of the removal of that board, as it exists at present, from Galena, Illinois, to Dubuque, Iowa; which were referred to the Committee on Commerce.

Mr. SAULSBURY presented the memorial of William Dean and others, trustees of the Delaware College, in favor of congressional aid for educational purposes; which was referred to the Committee on Public Lands.

Mr. MATTHEWS presented resolutions of Ringgold Council, No. 37, Order of United American Mechanics, of Springfield, Ohio, against any change in the present tariff duties; which were referred to the Committee on Finance.

Mr. BAYARD presented the memorial of H. S. McComb and others, trustees of Delaware College, in favor of congressional aid for educational purposes; which was referred to the Committee on Public Lands.

Mr. WHYTE presented resolutions of the Board of Trade of Baltimore, Maryland, in the nature of a memorial, against the transfer of the life-saving service from the Treasury Department to the Navy Department; which were ordered to lie on the table.

Mr. VOORHEES presented the petition of Henry Hamilton and others, citizens and business men of Boston, Massachusetts, praying for the immediate and unconditional repeal of the act of January 14, 1875, providing for the resumption of specie payments; which was ordered to lie upon the table.

Mr. McDONALD presented the petition of G. J. Grammen and 16 others, citizens of Indiana, owners and officers of steam-vessels at the port of Evansville, praying the passage of the bill (H. R. No. 2478) to amend certain sections of the Revised Statutes concerning commerce and navigation and the regulation of steam-vessels; which was referred to the Committee on Commerce.

SURVEY OF CHEROKEE LANDS.

Mr. ALLISON. I present a letter of the Secretary of the Interior, containing a report made by men authorized by act of Congress to appraise certain lands belonging to the Cherokee Nation west of the ninety-sixth meridian. Under the act authorizing this survey the Secretary was required to report his action to Congress. I move that this report be printed and referred to the Committee on Indian Affairs, together with the letter of the Secretary of the Interior.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom the subject was referred, reported a bill (S. No. 1251) regulating the compensation for the transportation of mails on railroad routes, providing for the classification of mail matter, and for other purposes; which was read twice by its title.

Mr. CHRISTIANCY, from the Committee on the Revision of the Laws, to whom was referred the bill (S. No. 1100) to correct an error in section 4390 of the Revised Statutes of the United States, reported it without amendment.

Mr. CHRISTIANCY. I am directed by the Committee on the Revision of the Laws, to whom was referred the petition of R. G. Ingersoll, and other citizens of the United States, praying for the repeal or modification of certain sections of the Revised Statutes of the United States, regulating the transmission through the United States mails of certain classes of literature, pictures, &c., to ask that the committee may be discharged from the further consideration of the petition for the reason which I shall state. The petition asks, not for the correction of any law revised in the Revised Statutes on the ground that the revision did not conform to the original law, but the petition is for altering the law because the law is believed to be unjust. It is therefore a petition for introducing a new law and does not belong to the Committee on the Revision of the Laws, so that the committee ask to be discharged and that the petition be referred to the Committee on the Judiciary.

The report was agreed to.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 3119) for the relief of John I. Thomas, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1065) for the relief of Toussiant Mesplie, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 964) for the relief of the owner of the bark Grape Shot, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1136) for the relief of Miguel D. Eslava, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MATTHEWS. I am directed by the Committee on the Revision of the Laws, to whom was referred the bill (S. No. 1024) to correct the revision of the laws of the United States, to report it with a statement. This is a bill introduced by one of the Senators from New Jersey ostensibly for the purpose of correcting certain errors and supplying certain omissions in the revised and consolidated statutes, so as to make the same truly express the meaning of the laws which were in force on the 1st of December, 1873, in two particulars: first, in section 2504, Schedule M, of the tariff laws, to strike out the words "Argols, other than crude, six cents per pound;" and second, in section 2504, Schedule M, in the paragraph relating to soaps, to add the words "Castile soap, 35 per. cent. ad valorem." The effect of this bill, were it passed into a statute, would be to change the existing revenue law, although the petitioners for it may be entirely correct in their assumption that that change would amount merely to a restoration of the laws actually in force on the 1st of December, 1873. But the enactment of the Revised Statutes has wrought a change in the law in those particulars and the error which was then committed can only be corrected by a new change in the law. Inasmuch as this body has no power to originate a revenue bill, and as this is of that character, effecting a change in an existing revenue statute, I am instructed by the committee to report the bill, with the accompanying papers, back, and to move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 233) for the relief of John E. Catlett, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 29) for the relief of Robert McRae, Andrew B. James, and Emory Clapp, of New Orleans, Louisiana, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

MICHAEL FENTENHEIME.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 789) for the relief of Michael Fentenheime, a citizen of France, reported aversely thereon; and the bill was postponed indefinitely.

Mr. HOAR, from the same committee, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to cause a just appraisal to be made of the value of the property of Michael Fentenheime, at Pelican Point, Morris Island, in the State of South Carolina, when the same was taken by the United States for the purpose of a permanent fortification, and report the same, together with the facts and circumstances attending such taking, to the Senate for its information.

NARRATIVE OF POLARIS EXPEDITION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the bill (S. No. 1208) authorizing the publication for sale of an edition of the Narrative of the Polaris Expedition, to report it back without amendment; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Public Printer to print from the stereotype plates now in his possession two hundred and fifty copies of the Narrative of the Polaris Expedition, with such additional number as may have been subscribed and paid for when the edition shall be put to press, the whole number printed to be sold at the cost of publication, with the addition of 10 per cent., and gives authority to the Public Printer to procure the material, engravings, lithographs, &c., necessary for the publication of the work.

Section 2 appropriates $2,500 to defray the expenses of publishing such edition of the Narrative of the Polaris Expedition, for sale, under the direction of the Public Printer, and it is made his duty to cover all moneys received for copies of the work into the Treasury, making a report thereof in his next annual report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORRILL (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1252) granting a pension to Mrs. Sarah Clark; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EUSTIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1253) to provide for the establishment of steamship mail service between the United States and Brazil; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1254) to provide for the expenditures of the judges of the courts of the United States while traveling in the discharge of judicial duty; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1255) to amend section 2997 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BECK. I ask leave to introduce a bill. I desire to say that I, in common with a great many other Senators, am much annoyed by asking for the establishment of post-routes, which seems to be a matter of form. I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1256) to authorize the Postmaster-General to place mail service on any public highway, river, or railroad within the United States when the public service requires it; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1257) to increase the pension of certain pensioned soldiers and sailors who have lost both their arms or both their

feet or the sight of both eyes in the service of the country; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. EATON, it was

Ordered, That the papers in the case of Hubbard & Conant be withdrawn from the files of the Senate and referred to the Committee on Patents.

THE HOG-CHOLERA.

Mr. KIRKWOOD. I submit the following resolution for reference to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound in boards 20,000 copies of the message of the President communicating, in answer to a Senate resolution of February 20, 1878, information in relation to the diseases prevailing among swine and other domestic animals, with an index thereto, to be prepared by the Commissioner of Agriculture, referring to the contents of said communication under the heads of the different diseases therein treated of; of which 4,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 4,000 copies for the use of the Commissioner of Agriculture.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. PADDOCK. I ask that it go to the Agricultural Committee. That subject is now before the Committee on Agriculture, and my friend who introduced the resolution assents.

The PRESIDENT *pro tempore*. The resolution properly goes to the Committee on Printing.

Mr. PADDOCK. We have before the Committee on Agriculture a communication in relation to this report.

Mr. KIRKWOOD. I am content that it shall go to the Committee on Agriculture.

The PRESIDENT *pro tempore*. The rule requires that resolutions to print extra copies must go to the Committee on Printing. When reported by that committee it can be referred to the Committee on Agriculture.

Mr. PADDOCK. Very well.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 10th instant, a copy of a report of the Director of the Mint showing the circumstances under which the receipt of deposits at the different mints for coinage into trade-dollars was suspended in October, 1877; which, on motion of Mr. SARGENT, was referred to the Committee on Finance, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Wisconsin, submitted two amendments intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. MERRIMON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO POST-ROUTE BILL.

Mr. JOHNSTON and Mr. BUTLER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

BUILDING FOR BUREAU OF ENGRAVING AND PRINTING.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. It will be observed by the Senate that this bill, since the subject was originally considered and recommitted to the committee, has been very materially changed. The amount appropriated is far less and the site has been selected. I presume that every Senator will know the site at once when I mention that it is the place where are the present commissary buildings, which the War Department are about to remove. They are paying a rental on the land, and we have obtained a named price for it that I think will be very satisfactory to the Senate. It is now owned by Mr. Corcoran, and he offers the land that we want, nearly one-half of the square, for the sum named in the bill.

Mr. COCKRELL. How much is that sum?

Mr. MORRILL. It is $27,536.50. I have no doubt that the market value of the land is considerably more than this amount. It is a healthy site, and much better than would be one immediately south of the Treasury building, because it is on much higher land. The plan has been modified by leaving off the wing that was intended for a fire-proof structure to hold the documents of the Treasury. That has been omitted; and according to the present plan the building will cost but $300,000.

I will say that the bill appropriates no money but takes it out of the savings of this Printing Bureau from the appropriation made last year; and the savings will be more than they have been heretofore represented; that is to say, they will be more than $500,000. The bill proposes to take $300,000 of the appropriation made last year for the service of the bureau.

Mr. CONKLING. I should like to inquire whether the plans of this building have been made already?

Mr. MORRILL. The plan has been sketched, but it has not been drawn out in full detail. It is to be a building of one hundred and thirty feet wide by two hundred and seventy feet long, and three stories high.

Mr. COCKRELL. On what street will it front?

Mr. MORRILL. It will front on the northwest corner of the Monument Square, on Fourteenth street and South B street.

Mr. DAVIS, of West Virginia. It is not land belonging to the Government?

Mr. MORRILL. No, sir; it is land belonging to Mr. Corcoran, as I have already stated.

Mr. DAVIS, of West Virginia. It is to be bought from him?

Mr. MORRILL. It is to be bought from him for $27,000, nearly one half of the square. It is thought extremely important that this building should be in a healthy position. Where there are to be three or four hundred persons employed all the time, it should be in a healthy position; and this place, after the most diligent search on the part of the members of the Committee on Public Buildings and Grounds, has been thought to be the best that is procurable.

Mr. DAVIS, of West Virginia. I notice the bill says that the land and building are to be paid for out of appropriations heretofore made to the Printing Bureau. I should like to ask the Senator what is the difference between taking the money from the appropriations heretofore made and making a direct appropriation out of the Treasury for the purpose?

Mr. SAULSBURY. The money would be covered into the Treasury at the expiration of the fiscal year if it were not reappropriated.

Mr. MORRILL. I did not hear the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I say I notice from the reading of the bill that the cost is to be taken from an unexpended balance of money heretofore appropriated for the Bureau of Engraving and Printing. Now, what is the difference between taking it from that fund and making a direct appropriation for the purpose of this building? I dislike this way of going back and taking unexpended balances. I think it is a practice that ought to be done away with. There is no difference in my view, and it is much squarer and better to go directly and make the appropriation out of the Treasury instead of taking it from any unexpended balance, in any form or manner. I think the Senator from Vermont will agree with me on that.

Mr. MORRILL. I am sorry that the Senator from West Virginia makes a technical objection to this bill. It certainly redounds to the credit of the Printing Bureau that they have been economical heretofore. It shows the necessity of keeping up this branch. I trust the Senator will see no impropriety in it, and I should have supposed that he would rather have regarded that as an argument in favor of the bill.

Mr. DAVIS, of West Virginia. I have not made any special objection; but I believe it my duty in all cases to oppose taking money from unexpended balances. The practice is not a good one. The Senator remarks that I must give credit to the bureau for having used economy. I do; I think it is to the credit of the bureau; but it must be recollected by the Senator that the former appropriation for the Printing Bureau was very large and at that time we had fractional currency to print, which was a large portion of the amount. Having called in that currency and not reissuing it, a great difference was thereby made in the work of the Bureau; so that the saving is not all owing to economy or good management in the Printing Bureau, though a large portion of it is attributable to that, and I think it is creditable to the office. But while I make no objection to the bill on account of taking the money from unexpended balances, yet I believe as a rule it is better to make direct appropriations and let every object stand on its own footing.

Mr. PADDOCK. I should like to inquire of the Senator from West Virginia if it is not true that the particular appropriation to which reference is made was a smaller one than those that had preceded it, so that there has really been great evidence of economy in respect to the saving in the Printing Bureau.

Mr. DAVIS, of West Virginia. Yes, there has been great saving and there ought to be great saving. The printing of the fractional currency was a large portion of the expenses of the bureau. At the same time I have no wish to take from that bureau any credit to which it is entitled, and I believe it is entitled to some.

Mr. PADDOCK. I am not prepared to make the statement, but my understanding is that the last appropriation to which reference has been made was very much smaller than those that had preceded it for two or three or six or eight years.

Mr. DAVIS, of West Virginia. Certainly it was, and it ought to be so, and it will be less constantly.

Mr. PADDOCK. Of course the managing officers of the bureau are just as much to be commended if out of a small appropriation they have saved money when it might have been squandered.

Mr. DAVIS, of West Virginia. A large amount of the saving arose out of having less work to do than formerly. The revenues of the country are not so great. The fractional currency was a large portion, perhaps more than one-half the entire work of that bureau.

Mr. PADDOCK. Is it not true that in some respects the labor has increased; that they are doing some kinds of work that had been done before by the bank-note companies?

Mr. DAVIS, of West Virginia. The reissuing of bonds, the changing the bonds, has probably added work to a limited extent.

Mr. PADDOCK. My understanding is that considerable added labor has been taken on by the bureau during the past year in the respects that I have named.

Mr. CONKLING. Mr. President, I take no interest, for one, in the question started by the Senator from West Virginia. He objects to this money being taken from an unexpended balance. It is a mere matter of book-keeping; it is a mere question of form.

Mr. DAVIS, of West Virginia. That is all, and I so stated.

Mr. CONKLING. I knew the Senator would agree with me in that. The question is whether so much money is to be devoted to a particular use; and whether it is to be charged to one fund or charged to some other fund is mere mint and cumin; it does not vary at all the truth that the proposal is to devote so much money of the United States, whether it is taken from one till or charged to one account or another.

Mr. President, when this bill first came forward I objected with some hesitation, but I find now that I am glad I did, for the honorable Senator having it in charge has changed one or two things in the bill which I think vindicate the objection that was made. It is pretty clear now that the vacant space between the Treasury Department and the river is not to be encumbered, and as I think defiled, by putting such a building upon it. The proposal has now come to be to go off on the hill on Fourteenth street.

Mr. MORRILL. And I will say to the Senator that it is to remove all those workshops and shanties that are now on the grounds in front of the Treasury Department.

Mr. CONKLING. And that is certainly an increased advantage, because I think we ought not unnecessarily to disfigure one of the most agreeable parts of the open space in this large reservation.

But, Mr. President, I am not ready yet to vote for this bill, much as I confide in the judgment of the Senator who intimates that we should vote for it; and I turn, as one reason for my unreadiness, to the top of page 2, where I read that the building is to be of brick, to be built by contract, and "upon plans to be obtained and approved by the Secretary of the Treasury." Passing this bill and making it a law does not facilitate obtaining plans any more than passing it the other day would have facilitated the selection of a site. We have seen meanwhile how easy it is to go and select a site without having an act of Congress behind you. It shows that a man can pick out a position for a building without doing it by act of Congress. I have no doubt an architect can draw a plan without feeling that he stands on an act of Congress when he does it. I would like to see the plan either through my own eyes or through the eyes of the Senator from Vermont which are so much better. I heard him say that there was a sketch, a suggestion of a plan. If that is the plan, say so in the bill, "according to the plan submitted or presented." We have said that before; say so now. If the language here employed is to be adopted, there is no plan. There is no possible restriction to the unbridled option of the Secretary of the Treasury to build any sort of building upon any plan provided the building and the site together do not exceed in cost $327,500.

Mr. THURMAN. Will my friend allow me to ask him a question?

Mr. CONKLING. Certainly.

Mr. THURMAN. As he has devoted some attention to this, and I never saw the bill until this moment, I ask him has he any idea that a building in which the work now done by the Bureau of Engraving and Printing is to be done can be built fire-proof for any such sum as $300,000?

Mr. CONKLING. No, sir, I have not.

Mr. THURMAN. That is the first question. Then another question while I am up, as my friend has devoted some attention to this matter: does he see any absolute necessity for this Bureau of Engraving and Printing at all?

Mr. CONKLING. Well, Mr. President, that is a question which I should not want to answer yes or no; but I will indicate, as far as I can, my idea about that in one moment.

First the Senator asks me if I suppose this building can be made, as is here contemplated, fire-proof and adequate to the manifold purposes suggested in the debate and in the bill together, for $300,000. I do not suppose any such thing; and therefore it is that I feel inclined to insist upon having a plan, not a sketch, not a suggestion, not a vague bird's-eye view of what sort of a building might be made, but a plan, not only an elevation, but a working plan that the committee or somebody else will tell us they have looked at, and which demonstrates, as far as by a plan it is demonstrable, that $300,000 taken from this unexpended balance is enough to accomplish this feat of a fire-proof building of such dimensions and such variation of use as has been suggested heretofore.

I do not mean by this to impute anything possibly to anybody who has this matter in charge. Here is the Supervising Architect of the Treasury who has in charge scores of buildings over the country and has had heretofore. How invariably it turns out that the cost of the building exceeds the original intention, and that where we have put in the act that it should not exceed a certain limit and that no money beyond that should be expended, the price has frequently turned out to be double. And so in answer to the question of the honorable Senator from Ohio I say again let us have a plan, let us have an estimate, let us have a working plan which shows, approximately at least, how much money the building is to cost and approximately what it is to be after it is finished.

Further the Senator from Ohio asks me a question which I have thought of a good many times, for a good many years, and which has been put to those much better informed on the subject than I am. It is whether we are likely to save money as a venture by undertaking to do, the Government for itself, the kind of work contemplated in this bureau. Well, Mr. President, I have heard it affirmed by every astute man that even the postal service of the country, as vast and varied as that is, could be done by contract by private persons, if it were admissible to let it to contractors, express companies or otherwise, for very much less than it costs and very much more efficiently. That is putting a very large illustration; perhaps it is a hazardous assertion. I do believe, however, that when you come to limited and definite business, as for example printing and engraving, if you resorted to private enterprise, with competition brought to bear, men skilled in that as a specialty bidding against each other, with the rivalry of emulation and of contest in trade, the probability is it could be done cheaper by individuals than it is likely to be done by that general kind of agency and instrumentality which appears for the Government. Therefore I do not believe, after hearing of the saving which has been made in the Bureau of Printing and Engraving, that it is a measure of economy to expand and amplify and permanently provide for that sort of business being done by the Government directly rather than being done for those engaged in it, equipped and prepared for it, who, bidding against each other, propose the lowest terms upon which anybody who is responsible will undertake to execute the work. So, without venturing to give any more nearly than that an answer to the Senator from Ohio, I feel at least the doubts which seem to lie behind the question he put, in regard to this whole business.

Mr. THURMAN. Before the Senator concludes his answer, I should like to ask him another question. I have not had time to look at the statutes; but when was this Bureau of Engraving and Printing created and how was the work done for the Government from the foundation of the Government up to that time? The Government issued a great many bonds, a great many Treasury notes, a great many stamps of various kinds before this Bureau of Engraving and Printing was created. How was that done? Was it done under contract, or how?

Mr. CONKLING. It was done by bank-note companies for long years. When the war came on and when it was necessary, as was supposed by one school of financiers, for the Government to start a paper-mill, a paper-mill was started in the Treasury Department, and legal-tender notes, greenbacks, bonds, seven-thirties, and all sorts of things which made up the manifold descriptions of currency and representatives of indebtedness, were more or less printed in this bureau, at the same time two bank-note companies being allowed to do a part of it, and as "tall oaks from little acorns grow," this bureau, from the supposed necessity of the times, has strengthened itself and enlarged until it has come now to be petrified as a part of the permanent establishment and equipment of the Government. That is as I understand it; and more definite as to dates I cannot be.

But, Mr. President, the chief point which I wanted to present to the Senator from Vermont is that it would seem to me to continue what has been done since this bill was previously objected to, by having the plans now, since the site has been selected, perfected and determined, and let the bill be based upon those plans and definite estimate of cost.

Mr. MORRILL. I hardly suppose, Mr. President, that the Committee on Public Buildings and Grounds, certainly not myself, could perfect this bill so that it would not be open to the criticism of the Senator from New York. It was expected that I should be able to bring this bill before the Senate immediately after the action of the Senate upon it some weeks ago; and we asked the Treasury Department to give us a plan. They gave us this plan, but I have been unable heretofore to find any morning when I could bring the matter to the attention of the Senate.

Now let me say that we have a sketch of the plan, and we also have a sketch of the amount of each item that it will cost to build this fire-proof building, of which the Senator from Ohio and the Senator from New York seem to express some doubt as to its possibility. I have here a statement from the supervising architect of the amount it will cost for excavating, the amount of brick, stone, iron, carpenter's, joiner's, and plasterer's work, the cost of marble, plumbing, vault, elevator, and contingencies. The building is to be constructed by contract, and of course must come within the amount that is prescribed in the bill.

There is no sort of doubt that the Department makes a saving in doing this work itself of some 25 or 33½ per cent.; and it is the opposition of those who desire to do this work instead of having it done in the Treasury Department that has obstructed action hitherto in relation to it. This bureau does the ordinary printing for a large part of the Government. It does also the repairing of machinery in other Departments, and the saving that is made by this is very large. It is not expected to exalt and expand this bureau to any extent at all; it is merely to enable it to execute its present duties with proper

economy, and with greater facility, and without any detriment to the present large existing Treasury Department building. There is no question that it is a damage to the present building to have this work conducted in it. If we make this appropriation it is expected that this building will be completed during the recess, before the next meeting of Congress. It is to be a plain, substantial building for the present work, and nothing more, of the Treasury Department. It will enable the Department to obtain a considerable number of rooms that are now used for this business. This will give room in it to bureaus that are now outside of the Treasury building proper.

I am sure that the Committee on Public Buildings and Grounds have given this subject all the attention that was possible and I hope the bill will meet the approval of the Senate.

Mr. BLAINE. I was struck by a question of the honorable Senator from Ohio as to the previous demands of the Government for the engraving of stamps and bonds and Treasury notes. I should like to ask that honorable Senator when it ever amounted prior to the war to anything that would even employ one small bank-note company?

Mr. THURMAN. It did employ more than one at times; at least more than one had contracts at times. But I do not think it needs any particular inquiry to inform the Senator from Maine that if this work were done by contract there would be plenty of companies to do it.

Mr. BLAINE. Yes; but the Senator intimated that there had been some great change from the former policy. The truth is, whether it is our misfortune or not, there never was any necessity for this bureau before the war, because the amount of public bonds that the Government of the United States ever issued before the war was very small; the debt never amounted to $100,000,000; and the amount of Treasury notes was very small and the issues were many years apart. We never even began to issue postage-stamps until 1850, and I do not know that the postage-stamps are engraved now in the Bureau of Engraving and Printing; I doubt whether they are. I am told they are not.

But this is worth observing, that there is no great monetary institution in the world—and the Government of the United States has become a great paper-money concern—that has ever been willing to trust its engraving outside of its own control. The Senator from Ohio doubtless knows that the Bank of England, probably the largest financial institution in the world, manufactures its own paper, does its own engraving; and the Bank of France does the same. All the large institutions do that. I should like that honorable Senator to say before the Senate whether he would think it wise to intrust all the plates of all the bonds and of all the notes and of all the currency of the United States outside of Government control altogether. What sort of security have you got if you ask banking companies here or there to engrave to the amount of hundreds of millions per annum? You are leaving the ability to counterfeit, and not merely to counterfeit, but to issue your own notes with the slightest possible change of numbers and letters, you are incurring a hazard which might bankrupt the United States almost and destroy the reliability of its currency. Now the precaution has been taken, I believe, to have one side of the notes printed outside. We do not even trust the Bureau of Engraving and Printing, but we have one side of the notes done by a company outside, and then have the stamping and the lettering and the numbering always done in the Treasury. I should think it to be a most extraordinary experiment, with the large amount of paper securities in various forms that the United States has now, to intrust itself or to permit that to be done by a company, however responsible they might be in their relations to the public.

Mr. SAULSBURY. As a member of the Committee on Public Buildings and Grounds I favored the reporting of this bill to the Senate. I do not know anything about the propriety of the Government's continuing to carry on this bureau. I have no criticism to make in reference to the policy which seems to have led to the necessity of the creation of the bureau; nor have I anything to say now as to whether the bureau shall be continued. But the fact is we have a bureau for engraving and printing, and it is located in the Treasury building, occupying valuable space in that Department building, and from its very nature endangering the building and the property of the Government of the United States therein. The question presented to the committee was, shall this committee now propose to remedy what seems to be a great wrong; shall they propose a building especially designed for this work? Upon consultation with the chief of the bureau they have agreed that for the sum named in this bill a building can be constructed fire-proof that will answer all the purposes of the Bureau of Engraving and Printing, and they have sought to obtain the cheapest site they could obtain for that building, and one, I believe, that is satisfactory to every Department of the Government.

But it is said there is no plan and the objection is urged that because there is no plan the bill ought not to pass. This committee has no money at its disposal for the purpose of procuring plans of public buildings, and that has not been the practice which has been pursued by the Senate with reference to the public buildings of the country. The practice has been to get an appropriation and out of that appropriation plans have been agreed upon by those in charge of the particular work. It is so in regard to all the public buildings in the country.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. MORRILL. I hope we shall be allowed to finish the bill. I move to postpone all other orders.

The PRESIDENT *pro tempore*. It is the duty of the Chair to call up the unfinished business, which is the bill for the repeal of the resumption act, which is before the Senate. The Senator from Vermont moves to postpone it and all other orders for the purpose of further considering the bill which has been under discussion during the morning hour? Is there objection?

Mr. SARGENT. I should like to give notice that at three o'clock or earlier, if the Senator from Alabama [Mr. MORGAN] shall have finished his remarks, I will ask the Senate to proceed to the consideration of executive business. Of course, I cannot give my reasons now; but I trust the Senate will go into executive session at an early hour to-day.

Mr. MITCHELL. I desire to give notice that to-morrow morning after the morning business I shall ask the Senate to finish the bill under consideration the last two mornings, being the bill (S. No. 306) amendatory of the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon." The matter has been discussed at some length for several mornings. I gave way this morning for the consideration of the bill of the Senator from Vermont. I desire to complete it to-morrow morning.

Mr. DAVIS, of West Virginia. I desire to call the attention of the Senate to the fact that by general arrangement yesterday and also by general consent which prevails at all times in the Senate the Senator from Alabama [Mr. MORGAN] was allowed to have the floor at one o'clock to-day. In courtesy to him I call the attention of the Senate to it.

Mr. MORRILL. I will say to the Senator from West Virginia that I have seen the Senator from Alabama and I have said to him that if this bill should take up much time I should not insist on its consideration. I merely ask for a few minutes. I do not think there is any disposition to debate it at any length; and if it can be disposed of I shall be very glad to have it done this morning.

Mr. THURMAN. I am very firmly convinced, I must say to my friend from Vermont, that this bill cannot pass in twenty minutes. There are several Senators who wish to speak upon it. I am not very ambitious to speak this morning, but whenever this bill is pressed to a vote I want to give reasons why I shall vote against it. I will say while I am up that the question which moves me is this: if we are to continue this business of engraving and printing then I agree that a building should be erected for it to get the thing out of the Treasury Department; but the question with me is whether we ought to continue it.

Mr. MORRILL. Then I will say that, as soon as the Senator from Alabama gets through with his speech, I shall ask the Senate to continue the discussion of this bill.

Mr. SARGENT. I have already given notice that I shall move then to proceed to the consideration of executive business.

Mr. VOORHEES. I give notice that I shall insist on the unfinished business before the Senate.

Mr. SARGENT. Very well; we will try the question.

INTERCOURSE WITH MEXICO.

The PRESIDENT *pro tempore*. By prior arrangement the Senator from Alabama [Mr. MORGAN] has the floor on the resolution which will be reported.

The Chief Clerk read the following resolution, submitted by Mr. MORGAN on the 8th instant:

Whereas the people of Mexico, animated with the love of free government which distinguishes the people of the United States of America, have long adhered to a republican form of government as that which is best suited to preserve their liberties, and have maintained their free republican institutions, under the embarrassment of the most adverse circumstances, with an honorable devotion to their principles, which merits the sympathy and regard of the American people; and

Whereas the most essential interests connected with the welfare and prosperity of the people of both governments, in their various relations, require that permanent peace should be maintained between them, and that confidence, good will, free intercourse, and liberal reciprocal advantages of trade and commerce should be established:

Resolved by the Senate, (the House of Representatives concurring therein,) 1. That in defining and settling by treaty the relations of the United States of America with the republic of Mexico it is just and expedient, and in accordance with the interest which the people of the United States have in the maintenance of the right of self-government on this continent, that the present boundaries between Mexico and the United States shall be guaranteed as permanent and inviolable.

2. That it is proper that both governments shall engage that the territory of each shall be protected against conquest by any power residing beyond the seas.

3. That it is expedient that liberal provisions shall be made by treaty to secure to the people of both countries the equal and reciprocal advantages of intercourse, trade, and commerce with each other, and that, to increase the advantages of such intercourse and to place upon a stable footing the peace and friendship of the two republics, it is expedient that such mutual agreements shall be entered into as will protect the borders of both countries from the predatory raids of bands of outlaws; and that persons who are citizens of either country residing in the other shall enjoy the rights of hospitality secured to the citizens of the most favored countries, and shall be free from all unlawful interferences with or arbitrary exactions and assessments upon their persons or property.

4. And it is also expedient to provide by treaty for the protection and encouragement of such citizens of either country as shall, with the consent of the Government of Mexico, build and equip a line of railroad from the City of Mexico to the Rio Grande, in the direction of San Antonio, in Texas, or to any point on the borders of the United States, to connect with a line or lines of railroad at the boundary between the United States and Mexico, and to secure the safe transit of the citizens of each republic and their property over such line or lines of railroad within the territory of each country, subject to such commercial regulations as shall from time to time be agreed upon by the respective governments.

Mr. MORGAN. Mr. President, I highly appreciate the indulgence of the Senate in giving me an opportunity to discuss a subject that is not yet fully before it for consideration. I would not have ventured so far to tax the courtesy of the Senate if I did not feel that the subject I have brought to its attention is of sufficient immediate interest and importance to justify me in making some explanation of the facts on which the resolution is based.

The attention of the people in every quarter of the country seems to be drawn with unusual interest to our relations with Mexico. We are finding it extremely burdensome to maintain a heavy border-guard on their frontier, and very painful to listen to the appeals of our people for protection, which even a strong Army is not sufficient to give them. With fire and sword our southwestern border is vexed, our people are murdered, and their homes are pillaged and then destroyed. A more efficient remedy for this intolerable state of affairs must speedily be found, at whatever cost to us or to Mexico. Whether or not the remedy I have the honor to suggest will prove to be sufficient, it seems to me that our first and unavoidable duty requires us to offer something like it to Mexico for its acceptance. We are too powerful as a nation and our ability to conduct great military movements is too well established to permit us to engage in war with a nation less powerful, (and that nation a republic,) which is our immediate neighbor, until we have made every reasonable effort to provide by some means a remedy for our grievances less cruel and destructive than war.

It better comports with our honor as a people that we shall again resort to diplomacy, and that we should begin by endeavoring to remove from the minds of the people of Mexico every suspicion they may have of our honorable intentions.

There is nothing that is new either in the statement of facts recited in the preamble or in the principles or policy indicated in the body of the resolution just read.

A recurrence to our diplomatic correspondence and to our treaties with Mexico since she became an independent power will show that in every essential particular we have urged upon that government every proposition contained in the resolution, except the joint agreement to give protection to the territory of each government against conquest by powers residing beyond the seas.

Until the treaty of Gaudaloupe Hidalgo and the Gadsden treaty we had not come under any distinct agreement with reference to the future extension of our borders upon Mexican territory; and while in those treaties this agreement is not expressed in terms, I think the just construction of them is that they pledge us to a policy that would protect rather than threaten the intregrity of Mexican territory along our borders. Under ordinary circumstances it would not be entirely consistent with our dignity that we should enter into pledges in advance of negotiations which would render them directly relevant that we will not make aggressions upon the territory of a neighboring country. And when that nation is a republic, our foster sister, whose institutions are modeled after our peculiar constitutional system, such voluntary overtures would place us in an attitude still more unsatisfactory in the absence of some strong, justifying causes to support it.

But circumstances exist that seem clearly to require it of us as a duty, that the United States, speaking through the resolutions of Congress, as well as through our diplomatic representatives, should make a firm and open declaration on this subject. The necessity for such a declaration has not been created so much by the fault of either government as by the misfortune of each that their people are imbued with the suspicion that the real policy of the United States toward Mexico includes the ultimate absorption of its entire territory within our boundaries. Our country has had a very rapid expansion of its limits in the direction of Mexico and Alaska, and has been restrained only by a courageous statesmanship from including Santo Domingo, Cuba, and the Hawaiian Islands.

In the presence of such facts, even our own people are putting to themselves the question how far we are committed to such ambitious designs, and whether we are not repeating the history of Rome with reference to a provincial system on this hemisphere. We must not chide Mexico for a want of faith in the disinterestedness of our intentions until we have at least met the force of a strong array of facts by some declarations that will prescribe definite bounds to our future enterprises which relate to their welfare.

The Gadsden treaty, which was signed on the 30th of December, 1853, is the latest agreement with Mexico on the subject of the boundary. The first article of that treaty contains the following language:

> The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

The express and free consent of the two governments may be obtained in many ways to the further dismemberment of Mexico. It could not be obtained for our dismemberment. The question for us to settle for ourselves, and with reference to our interests, and as a principle or policy of government to be determined in our own counsels is, shall we further attempt to gain the express and free consent of Mexico to our further encroachment on her present domain or shall we put a curb upon our ambition for territorial aggrandizement as a matter of duty and of wise policy? If we adopt, as I hope we shall, the course last mentioned, it will be an act worthy of a great and honorable people that we should make the solemn declaration and then proceed to treat with Mexico upon that basis.

If we shall preface our next attempt at negotiation with Mexico with a solemn declaration that the present boundaries between Mexico and the United States shall be guaranteed as permanent and inviolable, we will have removed every pretext for a reserved policy on the part of Mexico, and will bring our relations to a speedy if not a satisfactory settlement.

The inviolability of the boundaries of Mexico includes the duty on our part to respect the sanctity of her borders as we require her to respect ours. We should deal with Mexico on this subject as we would deal with Canada under like circumstances.

It is a principle of public law that we are not at liberty to disregard, that when we enter into treaty relations with a power it is the honor of our Government, and not the weakness of the power we are dealing with, that restrains us from disregarding our engagement. If Mexico disregards her duty toward us so as to require us to act in disregard of treaty obligations, we should first abrogate the treaty and then take measures for redress. I refer to this in connection with the complaints of Mexico, or rather of Mexicans, that we enter their territory to enforce our laws against the marauders who habitually visit our country for most unjustifiable purposes. This system cannot be peacefully maintained. It will keep up a virulent excitement on both borders, and will eventuate in open warfare. It is scarcely less now. This is the first vital point of controversy that needs to be arranged, and I do not believe that we can long defer its final settlement.

The doubts which cloud the minds of so many people on this subject are employed by the alert and daring *pronunciadores* in Mexico who unite politics and warfare into a profession, as romantic in its exciting incidents as the knight-errantry of the Middle Ages, to keep the people aroused with constant alarm and hot with angry resentments. It is easy for these chevaliers to persuade their dependents and retainers that our imputed Anglo-Saxon greed for land is constantly exciting in us an unholy lust for their beautiful country.

A party also exists in Mexico composed of men who have long despaired of the republic and have turned their thoughts anxiously to the United States as a refuge from revolution and a government under which they hope at last to realize their aspirations for the substantial blessings of constitutional liberty. The flitting scepter of power which has shifted through the hands of more than fifty rulers within as many years has left many an aching heart among the leading men in Mexico, some of whom in their desperation would welcome our republican flag as the emblem of constitutional liberty and the destroyer of the hopes of their successful rivals.

The existence of these conditions of public and private sentiment in Mexico, far more than the want of sincerity and good faith in the observance of treaty obligations on the part of its government, gives rise to a further necessity for some authentic declaration of the will of the people of the United States in reference to the matter supposed to be left open in the Gadsden treaty, to which I have already referred.

Since 1853 our own Government has encountered great perils and has undergone great constitutional changes. New men are in authority everywhere, who are of necessity modifying their opinions on all questions that concern the country to meet the very novel and difficult problems that arise on every hand. What may be the opinions of these new rulers and representatives cannot be clearly known or confidently asserted until by discussion and voting they have been freely expressed.

It is believed and asserted by some of our leading statesmen that many of the people of the United States, and especially those of the Southwestern States, are maturing plans to acquire five or six of the northern states of Mexico, seeking thereby to increase their political power in the Union and to enrich their people with the spoliation of Mexico.

It is conjectured also by some that we of the South and Southwest are looking to Northern Mexico as a point of concentration of our negro population, so that they may be formed into States under the exclusive control of the negroes and incorporated into the American Union as natural allies of the Southern States.

Others still are charged with the purpose of invading Mexico, in combination with dissatisfied people in that country, to conduct filibustering expeditions against the border Mexican states.

When within our own powerful and progressive country such statements are freely and openly made and discussed, it cannot be unbecoming or gratuitous that Congress should solemnly declare a policy in reference to the inviolable integrity of Mexican soil, which will command the confidence of that people and give them that feeling of security and that repose which are so essential to a proper consideration of their highest interests and wisest policy with reference to us.

I will take this opportunity to say for myself and for the people of Alabama, what I am sure is the feeling of the entire South, that we desire nothing in reference to the people of Mexico except that they should be independent, self-governing, happy, and prosperous and on terms of the most friendly and intimate commercial intercourse with our people; and we believe that the first and most essential predicate of these results is that we should agree that the territorial integrity of Mexico should be maintained inviolate on its borders adjacent to the United States.

War, of course, annuls all treaty engagements between nations except those relating to a state of war, and are consequently reserved

in case of hostilities; but, war or no war, we should declare our policy on this subject as well with reference to our own interests and duty as with reference to our future relations with Mexico. Without attempting to argue the matter fully at this time I will assert my confidence in the wisdom of the proposition that it is better for our country, better for Mexico, better for the cause of free republican government throughout the world, and a better expression of our faith in constitutional liberty, that we should uphold Mexico as an independent constitutional republic, even if we should be forced at any time into a war with her, than that we should either absorb her territory within our boundaries or witness her lapse into monarchical government.

We who appreciate the necessity of individual character in the constituency of a free republican government understand the value of the effort to bring the Mexican people up to a higher standard. They need to be educated in the personal rights and duties of the individual citizen. Mexico needs a great body of citizenship, who, understanding the value of their personal rights and liberties, will be able to control the adventurers that keep them in the constant throes of revolution.

Mexico is not without cause for jealous sensibilities toward the people of the United States, while we have the highest reasons to deal with her in a spirit of generous magnanimity.

In September, 1813, while the United States was engaged in a war with Great Britain, which has been justly called the second war of independence, the people of Mexico, animated with a love of liberty and independence and inspired by our example, declared their independence of Spain. Our achievements had not then proven to them that the final success of our republican experiment was certain. They only had our example, from which they gathered the conviction that the cause they loved deserved the greatest sacrifices, and that such sacrifices merited success. They struggled against the great Spanish monarchy and with great and powerful Spaniards in Mexico for ten years, and won their independence but not their coveted liberties. Iturbide supplanted the Spanish monarchy with the empire of Mexico. This was not republican liberty. Mexicans demanded the essential fruits of their victorious struggle, and on the 2d December, 1822, Santa Anna proclaimed the republic at Vera Cruz, on the spot where Cortez had landed and planted the standard of Spain and the cross just three centuries before. During all that long period Mexico had been a viceroyal state of the Spanish monarchy and had been ruled by sixty-four viceroys, not one of whom was born or reared on her soil.

The Mexican war of independence and her proud success suffer nothing by comparison with our great Revolution. The people of Mexico ordained a liberal and wise constitution, formed upon the model of our own, and united in one free government nineteen states and five territories; one of the territories being Texas, which afterward became a state of Mexico, as the twin sister of Coahuila. Many of those are now living who welcomed Mexico as an independent republic into the family of nations and into the American sisterhood of States with rapturous delight. Their children should not easily forget the proud emotions of joy and triumph with which those sister-republics first grasped the hand of friendship and plighted to each other the faith and vow of mutual support and protection. Our first treaty with Mexico was a treaty of limits. We first fixed the boundaries, and then afterward we treated of amity and commerce in the most liberal and fraternal spirit. Those were proud days for Mexico, and we shared her pride and rejoiced in her prosperity.

Our limits then were the Sabine River to thirty-second parallel of latitude, thence north to Red River, thence west with that river to longitude 100° west from London, thence north to Arkansas River, thence along that river to latitude 42° and by that parallel to the South Sea.

Colonists from the United States were invited to Texas by Mexico. They assembled in numbers and when a revolution in Mexico in 1835 abrogated the constitution of 1824 and converted the confederation of States into a consolidated republic Texas alone of all the States refused to submit, and Santa Anna levied war against her and invaded the State. He remained there a prisoner of war, and Texas gained her independence while fighting within the Union for her rights under the Mexican constitution. Her independence was only declared within a month before the battle of San Jacinto.

Texas did not resort to the overt measure of secession; she adhered to the union until the federal government drove her out and then she became independent. These facts are worthy of attention as showing how very similar were the issues upon which Mexico was dismembered, and from which the United States escaped dismemberment not without great difficulty and terrible losses. In Texas alone Mexico lost 274,856 square miles of her territory. Within a single decade the United States acquired more than one million square miles of Mexican territory, leaving her only 761,640 square miles. It has turned out that the portion of Mexico that has fallen to us is the richest part of her domain in agricultural productions and probably in mineral wealth. For all this vast and incomparable territory she has received less than half the sum we are likely to bestow as a bounty on a single railroad to traverse a part of the ceded territory.

No just estimate of a proud-spirited people could lead us to expect that they would not have apprehension that our purposes toward them were not free from all color of selfish aggrandizement. In dealing with them we should try to understand them and appreciate their views with reference to ourselves in a spirit of candor, and we should attempt to remove all unjust suspicion of our motives by open, frank, and plain declarations of our policy and of the principles of our action toward them. They should be made to feel that the present generation of men, after having so recently escaped the anarchy that has so often distracted their republic, in restoring our country to constitutional rule, would be glad to strike hands with them again as our fathers did in 1824; that our new covenants should extend beyond the mere guarantees of independence from foreign domination and should include the restoration of peace, order, law, and liberty under constitutional protection to those people.

The rudiments of constitutional liberty were not taught to Mexico under the Spanish monarchy as they were taught to us under British rule in Magna Charta, in the petition of right, the bill of rights, and the act of settlement. They copied from us what we had inherited from the wisdom and experience of many generations, each improving on the work of their ancestors. If, when they met with troubles that it seemed impossible to survive, they lost their way for a time and anarchy reigned in the midst of tumult, darkness, and violence, we should remember, in forming our opinions of their capacity for free self-government, that without the steady light of the experience of centuries to guide us we would have fallen as they have often done. We have had our troubles, from which the counsels of our fathers delivered us. Our people have not yet been restored to equanimity and repose with reference to a disputed presidential succession which occurred eighteen months ago.

In that dangerous agitation our safety was due to the conservatism in which the great body of our people have been bred, rather than trained, causing them to esteem the great essential elements and principles of liberty secured by constitutional guarantees, as above the value of everything else connected with government—the advantages of power, the emoluments of office, and the glory of success. They felt that one presidential succession secured by the intervention of military power, or by an armed mob, would not only make other such successions possible, but would make any succession impossible that was not enforced at the point of the sword.

The troubles of Mexico began with an event like this, and the people permitted a resort to arms for its settlement. It will be their most difficult task to retrace their steps and to regain that high ground of regard and veneration for constitutional authority which is the only safety of a constitutional republic and which would have saved them from many a bloody revolution. Viewing the dangers we have so narrowly escaped, my sympathies for the Mexican people are deeply excited; and when we see them, after every new struggle and after misfortunes so great and so often repeated, always returning to their first love—a constitutional republic—we must heartily acknowledge that they merit our respect and confidence.

Ten millions of people thus wedded to liberty and devoted to the right of self-government are the worthy friends of this great republic. Led by a native Indian chief, they fairly beat the united power of the French and Austrian empires and wrested from the hands of a wise and able monarch the scepter with which he had supplanted their sovereignty. In everything but the internal administration they are a united and powerful people. Whatever may be the opinions of foreign nations as to the Mexican people or their government, they are entitled to our respect and sympathy, and we should enter into any proper alliance with them as equals. They should be invited to unite with us in the reannunciation of the Monroe doctrine, if it is still a doctrine of our national policy. If it is not, it should be renounced. But it is the doctrine of our people, and they will witness its abandonment only with indignant shame. Within six months after the close of our civil war the Government could have united the Federal and confederate armies into one common host of volunteer soldiery to have expelled Maximilian from Mexico.

What I have said as to the respect and sympathy due from the people of the United States to the people of Mexico has been said in full view of the border outrages from which our people have suffered and yet suffer so severely. I do not fail to appreciate that evil, nor do I underestimate its magnitude. The able and exhaustive report of the House Committee on Foreign Affairs, presented by its chairman, Hon. Mr. SCHLEICHER, of Texas, brings to the attention of the country a state of affairs in that quarter that cannot be tolerated, and confronts us with the duty of its prompt consideration. The selection of the proper remedy is a matter of grave difficulty. We can, in some sort, suppress these raids by maintaining a heavy military force on the borders at an annual expense of six to eight millions of dollars, but it is our duty not to submit to this necessity.

This is a tax that the country should not be compelled to bear, and that the people will not willingly vote. Besides this there are but two alternatives open to us; first, the conquest of Mexico and its absorption into the American Union, or the establishment over it, as a province, of a military government; second, the concentration of the influence and power of the entire people of Mexico, through treaty agreements, upon this subject in such a manner and with such decisive effect that they will be able to put an end to these troubles.

I do not understand that any federal government in Mexico has aided or encouraged the marauders on the Rio Grande. On the contrary, those in authority have made efforts, more or less vigorous, but none effectual, to repress them. It is those who seek to gain power, the *pronunciadores*, who are alert at all times to excite the people to insurrection, that are promoting these raids. They appeal to a traditional jealousy and hatred of the Government of the United States

to invite these people to commit theft and murder, and justify the crimes by reference to their former causes of resentment. With the leaders these movements are mainly designed for political effect. With their followers the hope of plunder and booty is sufficient incentive to the most cruel outrages. I have failed to discover that the people of Mexico who live away from the borders give any support or countenance to these robbers. In Central Mexico, and especially in the cities and larger towns, the citizens of the United States are treated with hospitality and consideration.

I feel quite strong in the conviction that, if the people of Mexico could be brought to the consideration of this subject with reference to its importance to their own welfare, they would compel any and every government to which they may be subjected to use all the force necessary to give perfect security to the borders. I am satisfied that the chief difficulty at the bottom of this matter is in the fact that the people of Mexico are not convinced that it is our purpose to deal with them in a just and generous spirit.

This jealousy of the people of the United States displays itself in almost every public act that relates to us. In the granting of concessions to railroad companies which have been projected toward our borders, conditions are always imposed which are designed or expressly stated to have the effect of excluding the people of the United States from ownership or control over the roads. They expressly stipulate that the companies shall receive no aid from the United States Government. They seem to be apprehensive that whatever we do with reference to them or propose to do in concert with them is designed as the initial act of a project of aggression.

This disposition is plainly exhibited in the extensive diplomatic correspondence of our Government with that of Mexico in reference to the Garay and Sloo contracts and the Gadsden treaty. This is the root of the trouble; and until we remove it we are in danger of being forced to extremities with the people of Mexico, which would be deplorable in every sense. We must convince them, and that at an early period, that we do not intend to extend our Government over any more of their territory, and thus secure their confidence and arouse them to provide for the peace and security of our people on the borders. Or, failing in this, we must give them to understand that, if we should be compelled to move our lines further out as a means of security to our people, we will establish our border lines on the southern boundary of Campeachy, Chiapas, and Yucatan, and thence along the coast to our present boundary.

In this connection, for the purpose of showing what the real spirit of Mexico is in reference to us, I will call the attention of the Senate to some brief extracts from articles which appeared in the leading journals of Mexico about the time orders were given by this Government to General Ord to cross the Rio Grande with his troops and make arrests of marauders who might escape to that side of the river. The first is from the Monitor Republicano, an independent opposition paper:

THE AMERICAN INVASION.

Public attention has been very much excited by the news of the projected American invasion brought by the last packets.

After our civil wars, after our social decay, after all our political misfortunes, we have before us, we have over our heads, the formidable threat of a nation that not without reason has been called the American colossus.

The press of the United States is at this moment discussing the propriety or impropriety of the policy President Hayes is pursuing with respect to a country weak, but jealous of its independence. The Mexican press will unanimously repel the unjust aggression which with a political view is falling over our country.

Every evil, every misfortune appears to have been let loose against us; this is the moment to resort to that holy passion called patriotism, to avoid the catastrophe. Poor Mexico! It was not sufficient for you to see your fields laid waste and your sons decimated by civil strife; it was necessary that a nation that called itself a friend should select the most painful crisis in order to discharge on you the weight of its strength.

We are very fearful that the negotiations that are to be commenced with the American generals and the government of that country will not have a happy result. It is the general opinion that President Hayes needs to withdraw the public attention from the irregularities of his election, and to provoke a war that will permit him to maintain an army sufficiently respectable to meet every emergency.

The newspapers that support our cause inform us that even the superstition of the people has been worked on by making them believe that a locust having its wings in the form of a "w" proclaims or foretells war. The giant has, then, allowed the idea to flit across his brain of annihilating us under his powerful hand; and if he has not already done it, it perhaps is because the nineteenth century is destroying the doctrines of the right of conquest and because they who attempt to destroy the nationality of a people are condemned at the bar of civilization.

We have wasted our political and social vitality; we have been destroying and annihilating ourselves, while our powerful neighbor has gone on prospering under the development of its just and liberal institutions, and the hour of peril has come, finding us more than ever exhausted of blood, and with only the vigor inspired in every Mexican by the love of his country, his nationality.

This is not the time for rancor and political odium; we should rally under our flag and give each other a brotherly embrace. General Diaz has already answered the first menace of the neighboring nation, and in truth the note of our minister of war is dignified, energetic, and forms a strong contrast with the order in which General McCrary orders the invasion of our territory if circumstances make it necessary. "You will repel force by force in case the invasion takes place," is the order given to General Treviño, as it is, indeed, the duty of the Mexicans; in complying with it it may be that they will not be triumphant, but they will have the satisfaction of sustaining the dignity of the country.

I will read a brief extract from another paper which is also styled independent, the Siglo. These papers are considered of sufficient importance for our minister to Mexico, Mr. Foster, to draw the attention of this Government to them. This paper says:

DUTIES TO THE COUNTRY.

If the orders given to General Ord by the Government at Washington with respect to Mexico are highly serious, they have at least served to demonstrate that the sacred fire of patriotism remains intact in the valiant hearts of the sons of the country.

It is not an immediate war that threatens us. We have not yet entered the period of a real conflict. It is not right for us to cast off the hope that the difficulties that have arisen between the two republics may reach a peaceable, proper, and even cordial solution. The way of pacific and dignified negotiations is still open, and nevertheless manifestations in favor of our nationality and our independence are reproduced on all sides and reveal noble and loyal sentiments.

Civil war has consumed us; society is continually in a bad condition; we live in constant revolution; brother has forgotten brother; friend has forgotten friend; the father the son; the son the father; the family is divided; the law is shipwrecked; justice hides her face. But in the midst of this painful confusion a voice is heard that says, "The country is in danger," and immediately is perceived a general movement that seeks one common center of salvation, and that marks the line toward which all lines are uniformed.

These expressions, Mr. President, it is evident upon their face, are not merely the heated declamation of partisanship in the midst of political controversy. Within the city of Mexico and amidst revolutions which have been continually moving about that city, men would not have this liberty and freedom of speech, and they would not speak in these impassioned terms in reference to their country, unless they really felt the force of what they said.

I refer to this as the state of public opinion in Mexico, not one that I by any means concede is justified by our conduct toward Mexico but as indicating that for which we must provide remedies in our relations hereafter to be established or better regulated between this Government and that. I have no fault to find with the diplomatic officers of the United States Government in their dealings with Mexico. It is a difficult, dangerous, and tender subject, and I have cause to believe that our diplomatic relations with Mexico have been guided by wisdom and great prudence, and that all that can be accomplished there will be accomplished if the people of the United States will give assistance to our diplomatic agents through resolutions to be adopted solemnly by both Houses of Congress to the effect that those relations when established by diplomacy are not false expressions of the views of American citizens, but that they do speak the honest, heartfelt sentiments of our people, and that we at last have got our own consent to put a curb on our ambition and stop our march on the Rio Grande.

It is to my apprehension the most alarming danger of the future that the sturdy growth and rapid movement of our people in every field of enterprise, which are the *indicia* of a spirit that will not brook control, may compel us to vote armies to ambitious leaders for the conquest of this continent and its adjacent isles, and then of this hemisphere. Great possibilities suggest themselves readily to a people who have so quickly accomplished the virtual mastery of this continent, and have so well secured and so greatly improved all that has been gained. I dread this abrogation of the lines of neighboring States and this process of absorption of their people, which some seem to gloat upon as the final proof of our greatness. It is better that the lines should stand and that our people should enter them as citizens, taking with them their arts and sciences, invigorating them with their enterprise, and teaching them the excellence of our institutions.

But if we shall ever be compelled further to seek "security for the future and indemnity for the past" in Mexico, it is an idle dream that we shall be able to accomplish it by taking five or six of its northern States. The states of Coahuila, Chihuahua, Nuevo-Leon, Sonora, Lower California, and Durango have 363,506 square miles and 765,478 of population, about two persons to the square mile. With such an addition to the savage population we are now compelled to watch over and provide for, scattered over such a wide range of rugged country, and the ceasless strife on our new borders with the embittered Mexican people, we should find it necessary to increase the Army to at least double its present strength, adding $20,000,000 annually to our expenditures and very little to our resources.

If we are forced to make war or to accept war with Mexico as the means of securing peace upon our borders, I am unable to conjecture how we can ever safely terminate the struggle until we have extended our Government over its entire territory. No event could be more painful than this to one who is the honest friend of free constitutional self-government.

If the people of Mexico and our people were brought together in the free association which trade and commerce make necessary, we would very soon overcome every difficulty that we now find so much in the way of a good understanding between us. I believe that no other agency or instrumentality will ever be found so effectual in this matter as the bringing together of our people and the Mexican people in honorable business and social intercourse. I need not discuss a proposition that is so palpably true and that has proven itself with such happy success in removing the estrangement of our own people after a long and bitter war, in which almost every family in the entire country was involved.

In the treaties we have made with Mexico the points of the third and fourth resolutions have been affirmed in principle. This is notably the case in the Gadsden treaty, which I will refer to. In the eighth article of that treaty General Gadsden arrived at an agreement with the government of Mexico on the very subject that is involved in the third and fourth clauses of the resolution I present, after long and earnest diplomatic interconrse between the two governments, conducted with great vigor and great energy on our part. The eighth article is as follows:

The Mexican government having on the 5th of February, 1853, authorized the early construction of a plank and railroad across the Isthmus of Tehuantepec and

to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house and other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry in addition to the port of Vera Cruz at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

It will be observed that this treaty, with most assiduous care, provides for the transit of mails in closed bags across the isthmus, and for the transit of troops and munitions of the United States, and that passengers may pass without passports or letters of security.

These important advantages yet remain to us over the Isthmus of Tehuantepec. Our Government has not and will not willingly yield them. When Mr. Trist was negotiating the treaty of Gaudalupe Hidalgo he was instructed by our Government to offer a large sum to Mexico for this privilege. I believe it was $15,000,000; as much as we gave for the million square miles of territory we then acquired. No project was ever more warmly espoused by our Government than this railroad across Mexico to connect the two seas. A short extract from the letter of Mr. Fillmore to General Arista will sufficiently show his earnest advocacy of this enterprise.

I will read some extracts from the letters of Mr. Webster and President Fillmore at the time the negotiations were progressing in reference to this Tehuantepec route. Mr. Webster, in a letter to Mr. La Vega, on the 15th of March, 1852, says:

The Government of the United States can in no event be expected to abandon those rights, and ardently hopes that the Mexican government will do justice to them in season. This hope is strengthened by the fact that the Tehuantepec Company have addressed a memorial to this Department, setting forth the grievances which they have sustained from that government, and refuting in a manner which cannot fail to be satisfactory to the people of the United States the reasons alleged by Mexico for inflicting those grievances.

Mr. Fillmore, in a letter to President Arista, who was then President of Mexico, found it necessary to step forward and take this subject of diplomacy into his own executive hands, not because he was not supported by the very ablest men in the United States, but because it became necessary in his opinion to impress upon the Mexican government and the Mexican people the fact that the whole people of the United States had concentrated their desires and fixed their purposes in absolute determination that this right which had been guaranteed, not to us but to one of our citizens, by the transfer or assignment of a contract, should be carried into effect and should be protected by treaty. Said Mr. Fillmore:

The deep interest which I feel for the prosperity of both the American and Mexican republics, and especially for the preservation of harmony between them, induces me to waive the ceremony of diplomatic intercourse and address Your Excellency unofficially upon the subjects of difference between our respective countries. I cannot doubt, from what I have heard from Your Excellency's character, that you sympathize with me fully in my desire to maintain the most harmonious relations with your government, and that your enlarged and enlightened views must enable you fully to appreciate the importance of opening an interoceanic communication between the Atlantic and Pacific, across the Isthmus of Tehuantepec. Though this enterprise may not be indispensable to the commerce of the United States, yet I shall not attempt to disguise the fact that it is one of great importance, and in which the people of this country feel a deep interest. It must be apparent to Your Excellency that in all probability more than one such communication will be opened. Measures are now in progress for opening one through the State of Nicaragua and another through the Isthmus of Panama; and the question therefore presents itself whether it is wise or politic for Mexico to refuse her consent to authorize another route through her territory.

A mere glance at the map must satisfy you that the travel and commerce between the eastern and western shores of North America will naturally take the most northern route between the two oceans; and the same must be true in reference to Europe, and especially Great Britain, in her intercourse with the western coast of America. The commerce of the Atlantic States of North America with the western coast of South America may pass through the Nicaragua or Panama route with as much facility or even more than through the Tehuantepec. Independently of the right which some of our citizens claim under the Garay grant to open this communication, it would be a matter of great indifference to the citizens of this republic whether such communication were constructed by the subjects of Great Britain, the citizens of Mexico, or those of any other country. All that we ask is that the best and safest mode of intercommunication shall be established of which the nature of the country will admit, and that it will be open and free to the commerce of the whole world without any exclusive right in any nation, and under the sole jurisdiction of Mexico herself.

The command of such a commerce must be a mine of wealth to Mexico, and I should feel it was a waste of time to urge upon Your Excellency the importance of securing it to her before it seeks and finally becomes fixed in other channels. I can well understand the prejudices that pervade some of your people against the United States, growing out of recent events, the recollection of which I sincerely wish might be buried in oblivion. I can also understand how these prejudices may affect the representatives of those people in congress, whose assent is necessary to the ratification of the treaty that shall secure these blessings to Mexico and the commercial world. But I am sure Your Excellency will rise above all such local and popular prejudices and view this question as one of great importance to Mexico and of scarcely less importance to the world.

Now, sir, there was the difficulty. General Arista, at the head of that republic, was regarded by all Mexicans not merely as a true and honest patriot but as a man of greatness, liberality, and intelligence; and the President of the United States, in addressing to him a personal communication, to which he replied in a spirit that is almost filled with anguish as to his want of power to control Mexican sentiment, addresses himself to the very point which is to-day the point of most imminent necessity for consideration; that is, that the people of Mexico are jealous of us and will not support their men in authority in having those negotiations with us which are so absolutely essential to the proper establishment of good relations between the two countries.

From the time that General Arista wrote his reply to Mr. Fillmore down to this time, that jealousy has not only existed, it has not even been modified; I may say, to the contrary, it has been aggravated; not by our fault, not by our misconduct, but, as I said in the opening of my remarks, by the misfortunes attending the efforts of both countries, that the people on both sides of this line are imbued with a suspicion. Whatever we may say in our diplomatic treaties with Mexico, there is still an underlying belief on the part of that people that it is the policy and the destiny of the American Republic to absorb their empire. That is the view I desire to submit; that is the first foundation-stone that must be laid for permanent peace between Mexico and the United States.

A railroad from the Rio Grande to the City of Mexico, connecting with the Texas lines, would be of far greater value to the United States now and hereafter than the Tehuantepec line could ever have been.

Along the Mexican coasts on both sides there is a coast range of mountains a short distance back from the seas that rise to a great height, and are so abrupt and declivitous as almost to defy the skill of the engineers to build railroads across them. The road from Vera Cruz to the City of Mexico is an average grade of one hundred and thirty-three and one-half feet to the mile, and cost about $27,000 to the mile, its length being two hundred and sixty-three and one-half miles. In places it cost over $150,000 to the mile. Yet this is one of the most eligible passes from the coast to any part of the great interior plateaus.

This subject is so ably treated by Mr. de Vietelli in the American Encyclopedia that I cannot forbear to read an extract from his article. Speaking of Mexico, he says:

The face of the country is extremely diversified. The littoral regions are in general low and sandy, especially on the Atlantic side, where they were probably submerged at no remote period as far as the foot of the mountains. In no part of the republic within thirty miles of the sea does the land rise higher than one thousand feet, except perhaps in Chiapas, where the chain of the Mexican Andes presents a mural barrier facing the ocean, toward which the descent is exceedingly rapid. But the traveler, journeying inland from either side north of the Tehuantepec Isthmus, climbs by a succession of gigantic terraced mountains to a table-land with a mean elevation of eight thousand feet, extending far beyond the northern limits of the republic.

That is a very important matter, that eight thousand feet rise at the City of Mexico, extending far beyond the northern region of the republic.

On the railway from Vera Cruz to the capital, every variety of climate is experienced within the space of a few hours, and the natural productions peculiar to each are successively passed in review, from the sugar-cane, indigo plant, and plantain of the tropics to the pines, firs, and licheus of the north. The cordillera of the Andes enters the Mexican territory from Guatemala, and to about latitude 17° 30′ extends almost midway between the Atlantic and Pacific Oceans; from that point it curves nearly due north to latitute 21° 15′ and approaches the east coast, attaining its maximum elevation somewhat south of the parallel of Mexico City, between Toluca on one side and Jalapa and Cordova on the other, where several peaks rise to fifteen thousand and seventeen thousand feet above the sea. Still farther north the Sierra Madre runs north by west toward Guanajuato, near which city it widens considerably and separates into three distinct branches, the most easterly of which trends in a generally northern direction through Nuevo-Leon to latitude 24° 30′, then bends northwest, and, traversing Coahuila, gradually declines in elevation as it approaches the Rio Grande. The central branch, or Cordillera de Anáhuac, the highest of the three, runs northwest through Zacatecas, Durango, and Chihuahua, taking successively the names of Sierra de Acha, Sierra de los Mimbres, Sierra Verde, and Sierra de los Grullas; about latitude 30° it is united by a system of spurs with two lateral chains, that of Texas to the east and that of Sonora to the west.

A most remarkable geographical configuration which attracted the attention of Humboldt in his earlier travels through this continent.

The western chain, or cordillera proper, runs nearly parallel to the last through Michoacan, Jalisco, Zacatecas, Sinaloa, and Sonora, and is linked by spurs advancing westward to the maritime Alps of California. That portion of the Mexican Andes richest in silver is comprised between latitude 16° and 20°, while the alluvial auriferous soil continues a few degrees farther northward. A striking similarity between the general structure of the Mexican and that of the South American Andes is observable in the barrancas or vast fissures frequently intersecting the cordilleras. The backs of the mountains form very elevated plateaus or basins sufficiently uniform in height to be regarded as one of continuous table-land. The valley of Mexico is an elliptical plain with an area of about nine hundred and forty square miles, fringed on the east, south, and west by lofty peaks, some of which are active volcanoes. Indeed, the plain may be regarded as one vast volcanic hearth, roughened at intervals by isolated hills rising abruptly from the surrounding level.

The most elevated summits are at the southeast, where Popocatepetl and Iztaccihuatl tower majestically over all the rest. So regular is the great plateau (formed exclusively by the broad, undulating, flattened crest of the Mexican Andes, and not the swelling of a valley between two mountain ridges, such as the Alpine valley of Bolivia or that of Thibet) and so gentle are the slopes where depressions occur that the journey from Mexico to Santa Fé, New Mexico, (about twelve hundred miles,) might be performed in a four-wheeled vehicle. From Mexico south to Oajaca, in the center of the plain of that name, with an elevation varying from three thousand to six thousand feet, the route is almost as level as from the capital northward.

The silver-bearing and gold-bearing portion of Mexico in actual value is far below its agricultural worth. I will add to this a short

extract from the report of the committee of the House of Representatives, to which I have just referred, which embodies some additional statistics and facts in regard to this subject. The report of the Committee on Foreign Affairs, heretofore alluded to, after an explanation that the United States should liberally subsidize a line of steamships from some American port to Vera Cruz, says:

Of far more importance and promise to our commercial intercourse, but requiring more time for its practical application, would be the extension of one or more of our lines of railroad into Mexico.

In support of this recommendation the report states further:

That there are no serious physical difficulties in the way of such extension has been well known since the time of Humboldt's visit to Mexico, at the beginning of this century. In his Political Essay on New Spain that eminent observer, who paid particular attention to the topography of the country with reference to its facilities for commerce, gives an accurate and most interesting geographical description of that portion of Mexico that would be so traversed.

The following statement, in its principal features, is taken mainly from his observations:

The eastern coast of Mexico has, properly speaking, no port, for Vera Cruz is merely a bad anchorage between the shallows of La Coleta, La Gallega, and La Lavandera. From this port, such as it is, a narrow belt of low lands extends to the mountains, and then there is an ascent, which is almost impracticable for a railway, to the principal, most desirable, and most populous part of Mexico, the high table-land on which the City of Mexico, as well as all the most important cities are situated. There is not in the whole country, after leaving the Gulf coast, a single navigable river.

From the City of Mexico the high table-lands extend with a gradual descent toward the north of Texas, and as far as New Mexico. Humboldt expressly calls attention to this admirable topography for a wagon-road, and points out how, from the line of Louisiana, an almost uninterrupted plain leads with a gradual ascent to the plateau upon which the City of Mexico is situated.

South of the Rio Grande there is not a noticeable river to be crossed.

The distinguished geographer speaks of wagon-roads simply because railroads were not then known. But from his remarks, confirmed as they have been by all subsequent observers, the conclusion is irresistible that if any country is both destined to be developed by railroads and dependent on railroads for its development, it is the high table-land region of Mexico from the City of Mexico to the Rio Grande, and that nature itself indicates the line for such railroads. One or more railroads extending from Texas into Mexico on this natural route would connect the important cities of Monterey, San Luis Potosi, Durango, Zacatecas, Aguas Calientes, Guadalajara, Leon, Guanajuato, Queretaro, the City of Mexico, and many others, with our country.

Lines of railroad on the table-land would be able to give very cheap freights, and would offer a direct and far more feasible connection with our own seats of commerce than that by way of the dangerous and sickly harbors of the Gulf coast.

* * * * * * *

It is quite obvious that the development of our commerce would be very much more promoted by direct communication with the interior of Mexico than by the most successful competition we can otherwise look for.

The city of Mexico is indeed "a city set on a hill, which cannot be hid" from discerning eyes. At an elevation of eight thousand feet above the level of the sea, it is ready to pour the rich productions of the great plateaus of the interior into the lap of the Mississippi Valley lying at the foot of this long and gentle incline, of which the Mississippi River is the eastern border and the Gila and Colorado Rivers are its northwestern borders. Between these great centers of commerce there is no barrier of natural obstruction. It is a smooth and open way, with easier gradients than any line of equal length across this continent. This has been the highway of nations for many centuries, the great military road of Mexico leading to the Saline and to El Paso del Norte. Neither Mexico nor the United States will have done their plainest duty until they have placed upon it a line of railway to bind these countries together with the real and enduring bonds of peace and unity.

In this enterprise rests in a large degree the peaceful and honorable solution of all our troubles; the healing of all our bitter animosities; the cordial friendship of our people; their united effort in maintaining and disseminating the principles of republican government, and with them civilization, knowledge, and the moral elevation of the people who now waste in darkness. The two great republics, thus honorably engaged in a work so full of the fruits of peace and righteousness, would again recall the attention of mankind to the contrast of our free institutions as compared with the baneful principles of monarchical power, which having covered Bulgaria and Roumania and Armenia with the corpses of soldiers and of women and children left rotting in the open air to gratify an insane love of power, now alarms every household in Europe and Asia with apprehensions of universal war. I desired to open to the Senate this door of inquiry into this great subject, and not to direct their inquiries to every important feature that it so readily suggests. I hope the subject may receive that enlightened consideration which the Committee on Foreign Relations are so well able to bestow upon it, and that they may feel, as I do, that there is an imminent necessity for their early action.

I move that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

EXECUTIVE BUSINESS.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

During the executive session the injunction of secrecy was removed from an affidavit of Alexander Warner, in relation to the nomination of George F. Cutter, which was read in executive session, and from the report of the Committee on Naval Affairs on the said nomination; whereupon,

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the affidavit of Alexander Warner be referred to the Committee on Naval Affairs, with instructions to inquire into all the circumstances connected with his dismissal from the public service at the navy-yard at Brooklyn; and that in their investigation the committee have power to send for persons and papers.

Resolved, That the committee be authorized to appoint a subcommittee to proceed to New York to take testimony, with power to send for persons and papers and to administer oaths to witnesses.

After one hour and thirty-two minutes spent in executive session the doors were reopened, and (at three o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 15, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

CORRECTION OF THE JOURNAL.

The Journal of yesterday was read.

Mr. DWIGHT. I desire to make a correction of the Journal. I am reported as not voting yesterday on the motion of the gentleman from New York [Mr. WOOD] to adjourn. I voted in the negative.

The SPEAKER. The Journal will be corrected accordingly.

The Journal as corrected was then approved.

ORDER OF BUSINESS.

Mr. WOOD, Mr. DURHAM, Mr. BRIDGES, and others addressed the Chair.

Mr. WOOD. I rise to a privileged question.

Mr. BRIDGES. I desire to ask unanimous consent to report from the Committee on Foreign Affairs the joint resolution (H. R. No. 168) to require the Secretary of State to furnish information to Congress in reference to the claim of Carlos Butterfield against the government of Denmark.

The SPEAKER. The Chair understood the gentleman from New York [Mr. WOOD] to rise to a privileged question.

Mr. WOOD. I desire to ask whether a question of privilege arising upon a proposition for final adjournment is of higher character than the question of privilege already before the House.

Mr. HALE. Is not that a question for the House to settle?

The SPEAKER. The gentleman from New York makes inquiry of the Chair whether the Senate concurrent resolution providing for the final adjournment of the two Houses of Congress on the 10th of June next is or is not a question which can be considered during the pendency of the question of privilege now before the House as unfinished business.

Mr. HALE. I wish to suggest to the Chair this inquiry: whether, as both the question under consideration and that referred to by the gentleman from New York are questions of privilege, it is not for the House now to settle which one it shall first consider?

The SPEAKER. The Chair is of the opinion that the resolution for final adjournment is a question of privilege between the two Houses; that it is analogous to a conference report, which is held to be in order even against a motion to adjourn as it runs to the settlement of differences of action between the two Houses; and therefore, in reply to the gentleman from New York, the Chair would hold the resolution for final adjournment of the two Houses of Congress is a question of privilege between the two Houses.

Mr. WOOD. And therefore takes precedence and is first to be disposed of.

The SPEAKER. The Senate concurrent resolution fixing the final adjournment for the 10th of June next, having been postponed until this day after the reading of the Journal, comes up first to be disposed of.

Mr. HALE. As a question of the highest privilege?

The SPEAKER. As a question of higher privilege between these two questions.

FINAL ADJOURNMENT.

Mr. WOOD. I call up, then, Mr. Speaker, the Senate concurrent resolution fixing the final adjournment of the two Houses of Congress of the present session on the 10th of June next, which was postponed to this day, and move its further postponement until the 29th instant, and on that question I demand the previous question.

Mr. O'NEIL. I hope the House will not further postpone its consideration.

Mr. GARFIELD. I hope, Mr. Speaker, the gentleman will give the House the reasons why he moves the postponement.

The SPEAKER. Inquiry should be addressed to the Chair.

Mr. GARFIELD. I did address the Chair. I said, "I hope, Mr. Speaker, the gentleman will state his reasons for asking the postponement."

The SPEAKER. The reason why the Chair has called attention to the rule is because the other day there was a controversy about a motion——

Mr. WOOD. The gentleman from Ohio appeals to me to know why I move the postponement of the further consideration of this resolu

tion. If the House desires me to state the reason why, I will briefly do so. Of course it requires unanimous consent, as the previous question is not debatable.

Mr. HOUSE and Mr. CHALMERS demanded the regular order.

Mr. WOOD. I demand the previous question.

Mr. GARFIELD. The gentleman has the right to do this in his own time.

The SPEAKER. But the gentleman has demanded the previous question.

The House divided; and there were—ayes 80, noes 67.

So the previous question was seconded and the main question ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to further postpone the consideration of the Senate concurrent resolution for the final adjournment of the two Houses on the 10th of June next until the 29th of May, after the reading of the Journal.

Mr. HALE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 130, nays 106, not voting 55; as follows:

YEAS—130.

Acklen,	Dickey,	Hooker,	Sayler,
Aiken,	Douglas,	House,	Scales,
Atkins,	Durham,	Hunton,	Schleicher,
Banning,	Eden,	Jones, Frank	Shelley,
Bell,	Eickhoff,	Jones, James T.	Singleton,
Benedict,	Elam,	Kenna,	Slemons,
Bicknell,	Evins, John H.	Kimmel,	Smith, William E.
Blackburn,	Ewing,	Knapp,	Southard,
Bliss,	Felton,	Ligon,	Sparks,
Blount,	Finley,	Lockwood,	Springer,
Boone,	Forney,	Luttrell,	Steele,
Bouck,	Franklin,	Lynde,	Stenger,
Bragg,	Fuller,	Mackey,	Swann,
Bridges,	Garth,	Maish,	Townshend, R. W.
Bright,	Gause,	Manning,	Tucker,
Buckner,	Gibson,	Mayham,	Turner,
Cabell,	Giddings,	McKenzie,	Vance,
Caldwell, John W.	Glover,	McMahon,	Veeder,
Caldwell, W. P.	Goode,	Mills,	Waddell,
Candler,	Gunter,	Morgan,	Walsh,
Chalmers,	Hardenbergh,	Morrison,	Warner,
Clark of Missouri,	Harris, Henry R.	Muldrow,	Whitthorne,
Clymer,	Harris, John T.	Muller,	Wigginton,
Cobb,	Harrison,	Phelps,	Williams, A. S.
Collins,	Hart,	Potter,	Williams, James
Cook,	Hartridge,	Pridemore,	Williams, Jere N.
Cox, Samuel S.	Hartzell,	Rea,	Willis, Albert S.
Cravens,	Hatcher,	Reagan,	Wilson,
Crittenden,	Henkle,	Reilly,	Wood,
Culberson,	Henry,	Riddle,	Yeates,
Davis, Joseph J.	Hewitt, Abram S.	Robbins,	Young.
Dean,	Hewitt, G. W.	Robertson,	
Dibrell,	Herbert,	Ross,	

NAYS—106.

Aldrich,	Cox, Jacob D.	Ittner,	Randolph,
Bacon,	Crapo,	James,	Reed,
Bagley,	Cummings,	Jones, John S.	Rice, William W.
Baker, John H.	Danford,	Jorgensen,	Ryan,
Ballou,	Davis, Horace	Joyce,	Sampson,
Bayne,	Deering,	Keifer,	Sapp,
Blair,	Denison,	Keightley,	Sexton,
Boyd,	Dunnell,	Ketcham,	Shallenberger,
Brentano,	Dwight,	Lapham,	Smalls,
Brewer,	Eames,	Lathrop,	Smith, A. Herr
Briggs,	Evans, I. Newton	Lindsey,	Starin,
Brogden,	Evans, James L.	Marsh,	Stewart,
Browne,	Fort,	McGowan,	Stone, John W.
Burchard,	Foster,	McKinley,	Stone, Joseph C.
Burdick,	Gardner,	Mitchell,	Thompson,
Butler,	Garfield,	Monroe,	Tipton,
Cain,	Hale,	Neal,	Townsend, Amos
Calkins,	Hanna,	Norcross,	Van Vorhes,
Camp,	Harmer,	Oliver,	Wait,
Campbell,	Hayes,	O'Neill,	Ward,
Cannon,	Hazelton,	Page,	Welch,
Caswell,	Hendee,	Patterson, G. W.	White, Michael D.
Chittenden,	Henderson,	Peddie,	Williams, C. G.
Claflin,	Hiscock,	Phillips,	Williams, Richard
Clark, Rush	Hubbell,	Pollard,	Wren.
Cole,	Hunter,	Pound,	
Conger,	Hungerford,	Price,	

NOT VOTING—55.

Baker, William H.	Errett,	Metcalfe,	Stephens,
Banks,	Freeman,	Money,	Strait,
Beebe,	Frye,	Morse,	Thornburgh,
Bisbee,	Hamilton,	Overton,	Throckmorton,
Bland,	Harris, Benj. W.	Patterson, T. M.	Townsend, M. I.
Bundy,	Haskell,	Powers,	Turney,
Carlisle,	Humphrey,	Pugh,	Walker,
Clark, Alvah A.	Kelley,	Quinn,	Watson,
Clarke of Kentucky,	Killinger,	Rainey,	White, Harry
Covert,	Knott,	Rice, Americus V.	Williams, Andrew
Cutler,	Landers,	Roberts,	Willis, Benj. A.
Davidson,	Loring,	Robinson, G. D.	Willits,
Ellis,	Martin,	Robinson, M. S.	Wright.
Ellsworth,	McCook,	Sinnickson,	

So the motion was agreed to.

During the vote,

Mr. CLARK, of New Jersey, said: Mr. Speaker, I am paired with Mr. STRAIT, of Minnesota. If he were here, I would vote in the affirmative.

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired with Mr. HARRIS, of Massachusetts. Mr. STEPHENS is absent by leave of the House.

Mr. HAMILTON. I am paired with my colleague, Mr. ROBINSON. If he were present, he would vote in the negative and I would vote in the affirmative.

Mr. WILLIS, of Kentucky. My colleague, Mr. CARLISLE, is paired with Mr. POWERS, of Maine.

Mr. MARTIN. I am paired with Mr. PUGH, of New Jersey, who, I believe, will be back to-day.

Mr. BEEBE. I am paired with my colleague, Mr. BUNDY.

Mr. TURNEY. I am paired with my colleague, Mr. WHITE. If he were here, I would vote in the affirmative.

Mr. DAVIDSON. I am paired with Mr. BISBEE. I would vote in the affirmative and he would vote in the negative.

Mr. KNOTT. I am paired with the gentleman from Maine, [Mr. FRYE.] If he were present, he would vote in the negative and I would vote in the affirmative.

Mr. THROCKMORTON. I am paired with Mr. ERRETT, of Pennsylvania. If he were present, I would vote in the affirmative and he would vote in the negative.

Mr. HENRY. My colleague, Mr. ROBERTS, is in the city but is detained at his room by illness.

Mr. O'NEILL. My colleague, Mr. ERRETT, is paired with Mr. THROCKMORTON. If present, Mr. ERRETT would vote in the negative. Mr. KILLINGER is paired with Mr. PATTERSON, of Colorado. Mr. KILLINGER, if present, would vote in the negative.

Mr. SINNICKSON. I am paired with Mr. RICE, of Ohio. If he were here, he would vote "ay" and I would vote "no."

Mr. ROBINSON, of Massachusetts. I am paired with Mr. LANDERS, of Connecticut. If he were present, he would vote "ay" and I should vote "no."

Mr. WILLIAMS, of New York. I am paired with Mr. MONEY, of Mississippi. If he were here, I should vote "no."

Mr. STONE, of Michigan. My colleague, Mr. WILLITS, is absent by leave of the House. If he were present, he would vote "no."

Mr. DUNNELL. My colleague from Minnesota, Mr. STRAIT, is paired with Mr. CLARK, of New Jersey.

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky. If he were here, I should vote "no."

Mr. PATTERSON, of Colorado. On the question of fixing the time for the final adjournment, I am paired with Mr. KILLINGER, of Pennsylvania. If he were present, I would vote "ay" on the pending proposition.

Mr. MITCHELL. My colleague from Pennsylvania, Mr. OVERTON, is absent by leave of the House. He supposed he was paired, but the return of the gentleman with whom he was paired releases the pair.

Mr. McCOOK. My understanding yesterday with my colleague from New York [Mr. WILLIS] was that I was paired with him for that day only; but lest there should be any possible misunderstanding I do not vote. If Mr. WILLIS had been present, I would have voted "no."

The result of the vote was then announced as above recorded.

Mr. WOOD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendments of the House of Representatives to the bill (S. No. 926) for the sale of timber lands in the States of California and Oregon and in Washington Territory.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories, to fell and remove timber on the public domain for mining and domestic purposes.

The message further announced that the Senate had passed, without amendment, a bill and joint resolution of the House of the following titles:

The bill (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation in the State of New York; and

The joint resolution (H. R. No. 151) directing the Secretary of the Treasury to refund to the society of the Sons of St. George, established at Philadelphia, the sum of $1,440.25 in gold, being the amount paid by said society upon a colossal statue of St. George and the Dragon.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes.

ORDER OF BUSINESS.

Mr. BRIDGES. I ask unanimous consent to report back from the Committee on Foreign Affairs for present consideration the joint resolution (H. R. No. 168) requiring the Secretary of State to furnish information to Congress in reference to the claim of Carlos Butterfield against the government of Denmark.

Mr. BLACKBURN. I demand the regular order.

ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the unfinished business of yesterday, and the pending question is upon seconding the previous question upon the preamble and resolution offered by the gentleman from New York [Mr. POTTER] on Monday.

The question was taken; and upon a division there were—ayes 118, noes 0.

Mr. HALE. No quorum has voted.

The SPEAKER. The gentleman from Maine having made the point that no quorum has voted, the Chair will order tellers. The Chair appoints the gentleman from New York [Mr. POTTER] and the gentleman from Maine, [Mr. HALE.]

The House again divided; and the tellers reported that there were—ayes 122, no 1.

Mr. HALE. No quorum has voted. I move that there be a call of the House.

The motion was agreed to—ayes 95, noes 30.

The Clerk proceeded to call the roll, and also called the list of absentees; when the following members failed to answer to their names:

Bisbee,	Killinger,	Quinn,	Townsend, M. I.
Bundy,	Landers,	Rice, Americus V.	Walker,
Carlisle,	Loring,	Roberts,	Walsh,
Clarke of Kentucky,	Money,	Robinson, M. S.	White, Harry
Ellsworth,	Morse,	Stephens,	Willis, Benj. A.
Errett,	Overton,	Stewart,	Willits,
Frye,	Powers,	Strait,	Wright.
Harris, B. W.	Pugh,	Thornburgh,	

The SPEAKER *pro tempore*, (Mr. SOUTHARD in the chair.) The roll-call is now complete, and it appears that two hundred and sixty members have answered to their names, which is a quorum.

Mr. POTTER. I move to dispense with further proceedings under the call.

The motion was agreed to.

The question recurred upon seconding the previous question upon the resolution offered by Mr. POTTER on Monday last.

Mr. HALE. Will the gentleman from New York listen to me for a moment?

Mr. KENNA. I demand the regular order.

The question was put; and on a division there were—ayes 127, noes 0.

Mr. HALE. No quorum has voted.

The SPEAKER. No quorum having voted, the Chair will appoint tellers. The gentleman from New York [Mr. POTTER] and the gentleman from Maine [Mr. HALE] will act as tellers.

The House again divided; and the tellers reported—ayes 120, no 1.

Before the result of the vote was announced,

Mr. CALDWELL, of Tennessee, said: I rise to a question of order. The rules of the House require that every member upon the floor shall vote unless he has been excused by the House.

The SPEAKER. The House is now dividing, and the Chair will hear the point of order hereafter.

Mr. CALDWELL, of Tennessee. I ask for a decision on the point of order now, and for the enforcement of Rule 31.

Mr. HALE. I make the point of order now that no quorum has voted in order to save it.

The SPEAKER. The Chair takes cognizance of the point of order of the gentlemen from Maine. The rule referred to by the gentleman from Tennessee will now be read.

The Clerk read as follows:

Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.

Mr. CALDWELL, of Tennessee. Rule 2 makes it the duty of the Speaker of this House to preserve order and decorum, and Rule 31 makes it the duty of every member upon this floor to vote unless he has been excused by the House. The language of the rule is imperative, that he shall vote unless he has been excused by the House. Now I call attention to the fact and I will name a member, that the Speaker may know to whom I allude. I call attention to the fact that the gentleman from Illinois [Mr. CANNON] has failed to vote, and he has not been excused by the House.

Mr. CANNON, of Illinois. I am present.

Mr. BANKS. There is no question before the House. This is not a debatable question; it relates to the order of business.

Mr. FORT. I submit that we are all paired upon this side.

The SPEAKER. This is not a new question, or a new difficulty rather. The Chair has caused the rule to be read, which is the extent, he thinks, of his power in this connection; in other words, he knows of no way, no physical power that can be exercised even by the Sergeant-at-Arms, and no persuasive power of the Chair, even if he possessed it, to compel gentlemen to vote; but if the gentleman from Tennessee indicates a way the Chair will follow it.

Mr. CALDWELL, of Tennessee. I suggest that the Chair can order the Sergeant-at-Arms to carry the members who stand in flagrant and contumacious disregard of the rules and orders of the House between the tellers. [Laughter.]

Mr. BREWER. Let him try it.

Mr. CAMP. How would the Sergeant-at-Arms know which way a man wanted to vote?

Mr. MILLS. This question was raised by the republicans against non-voting democrats on the civil-rights bill, and I wish to remind the House that the decision made by Mr. Speaker BLAINE, when the point was made by some of the republicans that the democratic members did not vote, was that you could lead a horse to water, but you could not compel him to drink. [Laughter.]

The SPEAKER. No quorum being present on the vote by tellers, nothing is in order except a motion for a call of the House or a motion to adjourn.

Mr. BEEBE. I desire to know why my colleague [Mr. POTTER] does not proceed to the enforcement of the attendance of members under the call, and why he moves to dispense with further proceedings under the call.

Mr. FORT. That is a very pertinent inquiry.

Mr. FINLEY. I move that there be a call of the House.

Mr. POTTER. I will make answer to my colleague from New York, [Mr. BEEBE,] and also to the motion of the gentleman from Ohio, [Mr. FINLEY.] We have not got and we cannot bring a quorum here to-day, I mean of our side of the House, and we passed on yesterday a concurrent resolution of the two Houses providing that the two Houses shall adjourn to-morrow at four o'clock, and by virtue of that adjournment any proceeding to bring any members now outstanding would fall. Therefore it is thought expedient to defer until after that hour the motion which my colleague suggested.

Mr. FINLEY. I withdraw my motion.

Mr. BEEBE. I hope, then, that after the adjournment to-morrow, when we shall meet again, an order will be issued to bring in every member on both sides of the House, [cries of "Regular order!"] so that all pairs may be declared off.

Mr. POTTER. One word about a point of order, if I may be allowed to state it.

Mr. CONGER. I would suggest that the House take a recess for ten minutes in order that the Speaker's suggestion of using his "persuasive powers" may be carried out. [Laughter.]

The SPEAKER. The Chair thinks that would be too great a task.

Mr. HALE. The time is not long enough.

Mr. CLARK, of Missouri. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CLARK, of Missouri. There is so much confusion in the Hall that we cannot hear what is being said.

The SPEAKER. The Chair sustains the point of order, and gentlemen are requested to resume their seats.

Mr. POTTER. I will again move that there be a call of the House. In doing so I wish to say that I am perfectly aware——[Cries of "Regular order!" "Regular order!"]

Mr. HALE. I do not think anybody on this side will object to the gentleman from New York [Mr. POTTER] making an explanation, if I can follow with a proposition.

Mr. POTTER. I desire to say, if I may be allowed to do so——[Cries of "Regular order!"]

Mr. HALE. I have no objection to the gentleman making a statement.

The motion of Mr. POTTER, that there be a call of the House, was agreed to.

The Clerk proceeded to call the roll and also the list of absentees; when the following members failed to answer to their names:

Baker, William H.	Killinger,	Rice, Americus V.	Townsend, Martin I.
Bisbee,	Landers,	Roberts,	Walker,
Bundy,	Loring,	Robinson, M. S.	White, Harry,
Carlisle,	Money,	Springer,	Willis, Benj. A.
Clarke, John B.	Overton,	Stephens,	Willits.
Errett,	Powers,	Stone, Joseph C.	
Frye,	Pugh,	Strait,	
Harris Benj. W.	Quinn,	Thornburgh,	

The SPEAKER. On the call of the roll 263 members have answered to their names—more than a quorum.

Mr. COX, of New York. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. COX, of New York. I move that the House now adjourn, so as to give our republican friends a chance to get back to their seats.

Mr. SOUTHARD. I ask unanimous consent to introduce and have referred a joint resolution in relation to the soldiers' reunion——[Cries of "Regular order!"]

The SPEAKER. There is objection.

Mr. POTTER. I hope my colleague [Mr. COX] will withdraw the motion to adjourn, and let us take one more vote, so as to give our absentees a further chance to get here.

Mr. COX, of New York. I do not see any use in trying longer to-day to get a quorum of our friends here.

The motion to adjourn was not agreed to.

The SPEAKER. The question recurs on seconding the demand for the previous question upon the preamble and resolution submitted on Monday last by the gentleman from New York, [Mr. POTTER.]

The question was taken, and upon a division there were—ayes 103, noes 0.

Mr. HALE. No quorum has voted.

Tellers were ordered; and Mr. POTTER and Mr. HALE were appointed.

The House again divided, and the tellers reported that there were—ayes 105, no 1.

Mr. HALE. No quorum has voted.

Mr. WOOD. I move that the House now adjourn.

Mr. HALE. Will the gentleman from New York——[Cries of "Regular order."]

The SPEAKER. The regular order is the motion to adjourn.

Mr. FRANKLIN. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 170, not voting 42; as follows:

YEAS—79.

Acklen,	Dean,	Herbert,	Schleicher,
Aiken,	Douglas,	Hooker,	Shelley,
Atkins,	Durham,	Jones, Frank	Singleton,
Beebe,	Eden,	Jones, James T.	Siemons,
Bell,	Elam,	Kenna,	Smith, William E.
Benedict,	Ellis,	Knapp,	Southard,
Bicknell,	Evins, John H.	Ligon,	Sparks,
Bland,	Ewing,	Luttrell,	Steele,
Bliss,	Forney,	Lynde,	Swann,
Blount,	Gause,	Maish,	Throckmorton,
Bouck,	Gibson,	Morgan,	Townshend, R. W.
Bridges,	Giddings,	Morrison,	Turner,
Bright,	Gunter,	Muller,	Veeder,
Caldwell, John W.	Hardenbergh,	Patterson, T. M.	Whitthorne,
Candler,	Harris, John T.	Pridemore,	Williams, A. S.
Cox, Samuel S.	Harrison,	Reagan,	Willis, Benj. A.
Cravens,	Hart,	Riddle,	Wood,
Crittenden,	Hartridge,	Robertson,	Yeates,
Culberson,	Hartzell,	Ross,	Young.
Davis, Joseph J.	Henry,	Scales,	

NAYS—170.

Aldrich,	Cutler,	James,	Reed,
Bacon,	Danford,	Jones, John S.	Reilly,
Bagley,	Davis, Horace	Jorgensen,	Rice, William W.
Baker, John H.	Deering,	Joyce,	Robbins,
Ballou,	Denison,	Keifer,	Ryan,
Banks,	Dibrell,	Keightley,	Sampson,
Banning,	Dickey,	Kelley,	Sapp,
Bayne,	Dunnell,	Kimmel,	Sayler,
Blackburn,	Dwight,	Lapham,	Sexton,
Blair,	Eames,	Lathrop,	Shallenberger,
Boone,	Eickhoff,	Lindsey,	Smalls,
Boyd,	Ellsworth,	Lockwood,	Smith, A. Herr
Bragg,	Evans, I. Newton	Mackey,	Springer,
Brentano,	Evans, James L.	Manning,	Starin,
Brewer,	Felton,	Marsh,	Stenger,
Briggs,	Finley,	Mayham,	Stewart,
Brogden,	Fort,	McCook,	Stone, John W.
Browne,	Foster,	McGowan,	Stone, Joseph C.
Burchard,	Franklin,	McKenzie,	Thompson,
Burdick,	Freeman,	McKinley,	Tipton,
Cabell,	Gardner,	McMahon,	Townsend, Amos
Cain,	Garth,	Metcalfe,	Tucker,
Caldwell, W. P.	Glover,	Mills,	Vance,
Calkins,	Goode,	Mitchell,	Van Vorhes,
Camp,	Hanna,	Monroe,	Waddell,
Campbell,	Harmer,	Morse,	Wait,
Cannon,	Harris, Henry R.	Muldrow,	Walsh,
Caswell,	Haskell,	Neal,	Ward,
Chalmers,	Hatcher,	Norcross,	Warner,
Chittenden,	Hayes,	Oliver,	Welch,
Claflin,	Hazelton,	O'Neill,	White, Michael D.
Clark, Alvah A.	Hendee,	Page,	Wigginton,
Clark of Missouri,	Henderson,	Patterson, G. W.	Williams, Andrew
Clark, Rush	Hewitt, Abram S.	Peddie,	Williams, C. G.
Clymer,	Hewitt, G. W.	Phelps,	Williams, James
Cobb,	Hiscock,	Phillips,	Williams, Jere N.
Cole,	House,	Pollard,	Williams, Richard
Collins,	Hubbell,	Potter,	Willis, Albert S.
Conger,	Humphrey,	Pound,	Wilson,
Cook,	Hungerford,	Price,	Wren,
Cox, Jacob D.	Hunter,	Rainey,	Wright.
Crapo,	Hunton,	Randolph,	
Cummings,	Ittner,	Rea,	

NOT VOTING—42.

Baker, William H.	Fuller,	Martin,	Stephens,
Bisbee,	Garfield,	Money,	Strait,
Buckner,	Hale,	Overton,	Thornburgh,
Bundy,	Hamilton,	Powers,	Townsend, M. I.
Butler,	Harris, Benj. W.	Pugh,	Turney,
Carlisle,	Henkle,	Quinn,	Walker,
Clarke of Kentucky,	Ketcham,	Rice, Americus V.	Watson,
Covert,	Killinger,	Roberts,	White, Harry
Davidson,	Knott,	Robinson, G. D.	Willits.
Errett,	Landers,	Robinson, M. S.	
Frye,	Loring,	Sinnickson,	

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. TURNEY. I am paired with my colleague from Pennsylvania, Mr. WHITE.

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE.

Mr. COVERT. I am paired with my colleague from New York, Mr. TOWNSEND. Were he present, I should vote "ay." I desire also to announce that my colleague, Mr. QUINN, who is paired with my colleague, Mr. BAKER, is so seriously ill as to be unable to leave his room.

Mr. HAMILTON. I am paired with my colleague from Indiana, Mr. ROBINSON.

Mr. DAVIDSON. I am paired with my colleague, Mr. BISBEE.

Mr. SINNICKSON. I am paired with the gentleman from Ohio, Mr. RICE. If he were here, I should vote in the negative.

Mr. WATSON. I am paired with the gentleman from Kentucky, Mr. CLARKE. If he were here, I should vote "no."

Mr. MARTIN. I am paired with the gentleman from New Jersey, Mr. PUGH. If he were here, I should vote "ay."

Mr. ROBINSON, of Massachusetts. I am paired with the gentleman from Connecticut, Mr. LANDERS. As I am not informed how he would vote on this question, I decline to vote.

Mr. MITCHELL. My colleague, Mr. OVERTON, who is absent by leave of the House, would, if present, vote "no."

The result of the vote was announced as above recorded.

The question then recurred on ordering the previous question upon the resolution offered by Mr. POTTER.

Mr. POTTER. I now call for the regular order.

Mr. ELLIS. I ask the gentleman from New York [Mr. POTTER] to yield to me for a moment that I may make a report from the Committee of Elections to be printed and recommitted.

Mr. POTTER. I would be glad to yield to the gentleman from Louisiana, but my instructions are to yield to nobody. If I yield to one I shall be called upon by gentlemen in all parts of the Hall.

The question being taken on ordering the previous question, there were—101 in the affirmative, none in the negative; no quorum voting.

Tellers were ordered; and Mr. POTTER and Mr. HALE were appointed.

The House divided; and the tellers reported—111 in the affirmative, 1 in the negative; no quorum voting.

Mr. POTTER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at one o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BALLOU: The petition of J. A. Whittier, president of the Saginaw (Michigan) Lumber Association and Board of Trade, against the reduction of duties on lumber—to the Committee of Ways and Means.

Also, the petition of Brown Brothers & Co. and 120 individuals and companies, against granting exclusive privileges to telegraphic companies for communication between this and other countries—to the Committee on the Post-Office and Post-Roads.

Also, the petition of George E. Mathewson and 22 others, silk-hat manufacturers, for the abolition or reduction to 10 per cent. ad valorem of the duty on hatters' black-silk plush—to the Committee of Ways and Means.

By Mr. CAMPBELL: The petition of citizens of Henrietta, Pennsylvania, for the passage of the bill to aid in the completion of the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. DEAN: The petition of Alexander Kidd, for a change of the name of his yacht Addie Elmer to that of Waverly—to the Committee on Commerce.

By Mr. GIDDINGS: Papers relating to the claim of Joseph E. Wilson—to the Committee of Claims.

By Mr. HENDEE: The petition of the Western Emigration Society of the District of Columbia, for legislation which shall enable its members to take advantage of the homestead law—to the Committee for the District of Columbia.

By Mr. KETCHAM: The petition of citizens of Chicago, New York, and other cities, shippers of live stock, butchers, and commission dealers in live stock, against the passage of the bill (H. R. No. 2206) relative to the transportation of animals—to the Committee on Agriculture.

By Mr. LIGON: The petition of citizens of Deatsville, Alabama, for the passage of House bill No. 1670—to the Committee on Education and Labor.

By Mr. LUTTRELL: The petition of John B. Bainbridge and others, relative to the Diaz land grant in California—to the Committee on Public Lands.

Also, the petition of Painter & Co., of San Francisco, California, opposing the passage of the bill of the Senate for the relief of Miller & Richmond—to the Committee of Ways and Means.

By Mr. O'NEILL: The petition of citizens of Chicago, Philadelphia, and other cities, engaged in the live-stock business, against the passage of the bill (H. R. 2206) relative to the transportation of animals—to the Committee on Agriculture.

By Mr. SAYLER: The petition of the Silk Hatters' Association of Cincinnati, Ohio, for the abolition of the duty on hatters' black-silk plush, or its reduction to not more than 10 per cent. ad valorem—to the Committee of Ways and Means.

By Mr. WADDELL: Papers relating to the war claim of George R. French—to the Committee on War Claims.

By Mr. WIGGINTON: The petition of D. Brownstone and 158 others of Tulare County, California, for a change in a certain mail-route—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: The petition of 225 citizens of the District of Columbia, for the passage of a bill regulating the weight of coal in said District—to the Committee for the District of Columbia.

IN SENATE.

THURSDAY, *May* 16, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of Centennial Council, No. 7, of the Sovereigns of Industry, of the District of Columbia, representing one hundred and thirty-six families, in favor of the enactment of such a law by Congress as will insure full weight to purchasers of coal and compel coal-dealers to send the certificate of a properly appointed Government weigher with every load of coal delivered; which were referred to the Committee on the District of Columbia.

Mr. WITHERS presented the petition of Matthew Woodyard, of Prince William County, Virginia, praying that his claim for property taken and appropriated by United States forces during the late war be recommitted to the southern claims commission; which was referred to the Committee on Claims.

Mr. EATON. I present the petition of H. E. Woodhouse, whose places of business are in New York and Brownsville, Texas. He represents that he has a claim against the Republic of Mexico; that his claim was duly submitted to the United States and Mexican claims commission, created and organized under and by virtue of the convention of the 4th of July, 1868, between the United States and the Republic of Mexico, and that there was an adverse decision unjustly rendered by that commission. He therefore prays for a rehearing of his case. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. KERNAN presented the memorial of James Conner's Sons and others, of New York, remonstrating against the passage of any bill to refund to Miller & Richards a fine imposed upon them for undervaluing goods passed through the custom-house at San Francisco, California; which was referred to the Committee on Finance.

Mr. COCKRELL. I present resolutions of the Merchants' Exchange of Saint Louis, Missouri, in relation to the *pro rata* matter between the Union Pacific and the Kansas Pacific Railroads, which I ask to have read and referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Secretary will report the resolutions, if there be no objection.

Mr. ANTHONY. Are they resolutions of the Legislature of a State?

Mr. COCKRELL. They are resolutions of the Merchants' Exchange of the city of Saint Louis.

Mr. ANTHONY. I do not like to object to the reading, but it seems useless to cumber up the RECORD with memorials and petitions and resolutions which are sent to us by bodies other than the Legislatures of the States, and if the Senator is not particularly anxious to have the resolutions read I hope he will not insist upon it.

Mr. COCKRELL. I do not know that it is very essential. They are simply resolutions expressing the great desire of the citizens and merchants and business men of Saint Louis to have the question of prorating fixed and established by law so that there will be no unjust discriminations against the Kansas Pacific Railway. I ask that the resolutions be printed and referred to the Committee on the Judiciary. I am not so particular about having them read. As there is a subcommittee of the Committee on the Judiciary, to which that matter has been referred, I trust the resolutions will go to that subcommittee.

Mr. PADDOCK. I do not understand whether the Senator still insists on having the resolutions read or not.

The PRESIDENT *pro tempore*. He does not.

Mr. PADDOCK. If he does, I hope the order may not be made, because I wish at the same time those resolutions are read to have read also a decision of the United States circuit court just rendered at Omaha on this very question.

The PRESIDENT *pro tempore*. The Senator from Missouri does not ask that the resolutions be read. They will be referred to the Committee on the Judiciary and printed.

Mr. GORDON presented the petition of Juliet Leep, widow of Henry Leep, deceased, of Baltimore, Maryland, praying for the passage of a law authorizing the Secretary of the Treasury to adjust and settle her claim against the Government for loss and damages sustained by the seizure and detention of the vessel Mary Teresa at the port of Bahia by order of the United States consul at that port on the 20th of January, 1848; which was referred to the Committee on Claims.

AGRICULTURAL REPORTS AND COLONIAL CHARTERS.

Mr. ANTHONY. I ask that the Senate proceed to the consideration of the resolution reported from the Committee on Printing, to print additional copies of the Agricultural Report and Colonial Charters. If it is taken up I shall give way to further morning business.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate by common consent.

Mr. ANTHONY. I now yield to morning business.

REPORTS OF COMMITTEES.

The PRESIDENT *pro tempore*. Reports of committees are now in order.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a letter from the Secretary of War communicating copies of the annual reports of the generals commanding the Departments of the Columbia and of Dakota, and recommending that they be printed as a part of his annual report for 1877, to report the same back and to ask that the committee be discharged from its further consideration. The committee do not hesitate to advise the Public Printer to include it in the printed report, as reports are frequently sent piecemeal.

The report was agreed to.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1253) to provide for the establishment of steamship mail service between the United States and Brazil, to report it without amendment and ask that it be placed on the Calendar. Accompanying the bill is a report which I ask may be printed. I give notice now that at the earliest opportunity consistent with the business of the Senate I shall call this bill up and ask to have it put upon its passage.

The report was ordered to be printed.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1081) for the relief of David G. Potts, reported it without amendment.

BILLS INTRODUCED.

Mr. McDONALD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1258) for the relief of Nimrod D. Keneaster; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1259) to amend chapter 15 of the Revised Statutes of the United States, relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1260) for the relief of John W. Chickering; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAMLIN. I have been requested to introduce a bill for the relief of certain employés of the United States Government in the District of Columbia. I have no knowledge of the subject, but I introduce the bill at the request of persons interested.

By unanimous consent, leave was granted to introduce a bill (S. No. 1261) for the relief of certain employés of the United States Government in the District of Columbia; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1262) to amend an "Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved March 3, 1875; which was read twice by its title, and referred to the Select Committee on Transportation Routes to the Seaboard.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1263) to provide for the adjustment and settlement of certain internal-revenue taxes erroneously assessed and collected from the Cumberland Valley Railroad Company; which was read twice by its title, and referred to the Committee on Finance.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1264) for the relief of the legal representatives and sureties of Cyrus K. Osgood, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREERY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1265) to incorporate the Army and Navy Life Insurance Company of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

ARMY REFORM AND REORGANIZATION.

Mr. BUTLER. I beg leave to introduce a joint resolution which I ask to have read and referred to the Committee on Military Affairs.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 30) to create a commission to consider the subject of Army reform and reorganization; which was read the first time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That two members of the Senate Committee on Military Affairs, to be designated by the President of the Senate, three members of the House Committee on Military Affairs, to be designated by the Speaker of the House, and three officers of the regular Army, who have served not less than ten years, to be designated by the President of the United States, be, and they are hereby, constituted a commission to whom the whole subject-matter of reform and reorganization of the Army of the United States, be, and is hereby, referred.

SEC. 2. That said commission shall carefully and thoroughly examine into the matter with reference to the demands of the public service, as to the number and pay of men and officers and the proportion of the several arms; and also as to the rank, pay, and duties of the several staff corps, and whether any and what reductions can be made either in the line, field, or staff, in numbers or in pay, by consolidation or otherwise, consistently with the public service, having in view a just and reasonable economy in the expenditure of public money, the actual necessities

of the military service, and in the capacity for rapid and effective increase in time of war.

SEC. 3. That said commission shall assemble as soon as practicable and proceed to the consideration of the matters with which they are charged, and make report to Congress by the first day of the next session, through the President of the United States, with all the evidence of record, or otherwise, which they shall have received and considered. And the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of said commission, to be expended under the direction of the president of said commission.

The joint resolution was read the second time, and referred to the Committee on Military Affairs.

CLAIM OF T. WORTHINGTON.

Mr. THURMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury inform the Senate as to what discrepancies, if any, exist to the prejudice of T. Worthington's claim, between the Third Auditor's reports of March 20, 1876, and March 20, 1877, and his statement of February 21, 1876, including the Third Auditor's reports on the claim of March 9, 1867, January 31 and March 25, 1870, with indorsements on the same and with the reasons for said discrepancies, if any such exist.

WINNEBAGO INDIANS IN WISCONSIN.

Mr. CAMERON, of Wisconsin. I present a communication from the Secretary of the Interior, to accompany the bill (S. No. 1124) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits, and to promote their civilization. I introduced this bill some time ago, and at my request it was laid upon the table until the receipt of this information from the Secretary of the Interior. I now move that the bill, together with this communication, be referred to the Committee on Indian Affairs.

The motion was agreed to.

JOHN THORNS.

Mr. BECK. I desire the consent of the Senate to have the vote reconsidered by which the bill (S. No. 66) for the relief of John Thorns, of Fayette County, Kentucky, was indefinitely postponed, so that the bill may be placed on the Calendar. There is some new evidence in the case. I make that motion.

The motion to reconsider was agreed to; and the bill was ordered to be placed on the Calendar.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there is no further business of the morning hour the resolution moved by the Senator from Rhode Island [Mr. ANTHONY] is before the Senate and will be read.

Mr. HARRIS. I desire to give notice that so soon as the resolution of the Senator from Rhode Island is disposed of I shall ask the Senate to proceed to the consideration of the bill (S. No. 532) to incorporate the Suburban Railway Company of Washington, in the District of Columbia. It is very important to the parties in interest that the bill should be decided one way or the other at once. I shall therefore ask the Senate to proceed to the consideration of this bill so soon as the matter is disposed of called up by the Senator from Rhode Island.

Mr. KERNAN. I ask the Senate to take up House bill No. 3570, for the relief of a blind soldier.

The PRESIDENT *pro tempore*. There is a resolution pending now, moved by the Senator from Rhode Island.

Mr. KERNAN. Then I shall ask to have it taken up after that is disposed of.

The PRESIDENT *pro tempore*. The Senator from Tennessee has just given notice that he will succeed the Senator from Rhode Island.

Mr. MITCHELL. I have given notice for the last three or four days that after the morning business I should call up my bill which has been pending. I gave special notice yesterday to that effect. The bill has been up and considered several mornings. I hope the Senate will not lose sight of my request.

The PRESIDENT *pro tempore*. The resolution of the Senator from Rhode Island in regard to printing the Agricultural Reports is before the Senate.

Mr. PADDOCK. I feel constrained to ask the chairman of the Committee on Printing to defer the consideration of the resolution temporarily until the Senator from West Virginia [Mr. DAVIS] comes in, who is a member of the Committee on Agriculture and who has some figures in connection with this subject of the printing of the Agricultural Reports, of which I am not myself possessed at this moment, and which I should be glad to have submitted to the Senate.

Mr. ANTHONY. I desire to accommodate my friend from Nebraska and my friend from West Virginia; but it is desirable that this question should be disposed of. I am constantly importuned by members of the House that we should have these documents printed in order that they may distribute them before the session closes. I will, however, consent that the resolution be laid aside temporarily until the Senator from West Virginia comes in, subject to be called up then.

Mr. PADDOCK. That is the extent of my request.

The PRESIDENT *pro tempore*. The resolution will be laid aside informally.

Mr. HARRIS. I move that the Senate now proceed to the consideration of Senate bill No. 532.

Mr. MITCHELL. I hope the Senator from Tennessee will give way to me this morning.

Mr. KERNAN. The Senator from Tennessee has consented to give way to me to pass a bill to increase the pension of a blind soldier.

Mr. HARRIS. I did consent to yield to the Senator from New York, but I have the floor. I should like exceedingly to oblige my friend from Oregon, but I must insist, if the Senate will allow me to say so, upon the consideration of the bill I have referred to, which has been hanging here a long time. It is very important that the bill should be acted upon at once, if at all.

Mr. KERNAN. The Senator from Tennessee, however, yields to me to call up House bill No. 3570.

Mr. MITCHELL. I should like to inquire of the Senator from Tennessee if his bill relates to a road in the city of Washington?

Mr. HARRIS. It proposes to incorporate a city railroad company.

Mr. MITCHELL. There is some necessity for speedy action?

Mr. HARRIS. The Committee on the District of Columbia thought so, and they reported the bill more than a month ago.

Mr. MITCHELL. I will give way. I suppose I shall have to give way, so far as that is concerned, as my friend has the floor; but I appeal to the Senate, inasmuch as I have given notice now four or five mornings, that after this bill is considered the Senate will proceed with and finish my little bill.

Mr. KERNAN. I will agree to that, and simply ask the Senate to consider the little bill to which I referred at this time.

Mr. HARRIS. I yield to the Senator from New York for that purpose.

JOHN MURPHY.

Mr. KERNAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 3570) granting an increase of pension to John Murphy, late private Company F, United States Infantry.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to pay to John Murphy, late private Company F, Fifth Regiment United States Infantry, a pension at the rate of $50 per month, in lieu of the $24 per month which he has been receiving, it appearing that he is totally blind and needs the constant attendance of another person.

Mr. SAULSBURY. I should like to inquire of the chairman of the Committee on Pensions what is the rate of pension to a soldier disabled as this person is, under existing law.

Mr. INGALLS. There is a specific rate of pension allowed for total disability requiring the personal care and attendance of another person, which the law fixes at the rate of $50 per month, by an act of Congress passed for that purpose.

Mr. KERNAN. The Senator from Iowa [Mr. KIRKWOOD] reported this bill. I asked him about it and am satisfied it is right.

Mr. INGALLS. The report is in writing.

Mr. KERNAN. I am sure if the Senator from Delaware had seen the man as he came to me, he would not doubt the justice of this measure.

Mr. KIRKWOOD. The report was made by myself. It is a House bill. The man was brought before the committee and examined in the presence of the committee, and the committee had no doubt, as I have no doubt, that the case comes strictly within the terms of the law giving the sum of $50 a month to a person totally blind, who requires the care of another person.

Mr. EDMUNDS. That is the general law?

Mr. KIRKWOOD. It is the general law. The bill gives him the rate fixed by law.

Mr. EDMUNDS. Why does not the Commissioner of Pensions give it to him?

Mr. KIRKWOOD. He was examined some time ago, and the surgeon thought that he could distinguish between night and day, and for that reason thought he was not entitled to extra pension.

Mr. EDMUNDS. Then this act is necessary to give him his rights?

Mr. KIRKWOOD. It is necessary to give him his rights.

Mr. EDMUNDS. Enough said.

Mr. KIRKWOOD. He ought to have this relief.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL REPORT AND COLONIAL CHARTERS.

Mr. ANTHONY. The Senator from West Virginia [Mr. DAVIS] is now in his seat, and I ask that the Senate proceed with the consideration of the resolution from the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution was laid aside until the Senator from West Virginia appeared. The Senator is now in his seat, and the Secretary will report the resolution.

The CHIEF CLERK. The resolution of the House of Representatives is in the following words:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 300,000 copies of the report of the Commissioner of Agriculture for 1877; 224,000 copies for the use of the House of Representatives, 56,000 copies for the use of the Senate, and 20,000 copies for the use of the Department of Agriculture: *Provided, however*, That the number of pages of said report shall not exceed five hundred.

The Committee on Printing propose to amend the resolution, so that, if amended, it will read:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 200,000 copies of the report of the Commissioner of Agriculture for 1877; 150,000 copies for the use of the House of Representatives, 30,000 copies for the

use of the Senate, and 20,000 copies for the use of the Department of Agriculture: *Provided, however,* That the number of pages of said report shall not exceed six hundred; and

Be it further resolved, That there be printed and bound in leather 4,555 copies of the Colonial Charters and Constitutions of the United States, compiled under the direction of the Senate, of which 900 copies shall be for the use of Senators and the Vice-President, and 2,500 copies shall be for the use of Representatives and Delegates; and the remaining 1,155 copies shall be distributed by the Public Printer, as follows: To the President of the United States, 2 copies; to the Department of State, 50 copies for transmission to the United States legations and consulates general abroad; to the War Department, 1 copy, for the Military Academy at West Point; to the Navy Department, 1 copy, for the Naval Academy at Annapolis; to the Department of Justice, 100 copies, for the use of that Department, the Chief-Justice and Justices of the Supreme Court of the United States, the judges of the circuit and district courts of the United States, the Court of Claims, the Assistant Attorney-General, and the Solicitor-General; and to the Smithsonian Institution 1 copy; and 1,000 copies for sale by the Public Printer at the cost of printing and binding, under such regulations as he may prescribe, under the direction of the Joint Committee on Printing.

The PRESIDENT *pro tempore.* The question is on agreeing to the amendment proposed by the Committee on Printing.

Mr. SAULSBURY. I should like to inquire of the chairman of the committee, as the resolution provides for the printing of one thousand copies of the Colonial Records for sale, if there is any demand for the document to justify its being printed for sale by the Government.

Mr. ANTHONY. There is. One bookseller in this city has ordered one hundred copies.

Mr. SAULSBURY. I doubt very much the propriety of the Government going into the publication of books for sale at any rate.

Mr. ANTHONY. I wish to amend the amendment of the committee by striking out after the word "bound" the words "in leather;" so as to read: "that there be printed and bound 4,555 copies."

The amendment to the amendment was agreed to.

Mr. PADDOCK. I hope the amendment of the committee reducing the number of copies of the Agricultural Report provided for by the House resolution will not be adopted. The number of copies of the report provided for by the House resolution corresponds almost exactly with the number printed last year, and the number is small enough. In all decency and propriety the number ought to be much larger than that provided for by the House resolution. The amendment of the committee in regard to increasing the number of pages so as to embrace the report of the Commissioner of Agriculture without any elimination is a very proper and a very wise one; but the printing of the whole number of pages as reported by the committee and the printing of the whole number of volumes as provided for in the original resolution would not very materially increase the expense over the sum that would be necessary under the resolution as reported from the Committee on Printing. All the extra expense there is for the additional number is the press-work and paper, and it is very small economy to try to save a few hundred dollars in that way.

Mr. EDMUNDS. Move an amendment to the amendment by changing the number back again.

Mr. PADDOCK. I will move, therefore, to amend the amendment of the committee by changing the number of the copies of the Agricultural Report back to 300,000. That accords with the original resolution.

The PRESIDENT *pro tempore.* The Secretary will report the amendment to the amendment, proposed by the Senator from Nebraska.

Mr. COCKRELL. I desire to ask before that amendment is reported that we take the vote on the first amendment proposed by the committee, and if we disagree to that then the resolution will stand just as it was when it came from the House. The first amendment proposed by the committee refers to the Agricultural Report alone. They move to strike out the parts within brackets and insert the parts in italics. That changes the number from 300,000 to 200,000. If we disagree to that amendment, the House resolution stands.

Mr. PADDOCK. Do I understand the Senator to advocate the eliminations made by the House of the report as made by the Commissioner and leave out some of the most important subjects embraced in the report?

Mr. COCKRELL. The House does not eliminate anything. When that is done, I shall move to strike out the word "five" and insert the word "six," so as to provide for six hundred pages, and there is not then a particle of difference between the two.

Mr. PADDOCK. I have already made that motion.

Mr. COCKRELL. Strike out "five" and insert "six," and then it will be precisely as the House resolution is except as to the number of pages of the report. The only difference is in the number of copies and the number of pages. The committee's amendment proposes 200,000 copies and six hundred pages; the House resolution proposes 300,000 copies and five hundred pages.

Mr. PADDOCK. If the Senator will allow me, I will state that a motion is now pending, made on my part, to amend the amendment of the committee in regard to the five hundred pages, restoring the six hundred.

Mr. SARGENT. I understand the Senator from Missouri is in favor of the biggest book and the most copies.

Mr. COCKRELL. I am in favor of 300,000 copies, the pages not to exceed six hundred.

Mr. PADDOCK. That is exactly the proposition I made.

Mr. SARGENT. That is the biggest book and the greatest number of copies, as I said. I have no doubt that the Agricultural Report is a valuable book, but it is impossible for us to print copies enough to supply every farmer in the United States. Three hundred thousand copies certainly will not do it. Some must be left unsupplied. Now the Committee on Printing desired to be reasonably economical while endeavoring to satisfy as far as possible the public demand; and while believing in the value of this book and that the Government should print it, they thought that two hundred thousand was a better limit than three hundred thousand.

There is another element to be considered besides the cost of the book, I will suggest to my friend from Missouri, who ordinarily is very economical and properly so, and that is that this extra one hundred thousand books go out in the mails and swell their bulk. We pay for carriage in railroad cars by weight, and by printing large amounts of these public documents, three hundred thousand instead of two hundred thousand, and twenty-five thousand in other cases instead of twenty thousand, and so on, we swell very much the cost of the railroad mail service to the Government of the United States. I do not wonder that with the liberal printing made of the public documents the Post-Office Department stands aghast at the gap there is between its receipts and the amount of its expenditures. It has been trying for years to close that gap. I think Congress does very much by the excessive amount of its printing to prevent the gap being closed.

Mr. DAVIS, of West Virginia. I hope the Senator from California will allow me a moment to correct a statement which he does not intend to make, I know, as to swelling the amount of mail matter over the railroads. He knows well that that is fixed by weight at certain dates; and the distribution of the Agricultural Reports may not (though it may) and most probably will not add one cent to the expenses of the Post-Office Department. But in addition to that, the amendment offered—and I understand the Senator from California to advocate it from the fact that he advocates the lowest number of Agricultural Reports—comes from the Committee on Printing and will cost the Government probably in mail service in dollars and cents and for printing as much as, if not more than, the House resolution which simply prints three hundred thousand copies of the Agricultural Report. The Committee on Printing of the Senate has seen proper to add to it the printing of another large and valuable book, which has no connection whatever with the Agricultural Report.

Mr. SARGENT. With that addition the resolution as reported from the Committee on Printing costs less than the resolution as it comes to us from the House.

Mr. DAVIS, of West Virginia. A very trifling amount.

Mr. SARGENT. Fourteen or fifteen thousand dollars, if I recollect correctly the figuring which we made in committee. At any rate it costs less. As to the circumstance mentioned by my friend that we can possibly put these three hundred thousand books in between two weighings of mail matter on the railroads, that would be rather sharp practice. If we aimed at that it would be endeavoring to get the mail carried at a lower than a just rate, because between the two dates which the Government fixes for the weighing we would crowd in a large amount of matter; but the argument would not be good, though it would look toward taking an unfair advantage.

Mr. DAVIS, of West Virginia. Oh, no; I did not mean that.

Mr. SARGENT. I do not wish to do injustice to my friend; but it seems to me that is the calculation which he makes, though he may not intend it. But I referred not merely to the printing of an excessive number of Agricultural Reports, but of all the various public documents. I want to keep down the printing of documents generally, because the extra numbers of the documents we send out in fact swell the amount of mail matter which we have to pay for, and some of them must certainly be sent out at the period when the weighing is to take place.

Mr. PADDOCK. I suggest to my friend from California that he commence his discriminations in the matter of printing against some other class rather than this in the interest of agriculture, because so little is done in that interest that no one certainly can complain in regard to it until other printing of other kinds is dispensed with.

Mr. SARGENT. I was speaking generally with reference to the necessity of reducing the amount of printing done. I take issue with my friend, however, that we do nothing for agriculture. And I admit the importance of that branch of business to the prosperity of the country; I admit its merits and all the value which can be ascribed to it by the Senator; but Congress does more in favor of the agricultural interest than it does for any other interest whatever, directly and indirectly.

Mr. PADDOCK. Not specifically.

Mr. SARGENT. If an income tax is levied, it is levied in such a way that the principally agricultural States pay almost none of it, while manufacturing and mining States pay nearly all of it.

Mr. DAVIS, of West Virginia. The Senator certainly does not mean that the agricultural States do not pay the bulk of the revenue.

Mr. SARGENT. I mean to say that the taxation is so laid, so discriminating, for instance the income tax, that they pay almost none of it, and I could go on and cite other instances if necessary.

Mr. DAVIS, of West Virginia. What does the Senator mean by the income tax?

Mr. SARGENT. The income tax we levied during the war, and which an effort is now being made to revive again.

Mr. DAVIS, of West Virginia. There is none now.

Mr. SARGENT. There is none now; but the Senator from Nebraska says we have done nothing for agriculture; I say Congress has done much for that interest; and if Senators insist I can give other instances, and can give a long list. Wool-raising is an agricultural interest, and there is a discriminating tariff in favor of wool; and I can show you in reference to a great many other varieties of things which are protected—tobacco, domestic animals, &c., for instances——

Mr. WITHERS. I ask my friend to correct his statement that the agricultural States pay nothing to the revenue. By reference to the amount paid from the tax on tobacco, he will find that Kentucky and Virginia and other States producing tobacco pay very largely.

Mr. SARGENT. I did not say that the agricultural States paid nothing in the way of revenue. My friends will insist on not understanding me. I did not say that. I illustrated by saying they did not pay the income tax, though I could illustrate it in a variety of other ways. If the Senator says that tobacco forms an exception, I admit that is an agricultural product and does pay a considerable tax. That, however, more than any other tax almost, comes out of the consumer. My State uses an immense amount of tobacco and raises very little, and we certainly pay——

Mr. WITHERS. The tax has to be paid by these States, and ought to be credited to the internal revenue paid by those States.

Mr. SARGENT. Primarily.

Mr. WITHERS. And there is now no income tax.

Mr. SARGENT. There is none now, but I was speaking about the legislation of Congress. What is to be said in reference to the taxation in favor of wool and many other agricultural products which I might mention were it worth while?

Mr. PADDOCK. I should like to inquire of the Senator——

Mr. SARGENT. Furthermore, we have done more. We keep up a bureau for the sole use of agriculture. We send out seeds by the hundred thousand dollars' worth. If the farming districts are desolated by locusts, then a special appropriation is made to furnish them seeds, not choice seeds for experiment, which is the ordinary purpose of the distribution by the Agricultural Department, but seeds are sent away in huge bagsful in order to give the agriculturists something to seed their farms again because the seed, crop, and all, have been destroyed.

Mr. PADDOCK. I should like to inquire of the Senator from California what he thinks all the other industries of the country would amount to if it were not for the agricultural interest, which is the basis of all?

Mr. SARGENT. I am drawing no invidious discriminations. My friend himself started the topic.

Mr. PADDOCK. It is the basis of all the wealth of the world.

Mr. SARGENT. My friend himself started the topic by really insisting, in effect, that the great agricultural interest of the country, with its numerous representatives, had not influence enough upon the floor of Congress to get due protection and due consideration for that interest. I was trying to show him that he and his colleagues and those who represent the agricultural States are far more influential than he insists, by showing that over and over again, in every variety of form, they have secured legislation in favor of the agricultural interest.

Mr. PADDOCK. I do not think that fact has been fully demonstrated by legislation exactly. I think there are a number of Departments and a great many bureaus that are devoted to all the other industries of the country, and but one small, insignificant bureau is devoted to the interest of agriculture.

Mr. SARGENT. I am very sorry indeed to hear the chairman of the Committee on Agriculture speak of the Bureau of Agriculture as a small, insignificant bureau. I certainly would not think of putting it in that category. But if the Senator still insists that I go on and tell how the agricultural interest has been taken care of, I should like to refer to the commissions we send out in order to investigate the various worms, locusts, &c., that prey upon the crops of the farmer. Certainly that is not for the benefit of any other industry. I can show the Senator, if he wants me to do so, a long list of acts passed for the especial benefit of this interest, passed with my especial concurrence. I have been in favor of them all. But when gentlemen come in and make a poor mouth and say that this great interest cannot secure justice for itself, I say they do injustice to their own influence, and they do injustice to the facts.

Mr. PADDOCK. Why, Mr. President, the geological surveys, and the printing incident to those surveys of the mining country, which my friend represents in part, for a single year cost more than the printing of the Agricultural Report for half a dozen years sometimes.

Mr. SARGENT. No. The Senator is mistaken about that. The geological surveys, which are not for the benefit of mining, by the way, but just as much for the benefit of the agriculturist, are largely made up of reports on locusts, bugs, and other things which do injury to agricultural products. The geological survey, which points out arable land as well as geological formations, has no particular reference to mining, and the only time that Congress has ever done anything——

Mr. PADDOCK. Why, sir——

Mr. SARGENT. The Senator will wait a moment till I finish my sentence.

Mr. PADDOCK. Surely I can be allowed to refer——

Mr. SARGENT. I call the Senator to order. I want to finish my sentence, and then I will yield to him.

I say the geological survey to which he refers has no special reference to mining. Professor Raymond, a single commissioner, was appointed some years ago, and for four or five years did make special reports on mining; but that was abolished. You may look through the whole list and you will not find with reference to the great mining interest that there has ever been any especial favor granted to it. It has never asked for it; it has never come here to the doors of Congress begging or demanding anything of the kind. I should like to ask the Senator, in his own language, what would become of the country if it was not for the mining interest? That is not the proper way to compare these things. The agricultural interest, of course, is a great interest, and so is the mining interest; but when a proposition comes here to print over a quarter of a million books, we may well look on the score of economy and ask whether it is needed or not. If you say you want a book for every farmer, then you want to make the number a million and a half probably, or two millions or three millions.

Mr. PADDOCK. No, sir; there is no such necessity as that.

Mr. SARGENT. Then why favor three hundred thousand farmers instead of two hundred thousand?

Mr. PADDOCK. It often happens that a single Agricultural Report serves one hundred people in a district. In sparsely settled communities, where they have no libraries and no means of intelligence except through that source, it is an invaluable book; a very small number may be circulated very widely, and they are very generally read.

Mr. SARGENT. It is a very valuable book, I think, and I think the Department is not insignificant, but a very valuable Department. Two hundred thousand copies are enough to furnish every library, public and private, in the country, and furnish every neighborhood. So the Committee on Printing thought; and therefore it proposed to reduce it to this number. But if this interest has been so much oppressed, if this interest is struggling for recognition, if this great agricultural interest with its thousand millions of production and its representatives in every State, mine as well as the Senator's, is to be oppressed by this Senate amendment, I trust my colleagues on the committee will not insist upon that oppression. I must say that my own feelings are moved by the pathetic appeal the Senator makes, and I do not know but that I should be willing to forego in behalf of this suffering interest the amendment of the committee.

Mr. MERRIMON. Mr. President, I want to call to the attention of my friend from California the fact that there are about seven million voters in this country, and it seems to me that five hundred thousand Agricultural Reports distributed among that number of voters would be a small number. What we ought to do is to print a reasonable number.

Then as to encouraging the agricultural interest of the country, the tobacco interest and the distilled spirits of the country, which are indirectly an agricultural product, pay more than two-thirds of the internal revenue of this country. In round numbers, they pay about $100,000,000 internal revenue.

Mr. SARGENT. They have the market to themselves.

Mr. MERRIMON. I only submit these figures and insist that they show that the publication of five hundred thousand copies of the Agricultural Report, to be sent to the farmers, is not unreasonable. It is very moderate, and we ought not to hesitate a moment in doing that, and making it, if need be, contain six hundred pages.

Mr. SARGENT. The Senator now ought to offer his amendment to increase the House resolution by two hundred thousand, because their proposition is only three hundred thousand.

Mr. MERRIMON. I am willing to do that.

Mr. SARGENT. In regard to the whisky and tobacco interests, who complain of the taxation they pay, the producers do pay it primarily, but the tariff makes an equality. They are protected by the tariff by the imposition of a heavier duty than the tax which is levied upon them.

Mr. MERRIMON. There is no product in this country of any kind that pays taxes like whisky and tobacco.

Mr. SARGENT. I admit that there is a heavy revenue tax on those articles; but there is also a heavy protection by way of discriminating duties enormous and in excess of the amount which they pay.

Mr. MERRIMON. How many agricultural products are so protected?

Mr. SARGENT. Whisky and tobacco, which the Senators have referred to, wool, &c.

Mr. WITHERS. I ask if there are not much heavier discriminating duties in favor of many articles which contribute nothing to the internal revenue.

Mr. SARGENT. I do not think there is.

Mr. BECK. I should like to ask the Senator from California——

Mr. SARGENT. But, even if there is, I do not know that that makes any difference to my argument. If, however, the agricultural interest that is being scrambled for here is the whisky interest or the tobacco interest, I retire from the contest, because I know nobody can stand up against that force. I thought when the Senator from Nebraska referred to the agricultural interest, he referred to the general agricultural interest of the country, the raising of wheat and general vegetable products.

Mr. WITHERS. My friend will recognize the fact that he himself is responsible for the introduction of these two articles and the specification of them, because he asserted that the agricultural interest contributed little or nothing to the support of the Government.

Mr. SARGENT. Oh, no.

Mr. WITHERS. And by way of rejoinder we cited to him these great items which contribute so largely, some three-fourths or four-fifths of the whole revenue derived by the Government from internal taxation.

Mr. SARGENT. If my friend from Virginia will look at the RECORD to-morrow morning, he will find that I was speaking of an income tax in reply to the Senator from Nebraska who said that Congress never legislated in behalf of the agricultural interest. I said, on the contrary, take the case of a levy of an income tax, which was collected for years and is proposed to be levied again—that this showed that legislation had discriminated in favor of the agricultural community, as the agricultural States paid almost none of it. It showed that Congress did sometimes legislate in their behalf. My friend from West Virginia misunderstood me and supposing I spoke of revenue in general brought in whisky and tobacco.

Mr. BECK. The Senator from California objects to the number of copies ordered by the House. My idea is, that if we ought to have any at all, we ought to have enough to distribute at least among the different agricultural societies in the various States. There are over one hundred counties, for example, in the State of Kentucky. We have an agricultural society in nearly every one of them, with a president, vice-president, and directors. Each county has such a society. These are the men who want the Agricultural Reports. They have their meetings sometimes monthly, always three or four times a year; and the only valuable thing they get from the Agricultural Department is a copy of its annual report; and we ought to have at least enough of the reports printed to be kept in the libraries of the societies to enable the people who go to their meetings and who belong to them to see the improvements, if any, that are made by this bureau of the Government.

I might go with the Senator from California in striking at the seeds they are supplying and which they are sending themselves all over the country; and I wish they would not give us one. I think they cost us during the spring of the year from a dollar to a dollar and a half a day in postage stamps in writing to our constituents to say we cannot get their seeds. I would stop that great waste. If we send these volumes to the agricultural societies, they can receive them and test the value of them. As I said, we ought to have enough at least to furnish the officers of the societies in each State with what they want.

I understand under the House resolution I shall only receive about five hundred copies, and my colleague about five hundred, which would be less than ten to a county, leaving out the grangers altogether. I want to stand by the House resolution.

Mr. SARGENT. How many Representatives are there from Kentucky?

Mr. BECK. Ten.

Mr. SARGENT. There are four thousand more at least. It is a pretty large distribution.

Mr. BECK. I rose simply to say that if we would cut off all the useless things in the Agricultural Department we might print more of these reports. If there is anything that is a nuisance it is the pretended distribution of seeds when you can send to but few and have a thousand applications, and then be quarreling with the Department, as I have been doing, because its head was distributing them himself by selecting agents. He would not trust Senators and Representatives, but he selected people throughout the country to magnify his own bureau. If that can be stopped I shall be glad.

Mr. SAULSBURY. I concur with the desire expressed by the Senator from California that there should be a restriction of the amount of printing ordered by the Senate. I think we do entirely too much printing. There are a great many books printed here in larger number than is necessary. Take for instance the President's message and accompanying documents. There are large numbers put to the credit of every Senator, whose constituents would be insulted if he would send them to them. They are valuable documents for reference for certain classes of persons, and only for certain classes of persons; and so it is that very many books are published which are of comparatively little value.

This Agricultural Report, however, is prized by the agricultural community. Whether it is valuable or not valuable, they are anxious to have it. For myself, I believe that many of the statements contained in these reports are not correct, and therefore that they have no real intrinsic value; nevertheless they are books which agriculturists of the country desire, as we all know from the applications we have for them. I do not think that three hundred thousand of that report, if we print any, is too many, and I am perfectly willing, therefore, to vote for the number proposed by the House of Representatives of this particular book.

Now, with reference to the advantages to the agriculturists of the country from the establishment of this bureau, I might differ very essentially from gentlemen who have spoken in regard to that. Upon the whole I question the propriety of maintaining a bureau of that character in this Government. It costs I suppose nearly half a million dollars to run that Department in the appropriations that are made for it and the publication of its reports and the pay which it must necessarily give to the agents who make up these books. I should suppose that half a million dollars was a moderate estimate for running that Department, and I question very much whether it confers benefit to one-half that amount on the entire country. Now, we walk up there through a beautiful park, to look at it. There is a fine area of ground; there is a fine brick house; the walks are splendid; the building is magnificent. It is certainly very beautiful to the eye. But then there is not one out of twenty of the people of this country who ever can see it. Is that kept up to gratify those who live in the city of Washington or those who occasionally come here, that they may look at that magnificent Department of this Government? The great body of the people never see it, and the great body of the people never see its reports, and the great body of the people never see the seeds it sends out. While it may confer some advantages, I question very much whether it pays to run that bureau at all. While we have it, however, I am in favor of publishing its reports and sending them out. I do not believe the number of three hundred thousand is too much; but I join with the Senator from California in curtailing the expenses of the Senate in printing.

Mr. DAVIS, of West Virginia. Mr. President——

The PRESIDENT *pro tempore*. The morning hour has expired and the Chair calls up the unfinished business.

Mr. PADDOCK. I hope we shall be able to pass on this question.

The PRESIDENT *pro tempore*. The unfinished business is House bill No. 805.

Mr. PADDOCK. I hope the Senator having that bill in charge will permit the bill to be laid aside for a few minutes.

Mr. ANTHONY. We can get a vote on this resolution in a few minutes now.

Mr. VOORHEES. The Senator from Ohio [Mr. MATTHEWS] wishes to address the Senate at this time on the regular order of business, and I do not feel at liberty to give way, for that reason.

Mr. PADDOCK. I feel certain that the Senator from Ohio will yield for a few minutes until we pass this resolution, on account of his great interest in the subject of agriculture generally.

Mr. DAVIS, of West Virginia. I believe I was recognized when the Chair announced that the morning hour had expired.

Mr. ANTHONY. I hope the Senator from Ohio will allow the regular order to be passed over informally for a few minutes until we can pass this resolution. I think the debate is exhausted.

Mr. EDMUNDS. I think we had better insist on the regular order.

Mr. MATTHEWS. In deference to the overshadowing importance of the agricultural interest to the country I am willing to yield for five or six minutes.

The PRESIDENT *pro tempore*. The Senator from Ohio is willing to yield for five or six minutes.

Mr. DAVIS, of Illinois. Say fifteen.

Mr. MATTHEWS. Well, fifteen.

Mr. COCKRELL. I wish to offer amendments——

Mr. ANTHONY. Do not let us have any morning business now. This introduction of morning business out of order has become very prevalent in the Senate, and it is not in order.

Mr. COCKRELL. This thing of calling up measures in the morning hour and supplanting morning business is becoming quite prevalent too, and renders it necessary for Senators who desire to introduce morning business to ask leave to do it out of order. The Senator from Rhode Island has called up this matter; I had these amendments ready to introduce when he got up his other matter; now I offer these amendments to the river and harbor appropriation bill, and I ask that they be referred to the Committee on Commerce.

The PRESIDENT *pro tempore* The amendments will be received and referred, if there be no objection. The House concurrent resolution is continued before the Senate, the Chair understands.

Mr. DAVIS, of West Virginia. I wish only to say a few words on the facts. I have no desire to prolong the discussion, and I hope that we shall dispose of the resolution within fifteen minutes. My friend from Delaware [Mr. SAULSBURY] states that the cost of the Agricultural Department is half a million a year. That is only his supposition. I will state that the actual cost of the Agricultural Department is less than a quarter of a million. But that is a matter of very little consequence. The real question is, shall we print two hundred thousand copies of the Agricultural Report, or three hundred thousand, as the House has sent the resolution over to us. Three hundred thousand is the number that has been printed for several years. The House has passed the usual resolution. The Committee on Printing of the Senate, instead of reporting that resolution back to the Senate upon its own merits, saw fit to change it and add to it the printing of other documents, which I think is rather unusual. Three hundred thousand copies is the least number that I believe ought to be printed of the Agricultural Report, and I hope the Senate will adhere to the House resolution as it came over in that respect.

Again, the Senate Committee on Printing have given for the use of the Senate thirty thousand copies, when the House resolution gave to Senators fifty-six thousand copies. In other words, there are twenty-six thousand copies cut off from the use of Senators by the committee's amendment; and therefore I hope it will be rejected.

Now, one word in regard to the necessity of the printing of these reports. It is a well-known fact that more than half the people of this entire nation are engaged in agriculture; and it is another well-

known fact that for the use of agriculture there is not, in proportion to the number engaged in it, one book in five that are printed for other Departments. The Agricultural Department has been neglected, as the chairman of the Committee on Agriculture has said, and if time admitted I have figures to prove that there has been less done to foster agriculture than any other pursuit whatever. Agriculture pays nearly the entire internal revenue. It has been stated here that $100,000,000 of the $118,000,000 comes from agriculture. That is a fact. So, too, in regard to the revenue which comes from customs duties. The agricultural communities pay one-half that taxation in an indirect way; and they are entitled to consideration.

I hope the Senate will not agree to reduce the number of Agricultural Reports for the purpose of printing another book that may be of importance, but it should stand upon its own merits, and not upon those of the Agricultural Report. The two ought not to be placed together.

Mr. PADDOCK. I move to strike out the word "five," where it occurs in the text of the House resolution, and insert "six," which will change the number of pages from five hundred to six hundred.

The PRESIDENT *pro tempore*. The Senator from Nebraska proposes to perfect the text of the House resolution. The first question is on that amendment to strike out "five" and insert "six" in the original resolution.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Printing.

Mr. DAVIS, of West Virginia. Is there not another amendment pending? I understood the Senator from Missouri [Mr. COCKRELL] to move two amendments, first to strike out "five" and insert "six," then to strike out "two" and insert "three."

Mr. COCKRELL. We accomplish the purpose by disagreeing to the committee's amendment.

The PRESIDENT *pro tempore*. "Five" has been stricken out and "six" inserted in the House resolution.

Mr. DAVIS, of West Virginia. Let us know how the question stands.

The PRESIDENT *pro tempore*. The Secretary will report the resolution as amended.

The CHIEF CLERK. The resolution of the House of Representatives, as just amended, reads as follows:

Resolved, &c., That there be printed 300,000 copies of the report of the Commissioner of Agriculture for 1877, 224,000 copies for the use of the House of Representatives, 56,000 copies for the use of the Senate, and 20,000 copies for the use of the Department of Agriculture: *Provided, however*, That the number of pages of said report shall not exceed six hundred.

Mr. DAVIS, of West Virginia. Now, is the question on agreeing to this as read?

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Printing, striking out and inserting.

Mr. DAVIS, of West Virginia. As I understand it, all who are in favor of the House resolution, with the amendment just read, vote against the amendment of the Committee on Printing.

Mr. ANTHONY. The question is on the first branch of the amendment.

The PRESIDENT *pro tempore*. That is it.

Mr. EDMUNDS. I wish the Chair would state it again.

The PRESIDENT *pro tempore*. The Secretary will report the first branch of the committee's amendment.

Mr. PADDOCK. It is striking ont "three" and inserting "two," so as to make the number two hundred thousand.

The CHIEF CLERK. The committee report to strike out all after the word "printed" in the House resolution and insert:

Two hundred thousand copies of the report of the Commissioner of Agriculture for 1877, 150,000 copies for the use of the House of Representatives, 30,000 copies for the use of the Senate, and 20,000 copies for the use of the Department of Agriculture: *Provided, however*, That the number of pages of said report shall not exceed six hundred.

Mr. PADDOCK. I move that the Senate disagree to that branch of the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment just read.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the residue of the amendment of the Committee on Printing.

Mr. EDMUNDS. I should like to know now how much of this committee amendment has been disagreed to, down to what line.

Mr. ANTHONY. The first paragraph.

The PRESIDENT *pro tempore*. The first paragraph.

Mr. EDMUNDS. Then it leaves the matter as it stood in the House resolution, three hundred thousand copies of the Agricultural Report and five hundred pages.

The PRESIDENT *pro tempore*. The Secretary will report the resolution as it stands.

Mr. ANTHONY. That has been read; it need not be read again.

The CHIEF CLERK. The committee report further to amend——

Mr. COCKRELL. Before we pass from this I desire to amend the other, and that is in regard to the number. Two hundred and twenty-four thousand copies for the use of the House of Representatives and fifty-six thousand for the use of the Senate is the House resolution. I move to strike out "two hundred and twenty-four" and insert "two hundred and ten," and strike out "fifty-six" and insert "seventy."

Mr. EDMUNDS. That is not in order yet.

Mr. DAVIS, of West Virginia. I hope the Senator from Missouri, who is aiming at the same thing that I am, will not do that, for it will only lead to a contest between the Houses. Fifty-six thousand to the Senate is much more liberal than our committee has been.

Mr. COCKRELL. We have already rejected what the Senate committee propose. It is only one-fourth to the Senate.

Mr. DAVIS, of West Virginia. Oh, do not have a contest with the House about it.

Mr. ANTHONY. I think we had better leave it as it is, if the number is to be three hundred thousand. The House have always had a larger proportion of the Agricultural Report *per capita*; and of other documents the Senate have a larger proportion than the House. If we keep the total number fixed by the House, we had better agree to the House apportionment.

Mr. DAVIS, of West Virginia. I agree with the Senator from Rhode Island; and I hope my friend from Missouri will withdraw his amendment.

Mr. PADDOCK. I hope the Senator from Missouri will withdraw his amendment. It will only lead us into a contest with the House.

Mr. COCKRELL. As the Senator from Vermont has decided it is out of order, I presume the Chair will sustain the point of order.

Mr. EDMUNDS. I have no doubt the Chair will, because the question is on the balance of the amendment which is not to strike out anything but merely an addition, and that is to be put first.

The PRESIDENT *pro tempore*. The Senator is correct. The committee's amendment comes first; then the amendment of the Senator from Missouri will be in order. The question is on agreeing to the latter paragraph of the amendment recommended by the Committee on Printing.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Missouri now moves to strike out and insert——

Mr. SARGENT and others. No; he does not.

Mr. ANTHONY. I hope the Senator from Missouri will withdraw that amendment.

Mr. COCKRELL. In deference to the wishes of so many Senators, I will not press it; but I think two Senators from a State ought to have one-fourth as many copies of these books as the members of the House from the State.

Mr. ANTHONY. Of most documents the *per capita* proportion of the Senate is larger than of the House; but in regard to this document a preference has always been given to the House.

Mr. SARGENT. Now I wish to know how it stands. What is the number?

Mr. PADDOCK. Three hundred thousand copies of six hundred pages each.

Mr. DAVIS, of West Virginia. I will state my understanding of the resolution as it now stands if it is adopted, and that is this: it is three hundred thousand copies of the Agricultural Report, as it came from the House, and six hundred pages; and then it includes the amendment as to the printing of the colonial records.

The PRESIDENT *pro tempore*. The Senator is correct.

Mr. DAVIS, of West Virginia. Now we all understand it.

The PRESIDENT *pro tempore*. The question now is on the resolution as amended.

Mr. KIRKWOOD. I submitted yesterday a resolution that went to the Committee on Printing. I offer it now as an amendment to this resolution. I will explain very briefly what it means, and I think it will meet with no opposition. The President communicated to us, in answer to a Senate resolution, a short time since a communication from the Commissioner of Agriculture treating on the diseases of swine and other domestic animals. Of that a small number was printed, a very small number. I move an amendment to this resolution for the printing of twenty thousand additional copies of that communication.

Mr. DAVIS, of West Virginia. Will my friend allow me? I think I can explain the matter, and save him the necessity of moving his resolution as an amendment. The addition of one hundred pages, as I understand, will put the document the Senator refers to in the Agricultural Report.

Mr. KIRKWOOD. If the Senator knows that——

Mr. DAVIS, of West Virginia. That is generally understood.

Mr. COCKRELL. I introduced the resolution under which the report in regard to the diseases of swine was printed, and that report is not as full in the pamphlet form as it will be found in the Agricultural Report, and it does not have a number of drawings and plates exemplifying the stages of the disease, &c., which will be in the Agricultural Report.

Mr. KIRKWOOD. The Senator knows that?

Mr. COCKRELL. I know that.

Mr. KIRKWOOD. Very well. I withdraw my amendment.

Mr. COCKRELL. And that is the reason I wanted the five hundred stricken out and six hundred pages inserted. If it were not for that being incorporated in the report, there would be no necessity for over five hundred pages, but it is the addition of that investigation of the diseases of swine and domestic animals that has caused the necessity for six hundred pages.

Mr. KIRKWOOD. That is entirely sufficient.

The PRESIDENT *pro tempore*. The question is on concurring in the House resolution as amended.

Mr. HOAR. I desire to move in the second section this, which I think on explanation there will be no objection to: instead of forty-five hundred and fifty-five copies of the Colonial Charters, to make the number five thousand, and to add, after the clause providing for the distribution, "four hundred and forty-five copies for the Congressional Library for exchanges."

This is a book of extraordinary historic value. Probably no work of the kind has been prepared in this country for years which contains so much of importance to the constitutional history of this country. Now the Librarian of the Congressional Library will be able to exchange with other libraries abroad and at home when he has the copies in his possession, on very advantageous terms, to obtain old and rare books, which are not books that have a market price and do not come within the ordinary expenditure. I move that amendment, to which I think there will be no objection.

Mr. VOORHEES. As it seems to be uncertain how long this subject is to take, and as the Senator from Ohio yielded for fifteen minutes and I promised to call for the regular order at the expiration of that time, I now do so.

Mr. HOAR. I think, if the Senator from Indiana will allow this amendment to be adopted, it will dispose of the whole resolution.

Mr. VOORHEES. If it only occupies a minute or two, with the consent of the Senator from Ohio, I will allow it to go on.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The resolution, as amended, was concurred in.

Mr. ANTHONY. I offer the following order:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate for printing an edition of the Colonial Charters and Constitutions of the United States, sent to the House of Representatives for concurrence February 5, 1878.

The order was agreed to.

RESUMPTION OF SPECIE PAYMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorizes the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

Mr. MATTHEWS. Mr. President, we have before us the bill of the House of Representatives proposing to repeal all that part of the act of January 14, 1875, known as the resumption act, which authorizes the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

We have also the proposition of the Committee on Finance, reported as a substitute for that repeal. On the 10th of April I myself gave notice of an amendment intended to be proposed, at the proper time, to the resumption-repeal bill, which has been printed and referred to the Committee of Finance, and which at the proper moment I intend to offer as an amendment, by way of substitute, for all the pending propositions. This proposition was originally introduced by me on the 8th of last November in the form of an original and independent bill, supplementary to the act to provide for the resumption of specie payments of January 14, 1875, and was then referred to the Finance Committee.

We have before us, also, House bill No. 4663, to forbid the further retirement of United States legal-tender notes, referred a few days ago to the Finance Committee.

These various propositions open for discussion the whole question of the currency. I trust that that discussion will be thorough and complete. I hope it will lead to such a settlement by Congress at the present session as will be so satisfactory to the general public opinion of the country that it may suffice to close all popular agitation upon the question. Much as the country needs and desires repose upon that and all other subjects of agitation, political and monetary, calculated to affect the course of business, I am satisfied that it cannot be attained otherwise than by a candid, fair, thorough, and complete examination and discussion of the whole subject. The question has taken a deep hold on the public mind. It will be discussed, if not here, then elsewhere, in the newspapers, in primary assemblies, in political conventions, in private meetings, in social clubs, and even in the family circle.

The country is suffering from a paralysis of industry. It affects injuriously and keenly every interest. Every one is conscious that something is wrong. Everybody believes that something ought to be done to cure it. Every one is inquiring, thinking, talking; and almost every one believes himself in possession of the specific which he is ready to prescribe as the sure remedy for all the acknowledged evils of our situation. While such remains the condition of the public mind, it is not wise to ignore it. We must meet the question; we must consider it; we must debate it; we must try to solve it; we must make the effort to settle it. It is in this spirit that I address the Senate to-day. It is in this spirit that I submit the propositions which I shall have to offer. Every Senator is required to have an opinion, for he is bound to vote; and as he must vote upon his own responsibility so as to give wise direction to the public policy he ought to be able to furnish the reasons and grounds on which he rests his vote. Under a sense of this responsibility I have given this delicate and important subject the most anxious and careful consideration of which I am able. I have not thought that the science of finance could be acquired by intuition. I have endeavored to inform myself of the views of those who are entitled to be considered authorities. I have endeavored to study and understand our present condition in the light of our past experience and the experience of other countries, both past and contemporaneous, and have been willing to listen to and accept suggestions from whatever quarter that seemed to me to be reasonable and well founded.

The first proposition to be considered is that contained in the House bill for the repeal of the substance of the resumption act of 1875. That is the main question on which all the other propositions depend. It is the question, if these propositions are not accepted, which will recur and on which we will be required to record our votes, yea and nay.

The substance of the resumption act consists in that provision which requires that on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50; and in the further provision which, to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized and required, authorizes him to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par in coin, bonds of the United States described in the refunding act of July 14, 1870, bearing interest either at 5, 4½ or 4 per cent. per annum. The question is, shall this be repealed without condition and without qualification. The question is, shall the policy expressed in this statute and pursued hitherto now be reversed, or shall it be prosecuted to its consummation, either by the means already in existence or by such further provisions of law as shall perfect it.

In one aspect the answer to this question may depend upon what is meant in law by that "redemption" of the legal-tender notes which it was intended to secure on and after the 1st of January next. On this question there is division of opinion. Some maintain—and that seems to be the opinion implied in the preamble to the House bill, which recites it as if the act authorized the cancellation of the greenback currency as the necessary consequence of this redemption—some, I say, contend that the redemption in coin on and after the 1st of January, 1879, of the legal-tender currency is an extinction of it without the power and authority of law for its continuous reissue.

On the other hand, it is argued that it was the intention of the resumption act to reduce the amount of the greenback currency in circulation to the sum of $300,000,000, and not further; and that although the act of redemption thereafter to take place by the exchange of legal-tender notes on presentation for coin does imply *ex vi termini* the extinction for the time being of the obligation expressed in these notes thus returned to the possession of the United States, that nevertheless that temporary extinction of the obligation is not inconsistent with the right to renew it by reissuing the notes from time to time and thus keeping them alive and afloat as a part of the permanent currency of the nation. This is the view taken by the Secretary of the Treasury himself, who holds that after he has commenced the work of redemption under this act, and although there is no provision of law in this statute authorizing him to reissue notes so redeemed, yet there remain on the statute-book, unrepealed, other provisions of law giving him that authority. The resumption act of 1875 only repeals such provisions of law as are inconsistent with its own, and it is not inconsistent with the provision requiring the redemption of legal-tender notes, on presentation, in coin that the Secretary should be authorized by law to reissue them again from time to time as the exigencies of the public interests may require. Section 3582 of the Revised Statutes declares that—

> The authority given to the Secretary of the Treasury to make any reduction of the currency, by retiring and canceling United States notes, is suspended.

And it is provided in section 3579 that—

> When any United States notes are returned to the Treasury, they may be reissued, from time to time, as the exigencies of the public interest may require.

The opinion of the Secretary of the Treasury as to the effect of this latter section upon the question is stated by him in his annual report for 1877, submitted to Congress, as follows:

> The Secretary is of the opinion that, under this section, notes, when redeemed after the 1st of January, 1879, if the amount outstanding is not in excess of $300,000,000, may be reissued as the exigencies of the public service may require. A note redeemed with coin is in the Treasury and subject to the same law as if received for taxes, or as a bank-note when redeemed by the corporation issuing it. The authority to reissue it does not depend upon the mode in which it is returned to the Treasury. But this construction is controverted, and should be settled by distinct provisions of law. It should not be open to doubt or dispute. The decision of this question by Congress involves not merely the construction of existing law, but the public policy of maintaining in circulation United States notes, either with or without the legal-tender clause. These notes are of great public convenience. They circulate readily; are of universal credit; are a debt of the people without interest; are protected by every possible safeguard against counterfeiting; and, when redeemable in coin at the demand of the holder, form a paper currency as good as has yet been devised. It is conceded that a certain amount can, with the aid of an ample reserve in coin, be always maintained in circulation. Should not the benefit of this circulation inure to the people, rather than to corporations, either

State or national? The Government has ample facility for the collection, custody, and care of the coin reserves of the country. It is a safer custodian of such reserves than a multitude of scattered banks can be.

My own opinion agrees with that of the Secretary. I believe that construing section 3579 of the Revised Statutes together with the resumption act of 1875 the two are entirely consistent. There is no express declaration in the resumption act that notes once redeemed may not be reissued. There is no inference to that effect which can be drawn from the language of the law except that which is implied necessarily in the meaning of the word "redeemed;" and although it may be said that the natural and usual meaning of the word "redeem" is to extinguish by payment, that, nevertheless, is consistent with the right to renew the vitality of the extinguished obligation by a new issue. The redemption does not extinguish the note redeemed more effectually when accomplished by means of payment in coin than when accomplished by a receipt in payment of a debt due to the Government, and the authority to reissue has been exerted constantly in respect to obligations thus extinguished.

In respect to the fractional currency required to be redeemed by the first section of the resumption act no similar provision applies. That becomes extinguished by the redemption, and there is no provision of law for reissuing fractional currency. Section 3579 only applies to what are technically known as United States notes, and fractional currency does not come under that denomination.

It further appears from other legislation upon the same subject that when Congress manifestly intended the absolute extinction of redeemed currency they used language admitting of no doubt and inconsistent with the idea of reissue.

As, for instance, in the act of April 12, 1866, the proviso declares—

That of United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month—

So in the act of March 2, 1867, it is declared—

That for the purpose of redeeming and retiring any compound-interest notes outstanding the Secretary of the Treasury is authorized and directed to issue temporary-loan certificates.

So in the act of July 25, 1868, it is declared—

That for the sole purpose of redeeming and retiring the remainder of the compound-interest notes outstanding the Secretary shall issue temporary-loan certificates.

While, therefore, I agree with the Secretary in the opinion that after the 1st of January, 1879, existing provisions of law authorize him to reissue Treasury notes then redeemed, I also agree with him that so important an authority ought not to be left to construction and to inference, but that express provision of law ought now to be made to remove any doubt on that subject.

That opinion, however, I cannot expect to be universally adopted. There are two grounds independent of the mere question of construction on which it will be contested. It is claimed by some that in the present condition of the country in time of peace, as a mere matter of policy in establishing, maintaining, and regulating a national currency, Congress has no constitutional authority to authorize the issue of Treasury notes to circulate as money and with the legal-tender quality.

In the second place it would be maintained by a certain school of finance that, whatever may be the power of Congress in the premises, the creation by its direct authority of a national currency of Treasury notes is so dangerous and liable to abuse and full of peril and threatening to all that stability which is essential to public and private credit and the whole industrial organization of the country, which is necessarily built on private credit, that the idea of maintaining as a permanent part of our financial system the issue of legal-tender notes ought not as a matter of expediency and wisdom to be entertained for a moment; but that at the earliest practicable moment the legal tender ought to be redeemed in coin and retired and canceled, and be reissued no more forever.

First, as to the constitutional power. It cannot and will not be denied that, for its own convenience under the constitutional authority to levy and collect taxes, to borrow money, and pay the public debt, Congress may lawfully issue Treasury notes; and if, to give them greater efficiency as an instrumentality for exercising an acknowledged power of Congress, it is deemed best in its discretion to give them the form and similitude of notes calculated to circulate as money, the argument is irresistible that Congress may lawfully do so. No one doubts that they may be made receivable by the Government in payment of every obligation due to it, for that is the very object of their creation. If, in addition, Congress may determine that it be necessary and proper in the exercise of this power to increase their usefulness and efficiency by making them receivable by individuals from the Government it seems impossible to frame an argument against its authority so to do, and equally difficult to draw the line of distinction between that power and the power to make them receivable by individuals in payment of individual debts.

In my judgment, there is a much broader ground on which this power can safely rest. I believe that it is the duty as well as the exclusive right of the National Government to furnish to the people, either directly or indirectly, a national currency; and if it can do it indirectly through the medium of one or more national banks, *a fortiori* it may do it directly by the issue of its own notes. On what ground, may I ask, rest the present existence and lawful authority of the national banks to issue their notes to circulate as money to constitute the currency of the country? If the United States Government cannot issue or create representative paper money by direct legislation, issuing from the Treasury itself, how can it impart to corporations created by itself that power which it is claimed the Constitution has denied to it? Can it give to another that which it has not itself? Can the stream rise higher than the source? The maxim of the law is *qui facit per alium facit per se*. If there be no original power, from what source can there be any derived? The national banks are agents merely. Who is their principal, and how does it come that they can do what is denied to the principal from whom they derive all their power? It is not irreconcilable with this view that State governments created banks authorized to issue their own notes to circulate as money, while the Constitution of the United States prohibited the States themselves from emitting bills of credit, under which denomination circulating notes were decided to be included. There the positive prohibition of the Federal Constitution operated upon the States—not to take away, as it was held, their power to create corporations with banking powers, but only upon the direct action of the States themselves to issue their own bills. If there was any lack of logic it was in the original decision by which the lawfulness of State banks was first established.

But the question of the power of Congress has been the subject of express adjudication by the Supreme Court of the United States, in the case of Osborn *vs.* The United States Bank, 9 Wheaton, 872. Justice Johnson, dissenting from the majority on the question of jurisdiction, explained the relation between the Bank of the United States, whose constitutionality was then in question, and the General Government; and after speaking of its functions as a part of the administration of the National Government, in its fiscal transactions, he says:

Had its effects, however, and the views of its framers been confined exclusively to its fiscal uses, it is more than probable that this suit and the laws in which it originated would never have had existence. But it is well known that with that object was combined another, of a very general and not less important character.

The expiration of the charter of the former bank led to State creations of banks; each new bank increased the facilities of creating others; and the necessities of the General Government, both to make use of the State banks for their deposits and to borrow largely of all who would lend to them, produced that rage for multiplying banks which, aided by the emoluments derived to the States in their creation and the many individual incentives which they developed, soon inundated the country with a new description of bills of credit, against which it was obvious that the provisions of the Constitution opposed no adequate inhibition.

A specie-paying bank, with an overwhelming capital and the whole aid of the Government deposits, presented the only resource to which the Government could resort to restore that power over the currency of the country which the framers of the Constitution evidently intended to give to Congress alone. But this necessarily involved a restraint upon individual cupidity and the exercise of State power; and, in the nature of things, it was hardly possible for the mighty effort necessary to put down an evil spread so wide and arrived to such maturity to be made without embodying against it an immense moneyed combination, which could not fail of making its influence to be felt wherever its claimances could reach or its industry and wealth be brought to operate.

The power to control the national currency and restrain the individual and separate action of the States, and to make the action of Congress exclusive, which Mr. Justice Johnson thus describes as being exerted by the creation of the old Bank of the United States has been exerted for the same purpose and with the same effect in later days in a different way. For the purpose of effectually preventing the maintenance of any bank currency other than that issued under the direct authority of the General Government, Congress passed on the 13th of July, 1866, (14 Statutes at Large, 146,) an act the second clause of the ninth section of which enacts that—

Every national-banking association, State bank, or State banking association shall pay a tax of 10 per cent. on the amount of notes of any person, State bank, or State banking association, used for circulation and paid out by them after the 1st day of August, 1866, and such tax shall be assessed and paid in such a manner as shall be prescribed by the Commissioner of Internal Revenue.

The constitutional authority of Congress to pass such an act was the question decided in the case of Veazie Bank *vs.* Fenno, 8 Wallace, 548, in which the opinion of the court was pronounced by the then Chief-Justice Chase.

In delivering the opinion of the court, he said:

But there is another answer, which vindicates equally the wisdom and the power of Congress.

It cannot be doubted that under the Constitution the power to provide a circulation of coin is given to Congress; and it is settled by the uniform practice of the Government and by repeated decisions that Congress may constitutionally authorize the emission of bills of credit. It is not important here to decide whether the quality of legal tender in payment of debts can be constitutionally imparted to these bills; it is enough to say that there can be no question of the power of the Government to emit them, to make them receivable in payment of debts to itself, to fit them for use by those who see fit to use them in all the transactions of commerce, to provide for their redemption, to make them a currency uniform in value and description and convenient and useful for circulation. These powers until recently were only partially and occasionally exercised. Lately, however, they have been called into full activity, and Congress has undertaken to supply a currency for the entire country.

The methods adopted for the supply of this currency were briefly explained in the first part of this opinion. It now consists of coin, of United States notes, and of the notes of the national banks. Both descriptions of notes may be properly described as bills of credit, for both are furnished by the Government; both are issued on the credit of the Government; and the Government is responsible for the redemption of both; primarily as to the first description, and immediately upon the default of the bank, as to the second. When these bills shall be made convertible into coin, at the will of the holder, this currency will, perhaps, satisfy the wants of the community, in respect to a circulating medium, as perfectly as any mixed currency that can be devised.

Having thus, in the exercise of undisputed constitutional powers, undertaken

to provide a currency for the whole country, it cannot be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end, Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit and base coin on the community. To the same end, Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

In the light of subsequent judicial history this opinion of Chief-Justice Chase is exceedingly significant. In the first place, it is to be observed that he speaks of the redemption of the United States notes while still using them as a permanent part of the national currency. It was clearly, therefore, not his opinion that the redemption of such notes prevented their reissue. He evidently used the word "redemption" as legally equivalent to convertible into coin at the will of the holder, with the power on the part of the Government to reissue them again as new evidences of its obligation and as a permanent part of the national currency.

In the next place, it is to be observed that while the Chief-Justice reserved a decision as to whether the quality of legal tender in payment of debts could be constitutionally imparted to such notes, there is no implication arising upon the opinion that if such a decision had been necessary in that case it would not have been given in the affirmative. Indeed, such a decision is but the next necessary step in the line of his own logic. It seems to me impossible for any one to maintain his reasoning in support of the right of Congress to tax out of existence all other notes intended for circulation as money than those issued by the authority of the United States and not at the same time hold that Congress may do anything else that in its discretion may be proper and necessary for the purpose of accomplishing that result. The Chief-Justice declares that to provide a currency for the whole country is merely the exercise on the part of Congress of undisputed constitutional power; and that in the exercise of that power it cannot be questioned that Congress may constitutionally secure the benefit of it to the people by appropriate legislation. So that whatever legislation is appropriate to the purpose of providing a national currency, Congress may legitimately exercise; and if, in the opinion of Congress, to do so it becomes necessary to make that currency a legal tender in payment of all debts, public and private, I do not see how the conclusion can be avoided, upon the reasoning of this case, that Congress may rightfully so do.

Accordingly, in the legal-tender cases, 12 Wallace, 544, Mr. Justice Strong, referring to this decision upon the 10 per cent. tax on State bank-notes, said:

It is not easy to see why, if State bank-notes can be taxed out of existence for the purposes of indirectly making United States notes more useful for commercial purposes, the same end may not be secured directly by making them a legal tender.

And in the same case, on page 560, Mr. Justice Bradley said——

Mr. BAYARD. Will it interrupt the honorable Senator if I ask him whether, in the same volume of Wallace's reports in which the case of Veazie Bank *vs.* Fenno is reported, the opinion of Chief-Justice Chase in the case of Hepburn *vs.* Griswold is not also contained?

Mr. MATTHEWS. It is.

Mr. BAYARD. And whether he does not there expressly deny the power of the Congress of the United States to make its notes a legal tender for the payment of private debts?

Mr. MATTHEWS. He does.

Mr. BAYARD. I do not know whether the honorable Senator in reading the opinion in Veazie Bank *vs.* Fenno adverted to the express exception by the court of the power of legal tender in the catalogue of powers there contained as being vested in the Congress.

Mr. MATTHEWS. I said the court reserved that question; that is, reserved any decision on that question.

Mr. BAYARD. That is to say, they made an expression of exclusion against that power.

Mr. MATTHEWS. They said "without expressing any opinion on that."

Mr. BAYARD. And in the same volume of reports, an opinion delivered by the same judge, the Chief-Justice, directly and expressly denies the power in Congress to make its notes a legal tender.

Mr. MATTHEWS. I have already said so, and have already demonstrated that he could not have done it without violating the logic of his own decision in the case of the Veazie Bank *vs.* Fenno.

Mr. HILL. I should like to ask the Senator a question. I concur with him that, if the reasoning of Chief-Justice Chase in the case which he has read of the Veazie Bank *vs.* Fenno is correct, then I believe that the application of that reasoning now made by the Senator is also correct.

Mr. MATTHEWS. That is my proposition.

Mr. HILL. But I do not believe the reasoning by the Chief-Justice in the case referred to is correct, and I do not believe that Congress has power to use the taxing power or any other power to prohibit the States from chartering banks, or to prohibit the banks chartered by the States from issuing a circulation, and I desire to ask the Senator does he believe the reasoning of Chief-Justice Chase in the case referred to is good reasoning?

Mr. MATTHEWS. I do.

Mr. HILL. I differ with the Senator there.

Mr. MATTHEWS. And I shall proceed to maintain it. In the legal-tender cases, in 12 Wallace, page 560, Mr. Justice Bradley says:

No one doubts at the present day nor has ever seriously doubted that the power of the Government to emit bills exists. It has been exercised by the Government without question for a large portion of its history. This being conceded, the incidental power of giving such bills the quality of legal tender follows almost as a matter of course.

I hold it to be the prerogative of every government not restrained by its constitution to anticipate its resources by the issue of exchequer bills, bills of credit, bonds, stock, or a banking apparatus. Whether those issues shall or shall not be receivable in payment of private debts is an incidental matter in the discretion of such government unless restrained by constitutional prohibition.

And on page 562 the same judge further says:

Another ground of the power to issue Treasury notes or bills is the necessity of providing a proper currency for the country, and especially of providing for the failure or disappearance of the ordinary currency in times of financial pressure and threatened collapse of commercial credit. Currency is a national necessity. The operations of the Government, as well as private transactions, are wholly dependent upon it. The State governments are prohibited from making money or issuing bills. Uniformity of money was one of the objects of the Constitution. The coinage of money and regulation of its value are conferred upon the General Government exclusively. That Government has also the power to issue bills. It follows, as a matter of necessity, as a consequence of these various provisions, that it is specially the duty of the General Government to provide a national currency. The States cannot do it except by the charter of local banks, and that remedy, if strictly legitimate and constitutional, is inadequate, fluctuating, uncertain, and insecure, and operates with all the partiality to local interests which it was the very object of the Constitution to avoid. But regarded as a duty of the General Government, it is strictly in accordance with the spirit of the Constitution, as well as in line with the national necessities.

It is sometimes argued as if this eminent judge had based his opinion of the constitutionality of the legal-tender quality of the Treasury notes upon the exigencies of war and had declared in another part of this opinion that it could not exist or be exerted under any other contingency. The following extract from his opinion, on page 567, will show that that is not a correct inference. He says:

It follows as another corollary from the views which I have expressed that the power to make Treasury notes a legal tender, while a mere incidental one to that of issuing the notes themselves, and to one of the forms of borrowing money, is nevertheless a power not to be resorted to except upon extraordinary and pressing occasions, such as war or other public exigencies of great gravity and importance; and should be no longer exerted than all the circumstances of the case demand.

I do not say that it is a war power or that it is only to be called into exercise in time of war, for other public exigencies may arise in the history of a nation which may make it expedient and imperative to exercise it. But of the occasions when and of the times how long it shall be exercised and in force, it is for the legislative department of the Government to judge. Feeling sensibly the judgments and wishes of the people that department cannot long (if it is proper to suppose that within its sphere it ever can) misunderstand the business interests and just rights of the community.

I feel justified, then, on grounds both of reason and of authority in maintaining the conclusion that Congress in its discretion has constitutional power to create a national currency of Treasury notes which shall be receivable in payment of all debts and dues, both public and private, as a legal tender.

Whether it be safe or expedient to exert this constitutional power by providing a national currency either in whole or in part consisting of Treasury notes with the quality of legal tender, is the next question. On that question, as I have already said, opinions are divided. There is one school of finance which believes it to be unwise and inexpedient. Its disciples urge with pertinacity and earnestness that Congress ought to compel as speedily as practicable the withdrawal from circulation of all its Treasury notes by redeeming them in coin, and allowing whatever vacuum may thereby be created in the circulating medium of the country to be supplied by the normal operations of the free-banking system extended under the provisions of existing law at will by all who choose to engage in the business and according to the demands of business in every locality throughout the United States. The danger which menaces us in the view of this theory of national currency from the issue of Treasury notes directly by the Government is that the supply of currency is thus made dependent upon popular caprice and clamor as represented in the National Congress. The apprehension seems to be that Congress will not be able to impose upon itself or upon the people any fixed restraint of law prescribing the maximum of national currency authorized to be issued, and that the whole business interests of the country will be in perpetual terror from threatened changes in the volume and amount of the currency affecting and changing from day to day the prices and values of property and labor, and thus keeping all things in a condition of perpetual unrest and uncertainty.

I am unable to sympathize with this view. I think it is an unintelligent fear. I see no ground for such an apprehension. I can appreciate no reason which is likely to influence Congress to make from time to time by law and changes of law arbitrary alterations in the amount and volume of the currency. What has been our experience? The original maximum fixed by the act of June 30, 1864, of $400,000,000 of permanent circulation has never been extended; and I see no reasons for thinking that the representatives of the people in Congress may not as safely be trusted with the discretion to determine the volume of currency necessary for the needs of the nation as to leave the amount to be determined from time to time by those capricious and unregulated tendencies of popular caprice represented in all speculative movements by that demand for additional accommodations and discounts from private banks which in times of such excitement feed the very fever which begets them and bring upon the country, as they have brought upon the country in the whole history of banking operations, periodical inflations followed by periodical revulsions and bankruptcies. The danger of instability in the volume of paper money is much greater in my judgment when it is left to that private manipulation which is dictated by the joint avarice of lender and

borrower than when left to that wider and better public opinion represented in national legislation.

The Secretary of the Treasury, in his annual report for 1877, says:

The Secretary ventures to express the opinion that the best currency for the people of the United States would be a carefully limited amount of United States notes, promptly redeemable on presentation in coin, and supported by ample reserves of coin, and supplemented by a system of national banks, organized under general laws, free and open to all, with power to issue circulating notes secured by United States bonds deposited with the Government, and redeemable on demand in United States notes or coin. Such a system will secure to the people a safe currency of equal value in all parts of the country, receivable for all dues, and easily convertible into coin. Interest can thus be saved on so much of the public debt as can be conveniently maintained in permanent circulation, leaving to national banks the proper business of such corporations, of providing currency for the varying changes, the ebb and flow of trade.

Such also was the opinion of the late Chief-Justice Chase, as appears by the extract which I have read from his opinion in the case of the Veazie Bank *vs.* Fenno.

I am very happy to be able also to support my views both as to the constitutionality and superior value of such a national currency by the opinions expressed with great force, and often reiterated, of the late Mr. Calhoun. He was, of course, the most eminent expounder of the doctrines of that school of constitutional lawyers and statesmen who believed that the Constitution of the United States ought to receive the strictest and most rigorous construction; and he had given to the subject of the currency the most thoughtful and considerate study of which he was capable. He believed it was the right and the duty of Congress to provide exclusively a national currency of paper money; and he believed that such a system was practically the best. The following extract from his speech on the bill authorizing the issue of Treasury notes, delivered in the Senate September 19, 1837, (3 Calhoun's Works, 83,) although lengthy, is well worth being reproduced.

It is, then, my impression, that, in the present condition of the world, a paper currency, in some form, if not necessary, is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility of determining the amount. The great desideratum is, to ascertain what description of paper has the requisite qualities of being free from fluctuation in value and liability to abuse in the greatest perfection. I have shown, I trust, that the bank-notes do not possess these requisites in a degree sufficiently high for this purpose. I go further. It appears to me, after bestowing the best reflection I can give the subject, that no convertible paper—that is, no paper whose credit rests upon a promise to pay—is suitable for currency. It is the form of credit proper in private transactions between man and man, but not for a standard of value, to perform exchanges generally, which constitute the appropriate functions of money or currency. The measures of safety in the two cases are wholly different. A promissory note, or convertible paper, is considered safe so long as the drawer has ample means to meet his engagements; and in passing from hand to hand regard is had only to his ability and willingness to pay. Very different is the case in currency. The aggregate value of the currency of a country necessarily bears a small proportion to the aggregate value of its property. This proportion is not well ascertained, and is probably subject to considerable variation in different countries and at different periods in the same country. It may be assumed conjecturally, in order to illustrate what I say, at 1 to 30.

Assuming this proportion to be correct, which probably is not very far from the truth, it follows that in a sound condition of the country where the currency is metallic, the aggregate value of the coin is not more than 1 in 30 of the aggregate value of the property. It also follows that an increase in the amount of the currency, by the addition of a paper circulation of no intrinsic value, but increases the nominal value of the aggregate property of the country in the same proportion that the increase bears to the whole amount of currency, so that, if the currency be doubled the nominal value of the property will also be doubled. Hence it is that when the paper currency of a country is in the shape of promissory notes there is a constant tendency to excess. We look for their safety to the ability of the drawer, (and so long as his means are ample to meet his engagements there is no distrust,) without reflecting that, considered as currency, it cannot safely exceed 1 in 30 in value compared to property; and the delusion is further increased by the constant increase in value of property with the increase of the notes in circulation, so as to maintain the same relative proportion. It follows that a government may safely contract a debt many times the amount of its aggregate circulation; but if it were to attempt to put its promissory notes in circulation in amounts equal to its debts an explosion in the currency would be inevitable. And hence, with other causes, the constant tendency to an excessive issue of bank-notes in prosperous times, when so large a portion of the community are anxious to obtain accommodation and are disappointed when negotiable paper is refused by the banks, not reflecting that it would not be safe to discount beyond the limits I have assigned for a safe circulation, however good the paper offered.

On what, then, ought a paper currency to rest? I would say, on demand and supply simply, which regulate the value of everything else—the constant demand which the Government has on the community for its necessary supplies. A medium, resting on this demand, which simply obligates the Government to receive it in all of its dues, to the exclusion of everything else, except gold and silver, and which shall be optional with those who have demands on Government to receive or not, would, it seems to me, be as stable in its value as those metals themselves, and be as little liable to abuse as the power of coining. It would contain within itself a self-regulating power. It could only be issued to those who had claims on the Government, and to those only with their consent, and, of course, only at or above par with gold and silver, which would be its habitual state; for, so far as the Government was concerned, it would be equal, in every respect, to gold and silver, and superior in many, particularly in regulating the distant exchanges of the country. Should, however, a demand for gold and silver from abroad, or other accidental causes, depress it temporarily as compared with the precious metals, it would then return to the Treasury, and as it could not be paid out during such depression, its gradual diminution in the market would soon restore it to an equality, when it would again flow out into the general circulation. Thus there would be a constant alternate flux and reflux into and from the Treasury, between it and the precious metals; but if at any time a permanent depression in its value be possible from any cause, the only effect would be to operate as a reduction of taxes on the community, and the only sufferer would be the Government itself. Against this its own interest would be a sufficient guarantee.

Nothing but experience can determine what amount and of what denominations might be safely issued; but it may be safely assumed that the country would absorb an amount greatly exceeding its annual income. Much of its exchanges, which amount to a vast sum, as well as its banking business, would revolve about it, and many millions would thus be kept in circulation beyond the demands of the Government. It may throw some light on this subject to state that North Carolina, just after the Revolution, issued a large amount of paper, which was made receivable in dues to her. It was also made a legal tender, but which, of course, was not obligatory after the adoption of the Federal Constitution. A large amount, say between four and five hundred thousand dollars, remained in circulation after that period, and continued to circulate for more than twenty years at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the State, which was much less than $100,000 per annum. I speak on the information of citizens of that State, on whom I can rely.

But whatever may be the amount that can be circulated I hold it clear that to that amount it would be as stable in value as gold and silver itself, provided the Government be bound to receive it exclusively with those metals in all its dues, and that it be left perfectly optional with those who have claims on the Government to receive it or not. It will also be a necessary condition that notes of too small a denomination should not be issued, so that the Treasury shall have ample means to meet all demands either in gold or silver or the bills of the Government, at the option of those who have claims on it. With these conditions, no further variation could take place between it and gold and silver than that which would be caused by the action of commerce. An unusual demand from abroad for the metals would of course raise them a little in their relative value and depress relatively the Government bills in the same proportion, which would cause them to flow into the Treasury and gold and silver to flow out, while on the contrary an increased demand for the bills in the domestic exchanges would have the reverse effect, causing, as I have stated, an alternate flux and reflux into the Treasury between the two, which would at all times keep their relative values either at or near par.

No one can doubt that the fact of the Government receiving and paying away bank-notes in all its fiscal transactions is one of the principal sources of their great circulation; and it was mainly on that account that the notes of the late Bank of the United States so freely circulated all over the Union. I would ask, then, why should the Government mingle its credit with that of private corporations? No one can doubt but that the Government credit is better than that of any bank—more stable and more safe. Why, then, should it mix it up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands, while it shall be considered safe in the hands of eight hundred private institutions scattered all over the country, and which have no other object but their own private profits, to increase which they almost constantly extend their business to the most dangerous extremes? And why should the community be compelled to give 6 per cent. discount for the Government credit blended with that of the banks, when the superior credit of the Government could be furnished separately, without discount, to the mutual advantage of the Government and the community? Why, let me ask, should the Government be exposed to such difficulties as the present, by mingling its credit with the banks, when it could be exempt from all such by using by itself its own safer credit? It is time the community, which has so deep an interest in a sound and cheap currency and the equality of the laws between one portion of the citizens of the country and another, should reflect seriously on these things; not for the purpose of oppressing any interest, but to correct gradually disorders of a dangerous character which have insensibly, in the long course of years, without being perceived by any one, crept into the state.

Mr. HILL. I do not wish to interrupt the Senator from Ohio unless he is willing to be interrupted.

Mr. MATTHEWS. I am quite willing.

Mr. HILL. The Senator has quoted from the speech of Mr. Calhoun, made in 1837. I ask him if in that very speech, speaking of the very kind of Treasury notes which Mr. Calhoun believed the Government could issue, he did not expressly negative the idea that they could be made receivable by individuals in payment of their own dues, and whether he did not say that they should be only receivable in payment of dues to the Government? I ask if Mr. Calhoun did not express that negative there? I know it is in the speech.

Mr. MATTHEWS. He expressly negatives the idea that they should be a legal tender even as between the Government and the receiver, except with the receiver's consent.

Mr. HILL. Yes; not for private debts.

Mr. MATTHEWS. I do not read this extract as showing the authority of Mr. Calhoun for preferring a legal-tender Treasury note circulation, but as only demonstrating the opinion which he here expresses, which he reiterates often and again in subsequent discussions, that the best paper currency in the world is a Treasury-note circulation, to be received at the will of the party to whom it is offered by the Government, and redeemable in gold and silver.

Mr. HILL. And he went further and expressly negatived the idea that that Treasury note could by the Government be made a legal tender.

Mr. MATTHEWS. I have found no such phrase or passage anywhere in this or in any other speech of Mr. Calhoun, although the Senator from Georgia may be entirely right.

Mr. HILL. I will show it to the Senator. Moreover, I will ask the Senator from Ohio if Mr. Calhoun in that very speech does not make the necessities of the Government alone the basis for the issue of those Treasury notes, and therefore the extent to which they should be issued; and does he not speak of them as being a currency simply incidentally, and not directly?

Mr. MATTHEWS. I will answer, Mr. President, very emphatically, no.

Mr. HILL. Give me the book.

Mr. MATTHEWS. Certainly, I send the Senator the book. On the contrary his whole argument throughout the whole of that speech was to prove that Congress had the exclusive power to provide a national paper currency, and that that currency should be of Treasury notes issued by its direct authority and not by the banks, for the whole argument was a demonstration against the Bank of the United States and against the State banks both, as being depositories of any such power. The legal-tender feature played no part in the discussion, for nobody was proposing it, and he expressly excepts it, as between the Government and the party to whom it was offered; and he does base the limitation of the amount of the currency which could be kept safely in permanent circulation on the necessities of the Government itself, and demonstrating in the extract which I read that

the amount which could thus be safely kept afloat and at par equal in value with gold and silver was about as 1 to 30 between the amount of the circulation and the aggregate value of the property of the country.

In my view, then, the resumption of specie payments as contemplated by law and the policy of the Government as expressed through the Secretary of the Treasury does not consist in retiring and canceling and abolishing the legal-tender notes as a national currency. On the contrary it consists in maintaining legal-tender notes as a part of the national currency, for the present, at least, making them and keeping them equivalent in value with coin, so as to be exchangeable for coin at par on the demand of the holder. If this be the true meaning of resumption of specie payments, as I think I have shown it to be, then I am in favor of it and will support all legislation necessary to make it effectual and permanent.

If, on the other hand, the resumption of specie payments shall be declared to consist in the redemption of legal-tender notes in the sense of retiring and canceling them, then I am opposed to it, and will vote for all legislation necessary to give that opposition effect. But I assume for the present that it is the general desire of the public, which will be carried into effect by any necessary enactments of Congress, to maintain the legal-tender notes as a part of the national currency. Those who believe that they ought ultimately to be withdrawn and replaced by the issues of banks, either national or State, will nevertheless, in my judgment, act wisely in not seeking that as a present and immediate result; as, on the other hand, those who are firmly persuaded that the whole area of possible circulation of paper money ought to be filled with National Treasury notes to the exclusion of the issues of all banks will also, in my judgment, act wisely in not seeking to give to their convictions present and immediate effect. The extremes on both sides ought to yield to a prudent consideration of our present financial situation. In whatever direction we move we ought to take but one step at a time; and if we can take that step now together without committing either party to any ultimate direction hostile to its views of public utility, that step ought to be taken and none other considered until its effect has been determined by experience. The question whether we should ultimately abolish legal-tenders or ultimately abolish national banks can be postponed. There is no necessity for its present decision, and there is therefore no reason for its present consideration. What we do need to settle is that our existing currency shall be made as good, and kept as good, as it can be, by making it conform in a stable, permanent way with that standard of value which measures all things, both in our domestic and in our foreign exchanges. The great point is to have the relation between coin values and values expressed in our own currency established and fixed. It does not make so much difference what the relation is—whether it is one represented by a par of exchange or a premium and discount—as that whatever arrangement may be determined upon shall remain from day to day and month to month and year to year, so that men who have in the present to make their future shall be able to calculate with confidence that the elements of their problem shall not change under their hands while they are endeavoring to solve it. The best relation is that of equality. It is one from which the tendency to vary is soonest discovered, and by which any actual variance is the most easily corrected. It fixes our ventures rocking on restless waves as the anchor fixes the ship. It is the ballast which steadies every vessel in the course of trade; it is the standard most easily recognized by the general public and most effectually secures the inexperienced and uninstructed against fraud and chicane. It enables every one to mark the rise of the tide, and so most accurately to watch and guard against all those fluctuations which necessarily beget uncertainty in business and which from time to time seem to culminate in speculation and disaster. The desirable thing, therefore, is to maintain the national currency as steadily as the needle to the pole at an equality with coin. This can only be done by maintaining the law which makes it obligatory on the Treasury to exchange its notes at par for coin on demand. Take away that obligation and there is no certainty that the equivalency will remain. Give in addition to it the means to make the obligation good, not only requiring the Treasury to exchange its notes for coin at par on demand, but enabling it to do so, and the problem is solved. The Government then discharges its duty. That it has the means to do it no one doubts.

Two objections, however, are urged against the continuance in force of the resumption act by those who urge its repeal.

One is that the execution of the law will result in further depressions of the value of property and a continued prostration of industry by means of a further contraction of the greenback circulation, which will involve the whole business interests of the country in disaster and ruin.

The other objection is that it is impossible to execute the law, or, rather, to continue its execution permanently; that the country is not in a condition and the Treasury cannot be placed in a condition permanently to continue resumption of specie payments. It is said that the volume of the currency to be redeemed and made convertible into coin ought not to be contracted, and cannot be without irreparable injury to public and private interests, and yet that it is so large that it cannot be made and kept equivalent in value to coin and interchangeable with it on demand.

In respect to the first objection, will the execution of the resumption law of 1875 on the 1st of January, 1879, as contemplated by the exchange on the part of the Treasury of coin for Treasury notes on demand of the holder, have any disastrous effect upon any public or private interest?

The present difference of value nominally in the market, as quoted in the public press, between gold coin and greenbacks is about the half of 1 per cent. What it will be on the 1st of January next of course no one can certainly tell in advance. The causes which have operated to overcome the premium on gold have almost extinguished it now. They are still in active force, and their influence is not likely to be diminished in the course of the next six months.

Whatever they may be, whether the hoarding of greenbacks and national-bank notes in anticipation of resumption, or whether it be more general causes, growing out of our international exchanges and the favorable balance of trade which continues to bring coin to our coffers in greater supply than the demand and thus to diminish its comparative value, there is every reason to suppose that they will continue actively to influence the course of events for some time yet to come. If so, the point of equality and par of exchange between greenbacks and coin will have been attained at or before the time when by law the Treasury will be required to make the actual exchange on demand. And there is reason, therefore, to believe that when the time arrives all motive for the demand will cease and with it the demand itself. So that coin being no more useful than paper and being less convenient, there will be no reason why anybody will wish to exchange paper for coin. It makes nothing in this argument to censure the past. If there has been any contraction of the currency, and that contraction has wrought disaster to individuals in the effort of the country to attain specie payments, the evil is done and irremediable. The comfort is that it is over and cannot be repeated; for when contraction has come to its limit contraction will cease, and with it all the evils of contraction.

In point of law there has been no contraction. The authorized currency of the country is to-day by law as great as it ever was. In point of fact currency has been as abundant. The rate of interest has been lower. Holders of currency have been anxious to part with it. The difficulty has been in obtaining borrowers who were willing to run the risks of its profitable use. There has been stagnation of business, and is still. The evils under which the country is suffering may be summed up in two words: unemployed capital. Unemployed capital means unemployed labor, and that implies all that is evil in our industrial condition. Why capital is not willing to employ labor and thus employ itself is a deep question. There are many opinions. Some say, want of confidence in the future; but why should there be want of confidence? Others say, overproduction; but overproduction means in its absolute sense a multiplication of the necessaries and comforts of life beyond the ability of those who need them to consume; while the difficulty is that people are not getting comforts and necessaries of life with the ease and in the quantity which they desire. Others say it is not overproduction but it is underconsumption; but that is the same thing. Men are as ready to consume, if they could obtain what they need, as they ever were, and need it quite as much. Others say that it is loss of capital wasted and consumed in war and in unproductive and unremunerative enterprises. It is undoubtedly true that the whole of our national debt, including the whole of our legal-tender circulation, represents an amount of actual property which has disappeared from active and useful existence, which, if it now existed in the form in which it might and would, would furnish that much of a fund whereby labor could be employed and maintained and paid, invested in useful and successful industries. It is also certain that the rise of prices of every description of property, including the wages of labor, attributed and attributable to the inflation of irredeemable paper circulation created during the war, inflamed the imaginations of men in respect to the future, so that they were led to invest not only past earnings but expectations of future profit and loans based on those expectations in many enterprises, such, for instance, as the construction of railroads which were unremunerative and swallowed up in irretrievable loss the capital invested in them.

The result of all these causes, whatever they may be, and however they may have operated, has been the creation of enormous debt based upon an expectation of enormous profits. The profits have disappeared; the value of the property out of which they were to come has vanished; the debt alone remains magnified relatively by the diminution of the means of payment. Hence comes insolvency; hence comes distress; hence comes the stoppage first of this mill, then of that factory, now of a mine, and again of a trade; and such a change in the expectations of men in regard to the future that they have been unwilling to venture further. Every one has looked forward, not with hope but with doubt; at least all have economized in order to meet the expected storm; and so capital has gradually withdrawn itself from every active employment for fear of loss until it has become more profitable for it to be idle than to be employed.

No doubt the gradual tendency toward specie values upon the expectation of the resumption of specie payments has tended, with the other causes to which I have referred, to appreciate the value of the currency and to depreciate the value of all other property. Whatever evil there is, we have suffered; whatever good, we are about to attain. Certainly it would be not wisdom but folly to retrace our steps in order merely that we might undergo a similar fatal experi-

ence. We have now passed far beyond the middle of the stream, borne for a time upon its swift and deep current toward a threatened destruction. At last our feet feel the firm ground. Shall we in another step attain the dry and safe shore, or plunge back again in order again to encounter the dangers we have just escaped?

The Senator from Indiana, [Mr. VOORHEES,] in his speech on this subject in the Senate, on the 2d instant, declared that to attain the resumption of specie payments—

> The prosperity of the country has been trodden into the dust and battered out of all shape and recognition. Within the last three months, as I have shown, the pursuit of this policy has rendered impossible the payment of nearly a hundred millions of debts. The poverty, the desolation, the indescribable private sorrows of families which these failures have cost can never be expiated; nor will the policy which caused them, with its track of ruined lives, ever be forgotten or forgiven by the American people.

Now, the resumption of specie payments to which that Senator alludes, so far as it has taken effect as a policy, has been, not the destruction of the greenback circulation, but simply such a series of steps as have had the effect of bringing it nearly to par with coin. Accordingly he says, further on in his speech, as follows:

> We are met, however, at this time by those who oppose the repeal of the resumption act with the fact that our paper circulation is quoted in the money markets at only a small fraction below par in gold. This is held up to us as practical resumption. The money power, turning its back upon the ruin it has wrought, and ignoring the wide-spread suffering it has inflicted, now calls out exultingly that it has at last reached the destination for which it has caused so many millions to water their bread with tears. It is true that the legal-tender United States note, known as the greenback dollar, partly by reason of its contraction in amount, and far more by reason of the confidence which the people have in it as money, has forced itself, in the face of calumny and fixed hostility on the part of the Government, to a substantial equality with gold. This is not the result of any financial statesmanship. It has taken place in spite of a policy directly adverse to it. It is simply the result of a public opinion upholding a currency which this Government has assailed with discredit from the hour of its creation. * * * What, then, has brought a paper currency for which there is now practically no specie basis up to par with specie? I can answer. It is because public opinion has forced this Government, step by step, to treat its own currency with respect, with fairness, and with honor. It is owing to that public sentiment which has been for years past urging, and at last with the promise of success, that the Government shall receive the money it has authorized to circulate among the people for all its own debts, dues, and obligations, except in the face of an express stipulation to the contrary.

Sir, I do not, I confess, quite understand how the Government has assailed its currency with discredit from the hour of its creation, and at the same time has been forced by public opinion to treat that currency "with respect, with fairness, and with honor." There certainly has been no change in the law by which the Government as yet has treated the currency differently at this time from what it has done from the beginning. It is my opinion that a great financial mistake was made when, by the act of March 3, 1863, the holders of United States notes were deprived, after the 1st of July of that year, of the right originally attached to the notes when issued of converting them into 6 per cent. bonds of the United States, which was an act of discredit tending greatly to the depreciation of that currency; and I also think that if, as might have been, the United States notes had been kept at par with coin they ought to have been made always receivable in payment of all public dues, including duties on imports.

But the point is this: it is agreed on all hands that the maintenance of the value of the legal-tender currency at par with coin is a desirable thing. Now, whatever evil has been wrought by a pursuit of the policy toward specie payments has been wrought in bringing about that very state of things, and it matters but little whether the eulogy is pronounced upon the public sentiment which it is said has brought about that result or the course of the Government which has been influenced by that public sentiment. If the mere passage of the resumption act and continuing it in force up to this time has had the effect to bring the legal-tender notes to the specie standard, then its tendency has been good, and it ought not to be repealed. And certainly when that effect has been produced in anticipation merely of its maintenance by the means authorized to be employed by the resumption act, surely it would be the height of folly to repeal that act in view of that probable result.

The Senator from Indiana also took occasion, in the speech to which I have referred, to say that—

> It will not be forgotten by the American people that in June, 1876, at the city of Saint Louis, the democratic party in national convention, with authorized delegates from every State and congressional district in the Union, declared in favor of the repeal of this odious and crushing measure.

If this measure, the resumption act, be characterized as "odious and crushing," it must be so only because it has had the tendency to appreciate the value of the legal-tender currency toward par with coin; and yet that is the very result which the Senator has stated to have already arrived, because public opinion had forced the Government step by step to treat its own currency "with respect, with fairness and with honor." But, inasmuch as the memory of the declaration of the democratic party in its national convention at Saint Louis has been revived, it may be well also to revive the memory of the character of that declaration and the ground on which the repeal of the resumption clause of the act of 1875 was demanded. That declaration is as follows:

> We denounce the failure for all these eleven years of peace to make good the promise of the legal-tender notes, *which are a changing standard of value in the hands of the people and the non-payment of which is a disregard of the plighted faith of the nation.*
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> We denounce the financial imbecility and immorality of that party which, during eleven years of peace, has made no advance toward resumption, no preparation for resumption, but instead has obstructed resumption by wasting our resources and exhausting all our surplus income and, while annually professing to intend a speedy return to specie payments, has annually enacted fresh hinderances thereto. As such hinderance we denounce the resumption clause of the act of 1875, and we here demand its repeal.

How the resumption clause of the act of 1875 could operate as a "hinderance" to resumption must be left to be discovered by those who are wiser than I. But what is certain is that the Senator from Indiana has denounced the resumption clause of the act of 1875 and demanded its repeal, not because it was a "hinderance" to resumption, but because in his opinion the very policy of resumption itself was "odious and crushing."

It seems a little hard that the policy of resumption, now so near success, should be denounced in the name of the democratic party when that party itself has denounced the party responsible for the policy of resumption, because it had made no advance toward resumption and no preparation for resumption, but had continually obstructed resumption.

I presume, Mr. President, that Mr. Tilden will be accepted as an authority in expounding the democratic platform of 1876. In his letter of acceptance he scouts the idea now so much dwelt upon, that the process of resumption could be the cause of business distress. He says:

> A vague idea of distress is therefore often associated with the process of resumption. But the conditions which caused distress in those former instances do not now exist. The Government has only to make good its own promises, and the banks can take care of themselves without distressing anybody. The Government is therefore the sole delinquent.
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> How shall the Government make these notes at all times as good as specie? It has to provide, in reference to the mass which would be kept in use by the wants of business, a central reservoir of coin, adequate to the adjustment of the temporary fluctuations of international balances, and as a guarantee against transient drains artificially created by panic or by speculation. It has also to provide for the payment in coin of such fractional currency as may be presented for redemption, and such inconsiderable portions of the legal-tenders as individuals may from time to time desire to convert for special use or in order to lay by in coin their little stores of money.
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> To make the coin now in the Treasury available for the objects of this reserve, to gradually strengthen and enlarge that reserve, and to provide for such other exceptional demands for coin as may arise, does not seem to me a work of difficulty. If wisely planned and discreetly pursued, it ought not to cost any sacrifice to the business of the country. It should tend, on the contrary, to a revival of hope and confidence.

And that he did not fear any evil consequence as the result of a necessary contraction in the legal-tender circulation is evident by what he further says:

> With respect to whatever surplus of legal-tenders the wants of business may fail to keep in use, and which, in order to save interest, will be returned for redemption, they can either be paid or they can be funded. Whether they continue as currency or be absorbed into the vast mass of securities held as investments is merely a question of the rate of interest they draw. Even if they were to remain in their present form and the Government were to agree to pay on them a rate of interest making them desirable as investments they would cease to circulate and take their place with Government, State, municipal, and other corporate and private bonds of which thousands of millions exist among us.

So again he says:

> The proper time for resumption is the time when wise preparations shall have ripened into a perfect ability to accomplish the object with a certainty and ease that will inspire confidence and encourage the reviving of business. The earliest time in which such a result can be brought about is the best.

There are two facts, which unfortunately are too notorious to admit of denial, which are inconsistent with the theory that the present depression of business and consequent distress in this country are attributable solely to the prospective resumption of specie payments, and for which the advocates of that theory have thus far been totally unable to account.

The first of these is that the collapse, of which our present condition is but a continuance, occurred in September, 1873, beginning with the sudden failure of Jay Cooke & Co. and the suspension of their enterprises in connection with the Northern Pacific Railroad. At that time, and up to that time, everything had been going on in the accustomed way, without suspicion on the part of the general public of any impending disaster. The panic created by that suspension was simply a revelation to the public of the hollowness of the existing condition of business. It was followed by all the evil things which we have seen; and our present condition is simply a continuation of that order of things which was introduced by that apparent disaster. It is quite certain that the origin of our existing troubles is not due to the passage of the resumption act of 1875, for at that time it was not even contemplated, and it could hardly be supposed to have acted before it began to exist. It is possible that if specific preparation for resumption under that act had begun, the expectation of the change which was ordained to take place on the 1st of January, 1879, has had a tendency to prolong the suspense, and it is not impossible that it would have been better to have established in the act of 1875, instead of a fixed and arbitrary date when resumption should take place, the attainment of the conditions of successful resumption as the only time when resumption should begin.

Outside of that cause of aggravation the real causes of the prostration of business and the destruction of values in this country must be looked for and found in other sources. This is evident, too, by means of the other fact to which I have alluded as not being accounted for by the opposing theory. That fact is that our business depression and trouble is not ours alone; it is not peculiar to us. The industrial system of England is to-day and has been for five years past as thor-

oughly disorganized and exhibiting as many distressing symptoms as our own. No part of Europe has altogether escaped. Germany, Austria, and Italy certainly share the same condition. France alone seems to show a contrast; but in France we have the example of a country which, during the period of a war and during the existence of an inconvertible paper currency, suddenly and largely increased in amount to meet the exigencies of war, has nevertheless continuously from the beginning commenced and kept in existence the necessary process for keeping itself in a state of readiness for specie resumption by accumulating from day to day in the vaults of the Bank of France enormous amounts of coin. The legal-tender quality of its paper was relied upon merely for the purpose of preventing the flow outward of its coin. The amount of reserve kept on hand in readiness for resumption whenever the public authorities deemed that resumption could be successfully maintained when once begun has been kept so large in proportion to the whole amount of paper circulation that the discount on the notes of the bank at no time exceeded 2½ per cent., and most of the time was far below that. So that the French example is the example of a country and government which began the work of preparing for resumption the moment specie payments were suspended.

Another single fact not usually remembered and taken into account is that in this country the greatest period of contraction of our paper money took place between the years 1866 and 1869–70. Counting what were known as 7.30 notes and compound-interest notes as adding to the volume of currency during that period, it will be found that in 1866 there were outstanding of bank-notes and unfunded Government debt circulating as money the enormous amount of $1,803,702,726, which in 1870 had been reduced to $740,039,179; since which the contraction has been comparatively insignificant.

Now, according to the theory that contraction is the cause of our adversity, our business troubles ought to have been developed in the period of the greatest contraction; whereas, on the other hand, in point of fact this very period was regarded as the period of unexampled prosperity. The increase of railroad mileage was greater each year during the whole of that period. In 1866 there was an increase of about 3 per cent. on the mileage of 1865; and the ratio of increase was greater each year afterward until 1871, when there was an increase of over 12 per cent. on the mileage of 1870. Prices in currency of nearly all commodities advanced largely during the first half of that period, and were maintained during the latter half, notwithstanding a decline in the average annual price of gold from 140 in 1866 to 123 in 1870.

It is therefore plain either that this great contraction of the currency from 1866 to 1870 had no effect upon values and business or else that its effect was neutralized and overcome by some more general and potent cause.

I conclude, therefore, Mr. President, upon this point that no good is to be expected from the unconditional repeal of the resumption act. Its repeal without a substitute would be simply to reintroduce into our business system an element of uncertainty, which is the bane and curse of all thrift and success, and to postpone the day for the revival of that confidence and hope without which we cannot expect the return of prosperity. This conclusion of course is based upon what I have already said as to the sense which is to be put upon resumption, that it does not mean the retirement and cancellation of the notes of the United States, but it means the maintenance of the legal-tender note, continued equal in value and exchangeable on demand with coin, as the basis of our paper-money system, supported in part in its circulation and value by the credit which its uses as a legal tender give it and in part by a daily ability on the part of the Treasury to redeem as much as may be presented for that purpose in par in coin.

What we need, therefore, is not the repeal of the resumption act. We need to supplement it and perfect it by providing means not only for beginning resumption but permanently maintaining it.

The first step, of course, in any such scheme is to determine by law and fix the maximum amount of the legal-tender currency for which the Government shall be bound to provide redemption. Of course this amount to be fixed by law must be to a certain extent an arbitrary sum. No one can tell with scientific certainty the amount of such currency which either the Government can always be able to redeem or which will always be needed by the people. We can approximate it; and in doing so can avoid any palpable errors by regarding limits already fixed by our own experience. The present maximum established by law is $400,000,000. The intended maximum foreshadowed in the resumption act of 1875 was $300,000,000. We cannot be far out of the way if we fix our maximum at $350,000,000; as in case we find it to be too large we can easily diminish the amount of bank circulation by appropriate legislation if necessary. And it is to be remembered, moreover, that the fixing by law of the possible maximum does not necessarily determine the amount actually in circulation at any given time. Amounts not needed, once in the Treasury, will remain there, and not constitute a part of the circulation until issued again, as the exigencies and interests of the public service may require. The paper money of the Government, of course, is only issued for equivalent consideration and as the operations of the Government make its issue necessary, and if any redundancy should be in the hands of the public, so that the excess in circulation beyond the demands of business should be felt in even a slight depreciation of value, it would be immediately returned by the holders into the Treasury in exchange for coin which not being wasted at home would find a market abroad; and thus the equilibrium would be restored and preserved.

The next step is to provide what Mr. Tilden, in his letter of acceptance calls a "reservoir" of specie as a redemption fund—a reserve in the hands of the Government to meet occasional demands either for the settlement of international balances, or the restoration of the equivalency in value between paper and coin at home.

The Secretary of the Treasury, I believe, has more than once expressed the opinion that a coin-reserve fund for purposes of redemption of $100,000,000 would be sufficient to maintain a circulation of $300,000,000 of Government paper. Under ordinary circumstances it seems to me this would be sufficient, although it is not so great a proportion as in more recent times upon banking principles has been deemed sufficient by practical men to maintain the circulation of bank paper; but there is a manifest difference between bank paper and the legal-tender notes of the Government. The legal-tender quality—the use of the paper in the operations of the Government—in payment of taxes, and in the disbursement of revenues, and in the funding operations of the Government, not only give to it the ultimate basis of the solvency of the Government for its credit as a circulating medium but give it active employment, create a demand for its use which tends to buoy it up, without reference to its convertibility. That demand alone, without reference to its capacity of being convertible into coin, would maintain its equivalency in value with coin provided the amount issued is kept strictly within the limit of that demand. The operation of this principle is daily observed in the currency of our subsidiary coin. They are mere tokens, not intrinsically worth what they are nominally received for, but kept afloat at their nominal rather than their real value for the reason that they supply a demand not otherwise capable of being satisfied. As long as they are kept within the limit of that demand they will always be rated at their nominal value without regard to their intrinsic worth.

The same principle will operate upon that portion of the whole volume of United States notes, for which there is a constant and active demand for use in the dealings between the people and the Government and between the people themselves.

While, therefore, the ratio of 3 of paper for 1 of coin might not be considered safe in maintaining the credit and circulation of mere bank paper resting on private credit, it is safe, I think, to assume that it would be ample for maintaining the par of exchange between a government paper and coin.

The next step in any such scheme is to provide the means not only for maintaining actual redemption but to provide against the possibility of a necessary suspension of specie payments. Unless there is a dollar in coin for every dollar of outstanding paper money, there is, of course, always a possibility that the whole amount of outstanding paper notes may be presented at the same instant for redemption. That, of course, implies and results in suspension. That result is brought about in various ways, but is most usually the result of mere mental apprehension and panic—the same state of mind which upon a sudden alarm attacks and seizes upon the mass of people in a church or a theater when an alarm of fire is suddenly proclaimed. Every one rushes he knows not why and he knows not whither, impelled by some impulse caught from his neighbor. He does not stop to think or to reason, and thus often the principal cause of the very disaster apprehended is the apprehension which has begotten it.

In England, supposed to have the soundest and most stable financial system in the world, the Bank of England, by law, is authorized to issue its notes, payable on demand, to circulate as money, with the quality of legal tender, except between the bank itself and its customers, in excess of actual coin on deposit, and any reserves to the extent of about £14,000,000. Of course if at any moment, its coin having been exhausted in the redemption of the notes which it actually represents, the demand should be made for the payment of any portion of this excess the bank would be compelled necessarily to suspend specie payments. Under the operation of its system the bank guards against the effect of drains of its specie and the possibility of such extraordinary demands usually by increasing the rate of its interest upon loans, and thereby contracting its circulation and diminishing the demand for money by making it harder to get; but on two or three occasions, when a rapid diminution of its coin reserves took place, tending to create alarm and panic, the bank has applied for and received dispensations by orders in council from the government, relieving it from the obligation of specie payments, so that it could freely issue its notes to meet the demand without being called upon to make them good in coin. In each of these cases the actual or apprehended panic has been either prevented or allayed by the facility with which those who sought were able to obtain the money which they thought they could not get and therefore asked for.

The community relied upon the stability of the Government itself as the foundation of the credit of the paper money, without fear of loss, and thus all apprehensions have been quieted and all the consequences of financial revolution prevented.

A similar provision can be usefully incorporated into our own

scheme. Its necessity was anticipated in the measure which I shall have the honor to propose, and is approved expressly by the Secretary of the Treasury in his annual report. He says:

In establishing a system of paper money designed to be permanent, it must be remembered that heretofore no expedient has been devised, either in this or other countries, that in times of panic or adverse trade has prevented the drain and exhaustion of coin reserves, however large or carefully guarded. Every such system must provide for a suspension of specie payment. Laws may forbid or ignore such a contingency, but it will come; and when it comes it cannot be resisted, but should be acknowledged and declared, to prevent unnecessary sacrifice and ruin. In our free Government the power to make this declaration will not be willingly intrusted to individuals, but should be determined by events and conditions known to all. It is far better to fix the maximum of legal-tender notes at $300,000,000, supported by a minimum reserve of $100,000,000 of coin, only to be used for the redemption of notes not to be reissued until the reserve is restored. A demand for coin to exhaust such a reserve may not occur, but if events force it, its existence would be known and could be declared, and would justify a temporary suspension of specie payments. Some such expedient could no doubt be provided by Congress for an exceptional emergency. In other times the general confidence in these notes would maintain them at par in coin and justify their use as reserves of banks and for the redemption of bank-notes.

Certainly we must all agree that suspension of specie payment on the part of the Government, being possible, ought to be provided against, and that, inasmuch as when the conditions making them necessary occur the result cannot be averted, it is much better to anticipate them by law than to permit them to come without law. A suspension of specie payments by the Treasury in pursuance of provisions of law, intended and effective to avert the evil consequences of suspension and making ample provisions for restoring specie payments, is much better than to have the Treasury go into a state of involuntary and illegal bankruptcy. If we suspend we should suspend by law, and not against law, and suspend under such circumstances as to show a present intention according to law to resume at the earliest practicable moment.

This feature of the plan which legalizes the suspension of specie payments after resumption, when the specie reserve has been diminished below the point of safety, strongly commends it on another ground. It furnishes the Treasury an effectual security against all attacks from speculators in coin. No scheme for the manipulation of the coin market could carry its point in the face of the certain ability of the Treasury to escape from its operations by the exercise of its right of suspension.

Of course, in anticipation of periods of suspension, it is necessary to provide immediate means for the restoration to the Treasury of its supply of coin and its ability to resume; and it is a mere matter of justice to the holder of the Treasury note, whose demand for coin has been refused, to give him its value in an investment. It will serve and secure both these ends to provide in such a contingency that the holder of the notes shall be entitled, instead of coin, to demand and receive an interest-bearing bond of the Government, and to provide that the Treasury notes thus redeemed shall not be reissued into the ordinary channels of circulation except in the reduction of the public debt or in the purchase of coin for that purpose. In this way both contraction and inflation are avoided, and the public debt, which is increased temporarily to redeem the notes, is diminished again by the use of the very notes redeemed.

In addition to the security of the coin reserve as a means of redemption, the equivalency of the currency in value to the par of coin must be maintained by multiplying to its greatest extent the use of the Treasury notes. To this end power should be given, as it often has been asked, to the Secretary of the Treasury to utilize the common circulation in the process of refunding the public debt. He should have authority to receive payment of all subscriptions to the new bonds to be issued under the refunding act of 1870 at their coin value in Treasury notes, and use the same Treasury notes thus received in redeeming the 5.20 bonds to be retired or in the purchase of coin for that purpose. This conversion would furnish active employment for a considerable portion of the circulation and create for it an additional demand which would add something to its value.

A more important use, however, than that can properly and ought as a matter of policy to be added to the legal-tender circulation, and that is to make it receivable in payment of all dues and debts, both public and private, with the exception of the interest and principal of the public debt. This would make it receivable in payment of duties on imported goods. In that way a new value would be added to it as currency and the demand for coin in the same degree lessened and the approximation in value between the two brought to the point of identity.

It may be supposed, and, indeed, has been alleged, that such a change in the existing law would be a breach of faith on the part of the Government toward the public creditor. This charge is based upon the supposed pledge contained in the sinking-fund act of February 25, 1862. The terms of that act are:

That all duties on imported goods shall be paid in coin, or notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

How far the terms of this statute may or ought to be regarded as a pledge of the public faith to the maintenance of the particular fund in the particular manner prescribed is a question that may admit of debate. Certainly as long as the United States Government, in point of fact effectually, according to the terms of their contract and obligations, pay the principal and interest of the public debt, it is difficult to see or understand how it can be bound to any particular mode which it has prescribed to itself for executing its obligations, unless that mode has been made a part of the obligation itself. Here nothing of that sort has occurred. The supposed pledge of faith is simply a declaration by statute of the intention and policy of the Government, to last as long as the Government chooses to maintain it, subject to alteration to suit its own convenience, as long as it leaves unimpaired the force of its own obligations and performs with punctuality the actual duties which it has undertaken.

But, waiving that question, it is apparent, from the face of the statute referred to and a part of the financial history of the country at the time, that the duties on imported goods at and after the time of the passage of the act were payable not only in coin but in Treasury notes, known at that time as demand-notes, because they were payable on demand at the Treasury in coin, and were redeemed as often as presented; and although the language of the act of February 25, 1862, only refers to those theretofore issued and then by law receivable in payment of public dues, it certainly is not contrary to the spirit and intent of that act to receive in payment of duties on imported goods any United States notes payable in coin on demand as long as those notes in point of fact are so paid on demand. The substance of the obligation to the public creditor is to pay principal and interest in coin, and the Government collects duties in coin only in order that the substance of that obligation may be performed. Now, if Treasury notes are equal in value to coin and the Treasury is able to exchange coin for them on demand, the substance of the obligation is performed whether they or the coin which they represent are received in payment of duties. So that it cannot justly be charged that the Government fails in its duty to any creditor by authorizing the receipt, in payment of duties on imported goods, of its own notes as long as it makes and keeps those notes equal in value to coin.

Of course during any period of suspension when the Government is unable to effect on demand the promised exchange of coin for notes and thus the notes are no longer a legal equivalent for coin, the situation is changed. It can then no longer with propriety accept its notes in payment of duties out of regard to its own policy, for it must necessarily rely, in part at least, upon the receipt of coin in payment of duties to replenish the Treasury redemption fund and so restore the lost equilibrium between its paper and coin. Hence it is essential, in any plan permanently to establish the system of specie payments upon the theory of maintaining the legal-tender circulation at par with coin, to make provision for that supply of coin without which this equivalency cannot be maintained.

It is also essential to any such scheme of law that it should be automatic, self-executing, and self-regulating. It should leave the least possible to personal or official discretion. It should foresee all the critical contingencies which constitute elements in its working, and provide for such instrumentalities and methods as shall give effect to the scheme without subjecting its operations to the control of individual or personal interest, caprice, or judgment. For this reason the maximum circulation should be fixed by the law.

The least amount of the coin reserve to be acquired and maintained, and the exact point fixed below which if it fall not only the right of the Secretary to carry on the actual process of resumption, but the very authority to do so should be taken away, and during that period the exact rights and duties both of the holders of the notes and officer of the Government should be accurately and correspondingly defined, and the means provided by which the vacuum in the Treasury, which from any cause has been created should be again supplied with that which is necessary to set again in motion the regular and normal operations of the process.

Mr. President, the plan which I have just described is embodied in the provisions of the bill which I had the honor to introduce on the 8th day of November last and which I have renewed as a proposition on the 10th of last April as an amendment by way of a substitute for the House bill under consideration.

Its first section defines the resumption of specie payments, as I have defined it, by authorizing the reissue of legal-tender notes returned to the Treasury or redeemed in coin from time to time, as the exigencies of the public service may require; but so that the amount at any time outstanding and authorized to be issued shall not exceed the sum of $350,000,000; expressly forbidding any reduction of this authorized currency below that sum.

The second section requires that the Secretary of the Treasury, for the purpose of redeeming such notes, shall acquire and maintain a reserve fund in coin not less in amount than $100,000,000, to be provided and maintained by the use of surplus revenues and the proceeds of the sale of bonds as authorized by the resumption act, and provides, in order to obviate any objection that may justly exist at the fixing of an arbitrary date for beginning resumption, that the obligation of the Secretary of the Treasury to redeem notes in coin shall not begin

until said reserve fund has accumulated to the sum of $100,000,000; and to that extent it repeals the date fixed for resumption in the resumption act of 1875.

The third section provides that, whenever the coin-reserve fund shall have been reduced to the sum of $50,000,000, the authority of the Secretary of the Treasury to redeem legal-tender notes thereafter presented for redemption shall be suspended until the reserve fund shall have been restored to the sum of $100,000,000, but that during every such period of suspension the holders of legal-tender notes, presenting them for redemption, shall have the right, instead of coin, to demand and receive in exchange therefor an equal amount at par of bonds of the United States bearing interest at the rate of 4 per cent. per annum, of the description and quality and with the like privileges and exemptions of such as are described in the refunding act of 1870, and declares that no legal-tender notes thus redeemed by the issue of these bonds shall be reissued until said reserve-coin fund shall have been restored to the sum of $100,000,000, except for the purpose of purchasing 5.20 bonds or coin with which to redeem them.

The fourth section authorizes the Secretary of the Treasury to receive, in payment of any of the bonds of the United States which he may sell under the authority of the refunding act of 1870, the legal-tender notes of the United States in lieu of coin, but at not less than the par value of the bonds in coin, less the allowance made by the refunding act itself of one-half of 1 per cent. for the expense of preparing and disposing of the bonds; and also provides that he shall use such legal-tender notes so received in payment of bonds in the purchase of 5.20 bonds at a price not exceeding their par value in coin or in purchasing coin for the redemption of such bonds.

The fifth section defines the legal-tender quality of the Treasury notes and extends it so as to embrace the payment of all debts and dues, public and private, within the United States, except in payment of the principal and interest of the public debt; with a proviso, however, that during any period when, in pursuance of the act, the authority of the Secretary of the Treasury to redeem legal-tender notes in coin shall be suspended such notes shall not be receivable in payment of duties on imports.

This measure I now offer to the consideration of the Senate as a substitute for the proposition to unconditionally repeal the resumption act, and in lieu also of the proposition reported by way of substitute for that measure by the Finance Committee of the Senate, and of the House bill since received providing simply for the reissue of Treasury notes after redemption.

The amendment which I propose covers substantially the ground intended to be occupied by the report of the Finance Committee and the House bill just referred to, but contains provisions, already sufficiently explained, without which I think any scheme of resumption is likely to prove defective.

I ask for this proposition the considerate attention of Senators, both of those who favor the unconditional repeal of the resumption act as well as all those who think the policy of resumption ought to be carried into successful execution. It furnishes, in my judgment, ground upon which both can stand without either yielding its principles. On the one hand, those who believe that ultimately the legal-tender notes ought to be withdrawn can, I think, with manifest propriety say that it must not be done by way of revolution; if done at all it ought to be done only in the most gradual way, and as public sentiment should be satisfied with the reasons which justify its discontinuance. The bill, if passed into a law, commits no one to the perpetual maintenance of the legal-tender quality and circulating power of the Treasury note. It maintains them only because now is not the proper time to dispense with them.

On the other hand, those who believe that the legal-tender power and circulation of the Treasury notes ought to be perpetuated, not only as a basis of our system of money, but to the exclusion of all other descriptions of paper money, may well accept the provisions of this bill, at least as a step which does not commit them against future legislation in the direction of their policy. The whole question of the functions and existence in the future of the national or State-bank system of currency is untouched by its provisions. The bill attempts to establish no ultimate and final system of national currency. It regards the situation in which we are. It builds upon what we have. It seeks to amend where there is manifest defect, and to perfect what is capable of being made better. It attempts to overthrow and destroy nothing. It simply aims to carry out the very promise of the present system, to develop it to the best point attainable by a single step. Beyond that it does not seek to go. Is it not wise to legislate in this spirit? Is it not better to make haste slowly?

In conclusion, Mr. President, after the most anxious and deliberate consideration of this question of which I am capable, I submit the proposition to the Senate as my contribution to the settlement of a question of such grave importance to the public welfare.

I move, Mr. President, the adoption of the substitute formally as a substitute for the report of the Committee on Finance, if that be in order. I should like to have the proposition reported for the information of the Senate.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Ohio will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That when any United States legal-tender notes are returned to the Treasury, or shall have been redeemed in coin, in pursuance of the act to which this is supplementary, they shall be reissued, from time to time, as the exigencies of the public service may require, or others with like legal-tender quality and of equal amounts issued in lieu thereof, but so that the amount of said legal-tender notes at any time outstanding and authorized to be issued shall not exceed the sum of $350,000,000; and the Secretary of the Treasury shall not make any reduction of the authorized currency by retiring and canceling United States notes below said sum.

SEC. 2. That for the purpose of redeeming said legal-tender notes from time to time, as prescribed by law, the Secretary of the Treasury is required to acquire and maintain in the Treasury a reserve fund in coin, not less in amount than $100,000,000, to be provided and maintained by the use of surplus revenues and the proceeds of the sales of bonds as authorized by said act "to provide for the resumption of specie payments," approved January 14, 1875, to which this is supplementary: *Provided*, That the obligation of the Secretary of the Treasury to redeem said legal-tender notes in coin shall not begin until said reserve fund in coin has accumulated in the Treasury to the said sum of $100,000,000, anything in the act to which this is supplementary to the contrary notwithstanding.

SEC. 3. That whenever said coin-reserve fund shall be reduced to the sum of $50,000,000 the authority of the Secretary of the Treasury to redeem any legal-tender notes thereafter presented for redemption shall be suspended until the said reserve fund shall have been restored to the said sum of $100,000,000; but during every such period of suspension the holders of any such legal-tender notes presenting them for redemption shall have the right, instead of coin, to demand and receive in exchange therefor, in sums of not less than $50 and any multiples thereof, an equal amount at par of bonds of the United States, bearing interest at the rate of 4 per cent. per annum, of the description and quality and with the like privileges and exemptions of such as are described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and no legal-tender notes thus redeemed shall be reissued, nor others in lieu thereof, until said reserve-coin fund shall have been restored to said sum of $100,000,000, except for the purchase of bonds or coin, as specified in the fourth section of this act.

SEC. 4. That the Secretary of the Treasury, on and after the passage of this act, is authorized to receive, in payment of any of the bonds of the United States which he may sell under the authority of the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," the legal-tender notes of the United States in lieu of coin, but at not less than the par value of said bonds in coin, less an allowance of a sum not exceeding one-half of 1 per cent. of the said bonds, appropriated to pay the expense of preparing, issuing, advertising, and disposing of the same, and shall use said legal-tender notes so received, or received under the third section of this act, or such other legal-tender notes as may be issued in lieu thereof, in the purchase of any outstanding bonds of the United States known as 5.20 bonds at a price not exceeding their par value in coin, or in purchasing coin for the redemption of such bonds.

SEC. 5. That the legal-tender notes of the United States now outstanding or hereafter issued under the authority of law, and all reissues thereof or of legal-tender notes in lieu of any other similar notes hereafter retired and canceled, shall be, and continue to be, lawful money and a legal tender in payment of all debts and dues, public and private, within the United States, except in payment of the principal and interest of the public debt: *Provided, however*, That during any period, when, in pursuance of the third section of this act, the authority of the Secretary of the Treasury to redeem legal-tender notes in coin shall be suspended, such notes shall not be receivable in payment of duties on imports.

SEC. 6. That all acts and parts of acts inconsistent herewith are hereby repealed.

Amend the title so as to read: "An act supplementary to an act entitled 'An act to provide for the resumption of specie payments,' approved January 14, 1875."

Mr. HILL. Mr. President——

Mr. SARGENT. Does the Senator from Georgia desire to speak on the pending bill?

Mr. HILL. I do not want to make a speech; I just want to make a remark or two. I desire to do it right here, because I think this is a good opportunity for it.

The Senator from Ohio, in the very able speech which he has delivered, took occasion to make extensive extracts and quotations from the speech made by Mr. Calhoun in 1837. That same speech has been used and is now being used throughout the country to impress upon the public mind the idea that Mr. Calhoun is the author of what is known as the greenback idea, and that Mr. Calhoun favored the idea that the General Government had power to make a legal-tender paper currency. His great name as a constitutional lawyer being quoted to justify the exercise of such power is having great influence.

Now I wish to say here, and to say emphatically, that Mr. Calhoun never advanced, either directly or indirectly, by insinuation or otherwise, any such idea. The Treasury note that Mr. Calhoun suggested, in the first place, nobody was compelled to receive except the Government. Mr. Calhoun never anywhere, at any time, intimated that it was in the power of the Federal Congress to make a paper money which any individual was compelled to receive for any debt.

In the next place, Mr. Calhoun never suggested any Treasury note which was not convertible at any moment into gold or silver at the option of the holder. To make this explicit I wish to read just a moment. Mr. Calhoun said in the same speech which was quoted by the Senator from Ohio:

But, whatever may be the amount that can be circulated, I hold it clear that, to that amount, it would be as stable in value as gold and silver itself, provided the Government be bound to receive it exclusively with those metals in all its dues, and that it be left perfectly optional with those who have claims on the Government to receive it or not.

As was correctly stated by the Senator from Ohio:

It will also be a necessary condition that notes of too small a denomination should not be issued, so that the Treasury shall have ample means to meet all demands, either in gold or silver or the bills of the Government, at the option of those who have claims on it. With these conditions no further variation could take place between it and gold and silver than that which would be caused by the action of commerce.

Again I want to read an expression as to the extent to which this issue by the Government could properly go:

No one can doubt that the fact of the Government receiving and paying away bank-notes in all its fiscal transactions is one of the principal sources of their great circulation; and it was mainly on that account that the notes of the late Bank of the United States so freely circulated all over the Union. I would ask, then, why should the Government mingle its credit with that of private corporations? No one can doubt that the Government credit is better than that of any bank—more stable and more safe.

To all of which I agree. Then he asks:

Why, then, should it mix it up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions?

Why should the Government, is the idea of Mr. Calhoun, in supplying its own necessities, in paying its own obligations, be compelled to use the notes of a private institution or a private bank instead of its own Treasury notes?

Mr. MATTHEWS. Will the Senator from Georgia allow me to interrupt him a moment?

Mr. HILL. Yes.

Mr. MATTHEWS. The Senator will see in the same context, in a portion of the extract which I marked to read and insert in my speech, that Mr. Calhoun expressly also stated that the amount of this circulation would be much larger, which would be safely kept at par with coin, than the amount of the annual income of the Government.

Mr. HILL. Ah; that is all true, and it might thereby become incidentally a currency for the country, but it should be so only incidentally. Then he expresses the same idea in another place, on which my eye does not fall, but the idea is that the Government might use its own Treasury notes to the extent of its own necessities, which might exceed its income, it is true, but it should be limited by that, and that issue might become incidentally a currency in the country, but that no man should be compelled to take it; it should not be made a legal tender except only to the Government; that the Government could not compel any one to take it; that the Government alone was compelled to take its own notes. That is all of Mr. Calhoun's idea.

Mr. Calhoun closes that speech with another idea which I desire to read at this time while the papers of the country and speeches in this Congress and everywhere else are making volumes with the notion that the people in their distress are to look to the Government for relief, that they are to look to legislation for relief, to make all the poor rich. I wish to read what Mr. Calhoun said on that subject in this very speech. After drawing a very striking description of the then distressed condition of the country, financially and otherwise, he says:

As far as I possibly can consistently with the views I entertain and what I believe necessary to restore the body-politic to health, I will do everything in my power to mitigate the present distress. Further I cannot go.

After the best reflection I am of the opinion that the Government can do but little in the way of relief, and that it is a case which must be mainly left to the constitution of the patient, who, thank God, is young, vigorous, and robust, with a constitution sufficient to sustain and overcome the severest attack. I dread the doctor—

Says Mr. Calhoun, and I want these words to go to the country—

I dread the doctor and his drugs much more than the disease itself. The distress of the country consists in its indebtedness—

Precisely so now—

and can only be relieved by payment of its debts. To effect this, industry, frugality, economy, and time are necessary. I rely more on the growing crop—on the cotton, rice, and tobacco of the South—than on all the projects or devices of politicians. I am utterly opposed to all coercion by this Government. But Government may do something to relieve the distress.

Now what is the something Government can do?

It is out of debt—

Unfortunately we cannot say that now. The Government then was out of debt. The Government when Mr. Calhoun spoke was a creditor, not an almost hopeless debtor. Being out of debt Mr. Calhoun continued—

It is out of debt, and is one of the principal creditors both of the banks and of the merchants, and should set an example of liberal indulgence. This I am willing to give freely. I am also prepared to vote freely the use of Government credit in some safe form to supply any deficit in the circulation during the process of recovery as far as its financial wants will permit—

So far as the Government's financial wants will permit—

I see not what more can be safely done.

And yet the man who uttered these words is now being quoted all over the country as justifying the idea of an illimitable, unlimited, irredeemable paper money made a legal tender by the Federal Congress!

Mr. MATTHEWS. Will the Senator from Georgia allow me to interrupt him?

Mr. HILL. I am not answering the Senator now.

Mr. MATTHEWS. I desire to inquire whether the statement which the Senator makes is intended to convey the impression that any such idea as that was advanced by me, or that Mr. Calhoun was quoted by me as any authority for that?

Mr. HILL. Not by any means, I assure the Senator; and that was the reason why I waited until the Senator got through before I began the remarks which I am making. But the Senator having used this speech of Mr. Calhoun for another purpose, which might be used in the same connection, and having seen this speech used throughout my country almost every day, it furnished an appropriate occasion to set the matter right. I assure the Senator I am not complaining of him. Mr. Calhoun continues:

I see not what more can be safely done. But my vision may be obtuse upon this subject.

Some visions these days are not obtuse. They can see that Government can do everything to relieve the country!

Those who differ from me, and who profess so much sympathy for the public, seem to think that much relief may be afforded. I hope they will present their views. I am anxious to hear their prescriptions, and I assure them that whatever they may propose, if it shall promise relief, and be not inconsistent with the course which I deem absolutely necessary for the restoration of the country to perfect health, shall cheerfully receive my support. They may be more keen-sighted than I am as to the best means of relief, but cannot have a stronger disposition to afford it.

So I say now that I am willing to do anything that I believe it is in the power of Congress to do to bring relief to the country in its present distress, just as Mr. Calhoun said then. Those of us who do not agree with the idea that the Government can issue an unlimited irredeemable paper currency are not actuated any less by a desire to relieve the distress of the country than those gentlemen who favor that idea. But, as Mr. Calhoun said, I do not believe that this country can be ever relieved of its distresses by reason of legislation alone. Legislation alone never produced these distresses. We have passed through a war. We have had a war which has wasted property, which has destroyed values, which has deranged industry, and which, by reason of an inflated currency, has encouraged speculative adventures to an almost unlimited extent. These evil consequences have followed. I am willing to take the charter of Mr. Calhoun now; I am willing to do precisely as he said. Let this Government to the extent of its necessities issue the Treasury notes which Mr. Calhoun said could be constitutionally issued, and to that extent let it go to the relief of the country.

I might say while upon this subject that though I do not believe Congress ever had power to make any paper money a legal tender for the payment of private debts, still as it issued a legal-tender money during the war and as the Supreme Court under the war power, as I understand it, though my friend from Ohio thinks differently, held that that issue was constitutional, I am perfectly willing to recognize that issue, admitting it as a legal issue as far as it has gone. I am perfectly willing to stop its contraction. All I ask is that it shall arrive at that point where it shall be equivalent to a gold dollar or a silver dollar, and the moment it gets there stop it and let it remain the currency of the country just as long as it may. I have no objection to that at all. But, sir, when you have done that, then repeal your tax upon State banks. Get away with the idea that nothing can be safe in a State. Do not be exercising the taxing power to destroy the right of the States to charter their own banks. It never was intended that Congress should exercise the taxing power to destroy, to prohibit. The taxing power was conferred upon Congress to raise revenue, and not to destroy anything. Congress could not pass an act directly saying that a State shall not charter a State bank. Congress could not pass an act saying directly that a bank chartered by a State shall not circulate money. If it cannot do it directly by such an enactment, it cannot do it indirectly by imposing a tax which accomplishes the same result.

These things I am willing to do for the relief of the country, but I cannot stand in the Senate, a Senate made memorable by the great power of that constitutional lawyer, Mr. Calhoun, and see his name quoted, either here or elsewhere, as justifying what, in my opinion, is the most enormous exercise of power that can be claimed for any government, the right of the Government alone to make money, the right of the Government to make anything money, the right of the Government to make paper money by simply stamping on it that anybody shall take it, because the Government says so, whether it is ever to be redeemed or not, and without limit.

DISTRICT GOVERNMENT.

Mr. INGALLS. The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, have directed me to report a substitute for the bill that came from the House. This is a matter of very great importance to the people of this District. I trust that Senators will examine the bill, which will probably be laid on their tables to-morrow morning. I give notice that on Monday I shall move the consideration of the bill and ask the Senate to continue its consideration until it is concluded.

The PRESIDENT *pro tempore*. The bill just reported will be placed on the Calendar.

SUBURBAN RAILWAY COMPANY.

Mr. HARRIS. I move to lay aside informally the pending business in order that I may ask the Senate to proceed to the consideration of Senate bill No. 532.

Mr. SARGENT. What is the bill the Senator proposes to take up?

Mr. HARRIS. It is a bill to incorporate the Suburban Railway Company of Washington, in the District of Columbia.

Mr. SARGENT. Does the Senator think that will pass in a few moments?

Mr. HARRIS. I do not think it will lead to any debate. It is very important to the corporators, if the bill is to be passed at all, that it be passed at once, so that they can have the good weather of the fine season to construct their road.

Mr. SARGENT. The Senate adjourns at four o'clock by a concurrent resolution for the purpose of enabling Senators to attend the funeral of Professor Henry, the late official head of the Smithsonian Institution. The time of the funeral is set at four o'clock, and the time set by the concurrent resolution was very late. I was going to suggest to the Senate that for the purpose of enabling Senators to attend the funeral the Senate adjourn. It seems to me, as this is a lengthy bill, that it will take too much time. It might be taken up

now and be acted upon to-morrow morning. I will make that suggestion.

Mr. HARRIS. Very well; that will be entirely satisfactory to me, if the Senate will consent to take the bill up so that it may be acted upon at the expiration of the morning business to-morrow morning.

Mr. SARGENT. I think there is no objection to that.

Mr. HARRIS. Or after the expiration of the morning hour, the idea being to get through with it.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the present and all prior orders be postponed for the purpose of considering the bill which he has indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 532) to incorporate the Suburban Railway Company of Washington, in the District of Columbia.

Mr. SARGENT. For the reasons moving the Senate when it adopted the concurrent resolution that the Senate adjourn at four o'clock to-day, I move that the Senate do now adjourn.

Mr. BECK. I desire to ask a question. The Senator from Tennessee had the present and prior orders set aside to consider his bill. I supposed we were to go on with that now. If we adjourn now will the bill of the Senator from Tennessee take precedence over the bill for the repeal of the resumption act to-morrow after the morning hour?

The PRESIDENT *pro tempore*. It will be the unfinished business, if the Senate now adjourns.

Mr. SARGENT. As I understand, it will only take a few minutes.

Mr. BECK. I hope the Senate will not adjourn, but let us finish the bill moved by the Senator from Tennessee to-day.

Mr. SARGENT. I insist on my motion.

Mr. HARRIS. I beg to state to the Senator from Kentucky that I do not think the bill that I propose to consider will lead to debate, or will consume thirty minutes in its consideration. It will be quite satisfactory to me to take it up when the morning business is concluded, within the morning hour to-morrow, if the Senate will consent to continue its consideration until it is finished.

Mr. BECK. All I desired was to say that I gave consent now to take the bill up, believing that, as we had thirty minutes before the hour fixed for adjournment, the Senator could get his bill through now. The Senator from Indiana, [Mr. VOORHEES,] who is necessarily compelled to be absent, requested me to resist every effort to postpone the bill for the repeal of the resumption act, so that it may be the regular order to-morrow morning after the morning hour. If this bill is taken up to-morrow morning after the morning hour it may run two days; perhaps it will.

Mr. SARGENT. Mr. President, are there any rules in the Senate?

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate do now adjourn, which is not debatable.

The motion was agreed to; and (at three o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 16, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D.D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

ALLEGED FRAUD IN THE PRESIDENTIAL ELECTION.

Mr. POTTER. I demand the regular order of business.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the unfinished business of yesterday, and the pending question is upon seconding the previous question on the preamble and resolution offered by the gentleman from New York [Mr. POTTER] on Monday.

The question was taken; and upon a division, there were—89 in the affirmative, none in the negative.

Tellers were ordered; and Mr. HALE and Mr. POTTER were appointed.

The House divided; and the tellers reported—ayes 98, noes 2; no quorum voting.

Mr. POTTER. I move a call of the House.

Mr. PAGE. Is it in order to move to postpone indefinitely this resolution, so as to go on with the public business?

The SPEAKER. If the gentleman would vote he would help to make up a quorum so that that motion might be admissable.

Mr. PAGE. That is not the question I ask.

The SPEAKER. The motion is not in order.

Mr. CONGER. I rise to a parliamentary inquiry.

Mr. EDEN. I object to debate.

Mr. CONGER. I rise to a parliamentary inquiry, which is, I believe, always in order.

The SPEAKER. The gentleman will state it.

Mr. CONGER. I rise to inquire whether it would be in order at this time to raise the question of consideration on the pending resolution?

The SPEAKER. It would not be.

Mr. SAYLER. The gentleman certainly knows that when no quorum is present but two motions are in order; and one of those is now pending.

Mr. CONGER. I addressed myself to the Chair, not to the distinguished gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER. I addressed myself to the Chair, without asking the consent of the distinguished gentleman from Michigan, and will do so whenever I see fit.

The motion of Mr. POTTER for a call of the House was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of an act (S. No. 1208) authorizing the publication for sale of an edition of the narrative of the Polaris expedition; in which concurrence was requested.

ALLEGED FRAUD IN THE PRESIDENTIAL ELECTION.

The roll was called; and the following members failed to answer to their names:

Baker, William H.	Frye,	Luttrell,	Smith, A. Herr
Bisbee,	Harris, Benj. W.	Martin,	Strait,
Bundy,	Haskell,	Overton,	Thornburgh,
Butler,	Hazelton,	Powers,	Throckmorton,
Carlisle,	Henkle,	Quinn,	Townsend, M. I.
Clarke of Kentucky,	Ittner,	Rainey,	Walker,
Covert,	Jorgensen,	Reed,	Watson,
Denison,	Ketcham,	Roberts,	Welch,
Douglas,	Killinger,	Robertson,	Willits.
Ellis,	Landers,	Robinson, M. S.	
Foster,	Lapham,	Sapp,	
Freeman,	Loring,	Sinnickson,	

Mr. WILSON. I wish to state that my colleague, Mr. MARTIN, is detained from the Hall by the sickness of his wife. She has been very sick for several days.

The SPEAKER. The roll-call is now complete, and it appears that 247 members are present and have answered to their names.

Mr. POTTER. As a quorum is present I move to dispense with all further proceedings under the call.

The motion was agreed to.

The question recurred on seconding the demand for the previous question on the resolution offered by Mr. POTTER on Monday last.

Mr. FORT. I desire to make a proposition to gentlemen on the other side, and it is that we lay aside the unfinished business and take up for consideration pension-bills, public and private.

Mr. POTTER. We are prepared to do business and here for that purpose, but are constantly kept out of a quorum by the willful absence of gentlemen on the other side of the Chamber.

Mr. FORT. There is a quorum present, and I submit we proceed to the consideration of pension bills, public and private.

Mr. POTTER. If there is a quorum here I am glad of it, and call for the regular order of business.

The SPEAKER. The regular order of business is on seconding the demand for the previous question on the resolution offered by the gentleman from New York [Mr. POTTER] on Monday last.

The House divided; and there were—ayes 126, no 1.

Mr. HALE. No quorum has voted.

The SPEAKER. No quorum having voted, the Chair will appoint tellers. The gentleman from Maine [Mr. HALE] and the gentleman from New York [Mr. POTTER] will act as tellers.

The House again divided; and the tellers reported—ayes 133; no 1.

Mr. HALE. No quorum.

Mr. POTTER. I move there be a call of the House.

The motion was agreed to.

The roll was then called, and the following members failed to answer to their names:

Baker, William H.	Freeman,	Luttrell,	Townsend, M. I.
Bisbee,	Frye,	Overton,	Walker,
Bundy,	Gibson,	Powers,	Watson,
Butler,	Harris, Benj. W.	Quinn,	White, Harry
Carlisle,	Jorgensen,	Roberts,	Willits.
Clarke of Kentucky,	Killinger,	Robinson, M. S.	
Douglas,	Landers,	Sapp,	
Ellis,	Loring,	Strait,	

The SPEAKER. Two hundred and sixty-three members have answered to their names, which is more than a quorum.

Mr. POTTER. I move that all further proceedings under the call be dispensed with.

The House divided; and there were—ayes 118; no 1.

So the motion was agreed to.

The SPEAKER. The question recurs upon seconding the demand for the previous question on the resolution offered by the gentleman from New York, [Mr. POTTER.]

Mr. HALE demanded a division.

The House divided; and there were—ayes 131; no 1.

Mr. HALE. No quorum.

The SPEAKER. The Chair appoints as tellers Mr. POTTER and Mr. HALE.

The House again divided; and the tellers reported—ayes 136, no 1.

Mr. HALE. No quorum.

Mr. BANKS. I desire to make a proposition to the gentleman from New York.

Mr. HALE. I save the point that there is no quorum present.

Mr. BANKS. I propose to the gentleman from New York that we suspend action on this question until Saturday, and in the mean time go on with the appropriation bills, as the absentees, I am informed, are then expected to be present.

Mr. POTTER. Let me inquire of the gentleman from Massachusetts, when he proposes, as I understand he does, to go on with some other business until Saturday, whether his side of the House when we have got through with the business they have selected to be done, will be ready to vote on Saturday on the question of privilege now pending?

Mr. BANKS. I am unable to answer that question because I make this proposition on my own responsibility, and because I think the business of the country requires it. I am informed by gentlemen on the other side of the House, friends of the gentleman from New York, that they will be able to dispose of this question in their own way and to their own satisfaction by Saturday. I propose, therefore, we suspend action on this question until then, and in the mean time go on with the general appropriation bills.

Mr. POTTER. When we are assured by enough gentlemen on the other side of the House to make it certain we will have a quorum and this question will on Saturday be voted on, I will give way to other business.

Mr. BANKS. There is a quorum present now.

Mr. HALE. It is easy either to accept or decline the proposition of the gentleman from Massachusetts. [Cries of "Regular order!" from the democratic side of the House.]

The SPEAKER. No quorum has voted on seconding the demand for the previous question.

Mr. STEPHENS, of Georgia. I wish to say a word on this question. [Cries of "Order!"]

Mr. WAIT. Will not gentlemen on the other side listen to the gentleman from Georgia?

Mr. STEPHENS, of Georgia. I ask to be heard for three minutes. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Georgia asks to be heard for three minutes. Is there objection? [Cries of "Regular order!"]

Mr. HUMPHREY. There is no objection on this side at all to the gentleman from Georgia being heard.

Mr. POTTER. If I could yield to anybody it would afford me great pleasure to yield to the gentleman from Georgia. But I am not permitted to yield to anybody. I am instructed to stand where I am. I therefore move that the House do now adjourn.

Mr. EWING. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 116, not voting 34; as follows:

YEAS—141.

Acklen,	Dibrell,	Hunton,	Schleicher,
Aiken,	Dickey,	Jones, Frank	Shelley,
Atkins,	Durham,	Jones, James T.	Singleton,
Banning,	Eden,	Kenna,	Slemons,
Beebe,	Eickhoff,	Kimmel,	Smith, William E.
Bell,	Elam,	Knapp,	Southard,
Benedict,	Ellis,	Ligon,	Sparks,
Bicknell,	Evins, John H.	Lockwood,	Springer,
Blackburn,	Ewing,	Lynde,	Steele,
Bland,	Felton,	Mackey,	Stenger,
Bliss,	Finley,	Maish,	Swann,
Blount,	Forney,	Manning,	Throckmorton,
Boone,	Franklin,	Martin,	Townshend, R. W.
Bouck,	Fuller,	Mayham,	Tucker,
Bragg,	Garth,	McKenzie,	Turner,
Bridges,	Gause,	McMahon,	Turney,
Bright,	Gibson,	Mills,	Vance,
Buckner,	Giddings,	Money,	Veeder,
Cabell,	Glover,	Morgan,	Waddell,
Caldwell, John W.	Goode,	Morrison,	Walsh,
Caldwell, W. P.	Gunter,	Muldrow,	Warner,
Candler,	Hardenbergh,	Muller,	Whitthorne,
Chalmers,	Harris, Henry R.	Patterson, T. M.	Wigginton,
Clark, Alvah A.	Harris, John T.	Phelps,	Williams, A. S.
Clark of Missouri,	Harrison,	Potter,	Williams, James
Clymer,	Hart,	Pridemore,	Williams, Jere N.
Cobb,	Hartridge,	Rea,	Willis, Albert S.
Collins,	Hartzell,	Reagan,	Willis, Benj. A.
Cook,	Hatcher,	Reilly,	Wilson,
Cox, Samuel S.	Henkle,	Rice, Americus V.	Wood,
Cravens,	Henry,	Riddle,	Wright,
Crittenden,	Hewitt, Abram S.	Robbins,	Yeates,
Culberson,	Hewitt, G. W.	Robertson,	Young.
Cutler,	Herbert,	Ross,	
Davis, Joseph J.	Hooker,	Sayler,	
Dean,	House,	Scales,	

NAYS—116.

Aldrich,	Brogden,	Clark, Rush	Eames,
Bacon,	Browne,	Cole,	Ellsworth,
Bagley,	Burchard,	Conger,	Errett,
Baker, John H.	Burdick,	Cox, Jacob D.	Evans, I. Newton
Ballou,	Cain,	Crapo,	Evans, James L.
Banks,	Calkins,	Cummings,	Fort,
Bayne,	Camp,	Danford,	Foster,
Blair,	Campbell,	Davis, Horace	Gardner,
Boyd,	Cannon,	Deering,	Garfield,
Brentano,	Caswell,	Denison,	Hanna,
Brewer,	Chittenden,	Dunnell,	Harmer,
Briggs,	Claflin,	Dwight,	Haskell,
Hayes,	Lathrop,	Phillips,	Stewart,
Hazelton,	Lindsey,	Pollard,	Stone, Joseph C.
Hendee,	Marsh,	Pound,	Stone, John W.
Henderson,	McCook,	Price,	Thompson,
Hiscock,	McGowan,	Pugh,	Thornburgh,
Humphrey,	McKinley,	Rainey,	Tipton,
Hungerford,	Metcalfe,	Randolph,	Townsend, Amos
Hunter,	Mitchell,	Reed,	Van Vorhes,
Ittner,	Monroe,	Rice, William W.	Wait,
James,	Morse,	Ryan,	Ward,
Jones, John S.	Neal,	Sampson,	Welch,
Joyce,	Norcross,	Sexton,	White, Harry
Keifer,	Oliver,	Shallenberger,	White, Michael D.
Keightley,	O'Neill,	Sinnickson,	Williams, Andrew
Kelley,	Page,	Smalls,	Williams, C. G.
Ketcham,	Patterson, G. W.	Smith, A. Herr	Williams, Richard
Lapham,	Peddie,	Starin,	Wren.

NOT VOTING—34.

Baker, W. H.	Freeman,	Landers,	Sapp,
Bisbee,	Frye,	Loring,	Stephens,
Bundy,	Hale,	Luttrell,	Strait,
Butler,	Hamilton,	Overton,	Townsend, M. I.
Carlisle,	Harris, Benj. W.	Powers,	Walker,
Clarke of Kentucky,	Hubbell,	Quinn,	Watson,
Covert,	Jorgensen,	Roberts,	Willits.
Davidson,	Killinger,	Robinson, G. D.	
Douglas,	Knott,	Robinson, M. S.	

During the roll-call the following announcements were made:

Mr. CLARK, of New Jersey. I am paired with Mr. STRAIT, of Minnesota.

Mr. STEPHENS, of Georgia. I have not voted because I am paired with the gentleman from Massachusetts, Mr. HARRIS.

Mr. CALDWELL, of Tennessee. The gentleman from California, Mr. LUTTRELL, is confined to his room by sickness. If he had been here, he would have voted with this side of the House.

Mr. COVERT. I am paired with my colleague from New York, Mr. TOWNSEND. If he were here, I should vote "ay." My colleagues, Mr. QUINN and Mr. BAKER, are paired.

Mr. KNOTT. I am paired with Mr. FRYE, of Maine. If he had been present, I would have voted "ay."

Mr. HAMILTON. I am paired with my colleague from Indiana, Mr. ROBINSON. If he were present, I should vote "ay."

Mr. DAVIDSON. I am paired with my colleague from Florida, Mr. BISBEE. If he were present, I should vote "ay."

Mr. BAYNE. My colleague from Pennsylvania, Mr. WATSON, is paired with Mr. CLARKE, of Kentucky. Mr. WATSON would have voted "no."

Mr. ROBINSON, of Massachusetts. On all political questions I am paired with Mr. LANDERS, of Connecticut. I have therefore abstained from voting.

Mr. MITCHELL. My colleague from Pennsylvania, Mr. OVERTON, is still absent by leave of the House. When he went away he supposed he was paired on all political questions, but since he left the pair has been released by the return of the member with whom he was paired.

Mr. BOYD. The gentleman from New York, Mr. BUNDY, is absent by leave of the House. If he were present, he would vote "no."

REQUESTS FOR LEAVE OF ABSENCE.

The SPEAKER. Pending the announcement of the vote on the motion to adjourn, the Chair desires to lay before the House the following requests:

Mr. METCALFE desires leave of absence for eight days, on account of sickness;

Mr. KILLINGER desires leave of absence for one week; and

Mr. SAPP desires leave of absence for three days.

Mr. HOOKER. I think it is proper, in the present condition of affairs in the House, that if these requests for leave of absence be granted, they should be granted coupled with the condition that they do not defeat the obtaining of a quorum upon a call of the House.

The SPEAKER. That is in the nature of an objection, and objection being made, the requests for leave of absence are not granted.

Mr. GARFIELD. I hope the gentleman from Mississippi will not make objection to a request for leave of absence on account of sickness. One of these gentlemen is sick.

Mr. HOOKER. Is he paired?

Mr. GARFIELD. I do not know about that.

Mr. HOOKER. I desire that all pairs on this question should be released, so that the House may not be deprived of a quorum.

Mr. GARFIELD. I move that the requests for leave of absence submitted by the Chair be granted.

Mr. HOOKER. I object, if this is to prevent any gentleman from being at liberty to vote on the pending question or from making a quorum on a call of the House.

Mr. REED. The gentleman cannot make a conditional objection.

The SPEAKER. The House having determined to adjourn, it requires unanimous consent for the Speaker to make these requests in any event. [Cries of "Regular order!"]

Mr. ELLIS. I rise to make a report of the highest privilege.

The SPEAKER. The House has voted to adjourn.

Mr. ELLIS. The result of the vote has not been announced. [Cries of "Regular order!"]

The result of the vote was then announced as above stated; and

accordingly (at twelve o'clock and fifty-five minute p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. COLE: The petition of citizens of Saint Louis, Missouri, opposing the revival of the income tax—to the Committee of Ways and Means.

By Mr. DAVIS, of California: Resolutions of San Francisco (California) Chamber of Commerce communicated by telegraph, asking for a resurvey of San Pablo and Suisun Bays—to the Committee on Appropriations.

By Mr. HUNTON: The petition of Mrs. Elizabeth Weaver, for compensation for property used by the United States Army—to the Committee on War Claims.

By Mr. MONROE: The petition of business men of New York and other cities for the passage of a general ocean-cable law—to the Committee on Foreign Affairs.

By Mr. PHILLIPS: The petition of W. A. Phillips and others, for the survey for a railway or line of communication for postal and commercial purposes from Austin, Texas, to Topolovampo Bay—to the Committee on Appropriations.

By Mr. PRICE: The petition of the officers and members of the Prohibition Alliance of the District of Columbia, for the prohibition of the liquor traffic—to the Committee for the District of Columbia.

By Mr. RIDDLE: The petition of Elizabeth J. Wems, for a pension—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: The petition of 52 citizens of Monongahela City, Pennsylvania, to donate condemned cannon and cannonballs to Monongahela Cemetery, to be placed on soldiers' free burial lot—to the Committee on Military Affairs.

By Mr. SOUTHARD: The petition of Charles Preston and 400 other citizens of Zanesville, Ohio, against any change in the tariff laws—to the Committee of Ways and Means.

By Mr. WARD: The petition of Wayne Council, No. 27, United American Mechanics, of Phœnixville, Pennsylvania, of similar import—to the same committee.

IN SENATE.

FRIDAY, *May* 17, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. SARGENT. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. McCREERY. I ask that that motion may be postponed for a while. I do not think there is a quorum present, and I think there ought to be when such a motion as that is put.

Mr. SARGENT. I give notice, then, that I will call up the motion later in the day. I submit the motion and let it lie on the table for the present.

The PRESIDENT *pro tempore*. The motion will be entered.

Mr. SARGENT subsequently called up the motion; and it was agreed to.

PETITIONS AND MEMORIALS.

Mr. MERRIMON presented the petition of William Webb and others, citizens of the District of Columbia, praying for the passage of the bill (S. No. 979) in relation to the payment of taxes and assessments in the city of Washington, District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MORRILL. I present the petition of the National Prohibition Alliance of the District of Columbia, praying for the abolition of the liquor traffic. This is a very elaborately drawn up petition, asking for the total prohibition of the liquor traffic in this District and all other places where the United States have exclusive jurisdiction. I therefore move its reference to the Committee on the District of Columbia, and ask the attention of that committee to it.

The motion was agreed to.

Mr. MITCHELL. I present the memorial of W. P. Keady and other citizens of Oregon, printers and publishers, in which they beg leave to represent that in the tariff bill now before Congress no duty has been set upon stereotype or electrotype printing plates, and they represent that they are thereby left without any measure of protection, and would be greatly injured in their business; numerous printers, stereotypers, and electrotypers would necessarily be left without employment if that bill should become a law. They protest against it. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING presented the petition of George W. Lewis & Co. and others, citizens of the city of New York, praying for an increased appropriation for the improvement of the Harlem River; which was referred to the Committee on Commerce.

Mr. CONKLING. I present also a memorial signed by a large number of citizens describing themselves as manufacturers of and dealers in printing materials, remonstrating against the passage of the bill for a refund to Miller & Richards, of San Francisco, of a fine of $3,183 imposed upon them, for reasons which the memorialists set forth. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT presented the petition of Albert Husing, editor and proprietor of the San José Courier, praying that a duty of thirty cents per pound may be levied upon all stereotype and electrotype plates imported into the United States; which was referred to the Committee on Finance.

Mr. RANDOLPH. I present four memorials of the Order of United American Mechanics, sent here by Joseph S. Milligan, the secretary of the order, one from Shining Light Council, No. 39, of Clinton, New Jersey; one from Byram Council, No. 78, of Stanhope, New Jersey; one from Washington Council, No. 10, of Mount Holly, New Jersey, and one from Industry Council, No. 50, of Jersey City, New Jersey, remonstrating against any change in the present tariff laws. I move the reference of these memorials to the Committee on Finance.

The motion was agreed to.

Mr. DORSEY. I present the memorial of O. S. B. Wall and others, colored members of the District of Columbia Western Emigration Society, who respectfully request that "the honorable Secretary of the Treasury be authorized by appropriate legislation to advance or loan, upon the order of a properly authorized and bonded agent of the Government, the sum of $75,000 to enable the helpless poor of our race in this section to locate as farmers" on lands of the United States dedicated to homestead purposes. I move the reference of the memorial to the Committee on Education and Labor.

The motion was agreed to.

Mr. KERNAN presented the petition of John Hunter, of Westchester County, New York, praying compensation because of the condemnation of his lands on Hart's Island, in Long Island Sound, alleged to have been taken and appropriated by the United States Government for light-house purposes; which was referred to the Committee on Claims.

Mr. COCKRELL presented the petition of Mrs. W. Weckerle, widow of William Weckerle, late a private in Company H, Ninth Minnesota Volunteers, praying payment of the amount of bounty claimed to be due her late husband; which was referred to the Committee on Claims.

Mr. GORDON. Yesterday morning I presented the petition of Juliet Leef, widow of Henry Leef, deceased, of Baltimore, Maryland, praying for the passage of a law authorizing the Secretary of the Treasury to adjust and settle her claim against the Government for loss and damages sustained by the seizure and detention of the vessel Mary Teresa at the port of Bahia by order of the United States consul at that port on the 20th of January, 1848. By mistake this petition was referred to the Committee on Claims. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

PRINTING OF AN AMENDMENT.

Mr. MATTHEWS. I move to have printed for the use of the Senate the amendment which I gave notice of my intention to propose as a substitute for the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency. I desire to have it reprinted in its present form.

The PRESIDENT *pro tempore*. That order will be made.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 4286) to establish post-routes in the several States therein named, reported it with amendments.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1815) granting a pension to Florence V. Moore, reported it without amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4055) to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes, reported it without amendment.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1099) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 186) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 935) for the relief of the heirs and legal representatives of James C. Pickett, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. RANDOLPH. I am directed by the Committee on Commerce, to whom was referred the bill (S. No. 405) to amend the first paragraph of section 2541 of the Revised Statutes, relating to collection districts in the State of New Jersey, to report it adversely. It is a bill that relates to the extension of certain collection districts in the

State of New York to the State of New Jersey, introduced by the Senator from New York, [Mr. KERNAN.]

The bill was postponed indefinitely.

Mr. RANDOLPH, from the Committee on Commerce, to whom was referred the bill (S. No. 257) to amend section 4200 of the Revised Statutes of the United States relating to clearances of ships and vessels bound to foreign ports, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 498) to provide for the appointment of an additional circuit judge in the second judicial circuit, reported it with an amendment.

He also, from the same committee, reported a bill (S. No. 1266) to provide for the appointment of an additional circuit judge in the seventh judicial circuit; which was read twice by its title.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 844) granting a pension to Mary Martin, mother by adoption of James R. Martin, late a private in the Fifth Regiment Vermont Volunteers, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 4) granting arrears of pensions and the bill (S. No. 552) relating to the time when pensions shall begin to run, asked to be discharged from their consideration; which was agreed to; and, in lieu of, then reported a bill (S. No. 1267) fixing the date of commencement of certain pensions and granting arrears in certain cases; which was read twice by its title.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2936) granting a pension to George R. Whitehead, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the petition of citizens of Rush County, Kansas, praying that a pension may be granted to Daniel Smith, late a private in Company L, Twelfth New York Cavalry, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1083) to incorporate the Collateral Loan and Trust Company of the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 618) for the relief of Frank P. Haywood, sr., submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3548) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, reported it with amendments; and submitted a report thereon, which was ordered to be printed.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1203) to repeal the act of Congress approved April 3, A. D., 1878, entitled "An act to amend an act entitled 'An act for the support of the government for the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes,'" reported it with an amendment.

REBECCA B. REMICK.

Mr. WITHERS. I move that the vote by which the Senate indefinitely postponed the bill (H. R. No. 1256) granting a pension to Rebecca B. Remick, be reconsidered, and that the bill be recommitted to the Committee on Pensions.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The motion is now to recommit the bill to the Committee on Pensions.

The motion was agreed to.

TREASURY DISCREPANCIES COMMITTEE.

Mr. DAVIS, of West Virginia. The select committee to examine the reports, books, &c., of the Treasury Department have been at work since soon after their appointment. They have made considerable progress. The two clerks allowed the committee are now engaged in making a careful comparison of the books and annual reports of the Secretary of the Treasury, of the Register, and of the Treasurer. The work is one of magnitude and importance and requires great care, skill, and labor.

Soon after the appointment of the committee a call by letter was made upon the Secretary of the Treasury and upon heads of other Departments, relating to receipts, expenditures, the public debt, issues of bonds and of currency. Some parts of the statements asked for have been furnished and will be of general interest when made public. No testimony has yet been taken by the committee. The committee are of the opinion that they cannot do full justice to the subject and make a report at this session of Congress. They therefore ask that the following resolution, which I submit, be acted upon by the Senate:

Resolved, That the "select committee to investigate the finance reports, books, and accounts of the Treasury Department," appointed under resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate.

Mr. MORRILL. I have not any objection to make to this resolution at the present time; still I should like to have it lie over until to-morrow. The only objection that occurs to me at the present time is that I fear it will detain my friend, the Senator from West Virginia, from his home, where he usually dispenses much hospitality during the recess, and I should hardly want to deprive him of the opportunity of displaying that generous trait of his character.

Mr. DAVIS, of West Virginia. I am obliged to the Senator for his kindness and for his allusion to me in a friendly manner, and as he specially smiles I shall be very glad to see him or any other Senator at any time. But I have a duty to perform which comes first, as I know it does with the Senator.

The committee have considered well the request that they make before they decided to make it. In fact it is believed that the resolution as it now stands permits the sitting during the recess of Congress, but they thought it would be better, to cover the ground so that there could be no question about it, to ask this additional privilege, supposing there could be no objection to it.

Now, Mr. President, as the resolution is to go over until to-morrow or the next legislative day, I will make a statement on my own account on which the committee has not been consulted, and I make it as an individual and member of the committee and not as coming from the committee or that the committee has been at all consulted about.

It will be recollected that I made sundry statements and several speeches to the Senate from time to time, stating that certain changes and alterations had taken place in the official annual finance reports. I now assert, after the examination as far as we have gone, that each and every one of the statements made by myself to the Senate is substantially correct; and in the end, though the committee has no desire to report and make public anything that has taken place in committee, I as an individual state that all the statements I have made, including that which alleged that the debt statements had been changed and altered by the finance reports between 1869 and 1871 to the extent of over $200,000,000, will be shown to be correct.

Mr. MORRILL. May I ask the Senator whether he expects to be here so as to attend to the duties personally himself of further investigation between now and the recess?

Mr. DAVIS, of West Virginia. I will answer frankly to the Senator no; but the committee—not my own wish but the committee—suggest to me that it would be better so that the two clerks allowed the committee might continue their investigations during the recess. We may not meet ourselves. As I stated a moment ago, no testimony has yet been taken, and I doubt very much whether the committee will meet during the recess; but it will be borne in mind that to examine and compare properly and carefully, with a view to get all the facts, the books of the Secretary, of the Register, and of the Treasurer, is an immense work and cannot be done in a few months by any committee. We have two clerks who have been steadily at work, and I think they can be engaged until we meet again, even if the committee has no meetings, and they can report whatever they may have collected to the committee.

In addition to that, the committee called on the Secretary of the Treasury and the heads of other Departments, soon after its organization, for certain statements; the statements have been given in part. I believe the other Departments have done the best they could toward furnishing them; but they are large, taking a great deal of trouble, and I make no complaint that they have not all been furnished.

Mr. MORRILL. I thought if the Senator from West Virginia was going to attend to this business personally and to be here himself I would not object. I will try not to object to-morrow morning; but I would rather see the resolution in print if he will allow it to go over until to-morrow morning.

Mr. DAVIS, of West Virginia. I have not the least objection to its going over, but I thought in justice to the committee and myself to make the statement I have made.

The PRESIDENT *pro tempore*. The resolution will lie over.

PRINTING OF MAPS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print the maps accompanying the report of Brevet Major-General Warren upon the subject of bridging the Mississippi, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the maps illustrating the report of Brevet Major-General G. K. Warren, major of engineers, upon the subject of bridging the Mississippi River, be published with the report.

BILLS INTRODUCED.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1268) to authorize the Secretary of War to convey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DENNIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1269) for the relief of the Neufchâtel Rock Paving Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 1270) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1271) for the relief of Jenkins A. Fitzgerald; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States, in relation to the judicial powers and functions of consuls; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MATTHEWS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1273) granting a pension to Sarah A. Porter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1274) to pay John Hunter for part of Hart Island, in Westchester County, State of New York, condemned and taken for light-house purposes; which was read twice by its title, and referred to the Committee on Claims.

REVISION OF THE PATENT LAWS.

Mr. BOOTH. I submit an amendment which I intend to offer to the bill (S. No. 300) to amend the statutes in relation to patents, and for other purposes. I move that it be printed, and referred to the Committee on Patents.

The motion was agreed to.

Mr. BOOTH. By request of the Senator from New Hampshire [Mr. WADLEIGH] I ask consent of the Senate to make the bill (S. No. 300) amendatory of the statutes in relation to patents, and for other purposes, the special order for Wednesday next.

Mr. WINDOM. Let it be subject to the appropriation bills, if any are ready.

The PRESIDENT *pro tempore*. The Senator from California moves that Senate bill No. 300 be made a special order for next Wednesday.

Mr. ALLISON. I have no objection to that, provided we dispose of the financial bill now before the Senate; at least, it seems to be up periodically.

The PRESIDENT *pro tempore*. It is the unfinished business.

Mr. ALLISON. I suppose the Senator from California does not wish to set aside that bill.

Mr. BOOTH. I do not wish to displace the pending order.

Mr. ALLISON. Then I have no objection, if the appropriation bills and financial bills are excepted.

The PRESIDENT *pro tempore*. The motion will be considered agreed to, subject to the appropriation bills and finance bills. That is the understanding. ["Yes."]

AMENDMENT OF RULES.

Mr. HOWE submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Committee on Rules be instructed to consider and report upon the propriety of so amending the standing rules of the Senate as to admit the heads of bureaus in the Executive Departments to the floor of the Senate during its sessions.

Mr. HAMLIN. I move to amend that resolution by inserting:

And to inquire into the propriety or expediency of adopting a rule preventing any Senator from being at the Secretary's desk while the yeas and nays are being called.

I think it is disgraceful to this body to see the manner in which Senators run to see how the yeas and nays are taken.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AMENDMENTS TO POST-ROUTE BILL.

Mr. MITCHELL and Mr. WALLACE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-routes in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. ROLLINS and Mr. EUSTIS submitted amendments intended to be proposed by them to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce.

POST-ROUTE IN MAINE.

Mr. HAMLIN submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Committee on Post-Offices and Post-Roads be directed to inquire into the expediency of establishing a post-route from Hartford to Canton Village, in the county of Oxford, Maine.

JAMES C. DOWNER.

Mr. BAILEY. I ask the Senate to take up and consider the bill (S. No. 849) granting a pension to James C. Downer.

It will only occupy a moment. It is a bill granting a pension to a blind man whose case is a most meritorious one. I move to take it up.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for placing the name of James C. Downer, late captain of Company E in the Sixth Regiment of Louisiana Mexican War Volunteers, on the roll of invalid pensioners, at $50 per month during his natural life, commencing on the 2d of June, 1875.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

OREGON CENTRAL RAILROAD COMPANY.

Mr. MITCHELL. I move to proceed to the consideration of Senate bill No. 306.

Mr. DAVIS, of Illinois. I should like to call up the bill to provide times and places of holding circuit court in the district of Iowa, and for the appointment of an additional judge.

Mr. MITCHELL. I will state to the Senator from Illinois that I have had this matter up several mornings and I think it can be disposed of in five minutes; I hope so, at least.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 306) amendatory of the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Georgia."

Mr. MORRILL. Will the Senator from Oregon state what the provisions of this bill are?

Mr. MITCHELL. I stated them the other day but will do so again now.

In 1870, on the 4th of May, Congress made a grant of land to the Oregon Central Railroad Company to aid in the construction of a railroad in Oregon. The road is exclusively in the State of Oregon. The company proceeded to the construction of the road. The road is completed with the exception of about ninety miles. The time has expired, and this is an extension to enable them to complete the road.

Mr. EDMUNDS. Has the time expired?

Mr. MITCHELL. It has expired.

Mr. EDMUNDS. When?

Mr. MITCHELL. Under one construction it expired two years ago, and under another construction, which I think is equally reasonable, it expired on the fourth day of the present month. The bill proposes that the land shall be sold by the Government and the proceeds simply go to the company in aid of the road. That is all there is of the bill. I do not wish to take up time by discussing it. It was discussed at length the other day. I will state that the committee considered it carefully, and I believe there is no objection from any member of the committee to the bill. I make that statement. If there is any objection from any member of the Committee on Railroads, as a matter of course he can state it.

Mr. EDMUNDS. How long was this line of road, to begin with?

Mr. MITCHELL. About one hundred and forty miles in length—the whole road.

Mr. EDMUNDS. When was the first grant made?

Mr. MITCHELL. On the 4th day of May, 1870.

Mr. EDMUNDS. How many miles have been built?

Mr. MITCHELL. Forty-seven and a half.

Mr. EDMUNDS. When was that part completed?

Mr. MITCHELL. The first twenty miles were completed and accepted by the Government on the 16th of February, 1872. The remaining twenty-seven and a half miles were completed and accepted by the Government April 23, 1876. There are about ninety miles of the road to be completed yet.

Mr. EDMUNDS. Not built at all?

Mr. MITCHELL. Not built at all.

Mr. EDMUNDS. I move to amend the fourteenth section of the amendment of the committee—I do not mean by that that I shall be in favor of the bill afterward that I know of—by striking out the words in lines 3 and 4 "having due regard for the rights of the company."

Mr. MITCHELL. I will state to the Senator from Vermont that that amendment has already been made on my own motion when the bill was under consideration before, in order to conform with the views of the Senator and with legislation.

Mr. EDMUNDS. Very well.

Mr. THURMAN. Mr. President, if there is a question on which the opinions of the people of Ohio more nearly approach unanimity than on any other it is on the question of granting public lands to railroad companies to aid in the construction of their roads. In almost every form that can be conceived the people of that State have expressed their opinion against the policy and justice of such subsidies. They have done it in their county and district conventions; they have done it in their State conventions of all parties; they have done it through the public press, and authoritatively by the action of the General Assembly again and again. It was in obedience to that public sentiment of my State and from the dictates of my own judgment that I availed myself of the very first occasion I could obtain after I came into the Senate to express my opposition to such grants; and it so happens that it was upon the very bill making the grant which it is now sought to revive that I first had the honor to address the Sen-

ate in opposition to the grants and to the policy of such grants. But at that time, May, 1870, if I recollect the date correctly, land grants in favor of railroads passed the Senate almost as much a matter of course as the ordinary appropriation bills; and it was not until after several years of hard fighting and not until the opinion of the people of the United States became clearly ascertained that a stop was put to that policy.

But, Mr. President, although a stop has been put to original grants of land to railroad companies, a stop has not been put to another kind of subsidy; a subsidy by reviving grants that have lapsed. It may seem that there is a distinction between an original grant and a revival of a lapsed grant. I can conceive of circumstances that might make it much more justifiable to revive a lapsed grant than to have made it originally; and it is certain that the Senate has either revived lapsed grants or extended the time when they were about to lapse in more cases than one. But in every such case certain questions naturally suggest themselves before the Senate decides whether it will revive the lapsed grant or not. Here, for instance, is a grant that lapsed two years ago. By the condition on which this grant was made in 1870, this company was bound to complete its road within six years, if my memory is correct; that time expired two years ago, and we are now asked to revive that lapsed grant.

What are the questions that naturally arise in our minds when we are asked to do that thing? They are, first, what reason has this company to give in justification of its failure to perform the condition on which the grant was made? What efforts has it made to comply with that condition? What stock has been subscribed to it and what credit has been given to it on the faith of that grant which would be interfered with or destroyed if the grant were not revived?

These are the questions that naturally arise, and I have looked in vain to the report of the Railroad Committee to find any sufficient answer to them. I find no statement whatever of the amount of stock, if any, taken for the construction of this road on the faith of this land grant. I find no statement of any credit given to it or any obligations issued by it and purchased by others on the faith of any such grant. I find no statement of the efforts of this company to comply with the condition or of any overruling circumstance or fact that prevented their compliance. All that I find that bears upon the question is that the company has constructed about forty-seven and one-half miles of its road and that ninety-seven miles remain unconstructed, and so far as it appears by this report without a spade having been used upon any portion of that line. In other words, this company has had six years in which to complete about one hundred and forty miles of railroad, and it has completed only one-third of one hundred and forty miles, and two years more have elapsed and the two-thirds remain still uncompleted, and now it asks the Congress of the United States to revive this land grant while it has thus utterly failed to perform the condition on which the grant was made.

Mr. President, under such circumstances as these, totally unexplained, without its appearing at all that a failure to revive this land grant would do injustice to anybody, I for one can only regard it as a new land subsidy, standing precisely as if it came here for the first time; and I am compelled, in obedience to the dictates of my own judgment and in submission to the will of the people of Ohio, to vote against it.

But, Mr. President, if there was a case made here appealing to the equity of Congress to revive this grant, I must be allowed to say to my friend who has this bill in charge that this bill itself is obnoxious, it seems to me, to criticism of a very serious character, and is one of the most singular bills, perhaps the only one of the kind, ever introduced into the Senate. What is one of the main features of this bill? It is that if this company, which has been in default now for more than two years in the construction of its road, shall continue to be in default, then any other company may file a declaration that it will complete the road, and such other company shall then have the benefit of this grant. But it does not stop there. If this second company shall also fail, then a third company may file its intention and it may have the grant.

Mr. MITCHELL. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. MITCHELL. What is the object in making these grants? Is the benefit to the stockholders of the company or is the benefit to the people that is gained by the construction of the road?

Mr. THURMAN. My friend had better let me get through with what I have to say and then he may answer me altogether, and that will shorten the discussion. I do not care what the object is, I never before heard of a floating land grant, a grant here to the Oregon Central Railroad Company, and if that company does not comply with its conditions then that some other company may take the grant.

Mr. MITCHELL. Mr. President——

Mr. THURMAN. I wish the Senator would allow me to proceed.

Mr. MITCHELL. Will the Senator allow me? The Senator said he never heard of such a thing. I have heard of such a thing. The Senate, without a dissenting voice, within the last month, passed a bill almost identical with this one, only in that case, in the case of the Northern Pacific, it provided that if the Northern Pacific did not construct a certain road within a certain time, then the grant for two hundred miles should be forfeited to a certain other company who should go on and construct the road; so that the principle adopted by the Senate without a dissenting voice within the last month is the same as that now in this bill, in so far as that is concerned.

Mr. THURMAN. Mr. President, I was not in the Senate when that bill was passed.

Mr. MITCHELL. I was.

Mr. THURMAN. I believe I was not in Washington at that time. I think I was on a visit home. I noticed in the newspapers that it had passed. I noticed that the yeas and nays were not called upon it. I noticed that there was no discussion upon it that amounted to anything like a discussion.

Mr. MITCHELL. It was discussed for two days.

Mr. THURMAN. I decline to be interrupted.

Mr. MITCHELL. The Senator certainly does not wish to misrepresent the fact. He has been misinformed; that is all.

Mr. THURMAN. I do not think that there was anything like a full discussion of that measure; certainly no discussion on the question that I now raise in respect of this bill. I do not think it ever entered into the imagination of any Senator here that we were to make grants of floats, as they used to be called in the Spanish land grants and the French land grants, to let them float from one company to another, and another, and another.

Mr. President, who is to determine whether the Oregon Central Railroad Company shall have failed and shall have forfeited its right to this land grant? Usually, certainly the general principle is that a party shall not lose his franchise or his estate without the adjudication of a court of competent jurisdiction. Who is to decide that the Oregon Central Railroad Company has failed to perform the condition and thereby has forfeited the grant made to it? There is no provision for any such determination; but upon a filing with the Secretary of the Interior by some other company of "a notice of its intention to construct such road and telegraph line in the event of a failure on the part of said Oregon Central Railroad Company, it may, at any time within three months after such failure upon the part of the said Oregon Central Railroad Company either to commence or prosecute as aforesaid, proceed, in like manner and upon like conditions, to the commencement and construction of such road," &c., and then it shall have the land grant. This bill seems to contemplate that immediately upon its approval, when it becomes a law, Company A, Company B, Company C, and Company D may file in the Department of the Interior a declaration that if the Oregon Central Company shall fail to commence within the time limited here, and to prosecute, as herein provided, the construction of its road, then Company A will undertake the job, and then if Company A fails, Company B, which next filed such a notice, will undertake the job, and Company C and Company D, and so on, until at last these ninety-seven miles of road are made. Is not that a most extraordinary proposition? And all this without an adjudication by any tribunal authorized to adjudicate at all that the company which it is thus sought to supersede has been guilty of any default or has forfeited any right whatsoever!

Mr. President, I cannot vote for such a bill as that. I could not vote for it even if there were a provision for an adjudication that the forfeiture had taken place; but without any such adjudication, without anybody to hear or determine the question as to whether the default has taken place and that a forfeiture has been incurred, or any such thing as that, I am quite sure I cannot vote for the bill, and I hardly think that any other Senator can.

But that is not all in respect of this bill. Section 2 of the substitute provides:

> That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices the lands embraced in such entry shall not be held as within the grant to said company, and shall be patented to the parties lawfully entering the same, and under the provisions of this section, and in case of abandonment by them shall be open to pre-emption and homestead entry only of actual settlers.

I wish to call the attention of the Senator who has charge of this bill to the words "and under the provisions of this section." What is the meaning of that? There may be some explanation of it, but I do not see it. Patents are to be granted to pre-emption and homestead claims, as I take it, under the existing laws relative to pre-emptions and to homesteads; and how they can be granted "under the provisions of this section" I really do not understand.

But let us pass further to something that is more important——

Mr. MITCHELL. I will simply say in answer to that point that that section is precisely similar to the one incorporated in the Northern Pacific bill which was passed by the Senate two years ago, and also in the bill of the present session.

Mr. THURMAN. We know that sometimes bills pass without the scrutiny that they should receive. That is all the answer I make to that.

Mr. MITCHELL. It simply protects the settlers.

Mr. THURMAN. Section 8 provides:

> And the proceeds of all sales of pre-emptions which have not been paid to the United States prior to the completion and acceptance of any one or more sections as aforesaid shall be paid into the Treasury of the United States, and by the Secretary of the Treasury paid to said railroad company, its trustees or assigns.

Mark it; section 2 says that, if there are inchoate pre-emption or homestead claims prior to the withdrawal of the land by the Department of the Interior, such lands upon which there are such claims

shall not be in the grant to the railroad company; they are excepted from the grant; and yet section 8 provides that "the proceeds of all sales of pre-emptions which have not been paid to the United States prior to the completion and acceptance of any one or more sections as aforesaid shall be paid into the Treasury of the United States," which would embrace, if I understand it aright, precisely those homesteads and pre emptions which it is said are not within the grant.

Mr. MITCHELL. If the Senator from Ohio will allow me, he does not understand the bill at all. The two sections relate to entirely different classes of cases. Section 7 relates exclusively to cases where settlers have gone on to the lands and initiated their claims after the filing of the map in the General Land Office in the Interior Department, and before any notice of that fact had reached the local district land office. That section applies to that class of cases and to that class of cases only, while the other section refers to an entirely different class; that is, to settlers whose claims have been initiated but not perfected on lands opposite to and conterminous with a certain section of completed road.

Mr. THURMAN. Now, if the Senator has explained that to his own satisfaction, I humbly venture to suggest that he is the only Senator who understands it, because there is nothing plainer to me, I cannot see anything plainer than the justice of the criticism that I make. Here is the second section, which says in so many words—

That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices, the lands embraced in such entry shall not be held as within the grant to said company.

Mr. MITCHELL. Certainly. That is, they shall not be compelled to pay $2.50 an acre, but they shall be entitled to the patent as though no grant had ever been made.

Mr. THURMAN. If the Senator will——

Mr. MITCHELL. Because the claim——

Mr. THURMAN. I decline to be interrupted.

Mr. MITCHELL. I want to explain the meaning.

Mr. THURMAN. The Senator can explain the section after I get through. I say the language here is clear as language can be that these lands for which pre-emptions or homesteads have been initiated shall not be within the grant to the railroad company at all.

Mr. MITCHELL. That is, if the Senator will allow me, as to all those cases where settlers have initiated their claims prior to the time of notice being filed with the local land offices of the withdrawal of the grant. It only applies to those cases.

Mr. THURMAN. I have read it twice, and said again and again that in all those cases where homesteads or pre-emptions have been initiated before the withdrawal of the lands from entry those lands for which pre-emptions and homesteads have thus been initiated shall not be within the grant to the company.

Mr. MITCHELL. Certainly. Now section 8——

Mr. THURMAN. Mr. President, there is no use in attempting to proceed with my remarks.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to be interrupted.

Mr. MITCHELL. If the Senator declines an explanation I will not endeavor to make it.

Mr. THURMAN. I decline because we shall be talking back and forth here all day. I do not want to take long, and the Senator has the whole day before him.

Mr. MITCHELL. The Senator knows full well that this bill falls when the clock strikes one, and that I shall have no chance to answer after that time.

Mr. THURMAN. Then the Senator would speak until one, if I yielded, and I should have no chance to make my objection. That only proves that the bill will not be passed to-day.

Mr. MITCHELL. It may prove that.

The PRESIDENT *pro tempore*. The morning hour has expired.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of the 29th of April calling for information as to money expended by the United States for the improvement of the Fox and Wisconsin Rivers, a letter from the Chief of Engineers and report from Major D. C. Houston; which was referred to the Committee on Commerce, and ordered to be printed.

ISABELLA CASSIDY.

Mr. VOORHEES. I ask permission to make a report at this time. The Committee on Pensions, to whom was referred the bill (H. R. No. 2028) granting a pension to Isabella Cassidy, direct me to make a favorable report.

Mr. INGALLS. This bill is one that ought to be passed in the interest of humanity at once, without delay.

Mr. EDMUNDS. Let us pass it, then.

Mr. INGALLS. The beneficiary is in a state of absolute want bordering on starvation. I ask that the bill may be acted on now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to place on the pension-roll the name of Isabella Cassidy, dependent mother of George H. Cassidy, late a lieutenant in the Sixteenth Regiment Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUBURBAN RAILWAY COMPANY.

The PRESIDENT *pro tempore*. The Chair calls up the unfinished business of yesterday, which is Senate bill No. 532.

Mr. MORRILL. I desire to take the floor on the resumption-repeal bill, but I do not wish to speak to-day, and if there is no other Senator who desires to occupy the attention of the Senate to-day upon that subject I will ask to have it postponed until Monday.

The PRESIDENT *pro tempore*. That will follow the present bill. Senate bill No. 532, called up by the Senator from Tennessee, [Mr. HARRIS,] is the unfinished business. The resumption-repeal bill has been superseded.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 532) to incorporate the Suburban Railway Company of Washington, in the District of Columbia.

The bill was reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and insert:

That Joseph B. Bryan, Robert K. Elliott, J. Sayles Brown, B. F. Guy, George W. Linville, John J. Johnson, W. G. Palmer, Octavius Knight, Amos Hunt, Andrew Kremer, William H. Claggett, John C. McKelden, Walter R. Irwin, Leopold Lochs, John W. Boteler, Franklin Rives, Lewis Clephane, Clark Mills, and H. Nelson Chapman, their associates and successors, are hereby constituted a body-corporate by the name, style, and title of the Suburban Railway Company of Washington, in the District of Columbia, with power to sue and subject of being sued, plead and being impleaded; and cause to be made for the use of said company a seal, and the same to change at pleasure; with authority to construct a single or double track railway, with the appurtenances thereto belonging, within the city of Washington, and extending the same beyond the boundary of said city, as hereinafter described, within said District.

SEC. 2. The said railway shall commence at or near the junction of Nineteenth and E streets, northeast, as represented and described on the survey and plat of Rosedale and Isherwood estates, additions to the city of Washington; thence northerly through said Nineteenth street to its termination at the Benning's Bridge road; thence in a northwesterly direction, so as to form an easy curve for the working of cars; and thence northerly and parallel with a private road owned and used by Bernard Guyer, John Ebbert, Andrew Darr, Leonard Seller, Valentine Hess, —— Phillips, and Joseph Miller; thence near the base and on the easterly side of "Mulligan Hill;" thence through lands of Walter R. Irwin and lands belonging to the estate of the late William Hickey; and thence crossing the old turnpike at a point near the northwest corner of the farm upon which is located the Boys' Reform School, and continuing in a northerly direction to the most feasible point of crossing the tracks of the Baltimore and Ohio Railway Company, and through the lands of J. Sayles Brown to the State line of Maryland.

SEC. 3. There shall be two branches of said railway, namely: the first commencing at the western terminus of said railway and running in a westerly direction parallel with lands of William H. Claggett, described on the plat of Rosedale and Isherwood as No. 25, and lands of Andrew Kremer, to junction with F street and Fifteenth street, northeast; thence through said F street to its junction with New Jersey avenue; thence southward through said avenue to C street, northwest; thence through C street to First street, northwest; thence through Indiana avenue to a point at or near the front entrance of the east wing of the City Hall: *Provided*, That if on an examination by a competent engineer it shall appear that the public interests and convenience shall be subserved thereby, the said company are hereby authorized to lay a single track only from New Jersey avenue at its intersection with D street and through said street northward to the intersection of the same with Indiana avenue to the point of terminus, as hereinbefore mentioned. The second branch of said railway shall commence from the aforesaid western terminus and be located on Nineteenth street, east, passing in front of the jail of said District, to Georgia avenue; thence through said avenue to a point near the northern entrance of the navy-yard, and no further.

SEC. 4. The said railway and its branches shall be deemed real estate, and, together with other real and personal property, shall be liable to taxation as other real and personal property, and to none other.

SEC. 5. That the capital of said company shall not exceed $250,000, to be divided into shares of $50 each, and shall be deemed personal property, and transferable in such manner as the by-laws of said company shall direct.

SEC. 6. That the said company are hereby authorized to appropriate, outside the limits of the city of Washington, a strip of land on the route of said road twenty-five feet in width, with a gauge of track not to exceed three feet in the clear, which said gauge shall be alike applicable to the branches, and shall furnish commodious and comfortable cars for use on said road; shall, also, provide shelter at stations for passengers, and ticket offices as the business of the company shall require; and shall have the right to run public carriages thereon, propelled by steam or other approved motor power, receiving therefor a rate of fare not exceeding five cents a passenger within the city limits, and five cents additional to the line of the District: *Provided*, That in case of consolidation with any railway company belonging within the jurisdiction of Maryland, and leading from Hyattsville to the aforesaid District line, the fare shall not in the whole distance of the said consolidated railway exceed twelve cents per passenger.

SEC. 7. That nothing herein contained shall prevent the Government of the United States from altering the grade or otherwise improving the streets and avenues through which said railway track or tracks shall be laid, and in such event it shall be the duty of the said railway company to conform to such alterations and improvements. And it shall be the duty of said railway company to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times as well paved as other portions of said streets are paved, and in good order, without expense to the United States, the city of Washington, or the District of Columbia; and that said railway tracks shall be laid in the center of the streets, as near as may be, in the most approved manner adapted to street railways, with rails of the most approved pattern, to be determined by the chief executive authority of the District of Columbia; the rails to be laid upon an even surface with the pavement where the streets are paved, and where the streets are not paved, upon an even surface with the grade of the street; and the space between the tracks shall not be more than six feet within the city limits.

SEC. 8. In consideration of the concessions of the right of way through the streets and avenues of the city of Washington, as heretofore mentioned, by the Government of the United States, it shall be obligatory upon the said railroad company, upon the completion of the F street branch aforesaid, to place upon said track such prison van or vans as the Government shall provide, for the purpose of transmitting, from time to time, as the supreme court of the District of Columbia shall order and direct, all prisoners held in custody in the jail of the District of Columbia to the City Hall and returning the same to said jail, for which service the said railway company shall be entitled to such compensation annually as shall be reasonable and just, to be paid as other expenses of the supreme court of the District of Columbia are paid.

SEC. 9. That whenever the owners of land through which it is purposed to build said railway shall refuse to agree with the said company as to the price to be paid for the right of way contemplated in section 2 of this act, it shall be lawful for the said railway company to apply to the proper authority of said District for such relief as may be required, and in the manner provided in chapter 18, class 7, of the Revised Statutes of the United States for the District of Columbia, approved June 20, 1874, in relation to the condemnation of lands for railway purposes.

SEC. 10. That within thirty days after the passage and approval of this act, the corporators herein named, or a majority of them, or if any refuse to act, then a majority of the remainder, shall cause books of subscription to so much of the capital stock of said company as shall be necessary to build and equip said railway, the amount to be determined by said corporators, to be opened, and kept open, in some convenient place or places in the city of Washington, for a period to be fixed by said corporators, not less than two days; and said corporators shall give notice, by advertisement in some daily paper published in said city, of the time and place where said books shall be opened; and subscribers to said stock on said books shall be held to be stockholders: *Provided*, That no person shall be permitted to subscribe for more than two hundred shares: *Provided further*, That each subscriber shall pay at the time of subscribing 15 per cent. of the amount subscribed to the treasurer appointed by said corporators, or said subscription shall be null and void. If at the end of twenty days a larger amount than is estimated to be sufficient to construct and equip the railway as aforesaid shall have been subscribed, the books shall be closed, and the corporators herein named shall proceed to apportion the stock so taken among the subscribers pro rata, and make public proclamation of the number of shares allotted to each, which shall be completed on the day the books are closed: *Provided*, That nothing shall be received in payment of the percentage as aforesaid but money. When the books of subscription of stock shall be closed as aforesaid, the corporators, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within ten days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of seven directors, of which public notice shall be given for five days in some daily paper published in the city of Washington, or by written or printed personal notices to each stockholder by the secretary of said company. And in all meetings of stockholders each share shall entitle the holder to one vote, which may be given in person or by proxy.

SEC. 11. That the government of the affairs of the said company shall be vested in a board of directors, who shall be stockholders, and who shall hold office for one year, and until others are duly elected and inducted to take their places. A majority of said directors, the president being one, shall constitute a quorum; shall elect a president of the board, who shall be president of the company; they shall also choose a secretary and treasurer, the latter giving bond with security to said company in such sum as shall be prescribed by the directors, for the faithful discharge of his trust. In case of a vacancy in said board by death, resignation, or otherwise, the same shall be filled by the remaining directors.

SEC. 12. That the directors shall have power to make such by-laws and regulations as shall be needful respecting the disposition and management of the stock, estate, and effects of said company, not contrary to this act or the laws of the United States, and especially those enacted for the government of the District of Columbia: *Provided*, That the directors of said company shall have power to require the subscribers to the stock to pay the amount subscribed at such time, (after the first installment,) in such manner, and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installment as required by resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, under such general regulations as may be adopted in the by-laws of the company, or said body-corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 13. That there shall be an annual meeting of the stockholders for the choice of directors, to be holden at such time and place and under such conditions as the directors shall prescribe; and the said directors shall make a detailed report annually of their doings to the stockholders in general meeting.

SEC. 14. That all persons exercising municipal authority in said District, the officers or agents of any body-corporate within said District, are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railway herein authorized.

SEC. 15. That said company shall have at all times the free and uninterrupted use of said railway. And if any person or persons shall willfully and wrongfully obstruct or impede the passage of, or destroy or injure the cars, depots, stations, or any other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense the sum of $10 to said company, to be recovered and disposed of as other fines and penalties are in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within ninety days after said offense shall have been committed.

SEC. 16. That the construction of said railway shall be completed within two years after the passage of this act; otherwise all rights and privileges herein contained shall cease and be determined.

SEC. 17. That no person shall be prohibited the privilege to travel on any part of said railway, or ejected from the cars thereof, for any other cause than that of being drunk, profane, disorderly, unclean, contagiously diseased, or refusing to pay the legal fare demanded, or to comply with the general regulations of the company.

SEC. 18. That for the purpose of facilitating the construction of said railway and equipping the same, the said company is hereby authorized to borrow money to any amount not exceeding $150,000, at a rate of interest not to exceed 8 per cent. thereon, payable annually for the first two years of the loan, and to issue coupon bonds therefor, in sums of $20; and, to secure the payment of said bonds and the interest accruing thereon, shall execute and deliver to such trustee or trustees as shall be selected by the president and directors of said company, a mortgage or mortgages of all or any part of the property belonging to said company: *Provided*, That the interest accruing on said bonds after two years have expired as aforesaid shall be paid semi-annually.

SEC. 19. That the transit of the cars of said company on any portion of said railway within the city limits shall not exceed six miles per hour: *Provided always*, That at all crossings of streets, the momentum of the cars shall be reduced to a rate so slow as to be instantly stopped; and when receiving and discharging passengers the motion of the cars shall cease.

SEC. 20. That whenever the line of any railway of similar construction in the State of Maryland shall be desirous of passing cars over the railway hereby established without break or interruption, such foreign railway company is hereby authorized to consolidate with the railway company hereby created by entering into an arrangement, under the corporate seal of each, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of its directors, which shall not exceed thirteen, nor a less number than seven; the time and place of holding the first election for directors; to fix and establish the capital stock of said company, not exceeding $300,000, the shares being limited to $50 in amount; the manner of converting the shares of capital stock in said corporations in shares in such new corporation; the manner of compensating stockholders in each of said corporations who refuse to convert their stock into stock of the new corporation; with such other details as shall be necessary to perfect the consolidation of said corporations; and such new corporation shall possess all the powers, rights, and franchises conferred originally upon said corporations, and shall be subject to all the restrictions and perform all the duties imposed by this act.

SEC. 21. That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Mr. HARRIS. In line 2 of section 11, after the word "directors," I move to insert "the number of which shall be determined by the company."

The amendment to the amendment was agreed to.

Mr. HARRIS. I propose to add to section 14:

Provided, That said railway company shall be subject to such rules and regulations in operating said road as may be prescribed by the executive authority of the District of Columbia for the convenience and safety of the public.

Mr. CONKLING. That amendment perhaps presents a good opportunity for me to ask a question which occurs to me. If I understand the bill aright, the road is to start at the City Hall at one end. That is to be a terminus.

Mr. HARRIS. One branch goes to the City Hall.

Mr. CONKLING. Counting one way, that is one terminus of the road; it runs thence by F street, New Jersey avenue, and C street perhaps, to the jail. Am I right in that?

Mr. HARRIS. It runs from the beginning of the road, as stated in the bill, on Nineteenth street, northeast, down F street to New Jersey avenue, up the avenue to D street or Indiana avenue, and then to the City Hall. That is the route described.

Mr. CONKLING. That is only stating the distance in the reverse way, and of course that makes no difference to my inquiry. The bill provides that the cars are to be drawn by steam or other approved motive power, if I caught the words. The inquiry I wish to make is, whether it is designed that steam, and steam not even restricted to dummy engines, is to be used to draw cars through the streets of the city which the Senator has named?

Mr. HARRIS. The bill provides for the use of steam. It prohibits a higher rate of speed, however, than six miles per hour.

Mr. CONKLING. But it does not confine the use of locomotives to any particular kind of locomotive.

Mr. HARRIS. It does not as the bill at present stands.

Mr. CONKLING. So that if I comprehend the Senator, in the vicinity of the City Hall and on the route which has been described, railway carriages are to be drawn by ordinary locomotives with a regular smoke-stack and all the other things which go to terrify horses.

Mr. HARRIS. If the Senator will allow me, I will say that such a thing is possible under the language of the bill, but no such thing is contemplated.

Mr. CONKLING. I take it that a bill should always be drawn as a declaration would be drawn, so as to be good on demurrer. An act of Congress should not authorize inadmissible things trusting to Providence that nobody will wish to do those things. In other words, to take as strong an illustration as I can think of at the moment, if it is not proposed that in the heart of a great and growing city locomotive-engines shall draw cars, an act of Congress granting a charter to a corporation should not authorize that to be done. Unfortunately, the cupidity of man, the money-making opportunity, and the motive which enter into such work, give us large assurance that if you say steam may be used to draw railway carriages through the city of Washington, steam will be used, because demonstratively it is the cheapest, the most certain, the most powerful motive power which up to this time we know anything about. I do not speak of speculative theories about the Keeley motor and other things, but I speak about ascertained agents of locomotion when I say that steam and locomotive engines are the very agency to which, if permission is given, the interest of those concerned would lead them to resort.

Mr. HARRIS. I desire to suggest to the Senator from New York that if he will look to section 6, line 10, it provides for the use of steam——

Mr. CONKLING. I have not the bill before me, and I am only speaking by hearing the reading.

Mr. HARRIS. The suggestion I make is that the Senator propose an amendment which will confine the company to the dummy-engine. I shall very cheerfully allow such an amendment or accept such an amendment to the bill. I have no objection to confining it to the dummy-engine or prohibiting the use of the ordinary steam-engine described by the Senator, for no such thing was contemplated, nor is it desirable to grant the power to use it.

Mr. MORRILL. Mr. President, I have in years gone by struggled somewhat to have a measure adopted by which the street railroads of this city should be organized in such a manner as to accommodate the largest number with the least inconvenience and expense to the city. All these roads that run through our streets and avenues here are comparatively a convenience to many of the people but also a nuisance to a great many other people, because they are not and cannot be kept in such repair that a vehicle can cross over them without inconvenience. That may be seen by examining any of these long thoroughfares which run through the city in all directions. I think I have never seen so much chaos and absolute confusion as there is in the present arrangement of the street railroads of this city. Many come, as the persons that propose to be incorporated here, and ask for a charter, running here, there, and everywhere in a zig-zag manner, and when they find that the company's receipts are unproductive then they come to Congress and want an enlargement and extension to other portions of the city so that they can obtain more patronage and make their company better paying. I have no doubt that this will be the result in this case; that after the company has been organized, even if they go on and complete the road, they will find it in the

end unprofitable and they will then come here and ask us for a further extension in some other direction; and yet this bill proposes to let this road go through three of the largest avenues, New Jersey, Georgia, and Indiana, besides ever so many more streets.

In the first place they propose to start out by the jail, running up on Nineteenth street, northeast, out of the city and around the city until they come in on Fifteenth street down to F street and across near the City Hall and by Indiana avenue, and so on around to the point of beginning. It is a long way.

Mr. President, this bill seems to me to have been gotten up by the persons in interest, and not by the committee. It cannot be possible that the Committee on the District of Columbia have reported this bill. There is not any provision by which the stockholders of the company will be required to pay in any considerable amount of money before they can go on and organize and run in debt $150,000. There is a provision here in relation to the corporators, but the amount is left entirely to them. They may subscribe for three shares at a dollar a share, for aught there is in this bill, and then proceed after paying 15 per cent. upon it to organize. Is that such a bill as the Senate of the United States ought to be called upon to consider? I certainly think it is an oversight on the part of the committee. They cannot have looked at the process for speculation that is allowed in this bill. These incorporators may go on with the least possible outlay and organize the company, and then they are authorized to mortgage their property to the extent of $150,000, and pay 8 per cent. on their bonds.

Then again there is another thing that I had hoped the Committee on the District of Columbia would consider in relation to its application to all the street railroads in this District; and that is, that instead of providing that they shall be taxed as real estate and personal property, they should be made to contribute something from their gross receipts, nothing more than an equitable sum, but let it be fixed upon their gross receipts so as to help pay the large expenditures that this city incurs in relation to these roads, and for all other subjects. These roads can well afford to do this. They are allowed to lay their tracks upon the avennes and streets already graded; they have nothing to pay for the land that they take, and nothing at all for grading; and it seems to me no more than just and proper that they should all be made to pay something on their gross receipts. I would not put it upon their net receipts, for I know that then their accounts could be cooked up, and we might not make such a tax very available.

Then, again, by examining this bill, as has already been referred to by the Senator from New York, there is a proposition to allow this road to run by steam or any other motive power. Of course the Senate having its attention called to that subject would not for a moment permit anything of that kind to be done. I believe that everywhere where it has been tried, except upon some of the elevated street railways, the system of using steam has been abandoned as perilous to the inhabitants of any city and as not profitable even to the companies themselves.

If you will examine this bill still further, Mr. President, you will find that there is large power lodged in the company in relation to whom they may expel from the cars. It says:

> That no person shall be prohibited the privilege to travel on any part of said railway, or ejected from the cars thereof, for any other cause than that of being drunk, profane, disorderly, unclean, contagiously diseased, or refusing to pay the legal fare demanded, or to comply with the general regulations of the company.

It might be part of "the general regulations of the company" that colored persons should be excluded. All the exclusions specified are extremely proper; but after all any further matter that might be adopted as a general regulation of the company is left entirely open.

Mr. BECK. I should like to ask the Senator from Vermont, in order to guide my vote on the bill, is there any provision made in this bill requiring the company to provide seats for the passengers.

Mr. MORRILL. I do not think there is. There is a provision requiring them to provide cars, but nothing in relation to seats.

Mr. BECK. Under the arrangements we now have in this District, and I believe in many parts of the country, passengers are packed into street cars like sardines or something else, whereas it seems to me that each railroad company ought to be required to furnish sufficient cars to accommodate the public and a seat for each passenger who pays his fare; and this packing of people in the cars who have to stand and hang on, ought to be prohibited by law. I believe it is not permitted in any other country than this. Why, when people pay their fare the company should not be required to furnish passengers a seat and not allow any more passengers to come in the car than can have comfortable seats, has always seemed to me strange. I think it is wrong, and I hope no bill for a new street railroad here will pass the Senate that does not make that provision.

Mr. MORRILL. That is a very proper suggestion; but I have said nearly all that I proposed to say on the subject. As I said in the outset, I hoped the Committee on the District of Columbia would propose some commission to report on the propriety of every new application in regard to railroads for the accommodation of this city in order that there might be some system by which the people could be accommodated and by which Congress would be enabled to act more intelligently upon these bills that are presented in regard to new roads.

And now, Mr. President, although I suppose the committee have been importuned by ever so many outsiders and would be glad to be rid of this bill, yet I think there are so many things in it which have not been considered by the committee that I shall ask to have it recommitted to the Committee on the District of Columbia, with instructions to inquire into the expediency of providing for an equitable tax on the gross receipts of the railroad companies therein provided for, and of providing for a fixed amount of capital and the number of shares subscribed for prior to any organization of the company, and of prohibiting the use of steam thereon within the city of Washington, and diminishing the number of avenues and streets through which said road may be authorized.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to recommit the bill with instructions.

Mr. HARRIS. I hope the Senate will not recommit the bill. The Committee on the District of Columbia have considered it and a subcommittee of that committee have gone over the entire line of road proposed to be built. Being one of that subcommittee myself, when I started to examine the route upon which this road is proposed to be built I did so with a thorough conviction that steam should not be permitted to be used within the limits of the city; but upon examining the streets through which the road is to pass, seeing the sparse population, the total absence of danger or inconvenience until you get within one or two squares of the City Hall, the subcommittee were satisfied that the company should have the privilege of using the dummy-engine in propelling their cars.

The Senator from Vermont is quite right when he says that the original draft of this bill he supposed to have been drawn by the corporators. The bill was so drawn and introduced by the Senator from Illinois [Mr. DAVIS] and referred to the Committee on the District of Columbia. That committee carefully considered the bill and incorporated a large number of amendments, and even finally prepared a bill as a substitute, making a great many restrictions that were not contained in the original bill, and all the restrictions that the Committee on the District of Columbia deemed necessary, except perhaps the amendment proposed by the Senator from New York. It is proper, in my judgment, that the company shall be restricted to the use of the dummy-engine and prohibited from using the ordinary engine.

Mr. CONKLING. As the Senator alludes to me, I may be allowed to say that such an amendment as he speaks of is easier suggested than drawn so as to be effective. I have been trying it in two or three ways, and I will read to the Senator and to the Senate the only thing that occurs to me, and I read it to show, as I think it will, that consideration by a committee or those understanding it better would make it much more effectual than these words make it:

> Propelled by steam or other motive power except within the limits of the city of Washington; and within the limits of said city steam shall not be used except in dummy-engines so constructed and operated as not to emit sparks, smoke, or steam, and to run without noise occasioned by fire or steam.

I am not prepared to say that any dummy-engine comes up to that requirement. I am, however, I think warranted in saying that steam should not be used in the streets of a city unless by some apparatus or machine which does come up to it; for if steam is to escape, if sparks are to escape particularly in the evening, if a steam-whistle is to be employed, if there is to be anything extraordinary presented either to the ears or the eyes of horses, accidents are to occur; and the Senator will see that here in a moment in the Senate it is very difficult for one not more skilled in such specialties than I am to produce an amendment which will answer the purpose. If the Senator would forego his objection to having the bill go back to the committee, very likely upon consultation with some practical railroad man, some man skilled in the subject of dummy-engines running noiselessly on trams, they could devise an amendment much more certain to be right than this is.

Mr. HARRIS. Does the Senator from New York deem it necessary to incorporate in his amendment all those restrictions, that the dummy-engine shall not emit sparks, or smoke, or steam?

Mr. CONKLING. I should think so. The honorable Senator knows that "a dummy-engine" is a generic term, to distinguish a certain kind of engine from a regular locomotive-engine. If the Senator has observed them at all, he knows that some of them are very noisy, very demonstrative, substantially as objectionable as a small locomotive, whereas others—one has recently been exhibited in this city of the kind—profess to be noiseless and to move as if automatic, to slide along the tracks giving no token, either by the emission of steam, or fire, or sparks, or by the creation of sound, that they are propelled by steam. Then if you say merely "a dummy-engine," it is a description so vague that under the bill the same objection might be found in substance as would arise from using a locomotive, whereas if you say a dummy-engine and prescribe the requisites, then you insure such a dummy as is required.

Mr. HARRIS. The objection to the amendment of the Senator from New York is my apprehension that no dummy-engine has been invented, and I fear none will be, that will answer all the requirements of his amendment. I am perfectly willing to require the use of the most approved character of dummy-engine, the best that has been invented, and to secure the most perfect safety that such requirement can secure for the public against the danger and the evils to which the Senator has referred; but I doubt whether there has

been any invention or can be one that will come up to the requirement suggested.

Mr. CONKLING. The bill, if it becomes an act, speaks as long as it lives, speaks afresh all the time. The matter of dummy-engines is rather in its infancy. This road starts next year, and the most approved dummy-engine that is in existence then is employed. It turns out to be very defective. In subsequent years, better engines are made. Which engine would such an amendment as the Senator proposes require this company to employ? I take it only the original outfit would be required, and that might turn out to be just as noisy, just as frightful to horses, and just as dangerous to life and limb in a city as a locomotive.

Mr. HARRIS. The last section of the bill reserves the right to alter, amend, or repeal; and when a better engine is invented, it will be perfectly competent to require the company to adopt and use that better engine. This bill would certainly only require it to use the best that is now known; and when a better shall be invented, we have our remedy by the right to alter, amend, or repeal. We can require the company to adopt the best.

Mr. CONKLING. Such a reservation as that has been made to do a great many things. I do not know but that it would be made to answer after a corporation, strictly within the limits of its charter, had invested a large sum of money in rolling-stock, if Congress thought some other rolling-stock would be better; I do not know but that it would go so far as to give Congress the right, certainly it would give it the physical power, to say a year after "you must dispense with this rolling-stock;" and if, in the mean time improvements occur, the next year to dispense with it again and to require a fresh outfit of rolling-apparatus every year. But I rather think no Congress would ever exert such a power.

Mr. INGALLS. Mr. President, I am a member of the Committee on the District of Columbia which reported this bill; but I do not remember ever to have seen it before. My personal attention has never been called to it, although I have no hesitation in reaching the conclusion that this is my own fault, for I presume that when the bill was under consideration before the committee I was from some reason or other absent, and that I should have examined the files when the matter came before the committee for its final consideration. I am therefore more free to say that, if my attention had been called to this bill, there are some provisions in it that never would have received my assent.

It has been a cardinal rule of action with me as a member of that committee never to permit any acts of incorporation to be passed where the object sought to be attained could be reached under the general incorporation law which Congress has passed for the control of such affairs in this District. There is an insuperable objection in my mind to the passage of laws of this description by Congress, and the reasons are multifold. In the first place, it is impossible for Congress to give that careful attention to acts of this kind so that extraordinary and dangerous powers are apt to creep into bills and escape attention, and thereby raise formidable monopolies or dangerous privileges.

I have given a casual examination since this bill came up to the general provisions of the incorporation act for this District, and I have no hesitation in saying that all the just powers that are claimed by these corporators could properly have been exercised under the general law. Therefore, to my mind, upon this ground, if no other, this bill is very obnoxious, and I hope that the Senator from Tennessee who has the bill in charge will not object to the recommitment of the bill, for I am very clear that it requires examinations upon other points than those that have been named. I shall allude to one.

In the second section of the bill, in lines 13, 14, and 15, there is the privilege given to this corporation to pass through property owned by the Government of the United States, without compensation.

Mr. HARRIS. What property, will the Senator inform me?

Mr. INGALLS. "The farm upon which is located the Boys' Reform School."

Mr. HARRIS. On the contrary, it runs up to it and around it. It does not pass through the farm.

Mr. INGALLS. Then, if that is the case, section 8 would require amendment.

Mr. HARRIS. Has the Senator the substitute or the original bill in his hand?

Mr. INGALLS. I have the bill with amendments reported from the committee.

Mr. HARRIS. The substitute is under consideration. The bill was recommitted to the Committee on the District of Columbia at one time, and a substitute was reported. The Senator has not the right copy.

Mr. INGALLS. I sent to the document-room for the bill and I have "S. No. 532," "reported by Mr. HARRIS, with amendments, to wit: omit the parts struck through and insert the parts printed in italics."

Mr. HARRIS. But the substitute reported on the 8th of April is the measure under consideration.

Mr. INGALLS. I should like to have a copy of that bill.

Mr. MORRILL. If the Senator from Kansas is looking for the section which provides a partnership on the part of the Government with the company where the Government has to furnish a van and account to the company every year for its services, he will find it at the bottom of page 5 and on page 6.

Mr. INGALLS. I have that. The provision to which the Senator from Vermont alludes is also very objectionable, declaring that in consideration of certain concessions this company are to construct a lateral road connecting with a branch at the junction of F and Fourth streets. The impression that is left in my mind is that the bill proposes to confer some special privilege upon the Government by the transportation of prisoners to and from the City Hall to the jail, and upon "such compensation annually," the bill continues, "as shall be reasonable and just, to be paid as other expenses of the supreme court of the District of Columbia are paid." That provision appears to me to commit the Government to a contract without consideration. I am by no means sure that under the provisions of this bill these corporators could not insist that they had the exclusive right to transport all prisoners to and from the City Hall and the jail and require compensation for the same, perhaps at their own rate, to be taxed as costs in the cases where the commitments may be made.

Mr. HARRIS. If the Senator will allow me, by examining that section he will find that the right to put prison vans on that branch of the road is secured to the Government. If the Government shall elect to exercise the privilege, this railroad company proposes to run those prison vans according to the convenience and orders of the supreme court of the District of Columbia for a reasonable compensation; but it is for the Government to determine whether it will exercise the privilege secured of putting those vans on the road.

Mr. INGALLS. But this is not a road to be used exclusively by the Government, as I understand.

Mr. HARRIS. By no means.

Mr. INGALLS. And yet the impression that the section leaves on my mind, as I read it, is that here is some special benefit to be conferred upon the Government, that by the construction of this lateral branch some great advantage or benefit is to be secured to the Government of the United States. I conceive that the object of the bill is to gain some additional profit to the corporators at the expense of the Government, although it is so cunningly devised in language that it does not very clearly carry out that idea.

Mr. HARRIS. "So cunningly" that no court will ever discover it.

Mr. INGALLS. But again this bill is objectionable to my mind because it provides in section 20 for the consolidation of this corporation with similar corporations in the State of Maryland, and permits them to operate from that State through cars that will be practically beyond our jurisdiction and control.

> Such foreign railway company is hereby authorized to consolidate with the railway company hereby created by entering into an arrangement, under the corporate seal of each, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation.

No sanction of Congress is required; but at the option of a foreign corporation contracting with the one hereby created the power is given to form a new corporation, with new corporate powers, exercising new privileges and functions within this District, and to a certain extent beyond the control of Congress.

I presume there are other points in which the bill might be criticised. I agree particularly with what has been said in regard to the provision permitting the use of steam as a motor power. This is intended to be a street railway, and the profitable part of it will be operated almost exclusively through the thickly settled portions of this city. It is the experience of all cities and towns where steam in any form in any apparatus in connection with any machinery is employed, that it is uniformly destructive to the use of those highways for other traffic that is drawn by horses. I never could consent to the passage of this bill unless that provision were stricken out. Instead of consenting to the amendment offered by the Senator from New York, that some approved and hitherto unused form of dummy-engine shall be obtained, I should prefer that an amendment be made that these cars be drawn by horses as other street-railway cars in the city are operated.

I think, Mr. President, the bill had better go back to the committee.

Mr. HARRIS. Mr. President, as to the general policy of incorporating street-railway companies, I have nothing to say; it may be wise or unwise; but as to the general principles of this bill I have taken occasion to carefully compare its provisions with the acts of incorporation to other street-railway companies granted by Congress in the city of Washington. They are substantially the same, with the exception of the use of steam, as is authorized by this bill.

There is no necessity of recommitting the bill to the Committee on the District of Columbia. We have considered it, and there is no necessity for our considering it further. If it is deemed unwise and improper to grant the charter, the Committee on the District of Columbia certainly have no objection to the Senate so deciding, but they do desire that the Senate shall dispose of the matter one way or the other. If there be imperfections we can remedy them here as well as elsewhere. If it be deemed unsafe to allow the use of steam on this railroad, let the Senator from Kansas move to strike out that clause and insert that the power to be used shall be horse-power. I have no objection to taking the sense of the Senate upon the point; but I do desire that the Senate shall dispose of the bill one way or the other. There is no necessity for recommitting it. When you come to compare it with the act granting a charter to the Washing-

ton and Georgetown Railroad Company and the other railroad companies that have been incorporated by acts of Congress, the provisions of this bill are substantially the same provisions that were contained in each of those acts. I am not aware of the fact that any serious injury has resulted from the incorporation of those companies. I do not pretend to say, however, that there may not have been; I do not know; but I hope the Senate will not recommit the bill. I hope we shall amend the bill wherever amendment may seem to be desirable, and if it is the pleasure of the Senate to pass it, pass it; if not, reject it finally, and let us end it. There is no necessity for its recommittal.

Mr. BECK. Mr. President, at the proper time when the bill comes back from the committee, if it is recommitted, or while it is before the Senate for amendment, I shall endeavor to amend the bill in the sixth section, line 7, where the provision is made that the company shall furnish commodious and comfortable cars for the use of the road, by inserting the following words:

And shall not permit more passengers to enter or ride therein than there are comfortable seats provided for, and any violation of this provision shall be a misdemeanor for which the company shall be punished by fine, not exceeding $50 for each offense; and the supreme court of the District of Columbia shall have jurisdiction to try such cases.

I know that we have not heretofore put such a provision in the charters of the street railroads here, but it ought to be everywhere provided, so that where a person enters a railroad car which only contains twelve seats, he should not be either required to give up his seat to persons who come in afterward or to crowd in upon those who first obtained the twelve seats thus provided. When a person pays his money, he ought to be provided with a comfortable seat. We all know that under the present system here they take on passengers just as long as one can hang on to the platform; and in rainy weather and at many seasons of the year it is extremely uncomfortable, growing out of the crowded condition of the cars. There is no comfort in them at such times. The cars may be ever so comfortable, the seats may be ever so comfortable; but the condition of them, growing out of the overcrowded number of passengers, makes it intolerable. There is no country in the world, I venture to say, except the United States, where street cars are allowed to take on more passengers than they have seats provided for, and Congress ought in granting new charters at least to require each company to whom it gives the privilege to furnish comfortable seats for the passengers whose money they take. I shall offer the amendment that I have indicated with the view of testing whether that shall be done in this case or not.

Mr. MORRILL. I am sure the Senator who has charge of this bill will gain time by having it recommitted. I do not think that this bill could be amended in a proper manner by the Senate in the various points that have been suggested where amendments are needful in less than one or two days.

Of course the Senator may be right in relation to this bill being a copy of some other acts upon the statute-book, but after the multiplicity of railroads that we have had it is time that we began to consider such acts with more scrutiny. I am sure the Senator would not wish that section 10, on page 6 of his amendment, should be adopted. It provides that the amount of capital may be "determined by said corporators." That would allow the corporation to start on five or ten dollars only subscribed, if they chose. The corporators are to determine that. Then they are allowed to issue bonds to the extent of $150,000, and then they are allowed, as the Senator from Kansas has stated, to unite with some other company hereafter if they choose. Under the circumstances I ask for the adoption of the resolution which I sent to the Chair.

The PRESIDENT *pro tempore*. The Senator from Vermont moves the recommital of the bill with instructions.

Mr. HARRIS. I hope, if the bill is to be committed at all, that it will be committed to a select committee. I would be very glad if the Senator from Vermont would make such a motion and let it go to a select committee, of which he would be chairman.

Mr. MORRILL. I should rather not.

Mr. HARRIS. But there is no necessity of sending it back to the Committee on the District of Columbia.

Mr. MORRILL. It is only my deference to the Senator that keeps me from making a motion for the indefinite postponement of the bill.

Mr. HARRIS. I have no objection to that motion being made. I simply desire that the Senate shall take action upon the measure. I have no particular desire that the bill shall pass or that it shall not pass.

Mr. MORRILL. Then I move its indefinite postponement.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the bill indefinitely.

The question being put, a division was called for; and the ayes were 8.

Mr. MORRILL. As I see a division will perhaps result in showing that there is not a quorum present, I withdraw the motion, and will leave the question to be taken upon the motion to recommit the bill to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont to recommit the bill with instructions.

Mr. ROLLINS. Let the instructions be read.

The PRESIDENT *pro tempore*. The instructions will be reported.

The Chief Clerk read as follows:

Resolved, That Senate bill No. 532 be recommitted to the Committee on the District of Columbia, with instructions to inquire into the expediency of providing for an equitable tax on the gross receipts of the railway company therein provided for, and to provide for and fix the amount of capital, with the number of shares subscribed for prior to any organization of said company; to prohibit the use of steam thereon within the city of Washington, and to diminish the number of avenues and streets through which the said road may be authorized.

The PRESIDENT *pro tempore*. The question is on the motion to recommit with instructions.

The question being put, a division was called for.

Mr. MORRILL. We had better have the yeas and nays, as a division is asked.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 25; as follows:

YEAS—18.

Blaine,	Hamlin,	Matthews,	Sargent,
Cameron of Wis.,	Hoar,	McMillan,	Saunders,
Davis of Illinois,	Ingalls,	Mitchell,	Teller.
Edmunds,	Kernan,	Morrill,	
Ferry,	Kirkwood,	Plumb,	

NAYS—25.

Armstrong,	Gordon,	Maxey,	Rollins,
Bailey	Grover,	McCreery,	Saulsbury,
Bayard,	Harris,	McDonald,	Voorhees,
Beck,	Hereford,	Merrimon,	Withers.
Butler,	Johnston,	Morgan,	
Cockrell,	Jones of Florida,	Randolph,	
Coke,	Lamar,	Ransom,	

ABSENT—33.

Allison,	Conkling,	Hill,	Spencer,
Anthony,	Conover,	Howe,	Thurman,
Barnum,	Davis of W. Va.,	Jones of Nevada,	Wadleigh,
Booth,	Dawes,	Kellogg,	Wallace,
Bruce,	Dennis,	McPherson,	Whyte,
Burnside,	Dorsey,	Oglesby,	Windom.
Cameron of Pa.,	Eaton,	Paddock,	
Chaffee,	Eustis,	Patterson,	
Christiancy,	Garland,	Sharon,	

So the motion was rejected.

Mr. INGALLS. I move to amend by striking out, in line 10 of section 6, the words "propelled by steam or other approved motor power," and to insert in lieu thereof the words "drawn by horses."

Mr. HAMLIN. "Horses or other animals."

Mr. ROLLINS. The Senator from Kansas certainly does not object to steam outside of the city limits?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Committee on the District of Columbia.

Mr. CONKLING. If I understand aright the amendment now pending, it requires the use of horse-power or animal power all over this road. I suggest to the mover of the amendment that he will scarcely want that if he understands as I do the route to be traversed by this road. I understand that it is to reach Bladensburgh, not on the Bladensburgh pike, not on any highway, but by running, as other steam railways run, through the fields where they obtain the right of way. Certainly the Senator does not want to employ animal power to draw cars through the country, miles out and distant from the highways of travel.

Mr. ROLLINS. I suggest that there cannot possibly be any objection to using steam from the point where F street crosses Nineteenth street, northeast, to Bladensburgh. If so, there is certainly objection to using steam on the Baltimore and Ohio Railroad. The amendment of the Senator from Kansas would require the use of horses over that part of the road from Nineteenth street, northeast, to Bladensburgh. Certainly he cannot mean that.

Mr. INGALLS. My understanding of the route prescribed by this bill is that, after it leaves the highways of the city, it follows the traveled roads principally leading to the Maryland State line.

Mr. ROLLINS. Not at all.

Mr. INGALLS. If it anywhere leaves the highways of the District and traverses fields, I should have no objection whatever, when it leaves a highway, to the horses being removed and an engine attached for the purpose of drawing the train through the fields.

Mr. ROLLINS. There certainly can be no possible objection, and if the Senator will take the trouble to examine the route, from the point to which I have referred to Bladensburgh, he will discover that there is no possible objection to the use of steam. It is a parallel route with the Baltimore and Ohio Railroad and with the Baltimore and Potomac Railroad to a certain extent; and if there is objection in one case there certainly is the same objection in the other.

Mr. INGALLS. The Senator's understanding of the route is different from mine.

Mr. ROLLINS. I have been over the route myself.

Mr. SARGENT. I should like to ask my friend from Kansas whether it will not cover his point and also prevent the running of cars by steam within the city limits, to insert at the end of section 6 the following:

And provided further, That carriages shall not be propelled thereon otherwise than by horses within the city limits of Washington.

Mr. INGALLS. My amendment is to strike out the words in line 10.

Mr. SARGENT. I suggest to let those words remain in line 10 and

to insert this proviso at the end of the section. It would prevent the use of anything but horses within the city limits.

Mr. ROLLINS. That would cover the suggestion I made to the Senator from Kansas.

Mr. SARGENT. I think it is very objectionable to have steam-cars running by City Hall or through F street or through any avenues in Washington, especially if they are to have the smoke-stacks and other things described by the Senator from New York; but it is perfectly proper to allow them to use steam-cars outside of the city limits, across the fields, &c., along the route of this road, as I understand it.

Mr. ROLLINS. There would probably be no real objection to the use of the steam-car merely from the navy-yard to Bladensburgh. In that case this route passes over streets that are very sparsely settled. There are scarcely any houses upon the streets on which this road would run from the navy-yard to the jail, and thence to the junction of Nineteenth and F streets, northeast.

Mr. SARGENT. That is the condition of the street now, but we all know that street-cars build up houses all along their lines. Take Fourteenth street, which when the railroad track was laid down there had very few houses upon it, except near the center of the city. Now there are houses to the very verge, where it strikes the Fourteenth-street road at Boundary street.

Mr. ROLLINS. Possibly there may be some objection to it, but it was supposed by the committee that dummy-engines might be used in some portion of the city where the population was very sparse without injury to the convenience of the people. If it is the opinion of the Senate that any engine should not be used at all within the limits of the city, let the amendment of the Senator from Kansas be agreed to.

Mr. INGALLS. The amendment offered by the Senator from California is entirely satisfactory to me, and I will withdraw the one I proposed.

Mr. SARGENT. Then I move, in line 18, at the end of section 6, to insert the following additional proviso:

And provided further, That carriages shall not be propelled on said road—

I am not sure that "thereon" has an immediate antecedent—

otherwise than by horses, within the city limits of Washington.

Mr. HARRIS. I suggest "by horse-power."

Mr. SARGENT. No; "horses" would be better, because "horse-power" may relate to steam. The word "horses" is right.

Mr. HARRIS. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MORRILL. I move to amend, in section 10, line 5, by inserting after the words "capital stock" the words "as will amount to not less than $150,000, in shares of $50 each," and to strike out the words "of said company as shall be necessary." I think the Senator having charge of the bill will not object to that.

Mr. HARRIS. I have no objection to the Senator's amendment.

The amendment to the amendment was agreed to.

Mr. HOAR. I should like to inquire in that connection why it is that the bill having required in the tenth section *bona fide* subscriptions of money to build and equip the road, in the eighteenth section authorizes borrowing and the mortgage of the road to the entire amount necessary for building and equipping it?

Mr. MORRILL. That section should be stricken out.

Mr. HOAR. I suppose it is the intention to strike out that section.

Mr. HARRIS. It is thought *bona fide* and solvent subscriptions sufficient to build the road may be subscribed, but the money may not be collected as rapidly as the work progresses. For that reason the corporators desire the permission and the privilege to make a loan for the purpose of constructing and equipping their road.

Mr. HOAR. For such a loan as that, certainly the authority to mortgage the road and the capital, provision for the payment of interest for the first two years in a certain way, and issuing coupons, is not necessary. If they have a solvent road with *bona fide* subscriptions of $150,000, they will have no difficulty in borrowing on the faith of the corporation such sum as may be necessary from time to time for the road. The bill at present contains two schemes for procuring the entire means necessary to build and equip the road. One is by mortgage, and the other is under the bill as it is now left. This road could do on its small scale what the Union Pacific Railroad did on its great scale, that is, it could divide in dividends the whole capital stock and then pledge the whole of the road upon a mortgage.

Mr. HARRIS. I do not myself see any evil in the section allowing the company to borrow money upon a mortgage of its property if it sees proper to do so; but, if it be the pleasure of the Senate to strike it out, I have no objection to its being done.

Mr. HOAR. I move to strike out the eighteenth section.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MORRILL. It will be necessary now to amend the tenth section. Some other words must be stricken out. In lines 6 and 7 the words "the amount to be determined by said corporators" should be stricken out. Having fixed the amount, this is no longer necessary. I move to strike out the words "the amount to be determined by said corporators."

Mr. HARRIS. Striking out those words is now necessary.

Mr. MORRILL. Of course this amendment must follow what we have done.

Mr. HARRIS. It is necessary in view of the amendment that has been already made.

The amendment to the amendment was agreed to.

Mr. BECK. I find that the amendment I suggested is not perhaps one that will meet the views of a number of gentlemen in the Senate and I shall not offer it.

Mr. MORRILL. I suggest to the Senator having charge of the bill that there is not sufficient provision here in relation to the subscription to the stock. Of course it will be in the power of any man to get any of his neighbors, children or minors of any sort, to subscribe for any amount of stock. If it were provided that they should not subscribe or hold stock, I think that would help it. Therefore I move to insert after the word "for" in line 14, of section 10, the words "or to hold;" so as to make the first proviso read:

That no person shall be permitted to subscribe for or to hold more than two hundred shares.

Mr. HARRIS. I have no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. MORRILL. I further suggest to the Senator whether there ought not to be a provision that if this stock is not subscribed for the whole thing shall be abandoned and that the act shall cease to be operative.

Mr. HARRIS. There is a provision in the bill already that if the road is not completed within two years the charter shall be forfeited.

Mr. MORRILL. Perhaps that is sufficient.

Mr. ROLLINS. That is all provided for.

Mr. HARRIS. In section 15, line 7, after the word "offense," I move to strike out the words "the sum of $10" and insert "a fine not to exceed $500."

Mr. CHRISTIANCY. I was about to move to strike out all of the section after the word "railway," in the second line. The amendment offered by the Senator from Tennessee does not meet fully the objection which I have to the section, which I will first proceed to read and then I will state my objection to it:

And if any person or persons shall willfully and wrongfully obstruct or impede the passage of, or destroy or injure the cars, depots, stations, or any other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense the sum of $10 to said company, to be recovered and disposed of as other fines and penalties are in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid; but no suit shall be brought unless commenced within ninety days after said offense shall have been committed.

It will be seen that the language of this section would cover every possible criminal offense that might be committed in destroying or injuring "the cars, depots, stations, or any other property belonging to said railway company." For instance, a railroad depot might be burned down, a car might be knocked to pieces or destroyed or burned on the track, and the penalty fixed is most ludicrously inadequate to such an offense as that; and yet it does seem to cover the whole ground of the criminal law so far as this class of injuries might be committed. I think it is much better to strike out the part of the section which I have read and leave this offense to the general law. If not, the whole section, I think, should be entirely remodeled and new penalties affixed.

Mr. HARRIS. If the Senator from Michigan will allow me, I will say that this fifteenth section is a copy of similar sections in the charters of other street-railway corporations incorporated by Congress. But I have no objection to striking out as suggested from the word "railway" in the second line the rest of the section. That is the section to which I had moved an amendment to change the penalty from $10 to a fine of $500. Ten dollars is the penalty fixed in all other similar acts of incorporation in this city.

Mr. CHRISTIANCY. As the Senator consents to striking out the words, perhaps I ought not to say anything further; but the Senator will see and every Senator will see that $500 would be a very small penalty for burning down a depot.

Mr. HOAR. It seems to me that the section is liable to a constitutional difficulty. I suppose we cannot constitutionally provide a penalty for an offense against one man or one corporation which is not applicable to all others alike.

Mr. HARRIS. If the Senator from Massachusetts will allow me I accept the suggestion of the Senator from Michigan, that all after the word "railway" in line 2 of the fifteenth section be stricken out.

Mr. ROLLINS. That will remove the objection, surely.

Mr. HARRIS. The company will have under the general law remedies quite as full as this bill gives, or even fuller.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, striking out all after the word "railway" in the second line of the fifteenth section to the end of the section.

The amendment to the amendment was agreed to.

Mr. HARRIS. I am informed by the Secretary that there was not a vote taken on the amendment that I proposed to add a proviso to the fourteenth section. I ask that the Secretary report it, and that the Senate take a vote on it.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to insert at the end of section 14:

Provided, That said railway company shall be subject to such rules and regulations in operating said road as may be prescribed by the executive authority of the District of Columbia for the convenience and safety of the public.

The amendment to the amendment was agreed to.

Mr. MORRILL. I move to amend in the tenth section by inserting at the end of line 38 the following proviso:

Provided, That the stockholders shall be held personally liable to an amount equal to the par value of the stock held by them for any debts contracted by or for the company in case of default.

Mr. HARRIS. I do not see any objection to that amendment.

The amendment to the amendment was agreed to.

Mr. MORRILL. In section 10, beginning in line 25, there is a proviso the first clause of which reads:

That nothing shall be received in payment of the percentage as aforesaid but money.

I move to strike out in the twenty-sixth line the words "the percentage as aforesaid" and insert "said stock;" so as to read:

That nothing shall be received in payment of said stock but money.

The amendment to the amendment was agreed to.

Mr. MORRILL. In section 17, line 5, I move to strike out the words after "demanded" to the end of the section, being the words:

Or to comply with the general regulations of the company.

It will be seen that to leave it to the regulations of the company would be to completely nullify everything there is in the section, and that they might provide for any regulation. The Senator from Tennessee will see that they could make all sorts of general regulations.

Mr. HARRIS. I do not see any objection to that amendment.

The amendment to the amendment was agreed to.

Mr. MORRILL. In section 4, at the end of the section, in line 4, I move to insert:

But the same shall not be less than one-tenth of its gross receipts.

I think that ought to be adopted for all roads.

Mr. HARRIS. I would greatly prefer that that amendment should not be adopted as applied to this particular company. Unless the Senator will move a similar provision applicable to every street-railway company in the District of Columbia, I shall certainly object to this discrimination against one company. Make it apply to all and I shall have no objection to it.

Mr. ROLLINS. It would be hardly fair to tax this railway in the way proposed by the Senator from Vermont and leave the old and established routes here earning large dividends to escape this tax. If the Senator would move an amendment to include all the railroads in the city and serve them all alike, there would be justice in it.

Mr. HOAR. Let the amendment be reported.

The CHIEF CLERK. It is proposed to insert at the end of section 4: "but the same shall not be less than one-tenth of its gross receipts;" so as to make the section read:

The said railway and its branches shall be deemed real estate, and, together with other real and personal property, shall be liable to taxation as other real and personal property, and to none other; but the same shall not be less than one-tenth of its gross receipts.

Mr. ROLLINS. I suggest that this matter be left to future legislation. If the Senator from Vermont desires action with reference to this subject let him submit a resolution to be referred to the Committee on the District of Columbia, instructing that committee to report a bill taxing all the horse railroads in the city at least one-tenth of their gross receipts. It seems to me it would be much more fit and proper to do it in that way than in the way proposed by this amendment. If the Senator can move an amendment that will properly cover the subject, I shall make no objection to it.

Mr. MORRILL. I will withdraw that amendment and offer another amendment. At the end of section 21 I move to add the words "and may change the method and amount of taxation."

Mr. HARRIS. The section now reads:

That this act may at any time be altered, amended, or repealed by the Congress of the United States.

I think it includes the amendment already, and I have no objection to adding it.

Mr. SARGENT. Is there any doubt of the power? Does not the amendment imply a doubt of the power? Is there any doubt of the power really without the amendment?

Mr. DAVIS, of Illinois. Not a bit.

Mr. SARGENT. Not the slightest. It seems to me we are simply suggesting a doubt of our power.

Mr. MORRILL. I desire to avoid any controversy in relation to the right.

Mr. SARGENT. There cannot be any controversy so far as taxation is concerned.

Mr. MORRILL. It might be well to reserve power to change the method of taxation.

Mr. HARRIS. I accept the amendment proposed by the Senator from Vermont because I think it wholly unnecessary and harmless; but it does nobody any good.

Mr. SARGENT. I object to it. I object to inserting the words moved, because I think to do so implies to the world that without this reservation we do not have the power, and if we should want to deal with the other railroad companies in regard to which we have no such reservation, then it would be an argument against our power.

Mr. DAVIS, of Illinois. I agree with the Senator from California that it would be harmful to put these words in, as it would imply a doubt of our power.

Mr. MORRILL. I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment is withdrawn.

Mr. SAULSBURY. Section 14 is as follows:

That all persons exercising municipal authority in said District, the officers or agents of any body-corporate within said District, are hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railway herein authorized.

The question arose in my mind as to whether, if these parties were not proceeding in a proper manner, this section would not prohibit the taking of legal proceedings to prevent their doing acts that they ought not to do. I suggest, after the word "any," in line 3, before the word "act," to insert the word "unlawful;" so as to read:

Are hereby prohibited from doing any unlawful act or thing to hinder, &c.

I am not sure that the amendment is necessary, but out of abundant caution I think we had better not give these parties liberty to to do everything and have no power whatever to check them.

Mr. HARRIS. I do not think the amendment at all necessary. It does not change the sense of the section, in my opinion, in the slightest degree, and I have no objection to the Senator incorporating the words he suggests.

Mr. SAULSBURY. As the section now stands it seems to prohibit any act to prevent this company from going on and constructing this road. It might become the duty of the authorities of this city, or of the agents of some other railroad that they cross, to take legal proceedings to prevent them from doing a thing in an improper manner. It strikes me that the language here would prohibit such legal proceedings being taken. I therefore propose simply to insert the word "unlawful," so as to read that they are hereby prohibited "from doing any unlawful act or thing." I do not know that it is necessary.

Mr. HARRIS. I do not think it is necessary, but I have no objection to the amendment.

Mr. DAVIS, of Illinois. I really would not put that in. Everybody is prohibited from doing an unlawful act. Specify what acts they are.

Mr. SAULSBURY. I am not sure but that under the very language of this section these corporators may do just what they please.

Mr. SARGENT. Let the Secretary read the whole section as it would read if amended.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. If amended as proposed, the section would read:

That all persons exercising municipal authority in said District, the officers or agents of any body-corporate within said District, are hereby prohibited from doing any unlawful act or thing to hinder, delay, or obstruct the construction or operation of said railway herein authorized.

Mr. HOAR. I hope the committee will consent to strike out that section altogether.

Mr. SAULSBURY. I propose to insert this word out of abundant caution because it is very broad language.

The amendment to the amendment was agreed to.

Mr. DAVIS, of Illinois. I do not think there is any necessity for the fourteenth section.

Mr. HARRIS. Let the amendment which was attached to that section as an addition be read.

The CHIEF CLERK. The following proviso was added to the fourteenth section:

Provided, That said railway company shall be subject to such rules and regulations in operating said road as may be prescribed by the executive authority of the District of Columbia for the convenience and safety of the public.

Mr. HOAR. I hope that the amendment which has just been read will be adopted as a substitute for section 14, and that the original text of the section will be stricken out altogether. Certainly it would be very unnecessary for Congress to put in a law that nobody should do any unlawful thing. Such acts are prohibited, of course, by the law of the land.

Mr. SARGENT. The word "unlawful" has been inserted.

Mr. SAULSBURY. I will say to the Senator from Massachusetts that they would be prohibited except for the very peculiar language of the section, which seems to be an unbridled license to this company to do anything, and that nobody shall interfere with them. Now, where is the provision, after you insert such broad language, which would justify a railroad company that they may cross in interfering with this company if it should tear up their road or interfere with the other company in any particular manner in order to construct their road? I know it is unlawful to do unlawful acts, of course, as a general rule; but here you grant a charter in which you give a company an express privilege of doing as they please, and prohibit anybody from interfering with them. I am not sure that the amendment is necessary, but if in the judgment of other Senators the word "unlawful" is not necessary I am perfectly willing it should be stricken out, for I have no interest in any company here to protect. I think I shall vote against the whole proposition to construct this railroad.

Mr. HOAR. The Senator from Delaware I think misunderstood

my suggestion, because it is entirely in concurrence with what seems to be his opinion. My suggestion is that the whole section as it is in the text be stricken out. If this company in undertaking to construct their road do anything which makes it the duty of a municipal officer of this District or the duty of an agent or officer of any corporation to resist them, it is their right and their duty to do it within legal limits. Of course the officers of every corporation must defend their own legal rights, and the law which permits them makes it their duty to defend their own legal rights; and the law enjoins them already from doing anything unlawful. So my point is that it is undignified and in bad taste to have any such section in the bill at all, and that the whole section should be stricken out which prohibits other people from interfering with this road; and this I understand is in accordance with the view of the Senator from Delaware.

Mr. SARGENT. That is a better proposition.

Mr. HARRIS. The fourteenth section did not escape my attention in examining the bill. I confess that I did not at the time very clearly see, as I do not at this time very clearly see, the absolute necessity for such a section; but finding in every railroad charter that has been granted by Congress within the District of Columbia the identical section, word for word, I did not deem it necessary to strike it out. But, as I said before, I could not see at the time, as I do not clearly see now, any absolute necessity for retaining it. I did add, however what has been read, giving to the authorities of the District of Columbia the power to prescribe such rules and regulations for the operation of the road as may be necessary for the convenience and safety of the public.

Mr. HOAR. I suggest to the Senator from Tennessee, then, that he move the clause which he has just read as a substitution for the present section 14; that is, to strike out the section as it stands in the text and insert his addition.

Mr. HARRIS. I find this section in every other railroad charter here. I do not see that it is harmful at all. I do not see that it is particularly necessary. I shall be content with any action the Senate shall take in regard to the section; but I do not see proper myself to move to strike it out.

Mr. HOAR. I think it is safe to say that you cannot find worse legislative precedents anywhere in this country than can be found in the charters which have been granted by Congress for railroads in the Territories or in this District or anywhere else. We have granted charters to roads which are to be of the length of five hundred or a thousand miles, crossing Territories which are to be made mighty States, leaving out all the safeguards which the experience of the older and better settled portions of the country has shown are absolutely necessary to protect the public against frauds or against oppression by those mighty corporations in the future. A railroad charter ought to be prepared with the care with which you would draft the constitution of a State almost, and although of course that is not true in regard to a little street-railway system, yet it is true that the same gross carelessness has prevailed in regard to both.

Mr. HARRIS. I will suggest to the Senator from Massachusetts if he moves to strike out the fourteenth section, that his motion be to strike out the original section; and, if it shall be stricken out, then the amendment that I added to the fourteenth section would come in better after the fifteenth section, as that section stands now amended.

Mr. HOAR. I make the motion to strike out the fourteenth section of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. THURMAN. Has the fourteenth section been amended?

Mr. HARRIS. Yes, there is an addendum to it.

Mr. THURMAN. I ask that it may be read as amended.

The PRESIDENT *pro tempore*. The section, as amended, will be read.

The Chief Clerk read as follows:

SEC. 14. That all persons exercising municipal authority in said District, the officers or agents of any body-corporate within said District, are hereby prohibited from doing any unlawful act or thing to hinder, delay, or obstruct the construction or operation of said railway herein authorized: *Provided*, That said railway company shall be subject to such rules and regulations in operating said road as may be prescribed by the executive authority of the District of Columbia for the convenience and safety of the public.

Mr. THURMAN. There is no sanction to this section. Suppose that these persons do something that will hinder, delay, or obstruct the construction or operation of the road, where is the penalty? There is no penalty provided here, and they are no more prohibited by these words than they are by the general law. They have no right now to do anything to hinder, delay, or obstruct the construction or operation of a railway that Congress has authorized. The addendum, however, that has been put on seems to give affirmatively to the commissioners of the District some supervision over the matter. The whole essence of the thing is in that amendment. I ask that that be read again.

The Chief Clerk read as follows:

Provided, That said railway company shall be subject to such rules and regulations in operating said road as may be prescribed by the executive authority of the District of Columbia for the convenience and safety of the public.

Mr. THURMAN. "The executive authority of the District of Columbia." That is rather an obscure term, is it not?

Mr. HOAR. I understand that amendment is not yet pending, and that the present amendment is simply to strike out section 14 as it now stands. The Senator from Tennessee proposed to move the language to which the Senator from Ohio alludes at a later period.

Mr. THURMAN. I thought that had been adopted.

Mr. HOAR. No, sir.

Mr. THURMAN. It seems to me that there is no sanction provided to this fourteenth section, and that the law would be precisely the same without the section as with it, and it may as well be stricken out.

Mr. ROLLINS. I understand that the proviso has been adopted.

Mr. HARRIS. The amendment to the fourteenth section was adopted; but I understand the Senator from Massachusetts now to move to strike out all of the fourteenth section except that part contained in the amendment. If that motion shall prevail, then I ask to add the proviso to the fifteenth section instead of the fourteenth.

Mr. MORRILL. All that can be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the transposition will be made, and section 14 considered stricken out.

Mr. MORRILL. Now I desire to inquire whether "six miles," in line 3 of section 19, has been changed. If not, it ought to be changed, because the danger of running six miles instead of four would be very great. I inquire whether the word "six" has been changed or not.

Mr. HARRIS. It has not been.

Mr. MORRILL. Then I move to strike out "six" and insert "four."

Mr. HARRIS. I hope the Senator will not insist on that motion. We have so amended the bill as to provide for the use of horse-power within the city of Washington and steam-power outside the city limits.

Mr. MORRILL. Then I will withdraw that amendment. I have one more amendment, however, to offer. I move to strike out section 8. Surely we do not want to go into a partnership for building cars and vans with this railroad company.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out section 8.

Mr. EDMUNDS. Let the section be read.

The PRESIDENT *pro tempore*. The section will be read.

The Chief Clerk read as follows:

SEC. 8. In consideration of the concessions of the right of way through the streets and avenues of the city of Washington, as heretofore mentioned, by the Government of the United States, it shall be obligatory upon the said railroad company, upon the completion of the F street branch aforesaid, to place upon said track such prison van or vans as the Government shall provide, for the purpose of transmitting, from time to time, as the supreme court of the District of Columbia shall order and direct, all prisoners held in custody in the jail of the District of Columbia to the City Hall and returning the same to said jail, for which service the said railway company shall be entitled to such compensation annually as shall be reasonable and just, to be paid as other expenses of the supreme court of the District of Columbia are paid.

Mr. MORRILL. I merely desire to say that, if this shall be found to be a desirable thing to do, it can be done whether this provision is in the bill or not; but as it stands now it looks like a consideration given by the railroad company for the whole concession of the right of way through the streets. Besides, it is obligatory upon the railway company that they shall do all this; and then the mode and manner of compensating the service I think is objectionable. I cannot think there will be any objection to the striking out of the whole section.

Mr. ROLLINS. This does not compel the Government to do anything; it compels the railroad to do certain things if the Government desires the railroad to do them. That is all.

Mr. HARRIS. I think it is proper that the section should be retained, because it only secures to the Government the right to put the vans on the road if it sees proper to do so, and under this section the railroad company is compelled to run them under the orders of the supreme court of the District of Columbia. Strike it out, and it leaves the company free to contract with the Government or not, as it may please or as may be agreed upon. I can see no evil to come from it; and it secures to the Government the right to put the vans on the road and have the prisoners transported from the court-house to the jail and from the jail to the court-house according to the convenience and wishes of the court.

Mr. HOAR. I suggest to the Senator from Tennessee that the objection to the section is that it contains a recital that this right of way is something that the railroad company buys and pays for. That is the objection to it. It grants them this right of way, not to be held at the mere legislative discretion of Congress simply and alone, but it declares that by a certain contract on its part "in consideration of the concessions of the right of way through the streets and avenues of the city of Washington heretofore mentioned, by the Government of the United States." Now, in the exercise of our power to amend or repeal this charter hereafter, it is a very different thing to deal with a corporation that has got its rights by the bounty of the Government or merely in consideration of the sense of Congress of a public emergency, and to deal with a corporation whose act of incorporation recites that it bought and paid for the privileges conferred. It seems to me that is the objection to this section.

Mr. HARRIS. I would ask the Senator from Massachusetts if he entertains a shadow of doubt that under section 21, notwithstanding the recitation contained in section 8, Congress would have full

power to alter, amend, or repeal this charter at any time in its discretion if it saw fit to do so.

Mr. HOAR. I have not the slightest doubt of it.

Mr. HARRIS. I have not. Where, then, is the evil in that respect?

Mr. HOAR. The evil is that when we are asked to exercise the power to repeal this charter ten years or twenty years hence, it turns out to be a great burden on the public, some new method of transporting passengers is invented, and this railroad holds on to its old rights in the streets of Washington, Congress is asked to repeal it; it has got the power undoubtedly; but it is one thing to take away with the exercise of that power a voluntary boon, conferred by Congress, from the corporation, and quite another thing to exercise the power when the charter recites that it was bought and paid for. It strikes me that the best way would be to strike out the first five or six lines of this section down to "the United States." I see no difficulty in that.

Mr. HARRIS. I have no objection to striking out the first, second, third, and fourth lines to the word "the," and inserting before the word "the" "it shall be the duty of;" so as to read:

It shall be the duty of said railroad company, upon the completion of the F street branch aforesaid, to place on said track such prison van or vans," &c.

That meets the objection of the Senator from Massachusetts, and leaves all that there was in the section that was material to be retained.

Mr. HOAR. That is what I proposed to suggest when I originally rose.

The PRESIDENT *pro tempore*. That amendment will be considered agreed to.

Mr. MORRILL. Now let me suggest another thing. The Government are to furnish the vans and therefore the fare ought not to be as much as it would cost to get a hack to carry every passenger there, as might be charged. I suggest to the Senator to insert on line 13, after the words "such compensation annually as shall be reasonable and just," the words "not exceeding double the regular fare."

Mr. HARRIS. Do you mean the regular fare for each person? I think that amendment would be harmful. I cannot conceive the possibility of their charging, the Government furnishing the vans, even the ordinary fare, and the Senator putting in "not exceeding double the ordinary fare" is suggestive of unreasonable demands. I think the section is very much better without the amendment, and I object to it.

The PRESIDENT *pro tempore*. Does the Senator from Vermont propose an amendment?

Mr. MORRILL. No, sir; not if the Senator objects.

Mr. BECK. I shall offer a portion of the amendment which I suggested. In section 6, line 7, after the word "road," I move to insert:

And shall not permit more passengers to ride thereon than there are comfortable seats provided.

Mr. HARRIS. I do not see that it is any disadvantage to the corporation to adopt the amendment of the Senator from Kentucky; but it would certainly be a very great hardship upon my friend from Kentucky to compel him to stand along that roadside waiting for a car when he would greatly prefer entering and standing up every foot of the way he had to go than to wait until another car came along. Under his amendment it would be the duty of the conductor of the car to say to him "You shall not enter at all; you shall remain here or walk." It would be a great inconvenience; and for that reason I object to the amendment of the Senator from Kentucky.

Mr. BECK. I only desire to say in response, that if I happened to be one of the twelve, fifteen, or twenty persons for whom seats were provided and who were already in the car, there are a great many persons in the District, that I could name, whom I would not want to have crowding in on me by the dozen, so that my seat would not be a comfortable one after I had paid my money. If this company is to furnish, and it is required to have, commodious and comfortable cars, surely it ought to make them comfortable to passengers who do pay their money and provide seats for them. If the company furnish insufficient cars for the accommodation of the traveling public or refuse to furnish comfortable seats when cars are provided, I suppose Congress has power to require them to perform their duty.

There is a limit to the capacity of cars of course; and whether it should be the seating capacity or the hanging-on capacity, is the question that this amendment of mine determines. If I am standing on the road-side, as the Senator from Tennessee suggests, there may be so many people hanging on in the car that I would have to walk anyhow; and therefore the question is only whether I shall intrude myself into a place where there are twelve, fourteen, or twenty persons, as many as there are seats for, and make that whole number uncomfortable, and whether others shall do the same thing, or wait till another car comes. There is a limit somewhere; and it is either the seating capacity of the cars or the hanging-on and crowded capacity. Whether it is better for the railroad company or not, there ought to be some rule about it to secure to the comfort of the public and to consider the capacity of the horses that they employ. Beasts of burden are to be consulted too, and a limit ought to be fixed somewhere, and I think it ought to be the seating capacity of the car.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

Mr. INGALLS. The amendment is perhaps just toward the traveling public in one sense, and yet it is evident that the corporation has some rights that ought to be respected. If you propose to compel them to carry only such number of passengers as can be comfortably seated, they should be protected against the invasion of persons who have no right to enter the cars. I therefore hope the Senator from Kentucky will accept the following amendment to his amendment:

And any person attempting to enter a car when the seats are occupied shall be subject to fine and imprisonment.

[Laughter.]

Mr. BECK. Oh, no; that will not do.

Mr. INGALLS. The corporation must be protected from the invasion of persons who have no right to enter the car.

Mr. BECK. They have the same power to furnish seats as they have to furnish places for people to hang on.

Mr. KERNAN. I think, instead of making people at their peril subject to fine and imprisonment, we had better leave it to the conductor to regulate who shall come in when the cars are full.

Mr. ROLLINS. The amendment proposed by the Senator from Kentucky is certainly entirely impracticable.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky to the committee's amendment.

The amendment to the amendment was rejected.

The amendment of the Committee on the District of Columbia, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BECK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 12; as follows:

YEAS—37.

Armstrong,	Davis of Illinois,	Ingalls,	Paddock,
Bailey,	Dennis,	Johnston,	Plumb,
Bayard,	Eaton,	Jones of Florida,	Ransom,
Booth,	Eustis,	Kellogg,	Rollins,
Burnside,	Ferry,	Kernan,	Saunders,
Butler,	Grover,	Lamar,	Voorhees,
Cameron of Wis.,	Harris,	Matthews,	Withers.
Christiancy,	Hereford,	Maxey,	
Coke,	Hoar,	Merrimon,	
Conkling,	Howe,	Morgan,	

NAYS—12.

Beck,	McCreery,	Morrill,	Teller,
Cockrell,	McMillan,	Sargent,	Thurman,
Hamlin,	Mitchell,	Saulsbury,	Wallace.

ABSENT—27.

Allison,	Conover,	Hill,	Randolph,
Anthony,	Davis of W. Va.,	Jones of Nevada,	Sharon,
Barnum,	Dawes,	Kirkwood,	Spencer,
Blaine,	Dorsey,	McDonald,	Wadleigh,
Bruce,	Edmunds,	McPherson,	Whyte,
Cameron of Pa.,	Garland,	Oglesby,	Windom.
Chaffee,	Gordon,	Patterson,	

So the bill was passed.

PORT OF BATH, MAINE.

Mr. HAMLIN. I move to take up House bill No 3123. I am sure it will not occupy two minutes of the time of the Senate, and it is important that it should be passed.

The motion was agreed to; and the bill (H. R. No. 3123) extending the privileges of section 2990 to 2997 of the Revised Statutes, inclusive, to the port of Bath, in the State of Maine, was considered as in Committee of the Whole.

Mr. MERRIMON. What are the privileges referred to?

Mr. HAMLIN. I will state. The first section of the Revised Statutes named in the bill, section 2990, names certain ports into which goods may be entered and bonded for re-exportation to other ports; and we have extended those other ports in numerous cases. The other six sections referred to provide the mode and manner of taking the goods from the port in which they are bonded, and exporting them to other ports named. This is simply extending those rights to the port of Bath. We have extended them to very many other ports since the Revised Statutes were passed. The bill is eminently proper and meets the unanimous approval of the Committee on Commerce, and it is a bill which has been passed in the other branch.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. VOORHEES. I rise to call for the regular order.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Senator from Indiana demands the regular order, which is the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorized the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

Mr. VOORHEES. I desire to say that as no Senator is prepared to address the Senate on the subject this afternoon I will have the bill laid aside informally for the purpose of enab ing the chairman of the Pension Committee, the Senator from Kansas, [Mr. INGALLS,] to have

the Senate go to the Calendar of pension business, which is very important and necessary.

The PRESIDING OFFICER. Is there objection to laying aside the regular order informally for the purpose indicated?

Mr. MORRILL. I merely rise to take the floor on the bill when it comes up on Monday.

The PRESIDING OFFICER. Is there objection to the proposition submitted by the Senator from Indiana? The Chair hears none.

LOUISA J. GUTHRIE AND OTHERS.

Mr. INGALLS. I ask for the consideration of House bill No. 3107.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3107) granting a pension to Louisa J. Guthrie and others. It proposes to place on the pension-roll the name of Louisa J. Guthrie, widow of the late Captain John Julius Guthrie, superintendent of life-saving stations in the sixth life-saving district, who lost his life by drowning in attempting to render assistance to the crew of the United States ship of war Huron, wrecked on the coast of North Carolina, at the rate now provided by law for the widow of a deceased captain of the Navy.

It further proposes to place on the pension-roll the names of Ellen Saxton, widow of the late James Saxton; Celia Bell, widow of the late Stephen Bell; and Roxanna Walker, widow of the late Willis Walker, all of whose late husbands volunteered to assist the late Captain John Julius Guthrie, and were drowned while attempting to render assistance to the crew of the Huron, at the rate provided by law for the widows of deceased seamen in the United States Navy.

Mr. COCKRELL. Is there a report in that case?

Mr. INGALLS. There is. These are the widows of those brave men who endeavored to rescue the officers and crew at the time of the wreck of the Huron on the coast of North Carolina. There is a report, which can be read if the Senator desires it.

The PRESIDING OFFICER. Is the reading of the report called for? The Chair hears no call for it.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BENJAMIN C. WEBSTER.

Mr. INGALLS. I now ask for the consideration of House bill No 1949.

The bill (H. R. No. 1949) granting a pension to Benjamin C. Webster, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin C. Webster, late a private in Company F, Eighth Regiment Maine Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

A. G. EGE.

Mr. INGALLS. I now call up Senate bill No. 362.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 362) granting a pension to A. G. Ege. It directs the Secretary of the Interior to place on the pension-roll the name of A. G. Ege, late private in the Sixth Regiment United States Cavalry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA S. W. EVANS.

Mr. INGALLS. I now call up House bill No. 2026.

The bill (H. R. No. 2026) granting a pension to Mrs. Julia S. W. Evans, widow of Henry D. Evans, late first lieutenant of Company B, Thirteenth Missouri Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EMILY HUGHES.

Mr. INGALLS. I now call up Senate bill No. 1206.

The bill (S. No. 1206) granting a pension to Emily Hughes, *alias* Burch, was considered as in Committee of the Whole. It provides for placing upon the pension-roll the name of Emily Hughes, *alias* Burch, the widow of the late Private James Burch, Company G, Thirty-eighth Regiment United States Infantry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. LORD.

Mr. INGALLS. I now call up Senate bill No. 1029.

The bill (S. No. 1029) for the relief of John M. Lord was considered as in Committee of the Whole. Under it, John M. Lord, late a second lieutenant in Company A, Third Regiment of Indiana Volunteers, in the war with Mexico will be restored to the pension-roll, to take effect March 4, 1862.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA T. SCOTT.

Mr. INGALLS. I now ask for the consideration of House bill No. 3731.

The bill (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army, was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Rebecca T. Scott, of Maryland, widow of the late Major John B. Scott.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

OVID H. CLARK.

Mr. INGALLS. I now ask the consideration of House bill No. 3569.

The bill (H. R. No. 3569) granting a pension to Ovid H. Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ovid H. Clark, late a private in Company F, Fifth Regiment Vermont Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN FREY.

Mr. INGALLS. I now call up House bill No. 532.

The bill (H. R. No. 532) granting a pension to John Frey was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place upon the pension-roll the name of John Frey, late a private in Company I, Thirtieth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

OTHNIEL P. HOLLIS.

Mr. INGALLS. I now call for the consideration of House bill No. 8.

The bill (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldiers' Home, Augusta, Maine, was considered as in Committee of the Whole. It provides for placing the name of Othniel P. Hollis, late a private in Company C, First Regiment Massachusetts Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY T. THOMPSON.

Mr. INGALLS. I now call up House bill No. 3568.

The bill (H. R. No. 3568) granting a pension to Mary T. Thompson, widow of William Thompson, late second lieutenant Company E, Twelfth New York Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROSE MILLER.

Mr. INGALLS. I now ask for the consideration of House bill No. 490.

The bill (H. R. No. 490) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES M'DONALD.

Mr. INGALLS. I now call up Senate bill No. 526.

The bill (S. No. 526) granting a pension to James McDonald was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of James McDonald, late assistant wagonmaster, heretofore under the employ of the quartermaster at Fort Leavenworth, Kansas, the pension to be the same as now paid private soldiers under like disabilities.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN DEVLIN.

Mr. INGALLS. I now call up Senate bill No. 1189.

The bill (S. No. 1189) granting a pension to Ellen Devlin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Devlin, widow of Patrick Devlin, late of Company C, Sixth Regiment United States Infantry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SHULTIS.

Mr. INGALLS. I now call up House bill No. 1809.

The bill (H. R. No. 1809) granting a pension to William H. Shultis, late of Company K, Fourteenth Regiment New York Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY E. PAULEY.

Mr. INGALLS. I now ask for the consideration of Senate bill No. 852.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 852) granting a pension to Mary E. Pauley. It proposes to place on the pension-roll the name of Mary E. Pauley, widow of James Pauley, late private in —— Regiment New York State Volunteer Infantry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. BROWN.

Mr. INGALLS. I now call up House bill No. 531.

The bill (H. R. No. 531) restoring the name of Thomas W. Brown

to the pension-roll was considered as in Committee of the Whole. It directs the Secretary of the Interior to restore to the pension-roll the name of Thomas W. Brown, late of Company C, Thirty-fourth Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH REESE.

Mr. INGALLS. I now ask for the consideration of House bill No. 3730.

The bill (H. R. No. 3730) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Reese, widow of John Reese, deceased, late private in Company C, Fourteenth Regiment of New York Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE GROVE.

Mr. INGALLS. I now ask for the consideration of House bill No. 941.

The bill (H. R. No. 941) granting a pension to George Grove was considered as in Committee of the Whole. It proposes to grant a pension to George Grove, late of Company F, Second United States Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH J. TOTTEN.

Mr. INGALLS. I now call up House bill No. 3115.

The bill (H. R. No. 3115) granting a pension to Elizabeth J. Totten, widow of the late Commodore Benjamin J. Totten, United States Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EDMUND WOOG.

Mr. INGALLS. I now call up Senate bill No. 996.

The bill (S. No. 996) granting a pension to Edmund Woog was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Edmund Woog, late a sergeant in Company C, of the Sixty-eighth Regiment of New York Volunteers, at the same rate as now is or may hereafter be allowed to those who lost a leg above the knee or an arm above the elbow, in lieu of his present pension.

The Committee on Pensions reported the bill with an amendment after the word "volunteers" in line 7, to strike out:

At the same rate as now is or may hereafter be allowed to those who lost a leg above the knee or an arm above the elbow, to date from the passage of this act, in lieu of his present pension.

And to insert in lieu thereof:

At $24 per month, which shall be in lieu of his present pension, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN F. WOOD.

Mr. INGALLS. I now ask the Senate to proceed to the consideration of House bill No. 3080.

The bill (H. R. No. 3080) granting a pension to Warren F. Wood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Warren F. Wood, late a private in Company E, Eleventh Regiment of Vermont Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM ROYLSTON.

Mr. INGALLS. I now call up House bill No. 388.

The bill (H. R. No. 388) for the relief of William Roylston, late private Company D, First Regiment Tennessee Light Artillery, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to put the name of William Roylston, late private Company D, First Regiment Tennessee Light Artillery, on the pension-rolls of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOSEPH L. YOUNG.

Mr. INGALLS. I now call up House bill No. 3098.

The bill (H. R. No. 3098) granting a pension to Joseph L. Young, late a private Company C, Eleventh Regiment Maine Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HARMON VAUN.

Mr. INGALLS. I now call up Senate bill No. 1188.

The bill (S. No. 1188) granting a pension to Harmon Vaun, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harmon Vaun, dependent mother of Levi DeBow, late a private in the Seventeenth Regiment United States Colored Troops.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MATTIE M'TAGGART.

Mr. INGALLS. I now call up House bill No. 2176.

The bill (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry, was considered as in Committee of the Whole.

By the bill the Secretary of the Interior is directed to increase the pension of Mrs. Mattie McTaggart, widow of First Lieutenant Calvin P. McTaggart, late of the Seventeenth United States Infantry, to $17 per month; the increase to commence September 18, 1876, the date of her husband's death, and to continue during her widowhood.

The Committee on Pensions reported an amendment to strike out the words "commence September 18, 1876, the date of her husband's death, and to continue during her widowhood;" and insert "commence from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EMILY H. LYFORD.

Mr. INGALLS. I ask for the consideration of House bill No. 3113.

The bill (H. R. No. 3113) granting a pension to Mrs. Emily H. Lyford, was considered as in Committee of the Whole. It proposes to allow to Mrs. Emily H. Lyford, widowed mother of William O. Lyford, late second lieutenant in the Fifth Regiment of New Hampshire Volunteers, the pension of a second lieutenant of infantry, in lieu of the pension now received.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JONATHAN R. TILMAN.

Mr. INGALLS. I now call up House bill No. 439.

The bill (H. R. No. 439) granting a pension to Jonathan R. Tilman was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place upon the pension-roll the name of Jonathan R. Tilman, assistant surgeon of the Sixtieth Regiment Indiana Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RICHARD MIDDLETON.

Mr. INGALLS. I now call up Senate bill No. 1040.

The bill (S. No. 1040) granting a pension to Richard Middleton was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Richard Middleton, late captain Company M, Fiftieth New York Engineers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CRIDDLE.

Mr. INGALLS. I now call up Senate bill No. 962.

The bill (S. No. 962) granting a pension to William Criddle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Criddle, minor child of William Criddle, deceased, late private of Company B of the Fifth Regiment of New York Cavalry Volunteers, said pension to commence from the date of the death of said soldier.

The Committee on Pensions reported an amendment, in lines 8 and 9, after "volunteers," to strike out the words:

Said pension to commence from the date of the death of said soldier.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. MILLER.

Mr. INGALLS. I ask for the consideration of House bill No. 97.

The bill (H. R. No. 97) granting a pension to William A. Miller was considered as in Committee of the Whole. It proposes to place the name of William A. Miller, late a private in Company K, Twenty-fourth Regiment New York Cavalry Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DUDLEY A. FISH.

Mr. INGALLS. I now call up House bill No. 300.

The bill (H. R. No. 300) for the relief of Dudley A. Fish, of Bucyrus, Ohio, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of Dudley A. Fish, late a captain in the One hundred and forty-ninth Regiment of Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY M'ADAMS.

Mr. INGALLS. I now call up Senate bill No. 1165.

The bill (S. No. 1165) granting a pension to Mary McAdams, was considered as in Committee of the Whole. It grants a pension to Mary McAdams, dependent mother of Robert I. McAdams, late a private of Company K, First Regiment New Jersey Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID DIMMICK.

Mr. INGALLS. Now I ask for the consideration of Senate bill No. 1164.

The bill (S. No. 1164) granting a pension to David Dimmick was considered as in Committee of the Whole. It provides for granting a pension to David Dimmick, a soldier of the war of 1812.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. PARKER.

Mr. INGALLS. I call up Senate bill No. 1163.

The bill (S. No. 1163) granting a pension to Mary E. Parker was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Mary E. Parker, widow of Solomon M. Parker, late a private in Company D, Second Regiment New Jersey Cavalry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. N. E. BELRICHARDS.

Mr. INGALLS. I call up Senate bill No. 969.

The bill (S. No. 969) granting a pension to Mrs. N. E. Belrichards was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mrs. N. E. Belrichards, widow of —— Belrichards, late a captain of the —— Regiment United States Colored Troops.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

RUTH ISABELLE NAYLOR.

Mr. INGALLS. I call up House bill No. 3105.

The bill (H. R. No. 3105) granting a pension to Ruth Isabelle Naylor, widow of Captain Charles Naylor, of the Second Regiment of Pennsylvania Volunteers in the Mexican war, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES H. DAY.

Mr. INGALLS. I now ask for the consideration of House bill No. 3114.

The bill (H. R. No. 3114) providing for an increase of pension to Charles H. Day was considered as in Committee of the Whole. It is a direction to the Commissioner of Pensions to issue to Charles H. Day, late first lieutenant of Company I, Second Regiment West Virginia Volunteers, a certificate for pension at the rate of $24 per month, in lieu of the one now held by him.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM HAFFORD.

Mr. INGALLS. I next ask for the consideration of House bill No. 1975.

The bill (H. R. No. 1975) to amend an act granting a pension to William Hafford, of South Yarmouth, Massachusetts, approved May 8, 1874, was considered as in Committee of the Whole. It provides for placing on the Navy pension-roll the name of William Hafford, of South Yarmouth, Massachusetts.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEMUEL L. LAWRENCE.

Mr. INGALLS. I call up House bill No. 524.

The bill (H. R. No. 524) granting a pension to Lemuel L. Lawrence, late second lieutenant Company B, in the Sixth Regiment Illinois Cavalry Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CORNELIUS LE ROY.

Mr. INGALLS. I next call up Senate bill No. 932.

The bill (S. No. 932) granting a pension to Cornelius Le Roy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cornelius Le Roy, corporal Second Wisconsin Regiment of Infantry.

The Committee on Pensions reported an amendment, to insert at the end of the bill the words "and to be $8 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH M'COOEY.

Mr. INGALLS. I now ask for the consideration of Senate bill No. 744.

The bill (S. No. 744) granting a pension to Sarah McCooey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah McCooey, mother of John McCooey, late private in Company F, Fourteenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE V. MOORE.

Mr. INGALLS. I now ask for the consideration of Senate bill No. 1815, which is the last I shall call up to-day.

The bill (H. R. No. 1815) granting a pension to Florence V. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Florence V. Moore, widow of Treadwell Moore, late lieutenant-colonel of the Second Regiment United States Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

UNITED STATES COURTS IN IOWA.

Mr. DAVIS, of Illinois. I ask the Senate to take up Senate bill No. 877. I do not think it will take long.

There being no objection, the bill (S. No. 877) providing the times and places of holding the circuit court of the United States in the district of Iowa and the appointment of an additional judge in said district was considered as in Committee of the Whole.

Mr. DAVIS, of Illinois. Mr. President, this bill involves two distinct questions. One is the distribution of circuit-court powers to the different parts of the State and the other is the appointment of an additional judge for the district. Both of these things are, in the opinion of the Judiciary Committee, necessary. Iowa is a very large State, perhaps three hundred and forty miles long by three hundred broad. It is permeated with railroads, four trunk lines of railroad extending east and west. There are fifty-five thousand square miles, a population of a million and a half, and there is but one place for the holding of the circuit court in the State, and that is at Des Moines. There are three other places for holding district courts, and the committee thought it eminently proper that circuit courts should be held in those other places. Whether they would have advised at this time, if there had not been three other places where district courts were held, that there should be so many places of holding the circuit court might be doubtful; but inasmuch as courts are already established at those places the committee thought proper to give them circuit-court powers. It lessens the expense of witnesses and jurors, the State being so very large, and accommodates suitors and counsel. I do not suppose there will be very much objection to that provision.

There are already eighteen States in which there are two or more places for holding the circuit court and fourteen or fifteen States in which the district court has circuit-court powers.

With the increasing business of the State the Judiciary Committee thought it eminently proper that the distribution of power should be extended to those other places in which the district courts are held.

The main question is about the appointment of an additional judge. The committee became satisfied that the business of the State required an increase of judicial force. How to do this was the question. To divide the district into two, as is done in most States, would involve additional expense, would require the appointment of marshals and attorneys, and greatly add to the Federal expenses in the State. They thought that inasmuch as a judge was necessary it was better simply to add to the force by requiring the appointment of an additional district judge. There is a precedent for that, although it has not been commonly done. A State has been usually divided into districts, and yet there is no constitutional objection to having more than one district judge in a district, and it is eminently proper that it should be so. In 1812 in New York an additional judge was appointed for the district of New York; the two judges presided at the courts there; and in 1814 the State was divided into two districts, northern and southern, and one judge was transferred to the northern district and one to the southern district.

Now a word as to the business in Iowa. One learns a great deal by the amount of judgments rendered in the Federal courts in a State, and I think the Senate will be astonished when they learn, as I see from the report of the Attorney-General of the United States, that judgments other than judgments in behalf of the United States were rendered in the State of Iowa for the four years ending July 1, 1877, to the amount of $20,446,350, and that in but one State, and that is my own, was there any greater amount of judgments rendered than in Iowa. There were rendered in the State of Illinois judgments to the amount of over $37,000,000; in the State of Michigan, over $12,000,000; in Minnesota, $6,000,000; in Nebraska, $6,000,000, and so on, whereas in Kentucky it was but $243,000. That was the total amount of the judgments rendered in Federal courts for four years in Kentucky up to July 1, 1877. So in the Eastern States the same comparison would hold good. How is this accounted for? It grows out of the fact that the Western States are debtor States to the East, and the creditors seek the Federal courts instead of the State courts, as furnishing quicker and better facilities for obtaining justice. That is solely the reason.

This large amount of business that has been done in Iowa involved, of course, very heavy Federal expenses. For the fiscal year ending June 30, 1874, the total expenses in Iowa were $77,000. I leave off the odd numbers, there being only three States where the expenditures were greater, New York, Arkansas, and North Carolina. I do not know how it happened in North Carolina and Arkansas, but that is immaterial. For the fiscal year ending June 30, 1875, these expenses were increased to $97,000, there being but three States where the expenditures were greater, New York, North Carolina, and Arkansas. So in 1876 and 1877. In 1877 there were but four States and in 1876 but three States where the expenditures were greater.

There were also rendered in Iowa a large number of judgments in which the United States were plaintiffs, and the amount of judgments was greater in Iowa than in the following States, all of which have the advantage of two districts, namely, Alabama, Arkansas, Florida, Georgia, Michigan, Mississippi, North Carolina, Ohio, Texas, Virginia, and Wisconsin. Every one of these States where there are two or more districts had less judgments rendered in behalf of the United States than were rendered in Iowa.

The State is constantly increasing in population. There is no great center of wealth where insurance companies naturally grow up, and therefore most of the insurance business of the State is done by foreign companies; and the railroads are owned abroad, and nearly all the litigation that burdens the Federal courts there grows out of controversies between foreign corporations and the citizens there.

This State is in the judicial circuit of Mr. Justice Miller, of the Supreme Court, and Judge Dillon is the circuit judge. They both bear testimony to the ability of the district judge and to his great experience and industry, and yet they say——

Mr. MAXEY. I will say to the Senator that we cannot hear him. Does the bill increase the number of Federal judges in Iowa?

Mr. DAVIS, of Illinois. One judge, a district judge, is added, not a circuit judge. Judge Dillon says:

> With the utmost efforts of the judges in Iowa, sitting separately and giving the courts all their available time, they have not been able for some years to clear the dockets or keep down arrearages. The number of the causes is constantly increasing. There are about six hundred causes on the docket of the circuit court.

This letter was written in March last.

> The appointment of another district judge would, in my opinion, give the necessary relief and satisfy the bar, who feel a deep interest in having the present condition of things remedied.

Mr. Justice Miller, of the Supreme Court, testifies to the same effect in a letter written about the same period, and so does the district judge of the State.

The Judiciary Committee watches these matters very carefully and is very desirous of getting along as well as we possibly can without increasing the judicial force, but I believe in this case it is absolutely essential.

Mr. HILL. I desire to say that if the Senate is to go into this business of increasing the number of Federal judges, it may be very proper to continue it. I think every substantial reason given by the Senator from Illinois why an additional judge should be appointed for the State of Iowa would apply with full force to my own State. Georgia is a larger State territorially than Iowa. She has fifty-eight thousand square miles, according to my recollection, and the State of Iowa has less than that. It is intersected by railroads I suppose as completely as Iowa.

Mr. DAVIS, of Illinois. If the Senator from Georgia will allow me I will state that we take up cases that are before us. There has been no request that we should now consider any other case than this. There are other bills before us. Let each bill stand on its own merits. Two more have been reported this week and some will doubtless be reported hereafter; but there has been no request that the Judiciary Committee should consider the State of Georgia with reference to its want of judicial force. If the Senator wishes to bring that subject up by the introduction of a bill or petition, the committee will consider it.

Mr. HILL. I was going to say that there is a large demand in Georgia for an additional judge. The business is very burdensome; so the judges say. They are very laborious men and very able men, both the district judge and the circuit judge. The State is already divided into two districts. It has a population as large as Iowa, about a million and a half. I suppose the amount of the judgments in Georgia in the Federal courts is not as great as in Iowa; that is, the aggregate is not as large, because we are a poorer people than the people of the rich State of my friend from Iowa; but I expect the number of cases tried in Georgia exceeds the number tried in Iowa and I expect the courts are quite as crowded. I have thought on several occasions of suggesting that we have an additional district judge at least in Georgia, but I have not brought forward the measure because I found on investigation that quite a number of other States would be just as well entitled to an additional judge as my own, and as the others were not moving I felt a delicacy in moving myself. I did not know until to-day that a proposition had been brought forward to increase the number of judges in the State of Iowa.

Mr. DAVIS, of Illinois. I do hope the Senator will not antagonize his case with this bill or anything else which the committee has not investigated.

Mr. HILL. I am not going to do it. I am not going to propose to insert "Georgia" in this bill and my friend need not be uneasy on that subject. I am not going to propose to insert Georgia in this bill, but I am going to notify the Senate that I have had a hesitation myself in agreeing to an increase of the number of Federal judges in any of the States. I have had great hope that we should soon see the Federal court business in the several States greatly decreased. It seems to me it has been increasing wonderfully for some years, but I have been in hopes that it would begin soon to decrease, and that we should not be brought to the necessity of having additional judges.

I have a strong inclination myself to oppose the increase of the Federal judges unless a case of absolute necessity is made for it. All I have to say now is that, if the Senate under the statements made by the Senator from Illinois shall conclude that an additional judge ought to be appointed for the State of Iowa, I hope when the proposition shall be brought forward to give us an additional judge also in the State of Georgia the Senate will not go back upon its own record. If it is to be the rule that additional judges are to be appointed, let them be appointed for each State where the demand is equally great. As I say, I have been inclined myself not to move in this matter; I have not put in a bill for Georgia, and preferred not to do it because as I say other States are as well entitled to an additional judge as my own. Iowa is certainly no better entitled.

Mr. DAVIS, of Illinois. For what purpose is the Senator making this argument if he does not wish to include Georgia? I stated as one reason why Iowa was entitled to an increase of judicial force more than any State in this country, except Illinois, that there were $20,000,000 of judgments rendered there in four years. There were but $5,000,000 in Georgia in the same length of time.

Mr. HILL. To be sure, the amount is larger because we are a poorer people, but I expect the number of cases tried is greater in Georgia.

Mr. DAVIS, of Illinois. It cannot be much greater.

Mr. HILL. Some cases may involve $5,000,000 or $10,000,000 at once, and it may take five hundred causes to make up the same amount in another State. Twenty million dollars would be an immense sum in Georgia; and $5,000,000 is a larger sum in Georgia, I expect, than $20,000,000 is in Iowa; but the number of cases is as great, I think greater. Now, without having made the comparison, I rather suspect if the Senator will make the comparison he will find, counting the cases, that there are quite as many cases in Georgia as in Iowa, and the labor of the judges is very heavy.

Now, I want to say to the Senate that if it is the will of the Senate to enter upon this business of increasing the Federal judges in the different States, be it so. I do not say that I will antagonize the movement very strongly, but I desire frankly to give notice to the Senate that if we are to have an increase in other States equality should be the law, and if any other State has as strong a right to an increase of judges I hope the Senate will remember that I have said this.

Mr. DAVIS, of Illinois. I will remember everything you have said.

Mr. HILL. Now I say to the Senator from Illinois frankly that the real point of my remark is an inclination to oppose his bill.

Mr. DAVIS, of Illinois. I guessed so; but the Senator is a long time getting it out. [Laughter.]

Mr. HILL. And yet I confess I intended not to oppose it, because, if the bill passes, the Senate will have to do something for my State. We want a judge in my State too.

Mr. DAVIS, of Illinois. "Sufficient unto the day is the evil thereof."

Mr. HILL. I am afraid this increase of judges is all evil. That is exactly the trouble with it. If I were satisfied it was not evil I would go for my friend's bill.

However, having served the Senate with due notice that we want equal favors and equal privileges in this country, if the Senate shall agree to give Iowa an additional judge, I hope the Senate will not object to giving Georgia in due time an additional district judge also.

The PRESIDING OFFICER. The amendments of the Committee on the Judiciary will be reported.

The CHIEF CLERK. The first amendment of the Committee on the Judiciary is, in line 6 of section 1, after the word "district," to insert:

> And one grand and one petit jury shall be summoned and serve in both of said courts at each term thereof.

And to strike out in lines 8 and 9 the words:

> But the circuit judge shall not be required to sit in said court except at Des Moines;

So as to read:

> That the circuit court of the United States in and for the district of Iowa shall hereafter be held at the times and places provided by law for holding the United States district court in and for said district; and one grand and one petit jury shall be summoned and serve in both of said courts at each term thereof.

Mr. WALLACE. I rise simply to call the attention of the Senate to the fact that this places the United States judiciary in the State of Iowa with its three judges on the same footing with the State of Pennsylvania with its four million and a half people and but three judges. We have but one circuit judge and two district judges, so that a million and a half of people in Iowa are placed on the same footing that we are in the State of Pennsylvania. We are moving already in the House in regard to an additional judge, an additional district in that State. The business requires it.

This is all I have to say, because I do not intend to antagonize the report of the Judiciary Committee on this subject, but I wish to call the attention of the Appropriation Committee to this point.

Mr. DAVIS, of Illinois. The circuit judge in Pennsylvania has simply Pennsylvania and New Jersey and Delaware to attend to; and there is more business in one of the districts in which Judge Dillon holds court in Missouri than there is in all three of those States, as can be proved by the report of the Attorney-General. This is simply an additional district judge. The circuit judge of the western circuit has Arkansas, Missouri, Iowa, Kansas, Minnesota, and Nebraska in his circuit. The object of this additional district judge is to hold a circuit court. It is impossible for the regular circuit judge to hold the courts in these different States.

Mr. WALLACE. I presume if Judge McKennan were heard on this subject, or if those who practice before him were heard by the committee, the same result would be found in that circuit, for the immense commercial business of the city of Philadelphia as well as that of the State of New Jersey and western Pennsylvania and what there may be of Delaware comes before him. But I do not desire, as I said before, to antagonize this bill. I only desire to call attention to the fact that four and a half million people there are placed on the same footing as this million and a half.

Mr. EDMUNDS. But the Senator ought to bear in mind that the territory over which the circuit judge in the western circuit we are speaking of is obliged to go is a territory of thousands of miles; and he ought also to bear in mind that in Judge McKennan's circuit there are the eastern district judge of Pennsylvania and the western district judge of Pennsylvania and the district judge of Delaware and so on, whereas in this great State of Iowa, which is three hundred miles long east and west and two hundred miles north and south, as well as in these other great States there is only one judge to a State; so that the territorial space is a large element which has to be considered in such a question.

Mr. WALLACE. I presume the power of a judge to travel has something to do with it, because it requires a certain amount of physical ability.

Mr. EDMUNDS. It takes time also.

Mr. WALLACE. As I have already said, I do not desire to antagonize this bill, but I want to call the attention of the Committee on Appropriations to the fact which exists, that the district courts in my State have been compelled to adjourn for want of the necessary amount of money to carry on the district courts in that State.

Mr. SARGENT. That is so all over the country.

Mr. DAVIS, of Illinois. That has been so in Illinois and everywhere else.

Mr. WALLACE. If it be a fact, it is a disgraceful one, and one that the Senate ought to apply a remedy to.

Mr. EDMUNDS. Attention was called to that at the last session by the Committee on Appropriations.

Mr. DAVIS, of Illinois. On the second page, line 13 of section 1, the words "or the court, for good cause, shall otherwise order" should be stricken out.

The PRESIDING OFFICER. The question will first be on the amendments proposed by the Committee on the Judiciary. The first amendment of the committee has been read.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, in line 14 of section 1, after the word "all," to strike out "appeals or writs of error allowed by law from the district court to the circuit court of Iowa" and insert "causes which may be removed from the district to the circuit court, either by appeal or a writ of error," and after the word "Des Moines," in line 18, to strike out:

To be heard by said court when held by one or more circuit judges: *And provided further*, That the judge of said district court may, in his discretion, order that the same jurors be summoned to serve in both said courts at any term thereof, such order to be made and entered of record at least thirty days prior to such term.

So as to make the proviso read:

Provided, That all causes which may be removed from the district to the circuit court, either by appeal or a writ of error, shall be taken to the circuit court at Des Moines.

The amendment was agreed to.

The next amendment was in section 2, line 2, after the word "additional" to insert "district," and after the word "Iowa," in line 3, to insert "who shall have the same salary as the present judge of said district;" so as to read:

The President, by and with the advice and consent of the Senate, shall appoint an additional district judge in and for the district of Iowa, who shall have the same salary as the present judge of said district.

The amendment was agreed to.

The next amendment was at the end of section 2, to insert:

But the district judge oldest in commission shall have the right to appoint the clerks of all district courts, and shall, from time to time, designate what court shall be held by the junior district judge.

The amendment was agreed to.

Mr. DAVIS, of Illinois. On line 13 of section 1, I move to strike out the words "or the court, for good cause, shall otherwise order." It would seem as if the State court should order the case to one or the other of the circuit courts.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MAXEY. I only desire to say that the well-considered statement of the Senator from Illinois satisfies me that the bill ought to pass. I have been advised by the chairman of the Judiciary Committee that a bill in which I have very great interest on behalf of my State is pending before a subcommittee of which the distinguished Senator from Illinois is a member. I desire to call his attention to that now because I believe that everything which he has stated in regard to Iowa is equally true of the bill which he has under consideration.

Mr. DAVIS, of Illinois. I beg the gentleman not to vote for this bill under any idea of what we shall do with the other bill, because I do not want any votes in that way. Each thing must stand on its own bottom, as far as I am concerned.

Mr. HARRIS. I only have to say this: if the Committee on the Judiciary of this body has carefully considered, as I doubt not it has, the question of the propriety of creating this additional judicial officer to the judicial force in Iowa, for one I am content to vote upon their recommendation, and I shall vote for the passage of the bill. I too have a bill before that committee, asking for an additional district judge, and I simply ask that committee to look to the condition of things in Tennessee, and if they find upon the facts that it is necessary, as I believe it is, they will report in favor of it, and if they do not I shall cheerfully acquiesce in such conclusions as they may arrive at.

Mr. COCKRELL. Mr. President, I shall vote against this bill as I shall vote against all bills coming from any committee of the Senate, however distinguished that committee may be, which increase the number of the Federal judiciary or their jurisdiction. We have now too many Federal courts and they have too great jurisdiction. The repeal of the bankrupt law will take from the Federal courts one-third of the cases pending in them, and when other laws which ought to be repealed shall have been repealed the courts already existing will be more than sufficient to attend to all legitimate business which will be pending before them. The bankrupt act multiplied the business of the United States courts to a very great extent. The repeal of that act will take an immense amount of litigation from those courts; and when that business is taken from them, those that we now have will be amply able to properly attend to all the business before those courts. And now upon the final passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 12; as follows:

YEAS—34.

Allison,	Coke,	Ingalls,	Paddock,
Anthony,	Conover,	Kellogg,	Plumb,
Bailey,	Davis of Illinois,	Kernan,	Rollins,
Booth,	Edmunds,	Kirkwood,	Sargent,
Bruce,	Eustis,	Matthews,	Saunders,
Burnside,	Harris,	Maxey,	Teller,
Butler,	Hereford,	Merrimon,	Wallace.
Cameron of Wis.,	Hoar,	Mitchell,	
Christiancy,	Howe,	Morrill,	

NAYS—12.

Bayard,	Eaton,	McCreery,	Saulsbury,
Beck,	Hill,	McDonald,	Voorhees,
Cockrell,	Lamar,	Morgan,	Withers.

ABSENT—30.

Armstrong,	Dennis,	Jones of Florida,	Sharon,
Barnum,	Dorsey,	Jones of Nevada,	Spencer,
Blaine,	Ferry,	McMillan,	Thurman,
Cameron of Pa.,	Garland,	McPherson,	Wadleigh,
Chaffee,	Gordon,	Oglesby,	Whyte,
Conkling,	Grover,	Patterson,	Windom.
Davis of W. Va.,	Hamlin,	Randolph,	
Dawes,	Johnston,	Ransom,	

So the bill was passed.

FISHERY-COMMISSION AWARD.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit for your appropriate action a communication from the Secretary of State on the subject of the result of the deliberations of the fishery commission, appointed under certain provisions of the treaty of Washington, with the accompanying documents.

Article 22 of the treaty provides that any sum of money which the commissioners may award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

The commission announced the result of its deliberations on the 23d day of November, last year, and an appropriation at the present session of Congress will be necessary to enable the Government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction as presented upon the papers, and recommend an appropriation of the necessary sum with such discretion to the Executive Government in regard to its payment as in the wisdom of Congress the public interests may seem to require.

R. B. HAYES.

EXECUTIVE MANSION, *May* 17, 1878.

MARRIAGE OF COLORED PERSONS.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. MERRIMON. I ask the Senator from California to yield to me a moment to call up a bill that it will not take more than three minutes to pass.

Mr. SARGENT. If it will only occupy three minutes, I will yield.

Mr. MERRIMON. I move to take up Senate bill No. 1028.

The motion was agreed to; and the bill (S. No. 1028) declaratory of the law relating to descents and inheritance in the District of Columbia in certain cases was considered as in Committee of the Whole.

Mr. MERRIMON. I do not care to say a word except to have the bill read.

The bill was read. It provides that the issue of any marriage of colored persons, contracted and entered into according to any custom prevailing at the time in any of the States wherein the same occurred, shall, for all purposes of descent and inheritance of property within the District of Columbia, be deemed and held to be legitimate, and capable of inheriting and transmitting inheritance from and to their parents, or either of them, and from and to those from whom such parents, or either of them, may inherit or transmit inheritance, anything in the laws of such State to the contrary notwithstanding. Nothing herein is to be construed as implying that any such marriage is not valid or such issue legitimate for all other purposes.

The Committee on the District of Columbia reported the bill with amendments.

The first amendment was in line 6, after the word "inheritance," to strike out the word "of" and insert "and the transmission of both real and personal."

Mr. EDMUNDS. I should like to hear this bill explained.

Mr. HOAR. That will take more than three minutes.

Mr. MERRIMON. Doubts have arisen as to whether colored people who are the offspring of parents married when they were slaves under the customs of the States where they lived and were married can inherit. The object of this bill is simply to cure any defect of that sort, so as to put it beyond question that they can inherit. A case was brought to the attention of the committee which illustrated very fully the necessity for some legislation of this sort.

The PRESIDING OFFICER, (Mr. MITCHELL.) The question is on the amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The next amendment of the committee was, in line 9, after the word "inheritance," to insert: "and taking as next of kin and distributee according to law;" so as to read:

Be deemed and held to be legitimate, and capable of inheriting and transmitting inheritance, and taking as next of kin and distributee according to law, from and to their parents, &c.

The amendment was agreed to.

Mr. EDMUNDS. I think that the phraseology of the proviso at the end of the bill in its last clause is open to two constructions. One of them is that it might be understood to mean that nothing in this act shall be construed as intimating that such a marriage is legitimate and regular. I know that is not the intention, but as it is phrased, it is open to a little question.

Mr. MERRIMON. The proviso at the end was intended to cut off any possible implication that any marriage that existed of the character described in the bill, before the passage of the bill, was not valid.

Mr. EDMUNDS. I understand its purpose, and it is a good one. But my criticism——

Mr. MERRIMON. This is to make the right as broad as possible.

Mr. EDMUNDS. My criticism was that the phraseology is such that the last clause of the proviso might bear exactly the opposite construction, that the bill should not be taken as implying that the marriage was legitimate.

Mr. MERRIMON. It did not impress me so. If the Senator can suggest a modification, I have no objection.

Mr. EDMUNDS. The thing is so sudden that I cannot suggest one at this moment.

I wish to call the attention of the Senator from North Carolina to this inquiry, which I should like to put, whether, in case there should have been more than one of these unions in a state of slavery successive to each other, and where the prior union was not dissolved by death, it is the intention of this bill to legitimize the issue of all such unions, or only the first one?

Mr. MERRIMON. I do not know that that question was considered at all; I do not think it was. I suppose that is a possible case.

I said to the Senator from California that I did not think this bill would occupy three minutes. I feel bound to consent, if he insists on it, that its further consideration shall be postponed. I only want the bill to pass. It is interesting now to have it passed.

Mr. HOAR. Before the Senator sits down, I should like to ask one question, because if the bill goes over he may like to think of it, and that is whether the bill ought not at least to be limited to marriages heretofore contracted. This is a bill which gives effect, so far as inheritance in this District is concerned, to marriages according to the custom of colored persons, although they are entirely illegal as marriages in the State where they were contracted, and gives effect not only as regards the children and parents, but all collateral inheritances of every kind. Now, my question is whether that ought not to be limited to the past, whether anybody desires to perpetuate hereafter, the colored people being all free and on terms of equality with the white people, a provision by which they may contract marriages by customs of their own in violation of the laws of the State where they live.

Mr. MERRIMON. The tenor of the bill shows that it is applicable only to the past. By possibility such a state of things cannot exist again.

Mr. HOAR. The bill is clearly applicable to the future.

Mr. SARGENT. I shall have to insist on my motion.

Mr. EDMUNDS. This is unfinished business and will be the first thing in order on Monday.

Mr. SARGENT. Now the Senator from Missouri wishes to make an announcement, I understand.

JAMES SHIELDS.

Mr. COCKRELL. I desire to announce to the Senate that on Monday morning, as soon as the morning business is through, I shall ask the Senate to proceed to the consideration of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

DISTRICT GOVERNMENT.

Mr. INGALLS. I gave notice yesterday that on Monday I would call the attention of the Senate to the bill for the permanent government of the District of Columbia. I shall feel called upon to antagonize that with any bill that may be offered.

EXECUTIVE SESSION.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 17, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. SPARKS. I ask unanimous consent that the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, which has been returned from the Senate with amendments, be taken from the Speaker's table and that the amendments of the Senate be non-concurred in and a conference asked upon the disagreeing votes of the two Houses thereon.

Mr. PAGE. I would like to have the amendments read.

Mr. SPARKS. Oh, there are a number of them and the committee recommend non-concurrence in all.

There was no objection, and the bill was taken from the Speaker's table, the amendments of the Senate thereto were non-concurred in, and a conference asked with the Senate upon the disagreeing votes of the two Houses thereon.

Mr. SPARKS moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. POTTER. I call for the regular order.

INTERSTATE COMMERCE.

Mr. REAGAN. One moment. I ask unanimous consent, at the request of the Committee on Commerce, to have a substitute for the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discrimination by common carriers printed, so that when the bill comes up for consideration and it is offered gentlemen may be able to understand its provisions.

There was no objection, and the leave to print was granted.

Mr. WADDELL, Mr. WOOD, and others called for the regular order.

ALLEGED FRAUDS IN THE PRESIDENTIAL ELECTION.

The SPEAKER. The regular order being called for, the question recurs upon the motion of the gentleman from New York [Mr. POTTER] to second the previous question on the preamble and resolution offered by him on Monday last.

The question was put; and on a division there were 82 in the affirmative and none in the negative.

Mr. HALE. There is no quorum, Mr. Speaker.

Tellers were ordered; and Mr. POTTER and Mr. HALE were appointed.

The House again divided; and the tellers reported 122 in the affirmative.

Mr. HALE. None have voted in the negative.

Mr. POTTER. I report the gentleman from Maine [Mr. HALE] in the negative, as he has acted as teller.

The SPEAKER. Then there is one vote in the negative.

Mr. HALE. The Chair must take the responsibility of that ruling. Let that be distinctly understood.

The SPEAKER. The gentleman from Maine was one of the tellers, and the gentleman from New York, also one of the tellers, reports him as voting.

Mr. CONGER. The gentleman from New York cannot report anything but what the two tellers agree upon. I make that point, that neither of the tellers can report anything except what is agreed upon by the two.

Mr. HALE. Let me state what I understand to be the fact in the case.

Mr. WADDELL. I call for the regular order.

The SPEAKER. The regular order is being proceeded with.

Mr. HALE. Let me state my position in this matter. I was appointed by the Chair as one of the tellers as a member of the House, in order, in conjunction with the gentleman from New York, to report the vote. Gentlemen were requested to pass between the tellers. By agreement between the gentleman from New York and myself, as is always the case, in counting for the affirmative side he was counted one "ay." Members then passed through and there were 122 or 123, and to that I agreed. I had not agreed, I have not agreed, and I do not agree with the gentleman from New York in reporting that I voted. As a member of the House I have the same privilege as every other member of the House has here. I did not vote and I announced that none had passed through on the negative side as the gentleman from New York has. Now the gentleman from New York will not say that he and I agreed that one voted in the negative, and assuredly the Chair cannot, when the tellers disagree as to the vote, accept the report of one and ignore that of the other.

Mr. WADDELL. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WADDELL. I will if I can get a chance. I object to this explanation going on, because it is not the regular order.

The SPEAKER. It is the regular order. It is a question whether the count reported by the tellers was correct or not.

Mr. HALE. On a point of order——

The SPEAKER. The Chair desires to state, in the first place——

Mr. POTTER. I wish to say a word when the gentleman from Maine [Mr. HALE] is through.

Mr. HALE. I think I have said all I wish to say.

Mr. POTTER. There never can be a dispute with me about a patent question of fact. I did this morning what I have been doing perhaps twenty times during the last few days. Appointed to act as teller with the gentleman from Maine, [Mr. HALE,] I met him, recognized him, and he began by counting me as one voting upon my side; and I began by counting him as one voting on his side, as is the established usage of tellers here.

Mr. HALE. On this occasion, before the gentleman from New York reported the negative vote, I reported that none had voted in the negative.

Mr. POTTER. Hear me through. I reported the gentleman from Maine as voting in the negative, as I have done many times within the last few days, and as he has done also for himself. There can be no dispute about the fact. I acted accordingly this time when I reported him as voting in the negative. The gentleman says he did not vote. That is a question of fact——

Mr. HALE. Who knows better than I whether I voted or not?

Mr. POTTER. Possibly the House does.

Mr. HALE. Does it?

The SPEAKER. The gentlemen from Maine [Mr. HALE] was appointed to act as one of the tellers, because he was present. His colleagues who refused to vote are constructively absent.

Mr. HALE. Those "present and voting" are those that make a quorum.

The SPEAKER. Up to this time the gentleman from Maine has always been counted as one voting in the negative, being a teller and as such participating in the proceedings and not omitting to vote. The Chair accepted the report of the gentleman from New York [Mr. POTTER] as to the fact.

Mr. HALE. Supposing the gentleman from New York had reported me as voting in the affirmative, would the Chair have accepted that report?

The SPEAKER. That would have been an unfaithful report.

Mr. HALE. And this is an unfaithful report, for I did not vote at all.

Mr. GARFIELD. If the Chair will allow me, under the rule the Speaker announces that those who are opposed will pass between the tellers. Now, on the negative vote in this case the gentleman from Maine [Mr. HALE] did not pass between the tellers.

The SPEAKER. Oh, that is——

Mr. GARFIELD. And nobody but the gentleman from Maine can vote for him. It is a simple question of fact whether he voted or not. He says that he did not, and the Chair is bound to take his word.

The SPEAKER. It is an absurdity to talk about the gentleman from Maine passing between the tellers, as he was one of the tellers.

Mr. FINLEY. I rise to a point of order, if I can get the attention of the Speaker for a moment. Who was it that suggested the want of a quorum?

Mr. HALE. I raise the point that no quorum had voted. Now, let us understand——

Mr. CONGER. I object to the report of the tellers, because they do not agree in their count; and I demand a further count.

Mr. POTTER. I do not care to raise any question about this. The gentleman from Maine [Mr. HALE] was here; nobody can dispute that. The only question is whether he voted. I assumed he did from his past action and his own past reports.

Mr. HALE. I did not vote.

Mr. POTTER. I accept the statement and report "none in the negative."

Mr. HALE. I raise the point of order that no quorum has voted.

Mr. POTTER. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll and also the list of absentees; when the following members failed to answer to their names:

Baker, William H.	Foster,	Neal,	Sapp,
Bisbee,	Freeman,	Norcross,	Strait,
Bundy,	Frye,	Phillips,	Townsend, M. I.
Carlisle,	Harris, Benj. W.	Powers,	Watson,
Caswell,	Killinger,	Pugh,	White, Harry
Chittenden,	Landers,	Quinn,	Willits,
Clarke of Kentucky,	Loring,	Rainey,	Wren.
Douglas,	Luttrell,	Roberts,	
Ellis,	Metcalfe,	Robinson, M. S.	

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 3570) granting an increase of pension to John Murphy, late private Company F, Fifth Regiment United States Infantry.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a concurrent resolution of the House of Representatives in relation to the printing of the report of the Commissioner of Agriculture for 1877.

The message further announced that the Senate had requested the return by the House of the resolution of the Senate for printing an edition of the Colonial Charters and Constitutions of the United States, sent to the House of Representatives February 5, 1878.

ALLEGED FRAUD IN PRESIDENTIAL ELECTION.

The SPEAKER. On the call of the roll two hundred and fifty-eight members have answered to their names.

Mr. POTTER. I have been informed that there are some members who will arrive here shortly, and therefore I will move to dispense with further proceedings under the call. But I give notice that if there is not a quorum voting on the next vote I will move a call of the House and demand that the doors be closed and that the absentees be brought in.

The motion of Mr. POTTER to dispense with further proceedings under the call was agreed to.

The SPEAKER. The question recurs upon seconding the demand for the previous question upon the preamble and resolution submitted on Monday last by the gentleman from New York, [Mr. POTTER.]

Mr. HALE. Pending that I move to lay the resolution on the table.

The SPEAKER. That is not in order.

Mr. HALE. Will the Chair, before deciding, look at page 109 of the rules, where the order of motions is given?

The SPEAKER. Further proceedings under the call of the House being dispensed with, the House comes back into the condition in which it was before——

Mr. HALE. Undoubtedly.

The SPEAKER. When a quorum was not found voting. The motion of the gentleman from New York [Mr. POTTER] is therefore next in order: the demand for the previous question to again discover whether a quorum is present.

Mr. HALE. But does the Chair hold that when we come back to the condition in which the House was we do not come back under all the rules?

The SPEAKER. The Chair holds that when proceedings under the call have been dispensed with, which proceedings were for the purpose of securing a quorum, then the House comes back to its former position, and the Chair is bound to recognize the gentleman from New York to again demand the previous question to ascertain whether a quorum will vote thereon.

Mr. HALE. But, Mr. Speaker, it was disclosed that there was a quorum present. Now the House comes back to the business in which it was engaged, and I ask the Chair to read or have read——

The SPEAKER. The Chair recognizes the gentleman from New York to demand a vote on seconding the call for the previous question.

Mr. HALE. Then does the Chair refuse to have read the rule upon page 109, stating the order of motion?

The SPEAKER. The Chair does not refuse anything of the sort.

Mr. HALE. Will the Clerk read Rule 42?

The Clerk read as follows:

42. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

The SPEAKER. In the first place this proposition is not "under

debate" according to the terms of the rule. In addition, the Chair is bound to recognize the gentleman who demands the previous question.

Mr. BURCHARD. Will the Speaker allow me to say——

The SPEAKER. Certainly.

Mr. BURCHARD. There is no doubt of the correctness of the decision of the Chair that he should recognize the gentleman from New York to make the motion. But, pending that motion and before the motion is submitted to the House or before it is voted on, the motion to lay on the table must be in order.

Mr. HALE. It has always been so held.

The SPEAKER. The very rule itself states that when a subject is "under debate," then the order of motions shall be as specified.

Mr. POTTER. Besides, Mr. Speaker, the House was dividing upon seconding the demand for the previous question.

The SPEAKER. The House was dividing and found itself without a quorum, and according to all parliamentary practice that has come within the observation of the Chair he is now compelled to recognize the gentleman from New York.

Mr. GARFIELD. Will the Chair allow me to make an inquiry? If I should now move to adjourn, the Chair would certainly be compelled to recognize that motion as of higher privilege than the motion for the previous question.

The SPEAKER. That is under another rule.

Mr. GARFIELD. No, it is under this same rule which specifies the order of motions.

The SPEAKER. But the motion to adjourn is always in order. Less than a quorum can adjourn.

Mr. GARFIELD. Certainly, but there is a quorum; the presence of a quorum has been disclosed by the call of the roll, and the Chair has announced that a quorum is present. Now, the rule to which the gentleman from Maine has called attention declares the order of preference with respect to the motions named, and according to that rule a motion to lay on the table is of higher privilege than the demand for the previous question. The Chair did right, of course, in recognizing the gentleman from New York to make the demand for a vote on the previous question. Now, a motion of higher privilege, namely, a motion to lay the whole subject on the table, including the call for the previous question, including everything connected with the matter, is made by the gentleman from Maine. This being a motion of higher privilege, it seems to me perfectly clear that the Chair is bound to recognize it to be voted on before putting the motion of the gentleman from New York. Of course if the motion to lay on the table does not prevail, then the motion of the gentleman from New York will be next in order.

Mr. WADDELL. I hope we will have a vote on the motion to lay on the table the resolution of the gentleman from New York.

The SPEAKER. The Chair rules it is not in order under the terms of the rule. This proposition has not been under debate. Moreover even the gentleman from Illinois [Mr. BURCHARD] does not contend that the motion to second the demand for the previous question should not be entertained first.

Mr. BURCHARD. The gentleman from New York, [Mr. POTTER,] under parliamentary usage, is entitled to recognition to make the motion. But before the motion is put or while it is being put before the vote is taken any gentleman, in my judgment, would have the right to make the motion to lay the resolution upon the table, and have a vote upon it.

The SPEAKER. The gentleman from New York [Mr. POTTER] demands the previous question.

Mr. HALE. Has the Chair ruled that he will not entertain my motion?

The SPEAKER. The Chair rules, first, that the question is not in the condition where Rule 42 applies; and, in the second place, that he is bound to recognize the gentleman from New York; that the House, after a call has been disposed of, reverts back into the condition where it was found without a quorum—to secure one.

Mr. HALE. I must respectfully take an appeal from that decision.

The SPEAKER. The gentleman from Maine appeals from the decision of the Chair.

Mr. POTTER. I move to lay that appeal on the table.

Mr. HALE. We may as well have the yeas and nays.

The yeas and nays were ordered.

Mr. STENGER. Will the Chair state the question?

The SPEAKER. The Chair has ruled that the condition does not exist in the House under which Rule 42 is operative; that on the contrary, after a call of the House to secure a quorum shall have been disposed of, the House goes back to the situation in which it was originally when dividing on the motion of the gentleman from New York; and the Chair again recognizes the gentleman from New York for that motion.

Mr. HALE. The Chair will also state that the proceedings disclosed that a quorum was present and that upon that ground further proceedings under the call were dispensed with.

The SPEAKER. The House comes back to its condition when a call was required, and that is a condition of division.

Mr. HALE. How could a motion to adjourn come in?

The SPEAKER. Because less than a quorum can adjourn at any time.

Mr. CONGER. Will the Chair allow me one word? [Cries of "Regular order!"]

The SPEAKER. The regular order being demanded, the Clerk will call the roll.

The question was taken; and there were—yeas 143, nays 114, not voting 34; as follows:

YEAS—143

Acklen,	Dibrell,	Hunton,	Scales,
Aiken,	Dickey,	Jones, Frank	Schleicher,
Atkins,	Douglas,	Jones, James T.	Shelley,
Banning,	Durham,	Kenna,	Singleton,
Beebe,	Eden,	Kimmel,	Slemons,
Bell,	Eickhoff,	Knapp,	Smith, William E.
Benedict,	Elam,	Ligon,	Southard,
Bicknell,	Ellis,	Lockwood,	Sparks,
Blackburn,	Evins, John H.	Lynde,	Springer,
Bland,	Ewing,	Mackey,	Steele,
Bliss,	Finley,	Maish,	Stenger,
Blount,	Forney,	Manning,	Swann,
Boone,	Franklin,	Martin,	Throckmorton,
Bouck,	Fuller,	Mayham,	Townshend, R. W.
Bragg,	Garth,	McKenzie,	Tucker,
Bridges,	Gause,	McMahon,	Turner,
Bright,	Gibson,	Mills,	Turney,
Buckner,	Giddings,	Money,	Vance,
Cabell,	Glover,	Morgan,	Veeder,
Caldwell, John W.	Goode,	Morrison,	Waddell,
Caldwell, W. P.	Gunter,	Morse,	Walker,
Candler,	Hardenbergh,	Muldrow,	Walsh,
Chalmers,	Harris, Henry R.	Muller,	Warner,
Clark of Missouri,	Harris, John T.	Patterson, T. M.	Whitthorne,
Clymer,	Harrison,	Phelps,	Wigginton,
Cobb,	Hart,	Potter,	Williams, A. S.
Collins,	Hartridge,	Pridemore,	Williams, James
Cook,	Hartzell,	Rea,	Williams, Jere N.
Cox, Samuel S.	Hatcher,	Reagan,	Willis, Albert S.
Cravens,	Henkle,	Reilly,	Willis, Benj. A.
Crittenden,	Henry,	Rice, Americus V.	Wilson,
Culberson,	Herbert,	Riddle,	Wood,
Cutler,	Hewitt, Abram S.	Robbins,	Wright,
Davidson,	Hewitt, G. W.	Robertson,	Yeates,
Davis, Joseph J.	Hooker,	Ross,	Young.
Dean,	House,	Sayler,	

NAYS—114.

Aldrich,	Danford,	James,	Rainey,
Bacon,	Davis, Horace	Jones, John S.	Randolph,
Bagley,	Deering,	Jorgensen,	Reed,
Baker, John H.	Denison,	Joyce,	Rice, William W.
Ballou,	Dunnell,	Keifer,	Ryan,
Banks,	Dwight,	Keightley,	Sampson,
Bayne,	Eames,	Kelley,	Sexton,
Blair,	Ellsworth,	Ketcham,	Shallenberger,
Boyd,	Errett,	Lapham,	Sinnickson,
Brentano,	Evans, I. Newton	Lathrop,	Smalls,
Brewer,	Evans, James L.	Lindsey,	Smith, A. Herr
Briggs,	Fort,	Marsh,	Starin,
Brogden,	Foster,	McCook,	Stewart,
Browne,	Gardner,	McGowan,	Stone, John W.
Burchard,	Garfield,	McKinley,	Stone, Joseph C.
Burdick,	Hale,	Mitchell,	Thompson,
Cain,	Hanna,	Monroe,	Thornburgh,
Calkins,	Harmer,	Neal,	Tipton,
Camp,	Haskell,	Norcross,	Townsend, Amos
Campbell,	Hayes,	Oliver,	Van Vorhes,
Cannon,	Hazelton,	O'Neill,	Wait,
Caswell,	Hendee,	Overton,	Ward,
Claflin,	Henderson,	Page,	Welch,
Clark, Rush	Hiscock,	Patterson, G. W.	White, Michael D.
Cole,	Hubbell,	Peddie,	Williams, Andrew
Conger,	Humphrey,	Phillips,	Williams, C. G.
Cox, Jacob D.	Hungerford,	Pollard,	Williams, Richard.
Crapo,	Hunter,	Pound,	
Cummings,	Ittner,	Price,	

NOT VOTING—34.

Baker, William H.	Felton,	Luttrell,	Stephens,
Bisbee,	Freeman,	Metcalfe,	Strait,
Bundy,	Frye,	Powers,	Townsend, M. I.
Butler,	Hamilton,	Pugh,	Watson,
Carlisle,	Harris, Benj. W.	Quinn,	White, Harry
Chittenden,	Killinger,	Roberts,	Willits,
Clark, Alvah A.	Knott,	Robinson, G. D.	Wren.
Clarke of Kentucky,	Landers,	Robinson, M. S.	
Covert,	Loring,	Sapp,	

So the appeal was laid on the table.

During the call of the roll the following announcements were made:

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE.

Mr. COVERT. I am paired with my colleague from New York, Mr. TOWNSEND. If he were present, I should vote "ay." My colleagues, Mr. BAKER and Mr. QUINN, are paired.

Mr. HAMILTON. I am paired with my colleague from Indiana, Mr. ROBINSON. I have telegraphed to my colleague but have received no answer. The gentleman who has the matter in charge refuses to release me from the operation of the pair.

Mr. MCKENZIE. My colleague from Kentucky, Mr. CLARKE, is paired with Mr. WATSON, of Pennsylvania.

Mr. WILLIS, of Kentucky. My colleague, Mr. CARLISLE, is paired with Mr. POWERS, of Maine. If he were present, Mr. CARLILSE would vote "ay."

Mr. O'NEILL. My colleague from Pennsylvania, Mr. FREEMAN, is detained at his home by illness.

Mr. STEPHENS, of Georgia. I am paired with Mr. HARRIS, of Massachusetts.

Mr. SINNICKSON. My colleague from New Jersey, Mr. PUGH, is detained from the House by serious illness.

Mr. ROBINSON, of Massachusetts. I am paired on political questions with Mr. LANDERS, of Connecticut.

Mr. HALE. My colleague from Maine, Mr. POWERS, is paired with Mr. CARLISLE, of Kentucky. My colleague, Mr. FRYE, is paired with Mr. KNOTT, of Kentucky.

Mr. BAYNE. My colleague from Pennsylvania, Mr. WATSON, is paired with Mr. CLARKE, of Kentucky. Mr. WATSON, if present, would vote "no."

Mr. DUNNELL. My colleague from Minnesota, Mr. STRAIT, is paired with Mr. CLARK, of New Jersey. Mr. STRAIT, if present, would vote "no."

Mr. POLLARD. My colleague from Missouri, Mr. METCALFE, is absent on account of serious illness in his family.

Mr. WIGGINTON. My colleague from California, Mr. LUTTRELL, is confined to his room by sickness. If he were present, he would vote "ay."

The result of the vote was then announced as above recorded.

Mr. POTTER. I rise to demand the regular order, but I desire to be permitted to ask a question of the gentleman from Maine [Mr. HALE] who moved to lay the whole subject on the table. I desire to ask the gentleman from Maine whether, if I withdraw——

Mr. CONGER. I object to anything in the nature of discussion whatever. [Cries of "All right!" from the democratic side of the House.]

Mr. POTTER. I only wanted to ask if gentlemen on the other side of the House intended to stop filibustering, and I see now that they do not.

The question was put upon seconding the previous question; and, on a division, there were 128 in the affirmative and none in the negative.

Tellers were ordered; and Mr. POTTER and Mr. HALE were appointed.

The House again divided; and the tellers reported 140 in the affirmative and none in the negative.

Mr. HALE. No quorum voted.

Mr. POTTER. I move that there be a call of the House.

Mr. WHITE, of Pennsylvania. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken upon Mr. POTTER's motion; and there were—yeas 150, nays 110, not voting 31; as follows:

YEAS—150.

Acklen,	Douglas,	Jones, James T.	Scales,
Aiken,	Durham,	Kenna,	Schleicher,
Atkins,	Eden,	Kimmel,	Shelley,
Banning,	Eickhoff,	Knapp,	Singleton,
Beebe,	Elam,	Ligon,	Slemons,
Bell,	Ellis,	Lockwood,	Smith, William E.
Benedict,	Evins, John H.	Luttrell,	Southard,
Bicknell,	Ewing,	Lynde,	Sparks,
Blackburn,	Felton,	Mackey,	Springer,
Bland,	Finley,	Maish,	Steele,
Bliss,	Forney,	Manning,	Stenger,
Blount,	Franklin,	Martin,	Swann,
Boone,	Fuller,	Mayham,	Throckmorton,
Bouck,	Garth,	McKenzie,	Townshend, R. W.
Bragg,	Gause,	McMahon,	Tucker,
Bridges,	Gibson,	Mills,	Turner,
Bright,	Giddings,	Money,	Turney,
Buckner,	Glover,	Morgan,	Vance,
Cabell,	Goode,	Morrison,	Veeder,
Caldwell, John W.	Gunter,	Morse,	Waddell,
Caldwell, W. P.	Hardenbergh,	Muldrow,	Walker,
Calkins,	Harris, Henry R.	Muller,	Walsh,
Candler,	Harris, John T.	Patterson, T. M.	Warner,
Chalmers,	Harrison,	Phelps,	White, Michael D.
Clark of Missouri,	Hart,	Potter,	Whitthorne,
Clymer,	Hartridge,	Price,	Wigginton,
Cobb,	Hartzell,	Pridemore,	Williams, A. S.
Collins,	Hatcher,	Randolph,	Williams, James
Cook,	Henkle,	Rea,	Williams, Jere N.
Cox, Samuel S.	Henry,	Reagan,	Willis, Albert S.
Cravens,	Herbert,	Reilly,	Willis, Benj. A.
Crittenden,	Hewitt, A. S.	Rice, Americus V.	Wilson,
Culberson,	Hewitt, G. W.	Riddle,	Wood,
Cutler,	Hooker,	Robbins,	Wright,
Davidson,	House,	Roberts,	Yeates,
Davis, Joseph J.	Hunter,	Robertson,	Young.
Dean,	Hunton,	Ross,	
Dibrell,	Jones, Frank	Sayler,	

NAYS—110.

Aldrich,	Caswell,	Foster,	Keifer,
Bacon,	Claflin,	Gardner,	Keightley,
Bagley,	Clark, Rush	Garfield,	Kelley,
Ballou,	Cole,	Hale,	Ketcham,
Banks,	Conger,	Hanna,	Lapham,
Bayne,	Cox, Jacob D.	Harmer,	Lathrop,
Blair,	Crapo,	Haskell,	Lindsey,
Boyd,	Cummings,	Hayes,	Marsh,
Brentano,	Danford,	Hazelton,	McCook,
Brewer,	Davis, Horace	Hendee,	McGowan,
Briggs,	Deering,	Henderson,	McKinley,
Brogden,	Denison,	Hiscock,	Mitchell,
Browne,	Dunnell,	Hubbell,	Monroe,
Burchard,	Dwight,	Humphrey,	Neal,
Burdick,	Eames,	Hungerford,	Norcross,
Butler,	Ellsworth,	Ittner,	Oliver,
Cain,	Errett,	James,	O'Neill,
Camp,	Evans, I. Newton	Jones, John S.	Overton,
Campbell,	Evans, James L.	Jorgensen,	Page,
Cannon,	Fort,	Joyce,	Patterson, G. W.
Peddie,	Sampson,	Stone, John W.	Welch,
Phillips,	Sexton,	Thompson,	White, Harry
Pollard,	Shallenberger,	Thornburgh,	Williams, Andrew
Pound,	Sinnickson,	Tipton,	Williams, C. G.
Rainey,	Smalls,	Townsend, Amos	Williams, Richard
Reed,	Smith, A. Herr	Van Vorhes,	Wren.
Rice, William W.	Starin,	Wait,	
Ryan,	Stewart,	Ward,	

NOT VOTING—31.

Baker, John H.	Covert,	Landers,	Sapp,
Baker, William H.	Dickey,	Loring,	Stephens,
Bisbee,	Freeman,	Metcalfe,	Stone, Joseph C.
Bundy,	Frye,	Powers,	Strait,
Carlisle,	Hamilton,	Pugh,	Townsend, M. I.
Chittenden,	Harris, Benj. W.	Quinn,	Watson,
Clark, Alvah A.	Killinger,	Robinson, G. D.	Willits.
Clarke of Kentucky,	Knott,	Robinson, M. S.	

So a call of the House was ordered.

During the roll-call the following proceedings took place:

Mr. CLARK, of New Jersey. I desire to announce that I am paired with the gentleman from Minnesota, Mr. STRAIT.

Mr. HAMILTON. I desire to announce that I have telegraphed to my colleague, Mr. ROBINSON, with whom I have paired, but have been unable to get an answer, and the gentleman who has the matter in charge refuses to release me from the operation of the pair. If my colleague were present, I should vote "ay."

Mr. WIGGINTON. I would inquire if the gentleman with whom the gentleman from Indiana [Mr. HAMILTON] is paired is absent by leave of the House.

Mr. HAMILTON. I do not know; but I think he is.

The SPEAKER. He is absent by leave of the House for two weeks from the 1st day of May.

Mr. WIGGINTON. Then his time has expired and he is absent without leave.

Mr. ROBINSON, of Massachusetts. I am paired with Mr. LANDERS, of Connecticut.

Mr. McCOOK. My colleague, Mr. TOWNSEND, is paired with my other colleague, Mr. COVERT.

The result of the vote was then announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his private secretaries, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 1750) granting a pension to William S. Davis, late private in Company E, Thirty-first Illinois Infantry Volunteers;

An act (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876;

An act (H. R. No. 3989) to regulate the advertising of mail-lettings, and for other purposes; and

A joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now proceed to call the roll.

The Clerk then proceeded to call the roll and the list of absentees; and the following members failed to answer to their names:

Baker, William H.	Frye,	Powers,	Strait,
Bisbee,	Harris, Benj. W.	Pugh,	Townsend, M. I.
Bundy,	Killinger,	Quinn,	Watson,
Carlisle,	Landers,	Robinson M. S.	Willits.
Clarke of Kentucky,	Loring,	Sapp,	
Freeman,	Metcalfe,	Stephens,	

The SPEAKER. The Clerk reports that upon the call of the roll two hundred and sixty-nine members answered to their names. The doors will now be closed.

Mr. POTTER. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Speaker issue his warrant to the Sergeant-at-Arms to arrest, take into custody, and bring to the bar of the House such of its members as are now absent without the leave of the House.

The resolution was agreed to.

Mr. CONGER. I rise to a question of privilege. The rule authorizes the Speaker to issue his warrant for those who are absent without leave of the House and are not excused.

The SPEAKER. The Chair has the list of those absent by leave of the House, and will protect them.

Mr. CONGER. No doubt of that; but the rule also includes those excused. The Chair is putting a proposition without asking for excuses. The gentleman from Ohio [Mr. GARFIELD] rose, I do not know for what purpose.

The SPEAKER. The House has instructed the Chair how to proceed.

Mr. GARFIELD. The resolution ought to except in form those who have been excused and have leave of the House to be absent.

The SPEAKER. The resolution will be again read; the Chair thinks it does that.

Mr. GARFIELD. I did not hear any excepting clause.

The SPEAKER. Perhaps the gentleman did not listen attentively. The resolution will be again read.

The resolution was again read.

The SPEAKER. The Clerk will now read Rule 36.

The Clerk read as follows:

Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

The SPEAKER. The Chair will conform to the practice.

Mr. O'NEILL. When will be the proper time to give excuses for absent members? I wish to state that my colleague, Mr. FREEMAN, is absent on account of severe illness. Word was sent to me this morning to that effect by his physician.

The SPEAKER. In order to expedite business the Chair will hear excuses at any time.

Mr. O'NEILL. I move that my colleague, Mr. FREEMAN, be excused.

Mr. POTTER. I desire to ask the gentleman from Pennsylvania whether Mr. FREEMAN is paired with anybody on this side of the House.

Mr. O'NEILL. I think not. He was paired up to Monday last and then the pair was dissolved.

The motion of Mr. O'NEILL was agreed to; and accordingly Mr. FREEMAN was excused.

Mr. STONE, of Michigan. My colleague, Mr. WILLITS, is absent by leave of the House. Day before yesterday I was informed that his leave had expired and I telegraphed him to come on. He replied that he was in the middle of an important case, but would return as soon as possible. He is not paired. I move that he be excused.

The motion was agreed to.

Mr. CLYMER. The rule requires that after the list of absentees has been noted the doors shall be closed and then the list of absentees shall be called over for excuses. I ask that the rule be enforced.

The SPEAKER. The Chair thinks this is the proper time to hear excuses.

Mr. CLYMER. Does not the rule require that the doors shall be closed?

The SPEAKER. The doors are closed.

Mr. SAYLER. And the list of absentees has been called in compliance with the rules.

Mr. CLYMER. The rule requires the list to be called over.

The SPEAKER. There is nothing in the rule that requires that the list be called the second time. The first part of the rule says that the absentees shall be noted and that then their names shall be again called, all of which has been done. The Chair is quite willing to have them called again for the information of the House, if there is no objection.

Mr. PRICE. I ask that my colleague, Mr. SAPP, be excused. He was called away on business that he could not avoid and expected to be back here about this time and thought that he had leave of absence. He is not paired.

The SPEAKER. Is there objection to excusing the gentleman from Iowa, Mr. SAPP?

Mr. DUNNELL. I object.

The question was taken on the motion to excuse Mr. SAPP; and it was agreed to.

Mr. CONGER. I move to reconsider the several votes excusing members; and to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. CRAPO. My colleague, Mr. LORING, is detained in his room on account of sickness, and has been absent on that account for some days. I understand that he is paired with Mr. GOODE, of Virginia.

Mr. GOODE. I desire to say that the gentleman is entirely incorrect in the statement he has just made. The member from Massachusetts [Mr. LORING] is not paired with me, and he was notified to that effect several days ago.

Mr. CRAPO. Was there not a pair existing between my colleague and the gentleman from Virginia?

Mr. GOODE. There was a pair existing between your colleague and myself; but when I returned from my visit to Norfolk recently with the Secretary of the Navy, I wrote to your colleague a note stating that, under the circumstances, I desired the pair to exist no longer. He replied that he was anxious that it should continue, and asked me that it might be observed further. I respected the request for that day, Tuesday. No arrangement was made by him. He said he had written to a gentleman on the other side to make a further arrangement for him. No arrangement was made; and inasmuch as the republican members of the House had systematically pursued a course which prevented a quorum, I refused to continue the pair, so notifying the gentleman from Massachusetts.

Mr. CONGER. I object to any reflection on this side of the House.

Mr. REED. There should not be any objection. Gentlemen on the other side ought to be allowed to make some excuse for doing such a thing.

Mr. CONGER. It is a simple question of honor whether the gentleman will break his pair.

Mr. GOODE. I will let the gentleman from Michigan understand that I can take care of my own honor; and if he assails it he shall be held personally responsible. [Applause and hisses.]

Mr. CONGER. The "gentleman from Michigan" trembles in his boots, as in duty bound.

The SPEAKER. Gentlemen will be seated, and the House will come to order.

Mr. BEEBE. I give notice that I object——

The SPEAKER. The Chair will entertain nothing until gentlemen are seated. The officers of the House will see that they are seated.

Mr. HALE. I ask that the words of the gentleman from Virginia [Mr. GOODE] be taken down and ruled upon by the Chair. It is time that we should make a precedent and establish what is proper language to be used here in debate. I ask that the words be taken down and that the Chair rule whether they are parliamentary or not.

Mr. SPARKS. The words of the gentleman from Michigan?

Mr. HALE. The words of the gentleman from Virginia.

Mr. HARRIS, of Virginia. The gentleman from Michigan was the offender. His words should be taken down. My colleague could not have said less.

Mr. TUCKER. I ask that if any words of my colleague [Mr. GOODE] be taken down, the offensive words of the gentleman from Michigan, previously used, be also taken down.

Several MEMBERS. That is right.

Mr. HALE. Let them all be taken down.

Mr. McCOOK. Would it be in order to appoint a committee of eleven members to investigate this matter?

The SPEAKER. The Chair directs the Clerk to read Rules 61 and 62.

The Clerk read as follows:

61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise he shall not be permitted to proceed, in case any member object, without leave of the House. (March 13, 1822, and September 14, 1837;) and if the case require it, he shall be liable to the censure of the House.—April 7, 1789, and March 13, 1822.

62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.—September 14, 1837.

The SPEAKER. The gentleman from Maine [Mr. HALE] demands that the words of the gentleman from Virginia [Mr. GOODE] be taken down. The gentleman from Virginia [Mr. TUCKER] asks that the words of the gentleman from Michigan [Mr. CONGER] be taken down. The words of the gentlemen, respectively, will be taken down in order, and when so taken down the Chair will rule thereon.

Mr. MAYHAM. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MAYHAM. The gentleman from Maine [Mr. HALE] in asking that the words of the gentleman from Virginia be taken down did not repeat the words, as required by the rule.

The SPEAKER. That is not necessary. The words will be taken down, and when they are read by the Clerk the Chair will rule thereon.

Mr. FRANKLIN. Let them be taken down; they are all right.

The Clerk read as follows:

Mr. CONGER. It is a simple question of honor whether the gentleman will break his pair.

Mr. GOODE. I will let the gentleman from Michigan understand that I can take care of my own honor, and if he assails it he shall be held personally responsible.

The SPEAKER. The Chair decides that the offensive provocation came from the gentleman from Michigan first, [applause from the democratic side,] and that you might as well expect a child not to halloo when struck as have expected the gentleman from Virginia not to retort when assailed. [Cries of "Oh!" "Oh!" from the republican side.]

Mr. HALE. Does the Chair hold the words were parliamentary—the latter portion of the words of the gentleman from Virginia, wherein he declared that he would hold another member personally responsible?

Mr. COX, of New York. I object to debate.

Mr. HALE. Does the Chair rule that those words were parliamentary? I did not ask the Chair to rule on what might be expected. I asked him to rule on the question whether the words were parliamentary.

The SPEAKER. The Chair thinks that the words of the gentleman from Michigan were not parliamentary, if used in an offensive sense. If a man's honor can be assailed here it should be defended here.

Mr. HALE. The gentleman from Michigan did not attempt on this floor to raise the question of personal responsibility.

Mr. COX, of New York. I object to debate. I make the point of order, because this is an attempt to take us away from the business before the House. I call for the regular order.

The SPEAKER. The regular order will be proceeded with.

Mr. HALE. What is the ruling of the Chair on the words of the gentleman from Virginia?

The SPEAKER. The Chair has ruled that if the language was intended by both gentlemen to be offensive it was not parliamentary. [Laughter.]

Mr. HALE. I submit that this is not a question of hypothesis. It is a question whether the words used were parliamentary.

The SPEAKER. The Chair has already ruled upon that point.

Mr. HALE. I have asked the Chair not to rule hypothetically, but to rule whether the words were parliamentary.

The SPEAKER. The Chair does not desire to have the gentleman from Maine put a ruling in his mouth. The Chair has ruled.

Mr. HALE. But I ask for a ruling which is not hypothetical. I have a right to a ruling from the Chair.

The SPEAKER. The Chair has ruled, and it is unnecessary that he should repeat his ruling in the same words he uttered a moment ago.

Mr. SAYLER. If the gentleman from Maine is dissatisfied with the decision he can take an appeal.

Mr. THOMPSON. The gentleman from Maine can determine his course of action without the assistance of the gentleman from Ohio.

Mr. HALE. Does the Chair decline to rule further?

The SPEAKER. The Chair knows nothing further to rule about.

Mr. HALE. Does the Chair decline to rule that the words were parliamentary?

The SPEAKER. The Chair stated that if the words were intended to be offensive they undoubtedly were not parliamentary.

Mr. HALE. The question on which I desire the ruling of the Chair is whether they were parliamentary or not.

Mr. BEEBE. I rise to a question of order. The gentleman from Maine is not in order. The regular order is the carrying out of the proceedings under the call.

The SPEAKER. The regular order will be proceeded with.

Mr. HALE. I have a right to a ruling.

The SPEAKER. The gentleman has a right to an appeal if dissatisfied.

Mr. HALE. I have heard no ruling from the Chair.

The SPEAKER. That is the fault of the gentleman's comprehension, not of the Chair.

Mr. HALE. I want a direct ruling.

The SPEAKER. The gentleman has a right to his appeal if dissatisfied.

Mr. HALE. I submit that the Chair has not ruled.

The SPEAKER. The Chair decides that he has ruled, and the gentleman's remedy, if he does not like the ruling, is to appeal.

Mr. HALE. The Chair then declines to rule further?

The SPEAKER. Undoubtedly.

Mr. HALE. Then that is settled.

Mr. CONGER. I desire to ask if the Chair stated in his ruling that I used the words I did in an offensive sense? [Cries of "Regular order!"]

The SPEAKER. The gentleman is asking a question and it is right that he should have that opportunity.

Mr. CONGER. I ask if the Chair intended to state that I used the words I did in an offensive sense?

The SPEAKER. The Chair stated that if the gentleman intended the language he used offensively, it was unparliamentary.

Mr. CONGER. Did the Chair intend to decide or did he rule that he thought my words unparliamentary?

The SPEAKER. The Chair has not to decide what he thinks, he has to decide upon the rules. [Laughter.]

Mr. CONGER. Perhaps that ought not to be expected.

Mr. MAYHAM. I move that my colleague, Mr. QUINN, who is sick at his home, be excused.

The motion was agreed to; and Mr. QUINN was excused.

Mr. ITTNER. I move that my colleague, Mr. METCALFE, be excused; he left the city last night with a sick wife, to return to Saint Louis.

Mr. BEEBE. I desire to know if he is paired.

Mr. BLAND. I hope the leave will be granted.

Mr. SPARKS. Is he paired?

Mr. BAKER, of Indiana. That is a matter for private arrangement.

Mr. SPARKS. Is he paired?

Mr. MORGAN. Mr. METCALFE is paired with me generally on political questions, but not on this question or anything growing out of it.

The question was put on Mr. ITTNER's motion; and it was agreed to, and Mr. METCALFE was excused.

Mr. SINNICKSON. I move that my colleague, Mr. PUGH, be excused; he has been called away from the city by serious illness in his family, and I understand that he is not paired.

Mr. EDEN. If he is paired he ought only to be excused on the condition that the pair shall be released.

The SPEAKER. The Chair is advised that Mr. PUGH is not paired.

The question was put on Mr. SINNICKSON's motion; and it was agreed to, and Mr. PUGH was excused.

Mr. CRAPO. What action has been taken by the House upon my motion that my colleague, Mr. LORING, be excused?

The SPEAKER. The Chair did not understand that any further demand was made for that excuse, but the Chair will now submit that motion to the House.

The question was put on Mr. CRAPO's motion, and it was agreed to; and Mr. LORING was excused.

Mr. THOMPSON. I move that my colleague, Mr. KILLINGER, be excused; he is absent from the city, and I am informed that he is not paired.

The question was put on Mr. THOMPSON's motion; and it was agreed to, and Mr. KILLINGER was excused.

Mr. CHITTENDEN. I came here from my bed half an hour ago, thinking the country was in danger. I do not see that anything is likely to happen and I ask to be excused.

The SPEAKER. The gentleman from New York states that he came to the House from a sick-bed and he would like to be excused so that he may return thereto.

There was no objection, and Mr. CHITTENDEN was excused.

Mr. GARFIELD. I hope he will pair before he leaves the Hall. [Cries of "Let him pair with you!"]

Mr. BAYNE. I understood that my colleague, Mr. WATSON, had obtained leave of absence of the House.

The SPEAKER *pro tempore*, (Mr. SOUTHARD in the chair.) What action does the gentleman ask?

Mr. BAYNE. I desire to know whether or not my colleague is absent by leave of the House?

The SPEAKER *pro tempore*. The Chair is informed that he has not leave of absence. Does the gentleman move that he be excused?

Mr. BAYNE. No; I do not.

The SPEAKER *pro tempore*. Then the motion is withdrawn.

Mr. BAYNE. I did not make any motion.

[After a pause.]

Mr. HUNTER. I move that my colleague, Mr. ROBINSON, be excused. We have released the pair.

Mr. BEEBE. I would inquire of the gentleman if his colleague is sick?

Mr. HUNTER. I do not know if he is sick or not; the pair is released.

The question was put on Mr. HUNTER's motion; and it was agreed to, and Mr. ROBINSON was excused.

[After a pause.]

Mr. BROWNE. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is not in order pending a call of the House. The only motion in order is to dispense with further proceedings under that call.

Mr. BROWNE. Then I move to dispense with further proceedings under the call.

The question was put; and upon a division there were—ayes 94, noes 120.

Mr. BROWNE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 146, not voting 42; as follows:

YEAS—103.

Aldrich,	Cummings,	Ittner,	Randolph,
Bacon,	Danford,	Jones, John S.	Reed,
Bagley,	Davis, Horace	Jorgensen,	Rice, William W.
Baker, John H.	Deering,	Joyce,	Ryan,
Ballou,	Denison,	Keifer,	Sampson,
Banks,	Dunnell,	Keightley,	Sexton,
Bayne,	Dwight,	Kelley,	Shallenberger,
Blair,	Eames,	Kotcham,	Sinnickson,
Boyd,	Ellsworth,	Lapham,	Smalls,
Brentano,	Evans, I. Newton	Lathrop,	Smith, A. Herr
Brewer,	Evans, James L.	McCook,	Stewart,
Briggs,	Fort,	McGowan,	Stone, John W.
Brogden,	Foster,	McKinley,	Stone, Joseph C.
Browne,	Gardner,	Monroe,	Thompson,
Burchard,	Garfield,	Neal,	Tipton,
Burdick,	Hale,	Norcross,	Townsend, Amos
Cain,	Hanna,	Oliver,	Van Vorhes,
Calkins,	Harmer,	O'Neill,	Wait,
Campbell,	Hayes,	Overton,	Ward,
Cannon,	Hazelton,	Page,	Welch,
Claflin,	Hendee,	Patterson, G. W.	White, Harry
Clark, Rush	Henderson,	Peddie,	White, Michael D.
Cole,	Hubbell,	Phillips,	Williams, Andrew
Conger,	Humphrey,	Pollard,	Williams, C. G.
Cox, Jacob D.	Hungerford,	Price,	Williams, Richard.
Crapo,	Hunter,	Rainey,	

NAYS—146.

Acklen,	Cox, Samuel S.	Goode,	Maish,
Aiken,	Cravens,	Gunter,	Manning,
Atkins,	Crittenden,	Hamilton,	Martin,
Banning,	Culberson,	Hardenbergh,	Mayham,
Beebe,	Cutler,	Harris, Henry R.	McKenzie,
Bell,	Davidson,	Harris, John T.	McMahon,
Benedict,	Davis, Joseph J.	Harrison,	Mills,
Bicknell,	Dean,	Hart,	Money,
Blackburn,	Dibrell,	Hartridge,	Morgan,
Bland,	Dickey,	Hartzell,	Morrison,
Bliss,	Douglas,	Hatcher,	Morse,
Blount,	Durham,	Henkle,	Muldrow,
Boone,	Eden,	Henry,	Muller,
Bouck,	Eickhoff,	Herbert,	Patterson, T. M.
Bragg,	Elam,	Hewitt, G. W.	Phelps,
Bridges,	Ellis,	Hooker,	Potter,
Bright,	Evins, John H.	House,	Pridemore,
Buckner,	Ewing,	Hunton,	Rea,
Cabell,	Felton,	Jones, Frank	Reagan,
Caldwell, John W.	Finley,	Jones, James T.	Reilly,
Caldwell, W. P.	Forney,	Kenna,	Rice, Americus V.
Candler,	Franklin,	Kimmel,	Riddle,
Chalmers,	Fuller,	Knapp,	Robbins,
Clark of Missouri,	Garth,	Ligon,	Roberts,
Clymer,	Gause,	Lindsey,	Robertson,
Cobb,	Gibson,	Lockwood,	Ross,
Collins,	Giddings,	Luttrell,	Sayler,
Cook,	Glover,	Mackey,	Scales,

Schleicher,	Stenger,	Waddell,	Willis, Albert S.
Shelley,	Swann,	Walker,	Willis, Benj. A.
Singleton,	Throckmorton,	Walsh,	Wilson,
Slemons,	Townshend, R. W.	Warner,	Wood,
Smith, William E.	Tucker,	Whittborne,	Wright,
Southard,	Turner,	Wigginton,	Yeates,
Sparks,	Turney,	Williams, A. S.	Young.
Springer,	Vance,	Williams, James	
Steele,	Veeder,	Williams, Jere N.	

NOT VOTING—42.

Baker, William H.	Errett,	Loring,	Sapp,
Bisbee,	Freeman,	Lynde,	Starin,
Bundy,	Frye,	Marsh,	Stephens,
Butler,	Harris, Benj. W.	Metcalfe,	Strait,
Camp,	Haskell,	Mitchell,	Thornburgh,
Carlisle,	Hewitt, Abram S.	Pound,	Townsend, M. I.
Caswell,	Hiscock,	Powers,	Watson,
Chittenden,	James,	Pugh,	Willits,
Clark, Alvah A.	Killinger,	Quinn,	Wren.
Clarke of Kentucky,	Knott,	Robinson, G. D.	
Covert,	Landers,	Robinson, M. S.	

So the motion to dispense with all further proceedings under the call was not agreed to.

During the call of the roll the following announcements were made:

Mr. COVERT. I desire to again announce that I am paired with my colleague, Mr. MARTIN I. TOWNSEND. If he were present, I would vote "ay."

Mr. CLARK, of New Jersey. I am paired with Mr. STRAIT, of Minnesota.

Mr. McKENZIE. My colleague, Mr. CLARKE, of Kentucky, is absent by leave of the House, and is paired with Mr. WATSON, of Pennsylvania.

Mr. ROBINSON, of Massachusetts. I am paired with Mr. LANDERS, of Connecticut.

Mr. BAYNE. My colleague, Mr. WATSON, is paired with Mr. CLARKE, of Kentucky. If present, Mr. WATSON would vote "ay."

The result of the vote was then announced as above stated.

Mr. BROWNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE. Would it be now in order to move to adjourn?

The SPEAKER. A motion to adjourn is always in order.

Mr. BROWNE. So I thought. I do not desire to make it. [Laughter.]

Mr. POTTER, (at three o'clock and five minutes p. m.) I am informed by the Sergeant-at-Arms that every member of the House who is within reach to-day is now in the Capitol. I therefore move to dispense with all further proceedings under this call in order to give gentlemen who are scattered about in the committee-rooms an opportunity to come into the Hall; and upon that motion I call for the yeas and nays.

Mr. HALE. Perhaps it will not be necessary to call the yeas and nays.

Mr. POTTER. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 10, not voting 39; as follows:

YEAS—242.

Acklen,	Cox, Jacob D.	Hanna,	Lynde,
Aiken,	Cox, Samuel S.	Hardenbergh,	Mackey,
Aldrich,	Crapo,	Harmer,	Maish,
Atkins,	Cravens,	Harris, Henry R.	Manning,
Bacon,	Crittenden,	Harris, John T.	Martin,
Bagley,	Culberson,	Harrison,	Mayham,
Ballou,	Cummings,	Hart,	McCook,
Banning,	Cutler,	Hartridge,	McGowan,
Bayne,	Danford,	Hartzell,	McKenzie,
Beebe,	Davidson,	Hatcher,	McKinley,
Bell,	Davis, Horace	Hayes,	McMahon,
Benedict,	Davis, Joseph J.	Hazelton,	Mills,
Bicknell,	Dean,	Hendee,	Mitchell,
Blackburn,	Deering,	Henderson,	Money,
Bland,	Denison,	Henkle,	Monroe,
Bliss,	Dibrell,	Henry,	Morgan,
Blount,	Dickey,	Hewitt, Abram S.	Morrison,
Boone,	Douglas,	Hewitt, G. W.	Morse,
Bouck,	Durham,	Herbert,	Muldrow,
Bragg,	Dwight,	Hooker,	Muller,
Brentano,	Eames,	House,	Neal,
Brewer,	Eden,	Hubbell,	Norcross,
Bridges,	Eickhoff,	Humphrey,	Oliver,
Briggs,	Elam,	Hungerford,	O'Neill,
Bright,	Ellis,	Hunter,	Overton,
Brogden,	Errett,	Hunton,	Patterson, T. M.
Buckner,	Evans, I. Newton	Ittner,	Phelps,
Burchard,	Evans, James L.	James,	Phillips,
Cabell,	Evins, John H.	Jones, Frank	Pollard,
Cain,	Ewing,	Jones, John S.	Potter,
Caldwell, John W.	Felton,	Jones, James T.	Price,
Caldwell, W. P.	Finley,	Jorgensen,	Pridemore,
Calkins,	Forney,	Joyce,	Rainey,
Campbell,	Foster,	Keifer,	Rea,
Candler,	Franklin,	Keightley,	Reagan,
Cannon,	Fuller,	Kelley,	Reed,
Chalmers,	Gardner,	Kenna,	Reilly,
Claflin,	Garfield,	Ketcham,	Rice, Americus V.
Clark of Missouri,	Garth,	Kimmel,	Rice, William W.
Clark, Rush	Gause,	Knapp,	Riddle,
Clymer,	Gibson,	Lapham,	Robbins,
Cobb,	Giddings,	Lathrop,	Roberts,
Cole,	Glover,	Ligon,	Robertson,
Collins,	Goode,	Lindsey,	Robinson, G. D.
Conger,	Gunter,	Lockwood,	Ross,
Cook,	Hale,	Luttrell,	Ryan,
Sampson,	Springer,	Vance,	Williams, A. S.
Sayler,	Starin,	Van Vorhes,	Williams, C. G.
Scales,	Steele,	Veeder,	Williams, James
Schleicher,	Stenger,	Waddell,	Williams, Jere N.
Sexton,	Stewart,	Wait,	Williams, Richard
Shallenberger,	Stone, John W.	Walker,	Willis, Albert S.
Shelley,	Swann,	Walsh,	Willis, Benj. A.
Singleton,	Thompson,	Ward,	Wilson,
Sinnickson,	Throckmorton,	Warner,	Wood,
Slemons,	Tipton,	Welch,	Wren,
Smalls,	Townsend, Amos	White, Harry	Wright,
Smith, A. Herr	Townshend, R. W.	White, Michael D.	Yeates,
Smith, William E.	Tucker,	Whitthorne,	Young.
Southard,	Turner,	Wigginton,	
Sparks,	Turney,	Williams, Andrew	

NAYS—10.

Baker, John H.	Browne,	Fort,	Randolph.
Blair,	Dunnell,	Hamilton,	
Boyd,	Ellsworth,	Patterson, G. W.	

NOT VOTING—39.

Baker, William H.	Clark, Alvah A.	Landers,	Robinson, M. S.
Banks,	Clarke of Kentucky,	Loring,	Sapp,
Bisbee	Covert,	Marsh,	Stephens,
Bundy,	Freeman,	Metcalfe,	Stone, Joseph C.
Burdick,	Frye,	Page,	Strait,
Butler,	Harris, Benj. W.	Peddie,	Thornburgh,
Camp,	Haskell,	Pound,	Townsend, M. I
Carlisle,	Hiscock,	Powers,	Watson,
Caswell,	Killinger,	Pugh,	Willits.
Chittenden,	Knott,	Quinn,	

So all further proceedings under the call were dispensed with.

During the roll-call the following announcements were made:

Mr. CLARK, of New Jersey. On this question I am paired with Mr. STRAIT, of Minnesota. If he were present, I would vote "ay." I am not paired with him upon seconding the previous question, and am at liberty to vote upon that question.

Mr. KNOTT. I am paired with the gentleman from Maine, [Mr. FRYE.] Not knowing how he would vote on this question if present, I decline to vote.

The result of the vote was then announced as above stated.

The SPEAKER. The question recurs upon seconding the demand for the previous question, and the tellers will resume their places.

The House again divided; and the tellers reported that there were—ayes 148, [great applause on the democratic side,] no 1.

So the previous question was seconded.

The SPEAKER. The question now is, Shall the main question be now put?

Mr. HALE. I move that the preamble and resolution be laid on the table.

Mr. POTTER. On that motion, of course, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 145, not voting 31; as follows:

YEAS—115.

Aldrich,	Danford,	James,	Rainey,
Bacon,	Davis, Horace	Jones, John S.	Randolph,
Bagley,	Deering,	Jorgensen,	Reed,
Baker, John H.	Denison,	Joyce,	Rice, William W.
Ballou,	Dunnell,	Keifer,	Ryan,
Banks,	Dwight,	Keightley,	Sampson,
Bayne,	Eames,	Kelley,	Sexton,
Blair,	Ellsworth,	Ketcham,	Shallenberger,
Boyd,	Errett,	Lapham,	Sinnickson,
Brentano,	Evans, I. Newton	Lathrop,	Smalls,
Brewer,	Evans, James L.	Lindsey,	Smith, A. Herr
Briggs,	Fort,	Marsh,	Starin,
Brogden,	Foster,	McCook,	Stewart,
Browne,	Gardner,	McGowan,	Stone, Joseph C.
Burchard,	Garfield,	McKinley,	Stone, John W.
Burdick,	Hale,	Mitchell,	Thompson,
Butler,	Hanna,	Monroe,	Tipton,
Cain,	Harmer,	Neal,	Townsend, Amos
Calkins,	Haskell,	Norcross,	Van Vorhes,
Campbell,	Hayes,	Oliver,	Wait,
Cannon,	Hazelton,	O'Neill,	Ward,
Caswell,	Hendee,	Overton,	Welch,
Claflin,	Henderson,	Page,	White, Harry
Clark, Rush	Hiscock,	Patterson, G. W.	White, Michael D.
Cole,	Hubbell,	Peddie,	Williams, Andrew
Conger,	Hunter,	Phillips,	Williams, C. G.
Cox, Jacob D.	Humphrey,	Pollard,	Williams, Richard
Crapo,	Hungerford,	Pound,	Wren.
Cummings,	Ittner,	Price,	

NAYS—145.

Acklen,	Cabell,	Dibrell,	Giddings,
Aiken,	Caldwell, John W.	Dickey,	Glover,
Atkins,	Caldwell, W. P.	Douglas,	Goode,
Banning,	Candler,	Durham,	Gunter,
Beebe,	Chalmers,	Eden,	Hamilton,
Bell,	Clark of Missouri,	Eickhoff,	Hardenbergh,
Benedict,	Clymer,	Elam,	Harris, Henry R.
Bicknell,	Cobb,	Ellis,	Harris, John T.
Blackburn,	Collins,	Evins, John H.	Harrison,
Bland,	Cook,	Ewing,	Hart,
Bliss,	Cox, Samuel S.	Felton,	Hartridge,
Blount,	Cravens,	Finley,	Hartzell,
Boone,	Crittenden,	Forney,	Hatcher,
Bouck,	Culberson,	Franklin,	Henkle,
Bragg,	Cutler,	Fuller,	Henry,
Bridges,	Davidson,	Garth,	Herbert,
Bright,	Davis, Joseph J.	Gause,	Hewitt, Abram S.
Buckner,	Dean,	Gibson,	Hewitt, G. W.

Hooker,	Money,	Scales,	Waddell,
House,	Morgan,	Schleicher,	Walker,
Hunton,	Morrison,	Shelley,	Walsh,
Jones, Frank	Muldrow,	Singleton,	Warner,
Jones, James T.	Muller,	Siemons,	Whitthorne,
Kenna,	Patterson, T. M.	Smith, William E.	Wigginton,
Kimmel,	Phelps,	Southard,	Williams, A. S.
Knapp,	Potter,	Sparks,	Williams, James
Ligon,	Pridemore,	Springer,	Williams, Jere N.
Lockwood,	Rea,	Steele,	Willis, Albert S.
Luttrell,	Reagan,	Stenger,	Willis, Benj. A.
Lynde,	Reilly,	Swann,	Wilson,
Mackey,	Rice, Americus V.	Throckmorton,	Wood,
Maish,	Riddle,	Townshend, R. W.	Wright,
Manning,	Robbins,	Tucker,	Yeates,
Martin,	Roberts,	Turner,	Young.
Mayham,	Robertson,	Turney,	
McKenzie,	Ross,	Vance,	
McMahon,	Sayler,	Veeder,	

NOT VOTING—31.

Baker, William H.	Covert,	Metcalfe,	Sapp,
Bisbee,	Freeman,	Mills,	Stephens,
Bundy,	Frye,	Morse,	Strait,
Camp,	Harris, Benj. W.	Powers,	Thornburgh,
Carlisle,	Killinger,	Pugh,	Townsend, M. I.
Chittenden,	Knott,	Quinn,	Watson,
Clark, Alvah A.	Landers,	Robinson, G. D.	Willits.
Clarke of Kentucky,	Loring	Robinson, M. S.	

So the motion to lay on the table was not agreed to.

During the roll-call the following announcements were made:

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE. If he were present, I should vote "no."

Mr. McCOOK. My colleague from New York, Mr. TOWNSEND, is paired with my colleague, Mr. COVERT. Mr. TOWNSEND, if here, would vote "ay" and Mr. COVERT "no."

Mr. ROBINSON, of Massachusetts. I am paired with the gentleman from Connecticut, Mr. LANDERS. If he were present, he would vote in the negative and I should vote in the affirmative.

Mr. SINNICKSON. My colleague, Mr. PUGH, is absent on account of severe illness in his family.

When the roll-call was concluded and had been read over by the Clerk, but before the result was announced,

Mr. BANKS said: Mr. Speaker, I notice that the name of the gentleman from Virginia, Mr. GOODE, has been read to the House as voting on this question. I object to his vote upon the ground that he is paired with my colleague, Mr. LORING.

The SPEAKER. That matter has been the subject of controversy already, but the Chair has nothing to do with it. Pairs do not come within the direction of the Chair. The Chair desires to state in this connection that the practice formerly was never to have pairs operate to prevent the consideration of business; they applied only to the merits of a subject when before the House.

Mr. BANKS. If the Chair and the House will allow me I will state briefly the reason of my objection. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. BANKS. I raise a question of order.

The SPEAKER. The gentleman will state it.

Mr. BANKS. I object to the vote of the gentleman from Virginia, Mr. GOODE, as recorded in the list just read, upon the ground that he has paired his vote against that of my colleague, Mr. LORING, who is unable to be here.

Mr. GOODE. I deny it.

Mr. BANKS. This pair, Mr. Speaker, was not made by the gentleman from Virginia and my colleague alone, but was made with the consent of the House upon an announcement to the House. I submit that no member has ever been allowed to vote under such circumstances, and no pair has ever been disregarded under such circumstances.

The SPEAKER. Neither the House nor the Chair has anything to do with pairs.

Mr. WOOD. The rules do not recognize them.

The SPEAKER. The rules do not recognize pairs.

Mr. BANKS. I appeal from that decision of the Chair.

The SPEAKER. The gentleman from Massachusetts appeals from the decision that the Chair has nothing to do with pairs.

Mr. GOODE. I submit that I have a right to be heard on this question. I rise to a question of personal privilege.

Mr. BANKS. I do not raise any question as to the duty of the Chair. I desire to state my point a little more clearly, if the Chair misunderstood me.

The SPEAKER. The Chair will be glad to hear it stated more clearly.

Mr. BANKS. My objection is not that the Chair has, or has not, anything to do with pairs. My objection is that the vote of the gentleman from Virginia should not be counted, because he has agreed to pair his vote with that of my colleague, and this has been done with the consent of the House.

Mr. GOODE. I will state to the gentleman from Massachusetts that he is mistaken.

Mr. BANKS. I ask a ruling upon the right of the gentleman to vote.

The SPEAKER. The Chair thinks he has nothing to do with the subject; but he is quite willing, if the gentleman from Massachusetts desires a ruling upon the question, to give one.

Mr. BANKS. I desire a ruling upon the right of a member to vote under these circumstances.

The SPEAKER. The Chair decides that he has no control whatever over pairs; that they are matters between individual members; that any questions arising out of pairs are to be determined by the members concerned; that neither the Chair nor even the House can determine such questions.

Mr. BANKS. I object to the recording of the gentleman's vote.

Mr. GOODE. In view of the statement which has been made on the other side, I ask to be heard.

Mr. BANKS. I object to the right of the gentleman to vote, and ask the ruling of the Chair.

The SPEAKER. The Chair has ruled that he has nothing to do with the question.

Mr. BANKS. Then I appeal from the decision of the Chair.

Mr. GOODE. I rise to a question of privilege. I submit that under the circumstances gentlemen on the other side ought certainly to be willing to hear what I have to say.

Mr. BANKS. I have no objection to that.

Mr. GOODE. Now, sir, I will make this statement: several days ago—about ten days ago—I received a note from the gentleman from Massachusetts, [Mr. LORING,] with whom my relations are of the most friendly and kindly character, stating to me that he was confined to his room by indisposition and asking me to pair with him. I do not remember the exact date; it was perhaps about ten days ago. I agreed that I would pair with him. That pair continued for several days, I cannot state now without reference to the RECORD exactly how many, until last Friday, when the gentleman from Massachusetts appeared in his seat upon this floor, remaining here for some time. I met him in the cloak-room and he stated to me that he was unwell, suffering from a bad cold, and that he desired to return to his quarters, and asked me if I would pair with him for that day. I said, "Certainly; it is entirely convenient to me; and I expect to leave today to accompany the Secretary of the Navy on his proposed visit to the Norfolk navy-yard." I went off on Friday afternoon, not supposing for an instant that the pair between the gentleman and myself was expected to continue longer than that day. I returned here on Tuesday morning and found the House engaged in the matter now under consideration. I did not suppose that I was under any obligation whatever to observe my pair with the gentleman from Massachusetts longer; but, finding him absent, as a matter of extreme courtesy and caution on my part, I addressed him a note from my seat stating that I had returned finding the House considering the matter now under consideration and that I intended to vote. I received a note from him stating that he was still unwell and expressing a hope that I would continue the pair with him still longer until he could make further arrangements, stating also that he had written to his colleague [Mr. CRAPO] to find another pair for him.

Not believing that I was in any sense bound longer, I still, as a matter of courtesy only and from my respect to the gentleman's wish and desire to accommodate him as far as I could, without any promise whatever on my part and without any answer to that note, abstained from voting throughout the day on Tuesday.

On Wednesday morning I addressed the gentleman a note, stating that the action of the republican members on this floor in preventing a quorum had in my judgment rendered it my duty as a Representative to cast my vote; and I accordingly notified him to that effect. That is all that occurred between us, and I undertake to say, sir, no matter what the gentleman from Massachusetts [Mr. BANKS] may say, that if Dr. LORING were here he would substantiate every word that I have said. And I do not believe he would take the position before this House that I was bound by any agreement to observe the pair longer than on Friday last. [Applause on the democratic side.]

Mr. BANKS. Upon the statement the honorable gentleman from Virginia has just made, if he understood he was paired but for one day with my colleague, I should not for one instant hold him to any further recognition of that obligation than for the day that it was made. But I was informed differently; and out of respect to the rights of my colleague and of the delegation to which I belong, as well as with regard to the importance of this question of pairing, which is one of the most important matters that occur in our proceedings I thought it my duty to call the attention of the House to it. But upon the statement the gentleman has made I have no desire to proceed further.

The SPEAKER. The Chair only desires further to say that the name of the gentleman from Virginia was called and he voted as was his right under the Constitution and under the rules of the House, and that the Chair has nothing to do with preventing him from voting.

Mr. BANKS. The Chair will allow me to say that if the gentleman from Virginia had agreed to pair with my colleague and that pair had been reported to the House and had received its sanction, he had no right to vote until he was released from the obligation.

The SPEAKER. The House never sanctions pairs. It never takes any cognizance of them. It is a matter of convenience among members only and they put themselves into the CONGRESSIONAL RECORD thereby. They do not go on the Journal at all as paired. Gentlemen who are paired stand there as absentees. [Cries of "Regular order!"]

Mr. BAYNE. I desire to announce that my colleague from Pennsyl-

vania, Mr. WATSON, is paired with Mr. CLARKE, of Kentucky, on all political questions. Mr. WATSON, if present, would vote "ay."

The result of the vote was then announced as above recorded.

Mr. POTTER moved to reconsider the vote by which the motion to lay the resolution on the table was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE, of Pennsylvania. I move that the House do now adjourn.

The question being taken on the motion to adjourn, it was not agreed to.

The SPEAKER. The question recurs, Shall the main question be now put?

Mr. HALE. Let us have the yeas and nays on ordering the main question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nay 1, not voting 143; as follows:

YEAS—147.

Acklen,	Dibrell,	House,	Sayler,
Aiken,	Dickey,	Hunton,	Scales,
Atkins,	Douglas,	Jones, Frank	Schleicher,
Banning,	Durham,	Jones, James T.	Shelley,
Beebe,	Eden,	Kenna,	Singleton,
Bell,	Eickhoff,	Kimmel,	Siemons,
Benedict,	Elam,	Knapp,	Smith, William E.
Bicknell,	Ellis,	Ligon,	Southard,
Blackburn	Evins, John H.	Lockwood,	Sparks,
Bland,	Ewing,	Luttrell,	Springer,
Bliss,	Felton,	Lynde,	Steele,
Blount,	Finley,	Mackey,	Stenger,
Boone,	Forney,	Maish,	Swann,
Bouck,	Franklin,	Manning,	Throckmorton,
Bragg,	Fuller,	Martin,	Townshend, R. W.
Bridges,	Garth,	Mayham,	Tucker,
Bright,	Gause,	McKenzie,	Turner,
Buckner,	Gibson,	McMahon,	Turney,
Cabell,	Giddings,	Mills,	Vance,
Caldwell, John W.	Glover,	Money,	Veeder,
Caldwell, W. P.	Goode,	Morgan,	Waddell,
Candler,	Gunter,	Morrison,	Walker,
Chalmers,	Hamilton,	Muldrow,	Walsh,
Clark, Alvah A.	Hardenbergh,	Muller,	Warner,
Clark of Missouri,	Harris, Henry R.	Patterson, T. M.	Whitthorne,
Clymer,	Harris, John T.	Phelps,	Wigginton,
Cobb,	Harrison,	Potter,	Williams, A. S.
Collins,	Hart,	Pridemore,	Williams, James
Cook,	Hartridge,	Rea,	Williams, Jere N.
Cox, Samuel S.	Hartzell,	Reagan,	Willis, Albert S.
Cravens,	Hatcher,	Reilly,	Willis, Benj. A.
Crittenden,	Henkle,	Rice, Americus V.	Wilson,
Culberson,	Henry,	Riddle,	Wood,
Cutler,	Herbert,	Robbins,	Wright,
Davidson,	Hewitt, Abram S.	Roberts,	Yeates,
Davis, Joseph J.	Hewitt, G. W.	Robertson,	Young.
Dean,	Hooker,	Ross,	

NAY—1.

Morse.

NOT VOTING—143.

Aldrich,	Cummings,	Joyce,	Reed,
Bacon,	Danford,	Keifer,	Rice, William W.
Bagley,	Davis, Horace	Keightley,	Robinson, G. D.
Baker, John H.	Deering,	Kelley,	Robinson, M. S.
Baker, William H.	Denison,	Ketcham,	Ryan,
Ballou,	Dunnell,	Killinger,	Sampson,
Banks,	Dwight,	Knott,	Sapp,
Bayne,	Eames,	Landers,	Sexton,
Bisbee,	Ellsworth,	Lapham,	Shallenberger,
Blair,	Errett,	Lathrop,	Sinnickson,
Boyd,	Evans, I. Newton	Lindsey,	Smalls,
Brentano,	Evans, James L.	Loring,	Smith, A. Herr
Brewer,	Fort,	Marsh,	Starin,
Briggs,	Foster,	McCook,	Stephens,
Brogden,	Freeman,	McGowan,	Stewart,
Browne,	Frye,	McKinley,	Stone, John W.
Bundy,	Gardner,	Metcalfe,	Stone, Joseph C.
Burchard,	Garfield,	Mitchell,	Strait,
Burdick,	Hale,	Monroe,	Thompson,
Butler,	Hanna,	Neal,	Thornburgh,
Cain,	Harmer,	Norcross,	Tipton,
Calkins,	Harris, Benj. W.	Oliver,	Townsend, Amos
Camp,	Haskell,	O'Neill,	Townsend, M. I.
Campbell,	Hayes,	Overton,	Van Vorhes,
Cannon,	Hazelton,	Page,	Wait,
Carlisle,	Hendee,	Patterson, G. W.	Ward,
Caswell,	Henderson,	Peddie,	Watson,
Chittenden,	Hiscock,	Phillips,	Welch,
Claflin,	Hubbell,	Pollard,	White, Harry
Clark, Rush	Hunter,	Pound,	White, Michael D.
Clarke of Kentucky,	Humphrey,	Powers,	Williams, Andrew
Cole,	Hungerford,	Price,	Williams, C. G.
Conger,	Ittner,	Pugh,	Williams, Richard
Covert,	James,	Quinn,	Willits,
Cox, Jacob D.	Jones, John S.	Rainey,	Wren.
Crapo,	Jorgensen,	Randolph,	

So the main question was ordered.

During roll-call the following proceedings took place:

Mr. KNOTT. I am paired with Mr. FRYE. I would vote "ay," if he were present.

Mr. WELCH, (who had voted in the negative.) I desire to withdraw my vote. [Cries of "Object!"]

Mr. BLAIR, (who had voted in the negative.) Having voted under a misapprehension, I withdraw my vote. [Cries of "Object!"]

The SPEAKER. The Chair asks that as the gentleman states that he voted under a misapprehension he be allowed to withdraw his vote.

Mr. GARFIELD. I never knew that privilege to be refused in the House.

The SPEAKER. The Chair suggests that there need not be any controversy.

Mr. BLAIR. I do not anticipate that there will be any.

The SPEAKER. The gentleman from New Hampshire [Mr. BLAIR] withdraws his vote, and the gentleman from Nebraska [Mr. WELCH] asks the same privilege. The Chair hears no objection, and the votes are withdrawn.

Mr. ROBINSON, of Massachusetts. I desire to say that I am paired with Mr. LANDERS, of Connecticut.

The SPEAKER. On ordering the main question there are yeas 147, nay 1. [Applause.] So the main question is ordered; and the question recurs on the adoption of the preamble and resolution of the gentleman from New York, [Mr. POTTER.]

Mr. HALE. Upon that question I ask for a division.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GARFIELD. I desire to call attention to the fact that the names were not read upon the last vote.

The SPEAKER. The Chair, then, will cause them to be read now.

Mr. GARFIELD. I do not make the point. I suppose it was overlooked, but there might be some mistake in recording the vote.

The SPEAKER. The Chair will have the names read so as to guard against mistakes.

The Clerk then read the names upon the last roll-call.

Mr. MILLS. I desire again to make my appeal to the gentleman from New York and to the House to hear me for ten minutes. [Loud cries of "Hear him!" from the republican side of the House and "Regular order!" from the democratic side of the House.]

Mr. POTTER. It is with extreme regret that I do not feel at liberty to yield to the request of my friend from Texas.

The question was taken on the adoption of the preamble and resolution; and there were—yeas 146, nays 2, not voting 143; as follows:

YEAS—146.

Acklen,	Dibrell,	House,	Scales,
Aiken,	Dickey,	Hunton,	Schleicher,
Atkins,	Douglas,	Jones, Frank	Shelley,
Banning,	Durham,	Jones, James T.	Singleton,
Beebe,	Eden,	Kenna,	Siemons,
Bell,	Eickhoff,	Kimmel,	Smith, William E.
Benedict,	Elam,	Knapp,	Southard,
Bicknell,	Ellis,	Ligon,	Sparks,
Blackburn,	Evins, John H.	Lockwood,	Springer,
Bland,	Ewing,	Luttrell,	Steele,
Bliss,	Felton,	Lynde,	Stenger,
Blount,	Finley,	Mackey,	Swann,
Boone,	Forney,	Maish,	Throckmorton,
Bouck,	Franklin,	Manning,	Townshend, R. W.
Bragg,	Fuller,	Martin,	Tucker,
Bridges,	Garth,	Mayham,	Turner,
Bright,	Gause,	McKenzie,	Turney,
Buckner,	Gibson,	McMahon,	Vance,
Cabell,	Giddings,	Money,	Veeder,
Caldwell, John W.	Glover,	Morgan,	Waddell,
Caldwell, W. P.	Goode,	Morrison,	Walker,
Candler,	Gunter,	Muldrow,	Walsh,
Chalmers,	Hamilton,	Muller,	Warner,
Clark, Alvah A.	Hardenbergh,	Patterson, T. M.	Whitthorne,
Clark of Missouri,	Harris, Henry R.	Phelps,	Wigginton,
Clymer,	Harris, John T.	Potter,	Williams, A. S.
Cobb,	Harrison,	Pridemore,	Williams, James
Collins,	Hart,	Rea,	Williams, Jere N.
Cook,	Hartridge,	Reagan,	Willis, Albert S.
Cox, Samuel S.	Hartzell,	Reilly,	Willis, Benj. A.
Cravens,	Hatcher,	Rice, Americus V.	Wilson,
Crittenden,	Henkle,	Riddle,	Wood,
Culberson,	Henry,	Robbins,	Wright,
Cutler,	Herbert,	Roberts,	Yeates,
Davidson,	Hewitt, Abram S.	Robertson,	Young.
Davis, Joseph J.	Hewitt, G. W.	Ross,	
Dean,	Hooker,	Sayler,	

NAYS—2.

Mills,	Morse.

NOT VOTING—143.

Aldrich,	Cannon,	Fort,	Joyce,
Bacon,	Carlisle,	Foster,	Keifer,
Bagley,	Caswell,	Freeman,	Keightley,
Baker, John H.	Chittenden,	Frye,	Kelley,
Baker, William H.	Claflin,	Gardner,	Ketcham,
Ballou,	Clark, Rush	Garfield,	Killinger,
Banks,	Clarke of Kentucky,	Hale,	Knott,
Bayne,	Cole,	Hanna,	Landers,
Bisbee,	Conger,	Harmer,	Lapham,
Blair,	Covert,	Harris, Benj. W.	Lathrop,
Boyd,	Cox, Jacob D.	Haskell,	Lindsey,
Brentano,	Crapo,	Hayes,	Loring,
Brewer,	Cummings,	Hazelton,	Marsh,
Briggs,	Danford,	Hendee,	McCook,
Brogden,	Davis, Horace	Henderson,	McGowan,
Browne,	Deering,	Hiscock,	McKinley,
Bundy,	Denison,	Hubbell,	Metcalfe,
Burchard,	Dunnell,	Humphrey,	Mitchell,
Burdick,	Dwight,	Hungerford,	Monroe,
Butler,	Eames,	Hunter,	Neal,
Cain,	Ellsworth,	Ittner,	Norcross,
Calkins,	Errett,	James,	Oliver,
Camp,	Evans, I. Newton	Jones, John S.	O'Neill,
Campbell,	Evans, James L.	Jorgensen,	Overton,

Page,	Reed,	Starin,	Wait,
Patterson, G. W.	Rice, William W.	Stephens,	Ward,
Peddie,	Robinson, G. D.	Stewart,	Watson,
Phillips,	Robinson, M. S.	Stone, John W.	Welch,
Pollard,	Ryan,	Stone, Joseph C.	White, Harry
Pound,	Sampson,	Strait,	White, Michael D.
Powers,	Sapp,	Thompson,	Williams, Andrew
Price,	Sexton,	Thornburgh,	Williams, C. G.
Pugh,	Shallenberger,	Tipton,	Williams, Richard
Quinn,	Sinnickson,	Townsend, Amos	Willits,
Rainey,	Smalls,	Townsend, M. I.	Wren.
Randolph,	Smith, A. Herr	Van Vorhes,	

So the preamble and resolution were adopted.

During the call of the roll,

Mr. COVERT said: I am paired with my colleague, Mr. MARTIN I. TOWNSEND. If he were present, I would vote "ay."

Mr. POTTER. I move to reconsider the vote by which the preamble and resolution were adopted; and also move to lay the motion to reconsider on the table.

Mr. GARFIELD. And on that motion I call for the yeas and nays.

Mr. LUTTRELL. According to the last vote the gentleman from Ohio and all his republican friends were absent.

Mr. POTTER. I will not detain the House longer to-night, and will withdraw the motion to reconsider and table.

Mr. HALE. I give notice that on to-morrow——

The SPEAKER. Did the gentleman vote on the prevailing side?

Mr. HALE. I have not completed my announcement; it has no reference to this matter.

The SPEAKER. The Chair understood the gentleman to say that to-morrow he would move to reconsider the vote just taken. The confusion makes it difficult to hear.

Mr. HALE. I did not say that; I have no announcement to make in regard to that matter.

The SPEAKER. What notice does the gentleman give?

Mr. HALE. I do not enter any motion now.

The SPEAKER. The Chair, as he has already stated, will hear any gentleman who has any resolution to offer on this subject.

Mr. COX, of New York. I renew the motion to reconsider and lay on the table, so as to wind up this matter.

Mr. HALE. Let us have the yeas and nays on that.

Mr. POTTER. Gentlemen around me say they do not wish to be detained here longer to-day, and I will therefore move that the House now adjourn.

The SPEAKER. Pending the motion to adjourn the Chair desires to lay before the House a message from the President.

Mr. HALE. Has the call for the yeas and nays been withdrawn?

The SPEAKER. The motion to reconsider and table has been withdrawn.

Mr. GARFIELD. I did not understand the gentleman from New York [Mr. COX] to withdraw that motion.

The SPEAKER. The gentleman from New York [Mr. POTTER] moves that the House now adjourn.

Mr. COX, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. Is there not a motion pending to lay on the table the motion to reconsider the last vote?

The SPEAKER. There is no motion to reconsider pending; the Chair understood that motion to be withdrawn by the gentleman from New York, [Mr. POTTER.] The motion to adjourn is now pending. [Cries of "Regular order!"]

The motion of Mr. POTTER was then agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANKS: Memorial of H. D. Jarves, of the National Home for Disabled Volunteer Soldiers, Tagus, Maine, for the amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. BELL: The petition of G. A. Greenwood and 35 other citizens of Georgia, that he be relieved from a judgment of the district court of the United States for the northern district of Georgia—to the Committee on the Judiciary.

By Mr. ERRETT: Resolutions of the Birmingham Council, No. 260, Order of United American Mechanics, of Pittsburgh, Pennsylvania, opposing any reduction of the tariff—to the Committee of Ways and Means.

By Mr. FELTON: The petition of Mathias Bates, for a rehearing of his war claim—to the Committee on War Claims.

By Mr. HARDENBERGH: The petition of merchants and others of New York and New Jersey, for the abolition of compulsory pilotage—to the Committee on Commerce.

By Mr. MORSE: The petition of David Wilcox & Co. and 300 others, citizens of Boston, for the abolition of the duty on hatters' black silk plush—to the Committee of Ways and Means.

By Mr. TUCKER: The petition of citizens of Amherst County, Virginia, for the passage of the Texas and Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. WILLIAMS, of Delaware: The petition of the trustees of Delaware College, for the passage of the bill (H. R. No. 3542) to apply the proceeds of the sale of public lands to the education of the people—to the Committee on Education and Labor.

By Mr. WRIGHT: The petition of 378 citizens of the United States, for the passage of the bill (H. R. No. 110) providing for a temporary loan to the poor of the country—to the Committee on Public Lands.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 18, 1878.

The House met at eleven o'clock a. m. The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. COOK. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. COOK. On the passage of the preamble and resolution yesterday, I am recorded in the Journal as not voting. I was present and voted "ay," as my colleague, [Mr. HARTRIDGE,] who was near me at the time, can certify.

The SPEAKER. The Journal will be corrected.

The Journal, as corrected, was then approved.

PERSONAL EXPLANATION.

Mr. STEPHENS, of Georgia. I desire to supply a deficiency in the RECORD as regards myself. I announced yesterday that I was paired with Mr. HARRIS, of Massachusetts. I afterward absented myself from the House by leave of the House, and I do not see any announcement in the RECORD that I was absent by leave when the vote was taken upon the passage of the preamble and resolution. I desire further to state that if I had been present and not paired I would have voted against the preamble and resolution as adopted.

ELECTION CONTEST—RICHARDSON VS. RAINEY.

Mr. ELLIS, from the Committee on Elections, submitted a report, with an accompanying resolution, in the contested-election case of Richardson *vs.* Rainey, in the first congressional district of South Carolina.

The resolution was read, as follows:

Resolved, That there was no free, fair, and peaceable election in the first congressional district of South Carolina, in November, 1876, and that neither Joseph H. Rainey nor John S. Richardson is entitled to a seat from said district in the Forty-fifth Congress by virtue of said election, and that said seat is hereby declared vacant.

Mr. ELLIS. I desire to give notice that on Thursday next I will call up the report and resolution in this case.

Mr. HALE. Is there a minority report in this case?

The SPEAKER. The Chair was about to inquire.

Mr. THORNBURGH. I think the gentleman from New York, [Mr. HISCOCK,] of the Committee of Elections, has a minority report prepared in this case, but I do not see him in his seat.

The SPEAKER. The Chair will allow the minority report to come in as though presented at this time, and the two reports will be presented together as usual.

Mr. DURHAM. I rise to make a privileged report.

INDIAN APPROPRIATION BILL.

The SPEAKER. The Chair appoints Mr. SPARKS, Mr. SINGLETON, and Mr. BAKER of Indiana, the conferees on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1879, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 930) granting a pension to Mary B. Marsh;

An act (H. R. No. 251) for the relief of James J. Waring, of Savannah, Georgia;

An act (H. R. No. 3121) for the relief of Numis H. Coverdale;

An act (H. R. No. 3570) granting an increase of pension to John Murphy, late private Company F, Fifth Regiment United States Infantry;

An act (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation in the State of New York; and

Joint resolution (H. R. No. 151) directing the Secretary of the Treasury to refund to the Society of the Sons of St. George, established at Philadelphia, the sum of $1,440.25, in gold, being the amount paid by said society upon a colossal statue of St. George and the Dragon.

LEAVE TO PRINT.

Mr. KELLEY. I ask unanimous consent to have printed in the RECORD some remarks in response to remarks of the gentleman from New York [Mr. HEWITT] and the gentleman from Maine [Mr. FRYE] on the repeal of the bankrupt law.

There being no objection, leave was granted. [See Appendix.]

Mr. BURCHARD. I ask permission to have printed some remarks in regard to the internal revenue.

There being no objection, leave was granted.

DISTRICT OF COLUMBIA.

Mr. MAYHAM, from the Committee for the District of Columbia, reported back, with amendments, bills of the following titles; which were ordered to be printed and recommitted, not to be brought back on a motion to reconsider:

A bill (H. R. No. 4785) for the improvement of the sewerage of the city of Washington, in the District of Columbia, and for other purposes; and

A bill (H. R. No. 4810) to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes.

COMPLETION OF WASHINGTON MONUMENT.

Mr. FOSTER. I ask that the amendments of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument be taken from the Speaker's table and non-concurred in.

There being no objection, it was ordered accordingly.

Mr. FOSTER moved to reconsider the vote by which the amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York. Mr. Speaker, what is the regular order?

The SPEAKER. The morning hour, unless some matter of higher privilege intervenes.

Mr. COX, of New York. Is there any unfinished business coming over from last evening?

Mr. DURHAM. I rise to make a privileged report—a report from a conference committee.

Mr. COX, of New York. I rise to a personal question.

The SPEAKER. The Chair will hear the gentleman from New York in a few moments. The gentleman from Kentucky [Mr. DURHAM] rises to make a privileged report.

WEST POINT APPROPRIATION BILL.

Mr. DURHAM submitted a report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 2507, making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, having met, after full and free conference, have been unable to agree.

M. J. DURHAM,
HIESTER CLYMER,
A. HERR SMITH,
Managers on the part of the House.
WM. WINDOM,
J. G. BLAINE,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. DURHAM. I move that the House insist on its disagreement to the amendments of the Senate and ask a further conference.

The motion was agreed to.

Mr. DURHAM moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEOLOGICAL AND GEOGRAPHICAL ATLAS OF COLORADO, ETC.

Mr. SINGLETON. The Committee on Printing have directed me to report the following as a substitute for a resolution referred to that committee:

Resolved by the House of Representatives, (the Senate concurring,) That there be bound 300 copies of the Geological and Geographical Atlas of Colorado and portions of the adjacent territory under the Hayden survey; one copy for distribution to each Senator and Member of the House of Representatives and Delegate from the Territories; the balance for distribution by the office of the survey; the style of binding to be determined by the joint committee of the two Houses on printing.

I call the previous question on the adoption of this resolution.

The previous question was seconded and the main question ordered; under the operation of which the resolution was adopted.

Mr. SINGLETON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURETIES OF JOHN M'NELLIS.

Mr. PHELPS. I ask unanimous consent to report from the Committee of Ways and Means, for present consideration, as a substitute for House bill No. 543, a bill (H. R. No. 4874) for the relief of the sureties of John McNellis.

The bill was read for information. It provides that Jeremiah Collins and Martin Hynds, sureties upon a certain bond of John McNellis, of Grundy County, Illinois, to the United States, bearing date May 1, 1871, and Philip Collins and Harrison Enix, sureties upon a certain other bond of McNellis to the United States, dated April 29, 1872, be released and discharged from liability or payment of money under said bonds, or either of them, and from the payment of any judgment or judgments entered upon said bonds, or either of them. The Commissioner of Internal Revenue is authorized and directed to cancel and release two certain judgments heretofore entered upon said bonds, respectively, in the United States circuit court for the northern district of Illinois against McNellis and his sureties, or any of them.

Mr. DUNNELL. Is there a written report?

The SPEAKER. There is.

Mr. DUNNELL. I call for the reading of the report.

The report was read, as follows:

The Committee of Ways and Means, to whom was referred House bill No. 543, authorizing the Secretary of the Treasury to credit on certain judgments obtained by the Government of the United States against John McNellis and his sureties, the taxes assessed on certain spirits destroyed by fire, and the interest and penalties added thereto, have had the same under consideration, and submit the following report:

John McNellis, of Aux Sable, Grundy County, Illinois, was on the 1st day of May, 1871, a distiller of spirits at that place, and as such executed a bond to the United States in the penal sum of $30,000, in which Jeremiah Collins and Martin Hynds became obligated as sureties. He continued in the prosecution of the business until the 1st day of May, 1872, when he executed another and similar bond for $35,000, in which Philip Collins and Harrison Enix were sureties.

On the 6th day of May, 1872, his distillery, warehouse, and other buildings connected therewith, were entirely destroyed by an accidental fire, at which time there were in said buildings, in the custody of a United States storekeeper, 17,348 taxable gallons of spirits. The warehouse in which the spirits were situated was near the distillery from which the fire was communicated, and the storekeeper would not allow the spirits to be removed until the fire had reached the warehouse, and there was then insufficient time to save but a small part, unless additional openings for the purpose were made through the building which the storekeeper, in his unreasonably strict interpretation of the law, refused to permit. Of the 17,348 gallons in the warehouse only 4,675 gallons were saved.

In April, 1871, McNellis forwarded from his distillery at Aux Sable three hundred and fifty barrels of distilled spirits manufactured by him there to the United States warehouse in Chicago, known as the Burlington warehouse, which was accidentally destroyed by fire on the 30th day of September, 1871, while all said spirits were stored therein, on which he had previously paid to the Government $13,955.90 in taxes and for stamps. These spirits were entirely destroyed and all the barrels in which they were contained were duly stamped and numbered, and McNellis was at the time of their destruction the owner of them and also owned the distillery and other buildings and their contents at Aux Sable when destroyed, and all said property was uninsured.

The United States ganger at Aux Sable had on the day of the fire, which broke out in the cupola of the building about nine o'clock in the evening, been ganging the spirits in the distillery and placing them in the warehouse. His custom was to stamp the barrels containing the spirits so ganged and remove them from the warehouse on the day they were stamped. On that day he sent for stamps which he had previously ordered from the United States collector of that district and which the collector or his deputy had promised should be ready, but they were not to be had, and consequently the barrels containing 12,673 gallons remained in the building unstamped and were destroyed.

The United States collector for that district had in his possession and subject to his order for the payment of United States taxes money sufficient to cancel the same as they accrued, but neglected to apply them to that purpose, and also neglected to make distraint and sale of property and enforcement of the Government lien thereon, although there was at all times prior to the destruction of the same by fire sufficient available for the purpose.

McNellis is insolvent from the aforesaid destruction of his property and business.

McNellis appears to have been a very honest man, with large pecuniary means and credit, but very illiterate, being unable to either read or write, and therefore to avoid any irregularity in his business or default in the payment of his taxes had made the aforesaid arrangement with his banker and the collector.

After his property was destroyed by fire he erected a new warehouse and distillery and placed in the latter the necessary machinery of the most perfect character for the successful prosecution of his business. These buildings and machinery were provided at an expense of $30,000, and entirely absorbed his remaining means. All this property was subsequently distrained by the Government and sold, and the net proceeds, amounting to only some $2,400, applied toward the liquidation of the taxes, penalties, and interest which had accrued. Upon this sale the Government was the purchaser, and it still holds the title to the property for a consideration greatly below its cost and value, and the time for redemption of the same has expired.

In February, 1876, the Government of the United States commenced suits on both said bonds in the circuit court for the northern district of Illinois for taxes for the months of February, March, April, and May, 1872, and subsequently recovered judgment in the suit on the first-mentioned bond for $15,691.51, and in that on the other, which related only to the fractional part of the month of May prior to the fire, for $497.50, including penalties and interest.

Most of the matters here found were pleaded in those actions and held by the court to constitute an insufficient legal defense.

The committee are of opinion that both the loss of the spirits by the fire at Aux Sable and the failure to promptly collect the taxes, included in said judgments, were owing to the misjudgment and neglect of the local revenue officers of the Government, and that the case presents very strong equitable claims to relief, and therefore recommend the passage of the accompanying substitute for the bill referred to them.

There being no objection, the House proceeded to the consideration of House bill No. 4874; which was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY BILL.

The SPEAKER announced that he had appointed the following gentlemen as the conferees on the part of the House on the disagreeing votes of the two Houses on the Military Academy appropriation bill: Mr. DURHAM, Mr. CLYMER, and Mr. SMITH of Pennsylvania.

FISHERY-COMMISSION AWARD.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I herewith transmit for your appropriate action a communication from the Secretary of State on the subject of the result of the deliberations of the fishery commission appointed under certain provisions of the treaty of Washington, with the accompanying documents.

Article 22 of the treaty provides that any sum of money which the commissioners may award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

The commission announced the result of its deliberations on the 23d day of November, last year, and an appropriation at the present session of Congress will be necessary to enable the Government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction as presented upon the papers, and recommend an appropriation of the necessary sum with such discretion to the Executive Government in regard to its payment as in the wisdom of Congress the public interests may seem to require.

R. B. HAYES.

EXECUTIVE MANSION, *May* 17, 1878.

Mr. SWANN moved that the message and accompanying documents be referred to the Committee on Foreign Affairs, with leave to have them printed if the committee deem it necessary.

The motion was agreed to.

EXECUTIVE DOCUMENTS.

The SPEAKER. There is a large accumulation of executive documents upon the Speaker's table, and if there be no objection the Chair will take the liberty of presenting them to the House for reference to the appropriate committees.

Mr. MILLS. I object in order that we may have a morning hour.

ORDER OF BUSINESS.

Mr. REAGAN. I demand the regular order of business.

The SPEAKER. The regular order is the unfinished business coming over from Saturday last, which is a bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. HEWITT, of New York. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up for consideration the Army appropriation bill.

Mr. REAGAN. I wish to inquire whether, if the motion of the gentleman of New York should be adopted and the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of the Army appropriation bill, the effect will be to displace, as the unfinished business in order before the House, the bill to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The SPEAKER. The technical motion would be for the gentleman from New York to raise the question of consideration as against the unfinished business, which would leave that unfinished business to stand, if the House resolved itself into the Committee of the Whole on the state of the Union, to come up again as unfinished business without loss of position.

Mr. REAGAN. If it is the purpose of the House to go into Committee of the Whole on the state of the Union, I trust then that unfinished business will not be displaced.

The SPEAKER. Raising the question of consideration is the practical mode of testing the sense of the House between the Army appropriation bill and the interstate commerce bill, which comes up as unfinished business.

Mr. HEWITT, of New York. I raise, then, the question of consideration, for the purpose, as I have already indicated, of moving to go into the Committee of the Whole on the state of the Union to take up the Army appropriation bill.

Mr. STENGER. Let me inquire of the gentleman from Texas whether the substitute which he proposed for the interstate commerce bill has yet been printed?

Mr. REAGAN. It has been printed and is in the document-room.

Mr. STENGER. But has not yet been distributed to members.

Mr. BUTLER. I rose a while ago for the purpose of calling up the motion to reconsider the vote by which a bill (H. R. No. 3079) to provide means for giving official notice of the acts of the Government, and to provide for the advertisements required by the several Departments of the Government, was recommitted to the Commitee on the Judiciary.

The SPEAKER. The gentleman has the right to raise the question of consideration as against the unfinished business.

Mr. BUTLER. I will leave those two gentlemen to fight it out.

Mr. KENNA. I wish to make a parliamentary inquiry. If on that question of consideration the Army appropriation bill should now be taken up——

The SPEAKER. If the question is raised on the consideration of the bill in reference to interstate commerce and the House determines not to proceed with that business at this time, the gentleman from New York will be recognized and he will then find himself in antagonism with the gentleman from Massachusetts, who rises to call up a motion to reconsider.

Mr. KENNA. My inquiry goes further. If the motion of the gentleman from New York should prevail and the Army appropriation bill taken up, after that is disposed of what will be the condition of the unfinished business? Would it then come up for consideration?

The SPEAKER. It would come up as the unfinished business in regular order.

Mr. REAGAN. I ask for a division on the question of consideration.

The House divided; and there were ayes 34, noes not counted.

Mr. REAGAN. No further count is desired.

So the House refused to proceed to the consideration of the unfinished business.

NEW MINTS AND METRIC SYSTEM.

Mr. STEPHENS, of Georgia, by unanimous consent, moved that all the additional testimony taken by the Committee on Coinage, Weights, and Measures upon the subject of new mints, and all testimony taken by the same committee on the subject of weights and measures and the metric system in connection therewith, be printed for the use of the House.

The motion was agreed to.

Mr. HEWITT, of New York. I now move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up the Army appropriation bill.

PERSONAL EXPLANATION.

Mr. COX, of New York. I beg to withdraw a motion I understood I made last evening and which I think is outstanding, not having been withdrawn by myself. I now withdraw it.

The SPEAKER. The Chair thinks the gentleman did not make his motion, or it was made subsequent to the motion to adjourn. Under the understanding the Chair recognized the gentleman from Maine [Mr. HALE] and the gentleman from New York [Mr. POTTER] as having control of the subject on their respective sides.

Mr. COX, of New York. The RECORD shows I made the motion.

The SPEAKER. After the motion to adjourn.

Mr. COX, of New York. Not after the motion to adjourn. But I do not care about having a controversy in regard to it. I withdraw the motion. I send to the reporters to be printed the extract from the RECORD.

The extract is as follows:

Mr. POTTER. I move to reconsider the vote by which the preamble and resolution were adopted; and also move to lay the motion to reconsider on the table.

Mr. GARFIELD. And on that motion I call for the yeas and nays.

Mr. LUTTRELL. According to the last vote the gentleman from Ohio and all his republican friends were absent.

Mr. POTTER. I will not detain the House longer to-night, and will withdraw the motion to reconsider and table.

Mr. HALE. I give notice that on to-morrow——

The SPEAKER. Did the gentleman vote on the prevailing side?

Mr. HALE. I have not completed my announcement; it has no reference to this matter.

The SPEAKER. The Chair understood the gentleman to say that to-morrow he would move to reconsider the vote just taken. The confusion makes it difficult to hear.

Mr. HALE. I did not say that; I have no announcement to make in regard to that matter.

The SPEAKER. What notice does the gentleman give?

Mr. HALE. I do not enter any motion now.

The SPEAKER. The Chair, as he has already stated, will hear any gentleman who has any resolution to offer on this subject.

Mr. COX, of New York. I renew the motion to reconsider and lay on the table, so as to wind up this matter.

Mr. HALE. Let us have the yeas and nays on that.

Mr. POTTER. Gentlemen around me say they do not wish to be detained here longer to-day, and I will, therefore, move that the House now adjourn.

The SPEAKER. Pending the motion to adjourn the Chair desires to lay before the House a message from the President.

Mr. HALE. Has the call for the yeas and nays been withdrawn?

The SPEAKER. The motion to reconsider and table has been withdrawn.

Mr. GARFIELD. I did not understand the gentleman from New York [Mr. COX] to withdraw that motion.

The SPEAKER. The gentleman from New York [Mr. POTTER] moves that the House now adjourn.

Mr. COX, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. Is there not a motion pending to lay on the table the motion to reconsider the last vote?

The SPEAKER. There is no motion to reconsider pending; the Chair understood that motion to be withdrawn by the gentleman from New York. [Mr. POTTER.] The motion to adjourn is now pending. [Cries of "Regular order!"]

INTERSTATE COMMERCE.

Mr. REAGAN. I desire to call the attention of the House to the fact that the substitute for the bill to regulate interstate commerce which was ordered yesterday morning to be printed has been printed and is ready for distribution. I give this notice that gentlemen may examine it, as I wish to insist on the earliest disposition of the bill.

ANNA ELLA CARROLL.

Mr. BRAGG, by unanimous consent, from the Committee on Military Affairs, reported back the memorial of Anna Ella Carroll, of Maryland, praying for compensation for services rendered to the United States during the late civil war, and accompanying documents; which were recommitted to the same committee, and ordered to be printed.

LEAVE TO PRINT.

Mr. STONE, of Michigan, by unanimous consent, obtained leave to print some remarks in the CONGRESSIONAL RECORD on the subject of finance. [See Appendix.]

DELEGATE FROM THE INDIAN TERRITORY.

Mr. THROCKMORTON, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 4868) to authorize the appointment of a Delegate to the House of Representatives by the council of the Indian tribes resident in the Indian Territory; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted to the same committee, not to be brought back by a motion to reconsider.

HARRY E. WILLIAMS.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 4869) granting a pension to Harry E. Williams, late hospital steward One hundred and thirty-sixth Regiment Pennsylvania Volunteers, for disability received from disease contracted in said service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABNER HOOPES.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 4870) granting a pension to Abner Hoopes, late private in Company F, First Regiment Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC DENNIS.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 4871) granting a pension to Isaac Dennis, a teamster in the service of the United States in the late war, disabled by disease contracted in said service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION APPROPRIATION BILL.

Mr. SMITH, of Pennsylvania, by unanimous consent, from the Committee on Appropriations, reported back the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, with amendments by the Senate, and moved that the House non-concur in the Senate amendments and asked for a committee of conference.

The motion was agreed to.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair announces as the conferees on the part of the House on the pension appropriation bill Mr. SMITH of Pennsylvania, Mr. HEWITT of New York, and Mr. SPARKS of Illinois.

SPRINGFIELD AND NEW LONDON RAILROAD COMPANY.

Mr. ROBINSON, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4872) granting a right of way across Water Shops Pond in Springfield, Massachusetts, to the Springfield and New London Railroad Company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes; and

An act (S. No. 926) for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory.

JAMES J. CORIDON.

Mr. FINLEY, by unanimous consent, presented an application of James J. Coridon, for allowances for services as messenger from November 1 to November 15, 1877, amounting to $69.50; which was referred to the Committee of Accounts.

INTEREST DUE CHICKASAW NATION.

Mr. GUNTER, by unanimous consent, from the Committee on Indian Affairs, reported back, with amendments, a bill (H. R. No. 3729) to provide for the payment of arrears of interest due the Chickasaw Nation; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. PAGE. I desire to present a minority report, and ask that it be printed and referred with the report of the majority of the committee to the Committee of the Whole on the Private Calendar.

There was no objection, and it was so ordered.

ISABELLA J. RAMSDELL.

Mr. VEEDER, by unanimous consent, introduced a bill (H. R. No. 4873) granting a pension to Isabella J. Ramsdell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY SHAY.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 4875) granting a pension to Mrs. Mary Shay, mother of Miles Shay, late private in Company H, Seventh Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to the following:

To Mr. THOMPSON, for next week;

To Mr. SLEMONS, indefinitely, on account of important business;

To Mr. DWIGHT, until the 27th instant, on account of important business;

To Mr. METCALFE, for six days, on account of illness in his family;

To Mr. STRAIT, for one week, on account of important business;

To Mr. SAPP, for three days;

To Mr. KILLINGER, for four days;

To Mr. HARDENBERGH, for two days;

To Mr. SMITH, of Pennsylvania, for ten days, on account of important business; and

To Mr. WILLIAMS, of Delaware, until Wednesday next.

WITHDRAWAL OF PAPERS.

On motion of Mr. SPRINGER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Purcey Claywell; no adverse report having been made thereon.

On motion of Mr. CLARK, of New Jersey, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Edmond Reagan; no adverse report having been made thereon.

Mr. BOONE asked unanimous consent for leave for the withdrawal from the files of the House of the papers in the case of Le Roy D. Sutton, for a pension, the committee having reported against granting him a pension because he was provided for by the general law.

There being an adverse report in the case, leave was not granted.

LEAVE TO PRINT.

Mr. HOUSE, by unanimous consent, was granted leave to print some remarks in the RECORD. [See Appendix.]

SARAH CLARK.

Mr. DENISON, by unanimous consent, introduced a bill (H. R. No. 4876) granting a pension to Sarah Clark, mother of Zinni Clark, private Company H, Eighth Vermont Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. B. SCOFIELD.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 4877) for the relief of D. B. Scofield, as contractor on mail route 12834, in the State of Michigan; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

IMPROVEMENT OF TWELVE-MILE BAYOU, ETC.

Mr. REA, by unanimous consent, introduced a bill (H. R. No. 4878) to improve the navigation of "Twelve-mile Bayou" and the lakes between Shreveport, Louisiana, and Jefferson, Texas, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. WADDELL. In behalf of the Committee on Post-Offices and Post-Roads, I ask unanimous consent that the testimony already taken and that which may be taken by that committee, be printed for the use of the committee.

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

On motion of Mr. CABELL, by unanimous consent, the Committee on War Claims was discharged from the further consideration of the petition of Franklin McKee, private in Company H, Eighty-third Battalion Pennsylvania Volunteers, for additional bounty; and the same was referred to the Committee on Military Affairs.

SARAH C. HUGG.

Mr. HARMER, by unanimous consent, introduced a bill (H. R. No. 4879) granting a pension to Sarah C. Hugg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUTOMATIC SIGNAL BUOY.

Mr. BLISS, by unanimous consent, from the Committee on Commerce, reported back sundry petitions and memorials in regard to the automatic signal buoy, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on Appropriations.

The motion was agreed to.

HANNAH OTTROGE.

Mr. BLISS, by unanimous consent, introduced a bill (H. R. No. 4880) granting a pension to Hannah Ottroge, widow of Christian Ottroge, late private of Company D, Eighty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SOPHIA A. MORGAN.

Mr. HISCOCK, by unanimous consent, introduced a bill (H. R. No. 4881) granting a pension to Mrs. Sophia A. Morgan, widow of Brevet Brigadier-General Charles H. Morgan, late of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. ELLSWORTH, by unanimous consent, introduced a bill (H. R. No. 4882) to amend section 1392 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LANDS TO LOUISIANA FOR SCHOOL PURPOSES.

Mr. ELAM, by unanimous consent, introduced a bill (H. R. No. 4883) granting additional lands to the State of Louisiana for the use of schools; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HULDAH SMITH.

Mr. SEXTON, by unanimous consent, introduced a bill (H. R. No. 4884) granting a pension to Huldah Smith, of Madison, Indiana;

which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA A. BLAZE.

Mr. SEXTON also, by unanimous consent, introduced a bill (H. R. No. 4885) granting a pension to Eliza A. Blaze; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. TURNER, from the Committee on Private Land Claims, by unanimous consent, reported a bill (H. R. No. 4886) to authorize the correction of the boundaries of certain lands in San Mateo County, California, and a bill (H. R. No. 4887) for the relief of settlers on certain lands in the State of California; which were severally read a first and second time, with the accompanying reports ordered to be printed, and recommitted to the Committee on Private Land Claims, not to be brought back on a motion to reconsider.

LANDS LOCATED WITH MILITARY WARRANTS.

Mr. PATTERSON, of Colorado. The gentleman from New York [Mr. HEWITT] yields to me to present and have printed for the use of the House the views of the minority of the Committee on Public Lands on the bill (H. R. No. 4329) to authorize the Secretary of the Interior to ascertain the amount of land located with military warrants in the States described therein, and for other purposes.

Mr. DUNNELL. I believe the majority of the Committee on Public Lands have not reported on that bill.

Mr. HEWITT, of New York. I yielded to have this report presented, supposing that there was no objection to it.

Mr. ATKINS. There is no necessity whatever to be in a hurry.

The SPEAKER. Does the gentleman from Minnesota [Mr. DUNNELL] object?

Mr. DUNNELL. I would inquire if the Committee on Public Lands have granted permission to the gentleman to make a minority report.

Mr. PATTERSON, of Colorado. Certainly; it was understood that it should be presented when prepared.

Mr. ATKINS. There is no necessity to be in a hurry.

The SPEAKER. The Chair thinks it was very proper that these subjects should be admitted this morning, as there has been very little business done during the past week.

Mr. ATKINS. I was not criticising the Chair at all.

The SPEAKER. The Chair was not criticising the gentleman from Tennessee; simply stating a fact.

Mr. ATKINS. I was simply stating the fact that we need not be in a hurry.

The request of Mr. PATTERSON, of Colorado, was then granted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 532) to incorporate the Suburban Railway Company of Washington, in the District of Columbia;

An act (S. No. 362) granting a pension to A. G. Ege;

An act (S. No. 526) granting a pension to James McDonald;

An act (S. No. 744) granting a pension to Sarah McCooey;

An act (S. No. 849) granting a pension to James C. Downer;

An act (S. No. 852) granting a pension to Mary E. Pauley;

An act (S. No. 932) granting a pension to Cornelius Le Roy;

An act (S. No. 962) granting a pension to William Criddle;

An act (S. No. 969) granting a pension to Mrs. N. E. Belrichards;

An act (S. No. 996) granting a pension to Edmund Woog;

An act (S. No. 1029) for the relief of John M. Lord;

An act (S. No. 1049) granting a pension to Richard Middleton;

An act (S. No. 1163) granting a pension to Mary E. Parker;

An act (S. No. 1164) granting a pension to David Dimmick;

An act (S. No. 1165) granting a pension to Mary McAdams;

An act (S. No. 1188) granting a pension to Harmon Vann;

An act (S. No. 1189) granting a pension to Ellen Devlin; and

An act (S. No. 1206) granting a pension to Emily Hughes, *alias* Burch.

The message further announced that the Senate had passed a bill of the following title, with an amendment in which the concurrence of the House was requested:

An act (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry.

The message also announced that the Senate had passed without amendment House bills of the following titles:

An act (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldier's Home, Augusta, Maine;

An act (H. R. No. 97) granting a pension to William A. Miller;

An act (H. R. No. 300) for the relief of Dudley A. Fish, of Bucyrus, Ohio;

An act (H. R. No. 388) for the relief of William Roylston, late private, Company D, First Regiment Tennessee Light Artillery;

An act (H. R. No. 439) granting a pension to Jonathan R. Tilman;

An act (H. R. No. 490) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry;

An act (H. R. No. 524) granting a pension to Lemuel L. Lawrence, late second lieutenant Company B, in the Sixth Regiment Illinois Cavalry Volunteers;

An act (H. R. No. 531) restoring the name of Thomas W. Brown to the pension-roll;

An act (H. R. No. 532) granting a pension to John Frey;

An act (H. R. No. 941) granting a pension to George Grove;

An act (H. R. No. 1809) granting a pension to William H. Shultis, late of Company K, Fourteenth Regiment New York Volunteers;

An act (H. R. No. 1815) granting a pension to Florence V. Moore;

An act (H. R. No. 1949) granting a pension to Benjamin C. Webster;

An act (H. R. No. 1975) to amend an act granting a pension to William Hafford, of South Yarmouth, Massachusetts, approved May 8, 1874;

An act (H. R. No. 2026) granting a pension to Mrs. Julia S. W. Evans, widow of Henry D. Evans, late first lieutenant of Company B, Thirteenth Missouri Volunteers;

An act (H. R. No. 2028) granting a pension to Isabella Cassidy;

An act (H. R. No. 3080) granting a pension to Warren F. Wood;

An act (H. R. No. 3098) granting a pension to Joseph L. Young, late a private in Company C, Eleventh Regiment Maine Volunteers;

An act (H. R. No. 3105) granting a pension to Ruth Isabelle Naylor, widow of Captain Charles Naylor, of the Second Regiment of Pennsylvania Volunteers in the Mexican war;

An act (H. R. No. 3107) granting a pension to Louisa J. Guthrie and others;

An act (H. R. No. 3113) granting a pension to Mrs. Emily H. Lyford;

An act (H. R. No. 3114) providing for an increase of pension to Charles H. Day;

An act (H. R. No. 3115) granting a pension to Elizabeth J. Totten, widow of the late Commodore Benjamin J. Totten, United States Navy;

An act (H. R. No. 3123) extending the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive, to the port of Bath, in the State of Maine;

An act (H. R. No. 3568) granting a pension to Mary T. Thompson, widow of William Thompson, late second lieutenant Company E, Twelfth New York Volunteers;

An act (H. R. No. 3569) granting a pension to Ovid H. Clark;

An act (H. R. No. 3730) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier; and

An act (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. Before moving to go into Committee of the Whole on the Army appropriation bill, I desire to submit a motion that the bill be reprinted for the use of the House, the first supply having been exhausted.

There was no objection, and it was so ordered.

Mr. HEWITT, of New York. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes.

Mr. MILLS. Were all points of order reserved on this bill?

Mr. HEWITT, of New York. They were. I ask now that the first and formal reading of the bill be dispensed with.

Mr. CALKINS. Will that in any way interfere with general debate upon this bill?

The CHAIRMAN. Of course not.

There being no objection, the first reading of the bill was dispensed with.

Mr. HEWITT, of New York. Mr. Chairman, in reply to a request which has been made of me, I desire to say in the outset that at the present time I do not propose to limit general debate upon this bill. Later in the discussion, after it has been ascertained how many gentlemen desire to be heard, and the nature of the discussion is disclosed, it will then be possible for me to make a motion in that particular. My desire is that this important measure shall receive as thorough a discussion as can be had with a due regard to other pressing subjects of legislation.

Whenever I have had occasion to address this House, and the opportunity was a fitting one, I have endeavored to impress upon it, and through this House upon the public at large, some idea of the magnificent future which awaits this country, provided its legislation can be adapted to its natural resources. If ever there was a country in which poverty and distress should be unknown it is this favored land.

In studying its resources, every day I am more and more filled with admiration at the treasures which have been intrusted to its people. Nothing but individual folly or the inability of the legislative power to comprehend what has been given to us, what trusts we are to execute, can prevent this country from becoming the richest and most prosperous and the happiest on the face of the globe. Its productive power is simply unlimited. Every useful commodity can be produced

in this country with less exertion of human labor than anywhere on the face of the globe. With its territory thus endowed, only sparsely occupied, the voice of distress should never be heard in this land.

The productive power of labor measures its reward, unless some portion of that reward is diverted from the hand that earns it. The only certain method of diversion, where stable government is organized, which the ingenuity of man has been able to arrange is through the machinery of taxation. In older countries governed by absolute monarchies or controlled by aristocratic oligarchies, it is through the machinery of taxation that the system is perpetuated. The earnings of labor are diverted for the support of idle classes who do not contribute but who consume—*nati consumere fruges.* The whole theory of this Government is that taxation is to be kept at its minimum in order that the reward of labor may attain its maximum. Hence I have never allowed my attention since I have had the honor to have a seat on this floor to be diverted from what in this country is the crucial test of statesmanship, the reduction of the burdens of taxation in order that the hand of labor may take the reward and keep the reward which it has earned.

Owing to various causes, which I shall not now attempt to enumerate, we are at present the most heavily taxed people in the world. By the estimate of Mr. Gastrell, who was attached to the British legation in this country in 1874, our taxation, national, State, and municipal, exceeded that of Great Britain by 37 per cent. in amount, although the basis of accumulated wealth in this country is far less; thus increasing the burden to a degree well-nigh intolerable. Under our peculiar system of government, national taxation is substantially levied upon consumption, and hence its pressure is direct and immediate upon the laboring classes, and every reduction which we can effect in the amount of taxation is a practical addition to the wages of labor.

The Committee on Appropriations has therefore never ceased its endeavors, in view of the reduced earnings of the laboring classes of this country, to keep down the expenditures of the Government to the narrowest possible limits consistent with its efficient administration, bearing in mind, however, that parsimony is not economy, and that while extravagance should be rooted out, the vigor of the Administration should not be weakened. In this spirit we have taken up the several appropriation bills with the determination, so far as was possible, to bring back the Government to the basis of simplicity on which it was founded by the fathers of the Republic, and when we and those who are to succeed us in this duty shall have accomplished this good work, then you will hear in this land no more the cry of distress, no more the appeal to Congress to enact legislation which may restore labor to its rights.

All legislation which interferes with the natural distribution of property robs labor of its rights, and it is this kind of legislation which we are here to undo. The efforts of the Committee of Ways and Means in this direction, even if they go but one step forward in the reduction of taxation, are to be commended and supported by all the intelligent men of this House who feel that the laboring classes are suffering and are entitled to relief. And let it never be forgotten that the only door that can be opened for their relief is through the reduction of taxation and such security to capital as will inspire confidence for its application to useful enterprises.

Mr. Chairman, in order that it may be understood what it is possible for us to do in the direction of economy and reduction of taxation and how far we have departed from the frugality of the Government before the late civil war occurred, I have constructed a table which gives a history of the expenditures of this Government in 1850, between 1860 and 1870, and in 1877, the last fiscal year:

Statement showing various expenditures of the United States Government during the fiscal years 1850, 1860 *to* 1870, *and* 1877, *and the amount per capita.*

Fiscal years ended June 30.	Population, official for years 1860 and 1870; the others carefully estimated.	Expenditures for—								Total.	
		Civil and miscellaneous.		War.		Navy.		Indians.			
		Amount.	Per capita.	Amount.	Per capita.	Amount.	Per capita.	Amount.	Per capita.	Amount.	Per capita.
1850	23,191,876	$16,043,763 00	$0 69+	$9,687,024 00	$0 42–	$7,904,724 00	$0 33+	$1,063,591 00	$0 07+	$35,299,102 00	$1 52
1860	31,443,321	27,976,434 22	89	16,409,767 10	52	11,514,964 96	37	2,949,191 34	09	58,850,357 62	1 87
1861	32,064,000	23,267,010 46	73	22,981,150 44	72	12,420,887 89	39	2,841,358 24	08	61,510,407 07	1 92
1862	32,704,000	21,402,491 16	66	394,368,407 36	12 06	42,668,277 09	1 30	2,273,223 45	07	460,718,399 06	14 09
1863	33,365,000	23,256,965 39	70	599,298,600 83	17 97	63,221,963 64	1 89	3,154,357 11	09	688,931,886 97	20 65
1864	34,046,000	27,505,599 46	81	690,791,842 97	20 29	85,725,994 67	2 52	2,629,858 77	08	806,653,295 87	23 69
1865	34,748,000	43,047,658 01	1 24	1,031,323,360 79	29 68	122,612,945 29	3 53	5,116,837 08	15	1,202,100,801 17	31 60
1866	35,469,000	41,056,961 54	1 15	284,449,701 82	8 02	43,324,118 52	1 25	3,247,064 56	09	372,077,846 44	10 50
1867	36,211,000	51,110,223 72	1 41	95,224,415 63	2 63	31,034,011 04	86	4,643,531 77	13	182,011,182 16	5 03
1868	36,973,000	53,039,867 67	1 43	123,246,648 62	3 34	25,775,502 72	69	4,100,682 32	11	206,132,701 33	5 57
1869	37,756,000	56,474,061 53	1 50	78,501,990 61	2 08	20,000,757 97	53	7,042,933 06	18	162,019,733 17	4 29
1870	38,558,371	53,237,461 56	1 38	57,655,675 40	1 49	21,780,229 87	57	*7,426,997 44	19	140,100,364 27	3 63
1877	46,604,000	56,252,026 60	1 22	37,082,735 50	0 80	14,959,935 36	32	5,277,007 22	11	113,562,743 00	2 46

* These are the figures for 1871.

I find that in 1850 the expenditures of this Government upon its four great departments of expenditure—the civil and miscellaneous, the War, the Navy, and the Indian Departments—amounted to $1.52 per head; that in 1860 the expenditure had risen to $1.87 per head; that at the close of the war in 1865 it was $34.60 per head; that in 1870, long after the war had closed, five years afterward, the expenditure was $3.63 per head, nearly double the amount in 1860; and finally, in 1877, after the large reduction which had been made prior to 1874 by the party then in power and the more ample reductions made since by the Forty-fourth Congress, the rate per head had been reduced to $2.46. There still remains a margin of possible reduction between $1.87 per head in 1860 and $2.46 per head in 1877. This reduction of fifty-nine cents per head, if it could be effected would reduce our appropriation bills to the extent of $25,000,000. This is the margin for reduction presented to us, the minimum amount which we can and ought to save to the people of this country. The Forty-fourth Congress did save about $20,000,000.

Mr. FOSTER. Oh, I beg the gentleman's pardon; it will not amount to twelve millions.

Mr. HEWITT, of New York. There is nothing like facts——

Mr. FOSTER. That is what I want.

Mr. WILSON, (to Mr. FOSTER.) You admit a reduction of $12,000,000.

Mr. FOSTER. About twelve millions.

Mr. HEWITT, of New York. I find I have not at hand a statement of the expenditures of 1877. My colleague [Mr. BEEBE] had a copy which he quoted in his speech; but the reductions for the year 1877, as shown by the report of the Treasury Department, are over $20,000,000 upon the expenditure in the year 1876.

Mr. FOSTER. But that does not take into account the deficiencies. Let us be entirely fair in this matter.

Mr. HEWITT, of New York. The gentleman does not seem to know that what he calls deficiencies were charged up in the expenditures and appear as such in each year, so that my statement is correct; for if they did not appear as expenditures they would not be deficiencies.

Mr. FOSTER. Oh, the gentleman is very much mistaken, as I can show and will show when I have the opportunity to take the floor.

Mr. HEWITT, of New York. The gentleman has taken that opportunity very often, and is perfectly welcome to take it again. I only propose to show that notwithstanding what we have done in the way of reduction, whether it be $12,000,000 or $20,000,000, there still remains a saving of $25,000,000 to be effected in the expenditures of this Government, and if the Committee on Appropriations fail to make this reduction they fail to do their duty. I find by reference to the table of expenditures in Spofford's American Almanac, that in 1877 the reduction of expenditures over 1876 was $23,320,000. So far as deficiencies are concerned they occur every year, and it is easy to show that those which existed prior to 1877 were far greater than those which were made that year.

Now we have to deal with the Army bill. The Army expenditures, as they appear by the table of expenditures of the Treasury Department, were, in 1860, fifty cents per head on our population; in 1877 they were eighty cents per head. There therefore appears to be an opportunity to save thirty cents per head in the expenditures for the Army. This would amount to a very large sum—thirteen or fourteen million dollars.

But this statement includes as expenditures of the War Department all the expenditures for rivers and harbors, for fortifications, for various engineering and other works throughout the country. I have therefore carefully analyzed the expenditures of the War Department in 1860 and in 1877, and by this analysis (in which I have had the aid of the Quartermaster's Department) I find that the actual expenditure in maintaining the Army in 1860 was forty-five cents per head; in 1877, fifty-four and seven-tenths cents per head. There is there-

fore a margin of possible reduction of nine and seven-tenths cents per head—a little less than ten cents per head.

Mr. MARSH. Will the gentleman permit me to ask him whether the pay of our soldiers was not greater in 1877 than in 1860?

Mr. HEWITT, of New York. The pay of our soldiers is greater to-day than in 1860; and I propose in dealing with this subject to say how much saving we can properly make without touching the pay of the soldiers. This saving of nine and seven-tenths cents per head, if it can be effected, will amount to about $4,500,000.

In framing the bill the committee decided to come as near that limit as they could, without impairing the efficiency of the Army or subjecting the people to any loss in other directions. It was conceded at the outset that the pay of the rank and file ought not to be touched; and it has not been touched. The bill which we have framed effects a saving of $3,871,000 upon the expenditure of the last fiscal year; and it effects that saving without touching the pay of the soldier, without touching the pay of the officer, without reducing a musket which is to-day in service. It effects it simply by a better organization of our Army. The saving is effected in administration; and that is the direction in which the Committee on Appropriations can properly proceed. They have simply eliminated useless expenditures; and they have left a system which, so far as I and others can judge, (and I shall produce their testimony,) will make our Army more effective, more manageable, and less expensive, without doing any other injustice to any human being than is inseparable from every work of reform. In this case it has been reduced to a minimum, and we have gone so far in some instances as to suspend the operation of the reformatory provisions out of regard to the feelings of officers who have deserved well of their country.

HOSTILITY TO THE ARMY.

There has been an attempt made most industriously during the last two or three years to pervert all attempts to effect reduction in the Army into evidence of hostility against the Army. And it is openly charged that this hostility is on the democratic side of the House; that we are the enemies of the Army and *e converso* the friends of the Army are on the other side of the House. It would be a sufficient answer to this charge to point to the fact that no reduction of the Army has ever yet been made since the war except by a republican Congress; that any attempt to touch it since the democrats came into power in this House has been resisted and defeated. If therefore reduction of the Army is evidence of hostility, then the gentlemen on the other side are the ones who have been the enemies of the Army. And whatever there is wrong in the organization of the Army—and I shall show you by the testimony of great Army officers it is very wrong—whatever there is wrong in it is due to the legislation which has been brought into this House from that side of the House, supported by gentlemen on that side of the House, who enacted it by their votes.

Among the most conspicuous gentlemen in this attack upon the democratic party and in this misrepresentation of them as the enemies of the Army, is, I am sorry to say, my honorable friend from Ohio, [Mr. GARFIELD,] whom I am now glad to see in his seat. That gentleman in a report which was brought into the House in 1869 recommended reorganization, very properly, very wisely, and with his usual ability. And here let me say in any criticism I may now make upon what he has seen fit to give to the public, it is dictated only by a desire to get the exact truth. For I say here, as I have said elsewhere, that gentleman has no greater admirer in this country than I am. I have read his speeches on financial questions and his budget speeches, so to call them, with great admiration and instruction, and I do not think in our congressional history there have been more able, more profound, and more useful contributions to economy than the gentleman from Ohio has made.

I quote now from the gentleman's article in the May-June number of the North American Review, of the present year 1878, page 463. He says:

> It is evident that during the last three years there has been manifested in Congress a growing spirit of unfriendliness, if not of positive hostility, toward the Army.

Did the gentleman find any evidence of hostility or unfriendliness when, in 1870, the Army was cut down and when its officers were mustered out without any other pay or compensation than a year's allowance? Where has the democratic party proposed to turn these officers adrift without an adequate compensation or against their own free will?

Mr. GARFIELD. Will the gentleman allow me to interrupt him?

Mr. HEWITT, of New York. Certainly.

Mr. GARFIELD. The passage he has read does not say the democratic party; it does not say the House.

Mr. HEWITT, of New York. I will bring it nearer home if the gentleman will allow me to proceed.

Mr. GARFIELD. It is not quit fair therefore.

Mr. HEWITT, of New York. I am willing to concede to the gentleman a very great desire to improve the Army, and I shall quote from him to prove the necessity of the legislation which this committee has brought in. He is my authority for them. Therefore I concede to him an honest desire to improve the Army.

But he says that he has made no charge upon the democratic party. I suppose, then, when he says there has been manifested in Congress a growing spirit of unfriendliness, if not of positive hostility, a part of it is on his side. Is that so? He says it is not a charge on the democratic party; he says it is in Congress. I ask him to answer whether his side is unfriendly to the Army?

Mr. GARFIELD. No doubt it is true, in several Congresses there has been a spirit or desire to reduce the Army on both sides. If in the last three years that spirit has grown, it belongs to those who have manifested it, and to whatever party they belong.

Mr. HEWITT, of New York. The gentleman does not answer the question.

Mr. GARFIELD. Now, it is more particularly on the gentleman's side than on ours.

Mr. HEWITT, of New York. The gentleman a moment ago said he had made no charge against the democratic party.

Mr. GARFIELD. No, sir.

Mr. HEWITT, of New York. I understood him to make such a charge, and now I will prove it by quoting further. He says:

> At the present session one of the smaller appropriation bills which usually passes without opposition was made the occasion of a fierce and bitter attack upon the Military Academy, an institution which for seventy-five years has been the fountain of military honor, has given to our soldiers a thorough and liberal culture, and has filled the Army with a spirit of national patriotism; * * * yet when the bill for its support came before the House it was violently assailed and its passage was long delayed.

And then, further quoting the passage in regard to the prohibition of confederate officers receiving commissions in the Army, he adds:

> While this section remains unrepealed the new Army to be created when our present Army should be disbanded could not be officered by those who served in the late confederate army.

Hinc illæ lacrimæ.

Now, if this does not amount to a charge of hostility to the Army on the democratic side of the House, then I am incapable of understanding the force of language. Again it was a charge which no southern member with any self-respect could answer. It amounted to an assertion that the southern members had deliberately concerted a plan to break up the Army in order that in the reorganization they might appropriate the emoluments and honors to themselves.

I repeat that is a charge which no southern man ought to answer. But the gentleman will not pretend that when the West Point bill was under consideration there were not democrats to make the defense of that institution which had given to this country so much of its military glory and had inspired the patriotism which existed North as well as South. That answer was made then and there, and it is unfair for any gentleman to go before the country in a deliberate article charging upon the democratic side the desire to disband the Army and to destroy the West Point institution, or to make what I conceive a much more reprehensible insinuation, that there may be gentlemen here who desire to destroy the Army in order that they might get commissions in a recreated Army.

Now I say with all due respect to the gentleman from Ohio that he has descended from that high plane of statesmanship where I like to see him stand to the level of a partisan, willing to make political capital out of the enforced silence of a large number of the members of this House. But I will tell the gentleman that while there is no hostility to the Army upon the democratic side of the House there has been, and is, and I trust ever will be, a strong feeling of hostility on the part of the people of this country, especially of those who are concerned for the perpetuity of free institutions, against the use to which the Army was put by the late Administration in keeping the Southern States under military subjection, and in controlling the elections so as to prevent a free expression of the will of the people. For that use the Army was not responsible, and no fair man would seek to punish them for the sins of an Administration which has received the just condemnation of the people, and whose policy in this respect has been abandoned by its successors, notwithstanding the fact that they have reaped the rewards of the abuse of the Army and to-day occupy positions to which they were never chosen by the people of this country. I think I do not go too far in saying that the spirit of the Army rebelled against the nefarious use to which it was put, and that it would rather be wiped out of existence than again to be subjected to such humiliating service.

ECONOMY.

But this consideration has had no possible influence upon the framing of this bill. The only motive of the committee has been to introduce economy, so much needed in the administration of the Army; and the only question is whether this is the time when such reduction ought to be made. The war ceased in 1865. We have had thirteen years of peace. The gentleman from Ohio, in one of the ablest speeches I have ever read, delivered in this House on the 23d of January, 1872, undertook to investigate when the excessive expenditures caused by the war should come to an end; in other words, when we should get back to the level of peace expenditures; and after a very careful discussion he makes the following statement:

DURATION OF WAR EXPENDITURES.

> Throughout our history there may be seen a curious uniformity in the movement of the annual expenditures for the years immediately following a war. We have not the data to determine how long it was after the war of Independence before the expenditures ceased to decrease, that is, before they reached the point where their natural growth more than balanced the tendency to reduction of war expenditure; but in the years immediately following all our subsequent wars, the decrease has continued for a period almost exactly twice the length of the war itself.

After the war of 1812-'15, the expenditures continued to decline for eight years, reaching the lowest point in 1823.

After the Seminole war, which ran through three years, 1836, 1837, and 1838, the new level was not reached until 1844, six years after its close.

After the Mexican war, which lasted two years, it took four years, until 1852, to reach the new level of peace.

WHEN SHALL WE REACH OUR NEW LEVEL OF EXPENDITURES?

It is perhaps unsafe to base our calculations for the future on these analogies; but the wars already referred to have been of such varied character, and their financial effects have been so uniform as to make it not unreasonable to expect that a similar result will follow our late war. If so, the decrease of our ordinary expenditures, exclusive of the principal and interest of the public debt, will continue until 1875 or 1876.

Now, I concur absolutely in all that is said here. I am convinced by the gentleman's argument that by 1876 at the latest we ought to have been back to the level of peace expenditures. Nevertheless, so far as the Army is concerned, we are not back to the level of peace expenditures in 1877 by the sum of four and one-half millions of dollars. I therefore conclude that one of the causes of grievance against the republican party which found expression in 1874 throughout the length and breadth of this land was that they did not fulfill their promise of bringing down the expenditures of the Government to the peace level as rapidly as they ought to have been brought.

And I say now to my democratic friends that if they do not bring down the expenditures to the peace level, they in like manner will and ought to be put into a minority, and some other party, whether you call it republican or national or by whatsoever name it may be known, will be put into this House to enforce this economy. The very existence of the country depends upon it, and there can be no possible revival of prosperity so long as all the profits of industry are absorbed in running the mere machinery of Government.

The question is, how shall this economy be made? Shall it be by reduction in the numbers of the rank and file of the Army? Shall it be by cutting off useless and superfluous officers in the organization? Shall it be by reduction of pay? In some way it must be done. The public demand it and they have a right to have that demand heeded.

SIZE OF THE ARMY.

In regard to the size of the Army there are some tests which may be applied. The first is the test of past experience and the second is the test of present use. Now let us first consider the test of past experience. In 1860 this country had an adequate Army by common consent. That Army was composed of 11,848 men and 1,083 officers. Now, the population in 1860 was 31,000,000. In 1878, by the estimate of the Statistical Bureau, it is 46,200,000. It is therefore about 50 per cent. greater than it was in 1860. We should therefore have an Army by the test of population not exceeding 1,624 officers and 17,772 men. What have we got? We have got an Army that contains 2,161 officers, a surplus of 537, exclusive of 300 officers on the retired list. We have an Army theoretically of 25,000 men, giving a surplus of 7,228 men. That is the result of the test by population.

Now we come to the test of use. My friend from Ohio has very elaborately considered that test in these articles—and it has been elsewhere considered—and the strong argument used is always the extent of frontier. They say that since 1860 the frontier lines of this country have been enormously increased. And so they have. I have seen it stated that they are ten times as great as they were in 1860. This is an exaggeration, but nevertheless we will admit that there is a much larger frontier line to be protected. Now, what is the test of protection for the frontier line? Not miles. It is the number of posts which are maintained on the frontier line, because the Government plants a post wherever there are incursions of Indians to be resisted and wherever there are settlers to be protected. Now, on the test of posts in 1860, according to the gentleman from Ohio, there were 94 posts, but according to the statement which I have had from the War Department there were 77 posts. In 1877, by the report of the Secretary of War, which is clearly erroneous, there are 224 posts. The gentleman from Ohio gives the number at 161. The Quartermaster's Department, which has to supply these posts and care for them, tell me there are 163 posts. The proportion, therefore, is as 77 to 163. But in answer to a resolution of this House the Secretary of War has just transmitted a statement from General Sherman (House of Representatives, Executive Document No. 79, Forty-fifth Congress, second session) showing the number of posts that are no longer of any use and that may be abandoned. I have collated and will put in a table which I will append to my remarks the number of these posts for which the Army officers say there is no use. They amount to 53.

C.

Posts that can be abandoned.

Character.	Name.	Department.	By whom recommended.
Forts	Sully and Rice, (in case the agencies are abandoned, then the temporary posts of New Red Cloud and New Spotted Tail.)	Dakota	Sheridan.

C.—*Posts that can be abandoned*—Continued.

Character.	Name.	Department.	By whom recommended.
Forts	Hartsuff and Bridger	Platte	Sheridan.
	Larned, Garland, Union, Selden, Craig.	Missouri	Do.
	Richardson, Griffin	Texas	Do.
Camps	Stambaugh, North Platte Station, Sheridan. (?)	Platte	Do.
Forts	Lyon, Wallace, Hays, Harker, Craig, McRae.	Missouri	Pope.
Recruiting depot	David's Island, New York Harbor	Atlantic	Hancock.
Forts	Standish, Andrew, Sewall	do	Do.
	Mackinac, Niagara, (in peace,) Ontario.	East	Fry.
Barracks	Madison, Plattsburg, Carlisle, (arsenal at Washington. (?)	do	Do.
Forts	Wayne, Gratiot, Brady, Porter, Preble, Independence, Warren, Adams, Trumbull, Hamilton, Wadsworth, Schuyler, McHenry, Foote, Monroe, (should not be given up, but need not be garrisoned in time of peace unless used as quarters.)	do	Fry.
Barracks	Baton Rouge, Little Rock, Mount Vernon.	Gulf	Augur.
	Newport, (Kentucky,) Chattanooga	South	Ruger.
Camp	Independence, McDermit, (possibly.) Harney, (if the agency is moved,) Grant, Lowell, (if another post can be established in Southern Mexican frontier.)		

If these be deducted from the number in existence there would be left 110 posts and the ratio therefore would be as 77 to 110.

Mr. GARFIELD. The gentleman will see the justice, before making his comparison, of finding out how many posts could have been dispensed with in 1860 and then comparing the necessary number in 1860 with the necessary number in 1878 or else the actual number in 1860 and the actual number in 1877.

Mr. HEWITT, of New York. I admit that it would be desirable that we should have that information.

Mr. GARFIELD. It is necessary, of course.

Mr. HEWITT, of New York. I am sorry that I have not got it, and the gentleman from Ohio does not supply it.

Mr. MARSH. It is also necessary, in order that the House may understand the bill, that the gentleman should state the number of posts, new additional posts, which the Department recommend the establishment of.

Mr. HEWITT, of New York. If my good friend will only wait a little longer, he will have all that information. I have done my best, and I hope that the gentlemen who do me the honor to listen to me will give me credit for having endeavored to obtain all the information I could in reference to these matters. My only object is to get at the facts and the exact truth. If the country really needs a larger Army, I would be the first man to vote for it. I only wish to state the facts so that the House may know them when they come to act upon the details of the bill.

The number of new posts recommended, so far as I have been able to ascertain, does not exceed 10, and that would make 120 posts needed in order properly to protect the frontier. If that be so, then the number of posts that ought to be kept up and those that ought to be established are about 60 per cent. more than the number that existed in 1860, and upon that basis of comparison with the Army of 1860, an Army of 20,000 men now would be amply sufficient for all purposes.

Now, then, some other arguments have been urged why we should have a large standing army—I mean larger than we now have. The first is the argument in regard to Indian wars. What I have to say as to that is, that the danger from Indian wars is measured in the same manner as I have tried to measure the size of the Army; it is to be measured by the number of posts established to protect the frontier from the incursions of the Indians. But it is pretty safe to assume that we are to have no more great Indian wars. Two years ago General Sheridan, in a dispatch which was cordially indorsed by General Sherman in his annual report, said, speaking of General Crook's expedition:

If successful, of which I do not doubt, the Sioux war, and all other Indian wars in this country of any magnitude, will be over forever.

Notwithstanding this prediction, however, the past year was marked by the war with the Nez Percés under Chief Joseph. You all know the result of that struggle, and that it was carried on with a very small force. Now, so far as I have been able to survey the field, there is to-day no considerable demonstration either made or expected from these Indians. They are practically subdued. Within the last few days Sitting Bull, as I have been informed, has opened negotiations for terms upon which he may return and go upon some one of the reservations which are assigned to the Indians by the Government.

Mr. McCOOK. I understand the gentleman to say that Chief Joseph was captured by a very small force.

Mr. HEWITT, of New York. Yes; not a large one.

Mr. McCOOK. I presume the gentleman knows that he was followed by General Howard for over eighteen hundred miles with one detachment, was intercepted at another point by General Gibbon, and finally captured by General Miles, and the whole force amounted to fifteen hundred men.

Mr. HEWITT, of New York. I say in regard to that that I would not take away one of the soldiers from the frontier, nor is there any provision in this bill which makes it necessary to do so. They were able to do their work and to do it well; under what enormous difficulties they did it I know as well as my colleague from New York, and I admit that if the organization of the Army had been different and the companies full the loss of life on our side would have been much less and the Indian campaign would have been brought to a speedier close.

The trouble is, as I will show later on in my argument, that the organization of the Army left these gallant officers without a sufficient number of men needed in the hour of trial.

Mr. PHILLIPS. I find that this bill makes an appropriation of only $50,000 for recruiting purposes, while the bill proposes to reduce the Army. Why does the gentleman reduce it and make no sufficient appropriation for recruiting, if he complains that the companies are too small?

Mr. HEWITT, of New York. I am willing to give an opportunity to anybody to ask me questions for information, but if these interruptions are to be taken out of my time, it is quite evident that I shall not be able to complete the statement which I desire to make to the House, but I will say now that the sum of $50,000 for recruiting purposes is deemed sufficient by the War Department, on the basis of the bill as reported.

Mr. PHILLIPS. The estimates show that they need $100,000.

Mr. HEWITT, of New York. But the estimates have been revised to meet the basis of 20,000 men; hence $50,000 will be sufficient.

Mr. PHILLIPS. The amended estimates do not show that.

Mr. HEWITT, of New York. I do not think that any greater number of troops than we now have will be necessary in order to resist attacks from the Indians. If I thought there were I would cheerfully vote for an increase, but I think that gentlemen who study the question will find in the reports of General Sheridan and General Sherman and other generals who have charge of these matters that an increase in the number of troops is not necessary, but that a reorganization of the system on which they are handled is most necessary.

STRIKES AND COMMUNISM.

Now we are told that we ought to have a large Army, and a very large Army, in order to put down impending strikes. I take issue with that proposition. It is not in accordance with the theory of this Government that the United States is to maintain an Army for the purpose of restraining any portion of its citizens in their just rights. The right to strike is a just right. No man can coerce another to do work against his will. It is just as sacred a right as the right to employ if you can find somebody who is willing to hire himself out to you. The wisdom of strikes is quite another matter, and it is to be hoped that in this country strikes as well as lock-outs will be avoided by conciliation on both sides, for they are equally mischievous and destructive.

But I will be told that strikes result in disorder. So, unhappily, they have heretofore; so they will again. But it forms no part of the duty of the National Government to repress or to check such disorders. In the first place it is the duty of the police, where there is one; where there is no police it is the duty of the sheriff; and where the sheriff is unable to check disorder it is the duty of the State to do it.

It was intended by the framers of the Constitution that the States should not only be sovereign within their own limits, but that they should maintain order within their own limits, and, if they fail to do so, that they should and must take the consequences. The provision of the Constitution which gives authority to the General Government to furnish troops and give assistance in case of insurrection was intended only as a last resort, where the State had done its full duty in maintaining a police and a citizen soldiery and had found itself overpowered.

That has never happened in this country. In any State which has done its duty there has never been an insurrection which the State could not put down. But there are States in this Union who have neglected to do their duty. They learned a lesson and they received a warning last year which I think they have taken to heart. It is their business to protect order within their own limits, and it forms no part of the business of the General Government to supply by its power, any neglect on the part of the States to do the duty which they reserved to themselves under the provisions of the Constitution.

What this Government may do, and what I am free to say it ought to do, is to avail itself of another provision of the Constitution which I think, requires it to organize a national militia system throughout the country. One of the things we can do, even if we fall short of our duty in that particular, is by some legislation within our constitutional power to give encouragement to rifle clubs, sharp-shooting clubs throughout the length and breadth of this land.

Mr. ELLSWORTH. There are too many of them now in some parts of the country.

Mr. HEWITT, of New York. No citizen should be allowed to grow up in this country who cannot handle a gun. You never need fear disorders where the people bear arms. They never will turn those arms against the constituted authorities. There is no motive in this country for the people to attack the State governments. They understand that the State governments protect their property and their rights, and that the true and effectual remedy for grievances of any kind is in ballots and not in bullets.

Communism which is flaunted before us as a reason why we should add ten thousand, twenty thousand, ay, fifty thousand men to our Army, never has had a footing in this land, never will have unless we undertake to police it with a standing army; and then you will have communists in every town in this country. In France communism had existence only when they had a despotic government upheld by a standing army. When free institutions were introduced in France communism perished. It is dead in France to-day.

If gentlemen have any desire to pursue that subject, which I have not the time now to follow up, but which I have carefully studied, they will find, in an article written by Mr. Fred. Harrison in the Fortnightly Review for May, a statement that at the late convention of the socialistic and labor classes of France, held at Lyons, they proved themselves to be as conservative in reference to all rights of property as any other class in the community, as they are in England and as they have always been in this country. They merely insisted that the economic relations of society are not in a healthy state, and that they must be transformed in the future if civilization is to advance, and to this proposition I subscribe with all my heart.

I will tell you what produces communism—what will produce it anywhere: excessive taxation; this engine of taxation which takes away from labor its earnings and gives them to a favored class, making the condition of the laboring-man hopeless; that will produce communism. The instincts of humanity rebel against utter and hopeless poverty; and when the power of accumulation is taken away from the laboring classes they will make the "voice as of one crying in the wilderness" heard, even in these Halls; but it will be through the peaceful agency of universal suffrage, which is the sanctuary of labor.

If you have a great standing Army in this country you have got to pay for it; the working industry of the country has got to pay for it. Their sufferings will go on increasing from day to day until they will break out into revolution. No man who has studied history and philosophy or who is familiar with the principles of justice will say that they will not be justified in doing so when they are deprived of the fruits of their honest labor. But the revolution here will be peaceful, but effectual because it is peaceful.

Now, if you want to fan communism, increase your standing Army and you will have enough of it. If you want to have it flourish here, as it has flourished in France and taken refuge in Germany, where there is a military system, you have only to distrust the people and proclaim that you intend to maintain order by the creation of a large standing Army, to be under the direction and control of the President.

Mr. ELLSWORTH. What is the standing army in France to-day?

Mr. HEWITT, of New York. It is over 600,000 men.

Mr. ELLSWORTH. How is it, then, that communism does not flourish there?

Mr. HEWITT, of New York. Prior to the Franco-German war the people of France had no means of securing just legislation. To-day France is a republic. Every man who was a communist feels now that the security of his rights is in the ballot-box. He had not that security before. He looks now to peaceful, not violent, remedies for whatever wrongs may exist.

If the gentleman asks me whether an army of 600,000 men is not a wrong, I answer that it is a wrong so vast, so immeasurable, that to me it is the miracle of the ages, that any nation can endure it and not be reduced to absolute starvation. It is against the growth of that system in this country that I protest, and I want to meet it at the very outset. I want to provide as large an army as is necessary to discharge every obligation of the National Government. I do not want to have a single man beyond that number, or for a purpose which was never contemplated in the Constitution, and which never can be contemplated, so long as we continue to believe in the principles of self-government on which it is based.

Gentlemen will say "Suppose an insurrection breaks out, what are we to do?" Why, sir, that is provided for by law. Section 5297 of the Revised Statutes gives the President the right to call out the militia of any State where disorder prevails, or of the surrounding States:

> In case of an insurrection in any State, against the government thereof, it shall be lawful for the President, on application of the Legislature of such State, or of the executive, when the Legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.—*Revised Statutes*, section 5297.

But I am told the militia will sympathize with the "mob," as it is the fashion to call these people. I do not believe it. I do not believe so ill of my countrymen. I do not believe they are so ignorant of the rights and duties of citizenship. If they are, then this whole

Government is founded on a delusion and a snare. Our people do not sympathize with disorder or violence. But if they do, what is the logical conclusion? That we must govern by absolutism? Is this country prepared to accept that conclusion? If we cannot trust our citizen soldiers, our people, who are in the main property owners—who have genuine communism and have had it for a hundred years in the fact that they either all own or may own property if they are industrious and prudent—if it has come to this that you cannot trust the people, then republican institutions are a failure; and when you provide an army to do the work of the people of the several States—of the owners of property, the honest and industrious laborers—when you have done that you have registered the decree of death against this Republic. For one, I protest that the time has not yet been reached for making such a humiliating confession as would be implied in legislation for the creation of a gigantic national police.

I find that the regular army of France is 470,000, instead of 600,000, as I stated.

Mr. ELLSWORTH. It makes but little difference—no difference as to the principle.

Mr. HEWITT, of New York. None at all. But it is well to observe just here that the number of troops who were moved in order to quell the disturbances of last year on the call of the governors of the several States was 6,391, as appears by the report of the Adjutant-General; not more, in fact, than had been habitually employed for several years previously in protecting the people of the Southern States against themselves, and preserving the balance of power in Washington. No doubt it would have been convenient to have controlled a larger number, but the emergency was unexpected in the States, but should henceforth be anticipated and provided for in the regular way.

ORGANIZATION OF THE ARMY.

Now, having, as I think, fairly met all the arguments in favor of the necessity for any larger Army than we now have, I proceed to consider the question of the organization of the present Army and what are the abuses in connection with it that need a remedy.

In the article of the gentleman from Ohio [Mr. GARFIELD] will be found a concise history of the reduction of the Army. I have not time to go into that question here; but I may say that it was reduced in 1866 to 50,000 men and 3,036 officers; it was reduced again in 1869 to 35,000 men; in 1870 it was brought down to 30,000 men and 2,161 officers; and by the appropriation bill of 1874 it was reduced to 25,000 men, without any further reduction of officers. A reduction of officers was made in 1870, but one which confessedly was totally inadequate. I refer gentlemen who desire to follow up this matter to a speech of General Logan on this subject, which will be found in the Congressional Globe for 1869-'70, Appendix, volume 81, page 146. In that speech General Logan explicitly declares that what he then proposed to do was only a beginning of what ought to be done. I will read just a passage or two which I have my eye on:

Now, sir, I will state to the House that in preparing our bill, we have not fully reorganized the Army as we think it should be, nor have we curtailed it near as much as it ought to be curtailed, as I will demonstrate to the satisfaction of every member on this floor who will give me his attention. But we have done that which we thought Congress would accept now, and if further curtailment is deemed necessary, as I believe, and as the committee over which I have the honor to preside as chairman also believe, that may be done hereafter. But we thought this would be sufficient for the present, and perhaps it is all we can do in face of the opposition we are receiving from some quarters, for reasons unknown to us.

It seems that they had opposition in those days just as we have now.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from New York [Mr. HEWITT] has expired.

Mr. McCOOK. I hope the Committee of the Whole will extend the gentleman's time.

Mr. SPARKS. How much time does the gentleman want?

Mr. WHITE, of Pennsylvania. I hope the gentleman will not be limited.

Mr. WILSON. Let him have an hour more.

A MEMBER. Let him finish his speech.

The CHAIRMAN. The Chair hears no objection to the gentleman from New York proceeding.

Mr. HEWITT, of New York. Mr. Chairman, I am speaking under great difficulty. My throat is in such a condition as scarcely to allow me to speak. If I had these remarks written, I should not avail myself of the courtesy of the committee, but ask leave to print them; but unhappily I have had no time to write them. I am therefore speaking solely from notes; and unless I conclude my statement, I fear a proper explanation of this bill may not be made.

Now, here was the declaration of General Logan that he and his committee had not gone far enough in the reorganization of the Army. In 1874, by what is known as the "Coburn bill," the rank and file of the Army were reduced to 25,000; but nothing was done with the officers. Previous to that time complaints had come in from all quarters that the number of regiments was too large for the number of men; that the regiments contained so few men as to be very ineffective in war. There were actually companies that had no men because they were detailed for other duties. Yet in the face of this state of things the Army was reduced to the extent of 5,000 men, but not a single officer was put out. What was the result? The whole structure became top-heavy. It was all officers, all epaulets—no men, no muskets. Of course I speak in extremes; but the fact is notorious, and no gentlemen on this floor will pretend to deny it, that our Army is over-officered. It is an inverted cone. What we propose to do is to restore this cone to its base.

THE SKELETON SYSTEM.

And here let me say that I have asked every Army officer whom I have met: "Are you satisfied with the condition of the Army?" "No." "What is the matter?" "There are too few men in the regiments; there are too few men in the companies." What is their remedy? "Fill it up to forty thousand men." Without exception every man has said that to me: "Give us forty thousand men." "What," I say, "are you not in favor of the skeleton system?" "No, we are not in favor of the skeleton system."

I will pursue that line of my argument at this time, although it belongs to a later period of the discussion, because I may not be able to complete it. I have been met through the newspapers and elsewhere with the criticism of this bill, that it destroys the skeleton system of the Army. It does destroy the skeleton system. I acknowledge it. It ought to destroy the skeleton system, and I quote the General of the Army, General Sheridan, and General Hancock, as my authorities against the skeleton system.

Mr. McCOOK. Will my colleague quote General Schofield in that same connection?

Mr. HEWITT, of New York. I will quote him if my colleague will furnish me with the quotation.

Mr. McCOOK. He can find it. Is that the testimony taken before the Committee on Military Affairs?

Mr. HEWITT, of New York. No, it is not; it is the report of the Secretary of War, containing the report of the General of the Army.

Mr. McCOOK. I do not know where General Hancock testifies as my colleague indicates.

Mr. HEWITT, of New York. I will read it to the gentleman in a few moments. If he had consulted his friend from Ohio [Mr. GARFIELD] he would have found that gentleman had quoted it at great length in his article from which I shall read.

Mr. McCOOK. That was several years ago, following the war.

Mr. HEWITT, of New York. No, not at all; it is the present year.

Mr. McCOOK. The gentleman refers to the magazine article.

Mr. HEWITT, of New York. Yes, sir.

Mr. BANNING. Printed in connection with the report of the Secretary of War.

Mr. HEWITT, of New York. No, sir. It is quoted in General GARFIELD's article. I only want to give the facts, and if there is anything on the other side, if gentlemen will send it to me, I will quote that too.

To proceed, General Sheridan, in speaking of this Indian campaign, says:

The expense and very great loss of life attending these operations have arisen principally from being obliged to use an inadequate force to perform services which to accomplish quickly and properly required at least double its numbers. If the companies had been filled to one hundred men each the additional expense would not have been so great in the end as it has now proved to be with companies ranging from thirty to forty men. Then the Indian troubles might have been settled promptly, and there is a strong probability that they would not have occurred at all; and I therefore respectfully recommend an increase of all the companies in the service to one hundred men each. I believe it would be true economy and at the same time it would enable the Army to satisfactorily perform the work required of it.

Then comes General Sherman, who says:

I agree with General Sheridan perfectly in what he states, and further, that our weakness is well known to the Indians, our inveterate enemy, the enemy to cultivation, to labor of any sort, and to all civilization, and that this very weakness entails on the General Government the great cost of Indian wars.

And next I come to the Adjutant-General of the Army, who, on page 47 of the report of the Secretary of War, submits the draft of a law for increasing the Army. He says:

ADJUTANT-GENERAL'S OFFICE,
Washington, September 10, 1877.

SIR: In compliance with your verbal instructions I have the honor to submit the following report on the best mode of increasing the strength of the regular Army:

From a very early day the military history of this country contains records of disasters due solely to the "skeleton" organization of companies. Dade's massacre may be cited, for the sake of a commencement as to dates, and Gibbon's late affair with the Nez Percés as the most recent. Gibbon had six companies in all, numbering 15 officers and 146 men. His companies averaged about 24 men each. With this handful of men he inflicted a severe loss on an enemy treble his numbers. If his companies had averaged 80 men he would have outnumbered Joseph's band and would probably have captured or exterminated it. The reason Gibbon had so small a force was that Congress decreed there should be but 25,000 enlisted men in all the Army, and that 7 regiments of cavalry should have 100 men per company, or 1,202 to a regiment; the other 3 cavalry regiments 70 per company, or 845 to a regiment; and that the remainder should be divided between the engineer, artillery, and infantry companies and ordnance and general service detachments. The following schedule, showing the division which was made under this law, will explain why companies of artillery and infantry are so small.

Therefore General Townsend says the skeleton system is a failure and has been productive of enormous losses to this country. He follows that statement up in these words:

To bring the Army down to the standard of 25,000, in accordance with the terms of the act of August 15, 1876, the following is the standard fixed for all organizations except cavalry:

Enlisted men of engineers	200
Enlisted men of ordnance	350
Ordnance sergeants at posts	114
Commissary sergeants at posts	148
Hospital stewards	200

West Point detachments	200
Recruiting parties	300
Indian scouts	600
Guard at military prison	74
Sixty-five enlisted men per battery for 5 light batteries of artillery	325
Forty-eight enlisted men per battery for 5 light batteries at the artillery school	240
Thirty-eight enlisted men per battery for 50 batteries of artillery, and 5 enlisted men for non-commissioned staff at each of 5 regimental headquarters of artillery	1,925
Thirty-seven enlisted men per company of 250 companies of infantry, and 5 for non-commissioned staff, at each of 25 regimental headquarters of infantry	9,375

In the first article of my friend from Ohio, [Mr. GARFIELD,] in the March-April number of the North American Review for 1878, which he has kindly handed to me, he says:

In discussing the condition of the infantry and cavalry, General Hancock calls attention to the fact that the number of enlisted men in each company had become too small for effective discipline and instruction, so that in late years it has not been practicable to carry military instruction beyond the school of the individual soldier or rarely beyond the school of the company. To remedy this evil, he recommends that the companies in these arms of the service be filled up to 100 men each, and, to prevent the aggregate increase of the Army which this would occasion, he recommends that the number of companies in each regiment be reduced to eight. The General (Hancock) then continues: "The question of any further reduction of these arms than that just suggested should, I think, be deferred a few years longer, until our Indian frontiers are in a more settled condition. If no other disturbances have arisen, I have no doubt that these arms could with safety be still further reduced if then deemed advisable."

I think that this quotation substantially answers the question which was put to me a little while ago by my colleague from New York, [Mr. MCCOOK,] whether I could point to any statement of General Hancock on the subject of the increase of the Army above 25,000 men. Now, he not only does not recommend an increase, but suggests an ultimate reduction. And the suggestion which he makes of increasing the number of men in the companies by reducing the number of companies in the regiment has been adopted in the bill under discussion.

I regret that the gentleman from Ohio [Mr. GARFIELD] has not seen fit to publish the whole of General Hancock's letter, but from the following extract which is given it is evident that he proposed reductions and consolidations in all branches of the service. General Hancock says:

A considerable saving of expense would result from the reductions and consolidations proposed in the cavalry, artillery, and infantry. The concentration of enlisted men so as to have fewer and larger companies would be a departure from the old theory that our Army in peace, especially the line, should be a skeleton to be filled out for war. This theory, false in principle, has always failed in practice.

I suppose my colleague will now be satisfied as to General Hancock.

Mr. MCCOOK. I will if you read on.

Mr. HEWITT, of New York. I am going to read the rest of it. I will read the whole of it, and I think it will fully satisfy my colleague as to the "skeleton" system.

It involves just that lack of power so much complained of during peace—companies too small for instruction, drill, and other duty—and when war comes, in lieu of filling out the skeleton, we take entire new organizations from the volunteers or militia. Our standing Army should be a small, complete, compact, vigorous, healthy body; always in a thorough state of discipline and instruction, serving as a model and a standard for the national forces, and not preserved as a skeleton, into which it is expected to infuse vitality, activity, and knowledge at the moment an emergency arises.

Does my colleague want any more from General Hancock?

Now, he alludes to a fact which ought to be known to every man who writes an article for a newspaper in this country, that we never have filled out one of these skeletons. When trouble came we called for the volunteers and they came. In every war we ever had we have never undertaken to fill out skeletons. We have organized additional armies out of the volunteer force.

Mr. MCCOOK. I do not like to interrupt my colleague; but I must ask him this: will he put his finger on anything General Hancock has ever written that looks toward a reduction or consolidation of the regimental organization?

Mr. HEWITT, of New York. The number of regiments?

Mr. MCCOOK. Yes, sir.

Mr. HEWITT, of New York. I am not prepared to put my finger on anything other than I have already read, which I regard as sufficient; but if the gentleman is prepared to put his finger on anything to the contrary I will yield to him that he may produce it.

Mr. MCCOOK. I cannot do so at this moment.

Mr. HEWITT, of New York. Then you must not expect me to be prepared for things you are not prepared for yourself.

Now, I have said that every officer whom I have consulted has recommended the increase of the Army by filling up the regiments. Then I have put the converse proposition. If the people of this country through their Representatives are not willing to have an Army of 40,000 men, and both sides of this House are upon record against such an Army, the republicans by reducing it from 50,000 to 40,000, to 30,000, to 25,000, and this side of the House by efforts to bring it down to 20,000—I say if the people of this country will not have such an Army what then will you do? I have yet to find the first man who has not said, "Then reduce your regimental organizations to the number adapted to the number of enlisted men you are willing to support." General Sherman says it. In the very article in which the gentleman from Ohio has discussed this subject, General Sherman recommends the consolidation. I give his recommendation, although it does not agree with what we have reported:

	Officers.	Men.
Five regiments of artillery, 60 companies	270	3,600
Ten regiments of cavalry, 120 companies	540	7,360
Twenty regiments of infantry, 240 companies	1,080	14,760
	1,890	25,760
Aggregating officers and men		27,650

General Sherman recommends five regiments of artillery, ten regiments of cavalry, and twenty regiments of infantry, reducing the number of infantry five regiments. That is his recommendation; and he figures that for an army of 25,760 men. Now, when we figure for an army of 20,000 men, we must necessarily make a further reduction on his number of regiments. But the principle is exactly the same, and the General of the Army is my authority for this proposition to consolidate regiments.

Mr. GARFIELD. I dislike to interrupt the current of the gentleman's argument; but I think he should state that General Sherman's plan is to have three battalion regiments, so that we shall have in a regiment three battalions instead of two, as now. Without that statement, General Sherman's idea is not fully represented.

Mr. HEWITT, of New York. I was to have come to that a little later. And I may as well state now as hereafter, that General Sherman recommends a regiment composed of three battalions. In that recommendation he is in accordance with the modern military practice. And, just at this point, let me disclaim any pretension whatever to military knowledge. I know nothing absolutely about it, and I would be the last man to undertake or attempt a reorganization of the Army, or to give an opinion on any military matter whatever. On matters of finance, of mere administration of dollars and cents, I hold myself competent to pass judgment. But when it comes to questions of organization I only quote authorities, and by recognized authorities I propose to stand.

Now, General Sherman recommends a regiment with three battalions—that is the modern military practice—two of those battalions to be in service and one of them as a skeleton battalion for reinforcing the other two. I would have said later that the bill which we have reported to this House contemplates exactly that arrangement. It provides for three battalions. It organizes two of those battalions at the present time and it leaves the third battalion to be organized whenever in the judgment of the country a larger army is necessary. Therefore the bill proposed by the committee really is the only plan of skeleton organization, which is worth anything, that has ever been proposed in this House. It does the very thing that General Sherman wants to have done, except that he proposes to keep his skeleton in existence. It is an expensive skeleton. It is a skeleton in the closet which we think in the poverty of this country at the present time it is not wise to create. But later the luxury of a skeleton may be indulged in and probably with great advantage.

Now, having arrived at the principle that the expenditure of the Army must be reduced and ought to be reduced, and having got the judgment of all the military authorities that the proper mode of reduction is to consolidate regimental organizations, the Committee on Appropriations went then to their friends on the Military Committee.

THE PLAN FOR REORGANIZATION.

The Committee on Appropriations did not pretend to know anything about military affairs; they went to the proper authority of this House, who had had the subject under consideration, and asked them to give the Committee on Appropriations a plan of reduction by which the money appropriation could be brought down within the proper limits, and we accepted the plan which the majority of the Committee on Military Affairs had matured. I am not going to defend that plan. If it is to be attacked, the gentlemen on the Committee on Military Affairs are perfectly competent to take care of their own progeny. But this I want to say, that the plan recommended by the Committee on Military Affairs was accepted with three reservations, which I will now state.

Mr. MARSH. Do I understand the gentleman to say that this bill has been passed upon and reported by the Committee on Military Affairs or has met their approbation?

Mr. HEWITT, of New York. I do not say that it was passed upon or reported by that committee, but I say this, in order that there may be no misunderstanding about it, that we consulted the chairman of the Committee on Military Affairs, and asked him to give us the details of the organization which had been matured by that committee in a bill which has not been reported, probably from the fact that the committee has not been called.

Mr. MARSH. I will say that the bill to which the gentleman has referred has not been matured and has not been passed by the Committee on Military Affairs.

Mr. BANNING. The gentleman from New York has not reported the bill which the Committee on Military Affairs agreed to; he has made changes in it.

Mr. HEWITT, of New York. I was about to state the changes.

Mr. WHITE, of Pennsylvania. I desire the privilege of stating here, lest there should be any misapprehension, that this bill was never approved by the Committee on Military Affairs. I, for one, as a member of that committee, never did approve of it.

Mr. HEWITT, of New York. I will simply repeat what I said before that the chairman of the Committee on Military Affairs, by the request of the chairman of the subcommittee of the Committee on Appropriations, furnished the Committee on Appropriations with a plan which we were informed met with the approbation of the majority of that committee. We took that plan with three reservations. The first was this: that we would not report any bill which reduced the number of muskets in the Army below the number which was in the Army at the date of the last report of the Adjutant-General. That was the first point. The second point was, that we would not force a single officer of the Army out of the service without his own consent; that if he did not choose to go, he should remain an officer, unless in the judgment of his fellow-officers, he was unfit to be an officer at all; in other words, for incompetency. And lastly, we declined to cut down the pay of the officers of the Army. We were willing to deal with their allowances, but were not willing to deal with their pay proper, the pay fixed by a republican Congress, by the bill known as General Logan's bill.

The pay list is absolutely untouched, so far as pay proper is concerned. What we undertake to deal with is the allowances, which General Logan undertook to cut off, but did not cut off by his bill, but by this bill we do cut off the allowances, which were abuses, with one exception, which I will state presently, in which I do not concur. But the broad proposition is true that we have not interfered with the pay proper of the Army officers in this bill, although we had the authority of General Sherman for doing so if we had been disposed to proceed in that direction. In his letter dated February 4, 1876, addressed to the Military Committee and printed in the volume of testimony published by that committee for the last Congress, General Sherman says: "I think the present salary bill for the Army is just and liberal; was supposed to be of lasting duration, and should not be materially altered till the currency comes to the gold standard, when all salaries could be reduced 15 or 20 per cent."

By the operations of the Treasury Department, under the able administration of his brother, the contingency has arrived when Army salaries might properly be reduced to a gold basis, especially as they were fixed when gold was at a premium of 16.7.

Now we come to the first proposition about the reduction of the numbers of the Army. I have a table of the Paymaster's department, signed by General Alvord, which gives the distribution of the present Army through the several ranks, from General down to private. I find that if the Army had 25,000 men in it the number of soldiers bearing guns would be 22,257. But the Army is not full. By the return made by the Adjutant-General in the last annual report of the Secretary of War there were only 19,257 men in service to carry muskets, and of these 463 men are detailed at headquarters as clerks, leaving the actual number of muskets in the service 18,794. That fixed the minimum of muskets which the Committee on Appropriations were willing to report in any bill that they might bring before this House. Now, by the table which I hold in my hand, and which will be appended to my remarks, counting all the musket-bearing men, commissioned and non-commissioned, as before, this bill will give us 18,905; in other words, it will give a number of men exceeding the present number of men by 111; but if the same number of men were detailed out of the Army, as we propose to make it, as is detailed out of the present Army, then we should have 352 muskets less than the present number. Now, as I have said, there are 463 men detailed for duty here in Washington. It is alleged that it is done for the sake of economy. I have had a statement made up which shows that the Government is paying annually from $1,000 to $1,200 for each one of these detailed men in pay and allowances.

Now, from the figures which I have given it is evident that the present Army is short of the number of muskets which are properly due to an army of 25,000 men about 3,000. If it is desired to have the full number of 22,354 muskets which the present organization permits, then it is evident that you can get this number of muskets by adding 3,000 to the number of enlisted men proposed in our bill. In other words, such is the superiority of the organization proposed by us that an Army of 23,500 enlisted men will give as many men bearing arms as the present Army of 25,000 men. The cost of these 3,000 additional men will be about $900,000, so that the organization which we propose will save $3,000,000 and give an Army as large in all respects, except in officers, and one which will be compact, complete, and perfectly effective, a "model Army," to use the words of General Hancock. How can any man who is in favor of economy refuse to deal with this question when it is demonstrated that at $3,000,000 less cost we can have practically the same number of muskets by consolidating regiments? and the regiments will not then be skeleton regiments, which are condemned by every military authority of whom I have inquired on the subject.

I say, how can any man here refuse to save these $3,000,000? I am not going to discuss the question whether 20,000, 21,000, or 23,000 men in our Army is the proper number. But I say if you gentlemen on the other side have been right in your theory that you want an army of 25,000 men, then I have shown you a way to obtain your officers and men at a less cost by $3,000,000, and I ask you to join with me in the effort to save this money.

Mr. THROCKMORTON. I would inquire of the gentleman in regard to the detail of men for the Signal Corps, &c.

Mr. HEWITT, of New York. The Signal Corps is not touched by this bill.

Mr. THROCKMORTON. Are there not now 2,500 men detached from the regular service?

Mr. HEWITT, of New York. As I understand it, there are about 2,250 men who are not now carrying muskets, included in the estimate of arms-bearing men. But desiring to do full justice, I will say that I am informed at the War Department that there are only 463 of those men who are not in a position where they could bear muskets if required.

Mr. THROCKMORTON. What I wish to ask is this: how are you going to supply that deficiency?

Mr. HEWITT, of New York. I will answer that question. I propose to have an Army that is an Army, compact, vigorous, healthy, as General Hancock says. I do not propose to take soldiers from the Army and put them in the Departments here to do the work of clerks. I say that is only to conceal the truth from the people of this country. Let us pay clerks to do clerical work and pay enlisted men to do the Army work. We save no money by detailing enlisted men for this purpose; we simply pay to each of these enlisted men $1,000 or $1,200 a year, money enough to hire a clerk, and by so doing we deceive the people as to the size of the Army. I do not propose to do that any longer.

Mr. MAGINNIS. The House refused the other day to follow the gentleman in regard to this matter of details.

Mr. HEWITT, of New York. I want the House to know what they are doing when they refuse to follow, when they take men from the Army and put them at other work.

Mr. CALKINS. If the gentleman will allow me on this point.

Mr. HEWITT, of New York. Certainly.

Mr. CALKINS. I desire to refer the gentleman to the report of Mr. Calhoun, while he was Secretary of War, in which he said distinctly that it had been the experience of centuries that one-third of the enlisted men of the Army were necessarily absent on certain details and could not bear muskets actively.

Mr. HEWITT, of New York. If the gentleman will allow me, his objection has no force. It applies equally to the Army in existence and to the proposed Army. The same deduction will be made in the case of any army. My point is this, and I hope he will comprehend it: that the proposed scheme puts as many men into the Army who ought to bear muskets if they are on hand as there are now bearing muskets in the present Army, when we have less than 22,000 enlisted men. If they want to have more men, then they ought to enlist more men. But of the 22,000 we have only 18,794 that could carry muskets. And under this bill we propose to give them 18,905.

Mr. CALKINS. The gentleman has not comprehended my question.

Mr. HEWITT, of New York. I think I have.

Mr. CALKINS. In the proposed reorganization of the Army, will there be any less number detailed than there is in the present organization?

Mr. HEWITT, of New York. The gentleman apparently does not understand that I give the maximum for each army, including the details. There will always be details; there will be sick men, there will always be men in either case who cannot carry muskets. But in both cases I have given the maximum, and that is the only basis upon which the comparison can be made.

Mr. BANNING. Will the gentleman from New York [Mr. HEWITT] permit me to answer the gentleman from Indiana, [Mr. CALKINS?]

Mr. HEWITT, of New York. Certainly.

Mr. BANNING. In the proposed reduction we will do away with 148 companies, or 14 regiments. In doing away with those 14 regiments we do away with the unnecessary detail for 10 regimental headquarters and 148 company headquarters. The gentleman from Indiana [Mr. CALKINS] is an old soldier himself, and he knows that will be a saving of over 1,000 detailed men now unnecessarily detailed.

Mr. CALKINS. I do not admit the conclusions of the gentleman——

Mr. HEWITT, of New York. I think this discussion can go on outside of my remarks. I desire to say that in either case there will be a deduction of about one-third; so I understand Army officers to say.

OFFICERS.

This bill proposes to reduce the number of officers 547. I have said that no one of these officers is to go out of the Army except by his free will. It is to be accomplished by this process: first, those who are willing to go are to be allowed additional pay and allowances in proportion to the length of their service, but their going is to be purely voluntary on their part. The scale of pay and allowance is liberal beyond any precedent in this country or any other in the world. If they have served ten years, they are to have one year's additional pay and allowance; if they have served fifteen years, they are to have two years' pay and allowance; if they have served twenty years, they are to have three years' pay and allowance; if they have served twenty-five years, they are to have four years' pay and allowance; and if thirty years, they are to have five years' pay and allowance.

I say in the first place that the bill provides for the voluntary retirement of officers upon a scale of compensation unprecedented for its liberality. If they do not choose to retire, as many of them will, then all over sixty-five years of age are to be placed by the President upon the retired list, where they will get 75 per cent. of their present pay and allowances. No other country in the world ever retires its military officers upon more than half pay. No one can complain, therefore, that this measure is not sufficiently liberal. A board, consisting of three major-generals of the Army, is provided to pass upon the

remaining officers who will be relieved by this consolidation. All those who are incompetent or unfitted by vicious habits to be officers will be discharged. They may at the outset retire voluntarily; but if they do not take advantage of that provision, this board of three officers is to determine whether they are fit to be officers of the United States, and if not they are to be discharged, as they ought to be.

And, lastly, all the others who are faithful and competent officers are put on the supernumerary list. Out of that list all the vacancies in the service are to be filled. If there are still officers who are not required for the military service the President is empowered to employ them in the civil service of the Government until they are required for military service. There is a law now which prohibits the civil employment of officers. This bill proposes to repeal so much of that law as will interfere with this use of the supernumerary officers. Therefore we have done them no injustice. Under Logan's bill a board sat and discharged them all. There was no supernumerary list. They went with a year's pay and allowance. And General Logan defended that method in a powerful speech (which I am sorry I cannot read) by the uniform precedents of this country after the revolutionary war, after the war of 1812, and after the Mexican war, and said there never had been any complaint, and ought not to be any complaint. Under his act 504 officers were so retired from the Army. Under this act no man who is fit to be an officer will be retired unless he himself desires it.

PAY OF OFFICERS.

We come now to the subject of pay. I have said we have not reduced the pay proper. The pay proper was fixed by General Logan's bill, passed in 1870. Prior to the passage of that bill the pay of officers was a most complicated affair. I have a table here giving the comparative pay for 1860 and 1870, and it will be seen by those who examine it, (for I will print it with my remarks,) that there were at least eight different allowances made to an officer in 1860 in order to make up his pay. General Logan proposed to simplify and bring these allowances down to a fixed sum; and in order that I may not be misunderstood I propose to quote his language. It is as follows:

> The pay has increased to such an extent that it is now most extravagant. * * * The excess over the pay proper is on account of rations, forage, commutation of quarters, and everything else a man can imagine summed up together in such a way that neither you nor I could sit down and figure it out satisfactorily.
>
> We propose to reduce all this to a system; we propose to give each officer of the Army such pay as he is entitled to; we propose to give it by the year, a regular fixed salary.

After stating the pay proposed to be given to each grade in the service, the rates which were in fact adopted, and which we do not propose to change, he adds:

> And it is proposed these sums shall be in full of all commutation of quarters, fuel, forage, servants' wages, and clothing, longevity rations, and all allowances of every name and nature whatever, and shall be paid monthly by the paymaster. Then it is proposed by the committee to amend this bill so as to provide that quarters and forage may be furnished to officers, and that when not furnished no commutation shall be given.
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> * * * * * * *
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> Gentlemen say that this pay is too low for those who are here, (in Washington;) that they have to rent houses. If the officers here think that the pay is too low let them go to the field, and let some of the officers who are in the field come here. * * * We propose that there shall be no difference between the pay of Army officers who are in the field and those of the same rank doing easy duty in cities.
>
> By this bill, as proposed by the Military Committee with the amendments to it which will be offered, there will be saved to the Government in the pay of officers about $1,500,000 and in respect to commutation of quarters, fuel, &c., an amount of money you can hardly conceive of. I do not know the exact amount that will be saved in that way, but it will be a large amount. The total saving by this bill will, I am satisfied, approximate to $3,000,000 per annum.

All this will be found in the Congressional Globe, volume 81. In the report made the previous year by the then chairman of the Committee on Military Affairs, certainly a member of the committee, [General GARFIELD,] he says:

> A reform is needed in the system of Army pay, which is cumbersome and complicated and works greatly to the disadvantage of officers serving in the field and on the frontiers. Fixed salaries, such as are paid in the Navy and in all branches of the civil service, should be substituted for the various allowances and commutations which make up the pay of Army officers.

I have no doubt General Logan tried honestly to carry out the declarations he made in his speech and which were in accordance with the declaration of the gentleman from Ohio. The gentleman from Ohio voted for that bill. I presume he thought it would carry out the doctrine he had advocated. I think the country will be astonished to know that no economy was effected at all. Allowance for forage, the allowance for fuel, the allowance for quarters, have gone on ever since in exactly the same way only under a different name, the word "kind" being substituted for "commutation." And not a dollar was saved by Logan's bill, so far as I can ascertain, except the economy due to the reduction in the number of officers. The officers were paid and have continued to be paid from that time to this at rates which will be found in this table which I shall print and which, I think, will be generally thought to be tolerably liberal, especially as currency and gold are now on a level.

The General of the Army, whose pay proper is $13,500, really gets $17,700. The Lieutenant-General, whose pay proper is $11,000, gets $13,266. A major-general, whose pay proper is $7,500, gets $9,944.75. A brigadier-general, whose pay proper is $5,500, gets $7,504. Colonels, whose pay proper is $3,500 and with longevity allowance $4,500—and I wish to say that all get the longevity allowance and it is quite right that they should—that should be understood—get $6,171. And so throughout the list all the way down the pay varies from 25 to 40 per cent. in addition to the pay proper. And General Logan seems to have thought that these allowances would be cut off entirely by his bill.

How do we deal with it? You noticed that remarkable statement that he intended officers in the field should be as well paid as officers living at headquarters in Washington. It was not done. The allowances to officers here continued to be and are to-day greater than to officers in the field, at least if they actually keep horses. How do we deal with it? We let the pay of officers in the field alone. We furnish them with quarters as they are now furnished. Where they have horses we give them forage. Where they have no horses we cut it off. Is there a man in this House who will say an officer should have forage for horses he has not?

General Logan's bill tried to prevent that abuse. I think he used language which ought to have prevented it. But it has been construed to mean that when an officer had not a horse the forage should be delivered to him in kind, and then he could sell the forage and put the money in his pocket. That has been the usual practice in the Army. I do not think it is right, but it has been construed to be the law, and they do not violate the law by doing it.

I was not disposed to cut off the fuel allowance; but when we began to investigate it we found a state of things which made it necessary to deal with it. There are 2,161 officers. The expense of fuel to those officers last year was $441,000, nearly $200 apiece for every officer in the Army, married and single. Now, there is no sense in that. At first it was proposed to cut it off entirely, but subsequently it was found that there were officers on the frontier who could not get fuel. It could only be got from the Government stock. And then again, if they got it at cost under the law for that purpose they would have to pay an enormous price, sometimes twenty or thirty dollars a cord. The committee therefore adopted a rule to give the officers the right to purchase the fuel from Government stock at $3 a cord, wherever it may be. That is less than it costs the Government; it will be a benefaction to the officer to the amount of 60 per cent. of the cost of the fuel.

The Government will pay more than half the cost of the fuel, but the system will insure economy and effect a saving which is estimated at about $200,000 per annum.

Now, then, a word about quarters. We have cut off nothing, absolutely nothing, from an officer serving in the field or on the frontier, except this fuel allowance. Then the officers in Washington say: "That is unjust to us; you have cut down the allowance for quarters to one-half what it is at the present time," for the bill restores it to the allowance made in 1860. Now, of the propriety of that restoration others can judge as well as I can; but it is really no grievance that that allowance is cut down. The law originally did not contemplate any obligation to furnish quarters to any officer; it gave him a salary, and his salary was supposed to be adequate remuneration for his services. At the posts there were no quarters that could be hired, and the Government furnished necessary quarters, and in course of time made an allowance for quarters to the officers elsewhere who had none. I do not know whether the allowance for quarters is adequate or not, but I do know that under the revised table of pay which I hold in my hand these officers in Washington will be as well paid for their services as any corresponding services are paid for in civil life, and they are better paid than the officers of the Navy.

I hold in my hand the statement of what will be received by the officers under this bill as it stands. It is an instructive statement. The General of the Army under this bill will receive $15,000. The Lieutenant-General will receive $11,648. A major-general will receive $8,148; a brigadier-general, $6,040.

A MEMBER. Does that include the allowances?

Mr. HEWITT, of New York. That includes salary, allowances, everything. A colonel of cavalry will get in pay and in longevity, including allowance for quarters, $4,840.

Mr. GARFIELD. Will the gentleman explain how he counts longevity?

Mr. HEWITT, of New York. I am to make a statement about longevity if the gentleman will wait for a moment. Under the bill his pay proper is $3,500; his longevity allowance $800; this would give him $4,300, to which is to be added his quarters, if he has them, or an allowance of $540 in lieu thereof, making $4,840 in all.

Now I wish to say one word about the reporter of a bill. I have reported this bill to the House under instructions from my committee. There are some things in which my judgment has been overruled by my colleagues. I trust I do not violate any proprieties in saying this, and that I am bound by the action of my committee.

At the same time I am free to say that personally I would not have interfered with the longevity allowance of major, lieutenant-colonel, or colonel, who now get $1,000, and are cut down to $800 by this bill. I think that the addition of $1,000 for long service, making the pay $4,500, exclusive of quarters, would not be too much pay for a colonel. He gets, in addition, his quarters; if he is on service he gets his forage if he has horses; he gets his fuel at $3 a cord; and he buys all his supplies, of every kind, at actual cost. If he continued to get the longevity allowance of $1,000 he would receive when here in Washington $5,040 per annum.

Mr. ATKINS. I would ask my colleague whether, if the longevity allowance should be limited to $800, he would not, with the other allowances made, receive $5,000 under this bill?

Mr. HEWITT, of New York. No, sir; he would then have $4,840, besides what he may gain in the price of fuel, and I do not think this would be worth more than $50 additional. I do not think it fair

to count the forage allowance, because the horses, if he keeps them, are not for the colonel's use, but are needed for the proper discharge of his duties.

Mr. ATKINS. But he needs no horse in the city.

Mr. HEWITT, of New York. Then he will get no allowance for forage. The bill reduces the longevity allowance $200. There is no other change in the pay, and I am not in favor of this change.

Now, there are many things in which an Army officer has advantages over a civilian. In the first place he holds a position in which he is secure for life. For the bill provides that if he does not choose to go he need not go.

Mr. MARSH. I would ask the gentleman if he put in that provision in accordance with the views of the majority of the Committee on Military Affairs.

Mr. HEWITT, of New York. I am not in a position to state to the House the views of a majority of the Committee on Military Affairs. I can only state the views of a majority of the Committee on Appropriations.

Mr. MARSH. Has not the gentleman taken that position in defiance of the wishes and views of a majority of the Committee on Military Affairs?

Mr. HEWITT, of New York. My answer is that when the Military Committee were asked for suggestions they were told that this was one of the principles on which we were going to act, and they never made any suggestion to the contrary. What they would have done if they had had the power I do not know.

Now, I say the Army officers have positions for life. Civilians have not. Moreover, they have retiring pensions; they have the right to purchase supplies at cost, and they get medical attendance free. These are great advantages to be taken into account in estimating salaries. I have been charged by my colleagues with living in an atmosphere of wealth and extravagance and therefore disposed to be too liberal; but I am constrained to say that the provisions in this bill are liberal and ample on the subject of compensation, and I do not think that any just-minded man can object to them. If there is any doubt about it it will be dispelled by comparing the relative compensation of these officers with the officers of the Navy. I had heard a great deal said on this subject, and when I first went into the examination I believed that the officers of the Navy got more than the officers of the Army, but the table which I have had prepared showing the relative compensation of these officers will prove that my impression was erroneous.

Comparison of the pay of the Navy and Army according to the relative rank established by section 1466 Revised Statutes.

PAY OF THE NAVY.

Grade.	At sea.	One ration.	On shore duty.	On leave or waiting orders.	Average pay.
Admiral	$13,000	$109 50	$13,000	$13,000	$13,000 00
Vice-Admiral	9,000	109 50	8,000	6,000	8,000 00
Rear-Admiral	6,000	109 50	5,000	4,000	5,354 75
Commodore	5,000	109 50	4,000	3,000	4,354 75
Captain	4,500	109 50	3,500	2,800	3,914 75
Commander	3,500	109 50	3,000	2,300	2,964 75
Lieutenant-commander	2,800	109 50	2,400	2,000	2,574 75
Lieutenant-commander, after four years from date of commission	3,000	109 50	2,600	2,200	2,674 75
Lieutenant	2,400	109 50	2,000	1,600	2,174 75
Lieutenant, after five years from date of commission	2,600	109 50	2,200	1,800	2,374 75
Master	1,800	109 50	1,500	1,200	1,644 75
Master, after five years from date of commission	2,000	109 50	1,700	1,400	1,844 75
Ensign	1,200	109 50	1,000	800	1,114 75
Ensign, after five years from date of commission	1,400	109 50	1,200	1,000	1,314 75

Every naval officer while at sea is entitled to the value of one ration, at thirty cents a day, or $109.50 a year. In the column of average pay the pay of the Admiral is fixed by law at the same amount at all times. The average pay of the Vice-Admiral is his shore-duty pay. The average pay of all other officers is computed at the rate of .5 sea pay, .3 other-duty pay, and .2 on leave or waiting-orders pay, this being assumed to be about a fair proportion of the various duties to be discharged.

Officers on shore duty are generally provided with quarters at navy-yards or naval stations.

PAY OF THE ARMY.

Grade.	Pay.	Money value in kind furnished by Quartermaster's Department.				Total pay and allowances.	Maximum pay and allowances.
		Quarters.	Forage.	Fuel.	Total.		
General	$13,500	$3,600	$600 00	.....	$4,200 00	$17,700 00	$17,700 00
Lieutenant-general	11,000	1,296	600 00	$330 00	2,226 00	13,226 00	13,226 00
Major-general	7,500	1,296	818 75	330 00	2,244 75	9,944 75	9,944 75
Brigadier-general	5,500	1,080	645 00	270 00	2,004 00	7,504 00	7,504 00
Colonel	3,500	1,080	327 50	270 00	1,677 50	5,177 50	6,177 50
Lieutenant-colonel	3,000	864	327 50	240 00	1,431 50	4,431 50	5,431 50
Major	2,500	864	327 50	240 00	1,431 50	3,931 50	4,931 50
Captain	1,800	648	.....	202 50	850 50	2,650 50	Add 10 per cent. of pay for every five years of service.
Captain, mounted	2,000	648	327 50	202 50	1,178 00	3,178 00	
First lieutenant	1,500	432	.....	135 00	567 00	2,067 00	
First lieutenant, mounted	1,600	432	327 50	135 00	894 50	2,494 50	
Second lieutenant	1,400	432	.....	135 00	567 00	1,967 00	
Second lieutenant, mounted	1,500	432	327 50	135 00	894 50	2,394 50	

Mr. McCOOK. I would ask if the grades of Admiral and General do not expire with the present incumbents.

Mr. HEWITT, of New York. They do; and I am glad of it.

Mr. McCOOK. I asked for information. I knew that the grade of General did, but I did not know that the grade of Admiral did.

Mr. HEWITT, of New York. If there are any errors in the table I shall be glad to have them pointed out, for I seek for the truth only.

Now I have a word to say about the proposed organization under this bill. I think I need not detain the House to give figures as to the European armies. It is perfectly well understood that the pay of our Army officers is upon a very liberal scale compared with foreign armies. We have 1 officer to every 10 men in actual service, and in England they have 1 to every 19; in France, 1 to every 23, and in Germany, 1 to every 23; so that we have twice the number of officers that any other military organization in the world has, and of course ours is a very incongruous organization.

Now, on military topics I do not profess to express any judgment, but in the course of my consultations with military authorities, in order to get what information I could in regard to this subject, I have received from one of the best military authorities living a statement which will take but a moment to read, and which meets most of the questions raised upon the other side:

The range and precision of modern fire-arms and the application to them of breech-loading, with repeating principle, have changed the fighting unit. Not only has the formation of the column disappeared, but the continuous line has passed away. Battles must be fought by skirmishers, and tacticians must study the best methods of covering the line and feeding it from reserves in the rear. The company instead of the regiment is now the unit of organization for fighting, and the battalion for administration. For a small army, a battalion of five companies—each a hundred strong—should be kept efficient by having a second skeleton battalion in depot to drill recruits. These battalions should be commanded by majors. Colonels and lieutenant-colonels are useless in infantry—mere survivals of a passed military era. The strength of such an organization would be doubled at once by filling up the second battalion, and a third could be added if necessary. Artillery should mean field batteries. There field batteries should form a major's command, and one inspector of artillery with rank of colonel would be useful in administration. Heavy artillerymen, to man sea-coast fortifications, should be attached to the Ordnance Bureau and instructed in ordnance duties as well as in handling heavy guns. The cavalry might be left to its present organization, but it should be borne in mind that the duties of modern cavalry are those of mounted infantry.

Mr. CALKINS. Who is that?

Mr. HEWITT, of New York. I regret that I cannot give the name of my authority. His statements must go into my remarks for what they are worth. I can only say that the author is one of the military critics in this country, and military men will judge of the propriety of his suggestions.

SAVING EFFECTED.

This bill, as I have said, makes a saving of $3,871,000. It does it in this way: in the pay of officers to the extent of $1,000,000 and in the pay of enlisted men to the extent of $975,000. If you put 3,000 more men in the Army than we propose, it will merely eliminate the one item of $975,000 from the list of savings; that is all it will take out; everything else will remain unchanged.

Memorandum of savings by appropriation bill in amount estimated for present Army establishment, supposing the provisions of that bill to have been executed and the cost of executing them fully paid.

	Regular estimates, 1879.	Estimates for appropriation bill, 1879.	Difference, savings.
Pay department:			
Pay, &c., of officers	$5,807,257 50	$4,795,124 00	$1,012,133 50
Pay, &c., of enlisted men	6,068,375 18	5,093,091 18	975,284 00
Miscellaneous items not included in above	577,600 00	559,600 00	18,000 00
Quartermaster's Department:			
Regular supplies	4,400,000 00	3,553,208 74	846,791 26
Incidental expenses	1,000,000 00	1,328,000 00	
Army transportation	4,400,000 00	4,266,250 00	133,750 00
Barracks and quarters	1,500,000 00	1,124,192 00	375,808 00
Clothing and equipage	1,250,000 00	1,125,305 12	124,694 88
Subsistence department:			
Subsistence of the Army	2,600,000 00	2,215,000 00	385,000 00
			3,871,461 64

Included in this table it will be seen that there is an estimate of an increase which this organization will require, and which I am bound in perfect fairness to state. It is in the incidental expenses of the Quartermaster's Department, $328,000. Being astonished at this estimate, I asked the reason, and ascertained that it was this: they estimated that under this bill the cavalry must be kept up to the full complement of 100 men to the company. There is no such obligation in the bill. It merely says that the maximum of the cavalry shall be 100 men to the company, and the minimum of the infantry shall be 60 to the company.

The distribution is entirely in the control of the General of the Army. Of course the General of the Army will not require the maximum to be maintained in the cavalry, because it has already been given out in the War Department that it is desirable to have more infantry and less cavalry. In that case this estimate of increase will disappear, and in practice I am assured it will never occur.

This economy, for all time, is effected at a present cost of $2,897,000, upon the assumption that all the officers who are relieved by consolidation of regiments avail themselves of the provisions of the act for their retirement. Of course all will not do this, but the salary of such as may choose to remain will be earned in the civil employment to which they may be assigned by the President under the provisions of the bill.

One other point; and I will detain the House but a moment longer. At the proper time a motion will be made by a member of the committee to dispense with this reorganization and to refer the whole question to the board provided for in the bill for reorganizing the staff department. It will be asked: why not wait for the report of the board? That is a proper question.

I should be inclined to wait if we had not already waited eight years, since 1870. General Logan said that his bill was only one step, that a further reorganization ought to be made as soon as possible. Eight years have passed and no further step has been taken.

Two years ago an amendment was put on the Army appropriation bill providing a board to report to Congress a plan for the reorganization of the Army. The board met; it dissolved. The fruit of their labor appears in this book which I hold in my hand, which is a kind of history of the organization of the Army of the United States from 1789 to 1876, and of which, although it is a very valuable document, no member of Congress can get a copy. I have succeeded in getting the loan of a copy myself only through a private source. That is the sole fruit of that commission, except certain letters addressed to the commission, which the gentleman from Ohio [Mr. GARFIELD] has reproduced in the two articles he has furnished the North American Review.

Congress has been left in ignorance; whether purposely so or not I do not know. I have been told that the board made no report because there was no time. I tell gentlemen that there never will be time to get a report from an Army board, if you are to wait for a reorganization of the Army until that report comes to this House.

Mr. MARSH. Was that board composed of Army officers? Was it not composed partly of members of this House?

Mr. HEWITT, of New York. It was composed of certain members of the Senate and of this House and of Army officers.

Mr. MARSH. Were not a majority of that board members of Congress?

Mr. HEWITT, of New York. If so, then I am glad to put those members of Congress on their defense, and let them answer in this House why they did not make a report.

Mr. MARSH. That is what I want you to do.

Mr. McCOOK. The present distinguished chairman of the Committee on Military Affairs, [Mr. BANNING,] as I am informed, was a member of that board. He can answer for himself any attack made on the board.

Mr. MARSH. I would suggest to the gentleman from New York [Mr. HEWITT] that it is not fair to throw the responsibility of that board making no report upon Army officers.

Mr. HEWITT, of New York. I will let the responsibility fall where it belongs. If it belongs upon the Army, then they must bear it; if it falls upon members of Congress, they must take it. I only know that the Committee on Appropriations, when they felt compelled to take up the question of reduction of taxation, which it seemed to them ought to be made to the extent of $4,000,000 in the Army, had no information to act upon, and the only information which they have obtained from Army sources is found in a letter written by the General of the Army and addressed to that commission, and which has been reproduced by the gentleman from Ohio [Mr. GARFIELD] in an article published in the North American Review, where I first saw it, and which Congress was then permitted to see for the first time.

Mr. McCOOK. Will my colleague [Mr. HEWITT] allow me to state the composition of that board?

Mr. HEWITT, of New York. Certainly.

Mr. McCOOK. It was composed of two Senators, two Representatives, and two officers appointed by the President of the United States.

Mr. HEWITT, of New York. Now, I will say that our duty is to begin; but it is equally our duty to do nothing recklessly. We have begun. All that we have done is in the direction which has been recommended by the best authorities in the Army, that is to have full instead of skeleton regiments. The bill proposes a plan by which a skeleton organization may hereafter be created. It deals with abuses that have been the subject of comment and reproach for a long time. We have not attempted to go beyond the correction of those abuses. We have left and intend to leave the door open for a report from the board to be constituted under this bill, who will be required to report to this House by the 1st of December next a further plan of reorganization, not only of so much of the staff as we have not touched, but of the Army which we have touched. I hold that when we can save nearly $4,000,000 the tax-payers of this country will not justify us in waiting any longer. For this reason and for this reason only I have not been willing to wait as to all the details for the report of that board. Upon that report I predict we shall be able to save $700,000 more, bringing down the cost of maintaining our Army to the basis of 1860, estimated by the head of population.

In conclusion, the following are the points which I have endeavored to illustrate and demonstrate:

1. That it was the duty of the Committee on Appropriations to reduce the cost of maintaining the Army.

2. That this reduction could only be effected by a consolidation of regiments.

3. That the reduction proposed in the bill does not reduce the present fighting force of the Army to the extent of a musket, and admits of an increase, if necessary, to the present theoretical standard at a saving of $3,000,000 on the present cost.

4. That it does not force out of the Army a single officer who chooses to remain in it and who ought to remain in it.

5. That it does not reduce the pay proper of the Army, but only cuts off allowances which are abuses, leaving the Army officers with better pay than the salaries paid in civil life or in the Navy for equally important service.

6. That the savings, if effected, are simply in administration and can be largely increased by further improvements which will be suggested by the board, to whom the whole question of further reorganization of the Army and of the staff is referred by the provisions of the bill.

7. That the tax-payers of the country, who are its producers, will by this bill secure important relief to the extent of nearly $4,000,000, which is equivalent to the addition of that sum to the active capital of the country for the employment of labor now idle.

8. It is therefore legislation called for by every consideration of duty, justice, and wisdom.

Finally, I desire to acknowledge my obligations to the officers of the Pay department and the Quartermaster's Department for the courtesy and zeal which they have shown in giving me all the information necessary for perfecting the bill and explaining its provisions. High as was my appreciation of the fidelity and intelligence of the officers of the Army, I find it increased by personal contact with them, and it would be a source of profound regret if in the performance of my duty even seeming injustice should be done to a body of men so worthy of confidence and of a generous reward for faithful service.

It is customary, I find, for members who introduce measures of reform to state with how much commendation their work has been received by the public and the newspapers. Frankness compels me to say that thus far I have received no evidence of such approval. How much may be elicited after the bill is understood and discussed remains to be seen; but up to this time I have received only letters warning me against any interference with the Army, while among the newspapers I find one class denouncing me for not having made more radical work by cutting the Army down to ten thousand men, and another class finding fault with me for precisely the opposite reason, that I have gone too far, and crippled the usefulness of the Army. The conclusion in my mind is that the bill steers between the two extremes of opinion, and while for that reason it may not have any warm friends, it conforms to the maxim, *In medio tutissimus ibis*. But one thing I know, that there is a large class in this country who do not write letters nor edit newspapers, the hard-fisted sons of toil, who understand that every reduction in taxation leaves more money in private hands for their employment, and adds to the sum of their wages, and it is therefore to them that I would look for approbation for this effort to introduce economy into the public expenditures.

An estimate of amounts required by the Pay department for the fiscal year ending June 30, 1879, to pay the Army under the following conditions: First, present organization at present rates; second, same at rates proposed in House bill No. 4867.

Number. Present organization.	Number. Organization under House bill No. 4867.	Detailed objects of expenditures.	Present organization at present rates of pay.	Organization and rates proposed in Army appropriation bill, H. R. No. 4867.
1	1	General	$13,500 00	$13,500 00
1	1	Lieutenant-General	11,000 00	11,000 00
3	3	Major-generals	22,500 00	22,500 00
14	11	Brigadier-generals	77,000 00	71,500 00
30	19	Aids-de-camp, in addition to pay in the line	21,000 00	5,600 00
71	54	Colonels	248,500 00	189,000 00
85	71	Lieutenant-colonels	255,000 00	213,000 00
245	217	Majors	612,500 00	542,500 00
284	215	Captains, mounted	568,000 00	430,000 00
305	175	Captains, not mounted	549,000 00	315,000 00
34	32	Chaplains	51,000 00	48,000 00
21	21	Storekeepers	42,500 00	38,500 00
40	26	Adjutants, in addition to pay in the line under House bill No. 4867	72,000 00	9,800 00
40	26	Regimental quartermasters, in addition to pay in the line under House bill No. 4032	72,000 00	9,800 00
1	1	Adjutant and quartermaster of the engineer battalion, in addition to pay in the line	400 00	400 00
230	183	First lieutenants, mounted	368,000 00	292,800 00
360	230	First lieutenants, not mounted	540,000 00	345,000 00
140	164	Second lieutenants, mounted	210,000 00	246,000 00
305	295	Second lieutenants, not mounted	457,000 00	413,000 00
	5	Assistant adjutants-general, in addition to pay in the line	.....	2,500 00
200	200	Acting assistant commissaries of subsistence, in addition to pay in the line	20,000 00	20,000 00
		Pay to officers of foot regiments when on mounted duty	10,000 00	10,000 00
300	380	Retired officers	591,975 00	699,975 00
		Additional pay to officers for length of service, to be paid with current monthly pay	1,024,382 50	805,749 00
		Mileage to officers of the Army, when traveling under orders	200,000 00	200,000 00
		Pay and traveling expenses of mustered-out officers	.....	2,412,568 00
		Commutation of officers' quarters at places where there are no public quarters	.....	156,000 00
		Postage on letters and packages received and sent by officers of the Army on public service; cost of telegrams; compensation of citizen witnesses attending upon courts-martial, military commissions, and courts of inquiry; traveling expenses of paymasters' clerks	140,000 00	80,000 00
40	26	Sergeant-majors	11,040 00	7,176 00
1	1	Battalion sergeant-major	408 00	408 00
40	26	Quartermaster-sergeants	11,040 00	7,176 00
1	1	Battalion quartermaster-sergeant	408 00	408 00
40	26	Chief musicians	28,800 00	18,720 00
70	46	Chief trumpeters and principal musicians	18,480 00	12,144 00
10	6	Saddler sergeants	2,640 00	1,584 00
114	114	Ordnance sergeants	46,512 00	46,512 00
148	148	Commissary sergeants	60,384 00	60,384 00
200	200	Hospital stewards	72,000 00	72,000 00
430	252	First sergeants	113,520 00	66,528 00
60	60	Sergeants of engineers and ordnance	24,480 00	24,480 00
2,000	1,291	Sergeants of cavalry, artillery, and infantry	408,000 00	263,364 00
96	96	Corporals of engineers and ordnance	24,040 00	24,040 00
1,750	1,070	Corporals of cavalry, artillery, and infantry	315,000 00	192,600 00
868	546	Musicians and trumpeters	135,408 00	80,496 00
860	504	Artificers, farriers, and blacksmiths	154,800 00	90,720 00
120	72	Saddlers	21,600 00	12,960 00
430	.....	Wagoners	72,240 00	.....
230	270	Privates, first-class, of engineers and ordnance	46,920 00	46,920 00
17,892	16,378	Privates, second class, of engineers and ordnance, and privates of cavalry, artillery, and infantry, including compensation to Indian scouts for use and risk of horse and horse equipments	2,937,152 00	2,700,938 00
		Pay to enlisted men for length of service, payable with current monthly pay	395,148 00	395,148 00
		Retained pay	310,813 20	255,811 20
		Pay for clothing not drawn	418,278 33	343,278 33
		Travel allowances	410,263 65	340,263 65
		Payable to enlisted men on discharge		
		Contract surgeons	180,000 00	180,000 00
54	42	Paymasters' clerks	64,800 00	50,430 00
4	4	Senior veterinary surgeons	4,800 00	4,800 00
10	6	Junior veterinary surgeons	9,000 00	5,400 00
		Paymasters' messengers	15,000 00	15,000 00
200	200	Hospital matrons	24,000 00	24,000 00
		Extra-duty pay to enlisted men on duty in hospitals	30,000 00	30,000 00
	554	Supernumerary officers (pay and increase for length of service) from July 1, 1878, to January 1, 1879	.....	497,455 00
			12,513,232 68	13,513,838 18

See remarks in letter of transmittal.

Respectfully submitted,

BENJ. ALVORD,
Paymaster-General, United States Army.

OFFICE OF PAYMASTER-GENERAL, UNITED STATES ARMY, *April 30, 1878.*

Statement showing the authorized active strength of the Army in commissioned officers, under House bill No. 4867.

Corps.	General.	Lieutenant-General.	Major-generals.	Brigadier-generals.	Aids-de-camp.	Colonels.	Lieutenant-colonels.	Majors.	Captains, mounted.	Captains, not mounted.	Chaplains.	Storekeepers.	First lieutenants, mounted.	First lieutenants, not mounted.	Second lieutenants, mounted.	Second lieutenants, not mounted.	Total.
General officers	1	1	3	6	...	...	...	...	...	...	...	...	...	...	...	...	11
Aids-de-camp	...	...	...	...	19	...	...	4	...	...	...	...	...	...	...	...	23
Adjutant-General's department	...	...	...	1	...	2	4	...	...	...	...	...	...	...	...	...	7
Inspector-General's department	...	...	...	...	...	1	2	...	...	...	...	...	...	...	...	...	3
Bureau of Military Justice	...	...	...	1	...	1	...	4	...	...	...	...	...	...	...	...	6
Signal Corps	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	1

Statement showing the authorized active strength of the Army in commissioned officers, &c.—Continued.

Corps.	General.	Lieutenant-General.	Major-generals.	Brigadier-generals.	Aids-de-camp.	Colonels.	Lieutenant-colonels.	Majors.	Captains, mounted.	Captains, not mounted.	Chaplains.	Storekeepers.	First lieutenants, mounted.	First lieutenants, not mounted.	Second lieutenants, mounted.	Second lieutenants, not mounted.	Total.
Quartermaster's department	....	....	....	1	....	5	8	14	30	.....	....	7	.....	.....	.....	.....	65
Subsistence department	....	....	....	1	....	2	3	8	12	.....	....	....	.....	.....	.....	.....	26
Medical department	....	....	....	1	....	6	10	50	66	.....	....	4	50	.....	.....	.....	196
Pay department	....	....	....	....	....	1	2	40	.....	.....	....	....	.....	.....	.....	.....	43
Corps of Engineers	....	....	....	1	....	6	12	24	30	.....	....	....	26	.....	10	.....	109
Ordnance department	....	....	....	1	....	3	4	10	20	.....	....	10	16	.....	.....	.....	64
Post-chaplains	....	....	....	....	....	....	....	....	.....	.....	30	....	.....	.....	.....	.....	30
Six regiments of cavalry	....	....	....	....	....	6	6	18	72	.....	2	....	72	.....	144	.....	320
Four regiments of artillery	....	....	....	....	....	5	5	15	5	55	....	....	10	110	10	55	270
Fifteen regiments of infantry	....	....	....	....	....	15	15	30	.....	120	....	....	.....	120	.....	240	540
Total	1	1	3	13	19	54	71	217	235	175	32	21	183	230	164	295	1,714

Statement showing the authorized strength of the Army in enlisted men, under House bill No. 4867.

Corps.	Sergeant-majors, cavalry, artillery, and infantry.	Battalion sergeant-major.	Quartermaster-sergeants, cavalry, artillery, and infantry.	Battalion quartermaster-sergeants.	Chief musicians.	Chief trumpeters and principal musicians.	Saddler-sergeants.	Ordnance-sergeants.	Commissary-sergeants.	Hospital stewards.	First sergeants.	Sergeants, cavalry, artillery, and infantry.	Sergeants, engineers and ordnance.	Corporals, cavalry, artillery, and infantry.	Corporals, engineers and ordnance.	Musicians and trumpeters.	Artificers, farriers, and blacksmiths.	Saddlers.	Privates, 1st class engineers, and ordnance.	Privates, 2d class engrs. and ordnance; privates, cavalry, artillery, and infantry.	Total.
Medical department	.....	.....	.....	.....	...	.....	...	...	.....	200	....	.....	.....	.....	.....	.....	.....	...	.....	.....	200
Corps of Engineers	.....	1	.....	1	...	.....	...	...	.....	.....	....	.....	20	.....	16	8	.....	...	60	74	200
Ordnance department	.....	.....	.....	.....	...	.....	...	...	.....	.....	....	.....	40	.....	80	.....	.....	...	150	80	350
Six regiments of cavalry, (72 co's)	6	...	6	.....	6	6	6	...	.....	.....	72	360	.....	288	.....	144	144	72	.....	3,825	4,935
Four regiments of artillery, (48 co's)	5	...	5	.....	5	10	...	...	.....	.....	60	250	.....	240	.....	120	120	...	.....	1,292	1,944
Fifteen regiments of infantry, (120 co's)	15	...	15	.....	15	30	...	...	.....	.....	120	480	.....	460	.....	240	240	...	.....	9,600	11,235
Non-commissioned staff unattached	.....	...	.....	.....	...	.....	...	114	148	.....	.....	.....	.....	.....	.....	.....	.....	...	.....	.....	262
Enlisted men unattached to regiments	.....	...	.....	.....	...	.....	...	...	.....	.....	.....	51	.....	32	.....	4	.....	...	.....	987	1,074
Indian scouts	.....	...	.....	.....	...	.....	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	...	.....	300	300
Total	26	1	26	1	26	46	6	114	148	200	252	1,141	60	1,040	96	516	504	72	230	16,178	20,500
Signal Corps	.....	...	.....	.....	...	.....	...	...	.....	.....	.....	150	.....	30	.....	.....	.....	...	.....	220	400
Total	26	1	26	1	26	46	6	114	148	200	252	1,291	60	1,070	96	516	504	72	230	16,398	20,900

APPENDIX II.

TABLE I.—*Comparative exhibit of pay and allowances of officers of the Army in the years* 1860 *and* 1877.

Grade.	1860. Paid by Pay department. Pay proper.	a Subsistence.	b Forage.	Pay of servant.	Clothing of servant.	Subsistence of servant.	c Total.
General	.....	.....	.....	.....	.....	.....	.....
Aid to General	.....	.....	.....	.....	.....	.....	.....
Lieutenant-general	$3,240 00	f$8,784 00	c$900 00	$528 00	$120 00	$439 20	$13,711 20
Aid to Lieutenant-general	960 00	549 00	288 00	264 00	60 00	219 60	2,340 60
Major-general	2,640 00	f3,294 00	288 00	528 00	120 00	439 20	7,309 00
Aid to major-general	288 00	.....	.....	.....	.....	.....	g288 00
Brigadier-general	1,488 00	f2,635 20	288 00	396 00	90 00	329 40	5,226 60
Aid to brigadier-general	130 20	.....	.....	.....	.....	.....	g130 20
Colonel of cavalry	1,320 00	658 80	288 00	288 00	60 00	219 60	2,834 40
		h1,317 60					3,493 20
Colonel of artillery and infantry	1,140 00	658 80	288 00	264 00	60 00	219 60	2,630 40
		h1,317 60					3,289 20
Lieutenant-colonel of cavalry	1,140 00	549 00	288 00	288 00	60 00	219 60	2,544 60
		h1,098 00					3,093 60
Lieutenant-colonel of artillery and infantry	960 00	549 00	288 00	264 00	60 00	219 60	2,340 60
		h1,098 00					2,889 60
Major of cavalry	960 00	439 20	288 00	288 00	60 00	219 60	2,254 80
		h878 40					2,694 00
Major of artillery and infantry	840 00	439 20	288 00	264 00	60 00	219 60	2,110 80
		h878 40					2,550 00
Chaplain	720 00	439 20	.....	.....	.....	.....	1,159 20
Adjutant and regimental quartermaster of cavalry	h760 00	439 20	192 00	144 00	30 00	109 80	1,675 00
Regimental quartermaster of artillery and infantry	h740 00	439 20	192 00	132 00	30 00	109 80	1,623 00
Adjutant of artillery and infantry	h720 00	439 20	96 00	132 00	30 00	109 80	1,527 00
Captain of cavalry	i960 00	439 20	192 00	144 00	30 00	109 80	1,875 00
Captain of artillery and infantry	i840 00	439 20	.....	132 00	30 00	109 80	1,551 00
First lieutenant of cavalry	640 00	439 20	192 00	144 00	30 00	109 80	1,555 00
First lieutenant of artillery and infantry	600 00	493 20	.....	132 00	30 00	109 80	1,311 00
Second lieutenant of cavalry	640 00	439 20	192 00	144 00	30 00	109 80	1,555 00
Second lieutenant of artillery and infantry	540 00	439 20	.....	132 00	30 00	109 80	1,251 00
Acting assistant commissary of subsistence	130 20	.....	.....	.....	.....	.....	g130 20
Storekeeper	j1,490 00	.....	.....	.....	.....	.....	1,490 00
	j1,040 00	.....	.....	.....	.....	.....	1,040 00
Paymaster's clerk	700 00	274 50	.....	.....	.....	.....	974 50

TABLE I.—*Comparative exhibit of pay and allowances of officers of the Army in the years* 1860 *and* 1877—Continued.

Grade.	1860.						1877.				
	Paid by Quartermaster's Department.						Money value in kind furnished by Quartermaster's Department.				
	Average commutation of quarters. (See note 7.)	Average money value, in kind or commuted, of fuel. (See note 7.)	Average cost, in kind, of forage. (See notes 7 and 8.)	Total.	Grand total.	c Pay.	Quarters. (See note 8.)	Fuel. (See note 8.)	Forage. (See note 8.)	Total.	Grand total.
General	.....	.....	.....	.....	.....	$13,500 00	$3,600 00d	.....	$600 00e	$4,200 00	$17,700 00
Aid to General	.....	.....	.....	.....	.....	3,500 00	1,080 00	$278 00	327 50	1,685 50	5,185 50
Lieutenant-General	$792 00	$453 28	$600 00e	$1,845 28	$14,956 48	11,000 00	1,296 00	330 00	600 00e	2,226 00	13,226 00
Aid to Lieutenant-general	528 00	287 10	432 20	1,247 30	3,299 90	3,000 00	864 00	240 00	327 50	1,431 50	4,431 50
Major-general	792 00	453 28	432 20	1,677 48	8,698 68	7,500 00	1,296 00	330 00	819 75	2,444 75	9,944 75
Aid to major-general	.....	.....	.....	.....	288 00	g 200 00	.....	.....	.....	.....	200 00
Brigadier-general	660 00	311 60	432 20	1,403 80	6,342 40	5,500 00	1,080 00	270 00	654 00	2,004 00	7,504 00
Aid to brigadier-general	.....	.....	.....	.....	130 20	g 150 00	.....	.....	.....	.....	150 00
Colonel of cavalry	660 00	311 60	432 20	1,403 80	{ 3,950 20 4,609 00 }	3,500 00	1,080 00	270 00	327 50	1,677 50	5,177 50
Colonel of artillery and infantry	660 00	311 60	432 20	1,403 80	{ 3,746 20 4,405 00 }	3,500 00	1,080 00	270 00	327 50	1,677 50	5,177 50
Lieutenant-colonel of cavalry	528 00	287 10	432 20	1,247 30	{ 3,503 90 4,052 90 }	3,000 00	864 00	240 00	327 50	1,431 50	4,431 50
Lieutenant-colonel of artillery and infantry	528 00	287 10	432 20	1,247 30	{ 3,299 90 3,848 90 }	3,000 00	864 00	240 00	327 50	1,431 50	4,431 50
Major of cavalry	528 00	287 10	432 20	1,247 30	{ 3,214 10 3,653 30 }	2,500 00	864 00	240 00	327 50	1,431 50	3,931 50
Major of artillery and infantry	528 00	287 10	432 20	1,247 30	{ 3,070 10 3,509 30 }	2,500 00	864 00	240 00	327 50	1,431 50	3,931 50
Chaplain	396 00	228 75	.....	624 75	1,783 95	1,500 00	646 07	202 50	327 50	1,178 00	2,678 00
Adjutant and regimental quartermaster of cavalry	264 00	154 96	309 58	728 54	2,211 54	1,800 00	432 00	135 00	327 50	894 50	2,694 50
Regimental quartermaster of artillery and infantry	264 00	154 96	309 58	728 54	2,159 54	1,800 00	432 00	135 00	327 50	894 50	2,694 50
Adjutant of artillery and infantry	264 00	154 96	154 79	573 75	2,004 75	1,800 00	432 00	135 00	327 50	894 50	2,694 50
Captain of cavalry	396 00	228 75	309 58	934 33	2,617 33	2,000 00	648 00	202 50	327 50	1,178 00	3,178 00
Captain of artillery and infantry	396 00	228 75	.....	624 75	2,175 75	1,800 00	648 00	202 50	.....	850 50	2,650 50
First lieutenant of cavalry	264 00	154 96	309 58	728 54	2,091 54	1,600 00	432 00	135 00	327 50	894 50	2,494 50
First lieutenant of artillery and cavalry	264 00	154 96	.....	418 96	1,729 96	1,500 00	432 00	135 00	.....	567 00	2,067 00
Second lieutenant of cavalry	264 00	154 96	309 58	728 54	2,091 54	1,500 00	432 00	135 00	327 50	894 50	2,394 50
Second lieutenant of artillery and infantry	264 00	154 96	.....	418 96	1,669 96	1,400 00	432 00	135 00	.....	567 00	1,967 00
Acting assistant commissary of subsistence	.....	.....	.....	.....	130 20	g 100 00	.....	.....	.....	.....	100 00
Storekeeper	{ 264 00 264 00	.....	.....	264 00	1,754 00 1,304 00	2,500 00 2,000 00	864 00 648 00	240 00 202 50	327 50 327 50	1,431 50 1,178 00	3,931 50 3,178 00
Paymaster's clerk	.....	.....	.....	.....	974 50	1,200 00	.....	.....	.....	.....	1,200 00

References to Table I.—*a* Exclusive of longevity rations and pay of brevet rank—see Note 1. *b* This column not included in "1860 grand total"—see Note 9. *c* Exclusive of longevity increase—see Note 1. *d* Includes fuel. *e* Forage allowance $50 per month—see last clause of Note 9. *f* Includes double rations paid in all cases of this grade—see Note 2. *g* In addition to pay in the line—see Note 3. *h*—see Note 4. *i* Includes $10 per month in addition to grade pay, for responsibility of arms and clothing allowed by law in 1860 to the company commander, assumed in this table to be the captain. *k* When in receipt of double rations—see Note 2. *l*—see Note 5.

Notes to Table I.—1. The figures in this table are based on the simple grade pay and allowances and are exclusive of the longevity or service allowances, which were as follows: In 1860 every commissioned officer, general officers excepted, was entitled, under section 15, act of July 5, 1838, to one additional ration per diem "for every five years he may have served in the Army of the United States." In 1877 officers received, in lieu of the additional ration, an allowance of 10 per cent. per annum for each and every term of five years' service, this increase in no case to exceed 40 per cent., and in no case to swell the pay of a colonel or lieutenant-colonel beyond $4,500 and $4,000 per annum respectively; section 24, act of July 15, 1870, (sections 1261–1267, Revised Statutes.) The table for 1860 is exclusive also (excepting in the case of the brevet lieutenant-general) of the additional pay and emoluments, according to brevet rank, which from April 16, 1818, to March 3, 1865, was allowed to officers when on duty and having a command according to their brevet rank. With the exception of the brevet pay, which was not universal, and the longevity allowance, which necessarily varied according to length of service, the column of "total paid by Pay department," 1860, covers every money allowance received by an officer on his pay account. The same is true of the column "Pay," 1877, which represents the salary of each grade substituted by the act of July 15, 1870, for the previous system of "pay and allowances" of every name and nature, excepting quarters, fuel, and forage in kind furnished by the Quartermaster's Department.

2. In 1860 double rations were "allowed to the major-general (brevet lieutenant-general) commanding the Army and to every officer commanding in chief a separate army actually in the field; to the generals commanding the eastern and western military geographical divisions; to the Quartermaster-General and the Adjutant-General; to the colonels or other officers commanding military geographical departments; to the commandant of each permanent or fixed post garrison with troops, including the Military Academy at West Point, and the armories and arsenals commanded by commissioned officers." This allowance was (under the varying provisions and constructions of different enactments comprehending a greater or less number of officers than above indicated) in force from March 3, 1797, to July 1, 1870. When paid to captains and lieutenants (instances not rare) it increased the total pay of either grade at the rate of $439.20 per annum, an average of $36.60 per month.

3. In 1860 aids to major-generals were entitled to $24 per month in addition to pay in the line, and aids to brigadier-generals to $20 per month, less price of one ration. An acting assistant commissary received the same additional pay as aid to brigadier-general. The aids, if taken from infantry regiments, were further entitled to forage for one horse. In 1877 aids to major and brigadier-generals were allowed $200 and $150, respectively, in addition to pay in the line. If taken from infantry regiments they were also entitled to difference of mounted pay. Their pay is made up in this table without reference to forage or mounted pay allowance.

4. Regimental adjutants and quartermasters were taken, in 1860, from the first or second lieutenants of the regiment. In this table they are assumed to be first lieutenants. They were allowed $10 per month in addition to grade pay. Forage was allowed to an adjutant of infantry for one horse, and to a regimental quartermaster of infantry for two horses. Since 1866 these officers have been extra lieutenants.

5. In 1860 military storekeepers, Quartermaster's Department, and ordnance storekeepers at arsenals of construction and in Oregon, California, and New Mexico, received $1,490 per annum; other ordnance storekeepers, $1,040. All were allowed two rooms each, but no fuel. The law gave them no rank in the Army. In 1877 the storekeeper (paymaster) at Springfield armory had by law (act of March 2, 1867) the rank, pay, &c., of major of cavalry, and all other storekeepers the rank, pay, &c., of captain of cavalry.

6. Retired officers prior to July 1, 1870, received the pay proper of the highest grade held by them, and four rations per day; since that date they receive 75 per cent. of pay (salary and increase) of their rank, but no increase accrues for time passed in retirement subsequent to July 1, 1870.

7. The figures under the heading "1860—Paid by Quartermaster's Department," are obtained by taking for "quarters" the average of the several rates of commutation paid at the different points noted in the data furnished by the Quartermaster-General's Office, and for "fuel" and "forage" the average contract or market price at the same points, believed to represent the average cost throughout the United States.

8. In the table for 1877 the figures for "quarters" are based on the general regulation rate of rent, $18 per room, for the regulation number of rooms. The figures for "fuel" and "forage" represent the average cost of same, to the Quartermaster's Department, throughout the United States.

9. Since July 17, 1862, the law has authorized forage to be furnished in kind only. Previous thereto officers could draw it in kind from the Quartermaster's Department, or, if they chose, or the Quartermaster's Department was unable to furnish in kind, could draw money commutation thereof at the rate, fixed in act of April 24, 1816, of $8 per month for each horse allowed. The commutation was charged for on the officer's pay account and paid by the pay department. The table for 1860 is therefore made to show, under head of "Paid by Quartermaster's Department," the money value of forage in each case when drawn in kind, and also, under the head of "Paid by Pay department," the amount payable for commutation of forage where the officer chose to commute. But only one of the two sets of figures is included in the column of "Grand total." The forage allowance for the General and Lieutenant general is fixed by law (May 28, 1798) at $50 per month. Previous to July 1, 1870, it was always paid in money by the Pay department.

TABLE 2.—*Comparative exhibit of pay and allowances of enlisted men, United States Army, in 1860 and 1877.*

Grade.	1860.				1877.			
	Pay.	Clothing.	Subsistence.	Total.	Pay.	Clothing.	Subsistence.	Total.
Sergeant-major and quartermaster-sergeant, engineers*	.....	.....	.....	.....	$472 00	$49 55	$87 60	$569 15
Sergeant-major and quartermaster-sergeant, cavalry	$252 00	$41 02	$84 18	$377 20	276 00	53 19	87 60	416 79
Sergeant-major and quartermaster-sergeant, artillery and infantry	252 00	39 30	84 18	375 48	276 00	47 39	87 60	410 99
Chief musician, cavalry*	.....	.....	.....	.....	720 00	53 19	87 60	860 79
Chief musician, artillery and infantry*	.....	.....	.....	.....	720 00	47 39	87 60	854 99
Chief bugler, (trumpeter,) cavalry	252 00	41 43	84 18	377 66	264 00	53 19	87 60	404 79
Principal musician, artillery and infantry	252 00	39 69	84 18	375 87	264 00	48 15	87 60	399 75
Commissary sergeant*	.....	.....	.....	.....	408 00	47 65	87 60	543 25
Ordnance sergeant	264 00	45 49	84 18	393 67	408 00	47 60	87 60	543 20
Hospital steward, first class	264 00	45 20	84 18	393 38	360 00	47 74	87 60	495 34
Hospital steward, second class	264 00	37 91	84 18	386 09	264 00	45 64	87 60	397 24
Hospital steward, third class	240 00	37 91	84 18	362 09	240 00	45 64	87 60	373 24
Saddler sergeant, cavalry	204 00	41 02	84 18	329 20	264 00	53 19	87 60	404 79
First sergeant, cavalry	240 00	40 15	84 18	364 33	264 00	53 08	87 60	404 68
First sergeant, artillery and infantry	240 00	38 43	84 18	362 61	264 00	47 28	87 60	398 88
Sergeant, engineers	408 00	39 02	84 18	531 20	408 00	48 27	87 60	543 87
Sergeant, ordnance	408 00	(†)	‡126 27	534 27	408 00	(†)	‡131 40	539 40
Sergeant, cavalry	204 00	40 03	84 18	328 21	204 00	51 90	87 60	343 50
Sergeant, artillery and infantry	204 00	38 29	84 18	326 47	204 00	46 11	87 60	337 71
Saddler, and blacksmith and farrier, cavalry	180 00	39 54	84 18	303 72	180 00	51 43	87 60	319 03
Artificer, artillery and infantry	180 00	37 91	84 18	302 09	180 00	45 64	87 60	313 24
Wagoner, artillery and infantry*	.....	.....	.....	.....	168 00	44 34	87 60	299 94
Wagoner, cavalry*	.....	.....	.....	.....	168 00	50 13	87 60	305 73
Corporal, engineers	240 00	38 62	84 18	362 80	240 00	47 40	87 60	375 40
Corporal, ordnance	240 00	37 91	‡126 27	404 18	240 00	45 84	‡131 40	417 24
Corporal, cavalry and light artillery	168 00	39 54	84 18	291 72	180 00	51 43	87 60	319 03
Corporal, artillery and infantry	156 00	37 91	84 18	278 09	180 00	45 64	87 60	313 24
Musician, cavalry and light artillery	156 00	40 36	84 18	280 54	156 00	50 88	87 60	294 48
Musician, engineers	144 00	38 63	84 18	266 81	156 00	47 05	87 60	290 65
Musician, artillery and infantry	144 00	37 92	84 18	266 10	156 00	45 09	87 60	288 69
Private, (first class,) engineers	204 00	38 30	84 18	326 48	204 00	46 30	87 60	337 90
Private, (first class,) ordnance	204 00	38 30	84 18	326 48	204 00	44 54	87 60	336 14
Private, (second class,) engineers	156 00	38 30	84 18	278 48	156 00	46 30	87 60	289 90
Private, (second class,) ordnance	156 00	38 30	84 18	278 48	156 00	44 54	87 60	288 14
Private, cavalry and light artillery	144 00	39 31	84 18	267 49	156 00	50 13	87 60	293 73
Private, artillery and infantry	132 00	37 59	84 18	253 77	156 00	44 34	87 60	287 94
Veterinary surgeon, (senior)*	.....	.....	.....	.....	1,200 00	(†)	(†)	1,200 00
Veterinary surgeon, (junior)*	.....	.....	.....	.....	900 00	(†)	(†)	900 00

* This grade created since 1860. † None allowed. ‡ See note 1, table 2.

Notes to table 2: 1. The columns of "pay," 1860 and 1877, present the simple grade pay only in each case, exclusive of any and all allowances, bounties, or additions of whatever nature, (see note 2.) The columns of "clothing" represent the average of the varying annual allowances for the five years of enlistment as fixed in the clothing table for the time. The columns of "subsistence" represent the contract price for the time of one ration a day for one year, excepting in the cases of sergeant and corporal of ordnance, entitled by law to one and one-half rations per diem. Quarters and fuel are omitted, as, being almost universally furnished in kind at posts built and owned by the United States, no data are obtainable. The figures of the value of these allowances when commuted are given in note 5.

2. In 1860 the following allowances, bounties, and additions, were authorized: *(a)* Three months' extra pay for re-enlistment, act July 5, 1838, discontinued by act August 3, 1861; *(b)* bounty for enlistment at distant stations, act June 17, 1850, equal to cost of transporting and subsisting a soldier from the harbor of New York to place of enlistment, which varied from $23 to $142, according to remoteness of point of enlistment, and was payable in unequal installments at the end of each year's service, discontinued by act August 3, 1861; *(c)* $2 per month to privates receiving a certificate of merit, acts of March 3, 1847, and August 4, 1854; *(d)* $2 per month for first re-enlistment and $1 additional per month for each subsequent re-enlistment, act August 4, 1854. This was a longevity or service allowance. In 1877 the following additions were authorized: (1.) The longevity allowance noted in *(d;)* (2.) the allowance for certificate of merit noted in *(c;)* (3.) $1 additional for each of the third, fourth, and fifth years of a first enlistment, constituting a permanent increment of $3 per month for service in any subsequent enlistment. Twelve and a half cents per month was deducted in 1860 and 1877 from the pay of every enlisted man for benefit of the Soldiers' Home.

3. The figures of "pay," 1860 and 1877, represent the minimum annual pay of each grade for the time. The maximum annual pay attainable in 1860 in any case (that of a soldier who had been at least ten years in service and enjoyed the benefits indicated in *(a)* and *(d)* note 2) would be approximately found by adding $55 to the figures of "pay" given in the table for that year; this would represent an average addition of about $5 per month to the simple grade pay. The allowances indicated in *(b)* and *(c)* note 2, are not included in this estimate, as *(b)* was not of universal but local application and varied according to locality, and *(c)* was confined to one grade and of rare occurrence. Where enjoyed they might swell the addition to $9 per month. The maximum annual pay attainable in any grade in 1877 (the case of a soldier who had then seen at least twenty-five years of continuous service) would be found by adding $108 to the figures of "pay" given for such grade in the table for that year, being an increase of $9 per month over the rate of pay allowed a man commencing service. This is exclusive of *(c)* for reasons before stated.

4. Extra-duty pay was allowed in 1860 as follows: To enlisted men on constant labor of not less than ten days at stations east of the Rocky Mountains, twenty-five cents per day when employed as laborers and teamsters and forty cents when employed as mechanics, or thirty-five and fifty cents, respectively, when employed at stations west of the Rocky Mountains, act August 4, 1854. Not allowed to ordnance and engineer soldiers or artificers of artillery when employed in their appropriate work, (paragraph 884, Revised Regulations, 1857.) In 1877 the extra-duty allowance was thirty and thirty-five cents at all stations, (General Orders No. 79, Adjutant-General's Office, 1866.)

5. Enlisted men of the general service, or detailed from companies, on duty as clerks and messengers in the War Department, at headquarters of military divisions and departments, &c., were allowed monthly commutation of quarters, fuel, and subsistence, (where there were no public quarters and no mess facilities,) and extra-duty pay, as follows:

			Quarters.	Fuel.	Subsistence.	Extra-duty pay.
1860	.....	Sergeants, (no data for other grades)	$9 00	Regulation allowance at market price...	$22 50	$12 00
1877	Washington, D. C.	All grades, (clerks)	21 00	$9 00	30 00	10 50
1877	Washington, D. C.	Privates, (messengers)	18 00	7 00	30 00	6 00
1877	San Francisco and Prescott, Arizona	All grades, (clerks)	20 00	Regulation allowance at market price...	30 00	10 50
1877	Portland, Oregon	All grades, (clerks)	18 00	Regulation allowance at market price ..	30 00	10 50
1877	All other points	All grades, (clerks)	10 00	$8 00	30 00	10 50

Subsistence and extra-duty pay are calculated above for a month of thirty days. For extra-duty pay clerks are rated as mechanics and messengers as laborers. (See note 4.)

BENJ. ALVORD, *Paymaster-General, U. S. A.*

OFFICE PAYMASTER GENERAL, *April* 30, 1878.

APPENDIX III.

Grade.	Totals, excluding longevity allowance.		As proposed in House of Representatives bill 4867.									
			Officers serving with troops or at designated frontier posts, and occupying public quarters.				Officers in hired quarters.					
	a 1860.	a 1877.	a Pay.	Quarters.	Forage.	a Total.	a Pay.	Quarters.	a Total.	f Total pay and longevity excluding quarters and forage.	Total pay, &c., including longevity allowance, and excluding quarters and forage in 1860.	f Average longevity increase according to average length of service.	g Average longevity allowance in 1860.
General	.....	$17,700 00	$13,500	$3,000	$818 75	$17,318 75	$13,500	$1,500	$15,000	$13,500	.....	(h)	$438 00
Aid to General	.....	c5,177 50	(c)				(c)						
Lieutenant-general	$14,956 48	13,236 00	11,000	1,296	655 00	12,951 00	11,000	648	11,648	11,000	$13,604 48	(h)	328 50
Aid to Lieutenant-general	3,249 90	c4,431 50	(c)				(c)						
Major-general	8,698 68	9,944 75	7,500	1,296	491 25	9,287 25	7,500	648	8,148	7,500	7,474 48	(h)	459 90
Aid to major-general	c288 00	c200 00	200			c200 00	200		c200				
Brigadier-general	6,342 40	7,504 00	5,500	1,080	491 25	7,071 25	5,500	540	6,040	5,500	5,250 20	(h)	512 92
Aid to brigadier-general	c130 20	c150 00	150			c150 00	150		c150				
Colonel of cavalry	4,609 00												
Colonel of artillery and infantry	3,950 20 4,405 00 3,746 20	5,177 50	3,500	1,080	327 50	4,907 50	3,500	540	4,040	4,300	3,846 20	800	506 43
Lieutenant-colonel of cavalry	4,052 90												
Lieutenant-colonel of artillery and infantry	3,503 90 3,848 90 3,229 90	4,431 50	3,000	864	327 50	4,191 50	3,000	432	3,432	3,800	3,531 90	800	388 61
Major of cavalry	3,653 30												
Major of artillery and infantry	3,214 10 3,509 30 3,069 10	3,931 50	2,500	864	327 50	3,691 50	2,500	432	2,932	3,300	3,132 20	800	308 59
Chaplain	1,783 95	2,678 00	1,500	648	327 50	2,475 50	1,500	324	18,24	1,950	1,387 95	450	.....
Adjutant and regimental quartermaster cavalry	2,403 54	2,694 50	1,800	432	327 50	2,559 50	1,800	216	2,016	2,160	2,049 56	360	.....
Adjutant and regimental quartermaster artillery and infantry	2,351 54												
Captain of cavalry and light artillery	2,809 33	3,178 00	2,000	648	327 50	2,975 50	2,000	324	2,324	2,600	2,433 15	600	105 18
Captain of artillery and infantry	2,175 75	2,650 50	1,800	648	.....	2,448 00	1,800	324	2,124	2,340	2,109 15	540	110 36
First lieutenant cavalry and light artillery	2,283 54	2,494 50	1,600	432	327 50	2,359 50	1,600	216	1,816	1,920	1,819 76	320	39 42
First lieutenant artillery and infantry	1,729 96	2,067 00	1,500	432	.....	1,932 00	1,500	.....	1,716	1,800	1,685 56	300	.....
Second lieutenant cavalry and light artillery	2,283 54	2,394 50	1,500	432	327 50	2,259 50	1,500	.....	1,716	1,650	1,819 76	150	.....
Second lieutenant artillery and infantry	1,669 96	1,967 00	1,400	432	.....	1,832 00	1,400	.....	1,616	1,540	1,515 76	140	.....
Acting assistant commissary of subsistence	c130 20	c100 00	100	.....	.....	c100 00	100	.....	c100	.....	.....	.....	.....
Storekeeper, Springfield armory	1,754 00	3,931 50	d 2,500	864	.....	d3,364 00	2,500	864	f 3,364	3,500	.....	1,000	.....
Storekeeper, arsenals of construction, (captains, mounted)	1,754 00	3,178 50	1,800	648	327 50	.....	1,800	324	2,124	2,340	.....	540	.....
Other ordnance storekeepers, (captains, mounted)	1,304 00	3,178 00	1,800	648	327 50	.....	.....	.....	.....	.....	.....	.....	.....
Military storekeepers, quartermaster's department, (captains, mounted)	1,754 00	3,178 50	1,800	648	327 50	2,775 50	.....	.....	.....	.....	.....	.....	.....
Medical storekeepers, (captains, mounted)	None in 1860	3,178 50	1,800	648	327 50	.....	.....	.....	.....	.....	.....	.....	.....

a Longevity allowance not included.

b As the General would under bill 4867 be fixed in Washington, this column would represent his pay, &c., at all times unless he should take the field in time of war.

c The aids to General and Lieutenant-General have, while serving as such, the rank and pay, respectively, of colonel and lieutenant-colonel, whatever their actual rank in the Army may be. It is thus practicable to make for 1860 and 1877 a definite statement of their pay. The maximum increase receivable by an aid-de-camp to the General would be in case of his selecting a second lieutenant of infantry, the increase being $1,210.50 per annum; and for an aid-de-camp to the Lieutenant-General, in the same case, $2,464.50. The minimum increase for an aid-de-camp to the General would be in case of the selection of a lieutenant-colonel $746 per annum, and for an aid-de-camp to the Lieutenant-General in case of selection of a major, $500. Under bill 4867, aid-de-camps to the General and Lieutenant-General would have pay, &c., dependent upon and variable with their actual grade in the Army, so that no definite statement of the amount can be made. An aid-de-camp to the General might attain to the rank and pay of brigadier-general, (in case of detail of a colonel,) which case would present the maximum increase due to the selection, $1,000 per annum; the minimum increase, in case of selection of a second lieutenant, not mounted, being $300 per annum. Two hundred dollars would also represent the minimum increase for an aid-de-camp to the Lieutenant-General; the maximum increase being $608 per annum. These calculations are on the basis of pay, &c., of officers in hired quarters.

d As this officer is always in public quarters at Springfield, Massachusetts, his pay under bill 4867 would always be the same.

e In addition to pay in the line.

f The longevity increase given in these columns is based on the average length of service for officers of each grade, as follows: colonel (reaches maximum on fifteen years' service) and lieutenant-colonel, 40 per cent. maximum increase; majors and captains, 30 per cent., fifteen years' service; first lieutenants, 20 per cent., ten years' service; second lieutenants, 10 per cent., five years' service.

g From official estimate of General B. W. Brice, Paymaster-General, in General Logan's speech, Congressional Globe, volume 81, page 152.

h No longevity increase.

The CHAIRMAN. The gentleman from Ohio, who would next be entitled to the floor, has informed the Chair that he yields his time to the gentleman from New York, [Mr. McCOOK.]

Mr. McCOOK. I did not understand that to be the case. I would like to know whether I am to speak in the time of the gentleman from Ohio or in my own. As a member of the Committee on Military Affairs, I presume I have some right to speak on this question, as the Committee on Appropriations have practically assumed our functions.

The CHAIRMAN. According to the uniform custom, members of the committee reporting a bill are first entitled to be heard upon it.

Mr. McCOOK. My only reason for raising the question was that I did not want to interfere with the gentleman from Ohio at all.

Mr. GARFIELD. I understand that my colleague waives for the present his right to speak to allow the gentleman from New York to come in.

The CHAIRMAN. The Chair has stated that the gentleman from New York [Mr. McCOOK] speaks in the time of the gentleman from Ohio, [Mr. FOSTER.]

Mr. GARFIELD. But the gentleman from New York, as I understand, is to speak in his own time.

The CHAIRMAN. As is customary, there has been handed to the Chair a list of gentlemen who desire to speak after the time allotted to members of the committee has been consumed; therefore the Chair, in recognizing the gentleman from New York, who is not a member of the Committee on Appropriations, must recognize him in the time of the gentleman from Ohio, [Mr. FOSTER.]

Mr. GARFIELD. I do not understand that my colleague waives his right to speak on this subject.

Mr. HEWITT, of New York. There has been a distinct understanding on this subject, and I will state it: the understanding was that the gentleman from New York was to speak in the time of the gentleman from Ohio, and that the latter gentleman should take his chance of getting from some other member of the committee such time as he might need.

Mr. GARFIELD. I did not know that.

Mr. McCOOK. I do not think that my speech is of so much importance to the House or the country that I would be justified in attempting to say anything in the time of the gentleman from Ohio, if that is to exclude him from the right to speak.

Mr. HEWITT, of New York. It was understood by the gentleman from Ohio that the gentleman from New York [Mr. McCOOK] would speak in his time. I will see that the gentleman from Ohio gets as much time as he needs.

Several MEMBERS. That is all right.

The CHAIRMAN. The only change is that the gentleman from Ohio takes his place among those not members of the committee, and yields his place as a member of the committee to the gentleman from New York, [Mr. McCOOK.]

Mr. TOWNSHEND, of Illinois. Do I understand that the gentleman from Ohio yields his right?

The CHAIRMAN. He yields his right as a member of the committee and his priority as such.

Mr. TOWNSHEND, of Illinois. Then will he take the place of the gentleman from New York, on the list of those not members of the committee?

Mr. HEWITT, of New York. As I understand, he will take the place of the gentleman from New York on the list, but may get in earlier by some arrangement with some other member of the committee.

The CHAIRMAN. When the gentleman from Ohio desires to speak, it will then be time enough to decide any question that may arise. The gentleman from New York has the floor.

Mr. McCOOK. Mr. Chairman, by the rules of this House "it shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defense, and also to report from time to time such measures as may contribute to economy and accountability in said establishment." In accordance with this rule that committee has been engaged for five months in an effort to perfect a bill for the reorganization of the Army, but after all of its labor and investigation the Committee on Appropriations without authority, has assumed to dictate an Army bill to them and the House. The neglect of the majority of the Committee on Military Affairs to resent this interference is not concurred in by the minority; for, while they have not failed to conceal their hostility to the bill presented by their chairman, they have always urged the propriety and necessity of maintaining the rights of their own committee. Any bill that may be presented in the future by that committee can be but little more than a mere copy of the one under discussion, and it does not at all break the force of my objection to this procedure to assert that the bill adopted by the Committee on Appropriations is substantially the one which passed the Committee on Military Affairs.

So far as I am personally concerned, I confess that when I was assigned to the Military Committee I considered it a great honor, especially when I knew that the distinguished gentleman from Ohio [Mr. BANNING] was to be its chairman. His long legislative experience, his great military knowledge, and his general capacity for affairs, justified me in thinking that the committee over which he presided would retain as heretofore its proper rank in this House, and that he at least would resent promptly and effectively any effort to make it subordinate to or a mere appendage of that of Appropriations. Acting on the theory that we really were a committee of this House, with our duties clearly defined, we commenced an investigation looking toward the reorganization of the Army. Witnesses have been summoned from all sections of the country at great expense and have been examined by us; and Army officers have been overwhelmed with circular letters containing elaborate questions on matters supposed to be of vital importance. Generals, colonels, and captains have been subjected to searching examinations and cross-examinations by those who believed in the necessity for reorganization, and daily sessions, subcommittees, and short-hand reporters have consumed our time and patience.

Through all this scene of bustle and confusion the gentleman from Ohio, [Mr. BANNING,] assisted by the gentleman from Wisconsin, [Mr. BRAGG,] moved serenely and composedly, guiding and directing the deliberations of the committee in so masterly a manner that he won the admiration of even those who opposed him.

It would be tedious to give the details, but the quantity and quality of information gathered in regard to Army topics was simply enormous, until after four distinct efforts the bill was deemed so perfect that we only awaited an opportunity to report it to the House.

At this particular period the indefatigable and enterprising gentleman from New York who has just spoken [Mr. HEWITT] came to the front. Reaching out his long and powerful arm from that "tower of strength," the room of the Committee on Appropriations, he laid his heavy hand upon the work of our committee, and although he may modestly disclaim any knowledge of military affairs, he has developed a genius for appropriating and utilizing the work of others that falls but little short of inspiration. At one bound he has placed himself in the front rank of army organizers, the peer of Frederick, Carnot, McClellan, Bismarck, and Von Moltke, while our more plodding and methodical chairman is left far in the rear in this race for immortality. With unerring sagacity he detected the flaws and discovered the merits of the so-called "Banning bill," approving here and rejecting there with such nice skill and discrimination that his associates must have gazed with awe upon this versatile genius, who is equally at home whether reorganizing an army, remodeling a consular system, or readjusting the difficult questions growing out of the payment of pensions. The result of his work is before the House in bill 4867; and it is because my colleague [Mr. HEWITT] has practically gathered to himself all of the functions of the committee to which I belong that I have presumed to address the House in the time of the Committee on Appropriations.

Mr. Chairman, it is in no factious spirit of opposition to that portion of the bill relating to army organization, but because I am convinced that it is wrong in principle and injurious to the best interests of the Army and the country that I object to its becoming a law. The question of the reduction and reorganization of the Army is not a new one. Ever since the muster-out of the great armies that were called into existence to maintain the integrity of the Union, the problem of how many officers and men and how many regiments should compose the regular establishment has been a serious and difficult one. For the last ten years nearly every Congress has considered the subject, sometime in the interests of economy, but too often in a spirit of hostility, until its assembling is looked forward to with something like fear by those whose cause should be ours and whose services entitle them at least to the respect and confidence of the Representatives of the people.

I do not stand here as the advocate of a large regular Army or to express the opinion that the system governing it is a perfect one. That improvement is possible, I concede; that changes or modifications are necessary is more than probable; but I assert that hasty or crude legislation is not desirable, and that it will defeat the very purposes for which it is said the bill has been framed. What the Army wants or, at all events, what it should have is a carefully considered bill, prepared or suggested by those thoroughly conversant with its needs and then discussed outside of all prejudice or partisanship. With some knowledge of the facts I express the belief that this cannot be done by even the Committee on Appropriations in a single session; and while I bear cheerful testimony to the almost omnipotent wisdom of those who have reported it, I adhere to the opinion that the bill before us is radically defective in many important particulars. This view of mine is strengthened by the fact that before reaching us in its present shape substantially the same bill has been four times amended and committed to the Military Committee; and each discussion disclosed serious faults. It was originally reported January 28th and referred. On the 25th of February it was recommitted with amendments. On March 6th it was again amended and recommitted; and finally, on March 25th, after having been submitted to the scrutiny of a party caucus, called, I imagine, not to perfect a plan of Army reorganization but to ascertain to what extent party support could be relied upon, the authors of this reform rested from their labors and the present committee assumed them.

Mr. Chairman, with all that has been said and written in regard to the reorganization of the Army, it would be absurd to say that none of the provisions of the bill are commendable; but whatever of good it contains is drawn almost exclusively from the professional knowledge of those who have made the Army and its wants the study of a life-time.

The credit of originating the objectionable features belongs entirely to members of Congress; and although the indignant protests of the country caused the elimination of the worst features of the bill as originally drawn, the fact remains that the section providing for the disbandment of the Army was seriously contemplated and received the sanction of distinguished members of the Military Committee, and possibly of members of the Committee on Appropriations.

Mr. HEWITT, of New York. I must object to any inference of that sort. It is entirely unfounded in fact.

Mr. McCOOK. I said "possibly."

Mr. HEWITT, of New York. I still object. I think it would be in better taste for the gentleman to confine himself to the facts.

Mr. McCOOK. On the 28th January the gentleman from Ohio [Mr. BANNING] introduced a bill which was the groundwork of the present one, but containing the section to which reference has been made. The bill as amended February 25th contained the same section, but that of March 6th did not; and it was wisely concluded not to attempt to incorporate it in the one finally determined upon.

A mere reference to it will be the best commentary I can offer upon the danger of approaching so grave a subject with the determination of enforcing certain views at whatever cost and regardless of consequences.

The section was as follows, and it is but fair to say that it has found no favor in the eyes of the Committee on Appropriations:

SEC. 41. That the troops herein provided for, and all others authorized by existing law, including all officers of every grade and in every department of the Army, shall be retained in the service of the United States so long as Congress shall provide for their support, by specific appropriations therefor, and no longer; and if Congress shall refuse or neglect to make the necessary appropriations for that purpose at or before the expiration of the last preceding fiscal year for which such appropriations have been so made, such refusal or neglect shall be deemed equivalent to an express act for the abolition of the military establishment, and the Army shall forthwith be disbanded.

No precedent for such proposed legislation can be found in this or any other country since the days when armies have been recognized by law; and while I have no desire to question the motives of those who suggested it, its enactment would have accomplished what the whole power of the rebellion failed to do; the complete destruction of the Army of the United States. If that was the purpose, it can only be defended on the ground that the Army as constituted is dangerous to the liberties of the people. Any other reason would be insufficient to justify a measure involving such momentous consequences; for the disbandment of the Army means the loss of hundreds of millions of dollars by the destruction of Government property; the turning adrift of thousands of men, many of whom have grown gray in the service of the Republic; the lopping off of the strong arm upon which the country has so often relied in the hour of peril; the destruction of our whole elaborate system of coast and harbor defense, and the exposure of our infant and helpless frontier settlements to the tender mercies of the marauding savage. Fortunately for the fair

fame of the American people, no such proposition has come before Congress with the formal sanction of one of its committees; but the unquestioned fact that it was incorporated in an Army bill, that it was discussed and defended and for over two months obstinately adhered to, should make us hesitate before concluding to blindly follow other suggestions from the same source, even when sanctioned by the Committee on Appropriations.

Mr. Chairman, in every sense of the word the most important features of the bill under discussion are the propositions contained in the sections reducing the effective force of the Army to twenty thousand men, and authorizing the consolidation and reduction of regiments, resulting in the muster-out of over six hundred of our best and most experienced officers. In recommending these radical changes the size and necessities of the country, the composition of the Army, and the kind and character of its services appear to have been completely lost sight of. Everything was to be sacrificed to the new-born zeal for retrenchment, and if an apparent showing of economy could be made by reducing the cost of our small regular establishment, all other considerations were to be ignored. In order, however, to come to some correct idea of what our Army is and what is required of it, a brief reference should be made to its organization, numbers, distribution, and to the military division of the United States.

Excluding general officers, professors, and cadets at West Point, the officers and men of the staff departments, and the officers on the retired list; the Army of the United States is by law divided into 25 regiments of infantry, 10 of cavalry, and 5 of artillery. Each infantry regiment has 10 companies, each cavalry regiment 12 companies, and each artillery regiment 12 batteries, with their full complement of regimental and company officers.

Excluding officers and non-commissioned officers, the maximum strength of the infantry regiment is 1,000 privates, that of the cavalry 936, and of the artillery 1,464, so that under the present organization the Army is capable of an expansion to 41,680 privates, or in round numbers to 50,000 men, by the process of recruiting alone, without the cost and confusion resulting from the hasty creation of new regiments.

On the 1st day of March, 1878, the official return shows, of enlisted men attached to regiments, present and absent, 18,880. Of this number, there were "present for duty," including the "extra and daily duty" men, 15,866, with 655 sick and 559 in arrest. The total "absent" at the same date was 1,800; and of that number, 1,491 were on detached service, such as escort, scouting, and duties of a similar character; and it is a fair estimate to say that 1,000 of them would be available at any time for "line of battle." From this it appears that out of the total "attached to regiments," there are 16,484 effectives; a most respectable showing, when we consider the situation of our posts and the distribution of the men. This return gives an average of about 350 men to the infantry regiments, 750 to the cavalry, and 475 to the artillery.

The number of men "not attached" to regiments amounts to 3,028, included in the Engineer battalion, the West Point detachment, and Ordnance Department, the Signal Corps, recruits at depot, men at division and department headquarters, non-commissioned staff, &c., giving a grand total of 21,908 enlisted men as the Army of the United States at that date.

For convenience and for military purposes, the territory of the United States is divided into three great divisions, which are subdivided into numerous departments and districts. The divisions are those of the Atlantic, the Pacific, and the Missouri, with headquarters at New York, San Francisco, and Chicago respectively.

The first comprises all the territory east of the Mississippi River with the exception of the State of Illinois, and includes Louisiana and Arkansas; and is commanded by Major-General Hancock.

The second includes California and Oregon, the Territories of Alaska, Washington, Arizona, and a portion of Idaho; and is commanded by Major-General McDowell.

The third comprises all that vast country between the two mentioned, including the States of Texas, Colorado, Kansas, Minnesota, Nebraska, Missouri, Iowa, and others, and the Territories of Wyoming, Dakota, Utah, New Mexico, Montana, the Indian Territory, and a part of Idaho. It is commanded by Lieutenant-General Sheridan; and at least two-thirds of the effective force of the Army is stationed within its limits, and it contains certainly three-fourths of the most troublesome and hostile Indian tribes.

On the north, we have a frontier of 3,600 miles, extending from Maine to Vancouver's Island; for the present, at least, bordering on a friendly power.

On the south, from the mouth of the Rio Grande to the Pacific Ocean, we have a frontier of 2,100 miles to defend along its whole extent against the incursions of Mexicans and Indians; and the condition of that part of our territory is one of chronic disturbance, liable at any moment to break out into open warefare.

On our Atlantic seaboard, we have a shore-line of over 2,000 miles, with numerous forts and posts for harbor defense, while the line of the Gulf and that of the Pacific, excluding Alaska, amounts to 2,000 miles more, all liable to attack from any strong maritime power.

Within these limits we have nearly 400,000 savages, the majority of them vicious and vindictive, glorying in war and bloodshed, and with a capacity for mischief entirely disproportionate to their numbers. Well armed and mounted, accustomed to hardships and privations, and looking upon the white man as their natural enemy, they have shown themselves formidable antagonists, whenever encountered.

The area of the United States is 3,603,884 square miles. It is more than three times as large as Great Britain and Ireland, France, Germany, Austria, Hungary, Italy, Belgium, Denmark, Sweden, and Norway combined.

To occupy and defend this vast region, to garrison the numerous and indispensable posts and forts, (amounting to over two hundred,) to extend protection to the pioneer, to render transit across the continent practical or safe, and, equally important, to be in a condition to respond promptly to the call of the States for assistance when their militia systems (as is too often the case) break down under the pressure of grave emergencies; the United States with its 40,000,000 of people have an Army of 25,000 men, and this Army is now to be reduced to 20,000 men on the score of economy.

Mr. Chairman, a glance at the military map will convey more accurately than mere words, the idea that I have attempted to give of the magnitude of the country and the character of the services required of our Army.

Scattered along the great lakes and the seaboard, following the line of the boundary between Mexico and the United States, and dotted all over the plains and mountain regions of the great West and South, wherever an outlying settlement is to be protected or a hostile tribe of Indians observed or overawed, may be seen the flag that marks the site of a military post.

Within the last fifty years our western frontier has been extended to the Pacific, and the adventurous spirit of our people has carried them across the plains and mountains between the Missouri and the Sacramento, building up by the way flourishing States and Territories in the heart of the continent; but always in advance of this tide of immigration, furnishing it protection and assistance, the little Army of the United States was to be found.

In many instances where temporary or permanent posts have been established in this steady march to the West, great cities have sprung up, and many places familiar to all of us, owe much of their present prosperity to the wise selection made for the site of the post, and the protection given and the population attracted by the presence of the troops.

In this pioneer work, marches have been made and distances and difficulties overcome unsurpassed by the Roman legions when the ancient world was subject to their arms; and in this constant warfare with nature, our Army has won victories as honorable and important as those won from the savage foe.

In 1876 the Seventh Cavalry marched from the Department of the Gulf to that of Dakota, a distance of 2,887 miles. What it did there under Custer and Keogh the world knows.

Two thousand years have not exhausted the world's interest in the story of Thermopylæ; yet one man did come back from the fatal pass to Sparta. In our own time the American soldier has surpassed Leonidas and his men; for, of all those who charged with Custer on that terrible July day, not a single one returned to tell the tale.

During the same year another regiment marched from Missouri to Texas, a distance of 1,148 miles. Another, in order to reach its destination in the Department of the Columbia, marched 1,100 miles; another, in the Department of the Gulf, marched 1,730 miles; a portion of the Twelfth Infantry, in order to reach its post in Arizona, marched 2,500 miles; and last year the Second Infantry, in its change of station from Atlanta to Idaho Territory, was transported over 4,000 miles by land and water.

Mr. Chairman, I have given this very imperfect and general outline of the size of our country and the station and movements of the troops, not because the facts are new or unknown, but merely for the purpose of calling the attention of the House, in connection with this plan for reducing the Army, to the vastness of the regions in which it has to operate, the difficulties to be encountered in the discharge of its multifarious duties, and the magnitude of the interests intrusted to its care. Every officer of experience to whom the question has been put has given an unqualified negative to any further reduction; and General Schofield simply reflects the views of every thoughtful man in the country, whether in the Army or out of it, when he says "a force of 20,000 men is manifestly inadequate to the military necessities of the country." There are no petitions, no popular demand for its reduction; and, although small in numbers, no army on the face of the earth has ever acquitted itself better than ours. Situated as it is, hostile legislation may destroy it or impair its efficiency; but nothing can efface from our history the record of its endurance, its courage, and its devotion to duty.

Mr. Chairman, the bill before us also proposes to reduce the infantry regiments from 25 to 15 and the cavalry from 10 to 6, and this is to be accomplished by the apparently plain and easy plan of consolidation.

In the practical eyes of the gentleman from New York [Mr. HEWITT] a regiment is a regiment, representing nothing but so many officers and men at a cost of so many dollars per annum; and the glorious memories and traditions that cluster around each distinctive organization are mere sentiments, not to be encouraged in "regulars" or tolerated by "reformers."

From March 15th, 1815, when the Army ceased to be provisional in its character, to July 15th, 1870, not a single act of Congress can be shown providing for the consolidation of regimental organizations, and the latter was only justified on the ground of supreme necessity

arising from the recognized importance of a radical reduction in the expenses of the Government. On the contrary, the increase although slow was steady, and while the acts of March 3rd, 1847, and March 2nd, 1849, fixed the infantry regiments at 8, the artillery at 4, and the mounted regiments at 3, the act of March 3rd, 1855, increased the infantry to 10 and the cavalry to 5, leaving the artillery untouched. This organization remained until the outbreak of the rebellion, when of course it became necessary to enlarge it. Upon a question of such importance to the Army it was to be expected that there would be great difference of opinion among the officers to whom it was submitted. Responses have been received from many of them, abstracts from which are given below; and in my judgment the weight of authority and numbers is against any change, even should a reduction in the aggregate strength be determined upon.

General Sherman, whose patriotism, professional knowledge, and military genius are recognized at home and abroad, says:

It will be observed that I assume the new peace establishment to consist of 5 regiments of artillery, 10 of cavalry and 20 of infantry, each to have the same identical organization, leaving to the artillery and cavalry the same number of companies as now, and diminishing the number of infantry regiments by 5, but adding 2 companies to each regiment, thus disbanding 10 of the existing companies.

He also favors the division of the regiment into three battalions of 4 companies each; and his table shows a total of 25,760 men upon his proposed plan.

General Hancock, who has passed through every grade to his present well-earned rank, who has served on the staff and in the line, who has commanded companies as well as army corps, and who is as modest and sensible as he is brave, says:

I would therefore offset the increase proposed in the strength of infantry companies by reducing the number of them, having say eight in a regiment instead of ten. The question of any further reduction of these arms (infantry and cavalry) than just suggested should, I think, be deferred a few years longer, until our Indian frontiers are in a more settled condition. If no other disturbances have arisen, I have no doubt that these arms could with safety be still further reduced if then deemed advisable.

His opinion, like that of General Sherman, is given at great length, and should be read with care by those who desire the views of a thoroughly competent man on this subject.

General Schofield says:

A force of even the largest number named (30,000) scattered in small detachments over so vast a territory as ours must be regarded rather as a military police than as an army. Certainly the present organization of our Army is so much more satisfactory than its effective strength that I am unable to think of any change in the former which would be worth consideration. * * * Indeed with twenty-five or thirty thousand men as the aggregate it would be better to break up some of the companies in each regiment. * * * than to consolidate regiments.

General Pope suggests a board of officers to be appointed to whom the questions are to be submitted.

General Howard says:

I would make no material change in the present organization nor would I alter the present strength of each arm of the service.

Adjutant-General Townsend says:

In general I consider the present organization of the Army to be simple and effective, except that more enlisted men are imperatively needed.

Inspector-General Marcy says:

Am convinced that foot troops with suitable components of cavalry for scouting constitute most effective organization for successful Indian warfare, and that if a reduction to 20,000 men be deemed expedient by Congress, I would still recommend the existing regimental and company organizations.

General Ingalls, assistant-quartermaster general, says:

I believe the present organization of the Army the next best that can be made. The nation and the Army are accustomed and familiar with it.

Colonel McKenzie, Fourth Cavalry, says:

Assuming an Army of 30,000 enlisted men, it appears that the regimental organizations could be retained in their present form without disadvantage. With a permanent reduction below that strength there should be a reduction of regimental organizations and of officers corresponding in numbers to the reduction of the men. But there seems to be substantial reasons for increasing the Army rather than reducing.

Colonel Merritt, Fifth Cavalry, says:

Assuming as basis 30,000 men, artillery should be 3,000, cavalry 10,000, and infantry 17,000; and if number of enlisted men is reduced to 15,000, infantry and artillery should be reduced proportionally; while for Army of 15,000 the cavalry should be 7,000.

Colonel Gregg, Eighth Cavalry, says:

He considers reduction below its present strength as so detrimental and so likely to be disastrous in its consequences that he shall not attempt to make any suggestions in reference to proper organization composed of a less number of enlisted men. For an army of twenty-five or thirty thousand men, it will be found, I imagine, impracticable to improve upon existing organization if put in best possible working condition. Infantry organizations are too numerous and ought to be reduced to 20 regiments.

Colonel Wood, Eleventh Infantry, says:

Assuming 30,000 enlisted men as the basis, regiments should be 8 of cavalry, 5 of artillery, and 25 of infantry.

Colonel Wilcox, Twelfth Infantry, says:

For an army of 15,000 men, (just one half of what we need until the northern and southern continental railways are built,) 7 regiments of cavalry, 4 regiments of artillery, and 16 regiments of infantry. For 30,000, 10 regiments of cavalry, 5 of artillery, 25 of infantry, (present organization.)

Colonel De Trobriand, Thirteenth Infantry, says:

I recommend 10 regiments of cavalry, 30 batteries of artillery, and 20 regiments of infantry, with scouts, engineer battalions, &c., making a total force of 28,200 men.

Colonel Smith, Nineteenth Infantry, says:

The proportion of arms of service should be, cavalry two-tenths, artillery one-tenth, infantry seven-tenths; or, under present organization, 8 regiments of cavalry, 4 of artillery, and 28 of infantry.

Colonel Carlin, Seventeenth Infantry, says:

Assuming 30,000 to be the smallest force the United States should keep, there should be 20,000 infantry, 3,750 artillery, and 6,250 cavalry, divided into 30 infantry regiments of 10 companies each, 10 cavalry regiments, and 3 artillery regiments.

He submits, carefully prepared, an able paper well worth attention.

Colonel Dodge, Twenty-third Infantry, says:

On an aggregate of 15,000 men, I suggest 10 regiments of infantry, 3 of cavalry, and 2 of artillery. On 25,000, 17 of infantry, 6 of cavalry, 3 of artillery. On 30,000, 20 of infantry, 7 of cavalry, 4 of artillery.

Colonel Hatch, Ninth Cavalry, says:

I suggest that, on a basis of 30,000 men, assumed to be the lowest number the necessities of the country require, 10 regiments of cavalry, 4 regiments artillery, and 20 regiments infantry.

Colonel Hunt, Fifth Artillery, says:

Assuming minimum strength at 30,000, I recommend 5 regiments artillery, of 12 batteries each, 10 regiments cavalry, and 18 regiments of infantry.

Colonel Floyd Jones, Third Infantry, says:

In my judgment, the Army should consist of not less than 50,000 men.

Colonel Flint, Fourth Infantry, says:

For 15,000 men, 9 regiments infantry, of 12 companies each, 5 regiments of cavalry, 4 regiments artillery.

For 20,000, 13 regiments infantry, of 12 companies each, 8 of cavalry, 4 of artillery, &c.

Colonel Hazen, Sixth Infantry, is not prepared to recommend any change in regimental organization.

Colonel Gibbon, Seventh Infantry, says:

Do not think the organization of the infantry arm should be changed, except in case of hostilities companies should be increased, at discretion of President, to 150 men.

Colonel King, Ninth Infantry, says:

No change recommended in number of regimental organizations; but companies should be 12 each in regiments of the line.

Under ordinary circumstances the opinions of such distinguished officers would make a non-professional hesitate even when acting from a high sense of duty; but the question is solved without any difficulty by the gentleman from New York, [Mr. HEWITT,]speaking for his committee.

Mr. Chairman, the plan by which the consolidation is to be carried into effect and the supernumerary officers resulting from it disposed of, is a curious and somewhat complicated one.

Section 13 provides that the President is authorized in his discretion to honorably discharge officers who may apply therefor on or before the 1st of January next, and every officer so discharged is to receive certain pay and allowances, graduated by his length of service. If he has served fifteen years he is to receive two years' extra pay and allowances; if twenty years, three years' extra pay and allowances; if twenty-five years, four years' extra pay and allowances, and if thirty years, five years' extra pay and allowances. I also construe the section to mean that, if he has served less than fifteen years, or fourteen years and nine months, he is to receive but one year's pay and allowances, and that the whole is to be calculated at the new rates of pay prescribed by this bill. The proviso, however, is to the effect that if he has been disabled in the line of his duty the President may, in his discretion and in lieu of pay and allowances, place him on the retired list, which under the present law would entitle him to 75 per cent. of the pay of his grade. This section is skillfully drawn, and the inducements offered for an enforced retirement under the guise of a voluntary one are unusually attractive.

As a naked proposition, I concede that it has an appearance of fairness and even of generosity, but there are many and serious objections to it. Among them are, first, the time given, January 1, 1879, is too short in which to make the election; second, our best and most experienced officers of the higher grades, but especially those of the rank of field officers, would naturally avail themselves of it; third, such violent and radical changes would of necessity impair the efficiency of what would be left of the Army; fourth, the pressure applied by the following sections would increase the number of officers of all grades who would avail themselves of the gratuity, thus requiring a correspondingly large sum for their immediate payment; and fifth, it violates the spirit of the original contract between the Government and the officer, which is to provide for him so long as he is enabled to discharge his duties.

The next section (14) will stand as a monument to the combined wisdom and justice of the majority of the committee and the gentleman from New York [Mr. HEWITT] who leads them.

In its general scope it revives the board of major-generals, known in Army circles as the "benzine board" of 1870, which is convened to sit in final judgment upon their brother officers. The information upon which they act must come from the several division and department commanders and from the staff departments; and, upon the recommendation of the board, the President is authorized to muster out the officer, and "he shall not be reappointed." It is provided, however, that the muster-out shall not take place without an opportunity to be heard; but the whole section is so arbitrary that, great as may be our confidence in the officers who would compose the board, the power conferred upon it is liable to abuse.

Whatever force the precedent may have, it is certain that the former board has been subjected to much unfavorable criticism; but bad as it was this excels it in this: that no injustice can be corrected, and that an officer mustered out under its provisions is absolutely without redress.

It can have, in my judgment, but one practical effect, which will be to coerce officers, by the fear of being cited before it, into availing themselves of the provisions of the previous section, (13); thus indefinitely increasing the amount to be paid before the 1st of next January.

The next section, Mr. Chairman, authorizes the transfer of the surplus officers from the regiments to be consolidated, and from the staff departments, to the list of "supernumeraries;" and all vacancies now existing or that may occur are to be filled in due proportion from this list, having reference to rank, seniority, and fitness. If, however, any officers remain on this list by the 1st of January they are to be mustered out with but one year's pay, or assigned to such service, military or civil, as the President may direct. It appears to me that but few will care to remain to that date, when they can avail themselves of the benefit of the gratuity offered by previous sections; but if they should, the authority given the President of assignment to civil duties, confers upon him now, and to say the least of it, questionable powers. Like sections 13 and 14, its apparent purpose is to coerce officers into leaving the service to avoid disgraceful and peremptory muster-out; but I confess that its provisions are not at all clear to my mind.

Mr. Chairman, next in importance to the changes to which reference has been made are the provisions affecting the staff of the Army—a branch of the service that has been much misrepresented and one that in my judgment has been unjustly criticised. The authorities are unanimous in the opinion that the efficiency of an army depends largely upon the ability of the staff; and this applies with especial force in a country where large standing armies are unknown and where in great emergencies the bulk of the army must consist of forces hastily levied.

The subject has been commented upon by distinguished officers conversant with the facts; and, while there is some difference of opinion in regard to details, there is entire agreement upon the main question, that it would be suicidal to act without full consideration.

Fortunately, however, this opinion is not confined to officers of the Army, for so long ago as December 11, 1818, and December 12, 1820, John C. Calhoun, then Secretary of War, discussed the whole question with all the force and clearness characteristic of that great man.

The report is too long to give in detail, but one or two extracts are pertinent to this discussion. He says:

> To compare, then, as is sometimes done, our staff with those of European armies assembled in large bodies, is manifestly unfair. Such a staff is not only indispensable to the efficiency of the Army, but is also necessary to a proper economy in its disbursements; and should an attempt be made at retrenchment, by reducing the present number, it would, in its consequences, probably prove wasteful and extravagant.
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> In fact, no part of our military organization requires more attention in peace than the general staff. It is in every service invariably the last in attaining perfection; and, if neglected in peace, when there is leisure, it will be impossible, in the midst of the hurry and bustle of war, to bring it to perfection. It is in peace that it should receive a perfect organization, and that the officers should be trained to method and punctuality, so that at the commencement of a war, instead of creating anew, nothing more should be necessary than to give to it the necessary enlargement. In this country particularly the staff cannot be neglected with impunity. Difficult as its operations are in actual service everywhere, it has here to encounter great and peculiar impediments, from the extent of the country, the badness and frequently the want of roads, and the sudden and unexpected calls which are often made on the militia. If it could be shown that the staff, in its present extent, was not necessary in peace, it would, with the view taken, be unwise to lop off any of its branches which would be necessary in actual service. With a defective staff, we must carry on our military operations under great disadvantages, and be exposed, particularly at the commencement of a war, to great losses, embarrassments, and disasters.
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> It is only in war that the benefits of a proper organization of the staff can be fully realized. With a complete organization and experienced officers, trained in peace to an exact and punctual discharge of their duty, the saving in war (not to insist on an increased energy and success in our military movements) would be of incalculable advantage to the country. The number of deputies and assistants in each branch ought to be regulated by the exigency of the service, and this must obviously depend much more on the number of posts than on the number of troops; and as no material change can, consistently with the public interest, be made as to the posts under the proposed reduction, little diminution can be made in the number of subordinate officers belonging to the staff.

These recommendations were made immediately following our second war with Great Britain, and when the necessity for economy was certainly as great as it is to-day. The same conditions that made it necessary in the judgment of President Monroe and his Secretary of War to approach the question of the reorganization of the staff with great care, exist now in equal force; and to a House that manifests so much reverence for the doctrines of the fathers, their well-considered opinions are entitled to great weight.

It will be seen, however, by reference to the bill, that the Committee on Appropriations of the Forty-fifth Congress are wiser in their day and generation than the great lights of their party; for they attempt to dispose of the whole or the greater part of the subject in a light and airy manner that indicates the progress made by that party in half a century. It is true that by section 12 they provide for a board to consist of three major-generals to be convened on the 1st of July, to whom is given power to examine and report to the President, on or before the 1st day of December, the "organization, practical working, and efficiency" of the different staff departments; but in the face of that provision they seek to legislate against the Adjutant-General's, Inspector-General's, and Pay departments, as well as the Bureau of Military Justice, reducing and diminishing the number and rank of the officers.

It appears to me that if this board is competent to determine the question at all, nothing is to be gained by placing a limitation upon its action in the four departments named; and surely the emergencies of the country are not so great, as to justify legislation that strikes at certain branches of the staff by first reorganizing them, and then asking the opinion of a board upon the propriety of our work.

I have neither time nor inclination to enter into a detailed defense of the different departments; but all the questions involved are so complicated and purely professional, that in our zeal for economy and reform we are liable to do great and irreparable injury to many excellent men and competent officers, unless we proceed with great care and prudence.

All or nearly all the officers to whom I have referred, have expressed themselves fully upon the questions involved in the consolidation and reduction of the staff departments; and everything I have read in regard to the subject convinces me that, without exception, the whole matter should be referred to a competent board or commission. Section 12 is a step in the right direction, but no satisfactory or equitable reorganization of the Army can ever take place, until the power therein conferred is enlarged so as to embrace every matter in dispute.

Passing from the sections relating to the staff departments, the bill devotes itself to two or three subjects that require brief mention.

Section 16 prohibits promotion to the grade of major-general "until there shall be no officer of that grade," and then but one, thus conferring upon officers of that rank the inestimable privilege of dying out instead of being mustered out, and effectually disposing of all such nonsense as promotion for merit.

Section 17 limits the brigadier-generals to three for the future, and applies the same generous and reformatory provisions to them that their senior officers are subjected to.

As a special mark of favor, and in recognition of their distinguished services, sections 1095 and 1097 of the Revised Statutes (act July 28th, 1866) fixed the aids to the General and Lieutenant-General of the Army at six and three respectively, with the rank of colonel and lieutenant-colonel.

Section 18 of this bill reduces the aids of the General to four and provides that—

> The aids-de-camp to the General and Lieutenant-General shall not attain by virtue of their appointment a rank beyond that next above their rank at date of appointment.

I do not know how this section may appear to the House, but it looks to me like a petty piece of spite against the two officers named; and when we recall the indignant howls from certain quarters at the appointment of a young lieutenant to the staff of the Lieutenant-General of the Army, it is barely possible that it is a revival of the war on "Grantism" in a modified and puerile form.

The present law (section 1244, Revised Statutes) gives the President discretion to retire officers after forty-five years of service or upon attaining the age of sixty-two; but section 25 of this bill makes it compulsory after forty-five years' service or at the age of sixty-two.

It is difficult to understand upon what information the committee acted when they framed this section. The rule would be an exceedingly arbitrary one, would deprive us of many of our best officers, and in the Engineer department, at least, would retire the five senior officers, including General Humphreys, the chief of engineers; men of activity and ability in their profession.

Mr. Chairman, I have endeavored to show by these extracts from the opinions of competent authority, that it would be dangerous to reduce the Army below the limit fixed by the act of June 16, 1874, and inexpedient at least to take hasty and ill-considered action upon the other changes recommended in the bill. I do not believe that there is any necessity or popular demand for either; and I have no confidence in the theory that the time has come when we can with safety, "beat our swords into plowshares and our spears into pruning hooks."

Mr. Calhoun had a very clear perception of this when he said:

> However remote our situation from the great powers of the world, and however pacific our policy, we are, notwithstanding, liable to be involved in war; and to resist, with success, its calamities and dangers, a standing army in peace, in the present improved state of the military science, is an indispensable preparation. The opposite opinion cannot be adopted without putting to hazard the independence and safety of the country. I am aware that the militia is considered, and is, many respects justly, as the great national force; but, to render them effective every experienced officer must acknowledge that they require the aid of regular troops.

And what was true then is true to-day.

Favorably located as we are for the realization of the hopes of the founders of the Republic, that our situation is such as to avoid the "entangling alliances" and great wars of the Old World, we have discovered that we, too, are subject to the usual fate of mortals, and are not exempt from the troubles that have fretted the nations from the earliest days to the present time. As a people we have had a national existence of but one hundred years, yet, startling as it may appear, we have had within that period one year of war to six years of peace,

and that too without taking into the calculation our incessant Indian wars.

Our revolutionary war lasted seven years, the war of 1812 for three years, the war with Mexico for nearly the same length of time, and the war for the suppression of the rebellion for four years. By comparison, Great Britain, with all her colonies and dependencies, has enjoyed more years of uninterrupted peace; for since the day of Waterloo, with the exception of the two years' war in the Crimea, she has been engaged in no war of magnitude, and with that exception has not had ten thousand men in line of battle for nearly seventy years.

Had we a Temple of Janus, scarcely a year since the establishment of our Independence would have seen its gates closed; for, supplementing our regular wars, we have had the Indian wars immediately following the Revolution, the Creek, Seminole, and Black Hawk wars, and the continual strife with the Indians of the far West.

If it is conceded that any Army in this country is necessary at all, I imagine no one will dispute the proposition that we require a greater one to-day than at any other period of our history, except when we were actually engaged in war with a foreign or domestic foe.

In 1840, when the country was at peace and nothing indicated the possibility of a war with Mexico, our Army consisted of 735 officers and 12,539 enlisted men; almost exactly one-half of our present force.

Since then we have more than doubled our population and wealth, and have acquired by conquest and treaty over one-third of the territory of the United States; and within this new territory there are to-day almost as many soldiers as were borne upon the rolls of the Army in 1840. From that year until 1860 the number of enlisted men remained substantially the same; but the tables show a steady increase of officers, until in 1860, after many years of democratic rule, the number of officers was increased to 1,083, while the enlisted men were reduced to 11,848.

The present strength of the Army is 2,161 officers and 25,000 enlisted men, and, aside from all comparison between the necessities of the country at the two periods it will be found that the proportion of officers to men is almost identical. Whatever difference there is is in favor of 1878; for while under democratic rule the proportion of officers to men was as 1 to 11, under republican rule it is as 1 to 11 and a fraction over one-half.

I do not make this statement as an argument in favor of the retention of the present number of officers, but for the purpose of showing that the charge of the Army being "top-heavy" could have been made in 1860 with the same propriety; and although it is an entirely proper one to make, I feel like apologizing for even suggesting the political aspects of a question that should be removed from all partisan discussion.

And now, Mr. Chairman, allow me to say, in conclusion, that in my judgment it is not at all necessary to protect the Army from itself, as has been said on this floor. From the time when it was called into existence it has always been able to give a good account of itself against its open foes, but it is powerless against congressional fire in the rear.

The necessity for an economical administration of affairs is great; but to a nation there is something more important than the mere question of cost or of dollars and cents.

No country has long survived the decay or loss of its fighting power; and, while I am far from advocating its undue development; its proper encouragement, within reasonable bounds and under legal restraints, is essential to a free people. Judged by any standard, ancient or modern, the Army of the United States has no cause to be ashamed of its glorious record. Men high in power and place in civil life, men upon whom the nation had lavished honors and position, have proven recreant to their trusts; but the Army as an organization, although sorely tempted and tried, never faltered in its duty.

It is the legitimate successor and has inherited the traditions and virtues of that continental army which, through long years of bloodshed and suffering, achieved our Independence, and it has never departed from them. At all times and under all circumstances it has maintained the honor of our flag and shown its reverence for the law.

In the darkest days of the rebellion, when republican institutions were on trial and when the continent trembled under the tread of armed men, no man educated at the expense of the Government and who remained true to his military oath ever questioned the entire subordination of the military to the civil power. Congress convened and legislated as freely as it does to-day, although surrounded by hundreds of thousands of men commanded by regular officers; and the suggestion so often made now that our Army is a standing menace to our liberties is, in my opinion, a childish one. Small in numbers, scattered over millions of square miles, and hampered by the constitutional provision that no appropriation can be made for it for more than two years, even if it were so disposed it would be powerless to inflict permanent injury upon the Republic. Its present ratio of strength to population is about as 1 to 2,000, and with over 5,000,000 men subject to military duty it appears to me the danger is reduced to the minimum.

Mr. Chairman, I entirely agreed with my colleague [Mr. TOWNSEND] when he spoke some time since for an army of respectable proportions or for none at all.

Officers and men are American citizens, equally interested with us in good government and a peaceful administration of the laws. They are not composed of the material out of which military dictators are made, and we owe it to ourselves and our people to protect them from the only foe which they fear: hostile legislation.

Unless the doctrine of peace and reconciliation is a meaningless farce, there can be no propriety in dignifying the predictions of those who express fear that the Army may be diverted from its legitimate pursuits, and made an instrument in the hands of unscrupulous politicians. The attempt, if made, would end disastrously; for we come of a warlike in contradistinction to a military race; one too that has always been sensitive to improper military interference and that never has failed to resent it promptly and successfully. None of the conditions favorable to military domination exist in this country, and even if they did they could not be enforced unless we had lost our courage and virtue as a people.

In that event, Mr. Chairman, the number and organization of the Army, or even the form of government itself, would not be worth discussing; and the "man on horseback" might be welcomed perhaps as a refuge and relief from the greater evils that would inevitably follow. [Loud and long-continued applause.]

Mr. Chairman, I add a digest of the bill by sections.

Digest of a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes.

Section 1 reduces the Army on or before July 1, 1878, from 25,000 to 20,000 enlisted men, not including 500 recruits, that may be kept at recruiting stations, &c., and appropriates money for its support.

Section 2 reduces the number of cavalry regiments from 10 to 6 and infantry regiments from 25 to 15; or reduces the number of regiments (40) now in service to 26. Considered in connection with sections 4, 5, 6, 15, and 28, will discharge from the line of the Army 14 colonels, 14 lieutenant-colonels, 12 majors, 178 captains, and 246 first lieutenants. Should majors from cavalry be assigned to the five new positions of that grade created in the infantry, the loss of majors in the line will be 7, (sections 5 and 15.)

Section 3 authorizes the transfer or discharge of non-commissioned officers, musicians, &c.

Section 4 adds a second lieutenant to each company of cavalry and fixes the maximum strength of the company at 115 men.

Section 5 provides for the organization of infantry regiments composed of 3 battalions of 4 companies each, and that, until otherwise authorized by Congress, only 2 battalions of each regiment shall be maintained; also for 2 majors to be assigned to each regiment, there being now 1 major to each regiment. It reduces the present regimental organization from 10 companies to 8, or makes a reduction of 30 companies in 15 regiments as now organized.

Section 6 adds a second lieutenant to each company of infantry, and fixes the strength of companies of infantry at 73 men.

Section 7 reduces the number of officers in the Adjutant-General's department from 17 to 5, and provides for the detail of 10 company officers to replace the 12 to be discharged. The periods of service of the 12 officers of the Adjutant-General's department to be discharged therefrom range from 17 to 40 years. Seven officers of the department are made supernumerary July 1, 1878, and 5 on July 1, 1879. The present Adjutant-General vacates by casualty.

Section 8 provides for the discharge of 4 officers from the Inspector-General's department, and the detail of officers, not below the rank of major, for duty at division and department headquarters. This department is now undergoing a reduction by casualties, pursuant to act of Congress approved June 23, 1874. The period of service covered by the officers in this department ranges from 17 to 45 years.

Section 9 reduces the Bureau of Military Justice by placing 4 majors on the supernumerary list July 1. The corps of judge-advocates is now undergoing a reduction by casualties, pursuant to act of Congress approved June 23, 1874. The periods of service of these officers range from 13 to 17 years.

Section 10 reduces the number of officers in the Pay department from 55 to 43, and provides that vacancies hereafter in the grade of major be filled by appointment from captains in the line. The services of the officers of this department range from 1 to more than 40 years.

Section 11 provides that when the rank of any officer is reduced under the provisions of this act the reduction will not apply to the present incumbents. (This includes the Adjutant, Paymaster, and Judge-Advocate General.)

Section 12 constitutes a board, composed of the 3 major-generals, to report on or before December 1 next upon the organization, &c., of the Engineer Corps, Ordnance Department, and all other Departments and corps of the service, except cavalry and infantry and Judge-Advocate's department, and prohibits promotions and appointments in said corps and department until otherwise authorized.

Section 13 provides for the pay and allowances that shall be allowed officers discharged under the provisions of this bill, and for the retirement of such as are disabled in the line of duty in lieu of a discharge with pay and allowances.

Section 14 provides for a board, composed of the 3 major-generals, to recommend, after due examination, the muster-out of such officers as may be reported by division and department commanders and chiefs of staff as being unfit for an efficient performance of duty from any cause except on account of disease incurred in the line of duty.

Section 15 authorizes the President to transfer officers from the line and staff corps to the list of supernumeraries, and from the list of supernumeraries to the line and staff, and the muster-out of all officers on the supernumerary list after January 1, proximo.

Section 16 reduces the number of major-generals from 3 to 1 by casualties.

Section 17 reduces the number of brigadier-generals from 6 to 3 by casualties.

Section 18 reduces the number of aids to the General from 6 to 4; major-generals from 3 to 2 each, and brigadier-generals from 2 to 1 each; also prohibits the detail of officers for duty on the staff till after five years' service with regiment or corps.

Section 19 requires examination of all officers below the rank of colonel before being promoted to a higher grade and provides penalties in case of failure to pass examination.

Section 20 requires the publication in the Army Register of the lineal rank of all officers of the line, given separately for the different arms of the service.

Section 21 provides for filling vacancies in grade of second lieutenant from graduates of the Military Academy and meritorious non-commissioned officers.

Section 22 provides for the selection and examination of non-commissioned officers for promotion.

Section 23 prohibits the detail of any officer for duty on a staff corps until after five years' service in the line, &c.

Section 24 establishes headquarters of the Army in time of peace in Washington, and requires all orders concerning military operations, &c., to be issued through the General of the Army, or, in case of his inability, the next in rank.

Section 25 retires commissioned officers at the age of sixty-five, or after forty-five years' service, (including service as an enlisted man.)

Section 26 requires the discharge of laundresses, but allows laundresses who are

wives of soldiers to be retained by regimental commanders till expiration of the husband's enlistment.

Section 27 abolishes the grade of company wagoner.

Section 28 repeals the act authorizing regimental adjutants and quartermasters to be extra lieutenants. This makes a reduction of 80 in the number of lieutenants in the line of the Army.

Section 29 requires all military headquarters to be at points where there are Government buildings, except headquarters of the Army.

Sections 30, 31, 32, and 33 prescribe pay and allowances to which officers shall be entitled.

Section 34 repeals all acts inconsistent with the provisions of this bill.

RECAPITULATION.

House bill No. 4867 provides for the discharge or retirement or for placing on the supernumerary list of the following officers:

Grade.	Adjutant-General's department.	Inspector-General's department.	Bureau of Military Justice.	Pay department.	Commissary and Quartermaster's Departments.	Cavalry.	Artillery.	Infantry.	Total loss.
Colonels	2	3	.....	2	.....	4	.....	10	21
Lieutenant-colonels	2	.....	.....	.....	.....	4	.....	10	16
Majors *	8	1	4	10	.....	12	.....	.....	35
Captains	.....	.....	.....	.....	.....	48	.....	130	178
First lieutenants †	.....	.....	.....	.....	.....	56	10	180	246
Second lieutenants ‡	.....	.....	.....	.....	.....	48	.....	130	178
Chaplains	.....	.....	.....	.....	.....	2	.....	2	4
Military storekeepers	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	12	4	4	12	.....	174	10	462	678

* Should the President transfer majors from the cavalry and staff departments to the five new positions of that grade created in the infantry, the loss of majors would be 30. (See sections 5 and 15.)

† Regimental adjutants and quartermasters included.

‡ Should the President assign an extra second lieutenant to each company of cavalry and infantry, under sections 4 and 6, there would then be no discharges of second lieutenants from the service. The 10 first lieutenants of artillery fill vacancies as they occur in their regiments.

Total loss, 678, which may be reduced to 495 by the assignment of 5 majors and the extra second lieutenants, as above cited.

Mr. KIMMEL obtained the floor.

Mr. HENKLE moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had according to order had under consideration a bill (H. R. No. 4867) making appropriation for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

MARY B. KIRBY.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 4888) for the relief of Mary B. Kirby; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

TRANSPORTATION OF ANIMALS.

Mr. COVERT, by unanimous consent, from the Committee on Agriculture, submitted an adverse report upon House bill No. 4078, relative to the transportation of animals; which was ordered to be printed and recommitted.

JOSEPH BAUMER.

Mr. HERBERT, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay Joseph Bauman, out of the contingent fund of the House, wages as messenger from the 1st day of November, 1877, during the current Congress, deducting payments already made.

ENROLLED BILLS.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following character; when the Speaker signed the same:

An act (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldiers' Home, Augusta, Maine;

An act (H. R. No. 97) granting a pension to William A. Miller;

An act (H. R. No. 300) for the relief of Dudley A. Fish, of Bucyrus, Ohio;

An act (H. R. No. 388) for the relief of William Roylston, late a private in Company D, First Regiment Tennessee Light Artillery;

An act (H. R. No. 439) granting a pension to Jonathan R. Tilman;

An act (H. R. No. 490) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry;

An act (H. R. No. 524) granting a pension to Lemuel L. Lawrence, late second lieutenant Company B, in the Sixth Regiment Illinois Cavalry Volunteers;

An act (H. R. No. 531) restoring the name of Thomas W. Brown to the pension-roll;

An act (H. R. No. 532) granting a pension to John Frey;

An act (H. R. No. 941) granting a pension to George Grove;

An act (H. R. No. 1809) granting a pension to William H. Shultis, late of Company K, Fourteenth Regiment New York Volunteers;

An act (H. R. No. 1815) granting a pension to Florence V. Moore;

An act (H. R. No. 1949) granting a pension to Benjamin C. Webster;

An act (H. R. No. 1975) to amend an act granting a pension to William Hafford, of South Yarmouth, Massachusetts, approved May 8, 1874;

An act (H. R. No. 2026) granting a pension to Mrs. Julia S. W. Evans, widow of Henry D. Evans, late first lieutenant of Company B, Thirteenth Missouri Volunteers;

An act (H. R. No. 2028) granting a pension to Isabella Cassidy;

An act (H. R. No. 3080) granting a pension to Warren F. Wood;

An act (H. R. No. 3098) granting a pension to Joseph L. Young, late a private Company C, Eleventh Regiment Maine Volunteers;

An act (H. R. No. 3105) granting a pension to Ruth Isabelle Naylor, widow of Captain Charles Naylor, of the Second Regiment of Pennsylvania Volunteers in the Mexican war;

An act (H. R. No. 3107) granting a pension to Louisa J. Guthrie and others;

An act (H. R. No. 3113) granting a pension to Mrs. Emily H. Lyford;

An act (H. R. No. 3114) providing for an increase of pension to Charles H. Day;

An act (H. R. No. 3115) granting a pension to Elizabeth J. Totten, widow of the late Commodore Benjamin J. Totten, United States Navy;

An act (H. R. No. 3123) extending the privileges of section 2990 to 2997 of the Revised Statutes, inclusive, to the port of Bath, in the State of Maine;

An act (H. R. No 3568) granting a pension to Mary T. Thompson, widow of William Thompson, late second lieutenant Company E, Twelfth New York Volunteers;

An act (H. R. No. 3569) granting a pension to Ovid H. Clark;

An act (H. R. No. 3730) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier; and

An act (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army.

EVENING SESSIONS.

Mr. BURCHARD. I ask, by unanimous consent, that an evening session be fixed for next week, say Tuesday evening, for the consideration of the bill in relation to the administration of the internal revenue. It is an important bill.

Mr. WOOD. I suggest to the gentleman from Illinois we arrange four or five evening sessions for next week. If we desire to adjourn this Congress at an early period we will have to transact some business. I am in favor of having three or four evening sessions next week for regular business, and not for debate only.

Mr. BURCHARD. I ask, then, that Tuesday and Wednesday evenings of next week be fixed for the consideration of the internal-revenue bill.

Mr. WOOD. I suggest that the Army appropriation bill be first finished and out of the way, and that we go on regularly with that bill until it is disposed of.

Mr. TUCKER. The Army appropriation bill ought to be discussed in to-day's session, and this bill in reference to the internal revenue may be discussed in the evening sessions.

Mr. WOOD. I move that there be evening sessions on Monday, Wednesday, and Friday of next week for regular business.

The SPEAKER. The business on Friday would be the consideration of private bills.

Mr. WOOD. I will say Tuesday, Wednesday, Thursday, and Friday of next week.

The SPEAKER. It is always within the power of the House to take a recess and have an evening session for regular business.

Mr. BURCHARD. But when there is to be an evening session it is well to have it understood beforehand.

The SPEAKER. The gentleman from New York moves that on Tuesday, Wednesday, Thursday, and Friday, of next week, the House take a recess from half-past four to half-past seven for the transaction of business in its regular order.

Mr. FINLEY. I hope the gentleman will not press his motion now when there is scarcely a quorum present.

The SPEAKER. There is a quorum present.

Mr. FORT. I wish to inquire whether the session of Friday evening will be for the consideration of private bills.

The SPEAKER. It will, that being the business for the entire day.

The question being taken on Mr. WOOD's motion, it was agreed to.

MORNING HOUR ON TUESDAY.

Mr. MILLS. I ask unanimous consent of the House to have a morning hour on Tuesday next.

The SPEAKER. The gentleman from Texas asks to have it understood that there will be a morning hour on Tuesday. Is there objection? [After a pause.] The Chair hears none.

ABSENCE OF THE SPEAKER.

The SPEAKER. The Chair desires to state that he will be absent during the early part of next week.

Mr. EDEN. I offer the following resolutions:

Resolved, That Hon. MILTON SAYLER, a Representative from the State of Ohio,

be, and he is hereby, appointed Speaker *pro tempore* during the present temporary absence of the Speaker.

Resolved, That the Clerk be directed to inform the Senate that the House has appointed Hon. MILTON SAYLER, a Representative from the State of Ohio, as Speaker *pro tempore* during the temporary absence of the Speaker.

The resolutions were adopted.

PACIFIC RAILROAD COMMISSIONERS.

Mr. MORGAN. I ask unanimous consent that the bill (H. R. No. 4399) to establish a board of Pacific Railroad commissioners, which was made a special order for the 15th of May, be made a special order for the 23d of May, and from day to day thereafter, until disposed of.

Objection was made.

PRIVATE CLAIMS AGAINST THE GOVERNMENT.

Mr. POTTER, by unanimous consent, from the Committee on Reform in the Civil Service, reported back the bill (H. R. No. 4277) relating to private claims against the Government; which was recommitted to the same committee, and, with the accompanying report, ordered to be printed.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair asks consent at this time to lay before the House various executive communications, which have largely accumulated on the Speaker's desk.

There was no objection.

ROBERT C. WALKER.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting report in the case of Robert C. Walker, late paymaster in the United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

NEW MEXICO MILITIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of the Adjutant-General on the bill (H. R. No. 4276) for payment of Perea's battalion of militia, organized in New Mexico; which was referred to the Committee on Military Affairs.

COMPANY L, FIFTH CAVALRY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting two sets of proceedings of a board of survey setting forth the losses sustained by Company L, Fifth Cavalry mess fund, library association, and individual soldiers of the Company; which was referred to the Committee on Military Affairs.

THOMAS J. HUME.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the case of Thomas J. Hume; which was referred to the Committee on Military Affairs.

MILITARY POSTS IN TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copy of report of the General of the Army on proposed amendment of House bill No. 4057, making an appropriation for establishing two military posts in Texas; which was referred to the Committee on Military Affairs.

CAPTAIN J. B. EADS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting communication from Captain J. B. Eads, with reports of Generals Barnard and Wright; which was referred to the Committee on Appropriations.

COLD SPRINGS LIGHT-HOUSE, LONG ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting information as to the amount necessary, in addition to the appropriation heretofore made, for erection and completion of a proper and sufficient light-house at Cold Springs Harbor, Long Island; which was referred to the Committee on Appropriations.

PRINTING AND BINDING FOR INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to a deficiency in the printing and binding for that Department; which was referred to the Committee on Appropriations.

WHITE EARTH RESERVATION, MINNESOTA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to fund appropriated by act of March 3, 1877, for the erection of a grist-mill on the White Earth Indian reservation, in Minnesota; which was referred to the Committee on Appropriations.

FORT CLARK, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting recommendation of an appropriation for the purchase of the site of Fort Clark, Texas; which was referred to the Committee on Appropriations.

GENERAL L. P. DI CESNOLA.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a petition of General L. P. Di Cesnola, late consul of the United States at Cyprus, praying that relief be granted him by appropriating an allowance for dragoman and guard hire actually paid out of his own private funds during his incumbency of that consulate; which was referred to the Committee on Appropriations.

FORT LEAVENWORTH MILITARY PRISON.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the erection of certain buildings at the Fort Leavenworth military prison in Kansas; which was referred to the Committee on Appropriations.

FRANK H. JOHNSON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copies of certain charges against Frank H. Johnson, chief inspector of clothing, Philadelphia depot, Quartermaster's Department; which was referred to the Committee on Expenditures of the War Department.

JAMES MILLER.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the claim of James Miller; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

Mr. CHITTENDEN, by unanimous consent, was granted leave of absence for six days.

EVENING SESSIONS NEXT WEEK.

Mr. FINLEY. I desire to enter a motion to reconsider the order of the House providing for evening sessions next week.

The SPEAKER. The House can vacate the order on either of those days by adjournment.

Mr. FINLEY. My reason for entering a motion to reconsider is that the order was agreed to in a very slim house, and I do not believe that with a full attendance the judgment of the House would be in favor of night sessions.

Mr. BURCHARD. I move to lay the motion to reconsider on the table.

The motion was agreed to.

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. GIDDINGS: The petitions of citizens of Walker, Montgomery, and San Jacinto Counties, Texas, for a division of the State of Texas into two judicial districts—to the Committee on the Judiciary.

By Mr. HUNTON. The petition of J. Guilford White and Leonard E. Chapman, for a statement of their accounts from the Committee of Accounts—to the Committee of Accounts.

By Mr. JONES, of Alabama: A paper relating to the establishment of a post-route from Greenville to Cokerville, Alabama—to the Committee on the Post-Office and Post-Roads.

By Mr. LANDERS: The petition of Strong & Woodruff and 22 others, of Hartford, Connecticut, for the abolition of duties on hatters' black silk plush—to the Committee of Ways and Means.

By Mr. STEVENS, of Arizona: The petition of citizens of Mohave County, Arizona Territory, for an appropriation for the removal of obstructions to navigation in the Colorado River—to the Committee on Appropriations.

By Mr. TUCKER: The petition of citizens of Campbell County, Virginia, for the passage of the Texas Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. WILLIAMS, of Wisconsin: Memorial of B. R. Hinckley, E. Bowen, C. Miner, W. T. Vankirk, and H. S. Hogaboom, trustees of the Institution for the Education of the Blind, of Janesville, Wisconsin, for the passage of the House bill providing for the education of the blind—to the Committee on Education and Labor.

IN SENATE.

MONDAY, *May* 20, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the city council of Chicago, Illinois, in favor of the passage of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list; which were ordered to lie on the table.

He also presented the memorial of Robert H. Love and others, citizens of the Chickasaw Nation, remonstrating against the passage of House bill No. 3729, upon the subject of arrears of interest due that nation; which was referred to the Committee on Indian Affairs.

Mr. HOAR presented the petition of E. W. Bullard, of Barre, Massachusetts, praying for an extension of his patent for an improve-

ment in hay-tedders, granted to him on the 21st of May, 1861; which was referred to the Committee on Patents.

He also presented resolutions of the workingmen at the navy-yard at Boston, Massachusetts, in favor of the enforcement of the eight-hour law; which were referred to the Committee on Finance.

He also presented the memorial of Willard Corney and others, citizens of Westborough, Massachusetts, remonstrating against any change or modification in the patent laws which shall permit the extension of seventeen years' patents; which was referred to the Committee on Patents.

Mr. HOAR. I hold in my hand also a letter of H. D. Jarves, formerly an officer in the Army, a disabled officer, concerning sundry defects in the pension laws. This letter is addressed to me, but it is in substance a petition, and it is accompanied by a letter from the governor of Massachusetts, calling attention to important defects in the pension laws which are set forth. It is a very admirable and clear statement. I move that it be printed and referred to the Committee on Pensions.

The motion was agreed to.

Mr. WINDOM. I present the petition of M. M. Rohrer, Walter H. Smith, M. G. Emery, and a large number of other citizens, representing themselves as property-owners of the northeastern portion of Washington, District of Columbia, in that section of the city known as the Tiber Valley, praying for an appropriation of $20,000 for the special purpose of enabling the commissioners of the District of Columbia to complete the northern approaches to the Capitol, and the grading and sewerage of the Tiber valley between the points of D and L streets, northeast. They represent that they have been compelled to pay year after year large taxes to improve and beautify other parts of the city, while the section named in the petition has received little consideration. I move the reference of this petition to the Committee on Appropriations.

The motion was agreed to.

Mr. WHYTE. Mr. President, the General Assembly of Maryland has directed the Senators from that State to present to this body the resolutions, a copy of which I now send to the Secretary's desk. These resolutions commend to Congress the project of a ship-canal connecting the waters of Chesapeake Bay with Delaware Bay and solicit the aid of the Government to the Maryland and Delaware Ship-Canal Company, a corporation chartered by the States of Maryland and Delaware. I cannot say that, in the absence of reliable surveys and a distinct understanding as to the route, the width and depth of the proposed canal, I am prepared to vote for an appropriation of any magnitude at this time. Recently, I proposed an amendment to what is commonly known as the "river and harbor bill," passed by the House of Representatives, and now under consideration of the proper Senate committee, which appropriates $5,000 to make surveys on the peninsula of Maryland and Delaware to ascertain the feasibility of constructing such a canal and the probable cost thereof.

For many years I have advocated the necessity and practicability of such a ship-canal, and it has always seemed to me to be of such importance to the whole country lying north, west, and southwest of Maryland as to demand the liberal aid of Congress. During my term as governor of Maryland I urged upon the Legislature the "passage of resolutions calling upon Maryland's representatives in Congress to press upon that body the subject as one of national importance." In fulfillment of my own suggestion I ask Congress now to take the initiative in regard to this great work.

Baltimore has become a grand reservoir of the grain of the West and Northwest; its shipments of the cereals, petroleum, pork, and other exports have grown with a rapidity which has awakened commercial men all over the country to the fact that, with some aid from the General Government, Baltimore can be made the nearest and best outlet for export trade from the West to foreign lands. As far back as 1871 the national commercial convention, holding its session in Baltimore, passed this resolution upon this subject:

Resolved, That Congress be memorialized to direct a survey to be made between the Chesapeake and Delaware Bays for the proposed improvements, and if found to be practicable, desirable, and valuable to the great interests of the country that the said ship-canal shall be constructed.

In 1872 the Legislature of Maryland appointed a committee to urge upon the War Department the propriety of making this survey, and the chairman of that committee and the then governor of Delaware, in eloquent terms, urged the subject upon the acting Secretary of War; but no appropriation has ever been passed to authorize the work.

Since these efforts were made, financial distress has so paralyzed all business as to silence the appeals of those who foresee such beneficial commercial results to be attained by this artificial conduit to the Atlantic Ocean. But now, with the dawn of new life in our commercial undertakings, they renew, with confidence, their request for national aid in the development of this necessary and promising work.

Of several routes proposed, the southernmost seems most practicable and valuable. It would begin about fifty-five miles from Baltimore, on the Chesapeake Bay, at the mouth of the Choptank River, and, by lines not necessary at this time to be specified in detail, it would cross the peninsula and strike Delaware Bay about four miles above the breakwater. This route would require not more than forty miles of canal proper. The distance from Baltimore to the Delaware breakwater, descending Chesapeake Bay and passing around Cape Charles and ascending the coast, is about three hundred and twenty-five miles.

By a canal route, such as I have indicated, a vessel bound to Europe or to any point north of Cape Henlopen would save in distance from one hundred and eighty to one hundred and ninety miles.

These are crude estimates, sanctioned, however, by the opinion of eminent civil engineers, but they can only be verified by actual surveys, by which also we can ascertain whether the construction of such a canal will or will not materially advance the interests of commerce.

I could name several precedents for these surveys and the subsequent construction of similar works of national advantage in the interest of commerce; but I readily recall one which was begun when I first came to the Senate ten years ago; I refer to the canal running along the Iowa shore of the Mississippi, from Keokuk to Nashville, to avoid the Des Moines Rapids at low water; and for the maintenance of which, as a free canal, we have at this session, appropriated $40,000.

I shall therefore urge the amendment to which I have referred upon the Senate at the proper time, believing the work to be one of such national importance as to be free from all constitutional objection, even from the strictest constructionist, and should the surveys be authorized and the result of them present a claim in the interest of commerce, whereby great general good can be secured by a reasonable outlay of the public money, there can be no reason why, among the necessary works of internal improvement, this enterprise should not be undertaken by the General Government and a canal established, free for the vessels of the world, or for the use of which tolls shall be charged only sufficient to pay the expenses of its maintenance and repair.

Instead of delaying the Senate by the reading of the long resolutions, I have submitted these remarks, and move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WHYTE presented a memorial of the Merchants' Exchange of Baltimore, Maryland, remonstrating against granting a subsidy to the proposed Roach line of steamers between the United States and Brazil, or to any similar line of steamers; which was ordered to lie on the table.

Mr. ARMSTRONG presented a memorial of H. F. J. Hoock and others, citizens of Saint Louis, Missouri, remonstrating against the passage of any act imposing a tax on incomes; which was referred to the Committee on Finance.

He also presented the petition of Joseph Schiller & Co. and others, manufacturers of silk hats, of Saint Louis, Missouri, praying for the abolition of the duty levied on hatters' black silk plush, or its reduction to not more than 10 per cent. ad valorem; which was referred to the Committee on Finance.

Mr. EATON presented the petition of Strong & Woodruff and others, citizens of Hartford, Connecticut, praying for the abolition or reduction of the duties on hatters' black silk plush; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of Commander Henry Erben, of the United States Navy, praying that he may be allowed to appear before the proper board of naval officers for examination for promotion; which was referred to the Committee on Naval Affairs.

Mr. ALLISON presented the petition of F. W. Church and others, citizens of McGregor, Iowa; the petition of William Sullivan & Son, of Guttenburgh, Iowa; the petition of Theodore L. Morgan and others, citizens of Lansing, Iowa; and the petition of R. H. Adams and others, citizens of Fulton, Illinois, praying for the removal of the local board of inspectors of steam-vessels from Galena, Illinois, to Dubuque, Iowa; which were referred to the Committee on Commerce.

Mr. BURNSIDE presented the petition of George E. Matthews and others, citizens of Providence, Rhode Island, praying for the abolition of the duty on hatters' black silk plush, or its reduction to not more than 10 per cent. ad valorem; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 376) to provide for ascertaining and settling private land claims in certain States and Territories, reported it with an amendment.

Mr. EDMUNDS. I am instructed by the same committee to whom was referred the bill (S. No. 344) to provide for ascertaining and settling private land claims in certain States and Territories, to report the same with a recommendation that it be indefinitely postponed, for the reason that Senate bill No. 376 covers the whole subject.

The bill was postponed indefinitely.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 415) for the relief of Ella Long, reported it without amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 971) granting a pension to William Leibig, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 519) granting a pension to Mrs. Ellen P. Foster, widow of Edwin R. Foster, deceased, late first lieutenant of Company G, in the Eightieth Illinois Infantry Volunteers, reported it without amend-

ment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3111) granting a pension to Julia Watkins, widow of Thomas H. Watkins, late captain Company B, Purnell Legion, Maryland, reported it adversely.

Mr. WHYTE. I ask that that bill go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will go upon the Calendar with the adverse report of the committee.

Mr. INGALLS, from the same committee, to whom was referred the bill (H. R. No. 522) granting a pension to James B. Gillespie, late captain Company I, One hundred and twentieth Regiment Illinois Infantry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2534) granting an increase of pension to Robert W. Livingston, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3106) granting a pension to Daniel W. Martin, a private in Company A, Fifty-seventh Regiment Ohio Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late private of Company B, Fifty-eighth Illinois Volunteers, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3116) granting an increase of pension to Mrs. Maria B. Craig, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1688) to restore the name of Hamilton Ryne to the pension-roll, reported it without amendment, and submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3578) granting a pension to Julia J. Wheeler, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of John Charles Black, praying to be allowed an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1275) granting a pension to John Charles Black.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 1036) to incorporate the United States Commercial Company, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 763) to provide for holding terms of the circuit and district courts in the district of Colorado, reported it with an amendment.

THOMAS A. WESTON.

Mr. BOOTH. I am instructed by the Committee on Patents, to whom was referred the bill (H. R. No. 314) to confirm the term for the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston, to report the same favorably and without amendment. As this bill has passed the Senate in almost the precise words that it passed the House, only one clause having been added in the House out of abundant caution, I ask the Senate to consider it.

The bill was read for information.

Mr. BOOTH. This is the same bill that passed the Senate some weeks since; only the House passed their own bill identical in terms except that a few words were added to make it a little more stringent, and to protect possible manufacturers and purchasers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. INGALLS. Having been instructed by the Legislature of my State to vote against all extensions of patents, I desire to hear some explanation of the bill.

Mr. BOOTH This is the same bill, as I said before, that passed the Senate. It is not really an extension of a patent. In 1859 Thomas A. Weston filed a caveat for an invention of differential pulleys which entitled him to notice of an application for a patent for a similar invention for two years. Before the two years expired, a Mr. John J. Doyle applied for a patent for the same invention, and without notice to Weston a patent was issued to Doyle. When Weston applied, he was refused because a patent had already been issued to Doyle. Proceedings in interference were had which lasted six years. At the end of six years they were determined in Weston's favor, the Department stating that injustice had inadvertently been done to Weston by their own mistake. In the mean time he had taken out a patent in England, and by our own statute his American patent would expire at the same time with his English patent. He was thus cut off from the use of his patent for six years, and the object of this bill is to give it to him for the full term of seventeen years as he would have been entitled if the Department had not made the mistake.

Mr. INGALLS. This extends to him six years additional?

Mr. BOOTH. He was granted a patent for seventeen years, but he was cut off from the use of it for six years by the expiration of the English patent. This gives it to him for those six years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WOMEN AS LEGAL PRACTITIONERS.

Mr. THURMAN. The Committee on the Judiciary, to whom was recommitted the bill (H. R. No. 1077) to relieve certain legal disabilities of women, being a bill to provide for admission to the bar of the Supreme Court of the United States of any woman who is a member of the highest court of the State or Territory, or the supreme court of the District of Columbia, and an amendment offered by the Senator from California [Mr. SARGENT] that no person shall be excluded from practicing as an attorney and counselor at law before any court of the United States on account of sex, have instructed me to report as the committee reported before, that in its opinion there is no law prohibiting a court from admitting a woman to practice law; and that, therefore, there is no necessity for this bill; and for that, as well as other reasons which I need not enumerate, the committee recommend the indefinite postponement of the bill.

Mr. SARGENT. I should like to ask the Senator from Ohio if the committee is not aware that the Chief-Justice in deciding against the admission of a lady applicant for admission, said that the Supreme Court would wait for legislation and alleged the absence of precedents and legislation for such action of the court? I ask if the committee are aware of that fact?

Mr. THURMAN. I really am not aware of any remark make by the Chief-Justice. All we can do is to report what we find the law to be in our judgment, and that we have done.

Mr. SARGENT. The remarks make by the Chief-Justice were not *obiter* at all; they were the decision of the case. He decided that the Supreme Court would not admit for this reason. I ask that the bill go on the Calendar.

Mr. THURMAN. I am requested to state that this is a majority report.

Mr. HOAR. I desire to ask the Senator from Ohio if in determining what the law is the Judiciary Committee declined to consider how it is at present practically administered by the Supreme Court of the United States?

Mr. THURMAN. I cannot hear what the Senator says.

Mr. HOAR. Do I understand the Senator from Ohio to say that in making up their mind as to what the law is on this subject, the committee of which he is the organ did not ascertain how the law is at present practically administered by the Supreme Court of the United States?

Mr. THURMAN. I did not say anything about how it is practically administered. It has been practically administered in several particulars very much against my judgment of what the law is; but I cannot help that. The Judiciary Committee is appointed to find out what the law is, and not to undertake to correct all the malpractice that may happen or the errors of courts in the interpretation of the law. I do not understand, however, that the Supreme Court or any other court of the United States has at any time decided that under the Federal statutes in regard to the admission of attorneys it was a conclusive objection to an applicant that the applicant was a woman.

Mr. HOAR. I understand that the Chief-Justice of the Supreme Court of the United States, in pronouncing in its behalf its judgment on an application by a woman to be admitted to practice in that court, declared that legislation was needed to make it the duty of the court to grant such an application in the case of any woman. If that be true, that is the law for this country, if it is so declared and acted upon by that court; and it seems to me very strange that the Judiciary Committee should simply meet this bill by a report that they think the law otherwise and have not inquired how the Supreme Court expound it.

Mr. EDMUNDS. Mr. President, the Judiciary Committee do not understand the Supreme Court to have decided the law as intimated by the Senator from Massachusetts. If the Senator from Massachusetts means that the Supreme Court have said that a statute of the United States was necessary to compel them to admit a female to practice before them, then, undoubtedly they have decided what the law is, because the law does not compel them; neither does it prohibit them. It is said that the Chief-Justice, in expressing the opinion of the court on the application of a particular lady to be admitted on the ground that she was a member of the bar of the District of Columbia or of some State, brought into the oral statement that the Chief-Justice, in connection with the circumstance that the true interests of the times and of women, &c., were not yet advanced to that stage, stated the fact that if Congress wanted to have women admitted hit or miss they could pass legislation to say so.

We find the law to be, perfectly plain and undisputed either by judges or anybody else, simply this, that the several courts of the United States are authorized by statute to admit such persons, and on such terms, to practice before them as they see fit. There is no law that makes sex or race, or anything else a distinguishing element at

all. It is left entirely and has been from the foundation of the Government to this day in the discretion of the several courts of the United States.

Mr. SARGENT. I will not discuss the matter now; but I will ask that the bill go on the Calendar, and at some early day I shall endeavor to get the attention of the Senate to it and discuss it.

Mr. EDMUNDS. I did not intend to discuss it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1276) to reorganize the Court of Claims and extend its jurisdiction to take all claims from before Congress and the Departments for adjudication; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CHRISTIANCY. I wish to say that I introduce this bill especially by request and without committing myself for or against it.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1277) to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1278) to amend section 23 of an act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874; which was read twice by its title, and referred to the Committee on Finance.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1279) to provide for the appointment of an additional circuit judge in the eighth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1280) to provide for the construction of a bridge across the Mississippi River from the military reservation of Fort Snelling, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1281) to regulate immigration; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1282) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL. I submit an amendment that I intend to propose to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

I desire to state the object of the amendment. The law creating the office of chief of the division of mail depredations fixes his salary at $2,500. The appropriation bill as passed by the House allows only $2,000. The object of this amendment is simply to conform his salary to existing law. I call the attention of the Committee on Appropriations to that fact, and move the reference of the amendment to that committee.

The motion was agreed to.

Mr. COCKRELL. I offer an amendment to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, and I move its reference to the Committee on Appropriations.

The motion was agreed to.

Mr. COCKRELL. I understand the bill will soon be acted on by that committee, and I trust the committee will consider this amendment before they report the bill to the Senate.

Mr. BOOTH, on behalf of the Committee on Patents, submitted an amendment to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

RECOMMITTAL OF A BILL.

Mr. JONES, of Florida. I move that the bill (S. No. 1132) for the relief of Lieutenant-Commander James H. Sands, United States Navy, be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

TAXATION OF STREET RAILROADS.

Mr. ROLLINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be, and they hereby are, directed to furnish the Senate with the following information:

First. The amount of taxes assessed against the several street railroads in the District of Columbia for each fiscal year under the provision of their charters declaring that their roads shall be deemed real estate and liable to tax as other real estate, and what portion of said taxes has been collected.

Second. If there has in any year been any omission to assess such tax or enforce the collection of the same, the reasons therefor.

Third. The amount of special-improvement taxes assessed against each of said roads, the streets or avenues upon which such assessments were made, the amount collected thereon and the streets, avenues, or roads occupied by said roads for the improvement of which no assessment has been made against them.

Fourth. Whether, in case of the changes in the grade of the streets and avenues occupied by any of the said roads, the said railroads are required to change their said roads so as to conform to such altered grade and pavements, or was the cost of such change paid by the District; and, if so, upon what streets.

Fifth. The appraised value of the real estate, other than their roads or tracks, owned and occupied by each of said roads.

Sixth. The amount of licenses or other taxes assessed or collected of each of said roads for each fiscal year since July 1, 1871, and the amount, if any, now due and unpaid.

ADDITIONAL SENATE LIBRARY.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to consider and report on the propriety of placing in a portion of one of the rooms opening from the Senate Chamber a small library of books of reference for the use of the Senate.

LIMITATION OF COURT-MARTIAL TRIALS.

Mr. MAXEY. I move that the bill (S. No. 1114) to amend the one-hundred and third article of war be taken up for consideration. It is an important bill but will require only a few minutes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, before the word "tried," to strike out the words "liable to be," and in lines 7 and 8, after the word "offense," to strike out "charged to have been;" so as to make the one hundred and third article of war, as proposed to be amended, read:

ART. 103. No person shall be tried or punished by a court-martial for any offense committed more than two years or, in a case of desertion, three years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States; in which case the time of his absence shall be excluded in computing the period of the limitation.

Mr. MAXEY. I will state that the bill has been very carefully considered by the Committee on Military Affairs, and is deemed wise. It was submitted to the proper authorities of the War Department, and meets the entire approbation of the Judge-Advocate-General, who has charge of the subject. I trust that the bill, as proposed to be amended, will be passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list. I hope the Senate will take up the bill and consider it. I do not desire to consume a solitary moment's time of the Senate, and only ask that it be taken up and read and passed upon.

The Chief Clerk read the bill by its title.

Mr. SARGENT. There is no time to consider that in the morning hour.

Mr. COCKRELL. There is just as much time this morning as there will be any other morning.

Mr. SARGENT. Let the question be put to the Senate.

The PRESIDENT *pro tempore*. The Senator from Missouri moves the present consideration of the bill he has named.

Mr. BLAINE. Why does the Senator wish to take up the bill in the morning hour?

Mr. SARGENT. It cannot be passed in the next ten minutes.

Mr. BLAINE. The Senator from Missouri had better try to take it up after the morning hour.

Mr. SARGENT. I suggest to the Senator from Missouri to take up the bill some time when it can be considered. It certainly cannot be passed during the next ten minutes. More time than that I shall desire to occupy myself.

Mr. COCKRELL. It is due that this bill should be acted upon. If Senators desire to be heard I do not wish to cut them off. So far as I am concerned, I am willing to submit the bill to the Senate on its own merits, just as it is, without any discussion. But if there is to be opposition to the bill I trust we shall take it up, so that Senators who desire to speak against it can be heard. An extension of ten or fifteen minutes of the morning hour could be given and the bill completed this morning with the consumption of as little time as on any other occasion.

Mr. VOORHEES. I would say that at the expiration of the morning hour, according to the understanding when we last adjourned, the Senator from Vermont [Mr. MORRILL] has the floor on the regular order of business; but with his consent I have no doubt the bill for the repeal of the resumption act could be laid aside informally for a short time for the consideration of this question.

Mr. INGALLS. I gave notice on Thursday or Friday of last week that to-day if possible—and, if not, at the earliest possible moment—I should ask the Senate to proceed to the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia. I shall feel called upon to object to any extension of the morning hour for the consideration of this or any other bill; and I give notice that when the Senator from Vermont has concluded his remarks, if no other Senator is ready to proceed on the

bill for the repeal of the resumption act, I shall ask the sense of the Senate upon proceeding to the consideration of the bill that I have named.

The PRESIDENT *pro tempore*. The Senator from Missouri asks the present consideration of the bill which has been reported by its title.

Mr. VOORHEES. I hope the Senate will take up and dispose of the bill reported by the Senator from Missouri. It is one of those questions which have to be met, and it might as well be met now as at any other time. The postponement of it would be an ungracious and ungraceful thing to do. If the Senate is not going to concur with the House in regard to placing General Shields upon the retired list as an Army officer let us say so. If we are going to do it the only way to do it handsomely is to do it at once and without delay. I presume every Senator in this body has his mind made up as to how he is going to vote upon the question. As a matter of course I do not make these remarks desiring to avoid discussion, if anybody wishes to discuss such a subject, but I hope, inasmuch as the bill has now been called up, that it will not be successfully antagonized by any other business before it is disposed of. It cannot in the nature of things take much of the time of the Senate, and I say to the Senator from Kansas and to other Senators that I shall not yield the regular order of business to any other subject than the consideration of the bill reported by the Senator from Missouri. If the regular order of business cannot hold its place it will have to be disposed of by a vote of the Senate, for I shall insist upon it with the exception of yielding to the Senator from Missouri.

Mr. MORRILL. I supposed that it was the understanding, even with the Senator from Indiana, that I was to have the floor at one o'clock to-day.

Mr. VOORHEES. I said so a while ago. I said when the Senator was out of the Chamber a moment ago that at the expiration of the morning hour the Senator from Vermont was entitled to the floor by the understanding we had when we last adjourned. But with the understanding that the bill reported by the Senator from Missouri would take but little time, I said I had little doubt that the Senator from Vermont would yield for a few minutes.

Mr. MORRILL. I should do so with pleasure if it was probable that the topic the Senator from Missouri proposes to bring up would be disposed of before one o'clock; but the Senator will see that that is utterly impossible. As I do not intend to detain the Senate a long time I do not wish to have any part of it after one o'clock consumed in the discussion of this measure. I am ready to go on at once.

Mr. ALLISON. Then let the Senator from Vermont go on now.

Mr. MORRILL. I shall certainly claim the floor at one o'clock.

Mr. COCKRELL. I will consent to the suggestion of the Senator from Iowa.

Mr. VOORHEES. Then let the Senator from Vermont go on with his speech now, with the understanding that the Senator from Missouri may call up his bill upon the conclusion of the Senator's remarks.

Mr. EDMUNDS. Oh, no.

Mr. MORRILL. Of course I make no such understanding.

Mr. VOORHEES. I ask for no understanding. I only give notice to the Senate that at the conclusion of the remarks of the Senator from Vermont I will yield that the Senator from Missouri may call up the bill which he has reported.

The PRESIDENT *pro tempore*. The Chair will, by common consent, call up the unfinished business of Friday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM A. J. SPARKS of Illinois, Mr. OTHO R. SINGLETON of Mississippi, and Mr. JOHN H. BAKER of Indiana, managers at the conference on its part.

The message further announced that the House had non-concurred in the amendment of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

The message also announced that the House further insisted upon i's disagreement to certain amendments of the Senate to the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, insisted upon by the Senate, further insisted upon its amendment to the fourteenth amendment of the Senate to the said bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILTON J. DURHAM of Kentucky, Mr. HIESTER CLYMER of Pennsylvania, and Mr. A. HERR SMITH of Pennsylvania, managers at the further conference on its part.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. HERR SMITH of Pennsylvania, Mr. ABRAM S. HEWITT of New York, and Mr. WILLIAM A. J. SPARKS of Illinois managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. No. 4874) for the relief of the sureties of John McNellis; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 396) to amend section 2464 of the Revised Statutes, relating to cultivation of timber on the public domain, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution for the binding of five hundred copies of the Geological and Geographical Atlas of Colorado and portions of the adjacent territory under the Hayden survey, in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes;

A bill (S. No. 926) for the sale of timber lands in the States of California, Oregon, and Nevada, and in Washington Territory;

A bill (S. No. 930) granting a pension to Mary B. Marsh;

A bill (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldiers Home, Augusta, Maine;

A bill (H. R. No. 97) granting a pension to William A. Miller;

A bill (H. R. No. 251) for the relief of James J. Warring, of Savannah, Georgia;

A bill (H. R. No. 300) for the relief of Dudley A. Fish, of Bucyrus, Ohio;

A bill (H. R. No. 388) for the relief of William Roylston, late private Company D, First Regiment Tennessee Light Artillery;

A bill (H. R. No. 439) granting a pension to Jonathan R. Tillman;

A bill (H. R. No. 490) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One Hundred and twenty-third Illinois Infantry;

A bill (H. R. No. 524) granting a pension to Lemuel L. Lawrence, late second lieutenant Company B, in the Sixth Regiment Illinois Cavalry Volunteers;

A bill (H. R. No. 531) restoring the name of Thomas W. Brown to the pension-roll;

A bill (H. R. No. 532) granting a pension to John Frey;

A bill (H. R. No. 941) granting a pension to George Grove;

A bill (H. R. No. 1809) granting a pension to William H. Shultis, late of Company K, Fourteenth Regiment New York Volunteers;

A bill (H. R. No. 1815) granting a pension to Florence V. Moore;

A bill (H. R. No. 1949) granting a pension to Benjamin C. Webster;

A bill (H. R. No. 1975) to amend an act granting a pension to William Hafford, of South Yarmouth, Massachusetts, approved May 8, 1874;

A bill (H. R. No. 2026) granting a pension to Mrs. Julia S. W. Evans, widow of Henry D. Evans, late first lieutenant of Company B, Thirteenth Missouri Volunteers;

A bill (H. R. No. 2028) granting a pension to Isabella Cassidy;

A bill (H. R. No. 3080) granting a pension to Warren F. Wood;

A bill (H. R. No. 3098) granting a pension to Joseph L. Young, late a private Company C, Eleventh Regiment Maine Volunteers;

A bill (H. R. No. 3105) granting a pension to Ruth Isabelle Naylor, widow of Captain Charles Naylor, of the Second Regiment of Pennsylvania Volunteers in the Mexican War;

A bill (H. R. No. 3107) granting a pension to Louisa J. Guthrie and others;

A bill (H. R. No. 3113) granting a pension to Mrs. Emily H. Lyford;

A bill (H. R. No. 3114) granting an increase of pension to Charles H. Day;

A bill (H. R. No. 3115) granting a pension to Elizabeth Totten, widow of the late Commodore Benjamin J. Totten, United States Navy;

A bill (H. R. No. 3121) for the relief of Numis H. Coverdale;

A bill (H. R. No. 3123) extending the privileges of section 2990 to 2997 of the Revised Statutes, inclusive, to the port of Bath, in the State of Maine;

A bill (H. R. No. 3568) granting a pension to Mary T. Thompson, widow of William Thompson, late second lieutenant Company E, Twelfth New York Volunteers;

A bill (H. R. No. 3569) granting a pension to Ovid H. Clark;

A bill (H. R. No. 3570) granting an increase of pension to John Murphy, late private Company F, Fifth Regiment United States Infantry;

A bill (H. R. No. 3730) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier;

A bill (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army;

A bill (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation in the State of New York; and

A joint resolution (H. R. No. 151) directing the Secretary of the

Treasury to refund to the Society of the Sons of St. George, established at Philadelphia, the sum of $1,440.25 in gold, being the amount paid by said society upon the colossal statue of St. George and the Dragon.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes.

On motion of Mr. WINDOM, it was

Ordered, That the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Messrs. ALLISON, WINDOM, and EATON were appointed.

PENSION APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, disagreed to by the House of Representatives; and

On motion of Mr. SARGENT, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SARGENT, Mr. DORSEY, and Mr. DAVIS of West Virginia.

RESUMPTION OF SPECIE PAYMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 805) to repeal all that part of the act approved January 14, 1875, known as the resumption act, which authorizes the Secretary of the Treasury to dispose of United States bonds and redeem and cancel the greenback currency.

Mr. MORRILL. Mr. President, he measure under consideration is the substitute, proposed by the Committee on Finance, for the bill of the House which provided for the repeal of the resumption act. With out some modifications, and I say it with much regret, I cannot vote for this substiture, though still less inclined to favor the House bill, which to me appears so palpably wrong and uncalled for that no part of its objectionable scope deserves to be preserved, and certainly its scope should not be enlarged. We are both near the time and near the point of actual resumption, and actual resumption swallows up most of the serious as well as the petty differences that have heretofore been only too manifest in public opinion. There is no longer any real urgency to have resumption occur at either an earlier or later day than that contemplated four years ago. The 1st of January now seems rational and opportune. The coinage of silver is progressing as rapidly as its most ardent friends could desire, and whatever the future may have in store, it has not yet depreciated the greenbacks, and cannot depreciate them until the amount of silver issued shall be in excess of what can be maintained at the par of gold. After that, even if we lose our gold, no deluge of silver can make it of less value than its weight in silver bullion. To that goal I fear we tend. All should agree, however, to make it a blessing so long as we can, and not turn it into a stumbling-block. It is now in its infancy, and will no more than get out of the cradle by the 1st of January next. Prior to that time it should hardly be held responsible for much evil, and ought to be permitted to win credit for all possible good.

Contraction of paper money hitherto has been almost wholly imaginary and will surely have lost its terrors when contraction, real or fanciful, wholly disappears in expansion, especially when it shall be seen that all dykes are broken down, and both gold and silver, long pent up, find an unrestricted outlet to fertilize every part of our country. When the resumption act passed in 1875 it might have been pardonable to doubt its propriety, for $1 then in gold brought $1.12½ in currency; but now $1 in gold brings less than a half per cent. premium. Resumption is made easy and its wisdom is fully vindicated. The national banks are ready to co-operate. Business men hail it with acclamation and will joyfully contribute to its success. When it costs little or nothing to exchange paper for coin, and when no importer complains of the hardship of obtaining it, no one else should complain that coin is a necessity at the custom-house. With banking *free*, bringing forth one hundred cents for every eighty cents of legal-tenders surrendered, giving out fifty millions in exchange for forty, the wants of trade are in no danger of suffering from a lack of currency. It is also proposed to take greenbacks for 4 per cent. bonds. If we can thus refund our national debt at a lower rate, who will be angry, and why should it not be done? By this process we are likely to save more interest than will be paid out on the fifty million gold loan.

These are some of the substantial points upon which, as it appears to me, all might now come together in perfect accord. There is little left to wrangle about or that can fret even a sore imagination, and that little we should try to diminish. Our exports so far exceed our imports that exchanges are certainly not against us, and both the gold and silver bullion from the Pacific seem determined not to leave our shores. The old nest of financial disputes has had its eggs washed away by passing events, and it was only the silly setting goose that when the flood came vainly paddled over and above the submerged site of the empty nest after the eggs had all been swept away. Let us hail resumption, now imminent, as an event, however brought about, that may quicken the pulse of the nation and start us once more on the highways of national prosperity.

But the objections to the substitute are that it brings forth several regretable points which may prove detrimental, or turn out to be possible hinderances, to practical resumption, and which are certainly incompatible with a strict observance of the public faith solemnly pledged in our own statutes now in force, and from their very nature irrepealable. What we are about to enact may stand as a permanent law, not merely on the 1st day of October next, or even on the 1st of January, but for all coming time until modified or repealed. To say, as the substitute does say, that greenbacks "*shall* be received for duties on imports," giving no option, would compel the Government to receive them under whatever change of circumstances, however great the inconvenience, and might deprive us of the coin absolutely required to meet lawful engagements. Moreover, the provision is based upon the idea of a blindfold jump to resumption, or upon the free delivery of coin for all notes presented, and then to get the coin afterwards. It is a reversal of all sound husbandry. To me it appears rashly imprudent to leap into any position where, by any possibility, we might be forced to receive nothing but paper and pay out nothing but coin. It affords an exhausted Treasury no chance to recuperate. If the time was postponed for such an experiment to the 1st of January, 1879, it would not look so bad on its face, for then it is expected that we shall pay coin for greenbacks, and to that extent treat them as of equal value; but even then the permanent safety of the Government would require that only permission should be granted that legal tenders *may be received for duties on imports*. It should not be compulsory. This was never contemplated as even a possible function of the legal-tender notes; and on the back of every such note may be read the printed exception that it is not to be a legal-tender for "duties on imports and interest on the public debt." Every note issued bears this protest against any such use, and it will be ever squarely in the face of every holder.

There is, however, another and more insuperable objection to this proposal: that it is not only a clear and open violation of the law, (section 3473,) which provides that "*all* duties on imports shall be paid in gold and silver coin *only*;" but conspicuously so of section 3693 and of 3694, of the Revised Statutes, where we may read as follows:

> The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver.
>
> The coin paid for duties on imported goods shall be set apart as a special fund and shall be applied as follows:
>
> First. To the payment in coin of the interest on the bonds and notes of the United States.

These acts, perhaps the most memorable in our statutes, were passed by the Senate and House of Representatives and approved by the President of the United States; and shall the Senate, uninvited by any overwhelming emergency, be the first and foremost to disregard and renounce such a pledge? This solemnly recorded pledge was made to give a higher credit to the national loans we were then contracting. Can we withdraw it at our own will and pleasure without beclouding our national reputation? Of course I feel that it cannot be intended, by those who favor this provision, to wrong any party who has trusted our fidelity to laws of our own making—the coin will somehow be obtained for all creditors—but in no cheaper or more legitimate mode; and by its adoption we shall have inflicted an irreparable wrong upon ourselves. A voluntary pledge, made by a government now representing forty-five million people, will not have been observed, nor will any advantage accrue from its non-observance. A pledge of this high character is plainly obligatory upon every American citizen—obligatory, whether native-born or with an allegiance but one day old; and, if once broken, it cannot be again restored. To abrogate it now would cripple our indispensable present resources, adding nothing to those of the debtor classes of the community; and the ugly fact of abrogation would find a place in our history in no way contributing to the future public credit. It was the word—the plighted faith—of the nation, proclaimed with all the emblems of its high authority. No act of mine shall stamp that word as false.

It would appear as though all parties might at least agree upon one point, namely: not to make any new strain upon the Treasury Department by forcing it to resume specie payments at any day

earlier than that fixed by law or in advance of January 1, 1879. From all the discussions we have had here, I do not remember that any one has yet advocated the total exclusion of gold and silver from our circulation; but all profess to desire the reappearance of both, and, when they come, that they shall come to stay. Certain it is that we have given a home to silver. Here at least it is not to be treated as a tramp. It is apparent that the Treasury Department may be aided or may be hindered in its march toward resumption by the action of Congress. We may remove obstacles or place obstacles in the way. If the Department were simply to be let alone it must be conceded that there will have been added to its stock of coin not less than fifty millions of gold under the recent contract, and a further sum will be made useful from the coinage of silver, likely from all the mints, to reach twenty-five or thirty millions; that much more, with a steady monthly augmentation, will be either in circulation or will through the custom-house reach the vaults of the Treasury. Wherever it may be it will uphold resumption. Until this additional strength can be realized it would hardly seem wise or prudent to clip the wings of the Secretary and then call upon him to fly, or to say to him, "You are strong enough already," and you shall begin to-morrow or at some very early day to anticipate resumption, either by paying out coin unnecessarily or by receiving paper in lieu of coin prior to the time we have fixed by law for their equality of value. When we shall have once resumed we want no step backward. The time is rapidly approaching, the tide is in our favor, and for assured success we have only to wait. By waiting we shall take a bond of fate in doubling the resources of the Treasury for resumption purposes, and there will be no possibility of failure. But we need to convince the world, every doubting Thomas, of that fact. A considerable sum in coin for interest must be paid on the 1st of July and on the 1st of January. Of course this will diminish the supplies of the Treasury, unless the ordinary receipts of coin for duties shall be allowed to be collected; and to deny or abridge such receipts can serve no other purpose than to plant a sharp thorn in the way of resumption. It is our own feet that will bleed. The mere fractional premium now remaining on gold is likely to soon disappear unless that result shall be thwarted by a rash attempt to do by legislation what will so much more surely be accomplished naturally through the laws of trade. May I not hope that those who have argued that the Treasury is too weak to resume will not strive further to cripple its means?

It is sometimes asserted that a great contraction of money in circulation has been the cause of the recent depression of American trade; and the multifarious securities of the United States, outstanding in 1865, and which have since been funded at a lower rate and longer dates, have been included in the aggregate to prove the assertion; but the old $830,000,000 of 7.30 notes, and the $217,000,000 of compound interest notes were never in any proper sense money, but were very profitable investments, to which the holders clung as long as they were permitted to do so. It is therefore preposterous to lug those securities into any computation of the paper money once outstanding. In truth a general business depression has prevailed and still does prevail over the larger portion of the globe. The era of wild speculation and collapse has passed over us as over others; the bubbles of watered stocks have exploded everywhere; the wastes of war, as the magnitude of past taxes and present debt pointedly shows, have not yet been restored; and nowhere has property of any sort escaped a severe and inexorable depreciation. The prodigal expenditures in many cities, and consequent taxation, has made the holding of real-estate a burden, and in such places its value has greatly diminished. The statesman that finds only a local cause for the recent universal depression of the world's business should look abroad and inquire, what is the matter with our neighbors, and what is the matter with the principal countries of Europe? He will find that we have had no monopoly of grief. If there is comparatively a less amount of money in circulation now than formerly, it is not the primal cause but the logical consequence of less business. A less amount has done the work, and more could not be kept afloat.

Again it is said that in 1875 there was $46,000,000 of fractional currency in circulation, while only $16,950,115.62 is now outstanding; but it should be borne in mind that fractional silver has been issued in exchange for this fractional currency retired, and besides, the exchange did not occur until some years after the initial point of the crisis of 1873. Even the resumption act of 1875 has been cited as the cause of all business woes since 1873. It is the old charge of the wolf for crimes against the lamb before it was born. How unjust and untrue it is to impute to the resumption act the disasters which have overtaken the business affairs of the United States, will be evident when it is pointed out that disasters apparently of greater severity have fallen upon Great Britain, where no resumption act was enacted in 1875, and where the theory of "free trade" is doing its most perfect work. That this may not rest upon my word alone, I will give a brief extract from the London Economist of April 20:

> In the notices concerning "labor" which during the past few months have been furnished in the commercial section of this paper, a record has been given of a vast number of reductions effected in the wages of the working classes throughout the country, the most important of all being those in the iron and coal trades, in the cotton districts, and in the building trade. Strikes have been frequent, and one of the largest of recent years has this week commenced in Lancashire; but such is the condition of trade and so many are the unemployed or partly employed hands that, as a rule, miners, operatives, and masons have been compelled from necessity to surrender upon the masters' terms, for the reason that the masters could not give way without continuing to incur direct losses. * * * *
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> But such is the state of trade in this country that it appears to be a question of accepting work at a reduction or of doing no work at all; and if, as we have recently noticed in the steel trade, such reductions have enabled employers to compete for business in quarters from which they were previously excluded, thereby providing more work for their men to do, may not a similar result follow a reduction in the Lancashire cotton trade? * * * *
>
> The strike which has this week commenced in Lancashire is to resist a 10 per cent. reduction, and in many trades, altogether apart from the shorter hours of work, strikes and similar drawbacks, the position of the laborer as well as of the capitalist has changed decidedly for the worse since 1873.

This shows what the British laborer has to submit to, "or of doing no work at all;" and it further shows that there "the position of the laborer, as well as of the capitalist, has changed decidedly for the worse since 1873."

The most conclusive proof of the general prostration of the industries of Great Britain is made manifest by the important reduction which has taken place in her exports, and a comparison of the amount in 1876 with that of 1872 exhibits a diminution (reckoning $5 to the pound) of $289,060,000. Her imports in 1876 were $590,890,000 in excess of the exports, and that mainly for food. These facts need no comment. France, comparing the same years, shows $41,805,000 less of exports. The foreign trade of the world appears to be declining. All nations are manufacturing more for themselves and less for others. Labor-saving machinery has gone forth to the uttermost parts of the earth. The trade of Belgium and of Italy is stagnant. In Switzerland the depression is marked, and the absence of visitors at the hotels causes numerous bankruptcies. In Austria and Hungary even the coal market is much depressed, "because there is no business being done in manufacturing branches requiring consumption of coal."

I could furnish many more facts equally pregnant, but these are enough except for those who would fain believe that no eclipse of the sun occurs anywhere but in the United States.

Among speculative theorists the cause of the past torpor in the industries of the world shifts according to the exigencies of the argument. Now it is a bankrupt law which must be repealed, or it is the lack of a war income tax which must be enacted. Again it is an "infernal tariff," and the panacea proposed for this is free trade, for which there is an English patent to be sold cheap for export only. Once more it is subsidies for cheap transportation by land and water. Then it is the tax on whisky and tobacco which is evaded by many who wilfully refuse the use of either. Finally no comfort or patriotism, it is alleged, can be expected until the Government not only furnishes a free homestead of one hundred and sixty acres but shall furnish the farming-tools and pocket-money to work it. When no other bug-a-boo has seemed available, the cry of contraction has been kept up until every broken prodigal considers himself down with the disease, down certainly in credit, if that can be said to be down which was never up. The recent vicissitudes in business most undoubtedly have been great, and many worthy men have been prostrated, but contraction has had as little to do with their prostration as the telephone or the Keeley motor.

The charge that contraction was and is the potential cause of the widespread dullness which has everywhere prevailed in business has been repeated with so much pertinacity that many well-meaning persons have accepted the charge as unalloyed truth; they believe themselves more or less to be the victims of contraction; and it may be well to inquire as to the exact extent of the contraction from which it is claimed the country has so greatly suffered. In the broad sunlight of facts it will possibly all disappear.

To begin with, there were on the 1st of January, 1875, of legal-tender notes and national-bank notes in circulation $736,128,250, and on the 1st of May, 1878, there were $669,822,695, or an apparent diminution of $66,305,555. As an offset, however, to this it is just to claim that the increase of gold and silver money in the country has much more than replaced all of the dismissed paper. In the Treasury alone there has been an addition since the 1st of January, 1875, less coin certificates, of $56,235,942, and also an addition to the coin represented by coin certificates of $30,326,200. This rubs out at once the assumption that there has been any contraction at all. I do not take into the account fractional currency, as that, so far as it has disappeared, was at once replaced by subsidiary silver coins.

There has been no stringency in the money market since 1875—only continued dullness. No properly supported demand for money has been refused. Moreover $26,000,000 of legal tenders were issued by Secretary Richardson, soon after the panic of 1873, as a temporary measure, though with somewhat of disputed authority, but with an undisputed purpose of a withdrawal whenever the exigency should have passed away. After 1867, for years the outstanding legal tenders had stood at $356,000,000; but they were suddenly increased to $382,000,000 without the slightest benefit to the country.

Again, it should be observed that coin certificates are in constant circulation, and they must be included as perhaps the best part of paper money circulation. There is no doubt about their redemption on presentation. With such a state of facts it requires no small amount of patience to listen to impassioned tirades about contraction of the volume of available money. There has been no contraction except that done by the imagination, which diverts itself by a contraction of truth. If there is less of one sort of money there is much

more of another; and its character has only changed for the better, as will be seen by the following statement:

	January 1, 1875.	May 1, 1878.
United States legal-tender notes	$382,000,000 00	$346,681,016 00
National bank notes	354,000,000 00	323,141,679 00
Coin in the Treasury, (less coin certicates)	44,809,784 88	101,045,736 88
Coin certificates	24,655,300 00	54,981,500 00
Total	805,465,084 88	825,849,931 88

Instead of contraction, this table shows we have over $20,000,000 more money than we had in 1875.

True, not so much money has been wanted or could be used; and if the contraction sometimes charged had actually taken place, under existing circumstances it would have had no perceptible effect. Its absence would not have been noticed.

What seems to be most lacking is not so much the lack of money as the lack of confidence. The large depreciation of the stocks of many of the best banking institutions of the country shows that, while their capital has been subjected to more onerous taxation, national, State, and local, than any other kind of property in the country, they have been wholly unable for some years past to loan their capital at much profit. If they have kept up their usual line of discounts, it has been done at unremunerative rates, and at greater risks. And yet they are subjected to political reproach for not doing more when there was nothing more to do. The very large amount of bank deposits is another signal proof that the demand for money has dried up, and sagacious operators have largely ceased to apply for discounts. They want confidence, and will venture nothing more than driblets until they can build on the solid rock.

A practical resumption of specie payments, will, it is true, add largely to the volume of money seeking employment, not only in the usual channels of business, but in all markets, whether of the cities or of the country, and will give a more healthy activity as surely to idle labor as to idle capital. Resumption restores to gold and silver all the functions of money. Neither will then lie dormant in hidden burrows, nor be bought and kept as mere merchandise at the expense of more than an equal amount of currency, but will become co-workers with all the paper redeemable in coin at the will of the holder. A healthy augmentation of the volume of money will at once appear and the loud common-scolds against contraction will have not even the skeleton of the dead topic to point at, and no delusive watchword with which to stun the ears of honest men. The only other vocation that will be missed will be that of the gold broker. The only tenement that will be vacated will be the gold-room of the commercial metropolis, and from that the "bulls" and "bears" may be expected to depart without asking for further reverence. Whether lovely or unlovely in life, in death they will not be divided. The premium on gold will cease to pursue any contract. Enterprises and engagements can be entered upon without palpitating apprehension that a change may occur in a single night, bringing to one or the other party grief or bankruptcy. Merchants will no longer fear that the gains of one month will be swallowed up by the losses of the next. Manufacturers will buy their raw material and sell their goods by the same standard. Ships that escaped disaster at sea will not be overtaken by disasters hardly less perilous upon their return home, from changes in the standard value of money. The industries of the country, responding to a stable reward, it is to be hoped, will have all joints lubricated and all energies in full play.

The great barometer of the money market in our country is located unquestionably at New York. Here the daily transactions, second in magnitude only to those of London, show the exchangeable value of money and the current rate of usance. The latter has been and now is far below that authorized by laws of the State. The average rate of interest since 1875 for commercial paper having been but a fraction over 5 per cent., and about 3 per cent. on call loans, it would seem that it was not more money that was demanded so much as greater faith in the stability of financial affairs and in the wisdom of future congressional legislation, which it is to be feared must always be more or less a disturbing element. It is the unsteadiness at the helm which shipwrecks so much of American enterprise and makes remunerative, permanent investments almost an impossibility. The real wealth of our country, as of every other, resides in its labor. The future productive power it has in store is more than all we now possess. I want to put that power at work, and, with the stimulus of more certain and higher rewards, to encourage every idle dollar to come forth, to take its life in hand, and risk it somewhere by putting all of the great forces of human industry in motion. Would not this be a beneficent result? But are Senators quite sure of promoting this object, or of securing even much local welfare by needlessly provoking a fend between capital and labor, or by red-hot-poker rhetoric denunciatory of sections accused of wickedly holding some share of the capital of the country that has been so long harassed and made timid and sensitive by untoward national events? Will capital abide with or flee to and hug those who would burn it at the stake? For capital as a master I feel nothing but scorn; but for capital when it carries upon its shoulders the labor of the country I have unbounded respect.

Some stray and very loose assertions here and elsewhere have been made about the shrinkage in the value of property in consequence of the resumption act. In getting down from a depreciated paper currency to the world's standard of money, some difference, a downward grade, was to have been expected, and were we again to ascend to the summit of paper expansion, the slippery descent must follow. It has been assumed that this difference amounted to 40 or 50 per cent.; but these wild guesses are always wild exaggerations. According to the Senator from Ohio [Mr. MATTHEWS] it has somewhere been recently said, that "a hundred dollars to-day will buy as much of every other description of property as $200 would have done three years ago." I am sure the Senator will be glad to be assured that there is no data upon which such a statement can rest. Those who desire to satisfy themselves on this point can refer to tables in the American Almanac of 1878, (see table A,) where they will find the average price of a large number of leading articles in New York in January of each year, and will see that butter, coffee, hams, mackerel, pork, raw sugar, tobacco and whisky were all actually higher in 1877 than in 1874, while a very small reduction appears as to some articles and larger as to others, but not larger than has often appeared long before resumption was resolved upon. The table does not reach beyond 1877, but no one claims a large reduction of prices within the past year, save such as result from excessive crops. No wonder the little girl, when told that she must not believe all she heard, exclaimed, "the world is all hollow, and my doll is stuffed with saw dust; and, if you please, I would like to be a nun." If the list of articles I have named are property, then the statement referred to will not need to be again contradicted, as it is "stuffed" with altogether too much "saw-dust."

The sale of the $50,000,000 of 4½ per cent. bonds, at 1¼ per cent. premium in gold, is a proper theme of congratulation to our people, save perhaps an omnibus load of irreconcilables who possibly might be made happy if the credit of our Government should sink so low that United States obligations would no longer be marketable at any price; but, fortunately, neither the anger nor the eloquent loquacity of these few can any longer be formidable. The future promise to all is gain, not loss; and gain never produces a brood of croakers.

Resumption is a measure apart from the interests of the bondholders—apart from the interests of gold-brokers—and looks solely to giving a more absolute and unchanging value to the money which passes from hand to hand, and which the workingmen of our country are compelled to receive for their constant toil. It is good money for the people as well as for the bondholders.

This is our common country, in whose prosperity we all have an equal and abiding share. It cannot be for the interest of any man, however exalted or however humble, nor of any party, large or small, and however sharp and immovable its political boundaries, to labor for the defeat of an honest effort to promote the public welfare, which will place our financial affairs in the sound condition contemplated by the founders of our republican institutions; that condition which has so largely contributed to the growth of the American people, with only limited interruptions, throughout its career of a hundred years, and which every civilized or half-civilized nation aims at and would be proud to enjoy. To defeat a return to specie payments now, either by assault or by ill-directed attempts to hasten its coming, when we are on the brink of fruition, would throw a fearful responsibility upon those who should by any act of omission or commission become identified with the inglorious fact. The dearly-bought financial experience of recent years cannot be forgotten, and no sane man can wish to have it repeated or prolonged. Fictitious money, crop-eared and always at a discount, is not less productive of bankruptcy in morals than in business; and, wherever absolute verity does not prevail in the money current, the contagious doctrine of retaliatory or compensatory frauds is likely to be speedily engendered and widely disseminated.

Let me read some extracts copied from a letter written in 1876 by a gentleman who must command the respect of even the distinguished Senator from Indiana, who lately addressed the Senate on the subject:

Resumption of specie payments by the Government of the United States on its legal-tender notes would establish specie payments by all the banks on all their notes. The official statement made on the 12th of May shows that the amount of the bank-notes was $300,000,000, less $20,000,000 held by themselves. Against these $280,000,000 of notes the banks hold $140,000,000 of legal-tender notes, or a little more than 50 per cent. of their amount. But they also hold on deposit in the Federal Treasury as security for these notes bonds of the United States, worth in gold about $360,000,000, available and current in all the foreign money markets. In resuming the banks, even if it were possible for all their notes to be presented for payment, would have $500,000,000 of specie funds to pay $280,000,000 of notes without contracting their loans to their customers or calling on any private debtor for payment. Suspended banks undertaking to resume have usually been obliged to collect from needy borrowers the means to redeem excessive issues and to provide reserves. A vague idea of distress is therefore often associated with the process of resumption; but the conditions which caused distress in those former instances do not now exist. The Government has only to make good its own promises and the banks can take care of themselves without distressing anybody. The Government is therefore the sole delinquent.

The public mind will no longer accept shams. It has suffered enough from illusions. An insecure policy increases distrust; an unstable policy increases uncertainty. The people need to know that the Government is moving in the direction of ultimate safety and prosperity, and that it is doing so through prudent, safe, and conservative methods, which will be sure to inflict no new sacrifice on the business of the country. Then the inspiration of new hope and well-founded confidence will hasten the restoring processes of nature, and prosperity will begin to return.

To make the coin now in the Treasury available for the objects of this reserve, to gradually strengthen and enlarge that reserve, and to provide for such other exceptional demands for coin as may arise, does not seem to me a work of difficulty.

These words are those of the prominent statesman who was declared, 8 to 7, not to have been elected President. If they contained some plain truth in 1876 it has not diminished by lapse of time. He said "the public mind will no longer accept shams," and he would gradually strengthen and enlarge the coin in the Treasury. To him that did not seem a work of difficulty, and he viewed "hinderances to resumption" with abhorrence. His apparently reluctant objection to the act of 1875 was a fear that it would postpone resumption. That was unfounded, and we should take care not to furnish a better foundation for such a fear by any act of 1878.

It is quite proper to scrutinize the resources we have, or are likely to have, for resumption purposes on the 1st of January next, as well as the liabilities to be met; although if resumption should at the last moment be found inexpedient or impracticable, there will be ample time to postpone the day, or repeal the act, when Congress again meets in December next.

There are outstanding United States notes	$346,680,016
Coin certificates	55,044,500
Currency certificates	28,315,000
Making a total of	430,039,516

It is certain that some millions of the legal-tender notes have been lost, and that most of the fractional currency issued will not speedily, if ever, be presented. If we only permit coin still to be received for duties on imports it is equally certain that the amount will exceed the current demands for interest on the public debt. The small amount of other coin liabilities, including called bonds, may fairly be offset against new bonds to be issued, and bullion on hand.

Our resources may be summed up as follows:

Coin actually in the Treasury	$156,037,236 88
Coin yet to be received for remainder of $50,000,000 loan	40,000,000 00
Currency	39,478,140 68
Making a total of	235,515,377 56

This will give us a ratio of coin and currency, which can be instantly used to meet our liabilities, of 53½ per cent. The old ratio, held to be safe for specie paying banks, was 33⅓ per cent.; and our liabilities are most unlikely to be presented to the extent of even one-half that amount. All the United States notes held by banks would not be worth to them one whit more if converted into coin. They are, for the use of the banks, as much a legal tender as coin itself. The banks can gain nothing by any run upon the Treasury for specie, and they very well know that the facilities of the Government for sending home their own bills for redemption, offers ample security against any raids that can possibly be started by the national banks. The remainder of the United States notes are in a broad-cast healthy circulation—in the hands of merchants and other debtors to pay debts—in the hands of those who want them for daily expenditures, or of those who hoard them for future use, and only a small percentage could be massed at any point for redemption by even the most vigilant speculator in pursuit of a reward every day "growing small by degrees and beautifully less." The power of the Government to resume, if not indiscreetly hampered, is in no danger of being obstructed by any of its present surroundings.

Among the indications of success is the present revival of the business of refunding the highest interest bearing debt at only 4 per cent. The constrained economy of the country, on account of the great cost of suppressing the rebellion, and especially the economy of the last five years, begins to be visible in the resources which have been saved. We have bought less and sold more, as our imports and exports for the year just passed exhibit an excess in our favor of $99,605,603. This fact coupled with another that we are much the largest gold and silver producing country in the world, shows that all the conditions most needful to resumption are strongly in our favor. In 1875 the product of gold and silver from American mines was $72,000,000, and the excess of exports over imports of coin and bullion was $71,231,425, which left at home of our own product less than $1,000,000. But in 1877, the product, as estimated by the great carriers, Wells, Fargo & Co., was $100,000,000, or, as estimated by Dr. Linderman, $84,050,000; and the excess of our exports of coin over imports was only $15,387,823. This would prove, according even to the lowest estimate, that $68,662,177 of the gold and silver produced from American mines in 1877 did not leave the country. Somebody at home has got it, and it is here now.

My estimate may differ from that of others, but I should not consider it extravagant to assume that in the country outside of the Treasury and of the national banks there is in gold not less than $50,000,000, and of silver, including all of the foreign and American coinage, not less than $60,000,000. This would show that there will be over $300,000,000 of coin in the country on the 1st of January, to be re-enforced by all the silver and gold that may be hereafter coined up to that time, and further fortified by the bullion produced and not coined in the next eight months; and very little of it is likely to be exported.

From the statements thus submitted the prospect appears every way encouraging; and it is to be hoped that we shall not make a flash in the pan or defeat it by any misdirected legislation.

Some question has arisen as to the ability of the national banks to resume at the time appointed for resumption to take place on the part of the Government. But the character and resources of these banks make it certain that there will be neither hesitation nor difficulty about the matter. They are strong now and will be much stronger on the 1st of January next. Unlike the old State banks, every national bank is compelled by law to receive at par for all debts the notes of every other national bank. They are current at par wherever they may be found. Never at a discount. Not a dollar has been lost by any holder of these notes, nor ever can be. They are out of the reach of any panic. Diffused over a broad country, from the Atlantic to the Pacific, and held in the pockets of millions of people, they cannot be gathered and assorted in formidable amounts to be presented for redemption. The business of presenting bank notes will not pay when gold is only ⅛ of 1 per cent. premium, and when there will always remain the option of a redemption in legal-tender notes or silver coin; but whatever may be presented will surely be promptly redeemed.

There are now outstanding and unredeemed of national bank-notes $300,502,350. The issue beyond this is in the process of being retired.

The fund to redeem with is,

Specie	$54,546,201 89
United States legal-tender notes on hand	84,478,732 00
United States legal-tender 5 per cent. redemption fund	15,072,726 00
Making a total of	154,097,659 89

To this sum will be added the six months' interest on bonds, deposited for the security of their notes, due July 1, of $17,290,071; and another equal sum due January 1, 1879, or together $34,580,142; which added to the $154,097,659.89 will make a total of $188,677,801.89.

This, it will be observed furnishes a very large ratio of specie and legal-tenders to the circulation of the national banks, amounting to about 63 per cent., and will be abundant to meet any strain to which they can be subjected.

But they have a much larger reserve available at a pinch or in any great exigency. They have deposited with the Treasurer of the United States $343,385,350 in bonds for the security of these same notes, which will at any moment command the best money of the world at home and abroad. To secure deposits they have deposited United States bonds to the amount of $12,924,000, and they hold other additional United States bonds to the amount of $34,875,000, making a total of $391,184,400 of United States bonds now owned by the national banks. The security of the bill-holder, strange to say, is better than that the United States can give, so far at least as there is property and securities owned by the banks in excess of the United States bonds deposited to secure the circulation.

It may still be said that there are no visible means of meeting a sudden demand made for the large amounts of deposits, but it can be answered that even in times of severe stringency the aggregate amount of deposits seldom suddenly changes, as lenders only become more cautious. Bank deposits are diminished in good and prosperous times when nobody is afraid. It can be further answered that large demands for the payment of deposits have never been made except upon banks of deposit having no circulation and probably never will be, for the sufficient reason that the deposits of the banks belong to their customers or to their stockholders, and such persons will not pull down the pillars of their own temples when they would be the foremost to be bruised or crushed beneath the ruins.

A resumption of specie payments will remedy a great existing evil in the tendency of the bills of all national-banks to drift away from the places of issue and to concentrate at the financial centers of the country. With resumption the circulation will be sent home for redemption; each bank will have to bear its own proper burden, and it will be largely for the interest of banks in the interior of the country to maintain their circulation at home where the use of coin is never extensive and is rarely required. Instead of accumulating large deposits in other far distant banks and receiving a low rate of interest thereon, they will find the more healthy way of discounting paper in their immediate localities, and thus a far more liberal supply of paper money will be constantly retained and held in the rural districts.

The people of this country are endowed with a full share of intelligence, and they are not without some pride as to their character for staid, adhesive integrity. As a whole they are industrious and frugal. In the great race for the accumulation of material wealth for the two decades last past they have largely surpassed any other people. The products of agriculture, great last year, promise to be still greater this year. The business of the leading railroad trunk lines and of the inland seas, is already reviving; and that of mining and manufacturing is gradually finding a quicker market for surplus stocks. The laborer here gets nearly twice the wages paid to the same class and skill in Europe, where reductions and strikes keep up such a per-

petual gloom that even war is hailed in some quarters as a silver lining to the clouds. All the landless among our people can have a homestead of one hundred and sixty acres of land by moving upon it.

All may, and for the most part do, send their children to common schools without money and without price. For debts which any may have contracted they have received a full equivalent, and they have too much of the spirit of independence to ask to have them extinguished or scaled by the Government. Nor do they ask to have the man who works twelve hours a day contribute to the support of the man who will not work but six hours. They love money, but they are willing to work for it; and they do not expect that any government can create money by magic and distribute it free as the morning dew to everybody without regard to "race, color, or previous condition of servitude."

I feel confident that they will be unwilling to echo the sentiments of one of the associates of Shakspeare's Caliban, in the Tempest, and announce that

> I' the commonwealth I would by contraries
> Execute all things;
> * * * * *
> No occupation; all men idle, all.
> * * * * *
> All things in common nature should produce,
> Without sweat or endeavor: treason, felony,
> Sword, pike, knife, gun, or need of any engine,
> Would I not have.

Such ideas are contraband importations and foreign to our institutions. The American people are blessed with mother-wit and abundant common sense, and when they are portrayed in hot words, as supping on the horrors of the lowest deep, they see that it is not true; and when they are told that all there is of legal-tender value in this world can be created by the stamp of the Government, and be had without the sweat of the face, they know it is a delusion and a snare. The almighty fiat has gone forth to all the race of mankind, "In the sweat of thy face shalt thou eat bread," and there is no power of repeal conferred upon Congress, nor upon the princes and potentates of unlimited and irredeemable paper money,

> Without dispute,
> Through all the realms of nonsense, absolute.

I have endeavored to show that nearly all the serious obstacles to resumption have been surmounted; that whether or not there has been heretofore any contraction of the money of the country there will be none after resumption; that the state of foreign exchanges never before has been so constantly and largely in our favor; that we shall have resources in coin more than sufficient to warrant resumption; that the national banks can resume without any contraction of their loans and without embarrassing the Treasury of the United States; that property of all kinds, instead of shriveling up, will rise to a higher level when the policy of the country shall emerge from the regions of mistrust and uncertainty; that resumption will resurrect more than $200,000,000 of actual coin, and give vitality to the whole volume of money in circulation; that resumption is not in the interest of capitalists but in the interest of those who are paid by capitalists; that the House bill with any of the proposed amendments can have no other purpose or effect than to hamstring the Treasury and either to postpone resumption or to make it a perplexing if not a doubtful experiment. Let me urge, then, if nothing but discordant results can be anticipated from such a measure, that we for once give to financial topics some repose by a "masterly inactivity." Do not let us take the drugs of doctors who have never before had a patient.

TABLE A.—*Prices of commodities in the New York market, from January, 1875, to January, 1877, inclusive.*

	Beef, Mess.	Butter.	Cheese.	Coal, anthracite.	Coffee, Brazil.	Corn.	Cotton, Uplands.	Flour, western.	Hams.	Hops.	Iron, bar.	Iron, Scotch pig.
January, 1874	$22 00	$0 27	$0 14½	$6 00	$0 19	$0 84	$0 16½	$6 00	$0 10	$0 40	$100 00	$42 00
January, 1875	21 00	29	15½	5 25	19	97	14½	4 50	11	48	135 00	38 00
January, 1876	22 00	26	13½	5 50	18	71	13½	4 35	12½	15	135 00	32 00
January, 1877	20 00	28	14¼	3 00	20	50	12½	5 50	10½	28	131 00	27 50

	Lard.	Leather, hemlock.	Mackerel No. 1.	Molasses, New Orleans.	Oats.	Pork, mess.	Rice, per cwt.	Salt, Liverpool sack.	Sugar, raw.	Tobacco.	Wheat.	Whisky.	Wool.
January, 1874	$0 12	$0 28	$17 00	$0 77	$0 77	$16 50	$8 25	$1 25	$0 07½	$0 06	$1 65	$0 97½	$0 55
January, 1875	13½	27	11 50	65	65	20 50	7 62	1 25	8	12	1 25	99	56
January, 1876	12¾	25	19 00	59	50	20 75	7 00	1 10	8	8	1 30	1 14½	49
January, 1877	11½	26	20 00	55	55	17 50	6 00	1 10	9½	8	1 47	1 13	48

Mr. COCKRELL. I ask now that the pending and all prior orders be laid aside informally, and that we may proceed to the consideration of the bill, the consideration of which I moved this morning, authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

Mr. DORSEY. Mr. President——

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. DORSEY] rises for some purpose. Does he rise to speak on the pending bill?

Mr. DORSEY. I rose for the purpose of moving that the Senate proceed to the consideration of the bill (H. R. No. 3259) providing a permanent form of Government for the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to postpone the pending and all prior orders for the purpose of considering the bill which he has named. The bill will be reported by its title, and the Chair will put the question.

The Chief Clerk read the bill by its title.

The PRESIDENT *pro tempore*. The question is on postponing the present and all prior orders——

Mr. COCKRELL. Informally.

Mr. EDMUNDS. Not informally. The regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order. The Chair will put the question on postponing the present and all prior orders for the purpose of proceeding to the consideration of the bill named by the Senator from Missouri.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. TELLER, (when Mr. CHAFFEE's name was called.) My colleague [Mr. CHAFFEE] is confined by sickness to his room, and is unable to be present.

Mr. HOAR, (when the name of Mr. DAWES was called.) My colleague [Mr. DAWES] is necessarily absent in Massachusetts. He is paired upon political questions. I suppose he is not paired on this question.

Mr. VOORHEES, (when Mr. MCDONALD'S name was called.) My colleague [Mr. MCDONALD] is necessarily absent from the city this afternoon, and told me to state to the Senate that he is paired on this question with the Senator from Wisconsin, [Mr. HOWE.] If my colleague were here, he would vote "yea."

The Secretary concluded the call of the roll.

Mr. ANTHONY, (after having first voted in the negative.) I inadvertently voted. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I do not know how he would vote on this question, but it seems that gentlemen on his side of the Chamber have mostly voted "yea," and I ask leave to withdraw my vote.

The roll-call having been concluded, the result was announced—yeas 33, nays 20; as follows:

YEAS—33.

Armstrong,	Cockrell,	Hereford,	Merrimon,
Bailey,	Coke,	Hill,	Morgan,
Barnum,	Davis of W. Va.,	Jones of Florida,	Patterson,
Bayard,	Dennis,	Kellogg,	Randolph,
Beck,	Dorsey,	Kernan,	Thurman,
Blaine,	Eaton,	Lamar,	Voorhees.
Butler,	Eustis,	McCreery,	
Cameron of Pa.,	Grover,	McPherson,	
Cameron of Wis.,	Harris,	Maxey,	

NAYS—20.

Allison,	Ferry,	McMillan,	Rollins,
Booth,	Hamlin,	Matthews,	Sargent,
Burnside,	Hoar,	Mitchell,	Saunders,
Davis of Illinois,	Ingalls,	Morrill,	Teller,
Edmunds,	Kirkwood,	Oglesby,	Windom.

ABSENT—23.

Anthony,	Dawes,	McDonald,	Spencer,
Bruce,	Garland,	Paddock,	Wadleigh,
Chaffee,	Gordon,	Plumb,	Wallace,
Christiancy,	Howe,	Ransom,	Whyte,
Conkling,	Johnston,	Saulsbury,	Withers.
Conover,	Jones of Nevada,	Sharon,	

The PRESIDENT *pro tempore*. The pending order is postponed, and House bill No. 4245 is before the Senate.

JAMES SHIELDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list. It authorizes the President of the United States to appoint James Shields, of Missouri, formerly a brigadier-general and brevet major-general during the Mexican war, and a brigadier-general of volunteers during the late rebellion, and who was severely wounded in both wars at the head of his command, a brigadier-general in the United States Army on the retired list, with rank and pay from and after the date of the passage of the act, and repeals all acts or parts of acts inconsistent herewith, so far as to enable the President to make the appointment.

Mr. SARGENT. I trust there will be no disposition to pass this bill without the sponsor of it stating the precedents which justify it and the reasons why it should be enacted. Unless I am misinformed, there is no case in which a person has been taken from civil life and put upon the retired list of the Army. There is no precedent, I think, where a person who has never belonged to the regular Army has been put upon the retired list of the Army. If there are great and controlling reasons in the case of this individual, I trust they will be stated for the enlightenment of the Senate; and I pause in order that the Senator who now calls up the bill may give us good reasons to control our vote in favor of the bill.

Mr. COCKRELL. Mr. President, I do not think it is necessary for me to recapitulate before the distinguished Senator from California the history of this country for the last forty years. He is too intelligent and shrewd to be unaware of the grounds upon which this just application rests, and I do not propose to consume the time of the Senate in the advocacy of a proposition so plain and patent. I am sure that the distinguished Senator from California thoroughly understands the reasons why this bill should be passed, and unless there are objections which it is necessary to answer, I shall not consume the time of the Senate in making explanation.

Mr. SARGENT. The Senator does not meet the point I make. Will he please state why a new departure should be made and this person taken from civil life and put upon the retired list with the large pay that involves? The Senate has already passed a liberal pension bill, the highest pension known to the law, for the benefit of this person. Will the Senator inform me why we should go beyond this and single him out among all the others who have rendered services on the field in the wars in which General Shields participated? I should like to have the reasons given; because we do not act in these matters spontaneously. If there are no reasons to be given, the Senator will not give them. If there are reasons to be given, I think I know enough of his character to suppose that he will not attempt to conceal them. [A pause.]

It is obvious that there are no reasons to be given in favor of the passage of the bill. If there are reasons in favor of it they apply to the amendment which I send to the Clerk's desk. I move to insert as an additional section the following:

SEC. 2. That the President is hereby authorized to appoint Ulysses S. Grant, late General commanding the Army of the United States, a General on the retired list of the Army, with the full rank, pay, and allowances of that grade, excepting that the General so retired shall not be allowed forage for horses or commutation therefor, or aids-de-camp or other staff officers, unless called into active service in time of war; and all laws or parts of laws inconsistent herewith are hereby repealed so far as to enable the President to make this appointment.

Mr. KIRKWOOD. I should like to inquire of the Senator from Missouri whether or not General Shields is now upon the pension-list, and if so at what rate?

Mr. COCKRELL. He is upon the pension-list drawing a pension at the rate of thirty-one dollars and a half or thirty-one dollars and a quarter a month.

Mr. KIRKWOOD. Has his claim to an additional pension ever yet gone to the Pension Committee, that the Senator is aware?

Mr. COCKRELL. There was in the beginning of the session an application before the Pension Committee for an increase of pension. The Pension Committee of the Senate reported an increase of $50 per month, and that passed the Senate and was sent to the House.

Mr. KIRKWOOD. It is now pending in the House?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California.

Mr. COCKRELL. I desire to ask the Senator from California if the consent of the distinguished statesman and soldier named in the amendment has been obtained for its presentation in the Senate?

Mr. SARGENT. It has not. He is not asking for this favor. Is the other person, named in the first section, asking for the relief that is proposed?

Mr. VOORHEES. General Shields needs it, and the other individual does not, as I understand the situation.

Mr. EDMUNDS. I do not understand it so.

Mr. SARGENT. I doubt the correctness of that statement. General Shields is the owner of considerable property in the State of Missouri. He is doing well, and has done well for years, as a lecturer. That I am informed is his financial condition. If there is anything in the merit of his services, his services are not to be compared in ability or extent with those of the illustrious general whose name is mentioned in the amendment.

Mr. COCKRELL. The Senator, I know, does not wish to make a false statement in regard to General Shields.

Mr. SARGENT. Not at all. I merely give my information on that point.

Mr. COCKRELL. I am certain of that. The Senator is simply mistaken as to General Shields's pecuniary condition.

Mr. SARGENT. Is not General Shields the owner of a farm in Missouri?

Mr. COCKRELL. He has a small farm in Carroll County upon which himself and wife reside. He has no means outside of that. He has been lecturing this winter in various places for the purpose of obtaining the means of subsistence.

Mr. EDMUNDS. How many acres does his farm contain?

Mr. COCKRELL. He would never have applied for an increase of pension or for a pension at all had it not been for his financial condition. He never asked anything of the Government until absolute necessity forced his friends to ask it in his behalf.

Mr. SARGENT. When did he ask for a pension?

Mr. ARMSTRONG. I would like to correct my colleague. I do not think that he asked for it at all; his friends did for him.

Mr. COCKRELL. He asked for a pension. As a matter of course he would have to make application for a pension.

Mr. ARMSTRONG. His friends did it for him.

Mr. SARGENT. The Senator says he has not petitioned for this legislation.

Mr. COCKRELL. In regard to the pension, I presume every one has to apply for a pension before it can be granted to him. I take that for granted.

Mr. SARGENT. The one named in the bill and the one named in the proposed second section of the bill stand then upon the same basis exactly, if the Senator from Missouri is correct that General Shields has not asked for this legislation. But I suppose that the person named in the first section of the bill is not being legislated for simply because he is poor. If that were so, we should have to enlarge the retired list of the Army by the addition of all who have been wounded in these wars; and this is not a general bill, but it applies to an individual. The only theory upon which it can proceed, the only one worthy of the individual who is proposed to be the beneficiary of it, is that in the Army he has rendered services which entitle him to this exceptional act on the part of Congress. Now, sir, if any such argument can be advanced in favor of General Shields, as I said before, it applies with infinitely greater force in behalf of the illustrious general who thirty-five years ago entered the Army of the United States and fought all through the Mexican war, and who was the head and front of the American Army during the war of the rebellion. If illustrious services entitle a man to this recognition, then General Grant is entitled to it. For that reason I have moved the amendment, and let us see whether there are some circumstances other than these which are on the surface which would vote down the amendment and pass the original bill.

Mr. COCKRELL. Mr. President, I shall vote against the amendment, as it is evidently designed simply to encumber the bill. When a separate bill of the character of this for General Grant is presented to Congress and referred to the appropriate committee and reported back it will receive due, and I am sure favorable, consideration.

Mr. SARGENT. There is no necessity for referring such a measure and reporting upon it. This amendment is offered in good faith. I want to test the feeling which dictates the original proposition; that is all. Any one can understand the proposition contained in my amendment; it does not need the report of a committee; it is not abstruse or abstract; it speaks for itself. The history of the country, in the language of the Senator from Missouri, speaks for the person whom I propose to place in this position.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OGLESBY. Mr. President, there is nothing that I would not cheerfully give my vote in support of that would be to the honor or to the material benefit of General Grant. If ever a man earned the confidence, the respect, and the love of a people, General Grant richly won the love, the affection, the esteem, and the confidence of the American people. If I could believe that he desired this sort of legislation, it would only afford me pleasure to vote for the amend-

ment of the Senator from California as a mark, and a very high mark, of esteem and of respect for General Grant.

Mr. SARGENT. Give him a chance to decline it. I trust the Senator will not deny that.

Mr. OGLESBY. If the Senator from California will allow me, I do not want to be enlisted in the support of a bill for General Shields or any other worthy soldier by coupling the name of the ex-President of the United States with it. I do not know that General Grant would care at this time to have his name considered in this connection. If I thought the Senator from California felt pretty sure of his ground and believed that he would, I would defer to the Senator's suggestions on the question. I do not know that General Grant would even at this time consider it a discreet or a proper thing for the American Congress to do. I do not know that it would be agreeable to his feelings. He has been very greatly honored by the American people, and he may live long enough to be honored again by them. I doubt the propriety of passing the amendment as suggested by the Senator from California.

Now, let us come to General Shields. The bill pending here which is proposed for his relief is one which gives me some embarrassment. I have known General Shields for a great many years. It was my lot in a very obscure sort of way to share one year with him in the Mexican war. It so happened that on the day he was wounded on the field of Cerro Gordo he was very near the head of the regiment of Colonel Baker. The company with which I was acting as a soldier then was upon the right of Baker's regiment. Although I did not see General Shields shot, I saw him a very few moments afterward. The captain of my company having been assigned to the command of the left wing of the regiment, as it was then called, I being the first lieutenant had command of the company that day, and after the battle was over, by the command of a superior officer my company was detailed to remain on the battle-field and we had under our charge for three days General Shields, who was badly wounded.

It can only be true to say of General Shields that he was a good soldier. It cannot be true to say anything else of him. He was a young and inexperienced officer in the Mexican war, honored with a very high commission, and, so far as I know, or as any other man knows, he discharged his duty intelligently and courageously. He returned to our State at the close of the war, and by his party was elevated to a seat in the Senate of the United States. It was found then that he had not been naturalized for a sufficient number of years to take a seat, and he returned to private life, and was again elected by the democratic party to this body, and served out one term here. He has also been a Senator, I believe, from the State of Minnesota. He has indeed been before the public eye in one way or another for a great many years. He is an old man, is well advanced in years, but yet he has something of life and of vigor about him. He was in the last war, commissioned by the late President Lincoln a brigadier-general, and I think served a year, or probably a year and a half; but he was at that time drawing a pension, which the Senator from Missouri seems to have forgotten. General Shields was drawing a pension when the late war began, and had been for some time before.

Mr. COCKRELL. A pension of thirty-one dollars and a quarter a month.

Mr. OGLESBY. No, $30 before the last war.

Mr. COCKRELL. It was increased to thirty-one dollars and a quarter by a subsequent law.

Mr. OGLESBY. He was drawing a pension, I presume, on his own application, for his wounds received in the Mexican war; and he was properly enough drawing it, for he had a very severe wound. That pension was suspended during his service in the last war, and at the close of his services he made application and the pension was renewed to him, and he is receiving now a pension at the rate of $31.25 a month perhaps.

An occurrence took place within the recollection of all of us, but recently, in connection with which General Shield's name, either wittingly or unwittingly, was brought prominently before the country, and it so happened that in that field he fell again. He was wounded severely and fell in the Mexican war; he was wounded and fell in the last war; and in the engagement which occurred but a few days ago he fell again. Heretofore he had fallen by the hands of the enemy, the last time, I believe, he fell by the hands of his friends. I do not wish to make any remarks upon that; perhaps it ought not to be alluded to; but evidently it was the provocation for this bill; it was the necessity for this bill. Nobody had ever suggested it before. General Shields had not asked for it. But all at once, after the experience or the catastrophe to which I have just alluded, his name is presented formally by a proposition to be placed upon the retired list of the Army with the rank and pay of a brigadier-general on the retired list. I believe the compensation of a brigadier-general is $5,500 a year. If I recollect the statute correctly, I have not looked at it for a long time, officers on the retired list receive three-fourths of the rate of officers on the active list. This would place General Shields on the list, if I am correct in my statement, at an annual pay of something over $4,000 a year.

Now, Mr. President, the trouble that I have is not with General Shields. It is not that I do not respect General Shields; it is not that I cannot afford to sit here and say he has been a good soldier; that is not the trouble with me, for I happen, and hope I shall be excused for alluding to it, to have been in both the wars with him. It is within my personal knowledge to-day that there are thousands upon thousands who were major-generals, brigadier-generals, colonels, lieutenant-colonels, majors, captains, and lieutenants of companies, sergeants, corporals, and privates, who served in the Mexican and last war, but the larger number served alone in the last war, who rendered great, efficient, and most patriotic services to the cause of the country and the Union. Many of them to-day are crippled, disabled, and helpless, rendered so by the wounds and scars they carry upon their bodies. They stretch all the way from the ranks of the private to the highest official position in the Army.

Only a few days ago a bill passed through this body, and I believe it has passed the other House, granting a pension to the surviving widow of General Maltby, of Illinois, who was shot nearly to death, but who survived a few years and died of wounds received in the late war. He receiving no pension, his widow now, by this last act, is to draw $30 a month. I can go to the State of Illinois and can count soldiers by the thousands who draw a pension of $8 a month, of $15 a month, of $17, $22, $24, $30, $31.25, up to $50, the highest rate of pension paid to any soldiers of the regular or volunteer Army, except in three or four or a very few exceptional cases, men who have been through wars all their lives; that is, where there was a war in which they could be engaged, because they belonged to the regular Army—men who served in Indian wars and the Mexican war and in the late war of the rebellion. There are classes, multitudes, hundreds of thousands of them who served as faithfully as General Grant, though not as effectively, and who served as faithfully as General Shields. Now, shall I be excused, belonging to the ranks of that great mass of the soldiery of the Republic, in voting to take General Shields out of the great list of the wounded, and of the disabled, and of the poor, the worthy, and patriotic, and lifting him up here on the retired list, leaving all the rest in the rear? What conspicuous services has General Shields rendered in the late war that will enable me to say to the thousands of these soldiers through the West, where more particularly I meet them, that he ought thus to have been elevated and promoted while the rest of them are left to draw their ordinary common pensions?

Shall we open the retired list to all the regulars and volunteers who have served their country faithfully and are now somewhat indigent? Shall we transfer the Grand Army of the Republic from the high plateau they now hold in the public favor, and place them on the grand army of the retired list? Shall we cut off our general and tolerably well digested but not over-generous pension system, in which our party has tried as faithfully as it could to respond to the necessities and calls of these worthy soldiers, giving them the most we felt able to do by general laws? Shall we overturn the whole system or shall we stand by it and let General Sumner and every other general—for I cannot begin to name them—with General Shields stand together on the common pension-list by the side of the private soldier?

Sir, I will not lift the officer up, I will not make a conspicuous mark of him upon which to visit the benevolence of this body, and trample over the ranks of the private soldiers. No, sir; so long as I shall be here to speak in this august body, so long as I shall have a voice here, it shall be equally potent in conferring dignities and honors, pay, emoluments, and place, upon the grand army of the privates as well as upon worthy officers. The true soldier in war is the true soldier in peace. He takes the conditions of war alike with the private soldier in war, and when that war ends and he comes back again to the civil pursuits of life he ought to take the benefits bestowed under the pension laws alike and equally with the soldier in peace.

I shall be answered that General Shields was a deserving soldier. So he was. I shall be told that General Shields ought to be put on this list because there are men upon the retired list not so worthy as he. I am not prepared in advance to deny that. I do not know how worthy or unworthy some are who are on the retired list to-day, and I am not called upon here to defend that list. It may be proper that such a list should be provided by law. It may be that it is proper and wise to have such a corps to which to retire officers after long and faithful and useful public service. Many able arguments could be brought forward in support of a retired list, I doubt not; but, Mr. President, I have never made a speech or offered a word in favor of one. So I am not called on to defend the retired list. Neither have I felt myself called on to assail it or attack it. But here to-day I am asked as a soldier, as well as a citizen, to vote that a man who was once a distinguished citizen of my own State, who I admit to be a worthy soldier, shall be made a conspicuous exception, that he shall be taken out from the great army of volunteers and put on this retired list. How shall I answer the reasonable request of every other wounded soldier who has intelligence enough to know the value of the compensation which would be paid to him if lifted out of the ranks of the privates of the Army and placed on the retired list even as a lieutenant? He knows that the difference would be between $8 a month and the pay he would get there. As a matter simply of compensation, there is not a man who served in the last war that has not intelligence enough to know the difference. How shall I answer him? How shall I answer that great body of intelligent people throughout the entire West; and when special bills and special requests come to me, how shall I refuse to introduce them and ask the Senate to put every worthy wounded, honest soldier on this list?

You say "sufficient unto the day is the evil thereof;" "let each

case stand upon its own merits." That is begging the question. Each case is precisely alike; there is no difference in them at all. A man wounded by buckshot is as badly off as a man wounded by "a little more grape, Captain Bragg," or by canister, or shell, or solid shot. A man who has been shot nearly to death is badly wounded and will be until he dies, and is in the same fix as any other officer or soldier who was wounded or who contracted fatal disease from service in the war.

Can General Shields on reflection and can the friends of General Shields on this floor on reflection say that it would be a wise thing to lift him up and put him on the retired list because there are already three hundred on that list—three hundred and one I am told—and because there are so few volunteers upon it? Gentlemen of the Senate, if you are going to make a retired list for the volunteers of the Republic, if you are going to prepare a retired list for that purpose upon which men who served in the late war or in any war as subordinate officers, as non-commissioned officers, or as private soldiers, so state and state frankly and manfully as Senators ought to state. But if you are going to have a retired list to which occasionally you shall pick up a favored object of veneration, respect, or charity, or if for the purpose of getting over some rough political difficulty you are going to have a retired list for the accommodation of selected and favored volunteers, I am not for it and shall not be.

Sir, I do not know but that in the old age of our soldiers, when their declining years gather fast about them, and they come down close to the margin of the stream that divides us from the great unknown, all of them may want greater bounty, greater favor, greater liberality from the Government; and if all shall want it, all will be equally entitled to it; and upon this platform I mean to stand.

I should feel personally very uncomfortable to have General Shields feel unkindly toward me or feel aggrieved because I did not feel at liberty to vote to put him upon the retired list. So far as I know, I have always had his respect, though I had not spoken to him for thirty years until I met him a few days ago here in the Senate Chamber after the introduction of this bill. I have no other feeling than kindness toward him. I wish him well. I think I may say and ought to say, so far as my voice will reach, that he has served the country well; but I hope the general will remember that the bill before the Senate which I am asked to support is one that will bring great embarrassment to me. I shall not know how to explain why I gave this vote, if I shall give it. I shall not be able intelligently to explain to the great army of infantry, artillery, and cavalry, and of the marine, and naval service, and of all engaged in the public service in the Army and the Navy—I shall not be in a condition to intelligently explain to all the wounded and the disabled and the worthy why they should not be treated precisely the same way.

Sir, I know multitudes to-day of poor hobbling men who served in the late war and are now private citizens, with General Shields and myself; I can count them by the thousand in my State; intelligent men, men able not only to command companies but to command regiments, men who rendered faithful and conspicuous service in the cause of the Union, who are drawing their pensions of eight to fifteen or thirty dollars a month. How can I explain this vote to these men or to the surviving widows and children of the dead? Am I to suppose that they all desire to have General Shields put on the retired list and that none of them desire to have anybody else put there? Oh, it would be a very nice thing to do, it would be a very pleasant thing to do. You can scarcely, Mr. President, in the United States find a soldier who would not like to have this very thing done for him; and we were never a selfish body of men. The people have always told us that we were the most splendid set of fellows alive, "patriotic, noble, worthy soldier boys, that went out and fought for our country, we all love you to adoration;" and what is more, Mr. President, soldiers never grow so old as not to like that sort of talk. They are very fond of it, as you all are here to-day fond of being reminded of the noble deeds of your lives and of your usefulness as Senators and of the conspicuous part you have borne in framing for the citizens of the Republic a code of wise and judicious laws. All mankind like that kind of soft-sawder; and the soldiers are no exception to the rule. They would all like to be placed on the retired list, I mean all that body of them who ask for pensions and who receive and deserve them.

Now, Mr. President, I do not know how I can find any ground to stand upon if I vote to make an exception of General Shields to put him on the retired list. I do not see how I can do that unless I shall favor the claims of every other soldier who will ask the like facilities and the like mark of distinction and favor. I do not know how I shall be able to do it. I think the safer ground for me to occupy, I think the safer ground for this Senate to occupy, is to say to General Shields: "General, we will place you by the side of the other soldiers of the Republic; we will give you the pension that all get who rendered services like yourself; we will let this grand Army march on together, and if the Republic shall ever grow able enough to give them a higher grade or rate of pension, it will give it to them all alike," and any good soldier like General Shields ought to be satisfied with that.

Mr. President, I do not think it wise, it does not strike me so on the moment, to place General Grant on the retired list. I do not know that he would like it.

Mr. EDMUNDS. Is it not as wise as the other?

Mr. OGLESBY. Yes, it is; but, if the Senator from Vermont will allow me to say it, I have not yet brought myself to the point of believing that it would be wise or good or discreet legislation to do it in either case. That is just the way I feel.

Sir, why do I stand here in this body honored as I have been, honored so far as political official position creates distinction and honor? If there be such an idea as that in the public mind, if I have been honored by having a seat in this Senate, it has been perhaps chiefly because of my services as a soldier. I hold the honor in the highest possible estimation myself, not because I have the credentials, not because the great State of Illinois chose to give me its confidence; but because it is a great theater where honest men may labor for honest legislation for the good of the country. Intelligent, judicious legislation makes the seat of a Senator an honor, and nothing else ever did or ever will. There are thousands of soldiers who will probably never secure a seat in this body, hundreds of thousands of them who will never receive office of any kind, more than hundreds of thousands who never seek office of any description at all. Thousands upon thousands of them must die in poverty. Therefore, I am the slower in coming to a conclusion to single out one, to take one, worthy as I believe him to be—for no words shall fall from my lips in disparagement of his courage or of his services as a soldier—to make this distinction, to create this list, to put him there, and give the others the go-by.

Whether these reasons shall have any weight with other Senators or not, whether they be good in the estimation of other Senators, they decide my course. After giving the subject as honest and as fair consideration as I have been able to in the time I have had to think about it since the matter came before us here, I have concluded that it is most consistent with my duty as a soldier once and a Senator now to vote against the bill.

Mr. BLAINE. Mr. President, I do not quite concur in my mind with what the Senator from Illinois [Mr. OGLESBY] said respecting the amendment offered by the Senator from California, [Mr. SARGENT,] because the main fact that we have to confront is that the amendment is before the Senate. We are compelled to deal with it one way or the other. We are compelled to vote for it or to vote against it. We are compelled to say whether, upon the whole subject being here, we are willing to do for General Grant what Congress did for General Scott and what Congress offered to do for General Washington. General Scott, from the head of the Army, was retired with full pay, rank, and allowances. Is there any Senator on this floor who wishes to say by his vote that the services of General Grant to this country were not as important at least as those of General Scott? Is there any Senator on this floor who desires to say by his vote that the services of General Grant in his military capacity were not of inestimable, priceless value to this country? We may differ on either side of the Chamber respecting his political career; we may differ in this phase or that respecting his history; but as to his supereminent military renown, as to his very great and matchless achievements in the war that closed for the Union and with victory for the Union, there can be no dispute.

I thought it was a very ungracious question for the Senator from Missouri to ask the Senator from California whether General Grant wanted this done. Why, that would take all the grace out of it. You cannot find in your files a petition from General Scott; you cannot find in your files a petition from General Washington asking to be made lieutenant-general under John Adams. It is the voluntary nature of the act, and may I not hope the unanimity of the act, that gives it its grace. Let him go on the retired list whence the people took him; and if they choose to take him again from the retired list he will at least have this advantage, that the taking of him again will not vacate his commission. He will remain on the retired list, if you place him there, until the end of his life.

I do not know that I am the Senator who should most speak for General Grant. I never was on terms of even great personal intimacy with him; but I am an American citizen, and I happen to be an American Senator, and no proposition can come before this Senate in which I am sure my constituents, without regard to party, and far above party, would approve and applaud my vote more than one to recognize for all the term of his natural life the great services he rendered the country. The Senator from Illinois referred to the great honors and dignities that were offered him at this passing moment in Europe. It would be an ungracious response and it would be an ungraceful act, it would be a poor reply to all those courtesies in Europe, for the Senate of the United States, the highest legislative body on this continent, when it was offered to them to do justice and honor to General Grant, to decline to do it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California, [Mr. SARGENT,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Delaware, [Mr. SAULSBURY.] If he were present he would vote "nay," and I should vote "yea."

Mr. HEREFORD, (when his name was called.) On this question I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.] I should vote "nay," and I presume he would vote "yea," if present.

The roll-call having been concluded, the result was announced—yeas 30, nays 28; as follows:

YEAS—30.

Allison,	Conkling,	Kellogg,	Plumb,
Blaine,	Conover,	Kirkwood,	Rollins,
Booth,	Dorsey,	Lamar,	Sargent,
Bruce,	Edmunds,	McMillan,	Saunders,
Burnside,	Ferry,	Matthews,	Teller,
Cameron of Wis.,	Hamlin,	Mitchell,	Windom.
Cameron of Pa.,	Hoar,	Morrill,	
Christiancy,	Ingalls,	Patterson,	

NAYS—28.

Armstrong,	Davis of Illinois,	Hill,	Merrimon,
Bailey,	Davis of West Va.,	Johnston,	Oglesby,
Barnum,	Dennis,	Jones of Florida,	Randolph,
Bayard,	Eaton,	Kernan,	Thurman,
Beck,	Eustis,	McCreery,	Voorhees,
Cockrell,	Grover,	McPherson,	Whyte,
Coke,	Harris,	Maxey,	Withers.

ABSENT—18.

Anthony,	Gordon,	Morgan,	Spencer,
Butler,	Hereford,	Paddock,	Wadleigh,
Chaffee,	Howe,	Ransom,	Wallace.
Dawes,	Jones of Nevada,	Saulsbury,	
Garland,	McDonald,	Sharon,	

On the announcement of the result of the vote applause was manifested in the galleries.

Mr. EDMUNDS. Order! Order!

The PRESIDENT *pro tempore*. Order must be preserved in the galleries.

Mr. EDMUNDS. Mr. President, the history of this legislation, or rather the history of what preceded it, is a little peculiar. According to the public history, however, (which of course we are bound to suppose cannot be true,) a certain party in this country that has had a good many opinions within the last fifteen or twenty years, though the general tendency of them has been in one direction, thought it convenient to honor and employ and pay a gentleman who had been engaged for four years in an attempt to destroy his country; and in the course of that endeavor this, as I must suppose erroneous, history reports that the party was met with a proposition to employ a distinguished citizen formerly of Illinois and now of Missouri I believe, in the same place, who had unhappily as it appears fought on the wrong side, who had followed the flag of the Union instead of the flag of the confederacy, and he of course was beaten. That misfortune having fallen upon this gallant soldier, the hero of two wars as this bill states, it was then proposed to put him on the retired list of the Army of the United States, and a bill has been sent to us by the other House to do that, as I must presume if this history be true, as a remedy or compensation for this misfortune that had happened to him. He was not fit to be employed in the public service, having fought in two wars for his country, as long as there was anybody who had fought against his country that wanted the place; but he was fit to be put into the retired list of the Army of the United States as a means of pecuniary compensation for the loss he had sustained in failing to be employed otherwise in the public service.

Now let us see what the retired branch of the Army of the United States is, and what is the fitness of appointing any civilian, any volunteer officer or soldier who leaves his occupation and engages in the military service of his country in a time of emergency, and only engages for that time of emergency, and returns to his own private occupation when the emergency is over. The act of Congress of 1861 which founded the retired list, begins by saying that—

> When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be so retired, and placed on the retired list.
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> When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided.

And that "hereinafter provided" provides for an inquiry into his condition, and if his condition shows that his physical infirmity has arisen from the faithful discharge of his duty, then he shall be placed on the retired list; if it appears that his physical infirmity has arisen from his own ill-conduct, dissipation, or whatever it may be, then he is to be wholly retired and not placed on the retired list. Then it provides that the whole number of the officers of the Army on the retired list shall not at any time exceed three hundred, and any less number may be fixed by the President at his discretion.

Sir, what is the principle upon which that statute is founded, which has established this retired branch of the Army of the United States and into which it is proposed to put by an act of the law two of the soldiers of the United States who do not now belong to the Army? That principle plainly is, and it need only be stated to convince everybody that it is that, that when a citizen of the United States devotes his life to the business (if you may call it that,) of the military service of his country and has spent thirty or forty years of service to it, having no other occupation, having given up his whole career to that one service, when old age comes upon him shall not be dismissed from the service, but may be placed upon this retired list and relieved from active duty; or when having thus devoted his whole life to the regular military service of his country he has become incapacitated in consequence of that service for the performance of active duties, he may then, upon due examination, be retired; but that the total number of persons who are entitled to the benefits of this act shall never exceed three hundred.

Does either of these distinguished soldiers fall within the principle of this statute? Every Senator who hears me must answer no, because they do not answer any one of the conditions which the statute imposes. Neither of them has served for forty or for thirty years in the regular Army of the United States; neither of them is now an officer of the Army of the United States; neither of them has become physically incapacitated to perform military duty as an officer. My honorable friend from Missouri shakes his head. I have seen both these distinguished citizens of the United States, one of them quite recently, the one whose name stands first in this bill as it is now amended; the other recently before his departure for Europe; and in my humble judgment both of them are capable of performing military duty as officers.

In the next place, what is to become of some two—it was one before, now it is two—of the officers of the regular Army of the United States who have served for forty years and who under this statute are entitled to be retired? Here is your limit of three hundred; and if there be now two vacancies so that the list may be filled up to the limit of three hundred and no more, the two officers of the regular Army of the United States who may now be entitled to retirement (and there are many of them) as well as those who have been incapacitated by their regular service are excluded from the benefit of the standing provisions of the law in order to rectify a political mistake that some party, eager for the reward of its friends, and perhaps eager to cultivate votes, has chosen to envelop itself in; and the Senate of the United States, without respect to party but as responsible Senators passing just and equal laws, is called upon to ratify the performance. Mr. President, I must be excused from lending my hand or my voice or my vote to any such contrivance, if I can use that word without offense to anybody, as I certainly do not mean any.

Then Mr. President, besides all that, as the Senator from Illinois has so forcibly stated, there is nothing to distinguish one of the persons named in this bill, the one in the original bill, from certainly—and I do not overstate it—scores of officers, citizens, soldiers who are now in private life and who now fulfill up to the full measure of description all that is said of General Shields; and too much cannot be said of him. He has been, as I believe, a good citizen and a brave soldier, and has served in two wars. So have scores of other officers; so have hundreds of subordinate officers in lower ranks than he; so have thousands and tens of thousands of private soldiers for whom the law has made no provision and it can make no provision; and therefore this species of legislation is partial, it is unequal, and it is therefore unjust.

We have provided for the volunteer soldiers of the United States, when they have been disabled in the service of their country, pensions, liberal pensions, more liberal probably than any other country has ever thought of bestowing; not too liberal for their deserts in some respects; probably not liberal enough in respect of some classes of persons whose capacity to do anything has been entirely destroyed by wounds received in the service.

Now, what is this species of legislation that we are called upon to pass? It is unequal; it is unjust; and it is contrary to any principle that the United States has ever before undertaken to advance or to enact into laws. General Shields has a pension, according to existing laws, that he has enjoyed for many years. This body has passed a bill increasing that pension, and I must presume that if he deserves it the other House will concur in the passage of that bill; and yet you propose to take this gentleman and another who has been added, and who ought to have been added if this sort of legislation is to proceed, as many others might be—you propose to take him and foist him into a branch of the public service with which he has no connection and which is founded upon a principle that does not apply to him. at all

If the Congress of the United States wish to give General Shields the sum of $50,000, let them say so; but why do you take from the ranks of civil life one or two volunteer soldiers and place them in the regular Army of the United States by an act of legislation and an executive act, to the exclusion of those who have spent their whole lives in the military service of the country, and who beyond the number of three hundred are always from the retired list, and in respect of these two individual cases the present law must necessarily exclude some two worthy persons who are now entitled to the places under the regular law that these persons would fill. If Senators believe that the people of the United States ask anything of this sort, if Senators believe that either of these two distinguished soldiers ask anything of this sort, then I think they are greatly mistaken.

Mr. COCKRELL. Mr. President, I had hoped the Senator from Vermont and other Senators would have permitted a direct vote on this one question of placing General Shields on the retired list. The distinguished Senator who has just taken his seat voted for placing the name of General Grant upon this bill as an amendment, and now after having done that and got it in a position which he thinks will kill the bill, he comes out and takes a position against the entire bill, showing conclusively that the object of placing that amendment upon this bill was to defeat it, and to defeat it in an indirect way instead of meeting the issue squarely and firmly.

Mr. EDMUNDS. My honorable friend is vastly mistaken. I am opposed, as I have stated, to the principle of the whole bill; but if the majority of this body believe in this principle, then I am bound

to say that General Grant is a great deal more deserving the place than the honorable soldier whose name is in the beginning.

Mr. COCKRELL. Mr. President, the retired list is not the pension-list. It is for disabled soldiers and those who have had long continued service in the Army, and not for those who may have been merely soldiers in the Army. Now let us see. I say that General Grant, although entitled to all the honors which this Government and people can bestow upon him, does not come within the requirements of this law nor within its contemplation and that General Shields does in the fullest and broadest and widest sense.

What are the reasons why General Shields does come within the provisions of the law? He was born in 1810 in Tyrone County, Ireland. In 1826 he came to America. In 1832 he located in Kaskaskia, Illinois, and began the practice of the law. In 1836 he was elected a member of the General Assembly of the State of Illinois. In 1839 he was elected auditor of the State of Illinois. In 1843 he was appointed a judge of the supreme court of the State of Illinois. In 1845 he was appointed Commissioner of the General Land Office of the United States. July 1, 1846, he was appointed brigadier-general of volunteers in the Mexican war, and actively and gallantly and heroically participated in the engagements at Cerro Gordo, April 17 and 18, 1847; Contreras, August 19 and 20, 1847; San Geronimo and Churubusco, August 20, 1847; San Augustin, September 8, 1847; Chapultepec, September 12 and 13, 1847. In the battle of Cerro Gordo, on the 18th of April, 1847, he was severely wounded; in the battle of Chapultepec, on the 12th and 13th of September, 1847, he was severely and reported mortally wounded. April 18, 1847, he was appointed brevet major-general on account of gallantry and meritorious conduct. July 20, 1848, he was honorably discharged. In 1848 he was appointed governor of the Territory of Oregon, a position which he declined. In 1849 he was elected a Senator of the United States from the State of Illinois for the term from March 4, 1849, to March 3, 1855, and served out the term. In 1857 he was elected Senator to the United States Senate from the State of Minnesota on the admission of that State into the Union and served about one year, till the expiration of the term, March 3, 1859. On the 19th of August, 1861, he was appointed a brigadier-general. He was then at Mazatlan, Mexico. He reported that his health unfitted him for active duty, but that as soon as his health would permit he would accept the position tendered him. December 10, 1861, he accepted the appointment which had been made in August, and after some delay was commissioned a brigadier-general to date from December 10, 1861. He was then assigned to the command of General Landers's brigade in General BANKS's command in the Valley of the Shenandoah, and succeeded to the command of the division, General Landers having died, and in command of that division he participated in the battle at Kearnstown, commonly called Winchester, March 23, 1863, where he was wounded by the fragment of a shell fracturing his left arm above the elbow, bruising his shoulder and injuring his side. He resigned and his resignation took effect, after having performed other duties, in August, 1863.

Since that time he was elected a member of Congress, but his seat was not given to him; he served as a member of the General Assembly of the State of Missouri in 1874 and 1875.

Here is his record: three wounds, one reported mortal; his left arm fractured above the elbow, shot through the body at Cerro Gordo with grape-shot, and then wounded again at Chapultepec, and then again in the last war, severely wounded in the left arm. Any one who is familiar with General Shields's condition knows that he has but the wreck of a body left, by reason of the fearful wounds received on three separate and distinct occasions in two distant wars. Here is this man born in Ireland, coming to America in his youth, a boy sixteen years old, making this his adopted home, serving in almost every capacity of the Government from the highest to the lowest, a member of the Legislature in the legislative department, a judge of the supreme court of a State, Commissioner of the General Land Office of the United States, a Senator in this body from two different States, a soldier and general in the Army of the United States in two wars, distinguished in every position he occupied from the highest to the lowest, and by his uprightness, by his integrity, by his services to his adopted country, by his high character and heroism he has added luster and given character to the country of his adoption as well as to the land of his birth; and he is the man that we are asked to-day to place upon the retired list of the Army, disabled, wounded, impoverished. He was not one of those gifted statesmen who upon a salary of $5,000 a year in a few years could actually make hundreds of thousands of dollars! He went into office poor; he lived upon the salary of his office; and he came out poor. He served his country in every capacity faithfully, gallantly, soldierly, justly; and this is but a simple act of just compensation, long withheld; and whenever another bill is presented in this body placing on the retired list any other citizen of the United States who has occupied the same positions that General Shields has, I will vote for it and will advocate it heartily and cheerfully. It is an exceptional case; it stands solitary and alone, so far as the records show, and he is entitled to this. The honor of the country, the noblest feelings which should inspire a patriot people, demand that this relief should be given him.

Since this bill has been pending in Congress the governors of States, the mayors of great cities of the West, those two young giants, Chicago and Saint Louis, have vied with each other in doing honor to this distinguished and gallant old soldier, patriot, and statesman. To-day there was laid upon your desk, Mr. President, and placed upon the desks of Senators, the memorial of the city of Chicago, asking for the passage of this bill. Saint Louis has done or will do the same thing. Petitions and memorials have come up spontaneously from the warm hearts of the patriot people of the United States in behalf of the passage of this bill. They have come from the soldiers, the private soldiers, the men whom every soldier loves and admires, the men for whom the distinguished Senator from Illinois has such kindly feeling, and I share it with him; the gallant men who with their knapsacks and their muskets bore the heat and burden of the day. They are the men who are asking this tardy justice at the hands of Congress for their distinguished leader.

Now, Mr. President, I hope that the Senate will pass the bill as it came from the House; I care not what may have been its object in the House, whether it was introduced there for buncombe or not; we have nothing to do with that. Here is a bill passed by the House presented to the Senate; we must act upon it and act as a Senate should act. I shall reserve the right to have a separate vote, and I now make the reservation, upon the amendment, and I hope that the amendment will not be adopted.

Mr. ALLISON. It has been adopted.

Mr. COCKRELL. When the bill comes into the Senate from the Committee of the Whole, as I have a right to do, I shall reserve the right to have a separate vote upon the amendment. I do this, not because I would cast a slur upon the name of that gallant soldier, General Grant, but I must confess I can but feel that it would be a stigma, a stain, a blur upon his character to tack on this amendment to this bill—to tack on the name of General Grant to a bill for the relief of General Shields or general anybody else. He stands before the world and before the American people upon his own merits, and I say that it is an effort to cast a stigma upon him. It will add nothing to his character, nothing to his standing. He does not need this financially. There are other honors which, I presume, will be held in reserve for him. I would feel sorry to think that he should be retired from the public gaze and from the admiration of the American people and shelved upon the retired list of the Army with a parcel of disabled and maimed and wounded soldiers of their country.

I ask my friends on the opposite side of the Chamber not thus to deal with so gallant a soldier. Let any bill for him stand upon its own merits. General Shields needs the relief which is proposed to be granted here. Not $5,000, not $4,000, about $3,000, my recollection is, will be the pay he will be entitled to receive, or probably a little less, on the retired list, three-fourths of the actual pay of the grade.

Mr. DAVIS, of West Virginia. How much would General Grant get under the amendment?

Mr. COCKRELL. I believe the regular pay of the General is about $13,000 or $14,000, and he would get three-fourths of that. I know that a great many must have voted for the amendment in good faith; but the position taken by the Senator from Vermont shows that it was put here to kill the bill, because he voted for the amendment and then opposed both the measures.

Mr. President, I shall not detain the Senate longer. I do hope, as a matter of sheer justice to this gallant old soldier, that this bill will pass without amendment, as it came from the House; and when reported to the Senate I shall ask for a separate vote again upon the amendment, with the hope that the Senate will not tack it on to this bill.

Mr. HILL. Mr. President, every man who on any occasion hazards his life in defense of his honest convictions, commands my respect. Therefore, I respect General Grant and I respect General Shields. I shall vote to place General Shields on the retired list, and I shall not vote to place General Grant on the retired list. Why? So far as the great merit is concerned, the hazard of their lives in the defense of their country, as they considered it, they stand equal; each did his best; each was brave, faithful, zealous, and true. Hence, each is entitled to the respect of every man who is himself entitled to respect. But here is the difference: General Shields is now old, infirm, wounded, helpless, and in want; and, in my judgment, there is no more patriotic act a government can do than to take care of a man who is unable to take care of himself, when that man has hazarded his all for that government. General Grant is not old; he is not infirm; he is not helpless; he is not wounded, and he is not in want. Therefore he is not in the condition of General Shields, and cannot be placed in the same category with General Shields.

Again, the House of Representatives, without regard to party, by an almost unanimous vote, as I understand, republicans and democrats, representing the people of this country, have declared that in their opinion General Shields ought to be placed on the retired list. As the House of Representatives thus embracing all parties, representing all sections and the whole country, have sent us this declaration, I respect it, and shall vote to concur with it. The House of Representatives have not thus said that General Grant ought to go on the retired list; neither party, no party, and no portion of any party representing the people in the House has said so. Therefore I see no necessity for me to undertake it here.

Again, General Shields desires to go on the retired list, as I understand; General Grant does not desire to go on the retired list; General Grant has not asked to go on the retired list. My greatest objection to General Grant is that he is a man who will not retire. [Laughter.]

If he will agree to take this and retire, perhaps I could find it consistent with my wishes to vote for it. [Laughter.] Whether in this sentiment all the gentlemen on the other side will concur with me or not I do not know. Perhaps there are some on that side who would be very glad to retire General Grant. [Laughter.] I expect some would, and really in that respect, so far as retiring is concerned, I would help them if the General would retire. [Laughter.] But the General will not retire. There is the trouble about that.

Mr. PADDOCK. I should like to remark to the Senator that General Grant is too old to change his habits in respect to retiring.

Mr. HILL. No, he will not retire. He is not one of the retiring sort, I admit. [Laughter.] He never did retire; he never will retire, and you cannot retire him, gentlemen; you need not try. [Laughter.] I wish you could. Not that I wish him any harm; by no means; for General Grant has my respect for many reasons.

There is another reason why I cannot vote for this amendment and will vote for the bill. If General Grant has one quality that distinguishes him above all other things, it is his directness. He is a direct man. He does nothing in ambuscade; he does nothing by angles; he moves in straight lines. This is an attempt to use General Grant's name in an indirect way to kill General Shields, and I do not believe that General Grant, if he were here, would approve it. It is inconsistent with his nature; it is inconsistent with his life; it is inconsistent with his character; and I believe to-day, if General Grant were to hear that his name was being used by the Senate as an indirect way of killing off a poor, helpless old soldier, with wounds all over him, and who had offered over and over again his life for his country, General Grant would telegraph to stop it. I do not believe he would approve it. I believe his name is being used to accomplish an end that General Grant would not approve. The best way is to meet this thing squarely and fairly. General Grant has not asked it.

Now, sir, I say here—and I am willing to have it go on the record, and I will stand by it—I have as much respect for a brave man who was on one side as on the other; and I admit that no one on a certain side of the late conflict is entitled to the favors of this Government in this shape as those who fought on the other, and I have not and never will advocate granting them. But, sir, if the time shall ever come when misfortune shall overtake General Grant, and he, like General Shields, shall be hobbling up and down this earth poor, old, infirm, and in want, my vote will be cheerfully given that he shall never be in want. [Applause in the galleries.] Until then, let him rest.

Mr. KIRKWOOD. Mr. President, I have a very few words to say on this subject. I had supposed until to-day that I had a very high regard for General Grant and his character, and I was somewhat surprised to learn from the Senator from Missouri that my political associates on this side of the Chamber and myself were engaged in casting reproach and a slur upon him. I am sure we did not intend it, and I am sure he will be somewhat surprised at the information that we are casting reproach upon him; and whether or not he will be gratified that the Senator from Missouri and his friends have shown their appreciation of him by the votes they have given is a matter that I shall not attempt to determine.

This bill proposes to make a wholly new departure, as I understand, in what has heretofore been the policy of our country. It proposes to establish a new policy which I do not believe to be a wise policy.

I think if we commence this thing we shall find men all over this country, in every State in the Union, who are old—they may not have all been born in Ireland, but men who are needy and who have served their country faithfully and patriotically. If we undertake to place them all on the retired list of the Army of the United States those of us who have farms will have to sell our farms to raise the money to pay them. For that reason I shall vote against this bill, whether the name of General Grant be attached to it or whether it be not attached.

My service upon the Pension Committee of this body has enabled me to learn two or three things. By your pension laws a man who in the service of the country has lost both feet or both hands or both eyes, and is compelled to have the continued attendance of some other person to wait upon him, gets a pension of $50 a month. The Senate very properly passed a bill, at the instance of the Senator from New York, [Mr. KERNAN,] the other day, giving a soldier who had done his best for his country, (and neither General Grant nor General Shields could do more,) a blind man, who cannot tell day from night, who has to have the attendance of another person all the time about him, a pension of $50 a month. Of men like him and men who have no feet to walk upon and men who have no arms to do a thing for themselves there are how large a number on our pension list, Mr. Chairman of the Pension Committee?

Mr. INGALLS. Sixty-five.

Mr. KIRKWOOD. Sixty-five. Sixty-five of them get a little over $3,000 a year, and the proposition here is to weigh General Shields against the whole sixty-five and give him as much as they all get. General Shields has both feet; he has both hands; he has both eyes; and yet we propose to give to him in this way, breaking down what has heretofore been the settled policy of this country, as much as we give to sixty-five men, some without feet, some without hands, some without eyes, and all requiring the constant attendance of some other man to care for them. Is that right? The Senate must judge. I do not think it is, and I will vote against this bill whether with General Grant's name to it, or without it. I do not believe the people of this country will misunderstand my vote on that subject.

Mr. DAVIS, of Illinois. Mr. President, coming as I do from the State of Illinois——

Mr. KIRKWOOD. Will the Senator allow me a moment? I am told, and reflection satisfies me that I made a mistake just now. Instead of weighing General Shields against sixty-five men we are weighing him against five men. I, in the hurry of the moment, forgot that the $50 allowed those men was by the month, and General Shields' $3,000 or $4,000 will be by the year.

Mr. DAVIS, of Illinois. Coming as I do from the State of Illinois, I feel that I ought to say a word or two before this bill is voted on. Sir, I have known General Shields all my active life. The greater part of that life he has lived in the State of Illinois, and I claim that I have as high regard for him, for his character, for his gallantry, and for his sufferings as any man within the sound of my voice.

The greater part of his life has been spent in the civil service of this country. When I went to Illinois in 1836 he was a member of the Legislature of that State. Very soon afterward he was transferred to be auditor of public accounts; he was subsequently elected by the Legislature a judge of the supreme court of the State. From that position he was transferred to the General Land Office in this city. While he was in the Land Office he was appointed a general in the Mexican war, where he served two or three years with distinguished ability and where he received his chief wounds. The Mexican war lasted only about two years. After the Mexican war was over he was honored by the State of Illinois with a seat in this body. After he left this body he moved to the State of Minnesota, and was honored by the Legislature of that State with a seat in the Senate again. Then I think he moved to California, and from California to Missouri, and he has been elected to some offices in the State of Missouri; I do not know the nature of the service, but it was civil service, and not military. During the last war he served about a year and a half. He served in the Mexican war, say two years and a half, and the last war a year and a half; so that four years was the extent of his service in the Army of the United States.

I know that I give a vote on this subject contrary to the views of many friends in the State of Illinois whose good opinion I prize, but I must satisfy my own self-respect and conscience in every vote that I give on this floor; and can I say that there is any occasion for departing from the well-established rule upon this subject in order to make an exception in the case of General Shields?

The principle upon which the law in relation to the retiracy of officers is based is that the soldier has spent the greater part of his life in the military service of his country. The law itself says so. He must have served forty years or he must have reached such an age, sixty-two years. General Shields spent four or five years of his life in the Army; he is like a great many other eminent men in this country who, to sustain their convictions, as I have no doubt he did, joined the Federal Army during the last war, and from similar motives fought in the Mexican war. My colleague [Mr. OGLESBY] did the same; my predecessor (Mr. Logan) did the same; plenty of gentlemen in the State of Illinois did the same.

Now, sir, I could just as well vote to allow General Logan, according to my estimate of his services, to go into the regular Army and to be retired from it, and General OGLESBY, as I could General Shields; and so with hundreds of persons in the State of Illinois. There are hundreds of such men there, and there are some of them very deserving. There is one gentleman that I know in one of the eastern counties, who was a young man of as bright promise as there was in the State, who was totally ruined by the wounds that he received in the last war. I would do anything for him that I could. I would do anything that I properly could for General Shields to relieve his wants. I would vote an increase of his pension; I would cheerfully vote an increase of his pension to $100 a month, if it was necessary, in order to sustain him in his old age; but I cannot vote to make an exception like this in his case, when the law says that officers who are retired shall be those who have served a certain number of years in the Army, who have devoted their lives to the service of their country in that profession. Can I say that it is right or just in regard to a gentleman, no matter how eminent he is, no matter how great his sufferings have been, no matter how great his gallantry has been, that an exception shall be made of that gentleman, and that he shall be put upon the retired list at a salary of $3,000 a year?

Mr. EDMUNDS. Forty-one hundred and twenty-five dollars.

Mr. DAVIS, of Illinois. Whatever it is, three or four thousand dollars. Sir, I cannot do that injustice to the hundreds of men who have served in the last war and in the Mexican war who have been wounded and who are in want, in comparative want. There are none of them in actual want, not one of them, that is, not one at the point of starvation. They are comparatively poor. When we speak of riches and poverty, we speak by comparison. Some people are rich with a small sum, while to others the same sum would amount tonothing at all.

Mr. President, it is with a good deal of pain that I have come to this conclusion on this matter, because I know that thousands of people in the State of Illinois think that this bill should pass, that General Shields's is an exceptional case. I cannot see it. I cannot see how it is so, how you can treat him differently from hundreds of others. If he had spent the whole of his life in the Army, it would be a totally different thing. He has not done that.

We all know how this measure has come up. It is an ephemeral thing of course. Had I been in the House of Representatives, I should have voted for him for Doorkeeper. My politics sit very lightly on me, and probably I should not have had anybody to quarrel with me about the vote I should have given on that subject. I should have voted for him; and here to-day I should cheerfully and willingly increase his pension to a reasonable amount, say $100 a month, enough to support him; but I cannot consent that he shall be placed on the retired list of the Army of the United States as a prominent exception of all the officers that have fought either in the last war or the Mexican war; and I do this with the most profound respect for General Shields as a soldier, and with the highest admiration for him as a gentleman and as a person who has honored both his State and the country in the various offices which he has held.

Mr. LAMAR. Mr. President, the friends of this distinguished general once from Illinois, now from Missouri, saw proper in the other House to propose that he should be placed upon the retired list, a list upon which he could not be placed under the provisions of existing law. It required legislation to place him there. The considerations which prompted them to select him from a large class of soldiers and generals were peculiar, but sufficient, and in my opinion justified the distinction; and it gave me great pleasure, as it always will, to vote for any distinguished soldier upon whom it is proposed to confer either additional honor or the benefits and favors of the Government in obedience to any general indication of the public opinion of the country which he has served. When the bill was brought into the Senate, the friends of another distinguished soldier, men who are known to be and who have been long devoted to his personal and political fortunes, proposed that he also should be placed upon that list. I had no right to assume that the motive of this proposition was any other than that of a desire to do honor and service to this distinguished soldier, and I felt it to be my duty to respond to that although the general who was proposed to be honored along with General Shields happens to be a republican general and not a democrat.

If, however, the motive which prompted this amendment and the motive which prompted the vote in favor of it is to defeat the bill, I will not co-operate in any movement of that sort any further, though it is my opinion if that is the motive that the best method of thwarting the maneuver is to accept the proposition and put both these distinguished generals upon the same footing.

Mr. BLAINE. I beg to say to the Senator from Mississippi that in what I said I supported the Senator from California in his amendment in good faith, and that with the amendment which the Senate has agreed to I shall vote for the bill. I did not do it with any design to embarrass the bill.

Mr. LAMAR. I trust that the Senator from Maine does not suppose that I intended to make any such imputation upon him. I was simply replying to a suggestion of others that such was the motive It is a very proper motive, very legitimate.

Mr. SARGENT. Does the Senator think that was the motive of the mover of the amendment?

Mr. LAMAR. I have especially disclaimed that; I do not know. The mover of the amendment can inform the Senate better than I can.

Mr. SARGENT. I only inquire that as the Senator's remark was intended to relieve the Senator from Maine, and as I moved the amendment I desired to know whether the Senator from Mississippi meant to infer that such a motive actuated the mover of the amendment.

Mr. LAMAR. I take pleasure in relieving the Senator from California. I have no desire to impute any such motive to him; but it would really, I think, be much easier, if there is any such impression, for him to remove it by a statement of his own than by an inquiry of myself.

Mr. SARGENT. Mr. President——

Mr. DAVIS, of Illinois. Will the Senator from California allow me one minute? I voted with my friends on the other side against the proposition of the Senator from California, although I was opposed to the original bill, because I was willing that the bill should go unembarrassed.

Mr. SARGENT. I stated distinctly when I offered the amendment that I offered it in good faith, and I now insist upon it in the same good faith. I believe the country owes to General Grant this recognition. During his long career, from the time that he entered the war of the rebellion down to the time that he retired from the presidential chair, my heart and wishes were all with him. I do not believe that General Grant ever had a more sincere friend than I was, nor that any man sympathized more with him in his work in the war and his work in peace. I offer this amendment as a tribute coming from my heart and deserved by him. It is not fair to say that a compliment offered to Washington, one offered to General Scott for great services, now tendered to General Grant on behalf of the American Congress, can be intended to reflect upon him in any way whatever.

The Senator from Georgia says that if the effect of this amendment would be to retire General Grant from public affairs he would consider then whether he ought not to vote for it. Sir, if the effect of this amendment was to cut off General Grant from active participation in affairs or from holding any honors which the Republic might wish to bestow upon him hereafter, I would not offer it or vote for it. Let it be distinctly understood that the law is that any man upon the retired list of the Army is eligible for any place whatever and does not lose his position upon the retired list by accepting temporarily or for any term service of the Republic outside of the Army. It is very true that he does not draw the pay of a retired officer and the pay of the station which he accepts, but on the expiration of his term he goes back again to his position upon the retired list. This in no sense, then, can be considered as retiring General Grant or having that purpose. That is a sufficient answer to that point.

It seems somewhat strange that those who have opposed General Grant heretofore, no matter in what work he has been engaged, are those who now think it necessary to defend him from this aspersion sought to be cast upon him by those who have been his friends. Would it be ungenerous to say that there is unanimity in support of General Shields upon one side of the Chamber because he is a democrat and that there is the same unanimity of opposition to General Grant because he is a republican?

Mr. HILL. I should like to ask the Senator from California a question, if he will allow me.

Mr. SARGENT. Certainly.

Mr. HILL. Does General Grant ask to be placed on the retired list?

Mr. SARGENT. If General Grant asked it, I would not offer the amendment.

Mr. HILL. Does General Grant need to be placed on the retired list?

Mr. SARGENT. That I do not know. I have never investigated that matter.

Mr. HILL. General Shields, as I understand it, both asks it and needs it.

Mr. SARGENT. I do not know whether General Shields asks it or not. The junior Senator from Missouri [Mr. ARMSTRONG] says he never has asked it. General Washington never asked it; General Scott never asked it.

Mr. HILL. I do not suppose that General Shields comes here and asks it, but I suppose it is well known that it would be exceedingly agreeable to him, and I do not think it is any disrespect to him to offer it in his condition. General Shields is in a condition to need it, and it is creditable to the American Congress to offer it, and it is not disagreeable to him to accept it. General Grant is not in that condition.

Mr. SARGENT. The Senator proceeds upon the supposition that the amendment is in antagonism to the bill. Let him vote against the amendment, as he will in any event. I cannot convince him; but I stand here and say that the American Republic owes this to General Grant. As to General Grant's circumstances, I am not aware of them. I know he is now traveling in Europe; whether he will be a very poor man when that trip is over, or not, I do not know. For several years he received a large salary as President of the United States, and I have no doubt he saved something out of it.

Mr. HILL. I desire to say to the Senator from California that whenever General Grant is in the condition of General Shields I will take exceeding pleasure in voting to place him on the retired list.

Mr. SARGENT. I am not in favor of waiting until General Grant gets on his death-bed. I am not in favor of waiting until blind or halt he comes to these lobbies and begs Senators for charity. I am in favor of doing this because he has rendered great service to the Republic, and the Republic heretofore has done such things for men so eminent.

Mr. COCKRELL. May I ask the Senator from California one question?

Mr. SARGENT. Certainly.

Mr. COCKRELL. If the Senator is so earnestly in favor of this proposition, why on earth has he not heretofore introduced a bill to accomplish this object? Why did he wait until a bill for the relief of General Shields came before the Senate?

Mr. SARGENT. I would have done it if at any time during the last two years I had thought there was a hope that such a measure of justice and magnanimity on the part of the American Congress could have passed. I had no doubt at all—allow me to speak frankly; the Senator asks me a question—that the Senator and his party friends with him, with possibly a magnanimous exception or two, would array themselves solidly against any such proposition. Although the Senate might by a close vote pass such a measure, I did not think there was hope for it in the House of Representatives. But now, when in a case of inferior deserts, in a case which by no means is to be compared with it in any respect whatever, the precedent is set by the other House of Congress and insisted upon by the democrats here, is the time to do justice to General Grant and to recognize his great services, to show that his patriotism is appreciated by the American people.

I want to say to Senators that in my judgment so far as this proposition having the effect in the mind of the people to cast any stigma upon General Grant, I believe a large part of the opposition to the amendment springs from the fear that this compliment thus meted out to him by the American Congress may have the effect still further to call the attention of the people to the great merits of this man, as the ovation which he received in Europe had a tendency to do. If I be correct in this supposition, will some one respond to me why it is that the question runs here almost by party lines? With only one generous exception, (and I trust my friend from Mississippi will not withdraw his vote from this proposition upon suggestions coming

from the enemies of the amendment as to the motives of those who bring it forward,) my memory of the roll-call is that every one else on the democratic side of the Chamber arrayed himself against this act of magnanimity and justice toward General Grant while in favor of the other proposition. Why is that opposition, except on the theory that I have laid down?

Sir, it would have been a most excellent thing for this amendment to have been adopted *nem. con.* in the Senate, for men without distinction of party to have recognized the fact that here is a man illustrious by his services, services both in the cabinet and the field, who may never again come before the American people, brought forward by any one, asking any favor, and the proposition is to give him a provision for his life. The man who saved the Republic certainly might be allowed the small pittance, for that is what it amounts to in comparison with his labors, from the Treasury of the United States to accompany him during his life. Tell me what business an ex-President of the United States, and especially a man like General Grant, can be engaged in without having a finger pointed at us by every other nation on earth, and by our own people?

Mr. HILL. There is not a man on this side of the Chamber who voted against the amendment adding the name of General Grant to the bill because General Grant is a republican. I do not believe there is a man who is willing to vote for the bill for General Shields because he is a democrat. We voted against the Grant amendment because Grant does not ask it and he does not need it, and this is not the way to pay him. The people have paid General Grant and will pay him again, doubtless, differently. General Grant does not ask this little picayune pay for his services. General Shields does need it; General Shields does ask it. He asks nothing else; and the people expect to give him nothing else. It is not the political complexion of the two, but the necessities of this person that control this side of the Chamber. The people of this country are not able to pay all the men who distinguished themselves and who have offered their lives in its defense. Therefore the people are ready to pay those who need their charity and their support, and not those who do not. It is not that they do not appreciate the latter class; they appreciate all alike; but they suit their charities according to their own ability and according to the necessities of those who may be brought forward as beneficiaries.

Mr. SARGENT. The Senator from Georgia may be skilled in reading hearts and may read them more correctly than I do; but I think as I judge so will judge the country in that regard. As to General Grant not asking this, he is not accustomed to ask favors. He never has done it during his whole career. He does not ask them now; but his friends ask this for him; I believe the country asks it for him, and I believe there will come an acclaim from the country, from all his supporters, North and South, East and West, applauding the act of the Senate if to-day it should decide that General Grant shall go upon the retired list, as is proposed in my amendment.

Mr. WITHERS. Mr. President, I did not propose to say anything upon the proposition before the Senate, and would not have done so but for what I regard as the gratuitous assaults made upon this side of the Chamber and imputations of being influenced by political motives alone in the vote which they have cast. If I know my own heart, I was influenced by no such considerations. The Senator himself, who has just taken his seat, has presented to the Senate a most remarkable example of inconsistency in asserting that the vote on this subject is controlled alone by political considerations, after the recognition of the fact, as he must recognize it, that for years past the party, of which he stands here as an able exponent and representative, have had an immense majority in both Houses of Congress, and at any time could have passed a bill of this character.

Mr. SARGENT. Since General Grant's Presidency?

Mr. WITHERS. Since his Presidency.

Mr. SARGENT. No, sir; not in the House of Representatives. We have not had the House since Grant left the Presidency.

Mr. WITHERS. It was not by any means necessary in recognition for his military services to await his retiracy from the Presidency.

For General Grant's military record I have as high admiration as the Senator from California himself. I recognize his soldierly qualities. I recognize and have often borne testimony to the kindness and generosity which marked his character and his conduct at the close of the war. If General Grant stood to-day in need of pecuniary assistance by a vote of this Congress, or if any intimation was given that he desired the expression of the sentiment of this body or that he desired such assistance, I would vote for it as readily as any Senator on the other side of the Chamber, and vote as liberal a provision for him, because I think that his services to the country demand such recognition. But, sir, the cases are by no means parallel, although the Senator from Vermont declared that there was no difference whatever between them.

Mr. EDMUNDS. The Senator is mistaken. I declared there was a great difference in favor of General Grant.

Mr. WITHERS. I accept the explanation. Now, let us examine and see whether the position of the Senator from Vermont is sustained by the facts in the case. Here is a gratuity offered by the House of Representatives to a man not alone on account of his distinguished services, because I will admit that General Grant's services are more distinguished, but on account of the necessities of the individual. That circumstance, in connection with his distinguished services, forms the basis upon which this bill was framed. The one, wounded, disabled, broken down in health and spirit, is eking out a scanty subsistence, as I am credibly informed, by occupying the lecture-stand in various cities throughout the country and appealing thus to public charity for contributions to his support. The other is making the continental tour, fêted by kings, by potentates, by Mohammedans, by Christians, by infidels—the honored guest of every nation on the soil of which he places his foot. If he is poor, no such evidence has come before the American people. If he is in need of assistance, we are now to hear it for the first time. I undertake to say that if that time should ever come, the soldiers of that army who were treated with such generosity at Appomattox Court-House, and who were told to take their horses home with them to cultivate their crops, will not forget that act of kindness on the part of General Grant and will vote as liberal contribution to secure him from want as any republicans, the best of them, on the opposite side of the Chamber. But General Grant does not come before us in any such position. He does not ask, as the Senator from Georgia so felicitously expresses it, assistance at our hands. It is even questionable whether he may not consider it an affront. Under those circumstances, I respectfully submit that it is scarcely fair to encumber this bill, designed to afford relief to General Shields, by putting on the amendment which has been just adopted in Committee of the Whole.

The Senator from California insists that he is probably as good a judge of motives as any other person, and he asserts that the whole country from one end to the other will ascribe to political hostility the negative votes on this side of the Chamber. If the Senator will give to the people of the country that credit for their acuteness of preception which enables them to so clearly judge, in his opinion, of the motives which prompt Senators in casting their votes, he must think that the motives which have prompted him in tacking on this amendment will be liable to misconstruction by the public also, and they will attribute to precisely the same motive the amendment which has been offered by the Senator from California. I make no such assertion, but if the imputation is just, as deserved and justifiable in the one case, it surely is fully as much so in the other.

I therefore, Mr. President, have determined to vote for the bill as it came from the House, and I shall vote against concurring in the amendment of the Senator from California in the Senate, and I think myself fully justified for the votes that I shall thus cast.

Mr. VOORHEES. The Senator from California, of course, settles any question as to his own motives in introducing this amendment. His statement is binding upon the Senate and upon Senators. At the same time, his course heretofore upon this subject laid him open to a suspicion of an attempt by an amendment to defeat the bill. In saying that, I do not mean that such an attempt would have been an act of impropriety. On the contrary, it is a well-known piece of legislative history that amendments are offered constantly for the purpose of breaking down the original measure if they are adopted. Therefore in any criticism that is offered upon the Senator from California it does not follow that it is an imputation upon him or upon his good faith. I voted against his amendment. I did it, I say frankly to the Senate and to him, under the firm belief that he had offered it for the purpose of crippling and defeating this measure. So far as General Grant is concerned, there is no proper honor that this Government could propose to pay him for his military services that I would not concur in. I draw a wide distinction between General Grant as a military man and as a civil functionary. If his own party friends are to be believed, some of whom are now holding high offices under the present Administration, Cabinet positions and other places, his civil service was the most corrupt in the world. If they are not to be believed, they are calumniators and ought not to be in their present places. As a military man, however, General Grant commands my profoundest admiration and respect.

In casting my vote against the amendment of the Senator from California I did not feel that I was so much voting against paying a proper honor to General Grant as I was endeavoring to defeat an amendment which was brought forward for the purpose of destroying the original bill. I felt, in other words, that I was not so much voting against General Grant as I was voting for General Shields. In justification of my want of confidence at that time in the Senator from California and his purpose, I wish to recall the recollection of the Senate to the 15th of April, when that Senator brought forward an amendment to this very measure of the most extraordinary character I think that ever was read in a deliberative body. I have it here. His proposition was then:

> That the President of the United States be, and he hereby is, authorized and directed to place upon the retired list of the United States Army the following distinguished officers of the late war, with the full rank held by each respectively at the date he resigned or was mustered out of the service, with the pay and emoluments to which officers of such rank upon the retired list are entitled by law: Lieutenant-General Ulysses S. Grant of Illinois—

The Senator from California headed his list with General Grant's name then and he stops with his name now. He has lopped his proposition immensely since the 15th of April. Let us see how he expanded its foliage on that occasion. These names followed the present contribution:

> Major-Generals John A. Dix of New York, George B. McClellan of New Jersey, NATHANIEL P. BANKS of Massachusetts—

A distinguished member of the other branch of Congress from Massachusetts. He was to be retired—

BENJAMIN F. BUTLER of Massachusetts—

Impossible task! He had undertaken to retire that distinguished gentleman. [Laughter.] He is even more difficult to retire than General Grant, according to the description of the Senator from Georgia; and yet the Senator from California, with a full head of steam on, went squarely at that distinguished soldier and civilian to retire him, [laughter]—

AMBROSE E. BURNSIDE of Rhode Island—

He was likewise to be retired on that occasion—

William S. Rosecranz of Ohio, Franz Sigel of Missouri—

And my excellent, brave, and gallant friend, formerly a member of this body—

John A. Logan of Illinois—

And then that peerless warrior from my own State—

Lewis Wallace of Indiana—

He was likewise to be retired—

Stephen A. Hurlburt of Illinois, W. B. Franklin of Pennsylvania, Henry W. Slocum of New York, Cadwallader C. Washburn of Wisconsin, Carl Schurz of Missouri—

I do not wonder at the Senator from California wanting to retire him. [Laughter.] I think I would vote to assist the Senator from California in that job. Retirement would improve him, on the principle that "distance lends enchantment to the view"—

Alfred Pleasanton of New York—

I believe he did retire some time ago; the last I heard of him was in connection with twenty-three miles of a little switchwater railroad out in my country. He was to be retired, however, by the Senator from California's proposition—

William F. Smith of New York, James B. Steedman of Ohio, Granville M. Dodge of Iowa, JACOB D. COX of Ohio—

What a retiring spirit had seized the Senator from California!

Mr. SARGENT. It shows how big the subject is; that is all.

Mr. VOORHEES. Further:

RICHARD J. OGLESBY of Illinois, JAMES A. GARFIELD of Ohio, Robert C. Schenck of Ohio, John C. Frémont of California, John A. McClernand of Illinois.

Those were the major-generals; and then the name of General Shields finds its humble place in this galaxy of stars:

Brigadier-Generals James Shields of Missouri, ALPHEUS S. WILLIAMS of Michigan, Charles Devens of Massachusetts—

Is he the Attorney-General?

Mr. COCKRELL and others. Yes.

Mr. VOORHEES. Ah, the one who was spoken of by Wendell Phillips in such affectionate terms! [Laughter.]

William W. Averill of New York, Clinton B. Fiske of Missouri, William Vandever of Iowa, Ralph P. Buckland of Ohio, John McNeil of Missouri, John M. Thayer of Nebraska, Halbert E. Paine of Wisconsin, THOMAS EWING of Ohio, Alexander Shaler of New York, Judson Kilpatrick of New Jersey, John M. Corse of Illinois, Edward M. McCook of Colorado, John F. Hartranft of Pennsylvania, Joshua L. Chamberlain of Maine, Joseph R. Hawley of Connecticut, and Edward F. Noyes of Ohio.

Now, if any Senator will rise in his place and say that after that kind of an amendment was offered to this bill on the 15th of April the Senator from California was not an object of suspicion so far as his good faith on this bill is concerned, I will agree that I have been wrong all the time. That is the most remarkable attempt at retiring everybody I ever saw. It was recognized in the Senate, by the press, and by the country as an open, bald attempt to smother General Shields; and I was surprised to-day when he offered his amendment to find that it began and ended with the first name of this immortal list. So we have had simply General Grant upon our hands. While I like General Grant as a military man, and I do not dislike him personally, for my relations to him were always kindly, still I felt as though there was mischief about it. I felt as if there were rifle-pits some place around. I felt as though this amendment came from one who wanted a short time ago to retire pretty much everybody on paper but really did not want to retire General James Shields.

So, Mr. President, if I voted against the amendment of the Senator from California with the belief in my heart that he had offered his amendment for the purpose of defeating this bill, this extraordinary document must be my excuse for thinking so. But I say now, as I commenced, that his word is satisfactory upon that subject. I think that it might be as well for him to keep stating that he is in good faith about it.

Mr. SARGENT. On this amendment.

Mr. VOORHEES. Yes, on this amendment, not the other.

Mr. SARGENT. The Senator will allow me to say the other was an argument against the bill in this: that it showed there were a large number of persons, perhaps some of them injudiciously selected, who had been wounded in the war or had rendered eminent services, some of whom the Senator speaks of himself with great respect.

Mr. VOORHEES. Of course I do of all of them.

Mr. SARGENT. It was to show the scope of the legislation. But if this bill is to go through, then I want to put on it, in perfect good faith, an amendment in favor of the greatest soldier in the Union.

Mr. VOORHEES. Then, according to the inflection of the Senator's voice just now in speaking of the good faith of this amendment, speaking of the amendment now pending, I infer I will commit no offense when I presume that he did not propose the other amendment in good faith.

Mr. SARGENT. Only as an argument against this bill.

Mr. VOORHEES. The Senator from California makes most excellent speeches in this body; I always listen to him with pleasure; but I never knew his arguments to take just that form before; it was a most remarkable argument.

Now, Mr. President, a word or two more. I voted against the amendment retiring General Grant. At the same time, it is due to frankness to say that I am quite indifferent on the subject. I presume I shall vote again against it if another vote is taken, mainly to be consistent and because I do not think the measure is called for at this time; but whenever the proposition is brought forward, as it could have been in the last few years, by the Senator from California or anybody else, under circumstances which justify the belief that it is not used to destroy something else, I will give it very favorable consideration.

Mr. EDMUNDS. Could not the Shields matter have been brought forward at any time within the last ten years?

Mr. VOORHEES. Yes; I will come to that in a moment. I do not wish to detain the Senate; we have talked quite enough, I think, about this matter; but one word further. I know General Shields. I have met him during this session of Congress. General Shields is a proud man and does not parade his poverty, but there are men within the sound of my voice who know that he has pawned the sword his country gave him for his debts, and he is now utterly unfit in every way for any occupation, and is driven by necessity to travel over the country delivering lectures for the purpose of making a living at nearly seventy years of age.

Look at the picture on each hand: General Shields rendering the most brilliant services that a man can render, offering his life, as others offered theirs, it is true, but circumstances making his services perhaps more conspicuous than those of almost anybody else, shot to death as it was thought at Cerro Gordo, again shattered to pieces at Chapultepec, and fighting the battle of Chapultepec with his bleeding arm in a sling, as is depicted on the canvas on the stairway here and as is depicted on the pages of history. He was shot again in the last war. These wounds are upon him in his old age, infirm, and broken down, without property, without wealth, and without comfort. General Grant, on the other hand, is a rich man, unless the circumstances by which he is surrounded are fallacious. Poor people in these times do not travel with an escort like princes over the face of the earth; nor does he, except at heavy expense. I can only say upon that subject, as has been very eloquently and well said by the Senator from Georgia, that whenever a measure of this kind, or any other, is necessary to General Grant's comfort in the decline of his life, or at any other time, or for any other meritorious man, I shall not stand here to oppose it. I think in this case the wisest way would be to pass the bill as it came from the House and let it stand by itself. As to its being an unprecedented matter, as is alleged, I want to remind the Senator from Vermont that unless I was deceived by the sound he himself voted for the amendment placing General Grant on the retired list; so that so far as the principle of the thing is concerned he is as much concluded as we are. He voted to place General Grant from civil life on the retired list and we are voting to place General Shields from civil life on the retired list.

Mr. EDMUNDS. The Senator is greatly mistaken. I have not voted to place General Grant on the retired list.

Mr. VOORHEES. The Senator voted for the amendment placing him on the retired list.

Mr. EDMUNDS. I thought, differing with the Senator from Indiana, that, if there be a convenient season to put a civilian on the retired list, this is a good season to put General Grant on. My honorable friend from Indiana is always in favor of some other time.

Mr. VOORHEES. Then, the Senator from Vermont did vote to place General Grant on the retired list?

Mr. EDMUNDS. I did not. I voted to amend this bill, and gave notice that I should vote against the whole of it because I believe it to be a false principle; but, if the majority of the Senate believe it to be the right principle, then General Grant is the right man.

Mr. VOORHEES. Then, the Senator's motive was to amend the bill so as to make it objectionable and prevent its passage?

Mr. EDMUNDS. I hope it does not make it objectionable to the Senator, who is so much in favor of General Grant at some other time.

Mr. VOORHEES. The Senator from Vermont certainly voted for the amendment in order to embarrass the bill when he says that having amended it he will still vote against the bill.

Mr. KIRDWOOD. May I ask the Senator from Indiana a question?

Mr. VOORHEES. Certainly.

Mr. KIRKWOOD. Why should attaching the name of General Grant to the bill defeat it?

Mr. VOORHEES. I hope it will not, I say frankly. If it is the wish of a majority of this body to attach General Grant's name to the bill, I hope it will not be defeated because it assumes that form. It will certainly not be by my vote. While I may vote against the amendment, yet if the bill be thus amended I shall certainly vote for the bill. Will the Senator from Iowa do the same?

Mr. KIRKWOOD. No, sir. I understood the Senator to say that the object of putting General Grant's name in it was to defeat the bill, in order to induce somebody to vote against the bill because his name was there. Now, why should that be?

Mr. VOORHEES. Was it the purpose of the Senator from Iowa to get somebody to vote against the bill because General Grant's name was placed upon it?

Mr. KIRKWOOD. My purpose was this: if the bill passed I thought that Grant's name would make it stronger, and that he was more entitled to consideration than Shields; but the Senator says if we put Grant's name to it, it must defeat the bill.

Mr. VOORHEES. I did not say so, and I will remind the Senator from Iowa and the Senator from Vermont if they hope by putting General Grant's name in the bill thereby to compel me to vote against it, that I shall do no such thing.

Mr. BLAINE. Mr. President, one single correction. The Senator from Virginia and the Senator from Indiana both state that the republicans (calling them by name) could have done this for General Grant at any time within the last several years. Why, sir, this is the very first year it could have been done at all. General Grant came out of the war at the head of the Army; he remained at the head of it until he was elected President. He was President eight years, and the day he retired from the Presidency the Senate assumed its present political complexion. You could not have passed a bill putting him on the retired list when he should go out of the Presidency, and send it to him to sign. But the Senator from Georgia says with an excess of generosity, which, of course, the country will appreciate, that whenever General Grant shall get poor, or infirm, or lame, or weak, or in want of something very badly, if he will apply, he will give him something. I like that! That is generous! He is going to wait until the man may possibly by the mutations of fortune be entirely reduced and then he is perfectly willing to give it to him, and he pledges that side of the Senate to give it to him! It would not be the first ex-President that was that way.

Mr. VOORHEES. I wish to say to the Senator from Maine that even in that case which he puts the Senator from Georgia would be a good deal more liberal toward General Grant than many Senators on the republican side of the Chamber are toward General Shields.

Mr. BLAINE. Ah!

> Thou canst not say I did it; never shake
> Thy gory locks at me.

Mr. VOORHEES. I will not.

Mr. BLAINE. I am a little more consistent than the Senator from Indiana. I am willing to vote for General Grant to go on the bill, and I am willing to vote for the bill when he is on, and I should think it a very extraordinary circumstance for the Senator from Indiana, after the speech he has made, if the question comes again before the Senate, to vote to exclude General Grant. If he does, I think he will turn a good many persons that have probably a warm side for General Shields against him. I mean merely as a measure of parliamentary tactics. Let me say to the Senator from Indiana, through the Chair, that it would not be good tactics, it might affect the bill in a certain way that the Senator would not desire.

There has been a good deal of pleasantry about retiring General Grant and about some persons here having an interest in retiring General Grant, and about General Grant not being ready to be retired. Giving him a position on the retired list of the Army of the United States is an honorable recognition by the Congress of the United States. It leaves General Grant to be disposed of by the people of the United States, and that will be very apt to be done without any regard to what the Senate may do on this side or the other. They have not generally asked the opinion of the Senate of the United States, if I recollect history, what was its view in regard to General Grant. They have generally taken that up and settled it for themselves, and I do not think it will be any very great block in the way of General Grant's popularity that the men whom he confronted in the great struggle for the Union and for liberty, with a solitary and honorable exception, breasted themselves against a recognition of his honor here. [Applause in the galleries.]

Mr. THURMAN. Mr. President——

Mr. ANTHONY. If the Senator will yield, I wish to move an adjournment.

Mr. THURMAN. I have a very few words to say and I would rather say them now. I shall occupy but very little of the time of the Senate.

Mr. President, I voted against the amendment of the Senator from California; certainly not because General Grant is a republican; certainly not because I undervalue the military services of General Grant; certainly not because of any personal ill-will I have toward him, for I have no such ill-will. So far as my limited personal intercourse with General Grant is concerned it has always been exceedingly pleasant. I voted against that amendment upon principle and upon a principle to which I think no allusion has yet been made in this discussion.

To understand this, Mr. President, we must look at the principle that underlies our pension laws, and see how different it is from that which governs monarchical countries in the bestowment of bounties upon those who have distinguished themselves in their military service. Every monarch rewards his great military commanders according to his own sense of the services they have performed and the distinction they have acquired, and pays them out of the public purse; he heaps on them dignities and he heaps on them wealth. Napoleon made his great generals first marshals, then dukes, and princes, and one of them a king, and bestowed immense fortunes upon them out of the public treasury. England bestowed millions upon millions upon Marlborough, upon the Duke of Wellington, and upon others. But has that been the policy of this country? Has it ever been the policy of this country? Where has there been any great pension-list in this country of distinguished men giving them thousands and tens of thousands of dollars a year in order to support them during the remainder of their lives or to maintain a great dignity in either their social or their political or official life? Nothing of the kind has ever taken place. On the contrary, our idea has been that the people would reward by public position the men who had distinguished themselves in the military service of the country and that those who remained in the Army would be distinguished by promotion in the Army; and the principle, therefore, of our pension laws has been to pay the private soldier the pension. Our pension laws do not rest upon the idea that the man who is to be pensioned is the one who has displayed great ability, one who has rendered great services by virtue of a powerful intellect, but one who has risked his life in the service of the country and has been injured in his health by the accidents of war. That is the theory upon which our pension laws are founded, and in that respect they go much further than those of any country on the face of the earth; far beyond what any other government ever has bestowed upon its soldiery. We have pensioned almost all those who were in the line during the war of 1812, and their widows and their second widows too. I am told we have gone on until at last it was sufficient for a man to have been twelve or fourteen days in the war of 1812 doing anything toward the military service to entitle him to a pension. I do not complain of this at all. Since I have been in the Senate I believe I have voted for every one of such bills, and I expect to do so in the future, as the rest of you do; but I mention this to show that it is not the great services resulting from intellect, resulting from great military knowledge, resulting from great military skill, those services that it is the part of a great general to perform, that this Government has been accustomed to recognize by a pecuniary reward.

On the contrary, we heap honors on these men, if they are in the Army, by promotion; if they are out of the Army, by dignified and high positions in the civil service of the country. And thus it is that in respect to General Grant this country has bestowed upon him all the honors it could possibly bestow upon him. Twice has it made him President of the United States; it doubled the salary of that office in order that the pecuniary rewards of it might be the greater for him; the Presidency for eight years, its salary amounting to $300,000 in those eight years—all this it has willingly bestowed upon this distinguished general; and it will not do to say that republics are ungrateful, certainly not that the American Republic is ungrateful toward General Grant with this record before us.

Mr. President, I was a little surprised at one remark made by my friend from California, and which I think he himself will regret when he comes to consider it. In reply to some question that was put to him why this measure in behalf of General Grant had not been introduced long ago, he said it could not be adopted, as I understood him, long ago, but that now was the opportune moment. Why is now the opportune moment? Because it could be tacked to this bill.

Mr. SARGENT. The Senator misunderstood me. I said now that Congress was considering the propriety of doing this thing, now was the opportunity.

Mr. THURMAN. Certainly; I understood the Senator to say, and certainly, I think, it will be understood to mean—of course I am subject to his correction—that now was the opportunity. Why the opportunity now? Because certain Senators here and the House of Representatives, if I may allude to that, (as it has been alluded to out of order again and again,) by an almost unanimous vote, have said "Shields ought to be placed upon the retired list," now is the time to couple Grant and Shields and make a log-rolling bill and carry them both!

Why, Mr. President, I imagine that if General Grant is the high-spirited man his friends think he is, he would scorn to be carried through on a log-rolling bill. If he is to receive this recognition at the hands of the American Government, his own honor, the gracefulness of the thing too, requires that it should stand on its own merits and not be carried through Congress as a log-rolling measure. In my judgment, if I were disposed to vote for such a measure as this in favor of General Grant, I never would tie him to this bill in behalf of General Shields. Never in the world should it be said, if I were disposed to vote for this measure for General Grant: "General Grant, you have got this reward from the American Congress because you were tacked to the tail of the Shields kite, and that carried you through."

Mr. President, I am opposed to that proposition in respect to General Grant, as I say, upon principle, because I do not believe that it is wise for the Government of the United States to inaugurate that system of great pecuniary pensions to distinguished military men which obtains in monarchical countries. I do not believe it is right. We have a little civil pension list in this country. It is confined, however, entirely to judges of the Federal courts; and the only justification in the world for it, and the ground upon which it was put by the committee that introduced the bill and by those who spoke

upon it, was that owing to the constitutional provision that a judge shall hold his office during good behavior, and therefore during life in almost every case, the only way in which you could get rid of an incompetent judge was to pension him off by allowing him to resign and continue his pay. It is a matter of history, as we all know, that we have had to resort to that to get rid of several judges who were totally disqualified to discharge their duties, one of whom was a lunatic, absolutely insane, and others totally disqualified to discharge their duties. The provision of the Constitution in regard to the tenure of the judges compelled us to make a civil pension-list as to the Federal judiciary; but we never have gone one single step beyond that. And in respect to the military and naval pension list—and I include both under the term "military"—we never have gone on the monarchical principle of giving great pensions to the distinguished officers in our service, but have rather given some recognition to the private soldier or the private seaman who has risked his life and incurred loss of limb or member or health in the public service.

Mr. President, even with that limitation, our pension list amounts, if I am not mistaken, to about thirty million dollars a year; far more than carried on all the functions of the Government of the United States when I arrived at man's estate; far more than paid all our expenses, pensions included, and interest on the public debt included, when I arrived at man's estate. If we are to add to this a great list of pensions commensurate with our idea of the intellectual ability and intellectual services and military skill of the generals and admirals and the like who have figured in our service, then we shall have that state of affairs which exists in monarchical countries and which never yet has been adopted here.

Mr. President, when I have made these remarks, I should not find fault with anybody for saying to me "this necessarily compels you to vote against the bill as it came from the House, because every principle which you have advanced militates against that bill." I feel the full force of that objection, and I must say that, highly as I esteem General Shields personally, for I had the pleasure of knowing him many years ago, much as I value the services which he has rendered to the country, much as I believe he is deserving of the country, it is not without misgivings that I shall cast a vote for the bill as it came from the House, if it shall in that shape be presented. I shall do so, however, entirely on the ground stated by the Senator from Georgia so well, and by the Senator from Indiana, that the case is wholly exceptional. Here is a man nearly or quite seventy years of age desperately wounded, wounded in the Mexican war, badly wounded in the civil war, in very humble if not absolutely destitute circumstances, and who might be selected as the bravest grenadier of France, well worthy of our esteem and needing some provision for his declining old age.

Mr. EDMUNDS. May I ask the Senator why a pension bill for him does not answer that purpose?

Mr. THURMAN. I would greatly prefer that if the pension was made adequate to the purpose.

Mr. DAVIS, of Illinois. I will sustain the Senator from Ohio there.

Mr. THURMAN. I would prefer that on principle. I would set no bad precedent then, and I should not do the injustice to officers of the Army to which the Senator from Vermont referred. I should greatly prefer that the bill was in that shape, but I have not the shaping of the bill at all. I must take what comes to me, and although I have so high an estimation of the merits of this gentleman and I feel the force of the peculiar circumstances of the case so strongly that I shall vote for the bill if it stands single and alone as it came from the House, yet I do it with very great doubt whether I am not helping to set a precedent which ought not to be set.

Mr. CONKLING. Mr. President——

Mr. HAMLIN. With the consent of the Senator from New York, the hour being late, I submit a motion to adjourn.

Mr. COCKRELL. I hope not. Let us finish this bill.

Mr. CONKLING. There will be several amendments offered to this bill, and several suggestions to be made.

Mr. COCKRELL. I hope the Senate will not adjourn.

Mr. CONKLING. Is the motion to adjourn debatable?

The PRESIDENT *pro tempore*. The motion is that the Senate do now adjourn.

Mr. DORSEY called for the yeas and nays, and they were ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had appointed Hon. MILTON SAYLER, a Representative from the State of Ohio, as Speaker *pro tempore* during the temporary absence of the Speaker.

The question being taken by yeas and nays on the motion to adjourn, resulted—yeas 32, nays 30; as follows:

YEAS—32.

Allison,	Christiancy,	Hoar,	Oglesby,
Anthony,	Conkling,	Howe,	Patterson,
Blaine,	Conover,	Kellogg,	Plumb,
Booth,	Davis of Illinois,	Kirkwood,	Rollins,
Bruce,	Dorsey,	McMillan,	Sargent,
Burnside,	Edmunds,	Matthews,	Saunders,
Cameron of Pa.,	Ferry,	Mitchell,	Teller,
Cameron of Wis.,	Hamlin,	Morrill,	Windom.

NAYS—30.

Armstrong,	Davis of W. Va.,	Jones of Florida,	Morgan,
Bailey,	Dennis,	Kernan,	Paddock,
Barnum,	Eustis,	Lamar,	Randolph,
Bayard,	Grover,	Maxey,	Thurman,
Beck,	Harris,	McCreery,	Voorhees,
Butler,	Hereford,	McDonald,	Withers.
Cockrell,	Hill,	McPherson,	
Coke,	Johnston,	Merrimon,	

ABSENT—14.

Chaffee,	Gordon,	Saulsbury,	Wallace,
Dawes,	Ingalls,	Sharon,	Whyte.
Eaton,	Jones of Nevada,	Spencer,	
Garland,	Ransom,	Wadleigh,	

So the motion was agreed to; and (at five o'clock and seventeen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 20, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of Saturday was read and approved.

CONGRESSIONAL DELEGATE FROM INDIAN TERRITORY.

Mr. BOONE. I ask unanimous consent to present at this time the views of the minority of the Committee on Indian Affairs upon the bill (H. R. No. 4868) to authorize the appointment of a Delegate to the House of Representatives by the councils of the tribes resident in the Indian Territory.

The SPEAKER *pro tempore*, (Mr. SAYLER.) Leave was given at the time the majority report was submitted for the minority to submit their views, and they can be filed for printing at any time.

ORDER OF BUSINESS.

Mr. BRIDGES. The Committee on Foreign Affairs have instructed me to report a resolution calling upon the Secretary of State for information.

Mr. HALE. I must call for the regular order.

Mr. BRIDGES. This will take but a minute or two.

The SPEAKER *pro tempore*, (Mr. SAYLER.) The regular order being called for, the morning hour begins at twenty minutes past eleven o'clock a. m. This being Monday, the first business during the morning hour is the call of States and Territories, beginning with the State of Maine, for bills and joint resolutions for introduction and reference to appropriate committees. During this call memorials and joint resolutions of State and territorial Legislatures are in order for reference.

Mr. PRICE. I ask unanimous consent that the call of States and Territories for the introduction of bills and joint resolutions be continued until all the States and Territories have been called.

Mr. GLOVER. I object.

LIGHT-HOUSE ON LAKE MEMPHREMAGOG.

Mr. HENDEE introduced a bill (H. R. No. 4889) authorizing the construction of a light-house or beacon-light on Lake Memphremagog, Vermont; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHANGE OF NAME OF A STEAMBOAT.

Mr. BUTLER introduced a bill (H. R. No. 4890) to change the name of the steamer City of Fredericktou; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MICHAEL SCHAFFEL.

Mr. HARDENBERGH introduced a bill (H. R. No. 4891) granting a pension to Michael Schaffel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON STATE BANKS.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 4892) to repeal sections 3412 and 3413 of the Revised Statutes, imposing a tax of 10 per cent. on State banks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ELISHA FRANKLIN.

Mr. PRIDEMORE introduced a bill (H. R. No. 4893) directing that a bounty land warrant for one hundred and sixty acres of land be issued to Elisha Franklin for military services in the war of 1812; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TAX ON SPIRITUOUS AND MALT LIQUORS.

Mr. PRIDEMORE also (by request) introduced a bill (H. R. No. 4894) to levy a tax on the sale of spirituous and malt liquors in barrooms and all places where intoxicants are sold by the drink in the District of Columbia; which was read a first and second time, referred

to the Committee for the District of Columbia, and ordered to be printed.

MASTER W. M. WOOD.

Mr. GOODE (by request) introduced a bill (H. R. No. 4895) to place Master W. M. Wood, United States Navy in his proper position on the Navy Register; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TENTS AND CAMP EQUIPAGE.

Mr. SCALES introduced a bill (H. R. No. 4896) to supply the State of North Carolina with tents and camp equipage, for the use of the militia while in camp for drill and for other purposes essential to their discipline, organization, and efficiency; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

HARMON VANN.

Mr. CAIN introduced a bill (H. R. No. 4897) granting a pension to dependent father Harmon Vann, of Huntsville, Madison County, Alabama; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOEL S. HANKINS AND WILLIAM BOYD.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 4898) for the relief of Joel S. Hankins and William Boyd, citizens of Lamar County, Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EMANUEL JONES.

Mr. JONES, of Alabama, introduced a bill (H. R. No. 4899) for the relief of Emanuel Jones, a British subject; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GOVERNMENT AID TO CERTAIN COMPANIES.

Mr. SHELLEY (by request) introduced a bill (H. R. No. 4900) granting aid by the National Government to certain companies incorporated by State authority for works of internal improvement; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

FRONTIER PROTECTION, ETC.

Mr. ELLIS introduced a bill (H. R. No. 4901) to secure frontier protection, and to promote international and domestic commerce; which was read a first and second time.

Mr. ELLIS. I move that the bill be referred to the Committee on Railways and Canals, and be printed.

Mr. THROCKMORTON. I move to amend that motion so as to refer it to the Committee on the Pacific Railroad, and that it be ordered to be printed.

The amendment was agreed to; and the bill was referred to the Committee on the Pacific Railroad, and ordered to be printed.

THE CENSUS.

Mr. GARFIELD introduced a bill (H. R. No. 4902) to provide for the taking of the tenth and subsequent censuses; which was read a first and second time, referred to the Select Committee on the Tenth Census, and ordered to be printed.

JOHN GROPPER.

Mr. McMAHON introduced a bill (H. R. No. 4903) granting a pension to John Gropper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY KENNEALLY.

Mr. BANNING introduced a bill (H. R. No. 4904) granting a pension to Mary Kenneally; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENSON SHORT.

Mr. KNOTT introduced a bill (H. R. No. 4905) for the relief of Henson Short, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

UNITED STATES COURTS IN KENTUCKY.

Mr. CARLISLE introduced a bill (H. R. No. 4906) in relation to the circuit and district courts of the United States in the State of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. ANN SHEFFIELD.

Mr. WILLIS, of Kentucky, introduced a bill (H. R. No. 4907) granting a pension to Mrs. Ann Sheffield, of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSEE M'COY.

Mr. WILLIS, of Kentucky, also introduced a bill (H. R. No. 4908) for the relief of Jessee McCoy, of the city of Louisville, State of Kentucky; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SOLDIERS OF WAR OF 1812.

Mr. BLACKBURN introduced a bill (H. R. No. 4909) extending the provisions of the act of March 9, 1878, to certain soldiers of the war of 1812; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLEMENT FISHER.

Mr. CALDWELL, of Kentucky, introduced a bill (H. R. No. 4910) for the relief of Clement Fisher, of Simpson County, State of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M. BARNETT.

Mr. CALDWELL, of Kentucky, also introduced a bill (H. R. No. 4911) for the relief of William M. Barnett, of Simpson County, State of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN JINNETT.

Mr. CALDWELL, of Kentucky, also introduced a bill (H. R. No. 4912) for the relief of John Jinnett, of Simpson County, State of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DISTRIBUTION OF APPOINTMENTS AMONG CONGRESSIONAL DISTRICTS.

Mr. ATKINS introduced a bill (H. R. No. 4913) to require all appointments in the civil service to be distributed equally among the congressional districts of the United States; which was read a first and second time, referred to the Committee on Civil-Service Reform, and ordered to be printed.

JOHN B. LYNCH.

Mr. FULLER introduced a bill (H. R. No. 4914) granting a pension to John B. Lynch, late private Company D, Third Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD F. KAVENAUGH.

Mr. SEXTON introduced a bill (H. R. No. 4915) granting a pension to Edward F. Kavenaugh, of Madison, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. CRITTENDEN introduced a bill (H. R. No. 4916) to amend the third paragraph of section 4693 of the Revised Statutes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. CRITTENDEN called for the reading of the bill, and it was read at length.

APALACHIAN MINING ASSOCIATION.

Mr. MORGAN (by request) introduced a bill (H. R. No. 4917) to incorporate the Apalachian Mining Association of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ANDREW J. BOWZER.

Mr. REA introduced a bill (H. R. No. 4918) to authorize the Secretary of War to remove the charge of desertion from Andrew J. Bowzer, late a private in Company G of the Twelfth Regiment of Missouri Cavalry Volunteers, and to grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH BROWN.

Mr. STONE, of Michigan, introduced a bill (H. R. No. 4919) for the relief of Joseph Brown, postmaster at Coopersville, Ottawa County, Michigan; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DR. C. H. LATHROP.

Mr. PRICE introduced a bill (H. R. No. 4920) granting a pension to Dr. C. H. Lathrop, late a surgeon in the First Iowa Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROHIBITION OF LOTTERY CIRCULARS.

Mr. OLIVER introduced a bill (H. R. No. 4921) to amend section 3894 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ESTHER LIEURANCE.

Mr. BOUCK introduced a bill (H. R. No. 4922) granting a pension to Mrs. Esther Lieurance; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT SNELLING BRIDGE.

Mr. STEWART introduced a bill (H. R. No. 4923) to provide for the construction of a bridge across the Mississippi River from the military reservation of Fort Snelling, in the State of Minnesota; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAGOSSA HOT SPRINGS.

Mr. PATTERSON, of Colorado, introduced a bill (H. R. No. 4924) relating to the Pagossa Hot Springs, in the State of Colorado; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM GILPIN.

Mr. PATTERSON, of Colorado, also introduced a bill (H. R. No. 4925) for the relief of William Gilpin, of Denver, Colorado, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BLACK HILLS NARROW-GAUGE RAILWAY COMPANY.

Mr. KIDDER introduced a bill (H. R. No. 4926) granting right of way over the public domain to the Black Hills Narrow-Gauge Railway Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

UTAH AND NORTHERN RAILWAY COMPANY.

Mr. MAGINNIS introduced a bill (H. R. No. 4927) creating the Utah and Northern Railway Company a corporation in the Territories of Utah, Idaho, and Montana, and to grant the right of way to said company through the public lands; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

F. E. WARREN.

Mr. CORLETT introduced a bill (H. R. No. 4928) for the relief of F. E. Warren; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ALPHONSE DESMARE.

Mr. GIBSON (by request) introduced a bill (H. R. No. 4929) for the relief of Alphonse Desmare, of Louisiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JAMES RYBARK.

Mr. GIBSON also (by request) introduced a bill (H. R. No. 4930) for the relief of James Rybark; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ELECTION FOR CONGRESS, WEST VIRGINIA.

Mr. WILSON introduced a bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia; which was read a first and second time, referred to the Committee of Elections, and ordered to be printed.

J. H. JOHNSON.

Mr. KENNA (by request) introduced a bill (H. R. No. 4932) for the relief of J. H. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WESLEY M'COY.

Mr. KENNA also introduced a bill (H. R. No. 4933) for the relief of Wesley McCoy, late a private in Company E, Seventh Regiment West Virginia Veteran Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY AND NAVY LIFE INSURANCE COMPANY.

Mr. RICE, of Ohio, (by request,) introduced a bill (H. R. No. 4934) to incorporate the Army and Navy Life Insurance Company of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JAMES H. ANDERSON.

Mr. MANNING introduced a bill (H. R. No. 4935) for the relief of James H. Anderson, of Tunica County, Mississippi; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ALFRED G. HOLCOMB.

Mr. EICKHOFF introduced a bill (H. R. No. 4936) for the relief of Alfred G. Holcomb; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SALE OF DETROIT ARSENAL.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 4937) to amend an act entitled, "An act to provide for the sale of the building and grounds known as the Detroit arsenal, in the State of Michigan, and for other purposes;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. WARD presented joint resolutions of the Legislature of Pennsylvania in favor of governmental aid for homestead settlers; which was referred to the Committee on Public Lands.

EDWARD E. WILCOX.

Mr. WAIT introduced a bill (H. R. No. 4938) authorizing and directing the Secretary of the Interior to restore to the pension roll the name of Edward Eugene Wilcox, a demented child of Leonard Wilcox, late a private of Company E, Twenty-first Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGE OF NAME OF YACHT.

Mr. VEEDER introduced a bill (H. R. No. 4939) to change the name of the yacht Emma T of New York, to Evangeline; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANDREW J. MIFFORD.

Mr. TIPTON introduced a bill (H. R. No. 4940) for the relief of Andrew J. Mifford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILBERT KING.

Mr. LATHROP introduced a bill (H. R. No. 4941) to grant a pension to Gilbert King, of Kane County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY.

Mr. SAMPSON introduced a bill (H. R. No. 4942) to provide for the payment of bounty to Union soldiers in certain cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

The SPEAKER *pro tempore*. At the request of the Speaker, the Chair desires to announce the following select committee on alleged frauds in the late presidential election:

Mr. CLARKSON N. POTTER of New York, Mr. WILLIAM R. MORRISON of Illinois, Mr. EPPA HUNTON of Virginia, Mr. WILLIAM S. STENGER of Pennsylvania, Mr. JOHN A. MCMAHON of Ohio, Mr. THOMAS R. COBB of Indiana, Mr. JOSEPH C. S. BLACKBURN of Kentucky, Mr. JACOB D. COX of Ohio, Mr. BENJAMIN F. BUTLER of Massachusetts, Mr. THOMAS B. REED of Maine, and Mr. FRANK HISCOCK of New York.

Mr. GARFIELD. As the name of Governor Noyes was mentioned in the resolution appointing the committee just announced, I ask leave to have referred to that committee a cable dispatch which I have received from him this morning.

The SPEAKER *pro tempore*. If there be no objection the dispatch will be referred to the committee.

Mr. GARFIELD. I ask to have it read.

The Clerk read as follows:

[Cable message, received at Washington, May 20, 1878.]

To JAMES A. GARFIELD, *Washington, D. C.*:

When investigating committee is organized have me subpœnaed.
PARIS. NOYES.

The SPEAKER *pro tempore*. If there be no objection the reference will be made as requested.

There was no objection.

Mr. GARFIELD. I have no doubt the committee will do Governor Noyes the justice to have him subpœnaed.

COMMITTEE ON TENTH CENSUS.

The SPEAKER *pro tempore*. The Chair desires also to announce on the joint select committee on the tenth census the name of Mr. ALVAH A. CLARK, of New Jersey, in place of Mr. WILLIAM S. STENGER, of Pennsylvania, resigned.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the Army appropriation bill until two o'clock when, under the rules of the House, the Committee for the District of Columbia will be entitled to the floor.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Tennessee that on Monday this can only be done by a suspension of the rules by a two-third vote.

Mr. ATKINS. I am aware of that.

Mr. BLAND. I rise to a question of order. I understand the Speaker has a list of gentlemen to be recognized for motions to suspend the rules on Monday. I make the point of order that those gentlemen should be recognized in regular order.

Mr. FRANKLIN. That does not prevent the Chair from recognizing the gentleman from Tennessee to move to suspend the rules to proceed with the consideration of an appropriation bill.

Mr. ATKINS. It is competent, I suppose, for the House to decide what business it will entertain.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri [Mr. BLAND] that it has been customary for the Speaker to recognize motions in favor of appropriation bills in preference to others; otherwise the Chair would recognize the gentlemen in order on the list presented to him by the Speaker's clerk. The Chair understands that the Speaker always gives preference to a motion from an appropriation committee in regard to a general appropriation bill. The Chair therefore recognizes the gentleman from Tennessee, but with the understanding that it will require a two-third vote on the part of the House for the House to resolve itself into Committee of the Whole.

Mr. PAGE. I ask unanimous consent——

Mr. ATKINS. I have declined the requests of several friends on this side to yield to them and I cannot yield to the gentleman from California.

Mr. FRANKLIN. I call for the regular order.

The question being taken, the rules were suspended, (two-thirds voting in favor thereof,) and the motion of Mr. ATKINS was agreed to.

Accordingly the House resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair.)

ARMY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole until two o'clock for the purpose of proceeding with the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes. The gentleman from Maryland, [Mr. KIMMEL.]

Mr. KIMMEL. Mr. Chairman, I trust I am properly impressed with the importance of the subject of which I am about to speak. I believe I approach it without partisan bias. I have the deepest conviction that upon a proper adjustment of it depends the peace and, I fear, the liberties of the people. I confess that the more deeply I inquire into the steady growth of the standing Army and the uses to which it has been applied, the stronger my conviction becomes that the highest patriotism demands the wisest precautionary measures.

Reviewing the past and attentively considering the present, I conclude that this is a time most auspicious for considering such measures.

The cause which selfish politicians so sedulously used as a means for cultivating sectional hate has ceased to exist. The statesmen whose skill was inadequate to the demands of the situation which those politicians had created have passed or are passing away. The people demand repose. Party pride finds but little inspiration from the qualities of its respective leaders, so that the good men of both the great parties may and do mingle in friendly counsel. Soldiers who crossed their swords in deadly conflict now interchange friendly greetings, and widows and orphans bedeck with flowers and bedew with tears the graves of those by whose hands their husbands and fathers fell. It seems as though the past is to be remembered only for its glories and the lessons to be learned from its teachings. This condition seems to assure that calm consideration by which statesmanship triumphs over the arts of the demagogue and the violence of the partisan.

THE DREAD OF STANDING ARMIES—COLONIAL TIMES.

Let us see by the broad light of history how fatal standing armies have been to liberty, and profiting by these examples learn how well these justify the distrust of the fathers. This dark cloud cast its shadow across their path and seems to have been their constant dread. Many of them were learned men, most of them wise men, patriots all. The records of their statesmanship show that they sought and found light in the experience of every government that preceded the one they were ushering into existence. They found—

That even Tacitus, the friend and servant of Roman emperors in the worst period of Roman history, when the pretorian guard sold and resold the Roman crown exclaimed, "Is there any escape from a standing army but in a well-disciplined militia?"

That in all the States of Western Europe, the shattered fragments of the Roman Republic, after the lapse of many centuries there remain recognizable vestiges of Roman freedom. Aragon was freer than England; Castile as free; the governments of the north almost patriarchal, and that even in France the king was far from absolute. That in all these there were restraints on the prerogative of the crown in fundamental laws and representative assemblies, and that by the force of standing armies all these constitutions, except that of England, had been crushed before the convention of 1787 had formed the Constitution of the United States.

That the history of England, their mother country, with which they were so loath to part, teemed with accounts of stern resistance to standing armies.

That Lord Bacon, the wisest although the meanest of mankind, had the courage in the time of the tyrant Tudors to declare that a "mercenary army is fittest to invade a country but a militia to defend it."

That the attempt to create a standing army under Charles I cost Strafford his head and eventually cost Charles himself, first his throne and then his life.

That General Monk, a republican general, with six thousand men, the remnant of Cromwell's republican army, overthrew the commonwealth of England by restoring Charles II to the throne.

That during the reign of this same Charles II this feeling of the English people found expression in the action of a grand jury which presented the standing army, and the pension Parliament, as it was called, voted that army a nuisance, and sent a member to the tower for saying "the king might keep guards for the defense of his person."

That when William of Orange desired to import into England the continental system, the consent of Parliament to the establishment of a standing army was obtained only by the passage of the mutiny act, which limited its existence to a single year.

That in the short period of one hundred years from the date of its establishment this army had increased to eighteen thousand men, and that part of that army was being employed for the subjugation of the colonies, so that in the immortal Declaration of Independence, when summing up the wrongs of years, they charged that "He (the king) has kept among us in times of peace standing armies without the consent of our Legislatures."

DREAD OF STANDING ARMIES DURING THE REVOLUTION, 1776 TO 1789.

This dread and detestation of standing armies appears on every page of their progress toward independence and the establishment of the Constitution of 1789.

On this subject the constitutions of the several States used emphatic language. The constitutions of Pennsylvania, North Carolina, and Vermont declared that "as standing armies in times of peace are dangerous to liberty, they ought not to be kept up." The constitutions of Virginia, Delaware, and Maryland declared that "standing armies are dangerous to liberty." New Hampshire declared that "standing armies are dangerous to liberty." Massachusetts declared that "as in times of peace armies are dangerous to liberty they ought not to be maintained."

Several of the States objected to the Articles of Confederation of 1776 because those articles did not deny the power of the confederation to maintain a standing army. In the debates in the conventions which adopted the Constitution of 1787 the spirit of resistance to standing armies is ever present.

Patrick Henry, the soul of the Revolution, in expressing his utter detestation of standing armies, said, as with prophetic eye he foresaw the future, "A standing army we shall also have to execute the execrable demands of tyranny. And how," he asked, "are you to punish them? Will you order them to be punished? Who will execute your commands? Will your mace-bearer be a match for a disciplined regiment?" (See Virginia Debates, 1787, page 66.)

Page 286, George Mason said:

I abominate and detest a government where there is a standing army. * * * When once a standing army is established in any country the people lose their liberty.

Page 287, Mr. Madison, the Father of the Constitution, said:

A standing army is one of the greatest mischiefs that can possibly happen.

Page 446, Mr. Grason said:

We ought, therefore, strictly to guard against the establishment of a standing army—whose only occupation would be idleness, whose only effort would be the introduction of vice and dissipation, and who would at some future day deprive us of our liberties as a reward for past favors by the introduction of some military despot.

In the Federalist where Mr. Madison, the Father of the Constitution, and Mr. Alexander Hamilton, the great advocate of its aristocratic and centralization features, in carefully prepared essays advocated its adoption, are to be found the truest expositions of its meaning.

On page 174, Mr. Madison wrote:

Not less true is it that the liberties of Rome proved the final victim of her military triumphs, and that the liberties of Europe, as far as they ever existed, have with few exceptions been the price of her military establishments. A standing force is therefore a dangerous at the same time it may be a necessary provision. On the smallest scale it has its inconvenience. On an extended scale its consequences may be fatal. On any scale it is an object of laudable circumspection and precaution.

Page 31, Mr. Hamilton wrote:

Standing armies, it is said, are not provided against in the Constitution, and it is therefore inferred that they will exist under it. This inference, from the very nature of the proposition, is at best but problematical and uncertain.

This record attests the deep detestation the fathers felt for a standing army; that if provided for at all by the Constitution it was only in the last resort. That they could have contemplated such a peace establishment as this Government now maintains I cannot believe any honest man will aver.

It was intended by the fathers that the militia should be a substitute for a standing army. (Elliott's Virginia Debates, 1785 to 1789.)

Page 285, Mr. Madison, the Father of the Constitution, said:

If insurrections should arise or invasion take place, the people ought unquestionably to be employed to suppress and repel them rather than a standing army. The best way to do these things was to put the militia on a good and sure footing and enable the Government to make use of their services when necessary.

Page 287, Mr. Madison said:

The most effective way to guard against a standing army is to render it unnecessary. The most effective way to render it unnecessary is to give the Government the power to call out the militia.

Page 309, Mr. Madison also said:

The Constitution does not say a standing army should be called out to execute the laws. * * * The militia ought to be called out to suppress smugglers. Will this be denied? If riot should happen, the militia are proper to quell it to prevent resort to another mode.

Page 286, Mr. Mason said:

If they, the Government, ever attempt to harass and abuse the militia they may easily abolish them and raise a standing army in their stead. There are various ways of destroying the militia. A standing army may be perpetually established in their stead. Should the General Government wish to render the militia useless, they may neglect them and let them perish, in order to have a pretense for establishing a standing army.

In the Federalist, page 121, Mr. Hamilton wrote:

The attention of the Government ought particularly to be directed to the formation of a select corps of militia of moderate size, upon such principles as would fit it for service in time of need. * * * This appears to me the only substitute for a standing army, and the best possible security against it, if it should exist.

How plainly the purpose is expressed by these, the fathers of the Constitution. The militia to be a substitute for a standing army. The militia was to be called out to execute the laws, to suppress smugglers and insurrection, to quell riot and repel invasion. Does any man question this interpretation of the instrument these, its architects, framed?

THE IMPORTANCE OF THE MILITIA.

Every State shall always keep up a well regulated and disciplined militia.—*Articles of Confederation*, 1776, article 6.

The militia of this country must be considered the palladium of its liberties.—*Washington's Circular Letter to Governors*, 1783.

A well-regulated militia being necessary to a free State, the right of the people to keep and bear arms shall not be infringed.—*Constitution*, 1789, amendment 2.

AFTER THE ADOPTION OF THE CONSTITUTION, 1789.

President Washington, in his message, June, 1789, urged the necessity of organizing the militia in these words:

It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend.

January 8, 1790, he said to Congress:

A free people ought not only to be armed, but disciplined, to which end a uniform and well digested plan is necessary.

January 18, 1790, General Knox, then Secretary of War, in his famous plan transmitted to Congress, said:

The idea is therefore submitted whether an efficient military branch of Government can be invented with safety to the great principles of liberty, unless the same shall be formed of the people themselves, and supported by their habits and manners. * * * An energetic national militia is to be regarded as the capital security of a free republic; and not a standing army, forming a distinct class in the community.

December 8, 1790, President Washington again pressed on Congress the importance of the militia.

October 25, 1791, he said to Congress:

The first (the militia) is certainly a subject of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order.

May, 1797, President Adams urged upon Congress a revision of the laws organizing the militia "to render that natural and safe defense of the country efficacious."

CONGRESS AND THE MILITIA—NEGLECT OF THE MILITIA PREDICTED—1790 to 1803.

In the debate on the second amendment to the Constitution Mr. Gerry, of Massachusetts, used this language:

What, sir, is the use of the militia? Is it to prevent the establishment of a standing army, the bane of liberty? * * * Whenever governments mean to invade the rights and liberties of the people, they always attempt to destroy the militia in order to raise an army upon their ruins. This was actually done by Britain at the commencement of the Revolution. They used every means in their power to prevent the establishment of an effective militia at the eastward. The Assembly of Massachusetts, seeing the progress that the administration were making to divest them of their inherent privileges, endeavored to counteract them by organizing the militia; but they were always defeated by the influence of the Crown.—*Annals of Congress*, 1789–1791, First Congress, page 778.

Mr. Jackson said:

The Swiss Cantons owed their emancipation to the militia establishment, the English cities rendered themselves formidable to the barons by putting arms in the hands of the militia, and when the militia united with the barons they extorted the Magna Charta from King John. * * * In England the militia has of late been neglected and the consequence is a standing army. In a republic every man ought to be a soldier and prepared to resist tyranny and usurpation as well as invasion, to prevent the greatest of all evils, a standing army.—*Ib.*

Mr. Burke said:

He knew it was the policy of the day to make the militia odious.—*Ib.*, volume 11, page 1869.

THE MILITIA ORGANIZED AND CALLED OUT IN VIEW OF INDIAN HOSTILITIES.

Congress passed an act to provide for the national defense by establishing a uniform militia throughout the United States; a very elaborate and carefully detailed act, the foundation of our present militia system, to which but little has been added. (See Annals of Congress, 1791–1793, Second Congress, vol. 1, page 1392.)

Congress passed an act authorizing the President "to require the executives of the several States to take effectual measures, as soon as may be, to organize, arm, and equip according to law, and hold in readiness to march at a moment's warning, the following proportions, respectively, of eighty thousand men," in view of Indian hostilities. (See Annals of Congress, 1793–1795, Third Congress, vol. 1, page 1446.)

Each Congress exercised this power for this same purpose. (See Annals of Congress, 1795 to 1803.)

Thus it is evident that during this period, when there existed the most extensive Indian invasion, actual and threatened, the country had ever known, the militia was relied on for defense, the regular Army at no time exceeding 3,578 officers and men, and often not two thousand.

OPPOSITION IN CONGRESS TO A STANDING ARMY.

The dread of a standing army so distinctly and constantly apparent throughout the history of the colonies and the confederation, from 1775 to 1789, was not allayed by the adoption of the Constitution. The establishment of an army, however small, met with constant and determined opposition. The purpose for which the small army of the earlier period was raised is always most carefully set forth. (Annals of Congress and American State Papers.)

August 10, 1789, six months after his inauguration, President Washington, in his message to the Senate, said:

I have directed a statement of the troops in the service of the United States to be laid before you for your information. These troops were raised by virtue of the resolves of Congress of October 10, 1786, and October 3, 1787, in order to protect the frontiers from the depredations of hostile Indians.—1 *American State Papers*, page 5.

This Army consisted of 840 men.

Congress passed an act regulating the military establishment of the United States, approved April 30, 1790, section 1 of which act raised the Army to 1,216 non-commissioned officers, privates, and musicians, and section 15 reads:

For the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States.—*Annals of Congress*, 1789–1791, First Congress, volume 11, pages 2282 and 2283.

Congress passed an act for raising and adding another regiment to the military establishment of the United States and for making further provision for the protection of the frontier, of which act section 1 enacts that there shall be raised an additional regiment of infantry, which, exclusive of commissioned officers, shall consist of 912 non-commissioned officers, privates, and musicians. (See Annals of Congress, 1789–1791, First Congress, volume 2, page 2415.)

According to the American State Papers, 1807, volume 1, page 223, the total force of the Army was 2,418. By the same authority, 1810, volume 1, page 251, the total force of the Army was 4,189.

On the motion to strike out the second section of the bill, which contemplated the raising of four additional regiments, the debates exhibit vigorous opposition. (See Annals of Congress: Protection of the frontiers, 1792, Second Congress, page 337.)

Page 673, Mr. Steel, of North Carolina, said:

He was certain neither the secretary nor any other person could account rationally for the occasion of such establishment; * * * neither was it contemplated in the Constitution of the United States. Yet it has, in the short space of three or four years, been imposing on the country burdens which the people have at length expressed their abhorrence of. It has been increased from $137,000 in 1789 to the extravagant demand now required of $1,171,719, and $50,000 contingencies for the support of 1793.

Page 765, Mr. Parker said:

He always abhorred the idea of keeping up standing armies in this country.

Mr. Giles objected to the retention of a major-general, (Anthony Wayne,) saying:

It would be the commencement of sinecures in the military department.—*Annals of Congress*, 1796, Fourth Congress, first session, page 1420.

In 1795 Mr. Madison moved an amendment to the act for raising a legion:

That these troops should be employed only for the protection of the frontier.

Mr. Randolph said:

The most popular act would be to put down the Army of the United States and arm the militia.—*Annals of Congress*, 1809, Eleventh Congress, part 1, page 61.

Mr. Potter, (Rhode Island,) speaking of the Army, said:

Give them power and they will generally go to the extent of it, if not abuse it.—*Annals of Congress*, 1810, Eleventh Congress, part 2, page 1590.

Thus, sir, it will be seen the dread of this Army found expression in Congress as late as 1810. After this period either the supineness of the people or their confidence in their strength seems to have made them indifferent to its existence. Later events demonstrate how rational was the dread of the fathers, and admonish us that "the price of liberty is eternal vigilance."

THE STANDING ARMY—ITS ORIGIN, GROWTH, AND STRENGTH AT PERIODS STATED—AND THE SUBSTITUTION OF THE ARMY FOR THE MILITIA.

Now, sir, I propose to exhibit the origin, growth, and strength of the standing Army and the gradual substitution of the Army for the militia despite the dread, detestation, and warning of the fathers:

[From the Annals of Congress.]

1789.—The Army of the United States consisted of 840 men, cost $137,000.
1790.—The Army was increased to 1,216 men, &c.
1791.—One regiment was added, 912 men, &c. Cost $1,171,719.
1794.—One regiment of artillerists and engineers was added, 992 men, &c.
1794.—Total army, 3,120 men, &c.
1795.—All former acts repealed and an act passed to increase the Army to 5,793 of all arms.
1796.—An act reorganized the Army so that it consisted of 3,620 men of all arms.
1798.—An act added 744 men, &c., making total strength 4,364 men, &c.
1800.—An act authorizing the President to reduce the Army.
The above was the authorized strength of the Army at the period stated.

[From the American State Papers.]

Page 48.—From 1802 to 1808, inclusive, the average strength of the Army was 2,726 men and non-commissioned officers.
The average cost of the Army for the same period was $798,194.98.
The cost per man, including officers, was, $292.80½.
Page 46.—Average strength of the Army, including officers, non-commissioned officers, musicians, and privates, during the three years 1809, 1810, and 1811 was 6,000.
Average cost of the Army for the same period was $2,301,621.48.
Annual expense per man, including officers, was $383.60.

[From Reports of the Secretary of War.]

1844.—Strength of the Army, 8,573; cost, ————.
1859.—Strength of the Army available, 11,000; cost, $13,098,725.
1877.—Strength of the Army, 25,000; cost, $31,597,270.68.
1877.—Annual cost per man, including officers, $1,263.80.

MILITIA INTENDED AS A SUBSTITUTE FOR A STANDING ARMY—HOW IT HAS DECAYED FROM NEGLECT.

We have seen, sir, how great was the hope of the fathers that militia, "the natural defense of a free state," would save the country from the dangers of a standing army, "the bane of liberty." And we have seen how baseless was their hope; how, as a peace establishment, it was destroyed by neglect within twenty years after the adoption of the Constitution, so far at least as a national institution; how all the influence of Washington could not arouse the people to sustain "this palladium of their liberty;" how the well-digested plan of General Knox, Washington's able Secretary, failed in peace though effective in war. We have seen, sir, how Congress has chosen to forget the existence of the militia, so that the law remains to-day as it was enacted in 1792. The law provides now, as it provided then, that the militiaman, officer and private, shall supply all things necessary to the service, his horse and accouterments; the officer shall have now, as in 1792, "a hanger and a spontoon," and the private shall have a "firelock and two spare flints," and for the reimbursement to the militiaman for the expense of this outlay Congress appropriates now, as in 1808, the sum of $200,000 each year—about two and a half cents apiece for each militiaman, officer and man, in the

United States of America, for discipline assembled; most certainly not a very extravagant allowance. Two hundred thousand dollars a year for the militia; $31,597,270 a year for a standing army. Two and a half cents a year for a militiaman, "the natural defense of a free state;" $1,263 a year for a regular soldier, "the bane of liberty." Sir, I will not weaken this statement by a word of comment.

STANDING ARMY NOT TO BE EMPLOYED FOR THE ENFORCEMENT OF THE LAWS.

Throughout the entire discussion of the standing army, it is clear that the American spirit would not tolerate the possibility of employing that army for the execution of the laws. The opinion of the times was distinctly and unanimously against it. This opinion is embodied in the Constitution. It is evident in the grouping of the powers conferred on Congress. The war power is given in article 1, section 8, in clauses numbered 11, 12, 13 and 14. These are:

11. To declare war, grant letters of marque and make rules concerning captures on land and water;
12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
13. To provide and maintain a Navy; and
14. To make rules for the government and regulation of the land and naval forces.

This is too plain for argument. In these four clauses is conferred the power to declare war and the power to obtain the means for carrying on the war. Then another power is given, separate and distinct from the war power. The power to execute the laws, suppress insurrections, and repel invasions is given in clauses 15 and 16. These are:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline, prescribed by Congress.

In these two clauses is conferred the power to execute the laws of the Union, suppress insurrections, and repel invasions, and the means for exercising this power. These two powers are as distinct as are the means to be employed for the exercise of them, the Army for defense against external foes, the militia for the suppression of internal resistance, the Army to be created by Congress, because war is a subject of national jurisdiction only; the militia to be created jointly by Congress and the States, because the execution of the laws of the Union and the suppression of insurrections may involve questions of disputed jurisdiction. By these provisions the people were to be protected from interference by such army as Congress might maintain. By this cautious adjustment of these balances did the fathers not only provide against intervention by the standing army, if such should exist, in the internal government of the country, but they also provided that the General Government should, by organizing, arming, and disciplining the militia, supply to the States the uniform means of resisting its own aggressions.

That this is the true interpretation of the Constitution is evident not only by the declarations, acts, and circumstances of the period of its formation, but also by the act and by the manner of the act of President Washington in the suppression of the only insurrection which occurred, or which had threatened to occur, during the first half century after the adoption of the Constitution.

In 1794 inhabitants of Western Pennsylvania resisted the collection of the tax on whisky. The United States court of that district was powerless to execute the law and appealed to the United States Government for aid. President Washington, before resorting to force, issued his proclamation commanding the insurgents to disperse. The proclamation failing of effect, the President, in obedience to the Constitution and the law made in pursuance thereof, called forth the militia of Pennsylvania and the adjoining States for the execution of the laws of the Union and the suppression of the insurrection. After the restoration of order Congress manifested its approval of the acts of the President and of the militia by passing the following resolution:

Resolved unanimously, That the thanks of this House be given to the gallant officers and privates of the militia of the States of New Jersey, Pennsylvania, Maryland, and Virginia, who on the late call of the President rallied around the standard of the laws, and in the prompt and most severe service which they encountered bore the most illustrious testimony to the value of the Constitution and the blessings of internal peace and order.

The language of this resolution embodies the whole spirit of the Constitution on this subject. It thanks the militia who rallied around the standard of the laws, and bore illustrious testimony to the value of the Constitution.

Here, sir, is testimony, in letters of living light, to the correctness of this interpretation of the Constitution, by many of the very men who framed that unequaled instrument, given within six years after its adoption, expressive of their satisfaction with its adaptability to the demands of that critical emergency, the first trial of its strength. The instrument, moved by its constructors, proved the harmony of its powers by the unity of its strength.

RÉSUMÉ AS TO THE INTENTION OF THE FATHERS IN REGARD TO THE STANDING ARMY AND THE MILITIA.

This evidence establishes—

First. That the fathers knew that history recorded the fact that standing armies destroy the liberties of the people.

Second. That dread and detestation of standing armies were the most prominent characteristics of the colonial and revolutionary period.

Third. That this dread of standing armies found expression in every governmental instrument touching this subject recorded by them.

Fourth. That a standing army was not intended by the framers of the Constitution, and that, if it existed under it, it was to be only in the last resort.

Fifth. That a standing army, if it existed, was to be used only for war, the defense of the frontier against the incursions of Indians, and for manning the forts.

Sixth. That a standing army should not be used for the execution of the laws, nor for suppressing insurrection.

Seventh. That the fathers relied on the militia as the natural defense of a free state, and that they so declared in every governmental paper relating to the subject put forth by them.

Eighth. That they intended the militia to be used as a substitute for a standing army.

Ninth. That they intended the militia should be employed to execute the laws of the Union and to suppress insurrection.

Tenth. That the militia, as a national institution, has been destroyed by neglect.

Eleventh. That a standing army has been raised on the ruins of the militia.

These, sir, are startling facts. Would it not be well now, during this lull in the storm of party strife, for the representatives of the people to ponder them deeply, and inquire whether there is not danger, immense and imminent, in this heedless disregard of the warnings of the fathers and the mandates of the Constitution they framed?

The standing Army as now employed is violative of the Constitution and of the law, which directs the manner of the employment of it. Notwithstanding this plain intent of the Constitution, the standing Army has been largely employed in all sorts of uses, at the request of all sorts of people, without regard even to such law as has been enacted for the direction of its employment in these unconstitutional uses. Generals commanding military departments, north, south, and east, report the employment, hundreds of times, of hundreds of detachments of the standing Army in the suppression of strikes, in the execution of the local laws, in the collection of the revenue, the arrest of offenders, &c., at the request of governors, sheriffs, and other local State civil authorities and United States attorneys, marshals, assistant marshals, and internal-revenue officers, in such open and flagrant violation of law that these generals suggest the enactment of such laws as will define the duties of the soldiery; in evidence of which I now read to the House the following extracts from the report of the General of the Army and of the generals of departments:

NEW YORK, *October* 8, 1870.

General McDowell, commanding the Department of the East, reports as follows: "On 3d December, in compliance with instructions from the Adjutant-General's Office, Major Abbot, with two companies of engineers, troops from Willet's Point; Major C. L. Best, with two companies from Fort Hamilton, one from Fort Wadsworth, and one from Fort Schuyler; and Lieutenant-Colonel Kiddoo, with four companies from Fort Columbus, all under command of Colonel Vogdes, First United States Artillery, proceeded to Brooklyn to assist Colonel Pleasanton, collector of internal revenue, in the execution of his duties."

LOUISVILLE, KENTUCKY, *October* 26, 1871.

General Terry, commanding Department of the South, reports as follows: "More than two hundred temporary detachments have been made from garrisons of posts for the purpose of aiding civil officers. These detachments have been made upon the request of governors of States, sheriffs, and other local State civil authorities and United States district attorneys, marshals, and officers of the Internal Revenue department."

DETROIT, MICHIGAN, *September* 27, 1872.

General Crook reports as follows: "In May last fifteen hundred of these miners in the vicinity of Houghton combined in a strike; they became nearly all armed and at last not only defied the civil authorities but rescued prisoners, disarmed the sheriff's posse, and threatened the peaceably disposed. The governor of the State presenting to me official proof of this state of things, received by telegraph May 11, made very urgent application for military assistance. The emergency appearing great, I determined to give the immediate aid of a military posse."

LOUISVILLE, KENTUCKY, *October* 1, 1872.

General Terry reports one hundred and sixty temporary detachments as in 1871, for these purposes.

LOUISVILLE, KENTUCKY, *September* 30, 1874.

General Terry reports forty-two temporary detachments to aid revenue officers.

LOUISVILLE, KENTUCKY, *October* 19, 1875.

General McDowell reports thirty-seven detachments to aid revenue officers.

ATLANTA, GEORGIA, *September* 30, 1876.

General Ruger reports seventy-one detachments to aid civil officers. Hundreds more have been made. So glaring and frequent had the violations of all law become that the generals, in defense of their honor and interests, made earnest protests against these practices, recommending the passage of laws defining more accurately the duties of the soldiery. An educated soldier could not fail to understand the immense responsibility he incurred not only to a newly elected President whose more acute understanding of the law would compel him to take measures for the removal of such officers as had thus defiantly violated it, but also to local authorities within whose jurisdiction these violations occurred. Therefore the General of the Army, Sherman, in his report of June 10, 1870, says: "In the examination of the reports herewith I invite your attention to the recommendation of General Halleck, which refers to the use of troops in assisting the civil authorities in maintaining peace, collecting the revenue, &c., which has become so common of late. The duties of the soldiery in this connection are not prescribed by statute so clear that the officers can understand their rights and duties, and the civil agents and authorities often expect more than can be rightfully and lawfully done. I think that soldiers ought not to be expected to made individual arrests, or to do any act of violence except in their organized capacity as a *posse comitatus* duly summoned by the United States marshal, and acting in his presence."

LOUISVILLE, KENTUCKY, *October* 24, 1870.

General Halleck in his report said: "I respectfully repeat the recommendation of my last annual report that military officers should not interfere in local civil differences, unless called out in the manner provided by law, and that requisitions of revenue officers should be accompanied by affidavits or some other proofs that the case comes within the provisions of the law authorizing or requiring military interference. As the case now is the revenue officer is the judge of the necessity of military guards and escorts. * * * When United States marshals and assistant marshals call for military aid to execute the process of the courts there should be an order of court authorizing such requisition on the ground that no proper *posse comitatus* could be obtained. Such restriction on the use of military force in civil matters would in my opinion not only afford a large saving in military expenditure but relieve Army officers from much of the responsibility which they are now obliged to incur in the performance of disagreeable duties which can hardly be said to legitimately belong to the military service. It may be proper to remark in this place that I have been assured by Federal civil officers that the use of troops in executing judicial process and enforcing the revenue and other civil laws, seems to increase rather than diminish the necessity of resorting to such force in civil matters. The ill-disposed become more and more exasperated by being coerced by force which they think has been unconstitutionally employed against them, and the better disposed relax their efforts to punish local crimes on the plea that this duty now devolves on the military. Hence in the case of a robbery or murder there is a call on Federal troops to arrest and guard the criminals. It is therefore a question well worthy of consideration, whether the military in civil matters should not be limited to a few well-defined cases, such as riots and insurrections, which cannot be suppressed by local and State authorities."

October 27, 1871, General Halleck again reiterated these recommendations.

Here spoke a soldier whose cultivation, sense of duty, and exalted patriotism impelled him to an independent expression of a well considered opinion. His proud spirit towered above the debasement which would have degraded him to the level of a pliant tool in obedience to the power by which his fortunes might rise or fall. These reports exhibit that not only have hundreds of detachments of an unconstitutional force, the standing Army, been precipitated on the States, but that these detachments have been used in a manner violative of the law intended to restrain the use of the constitutional force, the militia.

The law of 1792, under which President Washington called out the militia to suppress the whisky insurrection, (resistance to the collection of the tax on whiskey,) was re-enacted by sections 5297, 5298, 5299, and 5300 of the Revised Statutes; to which, however, is appended an unconstitutional amendment. This law of 1792 prescribed the conditions on which the constitutional force, the militia, could be used for the execution of the laws and the suppression of insurrection; not one of which were complied with before these detachments of the standing Army were precipitated on the people. No application had been made to the President, as prescribed by the law of 1792 and the law of to-day. No proclamation was made as required by the law of 1792 and the law of to-day. Governors, sheriffs, and other State and local civil officers, and United States district attorneys, assistant marshals, marshals, collectors of revenue, and other revenue officers, requested these generals, and these generals at the request of these officers precipitated these troops upon the people.

If this may be done in one district may it not be done in all the districts? If so, and the interest of a President demands, may he not use this power for his own purposes? May he not by this means subject every reluctant commander to the order of any political miscreant he may choose to make an assistant collector of revenue, until the whole Army is under his control, and then provoke the resistance he seeks for the employment of force and in the name of order substitute his will for law?

On what pretense will this practice be defended? The life of the Republic is no longer imperiled. The surrender at Appomattox concluded the case which passion had appealed to the court of arms; the contestants on the southern side of the record had accepted the decision in good faith, and history attests the scrupulous honor with which they obeyed the authority of the court. The generals report these practices as occurring between 1870 and 1877, five years after the surrender and continuing until now. Moreover, some of them occurred in Michigan, some in New York; certainly these States never imperiled the life of the Republic. What statute authorizes the practice? If there be such a statute, if the law has authorized such practice, then the Republic has descended to the lowest depth—a despotism sanctioned by law and accepted without protest by the people, the gloom of despair. No, sir; I thank God that no such statute exists, and I trust the day may never arrive when a Congress of the United States will become so servile as to enact such a law.

No, sir, this is not sanctioned by any statute of the United States, but practiced under a misconstruction of a statute, by which it is attempted to use the standing Army as a *posse comitatus*. It is provided by the Revised Statutes, section 788:

That marshals and their deputies shall have in each State the same powers in executing the laws of the United States that the sheriffs and their deputies may have, by law, in executing the laws thereof.

Under the laws of the several States the sheriffs have the power to summon the *posse comitatus*, which posse consists of all knights, gentlemen, yeomen, husbandmen, laborers, tradesmen, servants, and apprentices, and all other such persons above the age of fifteen years that are able to travel, (Dalton's Office Sheriffs, 354,) which definition existed from the earliest to the present time. No one, I presume, will attempt to maintain that a sheriff has the right to summon the Army of the United states to serve as a posse. If the sheriff cannot, how can the marshal? The authority is exactly the same. Fortunately the interpretation of the statute was made by those who framed it in 1795. The section 788 of the Revised Statutes is section 9 of the law of 1795, which law of 1795 is entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." The action of President Washington was in perfect accord with this interpretation during the whisky insurrection. The revenue laws (the tax on whisky) were resisted. The court of the district was powerless; it notified the President; the President called out the militia, and Congress thanked the militia—not the standing Army summoned as a posse, but the militia called forth by the President.

This attempt to clothe the marshals, the lowest officers of the United States courts, with authority to use a standing army as a *posse comitatus* had its origin in an opinion of Mr. Attorney-General Cushing. (6 Opinions of the Attorneys-General.)

It must forever be regretted that this learned lawyer should so far have forgotten what was due, alike to the cause of liberty, to the fathers who framed the Constitution, and to his own honor, as to write an opinion so utterly without foundation in law, which sought to facilitate the use of a standing army against his fellow-countrymen. Who reads this opinion in the light of the attending circumstances, as shown in the history of the times, will learn how a great lawyer may warp the law and the Constitution of his country to answer the demands of an emergency threatening to destroy the hopes of his unprincipled ambition.

In all the law of all the past, whose treasures are said to be obedient to his demand, this learned lawyer could find in support of this opinion, so pregnant with evil, not one enactment, not one judicial decision. His sole authority is Lord Mansfield, not as a judge, but as a statesman; not his decision on the bench, but from a debate in the House of Lords on the Gordon riots, when nearly eighty years had impaired his understanding, when the burning of his vast library had roused his anger, and threats against his life had quickened his fears. On this mere assertion Mr. Cushing has based this infamous opinion, although he must have known that in that very debate the Duke of Richmond, Lord North, and Mr. Fox suggested an act of indemnity to hold harmless the soldiers whose employment in the suppression of the mob had violated the law and offended the spirit of English liberty. And he knew further that the riot which occasioned that debate was of such proportions as to be treated as treason; that more than one hundred thousand men participated in it, and its leader, Lord George Gordon, was tried for treason and was saved by the influence of a strong family and the plea of a weak brain. This riot occurred nine years prior to the adoption of the American Constitution, and the employment of the army for its suppression may have been one of the uses of a standing army against which the fathers sought to provide when they indicated that a standing army, if it existed, was to be used only for defense in war, and the militia for the execution of the laws in peace.

If, sir, under this statute, as interpreted by Mr. Cushing's opinion, the standing Army of the United States can be used as a *posse comitatus* for the execution of the laws, we are living under a military despotism unqualified and absolute, for what is military despotism but the use of troops against the people without due authority of law? It matters not how many the troops, nor by whom commanded, whether a platoon by a corporal or an army by a general, whether directed by a deputy collector of revenue or the President of the United States; nor, sir, is the tyranny to be measured by the number of its victims; whether one person or one million have suffered, the Constitution is equally violated, the spirit of liberty equally offended. Disguise it as we may the despotism is as thorough as that attempted by Strafford and accomplished by Monk. Resistance cost Strafford his head, submission cost the people their liberty. In the short space of twenty years the liberty-loving compeers of Hampden had degenerated into the luxury-loving slaves of Charles. It is to be feared that the heroes on both sides of the line have in a short time, from 1860 to 1878, given signs of the same degeneration. It is not the fear of bodily harm, but love of luxury that makes men cowards and slaves.

MR. HAYES'S SECRETARY OF WAR, THE STANDING ARMY, AND THE WORK PEOPLE.

Hon. George W. McCrary, Mr. Hayes's Secretary of War, in his report of June 30, 1877, thus expresses the policy of the present administration:

Furthermore, it must now be accepted as a fact, which experience has demonstrated, that Federal troops may be required not only for the protection of our frontiers, but also to preserve peace and order in our more populous interior. * * * The Army is to the United States what a well-disciplined and trained police force is to a city, and the one is quite as necessary as the other. Those who oppose any increase in the Army do so upon the theory that the local militia is sufficient for all the purposes of preserving the peace and suppressing local uprisings. * * * Our fathers who framed the Constitution, and who were not without experience on this point, doubted the wisdom of relying upon the militia and so provided for the employment of the Federal troops for this purpose. If this seemed necessary to them in the early period of our history, when our population was largely rural, and the spectacle seldom or never witnessed of large masses of men idle, suffering, and desperate, how much more necessary is the same thing now. As our country increases in population and wealth, and as great cities become numerous, it must be clearly seen that there may be great danger of uprisings of large masses of people for the redress of grievances real or fancied; and it is a well-known fact that such uprisings enlist in a greater or less degree the sympathies of the communities in which they occur.

In view of these considerations, it is respectfully recommended that authority be given to the President to increase the strength of the depleted companies now embraced within the Army organization.

This open avowal by this fearless War Secretary of an administration distinguished for its peculiar disregard of the interests of the

people is too defiant of the American spirit of public liberty to be permitted to pass unrebuked, and demonstrates but too plainly how a pretended representative of the people may become so hardened by his votes in support of unconstitutional measures as to be the fittest instrument for the execution of them.

I thank this Secretary of this non-elected President, this war minister of the crown, for this bold attempt to justify the unconstitutional means by which his master was enabled to usurp the place he holds. Again and again I thank this undisguised advocate of imperial power for this unmistakable declaration of his purpose to employ the same means, the standing Army, to reward those who assisted at the consummation of that loathsome wrong. I thank him too that, in this attempt to justify that wrong and to reward those who assisted at its perpetration, he has appealed to "our fathers who framed the Constitution" in support of the dangerous doctrine that a standing army was intended to police the States, and by asserting that they ("the fathers") doubted the wisdom of relying upon the militia and so provided for the employment of the Federal troops for this purpose.

Here, sir, and now, in the presence of these the Representatives of forty-eight millions of people claiming to be free I join issue with this Secretary, who so unpardonably misrepresents the intent of "our fathers who framed the Constitution." I proclaim that not only did "our fathers who framed the Constitution" not intend that the standing Army, if it existed, should be used for the execution of the laws of the Union and the suppression of insurrection, but that they did intend it should not be used for that purpose, and also that they did intend that the local militia should be the only reliance for the suppression of domestic violence, and further that they did intend to obviate necessity for a standing army by organizing, arming, and disciplining the militia.

In the earlier part of this argument I quoted largely and with distinct references the exact language of "our fathers who framed the Constitution" in evidence of their dread of and hostility to standing armies. In every page of the history of the earlier period, long before, at the time of, and long after the adoption of the Constitution, the warnings against the dangers of standing armies are loud, distinct, and constant. Everywhere these warnings appear. In the controversies between the mother-country and the colonies, in the Declaration of Independence, in the constitutions of the States, in the Articles of Confederation, in the debates in the conventions which adopted the Constitution, in the Constitution, in the letters of Washington, in the speeches of the members of the earlier Congresses, in the enactments of those Congresses, in the history of the whisky insurrection of 1794, in the reluctance with which the earlier Congresses consented to the formation of a standing army—first only eight hundred and forty, privates, non-commissioned officers, and musicians; next twelve hundred and sixteen; next nine hundred and ninety-two—limiting the employment of them to the defense of the frontier, in the aversion to the employment of a major-general, (if only for a few months,) in the repeated declarations that standing armies were not to be employed for the execution of the laws, nor for the suppression of insurrection, in the emphasis with which it was insisted that the militia was to be used for this purpose, in the doubt as to whether the Constitution contemplated a standing army in peace at all, in the advocacy of conferring power on the United States Government to call out the militia, that it might be made a substitute for a standing army, and especially in these words of the "Father of the Constitution," Mr. Madison:

> A standing army is one of the greatest mischiefs that can possibly happen. * * * The Constitution does not say a standing army shall be called out to execute the laws. * * * The militia ought to be called out to suppress smugglers. Will this be denied? * * * If riot should happen the militia are proper to quell it, to prevent resort to another mode. (2 Elliott, 287.)

And in these words of Mr. Alexander Hamilton, the aristocrat and centralizationist of the Constitution:

> It is said standing armies are not provided against in the Constitution, and hence it is inferred they would exist under it. This inference, from the very form of the proposition, is at best but uncertain and problematic. * * * The attention of the Government ought particularly to be directed to the formation of a select corps of militia of moderate size, upon such principles as would fit it for service in time of need. This, it appears to me, is the only possible substitute for a standing army and the best possible security against it if it should exist.—*Federalist.*

As late as the Congress of 1809, John Randolph expressed the same dread of a standing army in these words:

> I believe that they (the people of the United States) are not content and never would be content to see a standing army, fully equipped, armed, and disciplined, while the militia, our defense against internal as well as external enemies, remained unarmed and defenseless * * * The people who will consent to remain unarmed while arms are put in the hands of a standing army, governed by martial law, are ripe for a master.

In the Congress of 1810 Mr. Potter, of Rhode Island, expressed like apprehension. Speaking of the militia, he said:

> If this shall not be found to answer the expectation of military men, and we shall hereafter have a President of more military habits, the next change would be a large standing army. And this is the way republicanism usually slides into despotism.

I will not cumulate more testimony. Already this astute and able lawyer is overwhelmed. On this record I claim an acquittal of "our fathers who framed the Constitution" of the heinous charge he has attempted to fix upon their hitherto unblemished reputation, and I demand that the Government be administered according to their intention, and that, in obedience to the plain letter of the Constitution, the militia of the country be organized, armed, and disciplined, that, according to the intent of that instrument, it may be employed when necessary for the execution of the laws and the suppression of insurrection; and the standing army be not used to "suppress the uprising of large masses of people for the redress of grievances, real or imaginary, enlisting in a less or greater degree the sympathies of the communities in which they occur."

How slight, sir, is the partition between this power claimed by this war minister of the Crown and that which merges the political rights of the citizen in the divine right of kings. It behooves this House to take care that his means be reduced and his powers be circumscribed.

DEFENSE OF THE MILITIA.

The use of the standing army and the increase of it as practiced and advocated by the administration of Mr. Hayes and its friends lead to a review of the events which gave rise to that argument.

The reckless extravagance ever engendered by civil strife culminated in the crash of 1873. The contraction which ensued compelled reduction in the wages of many of the working people and the discharge of many others. The high rate of taxes caused by increased debt and the high price of bread and meat, caused by large exports of these necessaries, worked hardship. The masses became discontented and sought redress through strikes.

Associated capital, burdened by responsibilities incurred during inflation, attempted to maintain its dividends on extravagant investments by transferring those burdens from the corporations to their servants, and further reductions ensued. These servants inquiring as to the necessity for these hardships were surprised to learn that not only was it sought to maintain those dividends on the original stock and on the stock created out of the earnings of these corporations, known as watered stock, but that the amount of those dividends in excess of the legal interest of the States in which these corporations were located would in some cases, if applied to the pay-roll, admit an increase of wages of more than 30 per cent. This knowledge intensified the discontent. These faithful servants could not consent that unmarried men should be induced to accept the wages which hungered their own families, and disorder ensued. Unfortunately for themselves, the corporations, and society, these men overstepped the limits of the law, which indiscretion resulted in what Mr. Secretary McCrary describes "as uprisings of idle, suffering, desperate men for the redress of grievances, real or fancied, having the sympathies of the communities in which they occur," and for the suppression of which he asks an increase of the standing army to police the States, meaning thereby to transfer the terror of his bayonets from the South to the North.

In some of the States where these disorders occurred, as in West Virginia, where no police existed and the militia had decayed, the civil authorities were powerless. But it must be remembered that that State had not recovered from the disorganization consequent on the war. Moreover, militia organization at the South might have been misconstrued.

In Pennsylvania, where the greatest disorder existed, political interest had subordinated public safety and blinded the civil authorities to the growing lawlessness of sworn associations, until immediate restraint by the militia, inadequately officered, became impossible. In New York, New Jersey, Ohio, and Indiana the civil authority, and its subordinate, the militia, preserved or soon restored the peace.

In Baltimore City, the metropolis of Maryland, a police force of five hundred men, composed of the best possible material, organized and disciplined and led by officers whose capacity, courage, fidelity, and humanity commanded the respect of the most lawless, by temperate and judicious exercise of their power checked the violence of the misguided men whom the ill-judged policy of associated capital had exasperated to madness. This triumph of the civil authorities by means of the police, a citizen soldiery, is the highest evidence of the capabilities of a well-trained militia for suppression of domestic violence.

Unfortunately that same capital became needlessly alarmed at imaginary dangers in a distant part of the State and demanded military aid. The military alarm was sounded. Less than five hundred militia, the entire force of the city, and more than five thousand exasperated men answered that call. It is much and deeply to be regretted that some of the members of the less-disciplined regiment, without orders, but in self-defense, fired on the mob, and loss of life ensued. The better-disciplined regiment marched, amid the most exasperating demonstrations, with the courage and precision of veterans to the depot of the railroad company, then threatened by countless numbers, protected the endangered property, and guarded the prisoners captured by the police without the loss of a single life. Thus five hundred police and three hundred militia, all citizen soldiery, held at bay the turbulent element of a city of four hundred thousand inhabitants, proving themselves efficient conservators of the peace, in a violent conflict between labor and capital, until the body of the people were enrolled to prevent a recurrence of the disorder and the passions of the mob had cooled. Soon the sober second thought set in. To their credit be it spoken, many of those very men whom exasperation had driven to the front of the strike were foremost at the restoration of the order they had so inconsiderately disturbed. An acknowledgment of the sufficiency of the citizen soldiery of Baltimore, its police and militia is to be found in the modest assumption of the Secretary of War in his report before referred to.

This incident attests the wisdom of "our fathers who framed the Constitution" in assigning to the militia the high function of executing the laws and suppressing insurrection. Nor can the advocates of the use of a standing army for policing the States nor of the despotic government which that army is intended to establish, whether they be high functionaries of the government or not, break the force of these examples by proclaiming the insufficiency of the militia, except in those instances where it has been weakened by political demagogues or neglected and repressed by the national administration.

It will not be maintained that the militia has always been equal to every occasion. What soldiers have? But he has read the history of his country in vain who has not learned that its military character has been formed on the achievements of its militia.

The colonist, whether of English, Celtic, or German blood, brought with him the love of liberty and hatred of tyranny that marked his life in the elder land. Life in the wilderness cultivated these virtues. Want compelled labor, labor gave strength, strength courage, so that whether he landed at Jamestown, Plymouth, or Saint Mary's he became the militia-man of freedom. The pioneer, of whatever period, has been the militia-man of the frontier. His was the mission to subdue, not only the wilderness, but its savage inhabitant. The rifle was his means of subsistence and defense. To the hunter, the woodsman, the plowman, it was his constant companion. His house became his fort—the defense of his wife and children the object of his utmost vigilance. The minute-man of his home was well trained to become the minute-man of the State. The Indian wars of two hundred years prove the efficiency of his education. King Philip, Tecumseh, Black Hawk, and their dusky following, yielded by slow but sure retreat a continent to their prowess. The militia won the liberties of their country. They fought the battles of the Revolution. Every field from Lexington to Yorktown attests their devotion. Sometimes reluctant, sometimes in panic, but through all suffering and through all disaster triumphant, and the world breathes freer for their sacrifice. The war of 1812 was fought mainly by the militia. The most brilliant of its victories were won by militia alone over the best regulars the world has ever seen, the soldiers of Wellington, commanded by the ablest of his generals. Plattsburgh and New Orleans will live forever. Washington and Greene, Jackson and McComb, and their hero comrades were militia all, whose glories are bright and enduring as those of the ablest mercenary that ever fought for pay.

The militia-man is part of his country; he is identified with it by all his interests, feelings, and ambitions; his home, wife, and children are among its treasures; he rests in its peace and thrives in its prosperity; he finds protection under its Constitution, assists at its government, and abides by its laws; he contributes to its support and offers his life in its defense; its history is the record of the achievements of his fathers; he shares its glory and its shame. If he survives the danger that called to the field he returns to the body of the people, resumes the duties of civil life, and again contributes to the taxes he does not consume. Such is the militia-man this Government, the agent of the people, refuses to organize, arm, and discipline for the execution of the laws and the suppression of insurrection.

"Our fathers who framed the Constitution" thought the militia had been "the natural defense of a free State," whether as Roman citizen, member of a European guild, or of a train band of London-town; or whether as a Swiss mountaineer, a Saxon forester, or an English yeoman, king, or baron, had found in him a friend when king or baron was friend of freedom. But the militia has none of the personal inducements that tempt the administrators of government to assist at its support, therefore it has been neglected or repressed and a standing army raised on its ruins.

A regular is the reverse of all this. He is a soldier by trade; he lives by blood! His is a business apart from the people. His condition works a severance of interest. He consumes what they create. He seldom marries; nor does he accumulate property, nor form and continue social relations; his habits unfit him for the relations of civil life; he enlists and re-enlists, becomes a permanent part of the military establishment of the country, and looks to its bounty for pension or asylum as the refuge of his old age. The order of his superior is his only law. At the command of that superior he fights for or against the laws, the constitution, the country under which or in which he lives, in turn its master or its slave. He sacks, desecrates, indulges when and where he dares. He serves, obeys, destroys, kills, suffers, and dies for pay. He is a mercenary whom sloth, luxury, and cowardice hires to protect its ease, enjoyment, and life. Such is the soldier whom "our fathers who framed the Constitution" refused to intrust with the execution of the laws and the suppression of insurrection. "Our fathers who framed the Constitution" thought him "dangerous to public liberty" and dreaded and detested him, and declared he ought not to exist. The danger of standing armies they learned both from their own experience and from the lessons history taught; whether as Roman legions, pretorian guards, or janizaries they oppressed the people; whether the instruments of German or Russian emperors or of French or Spanish kings they riveted the chains of nations. Whether great or small the fathers sought to avoid their existence and restrain their use. Mr. Madison said, "If small they are inconvenient, if large they may be fatal."

Yet despite the dread, the detestation, and warnings of "our fathers who framed the Constitution," a standing Army exists, and it has its uses too; albeit neither the Army nor its uses were contemplated by them. Cadetships for sons, employment for dependents, commands for friends, contracts for retainers, pensions for the disabled, retired lists for the superannuated, the pomp and circumstance of war, the pride and power of social intercourse, and the intermarriage that constitutes a governmental aristocracy, and hence the munificence of the appropriations—all these constitute the standing Army, the creation, the favorite, the instrument of the Government, and explain why the militia has been neglected or repressed and this dangerous power erected on its ruins. The future Gibbon, pondering our past from this early present, as he writes the decline and fall of this vast Republic, will fail to find an adequate reason why the descendants of Otis and Henry, Mason and Gerry, should, within so short a time, have substituted a dangerous Army for a safe militia, and will start at the rapid strides so young a people had made from the principles of liberty as taught and practiced by the administration of George Washington to the principles of despotism as taught and practiced by the administration of Rutherford B. Hayes. Let it never be forgotten that it was the velvet foot of the politic Augustus which softly stole from the tribune to the throne, nor that the pretorian guard, the standing Army of Rome, sold and resold that gorgeous throne. Well will it be for the future if in this lull of party strife, not long to be continued, we, the Representatives of the people, dignified by their confidence and responsible for its abuse, examine the fearful progress we have made and retrace our steps to the paths we have left.

THE FRONTIER, THE INDIANS, THE STANDING ARMY.

In order to approximate sound conclusions as to the number of troops necessary to repel Indian invasion it is important to review, as fully as time will permit, the defense of the frontier from the early period.

In 1789, the first year of the administration of President Washington, the territory of the United States consisted of somewhat more than eight hundred thousand square miles, containing less than four million inhabitants—about five to a square mile. The whites occupied a territory along the Atlantic, extending less than two hundred miles inland, being about one fifth of this area and less than twenty-five persons to a square mile, the great majority of them living near the Atlantic coast. The remaining four-fifths of this territory was inhabited by nearly two hundred thousand Indians, the most warlike on the continent. Except at some forts in the Northwest, a few missionary stations, and trading posts, the white man was unknown. It was a trackless wilderness. The Spanish possessions on the south and west extended from the mouth of the Saint Mary's on the Atlantic westerly along the northern boundary of Florida to the Mississippi River, thence northerly along the river and across the land to the Lake of the Woods on the Canada line. The English possessions, then as now, extended from the Lake of the Woods to the southeast corner of what is now the State of Maine, making a frontier thirty-five hundred miles long.

These two powerful nations, hating democratic institutions, struggling for commercial supremacy, traded with the Indians within and without the United States, and supplied them with arms, munitions, and whisky, and instigated them to depredations, arson, and murder.

Sustained by them and allied with kindred tribes, these Indians were formidable foes. War between them and the whites was unremitting and merciless. The war-whoop was heard even east of the Blue Ridge; and the settler often found the family he left a few hours before, brained and scalped, and his house in ashes. No time, no place, no condition was safe.

Exposed to the attacks of these formidable foes, open and secret, the infant Republic emerged from an exhaustive war and entered upon an experimental government with neither money nor credit. The trackless wilderness extending from the Alleghanies to the Mississippi was known only to a few daring hunters and trappers. Undismayed it met and overcame every difficulty. Without roads, without any but the most cumbrous means of transportation, without any but such rude rafts or boats as could not be made to ascend the streams; for fourteen years, until the period of the cession of Louisiana, hardy pioneers pushed on the settlements. Every advance was defended with stubborn courage, the frontiersmen being their own militia, aided at times by the few enlisted men whom Congress could be induced reluctantly to employ. The number of these enlisted men, according to such information as can now be obtained, did not average for the fourteen years more than twenty-five hundred men.

In this connection I have read with great attention the very able and elaborate argument in support of this large standing Army made by the distinguished soldier and statesman, late a governor of the State of Texas and now an influential member of this House. I have derived much information from the great array of statistics he presents; but I confess to great surprise when he attempts to justify this large standing Army by an exhibition of its proportion to the number of his fellow-citizens. In how far he can measure the necessity for a standing Army by the number of the citizens of his country, I am utterly at a loss to comprehend, unless he proposes to use that army against those citizens. Has that distinguished soldier and statesman, heretofore the proclaimed friend of liberty, become a convert to the published theory of Mr. Hayes's Secretary, the war minister of the crown, Hon. George W. McCrary, that "it must now be accepted as a fact, which experience has demonstrated, that Fed-

eral troops may be required, not only to protect the frontiers, but also to preserve peace and order in our own more populous interior?" If so distinguished a friend of liberty, whose home is so far removed from the corrupting influences of the Capitol, has become a convert to such doctrines, then this House may take warning of the danger impending by the facility with which this doctrine of centralization promulgated here has found echo from the frontier. It was the Gallic legions Cæsar led to Rome.

The only foe against which "our fathers who framed the Constitution" intended the standing Army, if it existed, should be used was a foreign foe. The only foreign foe these United States will ever have to meet is the Indian, if foe the poor Indian may be called. Therefore I prefer to measure the Army, not as against my fellow-citizens, but as against the Indian. To do this I propose to exhibit the strength of the Army at those periods when neither apprehension of foreign war, existing war, nor the result of war increased its strength.

During the fourteen years extending from 1789 to 1803, the period of the cession of Louisiana, the standing Army of the United States did not exceed an average of twenty-five hundred men. During the same period the Indians, men, women, and children, south of the Saint Lawrence and east of the Mississippi, were variously estimated at upward of one hundred and eighty thousand. These Indians had the secret aid of England and Spain and the open aid of all the Indians within communication. As 2,500 soldiers were to 180,000 Indians so was 1 soldier to that proportion of Indians, which was 1 soldier to 72 Indians. The cession of Louisiana added more than a million of square miles to the United States, more than doubling the size of its territory. The Indians who roamed that immense domain increased the number of Indians within the United States largely beyond the original number. Yet the American State Papers exhibit that the average strength of the standing Army from 1803 to 1809, inclusive, did not exceed 2,726 men; certainly no increase in the proportion of soldiers to Indians.

In 1820, when after the war with England the Army was adjusted to a peace establishment, it numbered 6,000 men; estimating the Indians at a mean between the 180,000 of 1789 and 200,000 of to-day they number 230,000, making the proportion of soldiers to Indians about 1 soldier to 40 Indians.

In 1850, twelve years after the peace with Mexico, which added another million of square miles to the United States and its proportion of Indians, the Army was 13,000 strong. Assuming that the Indians have not decreased since then the proportion of soldiers to Indians was 1 soldier to 22 Indians.

In 1878 the Army is 25,000 strong. The Indians, men, women, and children, after deducting 60,000 civilized, are only 230,000, making the proportion of soldiers to Indians 1 soldier to 9 Indians.

This mode of adjusting the size of the Army to the number of its foes has, I believe, been the usage of all the great captains, albeit the result of the process is not very flattering to the capacity of the Army of to-day.

This comparison of the past with the present shows that in 1818 1 soldier was equal to 70 Indians, and that in 1878 1 soldier is equal to only 9 Indians.

And although economy is not exactly the object of this argument, I may be pardoned for showing that in 1808 it cost less than $5 to keep one Indian in subjection, and that in 1878 it cost $137 to effect the same object; although modern invention has converted the mobilized soldier into a migratory citadel and multiplied indefinitely his death-dealing power.

It does seem to me that with the money appropriated for the Indian Bureau, to be applied to the irritation of poor Lo by withholding his supplies, and the money appropriated for the War Department, to be applied for his pacification by the distribution of powder and ball, he might be accommodated at our comfortable hotels and thus avoid all excuse for maintaining the Army, which Mr. Hayes's amiable Secretary, Mr. McCrary, proposes to apply to the suppression of the "uprisings of large masses of idle, suffering, and desperate men, sympathized with by the communities in which these occur."

The expenditures for these humane purposes have been enormous.

For the twenty-eight years from 1851 to 1878, inclusive, the appropriations for the Indian Bureau amount to about	$98,000,000 00
For the ten years before the war, 1851 to 1860, inclusive, the appropriations for the Army, including rivers, harbors, and fortifications, amounted to	141,911,051 12
For ten years after the war, 1868 to 1878, inclusive, appropriations for the Army, exclusive of rivers, harbors, and fortifications, amounted to	297,260,325 21
Making the total for irritation of the Indian by the bureau and his pacification by the Army	537,171,376 33
To which add for that part of the Army employed in observing the Indians from 1861 to 1868, inclusive, at the rate only which the Army cost from 1851 to 1860, say $14,000,000 for eight years	112,000,000 00
Making a total for the irritation of the Indian by the bureau and his pacification by the Army for twenty-eight years	649,171,376 33

about one-third of the amount of the great national debt. Certainly the Indian has proved to be a very extravagant luxury.

The analysis of these figures shows another condition not altogether unworthy of notice:

The cost of the Indian Bureau for the ten years from 1851 to 1860, inclusive, under democratic administration, amounted to something more than	$20,000,000 00
The cost of the Indian Bureau for ten years from 1869 to 1878, inclusive, under republican administration, amounted to something more than	54,000,000 00

being thirty-four millions or 170 per cent. more under republican than democratic rule for the same number of years.

The cost of the Army, including river, harbor, and fortifications, for the ten years from 1851 to 1860, inclusive, under democratic rule, amounted to nearly	$142,000,000 00
The cost of the Army, exclusive of rivers, harbors, and fortifications, for ten years from 1869 to 1878, inclusive, under republican rule, amounted to more than	297,000,000 00

being one hundred and fifty-five millions or about 112 per cent. more under republican than under democratic rule for the same number of years.

Making the cost of ten years of republican administration over the cost of ten years of democratic administration of these two Departments, the Indian Bureau and War Department, both periods of profound peace, the enormous sum of $189,000,000—or more than 116 per cent. more than it cost under democratic rule—a loss of $189,000,000 to the labor of the country.

CONCLUSION.

That the people of this country, who within one hundred years have increased its area from eight hundred thousand to thirty-six hundred thousand square miles, its population from four millions to forty-eight millions, its States from thirteen to thirty-eight; who have organized governments over all its territory, bridged its broadest rivers and ascended to their highest sources, leaped its valleys, crossed its deserts, pierced, cleft, and climbed its mountains, compelled the earth to yield from its surface food for distant millions and from its bowels precious stores for their use, and in a frenzied revelry sent millions of brothers to meet in mortal strife—that they should permit two hundred and thirty thousand Indians, men, women, and children, without the means to conduct or prolong an earnest war, to compel them to maintain an army of twenty-five thousand soldiers, at a cost of nearly $32,000,000 per annum, seems to be an incomprehensible absurdity, and indicates such utter indifference to the affairs of the Government as to make it possible for its administrators to perpetuate any condition for purposes not too broadly seen. That practices existed in connection with the Indian Bureau and War Department by which immense sums were squandered was well understood; but these little extravagances were of too small consequence to rouse the facile servants of a too prosperous people. Besides, it was good for trade! But now that other practices and recent declarations indicate worse purposes of the greatest magnitude, public safety demands a change of system for the management of this stupendous business—that we return to the ways whereby our fathers set us free.

If this army of twenty-five thousand soldiers be enough for war, then it is too much for peace. In peace the only use for soldiers is to care for the forts. If twenty-five thousand soldiers are necessary to care for the forts, then there are none for the field and the Indians may depredate unchecked, unless the militia be called out. If from twenty-five thousand men troops can be spared for the field, then there are too many for the forts and the excess ought to be discharged. In the days of our fathers, when Indians threatened invasion the militia were called out, and such men as Harrison and Johnson taught these Indians that war was made to secure peace, and peace was secured. No Sitting Bulls escaped from them! When peace was secured the militia returned to their homes and the little army returned to the forts. No Indian Bureau and War Department demanded the cultivation of the Indian that the bureau and Department might have excuse to exist. War meant war. Peace meant peace; compliance or annihilation. Immeasurably better that no Indian roamed the forest or no white man intruded on his range, than the frontier be used as an apology for maintaining an army which, according to recent practices and declarations, may be let loose upon the people at the demand of a class or whenever popular sentiment disputes a usurper's will.

Let the Indian be compelled to make war or keep the peace. Let the Indian Bureau do justice or cease to be. "Our fathers who framed the Constitution" devised the way and set the example; wise will it be to follow in the one and imitate the other. Eleven millions of white people live west of the Mississippi. These afford one million militia, brave, hardy, willing. Twenty thousand of these in the field will in a single campaign settle the peace forever. The interest of militia is peace. The safety of their families and homes demands peace, and peace they will have. Let the representatives of the people take care that they have the opportunity to compel it. The expense of a single soldier is more than $1,200 a year; of 5,000 soldiers six millions a year; half of this sum three millions a year, will give to each of the three hundred congressional districts $10,000 each; $10,000 will be $20 a piece for 500 militia-men; $40 will arm and equip a man. In two years 150,000 militia-men will be ready for discipline; $20 per

man each year will pay all expense of disciplining this force. West Point can educate more than the necessary officers. By this means the States and the General Government will have 150,000 militia identified with the peace, order, and liberty of the country. The facility and certainty with which this may be done is attested by the condition of the militia in most of the old States north of Mason and Dixon's line, whose efficiency was so clearly demonstrated during the late disorders.

By this means the purpose of "our fathers who framed the Constitution" will be effected, $3,000,000 will be saved to the public Treasury, and a force constituted upon which to formulate, drill, and discipline the great body of the militia, so that no public enemy, be it white or red, one man or thousands, regulars or mobs, will attempt to obstruct the operation of law. Thus every citizen of whatever condition, secure in all his rights, may peacefully await the correction of every evil subject to amendment by the ballot. This is the theory of this Government as declared by the men who won the liberty of the country and framed the organic law on which it rests. The experience of the present attests their wisdom, and the immediate future commands us to profit by its lessons. They knew the safety of the militia and the danger of standing armies. Large or small, they knew and dreaded their power. They knew that Cæsar conquered the liberties of Rome with five thousand legionaries; that the pretorian guard which sold and resold the Roman throne numbered not more than eight thousand men. They knew that Cromwell, in the sacred name of liberty, with republican soldiers, dispersed the Parliament of England, and as Lord Protector governed what he was pleased to call the commonwealth without assembling the legislative power of the realm; that Monk, a republican general, restored the monarchy he had aided to overthrow with only six thousand troops; that standing armies sustained thrones, compelled conscience, and enslaved the people; and we, their degenerate and irreverent sons, know that, shielded by the power of standing armies, tyrants have reconstructed the governments of States, imposed constitutions on unwilling people, obstructed the ballot by soldiers at the polls, protected minorities in their usurpations, taxed the people without representation, encouraged and defended extortion, maintained thieves and plunderers of the public Treasury, placed soldiers in the capitols of States and excluded the representatives of the people, empowered a corporal to visé the credentials of members of a Legislature, constituted returning boards whereby elections are made void, encouraged and facilitated false returns of an election for President and Vice-President of the United States, conspired to count the electoral votes of the States for these high offices in a manner violative of the Constitution, law, and usage, overawed the House of Representatives so that it consented to postpone the rights of nearly five millions of freemen and seated a man, without color of title, as President of the United States, who is assisted in the administration of the office by the men who aided and abetted the unlawful means by which he obtained unlawful possession. And we know, too, that the General of the Army declared that without a standing army the citizens of the United States are a mob, and that the Lieutenant-General announced his desire to treat the citizens of a State as banditti, and that they have permitted the use of their Army as a *posse comitatus* to invade the homes, seize the property, imprison the person, and take the lives of citizens. And we know that this war minister of this intruding President, encouraged by the supineness of the people, promulgates the doctrine that a strong Federal force is to be stationed in the neighborhood of the large cities to repress the uprisings of "idle, suffering, and desperate" men for the redress of grievance, well knowing that the vote of these large cities control the political power of such States as New York, New Jersey, Pennsylvania, Ohio, Illinois, Missouri, and Maryland, where resides one-third of the political power of the country, thus erecting a military despotism under the form of but upon the ruins of the Republic.

Disorder, or the fear of disorder, is necessary to the success of this despot scheme for the establishment of a stronger Government as it is mildly called. The dormant violence of the party must be aroused in order to assure disturbance among the people. Anarchy is the tyrant's opportunity. Born of a false construction of the Constitution, nurtured into artificial existence by measures at war with the laws of trade, nursed by statesmen who aspired only to success, sustained in its youth by vigorous fanaticism, made corpulent by the spoils of war, enfeebled by too long possession of power, its appetite palled by indulgence, this late powerful republican party languishes for want of stimulating food. Restoration of self-government has given to the South peace, contentment, prosperity. The races live in the harmony which springs from memory of kind association, and sense of mutual dependence. This unwelcome change of condition compels the republican party to look elsewhere for the excitement necessary to its life, other subjects in other localities. The distressed condition of the work-people at the North supplies opportunity for the experiment. The isms which sprang, ready-armed, from the brain of republicanism are concentrating for a feverish existence in communism. This monster seeks to force or rend its mother. Alarmed at its frantic folly, the immense wealth of the party trembles at its rage, while the subtle leaders laugh at their fear and magnify the danger in justification of this demand for an increase of the Army. Hence the quickening cry of commune. That this vulture is made to gnaw at the vitals of our liberty is shown by the haste with which dupes echo the voice of the incendiaries directed to alarm capital by this senseless cry, and by the persistency with which the pensioned press misrepresents the assemblages of "idle, suffering, desperate men," supplicating for work, at almost any price, as organizations for the destruction of society. Disturbed at imaginary danger, every goose gabbles an alarm for the safety of property, as though communism could exist in a country where the people make the laws and land is to be had on credit at one dollar and a quarter per acre. Communism is the distorted offspring of hopeless oppression, suffering, and want. It sickens and dies in the presence of free institutions.

Thanks to "our fathers who framed the Constitution," the people have peaceful means for the redress of grievance. By intelligent exercise of the ballot at the frequently recurring elections they may change both the law-making and law-executing power. Thanks to their intelligence, the work-people awake to their sense of this power. The action of their late most important convention indicates that they comprehend the situation; that they have learned that peace, not violence, is the condition and means of their triumph; that lawful power is their weapon and shield; that theirs is not only the "might that slumbers in the peasant's arm," but the force that acts through a freeman's vote; that by an intelligent exercise of the ballot they may reduce the cost of the Government to the lowest possible cent by reduction of salaries and abolishment of sinecures, enforce just taxation, repeal and prevent class legislation, remove imposts from raw material, establish ocean lines to profitable ports, so that by reducing the cost of American manufactures, without reducing American wages, the products of American labor may compete for the markets of the world and thus revive the languishing industries of the land. Imperious want compels the study of their interests. Organized power will compel official obedience and make their ballots the fiats of their will. They will not be induced, instigated, or provoked to check by violence the sure but slow return of better times by those whose lust for power prompts them to evoke disorder that they may offer to property the protection of force.

Fear of the people is the chronic cowardice of luxurious civilization. It seeks to be saved from the just burdens of government. It prefers bullets to ballots, mercenaries to militia, and demands for a class the protection of a throne. For this to-day it raises or echoes the cry of commune, that out of the dread disorder, felt or feigned, it may find the opportunity to retain, strengthen, and consolidate the power it has usurped. Disguise it as we may, this one great truth is indisputable: the man who holds the Presidency of the United States against the will of the people, clearly expressed according to law, is as surely a monarch as he who by birth or force holds a throne, sways a scepter, or wears a crown. Republicans may fret and democrats may fawn, but so long as the usurper holds his power he is master and they are slaves.

By whatever name history may describe the electoral commission, its birth, life, and death, the motives, conduct, and benefits which governed, characterized, or attached to the actors and beneficiary of that most solemn farce, it will forever debate whether submission to its finding was the result of the most heroic patriotism or of the most abject cowardice the world has ever seen. This one fact, however, it will never deny. The silent soldier who commanded the standing Army riveted the chains which the people drag along in lengthening disgrace.

I know we cannot hope to do more now than to assist at the reduction of the Army, and, at the passage of the amendment I offer, to restrain the Army so that it may not be used as a *posse comitatus* without even the color of law. I trust, however, at the next session we may obviate all necessity for any but a very small standing Army by the passage of a law to organize, arm, and discipline the militia to be used to execute the laws of the Union and suppress insurrection as was intended by "our fathers who framed the Constitution."

Men of New England, the history of whose fathers glows bright with the love of liberty, ye who are next of kin to James Otis and Samuel Adams, and the rightful inheritors of their immortal renown, hearken to the echo of the mighty past:

Standing armies are dangerous to liberty and ought not to be maintained.

I offer the following amendment:

Provided, That from and after the passage of this act it shall not be lawful to use any part of the land or naval forces of the United States to execute the laws either as a *posse comitatus* or otherwise, except in such cases as may be expressly authorized by act of Congress.

Before the conclusion of Mr. KIMMEL'S remarks his hour expired and the hammer fell.

Mr. HUMPHREY obtained the floor.

Mr. BANNING. I ask unanimous consent that the time of the gentleman from Maryland be extended.

Mr. FOSTER. I dislike very much to object, but the arrangements are such that if the gentleman's time is extended other gentlemen will be precluded from an opportunity to address the committee.

Mr. HUMPHREY. I must object.

Mr. SINGLETON. There is but half an hour remaining before the business of the District of Columbia will come up, and the gentleman from Maryland might as well be allowed to occupy that time.

Mr. WHITE, of Pennsylvania. I hope there will be no objection to the extension of the time of the gentleman from Maryland.

Mr. KIMMEL. I want only ten minutes.

Mr. HUMPHREY. I cannot yield from the fact that the District

of Columbia business comes up at two o'clock, and I have only this half hour in which I can speak.

The CHAIRMAN. The Chair would state that the gentleman from Wisconsin [Mr. HUMPHREY] has a right to speak in the time of the gentleman from Pennsylvania, [Mr. SMITH,] and this is the only time under the rules that he will be entitled to speak, and if he yields the floor now there will be no time which the Chair can assign to him for debate upon this bill.

Mr. HUMPHREY. Mr. Chairman, I am sorry to have to take from the gentleman from Maryland any time that he desires upon this question. If I had been in a position to make my remarks without giving them in an extemporaneous manner I should have gladly yielded to him; but it is understood that there are very few of us who get an opportunity to speak upon these bills and upon questions that come before the House unless we do it at an opportune moment; and as I have had no opportunity to put in writing what I desired to say in the short time I have, I am obliged to occupy that time which is conceded to me.

It is not my desire, Mr. Chairman, to antagonize in any manner the bill that has been presented to the committee. It has many features that are exceedingly in advance of the law as it stands at present. There are many excellent features connected with the bill; but I desire, before proceeding further, to meet an idea that has been so often advanced upon the floor of this House, that a standing army is a menace to the liberties of the people.

I desire for a few moments to call the attention of the House to the time when the first standing army sprung into existence, and the causes and the reasons given in the history of the time for that which resulted in the Old World in having what is now understood to be a standing army. It is a well known matter of history that the first standing army recognized by any law in England was in the commencement of the reign of William and Mary.

It is also a well known fact of history, that prior to that time the very small standing army which was organized in the time of Charles I was never recognized as a standing army, but was nothing more than the trained bands or militia of the nation; and after the revolution of 1745, when an attempt was made and carried into effect to organize a national militia, the popularity of that measure, brought forward by the statesmen at that time, was exceedingly great; but they lived to see the day when the national militia fell into ridicule, and a standing army became the rule in England.

I desire now to call attention to why this was. Before the time of the restoration, before the time of the revolution, long back to the days of Henry V, when the feudal tenure existed in England, there could have been no such thing as a standing army. The tenant *in capite*, or the lord of the fief, owed vassalage and service to the monarch, and was called upon to furnish a quota of men. When thus called out he could not be compelled to leave the country nor to remain in the service more than ninety days at one time, so that unless the tenant *in capite* or lord of the fief was in unison with the spirit of the monarchy, which was absolute at that time I may say, there could be no rule of action by which the king himself could bring about that state of things which would lead to the establishment of an army. No such thing as a standing army was known; and why? Because under the feudal tenure it could not exist.

We come down now to the time when all such service was commuted to the Crown, and when troops were put in action by the Crown by means of commutation made by the *tenant in capite* or the owner of the fief who owed service to the lord or service to the Crown. And when that service came to be commuted, then was the first idea entertained that a standing army could be maintained in place of those trained bands, in place of that vassalage which the vassal owed to the *tenant in capite* or the owner of the fief which he owed to the monarch. Then the idea of a standing army sprang into existence, because the old service was commuted by the payment of money, which was used for the purpose of supplying the army with its regiments and battalions.

We now come down to the time to which I referred a few moments since, when Charles I raised the seven thousand men, and when it was said, as it is to-day, that a standing army was a menace to the liberties of the country. Mind you, Mr. Chairman, I do not stand here to-day to argue that a standing army must necessarily exist for the purpose of protecting our liberties; I am not here to urge that. I am here simply to withstand the idea that even in the case of a constitutional monarchy a standing army is necessarily a menace to the liberties of any people.

I desire to call attention to the difference between those times and the present. When the standing army was first organized in England, which is provided for in the mutiny bill passed yearly by the commons, providing that no man shall be court-martialed unless the mutiny bill should be passed annually and until the passage of the bill, no man who committed a crime in the military service could be punished except by civil power. They have passed that bill every year, and appropriations for the army are made every year. This provision of the British constitution we have taken for our model, making appropriations for the Army every year. When such was the rule of action in England the danger had passed, if there ever was any, arising from a standing army under a constitutional monarchy; for the history of England since that day shows conclusively that under her constitution the largest liberty and pure freedom are compatible with the existence of a standing army.

The national militia, as it was called, and which it was supposed would bring about a state of things in England that would save the necessity of a standing army—the national militia fell into disuse, for the very reason which we saw in this country last summer, when it was found that the militia was not fitted to take the place of the regular troops. Those who form the national militia are born and live among those with whom they are to contend; they are organized for certain purposes in case of emergency. They never are in such a position that they can have the drill, the experience, and the training which will fit them, when the emergency arises in the history of the nation, to withstand the onset required of them, when they had to fight on the continent under the banner of William or the Duke of Marlborough. For, adverting to the difficulties of last summer, it was then clearly proven that regular troops were much more effectual, and their duties more respected, than the State militia. They knew no country except the Union of these States; they fought under no flag but the "Stars and Stripes." No State boundaries constrained them, or limited their duties. They were soldiers of the Republic, and nobly sustained their reputation as such.

Recurring to British history, as the prerogatives of the Crown were yielded by William and Mary a standing army sprung into existence which had certain limits recognized by the constitution of England as that constitution was perfected during the reign of William. From that day to this England has stood first as a nation of prosperity, a nation that has supported a standing army from 1688 until to-day, and which has never in any instance found occasion to fear that her standing army would forswear its allegiance to the country or the Crown.

The trouble is we forget that England the moment she began to assume that shape under her constitution which she has at present, the moment that her institutions became molded into permanent form, the moment there was such a change in the constitution and manners of her people—because her constitution was written in the hearts and the lives of the people—that moment the change in her constitution led England to stand forth as a nation whose liberties were guarded by her Magna Charta and were not to be trenched upon in any case by any danger that could arise from a standing army.

It may be answered that France, in her great system of national militia, for the last three centuries has presented a case where a national militia in the hour of difficulty and emergency was able to withstand the onset of a foreign or a domestic foe. But I would call your attention to the fact that in France the monarchy was absolute; and where a monarchy is absolute and the militia is under the eye and guidance of the emperor, whose power and whose word is law, it may well be that in such case a national militia for the national defense might have its power and its strength uncrippled through all ages.

But how is it in the case of a constitutional monarchy or of a republic? Take, for instance, our own land. We have, as has been stated by the gentleman from Maryland, [Mr. KIMMEL,] provided in our Constitution that no appropriation shall be made for a standing army except at stated times, as therein enumerated. We have made provisions in our Constitution as stringent as those in the constitution of England; so that at all times, except in one emergency, the standing army is in subordination to the civil power. And if in that emergency the civil power stands aside for the military power experience has shown that in a country like ours there is no danger. Experience has shown that when our citizen soldiery shouldered their knapsacks and took their muskets in hand and came to the front they lost none of their patriotism, none of their allegiance and fidelity to the Government, which they had when they enlisted; because it was patriotism and love of country and love of law and order that induced them to throw aside their hoe, their plow, and their pursuits of civil life and shoulder the knapsack and step forward in the defense of their country.

In 1868 what was the footing of the Pentarchy on the continent? France had 1,200,000 men, and this was in time of peace. Austria had 800,000 men; Italy, 500,000; Russia, nearly 1,000,000; Prussia, about 1,000,000. Thus we see that in time of peace here were nearly 5,000,000 men in the military service under the Pentarchy in Europe, saying nothing about the 300,000 men that England at that time had in her regular army.

I do not bring forward these considerations as any reason why we should augment our Army. It was at that time a fact, (and as Motley says no epigram could be terser than the fact,) it was in 1868 a fact that the United States had an Army of but 40,000 men, while that European Pentarchy had nearly 5,000,000. Could there be a greater contrast between monarchical and republican institutions? Our Republic, with this small military force, had a border extending thousands of miles, that border infested by savages, liable at any time to break forth into a state of war. But with us, relying upon the intelligence and virtue of our people, an Army of 40,000 men sufficed. It is upon popular intelligence and political virtue that we must ever rely, for when these die out in a republic nothing is left to take their place. So long as the citizen of the Republic feels within his breast the love of country and the determination to do his duty honestly and fearlessly, we need never apprehend that an Army of 30,000 or 40,000 men is dangerous to our liberties.

Why, Mr. Chairman, during the last year we had a standing Army of twenty thousand or twenty-five thousand men. During a part of the year this Army was without any appropriations for its support.

If there was ever a time when we might expect the men and officers of our Army to show insubordination or want of patriotism it was then when proper appropriations had not been made for their support, and when they were called upon to travel from the Rocky Mountains to the cities of the East and the West to protect property and life from violence during the "strikes." But no truer patriotism, no stronger love of country, no sweeter incense upon the shrine of liberty was ever poured out than during that time when the soldiers' certificates for their pay had to be cashed by Drexel & Co., the soldiers paying the interest thereon because the Government had failed to make the necessary appropriations. Though their necessities had to be provided for in this irregular and uncertain way they stood their ground bravely, nobly, and did not even murmur.

To determine the question whether a standing army such as any we are likely to have in this country is dangerous to our liberties, we have only to address the question to our own hearts. All of us have friends, many of us have relatives in the Army, and we have only to ask ourselves this question: if we were called upon to-day to leave civil life and take part in repelling any foreign foe, would not our love of country be as strong, would not our hearts in that hour of national trial beat in unison with the demands of our country just as much as if we were in civil life?

Why, sir, the republic that existed longest in history was the Republic of Sparta, which endured eight hundred years; yet no such thing as constitutional monarchy or anything else than civil rule obtained in those times. The German historian informs us that when at the close of the Roman republic the German youth who had been brought under subjection by the Romans entered Rome (and at that time the Roman civil law obtained all over the continent of Europe) they saw meanness by the side of avarice; they saw nothing to attract the eye of a man who loved liberty in his native home. This was one reason why Germany threw off the yoke and regained her liberties, detaching herself from that empire. It was because Rome had lost her political virtue; because she had nothing left except her army, and that had become corrupt for the reason that no love of country could survive in any people who had become the slaves of absolute power which had been fastened upon them.

Turn to France in her early days; and in this connection I desire to meet the argument of the gentleman from Maryland [Mr. KIMMEL] who states that a standing army must inevitably be a menace to the liberties of any country. Take a rapid glance at the history of France from the eighth to the fourteenth or fifteenth century. The feudal tenure had been fastened upon France, as it then prevailed in Germany and in Italy. But that system did not extend to Spain. It is a remarkable fact that Spain in the eighth century had greater freedom than she has in the nineteenth. In the eighth century Spain stood forth as a nation in which the freedom of every man was kept intact by that power which gentleness and truth will always give. Spain, before the invasion of the Moors, had a military and a civil government fully constituted and her liberties were better guarded than those of any other nation on the face of Europe.

I now call particular attention to France, when the Dukes of Burgundy were at the height of their power and figured brilliantly upon the page of history. When those dukes were called upon by the king to aid in suppressing insurrection or to resist the invasion of a foreign foe, Burgundy stood like any separate State of this Union; the army of the dukes, if you please, was like the militia of the States, and the dukes yielded to the demand of the king or not, just as it suited them, for their power was such that they could even resist the monarch of France. In one instance, which all will remember, the Duke of Burgundy sided even with the King of England against the King of France. We read that on the banks of the Rhine a Duke of Anjou plucked the plant which gave the name of Plantagenet to the holders of the English crown; and long the royal house of England bearing that name shed a luster over the English monarchy by the brightness of its coming. I say that in that day and generation the French monarchy was powerless by reason of these fiefs held by the powerful Dukes of Burgundy and Anjou, held from the French crown, but in reality at times more powerful than the crown itself, for they refused to yield to the demand of the king to join in the war against his enemies. I speak of this to show in that day and in that time there was no love of union, no love of country; there was consequently no power which was able to cement the nation irresistibly against its enemies foreign or domestic. It was through the disintegration of the Empire of France, because of the defection of the Dukes of Burgundy and others, that England was able to secure unquestioned grasp of power over France and elsewhere throughout Europe for so many centuries.

My argument, Mr. Chairman, is that in a country like this, a Union composed of sovereign States, the power of the General Government being defined by the Federal Constitution—I say, and say it respectfully, in answer to the objections of the gentleman from Maryland, [Mr. KIMMEL,] that if our Constitution contemplated anything it contemplated a standing Army; because one, in fact, existed under the articles of confederation. We had the common law of England as our guide. We had heard and seen the efforts of Walpole, Pitt, and the great men of that day to bring the finance into proper order and condition, and we had beheld the power to which England in consequence had risen. We had all that light shed upon us at the time our Constitution was framed by the fathers. We had the whole example of England before us, and we had seen she had a standing army from 1688 to the very hour in which our Constitution was framed. Our Constitution was framed exactly with a view of providing for a standing army, so that the General Government should not be compelled to depend altogether at all times and in all emergencies upon State militia alone. We have recognized that fact for the last century. We have never yet seen any evil to flow from it. We have never yet known the liberty of a single citizen invaded by it. And let me say, Mr. Chairman, that I would rather have our liberties to-day protected upon the deck of an American ship with the old flag floating over it, even though the citizen whose rights were to be protected had merely declared his intention to become a citizen of the United States, I would rather risk them upon an American ship, under the American flag, commanded by an American officer, than in any State of the United States; because the General Government has shown when the rights of an American citizen were threatened it would put forth its entire power to protect them at every hazard. It can never be forgotten that such was the course pursued in the case of Louis Koszta, who, although he had merely declared his intention to become a citizen of the United States, was, by the exhibition of the power and energy of an officer of the Government, freed from a prison-hold in the Adriatic and restored to all his rights.

I am in favor, therefore, of granting to the General Government whatever share of power may be necessary. I am not afraid of a certain degree of centralization being accorded to the General Government. I am not afraid of granting to it the regulation of suffrage or of national banking, or indeed any power necessary for the maintenance of a strong and successful Government. The sovereignty of the States will not be lessened, but on the contrary the people will rise to bless and not to curse. I say that it is just as much the duty of the Government to provide and care for the people of the country as it is the duty of a father to preserve, protect, and care for his children. If a father brings up his children in idleness he must expect nothing but "tramps," he must expect nothing but to fill the penitentiaries; and if this Government shall pursue the same policy, if it shall not provide labor for its citizens, if it shall not see to it that the wants of the millions who are crying for bread to-day and who are willing to work are supplied by giving them employment, it must expect the sad results which most inevitably follow. It must expect that if it sows to the wind it must reap the whirlwind, and that consequently "tramps" will infest the country, idleness will beget crime, and the Government will but reap the necessary result of those crimes for which it is in a certain degree responsible.

Other nations recognize this principle. Germany educates her citizens for war and for peace. She sees to it that her youth imbibe habits of industry, are trained in the schools to perform intelligently the duties which she expects them to assume on reaching manhood, in middle age, and to the end of life. And she is not ashamed to copy from any nation, be it a monarchy or a republic, any principle or idea which will add to her social order, to the well being of her people, to redound to the honor and the glory of a united Germany. Consequently she is constantly, since her unification and the formation of her parliament, copying from the rules and modes of procedure of our American Congress.

Mr. Chairman, I have called attention to these historical facts for the purpose of showing that one of our dangers may be that in guarding too closely the rights of the States, as distinguished from the rights of the central Government, and by too narrow a construction of our Constitution we may fasten upon ourselves as a Republic, a modern feudalism more dangerous to the people of these United States than any benefit that can possibly flow to the individual citizen of a State. If we insist upon reducing our Army until in fact nothing shall remain but the militia in the States, we shall then have placed ourselves in the position of claiming to exist as a Union of States with no central power to exert itself when the whole of this Republic shall be menaced by a foreign foe. It is true we are now only looking for quietness on our borders; but one of the great States of this Union is constantly in a condition of ferment to-day, her citizens in fear, with nothing at hand to stay an invasion daily apprehended on her borders; and in the face of the fact that the pioneers of Texas are constantly menaced, we are contemplating a reduction of our Army.

As I have said, there are many good features in the bill brought forward; but in my judgment, in view of what I have just stated, and the extent of our borders, our Army should be kept on a footing of at least thirty thousand men. In fact, Mr. Chairman, I would utilize as far as possible in the present depressed state of the country all the idle, unskilled labor of the country. I would repair our posts and our fortifications wherever needed. I would favor the carrying on of a system of public works in addition, to utilize the skilled labor of the country, and thus provide bread for the hungry and clothing for the needy. I would make the waste places to rejoice, and the wilderness to blossom as the rose. It is economy, Mr. Chairman, in this Government or any government to do this, and thus prevent a repetition of those disgraceful outbreaks which not only menace the peace of the whole country but foster a feeling alien to the Government and to the prosperity of the nation.

The spirit of our laws, the spirit of our Constitution, and the spirit of our civilization, which is a civilization peculiarly American in its character, would dictate that at this day and age, when the mind of this country is struggling for supremacy in popular education, in general intelligence, and in inventive genius, we should not

allow ourselves to be drawn away from the grand destiny which awaits us in the dim distance, if not in the near future. For certain it is that if the spirit of the laws is any indication of the march of a people, we must fully realize the fact that for social order and the means of life being easily produced, this Republic furnishes an instance without parallel of a nation that can cultivate the arts of war and the arts of peace, without the slightest menace or danger to the liberties of the Republic.

In fact of all the petitions that have been placed before the present Congress not one has been found asking for a reduction of the Army. On the contrary within the last year more than one "sovereign State" has called for help, has petitioned the central Government for regular troops because she was unable to restrain domestic violence within her borders. Even "Maryland, my Maryland," within the last year, has sent frantic dispatches invoking the national power to repress that unwonted enthusiasm resulting from the very causes I have been detailing. While so many petitions are being laid before both Houses of Congress asking for relief by an amelioration of the condition of the masses asking for succor, setting forth the dangers that menace us and the evil that lies before us, while not one petition has been laid before either House intimating that our standing Army is endangering the rights and libertics of the people, or that the people are suffering or will suffer, or can suffer from an Army of even forty thousand men, why not then let well enough alone and turn our attention to those petitions which lie before us, and give, so far as we can do so under the Constitution and the laws, that aid and succor to the people which shall take distress from their minds and famine from their doors?

Mr. SINGLETON obtained the floor.

Mr. WILLIAMS, of Michigan, moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that according to order the Committee of the Whole on the state of the Union had had under consideration a bill (H. R. No. 4867) making appropriation for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour of two o'clock having arrived, the Chair recognizes the chairman of the Committee for the District of Columbia.

REFUND OF TAXES.

Mr. WILLIAMS, of Michigan, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (S. No. 933) to authorize the commissioners of the District of Columbia to refund certain taxes erroneously collected, and for other purposes.

The bill was read. It authorizes and empowers the commissioners of the District of Columbia to refund to any persons who have heretofore been erroneously assessed for special improvement taxes on property not belonging to them, such moneys as they shall be found to have paid as taxes upon such erroneous assessment; and the said commissioners are empowered to correct any assessment so found to have been made, and collect the tax from the rightful owners of the property.

Mr. WILLIAMS, of Michigan. If no member desires an explanation of the bill I will ask the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLUMBIAN COLLEGE, DISTRICT OF COLUMBIA.

Mr. WILLIAMS, of Michigan, also, from the same committee, reported back, with amendments, the bill (H. R. No. 4713) supplementary to the act of February 9, 1821, incorporating Columbian College, District of Columbia, &c.

The bill was read. It so modifies the act of March 3, 1873, ratifying and confirming the act for the relief of the Columbian College in the District of Columbia, enacted by the Legislative Assembly of the said District, and approved July 25, 1871, as to authorize the trustees and overseers of the Columbian University to hold their annual meeting on such day in May or June preceding the annual commencement of the college and the other schools of the university as the said trustees and overseers shall appoint, instead of being held on the Tuesday next preceding the last Wednesday in that month.

The amendments reported by the committee were read, as follows:

Strike out all after the word "June," in line 10, to and including the word "university," in line 11.

Strike out the words "that month," and insert in place thereof the word "June," in line 14.

Amend the title so that it shall read:

Supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia."

Mr. WILLIAMS, of Michigan. I move the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The amendments were adopted; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF COAL AND BUILDING REGULATIONS.

Mr. WILLIAMS, of Michigan, also, from the same committee, reported a bill (H. R. No. 4943) to authorize the commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations; which was read a first and second time.

The bill, which was read, authorizes and directs the commissioners of the District of Columbia to make and enforce such rules and regulations relative to the sale of coal in the District of Columbia as shall insure full weight to purchasers of coal, also such building regulations for the said District of Columbia as they may deem advisable.

The bill, in its second section, enacts that such rules and regulations made as above provided shall have the same force and effect within the District of Columbia as if enacted by Congress.

Mr. WILLIAMS, of Michigan. There have been many complaints in the District as to the light weight of coal delivered by dealers. The commissioners desire authority to make regulations relative to the sale of that article. They recommend also that they have authority to make regulations in regard to building. They make them now, but they do not have the force of law.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL FAIR GROUNDS ASSOCIATION.

Mr. BLACKBURN, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (H. R. No. 4616) to incorporate the National Fair Grounds Association.

The bill was read, as follows:

Be it enacted, &c., That John S. Barbour, Edmund F. Beale, Richard Wallach, John A. Baker, S. V. Niles, J. O. P. Burnside, Fred. B. McGuire, Marshall Brown, D. C. Forney, William H. Phillip, Richard Smith, I. N. Burritt, A. C. Buell, S. L. Phelps, J. F. Ennis, J. G. Berret, E. F. Riggs, T. L. Hume, J. M. Mason, T. E. Roesale, L. B. Cuttler, W. B. Todd, H. H. Blackburn, R. K. Elliott, R. W. Tyler, Levi Woodbury, J. W. Boteler, William G. Moore, Thomas O. Hills, J. L. Barbour, S. H. Kauffman, Thomas Russell, J. W. Thompson, William Thompson, H. W. Hamilton, W. B. Reed, W. H. Claggett, W. R. Smith, A. Middleton, S. C. McDowell, L. G. Hine, L. A. Gobright, C. M. Alexander, and their associates and assigns, be, and they are hereby, created a body-corporate under the name of the National Fair Grounds Association, with authority to purchase and hold in fee-simple not exceeding two hundred acres of land anywhere in the District of Columbia, without the limits of the cities of Washington and Georgetown, and to erect suitable buildings and make suitable improvements thereon, for the care, preservation, improvement, and exhibition of products of the soil, of domestic animals, and of the products of mechanical, scientific, and artistic skill, ingenuity, and invention.

SEC. 2. That the capital stock of said corporation shall be not less than $25,000 nor more than $200,000, divided into shares of $100 each.

SEC. 3. The persons hereinbefore named, or a majority of them, shall, within ten days after the approval of this act, open books and receive subscriptions for such capital stock at such time or times and place or places as they shall deem proper; and may appoint persons to superintend the receiving of subscriptions and to receive money payable thereon; may call a meeting of subscribers at such time and place and with such notice as they shall deem proper, af er the minimum amount of capital aforesaid shall be subscribed; and may do all other acts necessary and proper to constitute and organize the said corporation until the first board of directors shall be elected, including the power in person, or through persons appointed by them, or a majority of them, to superintend, conduct, and certify that election.

SEC. 4. That at the meeting of subscribers to be called as aforesaid, or at any meeting called by adjournment thereof from time to time, there shall be elected a board of five directors; and from the time of such election the said corporation shall be completely organized and constituted, with all the faculties, rights, and privileges which lawfully belong to corporations generally, so far as the same shall be necessary for the purposes of its incorporation, including perpetual succession; the right to have and use a common seal, and to change the same at pleasure; the power to purchase, receive, acquire, hold, lease, dispose of, and manage real estate in the District of Columbia outside the limits of the cities of Washington and Georgetown not exceeding two hundred acres, and personal property not exceeding $200,000 in value; the right to sue and be sued, and to transact its business in the said corporate name; the power to appoint officers, agents, and servants; the power to make contracts, and to make all by-laws, rules, and regulations which may be deemed expedient and not contrary to law; and to prescribe the sources from which revenue may be derived, not inconsistent with law. The board of directors shall hold their offices for one year and until their successors shall be elected by the stockholders in general meeting. A majority of said board shall be a quorum, and all shall be stockholders of the corporation. They shall elect one of their number president and another vice-president, and a secretary, whose terms of office shall be the same as the board of directors. The board may call a general meeting of the stockholders at any time, or the same may be done by persons holding one-third of the stock of the corporation, and any officer of the corporation may be removed on vote of a majority of the stock thereof represented at such meeting, and his successor elected to fill his place. One week's notice in some newspaper of general circulation in said District shall be required to call said meeting.

SEC. 5. That the said shares of stock shall be personal property to all intents. Certificates thereof may be issued in such form as the board of directors may prescribe, and may be transferred in such manner as the by-laws may prescribe, but no share shall be transferred until all calls or assessments previously made thereon shall have been paid up. There shall be paid on each share of stock not less than $5 at the time of subscribing, and the residue shall be paid from time to time when-

over assessed or called for by the board of directors. Upon default in the payment of any sum due on any subscription, the stock may be forfeited and sold for the payment thereof, with interest and expenses, under such regulations as the by-laws may prescribe, or the corporation may, by suit, recover the same from the holder of the stock at the time of the assessment thereof, or at any subsequent time.

SEC. 6. That this act may be amended or repealed at any time, and shall take effect from the date of its approval.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLACKBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. BLACKBURN, from the same committee, reported back, with adverse recommendations, bills of the following titles; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 2344) to provide for the conveyance of the low grounds in the city of Washington under the provisions of the act of Congress approved May 7, 1872; and

The bill (H. R. No. 3697) authorizing the commissioners of the District of Columbia to purchase the Seaton House.

PENNY-LUNCH HOUSE.

Mr. BLACKBURN also, from the same committee, reported a joint resolution (H. R. No. 182) for the benefit of the penny-lunch house of the city of Washington, District of Columbia; which was read a first and second time.

The joint resolution was read. It appropriates the sum of $1,500 for the benefit of the penny-lunch house in the city of Washington, and authorizes and directs the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated, to pay the said sum of money to George Riggs, of Washington, District of Columbia, to be by him, the said Riggs, paid over to Mrs. Julia A. Roberts, of said city of Washington, in sums not exceeding $100 in any one month, for the maintenance of said lunch house.

Mr. BLACKBURN. This joint resolution proposes an appropriation of $1,500 in aid of the charity designated in the resolution, which has been established and in operation here in the city of Washington during the past winter and spring. I apprehend that there will be no objection to the passage of the joint resolution, and I therefore ask a vote.

The question was on ordering the joint resolution to be engrossed and read a third time.

Mr. CRITTENDEN. I desire to ask the gentleman from Kentucky whether this is money which has already been expended.

Mr. BLACKBURN. I will state in answer to the gentleman from Missouri that it is not. This charity has not been aided by the Government in any way. It has been conducted altogether by contributions made for its support by private citizens.

Mr. CRITTENDEN. I ask the gentleman if this joint resolution is for the purpose of carrying on further this system of liberality toward the poor.

Mr. BLACKBURN. That is the purpose; and the gentleman from Missouri by reading the joint resolution will see that it is properly guarded; that it requires this money shall be paid out in sums of not more than $100 per month; and that the depository named in the resolution is the banking-house of Mr. Riggs.

Mr. HEWITT, of Alabama. On whose order is the money to be paid?

Mr. BLACKBURN. It is to be paid upon the requisition of the lady who originated the institution and has successfully conducted it without assistance, except from private persons, to the infinite relief of the suffering classes of Washington City for the last six months; and I may say in addition that it has tended to decrease the amount of beggary in the city.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLACKBURN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERFECTION OF TITLE TO REAL ESTATE.

Mr. HUNTON, from the Committee for the District of Columbia, reported back the bill (H. R. No. 2915) to perfect the title to certain real estate in the District of Columbia, with a recommendation that it do pass.

The bill was read. It provides that the United States hereby quitclaim and release, in favor of George W. Watson, his heirs and assigns, any and all claim or title which they, the United States, have in or to lot No. 8, and the north thirty-four feet of lot No. 7, in square No. 996, situate in the city of Washington, District of Columbia; and that the United States hereby quitclaim and release, in favor of William H. Tyler, his heirs and assigns, any and all claim or title which they, the United States, have in or to the south thirteen feet of lot No. 7, in square No. 996, situate in the city of Washington, District of Columbia.

Mr. HUNTON. I would like to say in explanation of the bill that it was referred to the commissioners of the District of Columbia for a report, and through their attorney they make the following report:

Watson makes an equally clear case. A purchase of the lots described was made of the commissioners of the public grounds, paid for, and the party went into possession and so remained ever since, paid taxes and improved; would have a perfect title by prescription against any person but the United States. This case is full of merit.

It seems from this report that the commissioners of public grounds sold this lot to the parties named in the bill. They paid for it and took possession of it, but they neglected to get a title and the object of the bill is to give them a quitclaim title from the United States.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF JUSTICES, ETC., FOR THE DISTRICT OF COLUMBIA.

Mr. HUNTON, from the Committee for the District of Columbia, reported back the bill (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, with the amendments of the Senate thereto, with a recommendation that sundry amendments of the Senate be concurred in and sundry other amendments be non-concurred in.

The report of the Committee for the District of Columbia was agreed to.

Mr. HUNTON moved to reconsider the vote by which certain amendments of the Senate were concurred in and certain other amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HUNTON. I move that a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill be appointed.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, the bill (H. R. No. 314) to confirm the term, for a period of seventeen years from the date of its original grant, of the patent of Thomas A. Weston.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 77) to provide the times and places of holding the circuit courts of the United States of the district of Iowa and the appointment of an additional judge in said district; and

A bill (S. No. 1184) to amend the one hundred and third article of war.

CAPITOL, NORTH O STREET, AND SOUTH WASHINGTON RAILWAY COMPANY.

Mr. HENDEE, from the Committee for the District of Columbia, reported, as a substitute for House bill No. 1537, a bill (H. R. No. 4944) amendatory of an act to incorporate the Capitol, North O Street, and South Washington Railway Company; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the act to incorporate the Capitol, North O Street and South Washington Railway Company, approved March 3, 1875, be, and the same is hereby, amended so as to authorize said company to lay a single or double track and run its cars from its present line on E and Eleventh streets, northwest, eastward on E street to Tenth street, thence south on Tenth street to D street, thence eastward on D street to Eighth street, thence south on Eighth street to Market Space, thence eastward on said Market Space to Seventh street, thence across Seventh street and the intervening public space to Louisiana avenue, thence eastward on Louisiana and Indiana avenues, to connect with the tracks of said company on First street; also to construct a single or double track as a branch of its present line, from a point on Boundary street adjacent to what is known as Saint Patrick's Cemetery, along the valley east of Howard University, to the southern boundary of Soldiers' Home, near to Harewood entrance.

SEC. 2. That said company shall complete the track and run its cars along the streets and spaces first named, without additional fare, within eighteen months; and complete the branch last named, and run cars thereon, during such time and at such intervals as they may deem expedient within two years; and for riding over this branch or extension of the road the company may charge an additional fare not exceeding five cents: *And provided*, That the tracks shall be laid along said streets and avenues and spaces where the commissioners of the District shall direct: *And provided*, That said company shall be subject to all the restrictions and requirements in the construction required and the operation of the additional road hereby authorized set forth in the original charter of said company, except as hereinbefore provided.

Mr. HENDEE. I call the previous question upon the bill.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PRESERVATION OF GAME, ETC., IN THE DISTRICT.

Mr. CLAFLIN, from the Committee for the District of Columbia, reported, as a substitute for House bill No. 3832, for the preservation of

game and protection of birds in the District of Columbia, a bill (H. R. 4945) of the same title; which was read a first and second time.

The substitute was read, as follows:

Be it enacted, &c., That no person shall kill or expose for sale, or have in either his or her possession, either dead or alive, any partridge, otherwise quail, between the 1st day of February and the 1st day of November, under a penalty of $5 for each bird so killed or in possession.

SEC. 2. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any pheasant, otherwise ruffed grouse, between the 1st day of February and the 1st day of September, under a penalty of $5 for each bird so killed or in possession.

SEC. 3. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any woodcock between the 1st day of January and the 1st day of July, under a penalty of $5 for each bird so killed or in possession.

SEC. 4. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any prairie-chicken, otherwise pinnated grouse, between the 1st day of February and the 1st day of September, under a penalty of $5 for each bird so killed or in possession.

SEC. 5. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any snipe or plover between the 1st day of May and the 1st day of September, under a penalty of $5 for each bird so killed or in possession.

SEC. 6. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any wild duck, wild goose, or wild brant, between the 1st day of April and the 1st day of October, under a penalty of $5 for each bird so killed or in possession.

SEC. 7. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any water-rail or ortolan or reed-bird or rice-bird between the 1st day of February and the 1st day of September, under a penalty of $2 for each bird so killed or in possession.

SEC. 8. That no person shall expose for sale, or have in his or her possession, any deer meat, or venison, between the 1st day of January and the 1st day of September, under a penalty of twenty cents for each and every pound of deer meat so exposed for sale or had in possession.

SEC. 9. That no person shall kill or expose for sale, or have in his or her possession, dead, at any time, any turkey-buzzard, wren, sparrow, blue-bird, humming-bird, blue-jay, robin or migratory thrush, wood or song robin, martin, mocking-bird, swallow, oriole, red or cardinal bird, cat-bird, pewit, whip-poor-will, gold-finch, sap-sucker, hanging-bird, wood-pecker, crow black-bird, or any other insect-ivorous bird save as herein provided, under a penalty of $2 for each bird so killed or in possession dead.

SEC. 10. That no person shall rob the nest of any wild bird of eggs or young, or destroy such nest, unless in the necessary prosecution of farming business, under a penalty of $2 for each egg or bird so taken and under a penalty of $5 for each nest so destroyed.

SEC. 11. That no person shall trap, net, or insnare any wild bird or water-fowl, or have in possession any trap, net, or snare, with the intent to capture or kill any wild bird or water-fowl, under a penalty of $5 for every bird or water-fowl so trapped, netted, or insnared, and under a further penalty of $20 for having in possession any such net, trap, or snare; and such net, trap, or snare shall be forfeited and destroyed.

SEC. 12. That no person shall at any time kill or shoot at any wild duck, wild goose, or wild brant with any other gun than such as are habitually raised at arm's length and fired from the shoulder, under a penalty of $5 for each and every wild fowl so killed, and under the further penalty of $25 for firing such gun at any wild fowl as aforesaid or having said gun in possession; and such gun when found shall be forfeited and destroyed.

SEC. 13. That no person shall kill or shoot at any bird or wild fowl in the night-time, under a penalty of $25 for every bird or wild fowl so killed, and under the further penalty of $10 for shooting at any bird or wild fowl in the night-time as aforesaid.

SEC. 14. That any person who shall knowingly trespass on the lands of another for the purpose of shooting or hunting thereon, after due notice, or notice as provided for in the following section, by the owner or occupant of lands, shall be liable to such owner or occupant in exemplary damages to an amount not exceeding $100, and shall also be liable to a fine of $10 for each and every trespass so committed. The possession of implements of shooting on such lands shall be presumptive evidence of the trespass.

SEC. 15. That the notice referred to in the preceding section shall be given by erecting and maintaining sign-boards at least eight by twelve inches in dimension on the borders of the premises, and at least two such signs for every fifty acres; and any person who shall maliciously tear down or in any manner deface or injure any of such sign-boards shall be liable to a penalty of not less than $5 nor more than $25 for each and every sign-board so torn down, defaced, or injured.

SEC. 16. There shall be no shooting or hunting, or having in possession in the open air the implements for shooting, on the first day of the week, called Sunday; and any person violating the provisions of this section shall be liable to a penalty of not more than $25 nor less than $10 for each offense.

SEC. 17. That all acts or parts of acts now in force in the District of Columbia inconsistent with the provisions of this act be, and the same are hereby, repealed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CLAFLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONVICTS SENTENCED TO HARD LABOR.

Mr. CLAFLIN also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4805) to provide that persons sentenced to hard labor by the courts of the District may be confined in the jail in said District, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

SEWERAGE OF WASHINGTON.

Mr. MAYHAM, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 4785) for the improvement of the sewerage of the city of Washington, in the District of Columbia, and for other purposes; which was referred to the Committee of the Whole on the state of the Union.

OUTSTANDING CLAIMS AGAINST THE DISTRICT.

Mr. MAYHAM also, from the same committee, reported back, with amendments, the bill (H. R. No. 4810) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes.

Mr. EDEN. I make the point of order that this bill makes an appropriation from the Treasury and must receive its first consideration in Committee of the Whole.

Mr. COX, of New York. I hope that will be done.

Mr. MAYHAM. The amendments proposed to the bill by the committee will remove the objection raised by the gentleman from New York [Mr. COX] and the gentleman from Illinois, [Mr. EDEN.] It is true that this bill provides for the payment in the first instance of judgments rendered by the Court of Claims by the Treasury of the United States, but it also provides that the Treasury shall be reimbursed out of any funds in the Treasury belonging to the District.

Mr. EDEN. I have not seen the amendments.

The SPEAKER *pro tempore*. It is in the power of the House at the present time, on motion, to refer this bill to the Committee of the Whole.

Mr. COX, of New York. I make that motion.

The motion was agreed to, upon a division—ayes 45, noes 7; no further count being called for.

NEUFCHÂTEL ROCK PAVING COMPANY.

Mr. HENKLE, from the Committee for the District of Columbia, reported adversely House bill No. 1942, for the relief of the North American Neufchâtel Rock Paving Company, and House bill No. 3260, for the relief of the Neufchâtel Rock Paving Company; and the same were laid upon the table, and the accompanying report ordered to be printed.

BALTIMORE AND OHIO RAILROAD.

Mr. DAVIS, of California, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 4069) requiring the removal of the tracks of the Baltimore and Ohio Railroad from certain streets in the city of Washington, and for other purposes.

Mr. HUNTON. I desire to call the attention of the gentleman from California [Mr. PAGE] to the understanding had in committee that this bill was not to be reported until all the rest of the business of the committee was disposed of.

The SPEAKER *pro tempore*. That is a matter of agreement in committee over which the Chair has no authority.

Mr. DAVIS, of California. I was not aware that there was such an understanding in the committee. If that is the case I will withdraw the bill until the other business of the committee has been brought before the House.

The bill was accordingly withdrawn.

RECORDER OF DEEDS AND REGISTER OF WILLS.

Mr. BRENTANO, from the Committee for the District of Columbia, reported, as a substitute for House bill No. 4734, to amend chapter 15 of the Revised Statutes of the United States relating to the District of Columbia, and House bill No. 4828, to amend chapter 27 of the Revised Statutes relating to the District of Columbia, a bill (H. R. No. 4946) to amend chapters 15 and 27 of the Revised Statutes of the United States relating to the District of Columbia, and to consolidate into one the offices of recorder of deeds and register of wills of said District; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That the offices of recorder of deeds and register of wills, as provided for in sections 467 and 929 of the Revised Statutes of the United States relating to the District of Columbia, be, and are hereby, consolidated into one, and that the incumbent of said office shall be known as the recorder of deeds and register of wills of the District of Columbia.

SEC. 2. Said recorder of deeds and register of wills shall have charge and custody of all the records, papers, and property pertaining to both of said offices therein consolidated, and shall perform all the duties now required by law of said recorder of deeds and register of wills respectively, with all the powers and privileges pertaining to said offices according to law. He shall be appointed by the judges of the supreme court of the District of Columbia, and before entering upon the duties of his office shall take an oath that he will faithfully and impartially perform the same according to law; and shall give a bond to the United States, with two or more sureties to be approved by the chief-justice of the supreme court of the District, in the sum of $25,000, faithfully to discharge the duties of his office and to record all deeds and other instruments in writing authorized to be recorded according to law, also the decrees and orders of the justices of the supreme court holding the special term for the orphan's court business for the District, and all wills proved before him or the court, and all other matters directed to be recorded in the court or in the office of register, or required by them to be there recorded; and to make returns quarterly into the treasury of the District of all fees which may have been collected by him, or which may have come into his hands during the preceding three months, which bond shall be entered in full upon the minutes of the court and the original filed with the records thereof.

SEC. 3. The recorder of deeds and register of wills herein provided for shall be a citizen of the United States and shall have been a *bona fide* resident of said District for at least three years previous to his appointment. He shall be considered a subordinate officer of the supreme court of the District of Columbia, and shall be responsible to said court for his official acts, and for good cause shown shall be subject to removal from office by the said supreme court of the District.

SEC. 4. The recorder of deeds and register of wills shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by an order of the supreme court of the District of Columbia as hereinbefore provided for. He shall be entitled to a salary of $3,500 per annum. He shall make quarterly returns supported by his oath of all the fees received in accordance with sections 470 and 931 of the Revised Statutes relating to the District of Columbia to the chief justice of the supreme court of the District; and all fees so received by him during the three months preceding in excess of one-fourth of his annual salary and the expenses

for clerk hire and disbursements for blank books, stationery, and postage-stamps as herein provided, he shall at the time of making such report pay into the Treasury of the District.

SEC. 5. The recorder of deeds and register of wills of said District shall have power to appoint deputies of like powers and privileges with himself, and for whose official conduct he shall be responsible. He shall receive such deputy and clerk hire as the supreme court of the District shall allow and as he shall necessarily expend, together with the necessary disbursement for blank books, stationery, and postage-stamps.

SEC. 6. Immediately after the passage of this act the offices of recorder of deeds of the District of Columbia and of register of wills of said District shall be deemed vacant: *Provided, however*, That the present incumbents shall perform the duties of the said offices respectively, and receive the fees for their services as provided by sections 470 and 931 of the Revised Statutes relating to the District of Columbia, till their successor is appointed and qualified.

SEC. 7. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. DUNNELL. Is this a unanimous report from the Committee for the District of Columbia?

Mr. BRENTANO. It is.

Mr. DUNNELL. How is the recorder of deeds now appointed?

Mr. BRENTANO. By the President.

The question being taken on ordering the bill to be engrossed and read a third time, there were—ayes 24, noes 14; no quorum voting.

Mr. PAGE. This is an important bill. I think there ought to be a quorum voting upon it.

The SPEAKER *pro tempore*. No quorum having voted, the Chair orders tellers and appoints the gentleman from Illinois [Mr. BRENTANO] and the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. There has been no explanation from the committee as to the necessity for this measure.

Mr. HANNA. I ask that the bill be again read.

The SPEAKER *pro tempore*. The bill, which is a long one, has already been read once.

Mr. PAGE. Has the bill ever been printed?

The SPEAKER *pro tempore*. The bill now under consideration is a substitute for two other bills which were referred to the committee. Its comes regularly before the House.

Mr. HUNTON. If the House will indulge me a moment I will give an explanation of the bill.

The SPEAKER *pro tempore*. It can only be done by unanimous consent as the House is dividing. As very little attention seems to have been paid to the bill when first read, it will, if there is no objection, be read again as requested by the gentleman from Indiana, [Mr. HANNA.]

The bill was again read.

Mr. DUNNELL. I make the point that this bill should be first considered in Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman is too late in raising that point. The bill is now before the House; and the question is on ordering it to be engrossed and read a third time, on which question the Chair has ordered tellers, pending which the gentleman from Virginia [Mr. HUNTON] rises to make some explanation of the measure. The Chair will hear the gentleman if there is no objection.

Mr. HUNTON. I only need say a word or two in explanation of the bill. There is now in the District of Columbia an officer called the recorder of deeds, whose salary and fees, as we are informed in the committee, amount to more than $10,000 a year. There is also an officer called the register of wills, who is entitled to all the fees of his office, which we are informed amount to more than $10,000 annually. The committee believed that these two offices might be consolidated and the duties discharged by a single officer, whose annual salary is fixed by the bill at $3,500, and who is authorized to employ clerks to assist him. We believed that if this consolidation should be made, these two offices would be as well conducted as at present, while there would be a saving to the District of Columbia of $15,000 or $16,000 a year.

Mr. DUNNELL. Why has it been considered necessary to change the appointing power? The recorder of deeds is now appointed by the President. A gentleman has recently been appointed to that position and confirmed by the Senate.

Mr. HUNTON. I presume that this is a matter about which the committee would not be very strenuous, but the gentleman will recollect that our committee all through the present Congress have taken the ground that appointments of District officers ought not to be made by the President of the United States; that these merely municipal officers, discharging duties in which only the people of the District are interested, ought to be under the control and subject to the appointment of the District authorities.

Mr. DUNNELL. Will the gentleman consent to an amendment striking out the words "chief-justice of the supreme court of the District" and inserting "the President of the United States?"

Mr. HUNTON. No, sir; I will not accept the amendment. In the first place, I am not authorized by the committee to do so, and, in the next place, we believe that, as these are officers of the court, the court ought to have the power of appointment as well as removal, as provided for in the bill.

Mr. HANNA. What has that court to do with the recording of deeds of parties in this District?

Mr. HUNTON. All questions as to the proper recordation of deeds come before this court; and, as to wills, all questions of probate come before it.

Mr. HANNA. A question as to the recording of a deed could not possibly come before the court except in some special case where the question of authentication might arise.

Mr. HUNTON. And in such cases that very question comes before this court.

Mr. KELLEY. It could only come before the court in an action for failure to make a proper record.

Mr. HUNTON. I think that is true.

Mr. KELLEY. And that would be only an incident to general litigation. That court can have no special supervision over the recorder of deeds in any way; and I do not see why the power of appointment should not as well be given to any other officer of the District as to the judge of that court.

Mr. HUNTON. The gentleman will recollect that the bill provides for the appointment not only of a recorder of deeds, but also of a register of wills; and the latter officer records the opinions of the probate court. To this extent he is the servant and officer of the court.

Mr. KELLEY. I have not studied the judicial system of this District; but I do not see how the chief-justice of the supreme court of the District has any special relation to the office of register of wills.

In the case of a question arising on a will it may get before the justice of the supreme court of the District of Columbia, but certainly on no original jurisdiction. The chief-justice of the supreme court of this District is not a probate judge. It had better be given, therefore, to the probate judge, whoever he may be, and then there would be some relation between the office and the thing the officer is to do. There is none between the chief-justice and this officer.

The SPEAKER *pro tempore*. The Chair is not inclined to indulge this debate longer, as it is not in order during a division of the House. Before the House proceeds further the Chair desires to know exactly the situation of the bill. Has the gentleman from Illinois demanded the previous question?

Mr. BRENTANO. I did not demand it, but I will demand it now.

Mr. DUNNELL. I rise to move an amendment to the bill, as I understand the substitute is before the House as an original bill.

The SPEAKER *pro tempore*. If the gentleman from Illinois did not demand the previous question on the bill, the amendment of the gentleman from Minnesota is clearly in order if offered before the House divided. The Chair desires to protect the rights of all parties. If the amendment was offered before the division the gentleman from Minnesota does not require unanimous consent to offer his amendment. Objection, however, is made that the House is dividing.

Mr. REAGAN. I should like to ask why this is made a salaried officer, instead of being paid by fees. If this salary is to be paid by the Government, what then is to become of the fees?

Mr. HUNTON. They are to be paid into the Treasury and the salary is to be paid out of the fees.

Mr. DUNNELL. I did not suggest my amendment until after the House was dividing.

The SPEAKER *pro tempore*. The question before the House, then, is on ordering the bill to be engrossed and read a third time. As there was no quorum on the last vote, the Chair appoints Mr. BRENTANO and Mr. DUNNELL tellers.

The House again divided; and the tellers reported—ayes 65, noes 74.

So the House refused to order the bill to be engrossed and read a third time.

The SPEAKER *pro tempore*. The bill is now open to the amendment suggested by the gentleman from Minnesota.

Mr. DUNNELL. I move to strike out the words "chief-justice of the supreme court of the District of Columbia" and in lieu thereof to insert "the President of the United States, by and with the advice and consent of the Senate."

The SPEAKER *pro tempore*. The gentleman will reduce his amendment to writing.

Mr. BRENTANO. While the gentleman from Minnesota is reducing his amendment to writing, I wish merely to say a word. This is nothing but an office properly belonging to the court in this District. In no State of the Union is the recorder of deeds appointed by the governor, but everywhere it is considered a local office and the recorder is elected by the people of the county in which he acts. Therefore, to place the appointing power in a court of this District is entirely in accord with the constitutional provision—article 2, section 2—which says:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

The recorder of deeds and register of wills are by this bill consolidated, and the officer is declared to be subordinate to the court of the District. He is responsible to the court, and therefore ought not to be appointed by the Chief Executive of the nation, but by the court to whom he belongs.

The object of the bill is twofold. It is to do away, likewise, with an office paid by fees. It has been found to be the source of all corruption where officers are allowed to retain the fees, thereby receiving what is in disproportion to the labor performed. If we want real reform in the civil service, Mr. Speaker, then these officers who receive fees should be made salaried officers and the fees should go into the Treasury. And when we make this a salaried office there is no reason why the appointing power should be vested in the Chief Executive of the United States. This officer is a local officer and should

be appointed by the department to which it belongs, which is the judicial department of the District.

Mr. KEIFER. I understand the proposition is to vest the power in the chief justice of the court of the District.

Mr. BRENTANO. No; in the court.

Mr. KEIFER. Is it in the judges or in the court?

Mr. BRENTANO. In the judges.

Mr. KEIFER. I understood the motion of the gentleman was to strike out "chief-justice," and insert "the President of the United States."

The SPEAKER *pro tempore*. The Clerk will read the amendment as it has been reduced to writing.

Mr. KEIFER. How does the bill read?

The SPEAKER *pro tempore*. The bill reads "shall be appointed by the judges of the supreme court of the District of Columbia." It is proposed to strike out "judges of the supreme court of the District of Columbia" and insert "shall be appointed by the President, by and with the advice and consent of the Senate."

Mr. KEIFER. Then, Mr. Speaker, the point I was about to make I still insist upon. That is that there is no constitutional power to vest in the judges of a court as distinguished from the court itself the right to make any such appointment as this. The distinction is very plain, and certainly will be very well understood by lawyers, that power cannot be conferred upon a judge or all judges that constitute a court unless it be conferred upon them as constituting the court itself.

Now, it is attempted here, as I maintain, in violation of the second section of article 2 of the Constitution of the United States, to confer a power upon judges, not upon the court. That section has reference to the powers and duties of the President, and the clause I call attention to reads thus:

But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Not in the judges of the courts, but in courts acting as courts; and I insist, so far as concerns this vesting of appointment in the judges, this act would be held to be a nullity, being a violation of the Constitution. I am in favor, therefore, of the amendment submitted by the gentleman from Minnesota.

I wish to state another thing. I am unable to say why it is that the committee desire to change the mode of appointment of this particular officer; a higher officer than many others that are required to be appointed by the President of the United States and confirmed by the Senate of the United States. It is sought here to consolidate two offices, to bring them together, and to vest in certain judges of the District an appointing power over which there is no review, of which no confirmation is required. It looks to me as if there was a singling out of this office for some special reason.

Mr. CLAFLIN. There is no objection, I think, to the amendment of the gentleman from Minnesota.

Mr. KEIFER. Let me just add that I always find that where there is special legislation sought there is something wrong about it. It may not crop out on the surface, but sooner or later you find there is an ulterior purpose in it.

Mr. BRENTANO. I demand the previous question on the bill and pending amendment.

Mr. DUNNELL. There is another amendment that I desire to offer, to strike out of the third section the requirement of the three years' residence.

The SPEAKER *pro tempore*. Does the gentleman from Illinois yield for that amendment?

Mr. BRENTANO. I do. I now move the previous question on the bill and the two pending amendments.

The previous question was seconded and the main question ordered.

The question was first on the following amendment, offered by Mr. DUNNELL:

In section 2 strike out the words "the judges of the supreme court of the District of Columbia" and insert "the President, by and with the advice and consent of the Senate."

The question being taken, there were—ayes 65, noes 44.

Mr. FINLEY. No quorum has voted.

Mr. SPARKS. Let tellers be ordered.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Minnesota [Mr. DUNNELL] and the gentleman from Illinois, [Mr. BRENTANO.]

The House again divided; and the tellers reported—ayes 88, noes 75.

So the amendment was adopted.

The question was next on the following amendment, offered by Mr. DUNNELL:

In section 3 strike out the following words: "and shall have been a *bona fide* resident of said District for at least three years previous to his appointment."

The amendment was adopted.

Mr. DUNNELL moved to reconsider the votes by which the amendments were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question recurs on the passage of the bill.

Mr. PAGE. I call for a division.

The question being taken, there were—ayes 114, noes 16.

Mr. PAGE. A quorum has not voted.

Tellers were ordered; and Mr. DUNNELL and Mr. PAGE were appointed.

The House again divided; and the tellers reported that there were—ayes 123, noes 19.

So (further count not being demanded) the bill was passed.

Mr. BRENTANO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIAMS, of Michigan. I move that the House resolve itself into Committee of the Whole for the purpose of considering District business referred to the Committee of the Whole.

Mr. EDEN. Pending that, I move that the House do now adjourn.

Mr. HUNTON. I hope the House will not adjourn. The committee has only one day in the month.

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 314) to confirm the term of the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MAISH for three days.

WITHDRAWAL OF PAPERS.

On motion of Mr. POLLARD, by unanimous consent, leave was given to withdraw from the files of the House papers accompanying House bill No. 2515, granting a pension to the heirs of Lattern Herrington, there being no adverse report thereon.

STEAMSHIP LINE TO BRAZIL.

Mr. SWANN, by unanimous consent, presented a resolution passed by the Merchants' Exchange of Baltimore against the granting of a subsidy to the Roach line of steamships to Brazil; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Illinois, [Mr. EDEN,] that the House do now adjourn.

Mr. WILLIAMS, of Michigan. I hope the motion to adjourn will not prevail. The Committee on the District of Columbia have but one day in the month, and to-day have had but two hours.

Mr. FRANKLIN. I object to debate.

The question being taken on Mr. EDEN's motion, there were—ayes 47, noes 106.

So the House refused to adjourn.

The question recurred upon the motion of Mr. WILLIAMS, of Michigan, that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering bills relating to the District of Columbia.

Mr. BRENTANO. I desire to make a further report from the committee, and I hope the chairman of the committee will yield to me for that purpose.

Mr. WILLIAMS, of Michigan, I yield for that purpose.

PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA.

Mr. BRENTANO, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (H. R. No. 3708) to regulate the practice of pharmacy in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any pharmacy or store for the purpose of retailing, compounding, or dispensing medicines or poisons, for medicinal use, in the District of Columbia, except as hereinafter provided.

SEC. 2. That it shall be unlawful for the proprietor of any store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medicinal use, except as an aid to, and under the immediate supervision of, a registered pharmacist. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than $25 nor more than $100 for each and every such offense.

SEC. 3. That immediately after the passage of this act, and biennially thereafter, or as often as necessary, the commissioners of the District of Columbia shall appoint three pharmacists and two physicians, all of whom shall have been residents of the District of Columbia for five years and of at least five years' practical experience in their respective professions, who shall be known and styled as commissioners of pharmacy for the District of Columbia, who shall serve without compensation, and who shall hold office for two years, and until their successors are appointed and qualified. Said commissioners shall, within thirty days after the notification of their appointment, each take and subscribe to an oath to impartially and faithfully discharge their duties as prescribed by this act. The position of any commissioner who shall fail to so qualify within the time named shall be vacant, and the vacancy or vacancies so occurring, or any vacancy or vacancies that may occur, shall be filled by the commissioners of the District of Columbia.

SEC. 4. That the commissioners of pharmacy shall keep a book of registration open at some convenient place within the city of Washington, of which due notice shall be given through the public press, and shall record therein the name and place of business of every person registered under this act. It shall be the duty

of said commissioners of pharmacy to register, without examination, as registered pharmacists, all pharmacists and druggists who are engaged in business in the District of Columbia at the passage of this act as owners or principals of stores or pharmacies for selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding and dispensing physicians' prescriptions, and all assistant pharmacists, twenty-one years of age, engaged in said stores or pharmacies in the District of Columbia at the passage of this act, and who have been engaged as such in some store or pharmacy where physicians' prescriptions were compounded and dispensed for not less than five years prior to the passage of this act: *Provided, however*, That in case of failure or neglect on the part of any such person or persons to present themselves for registration within sixty days after said public notice, they shall undergo an examination such as is provided for in section 5 of this act.

SEC. 5. That the said commissioners of pharmacy shall, upon application, and at such time and place as they may determine, examine each and every person who shall desire to conduct the business of selling at retail, compounding or dispensing drugs, medicines, or chemicals for medicinal use, or compounding and dispensing physicians' prescriptions within the District of Columbia as pharmacists; and if a majority of said commissioners shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines, or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in the book provided for in section 4 of this act.

SEC. 6. That no person shall be entitled to an examination by said commissioners of pharmacy for registration as pharmacist unless he present satisfactory evidence of being twenty-one years of age, and having served not less than four years in a store or pharmacy where physicians' prescriptions were compounded and dispensed, or is a graduate of some respectable medical college or university.

SEC. 7. That all graduates in pharmacy having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma, shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy.

SEC. 8. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register as pharmacists, without examination, the sum of $3, and from each person whom they examine the sum of $10. And in case the examination of said person should prove defective and unsatisfactory, and his name not be registered, he shall be permitted to present himself for re-examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination. The money received under the provisions of this section shall be applied to the payment of such expenses as the commissioners may incur in executing the provisions of this act.

SEC. 9. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines;" and should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding $100, and, in addition thereto, his name shall be stricken from the register.

SEC. 10. It shall be unlawful for any person, from and after the passage of this act, to retail any poisons enumerated in Schedules A and B, as follows, to wit:

SCHEDULE A.

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocianic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce.

SCHEDULE B.

Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton-root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton-oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel, or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poisons enumerated in schedules A and B, unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist to sell any poisons included in schedule A without, before delivering the same to the purchaser, causing an entry to be made, in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quality of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years. The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine. Nor shall it be lawful for any licensed or registered druggist or pharmacist in the District of Columbia to retail, or sell, or give away any alcoholic liquors or compounds, as a beverage, to be drunk or consumed upon the premises. And any violation of the provisions of this section shall make the owner or principal of said store or pharmacy liable to a fine of not less than twenty-five and not more than one hundred dollars, to be collected in the usual manner.

SEC. 11. Any itinerant vender of any drug, nostrum, ointment, or appliance of any kind, intended for the treatment of disease or injury, or who shall, by writing, or printing, or any other method, publicly profess to cure or treat diseases, injury, or deformity by any drug, nostrum, manipulation, or other expedient, shall pay a license of $200 per annum into the treasury of the District of Columbia, to be collected in the usual way.

SEC. 12. That any person who shall procure, or attempt to procure, registration for himself or for another under this act by making, or causing to be made, any false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register. Any person not a registered pharmacist, as provided for in this act, who shall conduct a store, pharmacy, or place for retailing, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding or dispensing physicians' prescriptions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than $50.

SEC. 13. That all fines and penalties under this act shall be collected in the same manner that other fines and penalties are collected in the District of Columbia; and it shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of this act.

SEC. 14. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. BRENTANO. I move the previous question on the passage of the bill.

Mr. FINLEY. I hope the gentleman will allow me to ask him a question, or if he will not yield for that purpose that the previous question will be voted down.

Mr. BRENTANO. I will yield for a question.

Mr. FINLEY. I have not had an opportunity of examining this bill and know nothing of it except from hearing it read at the desk, but I desire to inquire of the gentleman from Illinois why it is that in the ninth section you except patent medicines?

Mr. BRENTANO. He is not liable for the sale of patent medicines.

Mr. FINLEY. Does not the bill provide that all persons now engaged in the business of pharmacy in the District of Columbia shall be exempt from the provisions of the bill, and that they shall only apply to those who come hereafter?

Mr. BRENTANO. The bill is only prospective. I ask the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question recurred upon the passage of the bill; and being put, there were—ayes 90, noes 18.

Mr. BROWNE. No quorum has voted.

Tellers were ordered; and Mr. BRENTANO and Mr. BROWNE were appointed.

The House again divided; and, before the result of the vote was announced,

Mr. BROWNE said: I will not insist upon a further count.

Mr. BRAGG. The result of the vote has not been announced.

The SPEAKER *pro tempore*. No further count was demanded.

Mr. BRAGG. But I desire to raise the question of no quorum.

The SPEAKER *pro tempore*. The Chair will then announce the vote now. There were 109 in the affirmative and 14 in the negative. The gentleman who represented the negative stated that no further count was demanded, and thereupon the Chair recognized that the opponents of the bill had conceded the point.

Mr. BRAGG. I insist that under the rules the Chair must announce the vote and that we have a right to raise the question of no quorum.

The SPEAKER *pro tempore*. The tellers will resume their places and the count will be continued; the Chair will not interfere with any of the gentleman's rights.

The tellers resumed their places; and the count having been continued and concluded, they reported—ayes 122, noes 26.

So the bill was passed.

Mr. BRENTANO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLIAMS, of Michigan. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FINLEY. I move that the House do now adjourn.

LEAVE TO PRINT.

Mr. HUNTER. Pending that motion, I ask unanimous consent to print some remarks in the RECORD.

There was no objection, and the leave was granted. [See Appendix.]

Mr. SINGLETON. I desire to make a report from the Committee on Appropriations. [Cries of "Regular order!"] I appeal to the gentleman from Ohio to allow me to make this report.

The SPEAKER *pro tempore*. The regular order is demanded by several gentlemen, and the Chair will have to put the question on the motion of the gentleman from Ohio.

The question was put on Mr. FINLEY's motion; and on a division, there were—ayes 57, noes 76.

So the House refused to adjourn.

EADS JETTIES.

On motion of Mr. SINGLETON, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of a letter from the Secretary of the Treasury with a communication from Captain Eads with regard to the jetty system, and the same was referred to the Committee on Commerce.

Mr. CANNON, of Illinois. I move that the House do now adjourn.

The question was taken; and on division, there were—ayes 64, noes 81.

So the House refused to adjourn.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Michigan [Mr. WILLIAMS] that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ELAM. I ask unanimous consent to make a report from the Committee on Pacific Railroads for printing and recommittal.

The SPEAKER *pro tempore*. Does the gentleman from Michigan [Mr. WILLIAMS] yield for that purpose?

Mr. WILLIAMS, of Michigan. There are several gentlemen here who desire to present matters for consideration, and if I yield to one I will have to yield to all; I cannot yield.

The question was taken upon the motion of Mr. WILLIAMS, of Michigan; and upon a division there were—ayes 89, noes 34.

Mr. BRAGG. No quorum has voted.

Tellers were ordered; and Mr. WILLIAMS, of Michigan, and Mr. BRAGG were appointed.

The House again divided; and the tellers reported that there were—ayes 79, noes 26.

Mr. BRAGG. No quorum has voted.

Mr. RANDOLPH. I move that the House do now adjourn.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 86, noes 66.

Before the result of this vote was announced,

Mr. HUNTON called for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays; and there were 24 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The result of the vote was announced as above stated; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: The petition of the Soldiers' and Sailors Memorial Association of Hamilton County, Ohio, for the early passage of the bill (H. R. No. 389) for the equalization of bounties—to the Committee on Military Affairs.

By Mr. BAYNE: A communication from John H. Clancy, favoring the passage of the House bill now pending which proposes to subject insurance companies of other nations to a tax on their business done in competition with companies chartered under the laws of our National and State Governments—to the Committee of Ways and Means.

By Mr. BUTLER: The petition of Moses H. Gale, in behalf of the national workingmen's greenback party, for the reduction of the Army to the lowest possible number—to the Committee on Military Affairs.

By Mr. CORLETT: Papers relating to the claim of F. E. Warren—to the Committee of Claims.

By Mr. DAVIDSON: The petition of citizens of Gainesville, Florida, in reference to the seminary and agricultural-college funds of the State of Florida—to the Committee on Education and Labor.

By Mr. GOODE: The petition of Mrs. C. P. Hartt, for a pension—to the Committee on Invalid Pensions.

By Mr. HARDENBERGH: The petition of Michael Schaffel, for arrears of pension—to the same committee.

By Mr. MORGAN: The petition of F. A. Jones, A. Gilmartin, and other citizens of Barton County, Missouri, for the enactment of a law prohibiting the introduction of Texas cattle into Missouri during the summer—to the Committee on the Judiciary.

By Mr. PRIDEMORE: The petition of Elisha Franklin, for bounty land—to the Committee on Revolutionary Pensions.

By Mr. RICE, of Massachusetts: The petition of E. W. Bullard, for an extension of his patent for a hay-tedder—to the Committee on Patents.

By Mr. SAPP: The petition of citizens of Lennox, Iowa, against the passage of the bill in reference to the transportation of animals in cars—to the Committee on Agriculture.

By Mr. SPRINGER: The petition of James N. Brown's sons, De Witt W. Smith, and other citizens of Sangamon County, Illinois, of similar import—to the same committee.

By Mr. TIPTON: The petition of Andrew J. Mefford, for a pension—to the Committee on Invalid Pensions.

By Mr. TUCKER: The petition of citizens of Botetourt County, Virginia, for the passage of the Texas and Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. VANCE: The petition of George Allen, for the repeal of the tax on State bank circulation—to the Committee of Ways and Means.

By Mr. WILLIS, of Kentucky: The petition of Jesse M'Coy, for the payment of a certain amount due his mother before her decease—to the Committee of Claims.

By Mr. WILLIS, of New York: The petition of Major Alvin Walker, late paymaster United States Army, for a pension—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *May* 21, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 4674) for the relief of the sureties of John McNellis was read twice by its title, and referred to the Committee on the Judiciary.

HAYDEN'S GEOGRAPHICAL ATLAS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution, received yesterday from the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be bound 500 copies of the Geological and Geographical Atlas of Colorado and portions of the adjacent territory under the Hayden survey; one copy for distribution to each Senator and Member of the House of Representatives and Delegate from the Territories; the balance for distribution by the office of the survey; the style of binding to be determined by the joint committee of the two Houses on printing.

TIMBER CULTURE ON PUBLIC LANDS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 396) to amend section 2464 of the Revised Statutes, in relation to the cultivation of timber on the public domain; which, on motion of Mr. PADDOCK, was referred to the Committee on Public Lands.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the 16th ultimo, copies of the records showing the proceedings of the several boards of medical officers in the case of Captain William N. Jeffers.

Mr. SARGENT. Let the documents be referred to the Committee on Naval Affairs. In the judgment of many Senators after a board has been duly constituted and has discharged its duty and reported upon the physical condition of a candidate, there is no power to set aside the action of the board and order another. The statute reads as follows:

> No officer shall be promoted to a higher grade on the active list of the Navy until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea.

The object of this statute is obvious. It is to secure to the public service sound and efficient officers. It cannot be disregarded safely or wisely, and Congress looks to the executive officers to execute this and all laws conscientiously, without evasion or favoritism. The board should be free from bias, of competent qualifications, and deal justly with the Government as well as by the candidate. If there is power to appoint a new board after setting aside the proceedings of the first, and then a third after a second, to give additional chances to pass to an applicant, it would seem that disinterested men should be selected as the jury. In this case the proceedings of the second board, which are made up with great particularity and care, with scrupulous attention to legal requisites, probably because the proceedings of the first board had been set aside for an alleged disregard to forms, are set aside on the ground of informality and that the adverse finding is against the evidence before the board. This latter point makes the revising power the judge of the qualifications of an officer, and it is not apparent why the board could not be dispensed with. It is at best, under such practice, an empty form. The third board, consisting of three, was made up of two medical officers who had testified in favor of the applicant, and the only ones who had, and a third who does not seem to have so or otherwise expressed an opinion. This would be called "packing" if it had been done by politicians. It is needless to say that the proceedings of this board were approved, and the officer is nominated to the Senate.

I desire to thus briefly direct attention to the construction of this statute, in favor with the Navy Department. I dissent from the law, but I more decidedly dissent from the practice. Either the Government has an interest in having these boards impartially, disinterestedly perform their functions, or it has not. If it has, men in a condition of mind to impartially examine should be appointed to perform the duty, and the witnesses and advocates of a candidate hardly come under this category. I move that the papers be printed and referred to the Naval Committee.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. THURMAN presented the petition of James A. Barr, of Champaign County, Ohio, late a second lieutenant Company I, Twenty-sixth Ohio Volunteers, praying for the passage of an act authorizing the Adjutant-General of the Army to correct his muster; which was referred to the Committee on Military Affairs.

He also presented the petition of Thomas Smith and others, citizens of Ohio, praying for the passage of a law providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. FERRY (Mr. ANTHONY in the chair) presented the petition of Dr. C. H. B. Kellogg and 84 others, citizens of Michigan, praying for the passage of an act to reimburse persons for money spent in defending their homesteads; which was referred to the Committee on Public Lands.

Mr. JOHNSTON presented the memorial of H. L. Pelouze & Son, manufacturers of and dealers in type, &c., of the city of Washington, remonstrating against the passage of a bill to refund to Miller & Richards a fine of $3,183 imposed upon them for undervaluing a lot of goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

Mr. GROVER presented the memorial of S. B. Kidder and others, citizens of Oregon, engaged in sheep-farming, remonstrating against the repeal of the tariff on wool; which was referred to the Committee on Finance.

He also presented the petition of Joseph Lane McDonald, of the Territory of Alaska, praying for the repeal of the law to protect fur-bearing animals; which was referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Mrs. Harriet Downs Lewis, a tax-payer of Theresa, New York, praying that all public expenses arising from the use of alcoholic drinks be paid by those who vote for licensing the sale of such drinks; which was ordered to lie on the table.

He also presented the memorial of J. & F. B. Garrett, printers, of Syracuse, New York, remonstrating against the passage of a law authorizing the Secretary of the Treasury to refund to Miller & Richards the amount of a fine imposed upon them as a penalty for undervaluing a lot of goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

Mr. ROLLINS presented the petition of Powell M. Bradley and others, citizens of the District of Columbia, praying for an appropriation to rebuild the causeway between Mason's Island and the western shore of the Potomac River; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. FERRY. I am instructed by a majority of the Committee on Finance to report back the bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes, with a recommendation from the committee that the bill do pass without amendment. I desire to state in this connection that to-morrow I shall seek the floor to invite the Senate to consider this bill. I understand that one member of the committee, the Senator from Delaware, [Mr. BAYARD,] desires to express his views upon the bill, and I shall endeavor to ask the Senate to proceed to its consideration to-morrow.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The bill will be placed on the Calendar.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 1008) relating to the Cumberland road in the State of Ohio, and to authorize the same to become a free road, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom was referred the memorial of the Legislature of Wisconsin, praying for increased mail service on certain routes in Door and Kewaunee Counties, in that State, asked to be discharged from its further consideration, and moved that the memorial be forwarded to the Postmaster-General, the matter being under his direction; which was agreed to.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3109) granting a pension to Margaret Kenah, widow of Patrick Kenah, late a private of Company D, First United States Artillery, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3579) granting a pension to Philip Henry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 607) granting an increase of pension to Theodore C. Ray, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3573) granting a pension to Charles G. Galezio, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1175) granting a pension to George Silvers, private Company E, Fifty-seventh Regiment United States Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMLIN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States in relation to the judicial powers and functions of consuls, to report it with an amendment. I ask the Senate to allow me to have the bill considered at this time. It will, I think, not take five minutes.

The PRESIDENT *pro tempore*. The bill will be read for information subject to objection.

The Chief Clerk read the bill and the amendment.

Mr. HAMLIN. Mr. President, I will state what the bill provides for. By the original section of the Revised Statutes it is provided that in certain countries consuls shall be clothed with judicial powers. Subsequent to the passage of that law, we have negotiated treaties with four other powers, giving judicial authority to American consuls and securing the right of trial before them to American citizens residing in those countries. The purpose of the bill is to extend our laws, so far as they are applicable, over those countries with whom we have since made treaties. The amendment proposes to make the law permanent and extend to other countries, if we shall make similar treaties, so that we shall not be obliged to amend the act every time we may make such a treaty.

Mr. EDMUNDS. Is the bill reported to-day?

The PRESIDENT *pro tempore*. It is just reported.

Mr. EDMUNDS. I must ask that it go over.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the bill goes over under the rule.

Mr. EDMUNDS. I ask that the amendment be printed.

The PRESIDENT *pro tempore*. The amendment will be printed, of course.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 585) to amend section 2763 of the Revised Statutes, relating to the employment of boats by collectors of customs, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 279) to authorize the construction of a bridge across the Mississippi at Memphis, Tennessee, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1111) for the relief of Somerville & Davis, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3828) to amend section 23 of the act approved June 22, 1874, entitled "An act to amend customs-revenue laws and to repeal moieties," reported it with amendments.

Mr. PADDOCK. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 3373) for the relief of settlers on public lands under the pre-emption laws, to report it favorably. I will state that this bill is in the exact words of a bill which was considered by the Committee on Public Lands and reported favorably, perfected in the Senate, passed by the Senate, and sent to the House of Representatives. The bill is very brief, and I ask that it be considered now.

The PRESIDENT *pro tempore*. The bill will be reported for information, subject to objection.

Mr. EDMUNDS. Let us hear the title.

The Chief Clerk read the bill by its title.

Mr. EDMUNDS. I think that may go over, Mr. President. I dare say it is all right, but in justice to bills that are reported earlier, the morning hour ought to be given to those on the Calendar, it appears to me.

Mr. PADDOCK. I should like to state to the Senator from Vermont that this bill is exactly like a bill which was passed by the Senate and perfected by the assistance of the Senator from Vermont. This bill was introduced into the House after the passage of that bill by the Senate, and is copied from it.

Mr. EDMUNDS. That will be a very good reason for passing it to-morrow. As stated, it would be entirely satisfactory to me, I presume.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the bill will be placed on the Calendar.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes, reported it with amendments.

Mr. BECK, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4556) for the relief of F. W. Golladay, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 153) providing for issue of arms to Territories, reported it with an amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 950) in relation to certain fees allowed registers and receivers, reported it without amendment.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 418) to amend section 532 of the Revised Statutes of the United States, relating to the division of the State of Alabama into judicial districts, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 577) to provide for the appointment of a district judge for the western district of Tennessee, reported it without amendment.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3576) granting a pension to Catharine D. Hunt, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1304) granting a pension to Anna M. Clippenger, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 710) granting a pension to Jane D. Cotton, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1196) granting a pension to Jane D. Cotton, reported adversely thereon; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. THURMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1283) for the relief of James A. Barr; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1284) creating the Utah and Northern Railway Company, a corporation in the Territories of Utah, Idaho, and Montana, and granting the right of way to said company through the public lands; which was read twice by its title, and referred to the Committee on Railroads.

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1285) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872; which was read twice by its title, and, with the accompanying argument in support of the bill, referred to the Committee on Military Affairs.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1286) for the relief of the Mobile Marine Dock Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1287) for the relief of Burr S. Craft; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1288) to repeal section 4717 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1289) relating to claim agents and attorneys in pension cases; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1290) to amend section 4702 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Pensions.

CHANGE OF NAME OF STEAMBOAT.

Mr. CONKLING. I ask, at the request of another Senator, that a bill which will take but a single moment changing the name of a vessel, in respect to which there has been a good deal of delay, be taken up and passed. I refer to the bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave. While the Secretary searches for the bill, I will remark that the committee inquired and received the usual proof of all the conditions-precedent to permitting the change of the name of such a vessel, and I think there can be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further non-concurring in the amendments of the Senate to the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 2507, making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, having met, after full and free conference, have been unable to agree.

WM. WINDOM,
J. G. BLAINE,
R. E. WITHERS,
Managers on the part of the Senate.

M. J. DURHAM,
HIESTER CLYMER,
A. HERR SMITH,
Managers on the part of the House.

Mr. WINDOM. I will state very briefly the grounds of disagreement in the minds of the committee of conference. The eighth, eleventh, and fourteenth amendments of the Senate constituted the points of difference. The eighth amendment reads as follows:

For completing the walls and putting on the roof of the new hospital for cadets, $21,886.46, to be available immediately.

There is a building now for hospital purposes partly completed. The walls are something more than half finished. The building is standing in an exposed condition and is deteriorating every year. It is needed very much by the institution. The House of Representatives, in the bill as it came to the Senate, proposed to appropriate $800 for a temporary board roof to preserve the walls of the hospital building. The Senate, believing that it would be much more economical to complete the building so as to have the use of it rather than to appropriate $800 for a temporary roof, which sum would be thrown away and the institution compelled to wait till some indefinite future time for the use of the building, agreed to appropriate a sum sufficient to finish the walls and to cover it, so that a small appropriation next year would complete it. The House disagreed to our amendment. The Senate conferees, believing it to be so important, could not consent to strike out this provision, believing that this is the cheapest time the building can ever be finished, and that it is in every way desirable to proceed with it, declined to recede from the amendment.

The eleventh amendment proposed by the Senate, on which the conference committee disagreed, is as follows:

For the purchase of a lake and adjoining lands, right of way to post, siphon and appendages, and water-pipe, and for laying of same, for procuring an adequate supply of water, $36,503.

The committee could have agreed upon a small appropriation for this purpose. There is already a contract for the purchase of a lake and fifty acres of land, which will supply the institution with pure water, for $5,000. That contract expires this summer; and it is believed by the commandant and others at the institution that if it be not appropriated for now it cannot be obtained. The committee on the part of the Senate believed it to be very important to obtain it, and therefore preferred to make another trial to obtain a portion at least of that appropriation.

Mr. WITHERS. I suggest to the chairman of the committee that that was not a contract, but a proposition to sell.

Mr. WINDOM. A proposition to sell, which I believe is secured by writing. There is a bond or refusal in writing for this purpose.

Mr. WITHERS. Exactly; at the option, however, of the authorities to accept it.

Mr. WINDOM. I am making a very brief statement of the facts, because I desire the Senator from Maine, [Mr. BLAINE,] who is conversant with the subject, from personal observation, to be a little more explicit upon some of these points than I am myself. I will say, however, before leaving these two points, that both these appropriations were unanimously recommended, as I am informed by the Senator from Texas, [Mr. MAXEY,] by the Board of Visitors last summer.

The fourteenth amendment proposed to strike out this provision in the House bill:

SEC. 3. That only such number of the graduates of the United States Military Academy in any one year shall be entitled to appointment as second lieutenants in the Army as are required to fill vacancies of that grade existing on the 1st day of July in each year; those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class. And hereafter no supernumerary officers shall be attached to any company or corps of the Army, and all graduates of the Military Academy who are not appointed to the Army under the provisions of this act shall be discharged upon the graduation of their class.

The Senate struck out this provision, believing it to be unjust to the cadets and impolitic. The members of the committee of conference on the part of the Senate believed it to be so, and consequently could not recede from that amendment. We have reported the bill back with a disagreement, hoping to get an expression of the Senate upon these questions, that we may know the better how to act upon the coming conference. The Senator from Maine is personally conversant with these facts, and I should like to have him make some statement in reference to them.

Mr. BLAINE. Mr. President, I an no more personally conversant with this matter than the honorable Senator from Texas, [Mr. MAXEY.] By your favor, sir, last year, he and myself were the committee on the part of the Senate to unite with the Board of Visitors at West Point at the time of the examination, and we gave a very considerable degree of attention to the subject which is now the matter of difference between the two Houses, for although the points are three they really involve but one general consideration, which in a moment or two I will explain to the Senate.

The House conferees agreed with us to appropriate for the sewerage. There is $13,250 asked for the sewerage. There has been a very great necessity for that. Certain malarious diseases have afflicted the post for the last two or three years, which of course comes from local causes, because it is situated in one of the most healthful localities in the world; and it is only within a few years past that the great necessity for sewerage has been developed, and the representation has been very strong of the necessity for this. Now, if you have a complete system of sewerage there, you need a very strong head of water. The present water supply of the post is of but a very crude style. It is a rude dam in a mountain gorge or hollow in which a great deal of surplus water accumulates, giving them not water of the best quality, not such water as they ought to have, and in a season of drought, which is so apt to occur in that latitude in the latter months of the summer and early autumn, uniformly they have been compelled to haul water. The water supply has been found insufficient, and the property on the post, which is very large in value, has been endangered thereby; and of course with a system of sewerage, at the very time of the year when deficiencies as to sewerage would work the worst results, the sewers would be insufficient for the lack of a strong head of water. It was said in reply that for $15,000 they could, I might say cobble up or repair the present system of waterworks; but they never were such as ought to have been there; they never gave pure water; they never gave a reliable, steady supply; but for a sum of between $40,000 and $50,000 they can get a supply of water which is absolutely exhaustless, which is pure, and which will afford all that health can require.

In this connection I may mention what was referred to by the chairman of the committee, that Congress appropriated some years since for a new hospital. The old hospital was not well situated. It was directly on the road from West Point to Highland Village, a mile below, over which there is a great deal of travel. The hospital is just as near to the road as a building can be. It abuts on it. There is a good deal of noise all the time, which is not favorable for patients; and the accommodations are restricted, so that two or three patients are not infrequently in a single room. The hospital which was originally begun is in a very much better location, and some $72,000 were expended upon it, and then the House refused to appropriate further. The money required to finish it is about $17,000. The Senate voted a sufficient sum to do one-half of it this year, ex-

pecting to complete it the next. It was General Schofield's idea and that which the Board of Visitors concurred in, that it would be well to divide the sum so as to make a moderate appropriation each year.

Now the hospital and the sewerage and the water all connect themselves as one whole system, one sanitary plan, not only sanitary as to the water but needed for the safety of the property, but it is especially important in the sanitary relation.

Mr. MAXEY. I should like the Senator from Maine to state to the Senate that in the distribution of the work among the Board of Visitors it fell to the lot of that Senator and myself to be upon the committee upon public buildings and grounds, and that the question of the completion of the hospital building, the question of sewerage, and of the water supply, fell under our immediate eye and examination——

Mr. BLAINE. I shall only occupy the attention of the Senate a moment, and I shall be very glad to have the Senator from Texas speak, because he was not only on the committee, but he is himself a graduate of the academy, and more familiar with it, of course, than any visitor could be.

These points seemed to be so exceedingly important to the post, so urgent, and so exigent, that your committee of conference did not feel that they could sign any report that did not embody them. The whole appropriation for the three this year amount to about $40,000, if my memory is correct; $13,250 for the sewerage, $21,000 for the hospital, and $5,000 for the water-works.

Mr. WINDOM. Excuse me for having made a suggestion to the Senator privately just now as to the amount. I thought he alluded to the entire amendments.

Mr. BLAINE. No. What we offered was simply to secure the water now, and the next year provide for the finishing of the works. Of course, if the Senate desire to act otherwise, they will instruct us. We do not want to get into a mere chaff with the House upon some point of etiquette that is not material; but these points impressed our minds, and they did mine from the fact that I was some two weeks on the Point, specially examining them, as being so absolutely essential that we could not give them up. I should be very glad to hear the Senator from Texas, who is more familiar than I am with the subject.

Mr. MAXEY. Mr. President, in distributing the duties of the Board of Visitors, it so fell out that the Senator from Maine and myself were placed upon the Committee on Public Buildings and Grounds. We made a personal inspection of the old hospital, which I state to the Senate is more than fifty years old. It is not provided with the appliances of the present day; it is not adapted to the present age. The new building has been carried to a point where it has either to be abandoned or completed. If abandoned, it is at a cost of some $72,000; and its completion is a necessity. Therefore we reported in favor of completing that building. So much for that as a matter of pure economy.

Second, the lower half of the plain at West Point is already provided with sewers and that part was reported to us as healthy, was so reported by the surgeon. The north half on the river is not provided with sewerage, and the result is that the sickness at the Point is in that portion of the plain, and it was suggested to us by the surgeon who accompanied us that it was necessary to the health of the plain that the sewerage should be completed. For that reason we reported that.

Now, as to the supply of water; that is not only a question of health but a question of economy. There have been there on two or three occasions fires: once the barracks were burned down; and fire has broken out once in the present new barracks. The want of a supply of water is dangerous to the buildings—the want of a supply for fire purposes outside of the necessity for purposes of health. Hence, both as a matter of health and as a matter of public economy, we recommended that the supply of water should be made abundant for the post for fire purposes and for purposes of health, and for the general purposes of the post.

These three recommendations we made upon a thorough personal inspection, and our report was made accordingly. We made that report to the Board of Visitors and it was unanimously concurred in by that board and the report was laid before the Senate.

Mr. WINDOM. I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives; and in making this motion I desire that the vote of the Senate shall express its judgment on this question rather than be a mere formal vote.

Mr. BECK. Before the vote is taken I desire to say a word in addition to what has been said. As a member of the Committee on Appropriations I considered this question as carefully as I could, as well as did the other members. It seems to me that we ought to ask the House again to reconsider their disagreement carefully.

The hospital, as has been said, has cost us $71,000, and it will require about $40,000 more, I understand, to finish it; so we propose to give them as much as will enable them to go on this year. If it is merely planked over, the building may as well be abandoned, because the walls, after a while, will become useless, I assume. It was made apparent to my mind that the young men who are now there—and they are young men sent from each district in the United States, selected by Representatives themselves, for education at West Point—are now in the old hospital, exposed to all contagious diseases that may break out there, and there is no means whereby, if scarlet fever, measles, or any other contagious disease breaks out, the officers can separate those who are not affected with these diseases from those who may be. So the life and the health of the young men who are sent there by Representatives themselves are in constant danger until a reasonably good hospital is finished. That certainly ought to recommend itself to the consideration of gentlemen who have the responsibility of sending young gentlemen to that place.

Then it was made apparent to us that malaria and other diseases were prevailing there that were unknown to West Point years ago, because of the want of sewerage; that the condition of one part of the plain at least that was referred to by the Senator from Texas had been changed from being healthy to an unhealthy place, and that good sewerage would remedy all that. It seemed to me that it was important for the health of the professors and students and everybody else, if it could be remedied in that way, that it should be so remedied.

Then again it was shown that there was not a cistern on the place. We had left agents there to take charge of our property, property so valuable that no private man would allow it to remain in the condition it is without having a water supply to extinguish fires if nothing else; and yet the United States has never provided the means to extinguish a fire if one breaks out there. An abundant supply of water can now be obtained at a reasonable cost, which if sold to private parties may be converted into a nuisance deleterious to the institution, and which may not be had again because our contract to have it expires with the expiration of this session of Congress and we thought it was well to secure it and to provide at once for the supply of water, the sewerage, and the hospital.

I agree with the chairman of the committee that we had better have the yeas and nays of the Senate, so as to make the expression as decided as Senators may see fit to make it, and show the other House what our opinion is at least.

Mr. MAXEY. Mr. President, I forgot to state one thing when I was up before. In the examination to which I referred of the old hospital, the new hospital, the sewerage, and the water supply, the Senator from Maine and myself had the advantage, and the great advantage, too, of the presence during all that examination of the chairman of the House Military Committee, who was also a member of the committee on public buildings and grounds at West Point of the Board of Visitors, and he concurred with our views.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota that the Senate further insist and agree to the further conference.

Mr. ALLISON. I think, with a view of ascertaining the sense of the Senate with reference to these amendments, we had better have the yeas and nays of the Senate on the question of further insisting.

The yeas and nays were ordered.

Mr. WITHERS. As the yeas and nays have been asked for in order to give imposing force to the views of the Senate, I wish to state, as a member of the subcommittee and also of the conference committee, that I fully concur in the views which have been expressed relative to the importance of the Senate amendments to the West Point appropriation bill. The sewerage appropriation is so manifestly absolutely essential to the health of the inmates of the institution that I presume no difficulty will be found in regard to that. The only questions likely to arise between the House and Senate and to occasion any difficulty are the appropriations for the purchase of the water supply and for the completion of the hospital building. I believe that a sound economy demands that appropriations shall be made in accordance with the amendments which have been introduced in the bill by the Senate in its action.

The question being taken by yeas and nays, resulted—yeas 54, nays 0; as follows:

YEAS—54.

Allison,	Coke,	Ingalls,	Paddock,
Anthony,	Conkling,	Kernan,	Patterson,
Armstrong,	Davis of Illinois,	Kirkwood,	Plumb,
Bailey,	Davis of W. Va.,	Lamar,	Randolph,
Barnum,	Dennis,	Matthews,	Rollins,
Bayard,	Dorsey,	Maxey,	Sargent,
Beck,	Eaton,	McCreery,	Spencer,
Blaine,	Edmunds,	McDonald,	Teller,
Booth,	Eustis,	McMillan,	Voorhees,
Bruce,	Ferry,	McPherson,	Whyte,
Burnside,	Grover,	Merrimon,	Windom,
Butler,	Hereford,	Mitchell,	Withers.
Cameron of Pa.,	Hoar,	Morgan,	
Cameron of Wis.,	Howe,	Oglesby,	

NAYS—0.

ABSENT—22.

Chaffee,	Gordon,	Jones of Nevada,	Sharon,
Christiancy,	Hamlin,	Kellogg,	Thurman,
Cockrell,	Harris,	Morrill,	Wadleigh,
Conover,	Hill,	Ransom,	Wallace.
Dawes,	Johnston,	Saulsbury,	
Garland,	Jones of Florida,	Saunders,	

So the motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WINDOM, Mr. BLAINE, and Mr. WITHERS were appointed.

TIMBER CULTURE ON PUBLIC LANDS.

Mr. PADDOCK. The Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill

(S. No. 396) to amend section 2464 of the Revised Statutes, relating to cultivation of timber on the public domain, direct me to move a non-concurrence in the House amendment and to ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and

The PRESIDENT *pro tempore* appointed Mr. PADDOCK, Mr. PLUMB, and Mr. GROVER.

CATHARINE BRENNAN.

Mr. BAILEY. I move that the vote by which the bill (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late private of Company B, Fifty-eighth Illinois Volunteers, was indefinitely postponed be reconsidered, and that the bill be referred to the Committee on Pensions.

The motion was agreed to.

COMPLETION OF WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

On motion of Mr. INGALLS, it was

Resolved, That the Senate insist upon its amendment to the said joint resolution disagreed to by the House of Representatives and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair calls up the unfinished business, which is the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

Mr. DAVIS, of West Virginia. I intended this morning to call up the resolution offered by me in regard to the committee on Treasury accounts a few days ago; but I notice the Senator from Vermont who took some interest in the resolution [Mr. MORRILL] is not now in his seat, and therefore I refrain from calling it up, but I give notice that to-morrow morning I shall ask the Senate to take it up.

Mr. MATTHEWS. Mr. President, on this day a week ago I gave notice of my intention to move to take up to-day Senate bill No. 942, to the exclusion of other business, being the bill known as the Texas Pacific Railroad bill, but not with the intention of having the bill considered with a view to its disposition at this time, but for the purpose of taking the floor in order to give it to the Senator from Mississippi, [Mr. LAMAR,] who expected to be ready to address the Senate on that bill to-day. I have since been informed by the Senator from Kansas [Mr. INGALLS] and the Senator from Arkansas, [Mr. DORSEY,] as members of the Committee on the District of Columbia, that they were very urgent for the consideration to-day of the bill reported from that committee in reference to the government of this District. I have conferred with the Senator from Mississippi in respect to his convenience, and with his consent am willing to postpone the motion which I intended to make, which was merely to informally lay aside the pending business for that purpose, provided it is understood, and I should be glad to have it understood with the Senate to-day, that at the conclusion of the morning business to-morrow the other business then pending of the Senate may be laid aside informally for the purpose of enabling the Senator from Mississippi to speak on this question.

Mr. LAMAR. Mr. President, I am very anxious to address the Senate upon this measure in which my constituents have a deep and intense interest. I have occupied the attention of the Senate very briefly and at very rare intervals since I have had the honor of being admitted to a seat on this floor, and I should be greatly obliged if the opportunity should be accorded to me to make a few remarks on this subject to-morrow.

Mr. INGALLS. Mr. President, at the conclusion of the business before the Senate I shall ask the consideration of the House bill, with the Senate amendment, providing a permanent form of government for this District. I hope that it will be antagonized by no other measure, and I shall ask the Senate to continue the consideration of that bill until it is concluded. I should hope that result might be reached to-day, but if it should continue over to-morrow, I should have no objection to its being informally laid aside to enable the Senator from Mississippi to submit his remarks, with the understanding that the consideration of that bill shall then again be resumed.

Mr. VOORHEES. Mr. President, in consideration of the fact that the Committee on Finance reported to-day the House bill preventing the further retirement of legal-tender currency I had concluded in my own mind not to call up the regular order this afternoon, especially as the Senator from Michigan, now occupying the chair, gave notice that to-morrow, after the morning hour, he would call up the bill reported by himself from the Committee on Finance, with a view to the action of the Senate upon it. Upon that bill at that time I understand the Senator from Delaware, a member of the Finance Committee, desires to address the Senate, and I do not think I should be justified in yielding that business for the business called for by the Senator from Ohio, however much and however sincerely I might desire to oblige both him and the Senator from Mississippi. I do not think the bill reported from the Finance Committee this morning will take much time. I doubt indeed if it will provoke further discussion than the speech of the Senator from Delaware, and then perhaps we can have a vote upon it. Subject to that, I should be glad to co-operate with the Senator from Ohio in procuring a proper opportunity for the Senator from Mississippi to address the Senate; but it is due to frankness to say that after the morning hour to-morrow I shall feel it my duty, as I presume the Senator from Michigan now occupying the chair will feel it his, to insist upon taking up the measure reported from the Committee on Finance to-day.

Mr. MATTHEWS. I should like to inquire, through the Chair, of the Senator from Indiana if he understood that my request extended beyond the ordinary courtesy of merely allowing the Senator from Mississippi to take the floor for the purpose of addressing the Senate, laying aside only informally the pending business and not with a view of displacing it?

Mr. VOORHEES. I know; but it presents this delicate point: the Senator from Michigan has already notified the Senate that he will call up the measure reported from the Finance Committee to-morrow after the morning hour, upon which the Senator from Delaware desires to address the Senate, notice of which was given by the Senator from Michigan prior to the motion of the Senator from Ohio.

Mr. MATTHEWS. The Senator is entirely mistaken as to the priority. I gave this very notice one week ago to-day and the Senator from Michigan only spoke this morning, for the bill was only reported from the committee this morning. One week ago I gave notice that I would to-day ask this courtesy of the Senate on behalf of the Senator from Mississippi; but inasmuch as the urgency of the bill from the District Committee was such that they appealed to me to give way for a single day, I thought I might ask the indulgence of the Senate for to-morrow on behalf of the Senator from Mississippi, simply for the purpose of allowing him to speak to that question, without interfering with the regular order. I trust that the Senator from Indiana will, as I am sure the Senator from Michigan now in the chair will, be willing to allow the matter to take that course as it will not prejudice in any wise, I think, the speedy determination of the bill to which reference has been made.

Mr. ALLISON. Mr. President, I understand that the regular order was formally set aside yesterday on a yea-and-nay vote, the regular order being the finance bill. Now the Senator from Michigan reports another bill from the Committee on Finance this morning which in many respects covers the same points as the bill formerly under consideration, and gives notice that the bill will be taken up to-morrow. So I can see no difficulty in the way if the Senator from Mississippi only desires to submit his remarks to-morrow, and then let the regular order proceed, whatever it may be.

Mr. BAYARD. Mr. President, the bill reported from the Committee on Finance to-day did not meet my approval. I propose to give my reasons for that dissent when the bill shall be brought before the Senate, at any time when it may be the pleasure of the Senate to have the question discussed; but there is no desire on my part to antagonize the convenience or the wishes of the honorable Senator from Mississippi, but on the contrary a strong desire to yield to him that personal accommodation which I am glad to say is the usual feature of arranging business in this body.

I do not care in the least to delay the passage of the bill referred to by the honorable Senator from Indiana, whenever it shall please the Senate to pass it. With or without the expression of my opinion, I shall be ready to vote. But so far as this matter of arrangement is concerned, I should feel myself called upon to-morrow to vote to take up the railroad measure referred to by the Senator from Mississippi, for the purpose of allowing him to make a speech which he desires to make in view of the peculiar interest he has expressed for his constituents. I merely say this, in order that there may be no clash whatever and no misunderstanding whatever in regard to the easy, and I may call it polite, progress of business in this body.

Mr. FERRY, (Mr. COCKRELL in the chair.) Inasmuch at the Senator from Delaware has courteously surrendered his right to speak on the bill which was reported this morning from the Committee on Finance, it would seem as though the Senator from Indiana would now withhold pressing the consideration of that bill for the purpose of affording the Senator from Mississippi the ordinary courtesy that is accorded to any Senator when he asks to be heard in the Senate. The Senator from Ohio, as he has stated, did give notice some days since that to-day he would call the attention of the Senate to the bill which he now desires to present for consideration, but on account of the pressure of the Senator from Kansas representing the District Committee he has waived that, as I understand, until to-morrow. Now it seems to me that there can be no objection to taking up the bill that was reported this morning from the Committee on Finance, and when it is before the Senate I will then move to lay aside that bill inasmuch as the Senator from Delaware is willing to yield the floor, as he is entitled to it, for the purpose of listening to the remarks of the Senator from Mississippi. When those remarks are concluded, I shall then ask the Senate to proceed with the consideration of the finance bill when the Senator from Delaware will have the floor.

Mr. MATTHEWS. Then, Mr. President, with the understanding that I now understand has taken effect that the Senator from Mississippi will be entitled to the floor at the expiration of the morning business to-morrow, laying aside temporarily and informally any pending business, I have nothing further to say.

Mr. SARGENT and others. Regular order!

JAMES SHIELDS.

The PRESIDENT *pro tempore*. The unfinished business is the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list; which is before the Senate as in Committee of the Whole.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. COCKRELL. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Delaware, [Mr. SAULSBURY.] If present, he would vote "nay" and I should vote "yea."

Mr. LAMAR, (when his name was called.) On this question I am paired with the Senator from West Virginia, Mr. DAVIS. If present, he would vote "nay" and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 32, nays 28; as follows:

YEAS—32.

Allison,	Conkling,	Ingalls,	Patterson,
Blaine,	Conover,	Kellogg,	Plumb,
Booth,	Dorsey,	Kirkwood,	Rollins,
Bruce,	Edmunds,	McMillan,	Sargent,
Burnside,	Ferry,	Matthews,	Saunders,
Cameron of Pa.,	Hamlin,	Mitchell,	Teller,
Cameron of Wis.,	Hoar,	Morrill,	Wadleigh,
Christiancy,	Howe,	Paddock,	Windom.

NAYS—28.

Armstrong,	Davis of Illinois,	Johnston,	Merrimon,
Bailey,	Dennis,	Jones of Florida,	Morgan,
Barnum,	Eaton,	Kernan,	Randolph,
Bayard,	Eustis,	McCreery,	Thurman,
Beck,	Grover,	McDonald,	Voorhees,
Cockrell,	Harris,	McPherson,	Whyte,
Coke,	Hereford,	Maxey,	Withers.

ABSENT—16.

Anthony,	Dawes,	Jones of Nevada,	Saulsbury,
Butler,	Garland,	Lamar,	Sharon,
Chaffee,	Gordon,	Oglesby,	Spencer,
Davis of W. Va.,	Hill,	Ransom,	Wallace.

So the amendment was concurred in.

Mr. TELLER. I wish to state that I understood that the Senator from West Virginia [Mr. DAVIS] was paired with my colleague, [Mr. CHAFFEE.]

Mr. THURMAN. Mr. President, there came from the House of Representatives a bill granting a pension to General Shields. Several Senators who have expressed their opposition to the pending bill indicated their willingness to vote for a bill of that sort. I have not seen that bill but I think that view expressed by Senators ought to be considered, and in order that it may be I move that this bill be committed to the Committee on Pensions.

Mr. COCKRELL. I hope the bill will not be committed, but that we shall have final action on it.

Mr. INGALLS. The Committee on Pensions have already examined the case of General Shields and have reported a bill for his relief placing him on the pension-list at $50 a month. That bill went to the House of Representatives and was returned here with an amendment fixing the rate at $100 a month, so that there is no necessity for referring this matter to the Committee on Pensions.

Mr. McDONALD. I should like to inquire of the chairman of the Committee on Pensions what is the highest rate of pension that has been allowed to any officer by way of pension?

Mr. INGALLS. Fifty dollars is the highest rate established by law.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio, that the bill be committed to the Committee on Pensions.

Mr. BLAINE. Before that vote is taken I wish to make a remark upon what fell from the Senator from Ohio yesterday, not particularly relative to this bill, but the statement was so extraordinary that it arrested my attention, and it struck me as still more extraordinary when I read it this morning in the RECORD. The honorable Senator from Ohio, in debating this bill yesterday, said:

> We have a little civil pension list in this country. It is confined, however, entirely to judges of the Federal courts; and the only justification in the world for it, and the ground upon which it was put by the committee that introduced the bill and by those who spoke upon it, was that owing to the constitutional provision that a judge should hold his office during good behavior, and therefore during life in almost every case, the only way in which you could get rid of an incompetent judge was to pension him off by allowing him to resign and continue his pay. It is a matter of history, as we all know, that we have had to resort to that to get rid of several judges who were totally disqualified to discharge their duties, one of whom was a lunatic, absolutely insane, and others totally disqualified to discharge their duties.

That bill was passed the first month that the honorable Senator entered this body; and of course his recollection of the debate would be accurate probably from that fact. I remember it very well from another circumstance in the House of Representatives, and according to my recollection I do not believe that any such thing occurred. I think the Senator is entirely mistaken. I do not think that that ground was put forward. I think the bill was put forward on the ground that an eminent judiciary whose members had illustrated their career by fidelity and integrity and purity should be rewarded; and it was confined to those who had seen ten years' service on the bench and had reached the age of seventy years. Now, the Senator states that the only reason for passing that bill and the reason avowed in debate was to get rid of judges whom you could not get rid of otherwise. I think the honorable Senator does himself great injustice, and great injustice to the historic nature of that bill, and to those for whose benefit it was passed.

Mr. HOAR. Will the Senator from Maine before he sits down allow me to say that the judge whose name was most frequently cited as the person to whom that pension bill would first and immediately apply was one of the most distinguished democratic judges in the country and then in the full possession of a most vigorous and powerful understanding and in the full possession of the respect of the entire American people for the integrity and purity of his judicial character?

Mr. BLAINE. The Senator from Massachusetts is entirely correct. He alludes to Robert C. Grier, for whom I inherited through three generations a friendship that made me extraordinarily active in behalf of that bill. I worked for that bill for his benefit, and I never knew that it was to get rid of a lunatic or an incompetent man and that that was the only motive, as the Senator from Ohio said, for passing that bill.

Mr. THURMAN. Well, now, the Senator is very unnecessarily indignant in "vindicating the truth of history," as he supposes. He may vindicate it at the end of the Capitol where he was then. I know the history of the bill in this end of the Capitol. Instead of that bill being confined to those illustrious men of whom the Senator from Maine has spoken, it applies to every petty district judge throughout the whole Republic, men by no manner of means illustrious, and to whom God never gave the faculty of being illustrious. It applies to the whole of them, and one of them was a lunatic and another of them was so decrepit that he had not been able to perform any service in his court for years; and the very judge of the highest court whom the Senator has mentioned, and whom I do not think it was in very good taste to mention in this connection, had to be carried by porters to his seat on the bench for a long time before that bill was passed. I admit that his intellect was fine, but his body was feeble, and it was time he had retired.

Mr. President, I know about that bill. It was matured in the Judiciary Committee of the Senate. The very provision to which the Senator alludes of the ten years' service was put in on my own motion. That bill never would have been recommended by that committee, never would have passed the Senate, but for the fact that it was the only way in which you could get rid of a judge who had become incompetent and who was in the Federal service. It was no sentimentality about illustrious character or illustrious services that carried that bill; nothing of that kind, sir. The Senate never intended to make a civil pension list for illustrious character; the Senate never sought to pension Jefferson, or Madison, or John Quincy Adams, or any other of the illustrious men in the civil service of the country. It never intended to make a civil pension list for the judges or for anybody else. It was simply a matter of absolute necessity that we should pass such a bill as that in order that we might have an active, efficient, and working judiciary.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio that the bill be committed to the Committee on Pensions.

Mr. VOORHEES. Before the vote is taken I desire to concur in the hope expressed by the Senator from Kansas that that motion will not prevail. With the greatest possible respect to the Senator from Ohio I desire to say that we have done our part as a Committee on Pensions in regard to General Shields. There is nothing more for us to do, and I hope the case will not go again to us.

Mr. THURMAN. When I made that motion I was not aware that the committee had reported. I withdraw the motion and will substitute another for it. I move to strike out all after the enacting clause of the bill and insert the bill reported by the Committee on Pensions.

Mr. BLAINE. I do not want to prolong the debate, but on a matter of fact I desire to say to the honorable Senator from Ohio that I think he is mistaken in stating himself as the author of the ten-year clause in the judiciary bill. I think he will find that it came from the House. It is mere matter of memory between us, but I think he will find it came from the House.

Mr. HEREFORD. When the last vote was taken on agreeing in the Senate to the amendment of the Committee of the Whole, the Senator from Mississippi [Mr. LAMAR] announced himself as having been paired with my colleague, [Mr. DAVIS.] I obtained that pair not knowing that my colleague had been previously paired with the Senator from Colorado, [Mr. CHAFFEE.] The change should be made now if it is desirable; but it makes no difference in the result. I have since been informed by the Senator from Colorado in his seat [Mr. TELLER] that that pair was made by my colleague.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

Mr. THURMAN. My amendment is to strike out the bill and insert the bill for a pension of $100 a month.

Mr. INGALLS. No, $50 was the Senate bill.

Mr. THURMAN. Then I move to insert the House bill.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to strike out all after the enacting clause and insert the House pension bill.

Mr. BLAINE. Is that in order?

Mr. INGALLS. There is no such House bill.

Mr. CONKLING. It is a House amendment to a Senate bill.

Mr. BLAINE. Does the Chair hold that to be in order?

The PRESIDENT *pro tempore*. The bill is open to amendment. The amendment is in order. The Secretary will report the amendment.

Mr. THURMAN. I have been misinformed as to the way the bill stands. I am told it is a House amendment to a Senate bill. Let the amendment be read. I send it to the desk.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio will be reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Shields, late a brigadier-general of the United States Volunteers, at the rate of $100 per month, said pension to be in lieu of that which he now receives.

Mr. SARGENT. Is that germane? I raise the point of order that that is not germane.

The PRESIDENT *pro tempore*. The amendment is in order.

Mr. INGALLS. I concur with the Senator from California in agreeing that that is not a proper motion to make and cannot be entertained by the Chair under Rule 43. The question upon the pension bill of the Senate as amended by the House is whether the Senate will concur in the House amendment. It is not possible to move that that bill shall be an amendment to the bill now pending before the Senate in regard to the retiring of General Shields. If the Chair will refer to Rule 43, he will observe the motions that can be made when a question is pending. The pending question is upon the bill retiring General Shields, whether it shall be amended in the Senate or not. It cannot be amended by the pension bill that has come from the House, because the pending question on that bill is whether the Senate will concur in the House amendment. Therefore, this motion is clearly out of order.

Mr. CONKLING. May I ask the Senator from Kansas a question?

Mr. INGALLS. Certainly.

Mr. CONKLING. Shall I understand the Senator to maintain that under the right to amend the Senator from Ohio cannot move as his own language, no matter whether the House has acted upon it or not, anything that he chooses, to vary, modify, reverse, or contradict the original meaning of this bill?

Mr. INGALLS. The Senator does not understand me to hold that.

Mr. CONKLING. That he cannot——

Mr. INGALLS. I say that he can.

Mr. CONKLING. Then is the criticism that he offers it as a House bill?

Mr. INGALLS. Exactly. It was also read by the Secretary from the original House bill.

Mr. THURMAN rose.

Mr. CONKLING. The Senator from Ohio may trust me to defend him against the allegation that he offered it as a House bill. He offers the text or substance of a paper, which paper he described as an amendment of the House of Representatives to a Senate bill. Of course this does not become a House bill when he offers it. But whether he takes it out of the Decalogue, or out of Thomas Jefferson, or out of Joseph Chitty, or out of the doings of the House of Representatives, or no matter whence it comes, I take it there can be no doubt that he has a right to move, in the proceedings of most of the States in another form, but in our proceeding to strike out all after the enacting clause, so that the bill remains the identical bill that it is, and put into it anything that he pleases, says our Manual, no matter how much it may reverse the sense, so that it be not disrespectful to the body in which he offers it.

The PRESIDENT *pro tempore*. The Chair will state his understanding of the question. House bill No. 4245 being before the Senate as in Committee of the Whole, the question was not upon section 1 but upon the bill; and an amendment was offered by the Senator from California [Mr. SARGENT] in the form of section 2, which was adopted in Committee of the Whole, and concurred in when the bill reached the Senate. The question is not on concurring in an amendment of the House, but it is a House bill which has not yet been acted upon in the Senate. The Senate has only adopted one amendment to it. The question now recurs upon the passage of the bill in a stage when it is open to amendment in the Senate at the option of any Senator.

Mr. BLAINE. When I made my inquiry first, I thought the Senator from Ohio moved to strike out all after the enacting clause and insert the original House bill to put General Shields on the retired list. That was the motion the Senator from Ohio originally made as I understood, and if he did that, that I maintain was not in order.

Mr. THURMAN. I mentioned the House bill because I wanted the provisions of that bill and I had not the bill before me so that I could write out my amendment myself, and so I said "the provisions of the House bill."

Mr. BLAINE. But the point I made was that the Senator might take the exact words of the bill putting General Shields on the retired list wholly and apart from its being a House bill, and it would not be in order to strike out the amendment and put this in, because it would be tantamount to disagreeing at once to that which the Senate had inserted, and therefore I made the point that the Senator could not move as a substitute the exact words of the original bill retiring General Shields; but the other I entirely agree is in order.

The PRESIDENT *pro tempore*. The Chair does not rule upon an anticipated case. The Chair rules upon the case before the Senate.

Mr. KERNAN. Allow me to inquire did not the Senator from Ohio send to the desk in his own hand, on a separate piece of paper, what he proposes to insert?

The PRESIDENT *pro tempore*. The Chair does not rule upon suppositious cases, but upon the motion as made. The Chair rules that the Senator from Ohio in submitting this amendment, which will now be read by the Secretary, is in order. The amendment is to strike out all after the enacting clause and insert what will be read.

The Chief Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Shields, late a brigadier-general of the United States Volunteers, at the rate of $100 per month, said pension to be in lieu of that which he now receives.

Mr. SARGENT. The point of order I desired to make was that the Senate in Committee of the Whole and also in the Senate have inserted certain matter in this House bill as a second section; and as it would not be in order directly to move to strike that out I wish to know whether it is in order to do it indirectly by striking out all after the enacting clause and inserting other matter.

Mr. THURMAN. That very point was decided the other day on the bankrupt law repeal bill. We inserted "September 1," and after that the Senator from Kentucky [Mr. BECK] moved to strike out the whole clause, including "September 1," and the Chair ruled, and was sustained by the Senate, that it was in order to move to strike out what had been inserted if you only struck out more with it.

Mr. SARGENT. At that very time a motion to strike out the whole paragraph was pending, when the Senator from Ohio rose and desired to perfect the text and was allowed to do it, and then the vote came on the motion of the Senator from Kentucky.

Mr. THURMAN. Oh, no.

Mr. SARGENT. I speak from my own recollection; the Senator can speak for himself. I am very well satisfied that was the history of the matter. The Senator from Kentucky first making his motion to strike out the whole paragraph, the Senator from Ohio rose and claimed the right to perfect the paragraph before it should be stricken out, and on that plea, although it was contested by the Senator from Kentucky, very warmly, he was allowed to have the vote taken on his motion, which was to perfect a portion of it. Subsequently the vote was taken upon the motion of the Senator from Kentucky to strike out the whole clause, and it was voted down. That is my recollection of the matter. This is not a parallel case at all. By all the forms in which it can do so, the Senate has put into the House bill the second section; and the point, I ask with deference to the Chair, is whether it can now do indirectly under the rules what it cannot do directly, that is, strike out what it has already inserted.

The PRESIDENT *pro tempore*. The Chair would rule that the Chair could not entertain a motion, the Senate having adopted section 2, to strike out that section. But the Senate has not yet acted upon section 1. If the Senate had not amended section 1 in Committee of the Whole and reported it to the Senate, it would be competent to move to strike out all after the enacting clause and insert what the Senator from Ohio proposes. The effect of adopting section 2 does not change the right of the Senator from Ohio to offer to strike out matter that has not been acted upon, even though he included matter that has been adopted. It is entirely different matter. The Chair entertains the motion. The question is on the amendment of the Senator from Ohio.

Mr. HILL. Mr. President, I regret very much that I was called out of the Senate and not sent for when the vote was taken sometime ago in the Senate concurring in the amendment made as in Committee of the Whole. I should have said then what I rise to say now, and I have very little to say now.

I wish once more to enter my protest against what is a habit in this House, and I am ashamed to say the habit in almost all legislative bodies, and it has been practiced on this occasion, of assuming that gentlemen say what they do not say, and then answering what they do not say. Now, I say there is not a man here who opposed the amendment to insert the name of General Grant because of any opposition to General Grant. And yet there seems to be a desire in some quarters to make it go to the country or appear to the country that some of us opposed that amendment because it was for the benefit of General Grant. There has not been one word dropped from this side of the Senate to justify any such imputation, and I say here that the imputation is untrue and gratuitous.

Sir, I would have voted against the amendment if it had included the name of George B. McClellan and not General Grant, and I would

have voted just as readily against an amendment seeking to put George B. McClellan, a distinguished general and a distinguished democrat, on the retired list as I did vote against the amendment to put General Grant on the retired list. I voted on principle. As I stated before, I was willing to vote to put General Shields on the retired list because of a principle in which he is exceptional. He needs it; his condition is peculiar, and he deserves it. General Grant deserves it; General McClellan deserves it; there are a hundred men in this country who deserve it; but they do not need it, and I for one will not tax the people of the United States to support a man who is already supported or amply able to support himself. That is the principle on which I go, and it is not because the amendment is to benefit General Grant. It may be very creditable to gentlemen's sharpness, but not creditable to their frankness, to attempt to put a version on this vote which no man intended it should have and which all the facts do not justify.

I do not stop to inquire whether the man whose name is proposed is a democrat or a republican; the only question with me is, first, has he rendered service that justifies this distinction; second, is he in a condition to need it and does he need it? I am willing to tax the people, and the people are willing to tax themselves, to support a distinguished servant who is in a condition to need that support, who is helpless without that support; but I am not willing to set the precedent of taxing the people of the United States in the present condition of the country to support a man who does not need that support and who does not ask that support.

I asked the Senator from California yesterday if General Grant asked this support. The Senator said if he asked it he would not give it to him. And the implication was made from several quarters that it would not be very reputable for an applicant to ask. Why, sir, your law is framed on that very assumption, that men do ask. Take section 1243 of the revised code. It provides that where there has been an officer of forty years' continuous service he may, upon his application, be placed upon the retired list; upon his application, not otherwise. So, if he has been thirty years in continuous service he may, on his application, be placed on the retired list in the discretion of the President. If he has been forty years in continuous service, he has a right to be placed upon the retired list, but only upon asking it. If he has been only thirty years in continuous service, the President may in his discretion place him upon the retired list, but only on his application. Here is your law giving both these classes of officers a right to be put on the retired list, only when they ask it; and yet gentlemen seem to say that in the case of General Grant it would be disreputable to ask it. Not at all, sir.

Mr. President, I do think there is a principle involved here, and a very grave one, and one that I think will go home to the people. I hesitate, not because it is for General Grant, not because it may be for any other individual, but I do hesitate to record my vote under any circumstances to recognize the principle that a man who does not need this support, one who is in health and vigor and strength and able to take care of himself should be put on the retired list, thus increasing the taxation of the country, because I do not know where the limit will be. The Senator from California has already brought before the Senate a very long list of gentlemen who have rendered distinguished service to their country, and if you look simply to the question of honoring them, if you look simply to the question of recognizing their services, it would be very proper to place all of them on the retired list, but they do not need it. Why tax the people of the United States to support men who do not need their support? If this is to be inaugurated in the present case under the auspices of a great name like that of General Grant, I do not know where the end may be. Otherwise, if it was a mere tribute to General Grant, if it was a mere recognition of his services, there would be no trouble at all about it. That is not the question in a case of this kind. We retire men who have spent their days in the judiciary and support them, simply because they retire under our law at an age which implies that they are unable to support themselves. General Grant does not need this recognition of his services. If gentlemen tender it as an honor, he who has administered this Government for eight years does not need this recognition of his services; he does not need this tribute to his honor; and I must say that I do not believe General Grant would accept it. I do not know, however; perhaps he might; he does not refuse much. [Laughter.] Yet I do not believe he would accept it. I will say for him that I believe if he knew his name was being used in any way to jeopard a brave old disabled soldier he would disapprove it. I will say that for him, for there are many features in General Grant's character which are beautiful. When he was offered General Lee's sword and refused it his words were enough to bring the tears to any man.

All I have to say is that while I was anxious to vote for this bill for General Shields I regret very much that the amendment has been placed on it, for it requires me to set a precedent which I am not willing to follow. I am willing to say here that I am ready to vote to support any man who has rendered distinguished service to his country by the hazard of his life, and who has come to old age penniless and in want, and needing the support of the Government. I will give him a support as the shadows of evening gather about him. I will not send him to his eternal home hungry and naked. But a man who does not need that support, a man who is already provided for—there is no reason why I should seek to place him in the category of one who does need it. Under the circumstances I confess I have some embarrassment about this vote, but I believe I shall vote for the motion to amend made by the Senator from Ohio.

Mr. COCKRELL. Mr. President, I had hoped that the Senate would have adopted the bill for the relief of General Shields just as it came from the House of Representatives. Quite a number of Senators who have advocated the amendment announced themselves yesterday as opposed to the measure *in toto*, and will doubtless vote against the bill as it is amended. I announced yesterday that it seemed apparent to me that a majority of those voting for the amendment did so for the purpose of defeating this bill. I hope the substitute offered by the Senator from Ohio——

Mr. McMILLAN. Will the Senator from Missouri allow me to ask him a single question?

Mr. COCKRELL. Certainly.

Mr. McMILLAN. Does the Senator make that remark in view of the remark just made by the Senator from Georgia as to the propriety of drawing inferences?

Mr. COCKRELL. The Senator from Minnesota ought to remember, and stretch his memory a little to recollect when the Senator from Iowa [Mr. KIRKWOOD] and the Senator from Vermont [Mr. EDMUNDS] yesterday announced precisely what I have stated, that they were opposed to the bill, and intended to vote against it with this amendment put upon it.

Mr. McMILLAN. Does that sustain the statement——

Mr. COCKRELL. And they voted for the amendment, and that sustains precisely what I said.

Mr. McMILLAN. Does that sustain the statement of the Senator from Missouri that a majority upon this side of the House voted for the amendment with that intention?

Mr. COCKRELL. Only two Senators upon that side have disclaimed any such intention—the Senator from California [Mr. SARGENT] and the Senator from Maine, [Mr. BLAINE.] Two have declared such intentions, and I leave them there, balanced equally.

Mr. SARGENT. How many on this side of the Chamber have declared that they will vote against the bill with Grant on it? The way in which Senators announce their votes is on the roll-call. Wait until the roll is called.

Mr. KIRKWOOD. Will the Senator from Missouri allow me to ask a question?

Mr. COCKRELL. Certainly.

Mr. KIRKWOOD. Does the Senator from Missouri desire to be understood as saying that I voted to place the amendment upon the original bill for the purpose of voting it down and defeating it?

Mr. COCKRELL. I understood the Senator to say he was opposed to the whole measure.

Mr. KIRKWOOD. That is true.

Mr. COCKRELL. Then why amend it in that way unless it was for the purpose of trying to defeat it?

Mr. KIRKWOOD. I supposed probably in the minds of some men it might strengthen the bill. I had not reached that point yet to believe that attaching the name of General Grant to a bill would load it down so that it would compel a majority of the Senate to vote against it. I announced my own determination to vote against it because I believed the whole principle was wrong.

Mr. HILL. But did not the Senator know very well that attaching the name of any gentleman to the bill who did not need the support and to whom the principle of the bill did not apply would injure the bill, whether General Grant or anybody else?

Mr. KIRKWOOD. I supposed myself that attaching the name of General Grant to the bill would strengthen it, and I inquired yesterday of the Senator from Indiana [Mr. VOORHEES] why it was, and how it could be, that to gentlemen who believed that the principle of the bill, taking civilians and putting them on the retired list, was right, placing the name of General Grant there would defeat it.

Mr. HILL. For the same reason that if you placed the name of George B. McClellan there it might injure the bill. They do not need it, and it is not the principle upon which the bill is based.

Mr. KIRKWOOD. I do not think the people of this country estimate the services of George B. McClellan and of Ulysses S. Grant alike; I certainly do not. What I rose to say, however, was this: the Senator from Missouri travels out of his proper sphere when he imputes to me any obliquity of motive in any vote I cast here. He has no right to do it; and when he does it and says it he does and says what is not the fact.

Mr. COCKRELL. The RECORD will speak. The Senator from Iowa yesterday, in this Chamber, uttered these words; let history record what they mean and the difference between what they mean and what he has said to-day:

> This bill proposes to make a wholly new departure, as I understand, in what has heretofore been the policy of our country. It proposes to establish a new policy which I do not believe to be a wise policy.
>
> I think if we commence this thing we shall find men all over this country, in every State in the Union, who are old—they may not have all been born in Ireland, but men who are needy and who have served their country faithfully and patriotically. If we undertake to place them all on the retired list of the Army of the United States those of us who have farms will have to sell our farms to raise the money to pay them. For that reason I shall vote against this bill, whether the name of General Grant be attached to it or whether it be not attached.

Was the Senator aiming to strengthen the bill when he was adding to it a provision which he himself condemned?

Mr. President, I meant no disrespect to any Senator on this floor. No Senator can accuse me of showing disrespect or want of appreciation for the feelings of every Senator upon this floor, however widely I may differ from him. I was opposed to the amendment which the Senator from Iowa and the Senator from Vermont and others advocated, and which has been adopted by the Senate, to this bill. I am opposed to it still. There is no parallel between General Shields on the one side and General Grant on the other. General Shields is an isolated, exceptional case, appealing to the long-deferred justice of the Government. His wounds, his age—sixty-nine years old, his enfeebled condition, his standing upon the very precipice of time, in want, in need, in destitution, unable to earn a dollar by the sweat of his brow, whereby he has earned all that he has, and the honor and the glory which he has caused to cluster around our Government and the causes which he has espoused, all call upon us. General Grant is not in that condition, and I pray God that he may never be in the condition of General Shields. If he approached one-half the way in age, in feebleness, in destitution that General Shields to-day occupies, I would go further than the Senator from Iowa to relieve him, to save him, to place his declining years in a proper condition, and let him breathe out his last peacefully, gloriously, without destitution, or want, or suffering.

Now, Mr. President, I hope that the amendment offered by the Senator from Ohio will not be adopted. Senators can vote as they choose. We understand this question, and we certainly ought to be able to dispose of it and dispose of it at once. I for one shall vote against the substitute.

Mr. SARGENT. Mr. President, I trust the amendment of the Senator from Ohio will be voted down. I intend to vote for the bill as it is now amended. I should not have voted for the bill unless the amendment was put upon it. I should not have voted for it because I believe, so far as General Shields is concerned, his friends have used extravagant language in picturing his necessities, his infirmities, his poverty, &c. I think the Senator who has just sat down, carried away by the strength of his imagination, has indulged in this characteristic. General Shields certainly is in remarkable good health, traveling all over the country, lecturing for $100 a night or thereabouts. It is not denied that he has abundant property in Missouri. He is named as a candidate for the Senate from that State. He is not buried in oblivion. He is not suffering from necessities. He is not poor, and lame, and old, and halt, as gentlemen would have us believe. His friends deny the imputation that he is begging at the doors of the Capitol for legislation like this. The sudden necessity for this relief, so far as he is concerned, is somewhat remarkable. It was only when in another body the republicans made him a candidate for keeper of the House that it was suddenly discovered that he had been for years shamefully neglected by the Government of the United States; and it was left to a republican to discover that—General BUTLER.

Now, sir, I do not think this measure should be put upon false reasons. I stated yesterday what I thought were the real reasons for it. Some Senators thought I was mistaken in that, and one of them with considerable heat this morning repels the imputation that the fact that General Grant is a republican and fought on the Union side of the war has anything to do with the almost unanimous hostility to him on this side. Very well! I am bound to accept their disclaimer in that respect; but I do think that, in addition to that, they ought not to suggest that this man is a Lazarus and that it is a necessity that dogs should lick his sores. He has not applied for anything of the kind. I understand him to be a stalwart man, a man of remarkable health, a man of economy, a man who has a comfortable property, and who is now carrying on a prosperous lecturing business yielding a large return nightly. I supposed that this legislation was not a tribute cast to a beggar, that that was not to be the basis on which it proceeded, but that it recognized that a man who had a patriotic heart and a great deal of brain and a brave soul had fought upon the battle-fields of the Republic. If upon this basis this legislation was to proceed, then applying the same reasons, infinitely greater however in force, I proposed the amendment which has been adopted by the Senate, and now I am opposed to the Senate taking a step backward in that matter. You had better send this bill to the House of Representatives and see if the predictions—I infer that they amount to predictions—made by my friends that as the other House did not view the matter in a partisan aspect they will not view it still in a partisan aspect. For that reason I agree most cordially with the last remark of the Senator from Missouri. I trust the pending amendment will not be adopted.

Mr. VOORHEES. Mr. President, I wish to say a few calm words in regard to the situation of this question now before the Senate. I think it was a mistake to introduce the amendment embracing General Grant and placing him upon the retired list of Army officers. But that has been done. His friends have claimed that it was a proper thing to do. Whether he needed it or whether as a mark of honor, they have asked it for him, and the Senate has conceded it. We, on this side of the Chamber especially, are asking that the like honor and provision be made for General Shields. I cannot conceive that the other side of this Chamber having carried the amendment in favor of General Grant will exhibit Punic faith by voting against the bill as now amended.

The Senator from Iowa a little while ago repeated the question which he put to me yesterday: why the addition of General Grant's name should defeat this bill. I think he ought to have done me the justice to repeat my answer, which I now do. I said to him that it ought not to defeat this bill and that it would not defeat this bill by my vote. While I consider it an inappropriate and perhaps an improper thing to have brought forward this amendment in behalf of General Grant, yet it having been done and fastened upon the bill by a vote of the Senate, I certainly shall vote for the bill in its present form; and I think it an unwise thing and a mistake, after this amendment has been attached, for those who have been especially interested in behalf of General Shields to allow that to divert them from the purpose with which we started.

It is not worth while to stop and cavil about the political issues in regard to General Grant. He fills an immense space, and always will, in American history. While I was not ready to vote for the amendment, it having been placed upon the bill it certainly will not drive my vote from it. I shall vote for it as cheerfully with this amendment as without it. We are asking a favor for General Shields. General Grant's especial and political friends bring forward a like request on his behalf. The will of the Senate has been expressed. To that will I most cheerfully submit. I shall vote for the bill in the amended form, and I will regret any votes that are cast against it.

With this view I shall, of course, vote against the amendment of the Senator from Ohio. This is not a subject to be disposed of by placing General Shields on the pension-list. It is not a subject to be met in that way. After what has happened before the public eye on this subject, both in the other branch of Congress and in this, it would be a small ending of a great beginning, it would be a trifling winding up to a subject that was introduced with the blare of trumpets and the unfolding of banners. I propose to meet this legitimately, and to the end; and if the majority of the Senate, as has been expressed, desire this compliment for General Grant, I think the American people will sustain those who take the bill as amended.

Mr. BLAINE. One moment only; I will not detain the Senate. The attitude of the bill is this: the Senator from Missouri has commented with some direction upon a supposed intention of members on this side of voting to put General Grant's name on the bill with the purpose of voting against the whole bill. He excepted me from that because my disclaimer of yesterday covered it. But if a Senator on this side who has twice voted to put General Grant's name on the bill now votes for the amendment offered by the Senator from Ohio he votes to strike General Grant's name out of the bill and to leave General Shields's in. It is an obliging invitation that the Senator from Ohio gives to this side. Having twice, on the yeas and nays, voted to insert General Grant's name in the bill, the Senator from Ohio now offers a motion, a little indirect it is true, but still in its effect very direct, which entirely strikes General Grant off it.

Mr. SARGENT. It strikes him entirely from the record.

Mr. BLAINE. It strikes him entirely from it. That is the whole of it. I do not know that I have any desire, as I have said, to continue the debate. But the Senator from Georgia [Mr. HILL] has had a good deal to say, as he did yesterday, about being willing some time or other to assist General Grant if he should get into penury. If General Grant should come to absolute want, if he should be in a condition of need, then the Senator from Georgia, if he should happen to be in the Senate at that distant day, (long be it distant,) would graciously open the palm of the General Government's benevolence and aid him; although if he applied the principle that the Senator from Ohio did of the retirement of judges General Grant would never get the benefit of such benevolence, because he will never be classed among the incompetent and the lunatic and the worthless, for whose sole benefit the Senator from Ohio says the judges were to be retired. General Grant will never come in under that article; he will never be so. Therefore, taking the joint arguments of the Senator from Ohio and the Senator from Georgia, I do not see even in the dimmest, remotest future the slightest opportunity for General Grant to share the benevolence of this Government. I hope this side of the Chamber at least will not oblige the Senator from Ohio by striking out General Grant's name.

Mr. HILL. The Senator from Georgia is perfectly willing to stand here and say that he will wait until a man needs help before he will give it to him. The Senator from Maine is a very fast man; we all know that; and he is ready to help a man before he needs it. I say that if the position of these gentlemen were reversed, if General Grant were in the condition of General Shields, and the original bill was in favor of General Grant, who was in the condition of General Shields, and if the proposition were made to put on General Shields in addition to General Grant, I should vote against the proposition to amend. I do not vote for men; I vote for principle. I do not know what the Senator from Maine votes for; I have never been able to find out. [Laughter.] I have said over and over that I would vote for any gentleman who has rendered the services that either of these distinguished gentlemen have rendered whenever they get into a position to need it; but I am, sir, as an American Senator, willing to stand here and to be responsible to the Senate for a vote not to tax the already overburdened people of America to support a man who neither asks it nor needs it. [Manifestations of applause in the galleries.] That is the principle in this bill now. Yet gentlemen on the other side keep thrusting at us General Grant. They keep endeavoring to make it appear that somebody over here is opposing the bill because General Grant's name is now in it. Have we not disclaimed it? Have we not denied it? Do not the facts sustain the denial? Why is it

that gentlemen will seek persistently to represent to the country that we are opposing General Grant? Sir, I honor General Grant, as I do every other brave man who fought while the war lasted and ceased to fight when the war ended. For those who fought and fought only while there was war, the American people can never have too much respect. For those who fight and fight only in time of peace, the American people can never have too little respect. [Applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair calls the attention of the keepers of the galleries to the rules of the Senate. Any demonstration of applause during the discussion here the keepers will notice and remove the causes of the demonstration.

Mr. CHRISTIANCY. Mr. President, believing the case of General Shields to be more proper for a pension than that he be placed upon the retired list, and the proposition now being to grant him a pension, and believing him to be worthy of the pension proposed, I shall vote for the amendment proposed by the Senator from Ohio.

Mr. THURMAN. I have a word to say before the vote is taken, and but a word. I said yesterday that for the bill as it came from the House for the benefit of General Shields I had made up my mind to vote, although I could not blind myself to the fact that by so doing I was in danger of aiding in setting a bad precedent; but there were certain facts connected with his case which made it an exceptional case, as was so well shown by the Senator from Missouri, and the Senator from Georgia, and the Senator from Indiana; and I therefore could subordinate for the time being my objections to the general principle of the bill and place this upon the ground that it was an exceptional case and I should vote for the bill upon its passage as it came from the House. But now it is obvious that the first section of this bill as it came from the House cannot pass the Senate without the second section. That is perfectly obvious to everybody, and placing the second section in the bill is opening the door wide for the very thing which this Government has never done and never has attempted—granting great pecuniary rewards to last for a long time, for the life of the individual perhaps, to men engaged in the military service, not on account of wounds received in battle, not on account of personal suffering, but on account of their great military ability and their great military services. It opens that door and changes the whole principle upon which this Government has heretofore acted, with perhaps the single exception of the case of General Scott, if that is an exception at all. We are brought to the question whether we shall do that thing or whether we shall increase the pension of General Shields.

That General Shields is entitled to a pension is a settled question. He has been in the receipt of a pension for I believe a long time. He was entitled under the general law to a pension. We are not legislating, therefore, a pension to a person who is not entitled to it, but my proposition is now merely to increase that pension. It is a thing that we have done again and again and again since I have been in the Senate, and that was done many a time before that. We have done it in behalf of widows, we have done it in behalf of children, we have done it in behalf of private soldiers, we have done it in behalf of wounded soldiers, we have done it by special acts, and we have done it by general acts again and again; so that the amendment which I offer is in direct consonance with the practice of the Senate and with the usage of the Government from the time there was a pension law at all.

My amendment creates no innovation; it sets no bad precedent; it creates no danger for the future; it makes no privileged class who are to receive immense pecuniary rewards, not on account of wounds received in battle or health lost in battle, but on account of great intellect and great service. In other words, my amendment leaves the principle of our pension laws to remain as it is. The House bill as now amended is the first stepping stone to adopting the principle of monarchial governments in creating a great privileged class, necessary in those countries to maintain the dignity of the throne and the dignity of an aristocracy, but totally inconsistent with the ideas of a republican government.

I have offered my amendment in perfect good faith, Mr. President. While I might be willing to give more for the benefit of General Shields than my amendment proposes, yet it is the best thing that his friends can do to accept this amendment, and it is the most likely measure to carry in his favor. Certainly, if it does not carry, we are to take the bill loaded down by setting a precedent of the most dangerous character, and one that no mortal person can foresee what will be the end of. If we are to pension General Grant in the way that the second section proposes, probably it can hardly be called a pension; but if that be done, no man here can foretell where will be the end of such laws in the future.

I have only to say this, Mr. President, in justification for offering the amendment, and I do so the more readily because several Senators yesterday who voted for the second section of the bill still said they would vote against the bill even if it were thus amended, and several expressed their willingness to vote for such a measure as my amendment proposes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. WHYTE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Delaware [Mr. SAULSBURY] who is absent. I believe he votes with his colleague (the Senators from Rhode Island and Delaware always vote with their colleagues) and I shall withhold my vote.

The roll-call having been concluded, the result was announced—yeas 31, nays 33; as follows:

YEAS—31.

Bailey,	Conover,	Hill,	Morgan,
Barnum,	Davis of Illinois,	Hoar,	Morrill,
Bayard,	Dennis,	Johnston,	Randolph,
Beck,	Eaton,	Kernan,	Thurman,
Burnside,	Eustis,	McCreery,	Wadleigh,
Christiancy,	Grover,	McPherson,	Whyte,
Coke,	Harris,	Maxey,	Withers.
Conkling,	Hereford,	Merrimon,	

NAYS—33.

Allison,	Dorsey,	Matthews,	Sargent,
Armstrong,	Ferry,	McDonald,	Saunders,
Blaine,	Hamlin,	McMillan,	Spencer,
Booth,	Howe,	Mitchell,	Teller,
Bruce,	Ingalls,	Oglesby,	Voorhees,
Butler,	Jones of Florida,	Paddock,	Windom.
Cameron of Pa.,	Kellogg,	Patterson	
Cameron of Wis.,	Kirkwood,	Plumb,	
Cockrell,	Lamar,	Rollins,	

ABSENT—12.

Anthony,	Dawes,	Gordon,	Saulsbury,
Chaffee,	Edmunds,	Jones of Nevada,	Sharon,
Davis of W. Va.,	Garland,	Ransom,	Wallace.

So the amendment was rejected.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. SARGENT. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, he would vote "nay" and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 30, nays 34; as follows:

YEAS—30.

Allison,	Cockrell,	Lamar,	Patterson,
Armstrong,	Conkling,	McDonald,	Plumb,
Blaine,	Conover,	McMillan.	Sargent,
Bruce,	Dorsey,	Matthews,	Spencer,
Burnside,	Ferry,	Mitchell,	Voorhees,
Butler,	Hill,	Morgan,	Windom.
Cameron of Pa.,	Ingalls,	Morrill,	
Cameron of Wis.,	Kellogg,	Paddock,	

NAYS—34.

Bailey,	Eaton,	Jones of Florida,	Rollins,
Barnum,	Edmunds,	Kernan,	Saunders,
Bayard,	Eustis,	Kirkwood,	Teller,
Beck,	Grover,	McCreery,	Thurman,
Booth,	Harris,	McPherson,	Wadleigh,
Christiancy,	Hereford,	Maxey,	Whyte,
Coke,	Hoar,	Merrimon,	Withers.
Davis of Illinois,	Howe,	Oglesby,	
Dennis,	Johnston,	Randolph,	

ABSENT—12.

Anthony,	Dawes,	Hamlin,	Saulsbury,
Chaffee,	Garland,	Jones of Nevada,	Sharon,
Davis of W. Va.,	Gordon,	Ransom,	Wallace.

So the bill was rejected.

Mr. TELLER subsequently submitted a motion to reconsider the vote by which the bill was rejected; which was entered.

DISTRICT GOVERNMENT.

Mr. INGALLS. I move that the Senate proceed to the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act. The District of Columbia shall remain and continue a municipal corporation, as provided in section 2 of the Revised Statutes relating to said District, and the commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

SEC. 2. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, shall be commissioners of the District of Columbia, and who, from and after July 1, 1878, shall exercise all the powers and authority now vested in the commissioners of said District, except as are hereinafter limited, and shall be subject to all restrictions and limitations which are now imposed upon said commissioners. The commissioner who shall be an officer detailed from the Corps of Engineers by the President for this duty shall not be required to perform any other, nor shall he receive any other compensation than his regular pay as an officer of the Army. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else; and one of said three

commissioners shall be chosen president of the board of commissioners at their first meeting, and annually thereafter; and said commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law; and said commissioners appointed from civil life shall each receive for his services a compensation at the rate of $5,000 per annum. The official term of said commissioners shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years. Neither of said commissioners, nor any salaried officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District.

SEC. 3. That as soon as the commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the commissioners appointed under the provisions of the act of Congress approved June 20, 1874, shall be transferred to and vested in said commissioners; and the functions of the commissioners so appointed under the act of June 20, 1874, shall cease and determine. And the commissioners of the District of Columbia shall have power, subject to limitations herein provided, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the power and authority aforesaid; but said commissioners, in the exercise of such power and authority, shall make no contract nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress. All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidence thereof, but they may borrow in anticipation of collection of revenue not to exceed in any one year $200,000, at a rate of interest not exceeding 6 per cent. per annum. And said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employés, remove from office, and make appointments to any office under them authorized by law: *Provided*, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the commissioners thereof, or affect any rights or cause of action existing in favor of any citizen of the District of Columbia or any other person, but the same may be commenced or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation. The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1880, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year: *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the commissioners of the District of Columbia, who shall transmit the same to Congress. To the extent to which Congress shall approve of said estimates, they shall appropriate the amount of 50 per cent. thereof; and the remaining 50 per cent. thereof shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act: *Provided*, That the rate of taxation in any one year shall not exceed $2 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof: *And provided further*, Upon property without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1.50 on every $100.

SEC. 4. That the said commissioners may, by general regulations consistent with the act of Congress of March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30 1878, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the conditions of prompt payment, and the duties of assessors and collectors in relation thereto. All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said commissioners, or a majority of them; and the accounts of said commissioners, and the tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States. Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; and he shall also create a sinking fund sufficient for the payment of the principal thereof at maturity, which he shall from time to time invest in said bonds or other securities of the United States; and all amounts so paid for interest and the creation of said sinking fund shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided: *Provided*, That nothing in this act contained shall be construed or considered as an acknowledgment of any liability on the part of the United States otherwise than as provided in the seventh section of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, and the act amendatory thereof, approved February 20, 1875.

SEC. 5. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of $5,000, notice shall be given in one newspaper in each of the cities of New York, Philadelphia, and Washington, for one week, for proposals, with full specifications as to materials for the whole or any portion of the works proposed to be done; and the lowest responsible proposal for the kind and character of pavement or other work which the commissioners shall determine upon shall in all cases be accepted: *Provided, however*, That the commissioners shall have the right in their discretion, to reject any or all of such proposals. No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner, the total cost of which shall not exceed $3 per square yard; and good and sufficient bonds to the United States, with sureties to be approved by the commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed and that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts; and 10 per cent. of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in bonds of the United States and the interest thereon paid to said contractors. The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the commissioners, may use cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct; the United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent. which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work: that if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks of such railway by the District of Columbia; and if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District, in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued; and if the said certificates are not paid within one year, the said commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction, to the highest bidder. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section. It shall be the duty of the commissioners of the District of Columbia to see that all water and gas mains, service-pipes, and sewer-connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down; and the Washington Gas-Light Company, under the direction of said commissioners, shall take up, lay, and replace all gas-mains on any street or avenue to be paved, at such time and place as said commissioners shall direct.

SEC. 6. That a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the qualified voters of the District of Columbia, who shall have the same rights and privileges as are exercised and enjoyed by the Delegates from the Territories of the United States, and shall be *ex officio* a member of the Committee on the District of Columbia. He shall be a citizen of the United States and of the District of Columbia, and shall have the qualifications of a voter in said District. The Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such places and hours as shall be designated by the commissioners of the District of Columbia, on the first Tuesday after the first Monday in November, 1878, at which shall be elected one person, whose term of office shall expire with the Forty-fifth Congress, and also at the same time and places a person to serve during the Forty-sixth Congress; and all subsequent elections shall be held and conducted at the time and in the manner as the elections of members of the House of Representatives of the United States are now conducted as far as authorized by laws of the United States. The person having the highest number of legal votes shall be declared by the commissioners to be duly elected, and a certificate thereof shall be given accordingly. And the commissioners of the District of Columbia are hereby authorized and required to establish not less than ten election precincts within the District, at such places as may be most convenient to the people; and said commissioners shall give thirty days' public notice, in two daily papers printed in the District of Columbia, of the time and places of holding such election, and shall designate three inspectors in each election district to conduct said election and make returns thereof to said commissioners, who shall canvass the same, and issue a certificate of election to the person having the highest number of votes. And said commissioners shall make all needful rules and regulations for carrying into effect the provisions of this act not inconsistent therewith.

SEC. 7. That all male citizens of the District of Columbia who shall be citizens of the United States, above the age of twenty-one years, and who shall have been actual residents of said District for two years, and of the precinct in which they shall offer to vote for six months next before the election, except such as are *non compos mentis* and persons convicted of infamous crimes, shall be entitled to vote for the Delegate in Congress provided for in this act.

SEC. 8. That from and after the 1st day of July, 1878, the board of Metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act: *Provided*, That the commissioners of the District of Columbia shall appoint nineteen persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said commissioners shall fix. Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now exercised by and vested in the board of trustees of public schools for the District of Columbia.

SEC. 9. That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

SEC. 10. The board of health created by "An act to provide a government for the District of Columbia," approved February 21, 1871, shall be continued with the powers it now possesses, and the further powers conferred by this act. The said

board shall have power to define, declare, and cause to be removed or abated nuisances injurious to health; to provide for and regulate the collection, removal, and transportation of garbage, house-offal, and dead animals in and from the cities of Washington and Georgetown in said District and their immediate and more densely populated suburbs, and to provide, by contract or otherwise, for the proper performance of such service; to make rules and regulations for all hospitals used exclusively for the isolation and treatment of persons afflicted with infectious or contagious diseases; to provide for admission to hospitals, asylums, almshouses, and infirmaries for the benefit of which appropriations are made of public moneys; to provide for transportation, in proper cases, to such hospitals, asylums, almshouses, and infirmaries; and to make such ordinances and regulations as may be necessary to carry into effect any lawful powers of the board. The said board of health shall also be charged with the care of the sick poor of the said District, furnishing medicines and medical attendance for the same, and with the burial of deceased paupers. The said board shall have power to require the draining and filling up or reducing to proper grade, as may be necessary, in their judgment, in a sanitary point of view, any lot or lots within said District: and when such necessity is found to have been occasioned by the act or neglect of the owner, the said draining, filling up, or reducing to proper grade may be done under the orders and by the direction of said board; and the expense of such draining, filling up, or reduction shall be certified to the commissioners of said District, who shall cause the same to be assessed upon the property on which said work has been done; and the amount so assessed shall be collected as other taxes are collected in the District of Columbia. And the said board shall furnish annually to the Secretary of the Treasury a detailed estimate of the expenses of the board for the ensuing year, in the form and manner as the estimates of the commissioners of the District of Columbia are herein required to be submitted. And said board shall, through the Secretary of the Treasury, submit to Congress annually a full and accurate statement of all expenses incurred in the discharge of its sanitary duties, together with a detailed statement of its operations during the preceding year, with such suggestions and recommendations as may be deemed necessary for the improvement of the sanitary service and the conservation of the public health.

SEC. 11. That it shall be the duty of the said commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia; and said commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

SEC. 12. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment reported by the Committee on the District of Columbia. Is the Senate ready for the question?

Mr. BAYARD. I regret exceedingly that upon a bill of this importance the Senate should present such "a beggarly account of empty boxes." Here is a proposition by a single statute to arrange a government practically for this District, and we have in the Senate probably a score of Senators. I may say further, that the bill affects the rights of about one hundred and fifty thousand people who have no representative on the floor of the Senate. It seems to me that there either should be attention on the part of the Senate or a postponement of the question until there can be given proper attention to the affairs of this people.

Mr. EATON. We had better adjourn.

Mr. BAYARD. If there is no other action to be taken upon this bill than to pass it in its present shape, I shall move its postponement until a sufficient number of Senators shall be here to attend to a measure of its importance.

Mr. INGALLS. Mr. President, as the Senate will bear me witness, I have repeatedly called attention to the fact that I should demand action upon this bill at the earliest possible opportunity. It is admitted to be a subject of very great importance as to how this community here shall be governed. Great and deserved complaint as to its government has long existed, and this is an honest attempt on the part of the Senate Committee on the District of Columbia to remedy these defects and supply the omissions of existing law. I know that many Senators who desire to participate in the discussion upon this bill are temporarily absent. Several of them left the Chamber stating to me that they expected to return within a few moments. I trust that the Senator from Delaware will not invoke any action from the Senate that would result in a delay in the consideration of the bill. He perhaps more than most other Senators in the Chamber is aware of its importance. Rather than have the bill postponed to any future day I should very much prefer that a recess might be effected or that an opportunity might be given for a call for absentees in order that they might attend, for I am very sure that there is a large quorum of the body in the Capitol who would be at hand if called for.

Mr. COCKRELL. I think we can certainly go on. The Senate is as full as it usually is when we consider a bill of this character. The Senators will all be back in a few moments.

Mr. BAYARD. My object was very obvious. It simply was that upon a measure of such importance as this to the people of this District, there should be a reasonable degree of attention and diligence upon the part of those who are to vote upon a measure so full of interest to this people.

Having been in the Senate a number of years, and endeavoring to perform my duties here by giving attention to every measure before the Senate, I have been frequently made aware of the defects of the government of this District. Its position is most anomalous. It is the only portion of the American people to whom a republican form of government is denied. That which we exact from every other community organized as a State of the Union we practically deny by legislation to the people of this District. They are in no sense of the word a self-governing people, and for a long number of years past the men who have everything at stake in this District, the men of property, the men of responsibility, the men of intelligence and character of this District, have been practically excluded from the control of their own affairs. As a consequence, their affairs having been committed to those who could not know what was needed, who could not suffer for the abuses that followed, we have had more misgovernment in this District than in any other community almost in the United States.

The status of this people is not fixed. The Government of the United States owns and controls a vast portion of the real estate of the District, that is to say, of the city portion and the valuable portion. The city of Washington is not alone a depot for its local commerce and transactions, but it is the political center of the entire Union. Representatives from every State and Territory find their homes here during the sessions of Congress. The agents for the Federal Government in all its executive branches find their departments of labor here, and all persons having business throughout the United States in connection with the Federal Government must in some way or other find their way to Washington. This makes it a Federal city. It is used for Federal purposes. The occupation of the ground by those who own houses and make their permanent homes here is a mere incident to the great purpose, which is the use of this town as a center for Federal action. The result is, as far as property is concerned, that a system of expenditure has been permitted here and a system of legislation that would never have been allowed to have one year's continuous existence in any place where the people were allowed to govern their own affairs with intelligence. There have been abuses in the way of expenditure, there are to-day abuses in the way of expenditure in the District that would not be suffered to exist anywhere else. No people who were to pay such taxes and have such expenses would ever vote to lay them upon themselves, because bankruptcy, hopeless and complete, would be the necessary result.

There is one feature of this bill which I would ask the Senator having charge of it to explain. At page 6, from line 76 to line 80, is contained a proposition that the estimates for the expenses of carrying on the government of this District shall be paid in the proportion of 50 per cent. by the United States and the other 50 per cent. by the local population, the property-holders. As to the justice of that I am not sufficiently instructed. How many people in the city of Washington use these expensive avenues and streets, upon which such vast sums have been expended, and upon which such large expenditures in the future are made necessary? The term "floating population" will apply better to those who live here than in any other place of which I have knowledge. I suppose that a much larger number of those who roll so pleasantly over the smooth streets of this city are people who pay no taxes whatever in it. I do not know how many, and I do not know whether the committee have ascertained or sought to ascertain how many, of those who have all the benefits of the expenditures of this town pay no portion whatever of the expenses of the town. It is simply absurd to suppose that this little town, for that is all it is, on the borders of Maryland and Virginia can be maintained upon the scale which we now see it in, at such an expense to the local inhabitants. If it is to be, as I think it ought to be, a Federal city worthy of the great nation whose seat of government it is, then it seems to me that by far the greater portion of the expense must be borne by the Federal Government and not by the local inhabitants. Is it just that one-half of the expense of these broad avenues, of these extensive improvements, of these luxurious streets, is to be borne by the local inhabitants? It seems to me that it is unreasonable. I do not think they can bear it. There is not in this District, so far as I know, any manufacturing industry worthy of the name. So far as agriculture is concerned there is nothing here worthy of the name. The census shows a mere handful of people engaged in agriculture, and it shows a manufacturing industry less than is contained in a single block in a hundred towns that I could name in different parts of this country.

Now what is the basis upon which you are to tax? There must be wealth or there must be a productive industry that creates wealth. This town is the mere center and habitation of the employés of the Government, the clerical force of the Departments, people who are swept in and out of their offices by the ebb and flow of the power of political parties, strangers who come here during the sessions of Congress for a few days or a few weeks, or members of Congress whose interests and whose property lie entirely elsewhere.

I want to ask the honorable Senator who has charge of this bill whether it is just that the people of Washington City shall pay the proportion of one-half of this expensive government, in regard to the scale of which they never were consulted, in regard to which property that is to be taxed never was considered, or whether the fraction should not be much less. I remember in debates before to-day that in regard to the avenues and streets here there was a law, written or unwritten, which seemed in some way to be recognized, that the charge of the avenues fell upon the Government of the United States, while the keeping of the cross-streets, as I will term them, was left to the town. Then there was a proportion of about one-third of the expense which the Government assumed, and the rest was paid by the local population. But, Mr. President, that was before this system of reckless and wide-spread improvement which we have witnessed was adopted. There is no city in the United States, there is none known to me in the world, in which the same amount of expensive pavement has been laid down as in this city of one hundred and twenty-five thousand people. Instituting such a system of expensive improvement entails the expense of keeping it up. Let

any man ride to-day, if he can ride, over such streets and he will see mile after mile of expensive wooden pavement in such condition of decay that the best thing would be to take it up even if it never were to be renewed. But it is intended to be renewed; it is intended to be kept in order upon the scale upon which it was started. That will entail an enormous expenditure, which, having some experience in regard to expenses of that kind, I would say the local population of Washington are totally unable to bear. The property will not bear it; it is not worth it. If it is to be paid it must be paid out of the Treasury of the United States, from which in my judgment it ought to be paid, because the laws contracting the expense and authorizing the outlay were passed without consultation with or without sufficient consideration in any way for the people whose property lies here.

I ask the honorable Senator from Kansas whether he does not consider that the proportion of one-half to be borne by the people of this District is excessive, and whether it ought not to be less even than one-fourth, justly considering the fact that the expenses of governing this town are chiefly caused for the entertainment and for the use and convenience of a non-resident population from all the rest of the Union. I believe if statistics could be established, if the number of people who pass in carriages over these streets could be polled, and their places of residence ascertained, not one resident Washingtonian out of ten would be found in the daily use of the drives and rides of this city. Is that to be so? Is it just and right that they should be called to pay one-half the expense of this scale of adornment and improvement, intended not half so much for their use and delectation as for the use of those who come here and pass away after a few weeks' stay? I submit that it is a very grave and very fundamental question in this bill, whether this equal division of the expense is just or right. In that I express my own opinion, as indicated by these unpremeditated remarks, that the proportion is too great in favor of what I may call the people of all the other States who come here and use this District as a temporary residence for a few months or a few weeks, and against those who are compelled to live here and keep it up for the use and convenience of other and absent persons.

Mr. INGALLS. Mr. President, the considerations submitted by the Senator from Delaware have great weight and have often been considered by myself and by the committee. But perhaps, in order that we may have a proper consideration of this bill, it would be well for me to make an analytical statement of the contents of the measure that was sent from the House and of the substitute reported by the committee, and that the substitute be considered by sections. If that arrangement will equally suit the Senator from Delaware, I will postpone the answer to his question until a later period of the discussion and proceed now with the statement that I suppose it is proper I should make.

Mr. BAYARD. That is perfectly satisfactory to me. Indeed I should have no objection to a postponement in the hope that more members of the Senate would be here to attend to the Senator. I would be extremely glad if the Senator from Kansas would in his own way and at his own convenience proceed with the consideration of this bill. It is not my part to criticise; I merely desire to give that attention to it which I think is fairly due to a measure of its importance.

Mr. INGALLS. Then I will proceed to state that on the 8th of May the House of Representatives sent to us a bill, No. 3259, to be entitled "An act providing a permanent form of government for the District of Columbia." This bill was referred to the appropriate committee in the Senate, and considered by them. It was found upon deliberation that the views of the House and of the Senate committee differed so materially that it was better to report an amendment in the nature of a substitute for the entire bill. It was accordingly presented to the Senate on the 16th of May and ordered to be printed, and is now upon the tables of Senators. If Senators who have the original measure before them will be pleased to give it their attention I will state, section by section, what it contains briefly and analytically, and in what respects the Senate committee have concurred in and where they have differed with the provisions that have been sent here by the House.

The first section of the House bill describes the territorial limits and area, and defines the corporate powers of the District of Columbia. I may say, in passing, that the section is strictly formal and technical, and is entirely superfluous and unnecessary, because it re-enacts the provisions of existing statutes upon those subjects. But it has been substantially adopted in the substitute reported by the Senate committee, with certain merely verbal alterations.

Mr. WHYTE. Will the Senator from Kansas allow me merely to call his attention to the fact because I happened to draw that section myself in the original bill? The reason of the re-enactment at this time grew out of the fact that the boundary contest between Maryland and Virginia was only decided during last year. The decision was that the Maryland line went to the lower shore of the Potomac River, that is, over to the Virginia shore, which had been disputed anterior to that time. Consequently it was intended to cover that case, to show that the United States territory here went over to the Virginia side of the Potomac.

Mr. INGALLS. With that suggestion it is probable my comment upon the superfluity of the section was not required. But in any event the Senate committee have substantially adopted the section as it came from the House, merely making certain verbal alterations, as I said before, to make the section conform to the language of the act of cession of the State of Maryland, with which I presume the Senator from Maryland is entirely familiar. He says he drew the first section of the bill; but as it was not strictly in accordance with the language of the act making the cession the committee thought it best to make the bill conform in that respect. Section 17 of the House bill, as it relates to the same subject, has been incorporated with section 1 in the Senate amendment.

Section 2 of the House bill provides for the creation of a board of commissioners to consist of three persons, one of them to be an officer of the Engineer Corps of the Army of a lineal rank above that of captain, to be detailed by the President for the term of three years, unless such detail be sooner revoked, and until his successor be appointed and qualified; the second of the said commissioners to be elected by the House of Representatives by ballot for the term of three years and until his successor be elected and qualified; and the third of said commissioners to be elected by the Senate by ballot for the term of three years and until his successor is elected and qualified. This section prescribes the qualifications of these officers, their official term, and the manner of filling any vacancies that may occur in the board.

The Senate committee retains the substantial features of this section with regard to the number of the commissioners, but rejects the limitation as to the rank of the engineer commissioner, because it seemed to them to be invidious and to be devised to secure the exclusion of one individual, Lieutenant Hoxie, who is now the acting engineer of the board, and who is believed by the Senate committee to be a very valuable, efficient, and excellent officer.

The committee also understand that the method of appointing these officers is defined by the Constitution of the United States. They believe that they are officers of the United States, this territory being subject to the exclusive legislative jurisdiction and control of Congress, and that they are not officers of any other portion of this country; that they are officers of the United States, and that as such they must either be appointed by the President alone, or appointed by the President and confirmed by the Senate, or in case of inferior officers that their appointments may be confided to the courts of law or the head of a Department. But believing that these officers come in no sense whatever within the provisions that would allow them to be thus designated, the committee have agreed to reject the provisions of the House bill as to the selection of the two commissioners from civil life, and provide that they shall be appointed by the President and confirmed by the Senate like other officers of the United States. The District of Columbia, being a body-corporate now by law, it seemed to be inconsistent and unnecessary to make the commissioners themselves a body-corporate. The Senate amendment, therefore, omits section 3 of the bill as it came from the House.

Mr. BAYARD. I desire to interrupt the Senator there. I agree with the Senator that the provision of the House bill is a defective one. It is in conflict as I believe with the Constitution to provide that officers shall be elected by the Senate and House when they are officers of the United States, and probably they should be appointed by the President and confirmed by the Senate. I observe that the Senate committee have changed in one respect the qualification for commissioners in providing that they shall have been actual residents of this District for three years. I am now referring to the amendment of the committee, page 2, line 15 to line 20, where the section provides that—

> The two persons appointed from civil life shall at the time of their appointment be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have during that period claimed residence nowhere else.

The House bill provides for an actual residence of five years with no claim of residence elsewhere. Why should a longer period be required than is required to make a man a voter in a State or in a district? If a man has identified himself with the interests of a community by becoming a property-holder in it and has obtained a fixed residence for the term of a year, I do not know any State in the United States in which he would not by that residence be qualified to be a citizen. If it would not be at this time interfering with the order of the Senator's remarks, I would move to amend that clause by requiring the commissioners to have had an actual residence for the term of one year before appointment and having during that period claimed residence nowhere else. I shall not offer the amendment now, if the Senator from Kansas would prefer that it should be postponed.

Mr. INGALLS. I should prefer that that motion might not be made now, because I would like to conclude the statement that I wish to make in regard to the general provisions of the bill. I shall then ask the Senate to recur to the first section, and consider that and the others in their order, when all these various subjects can be discussed at the pleasure of the Senate.

Mr. WHYTE. I hope the Senator from Kansas will allow me just one moment.

Mr. INGALLS. Certainly.

Mr. WHYTE. The misfortune of this bill to provide a permanent form of government for the District of Columbia is that it was prepared by a commission which was organized either by a joint resolution or by an act of the Forty-fourth Congress, and that commission took considerable trouble upon themselves to investigate this whole

subject, and prepared a bill very simple in its form, but intended to cover the case as it then stood, and looking to future legislation to perfect the form of government which they had laid out; and since then, in this Forty-fifth Congress, the Committee on the District of Columbia of the House of Representatives, and I say it with great respect, not knowing exactly what was in the mind of the commission that framed the first bill, took that bill and ingrafted upon it inconsistent provisions, entirely at war with the original theory which the commission held in regard to a government for this District.

Here are two municipalities run into each other, which never was contemplated. Without going into any details and in brief, so as not to detain my friend from Kansas, I will state that the original bill provided for three commissioners who were constituted a corporation to manage the affairs of this District over the territorial area known as the District of Columbia. The last clause of the bill repealed that statute which made the District itself a municipality, and left it merely a territorial unit, and in that territory created a municipal corporation, composed of these three commissioners, to run the government. That was nothing new. It was simply going back to the original form of government which formerly existed within this District; that is, of the old levy court. There was nothing new in it. It only revived the levy court, which had three judges, and substituted three commissioners, just as we have done in Maryland. In the territorial divisions of our State known as counties we have county commissioners precisely similar to the District commissioners proposed, these commissioners being intended by the original framers of the bill to be the successors of the old levy court. Therefore there is absolute incongruity in the provision of the bill as it came from the House creating a corporation to control and manage the government and re-enacting the old clause in regard to the municipality of the District of Columbia. They are utterly inconsistent with each other.

Mr. INGALLS. That was the opinion of the committee, and, although they were not aware of the historical fact stated by the Senator from Maryland, the explanation is sufficient, I think, and will be satisfactory to the Senate that section 3 ought not to be adopted.

Section 4 of the House bill requires the two appointed commissioners to take an oath to support the Constitution and to give a bond in the sum of $50,000. As these commissioners are not the custodians of the public funds of the District, a bond appeared to the committee to be unnecessary, and they therefore have omitted it. The compensation in the House bill and in the Senate amendment remains the same, that is to say, $5,000 per year except in the case of the commissioner from the Army, who receives no compensation other than that now allowed by law for his rank.

The fifth section defines the powers of the board in relation to the property and taxes of the District, and with some verbal changes has been adopted by the Senate committee.

Section 6 creates a council of twenty-four members, who are to be citizens of the United States and of the District. It describes their qualifications and the mode of their election. They are to serve without salary and sit in legislative capacity under the usual legislative rules, to convene when notified by the board of commissioners, to have free access to the records and files of the District, to make investigations and report the result of their inquiries to Congress, to approve all contracts for public works in the District, to revise and approve or disapprove of the estimates for taxes and expenditures annually, and reduce the same if they deem it best, their action to be reported to Congress. The committee of the Senate were not able to see the necessity for the existence of such an anomalous and cumbrous and unnecessary body as this, and therefore they have concluded to reject entirely the provision of the House for the election of a council of twenty-four members, believing that it would result in a constant conflict of authority between the board of councilmen so created and the board of commissioners created and authorized by the Government, and that under the conditions of society here the election of these men would simply result in calling into constant activity the most dangerous elements and energies of society.

Instead of having estimates as provided in this section revised by the board of councilmen the Senate committee have thought best that these estimates should be revised by the Secretary of the Treasury and in their report they so provide. They suggest that they should be submitted to the Secretary of the Treasury for revision and transmitted to Congress. The final paragraph of this section is the one already referred to by the Senator from Delaware in regard to the amount to be appropriated by Congress for the annual expenditures of the District; and as this is a very important provision I will read it as our committee propose to have it stand:

To the extent to which Congress shall approve the said estimates they shall appropriate the amount of 50 per cent. thereof, and the remaining 50 per cent. thereof shall be levied and assessed upon the taxable property in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act: *Provided*, That the rate of taxation in any one year shall not exceed $2 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof: *And provided further*, Upon property without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1.50 on every $100.

The committee have concluded that, inasmuch as the estimates are to be revised by the Secretary of the Treasury and to be approved by Congress and that no money can be raised by the commissioners or expended by them except under the strict limitations provided by this bill, it would be unwise to reserve the limitation of $1.50 on every $100 provided for in lines 199 to 202 of this section of the House bill, and have accordingly raised that amount as the maximum limit to $2 upon the $100, instead of $1.50 as provided in the House bill.

Section 7 of the House bill confers upon the commissioners the power to regulate the payment, collection, and disbursement of taxes, and is, as has already been stated, adopted by the committee.

Sections 8 and 9 provide for the payment of interest on what are known as the 3.65 bonds of the District and require the Secretary of the Treasury to pay the interest, and they also abolish the board of sinking-fund commissioners and impose the duties heretofore exercised by them upon the Secretary of the Treasury; and, with that amendment, the Senate committee have adopted the provisions of the House bill.

Sections 9, 10, 11, 12, and 13 of the House bill abolish the board of health and provide a new sanitary system entirely.

Mr. EDMUNDS. What is the system they provide, in general?

Mr. INGALLS. They provide for the appointment of a physician as health officer, to be assisted by a reasonable number of sanitary inspectors for the District and clerks to be appointed by the commissioners, defining their salaries and in an indefinite way describing their duties. But the committee had the whole subject under consideration, and after the most mature investigation that they were able to make, comparing the sanitary system here with that which exists in other great cities, they believed that the existing board of health here was one of the most valuable adjuncts of the District government; that under its administration the public health had been admirably preserved; that the death rate had been greatly reduced; that the vital statistics of the District had been kept in a remarkably efficient manner, and that all the revenue which had been awarded to them had been expended with great fidelity and great discretion and economy.

Mr. EDMUNDS. What has been the average yearly cost of the board of health?

Mr. INGALLS. Somewhere from fifty to sixty thousand dollars. I can give the Senator the exact figures when I come to discuss this section of the bill under the arrangement that has been suggested.

Section 14 is a matter of detail entirely, in regard to the naming and numbering of the streets of Georgetown. It requires them to be numbered in conformity with the streets of Washington; and as it was a matter of the simplest detail that the commissioners themselves could regulate, and as there was very serious objection made to it by many citizens of Georgetown who desired to preserve intact the lineaments of their old corporation, the committee rejected it.

Section 15 of the House bill abolishes the board of Metropolitan police, the board of fire commissioners, the board of trustees of public schools, and lodges the powers now exercised by these bodies in the commissioners of the District, with which the committee of the Senate have fully concurred.

Section 16 directs the commissioners to report a draft of additional legislation, together with their official doings, annually to Congress.

Section 17, as I have before said, is incorporated in section 1 of the committee's amendment. And now, reverting to the committee's amendment, I will say that the only distinctively new provisions that have been incorporated are those contained in sections 6 and 7, which authorize the election of a Delegate in Congress from the District and define the qualifications of electors.

This completes all that I have to state upon the general subject of the frame-work and objects of the bill, and I will now ask that it may be considered section by section, and adopted or rejected by the Senate.

Mr. THURMAN. Mr. President, this is a very important bill, and I am in this category, that I have not been able to read it carefully yet, and I know several other Senators who are in the same category. I want to study the subject, and I think that is the general disposition of the Senate, and it can hardly be done if we are to proceed with the bill this afternoon. I think we shall facilitate the consideration of the bill and save time if it goes over until to-morrow, so that we can study it to-night.

Mr. HOAR. I desire before the Senator makes any motion involving a postponement of the bill to ask——

Mr. THURMAN. I do not ask to postpone it. What I was going to suggest was this: there are some other reasons why some of the Senators who have engagements this evening desire a rather early adjournment to-day; and I was going to move that the Senate adjourn or, if it be preferred, that it go into executive session.

Mr. HAMLIN. I hope the Senator will submit the latter motion.

Mr. HOAR. If the Senator from Ohio will permit me, I desire to ask the Senator from Kansas a question, which it will take but a moment to answer. Perhaps he will let me do that now in connection with the statement he has just made.

Mr. THURMAN. Very well.

Mr. HOAR. I was going to ask the Senator from Kansas if he could state briefly, without taking too much of his time at present, the reasons which the committee have for believing that the rate of taxation prescribed in the Senate amendment, to wit, $2 on the one

hundred within the limits of Washington and Georgetown, and a dollar and a half on the one hundred in the remainder of the District, will be enough to pay one-half the city expenditures and interest on the debt.

Mr. INGALLS. That was the belief of the committee; the matter was very fully investigated, and at the proper time I shall be prepared to state to the Senator from Massachusetts and the Senate the details upon this very interesting and important branch of the bill; but it is evident that unless we proceed in its orderly discussion, section by section, it will be impossible for us to get on, and I therefore suggest that the bill be considered section by section, and that it be agreed to or rejected in that way; and, as there can be no objection to the first section, which is purely formal, defining the territorial limits of the District and its general corporate powers, which are technical, I will ask that that may be agreed to now in order that the bill may be put fairly before the Senate.

Mr. EDMUNDS. Does the Senator mean by that, that it being agreed to it cannot be amended afterward?

Mr. INGALLS. No, sir.

Mr. SARGENT. It can be amended in the Senate of course.

Mr. EDMUNDS. No, but amended in committee.

Mr. INGALLS. I do not mean anything but precisely what I have stated, that I should like to have it acted on section by section.

Mr. EDMUNDS. I should not want to have any section finally adopted in committee so that we could not go back to it, as I believe is the practice under the rules they have in the House of Representatives.

Mr. INGALLS. Oh, certainly not. That is not my intention at all.

Mr. EDMUNDS. I have no objection of course, and that is the natural way to read the measure through and if any gentleman has any amendment that occurs to him at the moment a section is read to offer it; but that being passed, I should not want to have anybody foreclosed.

Mr. INGALLS. The bill has been once read at length by the Secretary and I have made a statement briefly of the general provisions of the entire bill, showing what came from the House and in what respects it was agreed to or disagreed to by the Senate committee, and of course I am entirely under the control of the Senate as to the order that shall be taken; but as these provisions of the different sections are segregated, I would suggest that the orderly method would be that which I have mentioned, to take the bill up by sections.

Mr. EDMUNDS. That is much more desirable; but at the same time I should wish to have all the rules observed, that if anything happens to be omitted in the mind of anybody he can go back to it.

Mr. INGALLS. That would be my understanding.

Mr. HAMLIN. Mr. President, it seems to me the suggestion made by the Senator from Kansas is the proper one: to take up the bill, consider it, and make the appropriate amendments as we go on, section by section. Nevertheless, when we have gone through the bill in that way, I take it, under the rules of the Senate, it will be amply competent for any Senator or any member of the committee to go back and still offer amendments to the part of the bill that we have just passed over; but we shall bring it more directly to the attention of the Senate in the way suggested.

Now, I am somewhat in the condition of the Senator from Ohio. I have read the bill very hastily, but I have had at one time and another a good deal to do with the legislation for this District, and I feel an interest in the matter. I want to give to the bill a little further consideration than I have time to do now. I move, therefore, that the Senate proceed to the consideration of executive business. That will leave this bill as the unfinished business for to-morrow.

Mr. INGALLS. To be taken up at the expiration of the morning hour.

Mr. HAMLIN. It comes up, of course.

Mr. WHYTE. I want just here to ask the Senator from Maine to allow me one moment.

Mr. HAMLIN. Certainly.

Mr. WHYTE. Some little discussion took place here in regard to the mode of appointment of these commissioners. I should like to ask my friend from Ohio, and the chairman of the Judiciary Committee, before that question is disposed of, to examine a case decided by the Supreme Court, reported in 1 Otto's Reports, Barnes *vs* The District of Columbia, in regard to the power of Congress to appoint these officers as they please.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 21, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. CHALMERS. I desire to ask unanimous consent——

Mr. WILSON. I call for the regular order.

The SPEAKER *pro tempore*. There are a number of gentlemen, who have expressed to the Chair a desire to introduce bills &c., and if there is no objection the Chair will recognize them for that purpose.

Mr. EDEN. For the purpose of reference only?

The SPEAKER *pro tempore*. For reference, or for consideration if there is no objection.

Mr. WILSON. I call for the regular order.

Mr. CHALMERS. I ask the gentleman to yield to me——

Mr. WILSON. I have no objection.

Mr. HEWITT, of New York. If the gentleman yields——

Mr. BURCHARD. I make the point that the gentleman from West Virginia [Mr. WILSON] cannot demand the regular order and then yield to such gentlemen as he chooses to yield to.

Mr. WILSON. Then I insist upon the regular order.

Mr. REAGAN. The regular order I believe is the interstate commerce bill.

The SPEAKER *pro tempore*. The regular order is the unfinished business coming over from last week, being the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. WILSON. I desire to raise the question of consideration on that bill. My purpose is to go to business on the Speaker's table.

The SPEAKER *pro tempore*. That cannot be done until after the morning hour.

Mr. HEWITT, of New York. I desire to move to go into Committee of the Whole for the further consideration of the Army appropriation bill.

The SPEAKER *pro tempore*. That is in order, and can be agreed to by a majority at any time, and is practically a motion to suspend the rules.

Mr. FINLEY. Was there not an order made on Saturday that there should be a morning hour to-day?

The SPEAKER *pro tempore*. The House has the same right to change its mind as any individual has.

Mr. HEWITT, of New York. I must insist upon my motion.

Mr. HAYES. I think that there was an understanding that there should be a morning hour this morning.

The SPEAKER *pro tempore*. That may have been the understanding of the House on Saturday, but it may not be the understanding of the House to-day.

Mr. CANNON, of Illinois. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON, of Illinois. Is not the regular order this morning the morning hour?

The SPEAKER *pro tempore*. It is not.

Mr. CANNON, of Illinois. Then the question of consideration could be raised for the purpose of reaching that order.

The SPEAKER *pro tempore*. It is entirely within the power of a majority of the House to determine with what business it will proceed. The motion of the gentleman from New York must first be put.

Mr. CANNON, of Illinois. Allow me to make another parliamentary inquiry as to the proper form of a motion by which we can have a morning hour.

The SPEAKER *pro tempore*. If a majority of the House should now refuse to go into Committee of the Whole for the consideration of the Army bill and should then refuse to take up the unfinished business in which the gentleman from Texas [Mr. REAGAN] is interested, then the morning hour would be the regular order.

Mr. FORT. I desire to make a parliamentary inquiry. Is it not in order to move to lay aside the regular order?

The SPEAKER *pro tempore*. Certainly it is.

Mr. FORT. I move, then, to lay aside the regular order in order that we may have a morning hour.

The SPEAKER *pro tempore*. That cannot take precedence of the motion of the gentleman from New York. But the object of the gentleman will be accomplished if the House should refuse to sustain that motion.

Mr. REAGAN. If the House will consent to let us occupy a couple of hours with the transportation bill, we can get rid of it and get it out of the way.

Mr. BUCKNER. I desire to inquire whether there is any possibility of getting to business on the Speaker's table unless we have a morning hour?

The SPEAKER *pro tempore*. There is not. The question is on the motion of the gentleman from New York [Mr. HEWITT] that the House resolve itself into Committee of the Whole for the consideration of the Army bill.

The question being taken, there were—ayes 80, noes 71.

Mr. FORT and others called for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. FORT were appointed.

The House divided; and the tellers reported—ayes 84, noes 75.

So the motion was agreed to.

Mr. MILLS. Before the House goes into Committee of the Whole, I move that all general debate on the pending bill be closed in twenty minutes.

Mr. HEWITT, of New York. I give notice that at the proper time I shall move that general debate on this bill be closed at the termination of this evening's session.

The SPEAKER *pro tempore*. The House has already decided to go into Committee of the Whole; and the Chair cannot recognize the motion of the gentleman from Texas, [Mr. MILLS.] If the gentleman had made the motion prior to the action by which the House resolved to go into Committee of the Whole, the Chair would have recognized the motion.

ARMY APPROPRIATION BILL.

The House resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the Army appropriation bill.

The CHAIRMAN. The gentleman from Mississippi [Mr. SINGLETON] is entitled to the floor.

Mr. MILLS. I move that the committee rise for the purpose of closing debate.

The CHAIRMAN. Does the gentleman from Mississippi yield for that motion?

Mr. SINGLETON. No, sir.

Mr. MILLS. Will the Chair recognize me to test this question after the gentleman from Mississippi is through?

The CHAIRMAN. That will be a question to be determined hereafter.

TEXAS PACIFIC RAILROAD.

Mr. SINGLETON. Mr. Chairman, it is true of the present as of the past, that excess in one direction where the public interests are concerned is apt in the end to beget excess in the opposite direction. While true and genuine reform is often necessary, and perhaps never more so than at the present time, yet when such movements commence and become popular they always bring to the front a class of men who, anxious to win favor thereby, carry their zeal so far and push their notions of reform to such extent as to oppose measures which are for the real and substantial benefit of the country. In such times any great measure like the one I am now considering becomes a target for the arrows of all such extremists. No matter how important it may be to the country at large; no matter how valuable in developing our industrial interests or in populating our unbroken wilds; no matter how much it may increase our national prosperity in the future, all these advantages must give way to the aspirations of demagogues who seize upon public prejudices as powerful and effective weapons to defeat measures of the highest public interest, that they may retain power and place.

My views of economy are known to this House and to the country, and I will keep step with him who goes farthest to put them into practice on proper occasions and touching proper subjects, but in doing this I insist that each measure shall stand or fall according to its own merits. This rule I invoke in the case of the Texas Pacific Railroad. I ask for it only a calm and careful consideration. I insist that neither prejudices on account of ill-advised legislation in the past, nor sectional bearings, nor the influence of competing lines, nor other contending interests be allowed to enter into the decision which we are now called to make. If the measure does not commend itself to the judgment of the House upon its real merits, let it suffer defeat. I am advocating a proposition affecting not alone the welfare and interests of Mississippi, but those of a section reaching from ocean to ocean; a section embracing an area greater in extent than all that part of the United States lying east of the Mississippi River. I admit that the interests of my own State are at stake in this measure, but they are at the same time united with and bound up in the welfare of one-half of our great country.

TEXAS PACIFIC RAILROAD A NECESSITY.

A transcontinental independent competitive railroad upon or near the thirty-second parallel of north latitude, with its eastern terminus at or near Vicksburg, on the Mississippi River, and its western on the Pacific coast at San Diego, California, has now become a political, physical, and commercial necessity to the people of the United States, and however members of this House or of the Senate may from motives of economy, reasons of expediency, or feelings of sectional jealousy shrink from the contemplation and settlement of the question, it will still press for consideration until the road is built, carrying civilization and peace to the wilds and borders of our land, developing the rich resources of the country through which it will pass, and establishing a line of trade and commerce the benefits of which cannot be foretold.

A simple glance at this map which I hold up before you will suffice to show this more conclusively than all the arguments I could advance in the most labored speech. Mark this dark line running east and west from Omaha to San Francisco, like a slender thread across a vast field, and then run your eye over the area extending toward the tropics where the swift-moving train is never seen, and the shrill whistle of the engine never heard. To whom does this broad area belong? To the people of the United States, to the progressive, energetic, enlightened Anglo-Saxon race; yes, to the advanced, Americanized branch of that pushing, restless people. Is this vast section to remain untraversed by a railroad, that great commercial agent, developing power and civilization? Are these rich valleys and auriferous mountains to remain the haunts of the wild deer and grizzly bear? Are no sounds to be heard there but the howl of the wolf, and the cry of the jackal? Shall we never listen to the song of the husbandman as he shouts his harvest-home, and never see cities with their church spires pointing to heaven? Are nature's bountiful gifts in this land of flowers, of silver and gold, to be forever despised and neglected? A single glance at this map ought to arouse Congress from its lethargy on this subject and secure the passage of a bill which will push this work to completion.

But it may and doubtless will be said, that as population increases, settlements will advance; roads will be extended farther and farther until completed from shore to shore. I am fully conscious of the force of this argument and of the fact that it meets with a hearty response from those sections which have passed through and beyond the days of pioneer life, and by dint of perseverance and energy have overcome these obstacles and have provided themselves with these needed commercial agencies.

While as a general rule great works may be accomplished little by little, there are others which must be completed as a whole, and not in parts. A vast building like this Capitol may be reared wing by wing, even stone by stone, but the span of a suspension bridge, as that at Niagara, must reach from one abutment to the other, each metallic strand must extend from shore to shore. The same may be said of these transcontinental lines. Until they have developed the intermediate country their influence and value as a means of transportation depend in a large measure upon the fact that they extend from the Pacific to the Atlantic. It is evident, then, that this rule of self-expansion in this case is wholly inapplicable and unjust.

Was the road which now traverses the continent as the feeder to northern marts and for the interest and benefit of the northern half of our country built in this way? With all the wealth and resources of that section, with all the energy and perseverance of its people and the pressing need of such a line, yet private capital and private enterprise would have hesitated long to undertake it, unaided by the resources of the National Government.

There was no waiting upon the rule of self-expansion in that case, and those who use the argument do it in ignorance of its fallacy, or in a spirit of disingenuousness, which is far worse. The same facts and arguments which proved the necessity and benefits of a road for the northern section call for a similar one for the southern half of our country.

UNION PACIFIC NOT A CENTRAL ROAD.

But it is urged that the Union Pacific road is central in location and supplies all present needs of our country as a line of transportation and travel to and from the Pacific coast. Sir, a greater mistake than this could not be imagined. It is true a very large area lies north of this road and west of the Mississippi, but continue the line eastward from its terminus at Omaha and see where it runs and what section it supplies. I need not remind this House that from Omaha eastward, being the direct route to the city of New York, it traverses the extreme northern portion of our country, running close at some points to the boundary, and at no point reaching south of the forty-first parallel of north latitude. Can such a line as this be counted in any sense as central? To call it such is a perversion of terms. It is locally, commercially, and in every other sense a northern and only a northern line.

If a resident of Charleston, South Carolina, shall start to travel to the Pacific coast, he is compelled to travel northward directly or indirectly five hundred miles before he reaches the latitude of this line of transit, and from my own State the distance is even greater, while the citizen of New Orleans must proceed directly northward fully one-third of the entire distance to the Pacific coast before touching this road. Can a line located as this be called in any sense a central route, equally adapted to the wants of all the States east of the Mississippi? The absurdity of the proposition is demonstrated the moment you cast your eye upon the map of the United States. The area east of the Mississippi lying north of this line is only about two hundred and eighty-seven thousand square miles, while that south of it is five hundred and eighty-seven thousand square miles, or a little more than double the former.

But while I am upon this part of the subject I desire to call attention to the following very significant fact: in the report of the Commissioner of Public Lands, which I hold in my hand, I find on page 78 a table giving a statement by States and Territories of the number of miles of railroad which have been built under the land grant system, as follows:

States and Territories.	Miles.
Illinois	705.72
Missouri	703.00
Alabama	782.00
Mississippi	406.00
Louisiana	152.00
Michigan	1,005.00
Arkansas	555.00
Florida	247.00
Iowa	1,587.00
Wisconsin	503.00
California	1,634.59
Minnesota	1,745.00
Oregon	227.00
Nevada	460.00
Nebraska	832.00
Kansas	1,654.00
Utah Territory	253.00
Dakota Territory	196.00

Miles of railroad built under land-grant system—Continued.

States and Territories.	Miles.
Colorado	298.00
Wyoming Territory	460.00
Indian Territory	155.00
Washington Territory	106.00
Texas (where there are no public lands)	342.87
Total	14,344.18

This shows that out of 11,168 miles of road constructed under the land-grant system in the States and Territories west of the Mississippi only 1,701 are in the area south of the Kansas line, or only about 15 per cent. of the whole amount, giving only one mile of road thus constructed to every 417 square miles, or one mile to 266,880 acres of land. North of this line and west of the Mississippi, in a country with a population almost equally sparse, there has been constructed under this system one mile of railroad to every 151 square miles, or one mile for every 96,640 acres. An equal ratio in the southern section would give us about 4,700 miles of railroad, or more than three times that which is demanded. I do not mention these facts by way of complaint on account of what has been done toward developing one section, but to bring into strong contrast the neglect of another.

Every member of this House is fully aware of the rapid growth in population and prosperity of the Western States in this northern section, through the influence of these railroads, a growth unparalleled in the history of our country and which seemed to be without check or hinderance until the locusts sweeping down their hordes from the mountain regions seemed to stay the progress for a time. I look at this prosperity with pleasure and pride, but at the same time I think justice, wisdom, and the best interests of our whole country demand that the same stimulus to activity and progress should be applied to the southern section of the great West.

Aside from numerous other good reasons which could be urged why a southern, independent, competing, transcontinental road should be built, and why the United States Government should aid and encourage it, I may name four, either of which in itself is sufficient to justify such action. These I shall now proceed to discuss.

EXTENT OF TERRITORY TO BE DEVELOPED BY THIS ROAD.

The first is the vast extent of territory in the interior of the western portion of the country which can be developed only by such a measure as this.

This point I have already adverted to in general terms, but I desire now to call attention more especially to the *amount* of territory which can by this means be developed, and which otherwise will remain useless and unproductive for generations to come. In order to impress this point more fully upon the minds of members I again call attention to the map which I have had prepared, showing the vast extent of country through which such a road will pass and which is now without any adequate means of transportation or travel. A glance at this map shows that all of Western Texas, all of New Mexico, Arizona, Southern Nevada, Southern Utah, and a large portion of Northwestern Mexico would be tributary to such a road, an area nearly or quite half a million of miles in extent.

I know that highly colored pictures and overwrought descriptions of this and other western regions by interested parties and romantic travelers have been sent broadcast over the country and which correct information is now dispelling; but, on the other hand, the statement that all this vast country is sterile and useless is still further from the truth and does great injustice to the West. I have no intention of appealing to such imaginary descriptions to influence the judgment of this House or of claiming that this or any other country is a modern Paradise. But when such statements are made as that in all this broad area there is not as much arable land remaining as a good sized county in Wisconsin, I resent it as an insult to our intelligence and a libel upon the great West. That some sections in this immense area are more or less sterile and not adapted to agriculture is undoubtedly true, but it is wholly an erroneous opinion that this is only a mining region.

The fertility of Texas at the eastern and of California at the western extremity of the proposed route is proverbial, no State in the Union being capable of producing heavier or more valuable crops than these. The valleys of New Mexico, Arizona, and the bordering States of old Mexico, as Chihuahua and Sonora, are exceedingly productive, when irrigated or when the supply of moisture is sufficient. The wheat of these sections equals in quality that of California, Utah, and Colorado, which is esteemed perhaps the best grown on American soil; and, what is of the utmost importance, these sections can produce all that will ever be required to supply their own population, including that of the mining districts. The governor of Arizona, in his message of 1876, alludes with pride to the fact that the supply of this and other necessary products in that Territory exceeded the demand for the year previous.

Corn is the staple product of the older inhabitants of this section and of Mexico; it is grown readily, and in some parts it is even possible to procure by proper attention two crops in one season. The only reason why we have never had the productiveness of the arable and irrigable sections of this region brought more into notice is that it has been occupied by a semi-civilized population, with few or no ideas of progress. Oats, barley, rye, peas, beans, and other food crops grow remarkably well and are very productive. But one fact in relation to the agriculture of this region should not be forgotten, as it is worthy of note. While it is true there are large sterile areas which produce a very dry atmosphere throughout that region, yet this very thing in that subtropical latitude renders the arable sections capable of producing the very growth that will not flourish in the more humid and northern sections of the eastern parts of the United States. It thus becomes in an agricultural sense a complement to the other portions of the Union, and if we include in our estimate the adjoining sections of old Mexico, which would undoubtedly become tributary to a southern railroad such as this bill contemplates, we shall find the list of valuable productions much enlarged.

From New Mexico to California the peach, nectarine, apricot, plum, grape, pear, and all fruits of this kind can be produced with a luxuriance and flavor unknown in any other part of the Union. No part of the continent can excel it in grapes and wine.

But in order that you may have a more correct idea of the variety of growths of this semi-tropical area, I quote the following from Johnson's Universal Encyclopedia, (III, page 456, article "Mexico,") in reference to the productions of that country, nearly all of which can be grown in the area tributary to the Texas Pacific Railroad if carried near our southern border:

Vegetation and agriculture.—There are one hundred species of timber trees and cabinet woods, seventeen oil-bearing plants and trees, twelve species of dye-woods, eight gum trees, and over sixty medicinal plants. Indian corn, the staple, wheat, and barley grow to perfection in the central valleys, especially in Guanajuato, (Gwah-nah-whah'-to;) rice, sugar-cane, tobacco, cotton, coffee, cocoa, and indigo in the *tierras calientes*, (warmer sections,) and *tierras templadas*, where oranges, lemons, olives, mangoes, bananas, pine-apples, grapes, sweet-potatoes, yuccas, &c., flourish.

If to them we add ten and several species of nuts and fibers, which can probably be grown, the importance of a road which would develop these new industries becomes so apparent that none can fail to see it.

It is therefore wholly a mistaken idea, entertained by many, that this entire region is without any agricultural value. The following official letter from the Commissioner of Agriculture will not only confirm what I have said, but will even increase the list of articles given:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, February 9, 1878.

Hon. O. R. SINGLETON:
House of Representatives:

I have received yours of the 5th instant, requesting such information as the Department may have respecting the resources and character and the agricultural and other products of Northern Mexico.

The Department is in possession of no specific information as to the agricultural or other resources, or the general character of the northern states of Mexico, with which it has had but an occasional correspondence, with which, in fact, our country has very little intercourse, and concerning which there are so few descriptive documents or published works. We know that the mineral resources of some of those states—particularly Chihuahua, Sonora, and Durango—are extensive, including gold, silver, copper, &c., but that a general depression prevails in that branch of industry. There are few or no American mining companies in successful operation, and Mexicans are engaged in mining on a small scale only, through want of capital and machinery.

As to agricultural resources, we only know that wheat, corn, cotton, and tobacco are the principal productions; but that scarcely anything is raised for exportation or beyond the necessity of home consumption. Fruits of all kinds are said to grow well, but to be produced to a very limited extent only. The greater portion of the country is susceptible of cultivation, and much of it is particularly adapted to stock-raising; but some of the best portions are as yet unsettled.

There is very little traffic with the United States, and very few American merchants in the country. European goods are placed in the markets at cheaper rates than American goods can be. Trade is monopolized by German merchants with imported English and German merchandise.

A consul of the United States in the state of Sonora in a recent communication states that wheat is admirably adapted to the soil of that state, yielding thirty to forty bushels to the acre, of excellent quality; that corn yields well; that barley and oats grow excellently, and that the sugar-cane is admirably adapted to the soil, especially on the extensive bottoms of the Yaqui River. The pastoral facilities, he says, are extensive and excellent, but there has been no improvement on the old manner of tending and raising crops.

Railroad facilities of communication are demanded for the relief of the present generally depressed state of the country, and for opening commercial intercourse with the United States.

Very respectfully,

WM. G. LE DUC, *Commissioner.*

Here, too, is undoubtedly one of the best wool-growing sections in the Union; not only is the pasturage admirably adapted to this purpose, but the natural curing of the grass on the ground makes winter-feeding almost wholly unnecessary. The pure, dry atmosphere forms a perfect indemnity against foot-rot and like diseases, which sometimes play sad havoc with flocks in older and moister States.

The sterile districts along the line of the Union Pacific, through the impetus to emigration by its construction, are gradually being encroached upon, and areas heretofore supposed to be beyond redemption now bear their rich crops of golden grain and are dotted with happy homes. Let a road be constructed through the southern area and there is no doubt but the effect would be far more marked and rapid, as there is no mountain belt five hundred miles in width intervening. Already settlements in anticipation have preceded the construction of this road in Texas. Intelligence, science, and energy will bring into action dormant power now useless and almost unknown.

EFFECT OF THIS ROAD UPON OUR RELATIONS WITH THE REPUBLIC OF MEXICO.

A second reason why a road through this section should be built is the very important bearing it would have upon our relations with our immediate southern neighbor, the Republic of Mexico.

The contemplated route runs near the boundary separating the territory of these two nations, which at present is neither crossed nor approached by a single mile of railway; a boundary which for a quarter of a century has been proverbial for disturbances by our restless neighbors and roving tribes of Indians, and which has been the source of more annoyance, trouble, and expense to our Government than all the rest of our national boundary. A line marked only by the surveyor's compass or a narrow stream separates two widely different populations and grades of civilization which must ultimately meet here and come in contact with each other.

Already the effect of this contact is being felt. We may try to account for the disturbances along the Texan border by the remembrance of past events, lawless bandits, and desire of plunder, but behind all these lies the real cause, the difference in the civilization, the progress, and energy of the people on the two sides of this dividing line; and so long as the two remain ununited by the ties of commerce and mutual profit will these disturbances continue.

If this southern line were placed on a basis which would insure its completion it is certain that long before this could be accomplished branch lines running southward into Mexico, some of which are already projected, would be constructed, thus uniting the two countries by commercial ties which would prove more efficacious in suppressing disorder than all the forts which can be established along this international boundary. It requires no prophetic vision to foretell the result of constructing such roads leading from the heart of one nation to that of the other. Along these would soon be gathered a thriving, active, business population, infusing life, energy, and prosperity into all the adjoining region, and now where brigandage, disorder, and dissension rule and murder and robbery are of common occurrence, peace and harmony would prevail.

There is no agency which has greater effect in uniting in peaceful relations diverse populations than commerce, and where water facilities for this purpose are wanting, railroads and telegraphs are the only adequate means of such commerce and intercourse.

Instead of spending millions a year in maintaining a standing army and in constructing forts along this extended boundary for protection, it would be wise policy to put these millions into this railroad and push thither as speedily as possible this great civilizer.

Mr. Chairman, the engine, with its shrill whistle, speeding its way across the Rio Grande, from the prairies of Texas to the land of Montezuma, bearing as its ensign the American flag, and dropping its pioneer husbandmen, artisans, and mechanics at every station along its route, would do more toward quelling our border troubles and securing a permanent peace with Mexico than all the brilliant victories of 1846 and 1847. But, sir, this course would not only result in benefit to our own citizens, but would ultimately bring to an end the political troubles of that unhappy people of Mexico so long cursed with internal wars and constantly recurring revolutions.

Some northern politicians, especially the Maine stripe of republicans, are strongly opposed to a war with Mexico for any cause whatever, lest it should result in an acquisition of territory to be given over to southern influence and civilization, thereby increasing its power in Congress and in national politics. The most effectual antidote to this dreaded result is to push forward this great commercial and civilizing agency, thus securing a permanent peace between these two republics.

EFFECT OF THIS ROAD UPON OUR INDIAN TRIBES.

The effect of this road with its branches upon the Indian problem is too well known to need extended notice. Wherever these roads penetrate the Indian country so that troops can be easily massed at any given point, it secures peace so far as they are concerned. They are only troublesome and dangerous in localities away from these great thoroughfares where the population is sparse and no troops are found.

This may be regarded as a matter of secondary consideration, yet it is of sufficient importance to be taken into account by Congress in deciding this question. Allegiance upon the part of the citizen to government carries with it the correlative obligation of protection on the part of that government to his person and property. If this has to be done *ri et armis*, how necessary then that it be done expeditiously and effectively. This railroad will enable the Government to meet its obligations in this respect at the proper time and at a greatly reduced cost by means of ready transportation of supplies, men, and munitions of war to the point of outbreak.

MINING INTERESTS TO BE DEVELOPED BY THIS ROAD.

A third reason why this road should be built, and why the United States Government should aid and encourage it, is on account of the vast mining interests which it would develop and foster.

It is evident from the map which I have exhibited that a road on or near the thirty-second parallel of latitude, judiciously located, would form the line of transportation and travel not only to the States and Territories through which it would pass, as Texas, New Mexico, Arizona, and California, but also to Southern Nevada, Southern Utah, and the northern states of old Mexico. As soon as the main line would be completed, short lateral lines would be built by private enterprise just as lateral branches are being extended from the main line of the Union Pacific. In estimating, therefore, the mining sections and interests which would be affected, we must include all in the area named, where the southern road would be more easy of access than any other one now constructed. The comparative freedom from large mountain masses along the southern route will render it much easier of access from lateral points than is the case with the Union and Central Pacific roads.

Another fact is to be taken into consideration in estimating the importance of this road in reference to these precious and other metals, which is this: it is not alone the quantity of these metals now drawn from the mines which makes the road a necessity, but that which is left unmined for the want of facilities for transportation. I am aware that it is difficult to arrive at even an approximate estimate of the value of the metals and minerals in these mines, but I think there are facts sufficient to show beyond controversy that the mineral wealth of the region which would be tributary to this road would be equal to that tributary to the one already built.

In the first place, it would evidently lay under contribution a large share, if not a moiety of the mining interests of California, a large portion of those in Nevada, all in Arizona and New Mexico, whatever there may be in Southern Utah, and all in Northern and Northwestern Mexico.

In his Mineral Resources West of the Rocky Mountains for 1876, Mr. Raymond makes the following statement in reference to mining operations in New Mexico:

> The small progress of mining in this Territory is due to its remote position and imperfect communication; the indolence or indifference of the Mexicans and half-breeds, constituting the larger part of its population. * * * *
>
> There is a large area of auriferous alluvium in the Territory; its resources in copper are remarkably extensive; large veins of galena characterize several of the mining districts, and the supply of coal is both abundant and excellent. As yet, however, no quartz mines, whether of gold or silver, have been successfully worked for long periods since the days when Maxwell's ranch and the Ortiz mine grant were under active development. The recently developed silver districts contain many deposits of the character of pockets or chambers and much base metal.

Yet notwithstanding all these drawbacks, the estimate for 1875 is as follows:

Silver bullion	$225,000
Gold-dust	95,000
Gold and silver ore shipped out for reduction	5,000
Copper and a small quantity of pig-lead	74,915
Total for 1875	399,915

This amount, it is true, is not very large, but when it is taken in connection with the fact that it has been realized without any means of transportation, of working ores or quartz mining, and that the greater part of the mines are lying idle on this account, it is evident that with the means of introducing proper machinery and of transporting ores, the mining production would soon be increased ten or twenty fold.

In Arizona, although undoubtedly one of the richest mining districts of the Union, the case is still worse, as shown by the following extract from the same work:

> But the peaceful condition of the country, with all its attendant advantages, and the value of many of the mines, (which is no longer a question of doubt,) are not sufficient to overcome the need of cheap and quick transportation, which, next to the Indian troubles, has ever been the serious drawback to the rapid settlement and profitable development of this remote Territory.
>
> The past year has witnessed an increased attention to mining and the investment of some new capital, but the distances, both from the Pacific and the Atlantic States are such and many of the roads to the mineral districts are so heavy or rough that no expeditious and economical movement of ores, machinery, or miners, no working or shipment of low-grade ores, and no influx of capital (even from California) can be looked for, and consequently no extensive or very important operations can be carried on until at least a trunk railroad crosses the Territory.
>
> At present only such gold and silver lodes as would elsewhere be considered surprisingly rich can be worked to advantage, and scores of lodes that would pay handsomely in California or Colorado are utterly neglected, while the great copper interests of the Territory (for copper is nowhere more abundant or of greater purity) are for all practical purposes without value.

The mines already discovered in this Territory are so numerous that the writer, from whom I have just quoted, does not attempt to describe but a few of the more important; but most of these must remain undeveloped until some means of transportation is obtained. The estimated yield for 1875 is $750,000, which will soon be multiplied many times when a railroad penetrates to that section.

How much of the products of Nevada would flow along this new line I cannot say, but certainly all of that from the southern section.

The whole amount produced in the State in 1875 is reported as follows, (Raymond's report for 1876, page 132:)

Gold dust and bullion by express	$196,858
Gold dust and bullion by other conveyances	$19,605
Silver bullion by express	35,283,103
Ores and base bullion by freight	4,978,633
Total	40,478,369

The total production of gold and silver in the United States in 1875 is estimated by Mr. Raymond as follows, (Report 1876, introduction, page 6:)

California	$17,753,151
Nevada	40,478,369
Idaho	1,750,000
Oregon and Washington	1,246,978
Montana	3,573,600
Utah	3,137,688
Colorado	5,302,810
New Mexico	325,000
Arizona	450,000
All other sources	500,000
Total	74,517,596

Of this we may fairly claim as tributary to a southern road the following:

California	$8,000,000
Nevada	10,000,000
New Mexico	325,000
Arizona	750,000
Total	19,075,000

This total will be the amount to commence with from mines in the United States without taking into account the largely increased development which will follow the construction of this road.

It is very difficult to obtain any reliable information in reference to the mines of old Mexico and their production, a very large portion of the estimates given being so highly colored that I have felt unwilling to introduce them, as I propose to deal in facts which will bear the closest scrutiny, satisfied of their sufficiency to establish the proposition which I set out to prove.

I find by reference to Appleton's condensed encyclopedia, (and also in Appleton's Annual for 1876, page 542, article "Mexico,") the following facts:

The seven principal mines of San Luis Potosi alone produced in 1868 silver to the value of $2,176,899. That the state of Sinoloa is literally covered with silver mines. In 1870 there were in Oajaca eighty-three silver and forty gold mines. In Sonora, which lies adjacent to the proposed road, there are one hundred and forty-four mines, chiefly yielding gold, besides five hundred and eighty-three in which, though productive, the works are suspended. Tin is abundant in some sections, and copper is also common, and lead is found in most of the silver mines. There were in 1876 eleven mints in the Mexican Republic, coining on an average $20,000,000.

The exports in 1873 of the produce of mines were as follows:

Silver coin	$22,602,493
Solid silver	1,512,616
Gold coin	640,270
Solid gold	288,578
Ores and mineral earths	222,854
Silver amalgam	39,251
Lead	30,831
Copper	17,137
Total	25,354,030

Surely this is a prize worth contending for, and one which our Government ought by all proper means to strive to obtain for her citizens. There is no good and valid reason why the United States should not have the great share of this trade. But what are the facts in reference to it?

The total exports of Mexico in 1873 were valued at $31,791,150. Of these Great Britain received $12,000,000, the United States $11,000,000, and France $4,500,000. The imports amounted the same year to $20,852,406. Of these Great Britain furnished $10,000,000 worth, the United States $7,000,000, France $5,000,000, and Germany $4,000,000.

I ask, Mr. Chairman, whether it is a wise policy that allows trade thus to be taken away from our very doors. The effect of railroad communication between the two republics in changing the current of this trade would soon be manifest, not only in the carrying trade of the road itself, but in introducing the manufactures and products of our country, both by land and water, and thus causing an interchange of commodities.

I cannot but feel that our Government has been unwise in this matter and that politics and sectional jealousies have been allowed to govern our actions too long. Instead of using the only proper means of forming a lasting and binding peace and friendly commercial relations we have been driving away from our marts a most important trade that we might have secured, and spending millions in guarding a line where there should be no more need for it than along the Canada boundary.

HOW FOREIGN TRADE WOULD BE AFFECTED BY THIS ROAD.

The fourth and last general reason which I shall urge in behalf of Government aid in the construction of this road is the bearing it would have upon trade with foreign countries on the Pacific side of our continent. The value of this is not limited by its effects upon local interests; it is not simply for the purpose of inciting trade and travel between sections of our own country, but, if built, is destined to become one of the great routes of the world, and one of the leading thoroughfares between the nations on the Pacific and Atlantic hemispheres.

The distance from San Diego to the Pacific Islands, to the East Indies, and to the Asiatic countries, as Japan, China, &c., is no more than it is from San Francisco, and in some instances less, especially since it is true that vessels going west from San Francisco are compelled to run almost due south along our Pacific coast nearly to the latitude of San Diego before they can head for any of the countries in Asia. This is done that they may avoid the trade-winds blowing from west to east in the latitude of San Francisco. From San Diego west there is what is termed the calm belt and it is to reach this that vessels steer south as stated above.

So far as all the countries along the western coast of South America are concerned the Texas Pacific would have decidedly the advantage, so much so in fact that it would monopolize all that portion of trade and travel passing eastward by overland route.

In order to convey a correct idea of the importance of this road as a carrying line of foreign traffic and travel, I call attention to the following figures from the report issued from the Bureau of Statistics for 1876, page 82:

Imports from Pacific countries in 1876.

From Chili	$735,229
From China	12,360,851
From Hong-Kong	493,090
From Japan	15,508,170
From Mexico	12,505,753
From Peru	1,440,973
From Sandwich Islands	1,382,592
Total	44,447,251

Exports to Pacific countries in 1876.

To Chili	2,159,752
To China	1,390,360
To Hong-Kong	9,167,702
To Japan	1,098,457
To Mexico	4,706,778
To Peru	1,176,992
To Sandwich Islands	754,267
Total	20,452,238

Adding these two items together, we have as the total value of the articles passing to and from these countries $64,899,489, or in round numbers about $65,000,000. A large portion of this, it is true, goes by water from the western side to the eastern ports and marts, but as means of more rapid transportation is made available the current changes from the tedious and circuitous water route to that which is more expeditious.

There can be but little doubt that this would also be the principal transcontinental line of travel, as it passes through the most salubrious climate in the Union and will never be blockaded by the snows of winter, as the more northern roads are.

Mr. Chairman, I have said all I think necessary to be said as to the general utility of this road. The only remaining inquiry is, how is this road to be built? I answer, under the provisions of the Stephens bill as modified and reported by the Committee on the Pacific Railroad, or some other bill containing like provisions.

In order to judge properly of the merits of said bill, it may be well to inquire, in the first place, what are the objects contemplated by it and what the means by which these objects are to be accomplished, and, in the second place, what amount of responsibility the Government assumes in giving the proposed aid to this road and what dangers there are of ultimate loss to the Government.

OBJECTS OF THE BILL AND HOW TO BE CARRIED OUT.

In reading this bill its first grand object seems to be to secure to the public a transcontinental railroad upon or near the thirty-second parallel of north latitude, which shall forever remain an independent competitive line. And as a guarantee that it shall so continue a provision is contained in the bill that whenever it ceases to be such, whenever it enters into any combination with any other transcontinental line to defeat this object, a forfeiture of its charter with all its franchises is to be the result. But to insure still further this point and to give to the Government and people the benefits of cheap transportation and travel upon this road the Government retains to itself in said charter the primary use of it for postal, telegraph, and military services, the compensation for which to be agreed upon by the officers of the road and the Secretary of War, Secretary of the Interior, and Postmaster-General, but not to exceed rates paid by private parties for similar services, and the Government further retains absolute and unlimited power to fix the rates of freight and travel over the whole line so far as the public is concerned.

Other or further guarantees upon this point ought not to be demanded, nor do I see how they could be given. The people through their Representatives will have full power to hold this road in check, and if it shall prove contumacious to repeal its charter and confiscate its property.

Another grand object of this bill seems to be to secure the aid of the Federal Government in the construction of the road without subjecting that Government to inconvenience or loss. For this purpose the bill authorizes the company to execute and deposit with the Secretary of the Treasury of the United States construction bonds at the rate of $20,000 per mile for the distance of eleven hundred and fifty miles, and $35,000 per mile for the remaining distance of two hundred and fifty miles, (through a mountainous region,) said bonds to mature in fifty years and bear 5 per cent. per annum interest, the Government to guarantee payment of said interest to the maturity of said bonds and no longer, the whole amount of said bonds not to exceed $38,750,000; and of this amount only $31,750,000 to be available for the construction and equipment of the road and the balance, $5,000 per mile of the whole road, to be held by the Treasurer of the United States and to be sold at any time when necessary to pay accrued interest on these bonds which has not been met by the company.

It must be remembered that these bonds are not to be issued in bulk to the company, but whenever ten consecutive miles of said road are completed, examined, and approved by a commission to be appointed by the President of the United States, and the actual cost of construction and equipment ascertained, bonds to the amount of said cost are to be issued to said company, but in no case to exceed the amount named per mile.

It is expressly provided that no aid is to be given to any branch road, but the whole amount of the proceeds of these bonds is to be

expended in a trunk line of fourteen hundred miles from Fort Worth, Texas, to San Diego, California. The bill further provides that said company shall, at its own cost and without the aid of the Government or its guarantee in any manner, build from some point of its four hundred and forty-four miles now completed, from Fort Worth east, a line of road to some point on the Mississippi River, not farther north than Memphis, Tennessee, the terminus on the Mississippi to be decided upon by a commission of five persons to be appointed by the President of the United States; and further, all connecting lines to be allowed the same privileges, facilities, and rates for travel and transportation as the trunk road, thus guarding against extortionate rates and unjust and tyrannical discriminations on the part of the trunk line against connecting branches.

I have thus briefly attempted to bring before this House the objects contemplated by this bill and the means proposed to effectuate these objects. It now remains to show how far the Government is indemnified against any loss which might result from its guarantee of the interest of these bonds; for, be it remembered, the Government does not guarantee the payment of one dollar of the principal of said bonds.

GOVERNMENT FULLY INDEMNIFIED AGAINST LOSS.

In the first place the company is to release to the Government all right, title, claim, and interest in and to eighteen million acres of land heretofore donated to it in aid of the construction of said road; said lands to be opened at once for sale and settlement upon such terms as the Government shall prescribe, and when sold, or as fast as sold, one-half the proceeds to be applied to the payment of the guaranteed interest upon said bonds, should any part of same remain due and unpaid by said company.

To the dullest intellect it must be manifest that should said lands be greatly enhanced in value by the construction of said road they will go far toward indemnifying the Government against any possible loss.

In the next place a first-mortgage lien is to be executed to the Government upon the whole line of said road and upon all its franchises, property, and rolling-stock. So that as the Government's liability shall increase by issuing bonds for every ten miles constructed, in the same ratio will increase the value of the security given.

Again, the company is to transport on said road, upon the requisition of the Government, if need be to the exclusion of all other freights and passengers, the mails, troops, supplies, and munitions of war of the Government, and said Government to use its telegraph lines at will, the compensation for which, amounting to many thousands annually, to be retained in the United States Treasury to meet the accruing interest upon said bonds.

And yet again the whole net earnings of said road are pledged for the payment of said interest, and, as stated above, for every mile of said road $5,000 of said bonds, executed as aforesaid, are to be retained by the Treasurer of the United States, and in default of payment of interest by the company these bonds are to be sold and the proceeds to be applied to such payment.

One word as to the net earnings of said road, the amount of which is to be arrived at by a comparison with the net earnings of that part of it already in operation from Fort Worth east toward the Mississippi River, and from a further comparison with the net earnings of the Union and Pacific roads. From the Texas Pacific as it shall be hereafter constructed it may be safely assumed that the net earnings per mile will be equal to those of the Union and Pacific roads; and by their reports these appear to have been between $5,000 and $6,000 per mile per annum. Now, assume that the Texas Pacific shall cost upon an average $26,000 per mile, and the interest at 5 per cent. shall be upon that sum $1,300 per annum. Then, upon the hypothesis that its net earnings per mile per annum shall be $5,000, all interest can be paid out of that sum, and leave to the company of its net earnings $3,700 per mile per annum.

But as perhaps a more suitable comparison, and to shut out all cavil, let us take the net earnings of that part of the Texas Pacific now constructed and in operation. From its reports, notwithstanding it runs to no commercial point, giving it the benefit of through traffic and travel, notwithstanding it penetrates an undeveloped and sparsely populated country, it will be found that its net earnings during the last year amounted to $2,000 per mile, and calculating that the balance of said road when constructed will yield a like net income, this sum will pay the interest, $1,300 per mile per annum, and leave an unexpended balance to the company of $700 per mile.

Now, sir, with all these securities in the hands of the Government, namely, eighteen millions of acres of land with title undisputed; with a first mortgage upon the whole road, its property, and franchises; with a right to use the road *ad libitum* by the Government in transporting its mails, troops, supplies, and munitions of war, the compensation for which to be retained by Government; with the right to apply the net earnings of the whole road for its protection against loss; with $5,000 of bonds per mile subject to sale for payment of interest; with power to regulate the rates of travel and transportation, I ask what risk does the Government take in guaranteeing the interest upon these bonds? Could it be more fully protected against loss? Could better security be offered? Why insist upon calling this a subsidy, when not a dollar is asked for out of the Treasury and when it is morally certain that not a dollar of loss will fall upon the Government.

If gentlemen are determined to vote against this bill from feelings of sectional jealousy or personal animosity, let them say so, and not hold out false pretenses that detriment may come to the Government. If they favor a monopoly in the hands of certain parties because they are millionaires, let them proclaim their willingness to bow at the shrine of Mammon. If any member upon this floor is stricken with a virtuous fit of constitutional scruples, let him remember the land grants, subsidies, exclusive privileges, exemptions, and all manner of favors bestowed upon other roads, and that no court has ever interposed to stay the hand of Congress and save the people from these unconstitutional acts. Too long have the people acquiesced in these grants, aids, and subsidies, too often have the courts sanctioned them, to flaunt the Constitution in our faces at this late day.

BRIEF RECAPITULATION.

But, Mr. Chairman, my time is exhausted, and I shall only give a brief *résumé* and bring my remarks to a close.

Here is an area within our own national bounds, equal in size to Germany and France combined—an area large enough to make ten States, each the size of New York, and yet in which there is not a single mile of railway.

Not only this, but adjoining it on the south is another section, equal in extent, in which the sound of a railroad engine has never been heard; a country capable of producing in abundance those semi-tropical products we so much need, and yet not an effort has been made by the Government to develop or utilize it; a country abounding in mineral wealth, which is estimated to have produced since 1848 over $1,000,000,000, ($1,389,000,000,) and which as yet has but partially developed its immense mineral resources, and still we as a nation are making no adequate effort to seize the grand prize.

While hundreds of thousands of our people are wandering through the land and playing the *rôle* of tramps and beggars, we are neglecting the grand opportunity offered us of opening up to them new channels of employment, industry, and wealth.

Here is a boundary line which is a continual source of annoyance and heavy expense, where an army has to be maintained and forts built to preserve a doubtful peace, and although the remedy is at hand which would soon unite two republics in the bonds of commercial unity and secure a lasting peace, yet we fail to use it.

We behold the isles of the sea, but lately bound in the fetters of barbarism and savage life, bursting their fetters and rising rapidly into civilized life and active industry; we see the nations of Eastern Asia waking from their long sleep and rising rapidly in the scale of civilization; their rich store-houses, so long shut against foreigners, are being thrown open to the world; but what are we doing as a nation to draw this wealth into the pockets of our people? Yes, sir, this wealth is absolutely flowing along three sides of our boundary to seek a market far beyond; and still we make no effort to arrest it. Out of $644,956,406 worth of exports from the United States for the year ending June 30, 1876, (Annual Report Bureau Statistics, 1876, page 376,) $480,002,627 were transported in foreign vessels and but $160,562,954 in American vessels. Of $476,677,871 worth of imports for the same year $321,139,500 were brought in foreign vessels and only $143,389,704 in American vessels.

Mr. Chairman, if in the past, instead of directing all legislation to the purpose of grinding money out of the hard earnings of an impoverished people to put into the pockets of foreign bondholders, Congress had sought to devise ways and means of putting life and vigor into our commerce; if encouragement had been given to the building of vessels that we might carry our own exports and imports, our commerce would not be in its present dilapidated condition; and to-day, if Congress will wake up to the importance of the measure under consideration and by a competing line of railroad will connect the Pacific and Atlantic Oceans, whereby commerce and travel will be brought within our own borders, much may be done to repair past omissions and blunders.

CONCLUSION.

When the improvements of the Mississippi are completed and the jetties of Eads shall have accomplished their purpose; when two competing railroad lines span the continent with their numerous terminal branches all responding to wholesome legal restrictions touching the ratio of transportation and travel; when our finances shall have been put upon a basis which will meet the necessities of the people; when labor shall be protected against the unjust exactions of capital; when American vessels shall monopolize our carrying trade, then, and not till then, will have been accomplished the mission of the American statesman.

Sir, shall the grasping avarice and power of a single corporation built up and fostered by the Government be allowed to hold in check our national progress? Shall local jealousies and political machinations be permitted to hinder justice and bar our way to prosperity? Shall the South be forever held in subjection as though she were a conquered province? Sir, the time has come for action, and to-day one-half of our vast nation appears before the bar of Congress to demand her rights. She asks for no unusual favors; she seeks no extraordinary grants; she makes no plea for charity; she only insists that justice be done, that the same efforts which have been made, the same aid which has been given to develop the northern section of the West, be repeated in the southern half. Does she sue in vain? It is for this Congress to answer. Consider well her suit before you reject it. Teach her to love your people, your Congress, your Government by

convincing her that these love justice and will do right. Force her not to despise your prejudices, your partiality, your utter indifference to her welfare.

Mr. SPARKS addressed the committee. [His remarks will appear in the Appendix.]

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. WRIGHT having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave.

The message further announced that the Senate disagreed to the amendments of the House of Representatives to the bill (S. No. 396) to amend section 2464 of the Revised Statutes relating to the cultivation of timber on the public domain, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADDOCK, Mr. PLUMB, and Mr. GROVER as the conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. DORSEY, and Mr. DAVIS, of West Virginia, as the conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. WINDOM, and Mr. EATON as conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. PHILLIPS. I do not propose to inflict a long speech on the committee. I intend to occupy only a portion of the hour allotted to the gentleman from Maine [Mr. HALE] as a member of the committee, reserving the remainder of it for the gentleman from Ohio, [Mr. GARFIELD.]

There is no proposition, Mr. Chairman, more seductive to the theorist here than a scheme to reduce the regular Army. If he is an economist of the Holman school and confounds the withholding of appropriations with economy he is carried away with it. He looks to the aggregate number of millions the Army costs annually and thinks he economizes when he cuts off a few items, without stopping to consider the mischief he inflicts. In regard to the very bill now reported we have in the estimates, Mr. Chairman, an estimate for $100,000 for recruiting expenses; giving us the number of men the dates of whose enlistment will expire during the year for which we appropriate, and also giving us the average of casualties during the year, including a small amount for the casualties of battle, and showing that it costs $20 for every enlistment, and showing us that the exact sum to fill up these gaps is $100,000. The committee cuts that estimate down to $50,000, and no doubt flattered themselves they were economizing, but thus preventing the ranks from being filled up.

But besides this spirit of false economy there is a class of visionaries, and some of them have spoken on this floor, who pretend that a United States Army of any kind is a menace to popular liberty; that any military establishment outside of State militia is pregnant with the overthrow of civil government. Sir, all through our history we have had political theorists holding to a doctrine of a revised, regenerated, well-organized State militia, but it has existed only in training days and speeches. In ordinary times the regular Army did the work, in time of war we had volunteers. When did our regular Army menace popular liberty? Why, sir, if it was fifty thousand instead of twenty-five thousand against the will of the people it would not last an hour. It has to take care of the Government property and forts and stations scattered over thousands of miles. It is a ready force to maintain order and the dignity of the law, and that law is popular will. These men, infected with this idea that a military force is dangerous to popular rights, jealous of it because in the "late unpleasantness" they learned to dislike it, carried away by this short-sighted false economy, would reduce our Army to a drummer, a fifer, and a band-master.

I want to call the attention of the committee to the character of the measure. The proper committee, the Military Committee, to whom the task was delegated, have been unable to introduce into this House a measure for the reorganization of the Army. We have heard of it all through the session with a flourish of trumpets, but in seven months they have been unable or unwilling to risk it, and now a bill for the reduction of the Army, for the reorganization of the Army, comes to us in lieu of the regular Army appropriation bill. They come here with what is, in effect, a revolutionary measure, for it is not a direct measure; it is an attempt to cut down the standing Army, which is now, by law, fixed at 35,000 men, to 20,000 men. It was their business to present us with an appropriation bill to provide the means to pay the Army that now exists under the law regulating the Army. It is saying to this House that the Appropriation Committee will not report a cent unless we consent to this change. I say, sir, it is revolutionary, an assault on law and the dignity of this House. It is an attempt on an appropriation bill to legislate a thing which only necessity can justify. It is an attempt to do what this House, I am sure, is not prepared to do, to reduce the standing Army of the United States from the number of 25,000 men, as it now exists by law, to 20,000 men. What is the present exact strength of the Army? At the Adjutant-General's Office this morning I learned that there are actually of enlisted men in the Army 23,417 men to-day, or by the latest reports. In other words, therefore, this bill proposes to muster out from the effective force of the service, from the enlisted men, 3,417 men.

I sympathized with the gentleman from New York [Mr. HEWITT] last week. He is an accomplished gentleman on any subject in his own line, familiar with some of the most intricate questions that come before this House. I sympathized with him, and even his political enemies might have sympathized with him, because he was placed before us by the Committee on Appropriations to defend a bill which he did not understand and his statement to that effect was as candid as it was gratuitous. There were a number of military men upon that committee who had been in the service and knew something of military matters, who comprehended some little of the difference between an army on the rolls and an army in the field, who at least could tell the difference between a column and a platoon, and know right shoulder shift from a martin-box. Why did not one of them undertake it? The bill, he admitted, was the work of more than one committee, and a hodge-podge of several bills in various stages, and the bill itself bears internal evidence of that.

His bill is not a bill to appropriate money to maintain the Army, but a bill to reduce it. He commences operations on the regular Army by a process Sitting Bull or Chief Joseph might have envied. Before his strategy Captain Boabdil's method of conquering an army fades away. Unabashed by the fact which he freely admits that he knows nothing about it, this military genius rushes into the reorganization of the Army with an enthusiasm only paralleled by the zeal of his Tilden campaign and likely to end in the same way.

The gentleman stated that there are only one hundred and sixty-three military posts, and he attempted to correct the statement that there were two hundred and twenty-five posts. Mr. Chairman, there are one or more companies of soldiers stationed at one hundred and fifty-two posts, and troops are stationed at eighteen arsenals, making present occupied stations one hundred and seventy. At twenty more troops would be stationed to-day if we had available troops. This I have from the Adjutant-General to-day. Of course there are other posts, enough probably to make up the number of two hundred and twenty-five he finds in some table. Let me give him a case of one of those unoccupied posts. Down near the mouth of the Delaware River there is a fort, Fort Delaware. There is no garrison there to-day. That fort is now being refitted and repaired, and if the war which is now threatening to break out between England and Russia takes place, and we have to defend our commerce against privateering, there will have to be posted at that fort alone three hundred men. There is not a soldier there now, and the gentleman from New York [Mr. HEWITT] and the gentleman from Illinois [Mr. SPARKS] would have us believe that this is one of the forts that we have no use for, for this is one of the forts not now garrisoned.

We have been told also that to-day the proportion of officers to men in the Army is greater than it has ever been before. I have a table here which shows that in 1850 the proportion of commissioned officers to men was one to ten and five-eighths men; in 1853 it was one to nine and seven-tenths men; in 1855 it was one to ten and a fraction; in 1860 it was one to ten and a fraction, and to-day, in 1878, it is one officer to eleven and one-half men. Those are the proportions, and they include all officers, a number of whom are staff officers of the different departments, the number of line officers being as one to fifteen or one to sixteen. It shows that in the past thirty years there has been no proportionate increase of officers, and that they had just as many men to the officers during republican administrations as in the old democratic administrations.

Now, I will say to the gentleman from New York, what every military man knows, than an army on paper and an army in the field are two different things. I thought when I first went into the service that it was an astonishing thing that out of 800 or 1,000 men in a regiment you could put only 450 men or 550 on the color line, but I have found by examining the records of the armies of other countries that the proportion is even greater with them of men who are unavailable for active duty. The special-duty men are necessary for all armies; they are where they are wanted, and for twenty-five and thirty cents per day extra do the work of mechanics who at those remote posts often cost us $10 to $20 per day. The men on detached service you always must have with any army; they do escort duty with trains or paymasters or parties putting up telegraphs, or for the numberless purposes an army needs. Then there are the sick and wounded and those to take care of the hospitals. And so it is our experience and the experience of every nation that when we have 25,000 men on paper we may be only able to place on day of battle more than 40 or 50 or 60 per cent. of them on the color line.

Let me again call the attention of the House to another feature of

the bill. We have an Army of 25 infantry regiments, 10 cavalry regiments, and 5 artillery. If these were put up to the standard they would give us an Army of forty or forty-five thousand men, but can be kept in some degree of efficiency with 25,000 men. The committee propose to strike from the Army 10 regiments of infantry and 6 of cavalry, and in this bill they appropriate money for 20,000 men and 500 recruits, the bill also contemplating, as is thus shown, the scheme or groundwork for a still greater reduction in the future. The amount appropriated in this bill for 20,000 men and 500 recruits, as I have shown, would cause a reduction in the present standing force of the Army of 5,000 men as now fixed by law, and of 3,500 men now in service who would be required to be mustered out under the provisions of this act.

In regard to the number of officers, I wish to say to the gentleman that we have stations where during the exigencies of war there are only 8 or 10 private soldiers. During the war with Joseph I learned that 3 or 4 men were left at one station, where there was hundreds of thousands of dollars' worth of property, commanded by a sergeant. At all these posts and stations and with the detachments over our enormous frontier it is well known that the interests of the public service render it desirable to have the presence of an officer. There ought to be at least one officer with each detachment, and the smaller you make the detachments the more you increase the need for officers. You know very well, too, that there are casualties with officers on duty constantly liable to occur, which makes the presence of more than one desirable; and I think that the House ought to maintain the existing organization of the Army and to see that steps are taken to put its effective force up to 25,000 men, and allow the Adjutant-General two or three thousand recruits at the recruiting stations, or at least 1,000, so that he would feel justified in keeping the Army in service continually up to the standard of 25,000.

Why, sir, to-day he has so many enlistment stations scattered over the country that he must watch carefully so as not to exceed the number of 25,000 men. He has to stop enlistments whenever he comes within four or five hundred of that number for fear he may obtain more than he can pay. By thus maintaining the present Army organization we keep officers we have educated, and can in case of war recruit up these forty regiments to forty or fifty thousand men with organization complete and in working order. Something similar to this system exists in almost every army in Europe. We cannot afford to drive out or to hire or bribe these officers to go out. The country has a right to their services; she has educated them; and, sir, I am not sure but the purpose is to get them out so as to leave room to fill up again, should the democrats again come in power, from those who were in the rebel army.

Now, what is the necessity for an Army we do not need? I would never ask an army to maintain government. We have here at this time a proposition to reduce the Army under conditions which have never before confronted the American Government. The proposition comes upon us right upon the heels of a series of disturbances that shook society to its foundation. Had any one told us that seven months of this session would elapse without some effort by legislation to remove the causes of discontent, we would not have believed them. With or without reason, there is discontent with the working classes, and while there are doubtless many lawless, vicious persons seeking turbulence and plunder, it will not do to shut our eyes to a just popular distrust. Let us do all that labor can do for the workingmen. Let us see to it that there is no just complaint about the encroachments of capital. Let us provide, if necessary, by judicious public improvements for the employment of labor. Better pay than pauperize; better provide work than an army to suppress revolted laborers. Do we propose to adjourn without doing anything in that direction, and instead of doing anything to remove popular disaffection do we propose to leave peaceful people helpless before a lawless mob, even if that mob is justly exasperated? I think laboring-men have a right to protect the price of labor by lawful means, yet I also think that we cannot leave Government helpless or strip ourselves of the means promptly and safely to vindicate the peace. On local troops rioters might be induced to fire, but there is a moral force in the regular troops, the presence of which might have saved much bloodshed last summer.

I admit that if we required an Army to maintain our Government and our institutions, even four or five hundred thousand men would not be enough. The only pillar of the Republic is the love of the people. Against the sovereign will of the majority you might multiply armies until they were like the sands on the sea-shore, and they would never give you security and peace. But when I say that, I am also conscious that something is due the dignity of law; something is due society; something is due the people for whose comfort, rights, and safety government exists.

In the days of Washington, when there were but thirty-five hundred thousand people in this country, the Army was proportionately three or four times greater than it is to day. In the days of Jefferson the Army was greater in proportion than it is to-day. And were those statesmen second to us in their devotion to republican liberty? Did they regard the United States Army they first organized as contrary to the genius of the American Government?

Gentlemen may say that there is no need of an army. Sir, we have already seen the need of an army in this country. We saw it in the unpunished tragedies of Baton Rouge, and Vicksburgh, and Kemper County. Last summer the governors of States whose voices had hardly ceased to echo in denouncing the intrusion of Federal troops into the Southern States, in declaring that it was an invasion of the rights of the States to send those troops within their borders to maintain the peace, those very governors pleaded with the President to send troops into their States of Virginia and Maryland in order to enable them to preserve the peace. Nor do I think, sir, that the use of troops in the States recently in rebellion was uncalled for or inconsistent with the spirit of republican liberty. If they were recalled before every man, white and black, was safe—safe and truly free, with all his civil rights in their fullest extent—they were recalled too soon. If they were recalled before the new civilization the war planted had taken living root they were recalled too soon. And I say to those southern gentlemen, and I say it in all kindness, that for them there is neither peace nor security in the future but in the fullest recognition of the rights of the colored race. Politicians may intrigue and Presidents vacillate, but the Lord God omnipotent reigneth.

It is a happy temperament that in a moment of peace believes all future war impossible. I never wish to see, nor do I fear in this nineteenth century that our Republic will ever be like the Roman republic, a community of warlike banditti, preying upon all nations. And yet, sir, we cannot neglect the martial spirit which gave us our Government, and which may be able to maintain it. The gentleman from New York may be a theorist in regard to the Army; he is not in other matters. In case of extreme necessity he has indicated patriotism and State militia, and he may fall back on a theoretical spirit of patriotism and the Pittsburgh militia to quell a mob. Let us remove, if possible, the causes of mobs; but if lawless persons increase I am sure the mass of the American people will not justify us in neglecting a just precaution.

How is it? It is not yet ten months since a United States frigate lay moored here in the Potomac for the purpose of defending the National Treasury and national archives with her guns against an anticipated mob from a neighboring city.

We have a frontier of many thousand miles. In the speech of the gentleman from New York, [Mr. HEWITT,] he proposed that we should abandon three-fourths of all the stations and posts on the frontier. The only posts in that country which preserve peace on the frontier among the Indians and teach these nomads, even if justly exasperated, our power.

I believe that my researches into this subject give me some right to speak. I think that the gentleman from New York [Mr. MCCOOK] did not number the Indians too greatly when he said that there were four hundred thousand of them in this country. We have no means of ascertaining the exact number of the wild Indians. All statistics on the subject are worthless, for the wild Indians are as jealous of enumeration as they are of surveying. Let me say to the gentleman from Illinois [Mr. SPARKS] that the Nez Percés, numbering but a few hundred men and requiring fifteen hundred soldiers to subdue them, were civilized Indians, Indians who had made great advances in the arts of modern American society, but having been badly used they went into war and those three or four hundred Indians required three armies and fifteen hundred men to subdue them.

The Dakota Indians to-day number more wild Indians than the gentleman from Illinois [Mr. SPARKS] was willing to admit there were in the whole country. And the Apaches and Comanches and other tribes scattered over that great wilderness are largely in excess of the number that he would fix for the wild Indians. Indeed, it is safe to say that the wild Indians to be held in check by our troops are not much short of one hundred and fifty thousand men. They are nomads, scattered over and wandering over thousands of miles; rovers on the prairie, in the forest, on the mountains. They are well armed and have proved themselves no contemptible opponents.

I remember that once, but a few years ago, a band of wild Indians came into a remote settlement near the Saline River, in my own State, and that peaceful Sunday afternoon murdered eighteen helpless people. One woman clutching her two babes, one on each arm, fled for safety across the bend of the timber, pursued by the merciless savages. She was there overtaken, her two children snatched from her and their brains dashed out against the trees, and she herself was carried into a wretched captivity. That, sir, was not a solitary case. Time and again have I seen these settlements helpless for want of sufficient military force. I appeal to you, gentlemen, for the just protection of these and all our frontiers.

That gentleman must have a very happy temperament who to-day thinks that we are to have no renewal of those scenes. Sir, they are recurring all through our history. Last year we had two of our bloodiest Indian wars. From the time when the settlers first went up the Connecticut River to found new settlements at its source, we have had those troubles; from the time settlers first went up to the head of the Mohawk, to the Wyoming Valley, these chapters in our history have a bloody record; from the time when they first crossed the Alleghany Mountains, from the time when Colonel Clark first pierced the wilderness of the Mississippi Valley, with his command, to the Illinois region and took old Kaskaskia, those scenes have occurred. If we neglect to take steps to protect the frontier, we have not the apology of ignorance.

The cause of disagreement between the settlers and the Indians arises from the change in their condition. No longer can these nomads

live as they used to live. It is now with them a question of existence. Formerly they lived upon the wild game; we have occupied the country, and they can live upon that no longer. The nomad is confronted with the problems of civilization. The settler and pioneer is the true type of the modern American man. Let us justly estimate the services of the pioneers of the West. They have been the founders of empires, the builders of millions of homes of independent happy men and women. They have warred against privations and hardships, against stocks and stones, against principalities and powers. They have made the wilderness to blossom as the rose. Great States lie in the tracks of the pioneers whose weary feet have pressed the western shores of the Missouri. He is the founder of a new dispensation. The prophet of our higher civilization, surely he is worthy of protection.

The condition of the Indians is indeed changed. We confine them to reservations and appropriate two or three cents per head to support them for the year. We desire that they should learn to live as we do, but they are there. Under these changed conditions are we to be told that we need no Army? Are we now to dismember the Army, to destroy its efficiency, and then when these terrible tragedies occur to lament them when we could have prevented them?

It is according to the theory and genius of our civilization that this progress shall be made. But this course presents questions which with these wild Indians are most powerful and influential, and which we cannot wonder they consider; they are questions which will stir them to the very depths; they are questions which may plunge them into war at any moment. To-day we need a sufficient army to preserve the peace of the frontier, to give to the settlers there that security we never yet have given them. I say that those horrid massacres are a disgrace to our Government; and we shall not be justified if we refuse to furnish the means to prevent them, until all these questions are fully met and finally settled.

Within the last fifteen months we have known two of the most terrible Indian wars that ever occurred in our history—that of Joseph and that of Sitting Bull—Sitting Bull, who retreated as a conqueror across the Canada line and treated our commissioners with disdain. Yet the gentleman from New York said that we would have no more Indian wars, no more local disturbances, no distubances on our frontiers. He seems to have been reading about the millennium, and is prepared to beat his sword into a plow-share and his spear into a pruning-hook. Of course he must be ignorant of our vast frontier and its necessities, otherwise I know his generous heart would have impelled him to resist and prevent the horrible atrocities which this bill would entail upon those settlements and which I ask him to pause and consider.

Mr. Chairman, I do not wish to occupy the time that should be accorded to other gentlemen. I merely desire to call attention to this proposition in an appropriation bill to cut down the regular Army, to reduce it at the very time when we ought rather to increase it.

Every question of prudence certainly indicates that at the present time we should maintain the Army at its present standard, and, at least, not reduce it. I do not believe this House will do anything of the kind. I wish that the Committee on Appropriations had reported a different bill; for this is such a tissue of contradictions, of new ideas, of propositions many of which will not be acted on, that I scarcely believe it will be possible for the Committee of the Whole, proceeding under the five-minute rule, to lick it into shape. It would be easier to make a new one. I believe the best thing we could do would be to send it back to the committee with instructions to bring in a bill that should appropriate according to law the money necessary to maintain the Army established as it now exists by law.

Mr. BANNING addressed the committee. [His remarks will appear in the Appendix.]

When he had spoken one hour,

The CHAIRMAN said: The time of the gentleman from Ohio has expired.

Mr. CANNON, of Illinois. I desire to move that the committee rise.

Mr. HOOKER, Mr. MAGINNIS, Mr. MARSH, and others asked that Mr. BANNING's time be extended.

The CHAIRMAN. How much time does the gentleman from Ohio desire?

Mr. BANNING. Twenty or twenty-five minutes will suffice, I think.

Mr. MARSH. Let him have an additional hour, if he needs it.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Ohio thirty minutes?

Mr. ALDRICH. I object. Let him print the rest of his speech.

Mr. CALDWELL, of Tennessee, obtained the floor and yielded twenty minutes of his time to Mr. BANNING.

Mr. CANNON, of Illinois. I rise to a question of order. I rose immediately upon the expiration of the hour of the gentleman from Ohio, caught the eye of the Chair, and was recognized for the purpose of moving that the committee rise, with the view, if the committee should rise, of moving in the House that general debate on this bill be limited to ten or twenty minutes. I do not care particularly whether that be done or not; but my point of order is that I was recognized and had the right to make that motion at the close of the hour.

The CHAIRMAN. The Chair, following the list before him, was under obligations to recognize the gentleman from Tennessee, [Mr. CALDWELL,] who speaks in the time of the gentleman from Georgia, [Mr. BLOUNT,] a member of the committee.

Mr. BANNING. I hope the gentleman will let me finish, which I will do in a few moments.

The CHAIRMAN. The Chair thought the gentleman from Illinois rose for the purpose of moving the extension of the time of the gentleman from Ohio who had the floor.

Mr. CANNON, of Illinois. No, I rose to a question of order. I do not care what the committee do with the motion, but I make the point it is my right to submit the motion at the close of the gentlemen's hour that the committee rise. I do not say I could take the gentleman off the floor for that purpose, but I apprehend it is out of the power of the chairman of the Committee of the Whole and four or five members to run this committee in continuous session to seven or eight or nine or ten o'clock. I apprehend any member of the House has the right when the gentlemen's time has expired to be recognized to make that motion.

Mr. EDEN. I wish to ask my colleague a question.

Mr. CANNON, of Illinois. It is for that purpose I rose and insist on making the motion.

Mr. EDEN. Does the gentleman object to giving the chairman of the Committee on Military Affairs a little further time to conclude his remarks?

Mr. CANNON, of Illinois. I am not speaking on that question now.

Mr. EDEN. Does the gentleman object to giving a little time to the gentleman from Ohio to finish his speech?

Mr. CANNON, of Illinois. I am not in debt to the gentleman for courtesy; but I am not speaking of that matter now.

Mr. EDEN. What I wish to ask my colleague is whether he objects to extending the time of the chairman of the Committee on Military Affairs.

Mr. CANNON, of Illinois. That question is not before the committee at this time.

The CHAIRMAN. The gentleman from Illinois rises for the purpose of moving the committee rise to test the sense of the committee itself. It is equivalent to a motion to adjourn and the Chair will submit it to the committee.

Mr. SCHLEICHER. I hope the House will not close debate until I have had a chance to say something on this bill. My district is more concerned than any other represented upon this floor, and I hope, therefore, I shall have time to say something.

The CHAIRMAN. It is for the committee to decide whether it shall rise or not.

The committee refused to rise.

Mr. BANNING. I am obliged to the gentleman from Tennessee, [Mr. CALDWELL,] and I am sorry the gentleman from Illinois was not indebted to me for courtesy. I do not think I ever had an opportunity to offer it or he would have been.

Mr. CANNON, of Illinois. The gentleman refused to yield to me a moment ago when he yielded to other gentlemen.

Mr. BANNING. I am not indebted to the gentleman for any courtesy.

Mr. MARSH. Honors are easy, then.

Mr. BANNING then resumed and concluded his speech.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEWITT, of New York, having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that that body had refused to pass an act (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

It further announced that the Senate further insist upon its amendments to the bill (H. R. No. 2507) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1879, and for other purposes, disagreed to by the House, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. BLAINE, and Mr. WITHERS as managers of said conference on its part.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. CALDWELL, of Tennessee. Mr. Chairman, it is not my purpose this evening to discuss the bill now before the committee at any considerable length. I do not myself profess to be an expert or a professional on questions of that sort, but shall address myself to some questions in which the people I have the honor to represent upon this floor feel and believe they have a deeper and more direct interest than in the one now before the House. I will, however, state in the outset that so far as the pending bill is concerned it meets with my sincere approval, providing for not only a reduction of the Army, but what is vastly of more importance to the people of the country, an immense reduction of the burdens annually imposed upon them for the support of that arm of the service. As has been stated, the use to which an Army in this country may be applied, and to which our Army is applied in time of peace, is the protection of our frontier and the defense of our people against the incursions of the savage Indians.

But, sir, another question has been raised in the course of this debate, and to that question I propose for a few minutes to address

myself, dissenting as I do with great deference, from the opinions of some gentlemen who have preceded me in this discussion.

The distinguished gentleman from New York [Mr. HEWITT] in opening the debate upon this bill was pleased to use what I regarded at the time as language somewhat remarkable upon the subject of strikes. He said this:

Now we are told that we ought to have a large Army, and a very large Army, in order to put down impending strikes. I take issue with that proposition. It is not in accordance with the theory of this Government that the United States is to maintain an Army for the purpose of restraining any portion of its citizens in their just rights. The right to strike is a just right.

And again:

It was intended by the framers of the Constitution that the States should not only be sovereign within their own limits, but that they should maintain order within their own limits, and, if they fail to do so, that they should and must take the consequences.

And again:

It is the business of the States to protect order within their own limits, and it forms no part of the business of the General Government to supply by its power any neglect on the part of the States to do the duty which they reserved to themselves under the provisions of the Constitution.

Sir, in reference to the subject of strikes, any debate upon this floor must be incomplete unless you call to your mind the strikes that occurred in this country during the last year. There, sir, was not simply on the part of the laborers a refusal to work, for the gentleman from New York is right when he says no man can be compelled to work against his will. But, sir, no man on this floor can fail to remember that that strike amounted to something more. No man can fail to remember that it resulted in the destruction of millions of dollars of corporate and private property.

Sir, a man has a right to refuse to work, but the very moment he himself attempts or combines with others to prevent by force anybody else from working, or to interfere with the rights of property by destroying property or by restraining the owner of property in its lawful use, that very moment he becomes—what? He becomes a violator of the law. He and his confederates are guilty of "domestic violence," and subject to be treated as rioters and outlaws.

Mr. HEWITT, of New York. Will the gentleman allow me to make a suggestion there? The gentleman surely did not understand me to defend for a moment the right of interference with anybody else. The right to refrain from labor if a man chooses was all I asserted. The right to interfere with anybody else I deny as earnestly as the gentleman from Tennessee does.

Mr. CALDWELL, of Tennessee. That question could hardly arise, for no one could dispute that position. The true issue is whether on such an occasion as that which arose in West Virginia, in Pennsylvania, and in Maryland, and when the Legislature of the State cannot be convened, and the governor calls upon the Executive for aid—whether or not it is his duty to furnish it; and I do confess, sir, when I come to read this provision of the Constitution I am surprised that any doubt should be entertained by any gentleman upon the floor as to what was the duty of President Hayes when this demand was made upon him by the governors of these several States. What is the language of the Constitution?

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature or of the executive (when the Legislature cannot be convened) against domestic violence.

Is there anything said in that section of the Constitution in reference to this being done by militia? Not at all. Would any gentleman upon this floor pretend for a moment that if the State of New York were to-morrow to be invaded by an armed force from Canada the only power of the President would be to organize a militia and call them into action for the purpose of protecting her against that invasion?

And yet identically the same language is used with reference to domestic violence that is used with reference to an invasion. The rights, powers, and duties of the Government in both cases are identically the same, except that in case of domestic violence the Legislature or governor must apply for protection. What would the gentleman from Texas [Mr. SCHLEICHER] say to a construction of the Constitution that would leave his State only the protection of militia, and take away from the United States Government the power to repel the invasion by the regular Army? I submit, sir, that no such limited construction as that can be put upon the power of the Government over the subject of domestic violence in the States. Nothing can be truer, however, than that it is the duty of the States to provide means to suppress domestic violence. This they ought to do. But suppose the States fail to do this, as many of them do fail to do it, then I submit that when the violence comes and the State Legislature or governor has made the demand in accordance with the Constitution no course is left this Government save and except to respond to that call.

Mr. Chairman, this bill is said to be a very good one. No doubt it is. I am glad to see that it meets the approval, I believe in the main, of both committees, that on Appropriations and that on Military Affairs. It is very satisfactory to see that when honorable and distinguished gentlemen composing the Committee on Appropriations see proper to step into military affairs and themselves report a bill to this House upon that subject—I say it is gratifying to see that they succeed so well in representing the views of the House. They deserve to be complimented for the success with which they have tried their hands from time to time on almost every subject of legislation. I have happened myself, in the course of my service here, to have occasion to feel that other committees of the House were seemingly crawling around under their huge legs seeking for "themselves dishonorable graves." I remember, more than two years ago, to have spent several days in the State Department trying to inform myself as to the wants and necessities of that Department, for I was then a member of the Committee on Expenditures in the State Department, of which you, Mr. Chairman, was then, as you are now, the honored chairman. So far as I know, our committee was never consulted in reference to the legislation that related to that Department.

I am not now finding fault with the committee; I simply say that it is unfortunate that they are acting to-day in the line of precedent; it is unfortunate that the rules of the House have thrown into one committee of the House the control of almost its entire business. That has been done, sir. I have said the control of its entire business, but I retract the statement. There is one committee in this House which the Committee on Appropriations has not yet supplanted; there is a committee that has come forward and presented a bill appropriating a larger amount of money than is to be saved by this bill, the sum of $7,000,000, and the Committee on Appropriations never tackled that bill. Appropriations for the Kiskiminetas and Conemaugh passed through without challenge from the Committee on Appropriations.

I should like at some future Congress to see some committee, which in the language of the gentleman from New York, [Mr. MCCOOK,] and which I do not adopt by any means, develops such versatility of talent, take charge of a river and harbor bill and give gentlemen an opportunity of considering the propriety of voting away seven or eight million dollars of the public money.

Mr. EDEN. I wish to say to the gentleman from Tennessee that the Committee on Appropriations has not interfered with the Committee on War Claims in any manner.

Mr. CALDWELL, of Tennessee. No; but the House has. Now, Mr. Chairman, I have referred to the river and harbor bill rather for the purpose of making a personal explanation than anything else, and I regret that my friend from Maryland [Mr. ROBERTS] is absent on account of sickness. I allude to him now because, when the question was up upon the protest made against the passage of that bill, he took occasion to read from the RECORD to show that some gentlemen who signed that protest thought proper to vote for a river and harbor bill under a suspension of the rules two years ago, of whom I happened to be one. [Laughter.]

Now, Mr. Chairman, I desire here and now to vindicate my consistency, although I may have to do it at the expense of my personal firmness. I do it in order that my constituents may understand that I have never, for a moment, since I have been in this House approved such legislation. Two years ago I voted against the river and harbor bill. After the vote had been taken a judicious and patriotic colleague [General DIBRELL] came and made a personal appeal to me to change my vote. He stated that he was exceedingly anxious that the entire Tennessee delegation should vote in favor of the measure, as it contained a liberal appropriation for Tennessee. My vote was changed at his request. This year my friend made a similar appeal to me, but not with a like result. I signed the protest; and, protesting now that I meant nothing personal as to any gentleman who voted for the bill, still think the protest contained sound doctrine.

As I stated at the opening, I have not risen so much for the purpose of discussing this particular measure as of calling the attention of the committee to some other questions that the people in that part of the country from which I come are more or less interested in.

I allude first to a question which has engaged occasionally on Fridays the attention of the House, the subject of war claims. I do it now because during this Congress I have uniformly voted against them. I have helped to strike out enacting clauses and I expect to continue to do so. A large number of bills of this sort have been introduced which have been paraded all over the country and long lists of which have been published and sent out in speeches as evidence of the fact that the South intends to make a raid upon the Treasury, bankrupt the Government, and ruin the country.

Now I have this to say upon that particular point: it is not wise or politic, in my judgment, to bring into this House these claims. I have no complaint to make against gentlemen who do so, but it tends to perpetuate among our people an unjust and irritating discrimination, a discrimination which I desire to see, some early day, forever buried and forgotten. It is the discrimination between loyal and disloyal men. Is there never to be a time in the history of this country when there shall be no distinction of that sort drawn between citizens of the South?

Mr. Chairman, I happened to be—and I mention it neither in pride nor shame—but I happened to be one of the few members from the South that took, at that desk, the oath that I suppose all gentlemen on the other side of the Chamber took or can take. Twice have I taken it in front of the Speaker's stand, and twice have I been elected to a seat here by a generous constituency, that had allied itself by an overwhelming majority to the confederate cause. Nor do I believe to-day that any considerable complaint would be made in the South if it were to be understood, once for all, that these war claims were

not to be paid. What are you to say in reference to the thousands and tens of thousands of men in the South who cannot come and collect a war claim because they cannot establish their loyalty, but who, according to every principle of law and justice, are to be considered as loyal as any gentleman upon this floor?

Many such there were who yielded an allegiance to the confederacy. They yielded allegiance to it because it exercised its power over them; they not only yielded it their allegiance but they lent it their assistance. And there is no principle of law better settled—gentlemen will find it asserted in Grotius, in Puffendorf, in Blackstone, and elsewhere—than that wherever a usurper takes possession of a government the citizen is not only excused but absolutely justified in yielding allegiance and rendering assistance to him. Miserable indeed would be the condition of a citizen if both the usurping and the displaced authority could punish him for disobedience.

Of that class of men whose houses were burned, whose crops were taken, whose property was seized and used by the Government, not one can come and expect to obtain from the Government one dollar for his property so taken. Briefly, then, Mr. Chairman, my position is that all these claims should be permitted to go down with the passions and prejudices and bitternesses of the war.

There is one other subject to which I desire to address myself; that is, the subject of subsidies, and especially and particularly the subsidy to the Texas and Pacific Railroad. You have heard to-day a distinguished member of this House, [Mr. SINGLETON;] you have heard from him a long, able, and elaborate appeal for the passage of a bill granting a subsidy to the Texas and Pacific Railroad.

Now I desire to say that, in my opinion, if I am instructed upon anything, so far as my course here is concerned, I am instructed to vote against that or any other subsidy. Representing as I do a southern constituency, I say here that my people do not want money taken out of their pockets to be paid over to a private corporation or to a private individual; nor do they want to give their credit for such a purpose. And I am not here by my vote to give their credit to the extent of a solitary dollar for any such purpose.

I was unable to hear most of the speech delivered by the gentleman from Mississippi, [Mr. SINGLETON.] I have, however, heard the usual arguments made in favor of that proposition.

Mr. HOUSE. Will my colleague allow me to ask him a question?

Mr. CALDWELL, of Tennessee. Certainly.

Mr. HOUSE. I will ask my colleague if recently there have not been meetings held in his district instructing him to vote for the very measure which he is now denouncing upon this floor.

Mr. CALDWELL, of Tennessee. How many of them?

Mr. HOUSE. I do not know; it is in your district.

Mr. CALDWELL, of Tennessee. I can tell my colleague [Mr. HOUSE] how many. There was a meeting held in one county in my district, and that was not far from Memphis, a city that desires to be the terminus of the Texas and Pacific Railroad. But I understand that even at Memphis they are opposed to any subsidy to the Texas and Pacific Railroad, unless the terminus of that road is at Memphis; if it goes to Vicksburgh then it is not desirable. [Laughter.] Now I do not undertake to say how it is, but it may be that the distinguished gentleman from Mississippi [Mr. SINGLETON] would be opposed to the Texas and Pacific Railroad if the terminus was to be at Memphis. [Laughter.]

Mr. SINGLETON. Allow me to say to the gentleman that he is mistaken altogether. And I think that he will find that his constituents are not in accord with him when he returns home. And if they shall retire him I shall be very sorry.

Mr. CALDWELL, of Tennessee. I thank the gentleman. I will have to look out for that. [Laughter.] Unfortunately for the gentleman's position, I canvassed my district pretty thoroughly. I took bold grounds upon this question, and I was assailed for it every day by a competitor. I took grounds everywhere against any subsidy for the Texas and Pacific Railroad or any other road. And I do not think that in all my travels through the country there I met more than one man who was an outspoken advocate of the measure. Still I know that public opinion is now being worked up by sending blank petitions out into the country for signatures. There is to be a pressure brought to bear in that way to influence the action of Congress upon it. I think they have been experimenting a little on that line in my district. That is my judgment. [Laughter.]

There is a class of quiet and intelligent farmers living in the country there who are tax-payers. They have no interest in railroad stocks; they know but little about them. They have bought no land on the line of the Texas and Pacific Railroad and they have no grand speculation in view. Now, I do not want to vote one cent out of their pockets and I do not mean to vote one cent out of their pockets to help build a railroad for anybody else.

But gentlemen say, why we offer an abundant lien to the Government; the Government cannot lose anything. Well, if they offer so good a lien to the Government, then why not offer that good lien to the capitalists of this and other countries? Satisfy the capitalist of that fact and you can perhaps raise what money you want. Why do you want the Government to come in and indorse, if your lien is so good? Take your public lands and your guarantees to the capitalists of the world and tell them you want to borrow money upon their faith and credit, and if they will not touch them, neither should the Government touch them.

I have sometimes thought that we were living fast enough anyhow. I think we have nearly enough railroads in the country; that is my judgment. Private enterprise may build as many as it sees proper; nobody can control that. But it seems to me that a grave mistake is committed in making such ample provision for our internal commerce and giving such little attention and furnishing such poor facilities to our foreign commerce.

We have to-day $4,000,000,000 invested in means of carrying our internal commerce. In American and foreign shipping, used in our foreign commerce, there are to-day two hundred millions invested. We are not needing another road to the Pacific nearly as much as we want an outlet to South America, to the "ever faithful isle" that lies close to our doors, and also to Mexico and to the other countries around us.

Mr. CRITTENDEN. Would the gentleman favor a subsidy to a Brazilian line from New Orleans in order to advance commerce with South America?

Mr. CALDWELL, of Tennessee. I favor subsidies to no sort of lines, [laughter;] but when I embark my constituents into the subsidy business, I propose to put that subsidy where I think it will do them and the country the most good. I would rather vote a subsidy in such a way that the thousands and millions of surplus products in this country to-day might find a market. Intelligent gentlemen who have appeared before the committee of which I have the honor to be a member, have not hesitated to express the opinion that this country to-day has double the amount of products that it can consume; and where is your foreign market?

In various ways, Mr. Chairman, the export of our surplus products might be promoted. In the brief time allowed me I shall not undertake to recapitulate them; but instead of trying to encourage still further internal commerce and to provide additional means of internal transportation at the public expense, we had better, in my judgment, give attention to this other most important subject.

Mr. Chairman, the people of the South are not mendicants. They are not here begging this Congress for anything. They are not robbers. They do not desire to defraud the National Treasury of one dollar. They did desire at one time to be severely "let alone." Thanks to the gentleman who presides at the other end of the Avenue, they have been let alone, and they feel grateful to him to-day for it. They do not want to disturb him in his seat—nothing of the sort. [Laughter.] I do not think gentlemen on this side of the Chamber desire to disturb him in his seat. He has done too many good things for which they are grateful to him. He first established his claim to their gratitude when he saw proper to overlook so many distinguished men upon the other side of the Chamber, identified with him in politics, and select for a Cabinet position controlling the Department nearest to the people, and in which there was supposed to be most crookedness and fraud and corruption, an honored democrat of the State of Tennessee—not only a life-long democrat, but an exconfederate, a man in whom the people of Tennessee had confidence. I say they must feel kindly toward the President, and feeling so why should you on the other side be afraid that there is an effort on our part to unseat him? Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. CALDWELL, of Tennessee. Mr. Chairman, my friend Judge BOONE has a long and interesting speech upon the subject of the transfer of the Indian Bureau to the War Department, and it would be doing injustice to him if I should enter upon that question. [Laughter.] While I myself am opposed to the transfer——

Mr. EDEN. Why?

Mr. CALDWELL, of Tennessee. For two reasons. The first reason is that two years ago, when this same question was up, I voted against the transfer and I desire now to be consistent. [Laughter.] I voted that way without any duress or persuasion from anybody. I believed then as I believe now that the system we are pursuing is the best that can be adopted for the purpose of civilizing the Indians. I believe also that there is more economy in the present management. In saying this I mean no imputation upon Army officers, for as a class of men they are honorable and true, but everybody knows that an Army officer, especially one educated at West Point, is a gentleman of lofty ideas. He believes in dealing liberally with the world; he never higgles about prices; he believes it to be beneath the dignity of a great Government like ours to stand upon small differences. He is not the man to economize public money, and when the money goes into his hands somehow or other it is not considered in the best taste to investigate his accounts too closely.

I do not mean to say that we have now by any means the proper class of men as Indian agents. For one I would be willing to vote enough money to secure a better class of agents than we now have, so as to bring about a more honest and efficient administration of the Indian Bureau.

Mr. EDEN. How much money would that take?

Mr. CALDWELL, of Tennessee. I am not prepared to say; I do not think any one could tell. It is the business of the Committee on Appropriations to look into that question. [Laughter.]

Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky, [Mr. BOONE.]

The CHAIRMAN. The gentleman from Kentucky [Mr. BOONE] is entitled to the floor.

Mr. BOONE. How much time have I?

The CHAIRMAN. Ten minutes.

Mr. BOONE. If I had more time and if my friend from Tennessee [Mr. CALDWELL] would do me the honor to listen to me, I flatter myself that I could persuade him to be at least as consistent on the question of the transfer of the Indian Bureau as he was on the river and harbor bill. But, of course, in ten minutes I cannot hope to do more than enter upon the threshold of an argument.

Mr. EDEN. I ask unanimous consent that the gentleman be allowed to continue until half-past four o'clock, the time when the committee will rise.

The CHAIRMAN. If there be no objection, the gentleman from Kentucky will continue his remarks until half-past four, the time fixed for the recess. The Chair hears no objection.

Mr. BOONE. I am very much obliged for this courtesy.

Mr. GARFIELD. The Chair will allow me to ask whether this evening's session is for debate only.

The CHAIRMAN. Under the order of the House adopted last week the session of this evening will be for general business. It will be for the House to determine this evening whether it will go into Committee of the Whole. If it should do so, this bill will be resumed. Otherwise the unfinished business in the House will be in order. The Chair would also state that if the House will resolve itself into the Committee of the Whole the Chair will award the floor this evening to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. REAGAN. Is it understood that we are to go on into Committee of the Whole this evening on the Army appropriation bill?

The CHAIRMAN. That will be for the House to determine on assembling at the evening session. No order can be made in committee at this time.

Mr. REAGAN. If it be agreeable I should like by unanimous consent to have it understood that to-night we shall proceed with the general discussion.

The CHAIRMAN. That can be done in the House, and not in committee.

Mr. BURCHARD. It will be for the chairman of the committee to say whether he wants to go on with this bill or not.

Mr. BOONE. I do not want my whole time consumed in these colloquies.

The CHAIRMAN. No order can be made in committee for business during the evening session.

Mr. BOONE. Mr. Chairman, the two great sources of relief to the overtaxed people of this country are to be found in the economy of expenditures of the public money and honesty in the administration of the affairs of the Government, because following these come reductions in our oppressive tariff and the lessening of the cost of those articles which enter into the daily consumption of our people. Our Appropriation Committee, presided over with so much ability by the distinguished gentleman from Tennessee, [Mr. ATKINS,] has, in my judgment, done its work faithfully and well. And if the appropriations which they recommend shall be as faithfully expended we will then have started on a career of greater prosperity than has characterized the Government for many years past, and which, being continued, will result in relieving the oppressed labor of the country from its present burdens and thus restore us to that degree of prosperity which is so much needed at present, and which is so essential to the growth and development of this God-favored land of ours. In the direction of that reform which we hear so much about, and which we know to be so essential to the prosperity of the country, the Committee on Appropriations have, in the bill under discussion, reduced the number of enlisted men in our Army from about 25,000 to 20,000 men, which is a long step in the right direction, which I trust is to be followed up by still further reductions, until our Army is reduced to a purely "peace footing" and to such a standard as shall comport with the dignity and genius of a republican Government, which rests for its security not upon its warlike and threatening attitude toward the people, but a government whose foundations are laid deep in the affections and pride of a contented and intelligent people.

But, Mr. Chairman, I desire in the remarks which I desire to submit to speak not so much of the general scope of this bill but more directly to an amendment which will be proposed to the bill at a proper time. I refer to an amendment which proposes to transfer the management of Indian affairs from the Interior to the War Department.

Mr. Chairman, I have occupied but a small portion of the time of this House in speech-making. I have been content to occupy my place quietly but constantly, and have tried to cast my vote intelligently upon all matters of legislation presented to this body. And I would not now ask the attention of the House upon a matter of less importance than the amendment under consideration, for I feel that much of the time consumed in discussion here is a waste of opportunities to effect legislation important to the country. But the question under consideration is, in my judgment, a matter of deep and vital importance to both the Government and the Indians, as both will be in many important particulars affected by this legislation if the measure now proposed shall become a law. I therefore ask the attention of the House while I shall try to present in a brief manner the reasons which control my mind in advocating the adoption of this measure. And in doing so I shall endeavor to present facts rather than rely upon declamation.

Various theories have been suggested for the government of the Indians, some, perhaps, wise, and many, otherwise. Every man you meet has a theory peculiar to himself, some containing practical ideas, others, the wildest and most absurd speculations. Unfortunately the Government has no theory. It has never had a policy. Various expedients have been resorted to, none of which has proven satisfactory. And I repeat, we have had no fixed and settled policy in regard to the management of Indian affairs, except perhaps in one regard, and that is to make treaties and violate them whenever it seemed to be our interest to do so, to appropriate money to support the Indians and send out agents to squander and consume it. And while I admit that the Indians have committed many outrageous and atrocious crimes against our own people, which are inexcusable, these outrages in many instances are greatly palliated by the injustice with which we have treated them. But I shall have more to say of this hereafter.

The amendment to which I refer proposes to transfer the management of Indian affairs from the Interior Department to the War Department; and I beg gentlemen who oppose the amendment not to attempt to prejudice the measure by asserting that it proposes to turn the Indians over to the management of the Army. Such is not the purpose of the amendment, and it is unfair to so state the question. We do not propose to control the Indians at all, except as it shall become necessary to do so in order to quell disturbances, prevent incursions, or suppress warlike demonstrations, in either of which cases the interposition of the military arm of the Government is necessary, whether the management of Indian affairs be in one Department or another.

But we have diversified and to some extent complicated treaty relations with the Indians, which require intelligent and honest administration, which must be conducted by some Department of the Government, and the question at issue is, which Department will best administer and conduct these important relations. This is the whole question and ought to be solved alone by the calm, dispassionate judgment of this House without regard to party or section, and with the view only of doing the very best we can for the Indians and for the Government. I look at it, therefore, as a practical question, involving the highest interests of the Indian tribes as well as the important duties of the Government toward them. And I agree that in deciding it our judgments should be tempered with that feeling of moderation and charity which is alway felt by the stronger for the weaker side. We have the power to do with and for our once powerful but now weak and defenseless red brethren as we may choose, but in our dealings with them the highest moral obligations are involved. These obligations we must meet and discharge at whatever cost; for, sir, we cannot afford to do wrong, even to carry out our cherished policy of "economy and reform."

I agree, Mr. Chairman, with the statement of the minority of the committee, whose views are presented with the majority report upon this measure, that our management of Indian affairs forms a sad chapter in our history. That our dealings with the Indians in the past have been frequently characterized by great and sometimes disgraceful wrongs is indeed a proposition we cannot deny. But, sir, is it true that these wrongs are attributable to the Army or the officers of the Army? What has the Army done to wrong the Indians, except the excesses (which are incident to a state of war) to which they have gone while engaged in actual war with them, or in pursuing the general policy of the Government toward them? Now, sir, I do not pretend to say that the officers of our Army are free from the ordinary motives which control other men, or are free from the ordinary vices which characterize other men, but I suppose that Army officers are very much like other people, and surrounded by the same circumstances as other men with the same motives and opportunities, they are likely to act pretty much as other men do. I do not believe that simply because a man happens to be an officer in the Army that he is therefore a monster and not to be trusted. Nor do I suppose he is therefore a saint and incapable of doing wrong. I propose, therefore, in this discussion to regard them just as I do other men; and yet I hope to be able to show that it would be better for the Indians and cheaper for the Government that our Indian affairs should be under the control of the War Department rather than the Interior Department.

I further agree, Mr. Chairman, that our first great object should be to insure the greatest good to the Indians, and, whatever may be the cost to the Government, I would do absolute justice to them; for if I know myself I would not under any circumstances advocate the passage of this or any other measure calculated to inflict wrong or injury upon them if I knew it.

Sir, what do the Indian tribes most need at present? Not protection against a foreign enemy, for they have none; not protection against inroads and encroachments from each other, for they are at peace with each other; but, sir, they do need protection against the horde of thieves and scoundrels who, under the guise of friendship, are engaged in stealing the very pittance which they receive from the Government, and which goes to them, or ought to go to them, in the shape of bread to eat and clothes to wear. This I know is a pretty hard saying, but it is painfully true, and will be manifest to every one who will take the trouble to investigate the facts connected with our past management of Indian affairs.

Previous to 1849—at least for a number of years before that time—the management of Indian affairs was under the control of the War Department. In that year (1849) the Department of the Interior

was created by law and the whole management of the Indians immediately turned over to that Department. What, sir, is the history of this question under that management? I affirm, without fear of successful contradiction, that it has been one of repeated wrongs, frauds, robbery, and plunder, and that the grossest irregularities have crept into every branch of the Indian service; and such has been and is the extent of these frauds and irregularities that it is now openly charged and very generally believed that a ring, known as the "Indian ring," has been formed and now exists, composed of persons employed in the Indian Bureau and wealthy and influential persons outside, whose practice is to swindle the Indians and the Government in every way possible. In proof of this, if it needs proof, I refer to and quote from a report made by Hon. J. W. Nesmith, who was upon a committee appointed in 1865 by the two Houses of Congress to inquire into the condition of our Indian tribes. In his report as chairman of a subcommittee he says:

Another great cause of complaint is the worthless quality of the goods which are bought in the Atlantic States and sent out for distribution among them. There is a great fault somewhere, either on the part of the agents who make the purchases in the eastern markets or on the part of the merchants or contractors who supply the goods. From the personal inspection which I have given these goods and in comparing them with the invoices, I am thoroughly convinced that the contractors are guilty of the most outrageous and systematic swindling and robbery. Their acts can properly be characterized by no other terms. There is evidence also that the persons employed in the Department to make the purchases are accomplices in these crimes. I have examined invoices of purchases made by the Department or its agents in eastern cities where the prices charged were from 50 to 100 per cent. above the market value of good articles. Upon an examination of the goods, I have found them as a general thing worthless and deficient in quantity. Among them were steel spades made of sheet-iron, chopping-axes which were purely cast-iron, "best brogans" with paper soles, blankets made of shoddy and glue, which came to shreds the first time they were wet, &c.

But the folly or wrong of these purchases made by dishonest agents from dishonest contractors does not cease here. Many articles are purchased which would be utterly useless to the Indians if their quality was ever so good; such as iron spoons, mirrors, gimlets, Jew's-harps, hair-oil, finger-rings, and in one case which came under my observation forty dozen pairs of elastic garters were sent out to a single tribe in which there was not a single pair of stockings. Agent Wilbur, in charge of the Yakama reservation, in a report upon this subject, says: "The goods furnished from the Atlantic States have been of an inferior quality, often damaged, and sometimes short in quantity. Of the first invoice of annuity goods received here, there was a large number of blankets short. Of other goods which arrived here in 1862, there was a deficiency of fourteen pairs of blankets, twenty-one yards of checks and stripes, and six pairs of brogans, besides twenty-five pairs of blankets rat-eaten to that extent that they were considered worthless. Thirty-seven pairs of pants and twenty-two coats, on opening the cases, were found to be wet and completely rotten. The woolen goods sent out have been almost universally worthless; clothes made up for school from annuity goods, many of them, were not worth the making. The same might be truthfully said in regard to the quality of hoes, axes, pitchforks, and shovels, many of which were not worth the transportation from Dalles, Oregon, to this place, a distance of seventy-five miles."

In that same report is found the following, showing the frauds in the transportation:

The time and manner in which the goods have been shipped have been most unfortunately chosen. The goods of 1863 were not only shipped by the costly isthmus route, but they were subject to exorbitant charge for packing, drayage, &c., (for detail of which see comparative schedule marked G,) and the bulky nature of some of the articles was such as to make the freight a great deal more than the value of the goods delivered. The purchases in 1864 were all shipped via Cape Horn and San Francisco to Salem. Salem was the proper destination of no part of the goods. Your familiar acquaintance with the country enables you to see at once the absurdity of shipping goods bound for Warm Springs or Umatilla up the Willamette River to Salem, thence down the river to Portland again toward their final destination. The goods designed for Siletz agency afford a still more marked instance of mismanagement. They have been transported from San Francisco to Salem at a cost of about $75 per ton, and now the most economical way to get them to their destination will probably be to ship them back to San Francisco again at a like cost, and thence direct to Siletz at a cost of about $76 per ton. * * * I shall not write this letter to the inordinate length necessary to point out all the failures or swindles, but a few of the most glaring must suffice. Merrimac prints are named in the invoices. This, as is well known, is the most costly sort of calico, and the prices paid have corresponded with the invoice quality, but not a yard of Merrimac calico has ever been put in the package. On the contrary, the article shipped has always been of a very inferior quality, such as can be bought for 25 or 30 per cent. less than the Merrimac, and is worth to the Indians who are expected to consume it less than half. The article shipped as cotton duck was of a light, inferior article of common drilling. A considerable part of the thread that was sent out was rotten and utterly worthless. The needles, the buttons, the fish-hooks and lines, were of the most inferior description and of little value to the Indians. Spoons enough were brought to give half a dozen to every one of the tribe, and they were so worthless that the Indians generally refused to carry them away after they had been given out. Fancy mirrors costing $5 were sent; they proved to be little looking-glasses about two inches in diameter and worth absolutely nothing to the Indians. A lot of steel hoes, handled, proved to be little affairs intended for the use of some delicate lady. Scissors, shears, in an inordinate quantity and utterly worthless in quality, were sent. In that the entire purchase showed either ignorance of the Indians' wants or design to defraud them.

On the next page of the report we find the following:

Huntingdon's requisitions of September 24, 1863, were in the Department at Washington when the purchases of 1864 were made, and by reference to Huntingdon's schedule it will be seen that Messrs. Dole and Gordon had as little comprehension of the requisition as they had regard for the law of Congress, which they were palpably violating. Huntingdon sent for small steel plows, and they sent him "fancy mirrors;" he asked for harness for ponies, and they sent him frying-pans and knitting-needles; he asked for axes and grain-cradles, and they responded with scissors and spoons.

Thus it will be seen that purchasing agents, in collusion with swindling contractors, have taken the funds which should have gone to enhance the comfort and develop the industry and secure, as far as may be, the civilization of the Indians, and have invested them in the most worthless and useless articles, and have grown rich, many of them, at the expense of these poor, helpless, ignorant, and dependent people. And this, sir, is the testimony of all men who have investigated this matter. And it is notoriously true that these frauds are still going on. If proof of this be thought necessary, it is at hand.

In 1867 what is known as the "peace policy" was inaugurated, and a peace commission was appointed, consisting of N. G. Taylor and others, who made a report in 1868, in which they say:

The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way. For a long time these officers have been selected from partisan ranks, not so much on account of honesty or qualification as devotion to party interest and their willingness to apply the money of the Indians to promote the selfish schemes of local politicians. We do not doubt that some such men may be in the service of the bureau now, and this leads us to suggest that Congress pass an act not later than the 1st of February, 1869, when the office of all the superintendents, agents, and special agents shall be vacated.

I do not deem it necessary, Mr. Chairman, to dwell longer upon this branch of the subject. I think no one denies these frauds, and if they are denied the proof is overwhelming. I think all agree that some corrective should be applied. That the most gigantic and unblushing frauds are connected with our present Indian management is a fact too well known to need further proof, and has only to be stated to be believed.

I proceed in the next place to compare the cost of the management of the Indian affairs in the Interior and the War Deparments, and this, sir, is an important branch of the subject; for whatever money is saved to the Government in any of its Departments is saved to the people, from whom at last we receive all our revenues, however much it may be disguised and kept from public view by the mysticism of legislation or covered up by the befogments of congressional enactments. And however little the country may know of the methods by which the money necessary to carry on the machinery of Government is raised, still when we arrive at the truth, it all comes either directly or indirectly from the pockets of the laboring people. They at last bear the burdens of Government whatever they may be, and therefore the question of expenditures is to the people a vital question.

Now, sir, I submit that if it can be shown and is true that our Indian affairs can be as well managed (not to say better) by the War Department and at a less cost to the Government than in the Interior Department, then it is clearly our duty to make the proposed transfer. I subjoin a table, taken from the report of the Committee on Indian Affairs, which I believe to be accurate, which shows that we are now paying each year over $600,000 for officers and employés in and about and connected with the Office of Indian Affairs, the greater part of which can be saved by making this transfer:

Commissioner's salary	$3,000 00
Three inspectors at large, $3,000 each	9,000 00
Central superintendency	5,472 00
Northern superintendency	3,320 00
Arizona:	
Camp Apaché agency	9,150 00
Chiricahua agency	3,900 00
Colorado River agency	5,620 00
Moquis Pueblo agency	2,840 00
Papago agency	7,440 00
Pima and Maricopa agency	7,600 00
San Carlos agency	12,300 00
California:	
Hoopa Valley agency	5,720 00
Round Valley agency	8,690 00
Tule River agency	4,200 00
Colorado:	
Denver agency	6,900 00
Los Pinos agency	6,900 00
White River agency	7,120 00
Dakota:	
Cheyenne River agency	9,040 00
Crow Creek agency	5,720 00
Devil's Lake agency	10,300 00
Flandrean special agency	1,080 00
Fort Berthold agency	9,100 00
Grand River agency	7,350 00
Ponca agency	6,560 00
Red Cloud agency	12,680 00
Sisseton agency	9,580 00
Spotted Tail agency	8,980 00
White River agency	3,500 00
Yankton agency	7,400 00
Idaho:	
Fort Hall agency	8,220 00
Nez Percé agency	12,980 00
Indian Territory:	
Special agency	3,940 00
Cheyenne and Arapahoe agency	10,680 00
Kiowa and Comanche agency	11,650 00
Osage agency	14,920 00
Quapaw agency	7,070 00
Sac and Fox agency	7,720 00
Wichita agency	10,280 00
Kansas:	
Kansas agency	3,760 00
Michigan:	
Mackinac agency	5,100 00
Minnesota:	
Leech Lake agency	6,800 00
Red Lake agency	7,840 00
White Earth agency	5,260 00
Montana:	
Blackfeet agency	11,000 00
Flathead agency	10,680 00

Fort Belknap agency	$6,180 00
Fort Peck agency	11,000 00
Lemhi special agency	3,100 00
Nebraska:	
Great Nemaha agency	5,760 00
Omaha agency	10,055 00
Otoe agency	5,000 00
Pawnee agency	4,500 00
Santee Sioux agency	6,200 00
Winnebago agency	10,420 00
New Mexico:	
Abiquiu agency	3,320 00
Cimarron agency	2,960 00
Mescalero Apache agency	5,080 00
Navajo agency	7,280 00
Pueblo agency	4,860 00
Southern Apache agency	7,240 00
New York:	
New York agency	2,050 00
Nevada:	
Piute agency	5,900 00
Walker River agency	8,000 00
Oregon:	
Alsea agency	4,020 00
Grand Ronde agency	4,500 00
Klamath agency	10,350 00
Malheur agency	6,780 00
Siletz agency	8,680 00
Umatilla agency	10,100 00
Warm Springs agency	5,300 00
Utah:	
Uintah Valley agency	7,300 00
Washington Territory:	
Fort Colville agency	4,100 00
Neah Bay agency	9,480 00
Puyallup agency	10,000 00
Quinaielt agency	5,750 00
Skokomish agency	7,400 00
Tulalip agency	6,600 00
Yakama agency	11,800 00
Wisconsin:	
Green Bay agency	6,220 00
La Pointe agency	9,160 00
Wyoming Territory:	
Shoshone agency	9,200 00
Expenses of commissioner	15,000 00
Expenses of inspectors	6,000 00
Total amount	602,907 00

Add to this, Mr. Chairman, the following items, taken from the same report, which are also believed to be correct:

We may add in this connection the printing in the bureau, which furnishes an item of $45,000. This is divided between one hundred and fifty papers, making an average to each of $300. By reference to the official register it will be seen that one paper received $5,639.44, another $4,469.56, four over $2,000 each, six over $1,000 each, and eleven over $500 each, and twenty-four over $100 each. If the transfer is made, the whole advertisement for the Army and Indians can be made together and a large part, if not all, of the above sum may be saved; but, to be safe, we will put the saving here at $25,000. Add this to two-thirds of the cost of the agencies, which it is believed can be saved, and we have the neat sum of $425,938. There can also be saved large sums in the transportation of supplies and in the purchases made by the Government. We think it will be a safe calculation to put this at $500,000, making the total thus saved about $900,000, if not $1,000,000.

Now, sir, this amendment proposes, not to abolish these agencies, but to fill these places by Army officers, who are already under pay by the Government, and to have this large amount of printing done in connection with the printing done for the Army, and to make the purchases for the Indians and transport supplies to them by the admirably arranged system employed by the War Department to supply the Army. Why, sir, those who are most strennously opposed to this transfer admit that the Indian Bureau has never had the same facilities for purchasing and transporting Indian supplies that the War Office has for furnishing the Army with supplies.

The Commissioner of Indian Affairs, in his report for 1877, says upon this subject:

The Indian Bureau has never had an adequate appointment for making large purchases and for transportation of the articles to the distant parts of the country. The Quartermaster and Commissary Departments of the Army have such appointments in complete organization, through which the War Department would be able to purchase, inspect, and transport supplies required to subsist the Indians and fulfill the treaty obligations with much more regularity and system than is possible for this bureau as at present organized.

Can any one doubt, therefore, that it can be done much more cheaply than it is at present? I feel confident that the reasons in this respect are greatly in favor of the War Department.

I know, sir, it has been said, and I suppose will be repeated in this discussion, that the supplies furnished the Army by the War Department cost more than those furnished the Indians by the Interior Department. I shall therefore anticipate this argument, and answer it in advance, and I have no doubt I shall be fully able to show that for the same character of supplies it is not true. I undertake to say that the articles of beef and flour, (which are mainly referred to as showing this,) which are furnished to the Indians, are greatly inferior in quality to that furnished the Army, which in itself is quite sufficient to show that the seeming difference or real difference, if you please, is not attributable to the extravagance of the War Department as compared with the Indian Office, but that the difference in price, whatever it may be, is attributable solely to the difference in the quality of each. It is well known that the beef furnished the Army is and must be of the very best quality. The cattle must be of certain age, weight, and condition, else they are rejected, after the closest and most careful inspection. In proof of this I refer to proposals for beef issued by the chief commissary of subsistence for the Department of Dakota in April, 1877, which is in accordance with the Army Regulations as contained in General Orders No. 27, and which is a specimen of all proposals for that purpose. It is as follows:

PROPOSALS FOR BEEF CATTLE AND FRESH BEEF.

OFFICE CHIEF COMMISSARY SUBSISTENCE, DEPARTMENT OF DAKOTA,
Saint Paul, Minnesota, April 26, 1877.

Sealed proposals, in duplicate, will be received at this office until three o'clock p. m., Tuesday, May 29, 1877, for furnishing the subsistence department United States Army with good fat beef-cattle, delivered by September 1, 1877, or at such other period as may be determined upon hereafter, as follows:

* * * * * * *

The cattle must average about ten hundred and fifty pounds, live weight, and be steers from three to seven years of age. All classes of wild cattle, including "Cherokee" and "Texas," as well as all under three or over seven years old, all falling short of nine hundred pounds gross weight, and all bulls, stags, and cows will be rejected.

* * * * * * *

CHAS. MCCLURE,
Captain and Commissary of Subsistence, United States Army.

From which it will be seen that cattle only of a certain kind will be received, and all bulls, stags, and cows and all classes of wild cattle are expressly excluded, and nothing but "steers" of certain age, weight, and condition will be accepted. So we see that only the very best quality of beef is issued to the Army.

In further confirmation of this view and as furnishing some additional reasons for the difference in the cost of beef furnished the Army, I refer to the following letter of General Robert Macfeely, Commissary-General of Subsistence, to Hon. A. M. SCALES, chairman of the Committee on Indian Affairs, of date March 23, 1878:

WAR DEPARTMENT, OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, D. C., March 23, 1878.

SIR: Referring to the communication of Hon. A. M. SCALES, United States House of Representatives, chairman of Committee on Indian Affairs, dated March 20, 1878, inviting your attention to the claim set up by the Indian commissioners for 1877, (at page 5 of their annual report,) namely, "that the purchase of flour and beef made by the Indian department and delivered at some points is at less cost to the Government than the same supplies purchased for the Army," and asking if the War Department "can furnish a reason for this difference," I have the honor to inform you that from reports received at this office it appears that the flour purchased by the Indian department is not of the same grade as that purchased for the Army.

An officer (Captain W. H. Nash, commissary of subsistence) who has been inspecting Indian stores and purchasing for both the Indian and Subsistence Departments states, in a telegram received at this office on the 21st instant, as follows:

"Flour offered to me for inspection on contract made by Indian department has generally been inferior grade of 'double extra,' and that purchased for issue to troops has been best grade 'XXXX,' Colorado flour, best made.

"The flour inspected delivered on contract was equal to sample furnished by Indian department. I consider the sample furnished as wholly unfit for issue to any one. Have had the best opportunity of judging of the comparative qualities; have inspected flour for Indian department for nearly two years, and purchased for both departments."

With reference to the difference in cost of beef I am of the opinion that it arises from two causes: one, that at posts but small quantities of beef are purchased by the Subsistence department (the garrisons being small) and generally from the block as required for daily issue, while the Indian department purchases in large quantities, and generally cattle upon the hoof; the other, that the beef-cattle generally purchased by the Indian department are inferior to those purchased by the Subsistence department.

The specifications for beef-cattle to be furnished the Indian department under advertisement of March 30, 1877, (which it is presumed are the specifications of 1874-'75 and 1875-'76,) required cattle "to be steers and cows not over seven years old, to average not less than eight hundred and fifty pounds at each delivery, no animal to weigh less than seven hundred pounds." By the contracts made by the Subsistence department for beef-cattle at the posts nearest the Red Cloud and Spotted Tail agencies in 1874-'75 and 1875-'76, the years referred to in the report of the commissioners, it was stipulated that the cattle furnished should be "steers from four to six years old, the herd averaging not less than one thousand pounds gross, no cattle to be accepted weighing less than eight hundred pounds gross." These cattle were to be delivered when required by the commanding officer for expeditionary purposes or for temporary camps in the vicinity of the posts. The contractor might not be required to furnish any, and he might at short notice be required to furnish a considerable number, while the numbers contracted for by the Indian department were large and specific.

From the above it will appear that a comparison of prices alone will not enable one to decide as to the cheaper prices and economy of management of the two Departments in the purchase of flour and beef.

Very respectfully, your obedient servant,

R. MACFEELY,
Commissary-General of Subsistence.

The Hon. SECRETARY OF WAR.

Now, sir, in regard to the beef furnished the Interior Department for the Indians, we have the concurrent testimony of a number of gentlemen upon this floor, who live upon the border and are familiar with the subject, that it is of the most inferior quality. The cattle, including bulls, stags, wild cattle, and hornless cattle, "Cherokee," and all sorts of cattle of different sizes, ages, and conditions, are furnished in large herds and upon foot. It is reasonable, therefore, to conclude that they can be and are furnished at a cheaper rate than cattle of superior quality, and furnished in smaller quantities. Sir, in order to show that the methods of purchasing beef for the Indians and the quality furnished have not been satisfactory to the Indian Office itself, and as showing also the power and influence of the "Indian ring," I quote from the report of the board of Indian commissioners, made by Mr. E. M. Kingsley, chairman of the board, to Hon. Clinton B. Fisk, dated January 8, 1878, which is as follows:

BEEF.

This branch of the Indian service has ever been difficult of control, requiring

the greatest vigilance in its management. Contractors are fertile in resources, "well up" in all the artifices of obtaining favorable contracts and skillful in methods of advocating their schemes.

When perchance a clerk urges a modification of a beef contract, whereby a less expensive grade of cattle is to be accepted; or when an Indian agent reports that an inferior article of flour has been delivered, and carelessly yet carefully suggests that the department shall "get even" by receiving more of the same article; or when a petition bearing the autographs of a score of public men is presented asking the department to transfer its operations to divers points remote from the seat of Government, it is safe to assume that the mysterious organization or circle of organizations, ubiquitous and strategic, whose articles of federation or confederation have never yet been given to the public, known to fame as the "Indian ring," has neither forgotten its cunning nor ceased its activities nor spent its vital force.

The beef transactions of the year have been much like those of former years, except in the noticeable particular of irregular conditions, found in the contracts, as to average weights of cattle, the percentage of tare by which net weights are ascertained, and the relative proportion of steers and cows constituting a proper delivery. These variations are concessions to contractors equivalent to an increase in prices paid, and should be discontinued or granted in extreme cases with an equitable reduction of the price.

Indeed, sir, it is an admitted fact that the beef furnished the Indians is of inferior quality and does not admit of argument, for when a fact appears argument ceases. And after all, when you compare the figures, the difference in the price of beef furnished these different departments is not as great as one would imagine after so much talk by those who urge this as an insuperable objection to this transfer. But in order to give a fair statement of this matter, and to give gentlemen who have not had the time to investigate this question an opportunity to judge fairly in reference to it, I read a statement of the cost of supplies purchased by the War Department and by the Indian Office, which may be found on page 5 of the ninth annual report of the board of Indian commissioners for 1877, and is as follows:

Comparison of cost of supplies purchased by the War Department and by the Indian Office.

BEEF.

Fiscal year.	War Department.		Indian Office.	
	Place of delivery.	Price per 100 pounds gross.	Place of delivery.	Price per 100 pounds gross.
1874-'75	Fort Sill, Indian Territory.	$3 25 and 2 16½	Kiowa agency	*$1 72 †1 92 ‡1 64
1875-'76	....do	1 74½ and 2 37½	....do	§$1. 619 ‡1. 636
1874-'75	Camp Robinson	4 68½ and 4 62½	Red Clond and Spotted Tail agencies.	§2. 303 ‡3. 00
1875-'76	....do	4 00 and 3 00		§2. 46½
1874-'75	Fort Randall....	4 12½	Yankton agency..	§2. 203
1875-'76	....do	4 00	....do	§2. 46½
1874-'75	Fort Wingate...	4 00	Navajo agency....	No contract for 1874-'75; average price paid by agent $2 50
1875-'76	....do	3 98½ and 2 00	....do	2 69½

FLOUR.

1874-'75	Fort Sill	$6 17	Kiowa agency	$4 29
1875-'76	....do	5 38	....do	4 57
1874-'75	Camp Robinson	7 80, 5 80½, and 6 35½	Red Cloud agency	4 83½
			Spotted Tail agency	5 97
1875-'76	....do	5 58½ and 4 57	Red Cloud agency	4 53½
			Spotted Tail agency	4 45
1874-'75	Fort Randall....	3 22½	Yankton agency ..	3 13
1875-'76	....do	3 22	....do	Wheat instead of flour.
1874-'75	Fort Wingate...	5 55	Navajo agency....	No contract.
1875-'76	....do	5 38	....do	7 35

*April. †May. ‡Balance of year. §April and May.

This table is published by said commissioners to show the difference in the cost of supplies purchased by each Department, and from which they deduce the argument of extravagance upon the part of the War Department as compared with the Indian Office. But it will be observed that, considering the *quality* of the supplies purchased by each, the difference is not as great as at first supposed, and, in my judgment, leaves the argument in favor of the economy of the War Department. But, to pursue the question of the character and quality of the supplies purchased by each Department a little further, I call attention to the following statement of Captain W. H. Nash, commissary of subsistence United States Army, addressed by him to General Robert Macfeely, Commissary-General, and by him transmitted to Hon. A. M. SCALES, chairman Committee on Indian Affairs. He says:

OFFICE DEPOT COMMISSARY,
Cheyenne, Wyoming Territory, March 21, 1878.

SIR: Referring to your telegram of this date I have the honor to state that during the past eighteen months I have inspected for the Indian department over 1,500,000 pounds of flour. A portion of this was purchased in open market by me at the request of the Hon. Commissioner of Indian Affairs. All that I have purchased in this way has been a XXX grade of flour far superior as to quality to sample furnished me by the Indian department. That portion of the flour offered on contract made by different parties with the Indian department has been inspected in accordance with sample furnished me by the department or its agents. It has invariably, with one single exception, been an inferior grade of XX flour, at least 25 per cent. inferior to the flour graded as XX in the East. It has been flour that I would not touch at any price for issue to troops. When the flour offered for inspection was equal to the sample furnished me I had no alternative but to pass it. During the same time I have, under instructions of the chief commissary of subsistence of the Department of the Platte, purchased in the neighborhood of 1,000,000 pounds of flour for issue to troops in this military department. This flour has been of one grade only and that the best made in Colorado, what they grade as XXXX. It is far superior to flour furnished by the Indian department in every respect.

My opportunities for judging of the comparative qualities of the two flours have been of the best and I do not hesitate to say that the flour I have been called on to inspect for the Indian department, offered on contracts, has been of such inferior quality as to be comparatively worthless, and unfit for issue.

Very respectfully, your obedient servant,

W. H. NASH,
Captain, Commissary Subsistence United States Army.

To the COMMISSARY-GENERAL OF SUBSISTENCE, U. S. A.,
Washington, D. C.

A true copy:

R. MACFEELY,
Commissary-General Subsistence

WAR DEPARTMENT,
Office Commissary-General Subsistence, March 26, 1878.

This statement, Mr. Chairman, fully explains and illustrates the boasted economy of the Indian Office in the purchase of the article of flour, and while it may be true that the War Department has paid a little more for flour than the Indian Office has it is also true, if this testimony can be relied on, that while the very best grades of flour have been purchased and issued to the Army, the poor Indian has been fed upon stuff that was not fit, scarcely, to be used as food for swine. It seems to me that further testimony upon this part of the subject is quite unnecessary.

But, sir, we are not left in doubt nor driven to speculation upon the subject of the cost of the management of Indian affairs under the control of the War Department and of the Interior Department. It will be remembered, as I have already stated, that previous to 1849 the War Department had exclusive control of Indian affairs. Let us compare the cost for eleven years previous to that time with the cost for ten years since, and also the seven years just previous to 1877, and we have the following results: from 1839 to 1849, inclusive, the Indian department cost $17,611,837.98; from 1850 to 1860, inclusive, it cost $34,169,799.82; from 1870 to 1876, inclusive, it cost $44,303,332. This will make an annual average cost for the seven years of $6,329,-047, or about $23.05 *per capita*, which shows that the cost of Indian management under our present system is nearly or quite double each year to what it was under the management of the War Department.

This exhibit is taken from an able and exhaustive speech delivered by Hon. J. W. THROCKMORTON in the Forty-fourth Congress upon this subject, and is quoted as "entirely reliable" by the Committee on Indian Affairs in its majority report upon the bill recommending this transfer. Now, sir, if it is true (and I think I have shown it) that the War Department can and will administer our Indian affairs as cheaply and as economically as the Interior Department, and if it is true (and I have no doubt of it) that we can by this transfer save to the people of the country the large amount of money which it requires to pay the commissioners, agents, &c., connected with the Indian Office by filling their places with men of equal capacity and fitness, who are already being paid and must continue to be paid by the Government, I ask, is there any good reason why this transfer should not be made? I can see none. But it is argued that to make this transfer simply amounts to a declaration of war against the Indians, and looks finally to their utter extinction. If I believed this to be true, or if I believed it would have that effect, I would not hesitate to declare this amendment infamous and its advocates heartless and cruel.

But, Mr. Chairman, what are the facts of history in reference to this point, for unfortunately for the perpetrators of this idea we have a history bearing upon this very point? As I have before stated, for seventeen years just preceding the year 1849 the management of Indian affairs was exclusively under the control of the War Department, which takes us back to 1832. From that time up to 1849 we had war with the Seminoles, with the Creeks, and the Black Hawk Indians. Since that time, and partly under what is known as the "peace policy," we have had the Sioux war of 1852-'54, which is estimated to have cost from $20,000,000 to $40,000,000. In 1864 we had war with the Cheyennes, which cost us near $40,000,000. In 1866 we had another war with the Sioux in Dakota. In 1867 we had another war with the Cheyennes, and in 1877 we had another war with the Sioux, and also the Nes Percé war, to say nothing of the troubles with the Navajoes, and with the Indians upon the Pacific coast. For these statistics and figures I am indebted to the very able report written by the chairman of the Committee on Indian Affairs, [Hon. A. M. SCALES.] So we see that the facts do not sustain the arguments on this point made by the opponents of this measure.

In addition to this, according to the statement of the Commissioner of Indian Affairs in his report in 1868, it costs us the lives of about twenty-five of our soldiers to kill one Indian. If this be true, it occurs to me that with this record before them the Army would not be very desirous of provoking a war with the Indians, but would rather avoid it as a matter of safety to themselves. But it is said that the very presence of our soldiers among the Indians has a natural tendency to create bad blood and produce disturbances, and is a source of irritation to them. I cannot believe this to be true, Mr. Chairman, and yet I may admit it and still show that matters would be no more unfavorable to the maintenance of peace than now, for

it is known that our Army is already stationed among the Indians and near the agencies in order to maintain peace and good order, and necessarily so, too, because we all know that not a single Indian agency could stand a single day among the wild tribes were it not for the presence of the Army, which serves to inspire a wholesome fear in them and thus preserve peace. No, no, Mr. Chairman, it is not the presence of soldiers among the Indians that produces war. It is the presence among them of unprincipled white men, speculating adventurers, dishonest agents, and a horde of thieves and scoundrels, who are engaged in stealing the very bread which they have to sustain life, and are attempting to take from them the very homes that afford them shelter; and seeing this, the Indian, like the white man, "strikes for riddance," and at once the cry is raised that they are murdering our citizens.

And without knowing or caring what the real facts are, our Army is at once sent against them, and to save themselves from extermination they are forced into negotiations with the Government, the result of which is generally that the Indians are compelled to surrender their territory and abandon their homes, and seek shelter somewhere else, there to remain only until the avarice and cupidity of our own people see in this new home a chance for peculation and gain; and again under this pretended "peace policy" the necessity at once arises to remove the Indians to some distant and barren country in order that peace may be secured between them and these speculating adventurers. And this, sir, is done in the name of "God and humanity," under this civilizing and christianizing policy called the "peace policy." Verily, it is a peace policy, but it is the peace of death to the Indian.

Sir, to my mind the meanest and most contemptible of all God's creatures are those long-faced, sanctimonious gentlemen who, invoking the sanctity of our holy religion, take up their solemn march to the home of the Indian with the ostensible purpose of elevating him in the scale of humanity but with the real purpose of robbing him of his scanty living and dispossessing him of his humble home. That there are some good men, Christian men, who go as the agents of the Government among the Indians with honest and pure motives and who are actuated by the loftiest ideas of philanthropy and religion I have no doubt; but that there are a large number of others who are moved by no higher motives than the most selfish and sordid desires I have as little doubt. Sir, there is no man who has a higher respect for a true Christian, one who seeks to humanize, moralize, and Christianize a fallen and degraded people, than I have. The man who quits the endearments of home and family, of civilization and refinement, and goes among the wild and superstitious red men to elevate them and do good to them, deserves the respect and good-will of all just men. But the miserable wretch who seeks to hide himself under the cloak of religion in order to steal and plunder deserves the execration and scorn of all honest men.

But, sir, I pass from this unpleasant view of the subject and return to the point which I have more particularly in hand.

Now, sir, why should not our unemployed officers be required to perform the duties now performed by these Indian agents? I believe, and think there can be no doubt, that they are quite competent to do so. Large numbers of them are on the retired list, but are able to perform this service. Many others have nothing to do, for we have, I think, 1 officer to about 6 men in the Army. They are all under pay, and really the country has no other use for them now. We have peace within all our borders. No foreign foe threatens us; no internal strife annoys us; we are at peace with all the world. The Army is no longer needed in the States to control elections and disperse Legislatures; but, thank God, the States are free once more and the people thereof are free to administer their own domestic concerns in their own way. The Southern States are once more regarded as upon an equality with the other States of the Union, except perhaps by a few misguided and narrow-minded men in Congress. A common flag, the emblem of our nationality, if that be the proper word, waves over the people of all the States in a restored Union, and universal peace and harmony gladden the hearts and inspire the hopes of the people everywhere, and really we have nothing for our Army to do except to prevent incursions and quell disturbances among the Indians and to guard and protect our Texas frontier from raids by Mexican banditti. Why, therefore, should we not save to the country the large amount of money which it requires to defray the expenses of our present Indian management by transferring the duties to those who are already in the employ of the Government and must be paid in any event?

Nor will it necessitate an increase of the Army, for I have already shown that our Army is idle, and our soldiers have but little duty to perform; and, in my judgment, it can well discharge these duties, and then leave us room for a large reduction in our Army.

I have thus far, Mr. Chairman, spoken of the general scope and meaning of this amendment, and have tried to answer some of the objections which are urged against the transfer. I come now to speak of one particular feature of the amendment, which I regard as of the gravest importance. I refer to section 9, which is as follows:

SEC. 9. That it is hereby provided that all religious denominations shall enjoy a free and equal right to erect and maintain church and school buildings on any or all Indian reservations, and shall not be molested in their religious or philanthropic efforts to advance the Indians in moral, religious, and literary culture, but shall all equally and alike be perfectly free and encouraged in the prosecution of their civilizing and educational efforts.

Under what is known as the "peace policy" it is the practice, as is well known, to allow a particular religious denomination to nominate an agent for a given reservation, and the agent thus nominated is appointed in accordance with the wishes of such denomination of Christians, and put in charge of the agency. Now, under the well-understood conditions of our present policy, (and the custom has become so universal as to have the force of law,) no other denomination of Christians can go upon that reservation, either to preach or teach their particular religious faith, but are absolutely prohibited from doing so; and for attempting to do so, I am told that some have been forcibly ejected from the reservations. Thus the Government has "farmed out," so to speak, our Indian reservations to different bodies of Christians, and is forcing the Indians to accept the views of that particular denomination or have no religion at all. All of which, in my humble judgment, is a virtual violation of the first amendment to the Federal Constitution, which declares that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Now, while this regulation of which I speak may not be in violation of the words of this clause of the Constitution it certainly does infringe upon the intent and spirit of it, and is clearly violative of the genius of our institutions and ought not to be tolerated. Sir, if there is one right secured to us by our Constitution which we prize above another it is the God-given right to worship our Creator according to our individual conceptions of the teachings of His Word. Acting upon the idea of this high personal and individual prerogative, our fathers have incorporated in the organic law of the land as one of the fundamental ideas of free republican government that there shall be no established religion in this country, but every man's conscience is left free to embrace that form of religious worship "which seemeth right unto him." And shall we deny to the poor Indian this highest and dearest right ever secured to intelligent creatures? Sir, for one I can never consent to it, but rather would I open the doors wide and let all religious people "of every name and order" have free access to the Indian as well as to all the balance of the world, and I would protect each and all alike in their great work of Christian charity. And whether this amendment passes or not, I trust we shall pass some measure by which our present system upon this subject shall be abolished. It is proving a positive curse to the Indian race and a disgrace to the country.

Sir, after long years of experience what have we accomplished in the way of civilizing the Indians? Our efforts have been almost fruitless. It is true that a few tribes are progressing in the arts of civilization. Agriculture, education, morality, and the Christian religion are fostered and encouraged by a few tribes of Indians, and for their progress in these respects they are entitled to the highest credit; but a large majority of the tribes that were wild when we began to treat with them are wild and nomadic still, and will continue so under the present management until the injustice and cruelty of the present system shall finally extinguish them altogether. I repeat, sir, that our management of the Indian question is a failure. I doubt very much whether we shall ever be able under any system to bring the Indians into full and complete harmony with the habits and customs of civilized life. They will always feel that the restraints of civilized and domestic habits are fetters that bind them, and they will be restive and uneasy; and, like the bird that has been accustomed to the freedom of the air when caged and fettered will fret and flutter to be again free, so will these wild Indians ever long to throw off the restraints of civilized life and return again to their native habits.

But, sir, the dictates of a common humanity require that we shall do something to better their condition from what it is now. I believe myself that the best thing we can do is to place them under the restraints and obligations of law, and throw around them the protection of law; and to this end I am in favor of territorializing the Indian country, and thus make it an integral part of this Government, throwing around the Indians the strongest and most effectual safeguards which are necessary to protect them in all their rights of person and property and maintaining their tribal relations, but at the same time make them amenable to law, and try to raise them to the dignity of men, and eventually to citizenship. Sir, it seems to me that we shall be compelled eventually to do this, but for present relief I think this amendment is a move in the right direction. The tide of civilization has driven the Indian step by step toward the setting sun, until now he is met by the returning tide from the Pacific coast, that is pressing him hard from the western side, and between the two he will inevitably be crushed to death unless the strong arm of the Government shall be stretched forth to help him and to rescue him. I see no better or more effectual mode of doing this than by the strong arm of law. Give him a government that can and will protect him, while at the same time it demands from him respect and obedience. In this way, sir, it seems to me the "Indian problem" will be solved.

I have now said all I desire to say upon the pending bill. If I have not succeeded in convincing a single mind that this transfer ought to be made, I have at least given what I conceive to be a fair and what I know to be a candid statement of the question; and in my own mind there is no shadow of doubt about the propriety of the proposed transfer.

If, Mr. Chairman, we have in the past acted in bad faith toward our

red brethren, if we have violated almost if not quite every treaty we have made with them; if we have violated our trust as their guardian and trustee; if our cupidity has enabled us to see a virtue in violated pledges and broken promises, and we have discerned no wrong in driving them from the homes of their fathers and the land of their inheritance, it is at least our duty to see that in future something like justice shall be extended to the remnant of a once powerful but now greatly enfeebled and dependent race. Let us adopt a policy founded in justice, moderation, and truth, and then with the firm and steady hand of a Christian people let us stand by that policy and see that all our obligations to these people are honestly and strictly enforced. Let us have no more of the vacillating policy of the past toward them, but with a firm purpose to do right stretch out the great, strong arm of the Government over them to protect and encourage them, and thus hold out to them the light of hope, that in coming years they are to find in us their real friends and protectors, and not their enemies and despoilers.

The CHAIRMAN. The hour of half past four having arrived and the House heretofore having determined at half past four it would take a recess on this day until half past seven o'clock, the committee will rise.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that according to order the Committee of the Whole on the state of the Union had had under consideration a bill (H. R. No. 4867) making appropriation for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

Mr. HEWITT, of New York. I desire now, Mr. Speaker, to move that general debate on this bill be closed with the session to-night.

Mr. BURCHARD. The gentleman can give notice.

Mr. HEWITT, of New York. No, I prefer to make that motion.

The motion was agreed to.

The SPEAKER *pro tempore*. The Chair cannot recognize anything except the motion to take a recess, because the House has ordered the taking of a recess this day at half past four o'clock until half past seven. The hour of half past four having arrived, the House will take a recess without a motion.

Mr. BURCHARD. I will move that the House take a recess.

The SPEAKER. According to the order heretofore adopted the House will take a recess at half past four.

Mr. HEWITT, of New York. Before the House finally takes a recess I desire to make the additional motion that the debate to-night be limited to the Army appropriation bill.

Mr. BURCHARD. I hope not, but that gentlemen may have an opportunity to address themselves to any other subject.

Mr. MORRISON. Let the session be to-night for debate only, no other business to be attended to.

The SPEAKER *pro tempore*. That can be made on the meeting of the House this evening.

Mr. FINLEY. I understand that the motion is to limit the session this evening to debate on the Army appropriation bill.

The SPEAKER *pro tempore*. The Chair will entertain that motion this evening.

Mr. MORRISON. If it is not entertained now we do not want it at all.

The SPEAKER *pro tempore*. The order of the House for taking a recess at half past four o'clock is absolute.

Mr. HEWITT, of New York. The design is, then, that the evening session is for debate only, on the Army appropriation bill, no other business whatever to be transacted.

Mr. BURCHARD. I object to that, because if gentlemen who are present do not wish to speak on the Army appropriation bill and there are others who wish to address the House on other subjects I do not think they ought to be prevented from doing so.

Several MEMBERS. That is not objected to.

Mr. BURCHARD. Why not let them go on if there are no members who wish to speak on the Army bill.

The SPEAKER *pro tempore*. Objection is made to the motion of the gentleman from New York, and the Chair cannot entertain it except by unanimous consent.

And then (at four o'clock and thirty minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House resumed its session at seven o'clock and thirty minutes p. m.

ORDER OF BUSINESS.

Mr. BURCHARD. I desire to call up the special order, House bill No. 4414, and to move to dispense with its first reading. I have no objection then to yielding to gentlemen who desire to proceed with the discussion of the Army appropriation bill.

Mr. HOUSE. Will the gentleman yield to me to offer a resolution?

Mr. EAMES. I move the business of the session this evening be limited to debate on the Army appropriation bill.

The SPEAKER *pro tempore*. That motion is not proper in form. The House may resolve itself into the Committee of the Whole to consider that bill.

Mr. EAMES. Then I make that motion.

The SPEAKER *pro tempore*. The Chair understands the bill referred to by the gentleman from Illinois is the unfinished business.

Mr. CARLISLE. What is it?

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. EDEN. That is not the unfinished business.

Mr. HARDENBERGH. I rise simply to state this: when it is understood the regular duties of the session are in progress, when votes may be taken, it is certainly no more than right the question should be raised as to the want of a quorum for the purposes of legislation. If we can resolve ourselves into the Committee of the Whole so men may talk without votes being taken, without the question of a quorum being raised, thereby giving relief to the ordinary session of the day, I shall have no objection to wait so long as gentlemen may have remarks to make; but if it is attempted to bring up any bill of any importance to the country and to detain the House with only fifteen or twenty members present, it seems to me to be a perfect farce to continue without the presence of a quorum.

Mr. BURCHARD. The evening sessions for this week were set for current business with the understanding that if the House desired to conclude the business of the session in time to adjourn some time next month it was necessary members should be present.

It was on my suggestion that evening sessions were appointed for this week for current business. That was the order of the House, and I gave notice I should call up this bill. I do not, however, desire, if gentlemen have any objection, that action should be taken on it to-night. I merely desire that the bill should be called up, and having submitted what remarks I have to make upon it, I will then yield for a motion to go into Committee of the Whole on the Army appropriation bill; so that this bill which I have reported shall be the unfinished business, having preference over every other except the bill relating to interstate commerce, in charge of the gentleman from Texas, [Mr. REAGAN.]

Mr. HARDENBERGH. If it is understood, as would seem to be the case from the slim attendance given at our evening sessions, that the object is merely to allow members to express their views on current questions of legislation, it is of course entirely unnecessary that there should be a quorum.

The SPEAKER *pro tempore*. If the gentleman from New Jersey makes the point that there is not a quorum present, he can either make a motion to adjourn or move a call of the House.

Mr. EDEN. I move that there be a recess of ten minutes that it may be seen if a quorum will assemble.

Mr. BURCHARD. I think I was recognized by the Chair.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] was recognized.

Mr. BURCHARD. I would ask my colleague [Mr. EDEN] if he is not willing that I should call up this bill and submit what remarks I have to make upon it.

Mr. EDEN. I am entirely willing that the House should resolve itself into Committee of the Whole on the Army appropriation bill. I understand the gentleman from Massachusetts [Mr. BUTLER] has the floor.

Mr. HARDENBERGH. Let us hear the gentleman from Illinois, and after he has submitted his remarks, if no quorum presents itself, we can then adjourn.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] asks unanimous consent that he may be permitted to call up the special order, the title of which will be read by the Clerk, and that he be allowed to submit some remarks in connection therewith. Is there objection?

Mr. HARDENBERGH. I withdraw any objection so far as I am concerned.

There was no further objection.

INTERNAL REVENUE.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill called up by the gentleman from Illinois.

The Clerk read as follows:

A bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. BURCHARD. Mr. Speaker, the number and frequency of changes in the revenue laws is often commented upon with disfavor by the commercial world. Such changes are, however, to some extent unavoidable.

The amount, character, and subjects of taxation necessarily occupy attention and require examination at each recurring session of Congress. The annual expenditures cannot be adjusted to the same constant sum; they vary from year to year, with the changing needs of the public service. The revenues also expand or contract with the rise or fall of prices, or from any cause that affects business prosperity, or that enlarges or lessens the consumption of taxable commodities.

The questions, then, of the expenditure and of the collection of revenues are subjects of continuous and paramount consideration. The duty of Congress in the one case is to see that appropriations shall be adequate yet economical; in the other, to "lay and collect taxes" that shall be sufficient but not excessive, and to adjust the burdens of taxation fairly and impartially upon those who ought to bear them.

The expenditures for the fiscal year commencing next July will be for interest and principal required to be paid upon the public debt under existing law, about $130,000,000; pensions will require nearly $30,000,000, and other expenditures, including those for the collection of customs, will amount to $110,000,000, making a probable aggregate expenditure of $270,000,000. As the refunding of the bonded debt into bonds bearing a lower rate of interest proceeds the annual interest charge will diminish.

The Treasury receipts for the last fiscal year lacked but $1,000,000 of $270,000,000, this estimate of probable expenditures. The Secretary announces an expected revenue from the following sources for the ensuing year, equaling the total receipts of last year:

Customs	$133,000,000
Internal revenue	120,000,000
Banks	7,000,000
Miscellaneous	9,000,000
Total	269,000,000

It may be reasonably anticipated that present taxation, unless materially modified, will meet the necessities of the public service and the payments required by law to be made upon the public debt.

The reduction of interest by refunding will permit a corresponding reduction in taxation.

INTERNAL REVENUE.

An examination and revision of the laws relating to customs and internal revenue was undertaken by the Committee of Ways and Means soon after its organization. The consideration of the internal revenue, its administration and taxation, was assigned to a subcommittee consisting of the gentleman from Virginia [Mr. TUCKER] and myself.

Two bills have been reported from the committee. Apprehending that there would be differences of opinion in regard to subjects and rates of taxation, proposed changes were arranged and examined under two divisions, one relating almost exclusively to the administration of the system and the collection of taxes, the other to the modifications of rates or changes in the objects of taxation. The result of our labors, conjointly with those of officers of the internal revenue, in revising the machinery of internal taxation is now before the House in the bill under consideration. The propositions adopted by the committee affecting rates and subjects of taxation have been embodied in a bill reported by the honorable gentleman from Virginia, [Mr. TUCKER,] and is on the Calendar in Committee of the Whole.

Internal taxation is an essential part of our revenue system. Customs duties cannot be relied upon to meet the necessary expenditures for the support of the Government and payment of interest on the debt unless imported commodities now free are made dutiable. Until the public debt is paid off taxation of domestic commodities or of persons or property seems to be an inevitable necessity. Indeed, internal taxation, excise duties upon spirits, fermented liquors, and tobacco, will probably continue a permanent part of our taxing system. In the revision of these laws the committee have regarded the system as permanent, not temporary, and the modifications they suggest are intended to lessen some of the hardships and rigors of its provisions, and at the same time promote greater efficiency and certainty in collecting the taxes it imposes. The committee have acted in harmony with the Internal Revenue Bureau and nearly all the amendments have the approval or assent of the Commissioner.

The nature of these amendments, their scope and effect, can be more advantageously explained when under special consideration, and I will not anticipate that discussion. The admitted permanency of this system and the revision of laws relating to its administration necessarily suggest an examination of the subjects of internal taxation and the rate to be imposed on each.

Can reductions be made without lessening the revenue? Can changes be made that will more justly distribute the burdens of taxation?

SUBJECTS OF INTERNAL TAXATION.

The internal-revenue receipts for the last fiscal year were from—

Spirits	$57,469,429 72
Tobacco	41,106,546 92
Fermented liquors	9,480,789 17
Banks and bankers	3,829,729 33
Penalties, &c	419,999 41
Adhesive stamps	6,450,429 15
Articles and occupations formerly taxed but now exempt	238,260 55
Total	118,995,184 25

Propositions to modify or reduce these taxes have been continuously made and submitted to the committee. A change in the rate of tax or its entire repeal has been asked on every subject of taxation but fermented liquors.

The House has passed its judgment upon the question of reducing the tax on distilled spirits to 50 cents per gallon, and settled it for this Congress if not for the future. I have heretofore expressed my opinion that the tax is not above the revenue point; that it can be and is now nearly all collected, and that there should be no reduction of the rate. I presented fully the reasons and the official statement of the production of distilled spirits and of the collections of taxes under different rates, which supported my views, and I will not now trouble the House with a repetition.

TOBACCO TAX.

Manufacturers of tobacco have been more restive under the tax on that article than any other class compelled to advance the tax before selling their goods. No rate yet established by law has been satisfactory to them. They resist the continuance of the present rate of 24 cents a pound and insist upon a reduction to 16 cents per pound, as the highest rate the article ought to bear.

The Representatives from the tobacco-growing districts have introduced numerous bills and petitions for this reduction. They complain that the tax falls heavily upon the producer and operates injuriously against his interest. They affirmed that the tax affected consumption and depressed the price of leaf-tobacco. To satisfy myself on these points I requested a careful examination to be made by the officers of the internal revenue to ascertain the number of pounds and the taxes paid upon manufactured tobacco and snuff in each year under different rates, and procured from the Bureau of Statistics a statement of the quantities of leaf-tobacco exported and the price. I will submit them for publication with my remarks on this subject. The average prices on exported tobacco have been under different rates as follows: From 1866 to 1868, average tax 34 cents, price 12.4 cents; from 1869 to 1872, average tax 27 cents, price 10.55 cents; from 1873 to 1875, tax 20 cents, price 10.5 cents; from 1876 to 1877 tax 24 cents, price 10.3 cents. The tax does not seem to have had the effect to raise or lower the price, for the difference between the quotations of 1868 and of 1877 is about the difference between the purchasing power of the current dollar. I have grouped these figures in one statement so that the relations of the tax to the consumption of manufactured tobacco and the price of exported tobacco can be conveniently compared:

Years.	Average tax.	Amount collected.	Tax paid.	Quantity exported.	Price.
	Cents.		*Pounds.*	*Pounds.*	
1863	10.90	$2,613,438 61	23,660,056		12½ to 28
1864	11.35	7,327,618 98	63,372,426		10½ to 20
1865	22.08	8,300,372 55	36,639,020		11 to 43
1866	34.77	13,038,095 73	35,748,351	190,626,248	9½ to 17½
1867	33.68	16,043,842 50	45,635,581	184,803,065	10½ to 14½
1868	33.56	15,692,415 77	44,900,840	206,020,504	10½ to 14½
1869	27.01	17,371,063 04	62,602,577	181,527,630	9 to 11½
1870	26.91	24,300,483 42	90,288,082	185,748,881	9½ to 11
1871	26.87	25,360,539 67	95,135,504	215,667,604	8 to 9½
1872	25.81	24,570,775 59	95,219,319	234,936,892	8½ to 10½
1873	20.38	23,397,858 22	114,789,208	213,995,176	10 to 12½
1874	20.36	21,938,955 59	107,747,691	318,097,804	8 to 11½
1875	21.10	25,200,759 51	119,435,874	223,901,913	12½ to 18
1876	24.24	26,755,740 20	110,380,602	218,310,265	9½ to 14½
1877	24.23	28,148,767 90	116,146,103	282,386,426	8½ to 13½

An examination of rates, collections, consumption, exports, and price seems to establish the following conclusions:

First. That the present rate yields the largest revenue, that of the last and preceding years exceeding all previous years in amount.

Second. The exports vary with the increased or diminished yield of the yearly crop, and the price is determined by the quantity grown rather than by the domestic consumption of manufactured tobacco.

The committee were divided in their opinions as to the effect of the tax, and a majority favored and directed a reduction of the tax.

One local hardship resulting from the tax, was urged with greater force. In the region where tobacco is chiefly grown, capital is not abundant.

It is asserted that the tax is a serious burden to the southern manufacturer, who must sell on credit as the practice of the trade and of the wealthier competing manufacturers of the North compels him to do.

It is claimed that the loss of annual revenue occasioned by the proposed reduction to 16 cents will not exceed $5,000,000. Past collections do not establish this conclusion. The revenue from tobacco would be reduced nearly one third, or over $8,000,000 annually.

BANK-CHECKS.

The committee were urged to repeal the tax on bank-checks. They are a tax on the business of the country and the affixing of the stamp, the penalties for the omission, the trifling amount collected upon each check, and the annoyance and inconvenience often thereby occasioned do not justify the continuance of this tax as a permanent source of internal taxation. But though each transaction collects but two cents, the payments made by checks are so large that as near as can be ascertained $2,000,000 is annually obtained in this way. It has not seemed to the committee advisable to recommend the repeal of this tax at this time.

MATCHES.

The tax on matches is another tax excessive in rate and imposed upon an article in universal use. It is indirectly a personal tax, collected alike of rich and poor. But as it is advanced by the manufacturer, affixed before being put upon the market, and is unconsciously repaid by the purchaser who lights the match, there are none of the annoyances attending the use of bank-checks and no frauds in its collection. The committee have left that tax undisturbed.

BANK TAXES.

Another tax of larger magnitude affecting $700,000,000 of capital, and business transactions represented by more than $1,000,000,000, is the tax upon the capital and deposits of banks.

The total national taxes paid by banks in 1877 were over $11,000,000. I submit an exhibit of them:

Federal taxes on the banks, 1877.

	No. of banks.	Taxes on circulation.	Taxes on deposits.	Taxes on capital.	Total taxes.
State and private	3,803	$5,430	$2,896,637	$927,661	$3,829,729
Savings	717	....	474,903	....	474,903
National	2,080	2,899,037	3,445,252	654,636	6,998,926
Total	6,600	2,904,467	6,816,792	1,582,297	11,303,558

Against the tax upon bank capital it is forcibly urged that this is almost the only national tax upon capital, that there is no reason why capital invested in this business, identified with and essential to the prosperity of the country, should be specially taxed and other forms of capital be exempt.

It is claimed that the tax on deposits is not a tax on the property or resources of a bank but upon its indebtedness to depositors; that taxing debts, what is due to another, is not a just subject of taxation, and that this at once is admitted when a bank becomes insolvent and has nothing with which to pay depositors. As bank accounts and credits are used in carrying on all kinds of commercial business and in forwarding and exchanging commodities, these taxes fall upon business, increase its burdens and hazards, and impede the production of wealth.

This source of revenue affords nearly $7,000,000, and to relinquish so large a sum would necessitate the discontinuance of a portion of the annual payment upon the public debt required by the sinking fund or the collection of a corresponding sum from some other source. The committee in the bill relating to rates of taxation recommended and provided that bank deposits actually taxed as against one bank should not at the same time again be taxed when redeposited in another bank. The committee proposed to change bank taxation only in this respect, which would seem to be a fair and equitable provision if the taxation of deposits is to be continued.

Although opposed to reducing the tobacco tax, I agree with the action of the committee in proposing to compensate the reduction by maintaining the revenues from some other source should such reduction be made.

SINKING FUND.

I disagree entirely with the chairman of the committee [Mr. WOOD] as to the propriety or policy of neglecting to provide sufficient revenue to meet the sinking-fund account. Its establishment was the commencement of the elevation of our credit which has reduced the rate of public interest from 7.3 per cent. in 1868 to 4 per cent. at this time. The annual payment of the amount it requires upon the principal of the debt, with other means Congress should adopt, will without doubt enable the Government to convert all its outstanding bonds above 4½ per cent. into bonds bearing 4 per cent. To purposely suspend the annual payments upon the public debt required by the sinking-fund law would be a reversal of the policy of the Government by which its credit has been so much improved and the rate of interest reduced. In 1875 the taxes on distilled spirits, tobacco, sugar, and other articles were increased solely to provide for, or in the language of the act, to further protect, the sinking fund.

To be free from debt should be the aim of a nation as well as of an individual. A national debt is not a national blessing. The interest is a tax upon industry and labor. It is better to reduce and finally extinguish the principal than to pay a lighter annual sum in perpetual interest. Such was the view of the early statesmen of this country, and a sinking fund was established that ultimately wiped out the national debt growing out of the war of the Revolution, amounting then to $75,000,000.

Nations with the best financial standing provide and maintain a sinking fund. Great Britain, Belgium, Netherlands, Prussia, Denmark, Sweden and Norway, Switzerland, Canada, and Brazil, consider it wise policy. In Great Britain a fixed sum is set apart each year.

If not a violation of public faith, it seems most unwise at this time to suspend the sinking fund.

A measure now in Committee of the Whole authorizing the deposit of savings in the Treasury and their use in redemption of 6 per cent. bonds will, I believe, if it becomes a law, within three years secure the refunding of all the outstanding 5 and 6 per cent. bonds. The saving of annual interest it would effect is seen in the following statement, based upon the estimate of the Secretary of the Treasury in his last report:

Statement showing the condition of the bonded debt and amount of saving by interest thereon if converted into 4 per cent. bonds.

Date of loan.	When redeemable.	Rate of interest.	Amount of principal.	Yearly saving if converted into 4 per ct. bonds.
		Per cent.		
1858	After Jan. 1, 1874	5	$260,000 00	$2,600 00
February 8, 1861	Dec. 31, 1880	6	18,415,000 00	368,300 00
March 2, 1861	July 1, 1881	6	945,000 00	18,900 00

Statement showing the condition of the bonded debt, &c.—Continued.

Date of loan.	When redeemable.	Rate of interest.	Amount of principal.	Yearly saving if converted into 4 per ct. bonds.
		Per cent.		
July 17, 1861	After June 30, 1881	6	$189,321,350 00	$3,786,427 00
1863	After June 30, 1881	6	75,000,000 00	1,500,000 00
Ten-forties	After March 1, 1874	5	194,566,300 00	1,945,663 00
Consols, 1865	After July 1, 1870	6	116,911,900 00	2,338,238 00
Consols, 1867	After July 1, 1872	6	310,618,400 00	6,212,368 00
Consols, 1868	After July 1, 1873	6	37,465,300 00	749,306 00
Total, exclusive of funded loans	....	....	943,503,250 00	16,921,802 00
Funded, 1881	After May 1, 1881	5	508,440,350 00	5,084,403 50
Funded, 1891	After Sept. 1, 1891	4½	200,000,000 00	1,000,000 00
Total	....	....	1,651,943,600 00	23,006,205 50

Of the bonded debt, $465,000,000 of 6 per cent. bonds are now redeemable. By refunding them, as wise legislation and prudent financial management ought to enable us to do, over $9,000,000 of annual interest could be saved before the end of the next calendar year.

The 4 per cent. bonds are at par and are being taken for safe investment. If the national credit is maintained, a surplus of revenue set apart to apply as required by the sinking-fund law, and permission be given to the people to deposit their small savings in the Treasury, all the 6 per cent. bonds and possibly the 5 per cent. bonds can be refunded by the time they become redeemable in 1881.

With the public credit higher than any of the nations of the earth, except Holland and Great Britain, with 4 per cent. bonds at par, with $700,000,000 of 5 per cent. bonds and $750,000,000 6 per cent. bonds, all redeemable at the option of the Government within three years, interest and policy unite with the obligations of honor in demanding the maintenance of the sinking fund and thus securing the speedy refunding of these bonds into bonds of a lower denomination and saving on bonds bearing 4 per cent. interest $22,000,000 annually.

SINKING-FUND LAW.

What is the sinking fund and what does the law require?

The present sinking fund was created under the act of February 25, 1862, section 5, as follows:

SEC. 5. *And be it further enacted*, That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year from the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

It is simply the payment within each year of 1 per cent. of the outstanding debt and of the interest upon sums thus previously paid.

The total payment upon the debt in interest and principal is not increased from year to year, but somewhat diminished. The 1 per cent. payment upon the debt grows less and the sum previously paid for interest is paid a part on the reduced interest and the remainder on the principal.

The interest paid by the Government in 1867 amounted to the sum of $143,781,592. In 1872 the interest account had become reduced to $117,357,840, while the sinking-fund payment amounted to the sum of $32,248,645, making the total payment for that year on the principal and interest $149,606,485. This was but $6,000,000 more than the interest paid in 1867. In the last fiscal year, five years later, the interest payment had become reduced $20,000,000, being $97,124,512 and the sinking fund was computed to require $33,729,833, making the total payments for that year on the debt, principal and interest, $130,854,848, and the total payment required for interest and sinking fund for 1879 is computed to be $129,876,848, $20,000,000 less than paid six years ago.

With reduction of rate of interest, increase in wealth and population, and actual reduction in amount annually required for both sinking fund and interest, it becomes easier to raise and pay the required amount.

If reductions are made in either internal or other duties, and other taxation can be substituted that will not burden industry and check enterprise and that will not diminish the use of comforts, why hesitate to look to such source for the means of extinguishing the debt?

I insist here, as I insisted in the Committee of Ways and Means, that the proposed reduction of the tobacco tax is unwise. But if the House determines that the reduction should be made, some other tax as little burdensome should be substituted.

INCOME TAX.

Various bills were referred to the Committee of Ways and Means proposing the collection of a tax from incomes.

The House itself voted upon the question and the following resolution received 165 votes in its favor to 89 against its adoption:

Whereas in the present condition of public distress it is important that the

wealth of the country should bear a fair proportion of the burdens of taxation: Therefore,

Resolved, That the Committee of Ways and Means be, and are hereby, instructed to report a bill imposing a graduated tax upon the excess of incomes above a reasonable minimum to be fixed by law, and the said bill be reported at the earliest practicable moment.

It was a decided expression of the sentiment of the House and a virtual instruction to the committee.

The justice and propriety of an income tax depend upon what are deemed the proper subjects and modes of taxation. It is a fundamental principle, almost an admitted axiom in economic science, that the burden of government support should fall with equal weight upon the recipients of its benefits.

The Government affords its citizens protection in their personal and political rights. For its own maintenance it exacts contribution of personal service or material aid, according to its needs. It protects the right to life and liberty. It secures the possessor in the use and enjoyment of property, and in the use of his faculties for its accumulation. The tax or contribution required in return for this protection, to be equal and just, should be so apportioned that its burden will be the same to all. This equality does not consist in such apportionment of the contribution that the same amount of service or material aid shall be exacted from each.

Equality of contribution is not equality of burden. The latter must be adjusted to each citizen so that its weight will be proportioned to his ability to bear it. In personal service required for military defense the able-bodied citizen only is subject to be summoned, and others are excused. So, in apportioning taxation, the amount exacted should be adjusted according to the ability of the citizen to contribute.

National protection of life and liberty is extended over all, but to require the man who is able to earn a bare subsistence to pay as much as the man whose annual accumulations are millions of dollars would most oppressively adjust the burden of taxation.

The tax in the one case deprives of necessary comforts; in the other, after the full enjoyment of such comforts, it only lessens the expenditure in luxuries or limits investment for further gains. The one must suffer actual physical discomfort, the other loses no necessary enjoyment.

The personal rights of each citizen are the same without regard to possessions, but the protection each receives in his rights of property increases with increase of worldly goods. Property should then pay its share of taxation, and the burden of Government support be adjusted and apportioned to each according to the amount of his possessions and his ability to contribute.

A New York paper, the Monetary World, publishes the following:

NEW YORK MILLIONAIRES.

No street in the world, except possibly in London, represents in the short space of two miles and a half anything like the enormous aggregate of wealth represented by Fifth Avenue (New York) residents between Washington Square and Central Park. We give hap-hazard a few names:

Mr. Rhinelander	$3,000,000
Marshall O. Roberts	5,000,000
Moses Taylor	5,000,000
August Belmont	8,000,000
Robert L. and A. Stuart	5,000,000
Mrs. Paran Stevens	2,000,000
Amos R. Eno	5,000,000
John Jacob and William Astor	60,000,000
Mrs. A. Stewart	50,000,000
Pierre Lorillard	3,000,000
James Kernochan	2,000,000
William H. Vanderbilt	75,000,000
Mrs. Calvert Jones	2,000,000
Mrs. Mary Jones	2,000,000
Mr. James Gordon Bennett	4,000,000
Mr. Fred. Stevens	10,000,000
Mr. Louis Lorillard	1,000,000
Total	248,000,000

Surely this wealth accumulated and held by eighteen families ought to pay its proportional share of the governmental expenses. The net incomes above all deductions and exemptions of the 74,337 persons who in 1872 paid $8,416,685.87 tax of 2½ per cent. upon their incomes of the preceding year amounted to $336,667,435, and if we add the $2,000 income each was allowed to deduct amounting to $148,674,000 we find that less than 75,000 persons had incomes aggregating $485,341,435. This just equals the earnings of $9,706,828,700 capital invested at 5 per cent. Their average incomes were over $6,500.

In European countries a portion of their revenues is derived from a tax on property. Russia collects one-fifth of its taxes in this way. France levies a property tax, while Great Britain, Prussia, Italy, Sweden, and the cantons of Switzerland levy a tax upon incomes. In 1875 Italy collected from incomes $40,000,000, Prussia $8,000,000, and Great Britain $21,500,000.

THE BRITISH INCOME TAX.

The income tax has been in operation thirty-six consecutive years. The highest yield was in 1856 and 1857, when the rate was 16d. a pound. The receipts, rate, and limitations in the last ten years are shown in this table:

The British income tax—Continued.

Financial year.	Annual receipt.	Rates.	Limitations.
1868	£6,184,000	5d. a pound.	On incomes of and above £100, with an abatement of £60 on incomes under £200.
1869	8,618,000	6d. a pound.	
1870	10,044,000	5d. a pound.	
1871	£6,350,000	4d. a pound.	
1872	9,084,000	6d. a pound.	
1873	7,500,000	4d. a pound.	On incomes of and above £100, but with an abatement of £80 on incomes under £300.
1874	5,691,000	3d. a pound.	
1875	4,306,000	2d. a pound.	
1876	4,109,000	2d. a pound.	
1877	5,280,000	3d. a pound.	On incomes of and above £150, but with an abatement of £120 on incomes under £400.
1878	5,920,000	3d. a pound.	

In the several States of the Union taxation is assessed almost exclusively upon property including money and credits. Federal taxation falls chiefly upon persons instead of property; it is almost wholly paid by individuals in the increased cost of the clothing they wear, and of articles they eat, drink, and consume. Apportioned by families it amounts annually to $30 each. Nearly all the receipts into the Treasury, except from fees, coinage, sales of public lands, and bank taxes, are collections of customs or internal taxes upon articles of personal or household use.

Not one-tenth of the $270,000,000 of annual revenue is levied as a tax upon property or capital. The remaining nine-tenths, amounting per family to $27 for each, is collected on the following articles of personal use:

Spirits	$7 50
Tobacco	5 00
Sugar	4 50
Woolen goods	3 25
Cotton and linen	1 75
Silk	1 50
Crockery and glass	50
Other articles	3 00

PROPERTY SHOULD BEAR A PART OF FEDERAL TAXATION.

The annual Federal tax is less than 1 per cent. of the total wealth of the country. It is urged with great force that property does not pay its fair proportion and the tax imposed upon property is not equally distributed, for while bank capital and deposits pay over 1 per cent., other property pays much less than $\frac{1}{10}$ of 1 per cent. or wholly escapes. Yet the Federal expenditures are incurred for the security of property as much as for the protection of personal rights. Foreign intercourse, public improvements, and an Army and Navy are maintained on account of the former as well as of the latter. Payments upon the principal and interest of the public debt amounting annually to $130,000,000, inure to the benefit of property; for the debt itself may be considered as a mortgage upon the wealth of the country which the property ought to pay.

It is claimed that under a law properly framed taxing incomes, gains, and dividends, the wealth of the country would pay an increased amount of the annual tax; but still far less than its just proportion. The railroads, whose stockholders and bondholders might be taxed 2 per cent. on interest and dividends paid, could not justly object or complain. Their property in time of national disturbance or domestic insurrection is first menaced and requires governmental care. During the last summer the governors of four States found it necessary to invoke Federal aid for the protection of railroad trains and property, and Federal troops were brought from distant points and stationed along the lines of leading railroads to assist the companies in controlling the use of their own property. The net earnings of railroad corporations in 1876 amounted to $186,000,000. Their stock and bonds issued amounted to $4,413,500,743; upon $1,522,536,527 of bonds interest was paid and $937,024,872 of stocks paid dividends. Could these corporations object to a tax of $\frac{1}{10}$ of 1 per cent. on the nominal value of their property?

There is another species of wealth, having no physical existence and not transferable, yet itself often obtained by the expenditure of a large amount of material wealth and itself excelling other forms of wealth in productive power. It is the wealth of intellect, of skill, learning, genius, and culture. Its possessors are men in the so-called professions, skilled in arts—authors and inventors.

The latter through Federal protection often secure large incomes and even amass fortunes. Howe, McCormick, and other benefactors were justly remunerated for their inventions through the protection of patent laws and ought not to complain that the Government requires a small return for its service by their contribution for its ... maintenance.

Evidently, then, after allowing to each citizen a full rational enmount to meet the average necessary expenditures for living, requires a portion joyment, the fairest of all taxation is that ... of the surplus to be appropriated for national support. While the right of the Government cannot be questioned, such limit should be placed as will not discourage the accumulation and saving of wealth or tempt the honest tax-payer to evade its payment. Such are some of the arguments in favor of an income tax.

Under the provisions of such a law there was collected while in force in the United States $347,000,000, and in the year 1866 $73,000,000, and under the law of 1870, in the year 1872, on corporations and incomes of individuals of $2,000 and upward, $14,436,861.78.

It fell upon the wealth of the country, and it was paid, as it should be, in localities and States where the wealth is centered. I submit and

append to my remarks a statement from the Commissioner of Internal Revenue showing the number taxed in each State and the incomes reported. I condense and exhibit a computation showing, after adding the $2,000 exempt, the average and total income of each class:

Statement of the number taxed in each State, together with incomes (averaged) and tax paid.

Average incomes.	Number.	Total incomes.	Each.	Tax paid.
$2,400	23,885	$55,404,000	$10	$238,885
3,400	19,202	65,490,800	35	674,170
5,000	13,603	68,015,000	75	1,020,225
9,000	11,555	103,995,000	175	2,022,125
17,000	4,318	73,406,000	375	1,619,250
22,000 and over	2,514	119,030,600	1,130	2,842,030
Total	74,337	485,341,400	.....	8,416,685

One-third of the income tax collected in 1872 was paid by wealthy men whose taxable incomes ranged from $20,000 to hundreds of thousands or millions of dollars and averaged $45,000 for each, and not one-twelfth came from those with incomes less than $4,000. The tax falls mostly upon the wealthy and fortunate, and compels property to pay toward its share of the national expenses.

OBJECTIONS CONSIDERED.

The objections urged against an income tax are not as a rule against its inherent justice, but to its details and administration. To its inequality in taxing but a few of the citizens, it is replied the surplus wealth and large incomes protected by the Government are enjoyed by few. Its unconstitutionality is only urged by the ignorant or designedly unscrupulous objector, for the Supreme Court of the United States has twice expressed the opinion of the court in favor of its validity.

That it is a war tax and not justifiable in time of peace cannot be sustained by logic or authority; and were there any such distinctions between taxes it is successfully answered by the fact that in the last year $150,000,000 of war expenses was paid in the payment of pensions and of interest and principal of the public debt.

The minor objections to the administration of the law do not appear to be unavoidable. They could be urged with force against the law of 1863 which required every citizen, with or without income, to make sworn return, directed the publication of the amount, and necessitated in every collection district a large number of internal-revenue officers, for the collection of this and other internal taxes which in 1866 amounted to $310,000,000, collected by annual or monthly returns, from millions of citizens of the country then engaged in callings, professions, or any business affording them a livelihood.

These provisions are no essential features of an income tax. The law should provide, as the law of 1870 did, that none but those having an income above the taxable limits need return their incomes; that such returns should not be published or even disclosed by the officers.

But, on the other hand it is urged that the tax operates unequally because many that ought to return taxable incomes fail to report or to state truthfully their gains. To inform myself whether this is really the case, I examined the lists returned for one of the collection districts of Illinois, which assessed $8,000 tax in 1872 upon ninety persons. Some may have escaped, but there were few omitted who would be supposed to have had more than $2,000 clear income over all taxes and business expenses, exemptions, and deductions for property taxed under other provisions of the law. That incomes aggregating nearly $500,000,000 were reached and taxed in 1872 which would represent the earnings of $10,000,000,000 capital at 5 per cent. more capital than the entire value of the agricultural wealth of the country, would indicate that the tax is as fairly and generally assessed and collected as the other taxes are. If the tax is sometimes evaded, and the dishonest escape the payment of their just share of Government expenses, this is true of many other taxes.

Moneys and bonds, mortgages and credits representing money due, or loaned, are considered fair subjects of taxation under State laws. The fortunate possessor of moneys and credits must list them for State taxation. But no legislator has proposed to relieve the money-lenders from taxation because some escape. To show how unequally the tax on credits falls, contrast two counties in Illinois, Cook, with 350,000 population in 1870, and Ogle, with 27,500. Cook County returned $77,412 credits of other than bankers, while Ogle County returned $797,593. Ogle County, with one-twelfth of the population, reports and is assessed ten times the amount of credits and money loaned, an inequality of 120 to 1. A similar inequality is seen in returning specific articles. The assessors found but 8,246 watches and clocks in Cook, yet Ogle correctly returns 5,823. Every family in Ogle has a time-piece, while eight families in nine are destitute in Cook or evade the taxes on watches and clocks. The same disparity is seen in returns of sewing-machines. Objection to taxes on account of their evasion applies with greater force to the taxing of many objects now made taxable by State laws.

It is objected that the law will require the disclosure of private business.

The State assessments in every town and city require written lists disclosing not only visible effects and property, but even a statement of moneys in hand and loaned credits and debts. This return becomes a permanent public record, open to the inspection of all.

If credits and money at interest, which to be taxed involve a disclosure of private affairs, are proper subjects of taxation, why are not incomes as well?

The law need not tempt to perjury, for an oath is no essential part of a return.

The English law in force thirty-six years requires only signature to a return of income under penalty of treble assessment for omission to make full return. It collected in the last year $20,000,000 at the rate of 1½ per cent. upon incomes above $750.

The cost of collection, as estimated by the Commissioner, would be $400,000, which is nearly 3½ per cent. on the $12,000,000 that would be collected under the tax.

The collections of customs duties cost $6,500,000, which is 5 per cent. on the amount collected on imports. The collector of one of the districts of Illinois writes me that in his district no additional force would be required to do the work and no additional expense incurred unless for traveling expenses. Similar reports are made to the Commissioner from many other collection districts. The wealthy tax-payers reside mostly in towns. The average number to be assessed in each of the counties of Illinois, except Cook, would be less than twelve. I submit a statement giving the number who paid an income tax in each district of Illinois in 1872:

Statement showing the number of persons in each collection district of Illinois whose taxable income on the annual list of 1872 *and on all monthly lists subsequent to the annual and prior to November in such year was* (1) $800 *or less;* (2) *over* $800 *and not over* $2,000; (3) *over* $2,000 *and not over* $4,000; (4) *over* $4,000 *and not over* $10,000; (5) *over* $10,000 *and not over* $20,000; *and* (6) *over* $20,000.

Collection districts.	1872.						
	First class.	Second class.	Third class.	Fourth class.	Fifth class.	Sixth class.	Total.
First	74	122	90	86	29	15	416
Second	61	62	23	8	2	2	158
Third	45	23	9	11	2	.....	90
Fourth	49	48	32	19	5	2	155
Fifth	77	54	30	16	3	1	181
Sixth	43	34	18	14	3	2	114
Seventh	62	34	16	10	0	1	123
Eighth	72	52	23	17	2	1	167
Ninth	15	17	7	6	.....	.....	45
Tenth	66	54	17	8	2	1	148
Eleventh	9	7	3	.....	.....	.....	19
Twelfth	55	27	17	7	2	2	110
Thirteenth	14	15	2	2	1	.....	34
Total	642	549	287	204	51	27	1,760

Pursuant to the expressed opinion and virtual instruction of the House, the Committee of Ways and Means prepared and submitted to the House a proposition for an income tax. It does not, as I believe it ought, conform to the judgment of the House in regard to a graduated income tax. It seems to me equitable and consistent with the idea of any exemption that the rate of tax should increase as the income increases. I could not agree with those members of the committee whose vote placed all incomes at a uniform rate.

It will collect at the rate of 2 per cent. $12,000,000. It requires signature without oath, as the English law has always done. It excuses every person having an income not exceeding $2,000 above all exemptions and deductions from making return, unless notified to do so by the officer having reason to believe he has such taxable income. Comparatively few persons will be required to report. The number taxed in 1871 is reported by the Commissioner to have been 74,775, and in 1872, 74,337; not, on the average, one person in 500 in the community, and outside of the wealthy cities not one person in 1,000. Non-taxable citizens need not fear disturbance.

The objections, then, to the income-tax, to its justice, its inequality, its demoralizing tendency and expense of collection, do not seem to be well founded. It is one of the sources of taxation that our Government should resort to as other enlightened constitutional governments have done whenever the necessities of the Treasury require additional revenue.

If the revenues fall off or reductions should be made or can be made in the duty upon articles of indispensable use and necessary to comfort, a moderate income tax would be as unobjectionable as any for making good the deficiency.

That an income tax would be unpopular with those liable to taxation under it is probable. No one loves to pay a tax consciously. Voluntary taxes concealed, although included in the price paid by the purchaser, are collected most easily and with least complaint.

The propriety of reducing other internal-revenue taxes and compensating with this tax is questionable.

The bill providing for a reduction of the tobacco tax and the collection of an income tax was not adopted or ordered to be reported by my vote. When the reduction of the tax on tobacco to 16 cents

had been agreed to by the committee against my vote I voted to compensate the reduction by the income tax as the least burdensome tax by which to make good the loss.

That the reduction of the rate of tax on tobacco would not lessen the cost of its collection, while an income tax would necessarily entail some additional expense, would be an objection to changing from the one tax to the other. Spirits and tobacco also are injurious rather than conducive to health. They are not essential to comfort or sustenance. The tax paid by the consumer is voluntary and not oppressive. It does not seem to have diminished their use. There seems, then, to be no sufficient reason for reducing the present rates, and new taxes need not be imposed to replace the loss of revenue such reduction would occasion. Without a change occurs in the habits of the people, the present subjects of internal taxation will continue to raise $120,000,000, and an income tax is not necessary to make up a deficit that need arise from internal-revenue taxation.

A.

Schedule showing the total collections on tobacco, chewing and smoking, and also on snuff; the total number of pounds of tobacco and snuff taxed, the different rates, and the average rate per pound, for each year from 1863 to 1877, inclusive.

Year.	Tobacco.	Snuff.	Total.
1863	$2,578,972 43	$34,466 18	$2,613,438 61
1864	7,086,684 74	240,934 24	7,327,618 98
1865	8,017,020 63	283,351 92	8,300,372 55
1866	12,339,921 93	698,173 80	13,038,095 73
1867	15,245,477 81	798,364 69	16,043,842 50
1868	14,947,167 53	745,308 24	15,692,475 77
1869	16,845,479 77	525,583 27	17,371,063 04
1870	23,926,698 90	373,784 52	24,300,483 42
1871	25,133,521 71	427,017 96	25,560,539 67
1872	24,073,683 10	497,092 49	24,570,775 59
1873	22,315,809 02	1,082,048 60	23,397,858 62
1874	20,900,509 67	1,038,445 92	21,938,955 59
1875	24,133,726 48	1,067,033 03	25,200,759 51
1876	25,694,312 76	1,061,467 64	26,755,780 20
1877	27,053,072 38	1,095,695 52	28,148,767 90

Year.	Pounds tax paid.	Average tax.	Rates at which taxes were collected.
		Cents.	Cents.
1863*	23,680,056	10.90	2, 5, 10, 15, 20.
1864	63,372,426	11.35	5, 15, 20.
1865	36,639,020	22.08	15, 25, 30, 35, 40, 40.
1866	35,748,351	34.77	15, 30, 35, 40, 40.
1867	45,635,581	33.68	15, 30, 40, 40.
1868	44,900,880	33.56	15, 30, 40, 40.
1869	62,662,577	27.01	15, 16, 30, 32, 40, 32, 40.
1870	90,288,082	26.91	16, 32.
1871	95,135,504	26.87	16, 32.
1872	95,219,319	25.81	16, 32, 32.
1873	114,789,908	20.38	20, 32.
1874	107,747,691	20.36	20, 32.
1875	119,435,874	21.10	20, 24, 32.
1876	110,380,602	24.24	24, 32.
1877	116,146,103	24.236	24, 32.

* Ten months.

B.

Statement showing the quantity and value of leaf-tobacco exported from the United States during the eighty-eight fiscal years ended June 30, 1877, with the average value per hogshead and per pound; also the average market price per pound of Kentucky leaf in the New York market since 1854.

Fiscal years.	Quantity exported. Cases.	Bales.	Pounds.	Value of exports.	Average cost per pound during each tax.	Average cost per pound.	Average range of prices in New York.
					Cents.	Cts.	Cents.
1854	.....	.....	126,107	$10,016,046	.....	.....	6 to 9¾
1855	13,366	12,913	150,213	14,712,468	.....	.....	6½ to 10
1856	9,384	17,772	116,962	12,221,843	.....	.....	6½ to 12
1857	5,631	14,432	156,848	20,260,772	.....	.....	9½ to 16½
1858	4,841	12,640	127,670	17,009,767	.....	.....	7½ to 17½
1859	7,188	19,651	198,846	21,074,038	.....	.....	6 to 13½
1860	15,035	17,817	167,274	15,906,547	.....	.....	4 to 12½
1861	18,815	19,450	160,816	13,784,710	.....	.....	3½ to 12½
1862	31,962	15,489	107,233	12,325,356	.....	.....	7 to 16
1863	7,685	26,586	111,896	19,752,076	.....	.....	12½ to 22½
1864	2,986	14,411	109,905	22,845,936	.....	.....	10½ to 29½
1865	40,128	21,161	148,864	41,625,236	.....	.....	11 to 43½
1866	.....	.....	190,896,248	29,456,145	15.4	15.4	9½ to 17½
1867	.....	.....	184,803,065	19,620,159	12.4	16.6	10½ to 14½
1868	.....	.....	206,020,504	22,898,823		11.1	10½ to 14½
1869	.....	.....	181,527,630	20,552,943		11.3	9 to 11½
1870	.....	.....	185,748,881	21,100,420		11.3	9½ to 11
1871	.....	.....	215,667,604	19,908,797	10.55	9.3	8 to 9¾
1872	.....	.....	234,936,892	24,136,166		10.3	8½ to 10½
1873	.....	.....	213,995,176	22,689,125		10.6	10 to 12½
1874	.....	.....	318,097,804	30,309,181	10.5	9.6	8 to 11½
1875	.....	.....	223,901,913	25,241,549		11.3	12½ to 18
1876	.....	.....	218,310,265	22,737,383	10.3	10.4	9½ to 14½
1877	.....	.....	282,386,426	28,825,521		10.2	8½ to 13½

NOTE.—The average price at New York is that for Kentucky leaf, obtained by taking the highest and lowest prices on the first of each market year. The prices are therefore only approximately correct.

EDWARD YOUNG,
Chief of Bureau.

BUREAU OF STATISTICS, *January* 18, 1878.

Statement showing the number of persons in the several States and Territories whose taxable income returned on the annual list for 1872 *and on all monthly lists subsequent to the annual and prior to November,* 1872, *was* (1) $800 *or less;* (2) *over* $800 *and not over* $2,000; (3) *over* $2,000 *and not over* $4,000; (4) *over* $4,000 *and not over* $10,000; (5) *over* $10,000 *and not over* $20,000, *and* (6) *over* $20,000. *(The amount of income-tax collected from individuals during the fiscal year ending June* 30, 1872, *is also given.)*

States and Territories.	First class.	Second class.	Third class.	Fourth class.	Fifth class.	Sixth class.	Total.	Tax collected.
Alabama	154	103	58	42	7	2	357	$22,199 96
Arizona	8	6	6	4	.....	.....	24	1,808 18

Taxable incomes—Continued.

States and Territories.	First class.	Second class.	Third class.	Fourth class.	Fifth class.	Sixth class.	Total.	Tax collected.
Arkansas	100	50	34	15	4	.....	221	$8,042 84
California	640	510	367	269	100	66	1,952	209,469 20
Colorado	44	61	37	14	16	2	174	14,750 98
Connecticut	554	522	375	280	97	49	1,877	161,195 05
Dakota	6	2	1	.....	.....	.....	9	85 26
Delaware	92	93	63	42	11	1	307	24,846 85
District of Columbia	332	270	190	105	23	10	929	55,016 52
Florida	22	17	14	6	4	1	64	5,384 77
Georgia	261	199	150	100	25	9	746	53,192 86
Idaho	21	17	9	4	2	.....	53	2,706 33
Illinois	642	549	287	204	51	27	1,760	195,748 81
Indiana	488	363	239	149	27	8	1,268	66,675 93
Iowa	210	176	88	40	13	3	530	31,494 69
Kansas	106	66	23	22	5	1	227	10,654 11
Kentucky	597	425	266	197	49	23	1,557	108,797 39
Louisiana	376	251	132	121	33	9	929	61,977 74
Maine	188	143	102	52	16	10	511	36,222 60
Maryland	759	650	462	401	160	66	2,530	283,652 66
Massachusetts	2,938	2,600	1,805	1,715	699	417	10,264	1,229,434 56
Michigan	654	519	340	316	88	40	1,958	137,281 66
Minnesota	161	105	68	44	15	7	400	27,734 23
Mississippi	65	42	30	16	5	1	159	17,365 12
Missouri	373	311	194	184	56	24	1,136	104,661 92
Montana	41	42	19	16	2	.....	120	5,744 64
Nebraska	17	3	4	2	2	.....	28	3,029 60
Nevada	60	74	33	22	13	5	213	21,027 14
New Hampshire	157	132	82	62	14	7	454	16,977 55
New Jersey	1,329	1,071	730	592	201	99	4,022	309,530 92
New Mexico	41	40	18	8	4	.....	111	4,512 94
New York	4,945	4,332	3,421	3,365	1,505	1,020	18,588	3,076,924 80
North Carolina	101	75	51	41	6	.....	274	15,330 28
Ohio	1,746	1,276	850	736	252	118	4,978	414,880 64
Oregon	117	114	96	55	15	7	406	36,144 27
Pennsylvania	2,751	2,517	1,908	1,594	557	348	9,675	1,063,206 13
Rhode Island	362	351	235	223	110	67	1,388	172,921 85
South Carolina	203	140	74	41	9	1	468	19,353 52
Tennessee	306	197	111	103	27	7	751	50,011 78
Texas	118	116	83	59	13	11	400	57,624 31
Utah	67	32	20	14	6	11	150	19,235 86
Vermont	78	73	29	22	13	2	217	24,371 05
Virginia	337	206	156	60	8	6	843	48,727 03
Washington	25	21	8	10	1	.....	65	5,227 58
West Virginia	128	90	50	50	10	7	341	21,817 10
Wisconsin	299	235	102	126	47	15	884	67,902 17
Wyoming	3	6	3	3	.....	.....	15	904 07
Total	23,085	19,262	13,603	11,555	4,318	2,514	74,337	8,416,685 87

GREEN B. RAUM, *Commissioner.*

OFFICE OF INTERNAL REVENUE, *May* 16, 1878.

Mr. EAMES. I desire to ask the gentleman from Illinois if the bill when it comes up will be open for amendment?

Mr. BURCHARD. Certainly. I desire, if there be no objection, that the first reading of the bill be dispensed with. That would bring it immediately before the House for consideration for amendment, and would be equivalent to dispensing with general debate. The bill is in the House as in Committee of the Whole, and, if there is no objection, that order may be made; and then when the bill is once brought up it will be before the House and open for amendment as in Committee of the Whole.

Mr. CUMMINGS. I understand that the gentleman from Illinois proposes to limit the general debate on the bill. I think that ought not to be done.

Mr. EAMES. I ask the gentleman from Illinois if I may be allowed to submit two amendments to the bill before the previous question is demanded?

Mr. BURCHARD. I cannot cut off the right of the gentleman to submit amendments and would not if I could.

The SPEAKER *pro tempore*. By order of the House the bill is to be considered in the House as in Committee of the Whole.

ORDER OF BUSINESS.

Mr. BURCHARD. The gentleman from New York [Mr. HEWITT] yielded to me to call up the internal-revenue bill. In accordance with the agreement I now yield back to him the right to the floor.

Mr. HEWITT, of New York. I move that the House resolve itself into Committee of the Whole on the Army appropriation bill.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I desire to report from the Committee on the Judiciary a substitute for the bill (H. R. No. 3781) providing for the holding of additional terms of the district and circuit courts of the United States in the southern district of Illinois, and for other purposes. I ask the House to hear me but for a moment. The city of Quincy, in Illinois, the largest city in the State except Chicago, and having greater commercial interests than any other city in the State except Chicago, has never had a district court. The people of that section of the country have petitioned for it. The bill establishes no new courts and creates no new offices. I ask that the bill may be read and put upon its passage.

Mr. TIPTON. I must object.

Mr. WILSON. I ask unanimous consent of the House to take from the Speaker's table——

Mr. HARRIS, of Virginia. The gentleman from Illinois [Mr. TIPTON] withdraws his objection.

The SPEAKER *pro tempore*. The Chair has now recognized the gentleman from West Virginia, [Mr. WILSON.]

Mr. WILSON. I desire to take from the Speaker's table the bill (S. No. 1016) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded the 4th of July, 1868, and have it sent to the public Calendar in Committee of the Whole, to be considered in connection with the bill H. R. No. 2117.

Mr. EDEN. I understand that the gentleman does not propose to bring the bill before the House for action at this time.

Mr. BUTLER. I object to the reference.

Mr. WILSON. I merely desire to have it sent to the Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Massachusetts objects.

Mr. HARRIS, of Virginia, and Mr. YOUNG rose.

Mr. HEWITT, of New York. I insist on my motion that the House resolve itself into Committee of the Whole.

Mr. YOUNG. I desire to have a report printed. I hope that courtesy will be extended to me.

Mr. HEWITT, of New York. I am reluctantly compelled to decline to yield, and for this reason——

Mr. HARRIS, of Virginia. If the gentleman declines to yield he can be met by the point being made that there is not a quorum present.

Mr. HEWITT, of New York. I will state the reason, and gentlemen will find that there is no lack of courtesy in it. The reason is this: a great many members came to me this afternoon, just before the recess was taken, and asked whether there would be any other business to-night than the Army appropriation bill. I assured them that there would be no business to-night, except perhaps that which has just been called up by the gentleman from Illinois, [Mr. BURCHARD.] Now it seems to me that it would be wrong to break that pledge when the understanding was that we should go on to-night with the debate on the Army appropriation bill. In the morning, when there is a quorum present, I will cheerfully yield for the purposes which gentlemen now ask.

Mr. YOUNG. If the gentleman will hear me a moment I think he will see that it will be entirely proper for him to show the courtesy of yielding now. I have a report here which I wish to present simply for the purpose of having it printed, to accompany a bill which is now in Committee of the Whole. I have for three days been trying to submit this report to be printed. I do not ask that any action shall be taken upon the bill.

Mr. HARRIS, of Virginia. The bill to which I refer is one which the Committee on the Judiciary unanimously recommend. It is to establish a court in the city of Quincy, in the State of Illinois. The nearest point at which a court is held is two hundred miles from the city of Quincy. The people of that city and the immediate neighborhood have petitioned in favor of this bill, and the Committee on the Judiciary unanimously recommend its passage. It will lead to no additional expense and I hope there will be no objection to it.

Mr. BRAGG. I object.

The SPEAKER *pro tempore*. Objection is made, and the bill is not before the House.

Mr. BUTLER. I withdraw my objection to the request of the gentleman from West Virginia [Mr. WILSON] in reference to the Mexican award bill.

The SPEAKER *pro tempore*. The gentleman from West Virginia will again state his request.

MEXICAN INDEMNITY.

Mr. WILSON. I ask unanimous consent that Senate bill No. 1016, to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868, be now taken from the Speaker's table and referred to the Committee of the Whole on the state of the Union, to be considered in connection with House bill No. 2117, which is in Committee of the Whole.

The SPEAKER *pro tempore*. That requires unanimous consent.

Mr. PRICE. What is House bill No. 2117?

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read the title of the bill (H. R. No. 2117) as follows: A bill to provide for the distribution of awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868.

Mr. BURCHARD. I do not know what the gentleman desires to accomplish; but I will say to him that the Senate bill is now in a better position on the Speaker's table than it would be in Committee of the Whole.

The SPEAKER *pro tempore*. That is not a matter for the Chair. Is there any objection to the request of the gentleman from West Virginia?

There was no objection; and accordingly Senate bill No. 1016 was taken from the Speaker's table, read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. WILSON. I desire to state that there is a large amount of money locked up in this bill, which belongs to certain claimants. The money has already been paid to the United States Government by the government of Mexico, and these claimants are entitled to it. I ask that the House now make an order that this bill shall be taken up for consideration immediately after the Army appropriation bill shall have been disposed of. It will not take more than an hour.

Mr. EDEN. We cannot make any special orders now.

The SPEAKER *pro tempore*. Objection is made.

CUSTOM-HOUSE AT MEMPHIS.

Mr. YOUNG. I am instructed by the Committee on Public Buildings and Grounds to submit the majority and the minority reports of that committee upon Senate bill No. 608, authorizing and directing the Secretary of the Treasury to cause the custom-house at Memphis to be constructed of Tennessee marble. I move that the reports be printed and recommitted.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. CUMMINGS and others called for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from New York [Mr. HEWITT] that the House now resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the Army appropriation bill.

Mr. KENNA. I hope that the regular order will not be demanded until we can make some reports.

The SPEAKER *pro tempore*. The misfortune for the gentleman from West Virginia [Mr. KENNA] is, that the regular order is demanded, and the question is on the motion to go into Committee of the Whole.

Mr. KENNA. Then I give notice that I shall raise the question of the want of a quorum.

The SPEAKER *pro tempore*. That can be tested upon the motion to go into Committee of the Whole, if any one calls for a division.

The question was taken upon the motion of Mr. HEWITT, of New York, and it was agreed to.

Accordingly the House resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair.)

ARMY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor.

RELIEF TO LABOR—SETTLING OUR LANDS WITH THE LABORER THE BEST SUBSTITUTE FOR A STANDING ARMY.

Mr. BUTLER. There is no fact more patent, no omen more portentous and alarming to all who carefully examine the state of the country than the great lack of employment for the industrial classes of men and women in the Middle and Eastern States and some two or more of the large cities of the West. By industrial classes I mean those who support themselves by wages for their labor, whether skilled or unskilled.

All classes of employers in every branch of business have been reducing the number of their employés and the rates of wages within the strictest and sternest possible limits, until hundreds of thousands of industrious men and women and their families who have heretofore lived from wages are reduced to the point of starvation for the

want of employment, or are barely eking out existence upon the too meager returns from their labor. This state of things has come while bountiful harvests have been gathered in year after year and the granaries of the West are bursting with breadstuffs; her plains and meadows teeming with cattle, sheep, and swine for meat, and all this in addition to the millions of dollars' worth of provisions loaded upon the ships of the merchant marine of Europe to supply the wants of the poor of other nations.

America has substantially no merchant marine by which her own products can be freighted.

On the other hand the storehouses of the East are filled to overflow with every variety of manufacture and mechanical products for the clothing, comforts, and necessities of life for the men of the West, with like addition to large exports of the same articles of manufacture being also made to Europe and elsewhere to supply the industrial classes of other countries with the necessities and comforts of life, which fail to find a market here, even where the necessity for their use is greater, because our working men and women cannot get them. And while our exports of the products of the manufacturing and mechanical industries are increasing, the decrease of imports of like articles shows that there is no demand for like foreign products here.

This, too, has happened while the purchasing power of our currency has been year by year increasing until it is now at a par with gold, showing the anomaly of the purchase of the necessities of life, whether food, clothing, or other comforts, decreasing as the purchasing power of money increases, in a ratio of the want of opportunity for the laborer to earn sufficient on which he can live, and, as if these politico-economic paradoxes were not sufficiently puzzling, they are added to by the fact that all legislative bodies, whether municipal, State, or national, under the name of reform, and as is claimed in the rules of the House, "in the interests of economy," are reducing or cutting off public expenditures only which are the means of living of all the lower class of public servants who hold petty offices and clerkships, and those in the Government service who subsist on wages alone, by the stoppage of public works and improvements, and the reduction of salaries of the petty offices and clerkships only.

Some legislators seem to feel that they deserve the thanks of the country if they can deprive a clerk of his living or can scale down the wages of a messenger or employé of the Government in the navy-yard or arsenal. Legislators have no sufficient excuse for such parsimony, and the motives of their action must always remain open to doubt while their own salaries and those of the higher officials of the Government remain unaffected by legislation in the "interests" of economy, and while, too, the salaries of officers of their own appointment and special dependents are in some cases increased. Such action is neither the true spirit nor the practice of just economy.

In times of public distress, famine, or want of employment of the working classes it has been the experience of all other civilized governments, and supposed to be the wisdom of statesmanship, to afford relief from expenditures authorized by legislation to such classes of the people as live by wages of which they are deprived or who are affected by the blight of non-production of their lands.

A pertinent illustration is found in the actions of the government of England when about the year 1847 the English government spent more than $50,000,000 in employing the laboring-men of Ireland in breaking stones to macadamize roads neither specially useful then nor which have become of special use since, in order that the stipend earned by each might give relief to the industrious workingmen.

The Government of the United States in that crisis of Ireland's need, then controlled by a democratic administration, wedded to the principles of the resolutions of '98, and carried on by the strictest constructionist of the Constitution, passed a resolution to send two public vessels of war to Ireland, loaded with corn and provisions for the relief of the starving thousands of that distressed country, and appropriated the expenses from the Treasury.

The ship of war or peace to carry any relief to the distressed and starving hundreds of thousands of our working people at home has not yet sailed. Not even a railroad car has been hitched to an engine, by the authority of the United States, to carry food or clothing to any of our laborers' starving children in the mines of Pennsylvania, although long trains of cars filled with soldiers have been sent, at the expense of the Government to protect property against the ill-advised, ill-judged, and unjustifiable efforts of the same starving laboring men and women to redress and remedy what they believed to be the great wrong which caused their destitution and distress. No effort has yet been made by the Government to develop the great national wealth of the country in a manner to relieve the wants of the laboring classes, but this House has in this session authorized the employment of two national vessels to convey works of art and specimens of our manufactures and marines and other articles of luxury to the French exhibition, which exhibition will cost not less than $250,000 in repair of the ships and other expenses, while the freightage could have been better done by merchant vessels for $20,000; and in addition we appropriated one hundred and fifty thousand more to show the goods and marines after they got there. How many a poor famishing family would these two vast sums have relieved!

There is enough for all if the food of the West and the manufactures of the East could only be brought together and the laboring-men of both sections earn wherewith to purchase necessaries of life.

Private employers, having neither the capital nor power to develop the resources of the country on a scale sufficiently to lighten the burdens or to alleviate the sufferings of the laborers of the United States, have a valid excuse for reducing all their enterprises to the strictest line of economy and obtain wages at the lowest point; for with all they can do the industrial enterprises are everywhere languishing, and the capital employed in them has been diminished with frightful rapidity, as the terrible records of the courts of bankruptcy show. The conductor of industries, the builder, the manufacturer, the master mechanic, therefore, are compelled to sink the wages of the laborer to the lowest possible point, thus aggravating the difficulty; for the employers are the conduit through which only the wealth produced by labor as the fountain-head must be at last distributed and accumulated.

Proper economy in public expenditure is just and wise, for those expenditures are supplied by taxation, a burden falling largely upon the laborer at last.

And in a normal condition of prosperity, where the Government is not called upon to interfere in behalf of any class of its citizens either to aid or restrain them in their industries, those expenditures should be reduced to the lowest possible point, and the taxation necessary to sustain them should be so adjusted as to be levied upon the accumulated wealth and property which the Government is instituted in a great degree to protect, and not upon production and the laboring producer, because such producer has nothing to protect, and in times of danger not only is called upon to protect himself but to protect the Government.

In times like the present it would seem to be the duty of the Government in the "interests of economy" ever to so legislate and execute its laws that permanent and substantial relief might flow out to the industrial classes in such form as to make the betterment of their condition both immediate and continued.

I repeat, there is in this country enough natural wealth for all, if it can be, as natural wealth ought to be, put by law within the reach of all.

There is no want of a field for employment for all our labor at just wages in developing our boundless resources. True statesmanship, one would think, would find means of developing the one and to employ the other.

There is an admitted evil in regard to both. Our natural wealth lies dormant, our laborers are idle. The evil being admitted, it would seem to be our duty to find and apply the remedy; but we are here met with constitutional objections that Congress has no power to apply any remedy whatever to this so grave condition of public affairs which threatens even the peace of the country and the integrity of the Government. To some legislators there is always a technical constitutional difficulty in the way of the appropriation of any money by the Government unless it be in accordance with the ideas or for the benefit of the particular section or district which such legislators represent. Then, there being a will, a way is always found. Such legislators are not confined to the present hour.

In 1861 there were those who held it unconstitutional for the Government to maintain the Union and preserve its integrity by arms, and the same men maintained that it was entirely constitutional to overthrow and destroy it by armed forces, and they seemed equally well convinced of the soundness of both propositions. I by no means desire now to argue the correctness of either proposition; but there was a higher constitution—the law of necessity for self-preservation of the life of the nation which raised armies, equipped navies, which decided both those constitutional questions in the negative, and the nation lived and will continue to live in obedience to that higher law so long as common sense, duty to our fellow-men, and humanity govern legislation and have a working majority in the Government of the Republic.

Before we try to provide a remedy we ought to look to the cause and extent of the evil, and generally a remedy will suggest itself which can be applied by proper legislation. Considering the evil before us and the extent, the first question arises, is the evil so great that it has become a national wrong; that is, an unjust burden upon any considerable portion of the people of the country not provided for by existing laws. We find the evil to be of a twofold character:

First. Insufficient employment for labor for millions of men and women who would labor if they could find employment.

Second. Insufficient wages for the laborers who are employed to meet the ordinary necessities, not to say comforts of life. He who labors and produces ought to enjoy.

That these constitute an evil so extensive as to be a public wrong both in the ordinary and legal acceptation of the term need not be argued. This is too painfully apparent to him who reads current history.

If it were necessary to state why it is such a wrong, I say—

First. Because we have a country of unequal richness and diversity of natural resources.

Second. Because our population is but a small fraction of the vast number that such resources are capable of comfortably supporting if properly utilized.

Third. Because our harvest filled our granaries to overflowing, so as to supply Europe.

Fourth. Because our export trade has been larger during the past five years of distress to the industrial classes than any previous period

of a like number of years in ratio to the population, especially in articles which are the product of skilled labor.

Fifth. Because the increasing purchasing power of our currency and the high value and great demand for our bonds are evidence of our entire solvency and good credit as a nation, so that we have the means of remedying the wrongs and sufferings of the laborers.

Is it not then a wrong, a grievous wrong, a national wrong, that in our country thus situated there should be a dearth of employment at fair wages for the industrial classes of the country, which are at last the producers of all our wealth, national or private, save that which the hand of God has lavished upon us.

But before we can apply the remedy we must seek some of the causes of this wrong in order to adjust our legislation to meet the difficulty.

It is not easy to answer with such definiteness to this inquiry as we have been able to do the question as to the existence of the wrong. And while the problems of cause are difficult, yet there are some facts which stand out so prominently that the most ordinary mind and common observation can see and comprehend them.

First. The damages accruing to the country from the loss of life and property, both North and South, during the late rebellion, which are represented in a small part only in money value by the sum of our national debt, paid and unpaid, and by the burden of our pension rolls and an army of cripples and widows.

Second. The stoppage of development of our resources as a nation during those four years of war.

Third. The crowding of labor into large cities and manufacturing districts by the inducement of high wages during the period wherein the war appropriations were being expended, which were continued to be poured out for some years after the war in the settlement of claims for war-supplies, which kept up for a long time after the war closed in many employments, especially railroad-building and the diverse industries connected therewith.

Fourth. That the reflux of this tide of prosperity which began in 1873 and created not only a financial panic but an economical panic, until now it has become a habit of mind with the majority of the people to consider not what they shall buy and consume, but what they can do without buying, thus showing the anomaly before referred to of the currency of a country gradually increasing in purchasing power, and the masses of the people compelled to make fewer purchases.

Fifth. Steadily decreasing values of property so that men will make no purchases to which they are not forced, so that money is locked up and hoarded as the most valuable of possessions, and no capital is being invested or employed in industrial pursuits except from necessity of saving that already invested from being lost, thereby throwing vast numbers of those who live by wages out of employment.

Sixth. Under consumption, enforced, not by overproduction, because there is consumed of the productions of the country not what the people need, but only so much as they can obtain.

For example, one ought not to be told that too many shoes are produced in the East when the barefooted men, women, and children of the West do not wear shoes because they cannot get them. The productions of the country are never in excess when the non-consumption of them is enforced upon the people by necessity. Men may be starving in the midst of plenty, as they are now, and bread riots are the logical results.

There are other causes perhaps as patent as those I have enumerated, but I have dealt thus far rather with the proximate causes than the causing cause. That causing cause of all these proximate causes can be shown to be the course of legislation by Congress for long series of years, not in support of the "industrial classes" except in a single instance, but this relief was put almost wholly beyond the reach of the class which it ought to have benefited. Looking through the volumes of the statutes from the beginning, I find the homestead laws to be the only direct legislation in favor of the industrial classes. But the lands donated were quite beyond the reach of the men who should occupy them; for it is useless to tell a man laboring for wages which will not support his family that he can have a farm in a distant territory, thousands of miles away, which he is utterly unable to reach. To offer a man a place for a home while before he can possibly even build a shelter for his family upon it he must starve with his wife and children around him, or while waiting a year at least before his gift farm can be made to produce food, is like the water held in the sight of Tantalus, which he may never reach or taste.

Some means must be found to bring the laboring-man and the land together and to enable him to support himself until he can make that land self-supporting, or the gift is only a pretense.

In the hour that is permitted to me I could not, if it were possible for me otherwise, develop any plan in detail by which this remedy can be applied satisfactorily and economically, and yet I have strong belief that it can and must be done, and I therefore confine myself to an endeavor to arouse the attention of Congress and the country to the wrong to be remedied, the necessity for the remedy, and to the injustice to the industrial classes that some remedy should not be applied.

I have no sympathy with the idlers and criminals, the pests of society. I would suppress them with a strong hand; but to the hundreds of thousands, nay, millions of men, women, and children who would work for their support and become producers of wealth, if they could be permitted, my heart goes out toward them with sympathy and a desire to relieve their distresses which almost unsettles my judgment, but I trust does not warp my reason.

I will not stop long to discuss the constitutional power of Congress to afford this or other practical relief, because the country is approaching a crisis upon this question which if not guarded against and provided for will produce a condition of affairs wherein constitutional considerations will be as powerless as they were in 1861, when the over-riding law of necessity for self-preservation was the only guide for legislation and governmental action in this country; but I take leave to call attention to the settled practice and action of the Government from the earliest times to the present, to show that there has been a practical construction of the Constitution by Congress as well when in the hands of the fathers as in the hands of the sons by grants of public moneys in aid of the acquisition of property and for the improvement of the public domain, which seem to be conclusive upon this class of questions.

First, stand out the homestead laws, which, with all their faults and inability to relieve the present distress, are decisive upon this point. These laws give one hundred and sixty acres of the public lands to the settler upon them. Those lands are public property as much as the public money in the Treasury. Why have we not the power to do something to make that gift of land remedial in this time of present distress?

I point to the innumerable bills introduced for the appropriation of public moneys for private corporations, steamship companies, railroad grants and guarantees, deepening harbors, improving the navigation of rivers, protection of private lands from overflow of rivers, relief granted to the sufferers from the overflow of rivers, as was done a few years ago in the South; payment of private war claims, generally to one section of the country; moneys, credits, and land grants for educational purposes to private corporations; public moneys distributed in charities to the inhabitants of the District of Columbia and foreign nations in distress; maintenance of light-houses, coast-surveys, storm-signals, life-saving stations; fast-mail routes, postal commissions, commissions and appropriations for explorations of all parts of the continent from the Amazon to the North Pole; transits of Venus and Mercury, solar parallaxes, bug and grasshopper commissions, departments for the diffusion of useful knowledge concerning the cultivation of wheat in the West, cotton and sugar in the South, hemp in Kentucky, acclimation of tea-culture, silk-culture, commission upon generation of decayed seeds; commissions to find claims against Mexico, courts of claims to decide disputes as between the Government and individuals; authorizations to the executive departments to adjust every possible claim except the claim of the laboring classes, and that indefatigable body of workers, the southern claims commission, who have discovered enough loyalists who have claims against the Government in the South to have squelched the rebellion, if they had only been there and sat down on it when it was going on.

All these precedents for governmental action are in favor of property in its several forms, but where is the legislation for labor? Indeed, the expenditures and gratuities of the Government in this behalf are greater than the entire amount of taxable property of the country as returned by the census in 1870. Let us examine a few of them.

By the acts of July, 1862, (12 Stats., 492,) and July 2, 1864, (13 Stats., 59,) Congress authorized the issue of guaranteed bonds bearing interest at 6 per cent., currency, payable semi-annually, to the several railroad companies, to the amount of $64,623,000

Upon which, since their issue, Congress has paid, as interest on such bonds 36,212,000

Amounting in all to 100,835,000

These bonds run for thirty years. The United States will have to pay at least the additional interest on them amounting to 62,048,000

Making the total cash grant to the Pacific railroads. 162,883,000

As these corporations issued bonds on their own account to the amount of $186,000,000 bearing a high rate of interest and as the repayment by the corporations has only been made to the United States by transportation service, (about $9,000,000 up to date,) no man can doubt that the bonds and interest paid and payable were in fact a free grant by the United States of $162,000,000 to these roads.

In addition to this vast sum in cash, which never will be repaid to the Treasury unless it be paid from the sales of the land granted also to the corporations, which the companies hold for sale at $5 an acre, Congress has granted to the several railroad companies since 1862 an empire of two hundred and eighty-five millions of acres of public lands, which, at $1.25 an acre, the Government price, would be equal to $356,250,000 for which the companies will realize, at $5 per acre, the lowest selling price of the railroads, $1,425,000,000. To this add the amount of the bonded debt and interest, as above stated, $162,883,000, which will make $1,589,883,000, being an amount nearly equal to the entire bonded debt of the Government now outstanding, the result of the war, the lands thus going to aid railroads more than treble in amount the free homesteads ever settled and making in this class of grants alone a money value almost exactly equal to one-ninth

of the amount of the entire return of taxable property in the United States in 1870.

How much capital received of these vast sums and how much labor got for their respective shares and how much those who had neither capital nor labor to give got from these vast grants of land and money can never be accurately known. But one thing is certain, that the industrial classes never got one dollar that they did not work and pay for by their labor. No dividends, no subsidies, no Credit Mobiliers ever come to labor.

Let us take another view of the expenditures of the Government, which I extract from official documents.

Since March 4, 1789, there were paid out of the National Treasury for the following purposes namely:

For War	$4,202,972,000
For Navy	966,780,000
For Indians	171,377,000
For pensions	428,205,000
For miscellaneous	1,341,688,000
For ordinary expenses, Congress, executive, and judiciary	7,111,000,000
Making the total cost of the Government from its foundation until now	14,222,000,000
To this if we add premiums and interest on the public debt	1,867,000,000
We have the total paid out	16,089,000,000

being but a little more than the actual value of the subsidies granted to one class of private enterprises, or at the average rate from the foundation of the Government of $180,783,000 annually. (Finance Report of 1877.

Again, the average amount paid for the last five years, ending June 30, 1877:

Army	$40,962,000
Navy	21,975,000
Indians	6,914,000
Pensions, (incident to the rebellion)	28,815,000
Miscellaneous, (principally war claims)	72,213,000
Congress, executive, and judiciary	171,000,000
Interest on public debt, (incident to rebellion)	102,666,000
	444,545,000
To this add premiums paid for the purchase of the bonded debt in 1873 and 1874, $6,500,000, being for the five years, each	1,300,000
Making the average yearly expenses of the Government for the last five years	445,845,000

Point out in these items, as we have observed in regard to the land grants, bonds and subsidies, any substantial appropriation for the direct benefit of the laborer if you can. Of course it is admitted that the industrial classes reap benefits from these large expenditures, but it must always be borne in mind, I repeat again and again, that every dollar they receive they pay for by their labor after it has been percolated through the absorbing channels of contractors, subcontractors, dealers, and employers. It may be in well-organized society the laborer should always be taken to be but the indirect and smaller beneficiary of the outlay of public money, but the intelligent laborers are beginning to inquire as to the correctness of that organization as they see that other classes of society receive relatively larger benefits, and that while they grow poorer the non-producing classes grow richer.

One will search in vain in the annals of Congress for the successful advocacy of any notable appropriations in behalf of the laboring or for the elevation of the condition of the industrial classes by the direct appropriation of public money. We hear in tariff and anti-tariff debates of the protection of American labor, but the inspiring cause is generally the rival interests of traders, importers, dealers, and manufacturers in the different sections of the country. So far as legislation is concerned, there are but two great classes of the people, the industrial or producing classes and the property-owners and non-producers.

The latter direct legislation and govern the country, honestly in the main it may be, but always with their own direct interests controlling public enterprises and inspiring what they are pleased to call reform. Hence the only passing allusions to labor in congressional debates, except as a sort of side-issue or dealing with it as a cog-wheel in the machinery of trade and for the frequent appeals to the duty of Congress toward commerce and the public creditors, and hosts of interests they are building up from the profits derived from labor.

There is little time or interest expended upon the condition of labor. Of the millions and billions of treasure that have been expended since the foundation of the Government for its war debts and actual Government expenses, or were appropriated in the interests or for the development of trade, commerce, and manufacture, the lion's share went to the non-producing classes, the owners of property. True it is that the Government is mainly employed for the protection of property. As we have observed, the laborer has nothing to be protected. The artisan and mechanic has almost ceased to own property save his experience and skill and physical strength, to expend them for whatever wages he can obtain. And, so far as the United States is concerned, this property of the laborer, or his contracts, or his life are all beyond the protecting power of the national courts. Laborers may be denied payment for labor, and if the amounts are not large enough to give the Federal courts jurisdiction—$2,000 or $5,000 in the Supreme Court—the laborer has no redress there.

The laborer may be deprived of his political franchise by violence and fraud, by combination of the property-owners; and the Constitution bristles all over with technical objections against the power of the United States to punish the wrong-doers. Thousands of them may be slaughtered in cold blood, as they have been recently in one portion of the country, and we find that the courts cannot punish, and that it is unconstitutional to use the Army to defend. But let a few rioters impede for an hour the course of commerce or destroy or threaten the property of commercial corporations, and the Treasury opens wide its doors, the Army and Navy and the whole military power of the nation is called forth under the Constitution to put down the riot, arrest the criminals, and protect the property.

No just or patriotic man will say that commerce or property should not be fostered and protected; and the riot should be suppressed at once at all hazards; and I merely call attention to the fostering and protecting legislative, judicial, and executive care for trade and commerce, wealth, and property, and to the absence of such fostering care for the laborer, the fulcrum of commerce, the producer and creator of all property and wealth, to point the contrast. The laborer supports the capitalist and the "better classes," as they are called, the whole fabric of the Government with the sweat of his brow and the toil of his hands, and either voluntarily or involuntarily maintains the honor of the flag and the integrity of the nation on the field against treason at home and invasion from abroad.

The laborer is the producer of wealth; capital is the receiver and distributer, and there should be no contest but an equitable reciprocity between them. Neither should get more in fair proportion than the other. As the veins and arteries take up and circulate the blood in the nourishment of the human body, so capital ought to circulate wealth by means of the veins and arteries of trade through the body-politic for the nourishment of every part thereof. When the circulation of our blood stagnates, or any organ or member of our body absorbs more than its share, disease ensues, and if a remedy is not applied death follows.

Is there no stagnation now? Is there no disease in the body-politic, and does wealth equally and properly share in just proportion and nourish all the members of the body of the nation, and circulate equally and steadily through every vein and artery, or is it stagnant and corrupt around the heart and the head, leaving the arms and feet cold as in death and the whole body ready to perish? Woe to us if fever sets in and the paralyzed arm becomes uncontrolled by the will and strikes home, scattering confusion, riot, and death.

I speak these words in all soberness and sorrow, because I feel it my duty so to do. I call attention to the wrong and the necessity of remedy. I call upon Congress here and now to apply that remedy at once. We have spent more than a week over a political question which for its utmost can have no significance in affecting the business of the country, being only whether A or B shall distribute the Federal offices. Would that that week could have been devoted to steady careful examination of the dangers which surround us and an endeavor to apply a remedy.

Mark my words, for I desire to be held responsible for them, there is great danger if we allow ourselves to go home and give no relief to the present condition of the country. When the day of reckoning comes, as come it must, how mean and pitiful will our economies in appropriations appear.

I know that these views and the consideration of this subject is not a pleasant one. I neither ask for, hope, or expect applause for presenting them to this House. If I desired that, I would make a speech, if I could, showing how the value of a United States bond in the hand of a foreign banker could be raised 10 per cent. Or how it were possible that a favorite claim of some section of the country could be saddled on the Treasury. Or how the favorite interest of some portion of the country could be subserved by a law adapted to its special interests. Or, if I desired to "bring down the House" in a storm of applause, I would utter some biting sarcasm upon the intellect, or some attack upon the character, of some member of this House.

For myself, let it not be said I have given no plan or details by which a remedy may be administered. Under the rules of the House I have neither time nor opportunity. I have had to beg time for this almost inopportune speech on this bill, for it will be said, "What has this to do with the Army bill?" I saw no other opportunity in which I could call the attention of the House and the country to this great and, to me, seeming impending danger, and it has this to do with the Army bill:

It is claimed that we must have a large standing Army to repress the possible outbreak of the laboring-men, to put them down with the bullet and bayonet, the machine-gun and cannon, if they quit work and strike, and bad men should band together and take advantage of their necessities to inaugurate violence and wrong. Remove the cause and then you will not need the Army. The only suggested need of the Army will cease except on the western frontier.

Instead of supporting four hundred men at the expense of nearly a million a year on the frontier as a regiment, support four hundred families with strong, stalwart workingmen at their heads in place of that regiment, and give them arms and they will protect themselves from your Josephs, your Sitting Bulls, of your Indians wherever they may be found. Settle them together in communities of four hundred families each and they will be your army, not of consumers but an army of producers of larger numbers, each settlement stronger than a regiment.

Exercise the power that the Constitution has given you and make them United States militia for your frontiers, and, unlike soldiers, when they do not fight they will produce, and not eat the production of others. Send out a selected head of a family willing to work, with his wife and children, and give him forty acres of land and only what your soldiers cost you in transportation, clothing, forage, pay, and quarters, and you will have a producer at home to defend himself as our fathers did in New England, as our fathers did in New York, without the aid of any regular army.

Expend the $40,000,000 a year which your Army annually costs you in putting settlers on the lands of the frontier with their families who in years will not only be a self-supporting but a self-recruiting army, which shall add to and not decrease your wealth. Then it will be time to talk about disbanding your regular Army, cutting it down to a few sergeants to keep the guns and carriages in the several forts painted, and only educate your officers and let them turn their efforts to civil life until by the possible contingency of a foreign war they may be called into action at the head of volunteer soldiers on whom you must at last depend.

Depend in the several States upon a well-regulated United States militia, which the Constitution presupposes; and do not let my ear be pained again by hearing it said that militia will not fight, or will sympathize with a mob of rioters. When that hour comes, your regular soldiers cannot be depended upon any more than militia; and the whole history of the armies of the world tells you that the regulars fraternize with the people when the cause of the mob becomes the cause of the people, and the action of the mob is revolution against their oppressors who take away their liberties and their rights.

During the delivery of the remarks of Mr. BUTLER the hammer fell.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. BUTLER] has expired.

Mr. BRIGHT. I ask unanimous consent that the time of the gentleman be extended.

Mr. WRIGHT. There are two demagogues in this House, and I hope this one will be allowed to finish his remarks. [Laughter.]

The CHAIRMAN. How much time does the gentleman require?

Mr. BUTLER. I will get through as soon as I can.

Mr. BRAGG. I dislike very much to interpose an objection to the gentleman from Massachusetts [Mr. BUTLER] proceeding further, but there are two other gentlemen who desire to speak to-night.

Mr. BUTLER. Patrick Henry said on one occasion "If this be treason, make the most of it." I say, if this is demagogery, make the most of it.

The CHAIRMAN. How much longer does the gentleman from Massachusetts want?

Mr. BUTLER. Probably half an hour.

Mr. BRAGG. By order of the House the general debate on this bill is to close to-night and there are two other gentlemen who desire to speak to-night.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BRAGG] withdraw his objection?

Mr. BRAGG. I do not; I insist upon it.

Mr. WILSON. I think the objection comes too late.

Mr. BUTLER, (proceeding with his speech.) The whole fabric of the Government——

Mr. BRAGG. I insist upon my objection.

Mr. WRIGHT. I say the objection comes too late.

The CHAIRMAN. The Chair asked for objection and the gentleman from Wisconsin, [Mr. BRAGG,] who was standing on the floor, announced that he objected, which announcement was distinctly heard by the Chair. The Chair appealed to him to withdraw his objection and he declined to do so.

Mr. BRIGHT. I hope the gentleman from Wisconsin [Mr. BRAGG] will withdraw his objection.

Mr. BUTLER. I am now just beginning to speak on the Army bill; but I am not anxious to go on any further and will print the remainder of my remarks.

Mr. WILSON. I understood that the gentleman from Massachusetts [Mr. BUTLER] was allowed to go on, and he began additional remarks.

The CHAIRMAN. It could only be done by unanimous consent.

Mr. WRIGHT. The unanimous consent was given.

The CHAIRMAN. Objection was made by the gentleman from Wisconsin, [Mr. BRAGG.]

Mr. WRIGHT. The laboring-man has no chance in this House.

Mr. BANKS. I hope the gentleman from Wisconsin will withdraw his objection to the extension of the time of my colleague; no gentleman on the other side of the House has been limited in debate to-day.

The CHAIRMAN. Is the objection withdrawn?

Mr. BRAGG. It is not.

Mr. HANNA. Our side of the House extended the time of the gentleman from Ohio [Mr. BANNING] one hour, and it is but fairness that the other side should accord us the same extension to our side.

The CHAIRMAN. It is not a matter of choice with the Chair. The extension of time can only be granted by unanimous consent.

Mr. MARSH. I desire to know if the order limiting debate upon this bill, which was adopted this afternoon when there were very few members present in the House, cannot be reconsidered now?

The CHAIRMAN. It cannot be reconsidered in Committee of the Whole.

Mr. MARSH. If that order could be reconsidered, I do not doubt that there would be no objection to the gentleman from Massachusetts continuing his remarks.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] is entitled to the floor for forty-five minutes of the time of his colleague, [Mr. FOSTER.]

Mr. GARFIELD. Mr. Chairman, I do not intend to occupy the attention of the committee very long. I have no purpose except to address myself very briefly to the subject-matter before the committee, and that is the Army appropriation bill.

I listened with great interest to the discussion of this subject, and especially to the speech of the gentleman from New York [Mr. HEWITT] who opened the discussion; and in many points of his speech I concur; but there is one main point in the bill upon which I differ from him and from the majority of the Committee on Appropriations. It is the question of the strength of the Army which we ought to maintain. If in anything I have heretofore said or written upon this subject I have unnecessarily or improperly run into partisanship, I shall certainly not do so to-night.

It will be admitted on all hands that the conditions of this country are altogether unlike those of European governments in regard to the character and methods of national defense.

No man can read the tables that record the sizes of the armies of Europe without a sense of amazement at their enormous cost. We are fortunately so situated geographically that we do not need a standing army on any such scale as those of Europe. When I find a country with one-fourth of the population of the United States maintaining an army four times as large as ours, it is with a just ground of pride that I can say I live in a country which, when the peril of war comes, can at once convert the mass of its citizens into a column of defenders and create an army and a navy sufficient to meet the emergencies of a great war.

But while I say that, I recognize the imperative necessity of maintaining a military organization of the best kind known among men; and such an army every patriotic man will agree we ought to maintain. What that army ought to be is a question for fair debate. There have been for many years among military men two theories: one is that we should keep up only a sufficient force in all branches of the Army to meet the immediate wants of actual military service. The other is the Calhoun theory of 1820; indeed it was the theory of Washington; but Calhoun brought it into special prominence and stated it with admirable clearness and force. He said in 1820 that we ought to have an army so organized and disciplined that when a sudden emergency should come upon us it could be expanded by mere enlistment to double or quadruple its size, with nothing in the way of organization to new-model or create.

This has been the received theory of American statesmanship in reference to our Army. I was sorry to see the gentleman from New York [Mr. HEWITT] adopt the opposite principle and abandon the plan laid down by General Sherman of an army with a peace maximum of twenty-five thousand, but which can be expanded to two hundred thousand without the addition of a single regiment, by increasing the number of companies and filling the battalions and companies to their war maximum.

Now, it may be that this is too extensive a scheme. It may not be the best; but, in my judgment, a scheme that is capable of expansion by mere enlistments is most economical, is wisest for the country, and therefore the best.

But, laying this subject aside, and with it all questions of Army organization, I address myself for a few moments solely to the question of how large an Army we need. I do not now speak so much of the officers as of the force of enlisted men; though all, I think, will admit that if we continue the skeleton plan we must have more officers than would be barely necessary to command the troops we have. We must have officers enough to command a larger force in case we should find it necessary to expand the Army.

I hope gentlemen will remember the striking fact called to our attention by the gentleman from New York, [Mr. MCCOOK,] that in our century of national existence one-sixth of all our years have been years of war, not counting our Indian wars; and we cannot expect to live through the next century with a less per cent. of war years than we have had in the century past.

Now, why do we need an Army? First and foremost, we need it to keep alive the knowledge and practice of military science; and if we knew there would not be an Indian war or a foreign war in our generation, if we knew there would be no trouble on any part of our borders, I should still say we needed an army large enough to keep alive the practical knowledge of military science and art. How large it should be for this purpose, it is perhaps unnecessary to dis-

cuss, and it would be difficult to determine; but something of an army would be needed, even were there no immediate danger of war. But we have no guarantee of perpetual peace. We need an army for our great border. Our northern line unites the two oceans. We have had trouble on that border, not only in the way of war, but also in the way of raids that have threatened the public peace. Gentlemen residing near the Vermont line remember well the raids that have happened there and the international difficulties in which we were threatened to be embroiled in consequence. Our southern border, though shorter, is in greater need of military protection.

At this very time the distinguished gentleman from Texas [Mr. SCHLEICHER] tells us of the serious difficulties on his border, where we have a dangerous neighbor—dangerous not because of her great strength—but because she is an ungoverned, ill-disciplined, and revolutionary nation, and therefore all the more liable to disturb our peace. That gentleman [Mr. SCHLEICHER] reports from his committee that from the mouth of the Rio Grande to El Paso a force of not less than five thousand men is indispensable to the protection of the peace of Texas. This, then, is the condition of things on that line, for which we must provide.

We have now a possession that extends almost to the shores of Asia, a possession which, if the great war which is now threatening Europe should come, may require some looking after to take care of our international relations in the troubles that may spring up between Russia and England. Do gentlemen know the striking fact that if a great circle were drawn from the easternmost point of Maine to the westernmost point of Alaska its center would fall in the Pacific Ocean, eight hundred miles beyond the California coast? In other words, the geographical center of the great circle which touches the eastern and the western extremities of our national territory lies almost a thousand miles beyond the border of this continent.

But, leaving out Alaska from the account altogether, the enormous extension of our frontier settlements within the last few years makes old calculations obsolete as a basis for determining the size of the Army. The gentleman from New York very properly said that this was more a matter of posts than of miles; and I wish to call his attention to the test by posts. In 1846 we had an Army of 13,274 men, and at that time we had 10 arsenals and 39 garrisoned posts, an average of 265 soldiers to a post. I take it that nobody then considered our Army too large. That was before the Mexican war was declared, and before any increase of force had been made in anticipation of that war. But not one of those posts was as far west as the center of Kansas and Nebraska.

In 1860 our posts had increased to 109, including arsenals; and our Army it is true was but little larger. But in 1878, taking the lowest figures that have been given, our arsenals are 19 and our garrisoned posts 161; and with our Army at its present size we have about 250 men to each post, a number smaller by 15 than the average number we had thirty-two years ago.

Now, two-thirds of all the posts are west of the hundredth meridian, west of the westernmost post in 1846. The center of gravity of our population is constantly moving westward; but the frontier line of settlement is moving much more rapidly. The pioneers are now scattered throughout that vast interior empire which was an untrodden wilderness thirty years ago; and the necessity of protection against the Indians is more urgent now than then.

Judged, therefore, by the number of posts, judged by the spaces occupied, judged by the line of national boundaries, judged on any of the grounds by which we can measure the required size of an Army, we have relatively a smaller Army to-day than we had in 1846.

Mr. HEWITT, of New York. My friend from Ohio has omitted to make a comparison with 1860. If he will refer to that period he will find that the number of men at our posts then averaged a little over 100.

Mr. GARFIELD. In 1860 the average number at each of our posts was about 130 according to my estimate, and was insufficient; but the great interior between the one hundredth meridian and the Sierras was hardly touched by the advancing tide of settlement.

Now, I have been calculating upon the size of an Army as it exists on paper.

I wish to say to gentlemen that it is the opinion of all men who are competent judges of the question that the paper strength of our Army, widely distributed as it now is, must be reduced one-third in order to get its real, effective strength. I believe there is no great manufactory anywhere in the United States, when they have all their machinery running and their hands in full force, whose superintendent will not tell you he must subtract 10 per cent. at least for the casualties which occur day by day. If he has a thousand hands in his employ, when the ordinary loss from sickness and other casualties is taken into account, the effective work per day will not be more than nine hundred. The percentage of loss is much greater in an army scattered as ours is over many thousands of miles.

The reasons for this great reduction of effective strength can be seen at a glance. They are the casualties of sickness from exposure, death and wounds in skirmish and battle; desertion, a most serious element, which does not apply in any ordinary business; expiration of term of enlistment; and finally the necessary loss of time which elapses between the loss of one soldier and the recruiting, drilling and getting to the field of his successor. It takes usually about four months from the time of his enlistment to get a recruit to his post in a state of efficiency. With all these elements taken into the account, General Sherman tells me that he can never reckon the effective force of our peace establishment at more than two-thirds of the paper force. Now if we make our Army on paper twenty-five thousand, its effective force will not exceed sixteen thousand five hundred. If we make it on paper twenty thousand, we must reduce that number one-third to find the effective force. The pending proposition is therefore to give us an army of but thirteen thousand five hundred effective men, which I believe to be a dangerous reduction for the necessities of this nation.

I have mentioned all the leading reasons why we should maintain an army save one, and that I approach reluctantly; but I deem it my duty to speak plainly. Of all the passages in the speech of my distinguished friend from New York [Mr. HEWITT] the one which was to me least satisfactory, both in its statement and its logic, was that in regard to the necessity of an army for keeping the peace within the States. Let me read a sentence, and while I read let us forget party if we can, and everything but the fact that we are American citizens. Let us for a few moments reflect upon questions which may in the near future rise above and possibly for a time overwhelm all political organizations in this country if they are not handled plainly, justly, courageously, by the American people.

The gentleman from New York [Mr. HEWITT] said:

> Now we are told we ought to have a large Army, and a very large Army, in order to put down impending strikes. I take issue with that proposition. It is not in accordance with the theory of this Government that the United States is to maintain an Army for the purpose of restraining any portion of its citizens in their just rights. The right to strike is a just right. No man can coerce another to do work against his will. It is just as sacred a right as the right to employ, if you can find somebody who is willing to hire himself out to you. The wisdom of strikes is quite another matter.

Now I agree absolutely with that statement; but I submit to all who hear me that is not a statement which so far as I know anybody ever controverted in this country. With all kindness to the gentleman, he has set up a man of straw and knocked it down valorously. I have never heard of an American who denied the right of any man to refuse to work. I have never heard of an American anywhere who denied the right of a thousand or ten thousand men to refuse to work unless their wages were increased, or to refuse to work if their wages were diminished. It is a right as broad and universal as American liberty.

But that is not the thing anybody has denounced, so far as I know. The gentleman neither grapples with nor states the dangerous element connected with the subject. I can do as I please about working for you; I can refuse to work at low wages, or high wages, or any wages; but when I unite with others and by force and violence prevent you from working, I have violated your right as a laborer and as a man. The real mischief and wrong attending many strikes has been this: that men who needed the opportunity to work, who were ready to work, and who were reasonably satisfied with their opportunities for work, have been coerced, menaced, driven, overpowered, forbidden to work; and thus men have sometimes been deprived of the free exercise of their right to work because somebody else wanted to manage their affairs for them. That has been the mischief of American strikes.

Now, while I hold to all rights of laborers to manage their affairs, each for himself, I say it, at whatever hazard, the man who lays any obstacle in the way of any American which prevents him from working is a breaker of the law and a violator of the first right of a laborer.

Mr. BANKS. Will the gentleman from Ohio allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. BANKS. How is it with capitalists who combine with other capitalists against the employed?

Mr. GARFIELD. It is just as great a violation of the law.

Mr. BANKS. That is just what I wanted to say.

Mr. GARFIELD. And deserving of just as great, and, if possible, greater condemnation.

It is not the strikes; it is not the proper and lawful refusal of laborers to be oppressed by capitalists, that threatens the public peace; but it is the unlawful interference with the rights of laborers, the spirit of mob violence and misrule, a spirit not born on our soil nor in harmony with our traditions; but it is "the red fool-fury of the Seine" transplanted here, taking root in our disasters, and drawing its life only from our misfortunes, which has lately so seriously threatened and may still more seriously imperil the stability of our institutions.

Mr. Chairman, I am a profound, I might almost say a devout, believer in the American idea, that the consent of the governed is the only true source of national authority, and is the safest and firmest foundation on which to build a government. This is the fundamental axiom of our political faith. To question it, is moral treason. To deny it, is political atheism. But we must not forget that a majority, perhaps a large majority, of the thinkers and writers of Europe declare that our axiom is no axiom, but is a delusion, a fatal mistake.

In view of this fact I wish to turn for a moment to a wider and more serious consideration of a question closely connected with the topic I am discussing, a question which has painfully forced itself upon my mind during the last twelve months. I refer to a letter

written by the late Lord Macaulay, which probably contains the most powerful indictment ever penned against the democratic principle. I will not read the letter in full, but will state in brief its substance.

When the life of Thomas Jefferson was written by S. S. Randall, a distinguished citizen of New York, a copy of the volume was sent to the great British historian. Macaulay answered, thanking the author for the volumes, but he remarked that he had no admiration for Jefferson. The American expressed his surprise and desired to know the historian's reasons. Thereupon Macaulay, on the 23d day of May, 1857, just twenty-one years ago, wrote this letter, in which he gave his reasons for not believing that Thomas Jefferson was a benefactor of his country or of mankind. His reasons were these: "I do not believe," said he, "that it is possible to establish institutions that will be permanent based upon the votes of people, counted by the head. That proceeds upon the supposition that the rich and the poor, the wise and the ignorant, the virtuous and the vicious, are all counted as equal and endowed with equal political power. That," said he, "is the fatal vice of your institutions that Jefferson founded. Now your country can prosper so long as you have great spaces of unoccupied land, a great West, for your surplus population; but the time will come in your history, when New England will be as thickly populated as Old England; when there will be no more fertile, unoccupied lands for your expanding population.

"Then will come the real strain and test of your institutions. There will be periods of scarcity and distress. Thousands of laborers will be out of work and men will begin to say there is no justice in allowing one man to have a million while another has not a meal; no justice in letting one man ride in his carriage and dine sumptuously while another hears his children cry for bread. And when that hour comes your Government will be brought to its final and fatal test. Then a discontented, hopeless, starving majority will elect the governors of your States, the members of your Legislatures, and your President; and then I expect, if not in this century, certainly in the next, that your country will be as fearfully ravaged as was the Roman Empire by the Huns and the Vandals of the fifth century; only with this difference: your Huns and Vandals will have been engendered by your own institutions. Your Constitution [he says] is all sail and no anchor. There is nothing to stay you. I wish you might have a better fate, but my wishes and my reason are at war. And therefore, believing your fate is certain, I cannot congratulate you upon Thomas Jefferson and the doctrines he taught."

Such, in substance, is the indictment and prophecy which America must answer. With my whole soul, I repel the indictment. Every instinct and conviction of my life denounces the prophecy as false. But what thoughtful man in all our land, who had read that letter, did not remember it last summer, when ten millions of Americans trembled in the balance of uncertainty for days, not knowing whether the torch and blood would mark the pathway of anarchy across our continent, or order and peace would rule? What man, I say, reflected upon the events of that terrible period without remembering the prophecy of Macaulay and asking himself whether the grounds of his faith in the stability of his country was established on a sure foundation?

I say again, I reject the doctrine of Macaulay. I endeavored five years ago, as best I might, to answer it. Perhaps it was a rash attempt; but I based my answer on two grounds:

The first was that Macaulay took no account of the tremendous power of our educational forces. He did not know, he could not know the almost omnipotent power of universal education to enlighten and ennoble our people and fit them for the liberties and duties of American citizenship. In this rests our hope; and while the light of our schools shines undimmed and unclouded upon all our children we may safely count upon centuries of liberty and safety.

My second ground was this: that Macaulay did not know, and it is hardly possible for any one reared under monarchical institutions to understand, that here, in America, there are no fixed and permanent classes. In all aristocracies society is organized on the principle of permanent classes, fixed and rigid as the layers of rock that form the earth's crust. At the bottom, under the superincumbent weight of all their institutions and population, are the laboring poor. The editor of an English periodical uttered a sentence, a few years ago, which makes the blood run cold. It was this. Said he:

> I have studied the agricultural farm laborers of my country carefully for twenty-five years, and I have never known one who was born and reared in the ranks of farm labor that ever rose above his class and became a well-to-do citizen.

Remember that nearly half the population of England are agriculturists, and the laborers in that class amount to not less than three or four millions; they have above them the landlords, and above them the several ranks of nobility, and above them the royal family. The barriers are well-nigh impassable. But, thank God, and thank the founders of our Republic and the later patriots, who have made the truth of the Declaration of Independence a reality, here in America, there are no classes. [Applause.]

Our society does not resemble the crust of the earth with its impassable barriers of rock; but resembles rather the waters of the mighty sea, deep, broad, boundless, but yet so free in all its parts that the drop which mingles with the sand at its bottom is free to rise through all the mass of waters till it flashes in the light on the crest of the highest wave. [Applause.]

There is no boy in America, however humble his birth or in whatever depth of poverty his lot may be cast, who, if he has a strong arm, a clear head, and a brave heart, may not rise by the light of our schools and the freedom of our laws until he shall stand foremost in the honor and confidence of his country. [Applause.]

This is my answer. For these reasons I do not fear the Cassandra prophecy of Macaulay. The time may come when we shall find it necessary to fight for society; and when that time comes, the first signal of the contest will make us one; for all who love liberty ruled by law will spring to the defense of society against anarchy, against chaos, and against the red rule of the torch. To what power shall we look in that struggle to protect and save society if it be not to the Constitution and the strong arm of the National Government?

Gentlemen tell us it is the business of the States to protect their citizens against insurrection and violence. But our fathers provided a stronger defense for moments of supreme peril. I have drawn no fancy picture of remote or impossible evils. The American people are not likely soon to forget the events of July last, when in a great group of States belting the continent from ocean to ocean, the lives and property of many millions of citizens were rescued from sudden and imminent peril by the prompt and effective response of our Army to the constitutional demand of the States for its aid.

Here, Mr. Chairman, I hold in my hand the copies of brief but eloquent letters and telegrams from ten great States of this Union, (see note,) and all of them were sent within the space of one week—calling upon the President of the United States for help; ten great States, reaching from the Atlantic to the Pacific, Maryland and West Virginia among them; ten great States, among them California and the empire States of the Northwest, calling for the arms of the Republic to shield and save in their hour of distress.

My friends, had we been at that moment in session do you think we would have voted to decrease the Army to twenty thousand men? Would we not rather have put it up to fifty thousand. I therefore say boldly, while I will do as much as he who will do most to secure the rights of labor against iniquitous laws and against the assaults of capital when used unjustly, yet against all comers I am for the reign of law in this Republic and for an army large enough to make it sure.

I trust, Mr. Chairman, that the gentleman from New York—whose material stake in the stability and good order of the Union is much greater than mine—will help to make that stake secure to the whole country, and will consent to let an amendment be made to fix the number of the Army at twenty-five thousand men where it now is, and let the bill be recommitted so that his committee may reconstruct it in harmony with the amendment. The details of organization might then be left to a commission which can report to us at the beginning of our next session. I trust that in these remarks I have wounded the sensibility of no gentleman; for I have spoken no word in the spirit of partisanship.

[NOTE.

[Telegram.]

WHEELING, WEST VIRGINIA, *July* 18, 1877.

His Excellency R. B. HAYES,
President of the United States:

Owing to unlawful combinations and domestic violence now existing at Martinsburgh and at other points along the line of the Baltimore and Ohio Railroad, it is impossible with any force at my command to execute the laws of the State. I therefore call upon Your Excellency for the assistance of the United States military to protect the law-abiding people of the State against domestic violence and to maintain the supremacy of the law. The Legislature is not now in session and could not be assembled in time to take any action in the emergency. A force of from two to three hundred should be sent without delay to Martinsburgh, where my aid, Colonel Delaplain, will meet and confer with the officer in command.

HENRY M. MATTHEWS,
Governor of West Virginia.

[Telegram.]

CAMDEN STATION, *July* 20, 1877.

SIR: An assemblage of rioters too great to be dispersed by any force at my command has taken possession of the Baltimore and Ohio railroad depot here—set fire to the same and have driven off the firemen who attempted to extinguish the same, and it is impossible with force at my command to disperse the rioters. Under circumstances, as governor of the State of Maryland, I call upon you, as President of the United States, to furnish the force necessary to protect the State against domestic violence. The Legislature of the State is not in session and cannot be convened in time to meet the emergency.

JOHN LEE CARROLL,
Governor of Maryland.

His Excellency R. B. HAYES.

[Telegram.]

CRESTON, WYOMING TERRITORY, *July* 22.

President HAYES, S. H.:

I call upon you for troops to assist in quelling mobs within the borders of the State Pennsylvania; respectfully suggest that you order troops from adjoining States and propose to call for volunteers authorized by act of Congress.

J. F. HARTRANFT.

[Telegram.]

PHILADELPHIA, *July* 26, 1877.

To R. B. HAYES,
President, Washington, D. C.:

I invite your attention to the following telegram received. The committee of safety represents the business and capital of the city and is practically in control there at present:

PITTSBURGH, *July* 26, 1877.

To Governor HARTRANFT,
Philadelphia:

The unanimous judgment of the committee of safety is that the peril in which our city stands demands that the President be strenuously urged to place here im-

mediately a prominent Army officer of nerve and judgment, to take charge of the entire situation in this city and county, and the committee ask your immediate attention in this matter.

WM. G. JOHNSTON, *Chairman.*

The programme arranged by General Hancock, General Schofield, and myself, will be promptly and rigorously carried out.

J. F. HARTRANFT,
Governor of Pennsylvania.

[Telegram.]

SAINT LOUIS, MO., 12.51 a. m.—*July 22, 1877.*

Hon. C. SCHURZ:

The railroad employés met at East Saint Louis to-night and have resolved to stop all freight trains and switching engines after midnight. No violence yet. Are there any troops at arsenal here? The situation is alarming here; my services are at the disposal of the Government.

J. H. WILSON.

[Indorsement.]

1425 EIGHTH STREET—2.10 a. m.

SECRETARY OF WAR.

SIR: The within is a copy of telegram just received from Saint Louis. I refer it to you for such action as you deem proper. Have notified Mr. Wilson of this reference.

Respectfully,

A. BELL,
Acting Secretary.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, July 23, 1877.

COMMANDING GENERAL DEPARTMENT OF THE MISSOURI,
Fort Leavenworth:

Trouble threatened at Saint Louis.

Secretary of War directs that you send there with least practicable delay such force from Fort Leavenworth as you can spare, and to proceed yourself if you deem it necessary.

Acknowledge receipt, and report action.

VINCENT,
Assistant Adjutant-General.

[Telegram from Saint Louis, dated July 24, 1877. Received at Washington, D. C., 7.30 p. m.]

To SECRETARY OF WAR,
Washington:

The city of Saint Louis requires arms to protect life and property. Please order ten thousand stands of most approved pattern of arms with accouterments and ammunition; also two thousand regulation revolvers with accouterments and ammunition; also a battery of artillery, with ammunition; all from Rock Island to be placed under control of commanding officer ordered to Saint Louis.

Rail transportation broken; send by boat; will return them.

HENRY OVERSTOLZ, *Mayor.*

By order of the committee of safety.

General A. J. SMITH.
JOHN W. NOBLE.
J. H. WILSON.
JOHN S. CARCUDER.
JOHN S. MARMADUKE.
Colonel T. T. GAUTT

[Telegram.]

COSMOPOLITAN HOTEL,
San Francisco, July 23, 1877

R. B. HAYES,
Washington, D. C.:

A riot is apprehended in this city, in which case more force will be required than the local police and State militia can supply. I respectfully request that you direct the United States vessels at Mare Island to take position in the harbor in front of the city and place the forces there, or subject to my call to be used in quelling a disturbance in case of necessity. Will you also direct the proper officer to issue in my order such arms and ammunition as the emergency may require?

WILLIAM IRVIN,
Governor of State of California.

[Telegram.]

DETROIT, MICHIGAN, *July 24, 1877.*

Hon. SECRETARY OF WAR,
Washington, D. C.:

I am directed by the governor of this State to respectfully request, in view of the very unsettled and threatening condition of affairs in this immediate neighborhood, that the United States troops at Fort Wayne, near this city, may be made subject to his orders in case of any emergency arising when their services would be absolutely necessary in maintaining peace and enforcing obedience to the laws.

J. M. ROBERTSON,
Adjutant-General Michigan.

[Telegram.]

SPRINGFIELD, ILLINOIS, *July 24, 1877.*

Hon. GEORGE W. MCCRARY,
Secretary of War, Washington, D. C.:

Will there be any United States troops in Chicago to-morrow, or soon? Please answer.

S. M. CULLOM, *Governor.*

[Telegram.]

SPRINGFIELD, ILLINOIS, *July 25, 1877.*

His Excellency R. B. HAYES,
President of the United States:

Lawlessness exists in this State to such an extent that I am unable, with the forces at my command, to quell the same and protect the law-abiding citizens in their rights. I therefore call upon you for assistance by furnishing military and without delay. Can the six companies at Rock Island be forwarded to Chicago at once? Domestic violence exists in the State.

S. M. CULLOM, *Governor.*

[Telegram.]

SPRINGFIELD, ILLINOIS, *July 25, 1877.*

Hon. GEORGE W. MCCRARY,
Secretary of War, Washington, D. C.:

Have just telegraphed the President for aid. Want the troops at Rock Island sent to Chicago without delay. Great danger of an outbreak any moment. Please act promptly.

S. M. CULLOM, *Governor.*

[Telegram.]

SPRINGFIELD, ILLINOIS, *July 25, 1877.*

Hon. GEORGE W. MCCRARY,
Secretary of War, Washington:

The mayor of Chicago is appealing to me for all the troops that can possibly be sent in at once.

S. M. CULLOM, *Governor.*

[Telegram.]

LINCOLN, NEBRASKA, *July 25, 1877.*

SECRETARY OF WAR, *Washington:*

Would respectfully ask that the troops at Omaha Barracks be not ordered from here at present.

SILAS GARBER,
Governor of Nebraska.

[Telegram.]

MILWAUKEE, WISCONSIN, *July 25, 1877.*

The PRESIDENT OF THE UNITED STATES:

There is danger that the labor insurrection may extend to this city; the State has little or no militia that can be relied upon. There are at the Soldiers' Home three hundred old soldiers subject to the rules and articles of war, who can be usefully organized and armed for effective guard duty in case of emergency. Can these men be used as a part of the national force or as part of the State militia?

HARRISON LUDINGTON,
Governor of Wisconsin.

[Telegram.]

INDIANAPOLIS, INDIANA, *July 26, 1877.*

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

In view of the threatened domestic violence growing out of the railroad strike, I request that authority be at once given to the commandant of the arsenal to render me all the aid possible in preserving the public peace.

JAMES D. WILLIAMS,
Governor of Indiana.

Mr. BRAGG addressed the committee. [His remarks will appear in the Appendix.]

Mr. HARRISON. Mr. Chairman, in old Egypt kings were worshiped as gods; in imperial Rome emperors were deified; during the Middle Ages kings ruled by "divine right" and in modern Europe by the "grace of God;" in America rulers govern by the will of the people.

Sir, in all monarchical countries armies are maintained to defend the people against a foreign foe and to defend the king against his domestic foe, the people. In our free Republic armies are, and should be, enrolled only to protect us against our foreign enemies.

The gentleman from Ohio [Mr. GARFIELD] this evening most dramatically recited Macaulay's brilliant picture of what in this country will be the result of a redundant population, and his attempt to demonstrate that Mr. Jefferson's fabric of a free Republic would be a failure. So dramatic was the gentleman's rendition of the Englishman's picture that it was difficult to believe that he differed much from the essayist. It is true he told us he did not think the prophecy would be fulfilled for yet one or two hundred years. But with abundant precaution he advocated the maintenance of a large standing army with an elasticity of organization, ready for this emergency yet in the womb of future centuries. He wants the Army kept up as a nucleus around which is to be nurtured an American martial spirit.

Ah! Mr. Chairman, standing armies do not encourage martial spirit among a people. The people forget how to fight when they have hired soldiers to do their battles. Rome ceased to be warlike when her pretorian bands stood guard over her, and she finally bent her knee to them as masters. The mamelukes protected Egypt and her people became slaves. Turkey was protected by the janizaries till the Turk became little better than the eunuch of his harem.

The Swiss protected the Bourbon's France, and Frenchmen became caperers and revelers, till finally awakened from their dream they were baptized in blood and turned to men and heroes. Martial spirit grows under the sunshine of liberty and love of country or of conquest. It perishes in the baleful shadow of a standing army.

Sir, we want no standing army in free America to protect society against lawlessness. The people must protect themselves and will protect themselves. The gentleman may go to his couch and dream rosy dreams. His hundred or two hundred years off are yet far away.

The gentleman from Massachusetts [Mr. BUTLER] told us this evening that for long years only one law had been passed for the benefit of the poor man, and that it (the homestead law) was a delusion. Sir, that gentleman struck the key-note. What we want is proper legislation. We want laws for the benefit of the people, and not to enable the rich to grow richer at the expense of the poor.

Taxes come out of the people, taxes are levied upon men. Federal taxes are paid by what men eat and drink and wear, and not a dollar of it falls upon wealth. Change your legislation and you may almost disband your Army. The people are hungry; they are starving; they are discontented; they clamor for work. Give it to them; set them to work and make them happy and contented. This Congress can do it. Start some great public works. Pass House bill 4322 for a ship-canal from Lake Michigan to the Mississippi, and I will guarantee that the people will take it as an earnest of your good intentions. To that I will now address my remarks.

Mr. Chairman, a century ago this year Illinois was organized as a far-off county of Virginia. In 1809 it was created a Territory, and in 1818 was admitted into the sisterhood of States. Ten years later, or fifty years ago, its population was about one hundred and forty thousand, and its northern half, which now teems with a vast and intelligent people, was the home of but few white men. In the northeastern corner of the State, on the southwestern bend of Lake Michigan, at that date was located Fort Dearborn, a small frontier post, guarded by a company of United States soldiers.

Sir, outside the fort were the cabins of a half dozen white men (intermarried with squaws) who eked out a scanty subsistence by doing odd jobs for the people in the fort, and by cheating the Indians who came at stated periods to receive blankets, the gift of the Great Father at Washington, and to trade furs with the resident agents of the American Fur Company for the red man's treasures—whisky and powder.

The fort and these cabins covered nearly all the dry land which lay within several miles. To the east was the great lake, three hundred miles long, sixty miles wide, and nine hundred feet deep. Its fountain waters were plowed once or twice a year only, by a small schooner, which supplied the fort and the fur agency. In all other directions, for hundreds of miles, stretched a wild prairie, low, flat, uninviting, and uninhabited, except by a few scattered tribes of Indians.

Along the lake shore, sir, was a narrow, sandy ridge, a sort of natural causeway, only a few feet higher than the lake. Excepting this ridge nearly all the land for many miles was a reedy marsh or a low prairie, so flat as to hold the spring rains in its tangled grass as in a sponge. A person on horseback, leaving this ridge, found himself during the spring months up to the saddle-skirts in marsh, or floundering along the flat prairie, which at that period of the year was but little better than marsh. And even as late as July, a pedestrian could reach the Des Plaines River, ten miles west, only by wading over shoe-top in water, or by springing from ant-hill to ant-hill, the only dry land near.

Sir, the eye of a prophet alone could have seen here the site of one of the world's great cities.

Immediately under the stockades of the fort lazily lay a small creek, or rather bayou, reaching back from the lake shore a little over a half mile, where it was parted into two branches, one coming from the north, the other from the south, nearly parallel with the lake, and neither over five miles long. That creek lay sullen and black like a serpent sleeping in the marsh. Its average width did not exceed sixty feet, and at its mouth, where the sands were driven in by the lake storms, it could in late summer be crossed almost dry-shod. Its dark waters were rarely disturbed, except by the flappings of water fowls, whose nestings were in the bullrushes along its low margin, or by the silent natation of the muskrat, or by the almost equally silent dip of an occasional red man's paddle.

In more respects than in appearance did that inky bayou resemble a sleeping serpent. Sir, it only required the prickings of man's warming energy to quicken it into a life which would send abroad a commerce far greater than that which floated on the Thames a half century before.

That creek was the Chicago River; to-day it is the harbor of a city of nearly a half million of people—clearing from its piers last year 10,284 vessels, of a tonnage of 3,311,083 tons. It is the feeder of the Illinois and Michigan Canal, the subject of my present remarks. That little creek, which now flows up hill, has been for ages the fast-and-loose link uniting two vast river systems flowing into far distant oceans. It is destined to exercise an influence upon the world's commerce vastly greater than did Rome's tawny Tiber or Egyptian Nilus.

Ages ago that link was fast united. Then it opened or closed as the waters were high or low. Now, since a few shovelfuls of earth have been judiciously removed, it is again permanently united, and Lake Michigan sends a part of her crystal drops to mingle with those of the Father of Waters. Some of us here present will live to see mighty steamers unloading cotton and sugar upon the piers of Chicago, and, taking in the grain of the prairies and minerals from the far-distant Superior regions, will steam away to the Crescent City of the South. And the lakes and the Mississippi, and their peoples, will be united by a bond no more to be disturbed by internecine strife.

Mr. Chairman, I said that fifty years ago only a prophet could have seen at Fort Dearborn the site of a mighty city. But his mantle of prophecy need not have been Heaven-born. It was only necessary that its woof and fabric should be woven of commercial and engineering sagacity united to a close observation of the little bayou and the low divide separating its waters from those of the Des Plaines River close by. That divide was only a few inches above the average surface of the Lake, and in high water the birchen canoe passed freely from one to the other.

Ages ago the great prairie States of the Northwest were a vast inland shallow sea. Its deep pools were the beds of the present lakes. When the bottom of that sea was upheaved and the barriers to the east and south were broken down, the waters of Lake Michigan flowed to a considerable extent, through a long cycle of centuries, through the Des Plaines River to the Mississippi. As the prairies to the south were gradually lifted, and the outlets to the east were deepened, the southern outlet became nearly closed.

Nature thus wrote on that low divide the first engineer's report in favor of a ship-canal to unite the Mississippi and the lakes. She traced along that flat marsh, in the dark waters of that little bayou, the plan for tying the Gulf of Mexico to the Gulf of Saint Lawrence. A gentle breeze parted sister waters in that sullen creek and carried them to far distant oceans, where one would be caught in the frozen grasp of the stream coming down from Labrador, the other to be wooed by the warm embrace of the Gulf Stream, again to be reunited in mid-ocean.

That report was read by our forefathers, and its recommendations were adopted by American statesmen. Perry's victories on the lakes taught them where was to be the true battle-ground in a war between England and America.

In 1814, President Madison, in his message to Congress, recommended a ship-canal from the head of Lake Michigan to the Mississippi; and the Committee on Military Affairs of this House reported favorably the project. But Northern Illinois was then a far-off land. Only two years before, Fort Dearborn had been the scene of the Wyoming of the Northwest. The war was soon thereafter over, and republics are prone to forget in times of peace the lessons of war.

England has not been so forgetful. Her Iron Duke told her, about the same time, that "a naval superiority on the lakes was a *sine qua non* of success in a war with America." By the treaty of 1817, the two governments bound themselves each to keep no more than one armed vessel of a hundred tons burden upon the lakes. But England soon took steps to prevent that stipulation from being a source of weakness to her. She has at an expense of about $22,000,000 thrown canals eight feet deep around the rapids of the Saint Lawrence, and the Welland Canal from Lake Ontario to Lake Erie ten feet deep. This year the latter is being deepened to twelve feet at a cost of about $10,000,000. And her intentions are to deepen them all to the same depth.

Sir, when the Mason and Slidell imbroglio threatened to precipitate the two countries into war, the London Times said that "the worst part of the struggle would not be on the seaboard, but on the great lakes, and that within a week after the breaking of the ice a whole fleet of gunboats with the most powerful screw-corvettes would carry the protection of the British flag from Montreal to Chicago." The people of our lake cities had to acknowledge that the assertion was not a mere idle boast. England has kept constantly on hand war vessels which could pass through these canals.

Sir, early in the late war one of our brightest military men (Frank Blair) said, on this floor, that "a fleet of light-draught heavily armed gun-boats could in a short month get into the lakes and shell every city from Chicago to Ogdensburgh." We had but one small-arm vessel to cope with this threatened fleet, and there were no means of sending succor to her. Our only hope was in being able to overrun Canada before the ice should give way.

Had war then broken out between England and America, it is not improbable that the lurid flames which swept away so many millions at Chicago in 1871 might have had forerunners all along the lakes.

Washington told us that "to enjoy peace we should be prepared for war." Had we followed his advice by opening a ship-canal from Lake Michigan to the Mississippi prior to the late war, the humiliation of the Mason and Slidell diplomacy would have been spared us, and hundreds of millions of dollars of treasure might have been saved in our military preparations.

Some of our most earnest statesmen were so impressed with the necessity of the means for passing gunboats between the lakes and the Mississippi, that a bill was introduced into the Thirty-seventh Congress to deepen the Illinois and Michigan Canal, and received long and earnest consideration. But the divided nation was then struggling for its life; the grip of a determined giant was upon its throat. Its sinews of war were shriveled; its energies were taxed to the utmost to send men to the field; it could not spare the money or the muscle to dig canals. The project slept till in the winter of 1865, when the war was virtually over, and then a modified bill passed this House. But that bill saddled upon the State of Illinois the bulk of the cost of an undertaking which was wholly national in its character. Mr. Chairman, the Arkansas farmer did not repair the roof of his house because when it rained he could not, and when it was dry it was unnecessary. Must we follow his example or shall we profit by his folly?

But, Mr. Chairman, permit me to go back. During several years after Mr. Madison's recommendation of the ship-canal from Lake Michigan the subject was agitated in Congress and in the new State of Illinois. In 1822 and 1827 it was put upon its legs; surveys were made and land grants were given. It was generally discussed in and out of Congress as a national undertaking. But unfortunately many of our rulers were deeply imbued with that hue of strict-construction doctrine which taught them that salt was necessary to make a water national. They could spend millions to improve a salt-water harbor, but were unwilling to use a dollar to improve a river, though it watered many States. Some of them went so far as to doubt the constitutionality of improving the harbors of the American Mediterranean—our great lakes. The Illinois and Michigan Canal and the Illinois River lay wholly within the limits of a single State and therefore they could not conceive it to be national. Such men as Benton and Silas Wright, however, lifted up their voices in loud declaration of its nationality. Some of the most eloquent utterances of the great Missourian were pleadings in favor of its construction.

Sir, *Tempora mutantur, et nos mutamur in illis.* The theories of constitutional construction have greatly changed since those great men thundered upon the floors of this Capitol. Could I by some magic touch bring them back here to-day, to say what they said, when you and I were little boys, in favor of this great measure, I would have but little fear of their success. What I lack of their power and ability I shall try to supply by my earnestness.

But, sir, years ago they failed; failed because their giant thoughts fell upon ears already being filled by sectional bickerings. The result was, this great national work dwindled into a State undertaking. The canal was commenced in 1836 and completed in 1848; completed, however, not to float mighty steamers and bristling gunboats, but to tow along the pigmy barge. Even this, however, gave a wonderful impetus to the Northwest. Northern Illinois took at once a giant stride; a stride prophetic of her future destiny. With true instinct of future greatness she has never lost sight of her duty and has already completed two locks upon the Illinois River three hundred and fifty feet long and seven feet deep. She has never lost sight of the fact that that river and the canal are but an arm of the mighty Mississippi.

For many years the canal was fed by lifting into it, by powerful hydraulic engines, water from the Chicago River. But, sir, an empire has grown up along its margins and in its neighborhood. A great city sits at its head, a city of mercantile palaces. It numbers a half million souls. It clears from its piers over 10,000 vessels annually. It receives each year 100,000,000 bushels of grain, more than one-twentieth of all of America's product. The forest sends to her yards its stately monarchs riven into 1,066,000,000 feet of lumber. Four million one hundred and ninety thousand three hundred and six swine last year entered her stock-yards, and 2,983,486 bit the dust within her limits, to be turned into pork, the food of millions in the Old World who battle for the kings who "rule by the grace of God." One million thirty-three thousand cattle pass through her annually to supply the tables of Eastern States and over 310,000 sheep are added to their larder. She pours nearly $10,000,000 of internal revenue into the coffers of the Federal Treasury. Her post-office distributes more newspapers than any other in the country. In letters it is the second and in revenues the third in the land.

Telegrams flit each hour of the day upon a thousand wires, over hill and dale, over mountain and valley, and flash along the stilly floor of the turbulent Atlantic to tell the world what price Chicago merchants put upon a bushel of wheat or upon a barrel of pork. These prices rule in every other mart.

Yet, sir, Chicago is only forty years old. You are in the prime of life, and can remember that in your school days her name scarcely appeared upon your map. Why her great development? What has given it birth? Not her people's energies, but because the place and it peculiar situation have developed the energies of her people. Men build up localities, but localities and their inexorable necessities make men.

Seven and a half years since Chicago lay in ashes. In eighteen hours two hundred million dollars' worth of her property floated over the lake in smoky carbon. One hundred thousand people saw the sun of October 8, 1871, set upon their comfortable homes. The next sunset found them without a place wherein to lay their heads. Yet to-day the city is rebuilt in added splendor and its population has increased nearly 40 per cent. It is true her people are in debt. Thousands who five years since were rich are now bankrupt. But their wealth has only changed hands. The city is there, and her trade has steadily grown during the past four years of disaster.

Sir, Chicago is not an exaggeration of western outgrowth. She has not kept pace with the county tributary to her. Illinois is the central figure of six imperial States. Her population has grown in fifty years from 140,000 to over 3,000,000. In 1877 she grew over 250,000,000 bushels of corn—one-fourth of all the corn grown in the United States. Iowa, Wisconsin, and Minnesota, whose virgin prairies, fifty years since, had scarcely been trodden by the foot of a white man, number not far from 4,000,000 people. Michigan and Indiana have over 3,000,000. These six prairie States have a greater population than did Spain when she ruled the world with a rod of iron and when old ocean was grandiloquently styled the Spanish lake. These six States harvested last year not far from 700,000,000 bushels of corn and wheat, nearly one-half of all which was harvested in this broad land. They harvested nearly one-third of all other cereals of the country.

Yet, sir, but a small proportion of the rich soils of these six States is under actual cultivation. Go this coming June and traverse them by rail. Although population hugs the railroads, yet your eye will be gladdened by sketches of thousands of acres golden with wild prairie flowers. An English traveler last year visiting Illinois called her prairies "nature's floral bonanza"

These six States can feed the world. Vast and productive States are yet beyond them. The world is hungry and asks for cheapened bread. How to move the produce of this great grain-producing area is a problem over which thinking men are pondering. A thousand iron horses groan along the iron pathway leading down to the sea. Their insatiable maws exact a burdensome tribute from the field and from the plow. Their hot breath blasts the blossoms of hope and of profit. Their mailed hoof treads down the flower garden and the green pasture. The morning sun catches the farmer at work and its going down leaves him wearied and doubtful. He has no time to store his mind with knowledge or to adorn his home. His tread-mill life begins on the first day of January and it ends not on the last day of December. He sows and corporations harvest.

Sir, water next to air is God's freest gift to man. History goes not back to the day when it was not his smoothest highway. It alone can wash out monopolies. Railroads may thrive along its margins, but they cannot oppress. Rivers and canals may not bear a large amount of freights, but wherever they exist railway charges are light. Within fifteen miles of the Illinois and Michigan Canal, railway freights are 20 to 30 per cent. cheaper than they are farther off. But this canal floats only barges and horses are their motors.

Sir, deepen this canal and improve the Illinois River, as Madison recommended, and then great steamers will take cargoes from the ships of the lakes and will bear them to the far-off South or up the Missouri to the distant plains of the West. Three great railroads start from Chicago; they diverge to the north and the south, but come again together at Council Bluffs. Another farther south reaches Kansas City near by. Trains of from thirty to fifty cars, only a few hours apart, are ever thundering along these lines. They come East laden with grain, with hogs and cattle, and with the treasures of the Rocky Mountains; they go West groaning under millions of feet of lumber and with the fabrics of the eastern work-shops. Two great lines lead to the South; they, too, take and bring their rich freightage.

The Illinois and Michigan Canal to a great extent keeps down the charges of all of these great railroad lines. It competes with them all to a great extent in all heavy goods. Lumber and ready-made houses are conveyed on its barges to the Mississippi, and thence to the decks of steamers to climb high up the Missouri to furnish houses for the settlers of the plains.

But, sir, how small the competition of these little horse-drawn barges compared to that which the steamboat would afford. Deepen the Illinois and Michigan Canal to seven feet and steamers of a thousand tons burden would lay the ships of our fresh-water seas of the North side by side with the ocean ship at New Orleans. Steamers of a lighter burden would ply between the lakes and the far-off Yellowstone. North and South, East and West would be by it bound together.

Sir, is not this a national undertaking? I am tempted here to quote from the great Missouri statesman, Benton. Twenty-nine years ago he thus spoke:

> The nationality of the Chicago Canal and harbor at its mouth are by no means new conceptions with me. The river navigation of the great West is the most wonderful on the globe, and since the application of steam-power to the propulsion of vessels, possesses the essential qualities of open navigation. Speed, distance, cheapness, magnitude of cargoes are all there, and without the perils of the sea from storms and enemies. The steamboat is the ship of the river, and finds in the Mississippi and its tributaries the amplest theater for the diffusion and the display of power. Wonderful river! connected with seas by the head and by the north, stretching its arms toward the Atlantic and the Pacific; lying in a valley, which is a valley from the Gulf of Mexico to Hudson's Bay; drawing its waters, not from the rugged mountains, but from the plateau of the lakes in the center of the continent, and in communication with the sources of the Saint Lawrence and the streams which take their course north to Hudson's Bay; draining the largest extent of richest land; collecting the products of every clime, even the frigid, to bear the whole to market in the sunny South, and there to meet the products of the whole world. Such is the Mississippi. And who can calculate the aggregate of its advantages and the magnitude of its future commercial results?

Mr. Speaker, thus spoke a man whose gospel was the Bible and his country's Constitution. He was speaking to men who on one side saw looming up in the future a mighty southern republic, and on the other to men who saw in the future an eastern empire—an empire of monopoly and gold; an empire whose realm should be America, whose throne would be in Wall street. His words sank deep into the minds of his hearers. But their hearts were not touched. Lust of power and greed of wealth were uniting two diametrically opposed factors. Mammon and ambition united these two factors in violent opposition to his scheme. The one is broken forever. The South dreams not of a separate empire; she has learned, at a cost which the wildest imaginings could not foresee, that the waters of the Mississippi cannot wash the homes of a divided people. The West has learned that gold is the heaviest of all task-masters.

Sir, the Mississippi and its navigable feeders give a water line of nearly twelve thousand miles. They water soil capable of producing nearly every fruit and grain known to the world. The lakes have a shore line of over five thousand miles. Every foot of that shore line except on Lake Superior is as rich as the valleys of India, the home of God's chosen people. The rugged shores of Superior are solid with minerals almost as pure as the product of the furnace.

Mr. Chairman, all of this vast water inland seaboard can be brought into union by a canal thirty-six miles long, and yet our statesmen ask, is it national?

Sir, look again at the railroads centering at the mouth of this canal. Fourteen different roads, whose arms reach over and through all of the grain-fields of the Northwest, center at Chicago. One can read on the sides of cars any day within her limits the names of nearly every railroad corporation of this northern continent. There stands a car belonging to the Central Pacific. Coupled to it is one of the Grand Trunk of Canada. A Texan car is being unloaded, and its stores are being transferred to another, whose ownership is in Baltimore. A switch engine puffs by and crushes a car marked "Jackson and New Orleans" against another labeled "Hudson River." A "Boston" car is coupled to one marked "Northern Pacific."

All of the fourteen roads centering in Chicago, whose connections are like the nerves of the body, leading to every extremity of the Republic, unite, and their rolling-stock is freely transferred from one to another. They all run into a common stock-yard. They all run into the great lumber-yards. They all lie along the huge grain elevators, many of which have storage for over a million bushels each. These elevators handle a car-load of grain as readily as a man can a bushel measure. Deep water washes their walls. A car-load of wheat is lifted on one side and poured into the ship's hold on the other. Thirty thousand bushels are thus poured into the vessel's hold, so that she can arrive and depart between the rising and setting of a single day's sun.

At an expense of a few millions of money, the Mississippi steamer can be enabled to lie against these elevators, or at the piers of a huge lumber yard, and after unloading upon the lake ships the produce of the far West or the extreme South. She can steam to Upper Missouri laden with lumber or ready-made houses, or to New Orleans with grain and pork, and the minerals of the Superior, to be poured into an ocean-bound argosy. A vast trade would thus, Mr. Chairman, be divorced from the more costly railroad transportation. Corporations would be brought to assume the semblance of having souls, though they possessed none.

Sir, we often hear it said that traffic has left the smooth water-way to take the iron one. When prices of commodities rule high, then high rates of transportation can be paid. The high prices pay both producer and carrier. Under the effect of the abnormal prices maintained during and after the late war, not only were the producers and the carriers prosperous, but a vast army of middlemen sprang into existence. The great question with all was rapid transit. To-day war and war rumors cause all the products of the West to bear remunerative prices. But war may not come, and in no event can it be long maintained; war is a costly luxury to kings. In these days of iron forts on the sea, Krupp-guns and vast armies, the deadly conflict on Europe's little theater will soon be over. Our city thoroughfares are crowded with well-dressed middlemen incapacitated by habit for manual labor, to whom the future is dark and dismal. Their occupation died when prices fell. When the electric flash from Europe shall tell us that peace is fixed, then will railroads suffer and farmers will be forced to do as they have done in the past: burn corn for fuel.

Bills are introduced into this House to do violence to the Constitution by legislating upon the tariff of prices to be charged by railroads. Gentlemen forget that the Congress which make rules for the great corporations now grasping the diadem in this Republic—corporations which can never die, and which can ever reach the ear of the legislator—can also unmake rules, and that our most stringent laws have to be interpreted by courts, which are often but the creatures of these corporations. If we wish earnestly to control these deathless and soulless privileged beings, we should enable the people to keep them in check by giving them sure and enduring competing modes of reaching markets. These are water-ways.

The Erie Canal early last year reduced its tolls from one and a half cents to one cent on a bushel of wheat. The grain shipped east in 1877 was less than in 1876, yet that reduction of one-half cent per bushel added to the freightage of the canal about eighteen million bushels. The railroads fought this reduction. They will always fight water lines. In England the great railway corporations have bought up all the canals of the kingdom. Not being able to compete with them they have bought them, and now control all prices.

Sir, the great West and the great East have a common interest in this thing. The West has the grain to sell; the East wishes it for bread. The eastern railroad man will fight either a steamboat-canal connection with Lake Erie to the Hudson or the one from Lake Michigan to the Mississippi. Yet both will benefit the great masses of eastern consumers. A deepened Erie canal will carry to them cheap food; a deepened canal in the West will force railroads to lower their tariffs.

Sir, what will be the effect on the railroads themselves by these water-competing lines? Not to cripple them, but to force them to an economical management. Railroads fail, not because railroads cannot be made to pay a fair dividend upon honest cost, but because their profits are eaten up by their high-salaried and ambitious officials. Their presidents and directors own stocks in "fast-freight lines," in "star lines," in "Pullman palace-car" lines, to whom they make rates ruinous to the stockholders of the road, but paying enormous dividends to the owners of these side-shows. Force railroads to enter into competition with water highways, and these side-shows will die out and corporations will stop voting their presidents salaries worthy of princes. The system of dead-heading legislators will be ended. Congressmen and Secretaries of Departments will cease to ride in directors' cars, but all will pay, and stockholders will cease to have their shares watered out of existence.

Mr. Chairman, in Saxony, where every inch of soil gives of its wealth, railroads run along the Elbe. Yet the Government has walled in that shallow stream, making it keep a single channel; an endless chain stretches along its center; steamers, with machinery of but little more power than a donkey-engine, roll this chain over a drum and stem the swift current dragging trains of heavy barges almost half a mile long. Everywhere in Germany streams which by nature are unfitted for navigation are being turned into navigable waters. And yet throughout all Germany the railroads are virtually owned by the Government; if not owned absolutely, an interest more or less great is in the Government. Government thus, in the interest of the people, keeps down its own railroad dividends. Tariffs of prices are thus kept down to a minimum.

Mr. Chairman, this is a Government of the people, by the people, and for the people. Shall Congress do less for the people than does Kaiser Wilhelm or the King of Saxony, who rule by the grace of God?

Sir, a nation's wealth consists not in the gold and silver coins or ingots which lie in its treasury vaults. Cresus proudly exhibited his golden hoards to the Greek, but the freeman's brain was not dazed by the gilded spectacle; for he knew the Lydian masses were poor and Lydia was only waiting for a conqueror. A nation's wealth consists of its brawny muscles, its working brains, its public buildings, its roads, its navigable rivers and canals, its grassy pastures browsed upon by sleek and fatted flocks, its fields waving with corn, its barns and granaries plethoric with food, its well-filled warehouses, its noisy workshops, its comfortable homes.

The business of its rulers is to enable the people to gain all of this wealth. Sir, a statesman, once when asked how a people should be made happy, answered "roads!" How to be rich, he answered, "roads!" How to be independent and prepared for war, his answer was still "roads!" "roads!" John C. Calhoun said, "Let us bind the republic together; let us conquer space by a perfect system of roads and canals."

Canals and well-filled rivers are but watery roads, roads which neither swallow us in mire nor suffocate with dust. The project which I now favor is within a single State. It is true I am deeply interested in it because that State is my own. But it will connect a nation of States. The navigable waters which this canal will throw into communication wash the soils of over twenty States. It has been favored by statesmen of every locality. Sixty-four years ago the great expounder of the Constitution, James Madison, recommended it; Silas Wright and Horatio Seymour have written and spoken in its favor; Benton and Clay and a host of lesser statesmen did the same. Fifteen years since a convention in its favor met at Chicago, convened on a call signed by ninety-eight Senators and members of Congress. A committee appointed by that convention memorialized Congress in favor of the near completion of this work. On that committee appeared the names of New England DAWES, Edwards and MORRILL, and McDougall from far-off California. Sectionalism was forgotten; the far East united with the extreme West in its favor.

Sir, since Benton and Wright spoke in favor of marrying the great Father of Waters to one of the pure sisterhood of lakes the stride of western improvement has been beyond any parallel in history. The commerce of the lakes is greater than was the whole American commerce on the seas a half century ago. The tonnage of the clearances from Chicago alone amounts to nearly 3,500,000 tons—a million more than it had been in 1867. The shipments by the lake, of corn was over 38,500,000 bushels; of wheat, over 10,000,000; of oats, 5,000,000; of grass and flaxseed, 48,000,000 pounds; of oil-cake, 6,000,000; of lard, 21,500,000 pounds. Besides these there are other classes of produce which run into the millions.

Her receipts of lumber I will give because of their almost fabulous amounts. Over 1,000,000,000 feet of boards, 464,880,000 shingles, 48,000,000 of lath, and 126,000,000 of staves and heading; and 805,000 tons coal. I have counted nearly forty ships and steamers at one time in sight making for her harbor.

A ship-canal would bring the Mississippi, Missouri, and Ohio steamers alongside of these lake craft. The minerals of Lake Superior, the lumber of Canada and Michigan, the hard coal of Pennsylvania, would pass from them directly to the river steamer. Cotton and sugar would be transferred from the steamer to the ship for the lake cities and the east.

Sir, a few years ago Lesseps became famous by dredging out the sands between the Mediterranean and the Red Sea. And to-day two vast empires are threatening a war which will cost untold millions of treasure, and will cause torrents of blood to flow to maintain the neutrality of that highway to the East. Commercially this connection of the lakes and the Mississippi is of more importance to America than the Suez canal is to England.

Mr. Chairman, is the thing practicable?

In 1867 the great War Secretary, Stanton, caused a survey to be carefully made of the line of the Illinois and Michigan Canal and the Illinois River with a view of determining the practicability of the improvement as a war measure. General J. H. Wilson conducted the survey and reported in 1868, showing not only the feasibility of the thing, but its easy and certain working. By careful examination he found that a canal could be made along the present bed from Chicago to Joliet, a distance of thirty-six miles; and that the Illinois and Des Plaines Rivers could be improved by locks and dams to the Mississippi River, so as to give a depth of seven feet in ordinary stages of water, and a depth of six feet in the lowest stages, throughout the entire length of the canal and river from Lake Michigan to the Mississippi.

This low stage of water is of rare occurrence, not having been in the past but once in over thirty years, and then only for a short time. General Wilson's plan was to widen the present canal to one hundred and sixty feet, and to deepen it to seven feet, and to provide canal and rivers with locks of three hundred and fifty feet length, seventy-five feet wide, and seven feet deep. This would enable a gunboat

of six feet draught to pass from lake to river at all times, and a Mississippi steamer of one thousand tons to steam along it at fair speed. He showed that the canal could be fed by a natural flow from the Chicago River. Since his report was made, the city of Chicago, for the purpose of carrying off its sewage, has at its own expense deepened a part of the canal and thoroughly demonstrated the truth of Wilson's calculations.

The Chicago River now flows steadily up stream and pours into the canal as through a natural channel. Lake Michigan may be considered a vast fountain. It is said that it empties through the straits at Mackinac more water than is poured into her by all of its tributary rivers and creeks. And it has been calculated that a larger volume of water is lifted from its surface in mist by a summer day's sun, than is poured into it in the same time by all of its creeks and rivers. Its real and exhaustless supply comes from springs in its cool depths. Their sources are in the far-off plains and mountains of the West. The lake's greatest ebb and flow does not exceed four feet, and that is caused by the shifting courses of the winds. Rainy seasons do not lift it and dry seasons do not sensibly lower it.

Mr. Chairman, a canal one hundred and sixty feet wide and seven feet deep could be fed by the lake without causing an appreciable lowering of its surface. A steady flow of pure water would pour through the canal into the Illinois River, keeping it always full, and would add much to the steadiness of the channel of the Mississippi from the mouth of the Illinois to that of the Missouri. This great national interstate undertaking could be completed at the present low prices of labor for from $9,000,000 to $12,000,000.

This sum could be raised by Government at a low rate of interest, and the tolls would go far toward repaying interest and principal. The present canal has collected over $300,000 in tolls in a single year.

Illinois has expended over $6,000,000 in making the canal and in locking and damming the river. Two locks of three hundred and fifty feet in length have been completed. She would surrender all she has put into it and would patriotically give it all up to have the canal made national.

Sir, should not the Government do this thing? And, if done, is not this the time for it? A million of strong men are now idle throughout the land, idle not from choice but from dire necessity. Idleness has been termed "hell's workshop." Governments are for the good of the people; their legislation should have but one end, and that to better the condition of the people. It may not be their duty to furnish work to the idle but it is their duty to enable them to live and to enable the rich to employ the poor. But to-day the rich do not employ the poor. Capital is idle, because capitalists are timid and lack confidence in the outcome of investments.

Government cannot or does not restore confidence. Government is but the agent of aggregated society of aggregations of men. Should not Government do as men would do? Should it not improve its possessions when labor and material are cheap? A prudent man would and should do this. Why, then, should not the aggregation of men which we call Government do the same? When private enterprises are freely undertaken then governmental undertakings inflate the price of labor and material. When private enterprises are not undertaken, then governmental undertakings are not only prudent but may be not only an economic but a social and political necessity.

Sir, I said idleness is hell's workshop. Out of that pestilential laboratory stalk crime and anarchy. Crime and anarchy are destructive of society and ultimately become the destroyer of government itself. The arrest and punishment of a criminal cost large sums of money. The conviction of a murderer costs Government thousands of dollars. Every day's sittings of a court, with its jurors, bailiffs, and other paraphernalia, cost large amounts. The bulk of a people's taxation is for the suppression and punishment of crime. I have heard of the trial of a single offender costing a State over a hundred thousand dollars. How much more beneficent the prevention of crime, and what so humane as the removal of its cause? Several hundred millions of dollars are wrung from the people every year throughout the States to be spent in the protection of the innocent against the depredation of the criminal, and for the punishment of the criminal. Men are to-day reading with alarm of threatened outbreaks of the commune.

A bill was lately introduced into this House to enable the President to enroll seventy-five thousand soldiers to protect us against these outbreaks this coming summer and fall. Sir, why this alarm? Because men are hungry and discontented. We are asked to vote millions to enroll Americans into an Army and to arm them to shoot down Americans, hungry, starving Americans.

Great God! Sir, has this great Republic, the hope of the downtrodden in other lands, come to this? Shall she be compelled to defend herself against herself with arms? Has it in a short hundred years been proven that this free Government is a failure? for surely no one will say it is not a failure if it is forced to exist not by the will of the people, but by force of arms.

For many years Congress has been legislating for the rich. Our taxes come not from the rich, but from all alike. It is what a man eats, drinks, and wears which pay Federal taxes. A poor man eats and drinks as much as the rich, and pays the burden. Federal burdens fall upon men, not upon wealth. Colossal fortunes are growing up of almost fabulous proportions throughout the country—fortunes either in the hands of individuals or of corporations. None of them, or but few of them at least, are producers. Their wealth is only an aggregation into the pockets of the few from the hands of the many. Equality of wealth brings happiness to a people. For years you have been so legislating that rich men have been growing richer and poor men poorer. The latter are now poor to destitution.

In their name I beg you to give them bread. They ask it not in alms. They are not beggars, unless to ask to work is to beg. They ask you to give them leave to win their daily bread by the sweat of their faces. They are not idle because they are unwilling to work, but because they cannot find work.

Gentlemen ask why the people do not go from the cities to the farms. Ay, go to the farms to tramp by day and sleep by the roadside at night—weary days tramping and begging, and wives and children at home starving or living on charity. Sir, men are creatures of habit. It is hard to break up habits. Those who are denizens of cities and workers in shops know not how to work on the farm. Their habits unsuit them to it. They hope to get work from day to day, and night after night finds their hopes but ashes of despair. Despair goes to the bottle for its Lethe. The bottle uncorked lets out its demon, and thousands who with work at moderate wages would be law-abiding citizens become law-breakers.

There is no use in preaching temperance to hungry men; a dime's worth of whisky brings more temporary forgetfulness than a dime's worth of bread. Men in high places drown care in dissipation. No place in America has yet been so high as to be exempt. Give the poor man occupation and you have preached a more practical sermon than Murphy could with his most impassioned exhortations.

Sir, a few great works ordered this session by Congress would do more good than any financial legislation. Its effect would be immediate—and that is what is wanted. Confidence cannot come until employment shall commence. Set a hundred thousand strong arms at work on public undertakings, and five hundred thousand will find private employment as a result.

Do this, and you may cut down your Army, and there will be no great breaches of the peace. Refuse this, and an army will be necessary and the road will be prepared over which the Iron-Man now across the water learning the ways of kings will march to despotism. Already men who think more of immediate security than of their country's liberty are talking of him. Communism sends them to bed dreaming of rifled strong-boxes. Their morning prayer is for Grant; and Grant means a republic in name, but an empire in fact; with wealth instead of blood the source of aristocracy.

Sir, communism was born of Bourbon oppression, of taxes on the poor, but exemption from taxes for the rich. Kings have nursed the commune, and then have had the prudence to feed its members. Unequal taxation in America is fostering the French exotic, and we are asked to stifle it with bayonets and bullets, when the shovel and the pick in the hands of the commune will cause it to die a natural death. Sir, give the people work and you may cut your Army down to a skeleton.

Mr. CALKINS. Mr. Chairman, at the special session of this Congress, and on the 9th day of November last, while in a five-minute debate upon the Army appropriation bill, I submitted to the House certain remarks, of which the following is a brief extract:

I say to the gentlemen upon the other side that during the recent riots it was conclusively shown by gentlemen who hold political opinions differing from those held on this side of the House that they believed that the only security we had at that time was in the Army, as was shown by the calls for assistance made by the governors of the States upon the President of the United States.

Mr. LUTTRELL. Does my friend propose to maintain a standing army for the purpose of suppressing the rights of laboring-men?

Mr. CALKINS. Not at all.

Mr. LUTTRELL. It looks very much that way.

Mr. CALKINS. By no means.

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Mr. CALKINS. I hope my friend from California [Mr. LUTTRELL] does not claim that the riots and destruction of property which took place in the cities of the North were by the workingmen. I hope he does not in any way pass such a libel upon them.

Mr. LUTTRELL. Then they must have been republican politicians, because it took place in republican States.

Mr. CALKINS. I say that those who destroyed property were not laboring-men in the true meaning of the term.

Mr. LUTTRELL. Do you mean to say that the thirty thousand or forty thousand men engaged in those riots were not laboring-men?

Mr CALKINS. I do not know whether they are republicans or not. But this I do know, that the executive officers of States that were democratic called as lustily for the strong arm of the Government as does the gentleman from California to suppress the "heathen Chinee." [Laughter.]

Mr. LUTTRELL. Do I understand the gentleman to say that he believes the maintaining of a standing army is necessary for the purpose of putting down these men who have seen fit to strike against the oppressions of monopolies?

Mr. CALKINS. I say to the gentleman from California [Mr. LUTTRELL] that every man has the right to cease work when he chooses, but he has no right forcibly to compel another man to cease work who may wish to.

My surprise may well be imagined when I saw these remarks, not quoted literally as they occurred, but the deductions of certain newspapers drawn therefrom to suit their own purposes, published throughout the United States, in which publications it was claimed that I had taken ground for a standing army for the purpose of suppressing workingmen and certain strikes which came about through associations formed by the laboring-men of the country. Nothing was further from my mind at the time, and it is surprising to me that any papers have drawn any such deductions from the remarks made on that occasion.

I am not one of those who regard labor as servile, but I believe it to be ennobling. It is the workingmen of this country on whom we

must depend in any and all emergencies, and there is no one whose sympathies go out to them stronger than mine, and I only make these remarks now in justice to myself because of the adverse criticisms made by certain newspapers throughout the country. My idea then was and is now that we ought to have a standing Army to suppress insurrections of all kinds where they threaten the public peace. But in no way do I believe that an Army should be kept as a menace to prevent that which is lawful. I said then and I say now that it is the right of all workingmen to enter into what is known as strikes and to make them successful whenever it can be done by peaceable and lawful means. I not only believe it to be their right, but when they are oppressed by corporations or in any other way it becomes their bounden duty to see to it that their rights are protected by all lawful means, and no one will stand by them to the last sooner than I.

Now I deny that it was the laboring-men who did the burning and the rioting in the memorable riots of last summer. I hold that it was a class who never dignified labor or who never hardened their hands with honest toil. This class, which infests the lower places of cities, seeks occasions of public commotion to burn and destroy and pilfer; and in many instances—nay, nearly all, during those troublous times—the laboring-men who were engaged in lawful strikes protected the property both of citizens and of railroads against these marauders and criminals.

One instance of the protection which they afforded to property occurred in my own State, at the city of Fort Wayne, and I am credibly informed that they volunteered and did protect the property of the citizens and of the railroad companies by standing between that and an unlawful combination of tramps who had assembled probably for no good purpose. And I here and now repel and hurl back the insinuation that I made an attack upon the workingmen of this country by advocating a larger standing Army than we now have to suppress them as unworthy of the source from which it came. This much I have said in justice to myself. I now proceed to discuss for a short time the bill under consideration, namely, the appropriation bill for the Army, appended to which is an entire change of all the laws on the subject of military organization and the organization of our Army.

I protest again, Mr. Chairman, against the encroachment by the Appropriation Committee upon the rights, privileges, and duties of other committees of this House. I do this in no spirit of unkindness toward that committee. Its members—all of them—I have the highest regard for, many of whom not only occupy prominent places in this House, but in my judgment for years to come will occupy prominent places in the country. They are all gentlemen of probity and great ability and they discharge their duties when they confine themselves to the legitimate business before the committee in a manner creditable to themselves and the body to which they belong. But, Mr. Chairman, what I complain of is that they, either with or without the consent of other committees of this House charged with certain specific and specified duties, absorb all of the powers and duties belonging to these other committees and append them to and put them upon appropriation bills, in my judgment, in direct violation of the spirit if not the letter of the rules of this House.

Now, I know it is claimed that the power was extended to this committee in the spirit, and for the purpose of economy, and I know that there are eminent gentlemen here who advocate the recent change of the rule granting this power to the committee with great earnestness. I have no disposition to criticise the motive of any gentlemen; but that I honestly differ from them in this, ought also be accorded to me; and I am not alone by any means, for it has become a common expression among many of the members of this House that if any legislation whatever is sought the Appropriation Committee had best be consulted, and get them to put it upon an appropriation bill as the only sure means by which any legislation can take place in this House.

This ought not to be so. It is unfair to the very eminent gentlemen who compose that committee. It constantly lays them open to attack. It often imperils the appropriations which ought to be, in my judgment, disencumbered with that species of legislation. It does more than that: it places an absolutism in the hands of that committee, which, when considered for a moment, makes them a power which ought not to exist in a body of this kind. It is unfair to the other committees of the House. It is unfair to the country, and above and beyond all it endangers often necessary appropriations; if it has not endangered them in the past it certainly will in the future. We all know how parties dislike to refuse to support their committees, and under the party lash and party whip legislation may often, and doubtless will often, take place by this method, which, if it had been considered by the committees to which it properly belonged, would never pass the House. I trust the time is not far distant when the House will take from the Committee on Appropriations the power it has given, and give back to the committees charged with those duties the power which has existed in them and belonged exclusively to them for the last eighty years.

I propose now to discuss the changes made in the organization of the Army by this bill. My friend from New York, [General McCOOK,] who has preceded me in this debate, has digested the bill in such a masterly and able manner, that I will not take up the time of the House in going over the same ground. But there are a few points to which I desire to direct the attention of the House and the country, and if I can succeed in doing so in a pointed and succinct manner, so that my views may be fairly presented, I shall consider my task as having been accomplished.

The first point that I desire to direct attention to is this: that the Government of the United States is in honor bound to fulfill all of its contracts. I therefore plant myself upon the broad proposition that when the Government of the United States through Congress passed laws inviting citizens to become Army officers by complying with certain terms and conditions, and when those terms and conditions were complied with by its citizens, their tenure of office should run through life, and not be disturbed except for cause; that that was a contract between the Government and the officer. To be more explicit, when the Government said in any form, either by enactment or by authorizing the President of the United States to appoint officers, that when officers were thus appointed and gave up all their ambitions in life, and bound themselves to this service, their positions should be life positions; and when, upon that promise certain of her citizens did give up all their ambitions in life and did fulfill the requirements which were made necessary, and did accept appointments thus offered, it was a contract between the Government and the person that during his good behavior and in absence of any violations of the law his position should be a life position, and the Government is in duty bound to fulfill the contract thus entered into.

The Government did more than that: it provided for promotions. It held out inducements to the young men of the country that, if they would enter the Army in the lowest positions, they might hope by good conduct, by bravery, and by a faithful discharge of duty to be promoted in rank; and having held out this inducement and having made those promises, the Government is in duty bound to fulfill them.

I know, Mr. Chairman, that it is ordinarily a thankless task to become the champion of men who are disfranchised from becoming an active integral in the management of the political force of the Government. I know that any such task must either spring from motives of gratuity or a desire to be just; and I say to-day that I have no personal interest in the Army nor any of its officers. It is true I served with many of the gallant officers who are now a part of the regular Army during the recent war. I learned to admire many of them for their sterling qualities, for their brave and chivalrous conduct, for their intrepidity and the knowledge which they displayed in marshaling and handling large armies under trying circumstances, but I have not the honor to have a close personal acquaintance with a single regular Army officer, and my remarks are founded solely and entirely upon a desire to do justice to these men.

It was asserted by the gentleman from New York [Mr. HEWITT] in his recent speech that the Army was top-heavy; that the proportion of officers to the enlisted men was out of all proportion, and that legislation ought to be had that would look to the reduction of the number of officers now in the service for that reason. Before I pass to the discussion of this question properly, I will here read a tabulated statement furnished me by the Adjutant-General's Office which is believed to be correct and which is as follows:

Statement showing ratio of apportionment between commissioned officers and enlisted men in 1850, 1853, 1855, 1860, *and* 1878.

Officers.	1850.	1853.	1855.	1860.	1878.
General and staff officers	299	329	319	348	502
Line officers	585	635	752	735	1,509
Total commissioned officers	884	964	1,071	1,083	2,161
Enlisted men	9,431	9,284	11,658	11,848	25,009
Proportion of commissioned officers to men	1 to 10$\frac{821}{884}$	1 to 9$\frac{75}{171}$	1 to 10$\frac{658}{1071}$	1 to 10$\frac{1018}{1083}$	1 to 11$\frac{1748}{2161}$
Proportion of line officers to men	1 to 16$\frac{74}{585}$	1 to 14$\frac{284}{635}$	1 to 15$\frac{418}{752}$	1 to 16$\frac{73}{735}$	1 to 15$\frac{934}{1509}$

MEMORANDA.—The number of military posts (not including arsenals) was: in the year 1860, 77; in the year 1877, 163.

By this statement it is shown that the proportion of officers to men or private soldiers is not as great now as it was in the year 1850. In that year the Army consisted of 9,431 enlisted men and 884 commissioned officers, or one officer to every sixteen and a fraction men. In the year 1860 the Army consisted of 11,848 enlisted men and 1,083 commissioned officers, or one officer to every sixteen and a fraction men. In the year 1878 the army consisted, in round numbers, of 25,000 enlisted men and 2,161 commissioned officers, or one officer to every fifteen and a fraction men. These officers to whom I have alluded were line officers; but taking the total number of officers, including the line and staff, and the proportion is in favor of the year 1878, as in that year the Army consisted of one officer to every eleven and about a half men, and in the year 1860 it consisted of one officer to about every ten and a fraction men. So it will be seen that the proportion has been pretty well kept up and guarded during those years.

To make this statement clear and that there may be no mistake I

read the following, which is believed to be a carefully compiled statement, derived from official sources, and in the main correct:

It was stated in a Washington paper of January 22, 1878, that there are too many officers in the Army, &c. The facts may be seen here. On the 1st of January, 1855, the Army contained two regiments of dragoons, one regiment of mounted riflemen, four regiments of artillery, eight regiments of infantry; total enlisted men, 9,385; total commissioned officers, 948; or one officer to nine and nine-tenths men. On the 3d of March, 1855, the Army was increased by a democratic administration (Franklin Pierce, President,) and a democratic Congress by the addition of two regiments of cavalry and two regiments of infantry. No material change was made after this until January 1, 1861, when the total enlisted was 11,907 and the total commissioned 1,117, or one officer to ten and ten sixty-fifths men.

It will be seen that if the Army is "top-heavy" now it was just as "top-heavy" during the good old days of democracy, and I believe that one may search in vain to find a single democrat between the year 1850 and 1860 raise an objection to the Army on account of the undue proportion of officers. The times have changed since then. At that time at the head of our Army were many distinguished gentlemen who are no longer upon the Army rolls. They believed it their duty to espouse the cause of the recent so-called southern confederacy, and left the Army and joined their fortunes to that cause. Then, as now, the majority of the democratic party was furnished from the Southern States, and I am glad to say for them that they never allowed unjust aspersions and criticisms to be tolerated against the very gallant men who were then in the Army of the United States. And from their stand-point I can well imagine why they should defend such eminent men as the Lees, the Johnsons, the Beauregards, the Braggs, the Hardees, and many others whose names were then upon the Army Register. Nor do I now in any way insinuate that it is the South that is making war upon the present Army organization. Indeed they may well say "We leave that task to you of the North, simply voting with our party whenever you of the North shall have completed your plans."

I will not pursue this branch of the subject further at this point, but proceed to call attention to the necessities of a standing Army and the number which I believe the Army ought to contain.

I took the position early in the special session that the Army ought to consist of fifty thousand men. I have seen nothing which has shaken my belief or changed my opinion since, and I predicate this judgment first upon the judgment of men schooled in army matters. I learned early in life this rule of evidence; that if you wanted to ascertain the truth of any given proposition you should apply to persons who were schooled in the particular branch in order to ascertain the exact truth. For example, if I wanted to study the philosophy of the age I would consult philosophers; if I wanted to learn the law I would consult the eminent jurists; if I wanted to learn farming I would consult practical farmers and so in every department in life. And I know no other rule to apply to the Army than that rule which I learned in the law books many years ago, namely, if you want to know what is required you must consult those who have made it a study for life; examine carefully and critically their reasons and upon that found your conclusions. And the gentleman from New York, [Mr. HEWITT,] who so fairly discussed this question the other day, at the outset was frank enough to say that he was no military man and knew nothing of military matters except as he derived it from the statement of those eminent gentlemen whom he quoted.

While I am not willing to make as frank an admission as the gentleman from New York, still I do not claim to know much of military affairs. What little I learned and know was gained in "awful war;" in the practical part of organizations, in movements upon the field, and beneath the fire of shot and shell; and all I claim now, is to invoke protection—complete protection, bountiful protection—to these grand and gallant soldiers who led the armies in which I bore a humble part. For that purpose I have consulted high authority, and I now quote from a paper published in Harper's Monthly for October, 1877, the authorship of which is traced to a democratic gentleman of some little prominence in this country, General George B. McClellan:

If it be true that it is the duty of every government to prepare in time of peace the means adequate to defend its territory and its people, the statesmanlike method of proceeding is clear enough. Weighing the probabilities of the future in the light of the experience of the past, with due regard to the changes produced by time, the proper strength of the Army should be determined; and once fixed, it should not be changed without good and sufficient cause. Then it should be so organized, posted, and administered as to insure the greatest possible efficiency in the performance of its duties and in its instruction, while economy is insisted upon to the greatest extent consistent with that efficiency.

If an Army is necessary at all, it should, like any other necessary thing, be made in every respect efficient; and there is no true economy, but, on the contrary, real extravagance, in the policy of practicing ill-judged parsimony, either by reducing the Army below the requisite force or crippling its instruction and usefulness, to save a few dollars. We do not believe that the Army is unpopular in this country; we believe that the great mass of our people desire an Army of proper strength and of the highest possible efficiency, and that when they understand the real state of the case they will have no sympathy with those who seek to gain cheap popularity for themselves by destroying the usefulness of the Army, and endangering the best interests of the country in order to save a few millions to-day by a course which will entail the future expenditure of as many hundreds of millions. Considering the immense length of our frontier, the great area of the Indian country, our past experience, and the probabilities of external complications we think that, far from reducing the present strength of our Army, it should, on the contrary, be increased to somewhat more than forty thousand men; and we are confident that it is possible to effect this at a moderate increase of cost beyond that of the present establishment.

* * * * * * *

The alpine climber is safer without a staff than with one too weak to bear his weight; for, if he has none, he will avoid dangerous points, and go only where his unaided strength and activity will sustain him, while if the treacherous staff breaks in the moment of need, he is lost beyond redemption. So a government too poor or too penurious to support an adequate army and keep it in high condition will do better to dispense with one altogether, and submit as gracefully as it may to the humiliation and disaster it is quite sure to encounter.

General Hunt, another officer of our Army and a man whose democracy cannot be questioned, who belongs to the old school of democrats, and believes that a large standing army is a menace and a threat which a republican government ought not to allow, says as follows:

In 1854 I tried to get my life insured. Among those to which I applied was the branch in New York of the London Life Assurance Company. It refused to take the battle risk on any terms. I said their London office advertised battle risks on officers going to the Crimea. "Oh, yes; that is for British officers," was the reply. "Why not, then, for American officers?" "Because, while we keep up a force proportioned to the work required you do not. There is no country in Europe that would require the service your Army renders from less than five times the force, and you therefore lose in time of profound peace—that is, while your President says in his messages you are at peace with all the world—a larger proportion of officers killed than we lose in peace and war together. I mean," he added, "if you take from the losses of your Army those of the wars of 1812, of Mexico, of Florida, and Black Hawk—recognized and appropriated for as wars—and consider those of the peaceful intervening periods, the percentage of killed in your Army would be greater to your whole force than has been that of the British army in the whole period, and in that time we have been at war in Europe, with you, and somewhere else always. (1804–1854.) Every few weeks the newspapers report a skirmish or a scout in which an officer is killed. It is soon forgotten. We have kept records, with the results named, and we are ordered from London, under no circumstances, to insure American officers against battle risks." I left the office a wiser man than I entered it, and I have verified as far as practicable the statement. According to the Army Registers the deaths of regimental officers of the active list from 1867 to 1877 were two hundred and ninety-one, of whom forty-one were killed, being one in seven. Now here is a pretty showing. Eleven years' work shows that the average of deaths by battle among regimental officers is 1 in 7 in times of such profound peace that Congress has been cutting down the Army all that time, and proposes further reduction, even to ten thousand men, for a country of forty-five million people and three million five hundred thousand square miles; that the average of death by battle is one-sixth of that by disease, *i. e.*, of every 7 officers who die in our regiments in time of peace 1 dies on the field or of wounds. And in this calculation are not included those who are so badly wounded or disabled in campaigns as to be retired before they die of their injuries. With double the force this loss would only rate as 1 in 14—in fact, as 1 in 28, for the absolute loss is double what it would be if the Army was of adequate strength, and so prevented half these conflicts at least.

There is good ground in all this for a charge against any nation professing to be Christian, that, for the pretense of saving a few miserable dollars, so much life should be sacrificed unnecessarily. I say for the pretense, for it can be easily shown that no saving is effected. On the contrary, it costs more money to sacrifice these men than it would to save them. Then what does it further imply? That a small number of men are driven about from pillar to post to do the work and take the risks that should be shared among three times their number. Give us a fair open war, and we have nothing to say against it; but as to killing us off at this rate in a time of profound peace, and at the same time accusing us of "idleness and uselessness," because it is peace, is a little too strong.

Added to the authority of these two eminent soldiers, men who certainly have no sort of sympathy with the republican party, is the testimony of General Hancock, and the eminent gentleman from New York [Mr. MCCOOK] has carefully collated in his speech the evidence of Generals Sherman, Schofield, Pope, Howard, Towsend, Marcy, Ingalls; Colonels McKenzie, Merritt, Gregg, Wood, Wilcox, De Trobriand, Smith, Carlin, Dodge, Hatch, Jones, Flint, Hazen, Gibbon, and King, all to the same effect. None of these eminent gentlemen believe that in a country like ours it is safe to trust to an army of less than fifty thousand men. Some of them put it higher; others a trifle lower; and yet in the face of all this testimony of men skilled in their profession, having spent a lifetime studying it, in the face of all this, our democratic friends declare that the Army should be reduced, some of them as low as ten thousand, others fifteen thousand, and by this bill to twenty thousand.

In other words, Mr. Chairman, after they have received the testimony of all men that are competent to speak on this subject, they wilfully and deliberately throw it aside and declare themselves to be better judges of what the military strength of this country ought to be than those who have made it a life study, and in this manner and by this means propose to reduce the number of our men in the Army to twenty thousand. Is further comment necessary?

Not long since I called upon the eminent and worthy Secretary of War and requested of him a statement of the number of arsenals which we have in the country, and about the value of the property in those arsenals, and I append hereto the letter which was written to me by the chief ordnance officer in response to my inquiry:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, March 5, 1878.

SIR: In accordance with a memorandum of the Secretary of War, I have the honor to inform you that the value of the public property at the tweny ordnance establishments amounts to over $45,000,000.

These ordnance establishments are located as follows, viz: Allegheny arsenal, Pittsburgh, Pennsylvania; Augusta arsenal, Augusta, Georgia; Benicia arsenal, Benicia, California; Fort Monroe arsenal, Old Point Comfort, Virginia; Fort Union arsenal, Fort Union, New Mexico; Frankford arsenal, Philadelphia, Pennsylvania; Indianapolis arsenal, Indianapolis, Indiana; Kennebec arsenal, Augusta, Maine; New York arsenal, Governor's Island, New York Harbor; Pikesville arsenal, Pikesville, Maryland; Rock Island arsenal, Rock Island, Illinois; Saint Louis powder depot, Jefferson Barracks, Missouri; San Antonio arsenal, San Antonio, Texas; National armory, Springfield, Massachusetts; Vancouver arsenal, Vancouver, Washington Territory; Washington arsenal, Washington, District of Columbia; Watervilet arsenal, West Troy, New York; Watertown arsenal, Watertown, Massachusetts; United States Military Academy, West Point, New York; ordnance proving ground, Sandy Hook, New Jersey.

Respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

Hon. W. H. CALKINS,
House of Representatives.

It will be seen that in addition to the one hundred and sixty-three military posts which we now have and which it is necessary to garrison there is added twenty arsenals, making a total of one hundred and eighty-three points where it is necessary to keep up and maintain a military force. These arsenals alone contain forty-five millions of Government property. It was said by the eminent gentleman from New York [Mr. HEWITT] that some fifty of these posts were useless and might be dispensed with, but being interrogated by the gentleman from Ohio, the gentleman from New York admitted that these fifty posts that were useless and might be dispensed with ought only give way to other posts which were absolutely necessary, and I think it should not still be contended that the Government can get along with less than one hundred and sixty-three posts which are now established or which are actually required. Then, if you reduce the Army to twenty thousand men, including the twenty arsenals and the one hundred and sixty-three posts which are required, it would give but a fraction over one hundred men to each post and arsenal.

Now, let us consider that a moment. Many of these posts on the frontier are hundreds of miles apart, many of them are almost inaccessible during the winter months, many of them are cut off or practically so from all assistance early in the winter until late in the spring; cut off from all communication with settlements except an occasional hardy pioneer or ranchman; exposed not only to the danger which the necessary amount of travel exposes them to, but also to attacks by the Indians, without any assistance which can be sent to their relief. This is the condition which it would inevitably leave them in.

I hold it to be the duty of every government to protect all of its citizens so far as it can, at least to afford ample opportunities and to leave nothing undone which ought to be done for their protection, and yet this reduction of twenty thousand men leaves the hardy pioneer and frontiersman at the absolute mercy of the hostile savage.

Not long ago I had occasion to read the report of a most bloody and terrible butchery which occurred in the great highway between the Black Hills and the Missouri River. Its ferocity chills the blood. The scene is narrated by a scout who was an unwilling witness of, and who stood paralyzed and saw the most terrible butchery of recent years, but powerless to render aid. It was that of two men and a woman who, driving along in their wagon, as they had a right to do upon the territory of the Government, were attacked by these savages, some twenty or thirty in number, and the wily savages first expended their amunition in killing the two men, but carefully preserving the life of the woman that their hellish purposes might be realized. The scene of that contest makes the blood run cold in every Christian man's veins. Four hours after these gallant men had been killed and this woman worse than killed, another caravan passed and witnessed the disemboweled and mutilated carcasses of the men and the worse condition of the woman as these hellish savages had left them.

Mr. Chairman, the only return the citizen gets from his Government for the onerous taxes which he pays, and for the response which he makes to his country's call in time of war, is the protection to his person and to his property, and whenever any government assumes to protect its citizens and refuses or neglects to do so, that moment that government is a sham, a delusion, and a snare. I would have an army large enough to protect the hardy pioneer and frontiersman. I would have an army large enough that, when these savages attack the western settlements, the military forces, like an avenging Nemesis, will pursue them until they are brought to such summary justice that they will learn at least that the American citizens are protected in their own country and that the country is not only willing to but will do its duty.

Take our border along the Canadian line, stretching out as it does for thousands of miles, and then turn your eyes for a moment to that gallant little band under Custer who charged into the savage camp but a year ago and there met a horrible death; and after Sitting Bull and his tribe had been allowed to murder Custer and his men—yes, worse than murder, for after they were slain their dead bodies were mutilated in the most horrible manner—and after all this Sitting Bull took refuge across the border in Canada, only again to make his incursions on the white settlements whenever his savage ferocity may lead him on. In the presence of these lawless bands of savages the American people by the Congress of the United States lifts up its voice and says reduce the Army!

Take another case; who has forgotten the gallant charge made by Gibbon and his few men into the camp of the Nez Percés lately, in which he killed as many Indians as he had men, and his own command suffered most terribly at the hands of the savages—all for the lack of enough men to visit summary punishment upon them. Yet the cry goes out reduce the Army!

Take the hundreds and thousands of our settlements in the Territories, where night after night they have stood guard over all that was near and dear to them to protect them from the tomahawk and scalping-knife. Take the many murders, cold-blooded and inexcusable, that have taken place and are still taking place, in which the solitary settler is attacked at midnight and killed, and his cabin lights up the wilderness by the torch of the savage. All of these atrocities cry out in thunder-tones for redress; and yet we sit here trembling in the face of the country, and, on the false cry of economy, still go on reducing the protection which we ought to afford to these persons. Shame, shame on such measures as this!

Again, Mr. Chairman, take the Texan border, and I know there are gentlemen here who represent it that can describe it much better than I; but my picture would be incomplete without an allusion to it. While the courts are in session in the State of Texas and justice being administered, we as a nation see before our very eyes the robbers come from a sister republic across our border, rob our people of their property; drive off with impunity their stock; kill and murder our citizens; break up our courts of justice; set at defiance all law, and set at defiance a Government of forty-five millions of people. This not once or twice, but recurring daily. And still we sit here and tremblingly cry out "economy," and for that purpose reduce the Army.

How long shall these things be endured? How long must we submit tamely and quietly and spaniel-like to these outrages? How long will the people allow us, or some of us, for the purpose of making cheap capital on the false basis of economy to suffer these wrongs and let them go unrequited and unpunished? I mistake the temper of the people whom I represent if they will not in thunder-tones condemn such reprehensible acts. For these reasons, if for no other, I am still of the opinion that an army of fifty thousand men is not too great; and, in the words of McClellan, "whatever is worth having at all, is worth being kept well and efficient."

Another aspect of this case, Mr. Chairman, is this: it is claimed by eminent gentlemen of the House that all internal commotions, riots, and insurrections within the respective States ought to be suppressed by the militia of those States. I fully agree with the gentlemen that each State ought to keep and maintain a militia system. But, Mr. Chairman, they do not. The Western States do not keep and maintain a militia force. It is only in the larger cities of the country where this force can be kept; in the very nature of things it cannot be kept up in the country. Take our people in the West. They are an active and busy people; an industrious people. They accumulate their fortunes by the small. A year's labor of an honest and industrious husbandman produces but a small surplus at best. It would be a very severe tax upon him to require him to give his time so as to become a trained soldier even in the militia. In cities, where there is a number of rich men who delight in display and can afford to pay the tremendous and onerous expense, it is different; but in the country there is absolutely no time to be devoted to these purposes. Fifty years of experience has demonstrated it. In my own State I do not believe there is a regiment of trained militia, all told, which could be relied upon in any emergency.

Besides the direct tax which persons of the different States would be required to pay to keep it up, a militia system would be onerous and burdensome, and I may say, Mr. Chairman, that the militia system throughout the West is a failure—a great failure.

Now, it is admitted on all hands that there ought to be some reserved power or force to repress or suppress these insurrections when they take place or which are likely to take place, and which may pass beyond the control of a sheriff's *posse comitatus*. It is necessary to arm and equip such force. But no one will contend that an interior country can arm and equip a little army upon the spur of the moment. What better depository for all these equipments than the arsenals of the Government of the United States? They are made especially for that purpose.

I believe with eminent gentlemen upon this floor that the military forces of the United States should be the *dernier ressort*. Every other force, every other power should be exhausted before calling upon them. But I believe further that whenever the governor of any State who is the magistrate and the executive, charged with the execution of the laws of that particular State, sees danger imminent and believes it to be for the best interest of all that the military should interfere, he should have the power to call upon the President for such military force as is necessary to preserve peace and protect life and property, and this military force should be exclusively within and under the control of the governor of the State. And he should make it subservient to the local officers where the difficulty exists so that no usurpation or abuse could be practiced by the military, except by the direct order of the person legally charged with the peace of society. By this means all usurpation, all menace which the military would produce, would be dispensed with and we would not be open to the charge of keeping military forces for the purpose of overawing our citizens, because they would be commanded exclusively by the local officers.

Now, I am unable to agree with the eminent gentleman from New York [Mr. HEWITT] in his logic that it is better to suppress an insurrection by militia than by the regular Army. I should be inclined to judge of the result rather than the means made use of to effect it. And while the gentleman is an eminent logician and a very wise and practical statesman, I must disagree with his logic, that it is better for a militiaman to kill another in a domestic insurrection to preserve the peace and good order than it would be for a regular soldier to kill him. In my judgment, it makes little difference who commits the act, whenever the act becomes necessary, so that life and property and good order are protected and preserved.

So much, Mr. Chairman, for the militia system; a word now as to the expense. I maintain that an Army of forty thousand men would cost a very trifling sum more than an Army of twenty-five thousand men. In the first place, the two thousand and odd officers which we have would be sufficient to officer them so that there would be no or

very little increase, if any, in expense. Second, we would save millions of dollars in the transportation of both troops and supplies. The large part of the expense of our little Army now is the cost of transportation; whereas, if there were bodies of troops stationed at different points in sufficient numbers that it would not require rapid transit of troops to re-enforce certain points when war breaks out between Indian tribes on the frontier, all this transportation would be saved. This would largely reduce the expenditure for transportation.

There are many other ways in which and by which very large sums of money would be saved by means of increasing the rank and file of the Army and not increasing the officers. In my judgment an increase of three or four millions of dollars a year would maintain a standing Army of forty thousand men, and it would save very much more in property to our citizens than the expenditure and in life, both of the soldiers and of the frontiersman, and of the men upon our border. Who can tell how many lives it would save? We cannot measure human life by dollars and cents, and if it saved but one it would still be an economical expenditure.

And again, Mr. Chairman, one growing cause of complaint against the Army has been its use in the States recently in rebellion against the Government. But, Mr. Chairman, in every instance where the Army has been required to perform delicate duties in those States in nearly every instance it has met the commendation of the very persons against whom it was used.

I remember the substance of the words uttered by the speaker of the house of representatives in Louisiana to General De Trobriand when he was called upon to dissolve or to partially dissolve that body; and in the performance of that delicate duty he received nothing but commendations from those against whom he was directed. Recently, in the terrible disorders which occurred in South Carolina, General M. C. BUTLER especially commended the Army in the performance of its duty. I notice in the testimony of Captain Kellogg, taken before the Senate committee charged with the investigation of the affairs at that time, the following evidence is given by him:

> I may say that after the election was over, just after the polls closed, General M. C. BUTLER came around and requested permission from me to make a speech to my company; I told him I had no objection, although I had; yet I could not very well say so; so I said I had no objection, provided he would not say anything about politics; and he said certainly, that he wished simply to thank us; and I then called the company to attention, and he made us a little speech in which he thanked us for the courtesy and the impartial manner in which we had performed our duty during the day.

In all instances, so far as I have been able to learn, wherever any duty was performed by the Army, its officers or men, they did it as gentlemen, with due regard and respect for the citizens against whom they were directed.

But I need not go further into that, because the day has passed and we have passed the third scene after our war. All are now clothed with complete citizenship and the States with local self-government. Nobody hailed the day with greater delight than I, and I truly hope that in those impoverished States where war has desolated many homes and reduced to poverty and desolation very many villages and cities that the time has forever passed when such scenes shall recur again in this land of ours.

And now I want to make an appeal to my friends from the South. While there is a radical difference in political sentiments between many of you and myself, yet there is one great fundamental doctrine upon which we may agree: that is, the glory and the honor of our common country. While I fought as hard and as long as any one to subdue the rebellion, which I believed to be a crime against my country, and which I still believe was a crime, yet I never have seen the time since the war closed that, if one of the brave men who fought against me was hungry, I would not have divided my last ration with him; that, if he was naked, I would not have given my coat; if tired, I would not have shared my blanket with him. Adopting the language of Roderick Dhu, I would have said to either of you, "Come, share a soldier's bed, a soldier's fare." But while I have thus felt, I have also felt that there are many things that have divided us and that still divide us. But upon the great question, that of national unity, national greatness, national prosperity, we are one.

I beseech you, then, brave and chivalrous as you are, having met you and felt your power on many a field, not to do an act of injustice to the Army who have no political following, no political influence. Men who have left their homes, left all ambitions in life, who can look forward to nothing in old age except the smallest pittance and the little stipend that is given out by Congress to protect them and feed them in their declining age, without expectation of pleasant homes and firesides, with nothing to look forward to except the laurels they have won upon the battle-field and the fame they have helped to build up for the Government—with nothing but this to cheer them, I beg you to do justice to the grand Army. And in this extremity, when the Government has provided for those who have been faithful to it, I beseech of you not to strike a blow at them. They are helpless here except by your generosity to them. I know I shall not appeal in vain.

Mr. SCHLEICHER. Mr. Chairman, I would like to call the attention of the few members of the committee who still remain here to the unfairness of the arrangement made in regard to the debate upon this bill.

This morning the debate upon this bill was limited to this evening's session at twelve o'clock, or at least at the end of this night's session. But gentlemen will remember that the time of those who have spoken has been extended and in some instances doubled and again in other cases the time was extended an additional half-hour, and the result is that by the courtesy of the House at least one-half of those who wish to give their views to the House and to represent the interests of their constituents are entirely ruled out.

It looks to me like a very limited courtesy. I would like to appeal to gentlemen to assist me in the morning in having such change made as to give me, say, half an hour or an hour before debate is closed on the bill. I did not object to the extension of any gentleman's time before the debate was closed, and I would not have done so; but I think that gentlemen will see that the rule adopted will not act fairly. I do not know whether, after saying thus much, I should proceed to-night. I would greatly prefer to have a little time to-morrow.

Mr. EDEN. If the gentleman will give way I will make a motion that the committee do now rise, and then I will move that he have, by unanimous consent, leave to address the committee to-morrow.

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. SCHLEICHER. I will yield for that purpose?

Mr. EDEN. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration, according to order, the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

Mr. EDEN. I ask unanimous consent that the gentleman from Texas [Mr. SCHLEICHER] be allowed half an hour to-morrow morning when the House again resumes in Committee of the Whole on the state of the Union the consideration of the Army bill.

Mr. WHITE, of Pennsylvania. I move to reconsider the vote by which the resolution for closing debate upon this bill with this evening's session was agreed to.

Mr. HEWITT, of New York. Upon that question, if the motion be pressed, I shall have to raise the question of a quorum.

Mr. ALDRICH. The resolution closing debate was acted upon without a quorum.

Mr. HEWITT, of New York. If the House concludes, when there is a quorum present, to extend the time already allowed for debate, I shall be willing to accede to it; not otherwise.

Mr. ALDRICH. If that question is to be raised I shall move a call of the House.

The SPEAKER *pro tempore*. The motion of the gentleman from Pennsylvania [Mr. WHITE] is pending and he may call it up in the morning or at any time when he pleases.

Mr. BANNING. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted to the following:

To Mr. AIKEN, for four days, on account of important business;

To Mr. CLAFLIN, for five days, on account of important business; and

To Mr. ROBINSON, of Massachusetts, for four days.

WITHDRAWAL OF PAPERS.

On motion of Mr. BELL, by unanimous consent, leave was granted to withdraw from the files of the House the papers in the case of W. B. Whitmore, no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. McCOOK. I desire to know in what position this matter stands now in reference to closing debate?

The SPEAKER *pro tempore*. The motion to reconsider the vote by which debate was closed is pending, and can be called up at any time.

The question was taken upon Mr. BANNING's motion, and it was agreed to; and accordingly (at eleven o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: The petition of the Silk Hatters' Association, of Cincinnati, Ohio, for the abolition of the duty on black silk plush—to the Committee of Ways and Means.

By Mr. BRAGG: The petition of the fishermen of Lake Michigan, against the passage of the Williams fish bill—to the Committee on Commerce.

By Mr. BRENTANO: The petition of the citizens of Lake County, Illinois, that a pension be granted Ellen Devlin—to the Committee on Invalid Pensions.

By Mr. CONGER: The petition of Henry Bromley, and 57 other citizens of Mount Vernon, Macomb County, Michigan, that the Government restraint the manufacture, use, and importation of intoxicating liquors, and for an increase of the tax on the same—to the Committee of Ways and Means.

By Mr. COVERT: The petition of Metcalf, Moore & Co., and others, against the passage of the bill relative to the transportation of animals—to the Committee on Agriculture.

By Mr. DAVIS, of California: The petition of merchants of San Francisco, for the passage of House bill No. 3648—to the Committee on Appropriations.

Also, resolution of the Legislature of California, relative to grading streets adjacent to the San José Point reservation—to the Committee on Military Affairs.

Also, a communication of Judge Lorenzo Sawyer, relating to the appointment of United States shipping commissioners—to the Committee on Commerce.

By Mr. EICKHOFF: The petition of Mary M. Butler, for a pension—to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of H. M. Brown and William C. McGill, that a substitute be adopted for the bill (H. R. No. 4621) relating to the sale of spirituous liquors in the District of Columbia—to the Committee for the District of Columbia.

By Mr. GARTH: The petition of Mrs. C. L. Robinson, for compensation for property taken and damaged by the United States Army—to the Committee on War Claims.

By Mr. GIDDINGS: The petition of the board of aldermen of Austin, Texas, for an appropriation of $10,000 to repair barracks upon the military reservation in said city—to the Committee on Military Affairs.

By Mr. HARRIS, of Georgia: The petition of citizens of Talbot County, Georgia, for the passage of the Texas and Pacific Railroad bill—to the Committee on the Pacific Railroad.

By Mr. HENKLE: Papers relating to the claims of Albert Greenleaf, William Flinn, and Samuel P. Brown—to the Committee of Claims.

By Mr. HOUSE: The petition of S. E. Jones & Sons, of Nashville, Tennessee, relating to a patent for improvements in cane-mills—to the Committee on Patents.

By Mr. LOCKWOOD: Papers relating to the Indian depredation claim of Henry A. Bateman—to the Committee of Claims.

By Mr. MORGAN: The petition of J. B. Emory, John W. Tidings, and 40 other citizens of Barton County, Missouri, for the enactment of a law prohibiting the introduction of Texas cattle into the State of Missouri during the summer months—to the Committee on the Judiciary.

By Mr. MULLER: The petition of Henry L. Joyce, for compensation as a page in the House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. PEDDIE: The petition of steam-yacht-owners of Newark, New Jersey, that small steam-vessels used as pleasure boats, for private uses and for the purposes of improvement in steam-navigation, shall be exempted from the requirements of existing laws relating to the inspection of vessels propelled by steam—to the Committee on Commerce.

By Mr. TOWNSEND, of Ohio: The petition of Nathaniel Anson, Edward L. Hildebrandt, John P. Fletcher, and 400 other mechanics and laboring-men of Cleveland, Ohio, for the passage of Mr. WRIGHT'S bill in aid of settlers on homesteads, or for some other similar bill—to the Committee on Public Lands.

By Mr. VEEDER: Papers relating to the pension claim of Mary E. Murphy—to the Committee on Invalid Pensions.

By Mr. WOOD: The petition of Jonas P. Levy, that he be paid the sums of money due him by the government of Mexico—to the Committee on Foreign Affairs.

IN SENATE.

WEDNESDAY, *May* 22, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented the petition of John Brown, guardian of the children of John Nelson, deceased, who was a soldier in the late war, praying the passage of an act granting them a pension; which was referred to the Committee on Pensions.

Mr. MERRIMON. I present five petitions, signed by more than 300 of the leading citizens of Fayette, North Carolina, of all trades and businesses, representing that in their opinion the tax of 10 per cent. levied on the circulating notes issued by banks chartered by the different States is unjust and against the best interests of the people, and they pray Congress to repeal as much of the internal-revenue law as imposes this tax. I believe I can say that the public sentiment of North Carolina is unanimous on that subject. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT. I present the petition of Benjamin S. Brooks, Egbert Judson, John Carter, and David S. Turner, of California, in which they state that they are the owners of an island called Yerba Buena, somewhat known in the discussions of Congress, and they trace the right to the same back to 1849, as they claim. They pray that this right be recognized by Congress by appropriate legislation. As the island is a military reservation, I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. MATTHEWS presented the memorial of Allison, Smith & Johnson, and others, manufacturers of and dealers in type, of Cincinnati, Ohio, remonstrating against the refunding to Miller & Richards of a fine imposed upon them for undervaluing goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4874) for the relief of the sureties of John McNellis, asked to be discharged from its further consideration and that it be referred to the Committee on Finance; which was agreed to.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4420) for the relief of Horace E. Mullan, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1918) for the relief of Milton B. Cushing, paymaster United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 230) to authorize and enable the Eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD. I am instructed by the Committee on Claims, to whom was recommitted the bill (S. No. 235) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri, to report it favorably, adopting the report previously submitted by the committee. There is a minority report also, which will be presented by the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I desire in behalf of four members of the committee to present the views of the minority; which I ask to have printed.

The PRESIDENT *pro tempore*. The order to print will be made.

Mr. GROVER, from the Committee on Public Lands, to whom was referred the bill (S. No. 885) to amend the act approved September 27, 1850, creating the office of surveyor-general of Oregon, providing for the survey and making donations to settlers of the public lands in Oregon, and also the act amendatory thereof, approved February 14, A. D. 1853, reported it without amendment.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was recommitted the bill (S. No. 1132) for the relief of Lieutenant-Commander James H. Sands, United States Navy, reported it with amendments.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 613) subjecting the Fort Wayne military reservation, in the State of Arkansas, to entry as other public lands in said State, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

DRURY BYNUM.

Mr. OGLESBY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. No. 1201) for the relief of Drury Bynum, to report it without amendment and to submit a written report thereon. I will state that the amount involved is only $35, being a fractional part of a quarter's payment due him in 1861 in some land office in Mississippi. The Commissioner of the General Land Office sent the account to be examined, and it was found that that balance was due Mr. Bynum. All that is needed is an appropriation to allow the money to be paid. It will be a troublesome matter to take up again, and it is better for the Senate to dispose of it now than at any other time. I therefore ask that the Senate proceed to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Drury Bynum, late register of the United States land office at Paulding, Mississippi, the sum of $35.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1291) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1292) for the relief of Elias D. Bruner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1293) granting a pension to Sallie A. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1294) authorizing the construction of a bridge across the Wabash River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO POST-ROUTE BILL.

Mr. BECK and Mr. WITHERS submitted amendments intended to

be proposed by them respectively to the bill (H. R. No. 4286) to establish post-routes in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. GROVER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce.

SETTLERS ON PUBLIC LANDS.

Mr. PADDOCK. I move that the Senate take up the bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws, which I reported yesterday from the Committee on Public Lands. It is a mere matter of form, and a similar bill has passed the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws, subject to all the provisions of the law relating to homesteads.

Mr. BECK. What is the meaning of "changed his filing in pursuance of law?"

Mr. PADDOCK. The change of his filing made under the pre-emption law to that for a homestead. The object of the bill is to give pre-emptors who have spent a year or two or three years upon their lands in improving them the benefit of that time when they shall make the change described in the bill as they may do now under the law as it stands but with the loss of their time theretofore spent upon the land. I will state to the Senator that although this is a House bill the Senate some time ago passed exactly the same bill and sent it to the House; but instead of the House taking up the Senate bill and passing it they passed the House bill, every word of which is the same, and sent it to us.

Mr. BECK. I did not catch the word exactly and did not understand its meaning. I understand it now.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HENDERSON.

Mr. ALLISON. I move to take up the bill (S. No. 796) for the relief of John Henderson. I think it will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to refund and pay to John Henderson $5,000, in full satisfaction of the amount paid by Henderson upon a bond for the release of one hundred barrels of spirits given by him as claimant, under the order of the United States district court for the eastern district of Missouri, and upon which spirits he in good faith had paid the taxes assessed by the United States officers.

Mr. DAVIS, of West Virginia. I think the bill ought to have an explanation.

Mr. ALLISON. I will say that this bill was considered by the Committee on Finance of the Senate and unanimously agreed to. Mr. Henderson was a citizen of New Orleans, and a dealer in liquors. He purchased in bond from a Government warehouse one hundred barrels of whisky, paying the owner of it the excess over the tax of about a thousand dollars. This was done in the ordinary course of business. He shipped these high wines to Saint Louis and sold them there in open market. Afterward, the Government of the United States seized the hundred barrels of whisky upon the idea that the original intent of the distiller was to defraud the revenue. Mr. Henderson filed his bond, and secured the release of the whisky. The case was tried in the district court and Henderson recovered. It was appealed to the circuit court and Henderson recovered, and then it was appealed by the Government of the United States to the Supreme Court of the United States, and a majority of that court decided against Henderson under a section of the statute which states, as interpreted by a majority of the court, that if the distiller had the original intent to defraud the Government that intent must follow the high wines through until they were purchased in open market. A minority of the court, however, held that Mr. Henderson, having purchased these liquors in good faith, was entitled to recover the amount of his bond. The committee were unanimously of the opinion that Mr. Henderson ought to have refunded to him the amount paid on the bond, and therefore they reported the bill favorably.

Mr. SAULSBURY. The bill is then to reverse the decision of a majority of the Supreme Court?

Mr. ALLISON. No, sir; it has no such purpose. Upon a technical construction of the statute the Government of the United States has taken out of Mr. Henderson a tax on those distilled spirits. The innocent purchaser paid only the value of the spirits. The Government has recovered the amount of the bond originally given by Mr. Henderson when he recovered the spirits from the Government under a writ of replevin.

Mr. BAYARD. There has been no defalcation.

Mr. ALLISON. No defalcation in any respect was made either by the distiller or by Mr. Henderson. Henderson purchased the spirits from a Government bonded warehouse and paid the tax, over $3,000 I believe, or about $3,000, for the spirits, and paid the distiller the value of the spirits over and above the tax, amounting to $1,000 more. In other words he paid over $4,000; $3,000 of which went into the Treasury, and under a technical construction of the statute by a majority of the Supreme Court he has had a judgment rendered against him of $5,000 on his bond. We say that is inequitable and unjust, and therefore the Government cannot afford to hold this money.

Mr. WITHERS. It is to relieve him from the payment of that judgment.

Mr. ALLISON. He has paid the judgment, and it is to refund the amount paid to the Government as tax.

Mr. WITHERS. I understand.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREASURY DISCREPANCIES COMMITTEE.

Mr. DAVIS, of West Virginia. I ask the Senate to take up the resolution I offered a few days ago in regard to the Treasury discrepancies committee, and providing for the continuance of the committee during the recess of Congress, and I call the attention of the Senator from Vermont [Mr. MORRILL] to the matter.

The Senate resumed the consideration of the following resolution, submitted by Mr. DAVIS, of West Virginia, on the 17th instant:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate.

Mr. MORRILL. I do not propose to make any objection to the proposition made by the Senator from West Virginia, although I think the statement that he made the other day was rather gratuitous in anticipating the report of the committee and saying that there was no doubt about the facts that he had stated being as stated by him. I thought that was rather anticipating the verdict. I must say in addition to this, having ascertained from the Senator's own admission that he does not propose to superintend or take care of this investigation during the recess, that this appears to be nothing more than a proposition to allow the clerks to have a *per diem* during the recess. I trust to the prudence of the Senator from West Virginia, knowing his notions of economy, that he will see to it that they do not cavort about and run the Government largely into debt during the recess.

Mr. DAVIS, of West Virginia. Mr. President, as to the gratuitous part of anticipating the report of the committee, I had not intended to say one word on that branch until the resolution was objected to; but I will say to the Senator from Vermont that there was no gratuitous information given. I stated as a Senator, not upon the authority of the committee, as the committee had not been consulted, that each and every statement that I had made in my previous remarks in the Senate would I believe be found substantially true, including the assertion that the debt statements had been changed to the extent of over $200,000,000. I repeat that now. I believe that every word I said, and more too, will be proven. But that statement is made upon my own responsibility. I have no authority from the committee to make it.

As to the examination to be made during the recess, it is known to the Senate that the committee has two clerks engaged at a per diem of $6. That is all the expense that will be and all that has been incurred. There has been no testimony taken up to the present time, and probably none will be taken during this session. The committee as a whole I believe thought it best that the clerks during the recess of Congress should look carefully into the books of the Register, the Secretary, and the Treasurer, and make comparisons. I believe that the work will be done by the two clerks properly. Eight or nine hours every day will be employed by those two clerks in examining and comparing the books. What the result will be, of course I know nothing about; but in justice to myself, having made repeated statements in the Senate that discrepancies did appear, that changes had occurred, and that those changes involved very large amounts, I wanted the Senator from Vermont and the Senate and the country to know that we are not asking to continue the committee in order to examine into what I had stated in the Senate, for that already has been examined into, but that it is other and new things into which we propose to examine. I say to the Senate that I believe the committee have worked diligently. They have called upon the Secretary of the Treasury and other Secretaries for information which has not yet been furnished. It is impossible for the committee to make a report until the information asked for by the committee from the heads of Departments is furnished. I believe the heads of Departments have done what they could properly to furnish the committee with information. There has been nothing kept from them that ought to have been furnished.

Mr. ALLISON. The object of this resolution, as I understand it, is specifically as stated by the Senator from West Virginia, namely, to enable the two clerks of the committee to continue their investigations in the Treasury Department. I think there is no other object proposed. I do not understand that the committee propose to take

testimony or to continue specially their investigations. The object is only that these two experts, as they are called, may continue during the recess their examinations of these voluminous books, extending through a long time, and prepare tables and matters of comparison for the committee when the recess shall have ended. But that there may be no mistake about it, I suggest to the Senator from West Virginia that he add to the resolution the words "so far as to continue the examination of the books in the Treasury now in progress." That is the exact purpose the committee have in view, and I think it had better be expressed upon the face of the resolution.

Mr. DAVIS, of West Virginia. I listened with pleasure to my colleague on the committee [Mr. ALLISON] and I agree with him except in this, that his suggested amendment may restrict us to books now being examined. I think it would be better to let the resolution merely give the committee leave to continue its examination, and the committee will have power to determine what kind of investigation it shall be. The Senator himself will have power to direct the examination by suggesting to the chairman what to do, if he thinks proper. The object of the committee is that these clerks may continue their work during the recess. That is all. But if we incorporate in the resolution the suggestion of the Senator from Iowa, it may restrict us to some particular books, which the Senator does not intend, I know.

Mr. ALLISON. I suggest to add, "so far as to continue the examination of the books in the Treasury now in progress." That is the examination of the Treasury books being now in progress, it may be continued during the vacation. That is the object, and I think it is wise to state it on the face of the resolution.

Mr. DAVIS, of West Virginia. I do not like to differ with my colleague on the committee, but I think the resolution now will cover it.

Mr. ALLISON. I move the amendment which I have suggested, so as to take the sense of the Senate upon it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

Mr. DAVIS, of West Virginia. Let it be reported.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

Mr. INGALLS. It is probable that the interval between the adjournment of Congress and the commencement of the next session will be brief, and the members of the select committee will undoubtedly be considerably occupied. A number of the committee live at quite a distance from the capital, and it would be very inconvenient to have this resolution adopted in such a shape that meetings of the committee might be called which some of the members could not attend. I understand the only object which the Senator from West Virginia has in view is to have the formal examination of the books now in progress continued by the clerks or experts who have that branch of the examination in charge. That being the case, it is proper that the resolution offered by the Senator from West Virginia should be restricted by the amendment proposed by the Senator from Iowa.

While I am upon the floor, I will say that I regretted extremely to hear the statement made by the Senator from West Virginia when this resolution was before the Senate on a previous day, and which he has repeated again this morning. He alluded to the fact that he spoke for himself and not by order of the committee. That is true. But my understanding of the proceedings of that committee up to this instant has been that under no circumstances were any declarations to be made or any statements to be offered to the public while the investigation was in progress, the apprehension being very natural that as the examination was but partial, statements might be made which would injuriously affect the credit of the country, and I will venture to observe that myself having examined the records so far as they have been made by these experts now having the case in charge, I differ entirely from the Senator from West Virginia in regard to the statement that he has made. I do not believe that the examination when concluded will show that there has been any dereliction of duty or any corrupt appliance or any improper use of the public funds by any officer of this Government, but that on the contrary discrepancies, if they exist, will be found to be entirely innocent and explicable upon theories consistent with the honesty of the public officials and due simply to the different methods of book-keeping that have been adopted by different administrations having the finances of the country in charge.

Mr. DAVIS, of West Virginia. Mr. President, before I speak to the change proposed to the resolution I will say a word in reply to my colleague on the committee, [Mr. INGALLS.] It is true, as he stated, that there was an understanding in the committee that no statements made and no information gathered by the committee should be made public. I think that has been adhered to, at least so far as I know, though there have been many applications of course by correspondents for information. I believe the committee has adhered to its rule. I regret that my colleague on the committee differs with me in that—I ought to say that the statements I had heretofore made I believed would be found true. That was the extent to which I went. I said nothing about what any result of the committee's examination had been. I spoke as a Senator, and not on the part of the committee, and I thought I was not going beyond the proper understanding of the committee when I made that statement. If I had thought so I should not have used the language I did. But the statement has been made, and I think it is true. I believe as firmly as that I am here that every statement I have made heretofore about discrepancies in the Treasury Department and the changes and alterations is true. Now as to the misapplication of money and as to what officer did this and as to how it was done, as the Senator has spoken of that, I have expressed no opinion. I do not expect to express any. That does not change the statement I have heretofore made that the changes and alterations, especially in the debt statement, had increased the public debt over $200,000,000. That is a fact. The statements show for themselves. I am not stating it for the committee; I state it as an individual, and I have stated it heretofore in the Senate two or three times, and I now repeat it. I believe it to be so, and I think the investigation will show it. I am sorry, though, that I have in any way got beyond, if I have, the understanding of the committee. I had no understanding with the committee that I as an individual in the Senate could not speak of what I believed to be the facts as connected with the investigation. In that respect I spoke not upon the part of the committee, and I do not say now that the committee has passed upon anything at all connected with the investigation.

Mr. ALLISON. I wish to ask the Senator from West Virginia a question before he sits down. He says the debt statement has been increased $200,000,000.

Mr. DAVIS, of West Virginia. Over $200,000,000.

Mr. ALLISON. Over $200,000,000. Does he mean by that to say that the debt has been improperly stated to the extent of $200,000,000 or does he mean to say that somebody has taken $200,000,000 out of the Treasury?

Mr. DAVIS, of West Virginia. Certainly, Mr. President, the Senator does not mean to infer that I had said that somebody had taken $200,000,000 out of the Treasury. I never have made such a statement and I never expect to make such a statement until the committee make the report, and not then unless it be a fact. I have made no such statement, nor do I intend to make any such statement, nor can any Senator draw me into making such a statement in advance of the fact being investigated by the committee. What I do state is this: take the Register's report, also the Secretary's and Treasurer's reports for 1869, and compare them with the official finance reports to Congress made in 1871, and there will be found an increase of the public indebtedness of more than $200,000,000 upon the face of the statements themselves. Now, the object of the committee is to investigate that change and see why it was made. Does either of the Senators or does any Senator deny that fact? Can any Senator deny that important fact?

Mr. ALLISON. There was a different mode of statement; that was all.

Mr. DAVIS, of West Virginia. A different mode of statement when the amount is increased, as I have said, over $200,000,000! It is a different mode of statement; but you may take an accountant and let him desire to make a different mode of statement and make an increase or decrease, and he certainly can do it. There is no trouble about that. It does not take away from the fact that the debt statement has been increased over $200,000,000.

Mr. BLAINE. This seems to me a very important statement, and I should like to get what the Senator means.

Mr. DAVIS, of West Virginia. I mean just what I say.

Mr. BLAINE. There has been ever since the war closed a monthly statement of the public debt every month, and it has shown right along a gradual decrease. At what point was this $200,000,000 increase?

Mr. DAVIS, of West Virginia. The Senator is mistaken about the monthly debt statement having been made ever since the war. I think it commenced in 1866 or 1867.

Mr. BLAINE. That was very near the war. I did not mean the very day it closed.

Mr. DAVIS, of West Virginia. I say to the Senator that the monthly debt statements do not agree with the statements contained in the finance reports as sent to Congress. I say further that the Register, the Secretary, and the Treasurer all differ as to the amount of public debt constantly up to 1870, and in 1870 there was a general revision of the public debt and all these statements got comparatively together; and between 1869 and 1871 as stated previous to 1869 there was an increase. For instance, I will take one year, if the Senator desires me to do so; take the year 1862: Secretary Chase, as will be remembered, made the report to Congress in 1862. In round numbers he said the public debt was $514,000,000, and it was so reported by each Secretary and by Secretary Chase himself in after years up to 1869. When you take up the report of 1870 the debt of 1862 is put down at $524,000,000, an increase in round numbers of $10,000,000 in that particular year. Now take, if you choose, the year 1868, and you will find an increase from what it was reported at in 1868, when it is reported in 1870 of about $75,000,000 according to my recollection. In that way, I say, the debt statements have changed, and increases have taken place.

Mr. BECK. Mr. President, on the 19th of November, 1877, the President of the Senate appointed Mr. DAVIS of West Virginia, Mr. BECK, Mr. ALLISON, Mr. INGALLS, and Mr. CAMERON of Pennsylvania a committee under a resolution which I will read:

To investigate the finance reports, books, and accounts of the Treasury Department, particularly with reference to differences, discrepancies, and alterations in amounts and figures that have been made in them, if any such there be, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and, if any such differences, dis-

crepancies, and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, (if any,) the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers, to take testimony, to employ a stenographer and two clerks, and with leave to sit during the session of the Senate; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the committee; and said committee shall not be dissolved by the expiration of the present session of the Senate, but shall exist until it shall make its report or shall be discharged.

That resolution indicated, by the elaborate and careful language and details it contains, not only that the Senate regarded the question as an extremely important one, and one involving a vast amount of labor, one which involved perhaps the correctness of the books of the Treasury Department and the confidence the people of this country and of other countries would have in the statements made by the Treasury officials. I think the resolution gave us power to sit during the recess. It uses this language:

And said committee shall not be dissolved by the expiration of the present session of the Senate, but shall exist until it shall make its report or shall be discharged.

Fearing, however, that we might not have the power to sit under those general words, the committee at a meeting it held ordered the chairman to ask for this additional authority:

That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under the resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate.

I thought we had the power, but the committee desired to have it made perfectly clear, and I am sorry that anything has been said on either side as to what will be the result of our investigations. Our action evidently is extremely important, and we have been making them with great care. I do not know how much attention others have paid to them; I know I have gone to our committee-room at least once a week during the whole winter and have found the chairman of the committee there, I believe, nearly every time I went, with the clerks working faithfully, calling for a report of the Secretary from his books, of the Register from his books, of the Treasurer from his books, comparing them together and with the finance and other reports, to see how the different accounts stood and how they had from time to time been kept or changed; calling on the Secretary of War for the expenditures of his Department, on the Secretary of the Navy for the expenditures in his, on the Secretary of the Interior for the expenditures in his, on the Postmaster-General for his, so as to compare each together and with the reports of the Treasury officials. I avow here that the object I had in view in seeking to extend this examination and sitting during the recess if necessary, calling the committee together if it was thought best and keeping the clerks at work under the general authority, not limiting it as the Senator from Iowa seems to desire—in short I was anxious to do whatever is necessary to ascertain the truth and the whole truth in the matter. I desired, above all other things, not to make a partial report now. It cannot be done and do justice, the proper investigation cannot be had and the examination of witnesses made before this session of Congress adjourns if we attend properly to our other duties; and as there will be a heated canvass all over the country this fall in a majority of the congressional districts, I greatly desire that no imperfect report should be made that would perhaps do injustice to one side or the other during that canvass. I hope that every fact and every opinion that gentlemen on the committee on either side might have should be withheld from the public until the examination was concluded and the result carefully and well announced to the Senate. In order to do it even next winter, I believe these clerks will have to work all summer. I think the committee ought to meet once or twice during the recess, or perhaps we could come here say two weeks before Congress meets, in order to take testimony, in order to be able to get through next winter after the excitement of the November election shall have passed away.

For myself I never have indicated and I will not now indicate any opinion as to the result; and I was anxious to bridge over this examination during any political excitement because it will be better for all parties that the facts should turn out, if they can be shown to do so, that the books of the Treasury have been honestly kept and that the accounts and the money of this people have been properly cared for; and I hope it may turn out that way. Whether it will or not is not for me to say now, because we have not progressed far enough to ascertain whether it will or not; but I do not want any party in these congressional races to assume the fact to be one way or the other. But I did not want, after spending six months of labor here trying to ascertain all the facts, to come in now with an imperfect report or be cut off from continuing the investigation in any way we may desire. I hope we shall not be called upon to meet during the recess. I have a great desire not to come here then, but it may be that it may be important to come a week or two in advance of the regular meeting of Congress, and I should like the authority to remain as I think it remains in the original resolution to do whatever the circumstances may require us to do.

I hope the Senator from Iowa will withdraw his amendment. I understand the Senator from West Virginia will be absent the greater part of the summer. The Senator from Iowa, the Senator from Pennsylvania, the Senator from Kansas, and myself, (and perhaps the Senator from West Virginia may return in time,) may deem it best to come here a week or ten days before the regular session of Congress or take some steps to facilitate and promote the investigation. It is extremely important; it is important to the country; it is important to the officers who have been in these positions; it is important to the world to know just what the facts are. We should not cripple ourselves now by curtailing our power to ascertain the whole truth. If it is deemed best not to do it, the committee need not be called together. I hope for my own personal convenience that there will be no session, but I do think we ought not to be limited in an investigation which all admit to be so important. The amendment may cripple it. The Senator from Iowa may be sure that no step will be taken without full consultation with him and with each member of the committee.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa.

Mr. DAVIS, of West Virginia. It has not been reported yet.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The CHIEF CLERK. The amendment is to add:

So far as to continue the examination of books of the Treasury now in progress.

And strike out "and sit."

Mr. DAVIS, of West Virginia. Do I understand that it is proposed to strike out the word "sit" in the original resolution? I would much rather have no additional power granted at all, because the amendment goes back and takes from the committee powers given them by the Senate after a week or more debate here on the original resolution. That I never could consent to; and I hope the Senator from Iowa has no wish to restrict the committee in any form or in any manner. I have no objection to say that under the resolution now under consideration the committee itself will not sit during the recess; but I cannot consent willingly—of course it is for the Senate to decide—that we shall only examine the books "now in progress." We are examining some books; that will be through to-day, perhaps, and to-morrow we shall want to take up others.

Mr. ALLISON. I will modify the amendment in that respect.

Mr. DAVIS, of West Virginia. Now let the amendment be read as modified. But will it not be satisfactory to the Senator to say that the committee shall not sit during the recess? I have no objection to that, and I have not said that it will sit during the recess, or, rather, that any testimony will be taken during the recess.

Mr. ALLISON. That is what I desire to avoid. Of course, if we desire to come here a week or ten days before the next session there will be no objection to doing that; but we shall have an abundance of labor in making examinations of these books in the Treasury as compared by the experts without taking testimony.

Mr. DAVIS, of West Virginia. Just add that no testimony shall be taken until ten days before the next regular session, if you choose, or say not at all. Either way will suit me.

Mr. ALLISON. I suggest to the Senator that he leave the resolution with my amendment as modified.

Mr. DAVIS, of West Virginia. Let it be read.

The CHIEF CLERK. The resolution, as proposed to be modified, will read:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate so far as to continue the examination of books in the Treasury.

Mr. DAVIS, of West Virginia. Now, will it not be satisfactory to the Senator to strike out the words "and sit," and let the resolution stand as offered.

Mr. ALLISON. Certainly.

Mr. DAVIS, of West Virginia. That will be satisfactory.

Mr. ALLISON. Very well.

Mr. DAVIS, of West Virginia. Now I understand the resolution is just as offered by myself, with the words "and sit" taken out. Now will the Clerk read it as it stands?

Mr. ALLISON. With the addition I made.

The CHIEF CLERK. The resolution is proposed to read as follows:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under the resolution of the Senate November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation during the vacation or recess of the Senate, so far as to continue the examination of the books in the Treasury.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) Is there objection to the resolution as proposed to be modified?

Mr. BECK. I understand that by this proposition all questions relating to expenditures in the War Department, Navy Department, Interior Department, and everywhere else are to be excluded during the whole recess.

Mr. ALLISON. No.

Mr. BECK. That is the meaning of it; that is the effect of the amendment; and if that is the purpose we might as well quit examining, because it is by the details obtained from the various Departments that we compare the Treasury books.

Mr. ALLISON. I will obviate the objection of the Senator from Kentucky by modifying the amendment so far as to continue the examination of the books in the several Departments of the Government. I wish to continue this investigation through these experts, but I do not wish to be called here, because I do not believe there is

any necessity for any of us being called here during the recess to take the testimony of witnesses with reference to this matter of book-keeping in the Treasury. Therefore I only desire that these experts, selected by the chairman of our committee, shall continue their examinations everywhere and anywhere so far as to furnish us complete and full information when we return here in December.

Mr. BECK. If we are to be crippled all around in this investigation when it is desirable to pursue the facts, I hope the whole resolution will be laid on the table and that the chairman of the committee will call us together and keep us on it from now until Congress adjourns, so as to be able to make a report next month. We can do it by working all the time, and then the country will see just what it is. But if we are to be crippled, if we are to be confined down here and there to clerks merely making inquiries at such points as the Departments may see fit to give us, we had better have no authority at all, but let us press on and bring our labors to a conclusion and make a report. We can make one. It may not be very satisfactory, but it will be a report, and the country will like to see it. I move to lay the whole thing on the table.

Mr. FERRY. Has not the morning hour expired?

The PRESIDING OFFICER, (Mr. HOAR.) The morning hour has expired.

Mr. FERRY. I ask the Senate to proceed to the consideration of House bill No. 4663.

Mr. INGALLS. I call for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. EPPA HUNTON of Virginia, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. G. W. HENDEE of Vermont, managers at the conference on its part.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2915) to perfect the title to certain real estate in the District of Columbia;

A bill (H. R. No. 3708) to regulate the practice of pharmacy in the District of Columbia;

A bill (H. R. No. 4616) to incorporate the National Fair Grounds Association;

A bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia;"

A bill (H. R. No. 4943) to authorize the commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations;

A bill (H. R. No. 4944) amendatory of the act to incorporate the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 4945) for the preservation of game and protection of birds in the District of Columbia;

A bill (H. R. No. 4946) to amend chapters 15 and 27 of the Revised Statutes of the United States relating to the District of Columbia, and to consolidate into one the offices of recorder of deeds and register of wills of said District;

A bill (H. R. No. 4947) providing for the holding of additional terms of the district and circuit courts of the United States in the southern district of Illinois, and for other purposes; and

A joint resolution (H. R. No. 182) for the benefit of the penny-lunch house of the city of Washington, District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 314) to confirm the term of the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston; and

A bill (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the joint resolution (S. R. No. 23) providing for the distribution and sale of the Revised Statutes of the United States.

JOINT RULES.

Mr. BLAINE. I wish to report from the Committee on Rules a series of joint rules which the committee instructed me to report to be proposed to the House of Representatives. I merely move for the present that they be printed and laid on the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FERRY, (Mr. HOAR in the chair.) The Senator from Kansas [Mr. INGALLS] has called for the regular order. I think the understanding yesterday was that at one o'clock to-day, on the expiration of the morning hour, the Senate would proceed to consider House bill No. 4663, pending which——

Mr. INGALLS. What is the title of that bill?

Mr. FERRY. A bill to forbid the further retirement of United States legal-tender notes.

Mr. INGALLS. No, sir.

Mr. FERRY. The bill was to be called up and temporarily laid aside for the purpose of calling up what is known as the Texas Pacific Railroad bill, to allow the Senator from Mississippi [Mr. LAMAR] to express his views upon that bill. That was the understanding yesterday.

Mr. INGALLS. The understanding of the Senator from Michigan is very different from mine.

Mr. FERRY. I leave it to Senators who were here.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The Chair understands that the unfinished business is the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

Mr. INGALLS. That is correct.

Mr. FERRY. I think there are many Senators present who will bear me out that the understanding was what I have stated, no objection was made, and the Senator from Ohio on my right [Mr. MATTHEWS] said "If that be the understanding, then I withdraw any objection," or something to that effect.

Mr. VOORHEES. The Senator from Michigan states the understanding correctly.

The PRESIDING OFFICER. In the absence of an agreement by Senators by unanimous consent, the Chair must take the Journal as governing the order of business, and the Chair is informed by the Chief Clerk that the unfinished business is what he has announced.

Mr. SARGENT. The Senator from Ohio [Mr. THURMAN] himself gave as a reason for moving an adjournment last night, first, that he desired until this morning to examine this bill, and he asked the Senator from Kansas [Mr. INGALLS] if he would not allow it to go over until the morning, with the understanding that it was the unfinished business, as of course it must necessarily be from the position it occupied. He also stated that he and some other Senators had some engagement which required an adjournment at an early hour yesterday. I understood, however, that the Senator from Mississippi [Mr. LAMAR] after the expiration of the morning hour was to speak upon the Texas Pacific Railroad bill, the business that should be unfinished to be laid aside temporarily for that purpose.

Mr. INGALLS. That was the agreement.

Mr. SARGENT. That was the agreement.

Mr. FERRY. In answer to the Senator from California, I will restate what occurred. Yesterday I reported from the Committee on Finance the bill which I hold in my hand and gave notice that to-day after the morning hour I would call it up and ask the Senate to proceed to its consideration. Occupying the chair when the morning hour expired yesterday, the Senator from Indiana [Mr. VOORHEES] called up the regular order, which was the finance bill reported by the committee on a prior day. The Senator from Ohio [Mr. MATTHEWS] then rose and called attention to the fact that some days since he had given notice that yesterday he would ask the Senate to proceed to the consideration of the Texas Pacific bill, and stated that his object was to give an opportunity to the Senator from Mississippi [Mr. LAMAR] to express his views upon that bill. The Senator from Michigan left the chair and urged the Senator from Indiana to withdraw his motion to proceed to the consideration of the regular order, for the purpose of extending the common courtesy which has never been refused to any Senator when he stated that he desired to express his views simply upon a pending measure. I then asked him and through him asked the Senator from Delaware [Mr. BAYARD] who was entitled to the floor upon the bill which I hold in my hand, if he would not also give way to the Senator from Mississippi who had been announced as ready to speak to-day on the Texas Pacific bill. The Senator from Delaware very courteously yielded to the Senator from Mississippi; and then there being no objection the Senator from Ohio [Mr. MATTHEWS] rose and said: "If that be the understanding, that is satisfactory," or words of that import. I think there was no misunderstanding. This was in the morning at the close of the morning hour. What occurred at the latter part of the day I have nothing to say about.

Mr. CONKLING. Mr. President, I was surprised yesterday at the point of time to which the Senator from Michigan has now alluded, that neither he nor any other Senator took any steps to establish any definite understanding in this regard, and I have looked over the RECORD to see if I could be mistaken in this, because I had a reason for observing and remembering it. The Senator from Michigan said in the conclusion of the brief statement which he made:

> Now it seems to me that there can be no objection to taking up the bill that was reported this morning from the Committee on Finance, and when it is before the Senate I will then move to lay aside that bill inasmuch as the Senator from Delaware is willing to yield the floor, as he is entitled to it, for the purpose of listening to the remarks of the Senator from Mississippi. When those remarks are concluded, I shall then ask the Senate to proceed with the consideration of the finance bill, when the Senator from Delaware will have the floor.

That is all a statement of what the Senator himself proposed to do. It was a notice he gave to the Senate. But one thing ensued which looked like an understanding or the presumption of an understand-

ing at all, and that was a remark which fell from the honorable Senator from Ohio, [Mr. MATTHEWS,] and that remark does not bear out at all, I think, the understanding which the Senator from Michigan now has. I will read it, and it followed the remark that I have read from the Senator from Michigan:

Mr. MATTHEWS. Then, Mr. President, with the understanding that I now understand has taken effect that the Senator from Mississippi will be entitled to the floor at the expiration of the morning business to-morrow, laying aside temporarily and informally any pending business, I have nothing further to say.

I do not wish to occupy a moment in referring to these facts; but having had a special reason for observing, as I thought, the failure to come to any such understanding about the finance bill as the Senator from Michigan suggests, I ventured to call the attention of the Senate to some of the things which appear upon the RECORD, and I will read one or two other observations made by Senators, that the Senate may see what was the nature of this suggestion; and I say that it was a mere suggestion of the Senator from Michigan of what he proposed to do. It never was propounded from the Chair at all and never received the consent of the Senate; and I think I can be quite sure it would not have received unanimous consent if it had been propounded. The Senator from Michigan first said:

I desire to state in this connection that to-morrow I shall seek the floor to invite the Senate to consider this bill. I understand that one member of the committee, the Senator from Delaware, [Mr. BAYARD,] desires to express his views upon the bill, and I shall endeavor to ask the Senate to proceed to its consideration to-morrow.

That was the first suggestion about it. Later on, at the part of the RECORD which I read before, the Senator from Iowa [Mr. ALLISON] made an observation which is quite significant of his understanding. He said:

Now the Senator from Michigan reports another bill from the Committee on Finance this morning which in many respects covers the same points as the bill formerly under consideration, and gives notice that the bill will be taken up to-morrow. So I can see no difficulty in the way if the Senator from Mississippi only desires to submit his remarks to-morrow, and then let the regular order proceed, whatever it may be.

"Whatever it may be." That was at a time when the Senator from Ohio was insisting that it should be one bill, and the Senator from Michigan was expressing the hope and determination as far as in him lay that it should be another bill, and after he had made his final announcement the subject was dropped, when the Senator from Ohio [Mr. MATTHEWS] said that the Senator from Mississippi would be able to proceed, the pending business, whatever it might be, being laid aside, and there leave was taken of the whole matter, no proposition for general consent ever having been propounded to the Senate, and there having been no time when any Senator might, if he chose, or could be, informed what the proposition was, inasmuch as one Senator insisted that it should be one bill and another Senator insisted that it should be another.

At the conclusion of the session yesterday, when an executive session was ordered, after an adjournment had been suggested by the Senator from Ohio, [Mr. THURMAN,] it was certainly understood that the District bill was to proceed as the unfinished business to-day. That, I think, is an understanding which the RECORD will bear me out in saying obtained in the Senate. I beg to read a word from the conclusion of the day's proceedings. These are the words of my friend on my right, [Mr. HAMLIN:]

That will leave this bill as the unfinished business for to-morrow.

The District bill."

Mr. INGALLS. To be taken up at the expiration of the morning hour?
Mr. HAMLIN. It comes up, of course.
Mr. WHITE. I want just here to ask the Senator from Maine to allow me one moment.
Mr. HAMLIN. Certainly.

Then the Senator from Maryland referred to an authority or two; and then the Senator from Maine made his motion for an executive session, and an executive session occurred, and the Senate adjourned. Now, I have no doubt myself that the unfinished business is the District bill.

Mr. VOORHEES. Allow me to call the attention of the Senator from New York and the Senator from Michigan to the conclusion of this matter as it stood when the arrangement was finally consummated. The Senator from Ohio [Mr. MATTHEWS] said this:

Then, Mr. President, with the understanding that I now understand has taken effect, that the Senator from Mississippi will be entitled to the floor at the expiration of the morning business to-morrow, laying aside temporarily and informally any pending business, I have nothing further to say.

There was an announcement of the understanding. How far that is binding on the Senate is not for me to say; but that that was the understanding at the time I think there can be no doubt.

Mr. CONKLING. The Senator from Indiana did not hear me read all that remark. Had he done so, he would have noticed an accent somewhat different from that which he gave to it. He reads it in a way which shows that the part interesting to him is the preceding part. I read it with an endeavor to show that the interesting part to me, as bearing upon the point at issue, is this "laying aside temporarily and informally *any* pending business." It seems to me that is significant of anything rather than an understanding that one particular bill and no other was to be the pending business, particularly when the remark came from a Senator who was insisting all the time that a bill which he had in charge, other than the bill represented by the Senator from Michigan should have primacy at that time. I read it, as my friend from Indiana will see, to show that the Senate did intend, and of course intends now—I hope nobody will suppose that I as one Senator am standing in the way—to offer the Senator from Mississippi the courtesy, the occasion, the convenience that he preferred, but did not intend to pledge the Senate in advance, that at the conclusion of his remarks one bill rather than another should be considered the unfinished business.

Mr. FERRY. The closing remark that appears upon the RECORD in connection with this matter was from the lips of the Senator from Ohio, [Mr. MATTHEWS,] and the Senator from New York [Mr. CONKLING] in reading the RECORD does not discover that any single objection was made to that concluding expression of his views of the understanding of the Senate.

Mr. EDMUNDS. He could not make an understanding by stating his view of it.

Mr. FERRY. My honorable friend says we could not get an understanding of the Senate by his view of it.

Mr. CONKLING. Will my friend allow me to interrupt him and ask him, as he is an authority on this question, he presides so much in the Senate, whether it is not true, and is not the universal acceptance of the Senate, that to make an understanding binding, as far as one is binding, it is at some time to be stated from the Chair and objections inquired for? I ask whether I, for example, am able to estop and bind the whole Senate by getting up in my place and saying "I understand the Senate will do so and so," and, unless somebody files a *caveat* against it, the Senate is bound in honor to do it?

Mr. FERRY. If the Senator from New York insists on the technical practice of the Senate, he may or may not be right. The Senator from Michigan could not occupy two places. He left the chair for the purpose of attempting to reconcile the antagonistic motions that were being made in order to reach the point of allowing the Senator from Mississippi, as notice had been given of his desire, to express his views upon a certain bill to-day.

The Senator from Michigan stated precisely what he would move, and that was the report which he holds in his hand—a bill reported from the Committee on Finance—and that upon that the Senator from Delaware was entitled to the floor. The Senator from Michigan stated that he would call that up before the Senate, and that when it should be before the Senate he would move to lay it temporarily aside for the purpose of yielding an opportunity to the Senator from Mississippi to make his speech.

Mr. INGALLS. Was it the only object of the Senator from Michigan in making that motion to allow the Senator from Mississippi to make his speech?

Mr. FERRY. I am coming to that. If the Senator will allow me, I am coming to that.

Mr. INGALLS. If that was the desire of the Senator, I stated expressly that when the District bill was again taken up, if it was not concluded yesterday, I would yield this morning for the purpose of allowing the Senator from Mississippi to speak.

Mr. BAILEY. I rise to a question of order. I believe, Mr. President, that all the Senators agree that it was understood yesterday that the Senator from Mississippi should have the floor this morning. All admit that whatever might be the pending business it should be laid aside informally so that he might address the Senate in regard to the Texas Pacific Railroad. I submit to Senators and to the Chair that this question can be settled after the Senator from Mississippi has addressed the Senate. I raise the point of order that the Senator from Mississippi shall first be heard, and then this disputed question shall be settled afterward.

The PRESIDING OFFICER. The Chair will state his ruling upon the question of order. The ninth rule of the Senate peremptorily imposes a duty upon the Chair:

Immediately upon the expiration of the morning hour, the presiding officer shall lay before the Senate the unfinished business at its last adjournment, which shall take precedence of the special orders, and shall be proceeded with until disposed of by the Senate.

Accordingly it is the duty of the Chair to lay before the Senate the bill providing a permanent form of government for the District of Columbia. These orders which have been alluded to or understandings, whether they were or were not entered into, unless entered upon the Journal and made in a form which suspends the standing rule of the Senate for that purpose, can only be operative as binding upon the sense of individual Senators not to object to anything which is asked for. But the business in order is the bill providing a permanent form of government for the District of Columbia.

Mr. EDMUNDS. That is now before the Senate.

The PRESIDING OFFICER. It is now before the Senate.

Mr. FERRY. Now, I move to postpone the present and all prior orders for the purpose of considering House bill No. 4663, and I do it simply to be in order in stating what I intended to state, and to call the Chair's attention to the fact that a matter of order having been raised by the Senator from Tennessee, [Mr. BAILEY,] I was taken off the floor.

The PRESIDING OFFICER. The Senator moves to postpone the present and all other orders for the purpose of taking up the bill which he has named.

Mr. INGALLS. That motion is not in order, Mr. President.

Mr. EDMUNDS. He can make a motion to postpone alone.

The PRESIDING OFFICER. If the question of order is raised, the Chair rules that the motion must be confined to a postponement of the pending business.

Mr. SARGENT. I rise to a point of order. There was an agreement in the Senate yesterday which is not denied by any Senator, as I understand. Not any Senator denies that, whatever business might be pending at the close of the morning hour to-day, the Senator from Mississippi should have the floor to make his remarks. I raise the point of order that that understanding of the Senate must be executed.

Mr. EDMUNDS. It ought to be executed; but the Chair cannot execute it.

The PRESIDING OFFICER. The Chair does not understand that such an arrangement, not entered upon the Journal, is an arrangement which it is within his power to enforce.

Mr. SARGENT. It is entered in the RECORD.

The PRESIDING OFFICER. Undoubtedly; but not on the official record of the Senate, its Journal.

Mr. SARGENT. That is a very dangerous ruling, and if the Chair insists on it I shall have to appeal from the decision of the Chair. We cannot hold the pen in the hand of the Clerk so as to know whether he enters on the Journal an understanding of this kind; but where it is debated ten minutes and finally settles down into an agreement, recognized by Senators in all directions as an agreement, if that cannot be enforced unless the formality of entering it upon the legislative Journal is pursued, then we certainly cannot have such agreements with any safety. Therefore, for the sake of the practice of the Senate, I shall have to appeal.

The PRESIDING OFFICER. The Chair will state the appeal. The Chair rules that an agreement of Senators, not entered upon the Journal of the Senate, to take effect after the Journal of the proceedings when it is alleged to have been made has been read and approved by the Senate, the Journal containing no record of the agreement, cannot be enforced by the Chair of his own authority. From that ruling the Senator from California appeals.

Mr. SARGENT. For this reason, that a fact known to every Senator does not need record evidence to support it. The fact is undisputed and known to every Senator.

The PRESIDING OFFICER. The Chair will suggest to the Senator from California that such an agreement cannot be known to Senators who are absent when it is made.

Mr. SARGENT. That makes no difference if a quorum of the Senate is present. It is not an order the Senate makes, but an agreement made by Senators.

The PRESIDING OFFICER. Shall the judgment of the Chair stand as the opinion of the Senate?

Mr. EDMUNDS. I should like to say in one minute, in order that the Senator from Mississippi may have a chance to go on, that in my humble opinion the decision of the Chair is clearly correct, and similar decisions have always been upheld during the whole time of my experience in this body. The principle which the Chair has stated is one which I believe the Senate has never departed from. An understanding, assuming that there be one, of the kind stated by the Senator from Michigan, is an understanding that only appeals to the private sense of propriety of each Senator; but the business of the Senate and the duty of its proceedings under the rules is only shown by the Journal of the Senate; and sometimes when it has been proposed that these understandings should be put on the Journal objection has been made on the ground that we would not vary the rules, but Senators must trust to each other to carry out an understanding. Therefore I think that the judgment of the Chair ought to stand.

Mr. FERRY. The Senator from California has made a point of order which I think he will perhaps withdraw after I have made a statement.

Mr. SARGENT. I should like to state that the Journals do not show any agreement or understanding of this kind ever made in the Senate.

Mr. CONKLING. Never.

Mr. SARGENT. Such an understanding has never been entered on the Journal; and the Chair rules that unless it is entered on the Journal there can be no agreement or understanding. Now, as there never in any instance has been such an agreement or understanding entered, it cuts us off hereafter from any.

Mr. EDMUNDS. No; the Chair has not ruled that.

Mr. SARGENT. I so understand.

The PRESIDING OFFICER. The Chair has not ruled what the Senator from California states. The Chair simply rules that after the Journal of proceedings of a preceding day has been made up and approved by the Senate, the Chair cannot of its own authority enforce upon the Senate an alleged agreement found nowhere in the official records of the Senate, upon statements as to its character from Senators.

Mr. SARGENT. Then it simply amounts to this: it rests in the honor of the Senate.

Mr. CONKLING. Always.

Mr. SARGENT. This is a violation of the honor of Senators, and I raise the point of order that it is out of order for Senators to violate their honor as Senators.

The PRESIDING OFFICER. One point of order cannot be raised while another is pending.

Mr. FERRY. On the question of the appeal from the decision of the Chair, I desire to state——

Mr. LAMAR. I hope the Senator will allow me a moment.

Mr. FERRY. I am trying to protect the privilege of the Senator from Mississippi, and certainly I will yield to him if he desires to speak in that behalf.

Mr. LAMAR. I just wish to say that, thanking gentlemen for their courtesy, I trust there will be no further discussion upon this subject. I can address the Senate at some other day just as easily. ["No," "no."]

Mr. EDMUNDS. We ought to hear the Senator now, and we can.

Mr. MATTHEWS. I hope the Senator will not postpone his remarks.

Mr. FERRY. I think I have the floor.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. FERRY. Now I desire to state, as clearly as I can, the position I took yesterday; and that was that this morning, at the close of the morning hour, I should call up House bill No. 4663, and when it was before the Senate——

Mr. SARGENT. I rise to a point of order. What is the pending question?

The PRESIDING OFFICER. The pending question is upon the appeal from the decision of the Chair, on which question of order the Senator from Michigan is on the floor.

Mr. SARGENT. The Senator is not speaking to that point.

The PRESIDING OFFICER. The question is debatable.

Mr. FERRY. It is debatable, and I have the floor.

I said that when the bill should be before the Senate, upon which the Senator from Delaware was entitled to the floor, as the Senator from Delaware had given expression to his disposition to defer his opportunity of speaking upon the bill to some other day for the purpose of allowing the Senator from Mississippi to express his views upon the railroad bill which the Senator from Ohio had in charge, I would move to lay this bill aside for that purpose. The Senator from Ohio then rose and said substantially as read by the Senator from New York, that if that be the understanding he was satisfied. No objection was raised. If the Senator from New York says that it is a necessity for the Chair to put the question to the Senate and ask if there be any objection, then of course that statement not having been made it was not so ordered in the sense of the remarks of the Senator from New York; but as the Senator from Ohio had called the attention of the Senate and said "if that be the understanding then I am content," or words to that effect, and no objection being offered, the Chair, or whoever occupied the chair, understood that that was the general understanding of the Senate. Now, Mr. President, that states the position I took so far as I am concerned, and in my judgment a correct position.

Since I raised this question this morning I understand the Senator from Delaware does not desire to speak to-day, is not prepared to speak to-day, and the Senator from Kansas has intimated that he is willing to yield the floor for the purpose of allowing the Senator from Mississippi to address the Senate upon the bill proposed by the Senator from Ohio.

Mr. INGALLS. I agreed to do it yesterday.

Mr. FERRY. That I was not aware of. I heard it from the lips of the Senator this morning. My only object this morning, aside from seeing that this bill is not overridden, my only object yesterday and to-day was to allow the Senator from Mississippi to submit his remarks, he having asked that privilege, and it has always been accorded to any Senator, and I thought it was the courtesy of the Senate to accord it to him.

I now, Mr. President, hope that the Senator from Kansas will carry out the intimation he suggested, his bill being before the Senate, after the appeal has been disposed of.

Mr. INGALLS. I have been trying to do that since one o'clock. [Laughter.]

Mr. FERRY. Then the reason why it has not been brought to an issue is because other Senators with myself have occupied the floor in their several rights.

Mr. CONKLING. That is the only reason.

Mr. SARGENT. I withdraw the appeal, and will not longer delay the Senator from Mississippi.

The PRESIDING OFFICER. The appeal is withdrawn. Is there unanimous consent that the pending business be laid aside informally and the Senator from Mississippi proceed with his remarks on Senate bill No. 942. ["Certainly."] The Chair hears no objection.

TEXAS PACIFIC RAILROAD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 942) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto.

Mr. LAMAR. Mr. President, I have asked to be heard to-day upon a bill in the success of which I feel a deep and anxious concern, and I rise to address the Senate with a profound sense of the necessity and the importance of its passage.

The object of this bill is to extend the time for building the rail-

road from the waters of the Mississippi to San Diego on the Pacific coast and to make sure its speedy completion.

The causes which have rendered it impossible for the company to complete this work within the time prescribed in its original charter are well known, and may be stated briefly, but entirely, to have been the disastrous and universal depression of all railroad securities in the money markets of the world, consequent upon the panic of 1873. Notwithstanding these adverse circumstances in such direct contrast with those under which the other two roads were built, (for they were undertaken at a time when the capital of the world flowed in unprecedented sums into railway enterprises and securities,) this corporation has built four hundred and forty-five miles of railroad which is now in successful operation and doing a great work in the development of the country it traverses.

There is therefore nothing in the history of the management of the road itself, and certainly no change in the immense national importance of the work, that calls for a forfeiture of the franchises of the company, or that should lead Congress to deny to it such aid as the interest of the country might otherwise require or the constitutional powers of Congress justify.

I shall avoid taxing the attention of Senators with the details of this measure, and will discuss only those leading features of it which I am anxious to commend to the favorable consideration of the Senate.

The length of the road to be constructed under this legislation is fourteen hundred miles. The whole amount of bonds to be issued by the company, to be used for construction and equipment, is not to exceed $31,750,000. The whole amount of interest to be guaranteed by the United States is less than $2,000,000 per annum. The company is authorized to deposit with the Secretary of the Treasury its own bonds at the rate of $20,000 per mile for the construction and equipment of the line between Fort Worth and San Diego, and for the difficult and mountainous regions not to exceed $35,000 a mile. Those regions are two hundred and fifty miles altogether, I believe. The bill says that for not more than two hundred and fifty miles shall bonds be issued at the rate of $35,000 per mile. I repeat, the whole amount of bonds to be issued (for construction and equipment) cannot exceed, under the provisions of this bill, $31,750,000. They are to run fifty years upon 5 per cent. interest and are payable in coin.

The Government guarantees the payment of interest, but the bonds are not to be delivered to the company nor used by it except as sections of ten miles of road are completed and found to conform to the Government standard, and then only in amount equal to the actual cash cost of construction and equipment.

The bill has been already elaborately discussed both by its friends and opponents before the committee and elsewhere. The friends of this measure advocate its passage as the just and symmetrical completion of the great national system of railway connection between the Pacific and Atlantic already adopted and at present only partly accomplished; a completion which will be, they say, serviceable to the whole country as a measure of economy to the Government in the transfer of its mails, military forces, and supplies; as a measure of military utility for the protection of our frontier; as a measure of political importance in opening the settlement of our western Territories and furnishing a basis for a vast development of population, society, and wealth; and as a commercial measure in bringing American merchants and manufacturers into direct and easy communication with the commerce of the Pacific coast, Mexico, South America, China, and the Pacific Islands, and thus open new and invaluable markets for the surplus products of our manufacturing skill and industry, and also by bringing the vast region which the road traverses, a region teeming with agricultural resources and mineral wealth, into connection with the great Atlantic and Pacific cities and the great inland trade in the West and Northwest.

They maintain that the advantages to the Government and people are ample compensation for the aid of the Government which this legislation provides. They insist that the guarantee of interest is protected by the provisions under which it is given beyond any conceivable contingency, by a mortgage upon the entire road, section by section, as each is completed, its equipments, its franchises, and all its property; by all the earnings of the road; and by the application of all the dues to the company from the Government for the transportation of its mail, its military supplies, and forces, and also by the reconveyance to the Government of its land grant estimated at eighteen million acres of land which are to be thrown open to settlement and sale, and the proceeds of their sale to be applied to the making, if there be a surplus, of a sinking fund for the payment of the bonds.

The opponents of this measure object to it on various grounds. Constitutional doubts are expressed as to the power of Congress to give aid through land or money or credit to these undertakings of internal improvement; the gross and iniquitous abuses of the power conferred by such legislative aid for purposes of corrupt private speculation at the expense of the national interest, and which have greatly shocked the moral sense of the country are cited and urged as reasons why we should never, even with the promise of great advantage to the country, repeat such legislation.

Ingenious arguments are made to show that the securities provided in the bill will not afford any substantial indemnity to the Government for its guarantee of interest. Suggestions are made that the value of the road when constructed, the extent of its business, and consequently its earnings, are matters of prospective speculation, and that their adequacy as security can only be determined in the future; that the amount of Government business of transportation is uncertain and may not assume the same proportion as on the Central Pacific; and, lastly, that the history of Pacific railroad legislation and the practices under it all go to prove that the Government will sooner or later have to make good its guarantee and thus a debt of $100,000,000 will have been placed as a new and heavy burden upon the people for the benefit of a corporation; in a word that it is a huge subsidy to a private corporation of an amount, which, if used as a sinking fund and invested in Government bonds at 5 per cent., would at the maturity of these guaranteed bonds pay $300,000,000 of our national debt. These objections are stated not with a view of controverting them. For the purposes of my argument will not require me to combat the conclusion which they are employed to establish; *i. e.*, that the Government will have to pay the whole of the money which it guarantees without the possibility of repayment. Not that I believe it to be true or even plausible. To believe that, I would have to assume that the entire road, when completed with all its equipments, would be worth nothing, although its cost might be $31,000,000; that it will have no business, no net earnings; that when it is completed the Government will have no mails to be transported through Texas, or through Arizona, or through New Mexico, or through South California; that the Government will withdraw its troops from the Mexican border and from the Indian frontiers; that the whole fruitful and fertile territory between Fort Worth and the Pacific is never to be the seat of population and trade, and that the land grant of eighteen millions of acres said to be so munificent is worthless, and that the lands are not worth the expenses of survey and sale, all this and more, if I accept as true the assumption that this Government will have to pay the sum which it guarantees in this bill. But, absurd as the proposition is, assume it to be true.

Then the question presents itself, Will this Government appropriate $2,000,000 annually for the completion of a railroad connection with the Pacific, the material and moral effect of which upon the prosperity and strength of the whole Union no language can describe? Will the advantages of such a road as a postal road, as a military road, as a political road, and as a commercial road, justify the annual expenditure of $2,000,000? This expenditure, it must be borne in mind, will not be any new outlay or additional expenditure, but simply the diversion of money that is sure to be expended in other less efficient and less economical channels.

Sir, the amount is not one-half of that which you appropriate annually for rivers and harbors without discussion. It is not equal to what this Government expends annually in the maintenance of two cavalry regiments. It is not as much as this Government expended before the war for mail transportation alone to the Pacific coast. And the question recurs, and I press it upon this body, if the completed construction of a railroad to the Pacific Ocean is not worth as much to this Government in the increase of national power, in the development of national wealth, as the transportation of the mail to the same coast was worth to this Government before the war, when we had but thirty million population and when the postal demands of that country were not equal to what they are now in South California, Arizona, New Mexico, Southwestern Texas demands which are unmet by the existing transcontinental communication.

Nor, sir, is it fair to say that this guarantee of interest would be a vast debt of $100,000,000 pressing upon the resources of the people. It is true that the expenditure of the $2,000,000 per annum, if the Government has to pay it, will in fifty years aggregate $100,000,000. But the same is true of all annual appropriations. You might as well claim that building a port to protect the harbor of New York, or that the appropriations for the support of the Army, of the Navy, of the Government itself, constitute a debt. Calculate what these cost per annum and what would it be in fifty years?

My purpose is to show that the road is a great national enterprise; that its results will be to increase the national power, to develop the national interests, and to augment the wealth and prosperity of the people of the whole country, and that in the completion of it there will be an ample compensation to the Government for any aid it may render.

Mr. President, the sudden acquisition of our Pacific empire, through war, was a remarkable epoch in the political history of this country. It was contemplated with very different emotions by the great statesmen of that day. Some regarded the event with enthusiastic and confident feelings; others were dejected and anxious. Mr. Webster viewed it with the greatest apprehension. To him it was a monstrous apparition, and in the Senate of the United States he protested against the policy, in a speech marked by his usual ability, but by unusual earnestness and solemnity. He declared that it was impossible for this vast empire ever to be incorporated into our political system; that it could not constitute a part and parcel of this American Republic without disturbing the equilibrium of its political forces. He said that the entire country was more distant, more isolated from us than even some of the states of Europe; its scenery was Asiatic and its physical character unsuited to modes of life of an American population. He declared that to hold it as a Territory would involve us in expense, in sectional animosities, and foreign embroilments, and to admit them as States would cause to be wrought into our Constitution a disfigurement, a monstrosity, a deformity, one that would impair its principle, and he expressed apprehension that it

would break the Union to pieces. Mr. Calhoun, although he acquiesced under the exigency of war in the acquisition of this territory, manifested on various occasions great reluctance. He opposed the war which he knew would result in the acquisition of Mexican territory, and he afterward said that no one knew the depth and intensity of that opposition. Speaking of it in a subsequent discussion, he made these remarks:

When, accordingly, I was deserted by every friend on this side of the House, including my then honorable colleague among the rest, [Mr. McDuffie,] I was not shaken in the least degree in reference to my course. On the passage of the act recognizing the war, I said to many of my friends that a deed had been done from which the country would not be able to recover for a long time, if ever; and added, it has dropped a curtain between the present and the future, which to me is impenetrable; and for the first time since I have been in public life, I am unable to see the future. I also added that it has closed the first volume of our political history under the Constitution, and opened the second, and that no mortal could tell what would be written in it.

Sir, the boldest hearts if they could have forecasted the events which so soon followed would have doubtless shuddered at the prospect. After the admission of the Territory, Mr. Clay, Mr. Bell, Mr. Berrien, and others expressed similar apprehensions. Mr. Clay declared that he did not believe the connection between our Atlantic States and the group of political communities that might grow up on the Pacific coast would be permanent. But from the moment that the treaty of Guadalupe Hidalgo was ratified and this vast region had become part and parcel of the national territory the minds of American statesmen underwent a remarkable change. It was remarkable in the general concurrence of sentiment among those who had so widely differed, and also in the modification or rather revolution of opinion among many public men who had always been earnest in contending that Congress had no power to engage in works of internal improvement.

The vast increase of the territorial extent of the country, the great change which had taken place in its geographical character and relations had either changed the character of the Constitution without altering its written form, as Mr. Webster predicted, or it developed the necessity of a construction of that instrument which up to that time had been denied by the dominant political party of this country.

That sentiment, which became almost unanimous, was that, if the United States would retain the distant empire which it had wrested from Mexico, there must be a closer and more intimate connection with it than that which mere political authority could secure. In other words, the Pacific and Alantic coasts must be brought together by a railroad connection or a series of railroad connections which no private enterprise could accomplish and was practicable alone under the direction and by the aid of the Federal Government; and the Government which had purchased Louisiana, had acquired Florida, had annexed Texas, had conquered California; which had built light-houses, cleared harbors, and subsidized ocean steamers; which had absolute control of the commerce of the nation, and over its own post-roads, and military roads; such a Government, habituated to the exercise of such powers, and supported by an almost unanimous public opinion, could scarcely afford to surrender such an empire in deference to constitutional puzzles about its power to build railroads.

Senator Seward said that the whole question involved in the building of a Pacific Railroad by Government was, shall this capital, with all its beauties and attractions, be the capital of the United States of all America or shall it dwarf and sink and become the capital of the United States of Atlantic America, while some other city, perhaps Mexico, with all its heroic traditions, will be the capital of the United States of Pacific America? And he expressed the belief that if the people of the Pacific States were not connected, directly and intimately, with the Eastern States, they would do just exactly what the older Atlantic States did with England: set up on the Pacific side of the continent an independent government for themselves. In the face of such considerations statesmen were not disposed to waste time in a sharp search for constitutional objections when they felt that the express spirit and aim of the entire Constitution demanded a work so necessary to the "common defense" of the whole country, so essential to its "domestic tranquillity," so promotive of the "general welfare."

Mr. Davis, of Mississippi, under whose direction, as Secretary of War, explorations of routes to the Pacific coast had been conducted, upon his return to the Senate took a leading part in the debates on this question, and vindicated the constitutionality of the proposed measure upon grounds which in my opinion have not been shaken. In reply to the imputation of a Senator from Tennessee, (Andrew Johnson,) that he had abandoned the doctrine of strict construction of the Constitution and gone over to the latitudinarian school of politicians, he replied that there were two classes of enemies to the Constitution: first, those who by disregarding its limitations and sanctions impaired its authority; secondly, those who by a literal interpretation of it, sticking in the bark, would destroy its spirit and life and efficiency as the organic law of a great republic. I quote this reply because it is as appropriate now as it was then. Though Mr. Davis has incurred the hostility which always falls upon one who has been called to the leadership of a people who were engaged in an unsuccessful movement that involved a revolution in government, his character is a commanding one, not only for great and shining talents and abilities, but also for his spotless morality and the unflecked purity of his public conduct.

Upon this subject men of all parties and from all sections, Seward of New York, Davis of Mississippi, John P. Hale of New Hampshire, Douglas of Illinois, John Bell of Tennessee, Bigler of Pennsylvania, Rusk of Texas, Johnson of Arkansas, united in sentiment and were anxious to co-operate in action. In this they simply represented the popular sentiment of the country, which demanded that the completest, fullest, and strongest and most sensitive connection and sympathy, politically, commercially, and socially, should be established between the Atlantic and Pacific coasts; that this great continent should be indeed one Republic, and not the seat of two civilizations, separate, variant, and hostile. The political parties, republican and democratic, vied with each other in their platform committals as well to the constitutionality as to the necessity of Government aid to the construction of a railroad to the Pacific. I quote from an able speech of a member of the House of Representatives [Mr. CHALMERS, of Mississippi] on this subject.

The democratic party, represented in national convention at Cincinnati in June, 1856, adopted the following resolution:

"*Resolved*, That the democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication through our own territory between the Atlantic and Pacific coasts of the Union, and that it is the duty of the Federal Government to exercise all its constitutional power to the attainment of that object, thereby binding the Union of these States in indissoluble bonds and opening to the rich commerce of Asia an overland transit from the Pacific to the Mississippi River and the great lakes of the North."

The republican party also met in convention in June, 1856, in Philadelphia, and passed the following resolution:

"*Resolved*, That a railroad to the Pacific Ocean by the most central and practicable route is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction, and, as an auxiliary thereto, the immediate construction of an emigrant route on the line of the railroad."

Mr. Buchanan was nominated upon the democratic platform, and during the canvass, September 17, 1856, in a letter to the chairman of the democratic executive committee of California, he said:

WHEATLAND, *September* 17, 1856.

* * * * * * *

I then desire to state briefly that, concurring with the convention, I am decidedly favorable to the construction of the Pacific Railroad, and I derive the authority to do this from the constitutional power to declare war and the constitutional duty to repel invasion. In my judgment Congress possesses the same power to make appropriations for the construction of this road strictly for the purpose of national defense that it has to erect fortifications at the mouth of the harbor of San Francisco. Indeed the necessity, with a view to repel foreign invasion from California, is as great in the one case as the other. Neither will there be danger from the precedent, for it is almost impossible to conceive that any case attended by such extraordinary and unprecedented circumstances can ever again occur in our history.

Yours, very respectfully,

JAMES BUCHANAN.

To B. F. WASHINGTON, ESQ.,
Chairman Democratic State Central Committee, California.

If before there was any doubt as to the meaning of the platform, this declaration of the candidate settled it. After this declaration he was elected, and in his inaugural address he strongly recommended the same doctrine.

Again in 1860 all parties were united upon this question:

THE DEMOCRATIC PARTY COMMITTED TO THE CONSTITUTIONALITY OF SUCH AID.

The democratic national convention of 1860, which at Charleston, South Carolina, nominated Stephen A. Douglas for President, adopted as part of their platform the following resolution:

"3. That one of the necessities of the age, in a military, commercial, and postal point of view, is a speedy communication between the Atlantic and Pacific States; and the democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period."

The convention held at Baltimore in the same year, which nominated John C. Breckinridge for President, also adopted as part of its platform the following:

"Whereas one of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Atlantic and Pacific coasts: Therefore,

"*Be it resolved*, That the national democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railway, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

THE REPUBLICAN PARTY COMMITTED TO THE CONSTITUTIONALITY OF SUCH AID.

In the republican platform of 1860 we find the following proposition:

"That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country, and that the Federal Government ought to render immediate and efficient aid in its construction."

While, however, there existed this all-pervading harmony of sentiment diversities arose as to the location of the line. This did not, however, spring so much from the intrusion of sectional jealousy as from the fact that it was impossible for the Congress of the United States, representing different and distant States, maintaining systems of commerce and manufactures so diverse, to agree upon any one route or details of any one plan

Perhaps it would be well to state here that a Senator from Virginia (Mr. Mason) was more strongly opposed to the scheme than any other. He said that he believed Congress had not the power to aid in the construction of such a road, and, believing that, he would prefer to lose the entire acquisition of our Pacific coast rather than violate the Constitution in order to retain it. He made a remark which perhaps is profitable for instruction here to-day: that although there was a fixed majority in the Senate in favor of the measure, although there was a very inconsiderable minority, yet, he declared that this minority had defeated the scheme once, and could continue to do so by keeping up an internecine strife among its friends and pitting one route against another, supporting first one side and then the other in their opposition to the different routes proposed. His policy of division and defeat was successful.

It is true, however, that at one time a measure came very near being passed early in the progress of the history of this enterprise. Mr. Rusk, of Texas, in 1852, introduced a bill which had in the other House

a well-ascertained majority. It came within two votes of passing the Senate. But for its having been defeated by Senators who doubted the constitutional power of the measure there would this day be a railroad on the very line designated in this bill. All the indications of opinion, then and since, show that this southern route would have been first selected. It was the shortest and cheapest route, with lower elevations to run over and easier grades. Among those who voted against this measure was one of the most distinguished statesmen of the South, who by his uncomplaining and dignified sacrifice of a great future has proved his faith in the doctrine he then advocated. I refer to Mr. Hunter, of Virginia. Shortly after my second election to Congress since the war, he did me the honor to address me a letter which, upon the subject of the constitutional relations of this Government to this great measure, is an argument far above the highest effort of my humblest power, and I will read a small portion of it to the Senate. Mr. Hunter says in this letter:

When informed by a common friend that you expressed some interest to know my opinion of this question of a Texas Pacific Railroad, I thought it might be well to take this occasion to express my views upon the subject. The question is large enough and of an interest sufficiently common to animate the whole South to common deliberation and common efforts, for it is one not only of a large pecuniary interest of trade and commerce,

BUT OF EMPIRE ALSO.

You are perhaps aware that while in the Congress of the United States I opposed the adoption of this as a Federal measure, upon constitutional grounds. I was of those who believed that the progress as well as the harmony of the country required the adoption of the old State-rights doctrines by the Federal Government, upon which I predicated my objection to this as a Federal measure. I still retain these general views; but in many respects they have been modified by further experience and the results of the war. On no subject have they been modified more than in regard to this great transcontinental route through the southern territory of the Union.

After giving the reasons for his belief in the doctrine of State rights, he says:

But while I repeat my growing convictions of this truth with the increase of experience and reflection, I feel bound to acknowledge that we have sometimes interposed objections derived from those doctrines as a barrier to Federal action unnecessarily and to the diminution of the popularity of the creed which has weakened its friends in its support where its observance was essential to harmony and justice. In cases where a work cannot be done by the States and may be effected by the General Government, and is a public necessity or of a great public use, it seems to me that it ought to be derived to the General Government by a much easier rule of implication, so as to secure a necessary public good, than in cases where the power might be used by either the State or Federal Government.

After giving several illustrations he continues:

So, too, when a railroad passing through the Territories of the United States should be necessary for military purposes or as a route for trade, the General Government should not be held to a strict rule of implication in order to derive the power as a military necessity, or for the purpose of regulating trade and commerce between the States and foreign nations, or to erect new States by filling up the Territories with

POPULATION AND INSTITUTIONS

necessary for their support.

* * * * * * *

The States cannot use their power, and lose nothing by allowing the General Government to assume it, and thus enable the settlers of these vast wastes to go to them full-handed, and with all the means and appliances of civilization, and fit them for human uses and the convenient possession of man. To prevent so grand an achievement by interposing objections derived by an extreme extension of the State-rights doctrines, where there is neither use nor necessity for it, is only to bring into odium and ridicule those grand old bulwarks of human liberty, those prime defenses of American harmony and progress. If, in order to preserve these it were necessary to give up all the splendid promises of this great enterprise, I, for one, would do it. But one has need to be sure of his case before he wastes such splendid opportunities for usefulness for the web and woof of an arbitration, no matter how skillfully or what the ingenuity with which it is woven. If our harmonious future progress, our just treatment and freedom depend on a series of arbitrations, as I firmly believe, let us beware how we weaken them by attempting to stretch them to cases which they do not cover in right reason, and where the obtrusion of such considerations can

ONLY SERVE TO SHOCK

the common sense of mankind. I hope I need not say that I mean no reproach to State-rights men, even to the Pharisees of the school, if true and sincere. I have neither the heart nor the right to cast reproach on any such. I regard the followers of this school as the soldiers of the true cross, politically speaking, if I may use the term in this sense without irreverence, which I surely do not mean, and God forbid that I should cast a word of ridicule or condemnation on any, even the least of them. If in what I have said I cast reproach on any, it falls first on myself. But I regard it as due to the doctrines of that grand old school to relieve them from the odium of interposing them as unnecessary obstacles to progress and improvement. Especially should I regret it if they should delay or prevent the construction of such a work as this, in which the South has so peculiar and the Union so deep an interest. When I speak thus of the peculiar southern interest, I mean the road from Marshall, in Texas, to San Diego.

Just as proposed in this bill.

With all connections with this road it should be made to "prorate" on fair and just terms. If the General Government should aid it to connect with an Atlantic port, it seems to me that the point and continuation of the route should be south of Missouri—say through Vicksburgh, Memphis, or New Orleans, on the Gulf. For this ought to be a southern route, both from considerations of justice and previous pledges on the part of the Government. But from Marshall to San Diego this route ought to be made by Federal means, if necessary. I am anxious that the South should use its influence to that end, both on public opinion and the General Government if possible. The hold of State-rights principles on the South ought not to be weakened, if it be practicable to prevent it, by interposing them unnecessarily to the accomplishment of an object so necessary to restore that section to its just share of power in the Government and its fair share of influence on the public opinion of the country.

He then proceeded to give his ideas as to what should be the provisions of a bill looking to this result, which provisions are in their spirit and substance embodied in the measure that I am now advocating before the Senate.

From the differences just referred to it became manifest that no one single route could give equal advantages to all sections and that to establish a real veritable connection between the Pacific and Atlantic States it must be a connection, not of a section of the Atlantic, but of the whole of it with the whole of the Pacific Coast. To effect this, three or perhaps four roads were deemed advisable; a northern connection, a central connection, and a southern connection.

But while the necessity of this work of union was impressing itself upon the people and Congress, the war of secession broke forth upon the country. The necessities of that war forced the Government to make its connection with the Pacific upon a line farther north than would have been deemed wise or judicious under other circumstances. It was a war line, selected not because it was the best in itself considered as a route for a railroad, or fair and just as a national work, the advantages of which were to be general. Do not understand me, Mr. President, as underestimating the importance and grandeur of this wonderful enterprise, accomplished at such prodigious expense and such masterful energy. Notwithstanding all the abuses with which it has been associated, every man must admit that it is now one of the great arteries of national life, necessary to the hearty action of the whole organization.

But while it is thus so eminently serviceable, its advantages are sectional, and as a Pacific connection it denationalizes the twelve millions of people, (who are from five hundred to eight hundred miles from its eastern terminus,) unless it is considered as only a part of a great and symmetrical system, as yet incomplete, but which by the passage of this bill will be completed and perfected.

Mr. President, to the Northern Pacific the Government has given a land grant of about forty-seven millions of acres of land, the most of which is as valuable as any on the continent, and its friends are confident of a speedy completion, as I am informed by its president, if the relief asked for, in a measure now pending, shall be given. The bill for this purpose passed this Senate without division. To the Union Pacific and Central Pacific the Government has given land grants of fifty million acres and in bonds millions of dollars. The aid to the Texas Pacific is far below that given to the other two and has proved insufficient to construct the line, and the South, in her impoverished condition, has no private capital with which she can assist in building it. As is well said in the report, the aid to the northern lines stands in striking contrast to that bestowed upon the southern line.

Sir, I have a strong persuasion that this inequality has only to be presented in order to insure its correction.

To the Congress of the United States is committed the guardianship of all the interests of all the parts of this nation. We, the different Members and Senators, who represent communities and States widely distant from each other, embracing diverse systems of manufacture, commerce, and agriculture, are under obligations to make known to the national council here the special interests which each Senator represents. It is my duty as a Senator from Mississippi to make known to this national council that the people of my State, who are identified with the people of the South and have the same interest and the same sentiment upon this subject, desire, without any division of sentiment, that this road should be built. Nearly every State Legislature in the South has passed resolutions recommending the aid which is here proposed to be given. Texas, Alabama, Mississippi, Kentucky, Missouri, North Carolina, South Carolina, and the more numerous branch of the Legislature of Georgia, also the Senate of Virginia, all have expressed the desire that the Government should contribute its aid to the construction of this great instrumentality and bond of exchange and intercourse and intercommunication between the Atlantic and the Pacific. Commercial conventions and boards of trade in almost all of the southern cities have given emphatic expression to the same sentiment.

Allow me, sir, to indicate a few of the benefits that will result to the South especially, and through her prosperity to the nation at large from this connection. The South has every condition of soil, climate, and raw material for the development of a great industrial community. She can produce cotton, wool, hemp, and jute. She has vast mineral deposits, especially coal and iron, and, in my opinion, the application of the machinery used in California and Nevada to the gold-mines of Georgia would develop there a product of that precious metal that would add materially to its volume in the world. The Southern States have a vast area of forest growth. I remember that the Senator from Massachusetts, [Mr. HOAR,] upon his return from his visit to New Orleans, through a section of the South that was not thickly wooded, was deeply impressed with this fact. Mr. Webster, when he traveled through the South, was equally impressed. These immense forests of excellent timber invite manufacturers of wood. Scarcely a product of the North, sir, or of England, is there that may not be as cheaply produced in the South.

She has already begun her industries of the future, and the profits that are realized from them are, in some instances, prodigious. But, to develop these industries, she must have free access to the markets of the world, and be able to attract to herself the skill and capital and the appliances of the machinery of the North. Nature has given her a soil and climate peculiarly adapted to the growth of cotton. It can be raised more cheaply than in any other section of the globe. The crop of last year was 4,700,000 bales. It will probably be larger next year, perhaps 5,000,000 bales. The only other countries producing cotton, to any extent, are Egypt, India, and China. Last year England took 67 per cent. of her cotton from the United States. The manufactures last year amounted to an equivalent of nearly 6,000,000,000 pounds. I am indebted for these statistics to a very able

pamphlet upon the subject of cotton manufactures, issued by Mr. Edward Atkinson, of Boston, which I recommend to Senators as a perfect quarry of suggestive information. I am also indebted to an intelligent gentleman from Boston, Mr. Charles Coffin, who made an able argument before the Committee on Patents on the subject of the machinery of this country and its productive power.

The time has come when the Southern States, in the restoration of her people to the control of their own affairs, (assured to them by the just and wise southern policy of the present Administration,) and through the genius of American inventors, surpassing that of any other country on the globe—the time has come, I say, when she can lay her hand upon a goodly share of the trade of the world.

The conditions that have been largely instrumental in building up the manufactures of England and preventing the development of manufacturing wealth and enterprise in this country are undergoing important changes. One great element in England's favor has been the employment of cheap labor. A very intelligent European writer who visited this country during the centennial exposition expresses the opinion that the marvelous inventiveness of the American mind and the superior aptitude of the American laborer to handle machinery will largely counteract the effect of this advantage in England's favor. Mr. Atkinson, in the paper referred to, states that labor in New England is as cheap as that in Old England.

But, sir, the conditions of soil and climate and society in the South enable the employment of labor as cheaply as it can be secured in England. The prices of lands and of houses and of rents of every kind and of food in England are high, and the taxes are burdensome, and these weigh heavily over labor, whether levied upon it or not. In the South land, food, raiment, and shelter are cheap, and taxation is growing every year less burdensome. In everything except capital, skill, and experience the manufacturers of the Southern States are on an equality with the manufacturers of England, and the saving per pound in baling, waste, and transportation must be immense. Throughout the vast territories of the South are great rivers, which neither freeze in winter nor dry up in summer, that can turn her spindles all the year round, while the English manufacturer must mine his coal a thousand or fifteen hundred feet below the surface of the earth and transport it to his mill. Nowhere in the world can this great staple be manufactured so cheaply as on the spot where it is grown. And, at the same time, these manufactures, thus fostered and growing up, will develop the diversities of Southern agriculture to an extent that will make her land blossom like the rose.

Although four million seven hundred thousand bales of cotton were raised last year, the Southern States have, as yet, but a small percentage of their cotton lands under cultivation. These lands can produce enough to clothe the world. It is estimated that not more than two hundred millions of people are yet reached by machine-made cotton, but that there are fully six hundred millions that will yet be clothed with fabrics wrought by machinery. The spindles of the world are sixty-eight millions, thirty-nine millions of which are English, nine millions six hundred thousand American, and about twenty millions throughout Europe. They give employment to about one million men and women, boys and girls; and the entire manufacture amounts to an equivalent of about ten billions of yards. That this product, enormous as it is, is to be doubled in the next few years is one of the probable events of the future. The entire amount of cotton imported into Great Britain from 1850 to 1860 was 1,006,000,000 pounds. From 1866 to 1877, eleven years, the amount was 17,148,000,000 pounds. Taking it for granted that there is to be a corresponding development in the future, in what direction shall we look for a market?

The fields which are most inviting are Mexico, South America, China, Japan, Australia, and the islands of the Pacific. In order to reach them, a railroad from the cotton fields of the South to the Pacific is absolutely necessary. Sir, these commodities can never be sent from five hundred to eight hundred miles to reach the eastern terminus of the Union and Central Pacific at Omaha, there to meet the burdens of the high rates upon freight and travel imposed by these companies. Look at our trade with Mexico. Its commerce is almost wholly in the hands of English merchants; nor can we ever open an extensive commerce with that country till we reach it by rail. The Mexican government having no well-regulated system of finances, frequently, indeed commonly, resorts to forced loans, taking vouchers which are receivable as customs dues; and as England is the chief creditor of Mexico, these vouchers fall into the hands of the English importer, at the foreign discount. Now, nearly all the foreign goods are entered at Vera Cruz, but a railroad running along the northern border of Mexico will bring about a new state of affairs. Our exports to Mexico in 1877 were $4,509,000, while our imports reached the sum of $15,444,000. Of this amount $5,205,000 was in merchandise, and the balance in specie.

I have before me a list of the articles imported, and also a list of our exports, from which it will be seen that there is no article contained in it which cannot be produced in the Southern States, and as cheaply as anywhere in the world. They are such articles as breadstuffs, cotton goods, cordage, jeans, tobacco, household furniture, bacon, butter, lard, sheep, Indian corn, &c.

All that we need is the demand for the articles at our hands, and the only thing necessary to create the demand is a cheap, easy, and direct communication with the market, which this railroad will provide.

In some excellent letters which I have seen in the Boston Journal of Commerce, there are some significant facts in relation to our trade with South America. Take Peru, for instance. The population of this country is two million six hundred and seventy-three thousand. Our trade with it is small. Our exports to that country last year amounted to the insignificant sum of $1,545,000; our imports still less. Half of the value of our imports is nitrate of soda. A list of the articles exported, and also the exports of England to that country, I have in my hand, (for which I am indebted to Mr. Coffin,) from which it will be seen that every article sent to that country could be produced with cheapness and in abundance in the Southern States. At present that country is far distant from us, and inaccessible to us; but with the construction of this line to San Diego her people will become our near neighbors.

The western coast of South America is a rich field for American manufacturers in the future. At present the trade of Chili is almost wholly in the hands of Great Britain. The population is about two millions. The country can only be reached, at present, by vessels sailing around Cape Horn or through the Straits of Magellan, or via the Isthmus of Panama. The English line of steamships from Liverpool to that isthmus connects with a fleet on the other side, touching at every port on the western coast of South America between Panama and Valparaiso. Our own manufactures are sent by sail around the Cape. The construction of a southern line of railroad to San Diego would open a new vein of traffic with that entire section. We have a large and rapidly increasing trade with those vigorous countries under the Southern Cross, Australia and New Zealand, peopled by the Anglo-Saxon race, of high civilization, consuming a great variety of productions. Our exports to those countries in 1876 amounted to nearly $4,000,000, and in 1877 they were nearly $6,000,000. The construction of a southern line of railroad to the Pacific will bring us into more intimate relations with these countries. The population of Australia now numbers about two millions; New Zealand, about four hundred thousand. They are countries that already have twenty-six hundred miles of railroad in operation. Last year we sent them a great variety of our manufactured goods. With the exception of petroleum, every article of export to these countries from our own can be manufactured just as cheaply in the Southern States as anywhere in the world. And then, sir, there are China and Japan. I have not time now to go further into this subject. It is one with which Senators are very familiar.

Before the war, the trade that we had with China and Japan in manufactured cotton was 4,000,000 yards. The commerce of England was much less, amounting to only 130,000 yards. How changed were the conditions after the war. I learn from an intelligent author, whose work I have here, that we now send ont about 11,000,000 yards; England, 263,000,000. But this will not clothe one out of ten of the inhabitants of that land. The population of China is estimated at from four hundred and fifty to five hundred millions. The commerce of both countries as yet furnishes China with but little more than half a yard *per capita* of manufactured cotton goods. Our cheap cottons would find a demand in that market of at least 250,000,000 of yards, without displacing or coming in competition with the trade of England.

Upon this point I will give the views of Mr. Atkinson as set forth in the pamphlet I have already referred to. He says:

> Leaving to our competitors the share in the supply of the world's need of cotton goods which they have already secured, there yet remain outside of Europe and the United States, in Asia, Africa, and South America from five hundred to eight hundred millions of people whose clothing consists mainly of cotton cloth. It must now be spun and woven by the slow process of hand-work. Can we obtain our share in this unworked field? Four hundred million persons, at five pounds per head, would require from our Southern States four million additional bales of cotton, and would call for forty millions more cotton-spindles in Europe or America to work them up. Who will raise this cotton and where shall these spindles be constructed?

Now, three of the four great factors in the problem which is here presented are more within the reach of the South than of any country on earth. We have, first, the cheapness of the raw material; next, all the elements of cheap manufacturing; and, third, our capacity to exchange for the products of other lands at a profit. But the fourth and essential element in that problem we have not, and that is cheapness of transportation, and we cannot have it until this road here proposed puts it into communication with this vast demand, which, increasing the consumption, will increase so vastly our production, and thereby our wealth in like proportion.

These are some of the benefits, sir, in a commercial point of view, which the South expects from the construction of this great enterprise.

I have consumed so much of the time of Senators that I will not dwell upon the economies to the Government that will be promoted by the completion of this great highway of commerce. I have seen estimates, the correctness of which I do not doubt, which convince me that there will be a saving simply in the appropriations for our Army of nearly $7,000,000 per annum.

In view of all these important considerations, how utterly small appears this suggestion about a "subsidy" for the sole benefit of a private corporation or a few privileged individuals. Sir, any Senator who will raise his voice or give his vote in this matter with reference to the private or personal advantage of any individual or association of individuals, or with reference to the hurt or frustration of mere personal interests, will be trifling with a grave and important

subject, one involving the prosperity of the nation and the fortunes of millions of its people.

Government cannot make any expenditure which is not incidentally for the benefit of individuals, if by that you mean the people who perform the duties which the Government requires and receive the remuneration which the law provides. Who gets the whole of your postal expenditure but the mail contractors and the railroad corporations and the officers of your Post-Office Department? Does the Government get anything in return? No, sir. The people get in return safe and speedy communication and the possibility of carrying on the vast business interests of this vast continent. Sir, there is much in the talk about soulless corporations and their vast power which is the mere exaggeration of rhetoric.

What is a corporation but an association of individuals? They are the agencies which have always been employed in modern times for the accomplishment of enterprises of any great magnitude; and while it is true that in the general demoralization which has taken place as a consequence of war great abuses of trust have been committed by officials of corporations, as by officials of government, and also by individuals, it is none the less true that corporations have been among the most efficient means of advancing the progress of humanity and civilization and education and religion. In a country of small equal fortunes, where there is no great centralized government, large and important enterprises have always been achieved by corporations and cannot be accomplished without them. They are the only agencies open to the contributions of poor men, who if left to themselves would be powerless, as they could neither share the privilege of taking part in works of any magnitude or participate in the profits which the use of vast masses of capital insures. I believe I am warranted in saying that if the political history of English-speaking people proves any one thing it is the influence of corporations in preserving constitutional liberty, in spreading public spirit, in educating and enlarging the national ambition, in bringing within the reach of the poor and the laboring man those scientific achievements which, put into practical use, elevate and improve the whole people. They are institutions, sir, which have grown up in society as society grows more free and more independent of the agencies of government. Indeed, they are the institutions of decentralization, and have been the channel through which the exercise of the functions of sovereign power have been abstracted from government, and transmitted into the domain of individual freedom, activity, and enterprise.

One or two points more and I shall close.

There is no doubt about the fact, Mr. President, that whatever may be the material condition of the people of this country, there prevails in American society more of discontent and complaint, more of tendency to social irregularities and outbreak, than has ever existed at any former period of our country's history. Many causes have been assigned for this condition of things. Political maladministration, Federal and State, errors in financial legislation, gross oppression and injustice in our systems of taxation, the incorporation into our society of some elements, causing a tendency to intestine commotions that have never been observable in our earlier history—each and all have been assigned with equal earnestness by the different advocates of the various remedies for the existing state of things.

Whatever may be, sir, the correctness or incorrectness of these theories upon this subject, and perhaps there may be something of truth and error in all of them, there are two causes which I think have been too much overlooked. One is, the prostrated and impoverished condition of one section of the country, embracing fully one-third of its population. In the South, by the results of the war alone, an immense amount of productive capital was destroyed. Then, the market value of slaves, whatever may have been the inferiority, as alleged, of slave labor compared with free labor, has also been annihilated. That event certainly precipitated half a million of opulent families living in affluence and luxury into extreme poverty and destitution. The effects, sir, of such a catastrophe as that would shock the prosperity of any commercial community holding relations of trade with them. Sir, it at once destroyed the market for all the luxuries and appointments of comfortable life which that condition of society in the South had created and maintained. The demand in the South for jewelry, costly stones, fine equipages, palatial furniture, the finest cloths, silks, alpacas and cashmeres, has ceased. The immense amounts expended in travel and sojourn in the watering-places of the North, and in our great cities, all these have disappeared, and with them an immense source of profitable exchange.

Now, sir, one of the great national wants is the restoration of that market or its equivalent. It lies in the restoration of the South to the full vigor of her capabilities. It can be secured by the resuscitation of her commercial and industrial life and the opening of new fields for emancipated labor. Sir, the completion of this road will go far toward that consummation.

But, sir, there is still another cause. The conditions of American society are, for the first time in a half century, stagnant and unprogressive. The forty millions of the people of this country cannot safely remain in this condition. They are energetic, aspiring, restless, eager. The whole history of the American people has been one of dramatic movement and interest. For a long time it was the march of emigration to the West, the advance of pioneers, the receding of frontiers, the felling of forests, the opening of fields, the rearing of school-houses and court-houses, the organization of society into communities, and communities into Territories, and Territories into States—opening up civil employments as objects of a noble ambition, and giving all that was aspiring and energetic and progressive full scope for unlimited development.

Then came the acquisition of the great Territories of Louisiana and Florida, followed some years after by the annexation of Texas. Then the Mexican war, which gave a grand field for employment and activity to the martial spirit of the country. Then the acquisition of our Pacific empire, the discovery of the gold mines, the rush of population to that shore, the vast influx of the precious metals into this country, increasing the prices and giving an impulse to industry in all its forms. Then came, sir, the great contest about slavery in the Territories, followed by a war which strained the energies of both sections to their utmost, accompanied as it was with the grand enterprises of Government subsidies and aids to railroad connections between these Atlantic and Pacific States, giving employment to thousands of laborers and opening demands for innumerable markets, filling up the intermediate country with population, and with towns and cities, and commerce, and great commonwealths—when, sir, all of a sudden there is a pause in this grand movement. No railroad enterprises are going on. Thousands of laborers have been thrown out of employment on that account, and that has stopped the demand for the production of all other manufactures and industry, and this by inevitable law stops the profits of merchandise. And this eager people, in the very youth of their vigorous existence, with no objects of internal development, with nothing of external progress, find themselves expending their energies in communistic excitement and intestine commotion. Here I think you have the most efficient cause of that hidden discontent which flamed out so fearfully but a year ago.

Now, sir, I hold to the doctrine very firmly that it does not fall within the functions of Government to give bounties to capital or employment to labor. I do not believe that either the interest or the dignity of the laboring classes will ever be subserved in that way. But if in the prosecution of a great national policy capital will find new channels of profitable investment and labor new fields of remunerating employment, such results are strong arguments in favor of that policy. Sir, the construction of this road will throw open these new channels to capital and also a new field for the peaceful employment of the labor and for the development of the resources of wealth, of strength, and of power which lie in the recesses of the vast regions between the western lands of Texas and the Pacific coast.

I ask the attention of the Senators to the views of one whose fame needs no tribute from me, but whom I am proud to call my friend. I allude to Hon. A. H. STEPHENS, of Georgia:

> A liberalized currency would tend greatly to relieve the producing sections of the country; but such influences are a mere drop in the bucket as means of rehabilitating the South, the Southwest, and the Southeast, when compared with the building of the Texas and Pacific Railroad, and as a means of reviving the industries of the whole country. At least twenty States would instantly feel the quickening impulse and would throb with rejuvenated vitality in all their industries. Think of the vitalizing effect upon southern industries, particularly resulting from the expenditure of the money necessary to construct the road; of the thousands of mechanics, unwilling idlers now; of the young men of education now vainly seeking clerkships; of the laborers in every pursuit of industry, who would be provided with remunerative employment were the enterprise set in motion. Besides, too, the increased value of land and other property in the States east of the Mississippi would be enormous. In this respect alone the increased wealth to Mississippi, Alabama, Georgia, Kentucky, Tennessee, the Carolinas, and Virginia from increase of business and travel over this road would amount to figures that would startle us now could they be given.
>
> What we want now is stimulation of business. Just as in the human system stagnation superinduces congestion, so we are suffering in matters of commerce and manufactures. Money is locked up because there is nothing to invite it from the coffers of capitalists. Ten millions of dollars spent in the ensuing year in an enterprise like the Texas and Pacific would start one thousand millions. Iron-founderies and steam-mills now inactive would be revived. Timber, cross-ties, blacksmiths' materials, iron and wood in all their varied uses, would be in great demand, and in the work of constructing this great continental enterprise there would be employment for all kinds of railroad labor, from that of the chain-carrier to that of the bridge-builder. There would indeed come a great business and industrial revival far exceeding any ever known in America. Immigration that has heretofore shunned the South would then be tempted and invited because of facilities for reaching that section never enjoyed before and because of the inducements of soil and climate.

I have, sir, but one or two remarks to make in addition, and those I should like to address to the Senators from the East, and I ask that they will not consider it an intrusion upon their reserve. I do not make the appeal to the Northwest because I know that we shall receive a degree of support from that section; nor to the South, because the South is almost a unit upon the subject of a great southern transcontinental route. There have been no diversities among us that are worth mentioning, and the only difference, it will be seen, will be a difference as to details. I am most anxious to commend this measure to the favor of Senators from the Eastern States. I regard that section of this Union as being now in a sense the especial representative of the most precious principle of our American Constitution at this time, the most conservative part of our Government, that which alone will protect us from democratic absolutism, which is always the sure forerunner of imperialism. I mean the federal principle of our system, that which co-ordinates the States of this Union and makes them coequals in dignity and power.

Sir, when we look at the power that the six New England States and two or three other Eastern States of still smaller population have in this Government, we can but be struck with the extent of the political authority they exercise; the power of positive, affirmative

legislation, to say nothing of their negative power, as compared with the population upon which it is based. Four millions of people have an actual affirmative force in the legislation of the nation as great as, perhaps greater than, that of fifteen millions in other States, simply by virtue of the principle of State sovereignty and State equality in this Chamber. It is a principle which is essential, in my opinion, to the preservation of liberty on the American continent; but the people in some parts of this country are growing restive under this inequality of popular representation; complaints are being made as to this great disparity. I have no sympathy whatever with such complaints. The right of these States to equality here, irrespective of population, is as sacred as the Constitution itself, and if impaired in the least, the whole system of constitutional liberty in America will fall into irretrievable ruin.

But, Mr. President, this sentiment of reverence for the Constitution is not, I fear, as deep and abiding in this country as it once was. The thought to which late events in our history have given most frequent expression is that "the will of the nation, as one people, is supreme," and that this will must not be subordinated to a political form or a political dogma; and that if there be in the Constitution any provision whereby the people in their action are prevented from effecting amendments to it, it will not be a revolution when the spirit of the people, in its real strength, breaks through the system by which it is gyved. This is the view which is now put forth with greatest acceptance by the political philosophers in this country of the present day. I do not concur in it; but if the contest for supremacy ever arises in this country (may God forefend that it ever shall!) it is a fact which the history of all popular governments attests, that constitutional right must give way before numerical power. The mere holders of the symbols of power cannot stand before the actual possessors of power.

Such a contest may be averted by exercising these vast powers in a spirit of correspondence with the will and interests of the whole people and not as representatives exclusively of the local interests of their constituencies. It is in this way, sir, that the hereditary principle of the British government has been preserved and made to accord and co-operate with the elective principle in the promotion of the greatness and glory of that Empire. I would therefore invoke these Senators when they come to act upon this question to look in a large, liberal, and benignant spirit to the interests of the twelve millions of people who are deeply and directly concerned in its success; and if they can find it not inconsistent with the interests of the whole country to give it their support, that they will do it. Their constitutional power will thus have, sir, a solid foundation in the affections and gratitude of a constituency far wider than that whose suffrages have sent them here.

Mr. President, if I thought that this measure could have any ill effect upon any section or any interest of the country I would not advocate it. I have attempted to commend it to the favorable action of this body because I believe it will, while benefiting the whole country, infuse new life and prosperity in the South and give to the people of that section the assurance that in this great Union their material interests are considered and promoted and that they are to become in future full participants in its greatness, and glory, and prosperity.

Mr. JOHNSTON. Mr. President, I desire to address the Senate on this question, but I do not wish to trouble the Senate at this time. I merely give notice that at some other day, when there is less press of business, I shall ask the Senate to indulge me in some remarks upon the bill.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The unfinished business of yesterday will now be resumed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 1021) for the relief of certain settlers on the public lands, and the bill (S. No. 933) to authorize the commissioners of the District of Columbia to refund certain taxes erroneously collected, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1879, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 25, 30, 37, 51, and 62.

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 44, 46, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, and agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment as follows:

Substitute for the words proposed to be stricken out the following: "at the Abiquin agency, at the rate of $1,200, during the continuance of said agency."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment as follows:

Strike out "one" and insert "three."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment as follows:

Substitute for the sum proposed by said amendment the sum of $103,800.

And the Senate agree to the same.

That the Senate recede from its amendment numbered 31, with an amendment as follows:

Strike out the words "Commissioner of Indian Affairs," and substitute therefor "Secretary of the Interior."

And the House agree to the same.

That the Senate recede from its amendment numbered 43, with an amendment as follows:

Strike out of said amendment the word "eighty" and substitute therefor the word "ninety."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 45, and agree to the same with an amendment as follows:

Strike out after the word "select," in line 4 of said amendment, the words "with the consent of said Indians" and insert in lieu thereof "not inconsistent with treaty stipulations with said tribes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 47, and agree to the same with an amendment as follows:

Strike out the word "sixteen," in line 2 of said amendment, and insert in lieu thereof the word "ten."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 52, and agree to the words proposed to be stricken out, amended as follows:

After the first word insert "the sum of $25,000 of," and strike out the word "re-appropriated" in lines 6 and 7, page 42 of the bill, and insert in lieu thereof the word "appropriated."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 58, and agree to the same with an amendment as follows:

After the word "hundred," in the first line of said amendment, insert "and thirty."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 61, and agree to the words proposed to be stricken out, with an amendment substituting for the words "Commissioner of Indian Affairs" the words "Secretary of the Interior."

And the House agree to the same.

W. B. ALLISON,
WILLIAM WINDOM,
WILLIAM W. EATON,
Managers on the part of the Senate.
WILLIAM A. J. SPARKS,
JOHN H. BAKER,
O. R. SINGLETON,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO POST-ROUTE BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-routes in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

DISTRICT GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, the pending question being on the amendment reported from the Committee on the District of Columbia as a substitute for the bill.

Mr. INGALLS. I ask that the first section of the substitute may now be read. As it has once been read in full, I suggest that it need not appear again in the RECORD.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The first section of the amendment will be reported.

The Chief Clerk read the first section of the substitute.

Mr. INGALLS. If there be no objection, I move that this section be agreed to by the Senate.

Mr. COCKRELL. I hope the Senator will wait until the Senator from Delaware [Mr. BAYARD] and the Senator from Vermont [Mr. EDMUNDS] are in their seats. They have been sent for and are expected in the Chamber every moment. I know they desire to be present, and I trust a delay of a moment or two will be given.

The PRESIDING OFFICER. Is there objection to considering the amendment of the committee by sections? The Chair hears none. Is there objection to the section just read?

Mr. COCKRELL. I hope that action will be delayed until the Senators I have named appear.

Mr. INGALLS. This bill has been under discussion since yesterday; and the Senators to whom the Senator from Missouri has referred were aware that it would be called up for consideration immediately upon the conclusion of the remarks of the Senator from Mississippi. I feel that it is unjust to delay the consideration of public business in order to await the convenience of Senators who were aware that this bill was to come before the Senate. I shall therefore ask that the business may be proceeded with in order, subject to the action of the Senate.

Mr. COCKRELL. I trust that the section will be reported again for information. If that is not done I can assure the Senator that he will not get action until those Senators have time to come in, for I shall certainly consume that much of the time of the Senate.

Mr. INGALLS. I have no doubt of the ability of the Senator from Missouri to consume the time of the Senate unprofitably; he has shown his capacity in that way too often.

Mr. DORSEY. On the 16th instant, when the Senator from Kansas reported this bill, he called the attention of the Senate to it particularly and gave notice then that he would call it up for action the following Monday, which was a week ago from last Monday. For some reason the bill did not come up then. It was taken up yesterday after the morning hour expired, and then the Senator in charge gave way for the consideration of another question. When it was

taken up yesterday no one seemed to understand the question at all. Several Senators expressed surprise that the bill was before the Senate. We occupied an hour or two here in a dallying sort of way without anybody appearing to know exactly what was being done. Then the Senator from Ohio [Mr. THURMAN] moved, inasmuch as the Senate did not understand this bill and did not seem to be able to understand it, that we adjourn until to-day, and he suggested that each Senator take a copy of the bill home with him, so that he could read it last night and this morning and we could take it up to-day and proceed with it. To-day the Senator from Kansas gave way to the Senator from Mississippi as per agreement, and the understanding then was that we should proceed with this bill immediately after the conclusion of the remarks of the Senator from Mississippi, and as the hope was expressed by the committee, in which I trust the Senate will concur, for the purpose of finishing the bill to-day. Now the Senator from Missouri and probably other Senators suggest a delay because one or two Senators are out of the Chamber. Those Senators have known that this bill would be proceeded with to its passage at the earliest day possible, and if they are not here it is not the fault of the committee. I hope we shall proceed with the bill until it is completed.

The PRESIDING OFFICER. The first section will be again reported.

Mr. SAUNDERS. If there has been any understanding of the Senate by which this bill is to have precedence, I shall give way of course and let ti proceed, but if not I wish to insist upon the Calendar being taken up and gone through with. There is a bill that has been on the Calendar for more than two months in favor of organizing the Territory of Lincoln. There are more than twenty thousand people there to-day representing every State in this Union, and they are unanimously asking that this Territory may be organized. On that account I shall insist upon going on with the Calendar unless there was an understanding that the District bill should come up to-day. If such has been the understanding, then I shall give way to that bill for the present.

Mr. DORSEY. Nearly an hour was consumed this morning by the Senate in endeavoring to determine what the order of business was and what was before the Senate. I supposed after that long debate that everybody understood that the bill to provide a permanent form of government for the District was the unfinished business that came over from yesterday, and of course is the business now before the Senate. I hope the Senator from Nebraska will not move to lay that business aside in order to take up his bill. When the time comes I shall be glad, and I presume the Senator in charge of the District bill will be glad, to aid the Senator from Nebraska in a proper way; but the District bill is now before the Senate and I for one insist that it shall remain so until it is disposed of either by being passed or voted down.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and can only be displaced by a vote of the Senate.

Mr. SAUNDERS. I said I would certainly not insist upon going on with the Calendar if such was the understanding; but after this bill is concluded I shall ask that we take up the Calendar and proceed with it as the regular order.

The PRESIDING OFFICER. Does the Senator from Missouri insist on the first section being reported again?

Mr. COCKRELL. Yes, sir.

The PRESIDING OFFICER. The first section will be read.

The Secretary read the first section of the committee's amendment.

Mr. COCKRELL. I did not hear the remarks of the Senator from Kansas yesterday. I reserve the right to offer amendments to this section or any of the sections of the amendment before the bill is reported to the Senate.

Mr. INGALLS. The right is undoubted in the case of any Senator or any section.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

The PRESIDING OFFICER. The Secretary will report the second section of the amendment.

The Secretary read section 2 of the proposed substitute.

Mr. BAYARD. On line 18 of section 2 I move to strike out the word "three," and insert "one," and the letter "s" in the word "years," so as to read:

> The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for one year next before their appointment, and have during that period claimed residence nowhere else.

I know the constitution of no State which requires a longer actual residence, a fixed residence, with the intention of remaining, to qualify a resident to become a citizen of that State. Some of the States, indeed, I believe shorten the period of residence. One of the objections to the government in this District for some years past has been that persons not identified in interest with the local population and property-owners have had too much to do with their government. The fact of a long residence may not always give a man a proper interest, or make him a fit person to take charge of the affairs of a community. It is the identification of interest and intelligence necessary for the office that qualifies the person for the appointment. Any man, it seems to me, who is qualified to vote for another for an office should by law be qualified to be voted for; and this District would be the exceptional case that would require a longer residence in the official than in the persons creating him by their votes. There might possibly be an exclusion of very fit and proper candidates for this office if this term of residence, unusual in the laws of any community known to me, should be insisted upon. I therefore move my amendment, which will allow the District commissioners to be chosen from persons who are residents of this District and have been continuously so with the intention of remaining for one year, if it meets the approval of the Senate.

Mr. INGALLS. The provision in the House bill upon the subject of the length of residence that should entitle a person to be appointed commissioner was five years. There was a difference of opinion in the committee as to the term that should be prescribed. Of course there is nothing in the nature of things that renders a man specially competent to discharge the duties of his position from the mere fact of his having resided here a time greater or less than that prescribed in the bill. One great cause of complaint that the citizens of the District have frequently urged has been that strangers have been sent among them to rule over them, and harass them, and eat out their substance; and it was thought best, in order to comply with the sentiments of the people upon this subject and to carry out the general ideas of local self-government that prevail to so great an extent among the American people, that a period of residence and citizenship should be provided which would prevent this cause of complaint hereafter. The committee believed that as a proper measure of compromise between the term prescribed by the House, which seemed to them to be excessive, and the condition that had heretofore existed, in which no term at all was prescribed, the term of three years would perhaps be best adapted to compose existing differences and ally hostile interests in support of the measure.

I may say in passing that it has been rumored, with what degree of veracity I do not know, that the provision of the House bill was inserted for the express purpose of hitting a particular case. If this be true, of course it would be unwise in the Senate to agree to it.

I hope the Senate will not agree to the amendment offered by the Senator from Delaware, because the committee considered the whole subject and instructed me to insist upon the period prescribed in the substitute. There is no special reason that I know of why one year or three years should be prescribed; but the period of three years is one that would enable a person residing here to familiarize himself with the wants of the people, with their peculiarities, and with the necessities of administration here. It seems to me to be appropriate, and I trust the Senate will agree to the provision as reported by the committee.

Mr. BAYARD. I would ask the honorable Senator whether he can name any other community in the United States where a longer residence than one year is required to enable a man to become a voter and to hold office.

Mr. INGALLS. I cannot. Not having the volume of Colonial Charters and Constitutions here, I should not be able to state definitely the fact upon that subject. I know, however, that the Constitution of the United States in treating of offices as important as those of Senator and Member of the House of Representatives merely insists that persons elected to those offices shall be inhabitants of the States where they reside. Of course, as the Senator from Delaware is well advised, there is nothing in the natural limitations of time that would render one period essential rather than another. I believe that, in consequence of the peculiar character of the population here, being to a great extent transitory and fugitive, and owing to the conflicting relations between the Government and the corporation, it would be advisable to prescribe a longer period of residence than exists in States, because it will require more time to become familiar with the necessities of the community.

Mr. BAYARD. It seems to me that the Senator's argument is rather against himself. He says that this is a community in which the mass is very frequently varied.

Mr. INGALLS. Oh, no; I say there is a large transitory element here.

Mr. BAYARD. Very well. If there is a large transitory element, then there will be in proportion a less permanent element. The Senator from Kansas proposes to make a discrimination in favor of the permanent population, which will exclude a larger portion of the people than in any other community in the United States.

Mr. INGALLS. Does the Senator mean to say that the permanent population here is not as much entitled to respect as the transitory?

Mr. EDMUNDS. It is entitled to equal respect.

Mr. BAYARD. It is very plain that in any community where there is a transitory population there will be fewer of the permanent population, and yet the Senator would diminish the right of choice by limiting the class from whom the commissioners can be selected to a smaller class than any other community known to me in the United States. I know those States considered most conservative in their frame-work of government are satisfied to make the residence of an inhabitant for one year the prescription for his citizenship. It is so I think in Virginia; it is so in Maryland; it is so in the little State where I live. I believe a shorter period is generally assigned in the

other States. Perhaps the period is shorter in States where the desire exists to encourage population and to grant the right of citizenship as fast as they can. Therefore, unless there be some reason which has not yet been given, (but on the contrary the reasons which have been given rather militate against the proposition of the Senator,) there is no good cause for prolonging the time of residence in the District to prevent a man from holding office longer than exists in other and well-settled communities all over the country.

Mr. MERRIMON. Mr. President, it will be observed, on looking into the substitute reported by the Committee on the District of Columbia, that the three commissioners are virtually the rulers of the city. They are to exercise the chief and a very high authority. The policy of the measure is to select persons who are thoroughly identified with the people of this District. As my colleague on the committee has very justly said, a large part of the population of this city is very transitory. A year here, looking to citizenship and the purposes of citizenship, is briefer, in one sense, than elsewhere. It is very doubtful, if a man stays here but a year, whether he is going to stay any longer or not. We thought that three years would be a reasonable time for one to live here in order that the people and the President who appoints these officers might be satisfied that such person as might be appointed was fully and thoroughly identified with the people. Besides, these commissioners, exercising such high power, ought to be very familiar with the circumstances and wants of the people; they ought to be familiar with the condition of the city, with all its localities; and such familiarity would not be probably gained by a person who had resided here simply twelve months. And in twelve months, in a city like this, a man would scarcely become very well acquainted with the people and their respective wants, of all classes and conditions. The committee thought, on due consideration, looking at the action of the House, that three years would be a reasonable time—not extravagant one way or the other. That length of time seems to me reasonable and conservative.

Mr. EDMUNDS. Mr. President, I rise to support the amendment proposed by the Senator from Delaware to make this limitation of residence one year instead of three. I do not think, under the condition of the District and the relations of the United States to it, that there ought to be any provision at all of that character, but I shall not oppose a provision of one year.

This bill provides for the United States paying one-half of the expense of carrying on the government of the District. The United States, therefore, ought to have, through its Executive and Senate, the right, inasmuch as it pays half the expense, to select for a part of the governors of the District, and more than one as this bill provides, any citizen of the United States whom the Chief Magistrate and the Representatives of all the States and of all the tax-payers think is a fit man, even if he has not been a permanent resident in this District for three years. It seems so to me. Half the money comes from the whole people of the United States, and then the Constitution itself provides that this District, in which nobody is a resident (except those in jail) without his free and voluntary consent, shall be a district in which Congress is to exercise exclusive legislation. Congress is the legislative power of the District, and that Congress is the Congress of the whole people. This is a place for the whole people of the United States to have an interest in and to take care of and to pay the expenses of, as it does now by this proposition to the extent of one-half, and indirectly to a much larger degree.

Therefore it appears to me, with great deference to the opinions of the gentlemen of the committee, that the proposition of the Senator from Delaware to bring it down to one year ought to be satisfactory even to the committee.

Mr. MERRIMON. It seems to me inasmuch as Congress and the American people through Congress exercise such absolute power over the District of Columbia and the people who reside here, that it would be but reasonable and Congress ought to be content to rule them through persons who live here and know their wishes and their wants better than strangers can know them.

Mr. EDMUNDS. Yes; but according to the statement both of the gentleman in charge of the bill and my honorable friend from North Carolina, a very large proportion of the people in this District are not citizens of the District, but people of the United States who are lawfully here for necessary purposes, and they are to be governed as well as the others.

Mr. MERRIMON. But a large majority of the people here are permanent residents of this city. A population of eighty or ninety thousand people are as much at home in the District of Columbia as the Senator is in Vermont or myself in North Carolina. They are attached to their homes, and they want to be governed by their own people. That is a natural impulse that they should desire to be governed by their own people. Now, if we intend to consult the wishes of the people of the District at all, will anybody doubt that if the people were going to elect their commissioners they would not elect a man who had been here a less time than three years?

Mr. EDMUNDS. That would depend upon a great many circumstances.

Mr. MERRIMON. I think on looking at the circumstances, taking a reasonable view of them, that the people would naturally want to elect a man who was identified with them, and who they knew was identified with them by the length of time he had been here; they would want to take one who was familiar with their wants, who had lived among them a long time, a man whom they had come to know. They would not want a stranger. It is repulsive to human nature to have a stranger rule over you. There is no government, as a friend beside me says, so hateful as that of a stranger.

Mr. BAYARD. I want to ask my honorable friend from North Carolina whether the constitution of North Carolina requires a longer residence than twelve months for a person to become a voter or be capable of being appointed to office in that State.

Mr. MERRIMON. The old constitution required a residence of two years. The new constitution requires a residence of one. But, as was said by my colleague on the committee, who has charge of the bill, the state of society here is very different from what it is in North Carolina, or Vermont, or Delaware. Persons who go there for purposes of citizenship very soon become identified with the State and its wants, and their opinions and purposes are pointed out by the circumstances. Here when a stranger comes it is very difficult to say, sometimes it is difficult for himself to say, how long he intends to stay. He comes to be employed by the Government or to live off the Government for a while. In the course of a few months he becomes tired and passes away, although he may at first have come with a view to stay.

But furthermore, in large cities like this the stranger, even though he should come for the purpose of citizenship, learns slowly about localities, the various ramifications of interests and wants in a great city. We put it upon the ground that it was reasonable and just to the people of Washington to fix the term at three years.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, to strike out "three years" and insert "one year."

The amendment was agreed to; there being on a division—ayes 23, noes 18.

The PRESIDING OFFICER. The question is on the section as amended.

Mr. EDMUNDS. I understand that this vote on the section does not preclude amendments to be offered afterward.

The PRESIDING OFFICER. Not at all.

Mr. EDMUNDS. Before that is put, there are one or two verbal amendments which I will merely suggest for the consideration of the committee, to make more clear what they desire. In line 9 after the word "limited" I move to insert the words "or provided;" so as to read that these commissioners "shall exercise all the powers and authorities now vested in the commissioners of the District of Columbia except as are hereinafter limited or provided." There may be some cases of provision which would not operate, technically considered by a court, as a limitation.

Mr. INGALLS. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Vermont. The Chair hears none and it is agreed to.

Mr. EDMUNDS. Then in line 10 after the word "limitations" I move to insert the words "and duties;" so as to carry out the same idea to save any question in court.

The PRESIDING OFFICER. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. MERRIMON. I beg to give notice now that I reserve the right to ask a vote in the Senate on the amendment adopted on the motion of the Senator from Delaware.

Mr. EDMUNDS. In line 12 I move an amendment, which will be of substance, and therefore I call special attention to it. I move to insert after the word "detailed" the words "from time to time;" so that that clause will read:

> The commissioner, who shall be an officer detailed from time to time from the Corps of Engineers by the President for this duty, shall not be required to perform, &c.

Another clause provides apparently for his being appointed once in three years and to hold for three years. I think in the very nature of the bill this detail from the Army, from the Corps of Engineers, ought to be a detail which may be made just as it is for the Commissioner of Public Buildings and Grounds, from time to time. The exigencies of war, or some public service, or some disqualification that is discovered, some unfitness of this officer, ought to allow the Commander-in-Chief of the Army from time to time to detail the engineer who is to act; and I think from our experience it will be found that that power of the President of detailing from time to time (that is to detail the officer and remove him just as often as he pleases) will not be in the least abused as it never has been in respect to the management of public buildings and grounds. It might be found a very great and necessary convenience in the way of authority in cases that might arise.

Mr. INGALLS. It is my understanding, and I believe it was the understanding of the committee, that the power of the President to detail was not considered to be exhausted by a single exercise, and that in detailing it was not necessary to be understood that it was a permanent disposition of the services of that officer. If that is not clear in the bill, or if the meaning of the word is not distinct, I should have no objection to the words the Senator from Vermont proposes being inserted, because that was the purpose.

Mr. EDMUNDS. I certainly myself put the opposite construction on it, which led me to make the proposal.

Mr. HOAR. I move to reconsider the vote by which the committee

just struck out the words "three years" and substituted "one year."

Mr. EDMUNDS. Let us dispose of this amendment first.

The PRESIDING OFFICER. There is a pending amendment offered by the Senator from Vermont.

Mr. SARGENT. It seems to me there is an objection to the amendment offered by the Senator from Vermont. I do not think that the third of this board ought to be as transient as that amendment supposes. It seems to me that the other provision of the bill which contemplates, unless removed for cause, that he shall hold for three years, is a very much better theory for a government for a city like this. The idea of detailing a person from time to time, so that by changes he shall—

Come like shadows, so depart—

hardly seems consistent with the duties that are to be intrusted to him. If the other commissioners are to hold for three years, he ought to hold for three. If it is objectionable to use an engineer on account of the exigencies of war that may require him elsewhere, then strike him out and put somebody else in that can perform the duty. If that is not the case, however, and it is likely a man might be able to serve three years, his selection ought to hold good as in the other cases and he ought to be allowed to give the city the benefit and the experience he acquires during the time of his service. He is better qualified, if he is a good man, to serve the second year than the first, and the third year than the first and second; but as there should be a reasonable limit, three years seems to be a reasonable limit. Changing him every six months, or every three months perhaps, or even every year, while the others remain permanently, makes necessarily the engineering part of the board of very little experience and very little influence. My principal confidence in that board is that it has in it a man educated in Army traditions, highly educated by his graduation at the Military Academy which we maintain, raised on account of having a permanent life employment and a provision after he arrives at a certain age above the temptations that assail men who are not so fortunately situated. These circumstances will give peculiar value to his services in the board; and it seems to me that he ought not to be changed, so that when he shall have acquired a little knowledge of his duties and be prepared to discharge them well somebody is to go to school and learn them and be again discharged himself. If my friend means that by the officer being detailed from time to time, I desire to suggest for his consideration what I have said.

Mr. EDMUNDS. There would be great force in that—I agree with every word my honorable friend has said—but we have the responsible duty of the President of the United States in selecting this engineer from time to time, if you have it that way, to select a good man; and the considerations occurring to the mind of the Chief Magistrate of the United States will be exactly those that my friend has so well stated. He will consider that it ought not to be constantly going and coming; and practically when now for nearly ten years we have provided for all the public buildings and grounds in this District being administered by an officer of the Corps of Engineers, to be detailed from time to time by the Chief of Engineers who is made the responsible man who details from time to time, we have found by experience that the detailing authority never makes a change unless there is a clear and a good reason for it.

Then, it appears to me that we ought to have sufficient confidence in the Chief Magistrate of the United States in this permanent arrangement that in selecting an officer of the Corps of Engineers he is to have the discretion of relieving him from duty, just as he has in his duty in the engineers in sending him to be something else whenever, in his judgment, the interest of the District requires it. That is my impression. While I agree to all my friend has said as to A or to B, I think that the best end is subserved by making the Chief Magistrate responsible all the time for a good engineer in the place.

Mr. BLAINE. If this provision stands, I ask the Senator from Vermont would it not conflict with the power of the Commander-in-Chief over the Army officers?

Mr. EDMUNDS. Yes, but this bill provides for a regulation of the Army, and the Constitution declares that Congress may make rules and regulations for the government of the Army.

Mr. BLAINE. Do you pass this to regulate the Army?

Mr. EDMUNDS. It is a special regulation as to a particular officer.

Mr. BLAINE. It takes an officer out of the command of the President.

Mr. EDMUNDS. No, but he is to perform a particular duty under the command of the President, just as in the case of the Commissioner of Public Buildings and Grounds.

Mr. BUTLER. May I ask my friend in charge of the bill one question, whether for any dereliction of duty this officer would be tried under the rules and regulations for the government of the Army, or would he be liable to impeachment?

Mr. INGALLS. He would be liable to punishment under the rules and articles of war. I will say to the Senator from Maine that according to my understanding as the bill now stands the President could detail an officer of the Engineer Corps every day in the year, a separate one if there were that many, as the bill now stands, without the words proposed by the Senator from Vermont. I think they remain entirely under the control of the Commander-in-Chief.

Mr. BLAINE. If any bill provided that the President should detail an engineer officer for three years, would the construction of the bill be, in the judgment of the Senator from Vermont, that an incoming President for two years after he came in would not have the ordering of that engineer officer whenever he wanted?

Mr. INGALLS. The bill does not detail the engineer officer for three years.

Mr. EDMUNDS. And I am trying to make it more clear on that point; that is all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. HOAR. I move to reconsider the amendment adopted just now, reducing the length of residence required of the two commissioners appointed from civil life, for the purpose of making a suggestion which I think may very likely meet the favor of both sides—the Senate was very evenly divided on this matter—and that is for the purpose of moving that one of the two persons appointed from civil life shall, as the bill now provides, have resided here three years, and limiting the provision as to residence to one of the two commissioners.

This bill recognizes two conflicting theories of the proper government of the District of Columbia; one that Washington and Georgetown are ordinary cities to be governed as ordinary cities are in relation to their municipal affairs, by their own people; the other recognizes the fact that this is a Federal city. The framers of the Constitution did not contemplate probably the assembling of any considerable number of persons here, except persons who came here to discharge public functions. It was expected that it would be in the main a city of citizens from all parts of the United States, and that the legislative duty reserved to Congress over it, the exclusive legislation, would be like that reserved in the same clause for forts and arsenals, in the main—a provision for the Government and ordering of public property alone; and that is still by far the largest part of the administrative function in this District.

Now there is one consideration which, it seems, to me, is specially important, and that is that the police administration of this District should always be in the hands of the Government of the United States, that Congress never should sit here in times of political excitement such as may exist in the future, subject to any danger from mobs, the means of protection against which and prevention of which are not entirely within the control of the National Government.

Mr. EDMUNDS. And exerted under its authority.

Mr. HOAR. And exerted under its authority. I do not myself see the force of those arguments in dealing with the proper form of government for the people of the District of Columbia, which are based on the principle spoken of by the chairman of the committee as local self-government. The Constitution intended and required that the whole legislative authority over this District, all the making of its laws, should be exercised by the nation at large; and it is a solecism in government to separate from the power which makes the laws the power that administers them. I do not speak of course of the distribution between two branches of government, but the power which makes should and must always administer laws, because the power to which the administration of laws is left can unmake the law which it has the discretion or the obligation to administer.

It seems to me that if the interest of the District of Columbia is considered, of the old residents, their wish, so far as to require that one of the two commissioners appointed from civil life shall be an old resident here of at least three years, the President of the United States ought to be permitted to select for this important official function any citizen from the entire country of whose special fitness for the duty he may be satisfied. The exercise of the duties of these commissioners of course is very important to the large public property here. It is very inportant to the interests of the people. Perhaps a majority of the persons in Washington at any one time come here for purposes so temporary in their character that they do not acquire a residence here, but are still permanent. Take the matter of the schools. It is quite possible that the permanent residents of the District of Columbia may have very different views—they have certainly in the recent past had very different views—in regard to the necessity for the full and generous education of children than those who have come here from other parts of the country for purposes more temporary.

I think that the most reasonable disposition of this question would be to leave the President of the United States at liberty to select the most efficient and competent man he can find from anywhere within the limits of the United States for one of these two civil commissioners, and leave the bill as the Senate committee reported it as to the other; and if this vote shall be reconsidered I will make that motion.

Mr. INGALLS. If the object of the Senator from Massachusetts is what he has disclosed—and of course of that I have no doubt—I should hope that the motion to reconsider would not prevail. I am very clear that if conditions of citizenship are to be imposed they should bear upon these officers equally. It appears to me it would be very difficult and perhaps very invidious to attempt to discriminate in regard to length of residence between the two civil commissioners who are to be appointed by the President. I can see nothing to be gained by it; and while I should have preferred to have had the period of three years retained, yet, the Senate having determined otherwise, I am content with the period of one year. I am very posi-

tive in my convictions that a different period should not be prescribed for these two officers.

Mr. HOAR. Instead of making the motion to reconsider at present and insisting upon that and then having the other motion afterward, I will make the motion to amend as I have indicated when the bill comes into the Senate.

The PRESIDING OFFICER. The motion to reconsider is withdrawn. The question is on the section.

Mr. HOWE. I wish to ask the Senator from Kansas if there is any objection to making these first appointments for two and three years instead of the times named.

Mr. INGALLS. That arrangement is made in a subsequent portion of the bill. The period of their first official term is prescribed so that they will go out of office at different times hereafter, which I suppose is what the Senator desires to accomplish.

Mr. HOWE. No. I see that it is the purpose of the bill to have them leave office at different times; but this section, if I recollect aright, provides that the first appointees shall hold for one and two years instead of two and three, which it seems to me they might just as well.

Mr. INGALLS. Does the Senator submit any motion on the subject?

Mr. HOWE. No, I was simply calling the attention of the Senator to it.

Mr. INGALLS. I think practically it might be as well to leave the bill as it is, from the fact that it will require some little period of time to secure an absolutely satisfactory adjustment of these governmental relations; and, inasmuch as the period of three years will occur at different intervals after the first commissioners' terms have expired, I think there will be no difficulty in the way suggested by the Senator from Wisconsin.

Mr. BAYARD. Is there any amendment pending before the Senate?

The PRESIDING OFFICER. There is none pending. The question is on the second section as amended.

Mr. BAYARD. Then I offer the following amendment:

In line 28, after the words "per annum," insert the words "and shall, before entering upon the duties of the office, each give bond in the sum of $50,000, with surety as required by existing law.

The amendment explains itself. Under existing law, as I believe, each commissioner gives a bond in the sum of $50,000. This confines the bond to the two commissioners from civil life and does not extend it to the officer of the Army.

I believe that the duties and responsibilities of the commissioners under the present bill are about the same in substance as they are under the law as it now stands. If there was reason for requiring surety before, it continues to exist.

Mr. DORSEY. I suggest to the Senator from Delaware that he change the amendment from line 28 to after the word "years" at the end of line 33, where it once was, and my recollection is that the omission of that proposition of the Senator from Delaware is a clerical mistake. I think it was the intention of the committee to report that with the bill, and I hope now it will be adopted.

Mr. BAYARD. I would suggest to the Senator from Arkansas that placing this amendment at the end of line 33 would cause the officer of engineers to give bond as well as the other two. That was not my intention. The officer of engineers is appointed I may say *ex officio* as a member of a branch of the public service giving him a special qualification for a portion of the duties of this office. He is also subject to the articles of war which the other two are not; and I do not know that any officers in the Army, except those who are made paymasters and the like, are called upon to give bonds of this character for the execution of the duties of a civil office. If it be considered proper to embrace the officer of the Army in this requisition for a bond by the committee, I have no objection; but it was my impression that the two civilians were the only commissioners who should be required to give bond.

Mr. INGALLS. Mr. President, it is evident that the commissioner selected from the Army ought not to be required to give a bond, and the committee decided that it was not necessary for either of the commissioners appointed from civil life to enter into such an obligation or undertaking. They are not the custodians of any of the funds of the District. This bill provides that all moneys collected by taxation and all appropriated by Congress shall be placed in the Treasury of the United States. It can only be drawn from the Treasury by warrants approved by an officer of the United States Government; and inasmuch as there is no possible chance of any defalcation or corrupt use of the public funds the committee thought it was an unnecessary obligation to impose upon these commissioners. I would also suggest to the Senator from Delaware that his amendment is very indefinite in its terms, inasmuch as it does not prescribe the conditions upon which the bond is to be given and for what purposes it is to be filed.

Mr. BAYARD. It refers to "existing law" as prescribing the conditions. They shall each give bond with sureties as required by existing law. "Existing law" creates this office of commissioner and prescribes a bond to be given with sureties to be approved in a certain amount.

Mr. INGALLS. The Senator then alludes to laws now in force.

Mr. BAYARD. Yes sir.

Mr. INGALLS. Inasmuch as the duties of these commissioners are defined by this bill and all parts of laws inconsistent with it are repealed, it is evidently incongruous. If the Senator can describe what obligations these commissioners are under in connection with this bill making it necessary for them to enter into that obligation, I should be glad to have him do so.

Mr. BAYARD. May I ask the Senator a question by way of answer, as is allowed in some parts of the country?

Mr. INGALLS. Certainly.

Mr. BAYARD. Are not the duties of commissioners under this proposed law the same substantially as they are under the laws now in force?

Mr. INGALLS. Substantially of course they are, because the objects to be attained in both are the same.

Mr. BAYARD. Would not a bond conditioned for the faithful discharge of his duty under the present bill apply with equal force under the present bill as under the law now in force?

Mr. INGALLS. It would if there were any pecuniary obligations that these commissioners were to enter into that would render it desirable for any person to have a remedy against them for such an undertaking.

Mr. BUTLER. Allow me to suggest is not money to be drawn out on the warrants of these commissioners or a majority of them?

Mr. INGALLS. But before it is drawn out on their warrant it must be audited by an officer of the United States Treasury, so that they are completely hedged about and restricted in every particular.

Mr. HAMLIN. Mr. President, there is some executive business which ought to be transacted, and I therefore move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. I wish the Senator from Maine would allow us to go on with this bill until five o'clock. Important financial measures are pending, and will be urged on the attention of the Senate. We shall be obliged to have a conference with the House on this bill, and we might finish it this afternoon.

Mr. EDMUNDS. You cannot do it.

Mr. INGALLS. We might try.

Mr. HAMLIN. I submit the motion.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-nine minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 22, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate requested the return by the House of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army, on the retired list.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair has the names of a number of gentlemen who desire to be recognized for the purpose of presenting matters for consideration by the House. Unless the regular order is demanded, the Chair will recognize those gentlemen in the order in which they have made their requests.

Mr. WADDELL. I demand the regular order, and give notice that I will do so every morning until we have a morning hour.

The SPEAKER *pro tempore*. This will not interfere with the morning hour.

UNITED STATES COURTS AT QUINCY, ILLINOIS.

Mr. HARRIS, of Virginia. I am instructed by the Committee on the Judiciary to report the bill which I send to the Clerk's desk, and to ask for its immediate consideration. It is a bill providing for holding terms of the United States court for the southern district of Illinois at the city of Quincy, the largest city in the State except Chicago. The people of Quincy and the neighborhood have now to go from one hundred and eighty to two hundred miles for the purposes of attending court. The Committee on the Judiciary are unanimously in favor of the bill.

Mr. BREWER. Does the bill provide for any additional expenditures?

Mr. HARRIS, of Virginia. It does not.

There being no objection, the bill (H. R. No. 4947) being a substitute for House bill No. 3781, providing for the holding of additional terms of the district and circuit courts of the United States for the southern district of Illinois, and for other purposes, was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The first section of the bill provides that in addition to the terms of the district and circuit courts of the United States for the southern district of Illinois now required by law, terms of said courts shall hereafter be held at the city of Quincy, in said district, commencing on the first Mondays of April and November of each year.

The second section provides that the clerks of said district and circuit courts of the United States (by and with the approval of their respective courts) and the marshal thereof shall be required to appoint such deputies as may be necessary for the efficient performance of their duties at the city of Quincy.

Mr. HARRIS, of Virginia. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PARDONS BY THE PRESIDENT.

Mr. BEEBE. I ask unanimous consent to submit for the consideration of the House at this time the resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the Attorney-General be, and he is hereby, respectfully requested to communicate the names of all persons pardoned for crime and released from imprisonment or from the payment of fines or from other penalties by direction of the President of the United States, from the 4th day of March, 1877, to the 20th day of May, 1878; the offenses for which each person receiving said pardon or remission of fine or other penalty was indicted, sentenced, or held liable; the term of imprisonment; the amount of fine or other penalty for which each of said persons was sentenced or held liable; the portion of such term of imprisonment, amount of fine, or other penalty actually served, paid, or suffered by each of said persons, together with copies of all papers relating to the granting of such pardon and remission of fines or other penalties.

The SPEAKER *pro tempore*. Is there objection to the consideration of this resolution at this time?

Mr. BUTLER. I would suggest that the words "respectfully requested" be stricken out and the word "directed" inserted in lieu thereof. The House "directs" the subordinate officers of the Government and "requests" the President.

Mr. BEEBE. I have no objection, and will modify the resolution as suggested.

Mr. BAKER, of Indiana. If this resolution is to be considered at this time it should be couched in the usual form; that is, "if not incompatible with the public interest."

Mr. BEEBE. I will modify the resolution as suggested.

The resolution, as modified, was then adopted.

Mr. BEEBE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. BUTLER, by unanimous consent, introduced a bill (H. R. No. 4948) providing for two additional justices of the supreme court of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

LOCATION OF LAND WITH MILITARY WARRANTS.

Mr. SAPP. I ask unanimous consent to report back, with an amendment, from the Committee on Public Lands, the bill (H. R. No. 4239) to authorize the Secretary of the Interior to ascertain the amount of land located with military warrants in the States described therein, and for other purposes, and that it be referred to the Committee of the Whole on the state of the Union.

There being no objection, the bill was received and referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

REPRINT OF A BILL.

Mr. BUCKNER. I ask unanimous consent that House bill No. 4247, to retire the circulating notes of the national banks, and for other purposes, be reprinted for the use of the House, the first print having been exhausted.

There being no objection, it was so ordered.

PACIFIC RAILROAD COMMISSION.

Mr. CHALMERS. I ask unanimous consent to offer for adoption the following resolution:

Resolved, That House bill No. 4399 entitled "A bill to establish a Pacific Railroad commission" be made the special order for Tuesday, May 28, and from day to day thereafter until disposed of.

Mr. BURCHARD and others objected.

SOLDIERS OF THE WAR OF 1812.

Mr. BLACKBURN. I introduced on last Monday a bill (H. R. No. 4909) extending the provisions of the act of March 9, 1878, to certain soldiers of the war of 1812; which was referred to the Committee on Invalid Pensions. I ask that the reference may be changed and the bill referred to the Committee on Revolutionary Pensions and War of 1812.

There being no objection, it was ordered accordingly.

CAROLINE M. BARNARD.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4949) for the relief of Caroline M. Barnard, legal heir of Colonel A. C. W. Fanning, deceased, United States Army; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

REAL ESTATE TITLES IN DISTRICT OF COLUMBIA.

Mr. HUNTON also, by unanimous consent, introduced a bill (H. R. No. 4950) to quiet title to real estate in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SETTLERS ON THE PUBLIC LANDS.

Mr. PATTERSON, of Colorado. A bill relating to grasshopper sufferers has been passed by the Senate and is now upon the Speaker's table. Unless it be passed by this House immediately it will do no good, as the spring is now far advanced. It contains but one section; and I ask unanimous consent that the bill may be taken from the Speaker's table and put upon its passage.

The bill (S. No. 1021) for the relief of certain settlers on the public lands was read. It provides that it shall be lawful for homestead settlers on the public lands whose crops were destroyed or seriously injured by grasshoppers in the year 1876, who left their land in that year, if no other settlement shall have been made thereon by, or right or interest therein accrued to, any other person, to return to the land at any time within three months from and after the passage of this act; and upon the return of such settlers to such land, such absence therefrom shall in no wise affect the original settlements or homestead rights, but such settlers shall be allowed to resume and perfect their settlement as if no such absence had occurred. But proof of such destruction or injury of crops, absence and return of such settlers, is to be made in such manner as the Commissioner of the General Land Office may prescribe.

There being no objection, the bill was taken from the Speaker's table, read twice, ordered to a third reading, read the third time, and passed.

Mr. PATTERSON, of Colorado, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BEACON-LIGHT IN CHINCOTEAGUE BAY, VIRGINIA.

Mr. KENNA. A memorial of citizens of Virginia asking for the establishment of a light in Chincoteague Bay, Virginia, was referred to the Committee on Commerce. That committee have agreed on a bill for the establishment of a beacon in lieu of a light. I ask unanimous consent to report this bill from the Committee on Commerce, with the accompanying papers, for reference to the Committee on Appropriations.

Mr. ATKINS. There is no law authorizing the establishment of a beacon, is there?

Mr. KENNA. There is not; but it has been the universal practice, I believe, to refer cases of this sort to the Committee on Appropriations.

Mr. ATKINS. The appropriation will be liable to a point of order if reported to the House.

Mr. EDEN. I suppose the reference of the bill is not to be considered as an instruction to the Committee on Appropriations?

Mr. KENNA. I hope there will be no objection, for the reason that this has been the universal practice.

The SPEAKER *pro tempore*. The title of the bill will be read, after which there will be opportunity for objection.

The Clerk read the title of the bill, as follows:

A bill to establish a day-beacon on Killick Shoals, in Chincoteague Bay, Virginia.

There being no objection, the bill (H. R. No. 4952) was reported, read a first and second time, referred, with accompanying papers, to the Committee on Appropriations, and ordered to be printed.

EDWARD BROWN BOUTWELL.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. No. 4951) for the relief of Edward Brown Boutwell, late commander in the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

He also, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Navy be directed to transmit to the House of Representatives the papers on file in his office touching the resignation and application for restoration to office of Edward Brown Boutwell, late commander in the Navy, including the letter of President Lincoln to the Secretary of the Navy requesting the latter to place said Boutwell on duty, the several letters of said Boutwell to the Secretary of the Navy requesting that he be placed on duty, and the Secretary's letter declining the services of said Boutwell.

Mr. SHELLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRAUDS UPON POSTAL REVENUE.

Mr. HARTRIDGE. By request, I ask consent to offer the following resolution for reference to the Committee on the Post-Office and Post-Roads:

Resolved, That the Committee on the Post-Office and Post-Roads is hereby instructed to investigate the practicability of preventing frauds upon the postal-revenue by the use of the national chemical stamp and to report thereon to this House at the earliest practicable moment by bill or otherwise.

Mr. CANNON, of Illinois. I object.

CARLOS BUTTERFIELD.

Mr. BRIDGES. I ask unanimous consent to report back from the Committee on Foreign Affairs, with amendments, the joint resolution (H. R. No. 168) requiring the Secretary of State to furnish information to this House in reference to the claim of Carlos Butterfield against the Government of Denmark.

The joint resolution was read.

The SPEAKER *pro tempore*. The amendment will now be read.

The Clerk read as follows:

Strike out the word "Congress" and in lieu thereof insert the words "this House."

Mr. BAKER, of Indiana. Does that come from the Committee on Foreign Affairs.

Mr. BRIDGES. Yes, sir; it is from the Committee on Foreign Affairs. It is merely a resolution calling for papers.

The SPEAKER *pro tempore*. Is there objection to its consideration?

Mr. BRIDGES. We propose to make it a simple House resolution instead of a joint resolution. The committee did not deem it necessary to adopt a joint resolution.

The SPEAKER *pro tempore*. It is not in order to proceed in this form. The word "joint" is not stricken from the title, and the enacting clause of the joint resolution still remains. It is not in the power of a committee to report back a simple resolution as a substitute for a joint resolution. If the gentleman will modify it so as to make it a simple resolution the Chair will recognize the gentleman.

Mr. BRIDGES. I withdraw the report for the present.

PRESIDENTIAL TITLE.

Mr. HARRISON. I rise to a question of privilege, and offer the resolution which I send to the Clerk's table.

The Clerk read as follows:

Whereas a select committee of this House has been appointed to inquire into certain frauds alleged to have been committed in Florida and Louisiana in November, 1876, in connection with returns of votes for electors for President and Vice-President; and

Whereas it is charged that frauds of a like character were committed at the same time in the States of Oregon and South Carolina——

Mr. PAGE. That is not a question of privilege, and the Chair has been imposed upon.

Mr. FRANKLIN. Let the resolution be read. It cannot be decided whether it is a question of privilege or not until it has been read.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the resolution.

The Clerk proceeded with the reading, as follows:

Therefore,

Be it resolved, That said committee be, and hereby is, empowered to inquire into the same, if in its opinion testimony thereon of a substantial character shall be presented to the committee; and

Be it further resolved, That, the Senate and House of Representatives of the Forty-fourth Congress having counted the electoral votes for President and Vice-President, and it having been thereupon declared that Rutherford B. Hayes had received the highest number of said votes for President of the United States and William A. Wheeler had received the highest number of said votes for Vice-President of the United States, it is not now in the power of Congress, nor is it the purpose of this House through said investigation, to annul or to attempt to annul the action of the Forty-fourth Congress in the premises.

The SPEAKER *pro tempore*. The Chair will state in regard to the question of privilege that, when the resolutions originally authorizing this investigation were brought before the House and decided by the Speaker to be a question of privilege, an appeal was taken from that decision by the gentleman from Michigan, [Mr. CONGER,] and on a vote by yeas and nays the House sustained the decision of the Chair. This resolution appertains to the same subject, and the Chair is constrained to regard it as a question of privilege, at least to the extent of submitting it to the House.

Mr. GARFIELD. We did not hear the resolution; let it be again read.

The SPEAKER *pro tempore*. The Chair will submit the question to the House whether it is a question of privilege or not.

Mr. CRITTENDEN. I move to lay it on the table.

Mr. HARRISON. Let me say, Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will not recognize any gentleman until order is restored in the Hall.

Mr. ATKINS. Debate is not in order.

Mr. FINLEY. I call for a division of the question on the resolution.

The SPEAKER *pro tempore*. The Chair cannot recognize any gentleman until order is restored. The Chair will submit the question to the House whether the resolution involves a question of privilege.

Mr. BANNING. Let it be again read.

The SPEAKER *pro tempore*. In regard to the question of privilege the Chair will direct the Clerk to read an extract from the Manual.

The Clerk read as follows:

Whenever the Speaker is of the opinion a question of privilege is involved in a proposition he must entertain it in preference to any other business; and when a proposition is submitted which relates to the privileges of the House it is his first duty to entertain it at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

The SPEAKER *pro tempore*. This question is properly submitted to the House without debate.

Mr. COX, of New York. Is it in order to move to refer it to the special committee?

The SPEAKER *pro tempore*. The motion to refer or to lie upon the table would properly come in after the House decided whether the resolution is before the committee or not.

Mr. COX, of New York. I propose to make that motion at the proper time.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman immediately after the question has been decided by the House.

Mr. HARRISON. I demand a division.

The House divided; and there were—ayes 30, noes 29.

Mr. HARRISON. I demand the yeas and nays.

Mr. PATTERSON, of Colorado. Is the resolution divisible?

The SPEAKER *pro tempore*. That will be determined when the resolution is before the House.

Mr. HARRISON. I withdraw the demand for the yeas and nays, and call for tellers.

The SPEAKER *pro tempore*. The Chair will order tellers.

Mr. HARRISON. I renew my call for the yeas and nays.

Mr. FORT. I desire to have the ruling of Speaker RANDALL upon the question of privilege read.

The SPEAKER *pro tempore*. This is a question of order of business, and must be determined without debate; otherwise there would be no end to it, and the House would never be able to establish an order of business. The gentleman from Illinois [Mr. HARRISON] renews his demand for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 42; a sufficient number.

So the yeas and nays were ordered.

Mr. FINLEY. I desire to make a parliamentary inquiry. I ask the Chair, is not this question divisible? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair will not undertake to decide whether the question is divisible or not until it comes before the House.

The question was taken; and there were—yeas 71, nays 50, not voting 170; as follows:

YEAS—71.

Atkins,	Cutler,	Henkle,	Stenger,
Banning,	Davis, Joseph J.	Henry,	Swann,
Bell,	Durham,	Hunton,	Throckmorton,
Bland,	Eden,	Kelley,	Townshend, R. W.
Bliss,	Elam,	Lynde,	Turney,
Boone,	Felton,	McMahon,	Vance,
Bouck,	Finley,	Mitchell,	Waddell,
Brentano,	Fort,	Morrison,	Walsh,
Cabell,	Franklin,	Patterson, G. W.	White, Michael D.
Caldwell, W. P.	Garth,	Patterson, T. M.	Whitthorne,
Cannon,	Giddings,	Potter,	Wigginton,
Chalmers,	Glover,	Pound,	Williams, A. S.
Clark, Alvah A.	Goode,	Rea,	Willis, Benj. A.
Clark, Rush	Hardenbergh,	Reilly,	Wilson,
Cobb,	Harris, John T.	Riddle,	Wood,
Cox, Jacob D.	Harrison,	Robbins,	Wright,
Cox, Samuel S.	Hartzell,	Scales,	Yeates.
Culberson,	Hatcher,	Steele,	

NAYS—50.

Bicknell,	Crittenden,	Hewitt, G. W.	Phelps,
Blackburn,	Davidson,	Jones, James T.	Pridemore,
Blount,	Dibrell,	Kenna,	Reagan,
Bragg,	Dickey,	Killinger,	Robertson,
Bridges,	Evins, John H.	Knapp,	Shelley,
Bright,	Forney,	Knott,	Singleton,
Buckner,	Fuller,	Ligon,	Smith, William E.
Caldwell, John W.	Gause,	Manning,	Southard,
Candler,	Gunter,	Mayham,	Turner,
Carlisle,	Hamilton,	McKenzie,	White, Harry
Clymer,	Harris, Henry R.	Mills,	Williams, Jere N.
Cook,	Hartridge,	Muldrow,	
Cravens,	Herbert,	Oliver,	

NOT VOTING—170.

Acklen,	Burdick,	Denison,	Harris, Benj. W.
Aiken,	Butler,	Douglas,	Hart,
Aldrich,	Cain,	Dunnell,	Haskell,
Bacon,	Calkins,	Dwight,	Hayes,
Bagley,	Camp,	Eames,	Hazelton,
Baker, John H.	Campbell,	Eickhoff,	Hendee,
Baker, William H.	Caswell,	Ellis,	Henderson,
Ballou,	Chittenden,	Ellsworth,	Hewitt, Abram S.
Banks,	Claflin,	Errett,	Hiscock,
Bayne,	Clark of Missouri,	Evans, I. Newton	Hooker,
Beebe,	Clarke of Kentucky,	Evans, James L.	House,
Benedict,	Cole,	Ewing,	Hubbell,
Bisbee,	Collins,	Foster,	Humphrey,
Blair,	Conger,	Freeman,	Hungerford,
Boyd,	Covert,	Frye,	Hunter,
Brewer,	Crapo,	Gardner,	Ittner,
Briggs,	Cummings,	Garfield,	James,
Brogden,	Danford,	Gibson,	Jones, Frank
Browne,	Davis, Horace	Hale,	Jones, John S.
Bundy,	Dean,	Hanna,	Jorgensen,
Burchard,	Deering,	Harmer,	Joyce,

Keifer,	Morse,	Ross,	Tipton,
Keightley,	Muller,	Ryan,	Townsend, Amos
Ketcham,	Neal,	Sampson,	Townsend, M. I.
Kimmel,	Norcross,	Sapp,	Tucker,
Landers,	O'Neill,	Sayler,	Van Vorhes,
Lapham,	Overton,	Schleicher,	Veeder,
Lathrop,	Page,	Sexton,	Wait,
Lindsey,	Peddie,	Shallenberger,	Walker,
Lockwood,	Phillips,	Sinnickson,	Ward,
Loring,	Pollard,	Slemons,	Warner,
Luttrell,	Powers,	Smalls,	Watson,
Mackey,	Price,	Smith, A. Herr	Welch,
Maish,	Pugh,	Sparks,	Williams, Andrew
Marsh,	Quinn,	Springer,	Williams, C. G.
Martin,	Rainey,	Starin,	Williams, James
McCook,	Randolph,	Stephens,	Williams, Richard
McGowan,	Reed,	Stewart,	Willis, Albert S.
McKinley,	Rice, Americus V.	Stone, John W.	Willits,
Metcalfe,	Rice, William W.	Stone, Joseph C.	Wren,
Money,	Roberts,	Strait,	Young.
Monroe,	Robinson, G. D.	Thompson,	
Morgan,	Robinson, M. S.	Thornburgh,	

During the roll-call the following announcements were made:

Mr. WIGGINTON. My colleague from California, Mr. LUTTRELL, is confined to his room by sickness.

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE; but as it is the opinion of his referee and colleague, Mr. HALE, that my voting on this question would not be a violation of the pair, I vote "no."

Mr. CRAVENS. My colleague from Arkansas, Mr. SLEMONS, is paired with Mr. FREEMAN, of Pennsylvania.

Mr. BEEBE. I am paired with my colleague from New York, Mr. BUNDY. If he were present, I would vote against the resolution being entertained as a matter of privilege, because it makes no charge against any officer of the United States.

Mr. KENNA. My colleague from West Virginia, Mr. MARTIN, is paired with Mr. PUGH, of New Jersey.

Mr. HENRY. My colleague from Maryland, Mr. ROBERTS, is absent on account of sickness.

Mr. O'NEILL. My colleague from Pennsylvania, Mr. SMITH, is paired with Mr. RICE, of Ohio, on this question.

Mr. EVINS, of South Carolina. My colleague, Mr. AIKEN, is paired with Mr. WARD, of Pennsylvania.

Mr. LANDERS. I am paired with Mr. ROBINSON, of Massachusetts. If I had been at liberty to vote, I would have voted "ay." I do not know how Mr. ROBINSON would have voted.

Mr. EVANS, of Pennsylvania. I am paired with my colleague, Mr. MACKEY.

Mr. CALKINS. I am paired with the gentleman from Louisiana, [Mr. ACKLEN.] If he were present, I do not know how he would vote.

Mr. CLYMER. How would you vote if you were here? [Laughter.]

Mr. OVERTON. On all political questions I am paired with my colleague from Pennsylvania, Mr. COLLINS.

Mr. SAMPSON. I am paired with Mr. WILLIS, of Kentucky.

Mr. RICE, of Massachusetts. I am paired with Mr. HOUSE, of Tennessee, on all questions to-day.

Mr. HAYES. On all political questions I am paired with Mr. DEAN, of Massachusetts.

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky.

Mr. HARRIS, of Virginia. As the original proposition to investigate was held a privileged question, I vote "ay."

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired with Mr. DWIGHT, of New York.

Mr. MORGAN. I desire to announce that I am paired with my colleague from Missouri, Mr. METCALFE.

The SPEAKER *pro tempore*. On the question whether the House will entertain the resolution of the gentleman from Illinois [Mr. HARRISON] as a question of privilege, the yeas are 71 and the nays are 50.

Mr. CRITTENDEN. No quorum has voted.

Mr. HARRISON. Not being disposed to obstruct the business of the House and a quorum not having voted, I withdraw the resolution.

ORDER OF BUSINESS.

Mr. WADDELL. I demand the regular order.

Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union to proceed with the consideration of the Army appropriation bill.

Mr. WILSON. I rise to a question of privilege.

Mr. ROBERTSON. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from West Virginia, [Mr. WILSON,] who stated that he rises to a question of privilege.

ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

Mr. WILSON. I desire to offer the resolution which I send to the desk.

The Clerk read as follows:

Whereas a select committee of this House has heretofore been appointed to investigate alleged frauds in connection with the electoral vote of the States of Louisiana and Florida; Now, therefore,

Be it resolved, That such committee be, and they are hereby, authorized to investigate frauds touching the election aforesaid in any other State, provided they have probable cause to believe that such frauds existed.

Mr. COX, of New York. I move to refer the resolution to the special committee that is charged with investigating the alleged frauds in the electoral count in the presidential election, and upon that motion I demand the previous question.

Mr. ALDRICH. I rise to a question of order. I desire to know whether this is a question of privilege?

Mr. MILLS. I make the point of order that this is not a question of privilege at all.

Mr. WILSON. I desire to give the fullest and freest chance for investigation, and I wish that the resolution be put upon its passage now.

The SPEAKER *pro tempore*. The Chair desires to understand whether the gentleman from New York [Mr. COX] demanded the previous question upon the motion for reference?

Mr. COX, of New York. I did; the committee can report the resolution to-morrow.

Mr. MILLS. I ask if this resolution, as a question of privilege, can be introduced now?

The SPEAKER *pro tempore*. The gentleman did not make that point until after the motion to refer had been made and the previous question had been demanded.

Mr. COX, of New York. I will amend my motion so as to provide that the committee shall have leave to report back the resolution at any time, so that we may have the judgment of the committee as to the propriety of its adoption.

The SPEAKER *pro tempore*. If objection be made that cannot be done.

Mr. WHITE, of Pennsylvania. I object.

Mr. COX, of New York. Very well; I do not care about it.

The question was put upon seconding the previous question, and on a division there were—ayes 86, noes 64.

So the previous question was seconded.

The main question was then ordered, being upon the motion of Mr. COX, of New York, to refer the resolution to the select committee to investigate the alleged frauds in the presidential election.

The question was put; and upon a division there were—ayes 87, noes 82.

Mr. WILLIAMS, of Oregon. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COX, of New York. Would it be in order for me, at this moment——[Cries of "Regular order!"] Would it be in order for me to withdraw the motion to refer?

Mr. HARRIS, of Virginia. Not after the yeas and nays have been ordered.

The SPEAKER *pro tempore*. Not after the previous question has been seconded and the main question ordered.

Mr. COX, of New York. I move, then, to reconsider the vote ordering the main question.

Mr. WHITE, of Pennsylvania. I make the point of order that it is too late to make a motion to reconsider when the yeas and nays have been ordered.

The SPEAKER *pro tempore*. A motion to reconsider is a motion that may be made at any time.

Mr. COX, of New York. I will withdraw the motion to reconsider, as gentlemen on the other side will not accommodate me.

The SPEAKER *pro tempore*. The Clerk will then call the roll upon the motion to refer.

Mr. HARRIS, of Virginia. Let us vote against the reference.

The question was taken; and there were—yeas 89, nays 116; not voting 86; as follows:

YEAS—89.

Atkins,	Dibrell,	Herbert,	Shelley,
Bell,	Dickey,	Hewitt, G. W.	Singleton,
Bicknell,	Durham,	Jones, Frank	Smith, William E.
Blackburn,	Eden,	Jones, James T.	Sparks,
Bliss,	Eickhoff,	Kenna,	Steele,
Blount,	Elam,	Kimmel,	Swann,
Boone,	Evins, John H.	Ligon,	Throckmorton,
Bouck,	Ewing,	Manning,	Townshend, R. W.
Bragg,	Finley,	Mayham,	Turner,
Bridges,	Forney,	McKenzie,	Turney,
Bright,	Fuller,	Morrison,	Vance,
Caldwell, John W.	Garth,	Muldrow,	Waddell,
Caldwell, W. P.	Gause,	Muller,	Warner,
Candler,	Gibson,	Patterson, T. M.	Whitthorne,
Chalmers,	Giddings,	Phelps,	Wigginton,
Clymer,	Gunter,	Potter,	Williams, A. S.
Cook,	Hamilton,	Reagan,	Williams, Jere N.
Cox, Samuel S.	Hardenbergh,	Reilly,	Willis, Benj. A.
Cravens,	Harris, Henry R.	Riddle,	Wood,
Crittenden,	Harrison,	Robbins,	Yeates.
Culberson,	Hartridge,	Robertson,	
Davidson,	Hartzell,	Scales,	
Davis, Joseph J.	Henry,	Schleicher,	

NAYS—116.

Aldrich,	Brentano,	Camp,	Cobb,
Bagley,	Brewer,	Campbell,	Cole,
Baker, John H.	Briggs,	Cannon,	Conger,
Ballou,	Browne,	Carlisle,	Cox, Jacob D.
Banks,	Buckner,	Caswell,	Cutler,
Banning,	Burchard,	Claflin,	Denison,
Bland,	Butler,	Clark of Missouri,	Dunnell,
Boyd,	Cabell,	Clark, Rush	Eames,

Ellsworth,	Hunton,	Mitchell,	Sexton,
Errett,	Ittner,	Monroe,	Shallenberger,
Felton,	James,	Morse,	Sinnickson,
Fort,	Jones, John S.	Neal,	Smalls,
Foster,	Jorgensen,	Norcross,	Southard,
Franklin,	Joyce,	O'Neill,	Springer,
Freeman,	Kelfer,	Page,	Stenger,
Gardner,	Keightley,	Patterson, G. W.	Stewart,
Garfield,	Kelley,	Phillips,	Stone, John W.
Glover,	Ketcham,	Pollard,	Thornburgh,
Goode,	Killinger,	Pound,	Tipton,
Hale,	Knapp,	Powers,	Townsend, Amos
Harmer,	Lapham,	Price,	Van Vorhes,
Harris, John T.	Lathrop,	Pridemore,	Wait,
Haskell,	Lindsey,	Rainey,	Walsh,
Hatcher,	Lynde,	Randolph,	White, Harry
Hendee,	Marsh,	Rea,	White, Michael D.
Henderson,	McCook,	Reed,	Williams, Andrew
Hubbell,	McKinley,	Rice, Americus V.	Williams, Richard
Hungerford,	McMahon,	Ryan,	Wilson,
Hunter,	Mills,	Sampson,	Wright.

NOT VOTING—86.

Acklen,	Davis, Horace	Lockwood,	Slemons,
Aiken,	Dean,	Loring,	Smith, A. Herr
Bacon,	Deering,	Luttrell,	Starin,
Baker, William H.	Douglas,	Mackey,	Stephens,
Bayne,	Dwight,	Maish,	Stone, Joseph C.
Beebe,	Ellis,	Martin,	Strait,
Benedict,	Evans, I. Newton	McGowan,	Thompson,
Bisbee,	Evans, James L.	Metcalfe,	Townsend, M. I.
Blair,	Frye,	Money,	Tucker,
Brogden,	Hanna,	Morgan,	Veeder,
Bundy,	Harris, Benj. W.	Oliver,	Walker,
Burdick,	Hart,	Overton,	Ward,
Cain,	Hayes,	Peddie,	Watson,
Calkins,	Hazelton,	Pugh,	Welch,
Chittenden,	Henkle,	Quinn,	Williams, C. G.
Clark, Alvah A.	Hewitt, Abram S.	Rice, William W.	Williams, James
Clarke of Kentucky,	Hiscock,	Roberts,	Willis, Albert S.
Collins,	Hooker,	Robinson, G. D.	Willits,
Covert,	House,	Robinson, M. S.	Wren,
Crapo,	Humphrey,	Ross,	Young.
Cummings,	Knott,	Sapp,	
Danford,	Landers,	Sayler,	

So the motion to refer the resolution was not agreed to.

During the roll-call the following announcements were made:

Mr. CLARK, of New Jersey. I am paired with Mr. STEWART, of Minnesota.

Mr. KENNA. I desire to state that my colleague, Mr. MARTIN, is paired with Mr. PUGH.

Mr. MORGAN. I am paired with my colleague, Mr. METCALFE. If he were present, I should vote "ay."

Mr. WALKER. Upon this question I am paired with Mr. SMITH, of Pennsylvania.

Mr. COVERT. I desire to state that upon all political questions of this character I am paired with my colleague, Mr. TOWNSEND. If he were present, I am instructed he would vote "no," and I should vote "ay."

Mr. EVINS, of South Carolina. My colleague, Mr. AIKEN, is paired with Mr. WARD.

Mr. LANDERS. I am paired with Mr. ROBINSON, of Massachusetts. If he were present, I should vote "ay."

Mr. O'NEILL. My colleague, Mr. SMITH, is absent by leave of the House, and is paired.

Mr. EVANS, of Pennsylvania. I am paired with my colleague, Mr. MACKEY. If he were present, I should vote "no."

Mr. OVERTON. I am paired with my colleague, Mr. COLLINS, on all political questions. If he were present, I should vote "no."

Mr. RICE, of Massachusetts. I am paired upon all questions with Mr. HOUSE, of Tennessee, for to-day.

Mr. KEIGHTLEY. My colleague, Mr. MCGOWAN, is confined to his room by sickness.

Mr. OLIVER. I am paired upon this question with Mr. WILLIS, of Kentucky.

Mr. HAYES. I am paired upon all political questions with the gentleman from Massachusetts, Mr. DEAN.

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky, on all political questions. If he were present, I should vote "no."

Mr. SHALLENBERGER. I desire to announce that Mr. DANFORD, of Ohio, is paired with Mr. BENEDICT, of New York.

Mr. CALKINS. On this vote I am paired with the gentleman from Louisiana, Mr. ACKLEN.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question recurs upon adopting the resolution submitted by the gentleman from West Virginia [Mr. WILSON] upon which the main question has been ordered.

Mr. COX, of New York. I hope the resolution will be adopted unanimously.

The question was taken and the resolution was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE OF CONFERENCE.

The SPEAKER *pro tempore* announced the appointment of Mr. HUNTON, Mr. BLACKBURN, and Mr. HENDEE as the conferees on the part of the House upon the disagreeing votes of the two Houses upon the amendment of the Senate to the bill (H. R. No. 3969) regulating the appointment of justices of the peace and constables within and for the District of Columbia, and for other purposes.

IMPEACHMENT OF O. B. BRADFORD.

Mr. SPRINGER. I rise to a privileged question, and submit a report from the Committee on Expenditures in the State Department. The report is somewhat lengthy and I will not ask to have it read at this time, but I will ask that it be printed for the use of the House and also printed in the RECORD.

In order to show the privileged nature of the report I will state that it presents ten articles of impeachment against O. B. Bradford, late consular judge and vice-consul-general at Shanghai, China, together with a resolution recommending that he be impeached at the bar of the Senate for high crimes and misdemeanors while in office.

The report concludes with the statement that, as two members of the committee, the gentleman from Minnesota [Mr. DUNNELL] and the gentleman from New York, [Mr. BUNDY,] entertain grave doubts as to whether Mr. Bradford was such an officer as under the Constitution of the United States was liable to impeachment, therefore the committee recommend that the whole subject be referred to the Committee on the Judiciary, with instructions to report thereon without unnecessary delay.

The SPEAKER *pro tempore*. The question is upon referring the report to the Committee on the Judiciary.

Mr. HALE. Not to be brought back on a motion to reconsider.

Mr. SPRINGER. This being a privileged question the committee can report upon it at any time.

The SPEAKER *pro tempore*. That will be determined when the occasion arises. It is always understood that when a reference is made by unanimous consent the matter so referred shall not be brought back on a motion to reconsider.

The motion to refer was agreed to.

Mr. SPRINGER. I now ask that the report be printed for the use of the House, and also in the RECORD.

There being no objection, it was so ordered.

The report is as follows:

The Committee on Expenditures in the State Department would respectfully report that on the 26th day of February, 1878, they commenced the investigation of the matters referred to in the memorial of John C. Myers, consul-general at Shanghai, China, relating to the affairs of the consulate-general at Shanghai, China.

Your committee have not completed the investigation in regard to the charges preferred against Hon. George F. Seward, late consul-general at Shanghai, now minister of the United States at Peking, China. But your committee—having completed the investigation of the charges against Oliver B Bradford, late vice-consul-general at Shanghai, China; late deputy consul-general at Shanghai, China; late consular clerk of the consular court at Shanghai, China, and now holding the office of postal agent of the United States at Shanghai, China, and also the office of consular clerk of the United States, assigned at Shanghai, China—return to the House of Representatives the testimony which they have taken in regard thereto, and recommend that the said Oliver B. Bradford be, by the House of Representatives, impeached at the bar of the Senate, of high crimes and misdemeanors while in office, upon the following articles, namely:

ARTICLE I.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1872, and the 1st day of January, A. D. 1874, then being vice-consul-general of the United States at Shanghai, China, deputy consul-general of the United States at Shanghai, China, clerk of the consular court of the United States at Shanghai, China, postal agent of the United States at Shanghai, China, and consular clerk of the United States, assigned to Shanghai, China, became interested in the construction of a certain railroad from Woosung to Shanghai, within the Empire of China, and used his official influence to promote the construction thereof, in violation of the treaties then and now existing between the United States and the Empire of China, and in violation of the acts of Congress in that behalf, and contrary to the wishes of the people of China, and regardless of the protest of the authorities of the Empire of China within the district where the said railroad was located.

ARTICLE II.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1872, and the 1st day of January, A. D. 1874, then holding the several offices mentioned in article 1, did, at Shanghai, China, form a scheme for the construction of a railroad from Woosung to Shanghai, in the Empire of China, for the sake of pecuniary profit, and then and there well knowing that the authorities of the Empire of China, in the district where the said contemplated railroad was to be located, were opposed to the construction of the said road, then and there conspired with E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen to deceive the said authorities of the Empire of China, and fraudulently pretend to obtain license from said authorities to build said railroad, and in pursuance of said conspiracy the said Oliver B. Bradford and the said E. Iverson, J. J. Miller, A. A. Hayes, and C. B. Blethen, formed a copartnership under the name and style of the "Woosung and Shanghai Road Company," and under said name and style, then and there, obtained permission from the said authorities of the Empire of China to purchase land for the purpose of constructing a common road between said Woosung and said Shanghai; and that the said Oliver B. Bradford and the said E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen, having obtained such permission from said authorities of the Empire of China, did, then and there, purchase land for a pretended common roadway between said Woosung and said Shanghai; and after purchasing said land the said Oliver B. Bradford, with the said E. Iverson, J. J. Miller, A. A. Hayes, and C. P. Blethen, then and there, in fraud of the rights of the Empire of China, and against the wishes of the people of China, and against the protest of said authorities of the Empire of China, did, then and there, commence the construction and building of a railroad on the land so fraudulently obtained, against the wishes of the people of China, as the said Oliver B. Bradford then and there well knew, and against the protest of the authorities of the Empire of China in the district where the said road was located, as the said Oliver B. Bradford then and there well knew, in violation of the treaties then existing between the United States and the Empire of China, and against the acts of Congress in that behalf; and that the said Oliver B. Bradford did, then and there, use the influence of his said official position to accomplish said fraudulent scheme by imposition as aforesaid upon the said authorities of the Empire of China.

ARTICLE III.

That the said Oliver B. Bradford, between the 1st day of January, A. D. 1872, and the 1st day of October, A. D. 1877, holding all the several offices mentioned in

article 1, at Shanghai, in the Empire of China, was guilty of injustice, tyranny, and extortion in his official capacity upon citizens of the United States, in this, to wit:

First specification: That the said Oliver B. Bradford, in the month of January, A. D. 1873, holding the several offices at Shanghai, China, as stated in article 1, but not exercising any judicial function, nor acting judicially, the Hon. George F. Seward, who then and there was consul-general of the United States at Shanghai, China, being then and there at his post and on duty, the said Oliver B. Bradford was applied to by one G. W. Cantrell in regard to a matter of business at the consulate of the United States at the said Shanghai, and that the said Oliver B. Bradford, then and there taking offense at something said by the said G. W. Cantrell to the said Oliver B. Bradford, did pretend to punish said G. W. Cantrell as for contempt of his, the said Oliver B. Bradford's, official dignity, and did cause the said Cantrell to be imprisoned therefor in the United States jail at Shanghai for the period of twenty-four hours; and at the end of said imprisonment the said Oliver B. Bradford ordered the said Cantrell to be brought before him, the said Oliver B. Bradford, at the consulate of the United States at the said Shanghai, and the said Cantrell being then and there brought into the presence of the said Oliver B. Bradford, the said Oliver B. Bradford then and there demanded of said Cantrell to know whether he, the said Cantrell, would apologize for what had taken place the day before; and on his refusal so to do the said Oliver B. Bradford ordered the said Cantrell to be again imprisoned for the period of twenty-four hours in the United States jail at Shanghai, and he was so imprisoned, which said imprisonment was without authority of law.

Second specification: That the said Oliver B. Bradford, while holding the several offices mentioned in article 1, at Shanghai, China, while driving in a carriage, in the city of Shanghai, in China, his carriage came in collision with a carriage driven by one Passmore, a citizen of the United States, by which collision the carriage of the said Oliver B. Bradford was injured; and thereupon the said Oliver B. Bradford then and there caused the said Passmore to be arrested and brought before him, the said Oliver B. Bradford, without authority of law; and the said Oliver B. Bradford did then and there, without trial, order the said Passmore to be imprisoned until he should pay the amount of damages named by the said Bradford; and the said Passmore was thereupon imprisoned in jail for many days, until a friend of the said Passmore paid to the said Oliver B. Bradford the sum demanded by him, the said Bradford, for the alleged injury to his carriage; which imprisonment was without any authority of law.

Third specification: That the said Oliver B. Bradford, while holding the said offices mentioned in article 1, at Shanghai, China, did then and there, without legal process or lawful authority, cause one Anderson, an American citizen, to be arrested upon complaint verbally made that he owed certain sums of money, and caused him to be imprisoned in jail for many days, to compel him to pay the same, but the said Anderson, being unable to make payment, was finally liberated by order of the said Oliver B. Bradford, and by the said Oliver B. Bradford then and there banished from China.

Fourth specification: That the said Oliver B. Bradford, while holding the several offices mentioned in article 1, at said Shanghai, China, and while exercising the functions of his office of clerk of the consular court of the United States at Shanghai, China, did, under color of his office, then and there extort from divers persons, residents of Shanghai, large sums of money, to wit, $1,000, under pretense of legal fees, but in excess of fees allowed by law, and in violation of the laws of the United States.

Fifth specification: That the said Oliver B. Bradford, while holding the several offices mentioned in article 1, at Shanghai, China, and exercising the functions of consul-general at Shanghai, China, entertaining ill-will toward one Theodore W. Eckfeldt, a citizen of the United States, and hearing a report that the said Eckfeldt had been guilty of embezzlement from a firm of merchants in whose employ he, the said Eckfeldt, had been, at Shanghai aforesaid, solicited said firm to commence criminal proceedings against said Eckfeldt, by writing said firm a letter, substantially as follows:

UNITED STATES CONSULATE-GENERAL,
Shanghai, March 11, 1876.

Messrs. RUSSELL & CO., *Shanghai, China:*

SIRS: It is a matter of current report that Theodore W. Eckfeldt, an American citizen, late in your employ, has so conducted himself while in your service in respect of moneys intrusted to him by you as agents or otherwise as to render him criminally liable.

It is my duty to, and I do hereby, point out to you that if upon examination you have found that he has done wrong, a prosecution should be promptly entered against him.

In the event of your not making such prosecution or giving to me information upon which such may be made, you are assuming a grave responsibility.

Asking your serious attention to this matter, I have the honor to be, gentlemen, your obedient servant,

O. B. BRADFORD,
Vice-Consul-General.

And thereupon the said firm, solicited as aforesaid, made complaint to said Oliver B. Bradford, acting as consul-general of the United States as aforesaid, and acting judicially; and thereupon the said Oliver B. Bradford, acting as consul-general, and acting judicially, ordered a warrant to be issued for the arrest of the said Eckfeldt, to be brought before the consular court of the United States at Shanghai, over which the said Oliver B. Bradford was then presiding as judge; and thereupon the said Eckfeldt was arrested and brought before said court; and thereupon the said Oliver B. Bradford, while acting judicially as aforesaid, then and there employed an attorney to prosecute the said Eckfeldt in said court, agreeing to pay the said attorney $850 for his services in that behalf; that afterward and during the time aforesaid, the said Eckfeldt was brought to trial in said court presided over by the said Oliver B. Bradford, was found guilty, and was sentenced by the said Oliver B. Bradford to be imprisoned for the term of three years, no fine or costs being imposed; and the said Eckfeldt was thereupon imprisoned in the jail of the United States at the said Shanghai under said sentence. That the said Oliver B. Bradford was then and there also deputy postal agent of the United States at said Shanghai, and as such had exclusive charge of the United States mails, conveying letters to and from residents of Shanghai, and that while he, the said Oliver B. Bradford, was in such control of said mails, a letter was received at the United States post-office at said Shanghai, addressed to said Eckfeldt, and containing a draft for the payment of several thousand dollars, while the said Eckfeldt was in jail under said sentence, and thereupon the said Oliver B. Bradford, being postal agent as aforesaid, then and there seized the said letter and refused to deliver it to said Eckfeldt, except for the purpose of permitting said Eckfeldt to open said letter and indorse said draft, which the said Eckfeldt then and there did in the presence of said Oliver B. Bradford, and then and there the said Eckfeldt, by said Oliver B. Bradford's order, redelivered said letter and said draft to said Oliver B. Bradford, and thereupon the said Oliver B. Bradford then and there collected the amount of money for which said draft was drawn, and from said moneys paid to the said attorney, retained by said Oliver B. Bradford to prosecute said Eckfeldt, about $850, and the said Oliver B. Bradford then and there retained from said money $100 for his own pretended fees as clerk of said court, and $100 for pretended fees of the marshal of the United States at said Shanghai, and thereupon then and there delivered the balance of said money to the said mercantile firm; that the sum of money which the said Eckfeldt was convicted of embezzling was about the sum of $100, and that the balance of money which the said Oliver B. Bradford delivered to said firm amounted to several thousand dollars; leaving the said Eckfeldt in prison and destitute, all of which proceedings in regard to said draft and the disposition of the moneys collected by the said Oliver B. Bradford thereon were without authority of law or pretense of judicial order, and were in violation of the laws of the United States.

ARTICLE IV.

That the said Oliver B. Bradford, in the year A. D. 1876, while holding the several offices named in article 1, at Shanghai, China, and exercising the functions of deputy postal agent of the United States at said Shanghai, unlawfully took from the post-office of the United States at said Shanghia and opened and secreted and embezzled a letter which had been received at the said post-office at Shanghai, postage prepaid, from one William Myers, written and mailed at San Francisco, in the State of California, and addressed to John C. Myers, Shanghai, China, with the design thereby to obstruct the correspondence and pry into the business and secrets of the said William Myers and the said John C. Myers.

ARTICLE V.

That the said Oliver B. Bradford, in the year A. D. 1877, while holding the several offices named in article 1, at Shanghai, China, and exercising the functions of deputy postal agent of the United States at said Shanghai, did then and there unlawfully take from and out of the aforesaid United States post-office at said Shanghai a letter which had been deposited in the said post-office, postage prepaid, by one D. J. McGowan, addressed to General William Myers, San Francisco, California, United States of America, and deposited in said post-office for the purpose of being conveyed by the United States mail from said Shanghai to San Francisco, California; and did then and there unlawfully open said letter with intent and design then and there to obstruct the correspondence of the aforesaid D. J. McGowan and General William Myers; and with design to pry into the business and secrets of the aforesaid McGowan and Myers.

ARTICLE VI.

That the said Oliver B. Bradford, in the year A. D. 1876, while acting as consul-general of the United States at Shanghai, China, and while holding all the offices mentioned in article 1, at Shanghai, China, and while one Phœnix was jailer of the United States at said Shanghai, and in charge of the United States jail at said Shanghai, and at a compensation agreed upon at $80 a month, the said Oliver B. Bradjord, acting as consul-general as aforesaid, paid to the said Phœnix the sum of $60 for one month's salary of the said Phœnix as jailer aforesaid, and refused to pay him the said $80 agreed compensation, but did then and there require the said Phœnix to execute and deliver to him, and the said Phœnix did then and there execute and deliver to him, the said Oliver B. Bradford, a false receipt and voucher for the sum of $80 for said month's compensation, and that the said Oliver B. Bradford then and there transmitted said false voucher to the Treasury Department of the United States for allowance and payment, and the same was thereafter in the said Treasury Department allowed and paid at the false sum of $80.

ARTICLE VII.

That the said Oliver B. Bradford, from January 1, A. D. 1876, to and including the 30th day of June, A. D. 1876, holding all the offices mentioned in article 1, and acting as consul-general of the United States at Shanghai, China, and as such being a disbursing officer of the United States, charged with the receipt and disbursement of the moneys of the United States at said Shanghai, did defraud the United States in the manner following, to wit:

That all the moneys received by said Oliver B. Bradford, at said Shanghai, as such officer, on account of the United States, were received in silver coin, commonly known as Mexican dollars; that said silver coin at said Shanghai at that time commanded a premium over American gold and over the currency of the United States; that the said Oliver B. Bradford, as such disbursing officer, uniformly paid out the same silver coins he had received, but that the said Oliver B. Bradford, then and there intending to defraud the United States, made out his quarterly statements of account of said receipts and disbursements showing that he had received the money in currency of the United States and had therewith purchased gold, and with said gold had purchased said silver coin, charging the difference upon both said premiums to the United States as disbursed by him; whereas in truth and in fact the said Oliver B. Bradford never did purchase any gold, and never did receive any currency as such officer on account of the United States.

ARTICLE VIII.

That the said Oliver B. Bradford, from April 1, A. D. 1877, to September 13, A. D. 1877, holding all the offices mentioned in article 1, and acting as consul-general of the United States at Shanghai, China, and as such being a disbursing officer of the United States charged with the receipt and disbursement of the moneys of the United States at said Shanghai, did defraud the United States in the manner following, to wit:

That all the moneys received by said Oliver B. Bradford, at said Shanghai, as such officer, on account of the United States, were received in silver coin commonly known as Mexican dollars.

That said silver coin, at said Shanghai, at that time, commanded a premium over American gold and over the currency of the United States; that the said Oliver B. Bradford, as such disbursing officer, uniformly paid out the same silver coin he had received, but that the said Oliver B Bradford, then and there intending to defraud the United States, made out his quarterly statements of account of said receipts and disbursements showing that he had received the moneys in currency of the United States and had therewith purchased gold, and with said gold had purchased said silver coin, charging the difference upon both said premiums to the United States as disbursed by him, whereas in truth and in fact the said Oliver B. Bradford never did purchase any gold and never did receive any currency, as such officer, on account of the United States.

ARTICLE IX.

That the said Oliver B Bradford, between the 1st day of January, A. D. 1876, and the 13th day of September, A. D. 1877, holding all the offices mentioned in article 1, and being a disbursing officer of the United States charged with the safe-keeping, transfer, and disbursements of the moneys of the United States of America, did then and there receive a large sum of money, to wit, the sum of $2,000, the said sum of money being then and there the money and property of the United States of America aforesaid, and having then and there come to the hands of the aforesaid Oliver B. Bradford by reason and by virtue of his, the said Oliver B. Bradford's, office as aforesaid, he, the said Oliver B. Bradford, did then and there wickedly, unlawfully, and feloniously convert to his own use, and did then and there embezzle the said sum of money belonging, as aforesaid, to the said United States of America.

ARTICLE X.

That the said Oliver B. Bradford, on the 30th day of July, A. D. 1877, holding all the offices mentioned in article 1, at Shanghai, China, and by reason and virtue of the aforesaid offices being intrusted with and having in his possession $2,561.50 belonging to the United States, being public moneys received by him by virtue of the offices held by him as aforesaid, did then and there unlawfully deposit the said sum to his own private credit in a bank at Shanghai, China, called the Comptoir d'Escompte de Paris, contrary to the laws of the United States in that behalf.

Therefore your committee recommend the adoption of the following resolution by the House of Representatives:

Resolved, That Oliver B. Bradford, now consular clerk of the United States, as-

signed to Shanghai, China, and postal agent of the United States at Shanghai, China, and late vice-consul-general of the United States at Shanghai, China, and late deputy consul-general of the United States at Shanghai, China, and late clerk of the consular court of the United States at Shanghai, China, be impeached by the House of Representatives at the bar of the Senate for high crimes and misdemeanors while in office.

While your committee are all of the opinion that the facts as set forth in the foregoing articles of impeachment are fully sustained by the evidence herewith submitted, a minority of the committee, consisting of Messrs. DUNNELL and BUNDY, entertain grave doubts as to whether Mr. Bradford is such an officer as is liable under the Constitution to impeachment; and therefore your committee respectfully recommend that the whole subject be referred to the Committee on the Judiciary, with instructions to report thereon without unreasonable delay.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the Army appropriation bill.

Mr. WADDELL. I desire to raise the question of consideration between the Army appropriation bill and the morning hour.

Mr. SINGLETON. I desire to submit a privileged report.

Mr. SOUTHARD. I ask the gentleman from New York [Mr. HEWITT] to allow me to submit a report from the select committee on the election of President and Vice-President, to be printed and recommitted. [Cries of "Regular order!"]

Mr. HEWITT, of New York. I am willing to yield to gentlemen to present reports, provided the House will consent.

The SPEAKER *pro tempore*. The regular order is demanded by several members. Should the motion of the gentleman from New York [Mr. HEWITT] be agreed to, it will suspend all other orders of the House. The regular order for this morning is the further consideration of the bill in charge of the gentleman from Texas, [Mr REAGAN,] known as the interstate commerce bill, which is pending as unfinished business. The morning hour cannot be reached until those two matters have been disposed of.

The gentleman from North Carolina [Mr. WADDELL] states that he desires to raise the question of consideration between the Army appropriation bill and the morning hour. The Chair will state to the gentleman and to the House that the morning hour can be reached only by refusing to go into Committee of the Whole on the Army appropriation bill, and also by refusing to take up the unfinished business. Then the morning hour will be the regular order.

Mr. CANNON, of Illinois. I desire to have some order of the House in reference to general debate upon the Army appropriation bill.

Mr. EDEN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. EDEN. Last night the gentleman from Pennsylvania [Mr. WHITE] entered a motion to reconsider the order by which all general debate upon the Army appropriation bill was to cease at the close of last night's session. That motion to reconsider has not yet been disposed of. I call attention to it now for the reason that I think the gentleman from Texas [Mr. SCHLEICHER] ought to have an hour before general debate is closed. If that can be agreed to by unanimous consent, then the matter can be settled in that way.

Mr. WHITE, of Pennsylvania. I was just going to call up the motion to reconsider.

The SPEAKER *pro tempore*. The motion to reconsider is one of the highest privilege, and the gentleman from Pennsylvania [Mr. WHITE] can call it up now.

Mr. WHITE, of Pennsylvania. Very well; I will call up the motion, and desire to state——

The SPEAKER *pro tempore*. The Chair will state the question before the House, which is on the motion of the gentleman from Pennsylvania [Mr. WHITE] to reconsider the vote by which the House ordered that all general debate in Committee of the Whole on the Army appropriation bill should be closed with the session of yesterday evening.

Mr. WHITE, of Pennsylvania. Is not this motion debatable? I understood it to be so.

Several MEMBERS. No! No!

Mr. WHITE, of Pennsylvania. The only purpose I had in entering this motion to reconsider was to correct a misapprehension which the discussion commenced by the gentleman from Wisconsin [Mr. BRAGG] had possibly created, and also for the purpose of giving the gentleman from Texas [Mr. SCHLEICHER] an opportunity to be heard in answer to an onslaught which was made upon his State. I think it very wise and proper for these reasons that the motion should be adopted. [Cries of "Regular order!"]

Mr. SCHLEICHER. I would like to state in a very few words the reasons why the reconsideration should be agreed to. Yesterday after the debate was limited, the few gentleman who spoke had their time extended by the courtesy of the House, which was all right and proper; but the result was that others, and I among them, were ruled out. I therefore call attention of the House to this undesigned discourtesy shown to some by an excess of courtesy to others.

Mr. ATKINS. I hope my colleague on the committee [Mr. HEWITT, of New York] will allow the gentleman from Texas to occupy an hour, and will then go on with the bill.

Mr. HEWITT, of New York. I do not propose to make any opposition to this request, but it is my duty to try to get on with the public business.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania [Mr. WHITE] to reconsider.

Mr. WHITE, of Pennsylvania. On that motion I presume I have the floor. I do not desire to detain public business——

The SPEAKER *pro tempore*. The Chair has indulged some discussion upon this question, but it is quite out of order. He now desires to submit the question.

Mr. WHITE, of Pennsylvania. Is it not in order to state the reasons why the motion should pass?

The SPEAKER *pro tempore*. It is not in order to debate a motion to reconsider a question which was not itself debatable.

The question being taken on the motion of Mr. WHITE, of Pennsylvania, to reconsider the vote by which general debate on the Army appropriation bill had been closed, the motion was agreed to.

The question then recurred on the motion of Mr. HEWITT, of New York, that all general debate on the Army appropriation bill terminate with the session of last evening.

Mr. HEWITT, of New York. I now modify my motion so as to allow one hour more for general debate.

Mr. DUNNELL. The gentleman from New York [Mr. HEWITT] a day or two ago announced to the House that he would not make the motion to close debate so long as any gentleman desired to speak.

Mr. HEWITT, of New York. I am bound to say that I think the gentleman misunderstood the scope of my remark. I have, however, tried to give the widest possible latitude for debate. But if we are to adjourn on the 10th of June there must be an end of this general debate. I simply want to get on with the public business.

Mr. DUNNELL. The gentleman knows that we do not expect to adjourn on the 10th of June.

Mr. WHITE, of Pennsylvania. Do I understand the gentleman from New York [Mr. HEWITT] to be in favor of adjourning on the 10th of June?

Mr. HEWITT, of New York. I am.

The motion of Mr. HEWITT, of New York, that when the House again resolve itself into Committee of the Whole all general debate on the Army appropriation bill be limited to one hour, was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that he had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave.

ARMY APPROPRIATION BILL.

The question recurring on the motion of Mr. HEWITT, of New York, that the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the Army appropriation bill, it was agreed to; there being—ayes 116, noes 50.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the Army appropriation bill.

Mr. HEWITT, of New York, obtained the floor and yielded forty-five minutes to Mr. SCHLEICHER.

Mr. SCHLEICHER. Mr. Chairman, before entering upon the discussion of the question before the committee, I wish to return thanks for the courtesy of my friends who have given me the opportunity of saying something upon a matter which is of peculiar interest to my district. I would not obtrude myself upon the House if this were a question of general importance only; for I know that it has been considered and well considered by two committees of the House. But this is a matter that concerns my constituents and my district more than any other portion of these United States. And for the reason indicated I wish to say that in this discussion I shall confine myself strictly to that portion of the subject which does concern my district. I will not discuss the organization of the Army except so far as it may be incidental to my main subject. I will not discuss the pay of the officers. Yesterday when I interrupted the gentleman from Illinois [Mr. SPARKS] and said the committee was not very generous in its appropriations, I had no reference, as he seemed to believe from his answer, to want of generosity to officers or any one else, but merely to want of generosity toward the people upon the frontier. That was the only matter I then referred to. In respect to all these matters properly in charge of the Committee on Appropriations, I will have nothing to say. I do not pretend to advance my judgment against that of the Committee on Appropriations, or Military Affairs, or of those whose special business it has been to inform themselves better concerning the organization of the Army or its pay.

Nor, Mr. Chairman, do I wish to enter into the discussion of the necessity of using the Army to suppress riots in the States, or its use at all in the States as a police force. I will pass over all those questions which have been so ably debated, and will call attention only to that portion of this particular use of the Army in which the people whom I represent, living upon the frontier, may be very materially interested. For, sir, I am perfectly satisfied, and every gentle-

man who knows the circumstances is satisfied, that if during the next summer the same scenes should occur in the large cities and along the lines of the railroads, and the same demand should be made upon the President of the United States for the Army to aid in suppressing riots and domestic violence he will call the troops away from the frontier, where they are now a protection to the frontier settlements against the Indians and incursions from other countries. There is no doubt in my mind that he will do it and do it to any extent necessary. It is not optional with the President of the United States when called upon under proper circumstances whether to aid or to refuse to aid the authorities of a State in suppressing riots and domestic violence. The Constitution, if I am not mistaken, is mandatory and provides he shall when called upon assist the States in suppressing domestic violence. Consequently I call attention of the committee to the fact, that no matter what may be the necessity for the protection of the Indian frontier if the same scenes should be re-enacted which were witnessed last summer; if the same necessity should occur, and there is no reason why it should not, I am satisfied the frontier will be denuded of troops, now placed there for the protection of our people, in order that they may be sent to the States to suppress riots and put down domestic violence, and for this reason, among others, the reduction of the Army just now is ill-advised and dangerous for the interests of my people.

And in connection with this, Mr. Chairman, I will call the attention of the committee to another fact: that in some matters the arguments of the gentlemen who represent the Committee on Appropriations, and the provisions of the bill do not exactly accord. If I understand the statements of those gentlemen correctly, they all admit the frontier ought to be protected, and that no troops, or as few as possible, ought to remain in garrison or in the forts. If I correctly understand the provisions of the bill the only branch of the service, however, never needed upon the frontier is the only one not reduced, and that is the artillery force. The infantry and cavalry are both reduced to the extent of the proposed reduction of five thousand men. The artillery force, on the contrary, which is not used upon the frontier, but is stationed where gentlemen argue it is useless, I repeat has not been reduced.

Mr. Chairman, about six months ago, during the extra session, when this same question was presented to the House, the delegation from Texas stated its conviction that the force of twenty-five thousand men as the maximum of the Army was not sufficient—that at least it was not too much for the needs of the frontiers of our country alone.

I wish the House to understand that we make no special claims in reference to this subject. We do not claim in Texas any protection for our frontier at the expense of other portions of this immense frontier needing protection. We would neither as Representatives on this floor nor would our people at home accept any such proposition. We only ask that protection for our own frontier, as a portion of the whole, and we ask and direct it equally for the frontier settlers of our whole country, wherever they may be.

And right here I may be permitted to call the attention of members to a peculiarity in our Government which I think is often forgotten and does not receive sufficient consideration. My friends around me who represent Territories and the interests of the people living upon other frontiers than those of Texas, have no vote in this House. Those Territories like the District of Columbia, are thrown as an additional duty upon those who do have votes upon this floor and represent other congressional districts. The interests of those Territories are to be looked after and protected as far as possible whenever it comes to voting by those gentlemen upon this floor having votes who represent other districts and have no frontier requiring protection on the part of our Army. Their votes and their national spirit is all that the people of the Territories must rely on. It is very true that the Delegates representing the Territories have seats in the House, and we hear eloquent appeals from them to Congress for the defense of their people, and no one doubts that if they had votes the votes of Dakota and Montana and Idaho and every other Territory with an Indian frontier would be given against any reduction of the Army which protects them. I appeal to gentlemen, therefore, who may think that they only represent their especial districts, to remember that to them those Territories are to look for adequate protection for their frontiers. The Delegates are here to speak only in behalf of those whom they represent, and it devolves upon you to give them what they cannot secure by their own votes. Therefore it seems to me that you should not overlook it. We from Texas at least do not forget it, and make common cause with them as a matter of national duty although they cannot help us in voting for our interests.

Since the time we made these statements here that the Army with a maximum of 25,000 enlisted men was not too large, that it was inadequate really for the full protection of the entire frontier, only six or seven months have passed and the circumstances have not changed; if they have changed they have partly changed for the worse. At the time we spoke here we had partial peace in Texas. I have lived there, Mr. Chairman, now these thirty-one years, since 1847, and I can say that last year came nearer being a year of entire peace on the Texas frontier than any I have seen or heard of.

It is very well for gentlemen here to talk about these things and tell their anecdotes sneering at the demands of Texas or of those frontier people and to say that they claim protection merely to get soldiers there and make contracts with the Government. Why, sir, on the Mexican frontier there is no one to make contracts with the Government. Our people raise sheep there. They do not raise crops to sell to the Government. It is a pastoral country now and is only used in that way and all the advantage the people there can have from the Government is the advantage of protection and no more. They do not speculate on it.

But the gentleman from New York who manages this bill has declared that there is no danger of any trouble on the frontier; that there is no danger of any trouble from the Mexican border. He says the Indians have promised, if I understood him correctly, to keep the peace.

Mr. HEWITT, of New York. The gentleman misunderstood me. I made no such statement.

Mr. SCHLEICHER. I understood the gentleman to make that statement in substance.

Mr. HEWITT, of New York. I said I thought there was but little probability of any Indian war this summer from the reports of the generals. I said nothing as to promises.

Mr. SCHLEICHER. It has been said by somebody.

Mr. HEWITT, of New York. Not by me.

Mr. SCHLEICHER. And I will tell this House that the danger is not in the promising or in the failure to promise peace; but the danger is in the presence of those people. Every one who has the slightest experience of the Indians and of our troublesome neighbors on the Rio Grande knows that their promises go for nothing. Those who live far remote from there, those who have "no friend nor brother there," can rely upon these promises and feel perfectly certain that everything is lovely. But, sir, it is different with those who know that the lives of their children, of their friends, and of their families are dependent upon the promises of an Indian or a Mexican raider.

The gentleman from New York—I refer to him frequently because he manages the bill and has made the strong argument on that side—said that the present state of the Army—I do not remember the exact words but will give the substance of them—was the one that he took for a norm; that it was sufficient, as we had universal peace; and he takes the present strength of the Army, the actual strength in the field, as he presents it, as the maximum of the Army in the future, and proposes to cut below that.

The whole argument is based on the fact that we have peace, that there is no danger threatening, and that the protection of our border is ample and complete. I now desire to lay before the House a few pictures of the peace we do have. I desire the Clerk to read the account of an occurrence in El Paso. But before the Clerk begins to read I will state something about the geography of that country. My district extends from the mouth of the Rio Grande for over one thousand miles along the Rio Grande to the border of New Mexico; and these frontier troubles are all in my district. I therefore believe I am called upon to direct the attention of the House to them. El Paso is a city on the Mexican side. The American forts on our side have been occupied for twenty years and more; there are two posts upon the American side, Fort Bliss, around which a settlement called Franklin has been built; below are the villages of Isleta and San Elizarrio, where the scene occurred a description of which I send to the desk. Fort Quitman is somewhat lower down.

Now, I will state a fact to gentlemen, which will show them the necessity of a permanent military force on that frontier if we are to have any lasting peace at all. More than twenty years, while we had disturbances all along the lower portion of the Rio Grande, there never was a disturbance at El Paso. All was quiet and friendly, and a lively and friendly business intercourse existed between the American settlements and the Mexican settlements. Last summer General Ord, finding his army too small to protect the river below where the constant invasions took place, removed the garrison from Fort Bliss and Fort Quitman, and left the American settlements without protection, not dreaming of any danger. No sooner was the army removed than troubles commenced between the Mexican and the American population, which ended in the scenes a description of which I desire to have read; and these troubles have since continued to such an extent that I have had several letters from friends, from reliable gentlemen, stating that just so soon as the troops who have been sent there since the troubles are removed the American settlers have to break up and leave the country; that the people would have to leave American soil, where they have lived twenty or twenty-five years.

The Clerk will please read what I have marked. It is the statement of an eye-witness, a Mexican citizen of Texas, and is from the report of the Committee on Foreign Affairs.

The Clerk read as follows:

During three days that the rangers were besieged I was surrounded by the mob. I witnessed all their acts, heard all their talk. Charles E. Ellis was the first to fall. He was a noble gentleman, a kind friend of the people, had lived with them and befriended them for many years, and had no idea they would harm him. When Howard came to town with the rangers, and the crowd began to gather at Leon Granillo's house, Mr. Ellis went there to talk and reason with them. He was saying, "What does this mean, boys, (*muchachos!*) Don't act foolishly; let me advise you for your own good," and other remarks to the same effect, when Leon Granillo cried out, "*Ahora es tiempo!*" (Now is the time.) Then Eutemio Chaves rode up on horseback and threw a lasso over Ellis and started on a run, dragging the unfortunate man. After he had dragged him some distance he then got down and cut his throat, and the body was thrown to the coyotes. It has been charged that Miguel Juarez had something to do with the killing of Ellis. This

is not true. Juarez was not in El Paso County at the time. He was in New Mexico.

After the murder of Ellis the attack on the rangers continued for three days. During this period I frequently heard the leaders of the mob discussing the situation; they told their followers that "their friends in Franklin had assured them that the United States troops would not interfere." And these same leaders, and especially Chico Barela, stated that they were simply obeying orders from their superiors at El Paso. I do not pretend at this time to give an opinion as to the truth or falsity of these statements; the matter is now being investigated, and when the truth is brought to light, the truth and the whole truth will be published to the world. As I before stated, I was with the mob. I could not escape, for I was closely watched. They called me a traitor to my race for not joining them and threatened to take my life, which was only saved by the exertions of some of my blood relations, who, to the disgrace of our name, were acting with the mob, and who have by their lawless acts stained the name of an honorable family with infamy. I heard their consultations and know all about the trap they set to catch Howard, Atkinson, and McBride. They sent in a flag of truce; the besieged men were guaranteed safety and kind treatment if they surrendered. Mr. Atkinson gave up to the leaders of the mob $11,000 in specie, currency, and drafts, on the condition that they would permit him, Howard, McBride, and all the rangers to depart without molestation.

Chico Barela swore by the holy cross that he would faithfully keep his part of the agreement. Mr. Atkinson believed him, and said, "Well, you have received a better price for us than we would bring if sold at public auction." It is said by some of the mob that Chico Barela intended to keep his word, and that he sent a messenger across the river to the Cura Borajo, informing him of what had been done and received this answer: "Shoot all the Gringos and I will absolve you."

Howard was first taken out. The entire mob was formed in a regiment, about six hundred strong, and marched with Howard at the head to the place of execution. He walked erectly, with his hands behind him. When he reached the place of execution the command was given, "Halt!" Howard instantly stopped, and turning, faced the mob; they were drawn out in a line. All was silent as death. Desiderio Apodaca, with a firing party of eight men, came up and took positions about ten feet from the doomed man, who stood quietly watching the proceedings. When all was ready Howard spoke. He could not speak Spanish very fluently, but enough to make himself understood. He said: "You are now about to execute three men;" then, baring his breast, he gave the word, "Fire!" Then the firing party fired, and Howard fell and kicked and squirmed on the ground; then Jesus Telles ran up to the body, and raising a machete (large knife) in both hands, struck at the body; the blow fell, but Howard turned and the machete fell on Telles's feet, cutting off two of his toes. The body was then hacked and mutilated, after which it was dragged to an old well and thrown in.

Then Atkinson and McBride were brought out and stood on the spot where Howard had fallen. McBride said nothing, but appeared to be very melancholy. (*triste*) Atkinson spoke in excellent Spanish. After stating the pledges they had made to release the party and the oath they had taken to perform their promises, he asked them if they still intended to violate their solemn pledges. The crowd shouted "*Acabemos!*" (Finish them.) "Then," said Atkinson, "there is no remedy!" "No! no!" shouted the crowd. "Then let me die with honor," he said; "I will give the word." He then took off his coat and vest, opened his shirt so as to uncover his breast, looked at the party of eight men who stood with their guns ready to fire, and said in a cool manner, "When I give the word, fire at my heart. Fire!" As he gave the word five bullets struck him in the belly; he staggered, but recovered himself and shouted, "*Mas arriba, cabrones!*" (Higher up, you —— ——.) Two shots were then fired and he fell, but still was not dead. He motioned toward his head, and Desiderio Apodaca, the commander of the firing party, put a pistol to his head and finished him. McBride was instantly killed. The bodies were then dragged off.

I witnessed the above scene, I heard the remarks I have given, and hold myself responsible for the truth of this account. When this occurred there stood in the line of insurgents over three hundred men from the opposite side of the river, and I can furnish the names of most of them if required.

Mr. SCHLEICHER. This occurred on the 10th of December last, when this House was in session.

Mr. Chairman, four men, four Americans, were murdered as here described on American soil by a Mexican mob, three hundred of whom, as he says, came from the other side, and the others from this side. These four Americans murdered on American soil were my constituents; they were my friends. I have received their votes to come here, and I believe I have a right, as their fate is ignored, to at least bring it somewhat to the attention of the country. There has been a time when the murder of four American citizens, murdered as these men were murdered, marched to their graves and shot, would not have been ignored by the American people.

Mr. BRAGG. I desire to ask the gentleman whether the origin of the difficulty in Presidio did not grow out of a quarrel as to the use of waters from a salt spring, and if Howard did not in that difficulty kill Candez? Was it not a family feud?

Mr. SCHLEICHER. I do not care how it commenced, three men besides Howard were murdered. But I say again that the murder of four Americans, four heroes, two of whom had been brave Union soldiers and two of whom had been brave confederate soldiers, by five hundred men marching before them and executing them upon American soil, is a thing that perhaps deserves a little notice, even in these times; and, even if the difficulty did originate as the gentleman says, I will say that all these troubles originate about something; sometimes it is salt springs, sometimes it is stealing of cattle, sometimes it is stealing of horses, and sometimes it is personal quarrels; but the result is the same. I have mentioned this to show that immediately after the troops were removed this horrible event occurred, and it has gone to such length, as I have before stated, that I have letters from friends and constituents telling me that every American has to leave that country when the military force is removed. So much about the peace prevailing at El Paso.

From El Paso down to San Antonio there is a waste country, and the gentleman from Wisconsin [Mr. BRAGG] referred to the fact that reports had come up that about half a dozen mail-riders had been killed; that it had just come in time to be used on this appropriation bill. Sir, the facts are as reported. They have been killed there. It may be a matter to sneer at; I do not know, but the fact remains, and it is a fact stated in the papers and confirmed by every private letter I have received, and by letters received from friends who are as credible and as much entitled to credit and belief as the gentleman from Wisconsin himself. I have received letters from officers and others. I will read a few dispatches from San Antonio:

SAN ANTONIO, TEXAS, *April* 26, 1878.

A dispatch received to-day at headquarters from Fort Stockton at 10 a. m. says:

"Twelve Indians were reported to have been seen near Lower Escondido, twenty miles from here, at dark yesterday. At the suggestion of the guide I shall not send him out until evening.

"VAN VALSEAH,
"*Commanding.*"

Another Indian raid is reported on the northwest frontier. Raiders were seen to-day near Escondido, between Forts Concho and Stockton, where the mail-rider was killed last week. These Indians are from the Fort Stanton reservation.

SAN ANTONIO, *April* 29, 1878.

The following dispatch has been received in this city from Fort Stockton:

"Walker's train has just arrived from Fort Davis. He reports being attacked by Indians near Barilla Springs yesterday, the 28th. He says the mountains, all the way from Fort Davis to the mouth of Dog Cañon, are full of Indians. They followed his train all last night.

"The mail-rider from Fort Davis failed to arrive last night, and a party having been sent out this morning to search for him found his body, riddled by bullets, only a few miles out. This makes the sixth person killed by Indians between Barilla Springs and Fort Davis within the last ten days."

A man from Del Norte says the Indians in the Limpia Mountains are from Mexico, and are Mescalero Apaches. There have been more Indian depredations in this section of late than has been known for ten years before.

There was no danger there, the Indians are all getting civilized at the reservations. The gentleman from Illinois [Mr. SPARKS] assures us that they are all peaceable, and have laid down their arms and live on their reservations. But occasionally they go down from their reservations and make a little trip into Texas and murder and rob our people, and that is the peace that the gentleman from Illinois represents to us so pleasantly.

I read now another dispatch, dated April 23, 1878, from Tilden, and this is near the lower Rio Grande:

TILDEN, TEXAS, *April* 23, 1878.

Yesterday the news reached here that on last Thursday a band of about twenty-seven Indians, supposed to be partly composed of Mexicans, raided through the southern portion of La Salle County, entering that county a few miles to the south of Fort Ewell, in the neighborhood of which place they killed several persons, pursued their course down the south side of the Nueces to the ranch of Mr. W. H. Steele, a sheep-man who lives in the southeast corner of La Salle County.

Mr. Steele was at the time away from home. Two of his little boys who were assisting in herding sheep were killed, one of the shepherds was wounded, and a couple of others reported killed. A brother of Mr. Steele, seeing a squad of horsemen and thinking them cow-boys, rode toward them. He discovered his mistake too late to save himself.

From here they directed their course through the northwestern portion of Duval County to Brown's ranch, meeting on their route two young men named Moore, one of whom they killed, the other escaping wounded.

At Brown's ranch they killed some shepherds, making in all about ten or twelve persons killed on their trail from near Fort Ewell to this ranch.

The raiders probably turned from here toward the Rio Grande, having in their possession about one hundred horses. This raid will be a serious drawback to the settling up of that unsurpassed grazing region, but it is the legitimate fruit of the weak and pusillanimous spirit that of late years has seized hold of our Government, exposing her citizens abroad to insult and disgrace; at home, on her border, to robbery and loss of life.

FORT EWELL, *April* 23, 1878.

The raiders after leaving the Chaves ranch went to L. M. T. Pope's, and made away with all of his saddle-horses. The Pope ranch is twelve miles below Fort Ewell.

From Pope's the marauders went to Steele's and killed his brother, a young man about twenty-three years of age, wounded one of his shepherds, and either killed or carried off two little white boys by the name of Taylor, aged ten and twelve years. The boys were employed by Steele.

From Steele's the raiders went to Jellet's and killed his boss man.

A gentleman living in Laredo writes the following letter in reference to his experience in the late raids to a San Antonio friend:

"I had also a very narrow escape in coming from the ranch. A party of Indians crossed on this side and were but a short distance in my rear, tracking the buggy-wheels, but they happened to meet two men in the road and killed them. This gave me time to escape, although at the same time I was ignorant of their being on my track. I had just arrived at the ranch when they reached there only a few yards behind me, when they met and killed another man.

KILLING AND STEALING.

"They are still killing and stealing on this side of the river. They were reported to be about forty in number, well armed and mounted on good horses. They were eight days in the country and no troops nor any person would follow them, all being afraid and not certain of the number of Indians, who were divided into several parties."

I may fitly conclude these extracts with the following telegram:

SAN ANTONIO, TEXAS, *April* 26, 1878.

The Indians who captured horses and murdered fifteen persons last week near Laredo have made good their escape.

What we may look for in the future is truly expressed in the following extract:

SAN ANTONIO, TEXAS, *April* 30, 1878.

The Express of this city contains the following from Fort Ewell:

"This raid has been a great injury to this county, as we all know enough of these raiders to know that they will come again next full moon, and will keep coming as long as they can make it pay."

But the gentleman from New York says that it is peace, and it is upon the fact that this is peace that the proposed reduction of the Army is based.

Mr. HEWITT, of New York. Will the gentleman allow me to say a word there?

Mr. SCHLEICHER. The gentleman from New York has limited my time. When the House was willing to give me an hour he cut

me down to forty-five minutes, and I will not allow him to interrupt me.

Mr. HEWITT, of New York. I am sorry you take so narrow a view of it.

Mr. SCHLEICHER. You took the narrow view first and I only follow.

The moon has only changed once since that occurred and the gentleman from Wisconsin, [Mr. BRAGG,] who has been the chairman of an investigating committee charged with the investigation of this very matter, only last night informed the House that for eighteen months there had been entire peace on the lower Rio Grande, and this was on the lower Rio Grande. He was not aware of these facts; they escaped his notice. I know that if all these gentlemen knew the state of things there it would not last. But the worst part of the fate of our people is that they are murdered, robbed, and impoverished, and that they are ignored, and not even the poor boon of pity is granted to them by the gentlemen, their countrymen, here who make laws for them and whose duty it is to protect them. Here let me read a letter from Mr. Steele, whose ranch was attacked and whose brother was murdered. He wrote to General Ord the letter which I now read:

FIFTEEN MILES BELOW FORT EWELL,
Palo Alto, Nueces River, April 17, 1878.

DEAR SIR: Pardon me for addressing you, but my urgent case forces me to you direct.

The Indians from Mexico have visited here to-day, and killed my brother and all my pastors, (shepherds;) and two boys, one twelve, the other seven years of age, have been carried off into captivity; good, gentle, white boys, and the poor mother is distracted. Will you, kind sir, use your great influence to notify all Mexican officials about these poor children; their description is as follows: The eldest boy, about twelve years of age, has dark brown hair, and blue eyes, tall and slim, and is called George Taylor; the younger one is about seven years old, is stout and fair-haired, with hazel eyes, and is named Dick Taylor, wore black jean pants, and white duck jacket.

I wish to offer a reward of $500 for the recovery of the children.

I have written to J. A. Maurice and implored his good offices with you to aid me in this request, but dreading he is out of town, I take the liberty of writing you direct. Please, for the sake of a poor, broken-hearted woman, and in the interest of our common humanity, to do what you can with those Mexican officials so that the children may be restored to their mother.

Yours, very humbly,

W. H. STEELE.

General ORD, *San Antonio.*

From the following it appears, however, that the raiders did not long encumber themselves with the children, and that the unfortunate mother succeeded in saving her other children only by her own courage:

About one mile from the ranch, two boys—sons of Mrs. Taylor, aged respectively seven and eleven years—had also been killed and mutilated. Mrs. Taylor saw the Indians kill Steele, and placing three of her little children on a plank she waded the Nueces, pushing them before her, and escaped.

Gentlemen of this committee, these people have a claim upon you; they are Americans; they are of your own flesh and blood. It may be that they have kinsmen here upon this floor. George Taylor and Dick Taylor, the two little boys, were found murdered. The dark brown hair of George Taylor and the fair hair of little Dick Taylor was torn from their bloody skulls and carried away to decorate the belts of the "peaceful Indians" which the gentleman from Illinois [Mr. SPARKS] spoke about yesterday. The stark and pale little bodies of both were mutilated; the blue eyes of the one and the hazel eyes of the other were closed in death. Their mother, in her frantic despair, and, striving to save the other little ones, took the three small children and placing them on a plank pushed them across the river at the risk of her life, and succeeded in saving them and herself.

This is a picture of the "piping times of peace" which the gentleman from New York [Mr. HEWITT] holds up for your admiration. This is the full protection which he says is afforded by your Army, which is larger than is necessary, and which he proposes to reduce by five thousand men.

Mr. Chairman, I have been accused sometimes of being a filibuster, of wanting to take Mexico or a part of it. Sir, I hesitate to say it, but I must say it: God forbid that this country should ever become any larger; it is far too large now for the minds and hearts of its legislators. [Great applause.]

Mr. BRIDGES. Will the gentleman allow me to ask him a question?

Mr. SCHLEICHER. Certainly.

Mr. BRIDGES. I desire to ask my friend from Texas [Mr. SCHLEICHER] how many troops would be sufficient to successfully protect the frontier of Texas.

Mr. SCHLEICHER. I do not know; I will come to that presently. It certainly is not in the direction of affording protection to cut down the Army five thousand men below its present standard, and that is the proposition now before this committee.

Mr. SPARKS. You mean forty-five hundred.

Mr. SCHLEICHER. Well, forty-five hundred, if you please, or even ten. Sir, I would consider it a sin if I were to vote for the reduction of one man in the effective strength of the Army under any compromise whatever.

Now in regard to the great motive which influences members in this proposition to leave these people unprotected. What is the great motive for cutting down the infantry and cavalry of the Army? Not the artillery, for that is left in the towns and not reduced in this bill. What is the motive for cutting down the infantry and the cavalry of the Army? The great motive urged here is economy. Mr. Chairman, I believe that the American people are hardly ready to economize in that direction. And allow me to say that that economy is not very fairly represented to the House. It is said that we can save by this reduction $4,000,000. The gentleman from Illinois, [Mr. SPARKS,] when speaking yesterday, stated to the House that each enlisted man cost the Government $156.

Mr. FOSTER. I think it is $350.

Mr. SCHLEICHER. One hundred and fifty-six dollars, the gentleman said. Therefore the saving on five thousand enlisted men would amount to $780,000. The remaining $3,220,000 must be saved somewhere else, not in the reduction of the number of fighting men.

Mr. SPARKS. The gentleman will pardon me; I made no allusion whatever to that subject.

Mr. SCHLEICHER. I made a note of it at the time.

Mr. SPARKS. It must have been some other gentleman; I made no reference to that subject.

Mr. SCHLEICHER. Very well, is it so or not? Does an enlisted man cost the Government $156?

Mr. SPARKS. It was the gentleman from Ohio [Mr. BANNING] who referred to that matter.

Mr. SCHLEICHER. Then I pass the compliment over to the gentleman from Ohio.

Mr. HEWITT, of New York. They cost $1,000 each.

Mr. BANNING. Will the gentleman from Texas [Mr. SCHLEICHER] allow me——

Mr. SCHLEICHER. If time is allowed me I will yield to everybody; I cannot yield when I am limited.

Mr. SPARKS. When the gentleman from Texas [Mr. SCHLEICHER] through mistake referred to me as making a remark which I never made, I thought it due to the gentleman himself that I should correct him.

Mr. SCHLEICHER. My apology is due to the gentleman, and I make it very cheerfully.

Now I would like to notice some of the logic in, and also the sort of connection there is between, the speeches of gentlemen and the act to be performed by the bill now before the House. In the first place the gentleman from New York [Mr. HEWITT]—I hope I am not mistaken this time—the gentleman from New York stated that our Army was a skeleton army, and that the system of a skeleton army was altogether faulty. He cited very high authority on his side; he said that the Army was, in a word, "top-heavy;" that there were too many officers and too few men. Am I correct in that statement?

Mr. HEWITT, of New York. Will the gentleman from Texas allow me to answer him at such length as I wish.

Mr. SCHLEICHER. Not now.

Mr. HEWITT, of New York. If the gentleman asks a question, then I am to understand that I am to sit here and listen to a great many misrepresentations and not have an opportunity to correct them. If the gentleman wishes to question me, let him say if I am to answer him or not.

Mr. SCHLEICHER. Not in my time; I cannot speak and be replied to at the same time.

Mr. HEWITT, of New York. Then do not ask me any questions which I am not permitted to answer.

Mr. SCHLEICHER. I will ask no questions, but I will make the statement directly to the committee, [laughter,] that the gentleman from New York [Mr. HEWITT] did use the argument that our Army was a skeleton army; that the experiment of such an army had been condemned by high authority, and that the Army should not be allowed to remain a skeleton army, but it should rather be made a compact army fully ready for service. He said that there were too many officers and too few men. I took down his words when he uttered them.

And what does he propose? Does he propose to strike down the officers? No; he is exceedingly lenient and generous with them. One would suppose from his argument that his proposition would be to strike down the officers and increase the number of enlisted men, or at least not to interfere with the latter. But where does he cut down? He cuts down in the first section of the bill, fixing the maximum number of enlisted men, the men who are too few according to his argument; he proposes to cut down these to the extent of five thousand. Now, my mind is not equal to the task of reconciling these two things.

The gentleman from Illinois [Mr. SPARKS] said something in reply to my remark that I thought the committee had not dealt generously with this question. I explained this morning that I meant they had not been as generous as they should be toward our people. That gentleman said repeatedly that this bill did not propose to interfere with the officers—did not turn out any officer. Consequently his argument comes to the same result: that ours is a skeleton Army with too many officers and too few men; yet the remedy proposed is to leave the officers and make the number of men still fewer.

I have, in my time, been considerably engaged in the study of mathematics, and I always thought that I had some talent in that direction; that I could understand mathematical problems. But the gentleman from New York has given me one puzzle which I have been thinking over without being able to arrive at any conclusion. He said he could prove that with an Army of twenty thousand men we would have more muskets in the field than with an Army of

twenty-five thousand. [Laughter.] If the gentleman should command our forces I have no doubt he could improve the organization and get more active force than anybody else has ever done; but he does not propose any change in the present management. Those now in command are expected to remain and do the same thing they have been doing. Now, the puzzle to me is this: here are the same corps of officers, the same staff, and everything else the same; yet I am expected to believe that under precisely the same management there will be more active service, more men in the field, with an Army of twenty thousand than with an Army of twenty-five thousand! I give it up. [Laughter.]

The gentleman from Wisconsin [Mr. BRAGG] stated last evening quite correctly that the troops on the Rio Grande had not been stationed where they ought to be; that the main force of raiders infested the Lower Rio Grande, while the troops were collected at Fort Clark, some hundreds of miles away. Some time ago I went to General Sherman and made this same representation to him, and he said to me in something of the same hopeful mood as the gentleman from New York [Mr. HEWITT] that there was peace, that everything was right at present, and it was a good idea to leave well enough alone.

[Here the hammer fell.]

Mr. FOSTER. I hope the gentleman's time will be extended.

The CHAIRMAN, (Mr. MILLS in the chair.) The House has limited general debate in Committee of the Whole on this bill to one hour, of which the gentleman from New York [Mr. HEWITT] is entitled to fifteen minutes.

Mr. ITTNER. There is universal consent, I think, that the gentleman proceed.

Mr. THORNBURGH. I ask that the gentleman's time be extended.

The CHAIRMAN. The order limiting debate cannot be rescinded or modified in committee.

Mr. HOOKER. It has often been done.

The CHAIRMAN. Not when the House had ordered that all general debate should close in one hour.

Mr. HEWITT, of New York. The remainder of this hour belongs under the assignment to me; but the gentleman from Texas has been so very courteous in referring to what I have done that I now yield to him all the time I can possibly control.

Mr. SCHLEICHER. I am very much obliged to the gentleman. I have been under the necessity of referring to him in the course of my remarks, because he stands foremost as the champion of this bill.

Mr. HEWITT, of New York. I hope the gentleman from Texas will not attribute his want of comprehension of my mathematics to my fault.

Mr. SCHLEICHER. No, sir; to my own weakness. There are some things which I never could learn, among them, for instance, the game of thimble-rig or anything of that kind. [Laughter.]

Mr. HEWITT, of New York. Will the gentleman allow me just a moment. I hold in my hand a statement which has just been received from the Paymaster-General, showing that the actual reduction in the number of officers by this bill is four hundred and eighty-four. This answers that point. Then as to the difference between twenty-five thousand and twenty thousand men, I will say that during the last year the actual number of our Army did not exceed twenty-two thousand men; and the figuring of the Adjutant-General's Office as to the actual number of muskets with a force of twenty-two thousand men agrees exactly with the figuring of the same office as to the number of muskets with a force of twenty thousand.

Mr. SCHLEICHER. But the figuring does not protect our people. [Laughter.]

Mr. HEWITT, of New York. It does not protect my people either.

Mr. SCHLEICHER. The gentleman from Illinois [Mr. SPARKS] referred to the fact that the number of men in actual service has not exceeded twenty-two thousand men; and he used this as an argument to show that it is unnecessary to authorize a force of twenty-five thousand men. But I have ascertained that under our system of recruiting the maximum number authorized by law can never be reached. I will read a statement of the reason:

> The reason that the regular Army has lately been reported less in strength than the 25,000 allowed by law, is that Congress authorized 2,500 in addition to the 25,000 allowed before to be added to seven of the regiments of cavalry for the late Sioux war, with the proviso that after that war 2,500 men should be discharged from the infantry and artillery (not cavalry) to bring it down to 25,000 again. This forced an immediate discharge of that number. There was then a period of about five months for which there was no appropriation to support the Army. Recruiting was consequently stopped during that time, and the Army became considerably reduced by casualties which were unusually large during that period. Recruiting was resumed as soon as possible, and the latest returns received show about 23,400 enlisted men.
>
> Scattered as the Army is over such a very large extent of country, recruiting has to be conducted with great caution so as not to exceed the legal number. Hence, should the returns show a near approximation to that number, recruiting must be checked until a safe reduction is exhibited, and, meanwhile, before such returns are received and recruiting can be recommenced, a considerable number of casualties may occur. This is a condition of things which cannot be avoided while legislation leaves so little discretion to the Department in the management of military affairs.

All there is essential in this is that in practice it is impossible to keep an army up to its maximum, that you must make the allowance of a certain percentage, and in this case it seems to be two thousand. Perhaps it is too large, but whether 10 per cent. or 5 per cent., for practical reasons the Army in the field remains below the legal maximum. That will apply, then, quite as well after the Army has been reduced to twenty thousand men as to the Army at twenty-five thousand men. Consequently, by the rule of three, (and that is a part of mathematics I do understand,) just as twenty-five thousand maximum is to the actual number in the field so will twenty thousand after reduction be to the then actual number in the field, the "unknown quantity," as the gentleman from Wisconsin has said.

Now, Mr. Chairman, let me come to the point as to the number of men in Texas, that is, the number of men out of the given number of soldiers ready for active service, and who can be used and counted on for defense. These two statements are combined in what I will read from the official statement made last month.

> Last month the total force in the Department of Texas was 3,749 men, of which number only 1,964 were available for duty. The balance are enumerated as follows: Escorts and men employed repairing forts, telegraph lines, and roads; sick, wounded, and missing; clerks, mechanics, cooks, bakers, hospital stewards, and nurses; prisoners under sentence; teamsters.

If the members of the Committee on Appropriations having charge also of all the other appropriation bills can point to any one of them which has come before the House, or which they propose hereafter to bring before the House, that does away with the necessity of using regularly enlisted men for the purposes specified in the extract which I have just read and provides for the employment of civilians to discharge those duties, then I should have nothing to say, except that it would not be economy. But it is not shown, and it cannot be shown, that the same necessity will not exist hereafter as it has done heretofore, and that men will not be detailed from the Army, never mind to what figure it has been reduced, for the purpose of discharging the same duties. After the reduction of the Army from 25,000 to 20,000, the reduction between the Army on paper and the Army in the field will, for the very same reason, be in the same proportion.

How small, then, Mr. Chairman, is a force of that kind for the protection of one line alone, the line of the Rio Grande, which is upward of one thousand miles long. The gentleman from Wisconsin referred in this connection to the fact that only small parties come over and it was not necessary to have five thousand or four thousand men to meet forty-five or forty raiders. He said the highest number of Indians was thirty-five.

Remember, Mr. Chairman, there is no active warfare there and that they cannot be concentrated, the enemy on one side and our troops on the other; but that, on the contrary, our troops have to scatter to the extent of the one thousand miles. No matter, then, what may be the disparity in the number of raiders, say only thirty-five Indians managed to steal through the long line of one thousand miles, guarded only by nineteen hundred men, you must remember that when they get in the settlements, although their number may seem trifling compared with the number of troops, their number ceases to be trifling when they fall upon a family of five or six, under the circumstances which I have related. Where, then, is the magnanimity in such cases to "a weak power," when forty or fifty raiders pass our frontier and suddenly come down upon a family of six or eight defenseless people who are given over to their merciless cruelties?

Yet many gentlemen here say we ought to have patience with "a weak power like Mexico." Let me ask you to remember how that patience and that magnanimity operate in practice. Put yourselves in the position of these defenseless people. I have read to you scenes which now occur under an Army with a maximum of twenty-five thousand men. Imagine what the result will be when the kindness of our friends has reduced it to twenty thousand and we shall get in Texas our proportionate share. The pictures then to come will be much worse than those I have given. To prevent the recurrence of any such scenes is what I now plead for. I implore this House to leave the Army as it is. I plead in behalf of those who send up their petition to me asking for protection. If the Army is reduced the outrages which come now singly will then come by the dozen, and you will be forced to attend to the protection of our people at last when many more victims to your economy have fallen. I plead not for those who have been murdered, for they are gone, but in behalf of those who are there who are distressed and in great fear. Their petitions come here asking me to make known the dangers of their situation to the House. What shall be the answer to their prayer? What cheer will their party friends send them; that party to which they have given their unwavering allegiance for so long a time; what return shall they have for their fidelity and steady adherence? I ask my fellow-democrats shall it be only the heartless sneers of the gentleman from Wisconsin [Mr. BRAGG] and the fratricidal economy of the gentleman from New York, [Mr. HEWITT.] I hope not, but I leave the issue to the House.

I thank gentlemen for their kind attention.

Mr. HEWITT, of New York. I yield the three remaining minutes to the gentleman from Ohio, [Mr. BANNING.]

Mr. BANNING. I would like to call the attention of the gentleman from Texas, [Mr. SCLEICHER,] who says this bill decreases the infantry and the cavalry, to the sixth section, which provides that each company of infantry must have at least seventy-three men in it. And then I would tell him and this House there is not in all our two hundred and fifty companies of infantry a single company that musters fifty men. And I would like the gentleman to explain to the House how it is, in the face of this fact, that he states this bill reduces the cavalry and the infantry. It increases those arms in sabers and bayonets and lets the artillery alone. And when this bill

has passed we will have more muskets and more sabers upon the frontier of Texas and upon the western frontier than we have now, and with fourteen expensive regimental organizations less and about one-half as many companies as we have at present. We will then have regiments and companies available for military purposes instead of the skeleton organizations that we now have.

Why, sir, the largest regiment of infantry to-day in the whole United States Army only numbers three hundred and eighty men. The smallest infantry regiment under the proposed organization cannot have less under any circumstances than five hundred and eighty-nine men.

Now, Mr. Chairman, who can doubt that this will be a better, a stronger, and a more efficient organization? The arguments we have heard here against this bill have taken a wide range. One gentleman [Mr. GARFIELD] has been alarmed, like one aroused from peaceful slumber at the dead of night by the dreaded sound of the fire-bell, by a letter written by Lord Macaulay twenty-one years ago, in which he predicted the downfall of the American Republic. He has been terribly alarmed by that letter of an English lord. Mr. Chairman, if our revolutionary fathers had taken counsel of their fears they too would have been alarmed by the letters of English lords, written a hundred years ago, as the gentleman now is by Macaulay's letter; but we never would have had our free Government. But because the downfall of our Government is thus predicted by an English lord the gentleman opposes the reform proposed in this bill. His argument seems to be that we must keep up a large army at an extravagant cost to protect ourselves against ourselves. Sir, I for one have no sympathy with such an argument. I am just as much opposed to anarchy as any gentleman on this floor; but I do not believe our escape from it depends upon maintaining a large standing army in time of peace.

Another gentleman wants the Army increased and kept strong because there has been a row in Texas about the ownership of certain salt wells or lakes. These are specimens of the arguments advanced against the bill.

Now, I hope the House will take this bill fairly into consideration, and not be governed by groundless fears nor private interests. Our present force has been ample and we have in the whole Army to-day only 21,708 men, 3,400 less than the number authorized. Why have we not the whole authorized strength? Simply because the authorities do not need them. They have no use for them; none whatever. Under the organization proposed we will have 20,000 men, with cavalry and infantry amply sufficient to protect the frontier. In fact, a stronger force, because better organized, than we have to-day.

[Here the hammer fell.]

Mr. MAGINNIS addressed the Chair.

Mr. EDEN. Mr. Chairman, has not the time for general debate expired?

Mr. MAGINNIS. I rose for the purpose of asking unanimous consent. I desire to say that nearly everybody has spoken on this bill except those who are especially interested in it with one exception, that being the gentlemen from Texas. All the Delegates from the Territories who have no right to vote on this at all and whose right to debate under our rules is little more than nominal, would like to say something on this bill. I ask unanimous consent to be permitted to submit a few remarks that have occurred to me in the course of the debate. I will endeavor to cover points that have not yet been touched.

Mr. WHITE, of Pennsylvania. As a member of the Committee on Military Affairs, I would desire also to submit some remarks on the bill.

Mr. EDEN. Unanimous consent cannot be given in Committee of the Whole.

The CHAIRMAN. Objection is made to the request of the gentleman from Montana.

Mr. MAGINNIS. Who objects?

The CHAIRMAN. The Chair understands that one gentleman who objects is the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. WHITE, of Pennsylvania. I do not object. What I say is that there are others who want to be heard on this question.

The CHAIRMAN. The time allowed for general debate on this bill by order of the House has expired; and unless the committee rises and the House extends the time, no further time can be allowed for general debate.

Mr. KELLEY. I hope the time will be extended that the Delegates may be heard through at least one of their number.

Mr. EDEN. A motion was made to reconsider the order of the House limiting debate and the motion to reconsider was laid on the table.

Mr. MARSH. Cannot the time be extended by unanimous consent?

The CHAIRMAN. The House has directed that all general debate on this bill shall be closed at this time. The committee has no discretion in the matter.

Mr. ATKINS The gentleman from Montana has made a general complaint of want of sufficient time being allowed for general debate. Has the gentleman ever applied for time to the gentleman in charge of the bill?

Mr. MAGINNIS. Yes, sir.

Mr. HEWITT, of New York. About five minutes ago.

Mr. MAGINNIS. My name is on the Speaker's list.

Mr. HEWITT, of New York. I have nothing to do with the Speaker's list.

Mr. ITTNER. Can this not be done by unanimous consent of the House?

The CHAIRMAN. It can; but we are not in the House now.

Mr. ITTNER. I move that the committee rise so that the gentleman from Montana may obtain the time he desires.

Mr. EDEN. That will not help him. The time will not be extended if the committee do rise.

The question being taken on Mr. ITTNER's motion, there were—ayes 77, noes 30.

So (further count not being called for) the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

Mr. HEWITT, of New York. I now move that the House resolve itself into Committee of the Whole for the consideration of the Army appropriation bill under the five-minute rule.

Mr. ITTNER. Pending that, I ask unanimous consent that the gentleman from Montana be allowed fifteen minutes.

Mr. EDEN. I object.

Mr. MILLS. I move that when the House shall again resolves itself into Committee of the Whole, all general debate on the Army appropriation bill shall be closed in thirty minutes.

Mr. EDEN. All general debate has been closed.

The SPEAKER *pro tempore*. The Chair would suggest to the gentleman from Missouri [Mr. ITTNER] and the gentleman from Texas [Mr. MILLS] that the only method by which they can accomplish the end they desire is by a motion to reconsider the order of the House closing debate.

Mr. EDEN The motion to reconsider has been made and has been laid on the table.

Mr. BANNING. I hope that the House will hear the gentleman from Montana by unanimous consent.

Mr. EDEN. But that consent will not be given.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. ITTNER] asks unanimous consent that the gentleman from Montana be allowed thirty minutes.

Mr. EDEN. I object.

Mr. ITTNER. I appeal to the gentleman from Illinois to withdraw his objection.

Mr. EDEN. But I will not do it.

Mr. HANNA. I desire to make a parliamentary inquiry, and it is this: have we such a system of rules here that when this body unanimously agrees that a given thing may be done, we cannot do it?

Mr. HEWITT, of New York. But there is not unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HANNA] will observe that there is not unanimous consent.

Mr. HANNA. If we vote down the motion made by the gentleman from New York [Mr. HEWITT] is there any way under heaven in which a man may have an opportunity to represent his constituents upon this floor? [Laughter.]

The SPEAKER *pro tempore*. That is not a parliamentary inquiry for the Chair to decide.

The question was put upon the motion of Mr. HEWITT, of New York; and upon a division there were—ayes 80, noes 32; no quorum voting.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. ITTNER were appointed.

The House again divided; and the tellers reported—ayes 111, noes 33.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes.

The CHAIRMAN. All general debate having been closed by order of the House, the Clerk will read the bill by clauses for amendment.

The Clerk proceeded to read the bill by clauses, and read as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1879, as follows:

For expenses of the commanding general's office, $2,500.

For expenses of recruiting and transportation of recruits, $50,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty thousand enlisted men, including Indian scouts and hospital-stewards; and thereafter there shall be no more than twenty thousand enlisted men in the Army at any one time, unless otherwise authorized by law: *Provided, however*, That not exceeding five hundred recruits in addition thereto may be kept at recruiting stations, as the necessities of the service may require. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained, as now organized and as provided by law, with a force of enlisted men not exceeding four hundred, after present terms of enlistment have expired.

Mr. THROCKMORTON. I move to amend that clause by striking out the words, "twenty thousand" and to insert in lieu thereof the words "twenty-five thousand;" so as to make the number of enlisted men in the Army limited to twenty-five thousand men.

Mr. FOSTER. I did intend, Mr. Chairman, to submit some remarks upon this question, but being absent a little for the last day or two I

find by the RECORD that my time has been used by two gentlemen who spoke one hour each. I desire only to say now that the Committee on Appropriations, in my judgment, under the rules of the House, rules which I condemn, have acted properly in this matter. It is probably well known to everybody by this time that if any reforms are to creep into the legislation of this House they must come from the Committee on Appropriations, for it is apparent that every other committee is utterly worthless in this respect.

Now, Mr. Chairman, the gentleman from New York [Mr. HEWITT] has given this subject a great deal of careful attention, and I have no doubt that he desires to do what he honestly believes ought to be done, but I am very much in the same position as the gentleman from Texas in regard to the mathematical problem that has been submitted, that with twenty thousand men you can put as many muskets in the field as with twenty-five thousand men. That is utterly incomprehensible to me. I have been poring over the gentleman's figures and I cannot possibly make it out. Now, all there is of it is this: if you consolidate the regiments you get rid of the number of officers who would be mustered out, but the privates will remain. There will be just as much shortage in an army of twenty thousand as in one of twenty-five thousand. So that it is utterly incomprehensible to me that you can get as many muskets in the field with twenty thousand as you could do with twenty-five thousand men, and therefore I favor the amendment of the gentleman from Texas, [Mr. THROCKMORTON.] I believe that an army of twenty-five thousand is not too large.

The gentleman from New York makes another proposition and it is this: that we ought to reduce the cost of the Army *per capita* to what the cost of the Army was in 1860. I do not know why he should make that proposition. I do not know why the expenses should be based upon the expenses in 1860. I do not know why he should make such a proposition as that, and then he got in a little party capital as to what this House has done in the way of reduction. I make this proposition, that it would be just as wise and just and prudent to bring the expenses of this House down to what they were in 1860 as it is to bring the expenses of the Army down to what they were *per capita* in 1860. The cost of running the House in 1860 was $900,000 or a little over. The bill reported by the committee, of which the gentleman and I are both members, for that purpose is over $1,800,000, and that leaves out the question of printing altogether. Why does not the gentleman from New York and my committee, who are so anxious to go back to the basis of 1860, take hold of the expenses of the House, where we have supreme control, and bring them down to the standard of 1860 *per capita*? The expenses of running the House now are more than 50 per cent. greater *per capita* than they were in 1860.

The gentleman from New York presented a table upon which he undertook to show a comparison between the cost of the maintenance of the Government in 1860 and in 1877. He placed it in 1877 at $113,562,743. I would like to know from the gentleman from New York how he made up that table. I imagine that he deducted from the total expenses of the Government for that year the interest on the public debt and the pensions.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of New York. I will take the floor, and if the gentleman from Ohio [Mr. FOSTER] desires me to yield to him for five minutes more I will do so with pleasure, and take my chance of getting five minutes for myself afterward.

Mr. FOSTER. I thank the gentleman from New York for his courtesy. That gentleman has omitted from the gross expenditures of the Government for the year 1877 the interest on the public debt and the cost of pensions, I believe.

Mr. HEWITT, of New York. If the gentleman will allow me, I will say that my table shows what it embraces. It embraces civil and miscellaneous expenditures, and expenditures for war, Navy, and the Indians. It enumerates those items, and only those, distinctly upon its face.

Mr. FOSTER. The gentleman then undertakes to draw a parallel between the *per capita* cost of the Government in 1860 as compared with the expenditures of the Government in 1877, to the slight advantage of the year 1860. Now, if the gentleman from New York intended to be entirely accurate he should have also deducted from his expenditures for 1877 the cost of collecting the internal revenue, which is one of the incidents of the war. But for the war we would never have had an internal-revenue establishment; it costs $5,000,000 to conduct that establishment. It also costs at least $5,000,000 more for the Army and the Navy now than it did then, because of the war. It costs at least $8,000,000 or $10,000,000 for claims, for clerical services in the Pension Office, and for the various ramifications of the civil service which grew out of the war.

In addition to that we have new services now that we did not have in 1860, which cost somewhere from $5,000,000 to $10,000,000. Now, if you will make a fair comparison between the two years, I have no hesitation in saying that the expenditures of the Government to-day are less *per capita* than they were in 1860.

The gentleman also made another statement in which he was undoubtedly in error. He undertook to claim for the democratic party that last year it reduced the expenditures of the Government about $20,000,000. I have looked that matter over with some care, and I find that, speaking moderately, at least $5,000,000 of deficiencies will have to be deducted, thus reducing the saving, even upon his own showing, to about $14,000,000.

Then there is $4,000,000 more for which this democratic House should receive no credit whatever; that is the reduction of the interest on the public debt and the reduction under the permanent appropriations. That will leave about $10,000,000 as the actual result of this claim of reduction of expenditures, which last year was set at $30,000,000.

Mr. BLOUNT. Will the gentleman allow me to interrupt him?

Mr. FOSTER. Certainly.

Mr. BLOUNT. Does not the gentleman fail to take into account the fact that the deficiency bills of this House, even as he states them, are not so large as they were for many years when the House was republican?

Mr. FOSTER. The deficiency bill passed by the last Congress was for $2,000,000, which deficiency arose under the republican administration; and in order to make a fair comparison that should be deducted from the amount of deficiencies for this year. Therefore, I have put the amount at $5,000,000.

The gentleman from New York [Mr. HEWITT] made the statement that the deficiencies were included in the statement of the annual expenditures of the Government. The gentleman is mistaken. The statement of the annual expenditures of the Government comprises only the money paid out for the year, and nothing more.

Now, for this year we are likely to have a reduction of about $8,000,000, perhaps $9,000,000. I looked the matter over carefully yesterday and my estimate is that the reductions will amount to about $9,000,000. Of that amount $3,000,000 will be in the reduction of the interest on the public debt and another million will be the reduction of administering the permanent appropriations since Secretary Sherman came into office. Therefore the result of last year's work by the House amounts to a reduction of expenditures of only about $5,000,000.

The gentleman made a further statement to which I desire to refer, and that was that we ought to reduce the expenditures of the Government by about $25,000,000. I have given some attention to this subject for four years past, and I say to the gentleman from New York that I believe it will be utterly impracticable and impossible to reduce the expenditures of the Government to that extent.

I want to say further that so far as the ordinary running expenses of the Government are concerned we have about reached our minimum. That fact has been disclosed by the action of the Committee on Appropriations this year. They have introduced a bill, which has been passed, containing $2,000,000 more appropriations than the same bill which they introduced two years ago.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of New York. All debate upon the pending amendment I suppose has been exhausted?

The CHAIRMAN. It has been.

Mr. HEWITT, of New York. It will be in order for me to strike out the last word?

The CHAIRMAN. It will.

Mr. HEWITT, of New York. I make that motion. There is one fact which the people of this country see and appreciate. Whereas prior to the Forty-fourth Congress they were paying taxes to the amount of $150,000,000 annually for the support of the Government, in the year after the advent of a democratic House of Representatives the taxes which they paid were $23,000,000 less, as measured by the expenses.

Mr. DUNNELL. Let me ask the gentleman from New York——

Mr. HEWITT, of New York. I cannot yield when I have but five minutes. The gentleman can take his own five minutes to reply.

Now, the gentleman from Ohio may revise this matter until doomsday and still the broad fact remains the same. His only answer is that there are pending deficiencies from that year which would account for a considerable proportion of this saving.

Mr. FOSTER. What sum did the gentleman name?

Mr. HEWITT, of New York. Twenty-three million dollars, as shown by the official reports of the expenditures in the Treasury Department.

Mr. FOSTER. Oh, no; the report of the Treasury Department shows only $19,800,000.

Mr. HEWITT, of New York. The gentleman will find the exact figures in my speech. In round numbers the amount is $23,000,000.

Mr. FOSTER. But that you got from an almanac.

Mr. HEWITT, of New York. I took it from the table of receipts and expenditures in the report of the Secretary of the Treasury, and not from an almanac.

Mr. FOSTER. Did you not state that you took it from an almanac?

Mr. HEWITT, of New York. At first I did; but then I referred to the Secretary's report and found that the almanac had copied the figures from that report.

The gentleman charges that there are deficiencies which we shall have to pay. Yes, there are deficiencies; and can the gentleman point to any year under republican administration when there have not been deficiencies which had to be made up the year afterward, and which appeared in the expenditures of that year? This was what I meant when I said that the expenditures include the deficiencies.

Now I tell the gentleman, and he knows it to be the fact, that there are to-day pending before the Committee on Appropriations applications for deficiencies going back to the year 1868, amounting to many

millions of dollars, which we are required to bring into this House and charge up to the expenditures of the present fiscal year. There are many pages of these estimates submitted to the House; they can be found in the Book of Estimates. But the gentleman charges that these deficiencies are only to be carried to the democratic account, and are not to be charged up to the republican account.

Mr. FOSTER. I do not think the gentleman ought to say that there are "many millions" of such applications for deficiencies.

Mr. HEWITT, of New York. I will prove what I say; I will give an exact statement of the matter before this debate closes. There are $3,000,000 of these deficiencies in the Navy alone.

Now, the gentleman's arithmetic seems to be very accommodating, but the people understand arithmetic; they have learned it in the common schools, and when they find that $3,800,000 more than are necessary are taken out of their pockets in one year they will make the figuring for the gentleman.

I will now explain further the remark I have already made, that with a force of twenty thousand five hundred we shall have as many muskets in the field as we now have with an Army of twenty-two thousand men. The saving is made by making a reduction of four hundred and eighty-four in the number of officers, and with this reduction cutting off that great paraphernalia which waits upon officers—what might be called the trimming of the Army; and the difference is about fifteen hundred men. I repeat that our saving is effected by the better organization of the troops. If gentlemen will turn to the RECORD they will find in my speech, on page 3543, the exact figures, which I have not time now to give. By figures made up in the Paymaster's Department and furnished to the gentleman from Ohio and myself officially, the demonstration is there made that the difference under the two systems will not be two hundred muskets.

[Here the hammer fell.]

Mr. EDEN obtained the floor and said: I yield my time to the gentleman from New York, [Mr. HEWITT.]

Mr. MILLS. I make the point of order that this cannot be done. The gentleman from Illinois [Mr. EDEN] once made that point on me, and I now make it on him.

Mr. EDEN. I renew the amendment, and yield my time to the gentleman from New York.

The CHAIRMAN. The gentleman from New York withdraws his *pro forma* amendment, which the gentleman from Illinois renews.

Mr. MILLS. The rule forbids any gentleman speaking ten minutes on the same side of any question. I ask that the rule be enforced.

The CHAIRMAN. The gentleman from New York proposes now to speak on the amendment of the gentleman from Illinois.

Mr. MILLS. Then the rule means nothing.

The CHAIRMAN. The Chair will endeavor to enforce the rule as he understands it.

Mr. DUNNELL. Is there any limit to this interesting little game? Can I be recognized and yield my five minutes?

The CHAIRMAN. The Chair will recognize the gentleman when he addresses the Chair at the proper time.

Mr. HEWITT, of New York. I will make the limit myself. I have taken up enough time of the House. All I want is that the House shall understand this one fact: that the effective force of the Army may be used up in a useless manner.

It is used up in a useless manner under the present organization, and when my friend from Texas offers an amendment to put five thousand men in the Army my answer is that if those five thousand are necessary then the bill which is now pending before the House will give the same number of effective muskets by adding three thousand men, but his proposition will put two thousand more men in the Army than is now or would be in the Army if up to the number of twenty-five thousand men. In other words, twenty-three thousand men under the new system will give as many muskets as twenty-five thousand men under the old system. Therefore I ask my friend from Texas and every man here who wants more muskets to vote for muskets if they will, but to vote for this new organization, which will give them the requisite number of muskets at a saving of $3,000,000. That is what we are after, and that is a saving which no Representative of the people can refuse to make unless he thinks the new organization is less perfect and less effective than the one now in existence.

Mr. THROCKMORTON. Mr. Chairman, in opposing this amendment I have no disposition to war on the general features of this measure. My object is to secure enough of enlisted men to defend the country.

I wish to call the attention of my friend to this proposition. He says if the army is reduced to 20,000 men, as proposed by this bill, we will have more muskets in the field than with 25,000.

Mr. HEWITT, of New York. No, sir. I say with 20,000 men we will have as many muskets in the field as we have now with the Army at 22,000, and if you add 3,000 to it we will have then on 23,000 as many muskets in the field as you would have with an army of 25,000 if it were full. That is my statement.

Mr. THROCKMORTON. Here is a statement from the Adjutant-General's Office, which shows there is in the Engineer Department 198 men, and in the Ordnance Department 364 men, and on various detached services, which I will not take time to enumerate, in all amounting to 3,000 men. I ask the gentleman in all candor whether, if the Army were reduced to 20,000 enlisted men, you would not have the same detachments, and whether the only saving in the bill as proposed by the committee would not be the few men to be taken from the different regimental headquarters. That is the only saving I can see proposed under the arrangement of this bill. If you have 20,000 men you will still have 3,000 on detached service. Hence I say the proposition cannot be proved that you would have the same number of muskets in the field.

Mr. Chairman, one thing else. There was no appropriation for the Army at the last session of Congress and the recruiting service had to cease. So, then, complaint that the Army was not kept up to the standard cannot be made against the Army officers as it was not their fault but the fault of Congress itself in not making appropriation. Therefore they should not be charged with being derelict in that regard.

[Here the hammer fell.]

Mr. BRIDGES rose.

Mr. EDEN. I withdraw the formal amendment.

Mr. BRIDGES. I move to insert "fifteen thousand" instead of "twenty-five thousand."

Mr. Chairman, it has appeared in the discussion of this bill that there is diversity of sentiment in relation to what the strength of the Army of the United States should be. Some would be satisfied with twenty thousand men, some with twenty-two thousand, and others with twenty-five thousand. But, sir, one point has been omitted, and I think an important point, and that is the failure to tell us where these troops are needed. There was but one exception, the gentleman from Texas. Did it appear in the discussion that a certain number of troops was necessary for a certain point and another number for another point? No, sir.

With regard to our Texan frontier, I say if we increase the Army for the purpose of protecting the rights of the Texan people we are too generous, for we are not called upon by any principle whatever to do it; and I will tell you, Mr. Chairman and the House, why. The Mexican Government ought to be held responsible for every injury its citizens do to us, and our Government ought to give the Mexican government notice it will be held responsible for every trespass committed upon our people. If we would do that it would not be necessary to have five, six, eight, or ten thousand troops on the Texan frontier for its defense. And Mexico is bound to protect her own people and prevent them from trespassing upon our American citizens.

Again, it is said we want troops upon our Indian frontier. Why, sir, if we would treat the Indian as we ought to treat him there would be no occasion for troops there. It is because the Indian is abused, cheated, and defranded that he is impelled to seek vengeance upon the American people for injuries done him. And let me say that an Indian never forgets a favor and never forgives an injury. Treat them kindly and kind treatment will be returned. Treat them badly and bad treatment will be returned.

Another important point has been overlooked in my opinion in the discussion of this question. That is this: why should an appeal be made to the American Congress to furnish a standing army for the protection of the American people when it is the duty of every State in the Union to maintain its own militia, a militia sufficient to repel invasion if possible and to put down insurrection? And it is not the privilege of any State to call upon the Executive for aid until the executive of the State in which an insurrection occurs or violence is used can say that the troops within its borders have been unable to put down the insurrection or the violence, and it is then only the duty of the Executive of the United States to order troops to be sent to the assistance of any State that may be under such circumstances.

Now, sir, I say it is our first duty to look to our own States and to see that we have a military system there such as we ought to have before we allow applications to be made to the American Congress for money to support a standing army. We have an Army of 25,000 men. Where are those men to be distributed? If you take the thirty-eight States of the Union there will be but between six and seven hundred for each State irrespective of the Territories. Would that be sufficient, sir, to quell insurrection or repel invasion? Certainly not. Suppose, sir, that the troops are concentrated upon a certain point in Virginia and an invasion takes place in the State of Maine, how long will it take that Army to proceed to the State of Maine to repel the invasion or put down violence there?

[Here the hammer fell.]

Mr. DUNNELL. It is unfortunate I think that we cannot pass an appropriation bill for a Department of this Government without placing it upon the theory of a certain fixed determined reduction. In my judgment we ought to appropriate money according to the real wants of the Department for which we propose to appropriate. The Committee on Appropriations of this Congress has taken up the theory of the committee of the last Congress and determined if possible to make a reduction, not one based upon the merits of the different objects for which they appropriate but a reduction determined upon for the sake of making a record of economy.

Mr. ATKINS. Where did the gentleman get that information?

Mr. DUNNELL. I will not waste any of my time in answering questions.

Mr. ATKINS. I would like the gentleman to state where he got that information.

Mr. DUNNELL. Mr. Chairman, there has not been an appropriation bill introduced into this House during this Congress without the

gentleman who has had it in charge announcing to the House that it makes a reduction so much lower than the appropriation of last year. That has been the great argument: we have appropriated so many millions less than we did last year. And then the gentleman from Georgia [Mr. BLOUNT] is always bound to tell us that in the last Congress we appropriated so much less than was appropriated by the Forty-third Congress.

Now, Mr. Chairman, I protest against this style of legislation. I think we ought to appropriate for every Department of the Government precisely what that Department requires. We are not called upon to appropriate $3,000,000 less for the Army than we appropriated last year unless we can make this reduction in the interests both of the Army and the people of the country.

No officer of the Army has admitted in the remotest degree that we ought to bring about a reduction of the Army. Every officer in the Army insists it should be 25,000 men. I have not heard the admirable speech of the gentleman from New York, [Mr. MCCOOK,] a member of the Committee on Military Affairs, answered. No one has undertaken to answer that speech. No one has undertaken to say we can get along with a less number of men than are provided for in this bill.

The gentleman from Pennsylvania [Mr. BRIDGES] who has just taken his seat does not by any means realize the magnitude of the frontier of this country. It is impossible for him to do it. And here are the Delegates from the Territory asking merely to be heard here, and they are not allowed a place in the debate on this floor, although the gentleman from New York [Mr. HEWITT] promised there should be the largest opportunity for debate. But the gentleman from Montana, who can talk on this question as well as any man on this floor, has not been allowed to tell this House why we cannot endure a reduction of the Army.

One word more, Mr. Chairman. We hear a great deal on the other side of the House about the pockets of the people. They talk a great deal about the pockets of the people and the reduction of taxation. Does not every member of the House on the other side know that there has not been one mill of reduction of taxation since they came into power? Not a mill of reduction has there been of taxation. We are paying just as much taxation now as in the worst days of republicanism—if you please to put it in that language—precisely the same amount of taxation; and the people are told that they are paying less than they paid last year and than they paid the year before, because they have got a democratic House of Representatives. They have got nothing yet. We have paid a little more of the national debt, perhaps, and nothing more, as the result of the economy by which every department of this Government has been crippled.

[Here the hammer fell.]

Mr. BRIDGES. I withdraw the amendment.

Mr. MILLS. I move to strike out the last word. I regret very much, Mr. Chairman, that it seems utterly impossible for this House to discuss the real question that is before it, and it has always been so especially on this Army question. The moment the question of the Army comes into this House the ring is cleared for a political encounter, a partisan encounter. The Army is to be fought by our side of the House because political capital is to be made and somebody's district is to be won by it, and the Army is to be increased on the other side of the House or used by them whenever necessary to further their ends. The legitimate purpose of the Army is left entirely unnoticed by American Representatives. The object of the creation of the Army was "to suppress insurrection and repel invasion," in the language of the Constitution. It was not to carry elections; it was not to be used for political purposes. I have no idea that such an object ever occurred to the framers of this Government as that the Army or the Navy either should enter as factors into the control of elections. What is the condition of our country? This ought to be the question which we should ask when we propose to cut down the Army. Is it unnecessary? Is it too large? What are the objects which we use an Army for? What do we need it for? Its use now is to guard our Mexican and Indian frontier. That is the whole legitimate use we have for it.

Now, we have been talking about cutting down the Army ever since I have been in Congress, for five years, and during all that time there has not been peace, solid durable peace, upon the frontier for one twenty-four hours. And the answer to the appeals made by our people who are being robbed and murdered and carried into captivity, the answer of the statesmen of this House has been, "Cut down the Army."

Mr. SOUTHARD. I would like to ask the gentleman what force has been employed upon the Texas frontier?

Mr. MILLS. Ask that question of the President of the United States, who is Commander-in-Chief of the Army, and not of me. I am here to represent my constituents and to present their appeal that you will stay the hand of violence and give them some security for the protection of life and property and person against those from Mexico who trespass within our borders, spit upon our flag, and defy our authority. We want an army to protect the people of the United States.

The gentleman from Pennsylvania [Mr. BRIDGES] well said that your Army might be decreased if you would hold Mexico responsible and compel her to regard the boundary which divides her territory from ours. If you would do that, I would say that you might cut the Army down to fifteen thousand men, because then Mexico would cross our border at her own peril; but now she despises your pretended authority. She knows you do not mean to encounter her, not because you have not the necessary military force, but because of the money power which rules this country, that will not let you endanger the peace of the country by compelling Mexico to keep within her own territory.

[Here the hammer fell.]

Mr. MILLS. I withdraw my amendment.

Mr. DURHAM. I renew the amendment.

Mr. Chairman, I am one of the very few members of the House who indorse every word that the gentleman from Pennsylvania [Mr. BRIDGES] has said on this subject; I am one of those who, at the extra session of this Congress and in the last Congress, expressed publicly upon this floor the belief that a standing Army of fifteen thousand men was all that we required. I believe so to-day, and I believe that if we had fifteen thousand guns and the officers necessary and proper for the management of fifteen thousand guns, it would be a sufficient force to protect amply the Mexican frontier and all the Indian frontier; and I believe, as I stand here, although I intend to vote for this bill as it is, because I suppose it is about the best thing that perhaps can be accomplished during this Congress, I desire still to put upon record this idea, that I believe that a force of fifteen thousand men is all that is necessary for the ample protection of the lives, liberties, and property of the people of this country.

I do not hold to that idea that some gentlemen hold to, that you must have a large standing Army here to keep down bread riots and labor riots and all that kind of thing. I believe that it is the bounden duty of the States to suppress all internal disturbance within their limits and that no governor of an enlightened State or Territory, and they are all such, discharges the duty which he owes to his immediate people and to the people of the country, until in conjunction with the Legislature of his State or Territory he has established a well-organized militia. Nor do I believe it is right to rely on the regular Army in case even of grave and serious invasions and insurrections such as we have passed through. This small nucleus is all that is necessary and I would limit that nucleus to fifteen thousand men.

Gentlemen have talked of the fact that West Virginia, Pennsylvania, and Maryland, three great States, called on the Federal authorities for the purpose of suppressing the riots that occured last year. I do not say it because I stand here as a Kentuckian, proud of the magnificence of my own State, but I state as a matter of history, and the newspapers will show it, that the most violent outrage that occurred anywhere in the United States last summer occurred in the city of Louisville, the principal city of my State, and in less than twenty-four hours the citizens of Louisville by their own strong right arms put down that insurrection and quelled it. And so it can be everywhere. In an emergency of that sort you cannot depend and you ought not to depend upon the Federal Government to suppress such insurrection. We are told that we need the Army to put down labor riots, bread riots, such as occurred last year. But mark you, Mr. Chairman, I am one of those who do not charge those riots to the laboring classes at all; they were brought about by the communists in this country, not by the bone and sinew of the country. And if in the city of Pittsburgh and in some other places they had done as they did in the city of Louisville with that commune and had not been so sparing of powder and ball, those insurrections would have been quelled without any necessity for calling upon the General Government for aid.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. DURHAM] has expired.

Mr. DURHAM. I withdraw my *pro forma* amendment.

Mr. SOUTHARD. Mr. Chairman, I renew the *pro forma* amendment. Within the last few years there have been found new uses for the Army. The Army in 1860, and prior thereto, was employed for very different purposes from those which have obtained recently.

During the last ten years not one-half of our Army has been employed for legitimate purposes. Its use has consisted mainly of running elections and keeping the dominant party in power. I hold in my hand the official documents to prove this fact. Immediately after the adjournment of Congress in 1876 the then Secretary of War and the General of the Army issued their orders for the concentration of troops in the Southern States for the purpose of carrying the Presidential election. On the same day of the adjournment the Secretary issued this order, which was promulgated two days afterward by the General of the Army:

[General Orders No. 85.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, August 17, 1876.

The following communication, received from the War Department, is published for the information of all concerned:

WAR DEPARTMENT,
Washington City, August 15, 1876.

General W. T. SHERMAN,
Commanding United States Army:

SIR: The House of Representatives of the United States, on the 10th instant, passed the following preamble and resolution, namely:

"Whereas the right of suffrage prescribed by the constitutions of the several States is subject to the fifteenth amendment of the Constitution of the United States, which is as follows:

"'ARTICLE XV.

"'SECTION 1. The right of citizens of the United States to vote shall not be de-

nied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"And whereas the exercise of the right of suffrage so prescribed and regulated should be faithfully maintained and observed by the United States and the several States and the citizens thereof; and whereas it is asserted that the exercise of the right of suffrage is in some of the States, notwithstanding the efforts of all good citizens to the contrary, resisted and controlled by fraud, intimidation, and violence, so that in such cases the object of the amendment is defeated; and whereas all citizens, without distinction of race, or class, or color, are entitled to the protection conferred by such article: Therefore,

"*Be it resolved by the House of Representatives*, That all attempts by force, fraud, terror, intimidation, or otherwise, to prevent the free exercise of the right of suffrage in any State should meet with certain, condign, and effectual punishment, and that in any case that has heretofore occurred or that may hereafter occur in which violence or murder has been or shall be committed by one race or class upon the other, the prompt prosecution and punishment of the criminal or criminals in any court having jurisdiction is imperatively demanded, whether the crime be one punishable by fine or imprisonment or one demanding the penalty of death."

The President directs that, in accordance with the spirit of the above, you are to hold all the available force under your command (not now engaged in subduing the savages of the western frontier) in readiness to be used, upon the call or requisition of the proper legal authorities, for protecting all citizens, without distinction of race, color, or political opinion, in the exercise of the right to vote as guaranteed by the fifteenth amendment; and to assist in the enforcement of "certain, condign, and effectual punishment" upon all persons who shall "attempt by force, fraud, terror, intimidation, or otherwise, to prevent the free exercise of the right of suffrage," as provided by the laws of the United States, and have such force distributed and stationed as to be able to render prompt assistance in the enforcement of the law.

Such additional orders as may be necessary to carry out the purpose of these instructions will be given to you from time to time, after consultation with the law-officers of the Government.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

"The President directs," says the Secretary, "that, in accordance with the spirit of the above, you are to hold all available force under your command in readiness." This deduction is as insincere as it is illogical. The resolution of the House invoked the courts, not the military power, to enforce the laws; but the concentration of troops began at once and was kept up until complete military occupation was had of several States.

On the 14th of October, 1876, this telegram was sent by General Sherman to General Ruger, who had previously been transferred to Columbia, South Carolina:

HEADQUARTERS OF THE ARMY,
Washington, October 14, 1876.

To General RUGER,
Columbia, S. C.:

We are all back from California. If you want anything, say so. I want all measures to originate with you. Get along with the minimum force necessary, but you shall have all we can give if you need them.

W. T. SHERMAN, *General.*

On the 16th of October General Ruger answered that telegram, as follows:

COLUMBIA, S. C., *October* 16, 1876.
(Received Washington, D. C., 11.7 a. m.)

To General W. T. SHERMAN,
Washington, D. C.:

Think I have troops sufficient unless circumstances change. Have nineteen companies in State now in stations of from one to four companies. Have some companies still in reserve. No special disorder has occurred since Ellenton riot last month. If I need more troops will ask for them. I shall be here to-day.

RUGER.

Notwithstanding that telegram from General Ruger, in which he said that all was peaceful and quiet there, and that if he needed more troops he would call for them, and without further information, the very next morning a proclamation was issued by President Grant, from Washington City, declaring South Carolina in insurrection, and there followed numerous telegrams from the General of the Army, ordering all the troops from the Atlantic coast, from the extreme North to as far south as Fortress Monroe, into the State of South Carolina. Here is a specimen of the telegrams sent:

HEADQUARTERS OF THE ARMY,
Washington, October 17, 1876.

To General W. S. HANCOCK,
Commanding Military Division Atlantic, New York City:

It will be necessary to reinforce General Ruger to the maximum possible, and we may have to order every available man from the North Atlantic posts.

Acknowledge receipt.

W. T. SHERMAN, *General.*

In obedience to these orders from Washington, all available forces were sent into South Carolina and other Southern States under pretense of preserving order, but with the purpose and effect of carrying the election. Actual military possession was taken of those States and the elections were controlled in violation of the Constitution of your country, in violation of law, and in violation of every principle of justice and right.

Not only that; it did not stop there; military possession of those States was continued until long after the election. The Legislature of South Carolina was organized, not by the members who were elected to it, but by the Administration here in Washington through the use of Federal troops. I hold here in my hands the official telegrams relating to that organization. There was a dispute about certain members from Edgefield and Laurens who held the certificate of the supreme court; they were to be ejected. Governor Chamberlain sent this telegram to Washington City:

COLUMBIA, S. C., *December* 1, 1876. (Received 5.40.)

Hon. J. D. CAMERON,
Secretary of War, Washington:

Cannot Edgefield and Laurens men be removed? They are now acting as members, and have no credentials. If they are removed, the house can act and order be restored. Cannot we be protected against unlawful intrusion, when we have no power to enforce the exclusion?

D. H. CHAMBERLAIN,
Governor.

Then followed a telegram from the Attorney-General to Governor Chamberlain, and also one to General Ruger from the Secretary of War. Here they are:

WASHINGTON, *December* 2, 1876.

Gov. D. H. CHAMBERLAIN,
Columbia, S. C.:

The President thinks that you should exercise your own resources as governor in behalf of the Legislature which you have recognized, by assisting it to purge itself of unauthorized persons.

If you are resisted in this, General Ruger has been instructed to enforce your authority.

ALPHONSO TAFT,
Attorney-General.

—

WAR DEPARTMENT,
Washington, D. C., December 2, 1876.

To General T. H. RUGER,
Columbia, S. C.:

The governor of the State of South Carolina should exercise his own resources to purge the Legislature which he has recognized of unauthorized persons. If he is resisted in this, it will become your duty to enforce his authority.

J. D. CAMERON,
Secretary of War.

Subsequently the following telegrams were sent in relation to the same subject:

EXECUTIVE MANSION,
Washington City, December 3, 1876.

General T. H. RUGER,
Columbia, S. C.:

Fearing your instructions may be conflicting and leave you in doubt as to your duties in the present unhappy condition of affairs in South Carolina, I wish to say this: Governor Chamberlain is the legal constituted governor of the State, and remains so until the Legislature canvasses the vote and installs his successor; and he is entitled as such to your support and protection. It is a civil duty to organize the Legislature devolving on State authorities. All you can do is to prevent unauthorized persons from forcibly interfering with the governor and other authorized officers in the performance of their duties. To be plain, I want to avoid anything like an unlawful use of the military, but it will be entirely right to sustain the governor, or any of his agents or officers, in the performance of any duty in connection with the Legislature if interfered with by outsiders while in the performance of that duty.

U. S. GRANT.

—

COLUMBIA, S. C., *December* 5, 1876.
(Received at 1.45 p. m.)

To Hon. J. D. CAMERON,
Secretary of War, Washington, D. C.:

General Ruger announces this morning that he will no longer guard doors of State-house. The city is filled with armed and violent men. There is greater need than ever before of protection of State-house. Specific orders must be sent respecting this matter at once, in order to avert riot and bloodshed. Vacillation here now is most unfortunate.

Please answer. All I ask is that State-house be protected against violence.

D. H. CHAMBERLAIN,
Governor of South Carolina.

—

WAR DEPARTMENT,
Washington City, December 5, 1876—3.20 p. m.

To Governor D. H. CHAMBERLAIN,
Columbia, S. C.:

General Ruger's instructions are to protect the Legislature from all outside interference, and those instructions will be repeated.

J. D. CAMERON,
Secretary of War.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KENNA. I take the floor and yield my time to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. I thank the gentleman for his courtesy.

I hold in my hand the official testimony taken in relation to use of troops at the presidential election before a special committee of the last Congress of which the honorable gentleman from New York [Mr. WOOD] was chairman and I was a member. The publication of this testimony could not be obtained at the time, but I have it as it was written. In it I find the testimony of General Ruger in plain and unmistakable terms that he construed these telegrams to him to mean that the Laurens and Edgefield members and the other conservative members of the South Carolina Legislature were the "unauthorized persons." And he interpreted these telegrams aright, for they could have no other significance; and accordingly he took steps to enforce these orders. The telegrams and the testimony of General Ruger I will insert in my remarks.

General Ruger sent word by his orderly to the Legislature of South Carolina, after the two bodies convened in the hall of the State-house, telling the conservative members that they must not be there at twelve o'clock on the next day. In obedience to that order they withdrew, and having withdrawn, a committee waited upon General Ruger and asked him if these members would be permitted to return the next day, and he told them that they must not go back. Here is the testimony of General Ruger:

Question. Did you give Governor Chamberlain any assurance that you would aid

his force in excluding anybody at that time from the hall of the house? I mean while the two houses were in session together.

Answer. I had some orders in reference to that subject, but I gave Governor Chamberlain no such assurance, prior to receipt of such orders, that I would aid him in excluding any members.

Q. What orders did you have?

A. I think you have the telegrams here.

Q. At a still later period than that you did make some order in reference to the exclusion of certain persons from the house?

A. A committee of the conservative legislature called upon me and submitted certain propositions in writing; I do not recollect now exactly the words, or perhaps the substance, but they asked that they should be permitted to occupy the hall as the legally constituted Legislature. I told them that if their body went to the hall for the purpose of entering there as the lower house of the Legislature they would not be permitted to enter, that is, that if they were refused admission by the civil officers or the civil guards at the door; and if the doorkeeper should call upon the military officers there to prevent their forcible entrance or assist in doing so the officers would prevent it. That was after they had gone out in the first place and when they proposed to go back, but they did not go back.

Q. What authority did you have or for what reason did you make that order?

A. My reason for it was the instructions which I had and my understanding of my duty under the circumstances. Governor Chamberlain called upon me before that for assistance in enforcing the authority of the speaker, I think. He made a verbal application and afterward made an application in writing the same day. That was, I think, on the 30th of November. I had declined and had reported the state of the case to General Sherman, and the dispatch which I received in reply to that was that he (the governor) should exercise his own resources to purge the Legislature he had recognized of unauthorized persons, and in case he was resisted that I should assist him. I think those were the words or substance.

Q. That was in reference to the members from Laurens and Edgefield Counties?

A. I presume so. I had also before that application by the committee of the conservative house received a dispatch to prevent unlawful interference with the Legislature by outsiders.

Q. You left it to him to decide which was the lawful Legislature?

A. I considered that the other, that is the one called the conservative house, should be classed as outsiders. I did not assume anything as to the legal status, but I considered it within the intent of my orders that I should support the authority of the governor.

Q. I think you did not get quite through your statement as to your answer to the committee that waited upon you.

A. The substance of it was, that if they appeared there, as proposed, for the purpose of occupying the hall of the house of representatives, and if they were refused admission by the persons at the door—the State constables or persons having charge as doorkeepers—and such persons should call on the officers in command of the troops at the State-house for assistance to prevent their entrance, it would be his duty under his orders to give it. If they were granted admission, of course I should not have prevented their entry.

In response to a question whether General Ruger had not sent his orderly to exclude the conservative members when both parties were in the hall, he said:

A. I did at one time send word to Speaker Wallace by Major Maginnis that at twelve o'clock the next day the members from Laurens and Edgefield should or must not be there. My impression was that the Legislature would adjourn that evening, and that when they came back at twelve the next day these members should not come. But that had nothing to do with the application by the governor. Several gentlemen had been to see me before that, and had asked whether I should give orders to exclude the members who had certificates signed by the secretary of state or prevent their entering the hall. I said that I should not. They asked if I would say that the members who had certificates from the supreme court might go in; I said I would not consent. That would have brought up a new subject, and I did not know what it might call forth; also I did not regard it within my authority. I was told by these gentlemen that the members who had the certificate from the secretary of state would probably go to the hall, and when I heard that the conservative house had gone up and taken possession of the hall, I thought that I had not been fairly treated. I suppose that Mr. Wallace knew of this conversation.

Q. While the two bodies were in the house together and while the two speakers were on the stand, was word sent by you to Mr. Wallace, the speaker, that at twelve o'clock the next day the Laurens and Edgefield members must not be there?

A. I do not remember that I said that they must not be there; I think I said either must or should not, but which expression I used I do not remember.

Q. Do you know whether that message was repeated the second time?

A. I think not. I told Major Maginnis to say to Mr. Wallace that these members should not or must not be there at the time of meeting next day.

Q. Were they in the House at that time?

A. Yes, sir; so I understood at the time. I gave the message to Major Maginnis.

So it is, Mr. Chairman; in a free Republic, with a constitution and laws, an Administration is permitted to use the Army to overawe the people of the States, to run their elections, to organize their Legislatures, and to defeat their will at the ballot-box.

I have said this much in justification of the proposition to reduce the Army. If we cannot limit the use of the Army to its legitimate scope, if we cannot keep it within the purview of a proper military service, then it is better for the liberties of the people that there should not be a single, solitary soldier in the whole country. I however would give a sufficient force to protect the border, but I would prohibit the President and his Cabinet from the illegal use of that Army committed to its care for wise and patriotic purposes. Let the power of the law and the condemnation of an outraged people be visited upon all who would abuse this highest of trusts.

But however much we increase the Army, even if we increase it twofold, there is no assurance that the Texas or Indian border will secure an increased force. In the years since the close of the war we had an Army of twenty-five thousand, thirty thousand, and forty thousand men; yet the Texas border has not been furnished on an average two thousand men for its protection. Why, sir, the whole Indian border, out of all this Army has not had an average force of ten thousand troops. The remainder of the force has been patrolling the Southern States during the time of elections under orders from Washington, for the purpose of installing into power in the Federal Government men who could not get there by the voice of the people, uninfluenced and unawed.

There are always rumors of alarms of Indian outbreaks and communistic troubles on the eve of the passage of the Army bill, but when the appropriations are once made the rumors cease and the unconstitutional and illegal use of the Army continues. For these reasons I heartily second any effort for the purpose of reducing the Army and especially of bringing it within the true scope of its legitimate duties. [Here the hammer fell.] I withdraw the *pro forma* amendment.

Mr. WRIGHT. I renew the amendment to the amendment. Mr. Chairman, the report of the Secretary of War to the present Congress contains this language:

It must now be accepted as a fact, which experience has demonstrated, that Federal troops may be required not only for the protection of our frontiers, but also to preserve peace and order in our more populous interior.

* * * * * * * *

The Army is to the United States what a well-disciplined and trained police force is to a city, and the one is quite as necessary as the other.

* * * * * * * *

The great value of a strong Federal force stationed in the vicinity of our great cities would be seen in the prevention of mobs and violence, probably far more than in their suppression.

Now, I want to know whether the doctrine is to be established in this land that a State of the Union is a province to be supervised, protected, and governed by the central power of the General Government. This doctrine which is contained in the report of the Secretary of War is monstrous. The language of that officer does not contemplate merely that in the event of trouble or difficulty troops shall be brought from their several stations, but it asserts that it is right and proper they should be stationed near to our cities and populous towns. God forbid that the day should ever come in this country when it shall be necessary that a part of the regular Army be stationed near Philadelphia, near New York, near Boston, in expectation of a revolt. Its purpose would be coercing the people and holding them in terror. We want no such interference by the General Government with the sovereignty of the States. The Army was never established for any such purposes. It is in violation of the principles of the Government and opposed to the sovereign power of the States. Our Government is based upon the intelligence of our people. It is not a government founded upon military power.

Sir, this is not a military Government. John Randolph in the first speech which he made in the old Capitol after his return from England, more than a third of a century ago, used this remarkable language:

Sir, I have been to see the English government. I did not find it in crowned heads, nor lords, nor commons; but I saw forty thousand men dressed in scarlet, with their bayonets gleaming in the sunbeams; and that, sir, was the English government.

This was the language uttered by that great statesman. The English government rests upon bayonets: ours upon the common consent of a free people—the expressed judgment of the majority. We do not want armed men stationed about our great cities; we do not want them at the ballot-boxes; we do not want them at our thresholds to watch our movements. These are not the places for an army. Its place is upon the frontier. I will vote for all the men that may be necessary to protect our frontier from invasion; but I object to stationing armed men in the States, upon the pretext that they are to be regarded as provinces which the General Government is to protect. They are not provinces; they are sovereign States.

Sir, in the name of the great State that I in part represent let me assert that Pennsylvania is able to protect her own people from insurrection at all times and upon all occasions.

We do not want the Army to come there. Last year a part of the Army was sent there against our will; and it did no good. The troops sent to my district did more harm than good; in my judgment, and so thought the best men of my district, they only excited the people and added fuel to the commotion.

Mr. WILLIAMS, of Michigan. I wish to ask the gentleman whether he did not have United States troops stationed in his vicinity last year?

Mr. WRIGHT. The republican governor of the State had the United States troops brought there; but I cannot say at whose suggestion. They came, and they had generally a very good time, and then marched away. I saw no mobs to disperse; I saw no property destroyed. I have already said in the early part of this session that there was no occasion or necessity for bringing those troops there. The declared purpose of sending them was to prevent disorder, confusion, riot; but in my district there was no disorder or confusion or riot.

In the absence of these I could not see the necessity of troops. Had the thousands of dollars which it cost the State to support this Army in my district been expended for the relief of hungry men, in my judgment it would have been a wiser and more benevolent measure. This employment of troops under the pretext of preserving order does not comport with my idea of free government. It means coercion on its face. It sounds too much of privileged classes. Who is to judge of the time and occasion when the military power, which the Secretary of War recommends to be posted about our cities, should receive orders to advance? Will it be the civil authorities of the city or some beardless lieutenant in command? This is strange language to come from the head of the Department of War. It is to be hoped that it will not be again repeated. New York and Philadelphia and Boston and Baltimore to be converted into military posts! Has the necessity of such a policy arisen? It is to be hoped not.

[Here the hammer fell.]

Mr. PATTERSON, of Colorado. I renew the amendment.

Mr. Chairman, I notice that the views of most of the members on this floor are largely colored by the views of the constituencies they represent. Members from Pennsylvania vote with remarkable unanimity in favor of the existing tariff; those from the New England States support almost solidly one line of financial legislation. Is it to be wondered at, then, that those living in the West, whose interests are of greater moment, because they are interests of property and life, should be united with like unanimity when the question put to them is, shall we curtail the protection which it is the duty of the Government to give to their people?

Living in a State with three hundred miles of Indian frontier, I cannot bring myself to say that it is a wise policy to reduce the effective force of the Army. Throwing aside the political or semi-political uses to which troops have been or may hereafter be put, I am convinced, from investigation, that to-day, on account of troubles and threatened troubles in the West, there is greater necessity for an effective military force than there has been during a number of years gone by.

Sir, before the years 1850, 1853, and 1854 the western frontier was marked upon our map by almost a continuous straight line drawn from north to south. The vanguard of civilization, the hardy pioneers now demanding protection, were then hovering upon the eastern shores of the Red and Missouri Rivers, ready to cross over and penetrate into the wilderness then wholly given up to the Indians. Since that period emigration has pushed its way into the very heart of the Indian country. The frontier of civilization is no longer designated by a straight line, but is marked by the Indian reservations established under the various treaties; and if members will but turn their eyes to the maps at either corner of this Hall they will see, by the blue and red blotches scattered all over their surfaces and designating Indian reservations, of what the frontier of this country consists to-day. Two hundred and fifty thousand hostile Indians are scattered throughout these reservations and are supposed to be confined upon them, while all around them upon their borders and constantly menaced by the restless savages are the homes and families represented here by the western Members and Delegates from the Territories.

Our western frontier is now the entire region west of the one-hundredth meridian. These reservations are so many smoldering volcanoes of murder and rapine, ready to burst out without a moment's warning, to carry the horrors of Indian massacre by the glare of burning roofs and smoldering firesides in every direction from their borders.

The gentleman from New York, [Mr. HEWITT,] in alluding to the conditions which he thought should now prompt a reduction of the effective force of the Army, made the point that some fifty-seven posts were ready to be abandoned as being no longer needed by the Government for the protection of its people. Sir, that was true to a certain extent, but the gentleman from New York failed to state that as military posts in Kansas, Nebraska, Colorado, and other western localities become ready for abandonment as the country settles up, new necessities arise farther to the west, which in reality call, not for the abandonment of these posts, but for the creation of new posts and the transfer of troops to them within the same scope of country.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEWITT, of New York. Will the gentleman from Colorado add that I did state new posts were to be built to the extent of ten called for by the Army, and the committee allowed for them?

Mr. WHITE, of Pennsylvania. I will take the floor, Mr. Chairman, and yield my time to the gentleman from Colorado.

Mr. PATTERSON, of Colorado. I thank the gentleman from Pennsylvania.

Now, sir, I maintain that if fifty-seven posts may be abandoned, for every one of such in either of the departments of Dakota, the Platte, Missouri, or Texas a new one must necessarily be constructed in some other locality in these departments. Why, sir, we have a strong proof of this in the necessities of the State I represent. There, as the Secretary of War says, Fort Garland may be abandoned; but the War Department has asked of Congress on three separate occasions that an appropriation be made for the purpose of erecting new posts in its stead farther to the west and in the immediate vicinity of the three thousand Indians in Colorado, who, on account of the neglect of the Government to fulfill its treaty obligations, are ready to burst out at this moment in open war and carry all its horrors to the homes of its people

I desire to say in this connection that my opposition to the reduction of the effective force of the Army is not a captious one. While I am opposed to the proposed reduction, feeling that it is a practical question presenting itself for approval or rejection to every member upon his own knowledge of the wants of the country, whether he is conversant with the science and theory of military organization or not; I am willing to yield whatever opinion I may have as to the details of organization to the superior judgment of the Committee on Military Affairs, who have given their best thought to the subject, and shall vote for the new organization provided for; but I cannot vote to reduce its fighting force below 25,000 men.

Why, sir, if I should vote for the reduction and the threatened outbreak should occur in the State I represent, after millions of dollars of property had been destroyed and hundreds of lives lost I could not very well appease the indignation of my constituents by attempting to prove to them from the figures of the gentleman from New York that twenty thousand men were as effective for their protection as would twenty-five thousand have been.

We have called from that State time and time again for troops to protect our people and allay their fears, and time and time again has the answer come back that the Government had not the troops at its disposal; that if troops were taken from the neighborhood of other reservations those frontiers would be exposed and like dangers would threaten them. [Here the hammer fell.] I withdraw the formal amendment.

Mr. KEIFER. I renew it.

Mr. Chairman, I do not defend the Army of the United States and here speak for its preservation because I come from a region of country or State which hitherto has had to appeal to that Army to preserve the peace and good order of the community. We were fortunate enough in Ohio, within the last year, to have a Governor (Hon. Thomas L. Young) patriotic enough, strong enough, brave enough, and with moral courage enough, to declare, when there was danger in our State, (to use his own words,) "I will not call on the United States for troops until every able-bodied man in the State of Ohio has been whipped." And he went through on that declaration. But we saw in the East, in Maryland and West Virginia, democratic governors appealing to the President of the United States for troops to preserve peace and order and property in their respective States.

In the West we witnessed the same thing, a democratic governor of Indiana appealing to the President of the United States for troops for the same purpose. In all, ten governors in the last year have made requisition upon the President of the United States for troops to quell disorders. The State of Ohio took care of its own troubles when danger threatened.

But it is not my purpose to pursue this line of argument. It is my duty, as I deem it, as a member of this House to look to the interests of the whole country, and not confine myself to merely local considerations.

The Committee on Appropriations have assumed to report a bill to this House for the reorganization and future government of the Army. The chairman of the Military Committee [Mr. BANNING] said in his speech on yesterday that it became the duty of Congress each year to provide an Army. This is as I understood him. His speech is not in the RECORD this morning. Is it possible that the Army and Navy of the United States have annually to depend for existence on the action of Congress or a single branch of the National Legislature?

The gentleman from New York [Mr. HEWITT] who has charge of this bill indicates that he borrowed his work from the chairman of the Committee on Military Affairs.

This is a warning to the country of what is to be the future policy of the dominant party in this House. Our Army is to be dependent from year to year on the will or political whim of Congress. It may be valuable to examine the history of the proposed legislation in this Congress. It must not be forgotten that the policy of the last House at its last session was to have an army without pay. Upon failure of appropriation again, the Army is to be disbanded. But let us look to the proposed legislation of this House in chronological order.

The chairman of the Military Committee, [Mr. BANNING,] on October 29, 1877, (see RECORD, volume 26, page 179,) introduced a bill (H. R. No. 293) to repeal section 1218 of Revised Statutes, prohibiting the appointment of persons who have served in the civil, military, or naval service of the so-called Confederate States. I give the section proposed to be repealed hereafter.

The repeal of this section indicated to the unsophisticated an ardent desire to open the doors to an enlargement of the Army. Such persons could only see in this that the honorable chairman had concluded that it was impracticable to get good officers from graduates of West Point and from late officers of the Union Army (or from civil life) without selecting from those who have served in some capacity in the confederate military, naval, or civil service.

On January 28, 1878, the member from Ohio, [Mr. BANNING,] in his capacity of chairman of the Military Committee, introduced a bill to reorganize and reduce the Army. It had many remarkable provisions. Section 42 of that bill provided for the repeal of section 1104, which authorizes the enlistment of two cavalry regiments of colored men; of section 1108, which authorizes the enlistment of two infantry regiments of colored men; of section 1218, already referred to; of section 1258, which limited the number of officers on the retired list to three hundred; and of section 1316, which excluded from appointment as cadets at the Military and Naval Academies persons who had been in the confederate service. I will give these sections here:

SEC. 1104. The enlisted men of two regiments of cavalry shall be colored men.

SEC. 1108. The enlisted men of two regiments of infantry shall be colored men.

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion.

SEC. 1316. No person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed a cadet.

Here is the section of the bill of the chairman of the Military Committee proposing the repeal of the foregoing sections:

SEC. 42. That sections 1104, 1108, 1218, 1258, and 1316 of the Revised Statutes, and

all other acts and parts of acts inconsistent with the provisions of this act, be, and they are hereby, repealed.

[Here the hammer fell.]

Mr. McCOOK was recognized, and yielded his time to Mr. KEIFER.

Mr. KEIFER. My time will not allow me to speculate on the motives for, purposes and designs in, blessings intended by, or evils which are expected to flow from the repeal of these sections now or in the future.

Section 41 of the bill of January 28, 1878, and a section found in a subsequent bill, is the most extraordinary ever proposed, so far as I can learn, in the annals of the American Congress or any other parliamentary body in the civilized world. I give the section here:

SEC. 41. That the troops herein provided for and all others authorized by existing law, including all officers of every grade and in every department of the Army, shall be retained in the service of the United States so long as Congress shall provide for their support, by specific appropriations therefor, and no longer; and if Congress shall refuse or neglect to make the necessary appropriations for that purpose at or before the expiration of the last preceding fiscal year for which such appropriations have been so made, such refusal or neglect shall be deemed equivalent to an express act for the abolition of the military establishment, and the Army shall forthwith be disbanded.

The section if enacted into a law would leave it in the power of Congress or a single branch thereof, by a failure to do its duty in making appropriations, to wipe out the entire Army of the United States. Such is the design of the section, plainly appearing by its language.

This section proposes to legislate in reference to our own violation of duty as members; to legislate in view of a violation of our oaths and the Constitution of the United States. We are required by our constitutional duty to make appropriations to carry on the military arm of the Government.

Now I have gone hastily over this legislation for the purpose of saying that it is not economy that moves some of these men to strike at the military strong arm of the Government. Nor is it the desire, as I think, to relieve the people of the country from taxes, as some of them say. It is not that, Mr. Chairman. If you look into this bill and examine it closely, you will find that it provides for something not known before, or rather it omits to provide for something. It omits to provide for the promotion of officers in their regular order to the highest rank in the Army. The thirty-fourth section of the bill reported by the gentleman from New York, [Mr. HEWITT,] the repealing clause of the bill, repeals by implication all the sections I have referred to and leaves the field open in case major-generals die or resign or vacancies happen for the appointment of others in their place without reference to whether they were in the Union Army or out of it.

[Here the hammer fell.]

Mr. CANNON, of Illinois, was recognized, and yielded two minutes to Mr. KEIFER.

Mr. KEIFER. Thanks to the member from Illinois. Under cover of a provision for promotions there is a proviso that second lieutenants shall be appointed from the graduates at the Military Academy or non-commissioned officers in the Army; but very adroitly the committee have left out of the bill any provision for promotions in the line of officers of the Army. It provides that all officers below the rank of colonel, before they shall be promoted to brigadier-general, shall first submit to an examination before a military board. There is no provision in the bill that a colonel or any other officer in the regular line shall be promoted in the order of his rank to the position of a major-general or any other higher office in the Army. We can see underlying this that which more plainly crops out in the proposed legislation of the distinguished gentleman from Ohio, the chairman of the Committee on Military Affairs.

I am very sorry I have not time allowed me to fully elaborate the vicious and dangerous legislation now proposed in this House.

Mr. CANNON, of Illinois. Mr. Chairman, I wish the millennium was inaugurated, then we would not need any Army and we could substantially dispense with any form of Government, for everybody would do right; but I fear it will not come in our time, so the people will have to maintain their Government, at the very foundation of which is the covenant that all the people will see that each citizen is protected in all his rights in the manner and form as is provided in the Constitution and laws; and when we fail to protect the people of Texas or any other State against invasion, and in a proper case against domestic violence, then we fail in one of the principal objects for which the Federal Government was formed. When we consider the extent of the country, the unprotected condition of the frontier and the Mexican border, it does appear to me that less than twenty-five thousand enlisted men is not sufficient to afford proper protection to citizens. This is not a large Army.

I have been somewhat amused at the labored efforts of the gentleman from New York [Mr. HEWITT] and the gentleman from Maryland, [Mr. KIMMEL,] as well as others, to give us the testimony of the fathers against a standing army, and the intimation that we who are not in favor of further cutting down the Army are departing from the teachings of the fathers. Now, I want to vindicate the fathers, not condemn them. What are the facts? The gentleman from Maryland [Mr. KIMMEL] informs us that in the year 1795 the Army numbered 5,793 men. At that time, as I now recollect, there were four millions of people in the country which made 1 soldier for every 690 citizens. How is it now? We have less than 25,000 soldiers in the Army and there are 45,000,000 of people in the United States, which gives 1 soldier for every 1,800 citizens. So it appears that the fathers, in proportion to the population as well as development of the country, had three times as large a standing Army as we the alleged degenerate sons have. The gentlemen from New York and Maryland are fond of figures. I ask their attention to this example in mathematics. I trust that our children may be enabled to cut down the Army, or rather to dispense with its use, but if it is necessary to protect the border, or enforce the guarantees of the Constitution, then I trust they will provide an army sufficient for this purpose, even if it has to be increased relatively to the size it was in the days of the fathers.

Now a word, Mr. Chairman, as to the use of the Army to suppress domestic insurrection. I do not want the Army to be used to police the States, but I am tired of listening to gentlemen who have been apologizing for the use of the Army in suppressing domestic insurrection when duly called for under the Constitution. Gentlemen who live in Maryland, West Virginia, and Pennsylvania must recollect that with the close connection by railroads between the States that we of the West are almost as much interested in the peace and quiet of their States as of our own. Last year during the riots in Pennsylvania, West Virginia, and Maryland the labor of over twenty millions of people ceased, all business was stopped, the plow stood in the furrow, and the ring of the hammer was not heard in the shop. All were thankful when the arm of the Federal Government was put in motion, as the Constitution provides, and domestic violence was suppressed, and law and order again reigned.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. SOUTHARD having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1201) for the relief of Drury Bynum; and

A bill (S. No. 796) for the relief of John Henderson.

The message further announced that the Senate had passed, without amendment, a bill of the House of the following title:

The bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HANNA. I renew the amendment. As I understand it, the practical question before the House is simply this: whether or not the effective arm of the service shall be 25,000 or 20,000 men, as provided for in this bill.

Now, I have been a listener to this debate, and I am frank to say that I would have preferred to listen to the delegation from Texas and the Delegates from the Territories and the Representatives of the States that border upon the Territories rather than to gentlemen who live in cities like Cincinnati or in New York or at a conveniently safe distance. I have more confidence in the judgment of men like my friend SCHLEICHER from Texas, who lives upon the border, or my friend from Colorado, [Mr. PATTERSON,] or these young gentlemen from the Territories, than I have of those who are always at a safe distance and spend their time in looking over figures.

I find, on casting my eye over the House, that the opposition to the Army might be divided into three classes: first, those who have more or less jealousy toward the regular Army; secondly, those who have more or less feeling toward the regular Army by reason of its effective use in the past; and, thirdly, those who under the pretense of economy would cut down the Army regardless of the question of adequate protection and security to the lives and property of our citizens. Now, I take the ground that whenever this Government, able as it is to do so, will not furnish adequate protection and security to all its citizens, whether they be in Texas or in Montana, it deserves the scorn and contempt of mankind. No party can afford to take that position; and let me say to my democratic friends that if on the pretense of economy you rob the people of Texas and you rob the people of the Territories of adequate protection, the time will come when you will not only merit, but you will receive the scorn and contempt of every patriotic man in the land.

Economy! Let me submit if it would not be wise economy to furnish the men who live upon the border a force sufficiently adequate to secure protection and furnish it even in advance of incursions from Mexico. The expense of furnishing a few thousand soldiers is not great and the effect of their presence is a guarantee of security to the people of Texas. They would stand there in the face of Mexico as a bulwark and would shield the people of Texas even perhaps without the actual use of arms. And it would be economy to do it rather than to wait until after our fellow-citizens are slaughtered and then incur the expense of raising an army rapidly either by volunteering or by enlistments in the regular Army after the mischief is done.

Were I a member from Texas, as I am from Indiana, my voice

would be heard here not only by way of supplication but by way of demand that you furnish adequate protection to my people. They have a right to demand it.

[Here the hammer fell.]

Mr. PHILLIPS. I renew the amendment. I rise for the purpose of correcting an impression which the gentleman from New York [Mr. HEWITT] who has charge of this bill and the gentleman from Ohio, [Mr. BANNING,] its putative father, have persistently thrust upon this House. They say that the proper officers of the Army have not recruited the Army up to its standard of 25,000 men; that it is little over 21,000 men, and that the full amount has not been needed for the public service or it would have been had. Now, I want to tell the gentlemen and the House what the facts are. We have to-day, according to the reports of those having charge of the service under the Adjutant-General, in service, as borne on the latest reports, 23,417 men, and there are also 500 or 600 recruits unassigned. The Adjutant-General of the Army has been compelled to check enlistments for fear that those recruited at the enlistment stations might get above the 25,000 men allowed by law, which is all that can be paid. Gentlemen will remember that the reason why we had no enlistments last year was that, for six months, we had no Army appropriation bill. They will remember that the House, in the last Congress, caused the failure of the Army appropriation bill because the Congress would not consent to the reduction of the Army in an appropriation bill, and until Congress met in October last and was able to mature a bill which did not change the law, but was, partially at least, what an appropriation bill should be, there were no means of enlisting men for the Army. By a law of last Congress, 2,500 men were required to be mustered out arbitrarily, and all last summer, and for more than a year, the Army had suffered very heavily from casualties. Since we furnished him appropriations to recruit with at the close of last year, the Adjutant-General has recruited just as fast as he had means to do it, and he has got the Army nearly up to the standard. That is the reason why the enlistments have not been full before, and it was the majority on the other side of this Chamber that was responsible for it. Why should they refuse the funds for enlistment and accuse him for not making enlistments? The gentleman from New York [Mr. HEWITT] in his speech gave a list of the posts that he says can be abandoned, and the abandonment of which will show a decreased use for the Army, and for such reasons that the Army should be reduced. And that list includes nearly every post in my State upon the frontier.

Mr. HEWITT, of New York. That is the report made by the generals themselves; I am not responsible for it; I am only taking their statements.

Mr. PHILLIPS. I will not raise a question of veracity with the gentleman, but I doubt that very much. I find in the list of forts Fort Lyon, Fort Wallace, Fort Hays, Fort Harker, and Forts Larned and Sheridan, and these are all forts in which soldiers are now stationed. These are forts on the frontier, now occupied and urgently needed, and I do not believe any general has reported that troops are not needed there.

Mr. HEWITT, of New York. In Executive Document No. 75, just sent in by the Secretary of War, the gentleman will find all the information he seeks.

Mr. PHILLIPS. I will state as a matter within my own knowledge, that these posts are active posts to-day, defending the frontier, and the gentleman from Colorado and the gentlemen from my own State know that very well, as many other gentlemen, all gentlemen at all familiar with the matter, know. They are posts garrisoned by troops to-day. There may have been letters of some officers recommending relocation of troops for certain reasons or because there were not troops enough in that department. These posts cannot be abandoned consistent with the public safety. The gentleman from Pennsylvania [Mr. BRIDGES] moves to reduce the Army to fifteen thousand men, as an amendment to the bill which reduces it to twenty thousand men, and these propositions are the real question this bill presents to this House for its present action. On the motion to fix the number at twenty-five thousand, as now fixed by law, the whole of this bill rests. He has said that on the Texas frontier the State can repel invasion. He has said that we do not need an Army there; if Mexico permits raids upon our territory we can compel her to give us indemnity, if necessary by annexation. If we declare war against Mexico, where is he going to get his Army from? Does he propose to reduce our Army at the very moment he contemplates war? Does he design that every State adjoining the frontier of another country shall raise troops and go to war with that country? Is that the way to maintain our relations with foreign countries? Is it sufficient? Would it be safe? Is that the economy he proposes, or can States be permitted to carry on war with foreign countries?

Mr. BRIDGES. I propose to hold Mexico responsible for all the injury she does to American citizens.

Mr. PHILLIPS. How?

Mr. BRIDGES. By our Government calling upon the Mexican government to give us redress.

Mr. PHILLIPS. I understood you to say that Mexico should keep men upon her border.

Mr. BRIDGES. If she did not give us redress, then the Government should declare war against her.

Mr. PHILLIPS. Are we not as much bound to protect our frontier as Mexico?

Mr. BRIDGES. And if we follow that course we will get another slice of Mexico; and if that is not sufficient we will get another slice, and by and by we will have the whole of it.

Mr. PHILLIPS. Does the gentleman propose to get slices of Mexico by exposing our defenseless citizens on the frontier to murder?

Mr. BRIDGES. No, sir; I do not do that. I propose that our Government shall give notice to the Mexican government we will hold them responsible for all the depredations they commit upon the property of our citizens.

Mr. PHILLIPS. And, contemplating war, you propose to reduce the Army?

Mr. BRIDGES. I am very willing that a sufficient number of men should be sent there for protection. We do not know how many troops are needed there, whether two thousand, three thousand, or five thousand. If five thousand are needed there, then let them go; we do not want them anywhere else.

Mr. PHILLIPS. Does not the gentleman well know that we never had troops enough on that frontier even with an army of twenty-five thousand men to protect our frontiersmen there and their property?

Mr. BRIDGES. Where are the troops, then? Where are they stationed?

Mr. HASKELL. Nowhere.

Mr. BRIDGES. Nowhere?

Mr. PHILLIPS. I tell the gentleman they are scattered over thousands of miles of country; scattered over immense regions, over which wild nomads rove; scattered along an external frontier of twelve or fifteen thousand miles, never adequate to the tasks assigned to that Army.

Mr. HASKELL. We have no troops to station anywhere; only a corporal's guard here and there.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Kansas [Mr. PHILLIPS] has expired.

Mr. COBB. I favor the bill now pending. This Government is based upon the consent of the governed, and I insist that you cannot maintain this Government by a standing army. It may be well enough to have a standing army to protect our frontiers. The only question in my mind is whether or not the number of men provided for by this bill is sufficient for that purpose. From the best investigation I have been able to give the subject, I believe that the number provided by this bill is ample for that purpose.

The people of this country demand retrenchment and reform. It is provided for in this bill and it will meet their approbation, and anything further will meet their condemnation. I want to say this to my colleague from Indiana, [Mr. HANNA,] for whom I have great respect: he has said that any party that stands in the way of what I understand him to mean the increase of the Army will meet the condemnation of the people. Now, I say to him that I am ready to meet the condemnation of my people so far as they are disposed to put it upon me for voting for this bill.

Now, so far as police regulations are concerned, and I would not have spoken upon this bill but for that, it has been charged here that the governor of Indiana during the great strikes of last summer called upon the President of the United States for troops. I deny it; he did not do any such thing.

I will state another thing; that the mayor of Indianapolis, and I say this for the benefit of the gentleman from Minnesota, [Mr. DUNNELL,] and I make the statement in the hearing of my colleague from the Indianapolis district, [Mr. HANNA,] the mayor of Indianapolis, together with the governor of Indiana, refused to call upon the President of the United States for troops. They refused to have any military authorities take charge of the strike at Indianapolis.

I was present when the trial was going on in the district court of the United States of the charge of contempt against some of the strikers. I heard the evidence of the mayor of Indianapolis, Mr. Cavin, whom I have known for twenty years. I heard him state that he did not believe there could have been military force enough concentrated at Indianapolis to have suppressed that strike. And further, when the question was propounded to him why he did not swear in a sufficient police force to suppress the strike, he stated under oath in court that the reason why he did not do it was because he did not believe there were men enough in the city of Indianapolis to be sworn in upon the police force to suppress the strikers.

As the evidence clearly shows in that case, and the evidence is upon record, there was no necessity whatever for a military force. Mr. Cavin, the mayor of Indianapolis, together with Governor Williams, was in consultation with the leaders of the strikers every day, and they had their promise that no injury should be inflicted upon public property or upon private property. If troops had been sent there, it was the opinion of Mayor Cavin that it would have produced a collision at once and a great destruction of property.

One other thing which I know in regard to that matter: I myself live in a railroad town. There was a strike there; and over five hundred strikers were banded together. They refused to allow any trains to run except mail and passenger trains upon the various roads. I was in consultation with the leaders of those men, and they told me that if troops came there they would defend themselves; but as long as they were allowed to meet and determine what course they should pursue in reference to going to work, and were permitted to make a compromise with the managers of those roads, they would remain quiet, and they did remain quiet.

Finally, fifty troops were sent down there; but I state here upon my honor, and it will not be contradicted anywhere, that before they came I, together with the good citizens in my city, had got the "strikers" to agree to disband and go to work. I state with equal emphasis that if those troops had come there two days sooner, in my judgment, the machine shops of the Ohio and Mississippi Railroad, together with much property adjacent, would have been destroyed. I have said this much, Mr. Chairman, in answer to the charge that the governor of Indiana, being a democrat, as we know he is, called upon the President for troops. He did not; he refused it.

Mr. KEIFER. Do you say that he did not call upon the President?

Mr. COBB. I say he did not call upon the President for troops.

Mr. KEIFER. What did he call upon the President for?

Mr. COBB. He did not call on him for anything to my best recollection.

Mr. CANNON, of Illinois. Then the gentleman says there was no correspondence between the President of the United States and the governor of Indiana?

Mr. COBB. No, sir; I do not say that. He did telegraph to the President——

Mr. BAKER, of Indiana. He telegraphed to the Secretary of War for assistance. It seems that he had not the requisite legal knowledge to make a formal requisition. [Laughter.]

Mr. COBB. It may do for my colleague to make that statement; but I will say that the governor of Indiana understands how to govern that State as well as the gentleman or any of his friends; and this he has shown by his acts.

[Here the hammer fell.]

Mr. HANNA. I believe the gentleman will bear me witness that I did not say a word about the governor of Indiana or about "strikers."

Mr. COBB. No, sir; I was replying to my other colleague.

Mr. CAIN obtained the floor and yielded one minute to Mr. GARFIELD.

Mr. GARFIELD. In reply to what the gentleman from Indiana [Mr. COBB] has just said, I ask that the paper which I send to the desk, be read.

The Clerk read as follows:

[Telegram.]

INDIANAPOLIS, INDIANA, *July* 26, 1877.

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

In view of the threatened domestic violence growing out of the railroad strike, I request that authority be at once given to the commandant of the arsenal to render me all the aid possible in preserving the public peace.

JAMES D. WILLIAMS,
Governor of Indiana.

[Laughter and applause on the republican side.]

Mr. COBB. Now, Mr. Chairman, if you will allow me, that is no call. The matter is just as I stated. I admit the fact that there was some telegraphic——

Mr. CANNON, of Illinois. The governor was laying a trap for the President.

Mr. COBB. That may be; I do not pretend to speak as to that; but I state the fact——

The CHAIRMAN. The committee will come to order and gentlemen will resume their seats.

Mr. KEIFER. Then the gentleman from Indiana [Mr. COBB] withdraws his statement.

Mr. COBB. No, sir; I do not. If I may be allowed I can explain this matter in a moment.

The CHAIRMAN. The gentleman from South Carolina [Mr. CAIN] has the floor, and the Chair cannot at this time recognize any other person as entitled to speak.

Mr. CAIN. Mr. Chairman, I should not at this time obtrude any thoughts on the House but for an allusion which has been made in the course of this discussion to the employment of the Army in the State of South Carolina during our last election. I wish to say that whatever may have been the course pursued by the Administration at that time, it ought not to have any bearing upon the question now before the House involving the maintenance of the Army and the honor of our country.

The gentleman from Ohio [Mr. SOUTHARD] was pleased to read from evidence taken in the State of South Carolina, which he adduced as one of the reasons why the Army should now be reduced. In my judgment there was ample reason why the Army should have been used in South Carolina at the period referred to.

It will be borne in mind that the Constitution makes it the duty of the Legislature or the executive of a State to call on the General Government for aid in times of insurrection or rebellion. Mr. Chamberlain, then governor of South Carolina, did but perform his duty, according to his view, in calling for troops; and I think the evidence will bear me out in the statement that at no time in the history of our troubles in South Carolina have the Federal troops been sent into that State or used there except in pursuance of a call made by the executive of the State in pursuance of authority conferred by the Constitution. Sir, it is no less the duty and the privilege of the governor of South Carolina than of the executive of any other State to invoke the aid of the Federal Government when required in time of insurrection, rebellion, or domestic violence. The Constitution makes it the duty of the Federal Government to protect its citizens in the full enjoyment of all the rights guaranteed to them by the laws and the Constitution. It is also made the duty of the State executive to call for the assistance of the Federal Government in this direction.

Sir, it is a remarkable fact which gentlemen here forget to note that while in those counties of South Carolina in regard to which complaint is made there were but one hundred and seventy-one troops, there were at the same time over seven hundred rifle clubs organized in the State. The number of troops in the whole district was only two hundred and two, scattered about in seven different departments.

Mr. JOYCE. I will take the floor and yield my time to the gentleman from South Carolina.

Mr. CAIN. It seems to me, Mr. Chairman, whatever may have been the difficulties of the past as this is the era of shaking hands over the bloody chasm, of general conciliation, the era of friendship and goodwill—it seems to me at this time this Government should give its attention to the general welfare of the whole people and for the maintenance of the Army intact that it may suppress insurrection wherever it may lift its head and the protection of our frontiers wherever threatened. The Government should secure to the citizens of this Republic the fullest protection. That is the duty which this Government owes to every citizen. For, sir, ours is a great and a growing country. It is growing in population along the lines of travel into the vast country unexplored and unsettled. Indians are rising up in different sections to retard our advancement. If the Government does not give protection there must be an end to all advancement. There must be an end to the marvelous progress heretofore witnessed. Therefore I think the reasons given by gentlemen for the reduction of the Army do not have such weight as should induce us to vote with them.

South Carolina has done her duty in every respect, and she will still continue to discharge her duties and obligations to her people and to the Union. The authority conferred upon the Government to protect its citizens is indeed one which should be continued.

If we strike down the Army we will take away the means of adequate protection on the part of the Government. This, it appears to me, is no time to retrench in that direction. Ours, I repeat, is a great and growing country. Millions are pushing forward to accomplish the purposes of civilization, and every advantage should be given them to advance their prosperity and to protect them in all their rights. The troops, so far as the States are concerned, should also be used for the protection of the people at home.

I think there is more involved in this question than is found on the surface. There is a destiny for this nation; there is a great and glowing prospect before us. We must give such strength and such power to protect the country as is necessary for its advancement. Having said thus much, I hope this question may be determined as is best conducive to the interests of the Government and the whole people.

Mr. COX, of New York. If the amendment to reduce to fifteen thousand were not pending, I would make a substantial amendment to strike out "twenty thousand" and insert "thirteen thousand."

The CHAIRMAN. The gentleman from Pennsylvania who submitted that amendment has withdrawn it.

Mr. COX, of New York. Then I renew it, to make the number fifteen thousand.

It seems to me, Mr. Chairman, the House of Representatives in discussing bills of this nature gets away from the main question, that which concerns our polity and that which concerns our civilization. I know I am surrounded here by men who are soldiers; I see men on the other side who have been soldiers; but I believe the great idea of civilization and Christianity does not consist in killing one another. I have some old-fashioned Christian ideas in connection with armies. Of course I should not expect to impress any Christian idea upon this House at this time. [Laughter.]

What is an army? An army is an organized body for war. What is a militia? It is a body enrolled for discipline to be called out on emergencies. I venture to say, Mr. Chairman, that the whole theory, genius, polity, and system of our Government consists in having a militia instead of an army especially for internal work for the preservation of peace in the States and for State and personal liberty. That was the way in the old times we regarded the Army and the militia. I might go back to Jefferson's inaugural and startle the other side of the House, if not this, by reading some plain precepts.

The support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies. * * * A well-disciplined militia our best reliance in peace, and for the first moments of war, till regulars may relieve them.

[Laughter on the republican side of the House.]

What is there about that that is jocular? Why do the thorns crackle under the republican pot? [Laughter.] Till regulars can in some way displace the militia! I have not seen a regular on that side of the House. [Laughter.] "Regulars" simply means what the Constitution meant. The militia were not "regulars." Anybody who has been in a muster must have seen that in the old days.

In our Constitution, when providing that Congress shall have power to do so and so, it is said they shall have power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasion;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

The militia were to be relied upon in any emergency, not the regulars. It seems to me the gentlemen on the other side have got scared at the idea of some ghastly communism that is coming forward. The men only scare who are bad and do not do justice to the laboring people. Had labor its full justice done to it in this country there would have been no need and no call either for regulars or for the militia.

Now we have some twenty-one thousand regulars in this country. Where are they? Why, sir, in Texas, according to the report on the Texas border troubles, page 66, there are four thousand and thirty-one on that border, enough in all conscience for all purposes of border warfare. Where are the rest? Two thousand are scattered among the several States. What for? There are some twenty-seven hundred of what is called the staff service. What does the staff service include? The men detailed at West Point, hospital stewards, ordnance sergeants, commissary sergeants, Indian scouts, available recruits at depots, men detailed for service in the War Department. And there are some ten thousand out on our borders watching the Indians.

[Here the hammer fell.]

Mr. EDEN obtained the floor and yielded his time to Mr. COX, of New York.

Mr. COX, of New York. One word more. I say, Mr. Chairman, that the great idea of this country of military force connects itself by our history, by our traditions, and by ordinary good sense with the militia system. And now I come to the point, why is it that in New York State, whose militia acted so well during the last summer, and which is kept up at a great expense of millions to our people, we are at the same time compelled to pay taxes for a regular Army besides for certain purposes which our militia will fulfill in all regards? Are we to pay taxes for the militia of West Virginia, or of Pennsylvania, or of Maryland, or of Indiana, or any other State where they fail to keep up their own militia system? New York did her duty through her governor. No one reproaches her. And what I say is that this Congress should fulfill its constitutional duty and compel the States to keep up the militia system to the end that all these domestic insurrections may be suppressed by citizen soldiery and not by an army, a standing army, however small or however great, that may at any time be used for despoiling the people of their liberties.

Mr. PHILLIPS. Will the gentleman yield to me for a question?

Mr. COX, of New York. Yes, sir.

Mr. PHILLIPS. I wish to ask the gentleman if he can tell me how much it requires to pay the expenses of guarding the harbor of New York?

Mr. COX, of New York. When I answer that question fully, as I propose to do, I will send to my friend from Kansas the statistics in detail. I will say this to him now, that New York is the *entrepôt* of the commerce of the Union. Two-thirds of all our exports and imports are there. Two-thirds of our collections are there. The post-office even of New York is the post-office of Kansas, and when New York is guarded, Kansas is guarded. We stand before bleeding Kansas and protect you in your innocence and simplicity. [Laughter.] I will send the gentleman the statistics at my leisure.

I have only this, Mr. Chairman, to say in conclusion: that I do not believe an Army of twenty thousand men is needed for any good purpose in this country. If there is any design on the part of the Administration, of which we are not advised, I want to do as the English Parliament does—I want that we shall control the use of the Army. To-day they are debating in the English Parliament the question whether the English troops shall be used, or whether the India troops coming into Europe shall be used to fight Russia. The English Parliament says to the army "Thus far thou shalt come and no farther." They impose provisos and restrictions at all times on the use of their army. And it would have been the part of wisdom if you gentlemen of the South had adopted my amendment as to Louisiana four years before you did. If we had had the power of the sword as well as of the purse, we should have compelled honest government in Louisiana, South Carolina, and Florida four years sooner by having the purse-strings and the power of the sword together.

[Here the hammer fell.]

Mr. HASKELL. I desire to correct a possible misapprehension that may have arisen from the speech of the honorable gentleman from New York, [Mr. HEWITT.] In giving a list of the Government posts which he says may be peacefully, justly, and safely abandoned, he quotes in his speech letters from the commanding generals of the various departments. In regard to my own State, he recommends that Lyon, Wallace, Hays, Harker, Craig, and McRae be abandoned, and he quotes the letter of General Pope, commanding that district. But the gentleman from New York undoubtedly misinterpreted the letter of General Pope. He uses it as an argument for keeping there a less number of troops. But General Pope does not say that. He says:

> The larger the bodies of troops concentrated at any given point, the less will be the cost of supplying them. When to this fact is added the great benefit in discipline and efficiency they are certain to derive from concentration, it should seem that consolidation of posts ought to be the policy of the War Department. As before stated, the difficulty of making a concentration lies in the want of shelter at any of the points which might be chosen.

That is his argument. He says that if you abandon these posts you must concentrate the troops now scattered at the various forts all at one point right upon our borders; right where they are needed. He does not recommend the withdrawal of a single man, and toward the conclusion of his letter he says:

> With the understanding, therefore, that shelter for the troops now at the posts I shall refer to will be provided at the posts I suggest shall be maintained, I give a list of the military posts in this department which, in my opinion, can be given up.
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> * * * * * * *
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> If it be not considered well to build quarters for the troops now occupying the posts to be given up, I have to say that the only posts which can be abandoned now are Fort Harker, Kansas, and gradually Fort Craig, New Mexico.

Now, the argument of the gentleman from New York to show that in the number of posts and frontier establishments the ratio has decreased from one hundred and ten to seventy-seven is all erroneous; that is not the statement of the commanding general; he would have more troops there than he has to-day, but he simply advises the diminution of the number of posts, in order to concentrate the number of troops at a given point.

If members of the committee will examine the map they will see that my State has four hundred miles of southern boundary lying along the line of the Indian reservations. They would see that, instead of that country being a wilderness, right upon the line of that Indian Territory, for two hundred miles, there is a rural population scattered there as thickly as it is in Maryland or Virginia. All along that line upon one side you see the smiling farms of the Kansas farmers, and you can see for miles and miles the dividing line between my State and the Indian Territory, for upon the one side there are farms, churches, schools, houses, and orchards, and upon the other the wilderness, inhabited by the savages. And it is from this country and from the posts scattered all along that frontier that the gentleman would have the troops withdrawn by cutting down the force of the Army.

Now the general commanding simply says that he would diminish the number of posts in order to concentrate a larger body at one place, so as to make them more effective, and it is wrong to place any officer on the western frontier in the position of saying that he has more troops than he needs and that the Army can be reduced.

The CHAIRMAN. The hour of half past four o'clock having arrived and that being the time fixed by the House at which it would take a recess, the committee will rise without further order and the Speaker *pro tempore* will resume the chair.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4857) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

GENERAL JAMES SHIELDS.

Mr. SPRINGER. This morning the Senate sent over a resolution asking for the return of the House bill in relation to placing General Shields upon the retired list of the Army. I ask unanimous consent that that resolution shall be taken up and the request of the Senate granted.

There was no objection; and the message of the Senate was read, as follows:

IN THE SENATE OF THE UNITED STATES, *May* 21, 1878.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the House bill No. 4245, authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

There was no objection, and the request of the Senate was granted.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. No. 933) to authorize the commissioners of the District of Columbia to refund a certain tax erroneously collected; and

A bill (S. No. 1021) for the relief of certain settlers on the public lands.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I give notice that I will not move to go into the Committee of the Whole on the state of the Union on the Army appropriation bill until to-morrow morning, and then I will move to go into committee immediately after the reading of the Journal, leaving the session of to-night for general business.

The SPEAKER *pro tempore*. The Chair will state that the session to-night is for general business, and that it is necessary that a quorum should be present, because any gentleman may call up this bill or any other.

Mr. BURCHARD. I give notice that I shall insist upon the regular order.

The SPEAKER *pro tempore*. The hour of half past four o'clock having arrived, by previous order of the House the House now takes a recess until half past seven o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

ORDER OF BUSINESS.

Mr. BUTLER. I rise to a privileged question.

Mr. DUNNELL. I ask the gentleman to yield to me to report a bill for printing and recommittal.

Mr. BUTLER. I am willing to yield for a time to gentlemen who desire to present matters that will give rise to no debate.

NAVIGABLE WATERS OF THE UNITED STATES.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported, as a substitute for House bill No. 2464, to declare and define the jurisdiction of the United States over the harbors and navigable waters of the United States, a bill (H. R. No. 4953) of the same title; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Commerce.

COIN BANKING ASSOCIATIONS.

Mr. HARDENBERGH, from the Committee on Banking and Currency, reported back, with an amendment, the bill (H. R. No. 2407) to amend sections 5185 and 5186 of the Revised Statutes; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

Mr. ATKINS, from the Committee on Appropriations, reported back the following bills and petitions; and the committee was discharged from their further consideration, and the same were referred to committees as indicated:

A bill (H. R. No. 4778) for the relief of Edward Kolb, of Washington, District of Columbia—to the Committee of Claims.

A bill (H. R. No. 3763) for the relief of Jonathan McNeal, of Laurel County, Kentucky—to the Committee on Military Affairs.

A letter from the Postmaster-General, recommending the appropriation of one month's pay allowed George H. Giddings, mail contractor on route 8076, between San Antonio, Texas, and San Diego, California—to the Committee of Claims.

The petition of William M. Patton, for balance of pay as messenger of $87.95—to the Committee of Accounts.

The petition of Daniel Lewis, laborer under Doorkeeper Patterson—to the Committee of Accounts.

SOLDIERS AND SAILORS' HOMESTEADS.

Mr. STEWART, by unanimous consent, introduced a bill (H. R. No. 4954) to amend section 2304 of the Revised Statutes of the United States, relating to soldiers and sailors' homesteads; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MISSISSIPPI LEVEES.

Mr. ROBERTSON, from the Committee on Levees and Improvement of the Mississippi River, reported back, with an amendment, the bill (H. R. No. 4318) to provide for the organization of the "Mississippi River improvement commission," and for the correction, permanent location, and deepening of the channel, and the improvement of navigation of said Mississippi River and the protection of its alluvial lands; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

METHOD OF ELECTING PRESIDENT AND VICE-PRESIDENT.

Mr. SOUTHARD. I am instructed by the select committee on the revision of the laws regulating the counting of the electoral votes for President and Vice-President, to report for printing and recommittal the joint resolution which I send to the Clerk's desk. I desire to give notice that on the 4th day of June, I will seek the floor to call up the joint resolution for consideration. I will also state that the minority of the committee have a report to be presented, which I ask may be printed with the report of the majority.

There being no objection, the joint resolution (H. R. No. 183) proposing an amendment to the Constitution in relation to the election of President and Vice-President, was received, read a first and second time, with the accompanying report and the views of the minority ordered to be printed, and recommitted to the select committee.

Mr. BURCHARD. All these references are with the understanding that the subjects referred are not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. The Chair stated to the House to-day and also stated yesterday, that when any bill is reported and referred by unanimous consent, it is the rule of the House that it shall not be brought back upon a motion to reconsider.

Mr. BURCHARD. The Chair will pardon me for saying that that is not the rule in respect to reports from committees. When a bill is introduced by unanimous consent for reference by a member, the rule is as the Chair has stated; but a report from a committee is an exception.

Mr. SOUTHARD. The select committee has the right to report at any time.

The SPEAKER *pro tempore*. It is understood that these references are not to be reconsidered.

SOLDIERS AND SAILORS' REUNION, NEWARK, OHIO.

Mr. SOUTHARD, by unanimous consent, introduced a joint resolution (H. R. No. 184) granting the use of hospital tents at the soldiers and sailors' reunion to be held at Newark, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FIELDING HURST.

Mr. HARRIS, of Virginia, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 3347) for the relief of Fielding Hurst; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. OVERTON, from the Committee on Commerce, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1268) authorizing the construction of a light-house on Half-Way Rock on the coast of Massachusetts;

A bill (H. R. No. 1458) to provide for the erection of a light-house at San Luis Obispo Harbor, in the State of California;

The joint resolution of the Legislature of the State of Michigan, asking an appropriation to construct a light-house at the mouth of Thunder Bay, in said State; and

The joint resolution of the Legislature of the State of Wisconsin, asking an appropriation for a light-house at the mouth of Menomonee Harbor, in said State.

NEWTON S. MURPHEY.

Mr. LAPHAM, by unanimous consent, reported back from the Committee on the Judiciary, with an amendment, the bill (H. R. No. 3527) for the relief of Newton S. Murphey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DISTRICT COURTS IN MICHIGAN.

Mr. LAPHAM. I ask unanimous consent to report back, with a favorable recommendation, from the Committee on the Judiciary, for consideration at the present time, the bill (H. R. No. 3658) to change the time of holding the regular terms of the circuit and district courts of the United States for the western district of Michigan. There was no objection whatever to this bill.

Mr. REAGAN. If this bill can be passed without discussion I do not object; but should there be debate upon it I must demand the regular order.

Mr. LAPHAM. There is no dispute about the bill whatever. Its passage is recommended by the judges and by the members of the bar.

Mr. STONE, of Michigan. The bill is very important for the convenience of our people.

The bill was read. It provides that the times of holding the regular terms of the circuit and district courts of the United States for the western district of Michigan be on the first Tuesdays of April and October of each year, instead of the third Mondays of May and October, as now provided by law; and that all recognizances, indictments, writs, processes, and other proceedings, civil and criminal, now pending in either of said courts, may be entered, heard, and tried at the times herein fixed for holding said courts.

The second section provides that this act shall take effect on the 1st day of July, 1878, and the provisions of sections 572 and 658 of the Revised Statutes of the United States inconsistent therewith are repealed.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF CONGRESSIONAL GLOBE.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 4955) authorizing the purchase by Congress of the owners and proprietors certain property known as the Congressional Globe; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JEAN FRANÇOIS PERRY.

Mr. TOWNSHEND, of Illinois, by unanimous consent, reported back, from the Committee on Private Land Claims, without amendment, the bill (H. R. No. 2361) for the relief of Jean Francois Perry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS POULTNEY.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. No. 1580) for the relief of Thomas Poultney; and the same was referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

JOHN BORDEN.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 4956) granting a pension to John Borden, father of William Borden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. CORNELL.

Mr. CRITTENDEN, by unanimous consent, reported back adversely from the Committee on Naval Affairs the petition of William H. Cornell, late acting third assistant engineer United States steamer Win-

nebago, for prize money; which was laid on the table, and the accompanying report ordered to be printed.

The SPEAKER *pro tempore*. The Chair will state out of abundant caution that as to all references made to-night the motion to reconsider will be regarded as entered, and that motion laid on the table.

OFFICIAL ADVERTISER OF THE UNITED STATES.

Mr. BUTLER. I call up the motion to reconsider the recommitment of the bill (H. R. No. 3079) to provide means for giving official notice of the acts of the Government, and to provide for the advertisement required by the several Departments of the Government. This bill was reported without objection from the Judiciary Committee and ordered to be printed and recommitted. A motion to reconsider was then entered so as to entitle the matter to be called up at any time.

Mr. REAGAN. What length of time will it take to act on this bill?

Mr. BUTLER. A very short time. After I have explained the bill, I think there will be no objection to it.

Mr. REAGAN. If there is any debate, I must call for the regular order.

Mr. BUTLER. The bill has been very fully considered by the Judiciary Committee, and I think there will be no objection to it.

Mr. REAGAN. Let it be read, the right to object being reserved.

The SPEAKER *pro tempore*. The motion to reconsider is a privileged question on which the gentleman from Massachusetts is entitled to the floor, unless the question of consideration should be raised.

Mr. REAGAN. The motion to reconsider is privileged, but the consideration of it is not.

The SPEAKER *pro tempore*. Certainly it is. This bill has been reported by the Committee on the Judiciary with amendments. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Public Printer is authorized and directed to print and publish a weekly paper, to be designated "The Official Advertiser of the United States," uniform in size and type with and upon like paper that the CONGRESSIONAL RECORD is now printed, which paper shall contain:

First. All the proclamations and executive orders of the President, and all acts and joint resolutions of Congress.

Second. All departmental orders and circulars issued by the several Departments and bureaus of the Government, such as have heretofore been officially made public by publication in newspapers, or which, in the opinion of the officer, Department, or bureau issuing the same, it is for the interest of the public service to have made public.

Third. All the matter that is required by law to be published in the Official Gazette of the Patent Office, in the same manner as the same is now published, including the decisions of the Commissioner of Patents, and such decisions of the courts upon patent causes as the Commissioner of Patents may deem it for the public service to be published.

Fourth. Such decisions upon tax cases and orders of the Bureau of Internal Revenue as the Commissioner of Internal Revenue may make, and such decisions of the courts as the Commissioner may order to be published.

Fifth. All decisions or orders of the General Land Office relating to the sale and disposition of public lands that the Commissioner of the General Land Office may order to be printed and circulated for the information of settlers upon public lands, and others interested therein.

Sixth. All general orders issued from the War Department or the commanding general of the Army, and all military orders which are required by law to be made public.

Seventh. All general orders issued by the Secretary of the Navy and all orders which are required by law to be made public.

Eighth. All orders and public circulars to the several consuls of the United States issued by the State Department or any bureau thereof which are to be made public, and such other orders as the Secretary of State may order.

Ninth. All orders issued by the Secretary of the Treasury, and all letters or circulars of instruction to the several collectors of customs, and such other orders of the Treasury which the Secretary may order to be published.

Tenth. All orders issued by the Post-Office Department that the Postmaster-General may order to be published.

Eleventh. All the orders of the Interior Department that the Secretary of the Interior may order to be published.

Twelfth. All orders of the Department of Justice that the Attorney-General may order to be published.

Thirteenth. All orders and circulars of the Smithsonian Institution which are required by law or the Board of Regents to be published.

Fourteenth. All public notices or information which the Commissioner of Agriculture may order to be published.

Fifteenth. All advertisements in every Department and bureau of the Government, by any officer of the Government, for contracts for supplies, buildings, plans, mason, labor, and materials, that are now required by law to be published by any such Department, bureau, or officer.

SEC. 2. The orders and advertisements issuing from the several Departments shall be inserted in said Official Advertiser under separate heads of the Department from which, or under the authority of which, or any officer of which such orders are issued, the orders and advertisements under the head of each Department to be put together and so arranged that the orders and advertisements of each Department can be furnished separately when called for, as hereinafter provided; all of which publications shall be official, and shall be so deemed and held to be for all purposes.

SEC. 3. Any Department, bureau, or officer of the United States may order the insertion of any advertisement, order, or circular of information to be published such number of times as the law now requires publications of the same matter in any newspaper, or as the Department, bureau, or officer requiring the same may deem to be for the best interests of the public service.

SEC. 4. Any person desiring to obtain the Official Advertiser may subscribe for it, paying for the same in advance at a price equal to the cost to the United States of the printing, paper, folding, and enveloping, which shall be sent to him through the mail free of charge; or he may subscribe for any part of the Official Advertiser containing the advertisements and orders issuing from any one or more Departments, to be paid for and forwarded in like manner.

SEC. 5. Each Department or bureau of the Government may subscribe, and pay for, and have furnished to them, for public use or distribution, so many copies of the whole, or any part or parts of the same, to be delivered to them at like cost, and which may be distributed by said Department or bureau in like manner, free of cost, under the official signature of some officer designated in said Department or bureau by the head thereof, as the head of such Department or bureau may require. And any officer who shall cause to be inserted any advertisement which he is required to make by law shall have five copies of the numbers containing such advertisement furnished to his order free of cost. And said Official Advertiser shall always contain this section of this act, showing how said Official Advertiser, and parts thereof, may be obtained, conspicuously displayed therein.

SEC. 6. There shall be distributed of such Official Advertiser, free of cost, to the Library of Congress, two copies; to each public library, not exceeding five in each congressional district, in each State and Territory of the United States, two copies, said libraries to be designated by the Member of Congress from such district, or Delegate from such Territory; two copies to the clerk of each district court in the United States; two copies to each State library in each State, and two copies to the secretary of state's office in each State; two to the office of the secretary of each Territory; and said copies shall be preserved in said library, and said official personages receiving the same, to be open to inspection at all proper and reasonable times by all persons desiring so to do.

SEC. 7. And any copy of said Official Advertiser may be read in evidence in any proceeding as *prima facie* evidence of the matter therein contained whenever the same may be material to be proven. And all advertisements now required by law to be published by the Government of the United States, or any Department or bureau or officer thereof, shall be deemed and taken to have been duly and legally complied with when the same shall be shown to have been duly published in said Official Advertiser for the times and number of insertions in which the same may be ordered to be published as aforesaid.

SEC. 8. No letter-press printing, or binding of letter-press printing, or advertising shall be done or contracted for by or under the order of any Department, bureau, or officer of the Government, or paid for upon the voucher or certificate of any officer of the Government or other person, other than what is contained in said Official Advertiser, except such printing and binding required by law to be done by the Public Printer; all which is to be done in the Government Printing Office, and not elsewhere.

SEC. 9. Every person who shall knowingly violate any of the provisions of this act by printing or binding at the cost of the Government any letter-press printing whatever, other than that printed in the Public Printing Office, shall be deemed guilty of misdemeanor, and punished, upon indictment and conviction, by a fine of not less than $100 nor more than $5,000, or by imprisonment not more than one year.

SEC. 10. The Public Printer is required to make a report to the House of Representatives, on or before the first Monday of December of each year, containing a just and true account of the whole number of said Official Advertisers printed and furnished by him, to whom furnished, the cost of the same, and of any money that he may have received for the same, specifying the amounts received from any Department, bureau, or officer of the Government for the fiscal year last ended; also an estimate of the cost to the Government for publishing and distributing said Official Advertiser for the next succeeding fiscal year, or part thereof.

SEC. 11. All acts or parts of acts inconsistent herewith are repealed.

The SPEAKER *pro tempore*. The question is, will the House reconsider the vote by which this bill was recommitted to the Committee on the Judiciary?

Mr. EDEN. I reserve the right to make a point of order until I can put an inquiry to the gentleman from Massachusetts. Is this bill recommended by the Judiciary Committee?

Mr. BUTLER. Yes, sir; it is reported by that committee. It has been fully considered, having been recommitted three times.

Mr. EDEN. I think it will have to be recommitted again.

Mr. BUTLER. I hope not.

The SPEAKER *pro tempore*. So far as any point of order is concerned, the Chair will state that the bill is not yet before the House and will not be, unless the motion to reconsider should prevail.

Mr. REAGAN. A bill which is the unfinished business of the House is now standing in the way of other business. We could probably consider and dispose of that bill this evening. I trust that the motion to reconsider will be voted down and that we shall proceed with the consideration of the unfinished business—the bill in regard to charges upon interstate transportation.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor on his motion to reconsider.

Mr. BUTLER. Mr. Speaker, I desire a little attention of the House to this which is quite an important matter. I want to assure the House in the first place there is more than a half million dollars saving in this bill.

Let me state the mischief to be remedied. There are now no other means of giving public notice by advertisement than in the newspapers. Nobody can well get them now because the Departments are informed by the newspapers of large circulation they will not print the laws at the price which the law fixes for that printing. These are some of the questions and difficulties before the various Departments on that subject.

Then we have a public printing office down here and most of the members of Congress think that all the public printing is done there and that it is the only printing office in this city in which printing for public purposes is done. I assure them there are six others I know of and I think there are more. The War Department has two, the Interior Department has one, the Treasury Department has one beside the bureau for printing bank notes, bonds, and certificates, the Navy Department has another, and the Attorney-General's office has one also, I think. Now, then, all these are for the purpose of printing circulars and orders, and you have those public documents in all sorts of shapes so you cannot preserve them, and you never know when you have them all. It is now proposed—if I can only have the attention of the three gentlemen in front of me engaged in conversation I will be very much obliged, although it is only the public business we are now considering.

The SPEAKER *pro tempore*. The gentleman from Massachusetts very properly complains of the confusion created by members standing in the aisles and engaged in conversation. Those who wish to engage in private conversation will retire to the cloak-room, so the public business may proceed in order.

Mr. BUTLER. There is now published, as you all know, the Official Gazette of the Patent Office. There is another little paper pub-

lished, called, I think, the Land-Office Record, and another little paper called the Internal-Revenue Record. This bill proposes all these shall be cut off, and this publication shall take their place. It is to be issued weekly, to contain all public advertisements of all contracts, and there is an amendment reported by the committee to the bill to have a copy of this paper not only in every public library, in every district, in every clerk's office of the United States, but two copies in every county-court office, so it shall be open to the people, and everybody will know where to go see the laws, orders, and advertisements of the Government and learn exactly what they call for. They will have them there in an official form.

Let me give you an idea, Mr. Speaker, of how tricks are played in regard to advertisements ordered by law. I was not long ago of counsel in a patent case, and it turned out that the patent had been extended. We produced the letter of the one who got the extension. He said he had gone to a newspaper in this city and paid so much money for having the official advertisement of extension here in Washington put in, and then he had three copies struck off, and then had another advertisement put in place of it and the rest of the edition struck off. He said further:

> I now send you one copy, and I want you to put that in the county paper which the law requires, and then have three copies struck off, one for the files of the Patent Office, one for the files of the newspaper office, and one for me, and then have another advertisement of the same size put in and have struck off the rest of the edition.

I want to meet that possibility of such frauds in the future.

In addition, it is proposed to meet a great want known to the country, and that is to get, in some reasonable time and at some reasonable price, the laws and the decisions of the Supreme Court. Therefore there is an amendment, which will be read in a moment, by which the decisions of the Supreme Court are to be published, with a brief abstract of each case, as they come out. As matters now are, the Supreme Court judges before they deliver an opinion have it printed and corrected under their own eye, and when they deliver it we propose to put it in the Official Advertiser instead of waiting the slower process of the bound volumes of the reports.

Every man will not want the whole of this Advertiser. The patent attorney and inventors will want the Patent Office portion of it; the Navy officers will want the naval orders; the military man, the Army orders; the contractor will want advertisements for contracts; the agriculturist will want the Agricultural Bureau part of it, and so on. Therefore this bill provides each Department shall have its orders and advertisements and circulars printed by themselves, so each part can be used by each Department, while the whole will go into every library. Then the bill permits anybody to subscribe for exactly such a part as he wants, or the whole. A patent man subscribes for the patent part; the Navy officer subscribes for the Navy part; the Army officer subscribes for the Army part; the man interested in public lands subscribes for the public lands part; and all this can be had for one-third, if not one-fourth, of the present cost of advertising by the Government.

Now some gentlemen will ask me in his own mind, Can you tell us what the public advertising costs? No, sir; I cannot; and I do not think it can be found out without an expenditure of many thousands of dollars. It dribbles through every office and Department. Why, sir, it is everywhere, and is not to be found; and it is an awful leak, too.

This is the way in which the money goes out. Congress appropriates money for a public work. The public work is advertised for; the iron, the stone, the glass, the paint, the various kinds of work in a dozen different advertisements, it may be; and the cost of such advertising is charged in the cost of the building or work. And so with forts; so with any other thing bought or used by the Government. Therefore to find out what the cost of public advertisements is you must overhaul the accounts of every public building and every public work and every expenditure for property or labor of the United States in the given year. So with land sales; so with a great many other things. The search for the cost of this expenditure for advertising would simply be endless.

I have had an estimate made by the Public Printer and he thinks that 5,000 copies of this may be got up weekly. For 1,000 copies the cost would be $1,060.40 a week. The whole cost of 5,000 copies ought to be not beyond $50,000 or $70,000 a year; and I have no doubt the present printing costs more than half a million—I mean outside the Public Printer.

Now there is another thing in this bill. All these copies of the laws, all these copies of all these orders are made *prima facie* evidence in every court officially; and a great deal of money will be saved to the people in that way.

This bill has been before the Judiciary Committee some three times. We have carefully examined it. It has been examined by the Public Printer; and while I do not claim for it perfection, I do claim that there is a very great deal of merit in the scheme, and it will save more money than has been done in any one matter that has come under my observation.

There is another provision. Every Department of the Government now orders what printing and binding it pleases; and you find nicely bound books distributed from the Departments by their officers that Congress never appropriated for. This says you must have it done by the Public Printer and the Public Printer cannot print anything that is not authorized by law.

I have one other thing to say about this. This country is the only civilized country in the world that has not got an official gazette where everything that pertains to the operations of the Government, all the acts and orders of the Government, can be found. The Official Gazette in England is a source of revenue to the government of £15,000 a year from subscriptions. I have no doubt that in one year, or two years at most, this will become a paying concern to the United States. Everybody wants it. Every contractor will want it; every Army officer will want it; every Navy officer will want it; every office-holder will want it; every merchant will want it, because all the orders and circulars for the collection of customs revenue he will be able to find here and nowhere else, all together, unless he goes to the Treasury for information.

Mr. BREWER. I understand the bill to provide that this publication shall be furnished to subscribers at the actual cost. How can it then become a source of profit?

Mr. BUTLER. For this reason, that it will be furnished at the actual cost and 10 per cent. profit, the same as other books.

Mr. O'NEILL. I rise to ask the gentleman from Massachusetts this question: the gentleman refers to the Official Gazette of England. I would like to ask him whether the English people are as great newspaper readers as the people of this country, and whether at last the information scattered through the hundreds of thousands of newspapers of this country cannot be got at easier than in any gazette that can be published?

Mr. BUTLER. The information is not scattered now. It cannot be scattered for the reason, as everybody knows, that a newspaper of large circulation cannot afford to take Government printing at Government rates.

Mr. O'NEILL. Am I not correct in understanding that there is a proposition now somewhere between the House and the Senate to regulate that so that the newspapers can take the advertising of the Government at a fair business profit?

Mr. BUTLER. Oh, yes; that was referred to our committee, and it was in that way we got jurisdiction of the subject. That is why I am here. I am glad to explain how that is. The newspapers propose we shall pay them commercial rates for advertising; that is to say we shall pay for giving the laws to the people the same price exactly that the merchant is willing to pay to advertise his goods in order to get sale for them. Congress has found that commercial rates mean exactly what the newspapers can get; and it is to meet that that we have reported this bill.

Mr. O'NEILL. Will the gentleman permit me another word? I do not desire to interrupt the gentleman.

Mr. BUTLER. I yield to the gentleman.

Mr. O'NEILL. In our State and city governments there are certain methods of publication by posting in court-houses and court offices and so on for certain purposes. Now, in my opinion the public do not go to get their information in that way. They depend almost entirely upon the newspapers. The three or four hundred thousand newspapers that are issued every day in the city of Philadelphia and more in the larger city of New York, give the information to the people that they want easily and without trouble; and they take the newspapers and read them to get information of what is going on in public affairs. Now I do not think the gentleman's idea will reach what he wants in any convenient way for the people.

Mr. BUTLER. I am very sorry to differ with my friend from Pennsylvania. I seem to see his constituents in Philadelphia sitting down reading the advertisements in the newspapers and amusing themselves with that sort of light reading in the summer months. [Laughter.]

Mr. O'NEILL. The man in business who is seeking to find proposals for contracts for the departments of the Government is looking at the advertisements in the newspapers; and so is the man in the Army and so is the man in the Navy, they are looking at the newspapers for what concerns Army and Navy matters.

Mr. BUTLER. The answer to that is a very plain one. The man who wants to see the advertisements does not know in what newspaper to look for them, but the man who knows how to get a contract does know, and I tell you that this happened in this Government more than once: somebody sends a letter to the Department and inquires where is the advertisement for the work on such a public building, and the answer is sent back, "You had better subscribe for such a newspaper and you will find the advertisement there."

Mr. CLYMER. Will the gentleman from Massachusetts allow me to ask him a question in reference to this bill?

Mr. BUTLER. Oh, yes.

Mr. CLYMER. Is this proposed publication to contain any other matter than that provided for by the bill?

Mr. BUTLER. Nothing whatever.

Mr. CLYMER. Is there anything in the bill to prohibit its containing other matter?

Mr. BUTLER. The bill says that "it shall contain only," &c.

Mr. CLYMER. No; the word "only" is not in.

Mr. BUTLER. Then you can put the word "only" in.

Mr. CLYMER. I trust the gentleman will so amend it.

Mr. BUTLER. That is what is meant by the bill. When a public officer is ordered to do anything we do not order him to do anything else.

I have now given all the explanation possible of this bill. It has been thoroughly examined, and I trust it will receive the favorable

action of the House; but I am ready to answer any inquiries in reference to it that gentlemen desire to propound.

Mr. CLARK, of Iowa. Do I understand that the bill proposes to provide for the publication of the public laws of Congress?

Mr. BUTLER. Yes, sir; and not only the public laws of Congress, but the decisions of the Supreme Court.

Mr. CLARK, of Iowa. Do I understand that there is no law now which provides for the publication of the public laws except in the pamphlet form in which we know them?

Mr. BUTLER. This bill provides that all proclamations, executive orders from the President, and all acts and joint resolutions of Congress shall be printed in the gazette. That is the language of the bill.

Mr. CLARK, of Iowa. Allow me to ask the gentleman if there is any method now provided by law for the publication of the public laws of Congress except in the ordinary pamphlet form.

Mr. BUTLER. They may be published in the newspapers.

Mr. CLARK, of Iowa. Under what law?

Mr. BUTLER. Under an old law of many years' standing.

Mr. CLARK, of Iowa. But I understand that an appropriation for that purpose has been prohibited.

Mr. BUTLER. Very well; I hope so.

Mr. BUCKNER. Allow me to ask the gentleman one question, and it is how under the provisions of this bill does he expect any profit to the Government when the bill provides that this record shall be furnished at cost?

Mr. BUTLER. That means, under the law, at 10 per cent. more than cost; moreover it is a profit to the Government to get its work done in this way.

Mr. ATKINS. What will this work cost?

Mr. BUTLER. Between fifty and sixty thousand dollars a year.

Mr. BUCKNER. We shall save, then, the expense of publishing the laws in pamphlet form.

Mr. BUTLER. It can be done in this way.

Mr. HUMPHREY. I desire to say, in advocating the passage of this bill, that one of the great benefits that will follow from its passage will be that in each county there can be found copies of this record which will be *prima facie* evidence in any court.

Now, it may be the experience of members of Congress, and I know it is with many of them here, that we are constantly called upon to go to the Departments and get copies of orders, arbitrary rules made by the Departments, which are to be used in the various courts of justice thoughout the country, in courts of original jurisdiction and sometimes in the probate courts. Now, the provisions of this bill make this proposed official gazette *prima facie* evidence. It makes it evidence as to the decisions of the Supreme Court, and they will be sufficiently certified so that they may be read in the different courts, for two copies are to be deposited in each county in each State. It so fixes it that every attorney, every counselor or solicitor, may subscribe for it so that he may have it in his office, and so that he may be provided at little expense and trouble to himself with knowledge that he has to use monthly at least in his practice in the different courts of the United States and of the States.

Mr. ELAM. Will this dispense with the publication of the statutes in the present form?

Mr. HUMPHREY. Lawyers now can get possession of all this knowledge by subscribing to certain periodicals in Saint Louis, Chicago, Albany, and other parts of the country where they get the decisions of the circuit courts of the United States and the decisions of the Supreme Court merely in syllabus form.

This will be a great saving to the whole profession, to all the people of the country, because there are commercial men and business men who get the syllabus of these cases and study them up for their own benefit and become quite adepts in their own business. I believe that this will provide the best amount of knowledge for the business men of the country, and at the same time furnish it to them at only 10 per cent. above the actual cost to the Government.

Mr. BUTLER. I now yield a few minutes to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. I desire but a moment. I am unable to see why this bill is not in the interest of good legislation. In the new States there is a very great difficulty in getting at the rulings of the General Land Office in relation to the homestead and pre-emption laws. There was a volume of those rulings prepared for publication, but the Committee on Printing of this Congress reported adversely upon the proposition, unwisely as I thought at the time. If this bill will provide that from week to week all the rulings of the General Land Office (I allude only to that branch of the Government now) can be published, it seems to me it will be of very great interest to all the people in the States of the West.

I desire to confirm one thing which the gentleman from Massachusetts [Mr. BUTLER] has said in regard to publications in the newspapers. I recollect that a few years ago a large quantity of Army clothing was to be sold in the State of Minnesota. It had in some way got there and was to be sold, a very large quantity of it. On a given morning the sale was to commence. The night before, certain gentlemen from Saint Louis arrived at Saint Paul ready to bid in the clothing that was to be sold. Not a man or a woman in the State of Minnesota knew anything about the sale that was to come off. It resulted in an immense loss to the Government, simply because the advertisement was for a week or two slipped into a Saint Louis newspaper, and the Saint Louis bidders were there while the Minnesota bidders knew nothing about that vast amount of clothing that was to be sold. That is one illustration.

Mr. DAVIS, of North Carolina. Will the gentleman from Massachusetts [Mr. BUTLER] allow me to ask him one question?

Mr. BUTLER. Certainly.

Mr. DAVIS, of North Carolina. Is it proposed that the publication of this journal shall supersede advertisements in all other papers?

Mr. BUTLER. It is.

Mr. DAVIS, of North Carolina. And there is to be no advertisement in any other paper?

Mr. BUTLER. None at all.

Mr. DAVIS, of North Carolina. That is a good thing.

Mr. BUTLER. All the people will know right where to look for information.

Mr. TOWNSHEND, of Illinois. The fourth section of this bill provides that "any person desiring to obtain the Official Advertiser may subscribe for it, paying for the same in advance at a price equal to the cost to the United States of printing, paper, folding, and enveloping, which shall be sent to him through the mail free of charge." Now, how can the Government make any profit out of that?

Mr. BUTLER. Because the general law provides that any publication by the Government may be furnished at the cost of publication and 10 per cent. added.

Mr. TOWNSHEND, of Illinois. But this is a special act.

Mr. BUTLER. I am willing to have the gentleman move to insert "10 per cent. added."

Mr. HANNA. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. HANNA. In glancing over this bill this thought has struck me, whether or not it would be practicable to publish weekly the mass of information which this bill would seem to indicate is to be published. Would it not be more than you can get into any one weekly publication?

Mr. BUTLER. We have examined that matter thoroughly, and find that it will not amount to more than one of our thickest daily RECORDS. Take a day's proceedings when we speak all day and all night and get our speeches all in——

Mr. OLIVER. And get leave to print some.

Mr. BUTLER. Yes, and get leave to print. That would make a larger publication than this will be in any week. I now call for a vote upon the motion to reconsider the vote by which this bill was recommitted to the Committee on the Judiciary.

The motion to reconsider was agreed to.

The SPEAKER *pro tempore*. The question now recurs upon the motion to recommit.

Mr. BUTLER. I withdraw the motion to recommit, and I desire——

Mr. REAGAN. I want to raise the question of consideration.

Mr. SPEAKER *pro tempore*. The motion to recommit has been withdrawn.

Mr. ATKINS. I renew the motion to recommit the bill to the Committee on the Judiciary.

Mr. BUTLER. I desire to call the attention of the gentleman from Tennessee [Mr. ATKINS] to one thing. The House must commit this bill to some other committee than the Committee on the Judiciary. We have given it the best consideration we can give it; we have examined it as carefully as we can. I have some amendments here which I propose to bring immediately before the House. This bill has now been discussed. I can assure the gentleman that it is in the interest of economy, and the House never will be any better prepared to vote upon it than it is now. The very reason why I have taken this course is that I might avoid taking one of the two hours which would be given to the Committee on the Judiciary when they come to make their reports.

Mr. ATKINS. This is a bill which the House has not considered. The House has heard the gentleman from Massachusetts, [Mr. BUTLER,] it is true; but I doubt whether there are a dozen gentlemen in this House who have considered this bill before to-night. It is a very important bill. In my judgment, if passed, it will only result in enlarging the Government printing establishment.

Mr. BUTLER. Oh, no.

Mr. ATKINS. That is the effect of it. I believe the Government Printing Office should be cut down, rather than enlarged. I believe that the printing for the Departments should be let out by private contract. I believe that such a system would effect a saving of the public money. But if we are to swell the proportions of the Government Printing Office, then we must swell our expenditures. I hope, therefore, that the bill will either be recommitted or laid aside until gentlemen have had more time to consider the proposition.

Mr. BUTLER. Is it my fault, Mr. Speaker, that gentlemen do not know what this bill is? It has been before the House on their files for three months.

Mr. ATKINS. How many bills are before the House that members have not considered at all? There are several thousand bills on our file.

Mr. BUTLER. When men will not do their duty why should they come here and ask somebody else to do it for them?

Mr. ATKINS. Has the gentleman from Massachusetts considered every bill before the House? He will not say that he has.

Mr. BUTLER. This bill was introduced, referred to the committee, and printed. It was then reported, recommitted, and reprinted. All has been done about it that can be done by anybody in the world. Now is it quite fair because gentlemen will not read it or consider it to come here and say, "We do not know anything about it?" Cannot the gentleman from Tennessee [Mr. ATKINS] follow the lead of the Committee on the Judiciary quite as well as we follow the lead of the Committee on Appropriations? [Laughter.] We do not any of us know what these appropriation bills are, and the more we read them the less we find out. [Laughter.] If you read this bill you will find out what is in it.

The question being taken on the motion of Mr. ATKINS to recommit the bill, there were—ayes 43, noes 95.

Mr. ATKINS. I raise the point that no quorum has voted.

Mr. BUTLER. Let me say that in raising this point the chairman of the Committee on Appropriations [Mr. ATKINS] is setting me and everybody else a very bad example. We may go against the appropriation bills when there is not a quorum.

Mr. ATKINS. An important bill like this should not be considered without a quorum.

No quorum having voted, tellers were ordered; and Mr. BUTLER and Mr. ATKINS were appointed.

The House divided; and the tellers reported ayes 34, noes not counted.

So the motion to recommit was not agreed to.

Mr. BUTLER. I now ask that the Clerk read the amendments reported by the Committee on the Judiciary.

The Clerk read the first amendment, as follows:

At the end of line 50 add the following:

And the reporter of the decisions of the Supreme Court shall forthwith, after any decision of that court shall have been announced and printed for the use of the court, prepare an abstract of the facts and points in the case sufficient to the understanding thereof (unless the same shall appear in the opinion of the court) together with that opinion, and give the same forthwith to the Public Printer to be published in the Official Gazette.

Mr. FOSTER. I am very much interested in the discussion of this bill, and it seems like a measure of reform, one that ought to pass. But there is rather an ominous silence on the part of the other members of the Judiciary Committee. I would like to hear from them on this subject, as I understand the bill has been examined by them three or four times.

Mr. EDEN. The gentleman from Ohio seems to be in doubt whether this is a measure of economy. It proposes to enlarge the dimensions of the Government printing establishment, which, as everybody knows, is an exceedingly cheap institution; and as a matter of course the more we enlarge it the cheaper it will be.

Mr. FOSTER. If the gentleman is a member of the Judiciary Committee, I have called on him; if he is not, I did not.

Mr. BUTLER. When an appropriation bill is under the charge of the gentleman from Ohio [Mr. FOSTER] would he think it complimentary if I should get up and say, "I would like to know whether the gentleman is speaking for the Appropriation Committee"——

Mr. FOSTER. Perhaps I would not.

Mr. BUTLER. Especially if I had not been in to hear him, but had just come from dinner. [Laughter.]

Mr. FOSTER. Oh, I have heard every word the gentleman said and have been greatly interested. The reason I want to hear from the committee is this: there is a rumor going around the Hall that they have not agreed to this proposition.

Mr. BUTLER. That rumor is unworthy of the men who originated it and unworthy to be repeated by the gentleman. I say that the committee did agree to this report. I have said so in the presence of the committee.

Mr. FOSTER. Well, members of the Judiciary Committee have intimated to him that the bill never received the sanction of the committee.

Mr. BUTLER. Let the chairman of the committee [Mr. KNOTT] speak, if it is necessary I shall call a voucher. It may be that the gentleman from Ohio will need to call a voucher before he dies.

Mr. FOSTER. I should be glad to hear from the committee, as it has gone so far.

Mr. KNOTT. Mr. Speaker, as one of the Judiciary Committee I desire to say the bill now before the House has my hearty approbation. I believe it to be an economical measure. I believe, in the first place, that the publication of the official advertisements of this Government in the manner proposed can be done much cheaper in the Public Printing Office, through the medium of a gazette such as is contemplated by this bill, than it can be done through the newspapers of the country according to their customary rates for advertising. I believe in the second place that information can be more generally diffused in the manner proposed in this bill than by the plan ordinarily proposed in public advertisements for the Government.

Gentlemen who have paid attention to the details of the bill will find that a certain number of copies of this official gazette is to be distributed through the agency of the various representatives of the people upon this floor. A copy is to be deposited in the office of the secretary of state of every State in the Union. A copy, if I am not mistaken, is to be deposited in the office of the clerk of every district court of the United States. And, more than all that, a copy is to be deposited in the office of every county clerk in every county throughout the United States.

In this manner it occurs to me information such as is sought to be given through the instrumentality of these advertisements can be more universally disseminated and can reach more certainly those parties who are interested in these advertisements than according to the plan now pursued by publishing advertisements in the newspapers of the United States.

Mr. ATKINS. Will the gentleman from Kentucky allow me to ask him how much this will cost the government per annum—one for each county court in the United States and one for each secretary of state and other copies elsewhere?

Mr. KNOTT. I have made no estimate——

Mr. ATKINS. Has the committee made any estimate?

Mr. KNOTT. I have myself made no estimate of what it would cost, but I feel confident the cost would be less than that which is now incurred by the Government of the United States in public advertisements. The gentleman who reported the bill by the authority of the Judiciary Committee has been at the pains of ascertaining the facts in that regard, and upon the statistics he will be able to lay before the House I rely for the statement I make, that I believe it would be far more economical than the plan at present pursued by the Government.

I am asked whether this bill is reported to the House by the unanimous voice of the Committee on the Judiciary. So far as I know, sir, that is the fact. If there was, there was not more than one dissenting voice; but I do not believe there was one dissenting voice to the proposition to report the bill to the House. Gentlemen may have reserved the right to vote on the bill as they saw proper when it got to the House, but I think I am violating no confidence of the committee when I say it was by the unanimous consent of that committee the bill was reported here by the gentleman from Massachusetts If I am wrong in that, some of my colleagues on the committee are at liberty to take the opportunity to correct me.

Mr. MORRISON. Does the gentleman say the bill was considered and approved by the committee?

Mr. KNOTT. So far as that is concerned I will only say what I have already said, that it was unanimous with perhaps one exception, and I do not know there was a solitary exception in authorizing the gentleman from Massachusetts to report the bill to the House.

Mr. KENNA. With the recommendation that it do pass?

Mr. KNOTT. I say perhaps gentlemen reserved to themselves the right to vote as they saw proper when it came before the House.

Mr. KENNA. How many members of the committee reserved the right to vote as they pleased?

Mr. KNOTT. I do not know any did. When a bill is reported to the House the presumption is it was by the authority of the committee, and I take it it would be exceedingly ungracious to catechise members of a committee as to how many were in favor of a bill and how many reserved the right to vote on it and all that sort of thing. When all consented to the proposition it should be reported.

I am speaking for myself, and not for any of my colleagues on the committee at all. Speaking for myself, I have simply to say that in my opinion the measure will be one of economy, and it will be one through which and by which a more general dissemination of information may be obtained than by the present system of the various Departments of the Government employing newspapers at their own rates to publish advertisements in public localities which perhaps are read by one out of a hundred of those who are interested in the subject-matter of the advertisements.

Mr. KENNA. As the gentleman from Kentucky has misunderstood me, I hope I will have an opportunity to set myself right. I asked the gentleman the question as to how many members of the committee reserved the right to vote on the measure in the House as they saw fit, not with a view to reflect on the gentleman or any member of the committee or to question the statement of the gentleman from Massachusetts. But from the statement of the gentleman who has just occupied the floor that gentlemen on the committee reserved the right to vote as they pleased I infer that the committee had authorized the bill to be reported without recommendation; and I put the question with the view of ascertaining that fact. I see no reason why a member cannot ask a question on this floor for information which he may very much need simply because he may belong to one or another committee of this House.

Mr. HARRIS, of Virginia. I had intended to say nothing upon this question. But the Committee on the Judiciary seem to be called to give their recollections for the information of the House, and I will say that so far as my recollection serves me the gentleman from Massachusetts [Mr. BUTLER] has pursued directly the course which he was instructed to pursue by the committee; that is, he was not instructed, but leave was given him to report the bill, to make a motion to recommit the bill to the committee, and then to enter a motion to reconsider, so as to have it under his control at all times. My recollection further is that no definite vote was taken upon the merits of the bill in committee. For myself I reserved the right to vote as I thought proper, and I shall vote in the negative.

Mr. BUTLER. I now ask that the amendments be read, and then I shall move the previous question.

Mr. McMAHON. Before the previous question is moved I desire to say a word. I want this bill to be determined, as it ought to be, upon its own merits. If the recommendation of the Judiciary Committee for or against it is worth anything, the bill has not got that recommendation for or against it, and any gentleman who states that it has I think misapprehends the situation.

The gentleman from Massachusetts reported this bill to the committee and was authorized to report it to the House for the purpose of having it printed and recommitted. When he entered the motion to reconsider, that he did it of his own motion and without any instruction from the committee. When the committee subsequently came to consider the question, the notice was first given to us that the motion to reconsider had been entered, and the gentleman from Massachusetts then stated he had the bill in such a shape—which was true—that he could bring it up at any time.

Mr. KENNA. Will the gentleman allow me to interrupt him for a moment?

Mr. McMAHON. Let me finish my statement first. Then the question came up in the Judiciary Committee, what should be done with it. The gentleman from Michigan [Mr. CONGER] was one of the most strenuous opponents of this bill, and never gave his adhesion to it under any circumstances. My recollection is, but I will not be very sure of it, that the gentleman from Maine [Mr. FRYE] opposed it. I certainly never gave my adhesion to the bill, for the simple reason that it was so complicated in some of its provisions that I could not say whether the system it would introduce would be more economical than the old system. Now, the question came up in the committee what should be done with it. The gentleman from Michigan [Mr. CONGER] raised a disturbance in the committee. [Laughter.] He claimed that the motion to reconsider had been entered without authority.

Mr. BAKER, of Indiana. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER, of Indiana. It is that it is not in order for the gentleman to reveal differences and other matters that take place in the committee.

The SPEAKER *pro tempore*. The point of order is well taken. The gentleman from Ohio [Mr. MCMAHON] will proceed in order.

Mr. BUTLER. If it was not that I am under trial I should say that this telling of what was done in committee is something that has never been done before and I hope will not be done again while I am here.

The SPEAKER *pro tempore*. The point of order having been made the Chair declines to hear any more of what took place in committee.

Mr. McMAHON. Is all that has been told as to what took place in committee ruled out?

The SPEAKER *pro tempore*. It ought to be.

Mr. McMAHON. Therefore the statement of the gentleman from Massachusetts that he was authorized to report the bill goes out.

Mr. BUTLER. It is proper to state what was the action of the committee, but not to state what was said by A, B, or C, members of the committee.

Mr. McMAHON. Who is the mouth-piece of the committee to state its action?

Mr. BUTLER. The mouth-piece of the committee is the member who is authorized to report the bill.

The SPEAKER *pro tempore*. The Chair insists that this discussion of what took place in committee shall not go further.

Mr. McMAHON. I have no opinion on this bill for or against it, and therefore I do not propose to vote for a new measure as against the old established practice until I have had a chance to examine it. I do not mean to say that the bill has not been discussed somewhat in the committee, but it has never received that discussion in the committee that a bill should receive. I beg your pardon, Mr. Speaker. I did not mean to say that, but we certainly never did recommend the passage of the bill.

Mr. BUTLER. I call the previous question on the bill and the pending amendments.

Mr. KENNA. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KENNA. If I am not mistaken, it is the right of a member on this floor to know when a measure comes before this House whether the recommendation of the committee reporting it is in favor of its passage or not.

The SPEAKER *pro tempore*. The Chair overrules the gentleman's privileged question. It is not a privileged question at all. The question before the House is on seconding the demand for the previous question.

Mr. CLYMER. I desire to know whether all the amendments proposed by the committee, have been read?

The SPEAKER *pro tempore*. The Chair so understands.

Mr. CLYMER. Then I ask the gentleman from Massachusetts [Mr. BUTLER] to allow me to offer this amendment, to insert after the word "contain" in line 7 of the first section, the words "the following matter and no other."

Mr. BUTLER. I have no objection to that.

Mr. PHILLIPS. I ask the gentleman from Massachusetts to allow me to offer an amendment.

Mr. BUTLER. I will allow the amendment to be read, but I cannot agree to it.

The SPEAKER *pro tempore*. The Chair desires to know whether the gentleman from Massachusetts intends to yield for the offering of further amendments, or does he insist upon the previous question?

Mr. BUTLER. I am willing to admit the amendment of the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Massachusetts to allow me to offer an amendment.

Mr. BUTLER. I will hear it.

Mr. TOWNSHEND, of Illinois. I move to insert in line 3 of section 4, after the word "equal," the words "to 10 per cent. in addition."

Mr. BUTLER. I have no objection to that.

Mr. PHILLIPS. I appeal to the gentleman from Massachusetts to yield to me to offer my amendment.

Mr. BUTLER. I will yield to the gentleman to have his amendment read for information, but I cannot agree to his amendment.

Mr. PHILLIPS. The amendment I propose is, on page 6 of the bill, in the second line of section 8, to strike out the words, "or advertising;" so that it will read, "no letter-press printing, or binding of letter-press printing, shall be done," &c.

I desire to say one word only in regard to that amendment. It is proposed to take the whole advertising of the Government, which is now given out by the Departments throughout the country, and concentrate it in Washington City. When we advertise for any material needed in New York City we give the advertisement to the New York papers, and when we advertise for material needed in the West we put the advertisement in the Western papers. Now it is proposed to take the business away from the localities where the supplies may be needed and put it into a little paper to be published here, which is to be filed in certain places. I hope the gentleman from Massachusetts will strike out the words "or advertising."

Mr. BUTLER. I cannot yield for that amendment.

The previous question was seconded and the main question ordered; being first upon the amendments reported from the Committee on the Judiciary.

The first amendment reported by the committee was to insert after line 50, of section 1, the words:

And the reporter of decisions of the Supreme Court shall forthwith, after any decision of that court shall have been announced and printed for the use of the court, prepare an abstract of the facts and points in the case sufficient to the understanding thereof, (unless the same shall appear in the opinion of the court,) together with its opinion, and give the same forthwith to the Public Printer, to be published in the Official Gazette.

The amendment was agreed to.

The next amendment reported by the committee was to add to section 1 the following:

And it shall be the duty of each officer of the United States, having official matter hereinbefore named to be published, to cause the same forthwith to be transmitted to the Public Printer, to be published in the said Gazette.

The amendment was agreed to.

The next amendment reported by the committee was to insert in each of the lines 5 and 7 of section 2, after the word "advertisements," the words "and other matter to be published;" so that it will read:

The orders and advertisements issuing from the several Departments shall be inserted in said Official Advertiser under separate heads of the Department from which, or under the authority of which, or any officer of which such orders are issued, the orders and advertisements and other matter to be published under the head of each Department to be put together and so arranged that the orders and advertisements, and other matter to be published, of each Department can be furnished separately when called for, as hereinafter provided; all of which publications shall be official, and shall be so deemed and held to be for all purposes.

The amendment was agreed to.

The next amendment reported by the committee was to insert in line 10 of section 6, after the word "Territory," the words "two copies to the county clerk's office of each county or parish of each State and Territory, to be preserved in the records of said office."

The amendment was agreed to.

The next amendment reported by the committee was to amend section 6 by inserting in line 11, after the word "library," the words "and in said offices;" so that it will read:

And said copies shall be preserved in said library and in said offices, and said official personages receiving the same, to be open to inspection at all proper and reasonable times by all persons desiring so to do.

The amendment was agreed to.

The next amendment reported by the committee was to insert in line 8, section 10, after the word "Government," the words "or from private subscription;" so that it will read:

The Public Printer is required to make a report to the House of Representatives, on or before the first Monday of December of each year, containing a just and true account of the whole number of said Official Advertiser printed and furnished by him, to whom furnished, the cost of the same, and of any money that he may have received for the same, specifying the amounts received from any Department, bureau, or officer of the Government, or from private subscription, for the fiscal year last ended; also an estimate of the cost to the Government of publishing and distributing said Official Advertiser for the next succeeding fiscal year, or part thereof.

The amendment was agreed to.

The question recurred upon Mr. CLYMER's amendment, to insert in section 1, line 7, after the word "contain," the words "the following matter, and no other;" so that it will read:

That the Public Printer is authorized and directed to print and publish a weekly paper, to be designated The Official Advertiser of the United States, uniform in size and type with and upon the like paper that the CONGRESSIONAL RECORD is now printed, which paper shall contain the following matter, and no other.

The amendment was agreed to.

The question then recurred upon the amendment of Mr. TOWNSHEND, of Illinois, to insert in line 3 of section 4, after the word "equal," the words "to 10 per cent. in addition;" so that it will read:

Any person desiring to obtain The Official Advertiser may subscribe for it, paying for the same in advance at a price equal to 10 per cent. in addition to the cost to the United States of the printing, paper, folding, and enveloping, which shall

be sent to him through the mail free of charge, or he may subscribe for any part of The Official Advertiser containing the advertisements and orders issuing from any one or more Departments, to be paid for and forwarded in like manner.

Mr. BUTLER. That is the law now I think; at any rate it only adds 10 per cent. to the cost to the subscribers.

The amendment was agreed to; there being on a division ayes 97, noes not counted.

Mr. BUTLER. The pending amendments having all been disposed of, I ask unanimous consent to insert in the fourth line of section 6, after the words "United States" the words "and one copy to each Member and Delegate of the House of Representatives and Senator of the United States."

The SPEAKER *pro tempore*. That can only be done by unanimous consent as the bill is under the operation of the previous question.

Mr. EDEN. I object.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. WILSON. I desire to say that my vote upon this bill will be controlled by the consideration of economy. I desire to ask the gentlemen from Massachusetts——[Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not now in order.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. EDEN, and Mr. HARRIS of Virginia, called for the yeas and nays.

The yeas and nays were ordered, there being 49 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 109, nays 77, not voting 105; as follows:

YEAS—109.

Bacon,	Dean,	Knott,	Riddle,
Bagley,	Deering,	Lapham,	Robbins,
Baker, John H.	Dunnell,	Lathrop,	Sapp,
Ballou,	Eames,	Ligon,	Schleicher,
Banks,	Ellsworth,	Lynde,	Shallenberger
Bayne,	Evans, James L.	Mayham,	Sinnickson,
Bell,	Forney,	McCook,	Springer,
Bisbee,	Foster,	McKenzie,	Starin,
Blair,	Gardner,	McKinley,	Steele,
Brentano,	Garth,	Mills,	Stenger,
Briggs,	Giddings,	Mitchell,	Thornburgh,
Browne,	Goode,	Money,	Throckmorton,
Buckner,	Hanna,	Morse,	Townsend, Amos
Burchard,	Hardenbergh,	Neal,	Turney,
Burdick,	Harrison,	Norcross,	Vance,
Butler,	Hayes,	Oliver,	Van Vorhes,
Caldwell, J. W.	Henderson,	Page,	Warner,
Candler,	Herbert,	Patterson, G. W.	White, Michael D.
Cannon,	Hewitt, G. W.	Patterson, T. M.	Williams, A. S.
Clark, Rush	Hubbell,	Peddie,	Williams, C. G.
Clymer,	Humphrey,	Phelps,	Williams, Jere N.
Cook,	Hunter,	Pollard,	Williams, Richard
Covert,	Ittner,	Price,	Willits,
Cox, Jacob D.	James,	Pridemore,	Wright,
Crapsens,	Jones, John S.	Rea,	Yeates.
Culberson,	Joyce,	Reed,	
Cutler,	Keifer,	Reilly,	
Davis, Joseph J.	Keightley,	Rice, William W.	

NAYS—77.

Aldrich,	Dibrell,	Hewitt, Abram S.	Sampson,
Atkins,	Dickey,	House,	Scales,
Bicknell,	Durham,	Hunton,	Shelley,
Blackburn,	Eden,	Jones, Frank	Singleton,
Boone,	Eickhoff,	Kenna,	Smith, William E.
Bouck,	Elam,	Lindsey,	Sparks,
Bragg,	Ellis,	Manning,	Stewart,
Brewer,	Errett,	Marsh,	Stone, John W.
Bright,	Evans, I. Newton	McMahon,	Townshend, R. W.
Brogden,	Felton,	Morgan,	Tucker,
Cabell,	Franklin,	Morrison,	Turner,
Campbell,	Freeman,	Muldrow,	Wait,
Carlisle,	Gunter,	Muller,	Walsh,
Chalmers,	Hamilton,	O'Neill,	Whitthorne,
Clark of Missouri,	Harmer,	Phillips,	Williams, James
Cole,	Harris, Henry R.	Pound,	Wilson,
Crittenden,	Harris, John T.	Powers,	Young.
Cummings,	Hartzell,	Randolph,	
Davidson,	Hatcher,	Reagan,	
Denison,	Henry,	Ryan,	

NOT VOTING—105.

Acklen,	Collins,	Haskell,	Metcalfe,
Aiken,	Conger,	Hazelton,	Monroe,
Baker, William H.	Cox, Samuel S.	Hendee,	Overton,
Banning,	Crapo,	Henkle,	Potter,
Beebe,	Danford,	Hiscock,	Pugh,
Benedict,	Davis, Horace	Hooker,	Quinn,
Bland,	Douglas,	Hungerford,	Rainey,
Bliss,	Dwight,	Jones, James T.	Rice, Americus V.
Blount,	Evins, John H.	Jorgensen,	Roberts,
Boyd,	Ewing,	Kelley,	Robertson,
Bridges,	Finley,	Ketcham,	Robinson, G. D.
Bundy,	Fort,	Killinger,	Robinson, M. S.
Cain,	Frye,	Kimmel,	Ross,
Caldwell, W. P.	Fuller,	Knapp,	Sayler,
Calkins,	Garfield,	Landers,	Sexton,
Camp,	Gause,	Lockwood,	Slemons,
Caswell,	Gibson,	Loring,	Smalls,
Chittenden,	Glover,	Luttrell,	Smith, A. Herr,
Claflin,	Hale,	Mackey,	Southard,
Clark, Alvah A.	Harris, Benj. W.	Maish,	Stephens,
Clarke of Kentucky,	Hart,	Martin,	Stone, Joseph C.
Cobb,	Hartridge,	McGowan,	Strait,
Swann,	Waddell,	White, Harry	Wood,
Thompson,	Walker,	Wigginton,	Wren.
Tipton,	Ward,	Williams, Andrew	
Townsend, M. I.	Watson,	Willis, Albert S.	
Veeder,	Welch,	Willis, Benj. A.	

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired with Mr. DWIGHT, of New York.

Mr. MAYHAM. My colleagues, Mr. BENEDICT and Mr. CAMP, are paired.

Mr. KENNA. My colleague, Mr. MARTIN, is paired with Mr. PUGH, of New Jersey.

Mr. CANDLER. I desire to state that my colleague, Mr. BLOUNT, is paired with Mr. WILLIAMS, of New York.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, is absent on account of sickness and is paired on all political questions with my colleague, Mr. TIPTON.

Mr. COLE. I desire to state that Mr. LANDERS, of Connecticut, is detained from the House by illness, and is paired with Mr. ROBINSON, of Massachusetts.

Mr. EVANS, of Pennsylvania. My colleague, Mr. WARD, is paired with Mr. AIKEN, of South Carolina.

Mr. PAGE. I desire to state that my colleague, Mr. LUTTRELL, is detained from the House by illness.

Mr. SINNICKSON. My colleague, Mr. PUGH, is detained from the House by reason of sickness in his family.

Mr. KEIGHTLEY. My colleague, Mr. MCGOWAN, is detained from the House on account of sickness.

Mr. OVERTON. On this question I am paired with my colleague, Mr. COLLINS.

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP.

Mr. SHALLENBERGER. Mr. DANFORD, of Ohio, is paired with Mr. DOUGLAS, of Virginia.

Mr. CRITTENDEN. My colleague, Mr. GLOVER, is detained from the House by illness.

Mr. BRAGG. Mr. CLARK, of New Jersey, is paired with Mr. STRAIT, of Minnesota.

The result of the vote was then announced as above stated.

Mr. BUTLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. Mr. Speaker, I now desire to call up——

Mr. SPARKS. I rise to make a privileged report from a committee of conference.

The SPEAKER *pro tempore*. That report is in order at this time.

INDIAN APPROPRIATION BILL.

Mr. SPARKS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various tribes, for the year ending June 30, 1879, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 25, 30, 37, 51, and 62.

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 44, 46, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, and agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment as follows:

Substitute for the words proposed to be stricken out the following: "at the Abiqnin agency, at the rate of $1,200, during the continuance of said agency."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment as follows:

Strike out "one" and insert "three."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 23, and agree to the same with an amendment as follows:

Substitute for the sum proposed by said amendment the sum of $103,800.

And the Senate agree to the same.

That the Senate recede from its amendment numbered 31, with an amendment as follows:

Strike out the words "Commissioner of Indian Affairs," and substitute therefor "Secretary of the Interior."

And the House agree to the same.

That the Senate recede from its amendment numbered 43, with an amendment as follows:

Strike out of said amendment the word "eighty" and substitute therefor the word "ninety."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 45, and agree to the same with an amendment as follows:

Strike out after the word "select," in line 4 of said amendment, the words "with the consent of said Indians" and insert in lieu thereof "not inconsistent with treaty stipulations with said tribes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 47, and agree to the same with an amendment as follows:

Strike out the word "sixteen," in line 2 of said amendment, and insert in lieu thereof the word "ten."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 52, and agree to the words proposed to be stricken out, amended as follows:

After the first word insert "the sum of $25,000 of," and strike out the word "re-appropriated," in lines 6 and 7, page 42 of the bill, and insert in lieu thereof the word "appropriated."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 58, and agree to the same with an amendment as follows:

After the word "hundred," in the first line of said amendment, insert "and thirty."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 61, and agree to the words proposed to be stricken out, with an amendment substituting for the words "Commissioner of Indian Affairs" the words "Secretary of the Interior."

And the House agree to the same.

WM. A. J. SPARKS,
JOHN H. BAKER,
O. R. SINGLETON,
Managers on the part of the House.
W. B. ALLISON,
WM. WINDOM,
WM. W. EATON,
Managers on the part of the Senate.

The report was agreed to.

Mr. SPARKS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CULTIVATION OF TIMBER ON THE PUBLIC LANDS.

Mr. PATTERSON, of Colorado. I ask unanimous consent to take from the Speaker's table Senate bill No. 396, to amend section 2464 of the Revised Statutes, relating to the cultivation of timber on the public domain. The bill has been returned from the Senate with the amendment of the House disagreed to by the Senate and a request that a committee of conference be appointed upon the disagreeing votes of the two Houses. I move that the House insist upon its amendments and grant the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER *pro tempore* appointed Mr. WIGGINTON, Mr. PATTERSON of Colorado, and Mr. WELSH as the conferees on the part of the House.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House do now adjourn.

Mr. REAGAN. I hope that this motion will not be agreed to.

Mr. KNOTT. I ask the gentleman from Tennessee [Mr. ATKINS] to give way a moment in order that I may ask unanimous consent to take from the Speaker's table the bill to repeal the bankrupt law, so that the House may concur in the amendments of the Senate.

Mr. KENNA. I object.

The SPEAKER *pro tempore*. The proposition of the gentleman from Kentucky [Mr. KNOTT] can only be agreed to by unanimous consent, and there is objection.

Mr. KENNA. I object, not out of discourtesy to the gentleman from Kentucky, but because I am opposed to the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BAKER, of New York, for one week, on account of important business;

To Mr. LUTTRELL, indefinitely, on account of sickness;

To Mr. KNAPP, indefinitely, on account of sickness;

To Mr. CAMP, indefinitely, on account of business;

To Mr. DURHAM, for two weeks, on account of important business; and

To Mr. KILLINGER, for one week, on account of a death in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. PRICE, by unanimous consent, leave was granted to withdraw from the files of the House the certificate of inspection of the steamboat D. A. McDonald, whose name a bill passed by both Houses proposes to change to Silver Wave.

The question being taken on the motion to adjourn, it was agreed to, there being—ayes 107, noes 45; and accordingly (at nine o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BRIDGES: The petition of citizens of Emaus, Pennsylvania, that aid be granted to assist in the completion of the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. GOODE: The petition of Mrs. Eliza Lynch, widow of the late Commodore Lynch, for a pension—to the Committee on Invalid Pensions.

By Mr. HARDENBERGH: The petition of manufacturers of tobacco of Jersey City, New Jersey, against reducing the tax on tobacco at the present session of Congress—to the Committee of Ways and Means.

Also, a paper relating to the amendment of the patent laws—to the Committee on Patents.

By Mr. HUBBELL: The petition of S. M. Stephenson and 75 other citizens of Menomonee, Michigan, against the passage of a bill providing for the appointment of a board of commissioners to protect fisheries—to the Committee on Commerce.

By Mr. LOCKWOOD: Papers relating to the Indian depredation claim of H. A. Bateman—to the Committee of Claims.

By Mr. O'NEILL: Papers relating to the bounty claim of Robert M. Barr—to the Committee on Military Affairs.

By Mr. PAGE: The petition of citizens of Los Angeles County, California, relating to the Rancho de los Nogales—to the Committee on the Judiciary.

Also, three petitions of citizens of San Francisco, California, for the passage of such laws as will enable the Southern Pacific Railroad Company to extend said road from the Colorado River, at Fort Yuma, through Arizona and New Mexico, and until a through connection is made with the Gulf of Mexico—to the Committee on the Pacific Railroad.

By Mr. RYAN: A paper relating to the claim of W. H. Morgan—to the Committee on War Claims.

By Mr. TOWNSEND, of Ohio: The petition of D. P. Eells, S. T. Everett, and 16 other bankers and bank presidents of Cleveland, Ohio, for the passage of the Reagan transportation bill now pending before Congress—to the Committee on Commerce.

Also, the petition of Russ, King & Clint, J. H. Shelden, and 25 other lumber dealers and business firms of Cleveland, Ohio, of similar import—to the same committee.

By Mr. WIGGINTON: Three petitions of citizens of Los Angeles County, California, for the enactment of such laws as will enable the Southern Pacific Railroad Company to extend their road from Fort Yuma through Arizona and New Mexico, and until through connection is made with the Gulf and Lower Mississippi—to the Committee on the Pacific Railroad.

IN SENATE.

THURSDAY, *May* 23, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2915) to perfect the title to certain real estate in the District of Columbia;

A bill (H. R. No. 3708) to regulate the practice of pharmacy in the District of Columbia;

A bill (H. R. No. 4616) to incorporate the National Fair Grounds Association;

A bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia;"

A bill (H. R. No. 4943) to authorize the commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations;

A bill (H. R. No. 4944) amendatory of the act to incorporate the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 4945) for the preservation of game and protection of birds in the District of Columbia;

A bill (H. R. No. 4946) to amend chapters 15 and 27 of the Revised Statutes of the United States relating to the District of Columbia, and to consolidate into one the offices of recorder of deeds and register of wills of said District; and

A joint resolution (H. R. No. 182) for the benefit of the penny-lunch house of the city of Washington, District of Columbia.

The bill (H. R. No. 4947) providing for the holding of additional terms of the district and circuit courts of the United States in the southern district of Illinois, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

DISTRICT JUSTICES AND CONSTABLES.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives upon the amendments of the Senate to the bill (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes.

On motion of Mr. INGALLS, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives to the said bill, and agree to the conference asked by the House of Representatives on the disagreeing vote of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DORSEY, Mr. INGALLS, and Mr. HARRIS.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 29th ultimo, a statement of the appropriations and expenditures from the National Treasury for public and private purposes in the District of Columbia from July 16, 1790, to June 30, 1876; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting the petition of Lewis Leffman, ordnance-sergeant, United States Army, praying for retirement on the full pay of his grade; which was referred to the Committee on Military Affairs, and ordered to be printed.

WARREN MITCHELL.

Mr. McCREERY. I give notice that at the expiration of the morning hour on next Wednesday I shall make a motion to postpone the pending and all other orders, and proceed to the consideration of the bill (S. No. 855) for the relief of Warren Mitchell. I take this step with the concurrence of the chairman of the Committee on Claims, and with the desire to get a vote upon the measure at that time.

PETITIONS AND MEMORIALS.

Mr. DAVIS, of Illinois. I present several petitions upon the subject of woman suffrage: one from certain citizens of Savanna, Carroll County, Illinois; another from Richland Grove, Rock Island County, Illinois; another from certain citizens of Illinois, without mentioning where they live; and another from citizens of Albion, Edwards County, Illinois, all praying an amendment to the Constitution prohibiting the several States from disfranchising United States citizens on account of sex. I move that these petitions lie upon the table, the subject having been reported on.

The motion was agreed to.

Mr. DAVIS, of Illinois, presented the petition of Margaret E. Hamilton and John N. Babcock, of Chicago, Illinois, praying for the repeal of the charter of the National Capitol Insurance Company of Washington, District of Columbia, and that the assets be applied to the liquidation of the liabilities of the company; which was ordered to lie on the table.

Mr. COKE presented the petition of W. B. Miller and others, citizens of Bee County, Texas; the petition of B. L. Bludworth and others, citizens of Aransas County, Texas; and the petition of W. C. Jeffries and others, citizens of Webb County, Texas, praying for an appropriation of $100,000 for the improvement of the Aransas Pass, in that State; which were referred to the Committee on Commerce.

Mr. KERNAN presented the petition of Mrs. Lucy Hager, of Delaware County, New York, praying for arrears of pension on account of the death of her son; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented the memorial of Benton Grove & Co., and others, of Wisconsin, manufacturers of and dealers in type and printing material, remonstrating against the passage of the bill providing for the refunding to Miller & Richards of a fine imposed for undervaluing goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

He also presented a petition of the mayor and common council of the city of La Crosse, Wisconsin, praying for an appropriation for the erection of a public building in that city for the use of the Government; which was referred to the Committee on Public Buildings and Grounds.

Mr. MATTHEWS presented the memorial of H. H. Thorp & Co., manufacturers of and dealers in type and printing material, of Cleveland, Ohio, and New York, remonstrating against the passage of the bill providing for refunding to Miller & Richards a fine imposed on them for undervaluing goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

Mr. EUSTIS presented the petition of Mrs. C. M. Pritchard, of New Orleans, Louisiana, praying for the passage of an act granting her compensation for the use, occupancy, and damage of her property by United States military forces during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was recommitted the bill (S. No. 980) for the relief of Charles Collins, reported it with an amendment.

Mr. BURNSIDE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 811) for the relief of Henry L. James, reported it without amendment.

Mr. BLAINE, from the Committee on Naval Affairs, to whom was referred the petition of Greenleaf Cilley, commander United States Navy, praying to be restored to the active list of the Navy, reported a bill (S. No. 1305) for the relief of Greenleaf Cilley; which was read twice by its title.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1295) for the relief of the heirs of Benjamin F. Rice; which was read twice by its title, and referred to the Committee on Patents.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1296) to authorize the West Point Commercial Company, of Virginia, to do business in foreign countries; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1297) for the protection of dairymen, and to prevent deception in sales of butter and cheese in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1298) for the relief of the heirs of George W. McDannold; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONKLING. Having been requested to do so, I ask leave to introduce a bill for the relief of Edgar Huson. I know nothing of the facts in the case, and I ask that the bill with the brief accompanying it go to the Committee on Patents.

By unanimous consent, leave was granted to introduce a bill (S. No. 1299) for the relief of Edgar Huson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1300) for the relief of Marietta Mattison; which was read twice by its title, and referred to the Committee on Patents.

Mr. RANDOLPH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1301) granting a pension to Rebecca S. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1302) to authorize the payment of a debt of the Osage nation of Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1303) to amend section 184 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1304) for the relief of Robert C. Walker, late paymaster United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

Mr. COCKRELL. I ask leave to withdraw the papers which are on file in the case of Captain Daniel L. Duffy. The case was pending in the Forty-fourth Congress before the Committee on Naval Affairs. I ask leave to withdraw the papers under the rules of the Senate.

There being no objection, leave was granted.

On motion of Mr. SPENCER, it was

Ordered, That James L. Calhoun have leave to withdraw his petition and papers now on the files of the Senate.

On motion of Mr. HOWE, it was

Ordered, That the papers in support of the claim of Burr S. Craft be taken from the files and referred to the Committee on Claims.

AMENDMENT TO POST-ROUTE BILL.

Mr. HILL submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

WILLIAM H. NIMS.

Mr. INGALLS. The bill (S. No. 561) granting a pension to William H. Nims was by a vote of the Senate a few days since indefinitely postponed. Additional evidence having been brought to the notice of the committee, I ask that the action of the Senate be reconsidered and that the bill be recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration of the vote by which the bill was postponed indefinitely? The Chair hears none. The bill will be recommitted to the Committee on Pensions.

SERVICE OF PROCESS IN INTERPLEADED CASES.

Mr. DAVIS, of Illinois. I ask leave to call up the bill (S. No. 1241) to provide for the service of process in cases of interpleader in the courts of the United States. It is not a bill that there will be any objection to by anybody.

Mr. DAVIS, of West Virginia. I have no objection to the bill, but it will be recollected that the resolution in regard to the Treasury discrepancies committee is the unfinished business this morning.

Mr. DAVIS, of Illinois. That resolution will require discussion. I do not think this bill will take any time, if the Senator from West Virginia will give way about five minutes.

Mr. DAVIS, of West Virginia. I will give way one minute. I notice the Senator from Iowa [Mr. ALLISON] is not in his seat. As soon as he comes in I shall ask the Senate to take up the resolution that was under discussion when the morning hour ended yesterday.

The PRESIDENT *pro tempore*. The Senator from West Virginia will have to move to take it up; it is not unfinished business.

Mr. DAVIS, of Illinois. I move that the Senate proceed to the consideration of the bill (S. No. 1241) to provide for the service of process in cases of interpleader in the courts of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in cases and

on bills of interpleader in circuit courts of the United States, or district courts having the powers of a circuit court, where any of the parties do not reside or cannot be found in the district where the suit is pending, the process of such court may extend to and be served in any other district; such service to be made by the marshal of the district where made, or other proper person; and injunctions in such suits may extend as well to proceedings in State courts as to those in the courts of the United States.

Mr. DAVIS, of Illinois. The object of this bill is where there is a fund sued for by various parties in different States, to let one of the courts get possession of all the parties and adjudicate the rights between them. I will illustrate. A person in Kentucky insures his life for the benefit of his wife in a company in New Jersey. The man dies; but before he dies he transfers this policy to somebody in the State of New York, in fraud of his wife. The case may be assumed. The man having died, the wife brings suit upon the policy. The party who holds the policy in the State of New York brings suit also. The insurance company is perfectly willing to pay the money, acknowledges its obligation to pay the money to either one or the other. Now, we should provide the opportunity in such a case as that for service of process in a process of interpleader to bring all the parties into court; and the court that first gets possession of the suit should have the opportunity of getting all the parties in interest before it to adjudicate the matter and dispose of it at once.

There are two amendments to the bill which have been suggested and which I think ought to be made. In line 9, I move to strike out the word "proper" before the word "person," and after the word "person" to insert "legally authorized to serve process;" so as to read:

Such service to be made by the marshal of the district where made, or other person legally authorized to serve process.

The amendment was agreed to.

Mr. DAVIS, of Illinois. I have been directed by the Committee on the Judiciary to move to amend the proviso by striking out in lines 11 and 12, the words "*Provided, however,* That" and inserting "But," and at the end of the bill to strike out the period and insert these words after a comma:

And in the latter case the interpleader suit shall be commenced in the district in which such proceedings are depending.

So that if amended the proviso would read:

But nothing herein contained shall authorize any such suit to be brought in any district other than a district in which one or more of the claimants required to interplead resides or has commenced proceedings to prosecute the claim in question, and in the latter case the interpleader suit shall be commenced in the district in which such proceedings are depending.

The object of that is simply to require that the party who wishes to interplead shall do it in the district where the suit has been commenced.

Mr. HOAR. I should like to inquire of the Senator from Illinois whether under this bill it is not possible to practice great fraud or great injustice upon plaintiffs. Here is a plaintiff resident in California with a claim against a life-insurance company or a fire-insurance company or a marine-insurance company established in New York or New England. The policy in almost all the States of the Union is established that companies doing business of that kind in the State are bound to have agents or attorneys authorized to receive the service of process. In other words, it is made a condition of prosecuting this kind of business in the various States that the company prosecuting it shall hold itself liable to be sued in the State where it effects a policy. Suppose under this bill an insurance company in New York or Boston is doing business in a distant part of the country, why can it not get some claimant in the State where it resides or in the distant State to make claim to the fund in case of a loss and compel the plaintiff, the party insured, to go half way across the continent to prosecute his suit, by getting up an interpleader suit?

Mr. DAVIS, of Illinois. It seems to me that is an extreme case. You cannot pass any bill that will prevent men from committing gross frauds; but this bill is not designed for any purpose of that sort at all. If suit is first commenced in one State the bill is simply to allow the court there to get all the parties in. For instance, suppose an insurance company insures in the State of California where the party resides and another person claims the fund. In that case the bill is simply to enable the court to get that other person into the court, and dispose of the case there. There have been several such cases in the Supreme Court of the United States, in which they have been very much embarrassed.

Mr. HOAR. The answer of the honorable member of the Judiciary Committee does not meet my question. He says that it is a good thing in a suit of interpleader to have all the parties before the court, and where the parties are residents in different districts I agree that it is necessary to have an authority whereby the process may be served beyond the district where the suit is pending if that can be accomplished without a greater evil. My question is not whether that is not a good object to be accomplished, but whether the bill is not open to a very strong practical objection, and that is that it enables a class of debtors to which of course the whole bill is intended chiefly to apply, the case of insurance companies——

Mr. DAVIS, of Illinois. Oh, it is intended to apply in railroad cases and in other cases.

Mr. HOAR. But that of insurance companies is the commonest class of cases. In other words, it enables a debtor to bring his creditor, under the guise of a bill of interpleader, into the State where a fictitious suit may be instituted. It seems to me that that is a very strong practical difficulty.

Mr. DAVIS, of Illinois. The last clause of the bill, which was amended just now, is to compel the party to interplead after the first proceedings are commenced, so as to relieve any difficulty of that kind. The bill has received the approbation of Judge Strong.

Mr. HOAR. That is very strong argument; but the question is for it to receive the approbation of the Senate. Of course the source from which this bill comes is very important.

Mr. DAVIS, of Illinois. I am not saying that. I am simply saying that if we pass any bill upon the subject at all, this bill has been fully considered.

Mr. HOAR. I think it is a proper, practical question which I put, and that is whether this bill sufficiently guards claimants, creditors, who are entitled to sue their debtors in the district where they reside, from being called into other and distant districts on pretended bills of interpleader. That is the question that I desire to have answered, and I think it is a question fit to be answered.

Mr. EDMUNDS. I think it is, too, but I think a little consideration by my distinguished friend from Massachusetts will convince him——

Mr. HOAR. I desire to say to the Senator that I have not had an opportunity to give any consideration to the bill; and I ask the question of the committee who have considered it.

Mr. EDMUNDS. A little consideration will convince him that the danger to which he alludes is trifling compared to the absolute injustice that is now perpetrated, not only upon debtors who are willing to pay, but upon the true creditor who wishes to get his pay, because the debtor says "I will not pay until this outstanding claim that is made against me by another party is disposed of, because I cannot be exposed to the risk of paying twice; but the moment you get that disposed of, then I am ready to pay." Consequently what has been the result in one or two cases that have been brought before the attention of the committee, now existing? One in particular that is in my mind, is the case of a widow lady of great merit in a State of this Union who is absolutely kept out of $5,000 that unquestionably clearly belongs to her on a policy made for her benefit that the company is perfectly willing to pay, perfectly responsible; it brings the money into court, but she cannot get her money because there is a claimant under her husband in his life-time in another State, where neither the State court nor the Federal court in the State where this widow lives can get jurisdiction of the person, the Federal court already has jurisdiction of the subject on account of the different residence of the parties. Now what are you going to do or propose to do in such a case?

Now in respect of the fraudulent contrivance that a debtor, be it a corporation or whatever, might get up in order to vex the party and have a fictitious suit brought against him, it would be death to an interpleader bill because the very foundation of an interpleader bill must be that the party who commenced the interpleader, the debtor, the stake-holder, must state in his bill, and I think according to the rules of practice he must accompany it by an affidavit that the bill is brought through no collusion or contrivance or understanding with either of the claimants and comes in, independent of them both, in his own right. Now, we propose by this amendment to say that wherever either of these two claimants has first begun the suit, in that district the Federal court if it has jurisdiction at all may proceed; we confer no jurisdiction; it is merely a question of the service of process. I think that is as safe as you can get it. Undoubtedly the course of justice may be perverted by a debtor, just as it may be now in many instances, getting up a fictitious proceeding somewhere in order to harass other people; but that is so rare, particularly in respect of interpleaders, which would present a case of perjury on the face of it to begin with, that I do not think the danger is at all commensurate with the benefit to be obtained in the other respects. I submit that to my friend.

Mr. HOAR. Mr. President, the city of which I am a resident was swept over by a fire, burned out in the heart of all its business and manufacturing center. That was in 1854, and I believe that out of the insurance which was upon that vast manufacturing property the owners did not collect 10 per cent., and the reason was that they were insured largely in foreign insurance companies, insurance companies doing business in other States; and those insurance companies, by their by-laws and the legal skill that they had called into their service, had carried the art of cheating parties insured out of their insurance to a science; and the extent of the foresight and ingenuity which they had manifested in this thing if applied to any ordinary business or the invention of mechanical appliances for a useful purpose would almost have revolutionized the industries of the country.

Now the States have been compelled—and there is nothing to which our business men and our manufacturers are more alive than to the preservation of these safeguards—to establish the most careful safeguards in regard to the business of fire insurance, and to some extent of marine insurance, though not so much; and so in regard to the business of life insurance. On the solvency and honesty of these life-insurance companies depends the security which many men have for wife and children being provided for when they are taken away.

In nearly every State of the Union there is a provision making it highly penal to enter into the business of life or fire insurance without an arrangement of a bond filed with the treasurer of the State to secure all judgments in the State and the maintenance of an attorney or agent authorized to accept service of process in the State.

This bill seems to me to be open to the objection that fictitious interpleader suits can be got up in those cases in any other State in the Union, and a person to whom the right of suit in his own State has been secured by the State law existing at the time he entered into his contract driven to go to any other State in the Union at the pleasure of the debtor, when such a fictitious suit may have been instituted. I know that the formal affidavit that there is no collusion as required in all interpleader suits; but it seems to me that that is not a trifling or an imaginary difficulty selected by mere ingenuity. It is a resort which these insurance companies will be sure to avail themselves of and to understand the moment this bill becomes a law.

Though I have some experience in this general class of questions, which all professional men have, I know the very much greater authority of the committee from which this bill has come; and I would suggest that a very important security might be added by giving an authority to the court where the interpleader is tried to transfer the proceedings from one district to another in which the parties may reside, when the interests of justice shall in the opinion of the judge seem to require, by a certificate, as is done in England by transferring a bankruptcy trial from one county to another.

Mr. EDMUNDS. There would be no objection to that except the objection that might arise in a given case, and would very often, on the Constitution of the United States. You see the jurisdiction of the court, its right to hear an interpleader at all when it has got the parties, depends upon the Constitution; that is to say, in respect of all the class of subjects in general that we are now speaking of, it depends on the citizenship of the parties. Consequently a suit very often cannot be commenced by interpleader in the State where it might be most convenient to the parties to try it or to two of them, for instance, in the very State of which the company is a citizen. There that company could never sue in the courts of the United States in a case of interpleader in an ordinary sense, because it is not anything that arises under an act of Congress, and the jurisdiction must depend upon citizenship, and the very citizenship of a stakeholder in that case would oust the jurisdiction. Just so if one of the claimants to the fund resided in the same State with himself; but if both the claimants to the fund reside in the same State and the stakeholder reside in another, then the suit can be brought. But so far as the Constitution will allow it, to authorize the court in a case of interpleader to transmit the case, in its discretion, to a more convenient district where one or the other party resides, I should for one certainly not have the least objection to; but practically when you consider the extreme narrowness of the cases of interpleader at all, a case of mere stakeholding where the holder of the fund has no claim to it and says he has none, it is not necessary to make provision on the subject. It is a case where the very insurance company that files a bill of interpleader is obliged to state and swear that it is willing and ready to pay, that it has not any defense upon the policy, but only wishes to find out which of two persons, the original holder of the policy or an assignee, is entitled to the money, they both claiming it. So my friend will see how very narrow the case is, and that an insurance company that wanted to get rid of paying would be the last party that would attempt to file an interpleader, because it has to give up formally under oath all its own claim or defense to the payment of the money, to bring the money into court, or to offer it, one of the two, and to offer it means to bring it.

Mr. HOAR. No, I do not think that is very important to the point. I do not understand that there is any obligation to bring the money into court.

Mr. EDMUNDS. There is an obligation to tender it, say he is ready to pay it, and thereupon the court may make an order at once "if you say you are ready to pay, bring in the money."

Mr. DAVIS, of Illinois. He must bring in the money, or the court would not allow the interpleader.

Mr. EDMUNDS. He must make tender of the money. I do not claim that it is necessary that he should pick up his pile of greenbacks or his bag of silver dollars and lay them down in the clerk's office the moment he files the bill; but he must state in the bill, which must be under oath and which must reject under oath all claim to the money, all pretense of collusion with either of the parties, and must say, "I am now ready to pay over this money."

Mr. DAVIS, of Illinois. And the court can compel him to pay it.

Mr. EDMUNDS. That being the state of the case, I submit that an insurance company that wanted to cheat its creditors would be the very last company that would ever experiment under this bill. The Senator will see that we now provide by this amendment that the suit must be brought where one of the parties lives and where the party lives who has first commenced the proceeding. In nine hundred and ninety-nine thousand cases out of a million, if ever there could be so many, certainly in ninety-nine in a hundred the party who first commences the suit is the man who makes the first claim on the policy and the real man, if there be a real man; and the insurance company would hardly go and get somebody through perjury to bring a suit against itself as a claimant to a fund which it knew did not belong to it in order to get jurisdiction if the other party should sue somewhere else.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. TELLER. I wish to ask whether it is intended to apply to anything but cases of interpleader? The language seems to be rather general.

That in cases and on bills of interpleader in circuit courts, &c.

Mr. EDMUNDS. The word "cases" was used from the circumstances that all the rules in equity in the Federal courts are subject to the regulation of the Supreme Court of the United States. As my friend knows, under their present rules a bill is the name of the particular thing that must be brought; but if the Supreme Court should change its rules so that an interpleader case might be instituted by a petition instead of by a bill, the point was to cover that. If the Senator thinks there is any serious doubt about it, I shall not object to striking out "cases."

Mr. TELLER. I think some question may arise whether it does not apply to something else. Say "on all bills of interpleader;" and if the Supreme Court changes its rules so that "bill" means something else, that will follow.

Mr. MATTHEWS. I hope the Senate will not strike out the word "cases," but will strike out "bills" so as to say "that in cases of interpleader."

Mr. TELLER. I will make the motion in that way.

Mr. EDMUNDS. That will make it clear. Strike out the words "and on bills;" so as to read "in cases of interpleader."

Mr. DAVIS, of Illinois. I will accept that amendment.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none and it is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREASURY DISCREPANCIES COMMITTEE.

Mr. PLUMB. I move to proceed with the consideration of Senate bill No. 1060.

Mr. DAVIS, of West Virginia. It will be recollected by the Senator from Kansas that I gave notice that as soon as the bill of the Senator from Illinois was disposed of I should ask the Senate to take up the resolution in regard to the Treasury accounts committee. I will say to the Senator that there is no disagreement on the resolution, and it will only be called up and passed.

Mr. PLUMB. If there will be no delay, I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks for the present consideration of a resolution which will be reported.

The CHIEF CLERK. The resolution reads:

Resolved, That the select committee to investigate the finance reports, books, and accounts of the Treasury Department, appointed under resolution of the Senate of November 19, 1877, in addition to the powers conferred by said resolution, have leave to continue its investigation and sit during the vacation or recess of the Senate.

An amendment is pending to strike out the words "and sit," and to add the words "so far as to continue the examination of books in the several Departments of the Government."

Mr. ALLISON. I propose to modify my amendment so as merely to strike out the words "and sit," and withdraw the latter clause. I do this after consultation with the chairman of the committee, with the understanding that the committee itself will not be called here by the chairman unless we find it convenient to come. In other words, the sessions of the committee are to be in accordance with an understanding if there are any such sessions.

Mr. MORRILL. If that is satisfactory to the Senator from Iowa, I certainly shall not object; but it seems to me that it only prevents this committee from being a sedentary committee, and provides that they shall be a standing committee and continue their investigation; but if the Senator from Iowa is satisfied with it, I shall have no objection. I am satisfied they will not continue business long unless they can sit.

Mr. ALLISON. I will say to my friend that I do not think there will be any trouble with reference to this.

Mr. DAVIS, of West Virginia. With the explanation the Senator from Iowa has given to the members of the committee, I am well satisfied that the words "and sit" ought to be stricken from my resolution, with the understanding that the latter part of the amendment is withdrawn.

The PRESIDENT *pro tempore*. The question is on the amendment as modified, to strike out the words "and sit."

The amendment was agreed to.

The resolution, as amended, was agreed to.

HEAD-STONES FOR SOLDIERS' GRAVES.

Mr. PLUMB. I now move to proceed to the consideration of Senate bill No. 1060.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1060) directing the Secretary of War to erect head-stones over the graves of soldiers interred in the Cemetery at Mound City, Kansas.

The Committee on Military Affairs reported the bill, with an amend-

ment to strike out all after the enacting clause and to insert in lieu the following:

That the Secretary of War is hereby authorized to erect head-stones over the graves of soldiers who served in the regular or volunteer Army of the United States during the war for the Union, and who have been buried in private village or city cemeteries, in the same manner as provided by the law of March 3, 1873, for those interred in national military cemeteries; and for this purpose, and for the expenses incident to such work, so much of the appropriation of $1,000,000, made in the act above mentioned, as has not been expended, and as may be necessary, is hereby made available.

Mr. EDMUNDS. I have not the least objection to that; I only want to suggest to the Senator in charge of the bill that inasmuch as this is an expenditure and an act to be done in respect of the graves of those whose relatives in a great many instances have buried them themselves, this act in these private cemeteries ought to be with the consent of the relatives, if there be any, and of the authorities having charge of the cemeteries.

Mr. PLUMB. I do not know that there is any objection to that suggestion, but I presume that as so much time has elapsed since these parties were buried it may be safely assumed that the relatives have relinquished any intention or disposition to control the bodies. This matter has been brought to the attention of Congress by a memorial from the General Assembly of the State of Pennsylvania, as well as by various private petitions; and, as the Senate well remember, there was read in the hearing of the Senate a few days ago a letter from the Quartermaster-General, stating that there were seventeen thousand of these soldiers so buried, and that it was necessary that this work should be undertaken at once, in order to preserve the personal identity of the individual soldier, because the wooden monuments which marked their resting-places were decaying. That makes the necessity for the urgency of this measure. Before we shall meet again no doubt this identity would be lost to a great extent.

Mr. HOAR. I should like to suggest to the Senator who reports this amendment an addition to the section something like this:

The Secretary of War be directed to preserve among the records of the Department the names and places of burial of the soldiers for whom such head-stones are appropriated.

It would be a very important public record for genealogical and other historical purposes.

Mr. PLUMB. I have no objection to an amendment of that character. I understand that that already has been done by a general law.

Mr. HOAR. If there is such a law, that is sufficient.

Mr. PLUMB. This corresponds specifically with the recommendation of the Department in reference to this particular subject.

Mr. HOAR. If the Senator is sure there is such a law now, I will not press my suggestion of amendment.

Mr. PLUMB. I am entirely willing that the Senator from Massachusetts, in order to make that sure, shall so amend the bill as to cover that point.

Mr. McDONALD. I should like to inquire of the Senator from Kansas if this bill embraces burials in all cemeteries?

Mr. PLUMB. Private, village, and city cemeteries.

Mr. McDONALD. Organized cemeteries?

Mr. PLUMB. All other cemeteries than the national military cemeteries, which are already provided for. It is to cover all those not provided for now by law in the national military cemeteries.

Mr. HOAR. I move to add to the amendment of the committee:

The Secretary of War shall cause to be preserved in the records of his Department the names and places of burial of all soldiers for whom such head-stones shall have been erected by the authority of this or any former act.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. PLUMB, the title was amended to read: "A bill authorizing the Secretary of War to erect head-stones over the graves of Union soldiers who have been interred in private, village, or city cemeteries."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3558) to change the time of holding the regular terms of the circuit and district courts of the United States for the western district of Michigan; in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. No. 396) to amend section 2464 of the Revised Statutes, relating to the cultivation of timber on the public domain, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETER D. WIGGINTON of California, Mr. T. M. PATTERSON of Colorado, and Mr. FRANK WELCH of Nebraska, managers at the conference on its part.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1879, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 933) to authorize the commissioners of the District of Columbia to refund a certain tax erroneously collected; and

A bill (S. No. 1021) for the relief of certain settlers on the public lands.

JOHN C. BIRDSELL.

Mr. McDONALD. I rise for the purpose of moving the present consideration of the bill (S. No. 501) for the relief of John C. Birdsell.

The bill was read for information.

Mr. WITHERS. The morning hour has almost expired. That bill cannot pass without objection and debate, I know.

Mr. McDONALD. If the bill can be taken up at the close of morning business to-morrow I am willing it shall go over now.

Mr. WITHERS. I shall be compelled to oppose the passage of the bill, and others coincide in this opinion.

Mr. McDONALD. I do not desire the bill to pass without consideration. I am willing it shall be fully considered.

Mr. INGALLS. I call for the regular order.

The PRESIDENT *pro tempore.* The morning hour has expired, and the unfinished business of yesterday will now be taken up.

HOUSE BILL REFERRED.

The bill (H. R. No. 3658) to change the time of holding the regular terms of the circuit and district courts of the United States for the western district of Michigan was read twice by its title, and referred to the Committee on the Judiciary.

COMPLETION OF WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. INGALLS, and Mr. EUSTIS managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers of D. B. Randall be taken from the files and referred to the Committee on Indian Affairs.

On motion of Mr. BURNSIDE, it was

Ordered, That the papers in the case of Marie Barton Greene be taken from the files and referred to the Committee on Military Affairs.

DISTRICT GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

The PRESIDENT *pro tempore.* The question is on the amendment proposed by the Senator from Delaware [Mr. BAYARD] to the second section of the amendment of the Committee on the District of Columbia, after the word "per annum," in line 28, to insert:

And shall, before entering upon the duties of the office, each give bond in the sum of $50,000, with surety as required by existing law.

Mr. INGALLS. Let me state in a few words the object of this amendment to those who have not heard it read. It proposes to compel the commissioners of the District appointed from civil life to enter into bond in the sum of $50,000 for the faithful discharge of their duties. I stated yesterday, and repeat this morning, that under the provisions of this bill the commissioners have no charge whatever of the finances of the District. The taxes that are collected are paid into the Treasury of the United States, and they are disbursed upon the warrants of the commissioners only upon itemized vouchers duly certified, and these vouchers must be countersigned by the Comptroller of the Treasury.

Mr. HOWE. Allow me to ask a question.

Mr. INGALLS. Certainly.

Mr. HOWE. I ask whether in fact under the proposed law the commissioners have more or less control of the finances than the commissioners have under the existing law?

Mr. INGALLS. If under the existing law they have anything to do with the finances, under this new law they must have much less, for they have nothing except simply to disburse them upon warrants countersigned by the First Comptroller of the Treasury.

Mr. HOWE. As a matter of fact the commissioners now give bond?

Mr. EDMUNDS. The act of 1874, if Senators will allow me to read it, provides—

Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of $50,000, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office.

Mr. INGALLS. Under this bill even the estimates of taxation are required to be submitted to Congress through the Secretary of the Treasury for approbation; and it would be just as reasonable to require the President of the United States or a Senator or Repre-

sentative in Congress to give a bond as these commissioners of the District. They are cabined, cribbed, and confined in every particular except as to simple executive duties. I hope that the amendment will not prevail. It seems to attach a condition to the acceptance of this office that really ought not to exist, for there is no pecuniary responsibility whatever.

Mr. BAYARD. Mr. President, the bill before the Senate in section 2, on page 2, provides for the appointment of three commissioners, who, from and after "the 1st day of July, 1878, shall exercise all the powers and authority now vested in the commissioners of said District, except as are hereinafter limited." By the law of June 20, 1874, three commissioners were appointed with power and authority as set forth in the second section of that act. There is a substantial description of the duties of these commissioners, and there is nothing in the present law that substantially changes the character of those duties. There are changes; there are some limitations; but there is nothing that in substance changes the character of the duties of the commissioner under the law of 1874 and the proposed law of 1878. The second section of the act of 1874 provides:

Said commissioners shall each before entering upon the discharge of his duties take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of $50,000, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of $5,000 per annum.

This law has been in existence four years. It was duly passed by the House of Representatives and the Senate and approved by the President. Is there any reason, and if so would it not now be well to state it, why a provision thought to be necessary in the law of 1874 in respect to the performance of the duties of this office, should not apply in 1878? My knowledge of the workings of the laws of this District is by no means as perfect as I would desire; but the suggestion at once occurred to persons in the city, and was by them communicated to me, that the bond of 1874 was omitted, and apparently without any reason, in 1878. I see no reason why the bond should not be given.

Mr. MORRILL. I hope my friend from Kansas will allow this amendment to go in. It seems, according to the statement of one member of the District Committee, that he supposed this provision was to remain, and that it was merely an error of clerkship that it was not inserted in the report. I am very sure that this will be no burden on the persons who may be nominated for this office. Certainly the men ought to be of sufficient character to be able to obtain a bond of $50,000 without much difficulty; and it will correspond with the law as it has heretofore stood, requiring a bond. I hope, therefore, the Senator from Kansas will not object, but will let this go in.

Mr. INGALLS. This is not a matter of very great consequence one way or the other. I am much more desirous that the bill should proceed than that we should discuss minute details, and I will therefore withdraw my request for a division and ask that the question may be again submitted to the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment submitted by the Senator from Delaware.

The amendment was agreed to.

Mr. EDMUNDS. I suggest an amendment in line 22 of section 2. It now reads:

And one of said three commissioners shall be chosen president of the board of commissioners at their first meeting and annually thereafter.

I propose to insert after the word "annually," in line 22, the words "and whenever a vacancy occurs;" so that if, through death or resignation or whatever, there should be no president who is to sign papers for the board, the board may be authorized without any question to fill the vacancy.

Mr. INGALLS. I have no objection to that.

The amendment was agreed to.

Mr. HOAR. It seems to me the President ought to designate the presiding officer of a board made up in this way.

Mr. EDMUNDS. That is another question. Then in line 29, after the word "commissioners," I move to insert the words "appointed from civil life." That relates to the duration of term, three years for those appointed from civil life, to make it conform to what the Senate agreed to yesterday. I believe my friend from Kansas has no objection to that.

Mr. INGALLS. Those words have been inserted already, I think. If not, let them be inserted now.

The PRESIDENT *pro tempore*. The words will be inserted, without objection.

Mr. EDMUNDS. At the suggestion of the Senator from Iowa who sits next me, [Mr. KIRKWOOD,] who has been called out a moment, I move to strike out the word "salaried" in line 33. The provision now reads:

Neither of said commissioners, nor any salaried officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted, &c.

The suggestion of the Senator from Iowa, which with me has great force, was that it would be better and safer not to allow anybody who holds office under the District to be a surety on any of the bonds of the people who are contracting with it, no matter whether the officer had a salary or not that as long as he belonged to the official force of the District, he ought to be excluded from bonds because he might have influence in getting bad bonds and all that sort of thing. At that suggestion I move to strike out the word "salaried."

The amendment was agreed to.

Mr. HEREFORD. I desire to call the attention of the Senator having charge of this bill to line 32. I will read the context to make myself intelligible:

But the first appointment shall be one commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years.

By the provision of this bill these two officers are to hold their office for three years. There is no provision made in the bill for what length of time the third commissioner shall hold his office. It says one commissioner for one year and one for two years; it says nothing about the third commissioner at all in that connection.

Mr. INGALLS. The Senator has probably not observed that the third commissioner is an officer of the Corps of Engineers of the United States Army, to be detailed from time to time by the President. So it is impossible, while he remains in the Army, to fix specifically the term he shall hold.

Mr. HEREFORD. That was what I desired to call the Senator's attention to. If that is the construction—and it seems to me to be the proper construction—that this third commissioner holds his office at the will of the President, then the President can appoint him and turn him out whenever he may please; and yet the bill goes upon the theory that each of the commissioners is to hold his term for three years. There is certainly a contradiction here.

Mr. INGALLS. If the Senator will observe the language of lines 28 and 29 and 30 he will see that after the word "commissioners" in line 29 the words "appointed from civil life" have been inserted, which will describe the two commissioners who are to hold for the period of three years.

Mr. HEREFORD. It seems to me that each of the commissioners should hold his term of office for three years, and I see no reason why by law we may not say that an Army officer may hold his office for three years, as well as one from civil life. I think that the term of office ought to be fixed for each one of the commissioners, and that each one should hold his office for three years. For that purpose I move an amendment, to insert in line 32 "and one for three years," so that it will read, "the first appointment shall be one commissioner for one year, one for two years, and one for three years."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia.

Mr. EDMUNDS. I hope my friend from West Virginia will not insist upon that amendment. That subject was discussed yesterday, and the Senate appear to be of opinion, by the vote it gave, as I was myself certainly, that it was much better to have this Army officer, just as the Army officer who has charge of the public buildings and grounds always has been, subject to detail by the President of the United States according to the exigency of the public service and according to the responsible discretion of the President as to whether in making the first selection he had got the man best adapted for that work; and accordingly the Senate yesterday and this morning also made the phraseology of the bill such as to make clear what the committee intended in that respect. I hope, therefore, this amendment will not be insisted upon.

Mr. HEREFORD. It seems to me that if the argument which the Senator from Vermont urges, to leave this in the discretion of the President, so that if he should not have appointed the proper man the first time he should have an opportunity to correct the error, be good as far as the Army officer is concerned, it is equally good as far as those taken from civil life are concerned, and, if possible, is more potent in their case, for the reason that I believe it is conceded by all persons who have thought on the subject that the Army officers, as a general thing, are without reproach, and that one taken from the Army would be more likely to be accomplished for this position than one taken from civil life, and the President would be less likely to make a mistake in the one case than in the other. I think the amendment ought to prevail.

Mr. HOAR. Suppose a war should break out and, in the judgment of the President, the Commander-in-Chief, the Army officer who had been stationed here in time of peace upon this duty was specially fitted for military duty somewhere else, would it be right to have the President prohibited from calling him into the service, for which he had been enlisted, of the country in time of war, by a legal obligation to keep him here for three years?

Mr. HEREFORD. If that exigency should occur, Congress, I presume, would be in session and could relieve the service. We certainly have enough officers in the Army that taking one from it will not cripple it. There is a superabundance of officers, as has been shown time and again in the debate on this floor and as was pointed out very plainly in some remarks some weeks ago by the Senator from Kentucky, [Mr. BECK,] so that there can be no trouble it seems to me there.

Mr. INGALLS. It is too obvious for extended argument that, in order to preserve the discipline of the Army, its officers and soldiers must be under the control of the Commander-in-Chief. It would interfere very seriously with this principle to have Congress designate the period for which an officer should be detailed and assigned to duties in civil life; and for various reasons, therefore, I hope that the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia.

The amendment was rejected.

Mr. INGALLS. After the word "pay," at the end of line 14, in order to define more specifically the compensation that the officer of the Army is to receive who serves on this board of commissioners, I move to insert the words "and allowances;" so as to read:

Nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none. It is agreed to. The question now is on the second section as amended.

The section was agreed to.

The Secretary read the third section.

Mr. INGALLS. There are certain formal and verbal amendments that the committee desire to submit to this section, to which I presume there will be no objection. After "rights," in line 4, I move to insert the word "duties."

The PRESIDENT *pro tempore*. If there be no objection, the word will be inserted.

Mr. INGALLS. After the word "in," in line 8, I move to insert the words "and imposed upon;" so as to read: "and vested in and imposed upon said commissioners."

The PRESIDENT *pro tempore*. The Chair hears no objection to this amendment. The insertion will be made.

Mr. INGALLS. After the word "limitations," in line 12, I move to insert "and provisions," and in the same line to strike out the word "provided" and insert the word "contained;" so as to read: "subject to the limitations and provisions herein contained."

The PRESIDENT *pro tempore*. The Chair hears no objection; and this amendment will be made.

Mr. INGALLS. Before the word "power," in line 20, I move to insert "duties" and to change "power" to "powers;" so as to read: "and exercise the duties, powers, and authority aforesaid;" and after "such," in line 21, to insert "duties" before "power," and make "power" "powers."

The PRESIDENT *pro tempore*. These changes will be made, no objection being interposed.

Mr. INGALLS. In line 39, after the word "rights," I move to insert "penalty or forfeiture," and to change "rights" to "right."

Mr. EDMUNDS. You do not want any "or" between "penalty" and "forfeiture."

Mr. INGALLS. Yes; leave out that "or."

The PRESIDENT *pro tempore*. The amendment will be made, no objection being interposed.

Mr. INGALLS. Before the word "any," at the commencement of line 40, I move to insert the words "said district or commissioners or;" so as to read: "or cause action existing in favor of said District, or commissioners, or any citizen of the District of Columbia," &c.

The PRESIDENT *pro tempore*. The amendment is agreed to.

Mr. INGALLS. After the word "commenced," in line 41, I move to insert the words "proceeded for."

The PRESIDENT *pro tempore*. The amendment is agreed to.

Mr. INGALLS. In line 79, I move to strike out the word "thereof" and insert the words "of such approved estimates;" so that the line will read: "and the remaining 50 per cent. of such approved estimates shall be levied," &c.

The PRESIDENT *pro tempore*. The amendment is agreed to, no objection being made.

Mr. SAULSBURY. Section 3 authorizes the commissioners, in anticipation of revenue, to borrow not exceeding $200,000 in any one year. The idea of the committee, I suppose, was that the commissioners should repay that money out of the revenues of the current year. I think, out of abundant caution, after the words "per annum," in line 31, we should insert the words "which shall be repaid out of the revenues of the current year."

Mr. EDMUNDS. I suggest to my friend from Delaware the propriety of striking out the whole of that clause. We now have a provision of law, which has been found I think to be very useful if this District is not going to be swamped entirely, prohibiting the increase of the debt at all and under any circumstances. Now we propose by this permanent form of government to set the District on its feet, and for Congress to contribute a portion, and so on. The effect of this provision as it now stands in the bill is to increase the amount of the debt of the District by $200,000, a standing increase because we know by human experience money will always be borrowed when there is authority to borrow it. We are always, therefore, just $200,000 behind. If they could only increase for one year and get up even, or begin even with this bill, then the prohibition against borrowing ought to be absolute and complete.

Mr. SAULSBURY. I concur in the view of the Senator from Vermont.

Mr. EDMUNDS. So that, if the Senator will withdraw his amendment, I will move to strike out the whole provision.

Mr. SAULSBURY. I withdraw my amendment to allow the amendment of the Senator from Vermont to take its place.

Mr. EDMUNDS. I move to strike out in lines 28, 29, 30, and 31, these words:

But they may borrow, in anticipation of collection of revenue, not to exceed in any one year $200,000, at a rate of interest not exceeding 6 per cent. per annum.

I think it will be a great advantage to the credit and the prosperity and the success of this District if everybody understands that its expenses are to be paid out of money that has been collected from taxes or voted by Congress for its share, and that no authority to borrow shall exist. This is, as I have stated, an authority to increase the standing indebtedness of the District by nearly a quarter of a million of dollars. I hope my friend in charge of the bill will assent to having this thing start even and being kept even.

Mr. INGALLS. Mr. President, if it were even, I should be very glad to consent to start even and have it kept so hereafter; but unfortunately the District is behind at the present time; it has been behind for a long period of time in consequence of the disinclination or unwillingness of persons who have been assessed to pay their taxes, and they cannot be collected, and several departments of the government will be very seriously crippled and embarrassed, if not entirely destroyed, unless some provision is made by which the revenue can be anticipated. I should be glad, and I think it would be proper, for Congress to make an appropriation to put the government on its feet and help clear the District from debt, and let them begin anew, and then provide that hereafter no indebtedness shall be incurred. But here are the existing facts. We had a few weeks ago to pass a bill to prevent the public schools here from being closed. There are other departments of the government that require assistance. Unless Congress acts speedily and promptly, there will be another default on the semi-annual interest on some of their funded debt. This provision is to enable the commissioners to bridge over difficulties that exist in consequence of the non-payment of taxes and the present condition of the revenues of the District. I do not see how it will be possible for the affairs of the District to be carried on unless Congress either makes a direct appropriation to assist the government out of its present difficulties or authorizes the commissioners to borrow money.

Mr. EDMUNDS. Mr. President, there is force in what the Senator from Kansas says; but it is only the force of saying that the permanent debt of this District shall be increased by $200,000, because the moment you get to this limit there can be no more borrowing, and then when an emergency and difficulty occurs they are then as badly off as they are now. It does seem to me—and I have found that from observation and experience in the municipality in which I live when I am at home—that if you grant this power it will be a usual resort. I think that to put our foot down and declare that there is no money to be borrowed, but that the money expended shall be collected from the tax-payers and from Congress, (Congress agrees to be a tax-payer to the extent of one-half,) is the only safe and sure way of getting on. The District is now of course drowned in debt. The taxes necessary to pay the interest on the debt of this District alone are heavy, saying nothing about the current expenses. This is a proposition to allow a permanent increase at 6 per cent. of about a quarter of a million dollars.

Then I wish to call attention to another point, and which of course will be corrected if the Senate wish to keep the clause in. As this clause reads this is an authority to borrow to the extent of $200,000 in any one year, and that may run on forever, and you can increase the debt of the District $200,000 a year steadily. Of course that was not the intention, and that can be corrected by a change; but I feel very strongly the propriety of striking the whole thing out and conducting the business of this District in cash.

Mr. MERRIMON. I think the Senator from Vermont misapprehends the purposes of this provision entirely. It is not contemplated by us that the debt of the District shall be permanently increased at all. The object is to serve a temporary convenience of city authorities and the people who may owe them taxes. It is to meet a case like this: just after the financial year begins it turns out that the collector of revenue has been slow, the people are oppressed, the times are hard with the people, he finds it difficult to collect taxes as fast as the wants of the government require. In a case of that kind the object of the provision is to let the commissioners anticipate the collection of the revenue two, three, four, or five months, as the occasion may require, and it is certainly manifest that the purpose is to require as soon as the taxes can be collected that the debt thus borrowed shall be paid, and paid within the year for which it was borrowed. The simple purpose is to do exactly what the Senate did a few days ago in reference to the schools. The money set apart for the schools had been expended, and there was no money in the treasury that could be applied to that purpose. Application was made to Congress to allow the commissioners to anticipate the collection of the taxes by $75,000 until they could be collected and applied, and as soon as that sum shall be collected and they can apply it it is to be applied. The object of this provision is to avoid the trouble of coming to Congress every time it is necessary to anticipate the revenue for a small sum of money.

Mr. EDMUNDS. But it should not be necessary to anticipate.

Mr. MERRIMON. But the circumstances are such not only in the District, but everywhere else, as that it is very difficult at all times to have the treasury full. It is very difficult for the people here, hundreds, thousands, and tens of thousands of whom are persons who can barely get along, to pay their taxes exactly at the moment the law requires it to be done. We must temper justice with mercy; we must give the people a reasonable opportunity to pay their taxes, not in a day, or a week, or a month, but in the course of the year, as

the convenience of the city requires. It seems to me that is all that is necessary or that ought to be required.

There is no purpose here to authorize the commissioners to create a debt of $200,000 annually and thereby permanently increase the debt. The simple object is, and it seems to me the words plainly indicate it, to allow the commissioners to anticipate for a brief period the collection of the taxes; and that is very important indeed.

Congress is obliged—in the very nature of government it is so—to repose some confidence in these high officers. What vast powers are lodged in the President and governors of States! If the people cannot trust their rulers at all, they had better have none. These commissioners are to be high officers; they will be the governors of this great city under the direction and supervision of Congress; and if we cannot trust them with some power when they are under the eye of the people and Congress and the President all the time, we had better not make them at all. When they get this money, there is no possibility of their using it or applying it to their own use. They can have no motive other than devoting it to the uses and conveniences of the District.

Mr. EATON. I hope this amendment of the Senator from Vermont [Mr. EDMUNDS] will not be adopted. I like the amendment offered by my friend from Delaware, [Mr. SAULSBURY,] and then the reasoning of the Senator from Vermont falls to the ground; it does not become a permanent debt, it is merely a temporary debt.

Mr. EDMUNDS. Constantly existing year after year.

Mr. EATON. No, not increasing at all, but is to be paid out of the first collection of the assessed taxes.

Mr. EDMUNDS. Then they may borrow the next $200,000 immediately.

Mr. EATON. If that obtains, I shall at the proper time move that the word "six" be stricken out and "five" inserted, so that it shall be at 5 per cent. interest, instead of 6 per cent. I have no doubt of the ability of the city to borrow money at 5 per cent.

Mr. DORSEY. I agree with the Senator from Vermont, [Mr. EDMUNDS,] that the time ought to come when the District shall get out of debt and quit borrowing. Ever since I have had anything to do with the District of Columbia it has been necessary for the authorities every year to anticipate their taxes and borrow money from the Government of the United States to support their schools, or run their local government. But I suggest that instead of adopting the amendment proposed by the Senator from Vermont we leave the bill as it now stands, and provide that the District may borrow $200,000 the first year after this bill goes into effect, and let it stop there.

Mr. SAULSBURY. When I offered the amendment requiring that the money borrowed should be repaid out of the revenues of the current year, I thought that was the purpose of the bill.

Mr. ROLLINS. That is the very thing I was trying to get the floor to suggest.

Mr. SAULSBURY. The Senator from Vermont, however, thought we had better not confer any power on the commissioners to increase the debt of the District. In that view I concur most heartily. Congress has had to assume for the people of this country some twenty-odd million dollars of debt created by the managers of the affairs of the District of Columbia. I think there ought to be some limitation upon the power of the commissioners or those having charge of the affairs of the District of Columbia to create a public debt to be saddled ultimately upon the people of the country. I am aware that there might be some inconveniences arising from the adoption of the amendment of the Senator from Vermont. The commissioners might feel themselves somewhat embarrassed for funds at the commencement of any fiscal year; but that could be remedied very easily. If there should be a provision added to this bill such as obtains in many of the States of the Union and in many of the cities of the country that taxables who would come forward and pay within a limited time should have an abatement equal to the amount of the fees paid to the collectors, you would find the treasury replenished by the voluntary payment of the tax-payers of the District. In the town in which I live when the school assessment is made any taxable within ten days after notice is given may come forward and pay with a deduction of 10 per cent. of the amount assessed upon him, and we at once pay our taxes. More than one-half the taxes are paid within the ten days under a provision of that kind. Put a provision in this bill that taxables of the District of Columbia may come forward and receive a rebate, and instead of being deficient in revenue you would have an abundant treasury from the very start.

I suggest to the Senator from Kansas having charge of this bill that he incorporate a provision of that kind in it, and there will be no deficit in the revenue and no necessity for borrowing $200,000.

I shall vote for the amendment of the Senator from Vermont. If that fails, I shall then insist on the amendment I originally offered to this provision.

Mr. ROLLINS. I suggest that the question be first taken upon the motion to amend the paragraph which the Senator from Vermont moves to strike out.

The PRESIDENT *pro tempore*. The Senator from Delaware has withdrawn his amendment.

Mr. SAULSBURY. I will offer that amendment, if it is desirable, and take it first.

Mr. ROLLINS. Let it be reported.

Mr. SAULSBURY. The words are: "which shall be repaid out of the revenues of the current year;" to come in after "per annum," in line 31.

Mr. ROLLINS. I desire to limit this authority to this year, to have it apply only to this case, so that they may bridge over the present difficulty and pay the amount which is temporarily borrowed out of the current income of the year and not have it apply hereafter. If the Senator from Delaware will withdraw——

Mr. SAULSBURY. I will submit to any modification which will meet the Senator's views.

Mr. ROLLINS. I propose to amend the paragraph.

Mr. INGALLS. I should like to hear the amendment reported.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The CHIEF CLERK. After the word "borrow," in line 29, it is proposed to insert "for the first fiscal year after this act takes effect;" and after the words "per annum," in line 31, to insert "which shall be repaid out of the revenues of that year."

Mr. EDMUNDS. In that case the words "in any one year" should be stricken out.

Mr. ROLLINS. Yes, I include that in the motion.

Mr. MERRIMON. Now, Mr. President, I really think this is a very unwise movement. I am satisfied it will be very difficult in each succeeding year to collect taxes sufficient to supply the immediate wants of the treasury of the District immediately after the new financial year begins. It will be difficult not only this year, but it will be difficult every year; and just such a convenience as this will be necessary, so that if the amendment of the Senator from New Hampshire shall be adopted some means ought to be provided by which the treasury can be promptly replenished in any year; and if it shall be adopted I trust the Senator from Delaware will embody his suggestion in a proper formula, so that a premium may be paid for prompt payment of taxes, for something will be obliged to be done in order to replenish the treasury promptly. If it is not done we shall find the necessity every year of passing a special act authorizing the commissioners of the District to anticipate the collection of taxes.

Mr. ROLLINS. I hope there will be such wise management of the finances of this District as will not render it necessary to have annual acts of Congress in this respect.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Vermont, to strike out.

Mr. EDMUNDS. I withdraw that amendment now, the amendment just agreed to having been adopted.

Mr. EATON. I move to strike out the word "six," in line 31, and insert "five;" so as to read:

> At a rate of interest not exceeding 5 per cent. per annum.

The amendment was agreed to.

Mr. BAYARD. In this section, from lines 91 to 99 there is a provision as to the rate of taxation upon real and personal property in the District. The bill provides a taxation not to "exceed $2 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof," and on property without the limits of the cities of Washington and Georgetown, at the rate of $1.50 on every $100, meaning I suppose upon real and personal property. My judgment of that rate of taxation is that it is too high, especially upon personal estate. All taxes upon personalty have the objection of being inquisitorial and almost always illusory. The power of concealing this property from taxation is very well known, and the effect of it is very well realized by all who have practical experience on this subject. It would have more effect in driving population out of the District than almost any law that could be devised to discourage immigration here, to tax personalty at the rate proposed.

I have no doubt the committee have considered this. It is not a matter that needs further discussion; because I apprehend every member of the Senate has formed some judgment of his own as to this rate. I shall signify what my judgment is by moving to amend the amendment of the committee so that the rate upon real estate in the cities shall be $1.50 upon every $100 of cash valuation, and upon personal estate $1, and upon all property real and personal outside of the two cities $1. The Clerk can take the amendment as I dictate it.

The PRESIDENT *pro tempore*. The Secretary will take down the amendment.

Mr. BAYARD. In line 92 I move to strike out the words "two dollars" and insert "one dollar and fifty cents;" in line 93 to strike out the words "and personal;" and to insert in line 94 "and on the personal property of residents $1 on every $100." I may note also as an amendment that can be considered *in solido*, in line 98 to strike out the words "and fifty cents," so that the last clause of the second proviso will read:

> The rate for any one year shall not exceed $1 on every $100.

That is as to rural property.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed in line 92 to strike out "two dollars" and insert "one dollar and fifty cents;" in line 93, after "real," to strike out the words "and personal;" and in line 94, after "law," to insert the words "and on the personal property of resi-

dents one dollar on every one hundred dollars," and in line 98 to strike out the words, "and fifty cents;" so as to read, if amended:

Provided, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempt by law, and on the personal property of residents one dollar on every one hundred dollars, according to the cash valuation thereof: *And provided further*, Upon property without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars.

Mr. INGALLS. The Senate will observe that the limitations that are prescribed in section 3, to which the Senator from Delaware has referred, are the *maxima* of taxation and not the rate that must be levied. If the bill is examined in detail, it will be found that all the estimates of expenditure and of taxation must be submitted by the commissioners to the Secretary of the Treasury for his approval or disapproval annually, and that no levy can be made until it is so approved. Inasmuch as this safeguard was thrown about the taxing power, the committee thought it wise to make the maximum so large as to cover all reasonable anticipations in regard to the revenue of the District.

According to the report of the assessors of the District for the fiscal year ending June 30, 1878, the total value of real estate in the District of Columbia amounts to $97,672,228, and of personal property, $9,052,335, being an aggregate of personal and real property of something about $107,000,000. The total expenditures for the past year have been somewhere in the neighborhood of two million and a half, I think between $2,500,000 and $2,600,000. It is obvious, therefore, that it is necessary to establish a rate of taxation that will enable the District to raise the amount of money required to carry on the government with the per cent. that is provided to be paid by Congress. Under ordinary circumstances the amount of $2 upon a hundred would be greater than would be required; but there is no danger that any more will be levied than is required, because the bill provides that Congress shall appropriate 50 per cent. of the amount that is to be raised, and that before so doing they shall approve the estimates submitted to them by the Secretary of the Treasury. Therefore it seems to me that the amendment offered by the Senator from Delaware is hardly necessary and that he ought not to insist upon it, because the safeguards previously thrown around the taxing power are so certain that there is no possibility of any injudicious or extravagant exercise of it, and as exigencies may arise in which it may be necessary to exceed the sum that is named by him, he should leave the maximum as named in the bill.

In regard to another point suggested by the Senator from Delaware, I desire to say also that the limitation that he proposes upon all personal property in the District, that in order to be taxable it must be owned by residents, is very unjust. I presume he cannot mean that if personal property is brought in here by residents of other States for sale or for purposes of commerce or manufacture, that owner and that property should escape taxation. If property is brought here for the purpose of profit, or if it is brought here and kept and receives the protection of the law, it ought to bear its proportionate share of the expense of administering the law. It seems to me that the distinction which the Senator proposes to make is one that is very unjust and ought not to prevail.

Mr. ROLLINS. Will the Senator yield to me just to make a suggestion to him?

Mr. INGALLS. I am done.

Mr. ROLLINS. I am afraid a suggestion which the Senator has made would lead members of the Senate into error, and to that I wish to call the Senator's attention. An act which was passed some time since provides for a reassessment or rather a new valuation of all the property of the District. Under that valuation, I am informed that the value of the property subject to taxation in the city would be reduced some $20,000,000.

Mr. INGALLS. The figures that I quoted were from the rolls now existing for the fiscal year ending June 30, 1878.

Mr. ROLLINS. Certainly, but if the valuation is reduced $20,000,000 the rate of taxation must be increased in order to realize the amount of money required. For this reason the limit was placed at $2 on the hundred rather than at $1.50.

Mr. HAMLIN. Mr. President, notwithstanding the statement submitted by the Senator from Kansas and what has been supplemented by the Senator from New Hampshire, I am still in favor of so much of the amendment submitted by the Senator from Delaware as proposes to limit the amount of taxation to $1.50 on the hundred. I take that view because I think the statements of the two Senators will justify me in coming to that conclusion. Let us take the statement made by the Senator from Kansas. He says the valuation of the property of this city is nearly $107,000,000. One and a half per cent. upon that is $1,600,000. The Government is to pay a like sum. Double it and it is $3,200,000; and the Senator tells us that the expenditures of this city last year were about $2,000,000.

Mr. INGALLS. And a half.

Mr. HAMLIN. Two million and a half. I misunderstood the Senator.

Mr. INGALLS. I said between twenty-five and twenty-six hundred thousand dollars.

Mr. ROLLINS. The Senator from Maine does not allow for the reduction of the property to be reassessed, which will be $20,000,000.

Mr. HAMLIN. I understand. Suppose the valuation is $100,000,000 and we assess a tax of 1½ per cent., the product is $1,500,000. Then if the Government contribute a like sum the total is $3,000,000, making $500,000 in excess of what the Senator from Kansas says was the expenditure for the past year. One dollar and a half on the hundred dollars, therefore, is ample, in my judgment, taking the Senator's own statement.

But let us come now to the statement made by the Senator from New Hampshire. I do not know how much there may be in it. It is not authentic. We have no returns. It is suggestive; it is an estimate rather than a return. Suppose the property be $80,000,000; then you have an assessment of $1.50 to the hundred dollars, which would yield $1,200,000. Let the Government contribute a like sum and you have $2,400,000, about what the Senator from Kansas said was the expenditure, and this even taking the reduced valuation. It is safe to keep within proper limits. When it is shown by the authoritative statement of the Senator from Kansas (the other I do not regard as authoritative) that $1.50 on the hundred dollars will give a surplus of half a million dollars, I think the Senator ought not to ask us to exceed that sum.

But I want to say one thing more. I cannot agree with the Senator from Delaware in relation to reducing the percentage of tax upon personal property to $1 per hundred. If he would put it at $2 on personalty and leave it at $1.50 on real estate, in my judgment he would come much nearer a right and equitable rule.

Mr. EDMUNDS. He did not move to make the rate different between real and personal estate.

Mr. HAMLIN. I understood the Senator's amendment to reduce the rate of taxation on personal property within the city limits $1 on the hundred. Am I right?

Mr. BAYARD. On personal property, yes; the personal property of residents.

Mr. HAMLIN. Yes; the personal property of residents. I say the right rule would be to reverse it and let the personal estate pay the increased and not the diminished rate of taxation. Why? First, because you will not in any case very likely get at the whole amount of personal property. Governments are instituted to protect us in our real and personal property, and precisely alike. I think we can draw no distinction between what the Government affords to the man who owns the realty and the man who owns the personal property. You will not get at the whole amount of personal property; but when you get at the amount, whatever it may be, it should pay a sum equal to that imposed upon the realty, by all means. If there is any difference I say it should be in favor of the realty, because there are other special taxations imposed upon it that do not apply to personal property. If a street be paved in front of the owner of a house, in addition to paying the general tax of 1½ per cent., or whatever it may be, he has got to pay the specific special tax for paving the street in front of his residence. You make it greater upon the realty in most cases if you leave them alike in the general rate of taxation, while if you diminish the tax upon the personal property, as to the man who may be the owner of nothing but personal property and who asks and who receives the protection of the law in his rights of personal property just as much as the man who owns the real estate, you leave him at a less rate than you impose upon the man who owns real estate. I will vote with the Senator (and I will therefore ask for a division of the question) to reduce the rate to $1.50 on real estate. I cannot vote with him to reduce the rate on personal property.

Mr. BAYARD. Mr. President, this question of taxation is a very practical one. The rate of taxation may be fixed at 1½ or 2 per cent., and the amount to be procured by it will wholly depend upon the rate of the assessment. Assess your property at $1,000 and lay a tax of 2 per cent. upon it and you get no more tax than if you assessed your property at $2,000 and laid 1 per cent. upon it. I believe it is admitted generally that the present assessment of property in this District is excessive, unfair, and exceedingly erroneous, and that a reassessment of the real estate of this District is imperatively demanded for the purposes of justice. Of course if the rates of this assessment are to be lowered and you desire to procure the same amount of money by taxation, you must increase the rate. So, then, until the honorable Senator from Maine or I can know what amount of revenue is to be raised we shall have to know first the value of the assessment, and then, of course, the rate to be imposed upon it. The knowledge of one without the knowledge of the other would be entirely illusive. So far, then, we may be groping in the dark to fix a rate of assessment unless we know the value of the property and the assessment which has been put upon it.

When I spoke of the tax upon personal estate of $2 on the hundred being excessive, I was giving a judgment formed elsewhere than in this debate, to which I am compelled still to adhere. The tax upon personal property is an illusory tax the world over. The means of concealing personal property do not apply to real estate. All men I think who consider the subject of taxation by true lights will learn that taxation upon visible property is the true basis of laying taxes at all. Where the property can be seen, where it is capable of ocular demonstration, you may lay your tax and collect it with some certainty. Where it is dependent upon the honesty of the owner as to whether he will disclose its existence, or if its existence its value, you are then dealing with a very illusory question. I believe that where you are to trust the conscience in a great measure of the party

whom you are to tax, you had better put your taxation at a more reasonable rate, to which he would be more apt to accommodate himself, and especially to tax only those who are actual residents of the District, who having their homes, their domiciles, in this place, owe that obedience and support which is the correlative to protection by government.

This is a question of judgment. If Senators shall think that under a new assessment of this property the rate of $2 per $100 of the cash value of real estate is not excessive, they will vote for it; but if, thinking as I do, that $1.50 per hundred upon property reasonably assessed is a fair rate of taxation, they will accept my amendment. I suppose the question will first be taken upon the amendment as to the real estate, and subsequently upon the personalty. I have given my views upon the subject and propose to vote in accordance with them. It remains to be seen whether the Senate coincides with me or not.

Another thing I would say. The honorable Senator from Kansas very properly remarked that the bill contains excellent provisions of protection as to the estimates for the expenditures of the District during the future year, that they must be first estimated by the commissioners, next approved by the Secretary of the Treasury, and then submitted to Congress, so that Congress shall have the control of the cost of governing the District, of carrying on the public works here, and then the laying of the tax shall follow that. I have before now expressed the belief, and I have only to reiterate it, that I do not believe the property of this District in the hands of private citizens can bear one-half of the cost of keeping up improvements such as we see around us now on the scale which they have assumed. The effect of overtaxation is of course very obvious. It stops all improvements; it deters immigration; it lowers the value of property, discourages persons from coming here and attempting to improve the city. The reason for it is simply this: that the people who own the property here have little or nothing to say in regard to the scale of expenditure which shall be made in regard to them.

I have given a general idea of the causes which led me to offer this amendment. I ask, as I suppose it will be voted upon separately, that the first question may be taken upon the taxing real estate, which I propose to reduce from $2 as a maximum to $1.50 per $100.

Mr. HARRIS. If the amendment proposed by the Senator from Delaware shall prevail, it is not improbable that we shall year by year have the commissioners of the District of Columbia appealing to Congress, if indeed they would not have a right to demand at the hands of Congress, to make up a deficit of that part of the revenues of the District of Columbia that it is proposed shall be raised by taxation. Before the necessity for levying a tax at all can arise under the provisions of this bill, these commissioners must make their estimates, item by item, itemizing every expenditure that is authorized to be made. The Secretary of the Treasury investigates, and approves or disapproves the estimates so made. They are transmitted to Congress. Congress investigates and determines that the objects of expenditure are proper, and orders the expenditures to be made, and appropriates 50 per cent. of the amount, requiring the other half to be raised by taxation.

If you limit the taxing power in the hands of these commissioners according to the amendment of the Senator from Delaware, it is not improbable that when they have gone to the maximum they will fail to raise revenue enough to pay one-half of the current expenses of the District of Columbia; and in the event that they do fail to raise revenue enough to pay the one-half, the expenditure has been authorized and required by Congress, the work has been done, and the commissioners would have no alternative but to come to Congress and say, "You have tied our hands; we had no power to levy a tax higher than the one we have levied, and having levied it, we have failed to collect the amount of money necessary to pay the one-half of the current expenses." It will result, I apprehend, year by year and every year, in an appeal to Congress to make up the deficit of that part of the revenues that should have been raised from taxation; to avoid which I desire to give to the commissioners the power to tax to such an extent as will enable them to raise whatever proportion of the revenues Congress may determine it is proper should be raised by taxation. Guarded and limited as the incurring of liabilities is under this bill, there can be no danger in giving to the commissioners the discretion that this bill gives them, without the amendment of the Senator from Delaware. Indeed, I suppose the rate fixed by the amendment of the Senator from Delaware is lower than the rate of taxation fixed in every State in the Union. I certainly know of no State in the Union where the rate of taxation is so low as that indicated by the Senator's amendment.

Mr. BAYARD. On personal property?

Mr. HARRIS. I was not speaking as to personal property particularly: I was speaking generally. But the rate of taxation, upon personal property and real property both, in my State is very much higher than the rate indicated by the amendment of the Senator from Delaware. I have not investigated as to the rate of taxation in the various States, but I repeat that I doubt if there is a State where the rate of taxation is as low as the rate fixed by the amendment. For one, I shall vote against the amendment of the Senator from Delaware.

Mr. MERRIMON. Mr. President, I have not seen anybody who believes that when the property of this District is reassessed it will be assessed at its present value by twenty or more million dollars. I do not think there can be any reasonable doubt about that. But suppose we put the assessed value at $100,000,000; then, if you adopt the limitation suggested by the Senator from Delaware and impose a tax of 1½ per cent. upon that $100,000,000, we should raise a million and a half of dollars, which doubled would be just the sum required for the next current year. The amount of money that will be required to administer the government of this District next year is estimated at $3,000,000. If the Government shall pay half that sum, then the people of the District will have to pay the other half. Whether the limitation the Senator suggests will enable the city authorities to raise the million and a half from the people depends upon the assessed value of the property of the residents. It is perfectly plain to those informed on the subject that the assessed value will not be $100,000,000. The present assessed value is in round numbers $100,000,000, and everybody concedes that the assessed value is greatly too large. I do not believe, from the lights before me, that it will reach $80,000,000. If it should be $80,000,000, then 1½ per cent. would not raise the sum that the people must pay if the Government pays one-half the expenses. I repeat that $3,000,000 must be raised next year to administer the government of this District. The people are willing to pay half that sum. When their property is reassessed it will not reach a greater sum than $80,000,000, if it reaches that. One and a half per cent. upon $80,000,000 will not raise the sum that they must pay if they pay half of the $3,000,000. I beg to add, as I believe it has been suggested, that there is no danger that the commissioners will exercise the authority too freely that is conferred upon them. They will have every motive not to do it, and there are ample restrictions to restrain them if they were disposed to do it.

Mr. EDMUNDS. Mr. President, I only wish to say one word upon this point. The very fact that the new assessment is to produce a reduction of valuations must exist on account of the fact that the property in this District is not increasing in value, and is not producing income. The large amount of the property in this District, although it has value, is property that does not produce money, but it is property that shelters the small householder. The only good of it is the fact that it does shelter him; but it does not bring him any money to pay debts. The amount of business in this District that produces money is of course very small. So there being, as we are told, and I suppose correctly, a necessity for diminishing the present valuations, it goes strongly to show that the rate of taxation ought to be made less than it is now, less than $1.50 per hundred, because the reason of the diminution is the fact that the property is not producing as much income as it did, and that makes the property of less value. That being the state of the case, the logic of the thing would be that the District must still further economize; it must reduce its expenses still further. If the people cannot feed their children and support their families, &c., in the present state of the business of the District, then we must diminish by not sweeping the streets so often, if you please, and submit to all the inconveniences to which poor people are obliged to submit. That is the necessary and proper result of it. Consequently it appears to me that there is no ground whatever for increasing this maximum of $1.50 we have had for four years.

Mr. MERRIMON. Will the Senator allow me to interject a remark into his speech, which he may reply to at his pleasure? The shrinkage of values in the District is not strange. There have been shrinkages of value in real estate and in all other sorts of property all over the Union everywhere. When the present assessments were made there was a higher rate of value.

Mr. EDMUNDS. That is perfectly true, Mr. President, and that proves still more strongly, as it appears to me, exactly the proposition that I was advancing, that wherever there is a diminution of values there ought to be a diminution of burdens, even in proportion to the diminution of values a still greater diminution of burdens, because it shows that there is not a state of prosperity and that money is harder to be got than it was before. It may be a great deal harder for a resident, a citizen, of this town to pay a dollar and a half this year on a reduced valuation of 20 per cent. than it was four years ago in the state of prosperity to pay a dollar and a half on the higher valuation.

Mr. MERRIMON. But the difficulty about it is that here are certain items of taxation which are obliged to be paid, whether the times are hard or flush.

Mr. EDMUNDS. That I understand; but I understand also that a community being an aggregation of individuals is just like each single individual, that when his means and estate are diminishing, however hard it is, he must diminish his expenses; otherwise he goes to ruin. As I have said, to illustrate, we sweep the streets here two or three days every week. Let us stand the dust and only sweep them once a week, and save a hundred or two thousand dollars a year that way. I may not strike the right item; I only speak of that to illustrate what I am saying. So in respect of almost all the expenses of the District. There are some of them of course, as in the case of a great epidemic where health requires that whatever money is necessary and whatever the expense, it should be devoted to the protection of the health and lives of the people. I speak of that as an illustration. That is true enough; but after all, when you take the general average, if there is any blessing in government at all, when you find the valuation of property and the prosperity of the community running down, that community, instead of increasing the rate of its

taxation, which is merely a type of the rate of its expenditures, must reduce it, because taxation is only a step to expense. The increase of poverty ought to be followed by an increase of economy which shall counteract that poverty and enable the tide to turn the other way, as it seems to me.

Then, Mr. President, as I was going on to say, four years ago when this present system was adopted everything was in a very unpleasant condition and this subject of the rate of taxation was thoroughly discussed. In that bill it was carefully considered by one of the best selected committees that we have ever had in the Senate, and that is saying a good deal. The honorable Senator from Ohio [Mr. THURMAN] I remember was one member of it and the honorable Senator from Iowa [Mr. ALLISON] was another, and the others were like them. They, after the most careful consideration, reported a maximum of $1.50, which has stood ever since and has been re-enacted annually ever since as being the utmost that the people could bear. Now it is proposed in this period of increased diminution of value to make it elastic up to $2, and on the ground that there is no danger because there are to be estimates. The very fact that we provide for a revenue based on a two-dollar assessment will be a temptation to those who submit estimates and to those who approve them to let their estimates run up to the maximum. If you keep the maximum down to the dollar and a half that it has been for the four years and has worked so well, the estimates will be made in conformity to it, and the prosperity of the people, I should hope, would develop. That is the way it seems to me. Consequently I shall vote for the first part of the amendment proposed by the Senator from Delaware. About the other part I agree with the Senator from Maine.

Mr. INGALLS. For the eleven months ending the 1st of last November the total amount of receipts of this District from taxes and revenue was $1,712,125.77.

Mr. EDMUNDS. For eleven months; but there was one installment due two months afterward, you see.

Mr. INGALLS. Add to this the amount of congressional appropriations, which was about $800,000 in round numbers, and there was a grand total of receipts, as reported by the treasurer, of $2,539,138.75. It is just, however, that I should say that this estimate embraces certain extraordinary expenditures that have been made, including the paving of Pennsylvania avenue. During the same period the total expenditures for all purposes were $2,516,641.71, which left on the 1st day of last November a balance subject to check of between eighty-seven and eighty-eight thousand dollars.

Mr. EDMUNDS. Why was that made up for eleven months, instead of twelve?

Mr. INGALLS. On account of the system of book-keeping adopted by the Treasury.

Mr. EDMUNDS. That would only cover apparently the receipts of one-half of the taxes, because the taxes are paid by half-yearly installments. You could not get the two semi-annual payments into that statement.

Mr. INGALLS. It includes the greater portion of the taxes. This revenue was derived, as I have before stated, from the assessment upon a total valuation of real and personal property of between one hundred and six and one hundred and seven million dollars in the entire District. Everybody admits that the present valuation of property is altogether too high.

I believe it is at least 33⅓ per cent. above what it should be upon a fair comparison with the assessed valuation of property in similar localities elsewhere. The Senate will observe, therefore, that the present rate of taxation on realty being $1.50 on the hundred, as now provided by law, there is barely sufficient income derived to allow the expenditures of the District to be liquidated. Under a law that has been recently enacted, a reassessment and revaluation of the real property of the District is to be made. It would not be at all surprising if the realty valuation should be reduced so that it would not aggregate above sixty-five or seventy million dollars. If that is the case, it is very apparent that even under the 50 per cent. clause which this measure provides for it will not be possible to raise the proportion that the District will be called upon to pay. At least the margin will be so very slight that in case of the default in payment which always occurs in every community, the revenues will be so largely diminished that the inevitable consequences will again follow, and the community will be compelled to call again upon Congress for relief.

Under the diminished valuation, therefore, that is sure to occur, the maximum percentage established by this measure cannot be any more burdensome or oppressive than that provided by the law as it now exists. In view of that fact, taken in connection with the fact that all these estimates are to be supervised by Congress, what reasonable objection exists to allowing it to stand as now provided in the bill of the committee? It seems to me to be necessary and essential that this maximum should be preserved. Otherwise there may be and probably will be immediately deficiencies occurring that will require appropriations by Congress and immediate amendments of the law.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Senator from Delaware [Mr. BAYARD] to the amendment of the committee.

Mr. SAULSBURY. Let it be reported.

The PRESIDENT *pro tempore*. The first amendment will be reported.

The CHIEF CLERK. In line 92 it is proposed to strike out "$2" and insert "$1.50."

The question being put, a division was called for; and the ayes were 19 and the noes 17, no quorum voting.

Mr. INGALLS and Mr. SARGENT called for the yeas and nays, and they were ordered; and, being taken, resulted—yeas 25, nays 22; as follows:

YEAS—25.

Allison,	Dennis,	Hoar,	Patterson,
Anthony,	Edmunds,	Howe,	Sargent,
Bayard,	Eustis,	Jones of Florida,	Saulsbury,
Burnside,	Ferry,	Kernan,	Teller.
Butler,	Grover,	Kirkwood,	
Christiancy,	Hamlin,	Lamar,	
Conkling,	Hill,	Mitchell,	

NAYS—22.

Bailey,	Davis of Illinois,	McCreery,	Rollins,
Barnum,	Dorsey,	Matthews,	Saunders,
Booth,	Eaton,	Maxey,	Spencer,
Bruce,	Harris,	Merrimon,	Withers.
Cockrell,	Hereford,	Paddock,	
Coke,	Ingalls,	Plumb,	

ABSENT—29.

Armstrong,	Dawes,	McPherson,	Voorhees,
Beck,	Garland,	Morgan,	Wadleigh,
Blaine,	Gordon,	Morrill,	Wallace,
Cameron of Pa.,	Johnston,	Oglesby,	Whyte,
Cameron of Wis.,	Jones of Nevada,	Randolph,	Windom.
Chaffee,	Kellogg,	Ransom,	
Conover,	McDonald,	Sharon,	
Davis of W. Va.,	McMillan,	Thurman,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The Secretary will report the next amendment of the Senator from Delaware [Mr. BAYARD] to the amendment of the committee.

The CHIEF CLERK. In line 93 it is proposed to strike out the words "and personal," and in line 94, after the word "law," to insert "and on the personal property of residents $1 on every $100."

Mr. BAYARD. The proposition is now to reduce the rate of tax upon the personal property of residents. It is now $1.50 and I propose to reduce it to $1 per hundred.

Mr. SARGENT. I should like to inquire if both real and personal estate will not now stand at $1.50 as the bill has been amended. I should like to have the Secretary report that part of the section that has been amended.

The PRESIDENT *pro tempore*. The Secretary will report the section where it has just been amended.

The CHIEF CLERK. As far as amended the proviso reads:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law.

Mr. SARGENT. What does it say about personal estate?

The CHIEF CLERK. And then it is proposed to amend by inserting after the word "law," in line 94, "and on the personal property of residents $1 on every $100."

Mr. ALLISON. Suppose the amendment of the Senator from Delaware does not prevail, would not personal property be taxed $1.50 under the bill as it stands?

Mr. INGALLS. I wish the Secretary would read the proviso as it now stands.

Mr. HOAR. If the amendment does not prevail, personal property stands under the old law unaffected, as I understand it.

Mr. SARGENT. As I understand the reading, the Senate struck out "and personal," and those words are not now in the substitute, so that there is no tax on personal estate.

The PRESIDENT *pro tempore*. The question is on the second amendment of the Senator from Delaware.

Mr. HAMLIN. As I understand it, if we adopt this amendment it will make the tax upon personal property $1 on the hundred. If we do not adopt the amendment it will leave it to be $1.50 on the hundred, which is just the same as the real-estate tax.

Mr. HOAR. No; that is not it.

Mr. SARGENT. It is strange we cannot have the proviso reported as it would read without the amendment. I ask the Secretary to read the proviso as it would stand without the amendment.

The PRESIDENT *pro tempore*. The proviso will be reported without the pending amendment.

The Chief Clerk read as follows:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law, according to the cash valuation thereof.

Mr. SARGENT. Is there anything about personal property there?

The CHIEF CLERK. That was stricken out.

Mr. HOAR. I move to strike out the word "real." I suppose that amendment which applies to the previous part of the paragraph would come in order before the one pending.

Mr. MERRIMON. I suggest to the Clerk that he is mistaken. The words "and personal" were not stricken out. That proposition has not yet been voted on.

Mr. ALLISON. Let us move to reconsider and we can get it right.

Mr. SARGENT. Let us understand it. It is very important to know whether those words remain in the proviso or not.

Mr. MERRIMON. The proposition which carried was to reduce the maximum from $2 to $1.50.

Mr. SARGENT. On real estate.

Mr. MERRIMON. Yes; on real estate.

Mr. SARGENT. Can the Chair inform us now how that part of the section stands?

The PRESIDENT *pro tempore*. The Secretary will read the section as it stood before it was amended by the amendment of the Senator from Delaware, and then he will read the amendment of the Senator from Delaware. He will first read that part of the section as it stood unamended.

The CHIEF CLERK. The proviso before it was amended read as follows:

Provided, That the rate of taxation in any one year shall not exceed $2 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof.

The PRESIDENT *pro tempore*. The proviso will now be reported as amended.

The CHIEF CLERK. As amended, that portion of the section reads:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law——

Mr. HOAR. I understood the Chair——

Mr. EDMUNDS. Read right along.

The PRESIDENT *pro tempore*. The Secretary will continue to read the proviso.

The CHIEF CLERK. The pending amendment is to insert after the word "law" the words "and on the personal property of residents $1 on every $100."

Mr. HOAR. I understood that the Chair directed the Secretary to read the amendment which was offered and passed, so that we can see whether the Secretary is right in his judgment of its effect on the proposed statute. I desire that the amendment as it was stated by the Chair and voted upon be again stated.

Mr. EDMUNDS. We only voted on one-half of it.

Mr. HOAR. That is what I want to see.

The PRESIDENT *pro tempore*. The Secretary will now read the proviso unamended, and then read that part of the section as amended by the one amendment adopted.

Mr. EDMUNDS. Clear through.

The PRESIDENT *pro tempore*. Clear through, as though that were the only amendment and there were none other pending.

Mr. EDMUNDS. That is it. That will show how it stands.

The Chief Clerk read as follows:

Provided, That the rate of taxation in any one year shall not exceed $2 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof.

The PRESIDENT *pro tempore*. The Secretary will now read the proviso as amended by the amendment of the gentleman from Delaware.

The Chief Clerk read as follows:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law ——

Mr. EDMUNDS. No, no.

Mr. SARGENT. What are the words stricken out?

Mr. HOAR. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I do not understand the proviso as amended to be as the Secretary has read it; and in order that the Senate may see whether that is so, I ask the Chair to direct the amendment as just proposed and stated by the Chair to be read, to know whether it brings the Senate to that result. What was the amendment just passed upon?

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the proviso be read as amended.

Mr. HOAR. I make no such request whatever.

The PRESIDENT *pro tempore*. What is the request of the Senator from Massachusetts?

Mr. HOAR. The request is that the amendment just passed upon be stated again by the Chair as he stated it before the vote was taken, so as to know whether it results in leaving the section as read by the Secretary.

The PRESIDENT *pro tempore*. The Senator desires the section to be read as it would stand unamended, and then to be read as amended.

Mr. HOAR. No; the Chair will see the difference. The question is whether inserting the amendment adopted has the effect of leaving in only what the Secretary last read. That depends upon what was the amendment which was put and adopted; whether the motion was to also strike out the words "and personal." That is what I desire to know.

The PRESIDENT *pro tempore*. The Secretary will now state the amendment of the Senator from Delaware, which will bring to light what the Senator from Massachusetts desires. The Senator from Delaware moved to strike out and insert. Will the Senator from Delaware state his amendment as he offered it?

Mr. BAYARD. I endeavored to make my amendment clear, and so placed it in the bill as to render it intelligible, excluding any other meaning than that which I intended. I moved to strike out on line 92 the words "two dollars" and insert "one dollar and fifty cents," and on line 93 to strike out the words "and personal," so that as amended it would read:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law.

Mr. SARGENT. Then that was adopted?

Mr. BAYARD. That, I understand, was the amendment adopted by the Senate.

Mr. SARGENT. Then the Secretary is right.

The PRESIDENT *pro tempore*. The Secretary is right.

Mr. BAYARD. The second amendment was to affect the rate of the taxation on personalty, and that I sought to effect by inserting in line 94, after the word "law," "and on the personal property of residents $1 on every $100."

Mr. EDMUNDS. The Senator from Maine, [Mr. HAMLIN,] to my distinct recollection, asked the Chair to have the amendment divided, as he had a right to do, and that the question first to be taken on the rate, whether the tax should be $2 or $1.50, which was a separate point, and the Chair, as I recollect, so stated it from the chair when he put the question. The Senate, therefore, divided the proposition so as to first consider merely the rate without any reference to what class of property it applied to, and on that we took the vote.

Mr. CONKLING. I beg to suggest that this is not a matter of any practical importance at all, because if Senators have voted under a misapprehension any Senator can move to reconsider the vote by which this amendment was agreed to. But having sat here as an attentive witness of the whole thing, I think there can be no question that the Senator from Delaware is exactly right in his narrative, and that the Chair and the Secretary are right. The Senator from Delaware moved an amendment which had two members. The first member, confining the reduction to real estate, placed it at $1.50 per hundred; the second member of the amendment, dealing with the next line. The words "and personal" before "estate" have been struck out as a part of the first motion, of course, as must necessarily have been done, in order to point at real estate alone this reduction to $1.50. Everbody will see that the Senator from Delaware would have stultified himself if he had moved his amendment to reduce the rate to $1.50 as to real and personal estate and then followed it with the latter part of his amendment putting personal estate at $1 per hundred. The absurdity of that is so manifest that it must be clear that he intended his reduction of $1.50 to apply to real estate, because the reduction he proposed was to $1 as to personal estate. Therefore he was compelled to move to sever personal property from real estate in the first member of his amendment. That he did. The second member was to interpose in line 94 again the words "personal property" and attribute to them another maximum valuation, to-wit, $1 per hundred. The Senator from Maine demanded a division of the question, as he had a right to do. What was the division? Of course between the first member of the amendment and the second member; and the Chair put, as the Chair was compelled to put, the question on the first half of the amendment, and that was carried in the Senate. Now, it turns out that the Senate did not understand that they were striking out the words "and personal" before "estate." Very well. That is no occasion, I submit, to finding any fault with the Chair or with ourselves, but it is the easiest thing in the world for some Senator to move to reconsider, and let the vote be taken over again.

Mr. ALLISON. I make that motion.

Mr. CONKLING. If my friend will pardon me a minute, I wish to say for myself that although I voted from a sofa, some distance away, as I was diverted for the moment, I did not vote under any misapprehension at all. I voted intending to strike out by my vote, if enough others voted with me, the words "and personal," so as to fix the maximum assessment of real estate, and that only, at $1.50. Therefore I expressed exactly my purpose; but if any other Senator did not express his, that is a reason for moving to reconsider.

Mr. HAMLIN. We shall reach a solution of our difficulties under the motion which the Senator from Iowa has submitted. But still before we vote upon that proposition I want to say precisely how I understand this thing. The amendment submitted by the Senator from Delaware had three distinct propositions in it, clearly, because an amendment may be subdivided into as many questions as will allow either to be carried and maintain the harmony and purpose of the measure, and leave the measure complete if either shall be adopted or rejected. Under that general view of parliamentary law there were three distinct propositions in the amendment submitted by the Senator from Delaware. The first was to reduce the rate of taxation from $2 to $1.50 per hundred. Another was to strike out the words "and personal." It will be recollected by the Senate that the position which I assumed was distinctly that I was in favor of reducing the taxation on real estate from $2 on the hundred to $1.50, and that I was distinctly opposed to reducing the taxation upon personal property from one dollar and a half to one dollar; and I therefore asked for a division of the question.

Mr. CONKLING. The Senator was against the last proposition of the amendment?

Mr. HAMLIN. I was against the last proposition in the amendment, and I was against so much of the first proposition as connected itself with the last one. It would have been nonsense for me to have voted to strike out the words "and personal" if I meant to carry out the suggestion which I made of a division and to make it in harmony. Although I did not state precisely where I wanted the amendment divided, the whole scope of what I said was clear, if I could make anything clear, that I wanted a vote simply on reducing taxation from $2 to $1.50, and that was precisely what I supposed I was voting upon.

Mr. CONKLING. May I ask my friend a question?

Mr. HAMLIN. Yes, sir.

Mr. CONKLING. He is a very old parliamentarian. The Senator from Delaware says he offered this amendment so that real estate should not be taxed more than $1.50 and personal property not more than $1. Now will my friend say that this whole Senate had the power to deprive him of the right of a vote upon that amendment? Had he not a right to a vote whether there should a distinction between these two kinds of property and whether the maximum on one should be $1.50 and on the other $1, whereas my friend will say, on the line of his argument now, that the Senator from Delaware would have been compelled to submit to a vote on $1.50 as applied to all property whatever, without ever being able to put to the Senate the very thing that he sought to put, namely, whether real estate should be valued in that way or not?

Mr. HAMLIN. The Senator from New York, notwithstanding his almost uniform clearness, surprises me by his statement. Who would deprive the Senator from Delaware of a vote upon his proposition? Certainly I would not; and certainly if I would I could not. I would deprive him of a compound vote, a vote upon two propositions at the same time. If the question had been put, as I supposed it would be, to reduce the rate of taxation to $1.50, then would have come the second vote on striking out the words "and personal."

Mr. EDMUNDS. It was put that way.

Mr. HAMLIN. And the Senator from Delaware would have gotten his vote precisely as he wanted it, only it would have taken two votes to have reached the point, and that is all.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to reconsider the vote by which the first amendment of the Senator from Delaware was agreed to.

Mr. EDMUNDS. To save all trouble about that, I suggest that, by unanimous consent it be taken that this vote that has been had was only on the question of striking out "$2" and inserting "$1.50" in the ninety-second line.

Mr. CONKLING. On all property alike?

Mr. EDMUNDS. Yes.

Mr. CONKLING. Oh no, I will not consent to that, because I did not vote so.

Mr. EDMUNDS. If the Senator will kindly allow me one minute, then the next question of the divided questions left will be whether we are to strike out the words "and personal" before "estate" in the ninety-third line.

Mr. HOAR. A very quick way of getting at this whole matter would be to let the vote stand and then move to strike out the word "real;" so that it would read:

That the rate of taxation in any year shall not exceed $1.50 on every $100 of estate not exempt by law, &c.

Mr. EDMUNDS. But the trouble about that would be on the part of our friends on the other side; they would say "We have just put in 'real' and cannot move to strike it out."

Mr. HOAR. It was not put in. That word was in the amendment reported by the committee. I think that would be the simplest and shortest way to reach the matter.

Mr. HAMLIN. Let me suggest to the Senator from Iowa that he ask the unanimous consent of the Senate to regard the vote as reconsidered by which the amendment of the Senator from Delaware was agreed to.

Mr. EDMUNDS. Very good.

Mr. ALLISON. That is precisely my motion. If everybody votes for it, of course it will be by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to reconsidering the vote by which the amendment of the Senator from Delaware was adopted? The Chair hears none, and the vote is reconsidered.

Mr. HAMLIN. Now, I ask for a distinct vote on the first part of the proposition, to wit, on striking out "$2" and inserting "$1.50."

Mr. CONKLING. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from New York will state his point of order.

Mr. CONKLING. I ask that the amendment of the Senator from Delaware be read. I may want to offer an amendment some time myself; and I want to know whether the mover of an amendment has any rights which a Senator is bound to respect.

The PRESIDENT *pro tempore*. The Senator from Delaware will please state his amendment, that it may be seen whether it conforms to what the Secretary has taken down.

Mr. CONKLING. Why not have the Secretary read the amendment as taken down, and then the Senator from Delaware will see whether it is right or not.

The PRESIDENT *pro tempore*. That course will be pursued. The Secretary will read the amendment submitted by the Senator from Delaware, as taken down.

The CHIEF CLERK. The amendment as proposed was to strike out, in line 92, the words "two dollars" and insert "one dollar and fifty cents;" in line 93, to strike out the words "and personal;" and after the word "law," in line 94, to insert "on the personal property of residents, $1 on every hundred dollars."

Mr. CONKLING. Now I want to state my question of order, not because I attach much importance to it here. The Senator from Delaware may not, but I do, attach a great deal of importance to preserving in every deliberative body the right of every member to move an amendment which is in order and obtain the judgment of the body upon that amendment. It is subject to be divided, and into as many members as it has substantive propositions; and I use the language of the parliamentary law when I make that statement. Now the Senator from Delaware moves an amendment which has two effects, and only two; it has two substantive propositions. The first is to confine within a limit of one dollar and a half the possible assessment of taxes on real estate. That is all there is of it. The second proposition in his amendment is to subject personal property to a different rate of maximum, to wit, the maximum of one dollar in a hundred.

Mr. BAYARD. And to confine it to the personal property of residents.

Mr. CONKLING. I state only the operative words germane to my point. Now what does the division demanded by the Senator from Maine propose to do? Manifestly to deprive the Senator from Delaware of the right which lies at the foundation of his proceedings. What is that? To have the judgment of the Senate, not upon a compound proposition as the Senator from Maine says; no such right as that exists; but to have the judgment of the Senate upon every substantive proposition as he propounds it. Now suppose this is to be divided by taking the vote first upon one dollar and fifty cents, depriving the mover of the right to say that it shall be real estate thus treated; suppose that is done; on what do we vote, on what do I vote when my name is called? I vote whether in respect of all property alike, real and personal, one dollar and fifty cents is to be the maximum. It may be answered "why the Senate afterward will proceed to vote upon the residue of the amendment, and perhaps the Senate will vote in favor of the residue, and then that one dollar and fifty cents will become operative only upon real estate alone." But the other argument is just as strong: suppose the Senate then, on the next member, as the Senator from Maine calls it, of the proposition, to wit eliminating the words "and personal," refuses to strike out those words, what is the effect? I for example have voted to make one dollar and fifty cents the maximum upon real and personal estate alike, whereas that is not what I mean by my vote at all. I mean to vote that in respect of real estate alone one dollar and fifty cents shall be the maximum; but says my honorable friend from Maine I shall not have a chance to vote that; "I will make you vote piecemeal; you should vote in the first place on the $1.50 and then the Senate will determine afterward whether that is to apply to personal property or real estate as to the vote which has already been taken." Can that be? Here stands in the bill a provision touching neat-cattle and sheep. I want to amend as to neat-cattle, and I make my amendment apply to that; but the Senator from Maine says no, that amendment must be voted on all alike, and then afterward the Senate will pass upon the question how much of application the amendment is to have.

Mr. President, I submit that the Senator from Delaware has a right to move in proper form—and if he is out of order, a question of order should be made upon him—to make the valuation, the assessment of real estate, after one rate, and of personal property after another, if he chooses to do so. I think he has exerted that right properly in the amendment which he offered, which simply separates the two things. If he has, then the only division to which his amendment can be subjected is that customary division which enables the vote to be taken separately on the two propositions; but it cannot be so subdivided as to require him to take a vote upon one-half of his one proposition, not knowing whether the effect of it will be to attribute those words to the kind of property to which he wishes to affix them, or whether it is to be to spread them over all kinds of assessable property indiscriminately.

Mr. BAYARD. Mr. President, it seems to me very clear that I could not have reached the object I designed unless the amendment had been to strike out and insert as I proposed to do. The object was stated distinctly, to make a difference between the rate of taxation upon real and upon personal property. In order to make a division, the rate of taxation had first to be offered, and then the property to be exempted from it had to be stricken out also; otherwise the manifest single object of my amendment could not have been accomplished. I therefore submit to the honorable Senator from Maine that if he desires to have the rate of taxation upon personal property one dollar and a half, as well as upon real property at one dollar and a half, it can be accomplished by allowing the record of the Senate to stand as it now is and moving to amend the last amendment offered by me by inserting the words "and one-half" after the words "one dollar." The bill will read if so amended—

That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law, and $1.50 on every $100 of personal property of residents, according to the cash valuation thereof.

That is the object I suppose the Senator from Maine has, to have the rate of taxation upon real and personal property the same, and that can be accomplished in the way I have suggested without any obscurity whatever. But it is perfectly clear to me that to make an intelligible proposition and get the vote on it which I desired—and I was entirely in order—it was necessary to strike out and insert in the manner I proposed; otherwise the object of the amendment would have been frustrated.

Mr. DORSEY. Mr. President, I should like to inquire what is before the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

Mr. DORSEY. I should like to have the amendment reported.

Mr. SARGENT. His amendment.

The PRESIDENT *pro tempore*. His amendment.

Mr. EDMUNDS. The Senator from Maine asks to have that divided, I understand; if he does not I do; so as to take the question first on striking out in line 92 the words "two dollars," and inserting the words "one dollar and fifty cents."

Mr. HOAR. I understand a question of order is made by the Senator from New York as to the right to have this amendment divided for a separate vote.

The PRESIDENT *pro tempore*. The Senator from Delaware stated that the object of the amendment is to fix one rate of taxation upon real estate and another rate upon personal property——

Mr. HOAR. Before the Chair rules, I ask leave to say a word on the question of order, if the Chair please, in reply to the suggestion of the Senator from New York.

As I understand, the rule of the Senate provides for preserving the right of any Senator to have one proposition voted upon together, not separated into members, by providing that there shall be no division of a motion to strike out and insert. Now, the Senator from Delaware could, if he chose, have moved to strike out this proviso, the whole four lines of it, and insert his reconstructed proviso exactly in accordance with his desire, and in that case he would have accomplished the object of having one vote, and no Senator could have deprived him of it. But if instead of doing that he puts his motion into three separate motions to strike out and insert in substance, that is to strike out three different parts of the section and insert something in the three different parts of the section in place of what is stricken out, then the question of whether that is a divisible motion must be determined, not by the desire of the individual mover, but by the sense of the subject-matter which is moved.

It is very clear that to strike out "$2" and insert "$1.50" may be desired by all the Senate, without desiring to separate real and personal estate in that particular. The Senate, therefore, might adopt the first one and vote down the other two, and make a substantial and sensible grammatical change in the bill. So they might adopt the second motion to strike out the words "and personal." That, then, would leave the rate of taxation fixed by the bill to apply to real estate only and the limit of personal estate stand under the general law, that is, without any limitation except the necessities of the assessment. And so as to the third.

I submit, then, that as this amendment has been moved, it is clearly the right of any Senator to have a separate vote upon each of the three propositions. The Senator from Delaware could have accomplished his purpose of having one vote on the whole only by striking out the proviso and reconstructing it.

Mr. BAYARD. I think I will relieve the Senate of any doubt upon the subject by offering the following as a substitute for the amendment now pending; this is to take the place of the proviso beginning at line 91 and ending at line 94. I send the proposed substitute to the desk.

The PRESIDENT *pro tempore*. The amendment proposed will be read.

The CHIEF CLERK. It is proposed to strike out the proviso commencing in line 91 and ending in line 94, in the following words:

Provided, That the rate of taxation in any one year shall not exceed $2 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof.

And in lieu thereof to insert:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law, and on personal property of residents $1 on every $100, according to the cash valuation thereof.

Mr. SARGENT. Now I move to amend after the words "one dollar," in the last clause, by inserting "and fifty cents."

The PRESIDENT *pro tempore*. The Senator from Delaware having withdrawn his previous amendment and submitted a substitute for the proviso, the Senator from California moves to amend that amendment.

Mr. EDMUNDS. What has become of the question of order?

The PRESIDENT *pro tempore*. That fell with the withdrawal of the amendment originally offered, no vote having been taken on it.

Mr. EDMUNDS. Now I ask again to have the question divided, and that the question be first taken on striking out in line 92 the words "two dollars" and inserting the words "one dollar and fifty cents."

The PRESIDENT *pro tempore*. The Secretary will read the amendment as now submitted.

Mr. BAYARD. I understand the question now to be on the adoption of the substitute I have offered for the proviso.

The PRESIDENT *pro tempore*. So the Chair understands, and the Secretary will read it.

The Chief Clerk again read the amendment last submitted by Mr. BAYARD.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for a division under the rules. The question now will be on the first member of the amendment.

Mr. CONKLING. I want to know the division which the Senator from Vermont demands.

The PRESIDENT *pro tempore*. The Secretary will read to the point dividing the real from personal estate, as the Chair understands.

The Chief Clerk read as follows:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law.

The PRESIDENT *pro tempore*. There is the division, as the Chair understands.

Mr. CONKLING. Is that the Senator's demand?

Mr. EDMUNDS. No. What I ask under the rules, to get a ruling of the Chair, is to divide the question so as to take the judgment of the Senate on the rate alone, without reference to what it applies to, as I stated. I want the vote taken first on that part of the proposition which proposes to change "$2" to "$1.50" where it first occurs. That is what I ask.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Delaware to move to strike out certain words and insert what has been read at the desk.

Mr. EDMUNDS. Yes; that is his motion.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Vermont asks a division of the words sent up by the Senator from Delaware, as read by the Secretary.

Mr. EDMUNDS. I desire to take the vote first on the first part.

Mr. HOAR. I submit that there is no matter to divide.

The PRESIDENT *pro tempore*. There is no motion to strike out these words alone, but to strike out other words with them. The Chair will have the amendment divided, as it contains two substantial propositions. A division of them the Chair will entertain and put the motion on the first, which the Secretary will read.

Mr. HOAR. I call the attention of the Chair to the thirty-first rule of the Senate.

Mr. EDMUNDS. Mr. President, I withdraw my demand for a division, as I do not want to trouble the Senate with any more pauses; but I now understand the motion to be to strike out the first proviso entirely and insert another.

The PRESIDENT *pro tempore*. So the Chair understands, and he was about to have it read.

Mr. EDMUNDS. Now in order to perfect the part of the section proposed to be stricken out, I move to strike out in line 92 the words "two dollars" and insert the words "one dollar and fifty cents."

The PRESIDENT *pro tempore*. That is in order.

Mr. CONKLING. Now the rest of us would like to know what has become of the demand for a division.

Mr. EDMUNDS. I have withdrawn it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to strike out "two dollars" and insert "one dollar and fifty cents" in the text of the section.

Mr. SAUNDERS. Mr. President, I am of the opinion that we could get through with this difficulty very soon by allowing ourselves to take a vote on the question now suggested by the Senator from Vermont.

I will say right here that I do not think the Senate is prepared to vote a different rate of taxation on different kinds of property. The vote that was given did not seem to me to indicate so. Nor am I able to see any good reason why it should be so. What is the proposition? That if one man owns a city lot here worth a thousand dollars, he shall pay $15 tax; if he owns a carriage and horses worth a thousand dollars, he shall pay $10, or if he has a thousand dollars cash in bank, he shall pay $10, while the city-lot man pays $15. Does the Senate propose to make a rate of taxation on real property that shall be higher than on money or bank stock? Suppose one man has a thousand dollars of bank stock, do you propose that he shall get off with two-thirds of the tax imposed on a man who owns an acre of ground worth $1,000? Is that the proposition? If so, I must have some reason before I can vote to make a distinction. If a man owns one hundred dollars' worth of property at the cash value of it, let him pay tax on that $100 of property no matter what it is in, whether in dollars or in stock or in horses or in land. If we can come to a vote on the rate we shall fix on the property, it seems to me that certainly ought to settle all of this question. It will so far as I am concerned at any rate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, to strike out in line 92 the words "two dollars" and insert "one dollar and fifty cents."

Mr. INGALLS. On which I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 21; as follows:

YEAS—29.

Allison,	Conkling,	Jones of Florida,	Patterson,
Anthony,	Edmunds,	Kellogg,	Randolph,
Armstrong,	Eustis,	Kernan,	Sargent,
Bayard,	Ferry,	Kirkwood,	Saulsbury,
Blaine,	Hamlin,	Lamar,	Teller.
Burnside,	Hoar,	Mitchell,	
Butler,	Howe,	Morgan,	
Coke,	Johnston,	Morrill,	

NAYS—21.

Bailey,	Harris,	Merrimon,	Spencer,
Booth,	Hereford,	Oglesby,	Wadleigh,
Cockrell,	Ingalls,	Paddock,	Withers.
Davis of Illinois,	McCreery,	Plumb,	
Dorsey,	Matthews,	Rollins,	
Eaton,	Maxey,	Saunders,	

ABSENT—26.

Barnum,	Conover,	Hill,	Thurman,
Beck,	Davis of W. Va.,	Jones of Nevada,	Voorhees,
Bruce,	Dawes,	McDonald,	Wallace,
Cameron of Pa.,	Dennis,	McMillan,	Whyte,
Cameron of Wis.,	Garland,	McPherson,	Windom.
Chaffee,	Gordon,	Ransom,	
Christiancy,	Grover,	Sharon,	

So the amendment was agreed to.

Mr. BAYARD. I move to amend in line 98 by striking out the words "and fifty cents" so that "upon property without the limits of the city of Washington and Georgetown, and to be so designated by the assessors in their annual return, the rate for any one year shall not exceed" $1 on every $100. That maintains the proportion between the city part of the District and the rural portion of the District that was designed by the bill.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Delaware that that motion is not in order. It is not included in the words proposed to be stricken out by the previous amendment of the Senator from Delaware.

Mr. DAVIS, of Illinois, (to Mr. BAYARD.) Let us vote on your other proposition.

The PRESIDENT *pro tempore*. The question is on striking out certain words and inserting what the Senator from Delaware sent to the desk previously, the text of which has been modified by striking out "$1" and inserting "1.50. The question now recurs on striking out those words as amended, and inserting what the Senator proposes.

Mr. BAYARD. My object has been anticipated to a certain extent. Will the Clerk be kind enough to read the provision as now amended by the last vote of the Senate?

The PRESIDENT *pro tempore*. The Secretary will read the clause as amended.

The CHIEF CLERK. The proviso, as amended, reads:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real and personal estate not exempt by law, according to the cash valuation thereof.

It is proposed to amend that proviso by striking out all after the word "provided," and inserting:

That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempt by law, and on personal property of residents $1 on every $100, according to the cash valuation thereof.

Mr. SARGENT. I move an amendment to that to make the last "dollar" "one dollar and fifty cents."

The PRESIDENT *pro tempore*. The pending amendment to that amendment is to insert after the word "dollar" where it last occurs the words "and fifty cents." The question is on this amendment of the Senator from California to the amendment of the Senator from Delaware.

Mr. INGALLS. As I do not own any property in this city and have no residence here, I presume that I can vote without any considerations other than those affecting the public welfare. I trust, before this amendment is adopted making a distinction between real and personal property, that some Senator will give a good reason why real and personal property, both being equally visible, and both being equally valuable, and both receiving equally the protection of the law, should not pay equally the expenses of administering the law.

I understood the Senator from Delaware to say a short time since that a tax on personal property was illusory. I wish the Senator from Delaware would explain what he means by "illusory." I suppose he means that men who own personal property, rich men that have mortgages and securities and bonds and money in bank, lie about it to the assessor. If that is what the Senator from Delaware means by speaking of the personal tax as being illusory, I agree with him. But is it any reason because men who have property invested in the accumulations of others conceal it, commit perjury about it, refuse to allow it to be listed for taxation, why the Senate of the United States should refuse to say that when it can be discovered it should bear its proper proportion of taxation? The principle of equality in taxation is the one that ought to control; it is the one that political economists in every age have sought to apply; and here at this period of the nineteenth century there is an attempt being made in the Senate to show that this distinction, which is based solely on the criminal purposes of others, shall be enacted into the law of the land.

I confess, sir, that I am surprised that this distinction should be attempted to be made here. As the Senator from Nebraska [Mr. SAUNDERS] stated a few moments ago, what is the reason that if a man has a piece of real estate worth a thousand dollars he should pay $15 tax upon it, and if the same man or his neighbor has a carriage and horses worth a thousand dollars he should pay $10 tax upon them? Is there any reason to be given for that, or are we to say because the man that has the horses and carriage sees fit the day before the tax is levied to drive them out of the District that we are going to legalize his effort to escape? I hope not, sir. I trust, therefore, before the Senate commits itself to this proposition, we shall hear some reason given why personal property should not bear its proper share of the expenses of Government.

Mr. BAYARD. Mr. President, the Senator from Kansas has declared his perfect impartiality in this case, because he is totally without real or personal property in this District, and therefore he considers that he is without interest in this District as to either real or personal estate and hence peculiarly fitted to enact justice toward both. I hope that I am not wholly disqualified from voting upon bills laying taxes in the District of Columbia, by reason of owning a private residence in the District; but if I were, the taxation which I have advocated is of a greater rate against the only property of mine that can be taxed than upon other property upon which I am not liable to taxation in the District. My domicile not being in this city, I apprehend the power to tax my personal property does not exist here; but it follows my person and is taxed in the place of my domicile. So in the amendment which I was offering I was voting a greater tax upon property which I did own than upon that which I did not own.

But, Mr. President, why is it that a tax upon personal property is more illusory, to use my own phrase, than upon real estate? Simply because the real estate is visible, is appreciable, is tangible; and the personal property is not. It suited the fine imagination of the Senator to suppose rich men swearing falsely in regard to their estates. I made no suggestion of the kind. I simply said that the officers of the law could not judge so well of that which they did not see and could not touch. All history has told you that the justest tax in theory was the income tax, and the falsest, most unjust in its practical operations. The history of every country, and of our own, which has tried it, has disclosed the fact that it will not do to place the support of the Government upon voluntary contribution, and that as personal property in its various forms of securities for the payment of debts is invisible, intangible, and unascertainable, it is a most illusory basis for obtaining taxation. It is fleeting; it passes from hand to hand by delivery; its amount cannot be ascertained; you are put upon a system of inquisition that is repugnant to the whole theory of our social lives and our political government; and you have no certainty, no reliability as to the truth of the returns made. The experience of this country and the experience of every country is the best answer to the Senator from Kansas. Taxation and legislation are certainly practical affairs; and a man who will pursue theory in either without regard to practical results, will find himself a very unwise law-maker.

There are many of the States where the attempt to tax personal property has been given over altogether. There are no States where such taxes are laid that they are not found to be very ineffectual in the production of revenue. The great merit in a revenue is to have it certain, so that all property can pay its share; but no form of taxation ever has been devised and successfully practiced that can compel taxation upon property capable of secretion; that is why in this case, desiring this District to flourish, desiring that wholesome and practical laws should govern it, I suggested that you should tax that property which you can compel to render the burden that you have apportioned to it, and not to tax another class of property which you will have no means of compelling to bear the tax. I meant to be practical, and I meant to be just, and I believe my amendment to have effected both.

Mr. EATON. Only a word, Mr. President. I confess I am somewhat astonished at the reasoning of my friend from Delaware. I from his stand-point should say that the rate of taxation on personal property ought to be double what it is on real estate, so as to catch something that was good. His argument affords no reason to my mind why there should be a less per centum on personalty; on the contrary it should be larger. I am not aware of any State in the Union—yet I do not undertake to say there is not one—where there is a distinction between property in taxation; there is none in my State. Not only that, we make very stringent laws; we give the assessors power to add to the list of personal property. If there be any reason to suppose that a man is worth a large amount of personal property that he fails to put in his list, then the assessors force him to swear to the list, and they add to it until they are satisfied with the size of his list.

I trust there will be no distinction made here, but whatever we can catch of personal property in the District of Columbia let us catch it, or else the United States will be compelled next year to pay an additional hundred, or two hundred, or three hundred thousand dollars.

Mr. HEREFORD. I agree with the Senator who has just taken his seat that according to the argument of the Senator from Delaware, according to the logic advanced by him, there should be a greater taxation placed upon personal property than on real estate. He says that a greater rate should be placed on real estate because it is tangible, and less upon personal property because, to use his own phrase, it is illusory; you cannot get at it; in other words, parties owning personal property conceal it. I cannot see upon what principle the Senator from Delaware shall say that a banker who has a million of dollars in his vaults and a million more loaned out shall pay a less rate of taxation than the man who owns the building in which he has his bank. I cannot see why the man who owns his fine horses and carriage and diamonds shall pay a less tax than the man who owns real estate.

There is another reason why, if we are to make any difference, personal property should pay more than real estate. In addition to this general tax upon real estate there are special assessments upon real estate here. Besides the tax upon a block upon an avenue or street of one dollar and a half, where you improve that avenue or that street, that same property has to pay an additional special assessment for that improvement. So that, even if you make them both a dollar and a half, the real estate then pays more than the personal property;

and so far as my information goes the amendment sought to be incorporated in this bill by the Senator from Delaware is entirely novel. As far as I know, it is contrary to the legislation of all the States of this Republic to make a distinction between personal and real estate when you come to make property bear the burdens of government. I know of no State, of no Territory, where there is a distinction made. One man may prefer to have his wealth in Government bonds; they do not pay a dollar of taxation to-day. He may own a million dollars in Government bonds to-day, and he does not pay a dollar of tax upon them; yet the man within whose house he lives pays a dollar and a half on the one hundred dollars under this bill. And by this proposition sought to be incorporated into the bill by the Senator from Delaware, if the man who owns those bonds also has a million of dollars in bank or loaned out, he seeks to make him not only free from paying upon those bonds in any shape, manner, or form, but to make him also pay a less rate of taxation upon the million dollars he has in the vaults of the bank or loaned out. I see no fairness, no justice in it, and I know of no precedent for it, as far as my reading has gone.

I hope that the amendment will not prevail, but that the two species of property will pay the same tax; that is fair; that is just.

Mr. KERNAN. It seems to me that whatever personal property is subjected to taxation should be taxed at the same rate on its value as real estate. The argument of my friend from Delaware goes too far. It would require us to exempt personal property entirely, because it is illusory. A man who will prevaricate and cheat for the sake of saving a dollar and a half on the hundred I think will do it for a dollar on the hundred, which is the proposition we are asked to vote. I think it is entirely just and right that whatever personal property is subjected to taxation by our law should be taxed at the same rate as is real estate on the value. I know of no State which exempts personal property from taxation. I know that some States do authorize a man on his oath to declare the amount of his indebtedness, and allow him to have that amount deducted from the assessed value of his personal property; but I know of no State where they make a difference in the rate of tax on whatever is subject to taxation, and I do not think we should make a difference in this bill.

Mr. SARGENT. Mr. President, I ask that my amendment be reported.

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from California to the amendment of the Senator from Delaware.

The CHIEF CLERK. After the word "dollar," in the sixth line of the amendment, it is proposed to insert "and fifty cents."

Mr. SARGENT. I desired that it might be reported on account of the manner in which it was stated before. The object of that amendment is to put the same rate of taxation upon personal property as upon real. The proposition has been so fully argued that I will not say anything more except to direct attention that that is the object of my amendment.

Mr. HOAR. I move to amend the text which is proposed to be stricken out by adding to it:

There shall be exempted from taxation, in addition to what is now exempt by law, $1,000 in value of the homestead of a householder having a family: *Provided*, Such homestead be not of the value of more than $3,000 in all.

Mr. President, I differ from the Senator from Delaware in thinking that a just public policy requires the exemption of personal property from its full and equal share of the burdens of taxation. But after exempting such personal property as the interests of very poor men require should be exempted, like the household furniture and articles of special household value, it seems to me that a just public policy requires that next in order of exemption should come the homestead of small householders. If there is any one thing which we can promote and foster by judicious laws, both as to taxation and as to the use of the public lands, it is the multiplication throughout this country, whether in cities or on the frontier, of that class of persons who have the stake in the country which is constituted by the possession of a home which they own. I am surprised in looking over the tax-list of this District, to find that no provision has been made for lightening the burdens of taxation upon the small householders. The real estate is visible; the tax upon it is a taxation *in rem*. No matter where the title may be or where the owner may dwell, the inexorable law comes down; there is no difficulty or possibility of a mistake in its enforcement; and as the Senator from Delaware has said, the power of concealment of personal property or the power of change of residence by the owners of large amounts of personal property who select for their dwelling-place places where taxes are light or where they can make illegal bargains with assessors, brings an unequal share of the burden of taxation everywhere in this country upon the real estate occupied by the poor.

Now, I trust no Senator will object to an amendment to this text, which provides that in the case of that class of householders having families whose homestead is less than $3,000 in value, $1,000 of that value shall be exempted from the burdens of public taxation. It is an exemption which exists in most of the States now in regard to the liability to seizure on execution. It does not exist in the District of Columbia. It seems to me that no Senator will desire to impose the burdens of public taxation upon this class of homes. It is especially important in this District where, owing to the exigencies of the war, there flocked in here in the last years of the war and since a large number of colored persons who had been slaves and whose habits as to industry, frugality, care for themselves, remained to be formed under the new circumstances which encountered them; and the encouragement of that class of persons especially to acquire and hold homes, is certainly a very important consideration in framing our tax policy. I feel quite sure that the Senator who has this bill in charge, representing as he does a State which has been so distinguished for the liberality of its homestead laws and which is reaping the benefit of that liberality to-day in the great immigration which is flocking there of workingmen from all parts of the world—I feel quite sure that that Senator will concur in the policy of this amendment.

Mr. EDMUNDS. May I ask the Senator if there is any instance within his knowledge in which homesteads are exempted from taxation in any of the States?

Mr. HOAR. I think so; but I cannot answer the question definitely at this moment.

Mr. EDMUNDS. I do not know any.

Mr. KERNAN. Does the Senator profess to know of any State where they exempt a homestead from taxation, even although it may be exempted from the payment of other debts? I never heard of any such thing.

Mr. HOAR. I will answer that question in this way: I understand that in some of the States at any rate, as in the District of Columbia, there is exempted from taxation what is exempted from levy on execution. That is the present law of the District of Columbia.

Mr. EDMUNDS. What?

Mr. HOAR. Yes; that is the present provision of the law, which I will read. Among the exemptions in the statute of 1876, chapter 180, I find the following:

Fifthly, all property exempt by law from execution, including all libraries or books in use and not held for sale, &c.

Mr. EDMUNDS. Now what is exempted from execution?

Mr. HOAR. As I have already stated, homesteads are not exempted from execution in this District. If they were, as they should be, this amendment would not be needed. They are exempt from execution in many of the States of the Union.

Mr. EDMUNDS. But in none of the States, in my opinion, are they exempted from taxation. If homesteads here were exempt from execution, then the question would be, as it is in every State, whether they shall also be exempt from taxation; so that my friend's argument would be this: because some property is exempt from execution, therefore homesteads ought to be; and inasmuch as homesteads then would be, and whatever is exempt from execution is under the tax levy of 1876 exempt from taxation, therefore homesteads would be! That is rather a long, far-away argument. I do not think in any State, even that which has been most liberal as to homesteads as well as that which has been most stringent, it has ever been seriously suggested that the homesteader, who is protected from the rapacity of his creditors, should not contribute his share, according to what he has, to his own protection.

Mr. INGALLS. The tribute which the Senator from Massachusetts has paid to the liberality and the public spirit of the citizens of Kansas is merited. They have exhibited greater generosity toward the citizens of the rest of the Republic than probably any of her sister States in the Union. They have made the most liberal exemption from execution; they have made the most liberal provisions for education; and as a necessary consequence, people from Massachusetts and elsewhere are flocking there in immense numbers, swelling our population by thousands every day. I may add also that the prospect of the crops for the ensuing year is extraordinarily good, and we hope more will follow those who are already coming. But the people of Kansas, generous as they are, have never made any homestead provision that exempted the property occupied by the homestead from taxation. We have provided that one hundred and sixty acres of farming land and not to exceed an acre in any incorporated town or village, irrespective of value, shall be exempt from seizure or levy and sale upon execution; but we have never provided that it should never be taxed, because the idea is that the homestead, like many other species of property, receives the benefits of Government aid and must bear its share of the expenses. I cannot, therefore, notwithstanding the touching appeal of the Senator from Massachusetts, consent to accept his amendment to the bill. I trust it will be voted down by the Senate.

Mr. HOAR. Mr. President, I ought, perhaps, to have said, in response to the Senator from Vermont, that while I am not able, in answer to the question which he put and which the Senator from New York also put, to say that in any State in the Union the special exemption in the form in which I have moved it of the homestead is made—and I do not know whether that is or is not true—yet it is true that in nearly all the States of the Union an exemption of the property of poor persons to the extent of a thousand dollars or more prevails; that is, the principle of exempting a thousand dollars in value of the property of poor persons. In my own State, for example—and my impression is that it applies as well to personal as to real estate—the property of widows and certain enumerated persons, children under twenty-one, is exempted to the amount of a thousand dollars. In my State a thousand dollars of the earnings or income from property is exempt by express provision of law. That applies to poor and rich alike, so far as the earnings of a trade, occupation, or business are concerned.

Now, therefore, although it may be true that the particular and

humane exemption of the home of the small householder is not the form which State legislation has taken in getting at that result, that certainly is a better and wiser form, I submit to the Senate, than any other mode in which it can be accomplished. It seems to me that to propose to exempt (which has been done by a vote of the Senate, now reconsidered, it is true) the property of the millionaire, or to lower the rate on that to a dollar—for that is the pending amendment—while you leave the shanty of the poor negro, which is worth seven hundred or eight hundred or five hundred dollars, to bear its full value, the inexorable law to come down upon it while you lower the rate on the hoard of the millionaire and tax that only to the extent of one dollar on the hundred while this class of persons pay on their dwellings a dollar and a half, is a proposition that ought not to meet with favor. And I submit, sir, that independently of precedent, independently of the question whether any State has or has not adopted this particular mode of exempting the property of the poor, it is eminently just and right, and that no reasonable argument can be adduced against it; that in the peculiar circumstances of this District especially this exemption should be made.

There is no one thing which will insure the safety of this country in the future, there is no one thing which a humane and just public policy should aim at, there is no one thing which will tend to turn into intelligent trustworthy patriots, whose attachment to the country and whose wise share in the government of the country is to make all secure, a large class of our citizens, so much as converting them into householders and having cluster about their dwelling-place those attachments and affections which extend from the dwelling-place to the country. I submit, independently of precedent, that unless some serious reason can be given to the contrary, if anywhere, for any reason, any class of property is to be exempt from its share of the public burdens, the class of property with which you should begin is the home of the poor man to this slight extent.

Mr. SAULSBURY. Mr. President, I cannot support the amendment of the Senator from Massachusetts. I do not believe that in our legislation we should undertake to discriminate between poor men and rich men, but apply the law with an equal hand to all classes of our citizens. Now if we establish this exemption in this District the people in the States will become acquainted with it and they will begin to inquire if the same measure cannot be extended to them. We had better not do it. There is great dissatisfaction now throughout the country with the munificence of Congress toward the people of this District; and to extend it further will increase that dissatisfaction. Let the people of this District stand upon the same equality that the people of the several States stand upon.

Mr. HOAR. May I ask the Senator one question in connection with what he is saying?

Mr. SAULSBURY. Certainly.

Mr. HOAR. Does he agree with his colleague that the million dollars of personal property of the banker should be exempt to the extent of 50 per cent.?

Mr. SAULSBURY. I do not know that the Senator from Massachusetts rightly represents the views of my colleague. I will say to the Senator from Massachusetts that I always agree with my colleague when I think he is right, and I oppose him when I think he is wrong; and I oppose the proposition of the Senator from Massachusetts because I think it is wrong in itself. It is an attempt to discriminate between the citizens of this country, and I think the people of this country have been educated in that direction long enough. We have heard of the eight-hour labor law for certain classes of men, and we have pandered to that feeling until to-day we are beholding some of the fruits of that doctrine springing up throughout the length and breadth of this land. Let us teach the people of this country that we intend to be just toward every class of citizens, and intend to grant immunities and exclusive favors to none.

Sir, I am as sympathetic for the poor man as the Senator from Massachusetts; but I do not want by any action of mine to teach the people of this country that we are to be unjust to one class of men in order to be benevolent toward another. Taxation has got to be paid, and if it is not paid by all equally, then a certain portion of the people have got to pay it. Let us all bear our equal proportion, and I venture to say to the Senator from Massachusetts that no part of the people of this country when impressed with the idea that exact justice is done to them will demur to our doing it. I cannot vote for that proposition.

In reference to the question of exempting personal property I hesitate in my mind as to whether that is right or not. I do not know that a man who has his estate in personal property ought to be exempt from taxation because he has his property in that peculiar form. I am willing, therefore, that the tax if arranged at $1.50 per $100 shall apply both to personal and real estate.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from California [Mr. SARGENT] to the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. INGALLS. I suggest to the Senator from California to accept an amendment by striking out the words "of residents" and inserting the words "not taxed elsewhere," in order to avoid a discrimination that might arise upon the meaning of the word "residents."

The PRESIDENT *pro tempore*. That is part of the amendment of the Senator from Delaware.

Mr. SARGENT. I call the attention of the Senator from Delaware to the suggestion. It is no part of my amendment.

Mr. INGALLS. The language of the amendment offered by the Senator from Delaware imposes a tax upon the personal property of residents. I propose to strike out the words "of residents" and insert the words "not taxed elsewhere," so that the amendment will read that this taxation shall be imposed upon personal property not taxed elsewhere.

Mr. BAYARD. I do not think that necessary at all. The taxation of personal estate certainly follows the person. Where there are poll taxes and personal taxes of any kind, they must be imposed on a man at his domicile. The domicile attaches to it all his personal property which is properly assessable. But whether he shall keep in securities or in other forms his property here or elsewhere, he is taxed at his domicile according to his property; and this provides for that. I think the phraseology proposed by the Senator from Kansas is not as inclusive as he would wish and what I propose is more inclusive of taxation.

Mr. INGALLS. I have talked within a few moments with two members of the Senate who have personal property here. One of them states to me that his personal property is taxed in the State where he resides, and the other states that he pays tax on his personal property here. It is evidently unjust that the Senator who pays taxes where he resides upon his personal property should be subjected to another tax here, or that it should be listed here, or that he should be subjected to any annoyance on account of its being here. Therefore it appears to me that if the Senate will adopt this language it will clear the section of any ambiguity or trouble.

Mr. BAYARD. The Senator is a resident of Kansas, and there are laws there which tax his personal property, which tax him and embrace all that he is worth in that form. Whether his personal property happens to be in Paris, in London, in Washington, or in Kansas, it is all taxed in Kansas, and he responds there as to personal taxes as a resident of Kansas. Would he propose to submit his personal property to taxation in four different jurisdictions? I apprehend not. A man can have but one domicile, and there he responds to all personal taxation. He draws to his person the right to all his personal property. A man in his domicile is fairly subjected to the operations of its laws, and he owns his property there, just as when a man dies owning personal property in a dozen States it follows the law of taxation where his will is proven and where his domicile was last at the time of his death. I believe the language I have used is the language to be found in similar laws, and I prefer it; and I trust the Senator from Kansas will not urge any amendment to it.

Mr. INGALLS. If the Senator from Delaware will not accept this as a modification, I cannot offer it now, because I think his amendment is in the second degree, but I will offer it afterward.

Mr. BAYARD. I can see more controversy and more questions about the phraseology the Senator proposes than that which I use, which I think has been the subject of judicial decision, so as to make it very clear to every assessor and every citizen as to what is intended. If a man is not a resident of the District, he does not pay taxes on personal property here, but at the place of his domicile.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California to the amendment of the Senator from Delaware.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Delaware as amended.

Mr. INGALLS. Now, as the rate of taxation upon real and personal property is the same, there is no necessity for having these two different subdivisions of that paragraph in relation to that subject, and I suggest that they be incorporated so that the rate of taxation, instead of being "two dollars," as now fixed in the bill, be reduced to "one dollar and fifty cents."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware as amended.

Mr. EDMUNDS. Let it be read.

Mr. INGALLS. I move to strike out the words "of residents" and insert the words "not taxable elsewhere." Now let it be read as it will read if amended.

The CHIEF CLERK. So that if amended the amendment will read:

Provided, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempt by law, and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof.

Mr. BLAINE. I should like to ask how could there be any personal property of a *bona fide* resident of the District taxable elsewhere?

Mr. INGALLS. I do not know that there could be, but it is very probable that there might be, a great deal of property brought in here by a man who was not a resident of the District that would not be taxed anywhere else.

Mr. BLAINE. They have no right to levy it on them.

Mr. INGALLS. They certainly have a right to levy it; if not, they ought to have it. If a man brings a stock of goods here from France,

say, or from England, not a citizen of this country, and sells it here in this city, ought it not to pay tax?

Mr. HOAR. In answer to the question of the Senator from Maine I will say that there is a great deal of personal property in this country that is taxable where it is situated, without regard to the domicile of the owner, as in some States the shares of incorporations.

Mr. BLAINE. Besides national-bank stock, what?

Mr. HOAR. One thing is stocks of goods of merchants for sale, in the State of Massachusetts. Another is farming stock, stocks of cattle and hay on the farm where they are, without regard to the owner's domicile.

Mr. DAVIS, of Illinois. A man may live in Virginia and have a bank here.

Mr. HOAR. So of horses in livery stables.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Senator from Delaware.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Delaware as amended.

The amendment, as amended, was agreed to.

Mr. SAULSBURY. I wish to offer an amendment to the section. I move to add to the section—

> The collector of taxes, upon the receipt of the duplicate assessment, shall give notice for one week in one newspaper published in the city of Washington that he is ready to receive taxes; and any person who shall, within ten days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of 5 per cent. on the amount of his or her taxes; and upon the amount so paid in the collector shall receive only one-half commission.

The object of that is that the commissioners may be in receipt of money from the very commencement of the assessment year. If a provision of that kind is adopted, persons taxed will go up and pay at once within the time limited, within the ten days, an amount of money sufficient to enable the commissioners to carry on the affairs of the District.

Then there is another provision, that upon the amount so paid in the collector shall receive but one-half commissions. He ought not to be entitled to full commissions when he has not the trouble of collecting throughout the year. On this amount that is paid in he will be entitled, if the amendment is adopted, to but one-half commissions. I apprehend that would be a saving of $25,000 to the people of the District in the collection of taxes. I understand the collector is now paid by commissions. It would save that much, I think, if there be as liberal an amount paid in as there would be—if at least one-half the taxes were paid in within ten days—under the provision. We have such a provision in reference to our school tax in my town, and I know in that town at least one-half the taxes are paid within the time limited.

Mr. EATON. I think the principle entirely right, but the percentage of 5 per cent. is too much.

Mr. SAULSBURY. In my town we allow a rebate of 10 per cent. It insures prompt payment. If you reduce it too low, then it will not have the effect desired.

Mr. HARRIS. I am authorized by the gentleman in charge of the bill to say that the Committee on the District of Columbia have no objection to the amendment of the Senator from Delaware.

Mr. EDMUNDS. I suggest to the Senator from Delaware to strike out the words "or her" after "his." We have a general statute, I I am quite sure, which covers all that; but these words being introduced here in one place might lead to a doubt as to the meaning in other places.

Mr. SAULSBURY. I will do that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware [Mr. SAULSBURY] as modified.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the section as amended.

Mr. BAYARD. Now that the rate of taxation upon real and personal property within the cities has been placed at $1.50 on the hundred, I think that on rural property should be reduced to $1 per hundred. Therefore, on line 98, I move to strike out the words "and fifty cents," so that the rate assessed on property without the limits of the cities of Washington and Georgetown shall be $1 on every $100. That is the proposition which the committee itself fixed.

Mr. DORSEY. It was the purpose of the Committee on the District of Columbia to provide that property used exclusively for agricultural purposes should pay one-half per cent. less than property in the cities where it has the benefits of police and gas and all those things. I believe in view of that the suggestion of the Senator from Delaware is quite right, and I hope my colleague in charge of the bill will accept the amendment.

Mr. HAMLIN. I have had put in my hand——

Mr. SARGENT. If the Senator from Maine will give way to me, I move that the Senate proceed to the consideration of executive business.

Mr. HAMLIN. I yield.

Mr. SARGENT. I submit that motion.

Mr. EDMUNDS. I ask that this District government bill may be printed as amended as far as we have gone, so that we may see how the sections stand.

The PRESIDENT *pro tempore*. That order will be made, there being no objection.

Mr. BAYARD. I wish to know whether the amendment offered to reduce the tax on the rural property of this District has been accepted. ["No!" "No!"]

The PRESIDENT *pro tempore*. That has not been voted on. It is the pending question. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 23, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

CORRECTION OF THE JOURNAL AND RECORD.

The Journal of yesterday was read.

The SPEAKER *pro tempore*. The Chair desires to make a statement in advance in regard to the Journal. Examination of the proceedings as to House bill No. 3390 shows that on the 6th of February House bill No. 3079 was reported from the Judiciary Committee, and on the 25th of the same month House bill No. 3390 was reported as a substitute for that bill and recommitted, upon which the gentleman from Massachusetts [Mr. BUTLER] entered the motion to reconsider on the 26th of February. The only statement the Chair desires to make is that House bill No. 3390 is the bill that should properly have been brought up upon the motion to reconsider, and formally House bill No. 3079, as amended by the committee, should have been moved as a substitute. The Chair, supposing that this is what the gentleman from Massachusetts [Mr. BUTLER] intended formally to do, has had the Journal made up accordingly. Otherwise there would be a hiatus in the Journal. The Chair makes this explanation in justice to himself and the Clerk.

Mr. BUTLER. The bills are the same in fact.

The SPEAKER *pro tempore*. If there is no objection, the Journal will be regarded as approved.

The Chair also desires to state that yesterday House bill No. 721 was reported by the chairman of the Committee on Appropriations with a request that the committee be discharged from its further consideration and that it be referred to the Committee on Naval Affairs. This bill was reported for the same purpose on the 26th of April, by the gentleman from Pennsylvania, [Mr. CLYMER,] a member of the Committee on Appropriations; and the Chair would therefore ask that the action of yesterday be stricken from the Journal.

There being no objection, the Journal was amended accordingly.

The Journal was then approved.

NATIONAL IRON-MOLDERS' UNION.

Mr. MANNING. I ask unanimous consent that the bill (H. R. No. 292) to incorporate the National Iron-Molders' Union be taken from the Private Calendar and considered at this time.

Mr. BURCHARD. I call for the regular order.

Mr. BANNING. I hope the gentleman from Illinois will let this bill be considered now. It is a unanimous report from the committee, and I do not think any one will object if he will only examine it and see for himself exactly what it is.

The SPEAKER *pro tempore*. Objection has been made.

Mr. SINGLETON. I rise to a privileged report.

The SPEAKER *pro tempore*. The gentleman from Ohio has risen to a privileged report.

AMENDMENT OF THE RULES.

Mr. GARFIELD. I rise, Mr. Speaker, for the purpose of calling up the report from the Committee on Rules, and I ask that it be read.

The Clerk read as follows:

> Amend Rule 112 by inserting, after the word "made," in line 4, the following: "Or releasing alleged indebtedness to the Government."
>
> Add to Rule 112 the following: "All bills originating in the Senate appropriating money, land, or property of the United States shall have their first consideration in the Committee of the Whole House on the state of the Union or the Committee of the Whole House, and all amendments made to House bills not germane to the subject-matters contained therein as originally passed by the House shall in like manner have their first consideration in the Committee of the Whole House on the state of the Union or the Committee of the Whole House."
>
> Amend Rule 151: after word "report," in last line, insert: "bills or resolutions touching the revenue or public debt at any time, and other bills."
>
> Amend Rule 119: after the words "appropriation bills," in the second line, insert: "or bills touching the revenue or public debt, and no others."

Mr. SINGLETON. I think this report from the Committee on Rules should be printed and laid on each member's desk, so it can be read and thoroughly understood before it is voted on.

Mr. MILLS. I desire to enter a motion to recommit to the Committee on Rules with instructions to that committee to report an entire revision of the rules.

The SPEAKER *pro tempore*. The gentleman from Ohio has the floor.

Mr. MILLS. Then I hope the gentleman from Ohio will not demand the previous question until that motion can be submitted.

Mr. ROBERTSON. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. There is already a privileged question before the House which must first be disposed of.

Mr. EDEN. I should like to ask the gentleman from Ohio to let the amendments be again read.

Mr. GARFIELD. I ask gentlemen to send for the order of business, and they will see the amendments in print. This report was made on the 10th of May and will be found in the RECORD, page 3364. Let gentlemen send for the order of business and they will have the amendments in print before them.

I wish now to say, Mr. Speaker, in these amendments to the rules there are two distinct propositions in no way connected with each other, and the House may agree to one and reject the other, if it shall see fit to do so. They are printed together only because they were reported at the same time. I wish to distinguish between them, and gentlemen may vote against one without voting against the other.

The first amendment to Rule 112 I do not think in effect changes the rule at all, for I understand we can at any time send a Senate bill to the Committee of the Whole that makes an appropriation, upon the point of order. But the Speaker was in doubt whether under certain circumstances he would be authorized to make that ruling, and though most of the members of the Committee of Rules thought he would, yet to settle the doubt we report this amendment making it definite and precise that a Senate amendment having on it matters not germane to the bill which had gone from the House and containing an appropriation might be sent to the Committee of the Whole just as though it were a House measure. But I cannot discuss that; and for myself I do not care whether it is adopted or not, because I think the principle of the rule is just the same as it will be when this amendment is adopted.

Mr. BUCKNER. If the Senate return the river and harbor appropriation bill with amendments making additional appropriations for other works, will that be subject to the point of order it must receive its first consideration in the Committee of the Whole?

Mr. GARFIELD. I think not if it is germane to the general subject, but if they should put on a new topic it would be.

Mr. VANCE. I cannot hear a word that is being said.

The SPEAKER *pro tempore*. The gentleman from Ohio will resume his rent until order is restored and public business will wait the convenience of gentlemen who are discussing in the aisles.

Mr. FRANKLIN. Would it not be well to take a recess for ten minutes?

The SPEAKER *pro tempore*. That motion is in order. The Chair of course does not suppose gentlemen will sit here without conversing, but they can converse in a lower tone of voice. The Chair sits here and hears private conversation distinctly in different parts of the Hall, so he becomes the repository of valuable state secrets perhaps, and gentlemen do not know it. He hopes, therefore, gentlemen will moderate their tone of voice when they engage in conversation. This is only a reasonable request in order that public business may proceed without interruption.

Mr. GARFIELD. I am very sure, after the persuasive language of the Speaker, that he will not need to interrupt the business again for the sake of obtaining order.

Mr. PHILLIPS. I ask the gentleman from Ohio if he intends to move the previous question after he has explained the amendments or if he proposes to allow discussion to run for some time.

Mr. GARFIELD. I cannot fairly agree to extend discussion longer than a reasonable time for every one to be heard. I do not think we ought to interrupt the consideration of the appropriation bills and other general business very long on a question of this sort.

Mr. WOOD. If the gentleman will pardon me I desire to make a suggestion. This report embraces three or four different propositions, and I would suggest that the gentleman should present them to the House in the order in which they are presented in the report, and that the question be taken not on the whole report, but on each proposition.

Mr. GARFIELD. Oh, certainly we ought to vote separately on these propositions, because they are entirely distinct.

I have said all I intended to say in regard to the amendment to Rule 112, and will merely summarize it thus: it provides that, if the Senate shall send us a bill that would be, if arising in the House, subject to the point of order, it shall also be subject to the point of order when it comes here from the Senate; that is all. Or if the Senate amend a House bill, putting on an amendment that if offered in the House could be sent to the Committee of the Whole, that also shall be subject to the point of order here when the bill comes back from the Senate.

Now gentlemen can decide in a minute whether they want that rule to be thus amended or not.

Mr. CONGER. Will the gentleman allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. CONGER. I would ask the gentleman whether under this amended rule every Senate bill which made any of the changes spoken of here would not have to go to the Committee of the Whole without being first sent to one of the committees of the House?

Mr. GARFIELD. Oh, not necessarily.

Mr. CONGER. I think that would be the effect of requiring that it should have its first consideration in Committee of the Whole.

Mr. GARFIELD. Sending a bill to a committee of the House is not a consideration. A motion to refer to a committee of the House could be made without raising the question of the bill being liable to the point of order.

Mr. CONGER. Then every bill from the Senate having an amendment of this sort must, on the point of order being made, no matter what the urgency of business may be—no matter whether it is an appropriation bill or something else—must be sent to the Committee of the Whole and take its place there. Under another rule it would be placed at the foot of the Calendar, and could only be reached in Committee of the Whole by laying aside all other business.

I submit to the gentleman that he must see from his knowledge of business that such a rule must necessarily delay business since it will permit any member by making the point of order to send the bill to the Committee of the Whole, no matter what may be the urgency of the business of the House.

Mr. GARFIELD. That would be true under the ruling we have always had until this Congress upon that rule. But of course the gentleman from Michigan will remember that in the last six days of the session, when the appropriation bills must be passed, it is always competent to move to suspend the rules.

Mr. MILLS. I wish to ask the gentleman from Ohio what possible benefit is to be derived from sending these measures to the Committee of the Whole on the point of order. Cannot the House consider the propositions just as well in the House as in Committee of the Whole?

Mr. GARFIELD. There is no other reason in the world for this proposition than the reason we have now for sending bills making appropriations, when they originate here, to the Committee of the Whole.

Mr. MILLS. But does not such a rule give a disadvantage to the proposition? Does it not tend to defeat the will of the majority of the House?

Mr. GARFIELD. I suppose the whole scheme of our rules tends to put a check on the will of the majority to some extent. Still they are necessary in order that we may have a proper mode of transacting business. Personally I do not care whether this rule is adopted or not. I believe the rule is so now. I hold to that clearly; but some of the members of the Committee on Rules think differently.

Mr. MILLS. Is it not equivalent to increasing the chances against a bill to send it to the Committee of the Whole?

Mr. GARFIELD. It has that effect no doubt.

Mr. MILLS. The object of the rule, then, is to defeat the will of the majority of the House.

Mr. GARFIELD. The object is to protect the House against amendments that are not germane.

Mr. CONGER. I wish to ask the gentleman from Ohio this question: suppose the Senate put upon the river and harbor bill an amendment of any kind not exactly germane, must not the river and harbor bill then necessarily go to the Committee of the Whole?

Mr. GARFIELD. I suppose so; but a river and harbor amendment would be germane.

Mr. CONGER. But suppose the Senate saw fit to put on any other little amendment not germane? I conceive this rule will give the power to any one member raising the point of order in the last days of the session to defeat any bill he desires to defeat in this House. Whether this is aimed at the river and harbor bill I do not know, but I have had my suspicion that that is the object of the amendment.

Mr. HOUSE. Several others have had the same suspicion.

Mr. CONGER. Entertaining that view of the proposition when the question came up before I was disposed to oppose it as well as I was able, and I do so now. I submit to the gentleman from Ohio that in these last days of the session there is no great necessity for a change of rules which have been sufficient and satisfactory for years and years. I cannot see the reason of it, unless it has for its object to defeat by the action of one or half a dozen members the will of the majority of the House.

Mr. GARFIELD. I yield now for a few moments to the gentleman from Illinois [Mr. BURCHARD.]

Mr. BURCHARD. This amendment to rule 112, in my judgment, simply expresses what the rule now requires and it is simply, as I understand the purpose of the rule, to give the interpretation that should be given to the rule, and which was the intention of the rule. It requires that all bills of this character, whether originated in the House or in the Senate, shall receive their first discussion in Committee of the Whole and it seems to me a proper rule. But I want to suggest to my friend from Ohio an amendment to his proposition, and that is to substitute the word "discussion" for the word "consideration," and then it will follow the exact language of Rule 112. There may be a technical difference between the meaning of the words "consideration" and "discussion."

The gentleman from Michigan [Mr. CONGER] has suggested that a bill of this character could not be referred to any other committee until it had first been considered in Committee of the Whole. If you follow the language of Rule 112, you will see that it provides that—

All proceedings touching appropriations of money and all bills making appro-

priations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Now in regard to the river and harbor bill, if the majority of the House desire to pass that bill without reference, as the river and harbor bill was passed this session by a majority which was composed, I believe, of three-fourths of the members, then they can do it upon Monday, or within the last six days before the close of the session. A motion to suspend the rules for such a purpose is not subject to this objection, but, in my judgment, any germane amendments—any amendments germane to the river and harbor bill—coming here from the Senate, would not require that the bill, having been once considered in Committee of the Whole or having been passed under a suspension of the rules, would have to be referred to the committee. I will refer to a decision which I think was made when Mr. BLAINE was Speaker, on a bill relating to the currency, which was passed under a suspension of the rules. It went to the Senate, and came back here with amendments, and the Speaker then decided that, the bill having been passed in the House under a suspension of the rules, the rules did not require that it should be considered in Committee of the Whole; that it came back under the action of the House, which had suspended the rules and sent it to the Senate. If that ruling was a correct ruling, and I believe it was, it would dispense with the necessity of sending the river and harbor bill, when returned from the Senate with amendments, to the Committee of the Whole, if it had been considered in Committee of the Whole or passed under a suspension of the rules. I close by suggesting to the gentleman from Ohio that the word "discussion" be substituted for the word "consideration."

Mr. GARFIELD. I concur in that idea, and if there is no objection I will change the language of the rule by substituting the word "discussion."

There was no objection, and the change was made.

Mr. COX, of New York. In regard to this amendment of Rule 112, I desire to make a remark rather in answer to what fell from the gentleman from Texas, [Mr. MILLS.] I think the gentleman from Texas misapprehends the utility of the Committee of the Whole. I think his idea would break down all committees if carried to its full extent. I believe that Rule 112 as it now exists would require the House to consider any bill with amendments returned from the Senate, making appropriations of money, to have it considered in Committee of the Whole. All money bills should have their first consideration in Committee of the Whole, whether they come from the Senate or originate in the House. There is an object for this. It is an essential part of parliamentary law and custom. We find upon page 59 of our Constitution and Manual this expression, taken from an English writer on parliamentary law:

> The sense of the whole is better taken in committee, because in all committees every one speaks as often as he pleases.

I know that we are limited to five minutes' debate in Committee of the Whole; but we have the most valuable debates in Committee of the Whole. We cannot be cut off by the previous question. The philosophy of these rules is that they are intended to be impediments to legislation, obstacles to passing legislation; they are intended to stop bad or inconsiderate legislation. They were made, as I said once before in this House, by southern men, jealous of Federal power. They were made that there might be deliberation in our legislation in reference to the disposal of the people's money. I did not agree to the ruling of the Speaker as to the Senate appropriation bills, and I am glad that the Committee on Rules have given a proper construction to Rule 112, so that all bills disposing of the people's money shall have full discussion and deliberation.

Mr. PHILLIPS. Mr. Speaker, I thought when the gentleman from Ohio brought in this privileged report two weeks ago, and I have thought ever since I have been a member upon this floor that it was time that representation and not rules should govern in this House. Every new member knows that when propositions are made here the majority of this House are tied at every step by the rules of this House, agreed on before the House was fully organized. And now at the close of the session the gentleman from Ohio proposes to bring in a rule to fetter this House still further. What is the effect of our rules now? We all know very well that we pass a bill during the session and that we consume a long time in maturing the measure. We send it to the Senate. They have the same right to act upon it that we have. They act upon it, amend it, and return it to us near the close of the session. Under this proposed rule the will of a single man can send that bill to the Committee of the Whole, at the bottom of the Calendar, where it cannot be reached; and thereby the majority of this House is deprived of its right to legislate according to its will. That is what this rule proposes to do.

I want to say to the gentleman from Ohio [Mr. GARFIELD] and to the Committee on Rules, I want to say it to the members upon this floor, that they cannot afford to stultify themselves and throw away the power which they ought to retain to enable them to legislate for their constituents. That power belongs to their constituents, and their Representatives in this Congress have no right to allow themselves to be tied up by certain rules of this House so as to defeat that will.

I am perfectly cognizant of the necessities of business here; I know that all rules must impose certain restrictions. But gentlemen knew very well that two committees of this House monopolize all power of legislation, the Committee of Ways and Means and the Committee on Appropriations. Those committees report a bill to this House, and the members of those committees have the power to move amendments proposing new legislation. But if any other member of this House moves such an amendment it is ruled out of order.

Mr. WHITE, of Pennsylvania. The Committee on the Judiciary gets in occasionally.

Mr. PHILLIPS. Sometimes, not often. But it is in order for the members of the two committees I have named to propose new legislation, while other members, with equal constituencies and with equal rights upon this floor, are ruled down, so that all legislation is practically confined to a dozen or fifteen members on this floor. And it is the design of this proposed amendment to the rules to increase the power of those two committees—fetter the members of this House so that they cannot have a voice in proposing new legislation.

It is a fact not to be disguised that certain interests and certain localities wish to stop the action of this Congress and cripple the majority on this floor, finding that they can no longer control it. This House is denounced and told to go home by those who wish to defeat its legislation. Our constituents continually ask why we do not call up certain bills and have them acted on. The rules of the House as they now exist prevent it. We have to wait until the committees in their order are called, sometimes for months, and then, on a point of order that it involves an appropriation, a single objection carries it to the Calendar where it must wait its turn. That is bad enough, but this proposed rule or rules would be still worse.

I do not know what particular bill this proposed amendment may be aimed at. But I do know that if adopted, it would give the power to any one man in this House to defeat several bills which a large majority of this House desire to pass. I know that if this House shall agree to this amendment it will regret it. I ask the House to adopt no new rules at this stage of the session. I hope the House will vote down this amendment. I hope that no member upon this floor will consent to throw away and sacrifice a single power belonging to him as a Representative of the people on this floor.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Kansas [Mr. PHILLIPS] has expired.

Mr. GARFIELD. I now yield five minutes to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. I ask the Clerk to read the closing paragraph of Cushing's Parliamentary Law.

The CLERK read as follows:

> In concluding the foregoing work on parliamentary law and practice, the author may be allowed to suggest that the great purpose of all the rules and forms by which the business of a legislative assembly is conducted, whether constitutional, legal, or parliamentary in their origin, is to subserve the will of the assembly rather than to restrain it; to facilitate and not to obstruct the expression of its deliberate sense.

Mr. MILLS. The sum total in the conclusion of that great work is—and the author states that he has been trying to impress it upon all who study the law of parliamentary practice—to ascertain and crystallize the sense of the assembly into law; it is that the will of the majority, the fundamental principle of all democracy and civilization, may be made the governing principle.

But the rules of this House proceed exactly on the opposite theory; that is, that you should obstruct legislation; that you should throw around it defenses, so that half a dozen gentlemen who may object to any measure may send it away off on a circuit where it cannot be reached until Congress adjourns. In that way they will be enabled to assume a sort of guardianship over the majority of this House.

Now, on this floor, each man is the peer of any other, and has the same right to his judgment and to have it weighed at its proper value as any other member of this body. But now we are told that there is danger when an appropriation bill comes from the Senate, that in the haste of legislation we will do something that ought not to be done. Who says that? Who is afraid that either branch of this Congress will do something that ought not to be done, that this House will concur in the action of the Senate without good reason? It is an argument that the majority of this body is not competent to be intrusted with legislation.

Mr. COX, of New York. By-laws and rules are made to restrain majorities.

Mr. MILLS. Cushing said all rules of parliamentary practice for the government of any deliberative assembly are made to facilitate the will of the majority—to facilitate and not to obstruct the public business.

Mr. COX, of New York. I will read what Cushing says when I get the floor.

Mr. MILLS. Some gentlemen want to kill the river and harbor bill; I understand that. This new rule is for a single purpose. A few gentlemen got mad because the river and harbor bill was passed by a two-third majority of this House, and they want to hedge it about and kill it by strategy. Twenty-five or thirty or forty members of this House say of the river and harbor bill that it is a poor business, will do them harm in their political campaigns, that it is a bad precedent. Therefore they propose to assume the authority of guardianship over four-fifths of the members of this House, and when the bill comes back from the Senate they want the power to send it to

the Committee of the Whole at the foot of the Calendar, to put it in a well, in a sink-hole, and bury it so that it can never be reached. All this is done to defeat the expression of the will of the majority of this House, which is the supreme will of the land.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I would ask the gentleman how this amendment of the rules can affect the river and harbor bill?

Mr. MILLS. The river and harbor bill is now in the Senate. It will be amended and returned to this House with Senate amendments. Under this proposed amendment of the rules it will be referred to the Committee of the Whole and placed at the foot of the Calendar, where it cannot be reached.

Mr. GARFIELD. I now yield to the gentleman from Michigan [Mr. CONGER] for five minutes.

Mr. CONGER. I desire to call the attention of members of this House to the peculiar manner in which just at the close of the session it is proposed materially and almost completely to change the rules of this House, which have been sufficient for its government from 1794 to the present time. And these proposed changes of the rules are introduced by a little amendment here, unobjectionable in itself; a sort of calico-colored pony to lead in the circus. [Laughter.] It it proposed to amend Rule 112 by inserting after the word "made," in line 4, the words "or releasing alleged indebtedness to the Government."

There is no objection to that; it is an innocent little amendment, which can do no harm, and probable will never do any good; for substantially the same thing is already contained in other rules.

But, sir, what are these other two changes? One is that any bill originating in the Senate and making any appropriation of money or lands shall, when it comes to this House, go to the Committee of the Whole——

Mr. CARLISLE. Will the gentleman allow me to ask him a question?

Mr. CONGER. The gentleman must not interrupt me in my five minutes; I asked the gentleman from Ohio [Mr GARFIELD] for ten minutes, but he declined to give me more than five; and these I must occupy myself.

Under the provision to which I have just referred, every bill from the Senate granting a pension, or making any appropriation of money or land, must in this House go first to the Committee of the Whole. This was the effect of the proposition as first reported; but gentlemen see that this is wrong, and now they propose to change the language of this carefully considered report of the Committee on Rules so that it shall mean an entirely different thing from the original proposition. But sir, I say that the adoption of this rule will send every pension bill of the Senate, not to the Pension Committee of this House, every claim from the Senate not to the Claims Committee of this House, but to the Committee of the Whole, and will put it within the power of any one member or any two or three members to send any bills of this character to the foot of the public Calendar.

Now this proposition is not made without an object. The Speaker has ruled upon this point, and he does not feel willing to change his ruling unless the rules are changed. Sir, I know why this rule is to be changed. The river and harbor bill passed this House and has gone to the Senate. There are amendments proposed by the committee in the Senate, which are or are not germane to that particular bill, and when the bill comes back here, if this rule now proposed be adopted, it will be within the power of one or a dozen of the little dissatisfied minority in this House to send that bill to the foot of the Calendar on a point of order and thus kill it.

The gentleman from Illinois [Mr. BURCHARD] says that on any Monday, or at any time within the last six days of the session, we can reach the river and harbor bill under a suspension of the rules, and pass it. Does not the gentleman know that the Speaker, according to the rule adopted by him, will follow his list in giving the floor to gentlemen desiring to move a suspension of the rules? It was by the merest possible chance, a sort of providential interference, that a gentleman in favor of that bill happened to be first on the Speaker's list, and yielded his right to the chairman of the Committee on Commerce [Mr. REAGAN] to report and have passed, under a suspension of the rules, the river and harbor bill. But for the fact that my colleague, [Mr. HURBELL,] himself a member of the Committee on Commerce, was first on the list, the river and harbor bill could not have been brought before the House during this whole session till the last six days of the session.

[Here the hammer fell.]

Mr. CONGER. I ask the gentleman from Ohio for five minutes more.

Mr. GARFIELD. I yield five minutes to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. CONGER. I hope the gentleman from Ohio will give me at least two minutes more.

Mr. BANKS. I trust that the gentleman from Ohio will not be too stringent. The House may give us, if he does not, sufficient time to discuss this question.

Mr. GARFIELD. Well, I give the gentleman from Michigan two minutes more.

Mr. CONGER. Now, sir, I desire the river and harbor bill to pass and become a law. With some amendments it would suit me better, it would probably suit many gentlemen here better, it would probably suit the country better. But the absolute necessity of improving the great water courses of the United States, of establishing means of communication that shall compete with the great railroad monopolies of this country, is a question that comes home to every farmer and every business man in the land. The Representative here who is unfaithful to his trust and allows monopolies to gain absolute control of the means of communication, when God has given us the rivers and lakes, needing but little improvement to fit them as means of transportation, must answer to his constituents.

But, sir, there is another proposition lying hidden in this meal—a proposition more dangerous than the other. I refer to the second and last proposition, by which the committee having charge of revenue bills may introduce as a privileged question any bill or resolution at any time in this House, and force it upon the consideration of the House.

I know why the gentleman from New York has been laboring to have this amendment offered here. It will save him a world of anxiety—a world of care.

These are the reasons that make it necessary in the last days of this session to lay violent hands upon the rules of this House and distort them for the purpose of defeating this legislation in this House, and for this session.

If other gentlemen desire to be defeated in their own will by the voice of one or two, or twenty members of the House, on points of order, I have no special objection. I can endure it with the rest; but I would prefer that this House should be able to do its own business in its own way, and not be trammeled by rules which shall give to one or two or a dozen men the entire management of all our business, and compel us to go back to our constituents who have been expecting legislation upon particular subjects, and confess to them that we ourselves have adopted rules which tie up our hands and shackle us in our efforts to do what our constituents require.

Mr. GARFIELD. I now yield five minutes to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. BANKS. Mr. Speaker, the gentleman from New York spoke of the "intentions" of this proposition. Sir, "intentions" are not legislation, however wise and good they may be. They are sometimes used for pavements, [laughter,] but they do not carry conviction or weight as legislation. The objection to this proposed amendment to Rule 112 is that it violates the comity that must necessarily exist between the House and the Senate. I ask the attention of the gentleman from Ohio [Mr. GARFIELD] to this point. It is impossible for this House to establish for the legislation of the Senate a rule different from the rules of the House applicable to its own measures. If the House should do this the Senate may do the same thing, and there will be a break between the two Houses which may interrupt legislation altogether.

This amendment of Rule 112 does that. It says that "all amendments made to House bills not germane to the subject-matter contained therein as originally passed by the House shall, in like manner, have their first consideration in the Committee of the Whole on the state of the Union or the Committee of the Whole House." That does not apply to amendments made by the House to its own bills or Senate bills; but it includes all amendments made by the Senate to House bills which the House thinks are not germane to the subject-matter of the bill or resolution sent from the House to the Senate, and they must go to the Committee of the Whole on the state of the Union upon the objection of any member or the ruling of the Speaker. It will defeat nine out of every ten bills coming from the Senate with such amendments. We therefore defeat the bills agreed to by the House, that may come back under such circumstances, unless by a suspension of the rules or other devious and uncertain paths we can get at them in the Committee of the Whole. We may be willing to accept amendments proposed by the Senate, but upon the objection of a member or the ruling of the Chair we must send the bills to the Committee of the Whole, where they never can be reached and disposed of at so late a period of the session as this.

The gentleman from Illinois says we can suspend the rules the last six days of the session. That can only be done by a two-third vote. But we cannot go to the Committee of the Whole for business the last six days of the session. There may not be any last six days of the session; for it only applies when the day of final adjournment has been fixed.

But that is not the objection I make to it. It violates the comity with the Senate in establishing a rule in reference to the consideration of its measures which we do not apply to business of our own. The right of the Senate to amend a bill sent from the House is a right conferred by the Constitution. Who limits the Senate to what the House may consider germane amendments? Who knows what a germane amendment is? It depends on the caprice, interest, or opinion of members who are competent to decide as to relevancy of their own amendments, but not those of the Senate. We have no right to apply such a rule as that, and if the House should agree to it unanimously it would be obliged soon to repeal it, because it would in the end affect unpleasantly the official relations between the two Houses.

There is another matter more fatal to wise legislation, about which the gentleman from New York spoke and which was alluded to by my friend from Michigan. I refer to that amendment of Rule 151, so as to enable all bills touching the revenue or public debt or other

matters to be reported by the committee having charge of them at any time. Then an amendment is proposed to Rule 115, so that any "bill or resolutions touching the revenue or public debt at any time and other bills" shall be made equivalent to a special order and take precedence of every other business before the House, except appropriation bills. I wish to know whether the House is willing to adopt such an amendment. It will make, in the first place, any bill touching revenues or the public debt so far privileged that it may be reported at any time, and then by another amendment to Rule 119 put all bills "touching the revenue or the public debt" upon the same level of precedence and privilege given to appropriation bills.

What is it for? Yes, sir; what is it for? The gentleman from Ohio has stated no reason for it. Why is it? It is not my privilege to give reasons for it, but I can properly state to the House what it will do. It will make a privileged question equivalent to a special order of bills affecting the tobacco tax, the whisky tax, the income tax, the tea and coffee tax, and the suspension or abolition of the sinking fund. And it may defeat the river and harbor bill. Is any such result desired or intended by the House?

[Here the hammer fell.]

Mr. GARFIELD. I will now yield for two minutes to the gentleman from Illinois.

Mr. EDEN. Mr. Speaker, as a matter of course I cannot discuss these amendments to the rule in two minutes. I wish to say, however, that I do not understand the object of the proposed amendment to Rule 112 is to prevent legislation; but that, on the contrary, the object is to prevent any appropriation being made out of the Treasury of the United States without at least some consideration. Unless we have a rule like this appropriations may be made without an opportunity of any member on the floor knowing anything about them, excepting the members of the immediate committee having it in charge. Long experience has established the wisdom of Rule 112 in reference to bills originating in the House of Representatives. Why should it not be extended to appropriations made by the Senate as well as to appropriations made by the House? It is as important that appropriation bills coming from the Senate to the House should be considered before being passed by the House, as that the House should fairly consider and discuss appropriation bills originating here. And that is all there is of the amendment. It can have no possible effect on the river and harbor bill. The Senate may appropriate $10,000,000 more on the river and harbor bill for the improvement of rivers and harbors, and the amendments will not be subject to the point of order for the reason they are additional appropriations which will be germane to that bill. I apprehend no man on this floor would have the temerity to make the point of order on the appropriation for the Kiskiminetas River up in Pennsylvania. [Laughter.]

Mr. WHITE, of Pennsylvania. Does the gentleman from Illinois want to know anything about the Kiskiminetas River? [Laughter.] If he does, I can tell him.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. GARFIELD. I yield now to the gentleman from New York.

Mr. COX, of New York. I desire to call the attention of the House to the quotation in our own book, which is a sufficient answer to the gentleman from Texas, if I can have his ear for a moment.

Mr. MILLS. Here I am, always before you. [Laughter.]

Mr. COX, of New York. He quoted the last sentence in Cushing, a dim, nebulous summing up of things having no special meaning, no special application to a Federal Congress of limited powers under the Constitution making rules for its own observance. Now I want to call the attention of my friend from Texas to what Mr. Onslow said in relation to the rights of the majority and the minority of a parliamentary body:

> It was a maxim he had often heard, when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of or a departure from the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.

A majority can always control. They have the power. Rules are not made to help a majority. Rules are made for the purpose of securing a fair and deliberate consideration to measures; and but for these rules the minority would be as powerless as a pigmy with a straw against a giant cased in adamant.

Mr. MILLS. Does the gentleman from New York mean to argue that the rules of the House are intended to give the control of legislation into the hands of the minority?

Mr. COX, of New York. Oh, that is sophistical, fallacious, and several other things I will not mention. [Laughter.] But one thing is certain, this amendment of the rules does not go to anything of the kind. It facilitates the operations of a fair majority. But it says: "You shall have certain steps, certain gradations in consideration, and among them is consideration in Committee of the Whole; and the Senate shall not originate money bills and bring them here to the House without our having a fair chance to fight them, if need be, or amend them in Committee of the Whole after full debate."

But the gentleman evokes the spirit of the river and harbor bill. This is intended, he says, for the purpose of defeating the river and harbor bill. For one, I never thought of the river and harbor bill in this connection until it was mentioned by the gentleman from Michigan.

A MEMBER. You are not on the Committee on Rules.

Mr. COX, of New York. It is not my fault that I am not on the Committee on Rules. [Laughter.] I have studied them for twenty years and I think I understand what they mean, their principle and their spirit; and one thing is sure, that if you break down these rules you will have a saturnalia of legislation not to be tolerated.

[Here the hammer fell.]

Mr. GARFIELD. I wish to say but a few words and shall then ask for a vote. Gentlemen on both sides of the House have made two or three criticisms upon these proposed amendments of the rules. In the first place the gentleman from Michigan and some others think it is a suspicious circumstance that the Committee on Rules should come in at the close of the session and propose this change. If the House will indulge me for a moment I will explain why this comes in now or why it did not come in long ago. At the very beginning of this Congress the Committee on Rules were ordered to consider the whole of the rules with a view to reporting a codification and amendment of them; and among other things this amendment we are now discussing was called up very early—and for this reason: a curious case occurred that had to be ruled on under Rule 112. The language of that rule is:

> All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

That is the rule now, the rule which was adopted in 1874 when we on this side of the House were in the majority. It was a rule adopted in the interest of economy. But in ruling upon that rule this kind of case came up: a proposition was made to release the sureties of a defaulting paymaster, and the question was whether that was an appropriation of money. The Speaker was compelled to rule that it was not in fact an appropriation of money out of the Treasury, although it prevented money coming into the Treasury by releasing the sureties. And the suggestion was made that the Committee on Rules ought so to enlarge the rules that they should apply to such a case as that. The first clause of our amendment, therefore, adds these words:

> Or releasing alleged indebtedness to the Government.

That is the first amendment we propose, that a proposition to release indebtedness of the Government shall be as much subject to be sent to the Committee of the Whole as a proposition to pay money out of the Treasury, which is already covered by the rule.

Now, we had intended to report this three months ago in connection with the whole body of the rules; but finding that we could not get through with the whole of the work the committee reported a part of what they had gone over. I say this to show we were not referring to anybody's bill. I do not think this has any reference to any bills pending in this House.

On the next part of the amendment the gentleman from Massachusetts [Mr. BANKS] has made a point that I think is a just criticism. It was not the intention of the framers of this amendment to say that any amendment that was not germane should be sent to the Committee of the Whole, but only those amendments touching appropriations that were not germane; and I shall move as an amendment, to make it clearer, to insert after the words "amendments made to House bills" the words "touching such appropriations;" for that was the purpose of it.

Mr. CONGER. I submit that if it is necessary already to amend the amendments it would be well to let them go back to the Committee on Rules.

Mr. GARFIELD. I will submit the amendment to the House.

Now, if any one thinks the committee had any sinister object in reporting these amendments, I think gentlemen will at least give me the credit of having had an opportunity to know it, and I desire to say that I know of no such object or purpose on the part of any member of the Committee on Rules. As to this rule, which is the only rule we are now discussing, I think every one can see plainly what its purpose is. It is simply to make effective the old rule that we passed in 1874. Now if gentlemen think this amendment ought not to pass at the end of the session when it might apply to some bills that are pending, let it go over, let it be recommitted. I think myself it ought to pass. I propose to vote for it; but I am not very strenuous about the matter, for I believe that the Speaker ought to rule upon the one hundred and twelfth rule just as we have fixed it here. I believe that the rule now is just what our amendment says it ought to be, but in order to test the sense of the House upon this question I will move the previous question upon the amendment proposed to the one hundred and twelfth rule only.

Mr. BANKS. I desire two minutes to say a word upon the first proposition, that which relates to the releasing of credits to the Government. Alleged indebtedness to the Government does not stand upon the same ground as a bill appropriating money out of the Treasury. Take this case for instance: here is a soldier who during the war was intrusted with the care of a horse. He comes here with one hundred witnesses to prove that the horse was killed in battle, and by this rule we say that his claim shall be referred to the Committee of the Whole, which means that it shall not be considered at all. How can the gentleman say that a case like that stands upon the same ground as a bill taking money out of the Treasury?

Mr. GARFIELD. I must move the previous question now.

Mr. CONGER. Pending that motion I move that this whole report be postponed until the next session.

The SPEAKER *pro tempore*. That motion is not now in order; but if the House does not sustain the previous question, then the motion will be in order.

Mr. CONGER. Then I will make a motion that will be in order. I move to lay the whole subject on the table.

The SPEAKER *pro tempore*. That is in order.

Mr. COX, of New York. Would that include all the amendments proposed by the Committee on Rules?

Mr. CONGER. I have moved to lay the whole report upon the table, and let them report their modifications of the rules at the next session.

Mr. COX, of New York. Was not the matter separated?

The SPEAKER *pro tempore*. The Chair does not see how a motion to lay a report on the table can be separated; the only relief that the House would have would be to refuse to lay the report on the table and then a separate vote could be taken upon the various amendments proposed.

Mr. COX, of New York. The Chair is right in that.

The question was put on Mr. CONGER'S motion; and on a division there were—ayes 146, noes 53.

Mr. CANNON, of Illinois. I call for the yeas and nays.

The yeas and nays were not ordered, only 27 members voting therefor.

So the motion of Mr. CONGER was agreed to.

Mr. CONGER moved to reconsider the vote by which the report was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAYES. I call for the regular order of business.

PUBLIC PRINTING.

Mr. SINGLETON. I rise to a question of privilege. I wish to make a report from the Committee on Printing.

Mr. WADDELL. Has not the regular order been called for?

The SPEAKER *pro tempore*. It has, but the gentleman from Mississippi rises to make a privileged report.

Mr. SINGLETON, from the Committee on Printing, reported back the bill (H. R. No. 4292) to reduce the expense of the public printing and binding, and for other purposes, with amendments, and moved that the Committee on Printing be discharged from the further consideration thereof and that the same be referred to the Committee on Appropriations.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order of business being demanded, the regular order is the consideration of the unfinished business, being the bill to regulate interstate commerce, &c.

METHOD OF ELECTING PRESIDENT AND VICE-PRESIDENT.

Mr. HERBERT. I desire to present the views of the minority of the Committee on the Revision of the Laws regulating the Counting of the Electoral Votes for President and Vice-President. It is the joint resolution (H. R. No. 183) proposing an amendment to the Constitution in relation to the election of President and Vice-President reported from that committee on yesterday.

The SPEAKER *pro tempore*. When the report was made yesterday leave was granted to the minority of the committee to submit their views, and the report now submitted by the gentleman from Alabama will be printed with the majority report.

Mr. HEWITT, of New York. I move that the House resolve itself in the Committee of the Whole on the state of the Union upon the Army appropriation bill, and pending that motion I move that all debate upon the pending amendment be limited to forty minutes.

PERSONAL EXPLANATION.

Mr. ROBERTSON. I rise to a question of personal privilege as a member of this House. A charge has been made against the citizens of East and West Feliciana which affects my right to a seat upon this floor, and which, if true, would compel me, sir, with shame to retire from my seat here and return home.

Mr. BAKER, of Indiana. I rise to a question of order. I submit that the gentleman is stating no question of privilege.

The SPEAKER *pro tempore*. The Chair cannot decide that until he hears the statement of the gentleman from Louisiana.

Mr. BAKER, of Indiana. This is simply an argument in an election contest.

The SPEAKER *pro tempore*. The Chair declines to recognize the gentleman from Indiana until the gentleman from Louisiana has made his statement.

Mr. ROBERTSON. There are charges made in a letter which I find published in the Washington Post addressed to Mr. CLARKSON N. POTTER, the chairman of the investigating committee into the alleged frauds in the presidential election, signed by John Sherman, and I ask the Clerk to read the passage which I have marked in that letter.

The Clerk commenced the reading.

Mr. DUNNELL. I would suggest that if the entire letter were read it would be more satisfactory.

Mr. ROBERTSON. I am perfectly willing that it shall be read.

The SPEAKER *pro tempore*. The gentleman from Louisiana can have such portion of the letter read as he desires.

Mr. BAKER, of Indiana. We want to hear the whole letter read; it is good reading.

The SPEAKER *pro tempore*. Only that portion will be read which the gentleman from Louisiana desires to have read.

The Clerk read as follows:

I tender and offer to prove that, in point of fact, the election in East and West Feliciana Parishes was governed and controlled by force, violence, and intimidation so revolting as to excite the common indignation of all who became conversant with it, and proof was submitted to that effect not only before the returning board in evidence contained in Executive Document No. 2, second session Forty-fourth Congress, but also in the testimony taken by the Committee of the Senate on Privileges and Elections, Report No. 701, second session Forty-fourth Congress.

Mr. ROBERTSON. What portion of the letter does the gentleman from Indiana [Mr. BAKER] desire to have read?

Mr. BURCHARD. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURCHARD. I submit that there is no question of personal privilege involved in what has been read at the Clerk's desk. No reference is there made to the gentleman from Louisiana, [Mr. ROBERTSON,] and he has no right to bring in here matters outside of what concerns his personal honor.

The SPEAKER *pro tempore*. It has always been held a question of privilege of the highest degree for a member to respond to any charge that in any way affects his official character, or in any way affects his right to the seat he is occupying upon this floor.

Mr. ROBERTSON. The parishes referred to in the extract which I have read, West and East Feliciana, are in my district, and the people of those parishes I represent upon this floor. Had the writer of that letter been a private individual, however eminent he may have been, I would not have deemed it necessary——

Mr. BURCHARD. Do I understand the Chair to rule, on the point which I made, that there is a question of personal privilege involved in what has been read by the Clerk? I ask the ruling of the Chair.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. ROBERTSON] states that a reflection has been made upon his character as a member of this House, and upon his right to a seat here. And the Chair rules that that is a question of privilege. The Chair will hear the gentleman from Louisiana in regard to it, and does not see what else he can do.

Mr. BAKER, of Indiana. The gentleman avers that the question of privilege arises out of the paragraph of the letter which has been read.

The SPEAKER *pro tempore*. The Chair has ruled upon the point.

Mr. BURCHARD. Mr. Speaker, [cries of "Order!" "Order!" on the democratic side,] then I desire to respectfully appeal from the decision of the Chair and to say one word if the Chair will hear me.

The SPEAKER *pro tempore*. Certainly.

Mr. BURCHARD. There are two hundred and ninety-two members in this House. Every one of those members has the same right which the gentleman from Louisiana [Mr. ROBERTSON] has to rise here to any question affecting anything relating to his district. Now, I submit to the Chair that the point which I make is that in the communication which has been read——

Mr. SOUTHARD. I call the gentleman to order.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. BURCHARD] is in order.

Mr. SOUTHARD. Has the gentleman the right to debate a question of appeal?

The SPEAKER *pro tempore*. That is entirely within the discretion of the Chair, and the Chair desires to hear the gentleman.

Mr. BURCHARD. I shall be very brief. I desire distinctly to state my point. It is not because I have any objection to the gentleman's speaking, but it is to this interruption of our business.

I say that in the matter which has been presented by that gentleman there is no question affecting his personal honor, and therefore he has no right to bring it in here and intrude it upon the House and occupy the attention of the House in the discussion of this matter.

Mr. HALE. Will the Chair listen to me a moment on one point?

Mr. EDEN. I move to lay the appeal on the table.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Maine, [Mr. HALE.]

Mr. HALE. I do not propose to argue the question at all, only to present this consideration to the Chair. The whole subject-matter, involving this and many other things, after a long contest in the House has been referred to a select committee, which has been appointed. In the resolution authorizing the appointment of that select committee the Secretary of the Treasury was directly charged by name with an offense. He has brought nothing before this House. He has simply taken his personal stand in a letter addressed to the chairman of that select committee. In that letter he charges no member upon this floor with any dereliction of duty, with any departure from the line of his duty. He simply denies the charge against him; he affirms his own innocence, and asks for a hearing.

Now, Mr. Speaker, with your long experience upon this floor and your great knowledge of parliamentary law, it must be plain to you that if in the course of this investigation, committed by this House to a select committee, any gentleman who believes that he may be affected even remotely in any way by documents or letters or testi-

mony which may appear, can therefore rise upon this floor and obstruct public business, and demand to be heard upon a question of personal privilege, then we may as well conclude that the rest of this session will go in a wash of general debate upon this subject-matter.

There is no disposition anywhere to interfere with any gentleman who under the rule is really affected by anything coming out of this matter. But if, Mr. Speaker, you depart from the rule which has always been absolute here, then the consequences which I have depicted must surely follow.

I trust that the gentleman himself will not urge here the beginning of what must surely result as I have stated. The gentleman who wrote the letter, an extract from which has been read, was mentioned by name in the resolution which authorized the appointment of the select committee. He did not bring the matter here into the House, let me repeat again. It is not here by any motion of his. The subject has gone to a select committee, where all the subject-matter has been committed by the House.

The SPEAKER *pro tempore*. The Chair does not desire to hear any further argument. The Chair desires to make a statement of all that he has ruled upon this question. The gentleman from Louisiana [Mr. ROBERTSON] rose, as he stated, to a question of personal privilege, and sent to the Clerk's desk to be read a statement by a prominent official of the United States, which statement declared that the election in two of the counties represented by the gentleman from Louisiana was carried by force, violation, and intimidation so revolting as to excite the common indignation of all who became conversant with it.

Now, the gentleman from Louisiana cannot claim that he rises to a question of personal privilege, unless he can connect himself personally with that statement, unless he can show reasonable ground that it is intended as a reflection upon him.

The gentleman now has the floor upon a question of privilege. This paragraph having been read, the Chair does not know in what way the gentleman may be connected with it. The Chair therefore gives him the same right that he would give to any gentleman, the right of statement. From this decision of the Chair the gentleman from Illinois [Mr. BURCHARD] takes an appeal, and the gentleman from Illinois [Mr. EDEN] moves to lay that appeal on the table.

Mr. BANKS. I desire to say—— [Cries of "Regular order!"]

The SPEAKER, *pro tempore*. The Chair does not desire to hear any further discussion on the point of order.

Mr. BURCHARD. I rise to make a proposition that is perfectly in order. [Cries of "Vote!"] Upon the statement of the Chair that he does not yet rule that the gentleman's statement is in order but is waiting for the gentleman to connect himself with the paragraph which has been read, I withdraw the appeal. But the statement of the gentleman so far is not in order.

The SPEAKER, *pro tempore*. The gentleman from Louisiana will now proceed with his statement, confining himself to the line indicated by the Chair. A mere general statement reflecting upon the character of the election in the gentleman's district does not, of course, involve any question of privilege.

Mr. YEATES, I state from recollection that the gentleman from Maine [Mr. HALE] was accorded a whole day here upon what was claimed to be a personal explanation when his name had not been mentioned in the matter.

The SPEAKER *pro tempore*. That does not affect the present question. The gentleman from Louisiana will proceed.

Mr. ROBERTSON. I state, Mr. Speaker, that I am connected personally as a member of this House with the charge made by the writer of that letter. It involves a wholesale, sweeping charge against the people of the parishes of East and West Feliciana, without distinction of party, without distinction of race, color, sex, age, or previous condition of servitude. [Laughter.] It charges every man, woman, and child, republican and democrat, in the parishes of East and West Feliciana with having governed and controlled the election by force and violence and intimidation to such an extent as to excite the indignation of all men conversant with the facts.

I am intimately connected with this question personally as a member on this floor because a part of the people of East and West Feliciana voted for me; and I hold my seat here by virtue, in part, of the vote which they cast at that election. Therefore I submit that this is a question of privilege, because if the statement there made is true, then I have no right to sit here. I am therefore entitled to speak upon this as a question of privilege, not only for the purpose of denying the charge, but of branding it as a vile calumny.

I am prepared to show that in the parish of East Feliciana, as alleged in the charges contained in the resolution, a conspiracy existed by which the republican vote of that parish was not to be cast on the day of the election, with a view to throw out that parish before the returning board. I charge that this conspiracy was carried out. I charge that the supervisor of that parish—a stranger to our people, a man whom they had never known before—came there to register the voters. He came there also for a purpose which is fully developed in some testimony which I hold in my hand, and which I wish to have read.

A MEMBER. All of it?

Mr. ROBERTSON. I propose to have a portion of it read.

The SPEAKER *pro tempore*. The Chair will state that the gentleman is going entirely beyond any question of personal privilege. The facts as to the election in those parishes are not matters to be discussed in this form.

Mr. BURCHARD. But it is in order for the gentleman to connect himself if he can with these frauds. [Laughter.]

Mr. ROBERTSON. Yes, sir; I do connect myself with these frauds by denouncing them. In that way I am connected with them. I say that the republicans of East Feliciana did not go to the polls. In this respect they were simply following out the same policy pursued recently on the other side of the House, when members for five days absented themselves upon every vote, (although answering to the roll-call,) and filibustered in order to prevent an investigation here.

The SPEAKER *pro tempore*. The Chair must rule that this matter cannot proceed further.

Mr. ROBERTSON. Well, sir, I know there was a conspiracy, and I believe that John Sherman was connected with it. [Cries of "Regular order!"]

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. I move that the rules be suspended and that the House resolve itself into Committee of the Whole to resume the consideration of the Army appropriation bill.

The SPEAKER *pro tempore*. The Chair will state that the regular order is the unfinished business, the bill to regulate interstate commerce. But the gentleman from New York moves to suspend the rules and go into Committee of the Whole for the consideration of the Army appropriation bill.

Mr. HEWITT, of New York. Pending that motion, I move that all debate in Committee of the Whole on the pending paragraph of the bill be limited to forty minutes.

Mr. WHITE, of Pennsylvania. I would like to inquire what has become of the prior order, the interstate commerce bill?

The SPEAKER *pro tempore*. That is the regular order; but pending that, as the Chair has stated, the gentleman from New York, in accordance with the rules, moves to suspend the orders, which may be done by a majority vote, for the purpose which he indicates.

The motion of Mr. HEWITT, of New York, to limit debate was agreed to.

The question recurring on the motion that the rules be suspended and the House resolve itself into Committee of the Whole, there were—ayes 137, noes 43.

Mr. WADDELL. I demand the yeas and nays. I want to see whether the House will have a morning hour or not.

Mr. FRANKLIN. I hope the gentleman from New York will consent to let us have a morning hour.

The House divided; and there were ayes 34, noes not counted.

The SPEAKER *pro tempore*. Not a sufficient number have voted in the affirmative.

Mr. FRANKLIN. I demand tellers on the yeas and nays. I hope the gentleman from New York will consent to give us a morning hour to-day.

Mr. HEWITT, of New York. I was quite willing to consent, or rather the Committee on Appropriations were, to have a morning hour this morning, but the time has been taken up with other business and it is important to get this appropriation bill to a close. I think it will be better to defer the morning hour, therefore, until the pending bill is disposed of, which I think can be done in one day.

Mr. FRANKLIN. We have had but three or four morning hours for the last month, and there are a great many committees who have bills to report.

Several members demanded the regular order.

Tellers were ordered; and Mr. WADDELL, and Mr. HEWITT of New York, were appointed.

The House again divided; and the tellers reported ayes 31.

So (one-fifth not having voted in the affirmative) the yeas and nays were not ordered.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair,) and resumed the consideration of the Army appropriation bill.

The CHAIRMAN. By order of the House all debate on the pending paragraph has been limited to forty minutes.

Mr. HARRISON. Mr. Chairman, as showing a reason why the Army should be increased from twenty to twenty-five thousand enlisted men, the gentleman from Ohio [Mr. GARFIELD] yesterday sent to the Clerk's desk to be read a telegram from Governor Williams, of Indiana, asking assistance from the President of the United States. When that telegram was read it created on the other side of the House considerable merriment. That side of the House is composed largely this year of new men. They were unacquainted with the character of "old Blue Jeans." They did not know he was a man of economy. They were forgetful, or never heard, that last year he refused to give to the gentlemen the right to drink lemonade at the expense of the United States. [Laughter.] They forgot, sir, on all subjects he was an economist; one who had risen from the plow to the governorship of Indiana, as one of the great men of my State rose from a rail-splitter to be President of the United States. Mr. Williams has been, for a number of years, seeing at Indianapolis a lot of blue-coated men, and he had never thoroughly comprehended for what purpose they were there. He at once discovered he might utilize them; the Government was paying for them, and as a matter of

economy he simply asked they might hand out the arms from the arsenal to the police and militia which he as governor was calling out. There was only a small squad of soldiers at Indianapolis in charge of the arsenal. He wished the arms to arm the militia with. He had men enough to call out, but had no arms. He did not ask for soldiers; he asked simply for assistance to get arms, for the arms that were there.

Now, Mr. Chairman, let me contrast that telegram of Governor Williams with the action of a republican governor in the State of Florida in November, 1876. I happened to be a member of a special committee directed by this House in the Forty-fourth Congress to inquire into the use of the United States troops in connection with the election in Florida and South Carolina. Governor Stearns appeared before us. Let me read the testimony:

WASHINGTON, D. C., *February* 16, 1877.

M. S. STEARNS sworn and examined.

By Mr. HARRISON:

Question. State your residence and official position.

Answer. I reside in Quincy, Florida. I was governor of the State of Florida for the last three years until the 2d of January last.

Q. Were you in Florida during the months of August, September, October, November, and December last?

A. I was, sir.

Q. Do you know whether there were any United States troops stationed in Florida during any of those months?

A. Yes, sir; there were.

Q. Regularly stationed there?

A. Yes, sir; there were troops regularly stationed in Florida at several points. At Pensacola, Saint Augustine, and at the fortifications at Key West.

Q. Were United States troops stationed anywhere else in Florida than at those regular points which you have just named, permanently or temporarily?

A. There were detachments at several points in the State in the month of November.

Q. What do you mean by detachments; detachments from the troops regularly stationed at the polls?

A. Yes, sir. These bodies of troops were scattered somewhat over the State from these places during the month of November.

Q. Were there any troops stationed there during those months not from those regular permanent forts?

A. Yes, sir. About the 12th or 13th of November two hundred United States soldiers arrived at Tallahassee, the capital of the State, from Atlanta, Georgia.

Q. Under whose command were these troops?

A. Under the command of General Ruger, I think.

Q. Are you aware of the circumstances that caused these troops to be sent there?

A. I am not aware unless it was the general political excitement at that time at Tallahassee and in the State.

Q. What was the nature of the general excitement?

A. About that time there were some demonstrations of violence in the State, such as the tearing up the track of a railroad, burning two or three bridges, and cutting the telegraph line. These were the outward demonstrations, with a good deal of public excitement.

Q. Were these acts done publicly?

A. No, sir; not publicly.

Q. Were they done by organized bands of men?

A. I cannot say.

Q. Have you any information that those demonstrations against the railroads and bridges were by organizations?

A. No, sir.

Q. Were they done at night or by day?

A. At night.

Q. Were they acts of such a character as would require a very large number of men, or might a few men have committed them?

A. I am unable to say, but it looked like a concert of action at that time.

Q. How many bridges were burned by one or two or three men, or would it amount to an insurrectionary act?

A. I am not able to say. I think it probable they might have been so done.

Q. How much of the railroad track was torn up?

A. I am unable to say, as I did not visit the place where the destruction occurred.

Q. As governor, you had of course authentic information as to the character of those acts. Was it that here and there a tie and a rail were torn, or was it long strips of road that were torn up?

A. No very long strips. The most damage was to these bridges, and they were not large bridges that were burned. In the other places a rail or two was taken up and the telegraph line cut, sometimes three or four poles cut down.

Q. A boy could cut a telegraph pole, I suppose?

A. I do not know.

Q. Were those acts of such a character as that you, as governor of the State or as the sheriff of the county, could not control them? Did you first try to control them through the civil officers of the law?

A. They came upon us so suddenly that there was no time to take any particular action.

Q. Then you did not attempt it?

A. No, sir, not specifically. Of course the officers were expected to protect property wherever they knew of its being threatened.

Q. Were the officers forcibly resisted anywhere?

A. No, sir; not that I am aware of. Those acts were done secretly and by night.

Q. Nobody was arrested for them?

A. Nobody was arrested for them that I am aware of.

Q. No person was attempted to be arrested for them?

A. Not that I am aware of, as the parties were unknown.

Q. The State of Florida during your administration has been an exceedingly quiet and peaceable State, has it not?

A. Yes, sir; generally.

Q. And has been exceedingly prosperous?

A. Quite so.

Q. Order has reigned generally throughout the State during your administration.

A. Yes, sir.

Q. Was there not, any time during the last several months, a time when any organization existed in Florida which you, as governor of the State, attempted to quell or put down, and were unable to do so?

A. I do not know that anything actually occurred which we were unable to manage.

Q. When those troops under General Ruger came to Tallahassee, by whose orders were they sent there?

A. By the orders of the Secretary of War, so far as I know.

Q. In answer to a request of yours as governor?

A. No, sir; I never made any formal requisition for troops.

Q. Did you or not send a dispatch about that time to Secretary Chandler in the city of New York?

A. I did.

[Here the hammer fell.]

Mr. HEWITT, of Alabama, obtained the floor and yielded his time to Mr. HARRISON.

Mr. HARRISON. I continue to read:

Q. Advising troops to be sent there?

A. Yes, sir.

Q. Where was Secretary Chandler when you sent that dispatch?

A. It was sent to New York City.

Q. Where was it directed to?

A. The Fifth Avenue Hotel, I think.

Q. Did you not direct it to the republican headquarters in New York City?

A. Yes, sir.

Q. Had you received a dispatch from Secretary Chandler previous to that?

A. I had.

Q. What was the subject-matter of that dispatch?

A. I received a dispatch from Secretary Chandler in reference to the election.

Q. Have you a copy of it with you?

A. I have not.

Q. Do you know where it exists?

A. I think it likely that I may have it in Florida among my private papers.

Q. You cannot get it here?

A. No, sir.

Q. State as far as you can from recollection the substance of that dispatch.

A. There was nothing in regard to troops in the dispatch from Secretary Chandler.

(Mr. Kasson objected to the examination as not within the scope of the inquiry intrusted to the committee.)

Q. There was nothing in the dispatch from Secretary Chandler in reference to troops?

A. No, sir.

Q. Have you got a copy of your dispatch to him?

A. I have not.

Q. Where is it?

A. I do not know; I kept no copy.

Q. What was the substance of your dispatch?

A. A dispatch by way of information as to the condition of affairs at that time. Speaking of the indications of violence and that troops would be required to preserve the public peace, and stating a case of a train being wrecked the night before, a telegraph line being cut, &c.

Q. Do you mean that it was about a tie being broken which threw a train off?

A. Yes.

Q. Was that one of those cases which you referred to before?

A. It was one of the cases which I referred to before. There were only four persons reported to have been seen at the time.

Q. Did you apprehend that there would be an insurrection in the State of Florida which you could not quell?

A. There was danger of difficulty among the people, such was the excitement at that time.

Q. You had the power, I suppose, as governor, to call out the militia at any time to protect the public peace?

A. Yes, sir; but the militia was unorganized. We did not have a man under arms.

Q. When you felt that there was a danger of this sort, did you think that Secretary Chandler in New York was the proper person to apply to for troops? Was it the impression in Florida that he had the control of the troops?

A. No, sir; not at all. That dispatch was merely conveying information to him.

Q. Did you dispatch or write to the Secretary of War asking for troops?

A. I did not.

Q. Did you to the President of the United States?

A. No, sir.

Q. Did you give them any information whatever as to the condition of affairs in Florida?

A. No, sir.

Q. But you did to Secretary Chandler in New York City at the republican headquarters?

A. Yes. As I happened to have occasion to telegraph him I gave him information as to the condition of affairs. I should have made application to the Secretary of War at that time for troops had I not received a dispatch from him that troops had been ordered to Florida sufficient to preserve the public peace.

Q. Had you not received from any person in Washington any information prior to that, that if troops were needed in Florida they would be sent there?

A. No, sir; not any intimation at all.

Q. Those two hundred troops were sent?

A. Yes.

Q. Where were they stationed while in Florida?

A. They were stationed on the edge of the city of Tallahassee in an open park there.

Q. Was there no intimation to you that you were able to protect the State yourself?

A. No, sir; I recollect nothing of the sort.

Q. Did those gentlemen who suggested the sending for troops prior to the election come to you after the election with any suggestion?

A. No, sir; they did not—not on that subject at all.

Q. Was there at any time before or after the election such a condition of affairs there that you felt you could not as governor of that State protect the State from any threatened violence or insurrection?

A. There were times when I apprehended very serious consequences.

Q. That is, you apprehended that you might be compelled to call out the militia?

A. Yes, sir.

Q. But was there a time that you felt that with that militia you could not have quelled any disturbance?

A. There was no time that I was not willing to rely on my own resources.

Q. And you gave no information to any of the Federal authorities at Washington that there would be such a condition of affairs as you would be unable to quell?

A. I did not.

By Mr. ——

Q. Was there any act of violence in Tallahassee or in that country from the date of election up to the inauguration of Governor Drew?

A. No, sir; I do not know that there was.

Q. Was there any act of violence on the day of the inauguration of Governor Drew?

A. No, sir; not any at all.

Q. How many white voters are there in the county of Leon?

A. About eight hundred.

Q. How many colored voters?

A. Something over three thousand.

By Mr. HARRISON:

Q. Then there are four times as many republican voters in that county as there are democrats?

A. Yes, sir; I think there are.
Q. You have spoken of some two hundred troops being sent to Tallahassee after the election; on what day did these troops arrive?
A. They arrived about the 12th of November.
Q. Were these the troops that General Ruger brought there from South Carolina?
A. Yes, sir; from South Carolina or Georgia.
Q. Do you mean to say that these two hundred men comprehended all the United States troops that were sent there?
A. All that I am aware of.
Q. Were you aware that there were thirteen companies transferred there at that time by General Ruger?
A. No, sir; I was informed that there were about two hundred men.
Q. You have no particular knowledge about the number?
A. No, sir.
Q. There was no military post at Tallahassee—no barracks?
A. No, sir.

Now, Mr. Chairman, Governor Stearns says Florida was peaceful. There were no disturbances and had been none; no disturbances which could possibly be considered of an insurrectionary character. Two or three bridges had been burned at night. He admits they might have been burned by one, two, or three men; no one was seen. A few rails had been torn up, a few ties removed, but in no place more than one or two. A few telegraph-poles had been cut; at one place three or four men had been seen running away. Tallahassee was quiet and peaceable; there had been no sort of disturbance there, and yet on his advice to Secretary Chandler, chairman of the republican committee, by telegram sent to republican headquarters at New York, for he had no correspondence with the President or Secretary of War, the Secretary of War under the order of the President sent a large number of troops to Tallahassee, Florida. Sir, why were they sent there? Ah, sir, the Army has strange uses in this free Republic. They wish it now to shoot down hungry men next summer. In November, 1876, they were sent to Tallahassee to see that the votes were properly counted. General Grant wished a fair count. The republicans in the county in which is Tallahassee are as 4 to 1 to the democrats; yet it required an army to see that this inestimable right of free Americans should be preserved. And they did preserve it. They protected the returning boards in their chaste performances, and Florida was cheated out of its votes; Drew was cheated out of his votes for governor. Afterward the courts decreed that Drew was governor and decreed that the Tilden electors were elected, but the great 8 to 7 commission in yonder room, dedicated to justice, refused to go behind the certificates, and the Americans have a President whom they never elected—a President counted in—counted in, and therefore a legal President, but not elected by the people. Sir, the people of this country will not soon forget this use of the Army. They are not willing to have an army either for the purpose of falsifying ballot-boxes or for shooting down American laboring-men.

Mr. CLARK, of New Jersey. I desire to ask whether it is the opinion of gentlemen here that a republican form of government is a failure? It would seem to be so from some of the arguments which have been made use of here in this debate. The main argument which has been used in favor of maintaining a large standing army seems to be in consequence of communistic trouble. Now I desire to call the attention of gentlemen to this fact, which I think has not been brought to the attention of the House by any gentleman who has occupied the floor. Where did the communistic trouble arise? On the frontier? In the Territories? In sparsely settled districts? Did they not arise in States that are thickly populated? All the troubles we had during the last summer, all the riots which sprang up then only arose in States and districts which were thickly populated. And in every State where there was a governor equal to the exigency there was no need of calling the forces of the United States Government into requisition.

In the State of New Jersey we had a rebellion on a small scale, but by a proper exercise of the authority which he had the governor of the State called into requisition the troops of the State and suppressed the insurrection without the least loss of property or the shedding of the least drop of blood. If our State governments are capable of self-government, then there is no need of an increase of the Army for the purpose of putting down communistic trouble, if I am correct in the premises I have stated that communistic trouble only arises in locations where the people are thickly settled.

Do we need any forces during the time of peace except such as are necessary for the purposes of frontier defense? I have heard a good deal about the protection of the Rio Grande frontier, and I judge from the report of the committee and from what I have heard in the course of the debates in the House that the increase is unnecessary. Now, I find General Sherman says all the forces we need there would be four thousand men for the purpose of giving the required protection. How many have we there now? Four thousand. And what assurance have we, if we increase the Army to thirty thousand men, the General of the Army would send any more forces there than are there at this time? Therefore I ask what use there can be in increasing the Army for the purpose of frontier protection? None, unless there is a change in the head of affairs and a change in the opinion of those who have the management of Army matters.

I respectfully insist on these grounds it cannot be urged there is any need of any increase in the Army over what is fixed in the bill.

Mr. LAPHAM addressed the committee. [His remarks will appear in the Appendix.]

Mr. HENDERSON. I renew the amendment. I am not, Mr. Chairman, in favor of reducing the effective force of our Army, and therefore I believe that the amendment offered by the gentleman from Texas [Mr. THROCKMORTON] ought to prevail. I give the gentleman from New York [Mr. HEWITT] great credit for a sincere desire to reduce the expenses of the Government without impairing the effective force of the Army, but I am wholly unable to reach the conclusion which he has arrived at, that this bill reduces the expenses of the Army without impairing its efficiency.

Mr. Chairman, we have an extensive country, and I believe from all that I have been able to learn it would be a very serious mistake for the Government of the United States to-day to reduce the force of our Army, which is needed not only for the protection of our frontiers from the Indians and our Texas border from Mexican raids, but for peace. I believe, Mr. Chairman, that an Army is needed, not for purposes of war simply, but for purposes of peace. I think an Army of twenty-five thousand men, with our extensive sea-coast; with all our fortifications, forts, arsenals, and military posts; with our extended frontiers; with the protection due to our citizens living on the border of Texas, is not too large. We need an Army as large as that to preserve, protect, and maintain all these national interests.

But what I particularly desire to say at this time, Mr. Chairman, is this: it seems that every time this question of the Army comes up for consideration in this House some gentleman thinks proper to rise here and talk about the military interference and the military domination which has prevailed in the South.

Now, I hope I should be the last man upon the floor of this House who would advocate the use of the Army for the purpose of maintaining a party and of carrying elections. I do not believe in that; but I would be glad to see some gentlemen on the other side of the House, who are always talking of military domination, at some time speak against the force and violence which have prevailed in portions of the South, as is well known, for it is a part of the history of the country.

I want full, free, fair elections everywhere, for every man and for every portion of our country; and I think it is no greater harm to have an Army, under the control and restraints of law, to preserve order than it is to permit military clubs or political organizations of armed men to intimidate and prevent the people from exercising the rights of American citizenship. I wish that some of our northern democrats and some too of our southern democrats would sometimes speak against this policy which has prevailed in certain portions of the South. The gentleman from South Carolina [Mr. CAIN] spoke yesterday of seven hundred political clubs, composed of armed men, in the State of South Carolina during the political campaign of 1876. Is it not a well-known fact that that is true? When we had a mere handful of United States soldiers there to keep the peace, the country was excited with the idea that military domination was to prevail. Now, I have done nothing and said nothing since I have been a member on the floor of this House to excite sectional feeling. I want to see it allayed; I want to see peace prevail in every part of our country; I want to see the rights of citizens maintained and preserved. I do not believe that a handful of soldiers in Petersburgh, Virginia, or in Louisiana, in South Carolina, or in Mississippi, have been able to prevent the voters there from exercising their full rights; nor were they there for any such purpose. They were there for no other purpose than to prevent armed organizations and combinations of men from violence and from unlawful interference with citizens who desired to exercise the rights of citizenship and to speak and vote as they thought best.

The gentleman from Ohio [Mr. SOUTHARD] yesterday alluded to this matter, and every time the Army is discussed we hear this subject brought up. I wish we could hear something said against the formation of companies composed of armed men for political purposes who are not under the restraints of law. We have far more to fear from these than we have from an Army maintained by law and under its restraints.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Pennsylvania, addressed the committee. [His remarks will appear in the Appendix.]

Mr. ELLIS. As I understand it, the simple, plain proposition before the House is whether the Army shall be composed of twenty-five thousand men or whether it shall be fixed at twenty thousand, according to the provisions of this bill. In the brief space of five minutes it is impossible for me to do anything like justice to this subject.

I am opposed to the amendment increasing the number to twenty-five thousand because I can see no use for an Army of that size. Here let me refer to the speech made by the gentleman from Texas yesterday, [Mr. MILLS,] and to his urgent appeal, which must have touched the heart of every one who heard it, in behalf of an increase of the Army for the protection of his people on the Texas border. I would also refer to the appeals of gentlemen who represent States and Territories in the far West in favor of an increase of the Army for the protection of their people. No one shall go before me in sympathy for the unfortunate people who live upon our borders.

What are the facts? In the disposition of the troops made by the General of the Army or by the Secretary of War (I have his report here) we find that in the peaceful States of the North and South, excluding Texas and also excluding the exposed States on the far western frontier, there are to-day stationed six thousand men, idle, use-

less, and doing nothing. Now, I will go with my friend from Texas [Mr. MILLS] very far toward legislating these troops out of these States and on the western border.

Why, Mr. Chairman, are not ten thousand or fifteen thousand men sufficient for the protection of that border? There are already four thousand troops on the Mexican frontier and eleven thousand upon the western border. We might call into use for this purpose the six thousand idle men who are to-day doing mere garrison duty or, perchance, waiting for orders to invade the Southern States about September or October next; for I will tell you, very reliable information comes to me that some twenty districts in the South are already marked for the tread of the soldier at the next election. Let those troops be sent out upon the western border; and thus the demand of the gentleman from Texas for a reinforcement of our Army is amply and promptly met.

But I have heard that there is danger at home. I have heard that we need a national *gendarmerie;* that we need a national police of troops to suppress—what? To suppress "strikes," to suppress labor when it raises its arm and its hand against the exactions of capital. Now let me say, Mr. Chairman, with reverence for our institutions and with unfaltering faith in their success, that when the time comes that we have to employ a vast national police paid by the United States for the purpose of keeping this people down, our institutions will have proved themselves a failure, our Government will have become a farce, and the sooner we seek another form the better.

But will our present Army or anything like it suffice for such a purpose? What could even an army of one hundred thousand men do against the uprising of oppressed labor in this country? God forbid that such a day should ever come, for the laborers of this country are five or six millions of people. What could your Army of even one hundred thousand men do against them? Such an Army would be impotent to suppress any such insurrection.

But again, sir, by encouraging this leaning of the States upon a national police, what are we doing, unless we are destroying in the hearts and breasts of the States their consciousness of power to govern themselves? What are we doing unless we are weakening the States and qualifying them for submission to any exaction which the General Government may make? What are we doing, unless we are taking swift and hasty strides in the direction of that centralization which, alas, is the dream of too many of our statesmen?

[Here the hammer fell.]

Mr. BANKS. Will the gentleman from Louisiana [Mr. ELLIS] inform us what twenty districts are "marked out for the tread of the soldier?"

Mr. ELLIS. There are three in Mississippi; there are two in South Carolina; there are two in Louisiana; and as to the others, I will furnish the gentleman information hereafter.

Mr. BANKS. Who has "marked them out," and where does the information come from?

Mr. ELLIS. It comes in a way which I will not tell the gentleman now; [cries of "Oh!" "Oh!"] but when the gentleman hears it, he will think an earthquake has broken loose upon his ears.

Mr. BANKS. That was what I wanted to know.

Mr. WILLIAMS, of Michigan. Mr. Chairman, I have no doubt that to this important bill the gentleman from New York, [Mr. HEWITT,] who has reported it and who takes charge of it in this House, has devoted a great deal of care. Indeed, the bill itself shows that it has been carefully drawn; and, so far as concerns the organization of the Army, it is decidedly an improvement upon several bills that have come to us from the Committee on Military Affairs. Still, Mr. Chairman, I cannot agree with all the provisions embodied in this bill.

In the first place, I do not believe that this great country can afford to reduce its Army from twenty-five thousand to twenty thousand men. In my opinion, our Army should be increased to the number recommended by the General of the Army.

Again, I do not believe that the Army can be reduced to twenty thousand men without defeating the very organization which the gentleman from New York himself proposes. His proposition is to reduce the Army to twenty thousand men. The bill gives to each company of infantry seventy-three men, or five hundred and eighty-four to a regiment. Under the gentleman's plan of one hundred men to a company, the six cavalry regiments of twelve companies each would amount to seventy-two hundred men, making, with the eighty-seven hundred and sixty men belonging to the infantry, 15,960. Add to these thirty-five hundred as the non-effective force of the Army and we have a total of 19,460. But this leaves only five hundred and forty men to be divided among sixty companies of artillery, so that there would be but nine men in each battery. Unless, therefore, the gentleman continues the Army at its present force, twenty-five thousand, he will not have enough enlisted men to complete the organization which he has himself laid out.

Mr. Chairman, I need not repeat what has been already said, that within the last ten or fifteen years our Indian frontiers, which our Army is intended mainly to protect, has extended at least tenfold. As recently as 1863 we had a terrible Indian massacre on the borders of the Minnesota River. Then the Indian frontier receded. Since the completion of the Pacific and other western railroads every valley in the Rocky Mountains within the vicinity of an Indian reservation has become a frontier, and must be protected by your Army.

In addition to this, we see that on the borders of Canada there are manifestations of disorder, against which we must provide protection; for we have treaty stipulations with England that compel us, no matter what our individual feelings may be, to protect the Canadian frontier from invasion from our side. Unless we do this we shall have to pay a very large bill of claims. We also have trouble on our treacherous Mexican frontier, on which, as we all know, a serious war may at any moment break out, demanding very large re-enforcements for our Army.

I desire to refer also to the question of pay. By sections 7, 8, 9 and 10 it is proposed to reduce the Adjutant-General's department, the Inspector-General's department, and the Pay department, and subsequently to refer the question of their future organization to a board of major-generals.

The bill provides that the question as to these staff departments shall be referred to a board of three major-generals; but as to the Adjutant-General's and Inspector-General's departments, which are certainly as important as any in our staff departments, the Adjutant-General's department, embracing now seventeen officers, is reduced to five, and the Inspector-General's to three or four. The bill, after making these reductions and cutting off the major part of these two departments, proposes to refer the question to a board of three major-generals. It first destroys these departments and then asks a board of major-generals to report whether anything further should be done. I am opposed to this, and I shall at the proper time move to strike out those sections. I can state, so far as those two departments are concerned, they contain among them some of the ablest officers in the Army.

It is said the officers of the Adjutant-General's department have not seen any service in the line. There is not an officer in this department who has not seen service in the field. Most of them have seen service during the last war. I have not time to go over the whole list.

[Here the hammer fell.]

The CHAIRMAN. The time fixed for debate has expired.

Mr. DIBRELL. I wish to move an amendment, as a compromise between twenty and twenty-five thousand, to make the number twenty-three thousand.

The CHAIRMAN. The Chair will state the condition of the question. The bill provides for twenty thousand enlisted men in the Army. The gentleman from Texas [Mr. THROCKMORTON] moved to strike out "twenty thousand" and insert "twenty-five thousand." The gentleman from New York [Mr. COX] moved to amend that amendment by making it fifteen thousand. That is as far as amendment can now be received, and the gentleman from Tennessee will have to withhold his amendment for the present.

The question first recurs on the amendment of the gentleman from New York to make the number of enlisted men fifteen thousand.

The committee divided; and there were—ayes 38, noes 112.

Mr. COX, of New York, demanded tellers.

Tellers were not ordered.

So the amendment to the amendment was disagreed to.

Mr. DIBRELL. I now move my amendment to make it twenty-three thousand.

The amendment to the amendment was disagreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Texas [Mr. THROCKMORTON] to make the number twenty-five thousand.

The committee divided; and there were—ayes 106, noes 93.

Mr. HEWITT, of New York, demanded tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported—ayes 115, noes 107.

So the amendment was agreed to.

Mr. BAKER, of Indiana. I desire to announce, Mr. Chairman, that on this vote I am paired with my colleague on the Committee on Appropriations, Mr. DURHAM, of Kentucky.

Mr. HEWITT, of New York. I give notice, Mr. Chairman, that I shall ask for a vote on this amendment in the House and shall demand the yeas and nays.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. GIDDINGS. Before that is done I wish to move an amendment. I move to amend line 15 to make it correspond with the amendment just adopted.

The CHAIRMAN. There being no objection, it will be ordered accordingly.

Mr. HEWITT, of New York. I move, in lines 16, 17, 18, 19, to strike out the proviso.

The CHAIRMAN. The words proposed to be stricken out will be read.

The Clerk read as follows:

Provided, however, That not exceeding five hundred recruits in addition thereto may be kept at recruiting stations, as the necessities of the service may require.

Mr. CORLETT. Why is that necessary?

Mr. FOSTER. I hope the gentleman will not object.

Mr. HEWITT, of New York. If it is only necessary to have twenty-five thousand men, then it is not necessary to have twenty-five thousand five hundred.

Mr. MAGINNIS. As this question of reduction will have to be voted on——

The CHAIRMAN. Does the gentleman from Montana rise to discuss the question?

Mr. MAGINNIS. I do.

The CHAIRMAN. Debate has been closed on the pending paragraph and all amendments thereto.

The amendment of Mr. HEWITT, of New York, was agreed to.

The Clerk read as follows:

For contingent expenses of the Adjutant-General's Department at the headquarters of military divisions and departments, $3,000.

Mr. FOSTER. I move to strike out all of the bill after line 24 and in lieu thereof to insert the following——

Mr. COX, of New York. I rise to a point of order on that amendment.

The CHAIRMAN. The amendment will be read first, and then the Chair will decide the point of order.

The Clerk read as follows:

Strike out the second section and insert the following:

SEC. 2. That the President is hereby authorized and required, on or before the 1st day of July next, to constitute a board, to consist of the three major-generals of the Army, whose duty it shall be to examine into and report to the President, on or before the 1st day of December next, upon the organization, practical working, and efficiency of the various branches of the line and staff of the Army and to make such suggestions as in the judgment of said board will increase the usefulness or reduce the cost of the maintenance of the Army and of the several branches of the service, which report, when so made, shall be submitted to Congress by the President.

Mr. FOSTER. Mr. Chairman, I offer that amendment because the committee have undertaken——

Mr. COX, of New York. I made the question of order against the amendment.

Mr. FOSTER. But I have commenced my speech.

The CHAIRMAN. The gentleman from New York reserved the point of order to the amendment. The Chair had the amendment read first so that the point of order might be understood.

Mr. COX, of New York. I raise a point of order on that amendment.

Mr. FOSTER. The point of order had better be decided before I proceed with my remarks.

Mr. COX, of New York. I thought that the gentleman's amendment reached the whole bill after this clause.

Mr. FOSTER. It does.

Mr. COX, of New York. As I understand the amendment it is to strike out all of the bill after the clause which has been read.

Mr. FOSTER. It does; all after line 24.

Mr. COX, of New York. I do not think that a proper amendment to strike out the whole bill.

Mr. FOSTER. Why not? It may not be proper, but it is in order.

Mr. COX, of New York. I think it is not in order.

The CHAIRMAN. The bill is being considered by clauses, and the gentleman moves to strike out all after the clause which has been read.

Mr. HEWITT, of New York. Would it be in order to strike out all the appropriations contained in the bill and still call it an appropriation bill?

The CHAIRMAN. It is in order to strike out all after a given line.

Mr. ATKINS. Does the amendment bear upon its face a proposition for retrenchment?

The CHAIRMAN. That point has not been made.

Mr. COX, of New York. This is new legislation.

Mr. FOSTER. Why, it is one of the very sections of the bill reported by the committee, and it was reported with an especial view to economy. This is one of the sections of the bill itself, and I propose to substitute it and put it in place of the residue of the bill.

Mr. ATKINS. I cannot tell anything about it.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. HEWITT, of New York. I submit that, under the rules of the House, it is made the duty of the Committee on Appropriations to report a bill for the support of the Army, and it is now proposed to strike out every paragraph in the bill that makes any appropriation for the support of the Army, and it seems to me that that is in contravention of the rules of the House.

Mr. COX, of New York. If the gentleman from Ohio wishes to break down the Army he can do it in this way.

Mr. FOSTER. If my motion prevails, of course the bill will have to be recommitted to the Committee on Appropriations.

Mr. EDEN. And have you votes enough to recommit it?

Mr. FOSTER. If we can adopt this amendment we can vote to recommit it.

Mr. COX, of New York. You are trying to break down the Army.

Mr. FOSTER. And you are trying to build it up, of course. [Laughter.]

Mr. COX, of New York. My point of order is that pending the consideration of a paragraph of the bill it is not in order to move to strike out all of the bill after that paragraph; that the paragraph only is open to amendment.

Mr. HEWITT, of New York. And this is new legislation.

Mr. ATKINS. I make the point of order that the gentleman's amendment would destroy the whole appropriation bill.

Mr. BURCHARD. That is no point of order. The House can destroy the appropriation bill if it chooses.

Mr. RYAN. Have not we a right to strike out the enacting clause of the bill or to lay the bill on the table?

Mr. COX, of New York. You cannot lay the bill on the table in committee.

Mr. RYAN. But have we not a right to strike out the enacting clause?

Mr. BURCHARD. A motion to strike out all after the paragraph is certainly in order.

Mr. ATKINS. A motion to strike out the enacting clause is usually made after the bill has been considered by clauses.

Mr. BURCHARD. Oh, not at all.

Mr. WHITE, of Pennsylvania. We want to vote intelligently upon this question, and I want to know if I understand the purpose of the gentleman who offered this amendment, whether it be to recommit the bill to the committee with instructions. I understand that the Committee of the Whole must take some final action on the bill and I understand that the purpose of the gentleman from Ohio is to have final action by the committee on this bill, which will be done if they adopt his amendment, and then he will move that the committee rise and that the bill be recommitted to the Committee on Appropriations with instructions.

Mr. FOSTER. Yes, sir.

Mr. WHITE, of Pennsylvania. Then, with that understanding, I am going to vote for this amendment.

Mr. BUTLER. I desire to say that a committee, in the consideration of a bill in the Committee of the Whole, has no different powers from any other committee of the House in the consideration of bills and has a right to consider bills precisely as other committees consider them. It can consider them in such a way as the committee pleases. We can move to strike out and insert a different bill, anything after the enacting clause at any time. The committee may be willing to agree to so much of the bill and not agree to the rest of it, and therefore at any moment, at any divisions of the lines of the bill, it seems to me that a motion is in order in a committee that the committee shall take what it has passed and strike out all the rest, or substitute something else for the rest, and it is the same bill still.

I am speaking now upon the question of order; whether it is wise to do it is another question. But the right of a committee to consider a bill in their own way is clear and indisputable.

The trouble about striking out the enacting clause is that it prevents any further consideration of the bill; it simply ends it. But this amendment of the gentleman does not do that. After we have inserted what he proposes, I can move to insert, if the House would sustain me, an entire appropriation for an Army of twenty-five thousand men or fifty thousand men or one thousand men, and if the committee agree to it the bill as amended will be reported to the House.

Mr. BANNING. I make the point of order that the proposed amendment changes existing law and does not reduce expenditures in any way whatever. I call the attention of the Chair to Rule 120, to the latter portion of the rule:

Nor shall any provision in any such bill [appropriation bill] or amendment thereto changing existing law be in order except such as being germane to the subject-matter of the bill, &c.

The subject-matter of this bill is appropriations. The proposed amendment cuts out all of the appropriations in the bill, and certainly cannot be in order and is new legislation.

Mr. BURCHARD. A motion to strike out and insert—that is, a motion to substitute—is certainly in order at any stage of the bill, so far as it relates to anything that is subsequent to that part of the bill. The question as to when such a proposition shall be voted upon is another thing.

The Chair will recollect that often at the commencement of the consideration of a bill a substitute is offered for it; but it may be necessary to go through with the original bill by sections or paragraphs before the vote is taken upon the substitute. But the motion for a substitute, the motion to strike out and insert, is certainly in order.

And this is the time for the gentleman from Ohio [Mr. FOSTER] to make his motion. If he desires to move a substitute for anything in the bill or all of the bill after the point which we have now reached, now is the time for him to make that motion. If he shall wait until the committee shall have passed upon the remainder of the bill, he certainly will not have the right to move a substitute for any portion of the bill which has been adopted.

The question whether the Committee on Appropriations will insist that we shall go through with this bill paragraph by paragraph before the vote is taken upon the substitute, is another thing entirely. The question whether the motion can be made at this point, it seems to me, is one clearly within the practice of the House.

Now on the point of order, I desire to say that section 12 of this bill is substantially the same as the substitute moved by the gentleman from Ohio, [Mr. FOSTER.]

Mr. EDEN. And that section is obnoxious to a point of order, and all points of order have been reserved on this bill.

Mr. BURCHARD. If that be so, then that section will be ruled out when we come to it.

Mr. COX, of New York. We propose to raise a point upon it.

Mr. BURCHARD. I will not discuss that now. I will discuss simply the question as to when the motion for a substitute should be made. I think the Chair will see that logically it should be made at this time. If the Committee of the Whole shall proceed to adopt this bill paragraph by paragraph, then when you come to the end of the bill it certainly will not be in order to move to strike out that which has been adopted.

Mr. COX, of New York. Does the gentleman mean to say that section 12 is germane to the bill?

Mr. BURCHARD. I have not examined that section particularly. I presume that the Committee on Appropriations is well advised of what would be in order under the rules.

Mr. COX, of New York. The gentleman does not answer my question. It is whether section 12 of this bill as reported is in order. If not, then the amendment of the gentleman from Ohio [Mr. FOSTER] is out of order.

Mr. BURCHARD. I did not listen to the gentleman's point which he made against this amendment. I understand him to say that it is not germane and I would like to hear him state why.

Mr. COX, of New York. You do not answer my question squarely.

Mr. BURCHARD. The affirmative rests upon you.

Mr. ATKINS. It is new legislation.

Mr. BURCHARD. Why is it not in order?

Mr. COX, of New York. Because it is not germane to the bill.

Mr. FOSTER. It certainly is germane and is in order.

Mr. ATKINS. I want it understood that I do not myself make the point of order, but the reason that it is not in order is that it is new legislation.

Mr. BAKER, of Indiana. Were points of order reserved upon this bill when reported?

Mr. CLYMER. All points of order were reserved.

Mr. HALE. I myself reserved all points of order when the bill was reported, because the Committee on Appropriations has chosen to undertake to change the law by this bill. I take it that when the Committee on Appropriations choose to change the law in the direction of appropriations, the text of its bills is amendable in other directions. When the Committee on Appropriations brings in a change of law, it runs the risk that the Committee of the Whole may choose to change the law in an entirely contrary direction to which it proposes. Therefore the saving of all points of order saves the original law. Now while the Committee on Appropriations brings in clauses and sections in certain directions changing the law, I take it that the Committee of the Whole may take those sections and do what they please with them, as the Committee on Appropriations have opened the door for change.

I suppose what the gentleman from Ohio [Mr. FOSTER] seeks to accomplish is this: there are two features in this bill. First, the reduction of the line of the Army, the rank and file. That point the Committee of the Whole has voted upon and voted to make the rank and file of the Army twenty-five thousand. So far that is settled.

The next important feature of the bill is found in the several succeeding sections to the appropriations which contain provisions changing the whole structure of the Army, providing for reducing the regiments and mustering out officers. The gentleman from Ohio [Mr. FOSTER] proposes to meet that change by his amendment, providing for a commission to be appointed to report hereafter upon the subject.

We have settled the question as to the reduction of the Army so far as relates to the rank and file; and when we take a vote upon this amendment of the gentleman from Ohio, [Mr. FOSTER,] we will settle the question of razeeing the Army by reducing the regiments and mustering out officers, and for that proposition will be substituted a a commission. That being accomplished, then the gentleman from Ohio will move, when the bill is reported to the House, to recommit the bill to the Committee on Appropriations, because these two votes will be instructive to that committee upon both of these subject-matters, the one keeping the rank and file of the Army at twenty-five thousand and the other having a commission instead of reducing the number of regiments and mustering out officers.

My colleague on the committee, the gentleman from New York, would simply rearrange his figures upon that basis and re-report the bill. The vote upon this last proposition, which seems to me to be clearly in order, will test the sense of the House upon what is really the only remaining question, the reorganization as to regiments and officers.

Mr. GARFIELD. Besides that, it would be a great saving of time to settle the question now.

Mr. HALE. I take it that it would not be objectionable to my friend from New York, because it at once tests the sense of the House on the question.

Mr. BURCHARD. The gentleman from New York [Mr. COX] asked me a few moments ago whether I considered section 12 in order. I had not then carefully looked at the section. I think, upon examination, that it is in order under the rule, because it proposes to appoint a commission of major-generals (which will cost nothing) to make suggestions as to the proper method of increasing the usefulness of the Army and reducing the cost of its maintenance. That being the object of such a commission it is in the interest of economy, and therefore the provision would, I think, be in order.

Mr. WOOD. Mr. Chairman, the amendment proposed by the gentleman from Ohio and the discussion which has followed it especially upon the part of the gentleman from Maine, [Mr. HALE,] remind me very much of the proceedings in Committee of the Whole upon the Army bill which caused the call of the extra session of Congress by the present President. The gentleman from Ohio must, I think, perceive that if his motion should be carried, it will necessarily protract this session of Congress to an indefinite period in the summer. He proposes, first, that we shall delegate to a commission, to be appointed by the President, everything with reference to the administration of the Army, every proposition for reform in that branch of our service. He gives us notice in addition that if this shall be carried he will then move to recommit the bill to the same committee that reported it. Now, in the first place, Mr. Chairman, the Committee of the Whole has no power to recommit a bill to the Committee on Appropriations.

Mr. FOSTER. Nobody claims that it has.

Mr. WOOD. It is only competent for the House to recommit a bill. If the Committee of the Whole should rise and make a report to the House in favor of recommitment, it would then be for the House to determine whether the bill should be recommitted or not. There is a limitation to the powers of the Committee of the Whole over this peculiar question.

Now, I submit to these gentlemen that all they propose to do with this important question as to the change of the administration of the Army is to refer it again to the same committee, of which they are both members; and they have no doubt as such exercised their influence fully and properly in reporting this measure to the House. The proposition is that this same committee shall again sit in judgment upon the question, and at some indefinite period—perhaps next month or the month after—report back this bill. In the interest of legislation, with a view to bringing to a conclusion all these appropriation bills at the earliest practicable period consistent with sound policy and that line of economy which it is incumbent upon this House to exercise in justice to the people of this country, more especially the tax-payers of the country, I hope we shall now determine this question, and let it be seen whether the Army shall ever be reformed—whether the present arrangement which has been the creation of the party in power shall be perpetually continued by means of evasion—by delegating to the President of the United States, acting no doubt under the direction of the General of the Army, the appointment of a commission to sit in judgment upon this whole question.

Mr. ATKINS. I call the attention of the Committee of the Whole to Rule 107:

> Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

Now I submit that under this rule it is absolutely necessary to consider this bill clause by clause until we have gone through the entire bill. Then after the bill is reported to the House and before it is ordered to be engrossed, the question presented by this amendment may properly be raised. From the reading of the rule, I take it the amendment is entirely out of order now and cannot be offered as a substitute.

Mr. BURCHARD. No doubt after the bill is reported to the House it would be subject to amendment and debate by clauses, in accordance with the rule, if the previous question should not be sustained.

Mr. GARFIELD. I wish to suggest that this proposition instead of being an obstruction and a delay, is clearly in the interest of hastening legislation. This bill contains two provisions in the way of innovation: first and chief, the foundation of all, the proposition relating to the size of the Army. Then there follow probably one hundred clauses of appropriations. The amounts appropriated are distributed in those one hundred clauses. We now fall back upon the key-note of the bill, the size of the Army. The bill was all gauged for an Army of twenty thousand men. This Committee of the Whole has resolved to change that gauge and put it at twenty-five thousand. This necessitates the reconstruction of these one hundred items distributing the different appropriations. Now, everybody knows that this reconstruction cannot be done in the Committee of the Whole House. But in half a day—perhaps in two hours—the Committee on Appropriations can sit down and readjust these matters. The proposition of my colleague [Mr. FOSTER] is simply a means of getting at this by sending the bill back to the Committee on Appropriations to carry out the instructions which the Committee of the Whole have agreed upon. Let this be done. The Committee on Appropriations, after one sitting, can report back the bill with the necessary modifications properly made and properly adjusted, as they cannot be made and adjusted here in Committee of the Whole.

Therefore, rather than go through with all the items of the bill and leave them in a tangled and inharmonious shape, the proposition of the gentleman from Ohio is in the direct interest of hastening legislation and getting through sooner, and I hope it will prevail.

Mr. HEWITT, of New York. The gentleman from Ohio is under

an entire misapprehension as to the effect of these amendments upon the several clauses of the bill. The amendment already adopted will require the alteration of but two clauses, and I am prepared to state to the committee the exact amount. It can be done in the ordinary reading of the bill, and therefore for that reason it is unnecessary to recommit the bill. But if the proposition of my colleague on the committee, the gentleman from Ohio, [Mr. FOSTER,] should be adopted, then unquestionably it would be necessary to recommit the bill, because that would affect the question of compensation of all officers who under the provisions of this bill would be retired. It is for that reason I make the point of order against the proposition. As to the other point it is clearly in order and will involve neither delay nor the necessity for recommitment.

Mr. REAGAN. Has the Chairman decided the question whether it is in order to strike out the whole bill, as indicated in the motion.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. REAGAN. I only desire to say that in looking over the rules in relation to the discussion of a bill in the Committee of the Whole by paragraphs, I can see only reference to motions being in order to amend by striking out the pending clause or paragraph. There is frequent reference to striking out the clause under consideration, but not to striking out that clause and all succeeding clauses of a bill which have not yet come up for consideration. This bill being under consideration by clauses or paragraphs, I submit there is no authority under the rules to strike out all the succeeding paragraphs and sections. Instead of that being in order it is a direct perversion of the rule requiring the consideration of the bill by paragraphs in Committee of the Whole. If that can be done, it not only subverts the rule, but it defeats all rules under which we are required to consider this bill in Committee of the Whole.

Mr. COX, of New York. Suppose this amendment is in order, it would be impossible to vote on it, under the rules, until we got through with the rest of the bill, clause by clause and paragraph by paragraph. It would have, therefore, to remain pending as a standing menace to the bill from beginning to end. It is an inartificial mode of legislation, it seems to me.

The CHAIRMAN. The Chair will decide the point of order. The amendment moved by the gentleman from Ohio [Mr. FOSTER] is a modification of section 12 of the pending bill as reported from the Committee on Appropriations. All points of order have been reserved on this bill.

Mr. REAGAN. But the amendment strikes out all of the bill after the pending paragraph and proposes a substitute therefor.

The CHAIRMAN. The Chair was not referring to that point. The proposed amendment is a modification of section 12 of the bill, and points of order have been reserved on the entire bill. The question whether section 12 is germane or not has not been raised and cannot be until it is reached. To the amendment of the gentleman from Ohio, which is a modification of that section, the point of order is raised that it is not germane at this point and besides does not, as required by Rule 120, retrench expenditures. This is entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes." The Chair submits if the amendment should be received and adopted the title of the bill would be to authorize the President to create a commission for the purpose of the organization of the Army, and therefore it would be an entirely different measure from that reported by the committee. On this test the Chair is of the opinion the amendment is not germane. On the other point the Chair will not express an opinion at this time. The amendment cannot be received.

Mr. HEWITT, of New York. Let the Clerk proceed with the reading of the bill.

The Clerk read as follows:

Pay department:

For pay of the commissioned and non-commissioned officers, privates, (including those employed as Indian scouts,) storekeepers, musicians, and veterinary surgeons, artificers, farriers, and saddlers, except as hereinafter enumerated, $3,390,000.

Mr. COX, of New York. I move to add, after line 36, what I send to the Clerk's desk to be read.

The Clerk read as follows:

Provided, That no money appropriated by this act shall be paid to any musician who shall leave his post to engage in musical performances for emolument or hire, other than engagements connected with his military service, and all musicians in the Government are hereby prohibited from making such engagements.

Mr. GARFIELD. I make the point of order that is new legislation.

Mr. COX, of New York. I hope my friend will withhold his point of order and let the amendment go through. I will strike out the last clause.

Mr. GARFIELD. I will reserve the point of order and the gentleman can go on and make his speech.

Mr. COX, of New York. The only object of the amendment is this: our musicians whom we pay have come into the cities and entered into competition with private musicians. We pay them and they cut down the compensation of those who have a business of their own as musicians. The amendment is right, and the committee agree to it.

The question being taken, there were—ayes 65, noes 71.

Mr. COX, of New York. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from New York [Mr. COX] and the gentleman from Ohio, [Mr. FOSTER.]

Mr. CONGER. I ask that the amendment may be again read. I do not think it is properly understood. I am told that the object of the amendment is to prevent musicians going on lecturing tours.

Mr. COX, of New York. May I be allowed to explain that amendment?

The CHAIRMAN. Only by unanimous consent, as the committee is dividing.

Mr. COX, of New York. There does not seem to be a quorum here, and if there be no quorum, I might as well talk.

The CHAIRMAN. Is there objection to the gentleman from New York being again heard in explanation of his amendment?

There was no objection.

Mr. COX, of New York. The amendment has simply this for its object: men who are paid by the Government for doing a certain duty compete with other men in the same line of business. I propose to limit them to their duty. They have no right to leave their posts to compete with other musicians.

Mr. FOSTER. Will that increase the cost of music?

Mr. COX, of New York. The gentleman once had a serenade at Philadelphia, and ought to know how much music costs. [Laughter.]

Mr. CONGER. Will the gentleman allow me to ask one question? Would not this be a bad precedent for those of us who are receiving $5,000 a year for our services, and who might wish to go out in any other employment, as that of lecturers or anything of that sort?

The CHAIRMAN. Debate is not in order.

Mr. COX, of New York. If I could only have the musical voice of my friend from Michigan, I would be willing to abolish all the rest of the music in the Army.

The committee divided; and the tellers reported—ayes 63, noes 84.

Mr. COX, of New York. Has a quorum voted?

The CHAIRMAN. Just a quorum.

Mr. COX, of New York. I thought there was hardly more than a quorum present.

So the amendment of Mr. COX, of New York, was not agreed to.

The Clerk resumed the reading of the bill and read as follows:

Miscellaneous:

For the pay of contract surgeons, $180,000.

Mr. MAGINNIS. I move to strike out the paragraph.

Mr. Chairman, I shall not differ with my most advanced friends on this side in regard to the uses of the Army. The States must do their own police work and keep their own peace. The Army is for the defense of the country against invasion, actual or possible, and for the defense of the citizen against savages waging war upon the settlers or upon each other in defiance of the authority of the Government within the territory of the Union. For this purpose the Government was established. When it fails to accomplish the protection of the citizen, it abdicates its principal function. The force requisite to guarantee peace and safety is the subject under discussion. The democratic party in this House is responsible for its proper decision. The leaders accustomed to methods of opposition sometimes forget that power has brought responsibility, and do not feel that their first aim is to protect the lives, liberties, and property of the people. Economy is a desirable thing, gentlemen, but your dollars are not to be weighed against the blood of your fellow-citizens; and the party that has the power must take the responsibility of preventing disaster. And let me tell you that any party that sacrifices the citizen, that fails to provide for his protection, that habitually antagonizes the patriotic sentiments of the people and habitually humiliates the national pride must go to the wall, though it could carry on the Government without expense and could fill the treasury without taxation.

The gentleman [Mr. HEWITT] who reported and so ably champions this bill, and who has given to its consideration a world of care, claims that by the tests of past experience and present use the Army is too large, whether judged by the increase of population or by the increase of military posts. These are theoretical data, the accuracy of which is modified by other elements omitted from his calculations. The increase of population has driven the wild tribes into smaller compass and presses them on many more irritating points. The destruction of game, especially buffalo, has left them destitute, and the uncertainty of their future drives them to desperation. The number of settlements in immediate contact is far greater, and the possibilities of collision are indefinitely multiplied.

If the gentleman would further analyze his figures in regard to military posts, I venture to say that he would see that the number of frontier posts has more than doubled, although on account of the fact that eastern posts have remained as before the total number of posts seems to justify his deductions.

But a change has also taken place in military policy. The greater concentration of the Indians and their increased effective force as fighters have done away with the usefulness of smaller garrisons. They are no longer so efficient, and both economy and efficiency require the establishment of larger posts. The true test of the present use of the Army on the frontier is the number of Indians in its immediate front and their fighting force as compared with the troops. Upon this subject I think I can give the House some information.

In the district of Montana we have the Flatheads, Kootenays, and Pend d'Oreilles, and the passing Indians from Idaho on the west; the Bannocks and Shoshones on the south; the Crows on the east; and on the north the Blackfeet, Bloods, Piegans, Gros Ventres, and Assinaboines, and over the border the refugee Sioux and Nez Percés. Two

of these tribes are friendly, allies even; the rest are semi-hostile. All these tribes have representatives at agencies, and all are of that class described by the gentleman from Illinois as being fed, clothed, and christianized by the Indian Bureau. But of all this number there are not twenty that gain their livelihood by agriculture. They habitually roam off their reservations. They must do so or starve; and, armed and mounted, they annually pass through the settlements to the buffalo grounds on the northeastern frontier.

And right here let me call the attention of the gentleman from Illinois [Mr. SPARKS] to the error he has made in defining the dangerous elements among the Indians. He reckons these treaty Indians as absolutely peaceful, as tribes from which no danger need be apprehended. But, sir, every Indian war in our history with one exception has been waged with this class of Indians. That one exception was the war with the hostile Sioux. And even then the great mass of the Indians in Custer's fight were from the agencies. Reported by the Department as peacefully on the reservations, our soldiers were thus misled as to the strength of the hostile camp, and thus deceived to their death.

The settler of to-day, Mr. Chairman, is not the frontiersman of the Leatherstocking stamp. The peaceful farmer who has taken his family from the western prairies, from the overcrowded cities, or perhaps from Scandinavia or Germany, (led to this country by promise of a home and protection from our Government,) has never in all his life handled a gun or had any use for one. Through these peaceful settlements these armed and mounted hunters ride with the freedom and impudence of the black bands and free lances roaming through Europe in feudal ages——

[Here the hammer fell.]

Mr. KIDDER obtained the floor and yielded his time to Mr. MAGINNIS.

Mr. MAGINNIS. Thanks for the courtesy. These Indians, exclusive of the Sioux over the border, can put into the field five thousand warriors well mounted, and I defy contradiction of that statement. I might appeal to the commander of the district of Montana, who now sits in the gallery, to support me in this assertion. Formerly these Indians warred among themselves, and we had no fear of hostile coalition against the whites. But all these difficulties have been reconciled by the peace policy of the Indian Bureau. Now, considering the contact of the hostile Sioux and Nez Percés, with their wily leaders endeavoring to form coalitions, and that the principal obstacle, their own antagonisms, has been removed, is it at all panicky in us to fear a repetition of the scenes which occurred under Tecumseh and the Prophet, and during the southern confederation and during the Black Hawk war, when we know that they might rise upon our settlements, and there is not a single soldier there between them and the Missouri River.

This district, containing some twenty-five thousand Indians according to the census of the department, is occupied by two small regiments of infantry and three companies of cavalry under General Gibbon. But between the annual rendezvous at the buffalo grounds and the settlements on the Missouri River, there is not a single soldier, neither is there on the river itself, although it is the artery of our commerce on which thirty to forty steamers constantly ply. Loaded with thousands of lives and millions of property, they are constantly subjected to attack and frequently are attacked. The land route for wagons and immigrants has been abandoned for years as unsafe. Upon this line there is not a single soldier. True, the authorities have asked and the military committees have recommended a new post, but the bill has not yet passed, and when the post is built it must be garrisoned.

Farther south and east is the line of the Yellowstone, from which the hostiles have just been driven. For fifteen years its valleys have been the scene of unremitting, unrelenting, never-ceasing war. But the clash of that distant conflict never even attracted the attention of this House until the day when the death of Custer and his troopers startled its lethargic ears. Men glibly prated then, as men glibly prate now, of general peace when we had general war. In vain my predecessors and myself plead for the establishment of posts upon that river. In vain the officers called for them and the military committees of this House and the other sent their bills to your desk. Under our rules one objection ended them; and a man was found who, strong in his own conceit and devoted to one idea, persistently made that objection. And it was not until the white robe of his goddess of economy was crimsoned by the blood of that massacre that he sat with dumb lips and let the bill go through without objection.

The death of Custer and his men was in itself an awful calamity, but it was the best thing that ever happened for our poor country. In that sacrifice was our salvation. Now protected by two posts, commanded by that energetic and gallant soldier, General Miles, the model of the volunteer officer, who graduated in the school of our civil war, the district of the Yellowstone, only disturbed by the specter of Sitting Bull's return, rests in comparative peace, and a thousand humble homes have risen upon the river banks within the year.

Our line of travel to the railway crosses another Indian reservation where the Shoshones have been all winter upon the point of rising—some twenty-five hundred, confronted only by one small company of infantry at Fort Hall.

But gentlemen say this is all the fault of management. Why do they not take the troops from some other place and put them where needed? Where will they take them from? From Idaho, whose fields are still smoking with the blood of the last outbreak of peaceable and civilized Indians? Three hundred and sixty soldiers present for duty on paper, under Wheaton, are scattered at different points, watching fifty-six hundred Indians in that Territory? From Wyoming, until last season raided to the streets of its railroad towns? Some of the posts there are to be broken up. That is the economy of a railroad. Will you obtain them from Dakota, the home of the great confederated tribe whose name it bears, with 50,911 Indians and twenty-three hundred and seventy-six troops? From Colorado, where this House recently asked why better provision was not made against a threatened uprising of the Utes?

Will you take them from the Indian Territory, where, besides policing some fifty thousand civilized Indians, seven hundred troops are guarding nineteen thousand wild Indians, but lately on the war-path, who were put on the reservation only last year, and who are ready to break out again as soon as you pass this bill to reduce the Army? General Davidson, in a letter to the gentleman from Texas, [Mr. THROCKMORTON,] says that he can hardly restrain them now?

From Utah? There are but few there and all are needed.

Can you take them away from Texas, where you have been unable to maintain the frontier, established by the Spaniards, against the Indians? Or the border established by your treaty against the Mexicans? The Texan delegation can speak for themselves, and the frontier people may thank Heaven that they can vote as well as talk on this bill. From New Mexico, where, besides the Pueblos and Maricopas, there are fifteen thousand of the most warlike Indians on the continent, that have, off and on, fought the Spaniards for two hundred years, and fought your troops almost unceasingly since the conquest; quiet to-day, but where there has been one uprising since this Congress met and may be another before we adjourn? Is six hundred and forty-nine troops an extravagant number to watch those Indians and the Mexican border also?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORLETT. If the gentleman from Montana [Mr. MAGINNIS] will withdraw his amendment I will renew it and yield my time to him.

Mr. MAGINNIS. I withdraw the amendment.

Mr. CORLETT. I renew the amendment and yield to the gentleman from Montana, [Mr. MAGINNIS.]

Mr. MAGINNIS. Will you obtain them from Arizona, where 20,848 Indians have ridden over that country for years, until its ranches were deserted, its mines abandoned, and, as its Delegate will testify, its citizens only traveled from town to town by night and in detachments? General Crook did put these Indians on their reservations; but I ask if there is any man in this House having the responsibility who would put less than one thousand and six men, the present force, in charge of those twenty thousand Indians and require that force at the same time to keep a watch on the border.

In California there are but a few small garrisons, in Nevada there are still less, and in Washington Territory 709 troops under General Sully stand guard over 13,722 Indians.

Mr. YOUNG. Will the gentleman allow me to interrupt him now?

Mr. MAGINNIS. I would rather not. This is the disposition which has been made of your frontier forces. Is there any military genius among the warriors and statesmen in this House, some of whom have had as large schooling in war as the veteran soldiers of the first Napoleon, that can suggest a better disposition of these troops?

But gentlemen say come east of the Mississippi and you will find a vast reserve of troops. Mighty reserve! How many available for frontier service? No calvary. One regiment of infantry at Atlanta, and another at New Orleans, waiting to go west as soon as they can abandon the quarters they now occupy and find a shelter of huts at some new post on the border. What else have we? Artillery regiments to garrison and keep up the permanent seaboard and northern fortifications and to practice the science of gunnery—unfit for frontier purposes. Not one of these is mustered out by this bill. These are all east of the Mississippi; and, supposing there should be a few stations where regiments worn out and wearied by long frontier service might occasionally pass a pleasant year of duty in contact with the associations and refinements of the East, we should not grumble. There are many on this floor who have again and again been wasted in useless and indecisive battles, wearied in purposeless marches, worn out with the fatigues of an overworked soldier's existence, till martial ardor and patriotism paled their fires and only duty and discipline kept them in line. Is it for you, gentlemen, who know something of these things, to say that there shall be no pleasant posts to which our soldiers can exchange once in ten or fifteen years; that there shall be no holiday in the life of the American soldier?

But gentlemen around me say that we have a greater Army now than we had in 1860; and what need have we of more now? Sir, the lines of settlement have been vastly extended since 1860. Few of the Territories now organized had then been organized. There is hardly an Indian reservation on this continent that is not bordered by a white man's farm. But another thing unmentioned in this debate is after all the greater cause of difference in the conditions of savage warfare between now and 1860, that is the breech-loading rifle, the magazine gun. No longer can a company of your cavalry dash with the saber through an Indian village; no more can a company of infantry stand

in volleying line against the lances and arrows and flint-lock fukes of thrice their number; no longer like a mailed Cortez cutting through naked swarms can one disciplined troop disperse whole tribes. The breech-loader has made the Indian's last fight an equal fight. He was born to the tactics which belong to it, he was reared in the skill to use it, and he owns the weapon which makes him the perfect warrior.

Sir, this new arm has revolutionized the conditions of warfare all over the world. Do you think it has not changed the situation on our plains and in our mountains. What has the late war between Russia and Turkey proven? What are Von Moltke, and MacMahon, and Chesney, and the leaders of military art in the Old World doing? Read their instructions for battle, the skirmishing, the grouping, the rushes. What is it all? They are planning their battles on the practices of the American frontier, and teaching the armies of Europe the tactics of the American savage.

And, gentlemen, go back for comparison to 1860. Why not go back to Clive or to Cortez? Did we have army enough in 1860? Why, sir, the American Army has from the first been called on again and again to march against overwhelming numbers and to meet disaster. Not from any fault of organization, but from simple want of forces.

Massacres have become so much a matter of course in our military history that we admire the continued devotion with which our soldiers march forth against overwhelming odds and threatened annihilation, still facing duty in this savage warfare, where disaster is death and victory brings no renown, their country not even calling the conflict war, and denying them the dignity which great battlefields give to their dead. Yet the pages of history are not illuminated by greater heroism or devotion; and when I recall the massacres of Florida and Oregon, of Fetterman and the Little Big Horn, I remember the legend upon the Alamo:

Thermopylæ had its messenger of defeat, but these had none.

[Applause.]

[Here the hammer fell.]

Mr. RYAN obtained the floor and yielded his time to Mr. MAGINNIS.

Mr. MAGINNIS. Thank you, sir.

These gentlemen defend their bill with much ingenuity on the ground that it does not reduce the fighting force of the Army. By the consolidation of the skeleton regiments and the abolition of details we are going to have a stronger Army than now. What a singular proposition, Mr. Chairman. In the same Army, under the same management, you are going to cut off seven hundred officers and five thousand men and have more soldiers for frontier service than before. Greater than Cæsar, or Frederick, or Napoleon is the military genius who can accomplish that feat. Greater than all combined is he who can do it as the bill proposes, barely touching the staff, and leaving the artillery, the engineers, the ordnance, and that weather prophet Signal Corps.

Who go out? Seven hundred officers from the frontier. Six hundred of these are young and efficient officers, every one of whom carries his rifle into action. How many new recruits under this bill and how many years' training would they require to make up in an Indian fight for the six hundred gentlemen you are going to muster out, nearly every one of whom is a trained hunter and expert rifleman.

Sir, officers and men all alike go into an Indian fight with rifles to their shoulders, and they fight it out together. And subaltern officers do not cost so very much more than enlisted men as you might think, everything considered. You have instanced the battle of the Big Hole Pass. Did the men do any less because they were led by a corps of officers, among whom were some of the crack shots of the Army, and all of whom used their rifles and fought with their men? No, sir; the difficulty was there were not enough of them, and now you propose to make them still less in number.

I favor Army reorganization; but as we have been told that this bill will benefit the frontier, let us see who goes out and where they are from. Who are to go out under this bill? Not the exuberant staff, not the regiments along the seaboard. Every regiment that goes out, except two, is a frontier regiment. The Twenty-fourth and Twenty-fifth Infantry in Texas; the Twenty-third Infantry in Kansas; the Twenty-first Infantry (General Sully's) in Washington Territory; the Twentieth Infantry from Texas; the Nineteenth Infantry in Colorado; the Seventeenth Infantry at the Sioux agencies; the Sixteenth Infantry at Fort Sill and adjacent posts. Only two regiments east of the Mississippi are mustered out—the Eighteenth Infantry, part of which is at Atlanta, and the Twenty-second, which guards the line of the lakes.

Mr. HEWITT, of New York. Will the gentleman state how he has ascertained which regiments are to be mustered out?

Mr. MAGINNIS. Because all above the Fifteenth are to be mustered out.

Mr. HEWITT, of New York. Oh, no; the question which regiments shall be mustered out is left to the President.

Mr. MAGINNIS. The gentleman will find that I am correct. They will be mustered out by high numbers.

How is it with the cavalry? Under this bill the Ninth and Tenth colored troops will pale their ineffectual fires on the Texas and New Mexican border. The Eighth Cavalry will leave the Texans destitute; and the Seventh (Custer's old regiment) goes out. Gentlemen, some of you know what the regiment is to a soldier: his country, his church, his home; its associations are his pride; its memories and its histories are his glory. But the old Seventh Regiment, the glorious regiment of Custer, will, by this bill, be blotted from the Army record as completely as his command was wiped out on the fatal river that now bears his honored name. Go further, and shoot poor old Comanche, the wounded and crippled clay-bank charger that carried Keogh to his death. He is mustered now with his troop. When you blot out his regiment the poor old horse, like many a brave old soldier, will have no home.

What regiments stay in? Every regiment that has been used to "bulldoze" a State, every regiment that has been used to weed out a Legislature, every regiment that has been used on political duty stays in.

The troops stationed at the arsenal to overawe Congress during the electoral count all remain. All these full artillery regiments which have been used for political duty and for police purposes remain in their casemates. The knife of this bill does not touch one of them. The cavalry and infantry—the useful troops, the old frontiersmen—go out. Yes, this is a good bill for the frontiers. Nor does the exuberant staff, of whose surplus growth we have heard so much disparagement, lose scarcely a leaf or a blossom. True, a commission is appointed to sit on it, which ultimately may nip it with killing frosts——

[Here the hammer fell.]

Mr. CANNON, of Utah. I move to strike out the last word, Mr. Chairman, and yield my time to the gentleman from Montana.

The CHAIRMAN. The Chairman has recognized the gentleman from Illinois.

Mr. SPARKS. Mr. Chairman, whenever there has been an effort——

Mr. MAGINNIS. I wish to conclude my remarks.

Mr. SPARKS. If I can get the next five minutes I do not object to yielding for that purpose. The gentleman has already had twenty minutes.

The CHAIRMAN. The Chair desires to state that the Delegates from the Territories requested their chairman to be recognized, and when recognized they desired their time should be given to him, the gentleman from Montana.

Mr. CANNON, of Utah. I have taken the floor and given my time to the gentleman from Montana.

The CHAIRMAN. The gentleman from Montana will proceed.

Mr. MAGINNIS. I thank the gentleman for his courtesy. Nor does the exuberant staff lose to any great extent its lovely leaves or blossoms. True a commission is to be appointed to sit on it, which may ultimately nip it with a killing frost several years from now, but the chances are that it will escape as heretofore. The line neither on the field nor in the senate ever gets a respite, and, worse than all, my honored friend, the chairman of the Military Committee, to whom I will give the credit of ever feeling a warm interest in the line and a warm desire to promote its efficiency, gives his reluctant consent to this bill. *Et tu, Brute?* He has been the bugbear of the staff. Now let us reverse the principles of this bill, legislate the staff out, and let the commission sit on the line to see if we have more than we want. But, gentlemen, if there is such a thing as military science and we have any men in this country fit to rank as experts, why not let the whole subject go to a commission? Fix the limit of your annual expenditures and let them lay before us a plan of the best army we can have for the money.

Mr. Chairman, the frontier would like to see your so-called peace establishment definitely settled. The Army would like above all things to have its status defined. This uncertainty weakens its *morale* and destroys its content. Officers enter the service with the idea that, as they lay aside all other chances of fame and fortune and devote themselves to the service for life, the Government assures them a life career. On this idea the character of the Army is built. In honor and integrity its escutcheon has been unsullied. This is true of the great leaders of the Union armies, and equally true of those whose genius and character shed luster on the southern cause. The highest officers in our Army are poor in purse, simple in character, and democratic in all their instincts; no Americans are more so; and of Lee, and Johnston, and Jackson, and Longstreet, and all of the old Army officers that went with their States, many bitter things have in partisan fury been said. But among all the tongues that have wagged and pens that have splashed them with such epithets as rebel or traitor, the most malicious never has sullied their fair fame with the degrading epithets of plunderer or knave. This high character was the result of the system in which they were reared. Let us not shake the faith of the Army in its stability.

Mr. Chairman, the new States and Territories will not be much longer a tax on your military establishment. The silver and gold mines which vein our mountains have been the cause of great disturbance and development. Civilization has leaped eastward over the Sierras to meet the westward waves from the border States. Towns and villages nestle between the granite ribs of the great backbone of the mountains, and the church and school-house crown the golden summit of the continent. The great desert has been found to be fertile. The mysteries of the Colorado cañons have been revealed; and the sources of the Yellowstone, the last geographical problem in North America, but a few years ago remote, mysterious, and unknown as the fountain of the Nile, have been traced to this origin, and that enchanted land of Alpine peaks and crystal lakes

and dizzy waterfalls, gorgeous cañons, boiling pools, and geysers that cast into insignificance all other fountains of this world, has been dedicated as a national pleasure ground, a wonderland for prosperity to wander in and admire. The Yellowstone itself—a name of legend and romance, suggesting Lewis and Clark, and Coulter and Bonneville, the land of remoteness and mystery—is now traversed by a line of steamers. Gentlemen, the frontiers will call on you for aid but a few years more. Civilization and savagery are in their last desperate grapple. Another decade and the lines will have closed up, the reservations will be surrounded by farms, the north and south Pacific railroads will be constructed, the last Territory will be a State, and we will have no frontier that is not washed by the ocean or does not face on a foreign country.

I ask my friends on this side who love the traditions of the great democratic party, which has been peculiarly the party of American ideas—a party which carried our flag from Lundy's Lane to New Orleans, and from Florida to Mexico; which bought one empire and conquered another, and added star after star to our flag, and State after State to our Union, until it reached the shores of the western sea; which shaped our land policy and our immigration laws, and always represented the progress and development of our country, the patriotic pride of its people, and always conquered its opponents in that sign—I ask if you will change your old policies or withdraw your old sympathies from the border people who are founding new Commonwealths on the land your policy gave the Republic. Will you desert us in the very crisis of our last struggle with savagery, or will you continue to give, as your great leaders always gave us, such generous sympathy and ready aid as will make our victory speedy, sure, and glorious. [Great applause on the floor and in the galleries.]

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

Here the committee informally rose; and the Speaker *pro tempore* having resumed the chair,

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 1060) authorizing the Secretary of War to erect headstones over the graves of Union soldiers who have been interred in private, village, or city cemeteries; and

A bill (S. No. 1241) to provide for the service of process in cases of interpleader in the courts of the United States.

The message further announced that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 3364) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, had agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon, and had appointed Mr. DORSEY, Mr. INGALLS, and Mr. HARRIS conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session and the consideration of the Army appropriation bill.

Mr. SPARKS. Mr. Chairman, I do not propose on this occasion to make a set speech on this subject. I have already on a former occasion discussed the provisions of this bill. But I desire now to say in answer to the gentleman from Montana [Mr. MAGINNIS] that he can very likely always find some interested party to refer to as evidence that the Army should not be reduced. He has directed our attention to somebody in the gallery who occupies a position in the Army to whom he somewhat defiantly refers us as ready and willing to sanction his statement "that the Army should not be reduced." I have heard that kind of argument before, in fact have heard it ever since I have heard anything. If you will ask men whose interests are all adverse to a reduction and act upon the advice they give you on the subject, of course you will never reduce the Army. But, sir, I do not propose to ask them. I propose to deal with the United States Army as the representatives of the people in their legislative capacity ought to deal with it. I would deal with it justly and fairly, but I would strenously insist always that the civil should be superior to the military power, and that all men in civil or military life must sanction that as a correct rule of action in our democratic country.

I do not complain of the alacrity with which the Delegates representing the Territories rush into this debate in opposition to this bill. I do not censure them for it; it is quite reasonable and natural that they should do so. For you are not likely to find the people of a Territory who are not in favor of a large Army and who would not like to have a large share of that Army in their midst.

Mr. PAGE. Why?

Mr. SPARKS. Everybody knows that when you have an Army in a thinly populated Territory the people of that Territory get high prices for their productions. Thus it was that the army under General Johnston in 1856, sent there to punish or subdue them, in fact made the pioneer settlers of the Territory of Utah rich.

But, sir, my object on rising was mainly to speak of the number of the Indians and the danger to be apprehended from them. Of my own personal knowledge I do not know the facts, but I have gone to the Department of the Government where we should get information on the subject, and have stated in my place here that from the best information attainable from that Department there are in the United States (excluding Alaska) at this hour not exceeding, all told, two hundred and twenty-five thousand Indians, of whom the great body are as harmless and peaceable as can be reasonably desired. Who are the warlike Indians? Of course there are a good many that can be regarded as such, and I would be the last man to insist that we should not protect our people on the frontier or in their midst against them. But who and where are they? I mention the Sioux and those allied to and fraternizing with them. I mention the Kiowas and Comanches and Cheyennes or parts of all these tribes, and just at this moment I cannot recall any others.

There may be other straggling bands, but I state, as based upon a study of the subject, that there are not of absolutely untamed, unsubdued, and warlike Indians, those who have the disposition in their hearts for the war-path at this hour, exceeding twenty-five thousand or thirty thousand from whom danger can be apprehended. And I distinctly state here, and defy contradiction from any man of the Army or elsewhere who has a reputation worth considering, that not now or at any time within the probabilities of the future can there be reasonable apprehension that more than five thousand Indian warriors can be arrayed against the Government of the United States. Why, sir, look at this late Indian outbreak; I mean the Sitting Bull war. That was an outbreak among the tribes, led by a chieftain that was likely to arouse all the warlike Indians in that most turbulent and dangerous region of Indian territory. Now, how many warriors were there in the field? Does any gentleman pretend to say that there were anything like five thousand, or the half of it? Now, sir, I would insist as strongly as any man on having a force sufficient to repel the aggressions of that class of warlike Indians; and we have that force, and more than that force. But the trouble about it is—and there is where the gentleman from Montana [Mr. MAGINNIS] and the gentleman from Texas [Mr. SCHLEICHER] make their mistake—it is not for the want of a sufficient force; but, in place of putting the Army where the Army ought to be, it is put where it ought not to be; it has been too largely the object of the late constitutional Commander-in-Chief, who controlled it, to be more interested in carrying elections and securing fraudulent Presidents than in protecting the frontier and the pioneer settler in the midst of danger.

[Here the hammer fell.]

Mr. PRIDEMORE. When I listened to the gentleman from Montana I had feelings akin to those produced by the recital of my nurse in my infant days of the horrid deeds of Black Hawk and Osceola, such was the eloquence and such was the power of the gentleman. But I tell him that the history of this land will not bear him out in the assertion that the regular Army has cleared the forest and moved on to the West in that grand era of civilization which now marks that country. It has been the tiller of the soil who stood with loaded gun in his own field who has made his way through the savage land and brought to it civilization.

Sir, to-day while we are speaking constantly about the Army and the appropriation of the people's money for the support of the Army, there is another army in this country without bread; and if you will give them free transportation across the railroads built by their labor, if you will give them half the lands that you donated to railroads, I tell the gentleman from Montana an army of ten thousand will rush to his relief and settle up his waste lands and protect him from the savage.

Sir, the laborers of this land are pleading for relief, and yet we have stood here seven months and not one solitary bill has been brought forward to relieve them. But the epaulets, the uniforms, the brass buttons, the railroads, the monopolies, everything else can find friends and supporters, bills and lobbies, money and men and eloquent support; except agriculture and labor, the citizens who are the bone and sinew of the land, the balance-wheel of society, its support in peace, its soldiers in war, are forgotten in the whirl of business; and we find selfishness and sectional interest in the ascendant. The Army! The Army!

Mr. GARFIELD. And the Navy forever!

Mr. PRIDEMORE. The Army for the Territories! That Army that has been forced to shield these same followers to steal the Indian's blanket, and goaded him to deeds of desperation and justified him in acts of murder. The Army that will sap the foundations of that democratic gentleman's own liberty; when he has given it sufficient authority in his Territory to command the Indians it will then command the whites.

Sir, I speak this in no hostility to the Army. If I had anything to admire as a southern soldier it was the kind treatment of the Army as compared with that other and most detestable class of "bomb-proofs" who sought to pillage under the guise of belonging to the Army while they were in fact nothing but army followers. I have naught to say against it but to state to the committee some of its evils. But I have a right as a Representative, believing as I conscientiously do that the protection which we give to the Army and to the corporations of the land is to-day centralizing and consolidating and working out the ruin of the very liberties which we are sent here to protect—and I will avail myself of this opportunity to call attention to some of the dangers—that spirit of protection which is so fatal to the progress and well-being of society, and which has found of late a firm lodgment in our own system of laws both State and Federal. By protection I mean not only tariff, but that watchful care given by enactments to the ordinary affairs of mankind, and without which

some would have us believe a country cannot prosper, but with which I am bold to assert no country can properly advance. Under protection classes may and indeed do grow powerful, wealthy, boastful, and even arrogant, but the very system which fosters and feeds them begets a spirit of hostility that eventually drags them from power and hastens their ruin. Witness our national-bank system, whose growth in numbers and power is unequaled by anything heretofore known to us; yet that very power now so boastfully asserted by them has aroused the hatred and just indignation of labor, which stands menacing at their very doors. It is alike true that protection has made giants of our railroads and dwarfs of our production, until a voice of condemnation rises up from all parts of the country against their exclusive privileges, their unjust and dishonest discriminations. This same spirit of protection has burdened our commerce, lessened our exports, and embarrassed our trade.

It has carried its baleful influence into our internal policy until there is hardly to be found an enterprise throughout the whole land not privileged by law and enriched by protection. Individual enterprise has been crushed out by co-operative capital, made strong and oppressive by the shield of protection. Harmony of interests unites the protected, as they make common cause against the people, upon whose rights they have long trespassed, and from whose hard earnings they have drawn their wealth; whose Government they have disgraced by their lobby and whose money they have stolen under the forms of laws. Railroads go hand in hand with banks; high tariff with patent rights and manufacturing monopolies, laboring in concert that each may retain its separate and several advantages. Conscious of their united strength they bid defiance to the people's will; turn a deaf ear to their cry of distress. I have watched with some impatience the sufferings and wrongs of labor, whose toil created the very wealth that now assumes to dictate its oppression. The hardy laborers whose hands and toil felled our forests, constructed our roads, and built up our cities, and who still bear the burden of society, have given by their inventive genius to the world its greatest advancement in arts, sciences, and mechanics. And these men have long grappled in their weakness with that wealth and power which has flown from their toils and been wrenched from their privations. Too weak, as yet, they "must toil on" says capital; ay "starve on," until some whirl of fortune's wheel shall give them aid. Still if capital was as wise as it is selfish, tyrannical, and arrogant, it might see the gathering storm that will hurl its obstinate folly from power.

I have heard upon this floor the manly appeals in behalf of labor rights; have cheerfully voted for laws in its aid. I have listened, too, to the cold, steely reason of the assumed rights of capital. May I be pardoned, Mr. Chairman, for asserting the rights of a class equally worthy and far more numerous and far more oppressed and who I have the honor largely to represent upon this floor? That class is the producing farmer, the great balance-wheel of society, who so far in the contest of labor against capital has remained silent save only in sympathy. The farmers and producers are the foundation of all wealth, the source of all prosperity; but their isolated condition, away from crowded cities, railroad centers, and scenes of excitement makes them slow of motion; but their numbers make them powerful in action. Neither a capitalist, nor yet strictly a laborer, with his own hands toiling upon his own soil, obedient to law, and understanding his interests, the farmer has ever held as sacred as the capitalist the right to acquire and hold property; still as a laborer he has ever stood by the rights of labor. Thus balancing the two extremes he has been, as he should ever be, regarded as the firmest and most reliable friend of our form of government; yet your laws read as if and their effect sustains the farmer in the belief that his prosperity is sought to be crippled if not made subservient to all other pursuits. Such is the effect upon him and his vocation that all over the country the farmers have condemned protective laws and demand their repeal. No direct enactments can be found against him. None so bold as to openly oppose him, but his rights have been invaded by the stealthy and dangerous form of protection to others. It is by long-continued and oft-renewed patents upon the implements of husbandry; by reckless grants to corporations of the public domain—the common heritage of all; by conferring powers upon manufacturers that have grown into monopolies; by a high rate of tariff on an unreasonable number of the articles of his consumption, thus putting an embargo upon the exports of his production. By enforcing a cumbrous and unjust system of internal-revenue laws that have rendered sterile and barren an abundant and fruitful soil by forcing the production of tobacco for sale into warehouses protected by law from competition, save from their own class. These protective revenue laws have magnified into crimes the acts of men pursuing in good faith the Government's construction of its own laws. They have dragged our people an unreasonable distance to court to answer frivolous and false charges of a penal character; sent among us secret agents laboring in the interests of monopoly and protection—themselves interested in the fees of arrests—and all this that the manufacturer in consideration of the tax paid by him for protection. And, worst of all, by the inauguration of a system of national banking that has drawn from him the meager capital necessary to his existence, which has imposed upon him ruinous rates of interest, by exempting from taxation the bonds of the wealthy, and thus forcing upon production the whole burden of supporting the Government. It is these things I say that have awakened him from his slumbers and should arouse him to action. All these and much more has the farmer borne until longer silence would be criminal in him. For him, then, and in his name I demand for production and productive labor, not protection, but an equal chance in the great struggle for life. Moreover, he demands that the national residence be cleared from the disgrace of a hireling lobby that seeks to traduce and entrap by skillfully drawn laws in favor of protection the very best interests of agriculture. And in these demands he is but a co-laborer with labor, with whose interests when fully united we venture to predict they will, as they ought and have the power to do, control this Government, shape its destiny, and dictate its laws. Farmers have been long silenced upon the plea that politics is not their calling. Not so. They are, as I have already said, the "foundation of wealth," the "pillars of prosperity," and the custodians of that intelligence and virtue necessary to the preservation of a true republican form of government. They of all others are best fitted and most likely to form that power which will reclaim our former exemption from protection and restore the laws and forms prevailing in the older and better days of our history.

A glance at the prevailing financial policy of contraction urged by bankers and opposed by farmers may serve in part to confirm what we have said. I shall not tabulate or go lengthily into figures, but one comparison will be sufficient. In 1865, say 1st of August, we had in circulation of all kinds of money about $2,000,000,000. In 1877 we had only about $800,000,000, an absolute reduction in twelve years of $1,200,000,000; through all which time real estate continued to decline; bank stocks, railroad and Government bonds gradually to rise. Through all this time the South has never had a circulation commensurate with the demands of trade. The evils of resumption, therefore, reached us in the critical hour of only partially restored prosperity. Since contraction would most affect a country already only partially supplied with a medium of trade, it is no wonder that we see everywhere in the South and West suspensions, bankruptcy, and ruin. Seven months of the present session have made no advance upon these corporate powers. So far no removals of protection, no relief to unemployed labor, failing tradesmen or languishing farmers. At other times and on other occasions it might be proper to discuss what power should issue money, the kind and quantity; but the exigencies of the hour demand relief. Demand a new or a reissue of "greenbacks," followed up by a policy that will put them in circulation for the use of the people. A long-suffering people cannot longer wait for forms, cannot delay the urgent business of life for protracted discussion. I feel some encouragement, however, in the assembling forces apparent everywhere, whose aim is opposition to protection. And vain indeed will be the demands for protection and privilege when in the near future farmer and laborer, mechanic and tradesman, shall rally in a united effort to demand from all parties a recognition of equal chances and equal rights for all.

Protection is the means, consolidated and centralized power in the Government the end, that now most of all evils threatens our national prosperity, if not our very existence. Conscious power may scoff at warning, may disregard the humble petitions of the cultivators of the soil, may even laugh at "labor strikes" and "communistic parades." It must not be forgotten, however, that communism ever has done much for the rights of man, and that plebeian power has never been wanting in men or means to wage a constant and often triumphant contest with capital and tyranny; as often governing as governed; and in no country has the people, the common people if you choose to put it that way, such absolute power as in this. Think you that they do not know it, or, knowing it, do not dare to use it? Await the issue! Do nothing for their relief, turn away from the justice of their plea, and then awaken, as you will, to the realization of their power, staggering to the cool philosophy with which many seem now too inclined to regard the popular voice, so outspoken upon the wrongs of protection. I beg you give to labor the chance and the right to toil and work for fair and reasonable wages; it is all it asks. Give to producers, farmers, and tradesmen an equal chance with bankers, incorporated manufactures, and subsidized railroads. They demand no more; they will be content with no less.

Mr. MARSH. Mr. Chairman, in the short space of time to which I am limited in this debate I shall endeavor to confine myself to the one single question that has already been settled by the committee and will come before the House for its vote, and that is the question as to the extent and size of the effective force of enlisted men in the Army. I am one of those upon this floor who are opposed to any reduction in the effective force of the Army as it is now provided for by law. And, Mr. Chairman, it is a little curious in listening to the discussion that has taken place upon this floor to find that the opposition to a reduction of the Army comes from those sections of the country where the Army is most needed. From those sections a unanimous voice is raised against its reduction. Go to the Territories of the West, go to those regions of the country which are annually and monthly threatened with incursions from Indians, and the unanimous voice of the people there is against a reduction of the Army.

Mr. Chairman, there is another feature in this debate to which I desire to call attention and it is this: the gentleman who reports this bill and who has charge of it upon this floor proposes to make a reduction of five thousand of the enlisted forces of the Army and to make that reduction from those branches of the service which are alone employed in defending the borders of our country from the incursions of the Indians. I have the highest respect for that gentleman, both for his ability, his patriotism, and for his industry, but he represents

what? He represents the Atlantic border coast of this country. He represents that portion of this country where the only branch of the Army required is the artillery branch. Has he made any attack upon that branch of the service? Does he propose to reduce the artillery branch of the Army one solitary man? Oh, no. New York City needs the artillery to protect the great harbor of the city which the gentleman in part represents. It is not defended by infantry or cavalry, but by artillery, and he leaves the artillery branch of the service at its full maximum as now provided for by law. This reduction of five thousand men is a reduction in the infantry and cavalry branches of the Army which are needed for the protection of the frontier and for opening to development our western territory.

Mr. Chairman, there is a common remark made by our friends upon the other side of the House, and they make it because there is a cry from the western country for protection at the hands of the Army—there is a common cry that they are willing to give the Territories all the soldiers they need to protect them from Indian incursions. Why do they strike in this bill only at that branch of the Army that does afford protection to the people of the borders? And why do they retain in full force that branch of the Army which gives protection to the Atlantic seaboard?

[Here the hammer fell.]

Mr. NEAL. Mr. Chairman, a good deal of misapprehension exists in regard to the expensiveness of the Indian service. Efforts are being made by parties who are more interested in themselves than they are in the public welfare to convince the public mind that a very great saving would be had if that service were transferred to the War Department. The gentleman from Kentucky, [Mr. BOONE,] in the discussion of this bill, presented some considerations on this subject which, in my opinion, are not warranted by the facts; and I think in the few minutes that I am allowed I may be able to convince the gentleman himself that this is the case.

It must be borne in mind that since 1851 the Indian population has increased 137,234, more than double what they then were. The expense of the management might well be proportionately larger, and yet, notwithstanding that fact, it is nevertheless true that the expenses of the Indian Bureau have only increased from $147,033.40 in 1851 to $176,809.10 in 1877, and were actually $195,550.68 in 1855. The gentleman states the expense of the Indian service at $602,907, most of which he says could be saved if a transfer were made of the Indian Bureau from the Interior Department to the War Department. Now, sir, what are the actual facts in this respect? The pay of superintendents and agents is $84,233.44, special agents $6,054.24, interpreters $30,639.26, clerks $3,405.84, inspectors $10,258.24, and incidental expenses $20,026.17; making a total of $176,806.10.

Now, whether the Indian Bureau remains with the Interior Department or is transferred to the War Department, we must continue the following employés in the service, by virtue of our treaty stipulations and because the well-being of the Indian and the future peace and prosperity of this country demand it: 41 physicians, 64 farmers, 78 teachers, 19 matrons, 14 cooks, 6 laundresses in boarding-schools, 42 carpenters, 19 millers, 9 sawyers, 11 engineers, 54 blacksmiths, 7 storekeepers, 37 herders, 14 teamsters, 3 butchers, 1 tinsmith, 1 gunsmith, 1 detective, 8 policemen, 3 watchmen, 158 laborers, and 60 interpreters.

Then again the pay of the regular employés is $316,452.94 and the pay of temporary employés is $21,104.22, making a total of $338,016.16, and this amount must be taken out of the $600,000 which the gentleman from Kentucky says can be saved.

The only possible saving would be simply the salaries of superintendents and agents as aforesaid, $84,233.44, supposing that no additional employés are necessary, for most if not all of the four hundred and sixty-eight employés of the service are provided for in treaties made with the different tribes of Indians; and unless we intend to wantonly violate our treaties, we must continue to furnish them. Although the War Department may have the management of the Indians in the future, Army officers could not fill these various places, and persons in civil life would of necessity be employed.

In the published remarks of the gentleman from Kentucky [Mr. BOONE] there is set forth a letter from Captain Nash, commissary of subsistence. Captain Nash states in that letter that he inspected eight hundred thousand pounds of flour according to sample furnished him, and fully equal to the sample, and that it was not such flour as should have been furnished to the Indians. How was this flour purchased? A board of Indian commissioners, composed of as upright, as pure, as honest, and as capable men as this country affords, together with the Commissioner of Indian Affairs, make the necessary contracts. The flour is purchased by sample furnished by bidders. After the purchase is made, these samples are divided into four parts; one is sent to the Army officer who is assigned to inspect, another is sent to the Indian agent, another is retained in the Interior Department, and the fourth is given to the contractor. I have here in my hand a sample of the flour which the Commissioner of Indian Affairs says was furnished to Captain Nash and he was required to reject all flour not in every respect equal to the sample. I have submitted this sample to two competent men in this city, one of whom consumes large quantities of flour in his business (baking) and the other is an extensive dealer in that article.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK, of Iowa. If the gentleman from Ohio [Mr. NEAL] will withdraw the amendment I will renew it and yield my time to him.

Mr. NEAL. I will do so.

Mr. CLARK, of Iowa. I renew the amendment and yield to the gentleman.

Mr. NEAL. I thank the gentleman from Iowa. And they say that the sample of flour which I hold in my hand is equal to the flour which nine-tenths of the people of this country use. I am informed that this sample was sent to Captain Nash, and if so, and he received it and did his duty faithfully and conscientiously, the Indians had as good flour as our people generally have, and far better than the laboring class have had for a few years past. Where the fault is, if fault there was, I shall not undertake to determine. It may have been the case that the sample was changed before it fell into Captain Nash's hands. It is to be regretted that Captain Nash and all other inspectors appointed by the War Department do not promptly report such derelictions of duty to the Commissioner of Indian Affairs that he might be able to remedy the evil and punish the wrong-doer.

Again, the gentleman from Kentucky [Mr. BOONE] admits that the Indian Bureau makes purchases for a less sum than the War Department, but claims this is of small importance. Is it? Let us see. Last year the Indian Bureau purchased twenty million pounds of beef and seven million pounds of flour. The average difference in the prices paid by the Indian Bureau and that paid by the War Department was $2.92 per hundred pounds for the beef, and fifty-three cents per hundred pounds for the flour, in favor of the Indian Bureau. The sum of the difference on these two items alone in 1877 is $621,000, and this amount is saved by virtue of the purchases being made by competent civilians and not by Army officers.

I shall not undertake to determine where the fault was in this instance. I shall leave the controversy to be determined by Captain Nash and the commissioners. One thing is certain, that the persons who had charge of the purchasing did their duty in the premises; and I trust the matter will not be permitted to rest until it is ascertained at whose door the wrong-doing lies. Very possibly the sample was changed before it came to Captain Nash's hands.

Mr. CORLETT. Allow me to say to the gentleman that that is the way very often that it is done.

Mr. NEAL. That may be; if so, then it is the fault of the Post-Office Department or of the messengers employed to make the transfer.

Again, in regard to the question of beef. Anybody who has been among the Indians knows that these supplies are generally of sufficiently good quality. The beeves are not ordinarily required to be as heavy by the Indian Bureau as probably the War Department requires. Texas cattle, which are generally purchased for the Indians, are not generally as heavy as northern cattle, and therefore the standard weight required by the Indian Bureau is eight hundred and fifty pounds, while for Sonora cattle, which are naturally smaller and lighter, only six hundred and fifty pounds are required.

I intend, if opportunity presents itself, to make some remarks, supplemented by abundant facts, which will satisfy every candid man, I firmly believe, that it would not only be exceedingly detrimental to the best interests of the Indians but would add vastly to the expense of the administration of that service if the proposed transfer of the Indian service to the War Department is authorized by the action of this Congress.

One other consideration. In 1820 there were annuities paid to the Indians amounting to $152,575; in 1851 the annuities amounted to $868,883, and in 1877 they amounted to $2,843,763.98. Thus it will be seen that by virtue of treaty stipulations the annuities to the Indians have been increased to an amount exceeding $2,000,000 a year, which must be paid to them. This is charged as part of the expense of the administration of the Indian Bureau, although it is simply paying our honest debts, paying the Indians for the land which they held by virtue of possession running back for centuries, and it is a very small and inadequate consideration on our part.

Mr. CRITTENDEN. I regret exceedingly, Mr. Chairman, that we have discussed upon this floor and have announced here so often the necessity for a large standing army in this country. It is a sure sign that we are taking steps rapidly toward a point against which our forefathers warned us. It would be infinitely better for us, in this the hundredth year of our national existence, if we could abolish the Army altogether and depend upon a system of volunteers or militiamen to accomplish the work, to a large extent, which we have assigned to the Army and daily call upon the Army to perform.

It has now become an unfortunate habit, whenever trouble of any character appears in this country, either in a county or in a State, or trouble of a national character, to rush to the General Government and seek the aid of the Army to extricate us from that trouble. It would be much better for us as a people if we could get rid of that habit altogether. In doing so we would become a more independent and self-sustaining people. Teach a people to depend upon themselves, upon their own State legal forces, and we will have a more stable and conservative government.

A few days ago we heard here in this House an eloquent speech from the gentleman from Ohio, [Mr. GARFIELD,] in which he attacked the idea of Lord Macaulay's distrust of our form of civil government. I will say that it was a speech of great power on that side of the question. It was a speech that touched the popular heart in this Congress, as it was to a great extent a brave argument in favor of our own form of government, and of the opportunity here presented for every one to work himself up from the substratum of society to the most

elevated position in this Government, if possessed of ability, energy, and honesty. That idea has not had a more distinguished or marked illustration than in the gentleman himself, who, if I understand his history, has by his own unquestioned ability and indomitable energy worked up from a humble position until he occupies one of great eminence as a leading man in his own party and in the country. Such an example is worthy of imitation and should encourage all to struggle for such supremacy; but this is a land of self-made men; no born lords and rulers here; no *via sacra* to any special class.

But, sir, what is the vice of the gentleman's argument? From what he terms the result of the educational forces it would naturally follow that this Government would be a self-sustaining Government, that our people would be a self-sustaining people, always able to protect themselves against "communism" or any disorderly element that might undertake to create disturbance. But in the next breath he says we need a standing Army; for what? If our people are able to take care of themselves, as he indicates, for what do we need this Army? It is for the purpose of keeping down this very element which he says would be kept down by the educational forces.

I agree with the gentleman as to the importance and value of education. I go as far as any man in this Congress in advocating the necessity of education. I would extend that benefit to all. It is a blessing to all and should be enjoyed by all. If, in the language of the gentleman from Ohio, these educational forces will give us a self-perpetuating Government, stable and permanent, then it appears to me that standing armies should not be made a factor in the existence of that Government—should rather be considered anti-republican. The moment we concede that our Government has to be preserved and perpetuated by a standing Army, then Macaulay becomes a true prophet, and the "educational forces fail to accomplish their promised" good.

Let us see how this Army of ours has grown upon us from 1789 to the present time. In 1789 our Army numbered 840, costing $137,000. At the present time it is about 22,000, costing us the immense sum of $25,000,000.

[Here the hammer fell.]

Mr. MAYHAM obtained the floor, and yielded his time to Mr. CRITTENDEN.

Mr. CRITTENDEN. I thank the gentleman from New York for his courtesy.

In order that the people may better know how the Army has grown in this country, I call attention to the following table:

[From the Annals of Congress.]

1789.—The Army of the United States consisted of 840 men; cost $137,000.
1790.—The Army was increased to 1,216 men, &c.
1791.—One regiment was added, 912 men, &c; cost $1,171,719.
1794.—One regiment of artillerists and engineers was added, 992 men, &c.
1794.—Total army, 3,120 men, &c.
1795.—All former acts repealed and an act passed to increase the Army to 5,793 of all arms.
1796.—An act reorganized the Army so that it consisted of 3,629 men of all arms.
1798.—An act added 744 men, &c., making total strength 4,364 men, &c.
1800.—An act authorizing the President to reduce the Army.
The above was the authorized strength of the Army at the period stated.

[From the American State Papers.]

Page 48.—From 1802 to 1808, inclusive, the average strength of the Army was 2,726 men and non-commissioned officers.
The average cost of the Army for the same period was $798,194.98.
The cost per man, including officers, was $292.80½.
Page 46.—Average strength of the Army, including officers, non-commissioned officers, musicians, and privates, during the three years 1809, 1810, and 1811 was 6,000.
Average cost of the Army for the same period was $2,301,621.48.
Annual expense per man, including officers, was $383.60.

[From Reports of the Secretary of War.]

1844.—Strength of the Army, 8,573; cost, ——— ———.
1859.—Strength of the Army available, 11,000; cost, $13,098,725.
1877.—Strength of the Army, 25,000; cost, $31,597,270.68.
1877.—Annual cost per man, including officers, $1,263.80.

It seems to me that these figures are sufficient to show us that we ought to get rid of this tremendous expense and lift it from the shoulders of the people.

Look at the annual expenditure for the Army. It is useful to compare the expenditures of the War Department, as set forth in the last report of the Treasury, for the ten years of peace immediately preceding the rebellion and the ten years of peace since its close, allowing a margin of two fiscal years after the surrender at Appomattox for a starting point. The figures are instructive and astounding. Here they are in the official form:

1852	$8,521,506 19	1868	$123,246,618 62
1853	9,910,498 49	1869	78,501,900 61
1854	11,722,282 87	1870	57,655,675 40
1855	14,648,074 27	1871	35,799,991 82
1856	16,963,160 31	1872	35,372,157 20
1857	19,159,150 87	1873	46,323,138 31
1858	25,679,121 63	1874	42,318,927 22
1859	23,154,720 53	1875	41,120,645 98
1860	16,472,202 72	1876	38,070,888 64
1861	23,001,530 67	1877	37,082,735 90
	169,232,248 55		535,487,709 70
Deduct ten years of peace to 1861			169,232,248 55
Excess in the last ten years			366,255,551 15

These figures prove that it has cost one-fourth of the national debt to keep up the Army during the last ten years of peace and more than three times as much as during the ten years preceding the civil war. What is there to show for this enormous outlay? Where has the money gone and what was it expended for? The time has at last come when this extravagance must stop and the system which breeds it must be cut up by the roots. The Army ought to be reduced to ten thousand men.

In the minds of some gentlemen there are two classes upon which the Army is to be used: the Indians and the commune element or working classes of our land; the latter as much as the former. I am for defending our western frontiersmen as much as any one on this floor. They should be protected as they bear westward our flag and our civilization. We must distinguish between the commune element and the laboring classes. There is a wide distinction between them, as wide as between any other classes in society. The former hold that property that is "social in its nature and use" instead of becoming personal in its ownership should be held in common by all mankind, the honest and industrious man to have no greater interest in it than the dishonest and shiftless vagabond. The former are turbulent members of society, with no restraints over their greed or passions but their own wild ideas of right and justice. The latter are an honest and industrious class, always ready to earn a living by the sweat of the brow, observing at all times a proper distinction between right and wrong, morality and immorality, and having a due regard for existing society and the law by which it is governed.

Of course there are some men among them who are riotous, disorderly, and communistic, and have at times brought a deep reproach upon their orders. The laboring class as a class should not be held responsible for those exceptions. Against the commune element, unbound by law, unrestrained by any kind of religion, prompted by no higher idea than to seize power by force, I am uncompromisingly opposed. Their success is the destruction of liberty, destruction of our form of Government, destruction of the sacredness of our homes, our rites and forms of religion, of the rights and privileges of society and property; and every man in our land who loves his country, whether rich or poor, bond or free, who believes that our Constitution is our chart and our laws are our guides, should resist the approaches and aggressions of such a body with all of the force of the law and the forces resulting therefrom. The laboring element want work, want reasonable wages, want the protection of the law. There is no necessity to increase the Army to repress those wants. Give that class work and you give it bread, and in giving it bread you have valuable members of society. I am astonished to hear gentlemen on this floor say that an increased Army is necessary to suppress such lawlessness as was seen in this country last summer.

If you are right in those fears, then was Lord Macaulay right in his views of the weakness of our form of Government? A standing army should never be a police force in this land. If you will have it to so act, then, with the light of history before me, I say in all earnestness, the life of your free Government is about extinguished. The pretorian guards are hard by and will soon sell your Presidency, your Senate, your Congress, to the highest bidder. Anarchy is always in the rear of arms and ready to seize the power. Ten thousand men are enough for our Army—enough to guard our frontiers on the West and our Rio Grande border. With honest dealing toward the Indians, they would soon become peaceable and quiet. They are almost an extinguished race, and in the name of justice let them no longer be driven to war by such hunger and nakedness as described by General Pope in a recent speech made at Cincinnati. Said he:

> The physical condition of the Indian is as bad if not worse to-day than I have ever known it. It is a fact so notorious as to require only the statement of it that the reservation Indians are insufficiently fed at all times, and that for considerable periods during each year they are in a condition of want and suffering revolting to humanity. It is also true that in many cases the articles of food to be daily issued to them are specified in detail in the treaties, but only in part are furnished, and at times not furnished at all. In short, it is the fact that thousands of Indians placed on reservations by the actual use of superior force are slowly starving.

If a few of those dishonest agents were dealt with as Napoleon did with some quartermasters, peace would reign along our whole frontier. Then there would be no necessity for such an eloquent appeal for a larger Army as we have had here to-day from the accomplished Delegate from Montana, [Mr. MAGINNIS.] Their frontiersmen would then be able to protect themselves with their brave arms and buoyant hearts. Sir, I greatly admire such spirits. Those forerunners of liberty, society, and law are bold, self-reliant, and independent, and under no circumstances would I place them under the tutelage of an army.

I am asked how I would suppress another such a mob as was had in this country last summer. Deal justly in the first place between man and man, and we will never have another. If it should come let the States, the counties, the cities, the towns suppress it—our own militia and constabulary forces, even if it takes the last man, the last child. It was so done in Missouri, it was so done in Ohio, it was so done in Illinois, it was so done in Kentucky; only a few alarmed governors acted otherwise by appealing to the Government for troops. Organize the militia in all the States and such appeals will never be heard again, and we will no longer have calls for large standing armies. They should be considered the military arm of this Government. A standing army is an evil. Mr. Madison said:

> A standing army is one of the greatest mischiefs that can possibly happen. * * * The Constitution does not say a standing army shall be called out to execute the laws. * * * The militia ought to be called out to suppress smugglers. Will this be denied? * * * If riot should happen the militia are proper to quell it, to prevent resort to another mode. (2 Elliott, 287.)

And in these words of Mr. Alexander Hamilton, the aristocrat and centralizationist of the Constitution:

It is said standing armies are not provided against in the Constitution, and hence it is inferred they would exist under it. This inference, from the very form of the proposition, is at best but uncertain and problematic. * * * The attention of the Government ought particularly to be directed to the formation of a select corps of militia of moderate size, upon such principles as would fit it for service in time of need. This, it appears to me, is the only possible substitute for a standing army and the best possible security against it if it should exist.—*Federalist.*

As late as the Congress of 1809, John Randolph expressed the same dread of a standing army in these words:

I believe that they (the people of the United States) are not content and never would be content to see a standing army, fully equipped, armed, and disciplined, while the militia, our defense against internal as well as external enemies, remained unarmed and defenseless * * * The people who will consent to remain unarmed while arms are put in the hands of a standing army, governed by martial law, are ripe for a master.

In the Congress of 1810 Mr. Potter, of Rhode Island, expressed like apprehension. Speaking of the militia, he said:

If this shall not be found to answer the expectation of military men, and we shall hereafter have a President of more military habits, the next change would be a large standing army. And this is the way republicanism usually slides into despotism.

Let us take warning by the counsel of such men and avoid an expensive standing army in times of peace.

[Here the hammer fell.]

Mr. PHILLIPS. Mr. Chairman, in all that I have said upon this bill I have been animated by but one purpose: to maintain the regular Army at its present standard for the protection of our frontier. I think there was really no necessity for raising the question of using the Army for other purposes, whether these purposes were predicated on the necessity of using the Army in States recently in rebellion and still in unsettled condition or to meet requisitions from governors, under the Constitution, to preserve peace and order in any State on account of riot or turbulence. In this contest we propose to provide no new force for such a purpose. We have not had and it is impossible we should have, with the regular Army at its present standard, a large spare force for any such purposes, whether these purposes were proper or not.

Sir, whenever in the past an Indian war has broken out we have not had men enough to subdue it promptly and economically as we ought to have been able to subdue it. Insignificant difficulties with Indians have grown into great expensive wars while we were waiting to gather troops from many distant posts. Settlers have been fearfully exposed meanwhile. Every Indian war has been protracted for years though it might have been ended in a few months. In this system of false economy we have wasted many hundreds and thousands of lives, many millions of dollars. I say, therefore, there is sufficient reason why we should maintain the Army at its present standard. That is the only question that need to have entered into this discussion. To man the forts on our seaboard, to guard the posts and forts on the three thousand miles of northern frontier, to protect the turbulent Mexican frontiers of fifteen hundred miles, and keep in check several hundred thousand of fierce, warlike savages, roaming over the interior, needed every man and every musket. The questions as to maintaining the integrity and perpetuity of the Union, the civil rights of all our citizens, and the preservation of the order and tranquillity of the country, are legitimate questions in their own place and time.

But, Mr. Chairman, during the course of this debate much has been said as to the use of the Army in the States by the republican party which has been in charge of the Government for the past fifteen years. We have barely closed a civil war unparalleled in all history. The Republic rescued from its peril has been in the hands of the gallant republican party that saved it, and because that republican party endeavored to secure the results of that war by the employment of a small number of men in those States lately in rebellion and still full of murder and turbulence, it has been held on this floor that our party has transcended constitutional limits and invaded rights and powers sacred to the Constitution and that their acts are subversive of the principles of the Government. Sir, I heard the late President say that under his administration he never sent troops to South Carolina and Louisiana, except when they were called for by the governors of those States in accordance with the Constitution of the United States, and that he did not think they had ever been used but when they were needed for public peace and for the preservation of law and the guaranteed rights of citizens. The charge that the republican party has exceeded the just powers of government confided to them, or that they ever for a moment wished to weaken or undermine the Republic they had just preserved is a charge as preposterous as it is false.

I wish before I close to have one paper read at the Clerk's desk. During the administration of Mr. Buchanan there was some disturbance in Virginia. A brave, historic man of my State, John Brown of Osawatomie, invaded Virginia about the time. Of the circumstance or the causes that led to it, I have nothing to say at present. History will faithfully record and justly estimate it; but the paper I will send to the Clerk's desk to be read is an extract from the official report of Colonel Robert E. Lee, then of the regular Army, afterward a commanding general of the rebel army. Without a single requisition by the governor of any State, but merely on a simple rumor, troops of the United States from the United States post at Harper's Ferry, which he then commanded, invaded the State of Maryland. I ask that the paper be read.

The Clerk read as follows:

HARPER'S FERRY, *October* 19, 1859.

Colonel S. COOPER,
Adjutant General United States Army, Washington City, D. C.:

* * * * * * *

About nine o'clock this evening I received a report from Mr. Moore, from Pleasant Valley, Maryland, that a body of men had about sunset descended from the mountains, attacked the house of Mr. Gennett, and from the cries of murder and the screams of the women and children, he believed the residents of the valley were being massacred.

* * * * * * *

The report was, however, so improbable that I could give no credence to it, yet I thought it possible that some atrocity might have been committed, and I started with twenty-five marines under Lieutenant Green, commanded by Lieutenant Stewart, for the scene of the alleged outrage, about four and a half miles distant. I was happy to find it a false alarm. The inhabitants of Pleasant Valley were quiet and unharmed, and Mr. Gennett and his family safe and asleep.

* * * * * * *

R. E. LEE, *Colonel Commanding.*

Mr. PHILLIPS. I have no comment to make as to its necessity, no criticism as to the act, but I wish simply to state that during the last democratic administration Colonel Lee carried United States troops on mere rumor into a neighboring State. He who went into rebellion against the Government that educated him as a soldier, because he was a stickler for State rights, did not deem this an invasion of State rights. The democratic administration of Buchanan did not deem it an invasion of State rights. It was reserved for the democratic party, a party which as such sympathized to some extent with rebellion, to criticise as an invasion of State rights the just and discreet steps to preserve the Union and maintain the peace.

[Here the hammer fell.]

Mr. HASKELL. Mr. Chairman, I have heard on this floor to-day, in answer to the eloquent and fair statement of the Delegate from Montana, [Mr. MAGINNIS,] such an unfair reply, such an outrageous charge, that I deem it my duty, standing here as I do a member of this House with twenty-five years of border experience in my life, to say just one word or two on the subject of the necessity of more troops for the suppression and prevention of Indian hostilities upon our frontier. It was stated by the honorable gentleman from Illinois [Mr. SPARKS] that all these Territories wanted troops because the location of troops there would sell their farm products—their butter and their eggs, I suppose. Here is the authoritative declaration of the governor of Kansas, under date of October 20, 1877, and that State comes here and through one of its members presents a bill to this House for its consideration appropriating half a million dollars for expenses incurred in the protection of that State from the incursions of Indians. I want the Clerk to read that portion which I have marked, to show you what my own State has passed through in an Indian war which only closed in 1870.

When that is read I desire to read from the general statutes a few items of appropriations of money which this Government was forced to pay simply because there were not troops enough on our frontier for its protection. And there never will be troops enough until, irrespective of party, Congress shall pay attention to the needs of the frontier and supply a standing Army of sufficient size to insure adequate protection.

The Clerk read as follows:

During the entire summer and fall and until the approach of winter the Indians continued in open hostility against the settlements and in defiance of United States authority.

But for the aid of the Kansas battalion still other atrocities would have followed, still other houses been burned, growing crops destroyed, and property carried off until desolation and hunger had driven the last surviving settler from his home along the entire border.

This ever-memorable series of Indian wars in Kansas, covering a period of six years, was brought to a close in 1870, the State suffering only from roving bands during that summer; and in November of that year, with hands yet red with the blood and belts hanging full with the scalps of defenseless citizens, the hostile Indians returned to their respective agencies to ask of the Government more bread, new blankets, and better arms.

During this protracted and unequal contest more than a thousand patriotic good citizens of the State were killed by Indians, and the loss of property to individual settlers by theft and destruction aggregated more than a million of dollars.

The history of this eventful and disastrous period, as made up of official records, shows beyond dispute or cavil that the enemy held in check at the cost of the State, and by the valor and sacrifice of its citizens, was the enemy of the United States, an enemy from whose ravages it was the duty of the General Government to protect the State.

Mr. HASKELL. Now, Mr. Chairman, I have here the general statutes of the United States, to which I wish particulary to call attention. Here is an appropriation of $18,000 to the State of Iowa for repelling an Indian invasion. I turn over a few pages and on March 3, 1863, an appropriation of $250,000 was made for repelling an Indian invasion in the State of Minnesota. Here a few pages further on is an appropriation of $125,000 to the State of Minnesota for repelling an Indian invasion. Here again is an appropriation of $900,000 given for repelling Indian invasions in the State of Minnesota.

The CHAIRMAN. The gentleman's time has expired.

Mr. HASKELL. Now just one word more in reply to the honorable gentleman from Virginia in the unjust and invidious attack he made on the volunteer soldiers of the Union Army. Does the honorable gentleman from Virginia forget from his side there came to the town of Lawrence in the State of Kansas a confederate colonel at the head of eight hundred of his ragamuffins, picked up from the borders, and burnt and pillaged that town and slaughtered eighty of its defenseless inhabitants? That man's name was Quantrell, carrying

a confederate commission in his pocket. Therefore it ill becomes the honorable gentleman from Virginia to charge the Union troops with atrocities always perpetrated in times of war.

The CHAIRMAN. The gentleman's time has expired.

Mr. EDEN. I call the gentleman to order, as he is speaking in violation of the rules.

Mr. PRIDEMORE. I rise to a question of privilege.

The CHAIRMAN. No gentleman will be recognized until order is restored.

Mr. PRIDEMORE. I rise to state——

The CHAIRMAN. The Chair will hear no gentleman until order is restored. [After a pause during which the committee came to order.] The gentleman from Kansas was not in order in continuing his remarks, the Chair having called him to order.

Mr. HASKELL. I do not care to say anything further.

The CHAIRMAN. The gentleman from Virginia [Mr. PRIDEMORE] is recognized.

Mr. PRIDEMORE. I rise to refer to and repel the covert attack which has been made on the southern soldiers, and to say that the statement of the gentleman who has just taken his seat, and whom I do not have the honor to know, in alleging that I made an attack on the Union Army is entirely gratuitous.

So far as my remarks when I formerly addressed the committee are concerned they did not contain one word in reference to the volunteers. I did not even mention the volunteer Army. So far as I had occasion to say anything of the conduct of the Union Army in the South, I said that they deserved great credit as compared with the bomb-proofs and the others who followed them. And I desire to say further, now that the war is ended, I have no regrets for the past; but I stand up now and here and declare that I am as ready to defend this Government as I was the government which I formerly served; and I will say that I believe now as I believed then, so help me God! I had the constitutional right to defend the principles I advocated.

The CHAIRMAN rapped to order.

Mr. PRIDEMORE continued to make some remarks which were rendered inaudible by the rapping of the gavel.

Mr. WHITE, of Pennsylvania. The gentleman was not in order in proceeding when the Chair called him to order.

The CHAIRMAN. The Chair cannot prevent a gentleman continuing to speak out of order.

Mr. ATKINS. The gentleman from Virginia did not say anything that the gentlemen over there need be troubled about.

The *pro forma* amendment was withdrawn.

Mr. HEWITT, of New York. It seems to be unprofitable labor to be fighting the lost cause over again. I ask unanimous consent to go back to line 35 and to offer an amendment to make the amount conform to the requirements of a bill based on a force of twenty-five thousand men.

The CHAIRMAN. Is there objection to going back to line 35, that the gentleman from New York may offer his amendment?

There was no objection.

Mr. HEWITT, of New York. I offer the following amendment:

In line 35 strike out "$8,390,000" and insert "$9,090,000;" so that it will read:

Pay department:

For pay of the commissioned and non-commissioned officers, privates, (including those employed as Indian scouts,) storekeepers, musicians, and veterinary surgeons, artificers, farriers, and saddlers, except as hereinafter enumerated, $9,090,000.

Mr. EDEN. Reserving the right to a vote on the amendment in the House.

Mr. HEWITT, of New York. Yes; reserving the right to a vote on the amendment in the House after a vote has been taken on the amendment, making the force twenty-five thousand.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

For extra-duty pay to enlisted men, $30,000.

Mr. MARSH. I move to strike out the last word.

I desire now to resume my remarks upon the subject of the reduction of the enlisted force of the Army. It has been claimed here and it has been admitted by gentlemen on the other side that you should have an army sufficient for all practical purposes, for all the purposes for which this country needs one. It is a common expression for them to say, we believe twenty thousand men are enough; or, we believe that fifteen thousand men are enough. Others say, we believe that ten thousand men are enough. And all concur in the opinion that twenty-five thousand men are too many.

Now, Mr. Chairman, let us look at this matter in a reasonable light, in a business sort of way. I am ready, for the sake of argument, to take these gentlemen at their word when they say they are willing to have an army sufficient for all the purposes this country requires an army for. On what do they base their opinions that twenty thousand men are sufficient and twenty-five thousand men are too many? They cannot point to a solitary scintilla of testimony in all the evidence that has been given by the prominent military men in this country before the Committee on Military Affairs that justifies the reduction from twenty-five thousand to twenty thousand. Sir, fifty to seventy-five of these officers have been questioned on this subject and it is the unanimous testimony of them all that the necessities of the Army and the duties they have to perform absolutely require a force of twenty-five thousand enlisted men.

Now, are you going to pit your judgment against the judgment of these men? Who is there upon this floor that is capable of determining that question, unless we give weight to the opinion of men who are familiar with the duties of the Army and who are supposed to know the necessities of the service in which they are engaged?

The question has been asked on this floor several times, where is it that additional troops are needed? I call the attention of gentlemen to the testimony of General Gibbon, a very excellent officer in the regular Army and an officer who has been frequently and approvingly quoted by gentlemen on the other side. What does he state in his testimony? He is in command of the Department of Montana. I have not the time to read all his testimony, which gentlemen will find on page 272 of the evidence taken before the Military Committee. I will merely state its substance. General Gibbon says that he has about four hundred men in his department that he can muster for war. He says that this spring he expected to be obliged to take the field, and that that was the total number of the men he could muster for war. He tells you that there were confronting him on the northern frontier of Montana, across the border of British America, about four thousand or five thousand Sioux; and he tells you that the necessities of his department required two thousand men, an additional number of fifteen hundred or sixteen hundred over the number now under his command.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I wish to say a word in reply to my colleague, [Mr. MARSH,] and for that purpose I renew the amendment. I merely desire to answer one remark made by him. I understood him to say that no Army officer is of the opinion that the Army can be safely reduced below twenty-five thousand men. I am acquainted with two distinguished generals, not now in active service, one of whom is a graduate of West Point and the other I think is, and they both, one in writing and the other, time and again, verbally, have asserted to me that ten thousand men properly handled would be sufficient force for the legitimate purposes of the Army at this day, and would be amply sufficient to protect the Indian and Mexican frontiers, and do all the duty that the Army ought to be required to do.

Mr. MARSH. I will simply say to my colleague that a great many gentlemen to my knowledge, who are ex-Army officers, think that a force of ten thousand men would be sufficient.

Mr. TOWNSHEND, of Illinois. These gentlemen are two of the most distinguished officers furnished by Illinois in the late war. They left the service of their own motion. As I have already said, I have the opinion of one of them in writing, and he has had sufficient experience to know whereof he writes. He says that an army of ten thousand men properly placed and managed could perform all the military service that this country needs at this time.

I withdraw the amendment.

The Clerk resumed the reading of the bill and read as follows:

Subsistence Department:

For subsistence of 20,000 enlisted men, 120 additional half rations for sergeants and corporals of ordnance, 980 women to companies (laundresses), 1,875 civilian employés, 125 contract surgeons, 200 hospital matrons, 110 military convicts, and 500 prisoners of war, (Indians); in all 8,705,250 rations, at twenty-two cents each; for difference between cost of rations and commutation thereof for detailed men, and for enlisted men and recruits at recruiting stations, and for cost of hot coffee and cooked rations for troops traveling on cars; for subsistence stores for Indians visiting military posts, and Indians employed without pay as scouts, guides, and so forth, $2 215,000, less $300,000, heretofore appropriated, leaving a net appropriation under this act of $1,915,000.

Mr. HEWITT, of New York. In lines 96 and 97, I move to strike out the words "eight million seven hundred and five thousand two hundred and fifty rations," and insert in lieu thereof "ten million three hundred and forty-seven thousand seven hundred and fifty rations."

Mr. SPARKS. Does that increase the amount?

Mr. HEWITT, of New York. It does increase the amount, but we need rations for the forty-five hundred men added to the Army by the amendment to the first section of the bill. I reserve the right of course to ask for a separate vote in the House upon all these amendments if it should become necessary by the refusal of the House to agree to the amendment to the first section of the bill.

Mr. SPARKS. Will the gentleman state what the aggregate increase of appropriation would be under these amendments?

Mr. HEWITT, of New York. The aggregate increase on the two items of subsistence and pay would amount to $1,060,000. There may also be additions to be made for incidental expenses in the Quartermaster-General's Department. I am not quite clear whether it would be necessary to move any amendments in that Department, but I will ascertain that, and I shall reserve a vote in the House upon all these amendments.

The question was taken, and the amendment was agreed to.

Mr. HEWITT, of New York. I move now to amend in lines 103 and 104 by striking out the words "two million two hundred and fifteen thousand dollars," and inserting in lieu thereof "two million two hundred and seventy-five thousand dollars."

The amendment was agreed to.

Mr. HEWITT, of New York. I desire to make a formal amendment. In line 89, where it reads "for subsistence of twenty thousand enlisted men," I move to strike out "twenty thousand" and insert "twenty-five thousand," so as to make it conform to the amendment already agreed to.

Mr. PATTERSON, of New York. Will the gentleman inform me what the words "and so forth" mean in line 103 where it reads "for subsistence stores for Indians visiting military posts, and Indians employed without pay as scouts, guides, and so forth."

Mr. HEWITT, of New York. I wish to say to my colleague that I think the words "and so forth" must mean the debate which we have had here to-day.

Mr. PATTERSON, of New York. I think it is hardly necessary to have that in the bill.

Mr. HEWITT, of New York. To be serious, I was informed by the Subsistence department that besides the pay of Indian scouts and guides there were occasionally instances in which it was necessary to use subsistence and they are some of the hardest cases that I know of in the history of our military operations. I am told that at the military posts the Indians come in in an absolutely starving condition. They have been defrauded by the Indian agents and the choice is whether they shall die of starvation in the presence of our officers and our Army, or whether they shall be relieved by such temporary assistance as can be given them from the surplus of subsistence supplies.

Mr. PATTERSON, of New York. If this is to feed the Indians, just say so, if that is what it means. I recollect on one occasion, in the Legislature of the State of New York, where we had a report made from a certain officer of that State, in which there was an item something like this: "A. J. Hepburn, pork, and so forth." And when we came to dig into the matter we found that the "and so forth" meant a horse at $150 and one hundred and ninety-five bushels of oats to feed him on. [Laughter.] That was the "and so forth."

Now, let us have a straightforward provision here. If you mean to feed the Indians, let us say "to feed the Indians." I move to strike out those words, "and so forth." If the gentleman wants to have an appropriation to feed the Indians let him put it in there, and say wheat and corn for the Indians, and anything but whisky. [Laughter.]

Mr. HEWITT, of New York. I must decline to accept that amendment for this reason, that the amount of the appropriation is calculated at the number of rations at twenty-two cents per head. These words "and so forth" do not increase the amount of money appropriated by the bill. The calculation is made on the number of rations; but to strike out those words would take away authority from the subsistence offices to allow a portion of the rations saved from the Army proper to be used for such purposes as I have named.

The question was put on the amendment of Mr. PATTERSON, of New York, and it was not agreed to.

The Clerk resumed the reading of the bill and concluded the reading of the first section.

The CHAIRMAN. The hour of half past four o'clock having arrived, and that being the time fixed by the House at which it would take a recess, the committee will rise without further order and the Speaker *pro tempore* will resume the chair.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the State of the Union had had under consideration the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

The SPEAKER *pro tempore*. The hour of half past four o'clock having arrived, by previous order of the House the House now takes a recess until half past seven o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

DANIEL KANE.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 4957) granting relief to Daniel Kane, late a fireman in the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE TO PRINT.

Mr. LORING. My name is on the Speaker's list of those who desire to be heard on the tariff question. My health is such that it is impossible for me to attend the sessions of the House, and I will soon be obliged to leave this city. I ask consent that I may have printed in the RECORD as a portion of the debates of this House some remarks that I have prepared upon that subject.

There was no objection, and leave was granted accordingly. [See Appendix.]

JOHN F. SUTHERLAND & BROTHER.

Mr. HUNTER. I ask unanimous consent to have taken from the Speaker's table House bill No. 1951, which has been returned from the Senate with an amendment, for the purpose of concurring in that amendment. The bill was originally reported from the Committee of Ways and Means of this House, and I have consulted with the chairman of that committee [Mr. WOOD] and he assures me that the bill is all right.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill, after which the Chair will ask for objections.

The title of the bill was read, as follows:

A bill (H. R. No. 1951) for the relief of John F. Sutherland & Brother, of Parke County, Indiana.

Mr. HUNTER. I will state briefly the object of this bill. The Government has a claim against the firm of John F. Sutherland & Brother. The Committee of Ways and Means of this House reported a basis upon which that claim should be settled. When the bill went to the Senate they changed the basis; that is all. The bill has passed this House twice, and does not take a dollar out of the Treasury. It only fixes a basis of settlement.

Mr. EDEN. What is the claim about?

Mr. HUNTER. These men have been fruit distillers on a very small scale, and there was a small tax deficiency. The Senate amendment provides that whenever they have paid the full tax on all the liquors manufactured by them, that shall be deemed a settlement of the claim against them. The amendment is all right and I move that it be concurred in.

The amendment of the Senate was read as follows:

Strike out all after the word "distillers," in lines 3 and 4 of the bill to the end of the bill, and insert in lieu thereof the following:

By receiving in full discharge thereof the amount of tax due upon the actual number of gallons of proof spirits produced by them, without further claim in the nature of damages, penalty, or other charge.

The amendment of the Senate was concurred in.

Mr. HUNTER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES BOMBONELL.

Mr. EDEN. I ask unanimous consent to submit a report from the Committee on War Claims upon an application for the withdrawal of papers in a case where there was an adverse report. The committee propose to recommend that leave be granted to Charles Bombonell to withdraw the papers in his case. I have here a written report, but I can state the facts in a few words.

The claim in this case was reported upon adversely in the Forty-third Congress, merely for the reason that the claimant was an alien. The committee declined to entertain his application for that reason; the merits of the case were not gone into at all.

Mr. ATKINS. Is there any money in this thing?

Mr. EDEN. Not at all. It is simply a proposition to give the claimant leave to withdraw his papers, so that if he has a remedy through his own government he can make application for it.

The report of the committee was received and the leave granted to withdraw the papers.

Mr. EDEN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF THE REVISED STATUTES.

Mr. HANNA, by unanimous consent, introduced a bill (H. R. No. 4958) to give further effect to sections 1225 and 1260 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DRY-DOCK IN BALTIMORE.

Mr. KENNA. I ask unanimous consent of the House to report from the Committee on Commerce, for consideration at this time, Senate bill No. 1044, granting a site for a dry-dock in the city of Baltimore upon certain conditions. I can explain the object of the bill in a very few words, and if the House will hear the explanation, I think there will be no objection.

Mr. EDEN. I reserve all points of order upon the bill.

Mr. KENNA. The bill provides for granting three acres of land, of what is known as the Fort McHenry tract, in Baltimore, to the Baltimore Dry-Dock Company, upon which to construct a dry-dock. The bill provides that this company shall construct the dock within six months from the passage of the act, and prescribes its dimensions. The bill also provides that in consideration of this grant the dry-dock shall be free for all time for the use of the Government in repairing its vessels, without any charge to the Government whatever.

The report made by the Senate committee has been adopted by the Committee on Commerce of this House. That report contains letters from the Department and from the General of the Army and abundant evidence that the three acres of land can be spared without injury to the tract and without interfering at all with the military purposes for which this tract is held. I will also state that there is no dry-dock on the Chesapeake Bay except at Norfolk. One is greatly needed at Baltimore, and the construction of one otherwise than as proposed by this bill would cost the Government in the neighborhood of a million of dollars. This will cost the Government only the value of these three acres of land.

The whole matter has been referred to General Sherman, and he approves it; to the Secretary of War, and he recommends the passage of the bill. The bill was referred to the Committee on Military Affairs of the Senate, by that committee unanimously reported to the Senate, and it was unanimously passed by that body. It now comes here with a unanimous report of the Commerce Committee of this House, recommending its passage with a mere formal amendment. The measure is undoubtedly of much importance to the Government, the dock is needed, and better terms could not be asked for.

Mr. FORT. This bill should go to the Calendar, like other bills of similar character.

The SPEAKER *pro tempore*. This is a Senate bill which the gentleman from West Virginia asks unanimous consent to report for consideration at this time from the Committee on Commerce. The bill, together with the amendment proposed by that committee, will be read.

Mr. EDEN. I ask the gentleman from West Virginia what these three acres of land are worth?

Mr. BURCHARD. I have no objection to the immediate consideration of the bill; but I do object to its being open for discussion.

Mr. KENNA. I do not propose to open it for discussion. I shall ask to have it put on its passage at once if its consideration is not objected to.

Mr. LATHROP. What is this land worth now?

Mr. KENNA. I do not know. The only evidence we have on that subject is that it cost originally something like $3,000. The Secretary of War and other officials whose statements are in the report, and who ought to know what this land is worth and what the use of the dry-dock will be worth to the Government, recommend the passage of the bill. It is considered that the use of the dry-dock will be more valuable to the Government than the land.

Mr. FORT. I insist that this bill should go to the Calendar.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill, with the amendment proposed by the Committee on Commerce, was read.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill at this time?

Mr. FORT. I have no objection to considering it on the Calendar where we can move amendments. I have made that statement several times.

Mr. KENNA. It was not my purpose to cut off amendment or discussion; but other gentlemen were urging me to have the bill disposed of as quickly as possible with a view to saving time for the regular business of this evening.

The SPEAKER *pro tempore*. Is there objection to the consideration of the bill at this time?

Mr. O'NEILL. I must object.

Mr. FORT. I object to the consideration of the bill now, and have said so several times.

The SPEAKER *pro tempore*. The Chair had the misfortune not to hear the gentleman.

DRY-DOCK, ETC., AT MARE ISLAND NAVY-YARD, CALIFORNIA.

Mr. GOODE, by unanimous consent, reported back from the Committee on Naval Affairs the bill (H. R. No. 721) to appropriate money for the completion of the stone dry-dock and other public works at Mare Island navy-yard, California; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

DRY-DOCK AT LEAGUE ISLAND, PHILADELPHIA.

Mr. GOODE also, by unanimous consent, reported back from the same committee, the resolution of the House of February 14, 1878, directing the committee to inquire into the expediency of erecting a dry-dock at League Island station, Philadelphia; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

Mr. BURCHARD. I must insist that in all these cases the motion to reconsider shall be laid on the table.

The SPEAKER *pro tempore*. The Chair will see that the matter is so journalized in every case.

Mr. EDEN. I wish to inquire whether the Committee on Appropriations is understood to be instructed by the House in making these references?

The SPEAKER *pro tempore*. Certainly not. The matters are merely referred to that committee.

EMPLOYÉS UNDER THE LATE DOORKEEPER.

Mr. JAMES. I ask unanimous consent to present for consideration now from the Committee on Civil Service Reform a resolution authorizing that committee to examine and report upon claims of several individuals for pay for services alleged to have been performed for the House of Representatives under employment by the late Doorkeeper.

Mr. EDEN. Let the matter go to the Committee of Accounts.

Mr. DUNNELL. The Committee of Accounts should consider the question.

Mr. JAMES. Quite a number of these cases have already by resolution of the House, with the consent, as I understand, of the Committee of Accounts, been referred to our committee, who have commenced examining them. There are some additional claims of the same character which we do not at present feel authorized to examine, and we desire that all such claims shall be referred to our committee.

Mr. EDEN. I object. Let the matter go to the Committee of Accounts.

LEAVE TO PRINT.

Mr. KIDDER, by unanimous consent, obtained leave to have certain remarks printed in the CONGRESSIONAL RECORD. [See Appendix.]

SIDNEY D. FLANNIGAN.

Mr. TOWNSHEND, of Illinois, by unanimous consent, introduced a bill (H. R. No. 4959) granting a pension to Sidney D. Flannigan, widow of Richard Flannigan, late private Company C, Ninth Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. LANGFORD.

Mr. BUTLER, by unanimous consent, reported, from the Committee on the Judiciary, with a favorable recommendation, the bill (H. R. No. 2715) to restore to William G. Langford the possession of a tract of land in Idaho Territory; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. BURCHARD. I give notice that I shall object to any more references of bills or reports of a private nature, as that business can be done to-morrow, which is private-bill day.

JUDGMENTS AGAINST THE UNITED STATES.

Mr. BUTLER, from the Committee on the Judiciary, reported a bill (H. R. No. 4960) for the payment of certain judgments recovered against the United States; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. FERGUSON.

Mr. BUTLER, from the same committee, reported back adversely the petition of William P. Ferguson, for payment of debt due him from the late Charles Fox for services rendered, and to have the will of said Fox set aside; which was laid on the table, and the report ordered to be printed.

ENROLLED BILL.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. No. 373) for the relief of settlers on the public lands under the pre-emption laws; when the Speaker *pro tempore* signed the same.

SUPPLIES FURNISHED TO SIOUX INDIANS OF MINNESOTA.

Mr. STEWART, by unanimous consent, from the Committee on Indian Affairs, reported back favorably the bill (H. R. No. 2642) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

INCREASE OF PENSIONS IN CERTAIN CASES.

Mr. RIDDLE, by unanimous consent, moved that the Committee of the Whole on the state of the Union be discharged from the further consideration of a bill (H. R. No. 4105) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874, in order that it may be put upon its passage at this time.

There was no objection, and the committee was discharged and the bill brought before the House.

Mr. RIDDLE. The bill is all right and I hope it will be put upon its passage at this time.

Mr. BURCHARD. I do not object if it gives rise to no discussion.

The bill, which was read, in the first section provides that an act entitled "An act to increase pensions in certain cases," approved June 18, 1874, be so amended as to extend the provisions of said act to all persons who are now, or were at the time of the passage of said act, entitled to pensions under existing laws, and who have lost an arm below the elbow, or so near the elbow, or a leg below the knee, or so near the knee, as to destroy the use of the elbow or knee-joint; and such persons shall be rated in the second class, and shall receive a pension of $24 per month.

The second section provides that the act shall take effect from and after its passage.

Mr. RIDDLE demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RIDDLE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The Clerk will read the pending section of the bill.

The Clerk read as follows:

SEC. 2. That the number of cavalry regiments is hereby reduced to six, and the number of infantry regiments to fifteen. And the President is hereby authorized and required, on or before the 1st day of July next, or as soon thereafter as practicable, to cause these reductions to be made, by the consolidation of regiments, troops, and companies, the transfer of the enlisted men of the discontinued regiments, or otherwise, as, in his opinion, may be best calculated to enforce the provisions of this act.

Mr. HALE. I rise to a point of order on that section of the bill. I make the point of order here, although it applies to the entire new legislation of the bill, and I will state it as clearly as I may in order the Chair may get at the whole force of it. All points of order were reserved by myself, having this in view.

This bill, Mr. Chairman, makes a complete change in the organization of the Army. It reduces regiments. It reduces officers. It reduces pay—not in terms, but in allowances. It is claimed, of course, this is done under the provision of Rule 120, which provides in these words:

Nor shall any provision in any bill or amendment thereto changing existing laws be in order except such as being germane to the subject-matter of the bill shall retrench expenditures.

There is no doubt there is a change in existing laws here because the present force of the Army is that which the existing law establishes. It is claimed that because regiments are reduced, and the number of officers is reduced, and the pay is reduced, it comes under the provision of that rule. My point is this: the object of that rule is evidently restricted to a particular appropriation. It is not a matter looking to the future. It is intended to apply to the existing appropriation. The question of retrenching expenditures must be limited to the particular bill because it is not a safe direction in the future if the present bill increases expenditures upon which to rely, for another Congress in another session may differ from the indication given in this House, and therefore the rule must be held to apply to the particular bill. I claim the whole scope of that rule is that if the particular bill does not retrench expenditures then you cannot change existing laws.

As indicating such intent Rule 77 provides, among other things, each appropriation bill when reported from the committee shall in the concluding clause state the sum total of all the items contained in said bill. Let us see what this bill does provide to retrench expenditures. On page 28 the examination of the text will bear me out. In the summary there it is shown that the amount appropriated in the last bill under the present law was $25,712,500.

That is under existing law. This bill changes the law, and under the provisions of the changes adds to the appropriation, so that the present bill appropriates $26,929,671.03, or an increase by virtue of its provisions of $1,217,171.03, to say nothing of a deficiency of $800,000 that will have to be hereafter added.

Now the whole warrant for this legislation is claimed to be under the rule I have just read; and it will be stated undoubtedly by the gentleman having charge of the bill that as a whole it reduces expenditures. I call your special attention, Mr. Chairman, as an old parliamentarian, to this point.

Mr. FRANKLIN. I rise to a question of order. I desire to know if we are debating the bill under the five-minute rule?

The CHAIRMAN. The gentleman from Maine is not debating the bill. He has risen to a question of order, the discussion of which is not controlled by the five-minute rule, but is only indulged during the pleasure of the Chair.

Mr. HALE. Now, Mr. Chairman, I say again, that as a careful parliamentarian I call your attention to this point. Let me illustrate it: I desire to call the attention of the Chair to the danger of an increase of a particular appropriation bill being ruled in order simply because there is a clause or a provision which may result in reductions hereafter. Suppose that the committee reported a bill or a member on the floor offered an amendment providing for doubling the pay of every clerk in this House with a provision that two years from now one-third of the clerical force should do the work, would the Chair have any doubt in ruling that such a proposition was out of order because it did not retrench present expenditures but simply left that to the uncertainty of the future?

The rule is very strict in regard to providing for new buildings unless the amounts are fixed by law. What if the committee should report a whole series of new buildings, with a clause that in the years to come so much rent should be saved, and should provide with every guarantee in the world that it should be saved, the Chair would rule that under Rule 120 and under Rule 77 he must look to the bill alone, and that if it did not retrench expenditures he must rule it out of order, being bound by the bill before him.

I do not urge this point as a technicality. The gentleman from New York [Mr. HEWITT] may argue that the point of order is not well taken, on the ground that in the end this will decrease expenditures. But my point is this, that he has been obliged so to frame his bill, reducing regiments, reducing officers, and reducing pay, that the provision for the retiring pay increases the expenditures of the present year. I say that is fraught with danger which no man can see more plainly than the present occupant of the chair. The operation of the rule is intended to be limited to the particular appropriation bill. I repeat that as the cardinal point upon which I rest my objection. We cannot go into the realm of the conjectural future.

Does this bill, does this new legislation upon which I make my point retrench expenditures? Or is there inseparably connected with it an increase of expenditures by virtue of its provisions, so that the Treasury is burdened more rather than less, and therefore it does not retrench expenditures?

Whether the clause is germane to the bill, being a clause for the reorganization of the Army under an appropriation bill, is another point for the Chair to rule upon. But upon this point, that it does not retrench expenditures, but plainly, palpably, undeniably does increase expenditures, I do venture to say that I rest with confidence upon the decision of the Chair.

Mr. HEWITT, of New York. Mr. Chairman, I think it sufficient to say in reply to the gentleman from Maine that the point of order he has made has no application to the section under consideration, and I propose to deal with his point of order when we reach a clause where it may be properly made.

The CHAIRMAN. Does the gentleman from New York desire to speak further on the point of order?

Mr. HEWITT, of New York. I would like to have the decision of the Chair, whether he is called upon to decide at this point the question of order?

The CHAIRMAN. The Chair understands the gentleman from Maine to make the point of order that the second section of this bill——

Mr. HALE. I stated that I am obliged to make the point of order now, because, although the new legislation is divided and subdivided into sections, yet it is clearly one subject-matter which the gentleman from New York has chosen to divide in that way. I am obliged to make it now because I do not want to make it on the question of the pay. I make it now so as to cover the whole question of the change of law; and I should suppose the gentleman from New York would desire that one ruling should cover all. If the Chair decides he must give a ruling narrowly on one section, which will apply to that section only, I think he will leave the matter in the condition in which the gentleman from New York would not like to have it.

Mr. HEWITT, of New York. On the contrary, if the decision is made at the particular point where the question of order applies the House will probably be relieved of some of its difficulties. I want the question to be raised and the decision to be given at the point where an increase of expenditures is involved in the section. An increase of expenditures is not involved in this section.

The CHAIRMAN. The Chair desires to ask the gentleman from New York what is the number of cavalry regiments now provided for by law?

Mr. HEWITT, of New York. This bill reduces the number of cavalry regiments from ten to six. It also reduces the number of infantry regiments to sixteen, which is a reduction, not an increase of expenses.

Mr. HALE. Does the gentleman claim that this is a reduction of expenditures?

Mr. HEWITT, of New York. I will deal with the points of order which the gentleman makes under the rules, section by section and clause by clause.

Mr. HALE. Then the gentleman takes the responsibility of my making points of order as to the technicalities and possibilities of this section, and prefers that I make the point of order upon all the sections.

Mr. HEWITT, of New York. You can make your points of order when the clauses come up.

Mr. HALE. I make the point of order upon this clause and I shall continue to make it upon all the clauses of the bill.

Mr. BURCHARD. The ruling under the rule under consideration, by Speaker Kerr, if my recollection is correct, was that the proposition itself must, upon its face, show that it would be an economical measure. Now, if you read this clause by itself, as was suggested by the gentleman from New York, [Mr. HEWITT,] what does it propose? Simply that the regiments shall be reduced by consolidating the number and by putting all the men in the Army into a fewer number of regiments; but there is nothing to show that that would reduce the expenses for the officers.

Mr. EDEN. Does not that largely reduce the number of officers?

Mr. BURCHARD. Not necessarily; there is no provision here for dispensing with the services of any officer or of any man, but simply that the regiments shall be consolidated into six regiments of cavalry and sixteen regiments of infantry. It changes the law and I think that the point of order made by the gentleman from Maine [Mr. HALE] is well taken.

Mr. HALE. Did not the present occupant of the chair rule in the Forty-fourth Congress, when the Indian appropriation bill was under consideration, and when the transfer of the Indian department to the War Department was proposed, that he could only look to the present bill, without regard to the future? That is my recollection, and that was the ruling of the present incumbent of the chair. I remember very well Speaker Kerr's ruling upon this question, and I think I am equally correct as to the ruling of the present occupant of the chair.

Mr. ATKINS. A regiment is a specific organization. It has so many officers; no more, no less. Then when you propose to reduce the number of regiments from twenty to sixteen, as a matter of course you reduce the number of officers just in proportion as you reduce the number of regiments.

Mr. HALE. Then why does not the bill provide for a reduction of the number of officers in proportion to the reduction of the regiments?

Mr. ATKINS. We have not yet reached that part of the bill. When we reach it I think we shall show the gentleman that it is in the interest of economy.

Mr. HALE. You will have hard work to show that.

The CHAIRMAN. The present occupant of the chair was called upon to decide a point of order on the Indian appropriation bill at

the first session of the Forty-fourth Congress, and in that decision it was held that in construing Rule 120 the Chair would not resort to evidence *aliunde*, or to speculation or argument, but would limit his inquiries to the face of the bill, to the specific terms of the section in question, the law of the land, and the parliamentary rules and practices of this House, in determining whether a section or clause is germane or whether it retrenches expenditures or not. If it appears upon the face of the bill, or of that provision of the bill on which the point of order is made, that it retrenches expenditures, then the Chair will hold the provision to be in order. The Chair also held that the abolition of an office is *prima facie* evidence of a reduction of expenditures, because it is evident that if an office is dispensed with the expenses would be reduced, for no appropriation would be required for that office.

Mr. HALE. Nothing is said about offices in this case.

The CHAIRMAN. The Chair assumes that a regiment consists of a certain number of officers and men, more or less, and that the expense of supporting sixteen regiments would be less than that of supporting twenty.

Mr. HALE. The text of the section does not show that.

The CHAIRMAN. There is no appropriation in this section, and the Chair assumes that it would cost the Government less to support sixteen regiments than it would to support twenty.

Mr. FOSTER. Does the Chair decide that this appropriation is in the line of economy?

The CHAIRMAN. The Chair decides that upon the face of the section it retrenches expenditures by reducing the number of regiments in the service.

Mr. HALE. Does the Chair decide that the section is germane to the bill?

The CHAIRMAN. The Chair is of the opinion that it is.

Mr. HALE. I now wish the decision of the Chair upon the second point that I made about the amendment being germane. I wish to say here that I am very sorry the gentleman from New York has departed from what in his opening remarks he held out to us that we should treat this bill as one entire matter. I am sorry that he restricts the point of order to this particular clause, because I was proceeding upon the idea that he had held up to us, that all these sections were for the same purpose.

Mr. HEWITT, of New York. Will the gentleman state when I said that?

Mr. HALE. There is no difficulty about that, either as a matter of memory or by examining the RECORD.

Mr. HEWITT, of New York. I think there would be considerable difficulty.

The CHAIRMAN. Upon the point of order raised by the gentleman from Maine, [Mr. HALE,] that this section is not germane to the bill, the Chair is of the opinion that in a bill appropriating money for the support of the Army it is certainly germane to fix the number of regiments for the support of which appropriations should be made.

Mr. HALE. So that the Chair, upon this section, overrules the point of order that it is not germane?

The CHAIRMAN. The Chair holds that the section is germane and that it also retrenches expenditures.

Mr. HALE. And the Chair would make the same ruling upon the same points of order if made to the other sections?

The CHAIRMAN. The Chair will reserve his decision upon the other sections until they are reached and questions of order are raised thereon.

Mr. HALE. Then the motion will be made to strike out this section.

Mr. HEWITT, of New York. In order to perfect the section I move in line 2 to strike out "six" and insert "eight," as the number of cavalry regiments; and in line 3 to strike out "fifteen" and insert "eighteen," as the number of infantry regiments.

I desire to make a brief statement, and I hope I will have the attention of members of this committee. When the Committee on Appropriations instructed me to report this bill, it was upon the idea that it would carry out the wish of a majority of this House. It appears, however, since we have got into Committee of the Whole, that the number of men provided for in this bill for the Army is not acceptable to the House, and they have directed that the number shall be increased to twenty-five thousand. Whether or not that decision of this Committee of the Whole will be sustained on the vote which is to be taken in the House I do not know. I trust it will not be. I am myself satisfied that the number of men proposed in the bill as reported to the House from the Committee on Appropriations will be fully adequate to the wants of the Army.

But I have a duty to perform here, which is to make this bill conform to the expressed will of the Committee of the Whole. That will provides for an Army of twenty-five thousand men. The number of regiments provided for in section 2 of this bill, as reported from the Committee on Appropriations, that is, six regiments of cavalry and fifteen regiments of infantry, will be too small a number for the twenty-five thousand men which has been resolved upon. I therefore have moved these amendments, and trust they will be accepted by this committee.

I shall continue for the rest of the bill to offer amendments which will make the organization of the Army conform to the number of regiments which I now propose to have included in this section. I reserve, however, the right, when we get back into the House, if the Committee on Appropriations shall be sustained in their original view that twenty thousand men is sufficient for the Army, to ask to have the bill recommitted to the Committee on Appropriations, in order that it may be made to conform to that number. I am extremely anxious, as I think every gentleman here must be, to save time in the consideration of this bill. I think it will save time to make the bill conform in Committee of the Whole to the expressed will of the majority of that committee. If I can have the aid of those gentlemen who can throw aside partisan feeling and will endeavor to effect economy, then if we cannot have all that would be secured by the original bill, I shall consider that half a loaf is better than no bread.

I am sure that in that event we will be able to make a bill which, if it is not entirely acceptable to either side of the House, will give us a most efficient Army with a saving of $2,000,000 per annum. And I ask the co-operation of the Committee of the Whole in that direction.

Mr. HALE. I fear that the gentleman from New York [Mr. HEWITT] in his apparent yielding to the will of this committee is disingenuous. He says that he wants to make this bill conform to the will of the Committee of the Whole. The bill as originally reported from the Committee on Appropriations provided for twenty-six regiments. The Committee of the Whole has already voted upon the subject of the rank and file of the Army, and has decided to keep the number at twenty-five thousand, as the present law requires.

Now the evident meaning of that vote of the Committee of the Whole is that the House is well enough satisfied with the Army as it is. And if the gentleman from New York wishes to square his conduct to the implied wish of the Committee of the Whole, then let him move to strike out the whole of this section and leave the organization of the Army as it now is.

Instead of that, however, he says that he wishes to conform to the will of the Committee of the Whole by compromises, by providing for thirty-two regiments instead of forty regiments as at present. And he does not even stop there in his magnanimity, but throws out to us the intimation that he does not even concede that the Committee of the Whole has settled the matter of the number of the rank and file, and that in the House he will demand a vote upon the proposition to leave the Army as at present with twenty-five thousand; and if that proposition is not sustained, then he will further ask that the number of regiments be cut down from thirty-two, to which he now agrees, to twenty-six as originally reported from the Committee on Appropriations.

Now let the gentleman stand upon his original proposition of twenty-six regiments and twenty thousand men. The House has taken the bill as it has come to us thus far and have voted upon it so far as we have proceeded. Let the gentleman stand by his bill as originally reported, or let him yield to the implied wish of the House that the Army shall remain as it is.

As the gentleman has taken occasion to appeal to the patriotism of members here rather than to their partisanship, let me appeal to those gentlemen who have thus far stood firm in maintaining the Army as it is and not reducing it from its present proportion, to maintain that attitude and this Committee of the Whole will send the bill through with the Army containing the number of rank and file which the law now provides, and with the regimental organization provided by law not diminished; so that one section of the country will not be obliged to have less for its protection than it now has. Let them stand by their past action and make this one whole.

In other words, if there has been anything like consistency or principle in the fight that has been made here, let us carry it through and not be deviated from our course by the insidious proposition of the gentleman from New York, who does not even admit that if his compromise is taken he will agree to it when we come into the House.

Mr. HEWITT, of New York. I know no member of this House who can as little afford to charge another member with being disingenuous as the gentleman from Maine. I can point to his course in this House from the beginning of this session, and wherever there was a chance to do some narrow, indirect, roundabout thing, it has always come from the gentleman from Maine. Yet he comes up here and charges me, who in perfect frankness have stated my purposes to the House, with being disingenuous!

We have taken the vote of the Committee of the Whole upon the question whether there shall be twenty-five thousand or twenty thousand five hundred men in our Army. That question has been decided, and I will try to conform the provisions of this bill to that decision. We have never had any vote in this Committee of the Whole as to whether there shall be twenty-six or thirty or forty regiments. I propose to take that vote now; and when the vote has been taken and the question decided, I propose to conform the provisions of the bill to the vote of the committee. All such appeals as that which the gentleman from Maine makes will be in vain with those who really desire to legislate for the interests of the country.

Mr. HALE. Mr. Chairman, a disingenuous course is a course which comes out where one leasts expects. I am willing to submit to the judgment of the House my course, as to whether I have come out at the place I seemed to be aiming at, as compared with the course of the gentleman from New York as to whether he in legislation comes out where he is seemingly aiming at.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. TOWNSHEND, of Illinois. I move to amend the amendment by striking out the last word. I feel it my duty as a member of this House to object to the amendment offered by the gentleman from New York. I do not believe that it is the will of the majority of the members of this House that this bill shall be subjected to any such amendments. When I look around me and see these empty seats, I am satisfied that it is "absenteeism" which is causing this extravagant legislation.

A MEMBER. "Absenteeism" on which side?

Mr. TOWNSHEND, of Illinois. On the democratic side. I find more vacant seats here among members who are in favor of a reduction of the Army than among those who are in favor of this extravagant legislation. I regard this as an important bill, and I believe that the people all over the country are looking to us for retrenchment in the Army as well as in every other department of the Government. For this reason I protest against this House acting upon such an important question as this with all these empty seats, and I give notice now (for I believe there is not a quorum here to-night) that if the vote should develop that fact, I shall move a call of the House. If members will not come here voluntarily and discharge their duty, I am in favor of bringing them here by the aid of the Sergeant-at-Arms.

Mr. FOSTER. I move to amend by striking out the pending section. It is evident the Committee of the Whole is impatient for a vote, and I will occupy but a moment. If the motion of the gentleman from New York is voted down, then I will press this motion to strike out the section. I make this motion the more readily because we have in this bill, and expect to retain, a proposition to refer the whole question to a commission of major-generals, to report to us next December. It has always seemed to me, in committee and out of committee, that this was the wisest course to pursue. According to this bill we now legislate out of existence fourteen regiments and at the same time we provide for a commission to report in December, which commission may make a report, that Congress may adopt, in favor of restoring all these regiments. Undoubtedly it is safe to say that the commission will not in all respects agree to the legislation of this House.

While I do not know, and do not pretend to know, much about the Army—and what little I do know I have learned within the last few days, [laughter]—I believe some reorganization of the Army is necessary. Yet I could not safely set up my judgment as to what this reorganization ought to be, nor do I believe any member of this House dare say that his notion about such reorganization is certainly correct. As we propose to provide for this commission let the whole question go to the commission. While I believe some reorganization ought to take place, it seems to me this is the safer and wiser course.

The question being taken on the amendment of Mr. HEWITT, of New York, there were—ayes 86, noes 93.

Mr. HEWITT, of New York, called for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. FOSTER were appointed.

The committee divided; and the tellers reported—ayes 97, noes 75.

So the amendment was agreed to.

The question then recurred on the motion of Mr. FOSTER, to strike out the section.

The question being taken, there were—ayes 95, noes 100.

Mr. HALE called for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. FOSTER were appointed.

The committee divided; and the tellers reported—ayes 87, noes 90.

So the motion of Mr. FOSTER was not agreed to.

The Clerk read as follows:

SEC. 4. That hereafter each company of cavalry shall consist of one captain, one first lieutenant, two second lieutenants, one first sergeant, five sergeants, four corporals, two trumpeters, two farriers, one saddler, and such number of privates, not exceeding one hundred, as the President may direct.

Mr. HEWITT, of New York. I move to amend by striking out "one hundred" and inserting "one hundred and twenty-five;" so that the last clause of the section will read: "and such number of privates, not exceeding one hundred and twenty-five, as the President may direct."

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That hereafter the Adjutant-General's department shall consist of one Adjutant-General with the rank and pay of colonel, two assistant adjutants-general with the rank and pay of lieutenant-colonel, and two assistant adjutants-general with the rank and pay of major. And the President is hereby authorized to detail, from the captains and first lieutenants of the Army, such number, not exceeding ten, as he may deem necessary, to serve as assistant adjutants-general, who shall have, while so serving, the rank and pay of captain of cavalry: *Provided*, That five of the present force, over and above the number authorized in this section, shall be retained until the 1st day of July, 1879, and the detail of five of the number proposed to be detailed in this section shall be deferred until the same date. Vacancies in the grade of major in said department shall be filled by selection from the officers who shall have been detailed to duty therein pursuant to the provisions of this act.

Mr. FOSTER. I move to amend by striking out this section, and I will follow this with a motion to strike out the two or three succeeding sections. My reason for this proposition, which I think will meet the concurrence of both sides of the House, is that while in this bill we undertake to deal with a portion of the staff, there is a large portion which we do not undertake to deal with at all. We have referred all staff departments to a board in section 12. I propose to strike out sections 7, 8, and 9, and to refer the whole of these corps in the same way.

Mr. HEWITT, of New York. I understand, Mr. Chairman, that the same motion will be made in regard to sections 8, 9, 10, and 11, and I reserve the right to a yea-and-nay vote on each section in the House.

Mr. WILLIAMS, of Michigan. Mr. Chairman, I hope the motion to strike out this section will prevail. I will briefly state the history of this Adjutant-General's department.

Under the act approved June 18, 1846, providing for the prosecution of the war with Mexico, the President was authorized to appoint four assistant adjutants-general, making the number of officers in the Adjutant-General's department eleven.

The act of March 3, 1847, authorized the appointment of three assistant adjutants-general, making the number of officers in the department fourteen.

This continued to be the strength of the department until the act of August 3, 1861, which increased the number of officers to twenty.

The act of March 3, 1869, prohibited promotions and appointments in this department; and the act of March 3, 1873, authorized the appointment of one assistant adjutant-general.

The legal strength of the department at this time was twenty, but the order prohibiting promotions and appointments reduced the number in service to sixteen.

The act of March, 1875, directs that the Adjutant-General's department shall consist of seventeen officers, the present legal strength of the department.

It will be observed from the foregoing that there have not been less than fourteen officers in the Adjutant-General's department since the act of March 3, 1847.

Section 7 of the pending bill reduces the number of officers in the Adjutant-General's Office from seventeen to five, and provides for the detail of ten company officers to replace the twelve discharged therefrom. The period of service of the twelve officers of the Adjutant-General's department to be discharged ranges from seventeen to forty years. Seven officers of the department are made supernumerary July 1, 1878, five July 1, 1879, and the present Adjutant-General is vacated by casualty. The average period of service in the Adjutant-General's department is twenty-six years, the average in the line of the Army ten and a half, and in the staff fifteen and a half. It is now proposed to replace these experienced officers with a lot of new officers who have seen no service in the department. Every one knows the perfect organization of an army depends in a great degree on the skill and experience of the officers in the adjutant-general's department.

I am sure we will commit a great fault if we send these men into private life. Many of them have commanded corps in the Army during the late war. If this reduction is made it will send out of the Army such experienced and useful officers as are embraced in the following statement. Can the service spare these officers?

Memorandum showing present stations and the periods of time each officer now in the Adjutant-General's department has served in the line and on the staff of the Army, (exclusive of cadet service at United States Military Academy.)

Name.	Rank.	Station.	Line service.	Staff service.	Total service.
			Years.	*Years.*	*Years.*
Edward D. Townsend	Brigadier-General	Adjutant-General's Office	13 4/12	27 4/12	41
Richard C. Drum	Colonel	Adjutant-General's Office	13 1/12	17 5/12	31 6/12
James B. Frey	Colonel	Division of the Atlantic	13 5/12	17 7/12	31
John C. Kelton	Lieutenant-colonel	Division of the Pacific	9 10/12	17 2/12	27
Robert Williams	Lieutenant-colonel	Department of the Platte	9 10/12	17 2/12	27
William D. Whipple	Lieutenant-colonel	Division of the Missouri	9 10/12	17 2/12	27
Chauncey McKeever	Lieutenant-colonel	Department of the South	11	17	28
George D. Ruggles	Major	Department of Dakota	6	17	23
Thomas M. Vincent	Major	Department of Texas	8	17	25
Oliver D. Greene	Major	Department of the Gulf	7 11/12	16 1/12	24
Samuel Breck	Major	Adjutant-General's Office	6 11/12	16 1/12	23
Louis H. Pelouze	Major	Adjutant-General's Office	10 8/12	14 4/12	25
Henry C. Wood	Major	Department of Columbia	8	14	22
Joseph H. Taylor	Major	Division of the Atlantic	9 9/12	13 3/12	22
James P. Martin	Major	Department of Arizona	8 11/12	9 1/12	18
Edward R. Platt	Major	Department of Missouri	23 11/12	5 5/12	29
Samuel N. Benjamin	Major	Adjutant-General's Office	13 11/12	3 8/12	17 7/12

Mr. HARDENBERGH. Mr. Chairman, it was not my purpose to have taken any part in this debate, preferring to adopt the views of the committee who reported the bill to the House and trust to their judgment; but the discussion has taken so wide a range and so many opinions have found expression that I desire to place on record the views which shall control my vote.

The principle involved underlies the whole structure of our republican Government, though the question is simply whether the Army shall consist of twenty or twenty-five thousand men.

What have we to protect, sir, but the frontier settlements, and what to defend but our Texan border. The General of the Army himself believes the smaller number to be sufficient for our border protection, and I fail to find any reason why I should vote for its increase. Sir, we must ask ourselves this question and find its answer in our votes: is our Army to be such that in every outbreak which may occur in any State the Army of the United States is to be brought into requisition?

Sir, have we reached this point in our history that republican institutions can only be successfully guarded by military force furnished by the General Government?

Sir, I know that in the viewless air already have been heard the mutterings of discontent, and that in the near future we may expect a greater strain upon our free institutions and the public safety than we have ever had.

Ah, sir, could we but witness a tithe of the distress which prevails throughout the land we would not wonder that the spirit of a real discontent has some reason for its existence, when willing hands and honest hearts are found by tens of thousands wandering through the land asking only for work that their families may find relief from starvation.

Sir, it was but a few days since a laborer from my own State walked the greater part of the distance here to find employment, and I applied in vain to several of the Departments to beg employment for him. What a commentary is this on the condition of our country, and how false are we that we do not do something to relieve it and set the wheels of busy industry in motion by early, prompt action which shall give settlement to the questions of finance and of the tariff!

This is all our present trouble. You threaten so often to change your financial system and so often to disturb the duties on imports that capital, tired of waiting for investment, seeks a home elsewhere, and your industries languish and labor meets not its reward, and ruin and distress find prevalence.

Sir, there have been many arguments used in this debate as to why the Army should be increased, and the spread of communistic doctrines is alleged. Will an Army of twenty-five or fifty or two hundred and fifty thousand men cure this and give to our people assurance of safety that their slumbers may be undisturbed? Chain the lightning if you can, but attempt not to smother the cries of woe and of distress which are everywhere heard No, sir, we want no standing Army for a nation of freemen. If they are so derelict to their own duty, so unable to cope with the ills which society at times must suffer, then you may call in vain your armies to the field of strife. For seven long and weary months we have discussed these questions. All have sympathy, all seek to catch the popular ear, and all to touch the popular heart; but language can find no remedy nor find a shelter for the homeless wanderer. You must enact into law the measures for his prompt relief, and seek by the laws of human kindness and of public confidence to win capital from its lurking places that it may find harmony with labor and give the nation thrift. The evil under which we labor is that not of overproduction alone, but of overlegislation. The best of governments is that which governs least, not by armies, but by general laws but seldom disturbed and a well-defined and settled policy of government.

Mr. Chairman, I have reason to know whereof I speak. New Jersey in all her action is conservative. The spirit which controls my people is not born of revolution. In the trying times of the past year, when the spirit of disorder was rife throughout the land, we sought not the strong arm of Government but the kindly counsels of conservative men, and by them all danger was disarmed. To have invoked the Army to our midst would have invoked disorder and disaster. The faithful, energetic action of one man above all others who had won his own way from hard-earned toil to a position of high trust, George W. Barker, by his sympathy with labor and his devotion to its interest for many years, was of more avail than would have been ten regiments of armed men, and my city gave to him an ovation of which a conqueror might be proud. He had conquered, but it was a conquest of the heart. Freemen want not bullets but arguments, not monopolied power but the spirit of kindness and a generous devotion to their interests on the part of legislation.

England, with her standing army of one hundred and forty thousand; France, to whom our attention is so often of late directed, with her army of nearly half a million of bayonets. Germany, the land of poetry and song, with her army of over four hundred thousand, give not as great security to their people as does our Government with but twenty thousand, relying rather upon the intelligence and virtue of our people. The States must of themselves afford their own protection and correct the evils which may exist.

The preservation of the public peace and the endurance of American liberty will find their best vindication, not from the American bayonet, but much the rather from the American ballot, which—

> As snow-flakes fall upon the sod;
> But executes a freeman's will,
> As lightning does the will of God.

Withdraw your armies from the States; invite your people to a more watchful devotion to their political interests. It is only where the waves of the great ocean of public sentiment are lashed into fury at our presidential elections that they emerge from their fancied security to exercise the highest privilege they of all nations do enjoy. If the spirit of distrust now awakened throughout the land will do this we shall have but little reason to regret its present existence. America is to Europe what Western was not long since to Eastern Europe—the land of adventure and of free opinions. Be it ours by our devotion to the simple principles of republican government to prove ourselves worthy of the high trust which God has given us, and the waves of discord and of strife will wash in vain upon the shores of earth's great Republic.

The CHAIRMAN. The question recurs on the motion to strike out the seventh section.

The committee divided; and there were—ayes 104, noes 85.

Mr. ATKINS demanded tellers.

Tellers were ordered; and Mr. ATKINS and Mr. FOSTER were appointed.

The committee again divided; and the tellers reported—ayes 94, noes 79.

So the motion was agreed to, and section 7 was stricken out.

The Clerk read section 8, as follows:

SEC. 8. That hereafter the Inspector General's department shall consist of one Inspector-General with the rank and pay of colonel, and two assistant inspectors-general with the rank and pay of lieutenant-colonel. And the President is hereby authorized to detail, from officers of the Army not below the rank of major, such number, not exceeding one for each military geographical division and department, as he may deem necessary, to serve as assistant inspectors-general. Vacancies in the grade of lieutenant-colonel in said department shall be filled by selection from the officers who shall have been detailed to duty therein pursuant to the provisions of this act.

Mr. FOSTER. I move to strike out that section.

Mr. ATKINS. I move the committee rise. I am not willing to see the bill go on to-night in this way.

Mr. HALE. The gentleman having charge of the bill asked for an evening session, and we have only been here a short time.

Mr. ATKINS. We cannot finish the bill to-night. The gentleman's object is to finish it his own way.

Mr. FINLEY. I call the gentleman to order, as the motion to rise is not debatable.

The committee divided; and there were—ayes 86, noes 100.

Mr. BLACKBURN demanded tellers.

Tellers were ordered; and Mr. ATKINS and Mr. FOSTER were appointed.

The committee again divided; and the tellers reported—ayes 85, noes 90.

So the committee refused to rise.

The question then recurred on the motion to strike out section 8.

The committee divided; and there were—ayes 95, noes 87.

Mr. HEWITT, of New York. I shall reserve the right to demand the yeas and nays on this amendment in the House.

Mr. ATKINS. I demand tellers on striking out section 8.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. FOSTER were appointed.

The committee again divided; and the tellers reported—ayes 91, noes 32.

Several MEMBERS. No quorum!

Mr. WILSON. I move that the committee rise.

The CHAIRMAN. The gentleman from West Virginia moves that the committee rise.

Mr. HARRIS, of Virginia. I desire to know what is the pleasure of the gentleman having charge of this bill in regard to proceeding with it to-night. I came here to transact business; but if the bill is not to be proceeded with further to-night the committee may as well rise.

Mr. YEATES. Under the rules the committee is bound to rise when it finds itself without a quorum.

Mr. HEWITT, of New York. There is evidently a quorum in the Hall.

Mr. HOOKER. I move that the committee rise.

Mr. CHAIRMAN. The Chair will not entertain any motion until order is restored.

Mr. HOOKER. I rise to a point of order.

The CHAIRMAN. The Clerk will read Rule 106.

Mr. HOOKER. I ask the Chair to permit me to submit a question of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HOOKER. My point of order is that there being no quorum the committee is bound to rise that the chairman may report the fact to the House.

The CHAIRMAN. The Clerk will read Rule 106.

The Clerk read as follows:

Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall

cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.—*Rule* 106. And as soon (after rising for such purpose) as a quorum is ascertained to be present, the House must return into committee.—*Journal*, 2, 27, page 282.

The CHAIRMAN. The Chair would state there is evidently a quorum within the Hall, and if the tellers will resume their places and gentlemen will vote that fact will appear. Otherwise the Chair will instruct the Clerk to call the roll. Is there objection to the tellers again taking their places?

Mr. HOOKER and others objected.

The CHAIRMAN. The Clerk will call the roll.

Mr. BANKS. I call upon the Chairman to count the committee and ascertain whether there is a quorum.

The CHAIRMAN. The rule requires that the roll shall be called.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Acklen,	Danford,	Lockwood,	Siemons,
Aiken,	Denison,	Loring,	Smith, A. Herr
Banning,	Douglas,	Luttrell,	Starin,
Beebe,	Durham,	Martin,	Stephens,
Benedict,	Dwight,	McGowan,	Swann,
Bicknell,	Ellis,	Metcalfe,	Thompson,
Bland,	Forney,	Money,	Thornburgh,
Bliss,	Garfield,	Patterson, T. M.	Townsend, M. I.
Bragg,	Gause,	Peddie,	Turner,
Bridges,	Gibson,	Potter,	Waddell,
Bundy,	Glover,	Pound,	Walker,
Cabell,	Gunter,	Powers,	Wigginton,
Cain,	Hart,	Price,	Williams, James
Camp,	Hartridge,	Pugh,	Williams, Richard
Caswell,	Hazelton,	Quinn,	Willis, Albert S.
Chittenden,	Hendee,	Rainey,	Willis Benj. A.
Claflin,	Hiscock,	Robbins,	Wood,
Clark, Alvah A.	House,	Roberts,	Wren,
Clarke of Kentucky,	Jones, Frank	Robertson,	Wright.
Conger,	Kelley,	Robinson, G. D.	
Cox, Samuel S.	Killinger,	Robinson, M. S.	
Cravens,	Knapp,	Ross,	

The committee rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House having found itself without a quorum, he had caused the roll to be called, and now reported the names of the absentees to the House.

Mr. YEATES. I move that the House now adjourn.

The SPEAKER *pro tempore*. No motion is in order. The Committee of the Whole having found itself without a quorum, and the chairman having caused the roll to be called, and reported the names of the absentees to the House, the call of the roll has developed the presence of a quorum, 206 gentlemen having answered to their names. The House returns into committee, and the gentleman from Illinois will resume the chair.

The House accordingly returned into Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the Army appropriation bill.

Mr. HEWITT, of New York. I move that the committee do now rise.

Mr. BUTLER. I make the point that that motion is not in order. The committee, when it was found without a quorum, was dividing, and the tellers should now resume their places.

The CHAIRMAN. The point of order is well taken. The committee was in the midst of a division, and the tellers will resume their places. The question is on the motion of the gentleman from Ohio [Mr. FOSTER] to strike out the eighth section of the bill.

The tellers, Mr. HEWITT, of New York, and Mr. FOSTER, resumed their places.

The committee again divided; and the tellers reported—ayes 93, noes 79.

So the motion to strike out the eighth section was agreed to.

Mr. HEWITT, of New York. I move that the committee rise.

The question being taken, there were—ayes 98, noes 103.

Several members called for tellers.

Tellers were ordered; and Mr. FOSTER, and Mr. HEWITT of New York, were appointed.

The committee again divided; and the tellers reported—ayes 96, noes 93.

So the motion was agreed to.

The committee accordingly rose; and, the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4867) for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had come to no resolution thereon.

Mr. HEWITT, of New York. I move that the House do now adjourn.

The SPEAKER *pro tempore*. Before the question is put on the motion to adjourn, the Chair, if there be no objection, will submit certain requests.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PEDDIE, for four days, on account of important business;

To Mr. ROBBINS, for four days; and

To Mr. DAVIDSON, for one day.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLISS, by unanimous consent, leave was given to withdraw papers in the case of Jeremiah Phelan, there being no adverse report thereon.

LEAVE TO PRINT.

Mr. TIPTON, by unanimous consent, obtained leave to have printed in the RECORD as part of the debates some remarks on the tariff. [See Appendix.]

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent to take from the Speaker's table the post-office appropriation bill, which has been returned from the Senate with amendments, that the bill may be printed with the amendments of the Senate and referred to the Committee on Appropriations. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is that gentlemen shall be in order.

Mr. HOOKER. I move that the House do now adjourn, and I know that that motion is in order.

The SPEAKER *pro tempore*. That motion has already been made by the gentleman from New York, [Mr. HEWITT.]

Mr. HOOKER. I withdraw my objection to the request of the gentleman from Georgia, [Mr. BLOUNT.]

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. BLOUNT, the bill (H. R. No. 4246) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes, returned from the Senate with amendments, was taken from the Speaker's table, referred to the Committee on Appropriations, and, with the Senate amendments, ordered to be printed.

ORDER OF BUSINESS.

Mr. HOOKER. I now insist upon my motion that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is already pending as made by the gentleman from New York, [Mr. HEWITT.]

The question was put on Mr. HEWITT's motion; and on a division there were—ayes 98, noes 72.

Mr. HALE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 77, not voting 118; as follows:

YEAS—96.

Atkins,	Davidson,	Hewitt, Abram S.	Pridemore,
Banning,	Davis, Joseph J.	Hewitt, G. W.	Rea,
Bell,	Dean,	Hooker,	Reagan,
Bicknell,	Dibrell,	Hunter,	Reilly,
Blackburn,	Dickey,	Hunton,	Rice, Americus V.
Blount,	Eden,	Jones, James T.	Riddle,
Boone,	Eickhoff,	Kenna,	Scales,
Bouck,	Elam,	Knott,	Smith, William E.
Boyd,	Evans, I. Newton	Landers,	Southard,
Bright,	Evans, James L.	Lathrop,	Sparks,
Buckner,	Evins, John H.	Ligon,	Springer,
Caldwell, John W.	Ewing,	Lynde,	Steele,
Caldwell, W. P.	Felton,	Mackey,	Throckmorton,
Calkins,	Finley,	Maish,	Townsend, Amos
Candler,	Garth,	Mayham,	Townshend, R. W.
Carlisle,	Giddings,	McKenzie,	Tucker,
Clark of Missouri,	Goode,	McMahon,	Turney,
Clark, Rush	Hamilton,	Mills,	Vance,
Clymer,	Hardenbergh,	Morgan,	Veeder,
Cobb,	Harris, Henry R.	Morrison,	Walsh,
Collins,	Hartzell,	Morse,	Whitthorne,
Covert,	Hatcher,	Muldrow,	Williams, A. S.
Crittenden,	Henry,	Patterson, G. W.	Yeates,
Cutler,	Herbert,	Phelps,	Young.

NAYS—77.

Aldrich,	Cummings,	Keightley,	Sapp,
Bacon,	Davis, Horace	Kelley,	Shallenberger,
Bagley,	Dunnell,	Lapham,	Shelley,
Baker, William H.	Eames,	Lindsey,	Sinnickson,
Ballou,	Ellsworth,	Marsh,	Smalls,
Banks,	Foster,	McCook,	Stewart,
Bayne,	Franklin,	McKinley,	Stone, John W.
Bisbee,	Frye,	Mitchell,	Stone, Joseph C.
Blair,	Gardner,	Monroe,	Van Vorhes,
Brewer,	Hale,	Norcross,	Welch,
Briggs,	Harmer,	Oliver,	White, Harry
Brogden,	Harris, Benj. W.	O'Neill,	White, Michael D.
Browne,	Haskell,	Overton,	Williams, C. G.
Burdick,	Henderson,	Phillips,	Williams, Richard
Campbell,	Humphrey,	Rainey,	Willits,
Cannon,	Hungerford,	Randolph,	Wilson,
Chalmers,	Ittner,	Reed,	Wren.
Cole,	Jones, John S.	Rice, William W.	
Cox, Jacob D.	Jorgensen,	Ryan,	
Crapo,	Keifer,	Sampson,	

NOT VOTING—118.

Acklen,	Durham,	Kimmel,	Sexton,
Aiken,	Dwight,	Knapp,	Singleton,
Baker, John H.	Ellis,	Lockwood,	Slemons,
Beebe,	Errett,	Loring,	Smith, A. Herr
Benedict,	Forney,	Luttrell,	Starin,
Bland,	Fort,	Manning,	Stenger,
Bliss,	Freeman,	Martin,	Stephens,
Bragg,	Fuller,	McGowan,	Strait,
Brentano,	Garfield,	Metcalfe,	Swann,
Bridges,	Gause,	Money,	Thompson,
Bundy,	Gibson,	Muller,	Thornburgh,
Burchard,	Glover,	Neal,	Tipton,
Butler,	Gunter,	Page,	Townsend, M. I.
Cabell,	Hanna,	Patterson, T. M.	Turner,
Cain,	Harris, John T.	Peddie,	Waddell,
Camp,	Harrison,	Pollard,	Wait,
Caswell,	Hart,	Potter,	Walker,
Chittenden,	Hartridge,	Pound,	Ward,
Claflin,	Hayes,	Powers,	Warner,
Clark, Alvah A.	Hazelton,	Price,	Watson,
Clarke of Kentucky,	Hendee,	Pugh,	Wigginton,
Conger,	Henkle,	Quinn,	Williams, Andrew
Cook,	Hiscock,	Robbins,	Williams, James
Cox, Samuel S.	House,	Roberts,	Williams, Jere N.
Cravens,	Hubbell,	Robertson,	Willis, Albert S.
Culberson,	James,	Robinson, G. D.	Willis, Benj. A.
Danford,	Jones, Frank	Robinson, M. S.	Wood,
Deering,	Joyce,	Ross,	Wright.
Denison,	Ketcham,	Sayler,	
Douglas,	Killinger,	Schleicher,	

During the roll-call the following announcements were made:

Mr. HARRISON. I desire to state that I am paired with Mr. PRICE.

Mr. SCALES. My colleague, Mr. ROBBINS, is absent by leave of the House, and is paired with Mr. LORING, of Massachusetts.

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired with Mr. DWIGHT, of New York.

Mr. TOWNSHEND, of Illinois. Mr. KNAPP is absent by leave of the House on account of sickness, and is paired.

Mr. WILSON. My colleague, Mr. MARTIN, is unfortunately detained at home by sickness in his family, and is paired with Mr. PUGH.

Mr. DEAN. Mr. JONES, of New Hampshire, is paired with Mr. POWERS, of Maine.

Mr. HUNTON. My colleague, Mr. CABELL, is paired with Mr. HANNA.

Mr. McKENZIE. My colleague, Mr. CLARKE, is paired with Mr. WATSON, of Pennsylvania.

Mr. HANNA. I am paired with Mr. CABELL.

Mr. RICE, of Massachusetts. My colleague, Mr. CLAFLIN, is absent by leave of the House, and my colleague, Mr. LORING, is absent on account of sickness.

Mr. CARLISLE. My colleague, Mr. DURHAM, is paired with Mr. BAKER, of Indiana. If Mr. DURHAM were present, he would vote "ay."

Mr. HATCHER. My colleague, Mr. BLAND, is absent on account of sickness, and is paired with Mr. METCALFE.

Mr. WARD. I am paired with Mr. AIKEN, of South Carolina. If he were here, I should vote "no."

Mr. SEXTON. I am paired with my colleague, Mr. FULLER. If he were here, I should vote "ay" and so would he. [Laughter.]

Mr. SHALLENBERGER. I desire to announce that Mr. DANFORD is paired with Mr. MORSE, of Massachusetts. If he were here, Mr. DANFORD would vote "no."

Mr. STEWART. I am paired with Mr. CLARKE, of Kentucky.

Mr. STRAIT. I desire to state that I am paired with Mr. CLARK, of New Jersey.

Mr. LANDERS. Mr. ROBINSON, of Massachusetts, is absent by leave of the House, and I am paired with him on all political questions.

The result of the vote was then announced as above stated.

MARTHA A. BONNER.

Before the result of the vote was announced,

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the case of the claim of Martha A. Bonner; which was referred to the Committee on War Claims.

JOHN ADAMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a list of clothing lost by John Adams at the burning of the quartermaster's stables at North Platte, Nebraska; which was referred to the Committee on Military Affairs.

PROTECTION OF WESTERN COLORADO.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, in reply to resolution of the House of March 26, 1878, as to the protection of residents of western portion of Colorado; which was referred to the Committee on Military Affairs.

LAND GRANTS TO ALABAMA RAILROADS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, notifying Congress that the land grant to two Alabama railroads has not been forfeited; which was referred to the Committee on Public Lands.

OPINIONS OF THE ATTORNEY-GENERAL.

The SPEAKER *pro tempore* also laid before the House a letter from the Attorney-General, asking an appropriation for purchasing a volume of the opinions of the Attorney-General; which was referred to the Committee on Appropriations.

RICHARD MIDDLETON.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting the military record of Richard Middleton, captain of a company of sappers and miners attached to the Third Maryland Volunteers; which was referred to the Committee on Military Affairs.

The result of the vote on the motion of Mr. HEWITT, of New York, was then announced as above stated; and accordingly (at ten o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. DEAN: The petition of E. S. Toby and others, for aid in the completion of the national monument at Plymouth, Massachusetts—to the Committee on Appropriations.

By Mr. GARTH: The petition of Henry J. Darby, A. R. Carrol, A. H. Jones, J. T. Westmoreland, Samuel Kirkman, James Hancock, and other citizens, of Lauderdale County, Alabama, favoring the passage of House bill No. 1670—to the Committee of Ways and Means.

By Mr. HUMPHREY: The petition of the mayor and common council of the city of La Crosse, Wisconsin, for the erection of public buildings in said city—to the Committee on Public Buildings and Grounds.

By Mr. HUNTON: The petition of Powell M. Bradley and others, for an appropriation to repair the causeway connecting Analostan Island with the Virginia shore—to the Committee for the District of Columbia.

By Mr. KELLEY: The petition of 245 citizens of Manayunk, Philadelphia, Pennsylvania, engaged in the manufacture of cotton, against the reduction of any duties which protect labor and against the reimposition of the tax on tea and coffee—to the Committee of Ways and Means.

By Mr. MORSE: The petition of Charles E. Gorman and 1,100 others, for the passage of an amendment to the Constitution of the United States that will put them upon the same footing as to their political rights as the emancipated slaves—to the Committee on the Judiciary.

By Mr. RICE, of Ohio: The petitions of Eliza Ferris and John Pratt, for pensions—to the Committee on Invalid Pensions.

By Mr. SWANN: The petition of John Brown & Sons, Thomas Peine, Thomas Whitridge, E. Levering & Co., and 21 other business houses of Baltimore, Maryland, against the granting of any subsidy to the Roach line of steamers to Brazil—to the Committee on the Post-Office and Post-Roads.

By Mr. TURNER: A paper relating to the establishment of a post-route from Pine Knot, Kentucky, to Parched Corn, Tennessee—to the same committee.

IN SENATE.

FRIDAY, *May* 24, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTION OF A DATE.

Mr. MORRILL. I desire to make a statement in relation to the printing of a public document "Forty-fifth Congress, second session, Executive Document No. 80," where a date has been misprinted. It is a telegram received by Dr. Linderman, and is printed "May 1, 1877." I have the original telegram in my hand and it is November 1, 1877, which makes all the difference in the world in the construction of it. It seems to have been in cipher, and reads as follows:

SAN FRANCISCO, CALIFORNIA, *November* 1, 1877.

To H. R. LINDERMAN, *Director of Mint, Washington*:

Recent instructions forcing all bark into George for hammer for China trade Jamaica unless determined to give Giles entire control of bullion business garnish should be opened for deposits for hawk.

HARRIS.

I merely desire to make the correction in the date as it is a matter of some importance to the parties.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter from Commander George Dewey, United States Navy, and naval secretary of the Light-House Board, calling the attention of the Committee on Commerce to the fact that the act of June 23, 1874, extending the jurisdiction of that board over the Mississippi, Missouri, and Ohio Rivers does not contain any provision for the enforcement of the lighting of a bridge owned or operated by an independent corporation; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, recommending an additional appropriation of $10,529.49 for the purchase of the site for the Ringgold Barracks, in the State of Texas; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WHYTE. I present the memorial of Alexander Brown & Sons, Thomas Whitridge & Co., Robert A. Fisher & Co., W. W. Spence, Hugh Jenkins & Co., Spence, Montague & Co., and other merchants and citizens of Baltimore, Maryland, remonstrating against the proposed subsidy to a line of steamships from the United States to Brazil; and, as it is a very short memorial, I ask that it be read and then laid upon the table.

The PRESIDENT *pro tempore*. The memorial will be read in the absence of objection.

The memorial was ordered to lie on the table, and was read as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

The undersigned merchants of Baltimore, engaged in trade between this port and Brazil, would respectfully and earnestly remonstrate against the passage of the bill now pending before the Senate to provide for the establishment of steamship mail service between the United States and Brazil, and any similar bill granting subsidies to steamship lines between New York and Brazil and New Orleans and Brazil.

The statement in the report of the Senate Committee on Post-Offices and Post-Roads, No. 338, that "the passage of a steamer direct from the United States to Brazil is now unknown," is erroneous. The Merchants' line, consisting of the steamships Cassine, Glencannox, and Glenlogan, have been plying regularly between New York and Brazil for more than a year past, carrying the mails at a cost to the Government of one-third of the ocean postage, being a little more than $1,200 per annum, since the expiration of the subsidy to the Garrison line. Cable communication has been perfected with Brazil, and almost all the business between the two countries has been transacted by wire, making the mails of comparatively little value except for the transmission of confirmatory advices and accounts. There are now some twenty firms engaged in this trade in Baltimore, the oldest of which has been in existence more than fifty years. There are thirty-two sailing-vessels plying regularly between Baltimore and Brazil, all of which were built in this country, are owned by American citizens, exporting American produce, and carrying the American flag, some of which have made the voyage between the ports of Baltimore and Rio de Janeiro in the short space of twenty-six days, while it is expected that the proposed steamship lines will make the voyage in twenty-five days, a difference scarcely appreciable.

In addition to these facts, which we think show how unnecessary these particular subsidies are, we suggest that such special legislation is unfair and unjust, tending to build up one interest at the expense of others.

Mr. THURMAN. I have been requested to present the petition of Charles E. Gorman and 1,100 others, praying for the passage of an amendment to the Constitution of the United States. They are citizens of the State of Rhode Island, I suppose mainly naturalized citizens, who are not allowed to vote in that State unless they possess a freehold, and they pray for an additional amendment to the Constitution in these words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of the place of nativity of any citizen thereof.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

As this petition relates to a very important subject and is brief, and in very respectful language, I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Ohio desires the petition to be read. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned citizens of the United States, residing within the State of Rhode Island, would respectfully show to your honorable bodies that, owing to the peculiar provisions of the constitution of the State of Rhode Island, nearly one-third of her population, despite the fact that full power over the subject of naturalization is exclusively vested in Congress by the Constitution of the United States, and every act required to become a citizen of the United States, and by their residence in this State citizens of Rhode Island, has been complied with by our citizens of foreign birth, are, unless they are possessed of a freehold, not required, in the case of native citizens, wholly deprived of the right of suffrage and of participation in any political election for Representatives in Congress and presidential electors, as well as for State officers and members of the General Assembly, by whom Senators in Congress are chosen. By means thereof, the naturalization laws of the United States are, within the State of Rhode Island, nullified, and the whole political powers of the State vested in the native population, while the naturalized citizens, who have renounced all claim to the protection of the country of their origin, and either are, or are entitled to be citizens of the United States, are rendered, unless in exceptional cases, utterly alien to the institutions of their adopted country.

Moreover, the effect of this disfranchisement, which exists in Rhode Island alone, and is peculiar to its constitution, is not limited to the State, but exercises its influence on the country at large through its bearing on the elections of members of both Houses of Congress and on the choice of the President and Vice-President of the United States in which the votes of naturalized citizens, in proportion to their number, are entitled to be counted in common with that of their fellow-citizens.

Your memorialists would further respectfully show that whatever might have been the objection to the intervention of the United States in matters deemed previously to our civil war exclusively of State cognizance, none can exist since the adoption of the fifteenth amendment intended for the protection of the emancipated slaves against any hostile legislation on the part of what had been the dominant race. The rights of naturalized citizens, though they have the misfortune to belong to the Caucasian race, which constitutes the white population of the United States, we submit should be not less sacred than those of persons of African origin, who enjoy the special protection of the Federal Constitution. Nor can we conceive of any reason which could be adduced in favor of according a guarantee of the political rights of the negro population of the South, which would not justify Congress from intervening in their case. All that we ask is that they should be put on the same footing as to their political rights as the emancipated slaves; and that while the fifteenth article of the Federal Constitution provides that—

"The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude"—

We therefore invoke the adoption of a further amendment guaranteeing the right of naturalized citizens to vote against any exclusion on account of the place of their birth. And we therefore respectfully ask of Congress to propose to the Legislatures of the several States the following as the sixteenth article, which, when ratified by three-fourths thereof, shall become a part of the Constitution of the United States:

ARTICLE XVI.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of the place of nativity of any citizen thereof.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

We would beg to refer in support of our prayer to the proceedings in the two Houses of Congress in connection with the passage of the fifteenth amendment and which included, as originally proposed, the provision for which we now ask.

Mr. THURMAN. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. DAVIS, of Illinois. There were some similar petitions which I presented yesterday laid on the table. I move that they be referred to the same committee.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented fourteen petitions from a like number of councils of the Order of United American Merchants, in the State of Pennsylvania, praying Congress to abstain from any changes in the tariff, and setting forth that such non-action is equally for the good of capital and labor; which were referred to the Committee on Finance.

He also presented a resolution of the Legislature of Pennsylvania, in favor of the passage of a law granting aid to citizens who desire to emigrate to and settle upon the public lands; which was referred to the Committee on Public Lands.

He also presented the memorial of James C. Fitz Gerald and others, citizens of Blair County, Pennsylvania, urging on Congress the necessity of restoring industry by making generous provision in aid of a southern railway to the Pacific; which was referred to the Committee on Railroads.

He also presented a petition of the American Iron and Steel Association, praying for an appropriation for continuing the investigations of the board appointed to test iron, steel, and other metals; which was referred to the Committee on Appropriations.

He also presented the petition of Mrs. L. E. McCauley, widow of Commodore Charles Stewart McCauley, United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented resolutions of the Legislature of Pennsylvania, in favor of aid from the Government to construct the Texas Pacific Railroad, and also to grant aid to certain persons to emigrate to and settle upon the public lands; which was referred to the Committee on Railroads.

He also presented the petition of Thomas J. Galbraith and others, citizens of Montour County, Pennsylvania, praying for the passage of an act granting aid in the construction of the Texas and Pacific Railroad; which was referred to the Committee on Railroads.

Mr. DORSEY presented a resolution of Council No. 9, Sovereigns of Industry, of the District of Columbia, in favor of the passage of a law providing for a coal-weigher for the District of Columbia, and requiring coal-dealers to send the certificate of such coal-weigher with each load of coal sold; which was referred to the Committee on the District of Columbia.

Mr. BECK presented the petition of D. Ellis Conner and others, citizens of Bath County, Kentucky, praying that a pension be granted to George Oakley and Jacob Ginter, old, infirm, and destitute soldiers of the United States in the war with Mexico, both being citizens of Bath County, Kentucky; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of Perry E. Brocchus, administrator of the estate of Augustin Maurin, deceased, praying the passage of a law authorizing the payment of the amount of a draft drawn by Colonel John B. Grayson, assistant commissary subsistence United States Army, at Santa Fé, New Mexico, May 4, 1861, for supplies furnished for United States troops, and which draft it is alleged has been lost, submitted a report thereon, accompanied by a bill (S. No. 1306) for the relief of the estate of Augustin Maurin, deceased.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William J. Marshall, executor of John G. Holloway, deceased, asking that the United States purchase the Camp Chase, Ohio, burial lot and make the same a national cemetery, submitted a report thereon, accompanied by a bill (S. No. 1307) directing the Secretary of War to purchase a lot of ground situated near the city of Columbus, Ohio, now used by the United States as a cemetery.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. EDMUNDS. I am directed by the Select Committee appointed under a resolution of the Senate on the subject of the presidential term, the method of electing a President, and the method of counting

the votes for President and Vice-President, to make a report in part upon the subject to which our attention has been directed, in the form of a bill to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States relating to presidential elections and to provide for and regulate the counting of the votes of President and Vice-President and the decision of questions thereon.

The bill (S. No. 1308) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States, relating to presidential elections, and to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, was read twice by its title.

Mr. EDMUNDS. I give notice that I shall ask the attention of the Senate to the consideration of this bill some day I trust the next week, when there shall have been time enough for Senators to examine it carefully, as I hope all will.

Mr. THURMAN. In respect to the report made on the bill relative to the count of presidential votes, I only wish to remark that the report is not a unanimous report of the committee. I will take some occasion to explain my own reasons for dissenting from some parts of that report.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4376) granting a pension to James G. Williams, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1308) for the relief of Daniel Small, a soldier of the war of 1812, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4373) granting a pension to Mary J. Lebow, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS. The same committee direct me to report adversely upon the bill (H. R. No. 3817) granting a pension to Annie Farley, simply upon the ground that there has been no application made to the Pension Bureau.

The report was ordered to be printed, and the bill was postponed indefinitely.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the letter of the Secretary of the Interior, transmitting a memorial of Anna M. Clark, praying confirmation of a certain private land claim in Florida, submitted a report thereon, accompanied by a joint resolution (S. R. No. 31) approving the decision of the Commissioner of the General Land Office in the claim of Anna M. Clark.

The joint resolution was read twice by its title, and the report was ordered to be printed.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the petition of Isabella H. Silvey, widow of Lieutenant-Colonel William Silvey, United States Army, asking for an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1309) granting a pension to Isabella H. Silvey.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Edmund R. Batchelder, late of Company B, Eleventh Regiment New Hampshire Volunteers, praying to be restored to the pension-roll, submitted a report thereon, accompanied by a bill (S. No. 1310) granting a pension to Edmund R. Batchelder.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1551) for the relief of Mrs. Emma A. Porch, of Centretown, Missouri, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 816) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes, reported it with amendments.

Mr. GROVER. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 2401) to authorize the claimants to certain lands in Santa Barbara County, California, to submit their claim to the United States district court for that State for adjudication, to report the same favorably with an amendment. The bill is the same as a bill passed by the Senate with the exception of the amendment which the Senate bill contains, and if it is in order I will move that the Senate take it up and pass it at this time.

Mr. EDMUNDS. I should like to have the amendment printed.

The PRESIDENT *pro tempore*. The Senator from Vermont objects and desires to have the amendment printed.

Mr. EDMUNDS. I was not able to attend the meeting of the committee this morning. I have no doubt the proposition is right; but if it is agreeable to the Senator I should like to have the bill go over until to-morrow.

Mr. GROVER. I will say to the Senator that it is the Senate amendment.

Mr. EDMUNDS. We can consider it to-morrow.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BURNSIDE, from the Committee on Education and Labor, to whom was referred the joint resolution (H. R. No. 176) to provide for the enforcement of the eight-hour law, reported adversely thereon.

Mr. SPENCER. I ask that that joint resolution may go upon the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. BURNSIDE, from the Committee on Education and Labor, to whom was referred the bill (S. No. 941) to regulate the hours of labor, reported adversely thereon.

Mr. SPENCER. I also ask that that bill go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. BURNSIDE, from the Committee on Education and Labor, to whom the subject was referred, reported a bill (S. No. 1311) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. No. 1062) to introduce moral and social science into the public schools of the District of Columbia, reported it with amendments.

BILLS INTRODUCED.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1312) relating to the election of Representatives to the Forty-sixth Congress in the State of North Carolina and the election of a Senator in the State of New Hampshire; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1313) granting a pension to James Burke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1314) for the relief of Charles Clinton, late assistant treasurer of the United States at New Orleans, Louisiana; which was read twice by its title, and referred to the Committee on Appropriations.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1315) to restore to the pension-rolls the names of certain soldiers of the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1316) to aid in the construction of the Corpus Christi, San Diego and Rio Grande Railroad; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MATTHEWS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1317) to invest the Court of Claims with jurisdiction to hear all titles and claims of titles in the unpatented lands in the southwest fractional quarter of section 10, township 39 north, range 14 east, of the third principal meridian, in the city of Chicago, county of Cook, and State of Illinois; and to invest the proper claimant or claimants of said lands with the legal title thereof by the decree of said court; which was read twice by its title, and referred to the Committee on Private Land Claims.

AMENDMENTS TO POST-ROUTE BILL.

Mr. COKE submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which, together with an accompanying petition, was referred to the Committee on Post-Offices and Post-Roads.

Mr. MAXEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which, together with an accompanying petition, was referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors; which was referred to the Committee on Commerce.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the bill (S. No. 1186) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory

thereof and supplementary thereto; which was referred to the Committee on Railroads.

CHICKASAW PERMIT LAW.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with a copy of the memorial of B. F. Overton, governor of the Chickasaw Nation, praying for a rehearing in the matter of the Chickasaw permit law, and not embraced in the Senate Executive Document No. 74, in response to resolution of the 17th ultimo.

WILLIAM A. GRAHAM.

Mr. JOHNSTON. I move that the Senate proceed to the consideration of Senate bill No. 72.

The motion was agreed to; and the bill (S. No. 72) for the relief of the heirs of William A. Graham, was considered as in Committee of the Whole.

The preamble recites that William A. Graham, in the year 1837, filed his application in the Patent Office, in due form, for letters-patent for a certain invention or discovery of a novel method of, or means for, extinguishing fires, with apparatus for making the same effective, and died in the year 1857, without having his application finally acted upon. The bill provides that his heirs shall be relieved of and from all disabilities now existing and preventing them from renewing or reviving the application by the administrator of the estate of Graham, deceased, and authorizes the administrator to renew the application, or file a new one, conforming to present rules, and authorizes the Commissioner of Patents to grant and issue letters-patent for the invention or inventions set forth in the application.

Mr. INGALLS. Is there a report in this case?

The PRESIDENT *pro tempore*. There is.

Mr. INGALLS. I should like to hear it read.

The Secretary read the following report, submitted by Mr. MORGAN on the 4th of April:

The Committee on Patents, to whom was referred the bill (S. No. 72) for the relief of the heirs of William A. Graham, have had the same under consideration, and submit the following report:

A bill in substance the same as this bill passed the House of Representatives in the first session of the Forty-fourth Congress, and was referred to the Senate Committee on Patents.

The following report was submitted by Mr. JOHNSTON, of Virginia, which the committee adopt as their report on this bill:

["Senate Report No. 396—Forty-fourth Congress, first session.]

"The Committee on Patents, to whom was referred the bill (H. R. No. 431) for the relief of the heirs of William A. Graham, have had the same under consideration, and submit the following report:

"On November 23, 1837, William A. Graham applied for a patent for a device to extinguish fire by a combination of carbonic-acid gas and water. His specifications contained a full and complete description of the invention, but his application was refused on the 25th of the same month. On December 29, 1837, he filed amended specifications and claims, and on January 13, 1838, he requested the Department to suspend any action till further advised. On April 3, 1838, he filed in the office a third series of specifications and claims, unaccompanied, however, by any drawing or model. The records do not show that the last application was acted upon.

"On December 13, 1851, Graham again came before the Department with a model, and asked that his case be acted upon. Prior to this last date he had met with an accident which actually confined him to his bed for three years, and almost entirely disabled him. The Commissioner again rejected his application, on the ground that it was substantially the same invention originally brought forward, and he was not inclined to overrule his predecessor.

"Graham was very poor and unable to undergo the expense of an appeal, and died in 1857. He never withdrew his application or reclaimed a part of the fee paid by him, as he had a right to do, but he lived and died knowing that he had made a useful invention, and never abandoning his claim.

"The war ensued not long after the death of W. A. Graham, and after it was over it was five years before Virginia, of which Graham had been a citizen, and where his relatives mostly reside, was admitted to representation. Since then A. Graham, administrator of William A. Graham, in behalf of the heirs of the latter, has made several efforts to obtain such legislation as would enable him to go before the Commissioner of Patents, but has not yet succeeded.

"Though a patent was refused to William A. Graham, yet one was granted April 13, 1869, to P. F. Carlier and Alphonse A. C. Vegnon, two citizens of France; and upon examining the specifications filed by them they are found to claim, 'The improvement in the art of extinguishing fires by throwing upon the fire or conflagration a properly directed stream of mingled carbonic-acid gas and water, by means of the pressure or expansive force exerted by the mass of mingled gas and water from which the stream is derived'—the identical thing claimed by Graham thirty-two years previously.

"Thus a patent was granted to foreigners which had been persistently refused to a native citizen.

"That Graham was the original inventor is quite certain. His opponents concede that, for in the printed argument filed by them they say: 'The idea of using carbonic acid combined with water to extinguish fire was unquestionably original with him, and he was among the first to make the discovery,' &c.

"And the Babcock Fire-Extinguisher Company appear and file a brief, in which they use this language:

"'When they embarked in the enterprise they supposed, with good reason, that their patents covered the entire field, else they had not invested their capital in the business. They now find that Graham was the original inventor, and that his invention anticipated all others. Hence, for the purpose of saving the capital that they have invested in the business, they ask that this bill may be passed, in order that, if the patent be allowed, they may take a license under it from the heirs, and thus, while paying a royalty to them, at the same time preserve their business and the large capital invested in it. For this reason they ask the passage of the bill.'

"It will be seen that that large company not only makes no objection to Graham's application, but concedes the right of his heirs to have a rehearing before the Commissioner.

"But who was the original inventor of the fire-extinguisher by the use of carbonic acid and water has been judicially settled in the case of The Northwestern Fire-Extinguisher Company *et al. vs.* The Philadelphia Fire-Extinguisher Company, and the decision is published in the Patent Office Official Gazette of July 14, 1874.

"The plaintiffs claimed under the patent already mentioned, as having been originally issued in 1869 to the Frenchmen Carlier and Vegnon. The defendants insisted that the plaintiffs could take nothing under that patent, because Carlier and Vegnon were not the original inventors, but that William A. Graham was the original inventor. And the court sustained the defendants, and adjudged the patent to Carlier and Vegnon void for want of novelty in all the devices claimed, and says the reason of the examiner for rejecting Graham's application 'now seems strange enough.'

"Without quoting at length from that case, your committee refer to it as establishing the fact that Graham was the original inventor; that a patent issued to other parties was void on that account; that Graham had demonstrated by actual trial and experiment, as far back as 1852 or 1853, the efficiency of his method for extinguishing fire; and that as early as 1851 a model and drawings of the apparatus described in the specification were filed by Dr. Graham in the Patent Office. And the court says, referring to the evidence in the case, 'Against the pressure of all these proofs I cannot resist the conclusion that Dr. Graham devised an original method of extinguishing fires by the combined agency of carbonic-acid gas and water, and that he "perfected and adapted" his invention by embodying it in the form of mechanical appliances capable of operative and successful use.'

"Dr. Graham was prevented by the twofold calamities of poverty and sickness from appealing to the courts or prosecuting his case with much vigor; and your committee are of opinion that his heirs are entitled to the relief sought, and they recommend the passage of the House bill."

The decision of the committee in the case cited in the report of Mr. JOHNSTON appears to be conclusive of the originality of the invention by Graham. The invention was useful and important in a high degree. Without any fault on the part of Graham he was deprived of the whole benefit of his invention, and has never realized anything from it.

The committee recommend the passage of the bill as amended.

The bill was reported from the Committee on Patents with amendments.

The first amendment of the committee was, in line 3, before the name "William A. Graham," to strike out the words "the said."

The amendment was agreed to.

The next amendment was, in line 5, before the word "are," to insert "they;" so as to read, "and they are hereby."

The amendment was agreed to.

The next amendment was, in line 7, before the word "application," to strike out "said" and insert "an."

The amendment was agreed to.

The next amendment was, in line 8, after the words "William A. Graham, deceased," to insert "for a patent for a novel method of extinguishing fires."

The amendment was agreed to.

The next amendment was, in line 11, after the word "application," to strike out the words "or file a new one," and in the same line, after the word "conforming," to insert the words "the same."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is now upon the amendment of the committee striking out the preamble.

The amendment was agreed to, and the preamble was stricken out.

ADDITIONAL CIRCUIT JUDGE.

Mr. DAVIS, of Illinois. I move that the Senate proceed to the consideration of the bill (S. No. 498) to provide for the appointment of an additional circuit judge in the second judicial circuit. It is all-important that the bill should be acted upon at once and the Senators from New York are very desirous to have it done.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, to add at the end of the second section:

But the clerks of the circuit courts shall be appointed by the circuit judge oldest in commission; and he shall designate, from time to time, the district or districts in which the junior circuit judge shall hold or preside in the circuit courts. And two circuit courts may be held at the same time in any district, in which case the senior circuit judge as aforesaid shall designate the business to be done by each.

Mr. DAVIS, of Illinois. I had hoped when the present Congress met that before it terminated some general measure of relief to the overcrowded dockets in the Federal courts would have been matured and passed; but it may be received as an accepted fact that no general bill will be presented at this session for the action of the body. It becomes necessary, therefore, to inquire whether in certain localities there is not an absolute necessity for additional judicial force. The city of New York is the metropolis of the country, and we have been pressed by the entire bar of the second circuit upon this subject more than by any other locality in the United States. I believe that public justice requires that an additional circuit judge should be appointed for that circuit. I believe that it is more necessary there than in any other locality in this country, with the single exception of the Chicago circuit. It is a denial of justice in New York to intrust the disposition of the entire business that accumulates in the circuit court there to one judge. I have no reliable statistics of the entire number of cases, common law, chancery, admiralty, and criminal cases, that are upon the dockets in the city of New York, nor are those statistics necessary in order to the solution of the question whether or not this additional judge should be provided. The most accurate way of judging upon that subject is to ascertain the number of causes that are put upon the calendar for trial at a given term, at the present term, for instance, the April term of that court. Those causes are put upon the calendar by one of the counsel on notice to the adverse party and to the clerk. They are ready for trial; issues have

been joined in them. Very many cases are, of course, upon the dockets which will ultimately be disposed of without troubling the court, being dropped in some manner. Then there are a great many other cases in which testimony is being taken and the issues prepared that will go upon the calendar at some future time.

I have reliable statistics of the calendar of the present April term of that court, which is now in session. There were four hundred and forty-four jury cases set down for hearing; thirty-three only of those cases have been so far disposed of. There were one hundred and sixteen cases put upon the equity calendar; only five of those cases have been disposed of; seven demurrers at law of importance; none of those have been disposed of; five motions for trial in the thirty-three cases that have been heard; none of those have been disposed of; fifty-nine appeals in admiralty; none have been disposed of; five reviews in bankruptcy; none have been disposed of; seven writs of error from the district court; none have been disposed of; forty motions; eighteen disposed of. When I say "disposed of," I mean heard by the court. In many of them the decisions have not been announced, the court is preparing the decisions; but they have been heard by the court, and therefore are treated as disposed of. The oldest jury issue undisposed of is October 3, 1865. The oldest admiralty appeal there is November 12, 1870. The oldest writ of error undisposed of is November 1, 1876. The oldest equity issue is November 25, 1869. There are three cases of equity appeals undisposed of arising in 1870; one in 1871; one in 1872; two in 1873; five in 1874; eighteen in 1875; forty-two in 1876; and thirty-three in 1877.

Time is waning, and therefore I do not wish to discuss this subject any further. I believe it is a denial of justice to suitors to withhold this measure of relief. We are bound to furnish all the needed judicial force to dispose of this business.

Mr. VOORHEES. I wish to say one word in regard to the increase of judges in certain States. I have not a doubt that it is necessary in this case, and it is equally necessary in many other States. It is eminently necessary in my own State. What the Senator from Illinois has said in regard to the denial of justice in New York is eminently true in Indiana. I know business depending in the circuit court of the United States in Indiana that, for the want of a circuit judge to transact the duties of that position, has been continued, not from month to month, but from year to year, until suitors against insurance companies and in cases of that kind have been driven to compromise away their rights because there was a denial of justice. I will say to the Senator from Illinois that I am ready to vote for a general system to increase the number of judges where an increase is needed. I shall not vote for any isolated case.

Mr. DAVIS, of Illinois, (to Mr. VOORHEES.) There is a bill reported from the committee for a new circuit judge in your circuit.

Mr. VOORHEES. Very well, but that would not meet the objection that I make. It would not be right for me to say that if I had what I wanted to have, other Senators should be denied what they want. What I insist upon is that the Judiciary Committee ought to give this subject a general attention, and, taking all the States together, bring forward a bill revising and enlarging the judiciary wherever it is necessary, instead of taking up isolated cases.

Mr. DAVIS, of Illinois. Will the Senator allow me? I just said that that could not be done at this session. I will not say which member of the Judiciary Committee has been struggling for it.

Mr. VOORHEES. Then, in my judgment, this ought not to be done.

Mr. DAVIS, of Illinois. Therefore we have reported in favor of additional circuit judges where they are most needed and most called for, and the Senator's own circuit is one of them.

Mr. VOORHEES. But when you state a case like New York, the complaint is just as general from other States as that.

Mr. DAVIS, of Illinois. No.

Mr. VOORHEES. I want a general system to obviate these crying evils.

Mr. KERNAN. Mr. President, I concur in what has been said by the Senator from Indiana that there should be a judiciary that within a reasonable time shall be able to dispose of the business. One of the highest duties of a government is to furnish a judiciary which shall be able with diligence to dispose of the litigation between parties in reference to property with reasonable promptness. If you do not do so, there will be parties that will interpose sham defenses merely for the sake of delay, wronging those entitled to property or entitled to the payment of debts.

Now, sir, in reference to the second circuit, the Senator of the Judiciary Committee [Mr. DAVIS] does not overstate, he does not fully state, the great hardship which there exists. The difficulty is not merely as to the business which arises between citizens of that circuit or citizens of New York, but from the fact that the city of New York is the great commercial port of the Union, that it is a city where a very great deal of business is done by people living in other States inland, and all those people will from time to time and have now, many of them, cases pending there that it is of the utmost importance that they should have decided. Experience shows that no one circuit judge, with such aid as he can have from surrounding circuits, the judges of which do aid him, can dispose of that business. Therefore I trust that we shall act upon this bill now.

The wise way to act, I think, is to provide an additional judge in any circuit where an additional judge is necessary to do the business, and decide each case upon its own merits. I know from information from many sources in New York that one circuit judge in the second circuit is entirely unable, laboring as he does most zealously, to attend to the business, to dispose of the current business, to say nothing of the large amount of business in arrears in that circuit.

I hope, therefore, the Senate will act on this bill giving relief to the suitors in the second circuit, many of whom live in other States; and then, in reference to other circuits, if any, which the committee find in a like situation, action should be had.

Mr. WHYTE. Mr. President, I would like to vote for a bill which would increase the judicial force in those parts of the country where an increase is needed, or I would rather vote for a bill which would not increase the number of judges and yet would divide them more equitably among the States. I would rather vote for a bill changing some of the circuits, the territorial divisions, and throw some of the States that now are in circuits where a great deal of business is transacted into circuits where not so much business is transacted.

Mr. DAVIS, of Illinois. The city of New York is an exception. It is utterly impossible to make any such change there. They do need two judges where one is needed elsewhere. There is no disguising that fact.

Mr. WHYTE. Do not Connecticut and Vermont belong to that circuit?

Mr. DAVIS, of Illinois. But the business is in New York. The district judges do all of the other business. New York City alone really needs two additional circuit judges.

Mr. WHYTE. I am only afraid that this is an entering-wedge for increasing the Federal judiciary all over the country.

Mr. DAVIS, of Illinois. I will say to the Senator frankly that wherever it is necessary it should be done. In his circuit there is no call for an additional judge.

Mr. WHYTE. None whatever.

Mr. DAVIS, of Illinois. He is not needed; but the statistics show that in two or three other places additional judges are needed. I think an additional circuit judge is needed in the extreme southern circuit; I believe an additional circuit judge is needed in the western circuit, that of Judge Dillon; and I know it is needed in the Chicago circuit.

Mr. WHYTE. I should like to vote for a bill which I was satisfied was absolutely necessary; but as there is no printed report——

Mr. DAVIS, of Illinois. I have made all the statement needed.

Mr. WHYTE. I grant that the distinguished Senator from Illinois, than whom nobody is more competent to express an opinion upon a subject of this kind, has already told us of the need in New York. I am not disputing that. The question with me is whether you cannot get the force from some other quarter without making another circuit judge and establishing the precedent that whenever an increased amount of legal business occurs in a district or circuit we must make a judge to meet it.

The Federal judiciary will be largely relieved of their work when the bankrupt law is repealed. A great deal of the business which has occupied the Federal courts in the last ten years will be taken away by the repeal of the bankrupt law.

Mr. DAVIS, of Illinois. Very little circuit business.

Mr. WHYTE. But it is district business, and a great many of the cases in the district courts will probably be better attended to and will not require an appeal to the circuit court.

I will not further occupy the time of the Senate but give the Senator from Illinois, who has charge of the bill, the opportunity of a vote on it; but I shall vote against it as it now comes up.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. DAVIS, of Illinois. Let us take the vote on this bill.

The PRESIDENT *pro tempore*. If there be no objection——

Mr. INGALLS. If there is to be no further discussion I shall not object to a vote being taken; but if there is to be additional debate my duty will require me to call for the unfinished business.

Several SENATORS. Vote! Vote!

The PRESIDENT *pro tempore*. The bill is continued before the Senate as in Committee of the Whole, no objection being made. The question is on the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

On the passage of the bill, a division was called for, which resulted—ayes 30, noes 9. So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana.

The message also announced that the House had passed the bill (S. No. 312) for the relief of Robert Coles.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3079) to provide means for giving official notice of the acts of the Government, and to provide for the advertisements required by the several Departments of the Government; and

A bill (H. R. No. 4105) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws; and

A bill (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McCREERY, it was

Ordered, That the papers pertaining to the application of Benjamin Alsop be taken from the files and referred to the Committee on Pensions.

ARTICLES FOR EXHIBITION.

The PRESIDENT *pro tempore*. The unfinished business is the bill providing a permanent form of government for the District of Columbia.

Mr. BAYARD. I would ask the Senate to allow me to call up and have passed a House bill which if not passed now will be useless to the parties for whose benefit it is intended. It is a bill to provide for the free entry of articles imported for exhibition by societies established for the encouragement of the arts and sciences. It is a matter I believe that will not occupy any time in debate. If the Senator in charge of the unfinished business will permit this to pass, I shall be obliged to him.

Mr. INGALLS. It is very ungracious to resist solicitations of this kind, and I have already done violence to my feelings in declining to yield to several gentlemen who have importuned me in a similar way; and I regret to do so in this case. I think if the bill now under consideration can be proceeded with, in the course of an hour it can be disposed of, and I believe I must insist on the regular order. Of course it rests with the Senate to say whether it shall go on or not.

Mr. BAYARD. I appreciate the position of the honorable Senator from Kansas. He does not like to make me an exception. Therefore I move that the present order be informally passed by in order to take up House bill No. 4413. If I thought it would lead to any debate, I would not ask that it should be taken up.

Mr. HAMLIN. Please state what it is.

Mr. BAYARD. The object is to provide for the free entry of articles imported for exhibition by societies established for the encouragement of the arts and sciences. It will lead to no debate. If it does I shall not insist upon it.

Mr. MORRILL. This is a House bill and there is an amendment proposed by the Committee on Finance that will, I think, sufficiently guard it, so that there will be no objection to the bill on the part of any one.

Mr. INGALLS. If this bill will give rise to no debate, I will consent that the pending order may be informally laid aside, that the bill may be read and passed.

Mr. HOWE. Subject to call.

Mr. INGALLS. Subject to call for the unfinished business.

The PRESIDENT *pro tempore*. That will be the understanding.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes.

The bill was reported from the Committee on Finance with amendments.

The first amendment was, in line 6, after the word "material," to insert the word "hereafter;" in line 9, after the word "sale," to insert "nor for any other purpose than is hereinbefore expressed, and all such articles imported as aforesaid now in bond," so as to read:

That all works of art, collections in illustration of the progress of the arts, science, or manufactures, photographs, works in terra cotta, Parian, pottery, or porcelain, and artistic copies of antiques, in metal or other material, hereafter imported in good faith for permanent exhibition at a fixed place by any society or institution established for the encouragement of the arts or science, and not intended for sale, nor for any other purpose than is hereinbefore expressed, and all such articles, imported as aforesaid, now in bond, and all like articles imported in good faith by any society or association for the purpose of erecting a public monument, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.

The amendment was agreed to.

The next amendment was to insert at the end of the first section the following proviso:

Provided, That the parties importing articles as aforesaid shall be required to give bonds, with sufficient sureties, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to the provisions and intent of this act.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That all articles described in this act imported for and exhibited at the late international exhibition, upon which duties have not been paid at the passage of this act, may be included within its provisions.

The amendment was agreed to.

Mr. CONKLING. I ask to have read again the latter part of the section which is now the last section of the bill, that which makes a distinction between articles that have and have not paid duty heretofore.

The PRESIDENT *pro tempore*. It will be read as amended.

The Chief Clerk read as follows:

Provided, That the parties importing articles as aforesaid shall be required to give bonds, with sufficient sureties, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to the provisions and intent of this act.

Mr. CONKLING. Now will the Secretary read what precedes that. A distinction occurs between articles that have already paid and those that have not paid duty.

The Chief Clerk read as follows:

And not intended for sale, nor for any other purpose than is hereinbefore expressed, and all such articles, imported as aforesaid, now in bond, and all like articles imported in good faith by any society or association for the purpose of erecting a public monument, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Mr. CONKLING. I think then the language I want read is contained in the section stricken out. I will look. [Examining the bill at the desk.] The language I referred to was in the section which has been stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL AMENDMENTS.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce.

CANAL AROUND CASCADES OF COLUMBIA RIVER.

Mr. MITCHELL. I submit an amendment to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, to amend by striking out the words "seventy-five" in line 359, page 15, and inserting in lieu thereof the words "three hundred;" which I ask may lie on the table, and on Monday next I shall ask the Senate to give me about fifteen or twenty minutes in making explanations of it.

The PRESIDENT *pro tempore*. The amendment will lie on the table.

BILL RECOMMITTED.

Mr. PLUMB. I am instructed by the Committee on Military Affairs to move that the bill (S. No. 26) to donate a portion of the military reservation of Fort Harker to the State of Kansas for the establishment of an educational or charitable institution, and to open the remainder of said reservation to settlement, be recommitted to that committee.

The motion was agreed to.

DISTRICT GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, the pending question being on the amendment of Mr. BAYARD to strike out after the word "dollar," in line 109 of section 3, the words "and fifty cents;" so as to read:

And provided further, Upon property without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars.

Mr. SAUNDERS. I think the same objection arises here that we had yesterday of making a distinction in the rate of taxation rather than in the valuation. If I understand this amendment, it is what? The bill already provides that property in the city of Washington shall pay a tax of a dollar and a half on the hundred dollars of valne. Now this amendment proposes that outside of the city and within the District the tax shall be one dollar per hundred. If I am correct, that is the effect of the amendment.

Mr. DORSEY. Exactly.

Mr. SAUNDERS. I can see no just reason for that. All property is to be valued at its cash value. Let us illustrate for a moment. Two men commence business here with $10,000 in money to operate in this city and in this District. One of them invests in valuable property on a street here, buys a town lot or two town lots or whatever he chooses and takes his chances. The other invests in fifty or one hundred acres a mile or two or three or four miles out of town, and takes his chances. They both put in $10,000. The one has ten times, twenty times, a hundred times as much property as the other. Why should he not pay the same rate of tax on his money that the other pays? I can see no reason for a distinction.

I have had something to do with taxation in other places, and I could never see any good reason for making a distinction in the rate of taxation. Make it in the valuation, if any is to be made. If a man says his property is worth $10,000 in the city, and another says his is worth $10,000 out of the city on account of having more of it, why should the latter pay less tax than the former? If a man owns

a horse that is worth $500, for instance, and another owns a horse worth only a hundred, why not make each of them pay, as we do under this bill as it is, a dollar and a half on each one hundred dollars, so that one would pay seven dollars and a half tax and the other a dollar and a half. It seems to me that the horse worth a hundred dollars being of less value than the other, its owner should pay not a less rate of tax? I certainly cannot see any good reason for a difference of rate. So far none has been given that is convincing to me why there should be any distinction made in the rate of taxation after the property has been assessed and valued and the cash value put upon it.

Why, Mr. President, look at this thing. We begin here at a rate of a dollar and a half in the city, and we lower it to $1 when we get out a mile or two. How far shall we have to go until a man will pay no tax at all if we were to proceed in that way? It seems to me after you get out a short distance there would probably be a premium offered for a man to live there. In our country we pay taxes according to value and no distinction is made as to rate. If one man has a farm worth $20 or $50 an acre he pays taxes upon that; if another has a piece of land worth only $5 an acre, as a good deal of it is, he pays on $5, and that is fair. We should not say that the man who owns a farm worth $50 an acre should pay $2 or $1.50 on the hundred while another because his land is valued at less should pay but $1 per hundred, and we ought not to say it here. Unless some reasons are given to show me why I should vote otherwise, I must oppose this amendment.

Mr. DORSEY. I think the Senator from Nebraska has hardly considered the subject fully. The property in the cities of Washington and Georgetown has many advantages that property in the District outside of those cities has not; for example, the people living in these cities pay more tax because they have a larger degree of protection; they have police, they have a fire department, they have water, they have all the conveniences of large cities. The people in the country have none of these conveniences, and they should not pay for things that they have not got. More than that, property in the city is more productive than property in the country. I believe everywhere, in every city in the land, the rate of taxation is graduated, beginning at the commercial portion of the city and ranging out, growing less and less as the property gets back into the country. I know in Saint Louis that taxes in the county are about one-half what they are in the city. I think it is true probably of the Senator's own State that the tax on property in the county is much less than in the city.

Mr. SAUNDERS. No, sir; I will correct the Senator. We have no different rate of tax; we have a different rate of valuation of property, but there is no difference in the rate of tax.

Mr. DORSEY. So far as I know, in almost every city in the Union there is a different rate of tax as between the city itself and the country surrounding the city, and for the reasons which I have just stated, to wit, that the city has protection in the way of police, in the way of a fire department, a fire-alarm telegraph, water supply, and all the conveniences of modern civilization, which the country has not, and which the country ought not to pay for in the city. I hope the amendment of the Senator from Delaware will be adopted.

Mr. SAUNDERS. I am by no means relieved from any difficulty, if I had any, upon the subject. On the contrary, I am more and more convinced that I am correct. Take a piece of property over in Georgetown. If a man goes there and buys a house and lot on the outskirts for $5,000 that would cost him $25,000 if farther in the city, he ought to pay on his five thousand dollars' worth of property at the same rate as a man would pay on a house and lot in the center of this city worth $25,000, because the property worth $25,000 will be taxed, having the advantages of light and water, &c., greater than the less valuable property. That is the very reason why the one property is worth $25,000 rather than a less sum. He pays for these advantages in that way. He has to give more money for it, in the first place. The proper way is to tax him just what his property is worth and the other man just what his property is worth. That is the fair and just principle. As I said before, if you would run this principle out, as you would get farther out of the city you would reach a point where the people would pay no tax at all. If you lessen the tax 50 per cent. for going three miles, you ought to lessen it still more for going ten miles. There is no good ground for this discrimination at all. The rate of tax ought to be the same on everything.

Mr. CONKLING. I agree entirely with the principle enunciated by the Senator who has just taken his seat, but it happens, as it usually does, that the difficulty is not in the abstract assertion of the principle, but in the application of it. Of course a man who owns $5,000 of property ought to pay, all other things being equal, a given rate upon that property as much as if its value was $25,000; but what should he pay for? That is the question. How are you to apply the principle? Should he pay taxes for that which is foreign to him, which he received no benefit from at all? I had supposed certainly not. What is it in the State of New York, and I presume in every other State, that breeds a still-beginning, never-ending conflict as to the limits of cities? Why is it that in the city in which I live there is a constant struggle going on from the inside to extend the line of the city and from the outside to prevent that extension? If it be true that within the city limits and without, on an even yield, everybody should be taxed alike for what the city has, why is it that there is a constant grapple for the mastery between these two ideas—the extension and limitation of the area of cities?

Mr. SAUNDERS. Will the Senator allow me to ask him a question?

Mr. CONKLING. I was asking my honorable friend a question; but I shall be very glad to hear him.

Mr. SAUNDERS. I understand the Senator to ask why we should pay on property which yields no income; I believe that is the substance; on property that is not yielding any profit to the holder. Nine-tenths of the property in my State is yielding nothing whatever. What would the Senator do in that case? Would he not tax the prairie lands there that yield no profit?

Mr. CONKLING. The Senator entirely mistakes my proposition. I am not speaking of what property yields.

Mr. SAUNDERS. I am glad to be corrected.

Mr. CONKLING. I need not go to the Senator's State nor to my own to show that a piece of property out of the city, as compared with property in the city has very little of rents, issues, or profits. The suggestion which I was endeavoring to make to him is of a wholly different kind. Let me see if I cannot restate it, or state it so as to make it clear. As the Senator from Arkansas [Mr. DORSEY] has said, the city of Washington has police, a fire department, street lamps, a fire-telegraph-alarm, a great variety of appliances and apparatus, the whole of which cost money.

Mr. DORSEY. And schools.

Mr. CONKLING. I speak now of the mere mechanical appliances of city life, if I may so say. Now, to whom are those appliances useful? To some man who never uses them, who by no possibility ever can use them? To some man whose stacks and barn and house may catch fire and burn down without the possibility of any member of the fire department reaching him with water, or hook or ladder, or any other appliance likely to stay the flames? The fire department is not useful to him.

No doubt the Senator might say that you could put border instances; that you could find the case of a man who lived just across the line, and yet so near that the fire department could reach him. No doubt of it. That is true of all cities. In my own city sometimes an engine is put quickly on a car and run from twenty to fifty miles and reaches there in time to take part in extinguishing a fire. Those are sporadic cases; they are exceptions; and general rules are never made to provide for exceptions. The main truth is that the city limits bound practically the use of such appliances. That is the convenient line of demarkation. Therefore the committee in this bill made a distinction, as other committees in all such bills. Such bills arise usually in State Legislatures, touching the charter of cities, and such questions come before boards of supervisors; but wherever they come, I had supposed a distinction was well recognized in levying taxes as between those who ought to pay for a given thing and those who ought not.

Let me again illustrate that point. Under the charters of many cities in the State of New York, when a pavement is first laid the tax-payers of the city at large pay for that pavement. Afterward it must be kept in repair by local assessment; but the outlay is a general charge upon the tax-payers of that city. Here is a street to be paved from one block to another. It is to be expensively paved, and it is to cost a good many thousand dollars. It is for the local convenience of the people who would be separated in trade and traffic if this bad stock of pavement or this stock of no pavement were left remaining. Is it reasonable that a man who owns a farm five or ten miles from that city should be taxed to put down that pavement, or to lay down that crossing, or to erect that lamp-post, or to dig that sewer, or to do that other thing which is local in its uses and effects? If it is, the Legislature of the State of New York has been acting under a blunder which began in the times of our grandfathers, and I think before that, because always in the adjustment of taxes the distinction which I am endeavoring to state has been preserved, namely, that those who organize and live under a city government with its extraordinary charges and its extraordinary advantages, are the persons upon whom should be levied the tribute necessary to pay for its expenses.

A Senator behind me reminded me a moment ago of the schools. Take the matter of city schools. Here are schools which children cannot attend except the children within the city limits. The Senator may say that there is no regulation of law to prevent children coming from beyond the boundaries and attending school. I was taking it for an illustration. In other cities it is established by law that the schools are open to those who live within the prescribed boundaries. Here it is not so by law, but it is so by necessity. Of what advantage is it to say to a man who lives five miles away "your children can attend school in Washington?" It is like the right to shear the wolf; you have the abstract right but you cannot get the fleece. So the children, if they can be transported five miles, can go to school, but in point of fact they cannot be transported and they do not attend the school. A Senator says that one-quarter of the outlay here is for public schools. Can it be that a man who lives beyond the limits, who enjoys no sort of advantage from that source, whether his property be in value $5,000 or $10,000, should be taxed as the Senator should be or as I should be if we were residents here where our children can go and do go to the public schools?

Mr. President, it seems to me this question has often been discussed before; if I remember I have two or three times taken some slight part in the discussion myself; and I had supposed that if anything had been affirmed by the experience and concurrence of legislation, sustained by public opinion, it was that levying taxes should have respect to the question whether the person on whom they were to be levied had any interest or not in the things which the taxes were to pay for. There are many respects in which those taxed may have the benefit of the advantages of the city government. Precisely where the line of demarkation should be, whether the difference should be more or less, is another thing which at this moment I am not prepared to speak of. The committee, doubtless, have framed the bill in that particular; but that there should be some difference between those who do and those who do not profit by the advantages in a city which are local to that city, had seemed to me to be too clear for discussion.

Mr. SAUNDERS. It seems to me that that very distinction is made, and it is made in the value of the property. It is proper and right to require the taxes to be paid by the people of the city; and who pay the taxes? Does not the property in being valued higher in the city than out of the city pay for the advantages given to the city property? When you speak about furnishing water, it is not furnished free; the consumer pays for it; and when you speak about gas, it is not furnished free: that is paid for. Therefore, I still do not see any reason why $1 of property owned three miles out from the capital should not pay on that dollar just the same that a dollar would pay around the Dome of the Capitol. I say the difference ought to be made and will be made in the valuation of the property. If an acre of property within the city limits is valued at a large amount, ten times probably at what it would be valued outside the city, why should not the property outside pay one-tenth as much tax? That is the doctrine I assert.

So far as schools are concerned, I say to Senators that if schools are not provided for the whole District they ought to be, and I am ready to vote for extending the advantages of the schools all over the District.

Mr. HAMLIN. It is so now.

Mr. SAUNDERS. The Senator from Maine says it is so now. If so, the argument is already answered. So far as these advantages are concerned they apply more to the people outside of the city than they do to the people within the city. Here are your parks, here are your avenues, your streets all paved, and everybody uses them. People travel over them day after day without paying a dollar for the privileges they enjoy. Your public parks are open to those outside the same as they are to the people of the city. Yet you say that their property shall pay 50 per cent. less than the property inside the city limits, dollar for dollar. Make your difference in the valuation of the property, not in the rate of taxation, and then you will do equal and exact justice to all.

I do not wish to take further time of the Senate on this point. I may be wrong; but I am not convinced yet but what I am right.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The question is on the amendment of the Senator from Delaware, which will be reported.

The CHIEF CLERK. On page 8 of the reprint of the bill, line 109 of section 3, it is proposed to strike out, after the word "dollar," the words "and fifty cents;" so as to read:

And provided further, Upon property without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1 on every $100.

The amendment was agreed to; there being on a division—ayes 30, noes 13.

Mr. KIRKWOOD. I move to amend by inserting after the word "upon," in line 106 of this section, the word "real;" so as to read:

Upon real property without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed $1 on every $100.

Mr. DORSEY. I hope that will be adopted.

Mr. SAULSBURY. I inquire of the Senator from Iowa if that would not leave the tax at $1.50 on personal property without the limits of the cities. Without the amendment the tax of $1 per hundred would be levied "upon property."

Mr. KIRKWOOD. It will leave personal property at $1.50.

Mr. SAULSBURY. I ask if that is proper. We have reduced the tax on real estate. Should there not be the same reduction on personal estate outside of the cities of Washington and Georgetown that there is upon the real estate?

Mr. KIRKWOOD. I was about to give my reason for offering the amendment, and that will answer the Senator's question. We have said by the amendment which has just been adopted that property outside of the city limits shall pay one dollar on the hundred.

Mr. EATON. Does not "property" mean both real and personal estate? Both go to make up "property."

Mr. KIRKWOOD. I suppose that to be so; and understanding it to be so my amendment proposes to change it, and the reason, if Senators will allow me, why I think it ought to be changed, I am now about to assign.

As I said, we have just adopted an amendment that property outside the city limits shall pay only $1 on the hundred. That will include both real and personal property. It strikes me that the result will be that a large portion of persons who hold very large amounts of personal property which are used and profitably used inside of the city limits will have their residence outside of the city limits, where they can be surrounded by beautiful grounds; and while their capital, their money, which is used in the city, is deriving to them a large profit, on account of their residence outside of the city limits, they will escape taxation in the city. A banker, for instance, in the city, with a capital of $100,000 invested in banking, which yields him a very handsome percentage, buys a few acres of ground just outside of the city limits and puts up a handsome residence, and enjoys all the benefits of the streets and lights, &c., of the city, and yet his hundred thousand dollars do not pay as much tax as the residence of a neighbor just across the line inside of the city.

Mr. BAYARD. Has he there the water, the gas, and the police presence of the city?

Mr. KIRKWOOD. He has all those substantially.

Mr. BAYARD. It seems to me not so.

Mr. KIRKWOOD. I submit the amendment to the Senate. I think it is in the interest of simple right and justice between man and man, and does precisely the right thing. I know how apt persons who acquire large fortunes are to get outside of the city limits, a little beyond the limits, where they can have more room and beautiful grounds. If they should attempt to do that for the purpose of escaping taxation at the same time, it does not strike me that it would be for the benefit of the city.

Mr. EATON. I suggest to my friend from Iowa that whenever there is such a result as he imagines there may be, this city will doubtless ask Congress to do what other cities have done in the different States of the Union—extend the city limits so as to embrace such property.

Mr. INGALLS. Mr. President, my intention was in voting for this provision in committee to exempt from the maximum of taxation imposed upon property within the city limits only real estate exclusively used for agricultural purposes in the county outside of the corporate limits of the two cities of Washington and Georgetown. If I had not before seen this bill printed as it is now, I should have said that that was the action of the committee, for I distinctly remember that it was discussed and the object was avowed to be that land used for agricultural purposes should bear a lower rate of taxation than that used for other purposes. But inasmuch as the bill is printed without that distinction, I presume that I am mistaken.

Mr. HARRIS. If the Senator will allow me, he is quite right in his recollection. Such was the conclusion of the committee originally; but upon further discussion it was determined to assess all property alike beyond the limits of the cities of Washington and Georgetown.

Mr. INGALLS. I presume, then, that when that conclusion was reached I was not present, for I do not recall it.

But the objection which is made by the Senator from Iowa [Mr. KIRKWOOD] to the inclusion of personal property within the diminished limit of taxation proposed by this portion of the section, has great weight. I am inclined to think it would be much better to adopt his amendment. I can see no reason why personal property outside of the limits of the cities of Washington and Georgetown should not bear the same proportionate amount of taxation as the realty inside the corporate limits. But I shall not be strenuous about the matter, although I concur very largely with the views expressed by the Senator from Iowa.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. KIRKWOOD.]

The question being put, a division was called for; and the ayes were 21, and the noes 15; no quorum voting.

Mr. INGALLS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. Mr. President, a single word. As I understand this amendment, it is only to require persons living in the District outside of the city limits, in the rural portion of the District, to pay the same rate of taxation on their personal property that parties pay who live within the city limits. I think if Senators will consider a moment they will be satisfied that if we do not adopt this amendment merchants who are doing business in the city and others who have large personal estates will make their residence just out of the city limits and escape the taxation which is essential to carry on the District government. I think there is a reason for exempting the real estate situate outside the city limits, and which is used for agricultural purposes mainly, from as high a rate of taxation as is imposed on real estate situate within the city; but as to personal estate the rate of taxation should be the same whether the owner resides in the District within or without the city limits; otherwise there will be unfair evasions of taxation on personal property.

Mr. CONKLING. When I heard the suggestion made that real estate used for agricultural purposes outside of the city limits ought to be exempted, it struck me that if the purpose had been to select a species of property outside of the District which should not be exempted that very designation would have been made. Why? Real estate used for agricultural purposes is the only real estate in the District outside of the city which yields rents, issues, and profits. All other real estate, to borrow a phrase that I heard the Senator from Vermont [Mr. EDMUNDS] employ yesterday, is merely for shelter. How can it be said that real estate used for agricultural pur-

poses, the employment of money-making, should be exempted any more than any other property? I cannot see that. Yesterday I heard stoutly denied in the Senate, and by Senators who favor this amendment I think, that there was any distinction between real and personal property as to the burdens it should bear. Now it seems there is a distinction, and founded on what? On an allegation which I think every Senator will bear me out in saying has been falsified by every practical instance to which he can turn his mind. The distinction is sought to be based upon the idea that particular persons in trade in the city will select residences away for the purpose of avoiding taxation. I heard it said a good many years ago that human nature is the same the world over. I take it that the same motives which move men in the city of Washington move men in other cities. Does anybody know of such an experience? I heard a very wise man say once that a man should always sleep where his business is. I think there is a good deal in it, when you come to consider that a man should be where his business is; but is it true as a rule that men in cities to escape city taxation live in the country and come in and do business in the city? How far does that obtain? On the contrary I venture the assertion that so attractive are the opportunities, the advantages, the conveniences of the cities, that the reverse is always the fact. In the city of New York, I know, people have been driven to go across into New Jersey, and into King's County, and into other places near the city, above Spuyten Duyvil, (they would go if we had rapid transit, and will go now that we are to have it,) because of the necessity of the thing, because of actually being crowded out by the rents and the scarcity of tenements; but show me an instance of a city like this, for example, where there is "ample room and verge enough" for everybody to reside in the city where men engaged in business actively, men who have large affairs, men who would be valuable tax-payers, go and live the year round miles away out in the country for the purpose of avoiding taxation.

Mr. President, I do not believe that that is sound. On the contrary, as I listened to my friend from Iowa, [Mr. KIRKWOOD,] I thought, as I believe the Senator from Connecticut [Mr. EATON] suggested in one form, that would be an exceedingly artful piece of legislation, it would really rise into the domain of statesmanship, if we could pass a tax bill which would induce men who have money to go and build a fringe of houses, of villas, around, just outside the city limits, as the honorable Senator from Iowa supposes. Whenever they do it, the city limits will certainly overtake them as fast as they go, and we shall bring into the area of taxation new elements which will be exceedingly valuable, not to say lucrative, as tax-payers.

I do not believe that such a distinction as that ought to be made between people who live away, deprived of the facilities of the schools and of the various things which have been alluded to in the course of the debate.

Mr. KERNAN. It will be borne in mind that we are legislating for the District of Columbia as a whole, which is a small territory, comparatively. It seemed to me, and does now, that in legislating for this District, where there is to be no taxation except what is under this bill, all persons who live in the District should pay the same rate of tax on their personal property for the support of the District government. That is my judgment, and therefore I shall vote for the amendment.

Mr. BECK. Since the yeas and nays are called for, as it seems to be fashionable to give the reasons for our votes upon the amendment, I will state that I shall certainly vote against the amendment, and for this reason: the personal property of persons living outside of the city limits receives no sort of protection from the District government. The real estate cannot be stolen; it cannot be burned; nothing can happen to that; and persons living outside of the city with personal property get no benefit of the police or of the fire department or any of the protection that is given to persons living inside of the city limits.

Mr. TELLER. I should like to ask the Senator from Kentucky if a gentleman living at the head of New Jersey avenue, at the place called Le Droit Park, where there are some of the finest residences in this locality, who is doing bank business in the city, would not have all the protection for his banking interests that he would have if he lived under the wings of the Capitol?

Mr. BECK. Oh, there may be one or two exceptional cases just outside the limits; but take a person living seven miles out, beyond Brightwood, and that is within the District. The police and the fire department of this city out there are absolutely worth nothing. It does seem to me that 1 per cent. on the personal property of persons living in the country is all that anybody ought to be required to pay. For that reason I shall vote against the amendment of the Senator from Iowa.

The question being taken by yeas and nays, resulted—yeas 25, nays 21; as follows:

YEAS—25.

Allison,	Hereford,	McDonald,	Teller,
Bayard,	Hoar,	Morrill,	Voorhees,
Butler,	Ingalls,	Oglesby,	Whyte,
Cameron of Wis.,	Kernan,	Paddock,	Windom.
Davis of Illinois,	Kirkwood,	Plumb,	
Davis of W. Va.,	Lamar,	Ransom,	
Dorsey,	Matthews,	Saunders,	

NAYS—21.

Armstrong,	Barnum,	Cockrell,	Conkling,
Bailey	Beck,	Coke,	Eaton,
Grover,	Jones of Florida,	Morgan,	Withers.
Hamlin,	Maxey,	Rollins,	
Harris,	McCreery,	Sargent,	
Howe,	Merrimon,	Saulsbury,	

ABSENT—30.

Anthony,	Conover,	Hill,	Randolph,
Blaine,	Dawes,	Johnston,	Sharon,
Booth,	Dennis,	Jones of Nevada,	Spencer,
Bruce,	Edmunds,	Kellogg,	Thurman,
Burnside,	Eustis,	McMillan,	Wadleigh,
Cameron of Pa.,	Ferry,	McPherson,	Wallace.
Chaffee,	Garland	Mitchell,	
Christiancy,	Gordon,	Patterson,	

So the amendment was agreed to.

Mr. SAULSBURY. Yesterday the Senate adopted an amendment which I offered providing that upon amounts of money paid in for taxes within a certain time there should be a deduction of 5 per cent. and the further provision was made upon the amount so paid in the collector should only have one-half commissions. I have learned that the collector is paid a salary and not by commissions. Therefore, in lines 117 and 118, I move to strike out these words from the amendment which I submitted yesterday and which was agreed to:

And upon the amount so paid in the collector shall receive only one-half commissions.

Mr. HAMLIN. That amendment is not now in order, but the Senator can reach his object when we get into the Senate.

Mr. SARGENT. It may be done now by unanimous consent.

The PRESIDING OFFICER. It can be done now by unanimous consent.

Mr. SAULSBURY. The collector receives a salary, and does not receive commissions.

Mr. DORSEY. The collector of the District receives no commissions for the collection of taxes, and therefore those words should come out.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. HAMLIN. I submit an amendment which I suggest shall come in after the word "dollars," in line 110, on the eighth page. After the word "dollars" I move to insert:

And a poll-tax of $1 shall be annually assessed upon and collected of every male inhabitant of the District who shall be twenty-one years of age or upward.

It has been suggested all around this body that funds are necessary for the purpose of supporting the city government, and we have reduced the rate of tax from $2 to $1.50 on the $100. There is a very large number of people in this District who are not the owners of any visible personal or real estate. They use your streets. If they are parents they have the benefit of the schools for their children. They ought to be required to pay under the law for the protection which they have. They have rights equal to the man who may be worth his millions and who is assessed thousands of dollars on both personal and real property. I do not know how large is that number, but it must necessarily be very large. The law thus affording to every inhabitant and every citizen its protection, I hold first that every inhabitant should contribute something to what the law and the government afford him. I have fixed the rate at the small sum of $1, which may probably yield to the treasury of the District some $15,000 or $20,000.

Mr. TELLER. As a poll-tax?

Mr. HAMLIN. I propose a poll-tax of a single dollar. I think it eminently just, and have offered it and shall vote for it.

Mr. WHYTE. I shall be pardoned, I am sure, by the Senator from Maine for expressing my surprise that such a proposition should come from that source, to impose upon the poor colored people in this District a tax of a dollar a head, when some of them actually have to be supported by the Government. They are in such poverty and want here that we have actually to provide for taking care of them. It would be a very hard thing to put upon many of these poor people a tax of a dollar a head; it would be great cruelty. I remember that there was great complaint on the other side of the Chamber some time ago about a poll-tax in Georgia upon the poor colored people down there; and I must confess that I am surprised that the Georgia doctrine should have traveled so quickly up to Maine.

Mr. CONKLING. Was not that as a condition of voting?

Mr. WHYTE. I do not know. This is a condition of living which is a little worse. This is imposing a tax upon a man for breathing the pure air of the District of Columbia.

Mr. CONKLING. If my friend will pardon me, the amendment does not propose to kill him if he does not pay the tax.

Mr. WHYTE. But it will kill some if they are made to pay the tax. [Laughter.] We have to feed them. They cannot buy a loaf of bread. Our feelings have been agonized and tears wrung from our eyes and our hearts torn into shreds, year after year, by appeals to feed these poor, unfortunate colored people in the District of Columbia. And now we are going to tax them! I cannot vote for that. I am not hard-hearted enough to tax the poor colored people in the District of Columbia, and I hope our friend from Maine will withdraw the proposition.

Mr. HAMLIN. Mr. President, I draw no distinction between the white and colored citizen of the District. I would impose the tax upon every individual male inhabitant of this District above the age

of twenty-one years; but I would make one limitation, and I will make that in my amendment. I ask the Secretary to add:

Who shall not have received support in any way from the authorities of the District of Columbia for the preceding year.

I would exclude that class. With that addition I certainly shall vote for my amendment, and I hope that others will, and that it will prevail.

Mr. ALLISON. I should like to ask the Senator from Maine how this tax can be enforced against these poor people? It seems to me it would cost more to enforce it than the tax would amount to.

Mr. HAMLIN. It would be enforced just as it is in nineteen States out of twenty every day.

Mr. ALLISON. By the seizure of property?

Mr. SARGENT. In the States it is a condition of voting, and therefore it almost enforces itself.

Mr. TELLER. It seems to me that it would be impracticable to collect this tax. In some of the States they have a poll-tax and provide that if the parties do not pay it they may be arrested and confined a certain length of time and put in a lock-up until they do pay it. The result will be, if this amendment is adopted, that a portion of the very poor people in the District will endeavor to pay and will pay this tax, but a great proportion of them will not pay it. It would act unequally on poor people. I think the true idea of taxation is that the men who have the property should pay the taxes. The poll-tax is an objectionable tax at all times everywhere. I think, owing to the peculiar condition of the inhabitants who are called poor people in this District, a poll-tax ought not to be imposed on them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine.

The question being put, there were on a division—ayes 25, noes 16.

Mr. BUTLER and Mr. EATON called for the yeas and nays, and they were ordered.

Mr. INGALLS. I am inclined to believe that the motion of the Senator from Maine is improvidently made. There is probably a larger per cent. of population in this community that is incapable of self-support (the causes for this I need not advert to) and that requires constant assistance from public and private charity than in any other community in this country. This tax, under its best aspects, when accompanied by the privilege of voting, is always an odious one; and in this case, deprived of its usual complement, that is, the privilege of voting, to which it is attached, it is open to peculiar objections, because it appears to be a tax simply upon the right to live. The tax is to be imposed upon the citizen or resident of the District merely because he lives here; and there is not, as is the case in communities generally, attached to it the right of exercising the electoral franchise. In those States with whose laws I am familiar the poll-tax is imposed upon those who vote, and the person upon whom it is imposed who refuses to pay it is deprived of the right to vote. There it is one of the conditions of voting, but in this case there is no voting to any considerable extent to be exercised here. The Committee on the District of Columbia of the Senate have included in the bill a provision for electing a Delegate to Congress, but there is strong opposition to that, and should it be stricken out, as appears probable, there will be nothing left for a voter to elect in this District.

Again, this tax will be practically nugatory. As has been intimated, the class of people upon whom it will be imposed are very largely men without property, either personal or real. If, as is necessary in imposing a tax, you provide the machinery for collecting it in case the parties are delinquent, the result will be that it will cost more to collect or to attempt to collect the payment that is not made than you will realize from those who pay this tax. The whole machinery of the law will have to be set in operation to collect this tax, either to arrest the man who does not pay it or in some way to impose proceedings by justices.

Mr. WHYTE. They will have to provide for it.

Mr. INGALLS. They will have to exculpate themselves by showing that they have no means of payment, and it will cost $5 or $10 in every case where a man refuses to pay and you attempt to enforce collection. It will therefore impose a very great burden upon the resources of the District without, so far as I am able to see, any corresponding advantage either to the individual or the community.

Mr. HOAR. I desire to ask the Senator from Kansas a question if he will permit me. I have not the time to look at the statutes, and I presume the Senator can answer me at once. Is there any existing machinery now by which this poll-tax can be collected? In other words, will it not be necessary, if we adopt this amendment, to provide the machinery for its enforcement? I am informed by the Senator from Arkansas, who is very familiar with the subject, that he understands there is no provision for a personal liability or a personal proceeding against a person to enforce taxes in this District at all. If that be true, I desire to suggest to the Senator from Maine to withdraw his amendment, for which I voted, until he may accompany it with some mechanism for the collection of the tax.

Mr. INGALLS. The understanding I have on this subject is that in order to enforce this tax, should it be authorized by this bill, it will be necessary to create an entire system of machinery for enforcing its collection.

Mr. HARRIS. I ask the Senator from Kansas if he has examined that matter? It would certainly be wonderful to me if there was not already here the machinery necessary to distrain property as a means of collecting taxes.

Mr. INGALLS. Undoubtedly; but we are discussing that class of citizens or residents of the District who have no property, real or personal.

Mr. HARRIS. I understand that the amendment of the Senator from Maine applies to any class of citizens or people in the District.

Mr. INGALLS. Certainly not.

Mr. HARRIS. It applies to all who fall within its provisions.

Mr. INGALLS. Certainly.

Mr. HARRIS. Then if there be a means by which you may distrain property for the collection of taxes, I cannot see the necessity for any independent machinery to enforce the amendment of the Senator from Maine if the Senate should see proper to adopt it, as I myself am inclined to think it should be adopted.

Mr. INGALLS. But this class of persons to whom I allude are those who have no property against which distraint could issue, and yet they will be equally liable and the machinery of the law will be set in motion against them individually to enforce the collection of the tax either by imprisonment or by exculpation upon proceedings to show that they may take advantage of the pauper act.

Mr. BECK. I desire to make a suggestion to the Senator from Kansas in this connection. While a large number of persons of the very poorer classes may not be reached by the poll-tax, there may be a very large number of quite thrifty men, men who are employed in the Departments, men who are clerks in stores, men who have no families, and no houses, and who may have invested their money in the bonds of the United States who cannot be reached in any other way except by a poll-tax. And while we may not get all we ought to get from a class of persons who really have property which ought to pay a tax, we can get a poll-tax from many who will not otherwise be reached who are getting the benefit of police, the fire department, &c. It can do no harm to insert this provision, even if we fail to secure the poll-tax from a large number of persons who ought to pay it.

Mr. INGALLS. The point I made was that to enforce proceedings against those who were unable or unwilling to pay would probably cost more than we should realize from those who did pay.

Mr. BECK. That might or might not be so.

Mr. INGALLS. It rests, of course, with the discretion and good judgment of the Senate whether to impose this tax or not.

Mr. HOAR. Mr. President, the present law of the District, as I understand, is that on failure of the payment of taxes the collector of taxes—

May distrain sufficient goods and chattels found within said District, and belonging to the person, persons, association, firm, or corporation charged with such tax, * * * and for want of such goods and chattels said collector may levy upon and sell at auction, in like manner, the estate and interest of such person, firm, association, or corporation in any parcel of land in said District, and in that case the proceedings as to such land subsequent to sale shall be the same as in the case of taxes against real estate.

So that it would require, to make the amendment for which I myself voted satisfactory to me, some slight modification.

Mr. HAMLIN. I have modified the amendment, and I ask that it be read as modified.

The PRESIDING OFFICER. The amendment will be read as modified.

The CHIEF CLERK. The amendment, as modified, reads:

And a poll-tax of $1 shall be annually assessed upon, and collected of, every male inhabitant of the District who shall be twenty-one years of age or upwards, and who shall not have received support in any manner from the authorities of the District of Columbia for the preceding year, and said tax hereby imposed shall be levied and collected as other taxes.

Mr. WHYTE. The Senator from Maine will pardon me for saying that that is a matter absolutely impossible of accomplishment, collecting this as other taxes. There is only one mode I suppose that could be adopted where a man had no property and owed this dollar poll-tax, and that would be to sell him; he might be sold or his time might be sold. I hardly think in this age and generation and in our enlightenment we propose to sell people. It would be very cruel to sell their time, even to compel them to work upon the public roads, to compel them to render in time service in the payment of this tax. It is a tax which it is absolutely impossible to collect. You would collect it from the man who had property and not collect a dollar from a man who had none. You would have to provide under the laws of this District for a system of machinery to collect it even from those who could pay it; and you would have to provide for a system of insolvency by which a man who was taken into custody charged with the debt which he owed to the District of Columbia should have some means of swearing out of the imprisonment, or the confinement, or the duress under which he was put.

It is utterly impossible unless it is the entering wedge for such a poll-tax as will entitle them to vote, and I am not going to vote it for any such purpose. I shall vote against every proposition for a council, the successor of the "feather-duster" council that we remember to have had in this District a few years ago, the successors of those gentlemen who carried away the sponges and the sand-boxes and the chairs and the feather-dusters, when they retired from their august body, the council that reigned over the affairs of this District some time ago. I am opposed to such a council, and I am opposed to a Delegate in Congress. I am opposed to these things upon

those old, it may be unfortunate, democratic notions that I inherited, that it is wrong to tax people without representation, that it is wrong to put a poll-tax upon a man unless he is to have the privilege of saying who is to govern him. It is wrong to put an individual, personal tax upon a man unless he is to have the privilege of organizing the machinery of making the officers who are to execute it by the right of suffrage at the polls. I am opposed to it. I am opposed to it upon the great principle that this District belongs to the people of the United States, not to the people that have happened to cluster around this Capitol, some to be fed by the bounty of the Government, some to make money out of the temporary inhabitants that come here, and some because it is a pleasant place to live in and get good society in and to come here for the winter.

I am opposed to allowing people who are here in the District because it happens to be the Federal city, having any representation in either House of Congress. It is our duty, it is our privilege, it is the right of the people of the United States that its Congress shall determine what is right, what is proper, what is good for the government of the District of Columbia within the line as it now stands; and therefore these people ought not to be represented in either branch of Congress. They have no right to be represented here. We represent this District. It is our duty to take charge of it; it is our duty to legislate for it; it is our duty to make officers of the District under our supreme control; and therefore I shall vote against every proposition which looks to the establishment of suffrage in this District again. Therefore I oppose this as the initiative. You can only collect this tax by making it payable at the polls, and almost every man knows that it is a curse to any community to have a poll-tax. Many men tell me that the tax does not fall upon the voter but generally comes out of the pocket of the candidate. It is corrupting in its influence; it is corrupting in its power; it enables men to get votes by the payment of a small sum of money, and is as bad and as rotten as some of the boroughs in England used to be in its system and in its operation.

I hope the Senate will impose no such tax. We tax the property; we tax the personal property of parties who come here to get the benefit of a residence in this District, to get the protection of the police, to get the protection of the fire department, to get the advantage of the schools, to get the benign influence which clusters around the Congress of the United States and makes everybody happy when he comes within a radius of two miles of it. These people when they bring their property here ought to pay taxes upon it, because they pay no tax elsewhere. They get water and food and light through the influence of the Government. They ought to contribute a proportionate part of the expense; not more; for I have examined the subject with great care. When Congress imposed upon me during my absence the duty of acting as one of a commission under a law of the Forty-fourth Congress, I took the trouble to examine from the beginning, from the foundation of the Government, down to that time, what the relative position of the residents of the District and the Government of the United States as regards property really was; and I became satisfied, not that the ratio should be according to this bill, but that the Government ought to contribute 60 per cent. of the taxes and the people here but 40 per cent. The bill, I think, calls for half and half—50 per cent. from each.

I examined the question with great care, and as one of the brightest lights leading me to that conclusion, the report of Mr. Poland, of Vermont, was the clearest, the plainest, the most conclusive argument upon that subject, for he discussed the whole of it. Having looked at this subject in all its bearings, I am satisfied it is for the good of the substantial people of this District that there shall be no tax in the nature of a poll-tax, or a tax looking to suffrage in the District; that there should be no suffrage in the District; but that all the government should be in the hands of Congress and the commissioners. My theory was commissioners made into a corporation to govern the District; but the bill which the Senate has before it provides merely for commissioners as officers of the District of Columbia under the control of Congress. But that is the true policy for the benefit of the people of this District, and it is the only mode by which Congress can protect the people of this District from being robbed and plundered of their property.

Mr. HAMLIN. I suppose, Mr. President, that we are more or less influenced in our opinions, or that they are formed from the system of laws under which we live or have lived. In New England I think in every State there has been in all time a poll-tax. In my State it has never had any connection with the right of suffrage, nor would I vote for any amendment or any tax that would limit or control the right of suffrage anywhere. The amendment which I have offered here has no earthly connection with the right of suffrage in this District, and therefore all that the Senator from Maryland has said in relation to collecting this tax at the polls or its having any connection with the right of voting has no foundation whatever. If I understand the Senator correctly, he says he is utterly opposed to taxing a community that do not have the right of representation. Well, I will join the Senator in that opinion, and if he will act with me I will act with him. I do not propose to vote for this bill. There is not enough of suffrage in it to command my vote; and yet the Senator, if I understand him aright, is proposing to vote for this bill, which puts the machinery of a government on this District and gives to the good people of it, if we should strike out the clause of which he has spoken, no right whatever, no power whatever in the government by which they are to be controlled.

Now, sir, I would have a mixed government here; I would have a portion of these officers appointed by the General Government, and I would have a portion selected by the people of this District, so that we should have in the contribution of the taxes that we pay officers that shall control or aid in controlling their disbursement. And for the same reason I would have some officers from the District who should join with those of the Government in exercising the municipal authority which is to be exercised here. I hold that if we take all government from the people in relation to municipal affairs, then it becomes our duty to pay all the taxes. Will the Senator from Maryland go with me to that extent? I am willing to vote that; and I am willing to vote a division of taxes when you secure a division of the administration of the laws and the government in this District between the United States and the people of the District; and I will not vote for any bill which seeks to have the entire control of the District placed in the hands of the Government and then taxes the people without giving to them any authority in the expenditure of that taxation.

I surely fail to see anything any more obnoxious in a poll-tax than a tax upon property. I think that every man owes to the Government a contribution for the protection which the law gives him in his person as much as in his property; and certainly the rights of person are higher and more sacred than those of property. It is upon that principle and upon that rule that I would impose a poll-tax here; and if we may not collect the whole we may collect the greater portion of it, precisely as you collect other taxes; and it is, in my judgment, no more objectionable, and it is right in every particular.

Mr. JONES, of Florida. I think, sir, that by the universal consent of this country, notwithstanding what has been said by the Senator from Maine, a tax of this description is essentially a tax upon suffrage.

Mr. HAMLIN. They have no connection.

Mr. JONES, of Florida. There is no connection proposed here, it is true; but even in the Senator's own State, even in New England, it is confined to males twenty-one years of age and upward. Why? Because males alone are entitled to vote. Why do you confine it to males twenty-one years of age? Why not include all? There is no question of voting about it. Some women are as well able to pay this tax upon the head as men. The tax rests on suffrage everywhere where it is collected. I vote against it because there is no equivalent to be given for it here.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Maine, [Mr. HAMLIN,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Tennessee [Mr. HARRIS] on this question. If he were present, he would vote "yea."

The roll-call was concluded, and the result announced—yeas 25, nays 22; as follows:

YEAS—25.

Anthony,	Eustis,	McDonald,	Voorhees,
Armstrong,	Grover,	Morgan,	Wadleigh,
Bayard,	Hamlin,	Morrill,	Windom,
Beck,	Hereford,	Randolph,	Withers.
Burnside,	Hill,	Ransom,	
Cockrell,	Hoar,	Rollins,	
Coke,	McCreery,	Saulsbury,	

NAYS—22.

Allison,	Davis of Illinois,	Kernan,	Saunders,
Bailey,	Dorsey,	Matthews,	Spencer,
Barnum,	Eaton,	Maxey,	Teller,
Cameron of Pa.,	Howe,	Merrimon,	Whyte.
Cameron of Wis.,	Ingalls,	Paddock,	
Conkling,	Jones of Florida,	Sargent,	

ABSENT—29.

Blaine,	Dawes,	Jones of Nevada,	Patterson,
Booth,	Dennis,	Kellogg,	Plumb,
Bruce,	Edmunds,	Kirkwood,	Sharon,
Butler,	Ferry,	Lamar,	Thurman,
Chaffee,	Garland,	McMillan,	Wallace.
Christiancy,	Gordon,	McPherson,	
Conover,	Harris,	Mitchell,	
Davis of W. Va.,	Johnston,	Oglesby,	

So the amendment was agreed to.

Mr. SAULSBURY. I desire to offer the following amendment, to come in at the end of section 3 as amended:

All penalties imposed by the act approved March 3, 1877, chapter 117, upon delinquents for default in the payment of taxes levied under said act at the times specified therein, shall, upon payment of the said taxes assessed against such delinquents within three months from the passage of this act, with interest at the rate of 6 per cent. thereon, be remitted; and hereafter it shall not be lawful for any collector to demand or receive from any person any greater amount than the taxes assessed against him and interest at the rate aforesaid from the time the same becomes due and payable.

The object of the amendment is this: under the act of March 3, 1877, chapter 117, a penalty was imposed upon delinquents in default of payment of their taxes, at the rate of 2 per cent. per month, a penalty of 24 per cent. a year for delinquency in payment of taxes at the times specified in the act. The taxes are due semi-annually. The first installment of tax was to be paid in the month of December, 1877, and the other installment on the 1st of June of the present year.

Now, I understand that default has been made by a very large number of persons who have been unable to pay their taxes, and they are now subject to a penalty of 2 per cent. a month upon the amount of their taxes. They are unable to pay the taxes without a very great sacrifice; and this enormous penalty is eating up their property, and they will not be able to pay their taxes or redeem their property if that measure of penalty is inflicted. The amendment I propose is to make them pay the tax assessed against them, with 6 per cent. interest upon that tax from the time it became due and payable, and that is all the penalty that is exacted in most of the States of this Union.

Mr. SARGENT. Is the time limited within which the tax shall be paid to get the benefit of this provision?

Mr. SAULSBURY. Yes; if they pay it within ninety days from the passage of this act the penalty is to be remitted.

Mr. SARGENT. And if not, the penalty revives?

Mr. SAULSBURY. No; the provision goes further. It shall not be lawful hereafter to demand and receive any more than the amount of the tax and the rate of interest here provided for. The penalty which was provided in the act of 1877 was most enormous. I venture to say that there is no other legislation in the whole land by which such a penalty is imposed upon delinquents in the payment of their taxes. It is oppressive and burdensome.

The adoption of this amendment, I have no question, will bring into the District treasury a large amount of taxes now in arrear, and I hope the Senate will adopt the amendment.

Mr. DORSEY. In regard to the first part of the amendment of the Senator from Delaware, if I understand it correctly, I believe that good will come from its adoption. I think, as he suggests, that a great deal of money will be paid in by people who are not now able to pay on account of the 2 per cent. a month penalty which attaches. But as to the latter part of the amendment, I think it will prevent any tax being collected in the future. As I understand it, it provides that hereafter the collector shall not collect a tax from anybody with a penalty greater than 6 per cent. per annum. It is well known to everybody that property-holders in this District cannot borrow money at 6 per cent.; and so they would prefer to borrow their own taxes and not pay them and let the 6 per cent. run on. If that is what the Senator intends to enact by the amendment, of course it is entirely untenable and I do not believe we should collect a dollar of tax in the District hereafter under such a provision.

Mr. SAULSBURY. The rate of 6 per cent. is really too high. One of the great difficulties of this country is the enormous rate of interest paid. I have understood that there are gentlemen in this city paying 10 per cent. interest. It would break any man to continue to pay such a rate. Any man would be a fool to lend to a business man who offered to pay him 10 per cent. on his money. He is as certain to break as the sun shines. But at the same time the rate of 10 per cent. obtains in most of the States of the Union; at least it is provided that a rate not higher than that may be agreed on. If the people of this District cannot borrow money at 6 per cent. in the District, they can get it if they will secure the money from persons outside of the District. There is plenty of money now in the cities that would be glad to be invested at 6 per cent. Are not the 4 per cent. bonds of the Government being taken rapidly, and so with the 4½ percents? Talk to me about people not being able to borrow money at 6 per cent. Any man can borrow money at 6 per cent. in this country who will secure the repayment of it, and if he cannot do that he ought not to borrow it and ought not to have it.

Mr. DORSEY. A great many people here have not found the persons who have money to lend on real estate at 6 per cent. If the Senator's amendment proposes to permit persons to withhold the payment of their taxes by paying 6 per cent., the result will be that there will not be a dollar of taxes paid into the District treasury the next ten years. I hope that part of the amendment will be defeated.

Mr. SARGENT. I think the Senator from Delaware had better withdraw the last part of his amendment. It is not necessary to his main amendment. The first part of his amendment is unquestionably right.

Mr. SAULSBURY. My object in the last part was to prevent the collector from going on hereafter and collecting these penalties of 2 per cent. a month.

Mr. SARGENT. The object of taxation, of course, is the support of the government, and it is absolutely necessary that it should be to a certain extent arbitrary. Of course, taxes are the last debts a man pays if he can avoid them, and therefore you must impose something in the nature of a penalty for a failure to pay promptly.

Mr. SAULSBURY. Does the Senator know of any State of this Union that imposes such a penalty as that?

Mr. SARGENT. Yes, many of them. In my own State, unless the law has been recently changed, after a sale for taxes the land cannot be redeemed without an addition of 50 per cent.

Mr. INGALLS. So it is in Kansas.

Mr. HARRIS. And in Tennessee.

Mr. SAULSBURY. You ought to remodel your laws.

Mr. SARGENT. *Ex necessitate rei* there must be heavy penalties levied in order to compel the payment of taxes. That arises from the very necessity of the case. These penalties have accumulated during years past, and ought to be lightened unquestionably, and lightened for the public interest, not particularly for the benefit of those persons who have made default, but because it is to the interest of the Government that the taxes shall be collected, and therefore an easier way should be made to collect them, and I very heartily approve of the first part of the Senator's amendment.

Mr. SAULSBURY. I will omit the latter part of the amendment.

Mr. DORSEY. Then I hope the amendment, as now modified, will be adopted.

The PRESIDING OFFICER. The amendment will be read as modified.

The Chief Clerk read as follows:

All penalties imposed by the act approved March 3, 1877, chapter 117, upon delinquents for default in the payment of taxes levied under said act at the times specified therein, shall upon payment of the said taxes assessed against such delinquents within three months from the passage of this act, with interest at the rate of 6 per cent. thereon, be remitted.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to section 3 as amended.

The section was adopted.

The Secretary read section 4.

Mr. BUTLER. I move to strike out on line 16 the words "or a majority of them;" so as to read: "certified by said commissioners."

Mr. INGALLS. That requires the action of the board of commissioners to be unanimous in approving the vouchers. I can see no objection to it.

Mr. SAULSBURY. What would be the effect of that in case one member of the board should die?

Mr. EATON. Then only two would be left, and the two would be the whole board.

Mr. SAULSBURY. Suppose a commissioner should be sick for a week?

Mr. SARGENT. That would delay all business. I think the Senator in charge of the bill is rather too good-natured in giving way in this case. It seems to me a majority of the board ought to be sufficient. If a commissioner happened to be sick for five or six weeks, all the business of the District would have to stop unless his sick-room was invaded.

Mr. INGALLS. So much has been said of the method of expenditure in this District and the charges of corruption have been so extensively circulated, that I am inclined to apply upon expenditures in the future all possible safeguards. It is true that calamities might occur, that a commissioner might die, he might be ill, he might be absent; but much less difficulty would result from that than might arise from the permission of less than the entire number of commissioners acting in the approval of accounts and the signature of vouchers. I still am of the opinion that the words might well be stricken out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina.

Mr. HARRIS. I will ask the Senator from South Carolina to modify his amendment so as to read:

Certified by said commissioners when all are able to act, or a majority of them in the event of the absence, or illness, or default of a commissioner.

Mr. BUTLER. I am perfectly willing to conform to the suggestion of the Senator from Tennessee. My observation and experience in reference to such matters teach me that there ought to be some stringent law for the protection of the minority of boards of this kind. Minorities should have some power either to make a minority report or to dissent from the action of the majority in some way. Otherwise there may be some corrupt practices. Hence I moved the amendment. If my friend from Tennessee thinks his suggestion would improve the case, I shall make no objection to it.

Mr. HARRIS. The object I had in making the suggestion was simply this: if all three of the commissioners are required to sign every draft, it may work very serious inconvenience. As already stated by the Senator from California, a commissioner may be confined to his bed by illness for weeks; he may die; or he may be called from the city and be necessarily absent, in either of which events the whole business of the city would have to stop and no payment could be made for anything. Hence I think requiring all of them to concur when all are present is quite as much as ought to be required, allowing a majority of them to act where the two concur, one being necessarily absent.

Mr. DORSEY. I think if the amendment of the Senator from South Carolina is adopted it will amount to an embargo on the entire duties of this commission. If three active, capable men are appointed to these places, as it is hoped there will be, one may be absent, and one may differ from the other, a thousand things might happen which would prevent the discharge of their duties if unanimity were required. One man could prevent the whole machinery of the government here from moving on. It is the first time I ever heard of a requirement being made that a legislative body or an executive body composed of half a dozen men should be unanimous in order to do anything. I hope the amendment will be voted down.

Mr. BUTLER. I do not appreciate the force of the remarks made by the Senator from Arkansas when he states that the mere fact of requiring these vouchers to be certified by the entire commission would block the wheels of government of the District. The provision requires "itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said commissioners." I do not understand that the temporary absence or

the temporary sickness of one of these commissioners would necessarily block the wheels of government when their duties in this regard are only to approve and certify vouchers. I think this particular business might stop for ten days or two weeks or a month without stopping the government.

Mr. INGALLS. Congress can be readily applied to in case of difficulty.

Mr. BUTLER. It does not stop the work at all; it simply, in my judgment, protects the citizens of the District of Columbia against imposition by requiring the entire commission to certify these itemized vouchers.

Mr. DORSEY. Under this section of the bill the commissioners of the District of Columbia have only one thing to do, and that is to certify vouchers in respect of items that Congress has previously appropriated money for. They cannot create any debt themselves; they cannot divert any money that is appropriated under the law from one object to another; they have no option whatever. Then after they pass upon the vouchers the First Comptroller of the Treasury has a veto, and they have got to show him that they have law for what they propose to pay. So in my judgment the commissioners of the District will be utterly unable to divert a single cent of the money appropriated for the maintenance of this government from the objects originally intended.

Mr. BUTLER. I do not intimate or suggest that they will do so, and I do not understand that the mere fact of certifying an itemized voucher is a power to divert any money. That is not the point at all. They might not divert any funds of the District government, but at the same time they might have power to approve and certify fraudulent vouchers for money. It is for the purpose of protecting the people against that, that I have made this suggestion.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to section 4.

Mr. HOWE. I wish to ask the Senator in charge of the bill what is the force of these words in the eighth line of the section, "and the conditions of prompt payment?"

Mr. INGALLS. That relates to the same subject that has been partially reached by the amendment of the Senator from Delaware [Mr. SAULSBURY] at the close of the previous section providing what abatement or reduction shall be made if taxes are paid within a certain time after they have become due by law.

Mr. HOWE. Have we not already exhausted that subject by the provisions of the amendment?

Mr. INGALLS. The subject has very nearly exhausted me; I do not know whether I have exhausted the subject or not.

Mr. HOWE. Is it intended, in other words, to allow the commissioners to prescribe any new conditions of prompt payment?

Mr. INGALLS. No.

Mr. HOWE. Then what is the force of the words?

Mr. DORSEY. I do not know. There may be a great many words found in this bill that will not have much force. The Senator from Wisconsin by referring back to the bill will see it refers to an act approved June 30, 1874.

Mr. HOWE. I see the section makes reference to a previous statute, but this language seems to be intended to allow these commissioners to fix the times for payment and to offer certain inducements to prompt payment.

Mr. INGALLS. Yes, sir.

Mr. HOWE. It struck me that those inducements ought to be prescribed by statute, and I supposed that all of them had been prescribed by statute that you designed to offer.

Mr. DORSEY. No.

Mr. HOWE. Then why not strike out those words?

Mr. INGALLS. I have no objection to their being stricken out.

Mr. DORSEY. Nor I.

The PRESIDING OFFICER. Does the Senator from Wisconsin propose an amendment?

Mr. HOWE. I think the words may lead to some confusion, and therefore I move to strike out, in line 8, "and the conditions of prompt payment."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. HOAR. I should like to inquire whether there ought not to be, in the tenth line, some provision binding upon the collector as to the time within which after collecting any particular sum of money it should be paid into the Treasury.

Mr. DORSEY. That is provided for by existing law.

Mr. HOAR. Very well. I thought this was a new obligation to pay into the Treasury of the United States.

Mr. DORSEY. No, that has been done since 1874.

The PRESIDING OFFICER. The question is on agreeing to section 4, as amended.

The section was agreed to.

The Secretary read section 5.

Mr. KERNAN. I suggest, and to test the sense of the Senate I move to strike out the proviso in lines 13, 14, and 15. It will be observed that the section provides that the commissioners shall, for the work to be done, invite public proposals to do it, and subsequent in the section to that proviso it is directed that the commissioners shall require good securities by bond for doing the work. It seems to me that in a section framed as this is we should not have a proviso in the language I will read:

Provided, however, That the commissioners shall have the right in their discretion to reject any or all of such proposals.

In other words, you provide that they shall give notice and invite proposals to do the work according to the specifications which are made; you provide that the bidders shall give good security that if the contract is awarded to them as the lowest bidders they will do that work. Now, I do not think we should say that in the exercise of their discretion they may reject the lowest bid when the party is required to and offers to give satisfactory and adequate security that he will do the work as required. I therefore move to strike out that proviso in lines 13, 14, and 15.

I suggest to the Senator in charge of the bill whether he desires to keep it in, having provided that the work shall be given to the lowest bidder and that he shall give good security to perform the work according to the specifications. Yet you say that the commissioners may reject the bid in their discretion. You might put it that they might reject all the bids; but I do not think it means that now. They may reject my proposal when I am the lowest bidder and offer the best security, and may accept yours which is higher. If you want to guard against that, as it has been done in my State where we have had some experience, we sometimes authorize the officers, if in their opinion it is for the interest of the State, to reject all the bids. I have no objection to that; but I object to their having a right to reject one and accept another when that other may not be the lowest.

Mr. HARRIS. If striking out the words "any or," leaving "all" in line 15 will be acceptable to the Senator, I do not suppose the committee will object to that modification.

Mr. KERNAN. Let it read:

Provided, however, That the commissioners shall have the right, in their discretion, to reject all such proposals.

Mr. HARRIS. Exactly. The committee will have no objection to striking out the words "any or."

Mr. INGALLS. The object of the committee was to so frame the bill that while it would require the commissioners to accept the lowest bid, if none of the bids were low enough in their judgment, they should have the right to reject all of them and invite new proposals.

Mr. KERNAN. Then I simply move that the words "any or," in line 15, be stricken out. That makes it satisfactory to me.

Mr. HARRIS. That will be satisfactory to the committee.

Mr. KERNAN. I move to strike out the words "any or."

Mr. DORSEY. This provision, if I remember rightly, is in every law authorizing officers to advertise for proposals for anything.

Mr. HARRIS. The Senator from Arkansas will allow me to suggest to him that striking out the words "any or," in the fifteenth line, is satisfactory to the Senator from New York.

Mr. KERNAN. I withdraw my previous amendment.

Mr. HARRIS. It meets the exact view of the committee, I understand. It is wholly unobjectionable to us.

Mr. DORSEY. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to strike out the words "any or," in line 15 of section 5.

The amendment was agreed to.

Mr. ALLISON. In line 30, after the word "in," I move to insert "registered;" and after "United States" to insert "or of the District of Columbia;" so as to read:

Invested in registered bonds of the United States or of the District of Columbia.

Mr. DORSEY. I have no objection to that.

Mr. HARRIS. I should like to inquire of the Senator from Iowa why he desires to confine the investment to a class of United States securities. Why is it not better to allow the fund to be invested in any securities of the United States or of the District of Columbia? I see no objection, to adding "or of the District of Columbia."

Mr. ALLISON. My object is that these securities may be thoroughly safe. Now, there may be under the previous provisions here a considerable accumulation of this fund, and, if so, it seems to me this accumulation ought to be in registered bonds. I move to add "or of the District of Columbia," because it gives a larger latitude.

Mr. HARRIS. I have no objection to that.

The PRESIDING OFFICER. The amendment will be reported.

Mr. DORSEY. It is adopted without objection.

Mr. ALLISON. After the word "in," in line 30, I propose to insert "registered;" and after the words "United States" to insert "or of the District of Columbia."

The PRESIDING OFFICER. If there be no objection the amendment proposed by the Senator from Iowa will be agreed to. The Chair hears no objection, and the amendment is agreed to.

Mr. WHYTE. The committee have, through some oversight probably of their clerk—for surely if it had come under their consideration they could not have been guilty of such a great oversight, desiring to lay pavements here in the District at the lowest rate and of the most substantial character—through some inadvertence have left out the city of Baltimore as one of the places where advertisements ought to be inserted in the newspapers.

Mr. DORSEY. There is no objection to inserting Baltimore.

Mr. WHYTE. I was sure the moment the committee had their attention called to it they would insert it.

The PRESIDING OFFICER. Is there objection to inserting "Baltimore" in line 8, as proposed by the Senator from Maryland? The Chair hears no objection.

Mr. SARGENT. Would it be in order to suggest "Cincinnati, Saint Louis, and San Francisco?" ["No!" "No!"] I am astonished that San Francisco is omitted. [Laughter.]

Mr. PADDOCK. I suggest that, in line 8, the words "one week" be stricken out and the words "thirty days" inserted. It seems to me one week is short notice.

Mr. DORSEY. Two weeks would be enough.

Mr. PADDOCK. Make it "twenty days."

The PRESIDING OFFICER. Does the Senator propose an amendment?

Mr. PADDOCK. I suggest that amendment.

Mr. BAYARD. Let me suggest to the Senator in view of his proposition that there should be the expense of advertising for thirty days, would it not be well that an advertisement of one week should give fifteen days' notice in order that after the advertisement of a week there should be fifteen days' notice to parties that they might put in their bids, and that there should be fifteen days after the bid was accepted before the party should be called upon to commence work. The effect of that will be that if an advertisement for one week is made in these three cities the party who sees it will have fifteen days after that time to examine the specifications and prepare his bid, and should his bid be accepted he will have fifteen more days within which to commence operations. This will give the city the benefit of competition from the various points, and give the proposed bidders time within which to get their materials and workmen here, should they come from some distance. I think, therefore, that the one week of advertising is sufficient, but there should be fifteen days' notice before the bids are to be closed.

Mr. PADDOCK. I should think the notice should be given once a week for thirty days, which would give sufficient publicity; but it seems to me that one week, on even the rule which my friend from Delaware proposes, would not give such publicity to bidders as ought to be given for important work, as this might be. However, I am not strenuous about it.

Mr. SAULSBURY. Let me suggest to the Senator from Nebraska that if he provides for publishing this notice for thirty days in the newspapers of these various cities, where their rates of advertising are very heavy, the expense of advertising itself will be a very serious matter. You cannot go to New York, Philadelphia, Baltimore, or any of these cities, and get a first-class paper to advertise for you without paying them very liberally for it. It would therefore be a very considerable item of expense to extend that advertisement for thirty days. One week, I think, would give sufficient notice to everybody.

Mr. BAYARD. Is any amendment pending?

The PRESIDING OFFICER. Does the Senator from Nebraska propose his suggestion as an amendment?

Mr. PADDOCK. Perhaps if it were changed so as to make it "reasonable notice" instead of notice for one week, that would cover the case quite as well as to extend the time definitely for thirty days. It seems to me that one week is too short notice. So far as the matter of expense in advertising is concerned, that is a mere bagatelle, as I conceive. Of course, if all the papers in the large cities are to be included in the list of those in which advertisements are to be put, it would be an expensive proceeding.

Mr. BAYARD. An advertisement daily for one week will be amply sufficient, I think, if at the expiration of that week fifteen days' notice should be given.

Mr. DORSEY, (to Mr. BAYARD.) Propose your amendment.

Mr. BAYARD. As the Senator from Nebraska has not proposed an amendment, I will. There is no pending amendment before the Senate?

The PRESIDING OFFICER. The Senator from Nebraska has not proposed any amendment.

Mr. PADDOCK. I barely made a suggestion.

Mr. BAYARD. I move in line 6, after the word "dollars," to insert the words "fifteen days;" so as to read:

> Any works the total cost of which shall exceed the sum of $5,000, fifteen days' notice shall be given.

And to make that amendment intelligible I would propose on line 8 to insert after the word "week" the word "daily;" so that the amendment as then made would read thus:

> The total cost of which shall exceed the sum of $5,000, fifteen days' notice shall be given in one newspaper in each of the cities of New York, Philadelphia, Washington, and Baltimore, for one week daily.

Mr. INGALLS. The Senator should insert before the words "for one week" the words "by advertisement," in order to make it intelligible; otherwise it would read that fifteen days' notice should be given in one week. It should be "by advertisement one week."

Mr. BAYARD. I think that would puzzle the ingenuity of any one to do. There are some presumptions in favor of intelligence, even in the Senate. [Laughter.] It is very clear that you may give a man fifteen days' notice in a moment. In one day you may notify him that in fifteen days there will be proposals received. That I think is the reasonable and rational construction of these words. The Chair has heard the amendment that I have offered.

The PRESIDING OFFICER. The Clerk will report the amendment proposed by the Senator from Delaware.

The CHIEF CLERK. The amendment is to insert after the word "dollars," in line 6, the words "fifteen days," and after the word "Baltimore" to insert "daily;" so as to read:

> That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built or any works the total cost of which shall exceed the sum of $5,000, fifteen days' notice shall be given in one newspaper in each of the cities of New York, Philadelphia, Washington, and Baltimore for one week, daily, for proposals.

Mr. BAYARD. The words "by advertisement" should also be inserted in line 8 before "for one week."

Mr. INGALLS. That was my suggestion.

Mr. BAYARD. Yes, sir; I will include that also in my amendment so as to read "by advertisement for one week daily."

Mr. HOAR. It seems to me that this is a very unreasonable arrangement altogether, so far as the great part of the work to be done is concerned. The idea that if five thousand dollars' worth of street grading, which involves hauling gravel for a short distance with carts and horses, is to be done in the city of Washington, it is necessary to have a fifteen days' advertisement in the four principal cities a week beforehand, strikes me as unreasonable.

Mr. BAYARD. I would say to the Senator that I have also another amendment that will give fifteen days' notice so that parties elsewhere in those cities may prepare and make their bids, and I propose to make a second amendment that the work shall not commence for fifteen days after bids shall have been accepted so as to allow parties competing for this work in other cities to come on in advance, examine the specifications, and after they have obtained the contract to have time to bring their force here to do the work.

Mr. HOAR. My point is that this particularity and expense of a provision for advertising, in regard to a great part of the work covered by this section, is exceedingly unreasonable. The idea is that there are to be placed in the government of the city of Washington and the city of Georgetown three commissioners appointed by the President, one of whom is to be an engineer officer of the United States, whom we are obliged to tie up so that they cannot make a contract for hauling gravel and doing the ordinary simple work of grading streets if it amounts to $5,000, without requiring an advertisement in four principal cities of the country and to be made fourteen days beforehand and set forth all the details and surveys of the job. I think the limit ought to be very much enlarged, and that it ought not to apply to such works as the mere building of streets at all. I move to substitute the word "ten" for "five" in the sixth line.

Mr. DORSEY. What is the pending question?

The PRESIDING OFFICER. The Senator from Massachusetts proposes to strike out "five," in line 6, and insert "ten."

Mr. BAYARD. That is not an amendment to my amendment. It is a different amendment wholly.

Mr. DORSEY. I understood that the amendment of the Senator from Delaware was agreed to without objection.

The PRESIDING OFFICER. The amendment proposed by the Senator from Delaware is considered as agreed to, there being no objection. The Chair will put the question again. The Chair hears no objection, and that amendment is agreed to. The question now is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. DORSEY. I think the limit provided in this section of $5,000 is high enough to place at the discretion of these commissioners or anybody else. I think when $5,000 is to be expended for public improvements some advertisement of that fact ought to be made, and I hope the Senator will not insist on his amendment to increase the limit to $10,000.

Mr. HOAR. There was a very distinguished citizen of Massachusetts, who had had large experience in public life, who was said to be about to write a book on parliamentary law, and he stated that if he did he should sum it all up in one sentence, and that was, "Never have a donkey in the chair." Now, the restraint on these commissioners in regard to these contracts is simply, never have a knave for a commissioner. If you have got commissioners who are capable of cutting up contracts into little five-thousand-dollar items and peddling them out and cheating the Government in that way, then nothing that you can put in the shape of a legislative obligation of constraint will be of the slightest value in restraining them. It seems to me, therefore, that, if the President is to be trusted with these appointments at all, the undertaking to bind the executive authorities of this District by a provision of this kind, that they shall not make a contract amounting to $5,000 for public work in Washington, is perfectly absurd. But I will not press the amendment against the wishes of the committee.

Mr. DORSEY. I think the argument of the Senator from Massachusetts applies to the whole section. If we are to strike out this item we might as well strike out the whole section and leave the entire business in the discretion of the commissioners, where it is now. I hope the Senator will not press the amendment.

The PRESIDING OFFICER. Does the Senator from Massachusetts propose an amendment?

Mr. HOAR. I withdraw the amendment.

The PRESIDING OFFICER. The question is on agreeing to section 5.

Mr. BAYARD. I move on line 9 to strike out the words "with full specifications" and insert in lieu thereof the words "the general character of work," and on line 14 after the word "done" to insert "and stating that full specifications can be seen at the office of the commissioners." The object of that is to save the expense of publishing in a paper long specifications, but merely to give the general character of the work and state that the specifications can be seen at the office of the commissioners.

Mr. DORSEY. There is no objection to that, I think.

The PRESIDING OFFICER. The proposed amendment offered by the Senator from Delaware will be considered agreed to, if there be no objection. The Chair hears none.

Mr. HOWE. I do not understand that the words "with full specifications" refer to the advertisement, but only to the proposals made by bidders. I suppose the bidders propose.

Mr. BAYARD. The bidders propose, but they do not publish their proposals. The proposal of the bidder is not advertised. It is the contract that the District proposes that he should take, and the specifications proposed to be advertised are of the contract. If they are to be in great detail, it would be very expensive to publish them.

Mr. HOWE. Unquestionably; but this is a notice for proposals, not of proposals.

Mr. BAYARD. But the proposals to be received are not published.

Mr. HOWE. No; and therefore I thought they should be accompanied with full specifications. But those who drew the bill can tell what they meant by it. It really seemed to me from reading it that the full specifications are to accompany the proposals of the bidders, and not the advertisement by the commissioners.

Mr. BAYARD. That was not the construction I gave to it.

Mr. DORSEY. Whatever the purpose of the authors of the bill may have been, the amendment proposed by the Senator from Delaware is an improvement upon it in any way, and I hope, therefore, it will be accepted.

Mr. HOWE. It seems to me, with all deference, that it is not an improvement if these specifications are to accompany the offers of the bidders and not to accompany the advertisement of the commissioners. Certainly you ought to require of the bidders full and accurate specifications of what they propose to do.

Mr. DORSEY. The Senator from Wisconsin stated the fact when he said that the intention of this bill originally was to invite proposals with full specifications. The specifications come from the man proposing to do the work. But the Senate now have changed the bill so as not to give the commissioners any option whatever, and therefore this proposition ought to be changed. When the commissioners had an option to accept or reject any proposal made, it was proper that proposals should come from the bidders. Now they have no option except to take the lowest bidder.

Mr. HARRIS. I beg to inform my friend from Arkansas that he labors under a mistake. The bill, as amended, gives to the commissioners authority to reject all propositions that may be made; and striking out the words "any or" does not change the original sense of the section at all.

Mr. DORSEY. I understand that; but before the commissioners had a right to reject "any or all," which is quite a different matter. They could have rejected the lowest bid, or the top one, or the middle one, or any other one they did not think was a proper bid to accept, or the best pavement to accept, or the best work to accept.

Mr. MATTHEWS. I should like to inquire of the Senator from Arkansas who furnishes and presents the specifications, the party desiring the work to be done or the party proposing to do it?

Mr. DORSEY. Under the original bill the party proposing to do the work was to submit to the commissioners his specifications of the sort of work, the sort of pavement he wanted to lay down.

Mr. MATTHEWS. In the experience I have had the party wanting work done always furnishes specifications of what he wants done.

Mr. DORSEY. That is true when the party wanting work done knows what he wants done; but in this case no one knows what sort of a pavement or what sort of a work the best interests of the Government require. The original purpose of this section was to have these specifications of material, &c., submitted to the commissioners and let them pass judgment upon the different kinds submitted to them. But that purpose is changed by the amendment already adopted in the Senate, and I hope the amendment of the Senator from Delaware will now prevail.

Mr. HOWE. It does seem to me that if it was the purpose of the framers of this bill to call on contractors to propose to build any kind of street or any kind of pavement as they saw fit at such a price as they saw proper to exact, then there can be no such thing as competitive bids. One man proposes to build one kind of pavement at one price, another to do an entirely different thing at an entirely different price; and there is no competitive bidding. Therefore I can see no possible use in this advertising, in this calling for proposals at all. It seems to me you should leave the whole matter to the discretion of the commissioners. But if, as suggested by the Senator from Ohio, it is thought safe to instruct the commissioners by your bill to ascertain just what work they want done, what kind of pavement they want laid, and then the commissioners could call for competitive bids, then full specifications of the kind of work to be done should be furnished by the commissioners, not necessarily advertise, but should be ready to be exhibited to bidders.

The PRESIDING OFFICER. The amendment of the Senator from Delaware is agreed to, no objection being made. The question now is on agreeing to section 5 as amended.

Mr. ALLISON. Before that vote is taken I desire to ask the Senator in charge of this bill one or two questions in reference to the paving. I notice that in line 44 it is provided that the Government of the United States is required to pay one-half of the cost of this paving, and it is to be deducted from the percentage paid by the Government and counted as a part of it. I have not examined the bill with sufficient care to ascertain how the other half is to be paid.

Mr. DORSEY. The other half is to be paid out of the revenues of the District of Columbia.

Mr. ALLISON. Out of the other half of the revenue raised by taxation?

Mr. DORSEY. Yes.

Mr. ALLISON. I should like to ask further if there is any limitation upon the power of the commissioners to adopt new improvements in the way of pavements. What is the restriction, if any, upon the commissioners of the District in reference to new pavements?

Mr. DORSEY. This bill requires that every improvement proposed to be made by the commissioners shall first be submitted to the Secretary of the Treasury in items and in detail. The Secretary of the Treasury is to pass upon the propriety of expending money for such improvements, and is to transmit the items to Congress. Congress is then to pass upon them, and if they are all right to appropriate the money, and then the commissioners can go on and do the work, and not till then. They have no option to spend a dollar originally on such improvements. Under the existing law, which this bill reenacts, it is a misdemeanor for the commissioners of the District to create a single dollar of debt, directly or indirectly.

Mr. BURNSIDE. Before the vote is taken on this section I move to still further amend it by striking out the word "three" in line 19 and inserting "two;" so as to read:

The total cost of which shall not exceed $2 per square yard.

Mr. DORSEY. I should be glad to accept almost any amendment, and so would my colleagues on the committee, but I am afraid that that amendment ought not to be accepted. I do not believe that a suitable pavement can be laid here at $2 a yard, and I believe that that question ought to be left in a large degree with the commissioners or to the persons having control of the District. The only good pavement that I know of that we have here is on Pennsylvania avenue, and that cost $4 a yard.

Mr. BURNSIDE. I am satisfied that $2 a yard will cover the absolute cost of any good pavement that may be put down in the city, and I believe in keeping the maximum amount down. Those who expend money will almost always reach any maximum amount that you allow for the government of a board. I believe that $2 a square yard is ample. I believe that the streets in the city of Washington can be paved for that amount. I know it can be done at my home, and I believe it can be done here.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island.

Mr. EATON. I do not think really we ought to adopt the amendment of the Senator from Rhode Island without a little more information from the committee. My information is that the best kind of pavement, such pavement as ought to be laid down here, cannot be placed for $2 a yard. Suppose it could be done for $2.10, $2.15, or $2.20, this amendment would prevent the use of that pavement. We must leave something to men, we must trust something to the integrity of the commissioners that the Senate confirms.

Mr. BURNSIDE. I will ask the Senator in charge of the bill or the chairman of the committee if a pavement cannot be laid for $2.

Mr. DORSEY. I presume a pavement can be laid for that.

Mr. BURNSIDE. I mean a good pavement.

Mr. DORSEY. No, sir; I do not think there is a good pavement such as ought to be laid on streets that have much traffic can be laid for less than $2.50 or $3 a yard—a pavement that is worth laying down at all. We have had an experience in this city of laying down poor pavements. There are now about eighteen hundred thousand yards—and I should be glad to have Senators remember that enormous quantity—eighteen hundred thousand square yards of pavement that are absolutely gone, and it would be a great benefit to the property-holders of the city if they were taken up and the streets allowed to revert back to their old condition as mud roads. There are eighteen hundred thousand square yards of pavement in this city that ought to be renewed to-morrow that were put down three or four years ago at a cost of $3.50 or $4 a yard. I do not want any more of that sort of pavements. I think a first-class pavement that would last fifteen or twenty years can be laid down at $2.50 or $3 a yard. I think the lowest limit imposed by law ought to be $3.

Mr. CONKLING. May I inquire of the Senator from Rhode Island to what pavement he refers when he says it can be put down at $2 a square yard?

Mr. BURNSIDE. Good asphalt pavement. I know it by experience. I have paid for pavements in the city of Providence, and I am as well satisfied as I can be of anything, that a good pavement can be laid here in the city for $2 a yard.

Mr. INGALLS. What kind of pavement?

Mr. BURNSIDE. A concrete or asphalt pavement. I know it can be done.

Mr. PADDOCK. As good as that on Pennsylvania avenue?

Mr. BURNSIDE. Precisely that.

Mr. BAYARD. I have very reliable authority for the statement that a pavement has been laid now and can be inspected in this town for $1.75 per square yard, which is founded upon a very firm base of granite, and will need for its amendment or renewal at any time a mere surface application. That pavement is guaranteed for ten years' time. There is no question that $2 per square yard, at the present prices of labor and materials, is enough to pay for a substantial and safe pavement; and private parties will be apt to get it done for a great deal less

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island. [Putting the question.] The ayes have it.

Mr. INGALLS. I hope the amendment will not be declared to be adopted.

The PRESIDING OFFICER. Does the Senator call for a division?

Mr. INGALLS. No, sir. I rose before the announcement had been made.

The PRESIDING OFFICER. The Chair thinks that the Chair announced that the proposition had been carried before the Senator rose.

Mr. INGALLS. Have I a right to call for a division?

The PRESIDING OFFICER. The Chair will entertain the call.

Mr. INGALLS. Then can I address the Chair?

The PRESIDING OFFICER. Certainly.

Mr. BURNSIDE. If the Senator is not satisfied, I will move a reconsideration of the vote.

The PRESIDING OFFICER. The Chair entertains the call for a division.

Mr. INGALLS. I was about to say that I hoped the amendment would not be declared to be adopted, because I believe that the maximum here is too low rather than too high. There has been a vast amount of pavement laid in this town of every description that is known, including asphalt, cobble-stone, wood, and Macadam; and if there is a yard of pavement here worthy of the name, durable, easy of transit, and satisfactory in every particular, so far as relates to the resistance to frost and weather, for less than $3, I have yet to know where it is. The pavement upon Pennsylvania avenue is one, I believe, that will stand every test that can be applied to it. There is a piece of pavement also upon I street near Fifteenth, lying along the south side of Franklin square, that has endured for a number of years very severe tests. Another piece is near the Arlington Hotel upon Vermont avenue. But the other asphalt pavements that have been laid I believe will be found to have been very unprofitable, very unsatisfactory, very transient in their enduring power; but they look well for a short time, and have an apparently good surface; yet they soon crack and crumble and require continuous applications to keep them in order. Part of the materials of which they consist readily evaporate, destroying the cohesion of the surface material so that it becomes friable and crumbles and is blown away or washed into the sewers.

I think the maximum proposed in this section is too small. I very much doubt the statement of the Senator from Rhode Island, as applied to this town, that a satisfactory pavement can be laid for $2 a yard, of the character that he has described. There have been, as the Senator from Arkansas remarks, a vast number laid that are worse than useless. The money was thrown away that was expended in their laying down. There are miles here that men in vehicles will avoid rather than traverse them, and where the property would be benefited by having them removed and the dirt road restored as it was years ago. I trust the Senate will not adopt the amendment, because, while the bill will undoubtedly go into conference, this is the last time we shall have the opportunity of intelligible discussion, and I should regret very much indeed to secure by any indirection an agreement to an amendment in a committee of conference where the reason was not fully stated here. I think if the Senate consider the matter well, they will not agree to the amendment offered by the Senator from Rhode Island.

Mr. MORRILL. I hope that the amendment will not prevail. We have recently had an experiment. Pennsylvania avenue was paved under the direction of a commission appointed by Congress. There is a pavement that is satisfactory, I believe, to the country. But that cost more than $3 a yard. It is very true that you can get a concrete pavement laid as low as a dollar a square yard. You can get pavements at almost any price. It depends, of course, on the value of the material put into it what price it will cost. I hope there will be no restriction to prevent the authorities, whenever they do replace the existing bad pavements, from obtaining better ones.

Mr. DORSEY. I should like to call the attention of the Senate to the fact that this bill does not fix the amount to be paid, but it provides a limit, a maximum sum that may not be exceeded in any case. I presume it is well known that there are many streets in this city where the pavement has worn out, where Belgian blocks ought to take the place of the old pavement. That will have to be done where there is a heavy traffic and large business. I believe in no case can that be done for less than $3.50 a yard. While I appreciate what the Senator from Delaware says in regard to the particular pavement he alludes to, I do not believe that pavements could be laid in this town for any less money than it can be in other cities of this country, and I venture the assertion that no pavement can be laid down that is worth laying for $2 a square yard.

Mr. BURNSIDE. I can only say in answer to the Senator from Arkansas that I know the reverse. I know that a pavement can be laid for less than that which is worth laying, and is a very good pavement. I only want to put myself on the record as knowing that.

Mr. DORSEY. I expressed my opinion; that is all. The Senator is entitled to have his opinion.

Mr. BURNSIDE. I am talking from absolute knowledge.

The PRESIDING OFFICER. A division is called for on the amendment of the Senator from Rhode Island.

The question being put, there were on a division—ayes 19, noes 23.

Mr. BAYARD. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. MORRILL. I am sure the Senate will not vote to cut this down to $2 when it is notorious that the best pavement we have here cost more than $3, and when it is obvious that much of the pavement will have to be replaced with stone pavement that could not be put down so low even as $3. I therefore hope, while this does not make it obligatory that every yard of pavement shall cost the sum named, there will not be a restriction put upon it so as to force the meanest kind of pavement that can be obtained upon the city.

Mr. BAYARD. I by no means suppose that a pavement cannot be laid at a greater expense than $2 a yard; but I am very sure that in Washington an excellent pavement can be laid for that sum. It has been laid in this city; it is here now for inspection; and by authority which is controlling to me, in which I have entire reliance, I am informed that a pavement is down for perhaps two blocks—the streets I have forgotten, but Twelfth street is one of the streets; and it is in a street in which large and heavy ice-wagons stand constantly, giving it more than usual stress. It has been down for ten months, and stands satisfactorily to this time. It is guaranteed as I understand for ten years, and needs only surface dressing as a repair; and that pavement cost $1.70 or $1.74 per square yard.

The most expensive piece of pavement as to its first cost in this city was in front of the Arlington Hotel, and I believe it cost at the time $5 per square yard. It was made before any large extent of these expensive pavements had been put down, and was laid as an experiment, as a sample, in the most expensive manner. I witnessed myself its construction, day after day, as it progressed, with considerable interest. That was in a time of most inflated prices. It was at a time when pavements of that character were very little understood. The times have changed completely, and we have now a rate of cost not more than one-half as to labor and materials, and an experience in laying it which tends still more to diminish the cost.

Now, I do not know that in this city we should be ready to pay the topmost prices for the most expensive pavement. There is reason in all things; and if a pavement at $2 a square yard should answer practically all purposes, certainly not more than that should be paid. I do not believe in a false economy or in the shortsightedness of mere limited expense when that expense may not be adequate for the object in view; but I think the people of this community, who are to pay the half of this tax, and the people of the United States, who are to bear the other half, have had a bitter lesson in the extravagance of pavements in this city. It was not because they were put down at a nominal rate that was high; it was because they were put down unfaithfully, they were put down by men who did not understand their business, and they were put down because they were wretched jobs given to a set of corrupt contractors. That was why they all went up.

Mr. MORRILL. May I ask my friend from Delaware how he accounts for the job on Pennsylvania avenue recently put down, and put down by a commission established by Congress at the lowest prices that could be obtained—how he accounts for it that that pavement cost so much more than these which he speaks of?

Mr. BAYARD. The Senator refers to the pavement on Pennsylvania avenue?

Mr. MORRILL. Yes, sir.

Mr. BAYARD. I do not know how to answer that except that there seemed to be a very great error on the part of somebody as to one-half of that pavement. It is to-day one of the most cruel and unmerciful pavements in the world, for if a little rain falls upon it no horse can keep his feet. That is the daily experience of every Senator who passes up that street, and sees perhaps half a dozen poor animals struggling on the ground. I remember very well it was the subject of continued repair for one year after it was supposed to be finished. That pavement being laid down under the supervision of an officer of the American Army is to me a guarantee that it was honestly done; but while I believe it was honestly done I must also say that I expect it was expensively done. The officers of our Army have clean hands, but they have very open ones through which expenditure flows. They are I think the most extravagant men to build. Although they may build safely and they build honestly, they build extravagantly. That, I think, is a commentary which will be sustained by the experience of every man.

This is a practical question; and if it shall be discovered that $2 per square yard will not build a proper pavement it can be the subject of amendment; but I think it is flying in the face of actual ex-

perience to say that it cannot be done and that we ought therefore to fix a higher rate. The truth is that there is a splendid sense of expenditure in this District, quite alarming to a person like myself from the rural districts.

Mr. DORSEY. I should like to ask the Senator from Delaware what he would do on Seventh street, for example, the upper part of which is now entirely without a pavement and ought to be paved with Belgian blocks. How would this limit of $2 a square yard apply to that?

Mr. BAYARD. Does the Senator know the cost of laying a Belgian pavement per square yard?

Mr. DORSEY. I understand about $3 or three dollars and a half a square yard.

Mr. BAYARD. The Belgian pavement is the best pavement for endurance that has yet been discovered, and the Belgian pavement can be laid for $2 a square yard or less.

Mr. EATON. Where has it ever been laid at that price?

Mr. BAYARD. I am unable to say.

Mr. EATON. Nowhere except in Belgium, I reckon. [Laughter.]

Mr. BAYARD. There is abundance of stone in this country and these blocks can be furnished very cheaply. Of course I am not prepared to make a statement without knowledge.

Mr. BECK. Mr. President, I am not acquainted with the value of pavements; but as the Senator from Vermont said that nothing was more notorious (I may not use his exact language) than the fact that we had nothing done in this District in the way of pavements for less than $3 a yard, I desire to say that nothing is more notorious than the fact that one-half the money that we have appropriated for improvements in this District never has gone into the form of improvements at all, but has been paid in every sort of corrupt way to men who never did the work, or else all reports are false. I remember when I was in the other House that we thought we were giving a very liberal appropriation to aid this District. The result turned out to be that it was squandered in every sort of way. Contracts were made at the highest possible prices, sublet and resublet, until a few favorites got the great bulk of the money. I have turned to the statutes in the last few minutes and I find that on the 3d of March, 1873, we gave them $1,241,920 to enable the board of public works to go on with the paving in the District. A few months afterward we gave them to complete the improvement of the streets $913,497; and then to reimburse them for the improvement of the avenues $1,000,000 more; making $3,155,417 which was given in a very short time.

Mr. INGALLS. Does the Senator know the entire amount that has been appropriated by Congress for the improvement of the streets and avenues of this city?

Mr. BECK. No, I do not; but I find in the statutes these three acts, one of the 8th of January and another of the 3d of March, 1873, and all within sixty days of each other.

Mr. INGALLS. The entire amount that has been appropriated by Congress for the improvement of the streets and avenues of this city from the foundation of the Government has been less than $6,000,000, whereas the people have paid about $35,000,000.

Mr. BECK. But here are $3,155,000 given within forty days, and the pavements that we have are of a character not to commend themselves to the Congress of the United States, nor is the history of the contracts such as to commend them to anybody. It seems to me if we are going to commence a system of economy we should confine them in their contracts. If they are allowed $3 a yard no contracts will be made under that sum, whereas if we say it shall not exceed $2 or $2.50, exactly the same contract will be made, the same sort of work will be done, and plenty of men will be found to do it. If they do not go up to the full sum allowed, the new commissioners who are expected to be appointed will be very different from any we have had heretofore. I can see no harm to be done in trying to keep them down to something that is reasonable, and what the Senator from Delaware and the Senator from Rhode Island both say the work can certainly be done for. If you allow them to go to $5 a yard they will expend it all.

The PRESIDING OFFICER. The Secretary will call the roll on the amendment of the Senator from Rhode Island.

The Secretary proceeded to call the roll.

Mr. MATTHEWS, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. BURNSIDE,] who has been suddenly required to leave the Senate Chamber. If he were here, he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 16, nays 26; as follows:

YEAS—16.

Armstrong,	Cockrell,	Kernan,	Morgan,
Bayard,	Coke,	McCreery,	Patterson,
Beck,	Eustis,	McDonald,	Randolph,
Butler,	Hill,	Maxey,	Saulsbury.

NAYS—26.

Allison,	Dorsey,	Merrimon,	Saunders,
Barnum,	Eaton,	Mitchell,	Spencer,
Cameron of Pa.,	Ferry,	Morrill,	Teller,
Cameron of Wis.,	Hamlin,	Paddock,	Whyte.
Conkling,	Harris,	Plumb,	Withers.
Davis of Illinois,	Howe,	Rollins,	
Davis of W. Va.,	Ingalls,	Sargent,	

ABSENT—34.

Anthony,	Dawes,	Jones of Florida,	Ransom,
Bailey,	Dennis,	Jones of Nevada,	Sharon,
Blaine,	Edmunds,	Kellogg,	Thurman,
Booth,	Garland,	Kirkwood,	Voorhees,
Bruce,	Gordon,	Lamar,	Wadleigh,
Burnside,	Grover,	McMillan,	Wallace,
Chaffee,	Hereford,	McPherson,	Windom.
Christiancy,	Hoar,	Matthews,	
Conover,	Johnston,	Oglesby,	

So the amendment was rejected.

Mr. WHYTE. I ask the Senate to give me unanimous consent to make a motion, against which I hope nobody will vote. It is that when the Senate adjourns to-day it be to meet on Monday next. ["Oh, no!"]

Mr. INGALLS. I shall have no objection to that if the Senate will agree to finish this bill to-night; but if any Senator proposes to adjourn without finishing it, I shall ask the Senate to sit to-morrow.

The PRESIDING OFFICER. The question is on agreeing to section 5 as amended.

Mr. WHYTE. I hope the Senate will allow the vote to be put on my motion.

Mr. ALLISON. Before section 5 is voted upon——

Mr. SARGENT. What is the pending motion?

Mr. ALLISON. I wish to move an amendment to section 5.

Mr. ANTHONY. The motion of the Senator from Maryland is in order.

Mr. WHYTE. I ask that my motion be put.

The PRESIDING OFFICER. The Senator from Maryland moves that when the Senate adjourns to-day it adjourn to meet on Monday next at twelve o'clock meridian.

Mr. DORSEY. I hope that motion will not be agreed to.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Maryland, which is not debatable.

Mr. WINDOM. I ask the consent of the Senator from Maryland to make a single remark with reference to his motion.

Mr. WHYTE. Certainly.

Mr. WINDOM. The Committee on Appropriations is prepared at any moment to take up the legislative, executive, and judicial appropriation bill, which, it will be observed by the Senate, is very lengthy, and will require doubtless a great deal of time in conference. I think we ought not to adjourn over, but to proceed with the consideration of that bill at the earliest moment possible.

Mr. FERRY. In that connection I want to remind the Senate that I intend to call up the bill that was reported by the Committee on Finance a few days ago, as soon as the Senate concludes the pending bill.

Mr. WHYTE. I withdraw my motion.

Mr. FERRY. I desire to obtain the attention of the Senate and to press the consideration of the bill I have named as soon as a final vote is reached upon the District bill.

Mr. HEREFORD. I want to say that I hope the Senate will not adjourn over until Monday; but that it will sit to-morrow in order to complete the consideration of the District bill and to take up the bill to repeal the resumption act, so that if we are to do anything for the relief of the people we may do it at once.

Mr. WHYTE. I have withdrawn the motion which I made.

The PRESIDING OFFICER. The motion to adjourn over is withdrawn. The question recurs on the amendment sent to the desk by the Senator from Delaware, [Mr. BAYARD,] which will be reported.

The CHIEF CLERK. It is proposed to insert at the end of the fifth section the following proviso:

Provided, however, That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than $1,000; and all contracts shall be copied in a book kept for that purpose, and be signed by at least two of the said commissioners; and no contract involving an expenditure of more than $100 shall be valid until recorded and signed as aforesaid.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Delaware, which has just been reported.

The amendment was agreed to.

Mr. ALLISON. I move to strike out, beginning at line 44 of section 5, the words "the United States" and all that follows down to and including the word "work," in line 54, as follows:

The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent. which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

I move this amendment under the statement made by the Senator from Arkansas that every provision with reference to the portion the United States shall pay is made in a previous section of the bill. I think unless this clause is stricken out it may create some confusion with reference to what can or ought to be done in the paving of the streets.

Mr. DORSEY. I do not think the words ought to be stricken out which the Senator from Iowa has read. I do not see what becomes of the section if those words are not left in.

Mr. ALLISON. The Senator from Arkansas stated a while ago

that under a previous section of the bill the expenses of the District were to be paid one-half by the Government of the United States and the other half by general taxation in the District of Columbia. This section provides for the improvement of streets, &c. Therefore, without that provision, the expenses of such improvement will naturally be paid out of the general fund. One-half of it will be paid by the Government and the other half by the city.

Mr. DORSEY. The Senator makes this error: the section does not provide for the improvement of the streets. It provides for the means of controlling any improvements which may be made hereafter. It seems to me that it is essental that in this section a clear statement should be made of who and what are to pay the costs of any improvement of the streets. The section goes on to apply to street railways: that they shall pay a certain proportion; that whatever remains after the street railways have paid shall be divided equally between the property-holders of the District and the United States Government. To strike out the provision the Senator from Iowa moves to strike out will leave the whole section senseless.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Iowa, [Mr. ALLISON.]

The amendment was rejected

Mr. ALLISON. Now I offer the following amendment, to insert at the end of the section:

> But no work shall be done under this section requiring appropriation of funds to be provided under this act, until the cost of the projected improvement shall be submitted to and approved by Congress.

Mr. INGALLS. That is merely repetition of what is very clearly stated in a previous section of the bill. While of course it would not be injurious or specially objectionable, it is merely repetition, and therefore superfluous and unnecessary. I am amazed at the Senator from Iowa who moves the amendment, and I trust, upon having his attention called to the fact I state, he will withdraw it.

Mr. ALLISON. I shall be glad to have the Senator from Kansas show me wherein the commissioners of the District of Columbia are prohibited from making improvements until an appropriation is made by Congress. If he will show me that in any section of the bill, of course I shall yield to his suggestion.

Mr. INGALLS. On page 5, commencing in line 49, the third section provides that:

> The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1880, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof.

That is followed by the further declaration that—

> The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands.

The Secretary of the Treasury is to submit these estimates so revised to Congress and there they are to be again revised, and to the extent that they are approved by Congress 50 per cent. shall be appropriated to carry on the work. There will be no money in the Treasury from which anything can be paid and nothing upon which any contract can be made until all these conditions have been complied with. Therefore the amendment submitted by the Senator from Iowa is simply a repetition of what already exists in the bill.

Mr. KIRKWOOD. But suppose the commissioners should go on and do what is not estimated for, what then?

Mr. INGALLS. They are subject to punishment, by indictment, under existing law.

Mr. ALLISON. The trouble with me is that I find all the power of the present commissioners of the District of Columbia transferred to these new commissioners. The present commissioners of the District of Columbia have complete power over the streets, alleys, and avenues of this city. Therefore prior to 1880, and before this specific appropriation or estimate made by the commissioners and the Secretary of the Treasury, they can if they choose provide for the improvement of streets in this District.

The amendment which I proposed first, namely, to strike out a certain portion of the fifth section, was disagreed to, because it was said it was provided for before. Under the fifth section whenever these commissioners undertake a work of improvement, the Secretary of the Treasury is bound to issue his warrant and pay 50 per cent. of the cost of such improvements. If it be true that from this time forward no expenditure can be made until estimated for and until it receives the approval of the Secretary of the Treasury and the appropriations are made by Congress of one-half the amount, then my amendment is unnecessary; but unless that is clearly stated, these commissioners under the powers given to them by this bill may go on as the commissioners now are going on with the streets and avenues in this city and provide for improvements, and the Secretary of the Treasury would be bound under the fifth section to pay to the contractors 50 per cent. from time to time of the cost of such improvements. Of course, that 50 per cent. is taken for the cost of the improvements, from time to time. It may all or nearly all be exhausted by these commissioners so that the ordinary expenditures of the District government cannot be paid out of taxation but out of this appropriation. That is my object in offering the amendment.

Mr. DORSEY. Will the Senator allow me one moment?

Mr. ALLISON. Yes, sir.

Mr. DORSEY. I should think by reading the bill the Senator from Iowa would agree with the committee that under the bill Congress appropriates specifically for a specific purpose. If Congress appropriates $200,000 to maintain public schools, the commissioners cannot divert that to something else; and if it appropriates $200,000 to improve the streets, that money can only be used for improving the streets.

Mr. ALLISON. Very well; then there can be no objection to my amendment, because if no money is appropriated to improve streets, the Secretary will not pay the 50 per cent.

Mr. DORSEY. The Senator seems to have forgotten the fact that this bill does not go into effect until 1880.

Mr. ALLISON. Then, between now and 1880 these commissioners, under powers formerly devolved on them, can go on to any extent they choose and improve these streets, and under this section we should be compelled to pay out of the Treasury 50 per cent. of the cost of such improvements.

Mr. DORSEY. The Senator is entirely in error. Neither this section nor any other section of the bill is to take effect until 1880; and how can the commissioners go on under a law which does not exist? The Senator knows, because his committee, I believe, prepared the act, that under the existing law it is a penal offense for the commissioners of the District of Columbia to create one single dollar of debt not authorized by Congress.

Mr. ALLISON. Of course I do not wish to embarrass the bill in any way. In the fifth section, beginning in line 44, I find this provision:

> The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the 50 per cent. which the United States contributes toward the expenses of the District of Columbia for that year.

Mr. DORSEY. Can that section take effect until the act goes into effect? The bill is not to take effect until 1880.

Mr. ALLISON. I do not know that it can. I said to the Senator from Kansas that I had not read this bill as carefully as the gentlemen who prepared it; but I want to prevent the commissioners of the District of Columbia from making such improvements of the streets as they choose, making the Government of the United States pay one-half the cost.

Mr. DORSEY. I need not repeat the fact that under existing law the commissioners of the District of Columbia cannot improve a single foot of a street without specific authority to do so from Congress; and they cannot do it under this bill until after the Secretary of the Treasury and after Congress have passed upon the matter, and then it will have to go to the Committee on Appropriations and Congress must make the appropriation for the specific work to be done.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, [Mr. ALLISON.]

The amendment was rejected.

The PRESIDING OFFICER. The question now before the Senate is upon agreeing to section 5 as amended.

Mr. ROLLINS. I move to add, at the end of the sixty-seventh line of section 5, on page 12, a few words, which I think the Committee on the District of Columbia will agree to. I move to add the following words:

> Together with the franchise of said company.

So as to read:

> Which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company.

Mr. INGALLS. I have no objection to that.

Mr. DORSEY. There is no objection to that amendment.

The amendment was agreed to.

Mr. BAYARD. To make the section to conform to the amendment adopted at my suggestion, the word "five" should be stricken out in line 6 and "one" inserted, so as to read:

> That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of $1,000, fifteen days' notice shall be given in one newspaper in each of the cities of New York, Philadelphia, Washington, and Baltimore, by advertisement for one week, &c.

It is very obvious that as the section now stands there need be no competition, no competitory proposals, for contracts of $5,000. An amendment has already been adopted looking to the prevention of a subdivision of contracts so as to bring them within that sum. My amendment requires that no subdivision of contracts shall be made so as to reduce the amount contracted for to less than $1,000. To make the section consistent I have moved, therefore, that the word "one" be substituted for "five" on the line and at the place that I have suggested.

Mr. EATON. As I understand the proposed amendment of the Senator from Delaware, it is that whenever a contract is desired to be made to the sum of $1,000, there should be one week's notice in four daily papers, one in New York, one in Philadelphia, one in Washington, and one in Baltimore. There is to be the expense of advertising in four daily papers for one week in order to effect a contract of $1,000! If somebody who understands the price of advertising in those cities will just make up the figures, they will show a very handsome percentage upon $1,000.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Delaware, [Mr. BAYARD.]

The question being put, a division was called for; and there were—ayes 20, noes 24.

Mr. BAYARD. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. I desire to explain why I offer this amendment. As the section now stands contracts for $5,000 can be granted without any competition whatever. There is nothing to prevent a large contract from being subdivided so that twenty contracts amounting to a hundred thousand dollars by subdivision can be granted without competition. I do not suppose it is the intention of the Senate to have anything else than competitory bids for these immense improvements. If it is, and they see fit to allow as many contracts for $5,000 each to be granted without competition, they can vote accordingly. If on the contrary they take the view I do, they will reduce the sum for which any contract can be granted without competition to $1,000, and that will be in accordance with an amendment already adopted that prevents the subdivision of a contract where it is capable of being included in a single contract. The purpose of this whole bill is to institute guards upon extravagant bids and unfair lettings of contracts. It is in the power of the Senate to compel all contracts to be subjected to competition. The present bill as it now stands only subjects contracts over $5,000 to competition. I propose that contracts over $1,000 shall be subjected to competition, and such I think is a useful and a wholesome provision. If the Senate think otherwise they will vote as they see fit.

Mr. INGALLS. Does the Senator suppose that Congress would approve of contracts subdivided in the way that he has suggested that this might be done? It is all subject to the revision of Congress.

Mr. BAYARD. Not at all. Congress has the control over the estimates for a future year, but after those estimates are made the contracts for executing them must be controlled by the commissioners, under this section.

Mr. INGALLS. The estimates must be submitted in detail, specifying the exact amount of work to be done and what it is to cost. That is to be submitted to the Secretary of the Treasury, by him approved and then submitted to Congress, and by Congress approved. Can it be supposed for an instant that if it appears that Pennsylvania avenue were to be repaved and they had submitted estimates for paving by single blocks and thereby endeavored to evade the wholesome provisions of law, the Secretary of the Treasury and Congress would make themselves parties to such stultification?

Mr. BAYARD. The Senator and I understand this bill differently. I believe the second section of the bill very properly directs the estimates of expenditure of the year then current. It provides that the commissioners shall prepare estimates of their expenditures, that those estimates shall be submitted to the Secretary of the Treasury, and that he in turn shall be checked by the action of Congress. But after the estimates have been made, the contracts come to be made. Are you to make those contracts under competition or without it? The bill evidently intends that the Treasury shall be protected against favoritism in letting these contracts by having competitory bids. I say that the bill as it now stands permits contracts to the extent of $5,000 to be made without competition, and that by giving a man who wants twenty five-thousand-dollar contracts twenty separate contracts, you bring him within the language of the section; and that is a matter with which Congress and the Secretary of the Treasury would have nothing to do. They are to pass upon the amount of estimates, but they do not pass upon the contracts to carry out the expenditures according to those estimates, for that is left to the commissioners alone, and necessarily must be under the section as it stands.

Mr. DORSEY. I suggest to the Senator from Delaware that instead of the provision which he has moved he make it read, "No contract exceeding $1,000 shall be let except by public advertisement in this city." It seems to me to be unnecessary to go to New York, Baltimore, and Philadelphia and advertise at an expense of probably a thousand dollars for a contract of $5,000. The Senator from Delaware must remember another thing, that up to this time there has been no limitation or restriction whatever upon the commissioners in regard to letting contracts. The present commissioners let the contracts as they see fit. There is no competition now at all.

Mr. BAYARD. I hope the Senator does not cite the past history of the expenditures of the District government as something to be followed in the future? We are trying, as I supposed, to stop that sort of thing.

Mr. DORSEY. That is precisely what this section is for; I submit to the Senator that to go through this form of advertising in these four papers and preparing specifications and all that kind of thing is very expensive machinery for a very small matter.

Mr. THURMAN. Mr. President, it strikes me the suggestion of the Senator from Arkansas ought to be acceptable to my friend from Delaware. If I understand it, it is that all contracts for more than $1,000 shall be let to the lowest responsible bidder after an advertisement in this city, and that if the contract is for more than $5,000 there shall be advertisements also in the other cities. That, it strikes me, settles the whole matter. To say that you should advertise for a thousand-dollar contract in all these cities would, as the Senator from Connecticut [Mr. EATON] suggested, eat up the amount in advertising; but as suggested by the Senator from Arkansas [Mr. DORSEY] there is no trouble about it.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Delaware, [Mr. BAYARD,] upon which the yeas and nays have been ordered.

Mr. BAYARD. Will the Senator from Arkansas put his suggestion in shape? As the bill now stands, his object would not be reached by any words that I find there.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS, and others. Oh, no.

Mr. SARGENT. We cannot get through with the bill to-day and we shall meet to-morrow any way.

Mr. INGALLS. I submit to the Senator from California whether it would not be better to sit an hour longer to-night and finish this bill, and then adjourn over until Monday.

Mr. SARGENT. We want a session to-morrow any way. There is other business besides this bill pressing upon our attention.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 24, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. A number of gentlemen have asked the Chair to recognize them this morning for the purpose of introducing bills for reference, &c. If there is no objection, the Chair will recognize them in the order in which their requests were made.

NEW ORLEANS PACIFIC RAILROAD.

Mr. ELAM. By instructions of the Committee on the Pacific Railroad, I ask consent to report at this time a bill for printing and recommittal, together with a report in writing, with an accompanying memorial, which I also ask may be printed.

There being no objection, the bill (H. R. No. 4961) to repeal the twenty-second section of the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," and to declare the rights and privileges and lands granted in said twenty-second section to the New Orleans, Baton Rouge and Vicksburgh Railroad Company forfeited, and that the said twenty-second section be re-enacted in favor of the New Orleans Pacific Railroad Company, was received, read a first and second time, with the accompanying report and memorial, ordered to be printed, and recommitted to the Committee on the Pacific Railroad.

Mr. EDEN. Not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. It will be so understood.

SETTLERS IN WYOMING.

Mr. PAGE, by unanimous consent, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1199) for the relief of certain settlers in the Wind River Valley, Wyoming Territory; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MORTON C. FISHER.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 4962) for the relief of Morton C. Fisher; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOSEPH E. MOORE.

Mr. HARDENBERGH, by unanimous consent, introduced a bill (H. R. No. 4963) for the relief of Joseph E. Moore; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ROBERT COLES.

Mr. CUMMINGS. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 312, for the relief of Robert Coles.

The SPEAKER *pro tempore*. The bill will be read; after which the Chair will ask for objections.

The bill was read, as follows:

Whereas it appearing that, according to the laws of the State of Iowa, Robert Coles is the rightful owner of indemnity certificates No. 92, for twenty-three hundred and sixty-three acres and twenty-six hundredths of an acre, dated March 28, 1872, and No. 93, for thirty-six acres and thirty-six hundredths of an acre, dated April 10, 1872; and

It further appearing that the ownership of said indemnity certificates accrued to the said Robert Coles by virtue of a contract between him and the board of supervisors of the county of Lucas and State of Iowa, dated November, 1862, as provided by the laws of the State of Iowa; and

It further appearing that the list of swamp selections upon which said indem-

nity certificates were subsequently issued was approved by the surveyor-general for the State of Iowa, March 3, 1859, of which approval the county judge of Lucas County, Iowa, was notified by letter from the surveyor-general's office of that date, and of which approval the then agent for the State of Iowa and of Lucas County, by affidavit, testifies; and

It further appearing that the proof for indemnity under act of March 2, 1855, was submitted to the Commissioner of the General Land Office and filed for action therein June 20, 1860; and

It further appearing that the surveyor-general failed to certify his approval of said list of selections to the Commissioner of the General Land Office, as required by the honorable Secretary of the Interior at the time of approval thereof; and

It further appearing that had said list of selections been certified up to the General Land Office at the time the same was approved by the surveyor-general, there were large quantities of public lands in the State of Iowa upon which indemnity certificates could have been located; and

It further appearing that a full and valuable consideration was paid by the said Robert Coles for the interest of Lucas County in and to the swamp lands thereof, to wit, one thousand and ninety acres of land, valued at $6,000; and

It appearing that at the time said indemnity certificates were issued there were no vacant public lands in the State of Iowa upon which the same could be located, owing to the delay and neglect of the surveyor-general, as aforesaid; and

It appearing as a part of the terms of the contract between said Robert Coles and the board of supervisors of the county of Lucas and State of Iowa that, "if compatible with the public interest, the patent for the lands granted in indemnity should be issued in his name:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, authorized and required to issue warrants in lieu of said indemnity certificates numbered 92 and 93 to the said Robert Coles, in accordance with the legal subdivisions of the public lands, in quantities not less than eighty acres, which may be located by the said Robert Coles, his heirs or assigns, upon any of the public lands not mineral or coal or double minimum lands, subject to entry by pre-emption or under the provisions of the homestead act; which warrants may also be received from actual settlers in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants: *Provided*, That said locations do not interfere with prior pre-emption or homestead rights. And patents may issue therefor the same as provided for military bounty-land warrants or lands sold for cash.

Mr. BURCHARD. Before we act on this bill I wish to ask the gentleman having charge of it whether these warrants which are to be issued in lieu of other warrants may under this bill be located upon any unappropriated lands.

Mr. CUMMINGS. No, sir.

Mr. BURCHARD. Heretofore in the case of some acts of this kind which permitted locations upon any unappropriated lands warrants have been located upon vacant lands of great value, which it was not the intention of Congress to permit. Under the provisions of an act which authorized the issue of scrip in lieu of lands to which a party in California claimed title, entry was made upon a military reservation covering a portion of the water-front of Lake Michigan, in the city of Chicago—land worth millions of dollars. I wish to know whether this bill would permit the location of scrip in the same manner?

Mr. CUMMINGS. No, sir. The language of this bill is:

Not less than eighty acres, which may be located by the said Cole, his heirs or assigns, upon any of the public lands, not mineral, or coal, or double minimum, subject to entry by pre-emption or under the provisions of the homestead act.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. SAPP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ELIZABETH PATTERSON.

Mr. YOUNG, by unanimous consent, introduced a bill (H. R. No. 4964) for the relief of the estate of Mrs. Elizabeth Patterson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. JANET BURLESON.

Mr. YOUNG also, by unanimous consent, introduced a bill (H. Ro. No. 4965) for the relief of M. Janet Burleson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARYLAND AND DELAWARE SHIP-CANAL.

Mr. HENKLE, by unanimous consent, introduced a bill (H. R. No. 4966) to aid in the construction of the Maryland and Delaware Ship-Canal and to secure to all vessels of the United States service for all time the right of navigation through said canal free of tolls and charges; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CORRECTION OF THE RECORD.

Mr. HEWITT, of Alabama. Last evening I announced that my colleague, Mr. WILLIAMS, was absent from the House on account of sickness. The announcement does not appear in the RECORD. I wish the correction to be made.

Mr. POLLARD. I announced last evening that I was paired with the gentleman from Louisiana, Mr. ACKLEN. No notice of the announcement appears in the RECORD.

Mr. JOYCE. Last evening I stated that I was paired with the gentleman from Tennessee, Mr. HOUSE, and that if he had been here I should have voted "no." The statement is omitted from the RECORD.

The SPEAKER *pro tempore*. The Chair will state that omissions of this character occurring in the CONGRESSIONAL RECORD, as well as the inaccuracies sometimes complained of in votes by yeas and nays, are not the fault of the reporters. In the confusion which is too commonly prevalent in the House during roll-calls, these announcements and responses of members, who often speak from remote parts of the Hall, are frequently altogether inaudible at the desk.

ORDER OF BUSINESS.

Mr. HUBBELL and others called for the regular order.

Mr. WILSON. I hope that gentlemen will withdraw this call for a few moments. I ask to have read a letter from the Secretary of State in regard to a matter which involves the honor of this Government.

The SPEAKER *pro tempore*. The Chair would be very glad to hear the letter read; but the regular order is demanded and he has no discretion but to announce the business of the morning hour, which now begins at eleven o'clock and thirty minutes.

Mr. BANNING. I ask unanimous consent that the call be continued until all the committees are called through.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

Mr. BRIGHT. I object.

The SPEAKER *pro tempore*. The call rests with the Committee on Invalid Pensions.

HERMAN NETTERFIELD.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2858) granting a pension to Herman Netterfield; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HELENA FECHTELS.

Mr. RICE, of Ohio, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3500) granting a pension to Helena Fechtels; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CALVIN E. PRATT.

Mr. RICE, of Ohio, also, from the same committee, reported, as a substitute for House bill No. 3299, a bill (H. R. No. 4967) granting a pension to Calvin E. Pratt, late brigadier-general of volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BROWN.

Mr. RICE, of Ohio, also, from the same committee, reported back favorably a bill (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN SANDERS.

Mr. RICE, of Ohio, also, from the same committee, reported, back favorable a bill (H. R. No. 3576, for the relief of Benjamin Sanders; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASA MORSE.

Mr. RICE, of Ohio, also, from the same committee, reported back favorably a bill (H. R. No. 648) for the relief of Asa Morse, of Stanton, Michigan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK GLACKIN.

Mr. RICE, of Ohio, also, from the same committee, reported, as a substitute for House bill No. 1010, a bill (H. R. No. 4968) granting a pension to Patrick Glackin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW F. HIGGINS.

Mr. RICE, of Ohio, also, from the same committee, reported back favorably a bill (H. R. No. 309) for the relief of Andrew F. Higgins, of Brown County, Ohio; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CHRISTOPHER FEGAN.

Mr. RICE, of Ohio, also, from the same committee, reported back adversely a bill (H. R. No. 492) granting a pension to Christopher Fegan, Company B, Fourteenth Regiment Illinois Volunteer Infantry; which was laid on the table, and the accompanying report ordered to be printed.

JAMES NEWCOMB.

Mr. RICE, of Ohio, also, from the same committee, reported back favorably a bill (S. No. 363) granting a pension to James Newcomb.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Newcomb, formerly a private in Company H, First Battalion, Seventeenth United States Infantry.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS OF THE WAR OF 1812.

Mr. RICE, of Ohio, also, from the same committee, reported back a bill (H. R. No. 4909) extending the provisions of the act of March 9, 1878, to certain soldiers of the war of 1812; and the same was referred to the Committee on Revolutionary Pensions.

SOLDIERS IN THE CIVIL SERVICE.

Mr. RICE, of Ohio, also, from the same committee, reported back favorably a bill (H. R. No. 3625) relating to soldiers while in the civil service of the United States.

The bill, which was read, provides that all persons who, under and by virtue of the first section of the act entitled "An act supplementary to the several acts relating to pensions," approved March 3, 1865, were deprived of their pensions during any portion of the time from the 3d of March, 1865, to the 6th of June, 1866, by reason of their being in the civil service of the United States, shall be paid their said pensions, withheld by virtue of said section of the act aforesaid, for and during the said period of time from the 3d of March, 1865, to the 6th of June, 1866.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PENSIONS.

Mr. RICE, of Ohio, also, from the same committee, reported a bill (H. R. No. 4969) to repeal section 4717 of the Revised Statutes; which was read a first and second time.

The bill, which was read, repeals section 4717 of the Revised Statutes.

Mr. EDEN. I think the gentleman should give us a little light on that subject.

Mr. RICE, of Ohio. I ask for the reading of section 4717 of the Revised Statutes.

The Clerk read as follows:

SEC. 4717. No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army, or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUCINDA BARRETT.

Mr. HEWITT, of Alabama, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1843) granting a pension to Lucinda Barrett, widow of Thomas S. Barrett, late a private in Company M of the Sixth Illinois Cavalry; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. FERRELL.

Mr. HEWITT, of Alabama, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2826) granting a pension to John H. Ferrell, late a pilot on the United States Steamer Moose in the Mississippi squadron; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. M'BRUYER.

Mr. HEWITT, of Alabama, also, from the same committee, reported, as a substitute for House bill No. 4523, a bill (H. R. No. 4970) granting a pension to John H. McBruyer; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY FRAZEE.

Mr. HEWITT, of Alabama, also, from the same committee, reported, as a substitute for House bill No. 1558, a bill (H. R. No. 4971) granting a pension to Mary Frazee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. STUTER.

Mr. RIDDLE, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2767) granting a pension to John M. Stuter, bugler of Company I, Fourth Regiment Ohio Volunteer Cavalry; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY J. STOVER.

Mr. RIDDLE also, from the same committee, reported, as a substitute for House bill No. 3683, a bill (H. R. No. 4972) restoring Mary J. Stover to the pension-rolls; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK SNYDER.

Mr. RIDDLE also, from the same committee, reported a bill (H. R. No. 4973) granting a pension to Frank Snyder, late private Company B, McLaughlin's Squadron, Ohio Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. RIDDLE also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 4515) increasing the pension of Mrs. Jane McKee from $30 to $50 per month.

Mr. RICE, of Ohio. The gentleman from Kentucky who introduced this bill is not present and I ask that it go on the Private Calendar.

The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. RIDDLE also, from the same committee, reported back, with unfavorable recommendations, the following bills and petition, and the same were laid upon the table, and the accompanying reports ordered to be printed:

The bill (H. R. No. 3626) granting a pension to Abby C. Haviland, widow of Dr. Abraham A. Haviland;

The bill (H. R. No. 2660) granting a pension to Charles Held, of Rochester, New York;

The bill (H. R. No. 3194) granting a pension to Sarah J. Russell and Emily E. Harpending, minor children of Hiram G. Harpending, deceased, late a private in Company D, Thirty-first Regiment Illinois Infantry Volunteers; and

The petition of Patrick Kinsella, for a pension as the father of John F. Kinsella, late private Company G, Thirty-fifth Indiana Infantry Volunteers.

Mr. RIDDLE also, from the same committee, reported back, with adverse recommendation, the petition of Eliza W. Ogden, of Mobile, Alabama, for a pension.

Mr. JONES, of Alabama. I desire that to go upon the Private Calendar.

The petition was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SECTION 4702 OF THE REVISED STATUTES.

Mr. RICE, of Ohio, from the same committee, reported a bill (H. R. No. 4974) to amend section 4702 of the Revised Statutes; which was read a first and second time.

The bill was read. It amends section 4702 of the Revised Statutes by adding the following:

Provided, If the widow remarries and continues thereafter to draw the pension, the pension to the children shall commence at the date when payment to the said widow shall cease.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ELIZA H. FRAILEY.

Mr. MACKEY, from the same committee, reported a bill (H. R. No. 4975) granting an increase of pension to Mrs. Eliza H. Frailey, widow of James Madison Frailey, late commodore in the United States Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MELISSA WAGNER.

Mr. MACKEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2544) granting a pension to Melissa Wagner, widow of Jacob F. Wagner, late private in Company B, Sixty-seventh Pennsylvania Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALICE B. MUNROE.

Mr. MACKEY also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3598) granting a pension to Alice B. Munroe; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALEXANDER KINCAID.

Mr. MACKEY also, from the same committee, reported back, with a recommendation that it do not pass, the bill (H. R. No. 1007) granting a pension to Alexander Kincaid, of Company B, Sixty-fifth New York Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

SOLDIERS WHO HAVE LOST TWO LIMBS, ETC.

Mr. MACKEY also, from the same committee, reported, as a sub-

stitute for House bill No. 2639, a bill (H. R. No. 4976) to increase the pensions of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both their eyes in the service of the country; which was read a first and second time.

The bill was read. It provides that on and after the passage of this act all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States shall be paid in lieu of the pensions now paid them by the Government of the United States, to be paid to them in the same manner as pensions are now paid, the sum of $72 per month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACKEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS WHO HAVE LOST ONE HAND AND ONE FOOT.

Mr. MACKEY also, from the same committee, reported, as a substitute for House bill No. 3081, a bill (H. R. No. 4977) amending chapter 73 of the act approved February 28, 1877, relating to the pensions of soldiers who have lost one hand and one foot; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONERS.

Mr. POWERS, from the same committee, reported back, with a recommendation that it do pass, the bill (H. R. No. 3879) for the relief of certain pensioners.

Mr. POWERS. I ask that the bill be put upon its passage.

The bill was read. It provides that all pensioners now on the pension-rolls, or who may hereafter be placed thereon, for amputation of either leg at the hip-joint, shall receive a pension at the rate of $37.50 per month from the date of the approval of this act.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. POWERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES JOHNSTON.

Mr. POWERS also, from the same committee, reported a bill (H. R. No. 4978) granting a pension to James Johnston; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS C. YOUNG.

Mr. POWERS also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 846) for the relief of Thomas C. Young, late private in Company F, Thirty-ninth Iowa Infantry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN GRUBBINS.

Mr. SINNICKSON, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4494) granting a pension to John Grubbins; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL V. ADAMS.

Mr. SINNICKSON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3408) granting a pension to Samuel V. Adams; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN GAVIN.

Mr. WALSH, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2489) granting a pension to John Gavin, of the Sixteenth New York Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE QUARREL.

Mr. WALSH also, from the same committee, reported a bill (H. R. No. 4979) as a substitute for the bill (H. R. No. 908) granting a pension to George Quarrel, late a private in Company H, Tenth New York Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN DILLINGER.

Mr. WALSH also, from the same committee, reported a bill (H. R. No. 4980) granting a pension to John Dillinger, late a private Fifth Regiment United States Artillery; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CLAIM AGENTS, ETC.

Mr. WALSH also, from the same committee, reported a bill (H. R. No. 4981) relating to claim agents and attorneys in pension cases; which was read a first and second time.

Mr. WALSH. I ask for the passage of the bill.

The bill was read. It provides that it shall be unlawful for any attorney, agent, or other person, to demand or receive for his services in a pension case a greater sum than $25; that no fee contract shall hereafter be filed with the Commissioner of Pensions in any case and that in any pending case in which a fee contract has heretofore been filed, if the pension shall be allowed, the Commissioner of Pensions shall approve the same as to the amount of the fee to be paid.

The second section of the bill provides that sections 4768, 4769, and 4786 shall not apply to any case or claim heretofore filed or to any pending claim in which the claimant has not been represented by any agent or attorney prior to the passage of this act.

The third section repeals section 4785 of the Revised Statutes.

Mr. RANDOLPH. I desire to offer an amendment to the bill.

Mr. WALSH. I cannot yield for an amendment.

Mr. EDEN. I ask that the bill be again read.

The bill was again read.

Mr. FULLER. I desire to offer an amendment, to reduce the fee from $25 to $10.

Mr. WALSH. I will yield for the amendment to be offered.

Mr. FULLER. This is more of a lawyer's bill than a pensioner's bill.

Mr. RANDOLPH. My amendment should come in first.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. WALSH] did not yield to the gentleman from Tennessee [Mr. RANDOLPH] to offer an amendment.

Mr. RANDOLPH. I ask the gentleman to yield to me.

Mr. WALSH. I will hear the amendment read.

Mr. RANDOLPH. My amendment proposes to repeal section 4709 of the Revised Statutes.

Mr. WALSH. I cannot yield for the repeal of any other section.

Mr. RANDOLPH. Let the section be read.

Mr. RICE, of Ohio. Let it be read.

The Clerk read section 4709 of the Revised Statutes, as follows:

All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; provided the application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. But the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years.

Mr. RANDOLPH. I ask the gentleman to yield for me to move an amendment to repeal the section of the Revised Statutes just read.

Mr. WALSH. I cannot yield for that amendment.

Mr. RANDOLPH. Did the gentleman hear the section as it was read?

Mr. WALSH. I know what the section is; it does not relate to this bill at all. This bill relates solely to the fees of attorneys and agents in pension cases. I call for the previous question.

The previous question was seconded and the main question ordered.

The question was first upon the amendment of Mr. FULLER, to strike out "$25" and insert in lieu thereof "$10," so that it would read as follows:

It shall be unlawful for any attorney, agent, or other person to demand or receive for his services in a pension case a greater sum than $10.

The question was taken upon the amendment; and upon a division there were—ayes 58, noes 38.

Mr. RICE, of Ohio. I shall have to raise the point of order that no quorum has voted.

Tellers were ordered; and Mr. RICE, of Ohio, and Mr. FULLER were appointed.

Mr. RICE, of Ohio. Would it be in order for me to make a remark on this subject?

The SPEAKER *pro tempore*. The House is dividing.

Many MEMBERS. Let the bill be again read.

The SPEAKER *pro tempore*. The bill will be again read if there is no objection.

The bill was again read.

Mr. RIDDLE. I think both sides will be willing to compromise on $15; $10 is too small a sum.

The SPEAKER *pro tempore*. That can be done only by unanimous consent, the main question having been ordered.

Mr. RICE, of Ohio. I ask unanimous consent that the sum be fixed at $15. The majority of the Committee on Invalid Pensions think that $10 is entirely too small a sum.

The SPEAKER *pro tempore*. Is there objection to the proposed modification of the amendment?

Mr. HANNA. I object.

The SPEAKER *pro tempore*. Objection is made, and the question is upon the amendment to strike out "$25" and insert "$10;" upon which tellers have been ordered and appointed.

The House again divided; and the tellers reported that there were—ayes 98, noes 33.

Mr. RICE, of Ohio. I do not call for any further count.

No further count being called for, the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WALSH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARAGES OF PENSIONS.

Mr. WALSH. I am instructed by the Committee on Invalid Pensions to report back the petitions which I send to the Clerk's desk and to move that the committee be discharged from their further consideration and that they be laid on the table.

The petitions were as follows:

The petition of John Danlon, of Seventy-second Pennsylvania Volunteers, for a pension; and

The petition of James Birmingham, for leave to apply for a pension.

Mr. McMAHON. These petitions are for arrearages of pensions?

Mr. WALSH. They are.

Mr. McMAHON. And they are reported adversely, because there is a general bill covering these cases?

Mr. WALSH. That is so. They are not reported adversely upon their merits at all, but because we had a general bill covering the cases.

The motion of Mr. WALSH was then agreed to.

DANIEL M'CARRON.

Mr. WALSH, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 928) for the relief of the heirs of Daniel McCarron, and the committee was discharged from its further consideration, and the same was referred to the Committee on Military Affairs.

FAVORABLE REPORTS.

Mr. JOYCE, from the Committee on Invalid Pensions, reported favorably the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 711) granting a pension to John S. Corlett; and

A bill (H. R. No. 754) granting a pension to James W. Crowley.

SUBSTITUTES FOR HOUSE BILLS.

Mr. JOYCE also, from the same committee, reported as substitutes for the bills named the following; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 4982) granting a pension to Valeria C. Penrose, widow of William M. Penrose, late lieutenant-colonel Sixth Regiment Infantry Pennsylvania Reserve Corps—as a substitute for House bill No. 3272;

A bill (H. R. No. 4983) granting a pension to Sarah H. Bradford, mother of William H. Bradford, deceased—as a substitute for House bill No. 4487;

A bill (H. R. No. 4984) granting a pension to John L. Taylor—as a substitute for House bill No. 1473;

A bill (H. R. No. 4985) for the relief of George Denney, Company M, Seventh United States Cavalry—as a substitute for House bill No. 2453; and

A bill (H. R. No. 4986) granting a pension to H. Louise Gates—as a substitute for House bill No. 4296.

JAMIS H. COOK.

Mr. RAINEY, from the same committee, reported a bill (H. R. No. 4987) granting a pension to Jamis H. Cook; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with accompanying report, ordered to be printed.

ALFRED RICHARDSON.

Mr. RAINEY. I am directed by the same committee, to report back, with a favorable recommendation, the bill (S. No. 874) granting a pension to Alfred Richardson, late of Company A, Twelfth Indiana Volunteers. At the request of the gentleman from Indiana, [Mr. HANNA,] I ask that this bill be considered at the present time.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alfred Richardson, late of Company A, Twelfth Indiana Volunteers.

Mr. RAINEY. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RAINEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTING OF A BILL.

Mr. RICE, of Ohio. I ask that the bill (H. R. No. 3258) to regulate the granting of pensions on account of death or wounds received since March 4, 1861, be reprinted, the supply having been long since exhausted. There is a great demand for the bill.

There being no objection, it was ordered accordingly.

Mr. RICE, of Ohio. I ask that certain Senate bills on the Speaker's table, granting pensions, be taken up and referred to the Committee on Invalid pensions.

The SPEAKER *pro tempore*. That is not in order now, as the committees are being called for reports.

WHITEWOOD FLUME COMPANY.

Mr. DAVIS, of North Carolina. The Committee on Mines and Mining have directed me to report back, with a favorable recommendation, the bill (H. R. No. 3669) incorporating the Whitewood Flume Company. This report is unanimous, and the Delegate from the Territory of Dakota [Mr. KIDDER] approves the bill.

The bill was read.

Mr. PATTERSON, of Colorado. I make the point of order that this bill disposes of public property, and must therefore go to the Committee of the Whole on the Private Calendar.

Mr. PRICE. It does not dispose of any public property.

Mr. PATTERSON, of Colorado. Yes, sir; it grants timber for ten feet on either side of the proposed ditch.

Mr. PRICE. Only so much as is necessary for the construction of the ditch.

Mr. PATTERSON, of Colorado. Of course.

Mr. PRICE. It conforms to the law of the Territory through which the improvement passes.

Mr. BRIGHT. Mr. Speaker, I believe the morning hour has expired.

The SPEAKER *pro tempore*. The morning hour has expired. This bill will go over to next Friday, and the point of order will be regarded as pending.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

Mr. WILSON. I desire to bring a bill to the attention of the House by direction of the Committee on Foreign Affairs. In the first place, I ask to have read a resolution of the Committee and then a communication from the Secretary of State.

Mr. BRIGHT. I cannot consent to this; it will take too much time.

Mr. GARFIELD. I think the gentleman from Tennessee [Mr. BRIGHT] ought to allow the gentleman from West Virginia [Mr. WILSON] to present the matter which he has in hand.

Mr. WILLIAMS, of Oregon. We ought to have to-day for private bills.

Mr. BRIGHT. I will yield to the gentleman from West Virginia; but I cannot yield to any other gentleman.

REFUND OF CERTAIN TONNAGE TAXES.

Mr. WILSON. I ask the Clerk to read a resolution of the Committee on Foreign Affairs.

The Clerk read as follows:

[Copy from the minutes.]

HOUSE OF REPRESENTATIVES,
WASHINGTON, DISTRICT OF COLUMBIA,
COMMITTEE ON FOREIGN AFFAIRS.

At a meeting of this committee, held April 25, 1878, Mr. MONROE moved that Mr. WILSON be instructed to move that Senate bill No. 185 be taken from the Speaker's table, and ask that it be put upon its final passage as it passed the Senate; and it was so ordered.

C. SHIRLEY CARTER, *Clerk.*

Mr. WILSON. I also ask to have read a letter from the Secretary of State.

Mr. BURCHARD. Is not the bill which the gentleman proposes to bring forward a public bill?

Mr. WILSON. It is a private bill. I think the gentleman will see the propriety of it as soon as it is explained.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, May 22, 1878.

SIR: I have the honor to transmit herewith a copy of a note received from Count Lewenhaupt, the minister of Sweden and Norway in this country, in relation to the bill, (H. R. No. 1113,) introduced in November last, providing for the refund of certain tonnage taxes, and to commend the subject of the inclosure to the favorable consideration of your committee.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

HON. THOMAS SWANN,
Chairman of Committee on Foreign Affairs,
House of Representatives.

(Inclosure: A copy of Count Lewenhaupt's note of May 20, 1878.)

Mr. WILSON. I also ask to have read a letter from the minister of Sweden and Norway.

Mr. WOOD. I must object to the consideration of this bill. It should have been referred to the Committee of Ways and Means. It is a revenue bill.

The SPEAKER *pro tempore*. The bill to which these papers refer is unquestionably a public bill; and, if the point be made, it cannot be considered at this time.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I move that the rules be suspended and that the House resolve itself into Committee of the Whole for the further consideration of the Army appropriation bill.

The SPEAKER *pro tempore*. This being Friday, the motion of the gentleman from Tennessee, [Mr. BRIGHT]—which is also in the nature of a motion to suspend the rules—to go into Committee of the Whole for the consideration of business on the Private Calendar, takes precedence of the motion of the gentleman from New York. If the House should not agree to the motion of the gentleman from Tennessee, then the motion of the gentleman from New York will be in order.

The question being taken on the motion of Mr. BRIGHT, there were —ayes 110, noes 83.

Mr. HEWITT, of New York, demanded tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. GARFIELD, were appointed.

The House divided and there were—ayes 79, noes 95.

So the motion of Mr. BRIGHT was rejected.

The question recurred on the motion of Mr. HEWITT, of New York, that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House resumes the consideration of the Army appropriation bill, and the Clerk will read section 9, which is the pending section.

The Clerk read as follows:

SEC. 9. That from and after the 1st day of July next the Bureau of Military Justice shall consist of one Judge-Advocate-General with the rank and pay of colonel, and of four judge-advocates with the rank and pay of major; and the officers relieved by the operation of this provision shall be placed on the supernumerary list hereinafter provided for.

Mr. FOSTER. I move to strike out that section.

The committee divided; and there were—ayes 90, noes 96.

Mr. FOSTER demanded tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. FOSTER were appointed.

The committee again divided; and the tellers reported—ayes 93, noes 99.

So the motion was disagreed to.

Mr. GARFIELD. I move to amend section 9 by striking out the words "from and after the 1st day of July next" and in lieu thereof to insert "the board hereinafter provided in section 12 shall report whether;" so it will read, "that the board hereinafter provided for in section 12 shall report whether the Bureau of Military Justice shall consist of one Judge-Advocate-General," &c.

I desire, Mr. Chairman, to occupy only a moment. The committee has already stricken out several of the sections relating to change of organization of staff corps. It is only fair, therefore, the whole subject should be considered together by the board to be hereinafter created. It would be specially unfair to select one, and particularly this one, the only law force in the Army, and strike it out of the staff organization when all the other parts are to be referred to this board of major-generals for action and report.

In this connection I wish to say that when the Bureau of Military Justice in its present form was first established, there was a good deal of jealousy on the part of Army officers against it. They were accustomed to what might be called the despotism of Army management, and to introduce the element of law among them and administration of justice was looked upon as a sort of interference with military discipline. But the years of existence of that bureau have not only changed all that feeling on the part of the better class of Army officers, but they are now almost if not quite unanimous that the Bureau of Military Justice has been, is now, and will hereafter continue to be of the greatest value to the Army in giving it order, law, discipline, and that good regulation which comes from a perfect understanding of martial law. Let me call to the attention of members a striking passage in a letter of General Hancock, where he speaks of the indispensable duties of the Judge-Advocate's corps and its value to all men invested with command in the Army. I ask the extract I have marked be read.

The Clerk read as follows:

Major-General Hancock, in reply to inquiries of the congressional Army commission of 1876, after expressing the opinion that the number of judge-advocates is too small and that the grades of colonel and lieutenant-colonel should be introduced into the corps, says:

"The duties of judge-advocates are inseparable from the military system. They can only be fully and properly performed by men who make a specialty of them. If the regular corps be abolished or crippled the duty must be indifferently done wholly or partly by officers taken for the time from their proper positions. It is a fact worthy of special consideration that this corps constitutes the only element in our whole system of military jurisprudence which, not being created for temporary and special purposes, has the character of permanency. In the civil system, changeable juries simply find the facts, but judges, both eminent and permanent in the profession, determine questions of law and award sentences. In the military system courts are convened from time to time, composed of officers who act both as judges and jurors, but none of whom are in general selected with any reference to their knowledge of the judicial duties they are called upon to perform. In these courts the vote, for both findings and sentence, of the most ignorant in the law is as weighty as that of the most learned. In fact, the junior, presumably the most uninformed, is required to vote first, in order that he may not be influenced by his seniors.

"Is it wise to destroy or weaken, in these tribunals, their only element of stability?

"Inasmuch as the military is a more arbitrary and despotic system than the civil, so is uniform and even-handed justice the more necessary in it. But we are far from securing this under our code, even with our judge-advocates. Without an efficient corps of them we shall be still further from it. It is no uncommon thing to see soldiers as prisoners in charge of the same guard for identically the same offense, one under sentence of twice or even thrice the severity of another. They have been tried by different courts-martial, each using its discretion as to the amount of punishment for the common offense. Judge-advocates have not the power to prevent this evil by awarding sentences or otherwise, but so far as their limited number permits they mitigate it. I am not well informed as to the duties of the head of the bureau in Washington, but my own extended observation and experience justify me in speaking quite positively of the importance of judge-advocates at department headquarters. Without going into the details of the various duties required of them I will say that I consider them absolutely necessary. But the necessity for maintaining these officers does not rest alone on the importance of their current duties. A thorough knowledge of military law in its higher principles, as well as the intricacies of its details, is particularly necessary in new armies. Its prompt and correct application is one of the principal proceedings in the establishment of discipline and order in the armies which we rely upon creating in time of need. This can only be accomplished through a corps prepared beforehand. Ours is peculiarly a Government of law in the Army as well as out of it.

* * * * * * *

"In these remarks I have given prominence to the duties of judge-advocates in connection with courts-martial. But there are various other matters upon which I need not dwell, such as the questions arising out of the relation of military affairs to the civil service, in which their knowledge and experience are of great value to the public service, to commanding generals, and to subordinate officers.

"These are some of the general considerations which lead me to the conviction that a 'judge advocate's department' is an important and necessary feature of our military establishment, whether the regular Army be large or small."

Mr. GARFIELD. Besides, Mr. Chairman, I will say this: that in time of peace a Bureau of Military Justice is far more important to the Army than in time of war. We have our soldiers scattered through all portions of the Union and they are constantly coming against civil processes and within civil jurisdiction. I myself know of a large number of cases which have been argued in the Supreme Court of the United States by these officers of the Bureau of Military Justice, men who are thorough lawyers, and cases which have risen out of collisions between the civil and military departments. Hardly a day passes the commander of a great military department does not have some collision between military and civil authorities and it is as important to him, indeed more important to him, because he is not himself a civilian, that he should have the best judicial and legal authority under his command to look to these questions and act for him as it is for any of the Departments here in Washington to have such officers as their legal advisers.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. GARFIELD. Yes, sir.

Mr. BRAGG. Will the gentleman please designate the distinguished lawyers who compose the Judge-Advocate's corps?

Mr. GARFIELD. In the first place, the officer at the head of the corps at present, and then the officer who preceded him as Judge-Advocate-General, the distinguished lawyer, Judge Holt. They have several officers whom I know to be competent and thorough lawyers.

Mr. BRAGG. Name them.

Mr. GARFIELD. To say there shall be no law officers for the Army is to say we shall leave it measurably without law, and I hope that will not be done.

Mr. HEWITT, of New York. This does not propose to abolish the Bureau of Military Justice.

Mr. GARFIELD. But the gentleman from New York sees it cripples it hopelessly. There are some thousand cases of general court-martials every year, besides regimental court-martials, involving the rights and liberties of every soldier who comes within their purview. The Bureau of Military Justice is the private soldier's protection against military oppression, and to take away that safeguard is cruelty to those men. I hope the House will not allow this bureau to be thus crippled.

[Here the hammer fell.]

Mr. BRAGG. I sincerely hope that the committee will make a bold stand upon this branch of the staff of the Army if they have weakened upon all others. It is said by distinguished Army officers that year after year the line are discriminated against; that there is great talk of reduction and retrenchment in the Army, and that the result invariably is the staff of the Army, the fungous growth of the war, the epaulets, the butterflies, are always provided for in the end much better than they were before, and all the reductions that take place in either rank or pay fall upon the men who do the labor in the service.

These staff corps are no more and no less than the ornaments such as you see upon the top of a building—of no value whatever and of no use, but only put upon it for the purposes of decoration, and in the carving the little birds make their nests and there breed.

This Bureau of Military Justice as it is now organized commenced since the war. Before the war the Judge Advocate-General was a captain of the regular Army with the rank of major, and all the work of the Army, the review of all the courts-martial of the Army, was done just as well by that bureau with its one officer who had the rank of major as it is now. But since the war, since the staff have been looking about for ingrafting upon the military service another department, they have magnified this department until now its head is a brigadier-general and with a large number of majors. I do not now remember, for I have not the figures before me, but they are altogether more than the needs of the service. The only business they have to do is not to attend court-martial trials, but to make up the record of the cases sent up, which is merely clerical work. Not one case in five hundred is reviewed by them as lawyers. The department belongs properly to the departments of the Adjutant-General and the Inspector-General consolidated, and it is utter nonsense under the plea of doing justice to the soldiers out upon the plains to have a judge-advocate here of the rank of brigadier and eight with the rank of major who do nothing except draw their pay. There is no work for them to do as lawyers.

If there was a necessity for this bureau it would have manifested itself long before this; but if a single officer in connection with the Adjutant-General was able to do the duties of all this corps prior to the war, I submit that this bill which provides now for a larger number of these gentlemen provides more force in proportion than the increase of the Army will seem to require.

The object of this amendment is that the question as to this bureau shall be submitted to officers whose business it is to consolidate to-

gether and to strengthen the staff. They will allow no branch of it to be attacked, else the balance will be attacked; and while they talk freely against each other, as soon as any branch of the staff is sought to be cut down then they go to protect each other on the principle of self-protection only.

[Here the hammer fell.]

Mr. FOSTER. I move to strike out the last word. I do not propose to reply to the attack of the gentleman from Wisconsin upon this corps. There is a practical question here, however, for the House to consider. We have provided in this bill for the reorganization of four staff departments, and then we propose to refer these staff departments after this legislation to a board to report to Congress next December. Then we take the six other staff departments without any legislation whatever and refer them also to the same board.

Now I ask the gentleman from Wisconsin or anybody else where the economy comes in. Every one of these officers retains his rank and pay precisely as if he were in one of these staff departments, and it is a confession of weakness on the part of the House first to legislate and then to submit that legislation to a commission which has to report to us next December. It will not save one dollar whether you keep these men in these offices or not. They draw their pay precisely the same whether they are there or whether they are out. There is not one cent of economy in this.

Mr. BRAGG. Will the gentleman allow me to ask him a question?

Mr. FOSTER. Certainly.

Mr. BRAGG. Does the gentleman from Ohio intend to have this House understand that when these men are placed on the supernumerary list only to be assigned to duty in case there be a proper field for them, the President of the United States will disregard the action of this House declaring them supernumerary and still keep them in service in spite of the voice of this House?

Mr. FOSTER. We have decreased the number of regiments to thirty-one or thirty-two, and the number of supernumerary officers will be very small, if the supernumerary provision is retained in the bill. They are on our hands. They will draw their pay and allowances precisely the same whether they are in this bureau or not in the bureau. We legislate here and then we refer our legislation to a board which is to report to us next December. Now I say that the common-sense way would be to refer all the four branches of the staff that we have been legislating about, as well as the eight others, to the board and let them report. It will not make a dollar's difference in the expense whether we do it or not, and I believe that this proposition will not be seriously antagonized either by the chairman of the Committee on Appropriations or by the chairman of the Committee on Military Affairs.

Mr. SOUTHARD. I would like to ask my colleague a question. He proposes to refer these matters to a board of Army officers. Would not that be the same thing as if we were to refer to the syndicate the question of fixing the price of their bonds?

Mr. FOSTER. This is a suggestion that came from the other side of the House. I think the appointment of such a board is eminently proper and that good results will come from it.

Mr. SOUTHARD. I understand that the proposition is not to refer everything in relation to the staff corps to this board.

Mr. FOSTER. The gentleman is mistaken; everything is referred to them.

Mr. SOUTHARD. I understand that to be your proposition and not the bill.

Mr. FOSTER. It is the proposition of the bill.

Mr. SOUTHARD. I thought it was the proposition of the gentleman.

Mr. SPARKS. Do I understand the gentleman to say that the proposition of the bill is to refer everything to this board in relation to the staff corps?

Mr. FOSTER. Everything.

Mr. SPARKS. Then I am sadly mistaken about it.

Mr. FOSTER. I appeal to the gentleman who has charge of the bill.

Mr. HEWITT, of New York. The bill itself is the best answer to that question. The proposition is, after making provision for a portion of the staff, to refer the remainder to the board.

Mr. FOSTER. No; it refers to the whole.

Mr. HEWITT, of New York. After we have reduced the Bureau of Military Justice to a Judge-Advocate-General and four judge-advocates, then any other question is referred to the board.

Mr. FOSTER. We refer the Engineer department, the Ordnance department, and the Medical department, that we have legislated about, and the Quartermaster's Department, that we have legislated about, to this board, the Pay department and the Bureau of Military Justice, and we also refer the Adjutant-General's department.

Mr. HEWITT, of New York. We do it for this reason, that we have reduced the force of this bureau to four, and it is probable that the board will recommend its reduction to one. We go as far as we can, and I wish the House to understand that we have gone to the limit of existing law. There is now a statute which provides that as judge-advocates die or go out of the service the number shall be reduced, and for that the gentleman from Ohio [Mr. GARFIELD] who addressed the House and the gentleman who now has the floor [Mr. FOSTER] voted; all the effect of it is to put into operation now what would be the result under the statute on the death or retirement of judge-advocates, and then to refer the question to the board that they may determine whether a further reduction can be made.

Mr. FOSTER. And what is that for?

Mr. HEWITT, of New York. We suppose that there may be a further reduction.

Mr. McCOOK. Mr. Chairman, it may seem absurd for me to attempt to explain any of the provisions of this section after the distinguished gentlemen from Ohio [Mr. GARFIELD and Mr. FOSTER] have spoken, but it seems to me that there is one feature of it that the House has not had its attention attracted to.

If I understand this section at all or anything in relation to the Bureau of Military Justice, the present law provides that vacancies shall be created by casualties until the aggregate number of officers is reduced to one Judge-Advocate-General and four assistant judge-advocates. When vacancies occur they are not to be filled at all. The Committee on Appropriations, by this bill, as I understand it, in their hot haste to economize and retrench, does away with that wholesome provision of law and proposes to reduce the number of judge-advocates from nine, as it is now, not brigadier-generals and colonels, as the gentleman from Wisconsin says, but one brigadier-general and nine assistants with the rank of major, at once, or practically at once, by the 1st of July, so as to save to the Government a few dollars on the score of economy. You cannot construe the section in any other way, it appears to me. I can only repeat that there is now by law one Judge-Advocate-General and nine assistant judge-advocates. There can be no promotions, but, when vacancies occur through death, resignation, or retirement, those vacancies are not to be filled. This bill provides that on and after the 1st day of July next the office of Judge-Advocate-General shall not only be reduced in rank and pay, but that there shall be but four assistant judge-advocates with the rank and pay of major. Now, without professing to know anything specially about the duties of the judge-advocates of the Army, I presume that, like many other officers, like members of Congress perhaps, they discharge their duties, when called upon, to the best of their ability, and when they are through they engage in the "butterfly" business around Washington, as the gentleman from Wisconsin [Mr. BRAGG] has suggested.

If so, I do not see what right we have to complain, neither do I understand the animus of these attacks upon not only the staff but upon all the officers of the Army. Unfortunately the members of the House have been unable yet to see the printed speeches of the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Ohio [Mr. BANNING] and the gentleman from Illinois, [Mr. SPARKS,] and those who listened to them are obliged to rely upon their memory of what they said.

Now, if I remember rightly, the gentleman from Wisconsin, [Mr. BRAGG,] with all the keen and polished wit for which he is celebrated, attacked every officer of the Army, from the General down. He spoke eloquently about the manner in which they drink "cock-tails" and "punches," as I understood him, and of the way in which they enjoyed themselves at their posts, being waited upon in a "lordly manner" by private soldiers. Now, I desire to state the character of the officers of the Army, so as to show the true nature of this effort which is being made to convince the country of its aristocratic tendencies. I have here a list of the officers of the different regiments of cavalry and infantry, the arms of the service which the other side of the House yesterday struck down; the arms of the service that practically do all the fighting in the present condition of affairs.

The infantry is in all armies the most numerous, the cheapest, and under ordinary circumstances the most efficient. It is the soul of an army, for while in certain contingencies the other arms of the service may be dispensed with the infantry are indispensable; and it has been discriminated against by the committee at all times and under all circumstances.

As the names of the commanders of the regiments have been mentioned in debate, I will call attention to the officers of the Fifth Infantry, commanded by General Miles; of the Seventh Cavalry, commanded by General Sturgis, (formerly Custer's regiment,) and the Seventh Infantry, commanded by Colonel Gibbon, the old division commander of the gentleman from Wisconsin, [Mr. BRAGG.]

[Here the hammer fell.]

Mr. CONGER and Mr. SPARKS rose.

Mr. CONGER. I desire to yield to the gentleman.

Mr. SPARKS. That can be done directly.

The CHAIRMAN. Does the gentleman from New York [Mr. McCOOK] desire more time to conclude his remarks?

Mr. McCOOK. I do.

The CHAIRMAN. The Chair will recognize the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I will yield my time to the gentleman from New York, [Mr. McCOOK.]

Mr. SPARKS. I will seek the floor afterward.

Mr. McCOOK. I thank the gentleman from Michigan, [Mr. CONGER.] Of the officers of the Fifth Infantry Regiment 6 are graduates of West Point, 4 have been promoted from the ranks, and 25 have been appointed from civil life. In the Seventh Cavalry Regiment 26 officers are graduates of West Point, 2 have been promoted from the ranks, and 15 have been appointed from civil life. In the Seventh Infantry, General Gibbon's regiment, 12 officers are graduates of West Point, 8 have been promoted from the ranks, and 15 have been appointed from civil life. Of the aggregate officers in the cavalry and infantry arms of the service 376 are graduates of West Point, 153 have been promoted from the ranks, and 672 have been appointed from civil life.

Mr. COX, of Ohio. Will the gentleman from New York [Mr. McCOOK] state the rank of those appointed from civil life?

Mr. McCOOK. I am about to do that. In addition to what I have stated is this singular and striking fact: all that a man has to do is to look at the Army Register and he will find that two-thirds of the officers who are graduates of West Point are officers of the lower ranks, first and second lieutenants, who have graduated from West Point since the close of the war of the rebellion and have been assigned to the Army.

Of those appointed from civil life nine-tenths served with distinction either as non-commissioned officers or private soldiers in the regular Army or as officers in the volunteer forces engaged in the war of the rebellion.

In order to be perfectly fair about it, I will concede that in the staff departments and in the artillery branch of the service the proportion of appointments from civil life is not so great. Yet, in the artillery branch of the service, there are one hundred and sixty graduates of West Point, seventeen officers promoted from the ranks, and ninety officers appointed from civil life. Even in the staff corps, those "pet corps" of which the gentleman speaks and which he especially assails on all occasions, the officers who are graduates from West Point number two hundred and thirty-eight, two have been promoted from the ranks, and three hundred and thirty-eight have been appointed from civil life.

I do not know that I desire to say anything further on this subject except to call attention to the following tables, showing from where the officers come who are now in service:

Regiments.	Graduates of West Point.	Promoted from ranks.	Appointed from civil life.
CAVALRY.			
First	19	12	12
Second	19	6	18
Third	16	4	24
Fourth	20	8	17
Fifth	25	2	16
Sixth	21	6	16
Seventh	26	2	15
Eighth	17	1	27
Ninth	10	4	30
Tenth	8	5	28
Total	181	50	203
INFANTRY.			
First	7	4	24
Second	7	6	22
Third	7	7	21
Fourth	8	7	19
Fifth	6	4	25
Sixth	8	2	24
Seventh	12	8	15
Eighth	10	5	20
Ninth	9	4	22
Tenth	7	3	25
Eleventh	9	8	17
Twelfth	7	3	25
Thirteenth	14	2	19
Fourteenth	6	7	22
Fifteenth	9	4	22
Sixteenth	6	2	27
Seventeenth	9	4	22
Eighteenth	11	4	19
Nineteenth	7	4	25
Twentieth	7	4	24
Twenty-first	14	3	18
Twenty-second	6	1	28
Twenty-third	6	3	27
Twenty-fourth	7	1	28
Twenty-fifth	6	3	29
Total	195	103	469
ARTILLERY.			
First	33	3	18
Second	34	2	17
Third	26	5	21
Fourth	37	3	13
Fifth	30	4	21
Total	160	17	90
STAFF DEPARTMENT.			
General officers	10	.....	1
Adjutant-General	15	.....	2
Inspector-General	7	.....	1
Military Justice	.....	.....	9
Signal officers	.....	.....	1
Quartermaster's Department	21	2	42
Subsistence department	19	.....	7
Medical department	.....	.....	188
Pay department	11	.....	44
Engineer department	107	.....	.....
Ordnance department	48	.....	17
Chaplain	.....	.....	20
Total	238	2	348

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKS and Mr. BRAGG addressed the Chair.

Mr. BRAGG. I rise to a question of privilege.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. I am accused of having reflected upon the character of the officers of the Army of the United States. I think the gentleman who made that accusation, upon a moment's reflection, will see that he does me great injustice.

Mr. McCOOK. Allow me one suggestion.

Mr. BRAGG. I have never made any such charge at all. But it has become exceedingly fashionable for all gentlemen who propose to support the present Army establishment, when an attack is made upon that establishment as pernicious, to say that we are assailing the officers who are supported by that establishment.

Mr. McCOOK. Allow me to say——

Mr. BRAGG. I know, Mr. Chairman, that there are no more gallant men in the world than there are among the officers of the United States Army. But I stated only a fact when I said that our present Army organization and the needs of the Army are such that these men are compelled to spend their time in sheer idleness—have nothing to do. Gallant though they would be were there a chance for action, there is no call for action; and when they are stationed at a post with a corporal and five men, they have nothing in the world to do but to contrive some way by which they may idle away their time, which hangs heavy upon their hands. That is the charge I made.

Mr. WHITE, of Pennsylvania. Will my friend allow me to ask him a question?

Mr. BRAGG. Certainly.

Mr. WHITE, of Pennsylvania. Did I not understand my friend from Wisconsin, in his instructive address the other night, to offer some advice to General Sherman and recommend to him the example of Cincinnatus? Did not the gentleman comment upon the amount of salary which General Sherman is receiving and the luxury in which he lives; and was not this done in an offensive manner? I make this inquiry in justice to my friend from Wisconsin, whom I like very much.

Mr. BRAGG. I am very glad to answer the gentleman from Pennsylvania. I did say, when speaking of that office, that it was supernumerary. I did say, in reply to an interrogatory put to me by the gentleman from New York, that it would be better for the men who have had the purse of the nation opened and lavishly emptied into their pockets, to follow the example of Cincinnatus rather than to hold office as supernumeraries with extravagant salaries, while the people are groaning for bread all over the land.

Mr. WHITE, of Pennsylvania. May I not ask the gentleman from Wisconsin——

The CHAIRMAN. All debate upon the pending amendment is exhausted.

Mr. SPARKS. I move to amend the amendment by striking out the last word. Mr. Chairman, this debate has drifted away from the real subject-matter before the committee, which is the amendment of the gentleman from Ohio, [Mr. GARFIELD.] The gentleman from New York, [Mr. McCOOK,] championing the Army, as he evidently has the right to do, for he was himself a distinguished officer, would have the impression produced, it seems to me, that he and his partisan friends are the only friends of the Army. I object most seriously to such a claim. As I understand, the gentlemen with whom I act politically (I know that such is my own feeling) have the highest regard for the Army and the men who command it. And I am quite sure that I have said nothing in this House that would warrant any supposition to the contrary. I would, however, correct such abuses as have grown up in the management of the Army. But whenever we attempt to do this we have the indignant protest and opposition of the gentleman from New York and those with whom he is in political affiliation.

Mr. McCOOK. If the gentleman would read my speech, which has been published, (as the gentleman's speech made the other day has not been,) he would see how I feel about this matter. I desire to correct any abuses in the Army, if they exist.

Mr. SPARKS. The gentleman complains that some gentlemen on this side of the House have made speeches that are not yet published in the RECORD. So far as concerns the remarks which I made on this bill, I had not one word prepared in writing—simply some notes. Whatever I said was uttered off-hand, as everybody must have discovered at the time. As soon as I get an opportunity to revise the notes the reporters have given me, the speech certainly will appear in the RECORD, and I hope that will be satisfactory to the gentleman.

But I propose now to come to the proposition before the committee. I do not care about being drawn off into any other side discussion. The bill under consideration proposes to regulate certain departments of the military service now fixedly and permanently as a matter of law; for instance, the Adjutant-General's, Quartermaster-General's, Paymaster-General's, and other departments. Then beyond this provision is made in the bill for the appointment by the President of a board of Army officers to consider various subjects connected with the Army with a view to modification and further amendment. In other words, we fix the Adjutant-General's department, the Inspector-General's department, and other departments, and then provide for a board who may look over this whole matter and report to Congress at the next session. We now enact certain provisions of law and at the same time provide for a board of Army officers to give us at a future

session suggestions upon which any necessary amendments may be based.

Now the gentleman from Ohio who offers this amendment makes the point that we ought not now to fix any of these matters by law, but ought to submit everything to this board and ought to do nothing until this board reports. The committee think, on the contrary, that we ought to make certain amendments or modifications now. Then we can submit questions to this board and it may give us enlightenment on the subject for future action and reform.

[Here the hammer fell.]

Mr. BANNING. I rise to oppose the *pro forma* amendment.

Mr. Chairman, no gentleman, so far as I know, has found any fault with Army officers; the great difficulty is with Congress. I hold in my hand a report made in 1869 by the distinguished gentleman from Ohio, [Mr. GARFIELD,] in which report he recommends the consolidation of these ten staff departments into five. This was in 1869, nearly ten years ago, when the strength of the staff department was about the same as it is now, for there has been but little legislation on the subject since. Now, when we attempt some legislation in the direction pointed out by the gentleman from Ohio in 1869, the gentlemen oppose it.

Mr. Chairman, we have in the staff two hundred and fifty field officers; in the line one hundred and fifty. Yesterday, gentlemen on the other side told us that all our efforts at reduction were directed against the line, not against the staff. Now we have passed the line and reached the staff; and they complain because we propose to reduce the staff.

Mr. Chairman, the matter of judge-advocates has been well considered by Army officers. We have been frequently asked during this discussion why we do not follow the advice of Army officers. I now ask gentlemen on the other side to consider the advice of some Army officers upon this subject. General Sherman says:

The bureau grew up out of the war. In my opinion it is better to detail an officer of the line as judge-advocate for each court-martial. It encourages the study of military law by young officers usually detailed as judge-advocates. Lawyers introduced into the Army have not improved discipline or increased the measure of substantial justice, which is the object of courts-martial, rather than the technical judgments of courts of record.

That is the opinion of the General of the Army. I read from General Sykes, now a colonel of the line:

I have long thought the Bureau of Military Justice has injured the discipline of the Army.

General Jeff. Davis gives the same opinion. In order that we may fully appreciate what the Army officers themselves think of this organization, I read further what General Palmer says:

But for the so-called "Bureau of Military Justice." I think there is but one opinion outside of that "bureau." Even were the members of it profound lawyers and gentlemen, there would be no use for it, as the judge-advocates selected for the military trials from the officers of the Army, as a general rule, do the duty better than do those who are appointed to a military grade from the ranks of the legal profession. It is even justice that we wish at a military trial, and the tricks and subterfuges resorted to by small lawyers who wish to display their legal lore are entirely out of place in the trials of either officers or enlisted men.

The melancholy spectacle has been presented to me of seeing one of the bureau madly intent on convicting a poor fellow who had incurred the displeasure of a friend of the judge-advocate. In a few days thereafter the same judge-advocate was exercising all his low cunning to screen a miserable fellow who had the sympathy of another friend. No, sir; those who desire to see justice administered in the Army will all agree that the old system of choosing the judge-advocates from the officers of the Army was the best. Nowadays an officer will wait for months to hear the result of a trial, and a soldier will remain for the same time in a guard-house awaiting the leisure of some one of these law-officers to review his case.

There is the opinion of the Army officers. I hold in my hand a book which contains fifty-three opinions of Army officers, and four-fifths of them think this department should be done away with entirely.

Now, Mr. Chairman, I hold this section should not be stricken out. Army officers are of the opinion it should not be stricken out. They are of the opinion that judge-advocates have injured the discipline of the Army. Before the war we had for the entire Army only one judge-advocate, who was a brevet major and an officer of the Ordnance department. At the present time in the Judge-Advocate's Office there are but very few cases pending for all these distinguished gentlemen to manage. It cannot be said if we turn these men out we have done them any injustice. They are not serving in the line of the Army. They have been improving themselves in their profession. They are not needed. There is no reason in the world why they should be kept. No gentleman can rise in his place and give one solitary reason why they should be kept. Army officers testify they are unnecessary and hurtful to the service. Colonel Andrews, of the Twenty-fifth Infantry, says the Bureau of Military Justice is "a positive injury to the discipline of the service."

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANNING. I withdraw my formal amendment.

Mr. HALE. I renew it. Mr. Chairman, I have had occasion, as I presume most men here have had, to know something of the practical uses of this Bureau of Military Justice to the Army. It is the bureau which I might say softens the severity of military dicipline when it is overwrought; it is the bureau which, in revising courts-martial proceedings, in attending courts martial, mitigates what might otherwise be severity of punishment administered both to private soldier and officer, and its importance in this regard cannot be over-rated. Other gentlemen have had, no doubt, the same experience I have had. But I do not claim to have such exhaustive knowledge of this subject as officers of the Army, and I have risen principally for the purpose of having read an authority which should be considered good by gentlemen on either side of this House and that is the exhaustive but not long letter of General Hancock, which I send to the Clerk's desk to be read.

Mr. BANNING. Let me ask the gentleman a question.

Mr. HALE. There will only be time enough to read the letter.

The Clerk read as follows:

Major-General Hancock, in reply to inquiries of the congressional Army commission of 1876, after expressing the opinion that the number of judge-advocates is too small and that the grades of colonel and lieutenant-colonel should be introduced into the corps, says:

"The duties of judge-advocates are inseparable from the military system. They can only be fully and properly performed by men who make a specialty of them. If the regular corps be abolished or crippled the duty must be indifferently done wholly or partly by officers taken for the time from their proper positions. It is a fact worthy of special consideration that this corps constitutes the only element in our whole system of military jurisprudence which, not being created for temporary and special purposes, has the character of permanency. In the civil system changeable juries simply find the facts, but judges, both eminent and permanent in the profession, determine questions of law and award sentences. In the military system courts are convened from time to time, composed of officers who act both as judges and jurors, but none of whom are in general selected with any reference to their knowledge of the judicial duties they are called upon to perform. In these courts the vote, for both findings and sentence, of the most ignorant in the law is as weighty as that of the most learned. In fact, the junior, presumably the most uninformed, is required to vote first, in order that he may not be influenced by his seniors.

"Is it wise to destroy or weaken, in these tribunals, their only element of stability?

"Inasmuch as the military is a more arbitrary and despotic system than the civil, so is uniform and even-handed justice the more necessary in it. But we are far from securing this under our code, even with our judge-advocates. Without an efficient corps of them we shall be still further from it. It is no uncommon thing to see soldiers, as prisoners in charge of the same guard, for identically the same offense one under sentence of twice or even thrice the severity of another. They have been tried by different courts-martial, each using its discretion as to the amount of punishment for the common offense. Judge-advocates have not the power to prevent this evil by awarding sentences or otherwise, but so far as their limited number permits they mitigate it. I am not well informed as to the duties of the head of the bureau in Washington, but my own extended observation and experience justify me in speaking quite positively of the importance of judge-advocates at department headquarters. Without going into the details of the various duties required of them I will say that I consider them absolutely necessary. But the necessity for maintaining these officers does not rest alone on the importance of their current duties. A thorough knowledge of military law in its higher principles, as well as the intricacies of its details, is particularly necessary in new armies. Its prompt and correct application is one of the principal proceedings in the establishment of discipline and order in the armies which we rely upon creating in time of need. This can only be accomplished through a corps prepared beforehand. Ours is peculiarly a Government of law in the Army as well as out of it.

* * * * * * *

"In these remarks I have given prominence to the duties of judge-advocates in connection with courts-martial. But there are various other matters upon which I need not dwell, such as the questions arising out of the relation of military affairs to the civil service, in which their knowledge and experience are of great value to the public service, to commanding generals, and to subordinate officers.

"These are some of the general considerations which lead me to the conviction that a 'judge-advocate's department' is an important and necessary feature of our military establishment, whether the regular Army be large or small."

Mr. BANNING. Mr. Chairman, I wish to ask the gentleman from Maine whether when the Army was more than sixty thousand strong was he not the author of a motion in this House, which afterward became a law, providing these judge-advocates should only be kept in service until the cases of courts-martial growing out of the war were disposed of?

Mr. HALE. Undoubtedly. I remember very well it was agreed when the cases growing out of the war were disposed of and reduction of the force was found to be possible with the present every-day duties, that reduction should take place.

Mr. BANNING. Not a reduction in the number; but that after these records were closed up they should be mustered out of the service. Is not that the law of which the gentleman was the author?

Mr. HALE. No, sir.

[Here the hammer fell.]

Mr. HAYES. I rise simply to make a suggestion.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. HAYES. I move to strike out the last word.

For three evenings we have had night sessions and have absolutely accomplished nothing. Now, what I want to say is this: is it not about time that we stopped talking and went to working? We have had speeches made here this morning, very able speeches no doubt, but nobody has listened to them; we have had reports made and nobody has listened to the reports; and now I say, Mr. Chairman, it is the duty of the members of this House to stop talking and go to voting, that we may see if we cannot get through with this bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. That is a matter entirely under the control of the committee.

Mr. HAYES. I understand that.

The *pro forma* amendment was withdrawn.

The question being taken on Mr. GARFIELD's amendment to section 9, there were—ayes 72, noes 85.

So the amendment was not agreed to.

The Clerk read section 10, as follows:

That hereafter the Pay department shall consist of one Paymaster-General with the rank and pay of colonel, two assistant paymasters-general with the rank and pay of lieutenant-colonel, and forty paymasters with the rank and pay of major. Vacancies in the grade of major in said department shall be filled by appointment from the captains of the line of the Army: *Provided*, That no person shall be ap-

pointed who shall have passed the age of forty-five years, nor until he shall pass a satisfactory examination before a board, to consist of the Paymaster-General and two officers of the Army, designated by the Secretary of War, one of whom shall be a medical officer.

Mr. COVERT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 10 by inserting after the word "Army," in line 7, the words "or from paymasters who have heretofore been mustered out of service or have resigned."

Mr. COVERT. Mr. Chairman, I am well aware of the fact that the Committee on Appropriations have given to this bill now under consideration days and weeks of earnest thought and patient labor. I regret that I feel it my duty to antagonize in any way the work they have presented to us in the shape of this bill, even so far as regards what may be considered a comparatively small detail of it. I can only regret that the committee could not feel at liberty to incorporate the amendment just presented, or the substance of it, in the bill when they were engaged in the work of framing the pending measure.

As a civilian I know, of course, practically nothing of the details of Army organization. I know little of the duties of a paymaster in the Army, except as I have learned upon inquiry what those duties are. I understand them to be substantially the keeping correctly money accounts and the disbursement of moneys intrusted to them for that purpose. In other words, that the position involves the discharge of the composite duties of an accountant and a cashier. I yield to none, sir, in the desire that promotion in all appropriate directions may follow faithful service in subordinate positions. I recognize this principle as lying at the very foundation of all proper and successful organization, be it in military or civic affairs. I shall be the last to advocate upon this floor any change in this eminently just and proper rule of action. But while I say this, I hold in addition that the officer thus sought to be promoted, apart from the past faithful performance of duty, shall show peculiar ability to discharge higher functions, or that his past service has fitted him for the appropriate and proper discharge of the duties pertaining to a higher grade of service. In other words, that fitness for position—whatever the position may be—and that especial quality alone, shall determine either appointment or promotion.

I know no reason, sir, why an officer who has satisfactorily and faithfully discharged the duties of a captain of the line should by reason of this fact especially be deemed superlatively well fitted to perform the peculiar duties of an accountant or cashier. A man may be a gallant, chivalric, and successful line officer, and yet lack the somewhat exceptional qualities especially demanded to make a good paymaster. The amendment just offered does not, however, exclude these officers from promotion to the position of paymaster with the rank of major. The amendment is in the alternative. Paymasters shall be appointed from captains of the line or from among former paymasters who have been mustered out of the service or who have resigned. The close of the late war witnessed the mustering out and resignation of a number of these officers, who had discharged with eminent fidelity the onerous and very responsible duties which had devolved upon them. By actual service they had learned thoroughly all the details of the work pertaining to the position, and, if reappointed, they would bring to the discharge of their duties all the experience they had thus gained in the past.

My amendment merely gives to the President the power to appoint an ex-paymaster to position if he finds the record of the officer good and if he passes the examination prescribed in the pending bill; an examination held before Army officers whose predilections if not prejudices would perhaps favor the exclusion of civilians and the appointment of officers of the Army to these positions.

I can see no objection, sir, to giving to the man or men who have served faithfully in this position, who have demonstrated their fitness for it, who have been "tried in the balances and found not wanting," the perhaps remote opportunity to perform similar service again. Indeed it seems to me an application, if such application is permissible in this connection, of the cardinal features of civil-service reform to Army organization; and it is in the spirit of civil-service reform thus applied, and to the end that the fittest men may be appointed to these positions in the Army, that I have offered the amendment just submitted.

Mr. KEIFER. I ask the attention for a moment of the gentleman from New York [Mr. COVERT] while I make a suggestion in reference to his amendment. I do not rise to antagonize it but to suggest that I would prefer it if he will insert in his proposed amendment after the word "paymaster" the words "or other officers." I would suggest also to strike out of the proposed amendment the word "heretofore;" because if this is to be a permanent law in future it should not be limited to those who have been mustered out after this date. I think, therefore, that word ought to be stricken out. Then I desire to insert before the word "mustered" the word "honorably," so that the amendment as I desire to have it would read:

Or from paymasters or other officers who have been honorably mustered out of service or have resigned.

Mr. COVERT. I accept the gentleman's amendment.

Mr. HEWITT, of New York. Perhaps it would be well to say or other "Army" officers.

Mr. KEIFER. That would be better.

Mr. WHITE, of Pennsylvania. I ask that the amendment may be reported as it is now modified.

The amendment, as modified, was read.

Mr. MITCHELL. I desire to suggest to the gentleman from New York [Mr. COVERT] for his acceptance the addition of the words:

Or clerks who shall have served at least five years in the Paymaster-General's Office.

Mr. HEWITT, of New York. That is also right.

Mr. MITCHELL. I understand this to be the desire of the Paymaster-General.

Mr. COVERT. I accept that as a modification of my amendment.

Mr. DUNNELL. Let the amendment be read as now modified.

The Clerk read as follows:

After the word "Army," in line 7, section 10, insert the following words: Or from paymasters or other Army officers who have been honorably mustered out of service or have resigned, or clerks who shall have served at least five years in the Paymaster-General's Office.

Mr. KEIFER. I desire to suggest an amendment, which I think will not be objected to. There may be a doubt as to whether the expression "Army officers" would not limit it to the appointment of those who belong only to the regular Army. I desire, therefore, to suggest to the gentleman that he insert before the word "Army" the words "regular or volunteer." I presume there will be no objection to that on any hand.

Mr. WHITE, of Pennsylvania. I do not think it necessary.

Mr. KEIFER. I think it is.

Mr. COVERT. I have no objection to the modification.

The question was put on Mr. COVERT'S amendment, as modified; and on a division, there were ayes 80, noes not counted.

So the amendment was agreed to.

Mr. FOSTER. I will now move to strike out the entire section, and I will only repeat the argument that I have already made that there is not a bit of economy in this legislation. It does not save a dollar. We legislate and then confess our weakness in this legislation by referring the same subject to a board. It seems to me to be a wiser plan, especially in reference to this department, to refer the matter to the board without any legislation.

Mr. BANNING. I desire to say one word in reply to my colleague. The Paymaster-General has said himself that he could get along with five less officers than he now has. By reference to the testimony and report of the committee, on page 446, the gentleman will find that these paymasters in discharging their duty of paying off the Army were some of them occupied only about sixteen days in a month.

Mr. KEIFER. How many of them are there?

Mr. BANNING. Fifty-five.

Mr. HEWITT, of New York. Fifty-five in the whole department.

Mr. BANNING. I hold in my hand the report, which shows that, of the officers employed in traveling and paying the troops, some of them are occupied only eight days, some only two days, others seven days, others ten days, others six days, and others three days. Here is a list giving the names of the paymasters and the number of days they are occupied. But no one of them was occupied as much as one month in every two months. This shows that we might reduce the number of paymasters at least one-half and then have more than enough, and that is the report of the Paymaster-General.

Mr. FOSTER. I make no point about the number of paymasters; that is not what I am driving at. What I desire is to refer this whole subject of paymasters to the board.

Mr. BANNING. I have only this to say further. We have been trying to do something since 1869, but we have done nothing with the staff department, until there are now two hundred and fifty field officers on the staff and one hundred and fifty in the line.

Mr. DUNNELL. I desire to offer an amendment to perfect the section, and that is to strike out the words "forty-five," at the end of line 8, and to insert in lieu thereof "fifty;" so as to make it provide that no person shall be appointed who shall have passed the age of fifty-five years. It seems to me that the limit is altogether too severe. I cannot understand why a man of fifty-five is not quite as well qualified to perform the duties of paymaster as a man of forty-five. A man of fifty-five ought to be as good an officer as a man at forty-five or fifty-four. There may be men who have served in the regular or volunteer Army who are eligible under this section for these appointments at the age of fifty-four or fifty-five, and they may indeed have greater qualifications at that age than men of forty-five. I insist that in putting the gauge so low you do injustice to men and narrow the field from which selections are to be made for this very important department of the Army. I trust the committee will consent to my amendment.

Mr. HEWITT, of New York. I am sorry to differ with the gentleman from Minnesota, whose suggestions I always try to conform to, because I generally find them sensible, but on this occasion he is mistaken. I am informed by the officers of the Pay department that the real trouble is that the paymasters are too old for the services they have to perform. They have to travel long distances and are exposed to very great hardships, and what the department wants is young men for this service. Recently a paymaster was appointed at an age which entirely unfitted him for the work of the service, and I am quite clear that if there is anything that the Pay department desires it is to secure younger men for the work they have to do.

Mr. DUNNELL. It seems to me that if fifty years was fixed upon

as the grade, it would be more just than forty-five. I am not willing to admit that when a man is fifty-five years old he may not be able to perform the duties of paymaster. The gentleman from New York and myself are probably both in the neighborhood of fifty-five.

Mr. HEWITT, of New York. But I am entirely unfit for that class of work. [Laughter.]

Mr. DUNNELL. Not physically.

Mr. HEWITT, of New York. Yes. I am physically incapable of doing the kind of work required of a paymaster. But I ask the gentleman to consider for a moment that if a man enters this service at fifty-four or fifty-five he has to go upon the retired list, under the present law, at sixty-two years of age, and for the rest of his days the people of the country have to pay him 75 per cent. of his pay and allowances. If there be any place where young men should be appointed it is in this service.

Mr. KEIFER. I rise to support the amendment of the gentleman from Minnesota, and I wish to say one word upon the subject.

The CHAIRMAN. All debate upon the amendment is exhausted.

Mr. KEIFER. I move to strike out the last word. I know the gentleman from New York [Mr. HEWITT] is usually very kind and very charitable; but I think it is rather unkind for the member of the Committee on Appropriations who has charge of this bill to intimate upon this floor that a gentleman who has recently been appointed a paymaster of the Army is wholly unfit for the discharge of his duties. That gentleman was capable of going into the field when he was in poorer health than he is to-day, and serving there by day and by night and discharging his duties well.

There is a great deal of fine distinction in determining the age which unfits a man for service in the Army. We know that during the late war many men, both in the southern army and in the northern army, over sixty years of age went into the field and discharged their duties there under the most trying circumstances and discharged them well, breasting the storms and facing the dangers not only of the battle-field but of the weather at all seasons of the year. Yet in the year 1878 we find ourselves so dwindled down in manhood and strength that we are afraid to trust a man over forty-five years of age to go to New York or New Orleans or on the Pacific coast and pay troops, although many men of greater age go there merely as a matter of pleasure-seeking. It is true that in a very few cases these paymasters have to go to remote places on the plains, but in those places the climate is healthful and they generally go under escort, and if obliged to remain out of doors they are protected by tents or otherwise.

It seems to me there is something invidious in this limitation to forty-five years. It must be meant to cut off some persons. It is but a short time since that a gentleman born in the last century was urged for the place of standard-bearer of the democratic party, and in my section of the country he had a pretty good following. He had been governor of Ohio, and, so far as I know, had discharged his duties pretty well. But when we come to provide for a mere paymaster in the Army, to discharge ordinarily only clerical duties, we say that a man over forty-five years of age is utterly unfit to dischage such duties on account of age.

Mr. MAGINNIS. I move to amend the amendment so as to make the limit thirty-five years of age.

Mr. KEIFER. Why not make it twenty? [Laughter.]

Mr. MAGINNIS. This idea of appointing a man to an office like that of paymaster in the Army, where he obtains a high rank at the first jump, without ever having performed any particular service to earn it, and from which in a few years he can be retired in order to make room for others, and those for others still, it seems to me is all wrong.

The very theory and principle upon which our large force of paymasters is based is that the duties which they have to perform are so arduous, our troops are scattered over such a vast extent of territory, they have to make such long journeys in summer and in winter, that we must have the best men for this purpose. If it were not for that fact, if our troops were all in towns in the neighborhood of national banks, we might dispense with the whole of the paymaster's staff and pay the troops by Treasury certificates.

I say that it requires young, active, energetic men to be paymasters in the Army. The Government should have the advantage of a number of years' service on the part of these men before they are placed on the retired list and allowed to draw the very large retired pay which we allow officers on that list.

Mr. BRAGG. I think the amendment of the Delegate from Montana [Mr. MAGINNIS] is a very good one. The theory upon which we place men upon the retired list is that they have either been wounded or injured or have sustained some disability in the service or that from length of service they have worn themselves out in performing their duties. These are the two things for which we put men on the retired list.

Now, when we come to provide for making appointments in a department like the Pay department, where the duties which are to be performed are in that department alone, we should place there men of vigor, men who have sufficient life before them to render it probable that the service which they may perform for the Government will be sufficient to warrant the Government in placing them upon the retired list when they arrive at sixty-two or sixty-five years of age. There would then be some excuse for placing them on that list.

But if you appoint men who are fifty or fifty-five years of age, you will simply provide for the appointment of men who may secure enough political favor to obtain a position, where in four, six, or eight years they would become pensioners of the Government, drawing three-fourths of the pay of a major or a colonel.

A man at fifty years of age may be able to discharge the duties of a paymaster, but how long will he be able to travel through the Territories from New Mexico to Arizona or to Idaho or to the frontier posts, traveling thousands and thousands of miles with an escort; how many years would it take him, if he has passed fifty, before he will be disqualified to discharge the duties of his office in a proper way? He will be sure to break down, and will become disqualified, and will then be placed on the retired list by reason of disability contracted in the service.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. KEIFER. I move to amend *pro forma*——

The CHAIRMAN. No further amendment is in order.

Mr. MAGINNIS. I will withdraw my amendment, which was offered in good faith, if the gentleman from Ohio [Mr. KEIFER] will renew it.

Mr. KEIFER. I renew the amendment. Mr. Chairman, the only plausible argument against the amendment of the gentleman from Minnesota proposing to strike out "forty-five" and insert "fifty-five," is that men who are appointed at so late an age as fifty-five may soon be retired. I wish to call attention to the fact that it is proposed mainly to select paymasters from officers of the Army—officers of the line. Now gentlemen argue that after passing the age of forty-five these officers will be too old for paymasters; yet they are willing to keep them in service in the line, in command of troops in the field. It is argued that after this age these officers are utterly unfit to become paymasters, in which positions they might occasionally get rest and relief from service in the field; but at the same time it is proposed to require them to stay constantly in command of troops, performing service which is very much harder, more dangerous, and more likely to break them down.

Mr. MAGINNIS. Will the gentleman allow me a moment?

Mr. KEIFER. Yes, sir.

Mr. MAGINNIS. How many appointments to the position of paymaster have been of the character spoken of by the gentleman? Look at all the late appointments to the position of paymaster. From where do the appointees come? One has been taken out of the executive office; one has been appointed from Illinois, a vacancy having been created for the purpose; another appointment has been made from civil life; another within my own knowledge has been made from my own Territory through political influence. I venture to say that if I had in my hand a list of recent appointments I could go through the whole and show that scarcely one appointment has been made from the character of officers of which the gentleman speaks.

Mr. KEIFER. I am speaking of the bill as it came from the Committee on Appropriations. It made it the absolute duty of the President of the United States to appoint all officers of this class from the Army; and by the very terms of the bill, after becoming forty-five years of age, they are unfit to be made paymasters, although they may still be continued indefinitely in service which is much more laborious and dangerous.

Mr. MAGINNIS. I withdraw my amendment.

Mr. BANNING. Do gentlemen mean to say that a man who has served until the age of forty-five in the line of the Army, doing no civil business whatever, will be a proper man to be made a paymaster, and have the management of large sums of money? Has it not been——

Mr. KEIFER. Let me answer that question before the gentleman goes any further. That is the opinion of the Committee on Appropriations. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. DUNNELL to strike out "forty-five" and insert "fifty-five," it was not agreed to.

The question then recurring on the motion of Mr. FOSTER to strike out the pending section, there were—ayes 78, noes 79.

Mr. FOSTER called for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. FOSTER were appointed.

The committee divided; and the tellers reported—ayes 93, noes 95.

So the motion of Mr. FOSTER was not agreed to.

MESSAGE FROM THE SENATE.

The Committee of the Whole rose informally, when a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. DAWES, Mr. INGALLS, and Mr. EUSTIS.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies for encouragement of the arts and sciences, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 72) for the relief of the heirs of William A. Graham; and

An act (S. No. 498) to provide for the appointment of an additional circuit judge in the second judicial district.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

SEC. 12. That the President is hereby authorized and required, on or before the 1st day of July next, to constitute a board to consist of the three major-generals of the Army whose duty it shall be to examine into and report to the President, on or before the 1st day of December next, upon the organization, practical working, and efficiency of the Corps of Engineers, the Ordnance department, the Medical department, the Quartermaster's Department, the Subsistence department, the Pay department, the Signal Service, the artillery service, the Bureau of Military Justice, the Adjutant-General's department, and the Inspector-General's department, and to make such suggestions as, in the judgment of said board, will increase the usefulness or reduce the cost of the maintenance of the Army and of the several branches of the service above specified, which report, when so made, shall be submitted to Congress by the President; and, until otherwise authorized by law, no new appointments nor promotions shall be made in any of the said departments of the military service, except to fill vacancies occurring in the grades provided for in this act. In the event of the inability to act or the death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HALE. I make a point of order on this section, that it changes existing law and does not upon its face carry with it any retrenchment of expenditures. This section provides for the organization of a board of major-generals whose duty it shall be to examine into the organization of certain bureaus of the Army and to make such suggestions "as in the judgment of said board will increase the usefulness or reduce the cost of the maintenance of the Army." The board under the authority here conferred may recommend something that while increasing the usefulness of the Army, will largely increase its cost or it may recommend something that will reduce the cost of maintaining the Army. The latter is one of the alternatives; but there is nothing in the provisions to indicate that the board is to confine its recommendations to such propositions as will reduce the expenditures in this branch of the service.

Mr. HEWITT, of New York. Mr. Chairman, this section makes no appropriation of money; there is no expenditure involved in it. These major-generals, under the law as it stands, will receive no more pay or allowances whether they serve or not as members of this board. The provision is clearly germane to the subject-matter of the bill; and therefore it seems to me the point of order cannot be sustained.

Mr. HALE. I do not think the gentleman's statement at all obviates the operation of the rule. It is not necessary that a new provision shall contain an appropriation in order to be subject to a point of order. When a provision proposed as part of a regular appropriation bill changes the existing law it must appear affirmatively that it carries with it the idea of retrenchment. The President at present is not authorized and required to appoint such a board. The present law is a blank on that subject. There is a new law created which declares that the President is authorized and required—that is, he must—appoint this new board. Without this law he would have no right to appoint it. Without the law he would make no such appointment. It is conceded by new legislation. I do not know whether it carries with it an appropriation or not. The idea of the rule is that you must have a retrenchment clause, and if you do not you cannot change the law.

Mr. HEWITT, of New York. Mr. Chairman, I need hardly call your attention to the fact that the intention of the section is obviously for retrenchment; that is clear on the face of it. The object of this board is to discuss the condition of the several staff departments of the Army with a view to reduce the cost of maintenance and increase their usefulness. The idea of reducing the cost is inherent, therefore, in the provisions of the section. Beside that we have the precedent of the appropriation bill of 1876, where a similar board was constituted and an appropriation of $1,000 made in actual money, and that was held to be in order and the decision was sustained by the House.

Mr. BANNING. Mr. Chairman, this provision is similar to a provision adopted in the appropriation bill of the last Congress. It does not change existing law in any respect whatever, but merely provides that three officers who are now in the Army, whose pay goes on and is provided for, shall sit as a board to determine questions referred to them, and to report to Congress. That it is germane to the bill cannot be questioned, because the bill itself appropriates money for the support of the Army, and this section relates to the Army. In addition, it may well be said to be in the direction of reduction of expenditures, because its very object is to discover what reforms, changes, and reductions may be made in these staff corps.

Mr. EDEN. Let me call the gentleman's attention to the latter clause of the section itself, showing that it is a retrenchment of expenditures. It is there provided that, until otherwise authorized by law, no new appointments nor promotions shall be made in any of the said departments of the military service except to fill vacancies occurring in the grades provided for in this act.

Mr. BANNING. I was about to come to that. Promotions are constantly taking place in the Army, increasing the salaries of the officers promoted, and all this is stopped under the operations of this section. In that direction, therefore, it is a reduction of expenditures. The section is drawn especially to accomplish these reforms and reductions; to reduce the present great expenditures in the several staff departments referred to the board. For my part, I cannot see where the point of order will lie against this provision. It is certainly in order under Rule 120.

The CHAIRMAN. Rule 120 provides that no clause or section of an appropriation bill shall be in order unless it is germane to the subject-matter and retrenches expenditures. As a part of the Army appropriation bill this section is germane, but it does not appear upon its face that it retrenches expenditures. It changes existing law by reason of the fact that the President without this would not be required to detail any portion of the Army for any particular duty, but under this section he would be required to detail three officers for a specific duty not now required by law. Hence it changes existing law.

Mr. MAYHAM. Let me make a suggestion to the Chair. It seems to me the last clause of this section which provides against further promotions is clearly in the line of economy. Officers are being promoted as the law now stands, and even if this is new legislation it at least provides for retrenchment by prohibiting further promotions. The prohibition of promotion, as the House will easily understand, implies prohibition of further increase of expenditure in that direction. This section cannot be ruled out, therefore, on the ground that it does not restrict expenditures, for I hold that it does retrench expenditures.

The CHAIRMAN. The Chair cannot resort to argument or conjecture for the purpose of determining whether this would retrench expenditures or not. But it must appear either on the face of the section compared with existing law, or else the Chair would not be authorized to hold it does retrench. There is nothing in this section which by its own force retrenches expenses.

Mr. HEWITT, of New York. Then I move in line 13 to strike out the word "or" and insert the word "and."

Mr. HALE. Does the Chair sustain the point of order?

Mr. HEWITT, of New York. My amendment will provide this board must report a system which will reduce expenditures.

Mr. HALE. In what section?

Mr. HEWITT, of New York. The section under consideration.

Mr. HALE. That has gone out under the ruling of the Chair.

Mr. HEWITT, of New York. The Chair has made no such ruling as that. I propose to amend the section so as to bring it within the ruling of the Chair.

The CHAIRMAN. The Chair has ruled this section out of order, but it is competent for the gentleman to move a new section.

Mr. HALE. Undoubtedly it is competent for him to do so at the end of the bill. But he cannot now amend a section which has gone out on the ruling of the Chair.

Mr. HEWITT, of New York. I move a new section to take the place of section 12; being the same as section 12 except by substituting the word "and" for the word "or" before the words "reduce the cost," &c.

Mr. HALE. Is it in order to do this except at the end of the bill?

The CHAIRMAN. The section which the gentleman from New York offers may be offered here because it comes in properly at this part of the bill.

Mr. GARFIELD. I understand the rule to be that a new section cannot be offered until we reach the end of the bill.

The CHAIRMAN. A section having been stricken out by the committee or by a decision of the Chair it is in order to move to supply its place by a new section.

Mr. HEWITT, of New York. I offer as a new section what I have just indicated.

The CHAIRMAN. The Clerk will report the section offered by the gentleman from New York.

The Clerk read as follows:

SEC. 12. That the President is hereby authorized and required, on or before the 1st day of July next, to constitute a board to consist of the three major-generals of the Army, whose duty it shall be to examine into and report to the President, on or before the 1st day of December next, upon the organization, practical working, and efficiency of the Corps of Engineers, the Ordnance department, the Medical department, the Quartermaster's Department, the Subsistence department, the Pay department, the Signal Service, the artillery service, the Bureau of Military Justice, the Adjutant-General's department, and the Inspector-General's department, and to make such suggestions as in the judgment of said board will increase the usefulness and reduce the cost of the maintenance of the Army and of the several branches of the service above specified, which report, when so made, shall be submitted to Congress by the President; and, until otherwise authorized by law, no new appointments nor promotions shall be made in any of the said departments of the military service, except to fill vacancies occurring in the grades provided for in this act. In the event of the inability to act or the death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HALE. Does that carry the idea of retrenchment?

The CHAIRMAN. Does the gentleman from Maine make the point of order on the new section offered by the gentleman from New York?

Mr. HALE. Certainly I do.

The CHAIRMAN. If the gentleman from Maine desires to speak upon the point of order the Chair will hear him.

Mr. HALE. As the gentleman from New York has left the section it provides that this new board, which the gentleman recognizes as being a creation of this new law, shall—

Examine into and report to the President on or before the 1st day of December next upon the organization, practical working, and efficiency—

Of these various staff departments—

and make such suggestions as in the judgment of said board will increase the usefulness and reduce the cost of the maintenance of the Army, &c.

It does not provide any retrenchment. It is only a matter of suggestion which is dependent upon the future legislation of Congress.

Thus it comes precisely under the ruling of Speaker Kerr on the transfer of the Indian Bureau, that he could not look to what a subsequent Congress might legislate in the view of the framer of the amendment, but that the language of the amendment itself must carry with it retrenchment and reduce expenditures—a suggestion to that effect not being sufficient.

Mr. CHALMERS. I take it every gentleman in this House is in favor of a reduction of the Army, provided it can be done in such a way as not to interfere with the usefulness of that arm of the service. Now, the only reason why a direct reduction has not already been made by this House, as I understand, is that gentlemen do not feel sufficiently advised to enter upon that reduction. This clause, however, is a clause in the interest of economy, because it is a clause which prepares for a reduction of the Army that shall be made in accordance with the best interests of the country. Then, sir, the substitution of the word "and," in the thirteenth line, by the gentleman who has charge of the bill, unquestionably makes this legislation in the interest of economy. But I go further, and I say, as I have asserted already, that the whole object of this section is to inform the Congress upon a matter in regard to which Congress has not sufficient information to act advisedly. Every man on that side and upon this has declared himself in favor of a reduction of the Army, provided it can be done without detriment to the Army. This provision is to give us information that will enable us so to act.

Mr. EDEN. I desire to make one further suggestion in connection with the amendment that has been proposed by the gentleman from New York. It occurs to me that the section as now proposed is not subject to the point of order. I very much question if this proposed section changes any existing law at all. It simply asks the President of the United States for information to be given to Congress with a view to having the benefit of that information in future legislation.

We may call upon the President for information. It is now his duty under the Constitution and under the law to give Congress information and we have the right to call upon him for it; and in this proposed section we simply call upon him for information that is to be furnished by a board of Army officers. And when the asking for information is coupled with the clear proposition that expenditures are to be retrenched it does seem to me that it comes within the rule, especially in view of the other fact to which I called the attention of the Chair awhile ago and to which I do not care now to refer.

Mr. WRIGHT. I wish to call the attention of the gentleman who has charge of the bill to the point whether the board established by the twelfth section would not be entitled to claim compensation for the work they do. It might not be out of the way to put in a proviso that they shall not receive compensation for any work they do under this section.

Mr. HEWITT, of New York. That is prohibited by law now.

Mr. WRIGHT. Where is the law?

Mr. HEWITT, of New York. There is a law which prohibits the payment of any extra compensation to Army officers.

Mr. WRIGHT. You impose new duties by this section, and the question as to compensation may arise. Would the gentleman have any objection to this proviso:

Provided, That no compensation shall be allowed to said board for duties imposed by this act.

Mr. HEWITT, of New York. Not the slightest. But the question now pending is whether this section is now in order. An amendment to it would not now be in order. I wait the decision of the Chair on the point of order.

The CHAIRMAN. The Chair requests the Clerk to read a portion of Speaker Kerr's decision on the transfer of the Indian Bureau to the War Department at the first session of the Forty-fourth Congress.

The Clerk read as follows:

Now, the Chair cannot look forward into that legislation and say, upon anything that appears on the face of this section, that such legislation will in all respects coincide with, sustain, or affirm the provisions of this section and carry out the proposed retrenchments indicated in it. In other words, the Chair desires it to be distinctly understood that the point upon which his decision in this case turns is that from the face of the section it does not appear that the provision comes within the requirement of this rule, which is that it shall be germane to the subject-matter of the bill and "shall retrench expenditures." It does not affirmatively appear upon the face of the bill or the laws of the land or the usual and customary mode of proceeding of this body that this section, if enacted in this bill, will retrench expenditures.

The CHAIRMAN. For the reason stated by Speaker Kerr the Chair holds that it does not affirmatively appear by this section that it does provide for retrenchment, but the question depends upon some future legislation of which, of course, the Chair cannot take cognizance, and, for the same reason given by Speaker Kerr, the Chair rules the amendment of the gentleman from New York out of order.

Mr. HEWITT, of New York. Has the Chair taken into account the provision which prohibits new appointments?

The CHAIRMAN. That is a matter to be determined in the future.

Mr. HEWITT, of New York. Then in lieu of section 12 I move to insert the following:

That the President is hereby requested, on or before the 1st day of July next, to constitute a board, to consist of the three major-generals of the Army, whose duty it shall be to examine into and report to the President, on or before the 1st day of December next, upon the organization, practical working, and efficiency of the Corps of Engineers, the Ordnance department, the Medical department, the Quartermaster's Department, the Subsistence department, the Pay department, the Signal Service, the artillery service, the Bureau of Military Justice, the Adjutant-General's department, and the Inspector-General's department, and to make such suggestions as, in the judgment of said board, will increase the usefulness or reduce the cost of the maintenance of the Army and of the several branches of the service above specified, which report, when so made, shall be submitted to Congress by the President; and, until otherwise authorized by law, no new appointments nor promotions shall be made in any of the said departments of the military service, except to fill vacancies occurring in the grades provided for in this act. In the event of the inability to act or the death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HALE. If the gentleman will modify his amendment so as to harmonize it all through I will not make the point of order, although I think the amendment is still subject to it. Let it be harmonized all through.

Mr. HEWITT, of New York. I do not see any lack of harmony. We request the President to do a certain thing, and we provide that no new appointments shall be made in the interim. I see no lack of harmony.

Mr. CHALMERS. I move to amend the amendment by inserting after the words "consist of," in line 3, the words "the Secretary of War, Adjutant-General, Chief of Engineers, and;" so that it will read:

That the President is hereby requested on or before the 1st day of July next, to constitute a board, to consist of the Secretary of War, Adjutant-General, Chief of Engineers, and the three major-generals of the Army.

Mr. HALE. I think that is an improvement.

Mr. CHALMERS. We ought, in the consideration of this bill, to look at it as practical men who are seeking the best interests of the country. The amendment as proposed by the Committee on Appropriations leaves the board entirely in the hands of the line officers of the Army; and since the commencement of our Government there has been an existing jealousy between the officers of the line and the officers of the staff, a jealousy in the public mind not only against the staff, but against the line officers.

Arguments have been made here in this debate which have been drawn from the prejudices of the people, arguments drawn from the prejudices of sections, because the Army has been used at one time for improper purposes. I hope we shall consider the question without any such prejudices. I hope no man will be led astray by the constant charge that the staff officers of the Government form the butterflies of the service, as gentlemen have said on so many occasions. The staff officers are the peace portion of the Army, and since the beginning of time in our Government the line officers have sought to strike them down and to make them subordinate to their own command. If this board be composed of line officers and they are permitted to reorganize the Army they will do injustice to the staff. They will make such arrangements as would take the staff away from its direct and appropriate duty of reporting to the civil department under the Secretary of War and make them perhaps responsible to the commanding general. This is a great evil which we must guard against. It is an evil not only in our country, but we find the same to exist in England. This same jealousy existed there between the war office and the commanding general. The Duke of Wellington stands on record as being in favor of making the staff officers into a department which shall report directly to the secretary of war and not to the commanding general. Gentlemen have heard here in this debate criticisms made by our Commanding General here in this country against the staff. It arises from that same jealousy, that same desire to make them subordinate to the line. I have here a document entitled The Establishment of the War Department as one of the Several Executive Departments of the United States Government. In it will be found extracts from the report of Hon. John C. Calhoun when he was Secretary of War in 1818, who states the question so much better than I can do it that I ask the Clerk to read from that document the extracts I have marked as my speech upon the subject.

The Clerk read as follows:

The Secretary of War (Hon. John C. Calhoun) being called upon by the House of Representatives, in 1818, for a report on the reduction that could be made in the establishment as then organized, made an elaborate report upon the subject, in which he treated of the "staff" as follows:

"The staff, as organized by the act of last session, combines simplicity with efficiency and is considered to be superior to that of the periods [1802 and 1808] to which I have reference. In estimating the expenses of the Army, and particularly that of the staff, the two most expensive branches of it (the Engineer and Ordnance departments) ought not fairly to be included. Their duties are connected with the permanent preparation and defense of the country, and have so little reference to the existing military establishment that if the Army were reduced to a single regiment no reduction could safely be made in either of them. To form a correct estimate of the duties of the other branches of the staff, and consequently the number of officers required, we must take into consideration not only the number of troops, but, what is equally essential, the number of posts and extent of country which they occupy. Were our military establishment reduced one-half it is obvious that if the same posts continued to be occupied which now are, the same numbers of officers in the Quartermaster's, Commissary's, Medical, and Adjutant and Inspector Generals' departments would be required. To compare, then, as is sometimes done, our staff with those of European armies, assembled in large bodies, is manifestly unfair. The act of last session, it is believed, has made all the reduction which ought to be attempted. It has rendered the staff efficient without making it expensive. Such a staff is not only indispensable to the efficiency of the Army, but it is also necessary to a proper economy in its disbursements; and should an attempt be made at retrenchment by reducing the present number, it would, in its consequences, probably prove wasteful and extravagant. In fact, no part of our military organization requires more attention in peace than the general staff. It is in every service invariably the last in attaining perfection; and if neglected in peace, when there is leisure, it will be impossible, in the midst of the hurry and bustle of war, to bring it to perfection. It is in peace that it should receive a perfect organization and that the officers should be trained to method and punctual-

lity, so that at the commencement of a war, instead of creating anew, nothing more should be necessary than to give to it the necessary enlargement. In this country particularly, the staff cannot be neglected with impunity. Difficult as its operations are in actual service everywhere, it has here to encounter great and peculiar impediments, from the extent of the country, the badness and frequently the want of roads, and the sudden and unexpected calls which are often made on the militia. If it could be shown that the staff in its present extent was not necessary in peace, it would, with the view taken, be unwise to lop off any of its branches which would be necessary in actual service. With a defective staff, we must carry on our military operations under great disadvantages and be exposed, particularly at the commencement of a war, to great losses, embarrassment, and disasters."

The further curtailment of the military establishment being, however, insisted upon by Congress in 1820, the Secretary of War (Hon. John C. Calhoun) in that year made a further report to the House, in which he said:

"The organization of the staff in a peace establishment ought to be such that every branch of it should be completely formed, with such extension as the number of troops and posts occupied may render necessary.

* * * * * *

"It is believed that the true principle of its organization is that every distinct branch of the staff should terminate in a chief, to be stationed, at least in peace, near the seat of Government and to be made responsible for its condition. It is thus that the Government may at all times obtain correct knowledge of the condition of the Army in every particular and be enabled to introduce method, order, and economy in its disbursements. It is at present, with slight exceptions, thus organized, and the beneficial effects of it have already been strikingly exemplified by experience."

During the reading of the extracts the time of Mr. CHALMERS expired.

Mr. CALKINS. I will take the floor and yield my time to the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. CHALMERS. I thank the gentleman.

The Clerk resumed and concluded the reading, as above.

Mr. CHALMERS. Gentlemen notify me that they will accept my amendment provided I will make no further speech. [Laughter.] As I have accomplished my object I will accept the proposition.

Mr. BRAGG. I do not know if the amendment is accepted by the Committee on Appropriations. If it be accepted by them, I desire to move to amend it so as to strike out the words "Adjutant-General." My reason for this amendment is that the office of Adjutant-General of the Army is where all the trouble in the staff of the Army has been bred.

The staff to which Mr. Calhoun alluded did not have a brigadier-general at the head of the Adjutant-General's department. The present Adjutant-General has been so long in his place, and has so long led the Army, as it were, that he sets at defiance the laws of Congress. You may pass a law providing how promotions shall be regulated; he will set that law at defiance. You may pass a law providing that there shall be counted in the time of service of an officer in regulating his grade and rank the time which he served in the volunteer service. The Adjutant-General sets that at defiance and provides that the whole class of graduates of West Point in last July shall outrank that volunteer officer.

Without one single dissenting voice in the Army, from lieutenant up to General, that officer is the one complained of as the source of all the evils in the Army. Now, does this committee desire that he shall be put on a board, when the very object of that board is to reform the evils of which he is the author? Is it the desire of this committee that he, with the Secretary of War and an officer of engineers, shall be able to neutralize the fighting part of the Army, and allow the staff to be put in such a position that they can make no recommendation which will be of service to the country? I trust not.

Mr. DUNNELL. I am exceedingly surprised to hear the language of the gentleman from Wisconsin, [Mr. BRAGG.] I had supposed that the Adjutant-General of the Army was an exceedingly good officer. I have never before heard that he set at defiance any law of Congress. The gentleman makes a pretty broad statement when he says that the Adjutant-General sets at defiance the laws of Congress.

Mr. BRAGG. Permit me. If you will turn to the Army Register you will find men graded as captains, and you will find a decision of the Adjutant-General that when one of those captains meets with his brother officer who is a captain of much later appointment and an officer of lower rank, then that later officer shall outrank him because he belongs properly to the corps, while the other officer has obtained his rank under an act of Congress which the Adjutant-General will not respect.

Mr. DUNNELL. I repeat what I have already said in regard to the Adjutant-General of the Army. I think members of Congress who have had to do with that officer have not only found him courteous, but they have found him a very strict observer of the law. Who has ever asked him to correct an Army record and has not found him exceedingly careful even in the exercise of that discretion which the law gives him? I have never heard of an officer of this Government more constant in his deference to congressional action than the Adjutant-General of the Army. I do not like that kind of general statement which the gentleman indulges in when he says that the Adjutant-General of the Army sets at defiance the laws of Congress; that is a little too much for the gentleman to say.

Mr. BRAGG. The reason I say so is because several cases, where the law was set at defiance by him, have been submitted to the Committee on Military Affairs for them to pass upon.

Mr. CALKINS. I desire to make but one remark. By the gentleman's own statement it is plain——

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. BRAGG. I will withdraw my amendment if the gentleman will renew it.

Mr. CALKINS. I will renew it for the purpose of saying that by the gentleman's own statement it is plain that the Adjutant-General has not set at defiance any law of Congress. In regard to certain acts of Congress, where a construction of those acts was necessary, the Adjutant-General has construed the law in a way that the gentleman from Wisconsin, [Mr. BRAGG,] had he been the Adjutant-General, would have construed differently; that is all there is about it.

Mr. BRAGG. No, sir.

Mr. CALKINS. It is a mere difference of construction. Our law-books are full of decisions by the courts, where one court upon a given point has decided one way and another court upon the very same point has decided directly the opposite. The books are full of such decisions.

The CHAIRMAN. The Chair desires to state that the amendment of the gentleman from Wisconsin, [Mr. BRAGG,] which has been renewed by the gentleman from Indiana, [Mr. CALKINS,] is not in order, it being an amendment in the third degree. The first amendment is the one moved by the gentleman from New York, [Mr. HEWITT,] and the gentleman from Mississippi [Mr. CHALMERS] has moved an amendment to that amendment.

Mr. CHALMERS. I will modify my amendment by leaving out the words "Adjutant-General," if I have the right to do so.

The CHAIRMAN. The gentleman has the right to modify his amendment.

The question was upon the amendment of Mr. CHALMERS as modified, to insert the words "the Secretary of War, Chief of Engineers, and;" so that it will read:

A board to consist of the Secretary of War, the Chief of Engineers, and the three major-generals of the Army, &c.

Mr. BANNING. I desire to say a word. It appears to me that the true inwardness of all the objections to Congress making a reform in the Army, and leaving it to Army officers alone, has developed itself to-day. That true inwardness is that gentlemen do not want any reform.

The bill here presented provides that General Hancock, General Schofield, and General McDowell, three major-generals, not one of whom can expect any more promotion, every one of whom is an educated soldier, all of whom have been distinguished in the service and are capable and qualified, shall constitute a board to consider the reorganization of the staff. Gentlemen propose to strike out this provision although they have been saying they wanted the Army reorganized by a board of Army officers. They are willing to accept an amendment which will provide for putting in as members of this board officers of the staff and the Secretary of War.

This does not leave the board composed exclusively of Army officers, but puts into it a civilian as well as an officer of the staff. Concerning this staff a distinguished staff officer, in an article in the Atlantic Monthly for March last, says:

The defects are due more to its management than to any other cause; and it is in curing these defects that every citizen of the country should interest himself. They are principally the occasion of the enormous and largely unnecessary appropriations for the support of the Army, of the heavy taxation necessary to meet such appropriations, and of the wasteful but unintentional extravagance with which our Army is conducted.

Speaking of the ability of the staff, an officer of which gentlemen insist on placing upon this board, this writer says:

It is believed there are to-day officers in the staff department, and perhaps even in the general staff, who are so ignorant of our own country and of military service on the frontier, who know so little of Indians and of their mode of warfare, that if ordered to proceed from one frontier post to another through a hostile Indian country they would be unable to conduct their marches or manage their escorts so as to insure their own safety.

Mr. WHITE, of Pennsylvania. From what does the gentleman read?

Mr. BANNING. From the Atlantic Monthly; an article by General Robert Williams, one of the best officers of the Adjutant-General's department.

Mr. WHITE, of Pennsylvania. The Adjutant-General is not in now.

Mr. BANNING. I am aware of that. The bill presented by the committee proposes that three major-generals, Generals Hancock, McDowell, and Schofield, all able and distinguished officers, shall constitute a board for the reorganization of the staff, but the gentleman opposed that.

Mr. WHITE, of Pennsylvania. Does the gentleman want to dispose of this matter as a business proposition or does he wish to treat it as a mere politician?

Mr. BANNING. I merely want to show what the bill was as it was brought here.

Mr. WHITE, of Pennsylvania. The speech of the gentleman shows that he has some spite against the Army.

Mr. BANNING. Let the gentleman take his seat and not interrupt me further. I merely want to show that the committee were willing to do this, but gentlemen were not willing to help us.

Mr. WILLIAMS, of Michigan. Does the gentleman apply what he has read from the Atlantic Monthly to General Humphreys, the Chief of Engineers, who is in my opinion one of our best officers?

Mr. BANNING. I believe that the Chief of Engineers is an able and

accomplished officer. The trouble with the chiefs of the staff departments is that they do not seem to think there is anything in their departments to be reformed. Now, sir, as General Williams says, there are great defects in the administration of all of them. Of course no reform is to be expected from men who do not think thus, but believe the present organization and administration of the staff to be perfect. Therefore I am for a board of impartial officers.

The question being taken on the amendment of Mr. CHALMERS, it was agreed to.

The Clerk read as follows:

SEC. 13. That the President be, and he is hereby, authorized, in his discretion, honorably to discharge from the service of the United States officers of the Army who may apply therefor on or before the 1st day of January next; and every such officer who shall have been in the service for two years or more, so discharged under the provisions of this act, shall be entitled to receive, in addition to the pay and allowances due him at the date of his discharge, one year's pay and allowances at the rates herein provided: *Provided*, That in addition to what may be due him at the date of his discharge, any such officer so discharged who shall have served fifteen years in the Army shall receive two years' pay and allowances; if he shall have served twenty years, he shall receive three years' extra pay and allowances; if he shall have served twenty-five years, he shall receive four years' extra pay and allowances; if he shall have served thirty years, he shall receive five years' extra pay and allowances: *Provided*, That in the case of any officer disabled in the line of his duty, the President may, in his discretion, in lieu of the discharge with pay and allowances, as prescribed in this section, place such officer upon the retired list in the grade held by him at the date of such transfer.

Mr. HALE. I rise to make a point of order on this section.

Mr. BANNING. I was going to make a point of order, no doubt the same that the gentleman from Maine proposes to make.

Mr. HALE. I make the same point of order that I made last night in anticipation of this section and which the Chair then decided did not apply to the section then under consideration. I make the point that this section not only makes no provision retrenching expenditures, but in fact contains provisions which will increase the expenditures of the year for which we are now appropriating. The first provision of the section is that the President may discharge certain Army officers. Undoubtedly by reason of that discharge, if there were no accompanying provisions, the pay of officers would cease and there would thus be retrenchment. But the gentleman from New York does not propose to resort to so harsh a step as that. The bill goes on to provide the pay which these officers shall receive after going out; that one class shall receive one year's pay, another class two years' pay, another three years' pay, another four year's pay, and still another five years' pay. Thus by this section the expenditures of the Government are increased to the extent of the allowances for these additional years. If these officers are to go out I do not complain that the allowances are too large; but I do not want them to go out at all.

I suppose that the point I make is very clearly covered not only by the rulings of the Chair to-day but by former rulings, including the ruling of the late Speaker Kerr. The construction of the rule under which this point is made is that the retrenchment must appear as a part of the pending proposition. For instance, suppose I should offer an amendment providing that the Army be increased to the extent of ten regiments for the purpose of finishing the Indian war and should provide that at the end of two years the Army should be cut down to thirty regiments; in three years to twenty-five regiments; in four years to twenty regiments. While I might have an economic idea in my brain and might be honestly seeking to work it out the Chair would undoubtedly rule that I would have no right to change existing law by increasing the regiments of the Army, although I might intend in the future to make a counterbalancing reduction. So far as this section provides additional pay and allowances to officers mustered out according to the time that they have served, the whole effect of the provision is an increase of expenditures. The language of the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law—

Of course this section does that; for the President has now no right to retire these officers—

be in order except such as being germane to the subject-matter of the bill shall retrench expenditures.

If this provision should now be held by the Chair to be in order, next year a proposition may be presented to put all these officers back, in which case these additional allowances would of course be so much extra expenditure on the part of the Government. The only safe rule—and I am glad to see that the Chair is running in that direction—is to take the bill as we find it, and decide upon the face of its provisions whether it does retrench expenditures. If the bill or section increases expenditures it is the infirmity of the attempt the gentleman is making, and it must go out under the point of order.

Mr. HEWITT, of New York. I have no disposition to test the point of order with the gentleman from Maine. If he is satisfied to make it I am quite willing to accept it and let the section go out.

Mr. HALE. Certainly, I do not wish this class to be retired.

Mr. HEWITT, of New York. Let it be understood it went out under the point of order made by the gentleman from Maine.

Mr. HALE. The cruelest thing I know about this bill is throwing these men out into the wide world unprovided for.

Mr. HEWITT, of New York. Let them judge of this.

Mr. BRAGG. I do not profess to be *au fait* on the subject of points of order, but I make this point in objection to the gentleman from Maine. The very same reasoning he used to induce the Chair to decide that the former section was subject to the point of order if applied to this shows that this section is not subject to the point of order. The reason is this: the President does not necessarily send these men out; they are not necessarily obliged to go out, and therefore *non constat* they ever will go out. The section consequently on its face does not show expenditures will be increased because it does not compel them to go out, but allows the President to retain them if he shall see proper. The point of order that the section on its face increases expenses is not, therefore, well taken, because whether the expenses be increased or not depends on future contingencies, one of which is the action of the officers themselves and the other the action of the President. And although it may by possibility increase expenses it does not *per se* increase expenses. The provision of the section which authorizes retirement decreases expenses, because if retired they will only draw three-quarters pay and no allowances.

The CHAIRMAN. The Chair will decide the point of order raised by the gentleman. For the reasons stated during the consideration of this bill the Chair is of the opinion this section does not upon its face retrench expenditures, and therefore he decides the point of order to be well taken and the section is ruled out.

The Clerk read as follows:

SEC. 14. That the commanding officers of the several military geographical divisions and departments and the heads of the various staff departments shall, as soon as practicable after the passage of this act, and before the 1st day of July next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments deemed by them unfit, from any cause whatever, except on account of injuries incurred or disease contracted in the line of duty, for the proper and efficient discharge of their duty, setting forth fully and specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and required, on or before the 1st day of September next, to constitute a board, to consist of the three major-generals on the active list, to which board said lists shall be referred for examination; and upon the recommendation of such board the President shall muster out of the service every such officer so reported, who shall not be reappointed; but such muster-out shall not be ordered without allowing such officer an opportunity to appear before said board and show cause against it: *Provided*, That every such officer, who shall have served not less than two years, so mustered out pursuant to the provisions of this section, except in cases where his unfitness for service shall have been caused by intemperance or other vicious habits, shall be entitled to receive, in addition to the pay and allowances due him at the date of his muster-out, one year's pay and allowances. In the event of the inability to act or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HALE. I make the same point of order against that section.

Mr. HEWITT, of New York. Mr. Chairman, it seems to me the point does not apply to this section. There is no change of existing law here except such as leads to retrenchment of expenditures. This board is authorized to report and the officers who are mustered out will receive a year's pay and allowance. They cease to receive pay and allowances forever afterward. They receive the pay and allowance for the year they would receive it in any event. It is necessarily a reduction of expenses and therefore retrenchment.

Mr. HALE. The officer retired gets, as will be seen in lines 24, 25, and 26, in addition to pay and allowance due him at the date of muster out one year's pay and allowance.

Mr. HEWITT, of New York. Paid up to the time. Now, certainly he would leave the ensuing year, but on the doctrine of probability applied to the whole number of officers it is obviously a very large retrenchment. In a particular case the man might die before the end of the year, but on any doctrine of probability known to the law or known to mathematics it would not be likely two would die within a year, and as to three it would certainly be a reduction.

Mr. HALE. I will not argue that. I do not think the Chair will go into any computation like that of life-insurance companies. It is clear and plain here that, in addition to the pay due him, it is provided he shall have a year's pay and allowance. I do not care to go into any calculation of chances. This section does not on its face carry retrenchment with it. I ask the Chair to look at lines 24, 25, 26, and 27.

The CHAIRMAN. If it is proposed to muster out absolutely from the service officers of the Army and to discontinue their pay, then the Chair would hold it to be strictly in order. But it does not appear on its face that anybody is mustered out of the service. It seems to be a machinery by which such a thing might occur in the future. But as new legislation, not retrenching expenditures upon its face, the Chair sustains the point of order, and rules the section out.

Mr. HEWITT, of New York. Of course I have no disposition to appeal from the decision of the Chair. I therefore now propose a new section in the language of section 14 as printed, leaving out the words after the word "provided" in the twentieth and twenty-first lines down to the word "allowances."

The Clerk read the proposed new section, as follows:

SEC. 14. That the commanding officers of the several military geographical divisions and departments and the heads of the various staff departments shall, as soon as practicable after the passage of this act, and before the 1st day of July next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments deemed by them unfit, from any cause whatever, except on account of injuries incurred or disease contracted in the line of duty, for the proper and efficient discharge of their duty, setting forth fully and specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and required, on or before the 1st day of September next, to constitute a board, to consist of the three major-generals on the active list, to which board said lists shall be referred for examination; and upon the recommendation of such board, the President shall muster out of the service every such officer so reported, who shall not be reappointed; but such muster-out shall not be ordered without allowing such officer an opportunity to appear before said board and show cause against it. In the event of the inability

to act or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HALE. I make the point of order, Mr. Chairman.

The CHAIRMAN. What is the gentleman's point of order?

Mr. HALE. The same point of order that the Chair alluded to in his ruling; that this is a section setting up a machinery which may result in mustering out, but does not necessarily do so; and that there is no retrenchment in it. Therefore it falls short of the line of the rule. It still comes within the ruling of the Chair on the previous section. It changes the law and carries no retrenchment with it.

Mr. HEWITT, of New York. If a single officer should be discharged under the provisions of this section, as a matter of course it would effect retrenchment. The only question is whether it is likely or apparent under the section that anybody will be mustered out of service. If it is, then it is within the line of retrenchment. And that, it seems to me, is to be always kept in mind by the Chair in deciding these matters, whether the proposition is in the direction of retrenchment. If it is not in the opposite direction, and if it is to result in any way in reducing the salaries paid by the Government, it is in the line of retrenchment. Certainly it is not in any other line.

Mr. GARFIELD. I desire to say just a word in addition to what has been said by the gentleman from Maine.

This section as now proposed absolutely requires that there shall be constituted a board of major-generals which necessarily involves the expense of mileage of their travel. There is certainly expense incurred in this change of law. And as has been already well stated by the Chair, this does not on its face absolutely reduce one officer. All this machinery may be set up and all this done without one officer being found unfit for his place, in which case there is no reduction. It is wholly a contingent matter and wholly uncertain whether any reduction will result. But some expense will necessarily follow, and the section sets up a machinery which does not necessarily retrench expenditure at all.

Mr. BANNING. Just one word as to mileage. It will be found from the reports here there are quite enough officers at headquarters at Washington to constitute this board without any mileage whatever being incurred.

The CHAIRMAN. The Chair desires again to call the attention of the committee to Rule 120, which appears to him to be very much misunderstood. The clause to which he desires to call attention is this:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such, as being germane to the subject-matter of the bill, shall retrench expenditures.

It is not enough to say that it is in the line of economy, that it looks in the direction of economy; but it must actually retrench expenditure by the very terms of the bill or amendment itself. That is the rule; and unless it does appear that the section in its very terms does retrench expenditure it is subject to the point of order. The Chair sustains the point of order.

Mr. HEWITT, of New York. Then I propose in lieu of section 14 a new section leaving out the proviso as in the section I last offered and substituting for the words "authorized and required," in line 12, the word "requested;" so that it will read:

The Secretary of War is hereby requested, on or before the 1st day of September next, &c.

That does not change existing law.

The CHAIRMAN. If the gentleman would so frame the section that the President was required to muster out any officers it would be held to be within the rule.

Mr. HEWITT, of New York. That is the effect of the section as now offered. It requests the Secretary of War to constitute a board and if the report be adverse to any one the President is required to muster out. There is no change of existing law, except in the line of retrenchment, since the section requires the President to muster out of the service every officer reported by the board as unfit for duty.

The CHAIRMAN. The gentleman from New York did not understand the suggestion of the Chair. It was that the bill should absolutely muster out such as were disabled.

Mr. HEWITT, of New York. In lines 16 and 17, it is said:

And upon the recommendation of such board the President shall muster out of the service every such officer so reported.

Mr. HALE. But we cannot tell if the board will recommend any one to be mustered out.

Mr. HEWITT, of New York. Very true; but we change no existing law unless somebody is recommended.

Mr. HALE. The section says, as the gentleman now offers it:

The Secretary of War is hereby requested.

That is a change of law because the Secretary of War is not now requested.

Mr. HEWITT, of New York. I beg the gentleman's pardon. It has been held that a request is not a change of law. It was so held with reference to the last section.

Mr. EDEN. I would like to make a single suggestion on this point of order. I hold we have the right in this bill to provide the means by which officers may be mustered out. That is perfectly germane to this bill; and when we make that provision it is just as clearly and emphatically in the line of retrenchment as though we required certain officers to be mustered out. It does not depend on future legislation. The retrenchment depends on the carrying out of this particular paragraph. Whenever a man is mustered out under the operation of this paragraph, that retrenches expenditures to the extent of the reduction in his pay.

It does not come within the decision of Speaker Kerr. Speaker Kerr in the decision he made could not tell from the face of the amendment whether the transfer of the Indian Bureau from the Interior to the War Department would retrench expenses or not, because there was nothing in the proposed legislation to show what the cost would be when the transfer was made; but in the section under consideration, whenever you muster out a single man you thereby, to that extent, retrench expenses. In that case it depended upon a contingency which the Chair could not determine; in this case it depends upon a contingency that the Chair can determine without looking beyond the section under consideration at all.

The CHAIRMAN. The Clerk will again read the amendment.

The Clerk again read the amendment.

Mr. HALE. The amendment in its present shape is not so near coming within the rule as it was before. The first part of the section, which directs the commanding officers of the departments to report, is left just as it was, and it is a change of law, and the only change which has been made by the gentleman from New York is that the Secretary of War is "requested" instead of "authorized and required" to constitute a board, to consist of three major-generals, &c. Suppose he appoints that board; when the board gets through and recommends the dismissal of any officers he is not obliged to dismiss them from the service. It is not as good a provision in the direction of retrenchment as it was before.

Mr. HEWITT, of New York. It says positively that the President shall muster out, &c.

Mr. HALE. But you leave it to depend upon the Secretary of War whether he does it or not.

Mr. HEWITT, of New York. The Secretary of War is requested to call a board.

Mr. HALE. And suppose he does not call a board? Where is your retrenchment? How can you get anybody out of the Army then?

Mr. HEWITT, of New York. If he does not call a board, it is no change in the law.

Mr. HALE. Precisely; but it is not in the line of retrenchment.

Mr. HEWITT, of New York. It will be if he calls a board.

Mr. HALE. But there is a change in the law directing the commanders of the departments to report a list of those officers whose services they think can be dispensed with, and if the Secretary of War does not call the board you cannot get anybody out.

The trouble is that it is difficult for the gentleman from New York to frame anything that comes under the square ruling, and I am glad it has been made here for our guidance in the future, that the rule must be observed, that a proposition must carry retrenchment upon its face. We shall know what the rule is hereafter.

Mr. SCALES. I desire to say one word upon the point of order in addition to what has been said by the gentleman from Illinois, [Mr. EDEN.] It is agreed on all hands, I believe, that retrenchment must appear upon the face of the provision, and must not depend upon future legislation.

Now, the only question, it occurs to me, that the Chair has to decide is whether this law when it takes effect is in the line of retrenchment. There is no future legislation required. This law may never take effect; but when it does take effect, if it does, is it not evident upon the face of the record that it must be in the line of retrenchment? If this law is carried out, then certain officers must be mustered out of the service; and if certain officers are mustered out of service, then there must be retrenchment. This law is complete in itself, and the only question for the decison of the Chair is, will the law execute itself, and if it executes itself will it be in the line of retrenchment?

Mr. ATKINS. I believe that the committee is indebted to the gentleman from Maine [Mr. HALE] for the suggestion the other day that there was a series of clauses in this appropriation bill, one depending on the other; that they were all akin. Now, sir, this is a system of legislation which the committee has proposed, and, in my judgment, the chairman of this committee, in passing his judgment upon this point of order, must take into consideration the substance of all of these propositions. It is a series of propositions which is intended in this bill to reform the Army and to retrench expenditures. That they will do so there is no sort of question. Now, then, it seems to me that, as a part of that series, this section should be considered with the whole; and, as was well said by the gentleman from North Carolina [Mr. SCALES] and by the gentleman from Illinois, [Mr. EDEN,] it is impossible to tell what the retrenchment will be until the law goes into effect. Now, it is not reasonable to suppose that none of these officers will be mustered out. In all human probability there are many who will be retired, and it is impossible to look at this section and the series of sections, in my judgment, without drawing the conclusion from the whole of them that retrenchment will be effected; that expenditures will be lessened; and, with that view, I submit the case.

Mr. HALE. The trouble with the gentleman from Tennessee [Mr. ATKINS] is that he is arguing from his desire to retrench, and not from the rule as the Chair has construed it. I was willing in the beginning that these several sections should all be taken together, because the result would have been, with the ruling of the Chair, that they would

have all gone out together. But the Chair stated (I think wisely, and I submitted to his decision) that he could only rule upon each section as it was reached. I therefore yielded to him, and have made my point of order upon these several sections as they have been read.

Now, Mr. Chairman, I want to call your attention to one proposition of the gentleman from Tennessee, [Mr. ATKINS.] That is, the presumption which he makes that if this board shall be convened somebody will be turned out. The gentleman is contravening the rule and practice that all lawyers and the whole world are governed by: the presumption that every man is doing his duty. Now, the presumption is not that this board will turn out any officers, but that all the officers are now doing their duty and therefore nobody will be turned out.

You might as well, when a docket is made up, claim that the presumption is that somebody will be convicted. But the presumption of law is that every one is innocent until he is proven to be guilty.

Now, here in this case the presumption is (and the Chair has recognized it in his decision) that nobody will be turned out, and therefore the retrenchment which must be provided in order to bring the section within the rule is wanting, because there is nothing here in this case that carries the certainty that anybody will be turned out.

The gentleman may say that he thinks somebody will be turned out; that does not make it so. He may think that there will be fewer officers should this bill pass; but the phraseology of the bill does not make it so; the section itself does not so provide. The rule limits us to the section itself, not to what any gentleman may guess may be the effect of it.

Mr. ATKINS. Does not the gentleman himself believe that a great many will go out?

Mr. GARFIELD. The Chair is not to rule upon our belief, but upon the section itself; he is not to rule upon a presumption.

The CHAIRMAN. The Chair will now rule upon the point of order. The gentleman from Tennessee [Mr. ATKINS] has himself furnished the Chair a sufficient reason for the ruling which he will give upon this point of order. The gentleman from Tennessee has stated that this bill proposes a system of legislation which has to be considered by the Chair. Now that is the very difficulty which we are in.

This is an appropriation bill, a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1879; and no legislation can be incorporated in this bill, except such as shall be germane to the bill and shall retrench expenditures. Therefore, the Chair must look to the text of the proposed section in order to determine whether that section does retrench expenditures.

The Chair held last evening, as he also held in the first session of the Forty-fourth Congress in regard to the proposition for the transfer of the Indian Bureau to the War Department, that in construing Rule 120, in order to determine whether a proposed section was germane or whether it did retrench expenditures, he would not resort to evidence *aliunde*, or to speculation, or to arguments; but would limit his inquiries to the face of the bill, to the specific terms of the section in question, the law of the land, and the parliamentary rules and practices of this House.

Now it may be argued that under the terms of this section, if it shall become law, some persons will hereafter be mustered out of the service. But it may be that there will be no such muster-out of officers under this bill. The section itself must muster them out, must stop their pay, in order to show, upon the face of it, that retrenchment will result from its enactment. For that reason the Chair sustains the point of order and rules the amendment out of order.

Mr. HEWITT, of New York. I move in lieu of section 14 of the printed bill that which I send to the Clerk's desk.

The Clerk read as follows:

That the commanding officers of the several military geographical divisions and departments and the heads of the various staff departments shall, as soon as practicable after the passage of this act, and before the 1st day of July next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments deemed by them unfit, from any cause whatever, except on account of injuries incurred or disease contracted in the line of duty, for the proper and efficient discharge of their duty, setting forth fully and specifically in each case the cause of such unfitness, and the President shall muster out of the service every such officer so reported, and such officer shall not be reappointed; but such muster-out shall not be ordered without allowing such officer an opportunity to appear and show cause against it. In the event of the inability to act, or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. GARFIELD. The very same point of order lies against this amendment.

Mr. HALE. It is just the same as the one just ruled out; it leaves it contingent, first upon the commanders of divisions and departments reporting anybody, which they may not do; and after that it leaves it contingent upon the action of the board, for it says that the officer shall be allowed to appear before the board and be heard.

Mr. HEWITT, of New York. There is no board left.

Mr. HALE. No matter whether there is a board left or not. The proposed amendment leaves it so that the officer shall be heard; it musters nobody out. The Chair has used phraseology which is much more felicitous than any that I can use. The Chair states that this bill sets going machinery that may or may not muster somebody out. That is the trouble about it, and the gentleman cannot get around the difficulty.

Mr. HEWITT, of New York. There is a way of getting around the difficulty which the gentleman undoubtedly will force me into and which may not be agreeable to some gentlemen outside of this House. I now move that the committee rise.

The question was taken; and there were—ayes 84, noes 99.

Mr. HEWITT, of New York, called for tellers.

Tellers were ordered; and Mr. MARSH, and Mr. HEWITT of New York, were appointed.

The committee divided; and the tellers reported—ayes 97, noes 92.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the Army appropriation bill and had come to no resolution thereon.

Mr. HEWITT, of New York. I move that the House do now adjourn.

Mr. BRIGHT. I move that the House take a recess.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence.

ENROLLED BILLS SIGNED.

Mr. HAMILTON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 312) for the relief of Robert Coles.

Mr. RAINEY, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CUTLER, indefinitely;

To Mr. TOWNSEND, of New York, for one week;

To Mr. BEBEE, for ten days from next Monday; and

To Mr. ROSS, for two days.

WITHDRAWAL OF PAPERS.

Mr. McKENZIE, by unanimous consent, obtained leave for withdrawal from the files of the House of papers in the case of Ben. Alsop, no adverse report having been made.

Mr. CANNON, of Illinois, by unanimous consent, obtained leave for withdrawal from the files of the House of papers in the case of Emanuel Klauser, no adverse report having been made.

RINGGOLD BARRACKS, TEXAS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, recommending an appropriation for the purchase of the site of Ringgold Barracks, Texas; which was referred to the Committee on Appropriations.

The question being taken on the motion of Mr. HEWITT, of New York, that the House adjourn, there were—ayes 153, noes 13.

So the motion was agreed to; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANNING: Papers relating to the claim of Sarah E. Herrel—to the Committee on War Claims.

By Mr. CLARK, of Iowa: A communication from John H. Gear, governor, and David Secor, register of the State land office of Ohio, favoring the passage of House bill No. 4284—to the Committee on Public Lands.

By Mr. COLLINS: The petition of citizens of Danville, Pennsylvania, for aid to the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. DAVIS, of North Carolina: The petition of 120 citizens of North Carolina, that the proceeds of the sales of public lands be applied to purposes of popular education—to the Committee on Education and Labor.

By Mr. ELLIS: Papers relating to the claim of R. C. Oglesby—to the Committee on War Claims.

By Mr. EWING: The petition of citizens of Shawnee, Ohio, against any reduction of the tariff—to the Committee of Ways and Means.

Also, the petition of the publisher of the Hubbard (Ohio) Signal, for the abolition of the duty on type—to the same committee.

By Mr. FOSTER: The petition of citizens of Kelly's Island, Ohio, against the passage of the bill providing for the establishment of a board of fish commissioners to regulate and protect fisheries—to the Committee on Commerce.

By Mr. FRANKLIN: Papers relating to the claim of Dr. Edward Dunscomb—to the Committee of Claims.

By Mr. GIDDINGS: Six petitions from citizens of Texas, for the division of that State into two judicial districts—to the Committee on the Judiciary.

By Mr. HARDENBERGH: Papers relating to the claim of F. M. Faircloth—to the Committee on War Claims.

By Mr. JONES, of Alabama: The petition of citizens of Washington County, Alabama, for the refunding of the cotton tax—to the Committee of Ways and Means.

By Mr. MORGAN: Papers relating to the claim of Alexander C. Cloud—to the Committee on War Claims.

By Mr. SPRINGER: The petition of J. T. and W. T. Alexander and other producers and shippers of live stock, residing in Morgan and Sangamon Counties, Illinois, against the passage of the bill relative to the transportation of animals—to the Committee on Agriculture.

By Mr. WATSON: Two petitions of citizens of Chicago, Illinois, and East Liberty, Pennsylvania, of similar import—to the same committee.

IN SENATE.

SATURDAY, *May* 25, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. HAMLIN and by unanimous consent, the further reading was dispensed with.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3079) to provide means for giving official notice of the acts of the Government, and to provide for the advertisements required by the several Departments of the Government, was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. No. 4105) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874, was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of J. Ormond Wilson, superintendent of the public schools of Washington, District of Columbia, praying for a donation of certain lots of ground in that city to the District government as a site for a public-school building; which was referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN presented the memorial of the Saint Paul Type Foundery, of Saint Paul, Minnesota, remonstrating against the passage of the bill providing for refunding to Miller & Richards a fine imposed upon them for undervaluing a lot of goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1627) granting a pension to Jacob M. Groce, late a sergeant of Company D, Sixth Regiment Pennsylvania Heavy Artillery, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3059) granting a pension to Jacob F. Ruth, late a private in Company I, Fifth Regiment Pennsylvania Heavy Artillery Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 734) granting a pension to Syvert A. Anderson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4383) granting a pension to Stephen L. George, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4424) granting an increase of pension to Derrick F. Hamlink, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4361) granting a pension to Elizabeth Winters, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 134) for the relief of Jacob G. Croman, of Dickinson, Cumberland County, Pennsylvania, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3103) for the relief of Oliver Yake, of Sanilac County, Michigan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3440) granting a pension to George Fritz, First Regiment United States Dragoons, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 735) granting a pension to James H. Thew, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4389) granting an increase of pension to Jerry Robinson, late commissary sergeant First Regiment United States Colored Troops, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4362) granting a pension to Cynthia A. Mizelle, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4384) granting a pension to Daniel Donnelly, submitted an adverse report thereon.

Mr. THURMAN. I desire to have that bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 793) for the relief of Edwin R. Clark, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

HAYDEN'S GEOGRAPHICAL ATLAS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives to bind copies of the Geological and Geographical Atlas of Colorado and portions of the adjacent territory, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be bound 500 copies of the Geological and Geographical Atlas of Colorado and portions of the adjacent territory under the Hayden survey; one copy for distribution to each Senator and member of the House of Representatives and Delegate from the Territories; the balance for distribution by the office of the survey; the style of binding to be determined by the joint committee of the two Houses on printing.

PAY OF CERTAIN HOUSE EMPLOYÉS.

Mr. BECK. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 178) to pay the laborers known as the cloak-room men, and to place them on the Doorkeeper's roll, to report it with an amendment; and I was requested to ask the immediate consideration of the joint resolution, if the Senate will allow me.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that ten laborers, known as cloak-room men of the House of Representatives, who clean the Hall of the House daily, are entitled to pay as laborers from the 16th day of December last, and that they be paid as such, and directs that hereafter eight laborers only be employed as session laborers on the roll of the Doorkeeper of the House, to perform such labor, and that they be paid at the same rate as other session laborers.

The joint resolution was reported from the Committee on Appropriations with an amendment, to insert after the word "such," in line 6, the words "to the close of the present fiscal year, and the sum of $3,913 is hereby appropriated for that purpose."

Mr. INGALLS. Is this another deficiency bill from the House?

Mr. BECK. No, sir; but the House omitted to put in the amount which was necessary to pay the men. I have a letter from the Clerk of the House stating the exact amount. These men are required to sweep the Hall of the House. This is the exact amount to be inserted to supply the omission.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution was read the third time, and passed.

BILL INTRODUCED.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1318) granting a pension to Mary E. Lowe; which was read twice by its title, and referred to the Committee on Pensions.

FISHERY COMMISSION.

Mr. HAMLIN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 2,000 extra copies of the message of the President transmitting a communication from the Secretary of State in reference to the deliberations of the fishery commission, with accompanying documents, and that 500 copies of the same shall be for the use of the State Department.

JURISDICTION OF UNITED STATES COURTS.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary is instructed to inquire into the expediency of limiting the jurisdiction of the courts of the United States in any practicable direction so as to diminish the pressure of business thereon.

CHINESE IMMIGRATION.

Mr. SARGENT. The Committee on Foreign Relations, two weeks ago, reported back a substitute for the resolution which I submitted on the subject of Chinese immigration. With this substitute I am content in that it calls the attention of the Executive to the subject and invites action on his part to arrest a great, growing, and dangerous evil. I shall ask for direct and effective legislation on the subject, and hope to obtain it before this Congress closes. Meanwhile I desire the Executive to co-operate with Congress, and the substitute secures that. It will take but a few minutes' time of the Senate to

consider it now, as the matter has been heretofore so fully explained, and I request present action.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the resolution is before the Senate.

The resolution was agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the provisions of the existing treaty between the Empire of China and the United States, allowing the unrestricted immigration to this country from China, might wisely be modified so as to subserve the best interests of both governments; and the attention of the Executive is respectfully invited to the subject.

AMENDMENT TO APPROPRIATION BILL.

Mr. SARGENT submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO POST-ROUTE BILL.

Mr. CONOVER and Mr. WITHERS submitted amendments intended to be proposed by them to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

JUDICIAL FUNCTIONS OF CONSULS.

Mr. HAMLIN. I ask the Senate to allow me to take up Senate bill No. 1272. I think it will not consume five minutes of the time of the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States, in relation to the judicial powers and functions of consuls. It amends section 4127 so as to read:

SEC. 4127. The provisions of this title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties and of the provisions of this title by the consuls appointed by the United States to reside therein, who are hereby *ex officio* invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section 4083, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

The bill was reported from the Committee on Foreign Relations with an amendment, to add at the end of the section of the Revised Statutes as proposed to be amended:

And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul-general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul-general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in this act, then this act, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same.

Mr. HAMLIN. I will state in a word to the Senate what the bill is. When the Revised Statutes passed we had existing treaties with several foreign governments by which we secured rights of a judicial character to American consuls, to wit, to determine suits between American citizens residing in those countries. Since then we have adopted similar treaties with other governments; and the purpose of the bill is to throw over our laws to those governments where we have secured those rights. The amendment proposes to extend the law to any subsequent treaty that shall be made, so as to save the necessity of extending the law as similar treaties are made. That is all there is of the bill.

In line 28, in the amendment reported from the committee, I move to strike out the words "this act" and insert "said title," referring to the title instead of to the act.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COURTS AT TOLEDO.

Mr. THURMAN. I move that the Senate proceed to the consideration of the bill (S. No. 380) to provide for circuit and district courts of the Unites States at Toledo, Ohio. It will take no time, I am sure. It is simply a bill to provide for holding the terms of the circuit court of the United States at Toledo, Ohio, and fixing the time for holding the district courts there. The district courts are held there already, and the bill only provides for holding the circuit court as well. It creates no new office and involves no additional expense.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert:

That a term of the circuit court and district court for the northern district of Ohio shall be held at Toledo, in said State, on the first Tuesday of the months of June and December in each year; and one grand jury and one petit jury only shall be summoned, and serve in both of said courts at each term thereof. And the existing provisions of law fixing the times of holding the district court at Toledo are hereby repealed.

SEC. 2. Said northern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western division of the northern district of Ohio. The western division shall consist of twenty-four counties, to wit: Williams, Defiance, Paulding, Van Wert, Mercer, Anglaize, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Hardin, Logan, Union, Delaware, Marion, Wyandot, Seneca, Sandusky, Ottawa, Erie, and Huron; and the eastern division shall consist of the remaining counties in said district. But no additional clerk or marshal shall be appointed in said district.

SEC. 3. All suits not of a local nature in the circuit and district courts, against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants, residing in different divisions of the district, such suits may be brought in either division. All issues of fact in such suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 4. All offenses committed in either of the subdivisions shall be cognizable and indictable within said division.

SEC. 5. Actions or proceedings now pending at Cleveland, in said district, which would under this act be brought in the western division of said district, may be transferred, by consent of all the parties, to said western division; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the deputy clerk's office at Toledo; and the same shall be proceeded with in all respects as though it originally commenced in the western division.

SEC. 6. All grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 7. This act shall be in force from and after the —— day of September, A. D. 1878. And all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. THURMAN. The blank in the seventh section ought to be filled by inserting the word "first," so as to read—

This act shall be in force from and after the first day of September, A. D. 1878.

The PRESIDENT *pro tempore*. That word will be inserted if there be no objection. The question is on the amendment reported from the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. BAYARD. I ask the Senate to proceed to the consideration of Senate bill No. 986.

Mr. MORRILL. I ask for the consideration of the bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments, which was partially considered a morning or two ago. I hope the Senator from Delaware will allow me to have this bill, which was up a few mornings ago, finished this morning.

Mr. BAYARD. I do not object to the bill, but I suppose it will be debated more than the one the consideration of which I ask.

Mr. THURMAN. I wish my friend from Vermont would not ask to take his bill up when the Senate is so thin. There is some opposition to that bill.

Mr. MORRILL. I do not think there will be. It was up on a former occasion. I do not intend to debate it; I merely ask a vote upon it. It is important that it should be acted upon.

Mr. THURMAN. I am so unfortunate that I do propose to debate it, and I should like to have something more of a full Senate here before the bill is taken up.

Mr. MORRILL. I hope the Senator from Ohio will consent to have the bill considered now. We have over half an hour remaining of the morning hour.

Mr. BAYARD. If there is to be debate upon the bill, I ask the Senator from Vermont to yield to me that I may secure the passage of the bill which I move, and which I do not think will be debated when the report is read.

Mr. MORRILL. I do not know of any Senator but the Senator from Ohio who proposes to debate the bill which I have named.

Mr. THURMAN. I think it will be discussed perhaps by more than the Senator from Ohio.

Mr. BAYARD. I ask the Senate to take up Senate bill No. 986.

Mr. MORRILL. Does the Senator from Ohio object to the consideration of the other bill this morning?

Mr. THURMAN. I only say that I do not think the bill ought to be acted upon when there is barely a quorum of the Senate present. It is a very large subject, in my judgment. It is not simply the building of a house here, but it is the question whether or not the whole of this work shall be done in the Treasury Department. I do not think the whole of it ought to be done there, and I wish to express the views I have upon the subject; and I hear other Senators say that they will do likewise.

Mr. MORRILL. I have no doubt it can be far more economically done in the Treasury Department; and whenever the question comes up, if it is contested, I will show that whatever has been done inside has been done at immense profit and that a great saving has been made. Of the appropriation made for this year of $800,000, not $200,000 has been expended.

WILLIAM S. MORRIS AND OTHERS.

Mr. BAYARD. I move that the Senate proceed to the consideration of Senate bill No. 986.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 986) for the relief of William S. Morris, William S. Mann, Charles A. Oakman, George W. Hillman, the Union Transfer Company, all of Philadelphia, the Union Transfer Company of Baltimore, Maryland, and John R. Graham, late of Philadelphia, now of Washington, District of Columbia.

Mr. COCKRELL. Is there a report with the bill?

Mr. BAYARD. Yes, sir.

Mr. COCKRELL. I should like to have the report read.

Mr. BAYARD. I will state to the Senate that there have been three favorable reports upon this measure, one in December, 1876, by a House committee, one March 16, 1878, by a House committee, and one in August, 1876, by a Senate committee. This last report was made by the honorable Senator from New Hampshire, [Mr. WADLEIGH,] and that being a Senate report I will send it to the desk in order to have it read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WADLEIGH August 2, 1876:

The Committee on Claims, to whom was referred the bill for the relief of William S. Morris and others, respectfully report:

The parties named in the bill were all engaged in the business of carrying passengers and baggage in the city of Philadelphia.

The collector of internal revenue for the district in which these parties did business assessed and collected from them taxes aggregating the amounts respectively named in the bill, under the alleged authority of section 104, act of June 30, 1864, which provides as follows:

"That any person, firm, company, or corporation carrying on or doing an express business, shall be subject to and pay a duty of 3 per cent. on the gross amount of all the receipts of such express business."

It appears that in a large number of cities the officers of the revenue did not construe this law as applicable to persons engaged in business similar to that of the parties named in this bill; that the carrying of passengers and baggage on no continuous or fixed route was not "an express business within the intent of the statute;" but that in some cities now, notably New York, Philadelphia, and Chicago, taxes for such business were assessed and collected.

It appears that, in consequence of this want of uniformity, on April 16, 1870, the Commissioner of Internal Revenue instructed S. B. Dutcher, supervisor, New York, that "it is only those who do their business on regular routes that should be regarded as engaged in an express business and liable under section 104. * * * If taxes under section 104 have been assessed contrary to the above rule * * * you will see that collection is suspended and claims for abatement prepared."

Subsequently, as a consequence of this ruling of the Revenue department, various parties who had paid such taxes made claims to have them refunded. Among these Dodd's Express Company, of New York, filed claims July 14, 1870; Parmlee's Local Express Company, of Chicago, August 28, 1871; Wescott's Express Company, of New York, September 22, 1871, and the parties named in the bill under consideration, at various times during the years 1871 and 1873. All of these claims were rejected by the Commissioner of Internal Revenue and as a consequence, Parmlee's and Dodd's Express Companies brought suit in the United States courts, and, obtaining judgments in their favor, the Commissioner of Internal Revenue re-opened all their claims that he had previously rejected, and refunded the taxes they had paid.

It appears from the evidence on file that the parties named in this bill did not bring suit to recover the taxes paid by them, for the reason that they were given to understand, by the officers of the Internal Revenue Bureau, that the Department would govern itself by such decision as might be given by the courts in the "Dodd case," and after that decision, if in claimant's favor, would re-open their cases and decide them in accordance therewith.

On application, however, to Hon. D. D. Pratt, who succeeded to the office of Commissioner of Internal Revenue, that these cases be reopened and reconsidered in view of the decision of the courts and the fact that other similar claimants had been refunded the taxes paid by them, he declined to reopen them on the ground that "these claims were all rejected by my predecessors in office, and under the rules governing this office I have no authority to reopen them." It appears, however, that after refusing to reopen the cases of these parties, he did reopen the case of Westcott's Express Company of New York, whose claim was originally filed at about the same time as that of these claimants, and refunded to them $21,539.37. In a letter to your committee, April 5, 1876, he states, "I understand that the claims are of the same nature as the claim of the Westcott Express Company;" though he adds, as a reason for his difference of action in the cases, that "the only difference in their status at the time of my entrance upon the duties of this office being that the former stood rejected while the latter was a pending claim."

It appears, therefore, to the committee that claims filed at the same time as those of the parties named in this bill, and of precisely the same nature, have been paid; and that the only obstacle to the claimants in this case having their cases reconsidered under the same rulings that have been applied to all other similar cases, is a purely technical one, caused by a change in the incumbency of the office of Commissioner of Internal Revenue. And it further appears that the claimants have no other method of relief except by an act of Congress that will authorize the Commissioner to review the cases, as their long pendency in the Revenue department, through no fault of the claimants, has caused the time to elapse within which they could bring their cases before the courts.

The committee, therefore, are of the opinion that the bill should pass. In this opinion we are sustained by the Commissioner of Internal Revenue, who states "that as the bill does not direct the refunding of the amount claimed, but simply directs the Commissioner to reopen and reconsider the claims, I can see no objection to its becoming a law." He further says: "I would suggest an amendment at line 5 in the bill, so that it may read 'taxes alleged to have been improperly and illegally assessed and collected.'"

The committee recommend that line 5 of the bill be amended so as to read "of taxes alleged to have been improperly and illegally assessed and collected," and report that the bill thus amended ought to pass.

Mr. WITHERS. I desire to move an amendment to the bill. I move to insert in line 20, on the second page of the bill, after the words "Treasury Department," the following:

And also consider and examine the claims of Matthew Smith, late of the city of New York, for $1,600, for the repayment of taxes similarly assessed and collected improperly.

Mr. McMILLAN. I think the claim referred to in this bill which is the subject of legislation here was at one time before the Committee on Claims. That committee took action upon it. I am unable to state now what the report of the committee was. I presume it was the report just read.

Mr. BAYARD. That was the report, made by the honorable Senator from New Hampshire [Mr. WADLEIGH] as chairman of that committee.

Mr. McMILLAN. If I am not mistaken, there was a difference of opinion upon the matter in that committee. The report was not unanimous, I am inclined to think, although upon that point I am not positive.

Mr. MORRILL. This only gives them a chance to go before the Commissioner.

Mr. BAYARD. I may state to the honorable Senator that the case in a nutshell is this: it was a question of construction under a statute of 1864 and a prior statute of 1862, whether these parties, doing an express business, were liable to a certain tax of 3 per cent. on their gross receipts or not. The Commissioner ruling that they were, a number of them paid the tax under protest, among whom were the parties mentioned in this bill. Then a test case was instituted in the circuit court of the United States, which was tried on the 30th of January, 1874, in the southern district of New York, Judge Shipman presiding and Mr. George Bliss representing the Government. The result of that decision of the case, which was to be the test case, was that the parties were not liable for the tax; and the jury were directed to return a verdict accordingly. Then, the other parties who depended upon that decision sent forward on the 6th of February, 1874, a copy of the decision; but when the decision reached the Department it was not acted upon.

The party litigant recovered his judgment and got back his money. The others whose cases were to depend upon that test case presented their claims, but owing to some misunderstanding by the then Commissioner of Internal Revenue, Mr. Douglass, a decision was still made against them. When the case was brought before Mr. Pratt, of Indiana, he said that under the rule of the Department he could not open a case which had been decided by his predecessor, without the warrant of Congress. In consequence of that, this bill was brought in. Three reports have been made, two in the House of Representatives, and one, which has been read, in the Senate, by a committee of the Senate. The bill has also been subjected to the criticism of another committee, the Committee on Finance, and by that committee I was instructed to report the bill favorably. I did not think it worth while to make another report because that already framed by the honorable Senator from New Hampshire and printed covered the facts of the case and satisfied us that where parties had paid taxes under a construction of the statute which was erroneous and decided to be erroneous by the courts, it was right and just and proper that they should have a hearing before the Commissioner for the purpose of showing that they had paid taxes not justly due under the construction of the court duly obtained in a test case.

This bill, the honorable Senator from Minnesota will observe, does not pay money. It simply gives these parties the right to have the case opened before the Commissioner in order to make an examination of the records of his office and their receipts, and decide according to the construction of the circuit court for the southern district of New York whether these taxes were properly or improperly imposed. That is all. Two committees of this body have considered the bill. I do not know whether the committee of which the honorable Senator from Minnesota is now chairman were unanimous or not, but they made a report as of the committee, which has been read. The Committee on Finance I may say did not dissent; they were unanimous in believing that it was a proper bill.

Mr. McMILLAN. The Senator will not understand me as saying positively that there was a dissent in the Committee on Claims. My attention was attracted to this bill from the fact that here is a claim against the Government of the United States which had been at one time referred to the Committee on Claims, and at this session it was not referred to that committee, but to the Committee on Finance of the Senate. I was not aware why such a change should be made.

Mr. BAYARD. The Senator will pardon me. The bill was introduced by the Senator from Pennsylvania [Mr. WALLACE] and was I believe originally referred to the Committee on Claims, who reported favorably, and that was the report of the Senator from New Hampshire. When the Senator from Pennsylvania reintroduced the bill, the Congress having passed without action, he sent it to the Committee on Finance, and we adopted the report of the Committee on Claims in substance.

Mr. McMILLAN. My attention was attracted to the matter, as I have already stated, from the fact that this claim had been before the Committee on Claims at one time, at a former session, and was now referred to the Committee on Finance. I was not aware of the reason for the change and wanted to have the matter fully explained to my own satisfaction.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Virginia, [Mr. WITHERS.]

Mr. KIRKWOOD. I should like to ask the Senator from Delaware a question. I see the bill goes upon the theory that there have been taxes illegally assessed against certain persons named here.

Mr. BAYARD. And collected.

Mr. KIRKWOOD. Assessed and collected. The Commissioner of Internal Revenue is authorized to re-examine that question, and if he finds that the assessment and collection has been illegal he is authorized to correct it and to deduct any legal unpaid taxes that may be due from these persons under a certain section of a certain act. Is that the same section under which the illegal assessment and collection has been made?

Mr. BAYARD. No, sir. There were two laws, one of 1862 and one of 1864. The act of 1864 was amendatory of the act of 1862, and the act of 1864 had the effect, as the circuit court of the United States

held, of exempting these parties from the tax laid in 1862. It was under the law of 1864 that the taxes which they paid on the gross receipts of express companies were assessed and paid by them.

Mr. KIRKWOOD. The theory, then, is that under the original act there were no legal taxes at all.

Mr. BAYARD. That was the effect upon them.

Mr. KIRKWOOD. Because if there are legal taxes under that act, they ought to be deducted also.

Mr. BAYARD. They should pay all taxes due, but they should have an opportunity of showing that they paid taxes which were not due and were wrongfully collected under the construction of the courts.

Mr. COCKRELL. This bill proposes, and the effect of it is directly to remove the bar of limitation provided for in the internal-revenue law. Now, the question is will the Senate remove that bar? When parties have had ample opportunity of presenting their claims and they have permitted the time allowed by law to elapse, will the Senate then remove that bar? If it does it in one case, it ought to do it in all.

Mr. BAYARD. I will say to the honorable Senator that I have here letters from the attorneys representing the United States and from officers also, which show that these suits were not brought because it was understood that the decision to be reached in the suit then pending should control that class of cases.

Mr. COCKRELL. In New York to-day there are millions of dollars pending for rebatement on affidavits of attorneys that they made the claim within the time prescribed by law; and if you take the report of the Secretary of the Treasury to the Senate you will find that there has been more fraud and corruption and perjury in this identical class of claims than in all others combined, and in the city of New York this is perfectly appalling.

What is this question? Under section 3226 of the Revised Statutes, which was in force at this time, this provision was allowed these parties; I will read the section:

SEC. 3226. No suit shall be maintained in any court for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until appeal shall have been duly made to the Commissioner of the Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof, and a decision of the Commissioner has been had therein: *Provided*, That if such decision is delayed more than six months from the date of such appeal, then the said suit may be brought, without first having a decision of the Commissioner, at any time within the period limited in the next section.

SEC. 3227. No suit or proceeding for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, shall be maintained in any court, unless the same is brought within two years next after the cause of action accrued: *Provided*, That actions for such claims which accrued prior to June 6, 1872, may be brought within one year from said date; and that where any such claim was pending before the Commissioner, as provided in the preceding section, an action thereon may be brought within one year after such decision and not after. But no right of action which was already barred by any statute on the said date shall be revived by this section.

Under these sections of the law these parties had full and ample means of remedy. There was nothing to prevent them. They took none of the necessary steps. Now, what is the excuse for not complying with the law and bringing them within its requirements? A large number of parties were affected by this assessment and collection. Some of the parties brought suit in the United States courts. They were all rejected by the Commissioner of Internal Revenue. Parmlee's and Dodd's express companies brought suit in the United States court and obtained judgments in their favor:

It appears from the evidence on file that the parties named in this bill did not bring suit to recover the taxes paid by them, for the reason that they were given to understand, by the officers of the Internal Revenue Bureau, that the Department would govern itself by such decision as might be given by the courts in the "Dodd case," and after that decision, if in claimant's favor, would reopen their cases and decide them in accordance therewith.

Mr. Pratt refused to do it. There is nothing in this report, there is nothing in any of the reports to show that the head of the Internal Revenue Bureau was the party who had consented to this, and it will not do to hold that an inferior, subordinate officer of this Government, an assistant collector of revenue, some man who has no authority to bind the Government at all, can make a contract with parties which can afterward be pleaded. The head of the Department was the only party with whom any contract could be made. After one party has used the diligence that the law requires and has succeeded, it is simply then an effort on the part of other parties who have not used that due diligence to come in and reap the benefits of the action of another.

This matter was before the Committee on Claims, and I would simply like to know how it is that when a committee of the Senate at one session gets a certain case and acts upon it, at the next session of the Senate it goes to an entirely different committee, and we have the Finance Committee acting on this case under one rule and the Committee on Claims under another.

Mr. BAYARD. They both unite in the same report.

Mr. COCKRELL. It is true that the report of the Committee on Claims, made in 1876 by the Senator from New Hampshire, was favorable to the bill; but at this very session of Congress that same committee have had under consideration a large number of claims of the same character. All these claims ought to go to one committee. I think this bill is an exceedingly dangerous precedent. I have no doubt but what these parties paid this tax and that it was illegal, so far as that was concerned; and I have no doubt that there have been $50,000,000 of illegal taxes paid to this Government in all since the foundation of the Government in the collection of revenue. There have been double payments, and in some cases treble payments.

Mr. MERRIMON. May I ask a question?

Mr. COCKRELL. Certainly.

Mr. MERRIMON. The Senator admits that the tax was collected unlawfully. Will he say to the Senate that that money ought not to be refunded, although some other man may have practiced a fraud on the Government?

Mr. COCKRELL. The precise position I take is this: in the collection of the revenues of this Government, when ample remedies have been given to every party for every injury done to him, if a man willfully fails to avail himself of those remedies there is safety alone in refusing to refund these amounts. They have a remedy, the law has provided them ample means, and they refused to accept them, and where will be the end of it? Is Congress to take up and consider an illegal tax that was paid in 1818, paid in 1847, or paid in 1857?

Mr. MERRIMON. If the Senator addresses his query to me, I say that I do not care when the Government received money unlawfully or inadvertently from anybody, it ought to pay it back. The Government cannot afford to keep by slip or crook or inadvertence money that honestly belongs to a citizen. The Government ought not to avail itself of the statute of limitations where it is clear that it owes the money.

Mr. COCKRELL. Congress then decide that a certain payment of revenue under a certain law was illegal and they refund it, and they pass a law for the collection of revenue. Millions of dollars are collected under that, and the next Congress decide that this law is wrong, and they refund the money collected under that, and where will be the end? You would never have any revenue, and I think it is an exceedingly dangerous precedent to set in this case.

Mr. WADLEIGH. Mr. President, I do not agree with the doctrine which my friend the Senator from Missouri so pointedly contends for, nor do I admit in this case the position which my friend the Senator from North Carolina takes. I do not believe that it would be good policy or that Congress could sanction such a policy, to go back and refund taxes which had been paid illegally. This case does not rest upon that ground at all. These parties sought their legal remedy for the illegal taxation which they had paid, in an application to the Internal-Revenue Bureau of the Treasury Department.

There were quite a number of cases all resting upon precisely the same ground. A hearing was had in them and a decision rendered that the tax was legal. From that decision an appeal was taken by one of the parties and the suit carried into the courts for the purpose of having the question decided. It was not for the advantage of this Government that all those suits should be carried into the courts, and thus increase the expenses to which the Government was subjected. Under these circumstances there was an understanding, proved as clear as light, between the officers of this Government who had to do with that matter and these parties that one case alone should be carried up; that a decision should be obtained in that case, and then when that decision was obtained that a decision conforming to it should be made in the Bureau of Internal Revenue. The decision of the court was rendered that the tax was illegal. When application was made for a rehearing in form it came before the Commissioner of Internal Revenue, Mr. Pratt, once a Senator from Indiana, who decided that under the rules of the Department he could not reverse a decision rendered by his predecessor in office, although he said freely that if it had been in his power he would have reversed it, and would have carried out the understanding which was had when this one suit was taken to the courts as a test case.

Now, Mr. President, it would be infamous in this Government or any other, under those circumstances, where its officers had by such an agreement prevented parties from carrying up an appeal from the decision of the Commissioner, to take advantage of the neglect occasioned by their agreement to keep taxes which they had illegally obtained.

Mr. COCKRELL. That is the very point which the officers of the Government deny, that there was any agreement.

Mr. WITHERS. This bill only proposes to reopen the cases and submit them to the examination and decision of the Commissioner of Internal Revenue. That is all. If the claims are fraudulent he will not permit them to be paid. If these taxes are found to have been illegally collected and money has been taken improperly from these parties the Commissioner of Internal Revenue will order restoration to be made. That is the whole of it.

Mr. McMILLAN. That principle would apply in any case where there was an allegation that the tax levied was illegal. If Congress will pass a law to permit any subsequent Commissioner of Internal Revenue to pass upon a question and to make an appropriation depending upon his decision in favor of the claimant then we can do it in all cases as well as this.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Virginia, [Mr. WITHERS.]

Several SENATORS. Let it be read.

The CHIEF CLERK. After the word "Department," in line 20, to insert:

And also consider and examine the claim of Matthew Smith, late of the city of New York, for $1,600, for the repayment of taxes similarly assessed and collected improperly.

Mr. McMILLAN. May I ask the Senator from Virginia whether this is a claim of the same character?

Mr. WITHERS. Precisely; the party was doing business in New York at the same time and in precisely the same capacity.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. McMILLAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 39, nays 10; as follows:

YEAS—39.

Allison,	Conover,	Kernan,	Randolph,
Anthony,	Dorsey,	McCreery,	Rollins,
Armstrong,	Eaton,	McDonald,	Sargent,
Bailey,	Eustis,	Matthews,	Saulsbury,
Bayard,	Ferry,	Maxey,	Spencer,
Beck,	Grover,	Merrimon,	Thurman,
Burnside,	Hamlin,	Morgan,	Voorhees,
Butler,	Hereford,	Morrill,	Wadleigh,
Christiancy,	Hill,	Oglesby,	Withers.
Coke,	Ingalls,	Plumb,	

NAYS—10.

Cameron of Wis.,	Howe,	Mitchell,	Windom.
Cockrell,	Kirkwood,	Saunders,	
Harris,	McMillan,	Teller,	

ABSENT—27.

Barnum,	Davis of Illinois,	Hoar,	Paddock,
Blaine,	Davis of W. Va.,	Johnston,	Patterson,
Booth,	Dawes,	Jones of Florida,	Ransom,
Bruce,	Dennis,	Jones of Nevada,	Sharon,
Cameron of Pa.,	Edmunds,	Kellogg,	Wallace,
Chaffee,	Garland,	Lamar,	Whyte.
Conkling,	Gordon,	McPherson,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its disagreement to the amendment of the Senate to the joint resolution (H. R. No. 152) to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES FOSTER of Ohio, Mr. HIESTER CLYMER of Pennsylvania, and Mr. JOHN GOODE of Virginia, managers at the conference on its part.

The message also announced that the House had passed the following bills:

A bill (S. No. 363) granting a pension to James Newcombe; and

A bill (S. No. 874) granting a pension to Alfred Richardson, late of company A, Twelth Indiana Volunteers.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1164) for the relief of Peter G. Mills, his heirs and assigns;

A bill (H. R. No. 3625) relating to soldiers while in the civil service of the United States;

A bill (H. R. No. 3879) for the relief of certain pensioners;

A bill (H. R. No. 4969) to repeal section 4717 of the Revised Statutes;

A bill (H. R. No. 4974) to amend section 4702 of the Revised Statutes;

A bill (H. R. No. 4976) to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country;

A bill (H. R. No. 4981) relating to claim agents and attorneys in pension cases; and

A bill (H. R. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 312) for the relief of Robert Coles; and

A bill (H. R. No. 1951) for the relief of John F. Sutherlin & Brother, of Parke County, Indiana.

TENTS FOR SOLDIERS' REUNION.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SPENCER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa, to report it back favorably and ask for its present consideration.

Mr. INGALLS. I feel it to be my duty to call for the regular order.

Mr. KIRKWOOD. This resolution will take but a minute.

Mr. INGALLS. If it gives rise to no debate, I will not object to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

NOTICES OF LAND CONTESTS.

Mr. OGLESBY. I ask leave to make a report from the Committee on Public Lands. The Committee on Public Lands have had under consideration the bill (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States. The bill provides that the notices of contest now provided by law under the homestead, pre-emption, and tree-culture laws of the United States shall, after the passage of this act, be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land.

The committee have unanimously instructed me to recommend its passage, and have asked me to have it taken up and considered now. There are only five lines in it, and everybody is in favor of it. It will take less time now than it ever will again.

Mr. INGALLS. Let it be taken up, subject to a call for the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. HOWE. I have been trying for some time to speak on the present bill.

The PRESIDENT *pro tempore*. The Senator was addressing the Senator from Illinois, not the Chair.

Mr. HOWE. I was asking a question of the Senator from Illinois, which I will proceed to complete if allowed. It is whether this notice in a newspaper is intended as a substitute for what the law requires.

Mr. OGLESBY. Whatever notice is now required by law has heretofore been published in any paper in the land district or in the State. This simply provides that where public notice is given by publication, it shall be given, instead of anywhere in the State or district, in the county where the land lies.

Mr. HOWE. Is that all?

Mr. OGLESBY. Yes, sir.

Mr. McDONALD. Or if there is no newspaper in that county, in the county nearest it.

ORDER OF BUSINESS.

Mr. SAUNDERS. I ask the Senate to take up a bill which will take but a very little time to dispose of. It is the bill (S. No. 144) to establish the Territory of Lincoln, and to provide a temporary government therefor.

Mr. INGALLS. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Kansas calls for the regular order.

Mr. SAUNDERS. I will say to the Senator from Kansas, that if there is any likelihood of debate growing out of taking up this bill I will not press it now.

Mr. INGALLS. I cannot yield to that seductive voice any longer. There are plenty of "bills that will not lead to debate" that would probably take all the afternoon if I were to yield to them. The District bill has been under consideration three or four days, and I ask the Senate to proceed with it.

Mr. SAUNDERS. I think I have been tolerably modest about this myself.

Mr. INGALLS. I think so.

Mr. SAUNDERS. I have given way each time I have been applied to.

Mr. INGALLS. I will assist the Senator to get up his bill as soon as the pending measure is disposed of.

Mr. SAUNDERS. Very well.

DISTRICT GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, the pending question being on the amendment of Mr. BAYARD, to strike out "five," in line 6 of section 5, before the word "thousand," and insert "one."

Mr. DORSEY. Last night, about the time the Senate adjourned, the Senator from Ohio [Mr. THURMAN] suggested an amendment to the Senator from Delaware, [Mr. BAYARD,] which I now send to the desk, and ask the Clerk to read.

The CHIEF CLERK. After the word "Washington," in line 8, insert:

And if the total cost shall exceed $5,000, then in one newspaper in the cities of New York, Philadelphia, and Baltimore also.

Mr. DORSEY. Before that, the word "five" is stricken out and "one" inserted.

The CHIEF CLERK. In line 6, section 5, strike out "five" and in-

sert one;" and strike out in lines 7 and 8 the words "in each of the cities of New York, Philadelphia, Washington, and Baltimore;" and after the word "Washington"——

Mr. INGALLS. I think the Clerk is mistaken about that. My understanding was that the words "New York, Philadelphia, and Washington" were retained, and the word "Baltimore" inserted as an additional city.

The CHIEF CLERK. The section, as it has been amended, reads thus in that part:

Given in one newspaper in each of the cities of New York, Philadelphia, Washington, and Baltimore by advertisement for one week daily for proposals, with general character of the work, as to materials for the whole or any portion of the work proposed to be done, and setting forth that full specifications can be seen at the office of the commissioners.

The PRESIDENT *pro tempore*. That is as it now reads. Now, the amendment——

Mr. THURMAN. Let it now be read as it would be if amended as the Senator from Arkansas has just proposed.

The Chief Clerk read as follows:

That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of $1,000, notice shall be given in one newspaper in Washington, and if the total cost shall exceed $5,000, then in one newspaper in the cities of New York, Philadelphia, and Baltimore also.

Mr. BAYARD. I accept that amendment.

The PRESIDENT *pro tempore*. Is there objection to the amendment in this form? The Chair hears none, and it is agreed to just as read, the Chair understands.

Mr. MORRILL. Yesterday there was a motion made to strike out "three" and insert "two," on line 19. I voted against that proposition; but from information that I have received since, I am satisfied that I voted wrongly, that the Belgian block-pavement can be obtained, has been obtained, for $1.75 and less per square yard, and that there are some descriptions of asphalt pavements that certainly look very well which have been laid for less than even $2. I therefore deem it just for me to make a motion to reconsider the vote by which the amendment of the Senator from Rhode Island [Mr. BURNSIDE] was rejected.

Mr. SARGENT. Why not move it again in the Senate? We shall make greater progress with the bill in that way.

Mr. MORRILL. I would rather cover the point now.

Mr. BAYARD. I will say a word in confirmation of the motion of the Senator from Vermont. I stated yesterday that I had been informed by reliable authority that excellent pavement, both of Belgian blocks and concrete pavement, had been laid and was now in service in this city which had cost $1.75 per square yard and no more. I said also—and in this I was in error—that the block to which I referred of concrete pavement had been guaranteed for a period of ten years. I have ascertained to-day that the guarantee was for five years, and I desire so far to correct my statement of yesterday and to accompany it with the further remark that I took occasion to-day to drive over the square of concrete pavement which lies on F street between Twelfth and Thirteenth, being the square just this side of the block in which the Ebbitt House is. I know very little practically of the construction of pavements of that character; but I asked a merchant there resident, who, I believe is a coal merchant, and who has heavy coal carts constantly traveling in and out of his premises over this pavement, what he thought of it. It has been there since last October, and he told me he believed it was as good a piece of pavement as there was in Washington City. The cost of that was $1.75 per square yard. I have also driven since Congress met, over about one mile of Belgian pavement laid on Seventh street, driving to and fro from the Smithsonian garden to the Potomac River. That pavement is in my judgment as good as any one can reasonably ask for. That pavement cost $1.73 per square yard. I was also to-day in Georgetown upon the main street of that town leading from the Avenue bridge, which the railway traverses, and drove over two or three blocks of Belgian pavement there, and stopping opposite the store, a handsome establishment, of some merchant there doing business, he was called to the carriage and asked what his opinion of that pavement was, and how he and the other business men in that neighborhood liked it. He said it was perfectly satisfactory; it had been down since last fall, and to all appearances it is substantial and proper in every respect. That pavement cost $1.75 per square yard. I merely repeat this to the Senate because what I said yesterday is only confirmed by my personal examination to-day.

Mr. BURNSIDE. If I had not felt that a good pavement could be put down for less than $2 a yard, I would not have offered this amendment to this bill. I am as well satisfied of that as I can be of anything; and I am satisfied of another thing, that as a rule the maximum limit is reached in giving out contracts. I think every Senator will bear me out in that assertion. As a rule, that is the case, and I think it the part of prudence and the part of economy to put this limit down to $2. I hope the amendment will prevail.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to reconsider the vote rejecting the amendment of the Senator from Rhode Island.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment striking out the word "three" in line 19, and inserting "two;" so as to read:

The total cost of which shall not exceed $2 per square yard.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the fifth section as amended.

Mr. EDMUNDS. I want to suggest that in line 20 of this section in the print I have—I do not know but that it is different in the reprint—occur the words "bonds to the United States." I wish to move to insert after the word "States" in line 20 these words:

In a penal sum not less than double the amount of the contract.

The present phrase is in respect of contractors giving bonds for public works, &c.:

A good and sufficient bond to the United States, with sureties, to be approved by the commissioners of the District of Columbia, shall be required.

I wish to have the penal sum of the bond not less than double the amount of the contract so as to require a sufficient bond, as in many other instances is done. I do not presume the Senator from Kansas will have any objection to that.

Mr. THURMAN. I should like to inquire of my friend from Vermont why he fixes double the amount of the sum to be paid under the contract as the penalty of the bond. The penalty is only fixed as damages, as we all know, and yet sometimes it might be impossible for a good man to give a bond with a very heavy penalty when he might give one with a smaller penalty that would answer all purposes. I can hardly conceive of a case where the recovery on such a bond would be for any such sum as the contract price of doing the work, unless it was a very small sum indeed. I do not see that the amount of the contract price for doing the work, the sum to be paid to the contractor, furnishes any criterion for the penalty of the bond. The bond ought to be in such sum as to secure the performance of the work, and usually a per centum of the price is retained by the Government in letting the contract to secure the performance of the contract. The penalty of the bond may not be double the amount of the entire contract price of the work, and yet be equally good. I do not see why the contract price should be the penalty of the bond.

Mr. EDMUNDS. Let me put a case which I have been told by responsible persons, and therefore I believe, subject of course to being corrected on investigation, has happened in this District on the subject of street-paving. Contracts were made for the paving of certain streets in this District many years since; I do not wish to be too specific so as to produce any irritation in the public mind here—amounting to more than a million dollars. The pavement was laid down and paid for and in a short time afterward the whole pavement had to be taken up and further provision made, so that after a million dollars had been paid for putting down that pavement and taking up the old one, which was a stone pavement, a rough one but still it kept you out of the mud, the public in this District were worse off than they were before. There was an actual absolute destruction of the whole of that money paid, and of more too. In a case of that kind the rule of damages on a bond for a good and proper pavement would have gone beyond the amount paid for laying it down, so I thought that as happens in many other instances which now exist in the laws, it would be well to put the penal sum up to double the amount of the contract price. Perhaps to put it at once and a half the amount would be enough, but "double" was the easier phrase. You want the penalty up high enough, so that if the whole thing is a delusion which the man undertakes to perform, and he has taken $100,000 in a given case, and it will take a hundred and fifty thousand dollars to make it as good as before, the bondsman should be responsible. That is the point I had in view, and which I had in view from circumstances which had been stated to me in our previous experience here, and others that can readily be imagined, make it clearly proper here.

Mr. THURMAN. I do not know to what particular case the Senator refers, but I have no doubt of cases here in which the District is a great deal worse than if the pavements had never been laid. There were fifty odd miles of wooden pavement laid here, and absolutely now a large portion of that pavement is an embargo to travel on the streets.

Mr. EDMUNDS. I did not refer to those instances, which are pretty well in point, but I referred to instances where the thing done was immediately discovered and thrown up and taken up.

Mr. THURMAN. I can hardly conceive of such a case as that without there having been some great error in deciding what kind of pavement should be laid, as there was undoubtedly a very great error in the authorities deciding to lay this wooden pavement. Still there may be some such case. I remember there was something of that kind on Ninth street and, perhaps, some portion of Seventh street.

My reason for suggesting a doubt about the propriety of the amendment is, that if you require too large a bond, you limit competition and put the business in the hands of a few men that can give great bonds to get the contract, whereas a smaller bond that other men could give would open the door to competition and secure the execution of the work at a cheaper rate. I suggest to my friend that instead of saying "double the amount" he should say "in an amount equal to the contract price."

Mr. EDMUNDS. Very well; to harmonize views I will say:

In amount not less than the amount.

Striking out the word "double," so as to read:

In a penal sum not less than the amount of the contract.

That, in the cases which have been stated to me of previous experience here, would not make the penalty sufficient to pay the damages; but let it go.

Mr. THURMAN. I think it will be found so generally.

Mr. DORSEY. The amendment, as now modified, I hope will be agreed to without objection.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I want to call the attention of the Senate, so that we shall vote understandingly, if attention has not already been called to it, to the scheme of this section in respect of street improvements, pavements, sewers, and other works of that sort. This section, as reported, provides first, for the railways, which is well enough, and then it provides for the United States paying one-half and the general treasury of the District paying the other half, and entirely drops assessments on adjoining proprietors, as is the custom in most cities and has been the principle and rule adopted here. In view of what has already taken place here, of good improvements through a good many streets which have been paid for, and bad ones in some others, and no improvements at all in still another series of streets, the effect of this statute as it now stands is to have charged upon the adjoining proprietors on the streets that have been properly paved one-third of the expense of paving them specially; that the owners have had to pay out of their own pockets. Now, as to the other streets in the same city, and in carrying on the same grand work of making this a great place, you propose to exempt those people whose streets are yet to be improved entirely and compel the people who have already paid for improving their streets one-third of the expense to contribute to the payment of the same rate of expense for those who have not paid anything and whose streets are still to be improved.

I doubt the justice and propriety of that. I think that the principle of special assessments for local improvements in streets in front of property, is a sound principle; at least almost every city and almost every State provides for that species of special taxation for special benefit; and yet after that principle, so universally recognized, has been adopted here and partly executed, this proposition is to drop that altogether and to continue the improvements at the expense of the general treasury. It appears to me that it is not just to those who have been already so heavily assessed to be taxed for the other special improvements out of their proportion; and in the next place I am not at all clear that it would be expedient if it were a new proposition, for the reason that if you impose local assessments upon property specially benefited you lead every property-owner in those blocks, along that line of street, to unite with his fellow-citizens and neighbors in being a corps of observation and of criticism and of complaint and of resistance against the wrong and corruption and imposition which are so apt to happen, in such cases of public improvement, because they have a more direct and special interest in it, as they themselves on their own property or frontage have to contribute specially to that thing.

I should not wish this section to pass without attention being called specially to this sudden change in the middle of a series of improvements which this bill makes from existing law.

Mr. ALLISON. Do I understand the Senator from Vermont to say that the present law provides that the abutting property-holders shall pay one-third of the cost?

Mr. EDMUNDS. That is on both sides; the property-holders on each side pay one-sixth.

Mr. ALLISON. Each pays one-sixth. It would be very easy to amend this section so that that shall continue by inserting "except as now provided for by law" after the provision as to one-half the work, and of course the remainder will be paid out of the proper funds of the District, out of the general revenue.

Mr. EDMUNDS. It can be amended without difficulty.

Mr. DORSEY. I suggest that there is no desire on the part of the committee, so far as I know, to change any existing law in respect to that matter, and if the Senate think best to continue this system of special improvement taxes, I think the Committee on the District of Columbia will have no objection, though it has led to a great deal of difficulty and trouble, and in many cases to very excessive taxation. I suggest to the Senator from Vermont that in line 44, after the word "direct," we insert:

That the property immediately abutting on and benefited by such improvement shall pay one-third the cost of the same.

Mr. EDMUNDS. You ought to say "one-sixth," because the property on both sides abuts; and one-third on each side would make two-thirds.

Mr. DORSEY. No; this is the language we have used heretofore, and it is divided between the two sides.

Mr. EDMUNDS. I should like to have the Senator show me where that language has been used.

Mr. DORSEY. The Pennsylvania avenue bill. Let the words "in proportion to their frontage" be inserted.

Mr. EDMUNDS. It should read "one-third by the owners of private property lying and abutting on such streets, in proportion to their frontage thereon."

Mr. DORSEY. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment as now proposed will be read.

The CHIEF CLERK. After the word "direct," in line 44——

Mr. EDMUNDS. It should read in this way I think:

And the owners of private property lying and abutting on such streets or avenues shall pay one-third of the expense thereof in proportion to their frontage thereon, excluding the proportion of the railway companies.

Mr. DORSEY. That is correct. Let it be put in that form.

Mr. BAYARD. May I ask the Senator from Vermont should there not be some consideration for the owners of lots whose lots run to a fine point and who have a double frontage? The Senator will recall a case near by where both he and I reside, of some one across the street at the intersection of Massachusetts avenue and M street, where there is a long slim point which fronts on the two streets. It begins with a depth of perhaps one foot and runs back considerably. I mean that as you retire from the apex of the triangle you widen out, but at the apex of the triangle you have a depth of probably one foot and a double frontage, one on Massachusetts avenue and one on M street. It is simply confiscation of the property to charge it on both fronts.

Mr. EDMUNDS. In the case that the Senator supposes, the facts, as I understand them, are not quite in accordance with what he understands. The United States owns the triangle in which that property is situated up to within about twenty or thirty feet from the structure that now stands there, and it is public property. Then when you come to the private property, the distance from street to street is probably sixty feet. When that property was first improved, from the lofty eminence on which we have been left we can see it very easily, we can take a bird's-eye view of it—when that property was first improved two structures were erected, although they came together two distinct fronts, though the lots were of very little depth. So in the instance the Senator suggests he is not fully fortified by that particular illustration; but still there is force in what he says as there is also in what another Senator has suggested, that in respect to those who have paid for this wood pavement which has turned out to be a disastrous failure, it may be hard upon them to require the full payment of the third. I am inclined to think, on the whole, the matter should be further considered, although the principle that I have suggested I am sure is correct and some step in that direction ought to be taken; perhaps a third is too high in certain cases. I am inclined to think it would be better to let this point pass by for a moment and we can consider later what ought to be done in a case of that kind, if that is agreeable to the committee.

Mr. BAYARD. There was some proposition I think in another bill to prevent property from being taxed for more than simple frontage. The Senator from Arkansas may remember it. This very property to which the Senator from Vermont refers, which I know very well, has on it quite a handsome house—I do not know built or owned by whom—but it has a frontage of fifty feet upon both streets, and with what you may call front doors on each. It seems to me for a man who has almost no land it is very hard to compel him to pay the expense of paving Massachusetts avenue and also to compel him to pay for that on M street because his other door looks on that street. There ought to be consideration for the want of depth of the lot.

Mr. EDMUNDS. That can be obviated by providing for a certain depth of lot.

Mr. DORSEY. The committee considered this matter very fully and called on the District commissioners to ascertain if there was not some way of providing for relaying these worn-out pavements as they will have to be relaid, so as not to absolutely confiscate the property abutting on each side of the streets where these pavements have been laid, this property having once paid one-third the expense, and in some cases I believe one-half, for the first special assessments I think were one-half. We thought it was better, considering all the circumstances, to ask the Government of the United States to pay one-half and let the District at large pay the other half, except in cases where there are new streets. In a bill which was passed the other day, the assessment bill, we made provision that the commissioners might make a special assessment for streets that were freshly opened, for any work laid down where there had never been any special assessment for pavements or sewerage; but in this measure we thought it would be better to leave the payment as the committee reported in this bill, and I am glad the Senator from Vermont has seen fit to direct attention to the subject.

Mr. EDMUNDS. Does the Senator withdraw his amendment?

Mr. DORSEY. Yes, sir.

Mr. EDMUNDS. I shall hope at a later stage in the bill to have some scheme devised which will work perfectly fair all round, as the present plan does not; and the one suggested by the Senator from Arkansas in reply to my suggestions or in consequence of them may work too hard in the opposite direction; but for the time being, it being withdrawn, we can go on and have that matter reserved.

But in the same section and on the same page the bill provides that the "railway companies, having conformed to the grades established by the commissioners, may use cobble-stones or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct."

That merely leaves the commissioners the power of deciding between cobble-stones and Belgian blocks, but without any power of controlling the kind of cobble-stones or the kind of Belgian blocks, which I think is wrong. The commissioners ought to have the power to compel the railway companies not to use cobble-stones above a certain size, for instance. There is absolute cruelty to animals on the part of one of the present city railways owing to the enormous size of the cobble-stones that are put in between the tracks, which are so much cheaper than smaller ones laid smooth and uniform. It is absolute cruelty to animals to compel the horses of that company to go over that kind of stone when it is at all wet or slippery, because it is almost impossible for them to get a foothold, to say nothing of the great inconvenience and injury to the general traffic of that street.

I move to amend, in line 42, after the word "use," by inserting the word "such." In that case it will read:

That the railway companies having conformed to the grades established by the commissioners, may use such cobble-stones or Belgium blocks for paving their tracks, or the space between their tracks, as the commissioners may direct.

So as to enable the commissioners to control the size and character of the material that is to be used.

Mr. DORSEY. I have no objection to that.

The PRESIDENT *pro tempore*. Is there objection to this amendment suggested by the Senator from Vermont? The Chair hears none, and it is agreed to.

Mr. EDMUNDS. The same section, in lines 54 and following, reads:

That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks of such railway by the District of Columbia.

And then it provides for compelling the railway companies to pay. The previous part of the section has provided that it is the duty of the railway companies to lay not only between the tracks but two feet on each side outside of the tracks. This therefore applies only if they will not do it, and it only provides for the commissioners laying between the tracks and compelling companies to pay for that. To save the expense of paving four feet in width, which the two outsides make put together, all the companies have to do is to omit doing the work and let the District do it.

Mr. DORSEY. The Senator is mistaken about that. The previous part of the bill provides that the street-railway companies shall pay for paving between their tracks and two feet outside. It does not provide that they shall pave outside their tracks because the commissioners intend to have the pavement harmonious running up to the track. The commissioners are obliged to pave the two feet any way, and charge the cost of it to the railway companies.

Mr. EDMUNDS. Let us see.

When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair.

So far you will see no distinction is made as to who is to do the work, as to the space between the tracks and that exterior to them. Then it goes on:

But the said railway companies, having conformed to the grades established by the commissioners, may use such cobble-stone or Belgian blocks for paving their tracks, or the space between their tracks, as the commissioners may direct.

That fairly confers an affirmative power on the companies to pave themselves between their tracks and two feet exterior thereto. It says if they do not do it, if they neglect or refuse to perform the work required by this act; that is the railway companies themselves are to perform the work in the first instance, and if they do not do it, then the commissioners may cause the work to be done between the tracks, and the companies shall pay for it. I move to amend in line 56 by inserting after the word "tracks" the words "and exterior thereto" so as to read:

That if any street-railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks, and exterior thereto, of such railway by the District of Columbia; and if such company shall fail or refuse to pay the sum due, &c.

Then the commissioners shall compel them.

Mr. DORSEY. All right.

The PRESIDENT *pro tempore*. Is there objection to this amendment of the Senator from Vermont? The Chair hears none, and it is agreed to.

Mr. EDMUNDS. Beginning on line 80 the section reads:

It shall be the duty of the commissioners of the District of Columbia to see that all water and gas mains, service-pipes, and sewer-connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down; and the Washington Gas-Light Company, under the direction of said commissioners, shall take up, lay, and replace all gas-mains on any street or avenue to be paved, at such time and place as said commissioners shall direct.

I propose to insert in line 86 after the word "shall" the words "at its own expense." That is probably implied now, but to make it perfectly clear and to save a lawsuit, I move to insert the words.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the amendment of the Senator from Vermont is agreed to.

Mr. EDMUNDS. I think I have no more amendments to propose at present to this section, reserving for future consideration the question of special assessments.

The PRESIDENT *pro tempore*. The question is on section 5 as amended.

The section was agreed to.

The PRESIDENT *pro tempore*. The next section will be read.

The Secretary read section 6.

Mr. EDMUNDS. I move to strike out that section entirely, which provides for a Delegate to Congress.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out section 6.

Mr. EDMUNDS. My reason for that is that there is no occasion in the world, in my humble judgment, for a Delegate to Congress from this District. The District is right here in the face of Congress all the time. Both Houses of Congress have committees specially charged with the duty of looking after the interests of the District. They are always accessible to the citizens who can present through them, as they can through every other Senator and Representative, as well as by petition, everything that concerns their interest; and there is no need of putting the people of this District and the taxpayers of the United States to the expense of from five to twenty-five thousand dollars every two years for going through the machinery of having an election in a District containing one hundred and fifty thousand inhabitants, that reaches no practical good.

Mr. INGALLS. Mr. President, I shall not detain the Senate at any length upon this subject. It is one that has engaged the attention of Congress and of the people here for many years, and I presume that the opinion of every one who hears me is fully made up as to whether he is in favor of the election of a Delegate from this District, or opposed to it. The bill reported from the House provided for the election of a council, consisting of twenty-one members, based upon the idea of giving the people who reside here the power of participating to a certain extent in the management of their own local affairs, and to this extent carrying out the universally recognized American idea of the right of every community to manage its affairs in its own way. The committee of the Senate thought it best, under all the circumstances, not to agree with this proposition of the House, but in order to recognize this principle of self-government, and to appease as far as possible the sentiment which exists here in the minds of a great many people that they ought to have some representation so long as they are taxed, it was thought advisable to provide for the election of a Delegate as being the least injurious method of attaining this end.

I may say also that it would undoubtedly be a very great relief to Congress in both branches to have some person selected by the people here to present their views and their wishes in an authoritative manner. As it now is, the committees on the District in the House and Senate are the special organ of this community. To those committees they apply habitually for relief; their complaints are presented to them; and the result is that there is a vast amount of time consumed that might profitably be devoted in other directions. If the people here had the opportunity of electing a Delegate who could represent them and submit formally to Congress their wishes and act for them, he being at the same time, as this bill provides, *ex officio* a member of the District committee in the lower House, I believe it would be advantageous; that the people themselves would be better satisfied and contented, and we should hear less complaints; there would be less difficulty; we should know better what the people here want and Senators and Representatives would be relieved of a vast amount of unnecessary trouble.

I can see no objection, in the nature of things, arising either from the organization of this community or from its particular wants, to the adoption of this provision; and as it carries out the idea which is recognized as the basis of our institutions, and makes this community no longer an exception to the general rule that all peoples that are taxed shall have their proper representation, it appears to me that it would not be unjust or improper to agree with the committee in this respect.

Mr. EDMUNDS. Mr. President, the Senator from Kansas has stated with his usual clearness and force all the arguments that can be advanced in favor of this proposition; but it does not appear to me that they are adequate to the great expense which this entails in a District that is bankrupt and in want from previous mismanagement. We tried the experiment, under the government that ran the District head under water, of a Delegate, who was an estimable and very reputable man. I had the pleasure of knowing him. I believe there was only one gentleman who served as Delegate during the time one was allowed; and yet I think the experience of everybody who remembers about it is that Senators and Representatives and committees were not relieved from the duty of considering the views of the inhabitants of this District and attending to their wishes at all. It was merely an ornamental place. This gentleman acted as the attorney and spokesman of the District before these committees, instead of having, as since has been the case, a committee of citizens, everybody for himself, but when citizens act in concert, a committee of them appear before these committees for the same purposes. He has no vote. It is true he can make a speech in the House of Representatives; but we all know that speeches there, as well as here, against the report of a committee that has heard all sides, as mere speeches, do not amount to anything. All the information that a speech devel-

ops has already been acquired and stated in the report of the committee. And it appears to me—that is the only objection I have to it—that upon this overtaxed and overburdened and swamped community, it is a wrong thing to impose any, the least, expense that is not for some indispensable purpose of carrying on their affairs.

The PRESIDENT *pro tempore*. The question is on striking out the section.

Mr. HAMLIN. Before the motion is put, I wish to strike out of the section these words——

Mr. EDMUNDS. If my motion is lost, you can move it then.

Mr. HAMLIN. Yes. Then I will reserve my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out section 6.

Mr. INGALLS. It is proper, as this is a subject that has met with much discussion in the District, and much argument has been advanced upon it *pro* and *con*, and a great deal of feeling has been manifested, that there should be some authoritative expression on the part of the Senate of its wishes in this matter. I will therefore, although it will take some little time, ask for the yeas and nays on this proposition.

The yeas and nays were ordered.

Mr. EATON. I should like to ask the mover of this proposition if it would not be well to include the seventh section.

Mr. EDMUNDS. If we strike out the sixth, the seventh will go as a matter of course. There is no trouble about it.

Mr. EATON. Very well.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) Upon the question of striking out this section I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, he would vote "yea" and I should vote "nay."

Mr. HARRIS, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, he would vote "yea" and I should vote "nay" on the motion.

The roll-call having been concluded, the result was announced—yeas 40, nays 9; as follows:

YEAS—40.

Allison,	Conover,	Kernan,	Plumb,
Armstrong,	Davis of Illinois,	Kirkwood,	Randolph,
Bailey,	Eaton,	McCreery,	Ransom,
Bayard,	Edmunds,	McDonald,	Saulsbury,
Beck,	Eustis,	McMillan,	Teller,
Bruce,	Ferry,	Maxey,	Thurman,
Burnside,	Grover,	Merrimon,	Voorhees,
Christiancy,	Hereford,	Morgan,	Wadleigh,
Cockrell,	Hill,	Morrill,	Windom.
Coke,	Jones of Florida,	Paddock,	Withers.

NAYS—9.

Dorsey,	Howe,	Mitchell,	Sargent,
Hamlin,	Ingalls,	Rollins,	Spencer.
Hear,			

ABSENT—27.

Anthony,	Chaffee,	Harris,	Oglesby,
Barnum,	Conkling,	Johnston,	Patterson,
Blaine,	Davis of W. Va.,	Jones of Nevada,	Saunders,
Booth,	Dawes,	Kellogg,	Sharon,
Butler,	Dennis,	Lamar,	Wallace,
Cameron of Pa.,	Garland,	McPherson,	Whyte.
Cameron of Wis.,	Gordon,	Matthews,	

So the motion to strike out section 6 was agreed to.

Mr. DORSEY. If that section is stricken out, the next, the seventh, should come out with it. I move that section 7 be stricken out.

The motion was agreed to.

The Secretary read section 8.

Mr. ALLISON. I desire to ask the Senator in charge of the bill whether or not after abolishing the board of Metropolitan police, the commissioners of the District of Columbia will have authority to increase the police force at will, or if that is fixed by existing laws; and whether the police force can be increased without action of Congress?

Mr. INGALLS. They are left under existing laws so far as not inconsistent with this act and subject to the limitation I have previously called the attention of the Senate to, that all estimates of expenditures must be submitted by the commissioners to the Secretary of the Treasury, approved by him and approved by Congress, so that there is no possibility of any inordinate or extravagant exercise of power. There will be just as many policemen here as Congress provides for and no more.

Mr. SARGENT. I suggest a verbal criticism in line 10. There is no occasion for the words "provided, that." The proviso is not a condition upon the preceding matter, or if it is it ought not to be made such. I move to strike out the words "provided, that," and to insert "and," so as to read "and the commissioners of the District of Columbia," &c.

Mr. INGALLS. No objection to that.

The PRESIDENT *pro tempore*. Is there objection to the amendment of the Senator from California? The Chair hears none, and it is agreed to.

Mr. EDMUNDS. I move to insert in line 11, after the word "shall," and before the word "appoint," the words "from time to time." This makes provision for appointing nineteen persons, without any power of removal or change. If you are going to confide it to the power of the commissioners, there should be the power of course to fill vacancies and to make removals, I take it.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

The PRESIDENT *pro tempore*. The question is on section 8 as amended.

The section was agreed to.

The Secretary read section 9.

The section was agreed to.

The Secretary read section 10.

Mr. SARGENT. In line 20 I move to strike out the word "ordinances" and insert "rules." The word "ordinances" has a technical meaning. An ordinance is a municipal law that has a sanction or penalty. I suppose as that power is not given to the commissioners it is not intended to be given to the board of health.

Mr. INGALLS. That was not the intention of the committee. The word "ordinances" has a technical meaning, and of course it does not properly belong here.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was agreed to.

Mr. EDMUNDS. I move in line 4 to strike out the words "continued with" and insert "hereby is abolished and," which is a somewhat radical amendment it must be admitted. Section 10 reads in this way, the first part of it:

The board of health created by "An act to provide a government for the District of Columbia," approved February 21, 1871, shall be continued with the powers it now possesses, and the further powers conferred by this act.

I propose to make it read:

The board of health created, &c., shall be, and hereby is, abolished, and the powers it now possesses, and the further powers conferred by this act—

shall be exercised by the Surgeon-General, I am going to move, if you are willing to abolish the board. If the Senate should not be willing to require the Surgeon-General to attend to this business, as he can with his assistants, without any additional expense, then I should move, or hope somebody would, to treat this as you have all the other boards, by putting these powers in the hands of the commissioners. The Senate will see that in respect of every other board under this government we have agreed, so far as agreement can be inferred from our acting on these sections in this way, that they shall be abolished—the Metropolitan police, which, I believe, on the whole, has been a very well-regulated and a very well-exercised function of government here; the board of school trustees, who certainly have, according to my information, done extremely well under the circumstances in which they were situated. We abolish them; we abolish the board of sinking-fund commissioners; we abolish every body except the board of health, which has been during the period of its existence, I have no doubt, a very useful body, but an enormously expensive one, costing some years more than $50,000, and, I believe, for the last year more than $30,000.

It appears to me, in the first place, that it would be extremely invidious, (which we do not wish to be unless it is necessary,) to say that we will sweep out the board of Metropolitan police, which is just as essential to the good order of this community as the board of health can be, that we will sweep out the board of school trustees, who have done their duty well, and a duty so essential to the good order and prosperity of any community in the exercise of their functions, and every other board, and say that this board of health shall stay by an affirmative act of Congress. Now, therefore, without making any criticism upon events of the past, except the one that I believe within the last year or two this board has, so far as I know, done its duties well, (and hence I imply no reproach on it by this present motion,) it certainly does not stand on any higher ground or in any different attitude than the boards we have already agreed to abolish and to consolidate under the single executive direction, in another form, of the commissioners of the District of Columbia.

Then, in the next place, supposing we were to say that it would be better not to leave this matter to the commissioners of the District, although there is no reason for saying that except one of expense, but to say, as I intend to propose if this first amendment is agreed to, to abolish the board to transfer its powers and duties to the Surgeon-General of the Army of the United States who is located here. His staff here at this present moment of assistant surgeons-general, medical purveyors, surgeons, and so on, is amply adequate to the performance of all the health duties required by this city. They are receiving handsome, and as some people believe, excessive salaries, and in the present state of the condition of the Army of the United States and the happy state of peace that we are in and are likely to be I am glad to hope, they have practically very little to do. This body and staff of persons can attend to this. They are all of them so far as I know, and as we must presume if we did not know it, of the highest skill in their profession, men of affairs, men of experience, men of learning in the very respects that appertain to the health of a community, as they must be if they are properly in their places as belonging to the medical staff of the Army of the United States.

We may in my opinion save more than one-half, perhaps three-quarters, of the expense that is now entailed in respect to salaries and emoluments of the staff and so on, by requiring these gentlemen

to attend to this duty, and it is one that they may well be required to attend to as part of the exercise of their duties as a branch of the Government of the United States which has the exclusive control of this District, all of whose governing officials, except the minor ones, are obliged to be here for the performance of their duties.

But I am not now asking the Senate to vote on the double proposition of abolishing the board and requiring the Surgeon-General and his staff to attend to its duties, but only on the proposition, as far as I have moved it, to abolish the board; and then it will be a question for the Senate to determine whether it is better, as in the other case, to require the commissioners of the District, through proper appliances, to attend to these health duties, or to require the Surgeon-General and his staff to attend to them. My present motion only is to provide for the abolition of the board of health.

Mr. WITHERS. Do I understand the Senator from Vermont as indicating, however, a purpose, in the event his motion prevails, to follow it with a motion providing for the delegation of these duties to the Surgeon-General?

Mr. EDMUNDS. Yes, sir, I shall make that motion; and if that should not be agreed to, then the Senate, as in respect of these other powers, should say that the commissioners shall do these duties. That would be a question for consideration afterward as to where the health duties should be lodged; and so I have only made one motion at a time for that reason, to dispose of the first question first.

Mr. HARRIS. I am instructed by the Committee on the District of Columbia to offer an amendment as an addition to section 10. The act creating the board of health fixes no official term, and for that reason the committee have instructed me to offer this amendment. I propose that it be read simply for information, so that the Senate may see the exact form that the committee propose to put the section in.

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment of the Committee on the District of Columbia.

The CHIEF CLERK. It is proposed to add to section 10:

The official term of the present members of the board of health shall expire as follows: one on the 1st day of July, 1878; one on the 1st day of July each year thereafter; and their successors shall be appointed as now provided by law for the term of five years; and the members of the present board shall determine by lot the order in which their official terms shall expire.

Mr. INGALLS. The Senator from Vermont objects to the action of the committee in retaining the board of health because he thinks it would be invidious to abolish the other boards under existing laws and invest the powers now exercised by them in the board of commissioners, and retain the board of health. His argument would be good if he proposed also to invest the powers now exercised by the board of health in the commissioners; but he does not propose to do that.

Mr. EDMUNDS. I do, if I cannot invest the powers in the Surgeon-General.

Mr. INGALLS. But he does not propose as an original proposition to invest the commissioners with the powers now exercised by the board of health; therefore his argument, so far as that portion of it is concerned, falls to the ground.

There is an undoubted reason, apparent to every one, obvious to the most casual inspection, why the duties of the board of health should be exercised by a particular board specially adapted for that purpose. The board of health must necessarily be composed of men professionally skilled, men who have been trained to a particular knowledge of the duties they are called upon to exercise and the interests they are called upon to protect. It is not like the board of police commissioners, or the board of fire commissioners, or the board of school trustees, where any man of ordinary intelligence and fair intellectual capacity can serve faithfully and efficiently; but the board of health has to deal with the sanitary condition and with the regulations that affect the health of the community. Therefore it is essential that these trained men, who are to be specially qualified by education for the discharge of these duties, should have an existence independent of the board of commissioners who discharge the ordinary executive functions of the community.

The Senator from Vermont seems to have a special desire to have this District controlled by the Army of the United States. We are to have one commissioner designated by the President from the engineer corps of the Army to represent the Government in the management of affairs here. He now proposes to turn over the health functions to the Surgeon-General. He might as well logically propose to turn this community into a camp at once, and have it policed by the regular Army, and have all offenses of the citizens here tried by drum-head court-martial. If those people who live here and form this community have any civil rights, if they have any rights as citizens, it seems that a portion of the duties that are to be devolved upon their rulers ought to be discharged by persons from civil life. I cannot understand why it should be thought specially desirable to turn the functions of this board over to the Surgeon-General, and there are many reasons why it should not be done. In the first place, the officers of the Army medical corps are under the control of the Commander-in-Chief of the Army and Navy. The discipline of the military forces requires that. Here is a specific function proposed to be imposed upon these officers independent of the Commander-in-Chief. I am very much in doubt whether or not, under the regulations controlling the Army, Congress could impose any obligation of this kind that would interfere with the constitutional right of the President to direct these men to go where he pleases and to do what duties he pleases that they shall perform. I doubt very much whether Congress, acting in a purely legislative capacity, can impose incongruous duties upon these men. They are under the control of the Commander-in-Chief, and if we should attempt to assign the Surgeon-General, the medical purveyor, and the other officers of the medical staff to civil duties inconsistent with those required of them by the Commander-in-Chief they could not be exercised, in my belief. I think the provision would be nugatory to that extent, and we ought to do an impossible or an unwise or an inconsistent thing.

With regard to the board of health, as its duties have been exercised and discharged under the present system, I believe that the statements even of the Senator from Vermont will bear me out in the assertion that there is no fault to be found with the administration of that branch of the government. As at present organized the board of health consists of five members, who have an annual salary of $500 each. When assigned to other duties, as they are, one of them being president of the board, one secretary, one treasurer, one registrar of vital statistics, and one the attorney, they have a small additional compensation. There is also a health officer, a chief clerk, a medical sanitary inspector, five sanitary inspectors, a pound-master, and a messenger, and this comprises the entire *personnel* of the board.

Mr. BECK. Will the Senator allow me to ask who are the members of the board?

Mr. INGALLS. The president of the board is Dr. T. S. Verdi, the secretary is Dr. C. C. Cox, the treasurer is Mr. John Marbury, jr., a citizen of Georgetown; the registrar is Dr. Bliss, and the attorney is Mr. R. B. Warden, all of them men recognized as persons of great intellectual capacity and of the highest personal character and attainments.

Mr. BAYARD. May I ask the Senator from Kansas, as he has it there, what is the aggregate of compensation paid to this official board?

Mr. DORSEY. It is $32,000.

Mr. INGALLS. No, the entire amount appropriated for the last year was $32,000. I will turn to it in a moment.

Mr. EDMUNDS. Yes, but that appropriation does not cover all the expenses of doing the things that they are required to do, or anything like it.

Mr. INGALLS. What else are they required to do that this does not cover?

Mr. EDMUNDS. I was informed not long since and from a very authoritative source, that quite a considerable number of items, the details of which are out of my mind at this moment, were paid out of a different fund, as is sometimes the case in such operations.

Mr. INGALLS. That is very indefinite, Mr. President. If the Senator from Vermont has any accusation to make, he certainly ought to put it in some definite and tangible form.

Mr. EDMUNDS. I am not making any accusation.

Mr. INGALLS. I understood the Senator to say that there were expenses that were incurred by this board outside of the appropriations named in their report. I ask him what they are, and he says he is informed, in a nebulous and cloudy way, that there are some other expenses which are not named, that somebody has told him about.

Mr. EDMUNDS. I did not make the reply that the Senator imputes to me.

Mr. INGALLS. Then I ask the Senator if there are any other expenses than those named, not covered by the appropriations, and, if so, what they are, because I was asked by the Senator from Delaware what the expenses are, and I was proceeding to give the amount.

Mr. EDMUNDS. Then I apologize for having interrupted my friend, and will make my statement presently.

Mr. BECK. Will the Senator from Kansas allow me, after what he has said about the standing of these men, to call his attention to a report signed by five very highly respectable gentleman?

Mr. INGALLS. I am paying attention to the Senator.

Mr. BECK. The report was made, I observe, on the 26th of June, 1876, and is signed by "A. H. BUCKNER, LAWRENCE T. NEAL, JULIAN HARTRIDGE, E. J. HENKLE, A. E. Stevenson." I assure the Senator I know nothing about the report; but they use this language in regard to the board, and of course I desire to know the facts before I vote:

In the investigation of some of the contracts of the board of health (see testimony of Jerome Bradley, S. R. Scharf, Louis Keiser, and William Painter) it appears that that with the Odorless Excavating Apparatus Company, of Baltimore, was made under circumstances that lead to the suspicion if not to the conviction that improper motives controlled two of the members of the board in awarding this contract. The contract was given to the above-named company as the highest and not the lowest bidder, by which the citizens of the District are taxed 25 per cent. more than they would be under the rejected bid. It runs for three years, and the loss to the people of the District for these three years, it is estimated, will be equal to $10,000 per annum. The two members of the board (Drs. Cox and Bliss) above referred to subsequently to the award received from the Odorless Company certificates of preferred stock in the company guaranteeing 7 per cent. per annum interest on $10,000, which they seem to have disposed of afterward to the president of the company.

We refer to the statements of Drs. Cox and Bliss, to be found in the printed volume of the testimony, for their explanation of this transaction, which the committee are of opinion is far from being satisfactory. Not only ought the contract to be canceled and set aside but your committee would call the attention of the

authorities of the District to the propriety of bringing their conduct in this matter before the grand jury and having these officers indicted under section 5501 of the revised laws of the United States.

That seems to be a regular report, signed by five respectable Representatives, about the truth of which I know nothing, but of which I should be very glad to hear whether it is true or not.

Mr. INGALLS. Nor, Mr. President, do I know anything about it.

Mr. BECK. But the Senator having spoken of the high character of these gentlemen, I thought it proper that I should call his attention to this language.

Mr. INGALLS. I repeat that so far as I know and believe the gentlemen named upon that board are of the highest personal respectability. Under the report of that committee, it is very strange if these facts existed, when the grand juries have been in session, and the courts have been open for the punishment of offenders, if allegations as grave as that could be properly sustained, that some citizen of this community was not found bold enough or just enough to have made a complaint and have the matter investigated. To my mind the fact that since those allegations were made these men have continued uninterruptedly to exercise those functions without question from any citizen of this District is a sufficient answer as to the falsity of the allegation.

But I was proceeding to say that the value of a board of health must depend upon its practical results in the community. It is a fact which cannot be denied that, under the management and control and administration of the present board of health, the sanitary condition of this city has been immeasurably improved. The city has been admirably policed; the offal and garbage have been constantly and economically removed; the death rate has been greatly reduced. All the citizens here alike have been protected, until the death rate has been reduced from zymotic or preventable causes far below that of any other large city in this Union. One single illustration of their efficiency occurred in the small-pox epidemic of 1872-'73, when the board was authorized by the Legislature to resort to the most heroic treatment for the suppression of that epidemic, when sixty thousand people were vaccinated free of charge, when they were authorized to isolate and detach infected cases, and when all clothes were burned or otherwise destroyed. Sixty-nine thousand dollars were expended, and in less than fifty days the entire disease was stamped out and eradicated, almost without the knowledge of the people; and yet, with the vast additional expense entailed by this single instance, the entire annual expenses of this board have averaged but a trifle above $50,000. During the past year they have been about $32,000. No allegation is made that the duties imposed upon this board have not been efficiently administered, and the funds properly and judiciously expended. Emergencies affecting the public health frequently arise where it is necessary that there should be immediate action, where it is essential that a board, having this subject specifically under its control, should have the authority to act immediately and efficiently and vigorously. This appears to me to be an additional reason, and one of great import and consequence, why this board should be continued, why it should not be abolished, and why, if it is abolished, it surely should not be turned over to the Army, to the Surgeon-General and his staff, they being subject to the rules and articles of war and under the orders of the Commander-in-Chief.

Mr. BECK. Mr. President, I agree with the Senator from Vermont that the board of health should be discontinued. The bill as it passed the House, which I hold in my hand, discontinues it. I assume of course that there was some reason for its discontinuance, or the House would not have taken the action it did. I read to the Senator from Kansas from a report made in 1876, less than two years ago, by a committee of the House of Representatives charging members of this board of health with grave and serious misdemeanors. I know nothing about the truth of those charges, but they come from highly respectable authority. The names of the five representative gentlemen who signed the report give it at least that authority, and it is no answer to me to say that the grand juries of this District have not pursued the investigation. I remember when Mr. Columbus Alexander of this city was sought to be incarcerated as a common felon by what was known as the safe-burglary conspiracy, a spawn of some of the Washington rings, a conspiracy that reflected much discredit upon high officials of this city and on the detective force of the United States, as was shown by proof that would have convicted any human being upon earth before any honest tribunal. Yet no man was punished under the *régime* that we have had here. To say that men are innocent because the grand juries of this district have not indicted them is no answer; that would be to condone offenses such as the false measurements of pavements and as to a thousand things that have been made known as true, beyond all peradventure, perhaps not as bad, but as well established as the safe-burglary conspiracy to which I have referred.

The board of health not only has by this bill the powers given to it which it now possesses but it has powers conferred upon it which conflict directly with the duties and powers of the commissioners of the District, and which cannot be exercised without confiscating without trial, legal proceedings, or appeal the property of a very large number of the poorest people here. Whatever may be the medical qualifications of the board of health, they certainly have not the qualifications necessary to determine when property shall be seized and sold and what shall be done with the possessory rights and titles that the people who now hold it, certainly not without hearing or trial of any sort.

I will read for example from page 17 the bill as reported from the committee, beginning at line 26:

The said board shall have power to require the draining and filling up or reducing to proper grade, as may be necessary, in their judgment, in a sanitary point of view, any lot or lots within said District; and when such necessity is found to have been occasioned by the act or neglect of the owner, the said draining, filling up, or reducing to proper grade may be done under the orders and by the direction of said board; and the expense of said draining, filling up, or reduction shall be certified to the commissioners of said District, who shall cause the same to be assessed upon the property on which said work has been done; and the amount so assessed shall be collected as other taxes are collected in the District of Columbia.

A board of five men, three of them doctors, are authorized to determine these matters without consulting the commissioners, without referring these questions to anybody, what in their opinion is necessary to be done to and with lots all over this city; whether the commissioners think it necessary or not, and against, if you please, the judgment of the commissioners as to the necessity of the work. From their idea in a sanitary point of view, and no matter what may have caused the present condition of the lot, they are authorized and empowered to require the people owning them to fill them up and put them in the condition that they may order to give them the proper grade, without consulting the engineer officer, although they may be ten or twenty feet below it now, and they may impose taxes upon the owners which would amount to confiscation if they fail to obey. The commissioners of the District might enter their protest, and might declare that it should not be done, that it was not necessary to be done, and yet this board of public health can overrule them and are made the absolute masters of all the property in the District that they do not think now complies with their ideas of what the health of this District requires. No such power ought to be given to any such body.

Mr. SARGENT. I call the attention of my friend from Kentucky also to the fact that they are not only to fill up holes where there may be pools where there may be sanitary reasons for it, but they are to reduce to a grade any lot that is above it. They can require tons of earth to be carted off at an enormous expense where there certainly could be no sanitary reasons for it. I should like also to call the attention of the Senate to the fact that the power is to be given to this board to provide for admissions to all the hospitals and asylums, and so forth, for which we make appropriations. By statute we provide that the Army and Navy shall be admitted on certain conditions, that the Secretary of the Interior shall admit other persons; but all these officers are to be stripped of their powers and put into the hands of this board of public health.

Mr. BECK. The statement of the Senator from California only proves the wisdom of the motion of the Senator from Vermont in addition to what I was just now saying. I am not sure that they have the power to reduce lots down to a grade.

Mr. INGALLS. Certainly not.

Mr. BECK. I am not going to argue that.

Mr. WITHERS. I will call the attention of the Senator from Kentucky to the fact that both he and the Senator from California are objecting to the details of the bill which confer powers upon this board; but the question now is whether we are to have a board of health at all or not. Suppose we decide that question, address our arguments to that point, and if the board is abolished it is not necessary to discuss these details at all. If, however, the board is to be retained, then we can go on and adjust the details of the bill and confer such powers upon them only as in the opinion of the Senate are wise and judicious.

Mr. BECK. I believe I have endeavored several times to raise points of order, in my ignorance of the rules of the Senate as to how far a Senator could wander off in discussions in this body and as to how narrowly he was confined to the exact point being considered. I remember a very earnest conversation that I thought was entirely foreign to anything before the Senate, which was carried on between the Senator from Ohio [Mr. THURMAN] and the Senator from Vermont, [Mr. EDMUNDS,] and I was told by the President of the Senate that he could not tell what they were going to say, and therefore he could not interfere.

Mr. WITHERS. I do not raise any point against the Senator.

Mr. BECK. I am going to confine myself pretty closely to the subject. The power given by the bill and the idea entertained by this committee as to the authority to be conferred on this board are the very questions which I think enter into the discussion, because the House sent us a bill abolishing the board of public health. The House, I repeat, must have had some reasons for doing it. The Senate committee have seen fit to amend that bill, not only continuing the powers of the board of health, but extending them, and extending them very greatly beyond any powers they ever had before. The board may be useful for some purposes specified among the powers conferred on them. There are some things in the Senate amendments, I confess, that this board is very well qualified to act upon. A few lines preceding the part of the section that I have just read I find this provision:

The said board of health shall also be charged with the care of the sick poor of the said District, furnishing medicines and medical attendance for the same, and with the burial of deceased paupers.

As I understand, one of these gentlemen is a homeopathic physician, he comes with his belladonna and other pellets. Another believes in cundurango and God knows what else. The third I may suppose adheres to calomel and ipecac. If these three gentlemen are permitted to go together as a board among the poor of this District, furnish them with medicines and attend them jointly, we may have very many funerals but there will be very few sick poor after they are through with them. If they furnish them each with their own medicines I think they will dispose of them very effectually. But it is poor economy and worse philanthrophy to dispose of the poor creatures in that sort of style. I think General Barnes or some other well-qualified man selected by the commissioners would see that those people were provided for upon some system that would not be in conflict with all the others. There should be a single head to order and control, and there should be some unity of action when we are trying to relieve the sick instead of a medley of conflicting ideas. With this board as now constituted I think there can be no unity of action. I do not mean to reflect upon those gentlemen; they have their own ideas, but their ideas are very wide apart, and the conflict will be very dangerous to the patient indeed if they should together go into a sick-room. I should not like to have them waiting on a friend of mine, each having equal authority to prescribe.

But I was going on to speak, when Senators interrupted me, of the system of public improvements made under the supervision of the board of public works. If you will go any where to the southwest of the President's house, from the time you strike the street beyond the State Department up to the street where the Observatory stands you will see streets and avenues laid out at great expense, running to the river, elevated far above the natural grade of the lots. You will find that in high water those lots are flooded. They belong to, certainly they are occupied by, very poor people, who are absolutely unable to bring those lots up to grade. The bringing of them up to grade would cost far more than the value of the lots when so elevated. To give three doctors, for they constitute the majority of the board of health, who may have peculiar notions about what is sanitary and what is not sanitary, the power to require everybody who owns a lot that has been thrown below the grade, or, as the Senator from California says, thrown up above grade, to bring it up or down, as they may direct, even against the will of the commissioners, when soil cannot even be had perhaps, in many cases, to bring it up if it is ordered to be elevated, is a power that no body of physicians ought to have. It is a power absolutely in conflict with the power granted to the commissioners. It shows the wisdom of the House, and, as I said of the motion of the Senator from Vermont, if this is to be a uniform system and if the people of this District are to be governed by a uniform code of laws and if Congress intends to do anything really for their benefit, we should not put another board, no matter how distinguished, scientific, professional, or otherwise it may be, in conflict with the commissioners who are authorized to be appointed by this bill, but give the people a chance to hold on to their property and not to be at the mercy of the whims of anybody without appeal to the courts, as is now proposed.

I said in the beginning that it was perhaps a board so organized that it ought to have less to do with property, that it knew less of the practical details and of the management of property than any other board that could be selected. They may be very scientific men in their way, but they should be confined to their profession. The bill as it came from the House comes nearer to my idea of what is required to meet the wants of the people here than the committee's bill. I do not say anything against the mode of selection of the three commissioners, but I would select the engineer officer from the very highest ranks of the Engineer Corps, and the House seemed to desire that to be done. I would have him to be a man, because his duties are very great and important, who has the experience and the ability necessary for the work; one who would command the confidence of the people. I do not know whom the President would appoint. I know several of the older members of the corps who would help to govern this city with honesty, integrity, and ability, such a man as we have now as a superintendent of public buildings and grounds, for example, or such a man as we had before us the other day in the Transportation Committee, although I never saw him before, General Wright, who would take hold of the work, with power and ability to bring order out of chaos in this District. The President may get such a man of the rank of captain or lieutenant. I do not know, but I doubt it.

I am rather opposed to any voting for officers in the present condition of the District while we are paying half the expenses; but I would not object much to a council selected by different wards, so that there would be some men of one side of politics sent from one ward and men of another side sent from another ward; some men who are Catholics and some who are Protestants, some of all sorts of religious views and some without religion, who would advise the commissioners and the committees of Congress about the management of affairs. I would not have a body of men appointed by the President and a delegate elected of the same politics, with the same ideas, charged, as they would be, with being in all sorts of rings. Some, I think, ought to be on one side of politics and others on another. Any other condition would make constant discord. I would give a general hearing to all the people of all classes, of all shades of politics, instead of having a board of health organized independently, conflicting with, cramping, impairing, and injuring the action of the commissioners.

It is known to all of us that grave charges have been made in the last six or eight years relative to all sorts of extravagance in the affairs of this District. I said yesterday that we had given $3,155,417 in 1873, within sixty days, to the first board of public works to aid in making improvements, and the Senator from Kansas, [Mr. INGALLS,] who likes sharp contrasts, asked me if I knew that we had only given them $6,000,000 since the District was organized, while the District had paid $35,000,000. I did not know it, but I knew that in those three items within sixty days we gave them $3,155,417. I like sharp contrasts, too, and therefore I desire to make a statement now, as I had forgotten it yesterday although I had the finance report before me. Three million one hundred and fifty-five thousand dollars is rather a large sum of money. It only required $2,551,000 in 1796 and $2,883,000 in 1797, the two first years of the administration of John Adams, to pay all the ordinary expenses of this Government including, War, Navy, Indians, pensions, miscellaneous, legislative, executive, and judicial departments. We gave to this city or its managers more money for our share of making streets and pavements in the city of Washington than the average annual expenses of this Government from the day of General Washington's inauguration up to and including the second year of the administration of John Adams. Three million dollars is a pretty large sum of money.

Mr. INGALLS. Will I disturb the Senator if I interject another remark?

Mr. BECK. Not a bit. I have just said that I like sharp contrasts.

Mr. INGALLS. The United States of America have not expended as much money here as they received from the sale of lots here. The Government of the United States is to-day money in pocket from the sales of property in this District and in this city.

Mr. BECK. I did not know that either, but as something has been said about the value of our property, I desire to say to the Senator from Kansas that I have consented to the provision requiring Congress to appropriate money to pay one-half of the expenses, and that surely is liberal. It is said the streets and avenues and parks of this city we own. They are owned for the benefit of the people who live here, and the property they own facing those grand parks is more valuable than any other property, and we keep it up and pay for it for their benefit. As I said, I agree to paying pretty liberally to keep up everything connected with the city, but I do want the power and responsibility confined to the commissioners, however selected, and I want no extraneous board, either of health or anything else, to come in and interfere with their powers. I hope the President will succeed in selecting the very best men he can find, regardless of their politics. May be he can find them without politics altogether, so that they can come to this end or to the other end of the Capitol and have justice done to the city, and see that no more combinations are formed such as it is charged have been going on for the last five or six years. I do not mean by that to reflect on the man who was at the head of this great city for many years. I have heard all sorts of things said about Mr. Shepherd. I know nothing personally as to the truth of them, but I know from what little I have seen and know of him, and the work he has done, that he is a very able man, and the works that have been laid out in this city, if carried ont to perfection, will make it the most beautiful city in the world. Whether the money was applied rightfully or wrongfully, or whether he had knowledge of it or not, when I compare the city as it was ten years ago, when I first came to Congress, with what it is now, I am bound to say I would not, with my limited knowledge of such things, undertake to do the work for twice the money that has been either spent upon it or squandered upon it. All these things I have to admit, but I do not want boards injected into this bill with powers that will be either oppressive to the people or that conflict with the rights, duties, and obligations of the commissioners who are now to be appointed.

Mr. WINDOM. I dislike exceedingly to disagree with the Senator from Vermont, who is so generally right upon all questions of this character, but in this case I am compelled to follow the advice of the Committee on the District of Columbia. The health of a city is a subject with which we should deal very carefully and cautiously. If we take into account the experience of this city with the present board and the health organization that preceded it, I think, as has been so well stated by the Senator from Kansas, we shall find sufficient reasons for its continuance.

The Senator from Kentucky who has just taken his seat has traveled over a pretty wide field in his attempts to sustain the motion made by the Senator from Vermont. He is opposed to the continuance of this board, in the first place, because he does not like the character of the men; they have been charged with certain offenses by some committee or other. To this I reply that if the *personnel* of the board is not right change it, but that certainly is no argument why the organization itself should be abolished. I do not believe the statements made in the report quoted by the Senator from Kentucky. I believe the board is constituted of high-toned, honorable gentlemen, and I have seen no evidence of wrong-doing on their part. But the character of the board has nothing to do with the question one way or the other. If the *personnel* be not right, I repeat, change it. But do not jeopardize the health of the city because you do not like the men who constitute the existing board.

The second ground of opposition stated by the Senator from Ken-

tucky is that certain provisions of this bill contain powers which are dangerous, and consequently that the board itself ought to be abolished. The logic of that proposition the Senate will appreciate. The powers proposed to be granted by the bill do not touch the question whether this board is of itself desirable and whether it has accomplished results which justify us in continuing it under proper restrictions. The committee may have clothed it with powers that are too broad. If that be so, let us modify the bill and restrict these powers.

The third argument by which the Senator from Kentucky sustains his position is that one member of this board is a homeopathic physician and another an allopathic physician, and consequently their medicines will not agree very well with the patient; therefore this board should be abolished.

The other and fourth argument made by the Senator from Kentucky is that Mr. Shepherd and the members of the board of public works were guilty of great extravagance when they digged this city out of the mud and made it what it now is; therefore the board of health should be abolished. I believe that that sums up the entire argument of the Senator from Kentucky, and it is the best argument I have yet heard why this board should be abolished.

Mr. President, I have never known the question brought before the Senate with reference to appropriations for the board of health that this same argument or one similar to it has not been made. There seems to be in the minds of some Senators a prejudice against this organization, as I know there is on the part of some of the citizens of the District. Whether that prejudice reaches the minds of honorable Senators through the medium of these citizens, I do not know. It is certain that the board of health in dealing with nuisances in this city, in the execution of the powers which have hitherto been conferred upon them, have been compelled to offend a great many people. Now I want to read a little extract showing what this board has accomplished. I read from the report for 1876, and I do so because it so graphically states the exact condition of things before this board was organized.

During these seventy-three years of transition and development—

That is, from the time the District of Columbia was set apart until 1871, when this board was organized—

the city has passed through eighteen governmental administrations, and probably forty municipal; yet in 1871 this board of health found a flagrant nuisance known as the Washington Canal, which, in the emphatic words of Professor Henry, was "an open cess-pool, a fruitful source of discomfort and disease, receiving the sewage direct in its midst, and inconsistent with the intelligence of the age." This canal, traversing the city from Rock Creek to the Eastern Branch, passing within a few hundred yards of the White House, the War, Navy, and Treasury Departments, through the Agricultural, Smithsonian, and Botanical gardens to the very doors of the Capitol itself, its shores abounding in malarial poison, and the people abandoning its neighborhood as the Romans flee from the night-mantle of death of the Campagna.

There are any number of "old residents" in this city who do not feel at home because they cannot smell that old canal, and they are unhappy, and they go to the Senator from Kentucky and tell him that one member of this board of health is an allopathic physician, and another a homeopathic physician, and therefore the board should be abolished, when after all it is only the absence of the bad odor from the old canal that disturbs them.

It moreover found hundreds of lots below grade, covered with stagnant water, endangering the lives and health of the residents of the neighborhood; hundreds of alleys, receptacles of house offal, giving rise to dangerous effluvia that found its way into the windows of inhabited dwellings; hundreds of hovels, the abode of the poor, with leaky roofs, damp walls, no privy, or water supply, and unfit for human habitation; hills of ashes and filth in open lots, the accumulation of many years; thirty-thousand privy-boxes, many in bad condition or overflowing, and subject to an occasional emptying by a most barbarous and crude system, the operation of which awoke our citizens from their peaceful slumbers to shut out the stench from their sleeping-rooms—

And some of them are not happy because they are not now awakened by the same causes—

The scavenger coming in the dead of night like a thief, afraid to be observed; house offal and garbage accumulated in large quantities in yards, subject to a vicious system of removal that cost the city $25,000 per annum; slaughter-houses strewn among our populated districts that claimed as a *raison d' être* the time they had been allowed to remain and carry on their filthy work in our midst; no quarantine laws or regulations to prevent the incursion and spread of infectious and contagious diseases; no bureau of vital statistics to record births, deaths, and marriages, and to prevent crime; no control over cemetery-superintendents or undertakers, so that persons were buried with or without a physician's certificate, whether death had occurred from poison or violence, small-pox, yellow fever, or cholera—the dead were put away under the sod and no questions asked, unless glaring and unmistakable evidence of foul play existed; no inspection of food, so that meats from blow to decomposed were sold in open market unobserved; no inspection of marine products, so that thousands of bushels of oysters, clams, and other fish unfit for human food found their way from the shambles of the vender to the consumer's table; domestic animals running at large, imperiling life and destroying ornamentation; thousands of hog and cow pens, the inhabitants of which found comfort and food in our alleys, streets, and parks; and innumerable other nuisances were discovered here, tolerated by the apathy of the citizens or their unsanitary authorities.

Mr. President, this is a picture of old Washington as it existed a few years ago and as it existed very nearly up to the time this board of health was organized. The wonderful change we now see is largely due to the exertions of the very organization which you seek to-day to destroy. What has it done? Has it been expensive? Has it been extravagant? Look for a moment at what this service cost before the organization of this board. I hold in my hand a statement that the expenses of the old organization were $62,500.

Mr. EDMUNDS. What was that organization?

Mr. SARGENT. What was the date of that organization?

Mr. WINDOM. The old sanitary system of this District prior to the organization of the present board of health was composed of ten policemen, called the sanitary police, under the charge of a lieutenant. The expense of sustaining this force was $14,500 per annum. These men were not selected with a view to their scientific acquirements, nor were they instructed or directed by experienced sanitarians. A secretary was employed at a salary of $1,000 per annum; the expense of the removal of dead animals was $1,000 per year. Medicines and medical attendance for the poor cost the District an average of $22,000 per year. Under the administration of the present board of health this service has been performed in a more satisfactory manner at an expense not exceeding $6,500 per annum.

Now I will read the Senator from this report of the board of health more fully:

Sanitary squad of police, composed of ten policemen and a lieutenant, ignorant of sanitary laws and the science of hygiene, and under no advisory sanitary counsel	$13,500
Office and salary per annum of a secretary to a board of health composed of many members, without money or authority whatsoever	1,000
Medical attendance and medicines for the poor, 1871, 1872, and 1873, average per annum	22,000
Removal of garbage, 1872 and 1873, average	25,000
Removal of dead animals	1,000
Total	62,500

That is what it cost; and now what was the service rendered. I have named it. I read further what this report sets forth was the condition under the old *régime:*

No inspection of food;
No inspection of marine products;
No registration of vital statistics.

Mr. EDMUNDS. What do you mean by "marine products?"

Mr. WINDOM. I mean fish.

Mr. EDMUNDS. Is not that food?

Mr. THURMAN. What were the years in which the annual expense of the removal of garbage, &c., was $25,000.

Mr. WINDOM. "Removal of garbage 1872 and 1873, average, $25,000."

Mr. THURMAN. Was not this very board in function then?

Mr. WINDOM. I think it was not in organization at that time.

Mr. THURMAN. I do not mean that it was composed of the same persons, but of pretty nearly the same persons. They were created, I think, by the act of the 21st of February, 1871, so that they were in function at the time that those expenses were incurred.

Mr. WINDOM. It is very evident that it was under a different arrangement, because it was an entirely different organization.

Mr. SARGENT. The difference was caused by our cutting down the means to be placed at their disposal. We compelled them to be more economical.

Mr. INGALLS. The present board was organized in April, 1871.

Mr. WINDOM. I quote from the board itself, showing what took place in those years.

Mr. SARGENT. Showing their good operations when we gave them what money they wanted to spend.

Mr. WINDOM. Whatever may be the facts with reference to that, I want to say that so far as the present organization of this board is concerned and its expenditures, it not only challenges comparison with any other health organization in the world in point of success in maintaining the health of cities but in point of economy also.

Mr. BAYARD. May I state to the Senator just one fact? In 1874 when this question came before the Senate the salaries of the board of health then aggregated about $35,000. I do not know what their expenses were, but the salaries were $35,000. That was for a community of about one hundred thousand people. I wrote home to the city where I was born and live now, to ascertain the expense of the board of health of a town which would compare in every respect so far as sanitary arrangement and sanitary condition with Washington, a town of forty-five thousand people, Wilmington, Delaware. I ascertained what had been the expenses of the board of health of that city. They were less than $900 in the year; and I say that the health of the town, the convenience of the citizens, the removal of deleterious substances and objects, is quite efficient and perfectly satisfactory to those people.

Mr. WINDOM. I presume that my friend from Delaware represents a peculiarly healthy city; but if he will take the other cities of the country (and I have a report here of their expenditures) he will find that the expenses of the health organization are far less than any of them. I read, if the Senator will allow me to finish that point, from the same report of the board of health for 1876:

Comparative expenses of boards of health—Memorandum compiled from reports of other health boards.

Philadelphia, expenses for 1874, $337,809.44; population, 750,000; expenses *per capita*, 45½ cents.

Boston, year ending April 30, 1875, $469,031.91; population, 342,000; expenses *per capita*, $1.37.

Baltimore, year ending October 31, 1875, $268,855.47; population, 350,000; expenses *per capita*, 76½ cents.

New York City, year ending 1873, salary account alone, $215,277.04.

Now it is stated by the Senator from Kansas, who I have no doubt has carefully examined this subject, that the expenses are less than $50,000 for the board of health.

Mr. INGALLS. Between thirty-two and thirty-three thousand dollars.

Mr. BAYARD. And their salaries?

Mr. INGALLS. It includes their expenses.

Mr. WINDOM. So that the expenses of this District are even much less *per capita* under this board of health than even under that of Philadelphia, with a very much larger population. The expenses *per capita*, where you have a board of health at all, would naturally increase with the increased population of the city; but here we have a city of only one hundred and sixty thousand with a much less *per capita* expenditure under this board than in Philadelphia with over seven hundred and fifty thousand; and we have a city which may safely challenge comparison with any of them in the efficiency and success of its sanitary regulations.

Mr. MERRIMON. I want to call the attention of the Senator to the fact that he is in error about the cost of administering the health department of this city. I have before me now the estimates for the next year and the estimates made by the present board of health. They are as follows:

For general sanitary inspection; to prevent the sale of unwholesome food; to prevent domestic animals from running at large; to secure a full and correct record of vital statistics; for the transportation of offals; to prevent the introduction and spread of infectious and contagious diseases, and for miscellaneous and contingent expenses, $43,055, one-half of which sum, $21,527.50, is required from the funds of the District.

In addition to this, a further sum of $15,000, more or less, will be required for the garbage service, and $1,000 for burial of paupers.

Mr. EDMUNDS. You have not got it all into that even.

Mr. SARGENT. There is nothing about salaries.

Mr. MERRIMON. Nothing about salaries.

Mr. WINDOM. What does the Senator read from?

Mr. MERRIMON. I read from the report of the board of health.

Mr. WINDOM. Estimating what is necessary for the coming year?

Mr. MERRIMON. For the next year.

Mr. WINDOM. But they did not have anything like that sum last year.

Mr. INGALLS. Thirty-two thousand nine hundred and two dollars and fifty cents was the amount, including that appropriated by Congress and what was paid also from the funds of the District, one-half from each source, and it covered the entire expenses, including salaries, sanitary inspection, condemnation of products, and removal of offal, garbage, and dead animals.

Mr. WINDOM. That was about twenty cents *per capita*, as against forty-five and a half cents in Philadelphia, which as all have seen has the cheapest health department of any of the large cities. Now, unless some better reason can be given than any I have heard advanced, I earnestly hope the Senate will not jeopardize the health of the city by adopting the amendment of the Senator from Vermont and turning this service over to an Army officer who, however worthy and competent, (and I have the utmost respect for General Barnes,) has neither the organization at command, nor the time to perform the duties of the board of health. If it were a mere matter of dollars and cents, we could afford to experiment, but we dare not do so where the lives and health of the people are concerned.

Mr. EATON. I desire to suggest to my friend from Minnesota that if he is right with regard to the amount *per capita* then even the estimated expenditure makes it very much less *per capita* than it is in any of the cities he has named.

Mr. WINDOM. Certainly; the estimated expenditure is about $60,000, which would be less than forty cents *per capita*.

Mr. MERRIMON. The health of this city, Mr. President, is a subject, in my judgment, of first-rate importance, and I would regret exceedingly to do anything in the exercise of my office here calculated in any measure to impair the health of the city. This subject has been one of interest to me during the consideration of this bill, and I wish I were able to suggest a remedy for what I conceive to be a very grave evil. I think this board of health is not properly constituted. I think it is a sort of practical despotism set up here by Congress in the District of Columbia. It is invested with powers that no body in a free country like this ought to be allowed to exercise; and, in addition to that, it is extravagant beyond what is reasonable. I doubt exceedingly whether that board, if its authority were questioned, could exercise the powers conferred upon it. I was astonished when I came to examine the subject to see that it was invested in many respects with absolute power over the property of the citizens of the District of Columbia. This bill provides:

The said board shall have power to define, declare, and cause to be removed or abated nuisances injurious to health.

There is no judicial proceeding invoked. These five gentlemen, and for my purpose I do not care whether they are good men or otherwise, go to a house in this city; they examine it, and in their judgment, without any hearing on the part of the person who owns the property, they order the house to be pulled down, and it must be pulled down by the police. Their report, which I have before me, shows that they condemned last year about one hundred and fifty houses, which they called hovels, and the owners of that property had no hearing in court at all. The property was virtually destroyed at their will, under their direction, without any limitation upon the power of these five men.

Then look at the provision to which the Senator from Kentucky called attention a moment ago:

The said board shall have power to require the draining and filling up or reducing to proper grade, as may be necessary, in their judgment, in a sanitary point of view, any lot or lots within said District.

I remember that a case was brought to the attention of the committee, at all events it was brought to my attention, where they directed the owner of a lot to fill it up, and the expense of filling it up was more than the lot was worth.

Mr. THURMAN. After it was filled up?

Mr. MERRIMON. More than the lot was worth after it was filled up. Not only is the owner required under their direction to fill up a lot that they deem injurious to health, but he is required to do it as they direct. He has no option. He is not heard before any court. He is not heard to make opposition to their orders. They are absolute. I remember that I brought to the attention of the board of health when they were before the committee the subject of these high powers, and suggested that the board of health ought to be subject to the commissioners, so that there would be but one head to the government of the District of Columbia. They hooted at the idea, and they said if they were deprived of these high powers their efficiency would be absolutely destroyed; that no board of health could perform its functions properly unless it was vested with these absolute powers. I was not satisfied for those reasons with this part of the bill, and reserved my right to oppose it. I confess, however, and I regret it is so, that I am not able to suggest an adequate remedy for what I regard, as I said in the outset, as an evil. I was quite impressed with the suggestion of the Senator from Vermont that the Surgeon-General might take charge of the health of this city, and the more I think of it since he made the suggestion the more I am impressed with the practicability of his suggestion. This District is under the direction and control of the Government of the United States. The Surgeon-General's office is not overburdened with services essential to the comfort and safety of the Army.

Mr. INGALLS. The pension claims are eighteen months behind in the Surgeon-General's Office.

Mr. MERRIMON. I did not know that the Surgeon-General had charge of pension claims.

Mr. INGALLS. He has charge of the records on which the pensions are granted, and the pensions are eighteen months behind in his office.

Mr. MERRIMON. He has a class of clerks who attend to that work. I understand that there are assistant surgeons and subordinates who could easily discharge these duties and who are very learned men and well adapted to this service. If that is true, I am very sure, looking at it, I confess, rather hastily, that that is the best solution of this difficulty which I have seen. I am satisfied that the powers conferred upon this board in a country like this are monstrous. The idea that this board of health can go to my house and declare that it is a nuisance, and that I shall not be heard, that I shall have no opportunity to go into the courts and contest their judgment, is monstrous and shocking to me.

Mr. WINDOM. Will the Senator allow me to ask him a question on that point?

Mr. MERRIMON. I will.

Mr. WINDOM. For the sake of argument, suppose the Senator's house to be an actual nuisance and the laws are unchanged and these powers are conferred on the Surgeon-General, would he not be compelled to abate the nuisance, or else the nuisance would remain and would poison the air of the city and breed disease and death?

Mr. MERRIMON. My answer to that is this: that in providing in the first place for the ascertainment of nuisances, and then for the abatement of nuisances, the citizen who is affected thereby ought to have some opportunity by a provision of law to be heard.

Mr. WINDOM. But does the Senator understand that that is an argument in favor of abolishing the board, or is it only an argument against the details of the section?

Mr. MERRIMON. I am making an argument against this provision of the bill, not on one point but on various points.

Mr. WINDOM. It would be good on that point.

Mr. THURMAN. Will my friend allow me to call his attention to an obsolete document called the Constitution of the United States, article 5 of the amendments, in these words:

No person shall be * * deprived of life, liberty, or property without due process of law.

Mr. MERRIMON. That is the subject that was pestering me. I remembered that provision of the Constitution. It is an instrument that I love very much. When I found that this high power was conferred upon this board, I thought about the Constitution, and I was affected adversely to the board.

Then there is another subject in connection with this clause of the bill that I want to bring to the attention of the Senate. This board are charged with the administration, in a large measure, of the charities of this District. It is important that Congress shall take cognizance of that subject and act wisely upon it. The subject of charities in the District is becoming one of very great moment to the Government of the United States, and indirectly to the people of the United States. Nearly 6 per cent. of those who enjoy the benefits of the public charities do not live in the city of Washington at all; they are paupers,

tramps, vagabonds, from Virginia and Maryland and every other State in the Union, who come hurrying into Washington, and as soon as they come here they are entitled to the benefits of these charities.

Mr. DORSEY. I should like to have the Senator point out the authority for the board of health having anything to do with charities. I was not aware that they had anything to do with charities in this District.

Mr. MERRIMON. I thought I saw a provision here that they should have the direction of charities. By this tenth section they are—

To make rules and regulations for all hospitals used exclusively for the isolation and treatment of persons afflicted with infectious or contagious diseases; to provide for admission to hospitals, asylums, alms-houses, and infirmaries.

I wish to call the attention of the Senate to a summary on this subject, which shows how interesting it is:

WASHINGTON, *November* 10, 1877.

GEORGE W. RIGGS, Esq., *Chairman, &c.:*

DEAR SIR: I regret that the committee on charities are able to present but a partial report.

This is a subcommittee of the committee of one hundred of the citizens of this District.

You desired a reliable statement, showing what proportion of beneficiaries from funds appropriated by Congress for charitable and benevolent purposes are resident of the District and what are non-resident.

The report of the National Soldiers and Sailors' Orphan Home shows 24 beneficiaries: resident of the District, 15; non-resident, 9.

The Providence Hospital, from November 1, 1876, to November 1, 1877, treated 930 patients: resident of the District, 279; non-resident, 651.

The Children's Hospital, according to their report of 1877, had 1,331 patients: resident of the District, 586; non-resident, 745.

Freedman's Hospital, total inmates, 277: resident, 89; non-resident, 188.

Home for Aged Women and Children, inmates, 115: resident, 25; non-resident, 90.

The Women's Christian Association, which is supported wholly by private contributions, during the year ending December 31, 1876, had 146 inmates: of these, 47 were from the District; the others came from twelve different States of the Union.

From these figures, it appears that 58 per cent. of those receiving aid from Congress are non-resident.

Absence of one of our committee from the city prevents a report from the organizations not included in the above.

All which is respectfully submitted.

WM. STICKNEY,
Chairman Committee on Charities.

If Congress shall go on making appropriations every year and without making any definite regulations touching the admission of persons to the benefit of these charities, it will not be long until thousands and tens of thousands will crowd here in order to get the benefit of them.

Mr. BAYARD. I ask the Senator if one-half the cost of maintaining those non-residents is not to be borne by the local inhabitants.

Mr. MERRIMON. I believe that the Senator is correct in that suggestion.

I do not know where we get the power to become general almoners for the people of the United States. It is not the business of this Government to take care of the poor; it is the business of the several State governments; and stricter regulations ought to be provided to prevent paupers and tramps and vagabonds from crowding into this city and over-running it. If this evil is tolerated, if it is allowed for a long while to prevail, the time will come when the Government itself will be in danger from such a city as will surround this Capitol.

There is another subject that is interesting. I was going to make the remark I shall make now under another head, but I may as well do it now, and not trouble the Senate hereafter about it. I was astonished to find that citizenship of the District of Columbia has never been defined by law. I do not suppose there is a lawyer in the District of Columbia to-day who can tell technically who is a citizen of the District. Everybody who comes into the District of Columbia is a citizen in some sense. How far he is entitled to the benefits of what pertains properly to the city government, I do not suppose anybody can tell. I propose a remedy for this evil—for it seems to me that citizenship ought to be defined—by at the proper time offering this amendment:

All persons who now are or may hereafter reside permanently in the District of Columbia and have no other place of fixed abode, and none others, shall be deemed citizens thereof.

If that should be held to be citizenship, a large portion of this population will not be here to claim the benefits of such appropriations as Congress ought naturally and justly to make for the benefit of this city.

Mr. THURMAN. The word "persons" there should be changed to "citizens of the United States."

Mr. MERRIMON. That is a very proper suggestion. But there is another subject in connection with this, and bearing upon it directly, to which I will advert. The public-school system of this District is one of the best in the Union. I doubt if there is a public-school system in any of the States superior to it; none, perhaps, unless we may except the school system of Connecticut. There are in the District thirty thousand children. Two-fifths of the children who attend the public schools are not the children of citizens, of persons who can be called citizens of the District of Columbia at all, and they are not tax-payers; they do not pay a dollar into the treasury of the District for the purpose of defraying the expenses of the schools. Any one who will look at the school statistics will see that the numbers are increasing every year unnaturally. It is a fact that a number of citizens in my town may to-day lease a house in this city, send their children here, put a matron in charge of them, and educate their children free of charge, at the expense of the people of the District of Columbia: or, as provided by this bill, one-half would be paid by the people of the District, and the other half by the Government. Not only might that be done in the case I have mentioned, but it might be done by persons anywhere in the Union. This evil is increasing every year. I maintain that Congress ought to put an end to it, and that the man who is not a citizen of the District of Columbia ought not to be allowed to send his children to the public schools here free of charge. To head off that evil I have prepared this amendment:

Only the children of citizens of the District of Columbia shall be entitled to attend the public schools of the same free of charge; but persons within the age prescribed for pupils attending such schools may attend the same, first paying reasonable tuition fees, to be fixed by the trustees of the public schools.

Mr. JONES, of Florida. What constitutes citizenship in the District of Columbia?

Mr. MERRIMON. I have just undertaken to define it by law. I understand that twenty-five or thirty members of Congress send their children to school in this city now. What right have they to send their children to school here? The Government is paying each of them $5,000 a year for his services, and yet such a person is to have the benefit of educating his children here. He pays no taxes here, not a dollar; and upon what reasonable ground can he be allowed to send his children to the public schools here?

Again, all the employés of the Government here, the Army officers and the Navy officers, who wish to do so, send their children to the public schools and educate them free; and yet we know that the Government pays these officers and employés and pays them promptly. By what right, by what authority do they send their children to the public schools here free of charge? Let no one suppose that I am hostile to popular education. I do not believe that popular education has a warmer friend in this country than myself; but I wish to see those pay for this popular education who ought to do so.

Mr. JONES, of Florida. What is the condition upon which a child is admitted to a public school in North Carolina? How long must a person reside in North Carolina before he can send his child to school there?

Mr. MERRIMON. I do not recollect the details of the provision.

Mr. JONES, of Florida. But must he pay any tax at all? From my knowledge of the public-school system in the States of the South, there is no condition imposed, and the inhabitant of any State, no matter what time he resides within its territorial jurisdiction, may send his child to the common school there. I do not know how it is in other States of the Union.

Mr. PADDOCK. In other States it is the same.

Mr. CONKLING. Is there any State in which that is not so?

Mr. JONES, of Florida. Not that I am aware of.

Mr. MERRIMON. That may be all very proper for the States; I do not know that I should want to abridge the provisions of the law in the several States one jot; but where does Congress get the authority to provide public schools in this city to be supported by the munificence of the Government and by the taxes paid by the people of the District of Columbia, to educate all the children who come in here from all the States? Even if such a power existed, is it not pefectly manifest that it cannot operate perfectly and well, if carried on for a long time?

My purpose was simply to bring this subject to the attention of the Senate. It is a very interesting subject, and it is a very important one. The expenses of the public schools are increasing tremendously every year. They want half a million dollars in the public schools. They want $400,000 now to build new school-houses. There are six thousand children in this District now attending school who do not attend school in any regular school-house at all. Many of them are being educated in shanties, and the number is increasing every year, as I said a moment ago, unnaturally. These immense sums will have to be provided for, and in every year in an enlarged measure. I maintain that Congress ought to pay serious attention to this subject, and we ought to provide by law what class of people shall be entitled to the benefit of public charities, and as well what class of children shall be admitted free into the public schools. I maintain that Virginia, and Maryland, and West Virginia, and North Carolina have no right to send their poor, to send that class of their people that are unable to contribute to support themselves by their labor, into the District of Columbia to the end that the people here and the people of the United States shall support them.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. Mr. President, I cannot let things go by, seeing that I made the motion, without saying a word or two about this business.

The Senator from Kansas says, if I understand him, that there is a certain inconsistency in the argument I have made in support of my motion; that is that I wish to transfer these powers to the Surgeon-General and that is just as invidious to the old other boards as it is to leave this as it stands. I do not care to make any comment upon that, because I fail to see the connection between the two ideas.

The point I undertook to make upon that was that here were various other boards in this District equally important to the welfare of the community and whose conduct had never been the subject of criticism or suspicion, that this bill provides for the abolishment of,

and it retains only as a distinct and independent—and I beg Senators to mark the word "independent"—organization this board of health. They are entirely independent of the governing power in this District, the commissioners. The care of the schools, of the police, of everything else that enters into the welfare of the community and the safety and comfort of the persons who are obliged to be here, is confided to this single executive authority; but in this particular single excepted instance, the board of health, (whose expenditures in previous years until Congress reduced the appropriation so that there could not be such expenditures were enormous,) is to be preserved.

Now, upon what principle can that be maintained? In all the communities in New England that I know anything about, in some cities—I will not say all cities, but some cities—the governing authority, the selectmen of the town as they are called in New England, the supervisors of parishes and townships as they may be called in other sections of the country, as the responsible executive authorities of the community in which they are, are charged with the duties of preserving and protecting the health of the inhabitants. And yet here it is proposed, in spite of all this scheme of bringing the executive duty of governing this District and taking care of its welfare under one responsible head, to say in respect of this board that it shall be an independent and irresponsible head in the sense of its relations to the rest of the powers to be exercised in this District. I submit, Mr. President, with considerable confidence, that that is entirely illogical; it cannot be maintained; there is no reason for it at all.

In the next place, I repeat what I stated before, that if economy is as it ought to be, one of the objects of this new legislation, there can be a great saving whether you put the execution of this duty into the charge of the commissioners, or whether you put it, as I think it ought to be for economy, into the charge of the Surgeon-General, not as an independent authority but merely as a functionary to carry out existing laws and regulations, whose accounts and expenditures are to be audited in the same way that others are, going through the approval of the commissioners and the Auditors of the Treasury, &c. If you do that, as I think ought to be done, or if instead of that you intrust it with the commissioners, you will make a saving as I believe from some study and examination of the subject, of a great many thousands of dollars in a year.

All this, of course, has no relation at all to the question as to whether the present board of health has done its duties well or ill, any more than the question in relation to these other boards is affected by what they have done well or ill.

But now, to go a little further, this board of health has reported, as read by the Senator from Minnesota, a comparison of its expenses with what they were before in this way:

> Let us compare the expenses for sanitary work during the old inefficient *régime* with the present successful one.

Of course that is very modest; but I will not remark upon that.

Sanitary squad of police, composed of ten policemen and a lieutenant, ignorant of sanitary laws and the science of hygiene, and under no advisory sanitary counsel	$13,500
Office and salary per annum of a secretary to a board of health composed of many members, without money or authority whatsoever	1,000
Medical attendance and medicines for the poor, 1871, 1872, and 1873, average per annum	22,000

Why they did not state each year might be interesting to inquire if we had the time.

Removal of garbage, 1872 and 1873 average	25,000
Removal of dead animals	1,000
Total	62,500

No inspection of food;
No inspection of marine products;
No registration of vital statistics, &c.

Now, what is the fact, Mr. President? In the year 1871 when the government of the District of Columbia which preceded the present commissioners was established, this board of health was established; and yet in order to show Congress how preferable their operations were to those of somebody else, they make up a table which includes for two or three years a part of their own operations with previous expenses in order to show how extravagant they were! That is not a very fair way of stating things.

It has been said by my friend from Minnesota that they have reduced these expenses enormously even since they began themselves. The expenses have been reduced, but they did not reduce them. The thing had got so bad, as I well remember and as other Senators who were here will remember, that after discussion in the appropriation bills their estimates of expenditures, when compared with what had been made before, were reduced by one-half or perhaps more—I have not looked at the exact figures, and therefore I cannot state precisely—and inasmuch as they were obliged thereby to limit their expenditures by act of Congress they did it, and then they come to you in 1876 and 1877 and say "Behold how economical we have been; how we have reduced your expenses!" when until they were reduced by the strong hand of the law, they were not reduced at all, and whatever merit there is is in Congress in refusing to appropriate money to be thus expended, instead of in any action of this board.

The *personnel* of the board is a matter of no account here; the statements that are made on the streets and in these reports to Congress and in the resolution of the House of Representatives, which the Senator from Kentucky did not read, upon the report that he read, unanimously adopted without a division, sending the evidence and the report of the committee to the law officers of this District and requesting them to take the proper steps to bring the matter to an investigation—notwithstanding all that, the real question is what is the true policy for the future? You have here a municipal corporation that requires to have its health attended to. Is there any more reason for having an independent and separate tribunal or executive department for that than there is for any of the other various important interests of this District? There is not any more; and, as my friend from Missouri [Mr. ARMSTRONG] suggests, it is doubtful whether there is so much.

In all of the New England towns I think I am safe in saying—perhaps I am mistaken, but certainly in the towns of the State from which I come—the executive authorities of the town or city are charged with the duty of protecting the health of its inhabitants, and according to the nature of the case they, responsible to their own constituents, either enlarge or diminish the expenditures through the proper agencies. Now if you turn over this independent tribunal, this independent paramount executive authority, which as has been stated comes in conflict in many points with the other powers that you have conferred upon the commissioners, either to the commissioners themselves or to the Surgeon-General of the United States Army, merely executing, subject to their approval, the functions of the health office, then in my judgment you will have made a great improvement, and in my clear opinion you will have saved to the Treasury of the United States that has to pay one-half of the expenses and to the tax-payers of this District who are to pay the other half, a great many thousand dollars in a year.

Mr. WINDOM. Mr. President, when I was on my feet before, the question was asked me by the Senator from Vermont as to what the former sanitary service in this city was. Without any time to examine the question, I read an extract from a report of the board of health made in 1876, without fully understanding it, and the Senator from Vermont has since quoted from it arguing that the board of health had been guilty of misleading the Senate in making the comparison between the two items found on pages 12 and 13 of the report. There is no comparison in this report of the sums total of these two statements, the one which purports to be the statement of the old, inefficient *régime* of $62,500, and the other under the present *régime*, or the one that was in existence at that time, of $65,400; but the items are compared.

In the first place under the old *régime*, as stated here, there was a "sanitary squad of police, composed of ten policemen and a lieutenant, ignorant of sanitary laws and the science of hygiene, and under no advisory sanitary counsel," at an expense of "$13,500." That expense has been entirely dispensed with, I believe superseded by the other organization. Then, again—

> Medical attendance for the poor 1871, 1872, and 1873, average per annum $22,000.
> Removal of garbage 1872 and 1873, average $25,000.

This has been criticised as being improperly stated because these items of expense were incurred since the present board came into existence. That is true; but they were not incurred, as I am informed, by this board of health. Up to and until after the year 1873 these expenditures were made under the city government and the board of public works and not by the board of health; so that the comparison is, after all, a fair one. The expense of medical attendance for the years named, averaging $22,000, is compared on the following page with the "care of the sick, poor, and medicines, $8,000," showing that the present board saved some $14,000 on that item, as I now understand it. The removal of garbage 1872 and 1873 averaged $25,000, and as shown on the following page $15,000, showing a total of $10,000 saved on that item.

Mr. EDMUNDS. Let me just call the attention of my friend, if he will pardon my interruption, to his own comparison.

Mr. WINDOM. Certainly.

Mr. EDMUNDS. On page 12 the salaries provided for are put at $13,500 only. Now will he look to the next page and foot them up there:

> Board of health as at present constituted, composed of five members—three physicians, one lawyer, one merchant:

Salary of each, per annum, $2,000	$10,000
1 health officer	2,500
1 medical sanitary inspector	1,500
1 chief clerk	1,800
That is $15,800.	
5 sanitary inspectors, at $1,200 each	6,000
3 food inspectors, at $1,200 each	3,600
1 pound master	1,200
Making $26,600.	
4 clerks at $1,200 each, (health office and registration service)	4,800
Messenger and janitor service	900

A total of $32,300 salaries standing on their own tables, expended by them for salaries or paid to them for salaries against $14,500 before.

Mr. WINDOM. Thirteen thousand five hundred dollars.

Mr. EDMUNDS. No, if you put in $1,000 for the secretary, it is $14,500. This was in the report of 1876.

Mr. WINDOM. There is no attempt to compare the salaries in the two tables at all.

Mr. INGALLS. I have the list of salaries for the present year.

Mr. EDMUNDS. I am talking about the thing on which my friend from Minnesota is pressing the attention of the Senate, the report of this board as to what they said they had done, and they have doubled the salaries upon their own comparison.

Mr. WINDOM. I am asking the attention of the Senate upon this point for this purpose, and this only, to show that there is no attempt on the part of the board to disguise the facts or to deceive anybody. They state what the salaries paid to these policemen were, and what the various items of expense were, and on the next page they state all the salaries now paid. Certainly there is no attempt to deceive; and that is all the purpose for which I made this reference to it at this time.

As to the total expenditure, I have shown how it compares with other cities, and this year it is about one-half what it was in the years I have mentioned. The Senator from Vermont says it is because we cut down the appropriations. That is true, and the report for this year shows that sickness in the city has materially increased because of our failure to make the necessary appropriations, so that I do not desire to make the comparison with the present year.

Mr. EDMUNDS. How is that? What sickness has increased for want of an appropriation?

Mr. WINDOM. The Senator asked me a question. I will read the answer to it if I can turn to it; I am very certain that I saw it in this year's report to-day.

Mr. SARGENT. While the Senator is looking for that, if it will not disturb him, I should like to call his attention to the fact that in 1873, the year when he states those things were done under the board of public works and not by the board of health, we appropriated $39,300, nearly $40,000, for the board of health, independent of the salaries paid at that time; and that was about the annual appropriation we made several years before that for the board of health, as will be seen on page 540.

Mr. DORSEY. The board of health report expenditures for the year were $62,500.

Mr. WINDOM. There has been no attempt on the part of the board of health to conceal any of the expenditures; they show them in all their reports; and you may take even the extravagant expenditures which the Senator from Vermont and the Senator from California pointed out, and then I challenge comparison with any other city on the continent to produce equal economical sanitary conditions.

Mr. SARGENT. The Senator's argument tended to show that during those years of higher expenditure than now, it was by some other organization than this board of health. I wanted to show the Senator that he was mistaken there. The Senator did say it was the board of public works that had charge of the matter. The board of public works had nothing to do with the matter at all.

Mr. WINDOM. The board of public works had charge of these two items, and the Senator's statement does not disprove it——

Mr. SARGENT. That only adds to it.

Mr. INGALLS. The extraordinary expenditures of 1872 and 1873 were caused by the small-pox epidemic, reaching $69,000.

Mr. SARGENT. Which was met by a deficiency appropriation not included in the ordinary annual appropriation bills that I quoted from.

Mr. WINDOM. I have been asked to quote parts of the report which I last referred to. On page 5 of the last report of the board of health I find—

> The mortality of the District of Columbia has, as stated above, sensibly decreased during the last fiscal year, but by referring to the report of the registrar of vital statistics it will be noticed that the mortality from certain zymotic or preventable diseases, such as diphtheria, scarlet and malarial fevers, has increased.
>
> As the office of sanitarians is to reduce, if not to totally efface, this very mortality, it is proper that this board should state the reasons for the increase. It can hardly be asserted that climatic causes have been more prolific of disease this year than the previous one, nor that malaria-generating localities have become more extensive. In my opinion it is due to the unreasonable reduction of sanitary force imposed upon the board by the inadequate appropriation made by Congress. Formerly the area of the District was divided into ten sanitary districts, each having a sanitary inspector to constantly watch its healthful condition. Congress, eighteen months ago notwithstanding the earnest remonstrances of the board, reduced that force to three inspectors, a number totally inadequate to perform the work with efficiency.

And yet, Mr. President, notwithstanding this reduction I still say that the results of this expenditure are better than in any other city; that the health of this city will compare favorably with any other, while its expenses in this regard are far less.

Mr. EDMUNDS. Now Mr. President I must ask the indulgence of the Senate on this point for one moment. The idea of pressing upon Congress in this report for 1877 which now first appears on this scene—we have been standing on 1876 before—that the increase of diseases in this town for the last year has been occasioned by the want of appropriations, is perfectly absurd, with all respect to these gentlemen. Everybody who reads the public newspapers or knows anything about his own locality, knows perfectly well that all over this country, certainly all over the northern portion of it, in rural towns that have no marshes and no cess-pools and have no cities, and where everything is almost in a state of nature, this class of zymotic diseases, as they are called, has increased to an enormous degree, and under conditions that have been precisely the same that they have been in years before, so far as the visible aspects of nature and the visible condition of houses and streets and so on are concerned. It is just so here. These gentlemen had put the city in a certain condition before; the streets were paved so and so; dead animals were carried away as they are now; there have been no new marshes built up; and yet the diseases have increased, and these gentlemen come to Congress and say it is for the want of money; money would stop this epidemic! Mr. President, that is cutting it a little too fine, I must say.

Mr. WINDOM. All I want to say in answer to the Senator's statement is that doctors disagree. The doctors who made this report and our very worthy doctor from Vermont do not seem to agree as to the causes of ill-health here. I prefer to trust the regularly educated physicians, whether allopathic or homeopathic. I suspect they have investigated the question more than my friend from Vermont.

Mr. EDMUNDS. But common sense is not confined to the medical profession alone, and public information is not either.

Mr. WINDOM. I will not detain the Senate longer on this subject; but I do think we are tampering with a very serious matter when we undertake to deny to a city of one hundred and sixty-five thousand people a proper sanitary supervision. I do believe that this opposition, not on the part of the Senator from Vermont, but that actuates many not in this body but in the city, arises simply from that feeling that I mentioned a little while ago, the feeling of dissatisfaction with everything that is new; and so long as you have doctors in this board you will have any quantity of doctors outside who will find fault with their operations, no matter what they may be.

I think to turn this whole matter over to the Surgeon-General would be exceedingly unwise. He has no organization by which he can take charge of the sanitary regulations of this city. Already he is behind two and a half and three years in the duties which properly belong to his office. Pensions cannot be paid for three years to come because he has not the force to examine the claims that are presented there. It is said that he has supernumerary physicians outside. Well, for one I am not willing to turn over the health of this city to the casual attention of the supernumerary physicians whose duty does not lie in this direction, who will regard it as merely a secondary matter, who will devote attention to the health of this city when they have nothing else to do, and when they feel like it. I prefer to have a reliable board that we can hold responsible. I do not believe we have any right to impose this duty on the Surgeon-General. I presume he and his officers would undertake it as best they can with the force they have; but that it will be another failure I have but very little doubt, and I am not willing to risk the lives and the health of the people of this city to gratify the prejudice of any one outside of this Chamber.

Mr. WITHERS. Mr. President, I shall detain the Senate but a very few moments; but I think it my duty to express my surprise, in this nineteenth century and in the Senate of the United States, to hear a proposition gravely debated to abolish a board of health in a city of one hundred and sixty thousand inhabitants. I had thought that if there was any one thing which was thoroughly established in the civilized world, it was the importance to every large community of having a commission of some sort to perform the functions which appertain to this board of health; in other words, an organization which should take charge of the sanitary condition of the public in that city.

As to the objections which have been urged to the *personnel* of this board as at present constituted, I have nothing to say. I know nothing about them except the fact, if it be a fact, that their official records show that they have worked to some purpose in improving the health of this community, and that the death-rate, since they have assumed the functions which they now discharge, has been very materially reduced. That is the first consideration with me. I am not here to inquire whether they are allopathists or homeopathists or belong to any other school of medicine. I am not here to say whether the powers with which they have been vested are too extensive and that the exercise of them has been too arbitrary. I look to the result, for I know the fact that every member of the Senate is as vitally interested in the preservation of the health of this city and in securing the means of promoting and preserving the health of this city as any citizen in the city.

It seems to me indispensable for our own security, to say nothing of the interests of all the inhabitants of this city, that we shall have a board of health to take charge of this department. If the details of the bill now under consideration are objectionable, correct them. If the *personnel* who now constitute the board are objectionable, make provision to have men appointed in another way or by a different person so as to change the *personnel* if that constitutes the only objection.

My friend from Kentucky argued that this board must of necessity be ineffective and ought to be abolished because three physicians constitute a majority of the board. It is the first time in my experience that I have ever heard such an objection as that urged to a board of health, that a majority of it was composed of men belonging to a profession whose studies from their early manhood to mature age are devoted to the consideration of precisely the questions which come under the action of this board. The substitution of an engineer officer, or of a board of which he is a part, it seems to me, would be a poor substitution for a board composed of physicians, even although those physicians represent different schools in medicine. I tell you that the principles of hygiene and those sanitary laws which are now generally recognized by all men of science in all parts of the

world, are held alike by all scientific men, no matter what school of medicine they belong to.

Mr. President, I could say much more, but knowing the impatience of the Senate to secure a final vote on this bill and dispose of it in some way or other, I will close my remarks with the general propositions I have advanced.

Mr. MATTHEWS. The subject is too important a one, I think, Mr President to be passed over without a thorough discussion, irrespective of the question of time. We can afford to give all the time to it that is essential to a thorough understanding of it. The proposition, as I understand, is to so amend the tenth section of this bill as to abolish the board of health, which has been known to the law of this District since 1871, and to transfer the duties of that board under existing law to the Surgeon-General of the Army.

Mr. EDMUNDS. Or to the control of the commissioners of the District.

Mr. MATTHEWS. Or the control of the commissioners of the District. I am opposed, Mr. President, to the amendment. I should think it a very injurious step to the very best and highest interests of the people of this District; and I propose briefly to give my reasons for that opinion.

Gentlemen on the floor of the Senate have alluded to the experience of the towns in New England in respect to sanitary matters. I know nothing personally or by other information in respect to that; but I should be very much surprised if I should be told that I was in error when I said that there is not a city in the United States containing a population of fifty thousand souls that did not have an organization with the characteristics of this which it is sought to abolish; that is, an organization entirely separate from the other municipal organization and government of the town, independent to a very great extent, having very large powers and very large discretion in the exercise of those powers. In the city with which I am most familiar, the largest city in the State of Ohio, there has been almost from time immemorial to me a board of health as a supervising and quasi-legislative authority, exercising the power to define the occasions and contingencies of their executive action, and controlling the expenditures, and also under them an executive officer, called a health officer; and my observation and knowledge of the operations of that part of the government is that it requires the entire time, not of one, but of many men, to give the proper attention to this highest interest of the people.

The vindication of the independent authority of such a board grows out of the very nature of the jurisdiction they are constituted to exercise, for it is a special function that requires special knowledge and professional experience—the knowledge of disease and, more than that, the knowledge of the causes of disease. Now, the science of preventive medicine is a modern science and a new science and a progressive science, and one that bids fair in the achievements which it promises in anticipating the causes of premature death and preventing the operation actively of those causes which are hurtful to health—I say the achievements which it promises in those directions bid fair to put to the blush all the sarcasm and all the irony that ever have been poured forth on the sciolism and the ignorance of the practice of medicine.

It may be that the actual administration of drugs may be left to the controversies between schools of medicine; and we need care very little to which the palm is to be awarded. I remember when convalescing some years ago from a severe and protracted attack of rheumatic fever, when I was just well enough to begin to study what had been written on the subject, I got possession of the most recent authority in medicine on the subject and read carefully the various modes of treatments recommended by the highest authorities in every school of medicine, and was a little discomfited as I disconcerted my physician when I ascertained that the result and conclusion and sum of the whole matter was that forty days and patience after all were the main reliance of the patient, and that no matter what the particular course of either medicine or regimen adopted, it generally came out about even; so that, according to a series of experiments in a celebrated hospital in Paris where in a series of cases nothing was administered at all but something only that had the appearance and color of drugs, the patient got well as rapidly and with as few ill consequences as those who had been put through all the tortures of science.

The faculty of medicine, at last, and recently only, have directed their attention to the promotion of the well-being of the race through their special knowledge in the cultivation of the science of preventive medicine; and the sanitary science which teaches the knowledge of the causes and the remedies affecting the diseases and the health of people congregated in large cities, is, I venture to say, almost the most important study of the age. For that purpose the experience of the country in the legislation in regard to municipal associations has led to the establishment of boards of health in cities of the size which I have described, I think, almost without exception. Why, what a clumsy and awkward arrangement it would be to put the consideration and treatment of those matters in the hands of persons, no matter how well qualified for their specific duties they may be, who are elected or appointed for the purpose of the ordinary municipal government of the place, the oversight of the police and of the fire department, the regulation of the streets and of the taxes, and the general government by ordinances and regulations of the town! The matter of the health, the matter of the life and the death of the men, and the women, and the children, the matter of birth and burial, the matter affecting in any way the physicial comfort and well-being of the people, is a matter that can be intelligently regulated only by those who have made a special study of the subject; and certainly it would be an abandonment of the first principles of every scientific attempt at legislation to throw this matter back into the hands of persons entirely uninformed and unskilled on this subject.

Now, in reference to the *personnel* of the present board of health in this District, I regard that as entirely immaterial in a consideration of the question of the system under which they are acting. I know little, but what I know I feel called upon to speak. I do know one member of that board, formerly a citizen of the State which I have the honor in part to represent, a lawyer by profession, not a medical man, and yet one who has made medicine in its elements and its details the study of his life, who is to-day as well qualified to speak on every question of sanitary science as the average physician of the country. I mean Judge Warden, a man who is willing to devote the larger part of his time upon a pitiful salary, just from the love of the thing itself and the desire to do good, for a more disinterested man was never organized.

Above all other cities, Mr. President, the city of Washington needs and ought to have the most skilled and best organized system for the prevention of disease of all cities in the United States, because, in the first place, it ought to be the model and the example for all other cities in every element of good government; but, more than that, there are special causes in existence here. The very improvements which have made it the beautiful city that it is have perhaps also bred some of the diseases which are specific to it; and other causes growing out of the fact of its being the national capital under the control of Congress give it at least claims upon us for the best government in that respect without regard to expense, having in regard always honesty in expenditure and wise economy.

Now, shall we abandon the experience of other cities and throw ourselves back upon practices which were in vogue only before sanitary science was known to exist? The alternative is either to keep a board of health organized specifically for the performance of this function and composed of select men qualified for the duty or in the first place to give it to the general body of the law-administering power, the commissioners selected without any reference to any such qualification, men of administration, men of executive ability, men of general knowledge, but not men who are able to detect in the air or in the earth the secret sources of disease and know how by a study of modern science to apply the remedy, or else, as it is said, to give it to the Surgeon-General of the Army.

Is it supposed that the Surgeon-General of the Army is occupying now a sinecure? Has he nothing to do. Has he no labors of his own? Are there no labors, and troubles, and responsibilities affixed to the tenure of his office, having the oversight of the sanitary interests of the entire Army of the United States, regulating the conduct of a whole corps of Army surgeons scattered over the whole country and stationed in five hundred different posts perhaps? Why, what time, what attention could that officer, and that officer without aid, without organization, without assistance, give to this great subject? The sanitary interests of this District would require the time of a man qualified for the discharges of the duties of that position all the hours of the day and every day in the week. You had better create a health officer at once, require him to have certain qualifications and act under the authority of the commissioners. But certainly if you impose this duty along with his existing duties upon the Surgeon-General of the Army, without reflecting upon the present or any future incumbent of that position, I will venture to say that you are without any system for the preservation of the public health at all.

Criticism has been made upon the extravagance and wastefulness of the board of health. Mr. President, that is a question of administration; it does not affect the system. It is not shown that extravagance and wastefulness are inherent in this system. If it has existed it has been the fault of the men who have been extravagant and wasteful or the fault of those regulations, not inherent in the system itself, by which such things could be. We do not destroy a thing simply because its power may be abused. And right here I take leave to say that I think the criticism of the honorable Senator from North Carolina upon the language of this bill, investing what seems to be this unlimited power upon the board of health to define and to declare what shall constitute nuisances, is not just. The language of the bill, if it becomes a law, must be taken subject to the general principles of the law. The law does not abolish the Constitution; it does not enable this board to deprive any citizen of his property without due process of law. Neither is it unexampled. I remember a case in the court of common pleas in England of Cooper *vs.* The Board of Works for the Wandsworth district, where, under the metropolis local-management act of a district in London, power was given to a board to tear down a house the erection of which was begun by the owner without giving a certain number of days' notice—seven days' notice in writing to the board. In this case the proprietor gave only five days' notice, and thereupon the board went to work to tear down his house, claiming that by the language of the statute they had that which the Senator from North Carolina describes as absolute and arbitrary power. But the court held that the beneficent and

gracious provisions of the common law supplemented the statute, and the statute was to be construed in reference to them. So, although they had apparently this authority they could only exercise it after giving notice and an opportunity of being heard; and thereupon an action was entertained for damages for doing an illegal act, because it was done without giving opportunity and notice.

Mr. MERRIMON. But my objection here was that there was no provision for notice being required to be given.

Mr. MATTHEWS. But the decision I refer to says that, although the statute does not require notice to be given, the superior law does, as in old Dr. Bently's case in 1 Strange, where the attempt was to deprive him of his dignity in the university without a hearing, and without notice, and the doctrine was laid down to this effect in 1 Strange, 567:

The objection for want of notice can never be got over. The laws of God and man both give the party an opportunity to make his defense, if he has any. I remember to have heard it observed by a very learned man upon such an occasion that even God himself did not pass sentence upon Adam before he was called upon to make his defense: Adam, (says God,) where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat! And the same question was put to Eve also. *Per cur, ulterius concilium.*

Mr. MERRIMON. If I understand the position the Senator occupies, it seems to me with all respect that it is untenable. Let me put this case: I am a citizen of the District of Columbia; the board of health visit a house which I own, and in their judgment it is a nuisance; they condemn it as a nuisance. I want to take issue with them; I say it is not a nuisance; that their judgment is arbitrary. Where is the remedy provided by this bill or where is there any provision for a remedy in any existing law that I should have in that case?

Mr. MATTHEWS. My answer to the Senator from North Carolina is that their saying a thing is so does not make it so, unless the law makes it so; and if the law does not make it a nuisance, he can appeal to the law as against them, and by the preventive writ of injunction prevent them from enforcing their action against his property.

Mr. MERRIMON. But this bill gives them power to say it is a nuisance, and there is no limitation on that power——

Mr. MATTHEWS. The law gives them power to declare a thing to be a nuisance, but it does not give them power to define what constitutes a nuisance.

Mr. MERRIMON. My friend has certainly not read the act. It not only gives them powor to declare what shall be a nuisance, but gives them power to abate it as a nuisance.

Mr. MATTHEWS. Then the answer is that this board is simply the ordinary legislative body in which that power resides which declares the law in the case. If the law is declared contrary to fundamental principles, which they cannot override, then the remedy exists, because there still subsists a law which they cannot affect. The power to declare what shall constitute a nuisance is a legislative power, which belongs somewhere, and I understand the proposition is simply to transfer that from this board to another board, and then the argument would apply. Does the Senator insist that the law of nuisances shall be created only by act of Congress? If so, then an act of Congress can always be passed which shall declare what and what only shall constitute nuisances, and the board would be governed by that. So the arbitrariness of the power is always subject to the correction; but on the supposition that this section of the bill needs correction in that particular, that furnishes, as I contend, no argument against the constitution of the body which is to administer this law, if passed, by enforcing the decisions of the law against those who violate it. We must have some machinery, some organization, some authority which shall enforce laws made and to be made for the preservation of the health of the community. You must put it in the hands of one man or of some men. If you put it into the hands of a board specially organized for that specific purpose, and having no other duties to perform, in my judgment you have lodged it where it can be more safely and wisely administered than if you lodge it elsewhere; because if you lodge it with a board that has other duties to perform you run the risk of maladministration, mismanagement, mistakes, and errors far greater than are likely to be committed under such a system. While, therefore, I do not argue for the section as it stands, unamended, I do argue strenuously for the preservation of this feature in the administration locally of the affairs of the District.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont, in line 4, of section 10, to strike out "continued with" and insert "and hereby is abolished and."

Mr. MATTHEWS called for the yeas and nays; and they were ordered.

Mr. HOWE. If I must put myself on the record on this question I will say just this: I shall vote against the amendment, and solely for the reason that if the extraordinary powers, which it seems to me are to be vested in some tribunal by the proposed bill, are to be vested anywhere, the larger the tribunal, the more numerous it is, the less likely I think it is to work disastrously. I know nothing about the merits of the present board of health. I know but very little, and only in a general way, of the merits of the Surgeon-General; but I know he is but one man, and here are five, and I think that five men would be likely to bother this game more than one; and inasmuch as I am opposed to clothing anybody or anything with the powers specified in this section I shall vote to keep the matter in the largest number of men.

Mr. SARGENT. If a bill had been reported conferring upon the board of health the powers which they heretofore have exercised, I would not have voted for an amendment like that offered by the Senator from Vermont, because I believe under the pruning that has been made by Congress the amount of expenditures is reasonable and the amount of good which they do is fairly commensurate with the amount of money spent for it. But I find in this bill a most extraordinary extension of the powers of this board, and I am led to believe that this does not spring from the spontaneous action of the committee, but that the force comes, as it does in all such cases, from the board or bureau whose powers are to be enlarged. My experience upon a committee of this body where we have to deal with Departments and bureaus is that all extensions of power and greater expenditures of money and new objects of activity are suggested by those who are to expend the money or who are to exercise the powers. I may be mistaken in supposing in this case the general rule holds good; but if it does, it seems to me it is one reason, and a strong one in the minds of Senators, why they will favor the amendment offered by the Senator from Vermont, and it may be another case of

> Vaulting ambition, which o'erleaps itself,
> And falls on the other.

If this provision stopped on line 5, after the word "possesses," and then had in addition merely the concluding clause providing for reports, I should have no objection to it. That which follows is "and the further powers conferred by this act," &c. I believe the powers conferred by the statute already are contained in the following lines, namely:

The said board shall have power to define, declare, and cause to be removed or abated nuisances injurious to health; to provide for and regulate the collection, removal, and transportation of garbage, house offal, and dead animals in and from the cities of Washington and Georgetown, in said District, and their immediate and more densely populated suburbs, and to provide, by contract or otherwise, for the proper performance of such service.

These, with some inspection of marine products, &c., constitute pretty much all the powers of the board at present.

Mr. HOAR. I should like to ask the Senator from California is this provision authorizing them to fill up any lot in the city which they please and charge the expense to the owner the present law?

Mr. SARGENT. No, sir; it is one of the things I object to; but I will come to that in a moment.

I object to the first thing that follows after this. It may be that I misunderstand the meaning of lines 13, 14, 15, and part of 16. I may not understand the bearing of those lines which look somewhat innocent there, but if I do understand them—and I have a right to put the construction upon them from my information that members of the board of health have published pamphlets upon the subject. I understand that these mean that the French system of espionage and license to a certain pursuit, condemned by the morality of mankind everywhere as immoral, is to be introduced in this District under the cover of this provision, a system as I said immoral, a system un-American, a system unjust in that it makes a discrimination between the sexes and is to the disadvantage of the weaker sex, a system tried in Saint Louis for a few years and abolished for the reasons I have given. If this does not mean that, what does it mean in connection with the provision that "they shall have power to make such ordinances and regulations as may be necessary to carry into effect any lawful powers of the board;" and

To make such rules and regulations for all hospitals used exclusively for the isolation and treatment of persons afflicted with infectious or contagious diseases.

If that means what the "contagious diseases act" means as elsewhere enacted, what does it mean?

Further, I object to the additional power given to this board:

To provide for admission to hospitals, asylums, almshouses, and infirmaries, for the benefit of which appropriations are made of public moneys.

The Hospital for the Insane is supported by appropriations of public money. It is a refuge for the insane of the Navy and the Army and the insane of the District of Columbia. The insane of the Navy are admitted upon the certificate of the Secretary of the Navy, of the Army upon the certificate of the Secretary of War, those of the District of Columbia upon the certificate of the Secretary of the Interior; and in every case there is required to be judicial process, a judge presiding, and competent physicians determining the question of the insanity of the individual, as is required in all the States, and as there should be in behalf of the liberty of the citizen, for there have been gross outrages in the history of the world and of civilization in the confinement of persons on the allegation of insanity when they were not insane at all, and hearts have been broken and estates have been plundered to carry out the infamous work of those who would be prevented by such provisions as we have in this District and we have in the States generally against these attempts against the liberty and property of the citizen.

Now it is proposed to wipe all this away and put all in the board of health.

Take the Providence Hospital, another instance, where the medical service of the hospital costs not one cent, it being freely rendered by physicians in turn, and where we make a provision for so many beds for transient paupers, and have done for years. We make appropriation for it. Under this loose provision here, this board of health is

to have the power of prescribing who shall be admitted into that hospital. Is that fair or is it just? And so with reference to the Freedmen's Hospital, which is now under the Secretary of the Interior, where the responsibility for the accounts is lodged in the same hands as the power of admission, where the power to control expenditures goes with the power to incur them.

Take the Women's Lying-in Hospital, which belonged to a private corporation, and for which, under the order of the Senate for several years, I have acted as a trustee, and therefore I speak with some knowledge of the institution, of its benefits, of the admirable manner in which it is conducted. This is an institution which was originally organized by a private corporation got up by benevolent individuals for the benefit of a very suffering class. Gradually the Government gave them some help on condition that they transfer all their property to the United States, and they did transfer the property, which at this time probably has reached somewhere about a value of from one hundred to one hundred and fifty thousand dollars by the increase in the value of property, and also by some additions which the Government has made to it, and by the expenditures the Government has made upon the building for improvements. The institution is well managed under a charter granted by Congress prescribing the terms upon which persons shall be admitted and retained there; but all the laws governing the institution are to be swept aside in order that the board of health may exercise this supervision.

Are they aiming to control all the institutions which are now supported in whole or in part by Government funds? If so, then I object to it most strenuously; and whether they aim at it or not, I object to it because our laws are framed for the efficiency and success of these institutions. We have already struck out the words making them a legislative body, giving them power to pass ordinances, as this bill was reported, but the board of health are also—

Charged with the care of the sick poor of the said District, furnishing medicines and medical attendance for the same, and with the burial of deceased paupers.

Whether that is an enlargement of their present powers I do not know, and I make no criticism upon it. Now they are to have the power:

To require the draining and filling up or reducing to proper grade, as may be necessary, in their judgment, in a sanitary point of view, any lot or lots within said District; and when such necessity is found to have been occasioned by the act or neglect of the owner, the said draining, filling up, or reducing to proper grade may be done under the orders and by the direction of said board; and the expense of such draining, filling up, or reduction shall be certified to the commissioners of said District, who shall cause the same to be assessed upon the property on which said work has been done; and the amount so assessed shall be collected as other taxes are collected in the District of Columbia.

They are to have power to contract for filling up or cutting down anything that is above or below the grade. How much do you suppose their expenses will be in order to execute this power conferred upon them? Are they a board, with their medical experience, however great it may be, who have the peculiar business faculty of determining upon the expense of moving a cubic yard of earth?

Mr. DORSEY. Will the Senator allow me? I think if the section is not stricken out the committee are prepared to suggest amendments on the points the Senator objects to, which will entirely meet his approbation. I do not understand that the committee are defending some of the points that the Senator has raised objections to. I believe that the Senator from Tennessee [Mr. HARRIS] has already prepared an amendment obviating some of the objections.

Mr. SARGENT. The amendment of the Senator from Tennessee, as I heard it read, does not obviate the objections I have made.

Mr. DORSEY. Some of the committee are prepared, if the section is not stricken out, to offer amendments to obviate the difficulties the Senator from California suggests.

Mr. SARGENT. The only way it can be done is to strike out all after the word "possesses" in line 5 down to and including the word "Columbia" in line 38. If the committee are satisfied that the section needs revision in the respects I have mentioned, I will not take up the time of the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. ARMSTRONG.] If he were present, I should vote "nay."

Mr. SARGENT, (when his name was called.) In the hope that we may be able to reform the section, I will vote "nay."

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. MCCREERY.] If he were here, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. MATTHEWS. On this question I am paired with the Senator from Indiana, [Mr. MCDONALD.]

The result was announced—yeas 18, nays 26; as follows:

YEAS—18.

Bayard,	Coke,	Jones of Florida,	Oglesby,
Beck,	Davis of Illinois,	Kernan,	Saulsbury,
Burnside,	Edmunds,	Maxey,	Thurman.
Butler,	Eustis,	Merrimon,	
Cockrell,	Hereford,	Morgan,	

NAYS—26.

Allison,	Conkling,	Howe,	Teller,
Anthony,	Dorsey,	Ingalls,	Voorhees,
Bailey,	Eaton,	McMillan,	Wadleigh,
Blaine,	Ferry,	Morrill,	Windom,
Bruce,	Hamlin,	Rollins,	Withers.
Cameron of Wis.,	Harris,	Sargent,	
Christiancy,	Hoar,	Saunders,	

ABSENT—32.

Armstrong,	Dennis,	Kirkwood,	Patterson,
Barnum,	Garland,	Lamar,	Plumb,
Booth,	Gordon,	McCreery,	Randolph,
Cameron of Pa.,	Grover,	McDonald,	Ransom,
Chaffee,	Hill,	McPherson,	Sharon,
Conover,	Johnston,	Matthews,	Spencer,
Davis of W. Va.,	Jones of Nevada,	Mitchell,	Wallace,
Dawes,	Kellogg,	Paddock,	Whyte.

So the amendment was rejected.

Mr. SARGENT. I move to strike out all after the word "possesses," in line 5 of the section, down to and including the word "Columbia," in line 38.

Mr. MORRILL. I would suggest to the Senator from California that he need not exclude the end of line 5, what follows "possesses," to the word "and," because there may be some power conferred by this act not conferred by former acts.

Mr. SARGENT. I think I will submit the amendment in the form I did in the first place. I move to strike out all after the word "possesses," in line 5, down to and including the word "Columbia," in line 38.

Mr. VOORHEES. Will the Senator from California yield to a suggestion? It is manifest that this bill cannot be completed this evening. It is growing late. I move that the Senate do now adjourn. ["No!" "No!"]

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate adjourn.

Mr. VOORHEES. As this section is retained in the bill, it has to be carefully considered; there are powers provided here which ought to be looked into narrowly.

The PRESIDENT *pro tempore*. Pending the motion to adjourn, the Chair will lay before the Senate some House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 3625) relating to soldiers while in the civil service of the United States;

A bill (H. R. No. 3879) for the relief of certain pensioners;

A bill (H. R. No. 4969) to repeal section 4717 of the Revised Statutes;

A bill (H. R. No. 4974) to amend section 4702 of the Revised Statutes;

A bill (H. R. No. 4976) to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country; and

A bill (H. R. No. 4981) relating to claim agents and attorneys in pension cases.

The bill (H. R. No. 1164) for the relief of Peter G. Mills, his heirs and assigns, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States was read twice by its title, and referred to the Committee on Finance.

BILL INTRODUCED.

Mr. CHRISTIANCY. Pending the motion to adjourn I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1319) to amend section 2 of an act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, and making further provision in reference to the removal of causes from State courts to the circuit court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

REPORT OF A COMMITTEE.

Mr. JONES, of Florida, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 813) for the relief of the administratrix of Joseph Wheaton, deceased, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

THE FISHERIES COMMISSION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the message of the President of the United States, transmitting a communication from the Secretary of State in reference to the deliberations of the fishery commission, have instructed me to report the same back with an amendment and to ask for its present consideration.

The amendment of the Committee on Printing was, in line 1, to strike out the words "the House of Representatives concurring."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That there be printed 2,000 extra copies of the message of the President transmitting a communication from the Secretary of State in reference to the deliberations of the fishery commission, with accompanying documents, and that 500 copies of the same shall be for the use of the State Department, 500 for the use of the Senate, and 1,000 for the use of the House of Representatives.

PRINTING OF TESTIMONY.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That 75 copies of the testimony taken before the Select Committee on Transportation Routes to the Seaboard relative to the bill of Captain Eads be printed for the use of the committee.

AMENDMENT TO POST-ROUTE BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

ADJOURNMENT.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. VOORHEES] moves that the Senate adjourn.

Mr. DORSEY called for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 25, 1878.

The House met at eleven o'clock a. m., and was called to order by the Speaker. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

CHEYENNE AND BLACK HILLS RAILROAD AND TELEGRAPH COMPANY.

Mr. SHELLEY. I ask unanimous consent to report, with amendments, from the Committee on Railways and Canals, for present consideration, the bill (S. No. 655) to incorporate the Cheyenne and Black Hills Railroad and Telegraph Company.

Mr. BURCHARD. I must object to taking up any bill of this kind for consideration, though I would not object if it could be passed without debate. If taken up for consideration, it might occupy an hour or two to the exclusion of other business.

Mr. EDEN. I am compelled to object, because I am preparing some amendments that I wish to offer.

FRAUDS UPON POSTAL SERVICE.

Mr. HARTRIDGE. By request I ask unanimous consent to offer a resolution for reference to the Committee on the Post-Office and Post-Roads.

There being no objection, the resolution the title of which was read, as follows, was referred to the Committee on the Post-Office and Post-Roads:

A resolution directing the Committee on the Post-Office and Post-Roads to investigate the practicability of preventing frauds upon the postal service.

CLAIM OF CARLOS BUTTERFIELD.

Mr. BRIDGES, by unanimous consent, reported from the Committee on Foreign Affairs, with a favorable recommendation, the joint resolution (H. R. No. 168) requiring the Secretary of State to furnish information to Congress in reference to the claim of Carlos Butterfield against the Government of Denmark.

The bill was read. It requires the Secretary of State, if not incompatible with the public service and interests of the United States, to furnish to Congress a statement of the claim of Carlos Butterfield & Co., now represented by the said Butterfield, against the government of Denmark, for depredations committed by officers of said government against the property of said Carlos Butterfield, at the island of Saint Thomas, in the years 1854 and 1855, and what progress, if any, has been made in the settlement of the claim, together with a copy of all correspondence with the authorities and government of Denmark on the subject of the claim.

There being no objection, the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRIDGES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROCEEDS OF PUBLIC LANDS FOR EDUCATIONAL PURPOSES.

Mr. GOODE, by unanimous consent, reported back from the Committee on Education and Labor, with amendments, the bill (H. R. No. 3542) to apply the proceeds of sales of public lands to the education of the people; which was referred to the Committee of the Whole on the public Calendar, not to be brought back on a motion to reconsider.

PETER G. MILLS.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on Public Lands for passage at this time the bill (H. R. No. 1164) for the relief of Peter G. Mills, his heirs, and assigns.

The bill was read. It provides that the entry by Peter G. Mills of the west half of the northwest quarter and the northeast quarter of the northwest quarter of section 6, township 102, range 43, in the State of Minnesota, be made valid to him, his heirs and assigns.

Mr. DUNNELL. This bill has received the unanimous approval of the Committee on Public Lands. A soldier in his life-time made an entry of this land, and after his death the widow in proving up the claim discovered that there was a clerical error in his discharge from the service. He was discharged as a member of regiment ten, when he was a member of regiment four.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON MONUMENT.

Mr. FOSTER. Mr. Speaker, I move, by unanimous consent, to take from the Speaker's table House resolution No. 152, to enable the joint commission to carry into effect the act of Congress providing for the completion of the Washington Monument, and to move that the House insist on its disagreement to the amendment of the Senate and agree to the conference asked for on the disagreeing votes of the two Houses.

There was no objection, and it was ordered accordingly.

Mr. FOSTER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced as the managers of said conference on the part of the House Mr. FOSTER, Mr. CLYMER, and Mr. GOODE.

FAVORABLE REPORTS.

Mr. PHELPS, by unanimous consent, from the Committee of Ways and Means, reported back favorably the following bills; and the accompanying reports were ordered to be printed and the bills recommitted, not to be brought back by a motion to reconsider:

A bill (H. R. No. 4155) authorizing the Commissioner of Internal Revenue to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877;

A bill (H. R. No. 2047) to authorize the payment of certain United States notes destroyed by fire, belonging to Rogers, Richardson & Co., of Warren, Illinois;

A bill (H. R. No. 128) for the relief of W. J. Pollock, late collector of internal revenue for the district of Pennsylvania;

A bill (H. R. No. 1997) for the relief of William R. Wilner, late collector of internal revenue for the fifth district of Maryland; and

A bill (H. R. No. 1503) for the relief of Thomas Kearney, collector of customs for the district of Corpus Christi.

ASSISTANT TREASURERS OF THE UNITED STATES.

Mr. VANCE, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints and assayers assistant treasurers of the United States; which was read a first and second time.

The bill, which was read, authorizes the Secretary of the Treasury to constitute any superintendent of a mint or assayer of an assay office an assistant treasurer of the United States, without additional compensation, to receive gold coin and bullion on deposit for the purposes provided for in section 254 of the Revised Statutes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BANKRUPT LAW.

Mr. KNOTT. Mr. Speaker, I move, by unanimous consent, that the bankrupt bill be taken from the Speaker's table with a view to concur in the amendment of the Senate.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

A bill (S. No. 35) to repeal the bankrupt law.

Mr. WADDELL. Does that require unanimous consent?

The SPEAKER. It does.

Mr. WADDELL. Then I object.

ORDER OF BUSINESS.

Mr. TUCKER. I move, by unanimous consent, to take from the Speaker's table and put upon its passage at this time a bill (S. No. 72) for the relief of the heirs of William A. Graham.

Mr. WADDELL. I object until we have had a morning hour.

Mr. TUCKER. I ask my friend from North Carolina not to object to this bill.

Mr. WADDELL. I do object to reports coming here out of order from committees when I have been trying to make reports from my Committee on the Post-Office and Post-Roads, which has not been called for four months, and I have not yet been able to do so. If we are to have reports from committees let them come in regular order.

The SPEAKER. Does the gentleman from North Carolina make a general objection?

Mr. WADDELL. I certainly do, and call for the regular order.

The SPEAKER. The regular order is the unfinished business reported from the Committee on Commerce, the title of which will be read.

Mr. CONGER. If we begin to go around with unanimous consent, it ought to be allowed to go all the way through.

The SPEAKER. The gentleman makes an absolute objection.

Mr. CONGER. Let it be understood, then, there shall be no more unanimous consent unless it shall go around; that it shall not go through one side without reaching us.

The SPEAKER. The Chair has acted without reference to either side, recognizing gentlemen on both sides.

Mr. CONGER. I only ask that the next time we have unanimous consent it shall go through when it is once begun.

Mr. WILLIS, of New York. I wish to inquire whether the report from the Committee on Naval Expenditures was not made the special order for to-day; and, if so, I only wish to make a request with a view that it shall not lose its place upon the Calendar, and that is, it shall go over as the special order until Thursday of next week. I do not wish to press it to-day, and do not wish that it shall lose its place.

The SPEAKER. It cannot take precedence of any prior special order not reached up to the present time. It is a continuing special order, as the Chair is informed, and will not lose its place.

Mr. WILLIS, of New York. I do not lose anything by it not being taken up to-day, then?

The SPEAKER. You do not.

The Clerk read the title of the bill coming over as unfinished business, as follows:

The bill (H. R. No. 3547) to regulate interstate commerce and prohibit unjust discrimination by common carriers.

Mr. CONGER. Is that the regular order?

The SPEAKER. It is. That is the unfinished business. The gentleman from North Carolina [Mr. WADDELL] raises the question of consideration.

Mr. HEWITT, of New York. Pending that I have endeavored to get the Speaker's eye to recognize me for a motion to lay aside the unfinished business and to go into the Committee of the Whole on the Army appropriation bill.

The SPEAKER. This comes up as the unfinished business under the rule. The gentleman from New York, if he desires to reach the object he states, will vote in the negative on the question of consideration.

Mr. BURCHARD. Is it not in order for the gentleman from New York to move to suspend the rules, and that the House resolve itself into Committee of the Whole?

The SPEAKER. The gentleman from New York might have made that motion, but he did not.

Mr. HEWITT, of New York. It was owing to my inexperience that I did not make that motion at the proper time. I desired to make that motion.

Mr. WADDELL. I demand the regular order.

Mr. EDEN. I desire to make a parliamentary inquiry. If the House shall now refuse to consider the unfinished business, would it be in order then to move that the House resolve itself into Committee of the Whole to consider the Army appropriation bill?

The SPEAKER. It would.

The question being taken on considering the unfinished business, it was decided in the negative—ayes 28, noes not counted.

Mr. HEWITT, of New York. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole to resume the consideration of the Army appropriation bill.

Mr. THROCKMORTON. I ask unanimous consent to report, from the Committee on Indian Affairs, in order to have it printed and recommitted, a bill to extend the jurisdiction of the Court of Claims to all claims growing out of treaties between the United States and Indian tribes, and the laws appertaining thereto.

Mr. CONGER. I was asking a similar privilege, and was cut off by a demand for the regular order.

The SPEAKER. Objection is made.

The question being taken on the motion of Mr. HEWITT, of New York, there were—ayes 119, noes 18.

Mr. DUNNELL. I make the point that a quorum has not voted. [After a pause.] I withdraw the point as to a quorum if the gentleman from New York will agree to remain in Committee of the Whole till we finish the bill.

Mr. HEWITT, of New York. So far as I have any control of the matter I shall be glad if the House will remain in Committee of the Whole until the bill is finished.

Mr. ATKINS. The bill has not been delayed on this side of the House. It is from that side that the delay has come.

The SPEAKER. That is a matter for the committee to determine.

So further count not being demanded, the motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House resumes the consideration of the Army appropriation bill, and the Clerk will read the pending amendment, which is offered by the gentleman from New York to come in as section 14.

The Clerk read as follows:

That the commanding officers of the several military geographical divisions and departments and the heads of the various staff departments shall, as soon as practicable after the passage of this act, and before the 1st day of July next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments deemed by them unfit, from any cause whatever, except on account of injuries incurred or disease contracted in the line of duty, for the proper and efficient discharge of their duty, setting forth fully and specifically in each case the cause of such unfitness, and the President shall muster out of the service every such officer so reported, and such officer shall not be reappointed; but such muster-out shall not be ordered without allowing such officer an opportunity to appear and show cause against it. In the event of the inability to act, or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HEWITT, of New York. I withdraw the amendment and ask the Clerk to read section 15.

The Clerk read section 15, as follows:

SEC. 15. That the President is hereby authorized to transfer the surplus of officers from the regiments of calvary and infantry that may be consolidated, and from the several staff departments, to the list of supernumeraries; and all vacancies now existing, or that may occur, in the cavalry, artillery, infantry, or staff departments, by reason of such transfer or from other causes, shall be filled in due proportion by the supernumerary officers, having reference to rank, seniority, and fitness. And if any supernumerary officers shall remain after the 1st day of January next, they may be honorably mustered out of the service, with one year's extra pay and allowances, or assigned to such service, military or civil, as the President may direct.

Mr. HALE. Is not that subject to the same point of order as the previous sections?

Mr. HEWITT, of New York. I admit that the section is subject to the point of order. If the Chair rules it out I propose to offer a substitute.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HEWITT, of New York. I offer as a new section what I send to the desk.

The Clerk read as follows:

SEC. 15. That the President is hereby authorized to transfer the surplus of officers from the regiments of cavalry and infantry that may be consolidated, and from the several staff departments, to the list of supernumeraries; and all vacancies now existing, or that may occur, in the cavalry, artillery, infantry, or staff departments, by reason of such transfer or from other causes, shall be filled in due proportion by the supernumerary officers, having reference to rank, seniority, and fitness; and the President is hereby authorized and required to place upon the retired list or to muster out of service officers equal in number to the officers who may be upon the supernumerary list on the 1st day of July, 1879. He shall place upon the retired list all officers who may be unfit for duty by reason of injuries incurred or diseases contracted in the line of duty; but the number so retired shall not exceed one hundred in addition to the present retired list. In order that the President may properly select the officers to be placed on the retired list and to be mustered out, the commanding officers of the several military geographical divisions and departments shall, as soon as practicable after the passage of this act, and before the 1st day of September next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments deemed by them unfit from any cause whatever for the proper and efficient discharge of their duty, and setting forth fully and specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and required, on or before the 1st day of October next, to constitute a board, to consist of the three major-generals on the active list, to which board said lists shall be referred for examination; and the said board shall report to the President such officers as they shall recommend to be placed on the retired list and to be mustered out of the service, and the President shall thereupon grant leave of absence to such officers and cause them to be placed on the retired list and to be mustered out of service on the 1st day of July, 1879. And if the number so recommended to be placed on the retired list and to be mustered out of service shall not be equal to the number of officers remaining on the supernumerary list on the 1st day of January, 1879, the President shall forthwith transmit to Congress at its next session a list of the officers in excess of the number to be retired and to be mustered out for such further action as shall be deemed necessary. In the event of the inability to act or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HEWITT, of New York, rose.

Mr. GARFIELD. I reserve the point of order.

The CHAIRMAN. The gentleman from Ohio reserves all points of order. The Chair will hear the gentleman from New York.

Mr. HEWITT, of New York. This section, which in fact takes the place of sections 13 and 14, is not in its provisions as liberal to the officers of the Army as the act originally drawn. I regret it. The act was drawn on the theory that a large number of officers would prefer to retire from the Army on the very liberal allowances provided in the bill. But that section has gone out under the point of order.

There are, it is well known, in the Army a large number of officers who ought to go upon the retired list, but who cannot be placed there in consequence of the limitation to three hundred now existing by law. There are other officers who ought not to remain in the Army. Now the object of this amendment is to provide for all those cases upon as equitable a basis as the rules laid down by the Chair under the points of order raised by the gentleman from Maine will permit.

As regards this whole question I desire to say to the House that the Army appropriation bill was not confided to me by my own choice. It was assigned to me, and as a matter of duty I undertook to investigate whether any economy could be effected. I found that the Army was organized in such a manner that no man of business could continue to do business under such an organization without being ruined. It therefore was my duty to suggest such measures of reorganization and retrenchment as would effect economy.

Now the economy in this bill is introduced in two forms: first, by the consolidation of regiments and, secondly, by the reduction of

men. The reduction of men is a minor question. I confess when I approached that branch of the subject it was with the conviction that we ought to have twenty-five thousand men in the Army, and it was only after investigation that I came to the conclusion that twenty thousand men would be adequate for such service as the Army ought to be called upon to perform. On that matter this committee has already overruled the Committee on Appropriations, but upon the question of the consolidation of regiments, by which two-thirds of the saving is effected, the Committee on Appropriations was sustained by this committee.

Now, that consolidation will leave two hundred or three hundred officers out of active service who must be provided for. This section provides that some of them shall be placed on the supernumerary list and others shall be discharged and that all appointments to fill vacancies must be made from the supernumerary list; but the provision I now introduce requires and allows the President to muster out during the coming year a number of officers equivalent to the number that are thus placed on the supernumerary list, and to make up those retired to the extent of one hundred, and others are to be mustered out upon the report of the board that they are not fit to be officers. Now this may not absorb all the number. There may be meritorious officers left on the supernumerary list on the 1st of January who have not been appointed to the vacancies caused by the retirements and muster-out of officers. Those officers ought not to be driven out of the Army. I am not in favor of driving them out of it. I do not know how many there will be, but if there be one or twenty or fifty, I hold that in good faith the Government is bound to make provision for them, and hence the concluding clause of the amendment requires the President to report the names remaining on the supernumerary list in order that Congress may do them justice, as I have no doubt both sides of the House will be willing to do.

Mr. HALE. This, then, is the gentleman's idea: that if any officers go out of the service under this section such provision as may be proper to be made for them can be made hereafter, when we have seen how the provision will work.

Mr. HEWITT, of New York. That is my idea.

Mr. GARFIELD. I will not make any point of order upon this amendment. I am opposed to it, but I think that under the ruling of the Chair made yesterday it is not liable to the point of order.

The question was put; and there were—ayes 95, noes 69.

Mr. GARFIELD. I call for tellers.

Tellers were ordered; and Mr. GARFIELD, and Mr. HEWITT of New York, were appointed.

The committee again divided; and the tellers reported—ayes 160, noes 85.

So the amendment was agreed to.

The Clerk resumed the reading of the bill, and read section 18, as follows:

That the general officers may select from the Army and shall be entitled to aides-de-camp, as follows: The General of the Army, four; the Lieutenant-General, three; major-generals, two each; and brigadier-generals, one each. Aides-de-camp to the Lieutenant-General and major-generals shall be taken from officers not above the rank of major and aides-de-camp to brigadier-generals from the first and second lieutenants: *Provided further*, That no officer shall be detailed to any staff appointment or other situation the duties of which will detach him from his company, regiment, or corps, until he has served at least five years with the regiment or corps to which he properly belongs: *And provided further*, That aides-de-camp to the General and Lieutenant-General shall not attain, by virtue of appointment as such, a grade or rank beyond that next above their rank at the date of such appointment.

Mr. FOSTER. I move to strike out that section of the bill. It looks like a blow at certain officers of the Army, and I think that it ought to be referred to the board with the rest. I do not care to take up the time of the committee with any argument.

Mr. McCOOK. I desire to occupy the floor for one moment only. It seems to me that a portion of the section is good enough, but that portion of it in the thirteenth line, the proviso "that aides-de-camp to the General and Lieutenant-General shall not attain, by virtue of appointment as such, a grade or rank beyond that next above their rank at the date of such appointment" appears to me to be intended or will be construed by the country as a direct blow at the General and Lieutenant-General of the Army. I presume that in one sense of the word the aides-de-camp that these generals are entitled to are ornamental only. But the rank was created or rather revived by a special statute for the purpose of conferring on distinguished officers these places. Under the present law the General is entitled to six aides-de-camp, with the rank of colonel, and the Lieutenant-General to four, with the rank of lieutenant-colonel. If this bill becomes a law, a captain on the General's staff who now receives the pay of a colonel would only receive that of a major. I do not know but that that might be right enough, but it seems to me that it would be impossible to construe this section otherwise than as a blow at the two most distinguished men in the Army of the United States.

Mr. BRAGG. If I understand this section it is not a blow aimed at any man, whether he be distinguished or otherwise. It is a section which is indirectly not only in the interest of economy but in the interests of efficiency, and it prevents partiality. Under the present law the General of the Army can select six aides-de-camp of any rank, no matter whether they have served three months or thirty years. They become colonels and wait upon him at his office as his aides-de-camp and draw the full pay of colonel, while men who have borne the heat of battle at the front are left to perform their duties in the line, drawing pay at a much lower grade. That in my judgment is a sufficient answer as to the pay of an aide-de-camp. As to the necessity of six aides-de-camp for a general, it seems to me that it can scarcely be urged by any one that six aides-de-camp are necessary. The General of the Army has his headquarters in time of peace here in Washington. This bill proposes to give him four aides-de-camp and it provides that when they are appointed they shall only draw the pay of one grade above that which they held in the line. Now those four are certainly sufficient to discharge all the duties required of aides-de-camp in time of peace and if that be so, then we have by this bill relieved ourselves of the expense of maintaining two additional aides-de-camp. I maintain that four aides-de-camp are entirely sufficient, and by the provisions of this bill the sum of $2,500 is appropriated in addition for the expense of clerk hire in the office of the General.

Now I had supposed that in time of peace the only business which an aide-de-camp would have to perform would be to act as the military secretary of his chief. But by this appropriation bill, upon the estimate of the Department, we have given $2,500 to pay the expenses of the clerical force in the office of the General of the Army. So that the four aides-de-camp in effect will have nothing to do except to attend upon the General as members of his military family.

The question was upon the motion to strike out section 18; and upon a division there were—ayes 68, noes 100.

So the motion to strike out was not agreed to.

Mr. KEIFER. I desire to offer an amendment, to add to the section the following:

Provided also, That the provisions of this section shall not apply in time of war.

Mr. BANNING. There is no objection to that amendment.

Mr. KEIFER. I supposed there would be no objection to it.

The amendment was agreed to.

Mr. MARSH. I would like to inquire what provision of law would apply in time of war?

Mr. KEIFER. This section, if it becomes a law, will repeal the sections of the Revised Statutes upon the subject to which this relates.

Mr. CHALMERS. I would suggest to the gentleman from Ohio [Mr. KEIFER] that he should add to his amendment the words "when the Commanding General himself is required to be in the field."

Mr. HEWITT, of New York. If the amendment is allowed to stand in the language used by the gentleman from Ohio [Mr. KEIFER] the word "war" may mean an Indian war; and surely the gentleman does not mean to include "Indian wars." If he would say "foreign war," there will be no objection.

Mr. GARFIELD. There can be an Indian war in time of peace; nobody calls an Indian war a state of war.

Mr. HEWITT, of New York. I move to put in the word "foreign" before the word "war."

Mr. KEIFER. That is not necessary.

Mr. HEWITT, of New York. Has the amendment suggested by the gentleman from Mississippi [Mr. CHALMERS] been accepted?

Mr. KEIFER. Let that amendment be again stated; I want to understand it.

The amendment was read, to add the words "when the Commanding General himself is required to be in the field."

Mr. HEWITT, of New York. If that amendment is adopted it will do.

The amendment of Mr. CHALMERS was then adopted.

The Clerk read section 19, as follows:

SEC. 19. That no officer of the Army below the rank of colonel shall hereafter be promoted to a higher grade than that now held by him until he shall have been examined by a board of three officers, senior to him in rank, appointed for that purpose by the Secretary of War, under direction of the President, and shall have been adjudged by such board duly qualified for promotion; and should the officer fail at such examination, he shall be suspended from promotion for one year, when he shall be re-examined, and upon a second failure, shall be, by the President, discharged from the Army: *Provided*, That at least two of the officers constituting the examining boards provided for in this section shall, in all cases, be selected from the same arm, corps, or department of the service as that to which the officer to be examined shall belong.

Mr. HALE. I make the point of order upon that section that it changes existing law and does not retrench expenditures. I will not argue it, because I suppose that point of order is pretty apparent.

Mr. HEWITT, of New York. I have no disposition to contest the point of order, under the rulings of the Chair.

The CHAIRMAN. The point of order is sustained, and the section is ruled out.

The Clerk resumed the reading of the bill, and read the following:

SEC. 21. That hereafter all vacancies in the grade of second lieutenant shall be filled by appointment from the graduates of the Military Academy, and by the promotion of meritorious non-commissioned officers of the Army.

Mr. KEIFER. I move to amend the section just read by adding the words "and also from able-bodied honorably discharged officers and soldiers of the United States Army."

Mr. BANNING. There is no objection to that.

Mr. HEWITT, of New York. I do not object to that amendment.

The amendment was agreed to.

Mr. KELLEY. Does that include volunteers?

Mr. HEWITT, of New York. The gentleman behind you [Mr. KEIFER] will be better able to state what it includes.

Mr. KEIFER. In order to make it perfectly clear, I will move to amend the amendment by inserting before the words "officers and soldiers," the words "regular and volunteer."

The amendment was agreed to.

Mr. GARFIELD. I now suggest that this section, as amended, be stricken out, for it leaves the law exactly as it now is. As amended, this section makes absolutely no change whatever in the law.

Mr. HEWITT, of New York. Does the law now limit appointments to those who have served in the Army; or are appointments open to those in civil life?

Mr. GARFIELD. I do not think it makes the slightest difference.

Mr. HEWITT, of New York. It does make considerable difference.

Mr. HARRIS, of Virginia. I make the point of order that this section changes existing law and is not in the line of retrenchment.

Mr. EDEN. That point of order is certainly too late, the section having been considered and amended.

The CHAIRMAN. The point of order is too late.

Mr. GARFIELD. If there is objection, I withdraw the motion to strike out.

Mr. MITCHELL. I move to amend the section by inserting after the word "officers," in the fourth line, the words "and privates;" so that it will read "by the promotion of meritorious non-commissioned officers and privates of the Army." The amendment already adopted makes honorably discharged privates, both regular and volunteer, eligible to appointment. It appears to me that privates who are serving in the regular Army should also be eligible to appointment.

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

SEC. 25. That when an officer has served forty-five years as a commissioned officer, or has served as an enlisted man and commissioned officer in the aggregate forty-five years, or has attained the age of sixty-five years, he shall be placed upon the retired list.

Mr. HALE. This section changes existing law, and is clearly not in the interest of economy.

Mr. HEWITT, of New York. Under the rulings of the Chair, there is no doubt that the point of order is well taken if insisted upon.

Mr. HALE. I insist upon it.

The CHAIRMAN. The point of order is sustained, and the section is ruled out.

Mr. BRAGG. Will the gentleman from New York [Mr. HEWITT] withhold his assent for a moment?

Mr. HEWITT, of New York. I will withdraw it. I supposed that the point of order was well taken.

The CHAIRMAN. The Chair will reserve his decision, if gentlemen desire to speak upon the point of order.

Mr. HALE. As I made the point of order I will ask the gentleman from Wisconsin [Mr. BRAGG] to let me first state the grounds upon which I make it.

Mr. BRAGG. Certainly.

Mr. HALE. This section provides for additional expenses beyond what the law now provides for. Whenever an officer is retired he begins to draw pay upon the retired list, and somebody following him upon the active list succeeds to his old place and draws his old pay. Therefore the old salary is drawn by some other officer, while the retired officer begins to get the additional pay of a retired officer. In that way the section is an increase of expenditures rather than a retrenchment.

Mr. BRAGG. I submit that the reasoning of the gentleman from Maine [Mr. HALE] is not correct. It does not necessarily follow that the places of these officers who are retired are to be supplied by others. There is no provision in this section that the vacancies shall be filled as the retirements occur. On the contrary, other sections of the bill provide against filling a large class of vacancies which are created. The retirement of an officer reduces, so far as he is concerned, the pay which he is to receive, because when retired he gets only 75 per cent. of the pay which he would otherwise receive, which would be full pay proper and all the additional allowances of the grade in which he was serving. Therefore, upon the face of the section a reduction of expenses is provided; and whether or not the contingency may arise which will authorize the filling of a vacancy so that another officer may draw the pay which the retired officer drew before retirement, is not apparent upon the face of the section.

Mr. HALE. The provision already adopted with reference to retirements and supernumeraries applies only to cases of consolidations of regiments; but this is a general provision, applying to all officers; that is, it retires them earlier than they now retire. It increases the retired list, and leaves still the old active list remaining, so far as regards anybody outside of the consolidated regiments.

The gentleman says we have provided what the retired list shall be; but we are now legislating, in effect, to increase the retired list; we are making radical change of the law; therefore the retired list will be increased.

Mr. BRAGG. I can answer the gentleman on this point with his argument of yesterday. Although this bill provides that the time upon which men may be retired shall be forty-five years, including their service as enlisted men, *non constat* that there are any such, just as the gentleman urged yesterday, that it did not appear that any of those men were going to be mustered out, and therefore the proposition was not in the line of retrenchment and reform. The Chair sustained this reasoning yesterday, and I believe he ought to sustain it to-day.

Mr. BANNING. This is a saving of 25 per cent. We have already provided that no new appointments or promotions shall be made "in any of the said departments of military service;" so that no promotions can be made to the places from which these men are retired.

Mr. HALE. Where have we provided that? There is no such provision in any law yet passed.

Mr. BANNING. That is the bill as we have passed it here.

Mr. HALE. We are talking now not of any bill before the House or which may have passed the House but about the laws that exist now. The fact that something has been done in other sections or another bill does not make a law. The Chair must rule upon what is existing law; and the existing law does not retire these men at the ages provided here; and when they retire they get retired pay, and under existing law somebody else goes into their places.

Mr. BANNING. In addition to what I have already stated, the law as it now stands provides that when the head of the Department of Military Justice, who is a brigadier-general and who will be retired under this provision, shall be retired his place shall not be filled. So that there will be economy in that direction under existing law.

The CHAIRMAN. The very fact that members have been obliged to resort to argument in undertaking to demonstrate to the Chair that this section would or would not retrench expenditures, is a sufficient reason to justify the Chair in sustaining the point of order and ruling out the provision. Under the rule the retrenchment which will make a change of existing law admissible upon an appropriation bill must appear on the face of the provision, and ought not to be so uncertain as to require arguments to be submitted on the one side or the other. The point of order is sustained.

The Clerk read as follows:

SEC. 26. That hereafter women shall not be allowed to accompany troops as laundresses: *Provided*, That any such laundress, being the wife of a soldier, as is now allowed to accompany troops, may, in the discretion of the regimental commander, be retained until the expiration of such soldier's present term of enlistment.

Mr. KEIFER. I move to strike out this section. I hope the Committee on Appropriations, as well as the Committee of the Whole, will see that it is a rather small kind of economy to strike at these poor women, four of whom under the present law may accompany each troop or company of soldiers. The law now permits the drawing of just one ration for each of these women; and if the provision now pending is in the direction of cutting down the Army, it seems to me that its necessity or propriety is not very obvious. If this section be adopted there will no provision for the employment of any person to do the washing necessary for the soldiers. I hope gentlemen on the other side who usually plead on behalf of "poor soldiers" and "poor" women and "poor" people generally will vote to strike out this section.

There is one other suggestion that occurs to me. I admit that it is a little difficult to construe this section; and I would like the gentleman in charge of the bill to tell us whether or not it will admit of this construction—that it will allow laundresses to accompany each troop or company of soldiers, provided they will marry soldiers.

I think perhaps that is the fair construction of the section, that if they will submit to marry soldiers they may still accompany the troops.

Mr. HEWITT, of New York. I think the gentleman from Ohio is quite as able to construe marriage as the chairman of the sub-committee.

Mr. BANNING. One word, Mr. Chairman, before the vote is taken. I wish to read the opinion of General Sherman on this subject. The General of the Army advises that this be done, and all other Army officers advise it be done, that thereby they will get rid of a class now injurious to the service. The bill provides that none shall be taken up until their husbands' term of service shall have expired. General Marcy, Inspector-General of the Army, recommends very earnestly that this be done as it will be a saving of over $200,000. This section makes a reduction of that much.

The committee divided; and there were—ayes 66, noes 86.

So the committee refused to strike the section out.

The Clerk read the twenty-seventh section, as follows:

SEC. 27. That the grade of company wagoner in the Army is hereby abolished, and the enlisted men now holding that position will be classed as privates.

Mr. GARFIELD. I make the point of order on that section. I do not see where it reduces expenditures. I make the point only because we have no right to declare by law that a man who enlisted in one capacity shall be held as enlisted in another and quite a different capacity. I make the point of order that this does not retrench expenditures, but merely changes the name of company wagoner to that of an enlisted private soldier. On that score it changes the law, and, not reducing expenditures, is out of order.

Mr. BANNING. Mr. Chairman, this is done upon the recommendation of the Department and of many Army officers. It is thought that it will be of a great saving to the service. It will give one additional enlisted man to every company. I do not know if it reduces expenditures, but I hope objection will be withdrawn and the section will be allowed to stand for the good of the service.

Mr. GARFIELD. I do not think it is just to a man who enlisted as company wagoner to be put into the ranks as a private soldier. This does that, and for that reason I avail myself of my right to raise the question of order that the section may be ruled out.

The CHAIRMAN. The Chair decides the point of order well taken, and the section is ruled out.

The Clerk read section 28, as follows:

SEC. 28. That all acts and parts of acts authorizing adjutants and quartermasters to be extra lieutenants be, and the same are hereby, repealed: *Provided*, That the

officers now holding said positions shall not be displaced from the grades of first or second lieutenants, respectively, as now held, but assigned, without prejudice to their rank, to the first vacancies occurring among the lieutenants of their respective grades.

The CHAIRMAN. No amendment being offered to that section, the Clerk will read the next section.

The Clerk read section 29, as follows:

SEC. 29. That hereafter, in time of peace, all military headquarters, except Army headquarters, shall be established and maintained at points where the Government own buildings or barracks, within the several departments and divisions, and in such buildings or barracks, and not otherwise. And in no case shall rents be paid or allowed for any military headquarters.

Mr. HARRISON rose.

Mr. GARFIELD. I desire to reserve the point of order on that section, Mr. Chairman.

Mr. HARRISON. I rise to move to strike that section out. I think it is liable to the point of order.

Mr. GARFIELD. I rise, Mr. Chairman, to make the point of order and I will state it. The establishment of Army headquarters as provided in this section does not carry on its face any retrenchment, but on the contrary may lead to great and wasteful extravagance. If we are compelled to have headquarters established wherever we have buildings already it might increase transportation and communication to places where the Army is needed far more than around the headquarters. It does not appear at all by the bill that our Army headquarters established where we now have posts will conduce to economy. I therefore make the point of order that it changes the law and does not retrench expenditures.

Mr. BRAGG. Now, Mr. Chairman, the logic by which these points of order have been supported is utterly and totally incomprehensible to me. It may be because of natural obtuseness or because I am suffering from a severe cold in my head. [Laughter.] I am astonished to hear a man say that Army headquarters have anything to do with transportation.

Mr. GARFIELD. It is not Army headquarters.

Mr. BRAGG. Or department headquarters. The supplies of the Army are not bought at Army headquarters. The purchasing officers buy at New York, Boston, Chicago, and Saint Louis. They buy irrespective of where Army headquarters are. The gentleman understands that perfectly well.

Mr. GARFIELD. If the gentleman pleases, I do not refer so much to transportation of supplies as to the fact of transportation of officers and mileage resulting from that. By being constantly compelled to send them off, if you establish headquarters at the old post where the Government now owns buildings, which are now far away from active operations, you would be constantly increasing the cost of mileage in thus sending them from point to point. It would, besides, be a great inconvenience in administration. There would be an increase of mileage far beyond any possible saving.

Mr. BRAGG. I submit there is nothing at all in that point. The gentleman from Ohio is sufficiently familiar with the manner of doing business on reflection to know that it does not apply here at all.

Mr. GARFIELD. I presume that the last two lines of the section would be in order, that which prohibits the payment of rent, but that is disconnected from the remaining portion of the section, and I make my point of order on the first five lines which certainly are liable to the point that it changes the law without retrenching expenditures.

Mr. BRAGG. I am astonished to see the gentleman weaken so soon on his proposition. Does he suppose that the headquarters at Saint Paul would send to Boston to buy goods? I apprehend the goods are bought by purchasing agents irrespective of the places where headquarters are stationed. The purchasing agent in Chicago, the quartermaster who buys all the goods there, has his office and place distinct and separate from Army headquarters.

I desire to say further, that if points of order have got so fine that you can make the point of order on one part of a section without regarding the section as a whole, they are reduced to a fineness of point that I think even the chairman of the committee will not be able to see them in that light.

Mr. GARFIELD. It does not require any light but very pale moonlight to make points of order on this bill.

Mr. BRAGG. Will the gentleman allow me to conclude my remarks?

Mr. GARFIELD. I beg the gentleman's pardon. I thought he had got through.

Mr. BRAGG. The reason this is in the interest of economy is twofold. The Government pays to-day $66,000 for the offices that are used by the general and other staffs in the several cities of the Union. They pay in the city of New York where there are barracks in the harbor——

Mr. FOSTER. But they are occupied.

Mr. BRAGG. Not occupied in such a manner but that they can be at once converted into use, and the officers say they would prefer to go there. They pay in Chicago for General Sheridan's headquarters in the neighborhood of $10,000; they pay $500 a month for the use of one floor of the Union building; and the quartermaster who purchases and the commissary who purchases do not room there at all. The object is to make the General and his staff live in Government buildings, and that will save on this bill $66,000 a year.

The gentleman from Chicago is fearful this may interfere with purchases in Chicago, or that it will be in the interest of Saint Louis. There is nothing in that. The man who buys is disconnected with headquarters. He is the business man of the department, who buys where he can buy the cheapest and where there are the best facilities of transportation.

Mr. FOSTER. I think, Mr. Chairman, you will find on examination that if this provision is enacted into law it will require a very large expenditure of money to make the Government buildings the quarters for these officers to occupy. I apprehend there is not to-day a single building owned in the United States as officers' quarters but what is now occupied.

Mr. HARRISON. The gentleman from Ohio [Mr. GARFIELD] suggests that probably the last two lines of the section are not subject to the point of order. I think, sir, that even that clause is entirely subject to the point of order. If in Chicago and New York too much rent is paid, cut down the rent; make the officers rent less costly buildings. But if you say they cannot have their quarters in any but governmental buildings you will be forced to send the Army to headquarters where there are buildings, where there are barracks, when probably it is not a fit place for them. The result would be we would soon be required to build or repair barracks in other places.

Now, it certainly does not show retrenchment when you say they shall not rent. If they have got to have a building and cannot rent, then they must build or they must buy. It may be largely in the interest of economy to rent and it may be largely tending toward extravagance to be forced to build or to buy.

Mr. KNOTT. Will the gentleman allow me to ask him a question?

Mr. HARRISON. Certainly.

Mr. KNOTT. Is the gentleman aware of any provision of law that prevents an Army officer from renting at his own expense a building if he is not satisfied with the Government building?

Mr. HARRISON. He may rent at his own expense. But that is not what I am talking about. It says here:

In no case shall rents be paid or allowed for any military headquarters.

Mr. EDEN. Will my colleague allow me to ask him a question?

Mr. HARRISON. Yes, sir.

Mr. EDEN. I ask my colleague if when we come to the sundry civil bill he will recollect what he now states, that it is a great deal cheaper to rent than to build?

Mr. HARRISON. Oh, I am a business man; and when you can show me there is economy in building then I am for building; but I am not one of those who always cry "economy!" "economy!" when there is simply an appearance of but no real economy at the bottom.

Mr. COOK. The whole amount paid by the Government for the rent of officers' quarters last year was $272,902. The whole rent paid in the city of Washington was $65,400. I have a statement here taken from information furnished by the Departments as to the rent, showing this enormous amount. In New York they pay $46,000. The statement shows the amount that is paid in every city for rents. And in many of these places there are public buildings, barracks, grounds, and offices that could be occupied by the officers of the Army and their families where the most enormous rents are paid. The $65,000 paid in Washington City would rent any hotel in this city, not for one year merely, but perhaps for two or three years at the present decline in value. Why, sir, it would be cheaper to rent Willard's Hotel and put them all together.

Mr. McCOOK. I have talked with a good many Army officers upon the proposition now before the House, and I never heard any officer in the Army, no matter what his rank or grade may be, who has not said that he would cheerfully and willingly, at any point that he was detailed to, take the quarters assigned to him under the regulations of the Army in preference to the present system.

In the city of Washington, where the butterflies of fashion fly around, whom gentlemen talk about, when you compute the exact amount they have to pay for commutation of their quarters, a colonel could much better take the five rooms to which he would be entitled at a barracks or fort, and would go to them cheerfully, because then nothing would be expected of him but to live in his quarters quietly like any other soldier; but so long as the Government neglects to erect barracks that these officers are entitled to and should receive, they should receive the full amount of commutation, if that expression is a proper one, for quarters. Take the case of the city of New York. There are no barracks there. There are sixty or eighty officers there on duty who are absolutely indispensable to discharge the duties of the headquarters of the Army of the Atlantic, which General Hancock commands. Under this law you would send General Hancock to Governor's Island, which is nothing but a recruiting station, or down to Fort Hamilton, where there are no quarters sufficient for the purpose. If gentlemen really want economy and to cut off all this so-called extravagance of paying for quarters, let them bring in a bill for the erection of barracks in the different places where it is essential to have officers.

Sir, while I do not claim especially to speak for the Army, and while I do not wish to be considered as the champion of the Army, I will pledge my word that there is not one officer in the Army, from the General down, who would not rather occupy quarters in Government buildings in quiet and peace and not be annoyed by these constant investigations as to his private fortune, where he buys his coal, and how he disposes of his oats. These men are entitled to all the consideration possible.

The CHAIRMAN. The Chair desires to suggest that this argument has drifted into the merits of the question, and the Chair desires to hear members now solely upon the question of order. The Chair will afterward hear their arguments on the question whether this section should be retained or not.

Mr. FINLEY. What is the point of order?

The CHAIRMAN. The point of order is that section 29 does not retrench expenditures and does change the law.

Mr. BRAGG. It is understood that the Chair in deciding the point of order upon one section cannot take into consideration any other section. Now upon the section that is now pending the Chair cannot inquire whether there are barracks at the stations where the Army officers are detailed, and then the section as it stands shows, as is proved by official reports, that it will reduce the expenses of the department headquarters $66,000. That is a perfect answer to the point of order.

Mr. BANNING. I have an authority on this subject as to whether this law reduces expenses or not, which I think is valuable and I wish to read it; and I hope gentlemen on the other side who think that this is an attack upon the Army will listen to it. The Committee on Military Affairs, with a view to reduce expenditures, asked this question of the General of the Army:

Could not the expenses of the military division headquarters and department headquarters be materially reduced without detriment to the service?

General Sherman answered:

Yes, by requiring them to select a military post within their commands as their headquarters.

He says that this will result in a reduction. They pay now for rent for headquarters in New York $25,000, in Chicago $10,000, and in other cities large amounts, and the General of the Army is of opinion that it will not be detrimental to require military headquarters to be established at places where the United States own buildings or quarters.

Now, one word as to the building of barracks. There is nothing whatever in the argument in regard to that, although it is not a matter for consideration now. We have sixty-one posts that Army officers say are not required for military purposes, and at Newport there are unoccupied buildings belonging to the Government suitable for quarters for officers of the highest rank. The point of order should be overruled.

The CHAIRMAN. In considering a point of order the Chair cannot take into consideration the effect of a particular enactment as to whether it would prove detrimental to the public service or not. That is not a question for the Chair, but for the House to decide. It seems to the Chair perfectly clear that a provision which would require Army officers to use Government buildings for headquarters is a retrenchment of expenditures. It might be detrimental to the service, but that is not a question for the Chair to decide. This section prohibits the payment of rent for officers' quarters under any circumstances, and it therefore does retrench expenditures, for under the existing law the expenditures are very great for this very purpose. The Chair therefore overrules the point of order.

Mr. HARRISON. I move that the section be stricken out.

Mr. FOSTER. I think it would be very difficult to execute this law if it should become one. Take the case of the general in New York. It would be impossible for him to discharge the duties of his position if he were compelled to move to Governor's Island or to Fort Hamilton. Take the case of the engineer at Toledo; I do not think that there are Government barracks within a hundred miles of him. How is he to make his headquarters in Government buildings? It seems to me to be an utter absurdity. The same argument will apply to all engineers who have charge of river and harbor improvements and the whole thing appears to me to be utterly absurd.

Mr. BRAGG. Will the gentleman allow me to make a suggestion? There is but one engineer headquarters, and it is in Washington. This section applies to departmental and division headquarters.

Mr. GARFIELD. It does not say that; it says "military headquarters."

Mr. HARRISON. If we are to have an army at all, we want to have it for use, and we want the officers of the Army to be where they will be of most benefit to the Army and to the country. This section provides that no rents shall be allowed or paid for military headquarters, regardless of the fact whether the Government has barracks or not at places most suitable for headquarters; and therefore it requires military headquarters to be established where the Government happens to have barracks. Now that may be policy, but it seems to me it is exceedingly doubtful policy. Let the Army bill be so framed that extravagant prices shall not be paid for military headquarters. I do not object to that; I am in favor of economy. But let the headquarters be established where in the opinion of the military authorities they will be most effective.

Mr. BANNING. Will the gentleman allow me to ask him a question?

Mr. HARRISON. Certainly.

Mr. BANNING. Does not the General of the Army favor the establishment of all headquarters in Government barracks? And is the gentleman from Illinois [Mr. HARRISON] better able to say where headquarters should be than General Sherman?

Mr. HARRISON. No; but I am willing to leave it to General Sherman.

Mr. BANNING. Here is his opinion upon the subject.

Mr. HARRISON. Then let him carry out his opinion, without our interfering with it. He has authority to establish these headquarters where he pleases. The Army is under the control of its head; and if General Sherman wants headquarters established at Leavenworth or Rock Island or anywhere else, let him give orders to that effect.

Why are military headquarters established at New York or Chicago? Because it is believed by the General of the Army that it is for the best interest of the service to have them there. Therefore when the gentleman quotes General Sherman, I would say that on general principles, believing General Sherman competent to determine the matter, military headquarters should be where he says.

If you establish the principle of building barracks and Government buildings where military headquarters are established, it will inevitably result in a great expenditure to the Government. Military headquarters are now established at Chicago, where the Lieutenant-General of the Army is in communication with every part of the United States by means of railroads that diverge from that city in every direction, as the nerves from the brain. Is it proposed to send him to some isolated place without means of communication, and to which you will have to build a railroad or establish a telegraph line? Let the General of the Army exercise his discretion in the matter, and let Congress say to him that he must cut down his expenses; that he shall not hire rooms in elegant gilt-corniced buildings, but he must get them in buildings that are commodious, and which can be had at cheap rates in cities as well as elsewhere. You can rent a commodious building in the city of Chicago to-day at a less price than it would take to paint and whitewash your barracks at Leavenworth. If you require your headquarters to be established at some fort or some place where the Government has some buildings or barracks, it will result in an increased expense to the Government and will not be of benefit to the Army.

The question was upon the motion to strike out section 29.

The CHAIRMAN. The Chair understands that the gentleman from Texas [Mr. SCHLEICHER] desires to offer an amendment to the section.

Mr. SCHLEICHER. I will offer the amendment after the vote is taken on striking out the section. If the section is stricken out it will do away with the necessity of my amendment.

Mr. BANNING. I want to explain. [Cries of "Vote!" "Vote!"] The gentleman from Illinois [Mr. HARRISON] says that General Sherman has the fixing of these headquarters. He has not the fixing of these headquarters. [Cries of "Vote!" "Vote!"] He says that they should be removed from the cities. The Secretary of War and the President establish the headquarters, and one of them is in Chicago to be sure. Now what is the necessity for that? Is there any war there?

Mr. HARRISON. I will tell the gentleman why. It is because you can save $150,000 a year in the one item of purchasing supplies.

Mr. BANNING. Mr. Chairman, [cries of "Vote!" "Vote!"] I have no doubt that is the difficulty with the gentleman. If headquarters are retained at Chicago there will be rent paid for buildings and money paid out for supplies which would not be paid there if headquarters were not established there. That is the trouble with the gentleman. But the General of the Army says the headquarters should not be there; that they should be taken away from there and taken away from New York, and that the general officers should be kept with the troops, where they are needed.

Mr. McCOOK. Where does the General of the Army make that statement about headquarters in New York?

The question was taken upon the motion of Mr. HARRISON, to strike out section 29; and upon a division there were—ayes 81, noes 97.

Before the result of this vote was announced,

Mr. McCOOK called for tellers.

Tellers were ordered; and Mr. HEWITT, of New York, and Mr. HARRISON were appointed.

The committee again divided; and the tellers reported that there were ayes 80, noes 92.

So the motion to strike out was not agreed to.

Mr. SCHLEICHER. I move to amend the section by adding to it the following;

Provided, That this section shall not apply to military headquarters of troops in Texas or on the Indian frontier.

Mr. GARFIELD. And I would like to add "or anywhere else." [Laughter.]

Mr. SCHLEICHER. I have no argument to make against the provision of the section in regard to headquarters where the troops are not in active service. But where the troops are in active service the location of headquarters should be directed by the military commander. In addition to that, I will say that in times of peace the question of headquarters is not to be determined by the same rules that would apply in time of war. In time of war the rules of peace do not apply.

Now, sir, in Texas there are no Government buildings whatever except in San Antonio, where the buildings are used for quartermaster and commissary stores; and if they were used for officers' headquarters it would be necessary to pitch those stores into the street. An officer there, if not allowed to rent headquarters, would have to keep them under the shade of a tree in good weather and under an

umbrella in bad weather. I understand that the gentleman managing this bill is willing to accept the amendment.

Mr. HEWITT, of New York. There is no objection on the part of the Committee on Appropriations, and I understand that the chairman of the Committee on Military Affairs also assents to it.

Mr. BANNING. I understood the gentleman from Texas to say that there were no quarters in Texas; if that be the case, I think the amendment ought to be assented to.

Mr. MARSH. The chairman of the Committee on Military Affairs [Mr. BANNING] knows very well that there are barracks in Texas, the Ringold Barracks and others.

The question being taken on the amendment of Mr. SCHLEICHER, there were—ayes 75, noes 42; no quorum voting.

Tellers were ordered; and Mr. SCHLEICHER and Mr. MARSH were appointed.

The committee divided; and the tellers reported ayes 45, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

SEC. 30. That the officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General, $13,500 a year;
The Lieutenant-General, $11,000 a year;
A major-general, $7,500 a year;
A brigadier-general, $5,500 a year;
A colonel, $3,500 a year;
A lieutenant-colonel, $3,000 a year;
A major, $2,500 a year;
A captain, (mounted,) $2,000 a year;
A captain, (not mounted,) $1,800 a year;
An adjutant, $1,800 a year;
A regimental quartermaster, $1,800 a year;
A first lieutenant, (mounted,) $1,600 a year;
A first lieutenant, (not mounted,) $1,500 a year;
A second lieutenant, (mounted,) $1,500 a year;
A second lieutenant, (not mounted,) $1,400 a year
A chaplain, $1,500 a year;
A storekeeper, $1,800 a year.

The pay fixed and provided for in this section for the several grades respectively named shall be in full for all pay and allowances of every kind and nature heretofore given or allowed by law or Army regulations, except as hereinafter provided in this act.

Mr. HEWITT, of New York, Mr. REAGAN, Mr. HALE, and others addressed the Chair.

The CHAIRMAN. The Chair will first recognize the gentleman from New York [Mr. HEWITT] representing the Committee on Appropriations.

Mr. HALE. Allow me to reserve any point of order until I see what the gentleman from New York proposes.

Mr. HEWITT, of New York. I move to amend by adding after the word "year," at the end of the clause fixing the pay of storekeepers, the words "except the storekeeper at the armory at Springfield, Massachusetts, who shall receive the pay and allowances of a major."

I will briefly explain this amendment. In the bill we propose to reduce the salary of the military storekeepers, including of course the one at Springfield. There are many millions of dollars' worth of Government property at the Springfield armory, and this property is in the custody of the military storekeeper, who has been there for many years and who has now the rank of major. It would be unjust to reduce him to a level with the other storekeepers who have very minor duties to perform. The object of the amendment is to protect him from injustice.

The amendment was agreed to.

Mr. REAGAN. I move to amend by striking out all after line 2 down to and including line 12, and inserting in lieu thereof the following:

The General, $10,000 a year;
The Lieutenant-General, $8,000 a year;
A major-general, $6,000 a year;
A brigadier-general, $4,500 a year;
A colonel, $3,000 a year;
A lieutenant-colonel, $2,700 a year;
A major, $2,400 a year.

Mr. Chairman, I am always in favor of giving a just and proper compensation to all public officers; but I believe that the compensation paid to different classes of officers ought to be regulated by something like equity, having reference to the service they are to perform. I assume it to be a fact that the pay authorized by this bill is disproportionate to the compensation of any other employés of the United States Government or of any of the States. If this be true, (and I assert that it is true,) then it is unjust and improper to pay such salaries. So far as my knowledge extends, no officers of any army in the world are paid as much as this bill proposes to pay ours. This bill proposes to give the General of the Army $13,500. In addition to this he is allowed his rations, his quarters, his fuel.

Mr. HEWITT, of New York. Oh, no; those allowances are all cut off.

Mr. REAGAN. Very well; then he will receive $13,500 a year. The Lieutenant-General, under this bill, is to have $11,000 a year. Now, the Chief Justice of the Supreme Court of the United States, who is obliged to do in one year more work than both of these military officers do in three years, and who occupies a far more responsible position, receives less than the lieutenant-general. A major-general, under this bill, will receive $7,500, and a brigadier-general $5,500. In other words, a brigadier-general receives more compensation than a THURMAN, a CONKLING, a BAYARD, or an EDMUNDS receives as a Senator of the United States; yet no one will assert that all the brigadier-generals put together do as much work in any one year in time of peace as any one of these great Senators. No one will affirm that there is any comparison between the importance of the duties devolving upon a Senator and those performed by a brigadier-general in time of peace. I assume, therefore, that such discriminations in the compensation of public servants are unjust and odious to public criticism.

Consider the salaries of the governors of the various States of the Union. In very few of the States does the governor get as much as $5,000; the majority of such officers receive only $4,000 or less. I am of course speaking of these as somewhat analogous cases. Is the governor of a State entitled to less compensation than a brigadier-general, when we consider the services performed by each?

In the English army the general receives $10,043, while we propose to give, under this bill, $13,500. The lieutenant-general in the British army receives $6,693, while we propose to give $11,000 to an officer holding the corresponding position. A major-general in the English army receives $3,344; we propose to give to an officer of the same rank $7,500. A brigadier-general in the English army receives $2,516; we propose to give $5,500.

What is the compensation of officers of the Prussian army, which carried its banners successfully into the city of Paris? We find that a general in the Prussian army receives $2,900 a year; a lieutenant-general, $2,900; a major-general, $2,115; a brigadier-general, $1,885; and so on down to majors, who receive $674.25.

Now compare the pay of our Army officers with the pay of British officers, who, I think, are the highest-paid military officers in the world except our own.

The CHAIRMAN. The gentleman's time has expired.

Mr. RIDDLE. I take the floor, and yield my time to the gentleman from Texas.

Mr. REAGAN. I am obliged to my friend from Tennessee for his courtesy.

I hope, Mr. Chairman, it will not be assumed when I submit these remarks, I do so in hostility to the Army or any officer in it. I feel as much the necessity of an efficient Army as any one does. I feel as great a desire to have efficient officers properly paid as any one does; but when I offered these amendments I had some reference to the duty which I owe to a portion of people I represent upon this floor. I have some reference to that exercise of discretion and right reason which devolves upon every one who is charged with the management of the expenditure of money drawn by taxation from the people. It is a specialty of our system that we are to have no privileged class. If the present compensation with allowance to Army officers does not constitute them a privileged class, then I do not know what name to call them.

I would do nothing unjust to any officer of the Army, but in times like these when we see the entire country suffering under the extreme financial depression and embarassment, it seems to me this is not the time for the Representatives of the people to indulge in any fanciful ideas of extravagant salaries to particular officers of the General Government. It is very easy for us to indulge fancy and sentimental ideas of extravagance at the expense of others if we choose to do so, but it is quite otherwise than fanciful or sentimental to the people already overburdened, who have to foot the bills. The time is when we should bring every expenditure of this Government down to a just and reasonable basis. I am animated only by a desire to see the compensation of these officers fixed at a proper rate, and if there is any reason existing why they should be as proposed in this bill, I should like to hear that reason. If there exists any good reason why the high pay of these officers should not be reduced to the amount mentioned in my amendment, I would be very glad to hear it.

Mr. McCOOK. Will the gentleman from Texas permit me to interrupt him?

Mr. REAGAN. In a moment. Mr. Chairman, if there exists one reason why the Chief-Justice of the Supreme Court of the United States should receive a much lower rate of compensation than the General or Lieutenant-General of the Army, I should like to know it. If there exists any reason why a brigadier-general should in time of peace be paid more than a member of the Senate or House of Representatives, I should like to know it. If there is any reason why a certain Army officer in the nature of things should get a higher compensation than the governor or chief-justice of a State, I should like to know it. If there exists, on the contrary, no such reason, why, then, shall we continue to make such extravagant rates of pay and allowance to these Army officers, extravagant in proportion to the service required to be rendered by them, and as compared with the pay and services rendered by other officers of this Government.

Mr. McCOOK. I wish simply to ask the gentleman from Texas if there is any reason why we should retain our own salary at the present figure of $5,000 a year and kick and cuff the Army around by attempting to reduce their pay?

Mr. REAGAN. I am sorry the gentleman from New York asks such a question as that. The men who represent the people in the Senate and House of Representatives, whose votes affect to the utmost the vital interests of this whole country, whose votes here may influence the welfare of this whole country, are to have their pay put down to $5,000, and the gentleman from New York asks us to give

$13,500 a year to the General; and $11,000 a year to the Lieutenant-General; and $7,500 to major-generals; and $5,500 to brigadier-generals, who discharge merely the administrative duty of executing orders issued to them by the authority of the War Department, paying enormous salaries as compared with the salaries paid to the civil officers of this Government, and this the gentleman from New York calls "kicking and cuffing the Army about." The only injustice here is injustice to the tax-payer in this Congress allowing such high compensation to these Army officers.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. COX, of New York, having taken the chair as Speaker *pro tempore*, a message from the President by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 3121) for the relief of Numis H. Coverdale;

A joint resolution (H. R. No. 151) directing the Secretary of the Treasury to refund to the Society of the Sons of St. George, established at Philadelphia, the sum of $1,440.25 in gold, being the amount paid by the society upon a colossal statue of St. George and the Dragon;

An act (H. R. No. 3080) granting a pension to Warren F. Wood;

An act (H. R. No. 1815) granting a pension to Florence V. Moore;

An act (H. R. No. 3113) granting a pension to Mrs. Emily H. Lyford;

An act (H. R. No. 3107) granting a pension to Louisa J. Guthrie and others;

An act (H. R. No. 2028) granting a pension to Isabella Cassidy;

An act (H. R. No. 1949) granting a pension to Benjamin C. Webster;

An act (H. R. No. 439) granting a pension to Jonathan R. Pilman;

An act (H. R. No. 97) granting a pension to William A. Miller;

An act (H. R. No. 941) granting a pension to George Grove;

An act (H. R. No. 3569) granting a pension to Ovid H. Clark;

An act (H. R. No. 532) granting a pension to John Frey;

An act (H. R. No. 3730) granting a pension to Elizabeth Reese, widow of John Reese, a deceased soldier;

An act (H. R. No. 3114) providing for an increase of pension to Charles H. Day;

An act (H. R. No. 531) restoring the name of Thomas W. Brown to the pension-roll;

An act (H. R. No. 300) for the relief of Dudley A. Fish, of Bucyrus, Ohio;

An act (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldiers' Home, Augusta, Maine;

An act (H. R. No. 388) for the relief of William Roylston, late private Company D, First Regiment Tennessee Light Artillery;

An act (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army;

An act (H. R. No. 3098) granting a pension to Joseph L. Young, late a private Company C, Eleventh Regiment Maine Volunteers;

An act (H. R. No. 490) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late a private in Company E, One hundred and twenty-third Illinois Infantry;

An act (H. R. No. 3570) granting an increase of pension to John Murphy, late private in Company F, Fifth Regiment United States Infantry;

An act (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation, in the State of New York;

An act (H. R. No. 3568) granting a pension to Mary T. Thompson, widow of William Thompson, late second lieutenant Company E, Twelfth New York Volunteers;

An act (H. R. No. 1975) granting a pension to William Stafford, of South Yarmouth, Massachusetts;

An act (H. R. No. 1809) granting a pension to William Shultis, late of Company K, Fourteenth Regiment New York Volunteers;

An act (H. R. No. 524) granting a pension to Lemuel Lawrence, late second lieutenant Company B, Sixth Regiment Illinois Cavalry Volunteers;

An act (H. R. No. 2026) granting a pension to Miss Julia S. W. Evans, widow of Itenry D. Evans, late first lieutenant Company B, Thirteenth Missouri Volunteers;

An act (H. R. No. 3105) granting a pension to Ruth Isabella Naylor, widow of Captain Charles Naylor, of the Second Regiment Pennsylvania Volunteers in the Mexican war;

An act (H. R. No. 3115) granting a pension to Elizabeth J. Totten, widow of the late Commodore Benjamin J. Totten, United States Navy;

An act (H. R. No. 3123) extending the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive, to the port of Bath, in the State of Maine; and

An act (H. R. No. 251) for the relief of James J. Waring, of Savannah, Georgia.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. FOSTER. Mr. Chairman, if I understand the argument of the gentleman from Texas at all it is that he compares the salaries paid in this country with the salaries paid to British officers, and he goes on further to say that a CONKLING, an EDMUNDS, and a THURMAN get no more than a brigadier-general in the Army. Let me put it in another way, that a REAGAN, and a FOSTER, and a FINLEY, and a SPRINGER get as much pay as a brigadier-general. Let us put it in that way.

Mr. BANNING. But you do not get it, for you only get $5,000 and a brigadier-general gets $5,500, while the Lieutenant-General gets more than twice as much and the General nearly three times as much.

Mr. FOSTER. Let me carry out the parallel. A member of the English Parliament gets nothing at all. He gets no pay whatever; but as I am told by a friend near me he has on the contrary to pay for his seat. I regret exceedingly, Mr. Chairman, that the gentleman from Texas should make an attack upon the salaries of the General and Lieutenant-General of the Army. No one contends the salary is not a large one, but the compensation was fixed for distinguished services rendered in putting down the rebellion by those distinguished officers. It was for that reason. We do not need these officers at all. There is no necessity for General or Lieutenant-General, and their offices expire at the death of the present incumbents. We gave them this compensation for their distinguished services during the war and nothing else.

Mr. BANNING. Does the gentleman know that the General's salary has been reduced since it was first given?

Mr. FOSTER. I do not.

Mr. BANNING. Then the gentleman has not examined the matter carefully.

Mr. FOSTER. The salary has not been touched, but the allowances have been; and the difference is not much. And I am sorry that a gentleman who was connected with the confederate government should move to reduce the salaries especially of these two officers.

In 1860 the members of this House received $3,000 a year. In 1878 we received $5,000. I have not heard the gentleman from Texas, or any other economist on this floor, offer to reduce the salaries of members of this House. But when it comes to departmental clerks, to officers of the Government, and especially of the Army, then at once these gentlemen become economical and want to reduce their salaries. I tell the gentleman from Texas the people of this country will consider this all cant unless you take hold of your own salaries and reduce them and then go at the rest.

Mr. REAGAN. I desire to say one word in reply to the gentleman from Ohio. [Cries of "Vote!" "Vote!"]

Mr. HARRISON. I would like to ask the gentleman from Ohio a question.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. HARRISON. I wish to ask the gentleman if he is not less particular as to the salaries of Congressmen since the redistricting of Ohio?

Mr. FOSTER. The gentleman, after putting his question, should not go away. I desire him to come back within the bar. I want to tell the gentleman from Illinois that my district is not stolen yet.

Mr. REAGAN. I offer a *pro forma* amendment.

The gentleman from Ohio took occasion to say he regretted I should propose any modification of the salaries of Army officers, especially of the General and Lieutenant-General, inasmuch as I was somewhat connected with the confederate government. Why, sir, I stand here upon this floor as a Representative of the people, under the same constitution and laws as any other Representative upon this floor, and my people having the same interests and rights, and being under the same constitution and laws as those who are represented by the gentleman from Ohio, and as their Representative I have just the same sort of rights and privileges upon this floor that he has. If I do not make this motion, or some one else on this side, it is not very likely to be done by that gentleman and those who act with him.

If salaries are out of all proportion and unreasonable is it an offense against political principle or personal duty that I should rise in my place and ask that a wrong be corrected, that an unreasonable thing be converted to a reasonable thing? I trust that gentlemen have a better and higher ground for meeting me than by taunting me with having been a confederate. That is not a good reply, sir, to reason.

I stand here under the Constitution and the laws, representing a portion of the American people, charged upon my oath to discharge my duty under the Constitution and laws as I understand it. That I expect, sir, to do regardless of the taunts of gentlemen who have no better argument than to refer to such things as this when reforms, just and necessary reforms in the interest of the Government and the people of the United States, are proposed.

Mr. BRAGG. I offer what I send to the desk as a substitute for the proposition of the gentleman from Texas.

The Clerk read as follows:

That the officers of the Army shall be entitled to the pay herein stated after their repective designations: The General, $12,000 a year; the Lieutenant-General, $8,000 a year; a major-general, $6,000 a year; a brigadier-general, $5,000 a year; a colonel, $3,500 a year; a lieutenant-colonel, $3,000 a year; a major, $2,600 a year; a captain, (mounted,) $1,800 a year; a captain, (not mounted,) $1,620 a year.

An adjutant, the pay of his grade mounted.

A regimental quartermaster, the pay of his grade mounted.

A first lieutenant, (mounted,) $1,500 a year.

A first lieutenant, (not mounted,) $1,400 a year.

A second lieutenant, (mounted,) $1,400 a year.

A second lieutenant, (not mounted,) $1,300 a year

A chaplain, $1,400 a year.

An ordnance storekeeper, $1,800 a year.

The pay fixed and provided for in this section for the several grades respectively named shall be in full for all pay and allowances of every kind and nature heretofore given or allowed by law or Army regulations, except as hereinafter provided in this act.

Mr. BRAGG. The substitute which I offer provides the pay as agreed upon by the majority of the Military Committee. I offer it as the action of the majority of the Military Committee.

Mr. REAGAN. As this amendment offered by the gentleman from Wisconsin comes with the indorsement of the Military Committee, I accept it as a substitute for mine.

The CHAIRMAN. The Chair will state that in the consideration of appropriation bills the clauses are invariably treated as sections; that is, each clause is separately considered. It is usual to submit an amendment to each clause as presented. The Chair will first put the question on the amendment to the first clause of the bill as accepted by the gentleman from Texas. The Clerk will read the pending clause.

The Clerk read as follows:

That the officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General, $13,500 a year.

The CHAIRMAN. The amendment proposes to strike out "$13,500" and insert "$12,000."

Mr. WILLIAMS, of Michigan. I hope that the salaries fixed in the bill will be adopted by the House. It was stated by a gentleman who spoke a few moments ago, and it has been several times stated in the course of the debate on this bill, that the salaries of officers of the Army of the United States are higher than those of officers of any other army in the world. This, sir, is a great mistake. Their salaries are not higher than those in a good many other armies as I will show by a reference to the figures which I find in Upton's work on the Armies of the World. He states:

The following tables show the pay and allowances of the commander-in-chief in India, and also the principal staff officers:

Commander-in-chief	100,000 rupees, equal to	$50,800 00
Military secretary	18,000 rupees, equal to	9,000 00
Adjutant-general	36,000 rupees, equal to	18,009 00
Deputy adjutant-general	22,560 rupees, equal to	11,280 00
Assistant adjutant-general	15,725 rupees, equal to	7,862 50
Quartermaster-general	30,000 rupees, equal to	15,000 00
Inspector-general of artillery	28,024 rupees, equal to	14,012 00
General commanding division	38,564 rupees, equal to	19,284 00

Officers of the staff corps receive the following monthly pay:

Lieutenant-colonel	827 rupees, 14 annas, equal to	$413 92
Major	640 rupees, 14 annas, equal to	320 42
Captain	374 rupees, 1 annas, 6 pices, equal to	187 04
Lieutenant	225 rupees, 12 annas, equal to	112 86

The above is the pay proper of officers employed and unemployed.

In addition nearly every appointment in India carries with it staff pay and allowances equal and frequently exceeding the officers' pay proper.

A colonel commanding a brigade of horse artillery receives 1,358 rupees per month, and command allowance of 400; making $879 per month.

A lieutenant-colonel commanding a regiment of British cavalry receives 1,037 rupees per month, with a command allowance of 400 rupees; equal to $718.50.

A lieutenant-colonel commanding a regiment of British infantry receives 1,002 rupees per month, and a command allowance of 400 rupees; equal to $701.

The commandant of a regiment of native cavalry receives 640 rupees, 14 annas per month, and a command allowance of 700 rupees; equal to $670.

The monthly pay of a commandant of a native infantry regiment is $620 42.

The following table shows, in rupees, annas, and pices—the currency of India—the monthly pay and allowances of a native regiment of infantry:

Monthly pay and allowances of a native regiment of infantry in India.

Rank.	Number.	Pay proper.			Command, staff, and horse allowance.			Total per month.			Per month.
		Rs.	*As.*	*Ps.*	*Rs.*	*As.*	*Ps.*	*Rs.*	*As*	*Ps.*	
Lieutenant-colonel	1	1,002	4	.....	430	.....	.....	1,432	4	.....	$716 12
Major	2	7 0	3	.....	30	.....	.....	789	3	.....	394 59
Captain	8	415	6	.....	30	.....	.....	445	6	.....	222 68
Lieutenant and sublieutenant	16	202	12	5	.....	.....	.....	202	12	5	101 37
Paymaster	1	445	13	.....	78	10	8	524	7	8	262 22
Adjutant	1	256	10	.....	257	.....	.....	513	10	.....	256 80
Quartermaster	1	274	14	3	85	.....	.....	369	14	3	184 93
Surgeon-major	1	789	3	.....	.....	.....	.....	789	3	.....	394 59
Surgeon	2	317	8	.....	.....	.....	.....	317	8	.....	158 74
Sergeant-major	1	50	9	6	.....	.....	.....	50	9	6	25 37
Bandmaster-sergeant	1	47	14	10	.....	.....	.....	47	14	10	23 93
Quartermaster-sergeant	1	39	14	10	.....	.....	.....	39	14	10	19 93
Paymaster-sergeant	1	29	4	2	.....	.....	.....	29	4	2	14 62
Armorer-sergeant	1	77	4	2	.....	.....	.....	77	4	2	38 62
Hospital-sergeant	1	33	5	4	.....	.....	.....	33	5	4	16 65
Sergeant-pioneer	1	29	4	2	.....	.....	.....	29	4	2	14 62
Color-sergeant	6	37	4	2	.....	.....	.....	37	4	2	18 62
Sergeant	32	29	4	2	.....	.....	.....	29	4	2	14 62
Sergeant instructor of musketry	1	45	4	2	.....	.....	.....	45	4	2	22 62
Orderly-room sergeant	1	29	4	2	.....	.....	.....	29	4	2	14 62
Drum-major	1	29	4	2	.....	.....	.....	29	4	2	14 62
Drummer	16	15	14	10	.....	.....	.....	15	14	10	7 93
Corporal	40	18	9	6	.....	.....	.....	18	9	6	9 37
Private	780	14	9	6	.....	.....	.....	14	9	6	7 28
Total	886										
Grand total	919										

The pay of a private upon his first enlistment in our Army only amounts to $14.20 per month. Now, sir, it has been said that the officers of the Navy are not as well paid as the officers of the Army. A communication has been sent to me which I will have read, accompanied by a table furnishing the figures and showing the difference between the pay of Army and Navy officers.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 22, 1878.

DEAR GENERAL: In Mr. HEWITT'S speech on introducing the Army appropriation bill, May 18, 1878, he submits two tables, which are to be found on page 20 of the RECORD of May 21, showing the comparative pay of the Navy and Army according to relative rank.

In the table of Army pay he gives pay and allowances. In the Navy table the allowances are omitted. This is a very unfair statement of the case and gives the impression that Navy officers receive no allowances.

I have taken the trouble to inquire into the matter, and as a result of my inquiries submit herewith a table which shows the highest pay and allowances of officers of the Navy.

This is as fair a statement of the Navy pay and allowances as is that of the Army as given by Mr. HEWITT.

The accuracy of my statement can, I believe, be substantiated by numerous witnesses acquainted with the facts.

It is notorious that the quarters of Navy officers at their stations, ashore and afloat, are far superior to those of the Army. I am informed at all northern yards their quarters are heated by steam at the expense of the United States; that gas is supplied in the same manner.

The following statement has been furnished me, showing the pay and allowances of a commodore in command of a navy-yard:

Pay	$4,000 00
Quarters	1,000 00
Fuel	308 00
Furniture	1,000 00
Lights	40 00
One steward	498 00
One cook	438 00
Two waiters	392 00
One lodge-boy	156 00
One coxswain	487 50
Ten men for boats' crew	1,860 00
One gardener	1,000 00
Total	11,369 50

The matter of prize money is very important, and should be taken into consideration. It would be useful to Congress and to the country to know just how much prize-money has been paid to Navy officers. This information can doubtless be obtained by calling on the Secretary of the Treasury to report each officer by names and rank who has received prize money since 1860, and the amount.

During the war, when gold was at a premium of 200 to 240, Army officers received pay in currency, at the same time all Navy officers outside of the United States received their pay in gold.

These are some of the considerations which should, I think, receive due weight in comparing the pay and allowances of the two services.

Hon. A. S. WILLIAMS,
Washington, D. C.

Mr. WILLIAMS, of Michigan. This communication is accompanied by the following statement of the comparative organizations and pay of the Army and the Navy:

Table exhibiting a comparison of the number of officers of the line of the two services.

Present organization of the Army.		What the organization of the Army would be if placed on an equal footing with the Navy.		Present organization of the Navy.		What the organization of the Navy would be if placed on an equal footing with the Army.	
Rank.	Number.	Rank.	Number.	Rank.	Number.	Rank.	Number.
Enlisted men	25,000	Enlisted men	25,000	Enlisted men	7,500	Enlisted men	7,500
Major-generals	3	Major-generals	36	Rear admirals	12	Rear-admirals	1
Brigadier-generals	6	Brigadier-generals	75	Commodores	25	Commodores	2
Colonels	40	Colonels	150	Captains	50	Captains	13
Lieutenant-colonels	40	Lieutenant-colonels	270	Commanders	70	Commanders	13
Majors	70	Majors	240	Lieutenant-commanders	86	Lieutenant-commanders	24
Captains	430	Captains	840	Lieutenants	280	Lieutenants	144
First lieutenants	530	First lieutenants	300	Masters	100	Masters	190
Second lieutenants	445	Second lieutenants	300	Ensigns	73	Ensigns	145

NOTE.—Seventy-three ensigns at the bottom of the list and 12 rear-admirals at the top. An ensign has one chance in six of becoming a rear-admiral. Four hundred and forty-five second lieutenants at the foot and 3 major-generals at the top in the Army. A second lieutenant has one chance in one hundred and forty-eight of attaining the grade of major-general.

Pay of the Navy.

Grades.	Pay.	Money value of allowances furnished in kind.						Total pay and allowances.
		Quarters, fuel, furniture, and lights.	One ration per day.	One man waiter.	One steward.	One cook.	Servants' rations.	
Rear-admiral	$6,000 00	$3,000 00	$109 50	$186 00	$438 00	$438 00	$328 50	$10,560 00
Commodore	5,000 00	2,500 00	109 50	186 00	438 00	438 00	328 50	9,060 00
Captain	4,500 00	2,500 00	109 50	186 00	438 00	378 00	328 50	8,440 00
Commander	3,500 00	2,000 00	109 50	186 00	438 00	378 00	328 50	6,940 00
Lieutenant-commander	3,000 00	2,000 00	109 50	147 75		100 00		5,357 25
Lieutenant	2,600 00	1,336 00	109 50	147 75		100 00		4,293 25
Master	2,000 00	1,044 00	109 50	147 75		100 00		3,401 25
Ensign	1,400 00	1,044 00	109 50	147 75		100 00		2,801 25

Gentlemen in stating that the officers of the Navy were not as well paid as those of the Army neglected to include in the pay of the naval officers their allowances. I have here also a table containing the statement of the pay of the Marine Corps, in the bill which recently passed this House without objection, which I submit for the consideration of the House, as follows:

Rank.	Number.	Marine Corps.	Army.
Colonel	2	$4,500	$3,500
Lieutenant-colonel	2	4,000	3,000
Adjutant, quartermaster, and paymaster, (majors)	2	3,333	2,500
Majors	1	3,666	2,500
Assistant quartermaster	2	2,700	2,000
Captains, (not mounted)	20	2,340	1,800
First lieutenant	30	1,825	1,500
Second lieutenant	21	1,407	1,400
1,500 privates, at $15 per month, (average)			
Total	80		

Section 1612 Revised Statutes gives the same pay and allowances as are or may be provided by or in pursuance of law for the officers of like grade in the infantry of the Army. Not an officer of this corps has seen sea service in his present rank above the grade of captain.

RETIRED NAVY OFFICERS.

1 brigadier-general	$4,125
2 lieutenant-colonel	3,000
3 majors, each	2,500
1 assistant quartermaster	2,100
3 captains, each	1,485
1 first lieutenant	1,125
2 second lieutenants, each	1,050

I can see no reason why the officers of the Marine Corps, who spend nine-tenths of their time in the barracks and send only one-tenth of their men upon sea duty, should have larger pay than officers of corresponding rank in the regular Army. I do not want to say anything against the present pay of the Marine Corps; I do not think it is too high, but I do not see why if we reduce the pay of the Army the pay of the Marine Corps should not be reduced correspondingly. The officers of the Army are willing to have their pay reduced corresponding to any reduction that may be made in the pay of civil officers, or officers of other arms of service, but they do object to having the Army made the butt in this House for the reduction of pay when no other reduction is thought of in other branches of service.

Mr. BANNING. I move to strike out the last word. The gentleman from Michigan says that the Army officers object to this reduction. Now, sir, I hold in my hand the testimony of the first officer in the Army of the United States.

Mr. WILLIAMS, of Michigan. The gentleman did not understand me to say that they objected to a reduction of pay. I said that they had no objection to a reduction corresponding to the reduction in the salaries of civil officers.

Mr. BANNING. I hold in my hand the testimony of the first officer in the Army, taken February 4, 1876. The question was put to him:

What reduction, if any, can be made in the pay of the officers of the Army, without detriment to the efficiency of the service?

He answered:

I think the present salary bill for the Army is just and liberal, that is, supposing it to be of lasting duration and it will not be materially altered until the currency comes to the gold standard, when all salaries could be reduced from 15 to 20 per cent.

That was the testimony of General Sherman. It was upon that testimony that the Committee on Military Affairs in the last Congress reported a bill reducing the salaries as the bill of General Bragg now reduces them, because the House by the passage of the silver bill and other wise legislation this session have made a "greenback" equal to a gold dollar.

Mr. FOSTER. We have.

Mr. BANNING. We have made them equal, and my colleague [Mr. FOSTER] insists upon giving General Sherman more than he thought he was entitled to under that bill.

Mr. FOSTER. Let us see about that.

Mr. BANNING. My colleague must wait; please sit down. If we were to reduce his salary as he said then it might be done, supposing that a gold dollar and a greenback became equal, we should reduce it to $9,133 instead of $13,000, to which we now propose to reduce it.

Mr. FOSTER. He did not mean that.

Mr. BANNING. I will not let my colleague be guilty of saying that a distinguished officer of the Army ever said what he did not mean.

Now, Mr. Chairman, the General of the Army said himself that his salary might be reduced 15 or 20 per cent., and also the salaries of all the officers of the Army when the greenback and the gold dollar became equal in value. Why should my colleague object to a reduction now? The gentleman says that these offices were created in the nature of pensions to these distinguished officers and that we expect no service from them.

Mr. Chairman, I say these salaries we are now paying these officers, $18,000, and $13,000, and $10,000, and $9,000, are too high, when labor is going without employment, when men are hungry; when, according to a distinguished gentleman from New York, thousands and tens of thousands go to bed hungry every night or would do so but for the charity of the good men of the land; it is all wrong to pay such salaries and it ought to be stopped.

Mr. FOSTER. Why not reduce your own salary?

Mr. BANNING. Sir, my salary is $2,500 less than you fixed it in the Congress before I came here. When I came here I made haste to reduce it. Now, if you want to reduce it, as you are going out of Congress, it is a good time to do it, and I will help you.

Mr. FOSTER. I shall have company.

Mr. BANNING. Ah, you will have company! You thought that a long time ago.

Mr. FOSTER. I have had company all the time.

Mr. BANNING. I repeat, Mr. Chairman, that these salaries are too large; they are out of all proportion. They were established when the currency of the country was 30, 40, or 50 per cent. less valuable than it is now. Gentlemen have no right to stand up here and resist the reduction of these large salaries at a time when the purchasing power of the money that they receive is twice what it was when these salaries were established. They ought to be reduced now, and the gentleman who rises in his place and shakes the bloody shirt in the face of a man proposing to reduce these salaries because he served in the confederacy, it appears to me, resorts to an argument that ought to be forgotten. The country is tired of that; they have heard of the bloody shirt often enough and long enough.

Mr. HANNA. Will the gentleman allow me to ask him a question?

Mr. BANNING. There is no argument in the bloody shirt any more. What the people want is a reduction of expenditure.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. The present salary of the General of the Army, including allowances, is $17,700 a year; the salary proper is $13,500. I agreed in the Committee on Appropriations that the allowance for forage should be stricken out. According to this bill the reduction of the salary of the General of the Army is about 17 per cent., just about the reduction that General Sherman said ought to be applied to the salaries of officers when he gave the testimony to which my colleague refers.

I did not refer to the bloody-shirt business for the purpose of provoking any such reply as my colleague [Mr. BANNING] has seen fit to make. But I want to say this in his presence, that General Sherman has been treated as the savior of his country, so to speak. The allowances which we make to General Sherman are very small compared with the allowances made by Great Britain and other countries to their generals who have rendered no more distinguished services than were rendered by General Sherman.

As I have already said, we do not need a General of the Army or a Lieutenant-General. But to these men who have rendered such distinguished services to their country we have given large salaries for that service. It is a tribute of a grateful country to these men for their distinguished services. Therefore I stated that I regretted that a gentleman who fought on the other side should make this motion to reduce their salaries.

It does seem to me that there is something in the argument which I have tried to urge here that if gentlemen on the other side are so fond of economy then it would be well for them to take hold of their own salaries and reduce them. I press that argument home to them. The people cannot appreciate this cutting and paring down of the compensation of Army officers and of the clerks in our Departments unless members will take hold of their own salaries and reduce them. Your salaries to-day are 66 per cent. greater than were the salaries of members of Congress in 1860.

Mr. TUCKER. Did not the House in the last Congress pass a bill reducing the salaries of members of Congress?

Mr. FOSTER. They passed a bill proposing to reduce the salaries 10 per cent.

Mr. TUCKER. Then have we not endeavored to do the very thing which you say that we ought to do?

Mr. FOSTER. This is the very easiest House to be forced to give up anything that I have ever seen in my life. I remember distinctly that you could not get the yeas and nays on that proposition. My friend from Kentucky, Mr. KNOTT, would not rise to order the yeas and nays; my friend, Mr. MORRISON, would not rise; even COX would not rise. [Great laughter.] Why, sir, it was the most beautiful piece of forcing that I ever witnessed in this Capitol. Even my friend from Virginia [Mr. TUCKER] was the easiest man forced to take his large salary. You could not get the yeas and nays out of that side of the House, although they had one hundred and ninety-two members.

Mr. TUCKER. What does the gentleman say with regard to me?

Mr. FOSTER. I say that you were the easiest man forced to take your high salary that I ever saw in my life.

Mr. TUCKER. I do not know how I was forced.

Mr. FOSTER. You were forced to take your $5,000 a year.

Mr. TUCKER. I voted to reduce my salary.

Mr. FOSTER. But you did not rise to order the yeas and nays on the question.

Mr. TUCKER. Does the gentleman say that I did not rise?

Mr. FOSTER. I do not think you did.

Mr. TUCKER. Does the gentleman know?

Mr. FOSTER. There were only twenty-eight rising. Did the gentleman rise?

Mr. TUCKER. I do not remember.

Mr. FOSTER. My impression is that you did not rise.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of New York. I am sorry that my voice is in such condition that it is difficult for me to make myself heard; but I wish to say to the gentleman from Ohio, [Mr. FOSTER,] my colleague on the Committee on Appropriations, that when he seeks to check economy by throwing a taunt into the face of any member of this House who feels constrained by his oath of office and his duty to his constituents to offer an amendment in the direction of economy, he commits an offense against good manners, against courtesy, and against comity which it is very hard to palliate.

This proposition to reduce the pay of the General of the Army was made long ago, before the "confederates," as the gentleman terms them, were so strong in this House. It was made by a gallant Union officer, who thought that the pay of the General of the Army was too high, and who made a vigorous effort to have it cut down to the sum of $12,000 a year, which is the sum proposed by the amendment offered by the gentlemen from Wisconsin, [Mr. BRAGG.]

I ask the Clerk to read some extracts I have marked in a speech made in the Forty-first Congress by General Logan, on the subject of the reduction of the pay of the General of the Army.

The Clerk read as follows:

Now, in our bill we propose to pay the General of the Army $12,000. Some members who have spoken to me this morning say that we must not cut down the pay of the General of the Army. Well, if Congress does not want to cut down the pay of the General, Congress need not do it; but I would just as soon cut down the pay of one officer of this Government as of another, if that pay is too much. He lives in his own house, which was presented to him, and draws for commutation of his quarters, fuel added, $3,420. The tax-payers will want to understand how this is that they pay so much rent to a man for living in his own house. Now will any man tell me why the General of your Army, and that Army only thirty-seven thousand strong, should receive $19,000 and upward a year, when the Chief-Justice of the Supreme Court, who has to sit upon the bench day after day and month after month, and labor as hard as a man can, gets only $6,500 and the associate justices $6,000? Your Speaker of the House gets only $8,000, and the Vice-President, who is the next highest officer to the President of the United States, only gets $8,000 a year. The Secretary of War commands the General in theory and only gets less than half the salary.

Now, if you will tell me why a man who does not rank as high, so far as office is concerned, as the Vice-President of the United States, shall receive $19,000 and upward a year while the Vice-President receives but $8,000, I would be glad you would do so; for I can see no good reason for it. It seems to me that $12,000 a year is a fair salary for any man in this country who holds any office lower than President. It is a higher salary than is now given to any officer of the Government except the President.

General Sherman is a man for whom I have always entertained the highest respect as a military man. I am willing he should have all the credit to which he is entitled. But because I am willing to give him credit as a great general, that is no reason why I should tax the wooden-legged and one-armed men, and the widows and orphans of this country, to pay him more than double that which is paid to the Chief-Justice or the Vice-President, when he does not hold so high an office as they do. But if you undertake to touch his salary the little papers down here in the city will pitch into you and say that you want to attack a brave general. Now, I do not want to do any such thing. But I say that the tax-payers are having an attack made on them; and you must look to it that they are not burdened to death for the benefit of a few individuals who ought to be satisfied with their honors and a competency without asking to be surfeited with riches.

[Here the hammer fell.]

Mr. EDEN obtained the floor and yielded his time to Mr. HEWITT, of New York.

Mr. HEWITT, of New York. The remarks just read by the Clerk show that before the gentleman from Texas conceived the ideas which he has submitted to the House General Logan had enunciated on this floor views so nearly like those that the gentleman from Texas has expressed to-day that the latter gentleman might almost be accused of plagiarism.

In view of this statement, how does it happen that the Committee on Appropriations have come into this House with a bill proposing that the pay of the General of the Army be let alone? I will state the reason. Gentlemen will remember that in my opening remarks on this bill I said we did not propose to change the pay proper of the Army, but we did intend to touch the allowances so as to bring the aggregate pay back to the rate which existed in 1860. By the table appended to my remarks it will be found that in 1860 the Lieutenant-General (for we then had no officer known as General) received in the aggregate $14,956.48. Under the provisions of this bill, with the allowance which remains to the General, he will receive $15,000, being only $43 more than was paid to General Scott in 1860.

In 1860 the rate paid to a major-general was $8,698.68. Under this bill the rate paid to a major-general is $8,148, being three or four hundred dollars less than in 1860. A brigadier-general received in 1860 $6,342.40. Under this bill such an officer will get $6,040—only a little less than in 1860.

So, going through the entire list, this bill, as constructed by the Committee on Appropriations, brings the pay of the officers of the Army down to the pay in 1860—a little below, but not much. It seems to me as a just man, that when gold had come back to par, when supplies had come down to the rates which prevailed in 1860, all that we ought to do, all that this country would require us to do,

was to bring back the pay of the Army to the rates which existed in 1860, before paper money had inflated the currency and before these unhappy divisions began.

Now, I appeal to gentlemen upon all sides of the House not to allow their passions to be evoked in this discussion, but to try to do justice. If these rates were just in 1860, they are just now. It seems to me we can be guided by a higher reason than by appeals to the "bloody shirt" and to the passions of men. It would better become my friends on the other side, whose interest perhaps I have been protecting to some extent, to address themselves to this subject on the ground of principles, and not upon the ground of prejudice.

[Here the hammer fell.]

The CHAIRMAN. The debate on the amendment to the amendment is exhausted.

Mr. BANNING. I will withdraw the *pro forma* amendment.

Mr. CALKINS. I renew it. Mr. Chairman, I shall not support the pending amendment for the reason that so far as I have knowledge of the sentiment prevailing throughout the States of the North there is no disposition or desire on the part of anybody to reduce the pay of the General of the Army. I admit that according to our American ideas the salary may be a little large; but it was not with reference to any such consideration that the salary was fixed. It was, as has been well said, on account of the distinguished services rendered by General Sherman to the country; and I think that if the present pay of the General of the Army be attacked and reduced it will be found that the country will not approve the reduction.

There are places where reductions can be made and where they ought to be made, but in this instance by general consent, I believe, the whole country almost unanimously will vote to leave it where it is. I will never consent that the salary of the General or Lieutenant-General shall be cut down at this time, because, as has been said, when these gentlemen die the respective offices which they fill will become vacant, and it is a mere mark of veneration and respect which the people have bestowed on these generals that their pay and rank have been fixed as they are now. As one of the very humble members who followed both of those distinguished officers during the recent war I am perfectly willing to bear my share of the extra burden to leave their salaries at the present rate. I believe that is the general feeling of all.

Mr. McCOOK. Mr. Chairman, when I interrupted the gentleman from Texas [Mr. REAGAN] and used the expression "kicking and cuffing the Army around," I am sure he will acquit me of saying anything personal or offensive to him. And if my colleague [Mr. HEWITT] in speaking and pointing in this direction would seem to suggest that at any time on this floor I have flaunted in his or any other gentleman's face "the bloody shirt," he is very much mistaken.

In regard to the pay of the General of the Army which is provided for in the clause we are now discussing, gentlemen will remember that this committee have in a preceding portion of the bill reduced the staff of the General of the Army both in number and pay. That was reduction No. 1. They come now, in the second place, with a proposition to reduce the pay and allowance of the General of the Army from what it now is. It seems to be a pretty large compensation, amounting I think at present to $17,700, but it is trifling in comparison to the services he has rendered. General Sherman is so well known that it is not necessary for me to enter into any eulogy of him or his services. But I come from the city of New York to which the gentleman from Ohio [Mr. BANNING] has referred, where he said many thousands of men are suffering, which by the way I do not believe—I say that I have the honor to represent, as best I may, a district in that city, and I never want to come back to this House if I am to come with the understanding I will ever cast my vote for any reduction of the pay of the General or Lieutenant-General of the Army or the pay of Major-General Hancock. I say that distinctly, and if necessary I will say it to my constituents; and I am profoundly indifferent as to the result to myself, for on this question my convictions are so strong that I cannot surrender them.

But let us look for one moment to the history of this title of General as well as the title of Lieutenant-General. The original act creating the grade of Lieutenant-General was passed May 28, 1798, under the administration of John Adams and in anticipation of hostilities with France. It was conferred upon George Washington as "Commander-in-Chief of all armies raised or to be raised," but this was superseded by act of March 3, 1799, which directed that the Commander-in-Chief should be commissioned by the style of "General." The commission, I believe, was actually issued, but as the war was confined to one or two engagements at sea between frigates the command was not actually exercised by Washington, who died December 14, 1799, about nine months after it had been created.

The grade of Lieutenant-General was revived by act of Congress approved February 15, 1855, and in the language of the statute was "for the purpose of acknowledging the eminent services of a major-general in Mexico, to take rank from the date of such services." This grade was conferred upon Winfield Scott by brevet from the capitulation of Vera Cruz in 1847. Under that brevet assignment, Mr. Chairman, General Scott received up to the date of his death, May 29, 1866, pay amounting annually to $13,771.20, not including anything he may have received from the Quartermaster's Department, which I have been unable to obtain. In addition to this regular annual pay of $13,771.20 he received on the 13th of March, 1857, $30,401.06, under the construction of certain acts increasing his allowance for forage from March, 1849, to February, 1857, and increase for rations from July, 1856 to February, 1857.

The CHAIRMAN. The gentleman's time has expired.

Mr. GARDNER. I will take the floor and yield my time to the gentleman from New York.

Mr. McCOOK. I thank the gentleman.

Now, Mr. Chairman, after the death of General Scott the grade was again revived in 1864, as General Grant was commissioned Lieutenant-General March 2, 1864, and General the 25th of July, 1866; General Sherman being made Lieutenant-General the same day; and March 4, 1869, upon the inauguration of Grant as President, he became full General.

Section 1094 Revised Statutes says—

> That when a vacancy occurs in the office of General or Lieutenant General such office shall cease, and all enactments creating or regulating such offices shall, respectively, be held to be repealed.

This being the case, and the offices being created as a recognition of eminent services, we are justified in examining the claims of those holding them when the emoluments are sought to be reduced or when anything in connection with them is brought into discussion. Whatever place may be assigned by the impartial historian to Washington as a great captain, no American, at least, can be found to dispute his title to pre-eminence.

His successor, General Scott, was the hero of two wars. On the Canadian frontier he displayed his ability as a commander, and on the march from the Gulf to the City of Mexico, in our first formidable invasion of a foreign territory, he won the plaudits of the world. Whatever his faults, he was a great soldier and an unflinching patriot, and the country which he served so long and so faithfully will never forget him.

His successors, both of whom attained to the grade created for the Father of his Country, and revived after the suppression of our rebellion, are still living, and the time has not yet come, perhaps, when full justice can be done to them and their services.

One became the leader of a great party, and for eight years occupied the chair of Washington; his equal in military rank and, in my judgment, not inferior to him in patriotism, simplicity of character, and devotion to what he believed to be his duty and the best interests of the country.

The genius and talents of the other are recognized at home and abroad, and it is no exaggeration to say that General Sherman stands to-day in the front rank of the world's generals. His services to the country cannot be estimated in dollars and cents, and any suggestion looking to his humiliation or to depriving him of the pay he now receives will be considered as a blow at him.

Now, Mr. Chairman, I suppose when I say what I propose, it will be suggested that I am attempting to draw some parallel between a monarchical and a republican form of government; but I know but one man in the history of the English-speaking people on the earth who, in a military point of view, at all compares with General Sherman. I refer to Arthur Wellesley, Duke of Wellington.

I believe to-day any man who will read carefully his military history during the late war will come to the deliberate conclusion that had it not been for the genius, the courage, and the gallantry of that man, backed by his magnificent Army, the campaign to Atlanta in the presence of such gallant followers as those under Johnston would have proved a failure. I am very sure that military historians on the other side will concede that his campaign to Atlanta and his march to the sea were the boldest in conception and the best in execution of the war.

There is this difference, however, between General Sir Arthur Wellesley and General Sherman: one commanded the British army against a hereditary enemy; the other commanded an American army against an American army. General Wellesley maintained the honor of the flag and the dignity of the empire on a foreign soil and never was compelled to strike at men of his own blood in civil war. General Sherman had to strike at men of his own blood. He is not to be blamed for it or punished for it, and I hope and believe there is not a man in the United States who fought on the other side who entertains towards him a particle of ill-will. But I believe if this clause passes, the country will conclude that the purpose is to humiliate both Sherman and Sheridan.

Mr. SPARKS. I desire to interrupt the gentleman. He does not object, as I understand, to the bill on this point, only to the amendment.

Mr. McCOOK. I am objecting to the amendment and I object to the bill also.

Mr. HEWITT, of New York. On what ground as regards the General of the Army?

Mr. McCOOK. It reduces his present pay.

Mr. HEWITT, of New York. The amendment in the bill, $13,500, is your rate, the rate fixed by a republican Congress.

Mr. FINLEY. I desire to ask the gentleman from New York [Mr. McCOOK] a question. Does he think the services of the General of the Army are worth nearly thrice as much as his own?

Mr. McCOOK. Unquestionably.

Mr. FINLEY. I merely wanted to know how the gentleman rated his own services.

Mr. McCOOK. When interrupted I was stating in conclusion that

it is because I honestly believe the introduction of a bill of this character for the reorganization of the Army is calculated to excite prejudices and passions that had better be allayed, that so far as I am concerned I urge the reference of the whole matter to a commission. [Cries of "Vote!" "Vote!"]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States in relation to the judicial powers and functions of consuls;

A bill (S. No. 986) for the relief of William S. Morris, William S. Mann, Charles A. Oakman, George W. Hillman, the Union Transfer Company, all of Philadelphia, the Union Transfer Company of Baltimore, Maryland, and John R. Graham, late of Philadelphia, now of Washington, District of Columbia; and

A bill (S. No. 380) to provide for circuit and district courts of the United States at Toledo, Ohio.

The message further announced that the Senate had passed, without amendment, a bill and joint resolution of the House of the following titles:

The bill (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States; and

The joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a joint resolution (H. R. No 178) to pay the laborers known as the cloak-room men and to place them on the Doorkeeper's roll.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, in reference to immigration to this country from China.

The message further announced that the Senate agreed to the concurrent resolution of the House to bind 500 copies of the geological and geographical atlas of Colorado and portions of adjacent territory.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will read the pending amendment, which is that of the gentleman from Texas, [Mr. REAGAN.]

The Clerk read as follows:

In line 3, section 30, strike out "$13,500" and insert "$12,000;" so that it will read:

That the officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General, $12,000 a year.

Mr. EDEN. I suppose by unanimous consent the vote could be taken on the whole amendment.

The CHAIRMAN. The rule requires that the bill shall be considered by clauses. The Chair will put the question separately on the amendments offered to the various clauses of the section.

Mr. BRAGG. I rise to make a parliamentary inquiry. I understood the Chair to state that the question was on the amendment of the gentleman from Texas. I understood that it was upon my amendment.

The CHAIRMAN. The proposition of the gentleman from Wisconsin [Mr. BRAGG] was accepted by the gentleman from Texas [Mr. REAGAN] and became the amendment of the gentleman from Texas.

Mr. BANNING. But the vote is really on the substitute offered by the gentleman from Wisconsin, [Mr. BRAGG.]

The question being taken, there were—ayes 53, noes 84.

Mr. FINLEY. A quorum has not voted.

The CHAIRMAN. The Chair will order tellers, and appoints the gentleman from Texas [Mr. REAGAN] and the gentleman from New York, [Mr. MCCOOK.]

The committee again divided; and the tellers reported—ayes 51, noes 86.

Mr. KNOTT. I ask unanimous consent that a vote on this amendment be allowed in the House.

Mr REAGAN. If that is agreed to I will not ask for further count.

Mr. BURCHARD. The committee cannot give unanimous consent for that purpose.

Mr. PRICE. There is a quorum in the House. Let gentlemen vote.

Mr. FOSTER. I understand that unanimous consent is asked that there shall be a vote upon this in the House. I object.

The CHAIRMAN. There is evidently a quorum in the hall. Gentlemen will please vote.

The count was resumed; and the tellers reported—ayes 60, noes 94.

So the amendment was not agreed to.

The Clerk read the next amendment, as follows:

In line 5 strike out "$11,000," and insert "$8,000;" so that it will read:

The Lieutenant-General, $8,000 a year.

The amendment was not agreed to.

The Clerk read the next amendment, as follows:

In line 6 strike out "$7,500" and insert "$6,000;" so that it will read:

A major-general, $6,000 a year.

The amendment was not agreed to.

The Clerk read the next amendment, as follows:

In line 8 strike out "$5,500" and insert "$5,000;" so that it will read:

A brigadier-general, $5,000 a year.

The amendment was not agreed to.

The next amendment was, in line 12, to strike out the words "twenty-five hundred" and to insert in lieu thereof "twenty-six hundred;" so that it will read:

A major, $2,600 a year.

The amendment was not agreed to.

The next amendment was, in lines 14 and 15, to strike out the words "eighteen hundred" and to insert in lieu thereof "sixteen hundred and twenty;" so that it will read:

A captain, not mounted, $1,620 a year.

The amendment was not agreed to.

The next amendment was, in line 16, to strike out the words "eighteen hundred" and to insert in lieu thereof "the pay of his grade, mounted;" so that it will read:

An adjutant, the pay of his grade, mounted, a year.

The amendment was not agreed to.

The next amendment was, in lines 18 and 19, to strike out the words "eighteen hundred" and to insert in lieu thereof "the pay of his grade, mounted;" so that it will read:

A regimental quartermaster, the pay of his grade, mounted, a year.

The amendment was not agreed to.

The next amendment was, in line 20, to strike out the words "six hundred" and to insert in lieu thereof "fifteen hundred;" so that it will read:

A first lieutenant, (mounted,) $1,500 a year.

The amendment was not agreed to.

The next amendment was, in lines 22 and 23, to strike out the words "fifteen hundred" and to insert in lieu thereof "fourteen hundred;" so that it will read:

A first lieutenant, (not mounted,) $1,400 a year.

The amendment was not agreed to.

The next amendment was, in line 24, to strike out the words "fifteen hundred" and to insert in lieu thereof "fourteen hundred;" so that it will read:

A second lieutenant, (mounted,) $1,400 a year.

The amendment was not agreed to.

The next amendment was, in line 26, to strike out the words "fourteen hundred" and to insert in lieu thereof "thirteen hundred;" so that it will read:

A second lieutenant, (not mounted,) $1,300 a year.

The amendment was not agreed to.

The next amendment was, in line 28, to strike out the words "fifteen hundred" and to insert in lieu thereof "fourteen hundred;" so that it will read:

A chaplain, $1,400 a year.

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 31. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including officers having assimilated rank or pay, except chaplains, 10 per cent. of their current yearly pay for each term of five years of service: *Provided*, That the total amount of such increase for length of service shall in no case exceed 40 per cent. on the yearly pay of the grade as provided by law, and shall not in any case amount to more than $800 per annum.

Mr. DUNNELL. I move to amend that section by striking out in the third line the words "except chaplains;" so that it will read:

There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including officers having assimilated rank or pay, 10 per cent. of their current yearly pay for each term of five years of service, &c.

Mr. COX, of New York. I hope that will be done.

Mr. HEWITT, of New York. There will be no opposition to that.

The amendment was agreed to.

Mr. BRAGG. I move to amend that section by adding after the word "service," in the fifth line, the following:

And on and after the passage of this act, all officers of the Army of the United States, who have served as officers in the volunteer force during the war of the rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be, and are hereby, credited with the full time they may have served as such enlisted men in computing their services for longevity pay.

Mr. FOSTER. I make the point of order upon that amendment. It is new legislation and is not certainly in the interest of economy. [After a pause.] At the suggestion of friends, I withdraw the point of order.

Mr. BRAGG. I am obliged to the soldier from Ohio for raising the point of order, for it shows him in his true colors.

Mr. FOSTER. I have withdrawn the point of order.

Mr. CALKINS. I desire to ask the gentleman from Wisconsin if the section should not be perfected before we pass from it. There are many officers in the Army holding less rank than they held in the volunteer army, and perhaps the amendment ought to provide that their longevity pay shall not be greater than that of the rank they now hold.

Mr. BRAGG. They do not. The longevity pay applies to the rank a man now holds.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. I move to amend the section by striking out, in line

8, the word "eight," and insert in lieu thereof "ten." The effect of the present provision of the bill is simply to take off $200 of longevity pay from a very few officers, and by restoring it to ten we leave it where the law now fixes it.

The question was taken upon the amendment, and on a division there were—ayes 62, noes 81.

Mr. FOSTER. No quorum has voted.

Tellers were ordered; and Mr. FOSTER, and Mr. HEWITT of New York, were appointed.

The committee again divided; and the tellers reported—ayes 69, noes 82.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

SEC. 32. Fuel may be furnished to the officers of the Army by the Quartermaster's Department, for the actual use of such officers only, at the rate of $3 per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, according to the regulations now in existence; and forage in kind may be furnished to the officers of the Army, by the Quartermaster's Department, only for horses owned and actually kept by such officers in the performance of their official military duties when on duty with troops in the field or at such military posts on the frontier as may be from time to time designated by the Secretary of War, and not otherwise as follows:

To the General, five horses;
To the Lieutenant-General, four horses;
To a major-general, three horses;
To a brigadier-general, three horses;
To a colonel, two horses;
To a lieutenant-colonel, two horses;
To a major, two horses;
To a captain, (mounted,) two horses;
To a lieutenant, (mounted,) two horses;
To an adjutant, two horses;
To a regimental quartermaster, two horses.

Mr. FOSTER. I move to amend that section by striking out, in line 3, the word "three" and inserting in lieu thereof "two;" so that it will read:

Fuel may be furnished to officers of the Army by the Quartermaster's Department, for the actual use of such officers only, at the rate of $2 per cord for standard oak wood.

The question was taken; and the amendment was not agreed to.

The Clerk resumed the reading of the bill and read as follows:

SEC. 33. That at all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is now allowed to such grade by the rules and regulations of the Army: *Provided*, That at places where there are no public quarters, commutation therefor may be paid by the Pay department to the officer entitled to the same at a rate not exceeding $9 per room per month, and the commutation for quarters allowed to the General shall be at the rate of $125 per month and to the Lieutenant-General at the rate of $54 per month.

Mr. FOSTER. I move to strike out, in line 10, the word "nine" and insert in lieu thereof the word "twelve;" so that it will read:

That at places where there are no public quarters, commutation therefor may be paid by the Pay department to the officer entitled to the same at a rate not exceeding $12 per month.

I have one word to say about that amendment. This section affects about 10 per cent. of the Army, or perhaps one-eighth of the officers of the Army. The present provision of the law gives these officers $18 per room, and this bill proposes to give them $9 per room. Even if the amendment be adopted, it is much less than rooms can be rented for, and I think it an extreme hardship upon officers of the Army to make this severe reduction in quarters, and therefore I propose to fix it at $12 per room.

Mr. BANNING. I hold in my hand a copy of the Army Regulations for 1863, in which the commutation for rooms is fixed at the rate of $8, $9, and $12 a month, according to the places where rooms are rented. As I said awhile ago, that was before greenbacks became so valuable as they now are. We all know that rents are cheaper now than they have been for a number of years.

Mr. FOSTER. Are they one-half cheaper?

Mr. BANNING. I believe they are more than one-half cheaper in all our cities.

Mr. O'NEILL and others. Oh, no; that is a mistake.

Mr. BANNING. If that is a mistake, then it was a mistake to place the commutation for room rent at $18 per month; that was too high. The sum of $9 per month for each room will obtain for an officer five rooms with a kitchen, or six rooms with a kitchen; quarters that ought to be sufficient for him. Those who have inquired into this matter know that, from the allowances for quarters, officers of the Army are enabled not only to obtain quarters at a hotel, but to pay for their board and all other living expenses.

The object of this section is to secure for these officers quarters sufficient for them to live in. The amount fixed in the bill will be more than sufficient. If I did not believe so, or if any gentleman could in any way convince me that such was not the case, I would be glad to vote for a larger sum.

Mr. FOSTER. I would like to ask the gentleman if he thinks there is a house in this city fit for a colonel to live in, which can be rented for $45 a month?

Mr. BANNING. I think there are houses in this city that can be rented for that sum. There are houses here in which even members of Congress live that rent for a less sum than that.

Mr. FOSTER. Allow me to state what will be the effect of this section. Right here in this city an officer will be enabled to go down to the barracks and obtain quarters and have a good house to live in, without any cost whatever to him. But I venture to say that no officer living in the city is able to obtain a house fit for him to live in for $36 or $40 a month.

The question was taken upon the amendment of Mr. FOSTER, and it was not agreed to.

Mr. FOSTER. Well, if you want to drive at the Army, go it.

Mr. DIBRELL. I move to amend the section by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

No contract surgeon shall be employed, except for duty with troops at military stations or in the field, and not then until after all commissioned surgeons in the Army shall have been first assigned to such duty.

Mr. DIBRELL. There are now 149 military posts. We have 175 regular commissioned surgeons, besides 21 staff surgeons. We have 88 contract surgeons. In this bill we appropriate $180,000 for the pay of contract surgeons. We have no use for them, and this amendment provides that they shall not be employed except for troops in the field.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Tennessee, [Mr. DIBRELL.]

Mr. McCOOK. Will it be in order for me to move an amendment to the section after the amendment of the gentleman from Tennessee [Mr. DIBRELL] has been voted upon?

The CHAIRMAN. Further amendments will then be in order.

Mr. BANNING. There is no objection to the amendment of the gentleman from Tennessee.

The amendment of Mr. DIBRELL was then agreed to.

Mr. McCOOK. I move to amend the section by striking out "$125" and inserting "$250," in line 12; and also to strike out, in line 14, "$54" and to insert "$100;" so that it will read:

And the commutation for quarters allowed to the General shall be at the rate of $250 per month, and to the Lieutenant-General at the rate of $100 per month.

Mr. HEWITT, of New York. I wish to call the attention of my colleague [Mr. McCOOK] to the fact that he is now striking at the General of the Army. The General of the Army now receives $300 a month; and the gentleman is proposing to reduce it to $250. [Laughter.]

Mr. McCOOK. I am increasing the amount proposed in this section, and thereby trying to soften the blow which you are aiming at the General of the Army.

Mr. GARFIELD. I desire to call attention for a moment to an error which the gentleman from New York [Mr. HEWITT] made in his speech the other day, and which is likely to be misunderstood in regard to everything relating to allowances as well as pay. The gentleman said originally that his own opinion was that the pay of officers of the Army was not greater than the pay of the officers of the Navy; but that on further study he had come to the conclusion that he had been in error.

Mr. HEWITT, of New York. I beg to correct the gentleman from Ohio. I made no such statement as regards the original pay.

Mr. GARFIELD. I said with regard to the present pay, not with regard to the original pay.

Mr. HEWITT, of New York. The gentleman used the words "original pay."

Mr. GARFIELD. I said that "originally his opinion" had been that the pay of the Navy was greater than the pay of the Army; but that on reflection he was satisfied that he was in error.

Mr. HEWITT, of New York. Oh, yes.

Mr. GARFIELD. And the gentleman from New York gave a table to show that the pay of officers of the Army was greater relatively than the pay of officers of the Navy. Those tables will be found on page 3543 of the RECORD.

I desire now to call the attention of this committee to a capital error which the gentleman has fallen into in regard to that matter. He gives the pay and allowances of the officers of the Army and compares that with the pay proper of officers of the Navy. He does not take into account the allowances of officers of the Navy, except the single matter of rations, and that is not by any means an adequate statement of the pay and allowances of the Navy.

On that and another matter connected with the gentleman's speech, I make two points for the information of the House, not supposing it will change anybody's opinion, but merely that the truth of the matter may appear upon the record.

In the first place, as to the number of officers relatively in the Army and the Navy, the officers of high rank in the Navy far exceed in number those of corresponding rank in the Army. I have here a table carefully prepared showing the number of officers in proportion to the size of the enlisted force of the Army and the Navy.

When a man goes into the Navy his opportunities for promotion are almost twice as great as they are in the Army; for instance, it takes almost twice as long for a man to reach the position of colonel in the Army as it does for one going into the Navy to reach a corresponding place there. This of course is one capital consideration in comparing these two branches of the service.

As to pay and allowances of the Navy, it should be remembered that officers of the Navy are not only furnished with quarters but with fuel, furniture, and lights; besides this, they receive a ration a

day. They are also provided with a waiter. While the laws relating to the Army forbid that a private soldier shall be detailed as a waiter for the use of an officer, enlisted men in the Navy are permitted to perform such service. The higher grades of naval officers are also allowed a steward. In addition to this, servants in the Navy are allowed rations. If all these things are taken into the account, the total of pay and allowances for the Navy is far greater than the total of pay and allowances for the Army.

A careful statement of this whole subject has been prepared by a gentleman in every way competent to make it, and I ask that it may be printed in connection with my remarks for the information of the House. The table of my friend from New York was misleading in the fact that with the single exception of rations it left out all these items of allowance to officers of the Navy, whereas in reference to the Army every item of pay and allowance was included. The comparison was therefore unfair.

Before submitting the statement to which I have referred I will call attention to another point, that officers of the Navy are also entitled to prize money which in many instances during the late war amounted to far more than their pay. Officers of the Army have no similar allowance, though the captures made by the Army far exceed in value those made by the Navy. I do not suggest these things to intimate that the pay of naval officers is too high but to show that relatively to naval pay Army pay is not too high.

ARMY AND NAVY COMPARED.

The offices of General and Lieutenant-General, Admiral and Vice-Admiral, need not be considered, as they become obsolete when vacated by the incumbents.

Table exhibiting a comparison of the number of officers of the line of the two services.

Present organization of the Army.		What the organization of the Army would be if placed on an equal footing with the Navy.		Present organization of the Navy.		What the organization of the Navy would be if placed on an equal footing with the Army.	
Rank.	Number.	Rank.	Number.	Rank.	Number.	Rank.	Number.
Enlisted men	25,000	Enlisted men	25,000	Enlisted men	7,500	Enlisted men	7,500
Major-generals	3	Major-generals	36	Rear-admirals	12	Rear-admirals	1
Brigadier-generals	6	Brigadier-generals	75	Commodores	25	Commodores	3
Colonels	40	Colonels	150	Captains	50	Captains	13
Lieutenant-colonels	40	Lieutenant-colonels	270	Commanders	99	Commanders	13
Majors	70	Majors	240	Lieutenant-commanders	86	Lieutenant-Commanders	24
Captains	430	Captains	840	Lieutenants	280	Lieutenants	144
First lieutenants	530	First lieutenants	300	Masters	100	Masters	100
Second lieutenants	445	Second lieutenants	300	Ensigns	73	Ensigns	145

An examination of this table shows that the Navy has an immense number of officers of high rank as compared with the number in the lower grades and in the Army; that, commencing with seventy-three ensigns at the bottom, there are twelve rear admirals at the top; that in the Army with four hundred and forty-five second lieutenants at the bottom of the list, there are only three major-generals at the top; that the chances for attaining the rank of rear admiral in the Navy are as 1 to 6—to attain a corresponding rank in the Army the chances are as 1 to 148.

An examination of the dates of commissions of officers of corresponding grades in the Army and Navy will show remarkably rapid promotion in the Navy as compared with the Army. Taking the date of entry into the Military Academy as the date of entry into service, in order to conform to a like custom in the Navy, it will be seen that all officers of the Navy of date prior to June 1, 1861, are lieutenant-commanders and rank with majors; while in the Army will be found officers like Thomas Wilson and Livingston, who entered in 1849; Brotherton and Langdon, who entered in 1850; Graham in 1851, and Loder in 1852, ranking with lieutenants in the Navy.

Mr. HEWITT submitted, in his speech of the 18th instant, two tables under the heading "Comparison of the pay of the Navy and Army, according to relative rank," &c. These tables show a comparison of the *pay* of officers of the Navy and the *pay* and *allowances* of officers of the Army. The value of the allowances received by officers of the Navy is wholly omitted from that statement. In order to supply the omission the following statement has been prepared, from which it will be seen that the highest pay and allowances received by officers of the Navy exceed by considerable amounts the pay and allowances of officers of corresponding grades in the Army. The actual money value of the highest pay and allowances per annum of the officers of the Navy is as follows:

Pay of the Navy.

Grades.	Pay.	Money value of allowances furnished in kind.						Total pay and allowances.
		Quarters, fuel, furniture, and lights.	One ration per day.	One man waiter.	One steward.	One cook.	Servants' rations.	
Rear-admiral	$6,000 00	$3,000 00	$109 50	$186 00	$498 00	$438 00	$328 50	$10,560 00
Commodore	5,000 00	2,500 00	109 50	186 00	498 00	438 00	328 50	9,060 00
Captain	4,500 00	2,500 00	109 50	186 00	438 00	378 00	328 50	8,440 00
Commander	3,500 00	2,000 00	109 50	186 00	438 00	378 00	328 50	6,940 00
Lieutenant-commander	3,000 00	2,000 00	109 50	147 75		100 00		5,357 25
Lieutenant	2,600 00	1,336 00	109 50	147 75		100 00		4,293 25
Master	2,000 00	1,044 00	109 50	147 75		100 00		3,401 25
Ensign	1,400 00	1,044 00	109 50	147 75		100 00		2,801 25

The quarters of officers of the Navy are supplied with furniture generally of an expensive kind, to include everything except bed and table linen, china, and glass. The officers of the Army are never supplied with furniture by the Government. China and glass are furnished on board ship by the Government, which charges from 3 to 5 per cent. on cost for use and requires pay for breakage.

The quarters of officers of the Navy are lighted by the Government; those of officers of the Army are not.

Officers of the Navy are supplied with enlisted men as stewards, cooks, and waiters at the public expense; officers of the Army are not, and in addition they are prohibited by law from making use of an enlisted man as a servant.

Officers of the Navy are supplied with coxswains, boats, and boats' crews to transport them on duty at the expense of the Government. Officers of the Army purchase their own horses and equipments. The Government simply feeds their horses.

The officers of the Navy have received many millions of dollars in prize money during the last war. It is estimated that one admiral's share amounted to $250,000. The interest on this sum at 6 per cent. amounts to $15,000, the virtual increase of his annual pay. Many other officers have received large sums in prize money. No Army officer has received one cent in prize money, although the captures made by the Army greatly exceed in value those made by the Navy.

There are three staff corps in the Navy, having 38 officers of the grade of colonel; 43 officers of the rank of lieutenant-colonel; 140 officers of the rank of major. All this for a force of only 7,500 men, while for the Army of 25,000 men there are ten staff corps, having 7 brigadier-generals, 23 colonels, 32 lieutenant-colonels, 72 majors.

Major Park, who entered the service in 1845, and Warren in 1848, rank as majors; while of officers of the Navy who entered the service after they did, 15 rank as colonels, and 87 as lieutenant-colonels, there being only 90 in the latter grade.

Major Howe, of the artillery, entered the service in 1837. Of officers of the Navy who entered that year 9 rank with brigadier-generals, and of those who entered after that year 8 rank with brigadier-generals, 50 with colonels, and 90 with lieutenant-colonels.

Majors Beckwith and Stewart, of the artillery, entered in 1838. Of those who entered the Navy in that and the following years, 8 rank with brigadier-generals, 50 with colonels, and 90 with lieutenant-colonels.

Major Andrews entered in 1841. Of those who entered the Navy during that and subsequent years, 34 rank with colonels, and 87 as lieutenant-colonels.

Majors Hamilton, Best, and Gibson entered the service in 1843. Of those who entered the Navy in that and subsequent years, 15 rank as colonels and 87 as lieutenant-colonels.

Majors De Russy, Piper, and Mendenhall entered the service in 1847. Of those who entered the Navy in that and subsequent years, 9 rank as colonels and 87 as lieutenant-colonels.

The Navy Registers of 1875 and 1876 show that no commodores were at sea. They have shore stations, such as navy-yards, &c., and rank with brigadier-generals.

The annual pay and allowances of one of these commodores in command of a navy-yard are as follows:

Pay	$4,000 00
Quarters	1,080 00
Fuel	308 00
Furniture	1,080 00
Lights	40 00
One steward	498 00
One cook	438 00
Two waiters	392 00
One lodge-boy	186 00
One coxswain	487 50
Ten men for boats' crew	1,860 00
One gardener	1,000 00
Total	11,369 50

In order to equalize the pay and allowances of officers of the Army and Navy, it would be necessary to reduce the number of officers to 1 rear-admiral, 2 commodores, 13 captains, 13 commanders, 144 lieutenants, 190 masters, and 145 ensigns. To make a corresponding reduction in the staff corps, to prohibit by law the use of any enlisted man or Government employé as a servant; to require them to pay their cooks, stewards, and waiters, and the cost of lights from their own salaries; to prohibit the purchase at expense of the Government of any furniture for quarters, mess-rooms, bed-rooms, &c., and cut off prize money and rations.

The Navy would then have the advantage to the extent of the prize money already received.

Mr. HEWITT, of New York. Allow me to ask the gentleman from Ohio [Mr. GARFIELD] whether naval officers have servants, lights, and fuel anywhere except at sea; and has not a naval officer to provide quarters for his family out of his pay?

Mr. GARFIELD. Ah, quarters for the officer's family are another thing.

Mr. HEWITT, of New York. Certainly; but the Army officer has quarters for his family.

Mr. CLYMER. Naval officers are not allowed quarters except when stationed at navy-yards, and there are only seventeen navy-yards in the country.

The question being taken on the amendment of Mr. MCCOOK, it was not agreed to.

Mr. MAISH. I move to amend by inserting as an additional section what I send to the desk.

The Clerk read as follows:

That the promotion of commissioned officers shall be lineal through all grades up to and including the grade of colonel of cavalry, artillery, and infantry of the Army, and not by regiments: *Provided*, That in case of a voluntary transfer of an officer from one arm of the service to another to a position below his lineal rank, he shall thereafter be entitled to such promotion, and such only, as pertains to the position thus accepted by him

That the subalterns of cavalry, artillery, and infantry, promoted from second lieutenants to first lieutenants, and from first lieutenants to captains, during each half year, shall be assigned, by the Secretary of War, on or before the next succeeding 1st day of January and July of each year, to such vacancies as may have occurred in the grades to which they shall have been promoted in their arms of the service during that period, and in such manner as shall incur least expense for transportation: *Provided*, That each and every officer so assigned shall retain the rank to which he is entitled.

Mr. MARSH. I make a point of order on this amendment.

Mr. CALKINS. I would like to have the gentleman from Pennsylvania [Mr. MAISH] explain this amendment, there is so much of it.

Mr. MARSH. I have made a point of order on the amendment.

Mr. MAISH. I would like to hear the gentleman state it.

Mr. MARSH. It changes existing law, and does not provide for any retrenchment.

Mr. BANNING. Will the gentleman tell us wherein it changes existing law?

Mr. MARSH. If the gentleman cannot see that without my telling him, he will have to go without the knowledge.

Mr. BANNING. I will read the gentleman the law as it now is:

Promotions in the line shall be made through the whole Army——

Mr. BURCHARD. If it does not change existing law, why put it in?

Mr. BANNING. We want to renew its enactment, and then see whether we can get the Adjutant-General to obey it.

Mr. MAISH. I would like to hear the gentleman from Illinois explain wherein the amendment changes existing law.

Mr. BURCHARD. The amendment on its face purports to change existing law.

The CHAIRMAN. If this proposed section does not change existing law, then it is simply unnecessary; if it does change existing law, then, as it does not retrench expenditures, it is not in order. The Chair rules that the point of order is well taken.

Mr. MAISH. I hope my friend from Illinois will withdraw his objection. This proposition is so eminently just that he ought not to oppose it.

Mr. MARSH. I cannot withdraw the point of order. I am not sure that the legislation here proposed may not be proper; but it is so radical a change in the mode of promotions in the line of the Army that I am not prepared at present to sanction it. For this reason I insist upon the point of order. Let the proposition come in as a separate bill in the regular manner and be discussed.

Mr. MAISH. On the point of order I should like to have section 1204 of the Revised Statutes read.

The CHAIRMAN. The Chair has decided the point of order.

Mr. MAISH. But has the Chair's attention been called to section 1204 of the Revised Statutes?

The CHAIRMAN. The Chair will hear the section of the Revised Statutes read, and if he finds he is wrong he will reverse his decision.

The Clerk read as follows:

SEC. 1204. Promotions in the line shall be made through the whole Army, in its several lines of artillery, cavalry, and infantry, respectively. Promotions in the staff of the Army shall be made in the several departments and corps, respectively.

Mr. MAISH. My amendment is merely explanatory of the existing law, as will be seen by that section of the Revised Statutes just read by the Clerk. I am unable, therefore, to see in what respect it changes existing law or is subject to the point of order.

The CHAIRMAN. To the extent it changes existing law or adds thereto in any respect it is new legislation.

Mr. BURCHARD. On its face being new legislation, it is subject to the point of order.

The CHAIRMAN. It purports to be a change of existing law and does not retrench expenditure, and the point of order is well taken. The amendment is not in order.

Mr. COX, of New York. I offer the following:

No money appropriated by this act shall be paid to any enlisted man in the service of the United States, whether non-commissioned officer, musician, or private, who shall leave his post to engage in any pursuit, business, or performance in civil life for emolument, hire, or otherwise, where the same shall interfere with the customary employment of local civilians in their respective arts, trades, or professions.

I simply ask to have read the petition which I send up to the Clerk's desk, signed by twenty-five hundred people in the city of New York.

The Clerk read as follows:

That for some time past, however, the undoubtedly just, proper, and beneficial efforts of said union have been marred by the custom obtaining among the band performers attached to and stationed at various military posts, among others those of Fort Hamilton, Fort Columbus, and Willett's Point, in the neighborhood of New York, of taking engagements as instrumental performers for any kind of public or private civic entertainment, ceremony, celebration, or other occasion far below the prices established and deemed necessary and equitable by this union for mutual protection and the promotion of the art of music. These enlisted men, when thus furloughed as instrumental performers outside of their posts and regular engagements, receiving pay and rations from the United States, are well able to play gratuitously or at reduced prices for the enjoyment of a respite from the strict military routine and duty and a good time in general; that the undersigned have complained of this grievance at the War Department, and an order was issued to abate the wrong, said order, however, proving ineffectual because frequently, if not uniformly, disregarded by the commandants of the respective posts.

Mr. MARSH. That is new legislation and not in the interest of economy.

Mr. COX, of New York. It is economy, as it makes them "blow" for the public only.

Mr. MARSH. It is new legislation and does not save a cent of money to the Government. There is no retrenchment by virtue of the change in the law proposed.

Mr. COX, of New York. The point of order comes too late even if it is a good point of order.

The CHAIRMAN. The Chair will decide the point of order. The amendment simply directs the manner in which the money appropriated by this bill shall be expended or shall not be expended, and is therefore not liable to the point of order.

The committee divided; and there were—ayes 89, noes 73.

Mr. REED demanded tellers.

Tellers were not ordered.

So the amendment was agreed to.

Mr. SCALES. I am directed by the Committee on Indian Affairs to submit the following amendment, to come in as a new section.

Mr. LATHROP. But I wish to amend the amendment just adopted.

The CHAIRMAN. The Chair thinks it is too late, as it has been agreed to in the words in which it was proposed.

Mr. LATHROP. I wish to offer an amendment to the section as amended.

The CHAIRMAN. It is too late to amend the section.

Mr. CONGER. He desires to amend the section. We have not left the section yet.

The CHAIRMAN. If this section were new matter moved for the

first time it would have been in order for the gentleman to move an amendment before it was agreed to by the committee; but having been agreed to in the words offered, it is now too late to change those words.

Mr. CONGER. But the gentleman may add to it after it has been adopted.

The CHAIRMAN. The Chair thinks not. If it had been in the bill originally it would have been in order to amend it. But it has been proposed as new matter, and in the form moved it has been agreed to by the committee. It is therefore too late to disagree to any portion of it.

Mr. CONGER. Before we leave this to go to any other section anything may be inserted, a new section or anything else.

The CHAIRMAN. That is very true.

Mr. CONGER. Then the gentleman from Illinois proposes to do that.

The CHAIRMAN. But the Chair has recognized the gentleman from North Carolina to offer an amendment.

Mr. CONGER. The gentleman from North Carolina desires to offer another section. The gentleman from Illinois desires to offer his amendment before we leave this one.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois to move an additional section after the amendment of the gentleman from North Carolina has been disposed of.

Mr. CONGER. But the gentleman from Illinois proposes to amend this section which has just been adopted, before we leave it.

The CHAIRMAN. The Chair decides that that cannot be done, the committee having just agreed to the section in the words in which it was offered by the gentleman from New York.

Mr. CONGER. But the committee has not refused to add a proviso to this section.

The CHAIRMAN. While the section was pending no proposition was made to add anything to it; and the committee having agreed to it in the language in which it now stands it is too late to change that language.

Mr. CONGER. The proposition is not to change it but to add to it.

The CHAIRMAN. The proposition would have been in order while the section was still pending, but it is not in order now. The gentleman from North Carolina has the floor and sends to the desk an amendment, which the Clerk will read.

The Clerk read as follows:

Add to the bill the following:

That from after the 1st day of January, 1879, the Secretary of War shall exercise the supervisory and appellate powers, and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all acts of the Commissioner of Indian Affairs, board of Indian commissioners, or otherwise, and shall sign all requisitions for the advance or payment of moneys out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates by Auditors and Comptrollers of the Treasury, or either of them.

That the Secretary of War shall make such details of officers of the Army as may be necessary from time to time to administer the affairs of the Indian branch of the War Department.

That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army serving in their commands or on the retired list as may be necessary from time to time to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army: *And provided further*, That the Inspector-General of the Army shall discharge the duties of inspector of Indian affairs, and shall be required to make an annual report to Congress of the numbers and condition of the Indian tribes. And such officers shall not be required to give other bonds than are now required of them by law, but shall be held responsible for any neglect of duty or maladministration thereof, and shall be subject to trial therefor by military courts-martial, according to the rules and articles of war. And the provisions of this section shall be applicable to all officers of the Army charged with duties under this act so far as responsibility for neglect of duty and maladministration thereof is concerned.

That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law; and its provisions shall be applicable to officers on the retired list of the Army, who when on such duty shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

That all contracts for supplies or transportation connected with the Indian service shall hereafter be made in the same manner and as far as practicable at the same time provided for supplies and transportation for the use of the Army.

That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, provide the times and places at which all traders complying therewith may present themselves for bargains, barter, and exchange with the several tribes, according to the laws of the United States regulating the same, and subject to the same rules and restrictions as are prescribed for traders at military posts of the Army; but he shall not have authority to authorize any person to sell arms or ammunition to any Indian, but shall prohibit the same.

That the offices of Commissioner of Indian Affairs, inspectors of Indian affairs, special commissioners of Indian affairs, superintendents of Indian affairs, agent, and subagent in the Office of Indian Affairs, board of Indian commissioners, and all officials now employed under the Commissioner of Indian Affairs or Secretary of the Interior and connected with the administration of Indian affairs, not including the clerks of the Indian Bureau, shall be abolished and cease on the 1st day of January, 1879, on which date the officers of the Army designated shall assume charge of the duties thereof, and thus become charged with all the duties now imposed by law upon the officers of Indian affairs thus superseded.

The annuities to be paid to any Indians and the supplies to be furnished and issued to them shall be paid and issued through the Quartermaster's Department and the subsistence department of the Army, under such regulations and directions as the Secretary of War, with the approval of the President, shall prescribe. That all moneys appropriated during the second session of the Forty-fifth Congress in the bill known as the Indian appropriation bill, or so much thereof as shall remain unexpended on the 1st day of January, 1879, shall after that time be disbursed in accordance with the provisions of this section, and that all laws and clauses of laws which may come in conflict with this act be, and the same are hereby, repealed.

Mr. HALE. I make the point of order against this amendment, that it is new legislation, which, of course, is evident; that it is not germane to the present bill, which is equally evident; and also, that it does not carry with it a patent retrenchment.

I suppose it will be said, as an answer to that, that it abolishes offices, and that in that direction or to that extent it is economy or retrenchment. But I ask the Chair to consider this point. The whole vast subject-matter is so grave that the matter of pay of officers who administer it is very small compared with the entire expense. Here is a revolution in the present practice and law.

The Indian Bureau is sought to be turned over to the Army. All of its parts are turned over. The whole system and method are put under the control of the Army. There is nothing in the bill that prohibits additional expense; there is nothing in the bill that limits additional expense; there is no exclusion of additional expense by reason of the bill. All that there is in the direction of retrenchment is the abolition of certain offices.

Now, if that point is good and would carry the amendment through if thirty offices were abolished, it would be equally good if twenty offices were abolished, or if ten were abolished, or if five were abolished, or if a bill had been put in here which only provided that but a single messenger in the Bureau of Indian Affairs should be legislated out.

I say, then, that although there are in the bill certain reductions, it does not carry as a whole any exclusion of increased expenditures, any prohibition of increased expenditures. The whole domain is changed into the Army. And many of us believe, and that belief should be traversed by direct legislation in the amendment, that it would be very much more costly. The whole subject-matter has been before the House, and not this bill, but another, was ruled upon by the then Speaker, when introduced by the present incumbent of the chair, with provisions which in general effect were like those contained in this bill.

It has only been sought here to avoid the principle which was then so clearly laid down by the abolition of certain offices, evidently with the idea that a narrow view should be taken, and that because that had been done it necessarily involved retrenchment.

Now, I say on a matter of so great importance as this the rules should be applied closely. It is not a fitting thing on this bill. The rule never was made with a view that such a thing as this should be done on an Army appropriation bill; that by means of the Army appropriation bill the bureau should be taken from one Department and assigned to another. It adds to the appropriation, Mr. Chairman—it necessarily must—that would come hereafter into the Army appropriation bill; because if the War Department takes charge of this matter this bureau will have to be managed under the Army and as a part of its duties.

Mr. SCALES. Mr. Chairman, I shall not attempt to answer what the gentleman from Maine has said with regard to the importance of this amendment. The question under the rules is simply is it in the line of retrenchment? If it is in the line of retrenchment, there is no provision in the rules that because it is important it is therefore in order. I shall not answer that part of the argument, but I wish to call the attention of the Chair to the fact that this question has been ruled upon. The gentleman who occupies the chair at present had the whole matter discussed before him two years ago, when a bill was introduced in the House by the present Speaker of the House similar to this. The same question of order was then made, the same arguments were used, and the arguments were replied to by the present Speaker, that the bill involved a saving of $104,000 by abolishing the offices of Indian agents and superintendents.

Now the decision on that occasion went this far and no farther: that if it was patent on the face of the bill, upon the record, that it looked to retrenchment or did in effect retrench expenditures it was in order.

I remember the former Speaker's decision and I remember the reason of his decision and it was this: that in the first amendment, kindred to this, there was no provision that the salaries of the Army officers, upon whom these duties are devolved, should not be increased for the additional duties they will be called upon to perform. The amendment was so arranged as to provide that the Army officers should discharge the duties imposed upon them by the amendment without a single additional dollar, and upon that ground the Chair ruled that it was in the line of retrenchment and in order.

Now, the gentleman from Maine says that is not patent upon the face of the amendment and he looks forward to what may take place. The Speaker, in his decision on that occasion, said that he must look at the face of the record, and the record is only the bill or the amendment which is before the House, and the laws of the land and the rules of the House. Now, in viewing this amendment the construction of it must be upon the law of the land in relation to appropriations for the Indians and the salaries paid to the officers of the Army, and if by this amendment you can cut off $104,000 then surely it is in the line of retrenchment.

But the gentleman from Maine says that he thinks that in the end it may cost a great deal more. How so? Does that appear upon

the face of the amendment? No, sir. Then he has left the face of the record in order to instruct the Chair as to the expense that may be incurred under the amendment. I stand by the record. I say that there is nothing on the record and nothing out of it to show that there will be an increase of expenditures. Now, I desire to call the attention of the Chair to this point of order. I believe the gentleman from Maine made no argument as to the amendment not being germane, but I wish to call the attention of the Chair to his own decision in a similar case, not as to a bill identical with this, but the same bill, with the exception of three sections, was brought into the House by a gentleman from Virginia as a substitute for the one offered by the present Speaker of the House, and the Chair ruled that it was out of order. He gave this reason: it was out of order because there was a naturalization clause in it. That has been stricken out together with other clauses that do not look strictly to retrenchment.

Mr. HALE. I ask the Chair to have that portion of the amendment read which refers to the transfer of the appropriation already made for the Indian department to the War Department.

The Clerk again read that portion of the amendment.

Mr. HALE. That was my recollection of the amendment from hearing it read. It really adds so much to the Army bill; in fact it reappropriates here, for the purpose of the Army, with the additional duties laid upon it, the money appropriated for the Indian service and increases the expenditures under this bill to that extent in terms. It proposes to load the Army bill with so much more of the appropriation, to add so much; instead of reducing, to increase the amount to ten times or perhaps twenty times as much as the little which would be saved by the abolition of the offices of Indian agents and superintendents. It adds to the Army appropriations an appropriation of four or five million dollars. Now if that can be done on an appropriation bill when a point of order is made, you can add $20,000,000.

Mr. SCALES. This is no reappropriation of money. The money has been appropriated already, but I only ask that the money shall be disbursed by a different set of officers. The gentleman says that we add to the Army bill so much additional appropriation. Does the rule say that if an amendment looks to retrenchment it must retrench upon this bill or that bill?

Mr. HALE. That is just what the rule does say, and there is the gentleman's error; that is what the rule says, an amendment must retrench upon this bill. That was the ruling yesterday. The Chair cannot go into questions outside of the pending bill. He must confine his observation to the bill pending. And here is a proposition to take the Indian appropriation bill bodily and transfer it to the Army appropriation bill. Surely that is an increase of the appropriation in this bill, and not in conformity with law.

Mr. SCALES. When on the 1st of January next the balance of the money appropriated for the Indian service that may remain on hand is put into the hands of the War Department it will be found that at least $50,000 has been saved, and the bill shows that.

Mr. PATTERSON, of Colorado. I do not think that this amendment is at all subject to the point of order. In the first place it is germane to the subject-matter of the bill because it prescribes new duties to be performed by the officers and the soldiers of the Army. The bill relates distinctly to the Army. The amendment relates distinctly to the Army also. So far as the question of its being germane is concerned it must be held by the Chair to be germane.

The next question is, does this amendment retrench expenditures? Is it evident upon its face that it does? Certainly, so far as the Chair is able to judge, the answer must be in the affirmative.

It certainly abolishes a large number of offices necessary for carrying into effect the administration of Indian affairs; those filled by Indian agents and other officers connected with that Department. What does it substitute for the offices that are abolished. It does not create new offices; it does not call into existence new offices. It provides that the duties which are now performed by a class of men whose services will be dispensed with shall be performed by men who are already in the employ of the Government, Army officers. And a particular provision is made prohibiting any increase in the number, rank, pay, or allowances of these officers, because of this additional duty devolved upon them by the amendment. I will read that provision:

> That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law; and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

To show that offices are abolished and that the duties incumbent on the officers filling them are devolved upon other officers already in the pay of the Government without any increase of expense, but one other provision of this bill is necessary to be referred to:

> That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army serving in their commands or on the retired list, as may be necessary from time to time to administer the affairs of the Indian service.

This amendment clearly wipes out of existence a large number of offices now provided by the laws upon your statute-books, and requires that the duties of those officers shall be performed by other officers already in the employ of the Government without receiving additional pay.

Mr. WILLIAMS, of Oregon. Will the gentleman allow me to ask him a question?

Mr. PATTERSON, of Colorado. Certainly.

Mr. WILLIAMS, of Oregon. This bill provides for the assignment to this duty of retired officers.

Mr. PATTERSON, of Colorado. Yes, sir.

Mr. WILLIAMS, of Oregon. Those retired officers are now on diminished pay. If you put them on this duty at full pay, will it not increase expenditures?

Mr. PATTERSON, of Colorado. The officers on the retired list I believe are now receiving three-fourths pay. That, however, cannot affect the general proposition that the great bulk of the labor that is to be performed under the provisions of this amendment will be performed by the officers and soldiers of the Army without any increase of pay. The great bulk of all offices now in existence for the management of Indian affairs will be wiped out by this amendment.

One other proposition. It is not necessary that the appropriation made in the bill under consideration should be cut down in order to meet the requirement of the rule that expenditures shall be retrenched. The Chair is presumed to know the law of the land, to know what officers are required to carry into effect existing law; to know what expenditures are necessary under existing law. They are part of the statutes of the land. When a proposition is made which abolishes offices now existing and imposes those duties upon other officers already in the service of the Government, if the result is a decrease of the expenditures of the Government, without reference to the particular bill under consideration, then the object of the bill is accomplished, and the amendment is not liable to the point of order which has been made.

Mr. FINLEY. I desire to say a word on the point of order. In determining the question whether this amendment is in the line of retrenchment and reform or not, it is sufficient answer to say that by its provisions seventy-eight agents of the Indian Bureau, now drawing a salary of $1,500 per annum each, are cut off, thus saving $105,000 per annum in the matter of the salaries of the agents alone. Their labors are transferred to the officers of the Army.

It is not necessary to say anything about what would be saved in the matter of stealings, if we are to believe one-half that is said now about the Indian agents. It is a fact well known to any one who has taken the pains to examine this question, that when these duties were performed by Army officers prior to the present system of Indian affairs, when the fifty or sixty supernumerary officers of the Army performed this duty, there never was one dollar stolen, not a dollar.

Mr. HASKELL. Will the gentleman allow me to ask him one question?

Mr. FINLEY. Certainly.

Mr. HASKELL. Does the gentleman say that while the Indian affairs were in charge of the officers of the Army of the United States no public money was ever stolen from these Indian posts?

Mr. FINLEY. I did not say anything of the kind.

Mr. HASKELL. I only wanted to know?

Mr. FINLEY. I spoke loud enough to be heard.

Mr. HASKELL. I was listening as intently as I could. I simply desire to know what the gentleman's statement is.

Mr. FINLEY. I said that these Army officers never stole one dollar; that is what I said. A regular Army officer has his commission at stake. He has a sufficient incentive to be honest, even if he is a republican, [laughter,] because he has his commission at stake, and if he should violate his trust the probabilities are that in due course of time he would lose his official head.

I have before me a letter of an Army officer on this subject, in which he speaks of the matter of which I am now speaking, of the efficiency of the Army officers in the discharge of this line of service. He says that the familiarity of Army officers with the Indians on the plains and with their wants enables them to act intelligently under the most difficult circumstances, and that the honor and honesty of these officers in the discharge of duties of this kind is proverbial throughout the country, which I believe is true.

Mr. WILLIAMS, of Oregon. That this amendment changes existing law is beyond question. The only question open to the consideration of the Chair is whether it increases expenditures. The amendment provides for assigning to this duty in the Indian Bureau officers upon the retired list, and when so assigned to duty they are to receive full pay. Under the present law retired officers receive, I believe, but three-fourths of the regular pay; certainly they receive a reduced rate of pay. I will read the provision of the amendment to which I refer:

> Nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law; and its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

This undoubtedly adds one-fourth to the present pay of retired officers. It is as plain that the amendment increases expenditures as that it changes existing law.

Mr. GARFIELD. In addition to the points already made, I wish to make and emphasize the point that this proposition is not ger-

mane to the bill. This is a bill by its title and provisions to make appropriations for the support of the Army. Suppose some gentleman should wish to insert in this bill a naked proposition to abolish the Agricultural Department, everybody would admit that that was not germane. Could it be made germane by adding a provision that hereafter the duties of the Agricultural Department should devolve upon officers of the Army? Certainly not.

Now, here is a plain proposition to abolish a bureau of one of the civil departments of the Government, entirely, and only a civil bureau. Nobody would for an instant claim that this in itself was germane to the bill. But the effort is to make the proposition apparently germane by adding a provision that these duties, hitherto performed by a purely civil department, shall be turned over to the War Department. That, however, does not change the essential character of the amendment as a proposition to abolish in an Army appropriation bill a civil bureau of the Government.

Recollect that this is a bill to support the Army, and here is a proposition to go outside of the appropriations for the support of the Army to abolish a civil bureau of the Government. Does any man pretend to tell me that the Army is to be made less expensive by imposing new duties upon it? This consideration relates to the point of expense as well as germaneness. The amendment is not germane, nor will it reduce Army expenses.

Mr. COX, of New York. And it would not be economical in the long run.

Mr. GARFIELD. The question is not whether the expenses of the Indian Bureau would be reduced if the amendment should be adopted; even that is doubted or denied by many gentlemen here; but the question is, does this proposition contemplate a reduction of the Army expenses? for it is those that we are providing for now. Manifestly it does not reduce Army expenses, and manifestly it is not germane in considering an Army bill to reach outside and strike down a civil department of the Government.

Mr. CONGER. Mr. Chairman, the gentleman from Ohio [Mr. GARFIELD] has anticipated much that I wished to say upon the question whether this amendment is germane; but I would illustrate my idea in this way: if this proposition is germane upon an Army bill, then the Chair would have to decide that a proposition to abolish the Supreme Court and devolve the duties of the judges upon officers of the Army would be germane. If the mere fact that after abolishing a department of the Government you couple with it a provision that the duties of that department shall be discharged by the Army, if this makes any proposition germane, then there is no department or branch of this Government that might not be abolished upon an Army appropriation bill. If an amendment changing the whole form of the Government of the United States can be made germane to an Army bill by simply providing that Army officers shall perform the duties, the Chair will see to what absurdity that proposition would lead.

But there is another point. Gentlemen say that because they abolish a certain number of Indian agencies and require those duties to be performed by Army officers, the proposition is in the line of retrenchment. Here is a simple proposition to abolish, we will say, fifty officers whose compensation is $1,500 each a year; but it is proposed to supply their places by fifty officers whose salaries are $2,500 a year each. It does not matter where the appropriation is made. If there are more Army officers now than ought to receive $2,500 a year then in a proper bill a provision should be made for dismissing so many as are not required. But the proposition here is to abolish fifty or more officers receiving a salary of $1,500 a year and to put into their places fifty or more other officers each of whom is receiving a salary of $2,500 a year. By what logic is that retrenchment? Or does it lead to retrenchment? It is not enough to say these officers are doing nothing. It is not enough to say they are upon the retired list, because if on the retired list this bill adds one-quarter to their salary.

Mr. FRANKLIN. What officers are put in the place of those officers whose offices are abolished?

Mr. CONGER. Army officers.

Mr. FRANKLIN. But they are already provided for by law.

Mr. CONGER. But they are not provided for by law for any such duty as is here proposed.

Mr. FRANKLIN. But they are provided for by law, and by law they are paid, subject to the performance of any duties imposed on them by Congress. For more than fifty years before the transfer to the Interior Department these duties were performed by Army officers at much less expense than now.

Mr. CONGER. If they are not needed for the business for which they are paid you cannot claim it is any saving, for the saving to the Government would be in abolishing those offices and saving the money.

Mr. FRANKLIN. I desire to ask the gentleman another question——

Mr. CONGER. There is no question about that. And this bill proposes some may be taken from the retired list. It provides if they are taken from the retired list one-quarter of their pay shall be added, which of course increases expenditures to that amount. Now, suppose fifty of them are added from the retired list. This bill says they shall receive an addition to their pay of one-quarter.

Mr. PATTERSON, of Colorado. But does not the gentleman from Michigan know that a like number of officers now drawing pay under the Interior Department to the number taken from the retired list will be abolished, and as a matter of computation does he not know that the one-quarter increase paid to those taken from the retired list would not amount to the salaries regularly paid at this time to these Indian agents?

Mr. CONGER. I know that they may take major-generals from the retired list and one-quarter of their pay would exceed a good deal more the salary of one of these Indian agents.

Mr. PATTERSON, of Colorado. But we have not major-generals upon the retired list, but with few exceptions.

Mr. WILLIAMS, of Oregon. It does not appear in the bill there is any such reduction.

Mr. CONGER. There may be, as I have already said, major-generals or brigadier-generals upon the retired list, and they may be taken; and the gentleman admits all I want when he says there is even one major-general or brigadier-general who may be detailed or transferred for this service.

Mr. FRANKLIN. I wish to ask a question right here. Does not the gentleman from Michigan know this abolishes about seventy Indian agents?

Mr. CONGER. I said fifty or more.

Mr. FRANKLIN. Does it create any new offices?

Mr. CONGER. It does create new Army officers for services for which the law does not now provide Army officers.

Mr. FRANKLIN. Name them.

Mr. CONGER. It is no matter what you call them. You may provide for new agents just at the same salaries as these officers. You appoint men, who have duties under the law to perform, to perform different duties, and if they are not required for the discharge of those duties, why then let the offices be abolished. The transfer from one office to another does not diminish expenditures.

But, sir, you have got to increase necessarily in the War Department; you have got to increase the number of officers and clerks in the War Department by scores and by hundreds. I will not stop, however, to speak to the merits of the bill. I am speaking merely to the point of order. And, Mr. Chairman, if this be not a case where on its face necessarily it must be decided not to be germane matter to an appropriation bill, and if on its face it does not show it would not reduce expenditures, make retrenchment of expenditures, then I think there can never be a question submitted to the Chair to decide of such a character.

Mr. HOOKER. Mr. Chairman, it is said by gentlemen on the opposite side opposed to the amendment offered by my friend from North Carolina [Mr. SCALES] that it is obnoxious to the one hundred and twentieth rule and the restrictions there placed upon new legislation in an appropriation bill. The concluding clause in that rule reads as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as being germane to the subject-matter of the bill shall retrench expenditures.

It is said by the gentleman from Ohio [Mr. GARFIELD] this amendment is not germane to the bill under discussion, and therefore is to be objected to on that account. Why, sir, I cannot imagine what would be germane to an appropriation bill for the support of the Army if the indication of the duties which were to be performed by officers of the Army was not germane to the subject-matter of such a bill. It is proposed in substance by the terms of the amendment to transfer the Indian Bureau from the Interior Department, where it is exclusively under the control of the Commissioners of Indian Affairs and the Secretary of the Interior and the vast army of officers and agents pertaining thereto, to the War Department, and to require officers of the Army who are under pay anyhow, whether full pay or upon the retired list—to require them to perform the functions the officers of the Indian Bureau now discharge.

And, sir, it is not alone germane to the subject-matter of the bill which is defining the duties and prescribing the operations of the Army, but I say it is not subject to the other objection, that it is not in the line of retrenchment. It was said by the gentleman from Michigan [Mr. CONGER] that you would abolish a certain number of Indian agents, but you would place in their stead a certain number of Army officers who were paid at a higher rate. Mr. Chairman, it is not alone in the abolition of the Indian agents that you are in the line of retrenching expenditures; but it is proposed to transfer by this amendment the management of Indian affairs, which have been in the past fifteen or twenty years so complicated and so expensive to the Government that your appropriation bill the other day for Indian matters amounted to four and a half million dollars. I say it is proposed to transfer this bureau to the War Department in order not that the small saving indicated by the gentleman from Michigan might take place, but in order that all the purchases that have to be made and the supplies that have to be transported to the Indians shall be made and furnished through the medium of the exact proceedings of the commissariat and Quartermaster's Department of the Army. Millions will probably be saved by it, and you will have the guarantee that you will have this office administered with due reference to the accountability of the officers. Therefore I say that the amendment is both germane to the bill and in the line of retrenchment.

Mr. HASKELL. I rise to ask the honorable gentlemen who oppose this point of order if it would not be as entirely in order as this is to transfer the Land Office from the Interior to the War Department

And if it is in order to transfer the Land Office and put that into the hands of the military, would it not be still more in order to transfer the Pension Bureau and to put that also into the hands of the military department? And why not for that matter abolish the whole Interior Department itself and provide that the duties of its officers shall be performed by the military? Why not?

The argument that has been used here is that these military gentlemen are so much more honest and able that they can better perform these duties. And at the same time they urge that with this reduction of sixty or seventy Indian agents you can use—what? Why, sir, supernumerary Army officers. Who are they? Where are they now? Where will you get anywhere in this Government seventy Army officers that are absolutely doing nothing? Are you going to take the old superannuated officers, all battered with wounds and service, who have been retired from active duty because they are unable to draw and eat their rations, and make out of them a lot of Indian agents?

Mr. FRANKLIN. Is that the reason they are retired?

Mr. HASKELL. Is that what you are going to do?

Mr. FRANKLIN. Will the gentleman allow me to ask him a question?

Mr. HASKELL. Certainly.

Mr. FRANKLIN. Does the gentleman know the date of the transfer of the Indian Bureau from the War Department to the Interior?

Mr. HASKELL. I cannot state it precisely.

Mr. FRANKLIN. I desire to ask the gentleman another question. Would not the same question which the gentleman has propounded to gentlemen who oppose this point of order have been applicable then? That is, would it not be in order to transfer all the military departments of the Government to the Interior Department?

Mr. HASKELL. I will answer the gentleman. If when the bill making appropriations for the Interior Department was up the gentleman had moved that the entire military organization of the United States should be put into the hands of the Interior Department, I would have objected.

Mr. FRANKLIN. On what kind of a bill was this transfer made in 1849, for that is the year of the transfer?

Mr. HASKELL. I do not know. I was not then in Congress.

Mr. FRANKLIN. The gentleman is talking a great deal about it. He ought to know.

Mr. HASKELL. I am not discussing the date of this transfer. I am stating that bringing in here, contrary to a long line of parliamentary precedents, a proposition entirely foreign to the bill under consideration I deem to be unwise and unsafe. While we are here discussing an appropriation bill for the support of the Army, for its better organization, and for its discipline, every word of which is a word of direction as to how officers and soldiers shall be managed and how they shall conduct themselves, you propose to bring in a great question that ought to occupy the attention of the House for two or three days; you propose to bring it in here under cover of this bill and virtually cut off debate upon it and spring it unawares upon the House. I am one who deprecates this action, not merely because I conceive it violates some puny principle of parliamentary law, but I give notice that I will oppose, and that I believe I ought to oppose, in the name of civilization and humanity, this entire movement to take these Indians out from the hands of the civil authorities and put them into the hands of the military.

The CHAIRMAN. The gentleman is not speaking to the point of order.

Mr. COX, of New York. What is the question pending?

The CHAIRMAN. The gentleman from Maine [Mr. HALE] makes the point of order that the proposed section is not germane to this bill and that it is new legislation and does not retrench expenditures.

Mr. FRANKLIN. I desire to make a parliamentary inquiry. Is it proper to speak to the merits of the bill on this point of order?

The CHAIRMAN. The Chair called the gentleman from Maine to order.

Mr. FRANKLIN. The gentleman spoke to the merits of the bill, not to the point of order.

Mr. RYAN. So did others.

Mr. COX, of New York. I wish to speak to the demerits of the bill.

Mr. BANKS. I will confine my remarks to the question of order. The appropriations for the Indian service are fixed by law, and not one dollar of it can be changed or transferred to any other department except by another law. Now, this amendment proposes to do that. It is therefore a law that touches an appropriation of money, and it must have its first consideration in a Committee of the Whole House; and I make that point of order upon it. If any measure touches an appropriation this measure touches an appropriation, because it takes it bodily from where the law puts it and transfers it to another department.

Mr. SCALES. I understand the gentleman from Massachusetts to make the point that this amendment must be considered in Committee of the Whole?

Mr. BANKS. Yes, sir.

Mr. SCALES. The original appropriation has been made and was considered in Committee of the Whole, and this is merely to provide for the disbursing of a part of the fund already appropriated, and which has been considered in Committee of the Whole.

Mr. FINLEY. Are we not in Committee of the Whole now? If not, where are we?

Mr. BANKS. I understand that we are now in Committee of the Whole, but that is not the point. I desire now to say a word in relation to the amendment being germane to the Army appropriation bill. The gentleman from Colorado says that it is germane because it requires or assigns new duties to the officers of the Army. They are civil duties, not military duties, and therefore the amendment is not germane because it does not apply to them, and not being germane, the question whether it reduces expenses or not is not material, because under the rule it must be germane and also be in the line of a reduction of expenditures.

Sir, the Army has never reduced expenses in anything which has ever been transferred to it from other branches of the service. In this case there is a clear increase of expenses, for the bill provides that the officers who are to perform these duties shall receive an increase of salary and the reduction which the gentleman claims is a supposititious one. There is an absolute increase, and the duties assigned to the officers of the Army by the proposed amendment are not germane to that department or to the purposes of this bill. They are civil and not military duties and the amendment does actually increase expenses so far as the salaries of the officers are concerned, and as I have said, there is nothing in the line of retrenchment about it except a supposititious reduction of expenditures.

Mr. COX, of New York. I remember very well when Speaker Kerr made a decision on this case. I remember meeting you, Mr. Chairman, in his room after he made that decision. That decision was absolutely true and just. I hope it will be carried out, for if it be not carried out anybody can move any amendment to this bill. They can put in the Agricultural Department as a branch of the War Department, or anything at all. It is not wise, it is not just to put in any sort of legislation on an appropriation bill if we can avoid it. All this business of transferring the Indian Bureau to the War Department undertakes to say this, that the whole government of the Indians, the civilization of the Indians, their Christianization shall be given to war, to force; that is all it means, and I protest against it. I hope, Mr. Chairman, that you will rule out all such amendments.

Mr. FRANKLIN. I call the gentleman from New York to order. He is not speaking to the point of order, but to the merits of the amendment.

Mr. COX, of New York. There is no merit in it, and I am not speaking of that.

Mr. FRANKLIN. Then, why speak about it at all?

Mr. HARRIS, of Virginia. I hope the committee will hear me for a moment upon this question. I think a correct decision on this question is more important than the passage or non-passage of the amendment proposed. After long experience, a rule was adopted for the purpose of preventing extraordinary legislation being introduced into appropriation bills. The rule provides for two things: first, that the amendment shall be germane to the subject-matter under consideration, and that is enough to bring this amendment under the rule; and also, that it shall reduce expenses. Now, what is the existing law upon this subject? It establishes a bureau of Indian affairs and puts it under the charge of the Interior Department—under a civil branch of the Government. The bil' under consideration is a bill for the purpose of making appropriations for the Army. Now, is there any similarity or any connection between the existing law which is proposed to be changed and the object of this bill? They are wholly unlike in purpose, in intent, and in character. You may just as well say, if you can change an existing law and make your amendment come within the meaning of the rule by the provision that the Army shall perform certain duties, that you may change the duties of the Director of the Mint upon this bill, and say that they shall be performed by the General of the Army. You may change the duties of any officer of the Government, and say that because those duties are directed to be performed by the Army your amendment is germane. That does not make it germane. The existing law must be germane to the bill before the committee before you can make any change in it.

Mr. FRANKLIN. Were not these duties performed for fifty years by Army officers?

Mr. HARRIS, of Virginia. But the law has been changed.

Mr. FRANKLIN. In what respect? The gentleman will please state it.

Mr. HARRIS, of Virginia. The law now says that there shall be a Commissioner of Indian Affairs under the Secretary of the Interior and you propose to change that law by this amendment, and this law is dissimilar to any law relating to the Army. Sir, this is a dangerous precedent to set and it was against such precedents as this that the rule was intended to guard the country from the danger of hasty and inconsiderate legislation on appropriation bills often in the last hours of the session.

Mr. SCALES. I desire to say a word further upon the point of order, and I will not detain the House long. It is well known that under the laws of the land as they now exist the duties of a large portion of the Army are now connected with the Indian department. It is well known that a large portion of the Army is stationed on the frontier for the purpose of controlling and managing these Indians. It is well known that there is already a conflict between the Interior Department and the War Department in regard to the management of the Indians. We have from time to time reports from the Commissioner of Indian Affairs urging that this conflict be abolished and that the question be settled one way or the other.

Now, when under the law of the land it is the duty of the Army to take charge of the Indians or of Indian affairs while there is trouble among the Indians, when this jurisdiction is conferred upon the Army by the law of the land, and we propose in this bill simply to add to those duties of the Army, gentlemen say that the proposition is not germane to the bill. If that is not germane to this bill, I would like to know what is germane.

We have in this bill reorganized the Army. We have made appropriations for the Army and directed what that Army shall do. Among other things we now propose that on the frontier the Army shall step in and perform the duties which are now performed under the Interior Department. Is not that germane? It is a part of the duties of the Army. If that is not germane, then it seems to me that nothing can be germane. [Cries of "Vote!" "Vote!"] I call the attention of gentlemen to section 2062 of the Revised Statutes, as follows:

The President may require any military officer of the United States to execute the duties of an Indian agent; and when such duties are required of any military officer, he shall perform the same without any other compensation than his actual traveling expenses.

By the law of the land, as it now exists, an officer can be assigned to those duties. We propose to say that all the duties, not one only, of the Indian department shall be performed by Army officers, not by order of the President but by virtue of the law of the land.

Mr. BANKS. I desire but a moment for explanation. I understand that because we are now in Committee of the Whole my suggestion in regard to acting upon this provision first in Committee of the Whole is not supposed to be applicable. But this subject has not been referred to us in Committee of the Whole; the Committee of the Whole has no jurisdiction over it. It has never been referred to us by the House, and therefore we cannot consider it. It is not a consideration of a subject such as the rule provides for to take it up under the five-minute debate in Committee of the Whole as an amendment to something else. If it is to be considered in Committee of the Whole and is a bill affecting our appropriations, then it must first be referred to us by the House before we can obtain jurisdiction of it.

Mr. PATTERSON, of Colorado. The Army appropriation bill has been referred to the Committee of the Whole by the House, and hence whatever is germane to that bill has been referred to this committee.

I do not desire to review the arguments of various gentlemen who have taken the position that this amendment is subject to the point of order. But I do desire to call the attention of the Chair to the ruling of Speaker Kerr upon this question two years ago. I think I can show from his ruling that this amendment, in the shape in which it is now presented, is not subject to the point of order, is not subject to the objections which were then made against the former proposition.

Mr. BANKS. Speaker Kerr ruled against it.

Mr. PATTERSON, of Colorado. He did, and I will show from his decision why he ruled against it. This amendment has been so drawn as to meet every objection made by Speaker Kerr in ruling against that proposition.

Mr. BANKS. But you cannot show that he did not rule against it.

Mr. PATTERSON, of Colorado. I say he did rule against the proposition, pure and simple, contained in a little section not one-quarter as long as my finger, and which upon its face was not manifestly a proposition to retrench expenditures.

At that time the legislative, executive, and judicial appropriation bill was under consideration. The bill had no reference whatever to the Army. An amendment was offered to that bill, a very short section, providing simply that the office of Commissioner of Indian Affairs should be abolished, and that the execution of all laws and parts of laws applicable to the management of Indian affairs and all matters arising out of Indian relations should be lodged with the Secretary of War. That was the sum and substance of the simple provision that was under consideration two years ago. Now, as to whether that was germane or not to the bill under consideration, Speaker Kerr ruled that it was germane. It abolished the whole Indian department, and he ruled that, as the Interior Department was treated of in the bill then under consideration, that amendment was germane to the bill.

The bill now under consideration is a bill making appropriations for the Army, and this amendment is equally germane to this bill, by the reasoning of the Speaker two years ago. He decided clearly and unequivocally that the amendment was germane to that bill; hence I imagine there is hardly room for controversy on that point.

The next question is: does this amendment reduce expenditures? Now, let me call the attention of the Chair (and it is the best argument that can be made against the point of order) to the reason given by Speaker Kerr two years ago in support of his position that the amendment then under consideration did not manifestly upon its face retrench expenditures.

Mr. HARRIS, of Virginia. Allow me to interrupt the gentleman one moment. His ideas correspond with mine precisely. The amendment two years ago was germane to the bill then before the House, for that was a bill making appropriations, among other things, for the Interior Department. Therefore the amendment was germane to the bill, because it proposed to change the law relating to the Interior Department on the same bill which made appropriations for that Department. Accordingly it was germane to that bill. But when you propose to put on this bill, making appropriations for the Army, a provision relating to a bureau of the Interior Department, it certainly is not germane to the bill, because it does not relate to the Army.

Mr. PATTERSON, of Colorado. The principle is precisely the same. Here we have a bill——

Mr. COX, of New York. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point.

Mr. COX, of New York. If the Chair will state the pending question I will state my point.

The CHAIRMAN. This question is on the point of order raised by the gentleman from Maine, [Mr. HALE.]

Mr. COX, of New York. We are running under the five-minute rule on this point of order, and I submit that further debate is out of order.

The CHAIRMAN. The five-minute rule does not apply to a discussion of this kind. The extent to which debate shall be carried on a point of order is exclusively within the control of the Chair. The Chair will hear the gentleman from Colorado and then rule upon the point.

Mr. PATTERSON, of Colorado. The principle is precisely the same. Here are appropriations concerning the Army; and when a proposition is made to place new duties and obligations upon the Army, and in doing so to abolish a certain branch of governmental service, it is just as much outside of the rule as it was two years ago when the bill to which the amendment was moved had reference to the Legislative, executive, and judicial departments of the Government. But, sir, what were the reasons given in regard to retrenchment of expenditures? Mr. Kerr said:

The Chair sees that in this bill there is no provision for the practical management of this Bureau of Indian Affairs if it shall be transferred as proposed by this section. There is no appropriation for that purpose, no regulation of and no indication how the duties of that bureau after it is transferred shall be performed or by whom those duties shall be performed, other than in the somewhat general language of that section itself.

I ask the Chair to examine the language of that section which he will find cited in this decision.

Now let me read further:

The Chair might also hold that because it requires the duties now intrusted to Indian agents to be hereafter performed by soldiers, it is the intention of the framers of the provision to require those duties to be performed by those persons without additional compensation. But that does not appear.

It did not appear in the proposition offered two years ago that the duties were to be performed without additional compensation; but in this amendment it is clearly and unequivocally provided that there shall be no additional compensation.

Mr. WILLIAMS, of Oregon. Does not this amendment provide for additional compensation?

Mr. PATTERSON, of Colorado. No, sir; it does not.

Mr. WILLIAMS, of Oregon. Does it not provide additional compensation to retired officers who shall be assigned to this duty?

Mr. PATTERSON, of Colorado. That has been talked about; and, as I said before, it is demonstrated to a mathematical certainty that if these duties should be entirely performed by retired officers the additional pay they would receive would not begin to equal the amount received by those who now perform this duty. What offices are abolished? The Commissioner of Indian Affairs, the inspector, the superintendent of Indian affairs, and a board of Indian commissioners. All these offices are wiped out of existence.

Now let me read just a little further from the decision:

But the Chair must take official notice of the fact that in this bill—

I ask the Chair to pay particular attention to this because it was upon this ground principally that Speaker Kerr based his ruling—

But the Chair must take official notice of the fact that in this bill no appropriation is made for the Army or for the performance of any of its duties in any of its several bureaus or departments.

How different the case now presented. Here is a bill making appropriations for the Army, providing every dollar upon which the Army is to be supported for the next fiscal year, including pay for its present duties as well as for the duties that will devolve upon it if the section now proposed should be enacted into a law.

And the Chair must further officially know that in the ordinary course of legislative proceedings such an appropriation bill must be introduced and enacted before the session expires as of necessity will embrace the further and complete regulation of this entire subject.

These objections are now entirely removed. Here are appropriations for the Army; here is a provision preventing any increase of force or any increase of pay. Therefore I submit the point of order is not well taken.

The CHAIRMAN. The gentleman from Maine has made the point of order that the amendment proposed by the gentleman from North Carolina [Mr. SCALES] as an additional section is not germane to this appropriation bill; that it changes existing law, but that it does not retrench expenditures; that therefore it contravenes Rule 120, and should be ruled out by the Chair.

This subject has twice been ruled upon since Rule 120 was modified as it now stands. In the first session of the Forty-fourth Congress, when the bill making appropriations for the legislative, executive, and judicial expenses of the Government was under consideration, a proposition was moved as an amendment to that bill to transfer the duties of the Indian Bureau from the Interior Department to the War Department. The point of order was made as in Committee of the Whole that the amendment was not germane, and that it did not

retrench expenses. The gentleman from New York [Mr. COX] was the chairman of the Committee of the Whole; but by unanimous consent the point of order was not decided in the committee, but was reserved until the bill was reported to the House, in order that Speaker KERR might rule upon it.

The ruling of Mr. KERR was given after mature reflection, and it has been regarded as a leading authority in regard to the construction of this rule.

In that decision, as published in the RECORD of the first session of the Forty-fourth Congress, page 2824, the Speaker held that the provision then offered was germane to the bill then pending for the reason that it related to officers for whom appropriations were then being made, namely, the Commissioner of Indian Affairs and other officers in the Indian Bureau. For the same reason the Chair now holds that the provision submitted by the gentleman from North Carolina is germane to the pending bill, as it relates to the duties of officers for whom appropriations are now being made, namely, the officers of the Army.

What is to be understood by a provision being germane to a bill? It is not necessary that the provision should be a wise one or one that would promote the best interests of the service, but only that it have relation to the subject. This corresponds with the meaning of the word "germane" as defined by Webster—"akin to, or appropriate, or fitting, or relevant to." This amendment relates to the subjects embraced in this bill, it has relation to the duties of the officers of the Army, and is therefore germane to the bill, as it defines what the duties of those officers shall be. It is new legislation, as a matter of course, and it increases very largely the duties of the military officers of the Government; but such new legislation is not out of order as an amendment to an appropriation bill, or as an original provision in such a bill, if it be germane thereto and shall retrench expenditures.

Hence the only question left for the Chair to decide is whether this provision does or does not retrench expenditures. Speaker KERR held that the provision as it was moved to the legislative, judicial, and executive appropriation bill at the first session of the Forty-fourth Congress did not retrench expenditures, or that the fact did not appear on its face or by the terms of the amendment that it did, and therefore he ruled it out. That provision was modified and afterward moved to the Indian appropriation bill. The section as then moved had been submitted to Speaker KERR, and it was so prepared as to remove his objections to it. The present incumbent of the chair was called upon then to rule upon that provision, and before doing so submitted his opinion, which was delivered on the 6th of June of that session, (first session, Forty-fourth Congress,) to Speaker KERR in writing, and it received his unqualified approval. So then both rulings may be regarded as having received the sanction of Mr. KERR and as expressing his opinion on this subject. In that opinion delivered by the present incumbent of the chair it was held that the proposed provision transferring the Indian Bureau to the War Department was germane to that bill and that it did retrench expenditures. Without reciting the reasons then given the Chair will simply refer to that decision as fully sustaining the position now taken. The Chair holds for the reasons therein stated that this proposed section does retrench expenditures, and therefore overrules the point of order.

Mr. HEWITT, of New York. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the Army appropriation bill and had come to no resolution thereon.

Mr. KNOTT. I move that the House do now adjourn.

Mr. THROCKMORTON. I move this bill be printed and recommitted to the Committee on Indian Affairs.

Mr. BURCHARD. I hold the gentleman from Kentucky cannot yield to any one unless he withdraws his motion to adjourn.

Mr. KNOTT. I do not withdraw the motion to adjourn.

Mr. HARRISON. I ask leave of the House to take from the Speaker's table——[Cries of "Regular order!"]

The SPEAKER. The gentleman from Kentucky must withdraw his motion to adjourn or nothing else is in order.

Mr. KNOTT. I cannot withdraw the motion.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr CRAPO: The petition of W. R. Browne and Thomas Fitch second, for compensation from the Japanese indemnity fund for damages sustained by reason of the refusal of the Japanese officials to allow their vessel to land on the shores of Japan and dry its cargo which had become wet from leakage—to the Committee on Foreign Affairs.

By Mr. DAVIDSON: The petition of E. B. Olmstead and other citizens of Florida, against the passage of the bill authorizing William A. Dormer and others to construct a ship-canal at the head of Lake George, Florida—to the Committee on Railways and Canals.

By Mr. EVINS, of South Carolina: The petition of Elizabeth P. Birt, to be reimbursed for losses during the war—to the Committee on War Claims.

By Mr. KIDDER: A paper relating to the establishment of a post-route from Sioux Falls to Rockport, Dakota Territory—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLS: The petition of Samuel Harper, to be relieved from the payment of certain moneys on account of certain United States revenue stamps stolen from him—to the Committee of Claims.

By Mr. O'NEILL: Resolutions adopted at the ninth annual convention of the American Society of Civil Engineers, asking for the re-enactment of the law which created a board to test iron, steel, and other metals; the reappropriation of an unexpended balance, and for an additional appropriation for the purposes of the board—to the Committee on Appropriations.

By Mr. PHILLIPS: The petition of the delegates of the Creek, Cherokee, Chickasaw, and Choctaw Nations, for relief for the soldiers of the First, Second, and Third Indian Regiments of the late war—to the Committee on Invalid Pensions.

By Mr. WILLIS, of New York: The petition of Robert Paton, for an extension of a patent seat for schools and public halls—to the Committee on Patents.

IN SENATE.

MONDAY, *May* 27, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the petition of Houghton, Osgood & Co. and others, of Boston, engaged in the manufacture and sale of books, praying for a thorough investigation of the bearing of any change in the duties on books and the materials which enter into their manufacture before any change be made, and that the subject may be postponed until another session of Congress; which was referred to the Committee on Finance.

Mr. THURMAN presented the petition of Miss Sarah R. Robinson, surviving daughter of Henry Robinson, a soldier and teamster in the war of 1812, praying the passage of an act granting her an allowance as compensation for services rendered and property lost by her father in the service of the Government during that war; which was referred to the Committee on Claims.

Mr. EATON presented the petition of A. C. Twining, praying for an extension of a patent for an improvement in the manufacture of ice; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4382) granting a pension to Jonathan Roberts, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3283) for the relief of Andrew J. Worth, reported it without amendment.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1102) to authorize the States of Ohio, Indiana, and Illinois, respectively, to commence and prosecute suits against the United States in the Supreme Court of the United States, reported it with amendments.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4943) to authorize the commissioners of the District of Columbia to make and enforce regulations relative to the sale of coal, and also building regulations, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1222) to regulate the sale of coal by retail dealers in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ROLLINS. The Committee on the District of Columbia, to whom was referred the bill (S. No. 977) to abolish the board of police commissioners of the District of Columbia, have instructed me to report it adversely with the recommendation that the bill be indefinitely postponed, as the board of police commissioners is to be abolished by the District Government bill now pending in the Senate. That clause of the bill has been acted on by the Senate.

The bill was postponed indefinitely.

Mr. DORSEY, from the committee on the District of Columbia, to whom was referred the bill (H. R. No. 2057) to amend the charter of the Mutual Fire Insurance Company of the District of Columbia, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 182) for the benefit of the penny-lunch house of the city of Washington, District of Columbia, reported it without amendment.

TRUSTEES OF THE COLUMBIAN UNIVERSITY.

Mr. DORSEY. I am directed by the Committee on the District of

Columbia, to whom was referred the bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbia College, District of Columbia," to report it without amendment. As it is a very short bill, simply changing the time of holding the annual meeting of the trustees of the College from a late day in June to an earlier day, I ask the present consideration of the bill. There can be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It so modifies the act of March 3, 1873, as to authorize the trustees and overseers of the Columbian University to hold their annual meeting on such day in May or June as they shall appoint, instead of being held on "the Tuesday next preceding the last Wednesday in June."

Mr. THURMAN. Let the title of the bill be again read.

The Secretary read the title of the bill.

Mr. DORSEY. I will simply state that the bill changes the time of the annual meeting of the trustees of Columbia College so that they can meet at the commencement time of the college.

Mr. THURMAN. Is that all?

Mr. DORSEY. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1320) for the erection of a fire-proof building for the National Museum; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1321) to authorize the construction of a public building at La Crosse, Wisconsin; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1322) for the relief of William C. Easton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1323) to incorporate the Apalachian Mining Association of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1324) to repeal existing taxes on the capital and deposits of banks and bankers and to impose taxes on their dividends in excess of 8 per cent. per annum; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1325) to regulate and control the disposition of and accounting for certain funds named therein; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1326) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1327) for the relief of the widow and children of General William Gates, United States Army; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO POST-ROUTE BILL.

Mr. WALLACE and Mr. TELLER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

TEXAS PACIFIC RAILWAY.

Mr. MORGAN and Mr. KELLOGG submitted amendments intended to be proposed by them respectively to the bill (S. No. 942) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto; which were ordered to lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. EATON, it was

Ordered, That the papers in the case of David Huestis be taken from the files and referred to the Committee on Patents.

On motion of Mr. CONKLING, it was

Ordered, That the papers in the case of C. W. Brink be taken from the files and referred to the Committee on Claims.

JOHN G. KENDRICK AND OTHERS.

Mr. MATTHEWS. I submit the following resolution:

Resolved, That the President be, and is hereby, requested to communicate to the Senate, if to do so, in his opinion, be compatible with the public interests, any correspondence, not heretofore communicated, between this Government and that of Nicaragua, relative to the claims against the latter of John G. Kendrick and other citizens of the United States for personal injuries on October 19, 1855, at Virgin Bay, in the Territory of Nicaragua, alleged to have been inflicted by soldiers acting under the authority or by the permission of that Government; and whether any and, if any, what steps ought to be taken by this Government to effect an adjustment of said claims, with a statement of the nature and amount thereof and the names of the persons on whose behalf they have been severally preferred.

This is a resolution of inquiry requesting the communication of correspondence, if any, and such recommendations as the President may see fit to make. If it is desired, I can make a statement in regard to the matter. Otherwise I should like to have the resolution take the usual course.

Mr. BLAINE. There is no objection to it.

The resolution was considered by unanimous consent, and agreed to.

M. MAURICE DELFOSSE.

Mr. BLAINE. Mr. President, it will be remembered by the Senate that some two months ago a call was made upon the State Department for the correspondence between the British government and our own in relation to the appointment of Mr. Delfosse as a commissioner under the treaty of Washington. It was said at the time that all the correspondence was not communicated, that only that was communicated which was strictly between our Government and the government of Great Britain. It is now stated—I have seen it several times in the newspapers—that the Belgian government has felt aggrieved by some withholding of correspondence in some form, and that as a matter of justice to Mr. Delfosse the whole of it should be called for and published. As an act of entire justice to that gentleman, if any injustice has been done him, and in order that there may be no withholding of anything connected with the case, I offer the following resolution:

Resolved, That the President of the United States be requested, if not in his judgment incompatible with the public interest, to communicate to the Senate copies of all correspondence not heretofore submitted and of all memoranda and minutes in the possession of the Government relating to the selection of M. Maurice Delfosse as one of the commissioners under the treaty of Washington on the fisheries question.

The resolution was considered by unanimous consent, and agreed to.

ADDITIONAL CIRCUIT JUDGE.

Mr. DAVIS, of Illinois. I ask the indulgence of the Senate to take up the bill (S. No. 1266) to provide for the appointment of an additional circuit judge in the seventh judicial circuit.

Mr. COCKRELL. Let the bill be reported for information.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. DAVIS, of Illinois. Two or three days ago the Senate passed a bill for the appointment of an additional circuit judge in the second or New York circuit, where the Judiciary Committee were unanimously of the opinion that an additional officer should be appointed. They are also unanimously of the opinion that an additional circuit judge should be appointed for the seventh circuit, which embraces Chicago. In my judgment, there is much more need of an additional judge there than in New York, though I believe there is one needed in New York. There are really two circuit judges needed in the circuit in which I live. My eastern friends cannot understand how it is that the Federal courts are so full of business in the Western States. In the first place, the Western States are debtors to the Eastern States, and every non-resident can sue in the Federal courts. That is one reason why there are so few suits in the Federal courts in the Eastern States. Indiana and Illinois are checkered with railroads, and I am sorry to say that a majority of them are in the custody of the circuit courts.

I have a tabular statement of the business for the last two years and a half in the northern district of Illinois, which shows an absolute necessity for additional judicial force in the city of Chicago. With the permission of the Senate, I will read from this statement. On the 1st of January, 1876, there were pending in the different branches of the Federal courts in Chicago suits to the number of 3,045. During that year there were commenced 1,965 suits. There were disposed of during the year 1,310. There were pending in the circuit court on the 1st of January, 1877, 3,702 suits. There were commenced during that year 1,929, a few suits less than were commenced in 1876; in 1876 there were 1,965, and in 1877, 1,929. There were disposed of during the year 1877, 1,248 suits, but there were pending on the 1st of January, 1878, 4,388 suits, and there were commenced from the 1st of January, 1878, to the 1st of May, 1878, 817 suits, and there were disposed of during the same time 594 suits, leaving upon the docket on the 1st of May, 1878, 4,606 suits.

It is a mere denial of justice to the suitors in that court to leave them with the present judicial force. I have a letter here from the clerk of the court, and I know the fact to be true, that the circuit and district judges are employed constantly the whole year except a few weeks in the months of August and September when the lawyers are out of town taking their vacation. There is also a large business in Indiana and in the southern district of Illinois, in which particularly the management of railroads devolves upon the circuit judge, but a great deal of that is done by the district judge. Many of these suits are foreclosures of railroad mortgages, probably eight or ten. They branch out into various claims and accounts that make suits of themselves and require the taking of testimony, so that there are really more suits upon the docket than would seem from this tabular statement.

I do not believe there is any portion of the United States in which

an additional judicial force is as necessary as in Chicago. The circuit judge, who is one of the ablest men in this country, the peer of anybody as a judge in the United States, either on the Supreme Court bench or on any other bench, is really worn down by excessive work, as he writes me, and at the present time he is ill from excessive work.

I do hope that there will be no opposition to the immediate passage of this bill, as I wish action upon it in the other House at the present session. I think there is more need of action in this case than there was in the case of the circuit judge provided for in New York. My friend, the Senator from Maryland, [Mr. WHYTE,] who seemed the other day to be opposed to this legislation, was kind enough to say to me, after I had exhibited him this tabular statement, that he had no idea of the extent of business in the Western States.

Mr. COCKRELL. Will the Senator from Illinois please state the number of cases included in his statement arising out of bankruptcy proceedings.

Mr. DAVIS, of Illinois. Yes, sir. There were upon the 1st of January, 1876, 459 bankruptcy cases. There were upon the 1st of January, 1877, 637 bankruptcy cases; and there are at present 1,167. There are upon the circuit court docket at the present time, of chancery cases, 1,255; common law cases, 1,093; and in the district court, other than bankruptcy cases, 1,023.

Mr. COCKRELL. About one-fourth of all the cases on the docket are bankruptcy cases.

Mr. DAVIS, of Illinois. I say there are thirty-five hundred cases upon the docket other than bankruptcy cases, at the present time. The district court at Chicago is engaged nearly all the time in the investigation of bankruptcy cases and in the investigation of admiralty business. The admiralty business along the lakes has concentrated at Chicago. It formerly concentrated at Buffalo and Detroit more than at Chicago, but it does not do so now. There is really business enough at Chicago to occupy the district judge in attending to admiralty cases. The winding up of these bankruptcy cases will occupy, of course, four or five years.

Mr. ALLISON. May I ask the Senator from Illinois if in his judgment the business will not be increased in the Federal courts in the West by the abolition of the bankruptcy law, rather than diminished?

Mr. DAVIS, of Illinois. I think the business of the circuit courts will be increased. The district courts will be relieved. But when the bankrupt law is repealed the suits will be brought by the eastern creditors in the circuit courts of the United States.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I do not antagonize the present consideration of the bill; I have no objection to its being considered at the present time; but I am opposed to the principle of this bill and of all similar bills. While I admit that a large amount of business has accumulated in these courts, that accumulation has been caused to a very great extent by the bankruptcy proceedings and by the increase of the jurisdiction of the Federal courts. The remedy has been applied already in part by the Senate in the repeal of the bankrupt law, and the additional remedy should be in taking away much of the present jurisdiction of the Federal courts and leaving them with only a certain class of business; and with that business in their hands they could attend to it amply and speedily. The point I make is that they have now jurisdiction of classes of cases which should properly be vested in the State courts. Their jurisdiction has been extended until they are absolutely absorbing the jurisdiction of the State courts. I am opposed to this and all kindred bills, and upon its passage I shall ask for the yeas and nays.

Mr. HILL. As I understood the question, it is, will the Senate proceed to the consideration of the bill by unanimous consent? Is not the question whether the bill should be considered?

The PRESIDENT *pro tempore*. The question is whether the Senate will proceed with the consideration of the bill.

Mr. DAVIS, of Illinois. The Senate had agreed to consider it, I supposed. If not, I hope there will not be any objection to its present consideration.

The PRESIDENT *pro tempore*. It was read for information at the instance of the Senator from Missouri, [Mr. COCKRELL.]

Mr. DAVIS, of Illinois. I hope the Senator from Georgia will not object.

Mr. HILL. I must say, with all due deference to my friend from Illinois, which is very great, that I shall object to the bill. I am so much opposed to this daily increase of Federal judges that I shall object even to the consideration of such a measure, and I will do all I can against its passage.

Mr. DAVIS, of Illinois. Then I move to take the bill up.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to proceed to the consideration of the bill which has been read.

Mr. MORGAN. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 14; as follows:

YEAS—31.

Allison,	Conkling,	Hoar,	Mitchell,
Armstrong,	Davis of Illinois,	Howe,	Morrill,
Blaine,	Dorsey,	Kellogg,	Plumb,
Bruce,	Eustis,	Kernan,	Spencer,
Burnside,	Ferry,	Kirkwood,	Teller,
Cameron of Pa.,	Grover,	McDonald,	Thurman,
Cameron of Wis.,	Hamlin,	McMillan,	Windom.
Coke,	Harris,	Maxey,	

NAYS—14.

Bailey,	Hereford,	Merrimon,	Wallace,
Beck,	Hill,	Morgan,	Withers.
Cockrell,	McCreery,	Ransom,	
Eaton,	McPherson,	Saulsbury,	

ABSENT—31.

Anthony,	Davis of West Va.,	Jones of Florida,	Rollins,
Barnum,	Dawes,	Jones of Nevada,	Sargent,
Bayard,	Dennis,	Lamar,	Saunders,
Booth,	Edmunds,	Matthews,	Sharon,
Butler,	Garland,	Oglesby,	Voorhees,
Chaffee,	Gordon,	Paddock,	Wadleigh,
Christiancy,	Ingalls,	Patterson,	Whyte.
Conover,	Johnston,	Randolph,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1266) to provide for the appointment of an additional circuit judge in the seventh judicial circuit.

The bill was reported to the Senate without amendment.

Mr. BECK. I should like to hear the bill read.

The Secretary read the bill.

The PRESIDENT *pro tempore*. The question is, Shall the bill be engrossed and read the third time?

Mr. MORGAN. It seems to me, sir, that we are increasing the Federal judiciary with an unnecessary celerity; and if this increase goes on, it will be very much better, in my view of the subject, to give additional judges throughout the United States. They are needed in some other localities quite as much as in the seventh circuit. In the fifth circuit, comprising the States of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, we have but one circuit judge; he is an able man, a very hard-working man, but he is unable to get around to his various circuit courts more than once, I believe, in the course of a year. I have not taken the trouble to ascertain the size of the dockets in that large circuit, but I am quite sure that they must exceed in number and in magnitude the dockets that are mentioned here in reference to the seventh circuit. There is certainly more necessity for an additional circuit judge in the fifth circuit than there can be in the seventh circuit, because the territory is so immensely large and the judge is compelled to travel a great part of his time to reach his courts. But, sir, I have not thought it proper to bring forward a proposition for the appointment of an additional circuit judge in the fifth circuit, notwithstanding the acknowledged necessity for such an appointment or the creation of such an office. I have not done so, because the times are not and have not been favorable for many years past to an impartial selection of judges.

I would not throw into the discussion of a question of this character any political consideration whatever. I would earnestly seek to exclude such a view from the question of the appointment of our district or circuit judges. I do not remember a single instance since the close of the war where any man who has been in the slightest degree tinctured with democratic views of national policy, or rather with democratic views of the Constitution of the United States, has been appointed upon a circuit or upon a district bench or upon any other bench. If there are such appointments, they have entirely escaped my attention. I do not claim that democrats should be appointed to these offices any more than I concede the right on the part of other gentlemen to claim that republicans should be appointed; but it does appear to me that when the appointments all go in the same direction, when no consideration is given at all to any other question than that of a man's political proclivities and beliefs, it is time we should pause a little and wait for the arrival of that period of time, not now far distant, when two functionaries of this Government, one democratic and the other republican, can act with some degree of justice toward each other with reference to these appointments. After the 4th of March next, I believe it is conceded everywhere that the Senate of the United States will be democratic; and the President will then be republican; and I think that will be perhaps the best opportunity that the people of the United States will ever find, or may find for many years to come, for having appointments to high judicial offices made without strict reference to the party alignment of the appointee.

It seems to me that, in the presence of the fact that we are about now to cut down the jurisdiction of the Federal courts in a very great degree by the repeal of the bankrupt law, it would be wise and it would be prudent and it would be patriotic for us to defer action upon this subject until the event that I speak of. And, Mr. President, there is no occasion, it seems to me, for hurrying bills through just at the close of this session of Congress for the appointment of judges under these circumstances. If gentlemen want to give to the Federal judiciary a stronger political complexion than it now has, if that is what they mean by urging these measures forward, let it be avowed, so that the democrats here or elsewhere can take care of this subject and see that something is done for the preservation of what I claim to be the rights of the people, or at least the rights of the courts of justice by freeing them from such influences as I have named.

I have been quite surprised, I must confess, that almost every morning for several days past we have made a circuit or a district judge. A project was brought into the Senate very early in the session which had for its object the reorganization of the entire judiciary of the United States. That bill seems to have slept in the committee. It seems to have had no attention paid to it. It has not been reported back, so far as I am advised, nor do I know that the

committee have ever taken action upon it. But now that bill is separated into several projects, and is brought forward measure after measure, and day after day we find ourselves making judges by what has been announced on the floor of the Senate as the interested feeling or motives of gentlemen who vote for these bills. Senators have got up on the floor and complained, when judges have been sought to be created by the act of the Senate, that their cases had not been considered and reported by the committee, and they even wanted pledges, it would seem, at the hands of the committee that they would bring in their bills at an early day, so that they might have a chance, I suppose, to swap with them their mutual assistance in making judges in the different parts of the United States. That is not a fair way of dealing with this question.

There are gentlemen here who look with apprehension and even with alarm upon the increase of the numbers of the Federal judiciary, to say nothing about the jurisdiction of these courts; men who have for a long time entertained these opinions among the very deepest and most profound convictions of their minds. They do not have a fair opportunity when the matter is brought forward in this way, when a particular section or a particular locality comes forward and draws to its influence the surrounding power of the different States in the same circuit or in the vicinity, and at the same time draws perhaps upon the expectations of other gentlemen for the creation of like offices in other parts of the Union.

Now, let us ask, if the question is to be taken up, is it the true policy of the Government of the United States to increase the Federal judiciary, either circuit judges or district judges? As we increase the number of circuit judges, as I understand the matter, it would simply withdraw to a large extent from the district judges the duties they are now performing in the circuits. They can hold circuit courts. They can decide circuit-court causes in the absence of a circuit judge. Do we understand that the district judges are so overworked that they cannot get along and discharge their duties and cannot free the dockets of these causes. I have not heard that statement yet; and yet the district judges are swarming throughout the entire length and breadth of the land, some States having as many as three district judges within their borders. I venture to say that there is not a district judge in the United States who works nearly so hard as the judges of the supreme court of the State of Alabama. These judges of the district court are not, I suppose, inferior men. They ought not to be. They ought to be men of equal capacity with the circuit judges. No man ought to be allowed to go upon the district bench who cannot decide any cause in a circuit as well as in a district court. If he is not qualified to preside in a circuit court he ought not to be permitted to go upon the district bench. They have the opportunity under the law to hold those courts in the absence of the circuit judges; and the complaint made here is not that there are not a sufficient number of judges in the land to try the causes, but not a sufficient number of circuit judges. That is the complaint made, as I understand it.

I thought it was proper, Mr. President, I thought it was my duty to state these grounds of objection—without any particular preparation, for the matter has been hurried before the Senate this morning rather in a summary way—because I conceive that the bill which is brought here is one of very great importance to the country, and one that deserves a more deliberate consideration than can be given to it in the morning hour, and one that deserves consideration in connection with the whole subject of the reorganization of the Federal judiciary of the United States.

Mr. HILL. Mr. President, I have very little to say except that I concur in every word that has fallen from the Senator from Alabama. I am utterly oppposed to the increase of the number of judges of the Federal judiciary at this time, and I hardly think there could have been a more unfortunate moment selected for the increase of the Federal judges.

As the Senator from Missouri [Mr. COCKRELL] has so well said, and it is true, we have repealed the bankrupt law at this session. I suppose every Senator on this floor knows, certainly every Senator who has been accustomed to practice before the courts, that for several years perhaps half the business that has been before the Federal courts, both circuit and district, and especially the district courts, has been business growing out of the bankrupt law. I think I may safely say that far more than half the business that has been transacted by the Federal courts in my State has arisen from the bankrupt law. Now you have repealed that law. You thereby lessen the business of the courts one-half. Why at the very time that we are thus lessening the business of the courts should we be in such haste to increase the number of judges? If the present judges have been able to discharge the duties devolving upon them and try the cases now before them, when the number of cases growing out of the bankrupt law has been so enormous, what reason have we to say that they will not be more able and with more expedition to discharge their duties and try the cases when this bankrupt law shall have been repealed; and I suppose every Senator admits that it will be repealed beyond all controversy, and that that repeal will certainly take effect by the 1st of September?

I simply wish to enter my protest against this continual increase in the number of Federal judges. I bear witness to what the Senator from Alabama has said as to the fifth judicial circuit. I suppose it is one of the largest in the Union; it has a great deal of business. The circuit judge is an able man; he labors well; and perhaps there is as much necessity for an additional circuit judge in that circuit and as much necessity for an additional district judge in the State of Georgia as can be found in any portion of this country; and yet I, like him, have not brought forward a proposition to increase the number of judges because I do not believe it is necessary. It would be convenient; it would be a division of labor which doubtless would be very convenient and agreeable to the judges; but I believe, in view of the repeal of the bankrupt law, that the judges we have will be amply sufficient to attend to all the business that comes before them.

I will say frankly one more thing. I am sure I do not desire, as the Senator from Alabama has well said, to introduce anything political into this debate; but when I know that almost every man who is administering justice in the Federal courts in my section of the country is of one political party, I am not anxious to increase the number.

Mr. DAVIS, of Illinois. Mr. President, in the hope that a vote will be taken on this bill, and that at one o'clock, if there be any further discussion, the Senate will decide to allow the vote to be taken by a suspension of the regular order, I beg leave to say a word or two. I would not do it unless I thought that could be done, and I will not occupy more than five minutes. I would not reply to the Senator from Alabama at all if the gentleman had not made an attack on the Judiciary Committee. He says we ought to have reported a general bill in relation to the reorganization of the Federal courts. Why, sir, such a bill was introduced. He says the committee have never considered it. They have considered it. They have considered every bill that was brought before them; they have perfected all the bills; but there is a difference of opinion in the Judiciary Committee as to whether this is the proper time to reorganize the Federal judiciary. Then, inasmuch as no report will come from them upon that subject, they not being willing to reorganize it now, the next question is, there being certain places where business is overwhelming the courts, and where suitors are denied all justice, and where they are literally ruined by their cases being kept on the docket for one, two, three, or four years, shall the Judiciary Committee stand still and say that no relief shall be afforded to those people?

Mr. HILL. I should like to ask the Senator from Illinois if the cases on the Supreme Court docket are not now, by reason of their accumulation, one, two, or three years behind?

Mr. DAVIS, of Illinois. Certainly; of course they are.

Mr. HILL. Will you remedy that by increasing the number of judges?

Mr. DAVIS, of Illinois. Increasing the number of judges upon that court?

Mr. HILL. Yes.

Mr. DAVIS, of Illinois. No, sir; but we can have business disposed of in the courts below. I do not believe adding to the number of judges of the Supreme Court will lessen the number of cases there. I believe we could submit a plan; but you would not vote for it. Neither the Senator from Alabama nor the Senator from Georgia would vote for any general bill upon this subject which required the President of the United States to appoint eighteen judges. That is what I want done.

Mr. HILL. I say this to the Senator: as he cannot remedy the evils growing out of the accumulation of business in the Supreme Court by an increase of the number of judges—you could perhaps remedy them by a reorganization of that system—and as the same evils exist in the district and circuit courts, would it not be better to delay this increase of judges until we can have a general reorganization of the judiciary?

Mr. DAVIS, of Illinois. That is two or three years hence.

Mr. HILL. Why not bring it forward now?

Mr. DAVIS, of Illinois. Because you will not vote for it.

Mr. HILL. How do you know?

Mr. DAVIS, of Illinois. You will not vote to create eighteen judges now. That is the basis of my bill. You will not vote for it.

Mr. HILL. How do you know we will not vote for it?

Mr. DAVIS, of Illinois. I am perfectly certain you will not.

Mr. HILL. Bring forward a bill for a general reorganization, and it will be time enough to see whether it will be voted for or not.

Mr. DAVIS, of Illinois. My dear sir, you have made your speech; you are not asking a question. I will go on.

The Judiciary Committee was met then with this question: Here are two or three circuits that imperatively demand an increase of judicial force; shall that condition of things remain for three or four years, and the suitors there be ruined, business accumulating, cases commenced for delay? Shall all that be continued? The committee have reported very few bills. There was one reported for the city of New York and I found a very mild opposition to that because the junior Senator from New York [Mr. KERNAN] advocated that bill. The opposition came from the Senator from Missouri [Mr. COCKRELL] and the Senator from Maryland, [Mr. WHYTE,] who afterward came to me privately and stated his conviction that these courts were needed.

Now, we cannot wait and have cases accumulating that cannot be disposed of. The Senator from Georgia is totally mistaken in supposing that when the bankrupt law is repealed the two judges in Chicago can transact all the business there. There is more business in the southern district of Illinois than there is in the whole State of Georgia and the Federal courts.

Mr. SAULSBURY. Does not much of the business accumulated in the circuit courts in Illinois arise from the fact of the plaintiffs in the suits residing in the East who are unwilling to trust the State courts.

Mr. DAVIS, of Illinois. That is true.

Mr. SAULSBURY. Then so far as the Senator's argument is concerned, if they are delayed in prosecuting their cases it is because they select the tribunal to try them; and therefore the argument of the Senator that suitors are delayed I think has but little force.

Mr. DAVIS, of Illinois. Why, Mr. President, the Constitution says that a citizen of Delaware shall have the privilege of suing for his debt, when he sues in Illinois, in the Federal courts. That has existed from the foundation of the Government. Under Mr. Carpenter's bill a few years ago there were certain cases removed from the State courts to the Federal courts, and I will agree at the proper time to remedy that legislation. But this business in Chicago does not grow out of that. It grows out of its immense commerce which is growing every day. It grows out of its trade, it grows out of the immense business that is centered there. It does not grow out of the removal of causes from the State courts to the Federal courts, which has increased the business of the Federal judiciary in some respects. I do not say that in the residue of this circuit the judges cannot dispose of this business: but they cannot dispose of it there; neither can they dispose of it in the city of New York. As a member of the Judiciary Committee, with my duty to the people who are besieging you to give them another judge, so that they can have their business dispatched, I cannot sit down and fold my arms and say that this is not a convenient time for that.

Besides, the creation of circuit judges is in the direction of the general bill which I introduced in the forepart of the session. If there are any circuit judges appointed now, when that reorganization takes place there will not be so many to be appointed then. But, Mr. President, I say that whenever there is such an accumulation of business in the Federal courts under the laws of the United States as produces a denial of justice to suitors, it is the imperative duty of Congress to furnish the requisite judicial force.

Mr. BECK. Mr. President——

Mr. MORGAN. Will the Senator allow me a word?

Mr. BECK. Yes, sir.

Mr. MORGAN. The Senator from Illinois says I would not vote for a bill for the reorganization of the Federal judiciary. I must say to the honorable Senator that he has no authority whatever for that statement. I will vote for a bill for the reorganization of the Federal judiciary whenever a proper bill is presented and at the proper time; but I will not vote for a bill to place upon the bench——

Mr. DAVIS, of Illinois. Will the Senator allow me? I did not mean to say that he would not vote for the reorganization of the Federal judiciary, which in my opinion involves the creation of eighteen new judges; but that he would not do it at the present time. That is the point, at the present time. If I could get the Judiciary Committee and the Senate to believe that that could be done at the present time, I would be glad to have it reported; but it cannot be.

Mr. MORGAN. The honorable Senator is as free from partisan bias, according to his own avowal, as any other Senator on this floor, and he certainly has been long enough in public life to have known, as he does know and will not deny, that it is, above all things, proper that the men who are selected for the higher judgeships of the Federal judiciary should be as free as possible from mere partisan bias.

I see that the time is about to arrive when I believe the Federal judiciary can be reorganized in a way that will be perfectly just to all parties and all sections of this country; and that time will be when we have got a democratic Senate and a republican President, and really I look for the opportunity, and I shall avail myself of that opportunity if I am allowed to do so, whenever it arises, to make the effort in accordance with the suggestion of the Senator from Illinois to get a pure, upright, and excellent Federal judiciary.

Mr. BECK. Mr. President, I believe it lacks only one minute of one o'clock——

Mr. DAVIS, of Illinois. I hope we shall have the vote taken.

Mr. BECK. I wish to be heard on the bill before it passes. Whether I shall go on now until the morning hour expires, or not, is indifferent to me.

The Senator from Illinois very properly said that we made rather feeble opposition the other day when the bill creating a new judge for New York was up. It was generally understood in the Chamber, at least I certainly understood, that that was the only case that was very pressing. It was brought forward as being the most pressing case, I understood, and therefore was singled out because of the great emergency there.

Mr. DAVIS, of Illinois. Will the Senator allow me? What I said upon that occasion was that an additional judge was more needed in New York than anywhere except in Chicago; and this bill in relation to the circuit judge in Chicago was reported before the bill in relation to the circuit judge in New York, but that being my own circuit I thought it was courteous to the Senators from New York that I should call up the other bill first. I distinctly said that in Chicago the judge was more needed than in New York, as my remarks will show if the RECORD is referred to.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. DAVIS, of Illinois. I think it will be wiser for the Senate to get through with this bill now. I move that——

Mr. DORSEY. I must call for the regular order, and then I will yield for a short time.

Mr. BECK. No, you will not.

Mr. DAVIS, of Illinois. I hope the Senate will proceed with and dispose of this bill. By doing so we shall certainly avoid discussion to-morrow.

The PRESIDENT *pro tempore*. It is the duty of the Chair to call up the regular order, which is House bill No. 3259.

Mr. DAVIS, of Illinois. I now move that it be laid aside informally until this bill is disposed of.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

Mr. COCKRELL called for the yeas and nays; and they were ordered.

Mr. BECK. This bill cannot pass without three or four hours' discussion.

Mr. DORSEY. Then I call for the regular order.

The PRESIDENT *pro tempore*. The question is, Will the Senate postpone the regular order; upon which motion the yeas and nays have been ordered.

Mr. DAVIS, of Illinois. We have just heard a threat that the bill cannot pass without three or four hours' discussion. I hope those gentlemen who are in favor of this bill will vote "yea."

Mr. BECK. You may call it a threat or what you please. I believe we have a right to discuss the bill.

Mr. DAVIS, of Illinois. A perfect right to discuss it.

Mr. BECK. I do not intend to say anything more than that there are a number of gentlemen on this side of the House who are opposed to it, opposed to it in principle and opposed to it because there is no necessity for it, and therefore I expect to be heard at least an hour, and it may be two, and I think there are others who will want to be heard longer than I do.

Mr. DORSEY. Mr. President, the District government bill has now been up five days and has occupied almost the whole time of the Senate. When we adjourned on Saturday evening we had about completed the bill. If the Senator from Illinois will withdraw his motion, I think we can complete it in fifteen or twenty minutes; I am in hopes we can at all events; and then the Senator can make his motion and I shall be glad to vote with him.

The PRESIDENT *pro tempore*. The question is upon postponing the regular order, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 24, nays 27; as follows:

YEAS—24.

Allison,	Christiancy,	Howe,	Morrill,
Anthony,	Conkling,	Kellogg,	Oglesby,
Blaine,	Davis of Illinois,	Kirkwood,	Paddock,
Burnside,	Eustis,	McDonald,	Saunders,
Cameron of Pa.,	Ferry,	Matthews,	Teller,
Cameron of Wis.,	Hoar,	Mitchell,	Thurman.

NAYS—27.

Armstrong,	Eaton,	Johnston,	Rollins,
Bailey,	Grover,	Lamar,	Sargent,
Beck,	Hamlin,	McCreery,	Saulsbury,
Butler,	Harris,	McPherson,	Spencer,
Cockrell,	Hereford,	Maxey,	Voorhees,
Coke,	Hill,	Merrimon,	Withers.
Dorsey,	Ingalls,	Morgan,	

ABSENT—25.

Barnum,	Dawes,	Kernan,	Wadleigh,
Bayard,	Dennis,	McMillan,	Wallace,
Booth,	Edmunds,	Patterson,	Whyte,
Bruce,	Garland,	Plumb,	Windom.
Chaffee,	Gordon,	Randolph,	
Conover,	Jones of Florida,	Ransom,	
Davis of W. Va.,	Jones of Nevada,	Sharon,	

So the motion of Mr. DAVIS, of Illinois, was not agreed to.

DISTRICT GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, the pending question being on the amendment of Mr. SARGENT, to strike out all after the word "professes," in line 5, section 10, down to and including the word "Columbia," in line 38, as follows:

And the further powers conferred by this act. The said board shall have power to define, declare, and cause to be removed or abated nuisances injurious to health; to provide for and regulate the collection, removal, and transportation of garbage, house-offal, and dead animals in and from the cities of Washington and Georgetown in said District and their immediate and more densely populated suburbs, and to provide, by contract or otherwise, for the proper performance of such service; to make rules and regulations for all hospitals used exclusively for the isolation and treatment of persons afflicted with infectious or contagious diseases; to provide for admission to hospitals, asylums, almshouses, and infirmaries for the benefit of which appropriations are made of public moneys; to provide for transportation, in proper cases to such hospitals, asylums, almshouses, and infirmaries and to make such ordinances and regulations as may be necessary to carry into effect any lawful powers of the board. The said board of health shall also be charged with the care of the sick poor of the said District, furnishing medicines and medical attendance for the same, and with the burial of deceased paupers. The said board shall have power to require the draining and filling up or reducing to proper grade, as may be necessary, in their judgment, in a sanitary point of view, any lot or lots within said District; and when such necessity is found to have been occasioned by the act or neglect of the owner, the said draining, filling up, or reducing to proper grade

may be done under the orders and by the direction of said board; and the expense of such draining, filling up, or reduction shall be certified to the commissioners of said District, who shall cause the same to be assessed upon the property on which said work has been done; and the amount so assessed shall be collected as other taxes are collected in the District of Columbia.

Mr. MORRILL. I desire to ask the Senator from California whether he intended to include in his motion to strike out the lines in relation to the sick poor of the District, from line 22 to line 26? I think he had better leave those lines in.

Mr. SARGENT. I intended to leave them out, and to give the board of health the powers they now possess. It is a very close question whether the board should be continued or not. I am not seeking to add one ounce to the weight of their powers.

Mr. MORRILL. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. WHYTE. Mr. President, is it not possible to take the vote on striking out the whole of that section—I mean since the action of the Senate on Saturday—with a view to offer two sections establishing a health officer in the District in lieu of this board. Is the Senate so committed by the motion, which was voted down, of the Senator from Vermont [Mr. EDMUNDS] that we cannot get at the cutting out of this board entirely by another vote now, before we get the bill into the Senate?

The PRESIDENT *pro tempore*. The Chair will entertain any motion that is in order.

Mr. WHYTE. I was going to say that if this motion of the Senator from California is not agreed to I shall move to strike out the whole of section 10 and insert in lieu thereof two sections of the House bill.

Mr. SARGENT. I will say to my friend that after my motion is carried he can move to strike out the whole section. It is best to reform it first.

Mr. WHYTE. I want to get at the point whether we are precluded from destroying the board altogether.

Mr. THURMAN. I was going to ask the Senator from California to withhold his amendment for the time being, and he may renew it hereafter if that which I wish to offer fails, to allow me to move to strike out the tenth section and insert in lieu of it the provisions that I find in the House bill. If that motion of mine prevail, it will answer all the purpose; if it does not prevail, then the Senator's motion can be renewed. The Senator's motion goes upon the assumption that the board is to be continued in power. If a motion to strike out the whole tenth section and provide a different mode of sanitary regulation in the District is in the opinion of a majority of the Senate the better thing to do, then it would be only wasting time to try to perfect this section as it now stands. I therefore suggest to the Senator, inasmuch as his motion would have to be put before a motion to strike out could be put, that he withdraw it temporarily and allow me to move to strike out the whole tenth section and insert the matter which I wish to insert.

Mr. SARGENT. I suggest to my friend that probably there will be no division on the question of striking out these lines, and then the Senator's motion will be perfectly in order. If there is any further debate proposed on my amendment, then I should certainly withdraw it in favor of the Senator's proposition; but as my motion is parliamentarily before the body and can be disposed of in a moment, I think we might as well adhere to it. With that understanding, I ask for the question on my amendment.

Mr. WITHERS. Before the question is put on that amendment I should like some explanation on the subject. I ask whether the additional powers provided for in this section are powers of which none are now exercised by the present board; because if that be true there are some of these powers which are absolutely indispensable to such a board.

Mr. DORSEY. I think I can answer that. My understanding is from the board of health that most of the powers conferred by this section are now exercised by the board; some of them are not; and some of them are exercised by doubtful authority of law; but the most important ones, those to which I presume the Senator from Virginia alludes, are now exercised under the act of 1871 and also under the act of June 20, 1874.

Mr. WITHERS. Then, before the Senate can vote understandingly on the proposition of the Senator from California, we should be able to understand what powers are now exercised by the board and what are the additional powers with which this section proposes to invest them.

Mr. DORSEY. The additional powers, I understand, are first in regard to filling up lots and digging them down, &c.; and next in giving the board of health the charge of the asylums and infirmaries and charitable institutions of the District. That power they have not got now, and there is serious objection to transferring it from where it now exists to the board of health. These are the two new additional powers, as I understand. The other powers I believe the board of health now has.

Mr. WITHERS. I should be glad if the Senator in charge of the bill, or any Senator who is cognizant of the facts, would call attention to the particular provisions of the section by reference to the sections of the law which confer powers, so as to show which of these powers are not now exercised by the board.

Mr. DORSEY. If the Senator will look over the section he will see the additional powers conferred. One is in regard to filling up sunken lots. The board of health has no power now where there is a nuisance from stagnant water or anything of that sort to abate it. It has no power over the asylums or reform schools or charitable institutions of the District. It has no power, I understand, when there is a pauper or a stranger here taken sick to send him to an asylum or hospital. That has to be done through the commissioners or through the Secretary of the Interior.

Mr. HOWE. As the amendment was reported, I understood it to strike out the word "possesses" in the commencement of the fifth line. The amendment as moved proposed to leave that word in.

Mr. SARGENT. I accept the suggestion of the Senator from Ohio to withdraw my amendment in order that this alternative may be first voted on.

Mr. WITHERS. That will simplify the matter very much.

Mr. THURMAN. The amendment offered by the Senator from California having been withdrawn, I move to strike out section 10 and insert the matter which I send to the Clerk's desk. I ask that the amendment which I offer be reported.

The PRESIDENT *pro tempore*. The words proposed to be inserted will be read.

The SECRETARY. The words to be inserted are:

SEC. —. That in lieu of the board of health now authorized by law, the commissioners of the District of Columbia shall appoint a physician as health officer, whose duty it shall be, under the direction of the said commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics and to perform all such duties as may be assigned to him by said commissioners; and the board of health now existing shall, from the date of the appointment of said health officer, be abolished.

SEC. —. That there may be appointed by the commissioners of the District of Columbia, on the recommendation of the health officer, a reasonable number of sanitary inspectors for said district, not exceeding six to hold such appointment at any one time, of whom two may be physicians and one shall be a person skilled in matters of drainage and ventilation; and said commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each; and said inspectors shall be respectively required to make, at least once in two weeks, a report to said health officer, in writing, of their inspections, which shall be preserved on file; and said health officer shall report in writing annually to said commissioners of the District of Columbia, and so much oftener as they shall require.

SEC. —. That the commissioners may appoint on the like recommendation of the health officer, a reasonable number of clerks; but no greater number shall be appointed and no more persons shall be employed under said health officer than the public interests demand and the appropriation shall justify.

SEC. —. That the salary of the health officer shall be $2,500; and the salary of the sanitary inspectors shall not exceed the sum of $1,200 per annum each; and the salary of the clerks and other assistants of the health officer shall not exceed in the aggregate the amount of $7,000, to be apportioned as the commissioners of the District of Columbia may deem best.

Mr. HOAR. I wish to ask the Senator from Ohio if he has considered the question whether these officers are officers of the United States, and whether they may constitutionally be appointed by the commissioners. I suppose, of course, he has.

Mr. THURMAN. Mr. President, I have considered that question. They are not officers of the United States. If they were, they could not be appointed by these commissioners. They are officers of the District of Columbia. The commissioners themselves are officers of the District of Columbia, according to the determination of the Supreme Court in the case of Barnes *vs.* The District. That decision is that officers in this District, as the board of public works, although appointed by the President and confirmed by the Senate, are not officers of the United States but officers of the District of Columbia; and consequently the District as a municipal corporation was held to be liable for the misfeasance or non-feasance of that board. The theory of the decision is that the officers may be appointed or elected by the people in such manner as the law shall provide. For a long time there was a municipal government, a mayor, a common council, a marshal, and various officers, all either elected directly or indirectly by the people of the municipality. Afterward came a governor appointed by the President and confirmed by the Senate, a house of assembly, a superior house to that called the council, a board of public works, and a board of health, and I do not know how many other boards; and provisions were made for various officers. The decision of the Supreme Court goes upon the ground that all those officers, whether they were elected by the people, as in former times, or whether they were appointed by the President and confirmed by the Senate, or howsoever they might be appointed, are officers, not of the United States within the meaning of the provision of the Constitution to which the Senator from Massachusetts refers, who must be appointed either by the President by and with the advice and consent of the Senate, or under law by the President alone, or by the head of some Department alone, or by some court of law, but they are officers of this municipality, the District of Columbia. This bill creates the District a municipality, and the persons who exercise official functions within it under the bill, no matter how appointed, are, within the scope and meaning of that decision of the Supreme Court, officers of the District and not officers of the United States within the meaning of that clause of the Constitution to which the Senator refers.

I see, therefore, no more difficulty in the commissioners appointing this health officer than in the appointment of a policeman. A policeman is an officer. His functions are public functions. He is clothed with power to arrest men and to do a good many other things that a private individual cannot do. His functions are plainly public, and he is plainly an officer who would come within the definition of "officer" in any statute relating to officers in the District; and yet

no one doubts that the commissioners may be authorized to appoint the policemen.

I see no trouble, therefore, in that. But now we are brought to the question, by this amendment, whether or not it is better to substitute the plan which has received the sanction of the House of Representatives in regard to preserving the health of this District or to preserve the present organization, the present board of health; for the amendment that I have offered consists of exactly the four sections which have passed the House of Representatives, and are in the bill now pending before us from the House. Our committee left them out, and instead of them, preserved the present board of health. I propose to put them back and to adopt them just as they passed the House. I think that plan would be more economical, would be much simpler, and would be equally effective.

When I look over the powers conferred upon this board of health by the substitute reported by the Senate District Committee, and many of which had been exercised by it before, I cannot help feeling some surprise that it should be considered necessary to have a board of health for the exercise of such powers. Let us look at what these powers are as defined in the substitute reported by the District Committee of the Senate:

SEC. 10. The board of health created by an act to provide a government for the District of Columbia approved February 21, 1871, shall be continued with the powers it now possesses.

In order to understand what that means we have to turn to that act of 1871. I want to call the attention of the Senate to the powers that were conferred in that act. This board of health was first constituted by the act which has been called the organic act providing a government for the District of Columbia, passed in 1871. That act set up a legislative council, a house of assembly or representatives, a board of public works, a board of Metropolitan police, a board of health, and I do not know but several other boards. The section in regard to the board of health was in these words:

That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a board of health for said District, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the Legislative Assembly.

Although that Legislative Assembly has been abolished, yet perhaps a review of the legislation will show that whatever powers it conferred upon this board of health it possesses to this day. The board has not been abolished, and it was continued under the act of 1874 with the powers which it possessed, and that may be said to have been a provision by law which made the powers conferred upon it, whatever they were, by the Legislative Assembly of the District powers that were vested in the board by force of the act of Congress. It will be seen that its specific powers were:

To declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities.

And then the rest of its powers are those that were to be conferred upon it by the Legislative Assembly of the District. I am not informed at this moment what powers, if any, were conferred on it by the Legislature of the District. I know that its powers have been enlarged to some extent by subsequent acts of Congress, but I have not got them before me and I will not detain the Senate by hunting them up.

Now comes this substitute of our committee which is pending; and after providing that this board shall have all the powers which it now possesses, which as I have said include all the powers that the Legislative Assembly may have conferred upon it, and about which we absolutely know nothing, (for we do not know what they are, I am sure I do not and I think perhaps there is not one Senator out of fifty here who does,) it goes on:

And the further powers conferred by this act.

What are they?

The said board shall have power to define, declare, and cause to be removed or abated nuisances injurious to health—

That is no further power; that is one of its original powers. Second—

to provide for and regulate the collection, removal, and transportation of garbage, house-offal, and dead animals in and from the cities of Washington and Georgetown in said District and their immediate and more densely populated suburbs, and to provide, by contract or otherwise, for the proper performance of such service.

Now, I wish to say, in respect to that, that, although that might be proper work for a board of health to perform, yet, in point of fact, it is a work that is performed, wherever there is no board of health, under the direction of the common council or mayor of the city, enforced by the police, and it is a work that can be just as well performed under the direction of the commissioners of the District as it can under the direction of a board of health. Then comes the third:

To make rules and regulations for all hospitals used exclusively for the isolation and treatment of persons afflicted with infectious or contagious diseases.

I do not know whether there is any such hospital in this District that is used exclusively for that purpose; and, if there is, I do not know but that it is provided for in the special act or charter of its creation. I shall say nothing, therefore, about that.

Mr. WITHERS. The small-pox hospital.

Mr. THURMAN. I suppose if there is a small-pox hospital it may be that. Next:

To provide for admission to hospitals, asylums, almshouses, and infirmaries, for the benefit of which appropriations are made of public moneys.

There is a power proposed to be given to this board that I utterly disapprove of. Why, sir, it includes almost every character of institution in this District. It includes the Asylum for the Insane, across the Eastern Branch, for which Congress provides so liberally and for whose government the law completely provides. It includes every asylum almost within the District, and every hospital within the District, and every charitable institution for which Congress has made provision.

Mr. DORSEY. Will the Senator allow me? I observe that he does not notice that all that part of the section is proposed to be stricken out, and the committee do not object to striking it out.

Mr. THURMAN. I will not take time further with that. If that matter is all stricken out, then the powers of the board would be limited to these:

The board of health created by "an act to provide a government for the District of Columbia," approved February 21, 1871, shall be continued with the powers it now possesses—

I have read what they are—

to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the streets of Washington and Georgetown—

By the way that is a very funny thing for a board of health. What in the world you want a board of health to prevent animals from running at large for, I do not know—

to prevent the sale of unwholesome food in said cities.

These are all the specific powers granted by Congress in the act of 1871, and all that will be left to the board if the words objected to should be stricken out, except one or two powers that have been conferred by subsequent acts of Congress which I have not had time to look at. Certainly those limited powers can well enough be performed by a health officer with the assistance provided in this House provision. My own belief is that it will simplify the service, that the service will be equally effective, that it will be more economical, and that there will not be that conflict between the board of health and the commissioners that has existed heretofore to some extent, or did exist under the old government, between the board of health, the Legislative Assembly, and the other departments of the District government.

Without taking up more time of the Senate, I ask Senators to look, if they have the House bill before them, at the sections which I propose to insert as a substitute for section 10 of the amendment under consideration. They are sections 10, 11, 12, and 13 of the House bill.

Mr. BAYARD. I desire to say but a few words in general concurrence with the views expressed by the Senator from Ohio, and I shall vote for his amendment although after it has been adopted I trust there may still be amendments in the line of further reduction in the way of clerical force.

The great and first objection to the present board of health is its unnecessary expense and cumbersomeness. The machinery of the board of health is far more cumbersome and expensive than there is any necessity for in this community according to my judgment; and the plan of the House in making it a subordinate body to the commission who have the general supervision of the affairs of the District strikes me as being eminently wise. The present board of health has, as I find from the appropriation bill of last year, five members. It has besides, a medical sanitary inspector at a salary of $1,750; a health officer at $1,750; four clerks $4,800; five sanitary inspectors $6,000; one pound-master $1,000; and one messenger $720; making a large number of officials attached to that board at a heavy expense.

The proposed amendment, which is the scheme of the House of Representatives, proposes in section 10, one health officer, in section 11 a number of sanitary inspectors not exceeding six, in section 12 a reasonable number of clerks. I think before this amendment is acted upon finally by the Senate, the number of clerks had better be fixed, and also the number of inspectors perhaps lessened. I have not on reflection been able to imagine in a city amply provided with police, with houses of correction, sanitary establishments on a very generous and excellent scale, hospitals for every kind of disease, a medical school, a very able body of physicians in private life, where the necessity for this vast and expensive body called the board of health comes in. A single health officer, with five active and intelligent assistants, with two efficient clerks, acting in co-operation with the police of the District and with the commissioners, would form, in my judgment, a force amply sufficient for all the health purposes of this District. The police of the city, as we know, become the agents of this sanitary board by giving information of the presence of all nuisances, of the presence of all deleterious manufactures and trades, and they have general power to cause the abatement of all nuisances that flow from such things. The power is complete and the agency is complete without the present cumbersome and expensive machinery.

I do not wish to speak disrespectfully or slightingly of the services of the late board of health. I can only say that I think all that is

justly required for the health and good government of this community of one hundred and fifty thousand, could be properly supplied by the simpler proposition of the House of Representatives, and I trust the Senate will not hesitate to vote for the simpler and the more restrained proposition of the House.

The scale of expenditure in this District has become something startling, and both Houses of Congress have got so in the habit of regarding these vast and cumbersome arrangements, with the enormous expense involved, as habitual, that they pass them now without much consideration. I am fully persuaded that the same economy which I think we should institute in some degree here in the District, must become more a habit of the American people at large. There are a great many nostrums proposed in finance; there are a great many propositions for growing rich in unusual methods; the printing-press is sought to supply the place of labor, and mere credulity to take the place of production; but I am very sure that the first step toward relief in this country and in this District is a moderation in expenditure and some reasonable economy in the scale of our government. I have cited before a community where my whole life has been passed, in which the expenditures for the supervision of the sanitary government of that community scarcely amount to pennies where here dollars have been poured out; and there can be no justification for that.

I do not hold that a health officer is required to be a scientist of the highest grade. There is not a physician—and there are many learned and able physicians in this city—who is not compelled in the very daily duties of his avocation to ascertain the causes of atmospheric and other malarial troubles and diseases in the District. All those are made known to the public by the very necessity of the case; they are loudly proclaimed as causes of fever from defective sewerage, as causes of malaria from defective rain-escape. All these things are constantly brought before the public in the course of private investigation, and in a manner that no public investigation can ever pretend to equal. So then I say, having hospitals with competent physicians in charge, having excellent police arrangements, the officers of which must act in subordination to and co-operation with the officers appointed by the commissioners, a board of health to be efficient need comprise no more in number or character of service than that proposed by the House. To spend more is mere superfluity of expense, and I trust the Senate will refuse its assent to it.

Mr. WHYTE. Mr. President, I should prefer to vote first upon the proposition to abolish the board of health. I should like to vote squarely on that first, before the insertion of the other clauses which the Senator from Ohio now proposes, because it may be that those very sections of the House bill may be amended to make them more useful and practicable; but on the question of abolishing the board of health in this District, I am clear. I should like to have the privilege of voting on that question. I had not that privilege on Saturday on account of my absence from the Senate, and therefore I took no part in the discussion on that day.

When the commission appointed by the Forty-fourth Congress took charge of this subject of providing for a permanent form of government for the District of Columbia, it fell to my lot to examine this particular branch of that subject, which I did with great care, and I came to the conclusion, without any reference to the *personnel* of the board, that it was a useless and unnecessary ornament to the government of the District of Columbia. I knew from practical experience that in my own city, composed of between three hundred and fifty thousand and four hundred thousand inhabitants, we had no board of health; we had a health officer with an assistant, under the control of the mayor and common council; and I thought that it was perfectly practicable in the District of Columbia that the health department of the District could be successfully and profitably controlled and managed by a health officer and a few sanitary inspectors, aided by the police of the city. The laws in existence were ample; and by conferring upon the commissioners of the District in the first instance all the powers in regard to the preservation of the public health, and allowing them through the agency and the machinery of the health officer and a few inspectors and the police the execution of these powers, the whole could be done, the city properly guarded from disease, nuisances removed, the health of the city preserved, and a large amount of expense saved to the people of the District and to the people of the United States.

I found that this board cost over $50,000 a year. I mean to say they expended over $50,000 a year. I found that that was about the rate of their expenditure. Since that I have found that in 1876 they expended fifty-odd thousand dollars and in 1877 they have spent between $45,000 and $50,000.

Mr. INGALLS. Where does the Senator obtain his statistics?

Mr. WHYTE. From their own report right here. I hold it in my hand.

Mr. INGALLS. The Senator's observation is very different from mine. The latest report of the board of health that I have seen fixes their expenditure at a little rising $32,000.

Mr. WHYTE. They reported in their report of 1876 as having expended $52,235. They show that they received from Congress $26,000; from the District of Columbia $26,000; and they give the items of expense, and I am sorry to say that over $1,200 were paid to lawyers. What the lawyers were doing when there was an attorney in the board, I cannot imagine.

Mr. INGALLS. I have the report of the Treasurer for July 31, 1877, showing a full statement of receipts and disbursements for the fiscal year ending June 30, 1877, in which the total receipts were $32,902.50 and the expenditures the same.

Mr. WHYTE. I think my friend will find on a closer examination that there have been expenditures up to $45,000.

Now, look at their estimates for 1876; it may be that they were cut short from $52,000 to $32,000; cut down $20,000 in one year; and if so, it only shows how much more they can be cut down with utility to the people.

Mr. WINDOM. Will the Senator from Maryland allow me to ask him a question for information on this subject?

Mr. WHYTE. Certainly.

Mr. WINDOM. The Senator speaks of the comparative economy of the city of Baltimore and the great extravagance of the city of Washington. I have in my hand here a statement showing that the total expenditure for the city of Baltimore is $263,855.47, with a population of three hundred and fifty thousand people, making a *per capita* expenditure of 76½ cents, whereas the *per capita* expenditure of this extravagant city of Washington was only about 20 cents last year; or even admitting the Senator's statement to be correct, that the total was $45,000, it would still be less than 30 cents *per capita*, or less than one-half of the *per capita* expense of the economical city represented by my honorable friend from Maryland.

Mr. WHYTE. I should like to ask my honorable friend from Minnesota where he got those expenses from; if he did not get them from a glorification report of the members of this board themselves to show what they had done?

Mr. WINDOM. I will say to the Senator from Maryland that I got them from the report of this board.

Mr. WHYTE. Yes.

Mr. WINDOM. And until there is some reason given to show that that report is incorrect I think it safe to assume that these figures which have been published are somewhere near correct.

Mr. WHYTE. Where does my friend from Minnesota get them?

Mr. WINDOM. On page 13 of the report for 1876 I find a comparison made of the expenditures of this city with those of several others, among the rest with the city of Baltimore, which is so economically administered under the plan proposed now by my friend from Maryland, making 76½ cents per head, or nearly four times the *per capita* expenditure that took place in Washington last year. I will say further to my friend that in a city of three hundred and fifty thousand people the *per capita* should be much less than in a city of one hundred and sixty thousand.

Mr WHYTE. I doubt very much this statement. I never saw it before now. I see, as my friend points it out to me in this report, that arguing in favor of the great work Congress did by organizing the board of public works in the city of Washington and organizing the board of health as a part of that great boon that Congress gave to the people of this District——

Mr. WINDOM. I will ask the Senator whether he has any basis whatever for a statement of the expense in Baltimore except the general belief that my friend doubtless imagines that the city is well administered, economically conducted in every respect? Has he any figures on that subject at all?

Mr. WHYTE. I have not looked at the figures to-day. I did look at them at the time.

Mr. WINDOM. This, then, presents a *prima facie* case, and upon that I rest until it is disproved.

Mr. WHYTE. All I have to say is that at the time the commission had charge of this subject I did examine it, and examined it carefully, and I wrote this very clause establishing the health officer myself, and I did it upon the basis of my own city, and it was adopted by the commission as proper at that time. Unfortunately I have not now with me the notes connected with that examination. I will, before we get through, probably, have an opportunity of finding out the accuracy of this statement. I have not a doubt that everything is included there, filling up and grading and everything connected with the city of Baltimore. I have no doubt that the Jones Falls improvement and various other expensive improvements that were temporary in their character are included. But that it costs the city of Baltimore $268,000 a year in its health department I do not believe one word of. I am satisfied that if the Senator from Minnesota will get the items of the $268,000 we will see that it is made up just as I stated, not of the same items included in this return of fifty-odd thousand dollars as the expense of the board of health of Washington, but of all the expenses of the city, cleaning and all the other expenses in regard to cess-pools and various other work in keeping a city clean and purified. I feel certain that all that is included in these figures and used as a comparison with the expenses of this board of health in the city of Washington.

I now come back to the point where I was interrupted. The powers of the board are specified by various acts, and the Senate will see by looking at the very report of the board of health of 1876, when the estimates are made as to the money they required, that the act of Congress of the 21st of February, 1871, provided—

> For general sanitary inspection of streets, avenues, alleys, yards, markets, vacant lots, &c., where nuisances injurious to health may exist, and for the removal and abatement of the same.

That is estimated for by the commissioners as under the act of Con-

gress of the 21st of February, 1871. I will proceed with their items of estimate:

To prevent the sale of unwholesome food in the District of Columbia. Act Congress, February 21, 1871.
To prevent domestic animals from running at large in the cities of Washington and Georgetown. Act Congress, February 21, 1871.
To secure a full and correct record of vital statistics, including the registration of births, marriages, and deaths, the interment, disinterment, and transportation of the dead in and through the District. Act Congress, June 23, 1874.
The transportation beyond the limits of the District of house-offal, night-soil, and dead animals. Act Congress, February 21, 1871.
To prevent the introduction and spread of infectious and contagious diseases. Act Legislative Assembly, June 19, 1872.
The draining of lots bordering on public or private sewers. Act Legislative Assembly, August 21, 1872.
Collection of garbage in cities of Washington and Georgetown, and suburbs thereof. Order of commissioners District of Columbia, March 19, 1875.
The burial of deceased paupers. Order of commissioners District of Columbia, September 8, 1874.

These powers being lodged under the act of 1874 in the District commissioners as they are now organized and operated, and controlling the powers of the District, being under this bill continued to the new District commissioners, all the necessary powers for the preservation of the health of the city are vested in the District commissioners to be appointed under this present act of Congress. The board of health is utterly useless. The District commissioners themselves will have general control. A single health officer with three or four sanitary inspectors can do all the work, aided by the police, who under the present Revised Statutes are required to give their aid.

The board of health—

Says the law, section 380 of the Revised Statutes for the District of Columbia—

The board of health or proper health officers of the District shall have power to call upon any of the police force, to a number not exceeding six, to aid upon any necessary emergency in enforcing the powers and duties conferred upon their office by law, and it shall be the duty of any such number of police so called upon to obey such call; but such service shall not continue longer than twenty-four hours.

SEC. 381. It shall be the duty of the board of police to set apart a sanitary police company, to consist of not exceeding ten persons, who shall be selected from among the police, and to assign to said company such especial duties by the rules and regulations as may be publicly advantageous.

SEC. 382. The sanitary police company—

Inside of this board of health there are police officers specially set apart under the Revised Statutes as a sanitary police company to discharge nearly all the duties of this sanitary board—

The sanitary police company is empowered, under such distribution of power and duty as may be made by the rules and regulations, to visit and make inspection of all ferry-boats, manufactories, slaughter-houses, tenement-houses, and edifices suspected of or charged with being unsafe, and to attend to such other matters relating to health as are complained of and entered upon the complaint-book, and to take all necessary legal measures for promoting the security of life or health generally upon or in said boats, manufactories, houses, and edifices, and to make report of inspection and action in the premises to the board of police.

And here are three or four other sections, all upon the same subject, relating to this sanitary company composed of police officers, who are also put under the control of the District commissioners under this bill. Now, what do you want with a board of health with commissioners and with one health officer, with an additional health officer subordinate to him? The whole health work of this District can be performed and thousands of dollars can be saved to the people by the abolition of such a board. I hope that this board will be abolished, and if any more power is needed for the thorough and complete protection of the people of this District from disease, I hope it may be given by the sections about to be inserted, if the board is abolished, so that without the great expense to the people of the District and of the country, pure health may be secured to the people of this District.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The question is on the amendment of the Senator from Ohio to strike out section 10 of the substitute reported by the committee and insert sections 10, 11, 12, and 13 of the bill as it was passed by the House.

Mr. WHYTE. I ask for a division of the amendment.

The PRESIDING OFFICER. The Senator from Maryland asks for a division of the proposition.

Mr. SARGENT. It cannot be divided.

Mr. CONKLING. The rule says expressly the reverse, if the Chair will pardon me. The rule of the Senate says the motion to strike out and insert shall not be divisible.

Mr. WHYTE. This is a different proposition. This is a proposition to strike out more than it was proposed to strike out before.

Mr. CONKLING. That may be; but I ask the Secretary to read the rule, which I think is express, that an indivisible motion is a motion to strike out and insert.

Mr. WHYTE. Oh, well, we shall not get into a controversy about it. I do not want to get into any question of order. I withdraw my request to have the amendment divided.

The PRESIDING OFFICER. The question, then, is on the amendment of the Senator from Ohio.

Mr. WINDOM. Only a single word in reply to my friend from Maryland, who has boasted so much of the economy and cleanliness and health of his city. I want to say that the statistics I quoted from were obtained from Dr. Stewart himself, the health officer, as showing the ordinary expenditures for maintaining the health organization of the city of Baltimore. I am further informed, and I believe upon good authority, that this very economical establishment in Baltimore, which my honorable friend seeks to have imitated in Washington, paid somewhere in the neighborhood (the exact amount I do not know) of $50,000 for a dumping-ground alone, for the offal of the city. Further than that as to this very cleanly city—and I have some very warm friends there, and I am a great admirer of Baltimore—I do say to my friend that there are portions of it that are the filthiest places I ever saw in my life, without any exception.

Mr. WHYTE. I never go in the places where the Senator must have been.

Mr. WINDOM. My friend lives among the aristocracy, I am aware, but I am compelled to pass through the lower portions as I ride through the city on the cars. I presume my friend has not seen that part of the city. I judged when he made his remarks as to the peculiar cleanliness of the city, that he had never visited the lower section, as I am compelled to do in riding through on the cars. But there was another thing reported last summer, and I believe correctly, that in this cleanly city, the health of which is maintained at the rate of seventy-six and a half cents per head, they succeeded in breeding yellow fever in their own midst last summer, so that on the whole I do not think I shall vote in favor of the economy and health of the city of Baltimore, in order that we may have the same system established here.

Mr. WHYTE. I cannot let my own city be slandered, even by the Senator from Minnesota. He comes, I know, from a very pure region; but he does not breathe a particle purer air than we do in the city of Baltimore. As to all that stuff about the yellow fever, there is not a word of truth in it. It was gotten up by people jealous and envious of the salubrity of our climate and the great prosperity that is prevailing in the city of Baltimore. My friend probably may have gone down some back street. So you can go in the great city of New York, whence comes the distinguished Senator on my right, [Mr. CONKLING.] There are certain portions of New York that are not as clean as Broadway; there is no doubt about that; and in all great cities there are some dirty people; you cannot keep them out of it; but as regards the salubrity of climate, there is no place on the face of the earth that is as healthy as Baltimore. Nobody ever wants to live anywhere else that ever did live there, and everybody goes there to die as the most peaceful and happy place from which to be translated to another and a better world.

Let me tell my friend from Minnesota that in order to build up this board of health, to enable it to paint the beautiful picture of its wonderful work, it has actually gone to England and got an opinion of the health officer in London, that Queen Victoria might get down on her knees and thank God if she had such a board of health as they have in Washington! Think of that!

So in regard to our city they have piled Pelion upon Ossa to put these expenses so much greater than the expenses here; but in order to do it, (as a colleague of mine in the other House has just told me, and by the way he is a member of the District of Columbia Committee in the other House,) they have put in the street cleaning and everything else to swell it up, not to compare with the expenses that they return but in order to make it appear that they are carrying on the health department of this city at some very small fractional price. I will venture to offer my friend an invitation. If he will come and stay with me a month, I will insure not only his life but his health every day that he stays in the city of Baltimore.

Mr. WINDOM. I have no doubt my honorable friend is right in one thing, that those who desire to die seek certain portions of Baltimore for that purpose, and under the health arrangements there I know no place that affords greater opportunity. [Laughter.]

Mr. WITHERS. I was not able to procure a copy of the bill containing the sections which it is proposed to offer as a substitute for the tenth section of this bill. In case the motion to strike out and insert prevails, would it then be in order to amend the amendment by inserting?

Mr. DORSEY. Certainly.

Mr. SARGENT. It can be amended in the Senate.

Mr. WITHERS. It would not be susceptible of amendment in Committee of the Whole?

Mr. SARGENT. No.

Mr. WITHERS. I make the inquiry because there are some portions of the amendment that I desire to see amended.

The PRESIDING OFFICER. It may be amended in the Senate.

Mr. SARGENT. It is in order to move to amend it now.

Mr. WITHERS. I want to move an amendment, if it is necessary to do it now before a vote is taken upon the proposition of the Senator from Ohio.

Mr. SARGENT. I submit that a motion to amend the matter proposed to be inserted, is in order.

The PRESIDING OFFICER. The Chair thinks so.

Mr. WITHERS. I merely have a word or two to say on the general subject, and mainly to combat what I regard as a very dangerous position taken by my friend from Delaware, [Mr. BAYARD,] that it was not essential at all to the welfare of the city that the health officer should be a man of scientific attainments, but that any person of ordinary intelligence could perform properly the duties of the office. I dissent entirely from that proposition. I believe that it is absolutely essential, that it is in fact indispensable to the proper and efficient discharge of the duties of this position, that the person holding the office should be a man of the highest possible scientific attainments.

Whether the board which exists here has been extravagant in the

methods of administration or not, I do not pretend to say. If the statements made in the public press in regard to the character of some of the gentlemen composing this board are correct, manifestly they are improper persons to hold this position. Upon that I offer no opinion; but I tell you that it is a matter of necessity that in providing such a board as shall control and direct the sanitary affairs of this city you shall have some person at its head who is competent to ascertain and investigate on scientific principles all the questions which are likely to come before it.

Whether the board which is suggested by the amendment is preferable to the board as reported by the Senate committee is a question for the Senate to decide. It is at least a board of health, whether you call it a board of health or whether you call it a health officer with sanitary assistants. The duties designed to be performed by them are the same, and it is not worth while to squabble about the name. Whether the board of health provided for in the amendment of the Senator from Ohio is a preferable organization to the one provided in the report of the Senate committee is for the Senate to decide. It strikes me that it is more economical, and that therefore it is preferable, provided you secure equal efficiency; but in this matter of the health of a great city, economy and parsimony ought not to be considered when as contrasted with the safety of the health of the community.

One of the amendments, by the way, which I propose to suggest is that the salary provided for this health officer in the amendment is entirely inadequate to secure the services of a competent man. Twenty-five hundred dollars per annum is an amount too small to command the services of a gentleman of such scientific attainments as would likely be serviceable and efficient in this position. It is necessary for the efficient discharge of this duty that whoever is intrusted with it shall be able to devote the whole of his time and the whole of his attention to this matter, and this alone, and to command the services of such a person you must pay a larger salary than $2,500 per annum. I do not deny that a competent and scientific man can be appointed as the health officer of this place with power to appoint as many subordinates as the necessities of the service might demand, and that you would secure efficient service; but I merely desire to insist upon it that it is necessary that the head of this department shall be a man possessed of the highest order of scientific attainment. It is his duty to seek out and investigate the occult causes of disease, to be able to judge authoritatively and definitely as to whether at any given portion of the city there is such a nuisance as will breed pestilence and disease. It is a thing that is not to be intrusted to careless investigations of a jackanape doctor with an assistant policeman. The seeds of disease permeate the whole atmosphere. We take them in with the water we drink, with the air we breathe, and it requires something more than a superficial investigation to know and understand when this danger is lurking in the atmosphere and surrounding us.

I propose, therefore, as an amendment to the proposition pending, that the salary paid to the health officer shall be $4,000 per annum.

Mr. INGALLS. Mr. President, when a change is proposed in any existing institution, those who demand the change ought to be able to show satisfactory and sufficient reasons for it, and they ought also to be able to show that what they propose to substitute for it will be an advantage over what they propose to destroy. I have yet to hear from any of the opponents of the present board of health that there is any just cause of complaint against them or any good reason why this board should be abolished. A sort of indiscriminate crusade, a guerilla warfare, is waged against them upon general principles. It is not denied that their duties have been efficiently and satisfactorily performed. It is admitted that this community of one hundred and sixty thousand people, during the last five or six years, have been protected from "the pestilence that walketh in darkness; and the destruction that wasteth at noonday;" that all the vital statistics here have been properly registered; that the causes of death have been ascertained; that the city has been properly policed; that nuisances have been abated; that during all this period the death rate has steadily diminished; and that these satisfactory and somewhat extraordinary results have been obtained at an annual expenditure *per capita* very considerably less than the expenses of any other community of similar size in the United States of America.

I should regret to believe that the attempt to abolish this board was based upon personal grounds. I should regret to be compelled to assume that the warfare made upon this organization had no higher motive than a desire to remove certain gentlemen who may be in official position. But unless some better reason is given than has yet been advanced by those who are the advocates of this abolition, I shall be compelled to believe that the real motive of this war has not been disclosed.

What is proposed to be done by the Senator from Ohio in his amendment? I trust before Senators commit themselves to that proposition they will examine its details. The principal objection urged by the Senator from Maryland and the Senator from Delaware has been that this is an expensive and extravagantly ornamental appendage to the board of commissioners. In what respect will the expenses be less under the system that is proposed by the Senator from Ohio? There is one health officer, whose salary, as has been suggested by the Senator from Virginia, is entirely inadequate to secure the services of a man competent to discharge the duties of that position. It is named at $2,500 per annum. There is not a Senator who is aware of the duties that ought to be performed who believes that the services of a man with whom you would intrust the life of yourself or your child or any friend could be obtained, to be devoted exclusively to these functions, for less than $5,000 per year. There is not a man on the medical staff of this city who is fit to exercise these functions who is not earning as much money as that every year; and to ask that an officer shall be designated for this purpose who does not command the confidence and respect of a community is going outside of what ought to be done in a matter so important as this.

Then he is to be assisted by not to exceed six sanitary assistants. The compensation of these, if they are at all competent to discharge their duties, should not be less than $1,500 per annum, and there are $9,000 more. Then there is a provision in the amendment offered by the Senator from Ohio that there shall be expended for clerk hire a sum not greater than $7,000 per annum. Add to this the other necessary expenses which are included in the administration of the present system, and where is there any saving in the mere matter of dollars and cents? If you will compute the various sums that will necessarily be expended under the amendment offered by the Senator from Ohio, it is apparent that the sum total will not be one single cent less than what was expended last year for these purposes by the present board.

What, then, is the object to be attained? Is the health of a great community like this, where not only the lives of one hundred and sixty thousand people are at stake but the lives of the representatives of forty million people are at stake, to be regarded merely as a matter of parsimonious economy? Are we seriously to consider whether we will expend a thousand dollars more or less in a year in order to obtain the proper policing and the proper sanitary regulation of this city, which is not only a community of citizens congregated here for business and for commerce and for the ordinary avocations of life, but for a considerable portion of the year the home of the entire executive department of the Government and of its representatives in both branches of Congress? Sir, if there is one place rather than another where mere pitiful, niggardly economy ought not to be insisted upon, it is in the administration of the health department of the government of this District.

The objects sought to be obtained by the Senator from Ohio are evidently and manifestly just the same that are sought to be attained by the Senate committee's amendment. There is no difference in the objects to be attained, the result is the same in both cases; and the question for the Senate to determine is in what manner will these duties be most efficiently discharged? I must say from what I have thus far heard that there has not been one single argument that is worthy of the name in favor of the abolition of the present board of health.

Mr. BURNSIDE. Will the Senator from Kansas allow me to ask him a question?

Mr. INGALLS. Yes, sir.

Mr. BURNSIDE. Would there not be a difference in the salaries to be paid under the system proposed by the Senator from Ohio?

Mr. INGALLS. The salaries paid to the present board of health, consisting of five members, all but one of whom are physicians, aggregate $4,500 per annum. The salary proposed in the amendment offered by the Senator from Ohio for the health officer alone is $2,500. The Senator from Virginia who has just spoken upon that subject very properly says that that compensation is too small. He moves to increase that compensation to the sum of $4,000, which is just $500 less than is now paid to all these officers in the aggregate.

Mr. BURNSIDE. Does the Senator from Kansas mean that $4,500 covers all the expenses of the employés of the health department?

Mr. INGALLS. Certainly not. I speak of the five officers who compose the board. Their salary is $500 each, and for performing other functions devolved upon them under the system that they administer they receive additional compensation, one as president of the board, one as secretary, one as treasurer, and one as registrar of vital statistics; so that the aggregate of compensation paid to these five officers now upon the board is $4,500 annually.

The amendment offered by the Senator from Ohio proposes in addition to the one health officer a corps of assistants, whose compensation is not defined; but if they are persons whose services are at all valuable, if they are skilled in sanitary science, or if their labors are to be efficient and valuable to the community, they must be of a certain degree of professional skill, their compensation could not be less than $1,500 per annum, which would make the additional sum of $9,000. Then there must be clerks. There must be the pound-master for taking care of vagrant and strayed domestic animals, and there must be still as now the same contracts for the removal of household garbage and offal and dead animals, in which the expenditure would not be less. Therefore the aggregate of expenditure will not in any reasonable probability be anything less than it is now under the present system. These men, under the amendment proposed by the Senator from Ohio, being subject to the will and control of the commission, will be dependent. They cannot exercise that same independent and efficient and vigorous control that is essential in the case of great emergencies which are liable to arise affecting the health of a community. This board ought to be independent. They ought not to have any connection whatever with the board of commissioners, because, as the Senator from Rhode Island well knows, there are con-

tinually occurring exigencies, great contagious epidemics, like those that have raged in different parts of the country during the past year, small-pox, cholera, yellow fever, diphtheria, scarlet fever, all arising from zymotic or preventable causes that require efficient, independent action on the part of intelligent men having those subjects in charge.

The Senator from Ohio and the Senator from Delaware propose that all these functions shall be discharged by the police of the city. The Senator from Maryland quotes from the statutes to show that the health board now have the authority to call in the police. The police are occupied with their own duties; they have their own functions to discharge; they are responsible to the commissioners; and the health board ought to be an independent organization, having this matter solely in charge and responsible to the highest authority in the land for the performance of their duties.

I therefore hope that the amendment offered by the Senator from Ohio will not prevail. This matter has been already sufficiently discussed. The debate has been protracted. Nearly a week has been consumed in the consideration of this bill. On Saturday the Senate by a decisive vote agreed not to abolish the board of health. The attempt this morning to secure reconsideration by indirection seems to me to add unnecessarily to the time that has already been consumed in the consideration of this subject.

Mr. BURNSIDE. Mr. President, I am not able to give any statistics on this subject, even with reference to the health expenses of the city in which I live, but I can say that in that city we have one health officer who also performs the duty of city registrar. I think that his salary does not exceed $3,500.

Mr. INGALLS. To what officer does the Senator refer?

Mr. BURNSIDE. We have simply a health officer, who also performs the duty of city registrar. We have no health board. I think we have one of the best policed cities in this country. It is a city of one hundred thousand inhabitants. Everything that we have done there in the way of inspection in regard to the general health of the community is done by the city government under the direction and advice of this health officer. It seems to me a wise way to manage affairs of this kind in such a city is to have one efficient health officer, and then to have all the executive duties of the city performed by a board. I can see no use for this cumbrous health board, and I shall vote for the amendment of the Senator from Ohio.

Mr. BAYARD. Mr. President, it is very much to be regretted that the Senator from Kansas was unable to give his views on the pending amendment to the Senate without impugning the motives of those who differed from him.

Mr. INGALLS. Oh, no; I impugn no Senator's motives. The Senator from Delaware must not be unjust to me. I impugn no Senator's motives.

Mr. BAYARD. Then I misunderstood the Senator in saying that the arguments offered amounted to very little, but that the real motive had been concealed.

Mr. INGALLS. I said that I could not understand that the animus of this thing could be other than hostility to the *personnel* of the board. A Senator might well be hostile to those gentlemen and not be guilty of anything improper.

Mr. BAYARD. The Senator should at least do me the justice to suppose, after the service we have had here together, that I in general mean what I say, and I am very apt to say what I mean. I am very glad, however, that there is no impugning of motives, for it would have been entirely unjust. So far as the *personnel* of this board is concerned, I have had the presence of one of them, Dr. Verdi, as an attending physician in my family, and I have entire respect for his skill and civility; and for Dr. Bliss I have also upon a similar occasion the recollection of the same civility and kindness at his hands. The others I never saw; I do not personally know them; so that there is nothing in that. The whole question here is public and discussed for public reasons and without any object indirectly or directly to be unjust to any one at all. It is a simple question of the wise expenditure of the public money.

Mr. INGALLS. May I interrupt the Senator from Delaware a single moment?

Mr. BAYARD. Certainly.

Mr. INGALLS. I wish to inquire of him, because he represents more actively than any other Senator the opposition to the amendment of the Senate committee, whether he believes there is any just cause of complaint against the present board in regard to the efficient, vigorous, and economical discharge of the duties of the board?

Mr. BAYARD. I believe the proposition of the House, which we are called upon to vote for, will lead to a more economical and fully equally efficient operation of the matters subjected to their charge. I think it could be done more cheaply and just as efficiently, perhaps more efficiently, under the proposition of the House than as the matter now stands in the report from the committee.

Mr. INGALLS. If the Senator would state the estimated or probable expenditure under the amendment proposed by the Senator from Ohio, we should be able to ascertain precisely what the advantage would be in favor of that amendment.

Mr. BAYARD. We should have to come down to figures as to that.

Mr. INGALLS. Yes, sir.

Mr. BAYARD. Then, in the first place, there would be a considerable saving of salaries. The *personnel* of the board would be reduced, as I said before, if the Senator had done me the favor to listen.

Mr. INGALLS. I did listen to the Senator.

Mr. BAYARD. The *personnel* of the board would be reduced from fourteen or more officials under the present board, as shown by the appropriation bill of 1877, to ten, even supposing the very unnecessary clerical force should be given to the board which the House have proposed, which I hope the Senate will shorten. The Senator from Maryland has explained the apparent enormous expenditure alleged by the honorable Senator from Minnesota of the health office of Baltimore and shown that you had as well charge the paving of the streets to the sanitary purposes as to charge the figures which were arrayed in behalf of the proposition of the Senator from Kansas.

Mr. WHYTE. If the Senator from Delaware will allow me right here, I have obtained from the library below one of the reports, not very recent but made in the last few years, in which the whole expense is stated at $57,300 instead of $250,000.

Mr. WITHERS. What is the date of that report?

Mr. WHYTE. That was fourteen years ago, during the civil war, when the price of everything was at the very highest figure.

Mr. BAYARD. What report is that?

Mr. WHYTE. It is the report of the health office of Baltimore, and the whole estimate is $57,300.

Mr. INGALLS. For what year?

Mr. WHYTE. For the year 1864.

Mr. INGALLS. Ah!

Mr. WHYTE. Well, it has not increased.

Mr. INGALLS. Has not the town increased in population since that time?

Mr. WHYTE. Very little. During the war we had three hundred and fifty thousand inhabitants, as shown by the census of 1870. There is very little increase. We increased in population during the war, and the prices then were very high.

Mr. BAYARD. This is but another contribution to the view that I have taken, which the Senator from Kansas does not concur in. The fact is stated by my friend from Maryland that you have one health officer, a gentleman of distinguished position in the medical profession, and one assistant to conduct the supervision of a community of three hundred thousand or three hundred and fifty thousand people. If that be so, what reason can there be in this cumbersome, complicated, expensive system for this town of one hundred and fifty thousand? I think that reason and economy are both on the side of the proposed amendment, and I hope the Senate will agree to it.

Mr. WINDOM. I am very sorry that I cannot agree with my friend from Maryland as to the economy of his city; but I have some statistics also in regard to that city which I should like to present to him. The Senator says the total expenditures a year are only $57,000.

Mr. WHYTE. At that time, $57,300.

Mr. WINDOM. For what year?

Mr. WHYTE. For the year 1864.

Mr. WINDOM. They have been improving since that time under this economical system.

Mr. WHYTE. What does the Senator read from?

Mr. WINDOM. I have been able to obtain the report for 1873, which reports as follows:

For collecting and removing garbage, $125,148.19.

Mr. WHYTE. Certainly.

Mr. WINDOM. The expenditure for collecting and removing garbage of this extravagant city of Washington is $15,000. It costs about eight times as much, according to that report, in the city of Baltimore to collect and remove garbage as it does here, and the population is about double, so that it is about four times as expensive on that single item. I will read further from the report.

Mr. SAULSBURY. Does not that include all the cleaning that the streets get in the city of Baltimore?

Mr. WINDOM. It does not, because immediately following that are the following items:

For collecting and removing garbage	$125,148 19
For removing manure and sand from the streets and cleaning the several market-houses	46,319 64
For scraping and sweeping the streets and market-houses	33,378 00
For incidentals, scrapers, brooms, and rents	1,921 82
Making a total of	206,767 63

Mr. DORSEY. I simply rise to express the hope that now, after a debate of six or seven hours, we shall take a vote on this question and dispose of it one way or the other.

Mr. WHYTE. I am sure the Senator from Minnesota did not read this report, or he would not have cited it as contradicting the theory which I set forth. Forty-three thousand dollars of the amount was for the purchase of new carts to haul the garbage and so on five miles from the city. Thirty-odd thousand dollars was paid for preparing the place outside of the city, being permanent expenses that are not annual expenses at all, making of that sum $73,000 for permanent expenses.

Mr. WINDOM. Right on that point, that the Senator and I may try to get an understanding, I have another report from the city of Baltimore for 1872, in which I find the street and garbage account is $145,206. That is a little smaller than the other, but still it is very immense.

Mr. WHYTE. Then, probably there are similar entries for the purchase of grounds that have been bought to carry on the manufacture of fertilizers, which was contemplated at that time.

Mr. WINDOM. I understand that under that economical arrangement they do purchase these dumping-grounds once a year.

Mr. WHYTE. I do not understand it so. I am very sure my friend does not want to put himself in a false position, for he is not putting me in any. I am assured that this was a purchase for a permanent place, five miles from the city, to put the garbage, and it is not likely to have occurred since then. That was in 1873. I should like to see the report of 1876.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. WITHERS] to the amendment of the Senator from Ohio, [Mr. THURMAN.]

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is now upon the amendment of the Senator from Ohio as amended.

Mr. THURMAN. I want to say a single word. I understand that some Senators from their remarks seem to have been under the impression that the opposition to continuing the present board of health simply grew out of objection to the *personnel* of the board. I wish to say for myself that there is but one member of that board whom I know. I do not think I would know any one of them but him if they were all to march in here on the floor, although I may have seen them, and doubtless have. The one whom I do know is the gentleman to whom my colleague referred on Saturday, Judge Warden, and a very excellent man he is, and I have no doubt he makes an excellent member of that board. I have not one single thing to say against his fitness for that office or his efficiency, and certainly with the long friendship that has existed between him and me I could have no desire to turn him out of office. I disclaim all motive of hostility toward any member of that board, for I have none.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio as amended.

Mr. DORSEY. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 23; as follows:

YEAS—24.

Bayard,	Davis of Illinois,	McPherson,	Sargent,
Beck,	Eustis,	Maxey,	Saulsbury,
Burnside,	Grover,	Merrimon,	Thurman,
Butler,	Hereford,	Morgan,	Voorhees,
Cockrell,	Kernan,	Randolph,	Whyte,
Coke,	McCreery,	Ransom,	Withers.

NAYS—23.

Allison,	Eaton,	Jones of Florida,	Saunders,
Bailey,	Ferry,	McMillan,	Spencer,
Cameron of Pa.,	Hamlin,	Matthews,	Teller,
Cameron of Wis.,	Harris,	Morrill,	Wadleigh,
Conkling,	Hoar,	Plumb,	Windom.
Dorsey,	Ingalls,	Rollins,	

ABSENT—29.

Anthony,	Conover,	Howe,	Oglesby,
Armstrong,	Davis of W. Va.,	Johnston,	Paddock,
Barnum,	Dawes,	Jones of Nevada,	Patterson,
Blaine,	Dennis,	Kellogg,	Sharon,
Booth,	Edmunds,	Kirkwood,	Wallace.
Bruce,	Garland,	Lamar,	
Chaffee,	Gordon,	McDonald,	
Christiancy,	Hill,	Mitchell,	

So the amendment, as amended, was agreed to.

Mr. THURMAN. I offer the following as an additional section:

SEC. —. That the existing debt of said District shall not be increased except by the loan of $200,000 authorized by this act.

That is substantially the same provision which was in the act of 1874. I had the statutes before me on Saturday and intended to copy it, but it is the substance of the act of 1874.

Mr. SPENCER. The tax bill so provided, too.

Mr. THURMAN. I do not suppose there can be any objection to it at all. It provides against any increase of the indebtedness of the District, except the temporary increase, authorized by this act, of $200,000.

Mr. DORSEY. I have no objection to it, but it is unnecessary. It is the law now.

Mr. THURMAN. That provision being in an appropriation bill, it might be doubtful whether it was a general law. It is safer to put it in here.

Mr. DORSEY. I think there is no objection to the amendment proposed by the Senator from Ohio.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) There being no objection, the amendment willbe considered as agreed to. It is agreed to.

Mr. THURMAN. I offer another amendment as a separate section:

SEC. —. That the term "school-houses," in the act of 17th June, 1870, chapter 30, was intended to embrace all establishments actually used for educational purposes; and that all taxes heretofore imposed on such establishments in the District of Columbia since the date of said act are hereby remitted, and where the same, or any part thereof, have been paid under protest, the sums so paid shall be refunded.

Mr. DORSEY. I should like to hear some explanation of that amendment.

Mr. THURMAN. That is what I propose to give.

Mr. DORSEY. It sounds a little familiar to me.

Mr. THURMAN. Mr. President, there are in this District certain educational establishments, the Columbian College, Georgetown College, and some others, which institutions were supposed never to fall within the tax-laws of the District until the last two or three years. The act of 1870, which is one of the first acts passed by Congress on this subject, for before that the taxes were levied by the municipal corporations of Washington and Georgetown and by the levy court of the county in respect to land that lay outside of these two corporations—the act of 1870 read in these words:

That from and after the passage of this act all churches and school-houses, and all buildings, grounds, and property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county.

Under that law these colleges never were taxed, the interpretation placed upon the word "school-houses" being that the term was *nomen generalissimum;* that it was not used in a limited popular signification, as meaning a little building in which a school was kept, but that it was used in an enlarged sense and included all educational establishments, because colleges are but larger schools and college buildings are but larger school-houses. The law remained substantially the same until the act of 1874, which established the present government, was enacted, and there the terms used were these; it provided for a levy of taxes—

Upon all real estate in said district, except that belonging to the United States and that used for educational and charitable purposes.

That plainly included in the exemption the college buildings as well as the school-houses; it included all buildings used for educational purposes, and was nothing in the world but embodying in the statute what had been the interpretation before placed on the term "school-houses" and what had been the uniform practice from the time there was any government in the District at all.

In the act of March 3, 1875, providing for levying taxes for the fiscal year ending June 30, 1876, the language was this:

There shall be levied upon all real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of $1.50 on each $100.

Section 8 provided:

That the property exempt from taxation under this act shall be the following and no other, namely: first, houses for the reformation of offenders, almshouses, buildings devoted to art or belonging to institutions of purely public charity; church buildings, and grounds actually occupied by such buildings; houses to improve the condition of seamen or soldiers; free public library buildings and cemeteries; secondly, the lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other; but if any portion of any said building, house, grounds, or cemetery so in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, such property as is now exempt from taxation by the laws of the United States

Precisely the same or very nearly the same language was used in the act for levying taxes for the fiscal year ending June 30, 1877, and again in the act levying taxes for the fiscal year ending June 30, 1878.

Now, sir, it is a legal question, about which there possibly might be two opinions, as to whether the words "thirdly, such property as is now exempt from taxation by the laws of the United States" exempt these college buildings from taxation or not. My own judgment is that they do. I think it is pretty clear that if they are not exempt, the ordinary school-houses are not exempt; and certainly it never was the intention of Congress to tax the buildings in which the public schools in this city are located. But in order that there may be no doubt about this matter, about the intention of Congress, I have introduced this additional section. These colleges for one or two years have been taxed under this limited interpretation placed upon the term "school-houses," or else upon the idea that school-houses themselves are not exempt. Upon one or the other of these ideas the assessors have levied a tax upon the Columbian College, upon the college at Georgetown, and I do not know upon what other educational institutions in this District, and those taxes for one year at least, if not more, have been paid under protest.

Mr. President, I offer this amendment because I feel very sure it never was the intention of Congress that these educational institutions here should be taxed any more than it was the purpose to tax the school-houses of the city. Here are great school-houses in this city costing more money than the buildings of Columbian College; the Sumner school, for instance, the Franklin school, and other school-houses, having far more students than there are at Columbian College, twice as many, perhaps three or four times as many. It never was the intention of Congress that they should be exempt from taxation while this institution, the oldest institution perhaps in the District, should be taxed upon its college buildings and its campus and everything that is appurtenant to college buildings.

I think, therefore, that a section in this bill declaratory of the intention of Congress is proper and right. I do not, as a general rule, favor declaratory laws, and I admit that where declaratory laws are retroactive they ought to have no operation as against individuals; but a declaratory law may be retroactive in its operation as against the Government if the Government see fit to pass it, and that without any injustice or any violation of natural right. Here the only person to be affected by the retroaction of this section, should it be adopted, will be the Government, and if the Government sees fit to refund these taxes, collected under a misapprehension of the law, there is no injustice done to anybody nor is any principle of justice violated in the slightest degree.

Mr. INGALLS. Mr. President, it was the understanding that the bill as reported by the committee should be acted upon before subsequent amendments were made, and I ask the Senator from Ohio to withhold action upon his section for a moment until sections 11 and 12 of the bill are acted on.

Mr. THURMAN. I supposed there were no other provisions to be acted on.

Mr. INGALLS. There are two other sections, very largely formal in their character, to which I suppose there will be no objection.

Mr. THURMAN. I have said about all I care to say; and if the Senator having the bill in charge desires me to withdraw the amendment, for the present I will do so and offer it afterward.

The PRESIDING OFFICER. The amendment is withdrawn. The Secretary will read section 11.

The Secretary read section 11.

The PRESIDING OFFICER. The question is on the section just read. No amendment being offered and no objection made, the section will be considered as adopted.

The Secretary read section 12.

The section was agreed to.

Mr. THURMAN. The numbering of these sections will have to be altered, but that can be done by the Clerk. The amendment which was adopted on my motion to-day contains three or four sections; that makes it necessary to renumber the sections.

Mr. MORRILL. Before the last section is adopted, I desire to offer a new one.

Mr. INGALLS. The Senator from Ohio already has one amendment before the Senate.

Mr. DAVIS, of Illinois. If the Senator from Ohio will give way I wish to move an amendment to section 3 which I passed over, and the chairman of the committee requested me not to do it until the bill was through.

The PRESIDING OFFICER. That will be more regularly in order when the bill is reported to the Senate.

Mr. DAVIS, of Illinois. I would rather do it in committee now. It is an amendment giving the power to the commissioners to regulate hack-stands. I will give the reason for it in a minute.

Mr. THURMAN. If it is to section 3, of course I will give way to it.

Mr. DAVIS, of Illinois. I move to add at the end of the twenty-fifth line of the third section, after the word "Congress:"

The commissioners shall have power to license hackmen and to make reasonable regulations to govern their conduct, to fix the rates of fare for conveying persons, to locate the places where hacks shall stand and change them as often as the public interest shall require. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the commissioners.

The commissioners have exercised the power of changing hack-stands, but the supreme court of the District have recently decided that there was an ordinance in the way that located them and did not allow a change. An act of Congress of 1871 provided that all ordinances of the city of Washington not inconsistent therewith should continue in force until modified or repealed by the Legislative Assembly or by Congress.

Mr. INGALLS. The committee make no objection to the Senator's amendment.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Illinois, [Mr. DAVIS?] The Chair hears none, and it will be considered adopted. The question now is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. INGALLS. I should like to have that amendment again reported.

The SECRETARY. It is to insert as an additional section:

SEC. —. That the term "school-houses," in the act of June 17, 1870, chapter 30, was intended to embrace all establishments actually used for educational purposes, and that all taxes heretofore imposed on such establishments in the District of Columbia since the date of said act are hereby remitted, and where the same or any part thereof have been paid under protest the sums so paid shall be refunded.

Mr. INGALLS. This amendment presents a very grave question, and one that I hope the Senate will examine before they commit themselves to its provisions. While it is undoubtedly true that all educational and religious institutions that are used exclusively for those purposes ought to be exempt from taxation, yet it is a matter of very grave doubt whether educational institutions of a private and denominational character that are used for the purposes of private or corporate gain should be exempt from taxation. My own judgment is that they ought to bear their share of the burdens of the administration of the laws by which they themselves profit.

The effect of the amendment will be to exempt from taxation in this District property that is used for private and corporate gain but very little less than $2,000,000 in value. If the Senate think that will be a wise or proper thing to do, it rests with them to make that declaration. In my judgment it is unwise and injudicious, and in no wise in accord with that spirit which exempts from taxation property exclusively used for educational and religious purposes.

Mr. CONKLING. What is the property to be exempt, does the Senator know?

Mr. INGALLS. I understand it is several Catholic institutions in Georgetown, male and female, and one or two in this city, and that the aggregate of the property belonging to this denomination and used by them for purposes of gain to their church is not less than $2,000,000.

Mr. KERNAN. Mr. President, I understand that this amendment embraces other than Catholic institutions. Here is Columbian College, one of those to which my attention has been called, which unites in asking this exemption, and I suppose there must be others.

Mr. INGALLS rose.

Mr. KERNAN. Now, what are these educational institutions? Take Georgetown College, which I know. It is in charge of Catholics; but when I was a boy at school there from 1833 to 1836 about half of the boys were Protestants, and I think that is so now. They devote themselves, not to teaching Protestant boys religion in the sense of attempting to proselyte them, but they devote themselves to educating boys in the classical languages and full course of English education. The fact that the college is in charge of clergymen of the Catholic denomination is no reason why the institution should be taxed, any more than the schools in charge of those who are Methodists or Presbyterians or of the Episcopalian denomination. Georgetown College is not carried on for the purpose of private gain for the Church, as I understand the Senator to state.

Mr. INGALLS. The Senator declines to be interrupted, and I will answer him after he gets through.

Mr. KERNAN. All right. I thought the Senator said so. They do not carry on a business to make money. They seek to sustain their college by moderate charges for tuition, &c., precisely as every other college does, precisely as do colleges in the State where the gentleman in the chair [Mr. HOAR] resides. These are in charge of gentlemen of one or the other of the various religious denominations, and they are laboring to educate those who prefer to go to them. Catholics, very properly, will generally send their children to schools in charge of those of their own faith and where the religious services are of that faith. Surely that is not a reason why they should be taxed, unless we are prepared to say that all the educational institutions throughout the country, some in charge of one denomination and some another, should be subjected to taxation.

I submit to my friend from Kansas that there is no justice except to have the rule which he says he concedes general that all property used for educational purposes exclusively shall be exempt. I understand that the institutions referred to do use their property exclusively for educational purposes. I submit that they should not be taxed. They seek to furnish education as cheaply as they can and sustain their institution without aid from the public Treasury; and I think we should, for the sake of education, for the sake of having people of every denomination educated in institutions preferred by them, exempt Columbian College as Georgetown College. The proposed exemption is of all institutions for education. I believe the language of the amendment applies to all property that is used solely for educational purposes. I hope all these institutions will be relieved. They are not able to pay the taxes. They are doing a great public good surely in trying to educate youths in morality and the higher branches of learning.

Mr. INGALLS. The Senator from New York either purposely or inadvertently misapprehends the point I made.

Mr. KERNAN. The gentleman certainly does not suppose I purposely did so.

Mr. INGALLS. I did not state that I was opposed to this amendment because these institutions were controlled by Catholics. It would be the same to me whether they were controlled by Mohammedans, Swedenborgians, or Mormons, or Pagans. They are institutions that are conducted either by private or corporate authority for the purposes of gain. There is no such thing as free education of the young in the institutions to which I refer. The Senator states that from 1833 to 1836 he was a student in one of these institutions. He undoubtedly paid for his tuition. These are, in no sense whatever, public institutions; they are not sustained for the purpose of benefiting the public; and the attempt to create the impression that opposition is made to this amendment upon the ground that it affects institutions controlled by Catholics is very unjust and entirely unwarranted. As I stated, it happens that a very large proportion of the property that is affected by this amendment is controlled by Roman Catholics; but that does not affect the principle involved. The institutions are private institutions; they are owned either by individuals or by the church, and are conducted for the purpose of gain. The pupils that are instructed are charged for their tuition. And therefore they plainly do not come within the terms of any principle that exists of property that is employed for educational or religious purposes alone. It is upon this ground that I desire to call the attention of the Senate to the fact that the property so held that will be exempted by the operations of this amendment is about $2,000,000.

Mr. KERNAN. Mr. President, that I in the least intended to misrepresent the Senator who has just taken his seat is a very great mistake. The idea that I ever in the discharge of my public duties am moved by sectarian prejudice or act in any sectarian spirit is, I trust, an entire mistake. I alluded to the subject of religion only because a question was put to the Senator from Kansas what the institutions were exempted by this amendment, and he said, as I understood him, that they were Catholic institutions or Roman Catholic institutions. He may have said "mainly." I did not hear exactly his language. Therefore I said that the fact that they were in charge of Catholics, so far as this was true, did not affect the principle at all. The colleges in the State of New York—Union College, Hamilton College, the college at Syracuse, which is in charge of respectable gentlemen of the Methodist denomination, and I believe they established it as such—are all of the same character and we exempt them all from taxation because they are educational institutions and are not carried on for private gain in the sense that business corporations are, which make money for stockholders. Colleges get such endowments as they can from individuals. I am not one of those who have ever been de-

sirons that they should get support from the public Treasury. They get what they can from donations, and as far as I am acquainted and I am sure in reference to the Columbian College and the others that have been named here, they do not carry them on for private gain in the sense of making money for stockholders or hoarding up money; but they take such compensation for boarding and lodging and teaching their students as will fairly and barely support the institution. If they are taxed they are compelled to charge the students just so much more. So far as I know these institutions—and I certainly know it as to one—they receive indigent students for really nothing, without ever parading it as a donation or wounding the feelings of him who has received its aid by letting others know that he did not pay. When I was there my father was fortunately able to and did pay, but it was moderate pay, cheap education. I believe the charge at Georgetown College when I was there in 1833 for tuition, board, and lodging was about $140 per year. It was not a money-making institution. It costs more there now because the times have changed, but then, adding a few charges for some extra branches, they gave a good English and classical education and board for the compensation I have named. Their charges now are only proportionately increased, as the times have changed. I understand from those connected with Columbian College that they do not carry it on for the purpose of private gain. They carry it on for the purpose of maintaining a good institution for educating boys in the higher branches of learning; and that they may give education cheaply they make their charges as low as they can, barely sustaining their institution.

I hope that we shall not depart from the rule that is applied in my State and every other so far as I know, where all incorporated academies and colleges are exempt from taxation on the property they use for educational purposes. I trust we shall act in that spirit by adopting the amendment offered by the Senator from Ohio, [Mr. THURMAN]——

Mr. HOAR. Mr. President, it seems to me a grave error to speak of funds left by charitable persons invested in real estate for the purpose of endowing schools or colleges or churches as funds invested or used for the purposes of private gain whenever it happens that some slight compensation is paid by the beneficiaries of those establishments. The education of the people, like the public worship of God, is a public national want. It is something which, in some form or by some mode of instrumentality, every civilized, every religious nation, every nation that worships God, in some mode seeks to provide for its people. Now, happily, the people of this country are so made up that different forms of faith, different modes of worship, suit the belief, conform to the reason or the taste or the habits of different individuals; and so our people gather together in churches in their different sects; but the aggregate of these churches perform a public service for the rich and poor alike.

Now, when a beneficent individual leaves by his will or gives in his life-time property to found a church, is it just or fair to say that, as a condition of relieving the rest of the people of just so much of the charge of providing for that universal want of mankind, the funds so left by him shall be subjected also to a large deduction for other public wants? It seems to me not. So in the same way of the schools. Every American community recognizes that the education of the children of the whole people is a burden which ought to be imposed upon the entire property of the people, rich and poor alike. That is done chiefly in the common school, which is open to all. But the experience of all highly educated nations shows that, in addition to the common school, where there is one system of education, a Procrustes bed for all children who come, it is profitable and desirable to have these other endowed institutions where the teachers study the tastes and habits of every child, and these institutions have always in this country fallen more or less into the hands of the different religious sects; but none the less do they, combined and conjointly, perform this great public duty and fulfill this great public want—a duty which the State by some instrumentality is bound to perform; a public want which the public by some instrumentality or other is bound to provide for.

Sir, it is a gross injustice to say to the humane or liberally disposed individual who proposes to devote the proceeds of his life to this beneficent object, saving all the rest of his fellow-citizens from just so much of the public burden of education which they would be otherwise compelled to discharge, that the fund which he so sets apart from his own private property for a public use shall be taxed for other public uses in addition to the one to which he has especially devoted it.

I do not concede that Columbian College or Howard University or the college of Georgetown are doing anything for the purpose of private gain. They exact undoubtedly from the pupil, like the Senator from New York who was able to pay, some small and moderate payment toward paying for the instruction which he receives; but the fund is managed, not for the sake of making additional gain for the persons who manage it, but of giving to the pupil something more. The pupil receives not only what the money which he pays as his tuition fee purchases for him, but receives also the benefit of this large endowment which is found in buildings or in endowed funds.

My interest, of course, is not very much or specially for this Catholic institution in Georgetown; but I feel a very deep interest in the other institution on the hill, Howard University, where, partly by the contributions of the charitable people of the North of all sects, chiefly the orthodox denominations, as they are called, for the first time in the history of the world pupils of all complexions and of both sexes and of all races, the Malay, the Chinese, the Japanese, the Negro, the Indian, the girl and the boy, meet on the same benches to receive the same college education. I trust that Congress will not adopt or continue a policy which puts upon that heavily burdened fund the additional burden of being compelled to contribute a share to the other ordinary municipal expenses of this District.

Mr. THURMAN. Mr. President, the Senator from Massachusetts, [Mr. HOAR,] has spoken so conclusively on this subject that I feel almost like apologizing for adding a single word; but I will be brief.

I was sorry to hear my friend from Kansas [Mr. INGALLS] make any allusion to religious denominations. This amendment of mine has no reference to any particular religious denomination; nor is it for the special benefit of any particular religious denomination. It is just as much for the benefit of Howard University and Columbian College as it is for the benefit of the college at Georgetown. To speak of it in its true sense, it is simply for the benefit of the cause of education, without any regard whatsoever to religious doctrines or to religious sects.

And now I wish to correct a very great mistake into which my friend from Kansas has fallen, as I think. He speaks of this as exempting two millions of property belonging to the Catholic Church from taxation.

Mr. INGALLS. Oh! I did not make that statement.

Mr. THURMAN. I so understood.

Mr. INGALLS. I said the effect of it would be to exempt in the District property valued at about $2,000,000. I did not confine it to Catholics.

Mr. THURMAN. Well, I think that is a mistake; I do not think it will exempt any such sum as that, and certainly the section which I have offered cannot have that effect, because the section is limited to property actually used for educational purposes. If it is used for other purposes, if it is used for business purposes, or if no use is made of it at all, then it does not come within the exemption. I beg the Senate to listen to the section:

That the term "school-houses," in the act of 17th June, 1870, chapter 30, was intended to embrace all establishments actually used for educational purposes.

And then follows the remaining provision in accordance with that. It requires that it shall be actually used. In other words, this section simply provides that the law shall continue to be what it was from the very first organization of the city of Washington and the city of Georgetown, what it was from the time the United States became the owners of the District of Columbia, until within the last two or three years, when under a misconception, as I think, of the true meaning of these statutes these educational institutions were taxed. When I say a misconception I am fortified very much by what my friend from Maryland tells me has lately been decided in his city, that upon the very identical same words it has been held by the courts there that educational institutions are exempt, because colleges are nothing but larger school-houses. That is all they are; they are all school-houses, every one of them, and the term "school-houses" is used as *nomen generalissimum*, and not in its popular sense as confined to some little bit of a parish school.

Mr. President, I will not take up any further time. I hope this amendment will be adopted, and then I shall have done with this bill.

Mr. MCMILLAN. I should like to ask the Senator from Ohio what number of institutions protested against the payment of taxes, because it is only such institutions that are embraced in the Senator's amendment, as I understand.

Mr. THURMAN. I know that Columbian College protested; I have been so informed by an eminent lawyer of this city. He also informed me that the Georgetown College protested; and I have heard—I have not heard it in such a way as to be able to assert it as true—that Howard University also paid under protest, if it paid at all.

Mr. MCMILLAN. If the principle of the amendment is correct, should the repayment of the tax depend upon a protest at all?

Mr. THURMAN. The section will provide for everything for the future, and in respect to taxes already recovered and to be refunded, the section simply applies the usual provision, that if a taxpayer pays voluntarily, does not pay under protest, he cannot recover back. That may be taking advantage of a technical rule of law; I do not know but that the Senator's criticism is entirely right; but I imagine perhaps that that will cover all the cases, and therefore I was willing to put it upon the doctrine of the law.

Mr. BLAINE. I think, Mr. President, the distinction which should prevail in this matter is one to which I did not hear the Senator from Ohio call attention, and it occurred to me while the Senator from Massachusetts was addressing the Senate. The higher institutions of learning, which no public fund yet has ever been provided to establish and maintain, which go under the general name of college, it has been the general practice of the country to exempt from taxation. There are a great many reasons for that, which I will not detain the Senate by recounting; but when you come to say that every private school which comes into direct competition with the public-school system of the country shall be exempt from taxation, you are striking a blow at the public-school system. No public-school system yet has attempted to maintain colleges. We have to look to private foundations, with such public aid as they may get by endowment. I mean there has never yet been an attempt to maintain collegiate

institutions by regular public taxation; but we have attempted in this country to maintain a system of common schools. Now, if you say that everybody who chooses to start a select school, as the phrase goes, shall not pay taxes, whether it be under a religious denomination or an association of private individuals or what not, you are striking a direct blow at the efficiency and the resources of the public schools, and you are drawing from the public-school what it should have to nurture and sustain it. There is a very wide difference (which will govern my vote wholly) between exempting schools of this character, primary and intermediate, and exempting collegiate institutions and university buildings. I would vote just as quickly to exempt Georgetown College as I would Columbian College or Howard University. I do not know but that I would willingly vote to exempt them all; but I would not vote to exempt from taxation everything that may be called a school-house, because I am conscious that in doing so I am striking a blow at the efficiency of any public-school system that this District may try to organize and sustain.

Mr. WHYTE. May I call to the attention of the Senator from Maine the fact that the difficulty is with the act of 1870, that it uses the term "school-houses?"

Mr. BLAINE. But we are now providing a new organic act.

Mr. WHYTE. I was going to say that now we ought to add to the amendment of the Senator from Ohio the words "not conducted for private gain," and leave all the charitable and benevolent societies and institutions of learning free from taxation.

Mr. THURMAN. I accept that.

Mr. BLAINE. I do not think that covers the case.

Mr. SARGENT. It improves it.

Mr. BLAINE. It improves it, but does not cover the case. You may not be able to establish private gain as a motive, but you are establishing a school which is at war with the public-school system. Everybody has a perfect right to establish it; I do not deny that; everybody has a right to establish and maintain a select school, or a classical school, or a private academy of any kind; but I do not think they should take out of the public purse the exemption of taxation which that involves. They should not do it, because to do it is a detriment and a stab at the efficiency and support of the public-school system. Whether that be done by a private individual, or whether it be done by an association of individuals, or whether it be done by a church, Protestant or Catholic or Jewish, no matter, it is against the efficiency of the public-school system of any State where it is indulged in, or of this District, and does not come under the same head at all with the collegiate institutions which have no competitor in the public foundations.

Mr. BAYARD. May I ask the Senator from Maine, does he not consider that both the public and private school are not rivals but co-operators for one great and common object; and therefore is it to be complained that the better the public school, the better the private school, and the better the private school the better the public school? They both run together and they cannot be considered in the least degree in collision.

Mr. BLAINE. I want the Senator to understand me. I do not at all assume even to criticise the taste of a person or a family who choose or prefer the private school to the public school for the education of their children. That is a matter between parent and child, with which neither the legislator nor any other person has a right to interfere; but it is a part of the American policy, adopted with more or less efficiency, in the States of the Union and in this District, that there shall be public education for every child in the country, and that it shall be at the public expense. Now, I maintain it is not a part of wise public policy to say that whoever chooses to institute a rival school, either under church patronage or individual patronage, shall be favored by an exemption from taxation of the property involved in carrying it on.

Mr. BAYARD. Does not the Senator consider that every private school does in effect relieve the public from that very burden and therefore assists the efficiency of the public schools?

Mr. BLAINE. I do not so understand it.

Mr. THURMAN. Let me say to the Senator from Maine that there are now hundreds of children who cannot be educated in the public schools of the District of Columbia for want of public-school buildings.

Mr. BLAINE. Then the obvious duty is to provide the school buildings. It seems to me that the most palpable duty before us, if that be the fact, with which I was not acquainted, is right off, when we are making this provision for fixing the future taxation of this District, to provide public schools in which every child in this District may enter free, without charge. I shall govern my vote on that line. I certainly would not make any narrow distinction, any more than the Senator from Ohio would, whether I exempted a Catholic institution, or a Presbyterian, or a Methodist, or a Congregationalist one. As to all the higher institutions, such as universities and colleges, which it has never yet been considered the policy of our Government to enter into the foundation of and to maintain, I am perfectly willing to give them exemption from taxation; but I am not willing, much or little, to grant to private schools, that are the direct competitors of the free schools of the country, any exemption or favor whatever.

Mr. THURMAN. I wish to say one word. This is the first time in my life that I ever heard that private schools were injurious in any sense to the public schools. I have seen with my own eyes the public-school system destroy all the private schools. I do not know a single private school in the city in which I live of fifty thousand inhabitants.

Mr. BLAINE. That is the "survival of the fittest."

Mr. THURMAN. I do not know whether it is the survival of the fittest or not. That is a question I shall not go into. I know very well that the public schools have destroyed the private schools in my city; but I always did suppose that they were sisters, all engaged in the same excellent purpose, and that, instead of being rivals, except that generous rivalry which is to be commended instead of condemned, there was no rivalry between them. But the amendment still being in my hands, I will modify it so as to remove all that objection by inserting the word "collegiate" before the word "establishments," and by inserting the words "and not for mere private gain;" so as to read

That the term "school-houses" in the act of 17th June, 1870, chapter 30, was intended to embrace all collegiate establishments actually used for educational purposes and not for mere private gain.

Mr. CONKLING. May I ask the Senator why he wishes to say that the intention was so originally?

Mr. THURMAN. Because I have not the slightest doubt in the world that the term was used in that broad sense, and the proof is that that was the contemporaneous construction of it, and it never was until within the last two or three years thought otherwise.

Mr. CONKLING. Does the Senator remember the debate that occurred on the occasion he refers to?

Mr. THURMAN. I recollect perfectly well the debate, and I remember that when we established the present government by the act of 1874, four years ago, we put in these words just precisely in accordance with the section I have offered now. The exemption was of all buildings "used for educational and charitable purposes." Subsequently, in appropriation bills Congress fell back into the old phraseology; but there is one of those acts, the act of March 3, 1875, which comes very near what is right, except that it has not "school-houses" in it at all, and it is this:

That the property exempt from taxation under this act shall be the following and no other, namely: first, houses for the reformation of offenders, almshouses, buildings devoted to art or belonging to institutions of purely public charity, church buildings and grounds actually occupied by such buildings, houses to improve the condition of seamen or soldiers, free public library buildings, and cemeteries; secondly, the lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other; but if any portion of any said building, house, grounds, or cemetery so in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same or a sum equal in value to such portion shall be taxed against the owner of said building or grounds.

That is the right principle and that was established in that law. Since that they have changed the phraseology again. Why they could not be content with that, I do not know; but the amendment which I have offered, which refers to collegiate establishments alone, and only where the property is actually used for educational purposes, it seems to me would receive precisely the interpretation of that. It cannot include property that is used for business purposes.

Mr. HOAR. The Senator from Maine suggested a very just limitation upon the principle exempting property devoted to educational purposes from taxation; that is, that it should be confined to that class of educational institutions which are not in direct competition with the public schools. But there is a limitation which also ought to be made upon the generality of the principle of the Senator from Maine, which undoubtedly is sound. There are a very large number of endowed institutions in this country each performing the function which the common schools perform, and which are still indispensable to the education of the children of the whole people. The high school in Saint Louis and the high school in Boston are equal undoubtedly and have at times been superior to the endowments at Exeter or at Andover, but the children in the small and poor towns in the thinly settled agricultural communities cannot enjoy the benefit of such schools, and they must resort, therefore, to schools endowed by private charity, if they are able, to get such an education as the children in cities get gratuitously from the public. There are also many children to whom the discipline of a public school is totally unfitted by reason of feebleness of physical health or mental peculiarities; and that class of persons are to be looked to. Now, there are private schools in the neighborhood of Boston which perform the duty of education for children from the sparsely settled rural communities, although having very few pupils from the city where they are, because established in the city were better schools open to the children of the citizens. It seems to me, therefore, that all endowed institutions, all funds set apart for endowments for institutions of education, whether for school education or collegiate education, ought to be exempted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio.

Mr. BLAINE. Let it be reported as it now stands.

The Secretary read as follows:

SEC. —. That the term "school-houses" in the act of 17th June, 1870, chapter 30, was intended to embrace all collegiate establishments actually used for educational purposes, and not for mere private gain; and that all taxes heretofore imposed upon such establishments in the District of Columbia since the date of said act are hereby remitted, and where the same or any part thereof have been paid under protest the sums so paid shall be refunded.

Mr. SARGENT. I should like to suggest to the Senator from Ohio that the word "mere" should be omitted as a meaning or qualification for schools conducted merely for gain. It has other motives

than gain and would therefore not come within that qualification. If gain enters into it at all, the exemption should not apply.

Mr. THURMAN. Let the word "mere" come out.

Mr. SARGENT. Very well; strike out the word "mere."

Mr. THURMAN. I will so modify the amendment. The more I think of it, the more I feel the force of the remark of the Senator from Minnesota, [Mr. MCMILLAN,] that the principle of this section requires that we should not take advantage of any technicality in regard to the making of a protest. I know there are some colleges which have made protest, Columbian and Georgetown, but I do not know that Howard University paid under protest. I think on the whole I will try the amendment with the words "under protest" stricken out.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. MERRIMON. I wish to offer the following, to come in at the end of the amendment:

But this provision shall not be construed to embrace property let for hire or rent.

Mr. THURMAN. I accept that; but the language had better be made more perfect. I would suggest to my friend from North Carolina that he use the language of the act of 1875:

But if any portion of any said building, house, grounds, or cemetery so in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

Mr. MERRIMON. That is the general idea I had.

Mr. THURMAN. If the Senator will accept that instead of his, I will incorporate it.

Mr. MERRIMON. I accept that as the amendment.

Mr. SAULSBURY. I should like to inquire of the Senator from Kansas who has charge of this bill what extent of property is now exempt in this District. I find that in the act of 1877 certain specified property is exempt, and then certain other property exempt under the laws of the United States. I do not know what that phrase covers.

Mr. INGALLS. That refers to the property that belongs to the United States Government.

Mr. SAULSBURY. Does it apply to churches?

Mr. INGALLS. Those are exempt by a specific provision of the statute.

Mr. SAULSBURY. I did not know how much it covered.

Mr. MERRIMON. I beg to say one word in explanation of the amendment I offered a moment ago. I concur most heartily in the general proposition that property devoted to purposes of religion and education directly ought to be exempt from taxation of all kinds; but where churches or colleges or corporations for purposes of religion or education have property, as they oftentimes have, of vast value that is not directly devoted to such purposes, I think such property ought to be taxed. It may be—I do not know how the fact is—that in this city a church corporation or an educational corporation may own a great many houses all over the city and receive annual rents from them; they may own other property, and from day to day and from week to week and from month to month receive pay for it. I would not be willing to see such property as that go free of taxation.

Mr. THURMAN. My amendment does not cover such property at all.

Mr. MERRIMON. I was looking at the act and scrutinizing the words. I am not sure that they do not bear the broad construction I suggest. They are:

All churches and school-houses, and all buildings, grounds, and property appurtenant thereto—

If it stopped there it would do, but it goes on—

and used in connection therewith, in the District of Columbia.

Now suppose an educational corporation has half a dozen houses and should let them for a certain rent, and this corporation should devote the rents to the purposes of education, they might say and would say, I have no doubt, that these buildings were used in connection with their educational purposes and to advance them, and therefore the property would not be subject to taxation. My purpose was to cut off that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. THURMAN] as modified.

Mr. MATTHEWS. Mr. President, I do not know whether I understand precisely the scope of this proposition. If I do, the object of it is to exempt from its share of the ordinary public burdens in the shape of taxes property which is used for the purpose of education but not for the purpose of public education. All public property, that is, property owned by the state, and all property used exclusively for public purposes, that is, purposes which are free and equally to be enjoyed by all the citizens without distinction, without money, and without price, those descriptions of property, in my judgment, ought to be exempted from taxation, for the simple reason that there is no good sense that I can see in the public taxing itself. It would simply be taking money out of one pocket to put it in another. It would be taking money from the same body of people and giving it back to that identical body. Therefore there would be nothing gained or lost by it. But I understand this proposition to be to exempt property from taxation so as that the effect of it will be to take money out of the pockets of the whole and put it into the pockets of a part.

The theory of taxation is that all property not public in the sense which I have defined, inasmuch as it receives its share of the benefits of the government, shall bear its share of the burden of the government. Now it is proposed to exempt a portion of property not devoted to public purposes from bearing its share of public burdens, so as that private enterprises, however beneficial, however charitable, however much they ought to be encouraged as far as they may legitimately be encouraged by a wise public policy, yet nevertheless shall reap the benefit at the expense of the remaining portion of the community.

Now, Mr. President, I believe in the advantages of education. I believe in its advantages whether it is carried on as a strictly public business interest, whether it is carried on as a denominational business and interest, or whether it is carried on simply as a private speculation. It is education, and education is good, even although it may be mixed up with something that is not so good. But nevertheless there are limits, in my judgment, to the extent to which the state ought to go in its encouragement of education, and there are kinds of education in respect to which I do not think the state ought to go a step.

I believe also in religion, in religious instruction, in religious worship, and in religious practice; but that is a domain into which I think the state has no right to enter at all. It ought to be kept entirely separate and distinct. In that respect I am a secularist. I think the state should attend simply to secular functions and leave all education of a spiritual kind to institutions ordained for that purpose.

Now, if you exempt educational establishments under denominational control, you must not confine that exemption to one denomination, or to several, or to many, or even to all, Mr. President, because you do then the same partiality and injustice that you do if you make a distinction between denominations, for there are citizens whose consciences may be offended by the teaching of any denomination, as there are those of denominations whose consciences are offended by the teachings of other denominations. So, then, in order to preserve the principle of equity and justice in this matter, I see no course that can be taken except to exempt none, but to tax all equally and alike; and without entering into the discussion of the question, as I shall be called upon to vote, I have deemed it necessary to explain the ground on which I shall vote.

Mr. SAULSBURY. Mr. President, I concur in the view which the Senator from Ohio [Mr. MATTHEWS] expresses that questions of education and religion are specially questions wholly separate and distinct from matters of state, but I do not concur in the conclusion he draws from the premises that because this is true the state ought never to exempt from taxation any property belonging to religious bodies, whether schools or churches. I do not think the fact of exempting a church of any particular denomination or all churches or all schools under denominational influence necessarily in any respect connects the state with the church. If the opinions and conclusions of the Senator are right in regard to schools, then they are right in regard to all church property. If there should be no exemption because they are under certain ecclesiastical denominations, ought not the same principle to extend to churches as well as schools? That is the conclusion to which the Senator's argument would lead.

Now, what is the fact? There are no churches in this country but what are built and maintained by private contributions, and very few that are not burdensome to a few individuals who attend upon those churches. They are charitable institutions disseminating great good among the people, and yet usually the churches are such institutions as are supported by but comparatively few while they disseminate their good through all the persons who go and attend those churches. There are but few persons comparatively that bear the burdens of a church; and yet the conclusion to which the Senator from Ohio reaches is that churches should not be exempt from taxation, but that they should suffer the burdens of taxation as all other property. I cannot concur in that conclusion. I believe we ought to exempt all church property, and all property devoted exclusively to religious instruction. I believe, too, that we ought to exempt school property, the Georgetown College, the Columbian College, and all other institutions of that kind, because they are doing a great good to the community, and they are not deriving gain and profit therefrom.

Such is the competition between educational institutions at the present time that there is scarcely any institution in the land that charges exorbitantly for the instruction it gives. I know that in my own State our higher institutions, which are but few in number, are compelled to put down their tuition charge and their charge for board, and all the expenses incident to instruction, to a mere nominal price in order to be patronized, and I suppose that is the case with all institutions, whether in this District or in the States of this Union generally. There may be a few whose reputation is such that they command high charges for the instruction which they impart, but the great body of colleges and higher academies in the country cannot do that. Harvard College, I suppose, can do that, and Princeton, perhaps Yale, and a few others; but there are very few institutions in the country that can afford to charge more than the actual expense of the students at the institution.

I shall vote cheerfully to make this exemption, and I think in doing that we do no injustice to other persons—to private property-holders. The true basis of the taxation of property is the property which a man holds for his own benefit, for his own gain, for his own profit

and advantage; but where the trustees of a college hold property, not for their own benefit, but for the purpose of adding to the educational advantages of the community, it ought not to be subject to taxation. I therefore shall vote for the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. MORRILL. I notice that this amendment proposes to refund all taxes imposed since the act of 1870, that is, the assessments that have been made for the eight years past. I desire to inquire of the Senator from Kansas how much this will amount to. It seems to me that it will amount to a very large sum, if, as has been stated, the amount of property which has been assessed is so much as $1,800,000. To refund the taxes for eight years on that amount will reach a very large sum. I doubt whether the District can afford to part with so much. It is, as I understand it, to be refunded whether paid or not; that is to say, it is to be exempted if it has not been paid, and it is to be refunded if it has been paid. I should like to know what the amount is.

Mr. THURMAN. I understand only one year's tax has been paid.

Mr. MORRILL. The amendment proposes to refund all since 1870.

Mr. THURMAN. No, to remit. It refers to 1870 because that is the permanent law in which the term "school-houses" is used; but in point of fact it only goes back as I understand one year. Only one year's taxes have been paid, and I am informed that another year's taxes are claimed.

Mr. MORRILL. It will make no difference whether paid or not if so much is due.

Mr. THURMAN. Beyond all question those back taxes cannot be collected under laws which have become obsolete.

Mr. MORRILL. I desire to hear from the Senator from Kansas what is about the amount.

Mr. INGALLS. I cannot inform the Senator from Vermont as to the amount that has been levied or the amount that is delinquent, and obviously that consideration is immaterial if this principle is to prevail. If it is right that this property should be exempt from taxation upon the grounds that have been stated, then the taxes that have been paid heretofore upon this property ought to be refunded irrespective of the amount.

Mr. CHRISTIANCY. Mr. President, I agree with the sentiment expressed by a number of Senators that if we are to exempt the property of any denomination or denominational school or of any church, we should exempt that of all; we should treat all precisely alike; and the only difference between me and the Senator from Delaware who just now addressed the Chair is this: he thinks they ought all to be exempt and I think they ought none of them to be exempt. It is a slight difference perhaps; but the principle with me is this: a very large proportion of our population belong to no church and no denomination whatever. Now, if the property of any denomination or of all denominations is to be exempt from taxation, it makes the tax of those who belong to no denomination whatever so much higher. I therefore agree in principle precisely with the Senator from Ohio to my right, [Mr. MATTHEWS,] that no property ought to be exempt from taxation upon any such ground, and I shall so vote.

Mr. THURMAN. Mr. President, I have only one sentence to utter in answer to the gentlemen who think that all churches and all educational buildings should be taxed. I understand that the principle of taxation in every civilized country, at least so far as I know, is to levy taxes upon property that is used or may be used for gain, and not to raise taxes on property that is not used for gain at all, but is devoted to some charitable or educational purpose.

Mr. HARRIS. May I ask the Senator from Ohio if every college that charges tuition is not used for gain?

Mr. THURMAN. How much money do they make? They are as poor as rats, the most of them. Every single one of them in my State is exempted by the constitution.

Mr. HARRIS. May I ask the Senator from Ohio if his purpose is to take an account between the various collegiate institutions for the purpose of ascertaining whether they have realized much profit, or little profit, or any profit. The true rule, as it seems to me, is that your common schools that are a common charge upon the whole people are to be relieved from taxation and every other burden; but wherever the school, no matter of what denomination, makes terms with its pupils and charges tuition it should be taxed. Where is the difference between the capital invested in that character of business and that invested in any other character of business that is conducted in this country for profit and reward? Where is the dividing line? By what rule can you tax the one enterprise and fail to tax the other?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add as an additional section:

SECTION —. That the term "school-houses," in the act of 17th June, 1870, chapter 30, was intended to embrace all collegiate establishments actually used for educational purposes and not for private gain; and that all taxes heretofore imposed upon such establishments in the District of Columbia since the date of said act are hereby remitted; and where the same, or any part thereof, have been paid, the sums so paid shall be refunded; but if any portion of any said building, house, or ground, in terms, excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

Mr. CONKLING. In one instant, and I will occupy but one, for the Senate is impatient to vote—I wish to state why I shall vote against this amendment. I shall vote against the first part of it which affirms the original intention, because I believe the assertion of the amendment unfounded in fact. I think I remember and know that the original intention was not that which this amendment asserts. In the second place, I shall vote against it because as an original question I believe it to be wrong, founded in error and founded in a violation of the principles on which just taxation rests.

The PRESIDENT *pro tempore*. The Secretary will call the roll on the amendment of the Senator from Ohio.

The question being taken by yeas and nays, resulted—yeas 29, nays 23; as follows:

YEAS—29.

Anthony,	Cockrell,	McDonald,	Thurman,
Armstrong,	Coke,	McPherson,	Voorhees,
Bailey,	Eustis,	Maxey,	Wallace,
Bayard,	Hereford,	Merrimon,	Whyte,
Beck,	Hoar,	Morgan,	Withers.
Burnside,	Johnston,	Randolph,	
Butler,	Jones of Florida,	Saulsbury,	
Cameron of Wis.,	Kernan,	Spencer,	

NAYS—23.

Allison,	Ferry,	Matthews,	Sargent,
Blaine,	Harris,	Morrill,	Saunders,
Cameron of Pa.,	Ingalls,	Oglesby,	Teller,
Christiancy,	Kirkwood,	Patterson,	Wadleigh,
Conkling,	McCreery,	Plumb,	Windom.
Davis of Illinois,	McMillan,	Rollins,	

ABSENT—24.

Barnum,	Dawes,	Gordon,	Kellogg,
Booth,	Dennis,	Grover,	Lamar,
Bruce,	Dorsey,	Hamlin,	Mitchell,
Chaffee,	Eaton,	Hill,	Paddock,
Conover,	Edmunds,	Howe,	Ransom,
Davis of W. Va.,	Garland,	Jones of Nevada,	Sharon.

So the amendment was agreed to.

Mr. MORRILL. There was an amendment proposed by the Senator from Ohio some time ago and agreed to, which I think is a little imperfect. I dare say the Senator intended to have re-enacted, in regard to the increase of the debt, the section in the law of March 14, 1876. I have therefore prepared a section in conformity with the existing law, which proposes some penalty provided the indebtedness shall be increased by any officers of the District government. I send it to the Chair.

Mr. THURMAN. I ask that by unanimous consent the amendment covering that point which I offered and which was agreed to may be considered as not having been agreed to, in order that this amendment, which makes it much more perfect, may be offered. I suppose by unanimous consent that can be done.

Mr. ALLISON. There can be no objection to that.

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Vermont [Mr. MORRILL] taking the place of that of the Senator from Ohio [Mr. THURMAN] which has been agreed to?

Mr. DORSEY. Let it be reported.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

SEC. — That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the $300,000 as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding $10,000.

Mr. DORSEY. It seems to me that that is simply cumbering up the statute-book with a law that has been already in existence four or five years and has not been repealed, and so far as I know no one desires to have it repealed. If the Senator from Vermont thinks it important, I hope there will be no objection to letting it go in. It is simply repeating the present law.

Mr. MORRILL. It has been already adopted in substance without the penalty, and there is some doubt as to whether that law would apply to this new bill.

Mr. DORSEY. There is no objection to it if the Senator wishes it to go in.

Mr. BAYARD. May I ask the honorable Senator from Vermont what is the object in penalizing so highly the attempt to do something that is invalid. These officers are under superior powers. If you shall prohibit the incurring of this debt their attempt to do so will be entirely invalid.

Mr. MORRILL. I will only say that this is an exact copy of the existing law.

The PRESIDENT *pro tempore*. The amendment just reported takes the place of the amendment relating to the same subject agreed to on the motion of the Senator from Ohio, if there be no objection. It is so ordered.

Mr. MERRIMON. I wish to offer an amendment to come in as section 2 of the bill:

All citizens of the United States who now or may hereafter reside permanently in the District of Columbia, and have no other place of fixed abode, and none others, shall be deemed citizens thereof.

Mr. SARGENT. What does the Senator mean by that?

Mr. MERRIMON. I mean to say that it is very important and might become a very important matter that citizenship in the District of Columbia should be defined. Questions as to citizenship very often arise in the courts. I find here, upon the subject of jurors, that persons who select jurors are required to select them from the citizens of the District. Who are citizens of the District? How long shall a man live here before he is a citizen?

Mr. SARGENT. Does the Senator propose to fix a term of residence to constitute citizenship here?

Mr. MERRIMON. No; by the proposed amendment I do not require that a person shall live here any fixed time in order to become a citizen; it is a question of intent, a question of domicile. Does he come here for the purpose of citizenship; does he abandon his home everywhere else? If so he is a citizen, and ought to be entitled to the benefits of citizenship. I make it as broad and liberal as possible. It seems to me a very important provision. Very high rights might turn upon it; and I have been astonished, taking a legal view of it, that in no law in the past, so far as I can learn, has citizenship of this District ever been defined. I can see no objection to the amendment in the world, and I think it should be adopted.

Mr. JONES, of Florida. I ask the Senator from North Carolina what he thinks will be the result of this amendment? What are the consequences of citizenship here other than follow from mere inhabitancy? There are no political rights to be enjoyed here. The amendment undertakes to define citizens of the District of Columbia. What is meant by that? We all know that a citizen of the District of Columbia has no right to vote for an officer. He has no suffrage, no privileges of any kind. The word "inhabitant" or "resident" has an intelligent meaning, but when you say "a citizen of the District of Columbia," it is meaningless. I must confess that I should like to have the Senator explain it so that I may vote intelligently.

Mr. MERRIMON. I am very sorry that my friend cannot see as plain a proposition as that. I always gave him a great deal of credit for being able to understand a proposition.

Mr. JONES, of Florida. I confess I do not understand this.

Mr. MERRIMON. A person who remains here permanently may be required by the public to discharge a great many duties that a citizen here temporarily would not be required to perform. I point to one which I have in mind just now. There are hundreds and perhaps thousands of men required to perform the duty of jurors here every year. I remember that as one instance which occurs to me. The law requires that citizens of the District of Columbia shall discharge those duties. Now, sir, who is a citizen of the District of Columbia? Is it a member of Congress? Is it one of the employés of the Government? Is it a man who is here for only three months, intending to go home after that time? Then it is competent for Congress to require the citizens of this District to discharge a great many other duties. They might be required sometimes to perform a quasi-military service in the District of Columbia. They might be required to work on the streets. They might be required to do a great many things, it seems to me, in which case it would be very important that there should be some law defining who should be subject to such duties.

Mr. MAXEY. Will the Senator allow me a moment? I am troubled just as the Senator from Florida. I know of but two kinds of citizenship under the Constitution: one a citizen of the United States and the other a citizen of a State. If the word "citizen" can have any other meaning I am willing to agree to support the amendment.

Mr. MERRIMON. I am astonished to see my friend from Texas sticking in the bark. I do not think there is any occasion for it here. It is true that in one sense there are two classes of citizens in this country, or rather the same person may have two qualities of citizenship embodied in himself, one as a citizen of the United States, another as a citizen of the State where he resides; but that does not exclude the logical possibility that he may have a third character of citizenship, to wit, a citizenship of the District of Columbia.

Mr. INGALLS. Or of a Territory.

Mr. MERRIMON. Yes, sir, or of a Territory, or there might be a dozen sorts of citizenship; so that the suggestion that the Senator from Texas makes has no logical force or power in it.

Mr. MAXEY. I ask to interrupt the Senator a moment on that point. It occurs to me that under the Constitution a citizen of a Territory having no State citizenship is a citizen of the United States and no other citizen, and so of a citizen of the District of Columbia.

Mr. MERRIMON. He certainly is a citizen of the United States for certain purposes, and then for certain other purposes he is a citizen of the Territory where he resides. So here as a citizen of the District of Columbia he may be a citizen of the United States. He may also for certain other civil purposes defined by statute, which may be changed by Congress from time to time, be a citizen of the District of Columbia, and it may be all-important in judicial proceedings. Such proceedings occur to me as the most likely to make it necessary why citizenship of the District of Columbia should be defined by law.

Mr. JONES, of Florida. I ask the Senator if there is no law now on the statute-book prescribing the qualification of jurors in the courts of the District?

Mr. MERRIMON. None, except this law:

> The names on the lists shall be selected, as near as may be, from among the citizens of the several wards or districts of the cities of Washington and Georgetown, and the three divisions of the District outside the limits of said cities, &c.

I will put the question I put a while ago to my friend from Texas, and my friend from Florida, of what class of citizens of the District of Columbia may these jurors be?

Mr. MAXEY. Citizens of the United States residing in the District of Columbia.

Mr. JONES, of Florida. That law was passed at a time when the people of this District had the privilege of voting, and it was simply coupled with the condition of residence for a certain period.

Mr. MERRIMON. My friend cannot get out of his head the idea of voting. Voting is not essential to citizenship. There are thousands and thousands of people in this country who are citizens of the States and citizens of the United States who never voted.

Mr. THURMAN. All women.

Mr. MERRIMON. All the women of this country are citizens, all the children of this country are citizens in some sense. It is a false notion that the right to vote and citizenship go hand in hand. They do not. I submit this amendment because I think it is wise and proper. I have no more interest in it than any other Senator.

Mr. THURMAN. One word on this amendment. The first section of this bill declares that the District of Columbia shall remain and continue a municipal corporation. It is true the District of Columbia has not one single attribute of sovereignty; it is not an autonomy that has sovereign power; but it is competent for Congress to create it a municipal corporation; and I suppose it is competent, if there may be such a thing as citizenship in a municipal corporation, for Congress to define it. I think, therefore, the amendment offered by the Senator from North Carolina is well enough.

Mr. JONES, of Florida. The other day, the Senator from North Carolina will remember that he brought before the Senate the subject of education in connection with this matter, and gave notice to the Senate that at a future day he intended to submit an amendment to this bill, the effect of which would be that none but citizens of the District of Columbia should be permitted to send their children to the public schools here. If that consequence is intended to result from this amendment I shall vote against it. It is not expressly avowed, but the Senator stated that the other day.

I admit that the inhabitants of the District may be called upon to discharge some local duties here that a mere transient wanderer cannot be asked to do. Jury duty is referred to as one of them. I imagine that the courts have had no difficulty hitherto in ascertaining who are liable to jury duty within this District. I presume the citizens referred to in the statute which the Senator has read were persons who at the time that act was passed enjoyed the right of suffrage within the District. That I presume, although I am not familiar with District matters at that time.

In regard to the question of education in the public schools of the District, I have to say that inasmuch as the Government of the United States proposes to pay one-half of the expenses of this District, including the expenses arising from the maintenance of the public schools, there is no great inequity, so to speak, in a transient inhabitant sending his child to school, if he happens to be for a limited period within the jurisdiction of the District of Columbia. I admit the force of what was said the other day by the Senator from Delaware [Mr. BAYARD] in regard to these costly streets. I think in all candor and justice that the Government of the United States ought to bear more than half of the expenses of maintaining these costly drives; but with respect to the subject of education in the public schools the matter is entirely different. While the Government of the United States, which is the common agent of all the States of this Union, pays one-half of the expenses of the schools here, it is not inequitable or unjust to ask that occasionally the children of the citizen of an adjoining or a distant State may be admitted to them. I say I do not know that the exclusion of a child from the public schools because its parents are not citizens of the District will follow from the amendment of the Senator from North Carolina. It may be proper for me to say that I am not one of the members of Congress to whom he alluded the other day whose children attend the public schools; but I think that education ought to be as free as air, and that you may as well refuse to the dusty traveler the privilege of tasting the waters of the fountains of this city as to close the door in the face of the child who might seek to improve his mind and his morals within these schools.

Mr. MAXEY. Mr. President, the Senator from North Carolina had the kindness to say that in the argument which I made I stuck in the bark. If that Senator or any other living man can find under our system of law more than two kinds of citizens, he can do what I cannot do and never have done. What constitutes a citizen of the United States was never thoroughly well defined until the fourteenth amendment of the Constitution of the United States. What constitutes a citizen of a State was well known long before the adoption of the Constitution. That what constitutes a citizen of the United States was not well understood or defined is clearly shown in the Dred Scott case, and it was not defined until the adoption of the fourteenth amendment of the Constitution of the United States. The inhabitants of the District of Columbia or of any other Territory may be citizens of the United States or they may be citizens of a State, temporarily residing here. They are citizens of the United States at the same time, and if they were born here and never resided in a State, and thereby acquired no State citizenship, their citizenship is only that of the United States. So it is in the Territories. Those who inhabit the Territories are citizens of the United States.

Of course I did not say that a voter was necessarily a citizen or that a citizen was necessarily a voter, for in a number of the States persons who have simply filed their papers for naturalization are voters before they become citizens. The two do not necessarily concur; but a citizen of the District of Columbia, I respectfully submit, who is not a citizen of the United States or of a State, is an anomaly, and to employ the phrase is the misuse of a well-accepted legal expression.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina, [Mr. MERRIMON.]

The amendment was rejected; there being on a division—ayes 9, noes 30.

Mr. MERRIMON. I offer the following amendment, to come in at the end of the section on the subject of schools:

Only the children of citizens of the District of Columbia shall be entitled to attend the public schools of the same free of charge; but persons within the age prescribed for pupils attending such schools may attend the same, first paying reasonable tuition fees, to be fixed by the trustees of the public schools.

I want to say that I concur most heartily in the beautiful sentiment expressed by my friend from Florida awhile ago. My regret is, however, that it is purely poetic; that it is not practical in the nature of things that we should hand out to the people of the United States free as air education in this District. If the doctrine he contends for and the doctrine that is practiced upon in this District be true, then we can establish a great national school in the District of Columbia and have all the children, black and white, from one end of the nation to the other, here in the District at the expense of the nation. Will my friend from Florida, or will any Senator pretend for one moment that Congress could establish a free school, or a free college, or a free university in the District of Columbia, and allow all the people of the United States to educate their children in it? I apprehend not, and I so contend. Yet the principle that is contended for here is a principle that will allow that thing to be done. As I stated the other day, two-fifths of the thirty thousand children who go to school in this District are not children of citizens who reside here, and the number of this class is increasing every year. The amount estimated for next year for educating not only the children of this District but such children as may come here is $400,000, and the trustees ask $400,000 more to build the school-houses that are needed to supply the children here now. Six thousand children in this city now who are going to school are not being educated in school-houses; they are being educated in sheds, and shanties, and wherever they can find a place of shelter at all. Can the proposition be true—it seems to me monstrous—that the Government of the United States can from year to year go on and appropriate by the half million to educate the children of anybody that will come here for that purpose or for any other purpose? It looks very handsome to educate such children. I wish it to be done; but it seems to me that such a principle has not the sanction of the Constitution, nor does it seem to me to be sound. I state again what I stated the other day, that twenty citizens of the State of Maryland may send their children into this District, put a matron in charge of those children, and educate them free at the expense of the District of Columbia and the Government of the United States. That is plainly wrong. I have discharged my duty in endeavoring to remedy the evil.

Mr. JONES, of Florida. Mr. President, in the few observations I made awhile ago I did not say anything about the establishment of a national college for the education of the children of the country. When the question arises of the establishment of a university here to be supported by the Government of the United States, I shall express my views upon that question. That question is not now before us. I am, however, a friend of education without any qualification, and I do not desire to see any principle adopted by the Government of the United States in regard to this District, in matters of this kind at least, that does not prevail in the other States of the Union. I will say that in my State a citizen of Alabama may come within our borders, and, if he only remains there for two or ten days, he may send his child to a public school without any questions being asked, and he can get all the education that our schools afford at the expense of the tax-payers of Florida.

Mr. MERRIMON. Will my friend allow me to ask him a question?

Mr. JONES, of Florida. Certainly, I will.

Mr. MERRIMON. Where does Congress get the authority under the Constitution to appropriate $200,000 from the Treasury to educate the children of such people as happen to come into this District?

Mr. JONES, of Florida. I can answer that question very readily. The jurisdiction of Congress over this District is just the same as the jurisdiction of the State of North Carolina over the territory embraced within its limits. Anything that the State of North Carolina can do within the confines of its territory the Congress of the United States may do within the limits of this District. I am not very well acquainted with what is being done in the public schools here, but this much I know: that we propose to defray one-half of the expenses of the schools of this city, and if you undertake to say that it is the duty of the United States to educate exclusively the children here you will see that it would be inequitable to shut out the child of a citizen of another State when that State and other States are contributing to the expenses of the District. If the proportion paid by the Government were confined simply to local improvements there might be something in the argument, but when it comes to education, in which all the people of the Union are contributors of one-half the expense, I say there is nothing in the argument.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina, [Mr. MERRIMON.]

The amendment was rejected.

The amendment of the Committee on the District of Columbia, as amended, was agreed to as a substitute for the House bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. FERRY, (Mr. ANTHONY in the chair.) I ask now that the Senate proceed to the consideration of the bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes, which is the bill reported last week by the Committee on Finance.

Mr. WINDOM. I hope the Senate will not take up the bill proposed by the Senator from Michigan. The Committee on Appropriations are prepared to proceed with the consideration of the legislative, executive, and judicial appropriation bill. It has been already pending for three days ready for action, but, owing to the strong desire manifested on the part of many members of the Senate to complete the bill which has been under consideration, the Committee on Appropriations have not seen proper to press it. I want to say with reference to the bill that it covers ninety-four pages and embraces ten or twelve hundred amendments, I do not know how many. I apprehend that there will be no very serious trouble with the amendments in the Senate, but it will require a very long time in conference. I understand that there is some probability that the resolution which passed the Senate some time ago fixing the time for adjournment on the 10th of June will pass the House. If that resolution shall pass fixing the adjournment on the 10th of June it will be utterly impossible to complete the appropriation bills unless we devote every moment to them that we can. If they are laid aside for other bills it will be impossible to conclude them. This appropriation bill will require several days in conference, I know not how many. Two years ago the conference committee were in session upon the similar bill for six weeks. There is not a greater difference of opinion between the House and Senate committees this year than there was two years ago. I now desire to particularly impress upon the Senate the fact that unless we have the right of way and can proceed with the consideration of this bill we cannot adjourn on the 10th of June, even if the House shall agree to the resolution of the Senate, but an extra session will be absolutely necessary.

Mr. FERRY. I have no idea that the House will agree to the resolution of the Senate to adjourn on the 10th of June; neither have I any apprehension that the appropriation bill referred to by the Senator from Minnesota will be lost. I have no desire to antagonize the appropriation bill; but I feel it my duty to urge the Senate to the consideration of this financial bill. It is no time now to appeal to the Senate in my own words; but the condition of the country appeals far stronger than any language I can employ in asking the consideration of this measure. When the bill that has just passed was taken up, I urged the consideration of this bill that I am now pressing, but I yielded as gracefully as the circumstances would justify to the consideration of the bill to provide a permanent form of government for the District of Columbia, which has now occupied over four days. The country is demanding the passage of this bill, which has now been before us I think nearly a month. On the 29th of last month it passed the House, if my memory serves me correctly, and it is nearly one month old in the Senate. I do not apprehend that it will provoke much discussion. I understand the Senator from Delaware [Mr. BAYARD] desires to address the Senate on the subject, and I think one or two other Senators. As for myself, I am willing to forego any other submission of views in order to hasten the time and pass the bill. I think if the bill were submitted to the Senate to-night without debate, Senators are prepared to vote upon it. I think their judgments are made up. Mine is; and I am as ready to vote now as I shall be next week, and I think other Senators are. But in deference to those who have expressed a desire to speak, it is courtesy and my duty to allow them an opportunity. What I want is that the Senate shall now take up the bill and let it be the unfinished business for to-morrow.

Mr. CONKLING. When did the Senator say it passed the House?

Mr. FERRY. Last month.

Mr. CONKLING. This bill?

Mr. FERRY. This bill which I have now moved.

Mr. CONKLING. The bill to which this is a substitute?

Mr. FERRY. No, it is the very bill. It passed April 29, House bill No. 4663, and all that is necessary is for the affirmative vote of the Senate for it to become a law, with the approval of the President.

Mr. BLAINE. It is the bill that stops contraction.

Mr. FERRY. It prevents further contraction of the greenbacks on the passage of the bill. It contains simply that idea and none other.

Mr. VOORHEES. I rise to support the motion of the Senator from Michigan. I hope every opponent of the further contraction of the volume of our circulation will vote to sustain that motion. In fact, if much further contraction goes on, as was suggested to me a while

ago by the distinguished Senator from Ohio, [Mr. THURMAN,] the bills brought forward by the Senator from Minnesota, the chairman of the Committee on Appropriations, will not be of much consequence; we shall not have anything to appropriate with. We want something to pay with, and if the present Secretary of the Treasury is allowed to run his mad and destructive career much longer we shall be left here passing appropriation bills on an empty Treasury; there is no doubt about it. We have given away on this financial question quite as long as has been right, and a little longer in my judgment than we should have done. I have been nervous and anxious during the protracted discussion that has taken place upon the District bill. I consented that that might take precedence, not thinking it would occupy more than half as long as it has, though nobody is to blame for its unexpected length. But now we have reached a point where we hope that every Senator who is a friend of this House bill and who thinks the Secretary of the Treasury should be limited in canceling the currency any further, will insist on the matter being disposed of and a vote reached at the earliest moment possible upon a fair presentation of the question.

Mr. HEREFORD. I desire to say that six months ago the House of Representatives passed a bill to repeal the resumption act, and that bill lay in the Committee on Finance over four months. That measure was reported to this body at least a month ago.

Mr. BAYARD. This was reported on the 21st of May.

Mr. HEREFORD. No, sir; I beg your pardon; I am right. I say that the bill to repeal the resumption act, with the amendments thereto, was reported from the Finance Committee not less than one month ago; and yet we have been delayed from day to day on one pretext or another. Six months have elapsed since that bill came to the Senate. One of the great political parties of this country pledged itself in national convention to repeal that act. The people demand it. As was very well said by the Senator from Indiana a moment ago, unless this contraction that is going on by the million every day is stopped, there will be no money with which to meet the appropriations that may be passed by Congress. Talk about voting to provide for armies to keep down mobs! No wonder there are mobs when all of your laws are against the wishes of the people, as they have said, and against their interest. Make your laws in consonance with the wishes and the interests of the people, and then there will be no necessity for an Army except a mere skeleton of one. I hope that every Senator in this Chamber of both political parties, who is in favor of stopping this contraction of the currency, will not yield until this matter is disposed of one way or the other, and let the country know what the Senate of the United States intends to do.

Mr. ALLISON. I shall vote, Mr. President, to take up this appropriation bill as proposed by the Senator from Minnesota, and I shall vote in that way for the purpose of facilitating the business of the Senate.

As was truly said by the Senator from Minnesota, this appropriation bill is a long one, although one that will occupy the Senate but a very brief time most likely, as I understand there are no differences on either side of the Senate with reference to the general conclusions reported by the Committee on Appropriations; so that if we take up this appropriation bill we can pass it to-morrow and next day, and most likely to-morrow, if it can be read in that time. Then we can go to the consideration and discussion of this financial measure; but I cannot understand why we should press that at this moment, when at any other moment there has been no great haste with reference to it.

The Senator from West Virginia says that the House of Representatives six months ago passed a bill repealing the resumption act and that that was held for four months in the Committee on Finance. True; and when that bill was reported back here more than a month ago with the acquiescence of the committee, it proposed to commence the contraction of the currency on the 1st day of October next, and pending the discussion of that measure, as Senators very well know, it was considered by having one brief speech a day, and then an executive session at two o'clock. There was so little haste on the part of Senators that we adjourned over from Thursday to Monday by universal acquiescence because Senators were not ready to speak. That is why that bill has hung here, as the Senator from West Virginia says, for nearly a month. Then a week or more ago the Committee on Finance reported the bill proposing an immediate stoppage of the contraction of the currency. Now what is that bill? It is a bill in the exact language of the House proposition. The Finance Committee did not cross a *t* nor dot an *i*, nor put in a paragraph in that bill. As has been stated by the Senator from Michigan, if we are unanimous with reference to it, it can be passed without an hour of debate; but, as we all know, the Senator from Delaware [Mr. BAYARD] wishes to express his views upon the financial question at considerable length, occupying a day. Other gentlemen desire to do the same thing. Now, then, when this bill passes the Senate, as I believe it will receive a large majority—it certainly will receive my vote when the time comes—it becomes a law practically so far as the two Houses are concerned without any further action of Congress.

Mr. VOORHEES. Allow me to ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. VOORHEES. If it is to become a law ought it not to become a law at the soonest possible moment? The sooner the better? Is not that true of this proposition? My judgment is that we can do all the talking that will be elicted upon this proposition and vote in the same day, and pass it beyond a doubt.

Mr. ALLISON. If that be true, then we can pass both these bills before we adjourn this week. Now, in reference to the question of contraction——

Mr. THURMAN. Will the Senator allow me to ask him if there is a single appropriation in the legislative, executive, and judicial appropriation bill that will be available before the 30th of June?

Mr. ALLISON. Certainly not; and the Senator need not ask me the question.

Mr. THURMAN. I did not know how the fact was, because sometimes there are appropriations made available at once.

Mr. ALLISON. Generally that is not so.

Mr. THURMAN. If that be so I do not see why the appropriation bill cannot just as well lie aside one day for this bill, as this bill lie aside for the appropriation bill.

Mr. EATON. There is another reason, and that is that paper will soon be worth as much as gold if we let this alone. [Laughter.]

Mr. ALLISON. I do not wish to enter into the discussion of the merits of either of these bills, and I will only say in reply to the Senator from Indiana and the Senator from West Virginia that this question of the contraction of the currency is not within the control of the Secretary of the Treasury. He can only contract a certain amount of currency as national banks are started, and it is not likely that any considerable sum will be contracted within a day or two. I only express my view in reference to the convenience of the transaction of the business of the Senate. This appropriation bill will last some days in the Senate; it will last many days, as Senators on the Appropriations Committee well know, in a conference committee. The service of every Department of this Government has been radically changed in this appropriation bill in its *personnel* and in the salaries of its officers, and it will require, therefore, a long and tedious effort in a committee of conference to adjust this bill. If, then, we desire within a reasonable time to adjourn this session, it seems to me the appropriation bills should, as they always have done heretofore, take precedence of other business of the Senate.

Mr. CAMERON, of Pennsylvania. I move that the Senate do now adjourn.

Mr. FERRY. I hope the Senator from Pennsylvania will withdraw that motion to let the Senate decide which bill shall be taken up. I am not disposed to further discuss the question, but I think it is very important that one or the other bill should be taken up, one appropriating money out of the Treasury and the other preventing the curtailment of the currency of the country. Let the Senate to-day decide which they will take up first and which is of more importance to the country.

Mr. CAMERON, of Pennsylvania. It can be decided as well to-morrow.

Mr. WINDOM. I should be glad to say a word or two as to the necessity of taking up the bill.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Pennsylvania insists on his motion, which is not debatable.

Mr. FERRY. I hope the Senate will not adjourn.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate adjourn.

The motion was not agreed to.

Mr. WINDOM. Mr. President, I think if the Senate will look at this question for a single moment they will not hesitate to take up the appropriation bill for the reason that it will not require very long to consider it in the Senate, and while the other question is under discussion, after the appropriation bill has been completed, the conferences can proceed with other appropriation bills, so that there will be no time lost and no inconvenience will be suffered by the Senate.

I said a moment ago that if the House should pass the adjournment resolution as we have passed it in the Senate and adhere to it, an extra session would be necessary. Of course I presume that we might extend the time, I do not doubt that; but it certainly will be a very great convenience if we can work up to the time that we ourselves have set for the adjournment. I only want to say to the Senate that if it shall decide to lay aside the appropriation bills the Committee on Appropriations will certainly not be responsible for not completing their portion of the business by the 10th of June. We shall endeavor to get through with it as rapidly as we can, but unless we have the ear of the Senate and can be heard when our bills are ready, we certainly cannot be prepared to adjourn at that time.

There are three appropriation bills yet pending in the other House. The Army bill has not been passed, the sundry civil bill has not been reported to the House, or at least has not been acted upon at all, and the general deficiency bill is still there. So that after this is completed there will still be three more appropriation bills to come from the House.

Mr. MORRILL. How many have become laws?

Mr. WINDOM. Only two or three have become laws at this time; but there are two or three pending in conference committees. If we take up this bill I am satisfied that one day will finish it. There are a great number of amendments, probably ten or twelve hundred, but the settlement of four or five general propositions will decide this whole bill, and I am satisfied that it can be passed in one day if the

Senate will give its attention to it, and we can then proceed with the consideration of the bill in conference while the Senate is discussing the finance question. We have already spent some six or eight weeks of the session in the discussion of one single finance bill. I think the country really will not suffer if talk on the finances should be suspended for a few days longer. I know it is very painful to do it—painful to members of the Senate, but not to the country.

Mr. VOORHEES. I am assured by Senators sitting aroound me, whose experience in matters of appropriation bills is much larger than my own—the Senator from Kentucky, for instance, and others—that the measure brought forward by the Senator from Minnesota will occupy a week. Now, I am perfectly satisfied that the people of this country are much more deeply interested in the measure moved by the Senator from Michigan and in having it properly disposed of than they are in the appropriations that are proposed by the Senator from Minnesota.

Mr. WINDOM. The Senator will allow me a word at that point?

Mr. VOORHEES. Certainly.

Mr. WINDOM. I dislike to interrupt him, but I will say that this bill is unanimously reported with reference to every item in it, by the Appropriations Committee; so that it cannot take much time. There is not a division in the committee on a single item in the bill.

Mr. VOORHEES. There are a great many men, however, to convince before we can have unanimous action in this body.

Mr. BECK. I did say to the Senator from Indiana that I believed this appropriation bill would take a long time. The House has made very radical changes. Many of them very likely will meet with the concurrence of a large portion of the Senate. The Fourth Auditor is stricken out and his office abolished. The Fifth Auditor is stricken out and his office abolished. And so with many other very important matters. We should not deceive ourselves about its being a short bill, with a thousand or twelve hundred amendments and such radical changes as those I have suggested being urged through in an hour or two, unless the views of the House are much weaker here than I expect they are. I am a member of the committee and expect to vote with the committee in retaining the Fourth and Fifth Auditors, and so with many other things; but I know that it will take a long time to dispose of that bill.

The Committee on Appropriations are now up with their work except on this single bill. The Army bill has not come to the Senate; the sundry civil bill has not yet come here; the river and harbor bill is still behind, and if we are going to do anything for the country in regard to stopping contraction it is time we were doing it. I agree with the Senator from Michigan and the Senator from Indiana that we can dispose of that matter certainly in two days. I am willing for one to sit it out to-morrow night if necessary, or the next day, or any other reasonable time, so as to give a definite conclusion to the public. As to the committees of conference, they sit during the session, they sit at night, they take no time from the sessions of the Senate.

I presume nobody assumes that we are going to get away from here on the 10th of June. The House Appropriation Committee do not expect to let us off till about the 30th of June. If we get away then we shall be very lucky, in my opinion. Although I am a member of the Senate Committee on Appropriations, I shall vote with the Senator from Indiana and the Senator from Michigan to settle the question of the financial policy of the country. We have spent a good while on that, and we had better settle it one way or the other.

Mr. SAUNDERS. Mr. President, the questions that are now before the Senate I discover are going to take up a great deal of time, they are going to be discussed, both of them, and I think we should take up the Calendar and go through with it. There is no use in having a Calendar and having a rule laid down to proceed with it if we do not live up to it some time. I have given way on the subject of the bill for the organization of Lincoln Territory time and again with an understanding that it should be taken up in its order on the Calendar. Now if these questions could be settled, as these Senators believe, now, without debate, I should still yield, but seeing that they will be debated and knowing that the debate will take up a great deal of time, I insist on the regular order, which is the Calendar, being proceeded with. I think we have a right to do that, and I am sure that the frequency with which I have given way in this matter entitles me now at any rate to have it considered presently or within some short time. I insist upon the Calendar being taken up in its order.

Mr. FERRY. I desire to call again the attention of the Senate to the fact that this financial bill can pass to-morrow. It is not necessary that it should consume any more than one day. As far as I know, there are but two Senators who desire to speak upon it at any great length. There may be others who may wish to express their views briefly, but, as far as I am advised, there are but two Senators who will take up much time to-morrow or whenever the bill is taken up.

Now, I want to call the attention of the Senate to the fact that the contraction of the greenbacks is constantly going on. So far this month about a million and a half have been retired. The contraction is going on every day. If this appropriation bill is to consume ten days of the time of the Senate, during all those ten days the contraction will proceed, so that when we reach the conclusion of that bill, we shall have so much less currency in the country. I think Senators who are anxious to stop this contraction ought to be willing at this time to take a vote upon the question and have the bill considered at once. ["Vote!" "Vote!"] Senators say "vote." I will stop, and I ask a vote on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan that the Senate proceed to the consideration of the bill suspending any further contraction of the currency.

Mr. DORSEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. DAWES.] He would vote "nay" and I should vote "yea."

Mr. HAMLIN, (when his name was called.) Upon this question I am paired in all votes with the Senator from California, [Mr. BOOTH.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague [Mr. EDMUNDS] is absent, and paired with the Senator from Kansas [Mr. PLUMB] on the finance bill. If here, he would vote against the motion. I do not know how the Senator from Kansas [Mr. PLUMB] would vote.

The result was announced—yeas 28, nays 27, as follows:

YEAS—28.

Armstrong,	Davis of Illinois,	Johnston,	Oglesby,
Bailey,	Ferry,	Jones of Florida,	Spencer,
Beck,	Grover,	McCreery,	Teller,
Bruce,	Harris,	McDonald,	Thurman,
Cameron of Pa.,	Hereford	Maxey,	Voorhees,
Cockrell,	Hill,	Merrimon,	Wallace,
Coke,	Ingalls,	Morgan,	Withers.

NAYS—27.

Allison,	Christiancy,	Kirkwood,	Sargent,
Anthony,	Conkling,	McMillan,	Saulsbury,
Bayard,	Dorsey,	Matthews,	Saunders,
Blaine,	Eaton,	Mitchell,	Wadleigh,
Burnside,	Hoar,	Morrill,	Whyte,
Butler,	Howe,	Randolph,	Windom.
Cameron of Wis.,	Kernan,	Rollins,	

ABSENT—21.

Barnum,	Dennis,	Jones of Nevada,	Plumb,
Booth,	Edmunds,	Kellogg,	Ransom,
Chaffee,	Eustis,	Lamar,	Sharon.
Conover,	Garland,	McPherson,	
Davis of W. Va.,	Gordon,	Paddock,	
Dawes,	Hamlin,	Patterson,	

So the motion was agreed to.

RETIREMENT OF LEGAL-TENDER NOTES.

The PRESIDING OFFICER. The bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes is before the Senate as in Committee of the Whole.

Mr. WINDOM. I give notice that after the morning hour to-morrow I shall move to take up the appropriation bill.

Mr. FERRY. It seems to be the wish of the Senate that we adjourn. I move that the Senate adjourn.

Mr. ALLISON. I ask the Senator from Michigan who has charge of the bill now to yield——

Mr. FERRY. I will yield to any business. All I desired was to have the bill taken up and left as the unfinished business.

Mr. ALLISON. The Senator from Michigan said he thought this bill could be disposed of to-morrow. I hope by unanimous consent now, as that seems to be the impression, we may have it understood that the bill shall be disposed of to-morrow.

Mr. SAUNDERS. I will not agree to that unless we have some understanding.

Mr. SARGENT. I suggest that by unanimous consent we vote at five o'clock to-morrow. I make the suggestion in the interest of the public business, not because I think the Senate should pass the bill, though I suppose it will, that to-morrow at five o'clock we take the vote. We are assured by the advocates of the measure that they do not wish to take up time by discussing it. They are aware of only two Senators who desire speak at length. That will give them ample time and leave something more for others who may want merely to explain their vote. I propose myself, with such an arrangement, not to say a word but to allow the bill to pass, though I should like to speak to it.

Mr. WINDOM. I object, and give notice that immediately on the conclusion of the speech of the Senator from Delaware to-morrow I will move to proceed to the consideration of the appropriation bill.

Mr. BECK. I desire to give notice, so far as I can express the wishes of the friends of this bill, that I am willing to accept the suggestion made by the Senator from California. I am disposed to agree that we take the vote at five o'clock to-morrow on this bill.

Mr. SARGENT. I hope there will be no objection to that.

Mr. INGALLS. Why not vote now?

Mr. SAULSBURY. I do not want to say anything on the bill, and do not care whether the bill passes or not. I do not think there is much good or harm to be accomplished by its passage. But I am opposed to any such arrangement as that which is suggested.

Mr. SARGENT. Very well; I merely make the suggestion.

Mr. FERRY. And I will show my disposition to accept it.

Mr. MITCHELL. I give notice that I shall ask the indulgence of the Senate to-morrow morning, after the morning business, to submit some remarks to the extent of about twenty minutes on an amendment to the river and harbor bill, of which I gave notice the other day.

Mr. SARGENT. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and sixteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 27, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of Saturday was read and approved.

BRANCH MINTS.

Mr. STEPHENS, of Georgia, by unanimous consent, submitted the following resolution; which, under the law, was referred to the Committee on Printing:

Resolved, That 10,000 extra copies of the House Miscellaneous Document No 54, embracing arguments made before and testimony taken by the Committee on Coinage, Weights, and Measures upon the subject of the establishment of branch mints in the United States, be printed for distribution.

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

Mr. STEPHENS, of Georgia, also, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of State be requested to communicate to this House all papers relative to the convention for establishing an international bureau of weights and measures which was ratified by the Senate.

MORNING HOUR.

Mr. HALE. I call for the regular order of business.

The SPEAKER. The regular order of business is the morning hour, which begins at eleven minutes past eleven o'clock a. m. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call joint resolutions and memorials of State and territorial Legislatures are in order.

GARDNER AND RICHMOND PORTS OF DELIVERY.

Mr. FRYE introduced a bill (H. R. No. 4989) to amend section 2517 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAPPAN S. CARTER.

Mr. JONES, of New Hampshire, introduced a bill (H. R. No. 4990) for the relief of Tappan S. Carter; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHARLES D. CHAPIN.

Mr. MORSE introduced a bill (H. R. No. 4991) granting a pension to Charles D. Chapin, late a private in Company C, Ninth Regiment Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'DONALD.

Mr. LANDERS introduced a bill (H. R. No. 4992) for the relief of John McDonald for injuries received while in the volunteer service of the United States during the Mormon war in 1857; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

GEORGE S. RIGGS.

Mr. WILLIS, of New York, introduced a bill (H. R. No. 4993) granting a pension to George S. Riggs, late of Company E, Eighty-third Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF UNITED STATES SECURITIES.

Mr. WILLIS, of New York, also introduced a bill (H. R. No. 4994) to regulate the sale of United States securities; which was read a first and second time.

Mr. WILLIS, of New York. I ask that the bill may be read at length.

The bill was read at length, and was referred to the Committee of Ways and Means, and ordered to be printed.

PERMANENT SINKING FUND.

Mr. WOOD introduced a bill (H. R. No. 4995) to establish a permanent sinking fund; which was read a first and second time.

Mr. WOOD. I ask that the bill be read at length.

The bill was read at length, and was referred to the Committee of Ways and Means, and ordered to be printed.

TITLES IN UNPATENTED LANDS.

Mr. LAPHAM introduced a bill (H. R. No. 4996) to invest the Court of Claims with jurisdiction to hear all titles and claims of titles in the unpatented lands in the southwest fractional quarter of section 10, township 39 north, range 14 east of the third principal meridian, in the city of Chicago, county of Cook, and State of Illinois, and to invest the proper claimant or claimants of said lands with the legal title thereof by the decree of said court; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HENRY D. DOYLE.

Mr. MAISH (by request of Mr. STENGER) introduced a bill (H. R. No. 4997) granting a pension to Henry D. Doyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEAD-STONES OVER SOLDIERS' GRAVES.

Mr. WALSH introduced a joint resolution (H. R. No. 185) authorizing the Quartermaster-General to erect head-stones over the graves of deceased Union soldiers interred in private cemeteries or burial places; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WEST POINT COMMERCIAL COMPANY OF VIRGINIA.

Mr. TUCKER introduced a bill (H. R. No. 4998) to authorize the West Point Commercial Company of Virginia to do business in foreign countries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM MILLER.

Mr. TUCKER also introduced a bill (H. R. No. 4999) for the relief of William Miller, of Winchester, Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SECURING HOMESTEADS IN BANKRUPTCY.

Mr. VANCE introduced a bill (H. R. No. 5000) to secure the homestead under the bankrupt laws and prevent frauds in the obtaining of a discharge in bankruptcy, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF MARTIN ROBERTS.

Mr. WADDELL (by request) introduced a bill (H. R. No. 5001) for the relief of the children and heirs of Martin Roberts, a revolutionary soldier of North Carolina; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

REMOVAL OF INDIAN TRIBES.

Mr. SCALES introduced a bill (H. R. No. 5002) authorizing the Secretary of the Interior to negotiate with the Warm Spring, Umatilla, Chippewa, Ute, and certain other tribes of Indians of the United States, for the extinguishment of their title to the lands occupied by them and for their removal to and consolidation upon certain other reservations established by law; which was read a first and second time, referred to the Committee on Indian Affairs, and, with the accompanying papers, ordered to be printed.

SECTION 4233 OF REVISED STATUTES.

Mr. HARTRIDGE introduced a bill (H. R. No. 5003) to amend section 4233 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB SRITE.

Mr. FELTON introduced a bill (H. R. No. 5004) granting a pension to Jacob Srite, of Georgia, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

L. P. GUDGER.

Mr. FELTON also introduced a bill (H. R. No. 5005) for the relief of L. P. Gudger, of Georgia; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HIGHER EDUCATION OF THE COLORED RACE.

Mr. CHALMERS introduced a bill (H. R. No. 5006) to encourage and aid the higher education of the colored race in the District of Columbia and in the several States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

SARAH E. HERREL.

Mr. BANNING introduced a bill (H. R. No. 5007) for the relief of Sarah E. Herrel, widow of John Herrel, late captain of Company H, Second Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM T. MOREHEAD.

Mr. SOUTHARD introduced a bill (H. R. No. 5008) for the relief of William T. Morehead, Eighth Iowa Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH A. PORTER.

Mr. SOUTHARD introduced a bill (H. R. No. 5009) granting a pension to Sarah A. Porter; which was read a first and second time,

referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL UNIVERSITY.

Mr. NEAL introduced a bill (H. R. No. 5010) to establish a national university; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MONUMENT TO GEORGE A. CUSTER.

Mr. KEIFER (by request) introduced a bill (H. R. No. 5011) authorizing the donation of ten condemned bronzed cannon, to aid in the erection of a monument in memory of General George A. Custer at the Military Academy at West Point; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM SMITH.

Mr. McKENZIE introduced a bill (H. R. No. 5012) for the relief of Hiram Smith, of Hopkins County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES OF UNITED STATES MARSHALS.

Mr. TURNER introduced a bill (H. R. No. 5013) to define the duties of the United States marshals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MOORE JOHNSON.

Mr. TURNER also introduced a bill (H. R. No. 5014) for the benefit of Moore Johnson, of Montgomery County, Kentucky; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

SOLOMON IRICK.

Mr. DIBRELL introduced a bill (H. R. No. 5015) for the relief of Solomon Irick, late lieutenant First Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS THE WABASH RIVER.

Mr. COBB introduced a bill (H. R. No. 5016) to authorize the construction of a bridge across the Wabash River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEWIS H. JONES.

Mr. SEXTON introduced a bill (H. R. No. 5017) granting a pension to Lewis H. Jones, of Madison, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOMERVILLE NICHOLSON.

Mr. HANNA introduced a bill (H. R. No 5018) for the relief of Somerville Nicholson; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY C. GREGORY.

Mr. HARTZELL introduced a bill (H. R. No. 5019) granting a pension to Henry C. Gregory, of Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. WHEAT.

Mr. POLLARD introduced a bill (H. R. No. 5020) granting a pension to Joseph H. Wheat; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 5021) donating condemned cannon to the Danville Light Battery A, Illinois National Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FESTUS ROSS.

Mr. HUBBELL introduced a bill (H. R. No. 5022) granting a pension to Festus Ross, a private in Company D, Sixty-fifth Regiment New York Veteran Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 5023) relating to tax sales and taxes in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

HOMESTEAD OF THE LATE CHIEF-JUSTICE OF THE UNITED STATES.

Mr. WILLIAMS, of Michigan, also introduced a bill (H. R. No. 5024) exempting from and remitting taxes upon certain property the homestead of the late Chief-Justice of the United States in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SALE OF SQUARE 446, CITY OF WASHINGTON.

Mr. WILLIAMS, of Michigan, also introduced a bill (H. R. No. 5025) to provide for the sale of square 446, in the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

RIVER AND HARBOR IMPROVEMENTS.

Mr. CONGER (by request) introduced a bill (H. R. No. 5026) to amend an act entitled "An act making appropriations for the repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1875; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNAL REVENUE.

Mr. BURDICK introduced a bill (H. R. No. 5027) to amend the laws relating to internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LA CROSSE, WISCONSIN.

Mr. HUMPHREY introduced a bill (H. R. No. 5028) to authorize the construction of a public building at the city of La Crosse, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN GORDON.

Mr. WILLIAMS, of Wisconsin, (by request,) introduced a bill (H. R. No. 5029) granting a pension to John Gordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE BOARD.

Mr. POUND introduced a bill (H. R. No. 5030) to extend the operations of the Light-House Board over the Saint Croix River and Lake in the States of Minnesota and Wisconsin, and the Chippewa River in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SETTLERS OF PUBLIC LANDS.

Mr. PAGE (by request) introduced a bill (H. R. No. 5031) for the relief of settlers on the public lands of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ELLEN SNEE.

Mr. DUNNELL introduced a bill (H. R. No. 5032) for the relief of Ellen Snee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIZZIE BAILEY.

Mr. STRAIT introduced a bill (H. R. No. 5033) for the relief of Lizzie Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. ROBBINS.

Mr. STRAIT also introduced a bill (H. R. No. 5034) for the relief of George M. Robbins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMANDA HOLMES.

Mr. PATTERSON, of Colorado, introduced a bill (H. R. No. 5035) granting a pension to Amanda Holmes, widow of James A. Holmes, late second lieutenant Company F, Seventh Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRANCH MINT.

Mr. PATTERSON, of Colorado, also introduced a bill (H. R. No. 5036) for the establishment of a branch mint of the United States and for the appointment of a board to locate the same, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

IDAHO WAR CLAIMS.

Mr. FENN introduced a bill (H. R. No. 5037) to provide for ascertaining and reporting the expenses incurred by the Territory of Idaho and the people thereof in defending themselves against the attacks and hostilities of the Nez Percé Indians in the year 1877, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MISSION LANDS.

Mr. MAGINNIS introduced a bill (H. R. No. 5038) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ROBERT H. YOUNG.

Mr. CORLETT introduced a bill (H. R. No. 5039) for the relief of Robert H. Young, second lieutenant Fourth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has been completed. The Chair will now recognize gentlemen who were not present when their States were called for the introduction of bills and joint resolutions for reference.

MARY N. DE HAVEN.

Mr. MAISH (by request) introduced a bill (H. R. No. 5040) granting a pension to Mary N. De Haven; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLICATION OF CONGRESSIONAL RECORD.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 5041) to provide for the printing and publication of the CONGRESSIONAL RECORD; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. DEAN introduced a bill (H. R. No. 5042) authorizing the commissioners of the District of Columbia to pay certain outstanding claims for clerical services rendered the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CHARLES OLIVIER DUCLOZEL.

Mr. ACKLEN (by request) introduced a bill (H. R. No. 5043) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. CUMMINGS introduced a bill (H. R. No. 5044) repealing part of section 4709 of the Revised Statutes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL CAMPBELL.

Mr. DANFORD introduced a bill (H. R. No. 5045) for the relief of Samuel Campbell, of Jefferson County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAGON-ROAD FROM NIOBRARA RIVER TO VIRGINIA CITY.

Mr. KIDDER, by unanimous consent, submitted the following resolution: which was referred to the Committee on Printing:

Resolved, That the Secretary of the Interior be requested to furnish this House with a copy of Colonel Sawyer's report as superintendent and disbursing officer of Government expedition to construct a wagon-road from Niobrara River to Virginia City, Montana, in 1865.

OBSERVANCE OF DECORATION DAY.

Mr. BANNING. I rise to a privileged question. I move to suspend the rules for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Whereas the 30th day of May is generally observed and reverenced throughout the country as the day upon which the graves of dead heroes of the late war are decorated: Therefore,

Resolved, As a mark of respect to the memory of the illustrious dead, that when this House adjourns on Wednesday, the 29th instant, it be to meet again on Friday, the 31st instant.

The motion to suspend the rules and adopt the resolution was agreed to, two-thirds voting in favor thereof.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. SOUTHARD. I am directed by the select committee charged with the consideration of the law relating to the election of President and Vice-President to report a bill to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States, relating to presidential elections, and to provide for regulating the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

The bill (H. R. No. 5046) was read a first and second time.

Mr. SOUTHARD. I move that this bill be printed and recommitted, and I give notice that I will call it up for consideration and disposition on Thursday, the 6th day of June.

Mr. HALE. Let it be understood that this is recommitted, not to be brought back on a motion to reconsider.

The SPEAKER. This committee has leave to report at any time.

The motion of Mr. SOUTHARD was agreed to; and the bill was ordered to be printed and recommitted.

RECONSIDERATION OF REFERENCES.

Mr. BURCHARD. I move to reconsider the reference of all matters referred to committees this morning; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALPHABETICAL LIST OF PRIVATE CLAIMS.

Mr. HOUSE, by unanimous consent, submitted the following resolution; which was referred to the Committee of Claims:

Resolved, That the Clerk of the House be directed to cause to be prepared an alphabetical list of private claims which have been before the House of Representatives, from the commencement of the Thirty-first Congress to the close of the Forty-fifth Congress, inclusive, with the proceedings of the House of Representatives and Senate thereon, showing the names of the claimants; the nature or object of each claim; at what session and in what manner it was brought before the House; to what committee it was referred; the nature of the report and the number of the report, if printed, and, if not, the date of the report; the number of the bills, distinguishing between the Senate and House bills; the manner in which the claim was disposed of in the House and, in cases where it passed both Houses, the date of the act of Congress; the whole to be compiled from the Journals of the House of Representatives and by reference, when necessary, to the Journals of the Senate, the reports of the committees, the bills of the two Houses, and the laws of the United States. And that the Clerk be authorized to employ Rolfe S. Saunders, with a compensation not exceeding the sum now paid the engrossing clerks of this House, to be paid out of the contingent fund of the House; and that the Clerk of the House furnish such aid by the clerks in his office as may not be inconsistent with the discharge of their ordinary duties.

CLAIMS ARISING UPON INDIAN TREATIES.

Mr. THROCKMORTON, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. No. 5047) to extend the jurisdiction of the Court of Claims to all claims growing out of treaties between the United States and Indian tribes and the laws pertaining thereto; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

JUDICIAL POWERS OF CONSULS.

On motion of Mr. MONROE, by unanimous consent, the bill (S. No. 1272) to amend section 4127 of the Revised Statutes of the United States, in relation to the judicial power and functions of consuls, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Foreign Affairs, not to be brought back on a motion to reconsider.

MEXICAN AWARD BILL.

Mr. WILSON. I desire to give notice that to-morrow, after the morning hour, I will move to take up the Mexican award bill.

The SPEAKER. The gentleman will of course remember that the House has control of its own business.

Mr. WILSON. I will at any rate make the effort to bring up that bill.

EMILY HUGHES.

On motion of Mr. TURNER, the bill (S. No. 1206) granting a pension to Emily Hughes, alias Berch, was taken from the Speaker's table, read a first and second time, ordered to be printed, and referred to the Committee on Invalid Pensions, not to be brought back by a motion to reconsider.

PRESTON BYRGE.

Mr. THORNBURGH, by unanimous consent, introduced a bill (H. R. No. 5048) to place on the pension-roll the name of Preston Byrge, private Company I, Seventh Regiment Tennessee Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT EMPLOYÉS.

Mr. PAGE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War, the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, respectively, be requested to inform this House of the number of male employés in their respective Departments serving in this city, with a list of persons holding positions in their respective Departments who were honorably discharged from the military or naval service of the United States.

Mr. PAGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM C. HEACOCK.

Mr. HARMER, by unanimous consent, introduced a joint resolution (H. R. No. 186) for the relief of William C. Heacock; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REAR-ADMIRAL DAHLGREN'S ESTATE.

Mr. HARRIS, of Massachusetts, by unanimous consent, from the Committee on Naval Affairs, reported a bill (H. R. No. 5049) authorizing the settlement of the claims of the estate of the late Rear-Admiral John A. Dahlgren; which was read a first and second time, ordered to be printed, and, with the accompanying report, recommitted.

MRS. MARY O'LOUGHLIN.

On motion of Mr. ELLSWORTH, by unanimous consent, the bill (H. R. No. 2499) for the relief of Mrs. Mary O'Loughlin was taken from the table of the House and recommitted to the Committee of Claims, not to be brought back by a motion to reconsider.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. I move that the House resolve itself into the Committee of the Whole on the state of the Union, to go on with the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House resumes the consideration of the Army appropriation bill.

Mr. HEWITT, of New York. I move the committee rise for the purpose of closing debate on the pending proposition.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the Army appropriation bill and had come to no resolution thereon.

Mr. HEWITT, of New York. I move, Mr. Speaker, to limit all debate on the pending amendment in the Committee of the Whole on the state of the Union to one hour.

Mr. ATKINS. I move to make it thirty minutes.

Mr. HEWITT, of New York. I made it an hour to accommodate all sides, but if the disposition of the House is to limit debate to thirty minutes I am very willing to agree to it. I modify my motion so as to move that all debate on the pending amendment in the Committee of the Whole on the state of the Union be limited to thirty minutes.

Mr. PHILLIPS. I hope we will have at least an hour.

The SPEAKER. The motion is not amendable, as the gentleman moves to suspend the rules for the purpose of closing debate.

The House divided; and there were—ayes 150, noes 30.

So (more than two-thirds having voted in favor thereof) the motion was agreed to, and it was ordered that all debate in Committee of the Whole on the state of the Union on the pending amendment be closed in thirty minutes.

Mr. HEWITT, of New York. I move the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House is in committee on the Army appropriation bill and the Clerk will read the pending amendment moved by the gentleman from North Carolina, [Mr. SCALES,] on which the House has ordered all debate shall be limited to thirty minutes.

The Clerk read as follows:

Add to the bill the following:

That from and after the 1st day of January, 1879, the Secretary of War shall exercise the supervisory and appellate powers, and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all acts of the Commissioner of Indian Affairs, board of Indian commissioners, or otherwise, and shall sign all requisitions for the advance or payment of moneys out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates by Auditors and Comptrollers of the Treasury, or either of them.

That the Secretary of War shall make such details of officers of the Army as may be necessary from time to time to administer the affairs of the Indian branch of the War Department.

That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army serving in their commands or on the retired list as may be necessary from time to time to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army: *And provided further*, That the Inspector-General of the Army shall discharge the duties of inspector of Indian affairs and shall be required to make an annual report to Congress of the numbers and condition of the Indian tribes. And such officers shall not be required to give other bonds than are now required of them by law, but shall be held responsible for any neglect of duty or maladministration thereof, and shall be subject to trial therefor by military courts-martial, according to the rules and articles of war. And the provisions of this section shall be applicable to all officers of the Army charged with duties under this act so far as responsibility for neglect of duty and maladministration thereof is concerned.

That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law; and its provisions shall be applicable to officers on the retired list of the Army who when on such duty shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

That all contracts for supplies or transportation connected with the Indian service shall hereafter be made in the same manner and as far as practicable at the same time provided for supplies and transportation for the use of the Army.

That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, provide the times and places at which all traders complying therewith may present themselves for bargains, barter, and exchange with the several tribes, according to the laws of the United States regulating the same, and subject to the same rules and restrictions as are prescribed for traders at military posts of the Army; but he shall not have authority to authorize any person to sell arms or ammunition to any Indian, but shall prohibit the same.

That the offices of Commissioner of Indian Affairs, inspectors of Indian affairs, special commissioners of Indian affairs, superintendents of Indian affairs, agent, and subagent in the Office of Indian Affairs, board of Indian commissioners, and all officials now employed under the Commissioner of Indian Affairs or Secretary of the Interior and connected with the administration of Indian affairs, not including the clerks of the Indian Bureau, shall be abolished and cease on the 1st day of January, 1879, on which date the officers of the Army designated shall assume charge of the duties thereof, and thus become charged with all the duties now imposed by law upon the officers of Indian affairs thus superseded.

The annuities to be paid to any Indians and the supplies to be furnished and issued to them shall be paid and issued through the Quartermaster's Department and the Subsistence department of the Army, under such regulations and directions as the Secretary of War, with the approval of the President, shall prescribe. That all moneys appropriated during the second session of the Forty-fifth Congress in the bill known as the Indian appropriation bill, or so much thereof as shall remain unexpended on the 1st day of January, 1879, shall after that time be disbursed in accordance with the provisions of this section, and that all laws and clauses of laws which may come in conflict with this act be, and the same are hereby, repealed.

Mr. BROWNE. I ask unanimous consent to print some remarks on the pending amendment, and on the Army appropriation bill generally.

The CHAIRMAN. The Chair hears no objection.

Mr. BROWNE. It is suggested to me to make a general motion in that regard that all gentlemen who wish to print any remarks on the Army appropriation bill shall have leave to do so.

The CHAIRMAN. If there be no objection, gentlemen who desire to print remarks on the pending amendment or on the Army appropriation bill generally will be granted leave to do so, and can file their remarks, for printing in the RECORD as part of the debates, with the reporters.

There was no objection, and it was ordered accordingly. [See Appendix.]

Mr. NEAL and Mr. JACOBS gave notice under the order just made they would submit some remarks to be printed as portions of the debates. [See Appendix.]

Mr. STEPHENS, of Georgia. I was not here during the previous discussion upon this amendment. I do not know what reasons have been assigned for this proposed transfer of the management of Indian affairs from the civil to the military department of the Government. I am prepared with no argument. But I wish briefly and simply to state that it would require grave reasons—perhaps they have been offered, I know not—to induce me take this step in reference to this most important measure of public administration. In the beginning of the Government, under the Federal Constitution, Washington instituted the policy of confiding the administration of affairs relating to the Indian tribes to the civil rather than the military authority. They so remained under the control of the civil department for half a century, I think. The policy so long as adhered to was attended with most beneficial results. It was afterward changed for a while, but returned to again. The military policy did not work well. Why should we not then adhere to that policy which did work so well so long? Moreover, the chief men and the delegations of all the civilized tribes or nations now in this city have entered their earnest protest against this transfer. This protest it was my honor, as well as pleasure, to present to this House several weeks ago. If there was nothing else but this unanimous protest of these delegations that would be sufficient to cause me to vote against the transfer. Sir, all just governments, as well as all wise governments, are founded upon the consent of the governed.

Our whole system of American Government, grand as it is and grander as I hope it may become, rests upon the principle of local self-government. Why should we undertake the government of the Indian tribes upon any other principle? Some of these nations under Washington's policy are rising in civilization. With them military rule is the announcement of war. As with all of us, they want peace and prosperity. They desire to come in contact with this Government through its civil Departments. If you put them under the Military Department they apprehend, as I learn from them, that peace will not be the result.

In my judgment the management of Indian affairs will cost more under the Military Department than under the civil. At the best, the change back will be but another experiment. We tried it once and it did not work well. I say let well enough alone. Under the system hitherto we have had peace with the Indians except where they have come in contact with the military, and there we have ever had war and, I apprehend, will continue to have it.

I have said all I intend to say. I think what is now proposed is a bad step, an unwise step, and may prove to be an unfortunate step. Let well enough alone is my advice to the House in reference to this subject as well as all others.

Mr. PHILLIPS. Mr. Chairman, two things forcibly strike every observer of the history of the American Government. First, the high conception of general principles and admirable symmetry of proportions exhibited by the founders of our Government; second, the imperfect material, incongruous character, and defective machinery of much of the structure reared on that foundation. The old Colonies were singularly fortunate in possessing representatives who were at once gentlemen of culture and capacity and who had the rare fortune of possessing in no small degree the public confidence. They clearly defined and outlined the three departments of government, legislative, executive, and judicial. In monarchies the ruler was the supreme fountain of law and justice. Parliamentary bodies, when evolved from the chaos of protests and petitions, were mere checks on the abuses of his power. Ours is a Government of the people; the written Constitution a charter of their reserved rights. Under it the legislative function is supreme. The executive branch merely executes law. The judicial administers law and determines the rights and duties of all under it. In maintaining the distinct boundaries of those powers lies the vigor and genius of the American Government.

Upon this theoretical structure grew our Government of fact. We copied British names, and, while denouncing European ideas, borrowed from them. Conflicting local interests, the jealousies of small States, different phases of society and civilization, and the natural difficulty of reconciling our almost faultless theory with defective administration were all encountered. Take it all in all, the founders and those who followed them did about as well as could be expected.

The natural tendency of all governments is to grow, and our executive has been no exception to this rule. First we had the Exchequer, borrowing the British name, which finally crystallized and settled into the Treasury Department. At first, beside this Exchequer or Treasury Department, we had the War Department, which then included the Navy, the Post-Office Department, which was a very inconsiderable affair, and a Foreign Department which grew into a Home and Foreign Department which was called the State Department. Although there is not the least analogy the Secretary of State has been styled the premier. In the course of time the War Department split into two, and we had the War and Navy Departments. Then we got the Attorney-General. He was merely a legal adviser, however, for the Department of Justice was only created in the past few years, many members on this floor participating in the work. The Interior

Department was created by act of Congress in 1849, and I say to the gentleman from Georgia [Mr. STEPHENS] that from the foundation of the Government up to that time the Indian Bureau was in the War Office.

The precise functions and boundaries of the new Department were not very clearly defined. An amusing story is told of its organization, which will perhaps illustrate the matter better than anything I could say:

Hon. Thomas Ewing, sr., of Ohio, was first appointed Secretary. Daniel Webster was then Secretary of State. Mr. Ewing called on Mr. Webster, at the old State Department, to arrange the matter, as I have been informed.

"Mr. Secretary,"

Said Mr. Ewing,

"you are aware I have been appointed Secretary of the Interior, and I have called to consult with you as to the branches of business to be embraced in the new Department."

"Ah, certainly, certainly,"

Said Mr. Webster.

"I was thinking, Mr. Secretary."

Resumed Mr. Ewing,

"that all connected with the public lands, being purely an internal matter of administration, would necessarily belong to the new Department."

"Yes, certainly; I think so,"

Was the response.

"And I was thinking, Mr. Webster, that all pertaining to the census, or statistics, would fall within the jurisdiction of the new Department."

"Yes, yes; I believe so, I think so."

"And I was thinking, Mr. Secretary, that all connected with education and agriculture, being purely local, domestic matters, would fall in its jurisdiction."

"Yes."

"And I was thinking, Mr. Secretary, that all connected with patents, being purely a domestic matter among the people, would belong to it."

"Ah!"

"And I was thinking, Mr. Secretary, that all connected with the payment of pensions, being purely a matter of internal administration, would belong to it."

"U—m!"

"And I was thinking, Mr. Secretary, that the administration of Indian affairs, as it concerned a people in the Interior, would of course belong to the Interior Department."

"Mr. Ewing,"

Said the sage of Marshfield, fixing his eye on the Ohio statesman,

"why do you not take it all?"

They say he is a good judge who wishes to increase his own jurisdiction, and, if we had always possessed as able Secretaries of the Interior as the gentleman from Ohio we might have had less occasion to regret the great mass of incongruous material that has grown up in the Interior Department. In all candor and experience there never was any reason why the Indian Office and the Pension Office should have been taken from the War Office. The necessary records for the Pension Office are at the Surgeon General's; nor can we see a sufficient reason why a soldier who is discharged for wounds or disability should cease to be paid under the War Office and be transferred to the Interior Department. But if that is true of the Pension Office, it is much more true of the Indian Office. Ever since the transfer was made there has been a conflict or divided jurisdiction. Into the same regions of country we send supplies by two sets of contractors and by two sets of freight agents. Each accuses the other of dishonest practices, and, even if both spoke falsely, the wounds on the public reputation are a calamity. Certainly the duplicated machinery is a waste.

I do not agree with many gentlemen here that Army officers are more honest than other men. If I believed it I would want all our children educated at West Point. There may be something, however, in the fact that an Army officer has a life position, and, even if no more honest, might hesitate more about risking his place. While I favor the transfer of the Indian Bureau back to the War Department as the proper place, I do not agree with those who would give the entire administration of Indian matters to Army officers. These are two very different things. In the first place, it would be impossible to take so many officers from the Army without detriment to the service. I must confess, also, to an innate dislike to conferring the administration of civil affairs to the Army. As Indian management is partly of a civil and partly of a military character there could be no impropriety in permitting the management of the wild tribes to go into the hands of such officers as could be spared. It ought to be the privilege of the Secretary of War to use officers in such cases, but I shall offer an amendment giving him the privilege, but not making it obligatory. I think it entirely proper that an officer of rank, retired or otherwise, should be placed at the head of the Indian Bureau, but even that is not necessary. When the Indian Office was in the War Office before, such civilians as Thomas Hartley Crawford were Commissioners of Indian Affairs.

Some worthy gentlemen may oppose the transfer who have tears to shed over the downfall of the "Quaker policy." I have a very great respect for the Quakers and their history, from the days of William Penn down, but the warlike nomad of the prairies as a Quaker is not a success. The number of them actually converted to that faith is, I am afraid, frightfully small. Neither am I prepared to admit that the Quakers are more honest than the Presbyterians, or Methodists, or Catholics. Establish the fact that they are, and I would like to encourage the growth of that religion. And if I think the Quaker policy is something not necessary to weep over, neither do I approve of giving any branch of the civil Government to any one church or to any set of churches. One thing we have to guard against is established churches, or churches with political power. To allow churches to name officers of government is therefore obnoxious to the genius of the American Government. The only parallel case I ever heard of occurred in the time of Oliver Cromwell when Praise-God Barebone's parliament resolved that no man should hold office who did not possess veritable godliness.

When we tempt a clergyman to become an Indian agent, we are apt to get the most selfish and least conscientious man in that denomination. His inducement to take it may be clerical bronchitis or the certainty of fifteen hundred a year. When we permit a religious denomination to name even a layman on account of his extreme piety, we run a risk of getting what Macaulay speaks of, a man who sings psalms through his nose and calls his children Mahal, Shalal, Bashhaz. Whatever the effects of such a system on civil administrations, its effect on the church cannot be good.

We talk of our Indian policy. We never had an Indian policy. Our dealings with the Indians have been a chapter of accidents, wretched wars, and bad faith. We made treaties with them when they were strong, and broke them when they were weak. To gain some temporary advantage we made them promises which we might have known when we made them we would be unable to keep. I hope to see the day, sir, when an act of bad faith to any one will never be permitted to tarnish American legislation.

There is no reason for assuming that the transfer of the Indian Office to the War Office is a policy of extermination. Without being invidious to others I know of no gentleman I esteem so highly as I do our honorable Secretary of War. A man of invincible integrity, he adorns capacity of a very high order with the simple unpretensious style of an American statesman. Does any one fear for its administration in his hands. The duties are twofold; first, to so manage the affairs of those people as to avoid all war, disturbance, or lawlessness on the frontier; second, to take care of the Indians and lift them to the standard of American civilization as fast as we can. No task is more difficult. It took our ancestors many generations to attain the position of which we boast. The visionary who thinks he can convert a nomad of the plains into a civilized American man by an act of Congress is unfit to grapple with the subject. Neither can we permit those to manage Indian affairs who wish to profit by the destruction of those people. Let us be cautious how we listen to the suggestions of their enemies. Of whatever errors the War Office may be guilty in Indian management, I am sure that they will never put arms or ammunition in the hands of Indians whom they may have to fight.

This is another reason for this transfer. By putting this bureau back in the War Office we simplify government. Our government machinery expands like a balloon. Rooms grow into bureaus and bureaus expand into departments. The Bureau of Agriculture escaped from the Interior Department, and struggled across the canal, and has got a greenhouse of its own and become a department and wants to get in the Cabinet. I expect one of these days to hear of the department of petroleum as an offset to the department of rutu-bagas or a department of iron and steel, or to hear that a department of fisheries has swam into the pool at the back of the White House; so rapidly does this machinery grow. With such a ponderous dignity do all these officials confront us; so begirt are they with imposing ceremony and the panoply of place, that I expect before I die to see the colored boy who cleans spittoons in the Treasury Department, for lack of a better reception-room, take refuge in the lumber room and swinging back on his shoe-blacking box in an official attitude talk civil-service reform and receive by "card alone."

Mr. COX, of New York. I desire to occupy but a single moment.

When this matter was before the House heretofore we gave it elaborate discussion. I believe it was clearly demonstrated at that time that this transfer would not be economical, would not be humane, would not be judicious, would not be right. There are Indians in New York State that do not want this military power over them. The Indians in the Indian Territory desire their autonomy; they desire, as the gentleman from Georgia well said, to enjoy local self-government when they are now rising into civilization.

Without going over in detail matters which have already been elaborately discussed in previous Congresses, I beg to say now, once and forever, that the gentlemen who take the responsibility of making this transfer will live to repent it, not merely on account of the extravagance that will ensue, but on account of the wrong that will be done to an innocent race of people who ought to have our utmost care and vigilance in every regard in place of being put under military control.

Mr. BANNING. At one time the management of Indian affairs was in and under the control of the War Department. While there, Army officers acted as superintendents and agents. The management was satisfactory to the Indians, and highly advantageous to the Government, because it was economical. In 1848, the last year that Indian affairs were under the War Department, the total appropriation for the maintenance, support, and annuities of the Indians was $874,478. In 1849 the management of the Indians was transferred to the Interior Department. In the limited time allowed me I cannot give the history of the management since this transfer, nor is it necessary to do so. Every one who knows anything about the present sys-

tem must be aware that it is of the very worst character. The record of last Congress is full of the evidences of the corruption and mismanagement of Indian agents, of the starvation and dissatisfaction of the Indians, and of Indian wars resulting therefrom. The appropriations for the Indian Bureau for the fiscal year 1875–'76 were $7,063,201.96, being $6,188,723.96 more than those for 1848, the last year it was under the War Department. So we find the War Department in 1848 managed the Indians with less than $1,000,000, while the Interior Department requires more than six millions to manage them.

I submit herewith a statement of the Inspector-General of the Army upon this subject which establishes all and more than I have said on this subject:

The following is an exhibit of the appropriations for the Indian Department for the current fiscal year, as compared with those made for the same purposes in 1848, just before the bureau was transferred to the Interior Department, namely:

APPROPRIATIONS FOR 1875–'76.

For contingent expenses and for fulfilling treaty stipulations	$6,851,681 96
Pay of officers and clerks in Commissioner's Office	75,520 00
Pay of superintendents, inspectors, agents, and their clerks	135,000 00
Total appropriation in 1875–'76	7,063,201 96
The appropriations for the same purposes in 1848 were:	
For contingent expenses, &c	$843,100 00
Officers, &c., in Commissioner's Office	18,700 00
Superintendents, agents, &c	12,678 00
Total appropriation in 1848	874,478 00
Difference	6,188,723 96

The disbursement of the large appropriations that have been made for several years past, however carefully guarded by superior authorities, must necessarily have furnished a prolific source for frauds when intrusted to dishonest men; and as the Commissioner himself admits that his agents have proved themselves by no means above suspicion, may it not be reasonably conjectured that a large percentage of this money went into their pockets?

The evidence herein adduced renders an admission of the following logical sequences imperative, namely:

First. The conduct of Indian affairs under civil administration, after a practical experiment of twenty-seven years, has proved fraudulent in the extreme, immensely expensive, and unsatisfactory to the Indians, provoking them to hostilities that have cost the lives of hundreds of border citizens and the destruction of their property.

Second. Whereas the management of this branch of the public service while controlled by the War Department was eminently judicious, firm, and economical, and in every respect accorded with the Indians' sense of just and humane treatment.

Third. If this compendium be correct, why not go back to a system so conducive to peace and so certain to avert the evils that will in the future, as they have in the past, inevitably follow the continuation of a faulty policy?

In conclusion, it is but an act of justice to remark that no one acquainted with the character of the gentlemen composing the Indian commission (who perform their duties gratuitously) entertains a doubt that they have labored zealously and efficiently in reforming abuses, and their efforts have unquestionably contributed largely to that end; but as their visits to the agencies have necessarily been at wide intervals it could not be expected that they would be able to exercise much control over the operations of agents during their absence.

Should the transfer of the bureau be consummated, Army officers would undoubtedly rejoice in having the assistance of such men and would have no objection to their supervising purchases and issues or verifying accounts.

It is believed by many that the restoration of the Pension Bureau to the War and Navy Departments, from which it was taken in 1849, would conduce greatly to economy.

The military history of every soldier who served in wars for which pensions are given is contained in the records of the Adjutant-General's and the Surgeon-General's offices; and before any pension can be granted these records have to be searched to ascertain whether the applicant comes within the requirements of the law. As this constitutes a large item of the labor connected with the issuing of pensions, why not return the entire management of the bureau back to where it was in 1849? The ponderous machinery of this bureau, under the present working, may be inferred from the fact that in the office of the Commissioner of Pensions, in addition to the officers, there are three hundred and thirty-nine clerks and copyists, thirteen messengers, ten laborers, four watchmen, one engineer and one assistant, and one skilled mechanic, the aggregate of whose salaries is $490,960.

Very many of the retired Army officers, although too much disabled or too infirm for the active military service, are fully competent to take the direction of all the work now devolving upon pension agents.

Under their supervision the duties of the office would be faithfully and honestly discharged, and without additional compensation, unless it should be deemed expedient to allow them fuel and quarters.

In addition to this authority I will add that General Sheridan testified before the Military Committee of the last House that the saving in the expenditures for the Army which would result from the control by the War Department of the Indians would ultimately be over $3,500,000 per annum.

I trust, Mr. Chairman, that the amendment will be adopted.

Mr. RYAN. Mr. Chairman, it is sought here to tack upon an appropriation bill an amendment of the very greatest importance, which has no relation to the objects and purposes of the appropriation bill itself. To my mind the bill upon which it is sought to ingraft this amendment is objectionable in that it seeks to reduce the Army and to reorganize it; and whether it is contemplated by this amendment to make it more palatable and secure to it greater strength in this House or not, I know not, but if there were no other reason I would oppose this amendment for that. But, sir, I have not yet heard from any source any reason which satisfies me that it is either wise or judicious to undertake to clothe the Army with civil administration beyond that which is necessary to operate the Army itself. Every argument that has been adduced in this House or elsewhere in support of this transfer would justify the transfer of every bureau almost of the civil departments of the Government to the military department. It would annihilate the Interior Department. It would transfer the Pension Bureau; it would transfer the Land Office, and so on all the way through. It is maintained here that by this transfer we shall secure to the administration of the Indian department greater economy and greater honesty; that Army officers are, by reason of their relations to the Federal Government, by reason of a commission which they bear, necessarily more honest and economical in the administration of those matters intrusted to them than others. If that be so, it is a reason why they ought to administer the Pension Bureau, instead of civilians.

Why not put one in charge of the Pension Bureau? It will save the salary now paid the Commissioner of Pensions. Then Army officers might take charge of the pension agencies throughout the country. It would save the large sum paid for services of the present incumbents.

Why not also embrace the General Land Office in this scheme? It will enable you to get rid of the salary now paid the accomplished gentleman and efficient officer in charge of that bureau. There are about two hundred registers and receivers. Why not economize here by assigning Army officers to these duties?

If the application of the principle is good for one Department, it is good for all. Corruption is liable to creep into all the Departments, except of course the War Department. In fact, all indiscriminately are said by our democratic friends to be corrupt. Why not purify them by turning them over to the War Department? The Indian Bureau may be worse than the rest, but still, if our democratic friends are correct, the difference is one of degree merely.

The fact is, Mr. Chairman, that the present Secretary of the Interior has weeded the Indian Office very largely of its abuses. He has exerted his great ability to purify his Department and elevate the civil service. Then why strike at his Department? Is this a blow aimed at him? My colleague [Mr. PHILLIPS] speaks in high praise of the Secretary of War. If I knew how, I would go him one better in that respect, for the Secretary of War is worthy of the highest possible commendation.

But this is a question of governmental policy, and rises above our personal likes and dislikes. It will not do, in a matter of this kind, to act merely to build up or strike down some officer.

But, sir, I have no confidence that in the end this measure will be found economical. The training of the soldier has taught him to maintain inviolate his personal honor, but I have yet to learn that he is an economist. As a rule, he is big-hearted, whole-souled, magnanimous, generous, liberal, extravagant; he despises the littleness of the Jew and the parsimony of that class of business men commonly known as close-fisted; he has no sympathy with anything of the sort. An examination, I think, will show that, as compared with civil officers, he has been accustomed to pay extravagant prices. Nor is he apt to be niggardly in regard to supplies. I call to mind an illustration: an Army officer, the soul of honor, humane, and noble, has charge of a certain tribe of Indians. That tribe do not suffer for the want of supplies; on the contrary, they have a surfeit, and have been able to smuggle from their surplus to a neighboring tribe a hundred barrels of flour. Such is my information from what I deem a reliable source. I suppose the kind-hearted officer is unconscious that he is fatting two tribes of Indians upon supplies distributed to one.

To the Indian, the presence of a soldier means force. Put him under the domination of the Army and you can manage him, but it will be by the bayonet. He is doing well enough. In the language of the gentleman from Georgia, [Mr. STEPHENS,] "let well enough alone." He is making some progress in civilization. He is peaceable wherever treated well. But you will find him as impatient of bayonet rule as you gentlemen on the other side of the House seem to have been.

It is possible that the change might bear some of the good fruit which the friends of this measure claim that it will certainly produce, but I do not believe it. At best it is but an experiment. And it does not seem to me that the facts, the circumstances, the interests of the Government, the welfare of the Indians, justify the adoption of a policy so doubtful and perilous.

The gentleman from Ohio [Mr. BANNING] tells us what the bureau cost prior to 1849 when under the War Department, and then he tells us what enormous proportions it has now reached under the Interior Department, and evidently wants us to infer that the increase is due to corruption or mismanagement. That there has been more or less corruption and mismanagement may be admitted. It would be absurd to contend that the administration has been pure and perfect. But the increase is traceable chiefly to legislation. Just before the transfer, in 1849, from the War Department to the Interior Department, Congress provided for enormous expenditures for the Indian Office. The expenditure under that legislation was made under the Interior Department immediately after the transfer. This enormous excess of expenditure under the Interior Department immediately following the change is often referred to by the advocates of this measure. They ought to be fair enough to the House, to the Department, and to the country to state the case correctly. If I had the time I should like to refer to the legislation in detail bearing upon this increase of expenditure. If Congress by law compels a bureau to expend large sums of money, it is as ungenerous as it is unfair to call public attention to such expenditures as evidence of corruption and gross mismanagement.

Mr. HANNA. The proposed amendment contemplates that the

entire and absolute administration of our Indian affairs shall be under military rule. The language is broad, sweeping, and comprehensive. We are not left in doubt as to the object and purpose of the friends of the measure. I object to the abandonment of the peace policy. We cannot afford to take this backward step. We may not without just cause for censure thus array ourselves against the well-settled conviction of our enlightened Christian civilization. The proposed change is and would be regarded not only by the Indian but also by the better element of society as a declaration of war. You thereby say to the Indian: henceforth the methods and appliances of peace, of education, of Christianity, of American civilization are to be abandoned and in lieu thereof the inexorable code of war is to intervene. It is a mistake which we cannot afford to make. Our better natures revolt at the idea and we should pause and consider well the consequences. He who cannot keep pace with the progress of our Christian civilization should not attempt to block the way by a resort to the law of force.

I further object to the proposed amendment upon the ground of its anti-republican features. We are now and have been for many years engaged at national expense in educating a class of men for a particular pursuit. West Point has been fostered by the Government for a special and particular purpose. As Americans we feel a just pride in the success of that institution. The primary object was and is to educate men for the Army and the pursuit of arms. It certainly never was the intention of the founders of the Republic or of that institution that it should be diverted from the object of its creation and become the nursery of a class to be known as the office-holding class. The proposed amendment in effect says to the country that a graduate of West Point is to be preferred over all others for official position. It is a long and dangerous stride in the direction of creating and preferring by law a class to be known as "we of the office-holders," and the passport which is to insure admission to this favored class is a diploma furnished at West Point. It is said that the number of graduates are in excess of the demands of the Army, and hence first one bureau and then another must be wrenched from the civil departments of the Government and attached to the War Department, to the end that it may be managed and officered by a special class who must be provided for upon the theory that they are better than all others. This is called civil-service reform. I denounce it as anti-republican, as the most pernicious form of class legislation. I trust the time may never come in this Republic when at public expense we must educate a class for the especial purpose of filling the various civil offices within the gift of the Government, and that such class must be preferred to the exclusion of worth and merit wherever found in the mass.

Sir, the hope, the future strength and glory of the Republic, are the youth of the field and shop, who, knowing that according to the genius of our institutions the highest positions are within the reach of earnest effort and laudable ambition, enter the race for the coveted prize. Shall we attempt to fetter and dwarf this spirit by class legislation? Should you pass this amendment, then next the Pension Bureau will be demanded upon the ground that you desire to further utilize this special class. Inaugurate this anti-republican scheme and you will have from time to time encroachments upon the various civil Departments of the Government. We owe it to ourselves and to our posterity to guard with vigilance the republican simplicity of our institutions and to at all times maintain the theory that this is "a Government of the people, for the people, and by the people," and that every civil office is within the reach of the humblest boy in the land.

Mr. PATTERSON, of Colorado. The gentleman from New York, [Mr. COX,] at the close of his remarks, stated that if the transfer of the Indian Bureau to the War Department is accomplished those who voted for it would live to regret it. If the gentleman was conversant with the woes and sufferings that have befallen the Indians on account of the weakness and imbecility of their management during the last ten years, he would regret that he had ever advocated the maintenance of the Indian Bureau as a means for their government. Mr. Chairman, independent of any question of economy and simply as a matter of humanity and justice to the Indian and the settler upon the frontier, I claim that the present management should cease and a system be substituted which while it would be humane would at the same time be strong and powerful. There should be no conflict of authority. The moral effect of the presence of the Army should not be lost in the dishonesty and feebleness manifested in the government of the Indian agent. The Army under its present organization furnishes all the elements of force and morality necessary for the just and proper government of these wards of the nation. Though living upon an Indian border and conversant with the cruel and treacherous character of the Indian I have no other feeling than that of kindness toward him, nor wishes other than for his welfare.

I have often wondered if the Indians of Cooper and other writers of fiction ever existed. If they did, they are now extinct. I grant the possibility of their once existing, but I readily account for their disappearance or transformation into human fiends by the rapacity, treachery, neglectfulness, and heartless frauds which are linked all through the intercourse of the Government with them through its representative, the Indian Bureau, and the swarm of licentious agents sent out from it to cheat and rob them under the mantle of some Christian denomination. The present system is all wrong. It is built upon a wrong basis. The theory of its advocates is that the Indians are thirsting for Sunday-schools, plows, missionaries, instruction in the art of farming, and the enjoyment of a civilized government. They mourn because they come not. Sir, if these mistaken humanitarians would but read the reports of the agents themselves they would learn how erroneous is this notion of Indian character. In Colorado we have a tribe of Indians who for sixteen years have been at perfect peace with the whites. They have a magnificent reservation of twelve million acres. For sixteen years appropriations have been made annually for schools, blacksmiths, farmers, teachers, and all kinds of implements and utensils to aid in their advancement; and their affairs have been administered by the most approved Christian agents. With what results? There are about three thousand Indians occupying this twelve million acres; over four thousand acres of land to every buck, squaw, and papoose in the tribe, and yet out of it all during the year 1877 just twenty-two acres were tilled by Indians, a few bushels of vegetables raised, and twenty rods of fencing built. Says Mr. Wheeler, one of the agents upon their reservation, in his last annual report, (page 43, Report of Commissioner of Indian Affairs:)

> The Ute considers it a disgrace to labor and ridicules the very idea of his ever being required to do anything of the kind. The child who has been trained under the influence of civilization and taught to regard labor as an honorable pursuit is seldom or never proof against the sneers and taunts of his Indian associates, and is pretty sure to yield to the common prejudice, and before arriving at manhood exhibits as strong an aversion to toil as the most ignorant of them.

To the same effect is the report of Mr. Weaver, another of the late agents, found on page 45 of the same document:

> Little can be said in relation to the civilization, missionary work, and industry of these bands. They regard any labor whatever with contempt, and their civilization and general education must be necessarily tedious, if with any success whatever, unless they can be taught to labor.

Their educational advancement is no more marked. The statistics furnished by the Indian Office show that these three thousand Indians have one school, and six scholars. The school was taught eight months and the largest average monthly attendance was five. This marvel of intellectual activity cost the Government the modest sum of $1,260, or $252 per annum for each Ute child taught.

I give these illustrations because they show the progress of the average Indian under about the best conditions attainable through the present system. Sir, the Government might pour money into these reservations through a mouth as big as that of the Mississippi to be dispensed under the present system, and the results would be no more cheering. The trouble is, the character of the Indian is not understood, and the system and implements for governing him are wholly foreign to his nature. He should be honestly and humanely dealt with. His rights should be respected. His better nature should be cultivated assiduously; but while this is being done, the power should be ever present to repress the brute instincts of his nature and to teach him that they must be held in subjection when to indulge in them would imperil the lives or property of the settlers. The present system cannot furnish the machinery or the men for this work. They despise the weakness of the rulers put over them. They sneer at and reject the instruments by which they are to be elevated. They find themselves cheated, betrayed, and the agent and his satellites growing rich on their plunder.

In the present system there is a divided allegiance for the Indian. The agent and the Army officer are in his vicinity. There is no cordiality between the two; on the contrary, the Army officer despises the peculation and littleness of the agent, and the agent fears the officer may retrench him in his plunder. There is no necessity for this dual system. The Army furnishes the practical methods and the character of men necessary for the proper government and civilization of the Indian. The officers are men of honor. Their good name is their talisman to respect. It is the one jewel treasured by them. Honesty would be at once brought to the administration of affairs under them. With the responsibility resting upon the War Department, a rigorous system to direct the intercourse of the soldier with the Indian would at once be adopted. The schools would be fostered; agriculture would meet with greater favor, a paternal and humane system for their government would be instituted, every treaty stipulation would be rigorously adhered to, and white men would be prohibited from infringing upon their rights. Sir, no man who has intelligently watched the operation of the present system can hesitate to favor the change.

The necessity for a strong government for the Indian is daily becoming more evident. Economy, safety, and humanity will soon require that the greater number of reservations be abolished and the Indians all be removed to a few within easy reach of supplies and accessible to all the influences which are needed for his elevation. This removal must inevitably take place. He cannot remain forever a barrier to the development of the vast interior of the continent. The pioneer must not be compelled to take his every step to the front in the sight of a murdered child and outraged wife and by the light of his burning roof-tree. There must be a gathering together of the tribes and the Military Department alone is capable of the task. I desire in this connection to call attention to a remarkable treatise upon this topic. On Tuesday last, in the city of Cincinnati, before the social science congress there assembled, General Pope delivered an address upon the subject of Indian government, which has arrested the attention of the country. It is so clear, so true, and withal so philosophical, that I do not hesitate to ask the Clerk to read it for

the information of the House, and if my time expires before its reading is completed I desire that it may be published entire in the RECORD.

The Clerk read as follows:

THE INDIAN QUESTION.

Unlike the nations of Europe, who have owned possessions on this continent, we are the only people who have ever recognized Indian titles to land within our borders. The theory as well as practice of the Government has been to recognize this title, and to extinguish it for such portions of the land as we acquired by actual purchase. While this policy has, in theory, been eminently just and humane, its practical workings have entailed more suffering and wrong upon both races than would have attended or followed open conquest. How a condition of things so deplorable has been evolved from a policy so humane can best be determined by a short history of systems adopted and carried out under it.

To make this explanation clear, it will not be necessary to review the history of our colonial relations with the Indian nations further than to express the opinion, which examination will either confirm or disprove, that in the administration of a policy so humane as that of William Penn will be found the seeds of most of the shocking wrongs, both to Indians and whites, which have smirched the history of this country. I do not wish to be understood as in any manner opposing myself to the system of Penn as embodying a principle eminently just and humane in its purpose. It is possible that, if its details had been arranged and administered by pure and honest men, thoroughly familiar with Indian life and character, the history of our Indian relations might have been widely different. Unfortunately, however, while the theory has been the basis of all our dealings with Indians since, the pure and honest men, capable of doing the work and possessing the requisite qualifications, have been sadly wanting, and the results have been almost the exact opposite of what was hoped and no doubt intended. It will, however, be sufficient for the object I have in view to give a brief account of the systems adopted, with that theory as a basis, and the manner in which they have been administered.

EVILS OF THE TREATY SYSTEM.

The beginning of this century found us in possession of vast districts of country, at least one-half of which consisted of the most fertile lands in the world and the other half about equally divided between rich mineral and vast grazing districts. This whole region was practically in possession of numerous tribes of Indians, whose pursuits and habits of life varied as widely as they vary among the same number of white races. A policy of dealing with the Indians, based on that of Penn, was adopted; a policy which, with some not very important modifications, to be hereafter referred to, has been pursued by the Government to this day.

That policy is briefly as follows, namely:

Whenever the march of immigration began to press upon lands claimed or roved over by wild tribes of Indians, a treaty was made with the Indians which provided for the surrender of that portion of their lands which was immediately in demand, leaving to the Indian what remained. Treaties with Indians are made by the Government for one of three objects: first, to buy land; second, to buy peace; and third, and generally, to buy both. It is hardly necessary to say that of all modes of keeping the peace the most ineffectual is to buy it; and if this policy be extremely unwise when civilized nations engage in it, how much more impolitic when dealing with a savage people. The Indian's first idea is that you pay him because you fear him, and he acts accordingly. As every treaty involves large expenditures of money, it is of course a popular transaction and especially so when Indian agents are not perfectly honest. To the Indian agent of fifteen years ago the idea of Indian administration was a war with Indians every alternate day and a treaty on the intermediate days.

This, then, briefly, is the sort of treaty through which we have acquired from the Indian races one-half this continent, and through which we seem to intend to possess ourselves of the rest. By introducing the element of money, it has made the Indian an object of cupidity to the white man, and has placed on the low level of sharp trading the policy intended to be humane and worthy of a great government. That it demoralized the Indian by teaching him vices and indulgences of a novel kind, and prepared him to sell his lands for almost any price offered him, in order that he might enjoy them, will not, I think, be disputed. That it placed both whites and Indians in a condition in which they could not avoid constant broils and difficulties, is also clear, nor is it less plain that, in the long run, the Indian was sure to be worsted.

Often and again has the Indian, goaded by swindling and wrong, or maddened by drink, broken out against the whites indiscriminately, and committed those dreadful outrages at which the country has stood aghast, but I do not myself hesitate to say that, in my opinion, a large proportion of these outbreaks has been in the way of retaliation. With the great throng of emigrants still pressing westward with equal eagerness and in greater numbers every day, who can tell what is happening to the Indian? The Indian country is penetrated everywhere by the seekers for gold or for land; highways are made through it without his consent, and the game driven off or destroyed. No one will say, even if he can, what outrages are committed upon the Indian by irresponsible crowds of white men, the bummers of the real emigration, flocking into his country, but judging from what these same whites do to each other, the imagination must be highly inflamed to conceive what they would do and doubtless have done to the Indian. What the white man does to the Indian is never known. It is only what the Indian does to the white man which reaches the public.

Less than a century ago this system was applied to the great Indian nations which occupied the vast region between the Allegheny Mountains and the Mississippi River. Where are those nations now? What has become of the great tribes once famous in our history? The Delawares, the Miamies, the Wyandots, the Shawnees, the Sacs and Foxes, the Pottawatomies, the Kickapoos, and many others—where are they, those beneficiaries of a wise and humane policy? Only a few feeble, helpless, and hopeless fragments of these great Indian nations yet remain. Transferred, through scenes of violence and bloodshed, from one reservation to another, they have at last been established on small reservations in the Indian Territory and on the Upper Missouri—poor, forlorn dependents upon the insufficient charity of the Government and the forbearance of the imperious white settlers. There, let us hope, they may be left to die in peace, and their race and name to pass out of the history of the country and be comfortably forgotten by those who have suffered this wrong to be inflicted upon them.

A HISTORY FULL OF HORROR AND BLOODSHED.

What, also, has been the history of the white settlers, the pioneers of the great States of the West? It is a history full of horror and of bloodshed; of massacres of women and children, accompanied by horrid atrocities which the imagination refuses to contemplate; of tortures and final death to thousands of men guiltless of any wrong to the Indian, the victims of the lawless crowds of adventurers who precede the real settler, and whose acts of outrage were retaliated upon the innocent and helpless. A history so full of bloodshed and misery, both to Indian and white man, and involving such immense expense to the Government, cannot, even at this day, be read without amazement and indignation. This process of exterminating the Indian race by a nearly equal sacrifice of innocent white people has been rapid almost beyond belief, and furnishes a record of inhumanity to both races which will long remain a reproach to this country. Yet, by such a process has this Government, unconsciously to itself, become possessed of all the vast region between the Allegheny Mountains and the eastern border of the great plains, and to this process, unless it be arrested, will we be indebted for the acquisition of all that remains. I may pause here one moment to note the extraordinary fact that, although for a century we have been engaged in carrying on wars and making treaties with Indians almost continually, and that our history is full of horrid atrocities and massacres in which Indians were the offenders, and although we have stood aghast at these horrors so often that that attitude has become almost chronic, yet nowhere in any treaty with Indians do I know of a single protest against these practices, nor an intimation even that we object to a war in which the rules of civilized warfare are thus shockingly violated. Nor do I remember any official fact or word on the part of the Government directed against it. Knowing for all these years that such are customs of Indian warfare, and having permitted them to be continued up to this day without remonstrance so far as I know or have heard, it appears scarcely reasonable to permit ourselves to be so horrified at this late day as almost entirely to lose sympathy for the Indian. He knows no better and has been taught no better by those who shudder at his outrages, and it is very certain that the example of the whites with whom he has been brought into hostile relations has tended to confirm and not to cure these practices. But to proceed:

In the case of the Indians of the Gulf States—mainly the Creeks, Choctaws, Chickasaws and Cherokees—the details of dispossession and the treatment of the Indians were somewhat different, and in the results will be found important facts bearing upon the discussion of future methods. It does not appear that this change in details was dictated by any consideration of past experience or by any purpose to make the history of these Indians more humane than that of the tribes north of Tennessee, but rather to the fact that the Indians were within the limits of organized States which asserted and, to an extent, exercised jurisdiction over them. The demands for the Indian lands were far more extensive and urgent and the action of the State government seemed to force more complete and general dispossession than had been actually required before. An extensive region of wild lands west of the State of Arkansas was selected for the occupation of these tribes, and they were at once removed to it with more or less bloodshed and difficulty, but without undergoing the intermediate stages which had marked the retreat of the more northern tribes. The result is, that the tribes thus removed at once and in a body to this region, remote from settlements, and not possessed of mineral resources, have not lost, if they have not gained, in population, but remain substantially what they were. They were from the beginning partially civilized; that is, they lived in villages and cultivated the soil. They do so still and much in the same manner, and until recently have not been pressed upon by white emigration.

The movement upon their lands has, however, now begun, and must of necessity lead to the same results as are familiar to the experience of the northern Indians. Every proposition to build railroads (and some are already built) through the Indian Territory and for the establishment of a territorial government has but one object and leads to but one result, namely, the dispossession of the Indian and the occupation of his lands by white men. That this result can be reached by the same process without a reproduction in a greater or less degree of the broils, troubles, and strife characteristic of our Indian history is not to be believed. It is a certainty in the near future, and if we are to do anything to prevent another stain upon our history we must act vigorously and at once.

NO SYSTEMATIC EFFORT TO CIVILIZE OR CHRISTIANIZE THE INDIAN.

Up to a recent period no systematic nor official effort was made to civilize or Christianize the Indian. It is true that many of the religious denominations sent missionaries to the Indian tribes living on reservations, who, no doubt, did all in their power in this direction, but being without official status or aid they were unable to do the work to which many of them devoted themselves with rare sincerity and self-denial. Through the Indian agents greater or less effort was made, or seemed to be made, to teach the Indian in a rudimentary way how to support himself, but such an effort was neither systematic nor energetic, and little, if indeed anything, was accomplished that in any respect benefited the Indian. Within the past ten years, however, another class of Indian agents, largely selected by religious denominations, has replaced the agents of old times. In point of morals and character these later agents are far superior to their predecessors, and, perhaps with few exceptions, have addressed themselves in all sincerity to the work of civilizing the Indian. Unfortunately, they are men unacquainted with the Indians or Indian character, and are equally ignorant of the character and habits of the frontier whites, and therefore wholly incompetent to deal with either. Of the country and its capacities they know little or nothing, and, indeed, they are, in general, inexperienced in almost every kind of occupation to which the Indian can be induced to resort. They are not, as a rule, business men, and yet they are expected to manage large business affairs involving the actual existence of thousands of human beings. I know of no occupation requiring more thorough acquaintance with business methods, greater knowledge of men and power to influence and control them, than the supply, management, and control of Indian tribes. The man whose life has been devoted to religious duties as a clergyman cannot of necessity have had the training and experience to conduct large business operations carried on with business men sharp and unscrupulous, nor to be the best judge of those who can; nor can the duties of religious instructor and business manager, especially for large bodies of wild Indians, be combined without injury to both. The results, so far, have completely illustrated the incompatibility of such pursuits. The business of the Indians has been very inefficiently done, and badly as it has been done, it has been at the expense of his moral or industrial improvement. It is not too much to say that what we have gained in moral character by the recent changes in methods of selecting Indian agents has been gained at the expense of practical sense and business capacity.

Whether these opinions be accepted or not it is certain that the physical condition of the Indian is as bad if not worse to-day than I have ever known it. It is a fact so notorious as to require only the statement of it that the reservation Indians are insufficiently fed at all times and that for considerable periods during each year they are in a condition of want and suffering revolting to humanity. It is also true that in many cases the articles of food to be daily issued to them are specified in detail in the treaties, but only in part are furnished, and at times not furnished at all. In short, it is the fact that thousands of Indians placed on reservations by the actual use of superior force are slowly starved. By some persons these well-known facts are attributed to insufficiency of appropriations; by others to misuse of the money and bad administration; by still others to fraud on the part of those charged with the expenditures and issues or of their agents. There is no doubt some truth in all these explanations, but the Indian is the victim whatever be the cause, and to expect him slowly to starve and to see his wife and children suffer in like manner without losing patience and helping himself is to expect what no white man would think of submitting to or would be expected to submit to. The Indian sees around him herds of cattle, store-houses of agents and traders, numbers of persons living on money paid out of the appropriations made for his tribe, large amounts expended for schools and school-teachers, farms and farming implements, practical farmers, mechanics, and employés of various descriptions, while he himself is destitute of the very food necessary to keep body and soul together, abundance of which is guaranteed to him by solemn treaty. Why should he be content? He is sent out from time to time with his tribe to hunt, and on game to make up the deficiencies of food he ought to receive from his agent. But whatever game was once to be found is now remote from his agency and is already so scarce that it is impossible to depend upon it even for temporary support. All game which once furnished food for the Indian is rapidly disappearing, and the Indian must soon find some other means to live or confront absolute starvation. As the whites have deprived him of his means of subsistence for their own benefit, with-

out supplying him with others, theirs should be the duty to see that he does not suffer thereby. There can be little said for the practical sense of people who, in view of this result, insist upon making the Indian support himself by becoming a day-laborer on a farm with the idea of making the whole Indian race an agricultural people. What would be thought of the same attempt upon the white people of this or any other country? The idea of such people seems to be that all Indians are alike, and that an Indian is the same wherever he is found.

I presume there cannot be found greater diversities in the white races on all these matters than actually exist among the Indians, and the attempt to make all white men exactly alike and to compel them to precisely the same pursuit is not more absurd, impracticable, and injurious to all interests than is the same attempt with Indians. The nomadic races might probably be occupied without overthrowing every habit and inclination of their lives, and without violent and abrupt change, in herding cattle, which they could drive from one pasture and water to another on the great plains. This pursuit would be more nearly in the direction of their usual habits than any farm labor, and it has the advantage that it might be successful, while the latter never can be. I have myself, with such restricted means as I can command from the sale of ponies captured or surrendered, been trying this experiment on a small scale with the Kiowas and Comanches, and so far it promises well.

The extent to which the Indians under charge of these Indian agents, performing the incompatible duties of business managers, religious instructors, and practical administrators, as well as makers and enforcers of laws and regulations, have been civilized or Christianized, I will not undertake to say. I only express the belief, founded on facts known to me, that the results are precisely what might have been expected from such measures so conducted. It may be safely said on this subject that none among the races of men are in a condition to profit much by lessons of kindness and charity taught by well-fed apostles while they themselves are suffering from want and hunger. I do not myself understand upon what theory the Indian is to be Christianized in this manner and under these circumstances, but I certainly hope that the measures pursued may lead to far more satisfactory results than I can bring myself to expect. The obligations entered into with the Indian are not observed, and whether the failure be due to the Indian agent, the Indian Bureau, or Congress, it is plain enough that the effect upon the Indian is not salutary.

RELATION OF THE ARMY TO THE INDIAN SYSTEM.

In order that the whole subject may be clearly understood, it seems necessary to explain the relation of the Army to the Indians and the Indian Bureau, and I will therefore state it as succinctly as possible. While the Indians remain on their reservations and are peaceful, the troops stationed near them have no jurisdiction whatever, and, consequently, no certain knowledge of their feelings and purposes, and no power to take any action, either of a precautionary or aggressive character. The Indians thus placed are frequently furnished with passes, signed by the Indian agent, permitting them to go almost anywhere or for any purpose except war. The first that is known by the military of Indian hostilities is a sudden report that they have begun a war a hundred miles or more distant from a military post, and have devastated settlements and killed people. By the time such information reaches the military commander the worst has been accomplished and the Indians have escaped from the scene of outrage, and in most cases have again rejoined their agencies. Nothing is left to the military except pursuit, and generally unavailing pursuit. Should the Indians succeed in regaining their reservations before they are overtaken they are safe from punishment, as the military cannot act against them at all unless they are beyond the limits of their reserved lands. In point of fact, the troops are kept near the agencies practically to protect the civil agent and his employés, and are without the slightest authority to interfere in any manner with whatever transactions may be carried on by them.

It is a most painful duty to be forced to witness suffering and privation day after day, and to see whole tribes of Indians so destitute that it makes the heart sick to witness it. The military authorities have not even the right to relieve the hungry and the destitute from the public stores in their charge, but whatever goes on, they must remain silent and on no account interfere with the transactions of the Indian agent, whatever he does or fails to do. It has often happened, and indeed is of frequent occurrence now, that urged by spectacles of suffering, which human nature could not contemplate without horror, the officers have exceeded their authority and laid themselves liable therefor, by issuing scanty supplies of food to the starving Indians from the public stores under their charge, * * * but even this interference is not lawful, and is only put up with without complaint because it in no manner touches the jurisdiction of the agent. In short, it appears to be the only function of the Army, stationed near the Indian agencies, to force the Indian to submit to suffering quietly and without disturbance, whether the necessity results from the deficiency of appropriations, bad management of the agent, or actual fraud. If the Indian, pressed by want, leaves his reservation, the troops are ordered to attack him, and he is treated as the common enemy of mankind. I need not say that such a position for the United States forces is the most painful that could be imposed upon civilized man, and it has nothing except the power occasionally to help the suffering to redeem it from utter detestation. Exactly what constitutes peace and what is a condition of war is not clearly defined, but before any force can be used against Indians, either to prevent or suppress hostilities, the Indian agent must ask it, unless, indeed, the Indian is beyond the limits of his reservation. It sometimes happens that the condition of affairs becomes so bad and so dangerous that the military commander is ordered to supersede the agent and perform his duties, but only for the moment, and as soon as the immediate danger is over the pressure again replaces the civil agent, who is reasonably sure to bring about the same state of affairs.

To the Army officer a state of peace with Indians is, of all things, the most desirable, and no man in all the country, East or West, would do more to avert an Indian war. To the Army, war with Indians means long and toilsome marches, with scanty supplies of food and clothing; it means exposure to the elements at all times and at all seasons; it means death, certain and cruel, if wounded or left; it means separation from wife and children and deprivation of everything that makes life desirable to civilized man. It means more than all this; it means harsh and unjust censure, whatever the result. If successful, it is a massacre of Indians; if unsuccessful, it is worthlessness or imbecility; and these judgments confront the Army in every newspaper, and in public speeches in Congress and elsewhere—judgment passed by men who are absolutely ignorant of the subject at all or by those who, knowing better, misrepresent for a purpose. For purposes which I will not discuss, there has been a continuous and apparently successful effort to make it appear that there is a conflict between the Indian Bureau and its agents and the Army serving on the frontier, the former being gently insinuated into the attitude of protectors of the Indians against the warfare which it is also insinuated that the Army is perpetually seeking to bring on. The object of this adroit but not overscrupulous undertaking is sufficiently obvious to those acquainted with the facts, but it should be denounced as an outrage upon the truth, and is contradicted by almost every page of Indian history. The administration of Indian agents and the encroachment of the whites are what generally lead to war with Indians, which the Army has nothing to do with beginning and which it only engages in in compliance with the orders of the Government, which are usually made on a demand from one or both of these sources. The Army is the victim and not the author of wars with Indians. Whether the opinions I express be accepted or rejected, the facts set forth in this paper cannot be successfully controverted. I assert this with perfect confidence, since the official records of my own office will abundantly justify me, and could and would have been embodied in this paper but for the limited space which of necessity can be devoted to any subject.

I do not propose in what remains to be said to lay down any detailed plan for improving our relations with the Indian tribes so as to avert a continuance of our melancholy history in that connection, but upon the facts set forth I intend simply to offer a few suggestions which appear to me to be calculated to obviate the principal evils which have become manifest and which threaten with absolute certainty to make our future history as regards Indians as bad as our past. Having deprived the Indian of all his usual means of subsistence, without supplying him with other means or teaching him other modes of life, and with no purpose except our own interests, it is, beyond question, our duty to shield him from any other suffering than that actually unavoidable in the process. We have the greater part of the Indian's lands; we are bound to see that he does not undergo physical suffering through his own ignorance or our superior "cuteness." I do not suppose that any Christian man will contest this proposition, and, relying upon its soundness, I proceed to make one suggestion for improving our treatment of the Indians:

THE RESERVATION SYSTEM THE BEST.

It is manifest that, in the progress of settlement of a country occupied by barbarous tribes of Indians and the gradual dispossession of the savage, the time always arrives when Indians and white settlers are brought into contact at so many points and with such conflicting interests that the security of both is jeopardized to such an extent as to require the interposition of some power stronger than either. It then becomes necessary for the safety of both to restrict the Indian to certain localities, where, protected and controlled for a time by force, partly subsisted by the Government, he can neither commit violence upon the whites nor be subjected to it from them. This necessity has created the "reservation system," to which many of the Indian tribes have been subjected already, and which is assuredly the future condition of all. * * * I suggest, therefore, that whenever an Indian tribe is in a condition to be placed on a reservation or is so placed now, it be removed to the rear and not to the front of the advancing emigration; to the vicinity of communities where no feeling against Indians exists or is exercised; where the law is equally enforced against all, and where provisions are plenty and cheap. The Indian placed in this position, and well cared for as far as his physical needs are involved, would be harmless and unharmed, and, so far as his tribe is concerned, wars and atrocities would cease. One after another of the Indian tribes, as necessity demanded, should be treated in like manner, and the first and most important result would be secured completely. There would be no need for a large quantity of land to be assigned to any tribe, since it is not proposed that the Indian shall continue to lead his wild life, but that he shall, as far as possible, assimilate himself to his white neighbor. It may be objected that such a system would involve large expense for purchase of land and for the transfer of the Indians to it. But whatever the expense, which certainly would not be so large as we now incur, it would be but a small fraction of the value of the lands we become possessed of, and probably would be actually less than we now pay for the same land in driblets. The great trouble in the first place lies in getting a tribe together to transfer to a reservation. The cost of getting the Indian to it, under proper management, is trifling in comparison with the expense of keeping him at remote points, where articles of actual necessity become through cost of transportation expensive luxuries. With the removal of every tribe comes also the removal of considerable military force to points where its cost also would be greatly decreased. In this manner one tribe of Indians after another would disappear from the frontier and the expensive military establishment of necessity kept up near them would also cease to exist.

The second suggestion I shall make relates to the civilization of the Indian and his conversion to Christianity. However the capacity of the Indian in this direction be determined from the scientific stand-point, it is certain and it is right that this people should deal with it from the sentimental point of view, and should make the earnest and honest effort to civilize him, whatever may be the result. Whatever theory, also, scientists may hold concerning the fitness or the unfitness of a race so distinct to partake and become a part of the civilization of the white race, it remains to be said that the Indian has not yet had the chance to test it practically. No man possessed of ordinary common sense would imagine that it was reasonable to expect that his children should become worthy men and women were he to place them in the surroundings to which we have forced the Indian, and subject them to such influences as afflict him every day of his life. The condition which I have described as essential to his own security from want and violence, and to that of the whites also, appears to me precisely the most favorable to civilize the Indian, and where we may, at least, make a hopeful attempt in this direction.

Having a good and careful business man to regulate his business affairs so that he shall not suffer, I suggest that through the agency of teachers, both religious and secular, an earnest and consistent effort be made to instruct the Indian in all matters conducive to his moral advancement and to his acquisition of the methods and industries which characterize the civilized races among whom he is placed. If the Indian prove capable of becoming a part of our population, pursuing the same avocations and restrained by the same influences, we shall have accomplished a great and beneficent work. If, however, he be unable to profit by the opportunity, and, as a necessary consequence, disappear from among us, we at least shall not be in fault, but must accept the melancholy result as the unavoidable failure of an honest and earnest effort to do right in the right way. Nothing then will be left us except to care for him as he is, and, as far as possible, smooth his pathway to inevitable extinction. If God indeed will it that the once populous Indian race—our predecessors on this continent—shall shrivel up and disappear before us, let it at least be truly said that we, a Christian people, played our part in its melancholy history and awaited its final obsequies as mourners, and not as executioners.

Mr. CLARK, of Missouri. I ask to have read a letter from Colonel W. B. Hazen, United States Army, to General BANNING, chairman of the Committee on Military Affairs. The letter is written by one of the most experienced and intelligent officers of the Army, having been in active service on the frontier for twenty years past, and is now absent in Europe by order of the President of the United States to examine into and report upon the military establishments of Russia and Turkey. His views are disinterested, formed after years of experience and intelligent observation, and it seems to me ought to have great weight in deciding the question of the transfer of the Indian Bureau, controlled as it now is by corrupt and trafficking agents, to officers of the Army, who ought to have the pride as well as honesty to administer Indian affairs for the greatest good of the Indian and the Government.

The Clerk read as follows:

In reply to your inquiry, "Could the Indian Bureau be advantageously transferred to the War Department?" I would respectfully say it could; for the following reasons:

First. It would secure honest administration, and, hence, an immense annual saving of money to the United States. From twenty years' service in the Indian country and its vicinity, and a very extended observation of Indian administration, I am entirely convinced that Indian appropriations are not, as a rule, honestly disbursed, nor do I believe, owing to the entire centralization of this administration in Washington, so far from the Indian country, that it is possible to administer honestly, except by the well-tried and positive means of military control, because the

difficulties in the way of civil management are so many and strong. At present, owing to the causes before mentioned, it is impracticable and almost impossible to get evidences of these frauds, such as courts would require to convict. In this connection, and to more thoroughly elucidate, I call special attention to what I have personally known and witnessed, in a paper accompanying, marked "A." The facts there given are in every case accurately stated, but would at the same time be difficult to substantiate before a court. The cases there narrated are but a few examples of similar ones that come often to the notice of the Army when near Indian reservations.

I do not claim that officers of the Army differ from other people, only in this, that in their positions they cannot afford to be dishonest. Their administration of Indian affairs would be more economical. Food would be issued only when needed, while it is now issued frequently when not needed, particularly the flour ration, which is then sold to the Indian trader for a mere trifle, and again turned over on the Indian contract.

Second. It would insure the constant attention of the officers of the bureau to their duties, while now the agents spend much of their time away from their posts.

Third. The Indian service would then be susceptible of being organized with a continuous plan, which would at last be understood by the Indians, and be followed by success; while now all plans and systems are changed, and pledges violated, with each change of administration, thereby destroying the Indian's confidence in the Government, while the Government is led to enact the farce (*vide* the case of the Comanches and Kiowas) of sending commissioners and treating a half-dozen times for the same terms, each treaty to be violated by the Indians as soon as made.

Fourth. It would furnish the Indian service with a class of men acquainted with Indians and their affairs, in place of men who, from want of experience, are incapable of dealing with them, as is often the case under the present system.

Fifth. By placing the entire control of Indian affairs with the military arm, Indian troubles could often be checked in their incipiency, where now it is only called in when it can do nothing but fight.

Sixth. The Indians would be controlled, instead of controlling their agents as they now usually do.

In fact, it will place them with the only branch of the Government which can at all times keep control of them. Whenever the desire of Indians to be separated from soldiers is manifest it invariably arises from their wish to govern their agents. The great peril and absence of glory of Indian wars would always be a great incentive with the Army to prevent them.

Seventh. The great tendency of agents to become possessed of choice Indian lands would also be prevented. This was the main cause of the Modoc war; and at the present writing Agent Pease, formerly with the Crows, is located in a stockade at the mouth of the Big Horn River, calling for a military post and protection against Indians, he having become interested there while Indian agent.

Eighth. It would save the cost to the United States of the present civil servants of the Indian service.

Ninth. By being under the continuous control and direction of a permanent body of intelligent men the instruction of the Indians in agriculture, stock-raising, and all the civilizing arts would become a strong and active sentiment with the Army; and not, as now, subject to the caprice of a stranger every four years, who has spent much of his term of office before he comprehends the real needs of his wards.

Their control would become in a measure patriarchal, which is the natural government of all barbarous people. The main cause of the little progress now made is that, from the rotating system of civil office in our highly civilized republican Government, everything is frittered away in beginning, and nothing is ever completed.

Respectfully submitted.

W. B. HAZEN,
Colonel Sixth Infantry, Brevet Major-General.

Hon. H. B. BANNING,
Chairman of the House Military Committee.

Mr. HASKELL. I am opposed to the transfer of the Indian Bureau to the War Department. I am not surprised, however, that every military man who has made a report on this subject, every officer of the Army that has been quoted here is in favor of this amendment. They all know that an attack has been made upon the Army in the hope of reducing the number of officers. It is very natural that they should advocate a measure which would provide places for forty or fifty superannuated officers or officers who are without active employment in the service to-day.

I tell you that this proposition is not for the purpose of administering affairs in a single bureau of the Government. It does not by its terms provide simply a method of distributing stores and supplies. But at one fell swoop it proposes an entire abandonment of that policy which has worked so well for the control of these Indians; that is, the absolute peace policy. And it proposes that the Indians shall be taught the arts of peace, shall be taught to turn their spears into pruning hooks, by men bred to the art of war, by men who beat pruning hooks into spears. Will this civilize the Indians? Will this the better fit him for citizenship? Will this tend to prepare him for self-government? Will this hasten the day when this Territory will be fit for a territorial government? Will this increase his love for the white man and the white man's institutions?

I deny that in the great Indian Territory, where more tribes in number are congregated than in any other given area of this country devoted to Indian reservations—I deny that any of these Indians have left their reservation and wandered off for the purpose of pillaging neighboring settlements. There has been but one instance of the kind for ten years past. And even when the Osages left their agency at that time, their chiefs and many of the settlers declared that the first trouble arose from a hunting party being fired upon by the militia; a hunting party that was not out for the purpose of war. Whichever statement is true is of little moment here. It is the only instance of the kind.

What is it that you propose to do? Instead of placing men among the Indians who are skilled in the arts of peace so that they may be able to teach those arts to the Indians, instead of giving them schools, and providing agents who will go among them unarmed, you propose to send down there as agents men who for thirty years have been fighting these Indians on the plains. We are at peace with them now; why make any change in our policy. If any man can suggest changes in addition for the better, do it, and let Congress order such changes at once, right wrongs, detect frauds, remedy defective methods, but do not change the general outlines of a policy that has brought peace to at least my State and protection and a sense of safety to my people. I dare not advocate such a change as this and run the risk of another outbreak similar to the horrors of the Minnesota Indian war. Suppose, for instance, that you send these old Army officers into the Kiowa agency; suppose you send these Army officers whom the friends of Santanta, Yellow Bear, Satauk, and others of the head men of that tribe recognize at once as the Army men who have flogged them all over the plains. Will you tell me that that will be in the interest of peace and harmony? No, Mr. Chairman; I tell you that in the proportion that intelligence is possessed by the Indians as compared with the white man, in that proportion will they feel keenly and resent military control; and the cry will come up from these Indian tribes against military supervision, and it will be as strong and as defiant as the cry which came up from the Southern States to take away the bayonets from their territory. You cannot deal with them in that way. Agent Haworth, who for five years has had control of the Kiowa nation, has been in charge of them ever since they were put upon their present reservation, told me the other day in an ante-room of this House, that he had never had a cross word from one of them in all the time that he had been there. He said that but one complaint had ever come to him from an Indian in regard to their treatment, and the next day that same Indian came to him and took back the charge and asked the agent to dig a hole and bury it that it might be forgotten.

I tell you, gentlemen, that I cannot stand here representing the people of a State on the border of this Indian Territory and not enter my solemn protest against a movement which as surely as the sun shall rise to-morrow will corroborate the statement of the gentleman from New York, [Mr. COX,] that the members of the House will one day repent and bitterly repent their action in this matter.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCALES. Mr. Chairman, of course, it is not to be expected that much can be said on a subject of this importance in five minutes. I regret exceedingly the view that my friend from Georgia [Mr. STEPHENS] has taken of this matter. I think that in his speech there is an admission that he has not given the subject much attention. I am sure if he had given it the attention which it deserves he would have come to a very different conclusion in regard to the policy and duty of the Government to the Indians. I, in common with the entire country, have much veneration for him and the highest respect for his opinion, but his error in this matter, to me at least, is manifest.

Mr. STEPHENS, of Georgia. Will the gentleman allow me to interrupt him a moment?

Mr. SCALES. I have but five minutes.

Mr. STEPHENS, of Georgia. And I want but one.

Mr. SCALES. I cannot yield.

Mr. STEPHENS, of Georgia. I want to correct an error of the gentleman.

Mr. SCALES. Very well.

Mr. STEPHENS, of Georgia. I said that I had not read the arguments which had been made here on this subject; but I have given a vast deal of attention to the subject.

Mr. SCALES. However that may be, the gentleman said we must not take a step backward, that we must let well enough alone. I judged from that that my friend had not given much attention to the subject.

What is the condition of these Indian tribes now? They have advanced but little, if any, in twenty years. What is the character of the system which has been provided by the Government for bringing about their civilization and education? It had its origin in the best motives and purest intentions, but the system now in use is covered all over with fraud; the whole country throughout its length and breadth has lost all confidence in it; its agents are corrupt and the Indians are swindled; suspicion of fraud and venality covers every effort and taints every action looking to the advancement of the Indians, and stands in the way of success. The reports of your committees and peace commissions sent out for investigations, as well as the whole history of Indian civilization in the last twenty-five years, show the system cannot be carried out without fraud and is an entire failure.

Not only so, but the Army of which gentlemen manifest such holy horror is now near the reservations to keep in subjection the Indians. Gentlemen talk about the Army, and about the injurious influence of the Army upon the Indians. Do they forget the fact that the Army is there now? Do they forget the fact, of much importance in considering this question, that you cannot maintain an agency among any of these wild tribes a day without the Army? You must have it, and dare not take it away; if you do your system tumbles for the want of support. This begets a divided jurisdiction. Two-thirds if not three-fourths of the Army are kept from year to year on or near these reservations, and that is about the only use you now have for them. They are paid for this service, and must be always on hand in an emergency. The Indians must see and, if necessary, must feel your power. Why not then turn the whole thing over to them and save money and fix responsibility?

As long as the Indians are quiet and will starve and be swindled without resistance the agent has absolute and almost unlimited con-

trol. But when flesh and blood can endure no more they leave their reservation, defy their agent, and of necessity are turned over to the Army. It is sometimes exceedingly difficult to mark where one jurisdiction begins and the other ends. And then there is a divided responsibility and it is difficult to fix it. The agent will blame the Army and the Army the agent. This should and must cease. You cannot do without the Army; no one will dare assert it; but you can do without the agent. If you would have one jurisdiction and one responsibility, then you must either put the Army under the Interior Department, or put the Indians in the care of the War Department. Certainly no one can hesitate which ought to be done.

We do not mean, we do not want war with this race; in God's name let us have peace, and to have peace we must have one responsibility. It must be undivided, and this must be in the War Department. We will then as now call to our aid all the religious denominations. We will invoke the press, the pulpit, the schools, the mechanics, and the agriculturists, and all else which may promote success. But we want a religion and a gospel of their own choice. Now it is not so. Now they take such religion as you send them. Then we will open the doors wide to all and bid all God speed in this great work. Now there is no religious liberty. Then there will be the largest liberty and this great principle of the Constitution secured even to the poor Indian.

The tide of emigration flows irresistibly to the West. It finds its way to the reservations in search of wealth and adventure. You cannot stay this tide; it will flow on; it will and does often come in conflict with the Indians, and this often produces wars and bloodshed. We must protect both in their rights, and to do this effectually we must have the Army.

My friend from New York [Mr. COX] says we must take the responsibility. I gladly accept it. I have given much consideration to this question. When I entered Congress I was opposed to this transfer, but my investigation led me to favor it and in the interest of the Indian and the country I accept it, and as long as I have a seat on this floor it shall be my earnest, untiring, persistent effort to promote the good of these Indians, and in my view it can be done only by a change and by some such bill as this. Those who assert that the Army has been mainly instrumental in bringing on Indian wars are laboring under a sad mistake. While the Indians are at peace they are under the charge of the agents; when they leave the reservation and commence hostilities, then they are turned over to the Army. Bad white men and unfaithful agents bring on the wars and the Army is made responsible. Since what is falsely called the peace policy has been established, disturbances and wars with the Indians have increased in number, violence, and cost.

The entire cost of the War Department for eleven years prior to the transfer to the Interior Department, leaving out the time between 1845 and 1849 because of the Mexican war, was $80,716,086.74. While from 1850 to 1860, eleven years since the transfer, the whole expense of the War Department was $168,079,707.57. In all this time we had no wars save Indian wars, and this proves beyond all controversy that we can best promote peace and economy by the transfer. For ten years prior to 1849, the time when the Interior took charge of the Indians, the Indian Bureau cost $17,611,837.98. From 1850 to 1860 it cost $34,169,799.82. From 1870 to 1876 it cost $44,303,332. This showing, in point of economy, is certainly in favor of the Army.

The board of Indian commissioners, in their report, institute a comparison between the years 1868 and 1877 in order to show the great progress made by the Indians toward civilized life. This comparison proves nothing. It is neither candid nor reliable. This report gives the number of houses in 1868 occupied by the Indians at 7,476; in 1877, 22,199; while in 1866 the number of houses was 8,639, showing that between 1866 and 1868 they had retrograded or fallen off in houses over 1,100. Bushels of corn raised in 1868, 467,363; and yet in 1866 they raised 821,569 bushels, over 300,000 more in 1866 than in 1868. Sheep raised in 1868, 2,683; in 1866, 14,244. In two years they had lost over 11,000. And just here I ask that the table, which I append, be printed as a part of my remarks.

These statistics show how utterly worthless and unreliable are all the reports we get from this bureau. They must in many instances be false, and it makes no difference whether from ignorance or design. They are interested in sustaining the bureau, and it is fair to infer that such a statement is founded upon ignorance rather than design, inasmuch as the statement proves that the Indians are retrograding rather than advancing. But there is no certainty in these figures, and I am forced to the conviction that all their reports are worthless and that we learn from them nothing of the true inward working of the system. Then, sir, let us get rid of it. It has already cost us and the Indians that which it will take years to recover.

Statement showing the progress of the Indians in civilization from 1871 *to* 1877, *inclusive.*

Years.	No. of acres cultivated by Indians during the year.	No. of acres broken by Indians.	No. of acres under fence.	Rods of fence during the year.	No. of Indians employed in agriculture.	Bushels of wheat.	Bushels of corn.	Bushels of vegetables, worth—	Tons of hay cut.	Horses and mules.	Cattle.	Hogs.	Sheep.	Feet of lumber sawed.	Scholars—male and female.	Teachers.	Schools.	Houses occupied.	No. houses built.
1871	131,971	.....	.....	.....	.....	89,839	3,617,359	$57,304	25,717	107,931	75,875	190,246	9,241	.....	.....	.....	.....	.....	.....
1872	273,759	.....	.....	.....	.....	265,965	6,894,716	42,151	46,670	101,530	102,432	381,090	120,045	.....	.....	.....	.....	.....	.....
1873	297,675	34,218	.....	573,982	.....	288,306	1,802,801	405,548	161,543	224,400	354,462	449,579	214,313	9,139,667	.....	.....	.....	17,678	.....
1874	317,213	26,779	63,156	598,188	43,963	269,215	1,720,765	346,919	160,082	336,936	329,602	443,963	144,408	8,702,977	10,958	407	345	18,179	1,017
1875	329,327	40,245	127,555	608,834	16,732	329,313	2,637,365	445,164	163,935	331,043	374,388	439,634	231,816	8,785,835	10,501	418	329	19,902	733
1876	318,194	28,253	.....	73,788	26,873	463,054	2,229,463	278,049	13,215	310,043	811,308	214,076	447,295	11,139,247	11,328	437	344	55,717	1,762
1877	292,550	19,747	.....	97,175	26,894	688,278	4,656,952	556,975	148,473	216,286	217,883	121,358	587,444	2,885,856	11,515	437	336	.....	.....

Mr. BRAGG. I desire to offer an amendment.

The CHAIRMAN. The time allowed by order of the House for discussion upon this amendment has now expired. It will be in order to offer amendments but not to discuss them.

Mr. BRAGG. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of third paragraph down to and including the word "Army" in the thirteenth line of said paragraph, and insert: "The commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in general charge of all Indian tribes in their respective departments. And the officer in command of any military division of the Army in which Indian tribes are located or living shall have *ex officio* the immediate charge and control of all such Indians in his military division. The annuities to be paid to any Indians and the supplies to be furnished and issued to them shall be paid by and issued through the Quartermaster's Department and the Subsistence department of the Army, under such regulations and restrictions as the Secretary of War, with the approval of the President, shall prescribe."

Mr. SCALES. I understand no debate is in order?

The CHAIRMAN. Debate is not in order.

Mr. SCALES. I would like to say that this bill has been considered by the Indian Committee and I hope it will pass as presented.

The CHAIRMAN. The Clerk will report the words which the amendment of the gentleman from Wisconsin proposes to strike out.

The Clerk read as follows:

That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army serving in their commands or on the retired list as may be necessary from time to time to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army.

Mr. BRAGG. May I state the object of this amendment?

The CHAIRMAN. If there is no objection the Chair will hear the gentleman.

Mr. SCALES and others objected to debate.

The amendment was not agreed to.

Mr. PHILLIPS. I move to amend the amendment of the gentleman from North Carolina [Mr. SCALES] by adding thereto the following:

Provided, That nothing herein shall be construed as impairing the binding force of any treaty stipulations or interfering with the government or present rights of any tribe, and that all payments now required to be made under existing law with any tribe or tribes shall be so paid by the Secretary of War instead of the Secretary of the Interior.

I hope the gentleman from North Carolina will accept this amendment.

Mr. SCALES. I have no right to accept any amendment. I do not see any objection to this, nor do I see any reason for it. I think the point is sufficiently covered in the amendment I have offered.

The question being taken on agreeing to the amendment of Mr. PHILLIPS, there were—ayes 46, noes 81; no quorum voting.

Tellers were ordered; and Mr. PHILLIPS and Mr. SCALES were appointed.

The committee divided; and the tellers reported—ayes 60, noes 86.

So the amendment was not agreed to.

Mr. PATTERSON, of New York. I desire to offer an amendment to exclude from the operation of this provision the Indians of the State of New York. A large number of Indians residing within the bounds of my district——

Mr. SCALES. Is debate in order?

The CHAIRMAN. Debate is not in order.

Mr. PATTERSON, of New York. Then I will not say anything more, but will offer my amendment.

The Clerk read the amendment, as follows:

But nothing herein contained shall apply to any of the tribes of Indians in the State of New York or to any money or property belonging to them in charge of the Interior Department.

The amendment was not agreed to.

Mr. WILLIAMS, of Oregon. I move to amend by striking out so much of the amendment as provides for the assignment of officers from the retired list to the discharge of this duty. The words I propose to strike out are the following, in lines 6 and 7 of the third paragraph of the amendment: "or on the retired list."

The amendment was not agreed to.

Mr. PHILLIPS. I move to amend by striking out, in the third paragraph of the amendment, the words, "shall, subject to the approval of," and inserting "the."

Mr. SCALES. I do not understand the bearing of this amendment.

Mr. PHILLIPS. It will leave the assignments with the Secretary of War instead of the officers commanding the departments. The amendment of the gentleman from North Carolina gives these assignments to the local officers; this will confine them to the Secretary of War.

The amendment was not agreed to.

Mr. WILLIAMS, of Oregon. I move to amend the amendment by adding thereto the following:

Provided, That the provisions of this act shall not apply to any Indians now upon the reservations under treaty with the United States.

The amendment was not agreed to.

Mr. RYAN. I move to amend the amendment by adding thereto the following:

Provided, That the provisions of this act shall not apply to the Indian Territory nor to any Indians that may be located therein.

The amendment was not agreed to, there being ayes 16, noes not counted.

Mr. BRAGG. I move to amend the amendment by striking out, after the word "law" in the fourth line of the fourth paragraph, the following:

And its provisions shall be applicable to officers on the retired list of the Army, who, when on such duty, shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

The amendment was not agreed to.

The question being taken on the amendment of Mr. SCALES, there were—ayes 103, noes 96.

Mr. HASKELL called for tellers.

Tellers were ordered; and Mr. SCALES and Mr. HASKELL were appointed.

The committee divided; and the tellers reported—ayes 113, noes 107.

So the amendment was adopted.

Mr. BRAGG. Would it be in order for me to give notice that in the House I shall call the yeas and nays on this amendment?

The CHAIRMAN. In the House any gentleman will have the right to call the yeas and nays on any amendment. It will be for the House to decide whether the yeas and nays shall be ordered.

Mr. KNOTT. I move to amend by inserting the following as an additional section:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise under the pretext or for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

Mr. GARFIELD. Mr. Chairman, I make the point of order that this is new legislation and does not come within the rules permitting amendments to appropriation bills.

Mr. KNOTT. I would be obliged to the gentleman from Ohio if he would state the grounds upon which he makes his point of order.

Mr. GARFIELD. Nakedly, upon the ground that it is a change of law without any retrenchment in it, and therefore against the rules.

Mr. KNOTT. What law does it change?

Mr. GARFIELD. The burden is on the gentleman to show it is in accordance with law, as I have made the point of order upon it.

Mr. KNOTT. Will the gentleman state what law it changes, as he makes the point of order that it changes the law?

Mr. GARFIELD. It imposes a new penalty; it makes a new penitentiary offense rather than new provision; it puts the command of the Army into the hands of the Congress as well as various other changes.

Mr. KNOTT. Here is the rule, Mr. Chairman, under which the gentleman makes his point of order:

Nor shall any provision in any bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures.

Now, I presume the gentleman will not pretend this amendment is not germane to the subject-matter of the bill. The only question then remaining is whether it tends to retrench expenditures. I presume it is not necessary for me to say to a gentleman of the acknowledged military experience of the gentleman from Ohio that the movement of a detachment of troops for any purpose must necessarily be attended with expense. There can be no doubt about that; and the object of the amendment is, should any officer of the Army disregard this provision and provide payment out of moneys appropriated here of any expense incurred in violation of law, he shall be liable to this penalty. Even without this amendment it will be unlawful for an officer of the United States to use any portion of troops under the pretext of enforcing the law unless he is expressly authorized so to do by an act of Congress. In my humble opinion, Mr. Chairman, the amendment comes strictly within the very words of the rule and is certainly within its spirit.

Mr. GARFIELD. I will simply say if what the gentleman has now said be true it would be against the law as it now stands. In addition he has put in a provision requiring conviction, prosecution, and imprisonment of people, which would certainly incur expense. So all this does that is new, according to the gentleman's own statement, is to create expense of trial, conviction, and cost of imprisonment, and therefore is against retrenchment instead of being in favor of it.

Mr. KNOTT. The conviction of an officer violating the law will not inflict additional expense to the Government. I suppose the gentleman understands upon conviction the party convicted pays the cost as well as the penalty prescribed. And moreover, sir, so far as the vindicatory part of this amendment is concerned, I wish to say I am tired of congressional action without penal sanction. Without a sanction of this kind, sir, any provision we might make here would be a mere *brutum fulmen*, and if we undertake to say this thing shall not be done which is now unlawful it is evident we should say, "if you violate this you shall pay a certain penalty." No harm can come to any one by such a provision.

Mr. HOOKER. Mr. Chairman, I think the same point of order now made by the gentleman from Ohio to the amendment of the gentleman from Kentucky was made in the Forty-fourth Congress when a similar provision was moved in regard to the uses which should be made of the Army, and it was overruled. And at the extra session, when the Army bill was then under consideration, I had the honor to offer an amendment to the bill in substance the same as the amendment now offered by the gentleman from Kentucky, which had for its office and its object precisely the same purpose as my amendment now has, to enable the legislative department of the Government alone to say in what mode and manner the Army raised, equipped, provisioned, and paid by the legislative department of the Government according to the provisions of law shall be used. And it is a safe interdict at all events to place on those who have the Army under command to say that the legislative department of the Government, which creates it, which regulates its numbers, which provisions and equips it, shall direct in what manner it shall be used, or at all events shall put an interdict on its use by officers in any manner inconsistent with the purpose expressed in the law. I take it for granted this is all the amendment of the gentleman from Kentucky proposes to do; and I think in the Forty-fourth Congress that amendment was attached to the Army bill and defeated it. In the extra session of this Congress, when that amendment was offered, the point of order was overruled and it was not considered liable to the objection now urged by the gentleman from Ohio.

Mr. GARFIELD. Now let us have the decision.

Mr. BURCHARD. I wish to say there is no such ruling as the gentleman refers to in the Forty-fourth Congress.

Mr. HOOKER. What do you say?

Mr. BURCHARD. That there was no point of order in the Forty-fourth Congress.

Mr. HOOKER. I am sure there was one in the extra session of this Congress.

The CHAIRMAN. Will the gentleman from Mississippi direct the attention of the Chair to any decision on this question heretofore?

Mr. HOOKER. I have sent for the Journals.

Mr. GARFIELD. There was no such ruling.

Mr. LAPHAM. My recollection is that the amendment offered by the gentleman from Mississippi [Mr. HOOKER] was voted on and rejected.

Mr. ATKINS. In the Thirty-fourth Congress a similar amendment was offered to the Army appropriation bill and was adopted. It was stricken out in the Senate, but passed in the House of Representatives.

Mr. HARRIS, of Virginia. I think in the cases which have been referred to the amendment was that no money appropriated by the bill should be paid under the circumstances indicated, but no penalty was prescribed.

Mr. KNOTT. Do I understand the gentleman from Virginia to hold that it is incompetent for Congress to say a certain penalty shall be incurred for violating an enactment?

Mr. HARRIS, of Virginia. I am expressing no opinion whatever as to the question before the committee; I am merely giving my recollection of the character of the amendment on which the Chair has heretofore ruled. I think all the amendments of this nature to appropriation bills simply directed that none of the money appropriated should be applied to pay for the Army being used at elections, &c.

Mr. KNOTT. I desire to say the precise point is this: whether the House can say that no part of the money appropriated by this bill

shall be used for the purposes contemplated in the bill. If it is competent for the House to put on an amendment of that kind, it is certainly competent to make that amendment effective by attaching a penalty to its violation. No lawyer can doubt that. It is idle for us to say you shall not do this thing unless we affix to our mandate a penalty for its violation. And if we have a right to prescribe how the money is to be used, we have an equal right to prescribe a penalty for its misappropriation.

Mr. CONGER. Then if you have a right to affix a penalty you have a right to provide a court with which to try the charge; you have a right to institute a tribunal and all its paraphernalia. If you have a right on an appropriation bill to change the law and make a penal law prescribing imprisonments and fines, you have a right to establish the tribunal to whom the charges of violation of the law shall be referred.

This is a military offense. You may say it shall not go to a court-martial, but that there shall be a special tribunal in one or more of the military departments. I submit to the Chair that if the reason assigned by the gentleman from Kentucky is good for anything it must run clear through; it must run throughout all the remedies which may be proposed, which is absurd.

The CHAIRMAN. The Chair has asked for previous rulings on this subject if such rulings have been made. No gentleman has yet furnished him with such rulings.

Mr. RANDOLPH. I have a very distinct recollection that the amendment offered by the gentleman from Mississippi in the extra session of this Congress was voted down in the House, only about thirty members voting for it; and no point of order was made upon it.

Mr. HALE. I desire to say the recollection of the gentleman from Virginia [Mr. HARRIS] is correct. In previous cases the amendment has been offered in such a form that it was not subject to the point of order. It was simply a limitation of the appropriation in the bill to certain uses; a practice long recognized and sustained by many chairmen and Speakers and so well established that no point of order could be raised. But the gentleman from Kentucky has not contented himself with that; he goes further and seeks to legislate beyond that mere limitation. That is the trouble with the amendment. The Chair will find no ruling that covers this point.

Mr. BANKS. According to my understanding of this amendment, it takes from the President the power that is expressly given to him by the Constitution, in providing he shall not use the Army for the purpose of keeping the peace, unless authorized by act of Congress. It cannot be in order to introduce legislation of that character.

Mr. COX, of New York. I call for the reading of the amendment.

The amendment was again read.

Mr. COX, of New York. I find in the Journal of the Thirty-fourth Congress, first session, on the 29th of July, 1856, certain amendments reported with the Army appropriation bill by the Committee of the Whole to the House. Of these the first amendment provided that—

No part of the military force of the United States shall be employed in aid of their enforcement—

That is, the enforcement of the laws enacted by a body claiming to be the territorial Legislature of Kansas—

nor shall any citizen of Kansas be required, under these provisions, to act as part of the *posse comitatus* of any officer acting as marshal or sheriff in said Territory.

No point of order was made.

The third amendment was even more express; it provided—

That no part of the military force of the United States herein provided for shall be employed in aid of the enforcement of the enactments of the alleged Legislative Assembly of the Territory of Kansas, &c.

These various amendments were offered by gentlemen who were then on the republican side of the House, and no question was made then of the power of the House to direct the use of the military force as the House chose.

Mr. HALE. Those were merely limitations on the appropriation.

Mr. COX, of New York. Limitations and directions.

Mr. HALE. Limitations of expenditure and nothing more. There was no penalty, no legislation.

Mr. COX, of New York. It was distinctly declared that the military force should not be used for such and such purposes.

Mr. BURCHARD. The gentleman from New York knows that an amendment without objection makes no precedent.

Mr. COX, of New York. I have heard that side of the House frequently quote such things as precedents.

Mr. BURCHARD. When an amendment is offered to which no objection is made then it establishes no precedent, the point of order not having been raised.

Mr. COX, of New York. I would prefer to have a precedent made after objection. But when precedents are made by such eminent men as those who started the republican party, the men who gave the very first impulse, the glorious impulse to the formation of the republican party, I think it is a strong precedent against the gentlemen on the other side now.

The CHAIRMAN. The Chair will rule upon the point of order. That part of this amendment which provides that no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section, and that any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and that part of it which provides that no part of the money appropriated shall be paid to persons used as a *posse comitatus* for the purpose of executing the laws, except in such cases as Congress may provide, is clearly a limitation upon the appropriation, and such amendments have heretofore been held to be within the rule. The first portion of this section merely recites what is the existing law as appears from the face of the amendment, and it is therefore but a re-enactment of what the law now is, and the Chair is of the opinion that that portion of the section is clearly within the rules. As to the latter portion of the proposed section, the Chair is in some doubt as to whether it is within the rule; but as this kind of legislation in appropriation bills has been customary heretofore the Chair will not take the responsibility of ruling it out, but will submit the section to the committee.

Mr. KNOTT. Mr. Chairman, I do not rise for the purpose of attempting an argument in five minutes about the danger or impropriety of using the military arm of this Government for any purpose not expressly authorized by congressional enactment. I simply desire to call the attention of the House to the fact that Congress has heretofore undertaken to prescribe the circumstances under which the military arm of the Government may be invoked for enforcing the civil laws. In order to carry out the fourth section of the fourth article of the Constitution, title 69 of the Revised Statutes has been enacted and in addition to this the civil arm of the Government is authorized to call to its aid the military power in the enforcement of what is known as the civil-rights bill and the enforcement of the collection of the customs, and also to enforce the removal of vessels from our ports when they are there in violation of our neutrality.

Congress has therefore undertaken to say in what manner the civil power shall be served by the ministerial officers of our military force.

Mr. CONGER. I rise to a point of order. I submit that the gentleman from Kentucky is discussing the merits of his amendment, and I understood that the Chair said he would submit to the House the point of order.

The CHAIRMAN. The Chair said that he would submit the section to the committee.

Mr. CONGER. I understood the Chair to say that he would submit the point of order.

Mr. BURCHARD. Then the Chair overrules the point of order.

Mr. GARFIELD. I did not understand the Chair to say that, because if he did then he made no ruling upon the question as to that part of the amendment which relates to penalties.

The CHAIRMAN. The Chair stated that he would not sustain the point of order, and would submit the question to the committee.

Mr. BURCHARD. Does the Chair overrule the point of order?

The CHAIRMAN. That is the effect of the decision of the Chair.

Mr. ALDRICH. I did not have any such understanding, and I was listening closely to what the Chair said. My understanding was that the point of order should be submitted to the House.

Mr. KNOTT. I understood that the Chair had overruled the point of order.

Mr. GARFIELD. He did not say so.

Mr. KNOTT. I understood that I was recognized by the Chair to speak to the merits of the amendment, and I do not understand by what authority gentlemen rise and take me off the floor in such a summary way.

Mr. GARFIELD. It is not a summary way at all. I do not think that any gentleman upon this side of the House understood the Chair to overrule the point of order; we understood that he said that he would submit it to the House, and therefore it was that I arose to inquire as to whether the penalties provided for in this be in order. Let us know that. That is all I want. Let us have a ruling from the Chair.

The CHAIRMAN. The Chair expressed a doubt as to whether a portion of this amendment was within the rule, but he also stated that he would construe the doubt in favor of the precedents heretofore sustained of allowing such sections to be added to these bills, and therefore the decision of the Chair substantially overruled the question of order and he then recognized the gentleman from Kentucky to discuss the merits of the proposed section.

Mr. KNOTT. Now, in reference to the enforcement of civil process. The Congress of the United States has made this provision, which is the only one that can be found upon our statute-books beyond what I have already alluded to:

Marshals and their deputies shall in each State have the same power in executing the laws of the United States as the sheriffs and their deputies in such States may have in executing the laws thereof.

There is the statutory provision.

The gentleman from Maryland [Mr. KIMMEL] laid this House and the country under obligation to him by calling attention in one of the most eloquent and able speeches to which I have ever listened on this floor to the fact that the Army of the United States has been used in a hundred instances under the pretext of enforcing the laws without one scintilla of authority to be found in any enactment of Congress; and further, to the manly and dignified protest of a distinguished and patriotic general of the United States Army against the continuance of so dangerous and pernicious a practice.

It occurred to me that now, when this country is in the enjoyment of profound peace, is a fitting time for us to say that this practice shall no longer continue; that the Army of the United States shall be amenable to the civil law; that it shall not be employed under the pretext of enforcing any law, unless authority is expressly con-

ferred by statutory enactment. And in making this provision, if we have authority to make it at all, it is eminently proper that we shall give it force by imposing penalties for its non-observance. I repeat, it is worse than idle for us to say that this or that thing shall not be done without saying that if it is done such and such a penalty shall be incurred.

Mr. PRIDEMORE. Will the gentleman allow me to ask him a question?

Mr. KNOTT. Certainly.

Mr. PRIDEMORE. Is this the effect of the amendment of the gentleman: that the penalties therein provided shall attach to all the officers and all the men who may be engaged in the execution or the prosecution of the alleged violation of the section? Is that the effect of his amendment?

Mr. KNOTT. The gentleman can put his own construction on the amendment at his leisure. My construction of it is this: that no officer of the United States Army is bound to obey an illegal order, I do not care from whom it emanates.

Mr. PRIDEMORE. Allow me another question, because I am seeking to ascertain what is the full force and purpose of the amendment. Is it not a universal principle of military law, and does it not come within the very oath of every officer and soldier, that he is bound to obey the orders of his superiors?

Mr. KNOTT. The lawful orders of his superiors.

Mr. PRIDEMORE. Is he allowed to determine whether they are lawful or not?

Mr. KNOTT. An officer is bound to obey only the lawful orders of his superiors, not an illegal order. If he has refused to obey a legal order he will be held guilty of disobedience.

As I have already said, it is time for the Congress of the United States to put a stop to the illegal use of the military arm of the Government under the pretext of enforcing the law of the land.

Mr. HALE. It is a remarkable thing in the present condition of the country that an attempt should be made to ingraft such a provision as this upon the Army appropriation bill. Do gentlemen on the other side, does the gentleman from Kentucky [Mr. KNOTT] offering the amendment, believe that there is any danger of executive action in the direction which his amendment seeks to prevent? Or is the amendment offered simply because in his party there is a chronic fear upon this subject, whatever may be the condition of affairs?

There is no danger that the President of the United States will use troops improperly. Now, upon the point of the record of the gentleman's own party in this matter allow me to say that if the gentleman had been for the last day or two delving in Floridian literature he would have found certain things there that would have been instructive to him. I send to the Clerk's desk to be read a copy of a telegram.

The Clerk read as follows:

LAKE CITY, FLORIDA, *November*, 1876.

General RUGER:

Can you not have troops at Tallahassee and Monticello, Florida, on election day. We desire them.

G. F. DREW,
Democratic Candidate for Governor.
S. PASCO,
Chairman Democratic State Committee.

Mr. HALE. It is amazing. We have been in the habit of seeing democratic governors, when the spirit of violence was abroad, and mob rule was imminent, sending to the President of the United States for troops to put down and suppress violence. We have been in the habit of seeing republican governors, when beleaguered in their States, sending formal calls under the Constitution to the President of the United States for help. But what kind of a democratic candidate for governor is this who sends before election day to the general commanding the military district and asks for troops to be sent there? What kind of a chairman of a democratic State committee is this who calls lustily for the intervention of the Federal power as represented by the Army of the United States to be present upon election day at important places in the State of Florida? What kind of democracy is this that calls for troops and expresses a desire for them, and when we get into the House seeks to incorporate upon an Army appropriation bill provisions forbidding the performance of the very duties which its own chieftains in the States in the recent presidential election have invoked and resorted to in order to obtain assistance?

Sir, the fact is that this amendment is not needed here in the least; it is not called for. Heretofore, as the dispatch which has been read proves, men in both political parties have requested the intervention of the General Government because they believed that violence in some way or other was impending and that the Federal arm should be interposed to arrest it, and that suffrage should be free.

We want no amendment that will prohibit the President of the United States, when in good faith either republican or democrat calls upon him, to see that the ægis of the General Government shall be extended over all the States, and to see to it that there are fair elections. There is no danger at all of the power being abused, and I think the gentleman from Kentucky [Mr. KNOTT] knows that as well as I do.

Mr. KNOTT. I have not been as much interested in Floridian literature as perhaps some other gentlemen on this floor may have been; consequently I have not delved in the archives which seem to have attracted the gentleman from Maine [Mr. HALE] within the last few days.

He asks me if I am afraid of the President of the United States, of the Executive. I am no more afraid of his violating the law in this regard than I am of any other officer of the United States Government. The amendment I propose is comprehensive. It reaches from the Commander-in-Chief down to the lowest officer in the Army who may presume to take upon himself to decide when he shall use the military force in violation of the law of the land. It is not only the Executive who has been guilty of using troops under circumstances not authorized by law, but officers of various grades. And it is to prevent a recurrence of this usurpation of authority by any grade of officers that this amendment is proposed. It is not a party question. It is a question that rises above party. It is a question that addresses itself to conservative men, whether upon the other side of the House or this.

There is no danger that this amendment, if enacted, will interfere with the protection of any citizen in the exercise of the elective franchise. If the gentleman had looked into the law, which he himself I believe took a prominent part in enacting, he would have found that provision is amply made for such contingencies as he proposes. The passage of this amendment will not interfere in the slightest degree with the enforcement of what is known as the civil-rights bill and the employment of troops in order to protect the elective franchise. Congress has provided for that by express statutory enactment; and when acting under the authority of that law no officer of the Army of course could be held guilty of violating the provisions of the amendment I have offered, because this amendment expressly excepts those cases and those circumstances in which troops are now authorized by any act of Congress to be employed in the enforcement of said law.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. PRIDEMORE. I move to amend the amendment by striking out the last word. I do not oppose the amendment of the gentleman from Kentucky [Mr. KNOTT] for the reasons indicated by the gentleman from Maine. I would be gratified if in discussing these matters some gentlemen on this floor would address themselves to the amendment without continually and upon every occasion bringing in the troops in Louisiana and the late presidential election. For one, I am heartily tired of it. But, sir, the amendment offered by the gentleman from Kentucky strikes me as impracticable in this: subordination is the very foundation of military affairs; and how would it be possible for a lieutenant of the Army, sent out with a detachment to do a certain thing—how would it be possible for him to look into the legality of the order which was given to him and to say, "I will not obey the general who has ordered me to do this thing?" Why, sir, such a thing as that would breed insubordination. Our officers and soldiers would have to study the civil law of the country in order to protect themselves from the severe and rigid penalties imposed upon the military branch of the Government. Our soldiers are not so fortunately situated as to be able to do this. I have always maintained, and I maintain now, that it is the duty of a subordinate military officer to obey the commands of his superior.

Mr. ELAM. Can any person in any position plead ignorance of the law in order to exempt him from the penalties attached to its violation?

Mr. PRIDEMORE. Why, sir, this amendment does not attempt that. It does not seek to provide punishment for any criminal offense; for the law is already abundant upon that subject. The law does not excuse any soldier or officer for committing a crime. He is as completely amenable to the law for any offense of that kind as he can be.

Mr. KNOTT. Suppose that a captain should order one of his lieutenants to go and burn down a citizen's house in time of peace, would the lieutenant be subject to indictment for arson?

Mr. PRIDEMORE. Certainly. Both those who gave and those who executed such an order would be liable to punishment, for it would be a violation of all law.

Mr. KNOTT. Then the gentleman concedes that there are cases where the military subordinate is not bound to obey the orders of his superior.

Mr. PRIDEMORE. Such a case as that comes within the purview of the criminal law. The criminal law excuses no man for offenses of that sort; every man is bound to take notice that they are crimes.

Mr. KNOTT. Does not this amendment make any violation of its provisions a misdemeanor?

Mr. PRIDEMORE. You make it penal for any military man to violate the civil law; you impose a penalty for anything done in violation of law. So far as regards crimes—murder, arson, or any other criminal offense known to our law—no soldier and no officer would be excused for the commission of such an act.

Mr. MAYHAM. Suppose that a captain should be ordered to take his men to a particular polling-place and to allow no persons but those of one political party to vote there; would not that be a violation of law?

Mr. PRIDEMORE. I say that the soldier could not stop to inquire as to the legality or illegality of such a thing; but the civil law of the country, the political power of the land, would declare such an election null and void and would secure the rights of the parties wronged by ordering a new election. That is exactly where the remedy is.

Then there is another consideration. The President, as Comman-

der-in-Chief, is not supposed to do these illegal things. It is not to be supposed that he is going to command his generals, and that his generals are going to command their subordinates, to do these unlawful acts.

A MEMBER. But suppose they do?

Mr. PRIDEMORE. Well, sir, I come from a section of country that has had as good reason to complain as any other; but I do not think the trouble has arisen at the hands of the soldiers, but rather with the political power exercised by men who have controlled perhaps a few soldiers.

Now, sir, this amendment would not be objectionable if it simply provided that any commanding officer who should order his soldiers to do an unlawful act should be held responsible.

[Here the hammer fell.]

Mr. PRIDEMORE I withdraw my *pro forma* amendment.

Mr. BURCHARD. I renew the amendment. Mr. Chairman, I can see no object in offering an amendment of this kind at the present time unless it is to cripple the civil administration of the Government in the prevention of violations of law. In some of the interior districts of the United States—the mountain regions—there are men engaged in illicit distillation. I do not know that there is in our internal-revenue law a provision (there may be such, but I do not call it to mind) which expressly declares that if there be resistance to an officer engaged in seizing an illicit distillery the soldiery of the United States may be used to assist the officers in the execution of the law. Now, this amendment provides that the soldiers shall not be used unless there is an express provision of law; I see that the words "expressly authorized" are emphasized in the amendment. It seems to me, as suggested by the gentleman from Virginia, [Mr. PRIDEMORE,] that the amendment, if adopted, would require a lieutenant, for instance, when ordered to use the soldiers under his command for a specific purpose, to go to a lawyer and inquire, "Is there an express provision of law authorizing this to be done?" He must do this before he dare obey, unless he is willing to incur a liability to the punishment here provided.

Why is there any necessity for ingrafting such a provision as this upon the Army appropriation bill at this time? It seems to me it can only have some such object as I have indicated; and therefore I hope the Committee of the Whole will not adopt the amendment.

Mr. SCHLEICHER. Is it in order to offer amendments to the proposed section;

The CHAIRMAN. It is.

Mr. SCHLEICHER. Then I offer the following amendment.

The Clerk read as follows:

Provided, That this section shall not apply on the Mexican border or in the execution of the neutrality law elsewhere on the national boundary line.

Mr. SCHLEICHER. Mr. Chairman, I will state to the committee that one of the great difficulties in the way of the efficient protection of the Mexican line and in the prevention of the robbery of cattle on that line is the absence of the power in the soldiers to inquire when they meet Mexicans driving cattle as to the business in which they are engaged.

Many of the owners of Texas cattle live in Mexico, and frequently men come over as employés of the Mexican owners. If they happen to meet a scout of soldiers, the soldiers are not bound to inquire whether they are robbers or employés. Consequently it has been the custom, as it was the only efficient mode of service, to send some civilian along as deputy sheriff, who had the right to find out and if necessary to assist in making the arrest. That would be completely broken up unless this amendment to the amendment is adopted.

The other matter about neutrality laws I do not care so much about, but I will suggest to gentlemen there may be, in the case of war between England and Russia, a necessity for such provision on the Canadian frontier and elsewhere; that the execution of the neutrality laws will make it necessary for civil officers to accompany the military.

Mr. HOOKER. Mr. Chairman, in answer to the objection which has been offered by the gentleman from Virginia [Mr. PRIDEMORE] to the amendment offered by the gentleman from Kentucky, [Mr. KNOTT,] it will be found that our laws now, as they exist upon the statute-books, provide penalties precisely like that provided in the amendment of the gentleman from Kentucky for violation of the law. They apply, of course, to the officer in command who issues the order to his troops in contravention of the law.

And the penalty objected to by the gentleman from Ohio [Mr. GARFIELD] as being attached to the violation of this law—the penalty provided in this amendment is no greater or severer than that provided in other cases. There is a law, for instance, upon the statute-book, often disregarded in these latter days, providing that no military or naval officer, or other person engaged in the military or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at places where any general or special election shall be held in any State, unless it be necessary to repel armed enemies of the United States or keep peace at the polls. A further provision of the statute prescribes penalties for violation of the law. Here is the section of the Revised Statutes:

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than $5,000 and suffer imprisonment at hard labor not less than three months nor more than five years.

So in reference to other existing laws upon the statute-book. The amendment of the gentleman from Kentucky simply proposes to affix a pecuniary penalty: to affix fine and imprisonment as penalty for violation of the law for use of the Army in contravention of existing law.

I have said, sir, at the extra session, with reference to this use of the Army at the polls, I had the honor to offer to the Army bill an amendment which looked to the prohibition of the exercise of functions by the President or any subordinate officer of the Army at the polls. On an occasion which transpired not long ago, when the Army was ordered to the polls, I called the attention of the Federal judge to the fact that the officer who issued the order and who compelled its execution was liable to the penalty prescribed by the statute. The Army, sir, is the Army of the people, in sympathy with it, created by it, and controlled by the legislation which the representatives of the people choose to enact in reference to its exercise.

And in answer to what has fallen from the gentleman from Maine, [Mr. HALE,] that there is no reason now to apprehend the present Executive of the United States will exercise the power with which he is invested under the Constitution and the laws, as they now exist, they use the permissive word "may"—the President of the United States may send troops in order to preserve the peace—and it ought to be put in the negative form, in an inhibitory manner, that he shall not do it unless he is called upon by the Legislature of a State while in session, and, in the absence of the Legislature, by the executive of the State, in the mode and manner prescribed by the Constitution. If there is safety in the provisions of the Constitution, if there was necessity for this in the fundamental law of the land in guarding this power at the hands of the Executive, why should it be objected to that there should be an inhibition expressed in plain and decided terms in the language of the law itself restraining him from the exercise of such power? I say no reason can be offered why it should not be expressed in the law in the very language in which the gentleman from Kentucky has expressed it, and the penalty he proposes to affix for violation of the law in this amendment is no greater than those already upon the statute-book for the use of the Army at election places in the States.

It was intended and designed by this constitutional provision and the laws which have been enacted in pursuance of it to give to the States and to the people of the States that freedom of election with which the Federal Government should never have any power to interfere. And whenever the Commander-in-Chief of the Army or any subordinate under him undertakes to use the Army in any portion of the United States in contravention of these statutes, then he properly falls under the penalty which the law affixes to its violation.

Mr. HANNA, Mr. MILLS, and Mr. LAPHAM rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HANNA. I desire to offer an amendment.

The CHAIRMAN. There is already pending an amendment in the second degree.

Mr. MILLS. If my colleague [Mr. SCHLEICHER] will withdraw the amendment I will renew it. Or the gentleman from New York [Mr. LAPHAM] can renew the amendment and I will reply to him.

Mr. SCHLEICHER. I withdraw the amendment.

Mr. LAPHAM. I renew it.

I must confess my surprise that the gentleman from Kentucky should seriously propose such an amendment as is embraced in the section he has offered at the present time and in the present condition of the country. If I understand the language of the amendment, there is something very peculiar in it as showing the state of mind of the gentleman from Kentucky. It says that the Army should not be used by the President under the pretense of enforcing the laws. I suppose if he honestly uses the Army to enforce the laws it would not be a violation of this section; but he must not do it furtively and deceitfully when the real purpose is not to enforce the law. That is the interpretation I give to the language employed.

But passing that it certainly is a very extraordinary proposition to lay down in the broad terms of this amendment that the President of the United States, who by the Constitution is made Commander-in-Chief of the Army of the United States, shall not employ that Army in any case, no matter what the emergency, unless there is an express statute providing the mode in which he may employ it. In other words, the President of the United States by this enactment is to be placed in the position where he is to obey his idea of his constitutional duty and his obligation to the country at the peril of punishment by fine and imprisonment. How is it with subordinate officers?

Mr. KNOTT. Will the gentleman allow me to ask him a question?

Mr. LAPHAM. In one moment. When a subordinate officer receives a command from his superior what is his position? He is to obey the command at the peril of being punished for a violation of this law on the one hand; he is to disobey at the peril of being punished by a court-martial on the other. If this system of the administration of the military law is to prevail it would be far better, Mr. Chairman, to adopt the sentiment of the gentleman from Ohio, [Mr. BANNING:] refuse to make this or any appropriation and disband the Army at once. I cannot believe that this House will deliberately

sanction any such proposition as is contained in this amendment. I will now hear the gentleman from Kentucky.

Mr. KNOTT. I ask the gentleman if he holds that the President has the right to employ the Army for any purpose not authorized by law.

Mr. LAPHAM. I will answer the gentleman by saying that when General Beauregard fired upon Fort Sumter it was held by a considerable portion of the American people that the President had no right to raise seventy-five thousand men for the purpose of enforcing the laws and putting down such resistance to their execution. Yet the supreme necessity of the hour was his justification, and the Constitution was maintained and the Union preserved by an act which his enemies denounced as a violation of the Constitution.

Mr. KNOTT. I asked the gentleman a very respectful question, and I apprehend he has not understood it. I asked him the simple question, if he holds the President of the United States can employ the Army for any purpose not authorized by law.

Mr. LAPHAM. Clearly there are emergencies in which the only guide to the President as Commander-in-Chief is the Constitution of the United States, which he has sworn to support, which is the supreme law, and which governs any enactment Congress may make. If I were the President of the United States, and such a law as this were placed before me, and I were called upon to exercise the military authority in order to preserve the Government, I would disregard such an act as an infraction of the Constitution of my country.

Mr. KNOTT. The gentleman from New York expressed some surprise at the language I employed in this amendment. Had he observed it a little more minutely he would have found there was nothing furtive in it. It provides that it shall be unlawful to employ any part of the Army under the pretext or for the purpose of enforcing the law except in cases and under circumstances where such employment is authorized by express congressional enactment.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAPHAM] has expired. The gentleman from Texas [Mr. MILLS] is recognized.

Mr. HANNA. I wish to ask the gentleman from Kentucky what class of cases is his amendment intended to meet?

Mr. KNOTT. With the permission of my friend from Texas [Mr. MILLS] I wish to add just another word. If the gentleman from New York could be surprised at the language I employed in this amendment, what must be the surprise of every intelligent lawyer on this floor at the announcement of the astounding proposition that the President of the United States, who is to enforce the law, can himself rise above the law and do with the Army what the law does not authorize him to do. If that principle is true, our pretext that we have a republican form of Government is a sham and a fraud; we are under a complete, absolute, unlimited, unrestrained, military despotism. Whatever the President of the United States may in his own discretion claim to be lawful he can do, and there is no remedy for it.

Now, my friend from Indiana [Mr. HANNA] asked what particular class of cases this amendment applies to. It applies to every employment of the Army or any part of the Army of the United States in cases for which there is no congressional authority upon our statute-book. I repeat for his edification what I said a while ago, that the gentleman from Maryland [Mr. KIMMEL] no longer ago than last Monday called the attention of this House to official proof that the Army of the United States had been used in hundreds of cases without authority of law, to assist marshals and deputy marshals and sheriffs and deputy sheriffs when there was no law authorizing any such employment.

The section of the Revised Statutes to which I called the attention of the House a while ago authorizes the marshal to enforce judicial process in the same manner that the sheriff of a State is authorized to enforce and execute State process under State laws. Beyond that the marshal of the United States has no authority to go. There are, as I have already remarked, particular cases in which Congress has provided that the Army may be used, which this bill does not militate against, such as the case of the enforcement of the neutrality laws, the enforcement of the collection of customs duties and of the civil-rights bill, and one or two other instances. But this amendment is designed to put a stop to the practice, which has become fearfully common, of military officers of every grade answering the call of every marshal and deputy marshal to aid in the enforcement of the laws. The Constitution, sir, guarantees to every State a republican form of government and protection from domestic violence on the call of the governor of the State, when the Legislature cannot be convened, and that provision is enforced under a statute sufficiently comprehensive to embrace all possible cases that can arise under it. The amendment proposed does not conflict with that and it is surprising to me that gentlemen should be so sensitive when an attempt is made here to prescribe the limits and bounds beyond which the Army of the United States cannot go.

The Army was made, sir, as the servant of the people. It was not made to override or trample in the dust their rights. Civil law is made for the protection of the people and is paramount to any officer of any grade in the Army, from a corporal up to the Commander-in-Chief. The subordination of the military to the civil power ought to be sedulously maintained.

Mr. MILLS. I withdraw my amendment and renew it. I agree perfectly with the gentleman from Virginia, that discipline and subordination are necessary to the efficiency of the Army. But I go further and agree with him who asserts that discipline and subordination of the Army to the Constitution is more imperative than the subordination of a lieutenant to his commander. Our fathers in framing this Government made a written Constitution as a law for that Government. It is not like the British constitution, that is to be gathered from old statutes-books, from edicts and history; it is not like the government of countries which have no written constitutions at all, but when this Government was created by the Constitution, a written law, our fathers required all officers to take an oath to support the Constitution and the laws originating under it as the supreme law of the land. They did not make that Constitution subordinate to the Army but the Army subordinate to the highest authority of the law.

We find in article 6 of the Constitution that all Senators and all members of the several State Legislatures and all executive and judicial officers, both of the United States and of the several States, shall take an oath to support the Constitution of the United States, and a statute enacted in pursuance of that article lays down the oath to be taken by all officers, either in the civil, military, or naval service of the United States. They are required to take an oath to support the Constitution, and that is the highest law of the land.

Now, when an officer issues an order to his subordinate he always obeys that order at his peril; if that order is in violation of the Constitution of the United States or overthrows any rights which that Constitution guarantees to any citizen, he obeys it at his peril. Suppose a general commands a subordinate officer to disperse this House of Representatives; is he bound to obey that order? It is a part of the constitutional guarantees for constitutional government, and if he dares to transgress that guarantee he must be punished. Suppose a subordinate officer were ordered by his commanding officer to disperse a State Legislature, he can only do it when that Legislature calls upon the President of the United States to lend aid against domestic violence. A lieutenant or a major or any other officer of the Army cannot disperse the Legislature of a State, nor can he employ the force under his command to aid a marshal in executing the laws without violating those guarantees which the Constitution provides for the protection of life, liberty, and property. He can do nothing except what is in obedience of the Constitution of the United States and the laws made in pursuance of that Constitution; and I venture to say that every officer, whether he be in the Army or Navy of the United States, when he takes the oath on the back of his commission swears to obey his superior in all lawful orders. I venture to say that every commission in the Army or Navy contains that provision; and it is not in the power of any Army officer or of the President of the United States, as Commander-in-Chief of the Army, to break down these barriers which our fathers have erected for the purpose of securing self-government to the people and securing them in their rights of life, liberty, and property. [Loud cries of "Vote!" "Vote!"]

Mr. HEWITT, of New York. I am not going to take the time of the committee for more than a moment. In my reading in reference to this bill I came across in General Halleck's report of 1870 an expression of opinion on this very subject. I have copied it and send it to the Clerk's desk and ask him to read it with the simple remark that General Halleck was as well known as a lawyer as a soldier.

The Clerk read as follows:

It may be proper to remark in this place that I have been assured by Federal civil officers that the use of troops in executing judicial process and enforcing the revenue and other civil laws seemed to increase rather than diminish the apparent necessity of resorting to such force in civil matters. The ill disposed become more and more exasperated at being coerced by a force which they think has been unconstitutionally employed against them, and the better disposed relax their efforts to punish local crimes, on the plea that this duty now devolves on the military. Hence in the case of a murder or a robbery there is a call for Federal troops to arrest and guard the criminals.—*General Halleck's report*, 1870.

The CHAIRMAN. Debate on the pending amendment is exhausted. The question was upon Mr. MILLS's amendment to add the following:

Provided, That this section shall not apply on the Mexican border or in the execution of the neutrality laws elsewhere on the national boundary lines.

The question was taken, and the amendment was not agreed to.

Mr. ALDRICH. I move to strike out the last two words. I think the amendment offered by the gentleman from Kentucky [Mr. KNOTT] is a most unwise amendment and cannot be otherwise than pernicious if adopted. But there is one class of men, I apprehend, that would be glad to have such an amendment as this adopted. There is a class of men in Kentucky, who are sometimes called "moonshiners," who make whisky and never pay the tax upon it when they sell it, and they will be pleased to hear of the adoption of such an amendment as this. I do not know but there may be some other classes. But how it is possible for any good citizen to favor this amendment is past my comprehension.

However, I do not rise so much to make any remarks myself as to have read a memorial of the Board of Trade of the City of Chicago. And I desire to say that this Board of Trade of Chicago is perhaps known to some gentlemen here as a body of men who have larger commercial transactions among its members than any other similar body of men in the United States. They have not been backward in any good work or philanthropic enterprise, whether North or South, whether for the benefit of those suffering from the terrible scourge of the yellow fever, or from other calamities, like the grasshopper plague

in the West or the great fires in the eastern cities and elsewhere. No other body of men have been more ready and willing to come forward and assist with a liberality unparalleled all benevolent and worthy enterprises. I ask the Clerk to read the memorial.

The Clerk read as follows:

The memorial of the Board of Trade of the City of Chicago to the honorable the Senate and House of Representatives of the United States in Congress assembled respectfully represents that—

Whereas a bill is now pending before your honorable bodies proposing to limit the Army of the United States to twenty or twenty-five thousand men; and

Whereas a standing Army of such insignificant proportions as is contemplated in this bill will, in the judgment of this board and we believe of the country generally, be wholly insufficient for the proper protection of our frontier settlements against the depredations of hostile Indian bands now well organized and amply supplied with the material for effective warfare, and against the incursions of the lawless element along our Mexican border, where scenes of murder and pillage upon the citizens of the United States are of so common an occurrence as to appeal to our sense of justice that these helpless people should be protected by their own Government against the outlaws of humanity and civilization; and

Whereas the experience of the past year in the destruction of life and property in several of the States resulting from the so-called labor riots has impressed the country with the absolute necessity of having at hand an ample armed force, disconnected in sympathy with the instigators of such riotous proceedings; a force that is able and willing to accomplish for the maintenance or restoration of public order and obedience to law what the local or State authorities with their insufficient force are incapable of accomplishing so readily, if at all; and

Whereas true economy, both in human life and in money expenditure, dictates that reasonable preparation for emergencies tends to avert the occurrence of acts of public disorder; and as the organization of the United States Army is peculiarly well adapted to exercise a restraining influence against all demonstrations of lawlessness, and in a country of such vast extent as ours seems a necessity to maintain both the peace of society and the dignity of the Government: Therefore,

Your memorialists pray your honorable bodies respectfully but earnestly that provision be made by law for the increase and maintenance of the Army to full one hundred regiments of one thousand men each, to the end that all parts of our country may feel that it has something like adequate protection against the emergency liable to arise of complications from without or demonstrations of violence within our own territory.

And your memorialists will ever pray, &c.

Respectfully submitted by order and on behalf of the Board of Trade of the City of Chicago.

WILLIAM DICKINSON,
Vice-President.

Attest:
CHAS. RANDOLPH, *Secretary.*
CHICAGO, *May* 24, 1878.

[Here the hammer fell.]

Mr. SOUTHARD. I desire to say, Mr. Chairman——

Mr. FINLEY. I wish to ask a question.

Mr. EDEN. I would like to ask my colleague [Mr. ALDRICH] a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDEN. I would ask my colleague if he would be willing to employ a half million of men in order to preserve the peace in their locality, and dispense with sheriffs, constables, and courts.

Mr. ALDRICH. Certainly I would not, nor have I intimated anything of the kind.

The CHAIRMAN. Debate is exhausted.

Mr. SOUTHARD. I rise to support the amendment of the gentleman from Kentucky, [Mr. KNOTT.]

The CHAIRMAN. Debate on the formal amendment has been exhausted.

Mr. ALDRICH. I withdraw the amendment.

Mr. SOUTHARD. I renew the formal amendment. In view of the past use of troops in connection with the elections, it seems to me that there can be no wiser provision ingrafted upon this bill than the amendment proposed by the gentleman from Kentucky, [Mr. KNOTT.] In a general order from the Adjutant-General's Office, dated September 7, 1876, I find quoted instructions of the Attorney-General addressed to United States marshals. By those instructions the marshals of elections were authorized to supervise the registration and the voting and all the various acts in relation to the elections during that year. In addition to that I find that the instructions of the Attorney-General expressly put the Army of the United States that happens to be in the locality in charge of the marshals. I read from the instructions of the Attorney-General:

SIR: The laws of the United States having made it my duty to exercise general direction over marshals in the manner of discharging their offices, I have prepared for their use this circular-letter of instructions as to the coming elections, intending the same also as a reply once for all to numerous applications, in like connections, from private citizens in various States.

In this connection I advise that you, and each of your deputies, general and special, have a right to summon to your assistance, in preventing and quelling disorder, every person in the district above fifteen years of age, whatever may be their occupation, whether civilians or not, and including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey you. The fact that they are organized as military bodies, (whether of the State or the United States,) under the immediate command of their own officers, does not in any wise affect their legal character. They are still the *posse comitatus*.

The troops of the United States were put in charge of these election marshals, who were authorized to order them out and direct their movements by an express order of the Attorney-General of the United States.

Not only were these marshals instructed to use the *posse comitatus* of the military of the United States that happened to be in the particular locality, but the General of the Army, the Secretary of War, and the President of the United States saw to it that a *posse comitatus* was provided in all these localities where they desired it, in order that it might thereafter be called out by these marshals.

The abuse in this connection was in sending the military into these districts with the view of having them used by the marshals of elections.

These soldiers do not court this kind of service; they would gladly be relieved from it. I admire the bravery, the heroism, and the patriotism of the American soldiers as much as any man, and I would be the last to do them injustice. But it is not justice to the soldiers to compel them to perform this police duty whether in connection with elections or local troubles in the cities and in the States.

The people of this country are a law-abiding people. The States are capable of preserving peace within their own borders. The laboring-men are as patriotic and as devoted to the Constitution, the laws, and the principles of liberty as any other class of citizens, and no army is needed to keep them in subjection.

Call upon the laboring-man to aid in the enforcement of the law and he will respond right manfully. If the institutions of this country are to be preserved and law and order maintained, you must depend upon the patriotism of the people, upon the men who labor for their bread, as well as those who are favored with wealth.

I say, then, that when we undertake to limit the Army to its legitimate purposes the proposition should receive unanimous support in this House.

Mr. ELLIS. The first portion of the pending amendment provides that the Army of the United States shall not be used as a *posse comitatus* for the enforcement of the laws, except as authorized by law of Congress; and the second portion of the amendment provides a penalty against him who may execute an unlawful order.

With the experience of this Government for the last eight years, I cannot conceive how any one who is really in favor of the Constitution of his country and the institutions that we all so love can be opposed to this amendment. It may not perhaps be known to gentlemen on the other side, but it is known to me and to every southern member on this floor, that the greatest abuses have been permitted under the pretext of employing the Army of the United States as a *posse comitatus* for the enforcement of the law.

Look at the 5th of December, 1872, in the city of New Orleans, where on that night, in obedience to the orders of the United States marshal and under the plausible pretext of enforcing the laws of the United States, troops occupied the capital of the State and absolutely impaneled a Legislature, declared who was elected, declared who was not elected, and permitted no one to pass to the halls of the representatives of the people unless he bore the badge of the United States marshal; and all this under the pretext of the enforcement of the law.

Again, in 1874, United States marshals, under pretext of enforcing the law, and being in full sympathy and affiliation with the then dominant party in this country, called out the United States troops. Major Lew Merrill responded, and under his commands blank warrants were issued under which arrests were made at midnight through Northern Louisiana for the sole purpose of political effect; and this was all done under the pretext of the enforcement of the law.

Again, on the 5th of January, 1875, this country witnessed what was perhaps the saddest and most shameful spectacle it had ever beheld, when a Frenchman employed in the United States Army, a man who had perhaps learned his ideas of our Constitution from the howls of the revolution in his own country, General De Trobriand, in obedience to the orders which he had received from a superior officer, invaded a State capital, went into the legislative halls where the representatives of the people were sitting, and upon the *ipse dixit* of a usurper thrust out the chosen representatives of the people and thrust in those whom that usurper would have there; and all under the pretext of the enforcement of the law.

There was no remedy. Would you have court-martialed him? He would merely have been summoned before a board of officers imbued with the idea that the order of a superior is above the Constitution of the country. What remedy could there be? It is just and proper that these men by having this penalty incorporated into the law should be made to study the Constitution of their country. All writers agree that the tendency of armies in a republic is always toward aristocracy, while, on the contrary, under a monarchical government the army is always democratic in its leanings.

Now, Mr. Chairman, it is not impossible that a soldier of the United States may be imbued with the principles of the Constitution of his country. I have in my mind's eye one who never disregarded it.

[Here the hammer fell.]

Mr. BANNING obtained the floor and yielded his time to Mr. ELLIS.

Mr. ELLIS. I thank the gentleman. I was saying I knew one soldier and a great soldier—one whom we on this side often met in the field and whom we love and honor and respect—who is acquainted with the Constitution of his country. When he was sent to command the fifth military district, armed with the powers of a despot, Winfield Scott Hancock knew how to administer the law and yet have regard to the Constitution of his country. Again, when he was appointed to serve upon a court of inquiry to examine into the charges against General Babcock in connection with the whisky frauds, he said to his fellow-members of that court, holding up the Constitution and law of his country:

A military commission cannot properly inquire into this until the civil tribunals which have already taken jurisdiction have uttered their voice upon it.

It is not too late to cause the officers of our Army to study the Con-

stitution, that they may in the future inflict no serious blows upon it or upon the rights of the people and the rights of States.

Mr. DUNNELL. Mr. Chairman, I am not surprised that we have heard so many upon this floor regret the introduction of the amendment offered by the gentleman from Kentucky. In a state of profound peace, and with the well-known views and policies of the Executive, it is a matter of surprise that the amendment should be offered at this time and a debate introduced which cannot possibly have any good effect upon the country. I would not ask a single moment of time but for some remarks made a few days ago by the gentleman from Ohio, [Mr. SOUTHARD,] who has to-day again addressed the House in regard to the use of the Army for electioneering purposes. It has been insisted here by many members, and by him especially, (for this idea evidently rests heavily upon his mind,) that the Army in its use during the late presidential election changed the result of that election; in other words, that wherever there was a squad of Federal soldiers a different result was reached from what it would have been if the Federal troops had not been present.

I deny that the troops anywhere interfered at all with the free exercise of the elective franchise by any citizen of the United States during the presidential election of 1876. I insist it is not in evidence that the presence of the troops at any point aided in the election of President Hayes or increased by a single vote the republican vote in any precinct in this country.

I happened to be a member of the committee that went to Florida to investigate the frauds alleged to have been committed in the election in that State. We had before us as witnesses a class of democrats who would have sworn to the adverse influence of the Federal troops if they could have done so, but there is not a line of evidence anywhere in the testimony tending to show that the presence of the Federal troops at all affected the vote in the State. I remember that the chairman of the democratic county committee in one of the counties testified in the investigation that the troops gave to them there a quiet, orderly election, and that not an officer or a soldier interfered at all with the free exercise of the elective franchise. I deny that troops were used to intimidate. I deny that they were used to keep from the polls a single democratic voter. There is no such evidence. The gentleman from Ohio has more than once pretended that the Army controlled the election in 1876. The Army, I am glad to say, preserved the peace in many a voting-precinct, but it lessened not a Tilden vote anywhere. It is not in evidence that it did. If there is evidence anywhere it is upon the other side, showing that in South Carolina and in some other States the colored men did not vote as they might have voted but for the presence of the Federal troops.

[Here the hammer fell.]

Mr. HAYES obtained the floor and yielded his time to Mr. DUNNELL.

Mr. DUNNELL. I desire to call the attention of the House to some evidence which I have here in a report in the contested-election case of Tillman *vs.* Smalls. I find here a table which is significant, because it furnishes me the vote in the county of Edgefield, South Carolina. In our current political discussions, South Carolina has been cited as the field of the operations of a portion of the Federal Army, and it has been asserted that the vote of that State for President Hayes was what it was because the Federal troops were there. Now, let us look at the vote in the county of Edgefield. In 1875 there were in that county 2,722 white voters. In 1875 there were 4,400 colored voters. Let us see how the presence of a few Federal troops at Edgefield, (and Heaven knows that if Federal troops were needed anywhere they were needed at Edgefield,) let us see how those troops affected the democratic vote in that county. The white voters were 2,722, and they voted for Tillman 6,252. How terribly "bulldozed" those 2,722 white voters were, in that they voted for Tillman, the democratic candidate for Congress, 6,352 votes.

Another fact. There were of colored voters 4,400, and yet Mr. SMALLS gets but 3,120. The aggregate vote in that county was 9,372, and yet in 1875, the year before, the aggregate vote was but 7,172. There you have an increase which is wonderful, and I ask the gentleman if the presence of those Federal troops in that county at all intimidated the democratic voters? I should think the gentleman from Ohio would be glad to have Federal troops scattered around in certain portions of the country after such a result had been produced.

Mr. SOUTHARD. Does not the gentleman think that the troops interfered with democratic voters when sentinels were placed at the legislative halls and drove away the representatives lawfully elected by the people?

Mr. DUNNELL. We have heard a good deal about that.

Mr. FINLEY. Is it not true?

Mr. DUNNELL. No.

Mr. HERBERT. Mr. Chairman, if I understand the effect of the amendment proposed by the gentleman from Kentucky it is only to impose a penalty for the violation of law, a penalty upon officers of the Army as well as upon civilians. Whatever it is lawful for an officer or a soldier of the Army to do as the law now exists I understand it will be lawful for him to do after this amendment has been adopted. The effect of the amendment will be to make him liable penally as he is now civilly for violation of the law.

This amendment has been opposed upon what appears to me to be very singular ground, singular indeed to come from a democrat. As I understand the gentleman from Virginia [Mr. PRIDEMORE] he opposes this law because according to him a soldier or an officer when commanded by his superior officer is above the law and not amenable to the law. I beg leave to read to the committee an extract from the opinion of Chief-Justice Taney in the case of Mitchell *vs.* Harmony, 13 Howard, 135, 136:

> The case mentioned by Lord Mansfield in delivering his opinion in Mostyn *vs.* Fabrigas, 1 Cowp., 180, illustrates the principle of which we are speaking. Captain Gambier, of the British navy, by the order of Admiral Boscawen, pulled down the houses of some sutlers on the coast of Nova Scotia, who were supplying the sailors with spirituous liquors, the health of the sailors being injured by frequenting them. The motive was evidently a laudable one, and the act done for the public service. Yet it was an invasion of the rights of private property, and without the authority of law, and the officer who executed the order was held liable to an action and the sutlers recovered damages against him to the value of the property destroyed.
>
> This case shows how carefully the rights of private property are guarded by the laws of England; and they are certainly not less valued nor less securely guarded under the Constitution and laws of the United States.

There is scarcely a thing which by the Constitution and laws of the United States it is unlawful for a civilian to do upon the doing of which the law does not impose a penalty. To say we will impose no penalty upon officers of the Army or soldiers for violations of law is to place them above the law and is to make the law silent against the military not only in time of war but in time of peace.

The CHAIRMAN. The gentleman's time has expired.

Mr. HARTRIDGE. I will take the floor and yield my time to the gentleman from Alabama.

Mr. DUNNELL. I withdraw my formal amendment.

Mr. HARTRIDGE. I renew it and yield the floor to the gentleman from Alabama.

Mr. HERBERT. I have only a word more to say. The gentleman from Maine [Mr. HALE] asks whether this amendment proceeded from a chronic fear on this side of the House that the Army would be unlawfully used. I tell him just so long as this side of the House sees on that side a chronic disposition to use the Army for unlawful purposes just so long there will be a chronic disposition on this side to defend the liberties of the citizen.

Mr. GARDNER. Very manifestly the proposition now before the committee is purely partisan and offered for the purpose only of subserving party ends. No better evidence is needed of this than the arguments presented in behalf of the measure. Never, perhaps, in the history of the country has such extraordinary legislation been attempted. We are not the representatives of our respective parties merely. Ours is a higher duty, and could we rise above party and attain to statesmanship and honestly endeavor to legislate within constitutional bounds and for the right I do not believe this measure would have an advocate in this Hall.

Section 4 of article 4 of the Constitution clearly defines the powers of the Executive in regard to the use of the Army, and no law can be passed by Congress to limit or prohibit it. The Executive, upon demand of a State Legislature or governor, is by this constitutional provision clothed with power to use the Army to suppress domestic violence, and this power does not depend upon congressional legislation, but exists fully in the absence of all legislation.

Mr. TUCKER. Will the gentleman permit me to ask him to read the constitutional provision?

Mr. GARDNER. Certainly.

Mr. TUCKER. The gentleman represents the Executive of the United States as having upon the demand of the executive or the Legislature of a State the right to use the Army.

Mr. GARDNER. The language of the Constitution is this:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

That is the constitutional provision. But does the gentleman from Virginia pretend to say that the Executive of the United States, if Congress were not in session and a demand being made by the Legislature or the executive of a State for the use of the Army to suppress insurrection or domestic violence, would have no power to comply with that application without an act of Congress to authorize it?

Mr. TUCKER. I unquestionably maintain that the President would have no right to use the Army or Navy of the United States unless under authority of some act of Congress. That has been settled by statutory precedents ever since the act of 1795.

Mr. GARDNER. The President, under the provisions of the Constitution, is Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; and he, upon the demand of the executives of the several States, has the power without congressional action to use the Army for the purpose of suppressing insurrection.

Mr. SOUTHARD. Will my colleague allow me to make one remark?

Mr. GARDNER. In a moment. Does the gentleman from Virginia fail to recollect the fact that Washington during his administration in 1794, before the act of 1795, sent the Army into Pennsylvania for the purpose of suppressing the whisky insurrection without authority from Congress to do so, that being soon after the making of this Constitution, which shows how it was understood by those who made it? This provision of the Constitution was intended to afford a speedy and summary suppression of domestic violence, and of course the control of the Army for this purpose is in the Commander-in-Chief, who is, by the terms of the Constitution, the President.

Congress is empowered by the Constitution to "raise and support armies," but is nowhere authorized or empowered to command them. It may "make rules for the government of the land and naval forces," but it cannot direct when or where they may be used. "It may declare war," but the President, as Commander-in-Chief of the Army and Navy, directs its management.

And section 4 of article 4, which provides that "the United States" shall protect the States from domestic violence or from invasion, &c., clothed the Executive with the power to use the Army to carry out this constitutional requirement. Nor can Congress render this right of protection due the States and this power of the Executive to enforce it nugatory by refusing to legislate that it may be done or by any legislation prohibiting it.

The doctrine announced by the gentleman from Virginia and the spirit of the amendment would practically give to Congress the management and control of the Army and divest the President of his constitutional power over it; and whatever may be the exigencies, unless Congress shall by positive enactment provide, the President would be powerless to protect the States or people from domestic violence or insurrection. This doctrine is not only untenable, but, if carried into effect, subversive of Government itself.

I will now hear my colleague.

Mr. SOUTHARD. The difficulty in the last presidential election was this: the Constitution provides the President may protect a State against invasion or domestic violence upon the call of the Legislature, or, if the Legislature cannot be convened, then upon the call of the governor. In the case of Florida there was no such call from the governor or the Legislature.

Mr. GARDNER. The amendment of the gentleman from Kentucky would prohibit the exercise of the constitutional power of the President, which my colleague concedes is vested in him. It provides—

> That it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise under the pretext or for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by act of Congress.

If my colleague [Mr. SOUTHARD] could get the presidential question out of his mind long enough to consider this bill for the interests of the country, and not in the interest of the democratic party solely, I think he would be able to see the right more clearly.

[Here the hammer fell.]

Mr. HEWITT, of New York. I move that the committee rise.

Mr. TOWNSEND, of Ohio. I desire to be recognized, and give my time to my colleague, [Mr. GARDNER.]

Mr. PAGE. I ask the gentleman from New York to withhold his motion that the committee rise till the gentleman from Ohio [Mr. GARDNER] shall have had an opportunity to complete his remarks.

Mr. HEWITT, of New York. I must insist on my motion.

The motion of Mr. HEWITT, of New York, was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the Army appropriation bill, and had come to no resolution thereon.

Mr. HEWITT, of New York. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the Army appropriation bill. And pending that motion I move that all debate on the pending section be closed in ten minutes.

The motion to close debate was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPRINGER in the chair.)

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes. By order of the House all debate on the pending section has been limited to ten minutes.

Mr. ROBERTSON. Mr. Chairman, I only desire to reply to the assertion made by the gentleman from Minnesota, [Mr. DUNNELL,] in which he denied that in the last election the military interfered with it in any manner. I desire to say that in so far as the conduct of the United States Army who were stationed in my district was concerned, I will testify to their gentlemanly conduct and their good character as officers, and that in no case previous to the election or until a short time previous to it did they interfere in any manner with the election. But, sir, a short time before the election, and during the canvass, an officer had been appointed under an order from the War Department, which erected five parishes in my district and two in the State of Mississippi into a military district, giving him full power to exercise military authority to any extent to which in his judgment he had a right to go. Previous to the election troops were stationed in the parishes of West Feliciana and East Feliciana and the parish of West Baton Rouge.

I am personally acquainted with the officers who were stationed at Bayou Sara and East Feliciana; they are republicans, but they are gentlemen, and they did not interfere with the election. A short time previous to the election the infantry were mounted for some purpose or other, and under a pretext of exercising the troops squads of them were sent through the parish, not under a commanding officer, but under an officer who belonged to the quartermaster's department or the commissary department, and those troops took occasion to create the impression in the minds of some that there would be interference, and morally there was an interference by the creation of the idea that the troops intended to interfere. [Laughter on the republican side of the House.] They rode all through the parish and created that impression, intimidating, not republicans, but those colored democrats who had joined our party, many of whom were afraid on the day of election to come to the polls without an assurance on our part that we would protect them, and some of them remained at their homes on the morning of the election. A squad of armed men crossed the river from the opposite side to the parish of West Baton Rouge and passed the court-house there, where the polls were held, or within a hundred yards of it. And the moment that those soldiers passed in front of the polls the parties who had been appointed by the supervisor of registration as special constables went to the democratic voters and took from them the democratic tickets they held in their hands, and with threats of violence told them that they had no right to vote that ticket, and forced them to vote the republican ticket.

I state this to be true and state it to be a fact, but I will state in justice to the officers in command that whether these soldiers were there under orders or not I do not know, but they were there, armed and equipped.

Mr. BANNING. Were these United States soldiers?

Mr. ROBERTSON. Yes; in the uniform of the United States troops and with their cartridge-boxes and arms; and they were under the charge of a non-commissioned officer.

Mr. RYAN. I want to ask the gentleman from Louisiana if he does not remember that under the last democratic administration which this Government had, which was elected as such, the troops were not employed to disperse the Legislature of the State of Kansas?

Mr. ROBERTSON. I do not know anything about that, but I saw these troops riding around myself. I saw no interference by the officers with the civil authorities in the discharge of their duties.

Mr. DUNNELL. Then the gentleman does not say that any Federal or military officer or Federal troops at all interfered in the election?

Mr. ROBERTSON. I do not intend to say that they did actually; but I say the effect of it was that these troops did ride around, I presume under the authority of their commanding officer, and that they were kept in a squad under the command of a non-commissioned officer. I can cite one instance in which the officers did interfere with the civil authorities.

[Here the hammer fell.]

The CHAIRMAN. The time for debate upon this amendment is exhausted, and the question is upon the amendment offered by the gentleman from Kentucky, [Mr. KNOTT,] which will now be read.

The Clerk read Mr. KNOTT's amendment, as follows:

> Insert the following as an additional section:
> From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a *posse comitatus* or otherwise, under the pretext or for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not exceeding $10,000, or imprisonment not exceeding two years, or by both such fine and imprisonment.

The question was put; and on division there were—ayes 105, noes 110.

Mr. FINLEY called for tellers.

Tellers were ordered; and Mr. KNOTT and Mr. DUNNELL were appointed.

The committee again divided; and the tellers reported—ayes 120, noes 112.

So the amendment was agreed to.

Mr. HALE. We will have the yeas and nays on that amendment in the House.

Mr. HEWITT, of New York. We have now passed through the entire bill, and I ask unanimous consent to go back in the bill to make some corrections in figures, which are rendered necessary by amendments which have been made.

There was no objection.

Mr. HEWITT, of New York. I move upon page 2, line 11, to strike out "$50,000" and insert in lieu thereof "$80,000;" so that it will read:

> For expenses of recruiting and the transportation of recruits, $80,000.

The amendment was agreed to.

Mr. HEWITT, of New York. I now move in lines 53, 54, and 55, on page 3, to strike out "$255,830.20" and to insert in lieu thereof "$310,000;" so that it will read:

> For retained pay to discharged men, $310,000.

The amendment was agreed to.

Mr. HEWITT, of New York. I now move, on pages 3 and 4, in lines 59, 60, and 61, to strike out "$343,278.33" and to insert in lieu thereof "$400,000;" so that it will read:

> For pay to soldiers for clothing not drawn, $400,000.

The amendment was agreed to.

Mr. HEWITT, of New York. On page 4 I move to strike out the paragraph included within the lines from 70 to 74, as follows:

For pay of officers rendered supernumerary by the operation of this act, from July 1, 1878, to January 1, 1879, date hereinafter fixed for their discharge, $497,000.

The amendment was agreed to.

Mr. HEWITT, of New York. I also move to strike out the following:

For pay and allowances to be paid to officers in consideration of their discharge by operation of this act, $2,400,000: *Provided.*

The amendment was agreed to.

Mr. HEWITT, of New York. I move to strike out on page 4 of the printed bill, in lines 79, 80, and 81, "$13,489,287.18," and insert in lieu thereof "$12,272,932."

The amendment was agreed to.

Mr. HEWITT, of New York. I move to strike out in the paragraph relating to the subsistence department, the following at the close of the paragraph:

Less $300,000, heretofore appropriated, leaving a net appropriation under this act of $1,915,000.

The amendment was agreed to.

Mr. HEWITT, of New York. I move to strike out "$50,000" and insert "$100,000" for purchase of horses for the cavalry, artillery, Indian scouts, &c.

The amendment was agreed to.

Mr. HEWITT, of New York. After line 188 in the printed bill I move to insert that which I send to the Clerk's desk.

The Clerk read as follows:

And in case any item of the said appropriation for regular supplies, incidental expenses, barracks and quarters, and Army transportation shall prove insufficient for this purpose, the excess in any of these items may, with the written consent of the Secretary of War, be applied thereto: *Provided, however,* That the total amount appropriated under these heads shall not be exceeded.

Mr. HEWITT, of New York. That amendment applies to the Quartermaster's Department the same provision that is applied to the Pay department.

The amendment was agreed to.

Mr. HEWITT, of New York. These are the only amendments which the committee has to offer to the bill. I now move that the committee rise and report the bill, with amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, and had directed him to report the same back to the House, with sundry amendments.

Mr. HEWITT, of New York. I now call the previous question upon the bill and amendments.

Mr. CONGER. I desire to have a separate vote upon every amendment except those correcting the amounts appropriated in order to make them correspond with the other amendments.

Mr. GARFIELD. I suggest that we simply reserve the right to demand separate votes on the amendments; perhaps when they are read we may not want separate votes on many of the amendments.

Mr. CONGER. That is all I desire.

The previous question was seconded and the main question was ordered.

Mr. HEWITT, of New York, moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendments of the Committee of the Whole upon which no separate votes were asked were agreed to.

The first amendment upon which a separate vote was asked was in line 13, to strike out "twenty thousand" and insert "twenty-five thousand;" so that it would read as follows:

And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards.

Mr. HEWITT, of New York. I ask for a separate vote upon that amendment, and call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 120, not voting 55; as follows:

YEAS—116.

Aldrich,	Calkins,	Eames,	Hendee,
Bacon,	Campbell,	Ellsworth,	Hubbell,
Bagley,	Cannon,	Errett,	Humphrey,
Baker, William H.	Caswell,	Evans, I. Newton	Hungerford,
Ballou,	Clark, Rush	Fort,	Hunter,
Banks,	Cole,	Foster,	Ittner,
Bayne,	Conger,	Frye,	James,
Bisbee,	Cox, Jacob D.	Gardner,	Jones, John S.
Blair,	Crapo,	Giddings,	Joyce,
Boyd,	Culberson,	Hale,	Keifer,
Brentano,	Cummings,	Hanna,	Keightley,
Brewer,	Danford,	Harmer,	Kelley,
Briggs,	Davis, Horace	Harris, Benj. W.	Lapham,
Browne,	Deering,	Haskell,	Lathrop,
Burchard,	Denison,	Hayes,	Lindsey,
Burdick,	Dunnell,	Hazelton,	Marsh,
McCook,	Patterson, G. W.	Sampson,	Townsend, Amos
McGowan,	Patterson, T. M.	Sapp,	Van Vorhes,
McKinley,	Phillips,	Schleicher,	Wait,
Metcalfe,	Pollard,	Sexton,	Ward,
Mills,	Pound,	Shallenberger,	Welch,
Mitchell,	Powers,	Sinnickson	White, Michael D.
Monroe,	Price,	Smalls,	Wigginton,
Neal,	Randolph,	Stewart,	Williams, A. S.
Norcross,	Reed,	Stone, John W.	Williams, Andrew
Oliver,	Rice, William W.	Stone, Joseph C.	Williams, C. G.
O'Neill,	Robinson, G. D.	Strait,	Williams, Richard
Overton,	Robinson, M. S.	Thornburgh,	Willits,
Page,	Ryan,	Throckmorton,	Wren.

NAYS—120.

Acklen,	Dibrell,	Herbert,	Rice, Americus V.
Aiken,	Dickey,	Hewitt, Abram S.	Riddle,
Atkins,	Douglas,	Hewitt, G. W.	Robertson,
Banning,	Eden,	Hooker,	Ross,
Bell,	Eickhoff,	House,	Sayler,
Bicknell,	Elam,	Hunton,	Scales,
Blackburn,	Ellis,	Jones, Frank	Singleton,
Blount,	Evins, John H.	Jones, James T.	Smith, William E.
Boone,	Ewing,	Kenna,	Southard,
Bragg,	Felton,	Kimmel,	Sparks,
Bridges,	Finley,	Knott,	Springer,
Bright,	Forney,	Landers,	Steele,
Brogden,	Franklin,	Ligon,	Stenger,
Cabell,	Fuller,	Lockwood,	Swann,
Caldwell, John W.	Garfield,	Lynde,	Townshend, R. W.
Caldwell, W. P.	Garth,	Mackey,	Tucker,
Candler,	Gause,	Maish,	Turney,
Carlisle,	Glover,	Manning,	Turner,
Chalmers,	Goode,	Mayham,	Vance,
Clark, Alvah A.	Gunter,	McKenzie,	Waddell,
Clark of Missouri,	Hamilton,	McMahon,	Walsh,
Clymer,	Hardenbergh,	Money,	Warner,
Cobb,	Harris, Henry R.	Morgan,	Whitthorne,
Collins,	Harris, John T.	Morrison,	Willis, Albert S.
Cook,	Harrison,	Morse,	Willis, Benj. A.
Cravens,	Hart,	Muldrow,	Wilson,
Crittenden,	Hartridge,	Phelps,	Wood,
Davidson,	Hartzell,	Potter,	Wright,
Davis, Joseph J.	Hatcher,	Rea,	Yeates,
Dean,	Henkle,	Reagan,	Young.

NOT VOTING—55.

Baker, John H.	Covert,	Knapp,	Slemons,
Beebe,	Cox, Samuel S.	Loring,	Smith, A. Herr
Benedict,	Cutler,	Luttrell,	Starin,
Bland,	Durham,	Martin,	Stephens,
Bliss,	Dwight,	Muller,	Thompson,
Bouck,	Evans James L.	Peddie,	Tipton,
Buckner,	Freeman,	Pridemore,	Townsend, M. I.
Bundy,	Gibson,	Pugh,	Veeder,
Butler,	Henderson,	Quinn,	Walker,
Cain,	Henry,	Rainey,	Watson,
Camp,	Hiscock,	Reilly,	White, Harry
Chittenden,	Jorgensen,	Robbins,	Williams, James
Claflin,	Ketcham,	Roberts,	Williams, Jere N.
Clarke of Kentucky,	Killinger,	Shelley,	

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. WILLIAMS, of Delaware. I am paired with the gentleman from California, Mr. LUTTRELL, who is detained from the House by sickness. If he were present, he would vote "ay" and I should vote "no."

Mr. STEELE. My colleague, Mr. ROBBINS, is absent by leave of the House. If present, he would "no." He is paired with the gentleman from Massachusetts, Mr. LORING.

Mr. FREEMAN. I am paired with the gentleman from Arkansas, Mr. SLEMONS. If he were present, I do not know how he would vote; I should vote "ay."

Mr. LIGON. My colleague from Alabama, Mr. WILLIAMS, is confined to his bed by sickness.

Mr. MULLER. I am paired with my colleague, Mr. STARIN. Were he here, I should vote "no."

Mr. EDEN. The gentleman from New York, Mr. BEEBE, is paired with his colleague, Mr. KETCHAM; Mr. COX, of New York, is paired with Mr. BUNDY; and Mr. HENRY with Mr. KILLINGER.

[The announcement here made was corrected by Mr. EDEN at a later stage of the proceedings.]

Mr. PRIDEMORE. I am paired with my colleague, Mr. JORGENSEN. If he were here, I should vote "no."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, who is paired with my colleague, Mr. TIPTON, would, if present, vote "no."

Mr. REILLY. I am paired with my colleague from Pennsylvania, Mr. WHITE. If he were present, he would vote "ay" and I should vote "no."

Mr. KENNA. My colleague, Mr. MARTIN, is paired with the gentleman from New Jersey, Mr. PUGH. My colleague requested me to state that, if not paired, he would vote "no."

Mr. COVERT. On this proposition I am paired with my colleague from New York, Mr. TOWNSEND. Were he present, he would vote "ay" and I should vote "no."

Mr. SHELLEY. I am paired with the gentleman from Indiana, Mr. EVANS. If he were present, I should vote "no."

Mr. BOUCK. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If he were present, he would vote "ay" and I should vote "no." The gentleman from New York, Mr. VEEDER, is paired with his colleague, Mr. KETCHAM. Mr. VEEDER, if present, would vote "no" and Mr. KETCHAM would vote "ay."

Mr. STEPHENS, of Georgia. I am paired with the gentleman from New York, Mr. DWIGHT. I am informed by his colleagues that, if he were here, he would vote "ay." But for the pair, I should vote "no."

Mr. O'NEILL. My colleague from Pennsylvania, Mr. SMITH, is paired with the gentleman from Virginia, Mr. WALKER.

Mr. HISCOCK. I am paired with my colleague, Mr. BLISS. If he were present, he would vote "no" and I should vote "ay."

Mr. HENDERSON. I am paired with the gentleman from Missouri, Mr. BUCKNER. If he were present, I should vote in the affirmative.

Mr. BAKER, of Indiana. On this question I am paired with the gentleman from Kentucky, Mr. DURHAM. If he were present, he would vote "no" and I should vote "ay."

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP. If he were present, he would vote "no" and I should vote "ay."

Mr. WATSON. I am paired with the gentleman from Kentucky, Mr. CLARKE.

Mr. JAMES. My colleague, Mr. STARIN, is paired with my colleague, Mr. MULLER. Mr. STARIN, if present, would vote "ay."

When the roll-call was concluded,

Mr. GARFIELD (who when his name was called had voted in the affirmative) said: I change my vote from "ay" to "no." I do this for the purpose of moving a reconsideration.

The result of the vote was announced as above stated.

Mr. GARFIELD, and Mr. HEWITT of New York, addressed the Chair.

Mr. HEWITT, of New York. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The SPEAKER. The gentleman from New York moves to reconsider the vote by which the amendment was rejected, and moves to lay the motion to reconsider on the table.

Mr. GARFIELD. I submit that as a matter of courtesy on the part of the Chair a gentleman who changes his vote for the purpose of moving a reconsideration is entitled to be recognized.

The SPEAKER. The gentleman from New York, who is in charge of the bill and who voted with the majority, was entitled to be recognized. If the gentleman from Ohio gave an insincere vote it is not the fault of the Chair.

Mr. GARFIELD. I gave a sincere vote for a purpose which under the rulings of this House I have never before known the Speaker to decline to recognize. I demand the yeas and nays.

The SPEAKER. The Chair was bound by every parliamentary practice that has ever been known in this House to recognize the gentleman from New York.

Mr. GARFIELD. I have never heard of any such practice in this House.

Mr. REED. The Chair had no right to make to the gentleman from Ohio the remark that he did.

The SPEAKER. When the gentleman from Ohio undertakes to reflect on the Chair the Chair proposes to defend himself.

Mr. REED. The gentleman from Ohio did not undertake to reflect on the Chair.

The SPEAKER. The gentleman from New York moves to reconsider the vote by which the amendment was rejected, and also moves that the motion to reconsider be laid on the table.

Mr. GARFIELD. On that I demand the yeas and nays.

Mr. ALDRICH. Pending that I move that the House adjourn.

The question being put, the Speaker declared that the noes appeared to prevail.

Mr. GARFIELD. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, nays 127, not voting 58; as follows:

YEAS—106.

Aldrich,	Denison,	Keifer,	Robinson, G. D.
Bacon,	Dunnell,	Keightley,	Robinson, M. S.
Bagley,	Eames,	Kelley,	Ryan,
Baker, William H.	Ellsworth,	Lapham,	Sampson,
Ballou,	Errett,	Lathrop,	Sapp,
Banks,	Evans, L. Newton	Lindsey,	Schleicher,
Bayne,	Fort,	Marsh,	Sexton,
Bisbee,	Foster,	McCook,	Shallenberger,
Boyd,	Freeman,	McGowan,	Sinnickson,
Brentano,	Gardner,	McKinley,	Smalls,
Brewer,	Garfield,	Metcalfe,	Stewart,
Briggs,	Hale,	Mitchell,	Stone, John W.
Browne,	Hanna,	Monroe,	Stone, Joseph C.
Burchard,	Harmer,	Neal,	Strait,
Burdick,	Harris, Benj. W.	Norcross,	Thornburgh,
Campbell,	Haskell,	Oliver,	Townsend, Amos
Cannon,	Hayes,	O'Neill,	Van Vorhes,
Caswell,	Hazelton,	Overton,	Wait,
Clark, Rush	Hendee,	Page,	Ward,
Cole,	Hubbell,	Patterson, G. W.	White, Michael D.
Conger,	Humphrey,	Phillips,	Williams, Andrew
Cox, Jacob D.	Hungerford,	Pollard,	Williams, C. G.
Crapo,	Hunter,	Pound,	Williams, Richard
Cummings,	Ittner,	Powers,	Willits,
Danford,	James,	Price,	Wren.
Davis, Horace	Jones, John S.	Reed,	
Deering,	Joyce,	Rice, William W.	

NAYS—127.

Acklen,	Dibrell,	Hewitt, G. W.	Riddle,
Aiken,	Dickey,	Hooker,	Robertson,
Atkins,	Douglas,	House,	Ross,
Banning,	Eden,	Hunton,	Sayler,
Bell,	Eickhoff,	Jones, Frank	Scales,
Bicknell,	Elam,	Jones, James T.	Singleton,
Blackburn,	Ellis,	Kenna,	Smith, William E.
Blount,	Evins, John H.	Kimmel,	Southard,
Boone,	Ewing,	Knott,	Sparks,
Bouck,	Felton,	Landers,	Springer,
Bragg,	Finley,	Ligon,	Steele,
Bridges,	Forney,	Lockwood,	Stenger,
Bright,	Franklin,	Lynde,	Swann,
Brogden,	Fuller,	Mackey,	Throckmorton,
Cabell,	Garth,	Maish,	Townshend, R. W.
Caldwell, John W.	Gause,	Manning,	Tucker,
Caldwell, W. P.	Giddings,	Mayham,	Turner,
Candler,	Glover,	McKenzie,	Turney,
Carlisle,	Goode,	McMahon,	Vance,
Chalmers,	Gunter,	Mills,	Waddell,
Clark, Alvah A.	Hamilton,	Money,	Walsh,
Clark of Missouri,	Hardenbergh,	Morgan,	Warner,
Clymer,	Harris, Henry R.	Morrison,	Whitthorne,
Cobb,	Harris, John T.	Morse,	Williams, A. S.
Collins,	Harrison,	Muldrow,	Willis, Albert S.
Cook,	Hart,	Patterson, T. M.	Willis, Benjamin A.
Cravens,	Hartridge,	Phelps,	Wilson,
Crittenden,	Hartzell,	Potter,	Wood,
Culberson,	Hatcher,	Randolph,	Wright,
Davidson,	Henkle,	Rea,	Yeates,
Davis, Joseph J.	Herbert,	Reagan,	Young.
Dean,	Hewitt, Abram S.	Rice, Americus V.	

NOT VOTING—58.

Baker, John H.	Covert,	Loring,	Starin,
Beebe,	Cox, Samuel S.	Luttrell,	Stephens,
Benedict,	Cutler,	Martin,	Thompson,
Blair,	Durham,	Muller,	Tipton,
Bland,	Dwight,	Peddie,	Townsend, Martin I.
Bliss,	Evans, James L.	Pridemore,	Veeder,
Buckner,	Frye,	Pugh,	Walker,
Bundy,	Gibson,	Quinn,	Watson,
Butler,	Henderson,	Rainey,	Welch,
Cain,	Henry,	Reilly,	White, Harry
Calkins,	Hiscock,	Robbins,	Wigginton,
Camp,	Jorgensen,	Roberts,	Williams, James
Chittenden,	Ketcham,	Shelley,	Williams, Jere N.
Claflin,	Killinger,	Slemons,	
Clarke of Kentucky,	Knapp,	Smith, A. Herr	

So the House refused to adjourn.

During the vote,

Mr. WILLIAMS, of Delaware, stated that he was paired with Mr. LUTTRELL, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. LIGON stated that his colleague, Mr. WILLIAMS, of Alabama, was detained from the House by sickness.

Mr. WILSON stated that his colleague, Mr. MARTIN, was paired with Mr. PUGH, and that, if present, Mr. MARTIN would vote in the negative.

Mr. REILLY stated that he was paired with his colleague, Mr. WHITE, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. TOWNSHEND, of Illinois, stated that his colleague, Mr. KNAPP, was paired with his other colleague, Mr. TIPTON.

Mr. MCKENZIE stated that Mr. WIGGINTON was paired with Mr. WELCH.

Mr. SHELLEY stated that he was paired with Mr. EVANS, of Indiana, who, if present, would vote in the affirmative while he would vote in the negative.

Mr. COVERT stated that he was paired with his colleague, Mr. TOWNSEND, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. BAYNE stated that his colleague, Mr. WATSON, was paired with Mr. CLARKE, of Kentucky, and that, if present, Mr. WATSON would vote in the affirmative.

Mr. FREEMAN stated that he was paired with Mr. SLEMONS.

Mr. HENDERSON stated that he was paired with Mr. BUCKNER.

Mr. EDEN. Mr. Speaker, on the last vote I made a mistake in announcing pairs, which I wish to correct. I announced that Mr. BEEBE was paired with Mr. KETCHAM, when he was paired with Mr. BUNDY. I made the mistake owing to having an old pair and taking that instead of the new one. I made the mistake also in announcing that Mr. BUNDY was paired with Mr. COX, of New York. The mistake was all mine.

Mr. BANNING. I move to dispense with the reading of the names.

Mr. KETCHAM. I am paired with my colleague, Mr. VEEDER.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from New York [Mr. HEWITT] to lay the motion to reconsider on the table.

Mr. HALE. Let us have the yeas and nays.

Mr. GARFIELD. I believe I called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 114, not voting 56; as follows:

YEAS—121.

Acklen,	Atkins,	Bell,	Blackburn,
Aiken,	Banning,	Bicknell,	Bland,

Blount,	Elam,	Jones, Frank	Sayler,
Boone,	Ellis,	Jones, James T.	Scales,
Bragg,	Evins, John H.	Kenna,	Singleton,
Bridges,	Ewing,	Kimmel,	Smith, William E.
Bright,	Felton,	Knott,	Southard,
Brogden,	Finley,	Landers,	Sparks,
Cabell,	Forney,	Ligon,	Springer,
Caldwell, John W.	Franklin,	Lockwood,	Steele,
Caldwell, W. P.	Garth,	Lynde,	Stenger,
Candler,	Gause,	Mackey,	Swann,
Carlisle,	Glover,	Marsh,	Townshend, R. W.
Chalmers,	Goode,	Manning,	Tucker,
Clark, Alvah A.	Gunter,	Mayham,	Turner,
Clark of Missouri,	Hamilton,	McKenzie,	Turney,
Clymer,	Hardenbergh,	McMahon,	Vance,
Cobb,	Harris, Henry R.	Money,	Waddell,
Collins,	Harris, John T.	Morgan,	Walsh,
Cook,	Harrison,	Morrison,	Warner,
Cravens,	Hart,	Morse,	Whitthorne,
Crittenden,	Hartridge,	Muldrow,	Wigginton,
Culberson,	Hartzell,	Patterson, T. M.	Willis, Albert S.
Davidson,	Hatcher,	Phelps,	Willis, Benj. A.
Davis, Joseph J.	Henkle,	Potter,	Wilson,
Dean,	Herbert,	Rea,	Wood,
Dibrell,	Hewitt, Abram S.	Reagan,	Wright,
Dickey,	Hewitt, G. W.	Rice, Americus V.	Yeates.
Douglas,	Hooker,	Riddle,	
Eden,	House,	Robertson,	
Eickhoff,	Hunton,	Ross,	

NAYS—114.

Aldrich,	Deering,	Keightley,	Robinson, G. D.
Bacon,	Dunnell,	Kelley,	Robinson, M. S.
Bagley,	Eames,	Lapham,	Ryan,
Baker, William H.	Ellsworth,	Lathrop,	Sampson,
Ballou,	Errett,	Lindsey,	Sapp,
Banks,	Evans, I. Newton	Marsh,	Schleicher,
Bayne,	Fort,	McCook,	Shallenberger,
Bisbee,	Foster,	McGowan,	Sinnickson,
Blair,	Frye,	McKinley,	Smalls,
Boyd,	Gardner,	Metcalfe,	Stewart,
Brentano,	Garfield,	Mills,	Stone, John W.
Brewer,	Giddings,	Mitchell,	Stone, Joseph C.
Briggs,	Hale,	Monroe,	Strait,
Browne,	Hanna,	Neal,	Thornburgh,
Burchard,	Harmer,	Norcross,	Throckmorton,
Burdick,	Harris, Benj. W.	Oliver,	Townsend, Amos
Butler,	Haskell,	O'Neill,	Van Vorhes,
Calkins,	Hayes,	Overton,	Wait,
Campbell,	Hazelton,	Page,	Ward,
Cannon,	Hendee,	Patterson, G. W.	Welch,
Caswell,	Hubbell,	Phillips,	White, Michael D.
Clark, Rush	Humphrey,	Pollard,	Williams, A. S.
Cole,	Hungerford,	Pound,	Williams, Andrew
Conger,	Hunter,	Powers,	Williams, C. G.
Cox, Jacob D.	Ittner,	Price,	Williams, Richard
Crapo,	James,	Rainey,	Willits,
Cummings,	Jones, John S.	Randolph,	Wren.
Danford,	Joyce,	Reed,	
Davis, Horace	Keifer,	Rice, William W.	

NOT VOTING—56.

Baker, John H.	Cutler,	Knapp,	Slemons,
Beebe,	Denison,	Loring,	Smith, A. Herr
Benedict,	Durham,	Luttrell,	Starin,
Bliss,	Dwight,	Martin,	Stephens,
Bouck,	Evans, James L.	Muller,	Thompson,
Buckner,	Freeman,	Peddie,	Tipton,
Bundy,	Fuller,	Pridemore,	Townsend, M. I.
Cain,	Gibson,	Pugh,	Veeder,
Camp,	Henderson,	Quinn,	Walker,
Chittenden,	Henry,	Reilly,	Watson,
Claflin,	Hiscock,	Robbins,	White, Harry
Clarke of Kentucky,	Jorgensen,	Roberts,	Williams, James
Covert,	Ketcham,	Sexton,	Williams, Jere N.
Cox, Samuel S.	Killinger,	Shelley,	Young.

So the motion to reconsider was laid on the table.

During the roll-call,

Mr. WILLIAMS, of Delaware, said: I am paired with Mr. LUTTRELL, of California. If he were here, he would vote in the negative and I would vote in the affirmative.

Mr. LIGON. My colleague, Mr. WILLIAMS, is detained from the House by illness.

Mr. COVERT. I am paired with my colleague, Mr. TOWNSEND. If he were here, he would vote "no" and I would vote "ay."

Mr. PRIDEMORE. I am paired with my colleague, Mr. JORGENSEN. If he were here, I would vote in the affirmative.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, is paired with my other colleague, Mr. TIPTON. Mr. KNAPP would vote in the affirmative and Mr. TIPTON would vote in the negative.

Mr. KENNA. My colleague, Mr. MARTIN, is paired with Mr. PUGH. If Mr. MARTIN were here, he would vote in the affirmative.

Mr. REILLY. I am paired with my colleague, Mr. WHITE. If he were here, he would vote in the negative and I would vote in the affirmative.

Mr. COX, of New York. I am paired with Mr. BUNDY, who left the Hall because of illness, and under the impression I would pair with him for the rest of the day. If he were here, I would vote in the affirmative.

Mr. BOUCK. I am paired with Mr. CLAFLIN, of Massachusetts. If he were here, I would vote in the affirmative. I wish also to announce that Mr. VEEDER, of New York, is paired with his colleague, Mr. KETCHAM. If Mr. VEEDER were here, he would vote in the affirmative and Mr. KETCHAM would vote in the negative.

Mr. FREEMAN. I am paired with Mr. SLEMONS, of Arkansas. If he were here, I would vote "no."

Mr. O'NEILL. My colleague, Mr. SMITH, is paired with Mr. WALKER, of Virginia. If Mr. SMITH were here, he would vote in the negative.

Mr. HISCOCK. I am paired with my colleague, Mr. BLISS. If he were present, I would vote in the negative.

Mr. STEPHENS, of Georgia. I am paired with Mr. DWIGHT, of New York. If he were here, I would vote in the affirmative.

Mr. HANNA. Mr. SEXTON is paired with Mr. FULLER. If Mr. SEXTON were here he would vote "no" and Mr. FULLER would vote "ay."

Mr. BROWNE. My colleague, Mr. BAKER, is paired with Mr. DURHAM. Mr. BAKER would vote "no" and Mr. DURHAM would vote "ay."

Mr. BAYNE. My colleague, Mr. WATSON, is paired with Mr. CLARKE, of Kentucky. Mr. WATSON would vote "no."

Mr. HENDERSON. I am paired with Mr. BUCKNER. If he were here, I would vote "no" and he would vote "ay."

Mr. SHELLEY. I am paired with Mr. EVANS, of Indiana. If he were here, I would vote "ay."

Mr. HUNGERFORD. Mr. CAMP is paired with Mr. BENEDICT. Mr. BENEDICT would vote "ay" and Mr. CAMP would vote "no."

The vote was then announced as above recorded.

Mr. GARFIELD. I desire to ask unanimous consent of the House, in order that others besides the Speaker may not think my vote insincere, that my vote be recorded in favor of the adoption of the amendment.

There was no objection, and it was so ordered.

Mr. HEWITT, of New York. Let the next amendment be read.

Mr. ELLSWORTH. I move that the House do now adjourn.

The motion was not agreed to.

The Clerk read the next amendment reported from the Committee of the Whole, as follows:

In line 15 after the word "twenty" insert "five;" so that it will read:
Thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was not agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEWITT, of New York. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAGLEY: The petition of James Wyman, for an extension of a patent for a machine for setting staples in blind-slats—to the Committee on Patents.

By Mr. BALLOU: The petition of publishers, printers, binders, and others interested in the manufacture and sale of books, against any change of duties on books without a thorough investigation of its bearing, and if any change is made, that the duty be made specific instead of ad valorem—to the Committee of Ways and Means.

By Mr. BANKS: The petition of G. H. Thyrus and 30 other citizens of Massachusetts, against any modification of the patent laws affecting seventeen-year patents—to the Committee on Patents.

By Mr. BOONE: The petition of Dr. J. F. Stone and 260 other citizens of Calloway County, Kentucky, for a post-route from Murray, Kentucky, to New Buffalo, via New Providence and New Concord—to the Committee on the Post-Office and Post-Roads.

By Mr. COX, of Ohio: The petition of Professor Alexander C. Twining, for an extension of a patent for a machine for making ice—to the Committee on Patents.

By Mr. FENN: The petition of Catharine Eliza Osborn, for a pension—to the Committee on Invalid Pensions.

By Mr. GARTH: The petition of citizens of Huntsville, Alabama, and vicinity, favoring Memphis, Tennessee, as the eastern terminus of the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. HARDENBERGH: Papers relating to the petition of George W. Labaw, for extension of a patent for a machine for cutting miters—to the Committee on Patents.

By Mr. HARMER: The petitions of publishers, booksellers, paper-makers, printers, binders, and others interested in the manufacture and sale of books, that if any change be made in the duty on books it may be by changing from an ad valorem to a specific duty—to the Committee of Ways and Means.

By Mr. HEWITT, of Alabama: The petition of Hon. J. D. Terrell and others, citizens of Marion County, Alabama, for the passage of House bill No. 1670—to the same committee.

By Mr. HEWITT, of New York: The petition of the American Iron and Steel Association, for an appropriation of $10,000 for the purpose of testing iron and steel—to the Committee on Appropriations.

By Mr. JAMES: The petition of 60 book-binders, paper-makers, and others, against altering the tariff on books and the materials of which they are made—to the Committee of Ways and Means.

By Mr. JOYCE: The petition of the same parties, of similar import—to the same committee.

By Mr. LAPHAM: The petition of the same parties, of similar import—to the same committee.

By Mr. PHILLIPS: The petition of the same parties, of similar import—to the same committee.

By Mr. RICE, of Massachusetts: The petition of Kendall Council, No. 13, of the District of Columbia, of the Sovereigns of Industry, for such a law as will secure full weight to purchasers of coal—to the Committee for the District of Columbia.

By Mr. RICE, of Ohio: The petitions of Mrs. Sarah Jennings and Edward Newman, for pensions—to the Committee on Invalid Pensions.

By Mr. STEELE: The petition of R. P. Waring, W. H. Bailey, John E. Brown, and 180 other citizens of North Carolina, for the establishment of a United States court at Charlotte, North Carolina—to the Committee on the Judiciary.

By Mr. THROCKMORTON: The petition of Frank Cleaves and others, for an appropriation to pay the awards of the joint commission organized under the treaty of July 4, 1868, between the United States and Mexico—to the Committee on Foreign Affairs.

By Mr. WIGGINTON: A paper relating to the establishment of certain post-routes in California—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS, of Kentucky: Papers relating to the pension claim of Patrick Cody—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *May* 28, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of the 13th instant, a letter from the Chief of Engineers and the accompanying report of the advisory board in relation to the harbor of Norfolk, Virginia, with an estimate of the cost of the improvements proposed; which, on motion of Mr. JOHNSTON, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the Senate of the 16th ultimo, copies of the record of proceedings of the naval examining board in the case of Captain Somerville Nicholson, United States Navy, for promotion; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 24th instant, a copy of the printed memorial of B. F. Overton, governor of the Chickasaw Nation, praying for a rehearing in the matter of the Chickasaw permit law; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. WALLACE presented the memorial of Manchester Council No. 254, Order of United American Mechanics, of Allegheny City, Pennsylvania, and the memorial of Coalfield Council No. 290, Order of United American Mechanics, of Summit Hill, Pennsylvania, remonstrating against any change in the present tariff laws; which were referred to the Committee on Finance.

He also presented the memorial of Allan C. Bakewell & Co., of Pittsburgh, Pennsylvania, remonstrating against the passage of the bill providing for the refunding to Miller & Richards of a fine imposed upon them for undervaluing a lot of goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Philadelphia, Pennsylvania, in favor of an appropriation of $10,000 for the survey of the Delaware River below League Island; which was referred to the Committee on Commerce.

He also presented a petition of the centennial board of finance, praying that the expenses of the commission appointed by the Government of the United States on the occasion of the centennial exhibition in Philadelphia be paid by the Government; which was referred to the Committee on Finance.

Mr. McPHERSON. I present the memorial of P. Lorillard & Co., citizens of Jersey City, New Jersey, engaged in the manufacture of tobacco, who respectfully set forth that, "by reason of the discussions which have taken place relative to a contemplated reduction of the rate of tax on tobacco, their business, as well as the general tobacco manufacturing industry of the country, has been seriously paralyzed." The memorial contains many important statistics and facts in relation to the tobacco interest. At the proper time I shall submit a resolution in relation to the subject, and I shall ask for its immediate consideration. I now move that the memorial lie upon the table.

The motion was agreed to.

Mr. ALLISON. I present several petitions from steamboat owners, inspectors, pilots, &c., on the Mississippi River, praying for the removal of the local board of inspectors from Galena, Illinois, to Dubuque, Iowa. I move the reference of these petitions to the Committee on Commerce.

The motion was agreed to.

Mr. OGLESBY presented a memorial of the Board of Trade of the city of Chicago, Illinois, praying Congress to make provision by law for the increase and maintenance of the Army to full one hundred regiments, of one thousand men each, "to the end that all parts of the country may feel that they have something like adequate protection against the emergencies liable to arise from combinations without or demonstrations within the United States;" which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the joint resolution (S. R. No. 10) directing the Secretary of the Treasury to deliver to the Smithsonian Institution certain canceled plates of fractional currency to be held as objects of interest, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 551) to repeal section 2917 of the Revised Statutes fixing a standard for vinegar, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MORRILL. I am also directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States, to report it favorably. I do not know that there will be any objection to its present passage; it is a House bill; it merely authorizes the appointment of additional assistant treasurers at assay offices and mints for the purpose of receiving gold bullion and coin for which certificates can be used. If there is no objection, I will ask to have it passed this morning.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be reported.

The Secretary read the bill.

Mr. WITHERS. I think it had better go over and not interrupt proceedings now, but that we should get through with the morning business.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. KERNAN, from the Committee on Patents, to whom was referred the bill (S. No. 571) to enable Albert Fuller to have a hearing before the Commissioner of Patents, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 4874) for the relief of the sureties of John McNellis, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 408) for the relief of Charles Brewster, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MAXEY. I am directed by the Committee on Military Affairs, to whom was referred a letter from the Secretary of War, communicating a substitute proposed by the Adjutant-General of the United States Army for section 5485 of the Revised Statutes, relative to attorney fees in claims for bounty, to report it back. The section 5485 relates to fees for prosecuting claims to bounties and pensions, and the cognate sections, sections 4785 and 4786, relate in like manner to pensions and bounty lands. It is not therefore in the jurisdiction of the Committee on Military Affairs, as we consider, and we report it back and ask to be discharged from its further consideration, and that it be referred to the Committee on Pensions.

The report was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1120) for the relief of Samuel Lowery, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. OGLESBY. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. No. 1270) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana, to ask to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims, as the subject covered by the bill refers entirely to the title to lands in the Territories and the States named, and in no event, whatever the result would be, would it become public domain. It is a question of claim to title between mission societies and private parties. I therefore move that the Committee on Public Lands be discharged and that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States transmitting a communication from the Secretary of State in reference to the deliberation of the fisheries commission with accompanying

papers, submitted a report thereon, accompanied by a bill and a concurrent resolution.

The report was ordered to be printed; and the bill (S. No. 1328) providing for the payment of the award made by the fisheries commission at Halifax under the treaty of Washington, was read twice by its title.

Mr. HAMLIN. Let the concurrent resolution be also printed and placed on the Calendar.

The concurrent resolution was read, and ordered to be printed; as follows:

Resolved by the Senate (the House of Representatives concurring.) That the views and recommendations embraced in the report of the Senate Committee on Foreign Relations, touching the award made by the fisheries commission at Halifax, are hereby approved.

UNITED STATES COURTS IN FLORIDA.

Mr. McDONALD. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1277) to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida, to report it with an amendment, and to recommend its passage. I should like, as it will occupy no time except to read it, that the bill may be presently considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs that the southern judicial district of the State of Florida shall embrace the counties of Hernando, Hillsborough, Polk, Manatee, and Monroe, in that State; and all the territory within the remaining counties shall constitute the northern judicial district.

The bill was reported from the Committee on the Judiciary with an amendment to add at the end of the second section:

But the same shall be proceeded in to final disposition as if this act had not been passed.

So as to make the section read:

That a term of the district and circuit courts of the United States shall be held in each year at Tampa, in said district, commencing on the first Monday in March: *Provided*, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the United States for the northern district of Florida in any case, civil or criminal, pending therein at the time of the passage of this act; but the same shall be proceeded in to final disposition as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BRUCE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1329) for the relief of Eliza J. Mahan and Sophia G. Mitchell; which was read twice by its title, and referred to the Committee on Claims.

Mr. McDONALD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1330) to quiet title of settlers on Des Moines River Lands in the State of Iowa, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1331) to amend the practice in the courts of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1332) granting a pension to John G. Merritt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1333) for the relief of Joel S. Hankins and William Boyd, citizens of Lamar County, State of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1334) for the relief of James Wyman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

TAX ON TOBACCO.

Mr. McPHERSON. I submit the following resolution, and I ask for its immediate consideration:

Whereas many petitions have been presented to Congress praying for a reduction in the rate of tax on tobacco; and

Whereas it is expedient that the Senate give an immediate expression of opinion on this subject to the end that the tobacco-manufacturing industries of the country may resume and continue their business with safety (so far as the action of Congress may affect the same) and thereby give employment to thousands of operatives now thrown out of employment, causing great suffering and distress: Therefore,

Be it resolved, That it is unwise and inexpedient at the present session of Congress to change the existing rate of tax on manufactured tobacco.

Mr. WITHERS. I object to the present consideration of the resolution, and ask that it go over.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

TRANSPORTATION ROUTES TO THE SEABOARD.

Mr. WINDOM submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 700 copies of the first volume of the report of the Select Committee on Transportation Routes to the Seaboard be printed and bound for the use of the Senate.

AMENDMENTS TO POST-ROUTE BILL.

Mr. JOHNSTON, Mr. ALLISON, and Mr. MORGAN submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

TEXAS PACIFIC RAILWAY.

Mr. CONOVER submitted an amendment intended to be proposed by him to the bill (S. No. 942) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto; which was ordered to lie on the table.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. WALLACE and Mr. CAMERON of Wisconsin submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

LOCATION OF LAND-SCRIP.

Mr. EUSTIS. I move that the Senate proceed to the consideration of the bill (S. No. 109) defining the manner in which certain land-scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives.

Mr. MITCHELL. On Friday last I stated to the Senate that I would ask the Senate on Monday, in the morning hour, to allow me to submit some remarks to the extent of about twenty minutes, on a proposition that I have before the Senate. I was crowded out on Monday. I also gave notice last evening that I should ask the indulgence of the Senate this morning for that purpose. It is something, I believe, that has not been refused, not very often at least. I hope the Senator from Louisiana will not press the consideration of that bill this morning. It will certainly lead to considerable discussion.

Mr. WHYTE. It has been discussed. The bill was up before. I do not think anybody wants to debate it further.

Mr. MITCHELL. Does the Senator think it will take any time?

Mr. WHYTE. No, sir; I do not think it will take five minutes. It was discussed when it was up before.

Mr. MITCHELL. Very well.

Mr. WHYTE. And after it is disposed of no one will object to the Senator from Oregon taking the floor.

Mr. MITCHELL. I make no objection, then.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill moved by the Senator from Louisiana?

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUILDING FOR BUREAU OF ENGRAVING AND PRINTING.

Mr. MORRILL. I ask to have taken up the bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments.

Mr. WHYTE. I asked the Senator from Oregon [Mr. MITCHELL] to give way when this last bill was considered with the understanding, as I thought, that he was to have the opportunity of making a few remarks, not occupying more than twenty minutes.

Mr. MORRILL. I do not think this bill will take ten minutes.

Mr. WHYTE. I felt it due to the Senator from Oregon to make the statement, whose modesty I saw would not allow him to ask for the privilege again.

Mr. MITCHELL. My modesty has always held me back considerably and I am very much obliged to the Senator from Maryland.

Mr. MORRILL. It is important to have this bill acted upon so that it may go to the House. It is regarded at the Treasury Department with a good deal of interest. It has been up once or twice and I do not think it will consume more than ten minutes of time. I ask, therefore, that it be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments.

Mr. MORRILL. I desire to say that this work must be done. It is not contemplated to do any more than is now done, but it is deemed

very essential that this business should be removed from the Treasury Department, both on account of the damage it is doing the Treasury building to have it remain there and the peril there is in consequence of danger of fire. I may say that the bureau has saved this year over $600,000 in doing this work, and the site of the land that is to be obtained is considered the best possible within the reach of the Government, and is on the highest point of land in the south part of Washington. I hope, therefore, that the bill will be allowed to pass.

Mr. THURMAN. When this bill was up before I expressed the opinion I entertained then, which I entertain still, that a portion of the work done by the Bureau of Engraving and Printing could be done more economically and that it would be an element of safety to have it done by contract. I was never in favor of all the work being done by contract, although it did seem to me to be the fact that the Government almost always pays more for work that it does itself than it pays when it is done by contractors, and I had very grave doubts whether it would not be a saving of money to have all the work done by contract. In regard to the safety of the work, I did not share the apprehensions that were expressed by some Senators, when I recollected that all the work done for the Government before the creation of this bureau was done by contract, that all bank-notes in the country from the foundation of the Government up to the chartering of the national banks were done by engraving companies, that all the State bonds and coupons are done by engraving companies, that all the railroad bonds and coupons are done by engraving companies. When I thought of this immense amount of work done by these companies and that no fraud or wrong has ever been complained of so far as I know, it did seem to me that any apprehension of loss to the United States by this great work being done by engraving companies was not well founded.

Since this bill was up, I have had a very full and, to me, a very interesting conversation with the present head of the Bureau of Engraving and Printing. I ought to have said, however, in respect to this bureau, that perhaps there is no department in the Government in which greater abuses have existed than in this bureau. It is only necessary to look at the report made by the commission appointed by the present Secretary of the Treasury, about a year ago, to investigate the affairs of that bureau to see that such abuses scarcely ever existed in any government. The number of employés was more than twice the number needed. There were so many that they were in each other's way; there were so many that about half of them had absolutely nothing to do whatever. In other words, that bureau was simply an eleemosynary institution for this District for a long time, and the proof of it is to be found in this simple fact, which is stated to me by the present head of the bureau, and which I will assume to be correct, because I have no reason to doubt his word: that he has cut down the expenses of the bureau $600,000 in one year. If that be so, it shows what monstrous abuses have existed there before. The head of the bureau tells me that in the last year the number of impressions made in that bureau amounted to more than a million, and the amount in value is very great indeed. He has convinced me that at least some portion of the work, and possibly the greater portion of the work, should be done by the Government. Under these circumstances, as the Government must have some place to do the work, whether it does all or whether it does any considerable share of it, I have made up my mind to forbear any further opposition to this bill on my part. I still must say that I have very great doubts whether or no a building of the size contemplated by the bill and perfectly fire-proof can be built for the money, but the chairman of the committee that reports the bill thinks it can, and the head of the bureau thinks it can, and they know better than I.

Mr. BECK. Mr. President, when this bill was last before the Senate I objected to its passage, giving as a reason that there seemed to be no contract made whereby we had any satisfactory assurance that the building would be constructed for anything like the price now estimated. I showed then, and repeat now, that there is hardly a public building or work of any importance in the country that was ever constructed for anything like the price that was first suggested as its cost.

Mr. SAULSBURY. I ask the Senator from Kentucky if that is true of the management of the present Supervising Architect? That was the case formerly; but I ask whether that is true under Mr. Hill's administration?

Mr. BECK. I do not know that I can answer that question. I do not know, to begin with, how long the present Supervising Architect has been in office, or whether he has been in office from the time that any public work was begun.

Mr. THURMAN. Will my friend allow me to interrupt him a moment?

Mr. BECK. Certainly.

Mr. THURMAN. I did not mean to say that the Post-Office building was the only building ever erected by the Government within the estimates. I am told that the Agricultural building was also built within the estimates. Those I think are the only two Government buildings ever built within the estimates.

Mr. BECK. What I was going to say was that when I was up before objecting to this bill I called attention to the immense cost above the first estimates of the post-office buildings in New York, Boston, and elsewhere, and said that I doubted the propriety of erecting this building until we had more careful estimates and absolute contracts made. But I have a more serious objection to it than that. I will not vote to begin any new buildings now that are not absolutely necessary. I do not believe the finances of the country warrant it; and while I am opposed to the bank-note companies taking control of the printing of this Government, while I agree, as the Secretary of the Treasury sets forth in his report to this Congress, that we have saved in printing the stamps on tobacco, cigars, liquors, &c., as against what was paid to the New York bank-note companies last year, $68,841.89 by having them printed here, and by printing the backs of legal-tender notes and five-dollar national currency notes (last year done by the Columbia Bank-Note Company of this city and now done at the bureau) there has been a reduction of $40,254.30, and that we have made a saving in the dies, paper, and other things necessary for printing purposes of sixty-eight thousand and odd dollars, making a total of $177,937 over what the companies charged us. These facts would be of themselves a sufficient inducement for me to retain the work in the hands of the Government.

Besides, I know that whenever the Government parts with the power and machinery necessary for the printing of its own notes and other securities the bank-note companies, however much cheaper they may do it in the first instance, the moment they get clear of Government competition they can put their prices up to any point they choose, and they will be sure to do it as soon as the competition is ended and the Government is left at their mercy. In that view I desire the Government to continue the work under its own control, at least to the extent that it now is. I agree further that the present superintendent of the Bureau of Engraving and Printing has managed the business of his office well, so far as I am advised. Out of the $800,000 appropriated for the salaries and work of that bureau last year he has only expended $200,000. He has discharged five hundred and thirty-eight persons whose annual pay was $390,000, who were evidently there as supernumeraries. Of course there has been a reduction of printing, which aided him somewhat, because the fractional currency and many other things are being diminished, but nothing like in proportion to the discharges of supernumeraries; and so far as his management is concerned I have not a word to say except in approval, and if any new building is to be erected now perhaps this will be as good a point to begin as any other. But it must be apparent that the business of this bureau is diminishing and will diminish in the future very much. We have reduced already the stamps for internal revenue to whisky, tobacco, proprietary medicines, check-stamps, and stamps on match-boxes. A few years ago we had those stamps on nearly everything. There are now five hundred and thirty-eight persons less to be accommodated in that bureau than there were over a year ago, and all these people were employed and the work was then done in the Treasury building. If five hundred and thirty-eight more persons could work in that building than are now required, the necessity is certainly not as great for a new building as when all these people were there; and if the finances of the country will not permit it, it ought to be postponed to another time.

The Secretary of the Treasury tells us with great emphasis in his report that if we appropriate anything like the amount of the estimates he has made for the necessities of the public service we shall have a deficiency this year of $11,438,796.38, and in making that estimate he calls attention to this fact, that in order to keep down the deficiency—

> It must be accompanied by a careful revision of the laws which fix the salary and number of employés; by a reduction of the amount expended on public works now in progress; by postponement of all new works not indispensable for the public service; and by judicious scrutiny of disbursements.

The Secretary assures us, and we know it even if he did not so assure us, that if we begin new works now we will have not the revenue to pay for the contracts we make. We are told we must build a new public library. It is insisted that we must build a new observatory. We are asked to give subsidies for everything, which of course means money obtained by taxation. We have a river and harbor bill of $7,200,000 or $7,300,000 that will be pressed upon us now; it has already come from the House. All the new buildings now in the course of erection have to go on or we lose what we have already advanced on them; and the clamor is coming up from all over the country demanding more money for everything to aid everybody until we shall soon have no money to give to anybody. The Secretary of the Treasury in his estimates also said that he hoped, and he based his estimates on the fact that he believed we should have an increase from customs this year of over $2,000,000 in excess of what we had last year, and of internal revenue of a million and a half over what we had last year. I telegraphed to the Assistant Secretary this morning to give me the facts, and he sent back this dispatch:

> TREASURY DEPARTMENT,
> *Washington, D. C., May 28, 1878.*
>
> SIR: In reply to your telegram of this morning I have the honor to inclose herewith a statement of the receipts from customs and internal revenue for the period ending May 27 of the fiscal years 1877 and 1878.
>
> I am, very respectfully,
>
> JOHN B. HAWLEY,
> *Assistant Secretary.*
>
> Hon. J. B. BECK,
> *United States Senate.*

Receipts from customs and internal revenue.

	Customs.	Internal revenue.
Fiscal year 1877, quarter ending—		
September 30, 1876	$37,554,728 53	$28,813,336 37
December 31, 1876	27,793,128 95	29,242,881 76
March 31, 1877	34,060,930 47	27,440,264 69
Month of April	10,888,453 16	9,722,642 45
May (twenty-seven days)	9,532,959 21	11,752,519 99
	119,770,190 32	106,977,645 26
	226,747,835 58	
Fiscal year 1878, quarter ending—		
September 30, 1877	36,983,531 56	28,393,382 58
December 31, 1877	30,101,914 65	28,282,128 10
March 31, 1878	32,924,169 69	23,603,274 34
Month of April	10,994,261 09	8,633,734 55
May (twenty-seven days)	8,215,222 90	10,666,051 27
	119,219,099 89	99,588,570 84
	218,807,670 73	

He has in fact received, you will observe, nearly ten millions less than last year although his estimates were based on getting three and a half millions more, with over $11,000,000 deficiency on the estimates then. So the question may very well be asked, where is the money for new public buildings to come from? There is to be no change in the tariff laws, so it is said. The present internal-revenue laws impose taxation on the articles taxed under it until it has far passed the revenue point, and frauds are being practiced to an enormous extent because they have so passed the point of revenue. There is no possibility of increasing the revenue tax on distilled spirits, tobacco, proprietary medicine, checks, matches, or on the banks. On the contrary, there is a clamor all over the country to reduce them, and I think they could be reduced largely in the interest of revenue and stop immense frauds.

There is no serious proposition to change the tariff that is likely to be successful, although I am one of those who have strongly and earnestly urged it in the interest of an increase of revenue at all times, believing it to be prohibitory now in many important classes of articles, and that we could take off half the duties and double or treble the revenue by so doing and yet give all proper protection. But that is not likely to be done. Now, if we are to proceed extensively in the erection of new buildings, where is the money to come from?

Knowing, from the condition of the business of the country, that we were sure to find ourselves in the condition I have stated, and believing that we should stop the further payment of the principal of the national debt, being over $200,000,000 ahead of any possible obligation to provide for any (so-called) sinking fund, I offered in absolute good faith in January last a resolution reciting that the law ought to be so changed as to stop the payment of any more of the principal of the public debt. I showed by official data that we were called upon to expend $37,500,000 that there was no necessity for when we were so far in advance of our obligations, and I urged it with all the power I had, feeble as that might be. It was referred by the Senate against my will to the Committee on Finance of this body, and that committee has made a report, whether unanimous or not I do not know, against my proposition. The meaning of the report of that committee, as I construe it, is that we are compelled year by year, and especially this year, to keep up the payment of that thirty-seven and a half millions, and the committee has reported to the Senate that it shall be done. I saw that this trouble was coming; I saw that falling revenues were going to be the rule and not the exception; I saw that if we attempted to pay $37,500,000 to the sinking fund in excess of our expenditures it could not be done, and I desired to relieve the Secretary from embarrassment or censure. If the construction of the law is as I assume it is from the report of the committee and the action of the Senate, and from all that has taken place in regard to my resolution, you are compelling the Secretary of the Treasury to make himself amenable to the penal laws against embezzlement. He is violating well-known laws, if the committee's construction stands, whenever he appropriates the sinking-fund money for any other purpose except that specifically provided for, and he is, as he admits, violating them every day. I hold the law in my hand. I want to call attention to it; and if gentlemen will not reduce taxes but are determined to insist on maintaining that law as they construe it, then I insist that the Secretary shall be held responsible for all the consequences of his violation of it. The sinking-fund law provides that the coin received from customs shall be applied—

To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

SEC. 3695. All bonds applied to the sinking fund, and all other United States bonds redeemed or paid by the United States, shall be canceled and destroyed. A detailed record of the bonds so canceled and destroyed shall be first made in the books of the Treasury Department. The amount of the bonds of each class that have been canceled and destroyed shall be deducted respectively from the amount of each class of the outstanding debt of the United States.

SEC. 3696. In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the sinking fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt.

And after all that is done, and not before, then the balance collected from customs shall be paid into the Treasury. There is a permanent appropriation for the interest and sinking fund every year. The Secretary has no right to touch that fund in any form except to see that it is so applied. Fearing, or pretending to fear, that revenues might be insufficient, in 1875 a law was passed for the avowed purpose of protecting that sinking fund, and Congress restored the 10 per cent. tariff duties, which had been stricken off in 1871, on the leading articles that were covered by the tariff; we raised the tax on whisky and other distilled spirits from sixty-odd to ninety cents a gallon; put up the tax on tobacco from twenty to twenty-four cents per pound, because it was urged that the sinking fund must be maintained inviolate. The present Secretary of the Treasury himself, one of the advocates of that bill, took part in the debate in the Senate, in which he used this language:

In regard to the first alternative, I say that by no vote of mine, under any circumstances, will I suspend or stop for a moment the operation of the sinking-fund laws. They are pledges of public faith that must be observed literally and truly, and I am very glad the Secretary of the Treasury has taken the position that whatever else comes that sinking fund shall be maintained. Indeed, the law in regard to the sinking fund is so clear, so strong, that a Secretary of the Treasury who would violate that law would clearly be subject to and ought to be impeached.

And yet he has appeared before committees of the Senate and committees of the House; I have his testimony before me, in which he avows that he is violating that law every day and intends to continue to violate it, saying that it is a mere technical matter and he ought not to be required to execute it. He proceeds in the speech from which I have quoted to show that he is not doing what he says he is doing ignorantly; I read from his speech in the Senate in that debate of March 1, 1875:

That law is an element of the public credit and must not be impaired. Let us look a moment. The sinking-fund acts are pretty familiar to the Senate but they will bear repetition. By the act passed at the beginning of the war, February 25, 1862, the customs duties are expressly pledged, first, to the payment of the interest in coin on the bonds of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States; and third, the residue thereof only to be paid into the Treasury of the United States.

It is perfectly clear, therefore, that the customs duties which were to be collected in gold were set aside and mortgaged just as sacredly as if I should mortgage the house in which I live, set aside as a fund to be applied to specific purposes, and that it is only the balance of this fund that can be used by the United States for other purposes. That is perfectly clear, and to that the public faith is pledged. That law is still the existing law. It has been said in debate elsewhere, and perhaps here, that former Secretaries of the Treasury did not regard that law. That is an entire mistake. During the whole war more than 1 per cent. of the debt was paid annually. It is true new debt was created, new bonds were issued in vast amounts, but still during Secretary Chase's term more than 1 per cent. of the old debt was constantly paid by the payment of demand notes and of various forms of debts as they came in. The account was not maintained as a sinking fund, and yet the fund was applied according to the language of the law.

And he repeats again that the Secretary ought to be impeached who disregarded the law as it reads. Mr. DAWES, who had charge of that bill in the House of Representatives, made the same emphatic declaration. After stating the amount that would be raised by the increase on whisky and tobacco, and by the additional tariff duties imposed, he said to the House:

Sir, I desire to call the attention of the House to the law creating the sinking fund. I did it last year when I was speaking of the necessity of retrenchment. I now call attention to it in connection with the question of increased taxation. This is the law under which all the bonds of the United States have been issued, lying at the bottom of the first issue and running through them all, and it can be no more violated with impunity than any law that prescribes penalties of indictment and sentence to the penitentiary. And any officer of the Government who knowingly and willfully violates this law deserves impeachment at the hands of this Congress. The Secretaries of the Treasury who have gone before the present one, and the present Secretary of the Treasury, can only justify themselves in the course they pursued from the fact that the Congress of the United States has not furnished them with means to meet all the demands of the Government. Section 5 of the act which created the first bonds of the United states was in these words.

I have already read the law he quoted.

Assuming the construction of these distinguished gentlemen to be true, and the Finance Committee evidently so regard it by their conduct on my resolution, what follows? Let us see.

What do the Revised Statutes provide? Senators must remember that I did not bring this matter up. On the contrary, I tried to save the Secretary by repealing the law in every shape and form, or by postponing its operation for a series of years; but the Senate saw fit not to do it, but prefer, if the committee is followed, to hold him responsible under this law; and if the Senate keep it there and insist on the taxation necessary to maintain it, I say, hold him responsible for a strict compliance with it. The great bane of this country has been the willful violation of law by the officials high in authority. The same spirit that ordered Terry to break up the Legislature of Georgia, and Sheridan and De Trobriand the Legislature of Louisiana seems to pervade all departments of the Government; and if the Secretary shall be permitted to take money out of the Treasury or prevent its application for any purpose in plain violation of law when the law provides that amounts appropriated for the various branches of the public service shall be applied only to the objects to which they are respectively made, and to no others, let him be held responsible for his illegal acts. Another section of the Revised Statutes (section 5488) prescribes that any official who does so and who applies any money for any purpose except that for which it is specifically appropriated shall be guilty of embezzlement and shall

be fined not less than $1,000 and imprisoned not less than a year, or both so fined and imprisoned; and yet a Secretary of the Treasury, instead of setting aside the sinking fund, as the Senate construes the law, uses it as he pleases and comes before a committee of the Congress defiantly, and tells them that he does not intend to obey any of their laws. I hold in my hand his testimony taken before the Committee on Banking and Currency, in which he says:

I have already explained the operations of the sinking fund——

Mr. MORRILL. I appeal to my friend from Kentucky to give us time to act on this bill before the morning hour expires.

Mr. BECK. I appealed to the Committee on Finance of the Senate for weeks and months to report back my sinking-fund resolution to give us a chance to set aside the unnecessary provisions for that fund, and discontinue them so as not to make their Secretary of the Treasury guilty of embezzlement by violating all the laws of Congress. I maintain that they ought to have reported it back favorably. It was reported back adversely and is now on the Calendar, and no opportunity has ever yet been had for me to show why the Secretary ought not to be required to comply with the law as they construe it. Therefore I think it more important to show to the country that our high the wheels of government or violate the law, and to show that we are in no condition to begin any new buildings either for the Bureau of officials are violating the law willfully and knowingly, and that the Senate is holding them in a condition where they must either stop Engraving and Printing or libraries or anything else than it is to engage in the erection of buildings for any purpose.

Mr. WHYTE. I hope the Senator from Kentucky will give way. It is manifest that this bill cannot be passed in the morning hour, and I would ask the Senator from Vermont to withdraw his desire to have it put upon its passage, and allow the Senator from Oregon [Mr. MITCHELL] to make his speech.

Mr. MORRILL. When I said I did not think this bill would take over ten minutes, I had forgotten that the Senator from Kentucky always has a good speech in him. This is a good speech and I have always considered it a good one every time it has been delivered.

Mr. BECK. That is very smart. The Senator never heard it delivered by me before; and if he had paid more attention to the laws, and if he had made the reports that he ought to have done in the proper time, so that I could have been heard to meet the questions I have been speaking about, I should not have troubled his present proposition, but I have no other means of getting the floor that I know of.

Mr. SARGENT. I trust the Senator from Kentucky will be allowed to proceed until he justifies, if he can, the extraordinary statement he has just made that the Secretary of the Treasury has stated to a House committee that he did not intend to obey any of the laws.

Mr. BECK. That he did not intend to maintain the sinking fund or the laws in reference to the sinking fund; that he was doing it, and I referred to his speech to show that he did know what the law was, and that if he did not obey he ought to be impeached, and yet he went before that committee and said that he was not only not setting apart that fund thus sacredly dedicated to a special purpose which the Revised Statutes say cannot be touched by any officer, but that he was simply applying whatever balances he found in his hands, and his testimony, which I have before me and would be glad to read for the edification of the Senator from California, shows the truth of what I say.

Mr. SARGENT. I quoted the Senator's remark; he said the Secretary said he did not intend to obey any of the laws.

Mr. BECK. Relative to the sinking fund.

Mr. ALLISON. Will the Senator allow me to ask him a question?

Mr. BECK. Certainly.

Mr. ALLISON. I should like to have the Senator from Kentucky state what Secretary of the Treasury has construed the sinking-fund law as the Senator now construes it, and what Secretary of the Treasury has obeyed that law in the sense which he now construes it to require obeying?

Mr. BECK. The present Secretary of the Treasury, when a member of the Senate, in the speech from which I read, construed that law to mean just what I now say, and the act of 1875 whereby the people were taxed from seventy-five to one hundred million dollars additional was passed upon the pretense that it was indispensably necessary to pass it in order to maintain that law; and the 10 per cent. added to the tariff taxation and the 30 per cent. put upon whisky and tobacco were placed upon the country expressly upon that condition, and the law itself in its title says that the object of it is to aid in protecting that sinking fund, and the exact amount it would produce was given by the Senator from Massachusetts who had charge of the bill in the House, [Mr. DAWES,] and which he again repeated, that it was "an act to further protect the sinking fund and provide for the exigencies of the Government;" and he said:

Mr. Chairman, this tax upon whisky will yield $16,640,000; the tax upon tobacco of four cents on the pound will yield $4,200,000; that on sugar will yield $8,213,000; the 10 per cent. restoration will yield $8,000,000. The whole increase, therefore, this bill will yield is, Mr. Chairman, $37,750,000.

The result was a loss of thirty-nine millions in two years by the tariff and very little gain by the other; but still that was the statement. I have said that the Secretary of the Treasury himself said that he did not try to execute it. Let me quote his own words:

Secretary SHERMAN. I have already explained the operation of the sinking fund. If we should undertake to do what you say we ought to do—set aside that $35,000,000 and apply it for sinking-fund purposes—as a matter of course there would be at once a deficiency in the payment of your own salaries and of all the other expenses of the Government. Now, this sinking fund is a well-known technical fund, and has been known from the foundation of the Government. It is really nothing but a pledge by Congress that it will provide revenues enough, not only to pay the expenses of the Government, but to pay, in addition, the sinking fund of 1 per cent. upon the debt. Therefore the sinking fund has been always used simply as a representative of the balance of revenues over expenditures. The current expenditures are always taken from the amount of revenues, and the balance is applied to the sinking fund. If there is a deficiency in the revenue, so that there is no balance to be applied to the sinking fund, of course that is the fault of Congress in failing to provide revenues sufficient to cover the appropriations and the amount to be applied to the sinking fund. That has been the established custom of this and other countries.

Mr. EWING. I am not speaking about the custom, but the law. The law says that the coin paid for duties shall be set apart as a special fund, first, for the payment of coin interest on the public debt and, second, for the purchase of 1 per cent. of the debt each year, and for payment of interest upon the accumulated sinking fund. Now, I do not see how any custom or usage of the Department or usage of other countries can change the obligation of the statute.

The Secretary then asked for the resumption act and gave his construction of it, and then he was asked again:

These provisions of law setting apart the customs as a special fund and permanently appropriating them to the sinking fund certainly are not affected by this provision of the resumption law, appropriating "any money in the Treasury not otherwise appropriated."

Secretary SHERMAN. I think it is; the words "surplus revenue" are not in it. That has been always construed to mean that sum of money which has been left after paying current expenses.

Mr. EWING. You mean always since the passage of the resumption law?

Secretary SHERMAN. I never saw that questioned. At all events, it was so held and acted upon when Mr. Bristow failed to make good the $16,305,421 of the sinking fund.

Mr. EWING. It was so held by the Secretary?

Secretary SHERMAN. Yes, sir; and was never questioned by Congress.

Mr. EWING. Not Mr. Morrill's. The resumption law passed before Mr. Morrill became Secretary.

Secretary SHERMAN. Yes; but at all events that question was determined by the Department and was acquiesced in certainly by Congress, and rightly acquiesced in. I certainly take my share of the fault, if there is anything wrong in it, for I was then in Congress, of acquiescing in the construction that the ordinary expenses of the Government must be paid before the sinking fund is attended to and that if there is any deficiency it must fall on the sinking fund.

* * * * * * * *

The answer to that is that the resumption act expressly authorizes the use of the surplus revenue and the proceeds of bonds to carry the resumption act into effect; and you will see that the resumption act has been carried into effect thus far by the sale of bonds, even in the purchase of the silver bullion in the first instance. Mr. Bristow sold $15,000,000 of 5 per cent. bonds and used the proceeds of those bonds in the purchase of silver bullion, and so all that I did under the resumption act was done by the sale of bonds.

Mr. EWING. There has been this year applied to the sinking fund $3,000,000 of fractional currency?

Secretary SHERMAN. Yes; and I do not know how many United States notes. We have redeemed largely United States notes. Last month we redeemed $700,000. All that goes into the sinking fund.

* * * * * * *

Mr. EWING. I find, according to the finance report of 1877, a deficiency in the sinking fund for that year of $9,225,000.

Secretary SHERMAN. That is correct.

* * * * * * *

Yes, and if the amount of money which had been applied to the sinking fund before the panic of 1873, in excess of the amount required by law, had been set apart for a resumption fund, we would have been at specie payments long ago, and that is what ought to have been done, in my judgment; but there is no use in "crying over spilled milk."

Mr. EWING. I understand that you feel at liberty under the usage to neglect any application to the sinking fund at all, if the purposes of the resumption law require it.

Secretary SHERMAN. No; I feel bound to do this, to apply the actual surplus revenue to the sinking fund; and that has been done. But when there is not sufficient surplus revenue to pay the sinking fund I would let the deficit fall on the sinking fund. That is the way we have done.

He explained how it was managed, and he proceeded to show that not only was he making no effort to maintain the law, but that he was giving a construction to it that enabled him to take up the fractional currency, take up the greenbacks, and destroy them as a part of the sinking fund as the easiest way of carrying out his contraction scheme. When he was asked if he was justified in paying into the sinking fund the legal-tenders instead of the bonds, he said:

Yes; that is the construction put upon the law. We have a right to count the legal-tenders and fractional currency returned under the operations of the law as so much debt paid. We do not retire any legal-tenders under any circumstances except in consequence of the issue of the national-bank notes; but when legal-tender notes are retired in that way, we count them as so much debt paid and we credit them to the sinking fund.

His construction of the law was that it would be right to do that.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The morning hour has expired and the Senate resumes the consideration of the unfinished business.

Mr. BECK. I will try to resume this subject at some other time. I have had very little chance to lay it satisfactorily before the Senate so far.

FISHERY COMMISSION.

Mr. ANTHONY. Before the regular order is taken up, I wish to correct a resolution that was passed the other day as a Senate resolution when it should have been a concurrent resolution. I offer now this concurrent resolution to take its place:

Resolved, (the House of Representatives concurring,) That there be printed 2,000 extra copies of the message of the President transmitting a communication from the Secretary of State in reference to the deliberations of the fishery commission, with accompanying documents, and that 500 copies of the same shall be for the

use of the State Department, 500 for the use of the Senate, and 1,000 for the use of the House of Representatives.

I ask for the passage of the resolution.

The resolution was considered by unanimous consent, and agreed to.

Mr. ANTHONY. Now, I move to reconsider the vote by which the Senate resolution on this subject was passed.

The motion to reconsider was agreed to.

Mr. ANTHONY. Now I move that the Senate resolution be indefinitely postponed.

The motion was agreed to.

RETIREMENT OF LEGAL-TENDER NOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4663) to forbid the further retirement of legal-tender notes.

Mr. BAYARD. I ask that the bill be reported.

The PRESIDING OFFICER. The bill will be reported.

The Secretary read the bill.

Mr. BAYARD. I offer the following amendment: after the word "circulation," in line 10, insert:

Provided, That the said notes, when so issued, shall be receivable for all dues to the United States, except duties on imports, and not to be otherwise a legal tender, and any reprint of the said notes shall bear this superscription.

The PRDSIDING OFFICFR. The question is on the amendment of the Senator from Delaware.

Mr. BAYARD. Mr. President, it will be observed that the reissue of the present demand Treasury notes of the United States is by this bill authorized, after they "shall have become the property of the United States;" by which I understand that they shall have been paid by the United States; and I understand the proposition is now deliberately made, in a time of profound peace, in the presence of no emergency, under no stress whatever of political exigency, that it is competent for the Congress of the United States, not only to issue the notes of the Government upon the credit of the Government, but to accompany them with a compulsory clause that they shall be receivable in payment of all debts and contracts between other and third parties.

It really seems, Mr. President, that the American people are fast losing sight of all the old landmarks of their Government; that the plain and essential conditions under which individual, civil, and political liberty can be maintained are one by one disregarded, and, if not forgotten, remembered only to be despised. I do not believe that, with all the wonderful improvements that modern invention has wrought, by the light of all those discoveries which divine wisdom has permitted to reach the minds of men, any change has been made in the nature of men themselves that shall make it less necessary now, than at the period of the foundation of this Government, for us to observe the true conditions by which personal and political liberty under a government of laws, popular in its form, can be maintained.

It is but a little while ago, a few years, that this country, although then in the throes of a terrible and internecine strife, was astounded at the claim of power, that the mere *fiat* of the Government in the issue of its credit should make that which had no value intrinsically at all, full payment for any debt, however vast or however sacred.

Excited as they were in 1862, in the month of March, such a proposition fell with dismay upon the ears of those who lived in this country and desired the perpetuation of its institutions. The credit of the Government is to be used in its own discretion and without limit by the appropriate agents of Government. John Locke says that—

Credit is nothing but the expectation of money within some limited time; money must be had or credit will fail.

But this is not the use of Government credit that is sought by this bill or was sought by the act of 1862. It is to substitute the *fiat* of the Government for the actual money. It is worse than dealing in debased coin, because debased coin still has some intrinsic value. It is dealing with that which, under the name of credit, is the pretended execution of the claims of credit. The experience of the men who founded this Government had been so bitter in their own day, that they were most careful to withhold from the new Government they were creating, the power of making the unreal pass for the real, and the false for the true, or to permit the use of credit in such wise as to defeat its own objects; because, as Locke said, "if the money be not had for the credit, the credit must fail." And a man or a government without it is at an end for all practical purposes.

So that, until March, 1862, although paper money had been used in the United States from the adoption of the Federal Constitution down to that time, although the Government itself had under some twenty-odd acts of Congress emitted its bills of credit, there was no illustration and no case to be found, whether in the practice of the Government or by contemporaneous history or by any analogy of constitutional construction, to authorize the exercise of such a power as was finally exercised in March, 1862, and followed naturally by quick repetition in a few months for increased amounts.

Every theory of the creation of money by the Government that we derived from the country from whom our laws had mainly been imported, from every nation by whose history we could have been instructed, was in opposition to the exercise of such a power. But it came in a season of great peril and excitement; in a time when many good men believed it was essential to claim and to exercise it, no matter what consequences should follow. It was exercised, and in my judgment, and not mine alone, but by the coincidence of those who are best authorized to instruct us, it has cost the people of the United States more in actual loss of wealth, in actual loss of all that goes to create wealth; it has brought upon them to-day, and is the most fruitful cause of all the distress which they suffer and of which we hear so much, and so truly, upon this floor; it has cost them more that they should have issued their bills of credit and made them a legal tender for the payment of all debts, than all and every other expense to which they were compelled by the war.

Part of this statement is the subject of calculation, or may be made so. It has been done by those who have made finance their study in this and other countries, and who declare to you that had this nation remained upon the metallic basis, or upon the basis of a money of value, issuing its notes but maintaining their convertibility at par into specie—issuing its notes but not attaching a compulsory clause of legal tender, the vast debt which resulted from the war would have been diminished at least one-half. But when you come to the spirit of extravagance and wild speculation that was generated and fostered, you have reached an element of damage to the country which is not calculable, which is vast, almost beyond imagination.

Oh, sir, to-day it is not that this people of the country are suffering for want of circulating medium to conduct their business; it is not from the want of a sufficient volume of currency; it is from a vain attempt to maintain an inflated and exaggerated system of values, growing out of a season of fictitious and false prosperity, built upon this system of irredeemable paper money, which, without regard to its value, has yet been called upon to serve as the standard of value. It not only was a house built upon sand, but it was a house of straw built upon sand; there was neither substance above nor below, and no human ingenuity could give it permanent stability or safety.

Mr. President, I am perfectly aware of the apparent strength of what is rather sentiment, than public opinion on this subject; and yet, nevertheless, it seems to me that the stronger the flood of error, the more strenuous should be the efforts of every man who has convictions in opposition to declare them, and contribute what he may to that great system of truth, all parts of which will in the end be found harmonious, and shall prevail. It is worth while at this time to go back into history to know what were the limitations of power upon the monarch or upon the majority, which, in a republican form of government, represents the ruling power. Such a power as is now claimed by Congress, it is safe to say, was never committed to a constitutional monarch. It was never permitted in England when the constitution was far more nebulous and vague than it since has become. In the 2d of Coke's Institutes, 577, we are told that:

By the 20th statute of Edward I, c. 1, and Magna Charta, folio 167, it is provided that "*no subject can be enforced to take in buying and selling or other payment, any money made, but only of lawful metal, that is of silver or gold*," as the Mirror hath told you, and by this it is proved, that having respect to money there is an unlawful metal and these be the other five.

He then enumerates the baser metals.

The money of England is the treasure of England, and nothing is said to be treasure trove but gold and silver. And this is the reason that the law doth give to the king the mines of gold and silver, thereof to make money, and not any other metal which a subject may have, because thereof money cannot be made. *And hereof there is great reason, for the value of money being the measure of all contracts, &c., is in effect the value of every man.*

In the twenty-fifth year of King Edward III, it was enacted "that the money of gold and silver which now is current shall not be impaired in weight or allay, but as soon as a good way may be found, that the same may be put in the ancient state, as in the sterling."

By this act three things are to be observed: 1. That the money of England must either be of gold or silver: 2. That the current money of England cannot be impaired, either in weight or allay: 3. That the allay of the sterling was the ancient current money of England. And herewith agreeth the statute of 9 Henry V.

This was the law of England then and is to-day. It was the law of the United States at the time these colonies were founded and when they confederated into a union. Writing one hundred and fifty years after, Blackstone, p. 218, vol. 1 of his commentaries, says:

When a given weight of gold or silver is of a given fineness, it is then of the true standard, and called esterling or sterling metal. * * And of this sterling or esterling metal all the coin of the Kingdom must be made, by the statute 25 Edward III, c. 13. *So that the King's prerogative seemeth not to extend to the debasing or enhancing the value of the coin, below or above the sterling value.*

This was accepted in the American mind. It never was doubted. A power of substitution, a power of debasement, was never imagined because the power was given to the Congress of the United States to do just that which the English constitution allowed to the king, which was to coin the precious metals into money. The States were forbidden to coin any money or to make anything but gold and silver a legal tender for the payment of debts; and the Congress of the United States by a most reasonable implication could make nothing but gold and silver as coin a tender for the payment of debts, for the very spirit and reason that forbids the impairment of the obligation of contracts by a State extends itself to the government of laws to which that State is a party. And so there never was at any time the suggestion of any such power, as is now sought under the present bill to be assumed as a matter of course, by the Congress of the United States of making Treasury notes a legal tender after their payment

by the Government. Until February, 1862, the Government of the United States never made nor attempted to make its securities or notes a legal tender;—no paper money until then had been a legal tender.

It was justly regarded by all who ever wrote or spoke upon the subject as an exercise of power so far-reaching and unlimited, that no form of government which warranted it could be called a government of limited powers.

The power arbitrarily to debase coin and change the standard of values was shrunk from as being in its very nature tyrannical, utterly fatal to public security;—and the power to substitute pieces of paper totally without intrinsic value, is not to diminish value, but wholly to abolish it.

In Gwin *vs.* Breedlove, in 2 Howard, decided in 1844, the Supreme Court of the United States, of which Chief-Justice Taney was then the head, at a time when were present Judges McLean, Story, Baldwin, Wayne, McKinley, and Daniel, in passing upon the case of a sale by a United States marshal of the goods of a debtor under execution and his accepting in satisfaction paper money, declared that—

By the Constitution of the United States gold or silver coin made current by law can only be tendered in payment of debts. * * *

By the writ of execution the marshal was directed to collect so many dollars; this meant gold or silver of course.

No man whose opinion or declaration is known to me ever ventured, prior to February, 1862, to gainsay that simple doctrine, for it was not held only by the legal profession in all its members and the bench selected from it, but it was in the opinion of the whole country a canon of belief by the American people, that no such power was ever vested in the Congress of the United States. To use the language of Chief-Justice Chase at the December term, 1870, in dissenting from the opinion then delivered:

The power to coin money was a power to determine the fineness, weight, and denominations of the metallic pieces by which values were to be measured; and we do not perceive how this meaning can be extended without doing violence to the very words of the Constitution by imposing on them a sense they were not intended to bear. This construction is supported by contemporaneous and all subsequent action of the legislature; by all the recorded utterances of statesmen and jurists, and the unbroken tenor of judicial opinions until a very recent period, when the excitement of the civil war led to the adoption, by many, of different views.—12 *Wallace*, 584.

And on page 586—

But if the plain sense of words, if the contemporaneous exposition of parties, if common consent in understanding, if the opinions of courts avail anything in determining the meaning of the Constitution, *it seems impossible to doubt that the power to coin money is a power to establish a uniform standard of value, and that no other power to establish such a standard, by making notes a legal tender, is conferred upon Congress by the Constitution.*

The last decision of the Supreme Court of the United States may be used as a pretext for the renewed exercise of this incredible and fatal power by Congress, but under what circumstances was such a decision made? I do not now propose to recite the melancholy history of judicial action on that subject. Its record has been made up, and by the biographer of the late Chief-Justice Chase has been given to the world.

I fear its effects will be felt long and disastrously, and the injury inflicted will be slowly but surely comprehended.

In November, 1869, in a conference of the judges of the Supreme Court it had been determined by the opinions of five to three *that the legal-tender clause was not constitutional.*

An opinion to this effect was prepared by the Chief-Justice, was agreed to in conference by five judges against three, January 29, 1870, and its delivery delayed one week to allow a dissent to be prepared.

In the language of Mr. Justice Field at p. 634 of 12 Wallace—

That judgment was reached only after repeated arguments were heard from able and eminent counsel, and every point raised on either side had been the subject of extended deliberation.

The questions presented in that case were also involved in several other cases, and had been elaborately argued in them. It is not extravagant to say that no case has ever been decided by this court since its organization in which the questions presented were more fully argued or more maturely considered. It was hoped that a judgment thus reached would not be lightly disturbed. It was hoped that it *had settled forever* that under a Constitution ordained among other things "to establish justice," legislation *giving to one person the right to discharge his obligations to another by nominal instead of actual fulfillment could never be justified.*

The history of the reversal of that decision is sad indeed, and I believe the historian of this country will mark as a black day the event of its reversal at the same term, not by a change of opinion, not by the consent or at the request of those who concurred in the judgment, but against their formal and solemn protest, simply by increasing the number and changing the *personnel* of a bench. And yet the decision so reached, and so fatal as I consider it to be to that finality which is essential for the safety of a government of laws, that decision falls far short of being any warrant for the measure to which the Senate is now asked to assent.

Let us see upon what ground the reversing judges carefully placed the authority of Congress to attach the legal-tender quality to the promissory notes of the Government. Let them answer in their own phrase. The opinion of the court was delivered by Mr. Justice Strong, and at page 540, of 12 Wallace, is to be found his reason for consenting that such an exercise of power was lawful to the Congress of the United States. Considering the question whether this was a proper instrumentality in the performance of its duties under the Constitution, he says:

This brings us to the inquiry whether they were, when enacted, appropriate instrumentalities for carrying into effect or executing any of the known powers of Congress, or of any department of the Goverment. Plainly to this inquiry, a consideration of *the time when they were enacted, and of the circumstances in which the* Government *then stood*, is important. *It is not to be denied that acts may be adapted to the exercise of lawful power, and appropriate to it, in seasons of exigency, which would be inappropriate at other times.*

At page 541, after having depicted in very forcible language the convulsed condition of the country, the apparent extremity of the Government, the dire need for something that would satisfy the public mind that there was hope to be derived from this extreme measure—for that seems to have been the root of this proposed power—he says:

It was at *such* a time and in *such* circumstances that Congress was called upon to devise means for maintaining the Army and Navy, for securing the large supplies of money needed, and, indeed, for the preservation of the Government created by the Constitution. It was at *such a time and in such an emergency that the legal-tender acts were passed.* Now, if it were certain that *nothing else* would have supplied the absolute necessities of the Treasury, that *nothing else* would have enabled the Government to maintain its armies and Navy, that *nothing else* would have saved the Government and the Constitution from destruction, while the legal-tender acts would, could any one be bold enough to assert that Congress transgressed its powers?

What is the result of this reasoning? It is only when such a condition of things arises that "nothing else" can be relied upon to give heart and hope to the people, to give strength to the arm of the Government, for if anything short of that will answer, then there is no justification for the exercise of this power. Such is the logic, such is the inevitable deduction from the language of the court. One of the judges who expressed a coincident opinion, perhaps even less restrainedly than the judge who spoke for the court—I read now from the opinion of Mr. Justice Bradley—said:

It follows as another corollary from the views which I have expressed that the power to make Treasury notes a legal tender, while a mere incidental one to that of issuing the notes themselves, and to one of the forms of borrowing money, *is nevertheless a power not to be resorted to except upon extraordinary and pressing occasions, such as war or other public exigencies of great gravity and importance;* and should be no longer exerted than all the circumstances of the case demand.

Mr. President, testing this claim of power by its definition at the hands of its two most celebrated advocates, and those whose opinions and votes were necessary to give it force, what deduction can be made? That if the power have existence, it is only as one of those extreme necessities to which war or other great disaster may give birth, but that just so soon as the emergency has passed and the pressure is removed, the power ceases to exist, and all pretext for its exercise has vanished. And from the original dissenting opinion of Mr. Justice Miller, in February, 1870, a similar deduction is to be drawn.

I do not read now from the able, earnest, and to me most convincing opinions of those who dissented on the bench; I do not now stop to consider the vast array of authority beginning with the history of the nation and sustained in every generation, but taking the case as it was presented by these two advocates of the power, no justification can be found for its exercise at the present time, and in the present condition of our public affairs.

Mr. President, there is one fact that I believe can be sustained by reason and authority, and that is, that practically the attachment of the legal-tender clause to the issuing of the Treasury notes, did not give them one particle more of value than they would have had and will have without it, excepting for the purpose of enabling the payment of pre-existing debts by unscrupulous debtors. That power they had; other power they had not. No statute, no penal law, no blandishment, and no threat can determine the value of paper money of an individual, a corporation, or a government. There are laws which will control it beyond the reach of Congress or of monarchs, the universal law of circulation, which has its base upon confidence. If confidence be withheld, no legal-tender clause, no statute of any kind enforcing it, is worth the paper upon which it is written, and is passed by in contempt. On that subject there is a comment by Chief-Justice Chase, at page 579 of 12 Wallace, which is worthy to be quoted, because the idea may prevail among our countrymen that the purchasing power of these Treasury notes may be in some degree diminished by taking from them their feature of being a legal tender. The amendment that I have offered is that they shall be receivable for all debts to the Government of the United States, excepting duties on imports, and shall not be otherwise a legal tender, but can be accepted and used by all parties voluntarily, according to the value which those parties may attach to them:

Now, does making the notes a legal tender increase their value? It is said that it does, by giving them a new use. The best political economists say that it does not. When the Government compels the people to receive its notes, it virtually declares that it does not expect them to be received without compulsion. It practically represents itself insolvent. This certainly does not improve the value of its notes. It is an element of depreciation. In addition, it creates a powerful interest in the debtor class and in the purchasers of bonds to depress to the lowest point the credit of the notes. The cheaper these become, the easier the payment of debts, and the more profitable the investments in bonds bearing coin interest. On the other hand the higher prices become for everything the Government needs to buy, the greater the accumulation of public as well as private debt. It is true that such a state of things is acceptable to debtors, investors in bonds, and speculators. It is their opportunity of relief or wealth. And many are persuaded by their representations that the forced circulation is not only a necessity, but a benefit. But the apparent benefit is a delusion, and the necessity imaginary. In their legitimate use, the notes are hurt, not helped, by being made a legal tender.

The legal-tender quality is only valuable for the purposes of dishonesty. Every honest purpose is answered as well and better without it.

We have no hesitation, therefore, in declaring our conviction that the making of these notes a legal tender was not a necessary or proper means to the carrying on war or to the exercise of any express power of the Government.

And it is also worthy of note that upon the publication of the decision made in January, 1870, by the Supreme Court, that the legal-tender clause was unconstitutional, the market value of the Treasury notes increased at once several per cent., as was attested by the diminution in the premium upon gold; thus proving the strength of the *credit* of the United States and the confidence of the public that the notes would be paid in money—the dollar of the Constitution, although they could no longer, under that decision, be compelled to be received for debts except to the Government.

Mr. President, that was but a repetition of all human experience on this subject. Go back to the history of the first attempt in France to create a paper money and make it a compulsory tender. It had a short career, and the usual certain ending. It began in 1716, and as long as the National Bank ingrafted on the West India Company was in the hands of John Law and his associates and was kept as a quasi-private institution, self-interest, the activity and watchfulness which selfishness always imposes, counseled and compelled a restriction of its paper issues, and it became immensely profitable to him and his immediate associates; but it came to be believed that the same system was adapted to the wants of the government, and so in 1718 the sphere of operations was enlarged until Law's bank was declared the Royal Bank of France, and government guaranteed the notes issued by it. Immediately all the powers of the government were freely lent to give it credit; to enforce the credit where it was withheld; to compel the acceptance of its notes as legal tender and maintain their value.

To encourage the circulation of the bank-notes, in December, 1719, an edict ordered that, thereafter, they should always be worth 5 per cent. more than specie! that silver should only be used in payments under 100 livres and gold in those under 300 livres. To check the growing desire to purchase jewelry and precious stones, as means of obtaining something of intrinsic value in exchange for the bank-notes, in which confidence was declining, it was forbidden to wear pearls, diamonds, and other precious stones. The transportation of specie was prohibited between towns in which there were branches of the bank. By edicts of the 23d and 25th February, 1720, it was made obligatory to use bank-notes in all payments over 100 livres. No person was permitted to hold more than 500 livres in specie, under penalty of confiscation and a fine of 10,000 livres; and informers were to receive one-half of all amounts confiscated. The use of the precious metals for objects of art or luxury was regulated and limited, so as to prevent an evasion of the limitation of the amount of gold and silver that might be in the possession of any one person. Finally, an edict of 11th March, 1720, forbade any payment being made in specie.

As it was feared that the fall in the price of the shares of the India Company might increase the discredit of the bank-notes, it was decreed on the 5th of March that the price of the shares should be thereafter 9,000 livres, and an office was opened in the bank, where the shares could be exchanged for bank-notes, or bank-notes converted into shares, at that price. This decree, instead of benefiting the bank-notes, caused a rapid depreciation of their market value. In February they were worth 90 per cent., but after the 5th of March only 60 to 50.

On the 21st of May, 1720, an edict reduced the value of the shares to 8,000 livres; and ordered that on the 1st July it should be further reduced to 7,500 livres, and should thereafter be reduced monthly 500 francs, until the 1st December, when their value would become 5,000 francs, which thereafter was to be their permanent value. The bank-notes were only to pass current at 80 per cent. of their par value until the 1st of July, when they were to be reduced to 75 per cent., and thereafter further reduced 5 per cent. every month, until the 1st of December, when they were to be current at 50 per cent., which was thereafter to be their permanent value. From that moment the whole paper fabric fell to the ground; the notes lost all credit, none would meddle with them; on the 22d May one might have starved with a hundred millions of paper money in his pocket. The edict created such excitement among all classes that the regent revoked the edict on the 27th May. But all confidence being now gone, this revocation had no other effect than to increase the mischief, by throwing again into the channels of commerce notes universally discredited, with which knavish persons paid and ruined their lawful creditors. To render matters worse, payments were the same day stopped at the bank, commissioners being sent to seal up the vaults and examine the books, under the pretext of inquiring into frauds alleged to have been committed by the clerks, but in reality to prevent the specie from being paid away in exchange for notes.—*Money, by Charles Moran.*

It is not worth while to pursue that well-known history. A few months more elapsed, and within two years from the time the Government connected itself with the issue and guarantee of the notes utter, wholesale ruin had been the result of the attempt; and this was again essayed in France in 1789. There the populace took possession of the government; there they seized the property of the nobles and clergy. Upon the prospective sales of that property they issued *assignats* and *mandats*. They not only denounced as guilty any man who questioned their value, but the penalty of death itself was enacted against any who should refuse them in payment of debts or commodities. The folly and futility of such attempts were soon demonstrated, and in less than six years from their issue, ten thousand francs were paid for a pair of boots and seven hundred for a pound of butter, while barley-sugar sold for thirty francs a stick—and the notes at last became utterly worthless for any purpose.

Take the history of our own continental money; read the denunciatory language of the continental congress against any man who should refuse at any time to accept those notes, or who should even speak of them with disrespect; remember the penalties that were invoked against them; take the resolutions of the States and of the government of the confederation, calling upon the various States to pass the most highly punitive laws against all those who should question the value of paper notes. And the States responded and passed laws making the bills legal tender for debts and the refusal to receive them an extinguishment of the debt. And the result of all such vain legislation the American people know; not simply by reading, but by actual tradition from their forefathers, that ruin and failure was the result of all such attempts. Therefore it will be learned I think, and I believe upon reflection it will be admitted, that the compulsory power of legal tender fails utterly in increasing the value of paper promises to which it is attached by law, and not only so, but by the very edict of compulsion, there is an implication of a want of value in that which is offered, which needs to be supplemented by the arbitrary power of the Government.

The very enactment of compulsory legal tender is a declaration that the credit of the notes cannot stand alone, and that that which is pledged for the emission of every form of credit of the United States Government, whether it borrows for a day, or for ten days, or ten years, or thirty years, is not to be relied on.

What is pledged for the Government credit? The honor, the honesty, the character, the property of the entire people; and if there be truth, if there be honesty, if there be integrity, then there will be the feeling of confidence, and the debtor himself cannot strengthen his credit by adding compulsory features to its acceptance.

And next, Mr. President, is the additional danger that the inducement to abuse the power of exercising credit is indefinitely increased. No words are stronger than those of Alexander Hamilton on this subject. Said he:

The emitting of paper money is wisely prohibited to the State governments, and the spirit of the prohibition ought not to be disregarded by the United States Government. Though paper emissions under a general authority might have some advantages not applicable, and be free from some disadvantages which are applicable to the like emissions by the States separately; yet they are of a nature so liable to abuse, and it may even be affirmed, so certain of being abused, that the wisdom of Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient. In times of tranquillity it might have no ill consequence, it might even perhaps be arranged in a way to be productive of good; but in great and trying emergencies there is *almost a moral certainty* of its being mischievous.

This was even to the issue of paper not enforced as a legal-tender, for in the mind of Hamilton, or of any man of his generation, the idea never gained admission that it was in the power of any Government, professing to be limited in its form and nature, to compel the acceptance of a shadow for the substance, and a false thing for a true. They never contemplated anything so cruel and unjust as a law which would compel a man to receive as payment for years of hard toil and honest labor, a printed piece of paper, having no value in itself, and incapable of being converted into a money of value.

Sir, the authority of the Congress of the United States to issue Treasury notes based upon the national credit has been frequently admitted. The express admission was made by the entire Supreme Court in the case of Veazie Bank *vs.* Fenno, reported in the eighth volume of Wallace. It is again recognized in the very able opinion delivered in the same court by Mr. Justice Field and Mr. Justice Clifford in the case in 8 Wallace of Hepburn *vs.* Griswold. Therefore I do not doubt that it is competent for the Congress of the United States to issue such notes, to use the language of Mr. Justice Clifford:

Authority, it is conceded, exists in Congress to pass laws providing for the issue of Treasury notes, based on the national credit, as necessary and proper means for fulfilling the end of the express power to borrow money, nor can it be doubted at this day that such notes, when issued by the proper authority, may lawfully circulate as credit currency, and that they may, in that conventional character, be lawfully employed, if the act authorizing their issue so provides, to pay duties, taxes, and all the public exactions required to be paid into the National Treasury. Public creditors may also be paid in such currency by their own consent, and they may be used in all other cases, where the payment in such notes comports with the terms of the contract. Established usage founded upon the practice of the Government, often repeated, has sanctioned these rules, until it may now be said that they are not open to controversy; but the question in the cases before the court is whether the Congress may declare such notes to be lawful money, make them a legal tender, and impart to such a currency the quality of being a standard of value, and compel creditors to accept the payment of their debts in such a currency as the equivalent of the money recognized and established by the Constitution as the standard of value by which the value of all other commodities is to be measured.—12 *Wallace*, 626 and 627

And that power he (as he had previously) denied to the Congress, and I think most justifiably and wisely.

Mr. President what would the American people think if instead of authorizing the emission of paper notes and making them legal tender for all debts it should authorize the coining of leaden disks or leather pieces. Suppose that Congress should decide that lead was a better material for money than paper and authorize the emission of leaden dollars or leather dollars and declare them receivable for all debts, and the legal *equivalents of dollars*, of gold and silver of the present standard! What do you suppose would be the verdict of the American people? They would say it was a shameless, unlawful debasing of the national currency; and yet every one knows that even in the disk of lead there is a certain intrinsic value—not possessed by paper. It might be made of some use as a bullet to put an end to the man who would vote for it, and that would be gratefully recognized as useful; or perhaps the leather dollar might be useful as an appropriate decoration in the way of a medal for Senators or Representatives who would give their assent to such a proposed currency.

Both leather and lead would have use and a fitting and perhaps meritorious application in the modes I have suggested.

But, Mr. President, what lies at the root of this discussion? Common honesty, the honesty that made George Washington denounce the proposition to pay an honest debt in a depreciated paper currency. We have professed to believe in and admire the virtues, the intellect,

and the wisdom of the great men who framed this Government. Washington, Hamilton, Adams, Jefferson, Madison, Morris, and their associates—and in later years in Jackson, Webster, Calhoun, and Benton, who have been leaders and political exemplars in this country, and who have each and all spoken to the American people with one voice on this subject; and let the question be covered up by what sophistry it may; let it be robed in what wrappings of rhetoric it may, there will remain ever at the root of this question the single fact of honesty, that value shall be given for value, and that you shall not take from a man the labors of his whole life and give him in return a worthless piece of paper, and which nothing but dishonesty can desire that he should be compelled to receive.

Value is receivable for value. For every hour of honest labor, for every drop of honest sweat wrung from the brow of a man in any of the avocations of life, he is entitled in return to value, equivalent to that which he has rendered; and therefore, if I had nothing else to say to the people of this country, in whose welfare my interest is so deep and sincere, if I were not only standing in this Congress for the last time but closing my eyes on earth and all its scenes, I would counsel and exhort them never to cease the struggle until their standard of value was restored to them, and that the performance of their contracts should be guaranteed, in the payment of a money of a stable and standard value prescribed by law—I would beseech them not to be deluded by such unsubstantial shadows as are now proposed, which are, as Hamilton said, "so seducing and dangerous."

The question is one around which sophistries cluster so thick that the real merits are often disguised, but to me they are plain. To-day we have reached a point in our financial affairs in which the credit of the United States Government, as represented by its demand notes, is so intrenched in the confidence of the world and of the American people, that they are accepted at par with the standard coined money authorized by the Constitution. Say what gentlemen please, resumption of specie payments is practicable, even at this day, and whenever the promise on paper of the individual, or the corporation, or the Government is convertible at will into real money, the money of value, and that convertibility is secured, it is its equivalent, and it has advantages of portability and other elements of convenience which make it most acceptable and proper for public use.

Mr. President, those who believe that there is a deficiency in the volume of the circulating medium of this country, will sadly disappoint themselves, will utterly stultify their own reasoning, should they now prevent the re-entrance of the gold and silver coin now in the country into common use and circulation. I believe that is practicable. The Secretary of the Treasury of the United States, upon his official responsibility has declared in his report to Congress, in his personal interviews with committees of the two Houses, that resumption of specie payment is perfectly practicable, and that all he asks is to be permitted to exercise the powers given him by existing law to make it an assured success. That officer is not in his place by my vote or wish. His ways of finance have not been mine. I have failed in the past oftentimes to understand or concur in his methods, and I am not clear to-day as to what they are; but I recognize his official responsibility, and I cannot find it in me in any way, by any expression, to seek to embarrass his progress toward this end so much to be desired.

Whatever may be the method he may adopt under the law, I only can wish it success in its approach to specie payments. But when we have reached specie payments, when the dollar of promise has been met by the dollar of performance, then I wish the difference between real money and false money once more to be recognized by the American people and insisted upon. No man to-day proposes to force Government bonds upon any one as a legal tender; and by what pretext can it be that a note on demand shall have this high and arbitrary power attached to it and other forms of credit denied it? If it be an unwise thing in one case, it would be so in all, and I believe I have made it clear that it is the opinion of those best qualified to inform us, that the legal-tender power does not add to the value of the Government paper, but on the contrary tends rather to diminish it, by creating the suspicion of compulsion, by expressing by the very act of the Government a disbelief in its own credit; otherwise it would stand without any such arbitrary enactment. And strange to say, as delineated by Mr. Justice Field, the very two parties who made common cause to use this legal-tender power of the Government are now at extreme points of difference,—those who are in debt and seek for a cheap and worthless money to discharge their debts, and those who have capital and desire to see the coin-bearing obligations of the Government depressed so that they may buy them in cheaply and reap a rich harvest from the interest. It is the men who speculate in the Government credit for the purpose of private gain and the men who seek to depress Government credit for the purpose of enabling them to cheat their just creditors.

Mr. President, the importance of this subject cannot well be overestimated. I believe that we stand at a very critical period of our history. We have had turning points of great danger. The legal-tender act of 1862, born of an emergency, and by its advocates confessedly warranted only by it, is now proposed, in the absence of any emergency, to be renewed and re-enacted permanently. Against that I enter my protest.

I do not care upon a subject like this to stand within the pale of political party, but in the name of that party of which I have always been a member, and their last public declaration on this subject, I stand demanding the return to specie payments, demanding the convertibility of all paper money into gold and silver at the option of the holder, demanding the removal of every hinderance to resumption; and I would here ask many gentlemen who insist upon keeping party faith to consider why it was that the resumption law of 1875, so called, was denounced by the political party that met at Saint Louis and nominated their candidates in June, 1876. Let me read from their public declaration.

> We denounce the financial imbecility and immorality of that party which, during eleven years of peace, has made no advance toward resumption, no preparation for resumption, but instead has obstructed resumption by wasting our resources and exhausting all our surplus income; and, while annually professing to intend a speedy return to specie payments, has annually enacted fresh hinderances thereto. *As such hinderance we denounce the resumption clause of the act of 1875 and we here demand its repeal.*

Well, sir, it now seems that the resumption law of 1875 has not prevented resumption. With the aid of that law, or in spite of that law, we stand on the threshold of resumption. What, then, is the object or intent of the law in urging its repeal? If it has not prevented resumption, it has not been the hinderance that was suspected. If it has aided resumption, then no man who approved of that platform or that declaration, can conscientiously vote for its repeal.

Among the many respected traditions of the party in which my whole manhood has been passed, has been its fidelity to the public faith and its devotion to the principles of a sound currency; and I am not prepared to see those who use the name, or undertake to speak in the name of that organization, arraying themselves in the cast-off garb of other and more unfaithful political associations, and denouncing those principles which have always in the past brought security and safety to the American people and must be relied upon in the future. It is not a matter of party. Financial errors and mistakes embrace all classes and all parties in the confusions which follow them. Wise legislation must embrace all parties and all classes with its benefits; and therefore it is, that most earnestly I hope there will be found in this Senate a recognition and a declaration in the vote on this amendment in favor of a return to the honest money of the Constitution.

I have proposed by the amendment I offer that these notes are to be receivable for public dues of the Government. That fact being known, the party who contracts with the Government will arrange his prices accordingly, and if the notes be worth par or more than par he will perform his services upon that calculation. No one will be deceived, no one will be wronged, and every one will have an interest that the Government credit shall be as high as the credit of any other party, public or private. But I have excluded the payment of duties upon imports in the amendment. I know that there is a proposition before the Senate that the duties on imports shall be made payable in Treasury notes. When the Government of the United States issued these notes in 1862, they enacted a law which has remained unrepealed upon the statute-book from that day to this, and which of its own force has entered into every contract which the Government has made in the sale of its bonds from 1862 to the present day. By the fifth section of the act of 1862 it was provided:

> That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid *shall be set apart as a special fund, and shall be applied as follows:*
>
> First. To the payment in coin of the interest on the bonds and notes of the United States.
>
> Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.
>
> Third. The residue thereof to be paid into the Treasury of the United States.

A few years ago when the duties upon imports paid in gold coin very far exceeded the amount of interest on the public debt, I proposed by way of relief to the importer and as a matter of credit to the United States notes; that a percentage of those duties might be payable in the demand notes of the Treasury, and I well remember that no one was louder in his expression of reprobation of what he called then a partial exercise of bad faith, than the present Secretary of the Treasury. I believed that so long as enough coin was received at the custom-houses to pay the interest on the public debt, our pledge in incurring that debt was fully satisfied. Now it seems from some cause the Secretary's opinion has changed. Mine has not. I cannot imagine for what purpose it is proposed to receive the Treasury notes instead of coin, when the Treasury notes are as valuable as coin. The duties upon imports of the United States have always, as a matter of fact, been paid in coin. It forms the only source from which under present laws the United States receives their supply of coin in which interest on their debt is guaranteed to be paid.

Then, I ask, if already the Treasury note is at par with coin, what further credit do you desire for it? And if no further credit is desired for it, it having reached the acme of a par value, why do you take from the public creditor and from the Treasury of the United States, the certain fund of coin that will enable it to perform with certainty its contract under the laws by which these bonds were

authorized and issued? The tariff will continue in some shape. We cannot, and never will I suppose in the existence of the present generation, be without a tariff of duties upon imports. If the duties are paid in coin, it is a certainty to the creditor which he can rely upon. Make the duties payable in Treasury notes and you then throw upon him the risk, the possibility of having a suspension of specie payment by the United States, and of being paid not in coin according to contract, but in the paper money of the United States. The Government no longer having a supply of coin from its customs duties will be compelled to purchase it—and at what premium cannot now be foretold.

I cannot see any good reason for it. If the notes were below par and you sought to advance them to par by giving them this new function and use at the custom-house, there would be at least that reason for it; but the notes are at par; they are not only at par, but they are worth more to-day in the markets of the United States than a portion of the currency, the coin of silver which has been created a standard of value and stamped with the name of American dollars. My friend from Missouri [Mr. ARMSTRONG] says it is at par with gold, and worth more than gold, he says. Without questioning his statement, I only would say that if he is right it goes to strengthen the suggestion I have made, that if this be so, and the paper, as my friend from Missouri says, is stronger than gold, and as we all know it is just now more valuable than silver by 10 per cent., then why do you wish to give it an increased credit by what plainly to my mind is a breach of the contract under which every bond of the United States has been sold since the passage of the act of 1862? I cannot therefore see the expediency, I cannot see the right, I cannot see any good reason whatever for the payment of customs duties in the Treasury notes of the United States; but on the contrary I see every reason of morality, of justice, of expediency, in every light in which the subject can be viewed, that we should continue at least under existing laws, that source of supply of coin for the payment of interest upon the public debt, and not only so, but for the presence of coin in the country, which the continuance of duties payable in coin guarantees.

Mr. President, I regret that constant and distracting occupations in the last week have prevented me from presenting more methodically the views I have to-day endeavored to express: but I felt it to be the duty of a man holding the convictions that I do on the subject to express them just at this time. I do not know how far public sentiment may be aroused; I do not know how far the quiet opinion of this country may coincide with mine; but it is from my very heart that I warn my countrymen against approving, accepting, and continuing the issue of an irredeemable paper money by their Government, coupling with it the compulsory reception of that paper as a legal tender for the extinguishment of all just debts. And therefore I ask for the adoption of the amendment I have offered.

Mr. FERRY. I have no desire to prolong the discussion on this bill. I simply ask those who are in favor of the bill as it came from the House that, without regard to the constitutionality of the issue of this currency, they accept the fact that it is still the largest portion of the volume of the currency, and vote down the amendment. I trust that every amendment which may be offered to the bill will be voted down upon this ground. If we pass the bill simply as it came from the House, it becomes a law with the approval of the President; if it is amended in any particular, it goes back to the House, and runs the risk of its repassage there. I trust, without any reflection upon any amendment that has been offered or any amendment that may be offered, without expressing any opinion thereupon, that the bill, covering the simple idea of arresting the further contraction of the greenbacks, will be adopted by the Senate by the vote of its friends.

Mr. SAULSBURY. There is one feature in the amendment that I do not feel at liberty to vote for. I would be glad to vote for the amendment of my colleague if it did not contain an exception in favor of the payment of customs dues exclusively in coin. Some years ago in discussing the financial question I arraigned the policy of a government in discrediting its own paper. I believed then and still believe that, if the Government of the United States issues its paper and compels other people to receive it, the Government ought itself to receive it in payment of dues to the Government. I am sorry to differ with my colleague in that respect. I should vote for his amendment but for that feature; but I cannot vote for an amendment which proposes to make a discrimination against the people of the country by the Government refusing to receive the paper which it issues and compels other people to receive it. I am therefore compelled to vote against the amendment very reluctantly, because, in my judgment, the Government ought to receive for every purpose the paper which it authorizes to be issued, which is to be received by other people for the payment of debts due to them.

Mr. HILL. Let the amendment be read again.

The PRESIDING OFFICER. The amendment will be again reported.

The Secretary read the amendment.

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. As I understand the amendment offered by the Senator from Delaware, [Mr. BAYARD,] it does not propose to make this currency receivable in the payment of public dues.

Mr. BAYARD. My intention is to let the Government exercise its credit by the issue of Treasury demand notes. That I believe it is competent under the Constitution to do. Those notes when issued may be paid back to it for all dues excepting duties upon imported merchandise, but they shall not be any longer a legal-tender for the payment of debts, compulsorily. That must depend upon the contract and will of the parties; and I have no doubt as to what that will be; that it is a currency far surpassing in convenience any that has been issued by any other source within our jurisdiction, for if the Government credit be not good, and universally good, there is nothing that is. I do not propose to violate the plain letter of our statute under which the bonds were issued, in which we pledged very clearly to collect the duties in coin and to set apart the coin so collected for the payment of the interest on the public debt. That law was enacted in 1862, and *proprio vigore* it has entered into every contract made by the Government with its creditors since. When these notes shall have been issued they will be receivable by the Government for everything that is due to the Government, for all taxes of all kinds.

Mr. HILL. Excepting duties on imports.

Mr. BAYARD. Excepting duties on imports.

Mr. ARMSTRONG. Why except the duties on imports?

Mr. BAYARD. Because I believe we are bound by the clear meaning of the statute of the 25th of February, 1862, to collect duties in coin, and to set apart that gold coin for the payment of interest on the public debt. That has been the law all the way through. It is written across the face of every bond of the United States, not, I mean, in print, but written in conscience. Therefore I think we have no right to subject the creditors of the United States to a possibility of the suspension of specie payment. There never will be a suspension of specie payment to them if our contract under the law of 1862 is kept in force. There never can be a possibility of the suspension of specie payment upon the public debt of the United States as long as the law of 1862 is allowed to be in force, and this present measure, not restricted by my amendment, would be a repeal of the act of 1862.

Mr. SAULSBURY. I misunderstood the import of the amendment offered by my colleague. Not having seen the amendment I did not notice that it proposed to destroy the legal-tender character of these notes when reissued. I find that that is the case, so that as I misunderstood the amendment of my colleague I shall vote for the amendment. I would prefer, however, that the amendment should be so amended as to strike out the words "excepting duties on imports," and let the Government receive the notes that it issues for every purpose. I shall, however, vote for the amendment of my colleague.

Mr. HILL. Mr. President, I did not expect the Senate to be brought to a vote on this question to-day, although I had no desire to address the Senate on the subject myself either to-day or at any time. I wish now to say that I concur in everything that has fallen from the Senator from Delaware [Mr. BAYARD] on the subject of the power of Congress to make a legal-tender paper money. I do not believe that that power does exist under the Constitution of this country. I have always believed that it did not exist, even under the war power. The Supreme Court has held it to be constitutional as exercised in 1862, only under the war power, and I am willing to recognize that decision of the court as law as far as it applies to the present legal-tender currency; but I can never under any circumstances subscribe to the doctrine as an original proposition that the Congress of the United States does have power to make paper money a legal tender for the payment of private debts. On the other hand, I concur with what seems to be the real purpose of this bill as it comes to us from the House. I see no necessity myself for what you call further contraction. I am as good a hard-money man, to use a common phrase, as any man in the Senate or in the country. I want a sound currency, and I do not believe any depreciated money is sound currency; nor do I believe any currency is sound or any country is sound which tolerates except as a necessity a depreciated paper money. I want gold and silver for our money. I believe Congress has power to coin money. I believe that the word "coin" means metallic money. I believe we have no right to make anything else but metallic money. That is my opinion. Therefore I want gold and silver as our money: I want the gold dollar equal to the silver dollar and the silver dollar equal to the gold dollar.

I am perfectly well aware that in the present condition of this country gold and silver alone are not sufficient to constitute its currency and that we must have a paper currency, and I insist that that paper currency ought to be equal to gold and silver—that is, convertible into gold and silver. I do not say "converted into gold and silver." I have no respect for the argument which undertakes to prove that paper currency cannot be equal to gold and silver because there are not as many gold and silver dollars in the country as there may be paper dollars. Convertible, in my judgment, means that it shall have the same purchasing power, and whenever the paper currency gets to the point where it is equal in purchasing power to gold and silver then it ought to remain there. In my judgment, if we make this legal-tender money, as you have got it to-day, receivable in the payment of all public dues it will be equal to gold and silver with all the people of America. I think it is the only thing on earth that prevents it now from being absolutely equal in purchasing power to gold and silver.

I do not like the phraseology of the original bill as it comes from

the House. While I am opposed to further contraction, while I think there is no necessity for further contraction, I do not like the phraseology of the bill as it comes from the House, because it does, indirectly at least, recognize the authority in Congress to make a legal-tender paper money. But still, in view of the fact that the money is out, and it has been held by the courts of the country under some power in the Constitution at least to be constitutional, I am willing to tolerate it and let it remain out. As an original proposition, I never would agree to it. Therefore, I am willing to vote for a proposition not to contract further the currency. I believe that the best thing this Congress could do would be to do just what the amendment of the Senator from Delaware indicates but does not perfect, and that is to issue a Treasury note of the character indicated by Mr. Calhoun in his speech in 1837. I believe we ought, if possible, to substitute for the present legal-tender currency the Treasury note suggested by Mr. Calhoun.

Mr. BAYARD. My amendment would lead to that.

Mr. HILL. Exactly. If the amendment offered by the Senator from Delaware be adopted it will have the effect of making the present legal-tender currency, if I understand it, precisely the Treasury note suggested by Mr. Calhoun with one exception, and that is the Senator does not make this Treasury note receivable in payment of import duties.

Mr. BAYARD. That was not receivable in the payment of duties.

Mr. HILL. His speech is not now before me, but, as I understand it, Mr. Calhoun made the Treasury note receivable in the payment of public dues without any exception. That is my recollection of Mr. Calhoun's Treasury note. He compelled nobody to receive it but the Government, and the Government had to receive it. As I understand, import duties are dues to the Government; and I think my friend the Senator from Delaware is wrong when he says that the Treasury note suggested by Mr. Calhoun was not receivable in the payment of duties on imports.

Mr. BAYARD. At that time there was no debt of the United States worth talking about.

Mr. HILL. That is true.

Mr. BAYARD. Mr. Calhoun had not this question in view at all. He conceded the power of the Government to issue its Treasury notes based upon the national credit, and that they could incidentally become a currency because they could be issued in that form, and that they would be received for all public dues. That was all he said.

Mr. HILL. Mr. Calhoun's idea was that the Treasury notes should be issued by the Government to the extent of the financial wants of the Government, and that those notes should be received in payment of all public dues, but in the payment of no private debts compulsorily; but, as Mr. Calhoun argued, and argued justly, and I think it would be the effect now, when the Government issued that Treasury note, pledging itself to receive it in the payment of all public dues, it would be the best currency that could be afforded the country. I believe so now. The Government would not issue that Treasury note for the purpose of making it a currency, recognizing the idea that nobody in this country could make currency but the Government, but it would issue the Treasury note to the extent of its own financial wants, with the understanding that the Government itself should receive that Treasury note in the payment of its own dues of every kind. The result would be that the people would take it in payment of private debts, because being convertible into gold and silver, under Mr. Calhoun's theory, it would be as good as gold and silver; it would be indeed preferable to gold and silver, because more convenient, and everything would operate to make it the very best currency that could be furnished to the country to the extent of the issue.

I believe in that. I believe Mr. Calhoun's theory was right; I believe it was wise, and I am anxious to see the Congress of the United States of this day carry it out. I believe the people will be delighted with it. I believe it will give us a currency at par with gold and silver. I believe it will give us a currency better than gold and silver in that it will be more desirable for circulation among the people; and while the courts cannot compel a creditor to receive it in payment of a private debt, every creditor will be glad to receive it in payment of a private debt, and it will be the most perfect currency this country ever has had. I do not believe that the legal-tender quality of what is called the greenback currency has ever given it any value whatever, and I believe the sooner Congress gets rid of that feature of the greenback currency the better for the country, the sooner we shall get back to the good old dollar. It was conceded by all parties before the war, whigs and democrats, strict constructionists and liberal constructionists, that the money of the Constitution was gold and silver. That is where we ought to get back again.

But the difficulty with the amendment of my friend the Senator from Delaware is that he excepts one debt due the Government for which the Treasury note shall not be received. It shall not be received, he says, in payment of duties on imports. I respect the reason assigned by the Senator for that. He says that we are pledged to the collection of the duties on imports in gold and silver as an obligation to our creditors, to the bondholders. As I understand, there is no pledge to the bondholder that we shall collect the duties on imports in gold, but there is a pledge to the bondholder, as I understand it, that we shall pay his interest in coin, and the object of making the duties payable in gold is to enable the Government to meet that obligation.

Mr. BAYARD. I may remind the Senator from Georgia that the act of 1862 in providing for the issue of the first greenback notes, as they were called, and for other purposes, provided that all duties upon imports should thereafter be payable in coin, and that the fund should be set apart for three purposes.

Mr. HILL. Yes; I admit that.

Mr. BAYARD. That law having prescribed that thereafter the duties should be payable in coin, and that that fund should be set apart, it seems to me very obvious that we have no right to diminish a security having once pledged it.

Mr. HILL. I say to my friend that I look to the substance of that act more than to the letter. My opinion is that the purpose of all the provisions to which the Senator refers was to assure the creditor that his debt should be paid in coin; that is all. It is nothing to the creditor what the Government collects its duties in, if the creditor gets coin for his interest on his debts. There is no virtue whatever to the creditor in the Government collecting its duties on imports in coin. The Government simply adopted that rule to enable it to perform the pledge it had given to the creditor that it would pay its interest on the debt in coin. If the Government pays that interest in coin or its equivalent, it is no violation of the pledge to the creditor to collect the duties on imports in other than coin; by no means. The point I make is that if we will make this Treasury note, which I am so much in favor of doing, just as the Senator from Delaware has proposed, receivable also in the payment of duties on imports, we shall find that that Treasury note will be equal everywhere to a gold dollar, and the creditor will be perfectly willing to take it for the interest on his debt because in taking it he takes what is equivalent to gold. Therefore I respectfully say to the Senator from Delaware that to make the duties on imports payable in Treasury notes will be no violation of any pledge given to the creditor, because it will not impair the value of that which we promised the creditor; he will get the equivalent.

Mr. SAULSBURY. Of gold or greenbacks?

Mr. HILL. It will be payable in Treasury notes. I do not like the word "greenbacks," because it always conveys to me the idea of a legal tender, and I abhor legal-tender paper money issued by the Government. I say to make this Treasury note, greenback, if you please, receivable in the payment of duties on imports will not violate any pledge we have given to the creditor, because it will not lessen the value of that which we promised to pay to the creditor. We will still pay him his coin if he prefers it, because there is no trouble in getting coin when a paper currency is equivalent to coin; and as I said before no creditor will want it. Whenever a man knows that his hundred-dollar paper bill is equal to a hundred dollars in gold he does not want the gold, and as for silver he will not take it; he will keep his paper money.

But another reason why I object to this qualification in the amendment offered by the Senator from Delaware is that it keeps up the distinction in the country between gold and silver and greenbacks or paper money in the idea of their value. Why, if your money is to be equal to gold, will you say it shall not be received in the payment of duties on imports? The clause was put there originally, that pledge was made, because the idea was that the greenback currency might not be equal to gold, and there was no way to make it equal to gold then known, there was such an overissue; and the distinction grew out of that. But I want to see the time come in the history of this country when a dollar will be a dollar. I care not whether it is a silver dollar or a gold dollar or a paper dollar; let the American Government promise a dollar and when it promises a dollar let it be understood that it promises the stamped coin or its equivalent, and every paper dollar issued, whether by private corporations or by the Government, must be held to be equal to a dollar of stamped coin by the Government. Therefore let the duties on imports be payable in dollars. If a man carries to the Treasury a dollar printed by the Government, pledged by the Government, a Treasury note, let the Government receive it. I am unwilling for this Government to admit that any dollar is more acceptable to the Government than the dollar which the Government itself issues. It is the duty of this Government to issue no paper dollar unless the Government is satisfied in issuing it that it is equal to the gold and the silver dollar. We have arrived at a point now where we can do that; and I object to this qualification in the amendment offered by the Senator from Delaware, simply because it keeps up this distinction. It grows out of the idea that one dollar is better than another dollar, that the Government will take one dollar for duties on imports and will not take another dollar for duties on imports, when it is the duty of the Government to see that a dollar is a dollar, whether it be a paper dollar or a gold dollar or a silver dollar, I repeat.

I wish, therefore, the Senator from Delaware would modify his amendment. I want to make the currency, whatever it be, if you continue this greenback currency as you have got it out with its present qualities, receivable in payment of all dues, and I believe it will be equal to gold at once. I believe the creditor who is pledged now to have his interest paid in coin will take it. But suppose the creditor would not take it. There is no trouble about the Government raising gold at any time it wants now to pay the interest on the public debt. Suppose you receive the duties on imports in Treasury

notes and the creditor will not take those Treasury notes for his interest, either the importing merchant has got to sell something to raise gold to pay his import duties, or the Government has got to buy gold to pay its interest. In my judgment, it is better to have one purchaser of gold, and let that be the Government, than to have innumerable purchasers of gold in the shape of importing merchants; it would be better for the country. But for myself my great idea is, it is the corner-stone of my financial system, to have a gold dollar, a silver dollar, and a paper dollar, each constitutional, each legal, and each equal to the other. Whenever you reach that point, let us have as many as we can. I do not care how many paper dollars you have as long as those paper dollars are equal to gold and silver dollars, and I do not care how many silver dollars you have, and I do not care how many gold dollars you have.

This thing of paper money is very much like filling a reservoir with water. As long as you pour and the reservoir is not full you can pour on and you will increase the quantity of water, but the moment the reservoir is full and the water runs over it does not matter how much you pour afterward; it is all wasted; you accumulate no more water. So you can issue paper money with perfect safety and perfect propriety as long as it is equal to the gold dollar; and I do not care how much you issue if you keep it equal to the gold and to the silver dollar, if you keep it equal to the standard of money; but the moment your paper money begins to depreciate that moment the reservoir is full; that moment the demand of the country is satisfied; that moment you have got as much currency as you ought to have, and the more you issue the more it will depreciate, the greater will be the waste. The moment, therefore, that your money begins to depreciate, that moment you ought to stop issuing it. I do not want to do anything myself that implies that one dollar authorized by this Government is of less value than another dollar.

I might vote for the amendment of the Senator from Delaware for one reason, because in my judgment it does get rid of one evil; that is, it gets free of the legal-tender feature of the greenback currency. That I believe is an unconstitutional feature, and I want to get rid of it; but I say frankly that the bill as the amendment of the Senator from Delaware would amend it would only make it universally receivable in the payment of all dues due to the public which would be just my idea, and that is Mr. Calhoun's Treasury note precisely. It is a constitutional Treasury note, it will be a good Treasury note, better than gold and silver, and the best currency this country ever saw, and there will be no danger of having too much of it.

Mr. MORRILL. Mr. President, I do not propose to discuss this measure at any length, having already expressed my opinion in relation to it, but I must say that it is incomprehensible to me how Senators who are opposed to contraction can favor this bill. It must be obvious to any Senator who examines the question that, if we do anything to make a difference between coin and paper, that very moment we banish the coin from circulation, and all the object that can be gained in that way would be to increase the amount or to retain the present amount of paper currency in circulation. Under the resumption act it was made lawful to retire the United States notes until the sum was reduced to $300,000,000. The present amount is $346,000,000. Therefore all the contraction that would be possible under that law would be $46,000,000; but, under the proposition which is made here, it may be to endanger resumption and thereby effect a contraction of from two to three hundred millions. How Senators can favor a proposition of this kind, I am at a loss to discover.

The Senator from Georgia surprises me by his kind of logic. He is in favor of a paper dollar that is as good as a coin dollar, and yet he is for taking away the only means the Government has for making the paper dollar equal to the coin dollar; that is to say, he is in favor of receiving all paper and having no receipts in coin. The Senator surprises me by another bit of logic, and that is that he regards the greenbacks with some degree of abhorrence and would destroy their legal-tender character, and yet he is now for retaining their legal-tender character and for even extending it where the plighted faith of the nation has been pledged that they should not be received and where it is proclaimed on every note that is in existence that they shall not be received, namely, that they shall not be received for duties on imports.

I know that probably a majority of the Senate are in favor of the passage of this bill. I do not speak for the purpose of retarding its passage, but I must say that in my judgment Senators who are opposed to contraction are certainly making a very grave mistake. If they want to continue a large volume of currency and of money in the country, this is not the way to do it. If we want all the paper we have except $46,000,000 and two or three hundred millions of coin in circulation, this measure is calculated to defeat that object. I believe so most sincerely, and I think it will so be found.

I may as well avow at once that I now believe that we are embarked for a long term of years upon silver coin as the only coin of the country. I do not expect that after the 1st of January we shall be in the receipt of anything more in the shape of gold coin; our receipts will be confined to silver and nothing else. I desire that we shall maintain our paper currency at least at the par value of silver. I fear that this measure in the end will result in defeating even that object, that we shall go back to paper and that paper will sink below the par value of even silver coin. I ask gentlemen to consider this before they take this last step in this direction.

Mr. HILL. I move to amend the amendment of the Senator from Delaware by striking out the words "excepting duties on imports;" so as to read:

Provided, That the said notes when so reissued shall be receivable for all dues to the United States, and not be otherwise a legal tender; and any reprint of the said notes shall bear this superscription.

Mr. BLAINE. Mr. President, the proposition of the Senator from Delaware, even without the suggested amendment of the Senator from Georgia, is a very radical one. It would work an extraordinary change in the currency of the United States. I venture to read it in the hearing of the Senate:

That the said notes—

Referring to the legal-tenders—

when so reissued, shall be receivable for all dues of the United States, excepting duties on imports, and not be otherwise a legal tender.

It takes $346,000,000 and declares right off that they shall not from that day forward be considered a legal tender between man and man.

Mr. BAYARD. Not precisely that. The Senator will see, if he will take the bill before the Senate, that it provides for the reissue of the notes when the same shall have become the property of the United States.

Mr. BLAINE. That is, as fast as they come in, they are to be paid out.

Mr. BAYARD. I mean this, that whenever a note has been paid; in other words, whenever the Government has performed the promise in regard to which it has been sixteen years in default, and after it has once paid the note, it shall not be reissued with the legal-tender clause attached. That is my proposition.

Mr. BLAINE. Then the Senator, I think, still further muddles the currency, because those notes that do not come in for redemption will still be a legal tender, but those that happen to come in for redemption when they are reissued will not be a legal tender; and so the Senator from Delaware gives us two kinds of Government paper.

Mr. BAYARD. If the Senator will read the amendments he will find that the notes so reissued shall bear a superscription which will prevent their being mistaken for legal-tender notes.

Mr. BLAINE. I am not, of course, trying to misrepresent the Senator. I understand him to aim at this, that when a greenback shall go into the Treasury and the holder of it receives his gold or silver for it, the Government then reissues it and reissues it with the legal-tender quality stricken out.

Mr. BAYARD. And that fact shall be printed on it.

Mr. BLAINE. And that fact shall be printed on it, of course. So, then, if they all go in and all go out again we should have a uniform kind of paper currency issued by the Government which would have the legal-tender quality struck out, but if one-half go in and only one-half go out, we should have then two kinds of Government paper, still further, as I say, muddling the currency of the country. Then of course the Senator will observe that the power of the national banks to redeem their notes, as they now have the right to do, in the legal-tender paper of the country is by that much restricted, and you have thrown them back into "confusion worse confounded," because I suppose this second edition of paper money would not be of the kind which the national banks might redeem their notes in. If I understand the Senator from Delaware correctly, he would not consider that a national bank was discharging its obligation as it would be to-day by handing out one of these new notes for its bill, unless he adopts the novel theory of the Senator from Georgia, that the very moment you take the legal-tender out of the note, that moment it becomes equal to gold.

Mr. BAYARD. I apprehend that resumption by the Treasury of the United States would be of course resumption by the national banks.

Mr. BLAINE. Ah! that may be; but the great instrumentality hitherto relied upon for resumption by the national banks was that if the Government paper was brought up equal to coin, and the national banks only had the obligation they now have to redeem in the three hundred and odd million of legal-tenders, they may meet their obligation; but the amendment of the Senator from Delaware takes away that power of the national banks to redeem.

The Senator from Georgia does not intend by his amendment that coin shall reach the Treasury of the United States in any way whatever. The Senator from Delaware does make a reservation that duties on imports shall still be paid in coin. Even that conservative clause the Senator from Georgia moves to strike out, and moves then to put us upon a basis of paper money in which the United States nowhere is in receipt of coin and which has no power to pay debts between man and man. I cannot imagine a more ingenious contrivance for rendering confusion in the financial world worse confounded than the joint amendments of the Senator from Delaware and the Senator from Georgia.

Undoubtedly this whole question of resumption has been radically changed by the coinage of the silver dollar. I do not see where the honorable Senator from Vermont, whose committee has charge of the bill, derives his fear that the paper money of the United States

is going below the silver dollar. The Secretary of the Treasury may begin resumption to-morrow with $10,000,000 in silver, in my judgment, with perfect safety.

Mr. MORRILL. On the proposition of not receiving it for duties, I should have stated.

Mr. BLAINE. Oh, of course, on the proposition not to receive it for duties; but let it stand as it is. My vote is largely influenced by the fact that the entire financial situation of the country has been changed by the introduction of the silver dollar. No man pretends with his eyes open that the silver dollar has the value of the gold dollar. No man pretends that when the silver dollar begins to fill the channels of circulation the Government will receive any gold whatever for duties. No man pretends that if you open the subtreasury to-morrow in New York and invite every holder of a legal-tender note to go and get silver in exchange for it there will be any demand for the silver. You cannot do that with gold. I should say, then, to formulate the matter, that resumption in silver you have got plenty of; resumption in gold you have not half enough.

I have no faith that this Government will pay gold next January; I have abundant faith that it can pay silver to-day. There is the problem, and it has rendered me entirely careless on the question whether you contract the legal-tender notes any further. It is not going to make one hair white or black in regard to resumption whether you contract, as has been the habit, or whether you cease according to this bill. Your resumption is equally easy in silver whether you contract or whether you cease to contract; you are not able to resume in gold. There is the whole problem to my mind.

Mr. BAYARD. Not compelled to, by any present law?

Mr. BLAINE. No, not compelled by any present law. Therefore you are not able to do so, because the people who owe you coin will not pay you gold, they will pay you silver, and you do not have gold coin to pay back to those to whom you promised coin. Of course it puts us down on the silver basis. If you want silver resumption we are there to-day. There is not a man in the Senate Chamber, on either side of it, who will give a thousand dollars in greenbacks in exchange for a thousand dollars in silver.

Mr. BAYARD. They would not give the silver to you to-day.

Mr. BLAINE. They would not give what?

Mr. BAYARD. They would not give a thousand silver dollars for a thousand dollars in currency at the Treasury.

Mr. BLAINE. At the Treasury?

Mr. BAYARD. Certainly not.

Mr. BLAINE. Nobody wants it.

Mr. BAYARD. Men want it to pay duties.

Mr. BLAINE. The question of course is different so long as the financial channels are not sufficiently filled with silver dollars to answer the demand for duties, but at a coinage of $48,000,000 a year that will very soon do. The Secretary of the Treasury tried the experiment the other day of letting out a hundred thousand dollars in silver dollars in New York and they were in the subtreasury the next day.

Mr. BAYARD. Through the custom-house?

Mr. BLAINE. They went into the subtreasury through the custom-house. They came right back through the custom-house. You have half a million silver dollars to-day in New York. The Secretary of the Treasury stands to-day and will not let them out. He dare not let them out. The Government of the United States is to-day exactly in that position that it dare not let out silver. Why? Because it ceases gold payment the moment it lets out the silver.

Mr. BAYARD. It can pay the interest on the public debt in the silver.

Mr. BLAINE. Of course you have got to pay the interest on the public debt in the coin you receive. I say that we have radically changed the whole financial situation, so entirely changed it that I have changed my position in regard to this bill. What is the object? How is it going to affect us at all whether we seek the contraction of greenbacks to-day or whether we postpone it until next January, as long as the situation remains the same in regard to silver coin? I should like the honorable chairman of the Committee on Finance, with whom I have been in the habit of co-operating, to tell me what possible difference in the question of resumption is it going to work if you leave the coinage of the silver dollar exactly where it is to-day with reference to the gold dollar? What are we going to do? If passing this bill will give content to any uneasy souls between the two oceans, why not give it to them? You are not going, I repeat, to make a hair white or black in your ability to give coin or to receive coin by passing this measure; and I shall vote for it for that reason.

Mr. MORRILL. Mr. President, the Senator from Maine utters his opinions with a good deal of confidence; but I cannot say that I can accord to them my own judgment. Undoubtedly, until there is a sufficient amount of coin in the country to redeem with, either in one or the other, we cannot expect to keep greenbacks or legal-tender notes up at par.

Mr. HILL. Will the Senator from Vermont allow me a moment? I will just state that the friends of the original bill thinking that the pressing of amendments now will antagonize the bill perhaps, and that it is too late in the session to do so, under all the circumstances, after expressing my own convictions of what is my chief desire, I will withdraw the amendment I offered to the amendment of the Senator from Delaware.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn.

Mr. MORRILL. I would say to the Senator from Maine that when we reach the position of having nothing but silver, even silver resumption cannot be maintained without a suitable quantity of reserve in the Treasury. Therefore his idea that we may throw out an unlimited amount of paper and still resume is, in my judgment, utterly unfounded. So long as the people decline to receive silver in payment of paper, of course you will have enough of the silver; but the moment the conviction rests upon the people that we are to have nothing better than silver, then it will be necessary that we shall have a suitable quantity of it in order to make resumption possible even in silver, and the Senator from Maine I think understands that as well as any body else.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the Senator from Delaware, [Mr. BAYARD,] on which the yeas and nays have been ordered.

Mr. HOAR. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed, after the word "circulation," in line 10, to insert:

Provided, That the said notes when so reissued shall be receivable for all dues to the United States, excepting duties on imports, and not to be otherwise a legal tender; and any reprint of the said notes shall bear this superscription.

The Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were present, I should vote "nay" on this amendment.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 18, nays 42; as follows:

YEAS—18.

Anthony,	Eaton,	McPherson,	Saulsbury,
Bayard,	Hamlin,	Morrill,	Wadleigh,
Burnside,	Hoar,	Randolph,	Whyte.
Butler,	Kernan,	Rollins,	
Conkling,	Lamar,	Sargent,	

NAYS—42.

Allison,	Davis of Illinois,	Kirkwood,	Ransom,
Armstrong,	Dennis,	McCreery,	Saunders,
Bailey,	Dorsey,	McDonald,	Spencer,
Beck,	Ferry,	McMillan,	Teller,
Blaine,	Gordon,	Matthews,	Thurman,
Bruce,	Grover,	Maxey,	Voorhees,
Cameron of Pa.,	Harris,	Merrimon,	Wallace,
Cameron of Wis.,	Hereford,	Mitchell,	Windom,
Christiancy,	Howe,	Morgan,	Withers.
Cockrell,	Ingalls,	Oglesby,	
Coke,	Johnston,	Paddock,	

ABSENT—16.

Barnum,	Davis of W. Va.,	Garland,	Kellogg.
Booth,	Dawes,	Hill,	Patterson,
Chaffee,	Edmunds,	Jones of Florida,	Plumb,
Conover,	Eustis,	Jones of Nevada,	Sharon.

Mr. MATTHEWS. Mr. President, the Senator from Michigan who has charge of this bill [Mr. FERRY] made an appeal to those who are friendly to the proposition contained in it to vote against all amendments to it and vote for it just as it came from the House. Precisely what is to be gained by that course, unless it be to hasten the passage of the bill by one or two days, I do not know. There are circumstances, perhaps, in which such an appeal ought to be valued; but as there is no such exigency, as it seems to me, that requires this bill to go immediately into effect, I think that it ought to be perfected so far as it can be in phraseology without reference to that appeal. I do not desire to embarrass it; I expect to vote for it. I am in favor of the principle on which it is founded and of the proposition which it contains; but I do think as a piece of legislation it is open to considerable criticism, and I wish to call the attention of the Senate to some of the language of it with a view of suggesting an improvement. The first sentence of the bill is as follows:

That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the United States legal-tender notes.

"Any more" than what? What has the Secretary of the Treasury canceled and retired up to this time? What authority of law has he now to cancel and retire other than that particular amount which makes the difference between the amount of the national-bank notes issued when any new bank under the resumption act is organized for the purpose of issuing circulation? So much for that. Now listen to the second sentence:

And when any of said notes may be redeemed or be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed.

The first sentence of the bill had already made it unlawful for the Secretary of the Treasury to retire and cancel any more of the United States legal-tender notes. Why repeat in the very next sentence that provision by piling up words and making instances, specifying the occasions for the reception of these notes into the Treasury, unless it be for the simple purpose, as it certainly can have no other effect, to make that which ought to be perfectly clear without it ambiguous by a repetition which is vain? The first sentence prohibits, by mak-

ing it unlawful, the cancellation and retirement of legal-tender notes after the passage of this act. The second sentence goes on and simply repeats the prohibition:

And when any of said notes may be redeemed or be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed—

Then the bill goes on to add—

but they shall be reissued and paid out again, and kept in circulation.

That is peremptory. That is an express injunction on the Secretary of the Treasury; he shall do it. Under what circumstances? For what consideration? The usual language which has occurred is different. Every statute prior to the passage of this act, if it become one, has used other phrases, as for instance, it has used a phrase "that he shall reissue them from time to time as the exigencies of the public service may require." But here he is to do it whether the exigencies of the public service require it or not, and he not only is to reissue them but to pay them out again, and he is to keep them in circulation. I should like to know how it is possible by the passage of an act of Congress to enable the Secretary of the Treasury to keep in circulation these Treasury notes. I suppose what is meant is that they are to be kept as the authorized currency of the country, to be issued from the Treasury as other currency, as the Treasury may have occasion to issue any money, and to let them remain in circulation if by the laws of trade and business they circulate; but how the Secretary of the Treasury is to impart that quality to them, to give them that efficiency, unless they have it without, I do not understand.

To meet these objections I propose to amend the bill by striking out all after the enacting clause and inserting:

That whenever any United States legal-tender notes are returned to the Treasury, they shall be reissued from time to time as the exigencies of the public service may require, or others with like legal-tender quality and of equal amount issued in lieu thereof; and the Secretary of the Treasury shall not cancel or retire any of the same: *Provided*, That nothing herein shall prohibit the cancellation of mutilated notes and the issue of other similar notes of like denomination in their stead, as now provided by law. All acts and parts of acts in conflict herewith are hereby repealed.

I move that amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. CHRISTIANCY. Mr. President, it strikes me that the amendment proposed by the Senator from Ohio is open to the same criticism which he makes upon the bill as it now stands to some extent, unless his intention is to give a power of issuing notes beyond those which may have become mutilated; for that provision is already in the bill and remains in the bill as amended, as he proposes it. Except for the purpose of supplying the place of mutilated notes I am myself entirely opposed to giving the power of issuing new notes, and I suppose the Senator from Ohio did not intend to give an additional power to issue more notes except to supply the place of mutilated notes.

Mr. MATTHEWS. If the Senator from Michigan will allow me, there is no possible ambiguity, it seems to me. The body of the bill, as I propose it, gives authority explicitly to the Secretary of the Treasury to reissue the identical notes received into the Treasury or in lieu of them any others of like quality.

Mr. CHRISTIANCY. I think that privilege ought to be confined entirely to supplying the place of mutilated notes.

Mr. MATTHEWS. Very well. The proviso in regard to mutilated notes covers that ground.

Mr. CHRISTIANCY. That is precisely the point to which I called the attention of the Senator from Ohio. If he will so amend his amendment as to avoid this objection I shall vote for it.

Mr. MATTHEWS. The objection, then, is met by striking out of the amendment the words:

Or others with like legal-tender quality and of equal amount issued in lieu thereof.

That being supplied by the proviso which is adopted on the amendment, which authorizes the issue of new notes in lieu of notes destroyed by mutilation, I will strike out those words.

The PRESIDING OFFICER. The Senator from Ohio modifies his amendment as stated.

Mr. CHRISTIANCY. Mr. President, I am in favor of that amendment, and for the purpose of showing my position upon this bill I will proceed to state the grounds which I occupy upon it. While I am opposed to the entire idea of an irredeemable greenback circulation or mere fiat money, and think it the greatest delusion of this age, yet since our Treasury notes, under the pledge of the nation for redemption in coin, have practically reached par, and under such circumstances few will want the coin when this paper is so much more convenient; and under the policy now practicable and likely to be adopted they can in all probability be kept at par, at least for the present, and until another session of Congress, when further legislation may correct any evil likely to arise, under such circumstances I am willing to support the House bill with the amendment just offered by the Senator from Ohio.

I do this not because I think the stagnation in business and what are called the hard times have arisen from the want of a sufficient volume of currency in the country such as it was, the fallacy of such an idea being, in my opinion, sufficiently shown by the fact that during the whole of the period of depreciation more of the currency of the country has lain idle in the banks and in the hands of capitalists for want of responsible borrowers willing to take and use it than in any other period of our history. Yet since this paper currency has now practically reached par, and is likely for some time at least to remain there, no great harm can be done by allowing the amount now outstanding to remain in circulation, especially as it is likely to lessen the demand for coin, and may in this manner contribute to hasten permanent resumption.

But I wish the bill so amended as I have indicated, because I do not think the Government has the constitutional power, in time of peace or under any but the war power, to issue such paper and make it a legal tender. As the bill now is, the language reads "and when any of said notes may be redeemed or be received into the Treasury," &c., then it shall not be retired but shall be reissued, &c. Having been redeemed, if it has been strictly and in fact redeemed, then the reissuing of it is equivalent to the exertion of the same power originally exerted to create this greenback currency.

But in my view there is no constitutional power under which that kind of currency can be made a legal tender in the United States, except the war power. For that reason I cannot vote for this bill as it now stands, without the amendment. With the amendment I can, because these Treasury notes having been issued under a state of things when the power did exist, it was for the judgment of Congress and they had the power to determine when and how they should be retired and canceled. They were not compelled to do it the next day after the war closed; they were not compelled to do it the next year; but it was left to their own judgment and discretion when the good of the country required it to be done. I can therefore see no reason to object to allowing the amount now outstanding to continue in circulation.

For these reasons I shall support this bill if the amendment of the Senator from Ohio, or any similar amendment avoiding the constitutional objection, shall be adopted; otherwise, I shall be compelled to vote against it.

Mr. FERRY. Mr. President, all I have to say in reply to the Senator from Ohio [Mr. MATTHEWS] is that if this were a matter of phraseology the criticism of my colleague [Mr. CHRISTIANCY] shows that there would be as many amendments proposed perhaps as there are minds in the Senate. If this was an original proposition covering a substantive idea, I should be as ready to submit it to my friend from Ohio as to any other Senator; but I care more for substance than form.

In regard to the suggestions of my colleague, I have to say that in the law of 1866 providing for the contraction of the greenbacks the phraseology, I think, was "redeemed and canceled." Forty-four million dollars of the currency were redeemed, not canceled, however, under that law of 1866. It was arrested February 4, 1868, if my memory serves me. Twenty-six million dollars of that amount was paid out following the panic of September, 1873; so, under the phraseology "redeemed and canceled," the money not only went into the Treasury but twenty-six of the forty-four millions redeemed were paid out, so that I am willing and satisfied to rest on the same phraseology used in the bill, and that is "redeem." I understand the construction placed upon it by the different Secretaries of the Treasury is that redemption does not in effect cancel.

Mr. SAULSBURY. I inquire of the Senator if he does not know that the action of a former Secretary of the Treasury in reissuing that money after it had come into the Treasury was severely criticised in this body as being without warrant of law?

Mr. FERRY. More than that, I congratulated the Secretary of the Treasury upon his wisdom for doing it, and I congratulated the President of the United States who in a great emergency of that kind directed the Secretary of the Treasury that a portion of that money should be paid out, and all the complaint I had was that the whole $44,000,000 was not put out.

Mr. SAULSBURY. I inquire of the Senator if he does not know that the Finance Committee of this body made a report condemning the action of that Secretary of the Treasury when the present Secretary of the Treasury was chairman of the Finance Committee and made the report, so that by the financial organ of this body the action of the then Secretary of the Treasury was condemned by the report submitted by the present Secretary, then chairman of the Finance Committee of the Senate?

Mr. FERRY. I agree with the Senator to this extent: I did as one member of that committee criticise the present Secretary of the Treasury for canceling the greenbacks that were retired under the present resumption law now in force; but I did not believe under the phrase "redeem" that he was authorized to cancel or retire; nor do I believe it now. And, more than that, in the discussion upon this floor when that report was made, the question was put, I think, by the present Secretary of the Interior, then a Senator from the State of Missouri, to him, what the intention of the then Secretary of the Treasury would be under the phraseology "redeem" whether that would cover retirement and cancellation, and the present Secretary of the Treasury, then a Senator and chairman of the Committee on Finance, stated that that was to be left to future legislation. So that there was no formal construction given. I understand that the Secretary is said to have retired and canceled, but in my judgment he does it against the statute, for under the word "redeem" he has no authority to cancel and redeem. Neither do I think it really has been done. It has never been done under former Secretaries; and if it has

been done under the present it has not been to the full extent of the retirement of greenbacks under the resumption act.

Now, Mr. President, without further taking up the time of the Senate, because I am anxious to have a vote upon this bill, I appeal to the Senate to pass the bill as it is. I hope that this amendment, without expressing an opinion upon its merits, will be voted down. I know its phraseology is more perfect than that of the bill, and anything coming from the facile pen of the Senator from Ohio would naturally be perfect; but it is the substance that I want to secure, and I hope the friends of the bill will vote down this amendment, as the other was voted down, and let us pass the bill pure and simple, as it came from the House.

Mr. CHRISTIANCY. Mr. President, all I wish to say in reply to my colleague as to the instance which he puts of the practical construction adopted by a former Secretary of the Treasury when he paid out that twenty-six million which had been redeemed, is simply this: that I think he was guilty of a clear violation of the law, and I have never doubted it, and I believe if he had reissued what my colleague complains of him for not reissuing, but for canceling—if he had reissued it, he would again have been guilty of a clear violation of the law, because after a redemption strictly so called, having that effect in law, has once taken place, there is an end of the paper; it has no longer a legal existence for any of the purposes for which it was issued, and it requires the same power after that to reissue it that it required originally to issue it, and that being the war power, and not now existing, I think there would be a failure of power. It is to avoid that difficulty that the amendment of the Senator from Ohio is very pertinent.

Mr. MATTHEWS. Mr. President, I beg to acknowledge the compliment paid to me by the Senator from Michigan who spoke last before the one who has just taken his seat; but I must insist that I think he is wrong in not following it up practically by consenting to adopt my proposition instead of his own. He admits that he prefers substance to forms, and yet he insists upon a particular form of words against which his own colleague urges a constitutional objection, and he will not yield his adherence to that form even for the sake of getting that vote. Now it happens perhaps in the state of the vote in the Senate that that does not imperil the bill; but I think it is doing injustice to those who would like to vote for the substance in respect to which they agree with the Senator from Michigan who has charge of the bill, and that is giving, as they think in terms which are warranted by the Constitution, authority to continue the circulation of the legal-tender notes, rather than by insisting upon a particular phraseology to prevent votes in support of the bill which otherwise would be glad to go to it. That does not disturb me, because I believe that the Secretary of the Treasury, under existing law, has power to reissue notes that have been taken into the Treasury either in receipt of taxes or in case the resumption act goes into effect on the 1st of January, by what is there known as the process of redemption; and yet the point is so doubtful that I think it ought to be made explicit, and that is the very object of this bill, because if it is not a doubtful power, if there is no ambiguity in the existing law, if the present state of legislation is such as to need no amendment to confer that power, then there is no sort of use in passing this bill, for the whole effect of this bill is to simply give him that power.

Now why not give it to him in language which is free from ambiguity and free from the objection which comes from so responsible and conscientious a source as that of the colleague of the gentleman from Michigan, who makes the objection on the ground that the use of the word "redeem" in the bill now pending will prevent his voting for it on that account, whereas the substance of the idea is perfectly preserved in the modification which I propose? It gives the power unmistakably, in language far clearer, more direct, and yet conciliates votes which otherwise cannot be had. I really think that in the interest of the bill itself, for the sake of the measure, the Senator ought at least to accept the amendment.

Mr. SAULSBURY. Mr. President, I stated yesterday that in my opinion there would not be any great benefit derived from the passage of this bill or any serious harm done by it. So far as I am concerned, I am not particular about the greenback circulation of the country. I am perfectly willing that for the present it should continue at the amount now in circulation, because there seems to be an impression in the country that we have not a sufficient or at any rate not too much circulation. Therefore I should be perfectly willing that the present volume of greenback currency should be kept in circulation, and I could vote for the bill if the simple proposition was to prohibit the Secretary of the Treasury from retiring any more greenbacks. But when I come to look at this bill, it requires of me to do what I believe I have no constitutional authority to do. I read the provisions of this bill:

> And when any of said notes may be redeemed or be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed; but they shall be reissued and paid out again, and kept in circulation.

I have never believed that there was any authority in this Government to issue a legal-tender note of paper money. I have always believed that the original act issuing the greenback legal-tender notes was without warrant and authority of the Constitution of the United States, and I have so said everywhere that I have spoken about it. But this proposition is that after these greenbacks are redeemed, after the holder of greenbacks has gone and presented them to the Treasury and received for them silver or gold, and they have been redeemed in accordance with the promise impressed upon the face of the notes, they shall again be put in circulation; and thus if I vote for a proposition of this kind I vote that the law which originally put them in circulation was constitutional, because I vote for what is similar in its effect.

Sir, we all know, and I appeal to Senators on this side of the Chamber, that when this law was originally passed in 1862 under the exigencies of the war, we denounced it as unwarranted by the Constitution of the country. There is not a Senator on this side of the Chamber that expressed himself on that question but expressed his doubt of the constitutional authority of Congress to issue paper money as a legal tender for the payment of all debts, and yet if you adopt this bill every Senator who votes for it will vote that a note after it has been redeemed in accordance with the promise of the Government shall again be put in circulation and thus become himself a party to this violation of the Constitution of the country.

I cannot do it. If the single proposition were to prohibit the Secretary of the Treasury from retiring any greenbacks, I could vote for that proposition; but when you supplement that with a declaration that he shall again issue them and put them in circulation, I will not do that, because I do not believe I have any constitutional authority to do it. When the Supreme Court of the United States declared by its solemn judgment that the legal-tender notes issued by the Government were constitutionally issued, there was not a Senator on this side of the floor, so far as I have any knowledge, but what denounced and condemned that decision of the Supreme Court; and when the Supreme Court was reconstructed for the purpose of making that decision, we all know that the party to which I belong at least denounced the act of reconstruction of the Supreme Court for the purpose of making such a decision. But now a change has come over the spirit of some of our dreams, and we are asked to vote to-day for a provision of this bill that after these notes have been redeemed, after the Government has complied with its promise to the holder and paid the notes and taken them into the Treasury in the manner in which it was originally intended they should be paid, by redeeming them, they shall again be put in circulation. I would as soon have voted for the act originally as I can vote for that proposition. I do not believe there is any constitutional warrant for this Government to issue legal-tender notes. So long as I am not by my act responsible for their issue, I am perfectly willing they should continue out; but when you propose by my vote to make me a party to that transaction I beg leave to demur. I will not do it. I could vote perhaps for the amendment of the Senator from Ohio, but I cannot vote for the bill as it is reported by this committee.

The amendment of the Senator from Ohio, so far as I understand it, avoids the constitutional objection raised by the Senator from Michigan, [Mr. CHRISTIANCY,] which I think is well taken, and I therefore am perfectly willing, as I said before, that the present volume of greenbacks should remain out, provided you do not provide for reissuing them after redemption. If they are paid in by persons owing dues to the Government for internal revenue, that is not a redemption, and I am willing that they may be reissued in that case in order to keep up the present amount of greenbacks; but after they are redeemed, after they are paid by the gold and silver of the Treasury, the obligation of the Government completely discharged, after that has been done, if you propose to reissue them again, you thereby assert the constitutional authority of Congress to make paper money a legal tender. For such a proposition I cannot vote. I could perhaps vote for the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio, [Mr. MATTHEWS.]

Mr. MATTHEWS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HAMLIN, (when his name was called.) I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were present, he would vote "nay" and I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were present, I should vote "yea."

Mr. SARGENT, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. BRUCE.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. EUSTIS. On this question I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were present, I should vote "nay."

Mr. VOORHEES. I think it due to the Senator from Arkansas, [Mr. GARLAND,] who is absent under distressing circumstances, to announce that both before he left and since he left by a letter in writing, he requested his position to be stated upon this question. If he were here he would vote with the friends of this bill in all its various phases.

The result was announced—yeas 10, nays 36; as follows:

YEAS—10.

Barnum,	Christiancy,	Morrill,	Saulsbury.
Burnside,	Howe,	Paddock,	
Butler,	Matthews,	Rollins,	

NAYS—36.

Allison,	Davis of Illinois,	Kellogg,	Saunders,
Armstrong,	Eaton,	Kirkwood,	Teller,
Bailey,	Ferry,	McCreery,	Thurman,
Bayard,	Grover,	McDonald,	Voorhees,
Beck,	Harris,	Maxey,	Wadleigh,
Cameron of Pa.,	Hereford,	Merrimon,	Wallace,
Cameron of Wis.,	Ingalls,	Mitchell,	Whyte,
Cockrell,	Johnston,	Morgan,	Windom,
Coke,	Jones of Florida,	Oglesby,	Withers.

ABSENT—30.

Anthony,	Dawes,	Hill,	Plumb,
Blaine,	Dennis,	Hoar,	Randolph,
Booth,	Dorsey,	Jones of Nevada,	Ransom,
Bruce,	Edmunds,	Kernan,	Sargent,
Chaffee,	Eustis,	Lamar,	Sharon,
Conkling,	Garland,	McMillan,	Spencer.
Conover,	Gordon,	McPherson,	
Davis of West Va.,	Hamlin,	Patterson,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. MORRILL. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were present, I should vote "yea" and he would vote "nay."

Mr. HAMLIN, (when his name was called.) On this vote I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were present, he would vote "yea" and I should vote "nay."

Mr. McPHERSON, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] Were he here, I should vote "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were present, I should vote "yea."

Mr. SARGENT, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. BRUCE.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 41, nays 18; as follows:

YEAS—41.

Allison,	Dennis,	Kirkwood,	Saunders,
Armstrong,	Ferry,	McCreery,	Spencer,
Bailey,	Gordon,	McDonald,	Teller,
Beck,	Grover,	McMillan,	Thurman,
Blaine,	Harris,	Matthews,	Voorhees,
Cameron of Pa.,	Hereford,	Maxey,	Wallace,
Cameron of Wis.,	Hill,	Merrimon,	Windom,
Cockrell,	Ingalls,	Morgan,	Withers.
Coke,	Johnston,	Oglesby,	
Conover,	Jones of Florida,	Paddock,	
Davis of Illinois,	Kellogg,	Ransom,	

NAYS—18.

Anthony,	Christiancy,	Kernan,	Saulsbury,
Barnum,	Conkling,	Mitchell,	Wadleigh,
Bayard,	Eaton,	Morrill,	Whyte.
Burnside,	Hoar,	Randolph,	
Butler,	Howe,	Rollins,	

ABSENT—17.

Booth,	Dorsey,	Jones of Nevada,	Sargent,
Bruce,	Edmunds,	Lamar,	Sharon.
Chaffee,	Eustis,	McPherson,	
Davis of W. Va.,	Garland,	Patterson,	
Dawes,	Hamlin,	Plumb,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. R. No. 178) to pay the laborers known as the cloak-room men and to place them on the Doorkeeper's roll.

The message also announced that the House had passed a bill (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 396) to amend section 2464 of the Revised Statutes, relating to the cultivation of timber on the public domain.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States;

A bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to an act of February 9, 1821, incorporating Columbian College, District of Columbia;"

A joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa; and

A joint resolution (H. R. No. 178) to pay the laborers known as the cloak-room men and to place them on the Doorkeeper's roll.

AMENDMENT TO APPROPRIATION BILL.

Mr. CHRISTIANCY, on behalf of the Committee on the Revision of the Laws, submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO POST-ROUTE BILL.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. No. 930) granting a pension to Mary B. Marsh; and this day the act (S. No. 933) to authorize the commissioners of the District of Columbia to refund certain taxes erroneously collected.

VISITORS TO WEST POINT.

Mr. BAYARD. I was appointed by the Vice-President a Visitor to the West Point Military Academy, but I find that it will be out of my power to go there on the 1st of June. I therefore beg leave to resign the appointment, and I now submit a motion that the Chair be authorized to fill the vacancy.

The motion was agreed to; and the President *pro tempore* appointed Mr. MORGAN.

DISTRICT GOVERNMENT.

Mr. SPENCER. I move that the Senate insist upon its amendment to the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, and ask for a conference on the disagreeing votes of the two Houses. I desire to state that I shall refuse myself to be upon the committee of conference as I know nothing about the details of the bill. I make the motion in the absence of the Senator from Kansas, [Mr. INGALLS,] who has charge of the bill.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California was read twice by its title, and referred to the Committee on Privileges and Elections.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate proceed to the consideration of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

EXECUTIVE SESSION.

Mr. HAMLIN. The appropriation bill now being before the Senate and the hour being late, I ask the Senator to allow me to submit a motion to proceed to the consideration of executive business.

Mr. WINDOM. If the Senator from Maine deems that important, of course I shall not press the consideration of the bill to-day. I merely desired to get it up so that it may be the regular order to-morrow morning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at four o'clock and forty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 28, 1878.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read and approved.

CLAIM OF CARLOS BUTTERFIELD.

Mr. BRIDGES. On behalf of the Committee on Foreign Affairs, I ask unanimous consent to have the joint resolution (H. R. No. 168) requiring the Secretary of State to furnish information to Congress in reference to the claim of Carlos Butterfield against the Government of Denmark, which was passed on Saturday, changed from a joint resolution to a simple resolution of the House; so that it will read as follows:

Resolved, That the Secretary of State is hereby required, if not incompatible with the public service and interests of the United States, to furnish to the House a statement of the claim of Carlos Butterfield & Co., now represented by the said Butterfield, against the government of Denmark, for depredations committed by officers of said government against the property of said Carlos Butterfield, at the island of Saint Thomas, in the years 1854 and 1855, and what progress, if any, has been made in the settlement of said claim, together with a copy of all correspondence with the authorities and government of Denmark on the subject of said claim.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa; and

An act (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States.

RAILROAD FROM BISMARCK TO THE BLACK HILLS.

Mr. SHELLEY. I ask unanimous consent to report back from the Committee on Railroads and Canals, with a favorable recommendation, the bill (S. No. 927) to authorize the construction of a railroad from a point at or near Bismarck to the Black Hills. I ask for its present consideration.

Mr. EDEN. If this bill is to be considered, there are two or three amendments which I desire to offer.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EDEN. I only consent on condition that I am permitted to offer amendments.

The SPEAKER. Does the gentleman from Alabama [Mr. SHELLEY] allow the amendments to come in?

Mr. SHELLEY. Yes, sir.

Mr. WELCH. I desire also to offer an amendment.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk proceeded to read the bill. Before the reading was concluded,

Mr. WOOD said: Does this bill require unanimous consent for its consideration?

The SPEAKER. The bill came in by unanimous consent for consideration; of course that means subject to points of order that may lie against anything that may be in the bill. A member cannot intelligently give his consent to the consideration of a bill unless he knows what is in it.

Mr. WOOD. If it takes half an hour to read the bill, I think it is likely that it contains matters to which objection might be made.

Mr. DICKEY. I object to the present consideration of the bill.

Mr. SHELLEY. I submit the objection comes too late.

Mr. CARLISLE. I make the point of order that the bill appropriates property of the United States and should have its first consideration in Committee of the Whole.

Mr. DUNNELL. In reference to the point of order, let me state that there is a law giving the right of way through the Territories, and this bill confers no other power than already exists by the operation of general law.

The SPEAKER. The Chair on the point of order made by the gentleman from Kentucky, [Mr. CARLISLE,] that this bill should have its first consideration in Committee of the Whole, desires to say that distinctly by its third section it gives stone, timber, gravel, and other materials for the construction and maintenance of this railroad.

Mr. MAGINNIS. Before the Chair makes his ruling I would like to call his attention to the fact that the bill grants nothing but what is granted by a general law passed in the last session of the Forty-third Congress, which granted the right of way to every railroad company that might be incorporated in any of the Territories over all of the public lands.

The SPEAKER. The Chair understands that to be the general law. But here is a specific law giving to a certain corporation stone, timber, gravel, and other materials, land one hundred feet in width on each side of the railroad, and forty acres at each station.

Mr. MAGINNIS. That is exactly in the language of the general law granting right of way to corporations in the Territories, and the only thing this bill provides for is the incorporation; and the only reason it is necessary to provide for the incorporation is because the railroad goes through two or three Territories. If it only went through one Territory the company could be incorporated in that Territory and have all those privileges.

The SPEAKER. The Chair will have the third section read.

Mr. WOOD. I object to the consideration of the bill.

The SPEAKER. The Chair thinks the gentleman is too late in objecting to the consideration of the bill; but the Chair thinks that the bill is still subject to every point of order which could be made upon it under the rules of the House.

Mr. WOOD. I submit, how can any member know it is right to object to the consideration of a measure until he knows what is in it?

The SPEAKER. Unanimous consent was given for this bill to be considered. But of course that left the bill subject to every point of order which under the rules a member has a right to make. The point of order is made by the gentleman from Kentucky, and the Clerk will now read the third section.

Mr. WHITE, of Pennsylvania. Is this bill reported from any committee?

The SPEAKER. It is a Senate bill reported from the Committee on Public Lands. The Clerk will now read the third section of the bill.

The Clerk read the third section, as follows:

That the right of way through the public lands be, and the same is hereby, granted to said company for the construction and operation of said railroad, telegraph lines; and the right, power, and authority are hereby given to said company to take, from the public lands adjacent to the line of the road, earth, stone, timber for tying and bridging said road, gravel, and other materials for the construction and maintenance thereof. Said right of way is granted to said corporation to the extent of one hundred feet in width on each side of said railroad through the public domain, including all necessary ground, not to exceed forty acres at any one station, for station-buildings, workshops, engine-houses, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

Mr. MAGINNIS. I would like to have read the provision of the general law granting to railroads the right of way through the public lands of the United States.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also, the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

Mr. CARLISLE. Does not this bill provide that there shall be forty acres granted for each station?

The SPEAKER. That is the provision of the bill.

Mr. CARLISLE. And the general law grants but twenty acres.

Mr. MAGINNIS. The Committee on Public Lands recommend an amendment.

Mr. LATHROP. Does not the third section of this bill provide that timber, gravel, stone, &c., may be taken from the public lands for the maintenance and for the repair of the road, as well as for the construction?

The SPEAKER. The Chair has no doubt but that the point of order lies against the bill and so decides.

Mr. SHELLEY. Then I will withdraw the bill.

UNITED STATES COURTS AT TOLEDO, OHIO.

Mr. COX, of Ohio. I ask unanimous consent that Senate bill No. 380, to provide for circuit and district courts of the United States at Toledo, Ohio, be taken from the Speaker's table and referred to the Committee on the Judiciary.

There was no objection, and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

EDWARD K. WINSHIP.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 5050) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. BUNDY. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BUNDY. By the RECORD of this morning it is made to appear that I was paired on yesterday with two gentlemen on the same vote. About two weeks since I obtained leave of absence from the House, having arranged a pair with my colleague, Mr. BEEBE. On my return yesterday I went to his seat, thinking that perhaps he had requested that the pair should continue during the present week. The gentleman from Illinois [Mr. EDEN] with whom the pair was left to be announced in case we were both absent informed me that Mr. BEEBE on leaving the city, on the 24th of this month, had arranged a pair with our colleague, Mr. KETCHAM. So understanding, and desiring to leave the House on account of illness, I arranged a pair for the day with my colleague, Mr. COX.

Mr. EDEN. On that point I will state that the mistake was made by myself. The gentleman from New York, Mr. BUNDY, came to me and inquired about the pair with Mr. BEEBE. Having in my desk an old pair between Mr. BEEBE and Mr. KETCHAM, I put my hand on that first and informed Mr. BUNDY that Mr. BEEBE was paired with Mr. KETCHAM. It was my mistake.

The SPEAKER. The gentleman from New York [Mr. BUNDY] will find the correction made on page 3854 of the RECORD.

Mr. BUNDY. But that does not explain the fact that I still appear to be paired at the same time with two gentlemen.

Mr. COX, of New York. It is all right now.

CLOAK-ROOM MEN OF THE HOUSE.

Mr. HARRISON. I ask unanimous consent to take from the Speaker's table for consideration at this time House joint resolution No. 178, to pay the laborers known as the cloak-room men and to place them on the Doorkeeper's roll. This joint resolution has been returned from the Senate with an amendment. These cloak-room men have not had any money since the beginning of this session. The amendment of the Senate simply makes an appropriation which the original resolution did not make.

The SPEAKER. The amendment will be read.

The amendment was read, to insert after the word "such," in line 3 of the joint resolution, the words "to the close of the present fiscal year, and the sum of $3,913 is hereby appropriated for that purpose; provided," so that the joint resolution will read:

That ten laborers, known as cloak-room men of the House of Representatives, who clean the Hall of the House daily, are entitled to pay as laborers from the 16th day of December last, and that they be paid as such to the close of the present fiscal year, and the sum of $3,913 is hereby appropriated for that purpose: *Provided*, That hereafter eight laborers only be employed as session laborers on the roll of the Doorkeeper of the House to perform said labor, and that they be paid at the same rate as other session laborers.

Mr. HARRISON. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. HARRISON moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York. I now call for the regular order.

Mr. WOOD. I am directed by the Committee of Ways and Means to ask that House bill No. 4413, returned from the Senate with amendments, be taken from the Speaker's table and the amendments of the Senate concurred in.

Mr. MILLS. Is it understood that a number of other gentlemen here may ask unanimous consent for other matters? If not, it may as well be stopped right here.

The SPEAKER. Does the gentleman object or make any point of order?

Mr. MILLS. I do not make any point of order.

Mr. BUTLER. I make a point of order. Does not the call for the regular order prevent all this?

Mr. WOOD. My colleague [Mr. COX] withdrew his call for the regular order.

The SPEAKER. The point of order can be held in reserve until the bill and amendments have been read.

Mr. BUTLER. I withdraw my point of order in this case, but will renew it immediately after.

FREE ENTRY OF ARTICLES FOR EXHIBITION, ETC.

The SPEAKER. The title of the bill will be read by the Clerk.

The title was read, as follows:

A bill (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes.

The SPEAKER. The amendments of the Senate will now be read.

The amendments of the Senate were as follows:

In lines 3 and 4 insert the word "hereafter" after the word "material;" in line 6, after the word "sale," insert "nor for any other purpose than is hereinbefore expressed, &c., all such articles imported as aforesaid now in bond;" also add the following:

Provided, That the parties importing articles as aforesaid shall be required to give bonds with sufficient sureties, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue, should any of the articles aforesaid be sold, transferred, or used contrary to the provisions and intent of this act.

The next amendment was to strike out the second section of the bill.

Mr. WOOD. Under the direction of the Committee of Ways and Means, I move to concur in that amendment of the Senate.

The question was taken, and the amendment of the Senate was concurred in.

Mr. WOOD moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

TROUBLES AT EL PASO.

Mr. MILLS. I ask unanimous consent to take from the Speaker's table an executive communication upon the subject of Mexican incursions, that it may be referred to the Committee on Foreign Affairs; and I will ask at the same time permission to print some remarks in the RECORD in relation to the subject.

There was no objection; and the Speaker laid before the House a letter from the Secretary of War, transmitting copies of the majority and minority reports of the commission to investigate the El Paso troubles in Texas; which was referred to the Committee on Foreign Affairs, and leave was granted to Mr. MILLS to print some remarks in relation thereto. [See Appendix.]

ORDER OF BUSINESS.

Mr. BUTLER. I call for the regular order of business.

Mr. COX, of New York. I rise to a parliamentary inquiry as to the order of business.

The SPEAKER. The regular order of business is the unfinished business of yesterday, the Army appropriation bill.

Mr. COX, of New York. Two weeks ago a special order was made that the bill in relation to the life-saving service should come up to-day, after the reading of the Journal. I know that the Army appropriation bill is the unfinished business, but I propose to ask the Chair whether the bill in relation to the life-saving service will retain its place after the Army appropriation bill shall have been disposed of?

The SPEAKER. The order making that bill a special order is a continuing order, and it will come up in due course. The unfinished business of to-day is the Army appropriation bill, upon which the previous question has been ordered, and which was under consideration when the House adjourned last evening.

Mr. REAGAN. The bill regulating interstate commerce stands over as unfinished business, and I shall insist that it resumes its place when the Army appropriation bill is disposed of.

The SPEAKER. The life-saving-service bill of the gentleman from New York [Mr. COX] follows immediately after the interstate-commerce bill.

Mr. COX, of New York. Does it come immediately after the interstate-commerce bill?

Mr. BURCHARD. The bill relating to internal revenue is next after the interstate-commerce bill.

Mr. MCKENNA. Mr. ROBERTSON, who has charge of the life-saving-service bill, is detained from the House by sickness.

Mr. COX, of New York. I know that; but we have an understanding about it.

CONGRESSIONAL ELECTIONS IN CALIFORNIA.

Mr. HARRIS, of Virginia. I desire to report from the Committee of Elections a bill in relation to the election of Congressmen in California. It is agreed to by gentlemen from that State upon both sides of the House, and it is desirable that it should be passed before the House adjourns.

Mr. CONGER. I submit that that is not a privileged report which the Committee of Elections has a right to make at any time.

Mr. REAGAN. I must insist, I think, upon the regular order.

Mr. CONGER. I will withdraw my objection.

No further objection being made,

Mr. HARRIS, of Virginia, from the Committee of Elections, reported back, with a favorable recommendation, the bill (H. R. No. 4519) fixing the time for holding the election for Representatives to the Forty-sixth Congress of the United States in and for the State of California.

The bill was read. It provides that the election for Representatives to the Forty-sixth Congress of the United States, in and for the State of California, shall be had and held in said State at the general election to be held in said State on the first Wednesday in September, 1879, any law now in force to the contrary notwithstanding.

Mr. HARRIS, of Virginia. I desire only to say that the members on both sides of the House from California have informed me that the election in California upon the day now fixed by law for the election of Congressmen would cost the State one quarter of a million of dollars. The election for State officers takes place in September, and to require another election in November would cost a quarter of a million dollars, and therefore I hope that the bill will be passed. I call for the previous question on the bill.

Mr. SCALES. I hope the gentleman will yield for an amendment to include the State of North Carolina, which is in the same position.

Mr. HARRIS, of Virginia. We will attend to that hereafter.

The previous question was seconded and the main question ordered; and under the operation thereof, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PATTERSON, of New York. I would suggest to the gentleman from Virginia [Mr. HARRIS] that the bill ought to apply to subsequent elections as well as to the elections next year.

Mr. HARRIS, of Virginia. They can change their constitution so as to make it conform to the general law.

The bill was then passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. I now insist on the regular order.

Mr. WILSON. I hope the gentleman will allow me to make a report from the Committee on Foreign Affairs.

Mr. REAGAN. I think we had better have the regular order.

ARMY APPROPRIATION BILL.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the Army appropriation bill, which was

pending when the House adjourned last evening, and the Clerk will resume the reading of the amendments thereto reported from the Committee of the Whole on the state of the Union.

The Clerk read the next amendment, as follows:

In lines 16, 17, 18, and 19 strike out the following proviso:
Provided, however, That not exceeding five hundred recruits in addition thereto may be kept at recruiting-stations, as the necessities of the service may require.

Mr. HEWITT, of New York. Upon that amendment I desire to have a separate vote.

The question was taken, and the amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was in line 35, under the head of Pay department, to strike out "$8,390,000" and insert in lieu thereof "$9,900,000;" so that it will read:

Pay department:
For pay of the commissioned and non-commissioned officers, privates, (including those employed as Indian scouts,) storekeepers, musicians, and veterinary surgeons, artificers, farriers, and saddlers, except as hereinafter enumerated, $9,900,000.

Mr. HEWITT, of New York. I hope that amendment will not be agreed to.

The question was taken; and the amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was not agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEWITT, of New York. There is a mistake in that amendment which I ask unanimous consent to have corrected now. The sum should be $9,384,000.

There was no objection, and the amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was, in lines 51 and 52, to strike out "$340,263.65" and insert in lieu thereof "$400,000;" so that it will read:

For travel pay and commutation of subsistence to discharged soldiers, $400,000.

Mr. HEWITT, of New York. I object to that amendment and ask a separate vote upon it.

The question was taken; and the amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was, in lines 53, 54, and 55, to strike out "$255,813.20" and insert in lieu thereof "$310,000;" so that it will read:

For retained pay to discharged men, $310,000.

Mr. HEWITT, of New York. I object to that amendment and ask for a separate vote upon it.

The question was taken; and the amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In lines 59, 60, and 61, being the appropriation "for pay to soldiers for clothing not drawn," strike out "$343,278.33" and insert "$400,000."

Mr. HEWITT, of New York. I object to this amendment.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

Strike out in lines 70 to 74 the following:
For pay of officers rendered supernumerary by the operation of this act, from July 1, 1878, to January 1, 1879, date hereinafter fixed for their discharge, $497,000.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

Strike out in lines 75, 76, and 77 the following:
For pay and allowances to be paid to officers in consideration of their discharge by operation of this act, $2,400,000.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In lines 79, 80, and 81, strike out "$13,489,229.18" and insert "$12,272,932."

Mr. HEWITT, of New York. I ask unanimous consent to amend the amendment so as to read "$11,589,287,18."

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 89, strike out "twenty" and insert "twenty-five;" so as to read:
For subsistence of twenty-five thousand enlisted men.

Mr. HEWITT, of New York. I object to this amendment.

The amendment was not agreed to.

The next amendment was read, as follows:

In lines 96 and 97, strike out "$8,747,200" and insert "$10,347,700."

Mr. HEWITT, of New York. I object to this amendment.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In lines 104 to 107, strike out the following:
Less $300,060 heretofore appropriated, leaving a net appropriation under this act of $1,915,000.

Mr. HEWITT, of New York. I object to this amendment.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 137, strike out "fifty" and insert "one hundred;" so that the paragraph will read:
For purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, $100,000.

Mr. HEWITT, of New York. I object to this amendment.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

After line 188, insert the following:
And in case any item of the said appropriations for regular supplies, incidental expenses, barracks and quarters, and Army transportation shall prove insufficient for this purpose, the excess in any other of these items may, with the written consent of the Secretary of War, be applied thereto: *Provided, however,* That the total amount appropriated under these heads shall not be exceeded.

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In section 2, strike out, in lines 2 and 3, the words "six" and "fifteen" and insert "eight" and "eighteen;" so that the section will read:
That the number of cavalry regiments is hereby reduced to eight and the number of infantry regiments to eighteen, &c.

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 5 of section 4, after the word "hundred," insert "and twenty-five;" so as to read: "and such number of privates not exceeding one hundred and twenty-five as the President may direct."

Mr. HEWITT, of New York. There is no objection to that amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

Strike out section 7, as follows:
SEC. 7. That hereafter the Adjutant-General's department shall consist of one Adjutant-General with the rank and pay of colonel, two assistant adjutant-generals with the rank and pay of lieutenant-colonel, and two assistant adjutant-generals with the rank and pay of major. And the President is hereby authorized to detail from the captains and first lieutenants of the Army such number not exceeding ten as he may deem necessary to serve as assistant adjutant-generals, who shall have while so serving the rank and pay of captain of cavalry: *Provided,* That five of the present force over and above the number authorized in this section shall be retained until the 1st day of July, 1879, and the detail of five of the number proposed to be detailed in this section shall be deferred until the same date. Vacancies in the grade of major in said department shall be filled by selection from the officers who shall have been detailed to duty therein pursuant to the provisions of this act.

Mr. HEWITT, of New York. I object to this amendment.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just

taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

Strike out section 8, as follows:

SEC. 8. That hereafter the Inspector-General's department shall consist of one Inspector-General with the rank and pay of colonel, and two assistant inspector-generals with the rank and pay of lieutenant-colonel. And the President is hereby authorized to detail, from officers of the Army not below the rank of major, such number, not exceeding one for each military geographical division and department, as he may deem necessary, to serve as assistant inspector-generals. Vacancies in the grade of lieutenant-colonel in said department shall be filled by selection from the officers who shall have been detailed to duty therein pursuant to the provisions of this act.

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was not agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

After the word "Army," in line 7 of section 10, insert the following:

Or from paymaster or other regular or volunteer Army officers who have been honorably mustered out of service, or who have resigned, or clerks who shall have served at least five years in the Paymaster-General's Office.

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 1 of section 12 strike out the words "authorized and required" and insert "requested."

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 3 of section 12, after the words "to consist of," insert "the Secretary of War, the Chief of Engineers, and."

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

Insert the following in lieu of section 13:

That the President is hereby authorized to transfer the surplus of officers from the regiments of cavalry and infantry that may be consolidated, and from the several staff departments to the list of supernumeraries; and all vacancies now existing, or that may occur in the cavalry, artillery, infantry, or staff departments, by reason of such transfer or from other causes, shall be filled in due proportion by the supernumerary officers, having reference to rank, seniority, and fitness; and the President is hereby authorized and required to place upon the retired list or to muster out of service officers equal in number to the officers who may be upon the supernumerary list on the 1st day of July, 1879. He shall place upon the retired list all officers who may be unfit for duty by reason of injuries incurred or diseases contracted in the line of duty; but the number so retired shall not exceed one hundred in addition to the present retired list. In order that the President may properly select the officers to be placed on the retired list and to be mustered out, the commanding officers of the several military geographical divisions and departments shall, as soon as practicable after the passage of this act, and before the 1st day of September next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments, deemed by them unfit from any cause whatever for the proper and efficient discharge of their duty, and setting forth fully and specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and required on or before the 1st day of October next, to constitute a board, to consist of the three major-generals on the active list, to which board said lists shall be referred for examination; and the said board shall report to the President such officers as they shall recommend to be placed on the retired list and to be mustered out of the service, and the President shall thereupon grant leave of absence to such officers and cause them to be placed on the retired list and to be mustered out of service on the 1st day of July, 1879. And if the number so recommended to be placed on the retired list and to be mustered out of service shall not be equal to the number of officers remaining on the supernumerary list on the 1st day of January, 1879, the President shall forthwith transmit to Congress at its next session a list of the officers in excess of the number to be retired and to be mustered out for such further action as shall be deemed necessary. In the event of the inability to act or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HEWITT, of New York. There is no objection to this amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Strike out the following:

SEC. 14. That the commanding officers of the several military geographical divisions and departments and the heads of the various staff departments shall, as soon as practicable after the passage of this act, and before the 1st day of July next, forward, through and for the remarks of the General of the Army, to the Secretary of War, a list of officers serving in their respective commands and departments deemed by them unfit, from any cause whatever, except on account of injuries incurred or disease contracted in the line of duty, for the proper and efficient discharge of their duty, setting forth fully and specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and required, on or before the 1st day of September next, to constitute a board, to consist of the three major-generals on the active list, to which board said lists shall be referred for examination; and upon the recommendation of such board, the President shall muster out of the service every such officer so reported, who shall not be reappointed; but such muster-out shall not be ordered without allowing such officer an opportunity to appear before said boad and show cause against it: *Provided*, That every such officer, who shall have served not less than two years, so mustered out pursuant to the provisions of this section, except in cases where his unfitness for service shall have been caused by intemperence or other vicious habits, shall be entitled to receive, in addition to the pay and allowances due him at the date of his muster-out, one year's pay and allowances. In the event of the inability to act or death of either of the major-generals, the President shall detail one of the brigadier-generals to act in his place.

Mr. HEWITT, of New York. There is no objection to striking that section out.

Mr. CONGER. Is not that one of the sections stricken out on a point of order?

Mr. HEWITT, of New York. It went out on a point of order.

Mr. CONGER. I submit it is not before the House to be acted on, then. I did not suppose it was possible those sections stricken out would come in here to be acted on as amendments.

Mr. HEWITT, of New York. I assented to its going out. There is no controversy about that; it is out. If stricken out on a point of order it should not come into the House as an amendment.

Mr. CONGER. Are not several of the last sections in the same way?

Mr. HEWITT, of New York. None. In every case where the sections were ruled out on a point of order I assented to it.

Mr. CONGER. Why was this read, then?

The SPEAKER. Simply because of a mistake.

Mr. CONGER. I thought some of the former ones went out on a point of order, but I did not rise to make the point until this section was read.

The SPEAKER. If any others had gone out on a point of order, and were read in the House the Chair would traverse the action.

Mr. HEWITT, of New York. In every case where they were ruled out on a point of order I have assented.

Mr. CONGER. That is understood, then.

The SPEAKER. That is not a part of the report of the Committee of the Whole.

Mr. CONGER. If any were read by mistake they are still liable to be ruled out.

The SPEAKER. The Chair will inquire so as to know that fact. He is informed by the Clerk that up to this time this is the only one.

Mr. CONGER. Then, I suppose the others will not be read hereafter.

The SPEAKER. They will not be read where they have gone out on a point of order.

The next amendment was read, as follows:

At the end of section 18 insert:

Provided also, The provisions of this section shall not apply in time of war, when the commanding general himself is required to be in the field.

Mr. HEWITT, of New York. There is no objection to that.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 4, section 21, insert "and also from able-bodied honorably discharged officers and soldiers of the United States Army;" so it will read:

SEC. 21. That hereafter all vacancies in the grade of second lieutenant shall be filled by appointment from the graduates of the Military Academy, and by the promotion of the meritorious non-commissioned officers of the Army, and also from able-bodied honorably discharged officers and soldiers of the United States Army.

Mr. HEWITT, of New York. There is no objection to that.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In section 30, line 30, after the word "year," at the end of the clause fixing the pay of storekeepers, insert the words "except the storekeeper at the armory at Springfield, Massachusetts, who shall receive the pay and allowances of a major.

Mr. HEWITT, of New York. There is no objection to that amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In section 31 strike out the word "except chaplains;" so it will read:

SEC. 31. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including officers having assimilated rank or pay, 10 per cent. of their current yearly pay for each term of five years of service: *Provided*, That the total amount of such increase for length of service shall in no case exceed 40 per cent. on the yearly pay of the grade as provided by law, and shall not in any case amount to more than $800 per annum.

Mr. HEWITT, of New York. There is no objection to that amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

In line 5, section 31, after the word "service," insert the following:

And on and after the passage of this act, all officers of the Army of the United States, who have served as officers in the volunteer force during the war of the rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be, and are hereby, credited with the full time they may have served as such enlisted men in computing their services for longevity pay.

Mr. HEWITT, of New York. There is no objection to that amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

At the end of section 33 add the following:

No contract surgeon shall be employed, except for duty with troops at military stations or in the field, and not then until after all commissioned surgeons in the Army shall have been first assigned to such duty.

Mr. HEWITT, of New York. There is no objection to that amendment.

The amendment was agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was read, as follows:

At the end of section 33 add the following:

No money appropriated by this act shall be paid to any enlisted man in the service of the United States, whether non-commissioned officer, musician, or private, who shall leave his post to engage in any pursuit, business, or performance in civil life for emolument, hire, or otherwise, where the same shall interfere with the customary employment of local civilians in their respective arts, trades, or professions.

Mr. HEWITT, of New York. There is no objection to that amendment.

Mr. FOSTER. Is an amendment in order?

The SPEAKER. It is not.

Mr. FOSTER. I should like to insert "member of Congress." [Laughter.]

The amendment was rejected.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEWITT, of New York. I ask to go back to page 2, where for expenses of recruiting we changed fifty to eighty. That was when we supposed there were to be twenty-five thousand men. I ask by unanimous consent to change it back to $50,000.

There was no objection, and it was ordered accordingly.

The SPEAKER. The next amendment will be read.

Mr. COX, of New York. I ask unanimous consent to reconsider the vote by which the last amendment was not agreed to. I was not aware that that amendment had come up.

The SPEAKER. The vote has been reconsidered and the motion to reconsider laid on the table.

Mr. COX, of New York. I confess my inattention at the moment.

Mr. HEWITT, of New York. I called the attention of my colleague to it three times; and the amendment was rejected by the votes of gentlemen on the other side.

Mr. COX, of New York. I was preoccupied at the moment. I hope there will be no objection to the vote being reconsidered.

Mr. CONGER. I object.

Mr. COX, of New York. Are there any more objections on that side?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

The bill (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia."

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a bill of the House of the following title:

The bill (H. R. No. 329) providing a permanent form of government for the District of Columbia.

ARMY APPROPRIATION BILL.

The House resumed the consideration of the amendments reported by the Committee of the Whole to the Army appropriation bill.

The Clerk read the next amendment, as follows:

Add to the bill as a new section the following:

That from after the 1st day of January, 1879, the Secretary of War shall exercise the supervisory and appellate powers, and possess the jurisdiction now exercised and possessed by the Secretary of the Interior in relation to all acts of the Commissioner of Indian Affairs, board of Indian commissioners, or otherwise, and shall sign all requisitions for the advance or payment of moneys out of the Treasury on estimates or accounts, subject to the same adjustment or control now exercised on similar estimates by Auditors and Comptrollers of the Treasury, or either of them.

That the Secretary of War shall make such details of officers of the Army as may be necessary from time to time to administer the affairs of the Indian branch of the War Department.

That commanding officers of the military geographical departments of the Army in which Indian tribes are located or living shall be *ex officio* in charge of Indian affairs in their respective departments, and shall, subject to the approval of the Secretary of War, make such details of officers of the Army serving in their commands or on the retired list as may be necessary from time to time to administer the affairs of the Indian service: *Provided*, That the officer detailed to take charge of Indian affairs in the War Department shall not be of lower rank than that of colonel, nor shall the officers detailed to discharge the duties heretofore performed by agents at any Indian agency be of lower rank than that of first lieutenant in the regular Army: *And provided further*, That the Inspector-General of the Army shall discharge the duties of inspector of Indian affairs, and shall be required to make an annual report to Congress of the numbers and condition of the Indian tribes. And such officers shall not be required to give other bonds than are now required of them by law, but shall be held responsible for any neglect of duty or maladministration thereof, and shall be subject to trial therefor by military courts-martial, according to the rules and articles of war. And the provisions of this section shall be applicable to all officers of the Army charged with duties under this act so far as responsibility for neglect of duty and maladministration thereof is concerned.

That nothing in this act shall be construed to authorize an increase in the number, rank, pay, or allowances of officers of the Army in excess of that now provided by law; and its provisions shall be applicable to officers on the retired list of the Army, who when on such duty shall receive full pay and allowance of the rank in the regular Army held by them at their retirement, as prescribed by law for officers on the active list.

That all contracts for supplies or transportation connected with the Indian service shall hereafter be made in the same manner and as far as practicable at the same time provided for supplies and transportation for the use of the Army.

That the Secretary of War shall be authorized to withhold all special licenses from traders, and, under regulations to be by him prescribed, provide the times and places at which all traders complying therewith may present themselves for bargains, barter, and exchange with the several tribes, according to the laws of the United States regulating the same, and subject to the same rules and restrictions as are prescribed for traders at military posts of the Army; but he shall not have authority to authorize any person to sell arms or ammunition to any Indian, but shall prohibit the same.

That the offices of Commissioner of Indian Affairs, inspector of Indian affairs, special commissioners of Indian affairs, superintendents of Indian affairs, agent, and subagent in the Office of Indian Affairs, board of Indian commissioners, and all officials now employed under the Commissioner of Indian Affairs or Secretary of the Interior and connected with the administration of Indian affairs, not including the clerk of the Indian Bureau, shall be abolished and cease on the 1st day of January, 1879 on which date the officers of the Army designated shall assume charge of the duties thereof, and thus become charged with all the duties now imposed by law upon the officers of Indian affairs thus superseded.

The annuities to be paid to any Indians and the supplies to be furnished and issued to them shall be paid and issued through the Quartermaster's Department and the subsistence department of the Army, under such regulations and directions as the Secretary of War, with the approval of the President, shall prescribe. That all moneys appropriated during the second session of the Forty-fifth Congress in the bill known as the Indian appropriation bill, or so much thereof as shall remain unexpended on the 1st day of January, 1879, shall after that time be disbursed in accordance with the provisions of this section, and that all laws and clauses of laws which may come in conflict with this act be, and the same are hereby, repealed.

Mr. FOSTER. I call for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. RICE, of Ohio. I ask that the amendment may be again read.

The amendment was again read.

Mr. HEWITT, of New York. I observe that in the amendment the word "act" occurs where the word "section" would be better used. I ask unanimous consent that the word "act" wherever it occurs be changed to "section."

Mr. BANKS. Might not that make a very material change?

Mr. HEWITT, of New York. It is not material at all.

Mr. HALE. I think there can be no objection.

There was no objection; and the language of the section was modified as suggested.

The question was taken; and there were—yeas 130, nays 115, not voting 46; as follows:

YEAS—130.

Acklen,	Clark of Missouri,	Finley,	Herbert,
Aiken,	Clymer,	Forney,	Hooker,
Atkins,	Cobb,	Fort,	House,
Banning,	Collins,	Franklin,	Hunton,
Bell,	Cook,	Fuller,	Jones, Frank
Blackburn,	Cravens,	Gause,	Jones, James T.
Bland,	Crittenden,	Gibson,	Kenna,
Boone,	Culberson,	Giddings,	Kimmel,
Bouck,	Cummings,	Goode,	Knott,
Bridges,	Davidson,	Gunter,	Landers,
Bright,	Davis, Joseph J.	Hamilton,	Ligon,
Brogden,	Dean,	Hardenbergh,	Lockwood,
Buckner,	Dibrell,	Harris, John T.	Mackey,
Burdick,	Dickey,	Harrison,	Maish,
Cabell,	Douglas,	Hartridge,	Manning,
Caldwell, John W.	Eden,	Hartzell,	Mayham,
Campbell,	Eckhoff,	Hatcher,	McKenzie,
Candler,	Elam,	Henkle,	McMahon,
Carlisle,	Ellis,	Henry,	Mills,
Chalmers,	Evins, John H.	Hewitt, Abram S.	Money,
Clark, Alvah A.	Ewing,	Hewitt, G. W.	Morgan,

Morrison,	Riddle,	Stenger,	Warner,
Morse,	Robertson,	Strait,	White, Harry
Muldrow,	Ross.	Swann,	Whitthorne,
Patterson, T. M.	Sayler,	Throckmorton,	Wigginton,
Phillips,	Scales,	Townshend, R. W	Williams, A. S.
Pollard,	Schleicher,	Tucker,	Williams, James
Potter,	Singleton,	Turner,	Willis, Albert S.
Pridemore,	Smith, William E.	Turney,	Wilson,
Rea,	Southard,	Vance,	Wood,
Reagan,	Sparks,	Veeder,	Wright.
Reilly,	Springer,	Waddell,	
Rice, Americus V.	Steele,	Walsh,	

NAYS—115.

Aldrich,	Crapo,	Hunter,	Rainey,
Bacon,	Cutler,	Ittner,	Randolph,
Bagley,	Danford,	James,	Reed,
Baker, William H.	Davis, Horace	Jones, John S.	Rice, William W.
Ballou,	Deering,	Joyce	Robinson, G. D.
Banks,	Denison,	Keifer,	Robinson, M. S.
Bayne,	Dunnell,	Keightley,	Ryan,
Bicknell,	Eames,	Kelley,	Sampson,
Bisbee,	Ellsworth,	Ketcham,	Sapp,
Blair,	Errett,	Lapham,	Sexton,
Boyd,	Evans, I. Newton	Lathrop,	Shallenberger,
Bragg,	Felton,	Lindsey,	Sinnickson,
Brentano,	Frye,	Lynde,	Smalls,
Brewer,	Gardner,	Marsh,	Smith, A. Herr
Briggs,	Garfield,	McCook,	Stephens,
Browne,	Garth,	McGowan,	Stewart,
Burchard,	Hanna,	McKinley,	Stone, John W.
Butler,	Harmer,	Metcalfe,	Stone, Joseph C.
Cain,	Harris, Benj. W.	Mitchell,	Townsend, Amos
Caldwell, W. P.	Harris, Henry R.	Monroe,	Van Vorhes,
Calkins,	Hart,	Neal,	Wait,
Cannon,	Haskell,	Norcross,	Ward,
Caswell,	Hayes,	Oliver,	White, Michael D.
Chittenden,	Hazelton,	O'Neill,	Williams, Andrew
Clark, Rush	Hendee,	Overton,	Williams, C. G.
Cole,	Henderson,	Patterson, G. W.	Williams, Richard
Conger,	Hubbell,	Phelps,	Willis, Benj. A.
Cox, Jacob D.	Humphrey,	Pound,	Wren.
Cox, Samuel S.	Hungerford,	Price,	

NOT VOTING—46.

Baker, John H.	Evans, James L.	Muller,	Thornburgh,
Beebe,	Foster,	Page,	Tipton,
Benedict,	Freeman,	Peddie,	Townsend, M. I.
Bliss,	Glover,	Powers,	Walker,
Blount,	Hale,	Pugh,	Watson,
Bundy,	Hiscock,	Quinn,	Welch,
Camp,	Jorgensen,	Robbins,	Williams, Jere N.
Claflin,	Killinger,	Roberts,	Willits,
Clarke of Kentucky,	Knapp,	Shelley,	Yeates,
Covert,	Loring,	Slemons,	Young.
Durham,	Luttrell,	Starin,	
Dwight,	Martin,	Thompson,	

So the amendment was agreed to.

During the call of the roll the following announcements were made:

Mr. STEELE. My colleague from North Carolina, Mr. ROBBINS, is absent by leave of the House. If he were present, he would vote "ay."

Mr. PRIDEMORE. My colleague from Virginia, Mr. JORGENSEN, is paired with Mr. GLOVER, of Missouri.

Mr. TOWNSHEND, of Illinois. My colleagues, Mr. KNAPP and Mr. TIPTON, are paired.

Mr. YEATES. On this question I am paired with the gentleman from California, Mr. LUTTRELL. If he were here, he would vote "ay" and I should vote "no."

Mr. COVERT. I am paired with my colleague from New York, Mr. TOWNSEND. If he were present, he would vote "ay" and I would vote "no."

Mr. MULLER. On this question I am paired with my colleague from New York, Mr. STARIN.

Mr. SHELLEY. I am paired with Mr. EVANS, of Indiana. If he were present, I would vote "ay" and Mr. EVANS, of Indiana, would vote "no."

Mr. HENRY. My colleague from Maryland, Mr. ROBERTS, is absent on account of sickness.

Mr. REA. My colleague from Missouri, Mr. GLOVER, is paired with the gentleman from Virginia, Mr. JORGENSEN.

Mr. FOSTER. My colleague on the Committee on Appropriations, the gentleman from Georgia, Mr. BLOUNT, is necessarily absent. I am paired with him, and if he were present, I would vote "no."

Mr. O'NEILL. My colleague from Pennsylvania, Mr. KILLINGER, is absent by leave of the House.

Mr. McCOOK. My colleagues from New York, Mr. HISCOCK and Mr. BLISS, are paired. Mr. HISCOCK would vote "no."

Mr. THORNBURGH. I am paired with Mr. WILLIAMS, of Alabama. If he were present, he would vote "ay" and I should vote "no."

Mr. PUGH. I am paired with Mr. MARTIN, of West Virginia. If he were present, I should vote "no."

Mr. BUNDY. I am paired with my colleague from New York, Mr. BEEBE. If he were present, I should vote "no."

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky. If he were present, I should vote "no."

Mr. CARLISLE. My colleague from Kentucky, Mr. DURHAM, is paired with Mr. BAKER, of Indiana. Mr. DURHAM, if present, would vote "ay."

The result of the vote was then announced as above recorded.

Mr. HEWITT, of New York, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. I ask unanimous consent to have a vote taken on the amendment which I offered to the thirty-third section of the bill. I was occupied at the time when the former vote was taken upon it and did not notice that my amendment was pending.

Mr. HOOKER. I hope that there will be no objection inasmuch as I was absorbing the attention of the gentleman from New York at the time the former vote was taken.

Mr. COX, of New York. I was engaged in writing orders for bouquets, under the courtesy of the House, and missed my amendment.

The amendment was read, as follows:

No money appropriated by this act shall be paid to any enlisted man in the service of the United States, whether non-commissioned officer, musician, or private, who shall leave his post to engage in any pursuit, business, or performance in civil life for emolument, hire, or otherwise, where the same shall interfere with the customary employment of local civilians in their respective arts, trades, or professions.

Mr. FOSTER. I do not wish to object to a further vote being taken on that amendment if the gentleman will allow an amendment to it.

Mr. PATTERSON, of New York. I object to it.

Mr. FOSTER. I withdraw my amendment.

Mr. COX, of New York. When the former vote was taken I had no knowledge that it was being taken upon my amendment.

The SPEAKER. Does the gentlemen from New York [Mr. PATTERSON] withdraw his objection?

Mr. PATTERSON, of New York. No, sir; I do not.

Mr. COX, of New York. Then the gentleman need not come over to my desk and bother me about bouquets. [Laughter.]

Mr. PATTERSON, of New York. I do not ask the gentleman for any.

The next amendment reported from the Committee of the Whole on the state of the Union was the following:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise under the pretext or for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

Mr. BREWER. Upon that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 117, not voting 44; as follows:

YEAS—130.

Acklen,	Dibrell,	House,	Scales,
Aiken,	Dickey,	Hunton,	Singleton,
Atkins,	Douglas,	Jones, Frank	Smith, William E.
Banning,	Eden,	Jones, James T.	Southard,
Bell,	Eickhoff,	Kenna,	Sparks,
Bicknell,	Elam,	Kimmel,	Springer,
Blackburn,	Ellis,	Knott,	Steele,
Bland,	Evins, John H.	Landers,	Stenger,
Boone,	Ewing,	Ligon,	Stephens,
Bragg,	Felton,	Lockwood,	Swann,
Bridges,	Finley,	Lynde,	Throckmorton,
Bright,	Forney,	Mackey,	Townshend, R. W
Brogden,	Franklin,	Maish,	Tucker,
Buckner,	Fuller,	Manning,	Turner,
Cabell,	Garth,	Mayham,	Turney,
Caldwell, John W.	Gause,	McKenzie,	Vance,
Caldwell, W. P.	Giddings,	McMahon,	Veeder,
Candler,	Goode,	Mills,	Waddell,
Carlisle,	Gunter,	Money,	Walsh,
Chalmers,	Hamilton,	Morrison,	Warner,
Clark, Alvah A.	Hardenbergh,	Morse,	Whitthorne,
Clark of Missouri,	Harris, Henry R.	Muldrow,	Wigginton,
Clymer,	Harris, John T.	Patterson, T. M.	Williams, A. S.
Cobb,	Harrison,	Phelps,	Williams, James
Collins,	Hart,	Potter,	Willis, Albert S.
Cook,	Hartridge,	Rea,	Willis, Benj. A.
Cox, Samuel S.	Hartzell,	Reagan,	Wilson,
Cravens,	Hatcher,	Reilly,	Wood,
Crittenden,	Henry,	Rice, Americus V.	Wright,
Culberson,	Herbert,	Riddle,	Yeates,
Davidson,	Hewitt, Abram S.	Robertson,	Young.
Davis, Joseph J.	Hewitt, G. W.	Ross,	
Dean,	Hooker,	Sayler,	

NAYS—117.

Aldrich,	Cain,	Ellsworth,	Hunter,
Bacon,	Calkins,	Errett,	Ittner,
Bagley,	Campbell,	Evans, I. Newton	James,
Baker, William H.	Cannon,	Fort,	Jones, John S.
Ballou,	Caswell,	Frye,	Joyce,
Banks,	Clark, Rush	Gardner,	Keifer,
Bayne,	Cole,	Garfield,	Keightley,
Bisbee,	Conger,	Hale,	Kelley,
Blair,	Cox, Jacob D.	Hanna,	Ketcham,
Bouck,	Crapo,	Harmer,	Lapham,
Boyd,	Cummings,	Harris, Benj. W.	Lathrop,
Brentano,	Cutler,	Hayes,	Lindsey,
Brewer,	Danford,	Hazelton,	Marsh,
Briggs,	Davis, Horace	Hendee,	McCook,
Browne,	Deering,	Henderson,	McGowan,
Burchard,	Denison,	Hubbell,	McKinley,
Burdick,	Dunnell,	Humphrey,	Metcalfe,
Butler,	Eames,	Hungerford,	Mitchell.

Monroe,	Powers,	Schleicher,	Walt,
Morgan,	Price,	Sexton,	Ward,
Neal,	Pridemore,	Shallenberger,	White, Harry
Norcross,	Rainey,	Simmickson,	White, Michael D.
Oliver,	Randolph,	Smalls,	Williams, Andrew
O'Neill,	Reed,	Smith, A. Herr	Williams, C. G.
Overton,	Rice, William W.	Stewart,	Williams, Richard
Page,	Robinson, G. D.	Stone, John W.	Willits,
Patterson, G. W.	Robinson, M. S.	Stone, Joseph C.	Wren.
Phillips,	Ryan,	Strait,	
Pollard,	Sampson,	Townsend, Amos	
Pound,	Sapp,	Van Vorhes,	

NOT VOTING—44.

Baker, John H.	Durham,	Killinger,	Shelley,
Beebe,	Dwight,	Knapp,	Slemons,
Benedict,	Evans, James L.	Loring,	Starin,
Bliss,	Foster,	Luttrell,	Thompson,
Blount,	Freeman,	Martin,	Thornburgh,
Bundy,	Gibson,	Muller,	Tipton,
Camp,	Glover,	Peddie,	Townsend, M. I.
Chittenden,	Haskell,	Pugh,	Walker,
Claflin,	Henkle,	Quinn,	Watson,
Clarke of Kentucky,	Hiscock,	Robbins,	Welch,
Covert,	Jorgensen,	Roberts,	Williams, Jere N.

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. STEELE. I desire to state that my colleague, Mr. ROBBINS, is absent by leave of the House. If present, he would vote "ay."

Mr. CRAVENS. I desire to say that my colleague, Mr. SLEMONS, is absent by leave of the House, and is paired with Mr. FREEMAN.

Mr. REA. I desire to announce that my colleague, Mr. GLOVER, is paired with Mr. JORGENSEN.

Mr. PUGH. I am paired with Mr. MARTIN, of West Virginia. If he were here, I should vote "no."

Mr. FOSTER. I am paired with Mr. BLOUNT. If he were present, I should vote "no."

Mr. McCOOK. I desire to state that my colleagues, Mr. HISCOCK and Mr. BLISS, are paired. If Mr. HISCOCK were present, he would vote "no."

Mr. THORNBURGH. I desire to state that I am paired with Mr. WILLIAMS, of Alabama. If he were present, he would vote "ay" and I should vote "no."

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP. If he were present, he would vote "ay" and I should vote "no."

Mr. BROWNE. My colleague, Mr. BAKER, is paired with Mr. DURHAM, of Kentucky. If my colleague were present, he would vote "no."

Mr. HUNGERFORD. My colleague, Mr. CAMP, is paired with Mr. BENEDICT. If my colleague, Mr. CAMP, were present, he would vote "no."

Mr. BUNDY. I am paired with Mr. BEEBE, who is absent by leave of the House. If he were present, I should vote "no."

Mr. WATSON. I am paired with Mr. CLARKE, of Kentucky. If he were here, I should vote "no."

Mr. CARLISLE. I desire to announce that my colleague, Mr. DURHAM, is paired with Mr. BAKER, of Indiana. If my colleague were present he would vote "ay."

Mr. COVERT. I am paired with my colleague, Mr. TOWNSEND. If he were present, he would vote "no" and I should vote "ay."

Mr. MULLER. I am paired with my colleague, Mr. STARIN. If he were present, I would vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, is paired with Mr. TIPTON. If he were present, my colleague would vote "ay."

Mr. WIGGINTON. My colleague, Mr. LUTTRELL, is absent by leave of the House. If present, he would vote "ay."

The result of the vote was then announced as above stated.

Mr. KNOTT moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. HEWITT, of New York. I call the previous question upon the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. THORNBURGH. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered, there being but 26 in the affirmative, not one-fifth of the last vote.

The bill was then passed.

Mr. HEWITT, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WOOD. What is the regular order?

Mr. BLACKBURN. I desire to ask unanimous consent of the House, and I am instructed so to do by the Committee for the District of Columbia, to take from the Speaker's table the amendments made by the Senate to what is known as the bill for a permanent form of government for the District of Columbia. The object is to move that the House non-concur in the Senate amendments and request a committee of conference. We are satisfied that is the only course we can adopt that will give us any chance to obtain final action upon the bill at this session of Congress.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

The title of the bill was read as follows:

A bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. BLACKBURN] that the bill with the Senate amendments be taken up and the amendments of the Senate non-concurred in?

Mr. FORT. For the time being I must object. It occurs to me that there are many of these amendments of the Senate which the House may desire to concur in.

Mr. BLACKBURN. The Committee for the District of Columbia, without a single exception, have directed me to make this request of the House, feeling assured that a committee of conference was necessary; and unless it be ordered now there is no chance for the bill to be finally acted upon this session.

Mr. FORT. There is no doubt but there will finally have to be a committee of conference as to some of these amendments; but certainly we ought to concur in some of them. However, I will withdraw my objection.

The SPEAKER. Is there further objection?

Mr. JONES, of Ohio. I object.

Mr. WOOD. What is the regular order of business?

The SPEAKER. The regular order of business is the unfinished business coming over from last week or week before, being the bill reported from the Committee on Commerce, known as the interstate-commerce bill.

Mr. WIGGINTON. I rise to make a privileged report.

Mr. WOOD. Before the gentleman proceeds I desire to give notice to the House that at the earliest practicable moment to-day or to-morrow I shall call up the tariff bill.

TIMBER ON WESTERN PRAIRIES.

Mr. WIGGINTON. I rise to a privileged report from a committee of conference, which I send to the Clerk's desk.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. No. 336) to amend section 2464 of the Revised Statutes relating to the cultivation of timber on the public domain, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments:

Section 1, line 10, strike out all after the word "acres" and down to and including the word "acres" in line 11, and insert in lieu thereof the words "or less."

Section 1, strike out all of lines 18 and 19.

Section 2, line 12, strike out the word "naturally" and insert in lieu thereof the words "or other lands."

Section 2, line 20, after the word "dollars," insert the words "if the tract applied for is more than eighty acres; and $5 if it is eighty acres or less."

Section 2, line 27, after the word "cultivate," strike out the word "to" and insert in lieu thereof the words "and put in."

Section 2, line 28, between the words "and" and "fourth," insert the word "the."

Section 2, line 29, strike out all after the words "five acres" down to and including the word "subdivision," in the thirty-fourth line, and insert the words "all entries of less quantity than one quarter section shall be plowed, planted, cultivated, and planted to trees, tree-seeds, or cuttings in the same manner and in the same proportion as hereinbefore provided for a quarter section.

Section 2, line 37, after the word "such," strike out the word "timber" and insert in lieu thereof the word "trees."

Section 2, line 38, after the word "are" insert the word "so;" also, after the word "provided" insert the word "further."

Section 2, line 42, strike out the word "timber" and insert in lieu thereof the word "trees."

Section 2, line 50, after the word "of," strike out the word "timber" and insert in lieu thereof the word "trees."

Section 2, line 53, after the word "least," strike out the words "nine hundred" and insert in lieu thereof the words "six hundred and seventy-five."

Section 2, line 54, after the word "such," strike out all to the end of the section and insert in lieu thereof the words "tract of land."

Strike out all of section 3, and substitute the following:

That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall fail to comply with any of the requirements of this act, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided*, That the party making claim to said land, either as a homestead settler or under this act, shall give at the time of filing his application such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties shall be determined as in other contested cases.

And to amend title of the bill by striking out the title and inserting in lieu thereof the following substitute:

A bill to amend an act entitled "An act to encourage the growth of timber on the western prairies."

P. D. WIGGINTON,
T. M. PATTERSON,
FRANK WELCH,
Managers on the part of the House.

A. S. PADDOCK,
P. B. PLUMB,
L. F. GROVER,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. WIGGINTON moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 178) to pay the laborers known as the cloak-room men, and to place them on the Doorkeeper's roll.

ORDER OF BUSINESS.

Mr. REAGAN. I rise to call up the unfinished business—the bill to regulate charges upon interstate transportation.

Mr. WADDELL. I raise the question of consideration between the unfinished business and the business of the morning hour.

Mr. REAGAN. I think that the interstate commerce bill, which is the unfinished business, ought to be taken up, so as to get it out of the way.

The SPEAKER. The question will be whether the House will consider the unfinished business—the bill to regulate interstate commerce?

The question being taken, there were—ayes 93, noes, 75.

Mr. WADDELL called for tellers.

Tellers were ordered; and Mr. WADDELL and Mr. REAGAN were appointed.

The House divided; and the tellers reported ayes 80, noes 81.

Mr. WHITE, of Pennsylvania, and Mr. REAGAN called for the yeas and nays.

The yeas and nays were ordered; there being ayes 33, noes 124—more than one-fifth voting in the affirmative.

Mr. COX, of New York. I rise to a parliamentary inquiry. Suppose that this question should be decided in the affirmative——

The SPEAKER. That will be a decision in favor of considering the unfinished business. If the decision be in the negative, then the Chair will be bound to recognize the gentleman from North Carolina [Mr. WADDELL] to demand the regular order, he having stated that his object was to have a morning hour.

Mr. WADDELL. I simply want to make some adverse reports from the Committee on the Post-Office and Post-Roads and also some reports for reference to the Committee of the Whole.

Mr. FORT. I object to debate.

Mr. COX, of New York. If this question be decided in the negative, would not the life-saving-station bill, which is the special order, come up?

The SPEAKER. That bill was assigned as a special order in the House, to come up after the reading of the Journal, on the 14th of May, and from day to day until disposed of. It is a continuing order; the only one, the Chair thinks.

Mr. BURCHARD. There is another order prior to that.

The SPEAKER. The question of priority would be regulated by the Calendar.

Mr. HEWITT, of Alabama. The morning hour would not take up much more time than the call of the yeas and nays; and I will state that there are other special orders, among them the bill granting pensions to soldiers of the Mexican war. [Cries of "Regular order!"]

The SPEAKER. Debate is not in order.

The question was taken; and there were—yeas 104, nays 122, not voting 65; as follows:

YEAS—104.

Acklen,	Dunnell,	Keightley,	Rea,
Aiken,	Eames,	Kelley,	Reagan,
Bayne,	Ellsworth,	Kenna,	Reilly,
Bicknell,	Errett,	Lapham,	Riddle,
Bouck,	Evans, I. Newton	Lockwood,	Sampson,
Boyd,	Forney,	Mackey,	Schleicher,
Brewer,	Fuller,	Manning,	Sexton,
Bridges,	Garfield,	Marsh,	Shallenberger,
Bright,	Hamilton,	McGowan,	Smalls,
Brogden,	Harmer,	McKenzie,	Smith, A. Herr
Browne,	Harris, John T.	McKinley,	Stone, John W.
Burchard,	Hartzell,	Mills,	Stone, Joseph C.
Burdick,	Haskell,	Mitchell,	Throckmorton,
Cain,	Hayes,	Monroe,	Tipton,
Calkins,	Hazelton,	Morgan,	Townshend, R. W.
Campbell,	Henderson,	Muldrow,	Turney,
Caswell,	Henry,	Oliver,	Wait,
Clark, Rush	Hooker,	O'Neill,	Walsh,
Clymer,	House,	Overton,	Ward,
Collins,	Hubbell,	Patterson, G. W.	Watson,
Covert,	Humphrey,	Patterson, T. M.	White, Harry
Cox, Jacob D.	Hungerford,	Pound,	White, Michael D.
Cox, Samuel S.	Hunter,	Price,	Whitthorne,
Crapo,	Ittner,	Pridemore,	Williams, C. G.
Danford,	Jones, John S.	Rainey,	Wilson,
Dibrell,	Joyce,	Randolph,	Wren.

NAYS—122.

Aldrich,	Briggs,	Crittenden,	Evins, John H.
Atkins,	Buckner,	Culberson,	Ewing,
Bacon,	Cabell,	Cummings,	Felton,
Bagley,	Caldwell, John W.	Cutler,	Finley,
Baker, William H.	Caldwell, W. P.	Davidson,	Fort,
Ballou,	Candler,	Davis, Horace	Franklin,
Banks,	Cannon,	Davis, Joseph J.	Frye,
Bell,	Carlisle,	Dean,	Gardner,
Bisbee,	Chalmers,	Deering,	Garth,
Blackburn,	Chittenden,	Denison,	Ganse,
Blair,	Clark, Alvah A.	Dickey,	Giddings,
Bland,	Cole,	Eden,	Goode,
Boone,	Conger,	Eickhoff,	Gunter,
Bragg,	Cook,	Elam,	Hardenbergh,
Brentano,	Cravens,	Ellis,	Harris, Henry R.
Harrison,	Maish,	Ross,	Turner,
Hart,	Mayham,	Ryan,	Vance,
Hartridge,	Metcalfe,	Sapp,	Waddell,
Hatcher,	Money,	Sayler,	Warner,
Hendee,	Morse,	Scales,	Wigginton,
Hewitt, Abram S.	Muller,	Sinnickson,	Williams, A. S.
Hewitt, G. W.	Norcross,	Smith, William E.	Williams, Andrew
Jones, Frank	Page,	Southard,	Williams, James
Jones, James T.	Phelps,	Springer,	Williams, Richard
Keifer,	Phillips,	Steele,	Willis, Albert S.
Ketcham,	Pollard,	Stewart,	Willis, Benj. A.
Landers,	Reed,	Strait,	Willits,
Lathrop,	Rice, Americus V.	Swann,	Wood,
Ligon,	Rice, William W.	Thornburgh,	Yeates.
Lindsey,	Robertson,	Townsend, Amos	
Lynde,	Robinson, G. D.	Tucker,	

NOT VOTING—65.

Baker, John H.	Foster,	Loring,	Slemons,
Banning,	Freeman,	Luttrell,	Sparks,
Beebe,	Gibson,	Martin,	Starin,
Benedict,	Glover,	McCook,	Stenger,
Bliss,	Hale,	McMahon,	Stephens,
Blount,	Hanna,	Morrison,	Thompson,
Bundy,	Harris, Benj. W.	Neal,	Townsend, M. I.
Butler,	Henkle,	Peddie,	Van Vorhes,
Camp,	Herbert,	Potter,	Veeder,
Claflin,	Hiscock,	Powers,	Walker,
Clark of Missouri,	Hunton,	Pugh,	Welch,
Clarke of Kentucky,	James,	Quinn,	Williams, Jere N.
Cobb,	Jorgensen,	Robbins,	Wright,
Douglas,	Killinger,	Roberts,	Young.
Durham,	Kimmel,	Robinson, M. S.	
Dwight,	Knapp,	Shelley,	
Evans, James L.	Knott,	Singleton,	

So the House refused to consider the unfinished business.

During the roll-call the following announcements were made:

Mr. LIGON. My colleague from Alabama, Mr. WILLIAMS, is detained from the House by sickness.

Mr. SHELLEY. I am paired with the gentleman from Indiana, Mr. EVANS. If he were present, I should vote "no."

Mr. CANDLER. My colleague, Mr. BLOUNT, is paired with the gentleman from Ohio, Mr. FOSTER.

Mr. GUNTER. My colleague, Mr. SLEMONS, is paired with the gentleman from Pennsylvania, Mr. FREEMAN.

Mr. REA. My colleague, Mr. GLOVER, is paired with the gentleman from Virginia, Mr. JORGENSEN.

Mr. BAKER, of Indiana. On this question I am paired with the gentleman from Kentucky, Mr. DURHAM. If he were present, I should vote "ay." I do not know how he would vote.

The result of the vote was announced as above stated.

Mr. BURCHARD. I call up the bill (H. R. No. 4414) relating to the internal revenue, which is the unfinished business.

Mr. COX, of New York. I call up the life-saving service bill.

The SPEAKER. The Chair thinks the motion of the gentleman from North Carolina raising the question of consideration between the bill of the gentleman from Texas and the morning hour is entitled to be first recognized.

Mr. WADDELL. I raise that express question of consideration for the purpose of securing the morning hour.

Mr. WOOD. I shall not antagonize the morning hour.

Mr. BURCHARD. I am willing this bill shall be postponed until after the morning hour or until some fixed time.

Mr. COX, of New York. My bill is after the reading of the Journal, which is before the morning hour.

Mr. WADDELL. The question of consideration was raised by me and it was done for the express purpose of making reports from my Committee on the Post-Office and Post-Roads, and the Chair said he would recognize me.

Mr. BURCHARD. All the gentleman can do by raising the question of consideration is to bring on business in its regular order. When the bill I call up is disposed of and that of the gentleman from New York then the morning hour would come in. But I do not wish to antagonize the morning hour if I can have some time fixed for the consideration of the internal-revenue bill.

The SPEAKER. It is really the unfinished business after the reading of the Journal, but the Chair thinks all the equities are with the gentleman from North Carolina, as the House voted to have a morning hour on his motion. The Chair must at the same time consider propositions of gentlemen as they are submitted in order, and the gentleman from North Carolina must prevent any unfinished business coming up to cut out the morning hour.

Mr. BURCHARD. My bill will retain its place.

The SPEAKER. It will undoubtedly.

Mr. COX, of New York. I wait to raise the question of consideration against the gentleman from Illinois.

Mr. BURCHARD. As the Chair thinks the gentleman from North Carolina has the equities on his side I will waive all objection.

The SPEAKER. The gentleman from Illinois thinks so too, as his action proves it.

Mr. COX, of New York. I reserve my motion to oppose the gentleman from Illinois.

Mr. ATKINS. Will the gentleman let me make a report from the Committee on Appropriations?

Mr. WADDELL. I think I had better insist on the regular order.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty-two minutes

past two o'clock, and the call rests with the Committee on the Post-Office and Post-Roads.

LETTER CORRESPONDENCE.

Mr. WADDELL, from the Committee on the Post-Office and Post-Roads, reported back adversely the bill (H. R. No. 4174) to facilitate letter correspondence; which was laid on the table, and the report ordered to be printed.

Mr. WADDELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES AND LIBERIA EMIGRANT LINE.

Mr. WADDELL also, from the same committee, reported back adversely the bill (H. R. No. 3108) to establish a line of mail and emigrant steam and sailing vessels between certain ports of the United States and Liberia, Africa; which was laid on the table, and the accompanying report ordered to be printed.

Mr. WADDELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAL SAVINGS DEPOSITORY.

Mr. WADDELL also, from the same committee, reported back favorably a bill (H. R. No. 3989) to establish a postal savings depository as a branch of the Post-Office Department and to aid in refunding the interest-bearing indebtedness of the United States; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

UNITED STATES AND BRAZIL STEAMSHIP MAIL.

Mr. WADDELL also, from the same committee, reported back favorably a bill (H. R. No. 3580) to provide ocean mail steamship service between the United States and Brazil; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

GALVESTON AND VERA CRUZ STEAMSHIP MAIL.

Mr. GIDDINGS, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bill No. 2387, a bill (H. R. No. 5051) to provide for transportation of United States mail between Galveston, Texas, and Vera Cruz, Mexico; which was read a first and second time.

Mr. EDEN. This is a simple subsidy, but I think it had better go to the Committee of the Whole on the state of the Union. I make the point of order against it.

The SPEAKER. The point of order is well taken.

Mr. CANNON, of Illinois. I desire to present a minority report to go with the bill.

The bill was referred to the Committee of the Whole on the state of the Union, and the majority and minority reports ordered to be printed.

Mr. GIDDINGS. I am instructed, Mr. Speaker, by the Committee on the Post-Office and Post-Roads to report the following resolution and to ask for its adoption.

The Clerk read as follows:

Resolved, That House bill No. 5051, reported as a substitute for House bill No. 2387, be taken up for consideration in the Committee of the Whole on the state of the Union on the 12th day of June and be considered from day to day until disposed of, not to interfere with special orders or appropriation bills.

Mr. EDEN. Does that require unanimous consent?

Mr. RICE, of Ohio. That may be after the adjournment.

The SPEAKER. The Chair recognizes the gentleman on the resolution as reported, and the Chair thinks it does require unanimous consent, as it is the report of a committee.

The House divided; and there were—ayes 34, noes 50.

Mr. GIDDINGS demanded tellers.

Tellers were ordered; and Mr. GIDDINGS and Mr. EDEN were appointed.

The House again divided; and the tellers reported—ayes 46, noes 84.

Mr. GIDDINGS demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. GIDDINGS. No quorum has voted, and, for the present, I will withdraw the resolution.

NATIONAL ROAD IN MARYLAND.

Mr. TOWNSEND, of Ohio, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 4200) relating to the national road in the State of Maryland, and to give consent of the United States to a certain act of the General Assembly of Maryland in relation to said road.

The bill, which was read, gives the consent of the United States to an act of the General Assembly of the State of Maryland, passed at the January session, A. D. 1878, chapter 158, entitled "An act to transfer to the counties of Alleghany and Garrett the control of the national turnpike or United States road through said counties, and to provide for the maintenance thereof."

The second section provides that the act shall take effect from and after the date of its passage.

Mr. TOWNSEND, of Ohio. I call for the reading of the report accompanying the bill.

The Clerk read as follows:

By an act of Congress of June 24, 1834, and by a subsequent act thereof, passed March 3, 1835, the United States road, commencing at Cumberland and extending westwardly through the counties of Alleghany and Garrett, was surrendered to the State of Maryland. It has been found that the tolls arising from said road are insufficient to keep it in proper condition, and the above-named counties are willing to assume the care of the road in order that it may be kept in better condition than it has been heretofore under the custody of the State. Therefore, by an act of Assembly of 1878, in chapter 158, the State of Maryland ceded to the counties of Alleghany and Garrett that portion of the road which passes through them, each county being required to keep the road passing through its respective territory in proper condition. The act also authorizes the appointment by the county commissioners of a supervisor for each of the counties named; also, the erection of so many toll-gates as may be deemed necessary and expedient, and to charge such rates of toll for traveling over the road as are now allowed by law to be charged. They are allowed also to appoint toll-gatherers, and to fix the compensation of supervisors and toll-gatherers; and said commissioners may require from each officer bonds for faithful performance of duty, &c.

Therefore, as no detriment to the United States can arise from such action on the part of the State of Maryland, we respectfully recommend the passage of the bill.

Mr. TOWNSEND, of Ohio. This is a bill similar to what was passed by Congress in relation to a road in Ohio, and simply gives consent to the State of Maryland to cede to the counties named the control of the road. I move the previous question.

Mr. CONGER. I desire to ask the gentleman from Ohio if the right of the United States in regard to the carrying of the mails free of toll on that road is reserved.

Mr. TOWNSEND, of Ohio. The bill does not disturb that right. All rights of the United States are reserved.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCIES IN ACCOUNTS OF POSTMASTERS.

Mr. CANNON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bill No. 4604, a bill (H. R. No. 5052) to amend section 3835 of the Revised Statutes of the United States; which was read a first and second time.

The bill, which was read, amends section 3835 of the Revised Statutes by adding the following:

Hereafter when a deficiency shall be discovered in the accounts of any postmaster who, after the adjustment of his accounts, fails to make good such deficiency it shall be the duty of the Sixth Auditor of the Treasury Department to notify the Postmaster-General of such failure; and upon receiving such notice the Postmaster-General shall forthwith deposit a notice in the post-office at Washington, District of Columbia, addressed to the sureties respectively upon the bond of said postmaster at the office where he or they may reside, if known; but a failure to give or mail such notice shall not discharge such surety or sureties upon such bond.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLEMENTS OF POSTMASTERS.

Mr. CALDWELL, of Tennessee, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 4824) to amend section 3843 of the Revised Statutes, in relation to settlements of postmasters.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It amends section 3843 of the Revised Statutes of the United States, so as to read as follows:

Every postmaster, except those appointed by the President, by and with the advice and consent of the Senate, shall render to the Postmaster-General, under oath and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him or at his office for postage, rent of boxes or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever; and every postmaster appointed by the President, by and with the advice and consent of the Senate, shall render to the Postmaster-General, in the same manner, monthly account of all such moneys so received.

Mr. CALDWELL, of Tennessee. I send to the Clerk's desk to be read an extract from the report of the Postmaster-General, showing the reasons for the passage of this law.

The Clerk read as follows:

Section 3843 of the Revised Statutes of the United States requires postmasters to render quarterly reports of the moneys received by them on account of the revenues of their offices. The requirement of quarterly reports was originally made when post-offices were more widely separated, when the means of intercourse and communication were slower than now, and when the business of the Department was insignificant in comparison with its present proportions. It would be more in accordance with the present method of transacting business, and would enable the Department to form a better judgment as to the solvency of postmasters and the accuracy of their accounts, if these reports were made monthly, at least from the principal offices. Defalcations, failures, and the insolvency of sureties would be more readily ascertained, the losses by reason thereof would be greatly decreased, and promptness in collecting and disbursing the revenues of the Department would be correspondingly increased. The change would involve very little additional expense—none, in fact, except that attending a small addition to the clerical force in the Sixth Auditor's office—while the amount saved would be considerable and collections would be attended with less embarrassment, difficulty, and expense. I recommend, therefore, that section 3843 of the Revised Statutes be so amended as to require all postmasters who are appointed by the President to make their reports monthly instead of quarterly, leaving the smaller

offices to be reported from as under existing law. This would require monthly reports from but a small proportion of the offices, but would embrace all the great commercial and business centers from which most of the postal revenues are derived.

Mr. CALDWELL, of Tennessee. I move the previous question.

Mr. CANNON, of Illinois. Before the gentleman calls the previous question I would be glad if he would allow the previous question to operate on an amendment restricting the operation of the bill to offices of the free-delivery class.

Mr. CALDWELL, of Tennessee. I am not authorized and do not feel at liberty to allow an amendment of that sort to be offered.

Mr. CANNON, of Illinois. I would suggest, if the gentleman from Tennessee will allow me a word, that the Postmaster-General, in recommending this legislation, includes all offices that are presidential. Now, I think the large offices ought to make monthly reports; but I doubt if it would be worth the trouble to require such reports from the great number of small offices where the salaries are not more than $2,000. I apprehend, also, that the Committee on Appropriations, if this bill should become a law, would have to provide for a number of additional clerks in the Sixth Auditor's Office. I think the bill is right as to the large offices, but as regards those from $1,000 to $2,000 I do not think it is right.

I propose, if the gentleman will allow me, to offer an amendment changing the bill so that it will apply only to the free-delivery offices, leaving all others to make reports as they now do.

Mr. CALDWELL, of Tennessee. I desire to state that the question submitted by the gentleman from Illinois was very fully considered by the Committee on the Post-Office and Post-Roads, and they considered the law ought to apply to all presidential offices, and not simply to the free-delivery offices. I do not feel at liberty to admit any amendment at all. I therefore insist on the demand for the previous question.

Mr. CANNON, of Illinois. Then if the previous question is not sustained I will offer the amendment I have indicated.

The SPEAKER. That will be the gentleman's right.

The question being taken on seconding the previous question, there were—ayes 43, noes 75.

Mr. CALDWELL, of Tennessee. I ask for tellers.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Minnesota, Mr. STEWART, and the gentleman from Tennessee, Mr. CALDWELL.

The House again divided; and the tellers reported—ayes 61, noes 72.

No further count being demanded, the previous question was not seconded.

Mr. CANNON, of Illinois. I move to amend the bill by striking out, in lines 12, 13, and 14, the words "and every postmaster appointed by the President, by and with the advice and consent of the Senate," and inserting in lieu thereof "all postmasters at free-delivery offices;" so that it will read:

That section 3843 of the Revised Statutes of the United States be so amended as to read as follows:

Every postmaster, except those appointed by the President, by and with the advice and consent of the Senate, shall render to the Postmaster-General, under oath and in such form as the latter shall prescribe, a quarterly account of all moneys received, or charged by him, or at his office, for postage, rent of boxes, or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever; all postmasters at free-delivery offices shall render to the Postmaster-General, in the same manner, monthly account of all such moneys so received.

The question was put; and upon a division there were—ayes 64, noes 67; no quorum voting.

Tellers were ordered; and Mr. CALDWELL, of Tennessee, and Mr. CANNON, of Illinois, were appointed.

The House again divided; and the tellers reported—ayes 67, noes 89.

So the amendment was not agreed to.

Mr. CANNON, of Illinois. After the previous question was voted down the Chair recognized me and I desire to make a statement that will not take longer than three minutes if the House will give me its attention. I do not think that this bill ought to pass, although it was reported from my committee, and I call attention to it because I doubt if the House understands what its provisions are. Some thirty thousand or forty thousand postmasters now make quarterly reports and this bill requires that all presidential postmasters, from whom are derived the great bulk of the revenue of the Department and who forward the great bulk of accounts to the Department, shall make reports every month, that is twelve reports a year instead of four.

Now, I think that perhaps there is great propriety in requiring the postmasters at a few of the great city offices like New York and Chicago to make monthly reports, but when you come to the great mass of offices where the salaries range from $1,000 to $2,000 and where, under the law, the postmasters cannot have any clerks because the law prohibits their employment, and where the postmasters commence to work early in the morning and have to work until night, when you require them to make reports twelve times in the course of a year instead of four, it is a very great additional burden thrown upon them.

In addition to that all these accounts have to be audited, compared, and corrected in the Sixth Auditor's Office, and you who know something about this business know that it takes almost from the close of one quarter to the middle of the next quarter for the accounts to be finally settled and adjusted, and all the little errors made upon the one hand in the Auditor's Office and made by the postmasters on the other hand to be corrected, and the accounts properly adjusted.

Now, by this bill you multiply the work by three, and, as I said before, if the accounts are to be made monthly it will require an increased force of clerks in the Sixth Auditor's Office, at least twenty-five or thirty.

Mr. KNOTT. Will the gentleman allow me to ask him a question?

Mr. CANNON, of Illinois. Certainly.

Mr. KNOTT. Will these additional monthly reports cover any more ground than the quarterly reports cover now?

Mr. CANNON, of Illinois. They will cover no more ground than the quarterly reports cover, but it is as hard to make a monthly report as it is to make a quarterly report, and to write letters about it back and forth. You have to go over the same ground twelve times instead of four times. I believe that if the House had been in possession of the facts it would not have voted down my amendment.

Mr. CALDWELL, of Tennessee. I have a word only to say in reply to what the gentleman from Illinois has just said. He will find by examining the report of the Postmaster-General that very large sums are lost annually by the failure and insolvency of postmasters and their sureties. The Postmaster-General feels certain, as also did the Committee on the Post-Office and Post-Roads, that by providing that all the presidential postmasters shall be required to settle their accounts monthly instead of every three months a much larger sum will be saved to the Government than would have to be expended for the additional clerical force which may be needed. It is admitted by the Postmaster-General and by the committee that there would have to be an additional clerical force in the Sixth Auditor's Office, and nowhere else, and that is a very slight addition, but we feel sure that thousands of dollars might be saved to the Government by this bill requiring that the presidential postmasters shall report promptly every month whatever amount of revenue they may have in their hands on account of the post-office service.

Mr. CANNON, of Illinois. I rise to make a privileged motion. I move to reconsider the vote by which the amendment I offered was rejected.

Mr. CALDWELL, of Tennessee. Did the gentleman vote in the majority?

The SPEAKER. No record was made of that vote.

Mr. CALDWELL, of Tennessee. I move to lay the motion to reconsider on the table.

The motion was agreed to; upon a division—ayes 72, noes 68.

The question recurred on seconding the previous question upon the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CALDWELL, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia."

ORDER OF BUSINESS.

Mr. COX, of New York. Has the morning hour expired?

The SPEAKER. It has.

Mr. COX, of New York. I call for the regular order.

Mr. HENDEE. I rise to a privileged motion.

Mr. ATKINS. I rise to make a privileged report.

Mr. CHALMERS. I move to proceed to business on the Speaker's table.

Mr. HENDEE. That is the motion I desired to make.

Mr. CHALMERS. I make the motion for the purpose of reaching Senate bill No. 490, in relation to Hot Springs reservation of Arkansas.

Mr. ATKINS. I rise to make a report from the Committee on Appropriations.

Mr. CHALMERS. I do not think the gentleman can take me off the floor to make that motion.

Mr. ATKINS. I want to know if I can do it.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] has the right to report from the Committee on Appropriations at any time for commitment.

Mr. COX, of New York. I give notice that if the motion of the gentleman from Mississippi [Mr. CHALMERS] is voted down, I will then call for the special order.

Mr. BURCHARD. And I desire also to give notice, in order to reserve all my rights, that in case the House refuses to proceed to business on the Speaker's table I shall call up the pending unfinished business.

Mr. REAGAN. I hope we will proceed with the regular order.

The SPEAKER. The motion of the gentleman from Mississippi [Mr. CHALMERS] is privileged under the rules. If the House does

not wish to proceed to the consideration of business upon the Speaker's table, it can vote down the motion.

The motion of Mr. CHALMERS was then agreed to; upon a division—ayes 94, noes 60.

Mr. HENDEE. I desire now to move, in regard to the bill providing a permanent form of government for the District of Columbia, which I understand is the first business in order on the Speaker's table——

The SPEAKER. It does not come up ahead of executive communications. It will be in order when bills are reached.

Mr. HOOKER. Before the House proceeds under the order just made, I ask consent to submit a report from the Committee on Indian Affairs for printing and reference to the Committee of the Whole.

Several MEMBERS. Regular order!

The SPEAKER. The regular order being called for, the business now in order is that upon the Speaker's table.

SOLDIERS, ETC., EMPLOYED IN THE INTERIOR DEPARTMENT.

The first business on the Speaker's table was a letter from the Secretary of the Interior, transmitting lists showing the names of all employés of that Department who were honorably discharged from the military or naval service for disability arising from sickness or wounds incurred in the line of duty; and also the names of all employés who have at any time served in either the Army or Navy, or are widows or orphans of persons who so served; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

SIGNAL SERVICE.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting the petition of merchants and citizens of New Orleans, Louisiana, praying for a liberal appropriation for the Signal Service; which was referred to the Committee on Appropriations.

MISCELLANEOUS RECEIPTS OF INDIAN SERVICE.

The next business on the Speaker's table was a letter from the Secretary of the Interior, concerning a fund arising in the Indian service known as "miscellaneous receipts;" which was referred to the Committee on Indian Affairs.

RECEIPTS AND EXPENDITURES OF THE GOVERNMENT.

The next business on the Speaker's table was a letter from the Secretary of the Treasury, transmitting an account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1875; which was referred to the Committee of Ways and Means.

SUSPENDED LAND ENTRIES CONFIRMED.

The next business on the Speaker's table was a letter from the Secretary of the Interior, transmitting a report of the Commissioner of the General Land Office of suspended entries confirmed by board of adjudication; which was referred to the Committee on Public Lands.

COMPANY E, FIRST ILLINOIS CAVALRY.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting a report on the bill (H. R. No. 3540) for the relief of the soldiers of Company E, First Illinois Cavalry; which was referred to the Committee on Military Affairs.

UTE MISSION.

The next business on the Speaker's table was a letter from the Secretary of the Interior, transmitting estimate of appropriation to defray expenses of the Ute mission; which was referred to the Committee on Appropriations.

MARSHALL O. ROBERTS.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting report of the Quartermaster-General relative to the names, ages, &c., of the steamships purchased of and owned in part or in whole by Marshall O. Roberts, of New York; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

REPEAL OF BANKRUPT LAW.

The next business on the Speaker's table was the bill (S. No. 35) to repeal the bankrupt law, which had been amended by the House and had been returned by the Senate with an amendment to the second House amendment.

The amendment of the Senate to the House amendment was to strike out the words "all penal actions or criminal proceedings arising thereunder," and to insert in lieu thereof the following:

And in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurred, under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors, (except the right of commencing original proceedings in bankruptcy,) and all rights of, and suits by, or against assignees, under any or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect (which shall be on the 1st day of September, A. D. 1878) or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day.

Mr. KNOTT. I move to concur in the amendment of the Senate, and on that motion I call the previous question.

Mr. O'NEILL. I hope we shall have a vote upon agreeing to the day now fixed in the bill, so that those who think this act should take effect immediately may have a chance to go on record. [Cries of "Oh, no!"]

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of the Senate was concurred in.

Mr. KNOTT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAWNEE LAND DISTRICT, KANSAS.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 2132) to pay for clerical services and extraordinary expenses under the seventh section of the act of August 18, 1856, in the Pawnee land district, Kansas.

The amendment was read, as follows:

Add to the bill the following:
Reserving nevertheless the right of appeal to either party from the judgment of the said court.

Mr. RYAN and Mr. BRIGHT moved to concur in the amendment of the Senate.

The motion was agreed to.

Mr. RYAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTION OF FLOUR IN THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour.

The amendment was read, as follows:

In line 22, on page 1, strike out "inspection" and insert "inspector."

Mr. WILLIAMS, of Michigan. I move that the House concur.

The amendment was concurred in.

Mr. WILLIAMS, of Michigan, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATTIE M'TAGGART.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry.

The amendment of the Senate was read, as follows:

Strike out all after "commence," in line 5, to the end of the bill and insert "from and after the passage of this act."

Mr. RICE, of Ohio. I move that the House concur in the amendment.

The amendment was concurred in.

Mr. RICE, of Ohio, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was an amendment of the Senate to the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

Mr. BLACKBURN and Mr. HENDEE addressed the Chair.

Mr. BLACKBURN. I move that the House non-concur in the amendment.

Mr. HENDEE. That is the motion I designed to make. The amendment is quite lengthy.

Mr. BLACKBURN. I call the previous question on my motion to non-concur.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of the Senate was non-concurred in.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS A. WESTON.

The next business on the Speaker's table was the bill (S. No. 148) to confirm the term, for the period of seventeen years from the date of its original grant, of the patent of Thomas A. Weston.

Mr. VANCE. A House bill similar to this has already become a law; and it is unnecessary to take further action on this bill. I move that the bill be laid on the table.

The motion was agreed to.

Mr. VANCE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOT SPRINGS, ARKANSAS.

The next business on the Speaker's table was the bill (S. No. 400) to authorize the appointment of commissioners to determine claims, and for other purposes, at Hot Springs, in the State of Arkansas.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three discreet, competent, and disinterested persons, who shall constitute a board of commissioners, any two of whom shall constitute a quorum, who shall hold their offices for the period of one year from the date of their appointment, and shall have the same powers and authority in all respects

as was provided for the commissioners appointed under the act of Congress approved March 3, 1877, entitled "An act in relation to the Hot Springs reservation, in the State of Arkansas," which act is hereby continued in full force for the purpose of enabling said board of commissioners to determine the claims presented to the board of commissioners appointed under said act, whose term of office has expired, and to do and perform all other acts and duties authorized and directed by said act. And said commissioners shall have power to employ assistant stenographers, not exceeding three in number, at such times as their services may be necessary to aid said commissioners. And the unexpended portion of the appropriation made for continuing the work of the commissioners appointed under the act aforesaid shall be available for the continuance of the work by the commissioners to be appointed under this act.

Mr. BUTLER. I desire to suggest that this bill——

Mr. EDEN. I reserve a point of order on the bill.

Mr. FULLER. What does the gentleman from Massachusetts [Mr. BUTLER] propose?

Mr. BUTLER. I desire that the bill shall go to some committee.

Mr. FULLER. There has been a distinct understanding on the subject.

Mr. EDEN. If the bill is to be referred to a committee I waive the point of order.

Mr. FINLEY. I understand that the gentleman in charge of the bill has agreed to admit an amendment.

The SPEAKER. This is a Senate bill, and so far as the record goes nobody has charge of it. But the gentleman from Arkansas, [Mr. GAUSE,] who is interested in the matter, will be recognized. The Chair, however, understood that the gentlemen from Illinois [Mr. EDEN] wished to make a point of order.

Mr. GAUSE. I will state that this bill has been thoroughly discussed in the Committee on Public Lands, and meets their approval with certain amendments, which are to be offered by the gentleman from Indiana, [Mr. FULLER.]

Mr. EDEN. If the bill has been examined and approved by the Committee on Public Lands, I waive the point of order.

Mr. ATKINS. I observe that this bill provides for an additional number of stenographers.

Mr. GAUSE. That is necessary.

Mr. ATKINS. Why?

Mr. GAUSE. Testimony has been taken in nine hundred and fifty cases, and additional clerical force is necessary in order that this testimony may be written out.

Mr. ATKINS. Did these commissioners enter upon their duties within the time prescribed by law, which was thirty days after their appointment?

Mr. GAUSE. They did.

Mr. ATKINS. I understood that they did not.

Mr. GUNTER. They entered upon their duties at the time fixed by the law, and worked faithfully, as has been reported by the people at Hot Springs.

Mr. BUCKNER. The whole difficulty as to delay grew out of the fact that until all the claims had been filed the commissioners could not act at all. That period was fixed at six months. Since that time they have been constantly engaged, and there are some nine hundred claims to be settled. That is the only reason why relief is asked.

Mr. GUNTER. I wish to say in addition that these parties have worked industriously and have taken testimony as to the rights of parties to over nine hundred claims. They are ready, if the time be extended, to go on and settle the equities of those parties, and I trust gentlemen on the floor will let the bill pass.

Mr. EDEN. I understood the Committee on Public Lands of the House had unanimously agreed to a substitute for this bill, and upon that view I withdrew my point of order.

Mr. HANNA. You will recollect some time ago the Senate passed a bill which had a certain section in it which was obnoxious to all of us, but before that bill was reached on the Speaker's table the Senate sent for it, and the obnoxious section was stricken out. It does not appear in the bill which has been read.

There is pressing public necessity for the immediate passage of this, for the reason that unless it is passed all the work which has been done, which employed these three commissioners for one year, may be lost to the Government and may be lost to the parties in interest. The main point of this is to revive the old act, to the end these three commissioners or three others to be appointed by the President may proceed to complete the work, so all parties in interest in that locality may have their rights saved and preserved. For one it does seem to me the public interest would be subserved by the immediate passage of this act.

Mr. FINLEY. The substitute which the gentleman from Indiana has saves all those rights, and I ask that it may be read.

Mr. HANNA. My purpose is to have some act passed, whether in strict conformity to this act from the Senate or not, I do not care.

Mr. FULLER. I wish to state to the members of the House that the bill the gentleman from Arkansas yielded to me to offer as a substitute, I am satisfied, will meet with the approbation of every member on the floor. I ask that the substitute be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to appoint three discreet, competent, and disinterested persons, who shall constitute a board of commissioners, any two of whom shall constitute a quorum, and shall hold their offices for the period of one year from the date of their appointment, and shall have the same powers and authorities in all respects as was provided for the commissioners appointed under the act of Congress approved March 3, 1877, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," which act is hereby continued in full force for the purpose of enabling said board of commissioners to determine the claims presented to the board of commissioners, appointed under said act, whose term of office has expired, and to do and perform all other acts and duties authorized and directed by said act. And said commissioners shall have power to employ assistant stenographers, not exceeding three in number, at such time as their services may be necessary to aid said commissioners.

And in the event said commissioners decline to serve further, or in case of a vacancy from death or resignation, the President of the United States is authorized to fill the vacancies thus made by appointment; and said commissioners, or their successors in office, shall have power to authorize the taking of depositions under such rules as they may prescribe in cases where the witnesses, by reason of physical disability, cannot attend the sessions of the commissioners, or when the witness or witnesses may reside more than one hundred miles from the town of Hot Springs, Arkansas. And all books, papers, maps, surveys, testimony, and records of every character heretofore in possession of the late commissioners provided for in said act, shall be taken by them and used for the completion of the work assigned to said commissioners.

SEC. 2. Said commissioners shall have power to sell for cash at public auction, to the highest bidder, all buildings which they have condemned, or may condemn, and have ordered or may order to be removed from the mountain reservation, the streets and alleys, first giving three weeks' notice in two daily newspapers, if such there be printed, in the town of Hot Springs, that such sale of any or all of such buildings not previously removed by the owners will take place on a certain day. The money arising therefrom shall be paid forthwith into the Treasury of the United States: *Provided*, The owner of any building shall have the option to take the certificate of its value or to remove the same at his own expense.

SEC. 3. The certificates for the value of condemned property shall be assignable in writing by indorsement, and shall be receivable at the Little Rock land office in payment for lots to be sold out of the reservation.

SEC. 4. All patents issued by the United States for lots sold in the town of Hot Springs shall contain the express condition that the title of the owner shall be forfeited to the United States whenever by boring or digging, or from any other cause, hot water shall be obtained therefrom, and that the United States reserve free forever the use and profit of all hot water obtained from the soil of such lots. And said commissioners shall have power in making adjudications provided for in this act in any case where a lot may be composed in part of a former street or alley to adjudge the right to purchase and to issue the certificate therefor to such person or persons as may have a valid claim to such lot.

SEC. 5. That the waters of the Hot Springs, situated on the Hot Springs Mountain reservation, in Arkansas, are hereby declared forever free, and that all persons shall have the right to lay pipes through the said reservation and along and across the streets and alleys of said town of Hot Springs, for the purpose of conveying the waters of said springs to bath-houses, hotels, and other buildings, subject to such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That the Secretary of the Interior shall have power to charge a royalty upon all water discharged through pipes or otherwise consumed sufficient to pay the expense of maintaining the reservation: *Provided further*, That nothing in this act shall be construed so as to allow any person, firm, company, or corporation to use or control more of the water of said Hot Springs than shall be absolutely necessary to supply bath-houses and hotels kept by them for the use and accommodation of invalids; and it shall be the duty of the superintendent to apportion and equitably distribute the waters of the said Hot Springs to all who desire in such manner as shall prevent a monopoly of the hot water, under such rules and regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That to prevent a monopoly, no bath-house or hotel shall be supplied with more than enough water for forty bath-tubs of the usual size, unless there shall be more than enough hot water to supply all other demands for the same.

Mr. CRAVENS rose.

Mr. BUTLER. I desire to reserve points of order on the bill.

The SPEAKER. What points of order?

Mr. BUTLER. The point of order that the substitute requires the expenditure of money.

The SPEAKER. So does the original bill.

Mr. BUTLER. That does not make it any better, I suppose.

The SPEAKER. The point of order as against the bill should have been made before it came up for consideration. The gentleman from Illinois [Mr. EDEN] made the point of order and withdrew it. No doubt the bill would have been subject to the point of order if it had been made at the proper time.

Mr. BUTLER. Pardon me. The substitute is not in order. This is the first time the substitute has been before the House.

Mr. CRAVENS. As the immediate representative of the people of Hot Springs I desire to say that I vastly prefer the Senate bill to the substitute. It is a necessity for these people that this board shall be continued so that they shall have their titles adjudicated and so that some sort of accommodations may be furnished to the people of this country who may visit the springs. None can be had; no permanent buildings, no buildings of any sort of value can be had there until this adjudication is made.

A short time ago there was a large fire in the town of Hot Springs, and many of the citizens have not a clapboard between them and heaven, and have not the ownership of a foot of land.

I shall not antagonize the substitution of this bill; but I call upon the House, in the event of any difficulty in its passage in the Senate, of which I have great fear, to recede from such amendments as may be made, pass the Senate bill, and allow these people to have their title adjudicated. That is their right, and it would be an act of cruelty not to pass a bill by which that adjudication can be made. The newspapers in Arkansas, each and every one of them that I have received, insist on the passage of the Senate bill providing for the extension of this commission, so that the rights of these parties may be ascertained at some time in the near future.

For this Congress to adjourn without the passage of a bill embodying that provision I say would be the greatest wrong that could be inflicted on any people anywhere; and there has been already wrong inflicted on the people of Hot Springs which has no parallel in the history of the legislation of this country.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted a resolution, in which the concurrence of the House was requested, for the printing of 2,000 extra copies of the message of the President transmitting a

communication from the Secretary of State in reference to the deliberations of the fishery commission, with accompanying documents.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 109) defining the manner in which certain land scrip may be assigned, and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives; and

A bill (S. No. 1277) to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida.

HOT SPRINGS, ARKANSAS.

The House resumed the consideration of the bill to authorize the appointment of commissioners to determine claims, and for other purposes, at Hot Springs in the State of Arkansas.

Mr. BUTLER. I ask the gentleman in charge of the bill to let me state my views for a moment.

Mr. FULLER. Certainly.

Mr. BUTLER. I do not see how anybody is to be harmed except the United States. After years and years of litigation at last the Supreme Court declared the title of the United States in this reservation to be absolute. That may have been a wrong to the settlers or not; I do not know; but the property is now—or was till this commission was started; I do not know whose it is now—the property of the United States. If any portion of the improvements have been burned off, why they are not there to be paid for by the United States. The commission was to find out who had claims, and as soon as you established a commission to find out who had claims you found one thousand, two thousand, five thousand, everybody having claims.

Now, then, this bill proposes to take that water and distribute it just as far as pipes can carry it for the use of hotel-keepers and whoever chooses to use it. My view of it is that it should be kept within the power of the United States and not allowed to be distributed to anybody; that it should be kept for the purposes of the health of the whole people of the United States.

Mr. GAUSE. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. GAUSE. I would like to know what he would do with the water that flows out of those fifty-seven springs into a large creek unless it is distributed to the inhabitants on the reservation?

Mr. BUTLER. I will tell you what I would do with the water. I would have it so that there should be some control over it, and not pass a bill which allows everybody to put a pipe into the springs and carry it where he pleases; because the moment you do that you make a monopoly of it as against the people of the United States.

Mr. GAUSE. If the gentleman will allow me, I desire to say that I think he has misunderstood the meaning of the bill. It provides that anybody shall have the water under such conditions as the Secretary of the Interior shall see proper to impose and no more than he actually needs.

Mr. BUTLER. I do not know that anybody there got any more than that. If anybody has got more than he actually needs he has kept out of my sight. Nothing more than he actually needs! How much is that? Just exactly as much as may be needed for as large a hotel as he can build.

Mr. GAUSE. No; it is limited to forty tubs a day.

Mr. BUTLER. They are allowed to take forty tubs a day from this health-giving spring. Now, my belief is that it should be sacredly held by the Government and not given away to anybody. There was a company originally organized under this very bill who were to buy the whole of it, but that provision has been stricken out. But these springs belong to you.

Mr. GUNTER. I will state that the company to which the gentleman has referred did not propose either directly or indirectly to control the hot waters. The company was organized for the exclusive purpose of having the privilege of establishing cold-water conveniences, but they claimed no control over the hot water at the springs whatever.

Mr. BUTLER. Excuse me, Mr. Chairman, I am not mistaken as to that. I do not mean to antagonize my friend from Arkansas. They were to take control of all the cold water, which is more equable to the system than the hot water. I do not believe that there is so much cold water drunk at a hot-water spring that it requires a corporation with a capital of $150,000 to peddle it out. There is a cat in this meal somewhere. I do not know where it is for I have seen nothing but the tip of its tail. But I hold that we should not deprive the thousands of men who served in the Army and who are now broken down by rheumatism—I never had the rheumatism myself and do not care about it—of the right to visit this place and derive the benefits of its waters. I trust that we shall keep it for them forever.

Mr. CRAVENS. There is no cat in the Senate bill.

Mr. BUTLER. I do not say a word about anybody's bill or any particular bill. My proposition is that we should not take up this bill in this way, dealing, as it does, with two or three million dollars' worth of public property without consideration by a committee and pass it in the House. I protest against this legislation from the Speaker's table. I have been here ten years and every job that has gone through during that time has gone through in this way. This bill bears a strong family resemblance to such bills. I do not mean to say that any gentleman upon this floor is interested in it; I do not believe that any one here is, but I do believe that here is a property of the United States more valuable than its intrinsic value because it is more valuable than any property which you can buy upon God's footstool. It is proposed that you shall give it away to somebody.

Efforts have been made to induce you to give it away for years and years, and now it is proposed, without consideration by a committee or a report from a committee, to give it away. I have said my say, and I have nothing further to say.

The SPEAKER. The Chair desires to say that the bill is subject to the point of order that was made by the gentleman from Illinois [Mr. EDEN] in the first instance.

Mr. BUTLER. I move to refer it, I do not care to what committee; whichever is most appropriate.

Mr. GAUSE. What is the point of order?

The SPEAKER. The point of order was a good one, and was made in time by the gentleman from Illinois, [Mr. EDEN,] but he withdrew it.

Mr. GUNTER. The question of order was not made in time.

Mr. BUTLER. I made the point of order on the substitute as soon as it was read.

The SPEAKER. The point of order should be made upon the original bill. The moment the bill is taken up it is before the House for consideration. The gentleman understands that well enough.

Mr. SPRINGER. I move that the House do now adjourn.

Mr. STEPHENS, of Georgia. I wish to inquire of the Chair what will be the condition of this bill if the House now adjourns?

The SPEAKER. It will remain upon the Speaker's table.

The question was taken on Mr. SPRINGER's motion; and on a division there were ayes 144, noes not counted.

So the motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the result of the vote upon the motion to adjourn, by unanimous consent leave of absence was granted to the following:

To Mr. BENEDICT, for ten days, on account of important business;

To Mr. EVANS, of Indiana, for ten days, on account of important business;

To Mr. HAMILTON, for one day; and

To Mr. THOMPSON, for one week, on account of important business.

The result of the vote was then announced; and accordingly (at four o'clock and twelve minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petitions of John G. Scherzer, of Philadelphia, Pennsylvania, and of Mrs. Anna H. Nones, of the same city, for pensions—to the Committee on Invalid Pensions.

By Mr. CUTLER: The petition of P. Lorillard & Co., against reducing the tax on tobacco—to the Committee of Ways and Means.

By Mr. FOSTER: The petition of J. B. Witter and others, that a pension be granted Joseph Johnson—to the Committee on Invalid Pensions.

Also, the petition of citizens of Ohio, against the passage of the bill establishing a board of fish commissioners—to the Committee on Commerce.

Also, a communication from J. C. Lee, United States attorney for the northern district of Ohio, relative to the compensation of United States district attorneys and their assistants—to the Committee on Expenditures in the Department of Justice.

By Mr. KIDDER: A paper relating to the establishment of a post-route from Medary, Dakota Territory, to Canby, Minnesota—to the Committee on the Post-Office and Post-Roads.

By Mr. RAINEY: The petition of Martha Riordan, for compensation for damages to lot 12, square 222, in Washington, District of Columbia—to the Committee for the District of Columbia.

By Mr. RICE, of Ohio: The petition of Charles Camper, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. STEVENS, of Arizona: The petition of citizens of Arizona Territory, for an appropriation for the improvement of the navigation of the Colorado River—to the Committee on Commerce.

IN SENATE.

WEDNESDAY, *May* 29, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. MITCHELL, and by unanimous consent, the further reading was dispensed with.

DECORATION DAY.

Mr. ANTHONY. To-morrow is set apart for the pious duty of decorating the graves of the brave men who have fallen in the defense of the Republic. In order that Senators may take part in this inter-

esting ceremony, I move that when the Senate adjourns to-day it be to meet on Friday next.

The motion was agreed to.

DISTRICT GOVERNMENT.

The PRESIDENT *pro tempore* appointed Mr. DORSEY, Mr. INGALLS, and Mr. BARNUM conferees on the part of the Senate upon the disagreeing votes of the two Houses on the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 15th instant, a report on the subject of the appraisal of the property of Michael Fentenheime, at Pelican Point, Morris Island, South Carolina; which, on motion of Mr. HOAR, was referred to the Committee on Claims, and ordered to be printed.

MEMORIAL.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of an appropriation for the improvement of the navigation of the Chippewa River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Claims, to whom was referred the petition of James Vance and William Vance, of San Antonio, Texas, praying compensation for the use and occupancy of their property by United States military forces during the late war, submitted a report thereon, accompanied by a bill (S. No. 1335) for the relief of James Vance and William Vance.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 4556) for the relief of F. W. Golladay, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MORGAN, from the Committee on Claims, to whom was referred the bill (S. No. 984) for the relief of William H. Merritt, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 774) authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869 by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 786) for the relief of the Jeffersonville and Louisville Ferry Company, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 615) for the relief of the estate of Mrs. Elizabeth Patterson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 1146) for the relief of Monroe Donoho, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EATON, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 566) in relation to the Venezuelan mixed commission, reported it with amendments.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 210) for the relief of J. A. Stevenson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 503) for the relief of F. G. Schwatka, sr., submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the memorial of David Hardie, passed assistant engineer, United States Navy, praying that the benefits of the acts of July 16, 1862, and July 15, 1870, may inure to his benefit, so as to allow him the benefit of his sea service in the line of promotion and that he may be placed on the retired list, submitted an adverse report; which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the bill (S. No. 632) for the relief of William H. Cornell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SARGENT. In the matter of the dismissal of Alexander Warner from the Brooklyn navy-yard, the Committee on Naval Affairs report back the testimony taken in the case with a report without recommendation, and ask to be discharged from its further consideration.

The report was ordered to be printed, and the committee were discharged from the further consideration of the subject.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1336) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of sciences, and for other purposes; which was read twice by its title, and referred to the Committee on the Library.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1337) to establish a board to be known as the Pacific Railroad commissioners, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 32) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment; which was read twice by its title, and referred to the Committee on Military Affairs.

WILLIAM H. NESSLE.

Mr. MATTHEWS. I desire to have the bill (S. No. 482) for the relief of William H. Nessle, which is on the Calendar, recommitted to the Committee on Claims. I will say to the chairman of the committee that I do this after consultation with the member of the committee who reported the bill and upon the production of some statements that will probably affect the opinion of the committee. There will be no objection I presume to having the bill referred back.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so ordered.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. MITCHELL. I gave notice on Friday last that I desired to submit some remarks to the Senate upon an amendment which I propose to offer to the river and harbor bill. I now move that the Senate proceed to the consideration of the amendment I submitted for that purpose.

The PRESIDENT *pro tempore*. The Senator from Oregon according to notice asks the present consideration of the river and harbor bill for the purpose of submitting some remarks. Is there objection? The Chair hears none.

MILTON B. CUSHING.

Mr. HOAR. Will the Senator from Oregon yield to me to ask the consideration of the bill (H. R. No. 1918) for the relief of Milton B. Cushing, paymaster, United States Navy.

Mr. MITCHELL. If it leads to no discussion I have no objection.

Mr. HOAR. I think it will lead to no discussion with a brief explanation. I move that the Senate proceed to the consideration of the bill, and I call the attention of the Senator from California [Mr. SARGENT] to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the accounting officers to cancel a charge of $10,000 now upon the books of the Treasury Department against Milton B. Cushing, a paymaster in the Navy, which is based upon a certain requisition and receipt purporting to be made by him on and to Paymaster Henry H. Pangborn, and bearing date May, 2, 1866, the requisition being a fraud and forgery against him.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. DAVIS, of West Virginia. I should like to ask the Senator from Massachusetts what is the particular cause of this measure? It is unusual relief, I notice.

Mr. HOAR. The bill is accompanied by a very brief report, but perhaps I can make a statement even briefer than the report.

This paymaster receipted a requisition made upon Paymaster Henry H. Pangborn. That requisition was receipted by Cushing, the paymaster for whose relief this bill is proposed, and transmitted to Pangborn. Cushing was informed that the form of his receipt was irregular, and was directed by Pangborn, whom he treated as his superior officer—he was his senior officer—to send him a new one in a different form, the old one being still outstanding. He sent a new one in blank by an officer in the Navy with a view of having the form corrected and the old one taken up. The messenger by whom he sent this new one was taken sick. I am not sure that he did not die; at any rate he was taken sick. The paper was transmitted, and instead of being used simply as a duplicate of the other and the other canceled, it was filled up fraudulently for $10,000 and that $10,000 was charged to Cushing, which ought to have been charged to the other paymaster, Pangborn. These facts have been found by three successive Auditors, and unanimously by the House Committee on Naval Affairs twice, (the bill has passed the House,) and now by the Committee on Naval Affairs of the Senate. The chairman of the Committee on Naval Affairs can answer any specific question better than I can.

Mr. DAVIS, of West Virginia. Is the bill reported from the Committee on Naval Affairs or the Committee on Claims?

Mr. HOAR. From the Committee on Naval Affairs.

Mr. SARGENT. The Fourth Auditor gave his opinion that the evidence was sufficient. We had the report of the Comptrollers and this of the Fourth Auditor, in his letter on file stating that he has no doubt of the correctness of the statement and that this relief ought to be

given. Cushing himself seems to be a very straightforward, excellent person. Advantage was taken of certain circumstances to compel him to give a duplicate receipt. I do not think there is any doubt of it. I do not believe there is any doubt in the mind of any man who has examined the case in either of the two committees of the fact that Cushing never received one cent of this money. He took some pains also to protect the Government by sending by the hands of Brown, another paymaster, the duplicate receipt to put into the hands of Pangborn and receive his original receipt in exchange. Brown was taken sick with small-pox at Pensacola and sent the papers to Pangborn, which gave him or his clerk McCoy an opportunity to practice the fraud, which was subsequently done. There is no doubt of the fact that the Government ought to relieve Cushing.

Mr. DAVIS, of West Virginia. I will ask one question. I do not know but that I agree to the bill upon the statement made; but as to the money, will the Government be a loser?

Mr. SARGENT. The recourse of the Government would be against the sureties of Pangborn. There were $10,000 missing; there is no doubt about that. The committee believe that this money was taken either by Pangborn or by McCoy, his clerk, after the death of Pangborn, who died a few months afterward. That is the recourse of the Government, but the Government certainly does not desire to hold an officer responsible who is innocent, who did what he could to discharge his duty and really in obedience to the order of Pangborn who was his superior in rank.

Mr. DAVIS, of West Virginia. The motive of my question was to know if the committee traced the money to any party, whether now the Government has any relief whatever, and whether that question was considered by the committee and traced through?

Mr. SARGENT. Oh, yes, we traced the money so far as these circumstances which substantiate our theory. They exclude any other conclusion of fact. They amount to demonstration that the money was lost in the office of Pangborn, taken there by him or by his clerk. Of course the Government, against which no statute of limitations runs, has its recourse against the sureties on his bond, and I have no doubt, under the circumstances, that it will be able to maintain its case. But meanwhile this is simply for the relief of Cushing, who, on any theory of the case, ought to be relieved. I can say that I gave this case a great deal of examination, and I hesitated at first about it. I considered it for two or three months; I read the papers over and over again, and the evidence of any and all sorts calling for original evidence, and finally the opinion of the Fourth Auditor, to satisfy myself that Cushing had used due diligence, for that was the only point with me. I never did believe that he received any part of the money. The evidence on that was conclusive; but when he did send by another paymaster his receipt in blank as to the amount to be delivered and his own was to be taken up and that paymaster was taken sick with small-pox and sent this paper to Pangborn, I thought Cushing had probably exercised all the care which a careful, prudent business man could be expected to give, and the last reason against the relief disappeared. Thoroughly believing in its justice, I have concurred with the House report and recommended the passage of the bill.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

JOHN CLINTON.

Mr. BAILEY. I ask the Senator from Oregon to allow me to ask the present consideration by the Senate of House bill No. 430.

Mr. MITCHELL. Very well.

Mr. BAILEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 430) for the relief of John Clinton, postmaster at Brownsville, Tennessee.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to place to the credit of the Post-Office fund, on money-order account, $265.37; and the Auditor of the Treasury for the Post-Office Department to credit John Clinton, of Brownsville, Tennessee, in his account as postmaster, with this sum for money-order funds stolen from the post-office at Brownsville, Tennessee, while he was postmaster, but without fault or negligence on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN E. EDWARDS.

Mr. THURMAN. The Committee on Private Land Claims has been pretty well crowded out this session, and I rise now, in the morning hour, to ask that two or three little bills, to which I think there will be no objection at all, reported by that committee, may be taken up. The first one is House bill No. 1119. If it gives rise to any discussion, I will give way to the Senator from Oregon.

Mr. MITCHELL. I yield to the Senator from Ohio, with the understanding that the bill will not lead to any discussion.

Mr. THURMAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 1119) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It confirms to Benjamin E. Edwards, his heirs, assigns, or legal representatives, the title to six hundred and forty acres of land, situate in the Territory of New Mexico, being the tract of land located by virtue of a certificate numbered 444, of the second class, issued by the board of land commissioners for the county of Bexar and State of Texas, to one Andrew Flores, the 16th of August, 1847, and the same tract of land for which a patent was authorized to be issued by the act of the Legislature of the State of Texas entitled "An act to require the Commissioner of the General Land Office to issue patents for lands therein named," approved December 2, 1850, and which is more particularly described in the plat and field-notes accompanying the survey thereof, executed by R. S. Howard, deputy surveyor, and approved of by the district surveyor for the district of Bexar, on the 30th of November, 1849.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY A. HERRICK.

Mr. MITCHELL. Mr. President——

Mr. THURMAN. Just one more bill, and then I will give way.

Mr. MITCHELL. Very well.

Mr. THURMAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 1895) for the relief of Nancy A. Herrick, of Rochester, New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper officer of the Government to issue and deliver to Nancy A. Herrick, widow of J. F. Herrick, deceased, a patent in due form for the northeast quarter of section 13, in township 101, range 30, containing one hundred and fifty-one and sixty hundredths acres of land, at East Chain Lakes, Minnesota.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill was reported from the Committee on Private Land Claims with an amendment, to insert the following preamble:

Whereas Nancy A. Herrick, under and in virtue of the homestead laws, is entitled to a patent for the land hereinafter described; and

Whereas, under the circumstances of the case, the decision of the Secretary of the Interior, in 1874, that she was not so entitled, was and is erroneous: Therefore,

The preamble was agreed to.

ADJUSTMENT OF PRIVATE LAND CLAIMS.

Mr. THURMAN. I wish to give notice that as soon as the legislative, executive, and judicial appropriation bill shall have been disposed of I shall ask the Senate to proceed to the consideration of the bill (S. No. 373) to provide for ascertaining and settling private land claims in certain States and Territories. I give the notice now because it is a very important measure, and the Senators from some of the Western States and those who take an interest in the question ought to give their attention to the subject when the bill comes up.

AWARD OF FISHERIES COMMISSION.

Mr. HAMLIN. I wish to say that so soon as the pending appropriation bill shall be disposed of, while I do not wish to antagonize the Senator from Ohio in the measure to which he has alluded, I certainly shall be obliged to ask the Senate to consider the bill (S. No. 1328) providing for the payment of the award made by the fisheries commission at Halifax, under the treaty of Washington, reported from the Committee on Foreign Relations. That is a matter which must receive the consideration of Congress at the present session, or we run the hazard of an extra session being called. There is certainly a greater necessity for action upon that measure than on the one to which the Senator from Ohio has alluded, and I trust the Senate, feeling its importance, will allow that bill to be considered immediately after the Senate shall have concluded its action upon the pending appropriation bill.

Mr. THURMAN. I shall not object to that.

POST-ROUTE BILL.

Mr. FERRY, (Mr. HOAR in the chair.) If the Senator from Oregon will allow me, inasmuch as the Senator from Ohio and the Senator from Maine have given notice of different bills to which they say they will call the attention of the Senate, I desire to give notice that I shall seek the earliest opportunity after the appropriation bill, if not antagonizing too forcibly the other Senators who have given notice, to call up the post-route bill, in which all Senators are interested, as well as the entire country.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. MITCHELL. Mr. President, I trust I shall not be regarded as overzealous if once more I endeavor to attract the attention of the Senate, and especially the Committee on Commerce, to a subject of incalculable importance to the people of the whole Pacific Northwest. I refer to the great necessity for the vigorous prosecution of the construction of the canal and locks at the Cascades of the Columbia River. Never in the history of this or any other country was any natural highway, much less one of the grand proportions of the great Columbia, held so exclusively, so mercilessly, and so regardlessly of the rights of the people in the control of unyielding corporate rapacity and power as is that of the Columbia River.

Although draining an empire, and in more respects than one second to no river on the face of God's green earth, its waters have been from the time when white men first trod the rich valleys it traverses, and are to-day, the self-appropriated property of one corporation;

while its commerce is dictated and controlled by one company. Although for hundreds of miles its waters are deep, broad, grand, with a capacity ample for the accommodation of all the fleets that fill the Mississippi from its source to the sea, yet monopoly, taking advantage of the obstruction of five miles in the gorges of the Cascade Mountains, has seated itself in haughty imperiousness upon its banks, has taken possession of its waters, and with an arrogance born of utter indifference to the public welfare, and with but one end in view, and that self-aggrandizement, it issues its imperial ukase with as much nonchalance as ever did a Russian Czar. It defies competition; it laughs at opposition; it scorns all appeals; it preys upon the producers of Oregon, Washington, and Idaho with a relentless hand; and its exchequer overflows with revenues wrung from the people of the great Northwest through unreasonable and unconscionable freight and passenger exactions.

It levies a tribute unwarranted, exorbitant, unjust, upon the industries of the people; and while with one hand it sustains the commerce of an empire, with the other it smites it to the earth and paralyzes its very vitals; while with one hand it develops to some extent the industries of the country, with the other it grasps to its own exclusive benefit almost the entire products of those industries; while it makes it possible for the Pioneers of the Nation, struggling to establish homes on the broad prairies, in the fertile valleys, and on the green hillsides of the wilderness of the far West to succeed, it at the same time robs them of the legitimate fruits of their toil which, beyond a reasonable and just compensation for services rendered, instead of going to swell the private fortunes of the common carrier should rightfully go to the permanent establishment and the adornment of those homes, the erection of school-houses, the building of churches, the construction of roads, the establishing of manufactories, the education and culture of their children, with any surplus to their own private bank account as a competency for declining years.

It says to all attempts at competition "this river is mine; on its broad waters I have laid my pre-emption; my title-deed is of record; and for lo these many years I have been in exclusive possession from the mountains to the sea, and who is there now that shall have the audacity to dispute my right." That such a state of things should exist or be permitted to continue on the second river on this continent when the remedy is in the hands of this Government, and when the commerce of one-eighth of this nation, territorially considered, is in issue, is a reflection upon the wisdom, the statesmanship, the fidelity of Congress. And yet such is the fact in reference to the Columbia River. And that the Senate may fully comprehend the situation as it is, I desire to attract attention to a circular recently issued by the Oregon Steam Navigation Company, the corporation to which I have been alluding as having the supreme and undivided control of the commerce of the Columbia River; a fact only made possible by the circumstance of these obstructions to navigation at the Cascades of the Columbia River, and the construction by such company of a railroad on either side thereof, thus taking absolute control of this pass in the river where it bursts through the Cascade range of mountains.

I will state that the circular I am about to read was issued for the purpose of destroying a competing boat recently built and placed on the waters of the Upper Columbia; the only one, by the way, as I believe, that has had the temerity to attempt to dispute the right of the Oregon Steam Navigation Company to the exclusive use of these waters in the last fifteen years. It reads as follows:

CIRCULAR.

The following rules have been adopted by the Oregon Steam Navigation Company, to take effect on the 22d day of April, 1878:

First. This company will not take freight to carry to any point upon the Columbia or Snake River, above Celilo, except upon an agreement that it shall have the entire water-carriage of the same to its place of final destination, so far as the company's lines extend. The company, before receiving such freight, may require of the owner or shipper such agreement in writing, with surety or otherwise, which shall provide that if the terminus of the water-carriage of the shipment, or of any portion of the same, shall be falsely represented in the shipping receipt or otherwise and the freight shall, by direction of the owner, in said shipping receipt or otherwise, be landed before arriving at such terminus and shall be further carried upon steamboat or boats or vessels not belonging to this company, then the party to such agreement shall be holden for and bound to pay to this company full freight for such further water-carriage at local rates, in the same manner as if this company had carried the same to the terminus of its water-carriage. And that such reshipment on another than a company's boat or vessel, within thirty days after a landing of the same as herein above stated from the company's boat or boats, shall be taken and held to be conclusive evidence that the terminus of water transportation of said freight was falsely represented and that the true terminus is the point to which it was finally carried. And said agreement shall contain a further stipulation that in case action is brought thereon and a recovery by the company had, the judge, justice of the peace, or court, before whom or which the action is tried, shall include in the amount of the judgment, as disbursements, such sum over and above the taxable cost as he or it shall determine to be reasonable attorney's fees for prosecuting said action.

Second. All down freight from points on the Columbia or Snake River, which is brought to Wallula, Umatilla, or Celilo, on any steamboat or other water-craft not belonging to this company, and is reshipped for further carriage by this company, will be charged the usual rates of the company, from the point of shipment upon such other steamboat or water-craft, which freight shall be paid in advance at the time of shipment.

This rule shall not apply to produce brought by the farmer or producer in his own boat to the said shipping points of Wallula, Umatilla, or Celilo.

S. G. REED,
Vice-President Oregon Steam Navigation Company.

Mr. President, was such a remarkable pronunciamento ever issued by any common carrier on any river, canal, lake, ocean, railroad, or wagon-road since the world began? I apprehend not; and I do not refer to it now in this connection because I for one moment entertain the thought that the Oregon Steam Navigation Company could in law much less in justice enforce any such doctrine as that enunciated in this circular, for they very clearly could not; but I refer to it for the purpose of showing the fact that this corporation regards itself as having the exclusive right to control the carrying trade on this great river, and to dictate its own terms, however harsh or severe, to the producers and shippers of that country. And while it may not be enabled in law to enforce the terms of this circular, that still, owing to these obstructions in the river and the firm footing this company has obtained by reason thereof along its entire navigable length of over five hundred miles, it has virtually absolute control of its waters and its commerce.

When the Northern Pacific Railroad bill shall have passed the House of Representatives if it shall pass as agreed to by the Senate, and under its provisions that company shall within the next two years have constructed its road around these obstructions at the Cascades and The Dalles, then and not till then shall the power of this monopoly be broken. But the commerce, the growing industries, the rapidly increasing population of the great North Pacific empire, demand and are entitled to more than mere competition by boats and cars. Never will justice be meted out to that deserving, enterprising, pioneer people until this Government, whose bounden duty it is, shall overcome these obstructions, so that boats from the greatest wheat centers of this continent in the wide, fertile, prolific basin of the Columbia, an extent of country unsurpassed in capabilities for production, shall be enabled to pass uninterruptedly without breaking bulk from the head of steam navigation to the sea. The agricultural, pastoral, mining, manufacturing, piscatorial, lumber, and commercial interests of the rapidly developing empire that separates the Rocky Mountains from the North Pacific Ocean unite with the social, political, and civilizing influences of this heroic and progressive age, as illustrated by a pioneer people in that pioneer country in demanding the speedy and thorough cleansing of this Amazon of North America from all obstructions, to the end that the millions of annual products of the world-famed valley of the Columbia may pass without interruption from the place of production to the sea.

But what is the character of this Columbia River monopoly, this commercial dictator to the internal commerce of the whole Pacific Northwest? What is the objection that with an almost unanimous voice is urged against it by the people who have established themselves upon these distant shores? Is it because the gentlemen composing this company are in any manner personally objectionable, or that they do not furnish suitable boats or proper accommodations for the traveling and freighting public? Not by any manner of means. On the contrary, the objection is simply this: their freight charges are unreasonable, burdensome, oppressive, and to an extent that paralyzes industries, obstructs commerce, retards immigration, circumscribes enterprise, palsies human energy, discourages capital, humiliates labor, inhibits manufactures; in a word, holds in absolute subserviency and complete subordination to personal advancement every element of commercial and business life and material prosperity of that section of our common country. And it is against this system of commercial oppression, of industrial bondage, and for relief from it that the people of Oregon, Washington, and Idaho to-day appeal to the General Government. And am I wrong in my estimate of the character of the exactions to which the people are subjected on this river? Let us consider briefly the facts. I hold in my hand a copy of the freight and passenger rates of that company that went into operation April 1, 1877, and which I believe are the present rates. It reads:

Oregon Steam Navigation Company, Upper Columbia River. Freight and passenger rates, to take effect April 1, 1877. Rates of freight per ton measurement.

Portland to Dalles, 121 miles	$10 00
Portland to Umatilla, 217 miles	20 00
Portland to Wallula, 240 miles	25 00
Portland to Palouse, 317 miles	32 50
Portland to Penewawa and Almota, 348 miles	37 50
Portland to Lewiston, 401 miles	40 00

Fast freight $2.50 per ton extra to The Dalles.
Fast freight $5 per ton extra to all points above The Dalles.

Passenger charges:

Portland to Dalles	5 00
Portland to Umatilla	10 00
Portland to Wallula	15 00
Portland to Penewawa and Almota	18 00
Portland to Lewiston	20 00

All bills payable in United States gold coin.

That is to say, it costs to ship a ton of freight from Portland, Oregon, to Umatilla, a distance of 217 miles, via the Columbia River, $20 in gold coin, or *nine and one-fourth cents per ton per mile.*

From Portland to Lewiston, Idaho Territory, a distance of 401 miles, it costs $40 per ton, or *ten cents gold coin per ton per mile.*

Compare this for a moment with the cost of transporting a ton of freight by water from Chicago to New York, which is *less than one cent* or about *nine and three-fifths mills per ton per mile.*

Again, the freight charges on the Missouri River from Saint Louis to Fort Benton, a distance of thirty-two hundred miles, are only $32 per ton; $1 per ton for one hundred miles or *one cent per ton per mile.*

And in this connection the fact must not be lost sight of that the

Missouri River is one of the most dangerous and difficult streams to navigate on this continent; filled with eddies, quicksands, and constantly changing channels, yet freight on this dangerous river is carried for about one-tenth the price that rules on the Upper Columbia. And why is this so? Simply from the fact that the Missouri River is, as it should be, free to competition, open to all; while the Columbia is *owned, ruled, and controlled by a single navigation company.*

In other words, the cost of moving a ton of freight up the Columbia River is about *ten times greater* than moving a ton along any of the principal water-courses of this continent. But not only so, that which constitutes a ton by weight on the route from Chicago to New York, and from Saint Louis to Fort Benton, on the Missouri River, and on most other of the water-transportation routes in this country, constitutes on the Columbia River under their system of measurement of freight an average of more than one-third more, and in many instances, depending on the character of the freight, one-half, three-fourths, twice as much, three times as much, and in some instances *ten times more.*

How is this, it may be inquired? What is the explanation of this startling proposition? The conclusive answer is found in the fact that the Oregon Steam Navigation Company determine their freight by *measurement* and *not by weight*, as do other transportation companies; unless perhaps it may be such freight as iron and other freight of like heavy character, which they weigh because it is to their interest to weigh it. That is to say, a certain number of cubic feet, an arbitrary number, of course, measuring from projecting points of the article shipped and deducting nothing for vacuum, constitutes according to the rules of this company a ton. So that it is not unfrequently the case, as I am credibly informed, that an article weighing *not over two hundred pounds* constitutes *a ton of freight;* and on such an article the cost of transportation from Portland, Oregon, to Lewiston, Idaho Territory, a distance of four hundred miles, would be $40, or at the rate of $400 per ton according to weight, or at the rate of *one dollar per ton per mile*, determining the ton by weight—two thousand pounds.

To illustrate this phase of the situation more clearly, I quote an article in the Palouse Gazette, issue of May 7, 1878, a newspaper published at Colfax, Washington Territory. The article is headed, "The Oregon Steam Navigation Company; is it a grinding monopoly;" and reads as follows:

In the Daily Oregonian of April 12 appears a communication from S. G. Reed, vice-president of the above named company, discussing the question of "transportation and monopoly, comparative rates," &c. Mr. Reed complains that his company has been "grossly misrepresented by designing parties before the committee of Congress," also that it has been called a "grinding monopoly," and to have been guilty of robbing the people of Oregon and Washington in various ways, and he undertakes to argue away the wide-spread and deep dissatisfaction of the people east of the Cascades who have been subjected to the exaction of the Oregon Steam Navigation Company. People do not complain of the style of the steamboats and cars employed by that company in the carrying trade, or in the department of its officers, but in the exorbitant rates charged for their services.

This is the only question: does the Oregon Steam Navigation Company charge too much for its services? The almost unanimous voice of the people of eastern Oregon and Washington is expressed daily that it does, and there need be no wonder expressed by the vice-president that they pray to Congress or any other power for relief from the "grinding monopoly."

They are not so exasperated, but they could follow Mr. Reed through a calculation showing what interest or income the company has received on its investment, whether it is greater or less than upon farming operations or upon similar investments in other States; this he does not do, but contents himself with a comparison of the tariffs of the Oregon Steam Navigation Company, the Oregon Central Railroad, and the river lines of the Willamette Valley.

Said comparison is deceptive, inasmuch as the Oregon Steam Navigation Company does not mean by the word ton what the other companies mean. Ordinarily a ton is two thousand pounds; with the Oregon Steam Navigation Company sometimes a box weighing two hundred pounds is called a ton, and, in order to make a ton comparison it is necessary to multiply the Oregon Steam Navigation Company's price by ten. On a box of that kind the freight to Lewiston would not be $40 per ton, as the company calls it, and as other folks and transportation companies understand it, but $400 per ton. A common riding-saddle, weighing fifteen pounds, under such exaggerating calculations, is charged $2.70, or $352 per ton; a little bunch of fruit-trees, weighing twenty-five pounds, brings at the rate of $500 per ton; a parlor organ in box, weighing four hundred pounds, delivered at Lewiston, costs $40. $160 per ton by weight, and this rule of measurement holds with all dry goods, groceries, provisions, furniture, &c. A small lot of machinery, which cost $22 from San Francisco to Portland, was charged $225 from Portland by the Oregon Steam Navigation Company's line. Special and more favorable rates are claimed by Mr. Reed for agricultural implements and machinery, but this also is delusive when compared with the rates of other transportation lines. Iron, bolts, &c., are taken by weight, because they bring more by weight than by measurement.

Mr. Reed lays great stress upon the fact that wheat, flour, oats, barley &c., are charged only $8 per ton from points above Wallula to Portland, or at the rate of twenty-four cents per bushel. Now, in the name of our common humanity, is not this about all these products will bear? The cost of getting them to the river will average eight cents, which, added to above, gives an aggregate of thirty-two cents per bushel, to be deducted from the Portland price. The cost of raising a bushel of wheat, when it yields thirty bushels per acre, cannot be a cent short of forty cents, saying nothing of the interest upon farm capital, and adding this to the cost of transportation we have a total of seventy-two cents. How much can there be left after deducting cost of sacks, storage, wharfage, "rattage" and waste, to pay the up-river freights at from $160 to $500 per ton? Mr. Reed, the long suffering people wait your answer.

I also quote the following from the Walla Walla Union, a newspaper published at Walla Walla, Washington Territory. It reads as follows:

The Walla Walla Railroad received a locomotive a few days ago from New York, on which the charges were $265; from Portland to Wallula the charges, per Oregon Steam Navigation Company, were $541.

That is to say, the freight on this locomotive from New York to Portland, Oregon, a distance of about four thousand miles if it crossed the continent, over twice that if it came around it, was $265, while from Portland to Wallula by the boats of the Oregon Steam Navigation Company, a distance of two hundred and forty miles, the freight charges were $541.

Mr. President, I might quote for hours from journals scattered all over the Pacific Northwest for the purpose of showing public sentiment in reference to this matter. Indeed, so thoroughly aroused and justly indignant were the people of Oregon, Washington, and Idaho at the issue of the recent circular to which I have asked attention, that with but a solitary exception, that of the Portland Oregonian, which is now generally regarded as the subsidized defender of this "grinding monopoly," its terms and the spirit that prompted it have been unqualifiedly and severely condemned by every public journal of *all* political parties of the Northwest.

Mr. President, when I first took my seat in the Senate, in March, 1873, I called the attention of the Senate to these facts, and to the great necessity of opening up the Columbia River to competition and free navigation by the construction of canal and locks at the cascades of that river. I then became a member of the Committee on Transportation Routes to the Seaboard, and in connection with Senator Casserly of California was designated a subcommittee to investigate and report upon the commercial interests of the States and Territories of the Pacific coast. Senator Casserly, shortly after the appointment of this subcommittee, resigned his seat in the Senate, and the work devolved upon me; and the full committee, in its report to the Senate of April 24, 1874, through Senator WINDOM, its chairman, used the following language:

THE PACIFIC COAST.

The investigations of the committee have, under the terms of the resolution by which it was created, been confined chiefly to questions relating to the transportation of the surplus products of the Western and Northwestern States of the interior to the seaboard. The committee have, however, felt that in treating of a subject so truly national in all its bearings the interests of the States of the Pacific coast should not be neglected. Senators MITCHELL, of Oregon, and Casserly, of California, were in June, 1873, appointed a subcommittee to investigate and report upon the commercial interests of that section of the country. Mr. Casserly having resigned his seat in the Senate in November, 1873, the duty has devolved chiefly upon Mr. MITCHELL.

The rapid development of the States of California and Oregon in population, in commerce, and in mineral and agricultural wealth is a matter of history, the truthful recital of which bears almost the impress of fiction. The resources of all that vast territory lying west of the Rocky Mountain range present possibilities the full development of which waits upon the means of transport to the sea-ports of the Pacific coast.

The value of the exports of gold and silver, breadstuffs, provisions, and other articles from California, Oregon, and Washington Territory during the year 1873 was as follows:

Breadstuffs	$20,113,574
Gold and silver coin and bullion	14,490,577
All other articles	5,825,080
Total	40,430,631

The above statement does not, however, embrace the value of the commodities shipped from the Pacific States to the other States of the Union.

According to our annual statistics of foreign commerce for the year 1873, it appears that San Francisco was the third city of the Union in the value of domestic exports, New York being first and New Orleans second. And it also appears that San Francisco was the third city in the value of imports, New York being first and Boston second.

Wheat appears to be the chief exportable product of the Pacific coast. During the year 1873 the exports of wheat amounted to 12,235,708 bushels, this amount comprising 35 per cent. of the entire exports of wheat from the United States to foreign countries. It is estimated that the exports of wheat from Oregon during the year 1874 will amount to nearly 5,000,000 bushels, an increase of about 4,000,000 bushels since the year 1872. Oregon and Washington Territory also produce immense quantities of lumber and timber, and wool is becoming an important article of commerce in all the Pacific States.

The committee desire especially to call attention to the importance of improving that great natural highway of the Pacific coast, the Columbia River, with its principal tributary, the Willamette.

Portland is situated at the head of ship navigation. Improvements are required in the channel of the river below that city for sea-going vessels; also in the Columbia above the mouth of the Willamette, and in the Willamette above Portland for steamboat and barge navigation. The western part of the Territory of Idaho and the eastern part of the State of Oregon and of the Territory of Washington form one of the richest agricultural sections on the continent. The Columbia River is, at the present time, the only avenue of commerce from this region to the seaboard.

On the Columbia River there are two obstructions to navigation, consisting of rapids and falls; these are, first, The Dalles, fourteen miles in length, and, second, the Cascades, four miles in length.

Several years ago the Oregon Steam Navigation Company obtained a charter from Congress for the construction of portage railroads around these rapids, by which means that company now holds an absolute monopoly of the commerce of the Columbia between the seaboard and the territory east of the Cascade Mountains. No other persons or companies can engage in the business of transporting merchandise on the Columbia River. The freight charges imposed by this company are so burdensome as to stifle enterprise and prevent the legitimate development of commerce and agriculture. Wheat worth $1.25 at Portland is worth but forty cents at Wallula, only two hundred and thirty miles distant by river.

For transporting a ton of merchandise from Portland to Umatilla, a distance of two hundred miles, a freight charge of $25 is imposed. This is at the rate of twelve and a half cents (gold) per ton per mile. The freight charges on wheat from Wallula to Portland are $6 per ton on regular boats, twice a week, and $8 per ton on special boats.

The average rate of transport from Chicago to New York by the water-line is only 9.6 mills per ton per mile and the rate by all rail 12.1 mills. In comparison with these rates, the extortionate nature of the charges imposed on the Columbia River may be clearly appreciated.

The people of Oregon desire that the National Government, which has exclusive jurisdiction of all natural navigable streams, shall improve the rapids of the Columbia River by means of canals and locks so as to admit the passage of river steamers and barges. It is believed, also, that portage railroads can be constructed by the Government at a cost not exceeding $900,000; and in view of the pressing

demand for the opening of free commerce on the Columbia River, this plan is thought to be the one which should be first adopted.

The required improvements of the Willamette and of the Columbia, below the mouth of the Willamette, consist in the removal of sand-bars by dredging and the construction of such works as may be necessary to maintain the required depth of water in the channel.

But aside from these improvements of such obvious necessity, the development of the State of Oregon and of the Territories of Idaho and Washington depends largely upon the completion of at least two mail-trunk railway lines connecting the State of Oregon and Washington Territory with the States east of the Rocky Mountain range.

To such main trunk lines numerous lateral lines would soon be constructed, reaching to all points and leading to that general development of the country which has followed the extension of the railway system throughout the interior and the Atlantic States.

The committee recommend that appropriations be made at the present session of Congress for surveys of the Cascades and Dalles of the Columbia River, and of the Willamette River, with a view to the improvements above indicated.

In pursuance of the recommendations contained in this report Congress at the same session made an appropriation for a survey of the Cascades and The Dalles, with a view of determining the practicability of the construction of canal and locks. This survey was made, and the War Department at the next session reported favorably and recommended an appropriation for the commencement of the work at the Cascades; and Congress at the session before the last made an appropriation of $90,000 for that purpose. At the last session, owing to the presidential controversy monopolizing the whole time and attention of Congress, no river and harbor bill passed either branch of Congress. Much delay was occasioned in obtaining the right of way, suit for that purpose having been commenced by the United States against the Oregon Steam Navigation Company, at whose request the case was continued by the United States District court of Oregon. The House at this session has inserted $75,000 in the river and harbor bill with which to continue the work.

The amount is entirely too small, and by every consideration of justice and economy should be increased. The estimate by the War Department for this year's appropriation is $500,000, and it is for the purpose of increasing the amount named in the bill as it came from the House that I have submitted this amendment, which is to make the appropriation for this year $300,000. There should not be the slightest hesitation upon the part of Congress in increasing this appropriation to this amount. It is no longer a question either as to the practicability of this work or its policy. The first has been fully determined, not only by the able and elaborate reports of the Engineers' department, which have received the approval of a military commission of engineers designated for that purpose, but by the Secretary of War himself, and the latter by Congress itself two years ago in appropriating $90,000 with which to commence the construction of the work. Why should there be hesitation, then, in making promptly each year such appropriation as will enable the Engineer department to proceed with the speedy construction of the work? Until it is completed all money invested is as so much dead capital. Every consideration, therefore, of interest, economy, and true statesmanship would seem to require the completion of this work at the earliest possible period. If this spirit of domination, of exorbitancy, of self-interest, so dangerous to the best interests of the people, so at war with the material development and general prosperity of this vast region, can be destroyed and its remorseless heel lifted from the necks of the producer and shipper—if such a thing can be accomplished by the congressional knife, then with Macbeth, when contemplating the assassination of Duncan, we would say:

> If it were done, when 'tis done then 'twere well
> It were done quickly.

This great enterprise once completed, and the white wings of commerce no longer pinioned by the fetters of monopoly will move in graceful splendor over the magnificent waters of one of the most majestic rivers of the globe. Then will every industry be vitalized, every energy awakened, every hope animated. Then will capital abandon its hiding-place and bring its reasonable returns, and labor stimulated and encouraged its rightful recompense. Then will enterprise rear in conquering triumph its victorious banner as it moves on from conquest to conquest amid the undeveloped regions of the distant West; while the feet of human progress, with sandals no longer chained to the inertia of monopoly, shall keep step to the music of a new civilization and new life along the busy shores and through the extensive valleys of the great Columbia.

I move that the amendment to the river and harbor bill to which I have spoken be referred to the Committee on Commerce.

The motion was agreed to.

AMENDMENT TO POST-ROUTE BILL.

Mr. MERRIMON submitted an amendment, intended to be proposed by him, to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO APPROPRIATION BILL.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

WOMEN AS LEGAL PRACTITIONERS.

Mr. SARGENT. I ask that the Senate proceed to the consideration of House bill No. 1077; it is only four or five lines.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senator from California asks that the Senate proceed to the consideration of House bill No. 1077. Is there objection?

Mr. WHYTE. I shall have to object.

Mr. SARGENT. Then I move that the Senate proceed to the consideration of the bill.

Mr. COCKRELL. What is the bill?

Mr. WHYTE. A bill allowing women to practice in the Supreme Court.

Mr. SARGENT. In five minutes Senators can vote the bill up or vote it down.

Mr. WHYTE. It is a new departure, and the bill will lead to discussion.

Mr. CONKLING. What is the title of the bill?

The PRESIDING OFFICER. The Secretary will report the title of the bill.

The SECRETARY. "A bill (H. R. No. 1077) to repeal certain legal disabilities of women."

Mr. CONKLING. Let the bill be read for information.

Mr. WITHERS. I call the attention of the Senator from California to the fact that the Senator from Ohio, [Mr. THURMAN,] who reported the bill, is not in his seat at present.

The bill was read.

Mr. SARGENT. I ask that my amendment to the bill be reported.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

> That no person shall be excluded from practicing as an attorney and counsellor at law before any court of the United States on account of sex.

Mr. SARGENT. I ask for the yeas and nays on taking up the bill, which will exhaust the morning hour, because I want to ascertain whether the bill can be considered or not. If Senators do not like the bill, let them vote it down, and let them discuss it if they please, but, at any rate, I want the bill considered.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of House bill No. 1077.

Mr. THURMAN. Is it expected within five minutes to dispose of that bill?

Mr. SARGENT. Not necessarily.

Mr. WHYTE. The legislative appropriation bill comes up at one o'clock.

Mr. SARGENT. I am not asking to set aside the appropriation bill. I am only asking that this bill may be considered.

Mr. THURMAN. I do not want the bill taken up until the chairman of the Judiciary Committee is here.

Mr. SARGENT. I am not responsible for the absence of the chairman of the Judiciary Committee. I insist on my motion.

Mr. THURMAN. Very well, let the yeas and nays be taken on proceeding to the consideration of the bill.

The PRESIDING OFFICER. On this question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. HAMLIN. I am willing to take up this bill at almost any time; but now, just three minutes before the morning hour shall expire, when the unfinished business will be in order before the roll call can be concluded, I certainly do not feel called upon to vote to take up this bill.

Mr. SARGENT. The Senator can vote as he sees fit. I wish to ascertain whether the bill has any more friends. I know it has one. I merely want this as a test vote, whether it has friends or not, and I hope Senators will vote on the question of taking it up or not, as they feel on the bill. Of course I understand that will exhaust the few minutes left of the morning hour, but that is not too much to give to the ladies who ask this privilege.

Mr. THURMAN. The Senator cannot make a test vote by saying that it shall be a test vote upon taking up this bill. There are plenty of reasons for not taking up this bill, without reference to the merits or demerits of the bill; and I protest that the Senator cannot make any test vote on the subject at all until he gets the bill up. When he gets the bill up then he can have a test vote.

Mr. SARGENT. I can have my own judgment whether it is a test or not. I ask that the yeas and nays be taken.

The question being taken by yeas and nays, resulted—yeas 26, nays 26; as follows:

YEAS—26.

Anthony,	Christiancy,	Matthews,	Sargent,
Blaine,	Ferry,	Mitchell,	Saunders,
Bruce,	Hoar,	Oglesby,	Teller,
Burnside,	Howe,	Paddock,	Voorhees,
Butler,	Kirkwood,	Patterson,	Windom.
Cameron of Pa.,	McDonald,	Plumb,	
Cameron of Wis.,	McMillan,	Rollins,	

NAYS—26.

Armstrong,	Conkling,	Harris,	Randolph,
Bailey,	Davis of Illinois,	Hereford,	Saulsbury,
Barnum,	Davis of W. Va.,	Hill,	Thurman,
Bayard,	Eaton,	Johnston,	Whyte,
Beck,	Eustis,	Maxey,	Withers.
Cockrell,	Grover,	Merrimon,	
Coke,	Hamlin,	Morgan,	

ABSENT—24.

Allison,	Dorsey,	Jones of Nevada,	Morrill,
Booth,	Edmunds,	Kellogg,	Ransom,
Chaffee,	Garland,	Kernan,	Sharon,
Conover,	Gordon,	Lamar,	Spencer,
Dawes,	Ingalls,	McCreery,	Wadleigh,
Dennis,	Jones of Florida,	McPherson,	Wallace.

So the motion to take up the bill was not agreed to.

Mr. SARGENT. I shall try it again some other time.

TIMBER CULTURE ON PUBLIC LANDS.

Mr. PADDOCK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. No. 396) to amend section 2464 of the Revised Statutes, relating to the cultivation of timber on the public domain, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments:

Section 1, line 10, strike out all after the word "acres" and down to and including the word "acres" in line 11, and insert in lieu thereof the words "or less."

Section 1, strike out all of lines 18 and 19.

Section 2, line 12, strike out the word "naturally" and insert in lieu thereof the words "or other lands."

Section 2, line 20, after the word "dollars," insert the words "if the tract applied for is more than eighty acres; and $5 if it is eighty acres or less."

Section 2, line 27, after the word "cultivate," strike out the word "to" and insert in lieu thereof the words "and put in."

Section 2, line 28, between the words "and" and "fourth" insert the word "the."

Section 2, line 29, strike out all after the words "five acres" down to and including the word "subdivision," in the thirty-fourth line, and insert the words "all entries of less quantity than one quarter section shall be plowed, planted, cultivated, and planted to trees, tree-seeds, or cuttings in the same manner and in the same proportion as hereinbefore provided for a quarter section."

Section 2, line 37, after the word "such," strike out the word "timber" and insert in lieu thereof the word "trees."

Section 2, line 38, after the word "are" insert the word "so;" also, after the word "provided" insert the word "further."

Section 2, line 42, strike out the word "timber" and insert in lieu thereof the word "trees."

Section 2, line 50, after the word "of," strike out the word "timber" and insert in lieu thereof the word "trees."

Section 2, line 53, after the word "least," strike out the words "nine hundred" and insert in lieu thereof the words "six hundred and seventy-five."

Section 2, line 54, after the word "such," strike out all to the end of the section and insert in lieu thereof the words "tract of land."

Strike out all of section 3, and substitute the following:

That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall fail to comply with any of the requirements of this act, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided*, That the party making claim to said land, either as a homestead settler or under this act, shall give at the time of filing his application such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties shall be determined as in other contested cases.

And to amend title of the bill by striking out the title and inserting in lieu thereof the following substitute:

A bill to amend an act entitled "An act to encourage the growth of timber on the western prairies."

A. S. PADDOCK,
P. B. PLUMB,
L. F. GROVER,
Managers on the part of the Senate.

P. D. WIGGINTON,
T. M. PATTERSON,
FRANK WELCH,
Managers on the part of the House.

The report was concurred in.

PERSONAL EXPLANATION.

Mr. HAMLIN. I wish a moment of time of the Senate while I make a statement relating both to myself and to the Senator from California, [Mr. BOOTH;] I hardly know which is most interested.

The Senator from California, the other day, spoke to me and said he would be absent for a day or two, and asked me to pair with him upon the bill against the further retirement of greenbacks. I agreed to do so; and when the motion was made to take up that question I rose in my place and so stated and abstained from voting. Yesterday the Senator who sits behind me [Mr. DORSEY] said he was necessarily called from the Senate Chamber, that he did not want to lose his vote, and asked me if I would pair with him. I said "certainly," the fact that I had done so with the Senator from California having escaped my recollection entirely. So I did pair my vote with the Senator from Arkansas, and I did not vote, while I should have been paired, in justice, with the Senator from California. I hope that Senator will forgive me, for I assure him it was entirely from misrecollection.

Mr. BOOTH. I am very much obliged to the Senator from Maine for his statement, simply as it puts me right on the record. The explanation is entirely satisfactory, and I do not know, on the whole, but that the Nestor of the Senate ought always to pair against two. [Laughter.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4807) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes;

A bill (H. R. No. 4200) relating to the national road in the State of Maryland, and to give consent of the United States to a certain act of the General Assembly of Maryland in relation to said road;

A bill (H. R. No. 4824) to amend section 3843 of the Revised Statutes, in relation to settlements of postmasters; and

A bill (H. R. No. 5052) to amend section 3835 of the Revised Statutes of the United States.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2132) to pay for clerical services and extraordinary expenses, under the seventh section of the act of August 18, 1856, in the Pawnee land district in Kansas;

A bill (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry;

A bill (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes; and

A bill (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour.

The message further announced that the House had concurred in the amendment of the Senate to the second amendment of the House to the bill (S. No. 35) to repeal the bankrupt law.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER, (Mr. ROLLINS.) The morning hour has expired, and the Senate proceeds to the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

Mr. WINDOM. Mr. President, it may perhaps facilitate the consideration of the bill now before the Senate if I make a brief general statement with reference to it.

The total estimate for the legislative, judicial, and executive departments of the Government for the fiscal year ending June 30, 1879, is $16,362,617.91. The total of the act for 1878 (the current year, ending June 30) was $15,537,581.30. To that, however, there were added by various deficiency bills $340,945.47, as appears by the following statement of deficiencies for current year already passed on account of items in the legislative, &c., bill:

For the Senate	$52,546 65
For House of Representatives	43,096 52
For executive office—contingent	4,500 00
For collectors of internal revenue	20,000 00
For agents, surveyors, gaugers, &c	40,000 00
For detection, &c., for violation of internal-revenue laws.	20,000 00
For temporary clerks, Treasury Department	14,500 30
For contingent, Treasury Department	22,000 00
For mints and assay offices	25,900 00
For miscellaneous, Pension Office	4,000 00
For Patent Office—photographing	40,600 00
For Patent Office—contingent	26,000 00
For Land Office—contingent expenses	15,000 00
For Surgeon-General's Office	11,902 00
	340,945 47

Making the total for the year 1878 of $15,878,526.77. The total of this bill as reported from the Committee on Appropriations is $15,564,942, being $313,584.77 less than the appropriations for the current fiscal year. If there be any objection to the bill, I think it will be found that the appropriations are in many of their items too small rather than too large. I repeat the statement that it is $313,584.77 less than the appropriation for the current year, and $797,675.91 less than the amounts asked for by the Departments.

The bill is by no means as formidable as the several hundred amendments reported would indicate. The decision of half a dozen general questions will cover probably nineteen-twentieths of the important amendments to the bill as proposed by the Committee on Appropriations. I will mention a few of these general propositions. In the first place, the bill as it came from the House assumes to reduce the compensation and to dictate the number of employés of the Senate. Your committee, believing that the force of Senate employés is not too large nor the compensation greater than is necessary for the prompt and efficient transaction of the business, have recommended that the force of Senate employés and the compensation paid them be reinstated as they now exist.

This question was much discussed in the extended conferences of 1876, and again in 1877, and the present force and compensation are the results of that discussion. Your committee were the more ready to recommend this reinstatement from the fact that the Senate has always insisted upon its competency to decide all questions with reference to its own employés, and has always been quite ready to assume the responsibility for any extravagance either in numbers or in force.

The Committee on Appropriations have recommended a few changes in the force of the House employés, merely for the purpose of leaving open those questions to a committee of conference in case the House shall upon further consideration desire to change them. The Senate has always been quite ready to permit the House to settle such questions for itself, as it insists upon the right to settle similar questions relating to its own employés.

If the Senate shall agree with the committee on these points, the first six pages of the bill will require very little attention, because that is all there is on them.

I come now to the second general proposition. The House bill undertakes to reduce the expenditures for clerical service by regrading, or rather by degrading, the several classes of clerks in all the Departments and bureaus of the Government. This reorganization of the clerical force, or I think I might more properly describe it as the disorganization of the clerical force, extends through the entire bill. I can best illustrate what I mean by taking one or two of the bureaus. Take, for instance, the office of the Commissioner of Internal Revenue. On page 28 of the House bill, page 32 of the bill before the Senate as printed, there are at present twenty-five clerks of class 4, thirty clerks of class 3, forty clerks of class 2. The principle which pervades the bill is this: of the twenty-five clerks of class 4, the bill provides for only twenty; the thirty clerks of class 3, it reduces to twenty-two; the forty clerks of class 2, it reduces to thirty-two; and it then adds a similar number of clerks at $1,000 each to make up for the reductions of the second, third, and fourth classes. The result, as we are informed by the heads of Departments and bureaus, is simply to disorganize their present clerical force and to very greatly reduce its efficiency. The committee believe that the present organization is much better, that the thousand-dollar clerks will be substantially useless in the Departments. We are so informed upon consultation with nearly all the heads of Departments and bureaus, and therefore we have recommended that the present number in their respective classes be reinstated and that the provisions for thousand-dollar clerks be stricken out.

If the Senate shall agree with us upon that proposition, they will dispose of a very large proportion of these numerous amendments. I do not know how many, but they are upon almost every page of the bill.

Mr. BECK. I hope the Senator from Minnesota will inform the Senate that the classification to be restored has been in force ever since 1853 under the reorganization then proposed by Mr. Hunter, of Virginia, and others, Mr. Hunter then being chairman of the Committee on Finance of the Senate.

Mr. WINDOM. I was about to state that—I am much obliged to the Senator, however, for suggesting it—the classification, as it has been restored by the committee, is of long standing—twenty-five years—and we believe it better to adhere to it. There is a remarkable unanimity of belief among the responsible heads of Departments and bureaus that the mode of reduction proposed by the House bill materially impairs the efficiency of the service. It is even worse than the iron rule of 10 per cent. reduction proposed two years ago. That merely shaved off the salaries of poorly paid officials. This proposes to accomplish the same thing by degrading men who have been promoted for efficiency and faithfulness, and thereby it demoralizes the entire clerical force. The small saving in expense will be much more than counterbalanced by the loss of efficiency.

Mr. DAVIS, of West Virginia. I would also remind the chairman, which he knows very well, that the salaries of clerks provided for in this bill as we amend it were fixed in 1853.

Mr. WINDOM. Certainly; the salaries of these various grades were fixed at that time.

Mr. BECK. I apologize to the Senator for interrupting him. I thought he had passed away from that subject.

Mr. WINDOM. No; I intended to mention it; but I am obliged to the Senator for calling my attention to it.

I want to say another thing on that point before I leave it: that in nearly all these bureaus and divisions the demand is for clerks of a higher grade. The members of the Committee on Appropriations will all bear me witness that we have very little application from any of them for clerks of the low grades, especially for clerks at a compensation of $900 or $1,000. Take the Comptrollers' offices, for illustration. The House bill has reduced the grades of their clerks very materially, and added thousand-dollar clerks. The business of the two Comptrollers' offices is to supervise the accounts that go through the six Auditors' offices, and they cannot make use of such clerks as can be secured for nine or ten hundred dollars. It would be very unsafe for the Government to do so. The duties of many of the clerks in these offices are more important and difficult than those of the judges in our State courts. The sums involved are many times greater and the questions of law and fact often much more intricate than those decided by the courts. The idea that such duties will be properly and safely performed by a man who can be employed for a thousand dollars a year is simply absurd. The same thing is true of all the Auditors' offices.

Take the Pension Bureau, and the Surgeon and Adjutant Generals' Offices, all of which have the settlement of questions relating to Pensions. An incompetent or dishonest clerk would cost the Government many times more than the salary of a good one. The questions decided in those offices require a kind of ability which cannot be secured for $1,000 a year. In fact this is true of all the offices. It is impossible to secure the kind of service necessary to the faithful and efficient discharge of duty for anything like the sums proposed in these reduced grades.

There are one or two other general questions involved in the amendments. The House bill abolishes the Fourth and Fifth Auditorships, and transfers the duties of the Fourth to the Second Auditor, and of the Fifth to the First Auditor. The Committee on Appropriations recommend that both of these auditorships be reinstated. Our reasons may be briefly stated.

These auditorships were established in 1817. They have remained unchallenged under all administrations from that time until now. I believe that when Mr. Chase was Secretary of the Treasury a committee was appointed for the purpose of investigating and reporting upon the organization of the Treasury Department. They reported unanimously that it was not advisable to disturb the present organization. In the annals of Congress for 1816 I find the following:

> The President communicated a report, made in obedience to a resolution of the Senate, of the 20th of April last, requiring the Secretaries of the Departments to report jointly to the Senate, in the first week of the next session of Congress, a plan to insure the annual settlement of the public accounts and a more certain accountability of the public expenditure in their respective Departments, and the report was read. It is as follows.

The report is given in full, and is signed by James Monroe, Secretary of State; William H. Crawford, Secretary of the Treasury; George Graham, acting Secretary of War; B. W. Crowninshield, Secretary of the Navy. This commission report among other things:

> That the primary and final settlement of all accounts be made in the Treasury Department, and that the organization of that Department be modified, so as to authorize the appointment of—
> 1. Four additional auditors.
> 2. One additional comptroller.
> 3. One solicitor.
> 4. That the mint establishment be placed under the direction of the Treasury Department.

It then proceeds to say:

> According to the modification here recommended, the
> First Auditor will be charged with the settlement of the public accounts accruing in the Treasury Department.
> Second Auditor will be charged with the settlement of all accounts relative to the pay and clothing of the Army, the subsistence of the officers, bounties and premiums, the recruiting service, and the contingent expenses of the War Department.
> Third Auditor will be charged with the settlement of all accounts relative to the Army, the Quartermaster's Department, the Hospital department, and the Ordnance department. Both of these Auditors will keep the property account connected with those branches of service in the War Department, confided to them, respectively.
> Fourth Auditor will be charged with the settlement of all accounts relative to the Navy Department. And the
> Fifth Auditor will be charged with the settlement of all accounts relative to the State and Home Departments.

They say:

> If the Department should be thus organized and vested with sufficient power to compel all officers employed in the collection or disbursement of the public money to render their vouchers and settle their accounts, the annual settlement of the public accounts will be insured, and a more certain accountability established in the respective Departments.

In conformity with this recommendation the present organization was adopted the following year, 1817, and five auditorships were established. They have been in existence ever since. In 1817 there were less than nine million people in this country, less than one-fifth of the present population. The aggregate receipts and expenditures of that year were $48,553,659.60, and the receipts and expenditures of 1877 are $410,536,084.47. The receipts and expenditures last year were nine times greater than the receipts and expenditures of the Government at the time this eminent committee found it necessary to establish five auditorships.

The total sums embraced in the accounts settled by the Fifth Auditor in 1877 were $294,935,675.33, or six times greater than the entire receipts and expenditures of the Government at the time the five auditorships were established. And yet it is now deemed advisable by one branch of Congress to reduce the five auditorships to three, at a time when one of them settles accounts six times greater than the entire aggregate of receipts and expenditures when the five were deemed necessary by the Government in 1817. Your committee can discover no sufficient reason for this change, but very many why it should not be made.

The bill as it comes to us also changes the messengerships in the various Departments, striking down the messengers and appointing assistants instead, and also a number of pages in each of the Departments, in order to make up the deficiency created by abolishing the regular messengers. This is very much complained of by the Departments, the uniform testimony from all of them being that they have no use whatever for pages. Perhaps I might make an exception of one or two bureaus, but with the exception of one or two bureaus, the uniform testimony is that the pages cannot be used, and that under the present organization the messengers are very important. We have therefore reinstated the messengers as they stand under the existing law.

The watchmen and laborers in the Departments have been changed by lumping the sums appropriated for that purpose, instead of specifying the number and the salary. The experience of Congress has not been very favorable to appropriating lump sums for any Government service. The Committee on Appropriations believe it to be inexpedient, and they have restored the former plan. This comprises a very large number of the amendments.

The House also reduced the compensation of the laborers about the various bureaus and Departments. The committee were of opinion that the laborers were not overpaid, and that unless we proposed to commence at the other end of the line, and to reduce the salaries of

the Secretaries and of members of Congress, it was hardly worth while to shave off a few cents from the scanty compensation of the laborer.

The laborers are about the only men whose salaries are directly reduced by the House bill. Our own salaries are untouched. The Secretaries, Comptrollers, Auditors, heads of bureaus, and other prominent officials escaped the savage economy of the bill. Even the clerks and messengers were reduced in grade rather than directly in salary. It was mainly when the bill reached the laborers that it reveled in the economical delight of clipping a few pennies from their compensation.

The committee think a reputation for economy cannot be won in quite so small a way, and hence they recommend that the pay of the laborers be not reduced.

There are very few amendments that are not included among some of the general propositions I have named. We have, as I have already shown, reduced the appropriations very considerably, more than $300,000 below last year. We have increased no salaries, excepting perhaps in one or two instances where it seemed to be extremely important. I remember but one. We have added very few clerks, and in no case except where the most extreme necessity was shown for it. I will say with reference to this increase of clerks that the House appropriated for thousand-dollar clerks in the Surgeon-General's Office and for an unlimited detail from the Army. On consultation with the Surgeon-General your committee became thoroughly convinced that this class of service is not of any use in that office, that the kind of clerks necessary for the examination of claims that are presented under the pension laws cannot be procured for such pay, and the committee have recommended the addition of thirty-two clerks in the Pension Office. This conforms to the action of both Houses on the deficiency bill at the present session, when that additional number was provided for the balance of this fiscal year.

You will remember, Mr. President, that the Senate instructed the Committee on Appropriations to investigate the question and to report what additional force would be necessary to facilitate as much as possible the payment of pensions. The result of that investigation was that the addition of thirty-two clerks was made to the force of the Surgeon-General, to be classified as suggested by him. Acting upon what we believed to be the judgment of both Houses as expressed in that bill, the committee recommend the addition of thirty-two for the ensuing year, to be classified as they were in the deficiency bill.

I believe I have stated all the important amendments in the bill covered by these general principles, and I ask that the reading may proceed.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. WINDOM. I ask permission of the Senate, before the Senator from West Virginia proceeds, to have printed in the RECORD a statement of the differences between the various items of appropriation in this bill and the bill for 1878, so that it may be readily referred to in conference or otherwise hereafter.

The statement is as follows:

Legislative bill.

Object.	Appropriated for 1878.	Estimated for 1879.	Recommended by Senate committee.	Comparison of bill as recommended by Senate committee with act for 1878.
Senate	$739,081 80	$721,049 50	$711,809 50	$27,272.30 less than act for 1878. Occasioned by short session.
Congressional Directory	1,200 00	1,200 00	1,200 00	
House of Representatives	2,000,930 00	1,971,066 66	1,984,424 00	$16,506 less than act for 1878. Occasioned by short session.
Capitol police	33,700 00	33,700 00	33,800 00	$100 increase for contingent expenses.
Public Printer	15,400 00	17,214 00	15,400 00	
Library of Congress and Botanic Garden	52,640 00	63,986 00	53,640 00	$1,000 increase for improvements, repairs, &c.
Public buildings and grounds in District of Columbia	34,748 00	61,424 00	38,440 00	$3,962 increase for additional watchmen and laborers on grounds.
Executive	73,000 00	79,640 00	98,064 00	$25,064 increase on account of force heretofore detailed from Departments, and transfer of certain employés heretofore appropriated for under head of public buildings and grounds.
State Department	172,060 00	186,460 00	147,160 00	$24,900 reduction by dropping Third Assistant Secretary and one chief of bureau, and reducing for fuel and other contingent expenses.
Treasury Department	2,671,941 50	2,735,471 00	2,462,239 50	$209,702 reduction on account of official postage-stamps omitted and reduction in contingent expenses.
Internal-Revenue Office	4,024,410 00	4,263,410 00	4,043,410 00	$19,000 increase over act for 1878, but $61,000 less with deficiencies added for that year.
Independent Treasury	389,790 00	389,790 00	389,840 00	
Mints and assay offices	1,082,560 00	1,129,550 00	1,255,275 00	$172 715 increase, of which $169,400 is for mint at New Orleans; the balance for repairs at Carson and for wages of workmen, &c., at other mints.
District of Columbia	53,170 00	56,055 00	.....	Omitted in this bill.
Government in the Territories	190,600 00	208,419 75	168,700 00	$21,900 reduction in consequence of reducing per diem of members and contingent expenses of territorial Legislatures.
War Department	920,220 00	1,052,460 00	972,120 00	$51,900 increase, of which $40,800 is for Surgeon-General's Office; the balance is for stenographer, clerks in Ordnance, Commissary-General, and other bureaus.
Navy Department	123,990 00	157,410 00	130,990 00	$7,000 increase; for several clerks to take the place of writers heretofore detailed.
Interior Department	1,544,040 00	1,692,820 00	1,601,600 00	$57,560 increase, of which $49,900 is for Pension Office; the balance for additional watchmen, five clerks in Land Office, &c.
Surveyor-generals and clerks	98,350 00	173,400 00	101,850 00	$3,500 increase, of which $2,000 is for Colorado and $1,500 for New Mexico.
Post-Office Department	539,320 00	601,112 00	565,040 00	$25,720 increase, for law clerk, chief of inspection, additional clerks, and additional watchmen and laborers. The latter on account of additional rooms in basement.
Department of Agriculture	119,640 00	216,380 00	161,680 00	$18,040 increase on account of labor, repairs and other contingent expenses, and $5,000 for investigating history and habits of insects injurious to agriculture.
Department of Justice	127,750 00	141,860 00	127,100 00	Rent reduced $4,000; two clerks added in office of Solicitor of the Treasury.
United States courts	415,700 00	393,700 00	297,200 00	$18,500 reduction on account of omitting appropriation for United States courts in Utah Territory.
Court of Claims	33,340 00	34,940 00	32,840 00	$500 reduction in contingent expenses.
Southern claims commission	.....	.....	51,200 00	This is a new item, having been heretofore a permanent appropriation.
Total	15,537,581 30	16,362,617 91	15,564,942 00	

Mr. DAVIS, of West Virginia. I have listened with attention to the remarks of the chairman of the Committee on Appropriations, and agree in the main with all that he has said. The Committee on Appropriations probably gave this bill as much attention as has been given to any bill that has been reported to the Senate for some time. It will be noticed that there are a great many amendments, probably a thousand, in the bill, when one or two principles that have been stated by the chairman cover the whole ground. For instance, the House has changed the compensation of nearly all the employés of the Senate, reducing it in almost all cases. The question whether or not the House has control over the Senate employés and ought to arrange their salaries being settled, that settles the question of salaries between the Senate and the House.

The Senate has since I have been here insisted and the House has conceded (and it is the reverse when the House has asked anything for its employés) that each House ought to regulate its own employés both as to number and compensation. The Committee on Appropriations in this case has followed the example that has been set previously, and has in this bill put the salaries just as they were the last session and previous sessions, with very slight, if any, exceptions. The committee also made some changes in the House employés so as to give the House control over the subject of regulating the salaries of their own employés, believing that it was their place, and not ours, to provide how the compensation for the House employés should be.

Now, when we come to employés in the different Departments, it

will be found that there are a great many changes, but one principle governs all, and that is, shall the salaries remain as they are now fixed by law and were fixed in 1853 and 1856 by the acts of those years both as to grades and as to compensation? The Appropriations Committee of the Senate has reinstated all the salaries and the employés as to number that were changed by the House, believing that the law as it now stands and as it has remained since 1853 and 1856 should stand. There may be changes which are necessary; but, if so, they ought to be made by investigation on the part of a committee appointed for that purpose, which would reduce all the salaries and arrange them in different form, and it ought not to be done on an appropriation bill.

There are some items in this bill that some portion of the committee disagreed upon, but they were generally compromised, and as a whole the bill is reported unanimously from the committee. There is generally no dissent; but there are items which standing on their own merits probably some of the committee would disagree to in the action of the majority of the committee. It will be found in many cases that there is a slight increase in clerical force. In every case I believe there were a large number asked for by the Departments that the committee declined giving. In some cases where ten were asked, only one would be given, and in that way these matters were compromised in the committee, or rather questions were taken in committee and amounts agreed upon.

The chairman has very well stated the general principles of the bill, and as there is nothing that I wish to say that I now think of I hope the bill as it comes from the committee, with the exceptions I have alluded to, will meet the concurrence of the Senate. I believe it is the best and the nearest to the right we can get.

Mr. WINDOM. I ask that the five-minute rule be applied to this bill, if there be no objection.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Minnesota? The Chair hears none; and the bill will be considered under the five-minute rule. The Secretary will now read the bill; and the amendments reported by the Committee on Appropriations will be acted on as they are reached in their order in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, section 1, line 15, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate" from $140,640 to $178,030.

The amendment was agreed to.

The next amendment was, in line 18, to increase the item "for compensation of the Secretary of the Senate, including compensation as disbursing officer," from $4,500 to $4,896.

The amendment was agreed to.

The next amendment was, in line 20, to increase the item "for hire of horses and wagons for the Secretary's office" from $600 to $1,200.

The amendment was agreed to.

The next amendment was, in line 24, to strike out "and minute and journal clerk," and insert "financial clerk and enrolling clerk at;" and after "hundred," in line 25, to insert "and ninety-two;" so as to read:

Chief Clerk, $3,000; and the additional sum of $1,000 while the said office is held by the present incumbent and no longer; principal clerk, principal executive clerk, financial clerk, and enrolling clerk, at $2,592 each.

The amendment was agreed to.

The next amendment was, after the word "each," in line 26, to strike out "financial clerk and three clerks, at $2,250 each; librarian and," and insert "minute and journal clerk, librarian, and six clerks in the office of the Secretary of the Senate, at $2,220 each."

The amendment was agreed to.

The next amendment was, in line 32, to increase the item "five clerks in the office of the Secretary of the Senate" from "$2,000 each" to "$2,100 each."

The amendment was agreed to.

The next amendment was, after the word "each," in line 32, to strike out "one clerk at $1,800."

The amendment was agreed to.

The next amendment was, in line 34, to increase the item "for keeper of the stationery" from $1,600 to $2,102.40.

The amendment was agreed to.

The next amendment was, in line 37, to increase the item "assistant keeper of stationery" from $1,400 to $1,800.

The amendment was agreed to.

The next amendment was, in line 38, to increase the item "one messenger" from $1,200 to $1,296.

The amendment was agreed to.

The next amendment was, in line 39, to increase the item "four laborers in the office of the Secretary of the Senate" from "$600 each" to "$720 each."

The amendment was agreed to.

The next amendment was, in line 41, to increase the item "one special policeman" from $1,200 to $1,296.

The amendment was agreed to.

The next amendment was, in line 43, to increase the item "for secretary to the Vice-President" from $1,800 to $2,102.40.

The amendment was agreed to.

The next amendment was, in line 48, to increase the item "for clerk of printing records" from $2,000 to $2,220.

The amendment was agreed to.

The next amendment was, in line 52, after the word "Commerce" to strike out "and;" after "Judiciary" to insert "clerk to the Committee on Private Land Claims, and clerk to the Committee on Pensions;" and after "thousand," in line 54, to insert "two hundred;" so as to make the clause read:

For clerk to the Committee on Finance, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, and clerk to the Committee on Pensions, at $2,220 each.

The amendment was agreed to.

The next amendment was, in line 57, to increase the item "for Sergeant-at-Arms and Doorkeeper" from $4,000 to $4,320.

The amendment was agreed to.

The next amendment was, in line 58, to increase the item "for assistant doorkeeper" from $2,000 to $2,592.

The amendment was agreed to.

The next amendment was, in line 59, to increase the item "acting assistant doorkeeper" from $1,800 to $2,592.

The amendment was agreed to.

The next amendment was, in line 62, to increase the item "three messengers acting as assistant doorkeepers" from $1,200 each to $1,800 each.

The amendment was agreed to.

The next amendment was, in line 65, to increase the item "assistant postmaster and mail-carrier" from $2,000 to $2,088.

The amendment was agreed to.

The next amendment was, in line 68, to increase the item "superintendent of the document-room" from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was, in line 70, to increase the item "superintendent of the folding-room" from $2,000 to $2,160.

The amendment was agreed to.

The next amendment was, in line 73, after the words "for twenty messengers at one thousand," to insert "four hundred and forty."

The amendment was agreed to.

The next amendment was, after the word "each," in line 74, to insert "messenger to the Committee on Appropriations, to be appointed by the committee, at $1,440."

The amendment was agreed to.

The next amendment was, in line 80, to increase the item "for chief engineer" from $1,400 to $2,160.

The amendment was agreed to.

The next amendment was, in line 81, before "assistant," to strike out "two" and insert "three," and after "thousand" to strike out "two hundred" and insert "four hundred and forty;" so as to read:

Three assistant engineers, at $1,440 each.

The amendment was agreed to.

The next amendment was, in line 84, to increase the item "assistant engineer in charge of the elevator" from $1,200 to $1,440.

The amendment was agreed to.

The next amendment was, in line 85, to increase the item "for conductor of elevator" from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, in line 86, before the word "fireman," to strike out "three" and insert "two," and after the word "at" to strike out "nine hundred" and insert "one thousand and ninety-five;" so as to read:

Two firemen, at $1,095 each.

The amendment was agreed to.

The next amendment was, in line 88, to increase the item "three laborers in the engineer's department" from "$600 each" to "$720 each."

The amendment was agreed to.

The next amendment was, in line 90, to increase the item "eight skilled laborers" from "$840 each" to "$1,000 each."

The amendment was agreed to.

The next amendment was, in line 91, to increase the item "for ten laborers" from "$600 each" to "$720 each."

The amendment was agreed to.

The next amendment was, before the word "laborers," in line 93, to strike out "ten" and insert "twelve;" so as to read:

Twelve laborers, during the session, at the rate of $720 each, per annum.

The amendment was agreed to.

The next amendment was, in line 95, to increase the item "for one laborer in charge of private passage" from $600 to $840.

The amendment was agreed to.

The next amendment was, in line 97, to increase the item "Kate Dodson, in charge of the ladies' retiring-room," from $600 to $720.

The amendment was agreed to.

The next amendment was, in line 98, to increase the item "telegraph operator, during the session," from $400 to $600.

The amendment was agreed to.

The next amendment was, in the appropriations for contingent expenses of the Senate, in line 103, after the word "Senate" to insert

"and $100 for postage-stamps for the Postmaster of the Senate;" so as to read:

For stationery and newspapers, (including $5,000 for stationery for committees and officers of the Senate, and $100 for postage-stamps for the Secretary of the Senate, and $100 for postage-stamps for the Postmaster of the Senate,) $14,600.

The amendment was agreed to.

The next amendment was, in line 106, after the word "at," to strike out "five" and insert "six," and in line 107, after the word "session," to strike out "$16,335" and insert "$19,602;" so as to make the item read:

For twenty-seven clerks to committees, at $6 per day, during the session, $19,602.

The amendment was agreed to.

The next amendment was, in line 110, before the word "pages," to strike out "ten" and insert "fourteen;" in line 113, after the words "rate of," to strike out "$60 per month" and insert "$2.50 per day each;" and after the word "employed," in line 114, to strike out "$3,600" and to insert "$6,717.50;" so as to make the item read:

For fourteen pages for the Senate Chamber, three riding pages, one page for the Vice-President's room, and one page for the office of the Secretary of the Senate, at the rate of $2.50 per day each while actually employed, $6,717.50.

The amendment was agreed to.

The next amendment was, in line 120, after the word "exceeding," to strike out "$2.50" and insert "$3," and after the word "employed," in line 121, to strike out "three thousand five hundred and four" and insert "four thousand;" so as to read:

For four folders, at not exceeding $3 per day while actually employed, $4,000.

The amendment was agreed to.

The next amendment, was in line 135, to increase the item "for packing-boxes" from $500 to $700.

The amendment was agreed to.

The next amendment was, in line 137, to increase the item "for miscellaneous items exclusive of labor" from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 137, to increase the item "for cartage" from $500 to $600.

The amendment was agreed to.

The next amendment was, in line 138, to increase the total of the appropriations for fuel and oil for the heating-apparatus, furniture and repairs of furniture, packing-boxes, miscellaneous items exclusive of labor, and for cartage, from $30,000 to $40,360.

The amendment was agreed to.

The next amendment was, in line 150, to increase the appropriation for compensation of twenty-one privates on the Capitol police from $1,000 to $1,100 each, and, in line 152, to increase the total amount for compensation of the officers and privates of the Capitol police and six watchmen from $31,600 to $33,700.

The amendment was agreed to.

The next amendment was, in line 164, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives" from $188,100 to $195,740.

The amendment was agreed to.

The next amendment was, in line 187, to increase the item for "four laborers" from $600 each to $720 each.

The amendment was agreed to.

The next amendment was, in line 189, to increase the item for "one telegraph operator" from $400 to $600.

The amendment was agreed to.

The next amendment was, in line 212, to increase the item for "one chief engineer" from $1,400 to $1,700.

The amendment was agreed to.

The next amendment was, in line 214, to increase the item for "one laborer" from $600 to $820.

The amendment was agreed to.

The next amendment was, in line 225, after the word "each," to insert "one folder in the sealing-room, $1,200."

The amendment was agreed to.

The next amendment was, in line 231, to increase the item "for fourteen messengers on the soldiers' roll" from "$1,000 each" to "$1,200 each."

The amendment was agreed to.

The next amendment was, in line 233, after the word "for," to strike out "eighteen" and insert "eight messengers, at $1,200 each; ten;" so as to read:

For eight messengers, at $1,200 each; ten messengers, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 235, to increase the item "seven laborers" from "$600 each" to "$720 each."

The amendment was agreed to.

The next amendment was, after the word "at," in line 260, to strike out "five" and insert "six," and after the word "session," in line 261, to strike out "twelve thousand six hundred" and insert "fifteen thousand one hundred and twenty;" so as to read:

For twenty-one clerks to committees, at $6 per day during the session, $15,120.

The amendment was agreed to.

The next amendment was, after the words "For labor in folding books, speeches, and pamphlets," in line 267, to strike out:

The following employés are hereby authorized to be appointed by the superintendent of the folding-room, namely: One foreman, $1,500; fifteen laborers, $10,800; one messenger, $1,200; one folder in the sealing-room, $1,200; one page, $500; one laborer, $400; in all, $15,600, in lieu of the sum heretofore appropriated in gross.

And insert in lieu thereof:

Twelve thousand two hundred and fifty dollars. And the following prices may be paid for folding books, pamphlets, speeches, and the daily RECORD, namely: For quarto volumes, not exceeding one cent per volume; for octavo volumes, not exceeding one-half cent per volume; for the daily RECORD, not exceeding $1 per thousand; and for speeches, not exceeding $1 per thousand.

The amendment was agreed to.

The next amendment was, in line 289, to increase the item "for packing-boxes" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, in line 292, to increase the appropriation "for miscellaneous items of the House of Representatives" from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 303, after the word "at," to strike out "$60 per month" and insert $2.50 per day each," and in line 305, after "$500," to strike out "seven thousand two hundred and twenty" and insert "eight thousand nine hundred;" so as to read:

For twenty-eight pages, while actually employed, (including one riding page and one telegraph-page,) at $2.50 per day each, and for hire of horses, ($500,) $8,900.

The amendment was agreed to.

The next amendment was, under the head of "public printing," in line 310, to strike out "for chief clerk (whose appointment is hereby authorized,) $2,000; two," and insert "four," and in line 312 to strike out "one clerk of class three;" so as to read:

For compensation of the Public Printer, $3,600; four clerks of class 4; one clerk of class 2; one clerk of class 1; in all, $13,400.

Mr. ANTHONY. I hope the Senate will not agree to the amendment which strikes out the provision establishing a chief clerk in the Public Printing Office. There is a clerk there who acts as chief clerk, but he is left only as a fourth-class clerk. He is the second officer in command of the establishment which disburses a million and a half of dollars and employs fourteen hundred people, and in the absence of the Public Printer he has charge of it. I think the salary ought to be $2,500. This House provision only raises it to $2,000. I hope the Senate will not concur in the amendment striking out that provision.

Mr. WINDOM. I believe, with the assent of the Committee on Appropriations, on the statement of the chairman of the Committee on Printing I will not insist on that amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

The amendment was rejected.

Mr. ANTHONY. Now, it will be necessary to amend in line 311 by striking out "four" and inserting "three," so as to read "three clerks of class 4."

Mr. WINDOM. That is agreed to.

The amendment was agreed to.

Mr. ANTHONY. It now reads:

For chief clerk, (whose appointment is hereby authorized,) $2,000; three clerks of class 4, one clerk of class 3, and one clerk of class 2.

Mr. DAVIS, of West Virginia. May I ask the Senator how much that changes the gross amount of the appropriation?

Mr. ANTHONY. It increases the gross amount $200.

Mr. DAVIS, of West Virginia. Only?

Mr. ANTHONY. Only.

Mr. WINDOM. The "one clerk of class 3" should be stricken out.

Mr. ANTHONY. No; it reduces a clerk of class 4 to class 3.

Mr. WINDOM. We ought not to keep in now the words "one clerk of class 3." That adds another clerk.

Mr. ANTHONY. No, there are now four clerks of class 4, and one of them is made chief clerk by this clause.

Mr. WINDOM. Then there should be but three.

Mr. ANTHONY. Then there are but three, and "one clerk of class three" remains.

Mr. WINDOM. The chief clerk now is included among the four clerks of class 4, and if we make a chief clerk and then strike down the number of clerks of class 4 to three, we have the same number of clerks that is now provided for in the bill. If we reinstate the "one clerk of class 3," we add one sixteen-hundred-dollar clerk to the bill, which the Senator from Rhode Island does not intend to do.

Mr. ANTHONY. I do not read the bill so. The House raised one clerk of class 4 to chief clerk and degraded one clerk of class 4 to class 3.

Mr. WINDOM. If the Senator wishes to make the number of fourth-class clerks only two, and then reinstate the clerk of class 3 and give a chief clerk, he will have the same number we proposed to give before; but if he leaves the three clerks of class 4 and then gives a clerk of class 3, that makes four clerks and the chief clerk makes five, whereas the design is to give but four clerks in these grades.

Mr. ANTHONY. Then let that be stricken out.

Mr. WINDOM. Has there been an amendment in line 313 changing the "four" to "six," Mr. President?

The PRESIDING OFFICER. Not yet.

Mr. DAVIS, of West Virginia. It should read $13,600, instead of $13,400, as the total for this item.

Mr. WINDOM. If that has not been done, I move to make the word "four" in line 313 "six." That makes the total amount to be appropriated $13,600, to correspond with the other amendments just made.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 346, to increase the appropriation for "improving" the Botanic Garden, "procuring manure, tools, fuel, and repairs, and purchasing trees and shrubs," from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 360, after the word "thousand," to strike out "four" and insert "two;" in line 361, after the word "thousand," to strike out "five" and insert "three," and after the word "dollars," in line 361, to strike out the words "and the duties prescribed by section of the Revised Statutes No. 450 shall devolve upon and be discharged by one of the executive clerks;" so as to make the clause read:

For compensation to the following in the office of the President of the United States: Private Secretary, $3,250; assistant secretary, $2,250; two executive clerks, at $2,000 each; stenographer, $1,800; steward, at $1,800; and messenger and usher, at $1,200; in all, $14,300.

The amendment was agreed to.

The next amendment was, in line 369, after the word "door," to insert "at $1,400;" in line 371, after the word "dollars," to strike out "each;" and in line 373, after the word "thousand," to strike out "seven" and insert "nine;" so as to read:

For the following employés at the Executive Mansion, namely: for furnace-keeper, $864; one night watchman, at $900; one night usher, at $1,200; two day ushers, one at the President's door, at $1,400, and one at the door of the Secretary, at $1,200; and two doorkeepers, at $1,200 each; in all, $7,964.

The amendment was agreed to.

The next amendment was, in line 376, after the word "for," to strike out "one clerk of class 4; one clerk of class 2; and one clerk of class 1," and insert "three clerks of class 3;" in line 379, after the word "thousand," to strike out "one" and insert "two;" and in line 381, after the word "thousand," to strike out "three" and insert "eight;" so as to read:

Also for the following additional employés for the executive office in lieu of those at present detailed from other Departments, namely: for three clerks of class 3; one telegraph operator, $1,200; and four messengers, at $1,200 each; in all, $10,800.

The amendment was agreed to.

The next amendment was, in line 389, before the word "thousand," to strike out "five" and insert "seven;" so as to read:

For contingent expenses of the executive office, including stationery therefor, $7,000.

The amendment was agreed to.

The next amendment was, in line 394, before the word "clerks," to strike out "nine" and insert "twelve;" in line 395, before "clerks," to strike out "four" and insert "five;" in line 396, to strike out "four clerks, at $1,000 each;" before the word "clerks," in line 397, to strike out "ten" and insert "thirteen;" after the word "each," in line 397, to insert "one messenger, at $840;" after the word "dollars," in line 399, to strike out "one page, $480;" before the word "watchmen," in line 401, to insert "six;" and after "watchmen" to strike out "$3,600;" before the word "laborers," in line 402, to insert "twelve;" after the word "laborers" to strike out "$7,200;" in line 405, after the word "dollars," to strike out "firemen, $4,320," and insert "six firemen, at $720 each;" and after the word "all," in line 410, to strike out "eighty-seven thousand one hundred and forty," and insert "ninety-five thousand three hundred and sixty;" so as to make the clause read:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; two Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,500; twelve clerks of class 4; five clerks of class 3; ten clerks of class 1; and thirteen clerks, at $900 each; one messenger, at $840; assistant messenger, at $720; one superintendent of the watch, at $1,000; six watchmen; twelve laborers; chief engineer, who shall be a machinist, $1,200; one assistant engineer, $1,000; six firemen, at $720 each; ten char-women, at $180 each; and a conductor for the elevator, at $720; in all, $95,360.

The amendment was agreed to.

The next amendment was, in line 413, before the word "chiefs," to strike out "three" and insert "four," and in line 414, after the word "each," to strike out "eight thousand four" and insert "ten thousand five;" so as to read:

For four chiefs of bureau and one translator, at $2,100 each, $10,500.

The amendment was agreed to.

The next amendment was, in line 422, before the word "thousand," to strike out "three" and insert "five;" so as to read:

For extra clerk hire and copying, $5,000.

The amendment was agreed to.

The next amendment was, in line 427, before the word "hundred," to strike out "two" and insert "five;" and in line 430, to strike out "two" and insert "five;" so as to read:

For contingent expenses, namely: For fuel, $6,000; for lights, $3,000; for repairs, $2,000; for care and subsistence of horses and repairs of wagons and harness, $1,500; and for miscellaneous items, not included in the foregoing, $2,000; in all, $14,500.

The amendment was agreed to.

The next amendment was, in line 449, after the word "dollars," to insert "one chief of division of customs, at $2,750;" in line 451, before the word "chiefs," to strike out "six" and insert "five;" in line 453, after the word "twenty" and before the word "clerks," to insert "three;" in line 456, after the word "Secretary," to strike out "one thousand eight hundred" and insert "two thousand;" in line 457, before the word "clerks," to strike out "fifteen" and insert "nineteen;" in the same line, before the word "clerks," to strike out "fifteen" and insert "eighteen;" in line 458, after the word "one," to strike out "ten clerks at $1,000 each;" in line 459, before the word "female," to strike out "fifteen" and insert "twenty;" in line 460, before the word "messengers," to strike out "four assistant" and insert "eight;" after the word "and," in line 460, to strike out "for laborers, $16,800," and insert "twenty-eight laborers;" in line 467, after the word "dollars," to strike out "for watchmen, $36,000," and insert "sixty watchmen, at $720 each;" in line 471, after the word "each," to strike out "firemen, $4,320; four pages, at $480 each," and insert "six firemen, at $720 each;" and after the word "and," in line 475, to strike out "fifty-eight thousand one hundred and thirty" and insert "eighty-one thousand five hundred and sixty;" so as to make the clause read:

TREASURY DEPARTMENT.

Secretary's Office:

For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $4,500 each; chief clerk and *ex officio* superintendent of the Treasury building, $2,700; one chief of division of warrants, estimates, and appropriations, $2,750; one assistant chief of division of warrants, estimates, and appropriations, $2,400; one chief of division of customs, at $2,750; five chiefs of division, at $2,500 each; six assistant chiefs of division, at $2,000 each; twenty-three clerks of class 4, two disbursing clerks, at $2,500 each; stenographer to the secretary, $2,000; nineteen clerks of class 3, eighteen clerks of class 2, eleven clerks of class 1, twenty female clerks, at $900 each; eight messengers; twenty-eight laborers; one captain of the watch, $1,200; one engineer, $1,400; one assistant engineer, $1,000; one machinist and gas-fitter, $1,200; one storekeeper, $1,200; sixty watchmen, at $720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, $180 each; six firemen, at $720 each, and seventy-five char-women, at $180 each; in all, $281,560.

The amendment was agreed to.

The next amendment was, after the word "thousand," in line 480, to insert "one hundred;" before the word "clerks," in line 481, to strike out "eight" and insert "ten;" before the word "clerks," in line 484, to strike out "four" and insert "six;" before the word "clerks," in line 485, to strike out "two" and insert "three;" after the word "one," in line 485, to strike out "five clerks, at $1,000 each;" after the word "thirty," in line 486, to insert "five;" before the word "messengers," in line 487, to strike out "three assistant" and insert "six;" after the word "messengers," in the same line, to strike out "three pages, at $480 each, and for laborers, $7,200," and insert "six laborers, at $720 each; and six laborers, at $2.25 per day each;" and after the word "all," in line 492, to strike out "$78,000" and insert "$88,685.50;" so as to make the clause read:

For the consolidated division of loans and currency, namely: One chief of division, at $2,500; two assistant chiefs of division, at $2,100 each; ten clerks of class 4, and additional pay to three fourth-class clerks, namely, receiving clerk of bonds and two book-keepers, $100 each; six clerks of class 3; three clerks of class 2; four clerks of class 1; thirty-five clerks, at $900 each; six messengers; six laborers, at $720 each; and six laborers, at $2.25 per day each; in all, $88,685.50.

The amendment was agreed to.

The next amendment was, after the word "thousand," in line 495, to insert "five hundred;" after the word "thousand," in line 497, to insert "two hundred and fifty;" in line 498, after the word "dollars," to insert "one principal clerk, at $2,000;" in line 500, after the word "one," to strike out "one clerk, at $1,000;" in line 502, before the word "messenger," to strike out "assistant;" and in the same line, after the word "all," to strike out "eighteen thousand two hundred and seventy" and insert "twenty thousand one hundred and forty;" so as to make the clause read:

Supervising Architect:

In the construction branch of the Treasury: For Supervising Architect, $4,500; assistant and chief clerk, $2,250; photographer, $2,250; one principal clerk, at $2,000; one clerk of class 4; two clerks of class 3; two clerks of class 1; one clerk, at $900; and one messenger; in all, $20,140.

The amendment was agreed to.

The next amendment was, in line 507, before the word "hundred," to strike out "five" and insert "seven;" in line 509, before the word "clerks," to strike out "seven" and insert "ten;" in line 510, before the word "clerks," to strike out "five" and insert "eight;" after the word "one," in line 510, to strike out "five clerks, at $1,000 each;" in line 511, before the word "clerks," to strike out "five" and insert "six;" in line 512, before "messenger," to strike out "assistant;" after the word "and," in the same line, to strike out "for laborers, $1,800," and insert "three laborers;" and after the word "all," in line 514, to strike out "fifty-eight thousand one hundred and twenty" and insert "sixty-three thousand seven hundred;" so as to make the clause read:

First Comptroller of the Treasury:

For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division, at $2,100 each; four clerks of class 4; ten clerks of class 3; eight clerks of class 2; four clerks of class 1; six clerks, at $900 each; one messenger and three laborers; in all, $63,700.

The amendment was agreed to.

The next amendment was, in line 518, before the word "hundred," to strike out "five" and insert "seven;" in line 520, before the word "clerks," to strike out "four" and insert "six;" in line 521, before the word "clerks," to strike out "nine" and insert "thirteen;" in the same line, before the word "clerks," to strike out "ten" and insert "fourteen;" in line 522, after the word "one," to strike out "seven clerks, at $1,000 each;" in line 523, before the word "clerks," to strike out "seven" and insert "nine;" in line 524, before the word "messenger," to strike out "assistant;" in the same line, after the word "and," to strike out "for laborers, $1,800," and insert "three laborers;" and in line 525, after the word "all," to strike out "seventy-nine thousand and twenty" and insert "ninety thousand one hundred;" so as to read:

Second Comptroller of the Treasury:

For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; five chiefs of division, at $2,100 each; six clerks of class 4; thirteen clerks of class 3; fourteen clerks of class 2; eight clerks of class 1; nine clerks, at $900 each; one messenger, and three laborers; in all, $90,100.

The amendment was agreed to.

The next amendment was, in line 532, before the word "clerks," to strike out "four" and insert "five;" in line 533, after the word "one," to strike out "three clerks, at $1,000 each;" in line 534, before the word "messenger," to strike out "assistant;" and in line 535, after the word "all," to strike out "forty-nine thousand five hundred and seventy" and insert "forty-eight thousand four hundred and ten;" so as to make the clause read:

Commissioner of Customs:

For Commissioner of Customs, $4,000; deputy commissioner, $2,250; two chiefs of divisions at $2,100 each; two clerks of class 4; five clerks of class 3; ten clerks of class 2; nine clerks of class 1; one messenger, and one laborer; in all, $48,410.

The amendment was agreed to.

The next amendment was, before the word "chiefs," in line 540, to strike out "five" and insert "four;" before the word "clerks," in line 541, to strike out "four" and insert "two;" before the word "clerks," in the same line, to strike out "nine" and insert "six;" in line 542, before the word "clerks," to strike out "nine" and insert "seven;" in the same line, before the word "clerks," to strike out "fourteen" and insert "eleven;" after the word "one," in line 543, to strike out "six clerks, at $1,000 each; three clerks, at $900 each; two assistant messengers; one page, $480; and for laborers, $2,400," and to insert "one messenger; and two laborers," and after the word "all," in line 547, to strike out "seventy-nine thousand eight hundred and seventy" and insert "fifty-two thousand three hundred and thirty;" so as to make the clause read:

First Auditor:

For the First Auditor of the Treasury, $3,600; deputy auditor, $2,250; four chiefs of division, at $2,000 each; two clerks of class 4; six clerks of class 3; seven clerks of class 2; eleven clerks of class 1; one messenger; and two laborers; in all, $52,330.

The amendment was agreed to.

The next amendment was, to strike out after the word "dollars," in line 548, down to the end of line 561, in the following words:

And so much of sections of the Revised Statutes numbered 276 and 277 as authorizes the appointment and fixes the salary of a Fifth Auditor for the Treasury Department is hereby repealed, and the office is abolished and the President shall designate which of the two incumbents of the offices of the First and Fifth Auditor shall be retained under the provisions of this paragraph. And all acts and parts of acts now in force relating to and prescribing the duties of the same shall apply to the office of the First Auditor of the Treasury Department; and their fulfillment shall devolve on, and be performed under the direction of, the incumbent of the said office, who shall be responsible for the same.

The amendment was agreed to.

The next amendment was, to strike out lines 562 to 566, in the following words:

And so much of the act of March 3, 1875, as creates the offices of deputy auditor in the offices of the Fourth Auditor and of the Fifth Auditor of the Treasury Department is hereby repealed; and the said offices of deputy auditors are hereby abolished.

The amendment was agreed to.

The next amendment was, in line 567, before the word "clerks," to strike out "two" and insert "three;" in line 568, before the word "clerks," to strike out "two" and insert "three;" after the word "one," in line 569, to strike out "and two clerks, at $1,000 each;" and after the word "all," in line 570, to strike out "fourteen thousand" and insert "fifteen thousand four hundred;" so as to read:

For the division of loans, namely: three clerks of class 4, three clerks of class 3, two clerks of class 2, and two clerks of class 1; in all, $15,500.

The amendment was agreed to.

The next amendment was line 574, before the word "chiefs," to strike out "seven" and insert "five;" in line 575, before the word "clerk," to strike out "seven" and insert "six;" in line 576, before "clerks," to strike out "thirty-two" and insert "twenty-eight;" in line 577, before the word "clerks," to strike out "fifty-seven" and insert "sixty;" in line 578, before the word "clerks," to strike out "thirty-nine" and insert "thirty-five;" after the word "one," in line 578, to strike out "nineteen clerks, at $1,000 each; four clerks, at $900 each; one assistant messenger; one page, at $480; and for laborers, $8,400," and insert "one messenger; and eight laborers;" and in line 583, after the word "and," to strike out "forty-two thousand four hundred" and insert "four thousand;" so as to read:

Second Auditor:

For Second Auditor, $3,600; deputy auditor, $2,250; five chiefs of division, at $2,000 each; six clerks of class 4; twenty-eight clerks of class 3; sixty clerks of class 2; thirty-five clerks of class 1; one messenger, and eight laborers; in all, $204,050.

The amendment was agreed to.

The next amendment was, to strike out from lines 584 to 597, in the following words:

And so much of sections of the Revised Statutes numbered 276 and 277 as authorizes the appointment and fixes the salary of the Fourth Auditor for the Treasury Department is hereby repealed, and the office is abolished; and the President shall designate which of the two incumbents of the offices of Second and Fourth Auditor shall be retained under the provisions of this paragraph. And all acts and parts of acts now in force relating to and prescribing the duties of the same shall apply to the office of the Second Auditor of the Treasury Department; and their fulfillment shall devolve on and be performed under the direction of the incumbent of the said office, who shall be responsible for the same.

The amendment was agreed to.

The next amendment was, in line 601, to strike out "twelve" before "clerks" and insert "fifteen;" before the word "clerks," in line 602, to strike out "fifty" and insert "sixty;" in line 603, after the word "one," to strike out "fifteen clerks at $1,000 each;" before the word "clerks," in the same line, to strike out "ten" and insert "five;" in line 605, after the word "each," to strike out "and for laborers, $3,600," and insert "four laborers at $720 each;" and after the word "and," in line 608, to strike out "eighty-five thousand nine hundred and thirty" and insert "eighty-four thousand five hundred and ten;" so as to make the clause read:

Third Auditor:

For Third Auditor, $3,600; deputy auditor, $2,250; five chiefs of division, at $2,000 each; six clerks of class 4, fifteen clerks of class 3; sixty clerks of class 2; thirty-five clerks of class 1; five clerks, at $900 each; four laborers, at $720 each; and one female laborer, at $480; in all, $184,510.

The amendment was agreed to.

The next amendment was, after line 610, to insert:

Fourth Auditor:

For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of division, at $2,000 each; two clerks of class 4; sixteen clerks of class 3; nine clerks of class 2; nine clerks of class 1; five clerks, at $900 each; one messenger; and two laborers; in all, $71,210.

The amendment was agreed to.

The next amendment was, after line 618, to insert:

Fifth Auditor:

For the Fifth Auditor, $3,600; deputy auditor, $2,250; two chiefs of division, at $2,000 each; two clerks of class 4; six clerks of class 3; five clerks of class 2; six clerks of class 1; three clerks at $900 each; one messenger; and one laborer; in all, $41,510.

The amendment was agreed to.

The next amendment was, in line 632, before the word "clerks," to strike out "six" and insert "seven;" in line 634, before the word "clerks," to strike out "forty" and insert "fifty-two;" in the same line, before the word "clerks," to strike out "fifty" and insert "sixty-nine;" in line 635, before the word "clerks," to strike out "forty" and insert "fifty;" after the word "one," in line 635, to strike out "thirty-two clerks, at $1,000 each; one assistant messenger; and for laborers, $11,400," and insert "one messenger, nineteen laborers;" and in line 642, after the word "all," to strike out "two hundred and ninety-four" and insert "three hundred and twenty-four;" so as to make the clause read:

Auditor of the Treasury for the Post-Office Department:

For compensation of the Auditor of the Treasury for the Post-Office Department, $3,600; deputy auditor, $2,250; eight chiefs of division, at $2,000 each; seven clerks of class 4, and, additional to one clerk as disbursing clerk, $200; fifty-two clerks of class 3; sixty-nine clerks of class 2; fifty clerks of class 1; one messenger; nineteen laborers; twenty assorters of money-orders, $20,000; also fifteen female assorters of money-orders, at $900 each; ten char-women, at $180 each; in all, $324,270.

The amendment was agreed to.

The next amendment was, before the word "clerks," in line 656, to strike out "twenty-two" and insert "twenty-nine;" in the same line, before the word "clerks," to strike out "fifteen" and insert "nineteen;" in line 658, after the word "one," to strike out "eleven clerks at $1,000 each;" in line 660, before the word "messengers," to strike out "six assistant" and insert "twelve;" after the word "messengers," to strike out "six pages, at $480 each; and for laborers, $15,000," and insert "twenty-six laborers, at $720 each;" and in line 664, after the word "and," to strike out "seventy-four thousand four hundred" and insert "eighty-nine thousand;" so as to make the clause read:

Treasurer:

For compensation of the Treasurer of the United States, $6,000; assistant treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; one principal book-keeper, at $2,500; one assistant book-keeper, at $2,400; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; twenty-nine clerks of class 4; nineteen clerks of class 3; fifteen clerks of class 2; sixteen clerks of class 1; one hundred clerks, at $900 each; twelve messengers; twenty-six laborers, at $720 each; and seven laborers, at $240 each; in all, $289,080.

The amendment was agreed to.

The next amendment was, in line 673, before the word "clerks," to strike out "twenty-five" and insert "thirty-six;" in line 674, before the word "clerks," to strike out "twenty-four" and insert "thirteen;" in line 676, after the word "each," to insert "one messenger;" in the same line, before the words "assistant messengers," to strike out "three" and insert "four;" in line 677, after the word "messengers," to strike out "two pages, at $480 each;" in line 678, before the word "employés," to strike out "three" and insert "two;" and in line 679, after the word "and," to strike out "fourteen thousand eight hundred and sixteen" and insert "seventeen thousand one hundred and eighty-four;" so as to make the clause read:

For the force employed in redeeming the national currency, namely: for superintendent, $3,500; two principal tellers and one principal book-keeper, at $2,500 each; one assistant book-keeper, $2,400; and two assistant tellers, at $2,000 each;

two clerks of class 4; four clerks of class 3; four clerks of class 2; thirty-six clerks of class 1; thirteen clerks, at $1,000 each; twenty-six clerks, at $900 each; one messenger; four assistant messengers; and two employés, at $432 each; in all, $117,184.

The amendment was agreed to.

The next amendment was, in line 685 before the word "clerks," to strike out "five" and insert "six;" in line 688, before the word "clerks," to strike out "five" and insert "six;" in line 689, before the word "clerks," to strike out "eight" and insert "ten;" in line 690, after the word "one," to strike out "four clerks, at $1,000 each;" before the word "copyists," in line 691, to strike out "five" and insert "six;" after the word "each," in line 991, to strike out "one assistant messenger, and for laborers, $1,800," and insert "one messenger and three laborers;" and in line 693, after the word "all," to strike out "fifty-five thousand two hundred and seventy," and insert "fifty-eight thousand eight hundred and fifty;" so as to make the clause read:

Register of the Treasury:
For compensation of the Register of the Treasury, $4,000; assistant register, $2,250; six clerks of class 4, one of whom shall receive $200 additional for services as disbursing-clerk, and shall give bond in such amount as the Secretary of the Treasury may determine; six clerks of class 3; ten clerks of class 2; eight clerks of class 1; six copyists, at $900 each; one messenger; and three laborers; in all, $38,850.

The amendment was agreed to.

The next amendment was, in line 697, before the word "clerks," to strike out "seven" and insert "nine;" in line 698, before the word "clerks," to strike out "six" and insert "eight;" in line 699, after the word "one," to strike out "four clerks at $1,000 each;" in line 700, after the word "fifty" and before the word "copyist," to insert "eight;" after the word "each," in line 701, to strike out "two assistant messengers; two pages, at $480 each; and for laborers, $2,400," and insert "four messengers, and four laborers;" and in line 704, after the word "all" to strike out "ninety-five thousand," and insert "one hundred and six thousand four hundred and forty;" so as to read:

For the division of loans, namely: five chiefs of division, at $2,000 each; nine clerks of class 4; eight clerks of class 3; three clerks of class 2; four clerks of class 1; fifty-eight copyists and counters, at $900 each; four messengers; and four laborers; in all $106,440.

The amendment was agreed to.

The next amendment was, in line 709, after the word "thousand," to strike out "one" and insert "two;" in line 710, after the word "thousand," to strike out "five" and insert "eight;" in line 711, after the word "four," to strike out "additional to bond clerk, $200;" in line 712, before the word "clerks," to strike out "nine" and insert "twelve;" in the same line, before the word "clerks," to strike out "seven" and insert "nine;" in line 713, after the word "one," to strike out "five clerks at $1,000 each;" in line 714, after the word "twenty" and before the word "clerks," to insert "five;" after the word "each," in line 715, to strike out "two assistant messengers; one page, $480; and for laborers, $1,800;" and insert "three messengers, three laborers;" in line 718, after the words "night watchmen," to insert "at $720 each;" and in line 719, after the word "all," to strike out "ninety-four thousand" and insert "one hundred and two thousand eight hundred;" so as to make the clause read:

Comptroller of the Currency:
For Comptroller of the Currency, $5,000; deputy comptroller, $2,800; four chiefs of division, at $2,200 each; one stenographer, at $1,800; eight clerks of class 4; twelve clerks of class 3; nine clerks of class 2; eight clerks of class 1; twenty-five clerks, at $900 each; three messengers; three laborers; and two night watchmen, at $720 each; in all, $102,820.

The amendment was agreed to.

The next amendment was, in line 725, before the word "messenger," to strike out "assistant;" and in line 726, after the word "thousand," to strike out "two hundred and twenty" and insert "three hundred and forty;" so as to make the clause read:

For expenses of the national currency, namely: one superintendent, at $2,000, one teller and one book-keeper, at $2,000 each; and one assistant book-keeper, at $2,000; fifteen clerks, at $900 each; and one messenger; in all, $32,340.

The amendment was agreed to.

The next amendment was, in line 734, before the word "messenger," to strike out "assistant;" and in line 735, after the word "thousand," to strike out "and twenty" and insert "two hundred and sixty;" so as to read:

Light-House Board:
For chief of the Light-House Board, $2,400; two clerks of class 4; two clerks of class 3; one clerk of class 2; one clerk of class 1; one clerk at $900; one messenger; and one laborer; in all, $14,260.

Mr. SARGENT. After the word "chief," in the first line of the clause, the word "clerk" should be inserted. That is a typographical omission probably in line 730.

The PRESIDING OFFICER. The word "clerk" will be inserted. The question is on the amendment of the committee as thus modified.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 739, before the word "clerks," to strike out "three" and insert "five;" in line 740, before the word "clerks," to strike out "four" and insert "six;" in the same line, before the word "clerks," to strike out "four" and insert "six;" in line 741, after the word "one," to strike out "four clerks, at $1,000 each;" in line 742, before the word "copyists," to strike out "four" and insert "five;" in line 743, to strike out "assistant" before "messenger;" and in line 745, after the word "all," to strike out "thirty-six thousand" and insert "forty-two thousand seven hundred and forty;" so as to make the clause read:

Bureau of Statistics:
For the officer in charge of the Bureau of Statistics, $2,400; chief clerk, $2,000; five clerks of class 4; six clerks of class 3; six clerks of class 2; four clerks of class 1; five copyists, at $900 each; one messenger; one laborer; and one female laborer, at $480; in all, $42,740.

The amendment was agreed to.

The next amendment was, in line 749, before the word "thousand," to strike out "eight" and insert "twelve;" so as to make the clause read:

And for the additional duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress, the sum of $12,000, or so much thereof as may be necessary, is hereby appropriated, to be expended, under the direction of the Secretary of the Treasury, in payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States.

The amendment was agreed to.

The next amendment was, in line 761, before the word "clerks," to strike out "four" and insert "five;" in the same line, after the word "one," to strike out "one clerk, at $1,000;" after the word "each," in line 762, to strike out "two assistant messengers and two pages, at $480 each," and insert "four laborers;" and in line 765, after the word "thousand," to strike out "one hundred and fifty" and insert "eight hundred and thirty;" so as to make the clause read:

Bureau of Engraving and Printing:
For chief of bureau, $4,500; one assistant, at $2,250; accountant, $2,000; one stenographer, $1,500; one clerk of class 3; one clerk of class 2; five clerks of class 1; three copyists, at $900 each; four laborers; in all, $24,830.

The amendment was agreed to.

The next amendment was, in line 770, after the word "dollars," to strike out "seven" and insert "two heads of division, at $2,500 each; five;" in line 773, before the word "hundred," to strike out "five" and insert "eight;" in the same line, after the word "twenty" and before the word "clerks," to insert "five;" in line 774, before the word "clerks," to strike out "twenty-two" and insert "thirty;" in line 775, before the word "clerks," to strike out "thirty-two" and insert "forty;" in the same line, before the word "clerks," to strike out "twenty-five" and insert "eighteen;" in line 776, after the word "one," to strike out "twenty-four clerks, at $1,000 each;" in line 777, before the word "clerks," to strike out "forty" and insert "fifty;" after the word "each," in line 778, to strike out "two assistant messengers; two pages, at $480 each; and for laborers, $7,800," and insert "four messengers and ten laborers;" and in line 781, after the word "and," to strike out "forty-two thousand six hundred and fifty" and insert "fifty-three thousand four hundred and ten;" so as to make the clause read:

Commissioner of Internal Revenue:
For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, at $2,250 each; one stenographer, $1,800; twenty-five clerks of class 4; thirty clerks of class 3; forty clerks of class 2; eighteen clerks of class 1; fifty clerks, at $900 each; four messengers; and ten laborers; in all, $253,410.

The amendment was agreed to.

The next amendment was, in line 791, to increase the appropriation for salaries and expenses of collectors of internal revenue from $1,800,000 to $1,840,000.

The amendment was agreed to.

The next amendment was, in line 799, after the word "same," to insert "including payments for information and detection;" so as to read:

For detecting, and bringing to trial and punishment, persons guilty of violating the internal-revenue laws, or accessory to the same, including payments for information and detection, $75,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum.

The amendment was agreed to.

The next amendment was, after the word "named," in line 806, to insert:

And the Secretary of the Treasury is hereby authorized to employ eight additional special agents in the customs service at a compensation not exceeding $6 per day, in the discretion of the Secretary, and actual traveling expenses when actually employed in the duties of such agency.

The amendment was agreed to.

The next amendment was, in the miscellaneous appropriations for the Treasury Department, after the word "dollars," in line 823, to insert "and of this amount not more than $500 may be used in the purchase of current publications;" so as to make the clause read:

For arranging and binding canceled marine papers, requisitions, and other important records; sealing ships' registers; for foreign postage, newspapers, books, hand-stamps, and repairs of the same, $10,000; and of this amount not more than $500 may be used in the purchase of current publications.

The amendment was agreed to.

The next amendment was, in line 837, in the appropriations for the Treasury Department, to increase the item, "for ice, buckets, file-holders, book-rests, labor, clerks, and repairs of the same," from $5,500 to $7,500.

The amendment was agreed to.

The next amendment was, in line 847, in the appropriations for the Treasury Department, to reduce the item "for carpets, oil-cloth, and

matting, and repairs, cleaning, and laying of the same," from $15,000 to $13,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the assistant treasurer at New York, before the word "clerks," in line 887, to strike out "four" and insert "five;" so as to read:

Five clerks, at $1,600 each.

The amendment was agreed to.

The next amendment was, in the same clause, before the word "clerks," in line 889, to strike out "ten" and insert "eleven;" so as to read:

Eleven clerks, at $1,400 each.

The amendment was agreed to.

The next amendment was, in the same clause, in line 894, after the word "dollars," to strike out "assistant detective, $1,400," and insert "two assistant detectives, $1,400 each."

The amendment was agreed to.

The next amendment was, in line 900, to increase the total of the appropriations for the office of the assistant treasurer at New York from $146,070 to $150,470.

The amendment was agreed to.

The next amendment was, in line 928, after the word "dollars," to insert "one stamp clerk, $2,400; after the word "at," in line 930, to strike out "seven hundred and twenty" and insert "one thousand;" and after the word "all," in line 931, to strike out "nineteen thousand six hundred and eighty" and insert "twenty-three thousand two hundred;" so as to make the clause read:

Office of assistant treasurer at San Francisco:
For assistant treasurer, $5,500; for cashier, $3,000; for book-keeper, $2,500; for assistant cashier, $2,000; for assistant book-keeper, $2,000; one stamp clerk, $2,400; for one clerk, $1,800; for four watchmen, at $1,000 each; in all, $23,200.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of assistant treasurer at Philadelphia, after the word "dollars," in line 943, to insert "fractional-currency clerk, $1,600."

The amendment was agreed to.

The next amendment was, in the same clause, in line 945, after the word "dollars," to insert "one assistant registered-interest clerk, at $1,400."

The amendment was agreed to.

The next amendment was, in the same clause, after the word "dollars," in line 949, to insert "superintendent of building, $1,100."

The amendment was agreed to.

The next amendment was, in the same clause, in line 951, before the word "female," to strike out "two" and insert "seven;" so as to read:

Seven female counters, at $900 each.

The amendment was agreed to.

The next amendment was, in line 953, to increase the total of appropriation for the office of assistant treasurer at Philadelphia from $29,200 to $36,900.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of assistant treasurer at Baltimore, in line 958, before the word "clerks," to strike out "two" and insert "three," and in line 959, before the word "clerks," to strike out "two" and insert "three;" so as to read:

For three clerks, at $1,800 each; for three clerks, at $1,400 each.

The amendment was agreed to.

The next amendment was, in lines 963 and 964, to increase the total appropriation for the office of assistant treasurer at Baltimore from $18,800 to $22,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of assistant treasurer at Cincinnati, after the word "dollars," in line 988, to insert "fractional-currency clerk, $1,000."

The amendment was agreed to.

The next amendment was, in line 992, to increase the total appropriation for the office of assistant treasurer at Cincinnati from $13,760 to $14,760.

The amendment was agreed to.

The next amendment was, in line 998, after the word "dollars," to insert "one clerk, $1,000;" in line 1000, after the word "dollars," to strike out "one night watchman" and insert "two night watchmen;" after the word "dollars," in line 1001, to insert the word "each;" and after the word "all," in line 1002, to strike out "twelve thousand and ninety" and insert "thirteen thousand eight hundred and ten;" so as to make the clause read:

Office of assistant treasurer at New Orleans:
For assistant treasurer, $4,000; cashier, $2,250; receiving teller, $2,000; book-keeper, $1,500; one clerk, $1,000; porter, $900; one watchman, at $720; two night watchmen, at $720 each; in all, $13,810.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the Director of the Mint, in line 1026, before the word "messenger," to strike out "assistant."

The amendment was agreed to.

The next amendment was, in line 1028, to increase the total appropriation for the office of the Director of the Mint from $17,220 to $17,460.

The amendment was agreed to.

The next amendment was, after the word "bullion," in line 1043, to insert:

But when the bullion received shall not, in the aggregate, be in such proportion of gold and silver as to admit of economical parting, or the necessary supplies of acids cannot be procured at reasonable rates, unparted bullion may be exchanged for fine bars, as provided in section 3546 of the Revised Statutes of the United States.

Mr. WINDOM. The word on line 1047, "unported," should be "unparted."

The PRESIDING OFFICER. That correction will be made.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for the mint at Carson, Nevada, after line 1093, to insert:

For replacing the boilers and enlarging and rebuilding the boiler-house, $8,500.

The amendment was agreed to.

The next amendment was, in line 1104, in the appropriation for the mint at Denver, Colorado, to increase the item "for fuel, lights, acids, chemicals, crucibles, repairs, and other necessaries," from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, in line 1106, to strike out "said mint at Denver" and insert "several mints and assay offices of the United States;" in line 1111 to strike out "said mint, as well as to the mints and assay office mentioned in said section," and insert "the several mints and assay offices of the United States;" so as to make the clause read:

And for the purpose of enabling the several mints and assay offices of the United States to make returns to depositors with as little delay as possible, the provisions of section 3545 of the Revised Statutes of the United States shall hereafter apply to the several mints and assay offices of the United States.

The amendment was agreed to.

The next amendment was, in line 1115, after the word "at," to strike out "said mint" and insert "the several mints and assay offices;" so as to read:

And the Secretary of the Treasury is hereby authorized to use, as far as he may deem it proper and expedient, for payment to depositors of bullion at the several mints and assay offices, coin certificates, representing coin in the Treasury, &c.

The amendment was agreed to.

The next amendment was, in line 1123, after the word "at," to strike out "said mint" and insert "the several mints and assay offices;" so as to read:

And it shall be lawful to apply the moneys arising from charges collected from depositors at the several mints and assay offices pursuant to law, to defraying the expenses thereof, including labor, material, wastage, and use of machinery.

The amendment was agreed to.

The next amendment was, in line 1127, after the word "made," to insert "for the mints and assay offices respectively," and in line 1128, after the word "mint," to insert "and assay offices;" so as to read:

And only so much of the appropriations herein made for the mints and assay offices respectively shall be used for said mint and assay office as shall be necessary for the operations of the same, after the moneys arising from the charges aforesaid shall have been exhausted as herein provided.

The amendment was agreed to.

The next amendment was, in line 1132, after the word "mint," to insert "and assay office;" so as to read:

But in no event shall the expenditures of said mint and assay office exceed the amount of the specific appropriations herein made for same.

The amendment was agreed to.

The next amendment was, in the appropriations for the mint at New Orleans, Louisiana, in line 1158, after the word "dollars" to insert "each;" so as to read:

Weigh clerk, deposit clerk, and book-keeper, at $1,600 each.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1167, to insert:

Provided, That before the expenditure of any money for the mint at New Orleans, the city of New Orleans shall release and quitclaim to the United States all title and all claim of every character and all conditions of forfeiture to the lands and premises upon which said mint is located.

The amendment was agreed to.

The next amendment was, in line 1175, after the word "melter," to strike out "one thousand eight hundred" and insert "two thousand;" in line 1176, after the word "clerk," to strike out "of class one" and insert "one thousand five hundred dollars;" and after the word "all," in line 1177, to strike out "five thousand five hundred" and insert "six thousand;" so as to make the clause read:

Assay office at Helena, Montana:
For salaries of assayer in charge, $2,500; and of melter, $2,000; and one clerk, $1,500; in all, $6,000.

The amendment was agreed to.

The next amendment was, in line 1179, to increase the appropriation for "wages of workmen" in the assay office at Helena, Montana, from $3,400 to $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the assay office at Boisé City, Idaho Territory, in line 1190, to increase the item "for

wages of workmen, fuel, crucibles, chemicals, and repairs, and other incidental expenses," from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, before the word "dollars," in line 1196, to strike out "two hundred and fifty" and insert "five hundred;" and in the same line, after the word "all," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" so as to make the clause read:

Assay office at Charlotte, North Carolina:

For salary of assayer in charge, $1,500; and the assayer is hereby authorized in case of necessity to employ a clerk at not exceeding $1,000 per annum; for labor and other expenses, $500; in all, $3,000.

The amendment was agreed to.

The next amendment was, under the head of "Government in the Territories," after the word "That," in line 1200, to strike out "the councils of each of the Territories of the United States shall not exceed nine members, and the houses of representatives of each shall not exceed eighteen members, and;" before the word "shall," in line 1206, to strike out "they;" and after the word "provides," in the same line, to strike out "*Provided*, That" and insert "and;" so as to make the clause read:

The members of each branch of the several territorial Legislatures shall receive a compensation of $4 per day each during the sessions provided for by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive $6 per day for the same time.

The amendment was agreed to.

The next amendment was to strike out from lines 1209 to 1228, in the following words:

And the governors of each of said Territories are hereby authorized and directed, prior to the next election for members of the Legislature thereof, to divide their respective Territories into as many council and representative districts as they are herein entitled to, which districts shall be as nearly equal as practicable, taking into consideration population, except Indians not taxed: *Provided*, that any of the Legislatures which may meet before said next election may make the said districts and apportionment: *And provided further*, That the Legislative Assemblies respectively of said Territories may readjust and apportion the representation of the two houses thereof among the several counties and districts in such manner, from time to time, as they may deem just and proper; but the members of either house as authorized herein shall not be increased, and all parts of sections 1847, 1849, 1853, 1922 of the Revised Statutes, in conflict with the provisions herein, are hereby repealed.

And in lieu thereof to insert:

And so much of section 1853 of the Revised Statutes as is in conflict with the provisions herein is hereby repealed.

The amendment was agreed to.

The next amendment was, in the appropriations for the Territory of Dakota, after the word "office," in line 1272, to strike out "thirteen thousand" and insert "fifteen thousand six hundred;" so as to make the clause read:

For legislative expenses, namely, for compensation and mileage of the members of the Legislative Assembly, officers and clerks, and contingent expenses thereof, and for rent, light, fuel, printing, stationery, incidentals, and porter or messenger for the secretary's office, $15,600.

The amendment was agreed to.

The next amendment was, in the appropriations for the Territory of Idaho, in line 1284, after the word "office," to strike out "twelve thousand six" and insert "fifteen thousand nine;" so as to make the clause read:

For legislative expenses, namely, for compensation and mileage of the members of the Legislative Assembly, officers, and clerks, and contingent expenses thereof, and for rent, light, fuel, printing, stationery, incidentals, and porter or messenger for the secretary's office, $15,900.

The amendment was agreed to.

The next amendment was, in the appropriations for the Territory of Montana, after the word "office," in line 1297, to strike out "twelve thousand eight" and insert "fifteen thousand three;" so as to make the clause read:

For legislative expenses, namely, for compensation and mileage of the members of the Legislative Assembly, officers, and clerks, and contingent expenses thereof, and for rent, light, fuel, printing, stationery, incidentals, and porter or messenger for the secretary's office, $15,300.

The Secretary continued the reading of the bill till he reached the item "for salaries of governor, chief-justice, associate justices," &c., of the Territory of New Mexico.

Mr. DAVIS, of Illinois. I wish to offer an amendment to that clause. I will first inquire if it will be in order to do so after the bill is read through?

The PRESIDING OFFICER. It will be in order after the amendments of the committee have been acted on.

Mr. DAVIS, of Illinois. Very well. I shall withhold my amendment till then.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1346, after the word "thousand," to strike out "five" and insert "eight;" in line 1348, before the word "clerks," to strike out "four" and insert "six;" in line 1349, before the word "clerks," to strike out "three" and insert "four;" after the word "one," in line 1350, to strike out "three clerks at $1,000 each; four assistant messengers; three pages at $480 each; and for laborers $4,200," and insert "eight messengers, seven laborers;" in line 1355, before the word "watchmen," to insert "six;" after the word "building," in the same line, to strike out "$3,600;" and after the word "all," in line 1356, to strike out "sixty-four thousand seven hundred and twenty" and insert "seventy-one thousand one hundred and eighty;" so as to make the clause read:

For compensation of the Secretary of War, $8,000; one chief clerk, at $2,500; one disbursing clerk, at $2,000; one stenographer, at $1,800; two chief clerks of division, at $1,800 each; six clerks of class 4; four clerks of class 3; four clerks of class 2; twelve clerks of class 1; eight messengers; seven laborers; and six watchmen for the northwest executive building; in all, $71,180.

The amendment was agreed to.

The next amendment was, in line 1367, before the word "clerks," to strike out "ten" and insert "eleven;" in line 1368, before the word "clerks," to strike out "thirteen" and insert "seventeen;" in line 1369, before the word "clerks," to strike out "thirty" and insert "forty-one;" in line 1369, after the word "one hundred" and before the word "clerks," to insert "and fifty-one;" after the word "one," in line 1370, to strike out "forty-five clerks, at $1,000 each; forty-five clerks, at $900 each; four assistant messengers; and four pages, at $480 each," and insert "and eight messengers;" and in line 1374, after the word "and," to strike out "ninety-three thousand one hundred" and insert "ninety-four thousand three hundred and twenty;" so as to make the clause read:

In the office of the Adjutant-General:

One chief clerk, at $2,000; eleven clerks of class 4; seventeen clerks of class 3; forty-one clerks of class 2; one hundred and fifty-one clerks of class 1; and eight messengers; in all, $294,320.

The amendment was agreed to.

The next amendment was, in line 1379, before the word "messenger" to strike out the word "assistant," and, in line 1380, after the word "thousand," to strike out "five hundred and twenty" and insert "six hundred and forty;" so as to make the clause read:

In the office of the Inspector-General:

One clerk of class 4; one messenger; in all, $2,640.

The amendment was agreed to.

The next amendment was, in line 1382, after the word "one," to strike out "clerk of class 4; one clerk, at $1,000," and insert "chief clerk, $1,800; one clerk of class 3; two clerks of class 1; and one messenger;" and after the word "all," in line 1385, to strike out "two thousand eight hundred" and insert "six thousand six hundred and forty;" so as to make the clause read:

Bureau of Military Justice:

One chief clerk, $1,800; one clerk of class 3; two clerks of class 1; and one messenger; in all, $6,640.

The amendment was agreed to.

The next amendment was, after line 1386, in the appropriations for the Bureau of Military Justice, to insert:

For contingent expenses, $500.

The amendment was agreed to.

The next amendment was, in line 1389, before the word "messenger," to strike out "assistant;" and after the word "thousand" to strike out "three hundred and twenty" and insert "four hundred and forty;" so as to make the clause read:

In the Signal Office:

Two clerks of class 4; one messenger; in all, $4,440.

The amendment was agreed to.

The next amendment was, before the word "clerks," in line 1393, to strike out "eight" and insert "seven;" in line 1395, after the word "twenty" and before "clerks" to insert "four;" in the same line, after the word "forty" and before "clerks" to insert "eight;" in line 1396, after the word "one," to strike out "twenty clerks, at $1,000 each;" in line 1398, after the word "month," to insert "one messenger;" in line 1399, after the word "messengers," to strike out "one page, at $480; for laborers, three thousand;" in line 1401, after the word "dollars," to insert "six laborers;" in line 1402, after the word "and," to strike out "for watchmen, $3,000," and insert "five watchmen;" and after the word "dollars," in line 1405, to strike out "fifty-seven thousand four hundred" and insert "fifty-two thousand four hundred and eighty;" so as to make the clause read:

In the Office of the Quartermaster-General:

One chief clerk, at $2,000; seven clerks of class 4; one draughtsman, at $1,800; nine clerks of class 3; twenty-four clerks of class 2; forty-eight clerks of class 1; twenty copyists, at $900 each; one female messenger, at $30 per month; one messenger; two assistant messengers; $600; six laborers; one engineer, at $1,200; one fireman; and five watchmen; in all, $152,480.

Mr. SARGENT. In line 1401 the words "six hundred dollars," between "two assistant messengers" and "six laborers," ought to be stricken out. There is a misprint.

The PRESIDING OFFICER. That correction will be made. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment was, in line 1409, before the word "clerks," to strike out "two" and insert "three;" in the same line, before the word "clerks," to strike out "three" and insert "four;" in line 1410, before the word "clerks," to strike out "eight" and insert "twelve;" after the word "one," in line 1411, to strike out "four clerks at $1,000 each;" before the word "messenger," in line 1412, to strike out "assistant;" and after the word "messenger" to strike out "for laborers, $1,200; and for watchmen, $1,200" and insert "two laborers; and two watchmen;" and after the word "all," in line 1414, to strike out "twenty-seven thousand nine" and insert "thirty-two thousand three;" so as to make the clause read:

In the Office of the Commissary-General:

One chief clerk, at $2,000; one clerk of class 4; three clerks of class 3; four

clerks of class 2; twelve clerks of class 1; one messenger; two laborers; and two watchmen; in all, $32,320.

The amendment was agreed to.

The next amendment was, in line 1418, to increase the appropriation for "contingent expenses" of the Commissary-General's Office from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, in line 1421, before the word "clerks," to strike out "six" and insert "eight;" in line 1422, before the word "clerks" to strike out "four" and insert "six;" before the word "clerks," in line 1423, to strike out "five" and insert "nine;" before the word "clerks," in line 1424, to strike out "seventy" and insert "one hundred and twenty;" after the word "one," in line 1424, to strike out "twenty-eight clerks, at $1,000 each; twenty-eight clerks, at $900 each;" in line 1429, before the word "messenger," to strike out "assistant;" after the word "and," in line 1429, to strike out "for watchmen and laborers, $13,800;" and insert "twenty-two watchmen and laborers;" and after the word "all," in line 1431, to strike out "one hundred and eighty thousand nine hundred and twenty" and insert "two hundred thousand eight hundred and forty;" so as to make the clause read:

In the Office of the Surgeon-General:
One chief clerk, at $2,000; eight clerks of class 4; six clerks of class 3; nine clerks of class 2; one hundred and twenty clerks of class 1; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger; and twenty-two watchmen and laborers; in all, $200,840.

The amendment was agreed to.

The next amendment was, in line 1436, before the word "enlisted," to strike out the words "a number of" and insert "twenty," and in line 1437, after the word "bureau," to strike out the words "sufficient to do the work necessary to the prompt examination of claims for pensions and payment of same. And the entire clerical force, six excepted, now employed on the Medical and Surgical History of the War, shall be employed on the work necessary to the prompt payment of pensions;" so as to make the proviso read:

Provided, That the Secretary of War, if the public necessity so require, may detail not exceeding twenty enlisted men for clerical service in this bureau.

The amendment was agreed to.

The next amendment was, in line 1444, after the word "stationery," to insert "rent;" and after the word "incidentals," in line 1445, to strike out "$4,000; for rent, $2,500; in all, $6,500," and insert "$7,000;" so as to read:

For contingent expenses, namely: blank books, stationery, rent, fuel, gas, furniture, repairs, and incidentals, $7,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1449, to strike out "one clerk" and insert "two clerks;" in line 1451, before the word "clerks," to strike out "two" and insert "three;" in the same line, before the word "clerks," to strike out "four" and insert "six;" after the word "one," in line 1451, to strike out "two clerks at $1,000 each;" before the word "messenger," in line 1453, to strike out "assistant;" and in the same line, after the word "all," to strike out "seventeen thousand nine hundred and twenty" and insert "twenty-one thousand seven hundred and sixty;" so as to make the clause read:

In the office of the Chief of Ordnance:
One chief clerk, at $2,000; two clerks of class 4; two clerks of class 3; three clerks of class 2; six clerks of class 1; one messenger; one laborer; in all $21,760: *Provided*, That the Secretary of War is hereby authorized to employ in this bureau not exceeding ten enlisted men.

The amendment was agreed to.

The next amendment was, in line 1466, before the word "clerks," to strike out "five" and insert "six;" in line 1467, before the word "clerks," to strike out "five" and insert "seven;" before the word "clerks," in line 1468, to strike out "ten" and insert "fourteen;" after the word "one," in the same line, to strike out "three clerks, at $1,000 each; four clerks at $900 each; one assistant messenger; and for watchmen and laborers, $3,000," and insert "one messenger; two watchmen; and three laborers;" and after the word "all," in line 1472, to strike out "fifty-four thousand one hundred and twenty" and insert "fifty-eight thousand eight hundred and forty;" so as to make the clause read:

In the office of the Paymaster-General:
One chief clerk, at $2,000; six clerks of class 4; seven clerks of class 3; fourteen clerks of class 2; nine clerks of class 1; one messenger; two watchmen; and three laborers; in all, $58,840.

The amendment was agreed to.

The next amendment was, in line 1478, before the word "clerks," to strike out "three" and insert "four; in line 1479, before the word "clerks," to strike out "two" and insert "three;" in line 1480, before the word "clerks," to strike out "two" and insert "three;" after the word "one," in line 1480, to strike out "three clerks, at $1,000 each; one assistant messenger, and for laborers, $1,200," and insert "one messenger and two laborers;" and after the word "all," in line 1483, to strike out "twenty-one thousand nine hundred and twenty" and insert "twenty-four thousand and eighty;" so as to make the clause read:

In the office of the Chief of Engineers:
One chief clerk, at $2,000; four clerks of class 4; three clerks of class 3; three clerks of class 2; three clerks of class 1; one messenger, and two laborers; in all, $24,080.

The amendment was agreed to.

The next amendment was, in line 1496, after the word "for," to strike out "watchmen and laborers, $1,600," and insert "four watchmen and two laborers;" and after the word "all," in line 1498, to strike out "four thousand eight hundred" and insert five thousand, five hundred and twenty;" so as to make the clause read:

War Department buildings:
For compensation of one engineer in the War Department building, $1,200; and for four watchmen and two laborers; in all, $5,520.

The amendment was agreed to.

The next amendment was, in line 1504, before the word "watchmen," to insert "five;" in the same line, before the word "laborers," to insert "two;" and after "Paymaster-General," in line 1505, to strike out "four thousand two hundred" and insert "five thousand and forty;" so as to make the item read:

For five watchmen and two laborers in the building occupied by the Paymaster-General, $5,040.

The amendment was agreed to.

The next amendment was, in line 1511, before the word "watchmen," to insert "four;" in the same line, before the word "laborers," to insert "two;" after the word "streets," in line 1512, to strike out "three thousand six hundred" and insert "four thousand three hundred and twenty;" and after the word "all," in line 1520, to strike out "nine thousand six hundred" and insert "ten thousand three hundred and twenty;" so as to make the item read:

For four watchmen and two laborers in the building at the corner of Seventeenth and F streets, $4,320; and for fuel for warming the entire building, including the Ordnance Office, and for operating the ventilating-fan in summer, repairs of steam warming and ventilating apparatus, pay of steam engineer and fireman, purchase of oil-cloth and matting for halls, and for general repairs and miscellaneous items, $6,000; in all, $10,320.

The amendment was agreed to.

The next amendment was under the head of "Public buildings and grounds," in line 1533, after the words "rent of," to insert "a portion of;" so as to read:

For rent of a portion of the building known as the Towson House, for the use of the clerical force employed under the Chief of Engineers of the Army upon the public buildings and grounds of the Government of the United States in the District of Columbia, for office for records and for transaction of business relating to the same, $900.

The amendment was agreed to.

The next amendment was, after the word "grounds," in line 1543, to strike out "eighteen" and insert "twenty-six;" so as to read:

For a foreman and laborers employed in the public grounds, $26,000.

The amendment was agreed to.

The next amendment was, before the word "dollars," in line 1547, to strike out "six hundred" and insert "seven hundred and twenty;" so as to read:

For watchman in Franklin Square, $720.

The amendment was agreed to.

The next amendment was, in line 1549, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" so as to read:

For watchman in La Fayette Square, $720.

The amendment was agreed to.

The next amendment was, in line 1551, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty," and after the word "each," in the same line, to strike out "one thousand eight hundred" and insert "two thousand one hundred and sixty;" so as to read:

For three watchmen in Smithsonian grounds, at $720 each, $2,160.

The amendment was agreed to.

The next amendment was, before the word "dollars," in line 1556, to strike out "five hundred" and insert "seven hundred and twenty," and after the word "thousand," in the same line, to insert "four hundred and forty;" so as to read:

For one watchman for Judiciary Square, and one for Lincoln Square and adjacent reservations, at $720 each, $1,440.

The amendment was agreed to.

The next amendment was, in line 1559, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" so as to read:

For one bridge-keeper at Chain Bridge, $720.

The amendment was agreed to.

The next amendment was, in line 1566, before the word "clerks," to strike out "three" and insert "four;" in line 1567, before the word "clerks," to strike out "two" and insert "three;" in line 1568, after the word "one," to strike out "four clerks, at $1,000 each; one assistant messenger; one page, $480; and for laborers, $1,200," and insert "two messengers, and two laborers;" and in line 1572, after the word "thousand," to strike out "seven hundred" and insert "eight hundred and twenty," so as to make the clause read:

For compensation of the Secretary of the Navy, $8,000; for compensation of the chief clerk of the Navy Department, $2,500; one disbursing clerk, $2,000; four clerks of class 4; three clerks of class 3; one clerk of class 2; four clerks of class 1; two messengers; and two laborers; in all, $33,820.

The amendment was agreed to.

The next amendment was, in line 1579, after the word "four," to strike out "one clerk," and insert "two clerks;" in line 1580, after the word "one" to strike out "one clerk, at $1,000;" in line 1581, before the word "messenger," to strike out the word "assistants;"

and in line 1582, after the word "all," to strike out "eleven thousand nine hundred and twenty" and insert "twelve thousand seven hundred and sixty;" so as to make the clause read:

Bureau of Yards and Docks:
For one chief clerk, $1,800; one draughtsman, $1,800; one clerk of class 4; two clerks of class 3; one clerk of class 2; one clerk of class 1; one messenger; and one laborer; in all, $12,760.

The amendment was agreed to.

The next amendment was, in line 1589, before the word "messenger," to strike out "assistant," and in line 1590, after the word "thousand," to strike out "seven hundred and twenty" and insert "nine hundred and sixty;" so as to make the clause read:

Bureau of Equipment and Recruiting:
For chief clerk, $1,800; one clerk of class 4; one clerk of class 3; two clerks of class 2; two clerks of class 1; one messenger; and one laborer; in all, $11,960.

The amendment was agreed to.

The next amendment was, in line 1595, before the word "messenger," to strike out "assistant," and in line 1597, after the word "thousand," to strike out "one hundred and twenty" and insert "three hundred and sixty;" so as to make the clause read:

Bureau of Navigation:
For chief clerk, $1,800; one clerk of class 3; one clerk of class 2; one messenger; and one laborer; in all, $6,360.

The amendment was agreed to.

The next amendment was, in line 1603, after the word "three," to strike out "one clerk" and insert "two clerks;" in line 1604, before the word "messenger," to strike out "assistant;" and in line 1605, after the word "all," to strike out "seven thousand nine hundred and twenty" and insert "nine thousand five hundred and sixty;" so as to make the clause read:

Bureau of Ordnance:
For chief clerk, $1,800; draughtsman, $1,800; one clerk of class 3; two clerks of class 2; one messenger; and one laborer; in all, $9,560.

The amendment was agreed to.

The next amendment was, in line 1613, before the word "messenger," to strike out "assistant," and in line 1614, after the word "all," to strike out "ten thousand nine hundred and twenty" and insert "eleven thousand one hundred and sixty;" so as to make the clause read:

Bureau of Construction and Repair:
For chief clerk, $1,800; draughtsman, $1,800; one clerk of class 4; one clerk of class 3; one clerk of class 2; one clerk of class 1; one messenger, and one laborer; in all, $11,160.

The amendment was agreed to.

The next amendment was, in line 1622, after the word "one," to strike out "one clerk at $1,000;" in line 1623, before the word "messenger," to strike out "assistant," and in line 1624, after the word "all," to strike out "ten thousand one hundred and twenty" and insert "nine thousand three hundred and sixty;" so as to read:

Bureau of Steam-Engineering:
For chief clerk, $1,800; one draughtsman, at $1,800; one assistant draughtsman, at $1,600; one clerk of class 2; one clerk of class 1; one messenger; and one laborer; in all, $9,360.

The amendment was agreed to.

The next amendment was, in line 1630, before the word "clerks," to strike out "three" and insert "two;" in the same line, after the word "three," to strike out "one clerk" and insert "two clerks;" in line 1631, before the word "clerks," to strike out "two" and insert "three;" in line 1632, before the word "messenger," to strike out "assistant;" and in line 1633, after the word "all," to strike out "thirteen thousand five hundred and twenty" and insert "fourteen thousand seven hundred and sixty;" so as to make the clause read:

Bureau of Provisions and Clothing:
For chief clerk, $1,800; one clerk of class 4; two clerks of class 3; two clerks of class 2; three clerks of class 1; one messenger; and one laborer; in all, $14,760.

The amendment was agreed to.

The next amendment was, in line 1639, after the word "three," to strike out "one clerk, at $1,000;" in line 1640, before the word "messenger," to strike out "assistant;" and in the same line, after the word "all, to strike out "five thousand seven hundred and twenty" and insert "four thousand nine hundred and sixty;" so as to make the clause read:

Bureau of Medicine and Surgery:
For chief clerk, $1,800; one clerk of class 3; one messenger, and one laborer; in all, $4,960.

The amendment was agreed to.

The next amendment was, in line 1647, after the word "all," to strike out "four thousand four hundred and fifty" and insert "five thousand two hundred and ninety;" so as to make the item read:

For one superintendent of the building occupied by the Navy Department and for five watchmen and two laborers; in all, $5,290.

The amendment was agreed to.

The next amendment was, in line 1650, before the word "clerks," to strike out "four" and insert "two;" in line 1661, before the word "clerks," to strike out "four" and insert "five;" in the same line, before the word "clerks," to strike out "two" and insert "five;" in line 1662, before the word "clerks," to strike out "four" and insert "five;" in the same line, after the word "one," to insert "one of whom shall be the telegraph operator of the Department;" after the word "Department," in line 1663, to strike out "three clerks, at $1,000 each; six," and insert "three;" after the word "copyists," in line 1665, to strike out "one assistant messenger; two pages, $480 each; for laborers, $2,400," and insert "two messengers; two assistant messengers; four laborers;" in line 1669, before the word "watchmen," to insert "forty;" after the word "watchmen," to strike out "$24,000;" and in line 1672, after the word "all," strike out "eighty-five thousand two hundred and eighty" and insert "ninety-one thousand five hundred and fifty;" so as to make the clause read:

For compensation of the Secretary of the Interior, $8,000; Assistant Secretary, $3,500; chief clerk, $2,500, and $300 additional as superintendent of the Patent Office building; one law clerk in the office of the Assistant Attorney-General of the Interior Department, $2,250; six clerks, at $2,000 each, one of whom shall be disbursing clerk; two clerks of class 4; five clerks of class 3; five clerks of class 2; five clerks of class 1, one of whom shall be the telegraph operator of the Department; three copyists; two messengers; two assistant messengers; four laborers; for one captain of the watch, $1,000; and for forty watchmen, to be allotted to day or night service, as the Secretary of the Interior may direct; in all, $91,550.

The amendment was agreed to.

The next amendment was, after line 1674, to insert:

For secretary to sign patents for public lands, and to perform such other duties as may be assigned him by the Secretary of the Interior, $1,500.

The amendment was agreed to.

The next amendment was, in line 1686, before the word "dollars," to strike out "eighteen hundred" and insert "two thousand;" and in line 1688, after the word "salary," to strike out "and section 450 of the Revised Statutes are" and insert "is;" so as to read:

For salary of the superintendent of the same, $2,000; and so much of section 507 of the Revised Statutes as provides for said salary is hereby repealed.

The amendment was agreed to.

The next amendment was, in line 1710, before the word "clerks," to strike out "eighteen" and insert "twenty-two;" in line 1711, before the word "clerks," to strike out "thirty-five" and insert "forty;" in line 1712, before the word "clerks," to strike out "sixty-five" and insert "seventy-five;" in the same line, after the word "one," to strike out "twenty-six clerks at $1,000 each;" in line 1715, after the word "dollars," to insert "two messengers;" in line 1716, after the word "messengers," to strike out "two pages at $480 each;" and before the word "dollars," in line 1719, to strike out "eighteen thousand five hundred and sixty" and insert "nineteen thousand six hundred and forty;" so as to make the clause read:

General Land Office:
For the Commissioner of the General Land Office, $4,000; chief clerk, $2,000; law clerk, $2,000; recorder, $2,000; three principal clerks, at $1,800 each; five clerks of class 4; twenty-five clerks of class 3; forty clerks of class 2; seventy-five clerks of class 1; one draughtsman, $1,600; one assistant draughtsman, $1,400; two messengers; three assistant messengers; eight laborers; and two packers; in all, $219,640.

The amendment was agreed to.

The next amendment was, before the word "clerks," in line 1737, to strike out "six" and insert "eight;" in line 1738, before the word "hundred," to strike out "two" and insert "six;" in the same line, before the word "clerks," to strike out "eight" and insert "thirteen;" and in line 1739, before the word "clerks," to strike out "eight" and insert "thirteen;" in the same line, after the word "one," to strike out "eight clerks, at $1,000 each; ten" and insert "six;" in line 1742, after the word "each," to strike out "two assistant messengers, one page, $480" and insert "one messenger, one assistant messenger;" and in line 1743, after the word "all," to strike out "sixty-five thousand one hundred and twenty" and insert "sixty-nine thousand eight hundred and eighty;" so as to make the clause read:

Indian Office:
For compensation of the Commissioner of Indian Affairs, $3,000; chief clerk, $2,000; five clerks of class 4; eight clerks of class 3; one stenographer, at $1,600; thirteen clerks of class 2; thirteen clerks of class 1; six copyists, at $900 each; one messenger; one assistant messenger; and one laborer; in all $69,888.

The amendment was agreed to.

The next amendment was, in line 1753, after the word "twenty," and before the word "clerks," to insert "eight;" in line 1754, before the word "clerks," to strike out "forty" and insert "fifty-five;" in line 1755, before the word "clerks," to strike out "sixty" and insert "eighty-four;" in line 1756, before the word "clerks," to strike out "thirty-five" and insert "fifty-seven;" in the same line, after the word "one," to strike out "thirty-four clerks, at $1,000 dollars each;" in line 1758, before the word "copyists," to strike out "fifty-five" and insert "twenty-five;" in line 1761, after the word "dollars," to strike out "seven" and insert "one messenger; twelve;" in line 1762, after the word "messenger," to strike out "six pages, at $480 each; and for laborers and watchmen, $6,000," and insert "eight laborers; and two watchmen;" and in line 1767, before the word "dollars," to strike out "fifty-four thousand six hundred and seventy" and insert "ninety-four thousand eight hundred and thirty;" so as to make the clause read:

Pension Office:
For compensation of the Commissioner of Pensions, $3,600; chief clerk, $2,000; medical referee, $2,250; twenty-eight clerks of class 4; fifty-five clerks of class 3; eighty-four clerks of class 2; one hundred and fifty-seven clerks of class 1; one skilled mechanic, at $1,200; twenty-five copyists, at $900 each; one engineer, at $1,200, and one assistant engineer, at $1,000; one messenger; twelve assistant messengers; eight laborers; and two watchmen; in all, $494,830.

The amendment was agreed to.

The next amendment was to strike out the following proviso from lines 1770 to 1778:

Provided, That it shall not be lawful for the Commissioner of Pensions, acting under the Secretary of the Interior, to drop pensioners from the rolls upon *ex parte*

statements taken by special agents; but in all cases where evidence is taken to drop persons from the pension rolls, the pensioners shall be notified to attend and cross-examine, if they choose to do so. Section 4744, Revised Statutes, is hereby modified to conform to this amendment.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the resolution of the Senate providing for the adjournment of the two Houses of Congress on Monday, June 10, 1878, at twelve o'clock noon, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 363) granting a pension to James Newcomb;

A bill (S. No. 874) granting a pension to Alfred Richardson, late of Company A, Twelfth Indiana Volunteers;

A bill (H. R. No. 430) for the relief of John Clinton, postmaster at Brownsville, Tennessee;

A bill (H. R. No. 1918) for the relief of Milton B. Cushing, paymaster, United States Navy;

A bill (H. R. No. 1119) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry;

A bill (H. R. No. 2132) to pay for clerical services and extraordinary expenses under the seventh section of the act of August 18, 1856, in the Pawnee land district, in Kansas;

A bill (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes;

A bill (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour; and

A bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes.

ORDER OF BUSINESS.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senate resumes the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HAMLIN. I wish to suggest to the Senator who has charge of this bill the propriety of taking up now and acting upon the resolution which has just come from the House fixing the time of adjournment.

Mr. WINDOM. I hope not——

Mr. HAMLIN. Listen to me one moment. I suggest this because I believe that every hour is worth something to us beyond the time when we shall fix it. I mean, to be more explicit, that the earlier we determine that question we shall the sooner feel and see the necessity of working up to it, and we had better do it now than to postpone it until to-morrow. We had better do it to-morrow than the next day, and the earlier the time is agreed upon the better. That is my idea.

Mr. WINDOM. I think we should interrupt the business a great deal more by seeking to pass upon the resolution now than if we were to go on and finish this appropriation bill.

Mr. HAMLIN. I think the amendment of the House to the resolution will meet the approbation of the Senate, without objection.

Mr. WINDOM. I prefer to make a motion to refer the resolution rather than to pass upon it now, and I would wish to discuss it a little.

Mr. HAMLIN. If the Senator is going to make that motion I shall not now interpose. I am going to vote for the resolution just as it is.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. KIRKWOOD submitted an amendment intended to be proposed by him to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

PRINTING OF A MEMORIAL.

On motion of Mr. WHYTE, it was

Ordered, That the Baltimore merchants' memorial, introduced in the Senate on the 24th instant, be taken from the table and printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1785, to increase the item for contingent expenses of the Pension Office from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, in line 1790, after the word "thousand," to insert "two hundred and fifty;" in line 1794, after the word "thousand," to strike out "five hundred" and insert "two hundred and fifty;" in line 1795, after the word "thousand," to strike out "two hundred and fifty" and insert "five hundred;" in line 1797, after the word "thousand," to strike out "six" and insert "eight;" in line 1799, after the word "thousand," to strike out "four" and insert "six;" in line 1800, after the word "thousand," to strike out "two" and insert "four;" in line 1806, before the word "clerks," to strike out "four" and insert "five;" in line 1807, before the word "clerks," to strike out "sixteen" and insert "twenty-one;" in line 1808, before the word "clerks," to strike out "twenty-five" and insert "thirty-five;" in line 1809, after the word "twenty-five," to insert "permanent;" in line 1810, before the word "copyist-clerks," to strike out "sixty" and insert "forty;" in line 1816, after the word "each," to strike out "and for laborers $27,600" and insert "forty laborers, at $720 each; six laborers, at $600 each;" and before the word "hundred," in line 1822, to strike out "fifty-eight thousand eight" and insert "eighty-three thousand one;" so as to make the clause read:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, $4,500; for assistant commissioner, $3,000; for chief clerk, $2,250; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner, $2,250; twenty-two principal examiners, at $2,500 each; twenty-two first assistant examiners, at $1,800 each; twenty-two second assistant examiners, at $1,600 each; twenty-two third assistant examiners, at $1,400 each; one financial clerk, $2,000, who shall give bond in such amount as the Secretary of the Interior may determine; one librarian, $2,000; one machinist, $1,600; four clerks of class 4; five clerks of class 3, (one of whom shall be translator of languages;) twenty-one clerks of class 2; and thirty-five clerks of class 1; twenty-five permanent clerks, at $1,000 each; for forty copyist-clerks, at $900 each; for three skilled draughtsmen, at $1,200 each; for one messenger and purchasing clerk, $1,000; for one skilled laborer, $1,200; for ten attendants in model room, at $600 each; forty laborers, at $720 each; six laborers, at $600 each; three folders and pasters, $480 each; in all, $383,140.

The amendment was agreed to.

The next amendment was, in line 1825, before the words "portfolios for drawings," to strike out "stationery" and insert "stationary."

The amendment was agreed to.

The next amendment was, in line 1832, after the word "That," to strike out "not more than $10,000 of this sum may be used for employment of temporary clerks at not more than the rate of $1,000 per annum for each clerk; and;" so as to read:

Provided, That no money appropriated by this paragraph shall be expended for advertising in newspapers published in the city of Washington other than the Patent Office Official Gazette.

The amendment was agreed to.

The next amendment was, in line 1841, after the word "temporary," "to strike out "draughtsman" and insert "draughtsmen;" so as to make the item read:

For photolithographing, or otherwise producing copies of drawings of current and back issues, for the use of the office and for sale, including pay of temporary draughtsmen, $25,000.

The amendment was agreed to.

The next amendment was, in line 1845, after the word "thirty" and before the word "thousand," to insert "five;" so as to make the item read:

For photolithographing, or otherwise producing plates for the Official Gazette, including pay of employés engaged on the Gazette, and for making similar plates, $35,000.

The amendment was agreed to.

The next amendment was, in line 1854, before the word "rates," to insert "reasonable;" after "rates," to strike out "the same as elsewhere, those rates to be determined by bids, after public advertisement, as required by law;" and in line 1858, after the word "contracts," to strike out "after advertising for bids;" so as to make the clause read:

For photolithographing, or otherwise producing copies of the weekly issues of drawings, to be attached to patents and copies, $3,500; the work of said photolithographing, or otherwise producing plates and copies, referred to in this and the two preceding paragraphs, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can be there done at reasonable rates, and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

The amendment was agreed to.

The next amendment was, in line 1861, after the word "issues," to insert "and to fill orders;" so as to read:

For tracings of drawings preparatory to photolithographing back issues and to fill orders, $5,000.

The amendment was agreed to.

The next amendment was, in line 1869, before the word "messenger," to strike out "assistant;" and in line 1870, after the word "thousand," to strike out "three hundred and twenty" and insert "four hundred and forty;" so as to make the clause read:

Bureau of Education:

For the Commissioner of Education, $3,000; chief clerk, $1,800; one clerk of class 4; one statistician, $1,800; one clerk of class 3; one translator, $1,600; one clerk of class 2; four copyists, at $900 each; one messenger; in all, $17,440.

The amendment was agreed to.

The next amendment was, in line 1899, before the word "thousand," to strike out "three" and insert "five;" so as to read:

For surveyor-general of the State of Colorado, $2,500; and for the clerks in his office, $5,000.

The amendment was agreed to.

The next amendment was, in line 1902, after the word "office," to strike out "five thousand" and insert "six thousand five hundred;" so as to read:

For surveyor-general of the Territory of New Mexico, $2,500; and for the clerks in his office, $6,500.

The amendment was agreed to.

The next amendment was, in line 1947, after the word "thousand," to strike out "five" and insert "eight;" after the word "one," in line 1948, to strike out "clerk of class 4" and insert "law clerk, at $2,250;" after the word "Department," in line 1951, to insert "one clerk of class 2;" and after the word "all," in line 1955, to strike out "thirty-four thousand seven hundred and twenty" and insert "thirty-six thousand eight hundred and seventy;" so as to make the clause read:

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,200; stenographer, $1,800; appointment clerk of class 4, in lieu of a fourth-class clerk now provided for; one law clerk, at $2,250, (office of Assistant Attorney-General for Post-Office Department;) one clerk of class 2; one messenger, (clerk of class 1,) $1,200; one assistant messenger; topographer, $2,500; temporary employés, $15,000; in all, $36,870.

The amendment was agreed to.

The next amendment was, in line 1960, before the word "clerks," to strike out "ten" and insert "fourteen;" in line 1961, before the word "clerks," to strike out "five" and insert "six;" in line 1962, after the word "one," to strike out "three clerks, at $1,000 each; one assistant messenger," and insert "one messenger; two assistant messengers;" in line 1970, after the word "messenger," strike out "two pages, at $480 each;" and in line 1973, after the word "all," to strike out "sixty-five thousand four" and insert "seventy thousand eight;" so as to make the clause read:

For First Assistant Postmaster-General, $3,500; chief clerk, $2,000; two clerks of class 4; fourteen clerks of class 3; six clerks of class 2; twelve clerks of class 1; one messenger; two assistant messengers; superintendent of blank agency, $1,800; assistant superintendent of blank agency, $1,600; four assistants to superintendent of blank agency, at $1,200 each; two assistants to superintendent of blank agency, at $900 each; one assistant messenger for blank agency; superintendent of free delivery, $2,100; one clerk of class 2, (office of superintendent of free delivery;) in all, $70,800.

The amendment was agreed to.

The next amendment was, in line 1977, after the word "inspection," to strike out "and equipment;" in line 1979, before the word "clerks," to strike out "twenty-two" and insert "twenty-nine;" in the same line, before the word "clerks," to strike out "thirteen" and insert "twelve;" in line 1980, before the word "clerks," to strike out "ten" and insert "twelve;" in the same line, after the word "one," to strike out "five clerks at $1,000 each," and insert "one messenger;" in line 1982, after the word "messenger," to strike out "one page, $480;" and in line 1983, after the word "all," to strike out "ninety-one thousand seven hundred" and insert "ninety-nine thousand two hundred and sixty;" so as to make the clause read:

For Second Assistant Postmaster-General, $3,500; chief clerk, $2,000; chief of division of inspection, $2,000; seven clerks of class 4; twenty-nine clerks of class 3; twelve clerks of class 2; twelve clerks of class 1; one messenger; one assistant messenger; in all $99,260.

The amendment was agreed to.

The next amendment was, in line 1986, to change "thousad" to "thousand;" in line 1989, after the word "dollars," to strike out "one warrant clerk, $1,800; four," and insert "five;" in line 1991, before the word "clerks," to strike out "twelve" and insert "fifteen;" in the same line, after the word "twenty" and before the word "clerks," to insert "four;" in line 1992, before the word "clerks," to strike out "twenty-four" and insert "thirty-six;" in line 1993, after the word "one," to strike out "sixteen clerks, at $1,000 each;" in line 1994, after the word "each," to insert "one messenger;" in line 1995, after the word "messengers," to strike out "one page, $480; for laborers, $3,000," and insert "seven laborers, at $720 each;" in line 1998, before the word "female," to strike out "three" and insert "four;" and before the word "dollars," in line 2001, to strike out "sixty-seven thousand one hundred and sixty" and insert "seventy-seven thousand six hundred and forty;" so as to make the clause read:

For Third Assistant Postmaster-General, $3,500; chief clerk, $2,000; chief of division of dead letters, $2,250; chief of division of postage-stamps, $2,250; five clerks of class 4; fifteen clerks of class 3; twenty-four clerks of class 2; thirty-six clerks of class 1; fifty-four female clerks, at $900 each; one messenger; two assistant messengers; seven laborers, at $720 each; four female laborers, at $480 each; in all, $177,640.

The amendment was agreed to.

The next amendment was, before the word "clerks," in line 2004, to strike out "two" and insert "three;" in line 2005, after the word "three," to strike out "two clerks" and insert "one clerk;" in the same line, after the word "two," to insert "one female clerk, at $900;" and after the word "all," in line 2006, to strike out "thirteen thousand three" and insert "fourteen thousand four;" so as to make the clause read:

For superintendent of foreign mails, $3,000; chief clerk, $1,800; one clerk of class 4; three clerks of class 3; one clerk of class 2; one female clerk, at $900; one assistant messenger; in all, $14,420.

The amendment was agreed to.

The next amendment was, in line 2011, before the word "clerks," to strike out "four" and insert "five;" in line 2012, before the word "clerks," to strike out "eight" and insert "nine;" after the word "one," in the same line, to strike out "two clerks, at $1,000 each; and for laborers, $1,800;" in line 2015, after the word "messenger," to insert "three laborers;" and after the word "all," in the same line, to strike out "thirty-four thousand seven hundred and twenty" and insert "thirty-five thousand eight hundred and eighty;" so as to make the clause read:

For superintendent of the money-order system, $3,000; chief clerk, $2,000; two clerks of class 4; five clerks of class 3; four clerks of class 2; nine clerks of class 1; one assistant messenger; three laborers; in all, $35,880.

The amendment was agreed to.

The next amendment was, in line 2019, after the word "thousand," to insert "two hundred and fifty;" in line 2020, before the word "clerks," to strike out "two" and insert "three;" in line 2021, after the word "one," to strike out "one clerk at $1,000;" in line 2027, after the words "assistant engineer," to strike out "nine hundred" and insert "one thousand;" in line 2033, after the word "dollars," to strike out "for watchmen, $9,000; and for laborers, $15,000," and insert "fifteen watchmen and twenty-five laborers;" and after the word "all," in line 2035, to strike out "forty-five thousand one hundred and twenty" and insert "fifty thousand four hundred and seventy;" so as to make the clause read:

For chief of division of mail depredations, $2,250; one clerk of class 3; one clerk of class 2; three clerks of class 1; office of disbursing clerk and superintendent of building: disbursing clerk and superintendent, $2,100; one clerk of class 2, (accountant;) one clerk of class 1, (storekeeper;) engineer, $1,400; one assistant engineer, $1,000; one fireman, who shall be a blacksmith, $900; one fireman, who shall be a steam-fitter, $900; one fireman, $720; one carpenter, $1,200; one assistant carpenter, $1,000; captain of the watch, $1,000; fifteen watchmen; and twenty-five laborers; in all, $50,470.

The amendment was agreed to.

The next amendment was, after the word "clerk," in line 2039, to strike out "at $1,000" and insert "of class 1;" and in line 2042, before the word "hundred," to strike out "four" and insert "six;" so as to make the clause read:

And for the following additional force in the money-order office, namely: one clerk of class 3; one clerk of class 1, and two clerks, at $900 each; in all, $4,600.

The amendment was agreed to.

The next amendment was, in line 2048, after the word "painting," to strike out "seven thousand" and insert "nine thousand five;" and in line 2057, after the word "all," to strike out "seventy-two thousand six" and insert "seventy-five thousand one;" so as to make the clause read:

For contingent expenses of the Post-Office Department: For stationery, $9,000; fuel for the General Post-Office building, including the Auditor's Office, $4,409; for gas, $5,000; plumbing and gas-fixtures, $4,000; telegraphing, $3,000; painting, $9,005; carpets, $5,000; furniture, $5,000; keeping of horses and repair of wagons and harness, $1,200; hardware, $1,500; and for rent of house numbered 915 E street, northwest, $1,500; and for miscellaneous items, $6,000; and for publication of copies of the Official Postal Guide, $20,000; in all, $75,100.

The amendment was agreed to.

The next amendment was, in line 2083, after the word "thousand," to strike out "two" and insert "four;" in line 2086, after the word "dollars" to insert "three clerks of class 4; four clerks of class 3; five clerks of class 2; six clerks of class 1; superintendent of folding-room, $1,200;" in line 2091, after the word "force," to strike out "including two clerks of class 2, who shall be practical printers, forty-two thousand five hundred" and insert "fourteen thousand six hundred;" and after the word "all," in line 2094, to strike out "sixty-six thousand nine" and insert "sixty-five thousand one;" so as to make the clause read:

For compensation of the Commissioner of Agriculture, $3,000; chief clerk, $1,900; entomologist, $1,900; chemist, $1,900; assistant chemist, $1,400; superintendent of experimental gardens and grounds, $1,900; statistician, $1,900; disbursing clerk, $1,600; superintendent of seed-room, $1,600; librarian, $1,400; botanist, $1,800; microscopist, $1,800; engineer, $1,200; three clerks of class 4; four clerks of class 3; five clerks of class 2; six clerks of class 1; superintendent of folding-room, $1,200; and for clerks, copyists, laborers, watchmen, carpenters, attendants in museum, and other necessary force, $14,600, or so much thereof as may be necessary; in all, $65,100.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 2113, to strike out "and said seed, except flower seed, shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same: *Provided*, That no more than $7,000 of this amount shall be used in the putting up and distribution of said seeds and plants: *And provided further*" and insert "*Provided;*" so as to make the clause read:

For purchase and propagation and distribution, as required by law, of seeds, trees shrubs, vines, cuttings, and plants, and expense of putting up the same, $75,000: *Provided*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same.

The amendment was agreed to.

The next amendment was, after line 2133, to insert:

For investigating the history and habits of insects injurious to agriculture; for experiments in ascertaining the best means of destroying them; for chemicals, traveling expenses, and other expenses in the practical work of the entomological division, $5,000.

The amendment was agreed to.

The next amendment was, among the appropriations for the Department of Agriculture, in line 2156, after the word "items," to in-

sert "and for actual traveling expenses while on the business of the Department;" so as to make the clause read:

For stationery, freight and express charges, fuel, lights, subsistence, and care of horses, and repair of harness and wagon, paper, twine, and gum for folding-room, and for incidental and miscellaneous items, namely, for advertising, telegraphing, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, and care of stationery, purchasing supplies, and for other necessary items, and for actual traveling expenses while on the business of the Department, $8,000.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read the following paragraph, from lines 2183 to 2192:

For salaries of the fifty-one district judges of the United States, $190,000. And section 613 of the Revised Statutes of the United States be amended to read as follows: "All the circuit courts of the United States shall have the appointment of their own clerks, the circuit and district judges concurring; and in case of a disagreement between the judges, the appointment shall be made by the associate justice of the Supreme Court allotted to such circuit, except in cases otherwise specially provided for by law."

Mr. HOAR. I want to ask some member of the committee in regard to lines 2187, 2188, and 2189, the clause for the appointment of clerks to the circuit courts, which the Secretary has just read. What is the reason for that manner of appointing the clerks of the circuit courts; that is, with the concurrence of the circuit and district judges?

Mr. WINDOM. The committee knew of no objection to the clause, but if the Senator objects I will agree to strike it out.

Mr. HOAR. I should like to have it stricken out, and the committee can reconsider it in conference.

Mr. WHYTE. We cannot hear the Senator on this side of the Chamber.

Mr. HOAR. The present law is that the judges of the circuit courts appoint their own clerks. This provision changes the law by inserting a provision that all the circuit courts of the United States shall have the appointment of their own clerks, the circuit and district judges concurring, requiring, therefore, the assent of all the district judges in the appointment of the clerks of the circuit courts, and in case of a disagreement between the judges the appointment is to be made by the associate justice of the Supreme Court assigned to the circuit. My suggestion was that if the Senate would strike it out the matter might be reconsidered by the committee of conference if they found reason for it. I do not want to detain the Senate.

Mr. DAVIS, of Illinois. I will simply state that, as I understand it, is falling back upon the old law before the creation of circuit courts; it was the old law from the beginning of this century. I am told the reason of this provision was because a circuit judge recently appointed, Mr. Baxter, has been engaged in the business of appointing new clerks, turning out all the old clerks, which has not been common with the circuit courts we know, and he has appointed some of his own relations to that office.

Mr. HOAR. That difficulty cannot be cured now; that is accomplished.

Mr. DAVIS, of Illinois. That I understand is the reason.

Mr. WINDOM. The committee would be very glad to have the advice of either Senator on that subject. The committee have no special desire to retain the provision.

Mr. DAVIS, of Illinois. The Senator from Ohio, [Mr. THURMAN,] who is not now here, introduced a bill upon the subject embodying some such provision as that, and it was referred to the Judiciary Committee.

Mr. WITHERS. I suggest to the Senator from Illinois whether it would not be better to let us get through with the bill as reported by the committee with amendments, and then Senators can suggest other amendments.

Mr. DAVIS, of Illinois. I am not making any point about it.

Mr. HOAR. I do not desire to detain the Senate, but I made a suggestion which I understand the members of the Committee on Appropriations concur in, and if the Senate will amend the bill by striking out those lines the matter can go into conference and be reconsidered, and if the clause is adhered to I shall make no further opposition.

Mr. WINDOM. I speak only for myself; I have no right to speak for the committee. I have no objection to striking out the lines which the Senator from Massachusetts indicates. They provide general legislation, and I have no personal objection to striking it out.

Mr. WITHERS. I think we had better go on and finish the bill first, according to the custom, and then go back and consider the proposition.

Mr. HOAR. I have no objection to that course.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 2203, to increase the appropriation for salaries of the three judges of the southern claims commission from $4,000 each to $5,000 each, and to add after the word "dollars," in line 2204 the words:

One clerk, at $2,500; one stenographer, at $2,500; and one messenger, at $1,200; in all, $21,200.

The amendment was agreed to.

The next amendment was to strike out line 2212 to line 2223, inclusive, as follows:

In the following words, namely: "Salaries and expenses southern claims commission: to pay the salaries and actual expenses of office rent, furniture, fuel, stationery, and printing of the southern claims commission," and so much of the fifth section of the act of March 3, 1875, as fixes the salaries of said commissioners at $5,000 per annum, is hereby repealed; and the salaries of said commissioners from and after the 1st day of July, 1878, shall be $4,000 per annum, to be paid as now provided by law.

And in lieu thereof to insert:

As makes the appropriation for "salaries and expenses of southern claims commission" permanent annual appropriations is hereby repealed.

So as to make the clause read:

For actual expenses of office rent, furniture, fuel, stationery, and printing of the southern claims commission, $30,000. And so much of section 3689 of the Revised Statutes of the United States as makes the appropriation for "salaries and expenses of southern claims commission" permanent annual appropriation is hereby repealed."

The amendment was agreed to.

The next amendment was, in line 2228, before the word "thousand," to strike out "six" and insert "seven;" in line 2232, after the word "dollars," to insert "naval solicitor, $3,500;" in line 2237, before the word "hundred," to strike out "five" and insert "eight;" in line 2241, after the word "dollars," to insert "one messenger;" in line 2242, after the word "messenger," to strike out "one page, at $480; for laborers, $1,200," and insert "two laborers and two watchmen;" in line 2245, after the word "all," to strike out "seventy-one thousand five hundred" and insert "seventy-seven thousand one hundred and forty;" and in line 2247, after the word "dollars," to strike out the words:

And so much of section 349 of the Revised Statutes as provides for the appointment and payment of a salary to a "naval solicitor" is hereby repealed, and the office is abolished.

So as to make the clause read:

For compensation of the Attorney-General, $8,000; Solicitor-general, $7,000; three Assistant Attorneys-General, at $5,000 each; one assistant attorney-general of the Post-Office Department, $4,000; solicitor of internal revenue, $4,500; naval solicitor, $3,500; examiner of claims, $3,500; law clerk and examiner of titles, $2,700; chief clerk, $2,200; stenographic clerk, $1,800; one law clerk, $2,000; five clerks of class 4; additional for disbursing clerk, $200; one clerk of class 2; two clerks of class 1; five copyists; one telegraph operator, at $1,000; one messenger; one assistant messenger; two laborers; and two watchmen; in all, $77,140.

The amendment was agreed to.

The next amendment was, in line 2268, after the word "dollars," to strike out "three" and insert "four;" in line 2269, after the word "four," to strike out "two" and insert "three;" in line 2270, after the word "one," to strike out "assistant;" and in line 2271, after the word "all," to strike out "twenty-four thousand six hundred and twenty" and insert "twenty-eight thousand two hundred and sixty;" so as to make the clause read:

Office of the Solicitor of the Treasury:

For compensation of the Solicitor of the Treasury, $4,500; assistant solicitor, $3,000; chief clerk, $2,000; four clerks of class 4; three clerks of class 3; two clerks of class 2; two clerks of class 1; one messenger; and one laborer; in all, $28,260.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The amendments reported from the Committee on Appropriations are completed.

Mr. DAVIS, of Illinois. On page 54, line 1301, the bill provides: "For salaries of governor, chief-justice, and two associate judges of the Territory of New Mexico, at $2,600 each." I move to amend by increasing the salaries of the chief-justice and two associate justices to $3,000 each. It seems to me that this is very vicious legislation. Every judge, when he is appointed, is entitled to the salary that is fixed for him at the time of his appointment. On page 332 of the Revised Statutes, section 1879 reads in these words:

The annual salary of the chief-justice and associate justices of all the Territories now organized shall be $3,000 each.

In my judgment these judges ultimately can recover from the United States the difference between $2,600 and $3,000. They certainly are entitled to the salary that is created by law. I think it is very vicious legislation to repeal a statute of the United States in relation to territorial judges in this way. Three thousand dollars is very small compensation for any gentleman worthy to fill the office of a territorial judge. I understand the late chief-justice of New Mexico, who is from the State of my honorable friend from Missouri, resigned his office there because the salary was too low. When he was appointed he supposed he was going to get $3,000. This legislation is similar to what occurred last year, and he got $2,600. The judge goes there with the understanding that he is to get the salary that is given to him by law. If I had the power I would increase the salaries of all of these territorial judges, for I do not believe any gentleman who is competent to hold the office should be restricted to a salary of $3,000. They are obliged to give their entire services to the office, and everybody is interested in having an able judiciary.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois.

Mr. DAVIS, of Illinois. I was mistaken in saying that the last appropriation was $2,600.

Mr. BECK. The Senator has the act of August, 1876.

Mr. DAVIS, of Illinois. The Senator from Kentucky hands me the statutes, and for the salary of governors in the Territories the appropriation is $3,000 each and for chief-justice and two associate justices in Colorado the same, Dakota the same, Montana and New Mexico the same, for all these Territories the same. We now propose to reduce their salaries.

Mr. WHYTE. Was that the appropriation last year?

Mr. DAVIS, of Illinois. I read from the laws of the Forty-fourth Congress, first session.

Mr. WINDOM. The salaries were reduced in 1876, I think.

Mr. DAVIS, of Illinois. The act is approved August 15, 1876.

Mr. WHYTE. There is a later one.

Mr. DAVIS, of Illinois. I do not know what was done in 1877.

Mr. WINDOM. The reduction was made in 1876, if I remember.

Mr. DAVIS, of Illinois. I do hope that the Senate will not deal with judges as it does with clerks in the different Departments. I think we should reduce salaries whenever we think it is proper, but the judges certainly of all these territorial courts ought to be paid the salaries that are given to them by law, and it is very poor economy to do otherwise.

Mr. PADDOCK. I wish the Senator from Illinois would couple with his amendment a proviso that if any judge of the Territories shall be absent, with or without leave, from his judicial district for sixty days, he shall not receive compensation for that time. I know of one judge, a judge from the Territory of Wyoming, who has been in this town for three or four months, and he has rendered no judicial service whatever. I think it would be very important to enact such a provision.

Mr. DAVIS, of Illinois. The law as it stands now is that if they are absent with leave they receive pay. I do not think we ought to interfere with it.

Mr. PADDOCK. Then, with a limitation of sixty days he may be detained under peculiar circumstances.

Mr. DAVIS, of Illinois. The Senator from Nebraska can move his amendment after I get the matter as to the salaries settled. I hope that my amendment will carry.

Mr. DAVIS, of West Virginia. Let the amendment be reported. I do not understand what it is.

Mr. DAVIS, of Illinois. The salary of the governor was $3,000. The salary of the chief-justice and the associate justices was $3,000 each. I only move to amend so far as the three judges are concerned, increasing it to $3,000 each.

Mr. ANTHONY. Has not the salary of the governor been reduced?

Mr. DAVIS, of Illinois. I do not know about that. I did not look, because I was not interested in that.

Mr. WINDOM. These salaries were all changed in 1876, the salaries of the governors and of the judges of the Territories. I do not mean to say that the law was changed, but the long contest will be remembered very well in which the Senate adhered mainly to the law as it then existed; but there were certain exceptions made. In a few cases appropriations were made for less than the salaries fixed by law. These territorial judges I think were included in that class of cases. The Senate committee in framing this bill endeavored to reinstate the salaries as they are during the current year, and they have not attempted to place any above that grade. We have undertaken to adhere to the limit as to salaries that was made in 1876, and again agreed to in 1877, without any attempt to change the general question of compensation to officers. I think that it is the better way to adhere to it still. I agree with the Senator from Illinois that where the law fixes a salary it ought to be appropriated; but we have agreed on both sides to what I think is a slightly vicious style of legislation, leaving the salaries unchanged by law but providing at the beginning of the bill as we do in this case that all amounts herein appropriated shall be "in full compensation for the service of the fiscal year ending June 30, 1879."

The design is to appropriate so much money in full for the salary for that year. I think there ought to be a general revision of salaries by the committees who are authorized to make such investigations and who are competent to make such a revision. It has not been done. There has been a sort of general agreement during the last two years that the salaries should remain at a certain fixed sum, and the Committee on Appropriations have thought it best not to disturb it. I am inclined to think now that if my honorable friend from Illinois shall succeed in raising the salaries of these judges he will find a great many others who will make a similar claim, that the law provides a certain sum and that we ought to put the appropriation for the salary up to that. For one I would not have the slightest objection to doing it, though I am perfectly satisfied that we should have a very long and troublesome contest in conference to secure it. I believe that when the law provides a fixed salary it ought to be appropriated until the law is changed, but it has not been done for the last two years and to do so now by this bill would require a pretty general revision. There are a great many of that kind of salaries. I think we had better not change it.

Mr. DAVIS, of West Virginia. I think the chairman of the committee is right in his position. There are probably five hundred salaries in this bill just in the situation that is referred to of these judges. If you undertake to change one, it is probable you will have to go through most of them, as there is no good reason why one should be changed and not the other. I hope the Senate will adhere to the bill as it was reported by the committee. As the chairman has stated, the Senate committee endeavored to leave all the salaries just as they are for the current year, making no changes. The House made perhaps a thousand changes in this bill, I do not remember the number, but it is very large. Perhaps I am not extravagant when I say a thousand salaries of individuals have been changed by the House. The Senate endeavored to put them back where they are for the current year; and any change from that standard of course opens up the whole question of two years ago when there was a general change made in the long conference as will be recollected, and we staid here until the 15th of August, trying to adjust these salaries. The committee endeavored to put them back to where that settlement fixed them in 1876, and any interference with that arrangement will make more serious disturbances.

Mr. WITHERS. That constitutes the whole difficulty with regard to the matter. In 1876, all who were here will remember that we had a very protracted struggle with the House. They insisted on a great reduction of salaries and we insisted that they should remain where the law fixed them. The salaries paid last year were the result of that compromise between the Senate and the House. If we attempt to violate the conditions of that compromise now, we shall find ourselves in a similar struggle at the present session.

Mr. BECK. I suppose I shall vote with the Committee on Appropriations, but the Revised Statutes, section 1879, page 332, make this provision:

> The annual salary of the chief-justice and associate justices of all the Territories now organized shall be $3,000 each.

After the very protracted struggle in the summer of 1876, as will be seen by volume 19 of the Statutes at Large, page 158, the House and the Senate agreed at the close of that struggle (August 15) that the chief-justice and associate justices of Arizona should receive $3,000 each; of Colorado, $3,000 each; of Dakota and Idaho, $3,000 each; and it was agreed to for all the Territories. I supposed that we were agreeing to stand by the salaries wherever they were fixed in appropriation bills as they now exist, but wherever there was a statute of the United States that remains unrepealed and the salary is fixed in that statute, I thought that the Senate committee endeavored to come under that statute and to pay whatever the statute required should be paid. In other words, we did not intend to repeal the Revised Statutes by cutting down the salaries in this way. It seems as though last year, as in 1876, both Houses agreed at the end of that struggle to stand by the provisions of the Revised Statutes in regard to salaries.

It looks to me as if the judges of the Territories occupy a different position from the great mass of others who are simply cut down and their salaries fixed by the appropriation bills, and I cannot help agreeing in a great deal of what the Senator from Illinois has said on account of the fact that these men, if they go on and do the work, would have a claim against the Government, just as it was said the Army of the United States could go on when no appropriation was made last year and do their duty and come in and get their pay because their salaries were fixed by law. I am not sure that it is not safer to give them what the law fixes, though I think I shall stand by the committee; but it never occurred to me until now that there was a distinction between this case and the other cases.

Mr. WINDOM. I find on further examination, and it is also suggested by the Senator from Kentucky, that I was mistaken in the statement that this reduction was agreed to in 1876. It was in 1877. The general arrangement or compromise as to salaries was made in 1876, but the salaries of the judges were not touched until last year.

I fully agree with the Senator from Kentucky and the Senator from Illinois as to the propriety of appropriating what the statute prescribes as the salary; but in many cases that has not been done for the last two years, and it has been, as my friend from West Virginia has said, the result of a sort of understanding between the two Houses, a compromise, last year that they should remain as they were the year before. This bill has undertaken to reduce hundreds if not thousands of them and changed them from what we fixed last year. The Committee on Appropriations, deeming the true ground to be to let them rest where we had agreed upon them for the last two years, intended to reinstate this bill upon the basis of that settlement, and we have sought simply to restore the salaries to where they are during the current year.

The law, I know, in this case, as in a score of other cases, fixes a different salary from that which is appropriated in the bill; and if it be the judgment of the Senate that we shall stand upon the law, reinstate these salaries where the statute now places them, and the Senate are disposed to adhere to that position, they will find no one more ready to stand by them from now until December in insisting that the law shall be complied with than myself. But I hope the Senate will not restore one or two and make an exception without restoring all the others to what the law now fixes. I think it is a very unsafe thing to do, and it will lead us into trouble to attempt to restore them.

Mr. DAVIS, of Illinois. I think there is a difference between the salary of judges and that of any other class of men whose salaries are reduced. I do not believe they can be reduced. I believe these judges are part of the judicial force of the United States; but they are not political officers. Gentlemen accept the position of governor of a Territory or secretary of a Territory for political reasons. Judges do not. They devote their lives simply to the decision of cases that may come before them. They ought to be learned men, and their salaries should not be reduced during their continuance in office. That could not be done, of course, in regard to judges of courts of the United States, strictly speaking. Without expressing any opinion on the subject whether these territorial courts are courts of the United States or not, yet they are analogous, and it is bad policy to attempt

to do anything of the kind, and I think if it has only been done in 1877 we should now restore the former salary, so that these judges shall have what the law provides for them. Of course I merely select the judges for New Mexico because I had to select some. It will follow as to the judges of the other territories if this amendment is adopted. I feel rather more interest in this class of service than I do in that of the governors of Territories, and therefore I have not made any motion with reference to them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

The question being put, a division was called for, and the ayes were 12.

Mr. WITHERS. There is evidently no quorum voting, and I ask for the yeas and nays.

Mr. DAVIS, of Illinois. I do not care about the yeas and nays.

Mr. MORRILL. Then withdraw the amendment.

Mr. DAVIS, of Illinois. No, I cannot withdraw it, because I promised to offer it.

The PRESIDING OFFICER. The yeas and nays are called for.

Mr. BLAINE. If Senators will vote there is evidently a quorum present.

Mr. DAVIS, of Illinois. I cannot withdraw the amendment.

Mr. BLAINE. Let us have another division.

Mr. DAVIS, of Illinois. Let everybody get up.

Mr. BECK. Is it in order to move that the Senate do now adjourn?

The PRESIDING OFFICER. That motion is in order.

Mr. BECK. I think I shall make a motion that the Senate adjourn, but I will withdraw it if the chairman of the committee objects. If there is a large class of cases of this sort and we have departed from the Revised Statutes in order to get the bill through, although I agree with the Senator from Illinois, yet rather than open them all up I would vote against his proposition. If, however, there are very few of this class or if this is an exceptional class, I would vote with the Senator from Illinois, because I believe that the law provides that these men shall have $3,000 a year salary. It is only because I want further time to examine it that I suggest an adjournment. The committee can meet on Friday morning. There are a very large number of other amendments that I know are going to be offered, to which my attention has been called, and perhaps in a two hours' meeting of the committee they could be carefully considered. The business would be expedited very much by having two hours' consideration on Friday morning before the Senate meet again. I have seen a dozen amendments, and I suppose the chairman has seen two or three dozen amendments that are to be offered. We ought to have a chance to look at them. I believe we should gain time rather than lose by that course. However, if the chairman objects I shall not insist on the motion.

Mr. WINDOM. The Senate has voted to adjourn over to-morrow, and if we postpone this bill until Friday it will probably take all day. I think we had better go on an hour longer and see what we can do with this bill. The question as to the restoration of salary in these exceptional cases to where the law now places it is an old one to the members of the committee who were on the committee in 1876. I had supposed the Senator from Kentucky understood that there were exceptions to the general rule. I think the yeas and nays had better be taken or another division had on this question, and let us proceed with the bill an hour longer to-day.

Mr. DAVIS, of Illinois. A division will do without the yeas and nays. Of course I do not want to do anything contrary to the wish of the Senate; but I cannot withdraw the amendment, as I promised to offer it. I am perfectly willing, if there is a division on the subject, to submit to the result. I do not care about the yeas and nays being taken.

Mr. DAVIS, of West Virginia. I suggest that we have another division instead of the yeas and nays.

The PRESIDING OFFICER. By general consent the question will be taken by another division.

Mr. DAVIS, of West Virginia. As I understand, the salaries here are just as I suppose hundreds of others are. Now, if we undertake to change from what has been agreed upon and has been fixed, there are two hundred other cases probably that will have to be treated in the same way. I hope the Senate in this vote will take into consideration that this amendment is opening up a new field and will involve a revision of the whole list of salaries if it is adopted.

Mr. EATON. I hope the amendment of the Senator from Illinois will be voted down. There is no reason that can be given, none has been given, why these officers' salaries should be kept up to what they were in 1876 than any other men. The idea that because they are judges therefore they are not to be subject to the action of Congress is thoroughly defective. I hope the Senate will stand by the committee.

Mr. TELLER. I will say in reply to the Senator from Connecticut that there is some special reason why the feeling of the Senate is not to extend this provision beyond the judges. In most sections of the country where these men are now receiving by this bill $2,600 a year a common clerk of the court would get as much as that and a justice of the peace would be able to make as much in his office. It is a contemptible sum for a judge of a court to have. A lawyer of any decent practice in that country would make probably from $5,000 to $20,000, and to ask a judge to sit on the bench and hear cases involving in some instances a half million or a million dollars for the mere pittance of $2,600 is simply absurd.

Mr. KERNAN. I am in favor of paying judges fair salaries, but I am embarrassed now because if we open this subject there will be others. It is proposed to raise the salary of the judges of the Territory of New Mexico from $2,600 to $3,000. I have the statute before me and I will call attention to it. The judge of the district court for the southern district of New York, who sits every working day of the year in court, gets but $4,000. The same is true of a large number of others. I think I would rather live in New Mexico to make money at $2,600 than in New York at $4,000. I did ask leave to introduce an amendment to raise the salary of the district judge at New York because it is a very exceptional case, but I was told that there was a bill pending in the Judiciary Committee to revise and relegislate as to all the district judges and fix their salaries justly, and therefore I have refrained from seeking to open the question on this bill. I think we had better not do it as to New Mexico.

Mr. WITHERS. There is no one who has resisted more strenuously than I have any proposition to reduce salaries below the amount fixed by law; but, sir, in this case it became necessary in order to secure the passage of the appropriation bills in 1876 and 1877; and while I feel perfectly sure that the amount proposed to be given as a salary to these judges is not at all too great for the services they render and the professional qualifications of the men who ought to be selected for these positions, I foresee an insuperable difficulty in adjusting the details of this bill in conference with the House committee if we attempt to go beyond the salaries which have been paid for the past year.

It is true that there is no reason upon earth that can be alleged why the exception should be made as to the judges in this case that will not apply with equal force to every other case where the Revised Statutes provide a different salary from that reported by this committee; and it will be an act of necessity, an act of strict justice, that the committee shall go over the whole bill and revise it in every particular, involving additional delays, when we all know that an adjournment is pressing upon us. But, sir, as to the difficulties which arise, I do not perceive that there is any difficulty whatever in securing the services of judges at the rate of salary fixed by this bill. We have no evidence that there is any difficulty whatever in that line. I will state that the chief-justice of the State of North Carolina only receives $2,500 per annum; the judges of the court of appeals, the highest court of my own State, have never received over $3,000; and I think that the judges of these Territories can get along very comfortably upon the salary fixed by the bill.

Mr. MATTHEWS. Mr. President, I understand this to be a proposition to change the salaries of these officers. I understand that the law fixes their salary at a certain amount, and we decline to appropriate the money necessary to pay the salary which we have promised. Is that right? I have heard a good deal on the floor of the Senate during this session about the performance of contracts, about the sanctity of public obligations, about the necessity of preserving the faith of the Government toward its creditor. Are not these officers with whom we have made this contract entitled to consideration? If the proposition is to change their salary, let it come in that shape, let us understand it; but if it comes in the shape of a proposition refusing to appropriate the money necessary to pay the salary which has been promised by law, and which still stands as the law, giving them a right of action against the Government, I do not see why there should be any hesitation. Even if it involves on the part of the Committee on Appropriations the necessity of revising the entire bill, let it be revised. I do not think it is acting in good faith to refuse to appropriate money which by law is due and which is necessary according to the stipulations of that law for the support comfortably of these gentlemen to whom we have promised it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, on which there will be another division of the Senate.

The question being put, the ayes were 20.

Mr. DAVIS, of West Virginia. I see the yeas and nays have got to come. I ask for the yeas and nays. We may as well settle the principle whether we shall have to go through the whole bill or not. It will involve a general change.

Mr. WITHERS. I am willing to accept the result of the yeas and nays as the settlement of the question.

The yeas and nays were ordered.

Mr. HILL. I understand the amendment is simply to make the appropriation conform to the statute.

Mr. DAVIS, of Illinois. Yes, sir.

Mr. HILL. I do not see how anybody can object to that.

Mr. DAVIS, of Illinois. The salary is fixed on page 58 of the Revised Statutes. The section fixing the salary of the territorial judges on page 58 is in these words:

> The annual salary of the chief-justice and associate justices of all the Territories now organized shall be $3,000 each.

And as was just said by the Senator from Ohio, the question is whether we will vote them their salaries or not.

Mr. HILL. How can the Senate object to giving the appropriation the law fixes?

Mr. MATTHEWS. This appropriation bill only gives them $2,600. The law gives them $3,000.

Mr. HOWE. I want to make one suggestion, and that is that this inconsistency can be reconciled in either of two ways: either by making the statute conform to the appropriation or making the appropriation conform to the statute. Undoubtedly the appropriation should conform to the statute; but, if reconciliation is insisted upon at this time, I beg leave to suggest that it may possibly result in making the statute conform to the appropriation, whereas if the appropriation be allowed to stand and the subject go over to another session, the probability is that the appropriation can then be brought up to the statute. Upon that theory I shall vote, for once in my life, against appropriating the sum which the statute requires for a salary.

Mr. WINDOM. I only want to say, in a single word, as the yeas and nays are to be called, that I hope the Senate will continue to vote hereafter upon reports of conferees as they vote to-day, if they shall vote to increase this salary, as I think they will have ample opportunity.

Mr. WALLACE. I beg to say that my vote on this question will be controlled by the fact that a judicial officer is entirely different from an officer of another character, and I do not believe that the voting of the salary fixed in the Revised Statutes for judicial officers should control us in voting against a salary fixed in the proposed bill for other officers. A judicial officer is, from the very position, from the recognized custom, excluded from engaging in other business, while in every other vocation men are permitted to engage in other business. Whenever we permit them to occupy the same ground with other officials, then perhaps the same rule would apply. I would stand by the Committee on Appropriations upon the subject of other officers where they have reduced the salary; but in regard to judicial officers where they cannot engage in other business, where the custom and practice—and that which is a good custom and practice and ought to be sustained—are to keep them from other business, I believe in giving them simply that which the law provides they shall have. I will stand by the Revised Statutes.

Mr. BECK. A few moments ago I suggested that the motion made by the Senator from Illinois, in my judgment, was right; but after hearing what the chairman of the Committee on Appropriations has said as to the impossibility without a revision of the whole bill of doing like justice to all others, and in view of the impossibility of agreeing in conference about it, I believe I shall vote with the committee, although I am thoroughly convinced that the motion of the Senator from Illinois is right in point of principle. I say this in explanation of my vote after what I have said before.

Mr. HEREFORD. Mr. President, it strikes me from the reading of this whole bill that there is something more in this clause than a simple appropriation of money; that this bill itself and the bill of twelve months ago not only made an appropriation but changed the Revised Statutes, not only made an appropriation of money in terms, but repealed the salary fixed by the Revised Statutes, or, if the bill of twelve months ago did not, this does. Look at it:

> Territory of New Mexico:
> For salaries of governor, chief-justice, and two associate judges, at $2,600 each.

That not only makes an appropriation, but it fixes the salary; and if there were any doubt concerning that, the last section in the bill, it seems to me, makes it certain:

> That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

That does attempt to fix the salary of the chief-justice and of two associate justices in New Mexico at $2,600 each. It says that is their salary and fixes it; and the last section says that if there is any law inconsistent with this it is hereby repealed, and if there is anything in conflict with it it is hereby repealed. So, then, there is something more in this than a simple appropriation of money. If the law twelve months ago did not, as I think it did, for it was *in hæc verba* with this bill, repeal the Revised Statutes, this does. I do not like this character of legislation, it is true; but it did do it; it made the law on this subject; and from that time on the salaries of these judges were changed.

As far as I am concerned, I have no fears that these judges could by a suit against the General Government obtain any more than the sum fixed in the bill of last year and this bill of this year, unless for salary accruing prior to the bill of last year. This certainly does change the salary, seeks to do it, does do it, and then repeals everything inconsistent with it; and if the Revised Statutes referred to by the Senator from Illinois are in conflict with this they are repealed. Any provision of the Revised Statutes inconsistent with this is repealed. There is more in this than simply an appropriation of money, or more in it, to use the language of other Senators, than a mere neglect to appropriate; it is a repeal of any law in conflict with it and fixes the salaries of these judges.

Mr. BECK. I rose when the Senator from West Virginia [Mr. HEREFORD] was speaking to prevent him falling into the error into which he has just fallen. As he did not seem to desire that I should interrupt him, I did not. I now rise to say that the statute of last year, which he asserts did repeal the Revised Statutes, has no repealing clause in it at all.

Mr. HEREFORD. But this has.

Mr. BECK. The bill we are now proposing to pass has, but the one to which he refers did not contain a repealing clause, but simply failed to make the appropriation fixed by law; did not attempt to repeal that law; and certainly the Revised Statutes stand just as though the act of March 3, 1877, had not been passed. All it says is that the sums appropriated by it shall be "in full compensation for the fiscal year ending June 30, 1878, for the objects herein expressed," without any repealing clause. In the bill before the Senate we are proposing to change the Revised Statutes, but the question is, ought we to do it in this way? They have not been repealed by any prior act.

Mr. HEREFORD. There is more in it than that. The Senator from Illinois said that if we did not make this appropriation in full he did not know but that they could maintain a suit against the General Government. I say they cannot maintain a suit against the General Government unless it be for something due under the past act; but under this they cannot, because here is a repealing clause, here is a clause in this bill repealing all laws in conflict with it. Thus the argument that I stated in the first place I yet maintain to be good, that any law in conflict with this is hereby repealed. The first section that I read does attempt to fix the salary. Whether it is too much or too small is a different proposition. As to the propriety of such legislation upon an appropriation bill I have nothing to say. But there is no danger of any suit being maintained against the General Government with success, for this does repeal the law giving them any other salary than that fixed by this bill. So the argument I stated originally I yet maintain as good, and I say that there is more in this than simply making an appropriation or failing to make an appropriation. There is a repeal of the Revised Statutes so far as the salaries of these judges are concerned, and the salaries that are given these judges are as much as the salaries that are given many of the judges in the States. They are as large as the salaries given to judges in my own State, as large as the salaries given the judges in the State of Virginia; I think more than the salaries paid to the judges in several of the New England States.

Mr. BECK. Now, will the Senator from West Virginia allow me to ask him a question?

Mr. HEREFORD. Yes, sir.

Mr. BECK. I desire to ask the Senator from West Virginia whether he has referred to section 1, article 3, of the Constitution of the United States, which provides that—

> The judges, both of the Supreme and inferior courts shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Does that apply to these judges? I am advised that it does not apply to territorial judges.

Mr. HEREFORD. I thought the Senator from Kentucky would yield the point that that does not apply to territorial judges. What I am talking about was these territorial judges. That does not apply to territorial judges, but to a very different class of judges. That provision applies to United States judges. It has no application to territorial judges whatever.

Mr. DORSEY. If the chairman of the Committee on Appropriations will consent, I desire to move an adjournment.

Mr. WINDOM. I hope the Senate will not adjourn. I wish to present the report of the committee of conference on the consular and diplomatic bill whenever the Senate decide that they will go no further with this bill; but I think we might continue longer in session.

Mr. DORSEY. I think it is hardly worth while to continue this bill longer to-night. There is a misunderstanding on this point which ought to be considered further, but I will yield for the purpose of allowing the Senator from Minnesota to present the conference report.

Mr. BLAINE. Before that I ask that the Army bill from the House be referred.

Mr. DORSEY. I yield for that.

Mr. BLAINE. I want the Army bill printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. The Chair will lay before the Senate, House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 4200) relating to the national road in the State of Maryland and to give consent of the United States to a certain act of the General Assembly of Maryland in relation to said road;

A bill (H. R. No. 4824) to amend section 3843 of the Revised Statutes, in relation to settlements of postmasters;

A bill (H. R. No. 5052) to amend section 3835 of the Revised Statutes of the United States.

ARMY APPROPRIATION BILL.

The bill (H. R. No. 4866) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. SARGENT. On the question of reference I take occasion to say that it seems to me the Senate had better remain to-day half an hour longer on the legislative appropriation bill. Many Senators desire to adopt the resolution as amended by the House making the adjournment on the 17th of June. The Senate has already agreed to adjourn over to-morrow, which makes a day lost for business. Now,

it seems to me that in view of the early adjournment desired all around, we had better sit half an hour later to-night and finish the legislative bill, which is nearly through.

Several SENATORS. All right.

Mr. WINDOM. Certainly, if there is any disposition to adopt that resolution, we ought to finish the bill to-night.

Mr. SARGENT. There is a very strong disposition to adopt it.

The PRESIDING OFFICER. Does the Senator from Arkansas withdraw the motion to adjourn?

Mr. DORSEY. I do not.

Mr. BURNSIDE. I desire to give notice that at the proper time I shall move to refer that portion of the Army appropriation bill which relates to the reorganization of the Army to the Committee on Military Affairs. If it is in order I move now that that portion of the bill referring to the reorganization of the Army be referred to the Military Committee.

Mr. WINDOM. That is not in order now.

Mr. SARGENT. I raise the point of order that that is not in order. You cannot divide a bill for the purpose of reference.

Mr. BURNSIDE. I give notice that at the proper time I will make that motion.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from California.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 376) to provide for ascertaining and settling private land claims in certain States and Territories; which was referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. HOWE submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

Mr. SPENCER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, to report the same back with various and sundry amendments. I give notice that I shall call this bill up as soon as practicable.

Mr. MORRILL. How much is the amount appropriated?

Mr. SPENCER. It increases the appropriations of the House about $900,000.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

Mr. DORSEY. At the suggestion of the chairman of the Committee on Appropriations and other members of that committee, I withdraw the motion to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois, [Mr. DAVIS.]

Mr. SARGENT. I hope the five-minute rule will be lived up to hereafter on this bill.

The PRESIDING OFFICER. The yeas and nays will be taken on the amendment of the Senator from Illinois.

The question being taken by yeas and nays, resulted—yeas 17, nays 30; as follows:

YEAS—17.

Anthony,	Christiancy,	Hoar,	Teller,
Bayard,	Davis of Ill.,	Jones of Florida,	Wallace.
Booth,	Dennis,	Kirkwood,	
Bruce,	Ferry,	Matthews,	
Burnside,	Hill,	Paddock,	

NAYS—30.

Bailey,	Dorsey,	Kernan,	Randolph,
Barnum,	Eaton,	McCreery,	Rollins,
Beck,	Eustis,	McDonald,	Sargent,
Butler,	Gordon,	McMillan,	Saulsbury,
Cameron of Wis.,	Hamlin,	Maxey,	Windom,
Cockrell,	Hereford,	Merrimon,	Withers.
Coke,	Howe,	Morgan,	
Davis of W. Va.,	Johnston,	Morrill,	

ABSENT—29.

Allison,	Edmunds,	McPherson,	Spencer,
Armstrong,	Garland,	Mitchell,	Thurman,
Blaine,	Grover,	Oglesby,	Voorhees,
Cameron of Pa.,	Harris,	Patterson,	Wadleigh,
Chaffee,	Ingalls,	Plumb,	Whyte.
Conkling,	Jones of Nevada,	Ransom,	
Conover,	Kellogg,	Saunders,	
Dawes,	Lamar,	Sharon,	

So the amendment was rejected.

Mr. HOWE. I move to amend this bill, in line 324, by inserting "five" in place of "two," where it occurs near the end of the line. The effect of the amendment is to give the Librarian of Congress three additional assistants at $1,200 each. The necessity for it I can make apparent in a very few words, if any Senator wishes any evidence on the point.

Mr. WINDOM. Is it recommended by the Committee on the Library?

Mr. HOWE. The amendment comes from the Joint Committee on the Library.

Mr. WINDOM. And I understand it has the approval of a majority of the Committee on Appropriations. I make no objection.

The amendment was agreed to.

Mr. CHRISTIANCY. By the authority of the Committee on the Revision of the Laws and with the concurrence of the Committee on Appropriations, I offer the following amendment, to be added at the end of line 334:

And $3,000, or so much thereof as may be found necessary, for the purpose of purchasing the copyright and stereotype plates of a work entitled Reference Index to the Revised Statutes of the United States, published by Little, Brown & Co., of Boston, to be expended under the direction of the Secretary of State; the legal evidence of such purchase, if made, together with said plates, to be deposited in the Department of State for use as required.

Mr. COCKRELL. I should like to hear some explanation of that.

Mr. CHRISTIANCY. I will state what this amendment relates to. Mr. Lyman, an employé in the Treasury Department, has spent two years in preparing an index of the statutes of the United States down to and including the whole of the sixteenth volume, taking all the statutes in the order of their date and showing where each section of every statute in the Statutes at Large is revised in the Revised Statutes. It constitutes a work of sixty-eight pages only. The Committee on the Revision of the Laws have unanimously recommended the amendment which I have offered, and the Committee on Appropriations have been all individually consulted upon it to-day and they all agree also in the same amendment. I am informed by Mr. Boutwell, the commissioner of revision, who is himself strongly in favor of it, that it can be inserted in the edition of the Revised Statutes, now being prepared, without increasing the size of that volume beyond the size of the present edition of the Revised Statutes. I hope, therefore, the amendment will be adopted.

Mr. DAVIS, of West Virginia. Does the chairman of the committee assent to it?

Mr. WINDOM. I understand that the Committee on the Revision of the Laws recommend this unanimously and that a majority, if not all, of the Committee on Appropriations have been consulted and agree to it. On that statement I make no objection.

Mr. DAVIS, of West Virginia. This is the first I have heard of it. There is no reason why I should know more of it than anybody else.

Mr. CHRISTIANCY. I will say that when I went this morning to consult the members of the Committee on Appropriations I did not find the Senator from West Virginia in his seat; that is the only reason why he was not consulted.

Mr. DAVIS, of West Virginia. Do I understand the Senator that a majority of the Committee on Appropriations have consented to it?

Mr. CHRISTIANCY. Yes, sir; all that I consulted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. COCKRELL. I desire to ask the Senator from Michigan if this interferes with the index to the Revised Statutes, which will soon be published.

Mr. CHRISTIANCY. Not at all; they relate to entirely different things. This is a cross-index from the Statutes at Large to the Revised Statutes, showing where each section of every act of Congress heretofore passed is to be found in the Revised Statutes. It is entirely distinct from the index now under preparation by the commissioner of revision, which is an index of subjects. This is an index of statutes, as I have explained it, entirely.

Mr. WITHERS. I understand the Senator from Michigan to say that this amendment is recommended by the Committee on the Revision of the Laws unanimously.

Mr. CHRISTIANCY. Unanimously.

Mr. KERNAN. Allow me to say further that the gentleman who is preparing the general index has examined this carefully, and he has advised in favor of its being put into the volume with the index which he is preparing. It will aid very much in examining the statutes.

Mr. CHRISTIANCY. I have the letter of Mr. Boutwell here strongly recommending this.

Mr. COCKRELL. To what date does this index come?

Mr. CHRISTIANCY. It comes down to the date of the Revised Statutes.

Mr. COCKRELL. Of the present edition?

Mr. CHRISTIANCY. Of the present edition.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Naval Affairs to offer this amendment, to be inserted after line 1573:

For additional compensation to the chief clerk of the Navy Department while performing duties as Assistant Secretary of the Navy by assignment of the Secretary, $300, or so much thereof as may be necessary, taking effect from February 10, 1878.

For additional compensation to clerk of the fourth class performing the duties of chief clerk under similar assignment, $500, or so much thereof as may be necessary, taking effect from February 10, 1878.

One stenographer, $1,600.

Mr. President, the Navy Department, as it will be seen, is run by a very slight force of clerks. We are continually calling on them for

documents of various kinds for reference. I have been surprised myself at the amount of clerical duty that the Committee on Naval Affairs of the Senate have been compelled to require of the Navy Department, and am at a loss almost to know how they succeed in complying with the demands we make upon them.

In addition to that I wish to say that there is no assistant Secretary of the Navy. All the duties which in other Departments devolve on one, two, or three assistants, fall solely upon the head of the Secretary; and he is a very hard-worked man for that reason, and always has been. This is not a proposition to make an assistant Secretary of the Navy, but to allow the Secretary from time to time to detail the chief clerk to act, probably for a few months in a year, when he is absent, so as to give an opportunity for official papers to be signed by this officer.

I also desire to make the statement that there is not in the whole Navy Department a stenographer. Many of the bureaus in the other Departments have stenographers. It is now a necessity of public business that stenographers be used. That has got to be a great art, and it facilitates work so much that it saves an immense amount of time. By this amendment the committee ask that a stenographer be allowed the Secretary of the Navy. I think there will be no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from California.

The amendment was agreed to.

Mr. DAVIS, of Illinois. I move, in line 2028, after the word "seven," to insert "and five hundred;" so as to read:

Solicitor-General, $7,500.

This is a single officer whose compensation for this year is fixed at $7,000 by the bill, while the Revised Statutes creating the Department of Justice provided that there should be as an assistant to the Attorney-General "an officer called the Solicitor-General, learned in the law," who was to take the place of the Attorney-General in case of his absence and perform his duties whenever it was necessary to do so. Then there were three Assistant Attorneys-General, with salaries fixed at $5,000 each. This bill preserves the salaries of the Assistant Attorneys-General, preserves the salary of the Attorney-General, but the Solicitor-General, whose salary is $7,500 by law, is reduced $500. Why make that discrimination?

Besides, this gentleman is to my knowledge one of the most useful officers in this Government. The whole business of preparing the Federal cases in the Supreme Court and Court of Claims has to be supervised by him. He is constantly arguing cases in the Supreme Court, and I think I shall be borne out by the Senators from North Carolina in saying he is not only a gentleman learned in the law but one of the most estimable gentlemen in the country. I think that reducing his salary to $7,000 when it is fixed by law at $7,500 is a matter that is too small for the consideration of the Senate.

Mr. BECK. Will the Senator from Illinois allow me to say that by the act of March 3, 1877, the Solicitor-General was put at $7,000, and by the act of 1876 it was $7,000.

Mr. DAVIS, of Illinois. They are appropriation bills. Of course I do not want to complain of this thing; but there has been no provision of the law except the present bill changing the Revised Statutes upon this subject.

Mr. BECK. The House struck him down to $6,000 and the Senate has raised him to $7,000.

Mr. DAVIS, of Illinois. Then you ought to repeal the law giving a salary of $7,500. It is the most vicious legislation in the world to proceed in this way. The chief law officer of the Government, the Attorney-General, has to supervise the Department; he cannot argue cases before the Supreme Court; he has not the time to do it. I do not mean that he is not able to do it, for the present Attorney-General is a very able man, but he has not the time to do it. The business is given to an officer who really could earn a great deal more money than that. To make a distinction between him and his Assistant Attorneys-General, when they are paid $5,000, the legal salary, and say he shall be paid $500 less than the law provides, seems to me rather small business.

Mr. WITHERS. It strikes me that this involves precisely the same principle which we debated some time ago, and it was generally agreed that the yeas and nays upon that amendment would settle the question.

Mr. WINDOM. Precisely the same question.

Mr. WITHERS. I can see no difference in it, except that it applies to one particular individual instead of to a class. I hope the Senate will not go back and have this whole argument gone over again as to the necessity of adhering to the agreement which was had with the House. The present bill fixes the salary at $7,000. The last year's bill fixed it at $7,000. The House bill reduced it to $6,000. This committee put it back at just what it was before, $7,000, and I hope the Senate will permit it there to remain. As to the repeal of the Revised Statutes, that is done by this very bill which we have now under consideration.

Mr. WINDOM. The Senator from Virginia has stated the precise facts in regard to this matter.

Mr. DAVIS, of Illinois. When we voted on the other question it involved a change of dozens of places in the Revised Statutes.

Mr. WITHERS. This will involve precisely the same thing if we act with fair and even-handed justice. The whole principle in it is that the Revised Statutes fix the salary at $7,500 and this appropriation bill reduces it to $7,000. In every other case where the Revised Statutes fix a salary and this bill reduces it, the same principle would apply.

Mr. DAVIS, of Illinois. I think there is more merit in the case of this officer than any other whose name is mentioned in this bill.

Mr. WITHERS. I make no question as to the merits of the officer.

Mr. DAVIS, of Illinois. I ask a separate vote on it, because there is more merit in the case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

Mr. SARGENT. The salary is $7,000. The House reduced it to $6,000, and we put it back to $7,000 upon the principle that we would stand upon the salaries as heretofore existing.

Mr. DAVIS, of Illinois. I read the salary as provided by law. It is exactly the same case as that of the judges; it is a salary provided by law.

Mr. SARGENT. This is exactly the salary he has been receiving. We put it at $7,000. To put it at $7,500 is to violate the principle and lose the whole moral force of the position of the Senate in reference to salaries. We say to the House conferees when we meet them: "The Senate are not disposed to legislate on appropriation bills; the law has fixed the price; and if not, the appropriation bills have fixed the price over and over again; there is a certain standard; now we ask that an amount which the law allows be appropriated; we do not ask to increase salaries ourselves, but we resist the attempt to decrease them; if that is to be done let it be done by general legislation." That is the principle upon which we stand, and the House conferees in repeated conferences have yielded to the soundness of the principle; and to violate in a single instance, as is now proposed to do, takes away the argument of consistency on the part of the Senate. For that reason, as well as for the reason that $7,000 is an ample salary for this office, nearly as large as that of a Cabinet minister, with all the high duties devolved on that place, I trust the Senate will vote down the amendment.

Mr. DAVIS, of Illinois. The matter must go to a conference committee, because the House bill was $6,000, and you raise it to $7,000 instead of $7,500, which is the salary prescribed by law; and this officer is one of the ablest this country has at the present time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

The amendment was rejected.

Mr. WINDOM. I have a few formal amendments from the Committee on Appropriations which I intended to propose a moment ago, but some Senator wished to offer an amendment and I postponed them. On line 104 I move to strike out "six" and insert "seven." That is merely to correct a footing so as to make it "$14,700" instead of "$14,600."

The amendment was agreed to.

Mr. WINDOM. On line 134 I move to insert after the word "dollars:"

And of this amount not exceeding $400 may be used for the purchase of platform scales for weighing coal.

The purpose is to enable the architect of this building to weigh the coal that is bought for the use of the two Houses of Congress and to prevent frauds.

The amendment was agreed to.

Mr. WINDOM. On line 249, after the word "library," I move to insert "at $720."

This is to supply an omission.

The amendment was agreed to.

Mr. WINDOM. On line 327 I move to change the footing to correspond with an amendment already made by the Senate. On motion of the Senator from Wisconsin [Mr. HOWE] the number of clerks in the office of the Librarian was changed, which requires a change in the footing.

Mr. WITHERS. I suppose it is hardly necessary to make a specific motion with regard to every change in the footing which is necessitated by a change in salary.

Mr. WINDOM. It is necessary in committee, I suppose. After the words "in all," in line 327, I move to strike out "$26,640" and insert "$30,240."

The amendment was agreed to.

Mr. WINDOM. On line 759 I move to strike out the word "five" and insert "eight;" so as to read:

One stenographer, $1,800.

I have not had the opportunity of consulting the committee, but I understand the committee are unanimously agreed in that. It is to conform to what is paid to the other stenographers.

The amendment was agreed to.

Mr. WINDOM. I move to strike out from line 1106 to line 1133. The Senate will notice that is a somewhat sweeping amendment, and I will call the attention of the Senator from Kentucky to it. The bill now provides:

And for the purpose of enabling the several mints and assay offices of the United States to make returns to depositors with as little delay as possible, the provisions of section 3545 of the Revised Statutes of the United States shall hereafter apply, &c.

I can, if desired, present reasons for moving to strike that out more

readily by having a brief letter read than by any other way. I think it will meet the approval of the Senate.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT.
Washington, D. C., May 23, 1878.

DEAR SIR: The effect of the provisions of lines 962 to 984, pages 40 and 41, bill H. R. 4104, now pending in the Senate, if enacted into a law, will be to require the mint at Denver to pay the value of bullion which may be deposited thereat in coin or coin notes, less the lawful mint charges.

The bullion will become the property of the United States and will have to be transferred at Government expense to one of the coinage mints for coinage on account of the United States.

The Treasury would hold the resulting coin as an offset for the coin paid for the bullion or for the redemption of the coin notes given in payment for the bullion. In so far as the receiving, assaying, and accounting for the bullion and its transfer to another institution for coinage on account of the United States is concerned, there would be no difficulty, but it would be necessary to increase the bond of the superintendent of the Denver mint to $100,000; it is now but $10,000.

If this provision is retained, it will largely increase the responsibility of the superintendent at Denver, and his salary should be, in my opinion, increased to $3,000 per annum.

As to the expediency of issuing coin notes through an assay office or mint, the Secretary of the Treasury would be a better judge than myself, and I therefore say nothing upon that point.

I am, sir, very respectfully,

H. R. LINDERMAN, *Director.*

Hon. WM. WINDOM,
United States Senate.

Mr. WINDOM. I am willing to submit the question on that statement without any further discussion. I move to strike out the entire clause from line 1106 to line 1133, inclusive.

Mr. BECK. It came to us applying to the mint at Denver. We heard there were several other applications to make it apply to other mints, and therefore upon my suggestion it was amended as it now reads, "the several mints and assay offices," so as to make it general, applicable to all the mints.

Mr. WITHERS. We understood that several already enjoyed the privilege.

Mr. BECK. But after hearing the letter read I think we had better strike out the clause, and in conference we can look at it and determine what to do.

Mr. TELLER. I should like to call attention to section 3545 of the Revised Statutes, which provides:

For the purpose of enabling the mints and the assay office in New York to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in such mints and assay office, when the state of the Treasury will admit thereof, such an amount of public money, or bullion procured for the purpose, as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay office may be paid the value thereof, in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made, the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund or any portion thereof.

This was a proposition put in the bill by the House for the purpose of buying bullion at Denver. A year ago an attempt was made to induce the Department to make an order for the buying of bullion, as we understand they might at Denver. It would be a great accommodation to all the people in that State who are mining, as well to the people of Idaho, Montana, New Mexico, and Arizona. Denver is a central position through which all the mining products of that region come. The miners of that section of country are compelled to send all their money either to New York City or to Philadelphia, or they are compelled to sell it at the banks. The superintendent of the mint at Denver was willing at that time and is willing now to take charge of and do this business, giving the additional bond, as I understand, without any claim for extra compensation at all. It costs the Government nothing except the mere charge upon the transportation of the bullion from Denver to New York or Philadelphia. Cannot the Government of the United States afford to give this vast region west of the Mississippi River a little facility to enable the people to dispose of their productions which are especially desirable in this country, and which it ought to be the policy of the Government to encourage? If it is upon the theory that the Government cannot afford to do it, I suppose those people will have to submit to the same difficulties that they have experienced for the last fifteen or eighteen years; and you thus give the bankers an opportunity to buy their gold at less than it is worth in many instances.

In this case I think it is extremely desirable that the mint at Denver should have this privilege; and so does my colleague. While he is connected with the largest bank, the one that buys probably the most gold in that country, and I am individually connected with another bank that makes some money in buying gold, yet we know that it is not the interest of the people that they should sell their gold bullion to the banks, but that the Government should establish this depository for the purchase of bullion at Denver. It is not a simple question of accommodating the people of Colorado, but a question of accommodating the people of the extreme western mining regions, except it may be California.

Mr. MERRIMON. What the Senator from Colorado has stated is in a very large measure applicable to the assay office at Charlotte.

Mr. SAULSBURY. I move that the Senate adjourn.

Mr. WINDOM. I hope that motion will not be made. We can complete this bill now in fifteen or twenty minutes. It will take all day Friday if we adjourn now.

Mr. MERRIMON. This bill is a very important one, and we have got on with it very much more rapidly than was anticipated when it was taken up. It appropriates millions and millions of dollars. If we are going to hurry through in a few minutes' work that which ought to take hours, it is rather remarkable to me. And now it is proposed to strike out a very important provision of the bill. I for one am opposed to striking it out, and would like to have an opportunity to acquaint the Senate with the reasons why I am so opposed to it.

Mr. WINDOM. The Senate will be very glad to hear the Senator; and with the consent of the Senate I will withdraw the motion to strike out and leave the subject to the conference.

Mr. MERRIMON. I am content to adopt that course.

Mr. WINDOM. With the consent of the Senate I will do that. I withdraw the motion.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WINDOM. One other proposition only. I move on line 98 to strike out the words "during the session six," and insert "twelve;" so as to read:

Telegraph operator, $1,200 per annum.

The Senate has already passed a bill appropriating $1,200 for that purpose. I do not wish to argue it. The Senate has expressed its opinion on the subject.

The amendment was agreed to.

Mr. WINDOM. Then there should be a change of the total corresponding with the amendment just made to $78,630 by inserting "six hundred" after "thousand;" so as to read "$78,630."

The amendment was agreed to.

Mr. WINDOM. I believe the committee have no further amendments.

Mr. CAMERON, of Wisconsin. I desire to offer a slight amendment at lines 2148 and 2149. By those two lines the sum of $1,500 is appropriated to the chemist and microscopist connected with the Agricultural Bureau. The duties of those two officers are entirely distinct, and they desire, as I am informed, and I think it is very proper, that the appropriation should be made separately to each of them. I do not propose by my amendment to increase the appropriation. I propose to insert after the word "chemist" the words "$1,000," appropriating to the chemist $1,000 for the purposes indicated, and then to strike out line 2149 in these words:

And microscopist, $1,500.

And insert in lieu thereof:

To investigate the history and habits of cryptogamic plants injurious to agriculture, for experiments in ascertaining the best means of preventing their growth and destroying them, for traveling expenses, chemicals, and other expenses connected with the practical works of the microscopical division, $500.

Mr. PADDOCK. I should like to inquire of the Senator from Wisconsin if both the chemist and microscopist understood that this is the relative amount that they need. Are they agreed as to the division of the sum?

Mr. WINDOM. I must beg pardon of the Senator from Wisconsin. I did not understand his statement as I was engaged in another matter. I think I have no objection to the amendment proposed by the Senator from Wisconsin if this is understood among these officers.

Mr. DAVIS, of West Virginia. I should like to know the object of the amendment.

Mr. CAMERON, of Wisconsin. One object is to divide the appropriations. The bill appropriates $1,500 jointly for the use of these two officers. The officers themselves desire that the appropriations should be divided and a certain amount appropriated to each.

Mr. DAVIS, of West Virginia. Does the Commissioner of Agriculture recommend this change?

Mr. CAMERON, of Wisconsin. I am not aware that he has recommended it officially, but he is satisfied with it.

Mr. DAVIS, of West Virginia. Has he said so to the Senator?

Mr. CAMERON, of Wisconsin. He is satisfied that the change shall be made. I am informed that until last year this appropriation was divided, but last year it was made jointly, and this year that example has been followed.

Mr. DAVIS, of West Virginia. The Commissioner of Agriculture was before the Committee on Appropriations and the bill, as I understand, is as he then desired it. Now I ask the Senator if any new light has come to the committee or himself, or has it only come to some of the officers who are to expend this money and who want this change?

Mr. CAMERON, of Wisconsin. The officers have not the spending of the money; the money is spent under the direction of the Commissioner of Agriculture.

Mr. DAVIS, of West Virginia. But my friend knows well that if the accounts are transferred from one to the other the Commissioner has no control except to spend the money for the particular objects specified. Unless the Senator from Wisconsin has properly considered this matter and knows that the Commissioner of Agriculture desires this change, I think it is unsafe to vote it.

Mr. MORRILL. On the face of it the Senator, if he will look at it, will see that it is proper, and I understand the Senator from Wisconsin has had ample information on the subject. It is to give the chemist a thousand dollars and the microscopist $500. Any one with a knowledge of the duties of the two professors under the Commis-

sioner of Agriculture will see at once that the professor of chemistry ought to have a larger sum than the other.

Mr. DAVIS, of West Virginia. With all due respect to both the Senators, I happen to be a member of the Agricultural Committee and also of the Committee on Appropriations, and I ought to have known what took place in either committee; and so far as I now know, no request has come from the Agricultural Department, either to the Committee on Agriculture or to the Committee on Appropriations, to make this change; and unless there is such a request I see no reason for it.

Mr. PADDOCK. That is my embarrassment. I am also connected with the Committee on Agriculture as its chairman, and I have had no intimation from the Commissioner of Agriculture that he desired to have this change; but if the Senator from Wisconsin says that he understands it to satisfactory both to the Commissioner of Agriculture and to the officers interested, I shall waive any objection I might otherwise make. I understand this sum to have been put in the appropriation bill in accordance with the general suggestions in relation to all these matters made by the Commissioner of Agriculture, with whom I went to the committee for the purpose of determining what should be done in reference to these matters. I should be very glad to accommodate the two officers concerned.

Mr. SAULSBURY. I move that the Senate adjourn.

Mr. WITHERS. I hope the Senator will withdraw that motion and let us see if we cannot get through with the bill.

Mr. WINDOM. There is no trouble in finishing the bill within the next fifteen minutes.

Mr. SAULSBURY. I insist on my motion.

Several SENATORS. Vote down the motion.

The PRESIDING OFFICER. It is moved that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 12, noes 29.

Mr. COCKRELL. I call for the yeas and nays. ["No!" "No!"] It is impossible for us to do business in this way.

Mr. WITHERS. We have just voted down the motion to adjourn. Why further attempt to consume time by calling the yeas and nays?

Mr. COCKRELL. I am astonished that the Committee on Appropriations insist upon going on.

Mr. WINDOM. We can finish the bill before the yeas and nays are called, I think.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. PADDOCK. I hope the Senator from Missouri will withdraw his call. There is no serious cause of disagreement here at all so far developed.

The PRESIDING OFFICER. The yeas and nays are called for upon the motion to adjourn. Is there a second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin, [Mr. CAMERON.]

Mr. COCKRELL. I should like to have the amendment reported again.

The Secretary read the amendment.

Mr. WITHERS. I suggest to the Senator from Wisconsin that as this whole amount of $1,500 can be expended under the direction of the Commissioner of Agriculture he has a perfect control of the whole matter; and if in his opinion it requires the expenditure of $1,000 for the one and $500 for the other he will so divide it, but if he prefers a different division and the public service may in his opinion demand it, we ought not to prevent his distributing this fund between the two objects of investigation as in his opinion may be most judicious.

Mr. DAVIS, of West Virginia. In addition to what the Senator from Virginia says, it will be noticed that the amendment gives traveling expenses. Just below he will find that there is already a provision for the traveling expenses of the Commissioner and others who may go out. This "traveling expenses" is a new thing in the place the Senator from Wisconsin desires to put it, and it will take a part of this money that ought to go to legitimate purposes.

Mr. CAMERON, of Wisconsin. On the preceding page, page 87, the Senate Committee on Appropriations proposed an amendment, which amendment has been adopted by the Senate in Committee of the Whole. It provides—

For investigating the history and habits of insects injurious to agriculture; for experiments in ascertaining the best means of destroying them; for chemicals, traveling expenses, and other expenses in the practical work of the entomological division, $5,000.

That is the only provision which I find in the bill in regard to traveling expenses. Is there any other?

Mr. DAVIS, of West Virginia. If the Senator will notice in lines 2157 and 2158 he will find:

And for actual traveling expenses while on the business of the Department.

It confines it to actual traveling expenses while on business of the Department. The Senator's amendment goes to another portion of the bill and says for traveling expenses whether on business or not.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. BUTLER. On line 219 I move to strike out the words "architect of the Capitol," and insert "Doorkeeper;" so as to put the engineers and others engaged in heating and ventilating the House under the orders of the Doorkeeper.

Mr. HOAR. Was it ever known that when the House passed a bill regulating as it chose the management of its own officers, the Senate undertook to make an amendment to that? This is something which has passed the House relating exclusively to the conduct of the officers of the House in the management of its Hall.

Mr. WINDOM. I will say to the Senator from South Carolina, if he will allow me, that there is already an amendment in this clause, and it will be within the jurisdiction of the conference committee. If the House desires to change it they can have it done in conference.

Mr. BUTLER. I make this motion by the request of gentlemen of the House. I do not know what has been the rule heretofore on the subject, but I was informed that it was simply an accident that this matter was made subject to the order of the architect of the Capitol instead of the Doorkeeper. I am not at all particular about it.

Mr. WINDOM. I think it had better be referred to the conference. I did not notice that when the Senator spoke to me about it a few minutes ago, but it is within the jurisdiction of the conference.

Mr. BUTLER. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPENCER. I offer the following amendment: in line 54, after the word "Pensions," insert the words:

And clerk to the Committee on Military Affairs.

Mr. WINDOM. I dislike to resist the amendment proposed by the Senator from Alabama; but I think if we undertake to increase the number of permanent committee clerks it will be quite a large task; we shall have to go through all the clerks of committees.

Mr. SPENCER. In answer to the chairman of the Committee on Appropriations, I notice that they have increased the number of permanent clerks.

Mr. WINDOM. In one case, the Committee on Pensions.

Mr. SPENCER. They give the Committee on Pensions a permanent clerk. If there is any reason for any committee of the Senate having a permanent clerk, it is certainly the Committee on Military Affairs. The Committee on Private Land Claims has a permanent clerk.

Mr. WITHERS. Not under this bill.

Mr. SPENCER. Certainly, under this bill.

Mr. WITHERS. No; I mean it is not provided for originally in this bill.

Mr. SPENCER. He is provided for this year by this bill and so are several others.

Mr. WITHERS. It is no new legislation.

Mr. SPENCER. The clerk of the Committee on Pensions is new legislation.

Mr. WITHERS. The clerk to the Committee on Pensions is added to this list because the Committee on Pensions have a very large amount of work he can do in the vacation.

Mr. SPENCER. So has the Committee on Military Affairs a very large amount of work that he can do during vacation. I submit to the Senate that if there is any committee in the Senate which is entitled to a permanent clerk it is the Committee on Military Affairs.

Mr. MAXEY. I will state that the Committee on Military Affairs has charge of one Department of the Government. An immense amount of work is done by that committee, as I happen to know as a member of the committee, and I believe it is wise and proper that it should have a permanent clerk. I therefore agree to the amendment proposed by the chairman of that committee.

Mr. SARGENT. There is really no necessity in this case, and I do not think there is in the case of the Committee on Pensions. The rule of the Senate is that on the adjournment of the Senate the papers shall be returned to the Secretary's office. I know of no power of the Committee on Pensions to sit during the recess nor of any power or disposition on the part of that committee or its clerk to work during the recess of the Senate. I doubted in committee whether this addition ought to be made. The argument was, "It does not increase the number, because we forego one permanent clerk." The majority of the committee thought it ought to be reported; but the principle certainly ought not to be extended to the Committee on Military Affairs. There is no business of the Committee on Military Affairs during the recess in a state of peace at any rate. If there is any I should like to know what it is. I should like any Senator to suggest any business the Committee on Military Affairs has during the recess. It is only an attempt to prolong the pay of a clerk. The Committee on Naval Affairs is just as important a committee, has just as much work. Put the work side by side and I think it has more, for I believe we are bothered more by naval officers than the Committee on Military Affairs is by military officers. There is no necessity for a permanent clerk for either. If there is a necessity for it in one case there is in the other, and there is just as much reason for it.

You might run through all the committees and you would find that just as good arguments can be advanced in favor of others as for the clerk of the Committee on Military Affairs. One committee that has had a permanent clerk, the Committee on Privileges and Elections, is now dropped from that list. There are exigencies when a committee may require the assistance of a permanent clerk. When

there was so much dispute in reference to seats in this body, when that committee was required to send subcommittees to the Southern States, &c., there was a good deal of necessity for a permanent clerk to the Committee on Privileges and Elections, because the business piled up mountain-high, and by consent of the Senate they sat during the recess of the Senate—in fact, sat during the daily sittings of the Senate. The same is true of the Military Committee during a time of war when war measures have to be originated and other matters of legislation of great importance are before that committee; but in a time of peace there can be no necessity for it at all. It is the most extravagant method of paying public servants, this making permanent clerks during the recess. I do not think it ought to be done, and am opposed to it.

Mr. SPENCER. There are seven or eight committees that pay their clerks annual salaries; and if there is a reason why one committee should have its clerk paid an annual salary there is the same reason why the Committee on Military Affairs should have it. The committee considered this question and unanimously directed me to report this amendment. I hope the Senate will adopt it. Seven or eight other committees have permanent clerks. Some of them have a great deal less business to do than the Committe on Military Affairs.

Mr. MERRIMON. What will the clerk have to do in vacation?

Mr. SPENCER. The same as other clerks. We have missed from our library at different times valuable works and books which if the committee had a permanent clerk we should not have lost. Now, we must ask for an appropriation, as we shall have to do, of several hundred dollars to furnish that committee with books that have been taken from the committee-room. If we had a permanent clerk who would be responsible for them, that necessity would be obviated. What have other clerks of committees to do during the recess? What does the clerk of the Committee on Appropriations do during the recess? So with the clerk of the Committee on Private Land Claims.

Mr. WINDOM. Let us vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

The question being put, there were on a division—ayes 19, noes 16.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I move that the Senate adjourn.

Mr. SARGENT. I hope we shall adjourn if we have got down to this kind of propositions.

Mr. WINDOM. I hope we shall not adjourn.

The PRESIDING OFFICER put the question on the motion to adjourn, and declared that the noes appeared to prevail.

Mr. SARGENT. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion is to adjourn.

Mr. DAVIS, of West Virginia. It is out of order, but I ask the chairman what he has to say about adjournment.

Mr. SARGENT. That is out of order.

Mr. DAVIS, of West Virginia. I know it is out of order, and I said so; but I should like to know what the chairman says.

The PRESIDING OFFICER. The Clerk will call the roll.

The yeas and nays were taken; and the result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Armstrong,	Cockrell,	Hill,	Morgan,
Bailey,	Coke,	Jones of Florida,	Ransom,
Barnum,	Conkling,	Kernan,	Sargent,
Bayard,	Dennis,	Lamar,	Saulsbury,
Beck,	Eustis,	McCreery,	Spencer,
Bruce,	Gordon,	Merrimon,	Wallace.

NAYS—25.

Anthony,	Davis of W. Va.,	McMillan,	Saunders,
Blaine,	Dorsey,	Matthews,	Teller,
Booth,	Ferry,	Maxey,	Windom,
Burnside,	Hereford,	Morrill,	Withers.
Butler,	Hoar,	Paddock,	
Cameron of Wis.,	Howe,	Randolph,	
Davis of Illinois,	Kirkwood,	Rollins,	

ABSENT—27.

Allison,	Edmunds,	Jones of Nevada,	Plumb,
Cameron of Pa.,	Garland,	Kellogg,	Sharon,
Chaffee,	Grover,	McDonald,	Thurman,
Christiancy,	Hamlin,	McPherson,	Voorhees,
Conover,	Harris,	Mitchell,	Wadleigh,
Dawes,	Ingalls,	Oglesby,	Whyte.
Eaton,	Johnston,	Patterson,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Alabama, [Mr. SPENCER,] upon which the yeas and nays have been ordered.

Mr. SAULSBURY. I desire to be heard one moment on that. I understand the proposition is to make the clerk of the Military Committee a permanent clerk and pay him a salary by the year. Inquiry was made of the chairman of that committee what special duties that clerk would be required to perform during the recess of the Senate. Here is a proposition, now, to take money out of the public Treasury to give to a clerk when the chairman of the committee cannot state one single duty he would have to perform during the recess of the Senate. Have the people of this country no rights? Have the tax-payers of the country, who furnish every dollar that goes into the Treasury, no interests to be protected by the Senate? Why, sir, during the last fifteen years there has never been such a strain upon the people of any portion of the earth as has been placed on the American people by the unwise appropriations passed through Congress.

Sir, we hear some talk of depressed labor, we hear some talk of the risings of men because they are oppressed and cannot get employment. If there is any cause of complaint existing anywhere for an uprising in this country, it is that the tax-payers of the country should rise up and protest against the squandering of the money which they have paid into the public Treasury. Here is a proposition to give to the clerk of a committee a few hundred dollars during the recess of the Senate when he has not a single duty to perform so far as I can learn from the chairman of the committee.

Mr. RANDOLPH. May I interrupt the Senator from Delaware and save a little time? One of the members of the Military Committee, the Senator from Texas, stated a few moments ago that it was the wish of the entire Military Committee that it should have a permanent clerk. The reasons he did not assign perhaps as fully as he might have done, because he did not want to occupy the time of the Senate. It was the sober judgment of the Military Committee that a clerk could be profitably employed during the whole session and during the whole year. The chairman of the committee was asked the question what could be done by that clerk during the recess. I regret to say that he did not answer it quite as I should have answered it. I say as a member of that committee that the clerk of that committee and three other men can be profitably employed during the whole of the coming vacation in performing this sort of duty; in gathering information concerning bills now before that committee sufficient in number to keep the committee at work continuously from now till Congress meets again. I have given hours almost every day for the last two months to doing work which a clerk ought to have done. It may be my duty; I cannot say; but I do know that if the clerk of that committee, an unusually intelligent gentleman, gives his time during the vacation, there will be presented by the Military Committee at the opening of the next session a mass of testimony concerning delicate cases before the committee such as will not be given without his assistance. That is what the clerk will have to do.

Mr. WINDOM. I am informed by so many Senators on the other side of the House that they have amendments which they desire to offer that, if it meets the approval of the Senate, I will ask leave to make a report from a committee of conference which will take but two minutes, and then I will move an adjournment.

Several SENATORS. That is right.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 46, 47, 49, 50, 54, 55, 57, and 58.

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 51, 52, 53, 56, and 59, and agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same with an amendment striking out lines 3 and 4, page 2, of the bill, and inserting in lieu thereof the following:

That hereafter chargés d'affaires *ad interim* shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 12, and agree to the same with an amendment striking out the comma between the words "Paraguay" and "Uruguay," and inserting the word "and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 15, and agree to the same with an amendment striking out lines 14 and 15, page 2 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 24, and agree to the same with an amendment striking out "ten" and inserting in lieu thereof "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 43, and agree to the same with an amendment striking out the words "Turk's Island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 48, and agree to the same with an amendment striking out the word "Milan;" and the Senate agree to the same.

WM. WINDOM,
W. B. ALLISON,
WM. W. EATON,
Managers on the part of the Senate.

O. R. SINGLETON,
WM. A. J. SPARKS,
EUGENE HALE,
Managers on the part of the House.

The report was concurred in.

Mr. WINDOM. I move that the Senate do now adjourn.

The motion was agreed to; and (at six o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 29, 1878.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes.

ORDER OF BUSINESS.

Mr. WOOD. I rise to a privileged question.

Mr. DAVIS, of North Carolina. I desire to submit a request to the House.

Mr. WOOD. I will yield for that purpose.

EVENING SESSION FOR DEBATE.

Mr. DAVIS, of North Carolina. I ask unanimous consent that there be an evening session of the House to-day, commencing at half past seven o'clock, for debate only, no business whatever to be transacted.

Mr. BURCHARD. I think we had better have an evening session for business.

The SPEAKER. The Chair desires to state that there is a great pressure to have a session for debate.

Mr. HALE. Let them have a night session for debate this week.

There was no objection, and it was so ordered.

VENEZUELAN CLAIMS.

Mr. BRIDGES. As one of the Committee on Foreign Affairs, I ask consent to present some views upon House bill No. 4799, in relation to the Venezuelan mixed commission. I ask to have them printed and recommitted to the Committee on Foreign Affairs, to be considered in connection with the report of the majority of the committee upon the same subject.

There was no objection.

ADJOURNMENT SINE DIE.

Mr. WOOD. I now call up from the Speaker's table the concurrent resolution of the Senate providing for the final adjournment of this session of Congress on the 10th day of June next. I move that the further consideration of that resolution be postponed until Saturday, the 8th day of June, after the reading of the Journal, and on that motion I call the previous question.

Mr. GARFIELD. And if that is voted down, the resolution will come up for action on its merits.

Mr. BURCHARD. Should the previous question be seconded and the main question ordered, will it run to the adoption or rejection of the resolution, should the motion to postpone not be agreed to?

The SPEAKER. It will.

Mr. HALE. I call for the regular order.

Mr. WOOD. Do not be in a hurry; we will get along.

The SPEAKER. The resolution will be read.

The Clerk read the resolution, as follows:

Resolved, (the House of Representatives concurring,) That the President of the Senate and Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on Monday, June 10, 1878, at twelve o'clock noon.

The previous question was seconded and the main question ordered.

Mr. HALE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is upon the motion to postpone the further consideration of the resolution, which has been read, until Saturday, June 8, after the reading of the Journal.

Mr. PATTERSON, of New York. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. REAGAN. Is it in order to move a call of the House at this time?

Mr. HALE. Not until after a vote has been taken, and not then unless a quorum does not vote.

Mr. WOOD. The rule requires that we shall know whether there is a quorum present or not.

Mr. HALE. We can tell that by voting.

Mr. WOOD. No vote has yet been had.

Mr. REAGAN. It is not indispensable to a call of the House that there shall be no quorum.

Mr. CONGER. There is no doubt of a quorum being present. If the gentleman will look around the House he will see that there is a quorum here.

Mr. BURCHARD. Is a call of the House in order after the previous question has been ordered until a vote shows no quorum voting?

Mr. WOOD. Do not be in such a hurry. For the purpose of ascertaining whether there is a quorum present or not, I move that the House now adjourn, and on that motion I call for the yeas and nays.

Mr. HALE. The yeas and nays have been ordered on the motion to postpone.

The SPEAKER. That does not prevent them being ordered on a motion to adjourn.

Mr. HALE. Can the House now adjourn, after the previous question has been ordered?——

The SPEAKER. The House can adjourn at any time. The Chair was examining the rule in regard to a call of the House. The Chair thinks there is a quorum present.

Mr. HALE. Does the gentleman from New York [Mr. WOOD] want to filibuster on his own motion?

Mr. WOOD. I want to have a full House.

Mr. HALE. We gave the gentleman the previous question on his motion, as he asked. Now, does he want to adjourn on that?

Mr. WOOD. I want to have a full House, and the yeas and nays on the motion to adjourn will give members an opportunity to come in.

The yeas and nays were ordered.

The question was taken; and there were—yeas 0, nays 245, not voting 46; as follows:

YEA—0.

NAYS—245.

Acklen,	Cutler,	Hubbell,	Rice, William W.
Aiken,	Danford,	Humphrey,	Riddle,
Aldrich,	Davidson,	Hungerford,	Robertson,
Atkins,	Davis, Horace	Hunter,	Robinson, G. D.
Bacon,	Davis, Joseph J.	Hunton,	Robinson, M. S.
Bagley,	Dean,	James,	Ross,
Baker, John H.	Deering,	Jones, Frank	Ryan,
Baker, William H.	Denison,	Jones, John S.	Sampson,
Ballou,	Dibrell,	Jones, James T.	Sapp,
Banks,	Dickey,	Joyce,	Sayler,
Banning,	Douglas,	Keifer,	Scales,
Bayne,	Dunnell,	Keightley,	Schleicher,
Bell,	Dwight,	Kenna,	Sexton,
Bicknell,	Eames,	Ketcham,	Shallenberger,
Bisbee,	Eden,	Killinger,	Singleton,
Blackburn,	Eickhoff,	Kimmel,	Sinnickson,
Blair,	Elam,	Knott,	Smalls,
Bland,	Ellis,	Landers,	Smith, A. Herr
Bliss,	Errett,	Lapham,	Smith, William E.
Boone,	Evans, I. Newton	Lathrop,	Southard,
Bouck,	Evins, John H.	Ligon,	Sparks,
Boyd,	Ewing,	Lindsey,	Springer,
Bragg,	Felton,	Lockwood,	Steele,
Brentano,	Finley,	Lynde,	Stenger,
Brewer,	Forney,	Mackey,	Stephens,
Bridges,	Fort,	Maish,	Stewart,
Briggs,	Foster,	Marsh,	Stone, Joseph C.
Bright,	Franklin,	Mayham,	Stone, John W.
Brogden,	Frye,	McGowan,	Strait,
Browne,	Fuller,	McKenzie,	Thornburgh,
Buckner,	Gardner,	McMahon,	Throckmorton,
Bundy,	Garfield,	Metcalfe,	Tipton,
Burchard,	Garth,	Mills,	Townshend, R. W.
Butler,	Gause,	Mitchell,	Turner,
Cabell,	Giddings,	Money,	Turney,
Cain,	Goode,	Monroe,	Vance,
Caldwell, John W.	Gunter,	Morgan,	Van Vorhes,
Caldwell, W. P.	Hale,	Morrison,	Veeder,
Calkins,	Hamilton,	Morse,	Wait,
Candler,	Hanna,	Muldrow,	Ward,
Cannon,	Hardenbergh,	Neal,	Warner,
Carlisle,	Harmer,	Norcross,	Walsh,
Caswell,	Harris, Benj. W.	O'Neill,	Watson,
Chalmers,	Harris, Henry R.	Overton,	Welch,
Chittenden,	Harris, John T.	Page,	White, Michael D.
Claflin,	Harrison,	Patterson, G. W.	Whitthorne,
Clark, Alvah A.	Hart,	Patterson, T. M.	Williams, Andrew
Clark, Rush	Hartridge,	Peddie,	Williams, A. S.
Clymer,	Hartzell,	Phelps,	Williams, C. G.
Cobb,	Haskell,	Phillips,	Williams, James
Cole,	Hatcher,	Pollard,	Williams, Richard
Collins,	Hayes,	Potter,	Willis, Albert S.
Conger,	Hazelton,	Pound,	Willis, Benj. A.
Cook,	Hendee,	Powers,	Willits,
Covert,	Henderson,	Price,	Wilson,
Cox, Jacob D.	Henkle,	Pridemore,	Wood,
Cox, Samuel S.	Henry,	Rainey,	Wright,
Crapo,	Herbert,	Randolph,	Yeates,
Cravens,	Hewitt, Abram S.	Rea,	Young.
Crittenden,	Hewitt, G. W.	Reagan,	
Culberson,	Hooker,	Reed,	
Cummings,	House,	Reilly	

NOT VOTING—46.

Beebe,	Gibson,	McKinley,	Thompson,
Benedict,	Glover,	Muller,	Townsend, Amos
Blount,	Hiscock,	Oliver,	Townsend, M. I.
Burdick,	Ittner,	Pugh,	Tucker,
Camp,	Jorgensen,	Quinn,	Waddell,
Campbell,	Kelley,	Rice, Americus V.	Walker,
Clark of Missouri,	Knapp,	Robbins,	White, Harry
Clarke of Kentucky,	Loring,	Roberts,	Wigginton,
Durham,	Luttrell,	Shelley,	Williams, Jere N.
Ellsworth,	Manning,	Slemons,	Wren.
Evans, James L.	Martin,	Starin,	
Freeman,	McCook,	Swann,	

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with the gentleman from Indiana, [Mr. EVANS.] If he were present, I should vote "no."

Mr. LIGON. My colleague from Alabama, Mr. WILLIAMS, is detained from the House by sickness.

Mr. MULLER. I am paired with my colleague, Mr. STARIN. If he were present, I would vote "no."

Mr. PUGH. I am paired with Mr. MARTIN, of West Virginia. If he were present, I should vote "no." I presume he would also vote "no."

Mr. BURDICK. I am paired with the gentleman from Mississippi, Mr. MANNING.

Mr. JORGENSEN. I am paired with the gentleman from Missouri, Mr. GLOVER.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs on the motion of the gentleman from New York to postpone the further consideration of the resolution till the 8th day of June, immediately after the reading of the Journal, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 124, nays 132, not voting 35; as follows:

YEAS—124.

Acklen,	Eden,	Hunton,	Scales,
Atkins,	Eickhoff,	Jones, Frank	Schleicher,
Banning,	Elam,	Jones, James T.	Singleton,
Bicknell,	Ellis,	Kenna,	Smith, William E.
Blackburn,	Evins, John H.	Kimmel,	Southard,
Bliss,	Ewing,	Knott,	Sparks,
Boone,	Felton,	Ligon,	Springer,
Bragg,	Finley,	Lockwood,	Steele,
Bridges,	Forney,	Lynde,	Stenger,
Bright,	Franklin,	Mackey,	Stephens,
Cabell,	Garth,	Maish,	Swann,
Caldwell, John W.	Gause,	Martin,	Throckmorton,
Caldwell, W. P.	Giddings,	Mayham,	Townshend, R. W.
Candler,	Goode,	McKenzie,	Tucker,
Carlisle,	Gunter,	McMahon,	Turner,
Chalmers,	Hamilton,	Mills,	Turney,
Clark, Alvah A.	Harris, Henry R.	Money,	Vance,
Clymer,	Harris, John T.	Morrison,	Veeder,
Cobb,	Harrison,	Muldrow,	Walker,
Collins,	Hart,	Patterson, T. M.	Walsh,
Cook,	Hartridge,	Phelps,	Warner,
Cox, Samuel S.	Hartzell,	Phillips,	Whitthorne,
Cravens,	Haskell,	Potter,	Wigginton,
Crittenden,	Hatcher,	Reagan,	Williams, A. S.
Culberson,	Henkle,	Reilly,	Williams, James
Davidson,	Henry,	Rice, Americus V.	Willis, Albert S.
Davis, Joseph J.	Herbert,	Riddle,	Wilson,
Dean,	Hewitt, Abram S.	Robertson,	Wood,
Dibrell,	Hewitt, G. W.	Ross,	Wright,
Dickey,	Hooker,	Ryan,	Yeates,
Douglas,	House,	Sayler,	Young.

NAYS—132.

Aiken,	Crapo,	Ittner,	Rainey,
Aldrich,	Cummings,	James,	Randolph,
Bacon,	Cutler,	Jones, John S.	Rea,
Bagley,	Danford,	Joyce,	Reed,
Baker, William H.	Davis, Horace	Keifer,	Rice, William W.
Ballou,	Deering,	Keightley,	Robinson, G. D.
Banks,	Denison,	Ketcham,	Robinson, M. S.
Bayne,	Dunnell,	Killinger,	Sampson,
Bell,	Dwight,	Landers,	Sapp,
Bisbee,	Eames,	Lapham,	Sexton,
Blair,	Ellsworth,	Lathrop,	Shallenberger,
Bland,	Errett,	Lindsey,	Sinnickson,
Bouck,	Evans, I. Newton	Marsh,	Smalls,
Boyd,	Fort,	McGowan,	Smith, A. Herr
Brentano,	Foster,	Metcalfe,	Stewart,
Brewer,	Frye,	Mitchell,	Stone, John W.
Briggs,	Fuller,	Monroe,	Stone, Joseph C.
Brogden,	Gardner,	Morgan,	Strait,
Browne,	Garfield,	Morse,	Thornburgh,
Buckner,	Hale,	Neal,	Tipton,
Burchard,	Hanna,	Norcross,	Townsend, Amos
Butler,	Hardenbergh,	Oliver,	Van Vorhes,
Cain,	Harmer,	O'Neill,	Wait,
Calkins,	Harris, Benj. W.	Overton,	Ward,
Campbell,	Hayes,	Page,	Welch,
Cannon,	Hazelton,	Patterson, G. W.	White, Harry
Caswell,	Hendee,	Peddie,	White, Michael D.
Chittenden,	Henderson,	Pollard,	Williams, Andrew
Claflin,	Hiscock,	Pound,	Williams, C. G.
Clark, Rush	Hubbell,	Powers,	Williams, Richard
Cole,	Humphrey,	Price,	Willis, Benjamin A.
Conger,	Hungerford,	Pridemore,	Willits,
Cox, Jacob D.	Hunter,	Pugh,	Wren.

NOT VOTING—35.

Baker, John H.	Covert,	Loring,	Shelley,
Beebe,	Durham,	Luttrell,	Slemons,
Benedict,	Evans, James L.	Manning,	Starin,
Blount,	Freeman,	McCook,	Thompson,
Bundy,	Gibson,	McKinley,	Townsend, Martin I.
Burdick,	Glover,	Muller,	Waddell,
Camp,	Jorgensen,	Quinn,	Watson,
Clark of Missouri,	Kelley,	Robbins,	Williams, Jere N.
Clarke of Kentucky,	Knapp,	Roberts,	

So Mr. WOOD'S motion to postpone was not agreed to.

During the roll-call the following announcements were made:

Mr. ROBBINS. I am paired with the gentleman from Massachusetts, Mr. LORING. If he were here, I should vote in the affirmative. I presume he would vote in the negative.

Mr. COVERT. I am paired with my colleague from New York, Mr. TOWNSEND. Were he present, he would vote "no" and I should vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. KNAPP, is paired with my colleague, Mr. TIPTON. Mr. KNAPP, if present, would vote "ay."

Mr. TIPTON. My colleague, Mr. TOWNSHEND, is in error in stating that I am paired on this question with my colleague, Mr. KNAPP. This question was expressly reserved from the operation of the pair.

Mr. SHELLEY. I am paired with the gentleman from Indiana, Mr. EVANS. If he were present, I should vote in the affirmative.

Mr. GUNTER. My colleague, Mr. SLEMONS, is paired with the gentleman from Pennsylvania, Mr. FREEMAN. Mr. SLEMONS, if present, would vote "ay."

Mr. HENRY. My colleague, Mr. ROBERTS, is absent on account of sickness.

Mr. MULLER. I am paired with my colleague, Mr. STARIN. If he were present, I should vote "ay."

Mr. KELLEY. On this question I am paired with the gentleman from Ohio, Mr. MCKINLEY, who is detained at his room by sickness. If he were present, he would vote "no" and I should vote "ay."

Mr. BAKER, of Indiana. I am paired with the gentleman from Kentucky, Mr. DURHAM. If he were present, he would vote "ay" and I should vote "no."

Mr. BURDICK. On this question I am paired with the gentleman from Mississippi, Mr. MANNING. If he were present, he would vote "ay" and I should vote "no."

Mr. BUNDY. I am paired with my colleague, Mr. BEEBE.

Mr. JORGENSEN. I am paired with the gentleman from Missouri, Mr. GLOVER. If he were present, I should vote "no."

The result of the vote was announced as above stated.

Mr. HALE. I move to reconsider the vote just taken, refusing to postpone the further consideration of the Senate resolution for final adjournment; and also move to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. WOOD. I move to lay the Senate resolution on the table.

Mr. COX, of New York. If that does not prevail cannot we amend the resolution of the Senate?

The SPEAKER. It will not be in order.

Mr. HALE. The main question has been ordered.

The SPEAKER. The Chair will cause to be read Rule 132.

The Clerk read as follows:

132. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question. But its only effect, if a motion to postpone is pending, shall be to bring the House to a vote upon such motion.

Mr. HALE. Is the motion of the gentleman from New York in order?

The SPEAKER. It is.

Mr. HALE. Then let us have a vote on it.

The SPEAKER. The Chair desires to say in reply to the gentleman from New York, that if the motion to lay on the table does not prevail it will bring up the resolution as the Senate sent it to the House for a direct vote.

Mr. SPRINGER. Is it in order to amend?

The SPEAKER. It is not, because the previous question has been seconded and the main question ordered, which cuts off all amendment and debate.

Mr. SPRINGER. But when a motion to postpone was pending the rule says the only effect was to bring the House to a vote on that.

The SPEAKER. The motion to postpone has been voted down and the main question has been ordered.

Mr. GARFIELD. The previous question continues until the resolution is disposed of.

Mr. SAYLER. Is there no opportunity to enter a motion to reconsider the vote by which the main question was ordered?

The SPEAKER. That motion has been made and laid upon the table.

Mr. NEAL. If this motion to lay upon the table prevails, can the resolution be taken from the table unless by a suspension of the rules, which requires a two-third vote?

The SPEAKER. If this motion carries the resolution will be laid upon the table, which is an adverse vote.

Mr. MCKENZIE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 125, nays 131, not voting 35; as follows:

YEAS—125.

Acklen,	Cobb,	Franklin,	Hunton,
Atkins,	Collins,	Garth,	Jones, Frank
Banning,	Cook,	Gause,	Jones, James T.
Bicknell,	Cox, Samuel S.	Giddings,	Kenna,
Blackburn,	Cravens,	Goode,	Kimmel,
Bland,	Crittenden,	Gunter,	Knott,
Bliss,	Culberson,	Hamilton,	Ligon,
Blount,	Davidson,	Harris, Henry R.	Lockwood,
Boone,	Davis, Joseph J.	Harris, John T.	Lynde,
Bragg,	Dean,	Harrison,	Mackey,
Bright,	Dibrell,	Hart,	Maish,
Buckner,	Dickey,	Hartridge,	Martin,
Cabell,	Douglas,	Hartzell,	Mayham,
Caldwell, John W.	Eden,	Hatcher,	McKenzie,
Caldwell, W. P.	Eickhoff,	Henkle,	McMahon,
Candler,	Elam,	Henry,	Mills,
Carlisle,	Ellis,	Herbert,	Money,
Chalmers,	Ewing,	Hewitt, Abram S.	Morrison,
Clark, Alvah A.	Felton,	Hewitt, G. W.	Muldrow,
Clark of Missouri,	Finley,	Hooker,	Patterson, T. M.
Clymer,	Forney,	House,	Phelps,

Phillips,	Singleton,	Tucker,	Williams, A. S.
Potter,	Smith, William E.	Turner,	Williams, James
Reagan,	Southard,	Turney,	Willis, Albert S.
Reilly,	Sparks,	Vance,	Wilson,
Rice, Americus V.	Springer,	Vecder,	Wood,
Riddle,	Steele,	Waddell,	Wright,
Robertson,	Stenger,	Walker,	Yeates,
Ross,	Stephens,	Walsh,	Young.
Sayler,	Swann,	Warner,	
Scales,	Throckmorton,	Whitthorne,	
Schleicher,	Townshend, R. W.	Wigginton,	

NAYS—131.

Aiken,	Cummings,	James,	Randolph,
Aldrich,	Cutler,	Jones, John S.	Rea,
Bacon,	Danford.	Joyce,	Reed,
Bagley,	Davis, Horace	Keifer,	Rice, William W.
Baker, William H.	Deering,	Keightley,	Robinson, G. D.
Ballou,	Denison,	Ketcham,	Robinson, M. S.
Banks,	Dunnell,	Killinger,	Sampson,
Bayne,	Dwight,	Landers,	Sapp,
Bell,	Eames,	Lapham,	Sexton,
Bisbee	Ellsworth,	Lathrop,	Shallenberger,
Blair,	Errett,	Lindsey,	Sinnickson,
Bouck,	Evans, I. Newton	Marsh,	Smalls,
Boyd,	Fort,	McGowan,	Smith, A. Herr
Brentano,	Foster,	Metcalfe,	Stewart,
Brewer,	Frye,	Mitchell,	Stone, John W.
Bridges,	Fuller,	Monroe,	Stone, Joseph C.
Briggs,	Gardner,	Morgan,	Strait,
Brogden,	Garfield,	Morse,	Thornburgh,
Browne,	Hale,	Neal,	Tipton,
Burchard,	Hanna,	Norcross,	Townsend, Amos
Butler,	Hardenbergh,	Oliver,	Van Vorhes,
Cain,	Harmer,	O'Neill,	Wait,
Calkins,	Harris, Benj. W.	Overton,	Ward,
Campbell,	Hayes,	Page,	Welch,
Cannon,	Hazelton,	Patterson, G. W.	White, Harry
Caswell,	Hendee,	Peddie,	White, Michael D.
Chittenden,	Henderson,	Pollard,	Williams, Andrew
Claflin,	Hiscock,	Pound,	Williams, C. G.
Clark, Rush	Hubbell,	Powers,	Williams, Richard
Cole,	Humphrey,	Price,	Willis, Benj. A.
Conger,	Hungerford,	Pridemore,	Wilitz,
Cox, Jacob D.	Hunter,	Pugh,	Wren.
Crapo,	Ittner,	Rainey,	

NOT VOTING—35.

Baker, John H.	Evans, James L.	Loring,	Ryan,
Beebe,	Evins, John H.	Luttrell,	Shelley,
Benedict,	Freeman,	Manning,	Slemons,
Bundy,	Gibson,	McCook,	Starin,
Burdick,	Glover,	McKinley,	Thompson,
Camp,	Haskell,	Muller,	Townsend, M. I
Clarke of Kentucky,	Jorgensen,	Quinn,	Watson,
Covert,	Kelley,	Robbins,	Williams, Jere N.
Durham,	Knapp,	Roberts,	

So the House refused to lay the resolution of final adjournment on the table.

During the roll-call,

Mr. LIGON said: My colleague, Mr. WILLIAMS, is detained from the House on account of sickness.

Mr. ROBBINS. I am paired with Mr. LORING. If he were here, he would vote in the negative and I would vote in the affirmative.

Mr. COVERT. I am paired with my colleague, Mr. TOWNSEND. If he were here, I would vote in the affirmative and he would vote in the negative.

Mr. SHELLEY. I am paired with Mr. EVANS, of Indiana.

Mr. EVINS, of South Carolina. I am paired with Mr. MCCOOK, of New York.

Mr. KELLEY. I am paired with Mr. MCKINLEY, who is detained from the House by sickness. If he were here, I would vote in the affirmative and he would vote in the negative.

Mr. HUNGERFORD. My colleague, Mr. CAMP, is paired with Mr. BENEDICT. Mr. CAMP would vote in the negative.

Mr. BURDICK. I am paired with Mr. MANNING. If he were here, I would vote in the negative and he would vote in the affirmative.

Mr. RYAN. I am paired with Mr. QUINN. If he were here, I would vote in the negative and he would vote in the affirmative.

Mr. BUNDY. I am paired with Mr. BEEBE.

Mr. CARLISLE. My colleague, Mr. DURHAM, is paired with Mr. BAKER, of Indiana. If Mr. DURHAM were here, he would vote in the affirmative.

Mr. MULLER. I am paired with my colleague, Mr. STARIN. If he were here, I would vote "ay" and he would vote "no."

Mr. REA. My colleague, Mr. GLOVER, is paired with Mr. JORGENSEN.

The vote was then announced as above recorded.

Mr. GOODE. I move to amend the Senate resolution by striking out "Monday, June 10," and inserting "Thursday, June 20."

The SPEAKER. This matter came up this morning as a question of privilege. The gentleman from New York moved further to postpone the consideration of the Senate resolution until the 8th day of June, and the question was asked of the Chair whether the effect of the previous question would be to carry the House to a vote upon the resolution itself in case the motion to postpone did not prevail. The Chair decided and so stated to the House that that would be its effect; so that the House was perfectly well advised as to the effect of ordering the main question. The Chair thinks his decision is in accordance with the rule and the practice. He desires further to say that there is but one way he knows of by which this proposition can be reached for amendments. If the motion to concur is voted down and that vote is then reconsidered the proposition would be stripped of the main question and the resolution would be open to amendment.

Mr. KNOTT. I desire to ask a parliamentary question. Would a motion be in order to reconsider the vote by which the main question was ordered?

The SPEAKER. That motion has already been made, and has been laid upon the table.

Mr. GOODE. I desire to inquire of the Chair if, when the gentleman from New York made a motion to take this resolution from the Speaker's table and postpone its consideration until the 8th day of June, upon which motion the main question was ordered, the effect of that was not simply to bring the House to a vote upon the pending motion, which motion was to postpone until the 8th day of June?

The SPEAKER. The question was called up as a question of privilege, and the Chair has stated that under the rules, and under the practice, when a motion to postpone is pending and the previous question is seconded, the operation of the previous question runs to the main question involved if the motion to postpone is voted down.

Mr. COX, of New York. Will the Chair permit me to read the rule?

The SPEAKER. The rule has already been read, but the Chair will cheerfully listen.

Mr. COX, of New York. I ask the attention of the Chair to the statement at page 277 of the Manual in regard to the previous question:

> But its only effect if a motion to postpone is pending shall be to bring the House to a vote upon such motion.

The SPEAKER. That is a part of the rule which has been read. But the ordering of the main question has always the effect of bringing the House to a vote upon the main question, if the motion to postpone does not prevail or if a motion to commit, if entered, does not prevail.

Mr. HOOKER. I desire to say in reference to the inquiry made by my friend from Virginia, [Mr. GOODE,] that if you read the whole rule together, when you come to the clause that has been referred to by the gentleman from New York, [Mr. COX,] it will be found consistent with the prior sentence, constituting a new sentence beginning with the word "but," which in this instance is used as a qualification of the general operation of the rule. The statement of the Speaker that if the House has ordered the main question it goes to all the questions then pending, both amendments and main question, is undoubtedly correct. But where there is a motion to postpone to a day certain that is a distinct, positive, self-subsisting proposition, and if the previous question is ordered upon it and the vote taken, then the operation of the previous question is exhausted absolutely. That must be the effect of that portion of the rules because it is in the form of an exception to the general effect of the rule that when the previous question is ordered it is not exhausted till the whole subject-matter has been disposed of.

The SPEAKER. The Chair must construe the whole rule together, and he has so construed it in relation to this matter. And he would state in addition that the practice of the House has been uniform, so far as the Chair recollects. When the previous question has been ordered the practice has been that it shall run to the main question, and the Chair distinctly stated so in the early part of this controversy.

Mr. WOOD. I desire to make a parliamentary inquiry in regard to the position of the question now before the House. The Chair having, in my judgment, very properly determined that the previous question is operating all the way through down to the resolution itself, if the House should now proceed to vote upon a concurrence in the Senate resolution, and should refuse to concur, the previous question thus having been exhausted, would it not then be competent to move a new proposition fixing some later day on which Congress should adjourn?

The SPEAKER. The Chair has already stated how that object could be reached. The Chair will cause to be read a paragraph on page 278 of the Manual.

The Clerk read as follows:

> Where a vote taken under the operation of the previous question is reconsidered, the question is then divested of the previous question, and is open to debate and amendment.

The SPEAKER. The Chair therefore answers the question of the gentleman from New York in the affirmative. The resolution would then be open to amendment.

Mr. WOOD. As I understand, the question is now upon concurrence in the Senate resolution.

The SPEAKER. It is.

Mr. WOOD. And if that shall be voted down——[Cries of "Regular order!"]

The SPEAKER. The gentleman from New York is entitled to ask a parliamentary question.

Mr. WOOD. If that shall be voted down, then it would be in order to offer an amendment as to the time?

The SPEAKER. It would.

Mr. HUBBELL. And if the resolution should be concurred in, then I suppose no amendment would be in order.

Mr. SPRINGER. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Was the point of order sustained that the motion of the gentleman from Virginia [Mr. GOODE] was not in order?

The SPEAKER. The Chair so decided; he reaffirmed his former decision.

Mr. SPRINGER. I desire to make another parliamentary inquiry. If the House refuse to reconsider the vote upon the concurrent resolution after it is given, then there is no remedy, no way in which its decision can be altered.

The SPEAKER. There is a remedy. The motion to reconsider, if carried, would strip the proposition of the previous question.

Mr. SPRINGER. But if the House lays the motion to reconsider on the table?

The SPEAKER. That is a question for the House to determine and not for the Chair.

Mr. SPRINGER. I desire to appeal from the decision of the Chair upon that question. [Loud cries of "Too late!" "Too late!"]

The SPEAKER. The Chair will entertain the appeal.

Mr. WILSON. Then I move to lay the appeal upon the table.

The SPEAKER. The Chair always entertains an appeal from his decision, taking no advantage of a member's tardiness.

Mr. HARRIS, of Virginia. There can be no appeal when the Chair has only decided as to what may be in order after the pending vote shall have been taken.

The SPEAKER. The gentleman from Illinois does not appeal from that, but from the construction which the Chair has given to the rule.

Mr. COX, of New York. I hope the gentleman from Illinois will withdraw that appeal. We can reach the object in another way.

Mr. WILSON. If he insists upon his appeal I move that it be laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 430) for the relief of John Clinton, paymaster at Brownsville, Tennessee;

A bill (H. R. No. 1119) to confirm the title of Benjamin E. Edwards, his heirs, assignees, or legal representatives, to a tract of land in the Territory of New Mexico; and

A bill (H. R. No. 1918) for the relief of Milton B. Cushing, paymaster, United States Navy.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill (H. R. No. 1896) for the relief of Nancy A. Herrick, of Rochester, New York.

The message further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 3259) providing a form of government for the District of Columbia, and agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon, and had appointed Mr. DORSEY, Mr. INGALLS, and Mr. BARNUM conferees on the part of the Senate.

ADJOURNMENT SINE DIE.

Mr. ATKINS. I hope the gentleman from Illinois will withdraw his appeal from the decision of the Chair.

Mr. SPRINGER. Having been assured by my friends that the course pointed out by the Speaker will be pursued, I will withdraw the appeal.

The SPEAKER. The appeal being withdrawn, the question is upon ordering the yeas and nays upon concurring in the resolution of the Senate.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 131, not voting 33; as follows:

YEAS—127.

Aiken,	Cummings,	James,	Rea,
Aldrich,	Cutler,	Jones, John S.	Reed,
Bacon,	Danford,	Joyce,	Rice, William W.
Bagley,	Davis, Horace	Keifer,	Robinson, G. D.
Baker, William H.	Deering,	Keightley,	Robinson, M. S.
Ballon,	Denison,	Ketcham,	Sampson,
Banks,	Dunnell,	Killinger,	Sapp,
Bayne,	Dwight,	Lapham,	Sexton,
Bisbee,	Eames,	Lathrop,	Shallenberger,
Blair,	Ellsworth,	Lindsey,	Sinnickson,
Bouck,	Errett,	Marsh,	Smalls,
Boyd,	Evans, I. Newton	McGowan,	Smith, A. Herr
Brentano,	Fort,	Metcalfe,	Stewart,
Brewer,	Foster,	Mitchell,	Stone, John W.
Bridges,	Frye,	Monroe,	Stone, Joseph C.
Briggs,	Fuller,	Morgan,	Strait,
Brogden,	Gardner,	Morse,	Thornburgh,
Browne,	Garfield,	Neal,	Tipton,
Burchard,	Hale,	Norcross,	Townsend, Amos
Butler,	Hanna,	O'Neill,	Van Vorhes,
Cain,	Harmer,	Overton,	Wait,
Calkins,	Harris, Benj. W.	Page,	Ward,
Campbell,	Hayes,	Patterson, G. W.	Welch,
Cannon,	Hazelton,	Peddie,	White, Harry
Caswell,	Hendee,	Pollard,	White, Michael D.
Chittenden,	Henderson,	Pound,	Williams, Andrew
Claflin,	Hiscock,	Powers,	Williams, C. G.
Clark, Rush	Hubbell,	Price,	Williams, Richard
Cole,	Humphrey,	Pridemore,	Willis, Benj. A.
Conger,	Hungerford,	Pugh,	Willits,
Cox, Jacob D.	Hunter,	Rainey,	Wren.
Crapo,	Ittner,	Randolph,	

NAYS—131.

Acklen,	Dickey,	House,	Scales,
Atkins,	Douglas,	Hunton,	Schleicher,
Banning,	Eden,	Jones, Frank	Singleton,
Bell,	Eickhoff,	Jones, James T.	Smith, William E.
Bicknell,	Elam,	Kenna,	Southard,
Blackburn,	Ellis,	Kimmel,	Sparks,
Bland,	Ewing,	Knott,	Springer,
Bliss,	Felton,	Landers,	Steele,
Blount,	Finley,	Ligon,	Stenger,
Boone,	Forney,	Lockwood,	Stephens,
Bragg,	Franklin,	Lynde,	Swann,
Bright,	Garth,	Mackey,	Throckmorton,
Buckner,	Gause,	Maish,	Townshend, R. W.
Cabell,	Gibson,	Martin,	Tucker,
Caldwell, John W.	Giddings,	Mayham,	Turner,
Caldwell, W. P.	Goode,	McKenzie,	Turney,
Candler,	Gunter,	McMahon,	Vance,
Carlisle,	Hamilton,	Mills,	Veeder,
Chalmers,	Hardenbergh,	Money,	Waddell,
Clark, Alvah A.	Harris, Henry R.	Morrison,	Walker,
Clark of Missouri,	Harris, John T.	Muldrow,	Walsh,
Clymer,	Harrison,	Oliver,	Warner,
Cobb,	Hart,	Patterson, T. M.	Whitthorne,
Collins,	Hartridge,	Phelps,	Wigginton,
Cook,	Hartzell,	Phillips,	Williams, A. S.
Cox, Samuel S.	Haskell,	Potter,	Williams, James
Cravens,	Hatcher,	Reagan,	Willis, Albert S.
Crittenden,	Henkle,	Reilly,	Wilson,
Culberson,	Henry,	Rice, Americus V.	Wood,
Davidson,	Herbert,	Riddle,	Wright,
Davis, Joseph J.	Hewitt, Abram S.	Robertson,	Yeates,
Dean,	Hewitt, G. W.	Ross,	Young.
Dibrell,	Hooker,	Sayler,	

NOT VOTING—33.

Baker, John H.	Evans, James L.	Manning,	Slemons,
Beebe,	Evins, John H.	McCook,	Starin,
Benedict,	Freeman,	McKinley,	Thompson,
Bundy,	Glover,	Muller,	Townsend, M. I.
Burdick,	Jorgenser,	Quinn,	Watson,
Camp,	Kelley,	Robbins,	Williams, Jere N.
Clarke of Kentucky,	Knapp,	Roberts,	
Covert,	Loring,	Ryan,	
Durham,	Luttrell,	Shelley,	

So the House refused to concur in the resolution of the Senate.

During the roll-call the following announcements were made:

Mr. ROBBINS. I desire to state that I am paired with Mr. LORING. If he were present, I should vote "no."

Mr. COVERT. I desire to announce that I am paired with my colleague, Mr. TOWNSEND. If he were present, I would vote "no."

Mr. FREEMAN. I desire to say that upon all political questions I am paired with Mr. SLEMONS. I am assured by gentlemen upon both sides of the House that this is considered a political question; and therefore I do not vote.

Mr. SHELLEY. I desire to say that I am paired with Mr. EVANS, of Indiana. If he were here, I would vote "no."

Mr. MULLER. I am paired with my colleague, Mr. STARIN. If he were here, I would vote "no."

Mr. EVINS, of South Carolina. I am paired with Mr. MCCOOK, of New York.

Mr. RYAN. On this question I am paired with Mr. QUINN, of New York. If he were present, he would vote "ay" and I would vote "no."

Mr. JORGENSEN. I am paired with Mr. GLOVER, of Missouri.

Mr. KELLEY. On this question I am paired with Mr. MCKINLEY, of Ohio. If he were present, he would vote "ay" and I would vote "no."

Mr. HUNTER. I desire to announce that my colleague from Indiana, Mr. BAKER, is paired with Mr. DURHAM, of Kentucky.

Mr. BURDICK. I am paired with Mr. MANNING, of Mississippi. If he were present, he would vote "no" and I would vote "ay."

Mr. HUNGERFORD. I desire to state that my colleagues, Mr. CAMP and Mr. BURDICK, are paired. If Mr. CAMP were here he would vote in the affirmative.

Mr. JAMES. My colleagues, Mr. STARIN and Mr. MULLER, are paired.

The result of the vote was then announced as above stated.

Mr. WOOD. I now move to reconsider the vote by which the House refused to concur in the Senate resolution.

The motion was agreed to.

The question recurred upon concurring in the Senate resolution.

Mr. WOOD. I move to amend the resolution by striking out "10th" and inserting "17th," after the words "Monday, June."

Mr. COX, of New York. Is that open to amendment.

The SPEAKER. The proposition is now stripped of the operation of the previous question, and of course is open to amendment.

Mr. WOOD. I will modify my amendment so as to insert "24th."

Mr. CLYMER. I move to amend the amendment so as to make it the "17th," and on that I call the previous question.

Mr. SPRINGER. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I understand that the House refused to concur in the Senate resolution.

The SPEAKER. That is correct.

Mr. SPRINGER. Is not that the end of the matter?

The SPEAKER. The gentleman from New York then moved to reconsider the vote by which the House refused to concur in the Senate resolution, and that motion was agreed to. That stripped the

resolution of the previous question. The gentleman from New York [Mr. WOOD] then moved to amend the resolution so as to make it read "Monday, June 24;" and the gentleman from Pennsylvania moves to amend the amendment by inserting "17th" in place of "24th."

Mr. CLYMER. And on that I have called the previous question.

Mr. WOOD. Is not the question to be taken on the longest time first?

The SPEAKER. That rule applies to filling blanks. The question before the House is in the nature of an amendment.

Mr. HARRIS, of Virginia. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HARRIS, of Virginia. There is so much confusion in the Hall that we cannot understand what is being done.

The SPEAKER. The point of order is well taken, and the Chair will suspend all further business until gentlemen resume their seats and order is restored in the Hall. [After a pause.] The Chair will state the question before the House. The gentleman from New York [Mr. WOOD] moves to amend the Senate concurrent resolution by striking out "Monday, June 10th" and inserting "Monday, June 24th." The gentleman from Pennsylvania [Mr. CLYMER] moves to amend the amendment by striking out "24th" and inserting "17th," and on that calls the previous question.

The previous question was seconded and the main question ordered.

The question was upon the amendment to the amendment.

Mr. SPRINGER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I desire to know whether the rule does not require that the question shall be first put upon the longest time, as in the case of filling blanks?

The SPEAKER. This is not a case of filling blanks, because there is no blank in the original proposition, which provides for the final adjournment on the 10th day of June.

Mr. SPRINGER. But the amendment is to strike out "10th," which will make a blank.

The SPEAKER. The amendment is to strike out and insert. The Clerk will read the rule.

The Clerk read as follows:

In filling up blanks, the largest sum and longest time shall be first put. [But where a specific time or sum stands part of a motion, it is not until it is struck out, and a blank thereby produced, that this rule can begin to operate.]

The question was taken upon the amendment of Mr. CLYMER, and upon a division there were ayes 150.

Before the negative vote was counted,

Mr. BLACKBURN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 93, not voting 33; as follows

YEAS—165.

Acklen,	Cox, Jacob D.	Ittner,	Reed,
Aiken,	Crapo,	James,	Reilly,
Aldrich,	Cummings,	Jones, Frank	Rice, William W.
Bacon,	Cutler,	Jones, John S.	Robinson, G. D.
Bagley,	Danford,	Joyce,	Robinson, M. S.
Baker, William H.	Davis, Horace	Keifer,	Ross,
Ballou,	Dean,	Keightley,	Sampson,
Banks,	Deering,	Ketcham,	Sapp,
Bayne,	Denison,	Killinger,	Sexton,
Bell,	Dickey,	Landers,	Shallenberger,
Bisbee,	Dunnell,	Lapham,	Sinnickson,
Blair,	Dwight,	Lathrop,	Smalls,
Bland,	Eames,	Ligon,	Smith, A. Herr
Bliss,	Eden,	Lindsey,	Southard,
Blount,	Eickhoff,	Lockwood,	Sparks,
Bouck,	Ellsworth,	Lynde,	Stephens,
Boyd,	Errett,	Mackey,	Stewart,
Bragg,	Evans, I. Newton	Marsh,	Stone, John W.
Brentano,	Felton,	McGowan,	Stone, Joseph C.
Brewer,	Fort,	Metcalfe,	Strait,
Bridges,	Foster,	Mitchell,	Swann,
Briggs,	Franklin,	Monroe,	Thornburgh,
Brogden,	Frye,	Morgan,	Tipton,
Browne,	Fuller,	Morrison,	Townsend, Amos
Buckner,	Gardner,	Morse,	Turney,
Bundy,	Garfield,	Neal,	Van Vorhes,
Burchard,	Hale,	Norcross,	Veeder,
Butler,	Hanna,	O'Neill,	Wait,
Cain,	Hardenbergh,	Overton,	Ward,
Caldwell, W. P.	Harmer,	Page,	Watson,
Calkins,	Harris, Benj. W.	Patterson, G. W.	Welch,
Campbell,	Hart,	Peddie,	White, Harry
Candler,	Hatcher,	Phelps,	White, Michael D.
Caswell,	Hayes,	Pollard,	Williams, Andrew
Chittenden,	Hazelton,	Potter,	Williams, C. G.
Claflin,	Hendee,	Pound,	Williams, Richard
Clark, Alvah A.	Henderson,	Powers,	Willis, Benj. A.
Clark, Rush	Hewitt, Abram S.	Price,	Willits,
Clymer,	Hiscock,	Pridemore,	Wren.
Cole,	Humphrey,	Pugh,	
Collins,	Hungerford,	Randolph,	
Conger,	Hunter,	Rea,	

NAYS—93.

Atkins,	Caldwell, John W.	Cox, Samuel S.	Douglas,
Banning,	Cannon,	Cravens,	Elam,
Bicknell,	Carlisle,	Crittenden,	Ellis,
Blackburn,	Chalmers,	Culberson,	Ewing,
Boone,	Clark of Missouri,	Davidson,	Finley,
Bright,	Cobb,	Davis, Joseph J.	Forney,
Cabell,	Cook,	Dibrell,	Garth,
Gause,	House,	Reagan,	Waddell,
Gibson,	Hunton,	Rice, Americus V.	Walker,
Giddings,	Jones, James T.	Riddle,	Walsh,
Goode,	Kenna,	Robertson,	Warner,
Gunter,	Kimmel,	Sayler,	Whitthorne,
Hamilton,	Knott,	Scales,	Wigginton,
Harris, Henry R.	Maish,	Schleicher,	Williams, A. S.
Harris, John T.	Martin,	Singleton,	Williams, James
Harrison,	Mayham,	Smith, William E.	Willis, Albert S.
Hartridge,	McKenzie,	Springer,	Wilson,
Hartzell,	McMahon,	Steele,	Wood,
Haskell,	Mills,	Stenger,	Wright,
Henkle,	Money,	Throckmorton,	Yeates,
Henry,	Muldrow,	Townshend, R. W.	Young.
Herbert,	Oliver,	Tucker,	
Hewitt, G. W.	Patterson, T. M.	Turner,	
Hooker,	Phillips,	Vance,	

NOT VOTING—33.

Baker, John H.	Evins, John H.	Manning,	Shelley,
Beebe,	Freeman,	McCook,	Slemons,
Benedict,	Glover,	McKinley,	Starin,
Burdick,	Hubbell,	Muller,	Thompson,
Camp,	Jorgensen,	Quinn,	Townsend, M. I.
Clarke of Kentucky,	Kelley,	Rainey,	Williams, Jere N.
Covert,	Knapp,	Robbins,	
Durham,	Loring,	Roberts,	
Evans, James L.	Luttrell,	Ryan,	

So, Mr. CLYMER's amendment to the amendment of Mr. WOOD was agreed to.

During the roll-call the following announcements were made:

Mr. CLARK, of New Jersey. I have been requested by the gentleman from New York, Mr. MULLER, to announce that he is paired with his colleague, Mr. STARIN, and that, if not paired, he would vote "no."

Mr. ROBBINS. I am paired with the gentleman from Massachusetts, Mr. LORING. If he were here, I should vote "no."

Mr. COVERT. I am paired with my colleague from New York, Mr. TOWNSEND. If he were present, I should vote "no."

Mr. SHELLEY. I am paired with the gentleman from Indiana, Mr. EVANS. Were he here, I should vote "no."

Mr. RYAN. I am paired with the gentleman from New York, Mr. QUINN. If he were present, he would vote "ay" and I should vote "no."

Mr. KELLEY. I am paired with the gentleman from Ohio, Mr. MCKINLEY. If he were present, I should vote "no."

Mr. FREEMAN. I am paired with the gentleman from Arkansas, Mr. SLEMONS. If he were here, I do not know how he would vote; I should vote "ay."

Mr. HUNGERFORD. My colleague, Mr. MCCOOK, is paired with the gentleman from South Carolina, Mr. EVINS. Mr. MCCOOK would vote in the affirmative.

Mr. BURDICK. I am paired with the gentleman from Mississippi, Mr. MANNING. If he were here, he would vote "no" and I should vote "ay."

The result of the vote was announced as above stated.

The question then recurring on the amendment of Mr. WOOD as amended by the adoption of the amendment of Mr. CLYMER, it was agreed to.

The resolution of the Senate, as amended, was then concurred in.

Mr. CLYMER moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 363) granting a pension to James Newcomb;

An act (S. No. 874) granting a pension to Alfred Richardson, late of Company A, Twelfth Indiana Volunteers;

An act (H. R. No. 430) for the relief of John Clinton, postmaster at Brownsville, Tennessee;

An act (H. R. No. 1119) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico;

An act (H. R. No. 1918) for the relief of Milton B. Cushing, paymaster United States Navy;

An act (H. R. No. 2132) to pay for clerical services and extraordinary expenses, under the seventh section of the act of August 18, 1856, in the Pawnee land-district in Kansas;

An act (H. R. No. 2176) granting an increase of pension to Mattie McTaggart, widow of the late First Lieutenant McTaggart, Seventeenth United States Infantry;

An act (H. R. No. 4413) to provide for the free entry of articles imported for exhibition by societies established for encouragement of the arts or sciences, and for other purposes;

An act (H. R. No. 4425) to alter and amend a law of the District of Columbia relative to the inspection of flour; and

An act (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON. I rise to make a privileged report—the report of the committee of conference on the consular and diplomatic appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 46, 47, 49, 50, 54, 55, 57, and 58.

That the House recede from its disagreement to the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 51, 52, 53, 56, and 59, and agree to the same.

That the House recede from its disagreement to the amendment numbered 11 and agree to the same, with an amendment striking out lines 3 and 4, page 2 of the bill, and inserting in lieu thereof the following:

That hereafter chargés d'affaires *ad interim* shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 12, and agree to the same, with an amendment striking out the comma between the words "Paraguay" and "Uruguay," and inserting the word "and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 15, and agree to the same, with an amendment striking out lines 14 and 15, page 2 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 24, and agree to the same, with an amendment striking out "ten" and inserting in lieu thereof "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 43, and agree to the same, with an amendment striking out the words "Turks Island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 48, and agree to the same, with an amendment striking out the word "Milan;" and the Senate agree to the same.

O. R. SINGLETON,
W. A. J. SPARKS,
EUGENE HALE,
Managers on the part of the House.

WILLIAM WINDOM,
W. B. ALLISON,
W. W. EATON,
Managers on the part of the Senate.

Mr. SINGLETON. One word. I will not take the time of the House to explain the matter unless required to do so. I wish simply to say that by the bill as it passed the House the amount appropriated for the consular and diplomatic service was $100,000 below that of last year. The Senate, by amendments, put on in round numbers $84,000. When the conference committee met the Senate agreed to yield $44,500 and the House $39,000. So the bill as it is now by report of the conference committee makes the expenditures next year below that of this year $61,000. If any gentleman desires to know how it is made up I will state it, but if not, I will demand the previous question.

The previous question was seconded and the main question ordered; and under operation thereof the report of the conference committee was adopted.

Mr. SINGLETON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURCHARD. I demand the regular order of business.

Mr. COX, of New York. I move to take up the special order, being the bill to organize the life-saving service.

The SPEAKER. Does the gentleman from New York desire to test the sense of the House?

Mr. COX, of New York. I do.

Mr. BURCHARD. I am on the floor and call for the regular order.

The SPEAKER. The House will have an opportunity of deciding what business next to consider.

Mr. ATKINS. I ask the gentleman from New York to yield the floor to me.

Mr. COX, of New York. I do for a report from the Committee on Appropriations.

EXPENSES OF SELECT COMMITTEE.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 5053) to provide for the expenses of the select committee on alleged frauds in the late presidential election; which was read a first and second time.

The bill, which was read, appropriates the sum of $20,000, or so much thereof as may be necessary, from any moneys in the Treasury not otherwise appropriated, to defray the actual expenses necessarily incurred by the select committee of the House of Representatives appointed under resolution of the House of May 17, and under that resolution, and the resolution of May 22 following, directed to investigate alleged frauds in the late presidential election, said to have been committed in Louisiana and Florida, or which may be charged to have been committed in any other State; said appropriation to be added to the contingent fund of the House of Representatives, and to be disbursed upon vouchers approved by the chairman of said committee, and the Clerk of the House shall pay such parts of said sum as the chairman of said committee shall in writing direct for the purpose aforesaid to the Sergeant-at-Arms of the House, who shall as soon thereafter as practical make a report in writing to the House of the manner in which the sums thus paid to him have been expended, accompanied by vouchers in detail; which report and vouchers, when examined and approved by the Committee of Accounts of the House, shall be deemed a sufficient settlement of his accountability, and any unexpended balance remaining in his hands after such settlement shall be paid by him into the Treasury of the United States, to the credit of the fund for which it was appropriated.

Mr. ATKINS. I demand the previous question on the third reading and engrossment of the bill.

Mr. CONGER. I make the point of order that the bill must have its first consideration in the Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

Mr. ATKINS. I move that the House resolve itself into the Committee of the Whole for the purpose of considering that bill.

Mr. COX, of New York, rose.

Mr. ATKINS. I hope the gentleman will allow us to go into committee, as this will take but a very short time.

Mr. BURCHARD. That is not in order, to proceed to the consideration of particular business.

The SPEAKER. The gentleman states his object is to take up that bill for consideration.

Mr. BURCHARD. He will have to set aside all prior bills.

Mr. ATKINS. I did not suppose there would be any objection to it.

Mr. WILLIAMS, of Oregon. Yes, sir; there will be. It is all wrong to go into committee to consider this in advance of all other business.

The House divided; and there were—ayes 83, noes 57; no quorum voting.

The SPEAKER ordered tellers, and appointed Mr. ATKINS and Mr. CONGER.

The House again divided; and the tellers reported—ayes 92, noes 64.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CALDWELL, of Tennessee, in the chair.)

Mr. ATKINS. I now move to proceed to the consideration of the bill just reported from the Committee on Appropriations.

Mr. WILSON. Is it competent to raise the question of consideration as to what the committee shall consider? I desire to proceed with the consideration of House bill No. 2117, known as the Mexican award bill, and I shall raise the question of consideration.

Mr. CONGER. I demand the regular order of business in the committee.

Mr. ATKINS. Would it be competent to move to set aside the regular order and proceed with the consideration of the bill which has just been referred to the Committee of the Whole?

Mr. GARFIELD. The gentleman will have to make the motion on each bill.

Mr. ATKINS. Then I will make it on each.

Mr. CONGER. I ask that the bills in Committee of the Whole be read in their order.

The CHAIRMAN. The Clerk will read the title of the first special order in Committee of the Whole.

The Clerk read as follows:

A bill (H. R. No. 2695) to regulate the compensation of postmasters, and for other purposes.

Mr. BURCHARD. That is not the regular order. The regular order in the Committee of the Whole is the tariff bill; but I do not know that the chairman of the Committee of Ways and Means desires to bring that up so as to antagonize the measure reported by the gentleman from Tennessee.

Mr. CONGER. I ask that the first bill on the Calendar be read.

Mr. REAGAN. I submit that the reading of the bill is not in order on a motion to set aside.

Mr. CONGER. I ask that the business before the committee be stated.

The CHAIRMAN. The title of the first special order has been read. The Clerk will again read it.

The Clerk read as follows:

A bill (H. R. No. 2695) to regulate the compensation of postmasters, and for other purposes.

Mr. ATKINS. I move that that bill be laid aside.

The question being taken on Mr. ATKINS's motion, there were—ayes 75, noes 8.

Mr. CONGER. No quorum has voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Tennessee [Mr. ATKINS] and the gentleman from Michigan, [Mr. CONGER.]

The committee again divided; and the tellers reported—ayes 80, noes 4.

Mr. ATKINS. I move that the committee rise.

Mr. BURCHARD. I would suggest to the gentleman that the point has not been made that a quorum has not voted.

Mr. ATKINS. Very well; let the next bill be called.

The CHAIRMAN. The motion of the gentleman from Tennessee to lay aside the first order is agreed to.

Mr. CONGER. Mr. Chairman, a quorum did not vote.

The CHAIRMAN. Did the gentleman from Michigan make the point that a quorum had not voted?

Mr. CONGER. I did make the point, and the Chair ordered tellers to ascertain whether there was a quorum.

Mr. ATKINS. I understood the gentleman from Michigan to make

the point that a quorum had not voted, and it was for that reason that I made the motion that the committee rise.

Mr. CARLISLE. I ask that the roll be called, as required by the rule.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that the committee rise.

Mr. HARRIS, of Virginia. I believe there is a misapprehension on the part of members. I suggest that the tellers again take their places.

Mr. ATKINS. I have no right to suppose that gentlemen who did not vote intended to vote.

Mr. CONGER. A quorum not having voted there is but one thing to be done, and that is to call the roll.

Mr. HARRIS, of Virginia. I understand that there is no intention on the part of gentlemen to refrain from voting to prevent a quorum.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] having made the point that no quorum has voted, the tellers will resume their places.

The count was resumed; and the tellers reported—ayes 80, noes 62.

So the motion to lay aside the bill (H. R. No. 2695) was agreed to.

The Clerk read the title of the next special order, as follows:

A bill (H. R. No. 3258) to regulate the granting of pensions on account of death, or wounds or injuries received or diseases contracted in the service of the United States since the 4th day of March, 1861, and for the payment of arrears of pensions; also to authorize the Secretary of the Interior to restore to the roll of invalid pensioners the names stricken therefrom on account of disloyalty, and to repeal sections 4709, 4716, and 4717 of the Revised Statutes of the United States.

Mr. ATKINS. I move that that bill be laid aside.

Mr. McMAHON. I hope it will not be laid aside.

Mr. CONGER. I would like to hear the bill read.

Mr. RICE, of Ohio. I ask for the reading of the bill and for its present consideration.

The bill was read.

Mr. ATKINS. I made the motion to lay that bill aside because I did not suppose that gentlemen wanted to act upon it at this time. But as there seems to be a difference of opinion on the part of gentlemen with regard to taking action upon that bill just now, and not desiring to place any gentleman in a false attitude—for myself, I know nothing about the bill, and perhaps when I understand it I may vote for it—having made the motion to go into the Committee of the Whole merely with the view of reaching the bill I offered in the House, and as I got the floor not in my own right, but by the courtesy of the gentleman from New York, [Mr. COX,] who had the floor for the purpose of moving to take up the bill in reference to the life-saving service, not desiring to treat that gentleman with discourtesy and not desiring to retard the business of the House, wishing that everything may move along smoothly that we may adjourn on the 17th of June, seeing that the road appears now to be entirely blocked, and not desiring to contribute on my part to any blocking of the public business, I move that the committee rise.

Mr. RICE, of Ohio. I hope that the committee will not rise and I give notice now——

The CHAIRMAN. The motion is not debatable.

The question being taken on the motion of Mr. ATKINS, there were—ayes 79, noes 53.

Mr. RICE, of Ohio. I ask for tellers.

Tellers were ordered; and Mr. ATKINS, and Mr. RICE of Ohio, were appointed.

The committee again divided; and the tellers reported—ayes 90, noes 54.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALDWELL, of Tennessee, reported that the Committee of the Whole on the state of the Union had had under consideration various matters and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. COX, of New York. I call for the regular order, which is the consideration of the bill with reference to the life-saving service.

Mr. BURCHARD. I also call for the regular order, which is the bill (H. R. No. 4414) relating to the internal revenue.

Mr. REAGAN. I submit that the regular order is the unfinished business, being the interstate-commerce bill. But if the Committee on the Judiciary wish to occupy the morning hour I shall not antagonize them.

The SPEAKER. The Chair will give each gentleman an opportunity to obtain the opinion of the House, so that whatever business the House desires to take up at this time may be proceeded with.

Mr. FREEMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. FREEMAN. My question is whether it would be in order to go into Committee of the Whole to take up the letter-carrier bill.

The SPEAKER. The House has just come out of Committee of the Whole.

Mr. FREEMAN. I am aware of that. But would it be in order to move to go into Committee of the Whole again in order to reach that bill.

The SPEAKER. If the House should go into the Committee of the Whole it would be for the committee to decide what business it should take up.

Mr. FREEMAN. Would it be in order to make the motion to go into Committee of the Whole?

Mr. COX, of New York. I wish to say that my motion pertains to a bill which has been reported from the committee and made a special order.

Mr. FREEMAN. I would like to have a decision upon the point of order.

The SPEAKER. On what point?

Mr. FREEMAN. Whether it would be in order to move to go into Committee of the Whole on the state of the Union to consider the bill to regulate and fix the pay of letter-carriers.

The SPEAKER. The Committee of the Whole regulates the order of its business just as the House does, and the technical motion is that the House resolve itself into Committee of the Whole on the state of the Union, and then the committee can regulate its order of business.

Mr. FREEMAN. Would it be in order to make the motion which I have suggested?

The SPEAKER. The motion which the gentleman suggests is never made technically.

Mr. FREEMAN. Is it in order to make it?

The SPEAKER. The Chair thinks not.

Mr. FREEMAN. I move to go into Commitee of the Whole on the state of the Union to take up that bill.

Mr. CARLISLE. I object to the latter part of the motion.

Mr. COX, of New York. I was upon the floor before the House went into Committee of the Whole and yielded to the gentleman from Tennessee, [Mr. ATKINS.]

Mr. FREEMAN. Do I understand that my motion has been ruled out?

The SPEAKER. The motion to go into Committee of the Whole on the state of the Union is in order.

Mr. FREEMAN. Then I make that motion.

The question was taken on Mr. FREEMAN'S motion, and it was not agreed to.

Mr. REAGAN. I wish to say one word. I do not want to antagonize the bill called up by the gentleman from New York, [Mr. COX,] but I wish to say that that bill, like the one which I am endeavoring to bring up, was reported by the Committee on Commerce, and the gentleman from Maryland [Mr. ROBERTS] who reported that bill is absent on account of indisposition. I think that either he or some other member of the committee ought to have control of the bill, and I do not like this idea of some one else, who is not a member of the committee, taking up a bill that has been reported by the committee and antagonizing another bill reported from the same committee.

Mr. COX, of New York. I desire to remind the gentleman from Texas that it was at his special instance and request, and also at the request of the gentleman from Maryland [Mr. ROBERTS] who is absent, that I agreed to bring up the bill at the earliest opportunity. I know it was reported from his committee, but it is my bill.

Mr. BURCHARD. I shall raise the question of consideration upon the bill of the gentleman from Texas. I have supported him in his efforts to bring the bill before the House until I find that the House does not care to take it up, and I shall therefore raise the question of consideration for the purpose of taking up the bill relating to the administration of the Internal Revenue department. That bill has been under consideration for some length of time and was prepared at the suggestion of the bureau, and it is very important that it should be disposed of.

Mr. COX, of New York. When we are talking about the importance of bills, I desire to say that the bill I propose to bring up affects human life and unless it is passed and sent to the Senate we shall have the same trouble in the future that occurred on the coast of North Carolina in the cases of the Huron and the Metropolis.

Mr. BURCHARD. We have passed bills in relation to the life-saving service time and again.

The SPEAKER. The Chair desires to state that the proposition of the gentleman from Texas [Mr. REAGAN] is the next business in order. If the House should decline to go on with that, then the Chair is bound to recognize the gentleman from Illinois, [Mr. BURCHARD,] and if the House should decline to proceed with his bill then the Chair will recognize the gentleman from New York, [Mr. COX.]

Mr. CONGER. I should like to know why the bill of the gentleman from Illinois has precedence.

The SPEAKER. He has called up the bill on two occasions and it remains as unfinished business.

Mr. CONGER. I would state that whenever he has called up that bill I have objected and it has not come before the House for consideration.

Mr. REAGAN. We have reported a bill in regard to interstate commerce, a subject on which I am daily receiving letters and telegrams. If it is the purpose of the House not to act upon the bill I should like to know that fact. I have been antagonized by committees desiring a morning hour and it would require but a short time to dispose of the bill one way or the other. It is of sufficient importance to be either passed or rejected by a vote of the House, and I hope the House will let me dispose of it and get it out of the way of other business.

Mr. COX, of New York. There was a vote against taking it up the other day and I voted with the gentleman and I think it would be kind of him to help me now to take up my bill. This is greater than tobacco or revenue or interstate commerce.

Mr. REAGAN. Not greater than the whole commerce of the country.

Mr. BURCHARD. Tobacco is not in my bill.

The SPEAKER. The Chair will state that the first business in order under the rules would be the bill in regard to interstate commerce. The gentleman from New York [Mr. COX] raised the question of consideration upon it and the question is, will the House consider the bill?

The question was put; and on division, there were—ayes 71, noes 87.

So the House refused to consider the bill.

Mr. BURCHARD. I now call up the unfinished business, which is the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. CONGER. I submit that that is not the unfinished business until after the morning hour, and we have had no morning hour today.

Mr. COX, of New York. I hope the gentleman from Michigan will allow me to "antagonize" the bill—I believe that is the word.

The SPEAKER. The recollection of the Chair is that the bill is unfinished business. The Chair recollects very distinctly that it was unfinished business.

Mr. COX, of New York. Allow me to refresh the recollection of the Chair. The gentleman from Illinois [Mr. BURCHARD] called up the bill at a night session and made a speech on it himself. He is the only person who considered it; and that certainly is not properly "consideration by the House." [Laughter.]

Mr. BURCHARD. I suppose if the gentleman from New York [Mr. COX] had made a speech upon it, then it would have been considered by the House. [Laughter.]

The SPEAKER. The fact that it was called up and a speech made on it makes it unfinished business.

Mr. CONGER. The RECORD shows that it was made a special order after the morning hour.

The SPEAKER. The journal clerk informs the Chair that the Journal shows that the bill was called up for consideration.

Mr. CONGER. Then I raise the question of consideration upon it now. I desire that the House may take up and consider the life-saving-station bill.

The SPEAKER. The gentleman has the right to raise the question of consideration. The question is, Will the House now proceed with the consideration of the bill (H. R. No. 4414) to amend the laws relating to internal revenue?

The question was taken; and upon a division there were—ayes 89, noes 77.

Before the result of the vote was announced,

Mr. COX, of New York, called for tellers.

Tellers were ordered; and Mr. COX, of New York, and Mr. BURCHARD were appointed.

The House again divided; and the tellers reported that there were—ayes 90, noes 75.

Before the result of this vote was announced,

Mr. COX, of New York, called for the yeas and nays.

Mr. PAGE. Then I move that the House now adjourn.

Mr. COX, of New York. I withdraw my call for the yeas and nays.

Mr. PAGE. I withdraw the motion to adjourn.

The SPEAKER. The tellers report that there are—ayes 90, noes 75. So the House determines to proceed with the consideration of the bill. The bill is to be considered in the House as in Committee of the Whole, and the gentleman from Kentucky [Mr. CARLISLE] will take the chair as Speaker *pro tempore*.

INTERNAL REVENUE.

The SPEAKER *pro tempore*. The House now resumes the consideration of the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. BURCHARD. I ask that the first and formal reading of the bill be dispensed with.

Mr. CONGER. I hope that the bill will be read. It has never been read to the House, and I want to hear it.

Mr. BURCHARD. I hope the gentleman will not insist upon the bill being read at length.

Mr. CONGER. This is a very good time of the day to have it read.

Mr. BURCHARD. I ask that the first reading of the bill be dispensed with, so that the House can proceed at once to the consideration of the bill by paragraphs under the five-minute rule. That will give the fullest opportunity for debate and amendment.

Mr. CONGER. I will withdraw my call for the reading of the bill.

The SPEAKER *pro tempore*. The Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk began the reading of the bill and read the following:

That section 3163 be amended by striking out all after the number thereof, and inserting in lieu thereof the following:

Every collector within his collection district and every internal-revenue agent shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with, and shall aid in the prevention, detection, and punishment of any frauds in relation thereto; and, when specially authorized so to do by the Commissioner, any internal-revenue agent may exercise the power conferred by law upon collectors of internal revenue to examine persons, books, papers, accounts, and premises, to administer oaths, and to summon persons to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons under the provisions of section 3175, which are hereby made applicable to cases of disobedience of any summons issued under this section. And it shall be the duty of every collector and of every internal-revenue agent to report to the Commissioner in writing any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer or agent of which he may obtain knowledge, with a statement of all the facts in each case, and any evidence sustaining the same.

Mr. BURCHARD. I move to amend the paragraph just read by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

The said Commissioner may, by notice in writing, suspend from duty any deputy collector, inspector, gauger, or storekeeper, and he may suspend any collector for fraud, gross neglect of duty, or abuse of power. And in case of any suspension of a collector as aforesaid, the Commissioner shall, as soon thereafter as practicable, report the case to the Secretary of the Treasury for such action as he may deem proper.

Mr. SAYLER. I would inquire if this is not entirely new legislation? Is it not conferring upon the Commissioner of Internal Revenue a power over collectors which he has not heretofore had?

Mr. BURCHARD. All of the paragraph last read, from line 59 on page 4 of the bill to line 84 on page 5 inclusive, is new legislation; it gives new power to the Commissioner of Internal Revenue.

I will add that this is a suggestion made by the Commissioner of Internal Revenue. I myself question whether it is desirable to confer upon him power to the extent that would be given by this amendment if adopted. The Committee of Ways and Means felt that it would be well to submit the amendment for the consideration of the House. It gives power to the Commissioner of Internal Revenue to suspend a collector, a deputy collector, an inspector, a gauger, or a storekeeper, in case of fraud, and in such other cases as are mentioned in the amendment.

The Commissioner of Internal Revenue holds that there are cases where collectors and other officers might be concerned in a fraud, and in regard to whom the power of suspension should be given. It is an arbitrary power. These officers, especially the collectors, are appointed by the President and confirmed by the Senate. Whether a bureau officer, even with the consent of the Secretary of the Treasury, should have the power of suspending a collector is a question for the House to determine.

Mr. SAYLER. I have great confidence in the gentleman who now occupies the position of Commissioner of Internal Revenue; and I am not inclined to think that he would be disposed to exercise his office arbitrarily. Yet it does seem to me that the amendment of the gentleman from Illinois [Mr. BURCHARD]—and I want the House to understand that it is his amendment, it is not a proposition from the Committee of Ways and Means, for that committee has not authorized any such amendment to be offered, and I hope the House will bear that fact in mind in regard to this amendment as well as in connection with other amendments that may be offered—it seems to me that the amendment will confer an arbitrary power upon the Commissioner of Internal Revenue which he should not possess. Unless the gentleman from Illinois [Mr. BURCHARD] can give good reason why the amendment should be adopted I hope the House will not agree to it.

Mr. TUCKER. In the bill as reported from the committee there was a proposition to strike out of section 3163 of the Revised Statutes the substance of what is now offered as an amendment at the suggestion of the Commissioner of Internal Revenue. In section 3163 of the Revised Statutes will be found these words:

He [the Commissioner of Internal Revenue] may, by notice in writing, suspend from duty any inspector, gauger, or storekeeper, and he may suspend any collector for fraud, or gross neglect of duty, or abuse of power.

Now, the subcommittee, composed of the gentleman from Illinois [Mr. BURCHARD] and myself, struck out that in the bill which we reported to the Committee of Ways and Means and which that committee directed us to report to the House. The Commissioner of Internal Revenue proposes that we shall re-enact the particular words which were proposed by the gentleman from Illinois. I confess that the power thus proposed to be vested in the Commissioner of Internal Revenue seemed to me liable to abuse, and I think we agreed that it should not be re-enacted, though the Commissioner of Internal Revenue desired that it should be done. I am myself opposed to the extension of the power.

Mr. BURCHARD. I felt it my duty to call the attention of the House to the proposed change of the law. My own opinion concurred with that of the gentleman from Virginia [Mr. TUCKER] that there should be a restriction. The Commissioner, however, thought that in some cases this power should be exercised by him. But as the provision seems to strike unfavorably members of the committee who have examined it, I withdraw the amendment.

Mr. CONGER. I move to amend by striking out all after the word "thereto," in line 64, down to and including the word "section," in line 74.

The Clerk read the words proposed to be stricken out, as follows:

And, when specially authorized so to do by the Commissioner, any internal-revenue agent may exercise the power conferred by law upon collectors of internal revenue to examine persons, books, papers, accounts, and premises, to administer oaths, and to summon persons to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons under the provisions of section 3175, which are hereby made applicable to cases of disobedience of any summons issued under this section.

Mr. CONGER. Whether it was proper to confer upon a collector such powers as are here conferred, is a question that I do not raise at this time. The inquisitorial powers exercised by collectors of internal revenue are offensive enough to the American people; but here

is a provision that any person appointed a revenue agent may be authorized by the collector of internal revenue to exercise powers which are not given to any court in the United States without some restrictions: powers in the examination of persons, books, papers, accounts, and premises, to administer oaths, and to summon persons to produce books and papers or to appear and testify under oath before him and to compel compliance.

In my judgment a great part of the odium which has heretofore attached to the internal-revenue laws of the United States has arisen from the fact that secret agents of the Department have been permitted, under powers either granted or supposed to be granted, to go upon the premises of individuals, examine their private papers and books, and to compel them to testify, not in court, but in the private chamber of the agent, in regard to all matters touching their private business. I do not believe the enforcement of the internal-revenue laws of the country requires that any such power shall be given to the wandering agents of the Government—a power which is not exercised by many of the inferior courts of the country, and which we have reason to believe may in the hands of these agents be exercised to the oppression and wrong of the people of the United States.

I make this motion that I may ask gentlemen who are supporting this provision, and especially the gentleman from Virginia, [Mr. TUCKER,] who is usually so earnestly watchful of the interests of the people, why we should grant to a wandering revenue agent a power which is not given to recognized courts of the United States or of the States, to invade premises, examine private books and papers without limitation, and to inflict penalties for disobedience of summons to appear or refusal to answer and produce papers?

Mr. TUCKER. Mr. Chairman, I am as ready as the gentleman from Michigan [Mr. CONGER] or any other man can be to limit the powers of these internal-revenue agents; but if the gentleman from Michigan will look at the present law he will find that in section 3163, to which the proposed provision is an amendment, power is given to every supervisor under the direction of the Commissioner "to see that the laws and regulations relating to the collection of internal taxes are faithfully executed," &c. This power is transferred by this provision to the internal-revenue agents who are authorized to be appointed by the Commissioner of Internal Revenue. I think that if gentlemen will compare the provision of the bill with the present law they will find that the Committee of Ways and Means have limited this power of investigation very much. It has certainly been our purpose to limit it so far as was consistent with the requirements of the public service.

The power which is conferred upon the collector of internal revenue "to examine persons, books, papers, accounts, and premises, to administer oaths, to summon persons to produce books and papers or to appear and testify under oath," applies only to the books of parties engaged in distilling; and those books and papers are a part of the public archives, so to speak, of the internal-revenue system. That is to say, every person engaged in distilling has to keep certain books and papers which are open to inspection; and his distilling premises must be open to the inspection of the collector of internal revenue. Now, the only additional provision here is that the power already vested in the supervisor shall be given to these agents who may be appointed by the Commissioner of Internal Revenue. In other words, if the Commissioner should suspect that a collector is permitting improper practices in the distilleries of his district, the internal-revenue agent, under authority expressly given to him, will have power to examine the books which the distiller is obliged to keep for the inspection of the revenue officers.

Mr. CONGER. I will say in reply that these powers conferred upon the collector are conferred upon an officer established by law, appointed by the President, confirmed by the Senate, having at least some little notoriety in the very mode and manner of his appointment. The powers transferred from the supervisors to these revenue agents were conferred upon an officer who had charge of one or more States, appointed by the President and confirmed by the Senate whose duties and powers were defined by law, a responsible person known to all. Now, these powers are conferred upon any revenue agent whom the collector may appoint, and upon any revenue agent whom he may authorize to exercise the power which the law gives to the collector. The law may give to that higher officer, the collector, certain powers with some degree of safety, but that they shall be given to every person who may be appointed an agent, not nominated by the President, not confirmed by the Senate, but appointed for a longer or shorter time by the Commissioner of Internal Revenue, seems to me to place distillers, for whom I have no particular charity, at the mercy of wandering agents of the Government.

I speak of it because I do believe the great odium and the great trouble which exists throughout the country between the collectors and the collection of internal revenue and those from whom it is collected arises more from the ill-advised efforts of irresponsible men to enforce doubtful provisions of law than it does from the legal exercise of collecting known taxes of the United States by the regularly recognized and known officers of the Government.

Mr. CRITTENDEN. Mr. Speaker, I fully concur with the gentleman from Michigan in his views.

Mr. TUCKER. My friend from Missouri will allow me a single word.

Mr. CRITTENDEN. Certainly.

Mr. TUCKER. I will merely state that as far as I am concerned I am perfectly willing to strike out the power to internal-revenue agents. The only reason we gave the power was at the earnest instance of the Commissioner of Internal Revenue, who said it was necessary to the faithful execution of the internal-revenue laws. We were willing to concede that much to the wishes of the Commissioner of Internal Revenue, but we are not pertinacious upon this point.

Mr. CRITTENDEN. As I stated before, I fully concur in what the gentleman from Michigan has said. If these agents of the department were always reliable as the commissioner himself, I would feel no hesitancy in delegating that power, but we cannot find many such men as the Commissioner of Internal Revenue, and I think we had better restrain him from delegating that power to the thousand and one men all over the country who generally, if you invest them with too much power, are likely to abuse it.

Mr. BURCHARD. The power proposed to be conferred here is not conferred upon every internal-revenue agent. The committee in considering this limited it to the cases where specially authorized so to do by the Commissioner. The collector has the power. We cut out the power now given by law to suspend the officers. But if there is a collector or deputy who is in collusion with the men who are defrauding the Government, and one of the agents appointed as a trusted officer to represent the Internal-Revenue Bureau and the Government shall go to the premises he ought to have the power to make the same examination of the books of the distiller or the books of the tobacco manufacturer that the collector has. He should have the same power to enter upon the premises. As it is now he cannot do it without he takes the collector with him, who may be acting against the Government. He must take him along and act under him. We thought the power asked should be granted to that extent that, in a certain case where the Commissioner of Internal Revenue shall be satisfied the officers were not doing their duty, there the agent may specially be authorized to enter upon the premises and make examination of the books and papers. It is not a general power for the examination of books and papers of every person. It only relates to books and papers of a party who is engaged in the manufacture of tobacco or in the distillation of spirits or fermented liquors. There is where the power is specially given. And the power to summon is limited under section 3175 to cases where the court makes the order for examination.

But, as the gentleman from Virginia says, we have no desire on our part to be pertinacious about this. We agreed with the Department there are cases where there should be this power granted and provided in this bill as suggested by the Internal-Revenue Bureau.

The SPEAKER *pro tempore*. Debate is exhausted on the pending amendment.

Mr. CABELL. I move to strike out the last word. I am heartily in favor of the amendment offered by the gentleman from Michigan, [Mr. CONGER.] The Commissioner of Internal Revenue already has too much power, and to confer upon him the right to delegate his power to other persons is more than I think this Congress should do. The amendment, I conceive, is a proper one, and I trust the House will vote for it.

Mr. DAVIS, of North Carolina. This clause as it now stands confers on the internal-revenue agents a power I should not be willing to commit to any but intelligent and discreet persons. These agents in the country are not always of that character and I therefore hope the amendment will be adopted.

Mr. HANNA. I apprehend it is the purpose of every good citizen, first, that we shall have a proper system of laws, and then that those laws be rigidly executed. And while the enforcement of certain of our revenue laws may be deemed harsh in certain localities, while those who advocate a rigid enforcement of our revenue laws incur the displeasure sometimes of certain classes, or of persons engaged in a certain class of business, yet the people as a whole desire that these revenue laws shall be enforced.

Now, it does seem to me that my friend from Michigan, [Mr. CONGER,] as well as my friend from Missouri, [Mr. CRITTENDEN,] have discovered what is a mere scarecrow which need not give any alarm. Let us read what precedes the provision which they propose to strike out:

> Every collector within his collection district and every internal-revenue agent shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with, and shall aid in the prevention, detection, and punishment of any frauds in relation thereto.

And then follows that portion of the section which seems to be obnoxious to my friend.

Mr. CRITTENDEN. I desire to ask the gentleman from Indiana the question which I desired a few moments ago to address to the gentleman from Illinois, [Mr. BURCHARD.] This is a delegated power, delegated to the Commissioner of Internal Revenue. Now, would it be proper for us to give him the power to delegate that power to Tom, Dick, and Harry, all over this country?

Mr. HANNA. It would be just as competent for us, I think, in this act to give the Commissioner of Internal Revenue the power to delegate to an agent what is proposed in this section as it was in the first instance to give to the Commissioner of Internal Revenue the power to delegate it to a collector of internal revenue—unquestionably so.

Now, I can conceive of a state of things where it may be material to the best interests of every honest tax-paying citizen that this power should be given. It is only a power to be given by the Com-

missioner of Internal Revenue, and it is not proposed that he is to give it indiscriminately to agents as a class. He is only to give it in those cases where, as Commissioner of Internal Revenue, acting under his oath in the discharge of his duty, he may deem it material to the interests of the country that a given state of things should be thoroughly investigated.

Now, I assume that the Commissioner of Internal Revenue in selecting an agent to discharge that duty will select a competent and faithful agent. That agent would be powerless to unearth a given fraud; powerless to subserve the public interest, unless he had authority to make the power given to him effective.

Now, suppose he goes into any given district to investigate a fraud in connection with a distillery, if the agent has not the power to call for the books, so as to make a thorough investigation, in the name of God, what does his investigation amount to? He is powerless to investigate. He is powerless to unearth the fraud. It cannot be pretended that the Commissioner of Internal Revenue has the time to go and make personal investigation of these cases; nor will it be pretended that the collectors have time to investigate all these cases.

If, then, it is the purpose of the representatives of the people to see that the laws are enforced, if you intend to collect the tax from the persons engaged in these pursuits, I say give to your agents the power necessary to execute the law and to unearth fraud or crime wherever it may be committed. It is no answer to say that if you do this some man's private papers will be brought to light—that if you do this you will render the law more obnoxious. It will not render a good law obnoxious to effectively and faithfully execute that law. All good citizens are interested in the faithful execution of the law, and it will not do to say that the faithful execution of the law will make it obnoxious. The law itself will become a failure if you take that position.

Mr. BROWNE. I think if gentlemen will reflect for a moment they will find that it is indispensable for the efficiency of the internal-revenue service that this power should be given to revenue agents. This does not contemplate an inquisition into the private books, strictly so-called, of persons engaged in the business of distilling spirits. The law requires that these books shall be kept, and that they shall be open to the inspection of the revenue officers.

Under the old system supervision over these matters was given to a class of revenue officers known as supervisors. They were abolished, I suppose, because they were expensive. But in the recent investigations into the giant frauds that were committed upon the internal-revenue laws in the Northwest it was discovered that these frauds have been systematized; that railroad companies had been subsidized; that railroad clerks had been purchased to keep shipments off their books. Now the law requires that the wholesale dealer and distiller shall keep books stating the amount of spirits he has produced, when he produced them, the amount of material used in their production, when they were sold, with the name, residence, &c., of the person to whom sold; so that by an inspection of that book it can be ascertained how much has been produced and what disposition has been made of it. I undertake to say, unless you can examine the books of the distiller, unless you can ascertain where his shipments have been made, unless you can go into railroad offices, unless you can examine the books of transportation companies, unless you can go into every department of business involved in the manufacture of distilled spirits, frauds will be perpetrated in the future as they have been perpetrated in the past.

I remember in the city of Evansville, where a large quantity of spirits that were manufactured at distilleries were sent to New York, they did not appear upon the distillery books as a matter of course, and you could not find any account of their shipment on the shipping books of the railroad company. The freight was paid and little slips were kept and they were reported to the auditor of the railroad company, but there was no memorandum or statement found anywhere at the railroad depot of the shipment, and it would have been impossible for the Government to unearth these frauds had not the power been given to the Commissioner of Internal Revenue to go to the books of the railroad company and examine the books; and I say to gentlemen to-day that if you deprive the Government of this power of examining books and papers in reference to the shipping of distilled spirits and their distillation, you practically stop the collection of the tax upon that product.

[Here the hammer fell.]

Mr. CABELL. I withdraw my amendment.

Mr. SCALES. I renew the amendment. No gentleman is more ready than I am to admit the importance of the collection of the revenue. It is important to the country. It is important to the honest traders and distillers that the law should be enforced and the revenue honestly collected; but while that ought to be done, I think it is time in this country that we should be paying some attention to the rights and liberties of citizens.

Now, this is a very high power which is sought to be conferred upon these agents and such agents as now traverse the country. The collector of internal revenue has this power now, and let it reside there. Do not go below him. Do not give any man the power to authorize men who are irresponsible, as many of these men are, to traverse this country from one end to the other for the purpose of summoning men and looking into their affairs and see whether they are violating the revenue laws or not. If in any case there is a suspicion or probable cause for belief that fraud is being committed, there is a remedy. Have the parties carried before the proper officer, the officer appointed by law; but do not give him power to delegate his powers to others. I hope the paragraph will be stricken out.

Mr. RIDDLE. Would it be in order to offer an amendment to perfect the section previous to a vote being taken on striking it out?

The SPEAKER *pro tempore*. It is in order to perfect that portion of the paragraph which is proposed to be stricken out.

Mr. RIDDLE. Then I move to insert after the word "Commissioner," in line 65, the words "upon the recommendation of the collector of the district in which the examination is to be made;" so that it will read:

And when specially authorized so to do by the Commissioner upon the recommendation of the collector of the district in which the examination is to be made, &c.

Mr. BROWNE. Will the gentleman allow me to ask him a question?

Mr. RIDDLE. Yes, sir.

Mr. BROWNE. Suppose it turns out, and the Commissioner of Internal Revenue has cause to believe, that the collector in any district is in collusion with the distillers and he desires to send a special agent to that point without the knowledge of the collector, would it be possible to do it under the gentleman's amendment?

Mr. RIDDLE. I think not. But now will the gentleman allow me to ask him a question?

Mr. BROWNE. Certainly.

Mr. RIDDLE. Does not the law now require the collector to make this examination?

Mr. BROWNE. Not necessarily so; a special agent may do it if appointed by the Commissioner of Internal Revenue, and the object is to clothe that agent with the necessary powers when appointed.

Mr. RIDDLE. I will state the object of my amendment. I do not know but what it is proper that the amendment of the gentleman from Michigan [Mr. CONGER] should be adopted. But it seems to me that the collector of the district where the examination is to be made should be in some measure responsible for the acts of the agent or for his appointment. Now, in my part of the country I notice that the subordinates of the collector are much less cautious and careful in the performance of their duties than the collector himself. I would be willing to confide a great many powers, and extraordinary powers, to the collector in my own district, but he has subordinates who transcend the law every day. Murders are committed, and most extraordinary proceedings are resorted to, and I think the collector should be in some degree held responsible for the action of these subordinates.

The object I have in view is that the collector himself may recommend the appointment of the agent. I admit that the amendment is open to objection where there is reason to believe that the collector is in collusion with parties who are seeking to defraud the Government. I admit that then it would not be proper.

Mr. TUCKER. I desire to say a word in reference to some remarks made by my friend from North Carolina [Mr. DAVIS] and my friend from Virginia, [Mr. CABELL.] If the committee will examine this paragraph as carefully as it was examined by my colleague from Illinois [Mr. BURCHARD] on the Committee of Ways and Means and myself, they will find that the only power which is vested in the Commissioner of Internal Revenue in regard to the examination of books, papers, and premises is to examine the books, papers, and premises of parties who are engaged in the subject-matter of taxation. He has no power to examine the premises or the books and papers of any stranger, but to examine the premises of the distiller, to examine the books of any manufacturer who is engaged in the business which is the subject of taxation. Gentlemen will notice that the only power given to these internal-revenue agents is authority to exercise the power which is now vested by the Revised Statutes in the collector of internal revenue. The whole purpose of giving it to any internal-revenue agent, I will say to my friend from Tennessee, [Mr. RIDDLE,] is that if the Commissioner of Internal Revenue thinks the collector is not doing his full duty he can send some agent of internal revenue who will do the work for him and detect any fraudulent collusion on the part of the collector himself.

Mr. RIDDLE. I thought the object was this: that perhaps the duties of the collector might be so multifarious as to render it advisable to transfer this duty to another.

Mr. TUCKER. Oh, no; not at all.

Mr. RIDDLE. Then I withdraw my amendment.

Mr. SAYLER. Will the gentleman from Virginia [Mr. TUCKER] permit me to ask him a question?

Mr. TUCKER. Certainly.

Mr. SAYLER. I would inquire of the gentleman whether, in case the collector of any district is suspected of dishonest collusion with parties for the purpose of cheating the Government, he would not be subject to discipline by the Secretary of the Treasury, and whether there is not power over him in that respect.

Mr. TUCKER. Only in accordance with the amendment offered by the gentleman from Illinois, [Mr. BURCHARD,] at the suggestion of the Commissioner of Internal Revenue that he be authorized to suspend a collector in case of fraud.

Mr. SAYLER. But the Secretary of the Treasury would have power over the collector.

Mr. TUCKER. He would have power to remove him; but he would not remove him upon a mere suspicion.

Mr. SAYLER. Certainly not. But there is a difficulty on the other side of this question, and it is very well put by the gentleman from Michigan, [Mr. CONGER. I am very glad occasionally to agree with that gentleman.

These revenue agents who are sent throughout the districts where large operations in whisky and tobocco are conducted make it their business to oppress business men. I do not say that unadvisedly; I know it. They subject the men who are engaged in this business, and who pay largely the revenue of the country, to all sorts of annoyances, inconveniences, and trouble. Oftentimes they will suspend the run of their distilleries for a day, shut up their establishments, and call for their books in the most arbitrary manner. All this is an outrage.

I do not say that all restraint should be removed and that all men who make whisky and manufacture plug tobacco or cigars are honest. But I do say that the proportion of honest, decent, well-meaning men among that class of people is vastly greater than among your revenue agents, who are sent out as a set of spies, and who generally only want to be bought off.

Mr. HANNA. May I ask the gentleman from Ohio a question?

Mr. TUCKER. All this is in my time, and my five minutes is about out.

Mr. HANNA. Just a question.

Mr. SAYLER. Certainly.

Mr. HANNA. Does the gentleman know of any distiller who honestly pays his taxes, who at any time ever objects to the production of his books and papers? On the contrary——

Mr. SAYLER. I can answer that question.

Mr. HANNA. On the contrary, does not the complaint come from that class of men against the moonshiners who are defrauding the revenue?

Mr. SAYLER. I know honest distillers who pay their taxes, and pay large amounts of taxes, who have protested to me time and again against the annoyances to which they were subjected by the intrusion of these revenue agents. If the gentleman has any distillers in his district, I think he must know that himself.

Mr. HANNA. I have no distillers in my district who are——

Mr. SAYLER. I thought so.

Mr. HANNA. Who are not anxious to have any officer authorized by law to fully investigate their books and papers, because they pay their taxes honestly. And they are praying Congress to give them relief against the dishonest distillers and the moonshiners who curse that section of the country.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TUCKER. Has my time run out?

The SPEAKER *pro tempore*. It has.

Mr. TUCKER. Then I hope some gentleman who has taken up so much of it will take the floor and yield his time to me.

Mr. HANNA. I will take the floor and yield to the gentleman from Virginia, [Mr. TUCKER.]

Mr. PRICE. I desire to say——

Mr. TUCKER. I hope the gentleman will excuse me from yielding further.

Mr. PRICE. I only want to say this: the objection of the gentleman from Ohio [Mr. SAYLER] seems to be that agents can go into these establishments and examine the books of the manufacturers of liquors and put them through a regular process of examination and see whether there is anything wrong or not in their business.

Now let me say to that gentleman and to the House that there are in the United States two thousand national banks. Special agents walk into these banks at any time, without a moment's notice; not only examine the books and accounts and every bill receivable and every dollar of cash, but they take possession of the concern for the time being, without anybody's leave, and examine everything. They overhaul everything in every possible direction and keep possession just as long as they think proper to do so. That is the existing law, and, if that can be done in the case of national banks, what possible objection can there be in allowing the same thing to be done in regard to distillers?

Mr. TUCKER. Now I want to say to my friend from North Carolina [Mr. SCALES] especially that I am as jealous of the rights of the citizen as any man on this floor, and I think he will accord me that merit.

The only thing that he refers to is the power of these agents to call upon persons to testify, and he seems to think that that is a power which may be exercised coercively by one of these administrators of the law. That is not so. I have looked at this matter very carefully. If gentlemen will refer to lines 71 and 72 of this paragraph they will find that while one of these officers may summon a person to appear and testify, if he does not choose to do so he need not come forward; and he cannot be compelled to come, except under the provisions of section 3175 of the Revised Statutes, "which are hereby made applicable to cases of disobedience of any summons under this section."

Now, under that provision, if the collector summons a party to testify or produce his books, and the party does not choose to do so, the collector must go before a judge of the district court and have a summons issued; and if the judge does not think the inquiry a proper one to be made, he has power to act in the matter himself; hence in all these cases the right of examination cannot be enforced except under judicial supervision; and this we look to under the present system.

I admit that the only remaining question is, whether this power should be given as well to these internal-revenue agents at the instance of the Commissioner as to the collector. If gentlemen think that there ought not to be these internal-revenue agents, they must go further and repeal section 3152, which provides that "the Commissioner of Internal Revenue may, when the necessities of the service so require, employ competent agents not exceeding at any time twenty-five in number," to whom he shall assign certain duties in connection with this very matter.

Now I confess that I entertain the same jealousy which other gentlemen express in regard to sending these internal-revenue agents to spy out abuses in the land; but I do not see any more objection to this than to granting the same power to the collector.

[Here the hammer fell.]

Mr. BROWNE obtained the floor, and yielded his time to Mr. TUCKER.

Mr. TUCKER. It is further provided in the existing law that the "Commissioner may assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary." I say that the only question is whether it is safe to give to the internal-revenue agent the same power we give to the collector, for we do not propose to give any larger power; and this power of the collector and the internal-revenue agent cannot be exercised coercively upon a citizen except under judicial supervision.

Mr. SCALES. Would it not be very dangerous to intrust such a power as this to the class of men who, as we know, are generally appointed to attend to this business?

Mr. TUCKER. I do not know anything about the character of the agents; I have never had much to do with them; but if the gentleman thinks this power too dangerous, I am willing to vote with him to strike out the provision.

Mr. BROWNE. The gentleman will allow me to say that but for the special agent of the United States, who is now the chief of the secret-service division, none of the frauds in Missouri and Indiana would probably have been ascertained.

Mr. RIDDLE. Has not the Commissioner of Internal Revenue this power now where he suspects that the collector is in collusion with the distiller?

Mr. TUCKER. I do not think he has.

Mr. RIDDLE. How, then, have these frauds heretofore been detected?

Mr. SCALES. Can you not under the existing law arrest any man and carry him before a commissioner upon probable cause and have him examined?

Mr. TUCKER. Unquestionably you can upon probable cause where the matter in question is a crime.

Mr. SCALES. Can you not do so when a man is suspected of carrying on an illicit distillery?

Mr. TUCKER. Yes, sir.

Mr. SCALES. Then, why give this power?

Mr. TUCKER. The power proposed now to be conferred is not to arrest for crime, but to examine into the question whether there are abuses or frauds upon the revenue.

I am not enamored of this provision. As I have stated, we agreed to it at the instance of the Commissioner, who said it was necessary in order to make the service efficient. I for one am willing to vote with the gentleman to strike out the clause.

Mr. CONGER. Having heard the explanations of these gentlemen, I ask leave to withdraw my amendment.

The SPEAKER *pro tempore*. The amendment is withdrawn.

Mr. SCALES. I renew the amendment.

Mr. BURCHARD. Before the vote is taken upon this amendment, I desire to say one word in regard to these frauds. When the Revised Statutes were passed we had, in addition to a large number of collectors and internal-revenue agents, ten supervisors with special powers—greater powers than those of the collectors; and very many of the frauds that have been spoken of were detected by the exercise of the power given to those supervisors. It was thought best for the purpose of retrenchment to abolish the office of supervisor and to give those powers to the collectors.

Now, I do not know that among all the collectors of internal revenue we have found any case where there has been actual proof that the collector has been in collusion with the distillers. It has been proved that gaugers and storekeepers and in some cases deputy collectors have thus been in collusion with distillers; but no case has come to my knowledge (though perhaps there have been such cases) where the collector has been concerned in any such transaction. There is now no other officer than the collector who has power, under the authority of the bureau, to make such an examination as is here contemplated. Where there is a suspicion of fraud the Commissioner of Internal Revenue should have authority to designate some person to go to the distillery, to go upon the premises; and the honest distiller will not object. The collector is now the only internal revenue officer having authority under the law to go upon the premises with-

out the consent of the distiller himself. Any special agent sent out to make examination must get the collector to accompany him. Such an agent cannot make examination of the books which the law requires the distiller to keep, though the collector can do so.

It has seemed to us that this additional authority requested by the Commissioner for the detection of frauds should be granted. I hope, therefore, the amendment will not be adopted.

Mr. BROWNE. I wish to make a single observation. The collector has the right to visit distilleries, but every distiller who wishes to commit a fraud upon the Government has his watch on the outer wall for the coming of the collector, and if there is anything wrong about the distillery then, before the collector reaches it, everything wrong is made right. It is indispensable, therefore, that revenue agents at times should be sent to distilleries, so that men who are unknown can light down upon those engaged in defrauding the Government. For that reason I think it is indispensable power should be given to revenue agents specially appointed to enter upon the premises and make examination.

Mr. HANNA. One word. We have been told, not in any exactly authoritative form, that the income tax is to be restored by this Congress. I submit to you if that is to be done a provision of this sort will be vitally necessary. If you intend to restore the income tax and expect to collect it from those who ought to pay it, I submit to you who are specially interested in behalf of the tobacco and whisky men, you want a provision of this sort to enforce that when it becomes enacted into law. Without some such provision to aid in enforcing the income tax it will become as powerless on a given class of capitalists in my section of the country as the Government is powerless to-day to collect this tax from a certain class of distillers. So, let us look at this in both ways; and I say to each and all who desire an honest enforcement of the law for the benefit of the General Government there is nothing in this objection, and that the provision ought to be insisted upon.

Mr. DEAN. I trust we shall not all desire to have the land flooded with spies.

Mr. HANNA. One word in reply. This is not flooding the land with spies. I repeat again that I never heard of an honest man fearing spies. What honest lawyer ever feared to exhibit his books to any internal-revenue collector or agent? Those who fear spies, as a rule, are those who are seeking to defraud the Government. That is the truth about it. This cry of spies and prying into business comes from those who build little distilleries down in ravines or in cellars, and refuse to pay honest taxes while other large distillers are doing it. The large distillers say, "Here are my books, investigate them; I want to obey the law, and I ask you to enforce it against those who seek to avoid paying their taxes to the Government." It is those who refuse to pay who compel the Government to resort to spies. That is the truth about it.

Mr. DAVIS, of North Carolina. I am glad the gentleman from Indiana is not afraid of investigation. [Laughter.]

Mr. DEAN. It is not fear alone that controls the judgment with regard to spies. Every manly feeling that any Anglo-Saxon has is utterly against the employment of spies. The gentleman speaks of a coming income tax, and he wants this provision in regard to the collection of that tax. When you get that tax there will not be a merchant in the country who would not be visited by spies. Spies would go to every merchant's counting-room and insist upon examining his books. Such a thing is revolting to every manly sentiment.

The question recurred on Mr. SCALES's amendment.

The House divided; and there were—ayes 56, noes 46; no quorum voting.

Mr. BURCHARD. I move the House adjourn. [Cries of "Regular order."]

Mr. SAYLER. What is the regular order?

The SPEAKER *pro tempore*. There has been an order for an evening session for debate only.

Mr. BURCHARD. I withdraw the motion to adjourn and will call for tellers, and pending that will move to take a recess.

Mr. HUMPHREYS. I hope, by unanimous consent, we will be permitted to take from the Speaker's table a concurrent resolution from the Senate in reference to printing the report of the Polaris expedition.

Mr. BURCHARD. I have no objection.

The SPEAKER *pro tempore*. The gentleman from Illinois moves to take a recess until half past seven o'clock this evening.

Mr. DUNNELL. What is the business for the evening session.

The SPEAKER *pro tempore*. For debate only.

Mr. BANNING. Is that in order when the House is dividing?

The SPEAKER *pro tempore*. The gentleman from Illinois moves to take a recess.

Mr. BANNING. But that cannot be done when there is no quorum present.

Mr. MILLS. There was a demand made for tellers.

Mr. EDEN. Is this bill to be considered to-night or is it a meeting for debate only?

The SPEAKER *pro tempore*. For debate only.

Mr. MILLS. I move the House do now adjourn.

Mr. SINGLETON. I ask, by unanimous consent, to take from the Speaker's table some resolutions for reference to the Committee on Printing.

The SPEAKER *pro tempore*. The motion to adjourn cuts off all other business.

Mr. MILLS. I withdraw the motion to adjourn.

NARRATIVE OF POLARIS EXPEDITION.

Mr. SINGLETON. I ask unanimous consent to take from the Speaker's table, for reference to the Committee on Printing, the bill (S. No. 1208) authorizing the publication, for sale, of an edition of the narrative of the Polaris expedition.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. SINGLETON. I ask unanimous consent that the concurrent resolution of the Senate providing for the printing of five thousand extra copies of the report of the Commissioner of Fish and Fisheries for the year 1876–'77 be taken from the Speaker's table and referred to the Committee on Printing.

There was no objection, and the resolution was taken from the Speaker's table and referred to the Committee on Printing.

REPORT OF THE COMMISSIONER OF AGRICULTURE.

Mr. SINGLETON. I ask unanimous consent that the concurrent resolution of the House for the printing of 300,000 copies of the report of the Commissioner of Agriculture for 1877, with amendments by the Senate, be taken from the Speaker's table and referred to the Committee on Printing.

There was no objection, and the resolution, with the Senate amendments, was taken from the Speaker's table and referred to the Committee on Printing.

ARMS FOR THE ARMY AND MILITIA.

Mr. BRAGG, by unanimous consent, introduced a bill (H. R. No. 5054) to secure the most efficient arms for the use of the Army and militia of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT FOR SERVICES IN DOORKEEPER'S DEPARTMENT.

Mr. BOONE. I ask unanimous consent to offer, for reference to the Committee of Accounts, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be authorized to pay out of the contingent fund of the House the following-named persons, for services rendered in the Doorkeeper's department during the Forty-fourth Congress, the amounts specified in this resolution, to wit: to Robert Coates, the sum of $210, for services rendered from August 15 to 1st day of December, 1876; to Charles Carter, J. Cook Nickens, James Hall, and Henry Hall, each the sum of $180, for services from the 1st day of September to the 1st day of December, 1876.

Mr. CONGER. I object to the reference.

Subsequently the objection was withdrawn, and there being no further objection the resolution was referred to the Committee of Accounts.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BALLOU, indefinitely, on account of sickness in his family;

To Mr. GARTH, until Monday next;

To Mr. BOYD, until Tuesday next, on account of important business;

To Mr. WILLIAMS, of Alabama, for three weeks, on account of sickness in his family;

To Mr. SWANN, for three days, on account of important business;

To Mr. MCCOOK, for four days, on account of important business;

To Mr. TURNER, indefinitely, on account of important business; and

To Mr. WADDELL, for one week from Friday.

SAN ANTONIO AND LAREDO RAILWAY.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of Quartermaster-General on the proposed construction of a railway from San Antonio, Texas, to Laredo, and on Corpus Christi, San Diego, and Rio Grande Railroad; which was referred to the Committee on Railways and Canals.

ADDITIONAL SIGNAL STATIONS.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report on House bill providing for the establishment of additional signal stations in several States; which was referred to the Committee on Appropriations.

MILTON KENNEDY.

The SPEAKER *pro tempore* also, by unanimous consent, laid before the House a letter relative to the claim of Milton Kennedy; which was referred to the Committee on War Claims.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois, [Mr. BURCHARD,] that the House take a recess.

Mr. BURCHARD. I desire to say just one word. The House has

fixed a session to-night for debate only, and I hope gentlemen will not antagonize that order.

The question being taken on Mr. BURCHARD's motion, it was agreed to; and accordingly (at four o'clock and forty-two minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p. m., Mr. STEELE in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House is in session this evening for debate only, no business to be transacted. The gentleman from Kentucky [Mr. TURNER] is entitled to the floor.

PENSIONS TO SOLDIERS OF MEXICAN WAR.

Mr. TURNER. Mr. Speaker, it is not my purpose to discuss the merits of this bill in detail. They have been exhaustively set forth by the gentleman from Alabama [Mr. HEWITT] and by others, and I do not care to reinvite the attention of the House to the vast domain and incalculable wealth acquired to the Union by the sacrifices and services of the soldiers of the Mexican war, nor to rehearse their heroic deeds, their trials and endurances in a malarious climate, under the burning rays of a tropical sun. They are a part of the wealth, the history, and heritage of the country. But I must remind the House that these hardships and perils were endured from a spirit of patriotism and not for the paltry pay meted to those gallant soldiers. Allow me to add that when they volunteered to leave home and comfort and to peril their lives and health for their country they had a right to believe, from its past history and practice, that it would in due time extend to them some token of its regard and gratitude, some substantial recognition of its appreciation of their services, to solace and assist them in the evening of their days.

My purpose in taking the floor was to respond to what, with all due deference, seemed to me an ungenerous argument urged against the bill by the gentleman from Vermont [Mr. JOYCE] and the gentleman from Illinois, [Mr. HAYES,] to wit, that the bill should be rejected because, forsooth, some soldiers would be entitled to the benefit of it who in obedience to honest convictions or local prejudice had joined the rebel army or sympathized with the rebellion.

I bore an humble part in the Mexican war, and was a friend of the Union and adhered to the fortunes of the old flag in our late unhappy sectional strife in a section where it involved a sacrifice of property and popular favor, and brought neither place nor fat contracts, and I hope I may, without offense, be permitted to doubt whether the gentlemen from Illinois and Vermont and their constituents could have been successfully subjected to such a test of their devotion to the Union as were the Union men of my section.

The sensitive loyalty and assured infallibility of those who never cease to pursue their fellow-citizens who have dared to differ with them, and which would withhold from a whole class of deserving veteran soldiers a just and merited pension lest some of them who had dared to differ with it, and to express that difference in words or acts, should receive the benefit of the general provision, might well be cited to the noble conduct of the officers of the army of Spain toward their fellow-officers who had participated in the late Carlist rebellion and fought against them in obedience to local sympathy and honest convictions.

I have somewhere read that after the Carlist rebellion was over and the insurgents had laid down their arms and returned to their allegiance to King Alfonso, that the rebel officers who had left his army and joined the insurgents applied to be reinstated to their former rank and positions in the king's army, and he at first refused their request, and thereupon the officers of the regular army who had sustained the king and conquered the insurgents met and with one accord signified their determination to resign their commissions unless the request was acceded to, and thus compelled King Alfonso to restore their rebel brethren to their ancient rank in his army. I commend this generosity to the members of this House and the officers of the United States Army as worthy of imitation.

Let it not be said that the American people are less generous and have less Christian charity and more intolerance than the historically vindictive Spaniard. I trust there is no one on this floor who, from motives of personal, political, or party advantage, would be willing to keep alive the passions of war, or who, in their sectional hatred, are willing to deliberately give forth utterances which subject the whole Amerian people to the charge of vindictive malignity. Such sentiments may command the approbation of pot-house politicians and contract patriots, but I cannot believe they meet an approving response from the gallant Union soldiers who bore their country's banner aloft upon the red field of battle. I, for one, Mr. Speaker, would scorn to accept the provisions of an act which excluded from its benefits a portion of my fellow-soldiers because of subsequent differences of political opinions.

I wish, Mr. Speaker, (and every patriot should,) that the bitter memories of our late civil war could be forever buried in the waters of Lethe, and that we could only remember the noble deeds, the gallant acts, and the generous conduct of the gallant soldiers of the armies of both sections. They were Americans all; they are now all citizens of the same American Union. I wish we could realize how much more important it is to restore the prosperity and promote the interest and preserve the liberties of the present and future, than to approve the opinions or gratify the prejudices of the past; and now that the war is over we would unite in an earnest and honest effort to cement the Union and make our country one of equal rights to all and exclusive privileges to none; a Republic and a Union in fact as well as in name and worthy of all emulation.

I hope the bill will pass and that no distinction will be made between Mexican soldiers because of late differences of political opinion; and in expressing this hope I am sure I voice the sentiments of every true and gallant Mexican soldier who was also a Union soldier.

Mr. Speaker, I have often wondered why a benign Providence permitted the sections in their madness to wage our late cruel civil war; but since I have had a seat on this floor I have arrived at the conclusion that His chief purpose was to furnish the average republican Congressman with something to talk and speak about who else would have been kept in an enforced silence.

SOUTHERN CLAIMS.

Mr. DAVIS, of North Carolina. Mr. Speaker, I have not often trespassed upon the attention of the House, and I would not do so now but for the fact that the section from which I come, its aims, and its purposes are being grossly misrepresented, not intentionally of course, by gentlemen whose feelings and prejudices so warp their judgments that they can form no accurate estimate with regard to anything that relates to the South. It is made manifest by what we have heard time and again upon this floor, and by the utterances of the public press, that it is the purpose of the republican party to seek to regain its lost power in the North by rearousing the passions and hatreds that were engendered by the war, and to this unhappy end there is a systematic and persistent attempt to show that it is the purpose of the South to get control of this Government and then bankrupt and destroy it, by what they are pleased to term "raids upon the Treasury with southern claims."

Our republican friends remember that their party had its birth in an attack upon an institution which unfortunately existed in the South alone, and which, though guaranteed by the Constitution which our fathers made, was one upon which the passions of good men could be easily excited, and upon this sectional question they fed and grew till that institution was wiped out of the Constitution in blood, and seeing now that any patriotism that is sufficiently comprehensive to embrace the whole country will leave them wrecked high and dry upon the political shore, they return to their old device and talk of "southern masters."

I propose to show how utterly unfounded are the statements upon which this attempt is made and how utterly unfair the means by which it is sought to be maintained. The CONGRESSIONAL RECORD has been burdened with figures, and column after column has been published with a reckless (I will not say willful) disregard of the truth that is sad and sickening.

I shall, by an appeal to facts and figures, expose some of the misstatements upon which the charges against the South rest and show how unjust—not to say unpatriotic—these charges are. In doing this, I desire to say that I, for one, make no apology for presenting claims from the South. Any man who has or who thinks he has a just claim against the Government has a right to present it here, and in this respect there can be no difference whether the claimant comes from the South, the East, the West, or the North. It is the duty of Congress to hear and consider every claim that is presented in proper form. If the claim be just and proper it should be paid; if it be one that ought not to be allowed it should be rejected; and in passing upon any claim, as a member of this House, I should scorn myself as mean and worthless if I could be knowingly influenced by the question as to whether the claimants came from the South or from the North, from the East or from the West.

I say, then, in discussing this question, I am making no apology for introducing claims here from the South. Gentlemen from the South stand here with precisely the same rights that gentlemen from the East, the West, or the North, and when they present claims those claims are entitled to the same fair and just consideration as those presented by gentlemen from other sections. The gentleman from Indiana, [Mr. HANNA,] in his speech commenting upon war claims, said, (I read from the RECORD:)

> Ever since the suppression of the rebellion the persistence with which this class of claims has been pressed upon the attention of Congress has furnished well-grounded and grave fears in the mind of the people that it is the determined purpose of the democratic party in the event of ascendency to compel the Government to assume and pay all losses and damages resulting from the prosecution of the war in defense of our nationality. Each succeeding year furnishes cumulative evidence in support of the truth of the charge that such is the well-settled purpose of those who control the action of that party. For a time the approaches to the Treasury were cautious, guarded, gradual, and well calculated to deceive the unsuspecting.

Now, sir, this is a broad and unqualified statement from the gentleman from Indiana. He then says:

> I have carefully examined thirty-seven hundred and ten of the bills introduced and the abstract of the character stated of those referred to the Committee on War Claims, I will, by leave of the House, print as part of my remarks.

And the list is published, headed:

> Abstract of war-claim bills introduced in the Forty-fifth Congress.

I have taken pains to count the list and I find the number to be

six hundred and thirty-one. To make this terrible array of long columns—six pages of the RECORD—I find that bill No. 415, introduced by my friend from Tennessee, [Mr. DIBRELL,] has been repeated just fifty-four times; bill No. 582, by the gentleman from Missouri, [Mr. CRITTENDEN,] four times; No. 878, by Mr. HOUSE, twenty-four times; No. 955, by my friend Mr. VANCE, eight times; No. 1025, by Mr. TURNER, six times; No. 1030, by Mr. CARLISLE, twenty-nine times; No. 1049, by Mr. ATKINS, forty-nine times; No. 1722, by Mr. GIDDINGS, nineteen times; No. 2568, by Mr. WILLIAMS, eight times, and No. 2780, by Mr. CARLISLE, seventeen times.

Of course I will not do the gentleman the injustice to charge that this was done for the purpose of misleading anybody, but it does make the array look imposing, and then, too, it shows how careful was the "examination." But it so happens, as I am informed by my friend from Kentucky, [Mr. CALDWELL,] that bill 1049, introduced by Mr. ATKINS, and which is divided by the gentleman from Indiana [Mr. HANNA] into forty-nine parts, was reported back to the House from the Committee on War Claims, and the same bill, appropriating $24,257.31, is charged again in the list to Mr. CALDWELL, thus not only doubling the number many times, but doubling the amount. Now it seems to me that a little careful examination would have sufficed to show not only that Mr. CALDWELL was reporting a substitute, but that the names of the parties were the same. How many more errors there are in the gentleman's "carefully prepared statement" I am unable to say, but I have added up the figures and I find the whole to amount to $5,000,107.06. One would infer, naturally, from the gentleman's speech that all those were southern war claims—"rebel claims," as gentlemen call them—which the "controlling element of the democratic party"—this is his language, not mine—intended to "extort" from the people by "a raid upon the Treasury."

I have already shown the means—I will not say the disingenuous means—by which these claims have been magnified; but that is not the worst of it; I have taken some pains to examine and analyze the character of these claims, not as carefully perhaps as did the gentleman from Indiana and others on that side of the House, but still with sufficient care to find out some things that were strangely overlooked by them in their "careful" examinations. I find in the first place that only $2,573,028.69 of the claims in the gentleman's schedule are from the late Confederate States. I find that ten of his bills are for loyal churches, seven of them in loyal States; one of the bills is for a loyal temperance society in a loyal State; two for loyal academies in loyal States; one for Touro almshouse in Louisiana (possibly this may have been some disloyal charity, I do not know how this is;) one for the loyal State of West Virginia; one for an agricultural association in Kentucky, the State from which my friend near me [Mr. TURNER] comes, a State which sent more Union soldiers to the war, if I mistake not, than Massachusetts.

Mr. TURNER. It sent more than Maine and Vermont together, and yet they would call it a disloyal State.

Mr. DAVIS, of North Carolina. Certainly my gallant friend from Kentucky has not expressed such sentiments on this floor as have fallen from gentlemen from Maine and Vermont.

Now, Mr. Speaker, I have had neither the time nor the patience to examine all the claims in the list published by the gentleman from Indiana with the minuteness and carefulness with which he professes to have done, but I have made quite an extensive inquiry in regard to them and I have been able to find only one claim that originated during the war which is not that of some loyal person—most of them are for loyal republicans. I find a few of them—not one in ten—are for property or services growing out of transactions subsequent to the war.

Now let us take a running review of the gentleman's list of war claims which are going to bankrupt the Treasury. Here it is. [Holding it up.]

To begin with, the very first we find on the list is a claim from the loyal State of Connecticut for $8,655, first introduced into the republican Forty-third Congress by Mr. Kellogg, a republican; and next on the list is a claim for $5,000 from the State of New Jersey. The next comes from Tennessee; there is not a claimant from that State who is not a loyal man. Then there is a claim from Pennsylvania—the State from which our Speaker comes. Then comes New York; and then Maryland with twenty-two claims, all in a bunch and, as I learn from my friend from Maryland, [Mr. WALSH,] they are all the claims of loyal men. Then comes Virginia. Then comes North Carolina, which is a little claim, but North Carolina has been very modest in this respect. Then Ohio comes for one-fourth of a steamboat. Then comes Pennsylvania for $22,927; and then the loyal State of Kentucky with a long array of these claims and the bill H. R. No. 415 which is repeated fifty-four times on the list, and that claim as I learn from my friend [Mr. DIBRELL] is for persons some of whom were soldiers and the widows of soldiers in the Union Army—one of them a widow who lost her husband and two sons in the Union Army.

Mr. SCALES. What does the gentleman mean by saying that the claim has been repeated fifty-four times.

Mr. DAVIS, of North Carolina. I say that the bill has been repeated fifty-four times upon the list as you see it here, [holding it up,] of course not for the purpose of deceiving anybody, but to make the thing look large. Then comes Kentucky again, and then comes Indiana, the State from which the gentleman [Mr. HANNA] hails; and then comes Illinois, with a claim of $29,000 for losses on account of the steamer S. C. Baker. Then comes the claim of A. L. H. Crenshaw, from Missouri, and that is an interesting case about which I wish to say a word.

This "war claim" was first introduced in the Forty-third Congress. It will be remembered that was a republican Congress. There was a report made by Mr. Cobb, a republican, in which he gives the character of the claim. It was for fifty-five mules of which "he was robbed," I quote from the report, "by United States officers * * * in September, 1863, for the loss of which he claims the Government was rendered liable by subsequently taking possession of them. His claim was referred for investigation to a board of Army officers convened at Kansas City, Missouri, who, after full inquiry into the facts of the case, report that Crenshaw, a licensed cattle-dealer, * * * and an unconditional Union man, was the victim of a conspiracy organized by Lieutenant Lindsay, Eleventh Kansas Volunteers, Wiley Aiken, W. Logan, John Hampton, Andrew Hammond, and Major Plumb, provost marshal, * * * to rob him of his property." The report then details one of the most infamous conspiracies and robberies that ever disgraced humanity, and this is put to the charge of the South. The claim was reported favorably to the Forty-third Congress by Mr. Cobb, a republican, and to the Forty-fourth by Mr. EDEN, democrat, and any one who wishes to read a dark page can find it in the report of the board of Army officers and in House report 819, Forty-fourth Congress, in which the outrages are detailed. Surely if the gentleman from Indiana had been a little more "careful" he never would have laid this claim to the South, and for humanity's sake he would have kept it out of view.

Then comes another long list from Missouri; then Tennessee again; then Ohio comes in for several thousand dollars; and then again comes in one introduced by my friend Mr. CARLISLE, which is enumerated twenty-nine times upon this list, for some property belonging to Union men in Kentucky. Then comes Tennessee again with loyal claims, and then follows Illinois with a claim for chattels furnished to the Union Army, and then comes in Michigan for $62,480 for a steamboat, and then again Ohio, and then there are two cases from Massachusetts. Then comes a claim from Illinois, and then two from Pennsylvania, and then a number from the District of Columbia, and then New Jersey and Pennsylvania again, and then Massachusetts comes in again for property taken. Well, then comes in a claim from Tennessee for the destruction of a Presbyterian church, and I know that my colleague who sits near me [Mr. SCALES] would be in favor of that.

Mr. SCALES. Yes; if it is just.

Mr. DAVIS, of North Carolina. My friend knows that the Presbyterian Church would not present any claim that was not just. Then comes another claim from New York and another from Pennsylvania. I only enumerate these claims for the purpose of showing how utterly unjust is this charge about southern claims. I hold in my hand a republican paper, the Cincinnati Commercial, containing a letter written from this city by a republican, giving an account of the claims introduced by Mr. DIBRELL:

> Mr. DIBRELL, from the third Tennessee district, many of the counties of which had more men in the Union than in the confederate army, and which counties are republican to-day, has introduced this session thirty or forty bills for the payment of loyal men, some of them a mere pittance of a few hundred dollars, and none for very large amounts. Yet several republicans have made speeches this session on "southern claims," and they have all paraded DIBRELL's bills before the country as a part of the evidences of a rebel raid on the Treasury. I happen to have a large acquaintance in that district, and every man I know on Dibrell's list was a Union man, and stands ready to prove his unionism. Some of them can prove it by scars on their bodies, received in the Federal service. I submit if this is just treatment of these men. One of DIBRELL'S claimants is now eighty years old; yet, old as he was, he served as captain in the Union Army, and not only that, but piloted over five hundred men through the mountains into Kentucky on foot, and enlisted them under the flag of the Union, where they fought till the close of the war. He sacrificed his property for the Union cause. Yet this man's claim, along with others just as worthy and meritorious, is paraded around the country as a "rebel claim," and made to adorn the beautiful stump speeches that are to serve as campaign thunder in the North this fall. DIBRELL was a "confederate general," to be sure, but he has put in no claim for himself or for any fellow-confederate.

So much for the speech of the gentleman from Indiana, [Mr. HANNA.] But the gentleman from Illinois [Mr. HAYES] came in with a long list of figures, and I have taken some pains to analyze his table also. Here is one introduced into the Senate by Senator HARRIS for the relief of James Clift, of Tennessee, and the same bill is introduced into the House by Mr. DIBRELL, and repeated twice; that is, it is made to speak three times in the list. This James Clift was a captain in the Union army, and that is one of the disloyal claims that are going to bankrupt the Treasury. Of course, Mr. Speaker, I only know in regard to these claims what I learn from such information as I can gather from the bills and from gentlemen who introduce them. Here is one, for $100,000, of Eugene Leitensdoerfer, of Missouri, for services rendered to Colonel Doniphan, in his great Santa Fé expedition, more than thirty years ago. I find also upon the list a bill for the removal of the political disabilities of somebody, and that is put down as a war claim. And if the gentleman from Indiana and the gentleman from Illinois had examined the bills which they include in this array of southern claims, they would have found that more than one-third of them were for pensions to soldiers, and not one of them to a confederate.

They would have found that nearly every one of these claims was the claim of a Union man. There is a claim, and a large one, for $135,500, for citizens of Brenham, Texas. That is a large amount,

but that claim originated fifteen months after the war. There was a Major Smith, I think his name was Smith, commanding United States troops at Brenham, in Texas, and his soldiers went to a colored ball, broke up the ball, and there was a riot, and the town was burned down. The proof goes to show that it was burned down at least with the sanction of the commanding officer. In a report to be found in Executive Document No 145, third session of Forty-first Congress, will be found a full account of this case. It stamps Major Smith with infamy, and I have been told that afterward, not for this offense however, he was dismissed from the Army, but I do not know how this is. He certainly ought to have been punished.

That is one of these claims which occurred long after the war and had nothing at all to do with the war. Five of these bills are for pensions to Mexican soldiers. Then comes my friend from Wisconsin [Mr. LYNDE] with a bill for the widow of a Union soldier; and there is one for the relief of Alden M. Woodruff, of Little Rock, Arkansas, introduced by the gentleman from Illinois, [Mr. ALDRICH;] it is a bill for $225,000. I would like to know what sort of a rebel in Arkansas the loyal gentleman from Illinois [Mr. ALDRICH] would introduce a bill for? I apprehend it will not be found that he was a very disloyal man, for if he was the gentleman from Illinois would not seek to commend himself to the favor of his republican constituents by introducing a bill for the relief of any such person. Then comes a bill for the relief of Hiram Johnson and others, the same which the gentleman from Indiana [Mr. HANNA] repeated so many times. Then there is one introduced by the gentleman from Georgia [Mr. HARTRIDGE] for the relief of James Johnson, late collector of the port of Savannah. That collector had a deputy collector, a loyal man, who ran away with some Government money.

By the way, I make here a statement, astounding as it may seem, and which I would not have believed if I had not found it to be so. During the last three or four Congresses there has been more money appropriated to meet embezzlements by subordinates in the employ of the Government than has been allowed for the whole State of North Carolina. Well Johnson, the collector, wants relief for the money stolen by his deputy.

Then here is one introduced by my friend from North Carolina [Mr. VANCE] for the relief of James Roberts. It is charged here to Mr. ELLSWORTH, my friend from Michigan, who reported it from the Committee of Claims.

Then here is one which was introduced by my friend from Missouri [Mr. CRITTENDEN] for the relief of certain soldiers of the Eighth Cavalry, State of Missouri. He tells me that they were all Union men.

Then I find one introduced by Mr. STEPHENS, of Georgia, for the relief of the heirs of General Count Pulaski. Now, I suppose that, Count Pulaski having fought in our first rebellion, it is thought right that the bill for his heirs should be charged to the South in this last rebellion. Then there is one introduced by Mr. COOK, of Georgia, for the relief of the tobacco trade. [Laughter.] There is one to authorize the erection of a light-house. Then there is a bill introduced by the gentleman from Texas [Mr. THROCKMORTON] for the relief of a gentleman who was entitled, as he alleges, to commissions under a contract for gathering up cotton.

The gentleman from Illinois [Mr. HAYES] says in his speech that these claims amount to $300,000,000. And he repeats that three times.

Now, I say that is such a mistake that it ought not to have gone out from this Hall. All the claims put together, that have been introduced here by all the Representatives from the South, will not amount to anything like that. And if you put in all the appropriations for rivers and harbors and for the improvement of the Mississippi, they would not altogether make three hundred millions, nor one-tenth of it. Yet the gentleman says:

> Why, sir, the idea that the Government owes and ought to pay all damages occasioned by the war throughout the South is so firmly imbedded in the southern mind that it will take several generations to root it out. No man, I care not how great his ability, can be a leader among the southern people unless he openly indorses this idea. There is not a southern gentleman on this floor who would not be overwhelmingly defeated at the coming election if he should dare to stand up here and declare that these claims ought not to be paid.

I am utterly astounded when I hear such statements. I defy the gentleman to name a man on this floor who ever said that he was in favor of making good all the damages sustained by the South in the war. I defy him to find a southern man who has taken an oath to support the Constitution who ever claimed any such thing. I do not mean every one who will say that he was loyal, because I do not vouch for the loyalty of all those who claimed to be such during the war. But I defy him to find a man who fought in the southern army and who has sworn here to support the Constitution who will say that he is in favor of paying for all the damages so sustained. I know that it is sometimes stated that if the democratic party gets into power the Government will be made to pay for all the negroes and other property lost by the South and even the confederate debts, and this has had some effect in some sections; but the charge is so absurd, so preposterous that the man who believes it is to be pitied for want of sense rather than censured.

I say there is not a man on this floor who would come back here from any district in a southern State if he were to go there and declare that he was in favor of adding to the burden of debt now resting upon this Government by the payment of all the losses and damages sustained by the South in the late war.

But there are many claims that are just, and all those claims that are just stand here precisely as they would if they came from any other section of the country. So much for that.

By the way, he says he has evidence in the form of a memorial from a gentleman from North Carolina, (Dr. Ford,) who says that he is in favor of paying all the damages on both sides. Now, I have inquired among my colleagues and friends, and no one from North Carolina has ever seen a memorial presented here signed by a living man asking any such thing.

I have no doubt that Dr. Ford is a very clever gentleman, but I defy the gentleman from Illinois [Mr. HAYES] to show a single memorial ever signed by anybody for such purpose. He says that two editions of Dr. Ford's pamphlets have been exhausted; it was so popular. It may be popular with the gentleman, but I am sure it was not so in North Carolina. There is nobody there who expects all these damages by the war to be paid; and certainly no one there ever will get paid for such damages until the Constitution is amended. And the gentleman need have no fear about that, for it would require a larger vote than the South has got to do that. Sir, how puny and puerile is such a charge! But, sir, I desire also to review some remarks made by my good friend from the Committee of Claims, [Mr. CUMMINGS.] He joins in the howl against southern claims.

The first count in the charge of the gentleman from Iowa is this: That we want to restore to the pension-roll the soldiers of the Mexican war, about whom my friend from Kentucky [Mr. TURNER] spoke so eloquently just now, and I wish my friend from Iowa could have heard him. He seems to think it is a monstrous thing that we should endeavor to secure for the maimed and crippled and disabled soldiers of the Mexican war who may happen to live in the South precisely the same benefits accorded to the maimed, crippled, and disabled soldiers who live in the North

Why, sir, it does seem to me strange, in view of the fact that there are $28,122,683.48 voted as pensions, all of which with insignificant exceptions go to the people of the North—all of it—we do not complain of that; we have nothing to say about that—but it does seem strange to hear this objection in view of that fact. How magnanimous is it that gentlemen who are getting $28,000,000 and upward for their own section shall not be willing to let a few old, crippled Mexican soldiers of the South, who fought to bring States into this Union, have at least a little of it. It does seem to me if my friend from Iowa had listened to the remarks made by my friend from Kentucky he would reconsider that matter and conclude that there was no great danger to the Treasury from these poor, maimed, crippled Mexican soldiers.

I trust my friend does not represent the sentiment of the people of Iowa, but if he does may the Lord help their poor souls!

Again, my friend goes on and says "there is the Texas Pacific scheme for the special benefit of the South, representing $30,000,000 or more." My friend has an eye as keen as an eagle's to see any claim which comes from down toward the South, but he is as blind as an owl at noonday when he looks to his own big section.

But let us see how this matter stands. Thirty millions and more for the special benefit of the South, says he, for the Texas Pacific. There is a great mistake in saying that is for the benefit of the South alone. California and the Northwest are interested in it and New York and Pennsylvania are as much interested in it as North Carolina and South Carolina. So it is not for the *special* benefit of the South.

But let us stop to inquire how generous a thing it is in gentlemen from the great Northwest to make this objection. I have taken the pains to look over the list of bonds in the Treasurer's report and I find that $64,623,512 have been issued in bonds for railroads, all of which have gone to northern and northwestern railroads, every dollar of it, and yet $30,000,000 for the South, less than one-half, disturbs my friend.

But that is not all. In looking at Spofford's American Almanac, where I find a good deal of statistical information, I find 128,066,374 acres of land have been voted to railroads in the Northwest. This land at $1.50 per acre would amount to $192,000,000 in round numbers. All that has gone to the Northwest. Add that to $64,000,000 in bonds and we have $256,000,000, more than the whole State of North Carolina is worth. The land given to railroads in the Northwest is nearly four times as much as the whole State of North Carolina. Yet the gentleman says it is monstrous in the South to ask for $30,000,000 for the Southern Pacific Railroad when in point of fact it is not a southern measure any more than it is a western or northwestern measure; it is a national measure.

Look again at the generosity of my friend from Iowa; that glorious young State—and I am proud of the young States as well as the old States of the Union—Iowa, a State not as old as the gentlemen who come here to represent it upon this floor; that State of Iowa has received in money only the little sum of $3,250,824.57, and it has received 3,252,000 acres of land, which at $1.50 per acre would make $5,150,528. That young State has received in land and money more than two and one-half times as much as the State of North Carolina, one of the original thirteen States, has received since the war of Independence or during all the years coming down from 1776. Is that fair and just?

He says in addition that bills are pending for the improvement of southern rivers and harbors other than the Mississippi River to the

amount of over $5,000,000. Had my friend examined he would have seen that less than one-half of that sum for southern States is in the river and harbor bill which has passed the House. If he will look near home he will find that Wisconsin gets $408,000 and Michigan $567,000, while North Carolina gets only $135,000. And here again my friend shows his keen eye for the South and his blind eye for the North.

Then again the cotton tax is put down at $68,000,000, and North Carolina is charged with $1,959,704 of that, being a little more than one-third of what Iowa has got in the shape of public lands. As to this cotton tax I have not time to enter into an explanation now, but I will say the receipts are held largely by northern men who bought the cotton, paid the tax, and a large portion of it would not go back to the South.

The question has been before the Supreme Court, and that court, if I mistake not, was equally divided upon the question of its constitutionality. I myself should be perfectly willing to abide the decision of the courts upon this as upon all other questions. I hope the gentleman will not find fault with us for believing the tax unconstitutional when republican judges of the highest court in the land concur with us. But I must say to the gentleman that no one in my State troubles himself about this tax half so much as he does. It may be some capital to him; it is none to us.

Then again we are told that there is a large amount of claims for captured and abandoned property which the gentleman puts down at $24,251,269.

Now, with regard to that I have only this to say, that the Supreme Court of the United States, a court to whose decisions gentlemen should be willing to bow, has declared that that amount is in the Treasury as a trust for those who may be entitled to receive it. And I would like to ask my friend if it is a tax upon this Government to pay over to men property to which they are entitled? If, as the Supreme Court says, it belongs to the individuals who are the owners when they prove their claims, is there an honest man who would say they are not entitled to it? And with what propriety can that be put down as one of these claims?

Well, sir, I will hurry on. I will publish with my remarks a short list giving in contrast the appropriations that have been made for the Southern States and those for the Northern States, respectively, taking it from the speech of my friend from Mississippi, [Mr. MONEY,] and to that I will add $13,346,000 added by the bill of my friend from Illinois [Mr. HARRISON] since Mr. MONEY'S speech was made.

I know that the gentleman from Kansas [Mr. PHILLIPS] said that he was misrepresented in regard to his magnificent bill. But then just think of two basins, one at Memphis and the other at Saint Louis, with granite sides and bottoms, large enough to harbor fifty seagoing vessels, and then canals sufficiently large for two ocean steamers to pass each other from the mouth of the Mississippi to Saint Louis, with arms to Pittsburgh, to the lakes, and to Omaha. It is a magnificent scheme, entirely too large for my comprehension.

I invite the attention of the House to the following:

Statement showing the amount of money expended by the Government of the United States from the adoption of the Constitution to 30th of June, 1873, in each State and Territory of the Union, for navy-yards, custom-houses, court-houses, and other public buildings; for the improvement of rivers and harbors, and for the construction of forts, arsenals, and armories, railroads, canals, and wagon-roads.

TOTAL RECAPITULATION—NORTHERN AND WESTERN STATES AND THE TERRITORIES.

Maine	$7,564,194 93
New Hampshire	4,864,954 02
Vermont	638,471 25
Massachusetts	19,667,639 45
Rhode Island	3,163,157 93
Connecticut	1,590,345 69
New York	38,836,701 93
New Jersey	1,790,826 69
Pennsylvania	8,295,152 46
Delaware	2,360,773 63
Ohio	4,994,388 06
Indiana	2,910,423 29
Illinois	10,500,645 29
Michigan	6,542,934 06
Wisconsin	2,718,369 97
Iowa	3,250,624 57
Minnesota	1,490,818 18
Kansas	2,558,806 76
California	18,567,310 29
Oregon	1,518,793 45
Nebraska	474,822 49
Nevada	422,681 23
Colorado	104,550 20
Territory of Arizona	246,415 20
Territory of Idaho	86,233 15
Indian Territory	7,920 00
Territory of Montana	41,575 00
Territory of New Mexico	335,718 67
Territory of Utah	76,197 55
Territory of Washington	496,478 36
Territory of Wyoming	77,454 92
Maine and Massachusetts	10,000 00
Connecticut and New Jersey	23,499 79
Wisconsin and Michigan	50,000 00
Utah, Nevada, and California	34,267,704 49
Utah, Nebraska, and Wyoming	34,350,703 70
Kansas and Colorado	7,766,212 11
Iowa and Nebraska	2,183,703 38
Total	227,886,202 17

TOTAL RECAPITULATION—SOUTHERN STATES.

Maryland	$5,909,980 00
Virginia	16,034,724 99
West Virginia	5,054 25
North Carolina	3,314,899 58
South Carolina	4,868,155 08
Georgia	2,485,584 92
Florida	14,738,509 86
Alabama	3,792,201 22
Mississippi	1,857,430 46
Louisiana	12,032,675 24
Texas	846,309 26
Arkansas	976,105 22
Missouri	2,569,683 48
Kentucky	1,597,249 58
Tennessee	537,932 84
Maryland and Virginia	180,645 18
Louisiana and Arkansas	95,000 00
Total	71,841,581 76

And to this, showing the number of acres of land granted the North and West for public improvements, in round numbers, one hundred and seventy-six million acres. For the Southern States, seventeen million acres.

My friend from Mississippi [Mr. MONEY] then publishes a table showing in detail the claims introduced into this Congress for the Northern States. I will not publish the table, but the aggregate is $1,569,122,035 13

Add the bill of my friend from Illinois 13,346,000 00

Making the sum of 1,582,468,035 13

This is more than five times the sum charged to the South by the gentleman from Illinois, [Mr. HAYES,] and at least fifty times as much as the true amount of southern claims presented to this Congress.

The bills reported favorably by the republican Committee on War Claims at the first session of the Forty-third Congress were one hundred and eight, amounting to $5,912,790. The number reported favorably at the first session of the Forty-fourth Congress by a democratic committee was fifty-one, and the amount $215,361. These facts ought to show our northern friends that the Treasury is much safer in democratic than in republican hands.

But this is not all. Under the law no war claims can be paid to any but loyal people. Our republican friends would require democrats to be particularly observant of this law. Let us see what Mr. John Sherman, now Secretary of the Treasury, said in his campaign speech in Ohio in 1876:

When the war closed innumerable claims against the United States were made from the lately rebel States, and Congress in the most liberal spirit made provision for the payment of all that by the well-settled rules of civilized war could be properly made against the United States. The officers of the Departments, Supreme Court, the Court of Claims, and the southern claims commission were authorized to adjust and pay different classes of claims, and Congress passed many acts for equitable relief; so that it may with safety be said that more than $100,000,000 was paid after the war was over to citizens of the South for losses caused by the rebellion.

Now all this sum was paid of course by republicans, but since 1876 our republican friends have become more careful. In the seventh general report of the commissioners of claims, for instance, they have devised a long list of questions that would exclude from that court nearly every man and woman in the South who has any heart. There are twenty-two questions put to female claimants. One of them is:

Did you ever belong to any sewing society organized to make clothing for confederate soldiers or their families, or did you assist in making any such clothing, or making flags or other military equipments, or preparing or furnishing delicacies or supplies for confederate hospitals or soldiers?

This would exclude every good woman in the South. I never yet knew a woman who was not willing, when she could, to administer to the wants of sick soldiers in the hospitals, whether they were confederate or Union soldiers. I can say that of a truth for the noble, generous women of the South.

At my request, Mr. Smith, the excellent and efficient clerk to the Committee of Claims, has prepared a statement of the claims referred to that committee. I will not repeat the details, for, without doubling, it would make a list nearly as large as that of the gentleman from Indiana, [Mr. HANNA;] but I can, with perfect safety, vouch for the accuracy of Mr. Smith, and I give the result as follows: whole amount of claims, $5,373,731.23, of which $4,069,527 are from the North and only $1,304,203.31 are from the Southern States. The States of Missouri, Kentucky, Maryland, and this District are included in the Southern States.

Thus largely over one-third of the population of this country are represented before that committee by much less than one-fourth of the claims. And yet my friend from Iowa thought that little matter of $43,000 that came from North Carolina was an evidence of the "southern raid" to bankrupt the Government. And when the gentleman from Maine [Mr. REED] was making his speech the gentleman from Iowa felt it his duty to call attention to that enormous claim of the State of North Carolina, but he was sweetly oblivious to the fact that more than two-thirds of the claims before that committee were for northern people. If the gentleman had made an inquiry of our clerk he would have found that much the larger proportion of these claims belonged to the North; that they belonged to the North in the proportion of nearly four to one, putting Maryland, Kentucky, and Missouri with the South.

But, not only is the amount of appropriations for various purposes

largely in favor of the North, but the revenue system has been made to operate mainly against the South by a system of unequal taxation. I shall quote the preamble and resolution offered by me on the 15th of January last, to show how unequally this works:

INTERNAL-REVENUE TAX.

Mr. DAVIS, of North Carolina. I ask unanimous consent to present the following preamble and resolution, and, as it is a subject in which a great many people take a deep interest, I ask that they be read, ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

The Clerk read as follows:

"Whereas it appears from the annual report of the Secretary of the Treasury for 1876 that the whole amount of tax collected from internal revenues for that year was $115,417,747.33, of which sum the State of Illinois, with a property valuation, according to the census of 1870, of $2,121,680,579, paid $25,582,960.71, while the State of New York, with a property valuation of $6,560,841,264, paid only $14,655,081.89; the State of Ohio, with $2,235,430,300, paid $16,610,446.09, while Pennsylvania, with $3,808,340,112, paid only $5,981,273.46; the State of Kentucky, with $604,318,552, paid $7,648,612.13, while the State of Massachusetts, with $2,132,148,741, paid only $2,750,653.61, thus showing that Kentucky, with less than one-third the wealth of Massachusetts, paid nearly three times as much of said tax; the State of Virginia, with $409,588,133, paid $7,313,021.13, while the States of Maine and Rhode Island, combined, with $645,121,317, paid only $314,826.48, or less than one-thirtieth, in the proportion, paid by Virginia; the State of North Carolina, with $260,757,245, paid $1,079,345.69, while Vermont, with $235,349,553, paid only $48,097.15, thus making it manifest that the burdens of this tax are unequally and unjustly distributed and made to bear most heavily upon States least able to pay; and

"Whereas it appears from said report that the whole amount assessed was $136,756,374.40, while the amount collected was only $115,417,747.33, showing a loss of $21,338,627.07, while the cost of collection was $4,239,288.22; and

"Whereas the temptations to frauds, evasions, and violations of said law, by reason of its unequal impositions and the modes of its collection, have tended to demoralize the country and diminish that respect and reverence for law which have characterized the American people; and

"Whereas an equal apportionment of the burdens of taxation among the different States and sections of the Union is the dictate of sound policy as well as of justice: Therefore,

"*Resolved*, That the Committee of Ways and Means, in providing the means for defraying the expenses of the Government, be instructed to provide for the total abolition of the internal-revenue system, or, if this shall be found impracticable, then to so modify and change the same as to impose its burdens equally upon all sections, and, by reducing the taxes now imposed and providing a less obnoxious mode of collecting the same, remove the just ground for complaint which now exists, and remove also the temptations to fraud, evasions, and violations which have brought reproach upon the whole system."

Mr. COVERT. I object.

The facts set forth in the preamble to this resolution show how unequally and unjustly the internal-revenue tax operates. They show that the burdens of this tax are not fairly distributed. This tax falls with heavy weight upon the tobacco and agricultural States. North Carolina, for instance, pays in proportion to its wealth more than twenty times as much as Maine or Vermont or Massachusetts, and Virginia pays thirty times as much. We have endeavored to get this changed, and I had hoped that a just sentiment would have corrected the inequality, at least as far as this House is concerned, before now, but thus far we have appealed in vain.

I know it is said the consumer pays the tax. This is true where the tax is moderate and reasonable, but not true when the tax is three or four times the value of the article taxed. It then paralyzes production, as can be illustrated by its effect upon tobacco. Let us examine this a moment.

In 1850, according to the census, the tobacco crop was 200,000,000 pounds. In 1860 it had increased to 434,000,000 pounds, largely more than doubling in ten years. After the tax was imposed the crop fell off to 263,000,000 pounds, as appears from the census of 1870. I give round numbers. And according to Mr. Dodge, the statistician of the Agricultural Department, in 1871 it was 263,196,100 pounds, and in 1874 as low as 178,355,000 pounds, or more than 20,000,000 pounds less than the crop of 1850, and about one-third of the crop of 1860. The largest crop raised since the imposition of the tax—that of 1876—was only 381,002,000 pounds, or 53,000,000 less than the crop of 1860. So much for the production.

Now, look at the price: Mr. Spofford, in his valuable American Almanac, a work that entitles him to the thanks of the public, has given the average price of twenty-five leading staples of the country for fifty-three years, taking the month of January in the New York market. You will see from this table that beef, butter, cheese, ham, lard, coffee, mackerel, molasses, pork, bar-iron, rice, sugar, hops, and leather have sold since the war at prices ranging from 25 to 250 per cent. higher than before the war, and cotton, corn, flour, and other articles are as high or higher. Coal, imported pig-iron, and tobacco are the only articles in the list that have fallen below the average with war prices. For thirty-seven years preceding the war, the average price of leaf tobacco for the month of January in New York was 16 cents; for the last seven years (since the tax) it has been less than 8½ cents, or about one-half of what it was before the war. If the price of leaf-tobacco now were equal to what it was before the war, the crop of 1876 would be worth in the market to the farmers about $60,000,000; instead of that it is worth to them only about $30,000,000. Can this falling off be attributed to increased supply? Of course not; for we have shown that since the war the crops have also fallen off, showing the anomaly of decreased price with decreased supply; in other words, the tax is destroying the production and is a burden upon the producer as unjust as it is ruinous, for it is, as my colleague [Mr. ROBBINS] well said, "destroying the goose that lays the golden egg."

I am also indebted to my friend [Mr. SMITH] for a statement showing that in the Forty-second (republican) Congress, bills were passed allowing claims to the amount of $2,498,172.35, while the Forty-fourth (democratic) Congress passed only $1,378,267.43, making $1,119,904.93 more passed by the Forty-second (republican) Congress than by the Forty-fourth (democratic) Congress. This included claims from the Court of Claims, the southern claims commissioner, and the Commissary and Quartermaster-General's departments. The whole amount of claims allowed other than those, by the Forty-second Congress, was $989,550.68, of which $860,014.06 were from the North, and only $129,536.44, or less than one-sixth, were from the South. Of the amount appropriated by that Congress $62,019.15 were allowed for embezzlements of subordinates in the pay of the Government, that is, to make good money stolen.

A similar statement for the Forty-third (republican) Congress shows whole amount of private claims allowed was $2,541,238.65 and by the Forty-fourth (democratic) Congress, $1,566,232.42, making a difference of $974,956.23.

But that is not all; deducting the claims from the Court of Claims, the southern claims commissioners, and the Commissary-General and Quartermaster-General's departments and the Forty-third republican Congress paid claims to the North amounting to..... $818,088 65
To the South amounting to..... 90,514 34

Excess to North over South 727,574 31

That is more than nine to one. But that is not the worst. The Forty-third Congress passed bills to the amount of $247,968.28 to make good losses by the defalcations and embezzlements of subordinates for the relief of various officers. That is, leaving out the claims from the Court of Claims, southern claims commissioners, and Commissary and Quartermaster-General's departments, the Forty-third Congress paid to relieve officers for defalcations and embezzlements $247,968 28
For South..... 90,514 34

157,453 94

That is, if you exclude loyal claims, the Forty-third Congress allowed and paid (for it has all been paid) more money to make good such defaults as are contained in the extract below from Senate Report No. 236, Forty-fifth Congress, second session, than was paid to all the South. The report refers to bills to relieve officers for defaults (that is, the stealing) of deputies, &c.

William J. Patton, collector of internal revenue, second district of Arkansas, $36,081.88; S. S. Bailey, collector of internal revenue, fourth district of Michigan, $1,752.23; E. B. Pendleton, collector of internal revenue, fifth district of Virginia, $26,476.28; J. L. Thomas, jr., collector of customs, Baltimore, $27,540.25; F. E. Spinner, United States Treasurer, default of Seth Johnson, $37,894.20; also for default of F. A. Marden, $11,413.97.

The following cases are similar in principle:

E. H. Webster, (16 Stats. at L., 703,) John T. Mason, (17 Stats. at L., 704,) R. R. Bolling, (17 Stats. at L., 768,) Logan H. Roots, (16 Stats. at L., 699,) W. B. Thomas, (18 Stats. at L., 555,) Thomas Hillhouse, (18 Stats. at L., 532,) Willard Davis, (18 Stats. at L., 533.)

These were the defaults of subordinates; there were millions that were never made good. Mr. Boutwell, Secretary of the Treasury, gives, in Executive Document No. 140, Forty-first Congress, third session, a "statement of balances due from collectors of internal revenue who were out of office on the 30th day of June, 1870." This statement was made on the 18th day of February, 1871. It shows the amount of balances on that day to be $20,700,983.33. A portion of this was made good by the securities of the collectors and perhaps other sums were paid, but a large portion of it was never paid. Joshua F. Bailey, of New York, for instance, absconded, March 15, 1870, nearly twelve months before the statement was made. He was behind nearly $1,200,000.

Mr. Speaker, I have another table which I have prepared, and which shows some interesting facts.

A comparative statement of the expenditures of the public money on account of miscellaneous expenditures during the presidential election years 1864, 1868, and 1872, and the next preceding and the next succeeding year to each election, respectively.

MISCELLANEOUS EXPENSES.

Fiscal year—	Amount.	Increase.	Decrease.
1863-'64	$27,572,216		
1864-'65, election year	42,989,383	$15,417,167	
1865-'66	40,603,114		$2,376,269
1867-'68	53,009,867		
1868-'69, election year	56,474,061	3,464,194	
1869-'70	53,237,461		3,237,600
1871-'72	60,984,757		
1872-'73, election year	73,328,110	12,343,353	
1873-'74	69,641,593		3,686,517

Showing an increase in the miscellaneous expenses of the Government for the three election years over the years preceding each to the amount of $31,224,714 and an excess over the years succeeding each of $9,300,386. I have compiled this statement from the report of the Secretary of the Treasury for the year 1876, and any one wishing to verify the figures can do so by referring to page 16 of that document.

It will be observed that in the Secretary's report for the year ending June 30, 1874, the amount is put down at $85,141,593; but this includes $15,500,000, as the Secretary says, expended under the Geneva award, which should be deducted, leaving the amount I have

stated for that year. This is a statement of what the Secretary calls miscellaneous expenses only, and it is pretty good miscellany.

Now let us examine the receipts and see how the accounts stand. Take the receipts from internal revenue:

Fiscal year 1867–'68	$191,087,589
Fiscal year 1868–'69, election year	158,356,460
Fiscal year 1869–'70	184,899,756
Decrease	32,731,129
Increase	26,543,269

Showing the receipts for the election year to be over $32,000,000 less than the year preceding, and over $26,000,000 less than the year succeeding. These figures can be verified by reference to page 12 of the same report.

I have not referred to the last presidential election, because the appropriations having been under the control of a democratic Congress, our republican officials were limited in their resources, and the report of the Secretary of the Treasury for the year ending June 30, 1877, shows the net ordinary expenses of the Government to be $144,209,963 against $164,857,813 for the year ending June 30, 1876. That is a decrease in the ordinary expenses of the Government of just $20,647,850; and this result is due to a democratic House. These figures can be verified by reference to the report of the Secretary of the Treasury for the year 1877, page 17.

Is it simply a coincidence that during the three presidential years I have named the miscellaneous expenditures of the Government were largely in excess of the preceding and succeeding years? Is it a mere accident that the receipts from internal revenue were more than $32,000,000 less than the preceding and $26,000,000 less than the succeeding year of the presidential election? No, they were not mere coincidences, not mere accidents; there was a reason for it, and it was this: the republican officials acted and treated the Government as if it had been the property of the republican party. The revenue officers and marshals and agents of the Government and all the machinery of the Government all over the country, instead of being employed in the interest of the public, were employed in the interest of the republican party, spending the public money to the amount of millions, thus increasing the expenditures, and neglecting the duties of their offices, and thus diminishing the receipts.

No one can estimate even approximately the loss to the Government resulting from the maladministration of its affairs under republican rule. I make the charge, and I propose to make it good, that if all the revenues of the Government had been honestly collected and disbursed we would to-day be without a public debt.

According to the report made to the Forty-second Congress by the civil-service commission appointed by President Grant it is calculated "that one-fourth of the revenues of the United States are annually lost in the collection." This is the conclusion reported by seven distinguished gentlemen, republican gentlemen, with George William Curtis at their head.

Mr. John Sherman, in a speech made in 1876, wished to charge the administration of Andrew Johnson with $182,000,000 lost in one year in the collection of revenue from distilled spirits alone, and this was placed to the charge of a democratic administration, when everybody ought to have known that Mr. Johnson was elected by republicans, that the Senate and House were more than two-thirds republican, that his Cabinet was republican, and that he was allowed no power in the control of the administration, not even to the extent of removing one of his own Cabinet advisers or a defaulter from office. The collectors and revenue officers and agents were republicans.

Any one who will take the pains to examine the statistics relating to the collection of customs and internal revenue will readily see that the estimate of Mr. Curtis and his associates as to the revenue lost to the Government is not too high, and there has been but little improvement since their report. We have shown how the expenses increased and the collections decreased during the years of presidential elections. The report of the Fifth Auditor for the year ending June 30, 1876, shows the aggregate internal-revenue assessments to amount to the sum of $136,756,374.40, and the amount collected, $115,417,747.33; difference between the amount assessed and the amount collected, $21,338,627.07. Now there are no exemptions of any sort as against taxes, and there is no reason why the amount assessed should not be collected. The expenses of collecting this internal revenue amount to the goodly sum of $4,233,288.22; but where do these $21,000,000 go? Is it lost by carelessness? How much of it is in the shape of abatements? And what are these abatements for? Do favorites and political partisans reap the benefit? Are the public or official morals of the country improved by it? Any one who will examine the report of the Secretary of the Treasury for 1876, page 424, can verify the figures I have given. They need explanation.

But we have seen, from the highest republican authority, the estimate that one-fourth of the revenue never finds its way into the Treasury, and I think they underestimate the loss. Now, if this is correct, and I think no one can doubt that it is below the mark, it can be shown from official data that enough has been lost to the Government to pay the entire national debt. This is a startling statement, but let us see if it is sustained. Any one who will take the pains to add up the figures to be found on pages 11 and 12 of the report of the Secretary of the Treasury for 1877 will find that since the republican party came into power the net ordinary receipts of the Treasury have been $5,057,869,221.65, full nineteen-twentieths of which is derived from customs and internal revenue. This is a very large sum and it is not easy to comprehend it, but we have seen that only three-fourths of the revenue finds its way into the Treasury, the other fourth is lost—lost by carelessness; lost by stealings; lost by neglect; lost by rings and combinations of rogues, of which the Saint Louis disclosures, though showing millions in one city, was but as a drop in the bucket. Now, if $5,057,869,221.65 be all that has gone into the Treasury, and that is, as we have shown from high authority and no one ought to doubt the fact, only three-fourths of what ought to have gone there, by a very simple rule in arithmetic we can ascertain what the other fourth—the lost fourth—is, it is just $1,685,956.21.

But this loss was through the period of republican rule, and interest should be added in order to determine the full extent of it; this by a fair estimate will amount to at least $800,000,000, making the aggregate over $2,485,000,000. It will thus be seen that if the revenues of this Government had been fairly and honestly administered more than enough would have been saved to discharge the public debt. It is true that there would not now be quite so many millionaires, nor quite so many tramps and beggars, both to a great extent the legitimate growth of republican rule produced by legislation in favor of a class against the interest of the millions. There would be no bonds creating wealth to the amount of hundreds of millions that pays no tax but is supported and maintained by tax upon the labor of the many. The incomes of some people would not be quite so large, but then they would not labor under the fear of an income tax, for none would be needed. There would be no unjust taxes upon tobacco and the fruit of the orchard and other industries, for it would not then be needed to pay the golden interest of the bondholder. Peace and happiness and prosperity would prevail throughout the land, and we should hear of no strikes nor threats of labor *vs.* capital.

It is to divert attention from all these sins of commission and omission that the old cry is raised against the South, and gentlemen from that section well understand that, and we wish our friends in the North not to be deceived by misrepresentations in regard to the people of the South. Our people want peace; they wish to see prosperity again; they long and pray for a good and honest administration of the Government, and they despair of getting it until a change by dismissing from control the party that has had power for the last seventeen years.

The gentleman from Vermont, [Mr. JOYCE,] in his very bitter speech uttered some time ago, could give the South no credit for sincerity when it declared its acceptance of the situation and its desire for a restoration of harmony and good feeling between the sections. If I supposed that he represented the prevailing sentiment of the North I should utterly despair of such restoration.

The language used by him and other ultra gentlemen on that side is in my judgment as unwise as it is offensive, as unjust as it is insulting. He says, "I can forgive the treason, but I can never commend the traitor." He can forgive the crime, but not the criminal; pardon the sin, but not the sinner. This is a new development of the beauties of Christian statesmanship. And even the gentleman from Maine [Mr. REED] has a relenting heart, and in consoling tone and manner, that should fill our souls with everlasting gratitude, can remind us that in his opinion "it would have been a pitiful and miserable close after the magnificent contest" to have had "struggling wretches kicking out their lives on the gallows." But to return to the gentleman from Vermont. He says "the people of the North will no longer listen enchanted as they have done to this siren song of peace and reconciliation while the political fetters are being forged for their limbs." The South "forge fetters" for northern limbs! How absurd the thought! The idea would be as foolish on the part of the South as it would be cowardly on the part of the North and in the name of the South and in behalf of the manhood of the North I repel it. There is not a brave man in the North who ought not to feel it as an insult; and for the South, I repeat, the charge has no shadow of foundation.

Why, sir, what Southern State has ever at any time or in any way attempted to control or interfere with the domestic institutions of any other State? Name the instance in which any Southern State, or any convention of any Southern State, or any Legislature of any Southern State, or any Representative of any Southern State ever in any way, directly or indirectly, attempted to control or interfere with the institutions of Vermont or any other State. I appeal to history and defy the gentleman to name an instance. The charge is utterly groundless. While New England could turn loose as voters in the South nearly a million of emancipated slaves, reclaimed from African barbarism by contact with the white man of the South, what southern man ever complained that in her leading State no man could vote who could not read the Constitution in the English language? While in the South the ballot is open to every man, what southern man ever complained that one of the New England States disfranchises more than one-half its population by requiring a property qualification, which, if applied to the South, would disfranchise more than two-thirds of her citizens? While we of the South believe that all men should be left free to worship according to the dictates of their consciences, what southern man ever complained that until within the last year in one of the New England States no man could hold office unless he professed a certain religious faith? And yet even now in Massachusetts no one can vote who cannot read, &c.; and in Rhode

Island more than one-half of the men cannot vote because her constitution requires every voter to own real estate to the amount of $134 over and above all incumbrances.

But this New England defender of equal rights says that—

> They [the South] should accept the constitutional amendments and grant equal political rights to all men. The trouble is they do not do this.
>
> As a test of sincerity upon this point, tell me as honorable men whether you think a republican could to-day go into the parish of East Feliciana, in the State of Louisiana, make republican speeches and organize republican clubs, without danger of molestation, and if not there, could he in any county in any State south of Virginia. These, sir, are facts plainly spoken in a spirit of fairness and candor, and the sooner we all understand them and act upon them the better.

Now, I desire to state to the gentleman that there was never a greater mistake, that there is no fact about it. I am told by the gentleman from Louisiana that in the parish of East Feliciana, which he represents, the gentleman from Vermont [Mr. JOYCE] or anybody else could go and make a speech without disturbance. So far as my own State is concerned, I can say that I have taken part in every political contest since the war, and have spoken from the stump a hundred times side by side with my republican competitors, and from the mountains to the seaboard of my State, Governor Vance and his competitor, Mr. Settle, now a Federal judge in Florida, were heard addressing the people from the same stump, and there was no disturbance. Will the gentleman say that there would be no disturbance if they had such joint discussions in the State of Vermont, at least in these latter days?

If all the people of Vermont are as bitter as the gentleman who represents it in part, I should be afraid to make a speech before them. But I will tell him that he can come to North Carolina and speak everywhere throughout the borders of our State and nobody will disturb him. He would be just as safe there as a democrat would be, and I apprehend much safer than a democrat would be in Vermont. The charge made by the gentleman from Vermont is not founded in fact. If I were to say that a southern democrat could not go into Vermont and speak, there is not a man in my district who would not believe me, because all know that I would not state to the people what I did not know to be true affecting the character of a whole State. And yet the gentleman made this statement in regard to my people, and I have no doubt it is believed in Vermont. When he goes back to his State he should tell the people that he was mistaken. If he doubts my statement as to free and open discussion in North Carolina, let him ask my republican colleague of that State [Mr. BROGDEN] if there is a word of truth in the charge. The gentleman has doubtless been misinformed and thus misleads his people. I would make no statement affecting the character of an individual or of a community which I did not believe to be true.

[Here the hammer fell.]

Mr. SCALES. I ask consent that the time of my colleague be extended.

Mr. DAVIS, of North Carolina. No, I will not trespass longer; but, with permission of the House, will incorporate in my remarks the tables to which I have referred.

PRESIDENTIAL TITLE.

Mr. GARDNER addressed the House. [His remarks will appear in the Appendix.]

THE TARIFF.

Mr. PEDDIE. Mr. Speaker, it is not my intention to review in detail the present tariff bill introduced by the honorable gentleman from New York, who has so faithfully given his attention to this complicated subject, but representing as I do the great manufacturing district of my State and the city of Newark, which is now called the Birmingham of America, I wish to express my views in regard to the proposed change, the very discussion of which is having a most depressing effect upon the business of the country and threatens to destroy the possibility of a revival in trade and return of commercial activity.

We have exhausted theories and endless delusive arguments presented to us by political economists, but as a manufacturer I regard practical business experience above all their fallacies, and in my opinion we had better let well enough alone and consider the results which necessarily would follow any change taking as a safe guide for the future our past experience rather than that of other nations whose condition and products are so varied that like laws will not produce the same results.

I feel our great development in the manufacturing industries of the country is sufficient argument to prove the wisdom of the law as it now stands, faulty in some respects as it may be, but taking it as a whole it has accomplished results which have no parallel in history and its maintenance has brought to our shores millions of capital, employing thousands of skilled workingmen who would to-day have been on the other side of the Atlantic, but here have developed our internal resources, opened up our mines, built up our mills and factories, so that we are now almost able to stand upon an independent footing, and not only to supply our own market, but with little help from this Congress in building up our merchant marine we would be able to place our goods side by side with those of other countries in foreign markets, and successfully compete with England, which has so long held the supremacy and is called the workshop of the world.

Let those opposed to protection apply their free-trade maxims as the outgrowth of natural causes peculiar to that country and not apply the same to this. One with a contracted area, a limit of natural resources, densely populated, dependent upon other countries for its raw material; and this, with our vast undeveloped resources, an area covering millions of square miles, with every variety of climate, and soil capable of producing all the luxuries and necessities for the wants of man. Again, this is not the time to agitate the question, just as we are trying to work out of a long and distressing business depression, the result of great waste in our late war followed by extravagant and financial mismanagement of our people. And now upon the eve of returning prosperity we can ill afford to change a policy which is the very foundation of our national wealth, and thus throw us back into deeper misery by stopping the mills now barely able to keep in operation and which must certainly close should the bill before the House become a law, and thereby throw out of employment thousands of honest laborers who are now struggling hard for the bare necessities of life.

If the law is defective, better let it rest until we are able to stand the shock of its revision, and in the mean time let Congress turn its attention to the real wants of the people. Give us a department of commerce as a base through which to foster our commercial relations with those countries which are willing to open their ports and join us, hand in hand, in establishing steam communication for the exchange of our various and abundant products.

Mr. HANNA. Is the gentleman in favor of subsidies to steamship lines?

Mr. PEDDIE. I know the American people do not like the word "subsidies," but I am in favor of a liberal compensation being paid by the Government for carrying the mails to foreign countries. Through this only can we expect to compete with other nations for the commerce of the world, or wade out of our present prostrated condition? Give us foreign markets for our goods and we shall soon stand independent of a protective tariff and solve the maxims laid down to us in the interest of foreign manufacturers. What our people want is legislation that will give them work, not agitation of the tariff nor the appointment of extravagant investigating committees spending millions of their money for partisan purposes in which they have no heart, to the exclusion of everything that will tend again to set in motion our mills and factories, giving employment to the workingmen, who are the bone and sinew of our country and upon whose prosperity is based our success.

Legislation of this kind will be far more acceptable to the people, and will do more to maintain our credit than the partisan political discussions which only plunge us still further into the sea of uncertainty and paralyze the energy of the nation and destroy every opportunity we might have to resist the present downward tendency, which can only lead to universal bankruptcy.

TARIFF.

Mr. ERRETT. Mr. Speaker, the authors of this bill doubtless started out with a distinct purpose in view, that of framing a tariff suited to a particular idea or purpose; but before they got through with it they succeeded only in making a bill that is faithful to no one idea and which pleases or satisfies no one. In the attempt to please everybody they have pleased nobody. Protectionists and free-traders alike disown it, and its one sole merit, in any one's eyes, is that it is a change. Those who think that all change is reform and that any change must be for the better may possibly accept it; but those who believe in letting well enough alone are opposed to it, and they are, I think, a decided majority of the people, if not of their Representatives.

Of all the varied manufacturing and producing interests in this country there is not one that is satisfied with it, so far as I have heard; the sugar-producing interest may be, for it has been amply taken care of, apparently; it always has been. In the days when the spirit of free trade was rampant the sugar interest was always made an exception; tea and coffee might come in free, but sugar never. It is as much an article of necessity as tea and coffee; but the section which produces it believes in protection to sugar, and has always had it. That section believes in free trade in everything else; but, notwithstanding its faith in that fanciful theory, it is to be hoped that it will learn the golden rule and concede to others what it demands for itself.

But while the sugar-producing interest may possibly be the exception which proves the rule, it is certain that no other is. From all over the country comes a protest from the wool-producing interest, which exclaims against the injury that will be inflicted upon it by the passage of this bill, and this is an interest which extends from Maine to Texas, being worthy of much more care than it receives. The manufacturers and dealers in woolens in like manner protest that their interests have been sacrificed. A remonstrance forwarded here shows that the bill imposes specific duties upon one class of woolen cloths and ad valorem upon another class, although both cost the same price and are almost identical in character.

The manufacturers of cotton-bagging, the paper manufacturers who use jute butts and other foreign materials in their factories, the new industries engaged in producing Portland cement and tin plates, the workers in iron, steel, glass, and copper, and almost every other industrial enterprise, all join in lifting up their voices against a tariff that is fated to carry destruction to their interests. It is not

necessary to enter here into details. Where a bill excites such general hostility as this does there is no need to be specific in objection; and I leave it to those who are specially concerned in particular branches of industry to present the reasons for their specific objections, as they doubtless will do, fully and satisfactorily. I am content for the present to base my opposition to it on the general ground that it is wrong from top to bottom, from beginning to end, in general and particular, in body and in spirit. It is not based on the doctrine of specific duties, nor on the opposite doctrine of ad valorem duties; but is an uncongenial admixture of the two, without system or reason, a mere hodge-podge of the two, without any special regard to either. It is not a compromise where the friends of each doctrine have yielded something to the other, but a mere jumble of crudities and inconsistencies. Like the church at Laodicea, it is neither hot nor cold—would that it were—and being lukewarm, the only fitting and natural thing to do with it is to spew it out of our mouths.

I will not enter upon the general question of protection to American industry, but I fully believe in the doctrine that it is the duty of the General Government to extend its protecting and encouraging hand to every branch of industry throughout the length and breadth of the land. The friends of protection are more catholic in their views than are the sugar and cotton interests, for while asking protection for themselves they are perfectly willing to accord it to every other interest, to sugar, and rice, and cotton, and tobacco, and hemp, as well as to wool, and iron, and steel, and all the multiplied interests of the North. On this subject they know no North, no South, no East, no West; but treating all honest labor as worthy, and every laborer as worthy of his hire, would secure to every class of workers a sufficient remuneration for their toil. In this they stand upon the same ground as Washington, who stated to Congress in 1790—

> That the interests and safety of the people require that they promote such manufactures as shall render them independent of others (foreigners) for essential supplies.

They believe also with Lincoln—

> That plenty of money from well paid labor elevates, while the reverse degrades.

And with the venerable Peter Cooper that—

> National prosperity cannot be restored by forcing idleness on the masses, since we cannot, as a nation, import anything cheap that leaves our own good raw materials unused and our own people unemployed.

But this is a subject too vast to be entered upon in a limited speech, and I content myself with saying that, even if it be conceded that revenue is the primary object of all tariffs, that is a poor government which cannot afford in levying its duties for revenue to so arrange them as to make them conducive to national prosperity by encouraging and protecting every national industry. It is a foul bird that soils its own nest; and it is a heartless government that not only withholds its protecting hand from its own children but extends its encouragement to the workers and capitalists of other nations. The first duty of a government to its people is protection; and it is as much its duty to protect their industries as to protect their property, their lives, or their rights.

Protection to American industry was the doctrine of the fathers of the Republic. Their first step, when the idea of independence had taken full hold of their minds, was to form a voluntary league to bind themselves not to wear or use any but home-made goods. The self-denial which prompted them to do this sprang from the consciousness that it would be idle to talk of independence while they depended upon foreign wares for their daily use; and it is just as idle to talk of our independence while we are more indulgent to foreign industries than to our own. We are far more able to-day to manufacture nearly all we need than we were then; and although we lack the immediate motive which prompted them to put a voluntary embargo on foreign goods we have the motive, which they had not, of so guarding our home industries as to make us fully and truly independent of foreign nations.

It is urged that we have a surplus of some products to sell, and that unless we buy of other nations they will not buy of us. But that does not follow. This is a favorite fallacy, but it is a syllogism in which the conclusion does not agree with the premises. Other nations buy of us, not because we buy of them, but because they cannot help it. During the ten years from 1863 to 1873 we bought liberally from Europe—so liberally that we bankrupted ourselves; but Europe did not as a consequence buy liberally from us, for at the end of that memorable decade we had bought of Europe one thousand millions of dollars' worth more than we had sold to her. Liberal buying, therefore, does not induce liberal selling. Europe buys from us only what she cannot produce herself, and is sharp and keen enough to take advantage of our tariff legislation to sell us a great deal of what we could and should produce for ourselves. We do not stand upon an equality in the exchange of products, and now it is proposed to give her still greater advantage by opening the doors wider to her products and shutting out our own. The legs of the lame are not equal, and the legs of this syllogism are too unequal to stand upon. The weak cannot contend even-handed with the strong, nor a poor nation with a rich one. Europe has advantages which we have not, and until we are nearer an equality it is idle to talk of an equality in the exchange of products. We buy largely of Brazil in coffee. We are, in fact, her best customer. Yet Brazil does not return the compliment by buying from us. We remit gold to England to be sent thence to Brazil for her coffee, and that gold is transmuted into British goods which are shipped to Brazil instead of the gold. Our purchases in that country have never yet induced Brazil to buy of us, and never will. If she ever does become a customer of ours it will be because she can suit herself better here, and not on account of our liberal purchases of her.

But I will probably be told just here that that is caused by protection, which makes our market too dear for Brazil and other South American nations to buy in. I do not admit the allegation; but even if it were true it would not militate against my argument. Young nations like ours (for, although we boast of our hundred years' existence, we are still very young as a nation) cannot produce cheaply until capital has been freely encouraged to invest in production, and under that encouragement been made secure enough to compete to the point of cheapness. This is to be attained slowly and by very gradual progress. Long-continued protection will bring it about, and if we but have patience it will come. The fault of this bill is that it is an attempt (an awkard one but still an attempt) to bring about suddenly what can come only by degrees; for a sudden cheapening of production must either destroy our power of producing, or must result in such a readjustment of the cost as must materially lower the wages of labor and the cost of the native raw material. This consideration brings us face to face with the great labor problem of the day. Are we to stop our factories, and so turn the laborers out of work, or are we to reduce their wages to the bare point of ability to maintain a miserable existence? There are already hundreds of thousands of men out of work; shall we add to their number? Shall we close up our furnaces, our mills, our workshops, and turn other hundreds of thousands adrift upon the cold charities of an already overburdened people? Or shall we grind down their wages to the European standard, and compel them to live upon black bread and cabbage-broth, with the luxury of meat only upon Christmas and the Fourth of July?

The wisest of *doctrinaires* stand appalled at the contemplation of this labor problem. No one of them has yet been able to solve it or find a way out of its difficulties. It is a millstone into which their eyes cannot peer; and their terrible fear is that there may be both an upper and a nether millstone that will grind society between them into a powder.

I submit that men who aim to be statesmen cannot afford to trifle with this problem. In monarchical countries, where the laborer is little better than a serf, with no political rights and a cipher as a political power, the strong arm of the government may be able to keep him in his degraded condition and force him to work at wages that barely sustain life, but in a free Government like ours, where the laborer is a voter and a very potent political power, this cannot be done. You may reduce tariffs and with them reduce wages or close up the workshops, but you have got to answer to him for that reduction or for turning him penniless upon a pitiless world. The already unemployed thousands are dangerous beyond all that we are willing to confess; how are we going to confront a maddened half million more? Pass this bill and you have got to meet one or the other of these alternatives: either closed workshops and the hungry cry of the famished men, women, and children who have no means beyond their ability to labor, or an enforced reduction of wages upon an already poorly paid class of men. Either alternative is full of danger to the community; and I do not envy the condition of those who are willing to take the responsibility of making a choice between them.

In the former discussions of this question the workingmen took but little part or interest, and from that fact men have drawn the conclusion that this is a matter in which the capitalists are alone involved. There are those who think that capital is the only thing benefited or to be benefited by the incidental protection of a fair tariff; and probably there are some who lay the flattering unction to their souls that the passage of this bill will simply curtail the profits of the manufacturers. Let them not deceive themselves. Capital is in the main able to take care of itself. Already, under the present tariff, the profits of manufacturing have been cut down so low that any reduction in price must come off of labor, and not from capital. No one knows this so well as the workingman. He has studied this whole subject with as much care as the most studious political economist. He knows precisely what a new tariff means. It means to him less work and poorer pay; and having got this knowledge by heart he is taking to-day more interest in the settlement of this issue than even the foreigner who has come across the wide sea to open up warehouses here for the sale of his wares. This is a new element in tariff discussions, and those who favor this bill may as well understand at once that they are aiming their lances, not at men of means only, but at the million of workers who earn their bread literally in the sweat of their face.

The reason for this new awakening is to be found in the fact that within the last forty years the condition of the worker has been materially changed. The system of common schools which was founded between 1830 and 1840 has made an educated man of the worker, and a thinking man as well. He has not been highly educated it is true, and his thoughts may at times be too crude for the cultured professors of science and believers in philosophical theories and abstractions; but he is the graduate of the people's school and must be dealt with as a man who knows, reads, thinks, and reasons for what he has learned. In all this he differs from the main body of European workers, and he must not be judged from their stand-point nor dealt with as they

are dealt with. Forty years ago the workingmen of the country were comparatively ignorant. A visit to the furnace or iron-mill showed them living in squalid and dirty cabins; a house of two rooms perhaps, but frequently only one. The floors were uncarpeted, the furniture was mean and scanty, the cooking-utensils few, and the whole miserable dwelling bore about it the air of constant privation and discomfort. Now, the workingman, although still but poorly paid and compelled to look ahead with some feeling of apprehension, has risen to a higher plane. His house is still a poor one, but he has learned to make it bear the look of comparative comfort. The floors are carpeted with some cheap material; the house is clean; there are more rooms, more furniture, and more attention to personal comfort. There are books and papers, magazines and pamphlets on the table; and altogether the advance is striking enough to be noted and pondered. Then they did not know enough to reason about tariffs; now they do. Tariffs affect them, and the men who undertake to pass a tariff which does not take them into the account are as thoughtless as the man who undertook to build a house without first counting the cost. You cannot deal with these men as European governments deal with their workers or legislate upon their basis, because, in addition to the different degree of intelligence which our workers possess, they have with that intelligence, whatever its degree may be, political power.

It would be the poorest possible policy in this juncture to flourish this fact as a threat, and I do not use it in that way. I only call attention to it as a fact which cannot be ignored or which, if an attempt is made to shut it out of sight, will still demonstrate its existence. Like Banquo's ghost, it will not down at any one's bidding. You cannot legislate for an intelligent working class as you would for an ignorant one, nor for men who have political power as for those who have not. Our labor problem is not that of Europe and is not to be solved by European philosophy. We must treat it as we find it. You cannot make intelligent labor cheap, because it knows too much to submit to the degradation of living in squalor upon ten cents a day. You have established your systems of general education and have even passed laws to send policemen out into the highways and byways to compel the children to come into schools; and now, having educated them, having given them higher tastes and more refined aspirations, you ask them in this bill to grovel in dirty hovels, live upon the cheapest food, wear the cheapest clothes, and drudge out their educated lives in a desperate struggle for existence upon wages gauged by the European standard. Why lift them up if they are to be thus cast down? You have cast the seven devils of ignorance out of the worker and he finds as he starts out in life his house swept and garnished, and then you drive him into the company of seventy times seven devils of destitution and poverty, and the last end of that man is worse than the first. Believe me, it is the part of wisdom and statesmanship to legislate for the elevation of labor rather than for its degradation; for its encouragement and protection rather than for its impoverishment.

I may instance in this connection, because it comes so near home that I can speak of it knowingly, the duties imposed by this bill on iron. The bill in this one respect is not nearly so bad as it was at first, nor so unfair as it might have been, but it establishes an average reduction in duties of $5 a ton. Under the present tariff prices have declined to the point where the manufacturer cannot realize a profit of over one or two dollars a ton at furthest. It is plain, then, that in this reduction in duties the manufacturer has no margin to go and come upon. The reduction cannot come off of him, and the only alternative left is to take it off the workers in iron. If they submit to the reduction their means of living are thereby curtailed; if they refuse, then they have before them all the miseries of a lock-out or a strike. In either event they are the sufferers, and not the only ones; for if you reduce the purchasing capacity of a man you injure every other department of industry. The man who earns nine dollars a week can and does buy more than the man who earns but six, and in reducing his wages you reduce his capacity to buy what others produce.

Again, the present tariff produced last year $131,000,000 of revenue; the duties imposed by this bill, if the same quantities and qualities of goods were imported under it as last year, would produce but $122,000,000. As we have not revenue enough now, it is plain that, even to get up to last year's revenue, we must import much more goods; and still more, if we are to realize the revenue expected from it. Under any circumstances, the free list being greatly enlarged and rates of duty lowered, there must be a great deal more foreign goods imported than now to make up the needed revenue, and every dollar's worth of goods imported in excess of present quantities must deprive some American workman of the chance of producing the same kind of goods here. An increase of foreign imports means a decrease of home products, and a decrease of home products means a decrease in the amount of labor employed and in the amount of its compensation. The passage of this bill may carry joy to Birmingham and Sheffield, but it must carry dismay into the homes of many thousands of American mechanics. If the mission of an American Congress is to legislate for the benefit of foreigners, then this bill is in the right direction; but I know full well that the John Hancocks and George Washingtons of 1776 had too much of the spirit of patriotism to engage in the success of any such measure.

It has been urged as an argument in behalf of a reduction of duties that the agricultural laborer of this country has no protection, because none is possible; but as he is compelled to compete with the cheap agricultural laborer of Europe he is entitled to the privilege of buying what he wants at lower rates than he now pays. I answer that the agricultural laborer of this country does not compete, in the proper sense of that word, with the agricultural laborer of Europe; and if Europe were capable of producing what breadstuffs and provisions it consumes it would never buy a dollar's worth from us. Whatever market we have abroad grows out of a demand which Europe is not able to supply. We simply furnish what is needed over and above the European supply. We make up merely what she lacks, and do not enter into any competition whatever. Europe, under this bill, can flood our markets with goods which we can as well produce ourselves; but we furnish to Europe only what she cannot produce. Any great calamity in Europe increases our market there, while the absence of such calamity decreases it. A war, a plague, or a bad harvest may increase the demand for our products; but it is only their bad luck which makes ours good; and things have come to a pretty pass when we have to depend upon war, pestilence, or famine to create us a market, and when we are compelled to look complacently upon human sufferings as the means of putting money into our pockets. It would be far better if the agriculturists would help, by what General Jackson once called "a judicious tariff," to build up our home industries and thus create a home market for our own products. The extension of manufacturing interests to Cincinnati and Indianapolis, to Chicago and Saint Louis, to Detroit and Toledo, has created a home demand which has been of incalculable benefit to the farmers of the West; and the success of agriculture depends much more upon fostering these industries than in cheapening a few foreign products. Whatever Europe must have she will buy of us under any circumstances, because she cannot help herself; and in no case will she buy what she can produce herself.

If the free-trade argument be true that all duties imposed on imports are paid by the consumers, and if this bill produces as much revenue as the present tariff does, the result is the same to the consumers. They pay their $131,000,000, and it can make no difference to them, viewing it as a tax, whether that sum is collected from them in high or low rates; but to the country at large it makes this difference: that the less we import the less money we have to send abroad and the more we have to spend at home, while the more we import the more money we have to send abroad and the less we have to spend at home. Even so dull a political economist as Mr. Micawber discovered that if his income was £20 a year and his outgoes £20 6s. the result was misery, but if the outgoes were only £19 14s. the result was happiness. In like manner we may say that if we buy more abroad than we sell, as we are sure to do under free trade, the result is misery; while if we buy less abroad than we sell, as we are most likely to do when the tariff is adjusted with a view to encouraging home industries, we can serenely enjoy that supreme happiness which may befall Mr. Micawber or any other man who after his debts are paid has ever so small a balance in his exchequer.

This idea is not popular in the city of New York, which is interested in a big import trade and has the faculty of regarding all the world as happy if the import trade is brisk. But New York is not the United States, however much she may be inclined to think so, nor is she of sufficient importance to have a tariff framed for her exclusive benefit. London may be England and Paris may be France, but New York is simply a city by herself and but a small integral part of this wide-spread nation with its diversified interests. There are many other cities to be taken into the account whose interests are as worthy of attention as hers; and it behooves the representatives of the people to remember that they were not sent here to legislate either for foreign capitalists or for New York importers. The millions of workingmen, whose bread is dependent upon their labor and whose labor is dependent upon the demand for its employment, have more than an equal right with importers to be heard and heeded here. In their name and by their authority I utter a solemn protest against the passage of a bill which must either reduce the revenues or increase importations.

In either event it must be disastrous to the nation; but in the latter event it must inevitably result in exasperating people already sufficiently restless and uneasy. They are in one sense the wards of the nation. Their interests are in the hands of Congress, and they cannot be struck down with impunity. One act, that of simply defeating this bill, will go a long ways toward settling the labor problem, because it will give assurance of a chance to recuperate from past troubles and contribute to that stability of legislation, which is the breath of life to capital and labor alike; while one act, that of passing this bill, will unsettle everything, destroy confidence, and either drive capital and labor into a destructive conflict or drive labor into the terrible necessity of trying to live upon starvation wages. For one I shall stand by the men who are striving to keep their heads above water by honest, earnest work; and if they are to be struck down, let those who aim the blow at them take the responsibility. Of one thing the friends of this hermaphrodite measure may rest fully assured, that in every hamlet, village, town, or city in which the workingman is to be found there will they be held to a strict accountability for their act, and no party cry, no party conjuring, no party appeal will save them from political condemnation.

The time has been when party overslaughed all such considerations; but that time has gone by. There is no longer any magic in

party names, and he will be unwise who relies upon them. The great object of an American Congress should be to elevate, exalt, and dignify labor by securing to it remunerative employment, while the great object of this bill seems to be to try to grind down wages to the European standard. It is an experiment fraught with danger, and while I fear that no warning of mine will have any effect in staving off that danger, I only discharge my duty in giving it. If wisdom has its way, this bill will be remitted to the limbo of forgotten vanities; and if not, those who will be victimized by its passage will no doubt find an effectual way of making their voices heard. They may be on the underside of the wheel just now; but ever the right comes uppermost, and when their turn comes let those who have offended them keep themselves out of the way of an overflowing public indignation.

Mr. TURNER submitted some remarks on the tariff and internal-revenue taxation, which will appear in the Appendix.

CONDITION AND NEEDS OF THE NAVY.

Mr. HARRIS, of Massachusetts, addressed the House upon the subject of the present condition of the American Navy and what is needed for its re-establishment. [His remarks will appear in the Appendix.]

PAYMENT OF BONDS, COIN, AND CURRENCY.

Mr. WILSON. Mr. Speaker, on the 29th day of April last I offered the following bill:

A bill to repeal an act approved March 18, 1869, entitled "An act to strengthen the public credit."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act approved March 18, 1869, entitled "An act to strengthen the public credit," as pledged the faith of the Government to pay such of the Government bonds in coin or its equivalent as were before the date of said act payable in lawful money, be, and the same is hereby, repealed.

PETITIONS FROM THE PEOPLE—WIDE-SPREAD DISTRESS.

Mr. Speaker, there never has been a time in the history of this Government when the people were so largely and so directly interested in congressional legislation as they are now. Never before has Congress been so universally petitioned and appealed to by people of every occupation and from all sections of the country as it has been this session. Petitions touching the repeal of the resumption act, the remonetization of silver, national-bank circulation, currency, tariff, internal revenue, and various other subjects of legislation, have come in upon us like snow-flakes.

In no other period of our history have our crop productions been so extensive and the balance of trade between this country and foreign countries so large in our favor as during the last year. And yet, Mr. Speaker, the sad and painful spectacle is presented to us and to the country of wide-spread distress and suffering; a paralysis of business such as has never been experienced in this country. Failures aggregating hundreds of millions of dollars have occurred. Thousands of the strongest houses in America have gone down into insolvency. Enterprises of all kinds have been stopped. Nearly two hundred railroads, it is said, have failed to meet their interest obligations. Millions of our laborers have been forced into idleness and cut off from the means of earning a subsistence. Many of our workshops are idle and our jails, penitentiaries, and poor-houses are filled. A gloom hangs over the country and the land is filled with disquietude and want.

Run your eye over the recent past and see how it was a few years ago. Take the year 1867, eleven years back. The country was then comparatively prosperous and the people were happy. Since that time we have been blessed with general good health, we have been at peace with all the world, and have harvested good crops. We have not been scourged by war, pestilence, or famine. Then, what is it, I ask, that has so changed the situation? What is it that has hushed the active hum of business industry and stricken down great numbers of our people from prosperity to pauperism? What is it that has driven millions of our laborers out of employment and torn away from men of moderate means their little homes, filling the land with tramps, beggars, and criminals?

WHAT CAUSED THE DISTRESS.

To a large extent, Mr. Speaker, the trouble has grown out of congressional legislation touching Government bonds, coin, and currency. Eleven years ago, as I have said, we were comparatively prosperous. The Government had withstood the rebellion of 1861-'65. It had tided over that terrible internecine strife; the doctrine of secession had been rejected then and for all time to come; the institution of slavery had been destroyed and the former slave had been elevated to citizenship. Notwithstanding the great waste of public money during the war and up to that period the public debt was, on the 1st day of March, 1868, less cash in the Treasury, $2,519,829,622.84; but of this amount $1,407,321,800 was in 5.20 bonds. Of these bonds I shall have occasion to speak after awhile. The coin receipts were about $24,000,000 more per annum than was needed to pay the interest on the public debt.

By the census returns of 1870 it is estimated that the value of the real and personal property in the United States was, in round numbers, $30,000,000,000, or about eleven times as much as the public debt; and in that year the estimated value of our farm productions, with betterments and additions to stock, was $2,447,538,658, the value of manufacturing products $4,232,325,442, and the value of mining products $158,598,994.

We then had a circulating medium of $1,311,515,016. Business enterprises were active, money was brisk, labor was in demand, and the laborer was fully rewarded. It was a source of national congratulation that we had so far rallied from the shock of war, then only two years past. Ten years later we had a circulating medium of $731,002,481.84, or $580,512,534.68 less than we had in 1867. To show how unequally what money we have is distributed through the several sections of the country I submit the following interesting table:

Money in the South, West, and East.

Locality.	National-bank notes.		Total currency.		Annual production to each dollar in circulation.
	Outstanding.	Per capita.	Per capita.	Per square mile.	
Eastern States	$112,528,279	$28 05	$56 10	$3,447 03	$21 40
Middle States	110,752,981	9 77	19 54	1,932 56	43 40
Western States	67,480,503	3 98	7 96	204 36	74 94
Southern States	24,620,788	2 25	4 50	65 50	71 24

The total currency in the United States averages $14.60 *per capita*. The Eastern or New England States have a circulation *per capita* almost four times as much as the average of the whole country, nearly eight times as much as the Western States, and over eleven times as much as the Southern States.

There is more than fifty times as much money in circulation to each square mile in New England as there is in the South, while the South and West have severally to transact more than three times as much business in the way of industrial productions on each dollar of currency as is done in New England; or, in other words, have for the business they do less than one-third the capital necessary.

These figures account for the great difference of opinion that exists in the several sections of the Union upon current financial questions.

The statement that the New England States have $56.10 *per capita*, the Western States $7.96 *per capita*, and the Southern $4.50 *per capita* shows the inequality so plainly that it needs no comment from me.

The money that is ostensibly in circulation is not really in circulation. Much of it is hoarded up by capitalists in the East to await resumption.

A LEGISLATIVE SWINDLE.

Mr. Speaker, I have said that the financial troubles of the country have, to a large extent, grown out of the legislation of Congress concerning bonds, coin, and currency. I refer to the legislation from the year 1869 to the year 1875, both years included. About two-thirds of the indebtedness of the country was represented by 5.20 bonds. The principal of these bonds was payable in coin or lawful money at the pleasure of the Government. I mean by lawful money the legal-tender, non-interest-bearing notes, commonly called greenbacks.

With the affairs of the Government economically administered and the various industries of the country encouraged, this debt could have been paid off, and no man or section would have been distressed by it. But the money power of the country conspired for their own gain and demanded otherwise, and Congress, in an evil hour, yielded to that demand.

Now, sir, the first move of this conspiracy was entitled "An act to strengthen the public credit," approved March 18, 1868. Those 5.20 bonds had been purchased with greenbacks when the greenbacks were worth about fifty cents on the dollar. The act to which I have just referred falsely declared that they were payable in coin. Its immediate effect was to enhance the value of the bonds to the extent of $500,000,000; and to that extent the burdens of the people were increased and the bondholder was benefited. If it was true that they were so payable in coin, then there was no necessity for that act; but if it was not true and they were not so payable, the act contained a falsehood upon its face and operated as a fraud and a swindle.

Following close upon its heels came the funding act of 1870, by which the holders of many of those 5.20 bonds were enabled to fund them into longer-ranging coin-bearing bonds bearing 4, 4½, and 5 per cent. interest. This completed what may be called the first great achievement of the money power.

ANOTHER LEGISLATIVE SWINDLE.

The next in this series of iniquitous enactments was the act of 1873 demonetizing silver. This act, without discussion on the floor of this House, without previous discussion in the country, with representatives in high standing demanding in vain that it should be read even for information, was forced to its passage under a suspension of the rules. It should have been entitled an act of assassination. It assassinated a coin that our fathers made a legal tender and handed down to us—a coin that was recognized as money more than a thousand years before the Christian era—a coin which, upon the day of its assassination, was worth more upon the American market than gold.

The motive for this act is easy to perceive. About the time Congress provided for the payment of the whole Government debt in coin, silver mines of unexampled richness were discovered in our western mountain ranges and the means wherewith to easily pay the debt were placed in our hands, as if by the interposition of Providence. The

bondholders, foreseeing that an abundant supply of this precious metal would reduce the value of their bonds, procured the demonetization of it and the silver dollar was stricken down. The act was so clandestinely passed that not a member of this House raised his voice against it and not a newspaper in all the land proclaimed the fact. This act, Mr. Speaker, was an offense against God and man.

THE RESUMPTION ACT FINISHES THE WORK.

The money power having succeeded by the several acts to which I have referred in changing the payment of the Government's indebtedness from currency to coin, there remained but one thing more to be done for the accomplishment of their purpose, and that was the procurement of the resumption act. By it the 1st day of January next, less than eight months from this time, was fixed for the resumption in gold coin of every form of Government indebtedness payable at that time. This was the crowning iniquity in the conspiracy of which I have spoken. It has done greater violence to popular right, to the honest relations between man and man, than any other act of any Congress convened since the foundation of the Republic. It has destroyed more fortunes, it has silenced more workshops, annihilated more values, bankrupted more homes and blasted more prospects, inflicted more idleness, and harmed more men, women, and children than any other act that ever disgraced a statute-book.

THE RESULT OF THE CONSPIRACY.

The estimated value of the real and personal property of the United States in 1870 was, in round numbers, $30,000,000,000. The contraction of the currency growing out of these several acts has produced a shrinkage, as it is generally estimated, of from 40 to 50 per cent. of that real and personal property of the country; a shrinkage that, in the aggregate, amounts to about $15,000,000,000, a sum more than seven times as great as the amount of our entire national debt. The judgment of mankind will be that this is a most shameful and ruinous oppression for the benefit of a favored few.

The fact that two years after the war the country was in a more prosperous condition than it is now, thirteen years after the war, and the further fact that to secure the payment of these 5.20 bonds in coin instead of currency has, by shrinkage of values, destroyed ten times as much of the national wealth as the bonds amounted to, shocks the moral sense.

WHAT CONGRESS SHOULD DO.

To my mind it is the duty of Congress to repeal these acts which have worked such disastrous results. There was no propriety or necessity for the act "to strengthen the public credit." Its object was to change the contract under which the 5.20 bonds were payable in currency and make them payable in coin. It imposed an additional heavy burden upon the people and gave to the holders of our bonds a bonus amounting to hundreds of millions of dollars.

I see by a statement furnished me by the Treasury Department a few days ago that these bonds now outstanding and unfunded amount to $454,937,650. Congress should by appropriate legislation at this session direct the Secretary of the Treasury to call in and cancel these bonds, paying them in legal-tender notes to be provided for that purpose. This would increase the circulating medium, leaving it less, however, than it was in 1867. It would revive trade and infuse life into the various industries, and prevent a further shrinkage of values which, if not checked, will virtually transfer the property of the debtor class into the hands of the creditor class.

To more effectually get this additional money into circulation, to prevent its being hoarded, to settle the financial policy of the Government, and for other obvious reasons, the resumption act should be repealed.

I know, Mr. Speaker, that greenbacks are now almost at par with gold. They will remain so if these acts shall be repealed; but if resumption is to be forced upon us on the 1st day of January next, as the volume of currency to be redeemed is much greater than the coin on hand to redeem with, the attempt will necessarily advance the premium on coin and intensify the contraction of the currency that has already worked so much injury to property and business.

SILVER AND NATIONAL-BANK NOTES.

The act passed during the present session remonetizing silver, notwithstanding its narrow scope, has already been largely beneficial in its results. It has re-established silver as money and made it a legal tender for all debts, public and private. It has knocked down the premium on gold and elevated the standard of our national credit, and it is to be hoped that before this Congress shall adjourn silver will be fully reinstated as it was before its assassination.

Mr. Speaker, in the light of recent events it must be apparent to every gentleman upon this floor that it is necessary to avoid in the future what has been so ruinous in the past, a wide margin between the money for the bondholders and the money of the people. This can best be accomplished by making greenbacks receivable for duties on imports. That will give the greenback dollar the purchasing power of the gold and silver dollar, make it as good as either and as good as a Government bond.

Add to this the further reform that is loudly called for of retiring the national-bank notes and substituting greenbacks in their stead.

GREENBACKS AND THE CONSTITUTION.

Mr. Speaker, I am an original greenbacker. I have believed from the first, and I insist upon it to-day, that this country can have no well-regulated financial system until it ranks its greenbacks side by side with its gold and silver. Every consideration of fairness and justice to a tax-ridden and oppressed people demands that this be done.

In order to answer the objection of gentlemen who doubt the constitutional authority of the Government to issue paper money and make it a legal tender, I read the following

OPINIONS OF JOHN C. CALHOUN, ALBERT GALLATIN, AND THOMAS JEFFERSON.

I now undertake to affirm positively, and without the least fear that I can be answered, what I have but suggested, that a paper issued by Government, with the simple promise to receive it in all its dues—leaving its creditors to take it, or gold and silver, at their option—would, to the extent it would circulate, form a perfect paper circulation, which could not be abused by the Government; that would be as steady and uniform in value as the metals themselves.

No one can doubt but that the Government credit is better than that of any bank—more stable, more safe. The question is not between credit and no credit, as some would have us believe, but in what form credit can best perform the functions of a sound currency.—*J. C. Calhoun.*

The right of issuing paper money as currency, like that of gold and silver coin, belongs exclusively to the nation, and cannot be claimed by any individual.—*Albert Gallatin.*

Thomas Jefferson, in a letter to his son-in-law Eppes, dated June 24, 1813, recommended the issue of Government notes, instead of allowing bank-notes to be circulated, giving at the same time cogent reasons for his conclusions. "And," says Mr. BUCKNER, "he thus foreshadowed the proper monetary system of the country."

But, in addition to these opinions, we have that of the Supreme Court of the United States in the "legal-tender cases" decided in 1870, (Wallace's Reports, volume 12, page 457,) sustaining the constitutional power of Congress to issue these greenbacks and make them legal tender. In speaking of the difficulties the Government had to contend with at the beginning of the war and during its prosecution, and of the absolute necessity of having money to maintain its Armies and Navy, the court said:

That they [the greenbacks] did work such results is not to be doubted. Something revived the drooping faith of the people; something brought immediately to the Government's aid the resources of the nation; and something enabled the successful prosecution of the war and the preservation of the national life. What was it if not the legal-tender enactments?

Mr. Speaker, if there ever has been another time when something was needed to revive "the drooping faith of the people" that time is now.

SOURCES OF WEALTH NEGLECTED.

I am met by the objection urged by various gentlemen upon this floor who represent the wealth of New York and New England that the plan I propose will throw too much money into circulation. That objection applies to those whose coffers are filled to overflowing, but it does not apply to the millions who are to-day without the means to purchase food and raiment; it does not apply to the thousands whose farms are mortgaged and shingled over with judgment liens; it does not apply to the great West which has $7.96 *per capita;* it does not apply to the down-trodden and impoverished South, which has $4.50 *per capita*, while New England has nearly eight times as much as the West and over eleven times as much as the South.

I think, Mr. Speaker, I can satisfy the mind of any reasonable man who will contemplate this great subject from an impartial and patriotic stand-point, how we can readily and profitably employ this additional capital and more, too, if it were issued. Bear in mind the drooping industries of the country, or, to put it in the language of the Supreme Court, that something is required to revive "the drooping faith of the people." I might give many instances in which the money could be well used, but I shall content myself with one or two. Take the article of sugar. We are now sending to foreign countries over $100,000,000 a year to buy sugar for our own consumption in addition to the sugar produced at home. The fact has been demonstrated by past experience and verified by General Le Duc, the competent head of the Department of Agriculture, that we can produce here in the United States all the sugar we consume and thereby save the expenditure of this vast sum of gold annually paid out to foreign countries.

We have every element necessary to accomplish this result except the money. The lands fit for sugar-producing are principally unenclosed and waste. Laborers, white and black, would be anxious to begin the enterprise. But while the land and the labor are abundant and cheap, there is yet wanting houses, horses, mules, harrows, plows, hoes, and other requisite articles which only money can obtain.

There is another interesting subject well worthy the consideration of this Congress. We are now purchasing from abroad, and paying for it in gold, over twenty millions' worth of tea every year. Experiments in the growth and curing of tea in this country have demonstrated that this article of common use can also be produced in the United States. Through the enterprising spirit of the Commissioner of Agriculture thirty thousand tea plants have already been distributed through the States and they are now growing luxuriantly. And he contemplates distributing a million more before long. The tea already produced in this country in quality and flavor is ascertained to be equal to that produced in China.

Mr. Speaker, there is one other subject of great national importance that I wish to speak of a moment in this connection. It relates to our shipping interest. I have attempted to draw a parallel between the condition of the country in the year 1867 and its condition in 1877. And now, for the purpose of showing the decline in our

shipping interest, I desire to call attention to the year 1857. That I may be exact in dates and amounts I quote from the report accompanying House bill No. 3580:

The decadence of our foreign navigation is alarming. Since 1857 the proportion of tonnage as between our own and foreign ships engaged in trade to and from this country has been reversed, although the commerce has increased nearly 100 per cent. In 1857 the value of the foreign trade carried to and from all American ports in American bottoms was $510,000,000, and the total carried in foreign bottoms was $213,000,000. In 1867 the figures were reversed, foreign ships carrying $580,000,000, while American ships carried only $296,000,000. In 1877 the proportion was still greater against us, foreign bottoms carrying $858,000,000, to $315,000,000 carried in American bottoms, and this being a million less than our vessels carried twenty-five years ago. It is estimated that we now pay yearly to foreign ship-owners, for carrying passengers, goods, and mails, at least $50,000,000. Steam is rapidly superseding sails, and with the same tonnage does three times the work. Our steam marine is insignificant, and therefore we cannot compete with the other nations of the world in the carrying trade until we build it up. Europe has two hundred steamships running to and from the United States, and the United States has less than fifteen steamships running across the Atlantic and Pacific Oceans. Three-fifths of the exports, nine-tenths of the imports, and all the passengers and mails to and from New York go by steamships. Twenty years ago we spent for ship-building $25,000,000 per annum, exclusive of the immense sums expended for repairing old vessels. Nearly all this money was paid for labor. Now we expend less than half this sum, or about $11,000,000.

From this carefully prepared statement it will be seen that we are now paying to "foreign ship-owners for carrying passengers, goods, and mails, at least fifty millions" annually, and that we are paying to our own ship-builders about $15,000,000 less than we paid them twenty years ago.

THE POWER OF CONGRESS IN THIS CRISIS.

Mr. Speaker, if this Congress will by appropriate legislation remove all inducements for capitalists to hoard money, and will increase the circulation to meet the wants of trade, our starving thousands will bound with alacrity from idleness into the pursuits of labor; our vacant lands will go into cultivation; we will soon resume our supremacy in the carrying trade of the ocean, and by the means I have suggested save to the country millions of dollars that we now pay as tribute to foreign countries.

Do this, and it will revive "the drooping faith of the people;" it will revive the drooping industries of the country; it will feed the hungry and clothe the naked; it will remove the disquiet that sends us warning through every mail; and if there is one element of communism in all the country it will wipe it out forevermore; it will send a thrill of joy throughout the land and gladden the hearts of forty millions of people.

Mr. Speaker, I am not an alarmist, nor am I an extremist, nor would I array one class against another; on the contrary, I would gladly do whatever I can to give repose to the country; but I cannot shut my eyes, nor can this House shut its eyes to the fact that the country is filled with want and alarm. It is a high duty we owe to our fellowman to give him relief. I will not go into detail or point out the suffering that stalks throughout the land; other gentlemen get the information as I do; it comes to us by newspapers morning, noon, and night.

Why, sir, right here in this capital city of Washington the Labor League has appealed to Congress upon this subject. After stating that the $75,000 which had been appropriated to pay them had been misapplied, if not embezzled, by the contractors, they say:

We are therefore compelled to appeal to you for personal aid, as there are now twenty thousand men, women, and children in the District who are actually starving.

I read from the Washington Capital the following graphic account of the situation:

This is the time when people should reflect that more than a million hands are out of work, which means that four or five millions of mouths are without bread. There is no prospect of relief through revival of industry. The alternative which confronts the starving millions is that of being helped or of helping themselves. The experience of the past summer should admonish those who are in condition to do the helping that it is not wise to wait for starving mobs to begin the dreadful business of helping themselves.

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There pauperism is accepted as a necessary evil, and the body of society is taxed by Parliament to remedy the inequalities of fate. Here pauperism is a festering sore, sapping the vitals of society, but no treatment is applied. We have provided nutriment for the pauper mind in our public-school system, but the needs of the pauper stomach, which are of equal importance at least to the pauper himself, are not recognized.

In another issue the same writer says:

One wrong does not justify another wrong. But this high moral maxim has not much weight with a man excited by a sense of wrong, when his family is suffering for food. On the contrary, regarding the attempted resumption and the refusal to remonetize silver as infamous wrongs perpetrated for heartless Shylocks who have fattened upon the distresses of the people, the next popular outbreak will be one that will fill the moneyed mind with abject terror. They are making a word less obnoxious by their obnoxious course and familiar use of it, and that word is "repudiation."

Mr. Speaker, people of this country desire to see our Government perpetuated and all of its honest obligations paid according to the letter of the bond. They are not willing, however, by unwarranted and vicious legislation, for selfish ends, to see their obligations swelled beyond their ability to pay, and then to have the currency hoarded beyond their reach. It seems to me that if the money power were to consult its own ultimate interest it would come promptly to the front and take the lead in giving relief to the people. It must not be forgotten that they are the source of all political power in this Government, and that if they shall be further oppressed they may, as they can, send representatives to Congress in the future who will suspend the interest on these bonds, scale that interest, or, if you please, repudiate the debt itself. The people are reasonable, their demands are reasonable; they are not voluntarily idle and helpless and without bread; they are suffering and petitioning to Congress to unfetter the wheels of trade and commerce and give them work.

Mr. Speaker, during the Forty-fourth Congress, now nearly two years ago, in a speech I made on this floor advocating the remonetization of silver, I used this language:

I have said, and here repeat, that if this Congress does not afford the relief which the people of the country are clamoring for, distress, deep and heart-rending distress must follow.

* * * * * * *

The people of this country are in no frame of mind to be driven to the wall and beggared. They will not go into involuntary bankruptcy nor have their property improperly wrung from them to pay in coin Government bonds that should and would without question have been paid in greenbacks except for the fraudulently procured acts of Congress to strengthen the public credit.

What has occurred since that time was eloquently described the other night by the gentleman from Ohio [Mr. GARFIELD] in discussing the Army bill. Referring to the labor strikes of last summer he used this language:

The American people are not likely soon to forget the events of July last, when, in a great group of States belting the continent from ocean to ocean, the lives and property of many millions of citizens were rescued from sudden and imminent peril by the prompt and effective response of our Army to the constitutional demand of the States for its aid.

Here, Mr. Chairman, I hold in my hand the copies of brief but eloquent letters and telegrams from ten great States of this Union, (see note,) and all of them were sent within the space of one week—calling upon the President of the United States for help; ten great States, reaching from the Atlantic to the Pacific, Maryland and West Virginia among them; ten great States, among them California and the empire States of the Northwest, calling for the arms of the Republic to shield and save in their hour of distress.

My friends, had we been at that moment in session do you think we would have voted to decrease the Army to twenty thousand men? Would we not rather have put it up to fifty thousand?

I do not agree in the conclusion of the gentleman from Ohio. I do not admit that I would under the circumstances pointed out by him have voted to increase the Army to fifty thousand men, nor do I admit that Congress would have done so. If a wanton and inexcusable uprising shall occur against the Government, then all will agree to put it down; but if the laboring-men of the country, impelled by hunger and a want of the means to support their families, shall strike for wages commensurate with their toil, the question is addressed to the legislative and not to the military department of the Government.

I rather agree with the sentiment expressed by the gentleman from Massachusetts [Mr. BUTLER] on the night of the 21st instant. Speaking of events that now surround us, he said:

Mark my words, for I desire to be held responsible for them, there is great danger if we allow ourselves to go home and give no relief to the present condition of the country. When the day of reckoning comes, as come it must, how mean and pitiful will our economies in appropriations appear.

Gentlemen may as well dispel from their minds now as hereafter the delusion that this Government ever was intended to be or ever will be controlled by the Army, anything that may have been said upon that subject by General Sherman to the contrary notwithstanding. I was surprised, Mr. Speaker, to see that military chieftain step aside from his duties as commander of our Army, at the Chamber of Commerce in this city last year, and enter into a disquisition upon the conduct of civil government, holding that the United States cannot exist without the aid of the Army. I quote from his speech upon that occasion:

Without your Army what are you but a mob? The Government of the United States cannot exist without an army, and a good one, too.

As our country increases in population and wealth, and as great cities become numerous, it must be clearly seen that there may be great danger of uprisings of large masses of people for the redress of grievances, real or fancied; and it is a well-known fact that such uprisings enlist in a greater or less degree the sympathies of the communities in which they occur. This fact alone renders the local militia unreliable in such an emergency. * * * Coolness, steadiness, and implicit obedience to orders are the qualifications most needed in soldiers who are to deal with an excited and exasperated mob; and they are qualities acquired only by training, and are seldom found in inexperienced militia.

In view of these considerations it is respectfully recommended that authority be given to the President to increase the strength of the depleted companies now embraced within Army organization.

Military commanders are slow to believe that the people possess a sufficient amount of virtue, patriotism, and intelligence to conduct the affairs of a republican government without the aid of the military, and are ever ready to believe that the military can at any and all times be usefully and profitably employed in the conduct of civic affairs.

Mr. Speaker, history is repeating itself. We are passing through a fearful monetary crisis that is shrinking values, blasting hopes, and destroying homes. We are approaching an ordeal similar to that through which England passed in her resumption iniquity between 1819 and 1823. Will gentlemen on this floor blindly and persistently force this country into the position of hushing the cries of its starving millions with the sword, the ball, and the bayonet? England did this, but it shook her from center to circumference. Nothing but her powerful army sustained the government. The result of that ordeal was to build up a moneyed and landed aristocracy. We have no such army in this country, and as long as the people retain their

intelligence and the love of self-government we will have no such army.

It is worthy of remark that wherever silver has been demonetized people are suffering more from stagnation of business, monetary panics, and starvation than where the double standard exists; and this is particularly applicable to England, Germany, and the United States. It is essentially different in France. Notwithstanding the fact that France recently passed through an exhaustive war with Germany, within three years after that war she paid to Germany a thousand million of dollars in coin, and now has, at the lowest estimate, fifteen hundred millions in circulation. Her population is less than that of the United States, and yet the volume of her circulating medium is doubly as great. She has money enough in circulation to answer all the purposes of trade and commerce and her paper currency as well as her gold and silver is a legal tender for all debts public and private, and hence her prosperity.

Mr. Speaker, I desire before taking my seat to repudiate the idea that there is a communistic element in my State. It is true there was an uprising last summer, and if the apprehensions of gentlemen are well founded, there may be similar uprisings in the future; but these did not and will not grow out of any vicious desire to reorganize society, or to disturb or destroy the rights of others. Such uprisings as have occurred and such as may unfortunately hereafter occur have been and will be purely attributable to the suffering of the people. Such men as have struck or may strike for remunerative wages have done and would do no more than the millionaires of the country would do if they were similarly situated.

Mr. Speaker, uprisings, seditions, and rebellions are not new in the history of the world. We are taught by the essays of Lord Bacon, which were written three hundred years ago, that they existed at that period and were attributable to any one of the various causes that operated oppressively upon the people. I quote the following interesting passage from one of those essays:

> The first remedy or prevention is to remove by all means possible that material cause of sedition whereof we spoke, which is want and poverty in the estate. To which purpose serveth the opening and well balancing of trade; the cherishing of manufactures; the banishing of idleness; the repressing of waste and excess by sumptuary laws; the improvement and husbandiug of the soil; the regulating of prices of things vendible; the moderating of taxes; and the like.
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> There be but three things which one nation selleth unto another; the commodity as nature yieldeth it, the manufacture, and the vecture or carriage. So that if these three wheels go, wealth will flow in as a spring-tide.

We are taught by this distinguished writer that of all the rebellions known to man "the rebellion of the belly is the worst." Fanaticism may be appeased, political uprising may be quieted, sectional discords adjusted, but "the rebellion of the belly" knows no law and will yield to no compromise that does not satisfy the cravings of hunger.

Elevated statesmanship will not justify the use of force to suppress the "rebellion of the belly." The crack of the musket is not the proper answer to the cry for bread, nor is the plunge of the bayonet the remedy. Self-preservation is the first law of nature. When a man is starving it is his God-given right to protest against the cause of his distress. Whenever that distress and suffering is produced by unwise legislation gentlemen will find it to be a costly and sad mistake to use the Army against the sufferers. An army of double or quadruple the size of our present Army raised for this purpose would disappear before an indignant people as frost before the morning sun.

> NOTES.—As was very well said by the Senator from Indiana a moment ago, unless this contraction that is going on by the million every day is stopped, there will be no money with which to meet the appropriations that may be passed by Congress. Talk about voting to provide for armies to keep down mobs! No wonder there are mobs when all of your laws are against the wishes of the people, as they have said, and against their interest. Make your laws in consonance with the wishes and the interests of the people, and then there will be no necessity for an Army except a mere skeleton of one.—*Extract from speech by Senator Hereford.*
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> Whether the sure way to supply people with tools and materials and set them to work be not a free circulation of money, whether silver or paper.—*Berkeley's Querist.*
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> MILLIONS LOST BY IDLENESS.
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> As it stands to-day, there is a sad lack of opportunity. With the exhaustless productiveness of the earth to mine, to cultivate, to explore, the channels of industry are everywhere blocked and gorged, and the hand of labor is palsied. The earth teems with raw material, awaiting the magic transformation of man's energies; but labor stands idle in the market-places, and capital lies piled up uselessly in banks. Millions of men are either in enforced idleness, or are unprofitably employed.
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> The waste of productive energy may be counted by the daily loss of millions of dollars, and yet all this is but an atom in comparison to the miseries of the people, the shipwreck of human life, and the general demoralization from enforced idleness.—*Charles Dupuy.*

CLAIMS IN THE DISTRICT OF COLUMBIA.

Mr. MAYHAM. Mr. Speaker, I have not since I have occupied a seat upon this floor consumed much of the time of this House in discussing the measures that have been before its members for their deliberation and determination, but have usually been content with expressing my judgment by the votes which I have cast upon the questions under consideration. And I should not depart from that custom on this occasion did I not feel that the measure under consideration had not fully arrested the attention of gentlemen on this floor; and that the importance of this bill to the people of this District not only, but to the Government of the United States was not fully understood and appreciated by all the members of this House who will be called upon to vote upon the measures embraced in it.

This apparent want of attention and understanding of this measure does not arise from any intentional neglect on the part of the members of this House of the general business of legislation, but rather from the fact that the legislation for this District is not of a national, but of a local character, and that the Congress of the United States feels called upon to devote its time and energies to the great subject of legislating for the whole people, and cannot turn aside from those great and responsible duties to consider questions of detail pertaining to the government of a District only ten miles square, embracing a population of only about two hundred thousand inhabitants. Gentlemen seem to forget or at least to ignore the fact that the inhabitants of this District are completely and absolutely dependent upon Congress for all legislation and for all the protection of a government in all its departments, that the people living in this District are but the helpless wards of a paternal Government, and that when that Government withdraws from them its care and protection they are shorn of all available means of defending or maintaining their just rights of person or property.

But, Mr. Speaker, it is no part of my purpose to lecture gentlemen upon this floor in reference to their duty, but rather to call attention, as briefly as I may, to the provisions of this bill, trusting that the measures which it contains will be judged by their merits without passion or prejudice, and that so far as they commend themselves to the judgment of the House they will receive indorsement and approval without regard to any preconceived opinions against either the District of Columbia or any individual who may happen to reside within the limits of its territory.

The Constitution provides that Congress shall have exclusive legislation over this District; and by this provision the inhabitants of the District are not only rendered powerless to legislate for themselves, but the duty is imposed upon Congress to legislate for the District in all matters whatsoever. We cannot, therefore, if we would, relieve ourselves of the constitutional obligation to enact all needful laws for the government of the District, but also for the protection of all the just rights of its citizens.

Under this provision of the Constitution laws have been enacted conferring authority upon certain officers of the District to make improvements and contract debts; under which it is alleged that contracts have been made, and services and materials furnished, and other liabilities have been created and debts contracted against the District of Columbia, which are due and unpaid; for the ascertainment and payment of which no provision has been made by law; and the holders of such claims are clamoring at the door of Congress for some law by which these claims may be adjusted and some provision made for the payment of such amounts as are found due from the District.

It is not my purpose now to enter into any extended argument as to the justice of these claims. It is sufficient for the purpose of this bill that it is conceded on the part of the commissioners of the District that large liabilities do exist against the District, growing out of such contracts and services for the District, for which the commissioners of the District have no power or authority to pay. The practice has heretofore existed for Congress to adjudicate such claims against the District and enact the proper laws to collect the necessary money and liquidate and pay the same out of the taxes and other revenues of the District.

This practice probably arose out of the peculiar relations existing between the District and Federal Government, and was founded upon the principle that the District of Columbia was in the relation of a sovereign territory or a part of the sovereignty of the Federal Government, and could not be prosecuted before the judicial tribunals of the country. But the Federal Government in the establishment of the Court of Claims innovated upon that principle, and provided that even the United States might be prosecuted before that court, in certain enumerated cases, and the stern rule of the common law having been relaxed as to the sovereignty of the United States, it is not perceived that its relaxation may not even with more propriety be applied to the District of Columbia, which in itself is scarcely distinguishable from a municipality which may always be sued in a court of law.

But there is another and much stronger reason arising from the situation of the case, which may be urged for allowing this District to be prosecuted in the Court of Claims.

The difficulty and almost impossibility of properly and intelligently examining and adjusting the claims against the District of Columbia before Congress must be apparent to every gentleman upon this floor. To require Congress, with the vast accumulation of the legislation of this great country, to examine and adjudicate the numerous claims that may arise between individuals and corporations and the District, and expect a just and satisfactory result would be to aim at miracles. Such duty cannot in the nature of things be properly done before Congress.

For the three hundred men in this House to examine as judges and suitably investigate the thousands of claims, take the necessary testimony, examine the legal questions, and intelligently decide the same would occupy more time than can be given by them to the subject of legislation for the whole Government.

Besides, Mr. Speaker, it is not in the line of the constitutional duty of Congress to adjudicate such claims. It is not clothed with constitutional power, and its exercise of that prerogative is little less than a bold usurpation of authority properly vested by the Constitution in a co-ordinate department of the Government.

The Constitution provides that—

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish.

No judicial power or authority whatever is vested in Congress; and it is not a little surprising to me that gentlemen of democratic notions and proclivities, strict constructionists, who believe in the exercise by the different departments of the Government only of such powers as are conferred by the Constitution, should be found giving such latitudinary powers to Congress in reference to the exercise of judicial authority over the District of Columbia.

The bill under consideration is intended to remedy this evil; to place the exercise of this judicial power in the courts, where it constitutionally belongs, and to relieve Congress from the burden and responsibility of judicially determining the claims against this District and to remand them to the courts to be determined according to the forms of law and judicial rules.

The Court of Claims constituted as it is seems admirably adapted to the performance of this duty. Its whole machinery is adapted to the examination of claims against the Government, and its present and permanent existence as one of the courts of the country obviates the necessity of creating a new tribunal and relieves the Government of any additional expense in that direction.

This bill provides for the extension of the jurisdiction of that court and conferring upon it both legal and equitable powers for the adjudication of all claims against the District of Columbia. It makes it the duty of the Attorney-General of the United States, through his assistants and deputies, to defend the District of Columbia before said court, and on appeal when any appeal may be taken to the Supreme Court of the United States from its adjudications.

It provides for appealing from the decision of the Court of Claims in all cases provided for in this bill to the Supreme Court of the United States, according to the existing practice on appeals from said court when the United States is a party.

By these provisions the bill throws all suitable guarantees around the treasury of the District to protect it against any possibility of fraud and speculation, and at the same time makes it possible for those having claims against the District to realize on them the full measure of their just dues.

I am aware that it is claimed that many of these claims are unjust and should not be paid, but it cannot be seriously pretended that injustice will be done to the District even if unjust or fraudulent claims are presented, with an impartial and intelligent court to examine and a vigilant and efficient law officer of the Government to resist and litigate them.

To the action of such tribunals the rights of parties in all litigated cases in this country are submitted, and all experience has demonstrated that the rights of all have in the main been justly and fairly administered. If we cannot trust the courts, then indeed has human government proved a failure, and society should be dissolved into its native elements, where might becomes right, and law and justice cease to exercise control over the conduct of mankind.

I for one cannot subscribe to any such monstrous and unreasonable theories. In a practice of over a quarter of a century before the various courts of this country, I have been established and confirmed in the conviction that the courts at least may be trusted and that an impartial judiciary is the surest bulwark against anarchy and the safest depository of the rights of the citizen.

In addition to the adjudication of these claims by the court, this bill provides for the payment of final judgments of this court by the Treasurer of the United States out of any money in the Treasury not otherwise appropriated, and directs that officer to reimburse the Treasury of the United States out of funds in the Treasury belonging to the District of Columbia. The object of this provision is to provide for the speedy payment of the judgment, so that the claimants whose claims may be established by the judgment of the court without unnecessary and, to many of the claimants, ruinous delay; and it will be seen that by this means the Government of the United States is not called upon to lose one dollar by reason of these claims.

The justice of this provision will be apparent when it is remembered that all of these claims originated in contracts and transactions made with officers created and appointed by the Government of the United States under various acts of Congress.

And now, Mr. Speaker, I come back to the question: ought not this tribunal to be established? No just man can for one moment contend that the just claims against this District ought not to be justly and promptly paid. If no just claims exist, then no judgments will be rendered against the District and none will be paid. If just claims exist, common honesty and even-handed justice demand their payment.

To determine whether or not such claims do exist either a court like this or some other judical tribunal must be created, or Congress must take upon itself the unauthorized prerogative of assuming judicial power not belonging to it; and in the exercise of which there is great danger from its want of adaptability to judicial proceedings that great injustice will be done, both to the District and claimants.

By creating this tribunal Congress will have done its duty in providing a high and impartial tribunal for the adjudication of these claims, and claimants will no longer have any just grounds of complaint; at the same time Congress will have relieved itself from the burden and annoyance of sitting in judgment upon the questions which belong essentially to the court, and may devote its time and attention to the great and pressing legislative duties which alone pertain to it.

Mr. Speaker, after a careful examination of this question in all its various aspects, I am forced to the conclusion that the method proposed in this bill is the best that can be devised to meet the demands of the people and the District upon this subject, and that this bill ought promptly to pass.

Mr. ERRETT. I move that the House do now adjourn.

The motion was agreed to; and accordingly at (nine o'clock and thirty minutes p. m.) the House adjourned till Friday next at eleven a. m.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLISS: The petition of F. Von Egloffstein, for compensation for services rendered and disbursements made in constructing the model of Rock Island Arsenal for the board on behalf of the executive department, international exhibition of 1876—to the Committee on Military Affairs.

By Mr. BRENTANO: The petition of Wilhelm Wuthenow, for compensation as an officer in the United States Army—to the same committee.

By Mr. CLAFLIN: The petition of Houghton, Osgood & Co. and others, publishers, booksellers, paper-makers, printers, binders, and persons interested in the manufacture and sale of books, against any change in the duties on books and the materials which enter into their manufacture, without a thorough investigation, and that, if alteration be made in the duty, it be made specific—to the Committee of Ways and Means.

By Mr. KELLEY: The petition of over 1,200 residents of the District of Columbia, wholesale and retail merchants, storekeepers, bankers, hotel proprietors, teachers of schools, government officials, and others, for the use of the atomic-steam coal-gas for light and heat in the city and public buildings of Washington, District of Columbia, or for a charter for the company applying to furnish it—to the Committee for the District of Columbia.

By Mr. VANCE: The petition of Jearum Atkins that he be paid a reasonable sum in gross upon surrendering his patent for an improvement in rakes for harvesters—to the Committee on Patents.

By Mr. WALSH, (by request:) The petition of Ignatius Fulks, for compensation for supplies taken and used by the United States Army—to the Committee on War Claims.

By Mr. WILLIAMS, of Michigan: The petition of Andrew T. McReynolds, who was a captain in the Mexican war and a colonel in the late war, for arrears and an increase of pension—to the Committee on Invalid Pensions.

By Mr. YOUNG: Papers relating to the war claims of John O. Graves, of Fayette County, and Fannie T. Hunt, of Shelby County, Tennessee—to the Committee on War Claims.

IN SENATE.

FRIDAY, *May* 31, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on motion of Mr. DAVIS, of Illinois, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT SINE DIE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the adjournment of the two Houses of Congress on Monday, June 10, 1878, at twelve o'clock.

The amendment of the House of Representatives was read, being to strike out the words "June 10th" and insert "June 17th."

Mr. WINDOM. I move the reference of the resolution to the Committee on Appropriations.

Mr. HAMLIN. I hope the amendment will be agreed to and the resolution disposed of by this body this morning. I say so because I believe the postponement of a week will leave us no nearer the end of the session then than we are now, and that if we fix the time now and know certainly that we have three weeks within which to accomplish our business, we shall accomplish all the necessary business of the session. Postpone it a week and then you will extend it just as much further from that time. Such being my belief, I shall vote against the reference of the resolution and vote for its adoption.

Mr. EDMUNDS. Of course the chairman of the Committee on Appropriations is a person whose opinion is of great value on a question of this kind, and what the Senator from Maine has stated has great influence with me also. In order that I may think it over and see what the state of the business is in the committee with which the Senate has charged me with the responsibility of getting on with its business, I think that we had not better decide the question either

way this morning, and in order that it may lie over until to-morrow I move to lay the resolution on the table; and then we can consider what ought to be done and dispose of it in one way or the other to-morrow.

Mr. WINDOM. I am entirely willing that the resolution should lie on the table.

The PRESIDENT *pro tempore*. Is there objection to the motion of the Senator from Vermont that the resolution lie on the table? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury transmitting, in compliance with a resolution of the Senate of the 16th instant, statements of the accounting officers of the Treasury in relation to the claim of Colonel Thomas Worthington; which were ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. WHYTE presented a petition of the Medical and Chirurgical Faculty of Maryland, praying that Congress may by law compel the use of the metric system of weights and measures in all the Departments of the Government from and after a certain date to be designated in such law; which was referred to the Committee on Finance.

He also presented the petition of John Ritchie, Charles Cole, George H. Mikesell, W. R. Johnson, and others, citizens of Frederick County, Maryland, praying for the passage of a law similar to that passed by the House of Representatives in the Forty-fourth Congress in regard to the payment of arrears of pensions; which was referred to the Committee on Pensions.

Mr. BECK presented the petition of George Oakley and Jacob Ginter, citizens of Bath County, Kentucky, praying for pensions as soldiers of the war with Mexico; which was referred to the Committee on Pensions.

Mr. WALLACE presented the petition of J. W. Tool and others, citizens of Emans, Lehigh County, Pennsylvania, praying for the passage of the bill to aid in the construction of the Texas and Pacific Railroad; which was referred to the Committee on Railroads.

He also presented the memorial of Scranton Council, No. 229, Order of United American Mechanics, of Scranton, Pennsylvania; the memorial of Line Council, No. 121, Order of United American Mechanics, of Llewellyn, Pennsylvania; and the memorial of Birmingham Council, No. 260, Order of United American Mechanics, of Pittsburgh, Pennsylvania, remonstrating against any change in the present tariff laws; which were referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the proposed commission upon the improvement of the Mississippi River being composed in part at least of practical river men and engineers; which was referred to the Committee on Commerce.

He also presented a memorial of the Commercial Exchange of Philadelphia, in favor of an increase of the Army; which was referred to the Committee on Military Affairs.

Mr. INGALLS presented the petition of John G. Scherzer, of Philadelphia, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Catherine Holt, of Northumberland County, Virginia, praying for a pension; which was referred to the Committee on Pensions.

Mr. SARGENT. The California Academy of Sciences, by Dr. H. Gibbons and B. B. Redding, a committee appointed at a meeting held in San Francisco on the 20th instant, petition for an increased appropriation for the operations of the Signal Service, and for such increase of its force "as will permit California and the Pacific Coast and the interior plateau to be covered by its operations as they should be."

If this is done, Mr. President, the great floods which gather in the California mountains and roll down upon our valleys, causing a great amount of loss to all classes of business and especially to farmers, can be traced by the operations of the Signal Service, and property can be put in safe places, lives will be saved, and farm-houses and property generally. I move that this petition be referred to the Committee on Appropriations, who I trust will favorably consider it.

The motion was agreed to.

Mr. ARMSTRONG presented the petition of Thomas J. McGuire, A. H. Barlow, H. M. Martin, W. G. Hutchinson, J. P. Haddock, James B. Jones and others, citizens of MacDonald County, Missouri, praying for the repeal of the resumption act of 1875; which was ordered to lie on the table.

Mr. VOORHEES. I present a memorial forwarded to me by F. Kneffer, pension agent at Indianapolis, Indiana, submitting certain statements in regard to the consolidation of pension agencies and the regulation of fees and compensation of pension agents. I move that this memorial, with the accompanying papers, be referred to the Committee on Pensions.

The motion was agreed to.

Mr. WADLEIGH presented the memorial of John F. Merrill and six others, citizens of Portsmouth, New Hampshire, remonstrating against the passage of any law that discriminates in favor of workmen who are in the employ of the Government against other workmen; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. THURMAN. The Committee on the Judiciary, to whom was referred the bill (S. No. 1200) to alter and amend the laws relative to the filing of reports of Pacific railroad companies, and for other purposes, have instructed me to report it with two amendments, first, to strike out all after the enacting clause and insert a substitute; and, second, to change the title of the bill so as to read: "A bill to create an auditor of railroad accounts, and for other purposes." I wish to give notice that I shall ask the Senate, in the morning hour probably, as soon as the Senate shall have time to act upon this bill, to take it up. I imagine there will be no opposition to it. It is a measure very much needed, and especially needed for the purpose of enabling the Government to settle with these railroads in respect of the 5 per cent. of net earnings. I think there will be no opposition to it at all; and I shall ask the Senate to take it up as soon as the bill is printed.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 491) to promote the administration of justice in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 919) for the better administration of justice in the District of Columbia, reported adversly thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 36) to reorganize the judiciary of the District of Columbia and to expedite the administration of justice in said District, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 127) for the relief of Daniel Compton, of Troy, Bradford County, Pennsylvania, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4377) granting a pension to William Cogswell, reported it without amendment, the committee adopting the report of the House Committee on Pensions in this case.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. No. 3284) for the relief of James Johnson, late collector of the port of Savannah, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1181) to amend the charter of the Metropolitan Railroad Company of the District of Columbia, reported it without amendment.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4367) granting a pension to Mrs. Sarah A. Bell, reported it without amendment.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 773) making a pre-emption grant to the heirs of Jean Baptiste Beaubien, deceased, for a part of Fort Dearborn reservation, at Chicago, Illinois, and to confirm purchasers of other parts in their titles, and to convey to the city of Chicago the streets and alleys of said reservation, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to whom was referred the petition of citizens of New Berne, North Carolina, praying an appropriation for the purpose of purchasing a building in that city suitable for a post-office and other Government offices, submitted a report thereon, accompanied by a bill (S. No. 1338) to provide for the purchase of a building at New Berne, North Carolina, to be used as a post-office and United States court-house and for other Government purposes.

The bill was read twice by its title, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. BARNUM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1339) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1340) granting a pension to Mason Farwell; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1341) to declare the true intent and meaning of title 2, chapter 1, section 14, of the Revised Statutes; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1342) concerning street railroads in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1343) relating to the taxation of street railroads in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DENNIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1344) relating to tax sales and taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No 1345) granting a pension to Mrs. Elizabeth M. Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHYTE (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 33) providing for the purchase of six hundred copies of Hickey's Constitution; which was read twice by its title, and referred to the Committee on Foreign Relations.

DISTRICT RAILWAY COMPANIES.

Mr. ROLLINS submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the proper officers of the several railway companies of the District of Columbia be, and they hereby are, directed to furnish the Senate a sworn statement of the amount of their capital stock, the amount of their bonded and floating indebtedness, the amount of their gross and net earnings, and operating expenses, with the dividends paid annually by each respectively since their incorporation.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. HAMLIN, on behalf of the Committee on Post-Offices and Post-Roads, submitted an amendment intended to be proposed by him to the bill making appropriations for certain deficiencies for the year ending June 30, 1879; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

NATIONAL RAILWAY COMPANY.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (S. No. 1082) to organize the National Railway Company of the United States, and for other purposes; which was referred to the Committee on Railroads.

TEXAS PACIFIC RAILWAY.

Mr. ARMSTRONG submitted an amendment intended to be proposed by him to the bill (S. No. 1186) entitled "A bill amendatory of and supplementary to the act entitled 'An act to incorporate the Texas and Pacific Railroad Company, and to aid in the construction of its road, and for other purposes,' approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto;" which was referred to the Committee on Railroads, and ordered to be printed.

ADDITIONAL CIRCUIT JUDGE.

Mr. DAVIS, of Illinois. I ask the Senate to indulge me in taking up the bill (S. No. 1266) for the appointment of an additional circuit judge in the seventh judicial circuit, which was partly considered last Monday. I hope my friends who opposed the bill then will allow it to be taken up and voted upon.

Mr. SPENCER. I ask the Senator from Illinois to yield to me a moment that I may ask to take up the joint resolution (H. R. No. 153) providing for the issue of arms to Territories. There is a pressing necessity for the issue of arms to the Territories. There is an Indian outbreak.

Mr. DAVIS, of Illinois. I should like to give way to the Senator from Alabama, but I do not think this bill will consume much time.

Mr. SPENCER. The joint resolution will not take any time, I am sure.

Mr. DAVIS, of Illinois. I do not think the bill will be opposed at all. If the Senator knew of the number of telegrams and letters that I have received from Chicago praying the Senate to pass this bill, he would accept my declination as being not discourteous to him at all.

Mr. SPENCER. Governor Brayman, the governor of Idaho, has telegraphed to me in regard to the Indian hostilities there.

Mr. DAVIS, of Illinois. I hope the Senator from Alabama will allow me to proceed. There will be plenty of time for his measure afterward. I move that the Senate proceed to consider the bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 1266) to provide for the appointment of an additional circuit judge in the seventh judicial district.

The PRESIDENT *pro tempore*. The question is, Shall the bill be engrossed and read the third time?

Mr. BLAINE. I am in favor of the passage of this bill; the opinion of the Senator from Illinois in its favor would be sufficient for me; but I do not think it ought to pass without a single word of comment on what fell from two Senators when it was up last week. It was distinctly objected to this bill by the Senator from Alabama [Mr. MORGAN] and by the Senator from Georgia [Mr. HILL] that it ought to be postponed in effect until a Senate with a democratic majority should control the confirmation I did not have an opportunity to reply to that suggestion, as I could not get the floor, but it struck me as the most extraordinary declaration that I had ever heard proclaimed in the Senate, and it has arrested, I observe, the attention of the country. I was surprised, because the original declaration fell from the Senator from Alabama, whose expressions are nearly always temperate and well considered. That was the phase of the case that arrested my attention, and, as I have said, seems to have arrested the attention of the country. The implication was that there had been special partisanism in the appointment of judges which there was now to be an opportunity on the part of the Senate in its forthcoming democratic majority in some way to correct. I know that judges heretofore have been defeated for confirmation probably from political motives; I know that the assent of the Senate has been withheld on political considerations from confirming nominations which were otherwise unobjectionable; but I believe this is the first time in the history of this country that it ever was distinctly avowed on the floor of the Senate that judicial appointments must be held back until the complexion of the Senate should determine the political character of the judge. I did not want this bill to pass without at least some attention being called to the fact that that declaration had been made on the floor of the Senate by two Senators.

Mr. MORGAN. Mr. President, the Senator from Maine seems to have bestowed no attention upon the remarks I made when this measure was last before the Senate, and has formed opinions in reference to those remarks evidently without having read them, or, if he has read them, he read them for the purpose simply of misrepresenting me.

Now, sir, I have not said that these nominations ought to be withheld until a democratic Senate could impress its influence upon them, nor have I intimated any such thing. I said in reference to such appointments that the Senator from Illinois was avowedly a non-partisan, and knew perhaps as well as any other Senator on this floor the necessity of having judges in the higher grades of the Federal judiciary who were free as far as possible from partisan influence; that there had been no appointment made since the surrender, so far as I remembered, or since the opening of Mr. Lincoln's administration that had not been made to a great extent on partisan grounds.

In other words, I say that I am not aware of any democrat, it makes no difference how eminent his abilities may have been, who has received such an appointment; and yet I conceive there are democrats who are qualified to hold the positions both in respect of their personal integrity and their judicial ability. When we find the current running in one direction continually, an unbroken current, we have the right to assume that these nominations are made on partisan grounds, and as long as the two branches of the Government, the President and the Senate, concur in these appointments, both belonging to the same political party, we are apt to feel that political reasons have had too great influence.

Early in this session the Senator from Illinois, who is the acknowledged leader, I believe, now in matters of this kind, brought to the attention of the Senate a bill and had it referred to the Committee on the Judiciary, in which he proposed a very general and a very beneficial revision of the law on the subject of the jurisdiction of the Federal courts and the appointment of the Federal judges. I concur in the main outlines of that project. I dare say that I would concur in every particular of it, especially in that part which provides for an appellate court and takes from the Supreme Court a very large amount of the burden of its labors. I was in hopes that the measure would be brought forward and discussed. Although I did not believe that a democratic House ought probably to allow such a bill to pass until the democratic party in the Senate of the United States should acquire a majority, I believe that it is not in the conflict, but in the contact, if I may use the word, between a republican President and a democratic Senate that we should reach the point of selecting judges on account of their abilities, and not with reference to their political views. I would shut out, as far as we possibly could, from the judiciary of the United States any influence of partisan bias.

Now the Senator from Maine takes up remarks of this character, remarks that have no other character or complexion at all properly attributable to them, and imputes to me a desire to force upon a republican President the appointment of democrats to the Federal bench. I do not desire that a republican President should appoint democrats to the bench unless they are such men as from their abilities and their high position, their pure and honest patriotism, deserve the high places to which they may be assigned.

Mr. President, it is time, I think, that we should begin to infuse into the question of the appointment of the judiciary of the United States some other considerations than the mere question of the party to which the judge may belong. I understood that it ought to be a non-partisan, a non-political office; and I understand that it is essentially made a partisan, a political office by the manner in which appointments have been hitherto made. I repeat the remark I made when the matter was up before, that I shall welcome the opportunity which I think will be afforded to this country of getting a pure judiciary, whose appointment can be disconnected not only with political, but with personal influence, when we have a republican President to appoint and a democratic Senate to concur in the appointment.

If the Senator from Maine is unwilling to risk this President after the 4th of March next he must by no means challenge me or bring me to account for his want of faith in that official. I have such faith in Mr. Hayes that I am willing for him to make the appointments, although I am not satisfied, and I think I can venture to say perhaps that the Senator from Illinois is not satisfied, with all the appointments that the President has made. Perhaps we shall never be satisfied with all the appointments that any President may have made. His judgment very often will differ from that of the Senate in regard to the qualification of men, and it is but too true that even in reference to these high places judges have been selected because they are

the personal friends of the President, or because forsooth they may have in some political emergency conferred upon him some great personal favor or placed him under high obligation, or perhaps the appointee may have expressed an opinion that runs with the views of the Administration, having reference to the policy that the President shapes for the government of the country. On that ground judges have been placed upon the bench perhaps who may have been selected without reference to their abilities but with reference to great constitutional questions affecting the entire country, on which their opinions have been avowed. Whether this has been so or whether it has not been so, the country has been rife with grave suspicion in respect of such appointments. Is it not the duty of the Senate of the United States in concurring in appointments of such a character to do what they may find it in their power to prevent such scandals or such abuses as have occurred? It seems to me that the Senator from Maine has undertaken without the slightest provocation, without the slightest inducement even, except that which arises in the alacrity of his own mind, to give a political impression to everything that occurs in the Senate, to try to draw this side into political controversy and to make something out of that which nobody intended should have the slightest political bearing.

Mr. BLAINE. Mr. President, I commented on what the Senator from Alabama himself adduced. He adduced it as a reason for postponing the nominations of these judges till the Senate of the United States should, after the 4th of March next, be democratic. I have not introduced politics in the matter; but here is a bill to provide for an important Federal judgeship, reported by a Senator not in sympathy with the republican party; and when it was presented the Senator from Alabama suggested that that appointment should not be made until there was a democratic Senate here to submit it to; and the implication of the Senator's remarks just now is that when the democratic party had control of the executive department of the United States non-partisan appointments were made on the bench. Why, Mr. President, it is not for me to suggest to a Senator so well read in the political history of his country as the Senator from Alabama——

Mr. MORGAN. The Senator from Maine certainly misunderstood me. I made no such statement.

Mr. BLAINE. Then let me call his mind to this fact: that for the sixty years, from the administration of John Adams to the administration of Abraham Lincoln, out of twenty-one judges appointed, confirmed, and serving on the supreme bench, there never were but two put on that bench that were not of the democratic faith.

Mr. MORGAN. I suppose that accounts for the eminent abilty and purity of the judiciary that we all respected up to a late period.

Mr. BLAINE. The Senator may have that as he pleases. I am not assailing the judiciary at all; but I am trying to prevent his assailing it. I say there were only two men who were not of the democratic faith put on the supreme bench as Federal judges for sixty years of this Government, and the democrats took very good care that nobody else should go on, because one of the closing acts of John Quincy Adams's administration was to nominate John J. Crittenden for that bench, and a democratic Senate refused to confirm him; and one of the closing acts of Mr. Fillmore's administration was to nominate George E. Badger, of North Carolina, and a democratic Senate refused to confirm him and forced Judge Campbell on the bench.

Now, I do not think the Senator from Alabama can complain that the appointments made under the republican *régime* have been partisan. Mr. Lincoln appointed five judges on the supreme bench, and before the term was up for which he was elected a second time, three of those judges were in co-operation with the democratic party.

Mr. McDONALD. Were they when they were appointed?

Mr. BLAINE. No, they were not; but they do not seem to have been of a very stiff partisan tendency, for three of them, as I say, were in co-operation with the democratic party before the term was up of the President who appointed them.

Mr. McMILLAN. While they were on the bench?

Mr. BLAINE. While they were on the bench. Why, the Chief-Justice was a candidate before a democratic national convention for the succession to the second term to which Mr. Lincoln was chosen. I mean the late Judge Chase. So, if you come to analyze this question, I maintain that the democratic party in all their administration of the Government never permitted a whig or republican to get on the supreme bench, but they committed outrages against propriety to prevent it. They held the nomination of Mr. Crittenden for four months and sat it out; they held the nomination of Judge Badger for more than sixty days and sat it out. So it does not become the Senator at the present time to ask that needed judicial appointments shall be postponed until they can be reviewed by a democratic Senate.

Mr. WHYTE. May I ask the Senator from Maine how long a whig Senate held Mr. Taney's appointment when President Jackson appointed him supreme judge, and whether they did not reject it?

Mr. BLAINE. Yes; but the Senator from Maryland will remember that Mr. Taney was hot out of the partisan caldron at that time, was involved in all the partisan disputes, had been foremost as a democratic partisan in Maryland, had been a member of the Cabinet of General Jackson.

Mr. WHYTE. Why, Mr. President, Mr. Taney was a federalist, and had only recently come into the democratic party.

Mr. BLAINE. Had he not been a member of Jackson's Cabinet?

Mr. WHYTE. Yes, he had. He had been invited by General Jackson from the other party.

Mr. BLAINE. But that does not militate against what I am saying, that Mr. Taney was hot in all the contests that made that one of the most bitter partisan strifes this country ever saw, and there was good reason for withholding his confirmation, although his conduct on the bench afterward established his fame as a great lawyer of ability and learning.

Mr. MORGAN. The Senator from Maine will allow me a moment, inasmuch as he is bringing in question my views about——

Mr. BLAINE. The Senator from Maryland will pardon me a moment. It all comes to my mind that Mr. Taney went into the Cabinet of General Jackson to do that which a conscientious Secretary of the Treasury had refused to do, and he was rewarded by the President of the United States for that partisan service.

Mr. WHYTE. My friend's memory is at fault. Judge Taney was Attorney-General in General Jackson's Cabinet at that time when Mr. Duane refused to remove the deposits.

Mr. BLAINE. But who was appointed to succeed Mr. Duane to remove them?

Mr. WHYTE. Mr. Taney. He was already in the Cabinet.

Mr. BLAINE. Very well. I say Mr. Taney was made Secretary of the Treasury to do a partisan act which a conscientious democrat, William J. Duane, had refused to do, and for that act he was nominated to the Senate of the United States as Chief-Justice of the Supreme Court, hot out of the political caldron, and the Senate well hesitated in his confirmation.

Mr. WHYTE. My friend has forgotten all about it. The name of Mr. Taney was sent to the Senate as one of the judges of the Supreme Court and was rejected. He was afterward appointed Chief-Justice and confirmed.

Mr. BLAINE. Very well, it was in reward, as at the time was charged—I do not charge it, but it was at the time charged by the whig opponents of the administration of General Jackson—that it was in reward for partisan services. Does the Senator deny that?

That is all the point there is about it, that his nomination was sent to the Senate as a reward for extreme partisan services, so that the record of the democratic party from the beginning of the Government has been to make the supreme bench of the United States a political bench. They never appointed in sixty consecutive years a single man on that bench that was not of the democratic faith, not one. Some afterward changed both ways. Judge Story became eminent on the other side, but he was appointed as a democrat by Mr. Madison. McLean was appointed by Jackson, and became afterward a whig, but he was appointed by Jackson, as John Quincy Adams's diary says, for betraying the administration of John Quincy Adams for the benefit of the democrats.

Mr. McDONALD. Do you believe that?

Mr. BLAINE. I do not. I do not take John Quincy Adams's diary as a bible or as a light for my feet; but John Quincy Adams in his diary says that McLean did betray his administration for the benefit of the democrats and was rewarded two days after Jackson's inauguration by a seat on the supreme bench. I speak of it because they are the only two exceptions in sixty years of democratic rule where anybody even changed from them; and now when a Senator of the democratic faith reports a bill for an extra judge we hear from two southern democratic Senators the suggestion that it had better be delayed until a democratic Senate can look over the question and see whether he is fit to go on that bench.

Mr. THURMAN. Mr. President, who is delaying this bill? Who is delaying its consideration?

Mr. BLAINE. The Senator from Kentucky [Mr. BECK] threatened to speak two hours the other day on it.

Mr. THURMAN. Well, but he did not do that. That was a piece of banter. Everybody understood that. [Laughter.] This bill has to be passed in the morning hour, I suppose, if it is passed at all; and while thirty-six hundred suitors are waiting at Chicago to have their cases decided and appealing to us to give them a judicial force that will enable them to be decided, the Senator from Maine is raking up the records of the country from the time of the organization of the Government down to this time to find the politics of the men who have been appointed on the bench. Well, sir, there are two sides to that question. If the Senate will only disagree to adjourning on the 17th of next month and will appoint the 17th of October, I will argue the question with the Senator to his heart's content. In the mean time I hope the vote will be taken on this bill.

Mr. BLAINE. I observe the Senator from Ohio does not, however, in the short space of ten minutes—all that I occupied—reply to a single statement that I made.

Mr. THURMAN. Why, if I were to undertake to refute all the errors into which my friend from Maine falls, I should have to get a new lease of my life and Congress would have to sit in perpetuity.

Mr. HILL. Mr. President, I desire to say a word. I was not here when this debate began and did not hear the speech made by the Senator from Maine, and I shall not attempt to reply to it. I understand, however, he has charged that I have desired to defeat the appointment of Federal judges now because I want a democratic administration in. I noticed that the reporter, who rarely makes a misreport, reported me as the other day saying that according to my recollection "all appointments heretofore made were all of one polit-

ical party," and that I suppose has misled the Senator from Maine. That is not what I did say. What I did say on the occasion was that remembering that the appointments of the judges for the most part in my section of country had been importations—not all of any one political party but all importations. That is what I said. The reporter simply misunderstood it. That was the point I made. My idea is that judges, whether selected from one political party or the other, ought, at least a portion of them, to come from the citizens of the States in which they are appointed. Heretofore that has not been done except in very few cases. The general rule has been to appoint an importation. That is what I objected to.

Mr. BLAINE. This did not relate to a judge in the South at all. This bill that the Senator from Georgia objected to did not relate to any southern judge.

Mr. HILL. No, sir; but I took it for granted that a party which appoints importations in one portion of the country would not be very careful as to the qualifications in other portions; and I did not care as far as I was concerned to give them any more power in that regard.

Mr. BLAINE. Then the Senator from Georgia was alarmed lest some Chicago judge should be an importation. He was taking care of Illinois.

Mr. HILL. I will say that I am opposed to appointing additional judges now, and I gave these specific reasons.

Mr. BLAINE. When the Senator from Alabama——

Mr. HILL. Let me get through. I said that if we appointed one we should have to appoint more, and I alluded to what the Senator from Alabama had said, that we needed an additional judge for the fifth judicial circuit, and what I had said, that we doubtless needed an additional district judge for the State of Georgia, and what gentlemen around me had said, that we needed divers additional judges, perhaps, if you judged by the quantity of business, as stated by the Senator from Illinois, and I was opposing the appointment of any additional judges now, because I was opposed to the precedent, and if we established it there would be no end to it, and I notified the Senate that if we commenced by appointing one additional judge there was no telling where it would end. I did not want to have anything political about it. I did not care to have anything political about it; all I wanted was judges representing the people where they are appointed. I care nothing about who is judge in Illinois; but I know this: if you appoint additional judges in one district, br one circuit, for this reason given, you will have to appoint, perhaps, a dozen. I do not want to appoint any.

Mr. BLAINE. The Senator from Alabama [Mr. MORGAN] having said that it was better to leave these appointments until the Senate should be democratic, the Senator from Georgia immediately followed him and said:

> Mr. HILL. Mr. President, I have very little to say except that I concur in every word that has fallen from the Senator from Alabama.

And that was why I associated the Senator from Georgia with the Senator from Alabama in the comments I made on that declaration.

Mr. HILL. I suppose the context would show, and every Senator except the Senator from Maine would understand that I was concurring in what the Senator from Alabama stated in respect to the appointment of judges, because he happened to speak before me and referred to that. Immediately following the very sentence the gentleman read, I was speaking of the fifth circuit and of the condition of things existing there and referring to the condition of business and the need of judges under the rule proposed by the Judiciary Committee; and I suppose that every Senator in the Senate understood it except the Senator from Maine.

Mr. BLAINE. Very well, I only give the Senator from Georgia exactly what he said. He said he concurred in every word the Senator from Alabama had said, and I supposed he did.

Mr. HILL. Read on and see what I said.

Mr. BLAINE. Very well. I do not care to detain the Senate; but the Senator said:

> I am utterly opposed to the increase of the number of judges of the Federal judiciary at this time, and I hardly think there could have been a more unfortunate moment selected for the increase of the Federal judges.

Mr. HILL. Go on further.

Mr. BLAINE. Then the Senator goes on into a wide discussion which I do not care to follow; but at the same time the Senator never dissented a particle, but inclusively and absolutely confirmed and repeated in effect everything the Senator from Alabama had said.

Mr. DAVIS, of Illinois. Will the Senator from Maine give way a minute? I would beg him to let me get a vote if I can on this bill.

Mr. BLAINE. I will.

Mr. MORGAN. The remarks I made when this bill was up before are on record and I have nothing to modify in reference to them at all. I suppose that I was actuated in some sense by the same feeling or the same line of thought as that which moves the Senator from Maine except in one particular, and that was I was willing to leave the selection of judges to the interchange of views between the Senate and the President of the United States when opposed to each other in politics, and he desires to have the judges appointed by a republican administration and confirmed by a republican Senate. He desires that the judges of the United States courts shall be thoroughly and strictly partisan.

Mr. BLAINE. Did I say so?

Mr. MORGAN. I infer that you do. The language can mean nothing else according to my view of it.

Mr. BLAINE. If the Senator will permit me to interrupt him, here is the way this question came up: here was a case in which two democratic Senators, the one who reported the bill and the Senator from Ohio this morning confirmed him, have stated that there was an overwhelming demand for a Federal judge. I was willing to vote for it without a word and supposed it was going through without a word. Then it was that the Senator from Alabama rose and suggested that that appointment had better go over until there was a democratic Senate here. I said nothing at all about the subject whatever in any way.

Mr. MORGAN. I suggested that that appointment and all other appointments of like character had better go over until the judiciary could be reorganized, and under the reorganization we could get a bench that would meet the entire approval of the country. I objected to taking up the subject piecemeal, bringing in judge after judge and having them put upon us and upon the country by a republican President and a republican Senate. That was my objection.

The ground of it and my object was to eliminate from those appointments all merely partisan influences. Now I will say to the Senator from Maine that while I do not reproach the purity of character of the Senator from Maine or the motives of any other Senator on this floor, I will vote on such questions for the good of the country. I will unhesitatingly vote for such a judge as Judge Blatchford; it would make no difference whether he was a republican or a democrat. I should like to ask the Senator from Maine whether with equal unhesitancy he would vote for Busteed, appointed by Mr. Lincoln, or for Durell, or for Billings, or for McLin of Florida, or for men who are evidently appointed with reference to some political purpose, or some party service they may have rendered to an administration or to a President?

Now, sir, to get rid of such influences as these it is that I desire that we shall have a judiciary organized under one law, and that we should take the subject up under circumstances where we shall be able to arrive at a result that would be satisfactory to all parties and that no man could raise his voice by way of reproach or stigma against a judge and say "You have been appointed under the pressure of a particular political party or organization or for a particular purpose." It was to avoid these results that I made the objection, and at the same time I stated, as every Senator who has any acquaintance with the subject must know, that in the fifth judicial circuit which extends from the State of Georgia across to Texas, including both, there is a vast amount of business which it is impossible to dispose of with the assistance of only one circuit judge, and, as the Senator from Georgia says, almost every judge in that circuit has been an importation. Recently a judge was appointed on the Supreme Court bench of the United States, leaving the fifth circuit without any representation whatsoever upon that bench? Why was that done? That may not have been done for political reasons; but who can say that it was not done for personal reasons? Who can say that the judge who was selected out of another circuit and put upon the Supreme Court bench was not selected from mere reference to the fact that he had been the personal friend of the President of the United States, leaving that entire circuit without any recognition, passing by numbers of lawyers in that circuit of the republican party who are quite the equal of that gentleman as jurists? I have no personal objection to him; I believe he will make a great and good judge. At the same time the Senator from Maine must excuse us if we feel a little sensitive about the constant rate of increase of the judiciary of the United States when we are entirely left out and no recognition is given whatever to any claim that we have upon the positions. Does not every Senator here know that a judge in that circuit particularly ought to be a man acquainted with the various systems of jurisprudence prevailing there. In Texas a particular form of the civil law, regulated by statute; in Louisiana the civil law almost pure; in Alabama, Mississippi, and in Georgia we have the common law; and in Florida the common law, the civil law, and a good deal of old Spanish law mixed together. It requires a judge not only of a high order of ability, but it requires one who has special acquaintance with the line of decisions and the statutes and the ancient treaties made with the governments from which these territories were acquired, and the rights of different kinds that come down through different channels and from different governments upon those people. It was with reference to these considerations that I have desired since I have been here that our judicial system should be reformed, and I hope that desire will be put into execution, and I shall not object that it be done before the democratic party gets the entire charge of this Government. I am willing that the judiciary shall be reorganized under that condition of affairs which will exist here after the 4th of March next, when we shall have a republican President and a democratic Senate, so as to secure a non-partisan judiciary.

Mr. BECK. Mr. President, I did say the other day—and but for the allusion to what I said then I would not say a word now, but the two hours that I said I would consume will be limited to two minutes now—that I desired to argue this bill. I really made the announcement more because I was anxious to get up the House bill stopping further contraction, than to run the risk of any delay, and I made the remark without intending to carry it out; but I really objected on this ground, and I will state it now, and then I am done:

that I did not want to see an increase of the Federal judiciary either now or hereafter. I believe the State courts are being degraded and sought to be degraded by this system of legislation. I would rather increase the minimum of the jurisdiction of the district courts and largely increase the minimum of the right of appeal and let persons go into the State courts, where causes can be tried in the neighborhood where they occurred. It was because I am opposed to the increase of the Federal judiciary altogether that I desired then to make some remarks, which I will not make now because the line of remarks I then expected to make would not be in order now. As the morning hour is almost out, I will say no more.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT JUSTICES AND CONSTABLES.

The PRESIDENT *pro tempore*. The Chair will appoint, in the absence of the Senator from Tennessee, [Mr. HARRIS,] on the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, the Senator from North Carolina, [Mr. MERRIMON.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 5053) to provide for the expenses of the select committee on alleged frauds in the late presidential election; in which it requested the concurrence of the Senate.

NANNIE HALL.

Mr. BRUCE. I ask unanimous consent to call up Senate bill No. 1174. I shall be necessarily absent for a day or two, and I ask that the Senate pass the bill now. It will not require more than a minute.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1174) for the relief of Nannie Hall. It refers the claim of Nannie Hall, formerly widow of Lieutenant Frederick J. Denman of the United States Army, for the proceeds of cotton alleged to have been seized and sold by agents of the United States, to the Court of Claims for its decision and adjudication according to law and the practice of the court, without regard to the statute of limitation. It is provided that the claimant shall, in addition to all other matters required to be proved establish to the satisfaction of the court that she was unable, by reason of sickness and poverty, to present her claim to the court in due time.

Mr. WHYTE. Is there a report?

The PRESIDENT *pro tempore*. There is.

Mr. HOAR. Mr. President, I can state this case in about two minutes, and I think Senators will not require the reading of the report. If after hearing the statement they desire the report read, it can then be read.

This lady was the widow of an Army officer before the war. She was a loyal woman. That is abundantly proved. She and her friends are known to both the Senators from Mississippi, and to the Representatives whose letters were before us. She had a large quantity of cotton, some two or three hundred thousand dollars' worth, which was captured in spite of a safe-conduct which had been issued by General Herron, whose certificate is printed in the report. Much the larger proportion of that cotton was destroyed, and for that destruction we suppose she has no claim upon the Government. About sixty or seventy thousand dollars' worth of the cotton, however, was seized and sold, and the proceeds are in the Treasury. For that she has a clear title to relief if she had prosecuted her claim in the Court of Claims seasonably. The reason she did not prosecute her claim in the Court of Claims seasonably was that she was confined to a sick-chamber, as is proved by abundant testimony, most of the time to her bed, by a dropsical disorder. She lived on a plantation which after the destruction of some of the levees in that region was submerged. Nearly all the people who could get away got away, but she stayed and aided with medicine and nursing the servants and the poor people until she caught a malarial disease; and the committee found that it was very clearly established by the evidence of her friends and neighbors, of her physician, of Mr. SINGLETON, a Representative in the House, and others, that she was in a condition of sickness and poverty and ignorance which in our judgment warranted removing the bar of the statute of limitations in this case. The committee, however, desiring to be unusually careful, in addition to the ordinary provision in such a bill, required her to satisfy the Court of Claims of the truth of these facts; that is, that she was unable by sickness and poverty to apply to the court in season. I understand that the Senator from Mississippi [Mr. LAMAR] desires to present a motion for an amendment on that point to allow her own affidavit to be weighed with the other evidence. That is the whole story.

Mr. LAMAR. I offer an amendment providing that the claimant shall be a competent witness to prove her inability from sickness and poverty to prosecute her claim in due season.

Mr. SAULSBURY. While it may be a very just thing with reference to this case, I doubt the propriety of our here altering the rules of evidence in any court.

Mr. LAMAR. The general law may be said now in this country to be otherwise. It is usual now by statute in most States to allow parties to testify; but I offer the amendment from the fact that this bill is in some sense a departure from the general legislation on this subject. Usually that requirement here imposed is not incorporated in a bill for the relief of parties, and the fact which is required to be proven by the claimant, her inability, makes this amendment necessary, which will make her a competent witness to prove that fact.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add to the bill the following:

And provided further, That the claimant shall be a competent witness in the said court to show her inability from sickness to prosecute her claim before the court, notwithstanding any law to the contrary.

Mr. HOAR. I do not understand, I will say in answer to the Senator from Delaware, that this amendment makes the claimant a witness to any fact necessary to establish her claim at all. It is left to the general law of evidence prevailing in that court in that respect; but the committee considering that her proof of illness which prevented her making her application seasonably, presented to them, was *ex parte*, desired out of abundant caution to give the Court of Claims the power of examining that matter also, and on that question this amendment permits the claimant's affidavit to be received. It is like the very frequent cases in court where on an application for a new trial or a removal of some statutory or ordinary bar affidavits of the petitioners are received to enable them to get their standing in court. That is the whole of it.

Mr. LAMAR. The Senator from Massachusetts understands my amendment exactly. That is precisely it. It is intended to confine the party's affidavit to the one point, as to her condition at that time.

Mr. HOAR. I will say that the object of the committee was, and my own in making the report, whether the Senate would not strike out the whole proviso requiring her to establish this anew before the Court of Claims.

Mr. HOWE. I do not know whether that should be done or not; but this amendment seems to me to be peculiar in two respects; first, that it makes the claimant a witness upon a point which can be abundantly established by other testimony if it be true. There cannot be any difficulty in proving this sickness if the sickness existed to an extent to make her incapable of attending to business. And, secondly, it seems to be peculiar in the fact that it makes her testimony conclusive.

Mr. LAMAR. No, sir; only competent, admissible.

Mr. HOWE. It makes it competent evidence.

Mr. LAMAR. Exactly. It does not go to the sufficiency of the evidence, but simply to its admissibility.

Mr. HOWE. I should want some guarantees that the court would not so construe it.

Mr. LAMAR. You have that in the general principles of law and in the distinction that lies between competency and sufficiency.

Mr. HOWE. It may be.

Mr. HOAR. I am entirely willing to have the proviso stricken out if the Senate think it best. I think this is a very meritorious case.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Mississippi, [Mr. LAMAR.]

Mr. BRUCE. As there seems to be objection to the amendment offered by my colleague, I move to strike out the proviso, all after the word "limitation," in line 8.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion to strike out.

Mr. HOWE. Let the amendment be reported.

The SECRETARY. After the word "limitations," in line 8, it is moved to strike out the following proviso:

Provided, That the claimant shall, in addition to all other matters required to be proved, establish to the satisfaction of said court that she was unable, by reason of sickness and poverty, to present her claim to said court in due time.

The motion to strike out was agreed to.

The bill was reported to the Senate as amended.

Mr. CONKLING. I hope the Senate will not concur in the amendments made in Committee of the Whole. I think every Senator will agree with me if he will look at the present condition of the bill. It had two provisos, one reported by the committee, which was that the claimant should establish that poverty and sickness had deferred the presentation of her claim. The second proviso proposed enabled her to be a witness to prove that fact. The first proviso has been stricken out in Committee of the Whole; the second provision stands; so that if the Senate concur——

Mr. HOAR. The Senator from New York is in error. The second proviso was offered as an amendment to the first, and the first was withdrawn; at any rate, no vote was taken on it.

Mr. CONKLING. I went to the desk and looked at the record, and found it there marked that the second proviso was agreed to, and the first proviso stricken out.

Mr. BRUCE. No action was had on the second proviso.

Mr. CONKLING. It is fortunate, then, that I have called attention to it, as the record is as I have stated. I thought it could scarcely be that that was the design.

Mr. HOAR. I understand that the motion of the Senator from Mississippi on my right [Mr. BRUCE] was offered as a substitute for his colleague's motion which qualified the proviso, and that being adopted his colleague's motion had no further application.

Mr. CONKLING. So I supposed; but nevertheless the record is, "second proviso agreed to."

Mr. BRUCE. Objection being made to my colleague's amendment, I move to strike out the proviso which obviated the necessity for the amendment of my colleague.

The PRESIDENT *pro tempore*. Then the Chair will put the question on concurring in the amendment made as in Committee of the Whole, striking out entirely the printed proviso and also the amendment of the Senator from Mississippi on the right, [Mr. LAMAR.] That was the amendment agreed to in the committee.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON LOW GROUNDS.

Mr. BURNSIDE. I ask permission of the chairman of the Committee on Appropriations to call up Senate bill No. 542, and if it leads to discussion I shall not insist on it.

Mr. WINDOM. The Senator from Rhode Island made so strong an appeal to me that I have consented to waive calling up the regular order for a moment.

Mr. BURNSIDE. I am much obliged to the Senator.

The PRESIDENT *pro tempore*. It is the duty of the Chair to call up the unfinished business, which is the legislative, executive, and judicial appropriation bill; but the Senator from Minnesota, in charge of it, yields to the Senator from Rhode Island.

Mr. BURNSIDE. I move the present consideration of Senate bill No. 542.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 542) to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter 96, approved May 7, 1822.

The bill provides that the powers and duties heretofore in and by the third section of the act of Congress, approved May 7, 1822, devolved upon and vested in "the mayor of the city of Washington for the time being," be vested in and devolved upon the Secretary of the Interior, who shall execute the deeds thereby required, under his hand and official seal.

The Committee on the District of Columbia reported the bill with an amendment, to add:

When it shall appear to him that the persons applying for such deeds are duly entitled to have the same: *Provided, nevertheless*, This act shall not be so construed as to create or revive any right lost by lapse of time.

Mr. WHYTE. I should like to hear some explanation of this bill. What is the Secretary of the Interior to convey? What property is to be conveyed under this bill?

Mr. BURNSIDE. This bill simply transfers the duties of the mayor of the city of Washington to the Secretary of the Interior, to give certain deeds to certain lands which have been acquired. As I understand, they are overflowed lands that have been sold to parties. The deeds have heretofore been given by the mayor of the city of Washington; and now the object of the bill is simply to transfer the duties, formerly devolved on the mayor, to the Secretary of the Interior.

The bill was considered by the Committee on the District of Columbia, and a favorable report made by the Senator from North Carolina, [Mr. MERRIMON.]

Mr. MERRIMON. I do not recollect the exact date, but forty or fifty years ago a statute in reference to the District of Columbia required the mayor of the city of Washington to make title to certain lots in this city. I think they were described as the low grounds in the city of Washington. One of those lots was sold to some person, and at the time the purchase money was not paid. A portion of it, I think, was paid. After a while the purchaser died, and the right descended to the children: it was transferred from time to time, and the title never was made as that statute, which I may call an ancient statute, provided, by the mayor of the city of Washington. The object of this bill is to authorize the Secretary of the Interior to make the title which the mayor of the city of Washington was directed to make by that former act.

Mr. KERNAN. Has the price all been paid?

Mr. MERRIMON. It appeared to the committee that the purchase-money had all been paid and that the party was entitled to have the title made to him; but there is a saving clause in the bill which directs that the Secretary of the Interior shall be satisfied on this point before he makes the title.

Mr. WHYTE. This is not a specific case, but a general law.

Mr. MERRIMON. There are several cases like it.

Mr. SAULSBURY. Is it confined to the conveyance of the title in one particular case?

Mr. MERRIMON. I believe there are several cases.

Mr. SAULSBURY. Would it not be proper for each party interested to make separate application for a law authorizing the Attorney-General or somebody else to do this on examination into the circumstances?

Mr. MERRIMON. I think not. I think that is altogether unnecessary. There would be trouble given and time taken for no practical purpose in the world. This bill provides that the Secretary of the Interior must be satisfied that the party applying for a title is entitled to it before he makes it.

Mr. WHYTE. There was quite a number of lots on the north side of the Potomac River which was called "the low lands" at one time, and was considered almost valueless. In the pending river and harbor bill there is an appropriation of about $100,000 to open the channel there in the Potomac River, and all this land bordering on the north side of that river will now become very valuable, and what was perfectly valueless as low land probably in 1822, may be now very valuable as wharf lots. I think a general bill, without our knowing exactly what land is to be covered by it, passed by Congress to-day, might be very detrimental to the interests of the United States.

Mr. MERRIMON. My friend is entirely mistaken. This case was brought clearly to the attention of the committee and to mine; I was charged with the bill and looked into it with great care, and laid the whole matter before the committee, and in order to cut off the possibility of evil the committee recommended the adoption of the amendment, directing the Secretary of the Interior to execute the deeds required, "when it shall appear to him that the persons applying for such deeds are duly entitled to have the same; provided, nevertheless, this act shall not be so construed as to create or revive any rights lost by lapse of time." So that there is no possibility of injury to the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WHYTE moved to reconsider the vote on the passage of the bill; and the motion was entered.

TEXAS-PACIFIC RAILROAD.

Mr. MATTHEWS. I desire to give notice that on next Tuesday, at the expiration of the morning hour, I will ask the Senate to take up for consideration the bill known as the Texas-Pacific Railroad bill, in order to enable the Senator from Virginia, [Mr. JOHNSTON,] who has the floor for that purpose, to speak upon it, and after his speech I shall then ask the Senate to proceed with the consideration of that bill, to the exclusion of all other business, until it is concluded.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, the pending question being on the amendment of Mr. SPENCER to strike out "and," in line 53, and to insert after the word "pensions," in line 54, the words "and clerk to the Committee on Military Affairs."

Mr. SPENCER. I hope this amendment will be adopted. I do not know that it is necessary to discuss it.

Mr. SAULSBURY. I objected to this amendment the other evening, and I did it because I was very well satisfied that if we commence to increase the permanent clerks of the committees of this body, there will be other applications to make permanent clerks for other committees. There are other committees of this body whose clerks are fully as valuable as the clerk of the Committee on Military Affairs. I can very well understand how the members of that committee, who are served properly and faithfully no doubt by their clerk, may feel inclined to have him made a permanent clerk; but if you commence with this committee, before the session is over, and perhaps before this bill is through, you will have applications from other committees for similar appropriations. Now, unless there is some absolute necessity for this thing we had better not do it. At any rate I cannot vote for it, and I hope the Senate will pause and consider this question before they increase and multiply the permanent committee clerks of this body.

Mr. MAXEY. When this bill was under consideration on Wednesday evening it was thought, at least by myself, that the statement made to the Senate that the deliberate judgment of the Committee on Military Affairs was that a permanent clerk was necessary to that committee would be sufficient for the Senate. In that I found I was mistaken. I did not consider that it was necessary to go into details, because time was very precious; but I will now state, for the benefit of those who may listen, that a bill has passed through the Senate without a dissent directing the Secretary of War to revise the code of Army regulations, which has not been done since 1863. No one objected to that. When that code comes before the Senate I assume that, as with all other business heretofore which has come to this body pertaining to military affairs, except the late bill that has come from the House, (which is an exception, I believe, to all rules which have ever controlled in this body from the foundation of the Government to the present time,) will go to the Committee on Military Affairs. When that report is made by the Secretary of War I, as one member of the committee—and I take it every member of the committee feels the same way—will not report to the Senate that code of regulations until we have gone through the old code, compared every section of the old code with the new code, compared every section of the regulations which have been adopted since 1863, the last revision, with the original order adopting it, and comparing the whole of it with the laws. We are required to make our report on our consciences, and we cannot make that report conscientiously, in my judgment, until we can say to the Senate that the report of the Secretary of War of the code of Army regulations is such as meets the judgment of the Committee on Military Affairs. It will be impossible to

get through with that work under quite a number of months. It is impossible for the members of the Committee on Military Affairs personally to do this work, but they must have it done by some one who is responsible to them for its being properly done. I believe that it is wisdom for the Government, it is economy to the Government to have this work done and well done. That is my view of it.

In addition to that, any one who will go into the room of the Committee on Military Affairs, as I have to do, and will attempt to work with their library or attempt to work through those old papers, will find that there is an absolute necessity for a complete revision of the library and a replacement of books which are missing, and a reorganization of the papers now in that room, many of which have been there stuck away in drawers since 1861, as I have been informed and as I believe.

I have had occasion myself in the investigation of cases to find whether a case which I was examining had a precedent, and I have tried to look back to the original papers controlling that precedent, but they could not be found in the Secretary's office here, nor could they be found in the Military Committee room; but I was pointed to a great number of drawers filled with everything and notified that probably they might be in there. It seems to me that our committee can work better if this is done.

Again, as I stated the other day, all the business from the War Department transmitted to the Senate for its examination and consideration is by the Senate submitted to the Committee on Military Affairs, and there is scarcely a case coming up in the Committee on Military Affairs that does not require a correspondence with the War Department. If there is a single committee, I care not what it is, which requires a permanent clerk, in my judgment it is the Committee on Military Affairs.

Mr. THURMAN. I want to say a word while this question is up. In the first place, I wish to express the hope that in respect to our own employés the Senate will insist upon what it believes to be right. Several years ago I was on the third conference committee upon this same bill, the House declining to agree to any amendment on the part of the Senate touching either the number or compensation of the employés of the House, saying that the House was the best judge of the number of persons it needed and of what would be proper and fair remuneration for them; and in the end we gave way, and the bill was reported in accordance with the wishes of the House. I thought at that time that comity between the two Houses, as well as the consideration suggested by the House managers, that the House knew better what employés they needed and what was a fair compensation and that the Senate knew better what employés we needed and what was a fair compensation, required the adoption of that rule; and I think so still. I think there should be that comity between the two Houses that would enable each one to judge for itself what employés it needs and what is a fair and reasonable compensation for them. Therefore I hope the Senate will stand by its own convictions upon this bill as the House stood by its convictions on the bill to which I have just referred.

Now, one word while I am up on this subject of permanent clerks, about which I apprehend there is misapprehension in two respects. In the first place, it is a great misapprehension to suppose that the clerk of a committee has nothing to do in the vacation. I cannot speak of any committee to which I do not belong, but I know that the clerks of the committees to which I belong have a great deal of work to do in vacation. I know that the clerk of one of those committees was employed almost the entire long vacation in doing work for the committee, and I know that he is now engaged upon a work directed by the committee which will be not only of great value to the committee but will save thousands and thousands and tens of thousands of dollars to the United States by making an index of all claims that have been considered and have been either allowed or rejected from the time of the last compilation that was made for that purpose.

Mr. MAXEY. I will say to the Senator that here is a very important work of putting in a shape so that they can be used all reports from our committee, so that they can have the benefit of those reports.

Mr. THURMAN. That is precisely what the clerk of the committee I refer to is doing. If you want good clerks to your committees—and we all know of what value they are to us—you cannot pick up a man at every session. You must have a man who has learned his business; you must have a man who has learned the business connected with that particular committee, and who can save the members of the committee a great deal of time by his readiness in referring to whatever they may have occasion to look at. That is a work that cannot be done by taking a new clerk every session. But if you will have competent men—and there are a number of permanent clerks that I know in this body—if you will have men who can render such valuable services to the committees and thereby to Congress, you must make them permanent clerks; and it is that policy, which has prevailed for some years, which has induced the making of several clerks permanent who before were mere transient clerks; and I feel very confident that in every single instance it has resulted in good.

Mr. SARGENT. Mr. President, Congress has passed a resolution, says the Senator from Texas, requiring the Secretary of War to revise the military code. Very well, we shall get his response at the next session or at the next Congress. It is not a work to be done in a day. The fact that he has done that and that that may make some work for the committee does not require that during this vacation or the next, perhaps till that report comes in, there shall be a clerk for the Committee on Military Affairs.

Mr. MAXEY. I will say to the Senator from California that this is nothing but a revision of the laws heretofore made. A large portion of that report, as I am informed and believe, has already been prepared under a previous law, which required it to be made during the next succeeding Congress, and, not being completed, it fell; but that requires only a comparatively slight addition to enable the report to be made to us.

Mr. SARGENT. If that report comes in, there will then be no necessity for a clerk in vacation, because the work upon it will have to be done during the sessions of the Senate.

I will state as a fact that, with the exception perhaps of the Committee on Private Land Claims, referred to by the Senator from Ohio, and the Committee on Appropriations, where the estimates of the Departments have to be prepared for the convenience of the committee when it meets subsequently, there is no business done during the recess by the permanent committee clerks of the body. As soon as the hammer goes down they are away and off, sometimes quicker than the Senators themselves.

Mr. MITCHELL. May I ask the Senator from California a question?

Mr. SARGENT. We are under the five-minute rule; and of course I cannot answer many questions.

Mr. MITCHELL. What is the justice of making certain permanent clerks for certain of the committees unless it should be the Appropriations Committee, and I do not know even as to that, and not allowing them to other committees?

Mr. SARGENT. There is no justice in it at all.

Mr. MITCHELL. Then why not abolish all or provide for all?

Mr. SARGENT. I am in favor of cutting down the list, rather than extending it. It is an extravagant way of rewarding favorites. It is very ungracious to stand here and object to a committee having anything it wants; but yet somebody has got to do that duty, and I have not shrunk from duty in my life-time because it was disagreeable. I know how these things come about, (and I sympathize with Senators,) from the pressure that is brought to bear upon them by a favorite clerk who is accommodating and kind, who makes the suggestion and works up a feeling in his favor, and then the committee comes into the Senate and insists that this clerk is so useful to them that they must have an extension of his pay. That is the history of it in nine cases out of ten, and I have not a doubt that is the case now.

It is not the brains of a clerk that does the committee work; it is the brains of Senators. The work depends upon the intelligence and energy of the Senators whether it be well done or illy done; and the amount of assistance that a clerk can be is very slight; and the amount of assistance he can be during vacation, when the Senators are at their homes and he also, perhaps, in fact, or even if detained at Washington, must be here very slight indeed, and cannot be appreciable.

Now, the Senator from Texas says there are papers lying around loose in his committee-room where they have been ever since 1861, in great confusion. What is the value of a clerk who leaves papers around in that way? It is contrary to the rules of the Senate that there should be papers left in that way. By the rules of the Senate, when the Senate adjourns at each session the papers before every committee are to be gathered up and deposited in the Secretary's office; and the Military Committee must have had a very bad series of clerks, and this one, if they have had him before this session, is a very bad clerk if this rule has not been obeyed, because it is peremptory, and the reason of it is that they shall be put with the other papers in the Secretary's office, where they are to be arranged systematically by the force in that office, this being one of their duties, where they can be found indexed at a moment's notice, instead of having to hunt through drawers and getting papers partly torn and all mixed up so that they are of no practical use. They should be in the Secretary's office, where any Senator calling for the papers in any particular case, or for any particular paper in a case, can have it put under his hand in a moment.

I say, sir, the reasons given by the committee for this extension are the very ones which should defeat it. In the interest of economy, to prevent the multiplication of offices, to prevent the increase of compensation, especially during periods when a man is not employed, I object to it. I object to it further because there are other committees more hard-worked than the Committee on Military Affairs, at any rate as much so, who do not ask this favor, but to whom it ought to be given if this is to be done, unless there is to be favoritism.

The argument of the Senator from Ohio goes too far. If we are to have only permanent clerks then we ought to give them to the Committee on Agriculture, to——

Mr. THURMAN. The Senator misunderstood me if he supposed I was pressing a permanent clerk for every committee of the Senate.

Mr. SARGENT. The Senator then wants to make a discrimination, and his argument does not go so far as his language seemed to imply. I say by any decent rule neither the Committee on Naval Affairs, of which I am chairman and which is a hard-worked committee, nor the

Committee on Military Affairs, the duties of both falling with the session, ought to have a permanent clerk; but it is a very invidious task to pick out the different committees——

Mr. THURMAN. I would not undertake to decide whether the Committee on Naval Affairs or the Committee on Military Affairs need such a clerk. That would be a matter that those committees could decide better than I could, and I should be governed by their wishes.

Mr. SARGENT. Then I cannot be so complying. I do not believe either committee should decide on the legislation, but the Senate itself should decide; and if we act upon their judgment I do not know how we are going to refuse when Mr. ROLLINS—excuse my mentioning the name—the chairman of the Committee on Manufactures, comes in and says his committee think they should have a permanent clerk on account of the great interests of manufactures all over the country, or when the chairman of the Committee on Agriculture comes in and makes the same claim, or the chairman of the Committee on Public Lands, or the chairman of the Committee on Revolutionary Claims, or the chairman of the Committee on Pensions, or of the Committee on Railroads, or the Committee on Mines and Mining—a very important interest—or the Committee on the Revision of the Laws, or the Committee on Education and Labor. When they all come in and say "it is our judgment that we ought to have permanent clerks," what are we to say? I should like to inquire where we are to stop.

Mr. KERNAN. Do these permanent clerks stay here and have work during the recess?

Mr. SARGENT. I state as a fact that they do not. One of them does the work that the Senator from Ohio spoke of; I understood he referred to the clerk of the Committee on Private Land Claims. It seems to me to be very important to bring up that index, and temporarily, therefore, his services may be needed. The Committee on Appropriations are compelled to rely on their clerk to make up tables from the estimates which come in, showing where the estimates agree with the appropriations of previous years, how the appropriations of those years and those proposed agree, &c., and it is a complex work and requires a good deal of time and a good deal of statistical ability on the part of the clerk, and great accuracy, because we are compelled here to answer all kinds of questions when we report our bills, and must rely absolutely upon his judgment, it being too great a work for each member of the committee to do for himself. I do not think there are more than three committee clerkships in the Senate which are of that character. The Committee on Finance may be one. I think it has a permanent clerk. I am not very familiar with the duties of that committee otherwise than they are exhibited to the Senate. If the tariff bill should pass the House this year, unquestionably to prepare it for the next session of the Senate would devolve very arduous work on that committee.

The Senator from Texas says there is to be a revised code of military regulations which makes necessity for a clerk. Why, sir, the Committee on the Revision of the Laws, having in their charge one of the most important works that were ever submitted to a committee, had no permanent clerk, and made no complaint, and got on very well.

Mr. SPENCER. If the Senator from California will allow me to interrupt him there, I desire to state that there were codifiers on the subject of the revision of the laws, receiving a salary of $5,000 a year.

Mr. SARGENT. I know; and their work was submitted to the Committee on the Revision of the Laws, and they were required to go over it paragraph by paragraph, and come in and state to the Senate that they had done so, so far as they were able. The codifiers in that case occupied just the position of the Secretary of War in the case named by the Senator from Texas, who is required by a resolution of Congress to codify the military regulations. I see my time is up.

Mr. MAXEY. I want to call the attention of the Senator from California to one thing. The clerk of the Committee on Military Affairs must necessarily be an expert. A man who does not understand the routine business of military affairs is utterly worthless as a clerk to that committee; and, as was stated by the Senator from Ohio, they cannot be learned in a short time. It requires time and experience to make a good clerk for the Committee on Military Affairs; and to say that a committee which has charge of all the business coming from one Department of this Government, and that embracing the Army of the United States, shall not be entitled to a clerk when the whole committee unanimously come forward and give their statement that in their judgment it is to the interest of the public service so to do, seems to me rather more parsimonious than I propose to be myself.

Mr. THURMAN. I want to say one word in answer to an inquiry made by the Senator from New York, [Mr. KERNAN,] whether these clerks were here in the vacation. The clerk of the committee of which I am chairman is here the whole vacation and has year after year devoted nearly the whole of the vacation to the work of that committee. It is true that is a very peculiar committee, it being a Committee on Private Land Claims, in which it is absolutely necessary to be able to search the records and find out whether a claim has ever been acted upon before, and also to find out what are the evidences that have heretofore been submitted to the Government respecting it, and to make indexes. In regard to the other committees to which I belong, the Judiciary Committee has a most excellent clerk. I am assured that the fact is—and I am aware it is so to some extent from my own personal observation, and I am told it is so from a perfectly reliable source—that that clerk comes regularly to Washington two months before the session of Congress, and after every short session he has remained here for three months of the vacation. In other words, he takes very little more vacation than is allowed to the clerks in the Departments, and I am quite sure that every member of that committee would say that it would be a loss to us to dispense with his services; and you can only have the services of such a man by making him a permanent clerk.

Mr. WINDOM. The Committee on Appropriations have adhered to the rule not to create any additional offices where it could be avoided reasonably. There is but one addition to the annual clerkships made by the recommendation of the Committee on Appropriations, and that is the clerk to the Committee on Pensions; and so strong a case was presented there that the committee thought it ought to be presented to the Senate and the judgment of the Senate taken upon the question whether it should be done or not. I appreciate the necessity for a clerk in all these important committees, and should be glad to appropriate for it if it could be done; but I think if we make one appropriation we shall have to make several others; and while I for one would not object to every committee having a regular clerk, and in fact I will state a very radical proposition——

Mr. MAXEY. I think it would be right to provide that every committee should have a clerk.

Mr. WINDOM. I will state a more radical proposition than that. I would to-day give every Senator a clerk if it could be carried, and I believe the public business would be advanced by it. As it is, Senators are compelled to devote three-fourths of their time to Department business and answering letters, a service which is merely clerical; a majority of them have not got time even to read the bills they are called upon to act on. I think a few more clerks would be advantageous; but unless you are going to provide for several other committees, I think we had better stop where the Committee on Appropriations has recommended.

Mr. BURNSIDE. There may not be work enough during the recess of Congress to warrant the allowance of a clerk for the Committee on Military Affairs; but it is very clear to me that the clerk to the Committee on Military Affairs should be a man of sufficient knowledge and ability to earn more money than he can get by his per diem pay during the session. The Military Committee cannot command the services of an experienced man for that salary. That is the reason I am favorable to making this clerkship permanent, so as to give the clerk more pay and enable the committee to have an efficient clerk, which it ought to have. There is no question about that. There is no committee of the Senate which is more entitled to an efficient clerk than the Military Committee, none where an efficient clerk is more needed than in the Military Committee, and I hope the clerk of that committee will be made permanent.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

The question being put, the amendment was agreed to.

Mr. SARGENT. The yeas and nays were ordered on that amendment the other day. I was momentarily absent from the Chamber when the Chair put the question.

Mr. WINDOM. The yeas and nays were ordered on Wednesday.

The PRESIDENT *pro tempore*. The present occupant was not then in the chair, and was not aware of the fact. The yeas and nays having been ordered on the amendment of the Senator from Alabama, the Chair will put the question again.

Mr. BAYARD. I submit to the Senate that where a committee comprised of nine members of this body, a committee of evident and well-known importance in the business of the country, come into the Senate and individually and collectively assure the Senate upon their own responsibility that it is proper and expedient to employ a clerk during the whole year, that ought to guide the rest of the Senate in their votes. I appreciate fully what the Senator from California has said, that it is a pleasant thing to oblige those who are thrown in constant intercourse with us, and sometimes it may be painful to our own feelings to refuse; but in a case like the present, where nine gentlemen thoroughly acquainted with the duties of the committee come forward and say that that committee does require the services of a permanent clerk, I do think it ought to guide the rest of the Senate in their votes, and I shall certainly vote in accordance with their recommendation.

The question being taken by yeas and nays, resulted—yeas 33, nays 9; as follows:

YEAS—33.

Anthony,	Conover,	Kirkwood,	Randolph,
Armstrong,	Eustis,	McMillan,	Rollins,
Bailey,	Ferry,	McPherson,	Saunders,
Bayard,	Gordon,	Matthews,	Spencer,
Booth,	Grover,	Maxey,	Wadleigh,
Burnside,	Johnston,	Mitchell,	Whyte.
Butler,	Jones of Florida,	Paddock,	
Cameron of Wis.,	Kellogg,	Patterson,	
Cockrell,	Kernan,	Plumb,	

NAYS—9.

Eaton,	Hill,	Sargent,	Windom.
Hamlin,	McDonald,	Saulsbury,	
Hereford,	Morrill,		

ABSENT—34.

Allison,	Barnum,	Beck	Blaine,

Bruce,	Dawes,	Ingalls,	Sharon,
Cameron of Pa.,	Dennis,	Jones of Nevada,	Teller,
Chaffee,	Dorsey,	Lamar,	Thurman,
Christiancy,	Edmunds,	McCreery,	Voorhees,
Coke,	Garland,	Merrimon,	Wallace,
Conkling,	Harris,	Morgan,	Withers.
Davis of Illinois,	Hoar,	Oglesby,	
Davis of W. Va.,	Howe,	Ransom,	

So the amendment was agreed to.

Mr. SARGENT. I shall reserve that amendment for a separate vote in the Senate.

Mr. EUSTIS. I offer the following amendment: on line 1888, after the word "dollars," insert:

For fourteen clerks, to prepare plats and field notes, &c., at $1,000 each, $14,000.

Mr. WINDOM. I raise the point of order that there has been no reference to the Committee on Appropriations; at least I know of none.

Mr. EUSTIS. The amendment was submitted and referred.

The PRESIDENT *pro tempore*. The print is here; and it has been referred, as the Chair is informed.

Mr. EUSTIS. I have offered this amendment because the clerical force is needed in the surveyor-general's office in the State of Louisiana.

The number of clerks asked for in this amendment and the compensation stated are such as are recommended by the Commissioner of the General Land Office in his last annual report. It is unnecessary for me to state to the Senate the origin of land titles in the State of Louisiana; but any one who will read the references made in the annual report of the Commissioner of the General Land Office will have to admit that the land affairs in Louisiana are in a most deplorable condition. There have been surveys made in seven hundred and eighty-four townships. The original field notes are now in the surveyor-general's office in Louisiana. The statute requires that these field notes shall be copied, and the copies shall be transmitted to the General Land Office here. The original field notes which have not been copied the statutes of the United States require should be copied; and if these field notes should be lost by fire or any other accident, it would be impossible to supply their place; and they form the basis of title to a very large portion of the lands in the State of Louisiana.

In addition to that there are six thousand confirmed claims to-day in the State of Louisiana for which patents cannot be issued because there is no clerical force provided to make three patent plats. Here is what the Commissioner of the General Land Office says in his annual report:

The $18,000 is estimated for compensation of clerk hire, consisting of four regular clerks and draughtsmen, calling for $6,000, and twelve $1,000 clerks—

Which is the number provided for in the amendment I have submitted—

to bring up the arrears in office work of many years' standing, namely, to prepare duplicate patent plats of confirmed private land claims, of which there are about six thousand entitled to patents, and which cannot be patented until such plats are made. Also to transcribe field notes of surveys of about seven hundred and eighty townships, for a long while in arrears, and requiring one month of time to copy the notes of six townships by one clerk. Very limited appropriations for office work in former years caused so extensive arrears.

I will state, Mr. President, that this money has to be appropriated at some time or other; this clerical force has to be employed at some time or other, because under the statute the work has to be done, the object of the law being that this whole business in the surveyor-general's office in the State of Louisiana, as in other States, should be liquidated and closed in order that the archives of the office may be turned over to the State authorities, and thereby the expense of keeping up the office will cease to the United States Government. I hope the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana.

Mr. WINDOM. Mr. President, the Committee on Appropriations have very carefully considered all these questions. There are numerous applications for clerks in various surveyor-generals' offices; and there are numerous applications from all the Departments and bureaus. The Committee on Appropriations have endeavored to appropriate as carefully as possible, certainly with a very great deal of conservatism, but they have endeavored also to be economical. My own belief is that in many of the Departments there ought to be more clerks; but if we attempt in this way to appropriate, where the propositions are not examined by a committee and reported favorably by a committee, and to take the recommendations merely of a Department, we shall find before we complete this bill that we shall have added several hundred clerks to it. I think that this surveyor-general's office, as well as several others that are in need of them, can wait perhaps another year. If my friend from Louisiana had only exerted a little of his persuasive power upon his friends in the other House, I think it would have been better than to attempt to persuade us here to overrule this committee. I am satisfied that we shall need his persuasive powers a great deal more in the conference if he shall induce the Senate to increase this number of clerks as he has proposed that we do here.

The surveyor-general's office of California, as I understand, is substantially closed for want of clerks. The office in New Mexico is very pressing for clerks. In fact, almost every surveyor-general's office has demanded a larger number of clerks than has been given. The policy of the Government for the last two or three years, inaugurated in 1865 I think, and pursued very vigorously since, has been to reduce the clerical force everywhere. In many cases we have reduced it lower than should have been done. The Committee on Appropriations have not ventured to increase the number except in a very few cases. As I stated the other day, in the Surgeon-General's Office, for the sake of hastening the settlement of pension claims, we have added a few clerks. The Commissioner of the General Land Office made a very strong appeal to the committee for a larger number, showing that the business was in arrears, and we added five clerks, as recommended in this bill. I think if we shall attempt to exercise this wholesale liberality which is evinced by my friend from Louisiana, and shall carry it out throughout this bill, we shall have several hundred more clerks than we start with. I hope the Senate will not agree to it.

Mr. EUSTIS. Mr. President, I share the regrets of the Senator from Minnesota, that this appropriation was not allowed by the House of Representatives. Certainly it would have saved me the trouble of calling the attention of the Senate to the facts. But I stated at the outset that it was a necessity, and I do not think my inexperience as a Senator ought to be assigned as an argument against my proposition.

The cases to which the Senator refers I do not think are applicable to the question presented by this amendment. This is not merely a question of increasing the clerical force. It is a question affecting titles to lands in the State of Louisiana. The Government of the United States has confirmed these titles. As I stated, there are six thousand cases of confirmed titles, and certainly the Government of the United States ought not to withhold patents which are merely evidences of those titles confirmed, because it will cost the Government a few thousand dollars to prepare the patents. As I stated, it is not a question of mere convenience with reference to any department. It is a question of obligation and of duty on the part of the Government of the United States to place this office in such a condition that these parties shall receive the mere evidences of title which the Government of the United States has confirmed in their favor. What economy can there be in postponing such an appropriation? The statute requires absolutely that this work shall be done. The statute requires that it shall be done speedily in the interest of economy. The amount which I ask for may appear large; but it is on account of the arrears of work in this office, and if you postpone it from year to year there will be nothing but an accumulation of arrears of back work in that office, which will require a still greater expenditure of money. If the Senate is satisfied that this appropriation is proper, I do not see why any Senator should hesitate to vote that it should be made now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Louisiana.

The question being put, there were on a division—ayes 7, noes 9; no quorum voting.

Mr. SARGENT called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 13, nays 26; as follows:

YEAS—13.

Booth,	Grover,	Maxey,	Spencer.
Cockrell,	Jones of Florida,	Mitchell,	
Conover,	Kellogg,	Morgan,	
Eustis,	Kirkwood,	Plumb,	

NAYS—26.

Armstrong,	Ferry,	McPherson,	Saunders,
Bailey,	Hereford,	Merrimon,	Voorhees,
Barnum,	Hoar,	Morrill,	Whyte,
Bayard,	Kernan,	Ransom,	Windom,
Beck,	McCreery,	Rollins,	Withers.
Cameron of Wis.,	McDonald,	Sargent,	
Eaton,	McMillan,	Saulsbury,	

ABSENT—37.

Allison,	Conkling,	Harris,	Patterson,
Anthony,	Davis of Illinois,	Hill,	Randolph,
Blaine,	Davis of W. Va.,	Howe,	Sharon,
Bruce,	Dawes,	Ingalls,	Teller,
Burnside,	Dennis,	Johnston,	Thurman,
Butler,	Dorsey,	Jones of Nevada,	Wadleigh,
Cameron of Pa.,	Edmunds,	Lamar,	Wallace.
Chaffee,	Garland,	Matthews,	
Christiancy,	Gordon,	Oglesby,	
Coke,	Hamlin,	Paddock,	

So the amendment was rejected.

Mr. MORGAN. I offer the following amendment. On line 2138, after the word "dollars," insert:

And the sum of $5,000 is appropriated for the purpose of investigating the history and habits of the insects injurious to the cotton plant and the best means of preventing or destroying the same. And the President shall appoint a skilled entomologist to conduct such investigations, who shall receive a compensation at the rate of $300 per month for his services while engaged in such work in the field or in preparing his reports, to be laid before Congress, and his necessary traveling expenses and other necessary contingent expenses, to be audited and allowed by the First Auditor of the Treasury.

Mr. President, the Committee on Appropriations have reported as an amendment to the House bill an appropriation of $5,000 for experiments in ascertaining the best means of destroying insects injurious to agriculture. I would be inclined to stand on that amendment so far as the cotton-plant is concerned, except for one consideration. It is impossible that sufficient scientific knowledge can be obtained in reference to the ravages of the insect which preys upon the cotton-plant except by investigations to be made in the field and during the

time of its ravages and before and after that time during the summer season. As I understand the appropriation which has been reported favorably by the committee in reference to the extinction of insects injurious to agriculture generally, it is expected that this investigation will be conducted mainly in the Agricultural Department at Washington. That money will by no means be thrown away. It is money that ought to be applied in the interests of agriculture: it ought to be applied in Washington City; and the sum is a very limited one, to say the least, for these general purposes.

I have had a painful experience in reference to the cotton-worm, and the people I represent have for many years past, particularly since the war. I applied the other day to General Le Duc, the Commissioner of Agriculture, for some statistical information in reference to the ravages of this insect during the last three years. He prepared a very careful estimate on the subject, which I have no doubt is just, or, perhaps, falls below the proper estimate of these ravages, showing that in two years the United States have lost $15,000,000 by the cotton-worm. If you were to extend the investigation back to 1865, I have not any doubt or hesitancy in saying that the people of the United States have lost $100,000,000 through the ravages of this insect. As a matter of course, the attention of every man in the country, black and white, has been directed to all the investigation that can be made of this subject, and for the want of some scientific arrangements of the facts and scientific deductions to be made from the facts, opinion is still entirely chaotic on this subject in the South. I suppose that out of several million people who have looked into the subject, there are hundreds of thousands of various and different opinions on the question as to the proper mode of preventing the destruction or getting rid of this terrible pest.

It has been suggested recently—and I think the suggestion is one of very great value and it comes from men who are scientific as well as men who have no scientific information—that we shall never be able to exterminate these pests or materially to check their ravages until, following entomological research, which has been so successful in other parts of the country, we shall discover the parasites of this insect. Gentlemen of high scientific attainments, who have devoted years to the study of this subject and who have printed numbers of papers, differ widely respecting it. After all, there is great controversy in regard to the origin of the worm, the nature of it, the methods of propagation, and all that; and it can be safely asserted that, unless you meet the difficulty by a really scientific investigation, we shall go on losing millions annually for probably the next century.

This worm was introduced into the United States in 1860. It then came in a very insignificant form, so far as its depredations were concerned; but it has gone on increasing from year to year until now it has become one of the most formidable enemies that the agriculturists of the United States have to encounter. If we do not direct our attention to this subject by getting into the field the ablest scientists that we can find, we may expect to go on in the way we have been, losing these millions of money every year. This sum of money when compared with the vast losses which have occurred already from this insect is entirely insignificant.

In the preparation of the amendment I have tried to limit the expenditure to a very small compensation for a man of scientific attainments while he is engaged in the field or engaged in making his report, and I have attempted to put the subject under the care of the President of the United States without the necessity even of confirmation by the Senate, in order that he might select that man from some portion of our country who is the ablest man on questions of this kind and that we might immediately have the benefit of his researches and the results of his investigations. I trust that the Senate will not consider that this appropriation is a large one, or that it is brought forward at an inappropriate time. If this appropriation is passed now before this insect affects the cotton crop we can have the benefit of this year's examination and experience on this question. I do not know any direction in which even a million dollars could be better spent, if necessary, than in the arrest of this loss which we sustain annually.

I did not bring this matter before the attention of the committee as a committee, but I have seen the several gentlemen who comprise the Committee on Appropriations, and they very kindly expressed to me, with perhaps one reservation, a concurrence in my views, so that they will not be disposed to take advantage of the precise form of the amendment or of the fact that it was not considered in committee. I trust the Senate will give to the people of the United States—I will not say the South, because every one of the United States is interested in this question—the opportunity of having a thorough scientific investigation of this matter.

Mr. MORRILL. I suggest to the Senator from Alabama to put in the words "actual and" before "necessary" so as to read "actual and necessary traveling expenses."

Mr. MORGAN. I think that would be a proper amendment. I accept it.

Mr. WINDOM. I am convinced of the importance and necessity of the amendment proposed by the Senator from Alabama and desire to make no opposition to it myself.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. COCKRELL. On the 20th of May I gave notice that I would offer the following amendment to this bill, which is now submitted; I have filled the blank with $208.33; I propose after line 1911 to add:

For investigating diseases of swine, and infectious and contagious diseases incident to all other classes of domesticated animals, $30,000. The said investigations shall be conducted by skilled surgeons, not exceeding three in number, who shall be appointed by the President, by and with the advice and consent of the Senate, and they shall receive as compensation for their services the sum of $2,500 per annum, and necessary traveling expenses, not including sustenance; and if employed for a less time than one year, they shall receive for their services the sum of $208.33 per month. Said commissioners shall be under the control and direction of the Commissioner of Agriculture, and shall make detailed reports of their investigations to him; and upon the receipt of such reports, the Commissioner of Agriculture shall transmit the same to the President, to be by him transmitted to Congress for such further consideration and action as may be deemed necessary. The Commissioner of Agriculture is hereby authorized to pay, out of this appropriation, all necessary incidental expenses of this investigation, such as transportation, clerical hire, labor, the purchase of diseased or infected animals for the purpose of post-mortem examination, and so forth. The further sum of $10,000 is hereby appropriated to be paid as a reward to any person or persons who shall discover the cause and a sure preventive and remedy for the disease known as "hog cholera." Such remedy shall be tested by the above designated commissioners; and if, after thorough trial and experiment, the same shall be found successful, they shall so notify the Commissioner of Agriculture, who shall forthwith notify the President; and upon the approval by the President of the report of said Commissioner, the above sum shall be paid to the discoverer or discoverers of said preventive and remedy.

Mr. President, this amendment proposes to create a commission for the purpose of investigating diseases of swine and infectious and contagious diseases incident to all other classes of domestic animals. It proposes to appropriate $30,000. The investigations are to be conducted by skilled surgeons, not exceeding three in number, to be appointed by the President with the advice and consent of the Senate. They are to receive each the sum of $2,500 per annum and their necessary traveling expenses, not including sustenance, and if they are employed for a less time than one year they are to receive at the same rate, being $208.33 a month. They are to be under the control of the Commissioner of Agriculture, and to make report of their investigations to him; and upon the receipt of the report the Commissioner of Agriculture is to transmit the same to the President, to be by him transmitted to Congress for such further consideration and action as may be deemed necessary by Congress.

Then here is a separate and final provision:

The Commissioner of Agriculture is hereby authorized to pay, out of this appropriation, all necessary incidental expenses of this investigation, such as transportation, clerical hire, labor, the purchase of diseased or infected animals for the purpose of post-mortem examination, &c. The further sum of $10,000 is hereby appropriated to be paid as a reward to any person or persons who shall discover the cause and the sure preventive and remedy for the disease known as "hog cholera." Such remedy shall be tested by the above-designated commissioners; and if, after thorough trial and experiment, the same shall be found successful, they shall so notify the Commissioner of Agriculture, who shall forthwith notify the President; and upon the approval by the President of the report of said Commissioner, the above sum shall be paid to the discoverer or discoverers of said preventive and remedy.

Is there a necessity for such legislation? I say there can be no doubt on that question; and I now desire to present very briefly a few statistics touching this disease of hog cholera and other diseases incident to domestic animals; and I call the special attention of Senators to these figures:

The total number of hogs raised in 1877 in 1,125 counties out of the 2,447 counties in the United States is 18,987,342, the number of hogs diseased of that number is 2,559,542, and the value of the hogs which die annually from disease is $10,091,483 in these 1,125 counties. The money value of losses by disease to all other domestic animals, in said 1,125 counties, not including hogs, is $6,561,945. The total value of all the losses to domestic animals by disease is $16,653,428 in these 1,125 counties.

Now, I will take ten States which raise the largest number of hogs:

States.	Number raised.	Number diseased.	Value of losses.
Illinois, in 65 out of the 102 counties	2,406,449	491,203	$1,703,327
Missouri, in 63 out of the 114 counties	2,144,084	437,776	1,351,285
Iowa, in 70 out of the 99 counties	2,055,899	221,158	1,884,175
Ohio, in 60 out of the 80 counties	1,667,788	24,890	503,338
Indiana, in 49 out of the 92 counties	1,384,032	326,488	1,446,798
Tennessee, in 49 out of the 94 counties	907,606	175,941	489,515
Virginia, in 60 out of the 99 counties	713,275	59,868	168,174
Kansas, in 39 out of the 84 counties	689,296	70,340	217,165
Wisconsin, in 39 out of the 60 counties	671,995	9,622	26,461
Pennsylvania, in 39 out of the 66 counties	635,387	22,871	112,999

I think these facts show that this disease ought to be investigated, and I trust that there will be no opposition to this appropriation for the benefit of the agriculturists of the country who raise the hogs. Think of a loss of $10,000,000 sustained annually by disease to hogs in less than one-half of the counties in the United States; and the disease is spreading. In the North, in the South, in the East, and in the West, in every section of the country, the disease is prevailing among the hogs. I trust that the appropriation will be sanctioned by the Senate.

Then $10,000 is offered as a reward. That will bring out every discovery and every remedy known. It will induce persons to study the disease, to find its nature, origin, and cause, and to discover a remedy for it. This reward of $10,000 will stimulate all these persons, and their investigations will be submitted to the Commissioner of Agriculture. If any one is successful he will deserve more than $10,000, and if not successful the country has the benefit of all the researches and investigations made and remedies proposed.

Mr. EATON. I did not hear the amendment read. Who are to determine in regard to the success of the discovery?

Mr. COCKRELL. My amendment provides that—

The further sum of $10,000 is hereby appropriated to be paid as a reward to any person or persons who shall discover the cause and a sure preventive and remedy for the disease known as "hog cholera." Such remedy shall be tested by the above designated commissioners—

Three surgeons—

and if, after thorough trial and experiment, the same shall be found successful, they shall so notify the Commissioner of Agriculture, who shall forthwith notify the President; and upon the approval by the President of the report of said Commissioner, the above sum shall be paid to the discoverer or discoverers of said preventive and remedy.

It must be sanctioned by three surgeons, and approved by the Commissioner of Agriculture and by the President.

Mr. EATON. I am very much disposed to vote for this amendment; I think it is well, but I do not quite see the propriety of a board to establish this matter. How long is it to continue? One week, one month, or one year?

Mr. COCKRELL. They are to report to Congress, and be under the control entirely of Congress.

Mr. EATON. I understand that three intelligent scientific men might very well think that there was a specific cure for a certain disease and they might so report, and they might be most terribly mistaken. That has been shown a great many times. I do not quite like that clause in my friend's amendment. I believe it well to look into this matter and see if we can remedy this great evil.

Mr. COCKRELL. I think that the offering of a reward will cause the people all over the country to make investigations and examinations into the cause and origin of the disease and the remedy, and to test it. I say very frankly that I doubt exceedingly whether any man will ever be able to get the reward. The State of Missouri has offered $10,000 reward; I believe it was voted over a year ago; and nobody has yet been able to make claim to it; but the provision will do good, because it will cause investigations, inquiries, and reports, and the country will have the benefit of the results of these investigations.

Mr. WINDOM. I was about to ask the Senator from Missouri whether we have received any petitions in regard to this matter, (I do not remember them,) or memorials of Legislatures or anything else, asking Congress to act upon the subject.

Mr. COCKRELL. I am not sure; I have not kept pace with all the memorials and petitions that have been presented from the Legislatures of the various States. I think some have been presented on this subject. I know there has been a very great interest in the matter. I have received a number of letters. In the beginning of the session I offered a resolution calling upon the Commissioner of Agriculture for the information which he had, and he sent us a pamphlet which has been printed and which contains reports from almost every State in the Union and from many counties in various States of the Union, showing a very great and decided interest in this matter, and many communications from the leading farmers and stock-raisers suggesting that some legislation should be granted by Congress.

Mr. WINDOM. Has the Committee on Agriculture acted upon this matter, I will ask the Senator from Missouri?

Mr. COCKRELL. I do not think that the Committee on Agriculture has acted upon it. This amendment has been submitted to the Commissioner of Agriculture and it meets his approbation.

Mr. SAULSBURY. I will ask if the Commissioner of Agriculture did not himself last fall send persons down to Virginia and other States to investigate the disease among hogs? I remember having a conversation with him, I think in the month of October, or in November, in which he stated to me that he had sent persons qualified to examine into the nature of the disease, down I think into the State of North Carolina. I was making inquiries of him in that regard, because at that time in my own State there were quite a number of hogs dying of the disease.

I think the sum mentioned in the amendment could be very wisely appropriated provided the Department is not already authorized to make such an investigation; but I have an idea that the Department of Agriculture is already charged with duties of that kind. The sum of $30,000 would be a very small amount to pay for ascertaining the nature of the disease among hogs or other live stock. I cannot, however, with my present impressions, vote for that portion of the amendment which proposes a reward for some person who may discover the cause of the disease. The whole time of these commissioners will be taken up in determining who is entitled to that reward, if it is offered. There will be hundreds of men all over the country who will suppose that they have found a specific for the disease; they will submit their claims to the commissioners, and their whole time will be taken up in determining that matter. I have no doubt that an appropriation by Congress to ascertain the nature of this disease and the remedy, so far as any remedy can be suggested, would be a wise appropriation, and for that part of the amendment I desire to vote.

Mr. WINDOM. I believe I had the floor. Do the remarks of the Senator from Delaware and others come out of my time?

Mr. COCKRELL. The Senator from Minnesota asked me a question, when I was interrupted by the Senator from Delaware, and I desire to answer the question in connection with a reply to the Senator from Delaware.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota yield for that purpose?

Mr. WINDOM. I think if I do I shall not have an opportunity to say what I wish to submit.

I only want to say that this amendment has not been examined by the Committee on Agriculture to whom it should have been referred and who doubtless would have given it careful attention. It is a very broad-gauge amendment. My friend from Missouri seldom does anything in a small way, and I think that in this case he has presented a characteristic amendment. Thirty thousand dollars to pay for traveling expenses and purchase of hogs, and clerk hire, &c., for this commission of hog doctors which he proposes to send out into the country seems to me to be very liberal. The statistics which he gives us show that this hog disease is common in every State in the Union. If so, it need not require $30,000 for these physicians to travel through the whole country to obtain a knowledge of the disease; they can get their information almost anywhere. Therefore I think the amendment has not been well considered in that regard.

With reference to the $10,000 which he proposes as a reward, it seems to me it is adopting a new precedent in legislation which is not very safe. I think that these eminent physicians would be as likely to discover the causes of this disease as any one who might set to work for the $10,000 reward. Forty thousand dollars for a test of this question is rather too liberal. I think on the whole the amendment had better be defeated to-day and referred to the Committee on Agriculture. I ask the attention of my friend from Missouri to that point. Let the amendment be withdrawn to-day, I suggest to my friend, and referred to the Committee on Agriculture; let them carefully examine it; it more properly belongs on the sundry civil bill than on this bill; and if it is carefully examined by that committee and some reasonable amount suggested, I apprehend it will meet with less objection than on this bill. I should be very unwilling to vote for so large an amount, and especially for the reward which is proposed by the Senator from Missouri. If it is insisted upon I hope that the amendment will be rejected to-day. I do not know but that I should vote for something of the kind on the sundry civil bill; but this amendment proposes altogether too large an amount to make the test. It is a little bit extravagant, I will say to my economical friend from Missouri.

Mr. COCKRELL. Just one moment——

The PRESIDENT *pro tempore*. By common consent, the Senator from Missouri can proceed, as he has occupied ten minutes already. The Chair hears no objection.

Mr. COCKRELL. I desire to read from the report of the Commissioner of Agriculture, which was communicated by the President in answer to the resolution introduced by me early in the session.

After going on and describing the disease prevailing all over the country, he says:

This interest is too great to be longer neglected by the General Government. Not only the health of its citizens, but one of the greatest sources of our wealth, demands that it should furnish the means for a most searching and thorough investigation into the causes of all diseases affecting live stock.

In answer to what the Senator from Delaware said, I will state that it is true that the Commissioner of Agriculture, I believe out of the contingent fund or some small fund, has been making last year a partial investigation, such as he could, here in Virginia and Maryland and contiguous to the capital; but it has been on a very small scale. I will say to the Senator from Minnesota, the chairman of the Committee on Appropriations, that this disease prevails at different times and has different characteristics in different sections of the country, and in different seasons of the year. I do not think that $30,000 is too much for the payment of the salaries of these commissioners and for the necessary investigations which they will have to make. If the Senate will permit this amendment to go in the bill and get the matter started, I am willing to reduce the amount; but I think that an appropriation for the purpose is absolutely necessary. When $40,000 only is appropriated to try to save an annual loss of $16,653,000, in less than half the counties of the Union, to the stock-raisers and farmers of this country, I do not think that is an exorbitant appropriation; I think it is economical. You would appropriate $40,000 to be expended to save to the stock-raisers and farmers of this country sixteen million six hundred and fifty-three thousand four hundred and twenty-eight dollars' worth of stock every year, and it is not an excessive or a large amount to appropriate for the purpose. It is true I did not have the amendment referred to the Committee on Agriculture. I supposed it was perfectly appropriate to refer it to the Committee on Appropriations and that that committee would consider it itself. I think it is appropriate. As a matter of course, I shall continue to urge the amendment in some shape until the Senate passes it. If I cannot get it ingrafted on this bill, I shall try it upon some other bill; but I do really think it should be placed upon this measure. My friend from New Jersey [Mr. RANDOLPH]

says "put it on the river and harbor bill." [Laughter.] I shall seek to put it on any bill so that it can be passed. I think that the chairman of the committee ought not to insist that this amendment should be voted down. If he will agree to fix the amount at $20,000 I shall be willing to take that and let it be passed; but I really think that the amendment ought to be passed upon this bill. It comes under the head of the appropriations for "the Department of Agriculture" properly, and this seems to me to be the appropriate place for it.

Mr. WITHERS. I wish merely to say a word in connection with this amendment. The importance of the object which it seeks to attain to the agricultural interest certainly cannot be well overrated, but I think it very doubtful whether much benefit will be derived from the passage of the amendment other than the direction of the public attention to the investigation of the causes of this disease. That is no new thing, however. In many of the States the agricultural societies in various localities have addressed inquiries to the investigation of this very question, and a large amount of information has been collected and collated and thrown together upon it. It seems to be well established that what is known as hog cholera really includes several different classes of disease, but they are classified under that general term. It is a disease which prevails as an epidemic, and the same laws apply to this disease that apply to epidemics which affect human beings. It is impossible, therefore, in the nature of things, that any specific remedy can ever be devised under which this reward of $10,000 can be claimed. Hundreds of nostrums, no doubt, will be brought forward and urged as affording this great panacea; but the fact of the business will be that when you test them it will be seen in many instances that the hogs will not be affected that use the remedy; but about the time the discoverer succeeds in establishing a reputation for it those that have taken the disease will be affected and die from it. That has been the experience in my own knowledge in numerous instances.

I think the suggestion of the chairman of the committee is eminently wise. Let this amendment be withdrawn; let a separate bill, more carefully considered perhaps, be presented and referred to the appropriate committee, and let the measure stand on its own merits. I for one do not hesitate to say that I am ready to afford every encouragement possible to a proper investigation of this matter in order that the nature and character of the disease may be established and such preventives and remedies applied as in the nature of the case are admissible. I do not believe, however, that it is any more possible for a specific remedy to be discovered which will prevent the prevalence of hog cholera than for one to be found which will eradicate the cholera or any other epidemic affecting the human race.

Mr. COCKRELL. I will reduce the amount to be appropriated by the amendment, before the vote is taken upon it, from $30,000 to $20,000.

The PRESIDENT *pro tempore*. The Senator from Missouri modifies his amendment by reducing the amount to $20,000. The question is on agreeing to the amendment as modified. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. Let the vote be taken again on the amendment.

The PRESIDENT *pro tempore*. The Chair will put the question again.

Mr. WINDOM. The Senator from Missouri having modified his amendment, it becomes a new proposition, and therefore I suppose I may say a word. I vote against this proposition, not because I desire to commit myself against the investigation, but because I think myself that the amendment has not been stated with sufficient care, and as the sundry civil bill is yet to come and is a more appropriate place for the amendment than this bill, and as the Committee on Agriculture will have time to examine it and to perfect the amendment, I think it better to reject it now and consider it again when the sundry civil bill is before the Senate. Therefore I shall vote against the amendment of the Senator from Missouri.

Mr. COCKRELL. At the solicitation of the Senator from Minnesota, who is so very persuasive, and of other Senators, I will yield to the suggestion to have the amendment referred to the Committee on Agriculture, withdrawing it as an amendment to this bill that it may come in upon the other bill suggested; and I give notice that I shall then press its consideration, when I hope to have the influence of the very interesting Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The bill is still open to amendment.

Mr. ALLISON. I ask unanimous consent to go back to line 24 and ask that the words "minute and journal clerk" be restored there. They were stricken out by the committee. Afterward on further examination it appears that this should not have been done. I have talked with several members of the committee and they agree that the words may be restored.

The PRESIDENT *pro tempore*. Does the Senator move an amendment?

Mr. ALLISON. I move in line 24 to insert the words "and minute and journal clerk," which were stricken out on the recommendation of the Committee on Appropriations.

The amendment was agreed to.

Mr. ALLISON. In line 28 I move to strike out the words "minute and journal clerk," which were inserted at that place on the recommendation of the Committee on Appropriations, so as to make the language conform.

The amendment was agreed to.

Mr. WINDOM. I wish to offer a few formal amendments made necessary by amendments that have already been made. In line 1433 I move to amend the total so that it will read $202,280. That is made necessary by some amendments that were agreed to.

The amendment was agreed to.

Mr. WINDOM. In line 2049, after "five," I move to insert the word "hundred." The word "hundred" has been omitted by mistake.

The amendment was agreed to.

Mr. WINDOM. In line 603 I move to strike out the word "thirty-five" and insert "forty;" so as to read "forty clerks of class 1," instead of "thirty-five clerks of class 1." The reason for this is that the passage of the act providing for pensioners of the war of 1812 has materially increased the duty of the Third Auditor's Office. The rolls are in a very bad condition and the business ought to be taken care of at once, and it cannot be unless there is an additional force. We should add five clerks for that purpose.

The amendment was agreed to.

Mr. WINDOM. In line 605 by mistake the words "one messenger" are omitted. I move that those words be inserted in that line.

The amendment was agreed to.

Mr. WINDOM. I move to change the total in lines 609 and 610, on account of the amendments just made, to $191,550 instead of $184,510.

The amendment was agreed to.

Mr. WINDON. In line 15 the total should read $181,192, instead of $178,030. I move that amendment.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. I feel inclined to offer an amendment, but before doing so I will address an inquiry to the chairman of the Committee on Appropriations. In line 1894 of the bill, page 77, it is provided:

For surveyor-general of the Territory of Dakota, $2,000, and for the clerks in his office, $3,500.

I observe in regard to the surveyor-general in the other Territories, I think without exception, (perhaps there may be one exception,) the salary appropriated for them is either $2,500 or more than $2,500. The Territory of Dakota is a very extensive Territory indeed. There is, I think, more agricultural land in that Territory than in any other Territory of the United States, and on account of the discovery of gold and silver in the Black Hills the Territory is rapidly filling up. In consequence of this rapid accession to the population of the Territory, the business of the surveyor-general necessarily has very largely increased. I should like to move to amend the bill so as to appropriate $2,500 for the salary of the surveyor-general and $5,000 for the clerks in his office.

Mr. WINDOM. I believe the law fixes the salary of this surveyor-general now at $2,000. That seems to be all that is estimated for the salary of the surveyor-general, and under the principle we have adopted not to increase salaries above the amount given for the current year we could hardly make an exception in this case.

Mr. CAMERON, of Wisconsin. How is it about the amount appropriated for clerks in his office?

Mr. WINDOM. That is a discretionary item, of course. That will depend upon the facts in our possession. I am aware of the fact stated by the Senator from Wisconsin that there is a very large amount of business there, and that the Territory of Dakota is very rapidly settling up. I have no objection, unless it meets with objection from other Senators, to increasing the appropriation for clerks in his office, so that the committee of conference may have a chance to consider that matter and if it be found to be correct we can agree to it in conference.

Mr. SARGENT. There is no branch of the public service that is suffering so much as the land surveys. All over the West and in some of the Southern States the same difficulty exists. Congress has for years systematically, or unsystematically rather, cut down the appropriation for this purpose until they amount to almost nothing. There is scarcely as much given now for the surveys of all the States and Territories together as formerly was given in a single State or Territory. The result of it is that settlers going upon the virgin lands and making themselves homes are not able to get surveys and are kept for years without any title to their lands. It is a very unsatisfactory condition of things. The trouble is that litigations arise, and especially with railroad companies who have land grants, because as is very well known the settler cannot bring his claim into the General Land Office for settlement until after a survey of the lands. The lands are withdrawn for the railroads, the settler dies, perhaps, or in his life-time he desires to sell out to somebody else, and the person to whom he sells has then not so old a claim as the railroad company, and the land is entirely lost for that reason to the settler and reverts to the railroad company. This has caused a great deal of confusion in my own State.

So far as the operation of this system in California is concerned it has very nearly stopped surveys, and that great surveyor-general's office, which has to deal with Mexican land claims, with all the varied mining interests, both quartz and placer claims, with pre-emption and homestead settlements—that office to-day is just about closed on account of there being no money to pay for the clerks necessary to be employed therein, so much so that there will have to be a deficiency this year when the deficiency bill comes in, or else an entire suspension of the work. I think in this direction Congress can very

wisely act by making more liberal appropriations and bring money into the Treasury, as well as give great relief to the settler.

Mr. CAMERON, of Wisconsin. I move to amend the bill in line 1895 by striking out the word "three" and inserting the word "five," and in line 1895 by striking out "five hundred;" so as to read:

For surveyor-general of the Territory of Dakota, $2,000, and for the clerks in his office, $5,000.

Mr. SARGENT. I hope that will be agreed to.

Mr. WINDOM. I am not authorized to speak for the Committee on Appropriations on this point, because it has not been examined, but I will state that the appropriations for these surveys for several years past have been regularly $6,300 until last year, when it was $4,300, and I am convinced that the amount proposed by the Senator from Wisconsin is not too large.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. EUSTIS. In line 1888, I move to strike out "two" and insert "six" before the word "thousand;" so as to read:

For compensation of surveyor-general of Louisiana, $1,800, and for the clerks in his office, $6,000.

And in line 1905, before "thousand," I move to strike out "ten" and insert "twelve;" so as to read:

For surveyor-general of California, $2,750; and for clerks in his office, $12,000.

Mr. SARGENT. That is for the same object.

Mr. WINDOM. Since the matter was under discussion before in the Senate, I find a note in the estimates which reads as follows:

The $18,000 is estimated for compensation of clerk hire, consisting of four regular clerks and draughtsmen, calling for $6,000, and twelve one-thousand-dollar clerks to bring up the arrears in office work of many years' standing, namely: to prepare duplicate patent plats of confirmed private land claims, of which there are about six thousand entitled to patents, and which cannot be patented until such plats are made; also to transcribe field notes of surveys of about seven hundred and eighty townships, for a long while in arrears, and requiring one month of time to copy the notes of six townships by one clerk. Very limited appropriations for office work in former years caused so extensive arrears.

As the Senator from Louisiana has reduced his proposition to reasonable limits, I desire to make no opposition to it unless it meets with opposition from some other Senator.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. The Chair understands that there have been some reservations. The Senator from California [Mr. SARGENT] desired to reserve an amendment.

Mr. SPENCER. I think the Senator from California will not insist upon reserving it.

Mr. SARGENT. I will leave that matter to the committee of conference.

The PRESIDENT *pro tempore*. Shall the amendments be concurred in in gross?

The amendments were concurred in.

Mr. PADDOCK. In line 2075, where the words "one thousand nine hundred" occur, I move to strike out "one thousand nine hundred" and insert "two thousand;" which would be exactly the salary provided for by law for the entomologist of the Agricultural Department. This officer is one of the most accomplished officers in the country. He is a man of very great scientific attainments. I should like to inquire of the chairman of the committee upon what theory the reduction was made. The law fixes the salary at $2,000.

Mr. WINDOM. It is precisely the same question that was discussed and decided by the Senate the day before yesterday. It was done in 1876 or 1877 as a sort of compromise in order to come to an agreement with the House of Representatives.

Mr. PADDOCK. I am sure that the chairman of the committee will agree with me that it is a great wrong and a great injustice to a man of the abilities of Professor Riley, who has now charge of that service, and who ought not to be required to serve for even $2,000; he ought to have $4,000.

Mr. WINDOM. I appreciate the fact as stated by the chairman of the Committee on Agriculture, but for the same reasons precisely as were stated day before yesterday, if we undertake to revise and to reinstate these salaries to where they ought to be as required by law, we shall have to revise the bill and make a great many changes. The Committee on Appropriations have deemed it advisable to restore the salaries to where they are now; without attempting to change them to conform to the existing law, not desiring to go into the question of salaries this year at all.

Mr. PADDOCK. I think the committee and the Senate ought to be willing to make an exception in this case and in that of the chemist of the Agricultural Department in line 2076. The entomologist and the chemist are two scientists of great experience and of great ability; they are men who have rendered very great service in their specialties. Professor Riley has done more in his specialty perhaps than any man living to-day, and he has a reputation that is world-wide. The Commissioner of Agriculture recommends that the salary should be placed at a figure exactly $1,000 in excess of what it would be if placed at what the law authorizes. Therefore I shall move the amendment that where the words "one thousand nine hundred" occur they be stricken out and the words "two thousand" inserted; so as to read:

Entomologist, $2,000; chemist, $2,000.

Mr. McMILLAN. I should like to ask the chairman of the Committee on Appropriations whether there are any other items in the bill which would be affected if that change were made?

Mr. WINDOM. The change would not affect any other items, but to do the same justice to conform to the principle which the Senator proposes would require a large number of amendments to the bill.

Mr. PADDOCK. I do not think it would trench upon any principle at all to make these cases exceptional in regard to these scientific men, whose services are so valuable to the country, increasing their pay $100 in order that they may receive the salary which the law allows. It is nothing more than ought to be conceded by every Senator and every Member of Congress.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Nebraska.

The amendment was rejected—ayes 7, noes not counted.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PERSONAL EXPLANATION.

Mr. BLAINE. During the brief debate in the morning hour this morning, I referred to the honorable Senator from Illinois [Mr. DAVIS] as a democratic Senator. I have been told that that designation was not exactly a proper one, and probably not entirely agreeable to the Senator. I merely meant to imply that he was not co-operating with the republican party. I was also mistaken in stating that in the campaign of 1868 he was against the republicans. I had not the remotest intention of misrepresenting the honorable Senator in any respect, and only regret that he is not even less a democrat than he is.

DISTRICT JUSTICES AND CONSTABLES.

Mr. DORSEY. I wish to make a conference report.

The PRESIDING OFFICER. The Chair will receive the report.

The Secretary proceeded to read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 3969, regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows.

Mr. EDMUNDS. Are the papers in the possession of this body?

Mr. DORSEY. The other.

Mr. EDMUNDS. Then the report cannot be made here until we get the papers.

The PRESIDING OFFICER. Objection being made, the report cannot be received.

ORDER OF BUSINESS.

Mr. HAMLIN. I move that the Senate proceed to the consideration of the report and concurrent resolution in relation to the award made by the fisheries commission.

Mr. EDMUNDS. I appeal to the Senator from Maine to withdraw his motion in order that I may move to take up the bill providing for the regulation of the counting of the votes for President and Vice-President of the United States. Of course that is a very important bill that ought to be considered and sent to the House of Representatives, if the Senate should agree to it, in season that it may be acted upon there before the adjournment, if the House chooses so to do. This appropriation bill of my honorable friend from Maine can be considered almost at any time, and will not take a great while I hope. I trust in fact that the bill I propose to take up will not; I am sure it will not; and I wish the Senator from Maine would allow me to call that up.

Mr. HAMLIN. I gave notice that I should ask the Senate to consider this resolution.

Mr. EDMUNDS. I gave notice last week, before the Senator reported the resolution from his committee.

Mr. FERRY. I hope the Senator from Maine will not press his measure upon the Senate at the present time. I gave notice some little time ago that as soon as I could obtain the floor for the purpose, I would ask the Senate to consider the bill to establish post-roads, and for other purposes. There are matters included in that bill in which the Post-Office Department take a deep interest, and it is very important that early action should be taken upon it; in fact, the bill ought to pass both Houses before the 10th of next month. I feel it my pressing duty to urge the Senate to its consideration, and I trust the Senator from Maine will yield that I may get it up. I do not think it will take a great while to consider the bill and pass it.

Mr. EDMUNDS. When I had the honor to report on Thursday of last week the bill from the select committee on the question of counting the presidential vote, I gave notice then that I should ask the Senate this week to take it up and consider it. That was before my friend from Maine had reported the resolution which he now asks the Senate to consider. I appeal to him and also to my friend from Michigan, to consider the nature and importance of that bill, and the desirability of its being acted upon and that they both allow the bill to be taken up and considered, as it was first reported;—I do not know as to its being reported before the post-route bill, which is a matter to be attended to at any time; but as to the other measure, the bill to which I refer was first reported and notice was then given that at the earliest opportunity this week I should move to take it up. I feel it my duty, therefore, to appeal to my friend from Maine to allow me to proceed with it.

Mr. HEREFORD. Mr. President, I must confess that I am surprised that the Senator from Michigan should ask to take up the post-route bill before the bill concerning the repeal of the resumption act and the various amendments thereto, which has been here six months, shall have been taken up. If I am not mistaken I understood the Senator from Michigan to say that the financial bill should be brought up immediately after the disposition of the legislative, executive, and judicial appropriation bill, and that a vote should be had upon it and the matter disposed of one way or the other. That bill has been here now some six months, and I hope that no other business will intervene until it shall be disposed of. All Senators I presume have already expressed the views that they may entertain on the subject, so that there will be nothing to do except to take a vote. That can be done in a very short time; and let the people of the country know what they are to depend upon, whether we are to have the resumption act repealed or not. I hope that what I understood to be the arrangement will be carried out, and that we shall have a vote upon that question before any other action of any kind whatever is taken.

Mr. SPENCER. I move to amend the motion of the Senator from Maine——

Mr. EDMUNDS. You cannot amend that under the rules.

Mr. SPENCER. By substituting therefor that we proceed to the consideration of the river and harbor bill.

The PRESIDING OFFICER. That motion is not in order.

Mr. SPENCER. I desire first to say that the river and harbor bill is now reported and on our Calendar. It is an appropriation bill; and it will have to go to a committee of conference. I suppose every Senator here has made up his mind as to how he will vote; I know I have; and there is no time to spare. We can take up the river and harbor bill this afternoon and pass it before we adjourn, if we stay in session until six o'clock. I hereby give notice that I shall move to lay aside the pending and all prior orders for the purpose of proceeding to the consideration of the river and harbor bill when the motion is in order. I understand that the motion is not now in order.

Mr. EDMUNDS. Not yet.

Mr. FERRY. I desire to say, in answer to what was said by the Senator from West Virginia, that it is not my design to defer the consideration of the bill to which he made reference. It was not my understanding, however, that it was to be called up immediately after the legislative, executive, and judicial appropriation bill. The other finance bill, which was recently passed, arresting the contraction of greenbacks, was taken up and disposed of; but the Postmaster-General is pressing daily for the consideration of the bill that I am now endeavoring to get up. I say to the Senator that when the post-route bill has been considered, it will then be my object to seek the attention of the Senate upon the bill to which reference has been made by him.

Mr. HEREFORD. With the understanding on the part of the Senator from Michigan that he is to call up the bill directly after the disposition of the post-route bill, I have nothing further to say.

Mr. EDMUNDS. There is no such understanding. I give notice that I shall move the other bill.

Mr. HEREFORD. I did not say there was such an understanding with the Senate, but the understanding is with the Senator from Michigan, who has charge of the bill, that he will himself ask that it be taken up. Whether it shall be taken up will depend upon the vote of the Senate. All we ask is that the Senator from Michigan will give us an opportunity to vote upon the subject. The bill is in his charge.

Mr. FERRY. I am not and have not been disposed to neglect any matter that has been confided to my charge. I have sought to advance the public interest. With that object in view, when the other bill was up, I occupied but very little of the attention of the Senate, for the purpose of getting the bill through, which was passed in four hours after it was taken up. My object is now to have considered another measure which is of great interest to one Department of this Government, in which all the people of the United States are interested. When that is accomplished, I shall then attempt to get the floor and ask the Senate to consider the other financial bill. That certainly ought to be satisfactory to the Senator from West Virginia.

Mr. HEREFORD. That is satisfactory to me.

Mr. ALLISON. I hope that the appropriation bills will always be considered as taking precedence of any other bill, and especially of the bill now spoken of by the Senator from Michigan. We have substantially passed all that is required upon the subject of the finances at this session. I do not think the Senator from West Virginia need be disturbed very much if no further legislation is had upon the subject of finance at this session.

Mr. HAMLIN. I feel the force of the appeal of the Senator from Vermont, but I, in my turn, appeal to him and I appeal to the Senate. I say that there is no question which we are more imperiously called upon to act upon and decide than the question to which I have invited the attention of the Senate. I concede the importance of the measure suggested by the Senator from Vermont, but in one material point of view it is certainly of far less importance than the measure to which I have asked the attention of the Senate; it is not absolutely necessary that it shall receive the action of this body or of Congress at this session, though it is desirable and will have my cordial support. But it is absolutely necessary, if we would avoid an extra session, that we shall determine our action in relation to the fisheries award. I think, therefore, that it is more important to proceed with it. The Senator from Vermont says he trusts it will take but a little period of time. I trust so too; and if the Senator will allow us to take it up I hope we shall dispose of it in a very limited time. I propose to occupy but a very little period of time in the Senate upon it.

Mr. SPENCER. I do hope that the Senate will proceed this afternoon with the river and harbor bill and dispose of it. It is an important bill, a bill in which the constituency of every Senator here is interested. It is necessary for the bill to go to a committee of conference, and it is important that it should be acted upon at an early period. I hope that my motion to proceed to its consideration when it shall be in order to make the motion will prevail.

Mr. EDMUNDS. I will not waste the time of the Senate in contending, but I have a word more to say. It is true that the measure proposed to be brought forward by the Senator from Maine is one that ought to be acted upon one way or the other; but in respect of the bill which I ask the Senate to consider, although as my friend from Maine says, it is not true that it is essential in the sense of its becoming a law, that it shall be acted upon and passed at this session, we all know from an experience of almost a hundred years that the nearer in respect of such questions we draw to the time of a presidential election the greater are the difficulties to be encountered in dealing with the subject. Therefore at this session and at this time, when our minds are free from the bias that necessarily surrounds them as we draw nearer and nearer into the excitement of elections, I think the Senate and the House of Representatives ought to act upon the question and if possible regulate by law, whatever it may be, but by some law, the process of ascertaining who the President of the United States is that has been voted for at the election. I hope my honorable friend from Maine, seeing the force of that, will allow the bill to which I have referred to be taken up and considered. It can only occupy reasonably and properly a very short length of time, inasmuch as the general subject has been so much discussed in the Senate in the past few years. Let that be acted upon, and then in respect of his measure, which depends upon simple consideration, there will be no difficulty of action.

Mr. COCKRELL. I fully agree with the Senator from Vermont in the importance of the bill which he has suggested be taken up and considered. But I believe we hold our terms of office for about six years, and have something like six months of this year before us; and I think that we have ample time to take up, consider, discuss, and act upon all the measures which have been suggested, the measure suggested by the Senator from Maine, that suggested by the Senator from Vermont, as well as the measure which is being pressed by the Senator from Michigan.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine, to proceed to the consideration of the concurrent resolution indicated by him.

Mr. BECK. I desire to ask what the order of business is. If this motion is voted down, then the motion of the Senator from Michigan comes up for a vote, I understand. I ask if that is not the next question in order to be voted upon?

The PRESIDING OFFICER. There will be nothing before the Senate if the motion of the Senator from Maine is voted down.

Mr. EDMUNDS. If the motion of the Senator from Maine should be voted down, then I shall endeavor to get the floor to ask that the measure to which I have referred be taken up.

Mr. FERRY. My answer to the Senator from Kentucky is that if the motion of the Senator from Maine is lost I shall endeavor to obtain the floor for the purpose of having the Senate consider the post-route bill.

Mr. SPENCER. I wish to say that if the pending motion is voted down I shall endeavor to obtain the floor to ask the Senate to consider the river and harbor bill.

Mr. BECK. The reason I asked the question was to regulate my own vote relative to these matters. I shall endeavor to so vote as to bring up the question moved by the Senator from Michigan, and, of course, shall vote against everything that will antagonize that, hoping that when the post-route bill is passed, the measure relative to receiving the legal-tender notes of the country for customs dues, and other things, the resumption question may be passed upon. It was only to know how to vote and what would next follow that I asked the question.

Mr. HAMLIN. I hope the Senator from Kentucky will first vote to allow us to dispose of the matter in relation to the fisheries award.

Mr. BECK. I am sorry to say that I shall endeavor to vote for nothing that will prevent (as the day for adjournment is now so near at hand) the consideration of the financial question and the post-route bill and the remaining appropriation bills.

Mr. KERNAN. I suggest that there cannot be great haste about the financial question. We have got our paper almost to par; and why should there be any such haste to say that we will interfere with it? We passed a bill a few days ago to prevent contraction, to prevent hoarding, by which the greenback currency is not to be contracted a dollar. I think we are getting along very well, taking things in their order.

Mr. BECK. I do not want to go into that discussion now; but

there are very many reasons why I desire the financial bill to come up that are satisfactory to my own mind. It was because I wanted to get the information to enable me to vote intelligently that I asked the question that I did. Whether the Senator from New York thinks we have done all we ought to do or not is another question. I do not think we have done half what we ought to do or what the country demands, or half what the majority of the Senate ought to do before the Senate adjourns, relative to this question; and so believing I shall endeavor to get a vote upon the measure.

Mr. BAYARD. There was something said in regard to an understanding of the Senate as to taking up certain measures reported by the majority of the Committee on Finance. I can only say that the Senator from Michigan reported on the 21st of May a bill to forbid the further retirement of United States legal-tender notes, and that bill was pressed by the friends of such measures in the Senate without stint or stay; and its consideration was forced, was had, and the bill was passed, although it was not to the convenience of some who desired to oppose its passage. I only say for myself that to promote what I understood to be a measure of satisfaction to those who are standing back of this and kindred measures, at considerable personal inconvenience and without the preparation I desired, I was compelled to speak upon that subject or else be silent on the passage of such a measure, to which I could not consent.

Now, I agree with the Senator from Iowa that no arrangement and that no understanding of any kind exist in the Senate to the effect that there shall be a preference given to one measure after another in the same line. On the contrary, the measure forbidding any diminution in the volume of the legal-tender notes, no matter what amount of national currency was issued, a measure that virtually turned the act of 1875 into an unmitigated act of inflation, provided it can be executed at all, has passed the Senate, and has passed it in very great haste. It was reported on the 21st of May; it passed the Senate on the 27th; and surely there was no delay there. I merely said, as I will say again, that I do not propose to defeat a measure to which I am opposed, by dilatory motions. That is not the way. Whatever is the sentiment of the Senate deliberately expressed must in the end be recorded. All the minority can ask and ought to have, is the time deliberately to express their opposition; but to continue to keep these measures pressing us one after another when so much has been given already, strikes me as unfair. I can only say that the full measure that good faith and mutual convenience require in this case has been accorded to the passage of the act which arrested the existing laws and caused, as I understand from the public prints, a hesitation, not only a hesitation but a failure, on the part of the Secretary of the Treasury under existing laws to cancel and destroy the 80 per cent. of greenback notes which the law required he should cancel and destroy upon the concurrent issue of 100 per cent. of national-bank currency. The consequence was that one million and a half of United States Treasury notes, which under existing law should have been recalled and canceled forever, were stopped under the Secretary's most willing accession to the letter of a law not actually in existence.

I think, therefore, that there was no understanding of the Senate that shall be conclusive as to further measures of this kind; but on the contrary I apprehend there is a general acceptance in the Senate that a measure so extreme as I view this legal-tender enactment, would have been considered at least satisfactory for the time being to those who have been urging such measures.

Mr. FERRY. The Senator from Delaware did not understand me to have said that there was an understanding on the part of the Senate that this second finance bill should be taken up at once? I made no such statement. I simply said that I would try to obtain the floor for the purpose of securing the consideration of that bill after the post-route bill had been considered. I could not say that there was such an understanding in the absence of the understanding.

Mr. BAYARD. The Senator pressed the bill to arrest the further retirement of the legal-tender notes with as much haste and force as he was capable of, and he succeeded in its passage within a week after it was reported from the committee.

Mr. FERRY. That remark has reference to the bill already passed.

Mr. BAYARD. That part of that contract has been duly performed, I am sorry to say.

Mr. FERRY. Does the Senator from Delaware understand that I am stating that there is an understanding on the part of the Senate to take up any measure which I am advocating?

Mr. BAYARD. Not the least on earth. I know there is no understanding, and I would not state an error.

Mr. FERRY. I did press the other measure because it was my duty to do so. The measure was in my charge. The committee had instructed me to report it. Other bills had been taken up. I had the right and I felt it my duty to have that measure taken up. Having done that, and the Senate having passed it, I then gracefully yielded to the legislative, executive, and judicial appropriation bill, as it is my duty with other Senators to give priority to the appropriation bills unless they stand directly in the way of other equally important measures. I simply wish now to give notice to the Senate that if the motion pending prevails I shall, upon the conclusion of that measure, if the Senate agree to take it up, seek the floor to have the Senate consider the post-route bill, and when that is concluded I shall try to get the floor to have the Senate consider the second financial measure, the bill for the repeal of the resumption act.

Mr. MATTHEWS. I trust the Senate will agree to the motion made by the Senator from Maine, bearing in mind that his proposition is to take up what is an appropriation bill, which ought to be acted upon without delay, and which I believe might have been disposed of during the time which has been occupied in the discussion as to whether we shall consider it or not.

Mr. BECK. If any Senator understood that I claimed in what I said that there was any understanding about the precedence of bills, I desire to assure him that he was mistaken. I only asked the question I did because I desired, so far as I was able, to aid in voting down the proposition of the Senator from Maine and the proposition of the Senator from Vermont or any other proposition that might interfere with the business that I regarded as more important than the propositions pressed by either of them. The fishery award can stand over until next December.

Mr. EATON. By no means.

Mr. HAMLIN. No, it cannot; it has got to be paid by the 1st of next November.

Mr. EDMUNDS. That depends upon whether there was an award.

Mr. EATON. It must be paid next November, and the measure must be passed at this session.

Mr. BECK. I supposed it could stand over until then. There is no doubt about our action having effect at that time. Surely, the proposition pressed by the Senator from Vermont will not suffer by being considered at the next session of Congress. I consider that if there is any question that all the people of this country are demanding shall be acted upon it is the financial question, the question suggested by the Senator from Michigan. On the 26th day of November, 1877, the House of Representatives, with a unanimity unparalleled, sent us a bill which it was supposed would receive prompt consideration. It was reported with amendments, which are very good to my mind, not however going to the extent that they ought, by the Committee on Finance of this body, and its consideration has been postponed from that time until now, although urgent efforts have been made by the gentlemen who desire to have a vote upon it to have it considered. One measure looking in the right direction was passed by the Senate the other day. I desire to say that there was no suggestion on the part of many of the friends of the measure now sought to be considered that that was to be regarded as a finality, or that it was to be regarded as satisfactory by anybody who voted for it. Those who differ with me and those who do not want to have any portion of the resumption act repealed, who do not want the legal-tender notes of the country to be received at the custom-house the same as gold, and intend that this matter shall continue to go on and we shall adjourn and do nothing with it, will endeavor to vote it down and throw all the obstacles they can in its way. I, and those who agree with the House in that regard, surely have the same right, if we have a majority in the Senate, to press the measure to a vote at the earliest possible moment. It was to enable me to understand how to vote to accomplish that object, and not to suggest that it either had any precedence over anything else or that anything had been done which threw it out of the way, or that any compromise had been made by the passage of any other bill bearing on this or any other branch of the question, that I desired to state what I have stated.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine to proceed to the consideration of the resolution on the fisheries award.

The question being put, there were on a division—ayes 30, noes 20.

Mr. BECK. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 21; as follows:

YEAS—35.

Allison,	Conover,	Jones of Florida,	Oglesby,
Anthony,	Dorsey,	Kellogg,	Randolph,
Barnum,	Eaton,	Kernan,	Rollins,
Bayard,	Eustis,	Kirkwood,	Sargent,
Blaine,	Grover,	McMillan,	Saulsbury,
Booth,	Hamlin,	McPherson,	Wadleigh,
Burnside,	Hoar,	Matthews,	Whyte,
Christiancy,	Howe,	Maxey,	Windom.
Conkling,	Johnston,	Mitchell,	

NAYS—21.

Armstrong,	Edmunds,	McDonald,	Spencer,
Bailey,	Ferry,	Merrimon,	Voorhees,
Beck,	Hereford,	Morgan,	Withers.
Cameron of Wis.,	Hill,	Morrill,	
Cockrell,	Ingalls,	Paddock,	
Davis of Illinois,	McCreery,	Saunders,	

ABSENT—20.

Bruce,	Davis of West Va.,	Harris,	Ransom,
Butler,	Dawes,	Jones of Nevada,	Sharon,
Cameron of Pa.,	Dennis,	Lamar,	Teller,
Chaffee,	Garland,	Patterson,	Thurman,
Coke,	Gordon,	Plumb,	Wallace.

So the motion was agreed to.

THE FISHERIES AWARD.

The Senate proceeded to consider the following resolution reported by Mr. HAMLIN, from the Committee on Foreign Relations, on the 28th instant:

Resolved by the Senate, (the House of Representatives concurring.) That the views and recommendations embraced in the report of the Senate Committee on Foreign

Relations touching the award made by the fisheries commission at Halifax are hereby approved.

The PRESIDING OFFICER. The resolution is before the Senate. The question is on its passage. Is the Senate ready for the question?

Mr. EDMUNDS. Mr. President, this is a resolution which like every other is before the Senate in Committee of the Whole, and must have its regular consideration, and its three readings.

Mr. HAMLIN. No.

Mr. EDMUNDS. Is it a joint resolution?

Mr. HAMLIN. It is a concurrent resolution, which, therefore, must take the ordinary course.

Mr. MATTHEWS. It is not a joint resolution?

Mr. HAMLIN. Concurrent.

Mr. EDMUNDS. It is a resolution that must have the force of law, and it must take the regular stages of consideration, in Committee of the Whole, &c.

Mr. HAMLIN. The Senator has got the bill—not the pending resolution.

Mr. EDMUNDS. I have got what was given to me as the thing taken up.

The PRESIDING OFFICER. The bill accompanies the resolution.

Mr. EDMUNDS. Give me the resolution. [The resolution was handed.] Then, Mr. President, I should like to hear "the views" read. I see that this is simply a resolution of the two Houses that the views and recommendations embraced in the report of the Senate Committee on Foreign Relations, touching the award made by the fisheries commission at Halifax shall be approved. I should like to hear the report read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. HAMLIN on the 28th instant:

The Committee on Foreign Relations, to whom was referred the message of the President, together with the letter of the Secretary of State and the papers transmitted therewith, relating to the award of the fisheries commission, submit the following report with accompanying resolution and bill:

The commission which assembled at Halifax, in the Province of Nova Scotia, in 1877, met in pursuance of the treaty of Washington to determine a single question, and a question of importance to the United States and the government of Great Britain, and of special and significant weight to the government and people of the Dominion of Canada. That question, to state it as plainly and tersely as possible, was to determine how much the privilege of the inshore fisheries of the Gulf of Saint Lawrence was worth to the American fishermen, over and above what the American market for fish, free of duty or tax, was worth to the Canadian fishermen. It was simply a question of free fishing in all Canadian waters to the American, and of free fish in all American markets to the Canadian, with the right of free fishing to the Canadian in American inshore waters, as specified in the treaty, both for the term of twelve years; and the simple and single point at issue was how much is the privilege accorded to the American worth above that which is granted to the Canadian.

The determination of this question was left under the wise and beneficent provisions of the treaty of Washington to a commission of three persons: Sir Alexander T. Galt, named by Her Britannic Majesty; Hon. Ensign H. Kellogg, named by the President of the United States; and Mr. Maurice Delfosse, envoy extraordinary and minister plenipotentiary from Belgium to the United States, named by the Austrian ambassador at London, in pursuance of the terms of the treaty. After hearing all the evidence and pleadings in the case, two of the commissioners gave an award against the United States of five and a half million dollars, nearly a half million dollars per annum for the twelve years covered by the treaty. Ordinarily an award made by a commission of this character would be paid with the utmost promptness and without the slightest criticism. The principle of international arbitration, so successfully inaugurated under the provisions of the treaty of Washington, is of such vast importance to the peace and prosperity of the nations, and the consequent advancement of civilization, that every proper effort and indeed every reasonable and honorable sacrifice necessary to secure and maintain it should be freely and gladly made. If comments, therefore, become necessary in regard to the award of the Halifax commission, they will be indulged, not as of interest simply to the American side of the question, but of equal interest at least to the British side of the question. In a just and proper disposition of this question the interests of the two nations do not and cannot differ.

Boards of arbitration, like judicial courts, are restricted in their judgments and awards by the jurisdiction that is conferred upon them. If an international board of arbitration transcends its jurisdiction and proceeds in any respect *ultra vires*, there is, of course, no appeal to interpose as a corrective, except to that of the justice and honor of the nations interested. However much, then, we may regard the award made at Halifax as excessively exorbitant, and possibly beyond the legal and proper power of those making it, your committee would not recommend that the Government of the United States disregard it, if the government of Her Britannic Majesty, after a full review of all the facts and circumstances of the case, shall conclude and declare the award to be lawfully and honorably due. If the unfailing power of self-interest may be feared as a force tending to obscure the view of the British government as to the essential justice of the opposing side, we must remember that in the other direction no nation is more vitally interested than Great Britain in upholding and maintaining the principle and practice of international arbitration; and the intelligence and virtue of the British statesman cannot fail to suggest that arbitration can only be retained as a fixed mode of adjusting international disputes by demonstrating its efficiency as a method of securing mutual justice, and thus assuring that mutual content without which awards and verdicts are powerful only for mischief. In the spirit of these suggestions your committee beg leave to call attention to several features of the award.

The first point claiming attention is that the award was made by only two of the commissioners, Messrs. Galt and Delfosse, the American commissioner, Mr. Kellogg, entering his emphatic dissent from the exercise of exclusive and plenary power on the part of the other two commissioners. Mr. Kellogg was doubtless prompted to this course by the fact that the treaty of Washington in providing arbitrations, one at Geneva, one at Washington, and another at Halifax, specially declared, in the case of the Geneva tribunal and the Washington commission, that a majority should decide. In establishing the Halifax commission no such authority was given to a mere majority of the commission, and no provision was inserted to except the proceedings from the law of arbitration that commonly prevails in England and America; but, in the judgment of your committee, it would not be wise or expedient for the United States to refuse to pay the award on this ground, if the British government, after the subject shall have been brought to its attention, claim that, in their judgment, the award is made in accordance with the terms of the treaty and in conformity with sound principles of law.

The second point of the award to which your committee invite attention is its exorbitant amount, not warranted by any estimate placed upon the value of the inshore fisheries or any negotiations between the two governments. An exhaustive examination of the relative values of free fishing for Americans and free fish-markets for Canadians was made by the agents of the two governments, respectively, anterior to the reciprocity treaty of 1854. It was then virtually agreed to offset the one against the other, and for the period of twelve years, from 1854 to 1866, the mutual interchange of privileges was enjoyed with so great and decided disadvantage to the American fishermen, that their demand for the termination and against its renewal was absolutely unanimous. And so far as the United States was officially advised of the wishes of the Canadians, equal unanimity on their part was found in favor of continuing the reciprocity treaty of free fisheries and free markets. It is true that the provisions relating to the fisheries were coupled with reciprocity in other branches of commerce, but your committee make the statement with special and separate reference to the fishing interests of the two countries. The opinion governing Congress comprehended full knowledge of the fishing interest and of the unanimous desire of the American fishermen to terminate the treaty, and a like desire of the Canadian fishermen to continue it. The suggestion at that time that the United States should continue to admit Canadian fish free of duty, and also pay half a million dollars annually, to secure to our fishermen the privilege of catching mackerel in the inshore waters of Canada, would have been regarded as so unreasonable that it would neither have been proposed nor entertained. And it is but just to say, and to say it with emphasis, that during the twenty-four years since the reciprocity treaty was negotiated, the fisheries have not improved in their resources, whereas the markets in the United States have greatly increased in their value—have nearly doubled. So that free markets to the Canadians, in exchange for free fishing to the Americans, present to-day far greater advantages to the Canadians than they did when they were so ready and so eager to continue the arrangement of 1854.

And it is worthy of special mention that since the treaty of Washington, negotiated in 1871, the government of Great Britain had so little confidence that anything could be awarded in their favor that they were not anxious to have a meeting of the commission, and interposed a proposition for another treaty of reciprocity, which would entirely dispense with the assembling of the Halifax commission. There is good ground indeed for believing that the provision in reference to the fisheries in the treaty of Washington was desired by the British government as an entering-wedge for fresh negotiations in regard to a new treaty of reciprocity. To this end an accomplished agent was sent to Washington in 1873 by the British government, and his labors were aided and supported by the presence of a distinguished Canadian statesman sent hither by the Dominion of Canada. And the treaty of reciprocity which these British agents finally agreed upon with the State Department, and which was submitted to the Senate by the President of the United States and rejected by the Senate, contained again the provision of the former reciprocity treaty of free fishing and free markets; the one being tended by the British agents as a fair and full equivalent for the other. The suggestion of half a million dollars per annum to be paid by our Government for the superior privilege accorded to American fishermen would at that time (1874) have been regarded as wild and extraordinary, as it would also have been at any time since the reciprocity treaty was negotiated twenty years ago.

The returns of custom receipts for four full years—1873 to 1877—since the treaty for the free importation of fish from Canada has been in force, shows that our Government has remitted duties to the Canadian fishermen of nearly a million and a half dollars or nearly $350,000 per annum. Under the Halifax award, our Government is now called upon to pay nearly a half million dollars more per annum for these years, making an aggregate of remission and payment of more than $800,000 per annum, in gold coin, for the privilege of inshore fisheries, the enjoyment of which does not, according to the most reliable statistics, add $25,000 per annum to the profits of American fishermen. In no view can it be double that sum. Were the treaty of free fishing and free markets perpetual in its terms we might find some elements of content, even in the exorbitant award of five and a half million dollars, in the fact that it would remove all possible danger of contention or conflict with a friendly power in a field which has hitherto been involved in difficulties and trouble. But it is not so. This large sum is in consideration of having the fishery question adjusted for the brief space named of twelve years, nearly one-half of which has expired.

But further and in addition to the large sum which has been named, which the United States will be compelled to pay, there is another and important fact to be remembered as bearing directly upon a just decision of the pending question. By the nineteenth article of the treaty of Washington, the right of the inshore fisheries in the waters of the United States north of the thirty-ninth parallel of latitude is secured to the Canadian fishermen in the same manner substantially as is the right to American fishermen in the inshore fisheries of Canadian waters.

But startling as are these figures they do not present the whole case, for it must be remembered, as before stated, that under the treaty the United States remits duties on Canadian fish each year of nearly $350,000, aggregating for the twelve years (allowing a slight increase for each year) the large amount of $4,500,000. This sum which is actually withheld from the Treasury of the United States, and therefore in effect taken from it by the treaty, added to the amount of $5,500,000 makes a total of $10,000,000 which we are called upon to pay for the privilege of American fishermen, making a profit not probably exceeding $25,000 per annum, and cannot possibly equal twice that amount for catching mackerel within the three-mile line of the shore of the Canadian waters named in the treaty. Thus it will be seen that the Government of the United States in effect pays, reckoning interest as low as 4 per cent., an annual sum of $400,000 for the inconsiderable privilege conferred upon American fishermen by the treaty of Washington. Reckoning the interest at 5 per cent. and the annual payment would be just a half million dollars, for that which cannot be in value $50,000. The policy of protecting and encouraging our fisheries was so highly regarded by the founders of our Government, and by those who administered it for seventy years, that large bounties were paid to develop and increase the trade and occupation. The system of our bounties was abandoned some years since, and our fishermen were left to their own energy and enterprise. By the operation of the Washington treaty, in remitting duties, and the Halifax commission awarding an enormous sum against us, the United States is called upon to pay annually a larger sum for the benefit of Canadian fishermen than it ever appropriated as bounties to American fishermen. It may be that American fishermen can prosper without any direct aid from their Government, but they can hardly prosper when the United States is thus made to aid their strongest competitors.

When the British members of the joint high commission of 1871 pressed the fishery question for settlement, the best offer they could get from the American members of the commission was that the United States would agree to pay $1,000,000 for the full and absolute right in common to all the Canadian fisheries in perpetuity. The American commissioners refused to add the admission of Canadian fish free of duty into our markets; and the British commissioners would not agree to any adjustment which did not give the Canadians free entry of fish into the markets of the United States. Finally it was agreed that free fish and free markets should be exchanged, and leave it to be determined by a commission, to meet at Halifax, if anything more should be paid by the United States. The protocols plainly show that the American commissioners were striving sincerely for the settlement of a question that might disturb in the future the harmonious relations of Great Britain and the United States, and did not place a high estimate on the value of the privilege they were seeking to secure for American fishermen. Your committee entertain the opinion that all these facts should be brought to the attention of the Brit-

ish government, with a view to seeing whether, in the light of them, they would claim the award to be a valid and just one, and to see whether in fact the two commissioners who made the award had, first, a legal power and right so to do; and, second, whether in fact they did not take into consideration questions which were not submitted to them; and if such considerations might not really have influenced or governed their award upon their view of questions not before them. When the King of the Netherlands was selected in 1827 as an umpire to decide the point at issue between England and the United States, with reference to the northeastern boundary, the United States did not hesitate to set his award aside, on the plain and justifiable ground stated by Mr. Clay, then Secretary of State, that His Majesty had recommended a mode of settlement outside of the facts and terms of submission. Had Messrs. Galt and Delfosse favored the commission, and in that way the United States, with the grounds on which they based their conclusions, it might be shown that they departed as far from the facts and terms of submission as did the King of the Netherlands; and the justice of our setting aside his award, promptly and peremptorily, was never seriously disputed by the government of Great Britain. Your committee therefore recommend that the facts connected with this award be fairly and fully submitted to the government of Her Britannic Majesty.

In the third place your committee would suggest that, in the event of the payment of the award by the United States, the utmost care and circumspection be employed to disabuse the minds of the British and Canadian governments, as well as the British and Canadian people, of any possible impression that the United States or the American people do or ever can accept the award of the Halifax commission as a just measure of the value of the inshore fisheries in Canadian waters. Against such inference, deduction, conclusion, or belief the Congress of the nation, the Senators of the States, and the Representatives of the House of Representatives and of the people, respectfully, but firmly and decidedly, protest. And they do not protest merely from a sense of the injustice that is done in the award, but also and especially because in future negotiations with England regarding trade and commerce between the United States and the Dominion of Canada the Government of the United States will not recognize the award of the Halifax commission as in any sense a just measure of value of the fisheries in question.

Your committee recommend that if its views and conclusions shall commend themselves to the approval of Congress a concurrent resolution shall be passed by the Senate and House; and to that end a resolution is herewith submitted.

And your committee further recommend that the executive department of the United States should be authorized to pay the award if, after correspondence with the government of Great Britain, the President of the United States shall, without further communication with Congress, deem that such payment shall be demanded by the honor and good faith of the nation. And if in pursuance of that conclusion the award shall be paid, that the President shall, as soon as may be thereafter, lay the correspondence with the British government relating thereto before Congress, unless in his opinion it shall be incompatible with the public interest so to do.

Mr. EDMUNDS. Mr. President, I move to amend the resolution, which I see is a concurrent one, merely expressing the judgment of the two Houses, as distinguished from the bill which I supposed was the matter taken up, by adding thereto the following words:

And if under the circumstances the government of Great Britain shall receive the sum of money referred to, the provisions of said treaty on the subject ought to be terminated at the earliest time consistent with the thirty-third article of said treaty.

Mr. President, by the eighteenth to twenty-fifth articles of this treaty inclusive, it is provided that for certain fishery privileges within the territorial jurisdiction of Her Majesty's government, a commission should sit to determine how much, if anything, the Government of the United States should pay for the period of ten years from the time the treaty took effect; and it was to take effect by the thirty-third article as soon as the necessary legislation in those respects should be adopted by the respective countries. Then it provides:

Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

The result of that appears to be that this sum of five and a half million dollars is paid for the use of these privileges for the period of ten years, or at the most twelve years, and if the ten years expire and we enter the first day on the next term of ten years, then the duty of raising a new commission and paying for the second ten years arises; so that I think we ought to express the opinion, if we entertain it, as I am sure everbody who hears me does, that this award if you can call it that—I do not wish to characterize it that way, but this so-called award for five million and a half of dollars,—is to be paid as proposed in the view of the committee, ought to be paid if Her Britannic Majesty's government think it is a binding award, but then we ought to say at the same time that the moment we have paid that sum of money we will take an attitude that shall not raise an obligation upon our part to pay another five million and a half or ten million or twenty million dollars that a majority of two out of three commissioners may determine we are to be mulcted in. I wish this declaration of the propriety of terminating this arrangement, which is so greatly to our disadvantage on the whole, to go with the idea that we are to pay at all.

Mr. SAULSBURY. I should like to have the opinion of the Senator from Vermont, the chairman of the Judiciary Committee, as to whether the so-called award, as he terms it, is in his judgment an award binding upon this government under all the circumstances of the case. He is the chairman of the Committee on the Judiciary, and his opinions on that subject ought to have, as they would have, very great weight. I shall be called upon to vote on this question, and I should like to have his opinion on the subject.

Mr. BECK. Mr. President, I desire to offer an amendment now, or whenever it is order, so as to call out, if I can, the opinion of the Senator from Vermont after what has been said on the floor by the Senator from Maine and what is said in the report. I shall move to strike out all after the word "Washington," in line 9 of the bill, after it directs the President of the United States to pay to the government of Her Britannic Majesty the amount awarded by the fisheries commission lately assembled at Halifax in pursuance of the treaty of Washington, and insert:

If the British minister resident at Washington lays before him such evidence as, in the opinion of the Attorney-General of the United States, renders it certain that the British ministry and the crown lawyers and counselors insist that the award as made was in strict accordance with law and would have been regarded by them as binding and conclusive on the British government if it had been adverse to their claims; and that it shall not direct the payment of any part of the money hereby appropriated until such decision is furnished as aforesaid.

The PRESIDING OFFICER. That amendment is to the bill; and the bill is not before the Senate.

Mr. BECK. I thought it was.

Mr. EDMUNDS. No, it is only a resolution expressing concurrence in the view of the committee.

Mr. President, I think I ought to reply to what the Senator from Delaware [Mr. SAULSBURY] has said as he has referred to me particularly, by saying that I do not wish at this moment of time to express any opinion upon the subject to which he referred. Where the rights of a friendly nation are involved, we ought to be very deliberate in respect of forming an opinion upon a topic of that kind, if that friendly nation thinks that an award made in this form is a binding award. Of course the Senator from Delaware is just as well aware as I am of the principles of the common law of England and the common law of the States of the United States derived from the mother country, that no award of arbitrators is an award at all unless it is concurred in by the whole body of arbitrators. That, I take it, everybody will agree is the common law, and always was; and of course we cannot shut our eyes to the fact that with these two common-law nations those principles of the common law must have been in the minds of both the high contracting parties. How far that may be affected by what have been asserted to be the principles of the civil law, which enter in a considerable degree into the intercourse of nations, is an additional and another question which ought to have its weight and be considered when we know exactly what is the extent and boundary of these principles of the civil law to which I have referred. We cannot also shut our eyes to the fact that in this very treaty between these two high powers in respect to two or three other subjects of difference and which were referred to arbitration, it is explicitly provided and agreed that the award of the majority of the arbitrators, or of the tribunal, or whatever name they may be called, shall be binding, when in respect of this article in the same treaty no such provision is inserted. That of course would raise certain implications, or it might be suggested that it would at any rate, (because I wish to speak under great reserve,) in favor of the nation, that whatever might be the general law of nations or the civil law, taking this treaty as the compact and understanding of the parties as it is, the parties had agreed in all the respects that they were willing to agree that the majority as to certain questions should determine the issue, and that they had industriously left this provision to the ordinary principles of common-law arbitration, to be binding and effective only when the whole body of the three chosen persons should concur in the judgment as to what was right.

All those considerations upon all sides, Senators can see the force of; but, as I say, at this present moment I do not wish to express any opinion upon the subject. The committee do not express an opinion. They only say that in their judgment they think it wise, without reference to that question, if I correctly understand the report, to authorize the President of the United States to pay this sum of money if Her Majesty's government demand it; and I do not mean by the use of the word "demand" anything in the least degree offensive or arbitrary, but merely mean if Her Majesty's government express to ours the opinion that they are entitled to receive it.

Mr. HAMLIN. In honor and good faith on our part.

Mr. EDMUNDS. And of course, as my friend says, if they think honor and good faith on our part require it. Well, Mr. President, if the stipulation in the treaty, followed by the judgment of two out of three of the arbitrators, is binding as between two perfectly independent and contracting parties, then we are bound in honor and good faith to pay this money, unless we can show that fraud, or gross mistake which would be equivalent to fraud, has entered into this most extraordinary and exorbitant finding. I do not understand that fraud is imputed to either of the agents of the governments or their administrations, or to any of the distinguished gentlemen who formed a part of the commission. I have not even heard it hinted at. If anything, therefore, it is a great mistake from our point of view, from the point of view of the committee on their report, a great mistake into which this commission has fallen. Whether it is so gross and plain as if it were between private parties would authorize a court of equity to set aside the award, is far from being clear. It was a matter of contest. We said "nothing at all is due" and tried to prevent any finding of any amount. The other side said a great deal more ought to be paid under this treaty and tried to obtain it. In that conflict of evidence and opinion—because it was in a large degree speculative; you cannot count the fishes in the sea—if under such circumstances a board of arbitrators come to a particular conclusion, it would be extremely difficult to say that the mere exorbitance of the sum from our point of view would warrant the setting aside of the award, if it were between private parties; and that argument for setting it aside on that ground would be just as strong if the whole three had agreed to the award. So that it really comes back, so far as honor

and faith are concerned, to the question whether as between these two independent parties this stipulation binds us to pay this sum of money, when only two out of the three have said that we ought to pay it. Upon that point, whatever my private opinion may be, I do not propose to express any public opinion at this time in view of the circumstances that I have stated.

Mr. HAMLIN. Mr. President, a single word in relation to the amendment which has been suggested by the Senator from Vermont. I think the amendment a proper one, and I trust it will, as I believe it will, receive the united vote of the Senate. The amendment gives notice to Her Majesty's government that if this sum shall be paid by the United States and received by the government of Great Britain we will at the earliest moment possible give that notice which will be requisite to terminate the treaty. The Senator has only anticipated what I supposed every Senator knew would be done at the earliest period of time; for if there be anything susceptible of proof it seems to me to be very clear that the sum awarded for the right which the American fishermen received under that treaty is most grossly exorbitant, and I am sure that I may speak for the fishermen who frequent those waters when I say that they ask not, they seek not, they want not the privilege at any such price. The Senator from Vermont, therefore, has only, and perhaps wisely, anticipated the foreshadowing of that notice which certainly will be given whether this award be accepted or not, paid or not. I cannot doubt that the suggestion contained in the amendment of the Senator from Vermont will be sure to be adopted at the earliest time. It is wise to intimate it now.

Mr. President, a very few words now in relation to the main subject before us, and I wish to say that the Senator from Vermont has presented the precise view which operated upon the Committee on Foreign Relations in its action so far as concerns the award being signed by but two of the commissioners. In the first place, the treaty is somewhat in the nature of a contract. It is an obligation, the supreme law binding both parties; and surely there was not in the fact enough, in the opinion of your committee, to justify the rejection of the award and a refusal to pay it, because there were but two of the commissioners who signed that award. But your committee refrained from expressing any opinion in relation to its validity or its invalidity. We understood very well what was the common law; we understood very well that the interposition of the civil law might be invoked in behalf of the British government, and we did think that it was a question possessing enough in it for us to consult them in the final determination at which we should arrive. We thought it came very near a question of diplomacy, and that we might wisely and well transfer it to the Executive under such limitations and restrictions as Congress should see fit to impose, and leave the matter to be presented to the government of Great Britain, and then the award to be paid if demanded by that government and the honor and good faith of our own required that it should be paid.

Then, in relation to the extent of damages, the Senator from Vermont has well stated the principles of law that obtain in that regard. Your committee therefore came to the conclusion that it was wise to remit this whole matter to the executive department and allow the executive department to treat with the government of Great Britain in relation to the final settlement of the question, and I cannot doubt that it is the wisest course. We have not, I think, that clear evidence which would justify us in rejecting the result of the commission, and it comes so near a diplomatic question that I am quite sure it will be more wisely treated by the executive department than for us to undertake to settle it definitively.

These were the reasons which obtained. Now if Senators will read the message of the President communicating the documents to us, and the letter of the Secretary of State who has traversed this matter, they will see that the President distinctly recommends that an appropriation shall be made "with such discretion to the executive government in regard to its payment as in the wisdom of Congress the public interests may seem to require." That is the language of the President, and it is in that spirit and for that purpose that the report was drawn and the resolutions herewith submitted approving of its general doctrines. The necessity of this course of action, I think, will be apparent to every Senator. On reading the communication of the Secretary of State the Senate will not fail to observe that almost the precise view of these two questions has been presented to us for our instruction as is presented in the report of the Committee on Foreign Relations. If the House and the Senate shall therefore affirmatively adopt that course, it is for the purpose of showing the record of the legislative department in co-operation with the Executive that the distinct resolution approving of the conclusions of this report has been offered. That is the spirit and object in which the action of the committee has been directed, and this is the conclusion at which they have arrived, and I think the country and the world will be satisfied with that action, which I doubt not will be wise and proper, that shall be taken by the Executive when it shall be intrusted to his care.

Mr. BAYARD. Mr. President, I am disposed to believe that the report of the Committee on Foreign Relations and the proposition which they have made is the correct one; and it goes as far as at present it is well for the Congress of the United States to go. I do not approve of the amendment offered by the honorable Senator from Vermont, because it seems to me that he is accompanying the offer to pay this award, so large and so unexpected in amount, with phraseology which may be construed into something very like a threat with regard to the rescission of this treaty by the Government of the United States. By the thirty-third article of the treaty to which he has referred, it is provided that:

> This treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

Now, Mr. President, it will not be forgotten that this award and the business to which it related, the vexed question of the right to fish in waters adjacent to the territory of the United States bordering upon the British Possessions, was but one feature of the great treaty of 1871 which was confirmed between the two nations. The main object of that treaty was, as we know, to compose and put at rest forever by the wise and Christian and elevated doctrine of peaceful arbitration, the differences that had grown up between the United States and Great Britain caused by the operations of the confederate cruisers during the late civil war under, as was charged, the countenance and support of the government of Great Britain in her home and her colonial ports. That was the chief question to be composed and settled. The Canadian fisheries were mere incidents comparatively, subsidiary to the great object of the treaty, which was to settle at once and forever not only the losses growing out of what were generically known as the Alabama depredations, but also to banish the ill-feeling that had been engendered in the minds of the American people by the belief that there had been a supposed lack of legality and actual neutrality on the part of the government of Great Britain. There were two arbitrations proposed, the one held at Geneva, whose acts have passed into history, and one at Halifax under the twenty-third article of the treaty, and both have been exceedingly unsatisfactory to the parties against whom the awards were respectively made.

I do not forget, and none of us can forget, the comfortable satisfaction with which the American people received the news that the award of fifteen and a half million dollars had been made in favor of the United States by the Genevese arbitrators. It was met without grumbling; it was paid promptly in accordance with the treaty stipulations by the British government, and the money or its equivalent found its way long ago into the Treasury of the United States, where more than one-half of it yet remains unappropriated. Now comes another feature of the treaty. The Halifax commission was appointed duly in accordance with the treaty; and I must concur with the report of the Committee on Foreign Relations in their expressions of great surprise which has been caused by the excessive amount awarded against the United States, while perhaps I may not agree with the proposition of law to be found on the second page of the report of the committee, who say:

> Boards of arbitration, like judicial courts, are restricted in their judgments and awards by the jurisdiction that is conferred upon them.

Most true; but—

> If an international board of arbitration transcends its jurisdiction and proceeds, in any respect *ultra vires*, there is, of course, no appeal to interpose as a corrective, except to that of the justice and honor of the nations interested.

I scarcely suppose that to be law. I apprehend that if it should be shown that this Halifax commission has acted *ultra vires*, that they have taken into consideration elements which were excluded, that they had assumed a jurisdiction that was not given them by the terms of the treaty, their award would be absolutely invalid and it would be the right and duty of either party to refuse the performance and execution of an award made in disregard or disobedience to the letter and spirit of the terms of the submission. I do not doubt that; but such is not the present case. Reading as I have with attention the report of the honorable committee, reading as I did the able and interesting letter of the Secretary of State upon this subject as conveyed to us in the President's message, I am unable to find that there was any assumption of jurisdiction by the commissioners *ultra vires*; but on the contrary their proceedings to hear and determine were regular upon their face and authorized by the terms of the treaty stipulations. I have not yet heard from any quarter that the award of the commission was unauthorized, that they considered elements of damage they had no right to consider or that they embraced facts in their consideration which should properly have been excluded.

The objection is, first, that the very extravagance of their award is unreasonable, makes it unjust *per se*; that it shocks the sense of proper proportion between the right of fisheries conceded and the amount which is to be paid for it; that a fishery which was not supposed to be worth on the outside more than $50,000 in a year is to be put at a cost of ten times $50,000 in a year. Therefore it is that astonishment may be expressed and may be well expressed at the excessive amount of the award; but that does not touch its legality, its regularity, or the power of the commission under treaty stipulation to make such an award if, in their conscience and judgment, after due examination and deliberation they saw fit to make it.

But another objection arises, formal and technical. It is that the award under the terms should have been signed by all three of the

commissioners and agreed to by them all and that there is no express provision that a majority of the commission should have the authority to make the award, but it is suggested that it should be the unanimous action of the entire body of three. Whether this is to be governed by the common-law principle which compels unanimity where a tribunal of any stated number is appointed, or whether it shall be controlled by the general rule relating to public proceedings, that where a board is created in respect of public matters it is competent for a majority to act is a question perhaps arguable. I only can say that the honorable Committee on Foreign Relations have hesitated to assert that the common-law rule should have prevailed in the present case, and unanimity in the commission have been requisite, and that the honorable Secretary of State, whose astuteness and learning in his profession are so well known, has failed to state that he considered or would advise or that the Attorney-General advised that there was a defect patent upon the face of the award which rendered it invalid, and of no binding force upon the party to the submission, sought to be charged with the payment of the serious sum awarded.

No, Mr. President, I think the committee have gone as far as propriety would admit. While I consider we are prefectly at liberty to express our opinions and make the representations of fact which their report contains, and which I do not think can be made without impressing themselves upon any candid and reasonable mind, while I think they have been wise in presenting the questions of fact and law for the consideration of the government with whom we have made this treaty, yet in my judgment no more should be done, except to make provisions for payment in full. The bill provides—

That the sum of $5,500,000 in gold coin be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and placed under the direction of the President of the United States, with which to pay to the Government of Her Britannic Majesty the amount awarded by the fisheries commission, lately assembled at Halifax in pursuance of the treaty of Washington, if, after correspondence with the British government, the President shall deem it his duty to make the payment without further communication with Congress.

That is a tentative step; I think it is one that can be taken honorably, and taken in the line and in execution of the spirit and intent of the treaty; but I do not think that we should accompany that tender of payment with the suggestion of anything like duress, coercion, menace; "if you do take this money you take it at the cost of the abrogation of the treaty"—or, in the tantamount language of the amendment offered by the honorable Senator from Vermont. We must not forget that the especial feature of the treaty of Washington was the settlement of the Alabama claims; that they were settled to the fullest pecuniary satisfaction of the American claimants, and of the American Government, and that the award was paid promptly and honorably without comment of any kind or protest by the government found in default by the commission of Geneva.

Now comes another side of the question, and on this we are the debtors. As I frankly say, after what I had read before, after what I have received in the way of information by this report of the honorable committee, I cannot but express my surprise that so great a sum could have been awarded upon a full knowledge of all the facts as a just and reasonable equivalent for so trivial a benefit as apparently has been conceded to the American fishermen. Yet so it was; it was our submission; it was under the same treaty that our citizens obtained indemnity to an amount three times the sum awarded at Halifax, and I hold that the Committee on Foreign Relations has gone as far in the case as is proper for us to go; and that offering to pay this money after there shall have been an opportunity afforded to the government of Great Britain to examine and weigh the grounds of this award and then giving to the President of the United States the opportunity to learn whether there shall be upon the part of the law officers of Great Britain, it may be upon further examination by the law officers of the United States, such legal, valid, conceded objections to the validity of the award, not arising from its exceeding amount alone but also from the absence of unanimity upon the part of the commissioners to whose decision submission was made—then if the President shall be satisfied the money may be paid.

I shall not be willing to vote for the tender of the money with the one hand and this resolution containing something very like menace in regard to the termination of the treaty on the other. The dealings of nations can never be brought down or controlled by the force of technicalities, as may sometimes be those of individuals; and in the present case, considering the treaty of Washington, approving it as I did, I must consider the operations under it as a whole, and therefore in forming a judgment as to the execution of that treaty I will not consider by piecemeal, taking the obligation only on one side as satisfactory, to find fault and break it up after the American people have received and hold to-day in their Treasury full satisfaction for the great object for which the treaty was made.

The amendment of the Senator from Vermont seems to me to resemble too closely a proposition to rescind the treaty in case the other contracting party should insist upon the execution of an article favorable to them and not very palatable to us. I do not wish to see our Government occupy any such position.

Mr. EDMUNDS. Mr. President, I am quite unable to see the force of the observations of my friend from Delaware [Mr. BAYARD] in getting out of the amendment that I have had the honor to offer, anything like a menace. What the amendment proposes to do is to express the judgment of the Senate and the House of Representatives, if it shall be agreed to, that the just right reserved to the United States by this treaty to terminate these provisions about the fisheries at the expiration of twelve years, ought to be exercised. How that can be a menace I am unable to understand. If I hire of my honorable friend a house or farm for ten years with a provision that the rate of rent should be fixed by arbitration, and that either he or I at the end of the ten years may terminate the lease by notice, and that if we do not terminate it it shall go on for ten years more, and then the arbitrators should find a sum that was satisfactory to him and not to me, and I on paying over that money should say to him "I pay you this money according to our honorable understanding and also according to the honorable understanding which is in the writing that we have made; but it is my duty to inform you in candor now that I cannot continue to keep your farm after the term is out, any more; the rent is too high." That is all this proposition does.

Mr. BAYARD. May I say to the honorable Senator that he has a perfect right to give me the notice of which he speaks under our arrangement of lease. The United States reserved to themselves, as did the other contracting party, the right to terminate this lease upon two years' notice; but here we are acting under an award which has on this occasion been made against us, and now paying with this reservation is saying, "If you take the money under these circumstances, then we give you notice; we choose therefore to put a price upon your retention of this treaty, that you shall go without this award if you wish to maintain it."

Mr. EDMUNDS. The Senator is entirely mistaken.

Mr. BAYARD. With due respect to my honorable friend, it seems to me it is not proper that the notice should accompany this payment.

Mr. EDMUNDS. So I had understood my friend to say before, and I was trying to reply to that. We do not say "you cannot have the money without a termination of the treaty;" we do say "Here is the money, which it is very doubtful whether you are entitled to at all, at the very least, because the three gentlemen whom we agreed upon to fix the price, the rent, have not agreed; two of them have agreed; the other has not. In connection with that also the sum which these two gentlemen have agreed upon is, in our opinion, and with our knowledge of the subject, immeasurably, so to speak, extravagant. There is no possible measure by which you can get out of any such result. Yet in the spirit of good neighborhood and friendship we do not stand upon that; we waive both of these questions; take your money; but the honor and candor which should characterize the conduct of individuals and nations obliges us to say now to you, long in advance of the expiration of the ten years and the two, that under such a state of things it is totally impossible for us to go on any more."

This is no menace. Here is your money. We should have the same right to give it if the award had not been made at all; we have the same right to give it at some other time; but inasmuch as the law, and not the President, can give this notice, we must instruct him to do it—he is not the Government—the appropriate time for giving this notice, if we think it ought to be given, is when we provide the money and are expressing the judgment of the two Houses merely upon the subject, to say what we really think; that if this is to be treated as an award without the assent of the three commissioners, if this extravagant and exorbitant sum is to be paid instead of going on to a retrial before other commissioners, which we are quite willing to do—if you say it is all right, then honor and candor require us to say also that exercising the right that the treaty gives us when the time is out we are remitted to our former condition. That is all.

It may be that I am dull in my sensitiveness as to what honor and candor are and what a menace is; but I am quite unable to perceive how there is any menace in such a thing, how there is anything less than the absolute frankness that should characterize the intercourse of nations, in telling Her Majesty's government, on the payment of this money, if she thinks she ought to have it very well; then in a frank way we do just what the treaty expressly says we may do, we say that when the time is out you are remitted to your former rights and we are remitted to ours. That is all there is of it.

I am sure no Senator would wish to do anything which was in the nature of a menace. This is a friendly power, speaking our language. She is in a critical condition at this present moment; and yet if the unhappy time should come when in other respects under this same treaty we have duties to perform, I am sure that we should exercise the most industrious diligence in preserving our honor and fulfilling our faith under the treaty in preserving the absolute neutrality of the United States, so far as any possible act of Congress or of the Government could do it under such circumstances, and that hereafter there shall be no occasion for any subject of Her Majesty's government to complain of the conduct or the neglect of the United States, as there has been occasion for the citizens of the United States, in my opinion, to complain of the conduct of her government on a recent occasion.

That being the state of the case, Mr. President, I am sure that the objection to this amendment that I have offered, made by my honorable friend from Delaware, is rather overstrained, and that instead of this being a menace or out of place, it is exactly what candor and frankness should require us to say.

Mr. EATON. I should like to ask the Senator from Vermont a question—I did not wish to interrupt him—and that is whether he regards this in the light of a notice at all to the British government?

Mr. EDMUNDS. At this particular moment we are discussing the thing at large. This amendment to this resolution is no notice at all. The Senate is merely called upon to express an opinion in concurrence with the House.

Mr. EATON. It is no notice to anybody.

Mr. EDMUNDS. But my friend from Delaware was referring to what might be done on a bill; and I was led into the general discussion. Of course this itself is no notice.

Mr. EATON. Mr. President, I disagree with the chairman of the committee of which I am a member, in his approval of this amendment. The Senator from Vermont himself says now it is not a notice; it is not operative upon anybody. It has no effect either upon the United States or Great Britain; not the slightest in the world. By the terms of the treaty, it is provided that a notice is to be given at a particular time, not now. Why tell the government of Great Britain, "We will give you notice four years hence according to the terms of the treaty if you take this money?" No, Mr. President, in my judgment this amendment is entirely unnecessary, not to say that it implicates the honor of this country or of Great Britain. It is absolutely unnecessary and can have no effect whatever. It is not a notice. That treaty cannot be terminated until four years' more time has elapsed. If this is not in the nature of a menace, as my honorable friend from Delaware suggested, it certainly is in my judgment entirely unnecessary. Therefore I trust it will not be adopted.

Mr. KERNAN. Mr. President, I am opposed to passing any resolution on the subject of giving notice now or in connection with the matter before us. We must bear in mind that there is no tribunal to which the two governments can submit the question of law which has been alluded to. Each must decide it for itself; and I should be opposed, however clear might be our opinion to our Government deciding that it was not a legal award and refusing to pay. On the contrary, I think the only way consistent with our honor as a Government is to bring the attention of Her Majesty's government to the question of law involved, and if they say that they think this is a valid award according to the terms and intent of this treaty, then I am for paying it. But I am in favor of, frankly and fairly, and without accompanying it with any resolution on the subject as to terminating the treaty, having our Government bring their attention to this question of law. I have a very decided opinion as to whether or not if they had to bring a suit in a court of law in England or here or in a court of equity, they could recover judgment on it. I will not express that opinion now; but I wish to call the attention of the Senate to precisely the way in which the case comes before us and to the recommendations of the Secretary of State to the President.

It appears from the papers that in this treaty of the high contracting parties the United States and Great Britain did provide for three arbitrations, one at Geneva, one at Washington, and this fishery commission at Halifax. In reference to the Geneva award and that of the commission to sit at Washington it was expressly stipulated that the decision of a majority of the arbitrators should be final and binding. That was not declared in reference to this fishery arbitration. The commissioner of the United States, when the award was made, brought the attention of the commission and of course brought the attention of the two governments, very properly, to the question. He said:

> And the American commissioner deems it his duty to state further that it is questionable whether it is competent for the board to make an award under the treaty, except with the unanimous consent of its members.

Now, the question is up; and, as I said before, if the British government shall say that they think this is a valid award according to the law of their country and ours, I am for paying it frankly and at once, and then later we can act as to terminating the treaty. But the two governments must decide it for themselves.

What did the Secretary of State invite—and I think very properly invite—Congress to do? Not to consider now (for if he had invited us I should have thought he was in error) whether we will terminate the provisions of the treaty or not, but to dispose of the question arising under this award. After stating the question and citing the opinions of Mr. Blake, minister of justice, in the Dominion Parliament when this question was up—I am saying nothing for myself—the Secretary says, quoting Mr. Blake's remark:

> That the amount of compensation that we would receive from our fisheries—
>
> Speaking for the Canadian side—
>
> must be an amount unanimously agreed upon by the commissioners; and that, therefore, we must be willing to accept such compensation as the American commissioner would be willing to concede to us, or we should receive nothing.

Other more or less enlightened expressions of opinion on the other side in England are quoted. The press spoke of the fact that it must be a unanimous award. The Secretary of State, after calling the attention of the President—for it is a communication addressed to the President—says:

> It will be quite competent for Congress in considering an appropriation to meet the proper obligations of the Government under the treaty to waive to insist upon this objection to the validity of the award of the commission for non-conformity to the requirements of the treaty. In the absence of any declaration by Congress adverse to the validity of the award, it will not be the duty of the Executive to raise any discussion with the British government upon this point. If, on the other hand, Congress should accompany the appropriation with an expression of its opinion that the attention of the British government should be drawn to the subject, the actual payment of the award might, so far as this point is concerned, well be made to depend upon the view which that government should maintain as to the meaning of the treaty in this regard. I think it may be assumed that neither the people of this country nor any branch of this Government will desire to seek exemption from a money payment upon any judgment of its own upon a point of this nature under this beneficent treaty, unless it is so well founded as to secure the concurrence of the other high contracting party.

I think this is in the right spirit. I think the duty devolves upon Congress to call upon the President to lay frankly before the other party this question, saying and saying nothing more than this: "If your government feel that this is a binding award under this treaty legally we will pay it and have no words about it." I think we should pass a resolution expressing that sentiment for the guidance of our own executive officers, but I am very averse to accompanying that with anything which might authorize them to declare: "Oh, you say if we take this money you will abrogate the treaty." I think we stand more in accordance with what is our true position by expressing to our own executive officers our concurrence in the views of the committee, as this resolution does, that we will pay this money if the British government insist it is right, and we will say nothing more at this time if they think it is right; and in that way we shall bring fairly and honorably, in accordance with our position as a high-toned government, the question to the attention of the British government. If they exact the money we will pay it, and then we will take care of ourselves in the future by separate action. Therefore I favor the original resolution, which I understand is a response to this invitation of the President in sending us the Secretary's report, and I am opposed to the amendment of the Senator from Vermont.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-six minutes spent in executive session the doors were reopened, and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 31, 1878.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of Wednesday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. No. 396) to amend section 2464 of the Revised Statutes, relating to the cultivation of timber on the public domain.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3164) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes.

ESTATE OF S. J. MORRIS.

Mr. VEEDER, by unanimous consent, reported back from the Committee on War Claims the petition of Samuel Morris, executor of S. J. Morris, deceased, asking reimbursement for the amount paid by him for certain real property and furniture purchased by him at a sale made by the United States marshal for the eastern district of Virginia, in the city of Alexandria, under a confiscation proceeding against Dr. Orlando Fairfax, and from which he was ejected by order of the district court; and the same was referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

MEXICAN AWARD BILL.

Mr. WILSON. I ask unanimous consent that there be a session tomorrow night for the consideration of the Mexican award bill.

Mr. EDEN. We do not want a session for business on Saturday night.

Mr. WILSON. Well, then, this evening at half past seven o'clock.

Mr. BURCHARD. If it is proposed to confine the consideration of the bill to this evening's session, I do not object.

Mr. CHALMERS. I object.

CENTENNIAL BOARD OF FINANCE.

Mr. O'NEILL, by unanimous consent, presented the memorial of the centennial board of finance asking for relief; which was referred to the Committee on the Judiciary.

INVESTIGATION OF ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

Mr. ATKINS. I ask unanimous consent that the House take up for action now the bill reported the other day from the Committee on Appropriations appropriating $20,000 to pay the expenses of the committee recently appointed to investigate alleged frauds in the late presidential election.

Mr. HALE. I hope there will be no objection to this.

Mr. GARFIELD. This bill ought to be considered.

Mr. PRICE. What becomes of the morning hour if we take up this bill?

Mr. ATKINS. The bill will take but a moment.

The SPEAKER. If there be no objection, the bill will be read.

Mr. WILLIAMS, of Oregon. I object.

Mr. HALE. I hope the gentleman will withdraw his objection.

Mr. WILLIAMS, of Oregon. There are other matters that have been on the public Calendar a long time and which are more important than this bill.

Mr. ATKINS. The gentleman from Oregon was very anxious to adjourn this Congress.

Mr. HALE. The committee are going on now, and the money ought to be provided.

Mr. WILLIAMS, of Oregon. I have no objection to the bill going on the public Calendar; but I object to taking up the last bill on the Calendar first.

Mr. ATKINS. If this money is to be appropriated it ought to be appropriated now. The gentleman can only delay the matter until next Monday; for two-thirds of the House, I doubt not, will then pass the bill.

Mr. HALE. I do not think the gentleman from Oregon will expedite other matters by objecting to this.

Mr. ATKINS, I am sure he will retard them.

The SPEAKER. The expenditures of this committee are now being taken out of the contingent fund.

Mr. WILLIAMS, of Oregon. I withdraw my objection.

The bill (H. R. No. 5053) to provide for the expenses of the select committee on alleged frauds in the late presidential election was read. It appropriates the sum of $20,000, or so much thereof as may be necessary, from any moneys in the Treasury not otherwise appropriated, to defray the actual expenses necessarily incurred by the select committee of the House of Representatives appointed under resolution of the House of May 17, and under that resolution, and the resolution of May 22 following, directed to investigate alleged frauds in the late presidential election, said to have been committed in Louisiana and Florida, or which may be charged to have been committed in any other State; said appropriation to be added to the contingent fund of the House of Representatives, and to be disbursed upon vouchers approved by the chairman of said committee, and the Clerk of the House shall pay such parts of said sum as the chairman of said committee shall in writing direct for the purpose aforesaid to the Sergeant-at-Arms of the House, who shall as soon thereafter as practicable make a report in writing to the House of the manner in which the sums thus paid to him have been expended, accompanied by vouchers in detail; which report and vouchers, when examined and approved by the Committee of Accounts of the House, shall be deemed a sufficient settlement of his accountability, and any unexpended balance remaining in his hands after such settlement shall be paid by him into the Treasury of the United States, to the credit of the fund for which it was appropriated.

There being no objection, the bill was ordered to be engrossed for a third reading; and was accordingly read the third time.

The question being on the passage of the bill,

Mr. HANNA called for the yeas and nays.

The yeas and nays were not ordered, only 6 voting in the affirmative.

The bill was then passed.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS UNDER PRE-EMPTION LAWS.

Mr. SAPP. I ask unanimous consent to report from the Committee on Public Lands, for consideration now, the bill (S. No. 138) for the relief of settlers on the public lands under the pre-emption laws.

The bill was read. It provides that any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws.

Mr. SAPP. This is a short bill. I hope there will be no objection to its consideration now.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. SAPP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOT SPRINGS, ARKANSAS.

Mr. CRAVENS. I ask unanimous consent to have read and printed in the RECORD a telegram from citizens of Hot Springs, Arkansas.

There being no objection, the Clerk read as follows:

HOT SPRINGS, ARKANSAS, *May* 28—2 a. m.

To Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives, Washington, D. C.:

The following resolution was unanimously adopted by the city council to-day. Please read before House:

Whereas there are about five thousand resident population in this Hot Springs reservation who hold their homes, business houses, by uncertain tenure, which fact stagnates all business enterprises, paralyzes our energies, prevents the material growth and prosperity of the city, discomforts visiting invalids; and

Whereas Congress did make an enactment on the 3d of March, A. D. 1877, appointing a commission who should settle the matter of title in an equitable manner, and having spent one whole year and a large sum of money, and completing the main part of work, their term of office expired leaving the work unfinished, and left us in a deplorable condition, a condition which subjects us to great loss, inconvenience, and entails poverty and distress on very many of our citizens; and

Whereas we are fully aware of the wants and wishes of our citizens, and know further that one W. J. Patten and other designing persons are trying to prevent the passage of any bill looking to a speedy settlement of the Hot Springs matter: Therefore,

Be it resolved, 1. That this city council, at the instance and in behalf of the good citizens of Hot Springs, petition and earnestly request Congress to pass the Senate bill now lying on the Speaker's desk and thus authorize the President to appoint or reappoint a commission with instructions to come here speedily, complete the good work begun.

2. That the Senate bill now on the Speaker's desk meets the approval of our citizens, and they earnestly desire its speedy passage.

3. We earnestly entreat our delegation from Arkansas to set themselves at once to work to procure the immediate passage of said Senate bill.

J. D. KIMBALL, *Mayor.*
W. H. BARRY, *Alderman.*
J. H. MALIN, *Alderman.*
THAD. TAYLOR, *Alderman.*
AND. S. S. SCHULTICE, *Alderman.*
S. C. LAW, *Alderman.*
THOS. BASS, *Alderman.*

ANNE JANE WENDELL.

Mr. BLISS, by unanimous consent, introduced a bill (H. R. No. 5055) granting a pension to Anne Jane Wendell, widow of Tunis D. Wendell, late master's mate United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF HOMESTEAD LAW.

Mr. PATTERSON, of Colorado. I ask unanimous consent to report from the Committee on Public Lands, with amendments, the bill (H. R. No. 3954) to amend section 2291 of the Revised Statutes of the United States, concerning homesteads.

The bill was read. It proposes to amend section 2291 of the Revised Statutes by adding thereto the following:

Provided, That where any person capacitated to enter any of the public lands under the provisions of section 2289 of the Revised Statutes of the United States shall have actually resided upon and cultivated any lands of the subdivisions in said section mentioned, for the period of one year or longer, under the belief that the same were public lands and subject to pre-emption, but to whom a patent cannot be issued because the said lands are included in grants of lands secured to others under and by virtue of any treaty between the Government of the United States and the government of Mexico, such person may enter a like quantity of unappropriated public land in another locality; and to enable him to receive a patent therefor, the time the said land included in said Mexican grant had been actually occupied and cultivated by him shall be counted as a part of the term of five years required under section 2291 of the Revised Statutes. And when any such person cannot receive a patent for such land occupied and cultivated as aforesaid, because the same had not been surveyed as required by said section 2289, to enable such person to receive a patent therefor, the time the said land had been actually occupied and cultivated as aforesaid, prior to the same being surveyed, shall be counted as a part of the said term of five years.

Mr. EDEN. I would like to hear some explanation of this bill.

Mr. CONGER. Is it reported from a committee?

The SPEAKER. The gentleman from Colorado asks unanimous consent at this time to report it from the Committee on Public Lands.

Mr. CONGER. I object to the bill. I do not know that I object to its consideration, if there be opportunity to discuss it.

The SPEAKER. The gentleman cannot make a qualified objection.

Mr. PATTERSON, of Colorado. I can state briefly to the House the nature of the bill, and my statement, I think, will obviate all objections.

Mr. CONGER. This bill will allow any person to squat upon any reservation of the United States or upon any land granted for any purpose and live there undisturbed for one year.

Mr. LATHROP. I object to the consideration of the bill.

ORDER OF BUSINESS.

Mr. STRAIT. I ask unanimous consent to report from the Committee on Military Affairs a bill for immediate consideration.

Mr. EDEN. I must object to reporting any more bills for action now.

Several members called for the regular order.

WHITEWOOD FLUME COMPANY.

The SPEAKER. The morning hour begins at thirty-one minutes after eleven o'clock. The House resumes the consideration of the bill pending on Friday last at the expiration of the morning hour, House bill No. 3669, incorporating the Whitewood Flume Company.

Mr. LYNDE. I raise the point of order that this bill must receive its first consideration in Committee of the Whole. I call attention to the sixth section of the bill.

The SPEAKER. The Chair understands that this point of order was made on Friday last.

Mr. PRICE. That is true, but the gentleman from Colorado [Mr. PATTERSON] who made the point is willing to withdraw it or has withdrawn it. I do not know what point the gentleman from Wisconsin proposes to make.

Mr. LYNDE. I do not understand that this point of order has been made before.

The SPEAKER. As the Chair is advised, a point of order was made upon the sixth section on Friday last during the absence of the pres-

ent occupant of the chair. The point has been withdrawn, or rather the Chair is advised that the gentleman from Colorado will not press it.

Mr. PATTERSON, of Colorado. I desire to state that as the Delegate from Dakota [Mr. KIDDER] is satisfied with the bill I withdraw the point of order.

The SPEAKER. The gentleman from Wisconsin will state the point of order he desires to make against the bill.

Mr. LYNDE. The sixth section provides for granting to this company the use of the public lands; and therefore, under the rule, the bill must first be considered in Committee of the Whole. I would not raise this point if I thought that legislation of this character ought to be adopted by Congress; but this kind of legislation properly comes within the province of the territorial legislation. It is of course impossible for Congress to make all the laws that may be necessary or advisable in the Territories of the United States. Believing that the point of order is sound, I insist upon it.

Mr. PRICE. I do not know that I understand exactly the point of order of the gentleman from Wisconsin.

The SPEAKER. The gentleman makes the point that the bill provides for a grant of the right of way through the public lands of the United States to a corporation.

Mr. PRICE. Then he makes the point that the bill should go to the Committee of the Whole because it grants the right of way.

The SPEAKER. That is the point of order.

Mr. PRICE. Then if the gentleman will hear me a moment I think he will withdraw that point of order. This is a company that proposes to dig a ditch not exceeding six miles in length. The parties through whose land it passes have, all of them I believe, asked that this may be done. Their petition is among the papers, and is signed, I believe, by twenty-five or thirty land-owners. Now, if upon this statement of facts the gentleman from Wisconsin still persists in his point of order, then I propose to meet it in a different way.

Mr. LYNDE. I do insist upon the point of order.

Mr. PRICE. Then I propose to amend the bill by striking out all that part of section 6 after the word——

The SPEAKER. The Chair desires to state that a point of order made against the consideration of a bill cannot be remedied by an amendment.

Mr. PRICE. Well, I submit, Mr. Speaker, that the point of order against the consideration of the bill is made too late, for the bill has been read through, and no point of order was reserved.

The SPEAKER. But the point of order was made by the gentleman from Colorado.

Mr. PRICE. But he withdrew it.

The SPEAKER. Yes; but the presumption is that if he had not made it the gentleman from Wisconsin [Mr. LYNDE] would have made it when the bill was first read.

Mr. PRICE. Does the Chair hold that a point of order made and subsequently withdrawn by the party making it is still a point of order against the bill?

The SPEAKER. The Chair would incline to hold that a point of order once made cannot be withdrawn except by unanimous consent.

Mr. DAVIS, of North Carolina. Mr. Speaker, having reported this bill, I desire to say that it only grants, as I conceive, the right of way, and I am not sure that this can be regarded as an appropriation of land. Neither I nor the constituents whom I represent have any interest in this matter personally. Perhaps, as a general proposition, no one concurs more heartily than I do in the statement made by my friend from Wisconsin of his objection to the general principle of congressional legislation for the Territories. But there are reasons why this bill should pass, which seem to influence strongly the gentlemen who are interested in it, and the Delegate from the Territory of Dakota, [Mr. KIDDER,] I understand, desires that this bill should pass. I would therefore be inclined to yield any view I might have upon the general subject of such legislation, and would ask that the objection be withdrawn and the bill be now passed.

The SPEAKER. The Chair desires to qualify a remark which he made to the gentleman from Iowa, [Mr. PRICE,] that a point of order once made cannot be withdrawn without consent, by saying that it cannot be withdrawn without the opportunity being again presented for the point of order to be made by any other member of the House who may desire to renew it.

Mr. REAGAN. I would inquire of the gentleman from North Carolina, [Mr. DAVIS,] if the territorial Legislature has not full power to incorporate companies like this? And if so, why do these parties come to Congress instead of applying to the territorial Legislature?

Mr. DAVIS, of North Carolina. I will say in answer to my friend from Texas, [Mr. REAGAN,] that a territorial Legislature has the power to incorporate companies like this; but those living in the neighborhood think that there would be considerable delay, as the territorial Legislature is not now in session, and I understand will not be in session until next winter.

Mr. CORLETT. Will the gentleman permit me to make a statement?

Mr. DAVIS, of North Carolina. Certainly.

Mr. CORLETT. The fact that the territorial Legislature is not now in session does not alter the question at all, because the Legislature of a Territory has not power to grant private acts of corporation. Private corporations can be created only under a general law. I presume that such a general law exists in the Territory of Dakota, and there is therefore no reason why these parties cannot proceed to form a corporation under that general law, and by incorporating themselves in that way all the rights of prior claimants preserved by the general law would be secured. Whether or not they are preserved under the terms of this bill I cannot say.

Mr. PRICE. I will state to the gentleman that all the rights of parties are reserved under this bill.

Mr. EDEN. I would inquire, Mr. Speaker, how this bill gets out of the Committee of the Whole.

The SPEAKER. It was never there. The point of order is now pending that it shall be first considered in Committee of the Whole.

Mr. DAVIS, of North Carolina. I stand corrected in regard to the power of a territorial Legislature to pass a law incorporating a private company. I have no doubt the gentleman from Wyoming [Mr. CORLETT] is correct in saying that a territorial Legislature has power only to pass a general act of incorporation.

Mr. LYNDE. The reason why I insist upon my point of order is on account of another provision in this bill which I think is clearly unconstitutional. Therefore I desire that the bill shall go to the Committee of the Whole, where the whole bill can be considered. I refer particularly to the provision authorizing this corporation to sue and be sued in any circuit or district court of the United States. I think it is entirely beyond the power of Congress to pass such a provision in regard to a corporation in one of the Territories. At any rate, I think this bill should receive the consideration of the House in Committee of the Whole, where we can consider the propriety of passing such bills for the Territories. I therefore insist upon my point of order.

Mr. PRICE. I do not know that I can change the opinion of the gentleman from Wisconsin [Mr. LYNDE] at all; but I will state to him that this bill is copied exactly, word for word and letter for letter, from the charter of a company organized under the laws of the Territory of Dakota.

The SPEAKER. The Chair sustains the point of order, and the bill will accordingly be referred to the Committee of the Whole on the Private Calendar.

JEARUM ATKINS.

Mr. GOODE, from the Committee on Education and Labor, reported the memorial of Jearum Atkins, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Patents.

The motion was agreed to.

MAILING ALLEGED OBSCENE LITERATURE, ETC.

Mr. BICKNELL, from the Committee on the Revision of the Laws, reported back adversely the petition of Robert G. Ingersoll and others for the repeal or amendment of sections 1785, 2491, 3878, 3893, and 5389 of the Revised Statutes of the United States, relative to sending through the mails of the United States certain alleged indecent, obscene, and immoral matters, or of supposed immoral tendency; which was laid on the table, and the accompanying report ordered to be printed.

Mr. BICKNELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM T. DUVAL.

Mr. JONES, of Ohio, from the Committee on Public Buildings and Grounds, reported adversely upon the bill (H. R. No. 1138) for the relief of William T. Duval.

Mr. HUMPHREY, from the same committee, submitted the views of the minority upon the claim of William T. Duval for work on the Treasury extension.

The bill was laid on the table, and the accompanying reports were ordered to be printed.

ADVERSE REPORTS.

Mr. JONES, of Ohio, from the same committee, also reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 4006) for the relief of Patrick H. Jones;

A bill (H. R. No. 4235) for the relief of Dennis Looney, of Washington, District of Columbia;

The claim of Andrew Gleason, for compensation for depositing dirt on the White House lot; and

The claim of Stephen Casey, for compensation for depositing dirt on the White House lot.

Mr. JONES, of Ohio, moved to reconsider the orders just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROGERS, RICHARDSON & CO.

Mr. PHELPS, from the Committee of Ways and Means, reported back favorably a bill (H. R. No. 2047) to authorize the payment of certain United States notes destroyed by fire, belonging to Rogers, Richardson & Co., of Warren, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

W. B. FARRAR.

Mr. PHELPS also, from the same committee, reported back favorably a bill (H. R. No. 4155) authorizing the Commissioner of Internal

Revenue to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS KEARNEY.

Mr. PHELPS also, from the same committee, reported back favorably a bill (H. R. No. 1503) for the relief of Thomas Kearney, late collector of customs for the district of Corpus Christi; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM R. WILMER.

Mr. PHELPS also, from the same committee, reported back favorably a bill (H. R. No. 1997) for the relief of William R. Wilmer, late collector of internal revenue for the fifth district of Maryland; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM J. POLLOCK.

Mr. PHELPS also, from the same committee, reported back favorably a bill (H. R. No. 128) for the relief of William J. Pollock, late collector of internal revenue, second district of Pennsylvania; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LEVI PRICE.

Mr. HARRIS, of Georgia, from the Committee of Ways and Means, reported a bill (H. R. No. 5056) for the relief of Levi Price; which was read a first and second time.

The bill, which was read, directs the Secretary of the Treasury to pay to Levi Price, of Frederick County, Maryland, the sum of $505.13, being amount overpaid by said Price as internal-revenue tax, caused by the deficiency of his still to produce the quantity of spirits for which he was charged. It further directs the Secretary of the Treasury to cause to be paid to said Levi Price by the Commissioner of Internal Revenue the sum of $1,740.23, the amount of tax said to be due by him and yet unpaid ascertained to have been overassessed by reason of the deficiency in his still as aforesaid.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRIS, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS FOR SERVICES, HOUSE OF REPRESENTATIVES.

The SPEAKER. The Chair will now recognize the gentleman from New York who was not present when his committee was called.

Mr. JAMES. I desire to report from the Committee on Reform in the Civil Service a resolution authorizing that committee to examine and report upon claims of several individuals for pay for services said to have been performed for the House of Representatives under employment by the late Doorkeeper, John W. Polk. I ask that the report be read.

The Clerk read as follows:

The Committee on Reform in the Civil Service has had under consideration claims of several individuals for pay for services said to have been performed for the House of Representatives under employment by the late Doorkeeper, John W. Polk, and find that not only in the case of the persons whose claims or petitions have been referred to them by the House, but in the case of a considerable class of persons so employed, there may be equities demanding at least full consideration and examination, in order that the whole, if any, may be disposed of under some proper and general rule.

The committee further find that under the provisions of law neither the Committee of Accounts nor this committee can act on these claims without special authority from the House.

The Committee on Reform in the Civil Service would therefore respectfully report the following resolution and recommend its passage, namely:

Resolved, That all claims for compensation for services in the employment of this House under the late Doorkeeper, John W. Polk, be referred to the Committee on Reform in the Civil Service with instructions to examine the same and report what legal or equitable obligation to pay the same, if any, has been created by such employment; and, further, to report the amount of any such claims found to be just, with their recommendation in respect to the same, and that said committee have leave to report at any time by resolution or otherwise.

Mr. EDEN. I do not rise to antagonize that resolution, but it strikes me to be a little singular after the Committee on Reform reported a resolution and had it passed to turn Polk out of office they now report another resolution proposing to pay the men illegally employed by Polk.

Mr. HARRISON. The committee have reported no such resolution. There are various claims before that committee and they have thought the true policy was to have the whole matter examined and then let the report come to this House to be acted on for what it is worth. The gentleman knows very well that in the last few days of every session resolutions are brought in to pay persons named when the House does not know what strength they have. The adoption of this resolution will prevent at this session any such thing.

Mr. EDEN. The best way to prevent it will be to turn out from office everybody who is not legally in it.

Mr. HARRISON. We have done that and will do it again.

Mr. EDEN. And then it will not be necessary for such resolutions as this to come in at all.

The resolution was adopted.

Mr. JAMES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. C. M'BURNEY.

Mr. DAVIS, of North Carolina, from the Committee of Claims, reported back, with a favorable recommendation, the bill (S. No. 1033) for the relief of J. C. McBurney.

The bill was read. It directs the accounting officers of the Treasury Department in the settlement of the accounts of J. C. McBurney, late collector of internal revenue for the second district of Georgia, to credit him with the sum of $3,895.07, on account of the embezzlement and defalcation of Michael O'Brien of that sum while acting as deputy to McBurney.

Mr. DAVIS, of North Carolina. This bill, as well as some other Senate bills which I am about to report from the Committee of Claims, is the unanimous report of that committee.

Mr. EDEN. It is rather a novel idea to refund the money to this collector on account of the defalcation of his deputy unless there be something very peculiar in the case. I understand he has the appointment of his own deputy.

Mr. DAVIS, of North Carolina. In regard to that I will say we have adopted the report that came from the Senate and the precedents are just the other way.

Mr. EDEN. Does not this officer have the appointment of his own deputy? It occurs to me if he has, the relief should not be given unless in a very peculiar case. I understand that not only has the collector the appointment of his own deputies but he requires them to give bonds to him for the faithful performance of their duty. I make the point of order. Let the bill go on the Calendar.

Mr. DAVIS, of North Carolina. I ask that the report of the committee be read.

The SPEAKER. The report will be read, the point of order being reserved.

The Clerk read as follows:

The Committee of Claims, to whom was referred the bill (S. No. 1033) for the relief of J. C. McBurney, late collector of internal revenue for the second district of Georgia, have had the same under consideration and submit the following report:

This claim was before the Forty-third Congress and reported favorably. The bill has passed the Senate and the facts are set forth in the report of Mr. MITCHELL, from the Senate Committee on Claims, in which he incorporates the report of Mr. DUNNELL made to the Forty-third Congress. We adopt this and recommend that the bill do pass.

Mr. EDEN. I still insist on the point of order. The report throws no light on the case whatever.

The SPEAKER. As regards the point of order the Chair will state that the bill does not take any money out of the Treasury of the United States. It allows a credit in the settlement of the accounts of a public officer. The gentleman from Illinois will remember that some days ago the Chair alluded to the fact that the rules were defective in this respect.

Mr. EDEN. They ought to be amended.

The SPEAKER. The Chair thinks so, too, and will recognize a motion to refer the bill to the Committee of the Whole.

Mr. EDEN. I move that the bill be referred to the Committee of the Whole on the Private Calendar.

Mr. DUNNELL. I wish to say that this bill has passed this House once or twice and has passed the Senate. A report was made in the Forty-third Congress upon this case. If ever a just bill came before this House, this is one. I trust the gentleman from Illinois will not insist on his motion.

Mr. EDEN. The report which has been read does not show any of the facts.

Mr. DUNNELL. There is an elaborate report from the Senate committee.

Mr. EDEN. If it goes to the Calendar, there will be ample time for the bill to pass before the close of this Congress.

Mr. STEPHENS, of Georgia. The bill is all right. Let it pass.

The question being taken on Mr. EDEN's motion, there were—ayes 15, noes 58.

So (further count not being demanded) the motion was not agreed to.

Mr. EDEN. I am very certain the House has voted upon this question without knowing anything of the merits of the bill. I have discharged my duty in the premises.

Mr. STEPHENS, of Georgia. I have given this case a thorough investigation, and I find it is all right. A committee of this House two years ago reported it favorably.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STEPHENS, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PHŒBE HENRIETTA GROESBECK.

Mr. DAVIS, of North Carolina, from the Committee of Claims, reported back, with a favorable recommendation, the bill (S. No. 342) for the relief of Phœbe Henrietta Groesbeck.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Phœbe Henrietta Groesbeck, of San Antonio, Texas, the sum of $300, the same being the amount due her for rent of property occupied under contract by the United States, and for which a

proper voucher, now on file in the Treasury Department, was given, and appropriates an amount sufficient to pay the same.

Mr. BRAGG. I make the point of order on this bill that it appropriates money out of the Treasury.

Mr. DAVIS, of North Carolina. I will only say in regard to this bill that the account is certified by the proper Army officer.

The SPEAKER. The Chair sustains the point of order. The bill appropriates money and must have its first consideration in Committee of the Whole.

Some time subsequently Mr. BRAGG withdrew the point of order.

The Committee of the Whole was discharged from the consideration of the bill, which was then ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT TOWLE.

Mr. DAVIS, of North Carolina, also, from the Committee of Claims, reported back, with a favorable recommendation, the bill (S. No. 51) for the relief of Albert Towle, postmaster at Beatrice, Nebraska.

The bill was read.

Mr. BRAGG. I make the point of order on that bill.

The SPEAKER. The Chair sustains the point of order.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SARAH B. FRANKLIN.

Mr. DAVIS, of North Carolina, also, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1672) for the relief of Mrs. Sarah B. Franklin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

M. E. WALKER.

Mr. DAVIS, of North Carolina, also, from the same committee, reported a bill (H. R. No. 5057) for the relief of M. E. Walker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH W. CUMMING AND OTHERS.

Mr. DAVIS, of North Carolina, also, from the same committee, reported back, with a recommendation that it do not pass, the bill (H. R. No. 2716) for the relief of Joseph W. Cumming, Hamilton J. Miller, and William McRoberts; which was laid on the table, and the accompanying report ordered to be printed.

JOHN C. COMFORT.

Mr. DAVIS, of North Carolina, also, from the same committee, reported, as a substitute for House bill No. 1312, a bill (H. R. No. 5058) in favor of John C. Comfort; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE R. DENNIS.

Mr. HENRY, from the Committee of Claims, reported back the bill (S. No. 998) for the relief of George R. Dennis, of Maryland.

The bill was read.

Mr. BRAGG. I make the point of order upon that bill.

The SPEAKER. The Chair sustains the point of order, and the bill will be referred to the Committee of the Whole on the Private Calendar.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

J. W. BOWLING AND J. S. GOLLADAY.

Mr. HENRY also, from the Committee of Claims, reported a bill (H. R. No. 5059) for the relief of J. W. Bowling and J. S. Golladay, of Kentucky, and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM G. FORD.

Mr. HENRY also, from the same committee, reported a bill (H. R. No. 5060) for the relief of William G. Ford, of Tennessee, administrator of John G. Robinson, deceased; which was read a first and second time.

Mr. HENRY. The bill makes no appropriation, and I ask that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

FRANCIS GILBEAU.

Mr. HENRY also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 365) for the relief of Francis Gilbeau; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CLAIMS ALLOWED BY THE QUARTERMASTER-GENERAL.

Mr. BRIGHT, from the Committee of Claims, reported the following resolution, with a recommendation that it be adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, required to transmit to the Speaker of the House of Representatives a report of the claims allowed by the Quartermaster-General and the Commissary-General under the act of Congress approved July 4, 1864, not heretofore reported in accordance with the second section of the act of Congress approved June 16, 1876.

Mr. BUTLER. Can that resolution come in under this call?

Mr. EDEN. The law fixes the time when the Secretary of the Treasury shall make his report, and we cannot change the law by a simple resolution of the House.

Mr. BUTLER. It is not a private bill or resolution by any means.

Mr. BRIGHT. It is in relation, though, to private claims.

The SPEAKER. What point of order does the gentleman from Massachusetts make?

Mr. BUTLER. I claim that it is not a private or a public bill and that it cannot come in under this call; it is a resolution asking for information.

The SPEAKER. The Chair thinks that that point is not necessary to the decision of the question, for the resolution proposes to change the law by a simple resolution of the House.

HEIRS OF JAMES P. M'CLUSKY.

Mr. BRIGHT also, from the Committee of Claims, reported back, with an adverse recommendation, the bill (H. R. No. 667) for the relief of the heirs at law of James P. McClusky, deceased.

Mr. BRIGHT. I would remark that this bill is reported back adversely at the request of Mr. GIDDINGS, of Texas, who introduced the bill, and who has ascertained that the claim has already been paid. There is no written report in the case, but it is at his request that we report the bill back adversely. I move that the bill be laid upon the table.

The motion was agreed to.

Mr. BRIGHT moved to reconsider the vote by which the bill was laid upon the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BERNARD LYNCH.

Mr. WARNER, from the Committee of Claims, reported a bill (H. R. No. 5061) for the relief of Bernard Lynch; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER GALLAGHER.

Mr. WARNER also, from the same committee, reported back favorably a bill (H. R. No. 2528) for the relief of Peter Gallagher, of Washington, District of Columbia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. MORRIS.

Mr. WARNER also, from the same committee, reported a bill (H. R. No. 5062) for the relief of John H. Morris; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL S. M'DOUGAL.

Mr. WARNER also, from the same committee, reported a bill (H. R. No. 5063) for the relief of Daniel S. McDougal; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. WARNER. This bill contains no appropriation, and I ask that it be now considered.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The preamble of the bill states that in making allotments of land under the treaty of May 10, 1854, with the Shawnee Indians of Kansas, certain errors arose whereby double allotments were made to certain members of said tribe, which allotments were illegal; that Graham Rogers and Charles Tucker, chiefs of said Shawnee Indians, on September 30, 1869, executed and delivered to Daniel S. McDougal a deed of that date purporting to convey to him, in consideration of the sum of $960, the east half of the northeast quarter and the southwest quarter of the northeast quarter of section 29, township 12, range 23 east, of the sixth principal meridian in Kansas; which deed was made and delivered with the consent and approval of the Secretary of the Interior.

The preamble further states that the consideration so paid by McDougal has been invested and paid out according to law for the benefit of the Shawnee Indians, and no other or further disposition or sale has been made of the land so attempted to be conveyed as aforesaid; and that the supreme court of the State of Kansas has decided that no title could pass by such deed, and that the legal title of said lands is still in said Shawnee Indians. Therefore, in order to perfect the title of said Daniel S. McDougal in and to the lands mentioned, described, and intended to be conveyed in and by the said deed, it is enacted that the said deed of the said Shawnee Indians to Daniel S. McDougal, of the east half of the northeast quarter, and the southwest quarter of the northeast quarter, of section 29, township 12, range 23 east, of the sixth principal meridian of Kansas, is

confirmed and invalidated; and all the title of the United States of America and of the said Shawnee Indians, or any of them, in and to said lands or any part is vested in Daniel S. McDougal, his heirs and assigns forever.

Mr. BUTLER. I did not hear distinctly all of the bill which has just been read. I would inquire if it does not contain a cession of public lands.

Mr. WARNER. It does not.

Mr. HASKELL. It does not refer to the public lands.

Mr. BUTLER. It provides that all the title of the United States to the land mentioned in the bill shall be ceded.

Mr. HASKELL. The land has already been granted and the money paid for it.

The SPEAKER. Where is the legal title now vested?

Mr. HASKELL. Nobody knows where it is.

Mr. BUTLER. It is either in the United States or in the applicant; if it is not in the applicant, then it is in the United States, and this bill cedes to the applicant all the title of the United States to these lands.

Mr. WARNER. The legal title of the land is in the Shawnee Indians; it would have been in the petitioner but for the fact that the deed was defective. This bill simply confirms and validates the deed which was made to McDougal. It is recommended by the Commissioner of the Land Office.

Mr. BUTLER. I will withdraw the point of order; but I would like to hear the last clause of the bill again read.

The SPEAKER. The Chair will direct the last clause to be read.

Mr. BRIGHT. The gentleman from Massachusetts [Mr. BUTLER] withdraws his point of order.

The SPEAKER. But the question having been raised, the Chair desires to have the last part of the bill read.

The Clerk read the last clause of the bill, as follows:

And all the title of the United States of America and of said Shawnee Indians, or any of them, in and to said lands or any part thereof is hereby vested in said Daniel S. McDougal, his heirs and assigns forever.

The SPEAKER. On the face of the bill, to which only the Chair can look, there is a cession of such rights to this land as the United States may have. The Chair would think that the bill is subject to a point of order.

Mr. BUTLER. I withdraw the point of order.

The SPEAKER. The point of order being withdrawn, the question is upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. Has the morning hour expired?

The SPEAKER. It has.

Mr. BRIGHT. Then I move that the rules be suspended and the House resolve itself into Committee of the Whole on the Private Calendar. Pending that motion, I ask that to-day be considered as objection day, inasmuch as last Friday, which was objection day, was taken up by the consideration of the Army appropriation bill.

The SPEAKER. That requires unanimous consent.

Mr. YOUNG. Can I test the sense of the House upon the motion of my colleague [Mr. BRIGHT] by submitting another motion?

The SPEAKER. The Chair cannot tell until he hears the motion.

Mr. YOUNG. I desire to move that the House resolve itself into Committee of the Whole for the purpose of considering one or two bills on the public Calendar.

The SPEAKER. That is not in order on Friday, which is private-bill day. Is there objection to the proposition of the gentleman from Tennessee, [Mr. BRIGHT,] that to-day be considered as objection day in Committee of the Whole on the Private Calendar?

There was no objection, and it was so ordered.

The question was then taken upon the motion of Mr. BRIGHT, that the House resolve itself into Committee of the Whole on the Private Calendar; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. HOOKER in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the Private Calendar. By unanimous consent, to-day is to be as objection day; and the Clerk will report the first bill on the Private Calendar as of objection day.

WILLIAM M. SPRINGER.

The first business on the Private Calendar was the bill (H. R. No. 3388) for the relief of WILLIAM M. SPRINGER, reported from the Committee on the Judiciary by Mr. BUTLER.

The bill was read.

Objection being made by Mr. HANNA, the bill was passed over.

J. W. BURBRIDGE AND R. N. MONTGOMERY.

The next business on the Private Calendar was the bill (H. R. No. 3549) for the relief of J. W. Burbridge and Robert N. Montgomery, reported from the Committee on War Claims by Mr. MARTIN.

The bill was read.

Mr. HANNA called for the reading of the report; which was read.

Objection being made by Mr. HANNA, the bill was passed over.

JACOB CRAMER.

The next business on the Private Calendar was the bill (H. R. No. 1523) for the relief of the heirs of Jacob Cramer, lieutenant of the Pennsylvania Continental Line in the revolutionary war, reported from the Committee on Private Land Claims by Mr. BOUCK.

The bill was read.

Mr. SMITH, of Pennsylvania, called for the reading of the report; which was read.

Objection being made by Mr. SMITH, of Pennsylvania, the bill was passed over.

LOCATION OF LAND SCRIP.

The next business on the Private Calendar was the bill (H. R. No. 981) defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representative, reported from the Committee on Private Land Claims by Mr. GUNTER.

The bill was read.

Mr. LATHROP. Is this a private bill?

The CHAIRMAN. The Chair presumes that the question raised by the gentleman should have been raised when the bill was reported to the House from the Committee on Land Claims. The House seems to have referred the bill to the Private Calendar rather than the public Calendar. The Chair sees no reason why it should be considered a private bill, as it refers to the rights of private settlers.

Mr. EDEN. The Committee of the Whole cannot set aside the order of the House which referred this bill to the Private Calendar.

Mr. McGOWAN. The bill pertains to private rights in land scrip; it has nothing to do with the public lands.

The CHAIRMAN. The Chair decides that, as the House decided this bill to be properly referable to the Private Calendar, that order cannot be revoked except by the House.

Mr. SPRINGER. I think the bill should be reported to the House with a recommendation that it be referred to the Committee of the Whole on the public Calendar. It is not a private bill in any sense of the word. The title indicates that it is a public bill; and the bill itself refers to the manner in which certain settlers may procure patents to land.

The CHAIRMAN. Does the gentleman object to the consideration of the bill?

Mr. SPRINGER. I do not make any objection; but it ought to go to the public Calendar.

Mr. LATHROP. I object to the bill.

PHILIP W. STANHOPE.

The next business on the Private Calendar was the bill (H. R. No. 1901) for the relief of Philip W. Stanhope, reported from the Committee on Military Affairs by Mr. STRAIT.

The bill was read. As proposed to be amended by the Committee on Military Affairs, it provides that Philip W. Stanhope, late captain of the Twelfth United States Infantry and brevet lieutenant-colonel of the United States Army, having been placed upon the list of supernumeraries, from which he was mustered, under the mistake of groundless charges as the superinducing cause thereof, be restored to his proper rank and promotion in the Army, with directions to the Secretary of War, on account of his disabilities incurred in the line of duty, to place him on the retired list, without regard to the limit as to numbers heretofore fixed by law; provided he receive no pay or allowances for the time he was out of service other than that already received at the time of his muster-out.

Mr. BREWER called for the reading of the report; which was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1901) for the relief of Philip W. Stanhope, late captain and brevet lieutenant-colonel United States Army, asking to be restored to his command and put upon the retired list for reasons therein stated, beg leave to report:

That they have duly considered the statements made in the petition of Philip W. Stanhope, and the large number of papers and documents, and proofs accompanying the same, and find the following to be the substantial facts of the case:

That he was appointed captain of the Twelfth United States Infantry on the 14th day of May, 1861; that he served in the field during the entire late war, except the short period he was in Libby Prison, and while he was recovering from severe gunshot wounds; that he was sober and regular in his habits; a skillful and efficient officer; that he was brevetted twice during the war for gallantry in battle, and left a war record that was as honorable to the service as it was creditable to him.

After the war he continued in the service until the 13th of February, 1871, when he was mustered out under the provisions of an act of Congress passed on the 15th of July, 1870, for reducing the numerical force of the Army, including a corresponding number of officers. The eleventh and twelfth sections of said act prescribed two methods of designating the officers that should be mustered out of the military service.

Under the first of these two sections the General of the Army and the commanding officers of the several military departments were required to report to the Secretary of War a list of officers serving in their respective commands that might be deemed unfit for the proper discharge of their duties from any cause, except for injuries incurred in the line of duty. This list when made out was submitted to a board of five officers, organized by the Secretary of War, on whose recommendation the President was authorized to muster out, &c. Under this method, each officer included in the list was allowed to appear before the board and show cause against it. This last provision of the law carries with it as a necessary incident, as your committee suppose, the right on the part of the officer to be notified if he was put on the list on account of any charges affecting his character as such officer, in order that he should have an opportunity to vindicate himself in case the charges should be unfounded.

Now, your committee find from the evidence that the General and the commanders of the several military departments, and who are supposed to be unprejudiced and well acquainted with the character of their subordinate officers, did not include Captain Stanhope among the unfit officers to be mustered out, and it follows, as we suppose, on the other hand, that they deemed him a proper officer to remain

in the service. Indeed, we find among the papers and proofs letters of General Ord, commanding his department, indorsing Captain Stanhope as a worthy officer, and having a fine war record, &c.

The second method under the twelfth section authorized the President to transfer officers from the different regiments to the supernumeraries, and from this list to fill any vacancies which might occur in the Army, from any cause, prior to the 1st of January, 1871, and all that should remain of the list after that date should be mustered out. This was done, including Captain Stanhope, who had been put upon the list under circumstances which, in the opinion of your committee, were illegal and against the true intent of the act of Congress, not to say highly injurious to the reputation of a worthy and good officer.

The committee find from the evidence that this officer was placed upon the supernumerary list in consequence of certain false and malicious charges and representations, secretly made near the close of the period in which the list under the law was to be made, seriously affecting his character as an officer, and of which he was kept in ignorance until about a year ago. It is alleged that these charges were preferred by Lieutenant-Colonel Wallace and Major Mizner, of the Twelfth regiment. The evidence shows that these two officers were very unfriendly and hostile to Captain Stanhope for some unknown cause; that Lieutenant-Colonel Wallace, particularly, had been so for a number of years; that he was oppressive toward the captain and subjected him to many indignities. The evidence submitted shows that these charges were the occasion of this officer's being placed upon the supernumerary list, without which he would not have been put there and so mustered out. The evidence also disproves these charges, and shows them to be utterly unfounded.

Your committee are inclined to think that where an officer was to be mustered out upon charges affecting his character as an officer he should have been put upon the list contemplated by the eleventh section, so as to give him an opportunity to defend himself. As this was not done, and as the commanding officers of the different departments passed him over and indorsed him as a competent officer to remain in the service, your committee conclude his muster-out was illegal, unjust, and without the authority of law, and that there should be some remedy for this great wrong they recommend the passage of the amended bill which accompanies this report, and, as amended, they recommend its passage.

The amendment reported by the Committee on Military Affairs was agreed to.

Mr. CARLISLE. I propose to offer a further amendment to this bill which I think will obviate any objection that gentlemen can possibly have to it. The bill, as reported by the Committee on Military Affairs, absolutely restores Colonel Stanhope to his former rank and promotion. I propose so to amend the bill as simply to authorize the President to restore him if he shall see proper to do so.

The amendment of Mr. CARLISLE was read, as follows:

Strike out the words "be, and he is hereby, restored," in the seventh and eighth lines, and insert "the President be, and he is hereby, authorized to restore him."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

HENRY PLOWMAN.

The next business on the Private Calendar was the bill (H. R. No. 739) for the relief of Henry Plowman, reported from the Committee on Military Affairs by Mr. STRAIT.

The bill was read. It directs the Secretary of War to pay, or cause to be paid, to Henry Plowman the pay and allowances of a second lieutenant of cavalry from December 20, 1864, to February 7, 1865, deducting therefrom any amount paid him as an enlisted man in Company B, Second Minnesota Cavalry, during the period mentioned.

There being no objection, the bill was laid aside to be reported favorably to the House.

MAJOR GRANVILLE O. HALLER.

The next business on the Private Calendar was the joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army; reported from the Committee on Military Affairs by Mr. MAISH.

The joint resolution, as amended by the Committee on Military Affairs, requires the Secretary of War to order a military court-martial or court of inquiry to inquire into the matter of the dismissal of Major Granville O. Haller, late of the Seventh Infantry, United States Army; said court to be fully empowered to confirm or annul the action of the War Department by which said Haller was summarily dismissed the service on or about the 9th of July, A. D. 1863, the court to assemble at any convenient point in the military district of the Columbia; and the findings to have the effect of restoring Haller to his rank, with the promotion to which he would be entitled, if it be found that he was wrongfully dismissed, or to confirm his dismissal, if it be otherwise found. Haller is to notify the commanding officer of said military district of his readiness to appear before the court; and he shall have reasonable notice of the time of the assembling of the same. But Haller is to receive no pay or allowances of any kind for the time he was out of the service.

The amendment reported by the Committee on Military Affairs was agreed to.

Mr. MAISH. I move a further amendment—to strike out in the tenth and eleventh lines the words "any convenient point in the military district of the Columbia" and insert "such convenient place as may be designated by the President."

The amendment was agreed to.

There being no objection, the joint resolution, as amended, was laid aside to be reported favorably to the House.

DWIGHT W. HAKES.

The next business on the Private Calendar was the bill (H. R. No. 3557) for the relief of Dwight W. Hakes, quartermaster Eighteenth Regiment Connecticut Volunteers, reported from the Committee on Military Affairs by Mr. EVINS, of South Carolina.

The bill was read. It authorizes the proper accounting officers of the Treasury of the United States to settle with Dwight W. Hakes, first lieutenant and regimental quartermaster of the Eighteenth Regiment Connecticut Volunteer Infantry, who was taken prisoner of war at the battle of Winchester, Virginia, June 14, 1863, and lost all his books, papers, funds, and vouchers, which fell into the hands of the enemy, upon such evidence as he may be able to offer, and upon his own depositions, when no better evidence can be produced.

There being no objection, the bill was laid aside to be reported favorably to the House.

G. W. JOBE.

The next business on the Private Calendar was the bill (H. R. No. 609) for the relief of G. W. Jobe, late second lieutenant of Company F, Forty-sixth Missouri Infantry Volunteers, reported from the Committee on Military Affairs by Mr. EVINS, of South Carolina.

The bill, with the amendment reported by the committee, directs the Secretary of the Treasury to cause to be paid to G. W. Jobe the pay and emoluments of a second lieutenant of infantry, from September 13, 1864, the date of his commission as second lieutenant of Company F, Forty-sixth Regiment of Missouri Infantry Volunteers, to November 7, 1864, the date of his muster-out as such second lieutenant, deducting therefrom any amount he may have received as an enlisted man during the time specified.

The amendment reported by the committee was agreed to.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

HENRY E. WILKINSON.

The next business on the Private Calendar was the bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers, reported from the Committee on Military Affairs by Mr. STRAIT.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers, the sum of $114.20, being the amount justly due him as first lieutenant from September 1, 1862, to December 26, 1862, for which time he has never received any pay or other allowance.

There being no objection, the bill was laid aside to be reported favorably to the House.

LEONARD L. LANCASTER.

The next business on the Private Calender was the bill (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry Wisconsin Volunteers, reported from the Committee on Military Affairs by Mr. STRAIT.

The bill provides that Leonard L. Lancaster, late sergeant Company L, Second Regiment Cavalry Wisconsin Volunteers, be paid, out of any money in the Treasury not otherwise appropriated, full pay and allowances that would have been due him provided the charge of mutiny had not been preferred, he having been honorably discharged on the 23d day of February, 1866, at Detroit, Michigan.

There being no objection, the bill was laid aside to be reported favorably to the House.

HEIRS OF CHARLES B. SMITH.

The next business on the Private Calendar was the bill (H. R. No. 1163) for the relief of the heirs of Charles B. Smith, deceased, reported from the Committee on Military Affairs by Mr. STRAIT.

The bill directs the proper accounting officer of the Treasury, in the settlement of the accounts of Charles B. Smith, deceased, late first lieutenant of the Fifth Iowa Cavalry Volunteers, to receive and allow, where the proper vouchers cannot be procured, a statement verified, or such other satisfactory evidence, of all expenditures or issues made by him for the Government as will be sufficient to close his subsistence and quartermaster's accounts upon the books of the Treasury.

There being no objection, the bill was laid aside to be reported favorably to the House.

THOMAS T. KNOX.

The next business on the Private Calendar was the bill (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry.

The bill directs the proper accounting officers in the Quartermaster's Department of the United States Army to allow Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry, United States Army, a credit upon settlement of his accounts for the sum of $147.22, the amount claimed to have been stolen from his safe, and being moneys received by him for sale of subsistence stores.

Mr. EDEN called for the reading of the report; which was read, as follows:

The Committee on Military Affairs, to whom were referred the papers in regard to the application of Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry Regiment, asking to be relieved from the loss of certain money and property, having had the same under consideration, respectfully report:

That from the testimony and the findings of the board of officers summoned to investigate the loss of certain moneys, commissary stores, and transportation checks claimed to have been stolen from said Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry, at Benicia barracks, California, during his absence in San Francisco, they are of opinion that the money ($147.22) was stolen from the safe of said Lieutenant Thomas T. Knox, and that he had used proper diligence in placing the same in his office safe under lock and key; but they do not think he used the proper care and caution in securing the book of transportation requests or the commissary stores lost.

Your committee therefore, in accordance with the testimony and the findings of the board of officers assembled by order of Lieutenant-Colonel Elliott, commanding post, recommend that the said Lieutenant Thomas T. Knox, second lieutenant

and regimental quartermaster First Cavalry, be allowed a credit by the proper accounting officer of the Army for the money stolen from his safe, of $147.22; and therefore recommend the passage of the accompanying bill for his relief.

There being no objection, the bill was laid aside to be reported favorably to the House.

BENJAMIN P. LOYAL.

The next business on the Private Calender was the bill (H. R. No. 3561) for the relief of Benjamin P. Loyal, late lieutenant in the United States Navy, reported from the Committee on Naval Affairs by Mr. HARMER.

The bill was read.

Objection being made by Mr. BRAGG, the bill was passed over.

CLAIMS OF JAMES E. KELSEY AND OTHERS.

The next business on the Private Calendar was the joint resolution (H. R. No. 106) referring to the Court of Claims the claim of James E. Kelsey, John Loughlin, Theron Kelsey, and others against the United States, for damages done to the schooner C. & C. Brooks, reported from the Committee on Naval Affairs by Mr. JONES, of New Hampshire.

The joint resolution, which was read, provides that the claim of James E. Kelsey, John Loughlin, Theron Kelsey, and others, owners, against the United States, for loss and damage arising from collision by their schooner C. & C. Brooks with the United States torpedo-boat Alarm, on the Atlantic coast, near Barnegat, on the 28th day of November, 1877, be referred to the Court of Claims, to hear and determine the same.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN E. WILLIAMSON.

The next business on the Private Calendar was the bill (H. R. No. 2396) for the relief of John E. Williamson, reported from the Committee on Military Affairs by Mr. BRAGG.

The bill, which was read, authorizes and directs the Secretary of the Treasury of the United States of America to pay, out of any moneys in the United States Treasury not otherwise appropriated, to John E. Williamson, late a member of Company B, Thirty-seventh Regiment of Wisconsin Volunteer Infantry, the full pay of a second lieutenant for and during the following period of time, namely, from the 7th day of March, A. D., 1865, to the 8th day of May, A. D., 1865, inclusive, less the pay during that time of a first sergeant in the infantry service, which he has received.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN EATON.

The next business on the Private Calendar was the bill (H. R. No. 720) for the relief of John Eaton, reported from the Committee on Military Affairs by Mr. BRAGG.

The bill, which was read, in the first section provides that John Eaton, late a private in Company K of the Eighteenth Regiment of Wisconsin Volunteer Infantry, who from such service deserted June 25, 1865, be fully restored, and that he stand as having been honorably discharged or mustered out of the military service of the United States on the said 25th day of June, A. D. 1865, and shall be entitled to the same pay, bounties, and benefits as if he on the said 25th day of June, 1865, had been lawfully discharged or mustered out of the said military service of the United States.

The second section provides that the Secretary of War shall issue an honorable discharge from the said military service to the said John Eaton as of 25th day of June, A. D. 1865.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. HAZARD.

The next business on the Private Calendar was the bill (H. R. No. 537) for the relief of William P. Hazard, reported from the Committee on Military Affairs by Mr. WILLIAMS, of Delaware.

The bill which was read, authorizes and directs the Secretary of War to pay to William P. Hazard, late lieutenant Ninety-seventh Illinois Volunteers, the pay and allowances as second lieutenant, from August 31, 1864, to March 8, 1865, out of any money appropriated, or that may hereafter be appropriated, for the pay of the Army.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. CARMEN.

The next business on the Private Calendar was the bill (H. R. No. 541) for the relief of William H. Carmen, reported from the Committee on Military Affairs by Mr. WILLIAMS, of Delaware, with amendments.

The bill, which was read, authorizes and directs the Secretary of War to cause to be paid, out of any money heretofore appropriated or that may hereafter be appropriated for the support of the Army, to William H. Carmen, late a private in Company E, Thirty-second Regiment Illinois Volunteer Infantry, the pay of a private soldier from the 24th day of December, 1863, to the 14th day of March, 1865, deducting therefrom any pay that he may have received during that time.

The amendments reported from the committee were agreed to, as follows:

In line 8, after the word "pay" add "and proper allowances;" and in line 9, strike out "24th day of December, 1863," and insert in lieu thereof "10th day of February, 1864."

The bill, as amended, was laid aside to be reported to the House with the recommendation that it do pass.

GUSTAV A. HESSELBERGER.

The next business on the Private Calendar was the bill (S. No. 82) for the relief of Gustav A. Hesselberger, reported from the Committee on Military Affairs by Mr. STRAIT.

The bill, which was read, authorizes and directs the proper accounting officers of the Treasury in the settlement of the accounts of Gustav A. Hesselberger, late first lieutenant in the United States Army, to allow such credits for overpayments, losses of funds and property, as they may deem just and equitable, not to exceed the sum of $3,200, and to close his accounts with the Treasury Department.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM T. MALSTER.

The next business on the Private Calendar was the bill (H. R. No. 2242) for the relief of William T. Malster, of Baltimore, Maryland, reported from the Committee on Naval Affairs by Mr. DANFORD.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to William T. Malster the sum of $3,000, said sum having been withheld by the Light-House Board as forfeiture for the non-delivery, within a specified time, of a vessel named Laurel, built at Baltimore by said William T. Malster under contract with said Light-House Board, dated November 24, 1875.

The report, which was read, recites that on November 27, 1875, a contract, dated November 24, 1875, was approved by the Secretary of the Treasury between William T. Malster, of Baltimore, Maryland, and the Light-House Board, for building a twin-screw steamer, authorized by act of March 3, 1875.

Under the provisions of this contract the steamer was to be built and delivered within one hundred and forty-five days from the date of the contract, and the contractor agreed to forfeit for each and every day's delay in completing the work after the time stipulated for the completion thereof the sum of $25 per day as liquidated damages, to be deducted from the sum due him.

Under the terms of this contract the vessel should have been completed and delivered on the 17th day of April, 1876, but she was not delivered until the 15th of August following, being an excess of one hundred and twenty days over the time limited, and involving a forfeiture under the penalty clause of the contract of $3,000.

In evidence that this delay was not occasioned by lack of capacity, proper preparation, due diligence, or liberality on the part of Malster, the committee quote from the letters of the authorities of the Light-House Board, all of whom concur in their testimony as to the good conduct of Malster and recommend that the penalty be remitted and that the board be authorized to pay the contractor the full amount.

J. G. Walker, naval secretary, in his letter of October 11, 1876, to the Secretary of the Treasury, says:

I have the honor to say it appears that the delay was occasioned—

First. By the rejection of timber which appeared to be sound in the rough, but which was found to be unsound by the inspector when worked down to dimensions.

Second. By the unusually hot weather, which prevents men in some instances from working on the interior of the vessel at all, and in others from accomplishing much when they did attempt to work.

Third. By the unusual and unforeseen difficulty experienced in finding hackmatack timber required.

Fourth. By the loss of important castings *en route* one of which of itself caused a loss of ten days.

Fifth. By the unusual and unforeseen difficulty experienced in obtaining satisfactory working drawings of the machinery.

The board recommend the remission of the forfeiture on these grounds, and because—

First. It is satisfied that it has a better vessel than it would have had if the work had been driven through in haste.

Second. Because the contract was executed in a liberal manner, the contractor doing all that was asked without regard to the exact requirements of the specifications, he showing a wish to have both material and workmanship give satisfaction.

Charles W. Copeland, superintending engineer, in his letter to Professor Joseph Henry, LL. D., chairman Light-House Board, says:

I think the hull of the Laurel is a better hull than if it had been driven through in haste, and that so far the board has profited by the delay. Some delay was undoubtedly caused by the Government inspector's close inspection, and the rejection of all material that was even doubtful. I am of opinion that Mr. Malster tried, personally, to urge forward the work as rapidly as he could, and to complete the contract within the specified time.

J. G. Walker, naval secretary, in his letter of September 19, 1876, also says:

A considerable portion of the delay in finishing her has resulted from circumstances over which the contractor had no control, but this delay has worked no injury or loss to the Government, and the vessel is in every respect better than she would have been had she been completed within the time specified in the contract. It is therefore respectfully recommended that the penalty in this case be remitted, and that the board be authorized to pay the contractor the full amount of the contract.

In his letter of February 8, 1878, Mr. Walker reiterates the above statements and his recommendation that the penalty be remitted.

This testimony establishes the fact the Government did not suffer either inconvenience or loss by the delay, and that the material and workmanship were fully up to the requirements of the contract, and that the delay permitted the greater care which was bestowed on the vessel, and especially that no fault can be attributed to the contractor; therefore, the committee report the bill favorably.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE BOWERS.

The next business on the Private Calendar was the bill (H. R. No. 3072) granting a pension to Catharine Bowers, a widow of a soldier of the war of 1812, reported adversely from the Committee on Revolutionary Pensions by Mr. MACKEY.

Objected to by Mr. SMITH, of Pennsylvania.

MIRIAM V. KINNEY.

The next business on the Private Calendar was the bill (H. R. No. 1774) granting a pension to Miriam V. Kinney, reported adversely from the Committee on Invalid Pensions by Mr. RIDDLE.

Objected to by Mr. SMITH, of Pennsylvania.

THOMAS G. MACKIE AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 3581) for the relief of Thomas G. Mackie and the heirs at law of William A. Hyde, deceased, late of New Orleans, Louisiana, reported from the Committee on Commerce by Mr. DUNNELL.

Objected to by Mr. DEERING.

NATIONAL IRON-MOULDERS' UNION.

The next business on the Private Calendar was the bill (H. R. No. 292) to incorporate the National Iron-Moulders' Union, reported from the Committee on Education and Labor by Mr. CAMPBELL.

Objected to by Mr. PATTERSON, of New York.

PETER TARGARONA.

The next business on the Private Calendar was the bill (H. R. No. 3732) for the relief of Peter Targarona, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

Objected to by Mr. SMITH, of Pennsylvania; objection afterward withdrawn, and renewed by Mr. HANNA.

HANSON HARMON.

The next business on the Private Calendar was the bill (H. R. No. 3733) for the relief of Hanson Harmon, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Hanson Harmon, of Wilmington, Delaware, the sum of $334.37, which shall be in full for all claims for rent of office for the clerk of the United States circuit and district courts for the district of Delaware, from January 1, 1868, to March 25, 1870, the same to be accepted and received by him in full for all claims against the United States for the use or rent of said building.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS STRIDER.

The next business on the Private Calendar was the bill (H. R. No. 3734) for the relief of Thomas Strider, of Winchester, Virginia, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill, which was read, authorizes and directs the Quartermaster-General, out of any money not otherwise appropriated, to pay to Thomas Strider, of Winchester, Virginia, the sum of $705.60, in full for balance due to him for work done by him on the national cemetery at Winchester, Virginia.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

COMMERCIAL BANK OF KNOXVILLE, TENNESSEE.

The next business on the Private Calendar was the bill (H. R. No. 3186) for the relief of the Commercial Bank of Knoxville, Tennessee, reported from the Committee of Claims, by Mr. DAVIS, of North Carolina.

The bill, which was read, directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $573 to James Comfort, assignee of the late Commercial Bank of Knoxville, Tennessee, in payment of 7.30 United States bonds No. 100436 third series, with coupons attached, and which was burned in mail-car at Benning's Station, near Washington, District of Columbia, while in transportation through the mail.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB SENER AND ELIZABETH SENER.

The next business on the Private Calendar was the bill (H. R. No. 3736) for the relief of Jacob Sener and Elizabeth Sener, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

Objected to by Mr. HANNA.

V. H. M'CORMICK.

The next business on the Private Calendar was the bill (H. R. No. 3737) for the relief of V. H. McCormick, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read. It authorizes and instructs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to V. H. McCormick the sum of $555.56, in full of all claim by said McCormick for salary as special messenger and watchman to the special committee on investigation of the Freedman's Savings and Trust Company during the Forty-fourth Congress, from the 16th day of August, 1876, to the 4th day of March, 1877, inclusive.

There being no objection, the bill was laid aside to be reported favorably to the House.

B. S. JAMES.

The next business on the Private Calendar was the bill (H. R. No. 3738) for the relief of B. S. James, reported from the Committee of Claims by Mr. DAVIS, of North Carolina.

The bill was read. It authorizes the Secretary of the Treasury to pay to B. S. James, out of any money in the Treasury not otherwise appropriated, such sum or sums of money as, upon reference to the proper accounting officers of the Treasury, shall be found to be justly due and payable to him for transportation of the mails over route No. 5610, between the 1st day of January, 1869, and the 30th day of September, 1870.

Mr. HANNA. I call for the reading of the report.

The report was read, as follows:

In 1866 B. S. James became the lessee of the Laurens Railroad Company in the State of South Carolina. In 1867 the Laurens Railroad Company (James being lessee) contracted, by Joseph Crews, its superintendent, to carry the United States mails on route 5610 for $1,200 per annum. In 1869, Crews having been discharged from the superintendency, a controversy arose in regard to the rolling-stock of the road, which resulted in litigation, and the Auditor of the Treasury for the Post-Office Department, by a letter dated August 19, 1869, informed the claimant that Joseph Crews having written to the department "that H. R. Scott was the owner of the rolling-stock of the Laurens Railroad, and that he (Crews) was his agent, the account of the railroad company cannot be settled until this difference is adjusted between you."

The decision of the court was in favor of claimant, but in the mean time the unexpended balance of the appropriation for the postal year in which the service was rendered was covered into the Treasury. The statement of the account furnished by the Post-Office Department shows a balance due for mail service on that route to September 30, 1870, to the amount of $408.03. The present bill provides that the claimant be paid such sum or sums as upon reference to the proper accounting officers of the Treasury, shall be found to be justly due and payable to him for transportation of the mails over said route between the 1st of January, 1869, and September 30, 1870. This is just and reasonable, and the committee report back the bill, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOAB SPENCER AND JAMES MEAD.

The next business on the Private Calendar was the bill (H. R. No. 819) for the relief of Joab Spencer and James Mead, for supplies furnished the Kansas tribe of Indians, reported from the Committee on Indian Affairs by Mr. BEEBE.

The bill was read. It authorizes and requires the Secretary of the Interior to pay, or cause to be paid, to Joab Spencer and James R. Mead, late of the firm of Spencer & Mead, whatever sum he may find due, not exceeding the sum of $7,509.83, and interest on said sum at the rate of 7 per cent. per annum from the 6th day of August, 1867, until paid, out of any money due and owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by said tribes of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

Mr. EDEN. I call for the reading of the report.

The Clerk proceeded to read the report. Before he concluded,

Mr. EDEN said: I do not ask for the further reading of the report.

There being no objection, the bill was laid aside to be reported favorably to the House.

COUNSEL FEES IN OSAGE CEDED LAND SUITS.

The next business on the Private Calendar was the bill (H. R. No. 2153) providing for the payment of counsel fees in the Osage ceded land suits, reported from the Committee on Indian Affairs by Mr. BEEBE, with amendments.

The bill was read, as follows:

Whereas the tract of land known as the Osage ceded lands, in the State of Kansas, was authorized to be sold, by the first article of the treaty with the Osage Indians, proclaimed January 21, 1867, at not less than $1.25 per acre, and that out of the proceeds of the sale the Government was to be reimbursed $300,000 advanced to said Osage Indians at the date of said treaty, together with the costs of survey and sale of said lands, and other necessary expenses, leaving of the gross proceeds of said sale a balance of about $560,000 to be placed to the credit of the Indian civilization fund; and

Whereas the tract of land aforesaid was claimed by the Leavenworth, Lawrence and Galveston Railroad Company and the Missouri, Kansas and Texas Railroad Company under acts of Congress of the 3d of March, 1863, and July 26, 1866, respectively. These grants covered all the lands, both odd and even sections, so that between these two roads, which run diagonally through the tract from north to south, they were able to take all of the Osage ceded lands save and except one section, leaving an amount wholly inadequate to indemnify the Government the $300,000, or the costs of survey and sale. And the lands covered by these two grants, under a decision of the Secretary of the Interior, were all patented either to the railroad companies or to the State of Kansas for the companies aforesaid; and

Whereas by the joint resolution of Congress of April 10, 1869, these lands were all thrown open to settlement, both odd and even sections, at $1.25 per acre, and Congress thus invited settlers to go upon said lands, and subsequently many of the entries made by these settlers were canceled by the Secretary of the Interior, on the sole ground that the lands belonged to these two railroad companies aforesaid; and

Whereas out of these conflicting interests grew nearly one hundred suits at law between the settlers and the railroad companies, or their representatives; and

Whereas, in 1874, the Attorney-General of the United States, being advised of all these facts, ordered the district attorney of Kansas to institute suits to test the validity of the title of said railroad companies to these lands, and to permit any attorneys selected by the settlers to appear in said cases, and to aid in the institution, prosecution, and trial of said cases; and

Whereas, by virtue of said permission, the settlers did employ Hon. J. S. Black, Hon. William Lawrence, Hon. Wilson Shannon, and Messrs. McComas and McKeighan to appear for them in these cases; and

Whereas these lands were wholly reclaimed by this litigation from the railroad companies, who had paid nothing for them, and restored to the Government as

trustee for the Osage Indians, thus enabling said Indians to pay the Government for the money advanced as aforesaid, and for costs of survey and sale, and to increase the Indian civilization fund some $560,000; and

Whereas the Attorney-General remitted and confided to a very great extent the management, conduct, and control of the final litigation to the counsel above named; and

Whereas the result of said litigation was that the Government was reimbursed of all its outlays, without which it would have received nothing, and the Indian civilization fund secured $560,000, without which it could have secured nothing; and

Whereas the settlers have received no benefit from said litigation, save and except the privilege of paying for their land, at the rate of $1.25 per acre, as provided for by the joint resolution of Congress of April 10, 1869: Therefore, to pay said attorneys the balance remaining due and unpaid of their stipulated fees and to reimburse those settlers who have advanced a portion of the money due said attorneys for their services,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay out of the Indian civilization fund, from any of the funds arising from the sale of any of the Osage ceded lands in Kansas, the following sums, to wit:

To J. S. Black, $12,833.33.

To McComas and McKeighan, $12,223.33.

To William Lawrence, $12,633.33.

To Wilson Shannon, his heirs or assigns, $10,383.33.

To William Dick, as treasurer of the Settlers' Protective Association, and trustee, to be by him used to reimburse those individual members of the association who have paid any portion of the counsel fees for services in said litigation, $5,250.

The amendments reported from the committee were as follows:

After the word "sums," in line 6, insert the following:

In full for all claims for counsel fees.

In lines 16, 17, 18, 19, and 20, strike out the following:

To William Dick, as treasurer of the Settler's Protective Association and trustee, to be by him used to reimburse those individual members of the association who have paid any portion of the counsel fees for services in said litigation, $5,250.

The amendments were adopted.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

SUSANNA MARBLE AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 3825) for the relief of Susanna Marble and others, heirs of Abel S. Lee, reported from the Committee on Indian Affairs, by Mr. BEEBE.

The bill was read. It authorizes and directs the Secretary of the Interior to pay, or cause to be paid, in equal portions, to Susanna Marble, Millie Francis Lee, and John Abel Lee, heirs of Abel S. Lee, or their legal representatives, the sum of $2,915, with interest thereon at the rate of 7 per cent. per annum from the 9th day of June, 1872, out of any money due and owing, or that may hereafter become due, to the Kiowa tribe of Indians, on account of any treaty between the said tribe of Indians and the United States; the said payment to be in full of all claims of the said heirs of said Abel S. Lee, and of the amount allowed them by the Indian Bureau for property belonging to said Abel S. Lee, taken and destroyed by the said Kiowa Indians in the year 1872.

There being no objection, the bill was laid aside to be reported favorably to the House.

ST. MICHAEL'S CHURCH, CHARLESTON, SOUTH CAROLINA.

The next business on the Private Calendar was the bill (H. R. No. 1660) for the relief of St. Michael's Church, Charleston, South Carolina, reported from the Committee of Ways and Means by Mr. PHELPS.

The bill was read. It authorizes and directs the collector of customs in the city of Charleston, South Carolina, to remit the duties on bells recast in England belonging to the vestry of St. Michael's church, in the city of Charleston, South Carolina.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM F. WHEELER.

The next business on the Private Calendar was the bill (H. R. No. 3853) for the relief of William F. Wheeler.

The bill was read. It authorizes the proper accounting officers of the Treasury, in adjusting accounts for expenses of courts rendered by William F. Wheeler, United States marshal for the Territory of Montana, to allow credit for the amount of vouchers for disbursements destroyed by fire in the office of said marshal, at Helena, on the 9th January, 1874; said allowance not to exceed the sum of $5,582; provided that before credit be given the marshal shall furnish proof of his losses to the satisfaction of said accounting officers.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOHN TWEEDY.

The next business on the Private Calendar was the bill (H. R. No. 3854) for the relief of John Tweedy, postmaster in Danbury, Connecticut, reported from the Committee of Claims by Mr. WARNER.

The bill was read. It directs the Secretary of the Treasury to place to the credit of the post-office fund the sum of $215, and directs the Auditor of the Treasury for the Post-Office Department to credit said John Tweedy with the said sum, it being the value of the postage-stamps stolen from the post-office in said Danbury on the night of July 2, 1877, without fault of said John Tweedy.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM A. MANN.

The next business on the Private Calendar was the bill (H. R. No. 3855) for the relief of William A. Mann, reported from the Committee of Claims by Mr. WARNER.

The bill was read. It authorizes the Secretary of the Treasury to credit to William A. Mann, late an acting assistant paymaster in the United States Navy, in his accounts with the Treasury Department, as of the date of the rendition of his final account, the sum of $1,954, moneys of the Government stolen from him, without his fault, while he was in service as such officer.

Mr. HANNA. I call for the reading of the report.

The report was read, as follows:

In 1862 the claimant, William A. Mann, was appointed an acting assistant paymaster in the United States Navy, and assigned to duty on the gunboat Baron De Kalb, on which he served until it was blown up and destroyed by torpedoes at the battle of Duvall's Bluffs. Mr. Mann was then assigned to duty on the United States steamer Cayuga, under Admiral Farragut, in the West Gulf blockading squadron, on which vessel he remained until the close of the war, when the vessel was put out of commission and Mr. Mann honorably discharged from the service.

About nine years after his discharge from the service, Mr. Mann was notified by the accounting officers of the Treasury Department that upon a settlement of his accounts he was found indebted to the Government in the sum of $1,954. The account rendered to the Government by Mr. Mann at the time of his discharge showed a balance due the Government of $5,015, and that amount was paid over to the Government at that time, and Mr. Mann states that the amount of money, $5,015, appearing by the account to be due the Government, was the exact amount he had on hand, and thus his account and his cash agreed. The deficiency arises in the following way:

On July 31, 1865, Mr. Mann made a requisition on Paymaster A. W. Russell, United States Navy, for $12,000, which was approved and allowed, and the amount paid to Mr. Mann.

This item of $12,000 is entered on Mr. Mann's account as $10,000, and hence the balance shown by the account to be due the Government is $2,000 less than it ought to be. In settling his account this error of $2,000 was discovered; but a few small items, amounting in all to $46, which Mr. Mann had not claimed, were allowed him, which reduced the amount of the deficiency to the sum of $1,954.

The requisition for the $12,000 was made by Mr. Mann's clerk and the amount receipted for by the clerk and within twenty-four hours of the time when the ship was put out of commission. The account of Mr. Mann was also made out by his clerk. The requisition and the receipt for the $12,000 received of Paymaster Russell and Mr. Mann's account are all on file in the office of the Fourth Auditor of the Treasury, in the clerk's handwriting. The false entry of $10,000 instead of $12,000 was therefore made in Mr. Mann's account by his clerk, and the fact undoubtedly is that the clerk did it purposely and corruptly, and thus made the cash agree with the account by putting $2,000 in his own pocket, and that Mr. Mann, finding that the account and the cash agreed, signed it and sent it, together with his books and vouchers, to the Fourth Auditor's Office, satisfied that everything was correct, and without discovering the dishonesty of his clerk. The clerk, after Mr. Mann left the service, went West, where he since died from the effects of excessive dissipation. The Fourth Auditor states that Mr. Mann's accounts are all correct with this one exception.

Under date of January 22, 1876, the Second Comptroller of the Treasury wrote Mr. Mann a letter on the subject, in which are the following passages:

"In reply, I have to say that I have carefully examined your account, and am fully satisfied that the deficit was occasioned through no fault of yours, and yet there is no authority under the law of July 28, 1866, which will warrant the accounting officers in granting the relief asked. The law says expressly the loss of property and funds.

"You cannot be considered as having lost property or funds in that sense, the amount having, as appears from the evidence, been embezzled by your clerk.

"Your only course is to apply to Congress for a bill of relief, which, under the circumstances, I think you will have no difficulty in obtaining."

Your committee are of the opinion that Mr. Mann has been guilty of no misconduct in this matter, that no blame or censure can justly attach to him growing out of this transaction, and that he is justly entitled to the relief for which he asks.

Your committee accordingly report the accompanying bill, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

H. H. LEMON.

The next business on the Private Calendar was the bill (H. R. No. 2421) for the relief of H. H. Lemon, member of the Capitol police force, for injuries received while in the discharge of his duties in the year 1870, reported from the Committee of Claims by Mr. HENRY.

The bill was read. It appropriates the sum of $3,000, out of any money in the Treasury not otherwise appropriated, for the relief of H. H. Lemon, who was injured while in the discharge of his duties as a member of the Capitol police force in the year 1870; and directs the Secretary of the Treasury to pay said sum to said Lemon.

Mr. HANNA. I call for the reading of the report.

The report was read as follows:

The said H. H. Lemon was a member of the Capitol police in the year 1870, and on the night of the 27th of August of said year, while engaged in the regular discharge of his duty, in making an examination of the outside of the Capitol to see that all windows, doors, &c., were secure, he stepped upon a trap-door in the pavement on the south side of the east end of the Senate wing, when the door gave way, and he fell fifteen feet or more to the paved floor of the vault below. By this fall he was most seriously injured, and has been permanently disabled, having become totally blind in one eye, deaf in one ear and partially so in the other, besides having, to great extent, lost the use of one side. He has ever since been under treatment by skillful physicians, and has incurred an expense of more than $2,000 in his efforts to regain his sight and obtain relief from his other disabilities, but is still but the wreck of what he was before this accident occurred.

His circumstances have compelled him to sell, at a great sacrifice, his little homestead at Harper's Ferry, and he has a wife, two children, and two sisters dependent upon him for support.

There are several affidavits from reliable sources testifying to his most exemplary character and his faithfulness and efficiency in the discharge of his duties. The trap-door referred to was left insecure by R. M. Hodgson, at that time assistant engineer of the Senate, whose duty it was to see that it was properly secured, and no negligence or fault can be imputed to Mr. Lemon in connection with the accident.

The committee do not feel called upon to enter into any examination of the judicial decisions, if any, applicable to claims of this nature, as this case not only appeals most strongly to the sympathies of Congress, but is sustained by recent legislative precedent, where relief was promptly and properly granted by the act approved July 19, 1876, to the family of John T. King, and to L. B. Cutler, the said King having been killed, and the said Cutler disabled for life, by an explosion of gas in the closet under the eastern stairway of the Senate.

The committee therefore report back the said bill to the House and recommend that it be passed.

There being no objection, the bill was laid aside to be reported favorably to the House.

T. A. KENDIG.

The next business on the Private Calendar was the bill (H. R. No. 3856) for the relief of T. A. Kendig, of Louisiana, reported from the Committee of Claims by Mr. HENRY.

The bill was read. It appropriates the sum of $4,099.44, out of any money in the Treasury not otherwise appropriated, to pay T. A. Kendig for service performed by him in conveyance of the mails from November 1, 1866, to June 28, 1867, on routes No. 8108 and No. 8109, Louisiana, the said service having been duly recognized by the Post-Office Department by orders dated September 18 and September 25, 1867.

There being no objection, the bill was laid aside to be reported favorably to the House.

ROBERT WARNER.

The next business on the Private Calendar was the bill (H. R. No. 3857) for the relief of Robert Warner, reported from the Committee of Claims by Mr. HENRY.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Robert Warner, of Washington County, Maryland, the sum of $71.65, being the amount due to him as contractor for carrying the mails on route 3274, in the State of Maryland, from April 1, 1861, to October 21, in the same year.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM HEDGPETH.

The next business on the Private Calendar was the bill (H. R. No. 967) for the relief of William Hedgpeth, of Paulding County, Georgia, reported from the Committee of Claims by Mr. HENRY.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to William Hedgpeth, of Paulding County, Georgia, the sum of $300, out of any money not otherwise appropriated, being the amount illegally collected from him in 1868 as a tax for the distillation of fruit.

Mr. SMITH, of Pennsylvania. I call for the reading of the report.

The report was read, as follows:

That the said Hedgpeth was engaged in the business of distilling brandy from fruit, in the year 1868, and prior to the 12th day of October in said year paid a special tax of $300, which was not collected after that date from others engaged in the same business.

At the last session of the Forty-fourth Congress a bill was passed for the relief of Samuel B. Stauber and others, under similar circumstances, and this case is like that of William S. Burgess and others, in which the committee have already reported a bill for relief, except that this claim was not filed with the Commissioner of Internal Revenue prior to June 6, 1873.

For the reasons set forth in the case of Burgess and others, the committee are of the opinion that relief ought to be granted, and therefore report the bill to the House and recommend that it pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM S. BURGESS AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 3858) for the relief of William S. Burgess and others, reported from the Committee of Claims by Mr. HENRY.

The bill was read, as follows:

Whereas William S. Burgess, William H. Willhite, and Nathaniel Austin, of White County, Tennessee, each paid to P. G. Wilkinson, internal-revenue collector for the third district of Tennessee, the sum of $300 as a special tax for distilling fruit, the said Austin's payment having been made on the 31st day of August and the said Burgess's and Willhite's each on the 8th day of October, 1868; and

Whereas the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, on the 12th day of October, 1868, made an order exempting such distillers from the payment of said special tax: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the said William S. Burgess, William H. Willhite, and to Elizabeth Austin, administratrix of said Nathaniel Austin, deceased, upon proper evidence of her administration, each, the sum of $300, collected from them as special tax as aforesaid.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM H. MERRITT.

The next business on the Private Calendar was the bill (H. R. No. 3257) for the relief of William H. Merritt, reported from the Committee of Claims by Mr. CUMMINGS, with an amendment.

The bill was read. It authorizes and directs the Secretary of the Interior to allow and pay to William H. Merritt, of the State of Iowa, late receiver and late register of the Fort Dodge land district of Iowa the sum of $3,600 for extraordinary clerk hire and clerical services in his office from the 1st day of November, 1855, to the 1st day of October, 1857.

The amendment reported by the committee was as follows:

In line 5, strike out the words "receiver and late."

Mr. SMITH, of Pennsylvania. I call for the reading of the report.

The report was read, as follows:

William H. Merritt bonded as register of the land office at Fort Dodge, Iowa, March 26, 1855. He opened the office for the transaction of business, November 1, 1855, and continued as such register until September 23, 1857. He was called upon to do an immense amount of work growing out of the entries of land both for cash and upon land warrants. He was compelled to employ statedly three clerks, and their labors had frequently to be supplemented by the employment of temporary clerks, such was the rush and demand for land. The accompanying letter from General Williamson, Commissioner of the General Land Office, shows that during Mr. Merritt's term of office the amounts received from the sales of public lands at the Fort Dodge office were $570,944.53. Considerably over one million acres of land were entered during the twenty-three months, a large proportion upon warrants, which greatly increased the labors of the office. To enable him to transact this enormous business the employment of the clerical force stated was absolutely necessary. The salary of the register was $2,500 per annum. He paid all this amount and more for clerical assistance, leaving him nothing whatever for his services.

Under an almost identical condition of affairs Congress by law appropriated the sum stated for each of the offices here named:

Receiver at Kickapoo, Kansas	$3,150
Register at Kickapoo, Kansas	3,553
Receiver at Osage, Iowa (A. K. Eaton)	3,600
Receiver at Osage, Iowa (J. D. Jenkins)	3,600

The accompanying letter states that the business at the Fort Dodge office compares favorably in importance with that done at the Kickapoo and Osage offices, to which extra allowance was made for clerk hire.

The committee believing that Mr. Merritt should, under these circumstances, be allowed a reasonable sum for clerk hire, report back the bill with an amendment to correct a clerical error, and recommend its passage.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1878.

SIR: In reply to your letter of 19th instant, relating to the claim of W. H. Merritt, esq., late register of the land office at Fort Dodge, Iowa, for clerk hire, I have the honor to state—

1st. Mr. Merritt bonded as register 26th March, 1855, and continued in office until 23d September, 1857.

2d. He was paid his maximum salary, fees, and commission during his term of office.

3d. We do not find that any allowance was made him for clerk hire.

4th. The following allowances for extra clerk hire, for services rendered in 1855, 1856, and 1857, were made under acts of Congress, namely:

To the receiver at Kickapoo, Kansas, acts of August 18, 1856, and February 19, 1861	$3,150
To the register at same office and under same acts	3,553
To Mr. A. K. Eaton, late receiver at Osage, Iowa, act July 7, 1876	3,600
To Mr. J. D. Jenkins, late receiver at Osage, Iowa, same act	3,600

5th. The amounts received from sales of public lands at Fort Dodge office during Mr. Merritt's term of office are as follows, namely:

Fourth quarter, 1855	$154,421 13
First quarter, 1856	55,375 79
Second quarter, 1856	52,809 28
Third quarter, 1856	19,426 69
Fourth quarter, 1856	2,594 62
First quarter, 1857	495 55
Second quarter, 1857	282,973 69
Third fractional quarter, 1857	2,847 78
Total	570,944 53

The business at the Fort Dodge office, as indicated by the above figures and for the period referred to, compares favorably in importance and amount with that done at the Kickapoo and Osage offices, to which extra allowance was made for clerk hire, as before stated.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Mr. JNO. B. SMITH,
Clerk to Committee of Claims, House of Representatives.

The amendment of the committee was adopted.

Mr. CUMMINGS. I am also authorized by the committee to offer another amendment, in order to make the bill a little more definite. I send it to the desk to be read.

The Clerk read as follows:

Add as a new section to the bill the following:

SEC. 2. That to enable the Secretary of the Interior to make the payment hereinbefore required there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,600, which shall be received by the said William H. Merritt in full satisfaction and settlement of all claims or demands against the Government on the part of said William H. Merritt for the clerical or other expenses of his said office.

The amendment was adopted.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

M. F. CLARK.

The next business on the Private Calendar was the bill (H. R. No. 2848) for the relief of M. F. Clark, reported from the Committee of Claims by Mr. CUMMINGS, with an amendment.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to M. F. Clark, the sum of $550, being the value of three horses and one mule purchased of said Clark by Lieutenant E. D. Hillyer, acting assistant quartermaster, and Captain E. J. Barnes, assistant quartermaster, in the year 1864, and paid for to other parties, upon vouchers fraudulently obtained and receipts the signatures to which were forged.

The amendment of the committee was read, as follows:

In line 6 strike out "$550" and insert "$510."

Mr. HANNA. I call for the reading of the report.

The report was read, as follows:

The facts in this case appear to be as follows:

M. F. Clark was lieutenant Company B, Fifth Kansas Cavalry. His term of service expired in 1864, when he was at Pine Bluffs, Arkansas. Under orders from Major-General Steele, he turned over to the post quartermaster one mule, which he states was received at $175, one horse at $150, one horse at $125, one horse at $60, equipments for said animals, $40. That before the vouchers were made out, and about August 20, 1864, a boat reached Pine Bluffs, and he, with others whose term had expired, was ordered aboard.

Samuel Walker, who was major of the Fifth Kansas Cavalry, testifies that he was president of the board of appraisers which appraised the property mentioned,

about August 29, 1864, and that the appraisement was for the amounts above stated.

That Lieutenant Clark never received the vouchers, never disposed of the same, and never received pay for the property sold to the United States, and the amount of $50 is yet due him.

That a voucher in the name of said Clark, dated August 8, 1864, purporting to have been issued by E. D. Hillyer, acting assistant quartermaster, for one mule, valued at $149, was paid by William Myers, assistant quartermaster, at Saint Louis, December 29, 1864, and that the name of M. F. Clark was signed to the receipt attached thereto.

That a voucher in the name of said Clark, dated November 4, 1864, purporting to have been issued by E. J. Barnes, assistant quartermaster, for three horses, valued at $250, was paid by Ingham Coryell, assistant quartermaster, at Saint Louis, June 28, 1865, and that the name of M. F. Clark was signed to the receipt attached thereto.

That the signatures, purporting to be those of M. F. Clark, attached to such vouchers were false, forged, and fraudulent; that M. F. Clark has never received pay for his property so turned over to the United States; that the United States is indebted to him in the amount stated; that a voucher for the $40 for the equipments turned over to the Government has not been presented nor paid; and your committee therefore reduce, by way of amendment, the amount proposed to be appropriated so that the claim for equipments shall not be included.

Your committee therefore recommend that the bill (H. R. No. 2848) do pass with the amendment herewith submitted.

The amendment of the committee was adopted.

There being no objection, the bill, as amended, was laid aside to be reported favorably to the House.

PAUL M'CORMICK.

The next business on the Private Calendar was the bill (H. R. No. 799) for the relief of Paul McCormick, reported from the Committee of Claims by Mr. CUMMINGS.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, directed to audit and allow Paul McCormick, of Montana, out of any money in the Treasury not otherwise appropriated, such sum as to them shall seem just and reasonable for the loss sustained by said McCormick by reason of the change made by the officers of the United States as to the place of delivering the wood, after the contract was made and entered into by said McCormick, not to exceed the sum of $1,500, and the same to be in full satisfaction of all claims or demands on account of loss.

There being no objection, the bill was laid aside to be reported favorably to the House.

CHARLES C. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. No. 3860) for the relief of Charles C. Reynolds, reported from the Committee of Claims by Mr. LINDSEY.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to place to the credit of the post-office fund the sum of $165; and the Auditor of the Treasury for the Post-Office Department is hereby directed to credit Charles C. Reynolds $165 in his account as postmaster at Milford, Indiana, being for postage-stamps stolen from said office without fault or neglect on the part of said postmaster.

There being no objection, the bill was laid aside to be reported favorably to the House.

RICHARD JOSEPH.

The next business on the Private Calendar was the bill (H. R. No. 3861) to reimburse Richard Joseph for money paid on forged vouchers, reported from the Committee of Claims by Mr. LINDSEY.

The bill was read, as follows:

Be it enacted, &c., That the sum of $1,167, lawful money, be, and it hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to reimburse Richard Joseph for losses incurred in his office as disbursing clerk of the Department of the Interior, without negligence or fault on his part, through the forgeries of Frederick R. Goodridge, late a clerk in the United States Patent Office.

There being no objection, the bill was laid aside to be reported favorably to the House.

Mr. HANNA. I believe we have laid aside as many bills as we can dispose of to-day, and therefore I move that the committee do now rise.

Mr. BRIGHT. I hope the committee will remain in session at least until four o'clock.

Mr. HANNA. I will wait fifteen minutes and then renew the motion. I withdraw it now.

E. B. HEAD.

The next business on the Private Calendar was the bill (H. R. No. 3832) for the relief of E. B. Head, postmaster at Harrodsburgh, Kentucky, reported from the Committee of Claims by Mr. LINDSEY.

The bill was read, as follows:

Be it enacted, &c., That there be, and is hereby, appropriated, to pay E. B. Head, postmaster at Harrodsburgh, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $127, to reimburse him for stamps stolen from his office February 22, 1874; and the proper accounting officers of the Post-Office Department are hereby directed to credit the said E. B. Head in his account as such postmaster with the same.

There being no objection, the bill was laid aside to be reported favorably to the House.

E. N. LIVELY.

The next business on the Private Calendar was the bill (H. R. No. 184) for the relief of E. N. Lively, postmaster at Williamsburgh, Virginia, reported from the Committee of Claims by Mr. LINDSEY.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any funds in the Treasury not otherwise appropriated, to place to the credit of the fund for the Post-Office Department on money-order account the sum of $387.89; and the Auditor of the Treasury for the Post-Office Department is directed to place the like sum to the credit of E. H. Lively in his account as postmaster at Williamsburgh, Virginia, it being the amount of money-order funds stolen from the said post-office on the night of the 23d of August, 1876.

Mr. SMITH, of Pennsylvania. I call for the reading of the report. The report was read, as follows:

The Committee of Claims, to whom was referred the bill (H. R. No. 184) for the relief of E. H. Lively, postmaster at Williamsburgh, Virginia, have had the same under consideration, and ask leave to submit the following report:

It appears from the evidence that, on the night of the 23d of August, 1876, the post-office at Williamsburgh, Virginia, was entered by some unknown person and robbed of $387.89 which belonged to the money-order account. The house in which the post-office was kept was entered from the rear, the blinds were broken through, the glass removed from the sash, and the latch raised. Entrance having been effected in this way, the lock to the door was taken off by unscrewing, and the chest which contained the money was opened by drawing the staple.

An examination of the premises was made the next morning by several of the most respectable and prominent citizens of Williamsburgh, who have represented to the Post-Office Department that Mr. Lively had taken all reasonable precaution for the safe-keeping of the money, and that he should not, in their judgment, be held responsible for its loss.

It appears that on the 24th of August Mr Lively promptly reported the robbery to the Post-Office Department, that his letter was referred to Isaac Myers, a special agent, for investigation, and that on the 30th day of December, 1876, he addressed to Mr. Lively a communication, which is annexed to and made part of this report, marked A.

Your committee, being satisfied from all the facts and circumstances in the case that Mr. Lively exercised due diligence and proper care in keeping the money referred to and that it would be a great hardship to hold him personally responsible for its loss, recommend the passage of the bill for his relief.

A.

POST-OFFICE DEPARTMENT, OFFICE OF SPECIAL AGENT,
Washington, December 30, 1876.

DEAR SIR: Your petition to the Postmaster-General to relieve you from the loss occasioned by the robbery of your office on the night of the 23d of August last has been received. In reply, I have to say that the relief you seek cannot be given by the Post-Office Department. You must apply to the Congress of the United States, it alone having the power to grant you relief. You can apply through your own or some other member of Congress. I have made a report in the case, in which I state I believe you exercised due caution and care in keeping the funds of your office, &c. If you want to use the petitions you have filed in the Department, I think you can get them.

With reference to the money stolen, I have to advise that it be made good at once. Have it secured by the time your next weekly balance is made up; otherwise I shall be compelled to come down and collect it from your sureties.

If I can be of any service, (officially,) should be glad to represent the case as I find it.

Yours truly,

ISAAC MYERS, *Special Agent.*

POSTMASTER,
Williamsburgh, Virginia.

There being no objection, the bill was laid aside to be reported favorably to the House.

NATHANIEL G. SMITH.

The next business on the Private Calendar was the bill (H. R. No. 3863) for the relief of Nathaniel G. Smith, reported from the Committee of Claims by Mr. HENDERSON.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to place to the credit of the post-office fund the sum of $845; and the auditor of the Treasury for the Post-Office Department is hereby directed to credit Nathaniel G. Smith $845 on his account as postmaster at Flemington, New Jersey, being for postage-stamps stolen from said office without fault or neglect on the part of said postmaster.

Mr. SMITH, of Pennsylvania. I call for the reading of the report. The report was read, as follows:

The Committee of Claims, to whom was referred the bill (H. R. No. 853) for the relief of Nathaniel G. Smith, late postmaster at Flemington, New Jersey, have had the same under consideration, and beg leave to report:

That the petition in this case, which is sworn to by the petitioner and the testimony produced, shows that the said Nathaniel G. Smith was postmaster at Flemington, in the State of New Jersey; that the post-office was kept in a brick building, the most substantial and secure of any in said town; that the office was supplied with an iron safe, in which stamps, funds, and all valuables belonging to the office, as well as valuables to a large amount belonging to said postmaster, were placed for safe-keeping when not in business hours; that on the night of the 12th day of November, 1874, said building, in which the post-office was kept, was broken into by burglars, and the said safe in the post-office was blown open, and postage-stamps to the amount of $845 and other valuables to a large amount were stolen and carried away, and that no part of the same was ever recovered. It further appears that the said postmaster was a prudent and careful officer, and was duly diligent in his efforts to protect and safely keep the property under his care; that the building was supposed to be well secured, and the postage-stamps and other valuables were all placed in the safe, and the safe and doors of the building were securely locked before leaving the office on the night of the robbery, and that no ordinary precaution on the part of the postmaster could have prevented the robbery.

The fact of the burglary is testified to by several gentlemen, including the assistant postmaster, the sheriff of the county, and the judge of the court of common pleas, and is also shown by a petition signed by sixty-three citizens of the village of Flemington. These petitioners also state that said postmaster is known by them to be a prudent, careful, and trustworthy officer of the Government.

Your committee further report that it appears from the affidavit of said postmaster that on the day following the robbery he notified the Post-Office Department of the fact, and on the 17th of the same month forwarded to the Department a detailed statement of the losses.

The Third Assistant Postmaster-General estimates the probable amount of stamps on hand at the time of the robbery at $1,111.64.

Your committee therefore, in view of all the facts, as shown by the papers, report said bill back, with a substitute, and recommend the passage of the substitute.

There being no objection, the bill was laid aside to be reported favorably to the House.

H. G. BOARDMAN.

The next business on the Private Calendar was the bill (H. R. No. 13) for the relief of H. G. Boardman, postmaster at Milton, Vermont, reported from the Committee of Claims by Mr. HENDERSON.

The bill was read, as follows:

Be it enacted, &c. That the proper accounting officer of the Treasury Department be directed to pay to H. G. Boardman, postmaster at Milton, Vermont, out of any money not otherwise appropriated, the sum of $116 34, being the amount of postage-stamps stolen from his office without the fault of the said postmaster.

Mr. SMITH, of Pennsylvania. I call for the reading of the report.

The report was read, as follows:

The Committee of Claims, to whom was referred the bill (H. R. No. 13) for the relief of H. G. Boardman, postmaster at Milton, Vermont, have had the same under consideration, and beg leave to report:

That on the 5th day of March, A. D. 1874, H. G. Boardman was postmaster, and Ebenezer Whitney was deputy postmaster, at Milton, in the county of Chittenden and State of Vermont; that there was no safe or vault in the post-office; but that said H. G. Boardman was a member of the firm of Clark, Boardman & Co., which said firm had a safe, in which the postage-stamps kept by the postmaster were deposited by the said deputy postmaster for safekeeping; and that on the night of the said 5th day of March, 1874, the office of said Clark, Boardman & Co. was entered by burglars, the safe broken open by them, and postage-stamps to the amount of $116 34, placed there by the said deputy postmaster, were taken therefrom; and that said postage-stamps have never been recovered, nor any part thereof.

From the affidavits of the said Horatio G. Boardman, postmaster, Ebenezer Whitney, deputy postmaster, and Jed. P. Clark, member of the firm of Clark, Boardman & Co., it appears that the office of said Clark, Boardman & Co. was a new, strong building, situated in the most public part of the village of Milton Falls, in said Milton and that the safe in which said postage-stamps were deposited was a large, strong iron safe of the Wilder patent; that said safe, as well as the doors of the office, was securely locked and the windows properly fastened; that the office was entered by prying open the window to the office, and the safe was broken open by means of cold chisels, iron bars, hammers, sledges, and other tools.

It further appears that said safe was as secure and safe a place as any there was in the town and was used by said firm of Clark, Boardman & Co. and by a few other people as a place of safe deposit; and that there was no place in said town of Milton, nor near it which was made a place of public deposit, and where said stamps could have been more securely deposited.

The committee further report that no clew to the burglars was ever obtained; and believing from the testimony that said postmaster was not guilty of any negligence, and that said postage-stamps were not lost through the fault or carelessness of the said postmaster or his deputy, your committee report back said bill (H. R. No. 13) and recommend its passage.

There being no objection, the bill was laid aside to be reported favorably to the House.

MERRITT BARBER.

The next business on the Private Calendar was the bill (H. R. No. 2918) for the relief of Merritt Barber, first lieutenant United States Infantry, reported from the Committee of Claims by Mr. HENDERSON.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to allow to First Lieutenant Merritt Barber, late assistant quartermaster, United States Army, on his account while acting as such quartermaster at Atlanta, Georgia, the sum of $50.

Mr. EDEN. I call for the reading of the report.

The report was read, as follows:

The Committee of Claims, to whom was referred the bill (H. R. No. 2918) for the relief of Merritt Barber, first lieutenant United States Infantry, having had the same under consideration, beg leave to report:

That from the petition of the said Merritt Barber, accompanying the bill (H. R. No. 2918) for his relief, and from the evidence presented to the committee, it appears that the said Merritt Barber was, in the months of October and November, 1866, post quartermaster at Atlanta, Georgia; and that, in pursuance of his duties as such quartermaster, he took up and reported services in favor of Foster & Dickin, at Griffin, Georgia, to the value of $50, for transportation of quartermaster stores, on a contract to that effect made by Captain E. M. S. Ehlers, Veteran Reserve Corps, who was on duty at Griffin; that vouchers were issued therefor by the said Merritt Barber to said Foster & Dickin, through said Ehlers, receipted by him in blank, and returned in the same manner, and forwarded by said Barber to Captain E. B. Carling, chief quartermaster at Macon, Georgia, for payment. All of which was done in accordance with the instructions for the performance of duties of that character by his superior officer, Captain Carling.

It further appears that afterward said Carling sent to said Barber the sum of $1,568, to disburse for him in payment of receipted vouchers in his hands, of which the vouchers issued to Messrs. Foster & Dickin were specified to be paid; that said money was received on the 24th day of November, 1866, by said Barber, and that on the 26th day of November, 1866, he, in the presence of Captain F. W. Bantern, of the Seventh Cavalry, inclosed a fifty-dollar bill in a letter addressed to Captain Ehlers, at Griffin, in payment of said vouchers to Messrs. Foster & Dickin, and mailed the same at the post-office at Atlanta, Georgia; but it seems the letter was lost in the mail, and was never received by Captain Ehlers.

In July, 1876, it further appears that said Barber was called upon by the Quartermaster-General to explain the matter of the $50, which he did, and, as he supposed, to the satisfaction of that officer, for after considerable correspondence he received a letter dated May 4, 1870, from the Third Auditor of the Treasury Department, advising him that the Second Comptroller of the Treasury had confirmed the settlement of his quartermaster accounts (money), and had returned the same to that office balanced; and the said Barber heard nothing more of the matter until in December, 1876, he was notified by the Third Auditor that upon the recommendation of the Quartermaster-General a personal charge had been raised against him of $50, the amount of the vouchers issued to Foster & Dickin, but was informed that the fact that the charge had been raised against him was no indication that it was the opinion of the office that he did not remit the money as alleged, although it was said to be out of the usual course of making remittances, and, so far as that office knew, unauthorized; but it was held that under existing laws the accounting officers of the Treasury had no authority to relieve him from responsibility for money lost, and that Congress alone had the authority to grant relief in such cases.

It appears that the amount has been allowed Messrs. Foster & Dickin, and the only question is whether Lieutenant Barber shall be required to make good the loss of the money mailed by him out of his own funds.

The committee are satisfied that Lieutenant Barber mailed the $50 to Captain Ehlers, as alleged, and that he acted in entire good faith in doing so, for it appears that the $1,568 sent to and received by him was received through the mail, and the greater portion of it was disbursed in the same way; and further, that all the receipts of said Barber came to him by mail, and that all disbursements at a distance were made in the same manner and this was the only loss that occurred; and he swears that that was the usual mode of making remittances at a distance and the safest means of communication at that time.

As soon as Lieutenant Barber was advised that the letter and money were not received by Captain Ehlers he notified the postmaster at Atlanta of the fact, and the postmaster set a detective at work and subsequently informed him that it was the opinion of the detective as well as his own that the letter was delivered at the post-office in Griffin.

The committee are of the opinion that Lieutenant Barber should not be charged with this $50, and therefore they report back the bill and recommend its passage.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOHN S. BRAXTON.

The next business on the Private Calendar was the bill (H. R. No. 3864) for the relief of John S. Braxton, collector of customs at Norfolk, Virginia, reported from the Committee of Claims by Mr. HENDERSON.

Objection being made by Mr. DEERING, the bill was passed over.

WILLIAM S. MORRIS AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 3865) for the relief of William S. Morris, William S. Mann, Charles A. Oakman, George W. Hillman, the Union Transfer Company, all of Philadelphia; the Union Transfer Company of Baltimore, Maryland, and John R. Graham, late of Philadelphia, now of Washington, District of Columbia, reported from the Committee of Claims by Mr. HENDERSON.

Objection being made by Mr. MILLS, the bill was passed over.

MRS. F. A. PERRIN.

The next business on the Private Calendar was the bill (H. R. No. 3866) for the relief of Mrs. F. A. Perrin, of Clyde, Ohio, reported from the Committee of Claims by Mr. ELLSWORTH.

There being no objection, the bill was laid aside to be reported favorably to the House.

Mr. MILLS. I move that the committee do now rise.

Mr. BRIGHT. I hope the committee will not rise.

The CHAIRMAN. The motion is not debatable.

The question was taken on Mr. MILLS's motion; and it was not agreed to.

JAMES ROBERTS.

The next business on the Private Calendar was the bill (H. R. No. 3867) for the relief of James Roberts, of North Carolina, and of Noah Roberts, of Mississippi, reported from the Committee of Claims by Mr. ELLSWORTH.

Objection being made by Mr. SMITH, of Pennsylvania, the bill was passed over.

C. N. FELTON.

The next business on the Private Calendar was the bill (H. R. No. 1156) for the relief of C. N. Felton, late assistant treasurer of the United States, at San Francisco, California, reported from the Committee of Claims by Mr. ELLSWORTH.

Objection being made by Mr. EDEN, the bill was passed over.

ROBERT C. MURPHY.

The next business on the Private Calendar was the bill (H. R. No. 1214) for the relief of Robert C. Murphy, of Washington, District of Columbia, late United States consul at Shanghai, China, reported from the Committee of Claims by Mr. ELLSWORTH.

Objection being made by Mr. EDEN, the bill was passed over.

JOHN G. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. No. 1395) for the relief of John G. Campbell, of Clinton, Indiana.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to John G. Campbell, of Clinton, Indiana, the sum of $176 96, the same being the value of certain postage-stamps which were stolen from said Campbell while he was acting as postmaster at said town of Clinton, Indiana, without his fault, and for which stamps, so stolen as aforesaid, said Campbell had to account, and did account, to the Post-Office Department of the United States.

There being no objection, the bill was laid aside to be reported favorably to the House.

PHILEMON B. HAWKINS.

The next business on the Private Calendar was the bill (H. R. No. 1563) for the relief of Philemon P. Hawkins, reported from the Committee of Claims by Mr. ELLSWORTH.

Objection being made by Mr. LATHROP, the bill was passed over.

CHARLES L. DAHLER.

The next business on the Private Calendar was the bill (H. R. No. 798) for the relief of Charles L. Dahler; reported from the Committee on Claims by Mr. ELLSWORTH.

Objection being made by Mr. HANNA, the bill was passed over.

HENRY P. ROLFE.

The next business on the Private Calendar was the bill (H. R. No. 2688) for the relief of Henry P. Rolfe, late United States attorney for the district of New Hampshire, reported from the Committee of Claims by Mr. ELLSWORTH.

Objection being made by Mr. EDEN, the bill was passed over.

JOSEPH CLYMER.

The next business on the Private Calendar was the bill (H. R. No. 686) for the relief of Joseph Clymer, of Texas, reported from the Committee of Claims by Mr. BRIGHT.

Objection being made by Mr. LATHROP, the bill was passed over.

ROBERT COLES.

The next business on the Private Calendar was the bill (H. R. No. 3097) for the relief of Robert Coles, reported from the Committee on Public Lands by Mr. SAPP.

Mr. SAPP. A similar bill has already passed the Senate and been passed by the House. I would therefore move that this bill be reported to the House and laid upon the table.

The CHAIRMAN. Objection being made, the bill will be passed over.

COUNCIL BLUFFS, IOWA.

The next business on the Private Calendar was the bill (H. R. No. 2157) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city, reported from the Committee on Public Lands by Mr. SAPP.

Objection being made by Mr. EDEN, the bill was passed over.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the committee now rise and report to the House the bills which have been acted upon favorably.

The motion was agreed to; upon a division—ayes 45, noes 35; no further count being asked.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOOKER reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report sundry bills to the House, some with amendment and some without amendment.

The SPEAKER. Those bills which are reported favorably and without amendment will be first considered by the House.

DWIGHT W. HAKES.

The bill (H. R. No. 3557) for the relief of Dwight W. Hakes, quartermaster Eighteenth Regiment Connecticut Volunteers, was read.

Mr. EVINS, of South Carolina. I desire to substitute for this bill a bill of the Senate, No. 644, for the relief of Dwight W. Hakes.

Mr. CARLISLE. If the gentleman substitutes a Senate bill for this bill, it will be an amendment to this bill and must be returned to the Senate. This bill must be laid on the table and the Senate bill passed.

Mr. EVINS, of South Carolina. The Senate bill to which I refer is now before the Committee on Military Affairs.

The SPEAKER. The proper way would be for the gentleman to move to lay this bill upon the table, and then ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the Senate bill indicated, and that it be now considered and passed by the House.

Mr. EVINS, of South Carolina. I make that motion and submit that request.

Mr. DUNNELL. Is the Senate bill like this?

Mr. WAIT. It is the same, word for word.

There being no objection, the House bill was laid on the table, and the Committee on Military Affairs was discharged from the further consideration of Senate bill No. 644, for the relief of Dwight W. Hakes, and the same was ordered to a third reading, read the third time, and passed.

BILLS PASSED.

The following bills and joint resolution, reported from the Committee of the Whole without amendment, were severally ordered to be engrossed, read a third time, and passed:

A bill (H. R. No. 739) for the relief of Henry Plowman;

A bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry Wisconsin Volunteers;

A bill (H. R. No. 1163) for the relief of the heirs of Charles B. Smith, deceased;

A bill (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

A bill (H. R. No. 2396) for the relief of John E. Williamson;

A bill (H. R. No. 720) for the relief of John Eaton;

A bill (H. R. No. 537) for the relief of William P. Hazard;

A bill (H. R No. 2242) for the relief of William T. Malster, of Baltimore, Maryland;

A bill (H. R. No. 3733) for the relief of Hanson Harmon;

A bill (H. R. No. 3734) for the relief of Thomas Strider, of Winchester, Virginia;

A bill (H. R. No. 3186) for the relief of the Commercial Bank of Knoxville, Tennessee;

A bill (H. R. No. 3737) for the relief of V. H. McCormick;

A bill (H. R. No. 3738) for the relief of B. S. James;

A bill (H. R. No. 819) for the relief of Joab Spencer and James Mead for supplies furnished the Kansas tribe of Indians;

A bill (H. R. No. 3825) for the relief of Susanna Marble and others, heirs of Abel S. Lee;

A bill (H. R. No. 1660) for the relief of St. Michael's church, of Charleston, South Carolina;

A bill (H. R. No. 3853) for the relief of William F. Wheeler;

A bill (H. R. No. 3854) for the relief of John Tweedy, postmaster in Danbury, Connecticut;

A bill (H. R. No. 3855) for the relief of William A. Mann;

A bill (H. R. No. 2421) for the relief of H. H. Lemon, member of the Capitol police force, for injuries received while in the discharge of his duties in the year 1870;

A bill (H. R. No. 3856) for the relief of T. A. Kendig, of Louisiana;

A bill (H. R. No. 3857) for the relief of Robert Warner;

A bill (H. R. No. 967) for the relief of William Hedgpeth, of Paulding County, Georgia;

A bill (H. R. No. 3858) for the relief of William S. Burgess and others, of Tennessee;

A bill (H. R. No. 799) for the relief of Paul McCormick;

A bill (H. R. No. 3860) for the relief of Charles C. Reynolds;

A bill (H. R. No. 3861) to reimburse Richard Joseph for money paid on forged vouchers;

A bill (H. R. No. 3862) for the relief of E. B. Head, postmaster at Harrodsburgh, Kentucky;

A bill (H. R. No. 184) for the relief of E. H. Lively, postmaster at Williamsburgh, Virginia.

A bill (H. R. No. 3863) for the relief of Nathaniel G. Smith;

A bill (H. R. No. 13) for the relief of H. G. Boardman, postmaster at Milton, Vermont;

A bill (H. R. No. 2918) for the relief of Merritt Barber, first lieutenant United States Infantry;

A bill (H. R. No. 3866) for the relief of Mrs. F. A. Perrin, of Clyde, Ohio;

A bill (H. R. No. 1395) for the relief of John G. Campbell, of Clinton, Indiana; and

A joint resolution (H. R. No. 106) referring to the Court of Claims the claims of James E. Kelsey, John Loughlin, Theron Kelsey, and others against the United States, for damages done to the schooner C. & C. Brooks.

The following joint resolution and bills reported from the Committee of the Whole with amendments were taken up and (the amendments being concurred in) ordered to be engrossed for a third reading, read the third time, and passed:

Joint resolution (H. R. No. 63) requesting the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army;

A bill (H. R. No. 1901) for the relief of Philip W. Stanhope;

A bill (H. R. No. 609) for the relief of G. W. Jobe, late second lieutenant of Company F, Forty-sixth Missouri Infantry Volunteers;

A bill (H. R. No. 541) for the relief of William H. Carmen;

A bill (H. R. No. 2153) providing for the payment of counsel fees in the Osage ceded land suits;

A bill (H. R. No. 3257) for the relief of William H. Merritt; and

A bill (H. R. No. 2848) for the relief of M. F. Clark.

The following Senate bill, reported from the Committee of the Whole without amendment, was ordered to a third reading, read the third time, and passed:

A bill (S. No. 82) for the relief of Gustav A. Hasselberger.

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3064) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the President *pro tempore* of the Senate had appointed Mr. MERRIMON in place of Mr. HARRIS, excused, as one of the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the bill (H. R. No. 3696) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1174) for the relief of Nannie Hall; and

A bill (S. No. 1266) to provide for the appointment of an additional circuit judge in the seventh judicial circuit.

JUSTICES OF THE PEACE, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. HUNTON submitted a report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House (H. R. No. 3699) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments numbered 1, 2, 4, 9, 12, 18, 19, 20, and 21.

That the House recede from its disagreement to the amendment numbered 14, and agree to the same with an amendment striking out the words "justices of the peace and," in line 23, page 2.

EPPA HUNTON,
JOS. C. S. BLACKBURN,
G. W. HENDEE,
Managers on the part of the House.
S. W. DORSEY,
J. J. INGALLS,
A. S. MERRIMON,
Managers on the part of the Senate.

Mr. HUNTON. The main point of difference between the two Houses was upon the mode of appointing justices of the peace, the Senate insisting that the President, by and with the advice and consent of the Senate, should make the appointments; while the House was in favor of having these officers appointed by the District commissioners.

Mr. DUNNELL. How does this report leave the matter?

Mr. HUNTON. With the President. This change being agreed to, the others followed as a matter of course.

The report was adopted.

GEORGE R. DENNIS.

Mr. HENRY. The gentleman upon whose objection the bill (S. No. 998) for the relief of George R. Dennis, of Maryland, was this morning referred to the Committee of the Whole is willing to withdraw his objection. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, in order that it may now be taken up and passed.

There being no objection, the bill was read. It directs the Secretary of the Treasury to pay to George R. Dennis, of Maryland, the sum of $2,394.66, in full payment for damages sustained by him in having his schooner William J. Dennis run into and sunk by the Government steamer General Meigs in the year 1864.

The bill was ordered to a third reading, read the third time, and passed.

HEIRS OF WILLIAM A. GRAHAM.

Mr. TUCKER. I ask unanimous consent that the bill (S. No. 72) for the relief of the heirs of William A. Graham be taken from the Speaker's table for consideration now.

The bill was read. It provides that the heirs of William A. Graham, late of the town of Lexington, in the county of Rockbridge, and State of Virginia, be relieved of and from all disabilities now existing and preventing them from renewing or reviving an application by the administrator of the estate of William A. Graham, deceased, for a patent for a novel method of extinguishing fires; that such administrator be authorized to renew the application, conforming the same to present rules; and that the Commissioner of Patents be authorized to grant and issue letters-patent for the invention or inventions set forth in such application; said patent, when issued, to have the same force and effect, from and after its date, as though no delay had occurred in prosecuting said application, or in granting a patent thereon, provided that such alleged inventions shall be found to have been new and useful at the time of filing such application, and that all persons or parties having machines containing said inventions, or any part thereof, in use at the time of issuing such patent, shall have the right to continue the use thereof without charge or molestation; nor shall any one be liable for any infringement of the invention of Graham occurring prior to the issuing of the letters-patent therefor.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

ROBERT COLES.

Mr. CUMMINGS. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3997) for the relief of Robert Coles, and that it lie on the table. A Senate bill precisely similar in its provisions has been passed by the House.

There being no objection, it was ordered accordingly.

F. B. CULVER.

Mr. BOONE. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 1476) for the relief of F. B. Culver. The gentleman who objected to it in Committee of the Whole is willing to withdraw his objection, and I desire that the bill be put on its passage.

Mr. BREWER. I renew the objection.

MESITA JUANA LOPEZ.

Mr. EWING. I ask that the bill (S. No. 753) to confirm a certain private land claim in the Territory of New Mexico be taken from the Speaker's table and considered now.

The bill, which was read, provides that the private land claim in the Territory of New Mexico known as the Mesita Juana Lopez grant, made by the Spanish government January 18, 1782, examined, approved, and recommended for confirmation by the surveyor-general of New Mexico November 29, 1872, designated as private land claim No. 64, and duly surveyed by the United States, the field notes of the survey and plat being approved by the surveyor-general of New Mexico on February 28, 1877, be, and the same is hereby, confirmed; provided that the foregoing confirmation shall only be construed as a quit-claim or relinquishment of all title or claim on the part of the United States in and to said private land claim, and shall not affect the adverse rights of any person or persons to the same; nor shall the United States be liable to make compensation for any part of said land to which there are or may be any adverse rights or claim.

Mr. DUNNELL. I object to that.

Mr. EWING. I hope not, as the bill has been considered and reported by the Committee on Private Land Claims of this House.

Mr. DUNNELL. I insist on my objection.

NATIVE WINES.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 5064) to amend section 3328 of the Revised Statutes of the United States, in relation to the tax on native wines; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MESITA JUANA LOPEZ.

Mr. EWING. I understand, Mr. Speaker, the gentleman from Minnesota who objected to the consideration of the bill to confirm a private land claim of New Mexico has withdrawn it.

Mr. DUNNELL. I do withdraw it, as I understand the Committee on Private Land Claims of the House have examined and reported in favor of it.

The SPEAKER. The Chair has recognized the gentleman from Tennessee.

HENRY S. FRENCH.

Mr. WHITTHORNE, by unanimous consent, moved that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 4140) for the relief of Henry S. French, of Nashville, Tennessee, and the same be put upon its passage.

The bill was read.

Objection was made.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted in the following cases:

To Mr. DOUGLAS, for ten days, on account of important business;

To Mr. STENGER, until Tuesday next;

To Mr. SHALLENBERGER, for four days, on account of important business; and

To Mr. DAVIS, of North Carolina, for five days, on account of sickness in his family.

ALLEGED PRESIDENTIAL ELECTION FRAUDS.

The SPEAKER, by unanimous consent, laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 30, 1878.

SIR: When I was assigned to duty on the committee for investigating frauds connected with electoral vote of the States of Florida and Louisiana, although I was in feeble health, I yet hoped to be able to discharge the duties assigned me. Since then, my health has gradually become worse, so that I fi d myself now quite unfit for the duties which I would be called upon to perform upon the committee. I have been advised by my physician that there is no reason to believe that my health would improve for the present; on the contrary, he has insisted that I must retire for the present from every description of active and severe mental labor. I feel, therefore, with great regret, constrained to resign my position upon the committee, and remain.

Your obedient servant,

THOS. R. COBB.

To Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

The SPEAKER. Mr. COBB being excused from further service on that committee, the Chair appoints to fill the vacancy, Mr. SPRINGER, of Illinois.

DISTRICT GOVERNMENT BILL.

The SPEAKER. The Chair appoints the following as the conferees on the part of the House on the disagreeing votes of the two Houses on the bill providing for a permanent form of government for the District of Columbia: Mr. BLACKBURN, Mr. WILLIAMS of Michigan, and Mr. HENDEE.

WEST POINT VISITORS.

The SPEAKER appointed, under the law, as Visitors to West Point on the part of the House, Mr. BLOUNT of Georgia, Mr. MANNING of Mississippi, and Mr. FORT of Illinois.

KANSAS INDIAN LANDS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending an amendment to the act providing for the sale of Kansas Indian lands, approved July 5, 1876; which was referred to the Committee on Indian Affairs.

NINTH CENSUS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending an appropriation of $5,000 for the payment of the expenses of the ninth census; which was referred to the Committee on Appropriations.

And then, on motion of Mr. HANNA, (at twelve minutes past four o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring the appointment of practical men in connection with the United States engineers in preparing plans for the improvement of the Mississippi River—to the Committee on Levees and Improvement of the Mississippi River.

By Mr. DAVIS, of California: The petition of the California Academy of Sciences, for the extension of the Signal Service—to the Committee on Military Affairs.

By Mr. HATCHER: The petition of J. F. Edwards, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. HENRY: The petition of Lieutenant Samuel C. Barney, late of the United States Navy, to be restored to the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. O'NEILL: Resolutions of the Commercial Exchange Association of Philadelphia, favoring an increase of the Army instead of a decrease—to the Committee on Appropriations.

By Mr. REED: The petition of Joseph Wescott & Son, for relief from loss arising from mistake in a contract with the United States—to the Committee of Claims.

By Mr. SCALES: The petition of Joseph M. Wilson, of Washington, District of Columbia, that a portion of the amount received from the sales of public lands be appropriated for the encouragement and support of industrial education in the public schools of our country—to the Committee on Education and Labor.

IN SENATE.

SATURDAY, *June* 1, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 5053) to provide for the expenses of the select committee on alleged frauds in the late presidential election was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. EUSTIS. I present resolutions of the Chamber of Commerce of New Orleans in favor of modifications in the present contract between the Government of the United States and James B. Eads and his associates, by which he will receive earlier payment from the Government. As this is a subject of great importance and it is necessary that the Senate should take immediate action upon it, and as the resolutions are very short, I ask that they may be read.

The PRESIDENT *pro tempore*. In the absence of objection the memorial will be read.

The Secretary read as follows:

Whereas a bill is now before the Senate of the United States, the title of which is: "An act to amend an act entitled 'An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, approved March 3, 1875,'" the object of which is to make modifications in the present contract between the United States Government and James B. Eads and his associates, by and under which he will receive earlier payment from the Government for the large amount he has already expended on the work of the jetties at South Pass, and further to be in funds to more rapidly prosecute and promptly complete said works:

Be it hereby declared and resolved by this chamber, 1. That this chamber is fully aware of the large expenditures made by James B. Eads and his associates in the work of jettying the South Pass of the Mississippi River, and of the many difficulties he has had to encounter, especially those of a financial character, owing to the small proportion of payments by the Government as compared to cash outlays, which have far exceeded any estimates made at the time of contract.

Resolved, 2. That in the opinion of this chamber the United States Government can safely and with great justice advance said Eads such amounts as asked for in the bill now before the Senate of the United States, by the modification of the contract as asked for in said bill, or by placing it on the basis of percentage of the work already done, leaving a large sum as a guarantee for the final completion of the work.

3. That it is the opinion of this chamber that the modifications asked for in regard to a diminished width of channel as to depth will in no wise interfere with the requisite depth for purposes of commerce to this port, and will be a source of permanent strength and stability to the jetties.

4. That copies of these resolutions be forwarded to the Senators and members of the House of Representatives from this State, and that they are hereby requested to give the said bill their active support.

Mr. EUSTIS. I move the reference of these resolutions to the Committee on Transportation Routes to the Seaboard.

The motion was agreed to.

Mr. WHYTE presented a resolution of the General Assembly of Maryland in the nature of a memorial, urging upon Congress the passage of a law restoring Ex-Lieutenant Samuel Chase Barney to the retired list of the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Isaac R. Trimble, of Baltimore County, Maryland, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. INGALLS presented the petition of J. M. Dyer, of Bushnell, McDonough County, Illinois, praying for a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MATTHEWS, from the Committee on Railroads, to whom was referred the bill (S. No. 1093) authorizing railroad companies to construct and maintain telegraph lines for commercial purposes, and to secure to the Government the use of the same for postal, military, and other purposes, reported it with an amendment.

Mr. SAUNDERS, from the Committee on Railroads, to whom was referred the bill (S. No. 1284) creating the Utah and Northern Railway Company a corporation in the Territories of Utah, Idaho, and Montana, and granting the right of way to said company through the public lands, reported it with amendments.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3564) granting a pension to Mrs. Isabell Dunbar, widow of Daniel Dunbar, late first engineer on steamer Victor No. 2, reported it without amendment.

BILL INTRODUCED.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1346) to provide for the investigation of the diseases of swine, and contagious and infectious diseases incident to domestic animals; which was read twice by its title, and referred to the Committee on Agriculture.

BUILDING FOR BUREAU OF ENGRAVING AND PRINTING.

Mr. MORRILL. I move to take up Senate bill No. 1178, to provide a building for the Printing and Engraving Bureau of the Treasury Department. I will say that I am not disposed to discuss this matter, and I only ask for a vote upon it. I think the Senate fully understand the question, and all I desire is that there may be a vote on the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments.

Mr. EDMUNDS. Is there any provision for getting a clear title?

Mr. MORRILL. The ground for the site is all owned by Mr. Corcoran, and he offers to sell it for the price named.

Mr. EDMUNDS. Yes, but the usual provision where we buy land for a public building is that the deed has to be approved by the Attorney-General, or something of that sort, is it not?

Mr. MORRILL. There is no question about the title here.

Mr. EDMUNDS. It is rather a slip-shod way of passing a bill without making a provision of that kind; but I do not want to say anything about it.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT SINE DIE.

Mr. HAMLIN. If we are to act upon the resolution in relation to adjournment, I think the earliest time possible is the most desirable. I therefore move to take it from the table for the purpose of action.

Mr. JOHNSTON. I should be obliged to the Senator from Maine if he would allow me to call up a bill.

Mr. HAMLIN. Let us get this up.

Mr. JOHNSTON. Very well.

Mr. VOORHEES. Is there not a motion pending to refer that?

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Maine to take from the table the resolution relative to adjournment.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House of Representatives to the resolution of the Senate relative to the final adjournment of the two Houses.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Minnesota [Mr. WINDOM] to refer the resolution and amendment to the Committee on Appropriations.

Mr. WINDOM. I withdraw the motion to refer.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

Mr. VOORHEES. I certainly saw it reported in the RECORD this morning that the Senator from Minnesota made a motion to refer.

Mr. HAMLIN. He withdraws that.

Mr. VOORHEES. I did not hear that.

Mr. BECK. I renew that motion.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the resolution and amendment be referred to the Committee on Appropriations.

Mr. BECK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 32; as follows:

YEAS—21.

Anthony,	Dennis,	Lamar,	Saulsbury,
Armstrong,	Eustis,	McCreery,	Voorhees,
Bailey,	Ferry,	McDonald,	Windom.
Beck,	Hereford,	McPherson,	
Cockrell,	Hill,	Merrimon,	
Conkling,	Ingalls,	Morrill,	

NAYS—32.

Barnum,	Butler,	Conover,	Edmunds,
Booth,	Cameron of Wis.,	Dorsey,	Gordon,
Burnside,	Christiancy,	Eaton,	Grover,

Hamlin,	Kirkwood,	Oglesby,	Sargent,
Hoar,	McMillan,	Paddock,	Saunders,
Howe,	Matthews,	Plumb,	Wadleigh,
Johnston,	Maxey,	Randolph,	Whyte,
Kernan,	Mitchell,	Rollins,	Withers.

ABSENT—22.

Allison,	Coke,	Jones of Florida,	Sharon,
Bayard,	Davis of Illinois,	Jones of Nevada,	Spencer,
Blaine,	Davis of W. Va.,	Kellogg,	Teller,
Bruce,	Dawes,	Morgan,	Thurman,
Cameron of Pa.,	Garland,	Patterson,	Wallace.
Chaffee,	Harris,	Ransom,	

So the motion to refer was not agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives to strike out "June 10" and insert in lieu thereof the words "June 17."

Mr. VOORHEES. I move to amend that amendment by striking out the words "June 17" and inserting "June 25." I believe that one week more than is contemplated by the resolution is necessary to close our labors here. The 25th will be on Tuesday.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to amend the amendment of the House by striking out "17" and inserting "25."

Mr. VOORHEES. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MAXEY, (when Mr. COKE's name was called.) My colleague [Mr. COKE] is confined to his room by sickness.

The roll-call having been concluded, the result was announced—yeas 17, nays 38; as follows:

YEAS—17.

Armstrong,	Enstis,	Ingalls,	Ransom,
Bailey,	Ferry,	Lamar,	Voorhees.
Beck,	Grover,	McCreery,	
Cockrell,	Hereford,	McPherson,	
Dennis,	Hill,	Merrimon,	

NAYS—38.

Anthony,	Eaton,	McMillan,	Sargent,
Barnum,	Edmunds,	Matthews,	Saulsbury,
Booth,	Gordon,	Maxey,	Saunders,
Burnside,	Hamlin,	Mitchell,	Spencer,
Butler,	Hoar,	Morrill,	Wadleigh,
Cameron of Wis.,	Howe,	Oglesby,	Whyte,
Christiancy,	Johnston,	Paddock,	Windom,
Conkling,	Kernan,	Plumb,	Withers.
Conover,	Kirkwood,	Randolph,	
Dorsey,	McDonald,	Rollins,	

ABSENT—21.

Allison,	Coke,	Jones of Florida,	Teller,
Bayard,	Davis of Illinois,	Jones of Nevada,	Thurman,
Blaine,	Davis of W. Va.,	Kellogg,	Wallace.
Bruce,	Dawes,	Morgan,	
Cameron of Pa.,	Garland,	Patterson,	
Chaffee,	Harris,	Sharon,	

So the amendment was rejected.

Mr. ANTHONY. I voted to refer this subject to the Committee on Appropriations, and I voted against extending the time a week. I think we have now the staff in our own hands, and we had better keep it there. I think we shall be in a better condition next week to consider this resolution than we are now. I move, therefore, that the resolution be laid on the table with a view to take it up next week.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment of the House of Representatives to the resolution.

Mr. BECK. I am as anxious to get away from here as perhaps any other Senator, and have as little object personally in remaining as any Senator can possibly have, for there is no legislation pending especially interesting to myself or my people that I or they care anything about outside of the general good. But Monday next is the 3d day of June, and we have only two weeks of working days before the 17th, and during the last three days of the session, as I understand it, no bill can be brought before the Senate and passed.

Mr. EDMUNDS. Why not, may I ask?

Mr. BECK. I understand a bill must be read once each consecutive day and have three consecutive readings. Unanimous consent I suppose cannot be obtained for anything while the Senator from Vermont is present. [Laughter.]

I desire to state the reasons in a very few words why I shall vote against fixing a day for adjournment now. There are at least five important appropriation bills that have not been seriously considered here, and some of them appear as though they were going to require much consideration and give us a great deal of trouble. The West Point bill has been in conference now for a month or more, with very little probability of our being able to get through with it for some time to come. The legislative, executive, and judicial appropriation bill has just gone back to the House with I believe six hundred or eight hundred amendments—the chairman can correct me if I have not correctly stated it. I know there is a very large number, perhaps a thousand. That must be considered in the House; it has to come back here with the action of the House on those amendments; it has to go to a committee of conference, and after it has passed that ordeal it can hardly be put into shape to be presented to the two Houses in three days for their final action on the report of the conference committee.

The Army appropriation bill has just been laid on the table of the Senate; it has not even been considered by the Committee on Appropriations of this body. That bill ought to have very careful consideration; it changes the present relation and organization of the Army in many regards; it transfers the whole Indian Bureau to the Army of the United States; it makes very many radical changes, all of which have to be carefully considered first by the Senate, then go back to the House with such amendments as the Senate may put upon it, be considered there, and then has to go to a committee of conference and be considered there; and the report of that committee has to be considered.

The sundry civil bill, which embraces many of the largest and most important subjects presented for our consideration, many of them merely arbitrary, depending on our discretion, has not yet been reported to the House. It has to undergo consideration in the House of Representatives and then be brought here to be considered, and go through all the forms and deliberations consequent upon a bill of that character.

There have been a number of small deficiency bills; but there is a large deficiency bill, as I understand, that has not yet been reported to the House. That has to be considered in all its various stages; and so of several others, almost all of equal importance.

It seems to me, after meeting on the 15th of last October, and spending nearly nine months, with more than half of the important legislation of the country undisposed of, legislation involving very many millions of dollars, that it is strange that we are now asked to say that in twelve working days, without having seen the bills which are to come from the House, three of them at least, and there may be many others, requiring great consideration to go through all the forms and all the examinations of committees of conference that we shall end this session. It is tantamount to saying that the Senate deliberately determines not to look at, not to consider these measures; but to put through either under the five-minute rule or under the gag-law matters of the utmost importance to the country that have been postponed on purpose, so that we can have a day of adjournment fixed, and then crowd them through in conference committees without one Senator in fifty knowing what is going on—all that looks to me as if many things were to be done clandestinely, which would not bear the light of investigation or scrutiny.

Besides, we have the river and harbor bill not yet laid before the Senate involving as it came from the House some $7,300,000, and we are advised by the chairman of the Committee on Commerce or the Senator who reported it that nearly a million dollars more has been added to it by the Senate committee, and the Senate has never yet had that measure before it, and is utterly ignorant even of its contents or of the amendments proposed.

There is the post-route bill which we have not yet considered, to which the Senate committee has added subsidies for the Brazilian steamship line, the New Orleans steamship line, to be followed by Pacific mail steamship lines, all to be pushed through under the gag, and no man allowed even to present any opposition to them, as whoever does is to be hooted down as an obstructor of business because the day of adjournment is fixed, and he cannot be allowed to state the valid objections that he may have in the interest of a tax-ridden people to any of the subsidies that are to be put through in that way.

Perhaps more important than all, I think rising above all we have had before us since November last, bills to make the legal-tender notes of the United States receivable for customs dues, bills to repeal the resumption act, both matters of great importance to the country, that the people have been watching for months, hoping for some action to be taken by the Senate. It may be very well for those members of the Senate who do not desire to consider those questions to take this as a convenient way for killing off all that character of legislation, resolving that we will adjourn on a near given day and go home and tell the people that we had not time to consider it. Men who now profess that they are in favor of these things and desire to see the legal-tender notes of the country made equal to gold, may then say "we had no chance to consider it, because it could not be brought up till within four or five days of the adjournment, and then it was crowded out by other very important business," and the President could have pocketed it.

I want to let the people of the country know, so far as my voice has any influence, that the meaning of the Senate's adjourning on the 17th is an utter refusal, an absolute denial to consider those great questions that they have been looking at so eagerly. The Committee on Finance of the Senate placed it before us weeks ago, but we have purposely postponed it, purposely refused to act upon it, and now agree to adjourn in order to keep it from being considered. Whether that is the intention or not, that is the effect of the action proposed, and all men know it.

No Senator will maintain that we can take up the river and harbor bill and consider it; that we can take up the post-route bill with all the attachments to it; go through the legislative, executive, and judiciary appropriation bill; the Army bill, with all its details; the sundry civil bill, with a thousand items squeezed into that; the deficiency bill; and the other bills that are pressing upon us, in twelve days after we have been here nine months and done almost nothing,

and maintain that in those twelve days we can either consider or give due weight to the important matters yet behind.

Again, the House of Representatives has before it now and is considering a very important bill relative to internal revenue, in which there will be very many important questions to be considered. It will be before us in a day or two, and in advance of that bill coming here, which we know has been considered there for the last four or five days, we propose to determine that we will adjourn in a few days when we cannot even take it up, however beneficial it may be to the public interest, much less have it duly considered.

For these, and many other reasons which I might give if I had time, I shall vote against fixing the 17th as the day of final adjournment.

Mr. HILL. There is no man in the Senate who is more anxious for an early adjournment than I am, but I shall not vote for this amendment. We must either leave undone the important legislation which we know is pending, or consider that legislation so hastily as to run at least great hazard of doing very great wrong to the country. If I am forced to the alternative of considering a great many bills before this body, hastily or not at all, I shall prefer to consider them not at all. So far as I am concerned, I shall accept a decision by the Senate, if it now votes peremptorily to adjourn on the 17th, as a declaration of our purpose not to consider any legislation before this body, except perhaps the appropriation bills. In the present condition of the appropriation bills before this House and the other, I believe it will take the remainder of this session up to the 17th properly to dispose of the appropriation bills and the questions involved in them; and if we properly consider those bills, and they take all the time, of course we must understand that to adjourn on the 17th is to consider nothing else.

Taking this view of the case, I do feel, as the Senator from Kentucky has expressed it, that it is wrong for this body to say that it will adjourn on the 17th. I do not believe it can wisely consider the measures that ought to be considered, and adjourn on the 17th. While I admit that perhaps there are a great many measures before the Senate and before the House which need not, in view of the good of the country, be considered at all, which I am willing to see not considered at all, still there are a great many measures, referred to by the Senator from Kentucky, and others, that I believe ought to be considered, and I believe they ought to be considered deliberately and well, it is utterly impossible to consider them if we adjourn on the 17th.

I therefore have voted for all the motions made looking to a later day of adjournment, because I believe a later day is necessary and proper. Nevertheless, if the Senate shall insist upon adjourning on the 17th, then I shall for one deem it my duty to refuse to consider a great many measures, some of which the Senator from Kentucky has alluded to, because it may be that there is a purpose to hurry through those measures without due consideration, thinking that the measures do not have proper merit and will have a better chance to get through without due consideration than with due consideration.

I shall insist, if we agree to adjourn on the 17th, that the Senate ought to consider alone those measures which are absolutely necessary, such as appropriation bills, and dispose of them; and I believe to dispose of them and dispose of them wisely will take all the time from now until the 17th. But there are other measures that I believe ought to be considered. There are one or two financial measures, referred to by the Senator from Kentucky, that I believe ought to be considered. There are some other questions that I think ought to be considered by Congress. I deem it my duty, therefore, to vote for any motion that looks for further time. I think the motion made by the Senator from Rhode Island to lay this measure on the table for the present was a very wise one. The Senate has voted it down, and I suppose we have nothing to do now but either pass or reject the resolution of the House. Under all the circumstances, while I am anxious for an early adjournment, I shall vote against the resolution.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives to the resolution of the Senate.

Mr. WINDOM. I voted to refer this resolution to the Committee on Appropriations, and as the Senator from Rhode Island stated for himself, I voted against fixing the time for the 25th because I think the time ought not now to be fixed at all. If it is to be fixed, it might as well be on the 17th probably as the 25th. I am entirely satisfied that so far as the appropriation bills are concerned we ought not to fix the time to-day. The fortification bill, the consular and diplomatic bill, the Indian bill, and the naval bill, are all the general appropriation bills that have passed. Those bills amount to about $28,000,000. There are now pending in conference the pension bill, $30,000,000; the Military Academy bill, $400,000; the post-office bill, $30,000,000—I speak in round numbers—making over $60,000,000 in conference. The legislative bill, which has just passed the Senate and has gone to the House with amendments, covers about $15,500,000; and as the Senator from Kentucky has said, it contains six or eight hundred amendments. That bill has usually required a very long time in conference, and there is every indication that it will be so this year. The Army bill, amounting to some $27,000,000, has passed the House and been referred to the Committee on Appropriations of the Senate. The river and harbor bill, amounting to about $8,000,000, is reported from the Committee on Commerce to the Senate, but not acted upon. The deficiency bill may be estimated at somewhere from $3,000,000 to $5,000,000. That has not yet passed the House. The sundry civil bill, amounting to some $17,000,000 usually, last year $17,000,000, has not been, so far as I am informed, reported to the House from the committee. In other words, out of about $160,000,000 to be acted upon at this session we have actually disposed of near $30,000,000, and there are about $130,000,000 or $140,000,000 yet to be disposed of, and, if this resolution is acted on now, there are but two weeks to do it in.

We have on one or two occasions been compelled to take up the sundry civil bill and act upon it within twenty-four hours of the time it came from the House. I remember one occasion, when the time of adjournment was fixed by law—the short session—that the sundry civil bill came from the House to the Senate at twelve o'clock, noon, on Sunday. It was printed and in the hands of the Committee on Appropriations at five o'clock in the afternoon. The Committee on Appropriations went through the pretense of examining it, and reported it back next morning, and it was passed and a law at twelve o'clock next day, covering some $14,000,000.

Mr. President, I do not think that is good legislation, and I am satisfied we shall be driven into the same sharp corner this time if we agree to this date. I am satisfied we shall adjourn earlier if we do not fix the day now than if we do. We shall either be compelled to report those bills from the Committee on Appropriations and act upon them in the Senate without any sufficient consideration, or we shall be compelled to give up some of them. There is absolutely too little time in the two weeks to examine those bills, to act upon them in conference, and dispose of the whole amount that is required with that care and judicious treatment which should be given them. I am therefore opposed to it, and shall vote against fixing the time of adjournment.

Mr. SARGENT. I dislike very much to differ with the chairman of the Committee on Appropriations, knowing the care he has of such matters and the faithfulness with which he discharges his duties; but I speak from some experience myself in this body and the other in reference to the effect of fixing the day of adjournment upon the appropriation bills.

If we are to adjourn on the 17th, the business of the Appropriations Committee is more than ordinarily far along. Two weeks is a very large time in which to finish up the remainder of the business of the Committee on Appropriations, even allowing a large portion of the time to the ordinary business of the Senate. Every appropriation bill has passed the House except the sundry civil bill and the deficiency bill; and the sundry civil bill, although ordinarily called the omnibus bill, makes appropriations usually for matters provided for by law, scarcely ever discretionary items; as, for instance, the lighthouses, the surveys of public lands, the Signal Service, and things of that kind, where there is no division on the principles, but there are only questions of amount which lead to differences. Whenever a principle is not involved, it is very easy for the two Houses to come to an agreement.

The bills which are in conference can be disposed of in a single sitting unless there be some stubbornness on the part of one House or the other as to modifying the existing laws. The pressure of the necessity for the adjournment at a fixed time is always the best solvent for difficulties between the two Houses.

Those who advocate a long session under the idea that we cannot get through with the appropriation bills by the time named certainly are under a great mistake. It must be because there is other business to be attended to. It may be that other business is of great importance. That I do not assume to pass upon. Of course there are differences of opinion as to some of the business proposed, and which would require debate and argument; but the assumption certainly ought not to be acted upon that the Committee on Appropriations cannot easily get through their business.

Mr. DORSEY. I should like to ask my colleague on the committee how long some of these bills have been in conference already.

Mr. SARGENT. Because there has been no meeting of the conferees.

Mr. DORSEY. How long? Several months.

Mr. SARGENT. They have been simply neglected and allowed to lie still. That is all. There have been no conferences upon them, or very few. The two Houses have not happened to agree on a time for adjournment, and members meet and talk a little while and find they differ, and then they separate, and in the course of a week or two thereafter they come together again or another committee is appointed.

Mr. DORSEY. I asked my colleague on the committee the question to show that so long as there is no time fixed for adjournment these conference committees will not act at all.

Mr. SARGENT. The Senator is entirely correct, and I was endeavoring to state the same things.

Mr. WINDOM. In reply to that I wish to say that there are but two bills in conference, one the pension bill, which is an informal matter, and the other is the Military Academy bill, which has been once reported upon by disagreement. So that does not prove anything.

Mr. SARGENT. All the difference on the Military Academy bill which has made this immense trouble is thirty or forty thousand dollars for fixing a hospital and for some drainage at the Military Academy, and I dare say the Senate could retire from its proposition

without any loss of dignity, and the House could very usefully allow the appropriation to be made. There is no difficulty about that. The difference upon the pension bill principally is whether the pension agencies shall be at once omitted or whether they shall be omitted in the course of a few months.

Mr. KERNAN. I wish to ask the Senator from California—he speaks of delays of conferences—if there had been a day of adjournment fixed would there be any difficulty in getting through with them; and has there ever been?

Mr. SARGENT. I think not. I say, remembering the session to which the chairman of the committee has referred, when we were so much crowded up that it was not merely the sundry civil bill which passed at that time, but on the last four or five days of that session we found some six or seven appropriation bills suddenly forced upon us—I remember that I worked night and day with other members of the committee at that time. I remember standing on my feet here some seven hours at one time passing that very sundry civil bill. That was an extraordinary occasion. We have four times the amount of time now that we had then, to pass a less number of appropriation bills. If you do not fix this time we shall probably not adjourn until August. That is my judgment.

I am in favor of a short session. For Senators who live near by here, who can run home and attend to their business, it is all very nice not to adjourn in a hurry. I do not allude to any particular Senator; but now I have been away from my home in California, my personal business greatly suffering, since the latter part of last September. I want to go home very much indeed. I am staying here simply from a sense of duty. My private business, my private financial business imperatively calls me to the Pacific; and yet I stay here because I do not think, receiving the pay of the people, I have a right to leave for so long a trip during the time that Congress shall remain in session. I am anxious and I know Senators from our coast, members from the West generally are anxious to get away. We are tired here; and if we can do the business by the 17th let us by all means do it.

Mr. BECK. I desire to ask the Senator from California a question rather than to say anything in the way of argument. I ask whether or not, from his knowledge, leaving out altogether the controversy on the important questions that necessarily arise upon the Army bill as it comes from the House, it will not require in his judgment the Committee on Appropriations, if they attempt to inform themselves intelligently about all the changes that have been made by the House to hear, as is their custom, the various heads of bureaus in the War Office, to know whether the action of the House is right, whether the changes proposed should be made? I ask if it will not require any committee of the Senate doing this duty a full week to fully understand what the Army bill is, so as to be able to give their reasons to the Senate for its provisions, especially the change of the Indian Bureau to the War Department? The Senator has had large experience in the Appropriation Committees, and so have I.

Mr. SARGENT. If we are to legislate on all these questions we ought not to adjourn at all until the next session of Congress commences. The duty of the Committee on Appropriations of the Senate with reference to these things is very simple. Furthermore the experience we have had with regard to this very subject, over and over again handling this very class of bills, makes the work for the committee very easy indeed. As an old Senator can take hold of business better than a young Senator, so a committee that has been accustomed to handle a particular class of bills know in advance of the consideration what is required, does not need to ask the Departments questions upon which they are about as well informed as the Departments themselves.

Now, it is my judgment that the subcommittee will be able to report the Army bill back to the Committee on Appropriations by next Monday and that a single session of that committee will be able to report it to the Senate.

Mr. BECK. Mr. President, the subcommittee on the Army appropriation bill has not yet been called together and perhaps cannot be before Monday morning, if then.

Mr. SARGENT. There has been a good deal of consultation I have no doubt already by the Senator himself and his democratic colleagues on that bill or the features of it and what the duty of the committee is.

Mr. BLAINE. There will be no delay in reporting the Army bill to the Senate. Of course I cannot speak of what delay there will be in the Senate, but there will be none in reporting the bill to the Senate.

Mr. BECK. I am thoroughly satisfied, after a pretty long experience, as the Senator from California has had, that if the Senate Committee on Appropriations is not to be of any use at all, it may be, and doubtless perhaps it ought to be, abolished, and let the House committee make any report they please and the Senate act upon it; but if this Senate committee is to be of any use to the Senate, if it is to be able to tell them why the transfer of the Indian Bureau to the War Department should be made, if it ought to be able to tell the Senate why the Army ought to be twenty thousand or twenty-five thousand or why the pay ought to be cut down, it is the business of the House Appropriation Committee when the House has seen fit to change the existing condition of things to make appropriations in accordance therewith. They have put such clauses in the appropriation bills and they come to us and they are referred to the Committee on Appropriations here. I say it is certainly the business of the Committee on Appropriations of the Senate to examine all these things. If the House of Representatives in the exercise of its right has inserted things in those appropriations bills that more properly belong to other committees, which committees might be better able to dispose of them and do so more rapidly, and if the Senate sends them to the Committee on Appropriations, where they require more consideration and take more time and give more trouble to the Committee on Appropriations than they would to the other committees if that legislation was not so inserted in the appropriation bills, then when they are sent to the Committee on Appropriations, whether rightfully or wrongfully, those questions have all to be considered. Such questions are in the Army bill now, are sent to us, and have to be considered.

There is a clause in the Army bill, passed by a very decided majority of the House, denying the use of the Army to enforce writs in the hands of marshals of the United States or their power to call on them as a *posse comitatus* under the election laws passed years ago. Those laws and the practices under them have had very serious consideration in the courts of the country and elsewhere, and the Committee on Appropriations ought to look carefully to see how far the marshals of the United States and the Attorney-General of the United States or any civil officer of the United States can summon the Army of the United States as a *posse comitatus* to control State elections in the interest of anybody. That provision is in the bill. It has to be considered, and seriously considered. It must be considered by the committee to whom it is sent, although perhaps the Judiciary Committee might in the first place have been more proper to look into all these questions.

Now, sir, anxious, as I said I am, to leave this city, having remained here as long as the Senator from California has done to the same neglect of private business, having never run home or been absent either from the Senate or any of its committees for a day or an hour, and while I should be glad to get away to-morrow, yet I feel as he does that my public duty requires me to stay, and believing that public duty imperatively requires that these and other questions should be more carefully considered than it is possible for the committees of the Senate so as to be of any use at all to consider them in the limited time proposed, I think it is impossible to consider them in twelve days, far less to give to other questions the consideration they deserve.

Mr. MAXEY. My friend the Senator from Kentucky replied to a *sotto voce* suggestion made by me, which was, "What has the Appropriations Committee to do with the reorganization of the Army?" The point which I designed to make by that remark to him was that that is a question of the gravest consideration for the Committee on Military Affairs of this body. Why, sir, there sat in England for two years, from 1838 to 1840, a commission, of which the Duke of Wellington was chairman, on military and naval affairs. Admiral Cockburn and General Hardinge were members of that commission. It sat on one single point for two years, and yet here is a proposition to reorganize the Army as organized since the first Congress of the United States, and to do it through the Appropriations Committee.

Hence, I say that the remark which was made by the Senator from Maine occurs to me to be a very wise one, that it will take but very little time for the Appropriations Committee to report that bill back.

Mr. BLAINE. I wish to say to the Senator from Texas that while of course I am not at liberty to speak officially, and have not yet been authorized to do so for the Committee on Appropriations, I do not think the committee have the least idea of assuming to themselves the function of attempting to reorganize the Army. They do not believe it is within their jurisdiction, and they will make no attempt to do it whatever.

Mr. MAXEY. I respectfully submit that if the Committee on Military Affairs has to pass upon the recommendation or rejection of a nomination for a second lieutenant, and from that on up to the Secretary of War, and here is the gravest of all possible questions relating to the Army—its entire reorganization after an existence of eighty years—if the Military Committee is to be ignored in that, then you had just as well abolish that committee. That is my judgment about it. It is not the business of the Appropriations Committee to take charge of such matters. I grant you that so far as appropriating one nickel is concerned the Committee on Military Affairs has nothing to do; but when it comes to the reorganization of the Army, that is the proper committee to have charge of the matter, and I would assume on behalf of that committee that it would not for one moment consider that its duty to the Senate was faithfully discharged if it were to take that up and report in two weeks or two months.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. HAMLIN. I think the question which has just been before the Senate is in the highest degree one of privilege, and is therefore one which will necessarily supersede the unfinished business. It is wise that we settle the question now. If we postpone it until to-morrow morning the same debate will have to be gone over then. We have listened this morning to the same speeches that I have listened to for thirty long years. There has not been an adjournment of this body fixed at the long session ever within my experience when we have not had the precise arguments we have listened to here this morning; and I therefore hope we shall proceed to settle this question at this time, and I have no objection that the regular order shall be laid aside informally for that purpose.

The PRESIDENT *pro tempore*. If there be no objection, the unfinished business will be temporarily laid aside and the Senate continue the consideration of the adjournment resolution. The question is on concurring in the amendment of the House of Representatives.

Mr. McDONALD. The Senate, as I understand, has not yet agreed to continue the consideration of the resolution.

Mr. EDMUNDS. I move to lay the present order on the table. Then we can take it right up again.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

Mr. EDMUNDS. Now I move to take up the adjournment resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

Mr. EDMUNDS. Mr. President, on the 17th of April the chairman of the Committee on Appropriations offered the original resolution providing for adjourning the two Houses on the 10th day of June. That resolution was agreed to I believe unanimously, certainly without a division. It went to the House of Representatives, where it has been held. Meantime both Houses have been going on diligently with the appropriation bills and other necessary business, and a good deal that is unnecessary, I will add. In that state of things the House has proposed an amendment to postpone the adjournment until the 17th of June, which, of course, must be to us conclusive evidence that in the judgment of the House of Representatives so far as it is concerned it will be ready to adjourn on that day. The question therefore simply is whether in the present state of the appropriation bills and the other indispensable business, if there be any, the time that is left is probably sufficient. To my mind it obviously is. As the Senator from Maine has said, we never get on about harmonizing differences on the appropriation bills so long as there is an indefinite time in advance for that purpose. When it is known by the gentlemen representing both Houses that the thing must be disposed of by a certain day, then their differences almost without exception are always readily harmonized. It will be just so now. Suppose, however, it is not, suppose that one body or the other should insist that the Government should not be supplied with money to carry on its operations unless the other House—whichever might then insist—should agree to some new provision of law, and an appropriation bill should break down? The President of the United States, charged with the faithful execution of the laws, would find it his duty to execute his constitutional prerogative of calling the two Houses together *instanter*, at no expense to the public. There is no travel or per diem or any other additional expense whatever involved. So, looked at in its most dangerous aspect, it appears to me there is no ground whatever for postponing this day.

Mr. THURMAN. Mr. President, I am anxious for an early adjournment, as early as can take place consistently with our duty to attend to the public business. I feel as certain as I can feel of anything that we cannot get through with the business that ought to be transacted by the 17th of June. To say nothing about the appropriation bills which are behind, there are other measures that ought to pass at this session of Congress and that must be passed very soon if we adjourn on the 17th. I therefore move to amend by striking out "Monday" and inserting "Saturday" and striking out "17th" and inserting "22d."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

The amendment was rejected; there being on a division—ayes 17, noes 35.

The PRESIDENT *pro tempore*. The question is on concurring in the House amendment.

Mr. WINDOM. I only want to say a single word, and that is in reply to my friend from California, who speaks of the manner in which he has labored heretofore at the close of sessions to get the appropriation bills through. I am well aware of it, Mr. President, and I want to pay this tribute to the Senator from California, to say that I know of no man in the Senate who can endure more hard labor than he can, or who has performed more; but it is for the very purpose of avoiding that sort of thing that I do not desire to have the time fixed for adjournment. The last two or three nights of the session are usually passed without any consideration of the bills really, but they are hurried through, they are pulled through by main strength, and there is no discussion about the bills. The Senator from California has performed a great deal of that kind of honorable service. But sitting up three or four nights in succession, as we always do when we fix the day of adjournment, we pass upon millions and millions of appropriations without giving careful consideration, without any examination in the committee or in the Senate or anywhere else, and I know of one or two occasions in which the sundry civil bill has been carried by the armful to the President, and without any reading, without ever his reading it, without all the items even being included in the bill, it has been signed and fixed up by the committees afterward, after Congress had adjourned. I hear it said that was at a short session. So it was, and we want to adopt the same principle here by fixing the time two weeks ahead, and we are seldom further behind at the short session than we are to-day. I know of one case in which the sundry civil bill was passed in the way that I have described. The Senator from Vermont [Mr. EDMUNDS] says I ought not to tell of it. I have nothing to conceal on these subjects. It was a matter that was made necessary by the situation, by the condition of the public service, and by the fact that the day was fixed for adjournment, and I speak of it in order to avoid the same evils this time.

Mr. EDMUNDS. How did the President faithfully support the Constitution and sign a bill in that way?

Mr. WINDOM. I have nothing to say in regard to the President's duty on the subject. I only say that thing was done. The Senator from California says the sundry civil bill is not a discretionary bill. I think the Senator had forgotten its items when he said that. There is no bill that is considered by the Senate containing so large a proportion of discretionary items or that requires a more careful study and consideration by the proper committee of the Senate. It covers all the outlying service of the Government. It is that class of items and that sort of service that is not provided for anywhere else, and is generally not provided for by law, but is discretionary almost entirely. I think four-fifths of the items contained in that bill of $14,000,000 or $17,000,000 are discretionary. But I have nothing more to say about it. I will do the best I can to try to get it through.

Mr. SARGENT. We never can adjourn without fixing a day; Congress never adjourns at the long session without fixing a day; and it is the universal experience of Congress that the last three days of the session are crowded with business. Any one who looks at the statute-books will find that on the day of adjournment the great bulk of the bills are marked as approved by the President; fully one-half of all the bills that pass Congress are approved on the last two days of the session; and a very large portion of that number is approved on the last day. It is so now, will be so forever, and always has been so. Most of the appropriation bills are approved on the last day. You fix the time a fortnight ahead and it will be so; you fix the time three months ahead and it will be so, because Congress will attend to other things till the actual necessity of action on the appropriation bills is obvious. I am in favor of fixing an early time in order that the labors of the Committee on Appropriations may be determined.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House to strike out "June 10" and insert "June 17."

Mr. BECK called for the yeas and nays, and they were ordered.

Mr. WINDOM. I move to postpone the further consideration of this question until Monday, and I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McCREERY, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. SAUNDERS.] If he were present, I should vote "yea."

The roll-call was concluded; and the result was announced—yeas 26, nays 31; as follows:

YEAS—26.

Anthony,	Dennis,	Jones of Florida,	Ransom,
Armstrong,	Eustis,	Kellogg,	Saulsbury,
Bailey,	Ferry,	Lamar,	Thurman,
Beck,	Grover,	McDonald,	Voorhees,
Booth,	Hereford,	McMillan,	Windom.
Cockrell,	Hill.	McPherson,	
Conkling,	Ingalls,	Merrimon,	

NAYS—31.

Allison,	Dorsey,	Kernan,	Plumb,
Barnum,	Eaton,	Kirkwood,	Randolph,
Blaine,	Edmunds,	Matthews,	Rollins,
Burnside,	Gordon,	Maxey,	Sargent,
Butler,	Hamlin,	Mitchell,	Wadleigh,
Cameron of Wis.,	Hoar,	Morrill,	Whyte,
Christiancy,	Howe,	Ogleaby,	Withers.
Conover,	Johnston,	Paddock,	

ABSENT—19.

Bayard,	Davis of Illinois,	Jones of Nevada,	Sharon,
Bruce,	Davis of W. Va.,	McCreery,	Spencer,
Cameron of Pa.,	Dawes,	Morgan,	Teller,
Chaffee,	Garland,	Patterson,	Wallace.
Coke,	Harris,	Saunders,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment of the House of Representatives to the resolution of the Senate, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. McCREERY, (when his name was called.) I am paired on this question with the Senator from Nebraska, [Mr. SAUNDERS.] If he were present, I should vote "nay."

Mr. THURMAN, (when his name was called.) I have just been informed by the Senator from West Virginia [Mr. HEREFORD] that the Senator from Illinois [Mr. DAVIS] is unwell and has requested me to pair with him on this question, which I have agreed to do. If he were here, he would vote "yea" and I should vote "nay."

Mr. MITCHELL. I agreed to pair with the Senator from Illinois yesterday on the post-route bill. Has there been a new arrangement made?

Mr. HEREFORD. That is another matter entirely.

Mr. THURMAN. The Senator from West Virginia requested me to

pair with the Senator from Illinois on this question, and I have done so.

Mr. HEREFORD. It is another matter.

Mr. MITCHELL. All right.

The roll-call having been concluded, the result was announced—yeas 38, nays 17; as follows:

YEAS—38.

Allison,	Dorsey,	Kirkwood,	Randolph,
Barnum,	Eaton,	McDonald,	Rollins,
Blaine,	Edmunds,	McMillan,	Sargent,
Booth,	Gordon,	Matthews,	Saulsbury,
Burnside,	Hamlin,	Maxey,	Spencer,
Butler,	Hoar,	Mitchell,	Wadleigh,
Cameron of Wis.,	Howe,	Morrill,	Whyte,
Christiancy,	Johnston,	Oglesby,	Withers.
Conkling,	Kellogg,	Paddock,	
Conover,	Kernan,	Plumb,	

NAYS—17.

Anthony,	Dennis,	Hill,	Voorhees,
Armstrong,	Eustis,	Jones of Florida,	Windom.
Bailey,	Ferry,	Lamar,	
Beck,	Grover,	Merrimon,	
Cockrell,	Hereford,	Ransom,	

ABSENT—21.

Bayard,	Davis of W. Va.,	McCreery,	Teller,
Bruce,	Dawes,	McPherson,	Thurman,
Cameron of Pa.,	Garland,	Morgan,	Wallace.
Chaffee,	Harris,	Patterson,	
Coke,	Ingalls,	Saunders,	
Davis of Illinois,	Jones of Nevada,	Sharon,	

So the amendment of the House of Representatives was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 13) for the relief of H. G. Boardman, postmaster at Milton, Vermont;

A bill (H. R. No. 184) for the relief of E. H. Lively, postmaster at Williamsburgh, Virginia;

A bill (H. R. No. 537) for the relief of William P. Hazard;

A bill (H. R. No. 541) for the relief of William H. Carmen;

A bill (H. R. No. 609) for the relief of G. W. Jobe, late second lieutenant of Company F, Forty-sixth Missouri Infantry Volunteers;

A bill (H. R. No. 720) for the relief of John Eaton;

A bill (H. R. No. 739) for the relief of Henry Plowman;

A bill (H. R. No. 799) for the relief of Paul McCormick;

A bill (H. R. No. 819) for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians;

A bill (H. R. No. 967) for the relief of William Hedgpeth, of Paulding County, Georgia;

A bill (H. R. No. 1163) for the relief of the heirs of Charles B. Smith, deceased;

A bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 1395) for the relief of John G. Campbell, of Clinton, Indiana;

A bill (H. R. No. 1660) for the relief of Saint Michael's church, Charleston, South Carolina;

A bill (H. R. No. 1901) for the relief of Philip W. Stanhope;

A bill (H. R. No. 2153) providing for the payment of counsel fees in Osage ceded land suits;

A bill (H. R. No. 2242) for the relief of William T. Malster, of Baltimore, Maryland;

A bill (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry Wisconsin Volunteers;

A bill (H. R. No. 2396) for the relief of John E. Williamson;

A bill (H. R. No. 2421) for the relief of H. H. Lemon, member of the Capitol police force, for injuries received while in the discharge of his duties in the year 1870;

A bill (H. R. No. 2848) for the relief of M. F. Clark;

A bill (H. R. No. 2918) for the relief of Merritt Barber, first lieutenant United States Infantry;

A bill (H. R. No. 3186) for the relief of the Commercial Bank of Knoxville, Tennessee;

A bill (H. R. No. 3257) for the relief of William H. Merritt;

A bill (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

A bill (H. R. No. 3733) for the relief of Hanson Harmon;

A bill (H. R. No. 3734) for the relief of Thomas Strider, of Winchester, Virginia;

A bill (H. R. No. 3737) for the relief of V. H. McCormick;

A bill (H. R. No. 3738) for the relief of B. S. James;

A bill (H. R. No. 3825) for the relief of Susanna Marble and others, heirs of Abel S. Lee;

A bill (H. R. No. 3853) for the relief of William F. Wheeler;

A bill (H. R. No. 3854) for the relief of John Tweedy, postmaster in Danbury, Connecticut;

A bill (H. R. No. 3855) for the relief of William A. Mann;

A bill (H. R. No. 3856) for the relief of T. A. Kendig, of Louisiana;

A bill (H. R. No. 3857) for the relief of Robert Warner;

A bill (H. R. No. 3858) for the relief of William S. Burgess and others, of Tennessee;

A bill (H. R. No. 3860) for the relief of Charles C. Reynolds;

A bill (H. R. No. 3861) to reimburse Richard Joseph for money paid on forged vouchers;

A bill (H. R. No. 3862) for the relief of E. B. Head, postmaster at Harrodsburgh, Kentucky;

A bill (H. R. No. 3863) for the relief of Nathaniel G. Smith;

A bill (H. R. No. 3866) for the relief of Mrs. F. A. Perrin, of Clyde, Ohio;

A bill (H. R. No. 5056) for the relief of Levi Price;

A bill (H. R. No. 5060) for the relief of William G. Ford, of Tennessee, administrator of John G. Robinson, deceased;

A bill (H. R. No. 5063) for the relief of Daniel S. McDougal;

A joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army; and

A joint resolution (H. R. No. 106) referring to the Court of Claims the claims of James E. Kelsey, John Loughlin, Theron Kelsey, and others against the United States, for damages done to the schooner C. and C. Brooks.

The message also announced that the House insisted upon its disagreement to the amendment of the Senate to the bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. C. S. BLACKBURN of Kentucky, Mr. A. S. WILLIAMS of Michigan, and Mr. G. W. HENDEE of Vermont managers at the conference on the part of the House.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3939) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. No. 72) for the relief of the heirs of William A. Graham;

A bill (S. No. 82) for the relief of Gustav A. Hesselberger;

A bill (S. No. 138) for the relief of settlers on the public lands under the pre-emption laws;

A bill (S. No. 342) for the relief of Phœbe Henrietta Groesbeck;

A bill (S. No. 644) for the relief of Dwight W. Hakes;

A bill (S. No. 998) for the relief of George R. Dennis, of Maryland; and

A bill (S. No. 1038) for the relief of J. C. McBurney.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3164) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1879, and for other purposes; and it was thereupon signed by the President *pro tempore*.

THE FISHERIES AWARD.

Mr. HAMLIN. I now call for the regular order; and when it is taken up I will give way to such morning business as Senators may wish to present.

The PRESIDENT *pro tempore*. The Chair will call up the unfinished business, which is now before the Senate.

Mr. HAMLIN. Let it be temporarily laid aside in order to get rid of the ordinary morning business.

The PRESIDENT *pro tempore*. It will be laid aside temporarily.

BILLS INTRODUCED.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1347) to aid in the construction of a bridge across the Mississippi River from the military reservation at Fort Snelling, in the State of Minnesota, and granting the right of way through said reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1348) to authorize the President to reinstate certain officers of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1349) to confer certain powers on the United States circuit and district courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 34) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Centerville, Iowa; which was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting for the information of the Committee on Appropriations a letter from Mr. J. H. Clark, owner of a lot adjoining Winder's Building, and asking special attention to the subject of the purchase of this and adjoining lots for the use of the War Department; which, on motion of Mr. MORRILL, was referred

to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. PLUMB, it was

Ordered, That Gustav A. Hesselberger have permission to withdraw from the files of the Senate the papers filed in connection with the bill for his relief heretofore passed.

AMENDMENT TO POST-ROUTE BILL.

Mr. OGLESBY submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-routes in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. WINDOM submitted an amendment intended to be proposed by him to the bill (H. R. No. 4235) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF A COMMITTEE.

Mr. CAMERON, of Wisconsin, from the Select Committee on Transportation Routes to the Seaboard, to whom was referred the bill (S. No. 1262) to amend an act entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved March 3, A. D. 1875, reported it with an amendment.

WASHINGTON LOW GROUNDS.

Mr. WHYTE. I ask the Senator from Maine to allow me to dispose of a motion which I entered yesterday to reconsider the vote by which the bill (S. No. 542) to provide for the conveyance of the low grounds, in the city of Washington, under the provisions of the act of Congress, chapter 95, approved May 7, 1822, was passed. Yesterday, after the bill had passed, it occurred to me that there might be something behind it, not apparent upon the face of the measure, which might be injurious to the interests of the Government. I therefore moved to reconsider the passage of the bill with a view to examining more closely the object for which it was passed. I have done so; I have examined the memorials which originally came in the case, and have examined the acts of Congress and the decisions of the Supreme Court of the United States under the act of 1822. I am satisfied that there is now, at all events, but one single person interested, as far as the papers show, in getting a deed for any of the lots sold by the commissioners under the act of 1822. I therefore desire to offer an amendment to the bill covering the case of that individual, and if that be adopted upon a reconsideration, there is no reason why the bill should not pass. I ask, therefore, that the motion to reconsider be agreed to unanimously that I may offer the amendment.

The PRESIDENT *pro tempore*. Is there objection to considering the motion to reconsider the vote by which the bill was passed? The Chair hears no objection, and the vote is reconsidered. The question is on the third reading of the bill, pending which the Senator from Maryland offers an amendment.

Mr. WHYTE. I move to strike out all after and including the word "execute" to the end of the bill and insert:

Under his hand and official seal execute a deed to the proper legal representative of the late Thomas Hughes for such lot or lots of ground to which he or she may be entitled under the act of Congress aforesaid, when it shall appear to the Secretary of the Interior that the full purchase-money for said lot or lots has been paid, and the conditions of improvement complied with, and that the party is otherwise entitled to such deed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. COCKRELL. Let the bill be reported in full as amended.

The PRESIDENT *pro tempore*. It will be read at length.

The Secretary read as follows:

That the powers and duties heretofore in and by the third section of the act of Congress, approved May 7, 1822, to wit, chapter 96, of the first session of the Seventeenth Congress, devolved upon and vested in "the mayor of the city of Washington for the time being," be, and the same hereby are, vested in and devolved upon the Secretary of the Interior, who shall under his hand and official seal execute a deed to the proper legal representative of the late Thomas Hughes for such lot or lots of ground to which he or she may be entitled under the act of Congress aforesaid, when it shall appear to the Secretary of the Interior that the full purchase-money for said lot or lots has been paid and the conditions of improvement complied with, and that the party is otherwise entitled to such deed.

The bill was read the third time, and passed.

DISTRICT JUSTICES AND CONSTABLES.

Mr DORSEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 3969) regulating the appointment of the justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments numbered 1, 2, 4, 9, 14, 18, 19, 20, and 21; and

That the House recede from its disagreement to the amendment numbered 14, and agree to the same with an amendment striking out the words "justices of the peace and," in line 23, page 2.

S. W. DORSEY,
J. J. INGALLS,
A. S. MERRIMON,
Managers on the part of the Senate.
EPPA HUNTON,
JOS. C. S. BLACKBURN,
Managers on the part of the House.

Mr. ALLISON. I ask the Senator from Arkansas to make a brief explanation of the report.

Mr. DORSEY. The point of disagreement between the two Houses was chiefly upon the mode of appointing justices of the peace in the District of Columbia. The bill as it came from the House originally provided that these officers should be appointed by the commissioners of the District of Columbia. The Senate amended that by requiring their appointment to be by the President of the United States, and their confirmation by the Senate, as other officers are appointed. The Senate also increased the number from ten to fifteen. I think those were the only real amendments to the bill made by the Senate. But the Senate receded from none of its amendments adopted, the House receded from all its disagreements.

The report was concurred in.

THE FISHERIES AWARD.

The Senate resumed the consideration of the following resolution, reported by Mr. HAMLIN from the Committee on Foreign Relations on the 28th instant:

Resolved by the Senate, (the House of Representatives concurring,) That the views and recommendations embraced in the report of the Senate Committee on Foreign Relations touching the award made by the fisheries commission at Halifax are hereby approved.

The pending question being on the amendment of Mr. EDMUNDS, to add at the end of the resolution:

And if under the circumstances the government of Great Britain shall receive the sum of money referred to, the provisions of said treaty on the subject ought to be terminated at the earliest time consistent with the thirty-third article of said treaty.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the noes appeared to prevail.

Several Senators called for a division.

Mr. BLAINE. I observe that the Senator from Vermont [Mr. EDMUNDS] is not in his seat. I wish if he were here that he would withdraw the amendment, because an adverse vote upon the amendment, stated in that way, might give rise to the presumption that the Government of the United States is adverse to terminating this treaty. I do not myself desire to have any declaration made about it; but I should dislike very much to have any inference drawn that the Government of the United States in any way approve that treaty or would be willing to be bound by it in the future, when we have the right by the treaty itself to terminate it.

Mr. KERNAN. Could not the amendment be withdrawn for the present?

Mr. BLAINE. That is what I would suggest, if the Senator from Vermont were in his seat. The Senator from Iowa [Mr. ALLISON] states that he has sent for him. I would a great deal rather have it reserved. I see the force of the objections made yesterday to the amendment suggested by the Senator from Vermont.

Mr. KERNAN. We can act on it separately at another time.

Mr. BECK. Will the Senator from Maine [Mr. HAMLIN] inform me, if he pleases, what will be done after agreeing to this resolution? I have read the report two or three times. If we concur in the recommendations made, what will be effected by it?

Mr. HAMLIN. What is the inquiry of the Senator from Kentucky?

Mr. BECK. Suppose we agree to this resolution, "that the views and recommendations embraced in the report of the Senate Committee on Foreign Relations touching the award made by the fisheries commission at Halifax are hereby approved," what is accomplished by that after we agree to it? What is the final result of it?

Mr. HAMLIN. I tried to state to the Senate yesterday the precise object it would accomplish. I will endeavor to state it again.

Mr. BECK. I assure the Senator I overlooked it if he did.

Mr. HAMLIN. The Senator, if he has read the communication from the Secretary of State which accompanies the President's message——

Mr. BECK. I have read it carefully, twice.

Mr. HAMLIN. The Senator then has noticed that the Secretary of State raises the precise two questions which are discussed in the report of the Senate Committee on Foreign Relations. That being the view of the executive department of the Government, the passage of this concurrent resolution will express the sentiment and opinion of Congress in concurrence with the Executive. That is all there is in it. We express our objections to the award. We suggest that it shall be the duty of the President to bring not only that question to the consideration of the British government, but also the other question, whether an award signed by two of the arbitrators is legal and valid and binding. The object of this resolution is to express the opinion of Congress in concurrence with that of the Executive, I suppose, as we may regard the letter of the Secretary of State as expressing the opinion of the Executive, thus placing the action of Congress upon the same ground that the Executive has placed it, that to be followed by a bill appropriating the money.

Mr. BECK. I asked the question because after a careful reading of the report I came to the conclusion that there are no definite views expressed, but a very strong inclination is given both by the Secretary of State and by the committee that we were badly cheated and that it went really to the very verge of fraud to give an award for five millions and a half upon a case that had not more than $35,000 a year interest in it. That seemed to be what they were trying to do. I would greatly prefer that they should say so if it is so, and not beat around the bush and imply it without saying so.

Mr. THURMAN. Mr. President, I cannot resist the apprehension

that we are likely to take a false step in this business. What is the real complaint here? It is that too much money has been awarded to be paid by the United States. That is the real trouble about it. If the award had been what we think reasonable we would have heard no question about whether the arbitrators must be unanimous or whether a majority could make award. It is simply because the award is, in the opinion of our Government, grossly too large that this discussion has arisen.

Mr. MORRILL. And because, I will add, the award should have been on the other side; something should have been coming to us.

Mr. THURMAN. I did not hear the Senator.

Mr. MORRILL. I say, and because the award was not payable to the United States; that something should have been coming to us instead of to the British government.

Mr. THURMAN. I never heard anybody claim yet that the award ought to have been in our favor. If it had been in our favor then I suppose we would have been satisfied. If it had been for a sum that was considered reasonable I think we would not have raised any technical objection that the award was made by two; that it was not unanimous. The real matter is, that this award is for more money than any Senator on this floor believes ought to have been awarded. I am sure that it seems to me upon the statement of this report—and that is all or very nearly all I know about it—that this award is for a great deal too large a sum. To that extent I agree with the Committee on Foreign Relations, but it does not necessarily follow that we should adopt this resolution, much less that we should adopt the amendment offered by the Senator from Vermont.

Mr. President, let us see how it is. I think there are two sides to the question, if we begin to look into the amount of the award. The Geneva tribunal established certain principles, holding Great Britain liable for certain classes of damages. From those rules, thus determined by that tribunal, it was perfectly easy, with the evidence before them, to ascertain what amount ought to be paid by Great Britain. The tribunal intended to pay for nothing but the losses for which it held Great Britain accountable. It intended to pay nothing to the United States for what were called the indirect damages, the consequential damages. It intended to pay but once when there were double claims. In other words, by its rulings it defined the classes of losses that were to be paid for with almost absolute certainty, for that is certain which can be rendered certain, and then it proceeded to award to us the sum of fifteen and a half million dollars in gold.

Now it turns out, in the opinions of some persons, that the claims upon which the award was made, the losses taken into consideration by the Geneva tribunal, and for which it mulcted Great Britain in damages, and for which alone it mulcted her in damages, did not amount to fifteen and a half million dollars by several millions. It would be a nice question, perhaps, whether or no if we were to release the alleged excessive award made by the Geneva tribunal it would not be an offset to these five millions that are awarded on account of the fisheries. I know very well that no one has proposed to pay any money back to Great Britain on account of that supposed excess. I know that there have been bills again and again introduced into each House to absorb the whole of that award by paying it to persons for whose losses the Geneva tribunal solemnly decided that Great Britain was not responsible, and again and again it has been proposed to pay it upon claims that were withdrawn by the American Government before the Geneva tribunal. I know that, and I do not know but that that will be done. I do not know but that one large class of persons upon whose claims that tribunal held Great Britain responsible, and for the payment of whose claims that tribunal decided that Great Britain should pay us money—I do not know but that their claims will be thrown out of consideration altogether by the American Congress and the money that belongs to them, as justly as any money belongs to any human being by any title whatsoever, will be taken and given to other persons whose claims were rejected by the Geneva tribunal and have no place whatsoever in its findings.

It does seem to me under these circumstances that we ought not to be very particular in looking into amounts. I rather think that the true and dignified course is to do what Great Britain did with us. Without one word of remonstrance, without any representation, she punctually paid the fifteen millions and a half; and it does seem to me that it would be more consistent with the dignity of this Government for us to pay this award without anything whatever that would look like questioning the honor or the integrity of the tribunal by which the award was made. That strikes me as really being the most dignified course for a great nation like the United States.

I grant, sir, that when the time shall come when we are to consider whether this article of the treaty shall be extended for another term of years it will be very proper indeed for us to say, "This award affords no precedent whatever in estimating the damages; it was wrong, it was grossly erroneous; we will not stand by it at all, and if you insist upon any such sum as that we will not agree to an extension of the treaty at all for another term." That will all be very right and proper when the time shall come, but it is not the thing now to pay this money grudgingly and grumblingly with representations to the British government that look like begging it to give up a part, that look like begging it to say that Great Britain has a great advantage and ought to give up a part of it for the sake of peace or harmony or justice or what not. I must say, Mr. President, that for one I do not think it consistent with the dignity or character of this Government. I agree that this award is wrong upon the testimony laid before us by the Committee on Foreign Relations. I think it is very greatly erroneous in amount; but Great Britain no doubt thought that the Geneva award was very grossly wrong in amount too, yet she made no representations to us. However she may have disliked that award she made no representations to us to ask us to throw off a little. She did not ask us to inquire whether that tribunal was lawful or not. She paid the money; and in my judgment the dignity and the character of this country require that we should pay too, and pay without any of this protest that is proposed.

Mr. EDMUNDS. Mr. President, for the time being I will withdraw the amendment I offered and shall probably submit one in a better form to meet the objections that were made yesterday, before the debate on this matter is through, if anything else is to be said; if not I will submit to a vote now on the resolution.

The PRESIDENT *pro tempore*. The amendment is withdrawn, and the question recurs on the passage of the resolution.

Mr. McMILLAN. Whatever disposition may be made of the amendments which may be offered to the resolution, I wish to say that I regard the principle involved in the treaty of Washington as highly creditable to both the contracting parties. The principle of abitration embodied in that treaty inaugurated the settlement of difficulties between the nations of the world in a peaceable manner. The credit of that movement belongs to the Government of the United States. I have always adverted to that matter with great pride as an American citizen. Not only the measure itself was inaugurated, as it was, by our nation, a Republic whose mission is to extend peace throughout the world and bless all mankind, but it was initiated and inaugurated after coming through a great war in which we established a reputation in the world which commanded and ever will command the respect of all nations; and it was done while there was at the head of the administration of the Government at least one of the greatest generals of the earth. I take great pride in adverting to that measure, and reflecting that it was inaugurated by our Government. Whatever may be the result of this arbitration I trust that such a course will be pursued as will not interfere or impair this great principle of arbitration to settle the affairs of nations. It saved us from a great war.

Mr. BLAINE. A war with whom?

Mr. McMILLAN. With Great Britain, and I trust in the end it will result in the establishment of this principle between all nations.

Mr. MERRIMON. Mr. President, I am very free to say that if by inadvertence, by virtue of the Geneva award, too much money was paid to the United States, I for one, on the ascertainment of that fact, would vote to return the money. I should not feel that this country had acquitted itself properly unless it should do so under such circumstances. But I am not prepared to concur in what was said by the Senator from Ohio [Mr. THURMAN] a moment ago. I do not think it yet appears that too much money was awarded to the United States. My understanding is that there is a large class of claimants which the legislation of Congress had heretofore has excluded; and whether if those claimants were allowed to share in the distribution of that fund there would be a surplus remaining is to be seen. In looking over the groundwork of the treaty and the award, it appears to me that it was expressly understood by those who arbitrated those matters of difference between the United States and Great Britain that the insurance companies were to share in the distribution of that fund; and up to this time they have not done so.

My simple purpose was in this connection to say that if it should turn out that there was money awarded to the United States by the Geneva tribunal to which they were not fairly entitled, whether it was by inadvertence or by mistake or by any other cause, we should not hesitate one moment to vote to return every dollar of such surplus.

But, sir, I wish to make a remark or two upon the resolution now before the Senate. I have looked into the subject somewhat, and if my information is correct I am not prepared to vote for the resolution reported by the committee. If I see the subject correctly, there are three objections to paying the sum awarded to Great Britain. First, there are substantial grounds of complaint as to the formation of the commission. It is very clear to my mind that Mr. Delfosse was not appointed one of the commissioners in the way that he ought to have been and in the way that was contemplated by this Government and by Great Britain. In the second place, the American commissioner, Mr. Kellogg, did not join in the award nor did he sanction it. In the third place, it seems to me undeniable that the sum awarded was grossly exorbitant and unreasonable in any conceivable point of view. This being true, it seems to me that we owe it to the dignity of this Government, we owe it to right, we owe it to our self-respect, to declare through the legislative department of the Government that this award is unacceptable to this Government. It seems to me that the proper step to be taken is to declare by resolution setting out the various grounds upon which exceptions are taken, that it is unacceptable to the Government, and then we ought to suggest to the President to correspond with Great Britain upon the subject, submitting to that government the grounds of exception taken by this Government, and after the matter shall be discussed it will be time enough then to pay such sum of money as it may be determined in the end ought to be paid. In this way alone can we litigate this

matter. There is no court to which we can appeal to decide this difference; it must be settled by diplomacy; and it seems to me that the method proposed to reach that settlement is not the one that ought to be pursued.

We are not satisfied; that is manifest. All who have spoken on this subject have intimated in the broadest terms that they are not satisfied with this award, and the grounds of dissatisfaction are intimated. They are intimated all through the report of the committee; and the Senator from Vermont has already proposed an amendment—I believe he has withdrawn it temporarily—by which he throws out a threat to the government of Great Britain, "If you accept this award under the circumstances we intend to put an end to the treaty at the earliest possible moment." I do not concur in that way of doing. If we shall determine that this award ought to be paid, then, when under the terms of the treaty we give notice that it shall be ended, let us do it; but let us not pay stingily and grudgingly an award and at the same time slap Great Britain in the face. I think that would savor of insolence; it is an act we ought not to do. But, sir, back of all that, I maintain that the true course for this Government to pursue is to declare through its legislative authority that this award is not satisfactory to this Government. It is not satisfactory to the Government, in the first place, because of the manner in which the commission was constituted; in the second place, upon the ground that the American commissioner did not concur, when, according to law, he should have done so before there was any award in law; in the third place, that the sum awarded is grossly exorbitant and unreasonable in every conceivable point of view. Then let the President, with this expression of views by Congress, go on and diplomatize with Great Britain as to these various exceptions.

These are my views, and I wished simply to explain the grounds on which I shall vote against the resolution.

Mr. BLAINE. Mr. President, I shall support the report made by the Committee on Foreign Relations, although I would wish that some amendments could be made to it. But I do not concur in what was implied in the remarks of the Senator from Ohio on this subject, that Great Britain had discharged her duties under this treaty with exemplary fidelity, and that we were in danger of not following a good example. I maintain that from the first, throughout the whole of this treaty—and I know I am taking what has not been heretofore a popular side, or the generally accepted version—it has been a treaty of a singularly one-sided character, in which, as I shall show, the entire advantage was gained by Great Britain, and in the parts that she has not esteemed it to be her interest to fulfill it, she has declined to fulfill it. Up to this day one of the most important parts of the treaty has been evaded and its fulfillment refused by Great Britain. Let me explain. When the joint high commission came to consider what were known as the Alabama claims they agreed upon three rules which Great Britain diplomatically disavowed through her commissioners to have been accepted rules of international law at the time, but said that they would agree to them as the basis of a settlement, and they might go before the tribunal as if they had been in force as principles of international law at the time of their alleged infraction. Then Great Britain and the United States in binding themselves to the observance of these rules in future assumed another mutual obligation in this clause of the treaty:

> And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of the other maritime powers and to invite them to accede to them.

Unless I am entirely misinformed, and I think I am correctly informed, Great Britain has refused up to this time, and it has been seven years this month since the treaty was perfected, to join with the United States in asking the other maritime powers to agree to those rules. I have ground for believing this statement to be substantially if not literally true, and if the Senate will support me in a resolution which I shall offer we shall find out, authentically, that Mr. Fish, lately Secretary of State, advised Great Britain that refusing to join with the United States in proposing these rules for other maritime powers the United States would be justified in treating them as a nullity. I do not pretend at all to be inside of the secrets and aims and purposes of British diplomacy, but I do know that having got those three rules which bind us very tightly, which make us keep a very sharp police on fifteen thousand miles of ocean front, that encircle our own dominions and hold us accountable for any privateers or depredators or "Alabamas" or any sort of cruisers that may get out in case Great Britain goes to war with Russia, as is now possible if not probable, (I hope not even probable,) and makes us accountable in damages afterward for any losses thus resulting to her subjects—that while she holds us thus closely under the three rules she has not asked another nation in all Europe to be bound by those rules; she has refused to join the United States in asking the maritime powers to accept them and be bound by them. I do not believe in having one part of the treaty quoted on us to the letter, "which killeth," and then to have the part which does not exactly comport with the interest of Great Britain absolutely slurred over and denied.

I repeat, I do not pretend to see any further through secret and hidden motives than anybody else, and I do not pretend to know, much less do I pretend to state, what the motive of Great Britain is, although I have heard it, and I have heard that it was because the government of the German Empire objected to those rules being made general in Europe. At all events it is known, and we ought to know here authentically—and it would be some advantage to know it before we pass on this measure—we ought to know authentically what has transpired between this Government and the government of Great Britain with regard to these three rules, which were so finely chiseled and so closely drawn and so narrowly constructed that when we got into the tribunal at Geneva we were practically powerless. When confessedly the aid and support of Great Britain to the rebellion had been hundreds of millions of dollars of damage to this country; when they swept our mercantile marine, two-thirds of it, out of existence; when their aid and countenance to the confederacy had destroyed one of the great leading interests of the United States, we consented to such a narrow construction of these three rules as absolutely cut us down to fifteen and a half million dollars for damages, and Great Britain at once gets seven and a half million of that back—two million on the Washington claims commission of 1871-'72, and now five and a half million more on this fishery award.

So when the Senator from Ohio holds up the example of Great Britain to us to imitate in this matter, I beg him to observe what Great Britain's course has been in regard to this part of the treaty. It was Great Britain's highest interest to pay the Geneva award. She never paid $15,000,000 in her life that was so good an investment as that was under the circumstances. Whether we can find anybody, under the narrow rules that were laid down, that is a lawful claimant for the money awarded us at Geneva, is quite another thing; that is for us to determine, but Great Britain herself gained the incalculable advantage of making us a practical ally to her, willing or unwilling, in all her contests with European powers. The Russians are watched by every form of observation if they land on the coast of Maine, or if they buy a vessel in New York or Philadelphia; and the moment there is a declaration of war, instead of Great Britain doing the watching, we shall be compelled under the three rules to do it ourselves. We shall be forced on the anxious seat, and if a Russian vessel should escape from our coast and Great Britain could show that we have not used due diligence, we are to be responsible in the amounts of money that may result from her depredations on British commerce. Great Britain gets all these vast advantages out of us and then refuses, as I say, for some reason and continues to refuse up to this time to agree that other maritime nations in whose adoption of these three rules we might have very great interests shall act on them—refuses even to submit them as the treaty bound her to do, and she has permitted seven years to go by without so much as uniting with us in asking a single European power to accept them.

Now, let us go back a little, inasmuch as we are discussing this subject generally, as the Senator from Ohio has introduced it. When the war broke out in 1861, Mr. Seward, through our minister at the court of St. James, Mr. Adams, immediately proposed that the United States should become a party to the treaty of Paris, to which there had been forty-six or forty-seven nations of the earth already parties, to suppress privateering. Lord John Russell, recently deceased, apparently received the proposition with the utmost complaisance and agreed to it; and after the agreement was made and we thought the treaty was about to become a regular convention between the two governments, he put in a condition that it should not at all affect the existing relations between Great Britain and the Confederate States, or that the question should not in the least degree be affected by the relations of any internal dissensions in the United States; in other words that if we lived to survive the rebellion in the United States, the very time when we should not need the advantage of this treaty, we might then enjoy it; but that pending that we should not have any advantage from it at all. And the British government would not agree on the other hand that if any disturbance should take place in any part of the British empire we should not be similarly bound as England was then. Let me read just what Mr. Seward said on that point:

> The proposed declaration is inadmissible, among other reasons, because it is not mutual. It proposes a special rule by which Her Majesty's obligations shall be meliorated in their bearing upon internal difficulties now prevailing in the United States, while the obligations to be assumed by the United States shall not be similarly meliorated or at all affected in their bearing on internal differences that may now be prevailing or may hereafter arise and prevail in Great Britain.

The whole of it was one-sided. And now I will give the honorable Senator from Ohio a very substantial reason why the Government of the United States ought to proceed on the payment of the fishery award in a different manner from that which the Government of Great Britain adopted with reference to the Geneva award. The struggles between the Dominion of Canada, or that which now constitutes the Dominion of Canada, the British-American provinces, and the United States for reciprocal relations of trade and commerce have been troublesome questions for eighty years, and every time we have attempted to adjust them the fisheries have been put forward as the stumbling-block in the way of a fair agreement. And the payment of the five and a half millions settles the question for only twelve years, and then it is all open again. But, on the other hand, the fifteen and a half millions paid in pursuance of the Geneva award closed that account for all time; or, if it left it open at all, it left it open with the three rules operating in Great Britain's favor. But let us pay this five and a half millions as the honorable Senator from Ohio invites us to do; let us walk up without saying one word and pay this five and a half million dollars to Great Britain, and what is the result? It is inevitably accepted by the Government of Great Brit-

nin as a concession on the part of the Government of the United States, as a just measure of value of those fishery privileges, and any subsequent notice that we might give six or eight years hence would be treated as an afterthought. If we do not make that point at this time, we lose all the advantage of making it at all; and if we now pay that money without in some form emphatically entering our dissent from it as a just measure of the value of the fisheries, we are estopped from ever pleading it hereafter, and we shall have committed ourselves to the conclusion that those fisheries in reciprocal arrangements for trade between the Dominion of Canada and the United States are to be reckoned as of the value of a half million dollars per annum *bonus* from the United States in addition to the admission of Canadian fish free of duty to our markets.

This question, Mr. President, has some sectional and local relation, I know. We are much more affected by it where I come from than are the people where the Senator from Ohio comes from. It is a matter of daily, very pressing interest with us, and we know very well that if we sit still here and consent to this award being accepted publicly as a just measure of value we never can have the trade between the Dominion of Canada and the United States regulated hereafter upon any fair, equitable, amicable basis.

Mr. THURMAN. Mr. President, the Senator from Maine [Mr. BLAINE] has covered a great deal of ground, and more, with great respect for his judgment, than it seems to me is involved in this inquiry. I do not propose, nor do I think it at all necessary, to discuss the wisdom of the treaty of Washington, which constituted the Geneva tribunal and those other tribunals to which reference has been made. What I thought about that treaty I expressed where it was proper, and in the only place where it was proper for me to express it while the thing was *in fieri*. What I thought of it the executive Journal of the Senate will show by my votes. Now I do not see that much is to be gained by questioning or discussing the wisdom or unwisdom, to use a newly coined word, of that. But if I were disposed to do that, I could question my friend from Maine with greater certainty as to what his views are.

If I understand him, he said Great Britain never made a better investment than the payment of the fifteen and a half millions of dollars awarded at Geneva, and the goodness of the investment consisted in getting the famous three rules; that the three rules were of such importance to Great Britain that she could well afford to pay fifteen and a half million dollars for the three rules, and that is a good investment for her. And yet these rules which the Senator thinks are of such great value to Great Britain, he complains that Great Britain does not recommend other powers to adopt.

Mr. BLAINE. If the Senator does not intend to misrepresent me——

Mr. THURMAN. Certainly not.

Mr. BLAINE. I said that to have those three rules bind us down alone and leave all other nations free, was worth more than that to Great Britain, and Great Britain having secured our consent to those rules now refuses to carry out her plain obligation under the treaty, to recommend them to other nations, and the result is that here we stand, our hands crossed and tied by three rules which do not apply to any other maritime nation. That is what I said; and for that I say Great Britain could well afford to pay $30,000,000.

Mr. THURMAN. Mr. President, I am still so dull that I cannot comprehend the logic of the Senator from Maine. If it is for the interest of Great Britain that these three rules should be binding on the United States, it is equally to her interest that they should bind other maritime powers; and therefore I cannot see why complaint is made that Great Britain has obtained a great bargain by the adoption of these three rules by the United States, and in the same breath it is said that Great Britain will not recommend any other maritime power to adopt them.

Mr. BLAINE. Then I understand the Senator to maintain that every other maritime power would have precisely the same ability in a contest upon the seas to injure Great Britain that we have.

Mr. THURMAN. No, I did not say any such thing.

Mr. BLAINE. There consists the difference to Great Britain having us bound down and not others.

Mr. THURMAN. But there are other maritime powers that are closer to Great Britain than we are.

Mr. BLAINE. And therefore more easily watched and guarded.

Mr. THURMAN. And that could annoy her perhaps quite as much as we could.

But, Mr. President, I think the Senator has totally mistaken the motive which led to the adoption of the three rules. I never had any doubt why the three rules were adopted. I said in the Senate why I thought they were adopted, and I adhere to that opinion. They were adopted, not because Great Britain wanted them as permanent rules, but they were adopted to enable the Geneva tribunal to make an award against Great Britain in order that there might be peace between Great Britain and us. It was necessary to devise some plan by which damages could be awarded against Great Britain without impugning the honor of her government, and these three rules were adopted as a convenient mode, an artificial mode, of furnishing means to the Geneva tribunal to make an award against Great Britain. That is my belief, and I shall die in it. But that is neither here nor there, it seems to me, in this business.

There was one thing said by the Senator that strikes me as having weight with it, but not the weight that he attaches to it. He thinks if we do not protest against the magnitude of this award we shall be estopped hereafter to say that is not a fair measure of damages. I do not so understand it at all. I suppose that every man against whom a judgment is rendered in a court may think the judgment is too high; but yet he pays it. Judgment is rendered against us. There will a time come when we must consider whether or not we will extend this treaty for another term, and then it will be very proper for us to say, (and in fact it is proper enough to say it now in the debates of the Senate,) "We will not adopt any such measure of damages as that awarded against us before." That will be the time. But what I say is that it is not wisdom in paying the money awarded to Great Britain to pay it in this ungracious way.

Now, Mr. President, if the conclusions of the Committee on Foreign Relations are correct, I do not think there is any reason for ever extending that treaty at all. Why, what is it that the committee report? That this privilege is only worth $25,000 a year to our fishermen, and that on the other hand we lose between three and four hundred thousand dollars a year in duties on fish imported into this country. If that is the case, what is the use of talking about the measure of damages? Are we ever going to extend this treaty if that is the case? If the whole benefit to our fishermen is only $25,000 a year and we lose between three and four hundred thousand dollars annually in duties every year, will there be a Senator on this floor four years hence who will think for one moment of extending the terms of the treaty? Not one. We shall have no trouble about a measure of damages, for nobody will think about any damages or think about any treaty. The treaty will certainly expire or will be abrogated. So I do not think there is any trouble about this measure of damages or any precedent that is going to vex us at all if the facts are as reported by the Committee on Foreign Relations.

One word more and I shall have done. I do not wish to be understood as saying that at Geneva we recovered more than we ought to have recovered. I do not mean to say that the Geneva tribunal in all its rulings, excluding the claims that it did exclude, was in every case correct. I do not mean that at all. What I have said was simply this, that taking the cases for which that tribunal held Great Britain to be responsible, and calculating the losses as they turned out to be upon judicial investigation, there are people who say—I do not exactly know how it is myself, and I do not pretend, therefore, to affirm it—that the award is four or five millions more than the losses covered by the rules laid down by the Geneva tribunal. Whether this is so or not, I do not pretend to say; but there are people who say so. It has been so stated in Great Britain; it has been the subject of comment in the newspapers of Great Britain, and I do not know but that it was once the subject of remark in the House of Commons. I am not sure about that, but that is my impression.

Mr. CONKLING. In both houses.

Mr. THURMAN. It may have been the subject of remark there in both houses. And so I did say that when it came to a question of mere dollars, whether the tribunals have erred in their computation of damages, it did not very well become us or the dignity of this country to pay this money in a grudging and ungraceful manner. Great Britain paid us fifteen millions and a half which she thought then and still thinks no doubt was too much; she paid it in a graceful manner and without any such representations as are here proposed, and I am not willing that she shall set a higher example of dignity and propriety than the Great Republic.

I wish further to say in respect to the fact to which the Senator alludes that Great Britain has refused to join with the United States in recommending these rules, that if I ever heard it before I have forgotten it. The Senator no doubt has authority for what he said.

Mr. BLAINE. I stated it, I think, on good authority.

Mr. THURMAN. I know nothing of it.

Mr. BLAINE. I will say in reply to the Senator from Ohio that if it be true that we received more under the Geneva award than we can find proper owners for under the narrow limits and construction forced upon us, it seems to me the dictate of honor and of propriety and of dignity, and of all the principles that should govern nations, would require us to return it; but I should not from that infer that because we somehow had come to the conclusion that in a certain reference we got more than we were entitled to, therefore we should submit to a gross imposition without saying anything about it in another reference. I do not think that exactly comports with the dignity of either nation. If we have more money under the Geneva award than we can find proper owners for, I will vote to return it; but I will never vote to pay five and a half million dollars under the fishery award which I know to be excessive, without at least going as far as the Committee on Foreign Relations recommend us to go in intimating to Great Britain the grounds on which we predicate our disbelief as to its rightfulness and justice.

The Senator from Ohio either does not understand these three rules, or I do not. Either I have entirely misconceived their probable scope, or the honorable Senator has. He says they were merely artificial rules—I think that was the word he used—for the purpose of enabling the Geneva conference to go ahead and make an award. They are very brief. Let me read them:

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is in-

tended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or to carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Having agreed on these rules, the solemn agreement at the end was:

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them.

The Senator from Ohio knows that in any contest which England is likely to get into with European powers—and those are the powers she is likely to get in conflict with—we are the neutral power; in other words, we are more likely to be neutral in regard to Great Britain's contests than a European nation is likely to be, and that as regards contests in Europe between continental nations England herself is most frequently the neutral power. Then, as respects the rights and privileges of England, we are to-day practically in alliance with her. If a war should break out to-morrow between Russia and England, there is no calculating the advantage to England of these three rules binding us. And there we stand. But England is evidently unwilling to bind herself by these rules in her relations with other powers, and unwilling also to give us the advantage of having other powers so bound; and if at any time war should break out between Austria and Russia or between Germany and France or between any other European nations England is not bound by these rules. So as it stands to-day we are under bonds to keep the peace and England has refused to ask other nations to unite in doing that which she came under a solemn treaty-stipulation to do. I am glad to be able to say, as I think it will be shown by the official correspondence, that the government of Great Britain has already received an intimation that we shall be justified in treating these rules as a nullity, she having refused to perform her part of the treaty obligation in asking other powers to accede to them.

Mr. HOAR. Mr. President, I agree with the Senator from Minnesota [Mr. McMILLAN] that the treaty of Washington is a transaction in the highest degree creditable to all who were engaged in it. I do not by this mean to refer to all its details or to the special agencies which were employed in its negotiation. I mean that the general and underlying idea of that transaction was in the highest degree creditable to the President and to those members of this body who were then in his counsels in the administration of the Government.

This country believed it had suffered an incalculable injury, that by the conduct of Great Britain a great vital war in which it was engaged had been prolonged; that large expenditures of life and of treasure had been caused which without the departure from the recognized rules of international law by England, in our time of trial and peril, we never should have been called upon to incur; and we met that question, a strong, powerful, united, victorious nation flushed with recent victory and with a great and victorious general at its head conducting its executive affairs and having charge of its diplomacy as well as a voice in its legislation. But we had let the time of the offense pass for reasons satisfactory to us, reasons growing out of the danger to us of taking up the quarrel at the time. We had omitted to resent or to attempt to punish by force the departures by Great Britain from the laws of neutrality which under the laws of nations she ought to have governed herself by at the time her offenses against us were committed.

Now we had when this question was brought to the attention of Congress during the administration of President Grant two alternatives besides that of arbitration, both injurious to us, both injurious to the best interests of mankind. One was the alternative of declaring an immediate war against Great Britain. Whichever of the two countries would have suffered most in that war it is clear that the chief sufferers by such a contest and quarrel would have been that portion of the English people who had stood by us in sympathy and conduct during the whole of our trial at the expense of great suffering to themselves. Here were the two great English-speaking nations, two great nations whose policy by different and yet similar methods is determined by the public opinion of their people, and the only important nations on earth of whom that was true. A war between England and the United States at that time would have for a generation stricken down the influence and the power in the councils of Great Britain of the class of people who entertained the same opinions, who loved the same liberty, who looked forward to the same results and objects in government as ourselves.

The other alternative, and the only one which was suggested by the opponents of this treaty, would, in my judgment, have been still more degrading to us and injurious to mankind; that was that we should await an opportunity when England was at war or was in difficulty in the future, and at some unknown, perhaps remote, time, in violation of what we had declared was the obligation of public honor and of public law, should retaliate upon her.

Mr. BLAINE. The Senator did not understand me as intimating that?

Mr. HOAR. No, sir, I had nothing that the Senator from Maine had said in my mind when I made that observation at all.

We should have presented, in other words, what it seems to me would have been the most pitiable, degrading, infamous spectacle which could have been presented upon the face of the earth, the spectacle of a great, powerful, intelligent, free people lying in wait to revenge itself; lying in wait to revenge itself for a wrong which at the time of its occurrence it had not the power, although undoubtedly it had the spirit, to undertake to punish.

The administration of President Grant met this great question and this great exigency in a great way. Just as from the dangers of the rebellion the party then administering the Government took the great opportunity to broaden and extend and make perpetual human liberty, so from the exigency and danger and wrong of this incalculable injury that England had inflicted upon us the men who were charged with the administration of our Government took the opportunity to plant in the international customs of mankind this great principle in favor of peace and civilization, the principle of submitting wrongs inflicted by one nation upon another, not to the arbitrament of force, the result of which always is that the conduct of nations to each other has been determined by their relative strength, but to the arbitrament of law. Compared with that accomplishment the question of a few million dollars of mistake in damages, more or less, is a trifle.

I do not concur with the Senator from Maine when he thinks that England got out of us certain obligations by that treaty by which we are bound and by which our hands are tied, while the hands of other nations are left free in the future. The obligation of those three rules upon the United States depends not upon the treaty of 1871, with Great Britain, in the least. They are the rules which we had declared were binding upon us as rules of international law from the foundation of our Government; they were rules which we claimed in the negotiation had governed the conduct of the United States from the foundation of the Government.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. HOWE. What is the authority to which he refers for saying that we had always insisted upon those rules as a part of the public law governing neutral rights?

Mr. HOAR. The obligation to use due diligence?

Mr. HOWE. What is the authority to which the Senator refers when he says we had always insisted upon those rules?

Mr. HOAR. I refer to the known history of our Government, to the arguments of our counsel at Geneva, to our diplomatic arguments in the negotiations which preceded the treaty, to the representations made to Great Britain by our diplomatic agents abroad during the war and at the time the original causes of offense arose. And I understand that the purpose of incorporating these rules in this form in the treaty was not because the United States Government in the least admitted or conceded that any one of them required any new sanction as an operative rule to govern the conduct of neutral nations toward belligerents, but it was to impose upon Great Britain the obligation of paying damages in conformity to the claim of the United States without a formal admission on her part, which might be regarded as dishonoring to her, that she had violated what she admitted was then the public law governing nations.

Mr. BLAINE. Then, if I understand the honorable Senator from Massachusetts, the United States held them to be rules of international law, but no other nation did?

Mr. HOAR. The Senator from Maine very strangely misunderstands me if he understands me so.

Mr. BLAINE. I understood the Senator to say that the United States was insisting on these three rules as what she had always insisted on. Did I understand the Senator correctly in that?

Mr. HOAR. Yes.

Mr. BLAINE. Then did the United States insist on this alone, or did other nations also?

Mr. HOAR. The United States undoubtedly claimed that those rules found their sanction in the practice and in the concurrence of other civilized nations.

Mr. BLAINE. Very well. Then the Senator says that the United States claimed that they were rules of international law, but the representatives of Great Britain said:

Her Britannic Majesty has commanded her high commissioners and plenipotentiaries to declare that Her Majesty's government cannot assent to the foregoing rules as a statement of principles of international law.

Mr. HOAR. Undoubtedly.

Mr. BLAINE. Then the Senator from Massachusetts does not contend that the United States itself could hold what was international law?

Mr. HOAR. Not at all. I understand that the United States claimed that these rules were the rules of international law and had been binding on all nations and an obligation resting upon all mankind.

Mr. BLAINE. Very well. But now the Senator will observe that not only did Great Britain dissent from that, but Great Britain has refused to unite, according to her treaty obligation, with the United States in asking other nations, and down to this very day and hour there is not a nation under the canopy of heaven that is bound to Great Britain by those rules except the United States of America.

Mr. HOAR. Mr. President, there is not a nation under the canopy of heaven, according to the uniform contention of the United States, that is not bound by these rules to-day, Great Britain included.

Mr. BLAINE, "According to the contention of the United States;"

but the Senator from Massachusetts does not mean that what the United States holds to be the duty of nations constitutes international law? It is the agreement between nations. The United States has no right to get up and say, "*sic volo sic jubeo.*" Why does the United States declare that to be international law?

Mr. HOAR. The Senator from Maine, it seems to me, either fails to perceive the broad, simple distinction or I fail to understand him; one or the other. The United States based their claim upon Great Britain for damages upon the fact that Great Britain had violated a duty of neutrals, not created by any simple declaration of a single nation, not created by any treaty obligation, but found, declared, enforced, and approved by the concurrent practice of civilized nations and the authority of the great jurists and writers on international law from whom, as sources, the international law is derived. Great Britain denied that and the United States made her claim for damages. Great Britain not only denied it but departed from its obligation in practice by which we suffered. They met to compound that quarrel, and Great Britain and the United States agreed, first, that Great Britain would apologize, would insert in the treaty an apology; in the next place, that a tribunal should be appointed who should assess damages against Great Britain for her past conduct upon those rules, Great Britain saying: "We do not admit the correctness of the rule of law which the United States rests its claim upon;" the United States, however, never abandoning that claim—not as a claim resting on the declaration of the United States, but as a claim growing out of the admitted law of nations. When Great Britain agreed to bring these rules to the notice of the world, which obligation the Senator from Maine says she has failed to perform, it was not that the United States intended to admit for a moment that without that commendation of these two nations to other maritime powers or without any new and express admission on the part of them or any one of them, they were not binding rules of public law at all; is was merely to obtain for a rule of public law resting for its sanction on what we may call the common law of nations as distinct from a statute, but which the United States claimed was admitted by all nations and had been transgressed by Great Britain, to add to that the additional sanction of an express, explicit, affirmative statement and declaration of the rule. Suppose the day after the treaty of Washington had been agreed upon between the United States and Great Britain we had engaged in another war, and Spain or Chili or Brazil or Germany or France had violated these rules before Great Britain had had an opportunity to bring them to their notice, the United States would have claimed that they were violating neutral duties, would have demanded redress, and would have insisted at the proper time on compensation.

Mr. BLAINE. If I do not interrupt the Senator, then I understand him to say that if we had got the Geneva tribunal together even without these rules they would have been compelled to recognize them.

Mr. HOAR. Certainly.

Mr. BLAINE. What was the point, then, of insisting so strongly on having it?

Mr. HOAR. I think if I had a lawsuit with the honorable Senator from Maine in which I claimed that the law was one way and he the other——

Mr. BLAINE. But I think the Senator said——

Mr. HOAR. I think the Senator from Maine sometimes forgets that somebody else is speaking, as well, as himself.

If I had a lawsuit with the honorable Senator from Maine, and I claimed that in the performance of a certain act to my injury he had violated a rule of law, of which rule he denied the existence, does he doubt that it would be a great advantage to me in leaving that to arbitrators that I should get his agreement that the arbitrators should find that the rule of law was and always had been for the purposes of that decision my way?

Mr. BLAINE. Of course. I have argued that all along.

Now, if I do not trench on the Senator's time, will he also tell me—he started me on a very emphatic first—what they agreed to, and, second, what they agreed to? and he left out the third. They agreed afterward to submit these rules to the nations of the world.

Mr. HOAR. That I did not leave out.

Mr. BLAINE. I did not hear that from the Senator. They agreed that they should be submitted.

Mr. HOAR. Let me state what I said. The Senator from Maine did not understand me before. I do not understand or concede or believe that that clause was put into the treaty of Washington as an admission, or concession, or in consequence of a belief on the part of the Administration of the United States that those rules of international law would not be just as binding upon all mankind without that recommendation, or if under it the nations should refuse to accede to it as it was before. But they desired to have for what rested in argument from the practice of mankind, for what rested on the authority of text-writers or jurists, or writers on international law, the benefit of an express, clear stipulation and declaration of the rule, and a declaration of that rule in terms which the United States itself had dictated.

Mr. BLAINE. If I understand the Senator, it comes to this: the United States thinks these rules are principles of international law and Great Britain says they are not principles of international law; but admits for a particular arbitration that they might be so regarded.

Mr. HOAR. And they each would so govern themselves for the future.

Mr. BLAINE. And for the rest of the nations Great Britain refuses now to join with the United States in asking that they shall be rules of international law; and yet the Senator says they are universally recognized as principles of international law.

Mr. HOAR. That is not a point which I rose to discuss with the Senator from Maine. I know nothing about it. I am not aware of the history of the request on the part of our Government to Great Britain to comply with this stipulation of the treaty, and I am very glad——

Mr. BLAINE. You are aware the treaty required it?

Mr. HOAR. Of course I am.

Mr. BLAINE. And you have never seen any publication that it has been complied with.

Mr. HOAR. Certainly not. I am very glad to hear from the Senator from Maine that he understands steps are being taken to insist upon that obligation. That is a consideration totally foreign to those which I rose to address to the Senate and which I should have completed long ago if I had not been interrupted. My remarks have nothing to do with that point whether England has or has not complied with it. I said in passing, which gave rise to this colloquy with the Senator from Maine, while I was dealing with another branch of the subject altogether, that I did not agree that Great Britain had obtained by the treaty of Washington an advantage as binding us to a stricter rule of the duties of neutrality than those which we conceived ourselves bound by before.

Mr. HOWE rose.

Mr. HOAR. The Senator will pardon me—I wish to complete this statement—for a moment. Of course I cannot speak from any knowledge; but I do not think that those members of this body who concurred in that treaty will any of them be found to admit that they meant to extend upon this nation, to be a great neutral nation usually in the future, especially as to Great Britain, obligations of neutral duty or of neutral care other than they conceived rested upon her by the admitted law of nations before. That is what I meant to say.

Mr. HOWE. Now, if the Senator will indulge me in a single remark, which I make more to explain the interest with which I am listening to his statement than for any other purpose, I want to say right here that I do understand, unlike the Senator from Massachusetts, that those three rules put restrictions upon neutral rights against which this country had protested from its beginning till the Alabama controversy sprang up, and in support of it stands the whole history of Great Britain. She had always, up to the time of that controversy, insisted upon that narrow construction of neutral rights, and we had always protested against it; and I do understand, unlike the Senator from Massachusetts, that we based our claim against Great Britain not so much upon our own interpretation or her interpretation of neutral rights, as defined in public law, as upon those rights as defined in Great Britain's municipal law and in our own municipal law.

Mr. HOAR. Then, Mr. President, I understand the honorable Senator from Wisconsin, a distinguished member of the party which was largely responsible for the treaty of Washington, to say that we pressed upon Great Britain a claim for—what? Alleged misconduct of hers, admitting all the time that we should have had the right to have done the same thing in her place, that it was violating no principle of the law of nations as we understood it, and that our claim rested on the narrow and technical ground that Great Britain had previously governed her conduct when she was not obliged to do so by the law of nations by a different rule, and that she ought not to have changed her mind and brought her conduct into conformity with the laws of nations at the particular time when she did it. Having, of course, no personal authority and no great personal knowledge of what governed the President who negotiated or the Senate who agreed to the treaty of Washington at the time, I beg leave as an American citizen valuing the honor of my own country to disclaim, for one, any such notion of the treaty of Washington.

Mr. HOWE. I want to set the Senator right.

Mr. THURMAN. Will the Senator allow me to say just one word? I will not occupy three minutes.

Mr. HOAR. I will not occupy but two minutes in finishing my speech.

Mr. THURMAN. I beg the Senator's pardon. I thought he was done.

Mr. HOAR. No, sir.

Now, Mr. President, it was the purpose of these two nations, having regard to the great causes of difference, having regard to the probable rivalries and dangers of hostility in the future on the one hand, having regard on the other to the fact that they were the two greatest nations in the world, greatest in their power by sea or by land, the two nations most advanced in civilization, speaking the same language, largely of the same origin, having largely the same institutions, and chiefly the only two important nations on earth who recognized that government was to be determined, by whatever forms or by whatever agencies, in substance by the opinion of the majority of the people governed—they undertook to take the occasion of this great wrong and this great quarrel to remove every possible cause of quarrel for the future, and to do it by resorting to the humane and peaceable principle of arbitration. And in that spirit this arrangement in regard to the fishery question, which has resulted so far from what I suppose was the expectation of either party when it was entered into, was incorporated into the treaty.

Now, I differ with the honorable Senator from Ohio. It seems to me that the important thing in dealing with this question is so to deal with it that this principle of international arbitration may be preserved and honored, and not dismissed with contempt as a rule practice in the future. Here is a case unlike the ordinary case of arbitration between individuals where the courts are open and where a higher authority can deal with them. Here is a case where, as we conceive, there has been a clear, plain, and enormous error in the judgment and award of the commissioners. But we remember that the other party has no other reliance for enforcing it but a reliance upon our honor. I do not attribute, as some Senators do, very much importance or the chiefest importance in this connection to the question whether the award was the award of a majority or was unanimous. I know that the treaty in other parts, where it provided for the Geneva award and for the British claims commission, provided that the award of a majority should govern and that there is no such provision in the article in question; but Great Britain can, if she chooses, argue with great force that it is incredible that, taking the whole spirit and purpose of that treaty, considering it as a mechanism which was to remove all causes of difference between the two nations on account of the fishery question for the future, it should have been supposed by either party that nothing should be accomplished to which the United States on the one hand or England on the other did not give their concurrence.

But I do not undertake to deal with that question. The other point is the important one. Here is an award of five million and a half of dollars or thereabouts——

Mr. EDMUNDS. That is the very sum.

Mr. HOAR. The very sum, for the privilege of catching, at great expense and at great peril and with great hardship and with a great investment for means and appliances, fish for a term of years, when the whole value of the catch, of the fish caught, brought to market, and sold is very largely less than the sum which has been charged. That is a case of a clear, palpable mistake, and it seems to me that there is no want of dignity, that there is nothing which in the least involves the dignity of this Government, in pointing out that consideration to the government of Great Britain, and asking of her administration, with the aid of her own law officers, or in such other way as she shall see fit, to say whether she does not agree with us in thinking that there is a plain mistake. I would not accompany it by any menace. I would not accompany it by any suggestion that we do not propose to pay the whole sum if England shall be of opinion that it ought to be exacted. Still less would I accompany it, as proposed by the Senator from Vermont, with a suggestion that for any reason, present or future, it is likely to be for the interest of Great Britain in other respects not to exact this sum. I would submit this question to her by itself alone, not accompanied by any other considerations except those which address themselves to the sense of honor, the sense of justice of Great Britain, and to her own judgment of what the facts of the case require of her.

I beg to say that when I arose I supposed I should finish what I had to say in five minutes, but the time was extended by interruptions.

Mr. HOWE. I do not complain at all, Mr. President, that the Senator from Massachusetts has occupied too much time. He has misled me, however, as to the exact period at which he closed; and so I may have seemed a little impatient to take the floor. I do not mean myself, however, to keep it for more than a moment, and that mainly to state, if I can, rather more accurately than I think the Senator from Massachusetts has stated, what my claim is touching this Alabama controversy.

I did say, and I now repeat, that I understand those three rules to contain, not that declaration of neutral rights which we had always insisted upon as the true definition of public law up to the time of this controversy; and, because I say that, the Senator from Massachusetts understands me as charging that the late Administration, which had no more loyal friend in the United States than I was and am, pressed upon Great Britain a claim for damages for having done during a great war precisely what we would have done if we had been as she was, a neutral. No, Mr. President, I do not mean to charge that Administration with doing any such thing. Our claim, as I understand it, was pressed upon Great Britain upon three grounds, that she was a neutral while we were a belligerent, and our first complaint was that she made our adversary in that contest a belligerent when she had no right to do so.

Mr. HOAR. Before the Senator completes that statement, I wish to put him a question, because I know he will very clearly state the answer to that question as a part of what he is now about to state. Did we press upon Great Britain at Geneva during the last administration any claim except for a violation of those three rules?

Mr. HOWE. Did we press any? I cannot undertake, standing where I do, to answer that question directly, because I am not so familiar with the whole ground assumed in argument at Geneva. I am speaking about the case as we made it up against Great Britain and as it entered into our negotiations. We complained of Great Britain because she made, as I say, of our adversary a belligerent when she ought not to have done so; and, secondly, we complained that her conduct, if not in derogation of the rights of a neutral as defined by public law, was in derogation of those rights as defined by the public law upon which she had always insisted, of that law which she had enforced upon neutrals wherever she had had the opportunity and the power to do it; and, thirdly, because it was flatly in the face of every obligation as a neutral as defined in her own municipal statutes, statutes enacted for special purposes and induced by special considerations. These, as I said, were the three grounds upon which we pressed our claims against Great Britain.

Mr. HOAR. Now, will the Senator allow me right there? I understand, with great deference to his superior knowledge of what took place, that the last administration—I am not speaking about what particular Senators or particular administrations may have done—but that the last administration did not press its claim against Great Britain for the things which the Senator has stated; but, on the contrary, that Mr. Motley was reproved and, it is said by very high authority, removed, for going into the consideration, beyond his instructions, to which the Senator from Wisconsin has adverted.

Mr. EDMUNDS. In spite of his instructions.

Mr. HOAR. In spite of his instructions, then; and that, so far from its being our claim that Great Britain did not act up to her own municipal statutes in our case, which she had made for other special cases alone, the great burden of our claim was that she was bound to make those statutes an instrumentality sufficient, and that she had not done it, to secure the observation of the principles of public law governing the nations of the world in like cases.

Mr. HOWE. I assume that either the Senator from Massachusetts or myself could make our respective positions more intelligent to the Senate or to the country if we were to repeat them several times. He may be right in his definition of that controversy, and I may be wrong; but I should think it was very strange if it should turn out that the United States of America, which has in fact been in all its previous history more usually a neutral than Great Britain has been, had been the power, the one power, which had insisted upon a strict definition of neutral rights, while Great Britain had been insisting upon a broad definition of those rights. My understanding is right the reverse of that, that a hundred years ago Great Britain was one of the powers on the face of the globe which would scarcely admit any such thing as a neutral right unless it was maintained by force of arms. All the public law recognizes to-day of neutral rights is mainly the work of the Government of the United States. I do not care to pursue that subject.

One single word now about the resolution. I am quite indifferent as to what shall become of that. I care but very little whether we make a protest about this award or not. I suppose there can be no dispute between two candid men, certainly no two candid Americans, that the amount of the award is exorbitant and extravagant beyond precedent; but I would not myself make a face for a moment about paying it on the single ground that it is large. If it is an award; if it is the judgment of the tribunal to whose judgment we appealed, then whether that award comports with our notions of justice or not I would submit to it and I would not make any particular fuss about it. But if it be not the judgment of that tribunal, if it be not in the law recognized in this country and in Great Britain an award of the arbitration to which the subject was submitted, then I think I would stand by the law on the subject and not stand by this and whine about a judgment. When, therefore, you come to consider the question of paying the money, I shall have something to say. So long as the question is merely whether we shall whine or not, I do not care to say anything about it.

Mr. CONKLING. Mr. President, had not the Senate voted to-day repeatedly to adjourn on the 17th of this month, I should fear that we might do, and possibly say, too much rather than too little about the topic before us. But as that period of duration has been fixed, perhaps there is no reason to apprehend that harm will come from any of the possible digressions into which this debate has been or may be led.

One of the best products of recent civilization was that great deed of composition which has come to be known as the treaty of Washington. A group of large and dangerous questions were lifted from the forum of force into the realm of reason and dignity, to be disposed of there. It would be lamentable, I think, if anything should be done now or at another time to impair the position of the United States touching so great a matter.

One of the differences between the parties to the treaty to which I refer was a matter of account about fisheries. Under the stipulation the two parties agreed to submit that to arbitration. It has been submitted, and an act has been done called an award. Now, Mr. President, if that is an award, I agree with the Senator from Wisconsin that it is not worth while to make wry faces or to do anything quite beside from the matter in respect of it. If it is not an award, if it is void for want of concurrence, if therefore it is jurisdictionally void as I think I might say, and utterly null, I would so declare. If a court proceeding against me should assume to render a judgment in respect of a matter of which it had no jurisdiction whatever, or if it should proceed to do something called rendering a judgment by an act or process entirely inconsequent and ineffectual, I should feel that I might and ought to say "that is no judgment." And the greater the instance in which the illustration may be put, the more manifest perhaps becomes the right of the matter.

On the other hand, although this be an award in form, if it is exorbitant, and not only exorbitant, but so grossly and glaringly so as to imply fraud or other matter on which the Congress of the United

States shall hold that it may stand in denying the validity, although formally it is right, I would say so.

But, Mr. President, if neither of these cases exists, it seems to me I would not say any one of the several things which have been suggested. If the award has been made, and we are to pay it, let it be paid and paid as a great nation should discharge an obligation; and my impression is that, in that event, that is all that should be done with that matter.

Some other things may remain. The honorable Senator from Vermont has suggested one other. I would deal with those as I would deal with this, by themselves. I would not make a tender to Great Britain and say, "Here is the money, but if you take it we give you notice that therefore and thereupon we will not abide by this treaty after the time shall have come that we are not bound to abide by it." I would not do that, because I think it would impair and belittle the latter part of the act which, put by itself on its own foundation, would be more respectful. Particularly I would not do it when the only function done now would be to give notice three years in advance of a possible time, that after the lapse of three years we will proceed to give another notice which can then begin to run. It cannot begin to run now, as I understand article 33 of this treaty. It is to continue the ten years, and two years' notice may put an end to that portion of the treaty on which this debate is operative, but that notice cannot be made until ten years have elapsed; therefore, there is no mode of anticipating with diligence now the running of the notice. It is simply to brandish in the face of Great Britain—I do not say the menace, I believe that term was employed by some Senator—perhaps not that, but it is to brandish the intention, hinging the intention on the receipt of this money, to do a thing when the time comes which we cannot do now, and in respect of the doing of which many considerations may arise in the intervening time furnishing far more solid grounds than exist now for the action that may be taken, be it one way or be it the other.

But it is said—a Senator near me said in private discourse half an hour ago, more pointedly perhaps than I have heard it said in the debate—not exactly as the Senator from Ohio put it, quoting somebody, that we should be estopped if we did not speak; he did not go so far as that, but he said, "Suppose I rent a house, and I have been using it for years; I differ from the landlord; and I agree to refer the question; to leave it to a third person, and a sum is fixed as rent, and I pay it, and say nothing about it, is there not some implication that during the remaining years I occupy that house I will consider that the measure of value?" Well, I answered him as the honorable Senator from Ohio proceeded to answer, that if a man paid a judgment at the end of an execution in a contested matter, it could hardly be said that he had adopted as an act of his own judgment the measure of damages. But this may be distinguishable from that. If so, then, as some men sometimes say in indorsing a note, that they do it "without recourse;" let us say that this is without any intendment to flow from it that in the judgment of the party making this payment it is a fair measure of value; without any intendment that as to the future we still regard this as a measure or indication of that we ought to pay. For such an amendment I do not see why we might not vote, and why it would not stand the test of friendly or unfriendly criticism. But for us to say that, depending upon the acceptance of this money, we threaten now—for that is all it amounts to—that when the time comes we will give the notice for putting an end to this treaty, I humbly submit would be undignified, impolitic, and barren, an act from which no good would come, and which might lead to embarrassment in any one of several contingencies neither of which is by any means impossible.

Now, Mr. President, were this resolution reported by the Committee on Foreign Relations never passed at all, I am not prepared to say what harm would come from that. The money is to be paid by a certain time. This resolution does not advance it unless it is to have some moral influence upon the constituents of the two Houses; it does not take one legislative step toward the payment of the money. That must be by a bill, which bill must undergo every process, with this resolution on our records, which awaits the bill without. It is a mere manifesto; it is a preamble. I know that Mr. Webster said the revolution was fought on a preamble, and perhaps the discussion on the bill which is to follow may be affected by the preamble; but in and of itself it has no practical effect; it is the mere expression of an opinion.

I shall vote for the resolution, although I hope that it will not occupy a great deal more time if, as I trust, we are to have a speedy adjournment; and I hope if it is to pass it will pass without being encumbered by any of the things to which I have referred or some other things to which I might refer.

Mr. EDMUNDS. Mr. President, it does not appear to me that we are proceeding in exactly the right way about this business, with great respect to the committee. What the Senator from New York has said has convinced me more and more that the straightforward thing to do is to ascertain and decide in the first instance whether this award is justly binding upon us or not. If it is justly binding under the circumstances that attended it, then there is nothing to be said about it but to pay the money. If, in our opinion, it is not justly binding upon us, then it appears to me that the candor and good-will that we feel and owe to Great Britain should lead us to say so and hear what she has to say about it. That is the way it strikes me; and yet the committee has reported a resolution that does not express any opinion of the Senate at all upon this vital point, as it strikes me. If, as I have said, our opinion is one way, then we ought to do one thing; if our opinion is the other way, then we ought to do another thing as it seems to me. Then the first thing that we ought to ascertain is what our own opinion is frankly and fairly, and state it publicly, on the subject of the binding validity of this award. If it be binding, as I have said, we ought to pay it without any qualification; but I think we should still have a right, without being regarded as undignified, to say that we did not wish to occupy property any longer than we were obliged to do, on the same terms. It may be that the proprieties of diplomatic intercourse, the tenderness that we feel to a nation that is quite as great as we are and therefore cannot be considered as taking up a thing as a menace very easily, might authorize us to say what we thought, without the fear of being misunderstood.

I am not going to spend any time in going into the discussion of the three rules that the Senator from Massachusetts and the Senator from Wisconsin have referred to. I agree in general with what the Senator from Massachusetts has said, that what is contained in the three rules is in substance and effect exactly what is contained in our act of 1818 on the subject of neutrality, is exactly what Mr. Adams insisted upon to the British government during the rebellion and during the very time when, through her want of diligence or in spite of her diligence, as the case may have been, the confederate cruisers were built, armed, manned, and sent forth to make war upon American commerce. So far as I understand, the principles of the act of 1818 are simply the principles that exist in these three rules; and there is not any great occasion for us therefore to complain of the existence of these three rules, although I agree with what the Senator from Maine has said that it is a very extraordinary thing that the government of her Majesty, the Queen of Great Britain, and so on—I will not take time to express her whole title—should have been so reluctant, as evidently it has been to do what the treaty proposes and binds the two contracting parties to do, and that is to invite the other friendly nations of the globe to agree to the same principles of international conduct in case of war. There is something very extraordinary about it.

Now, what I propose, Mr. President, because I think it right, is to recommit this resolution to the Committee on Foreign Relations, with instructions to consider and report whether in its opinion the award at Halifax is upon just principles of law binding upon the United States.

When I am informed of an answer to that question then I shall know, so far as I am concerned, exactly what I ought to do. If that committee report to us that in their opinion this award is not binding upon the United States upon just principles of law it will undoubtedly be upon such reasons as will convince the Senate of its correctness. If we are convinced of its correctness, then I am not in favor of paying the money at present. I might agree to pay it afterward, although there be no award at all. If the commissioners had never met, if Her Majesty's government had said, "Here, give us five million and a half and waive the trouble and expense of a trial about this business," possibly I could vote for it under certain circumstances; I do not exactly see what they are at the present moment, but it may be that I should. If, on the other hand, it is the judgment of Congress, founded upon the report of a responsible and able committee, that we have not yet had any award under these articles of this treaty, then there is no occasion for our making any provision for its payment until further communication; but if that committee shall report that this award is binding upon the principles that regulate the intercourse of nations and binds their consciences as private arbitration binds the honor and the conscience of a private citizen, then there is nothing for it but simply to appropriate the money without whining, as somebody has expressed it, or making wry faces about it. We have promised to pay it in that sense, then, and there is no occasion for doing anything else but pay it, having the right to express at that time or at any other time as it may be convenient (and not with reference to the payment of the money) that we shall exercise and direct our Chief Magistrate to exercise at the proper time the duty of terminating the provisions which, if they were to continue, would lead us into a similar liability in the future.

Therefore, and because, as my friend from New York has said, time is now precious, I move to recommit this resolution to the Committee on Foreign Relations with these instructions.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to recommit with the instructions he has submitted.

Mr. SARGENT. Let us hear the instructions.

The PRESIDENT *pro tempore*. The proposed instructions will be read by the Secretary.

The Secretary read as follows:

Resolved, That the resolution be recommitted to the Committee on Foreign Relations with instructions to consider and report whether in its opinion the award at Halifax is upon just principles of law binding upon the United States.

Mr. HAMLIN. Mr. President, I hardly know the real duty which is devolved upon us. I appreciate the importance of time as all Senators do; but I feel still that there is some responsibility upon myself in relation to this matter which perhaps demands that I should occupy more of the time of this body than I otherwise would. I hardly know now, as I speak, whether I shall limit myself within

five or ten minutes or an hour; but in whatever I may say, I do invoke the attention of Senators to the manner in which this question before us has been discussed.

There is no limit to the latitude of debate in this body, and there is nothing above the earth or beneath the sky that may not be talked about on any question that comes before us for our consideration; and when the Senator from Ohio gently suggested to my colleague that he was traveling a little out of the record, or, to use his own words, taking a pretty broad latitude, I thought the Senator from Ohio was correct; but when I listened to what the Senator from Ohio had to say, I thought he was equally obnoxious to the charge he had brought against my colleague, for I confess it required conceptions much keener than any that I possess to draw an inference or to see, even with a microscope stronger than any I ever gazed through, what on earth it had to do with this question, or what connection how it was proposed by anybody that we should divide the award of the Geneva tribunal could have with this question. I could not see that it had the slightest bearing upon this question. The Senator from Ohio knows, if he has not forgotten it, because it was a matter of frequent conference, that I concurred and agreed with him in opinion as to whom the great amount of that award should go; but that it has any earthly connection with the question that is now pending before this body, I repeat again, I fail to see; nor do I see that the discussion of the three rules named in the treaty of Washington has anything more to do with it, certainly very little more, than the point which the Senator from Ohio has brought into discussion here.

Now, let me bring the attention of the Senate—and I will try to do it in a few moments—back to the question which I think is fairly before the Senate; and I will state as briefly as I can the reasons which, in my judgment, ought to control us and the reasons that operated upon the minds of our committee and by which they arrived at their conclusion.

First I will submit an amendment to the motion which has been submitted by the Senator from Vermont. I move to strike out "Foreign Relations" and insert "the Judiciary." If we are going to ask for law opinions we want them from the Law Committee of this body. I shall therefore move to amend his motion in that way.

There is a great deal in this argument which I think is just *ad captandum* and no more. "If this award is valid, pay it; if it is not, do not pay it." That is a very simple way to place the question, and it disposes of it very easily. The view which the committee took was a little different from that, not quite so brief, perhaps not so wise, but it was the one which they did take. They said, first, that the President of the United States has communicated the papers in relation to this transaction to this body, and those papers are accompanied by a long communication from the Secretary of State, in which he has suggested precisely what the Committee on Foreign Relations are now seeking to carry out, to wit, that there are two points; and I say to my friend from North Carolina [Mr. MERRIMON] that the third one to which he alludes has no foundation in fact. There can be no question as to the appointment of the third commissioner. I think I am justified in saying that, upon an examination of all the papers, our mouths at least ought to be closed in relation to the appointment of the third commissioner. That was the reason why the Committee on Foreign Relations made no allusion to it.

That brings me to the letter of the Secretary of State, in which he has given us the evidence upon which we are acting; and he says, first, that it is questionable, I do not know that he puts it quite as strongly as that, but he submits the suggestion whether the award is legal and binding, it having been signed by only two of the commissioners. A friend near me says that is all the point there is in it. I submit, and I think I shall convince his candid mind, that it is not all the point.

Mr. CHRISTIANCY. All the legal point.

Mr. HAMLIN. Yes, there the Senator and myself agree. Now we are but one party to the question, and we are carrying out what was thought to be a great international principle of determining international questions by international tribunals; and it is in that light and in that view that we should approach this question and consider it; I think, in a wholly different light than if we were not a party to the attempt to introduce the settlement of international troubles by international tribunals.

We were but one party to this transaction. We may say we have the power—I will not use the word "right"—we may have the power to say that this award is invalid, and therefore not binding; but when we say it, we do not ask a conference with the other side; we do not seek to harmonize the different parties that are negotiating under international tribunals; but we arbitrarily say that this question we will decide for ourselves.

Now what does the President ask in the communication he makes to us submitting this matter for our consideration? I will read his language, so that I shall not misstate it:

> I respectfully submit to the consideration of Congress the record of the transaction, as presented upon the papers, and recommend an appropriation of the necessary sum with such discretion to the executive government in regard to its payment as, in the wisdom of Congress, the public interests may seem to require.

The papers come here with an outline made of the view of the Government, and it is published to the world, and he makes the two points, first as to the authority of the commission to decide, and second as to the amount of the award. The Committee on Foreign Relations did not undertake to express any opinion upon the first question, because they believed it more just, more proper, and wiser, to ask a conference with the other party to the transaction and leave it to the law department of our own Government to decide, when the question shall finally come, whether this is that legal decision which ought in good faith to be paid if we mean to preserve the honor and good faith of the nation.

Next was the question of excessive damages. There has been a great deal of talk here this morning in relation to that, and one Senator says that a protest is useless and it is illustrated in various ways; that when a judgment in court is recovered against us it is useless to protest, because it is the judgment of the court and must be paid. Begging Senators' pardon, the cases they put are not parallel and fail to have effect. This is a case where the award is for a limited period of time, and when the treaty which secures to us the rights to the in-shore fisheries shall expire, this thing comes up again like Banquo's ghost, and it will not down, however often we may bid it; and I affirm that if we pay it silently, if we pay it without saying one word of protest when we pay this award, we shall in the future be found embarrassed and troubled, we shall add to complications to that question which has stretched from the treaty of 1783 down to the present time, and it would seem is to be continuous and without end.

From these considerations your committee declined to express an opinion upon the legal and valid and binding force of the award. For the very reasons which I have stated they did recommend in as strong words as they could use, that it was wise and expedient to protest against this award. We affirm that there has been no fraud, but we think there may have been a mistake. Is there anything incompatible with the dignity of our Government in suggesting to a friendly power that we have that impression? Is there anything improper in suggesting to them that they should confer with us in relation to the legal and binding force of the award? I fail to see it entirely.

Again, Mr. President, this Government has stated its case to the world. It is in the letter of the Secretary of State. The Committee on Foreign Relations have followed as nearly as possible along the same path, and have adopted at least the same line of argument. I ask Senators to say that if in transacting and negotiating with foreign governments we can well afford, unless there be very strong reasons, to declare one line of action in the legislative department of the Government while the Executive is engaged in another. I would not follow the Executive's course if it were illegal; I would not follow that course if it were morally wrong; but in a case which I believe to be pre-eminently so just and proper as this, we add a strength to the Executive by standing side by side with it in the course which we shall see fit to take.

I hope, therefore, Mr. President, that the Senate will in its wisdom believe that it will be best to adopt the course which the committee have suggested. The necessity of that course is to show to the world that we are in harmony with the views of the Executive Department as they have expressed them in relation to the subject. You cannot incorporate in a bill an argument. It is no place for it.

You can get a distinctive expression of the view of Congress, as I conceive, in no way, or in no way so well as to ask them to vote upon a resolution which seeks further negotiations between the United States and Great Britain upon the two distinct propositions that are named in the report of the Committee on Foreign Relations. I think there is a moral power in it, and it will have its effect. I do not undertake to express any opinion or belief as to what may be the ultimate result of this effort; but I am willing that our Government shall submit these facts, as they have been presented to us, to the consideration of the English government, and under the advice and direction of her own law officers, I have no doubt they will come to that conclusion in which the American public and people will acquiesce.

Mr. President, I could consume your time, I could go over the ground which has been occupied by others, but if I have been able to state my case and to state the basis or the reasons which have influenced the committee and the manner in which it has been presented here, I have answered my purpose. If I have not done it, I should fail to make a speech if I were to talk further to argue it. I hope, however, that we may proceed as soon as may be to vote upon the question, and I will ask all Senators (not that I would limit debate) to join with me in hastening a conclusion. I will only add, Mr. President, that if this matter is to be taken from the Senate now, I insist that it shall go, being a law question, to the Law Committee of the body, and not again to the Committee on Foreign Relations.

Mr. THURMAN. Mr. President, I dislike to detain the Senate further on this question, but it has taken a new phase and I feel bound to say a very few words upon it.

It is now proposed to recommit the resolution to the Committee on Foreign Relations with instructions to report whether the award is binding, and it is said, and said truly, that if the award is binding the plain way is to pay, as the Senator from Vermont expressed it, without making wry faces about it. If it is not binding, the plain course is not to pay it at all, because we are satisfied that the award is erroneous. We might waive technicalities if we thought the award was just. We should not be in a very good position to insist on technicalities against a just award. But our Government and the whole Senate believe this award is unjust, and believing that, we cannot be bound in honor and good faith to pay it unless the award is binding. If it is binding, there is nothing to do but pay it, and to

pay it as the Senator from Vermont has said without making wry faces about it. If it is not binding, then it is plainly our duty not to pay it. So, Mr. President, I was a little surprised when I heard the motion to recommit, because I had supposed that the Committee on Foreign Relations had decided that the award was binding. ["No!" "No!"] I was surprised to hear the chairman of that committee say they had not decided anything, because I could not for the life of me see how they could report a bill to pay it unless it was binding.

Mr. CONKLING. They have not reported a bill to pay it.

Mr. THURMAN. I understand perfectly well what the closing part of the bill means. Here is the bill, a very short one:

That the sum of five and one-half million dollars, in gold coin, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and placed under the direction of the President of the United States, with which to pay to the government of Her Britannic Majesty the amount awarded by the fisheries commission, lately assembled at Halifax, in pursuance of the treaty of Washington.

Mr. CONKLING. The Senator will pardon me; I want to justify my correction. That is not the resolution under consideration.

Mr. THURMAN. I know; but that is the bill reported by this same committee.

Mr. CONKLING. I beg the Senator's pardon. I did not understand his assertion or I should not have corrected it.

Mr. THURMAN. Then there is added:

If, after correspondence with the British government, the President shall deem t his duty to make the payment without further communication with Congress.

I know there is that qualification there, but surely the committee never could have intended that the President of the United States should pay an award which, in the judgment of the committee, is not binding on this Government. I cannot imagine that the committee could ever have intended any such thing as that.

Mr. HAMLIN. The Senator will pardon me a moment.

Mr. THURMAN. Certainly.

Mr. HAMLIN. The committee did not seek to and did not decide that question: is the common law of the two nations binding? Does the civil law come in to relieve governments in national arbitration from the provisions of the common law? We have one or two lawyers upon the Committee on Foreign Relations; many of its members are not lawyers, and we did not seek to determine that question, but we leave it to the law officers of our Government. I ought to say, however, that the words which were designed to be put at the end of that bill, and were omitted, are contained in the report of the committee:

If the President of the United States shall, without further communication with Congress, deem that such payment shall be demanded by the honor and good faith of the nation.

Mr. THURMAN. Well, now, Mr. President, that does not relieve the matter, it seems to me. We can decide whether the honor and good faith of the nation require us to pay this award or not, and we decide that in an instant; for if we say the award is not binding on us, then it is clear that honor and good faith do not require us to pay it, since we all admit it is an unjust award. That is a great power here, and we ought not to relegate that question to the President of the United States or to anybody. I think, therefore, that I was quite right in supposing that the committee had examined the question and determined that we were bound by the award. If that question has never been determined, then I am willing for one, if that is thought to be the best course, that the resolution shall be recommitted, and it seems to me that the proper committee is the Committee on Foreign Relations, because that is supposed to be best acquainted with international law and with the treaties which this Government makes.

So much for that. I will not take any more time about that; but before I take my seat——

Mr. BECK. Will the Senator allow me to ask a question? I endeavored to get information from the Senator from Maine this morning in order to know how to vote upon the resolution which said that the views and recommendations of the Senate Committee on Foreign Relations touching this award are hereby approved. Now, he says they have given no view, recommended nothing, and I do not know what we are to approve. I want the Senator from Ohio to tell me whether this is a mere sentimental resolution or whether it is to accomplish anything? I do not propose to vote a sentiment but to vote upon something that the committee ask us to approve.

Mr. THURMAN. I hope my friend does not ask me that question.

Mr. BECK. I failed to get an answer from the Senator from Maine, and I want to get one now from the Senator from Ohio.

Mr. HAMLIN rose.

Mr. THURMAN. I want to finish in one sentence before the Senator's colleague leaves the Chamber. I wish the attention of the Senator from Maine farthest from me, [Mr. BLAINE.] If I understood the Senator from Maine who sits farthest from me, he closed some remarks this morning with a statement that surprised me very greatly and that I can hardly think he would have made if he had reflected long enough upon the subject. I understood him to say—I hope he was mistaken—that notice had been given to the government of Great Britain that we no longer considered this article in the treaty establishing the three rules as in force.

Mr. BLAINE. No, I did not state that. I suppose a notice is something formal and official; that has not yet been resorted to. What I did say, and what I have understood, was that Mr. Fish, Secretary of State, did say in a letter to the minister from Great Britain, Sir Edward Thornton, that the concluding clause in regard to the three rules must be held to be indivisible, and that, Great Britain declining to join, according to her obligation, in recommending the rules to other nations, they would be treated as a nullity by our Government. That is what he said.

Mr. THURMAN. If Mr. Fish ever made such a declaration as that, he was very oblivious of his powers and his duties.

Mr. BLAINE. I am not attempting to quote anything; I am only stating what I have heard in quarters which I regard as entitled to the highest respect; and as soon as the pending matter is disposed of I intend to offer a resolution calling for the correspondence, and it will then, I think, be found that words to that effect were used officially by Mr. Fish in his correspondence with the British government.

Mr. THURMAN. I cannot state what words were used except so far as they have been communicated to the Senate; and usually such correspondence is not communicated to the open Senate unless the President thinks it may be done without injury to the public service. I do not know, therefore, whether this correspondence is among the published correspondence open to everybody or not. If it is not, I do not know how it gets here. But this I have to say: here is a treaty that by its terms is binding for ten years; that treaty can be put an end to in one of several ways. War between us and Great Britain would put an end to it. Another treaty negotiated by the President and ratified by the Senate would put an end to it. It may be it has been contended in this Government again and again that we may do what Congress did with respect to the French treaty of the Revolution, put an end to it by an act of Congress.

Mr. BLAINE. One moment. I fear either that I have misunderstood the Senator from Ohio or he has misunderstood me. He did not understand me, I hope, as saying that I had ever heard that Mr. Fish said the whole treaty would be a nullity.

Mr. THURMAN. Or any part of it.

Mr. BLAINE. Merely this: that the government of Great Britain refusing to join in commending, as the treaty obligation requires her to do, the three rules to other maritime powers, this Government would treat them as a nullity respecting itself, but not touching any other part of the treaty. I never said anything of that sort.

Mr. THURMAN. Very well. I say the President or the Secretary of State had no more right to put an end to one article in a treaty than he has a right to put an end to the whole of it, and I can hardly conceive that the information of the Senator from Maine can be correct. I think Mr. Fish was too prudent and circumspect a man to have undertaken to assume powers that he certainly did not possess.

Mr. BLAINE. I do not think Mr. Fish——

Mr. THURMAN. I beg not to be interrupted. I shall be done in a moment, and I do not want to occupy the time of the Senate.

I can conceive a case in which the President, from the very necessity of the case, must determine, and determine on the instant, whether he will consider this Government bound by a treaty or not. The conduct of a government may be such that the President in vacation, when no Congress or Senate is in session, may be compelled *ex necessitate rei* to determine instantly whether this Government will consider the provisions of a treaty binding or not; but that the President can, when Congress is in session or when the Senate is in session, assume to decide for himself and for this Government that the Government will not carry out the provisions of a solemn treaty made by this Executive and ratified by the Senate, I utterly deny.

Mr. BLAINE. Mr. President, all that I have ever understood that Mr. Fish said was what as a prudent man and careful Secretary and very painstaking official he was bound to say. Let me read again the clause of the treaty:

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers and to invite them to accede to them.

Mr. Fish, I have understood, said to Sir Edward Thornton that the obligation contained in that paragraph was indivisible, and that it was not for Great Britain to hold us to it, and refuse to join with us in asking other nations to accede to it. Does the honorable Senator from Ohio differ with Mr. Fish in this position?

Mr. THURMAN. I have expressed no opinion upon that at all, whether it is divisible or indivisible.

Mr. BLAINE. It does not require any opinion to be expressed whether it is divisible or indivisible. It is so on its face; it is a copulative conjunction that joins them together and unites them as one duty. It is a mere question of the English language and Lindley Murray's parsing. I certainly did not wish to state here any rumor that assigned to Mr. Fish the performance of an act that was not in the highest degree prudent and in the highest degree patriotic, for I think his whole course was that of a most prudent and patriotic Secretary; but I think he would have been lacking in the spirit which he always possessed if he had not said to Sir Edward Thornton, "You cannot hold us to that part of the treaty which is of advantage to you and deny to us that part which is of advantage to us." That is all Mr. Fish said and he ought to have said it. He could not properly have said less.

Mr. EDMUNDS. Mr. President, I think when we get the correspondence—and before that time of course we are merely speculating in a certain sense, or ought to be, as to what it is—it will be found

that Mr. Fish has not done what the Senator from Ohio understood the Senator from Maine to impute to him.

Mr. THURMAN. I impute nothing.

Mr. EDMUNDS. No, I say what the Senator from Ohio understood the Senator from Maine to impute to him; but it will only be found that Mr. Fish, very properly and very likely with conclusive reasoning, brought to the attention of the agents of the British government the circumstance that if Great Britain omitted or declined, upon frequent request, to unite in inviting the maritime powers to also subscribe to these rules, there might be good ground to hold on the part of the Government of the United States that the three rules would not be binding as between these two powers.

Mr. BLAINE. I think that, too, but I think the Senator from Vermont will find that the Secretary of State did not put it quite as gingerly as that. I think he said it a little more plainly than that.

Mr. EDMUNDS. That we can tell better when we can see it.

Mr. BLAINE. When we get the correspondence.

Mr. EDMUNDS. I think it will be found that the Secretary of State has not usurped any authority whatever, but that whatever he did on that occasion every American citizen when he comes to see it will approve of.

So much reference has been made to the appointment of the Belgian minister and in a certain sense in a way to seem to reflect upon the industrious and wise action of the Secretary of State, that I wish to state what I have good reason to believe was the history of that affair.

This treaty having made these provisions, on the 1st of July, 1873, legislation having been obtained on both sides, (the latest on the part of the United States in March, 1873,) the fishery clauses went into operation that day, and the ninety days that the treaty refers to within which the two governments were to agree upon the third commissioner, began to run, and in the failure of that agreement within the ninety days then the Austrian minister at the court of St. James was to name the third commissioner. Between March and July, 1873, Mr. Fish had many conversations with Sir Edward Thornton, as shown by the published statements, that are known everywhere, upon that subject, with a view to an agreement upon a third commissioner, when the term of ninety days should arrive. In the course of these, Sir Edward Thornton asked Mr. Fish to assent to the name of Mr. Delfosse, but Mr. Fish declined.

On the 7th of July, 1873, Mr. Davis, the Assistant Secretary of State, by direction of Mr. Fish, in letter No. 1, Executive Document—I am now referring to public documents—proposed the name of every chief in the diplomatic corps at Washington who could speak English, except Sir Edward, Count Corti, Mr. Delfosse, and the Portuguese minister. He stated that the last two were omitted because "by reason of the peculiar connection of their governments with Great Britain, they would probably esteem themselves disqualified for the position." The full purport of this expression may be understood by referring to paragraphs 4, 5 and 6, on page 5 of the Senate document, and to paragraph 4 on page 12 of that document, which is published in our archives.

On the 19th of August, 1873, Sir Edward Thornton replied by proposing Mr. Delfosse. He had received instructions to propose him, had cabled that Mr. Fish would not accept him, and had been ordered to propose him nevertheless. See letter No. 3 on page 4 of the same document already cited. On the 21st of August, 1873, Mr. Fish replied declining again to accept Mr. Delfosse assigning as a reason the political relations between Belgium and Great Britain. See letter No. 4 in that same series.

Sir Edward Thornton declined to accept any of the names mentioned by Mr. Davis in the letter referred to, on the ground that the government of Canada objected to the appointment of any foreign minister residing in Washington. See letter No. 5, in these documents.

Mr. Fish objected to these proceedings as a violation of the spirit of the treaty and invited the British government to try to agree upon the third commissioner. See letter No. 6, pages 6, 7, and 8.

Sir Edward Thornton proposed, under instructions, that the ministers of the United States and Great Britain at The Hague should agree upon the third commissioner. That will be found in letter No. 8 in the same documents. Mr. Fish declined this, regarding it as a violation of the treaty as agreed to by the Senate, in which he was of course quite right. The Senate had given him no authority to make that provision.

On the 3d of October, 1873, the ninety days having expired, Mr. Fish proposed that nevertheless the two governments should waive the lapse of time and endeavor to agree on the third commissioner. That will be found in this same correspondence, letter 11. Great Britain rejected this as inconsistent with the treaty. That will be found in the same correspondence, letter No. 13.

After the discussion in these notes numbers 14, 15, and 16, as they appear in the documents, the subject was dropped. Soon afterward Mr. Rothery arrived here from London and Mr. Brown from Canada, the Dominion agent, and opened negotiations for a reciprocity treaty with Canada in place of the fishery clauses of the treaty of Washington. In consequence of the action of the Senate, these negotiations were unsuccessful, as we all know.

On the 21st of April, 1875, Sir Edward Thornton renewed the request for a joint request to the Austrian embassador at London to appoint the third commissioner. That will appear in the documents I have referred to, at page 18.

On the 8th of May, 1876, after a considerable correspondence which I believe is not in the Senate documents—I will not state for what reasons, but confidential reasons no doubt—Mr. Fish assented to negotiate for the form of the proposed request, which under the treaty it was his duty to do undoubtedly. Mr. Fish still endeavored to induce the British government to arrive at an understanding by which the services of Count Beust, the Austrian embassador, would have been dispensed with. In this he was always foiled.

In February, 1877, Mr. Delfosse's name being again suggested by Sir Edward Thornton, Mr. Fish agreed that he might be named by Count Beust, the Austrian embassador, for the place. Mr. Fish was induced to do this by the conviction that it was better to have Mr. Delfosse, who was known, objectionable as the appointment was on account of the political relations between Belgium and England, rather than trust to an unknown appointment to be made in London by a person subjected to British influence.

That, Mr. President, on looking through these documents, you will see is a correct statement of the history of this affair, and whatever untoward result may have come to us from the selection of Mr. Delfosse, we do not know that a still worse one would not have come from the selection of some other person by the Austrian embassador at London; and there is no ground in my opinion to criticise the intelligence, or the fidelity, or the wisdom of Mr. Fish in at last taking the alternative of this high-minded and honorable Belgian, whatever may have been the political bias and influence to which he had been subjected, rather than trust to an unknown exploration upon an unknown sea put forward by the Austrian Minister at the Court of St. James.

Now, Mr. President, one word on the amendment proposed by the Senator from Maine [Mr. HAMLIN] and I shall have done, and I trust finally. I hope that amendment will not be agreed to. This is purely a diplomatic question; I do not mean a question of negotiation, but a question of public law. It may be that the principles of municipal jurisprudence of the two countries will have a great deal to do with it, but it is a question of public law between two nations; and I am sure, composed as the Committee on Foreign Relations is, that we could not find a better committee in this body, indeed I think we could not find one nearly so well adapted to consider and report its opinion to us on this question as that committee.

Mr. WHYTE. Mr. President, it is manifest that the Senate is not in a condition to vote directly upon this question; that we need the opinion of the law committee on the subject before we vote. It is not only a diplomatic question, as the Senator from Vermont presents it, but it is a question of international law which we should first decide. We should decide whether by the terms of the treaty this award is binding, or whether upon principles of international law it is binding, the treaty not providing for it. Under these circumstances I hope that the Senate will send the question to the Judiciary Committee that we may have a law opinion upon it.

Mr. HAMLIN. If the Senator from Kentucky [Mr. BECK] will give me his ear, I will endeavor to answer the question which he submitted. The object of the Committee on Foreign Relations was, and I think if the Senator will read their report carefully he will find that it is stated with tolerable clearness, to confer with the British government first upon the legality of the award as named in the second paragraph of the report on the second page. There the committee state the fact that the award was signed by only two, and the additional fact that as to the other commissions provided for in the treaty of Washington it contained a provision that a majority should act. The paragraph concludes:

> But, in the judgment of your committee, it would not be wise or expedient for the United States to refuse to pay the award on this ground, if the British government, after the subject shall have been brought to its attention—

By our Executive. Therefore the committee understand that they recommend distinctly a reference of that subject to the consideration of the two powers; and then follows a discussion upon the fishery award, stating its excessive amount, and discussing it; and on page 5, at the conclusion of the first paragraph on that page, are these words:

> Your committee therefore recommend that the facts connected with this award be fairly and fully submitted to the government of Her Britannic Majesty.

Then follows a paragraph protesting against the excessive award as having no binding effect in the future as to the true value of the privilege conceded. Now these are the subjects which it is proposed by the committee shall be discussed in the nature of negotiation rather than settled by legislation; and there is the whole difference in the matter.

Mr. BECK. I believe I have read this report over and I have read the letter of the Secretary of State, and I heard the statement of the Senator from Maine, and they have failed to express my views. I believe his last statement has given me more information than I was able to obtain before, and I am very much obliged to him.

Mr. HAMLIN. I am happy that I have succeeded so far. I hope this matter will not be recommitted to the Committee on Foreign Relations, but sent to the law committee of the Senate if it is committed at all.

Mr. CONKLING. I shall feel bound to vote for the amendment

offered by the Senator from Maine changing the reference from the committee of which he is chairman to the committee the chairman of which proposes to recommit the resolution. I shall feel bound, however, even if that amendment prevails, to vote against referring this matter to the Committee on the Judiciary; and among my reasons is one which I beg to state.

To send this matter to the Foreign Relations Committee for the purpose indicated, or to any other, means that there is to be no appropriation made in season to pay this award.

Mr. INGALLS. When is it due?

Mr. CONKLING. In November, and the forthcoming session of Congress will meet in December. In order to pay it in November, after the questions now moved are passed on, the bill that lies on the table must be taken up here or it must originate in the House, in the House must go to the Committee of the Whole as every appropriation bill must do, and must find its way through the two Houses and be signed by the President. Unless that is done this award will not be paid, no matter how just it may be, no matter how advantageous to us it may be to see that no shortcoming occurs on our part.

When we vote to commit this matter to either of these committees with the view stated in the motion to refer, I think we must vote practically that this award shall not be paid as it has been agreed to be paid, if ever. I am not prepared to do that.

Mr. KIRKWOOD. Mr. President, I desire to ask the attention of the Senate for but a very few minutes. If Senators had done the Committee on Foreign Relations the justice to read their report, they would have known what it was they were asked to indorse by adopting the resolution that is now before the Senate. That has not been done, I apprehend, from the remarks made by the Senator from Kentucky; and, at the risk of being tedious to the Senate, I will endeavor to state briefly what the committee have recommended.

They set out by giving a brief statement touching the formation of the treaty, the provisions relating to the subject-matter of the fisheries, and the organization of the arbitrators to pass upon the amount to be paid, if any, by this Government. They state clearly, briefly, that the award was agreed to by but two of the arbitrators, the third refusing to agree, and thus there is presented to the Senate the question whether or not an award made as this one was made is an award that we ought to stand by. The Foreign Relations Committee present that question to the Senate. How was this arbitration organized? The treaty does not provide that a majority of the arbitrators may determine what the award shall be. In regard to the Geneva award it was so provided. The committee submit to the Senate whether or not they will abide by that award. They make a recommendation, to which I confess I agree with some reluctance, in these words:

> But, in the judgment of your committee, it would not be wise or expedient for the United States to refuse to pay the award on this ground—

That is, on the ground that but two of the arbitrators agreed to it. The committee then say it would not be wise to refuse to pay the money on that ground—

> if the British government, after the subject shall have been brought to its attention, claim that, in their judgment, the award is made in accordance with the terms of the treaty and in conformity with sound principles of law.

Whether that be right or not, that is the recommendation of the committee. That is what the Senate is asked, either to affirm or deny upon that point. There is no obscurity about it; there cannot be any misunderstanding about it. The plain recommendation of the committee is that whether this award be in accordance with the strict rules of law or not, it is better for us to pay it than not to pay it. The Senate I apprehend is just as well prepared to pass upon that question now as it will be after the matter goes back to the committee again. Admitting that this is not in strict accordance with the terms of the treaty, is it best for us to pay it or not? That is a question to be submitted. It is a qestion about which wise men will differ. One of the first international lawyers of the country, President Woolsey, I understand, has published his opinion that the award is in strict accordance with the terms of the treaty. Other gentlemen entertain different opinions. Different opinions are entertained here upon the legal question. The legal question is presented directly to the Senate for their determination: shall we agree to the award or not on this ground?

I do not think it is worth while to consume any more time in regard to it. If we think it is better to say that we will not stand by the award on that ground, let us say so and end it. If, however, we choose to say that it is a matter about which there is this difference of opinion, and there well may be difference of opinion, and it is better for us, saving in that way the principle of arbitration, to pay the money, although we may think the matter irregular, then let us say so.

The committee then set out very briefly and very clearly the question as to the nature of the damages. In the judgment of the committee they are excessive, grossly excessive, and they recommend touching that point that that matter also be the subject of negotiation between our Government and the British government. They then take care to provide that for the future twelve years that this treaty is to run, if this money is paid, it shall not stand as the measure of damages for the remaining years of that term; and having made these recommendations that if the British government insist upon the legality of the arbitration we will not refuse to pay the money upon that account; that the question of the amount of the damages shall be a subject of negotiation between our Government and the British government, and the affirmation that it shall not stand as a measure for future damages if paid, leaves the matter in the hands of the President of the United States, with the money in his hands also, to say whether he will pay it or not.

I do hope, in view of the vote we have taken to-day to adjourn on the 17th, that we shall act upon this matter at once and get rid of it.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The question is on agreeing to the amendment of the Senator from Maine [Mr. HAMLIN] to the motion of the Senator from Vermont [Mr. EDMUNDS] to strike out "the Committee on Foreign Relations" and insert "the Committee on the Judiciary."

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Vermont as amended, which is to refer to the Committee on the Judiciary with instructions.

Mr. HAMLIN. Let it be read.

The PRESIDING OFFICER. The motion, as amended, will be reported.

The SECRETARY. It is proposed to refer the resolution to the Committee on the Judiciary with instructions "to consider and report whether in its opinion the award at Halifax is, upon just principles of law, binding upon the United States."

Mr. MORRILL. A single word. I have not a particle of doubt that this award is voidable on its face for not having been agreed to by all of the arbitrators, and yet I am decidedly in favor of paying the money and paying it at once. I would, however, have no objection to indicating that this is not to be the measure of what we consider to be the value of those fisheries.

Mr. President, this is an old question with me. I have discussed it in this body and in the other. I have not a particle of doubt but what the considerations that we gave are equal and more than equal to all that we received. The very fact that the conditions we are under after the treaty make the fisheries of less value than they were before is a sufficient evidence upon that point. But at the same time I am in favor of paying the money. I would not quibble about it. I think it is beneath the dignity of the country to undertake to avoid the payment of this sum on account of a technicality.

Mr. EDMUNDS. Does the Senator call it a technicality if the true spirit of the treaty calls for three instead of two?

Mr. MORRILL. It seems to me that we agreed to submit this question to a board of arbitration. Two of that board have decided against us; and under those circumstances it would seem to me to be the best policy on the present occasion for us to vote to pay the money.

Mr. VOORHEES. Allow me to ask the Senator from Vermont one question which has just been suggested, whether the language of the treaty requires a unanimous concurrence of the commissioners?

Mr. MORRILL. The Senator from Indiana of course has read the treaty as I have. He will find that in one portion of the treaty the entire board is required in order to make up an award, and in the other it is not mentioned except as a board.

Mr. WITHERS. I am in favor of paying the amount which has been found as damages by this commission. We agreed to refer this matter to these arbitrators. From what I can understand, the difficulty arises from the fact that no provision was inserted in the agreement by which it was provided whether unanimity should be necessary to constitute the award, or whether a majority of the commission should control it. The provisions of the common law, as I learn from the learned gentlemen on the other side, require that in such cases there shall be unanimity. The question for us, it seems to me, is whether we, as the Senate of the United States, shall shelter ourselves behind that provision of the common law, when there was no requirement whatever in the agreement which was made at the time these commissioners were appointed, and when the fact is notorious that as to the Geneva award it was provided that a majority of the commissioners should decide. If that be the true state of the case, it seems to me that we shall be departing from our position and dignity if we attempt to haggle over this little difficulty arising from the provision of the common law. But if the award be greater than is just, as I verily believe it to be, I consider that we had much better pay it at once, appropriate the requisite money, and be done with it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont [Mr. EDMUNDS] as amended.

The question being put, there were on a division—ayes 12, noes 27.

Mr. WADLEIGH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAILEY. Mr. President, I had not intended to say anything upon this subject, but still I trust the Senate will indulge me for three or four minutes while I give the reasons why I shall vote in favor of the payment of the sum awarded by the commission.

I understand that by the treaty of Washington a new departure was made. A new era, in other words, was inaugurated in regard to the settlement of international disputes. The governments of Great Britain and the United States agreed that they would refer to a tribunal selected by themselves questions that were disputed and which would not be settled otherwise than by an appeal to arms. I understand that some of these questions have been settled and that the sums awarded to be paid have been delivered over by one party to

the other; and now the Government of the United States, having accepted the sum awarded at Geneva, is called upon to determine whether it will pay the sum awarded by the commissioners agreed upon by the two governments for a settlement of these fishery claims.

The sum awarded by two of the commissioners is not, in the opinion of the committee of this body or in my opinion, justly awarded against the United States; but has it ever been the case where a dispute has arisen between two persons or between two governments that the one who has lost in the dispute is satisfied with the judgment of the tribunal to which he has appealed? I say no. It seems to me that we should at once accept this decision and pay the sum, for the reason that this question reaches far beyond the mere merits of this particular case. It is a matter of greater importance to the people and to the Government of the United States, it seems to me, to pay this money than the mere sum itself indicates, for we have inaugurated and endeavored to bring to the attention of mankind this method of settling disputes. If we shall insist that the nation against whom an award may be made shall in all cases be satisfied or that the commissioner of its government who may be selected shall agree to it, we shall find that this method of settling international disputes will never be adopted by the governments of the world. For that reason I shall vote for the payment of this award, and in reference to future cases rather than to this particular case.

Mr. INGALLS. I wish to ask the Senator from Maine, the chairman of the Committee on Foreign Relations, if it is his purpose, in case this resolution should be adopted, to urge the immediate consideration of the bill for the payment of the award.

Mr. HAMLIN. It was not my purpose to ask the attention of the Senate to that bill immediately; but of course if the resolution shall pass the bill will be called up at the proper time for the action of the Senate.

Mr. INGALLS. The reason I inquired was to enable me to decide what course I should pursue. There are some things that have not been said which I think ought to be said on this proposition; but if the bill is not to be urged now I shall refrain and let the resolution be acted upon by the Senate.

Mr. HAMLIN. The Senate will not be called upon to vote on the bill now.

Mr. SAULSBURY. Mr. President, I do not intend to occupy the attention of the Senate for more than a few moments.

We are called upon by the President of the United States to make an appropriation of five millions and a half for the purpose of paying what is supposed to be an award. That message was referred to the Committee on Foreign Relations of this body, and that committee have reported to us recommending that we make the appropriation, but accompanying their recommendation with certain suggestions which naturally lead to the inquiry whether it is proper and right to make the appropriation which they recommend. They report two or three suggestions in reference to that award. One is that it is exorbitant. So far as I am concerned, that suggestion has no consideration. If the judgment was rendered by a proper tribunal, the question of an exorbitant award has nothing to do with a determination of the question. But they do suggest another question, a question as to the competency of the tribunal which undertook to render a valid judgment. I find that the Secretary of State, in the letter which has been transmitted by the President to the Senate, and which was referred to the committee, makes a similar suggestion. In order that I may not misrepresent him, I will read from his letter. The Secretary of State says:

> It will be quite competent for Congress, in considering an appropriation to meet the proper obligations of the Government under the treaty, to waive or to insist upon this objection to the validity of the award of the commission for non-conformity to the requirements of the treaty.

The Secretary of State says that that is a competent question for Congress to consider. The committee to whom his letter was referred evidently coincided with the opinion of the Secretary of State that it is a question which we ought to consider, because they bring it to our attention. I ask, when we are advised, both from the executive department of the Government and from the committee of our own body which has cognizance of this matter, that there is a question as to the validity of the award, is it not proper and right, is it not our bounden duty to inquire into the question of the binding obligation of that so-called award before we appropriate the money out of the Treasury to pay it? For that reason it was that I voted for the motion offered to refer the resolution to the Judiciary Committee, in order that we might have the judgment of the Legal Committee of this body as to whether we ought to pay this money. I am ready to pay the money and to pay it at once if that is the judgment of the Senate. If in the judgment of our Law Committee it is our duty to appropriate it, I will vote to appropriate it at once; but as a Senator bound to guard the interests of the people of this country, as well as to guard its honor, the question arises with me whether I ought to vote to appropriate a single dollar after I have been advised not only by the Secretary of State but by the Committee on Foreign Relations of this body, that there is a question as to the validity of the judgment that was rendered by this tribunal.

The inquiry starts in my mind as to whether I am at liberty to vote away the money out of the Treasury until that question is settled, and here in this Senate is the proper place to settle it.

I utterly repudiate the idea that is thrown out both in the message of the President itself and in the letter of the Secretary of State and in the report of the committee, that the President, after the money is put into his hands, should quibble over this question. The President says, in making his recommendation, that the question of payment should be left to the discretion of the President. I do not concur in that view. The Secretary of State in his letter advances the same idea, and so does the committee which has made this report: that the money should be placed in the hands of the President, and that then should begin a correspondence with the British government with reference to this question.

Sir, I do not believe that the President of the United States, if this money is appropriated, ought ever by the faintest suggestion to convey to the British government that in our judgment we ought not to pay it. If we ought to pay it, we ought to appropriate the money and let it be paid without demurrer at any time. If we ought not to pay it, this body is the place where it should be stopped, not the executive department.

I should be glad if the motion to refer this resolution to the Judiciary Committee had prevailed on the division taken. I think that it ought to prevail. I think we ought to have the judgment of the Judiciary Committee as to the binding obligation of that award upon the people of this country. Without it, we are in the dark, except as we are guided by our individual judgments.

Mr. President, I do not intend to trespass longer upon the attention of the Senate; but I was not willing that the vote should be taken on this question without at least submitting to the Senate the views which I entertain upon it.

Mr. HAMLIN. I now ask the Senate to vote upon the question.

Mr. WADLEIGH. Mr. President, I desire to say but a single word in reference to the question before the Senate.

A so-called award has been made by arbitrators in a controversy between the two governments of Great Britain and the United States. The Committee on Foreign Relations of the Senate informs us that that award is extremely exorbitant, out of all reason, and so exorbitant that in any controversy between individuals in a court of justice its very exorbitancy would lead to the strongest suspicion and furnish evidence that improper influences were used to bring about that award which would make it null and void.

Mr. HAMLIN. I said no such thing.

Mr. WADLEIGH. Now the Senator from Maine says that he said no such thing. I am talking about not what the committee say in express terms but what the figures they furnish indicate. I say the figures furnished by them indicate that what I have stated is correct. We have no evidence before us that improper influences were used in procuring that award, but it seems to me from the facts stated in the report that such must have been the case, that the cunning secrets of diplomacy were used in a manner in which they had no right to be used to effect the result which has been reached.

Not only that, but it is admitted by the committee, and I understand from this debate that it is suggested by the Executive, that the validity of this award is donbtful because it was not made with the unanimity of the arbitrators; that it was made by but two of the arbitrators when there were three of them. I understand further that there was in the treaty so far as this matter was concerned no provision that a majority of the arbitrators should make a binding award. The governments of Great Britain and the United States are both subject, so far as their territory is concerned, to the common law. It is presumed, at least I choose to presume in this case, that this treaty was made by them in the light of that common law under which this country so far as back to the beginning of its existence and England back to the remotest period of her history have lived.

Mr. President, I think it exceedingly proper that before taking this large sum from the Treasury of the United States a committee of this body should decide for us, or at least examine the question, whether or not there is anything about the manner in which this award was made that would render it invalid. For one, sir, if that is the case, I am prepared to take the responsibility, and to say for myself and for those whom I represent that that award shall not be paid. I recognize the fact that it is for the interest of humanity and for the interest of peace the world over that nations should submit their controversies to arbitration; but the example of one arbitration corrupted by influences which produce unjnst and exorbitant decisions would do more to break down arbitration between nations than anything else. If it is held that no matter how extravagant the award, no matter by what influences it apparently was obtained, it must be held valid by that nation against whom it is made, then there is an end to any arbitration in the future, for no nation will dare to put itself in the range of such influences.

Senators say here that the exorbitancy of this award has nothing to do with the question whether we shall pay it. Suppose this award had been $50,000,000 or $100,000,000 or $150,000,000, should we have been bound by it? No, sir; the exorbitance of the award itself would have furnished the strongest reason for us to say that there must have been influences connected with it which were improper. It does seem to me, although the case presented by the report of the committee of the Senate is not such an extreme case as that, that still it does present to us extremely strong evidence that in the obtaining of this award the agents of the British government or some-

body used influences which in any court of justice would upset any award that had been made.

Mr. VOORHEES. I should like to ask the Senator from New Hampshire, as an earnest inquirer after the truth in this matter, whether he has any facts in his possession to sustain the broad and extremely grave charge of corrupt influences in the procurement of this award? If so, I think it is due to the rest of us, who are not so well advised perhaps as we ought to be, to be informed on that point.

Mr. WADLEIGH. Mr. President, I have nothing except what appears upon the report of the committee of the Senate. That report shows me that by this award the American Government is required to pay an enormous sum annually for a benefit which is but trivial and slight, and which the British government years ago offered to us for simply what I understand they have had under this treaty already.

Mr. VOORHEES. The Senator from New Hampshire will appreciate the fact that the charge which he makes is a very grave one and one which is brought to bear upon three men. Those men of course have their character to sustain or they have not; one or the other. I do not know about this question; but I was struck with the charge that was made by the Senator from New Hampshire that corrupt influences had procured this award.

Mr. WADLEIGH. The report of what I said will show that I made no such charge.

Mr. VOORHEES. The report of what the Senator said will show that he did make such a charge, in my judgment.

Mr. WADLEIGH. The report of my remarks will show that I said the facts stated in the report of the committee of the Senate indicated that an award had been made so exorbitant that it raised a strong suspicion in my mind at least that secret diplomatic influences had been used to bring that about which in a court of law would upset the award. The Senator says that I charged corruption; but I charged no such thing.

Mr. VOORHEES. That was the word the Senator used.

Mr. WADLEIGH. It is not necessary in a court of law that corruption should have been employed in order to invalidate an award. An arbitrator may not talk or communicate with either of the parties except in the presence of the other or his counsel and still render the award liable to be set aside. In this case, when I look at the amount awarded, and when I see the facts presented to our consideration by the committee of the Senate, I do not hesitate to repeat again, and make myself responsible for what I have said already——

Mr. VOORHEES. The Senator from New Hampshire forgets, however, what he has said already. I am not seeking to make any point on the Senator from New Hampshire; I am seeking to elicit information, but the Senator from New Hampshire did stigmatize this as an award obtained by corrupt influences in words, in those very words. When the Senator now says that he spoke of the diplomatic and secret influences he substitutes language for that which he used before I interrupted him, and I am willing that the unrevised and uncorrected report of his remarks may be the arbiter between him and me.

Mr. WADLEIGH. Mr. President, I shall make no alteration of a word, or a syllable, or a letter, in what I said; or of a comma. The RECORD will show to-morrow just what I did say. If it shows that I made a charge against the British government of using corrupt influences to obtain this award, which I believe to be unjust, then, sir, I will say that in the warmth of the moment I said what I did not intend. One thing which I did say was, and I repeat it, that nothing would so tend to break down the whole system of international arbitration as to have it understood that a nation that went into an arbitration of this kind was bound by any award, whatever it might be, that could be procured.

Mr. HILL. I have but one remark to make upon this whole question after this prolonged debate. There is but one question in the case, in my judgment, and that is, has there been an award? If there has been an award in law and in fact, that ends the question; we ought to pay it. Of course if there was clear and irrefragable evidence that there was corruption used in procuring the award, we ought not to pay it. But I do not understand that there is such evidence, whatever suspicions there may be, and without such evidence we ought not to express such suspicions. Then the question as to whether there has been an award or not is not a question of fact, it is a question of law.

Mr. SAULSBURY. Will the Senator from Georgia allow me to ask him a question right there?

Mr. HILL. Certainly.

Mr. SAULSBURY. If it should become apparent that the arbitrators took into consideration matters that were not properly laid before them and that their judgment was influenced upon this question by the consideration of other questions which were not properly submitted to them, would the obligation to pay the award be sustained?

Mr. HILL. Oh, there is no trouble in answering that question. Of course it would not be valid.

Mr. SAULSBURY. The Secretary of State in his letter which has been sent to us from the President states that upon his examination of this subject he is satisfied that they did take into consideration matters which were not properly referred to them.

Mr. HILL. Then we ought to have the evidence of that fact. Unquestionably the authority of the arbitrators cannot go beyond the questions submitted to them.

Mr. SAULSBURY. In order that I may not misrepresent what the Secretary of State says, I shall beg the pardon of the Senator from Georgia while I read his language:

> The result, however, of my examination of the case satisfies me that the two commissioners must have taken into account some very indefinite and quite illusory elements of calculation, wholly outside of the narrow submission of the treaty, in order to bring out the weighty balance of advantage to the United States which their award expresses.

Mr. HILL. The Senator will allow me to say that there is nothing in that statement but the expression of a suspicion.

Mr. SAULSBURY. The Secretary of State says that it is the result of his examination.

Mr. HILL. The Secretary of State has communicated to us no fact to justify the expression of that suspicion. If he has communicated a suspicion in order that this Senate may inaugurate an investigation to ascertain whether that suspicion is well founded, then we ought to inaugurate that investigation; but there is no fact before us; there is none stated by the Secretary of State. He merely states that he has concluded as the result of his investigation that there must have been questions considered by the arbitrators that were outside of those submitted. Why does he conclude so? It is a mere conclusion of his mind. He states no fact on earth to sustain the conclusion. Unquestionably, I repeat, if the arbitrators have made what purports to be an award outside of the authority committed to them, it is no award; but before you can attack an award upon the ground that it is beyond the authority, as the lawyers say, *ultra vires*, and before likewise you can attack an award on the ground that corrupt means have been used to procure it inside of the authority, you must have facts. That makes up an issue of fact for a jury, and it must be passed upon, and the facts must be produced.

It is unwise even in a court of law, to make charges of fraud or of want of authority, which you have no facts to sustain. I protest that the Secretary of State ought not to be giving us simply the result of his conclusion which amounts in fact to a guess, to a mere supposition, unless he accompanies it with the facts to sustain it. Having given us his conclusions, it might have been very just and proper for us to have instituted an inquiry as to the truthfulness of his suspicion, as to the facts, to justify that suspicion. But in the absence of any distinct charge and proof of fraud in procuring the award inside of the authority of the arbitrators, in the absence of any fact going to show that the arbitrators did go beyond the authority that was submitted to them, the simple question is, did they make an award?

I come back to the proposition which I was stating when the Senator from Delaware interrupted me. The question in this case, as far as I understand it, whether there is an award or not, is one of law.

Mr. KERNAN. Will the Senator allow me a question? Supposing it to be one of law and our Government decides one way honestly, and the British government the other way, should we not pay it?

Mr. HILL. Well, that depends upon circumstances. That question of law itself might be a matter of negotiation between the two governments and might be a matter itself of reference.

Mr. ALLISON. That is the very thing proposed. It is proposed to refer it to the Committee on the Judiciary.

Mr. HILL. I was going on to say that it is a question of law whether there has been an award. That question of law arises in the fact, patent upon the papers, that the three arbitrators have not concurred, that what purports to have been an award was made by two, and not by three. The common-law rule upon that subject is very simple and very plain. I am not going into it. I do not think that we are bound to pay what purports to be an award because two of three have said so.

Mr. KERNAN. Nor I. My point is that if one party holds that it is a good legal award on this submission and the other holds not, and if we have got to say our decision shall rule and they say theirs shall rule, there is an end of the matter.

Mr. HILL. Then the two nations are at variance on the question of law, just as they were before the first submission on the question of fact. As they have agreed upon arbitrators to settle the question of fact as to what was just compensation in this case, why not resort to proper methods to settle whether this was in point of law an award and to settle the question of law? Why not do that? I think this matter is very important in the view suggested by the Senator from Tennessee and the Senator from New Hampshire. This system that has been inaugurated, as we say and boast, by the Geneva tribunal of settling disputes between nations by awards instead of by a resort to arms is a very beautiful thing; it marks, as the Senator from Tennessee has justly said, an era in the history of nations, if it can be inaugurated and carried out. It is all very proper. Differences of opinion will arise in executing that, as in carrying out any other matter. A difference does arise here, and the difference is one of law, I repeat, in the absence of the fact, and that difference is whether, when a submission has been made by two governments in the manner this submission was made, and only two of the arbitrators concur and the other dissents, that amounts to an award. In view of the complete and perfect operation of this new rule, it is very important that that question itself should be settled. Of course every lawyer practicing under the common-law rule knows very well that is not a binding award. If it is not a binding award we ought not to pay it. If it is a binding award we ought to pay it. Is it possible we cannot ascertain whether

it is a binding award or not? Is not the legal ability of the Senate equal to the task of determining whether it is an award or not? If it is an award, pay it; if it is not an award, do not pay it, unless you choose to pay it.

Mr. ALLISON. I understand the Committee on Foreign Relations to express the opinion that, although technically two of three commissioners cannot make an award, yet that fact ought not to stand in the way of our paying the award, there being no other difficulty.

Mr. HILL. I cannot understand the philosophy of that. If we agree to pay an award, and no award has been rendered, what do you want to pay for?

Mr. WHYTE. That would be one case.

Mr. HILL. The case is simply not decided.

Mr. EATON. My friend is mistaken. The committee have not said that two out of three are not able to make an award. The committee have said no such thing. By every principle of international law it is understood that two can make an award; but by the common law I agree that Great Britain and the United States cannot; and therefore we leave this matter open for negotiation between the two governments.

Mr. ALLISON. Although the committee recommend, notwithstanding, that the appropriation should be made.

Mr. EATON. We do not.

Mr. ALLISON. It is to be a question for negotiation, as I understand.

Mr. HILL. I have to say this: if this is an award we ought to pay it without further controversy. I have been betrayed into saying a great deal more than I intended, by interruptions. I simply rose to say that in my judgment, as this is a question of law whether there is an award or not, we ought to refer it to the Judiciary Committee and have a report upon it. I do think so. Upon the decision the vote was against such a reference, but I hope that vote will be reconsidered when the yeas and nays are called. I do submit to the Senate that this is too grave a matter to be hurrying about. If it is not an award let us have the judgment of the Judiciary Committee on it. We have an able Judiciary Committee. If that committee should say that in their judgment under the international law, as was said by the Senator from Connecticut, [Mr. EATON,] it is an award, I am willing to pay it without any further contest. If the Judiciary Committee, able as it is, shall say that it is not an award, of course then we ought not to pay it without further negotiation. We ought to have it settled between this Government and the government of Her Majesty whether it is or is not an award. The question ought to be settled in view of future complications, in view of future questions; it ought to be settled now, and there ought to be a mutuality of understanding between Great Britain and the United States as to whether two out of three can make an award.

Mr. HAMLIN. That is just what we want to do.

Mr. HILL. It ought to be distinctly understood between the two governments whether two can make an award.

Mr. HAMLIN. If the Senator will pardon me, that is precisely the thing that we want to do. Instead of taking the question into our hands and determining it, we want to invite a conference with Great Britain and see what her views are.

Mr. EDMUNDS. Before we have any opinion of our own?

Mr. HAMLIN. Yes; before we express any opinion of our own publicly.

Mr. HILL. I say to the Senator from Maine very frankly that I will qualify my position. I heard gentlemen state around me that we ought to pay the award and say nothing about it. If the object is to have a conference with the British government to ascertain whether it is an award or not, I concur that the Senator is right.

Mr. HAMLIN. That is all there is.

Mr. HILL. I concur with the Senator from Maine that it is not necessary to give an opinion of our own first; and in that respect the report of the committee, which I frankly confess I have not read carefully, is right.

Mr. HAMLIN. Now let us vote.

Mr. ALLISON. I call the attention of the Senator from Georgia to a statement I made a moment ago. I quote from the report:

> But, in the judgment of your committee, it would not be wise or expedient for the United States to refuse to pay the award on this ground—

That is, on the ground of only the two concurring—

> if the British government, after the subject shall have been brought to its attention, claim that, in their judgment, the award is made in accordance with the terms of the treaty and in conformity with sound principles of law.

Mr. HILL. Then, I understand, all the committee recommend is that we shall have a conference with the British government on this subject and ascertain whether we do concur upon that question or not.

Mr. HAMLIN. That is all.

Mr. HILL. Very well. I think that is right.

Mr. WADLEIGH. Mr. President, it seems to me that the recommendation is simply of an inquiry to ascertain whether or not the British government want the money. I do not doubt that they do; nor do I doubt that, without some strong expression on the part of the American Congress or the American Executive that this award is not binding, no government in Great Britain will dare to take the ground that the United States ought not to pay the award. In order to obtain a fair negotiation with Great Britain it is necessary for us to express our opinion, because unless we do no government in Great Britain will dare to propose to give up money which has already been decided to be theirs by a board of arbitration. For that reason I support the motion to refer the question of law to the Judiciary Committee.

Mr. MERRIMON. Mr. President, I do not believe in the doctrine that, because we have agreed to submit a question of international difficulty to arbitration, therefore we ought to agree to what the arbitrators say, whether it is right or wrong. I believe in this new plan or practice of settling difficulties, that the true interests of the plan with a view to advance the peace of nations and the good of mankind require that we ought to insist on what is right at the hands of arbitrators as well as at the point of the bayonet.

I shall not inflict further remarks on the Senate at this time. I know everybody wants to adjourn; but, in order to place myself on the record rightly, I offer this substitute for the resolution:

> That the Government of the United States is dissatisfied with the award purporting to have been made by the commission composed of Sir Alexander T. Galt, named by Her Britannic Majesty; Hon. Ensign H. Kellogg, named by the President of the United States; and Mr. Maurice Delfosse, envoy extraordinary and minister plenipotentiary from Belgium to the United States, named by the Austrian embassador at London, in pursuance of the treaty of Washington, and respectfully dissent from and except to the same upon the following specified grounds, namely:
>
> First. The said award was not duly made by the said commission, the Hon. Ensign H. Kellogg, a member thereof, having failed to join in or sanction the same.
>
> Second. The sum of money so awarded is grossly exorbitant and greatly beyond any sum contemplated by the government of Great Britian or the United States in submitting the matter in dispute to arbitration.
>
> The President is requested to bring the grounds of exception above specified to the attention of the government of Great Britain and invoke due consideration of the same.

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER. The Chair understands this to be a substitute for the report of the committee.

Mr. EDMUNDS. That is not in order now. The question is on the motion to refer.

The PRESIDING OFFICER. It will be in order after the question is taken on the pending motion, which is to refer the matter to the Committee on the Judiciary with instructions.

Mr. MERRIMON. That was voted down. ["No!" "No!"]

The PRESIDING OFFICER. On this question the yeas and nays were demanded and ordered. The question now is on the motion to refer with instructions.

Mr. COCKRELL. I believe I have the floor.

The PRESIDING OFFICER. The Chair recognized the Senator from Missouri.

Mr. COCKRELL. I wish to say a word before that motion is put. This very able and interesting and instructive discussion of this very important measure for four long consecutive hours has developed the very important fact that very few of the Senators have read the report upon this bill and the letter of the Secretary of State. Now, to give an opportunity for Senators to read these, I move that the Senate do now adjourn.

Mr. HAMLIN. I hope not.

The PRESIDING OFFICER. It is moved by the Senator from Missouri that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Vermont [Mr. EDMUNDS] as amended, upon which the yeas and nays have been ordered.

Mr. BECK. I hope there will be an adjournment until Monday morning, but if there is not to be I wish to say a few words about the reference, although I know how unpleasant it is to attempt to speak now and how weary the Senate is of this debate at this late hour.

Mr. EATON. I hope the Senator will go on. There is plenty of time.

Mr. BECK. I succeeded the other day in having a measure postponed by threatening to make a speech, and my friend from Indiana [Mr. VOORHEES] suggests now that I can get an adjournment by threatening to speak for an hour.

Several SENATORS. Try it.

Mr. BECK. No, I will not attempt to speak more than five or ten minutes. I will say to the Senator from Missouri [Mr. COCKRELL] that I have read the reports and read them as carefully as I could, and it seems to me that the report of the Committee on Foreign Relations decides nothing and recommends nothing. When we vote for it we accomplish nothing and determine no principle. We have to take up the bill which accompanies the report and pass upon it before any final action binding upon anybody is had. That committee has said almost in so many words that they do not believe that the award is a binding one. They use this language:

> In establishing the Halifax commission no such authority was given to a mere majority of the commission, and no provision was inserted to except the proceedings from the law of arbitration that commonly prevails in England and America.

The committee insist that it requires all three of the arbitrators to agree before an award is binding, and the Secretary of State quotes the language of Mr. Blake, the minister of justice of the Dominion of Canada, in which he used these words:

> That the amount of compensation that we would receive from our fisheries must

be an amount unanimously agreed upon by the commissioners; and that, therefore, we must be willing to accept such compensation as the American commissioner would be willing to concede to us, or we should receive nothing.

So that we have both sides agreeing in requiring unanimity of action.

The Secretary of State adds:

While the commission was in session, an equally distinct declaration of the British opinion of the requirements of the treaty, on this point, appeared in the columns of the leading newspaper of that country. The London Times announced in its issue of July 6, 1877, in the most unqualified terms, that "on every point that comes before it [the fishery commission], for decision, the unanimous consent of all its members is, by the terms of the treaty, necessary before an authoritative verdict can be given."

That is the language quoted by the Secretary of State, of the minister of justice of the Canadian Dominion, and the emphatic language of the London Times; the common law of the world is stated by our own committee; we have the acknowledged fact that only two of the three arbitrators united, while the third protested against the validity of the action taken at the time and entered his objection upon the record. Yet the Committee on Foreign Relations ask us to indorse their opinion when they tell us in their report that they have no opinion and refuse to give any, and they follow it with a bill which it is not proposed shall be considered by us now, a bill placing $5,500,000 of the money taken from the tax-payers of this country in the hands of the President, using this language:

With which to pay to the Government of Her Britannic Majesty the amount awarded by the fisheries commission, lately assembled at Halifax, in pursuance of the treaty of Washington, if—

Note—

if after correspondence with the British government the President shall deem it his duty to make the payment without further communication with Congress.

In other words, after the President has written to Her Majesty Queen Victoria a kind letter, and she has answered him, renewing the assurances of her most distinguished consideration, then he is to pay her the money, if he feels like it, without further communication to Congress, although we may be satisfied that there was no authority for the action taken, no award, nothing to bind us, and no justice in making the payment. That is trifling with the interests and squandering the money of the people. We ought either to order the President to pay the amount awarded or not to pay it, and not leave him to enter into correspondence with Her Majesty and settle the question for himself, agreeing to be satisfied with his action, without requiring him to tell us why; or we must say to him that he shall not pay it until further assurances have been given and better reasons furnished than we have yet had. It was for that reason that I prepared an amendment yesterday, which I had read at the Clerk's desk, and which I shall insist upon, not perhaps in the exact words, but in substance, before this vast amount of money is paid. My amendment provides that the British minister at Washington shall lay before the President such evidence as, in the opinion of the Attorney-General of the United States, renders it certain that the British ministry and the Crown lawyers decide and insist that the award as made was in strict accordance with law, and would have been regarded by them as binding and conclusive on the British government if the award had been adverse to their claims; and that he shall not direct the payment of any part of the money hereby appropriated until such decision is furnished as aforesaid.

What I mean is that if Congress is going to give the President any instructions at all, let them be instructions that will advise him precisely what Congress requires him to do, and not allow him to have such communications as may suit himself, and then authorize him to pay or not pay according to the diplomatic ideas that he may entertain, and then in all probability abuse him after he has done it for not doing what we afterward think is right. I propose to tell him what to do; to say to him, "If the British government and its legal advisers insist that this is a proper award, and that they would have paid whatever was awarded under it if the decision had been against them, I would advise, so as to hold them bound in all time to come, to pay the money." But if they, after reviewing it, say, in the opinion of the Attorney-General, and he should advise the President that they would not have paid the money if the decision had been against them, because they did not regard it as a valid award, then we ought not to pay it, and they will not expect it of us. I have faith in the integrity and ability of the English lawyers, and I do not believe they would assert a false or unjust demand because they had gained an illegal advantage.

It is trifling, in my judgment, not only with a great question but with the President, and doing him injustice, to throw this responsibility upon him, when the Committee on Foreign Relations, and the Secretary of State, when everybody asks Congress to express some opinion upon the subject, and when the Secretary of State said, as was read by the Senator from Delaware, [Mr. SAULSBURY,] that in his opinion, after careful examination of the case, he was satisfied that the commissioners had taken into account indefinite and quite illusory elements of calculation wholly outside of the treaty, and upon that had based their award. It is not true, as the Senator from Georgia [Mr. HILL] supposed, that he gave that opinion without stating any facts; for in the same report he says that a million dollars was all this country was ever willing to give for the use of these fisheries in perpetuity, and he calls attention to the fact that we are required to pay $5,500,000 for the use for twelve years, and that we had refused, even when we offered them a million, to allow them to ship their fish into the markets of the United States free of duty, as we do under the treaty, which he says was worth $275,000 or $300,000 a year, making a privilege of $10,000,000 when what we got is only worth $25,000 a year to us. The Secretary of State goes into an elaborate calculation in the report that I hold in my hand, saying that after five years under operation of this treaty, when we had all the facts before us, it is established that the full value of the fish caught inside of Canadian waters amounted to not more than 167,000 barrels and were only worth $3.75 a barrel, and then, to use his language:

This would give as the value, cured and packed, of the American catch under the privilege of article 18 (upon the Canadian claim of three-quarters being in-shore) $472,353. But in this value are included the barrel, the salt, the expense of catching, curing, and packing, all of which must be deducted before the profit, which measures the value of the fishery privilege, is reached. Upon the evidence a dollar a barrel would be an excessive estimate of such profit. This would give a profit to the United States from the enjoyment, for these five seasons of the fishery privilege conceded under article 18, of but $25,000 a year.

For which a majority of this commission say you shall pay $500,000 a year and remit tariff duties amounting to $300,000 more, on their fish. The Secretary of State is too diplomatic and the Committee on Foreign Relations are too diplomatic to say that they mean to charge that to be a fraud; but they do charge it in the most emphatic and positive way by saying that $500,000 a year is given for this privilege, while $300,000 a year is yielded by us to let the Canadians get their fish to the American market free of duty when everybody else has to pay duty. Here is $800,000 a year we pay for a privilege that on careful and deliberate calculation made by the Secretary is said by him to be worth only $25,000 a year. I want to know what that is except a charge of fraud, growing out of a state of fact showing that we are required to pay $775,000 a year more than the thing is worth, accompanied by the charge that the arbitrators have gone outside of the treaty to do it, and then ask us to be assured that he makes no charge, and further asks us, without expressing any opinion of our own, to say "that is all; this must be assumed to be right, if the President, after correspondence with Her Britannic Majesty, sees fit to pay the sum awarded if he thinks that politeness and diplomacy and the courtesy which prevail among nations, and prevail a good deal more in other high places than they ought to do for the good of the people make him believe that he had better pay it." I beg leave to differ with him.

I want to pay the money if it is right and proper to pay it. If it is not proper to pay I do not intend to pay it if I can help it. I want the Law Committee of this House to re-examine all the facts, and tell us whether it is proper to pay it or not; when the Senator from Ohio, [Mr. THURMAN,] the Senator from Vermont, [Mr. EDMUNDS,] and the Senator from New York, [Mr. CONKLING,] and the other distinguished lawyers who compose the Judiciary Committee look over all these facts and reports, examining what the Secretary of State has said; see what Mr. Minister Blake, of Canada, has said; see what the English press has said, examine the facts as they exist, consider the $300,000 of privilege given in the way of free markets, and the $500,000 a year to be given for a privilege worth only $25,000 a year—if they determine there is nothing wrong, no fraud, nothing but equity and justice in the award rendered, and if the English crown lawyers agree that it is all just, and Her Majesty's ministers say it is all just, then I think I shall vote to pay it; but I desire a report from our Law Committee, and I desire to have the English lawyers committed upon the record. I want the facts to appear and I want these questions met not in a diplomatic way, but in a straightforward, manly way, face to face and man to man, so that all the people can understand it, because every dollar of the money required to be paid has to be taken by taxation from the hats, the boots, the clothes, the whisky, the tobacco, and the necessaries of the laboring poor of this country. We are trustees. We are not paying money of our own.

That is the truth about it, and we may as well look at it. All our subsidies, all our gifts, and all our high-toned speeches mean this: that we will, in order to keep up genteel diplomatic relations, which we regard as being so delicate, so sensitive that we cannot inquire into the facts, impose additional taxes (which have now almost exhausted a poverty-stricken people) to the amount of $5,500,000 to be paid to England for a privilege which in twelve years amounts, as the committee themselves say, to $10,000,000 for what is worth less than three-quarters of a million, and all for the benefit of a few fishermen along the New England coast, while the representatives of these people are raising a clamor every day about the destruction of rights and the raids upon the Treasury made by southern claims. Why, sir, you have had for seven years a southern claims commission, sitting at an expense of over $50,000 a year, and in seven years they have failed to pay over $3,500,000 for southern claims; less than a third of what you are now so anxious to pay in the interest of a few New England fishermen.

I desire that the truth shall appear. If they have got ten million dollars of benefit, say so, and charge it to them; let us have the facts. I do not believe they have got it, and I want the truth and the whole truth to appear by the report of the Judiciary Committee. If this award has been a fraud, or if Mr. Delfosse or anybody else has done wrong, or if we have appointed incompetent men to manage our affairs, let the Judiciary Committee state the truth. I do not say we have done either one or the other of these things, but before I vote I want the Judiciary Committee to tell me what the truth is, and then I will try and vote right.

Mr. EATON. Now let us vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont as amended, to refer with instructions.

The Secretary proceeded to call the roll.

Mr. HAMLIN, (when Mr. CONKLING'S name was called.) I was requested by the Senator from New York [Mr. CONKLING] to say that he was called away, and had paired with the Senator from Wisconsin, [Mr. HOWE.] If the Senator from New York were here, he would vote "nay" and the Senator from Wisconsin "yea."

The roll-call was concluded.

Mr. COCKRELL, (after having voted in the affirmative.) The Senator from Virginia [Mr. WITHERS] was called away, and I paired with him upon this question. I withdraw my vote. If he were here, I should vote "yea" and he would vote "nay."

Mr. HOAR. My colleague [Mr. DAWES] is absent at home. I am authorized to pair him on all political questions; but I do not know how he would vote on this.

The result was announced—yeas 16, nays 29; as follows:

YEAS—16.

Beck,	Hereford,	Oglesby,	Spencer,
Christiancy,	Ingalls,	Ransom,	Thurman,
Edmunds,	Maxey,	Saulsbury,	Voorhees,
Eustis,	Merrimon,	Saunders,	Wadleigh.

NAYS—29.

Allison,	Dorsey,	Kernan,	Plumb,
Armstrong,	Eaton,	Kirkwood,	Randolph,
Bailey,	Ferry,	McCreery,	Rollins,
Barnum,	Gordon,	McMillan,	Sargent,
Blaine,	Hamlin,	McPherson,	Windom.
Booth,	Hill,	Matthews,	
Burnside,	Hoar,	Morrill,	
Butler,	Jones of Florida,	Paddock,	

ABSENT—31.

Anthony,	Conkling,	Harris,	Morgan,
Bayard,	Conover,	Howe,	Patterson,
Bruce,	Davis of Ill.,	Johnston,	Sharon,
Cameron of Pa.,	Davis of W. Va.,	Jones of Nevada,	Teller,
Cameron of Wis.,	Dawes,	Kellogg,	Wallace,
Chaffee,	Dennis,	Lamar,	Whyte,
Cockrell,	Garland,	McDonald,	Withers.
Coke,	Grover,	Mitchell,	

So the motion to refer was not agreed to.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from North Carolina [Mr. MERRIMON] to amend the resolution reported by the Committee on Foreign Relations by striking out all after the word "Resolved" and inserting the words which will be read.

The Secretary read as follows:

That the Government of the United States is dissatisfied with the award purporting to have been made by the commission composed of Sir Alexander T. Galt, named by Her Britannic Majesty; Hon. Ensign H. Kellogg, named by the President of the United States; and Mr. Maurice Delfosse, envoy extraordinary and minister plenipotentiary from Belgium to the United States, named by the Austrian ambassador at London, in pursuance of the treaty of Washington, and respectfully dissent from and except to the same upon the following specified grounds, namely:

First. The said award was not duly made by the said commission, Hon. Ensign H. Kellogg, a member thereof, having failed to join in or sanction the same.

Second. The sum of money so awarded is grossly exorbitant and greatly beyond any sum anticipated by the government of Great Britain or the United States in submitting the matter in dispute to arbitration.

The President is requested to bring the grounds of exception above specified to the attention of the government of Great Britain and invoke due consideration of the same.

Mr. HILL. I do not know whether I ought to say, but I will say that I doubt the propriety of that. I must confess that I am of the opinion that if we are to correspond with the British government upon this legal question, we ought to do it without taking a distinct position on the question ourselves. If we are satisfied ourselves, what do we want to correspond with Great Britain about? If Great Britain will agree that an award made by two of three arbitrators—in other words, by a majority of the arbitrators—shall in all cases hereafter be accepted as an award, the rule will work as well for us as for her, and I am inclined to think myself that, as a matter of policy in the intercourse of nations, it is the best rule. It is a shorter settlement of difficulties. If we vote for this proposition we are taking a very distinct position which will embarrass us in the further correspondence on this subject. If we vote down the proposition, it is an admission by us that the award is a good one, that the award must properly be paid. I really suggest to my friend from North Carolina that it is not exactly proper to vote on the question in that form. I think we had better leave this matter open, and open a correspondence with Great Britain on the subject, and if she agrees that a majority of arbitrators appointed as these were, will be competent to make an award, the rule will bind her forever; she never can complain hereafter; and I am not so sure but that it would be the best rule to establish anyway.

Mr. MERRIMON. I think the objection taken to the substitute I have offered is not sound. The proposition of the committee is to the effect that the President shall negotiate with England with a view to have England consent to such views as the President may express on the subject of this award. That is the object. They contemplate a conference with Great Britain on this subject just as much as I do. I am only a little more frank. That is all. I propose that the Congress of the United States shall assume the responsibility that it ought to assume. It is perfectly manifest from this debate that the whole Senate is dissatisfied with this award for various considerations. My amendment says that, and I am free to say that I introduce it, not that I expect it will pass, but for the purpose of placing myself right upon the record. It expresses my opinion, my judgment; but if any one thinks it is going to embarrass the Government or anybody, I will not object to withdrawing it, because I see it will not prevail. My object is simply to place myself right on the record. I am opposed to paying a dollar until this matter shall be examined as such matters ought to be examined between two nations. I believe this is the way to bring the subject to the attention of Great Britain. This is the way to make up the pleadings. We suggest our dissent and express our grounds of dissent, and we ask her to consider them and then we will negotiate upon them. It is the only way it can ever be settled properly.

But, as I said, I am content that the majority of the Senate shall have their own way. Therefore, at the suggestion of various Senators, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MERRIMON. But I want to vote against the resolution.

The PRESIDING OFFICER. The question is on the resolution reported by the Committee on Foreign Relations.

Mr. EDMUNDS. I offer the following amendment, to come in at the end as an addition:

That in the judgment of the two Houses the provisions of articles 18 and 21—

Which are the article that authorizes us to fish and the article which authorizes the Canadians to bring in fresh fish free of duty—

of the treaty between the United States and the government of Great Britain concluded on the 8th day of May, 1871, ought to be terminated at the earliest period consistent with the provisions of article 33 of the same treaty.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. EATON. I hope the Senate will not agree to it. It is virtually the same thing that was offered by the Senator yesterday in different language; the same principle is involved.

Mr. EDMUNDS. Virtually, according to the criticism made yesterday, it is not the same thing.

Mr. EATON. That is my judgment about it.

Mr. EDMUNDS. Undoubtedly. Now, Mr. President, I will state that the two articles there referred to are these: the first one gives us this right of inshore fishery, upon which this award was made; the second, the correlative one, gives the subjects of Her Majesty the right to bring their fish into the United States free of duty. The thirty-third article of the treaty provides that at the expiration of ten years, which term has now more than half run, either government may give notice to the other of the wish to terminate these provisions, and, if terminated, of course that is the end of them. Now if the ten years go by without having the President of the United States authorized to terminate this treaty, he has no authority of his own to do it, and we become liable upon the same principles that we are now proceeding upon to pay for the next ten years, or, at the very least, the next two years. That is a question I will not undertake to discuss at this time of day.

This, therefore, is merely stating, as the original resolution does, the judgment of the Senate, its opinion as to the fitness of continuing this treaty; and the difference between this proposition and the one of yesterday I will say to my friend from Connecticut, is that yesterday the proposition that I offered made the propriety of terminating these provisions of the treaty literally contingent on Great Britain receiving this money, and it was said that is a menace, it is a kind of a threat, it is a kind of persuasion, at the very least, to induce Her Majesty's government not to take this money and to try it again. Now, to obviate that, I wish to express my judgment, if I vote alone, in favor of that proposition, as we are expressing the opinions of this body, and if the House concurs of that body, simply that no matter what sum might be awarded, we ought not to continue the arrangement in our judgment beyond the time that we are bound to continue it.

The treaty is peculiarly framed about that. If you have a new abitration for the next ten years, there can be no balance allowed in our favor. The treaty only provides for paying money to Her Majesty's government no matter how clear it might appear that under those two articles of the treaty the advantage in favor of the subjects of Great Britain was $10,000,000 for the ten years or twenty, nothing can be paid to us.

It is manifest on the report of the Committee on Foreign Relations, and was known before to people who were acquainted with the state of these fisheries, that the value that we obtain in the privilege of fishing within three miles bears no comparison to the value that the British subjects obtain in respect of importing their fish free of duty into the United States, giving to Her Majesty's subjects a favor in respect of importations that is accorded to no other nation; and it is open to great question in my mind whether under some of the treaties with other powers we should not be bound to admit the silks of France, &c., free of duty upon the theory that we were granting special privileges and favors to one nation that we do not give to others.

What I wish is to express my opinion now, as we are upon opinions and nothing else, that at the earliest moment we can consistently with the provisions of this treaty we ought to terminate it, and let the

American fishermen within the three miles fish under such arrangements as they can make with the authorities, or not fish at all, and let the British fishermen when they import their fish into the United States pay the duties that the laws of Congress provide for goods of that character. That is the proposition. I wish to vote upon it for one as an opinion, as we are upon opinions.

Mr. HILL. I do not know that I would disagree much with the Senator from Vermont as to the propriety of giving this notice under proper circumstances; but I submit to the Senate whether it is proper to attach the notice to our action upon this award at all. It is altogether a different subject-matter. It seems to me that it had better be brought up as an independent matter and let it be referred to the Committee on Foreign Relations and go through the regular course.

Mr. EDMUNDS. How is it a different subject-matter, Mr. President? The Committee on Foreign Relations have demonstrated to us, if we put faith in their report, that, taking these two articles together, there being a balance of benefits in our favor, yet the balance is largely the other way according to this so-called award.

Mr. HILL. Yes.

Mr. EDMUNDS. Now, with a view to the termination of this question, the Senate is called upon to express an opinion about one of the hands of this affair. I propose to take what belongs to it and to express the opinion at the same time that under any circumstances, not as a menace or a persuasion or anything else, but on this report, under any circumstances, it is our opinion that the arrangement ought not to be continued beyond the term already agreed upon.

Mr. HILL. The subject about which we desire to correspond with Great Britain now is not in relation to the fisheries. It is in relation to the legality of an award, which would be the same question whether it was about fisheries or anything else. The question we are to correspond immediately with Great Britain about is whether a majority of arbitrators appointed as these were can make a legal award. That is the question now up; that is the question about which we wish to correspond. It is true the award as made grows out of the fisheries; but this other question as to whether we shall terminate the treaty of Washington is another question, I respectfully think, although both grow out of the same subject. I think it is a different matter.

Mr. EATON. By that treaty we have four years yet to determine that matter in.

Mr. BLAINE. The Senator from Vermont in his amendment yesterday, in the general judgment of the Senate and finally his own, had got upon a ground which was objectionable, for it looked like expressing to Great Britain something of a menace——

Mr. EDMUNDS. Not finally in my own, I beg to say.

Mr. BLAINE. I thought so because the Senator modified it. This is a declaration of our own judgment. You may go around the Senate here and ask every individual Senator on both sides of the Chamber whether in his judgment the treaty ought to be terminated at the proper time. Now, if we all think so, why in the world shall we not say so in our own legislative capacity, not in any relation to Great Britain, not for communication through the diplomatic channels? What in the world is the harm of saying so? Why can we not simply say so? If we vote down the amendment we say the other thing. It is here, and I judge the Senator from Vermont will keep it here. I know he is the most yielding and amiable of men; yet occasionally he will hold on to a point when he asserts it. Now I submit to the Senate that as we all believe that proposition, it is a great deal straighter, franker, and a more direct way simply to vote it and put it upon our record.

Mr. HILL. My point is that there are a great many things we might all wish to say, there are a great many things on which we all might agree, but that is no reason we should attach them to this resolution; that is no reason we should complicate this question with those matters. We have a simple question before us whether a certain award which has been made is a legal award; and the point why it is not a legal award is that it was made by two only, a majority of the arbitrators. We want to correspond with Great Britain as to whether she will insist that it is a legal award or not. I do not care whether it is about fisheries or anything that is a different subject-matter altogether; I think it is a very important matter. I do think it is a very important thing to get Great Britain committed to the proposition that a majority of arbitrators may make an award, and in my judgment the question of the fisheries is a very small matter in comparison with that.

Now what the Senator from Vermont brings forward by his amendment as to giving this notice, is a different matter, not at all depending upon this. It is a matter which we can attend to to-morrow just as well as to-day.

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. HILL. It is a matter which we can do at the next session as well as at this; and why therefore attach it to this?

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. HILL. In one moment. It may be regarded by Great Britain too that we are giving this notice in a little spirit of spite, that we are dissatisfied with this award.

Mr. EDMUNDS. Are we not dissatisfied with it?

Mr. HILL. Well.

Mr. EDMUNDS. If we are not, we are making a great fuss about nothing.

Mr. HILL. We think it is a very heavy award; that is true; but still that is not the question here. The simple question is this: whether you are dissatisfied or not, if it is an award you ought to pay it. It does not become a dependent to complain of the justice of a judgment after he has agreed to the tribunal to decide it and that tribunal has entered judgment; and it is not very well for us to be expressing dissatisfaction with the judgment after it is rendered. The great question and the only question is to ascertain has a judgment been rendered, has a legal award been made?

Mr. EDMUNDS. How are you going to ascertain that?

Mr. HILL. We are going to ascertain that by correspondence with Great Britain. If she insists that an award has been made——

Mr. EDMUNDS. Then it is an award.

Mr. HILL. No, I do not say that, but I say if Great Britain insists that there is an award, I will then agree to pay the award because both the contracting parties are committed to the principle that a majority of the arbitrators can make an award. We have then the principle established; that is all.

Mr. EDMUNDS. How are both committed?

Mr. HILL. If we pay the award knowing that it is an award by a majority of the arbitrators, and Great Britain insists that it is an award when made by a majority, both are committed to the principle that a majority of arbitrators may make an award.

Mr. EDMUNDS. But this resolution does not propose to pay it.

Mr. HILL. Which resolution?

Mr. EDMUNDS. The resolution we are asked to vote on is not a resolution to pay the award.

Mr. HILL. This resolution does look to the payment of the award if after correspondence with Great Britain she shall insist that it is a legal award. It certainly appropriates the money and looks to payment.

Mr. EDMUNDS. May I now ask the Senator the question I wished to put a little while ago?

Mr. HILL. Yes.

Mr. EDMUNDS. The Senator from Georgia says that the aim of this resolution is to fish an opinion out of Great Britain on that question. Suppose the government of Great Britain should say to us "inasmuch as you have no opinions to express, your Congress has refused to express any opinion on this subject, we beg to be excused from expressing any opinion; the time for the payment of the award has not yet come; if you think you are bound to pay it upon just principles of international comity, pay it; if you do not think so, then do not pay it, and we will see afterward what happens as a consequence;" what are we to say then? Are we not in rather an extraordinary attitude to go fishing for an opinion of our adversary before we are willing to express any of our own, when we are dissatisfied?

Mr. HILL. I do not understand that we are going fishing for an opinion from an adversary, nor do I consider that the position will be at all embarrassing to us.

Mr. HOAR. Will the Senator from Georgia allow me to say that I do not understand that this resolution which the Committee on Foreign Relations proposes prevents the President of the United States from intimating an opinion of his own to the British government.

Mr. EDMUNDS. But what is the opinion of the President of the United States? The Constitution of the United States does not authorize the President of the United States to have an opinion that binds the United States. When the President of the United States finds that Congress has refused to express any opinion, he ought to take the same attitude.

Mr. HOAR. I do not understand that in the matter of diplomatic correspondence—of course it does not bind the United States in the sense that a treaty binds the United States—but I never heard that in a diplomatic correspondence with foreign governments the diplomatic agents ought not to express opinions as to questions of law or questions of fact when the interests of their governments require, and I do not understand that this resolution interferes with that power or duty.

Mr. HILL. If the President should express an opinion by authority of Congress then it would be a proper opinion to express; but I will say to the Senator from Vermont that I think, so far from being in an awkward position by not expressing our opinion now as to whether this is an award in law or not, we are in a better position not to express an opinion. We express our doubts about it; we are not willing to determine the question for ourselves absolutely whether it is an award or not; but here it is, a question upon which two must agree. If we say to-day that in our judgment this is not a regular award, that is an end of the matter. What do you want correspondence with Great Britain about it for then? The only question of correspondence with Great Britain then will be to get up another arbitration if she agrees with you; and if she does not agree with you then to get up an arbitration on the question of law. But if we say it is not an award, Great Britain will feel then "why do you ask me whether I will accept it; if you say it is a legal award, why do you not pay it? That is the end of the matter. Why do you not pay it if it is a legal award?" But we have doubts about it and we simply want to enter into a correspondence with our adversary to get a concurrence of opinion.

But I did not intend to say anything except that I think under all the circumstances, without reference to the merits of the amendment

offered by the Senator from Vermont, and while upon the merit of the resolution I might agree with him as an independent resolution, and I think I would, yet, as there is ample time to give the notice, for I believe we have yet four years to run, and as there is no necessity for giving it now, and to connect it with this matter may somewhat complicate it, I prefer that we should not.

Mr. EDMUNDS. The Senator misunderstands the scope of the amendment. The amendment is not a notice. It only expresses the present opinion of the Senate that under whatever circumstances, according to the light we now have, these two articles ought not to be continued beyond the time we have agreed they shall be continued.

Mr. HILL. If it is not to be a notice it is to have no effect, and it is a mere expression of opinion which amounts to nothing, and why express it?

Mr. EDMUNDS. It has the same effect as every resolution, and a little more.

Mr. HILL. I think we should say nothing about it. We have one subject, which is whether we shall pay this award. Let us settle that.

Mr. THURMAN. I have only one word to say. I very much wish that the amendment offered by the Senator from Vermont were a substitute for the resolution. We are asked to pass this resolution, so as to let Great Britain know, and let everybody else know, that this award cannot be the measure of damages in the future in case the treaty be extended for another term. Now, if we say we do not intend to extend the treaty for another term at all, we have in the most positive way in the world said that we will not have this as a measure of damages, for we do not intend to extend the treaty; it is our opinion that the treaty ought not to be extended at all; and therefore there is no danger of there being any such thing thrown up into our faces as this award as a measure of damages. I would prefer the amendment if it were offered as a substitute for the resolution, but if it is not I can vote for it as the most effective way of declaring that we do not recognize this as a measure of damages, for we do not intend to extend the treaty.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. OGLESBY. Mr. President, I shall not vote for the amendment proposed by the Senator from Vermont; and when a Senator upon this floor takes a bold stand of that sort, I think he ought to explain himself. I have listened to this debate as attentively, I may venture to say, as any Senator upon this floor, and have given more attention to it than to most of the questions that are brought before this body for decision. I believe it is an irritating question. It has very remote and dangerous consequences. In its effect one way or the other it touches the relations of the Dominion of Canada to the United States, and I think it not unlikely that what we shall determine and decide upon this question will have very much to do in the future with the relations of the United States with that dominion.

I voted to remit this question to the Judiciary Committee, and supposed that I was voting intelligently. I wished the Judiciary Committee to consider this subject. The chairman of the Committee on Foreign Relations advised this body that he did not wish to have this question sent back to that committee in one of the best speeches that I have heard the Senator from Maine [Mr. HAMLIN] make this session. I wanted the question referred to the Committee on the Judiciary, in the hope that that committee would seriously take hold of this question and report to this body whether the award made, about which we are debating now, was an award within the boundary of the submission and jurisdiction of law. If that committee should find that it was not such an award, and not so sustained, then we should, as a Congress, so frankly advise the British government. There is a frank way of dealing with a nation as with a man.

The Senator from New Hampshire [Mr. WADLEIGH] an hour ago submitted a remark which seems to have escaped attention; that the British government will be embarrassed with any correspondence that may hereafter arise between the executive department of this Government and that, because of the award already made, and the British government will be in poor condition to have a correspondence with this with the eyes of the British nation fixed upon the British government, with an award against the United States of $5,500,000 in gold. How is the government of Great Britain to answer the President of the United States or the Secretary of State? How are they to negotiate about this question with the award rendered and with the appropriation made by this Congress to pay it? I wish to know what the Executive has to stand on, what ground has the Secretary of State to stand on in opening a new correspondence on this question with the British government? Here is the award already rendered; the bill has passed the Congress appropriating the money from the Treasury. I wish to know how the British government is to answer to us so as to avoid an award in its own favor. I wish, therefore, that the Judiciary Committee had taken this question and reported back that the award was not sustained by law; that, as it was a decision in which the three commissioners did not agree, and therefore not an award, this Government would not subscribe to nor sustain it.

It is said the reason we take that position is because the award is against us. The award, if it be one, is truly against this Government, and the trouble about the question is the mischief to grow out of it; it affects our relations not so much with the British Empire as with the Dominion of Canada. The trouble about this award is that every man, woman, and child in the United States believes now, and will ever believe, that it was outrageous, that it is based on injustice, and some people will be so extravagant as to say that it was founded on fraud.

Our relations with these people on the north are very delicate, and I wish to cultivate the most amiable and cordial and tender understanding with them. I have even entertained the hope, Mr. President, that the time might come when the people of Canada would see that their true welfare consisted in a union with the United States. But the results that come from an arbitration of this sort are well calculated to sow the seeds of discord that will grow into a rivalry of hate, so that instead of the Dominion of Canada coming as it ought naturally to come into the United States as a part of the Union, it will ultimately have to come if at all by force, for this Government has not yet given up the idea of "54° 40′ or fight." There is not an inch of territory on this continent north of the forty-ninth parallel that ought not to be under the jurisdiction of the American people this very hour.

These questions, Mr. President, will take hold of the American people, and this award is a rich provocation. The American people love justice, and they love right. The English nation have ever, if I may go so far as to say, boasted, they have certainly ever claimed that they have been the great lovers of right and of the fair thing. The British people and the British government know to-day that the award of the fishery commission is a fraud and an outrage, and it is the duty of this American people to say so frankly, as I hoped if this subject had gone to the Judiciary Committee they would have reported that it was in violation of law, and that we should have said through the Secretary of State to the British government that we hold this award to be in violation of law. That is the ground for the American people to stand on; that is the ground for honest and frank people to occupy.

Sir, if you pass this resolution reported by the Committee on Foreign Relations, the bill is a foregone conclusion, the appropriation is a foregone conclusion. Will this Senate sit here and pass this resolution, indorsing the report of our Committee on Foreign Relations, and let our vote go out to the world and especially to the British people, let them take possession of our proceedings to-day, and then not pass the bill? Of course the bill will pass, or we shall present a beautiful spectacle to the world; and when the resolution shall pass, and the bill shall have become a law, we shall have given up the whole question.

The treaty of Washington, as we all believed, was a most honorable and excellent substitute for war, or for the difficulties then existing between the British nation and the American Republic. We all fell in with it; we all talked about it, and believed that we had at last cut the Gordian knot which had been the source of trouble and of suspicion and of discord between these great peoples. The Geneva award was made, out of which we received less than we ought to have received. Of course the British people were satisfied with it. I doubt not that ninety-nine one-hundredths of the English people were satisfied with it, for it was a victory over us. Fifteen millions five hundred thousand dollars paid in gold to this Republic for depredations and outrages upon our people which exceeded in amount one thousand millions in gold! The outrages perpetrated by the British people upon this Republic during the late war between us and the South settled by the small sum of fifteen and a half millions of dollars in gold! They prolonged the war a year beyond its necessary duration, and deceived the South all the way through. They misled and deceived the South, held out the hope to them that they would recognize their independence at some day in the near future; that the British government stood ready to recognize the confederacy. They deceived the South, and they pilfered and preyed upon the North. A thousand million dollars would not have paid the damages they inflicted on this country. And yet grave Senators rise here and say that $15,500,000 was more than we were entitled to. It was a pitiful sum, and it does not concern the British government as to what we shall do with it, and I do not propose to consult them as to how we shall dispose of it. I believe they have more intelligence than to expect it from us.

Following in the tread of that great Geneva award they have already received $2,000,000 in gold; this fisheries commission gives back $5,500,000 more in gold, the award and finding of the commission inflicted upon us as smart money, as vindictive damages. The award is rendered in the sense of inflicting a punishment upon us. Every intelligent and reflecting Senator knows that what we gave the Dominion of Canada under that treaty was fully equal to all we received from it; and because there was a demand upon the part of the people of Canada that the considerations passing between the two governments were not quite equal, the treaty of Washington provided for the substitution of this commission to come in and settle whatever partial differences there were growing out of what the Dominion of Canada believed to be of advantage on their part. This commission met. The American people paid no attention to it. Beyond the President and beyond the State Department, no attention was paid to the deliberation of the commission because no intelligent Englishman and no intelligent American believed that the award when made would startle the sense of justice of the world as it did. It was an outrage, and it deserves to be characterized upon the floor of the United States Senate as an outrage; and if the Judiciary Com-

mittee had taken charge of this question and reported back to this body that the award was in violation of law, I would have voted to so state, and I would have voted against the appropriation.

Now, since the Senate has declined to do that, there is no other course left, as the majority seems to have that view, but to vote for the resolution of the Committee on Foreign Relations, to vote to remit this question back to the Secretary of State and the President, and to ask the President of this nation—look at it, Senators—to ask our President to open a begging and apologetic correspondence with the British government to see if they will be kind enough to remit a few of the dollars awarded to them. My God! I would rather pay millions than take any such attitude as that.

The way to do is for the Congress of the United States to meet the question like men, and to say to the British government, "This award is unjust, and we are not disposed to stand by it."

When you pass this resolution, when you pass upon the report of the Committee on Foreign Relations, your bill must necessarily follow. To be consistent with ourselves it must follow, or we shall present a beautiful spectacle to the world as a great, intelligent, and deliberate treaty-making power and body! No, Senators, we must be consistent with our own conduct; we must keep in the line of consistency with ourselves, and it would be far better for the British people, for the Dominion of Canada, and for the United States to have sent this to the Judiciary Committee, to have had that committee report back upon the law of this case, and then to have boldly said that it is such an outrage that we choose to stand upon the law of the case, not as the Senator from Ohio said upon the technicalities of the case—no, Mr. President, upon the law of the case. That is what we ought to have stood upon.

Why, this thing, the whole matter of our treaty with the British people, the whole matter of this arrangement in 1871 between England and the United States, in its consequences and in its effects, is frittered away and belittled by the finding of this fisheries commission. Do you expect, Mr. President, does any Senator on this floor expect, ever to be able to explain to the American people that that award was just? Will not every Senator leave this floor under the conviction that it is his duty to tell his people that the award is an unjust, a foul award? Then our people expect of us that we will meet it as Senators should meet it, and not go back carping before the people that it was a miserable award and that we met it in a miserable way. No, no; we should deal with the British Empire as they deal with Russia; deal with them as they deal with the rest of the world; deal with them as their equals in power and in moral excellence; tell them that we will submit to no such trickery and chicanery as resulted in this fishery commission under this treaty. I say that the matter of arbitration is belittled by the whole proceeding, and there is not a voter in the United States to-day that will not for the whole future be disgusted with the whole matter of arbitration, if it is to become a system of trickery and contrivance and arrangement by which one power is to gain an advantage and finally an ascendency over another power. Far better have the old methods of battle. Fisticuffs is far more honorable. I say to Senators on this floor we can never make the American people believe that this was anything else than an outrage, and we ought to meet the sense of public justice that is seated deep in the American heart. That is what we ought to do.

I say, again, Mr. President—for I have talked far beyond what I supposed I would when I arose—that our relations with these people on the north are very delicate; and by the rights of human liberty, by the rights of equal justice, by the rights of fair government, and by the higher rights of universal civilization, the Dominion of Canada belongs within the protection and under the cover of the American flag; and the operation of performances of this kind is to separate and divide us and plant the seeds of animosity that will grow into intense and lasting bitterness, and ought not to be endured. That is my opinion about it, and there I leave the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. INGALLS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate adjourn.

The question being put, there were on a division—ayes 13, noes 25.

Several SENATORS. No quorum.

Mr. EDMUNDS. But the Senate can refuse to adjourn without a quorum.

Mr. HAMLIN. Let us have another division.

The PRESIDING OFFICER. The Senate refuses to adjourn. The question recurs on the motion of the Senator from Vermont to amend the resolution reported by the Committee on Foreign Relations.

The question being put, a division was called for; and the ayes were 24.

Mr. OGLESBY. I call for the yeas and nays. ["No!" "No!"] I wish to say this: if I have a right to call for the yeas and nays before the Chair announces the result of the division—perhaps I have not——

Several SENATORS. You have.

Mr. OGLESBY. Then I call for them. I did not vote for the amendment of the Senator from Vermont. Now, why did I not vote for it? The Senator proposes to virtually give notice, with the payment of this money, with the referring of this question to the executive department of the Government, to take it up and open it again; the Senator's amendment proposes to suggest to the British government that we now give notice that the treaty shall end. I propose what I believe to be a wiser course, that if we shall pay the money and shall sanction that award, to avail myself of the advantages of giving that notice at the last possible moment, not now. I propose to take all the opportunities of warning the British people that we will not stand longer under that treaty, and I would rather not give the notice now.

Mr. EDMUNDS. My friend will allow me to suggest to him, that this does not give any notice; it merely expresses our opinion under the present light that we have. It is no notice at all.

Mr. OGLESBY. That is not what we ought to do, if the Senator from Vermont will allow me to differ from him, which I do with great reluctance and great respect always. We ought not to do that now; let us hold all the advantages we have left to the last moment, for trouble is to grow out of this matter, great and lasting.

The PRESIDING OFFICER. On this question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. BAILEY. I am in favor of terminating these clauses of the treaty as the amendment of the Senator from Vermont indicates; but I shall vote against the amendment because I do not believe this is the proper time or the proper occasion, nor are the circumstances proper for us to give that notice. I shall vote against the amendment for that reason; but if the Senator from Vermont will introduce such a resolution to-morrow as a separate and independent proposition, I will vote for it.

The Secretary proceeded to call the roll.

Mr. RANDOLPH, (when his name was called.) On this question I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.] I should vote "nay" if he were present, and he would vote "yea."

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. MERRIMON] is paired on this question with the Senator from Connecticut, [Mr. BARNUM.] If present, my colleague would vote "yea" and the Senator from Connecticut would vote "nay."

The result was announced—yeas 26, nays 14; as follows:

YEAS—26.

Anthony,	Ferry,	McMillan,	Rollins,
Beck,	Gordon,	McPherson,	Spencer,
Blaine,	Hamlin,	Maxey,	Thurman,
Booth,	Hereford,	Morrill,	Voorhees,
Conover,	Hoar,	Paddock,	Windom.
Edmunds,	Ingalls,	Plumb,	
Eustis,	Kirkwood,	Ransom,	

NAYS—14.

Allison,	Butler,	Jones of Florida,	Oglesby,
Armstrong,	Christiancy,	Kernan,	Sargent.
Bailey,	Eaton,	Lamar,	
Burnside,	Hill,	Matthews,	

ABSENT—36.

Barnum,	Davis of Illinois,	Johnston,	Randolph,
Bayard,	Davis of W. Va.,	Jones of Nevada,	Saulsbury,
Bruce,	Dawes,	Kellogg,	Saunders,
Cameron of Pa.,	Dennis,	McCreery,	Sharon,
Cameron of Wis.,	Dorsey,	McDonald,	Teller,
Chaffee,	Garland,	Merrimon,	Wadleigh,
Cockrell,	Grover,	Mitchell,	Wallace,
Coke,	Harris,	Morgan,	Whyte,
Conkling,	Howe,	Patterson,	Withers.

So the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the resolution as amended.

The resolution, as amended, was agreed to.

ORDER OF BUSINESS.

Mr. FERRY. I ask the Senate to proceed to the consideration of the bill (H. R. No. 4286) to establish post-roads in the several States therein named, and for other purposes.

Mr. EDMUNDS. I move that the Senate adjourn. To-morrow I shall move to take up the other bill of which I have before given notice.

Mr. FERRY. I ask that the post-road bill be taken up, to be left as the unfinished business.

Mr. EDMUNDS. You cannot have it taken up to-night.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate do now adjourn; previous to which, if there be no objection, the Chair will lay before the Senate certain bills from the House of Representatives.

The bill (H. R. No. 2153) providing for the payment of counsel fees in Osage ceded land suits was read the first time by its title.

Mr. INGALLS. The Committee on Indian Affairs have reported that identical bill and it is now on the Calendar. I ask that the House bill be read the second time and placed on the Calendar without a reference.

Mr. EDMUNDS. If that is a proposition to advance it without a reference I object to the second reading.

The PRESIDING OFFICER. The question is on the second reading of the bill.

Mr. EDMUNDS. I move that the Senate adjourn. You cannot put the question of the second reading on the same day.

Several Senators addressed the Chair.

Mr. HOAR. I call for the regular order.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and at (six o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 1, 1878.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I ask unanimous consent to take from the Speaker's table the legislative appropriation bill (H. R. No. 4104) just returned from the Senate, and move that it be referred to the Committee on Appropriations, and that it be printed with the Senate amendments.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BURCHARD. I call for the regular order.

Mr. COX, of New York. I desire to call up the bill (H. R. No. 3988) to organize the life-saving service.

The SPEAKER. The regular order is the unfinished business coming over from Wednesday, being the bill reported by the gentleman from Illinois [Mr. BURCHARD] in relation to the internal revenue.

Mr. COX, of New York. I move to take up the life-saving-service bill.

The SPEAKER. That motion is not in order. The gentleman, however, may raise the question of consideration as to the unfinished business.

Mr. BURCHARD. The House was dividing when the adjournment took place.

Mr. KNOTT. I ask the gentleman from Illinois and the gentleman from New York to forego the regular order until we can have the morning hour.

Mr. DUNNELL. I hope that will be done.

Mr. BURCHARD. I have no objection, if the committees desire to report, to there being a morning hour. A morning hour may intervene by unanimous consent, and the unfinished business can then be resumed.

Mr. REAGAN. After the morning hour I shall insist on taking up the bill for the regulation of interstate commerce.

Mr. BUCKNER. If consent is given for a morning hour, I presume that will not prevent the question of consideration on the unfinished business or any other measure after the morning hour.

The SPEAKER. The House has control over its own business by a majority. It is proposed that the consideration of the unfinished business be delayed, that there may be a morning hour. Is there objection? [After a pause.] The Chair hears none. The morning hour begins at twenty-six minutes past eleven o'clock.

Mr. COX, of New York. I have a proposition to make, if gentlemen will hear me.

The SPEAKER. The morning hour has begun. The gentleman can make his proposition after the morning hour.

Mr. COX, of New York. I would prefer to make it now, that an understanding may be come to at this time.

The SPEAKER. The Chair will hear the gentleman, and the time will not be taken from the morning hour.

Mr. COX, of New York. I do not propose to occupy much of the time of the House with the bill to organize the life-saving service. I propose that it shall be taken up to-night and discussed, so far as deemed necessary, and that the previous question shall be called on Monday at any hour that may be agreed upon.

Mr. O'NEILL. The session of this evening to be for the consideration of that bill exclusively?

Mr. COX, of New York. I will state briefly the reason for this proposition, and I think it must approve itself to every gentleman. This life-saving service is in certain respects inefficient. We had a storm only the night before last in which a vessel went ashore on the Jersey coast, and no provision is now made for such storms at this time of the year.

Mr. BURCHARD. I desire to make a suggestion. I think there will be no objection to an evening session for the discussion of the bill which the gentleman from New York desires to bring up if it be confined to that business only; and I would suggest that an hour be fixed on Tuesday on which the vote shall be taken. Instead of having the previous question ordered let an hour be fixed for taking the vote.

Mr. COX, of New York. I will accept the gentleman's suggestion if the House will agree to have an evening session, say on Monday night for the consideration of this bill. The vote can be taken on Tuesday at an hour to be set by the House.

Mr. BURCHARD. If the previous question is ordered it can be reconsidered and then the matter might be brought up after the morning hour to the exclusion of other business.

Mr. COX, of New York. My object is to have this bill forwarded so that it may get to the Senate in time to be passed before the adjournment and that it may be law before the September gales come on.

Mr. BURCHARD. The House has voted to take up the regular order. Let us dispose of that and get it out of the way.

Mr. COX, of New York. The House has not voted to take up the gentleman's bill.

Mr. BURCHARD. It did the other day.

Mr. HAYES. I demand the regular order. I do not think we are making any headway in this discussion.

Mr. O'NEILL. I hope the proposition to have an evening session to-night for the consideration of the bill of the gentleman from New York will be agreed to.

Mr. COX, of New York. I am willing to have it fixed for Monday night, and to take the vote on Tuesday.

Mr. WOOD. I object to any special order or to any evening sessions being fixed except to proceed to the regular business before the House.

The SPEAKER. The regular order is demanded, and the morning hour begins at eleven o'clock and thirty minutes. Reports from the Committee on the Post-Office and Post-Roads are still in order.

There were no further reports from the Committee on the Post-Office and Post-Roads.

SUPERVISORY JURISDICTION OF CIRCUIT COURTS.

Mr. HARRIS, of Virginia. I am instructed by the Committee on the Judiciary to report a substitute for the bill (H. R. No. 179) to give circuit courts supervisory jurisdiction in certain criminal cases. This is the unanimous report of the committee, and I ask that the bill be put upon its passage.

The bill (H. R. No. 5065) was read a first and second time.

The first section provides that the circuit court shall have jurisdiction on writs of error in all criminal cases tried before the district court where the penalty is confinement in the penitentiary or in the jail, or where, if by fine only, the fine may exceed under the law the sum of $500; and in such cases a person feeling himself aggrieved by a decision of a district court may except to the opinion of the court and tender his bill of exceptions, which, if the truth of the case be fairly stated therein, the judge shall sign, and it shall be a part of the record of the case.

The second section provides that the petition for a writ of error from the judgment of a district court, in the cases referred to in the next preceding section, may be presented to the judge of the circuit court in term or vacation, and if allowed shall be docketed in the circuit court having jurisdiction over any such district; but if refused may be presented to the justice of the Supreme Court who is allotted to such circuit, and if allowed shall be docketed and heard in such circuit court; and the judgment or decision upon such writ of error shall be remitted to the district court appealed from, to be enforced according to law.

The third section provides that a writ of error awarded under this act to any judgment shall act as a *supersedeas* thereto on such terms and conditions as said court or judge awarding the same may prescribe.

Mr. HANNA. Under the provisions of this bill, unless the law required that the indictment should be returned to the district court this bill would be wholly inoperative. In my district, as a rule, all indictments are now returned into the circuit courts; formerly the practice was to return them to the district courts, but now a rule of practice has obtained by which they are all returned into the circuit courts.

Mr. HARRIS, of Virginia. If they are all returned into the circuit courts, then the circuit court obtains jurisdiction. I think this bill will provide all that the gentleman desires. I call the previous question.

The previous question was seconded and the main question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARPER'S FERRY, VIRGINIA.

Mr. HARRIS, of Virginia, from the Committee on the Judiciary, reported, as a substitute for House bill No. 3241, a bill (H. R. No. 5066) authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869 by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The first section of the bill authorizes the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel contracts with and release each and all purchasers of lots of land from their purchases made on the 30th of November, 1869, at and near Harper's Ferry, West Virginia, whenever such purchasers shall quitclaim and release said lots or parcels of land to the Government of the United States by deed in such form as may be required by the Solicitor of the Treasury. Provided that such quitclaim and release shall be executed and tendered to the Secretary of War within four months from the passage of this act.

The second section provides that whenever any of said lots and parcels of land shall be quitclaimed and released in pursuance of section 1 of this act, the Solicitor of the Treasury shall, by and with the consent of the Secretary of War, cancel the obligation of the purchaser or purchasers thereof, and release the same from all liability to the Government of the United States for the purchase money of such lot or lots of land. And the Solicitor of the Treasury shall, when he deems it expedient to subserve the interests of the Government, have the power, and is hereby authorized to offer for sale said lots or parcels of land so quitclaimed and released by auction, after first giving notice of the time, terms, and place of sale in pursuance of existing law, upon such terms as in his judgment he may deem expedient.

The third section authorizes the Solicitor of the Treasury to make sale, in pursuance of law, of the whole or any part of said property, or, if he deem it expedient and better for the public welfare, lease for any term of years any part or all other real estate and riparian rights now owned by the Government of the United States at or near Harper's Ferry, Jefferson County, West Virginia.

The fourth section authorizes the Solicitor of the Treasury to abate part of the purchase-money due from purchasers who have made improvements upon lots of land purchased as aforesaid at Harper's Ferry, provided that in his judgment such purchasers are legally or equitably entitled to such abatement; and provided further that such purchasers shall make application to the Solicitor for abatement within two months from the passage of this act; and, in case an abatement is made, shall pay the balance of the purchase money due for deducting the amount abated within sixty days thereafter; otherwise the debt to remain as if no abatement had been made.

The fifth section provides that this act shall be in force from its passage.

Mr. HARRIS, of Virginia, called the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT COURT AT DANVILLE, VIRGINIA.

Mr. KNOTT, from the Committee on the Judiciary, reported back favorably House bill No. 3892, to change the time of holding terms of the district court for the western district of Virginia at Danville.

The bill provides that the regular terms of the district court in the western district of Virginia, at Danville, shall be held on the Tuesday after the fourth Monday in February, and on the 15th day of November; but if said last-mentioned day shall fall on Sunday, the term shall commence on the following day; and repeals so much of section 572 of the Revised Statutes as conflicts with this act.

Mr. KNOTT. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS IN MISSOURI.

Mr. KNOTT also, from the same committee, reported a bill (H. R. No. 5067) to divide the western district of Missouri into two divisions and to prescribe the times and places for holding the courts therein, and for other purposes, as a substitute for House bill No. 563, to provide for holding the terms of the district and circuit courts of the United States at the city of Kansas, Missouri; which was read a first and second time.

Mr. CRITTENDEN. Will the gentleman from Kentucky allow me to ask him how often are the terms of the courts to be held at the city of Kansas.

Mr. KNOTT. Twice a year; once in the spring and once in the fall. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS IN COLORADO.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for House bill No. 2425, to divide the State of Colorado into three judicial districts, a bill (H. R. No. 5068) to amend an act entitled "An act to further the administration of justice in the State of Colorado."

Mr. CULBERSON. I move the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATURE OF ARIZONA.

Mr. CULBERSON also, from the same committee, reported back, with amendments, the bill (H. R. No. 793) to confirm certain acts of the Legislative Assembly of the Territory of Arizona, and to provide for the apportionment of the members of the next Legislative Assembly thereof; which was referred to the Committee of the Whole on the state of the Union, and, with the amendments, ordered to be printed.

Mr. LAPHAM. I desire to offer an additional amendment to that bill, and ask that it be printed with other amendments.

There was no objection, and it was so ordered.

CHANGE OF JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON also, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 1582) to create the northern judicial district of Texas, and to change the eastern and western judicial districts of said State, and to fix the times and places for holding the courts in said district.

Mr. CULBERSON. I move the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were agreed to; and the bill was ordered to be engrossed, and read a third time; and it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JURISDICTION OF THE CIRCUIT COURTS OF THE UNITED STATES.

Mr. CULBERSON also, from the same committee, reported, as a substitute for House bills numbered 1837, 1380, 505, 1399, 1134, 1132, and 2375, a bill (H. R. No. 5069) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of cases from the State courts, and for other purposes, approved March 3, 1875; which was read a first and second time.

Mr. CULBERSON. As this is a very important bill I am instructed by the Committee on the Judiciary to ask the adoption of the following resolution:

Resolved, That the bill entitled "An act to amend sections 1, 2, 3, and 10 of an act entitled 'An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of cases from the State courts and for other purposes,' approved March 3, 1875," reported by the Committee on the Judiciary as a substitute for sundry bills relating to the same subject, be made a special order for the first Wednesday in June next, after the morning hour, and from day to day until disposed of; not to interfere with the consideration of general appropriation bills or special orders already made.

Mr. FRYE. The gentleman should say "June instant," for we are in June now.

Mr. CULBERSON. I will then modify the resolution so as to say "on Wednesday, June 5."

The resolution, as modified, was then adopted.

Mr. CULBERSON moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CULBERSON. I ask that the bill be printed.

There was no objection, and it was so ordered.

JUDICIAL DISTRICTS IN MICHIGAN.

Mr. CONGER, from the Committee on the Judiciary, reported, as a substitute for House bill No. 1858, a bill (H. R. No. 5070) to detach certain territory from the eastern judicial district of Michigan, and to attach the same to the western district of Michigan, and to provide for divisions in said western district, and for holding the district and circuit courts therein, and for other purposes; which was read a first and second time.

The bill was read.

The question being on ordering the bill to be engrossed for a third reading,

Mr. CONGER called the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

UNITED STATES COURT AT MARTINSBURGH, WEST VIRGINIA.

Mr. CONGER also, from the same committee, reported, as a substitute for House bill No. 2873, a bill (H. R. No. 5071) to authorize the holding of terms of the United States district court for the district of West Virginia at Martinsburgh; which was read a first and second time.

The bill provides that terms of the district court of the United States for the district of West Virginia, in addition to those now prescribed by law, shall be held at Martinsburgh on the 1st day of June and on the 1st day of December in each year; provided that when either of said days shall fall on Sunday the term shall commence the day following; and provided further that the terms of court hereby authorized to be held at Martinsburgh shall be held on condition that all the buildings and necessary conveniences to the holding of court shall be furnished by the county of Berkeley free of all cost and expense to the United States.

The question being on ordering the bill to be engrossed for a third reading,

Mr. CONGER called the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The morning hour has expired.

GENEVA AWARD.

Mr. KNOTT, by unanimous consent, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 4553) to provide for the further distribution of the moneys received under the Geneva award.

Mr. KNOTT also, by unanimous consent, submitted a resolution; which was read, as follows:

Resolved, That the bill reported from the Committee on the Judiciary (H. R. No. 4553) to provide for the further distribution of the moneys received under the Geneva award be made a special order for the first Wednesday in the next session of the present Congress, immediately after the reading of the Journal, and from day to day until completed, not to conflict with previous special orders, if any.

Mr. KNOTT. There is a written report accompanying this bill, which I ask may be printed; and request also that the gentleman from Ohio [Mr. MCMAHON] representing the minority of the Committee may have leave to present their views.

Mr. LAPHAM. I ask that the bill accompanying the minority report be printed.

The SPEAKER. The bill will be printed as a part of the report; it cannot be printed as a bill reported from the committee.

Mr. LAPHAM. The understanding in the committee was that the minority should have leave to report a bill as a substitute.

The SPEAKER. The bill can be printed as a part of the minority report; and when the bill of the majority comes up this proposed substitute can be offered as an amendment. The resolution offered by the gentleman from Kentucky will be again read.

The Clerk again read the resolution.

Mr. LAPHAM. I suggest to the gentleman from Kentucky to insert in the resolution "and the substitute reported by the minority as an amendment."

Mr. KNOTT. I think that would be supererogatory. I have already asked that the minority have leave to present their views.

The SPEAKER. There will be no difficulty about the matter. If the House should not prefer the bill of the majority of the committee, it would vote down the demand for the previous question, and thereupon the amendment proposed by the minority would be in order.

Mr. FRYE. If the previous question is not demanded by the gentleman from Kentucky when the bill comes up, it will be open to amendment, so that the substitute of the minority will be in order, and also an amendment which I desire to offer.

The SPEAKER. If the previous question should not be demanded, or if the call for it should not be sustained, the bill will be subject under the rules to such amendments as may be offered. If there be no objection this resolution will be adopted, and the majority and minority reports will be ordered to be printed.

There was no objection.

WILLIAM T. DUVAL.

Mr. HUMPHREY. The Committee on Public Buildings and Grounds yesterday reported back adversely the bill (H. R. No. 1138) for the relief of William T. Duval; which was laid on the table; and the report of the majority was ordered to be printed, together with the views of the minority accompanied by the draft of a bill designed as a substitute, the claim being for work done on the Treasury extension. I ask unanimous consent that the bill, together with the accompanying reports, be taken from the table and referred to the Committee of the Whole on the Private Calendar.

There being no objection, it was ordered accordingly.

OLIVER WHITSELL.

Mr. WRIGHT, by unanimous consent, introduced a bill (H. R. No. 5072) for the relief of Oliver Whitsell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. C. M. PRITCHARD.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 5073) granting compensation to Mrs. C. M. Pritchard for the use, occupancy, and damage to her property by the United States military authorities during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TOPOLOVAMPO ROUTE.

Mr. THROCKMORTON. I ask, Mr. Speaker, by unanimous consent, to offer the following resolution, and ask for its adoption at this time:

Resolved, That when the sundry civil bill comes before the House it shall be in order to amend it by a bill authorizing, under the direction of the Secretary of War, a survey and report of a postal and commercial route from the westernmost terminus of railroad, in Texas, to Topolovampo Bay, (latitude 25° 32' N.,) on the Gulf of California.

Mr. CARLISLE. That is a motion to suspend the rules, and is not in order.

The SPEAKER. It is a suspension of the rules, and requires unanimous consent.

Mr. THROCKMORTON. Was my resolution objected to?

The SPEAKER. The Chair understood the gentleman from Kentucky to object.

Mr. CARLISLE. It requires unanimous consent.

Mr. THROCKMORTON. I ask unanimous consent.

Mr. CARLISLE. I object to a suspension of the rules at this time.

CREEK ORPHANS.

Mr. HOOKER, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 5074) to pay to the Creek orphans the amount due and unpaid to them under the stipulation of the treaty of March 24, 1832; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. EDEN. Not to be brought back by a motion to reconsider.

The SPEAKER. Unanimous consent has been given with the understanding suggested by the gentleman from Illinois that the bill is not to be brought back under a motion to reconsider.

There was no objection, and it was ordered accordingly.

BASIN FOR IRON-CLADS, NORFOLK.

Mr. GOODE, by unanimous consent, from the Committee on Naval Affairs, reported a bill (H. R. No. 5075) to provide for the construction of a fresh-water basin for iron-clad vessels in the vicinity of the navy-yard at Norfolk, Virginia; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. EDEN. Not to be brought back by a motion to reconsider.

The SPEAKER. The Chair hears no objection, and it is so ordered.

NANCY A. HERRICK.

Mr. LAPHAM. I ask, by unanimous consent, that the House take from the Speaker's table the bill (H. R. No. 1896) for the relief of Nancy A. Herrick, of Rochester, New York, returned from the Senate with an amendment merely adding a preamble and not changing the bill in any form, for the purpose of concurring in the Senate amendment.

There was no objection, and the amendment of the Senate was read, as follows:

Insert the following preamble:

Whereas Nancy A. Herrick, under and in virtue of the homestead laws, is entitled to the patent for the land hereinafter described; and

Whereas under the circumstances of the case the decision of the Secretary of the Interior, in 1874, that she was not so entitled, was and is erroneous: Therefore, &c.

The amendment was concurred in.

Mr. LAPHAM moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURCHARD. I demand the regular order of business.

The SPEAKER. The regular order of business is the unfinished business coming over from Thursday last, a bill (H. R. No. 4414) to amend the laws relating to internal revenue, reported from the Committee of Ways and Means, by the gentleman from Illinois, [Mr. BURCHARD.]

Mr. ROBERTS. Is that the regular order of business this morning?

The SPEAKER. It is, undoubtedly.

Mr. ROBERTS. Some days since, in my absence, but perhaps I am misinformed in regard to it, I understood the order of the House was that the consideration of the life-saving service bill should be first considered, and I supposed it was the regular order now.

The SPEAKER. It is not the regular order, nor is it the next in order after the internal-revenue bill, which the gentleman from Illinois is now calling up. That bill is the unfinished business, and next

to that for consideration is the interstate-commerce bill reported from the Committee on Commerce by the gentleman from Texas, [Mr. REAGAN.]

Mr. ROBERTS. Is it in order for me to raise the question of consideration?

The SPEAKER. It is.

Mr. YOUNG. Is it competent for me, Mr. Speaker, to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It is.

Mr. YOUNG. Then I submit that motion and ask unanimous consent to make a brief statement, not to occupy more than two minutes.

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. The gentleman from Maryland is on the floor raising the question of consideration.

The SPEAKER. The Chair has taken notice of that; but the gentleman from Tennessee asks unanimous consent to make a statement not to extend over two minutes.

Mr. COX, of New York. And not to interfere with the question of consideration raised by the gentleman from Maryland.

The SPEAKER. The question of consideration cannot be interfered with.

Mr. SAYLER. The gentleman from Tennessee has made a motion to go into the Committee of the Whole on the state of the Union, which is a privileged motion.

Mr. YOUNG. I wish to make this statement: my purpose in moving to go into the Committee of the Whole on the state of the Union is to reach one or two bills on the public Calendar. One is a bill which ought to be disposed of one way or the other. I will not undertake to say how gentlemen should vote on it, but I ask as a matter of courtesy it be disposed of one way or the other, in order that an important work should go on. It is Senate bill No. 608, in reference to the Memphis post-office. I ask the House to go into committee to consider that bill, and then to consider——

Mr. BURCHARD. When the gentleman gets the House into committee he will have to lay aside all prior bills.

Mr. YOUNG. That is what I propose to do.

Mr. BURCHARD. And he could be antagonized with other business, as was done the other day.

Mr. YOUNG. I have no objection to that.

The SPEAKER. The motion of the gentleman from Tennessee [Mr. YOUNG] is in order. But the Chair understands that the gentleman wants to make a condition with the House that after the House shall resolve itself into Committee of the Whole all other bills shall be laid aside until the bill in relation to the custom-house at Memphis and another bill indicated by the gentleman are reached.

Mr. YOUNG. It will not take more than twenty minutes to dispose of them.

The SPEAKER. That arrangement can only be made by unanimous consent.

Mr. KELLEY. I must object to any arrangement of that kind, because I want to sustain the chairman of the Committee of Ways and Means in bringing the tariff to discussion and vote.

Mr. WOOD. The chairman of the Committee of Ways and Means requires no aid or assistance from the gentleman from Pennsylvania in regard to bringing up the tariff bill.

Mr. KELLEY. I object to any order being made that would interfere with that.

Mr. WOOD. I give notice that it is my intention to move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the tariff bill.

Mr. YOUNG. I insist on my motion that the House resolve itself into Committee of the Whole, and I will raise the question of consideration when we get there.

Mr. CHALMERS. I desire to make a parliamentary inquiry. The last business, I understand, was going to the Speaker's table. Does not that bring up as unfinished business the bill in relation to the Hot Springs reservation?

The SPEAKER. There was a bill by unanimous consent taken from the Speaker's table, but the House has not determined to go to business on the Speaker's table.

Mr. ROBERTS. I ask the House to hear the proposition which I send to the desk. If it be agreed to I will waive the question of consideration in regard to the unfinished business.

The Clerk read as follows:

That House bill No. 3988, to organize the life-saving service, shall be considered on Monday evening next, beginning at half past seven, and the previous question to be considered as called on Tuesday after the morning hour, and not to be reconsidered.

Mr. ROBERTS. I ask unanimous consent that that order be made.

There was no objection, and it was ordered accordingly.

Mr. REAGAN. I ask that by unanimous consent the bill regulating interstate commerce be considered on Wednesday evening, the previous question to be called after the morning hour on Thursday.

Mr. COX, of New York. I would like to have it understood by the House that under the order just made there will be absolutely a meeting of the House on Monday evening. That was the intention of the gentleman from Maryland.

Mr. CARLISLE. The order does not so provide in terms.

The SPEAKER. The House determines its own sessions. If an evening session was ordered for Monday the House might adjourn on that day at half past four o'clock, the effect of which would be to vacate the order. The gentlemen interested must take notice, therefore, to see that there is a recess on Monday.

Mr. BURCHARD. I hope the regular order will now be proceeded with. For my own part I have no objection to the proposition of the gentleman from Texas, [Mr. REAGAN.]

Mr. WILSON. I ask that there be a session of the House next Tuesday evening, and that it be set apart for the consideration of the Mexican award bill.

Mr. WILLIAMS, of Oregon. Let the gentleman's proposition be modified so that the House shall go into the Committee of the Whole on the Private Calendar, that the business thereon may be cleared off in its order.

Mr. YOUNG. You can raise the question of consideration after we get into Committee of the Whole.

The SPEAKER. The proposition of the gentleman from West Virginia is to take the bill he has indicated out of the Committee of the Whole.

Mr. YOUNG. I did not so understand. What is the gentleman's motion?

The SPEAKER. The proposition is that there be an evening session on Tuesday next at seven o'clock and thirty minutes p. m., the object being to take from the Committee of the Whole on the state of the Union the Mexican award bill, for consideration in the House.

Mr. CONGER. To be considered as in Committee of the Whole?

The SPEAKER. Yes.

Mr. CONGER. Then it would be open to amendment.

The SPEAKER. Yes, unless the House should determine otherwise by seconding the previous question. Is there objection?

Mr. BAYNE. I object.

Subsequently, Mr. BAYNE withdrew his objection, and there being no further objection, the order was made.

Mr. CALKINS. I desire to ask unanimous consent that it be ordered that the House on Wednesday night, as in Committee of the Whole, shall consider the Private Calendar as on objection day.

Mr. FORT. We have been passing bills of that kind all the time and no opportunity has been given to consider other bills just as meritorious. I object.

Mr. BURCHARD. I insist on the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Tennessee [Mr. YOUNG] that the House resolve itself into Committee of the Whole on the state of the Union.

The question being taken, there were—ayes 65, noes 63.

Mr. HARRIS, of Virginia. I think gentlemen have voted under a misapprehension. A number of gentlemen on my left believed they were going into Committee of the Whole to take up the bill of the gentleman from Illinois [Mr. BURCHARD] in reference to internal revenue.

The SPEAKER. The Chair will state the question. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole on the state of the Union, and the gentleman has heretofore stated his object was to reach two bills, one of which relates to the construction of the custom-house at Memphis, Tennessee.

Mr. HARRIS, of Virginia. That would take the gentleman from Illinois [Mr. BURCHARD] off the floor.

The SPEAKER. It would, because the bill of the gentleman from Illinois is being considered in the House as in Committee of the Whole. If the motion is agreed to it would bring up the business of the Public Calendar in its regular order.

Mr. BURCHARD. What is the first business?

Mr. CARLISLE. The first bill on the Calendar is the bill granting pensions to Mexican soldiers.

The SPEAKER. The first business that would be brought up would be the tariff bill, which is the first special order.

The question being put, there were—ayes 73, noes 83.

Mr. YOUNG. I call for tellers.

Mr. GARFIELD. Pending the motion that the House resolve itself into Committee of the Whole I move that all general debate on the tariff bill be closed in two hours.

Mr. WOOD. I cannot agree to that. There are five members of the Committee of Ways and Means still to speak.

Mr. EDEN. I submit that the gentleman from Ohio cannot make his motion while the House is dividing.

The SPEAKER. The point made by the gentleman from Illinois [Mr. EDEN] is well taken. The question is on ordering tellers on the motion that the House resolve itself into Committee of the Whole.

Tellers were ordered; and Mr. YOUNG and Mr. BURCHARD were appointed.

The House again divided; and the tellers reported—ayes 82, noes 83.

So the motion of Mr. YOUNG was not agreed to.

Mr. YOUNG. I then desire to ask the unanimous consent of the House that the bill be taken up and considered upon Wednesday evening next. [Cries of "Regular order."]

The SPEAKER. The regular order is demanded, and the House will resume the consideration of the unfinished business.

Mr. YOUNG. I hope the Chair will first put my request to the House. [Renewed cries of "Regular order."]

AMENDMENT OF THE INTERNAL-REVENUE LAWS.

The House resumed, as in Committee of the Whole on the state of the Union, (Mr. CARLISLE in the chair as Speaker *pro tempore*,) the consideration of the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

The SPEAKER *pro tempore*. The first question is upon the motion of the gentleman from North Carolina, [Mr. SCALES,] to strike out the clause which the Clerk will now read.

The Clerk read as follows:

And when specially authorized so to do by the Commissioner, any internal-revenue agent may exercise the power conferred by law upon collectors of internal revenue to examine persons, books, papers, accounts, and premises, to administer oaths, and to summon persons to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons under the provisions of section 3173, which are hereby made applicable to cases of disobedience of any summons issued under this section.

Mr. GARFIELD. If I can be allowed to say a single word I would suggest that there may be cases where the collector himself is suspected of wrong-doing or neglect of duty, and I suggest that not to give the Commissioner this power is to cripple him in the performance of his duties. It seems to me that this provision ought to be retained in the bill.

Mr. DEAN. This provision is intended to give the internal-revenue agents the right to enter the premises and examine the books and compel witnesses to appear, and under section 3175 of the Revised Statutes to punish for contempt every person whom they may think does not comply with their orders. It seems to me that that is a great power to give to any internal-revenue agent that the Commissioner may see fit to send.

The question was put on Mr. SCALES's motion; and on a division there were—ayes 48, noes 42.

No further count being insisted upon, the motion was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

That section 3152 be amended by adding to such section the following:

The agents whose employment is authorized by this section shall be known and designated as internal-revenue agents, and they shall have all the powers of entry and examination conferred upon any officer of internal revenue by sections 3177, 3276, 3277, 3226, and 3318 of the Revised Statutes; and all the provisions of said sections, including those imposing fines, forfeitures, penalties, or other punishments for the enforcement thereof, are hereby made applicable to the action of internal-revenue agents, in the same manner as if such agents were specially named in each of said sections.

Mr. SCALES. I move, in lines 91 and 92, to strike out the words, "thirty-two hundred and seventy-six." That section of the Revised Statutes reads as follows:

SEC. 3276. It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller. And whenever any internal-revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal-revenue laws, in any respect, the distiller shall forfeit the sum of $1,000. And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of $1,000.

The object of this amendment is not to give these agents that power. The collectors and deputy collectors already have it, and I do not want agents, appointed by the Commissioner of Internal Revenue, to have the right to go to a man's business place at any hour of the day or night without a warrant, whether he be honest or dishonest, and examine his place of business, and therefore I move to strike out those words.

Mr. BURCHARD. The gentleman might as well offer an amendment to dispense entirely with these officers.

Mr. SCALES. Will not the amendment leave the law as it is now? There are already certain officers who have this power now. I do not want to add to the number who have the power; I think there is as much power in the hands of the officers of the Internal-Revenue department as they ought to have.

Mr. BURCHARD. The clause which we have just passed and which the committee agreed to strike out, gave to the agents, to the same extent the collector now has it, the power to administer oaths and to examine persons, books, papers, &c. This simply gives power to the agents to enter upon the premises of the distiller, for instance, or the brewer, or the tobacco manufacturer, or any establishment for the manufacture of the articles upon which we collect our taxes. And this proposes to allow these special agents, these officers whose business it is to detect frauds, to go upon the premises, to enter upon them and make an examination there, and I can see no objection to giving that power. Probably the agent has the power now, but in order that it may be definite, that no manufacturer shall say to an officer who represents the Internal-Revenue Bureau that the law does not expressly say you shall go upon my premises, we put it in the law in express terms, and I cannot see why an officer whose business it is to examine and detect violations of law shall not be permitted to go upon the premises and make the examinations necessary for such detection.

Mr. SCALES. Just one word. The only difference between the gentleman and myself is this. Some of the officers of the Internal-Revenue department have under the existing statute this power, and the gentleman asks that the same power shall be given to such agents as the Commissioner of Internal Revenue shall hereafter appoint. I am willing that it shall remain as it is, that every revenue officer now provided for by law shall have such power, but I am unwilling that every officer who shall be appointed, not by law but under the regulations of the Department by the Commissioner as a detective or spy, as an agent, shall have the power at any time, under any circumstances, at any hour of the night or day to go upon a man's premises and look into his business. No man is exempt. It is not necessary that there shall be probable cause, but every man is held liable, at any time, to have one of these agents come down upon him. I think for the sake of the revenue service that we ought to stop this thing. The law is odious enough now and I trust Congress will modify it.

Mr. CANNON, of Illinois. I want to know how I shall vote upon this question, and therefore I make the inquiry in good faith of the gentleman from North Carolina, [Mr. SCALES.] This provision says that these agents shall have all the powers of entry and examination that are conferred upon any officer of the internal revenue by section 3276 of the Revised Statutes. If I understand the gentleman correctly, he objects to this power being given to internal revenue agents. As I understand it the power is already given——

Mr. SCALES. To the other officers.

Mr. CANNON, of Illinois. To certain other officers.

Mr. SCALES. Now provided by law.

Mr. CANNON, of Illinois. This bill proposes to give the power to certain other officers, so that there may be a check not only upon a distiller but upon a dishonest officer providing any such should exist. It does not confer additional powers but confers the same powers upon additional officers, if I understand the gentleman from Illinois, [Mr. BURCHARD.] And it is proposed to give this power to those additional officers in order to detect any officer who may enter into collusion with the distiller. Am I correct in that?

Mr. SCALES. It confers additional powers on a new set of officers.

Mr. BURCHARD. These agents are already provided by law. In section 3152 the Commissioner of Internal Revenue is authorized to assign "any such officer to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary."

Now we propose in this bill to define what powers shall be exercised by these agents; what they may do under this section of the Revised Statutes, to more clearly point out and define their powers. I am inclined to think they already have this power; that the Commissioner of Internal Revenue can specially assign them to duty to go upon the premises of all distillers, and that they do go upon these premises now. But that there may be no question about it we thought that it should be exactly defined and stated in the revision of the revenue laws to which this bill relates. Every other officer has the power, the storekeeper, the gauger, and the other officers, and it seemed to us that these agents should also have the power.

Mr. DEAN. As I understand, from the statement of the gentleman from Illinois, [Mr. BURCHARD,] the Commissioner of Internal Revenue now has authority by a special deputation to authorize one of these agents to visit the premises of a distiller and to make an examination, and to do the various other things that are mentioned in these several sections of the Revised Statutes.

Now there are twenty-five of these agents, and this proposed amendment of the Revised Statutes is to give these twenty-five agents authority to go wherever they see fit, to make any examination they see fit, to enter any premises they see fit, by night or by day, and to do so without any special direction of the Commissioner of Internal Revenue. Now it seems that if premises are to be entered by one of these agents he should have the special authority of the Commissioner for that purpose; and that these twenty-five agents should not be given a roaming commission to go over the country and enter any premises, by night or by day, that they may see fit to enter.

Mr. TUCKER. Before my friend from North Carolina [Mr. SCALES] took the floor and moved his amendment, I had proposed to move an amendment to section 3152 of the Revised Statutes. On Thursday last there was some objection made to these internal-revenue agents, because of the source of their authority and appointment. I propose to amend section 3152 of the Revised Statutes by inserting in line 2, after the word "require," the words "with the approval of the Secretary of the Treasury;" so that it will read:

The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service shall require, with the approval of the Secretary of the Treasury, employ competent agents, not exceeding at any time twenty-five in number, &c.

There is no power given by this bureau to these internal-revenue agents beyond that which is given under the present law to other revenue officers. I suggest to my friend from North Carolina [Mr. SCALES] that there is no serious objection to the provision which is proposed here; that these internal-revenue agents, who are accessory to the business of the collector, should be authorized to enter upon these premises and make the examination that may be necessary. I

do not see any real objection to that. But I will move the amendment which I have indicated to section 3152 of the Revised Statutes.

The CHAIRMAN. The amendment of the gentleman from Virginia [Mr. TUCKER] is not now in order. The question is now upon the amendment of the gentleman from North Carolina, [Mr. SCALES.]

Mr. AIKEN. I wish to call the attention of the House to one or two points that I think will induce a majority to approve the amendment of the gentleman from North Carolina, [Mr. SCALES.]

That amendment is necessary, Mr. Speaker, if it serves only the purpose of checking and curbing revenue officers in the exercise of the authority now conferred upon them by law.

There is no section of the Union in which the undue exercise of a little power has created greater confusion in communities and brought more opprobrium upon the people than in my own district. All the violations of the revenue laws that have been charged upon my constituents are based simply upon the fact that the representatives of the Government there have never for one moment questioned their own authority to trespass upon the rights and premises of any and everybody, be they innocent or guilty. They never consider the constitutional requirement of having things done according to law; that they must have a warrant or writ, or some other official paper, authorizing their entering upon private premises to arrest, if need be, to handcuff, shackle, or strike down the citizen whom they charge as guilty of violating the revenue laws of the land. But a short time ago, sir, if the local press is to be credited, one of my constituents, lying ill of disease, was taken by force and arms from his sick-bed and carried to a cold, cheerless jail, and there incarcerated without even the comforts of a bed, because he was charged by one of these representatives of the Internal-Revenue department with violating the revenue laws. There was no warrant issued or other official paper shown authorizing such conduct on the part of this agent of the Government.

Sir, the local newspapers received but yesterday tell me that an outlaw from an adjoining Commonwealth, who has been charged with frequent violation of the revenue laws, and even with the crime of murder in my own district, is confined in one of the jails there and put on exhibition, as Barnum would exhibit the hairy man, by one of these revenue officers as a curiosity because they accuse him of having violated the revenue laws time and again. I do not pretend to defend any such creature, and while I believe the full measure of legal punishment should be meted out to him, I can but feel that he should be held as innocent until proven guilty, and no agent of the Government should be allowed to violate the law by thus inflicting an illegal and unjust punishment.

An incident that came under my personal observation, and is not related from hearsay, will illustrate the arbitrary conduct of these revenue agents in executing the law. Two summers ago two strangers came to the county seat of my county, where there are over twenty stores, and going into every store asked for samples of tobacco. The merchants supplied them, and after testing the quality of each handed back the samples, which were thrown by the merchants toward the boxes from which they were taken. Some were thrown into the boxes, but others fell upon the shelves upon which the boxes were respectively placed. The revenue law requires the merchant to keep the manufactured tobacco in boxes upon which the stamps are seen. In this instance all those cases were noted in which the pieces of tobacco were thrown by the merchant toward the boxes but did not reach the box, only falling and remaining on the shelf outside of the box. The next morning each of these merchants, and I think there were eight of them, were arrested for violation of the revenue laws and carried off to Columbia, one hundred and five miles distant, and arraigned before a United States judge, who demanded that this willful infraction of the law could only be appeased by the payment of from one to two hundred dollars by each of these merchants. That is the way your revenue laws are administered and executed in portions of my district, and such instances are of frequent, almost daily occurrence.

[Here the hammer fell.]

Mr. TUCKER. Mr. Speaker, no man can feel more indignation than I do at the recital of outrages of this kind upon personal liberty. But such things have nothing to do with the particular provision now under consideration. If a collector or any other internal-revenue officer of the Government undertakes to arrest and incarcerate a man without warrant of law, he is a violator of the law and is amenable to civil or criminal action. But nothing in this particular clause has anything to do with this objection which my friend from South Carolina [Mr. AIKEN] has urged. The only question is whether power should be given to any other than the collector of internal revenue to enter upon the premises where the distilling is going on. I realize the magnitude of the power which is given to these internal revenue officers in reference to entering the premises of the distiller; but this is an essential incident of the internal-revenue system. If we are to have a system under which we lay internal taxes upon distilled spirits, then every distillery must be under the supervision of the Government. I do not see how you are to get rid of the evils connected with the exercise of power unless you abolish the entire system. If gentlemen are prepared to do that, let them offer an amendment to that effect; but if the system is to go on, it must go on in such a way that men shall not distill whisky without paying the tax upon it.

Mr. PRIDEMORE. Will my colleague allow me to ask him whether this bill provides anywhere for the compulsory appointment of commissioners, so that parties arrested may be examined in the vicinity where the alleged offense has been committed?

Mr. TUCKER. I will state to my colleague that when we come to the provision on that subject he will find that nobody is authorized to arrest any alleged violator of the law except (as could be done at common law) for the single purpose of taking the party before a United States commissioner to inquire into the offense. My friend from Illinois [Mr. BURCHARD] will remember that such a provision was inserted at my instance.

Mr. PRIDEMORE. As my colleague has control of this bill, I want to call his attention to an evil connected with the administration of the present law. It is true that parties charged with violation of the law are now carried before commissioners; but in many instances the court will not appoint commissioners save at certain points, and I know that frequently men are carried fifty, sixty, or even one hundred and twenty-five miles for the purpose of examination.

Mr. TUCKER. If my colleague will wait till we come to the provision relating to that subject I will explain all that has been done in reference to it. No such evil is sanctioned by this bill. I think I can satisfy my colleague on that point.

Mr. SCALES. I call the attention of my friend from Virginia to the fact that under the existing law none other than a collector can do what it is proposed to allow these agents to do. I think we have enough of these revenue officers already.

Mr. TUCKER. What other officers than the collector does the gentleman refer to?

Mr. SCALES. These agents.

Mr. TUCKER. According to the law as it now stands these agents appointed by the Commissioner of Internal Revenue have the right to go upon the premises.

Mr. SCALES. If they have such power—and I do not think they have—it should be struck out.

Mr. TUCKER. Do I understand my friend to say that the provision of section 3176 gives power to other revenue officers than the collector?

Mr. SCALES. The question is, what does that mean—whether it means an officer provided by law or a mere agent sent out?

Mr. TUCKER. But is not the agent provided by law?

Mr. SCALES. Yes, sir; but——

Mr. TUCKER. Section 3152 provides for agents as a part of the present law. We propose to amend that provision.

Mr. SCALES. Does my friend mean to say that an agent is an officer? Is that one of the officers referred to?

Mr. TUCKER. Well, sir, I really would not go into that interpretation. I asked my friend from North Carolina what other internal-revenue officer there was than the collector, and he answered these agents.

Mr. SCALES. The collector and the deputy collector.

Mr. TUCKER. Of course the deputy collector can do it.

Mr. SCALES. He can go out any time.

Mr. DEAN. I desire to call attention to the fact that by section 3152 the Commissioner may, at his discretion, appoint any such agent to duty under the direction of any officer of the internal revenue, or to such other special duty as he may deem necessary. Now, the Commissioner of Internal Revenue under this section 3152 assigns a specific duty to an agent in his discretion. He has some examination previously, and having had his examination, having obtained his information, he is then assigned to specific duty under the direction of a revenue officer. The Commissioner assigns that agent to some specific duty. The trouble with this section as now attempted to be amended is that it gives all this power to every one of these twenty-five agents without any examination by the Commissioner, and without his specially assigning them to any particular duty whatever. It establishes twenty-five additional agents clothed with the powers of the Commissioner of Internal Revenue to roam around the country making these seizures and these examinations, controlled only by their own discretion.

The House divided; and there were—ayes 51, noes 51.

Mr. SCALES demanded tellers.

Tellers were ordered; and Mr. TUCKER and Mr. SCALES were appointed.

The House again divided; and the tellers reported—ayes 66, noes 65.

So the amendment was adopted.

The question next recurred on Mr. TUCKER's amendment; which was read, as follows:

In line 2 of section 3152 of the Revised Statutes, after the word "require" insert "with the approval of the Secretary of the Treasury;" so that it will read:

The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service shall require, with the approval of the Secretary of the Treasury, employ competent agents, &c.

Mr. TUCKER. The purpose of the amendment is to require these revenue agents to be appointed with the approval of the Secretary of the Treasury as well as of the Commissioner of Internal Revenue.

The amendment was agreed to.

The Clerk read as follows:

And all the provisions of sections 3167, 3168, and 3171 of the Revised Statutes shall apply to internal-revenue agents as fully as to internal-revenue officers.

Mr. STEELE. I move the following amendment.

The Clerk read as follows:

That section 1046, chapter 16, of the Revised Statutes of the United States be amended so as to strike out from the second line thereof the words "the revenue

laws or;" so the same shall refer to and include only violations of the law on the subject of the slave trade.

Mr. TUCKER. To what section is that an amendment?

Mr. STEELE. It comes in as properly here as anywhere in the bill.

Mr. TUCKER. But what section is it proposed to amend?

Mr. STEELE. Section 1016.

The SPEAKER. Section 1046 is referred to in the amendment.

Mr. STEELE. Chapter 16, section 1046.

Mr. BURCHARD. I hope the gentleman will not offer it here, as it is not germane to this part of the bill.

Mr. STEELE. They do not touch that section of the bill, so far as I can find, and this amendment is quite as applicable here as anywhere else.

Mr. BURCHARD. I make the point of order that it is not germane. If in order to any part of the bill, I hope the gentleman will not offer it here.

Mr. TUCKER. I ask that the amendment be again read, as I have the Revised Statutes before me and I can see precisely what the amendment refers to.

The amendment was again read.

Mr. BURCHARD. Why, Mr. Speaker, that is evidently not germane.

Mr. STEELE. Is not germane? [Laughter.] Why, sir, according to that, then, all the propositions of the gentleman from Illinois to put limitations upon the Revised Statutes in other sections are not germane to this bill any more than mine.

Mr. WRIGHT. Tell him what you mean by "germane."

Mr. STEELE. I do not know except it is first cousin to Germany. [Laughter.]

Now, with great respect, Mr. Speaker, I apprehend the proposition I submit is quite as proper to this portion of the bill as to any other. The whole object is to put violations of the internal-revenue law of the United States upon exactly the same plane with violations of other revenue laws. I see no reason why, when, under the laws of this country a felony is committed against the United States, so it is not murder, the statute of limitations applies after three years, there should be an exception made in reference to violations of internal-revenue laws so as to provide the statute of limitations should not begin to run until after five years. There is no justice in it.

Mr. TUCKER. I think the gentleman has mistaken the meaning of the section, and I say in all deference to his judgment I insist on the point of order that the amendment is not germane.

Mr. BURCHARD. The gentleman from North Carolina proposes to amend the statute of limitations, and he proposes to offer that amendment in reference to the statute of limitations to a section in relation to the appointment of internal-revenue agents.

Mr. STEELE. No, I do not.

Mr. BURCHARD. How he can make them as near kin as second cousins I do not know. [Laughter.]

Mr. STEELE. If the gentleman will excuse me, I desire to say that I have not proposed to add this to a section at all, but I have proposed to make it a separate and independent proposition.

Mr. BURCHARD. That shows it is still more out of order. Not being germane it cannot be interpolated here.

Mr. STEELE. It certainly ought to come in somewhere or other.

Mr. TUCKER. I will say to my friend from North Carolina that if his amendment prevailed it would leave a man who violated the internal-revenue law liable to prosecution without any limitation whatever.

Mr. STEELE. Not at all, sir.

Mr. TUCKER. That is the effect of the gentleman's proposition.

Mr. STEELE. I dislike to get into a controversy with the gentleman from Virginia on the subject of law, but he has evidently mistaken the effect of my amendment.

Mr. TUCKER. The section which the gentleman from North Carolina proposes to amend is as follows:

SEC. 1046. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

Now he proposes to strike out the words "the revenue laws or," so as to have no limitation on the prosecution of offenses against the revenue laws. I am against that, for I want a limit to be maintained.

Mr. STEELE. If the gentleman will examine one or two of the sections immediately preceding section 1046, he will see that there is ample provision about the limitation. The limit will be fixed at two years under the general statute. I invite the gentleman to examine those sections.

Mr. DEAN. If the gentleman from Virginia will read section 1044 he will see the limit will be two years, provided this amendment passes. Instead of throwing away all limitation the amendment will simply reduce the limit to two instead of five years.

The SPEAKER *pro tempore*. Does the gentleman from Illinois insist on his point of order?

Mr. BURCHARD. I do.

Mr. TUCKER. On examining the section I find that my friend from North Carolina [Mr. STEELE] is right. I candidly admit it. But I would suggest to him to hold his amendment to a later period of the bill. There are some provisions in the latter part of the bill to which his amendment will be more germane. Just at this particular time I do not think the amendment is germane.

Mr. STEELE. I thought my friend from Virginia when he examined a little further would agree that his first position was incorrect.

Mr. TUCKER. I have so admitted.

Mr. STEELE. The gentleman has so admitted, as a gentleman under such circumstances always will. But with very great respect for the opinions of the gentleman from Virginia—and certainly I entertain a very high respect for him and his opinions—it occurs to me that this amendment is just as proper to be offered here as in any portion of the bill. I have endeavored to examine the bill as well as I could, to ascertain where the amendment would best come in, and I think it will come in just as well here as anywhere.

Mr. TUCKER. If my friend will look at page 25 of the bill he will find that there is a provision in reference to the criminal procedures in these cases. If he attaches his amendment to section 9 of the bill it will be more germane than here. I have no objection to the proposition. If the gentleman desires to make the limitation on these prosecutions two years I am perfectly willing; but the amendment does not properly come in here.

Mr. STEELE. Using the word which has become classical here, I do not desire to be in antagonism to the gentleman from Virginia, and therefore I yield and for the present withdraw the amendment.

Mr. TUCKER. I offer the following amendment:

In line 101, after "3168," insert "3169;" so that it will read:

And all the provisions of sections 3167, 3168, 3169, and 3171 of the Revised Statutes shall apply to internal-revenue agents as fully as to internal-revenue officers.

Mr. SCALES. That is right.

Mr. BURCHARD. If the agents that are mentioned in this paragraph are not subject to the provisions of section 3169 they ought to be. The reason we did not include that section in the bill was that the word "agent" occurs already in that section. The language is:

Every officer or agent appointed and acting under the authority of any revenue law of the United States.

I supposed they were included in the section; but I have no objection to the amendment.

Mr. SCALES. I think it is likely the gentleman from Illinois is right. Still I believe it would do no harm, as the other sections are cited, to put that in also.

The amendment was agreed to.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after line 104 the following:

That from and after the passage of this act distillers, rectifiers, and wholesale liquor dealers shall not be required to keep on the outside of their establishments any sign showing their occupation, as heretofore.

Mr. TUCKER. To what section of the Revised Statutes does the amendment of the gentleman from Texas apply?

Mr. MILLS. To section 3269. My attention has been called to a circumstance occurring in my own town since I have been here——

Mr. TUCKER. If the gentleman will allow me to interrupt him, I will say that he will find the sections are amended in the order in which they occur in the Revised Statutes. If he brings in now an amendment to section 3269, it will be out of place.

Mr. MILLS. If the gentleman will indicate the time at which he will consider my amendment in order, I will withdraw it for the present.

The Clerk resumed the reading of the bill and read the following paragraph:

That section 3165 be amended by inserting in line 4, after the words "by law," the words "or regulation."

Mr. SCALES. I move to amend by striking out the words "or regulation."

Mr. TUCKER. I offer, as an amendment to the amendment, to insert after the word "regulation" the words "authorized by law."

Mr. SCALES. If the gentleman from Virginia has nothing to say in support of his amendment, I propose to antagonize it.

Mr. TUCKER. My reason for offering the amendment is this: there are a number of cases in the internal-revenue laws where it is provided that certain things shall be done under certain rules and regulations to be prescribed by the Secretary of the Treasury or by the Commissioner of Internal Revenue. Now wherever those regulations are authorized by law I think they ought to be considered as having the force of law; but where they are regulations that are not authorized by law then I do not think that conformity to them should be insisted upon. I therefore propose to add the words "authorized by law," in order to bring them within the scope of those provisions which authorize regulations to be made by the Department under the authority of law.

Mr. SCALES. Now, Mr. Speaker, I do not think that the amendment of the gentleman from Virginia [Mr. TUCKER] meets my objection at all, or that there is really any necessity for it. I take it that the word "regulations," without his amendment, means regulations provided by law. My objection to it is this: that they propose to amend section 3165 of the Revised Statutes, and I propose to read that section in order that the House may understand what this amendment means and why I propose to strike it out:

Every collector, deputy collector, and inspector is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law to be taken.

Now this amendment proposes that this evidence shall be taken whenever the Commissioner of Internal Revenue makes a regulation, and his power to make regulations in regard to these revenue laws is almost unlimited. He may make almost any regulation for the enforcement of the law. Now, it is going quite far enough to say that evidence shall be taken and oaths administered when they are taken and administered according to law; but certainly it seems to me to be going too far when the Commissioner of Internal Revenue, by his mere *ipse dixit*, can authorize any agent under any circumstance to administer oaths or take any evidence he may desire. There is no necessity for this. I have nothing to say against the present occupant of the position of Commissioner of Internal Revenue, but I would not trust this power to anybody, and I see no reason why he should be allowed to have it. If it is necessary that he should administer oaths or take this evidence let that be the law of the land, but do not let it rest in his power, by any regulation, to do what no one else can do, unless by the law of the land.

Now, I beg gentlemen to remember that this system of laws is very oppressive and burdensome to the citizens of this country. No such system was ever witnessed or experienced by the people before in the history of the Republic. It is exceedingly odious and oppressive, and, instead of making exacting and oppressive laws and regulations for the purpose of hounding down our citizens, I say it is the duty of the Government to reduce taxes and put it in the power of every man who engages in these industries to carry them on successfully and pay taxes to the Government, and then you will collect the taxes and collect them successfully. But when you put the taxes too high you encourage the running of the blockade, and when you encourage the running of the blockade you not only do that, but you oppress the people of the country, and for that reason I oppose it. I hope this power will not be left to the Commissioner of Internal Revenue.

Mr. TUCKER. I am very sorry that the gentleman from North Carolina has such grave objections to this amendment; I think I can satisfy him in regard to it. There are a number of cases in which the parties ask to have the tax remitted or to have the tax refunded, and power is given to the Commissioner of Internal Revenue to do so under the rules and regulations to be prescribed by the Secretary of the Treasury or by the Commissioner of Internal Revenue himself. I suppose he says, in order to satisfy his mind as to the claim of a party for the remission of tax, that the party shall make an affidavit. Is there anything violent in that? I can see no reason why a collector or a deputy collector shall not be allowed to take the affidavits of parties in such cases and furnish them to the Commissioner. The purpose of this section is to extend that power not only to cases in which the law now requires it, but to where the regulations in accordance with law admit it.

Mr. SCALES. But this amendment would allow him to take oaths and affidavits under all circumstances.

Mr. TUCKER. I can say to my friend that I think he cannot point—and if he can I will go with him to eliminate this provision from the law—to any provision of law where a collector or the Commissioner of Internal Revenue has the right to compel a man to make an oath or to give evidence where the party declines to do so. There is but one way in which an officer can compel a party to do it, and that is by summoning him before a judicial officer and let the case undergo judicial investigation. Now, when a party wants relief, why should he not be allowed to take an oath or make an affidavit for his own convenience. It seems to me that it is for his benefit and not for his hurt.

Mr. SCALES. Is not the collector authorized to take oaths under the law as it is now?

Mr. TUCKER. Under the law, but not under the regulations of the Department, and this amendment only proposes to extend it for that purpose.

Mr. SCALES. Have they not done it all the time?

Mr. TUCKER. No, they could not.

Mr. LATHROP. As I understand it, it is the purpose of this amendment merely to authorize the administration of oaths to parties for their own benefit, which is not now authorized by law.

Mr. TUCKER. That is all there is in it. There is no compulsion about the matter. My friend from North Carolina is mistaken in supposing that there is something inquisitorial in this. I would be the last man in the world to vote for anything inquisitorial.

Mr. SCALES. I am the last man in the world to vest power in one man to administer oaths at his discretion, and if there be any necessity for it then I ask him to amend the law and not confer a power by regulations, for I tell him that that is one thing that makes the system so odious to the country.

Mr. TUCKER. It does seem to me very strange that a system can be odious which cannot compel a man to take an oath unless he wants to take it.

Mr. DENISON. This is a provision for the benefit of the taxpayer?

Mr. TUCKER. Certainly it is.

Mr. BURCHARD. The law in different statutes in general terms gives the Commissioner of Internal Revenue certain general powers; for instance, the power to abate, to remit, or to refund a tax under such rules and regulations as he may prescribe. The law does not say anything about how he shall satisfy himself; it does not provide that he shall require the oath of the party, but if he chooses he can take the mere statement of the party. But regulations have been adopted in the Customs Bureau and in the Internal-Revenue Bureau requiring the parties to submit proofs verified by their own affidavits or by the statements of witnesses and other persons.

Now this bill proposes, for the convenience of the service, that a collector or deputy collector shall be authorized to administer that oath, no such provision now being in the law. It proposes to authorize the officer to administer the oath required. It is for the convenience of the tax-payer who goes to the collector's office, to have the oath there administered, and not impose upon him the necessity of going before a justice of the peace, a notary public, or other officer authorized by the State or United States laws to administer oaths. There is no compulsion in it whatever. It only authorizes these officers to administer oaths when the regulations require that oaths shall be administered and affixed to the proof that is forwarded.

The question was taken upon the amendment of Mr. TUCKER, to insert after the word "regulation," in line 112, the words, "authorized by law;" and it was agreed to.

The Clerk resumed the reading of the bill, and read the following:

That section 3171 be amended by striking out "for or on account of any act by him done," and inserting "in the discharge of his duty."

Mr. DIBRELL. I move to amend by inserting, after the paragraph just read, that which I send to the Clerk's desk.

The Clerk read as follows:

All indictments or suits commenced in any State court against any collector, special agent, or deputy collector of internal revenue, for violation of law, shall be prosecuted to its termination in said court, and shall not be transferred to a United States court.

Mr. BURCHARD. I reserve the point of order upon the amendment.

Mr. DIBRELL. I would like to know what is the point of order. I hope the amendment will be adopted. It is customary in these revenue departments when an agent or deputy commits a wrong and is indicted in a State court to transfer the case to a Federal court, which requires the witnesses to go sometimes a hundred miles or more, and poor people are unable to attend; and the result is that the parties are turned loose. This amendment will allow a case to be prosecuted in the State courts, and I hope gentlemen will not object to it.

Mr. BURCHARD. Does it limit the transfer of cases to this particular class of offenses? I understood that it was a general provision.

Mr. DIBRELL. It is for all violations of law.

Mr. BURCHARD. I understand it to be an amendment to the general statute of the United States relating to courts and the removal of causes from State courts to United States courts; if I remember aright, a part of the judiciary act.

Mr. SCALES. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SCALES. I made a motion to strike out and the gentleman from Virginia [Mr. TUCKER] moved an amendment to perfect the part which I proposed to strike out.

The SPEAKER *pro tempore*. The gentleman from North Carolina [Mr. SCALES] did not call for a vote on his amendment after the amendment of the gentleman from Virginia [Mr. TUCKER] was adopted. The Chair supposed that the amendment of the gentleman from North Carolina would accomplish little if anything, as it was to strike out the words "or regulation." If the gentleman will move to strike out those words as well as those added his amendment would be effective.

Mr. SCALES. I move to strike out the words "or regulation authorized by law."

The SPEAKER *pro tempore*. The question will then be taken upon that amendment.

Mr. TUCKER. The gentleman had better move to strike out the whole paragraph as amended.

Mr. SCALES. That will be just as well, and I will do so.

The question was upon striking out the paragraph as amended, as follows:

That section 3165 be amended by inserting in line 4, after the words "by law," the words "or regulation authorized by law."

The question was taken upon the motion to strike out, and it was not agreed to; upon a division, ayes 27, noes not counted.

The question recurred upon the amendment of Mr. DIBRELL.

Mr. HANNA. I submit to the gentleman moving this amendment [Mr. DIBRELL] that he had better look with great care to the question whether or not the State courts can take absolute jurisdiction of offenses of this sort. I apprehend when you come to look into the question that it will be found that he is attempting to confer jurisdiction upon a tribunal that cannot take it. It seems to me, from the croppings out that we have had so far in the discussion of this bill, and also in the discussion upon the Army bill, that in certain sections of this country there is a determination that the revenue laws shall not be enforced. A few days ago the Army appropriation bill was amended by inserting a provision that the Army should in no wise be used as a police force. For what purpose was that? It was that in certain localities the revenue laws shall not be enforced by the aid of the Army directly or indirectly.

Mr. DIBRELL. Is the Army used now to enforce the revenue laws?

Mr. HANNA. There may be a necessity in certain localities, in

order to enforce the law and in the interest of public justice, that the Army be called on to aid in the enforcement of the revenue laws as of any other laws of the United States.

We know, as a matter of fact, that in given localities revenue officers are shot down like dogs, simply because they are engaged in enforcing the law. Now, if you gentlemen desire to put yourselves upon record as against the enforcement of the revenue laws, then come out boldly and say so to the country, and not attempt to shirk the question by first providing that the Army shall not be used to enforce the revenue laws, and, secondly, by providing that revenue officers may be indicted in these given localities and tried before tribunals that are in the interest of and are controlled by the public sentiment of those localities. That public sentiment, if I may judge by expressions used here, is against the enforcement of the revenue laws. Let us be fair and square upon this question.

Mr. DIBRELL. I want the gentleman to answer my question, whether the Army is now used to enforce the revenue laws. He knows that it is not used for any such purpose, and that this stump speech which he has been making is like the one he made in regard to southern claims—that there is not a word of truth in what he has said.

Mr. HANNA. In reply to the gentleman I will say that if the reports of the Commissioner of Internal Revenue and the statements published in democratic newspapers in different localities are to be relied on, there has been necessity, time and again, for calling upon the Army to aid in the enforcement of the revenue laws. And so far as I have said anything with reference to southern claims, I stand by every word I uttered. I am satisfied that what I stated was true, otherwise certain gentlemen would not "jaw" over it so much as they have done.

Mr. MILLS. In reply to the point made by the gentleman from Indiana [Mr. HANNA] about the jurisdiction of State courts, I will say that he is too good a lawyer to contend that a postmaster or other Federal officer in any of the States can be guilty of an assault and battery upon a citizen, or can steal a horse, or can commit murder, and claim to be exempt from trial in the State courts for such offenses. The point aimed at by my friend from Tennessee is, that where parties clothed with some official position as Federal officers steal property of citizens, kidnap them or murder them, or are guilty of false imprisonment, they shall be amenable in the State courts for their crimes, and not be torn from State jurisdictions to be sheltered under the protecting power of the Federal Government. My friend from Tennessee is aiming at the protection of citizens of the States.

When the gentleman asks us whether we will aid in having the laws enforced, whether we will submit to have the laws executed by the Army of the United States, I tell him boldly, for one, that I will resist the enforcement of the civil law by the military power in any State where the operations of the courts are unobstructed.

This is a Government in which the military is subordinate to the civil power, and I do not recognize the right of any officer to call in the Army to execute the civil law so long as the courts are free to administer it. Every solitary instance in which the armed power of the Government has been invoked to execute civil process has been a sham and a fraud. The real fact has been that in such cases the military force has been used to rob and oppress the citizens. I am perfectly willing on this issue to meet any gentleman who objects to the opposition we make on this side to using the Army of the United States, ostensibly for the execution of civil process, but really to trample down the liberties and rights of the people.

Mr. FRYE. I would like to put a question to the gentleman from Texas, [Mr. MILLS.] He seems to be replying to the gentleman from Indiana [Mr. HANNA] in relation to the removal of causes, and he alluded to the case of a postmaster committing assault and battery or murder. I ask the gentleman whether he knows any law in Texas by which, when a postmaster commits murder, that case can be taken into the United States courts?

Mr. MILLS. I illustrated by that the absurdity of the position of the gentleman from Indiana. I say that internal-revenue officers stand on no higher ground than postmasters do.

Mr. FRYE. I thought the gentleman was simply putting up pins to knock them down.

Mr. DIBRELL. If the gentleman wants to hear an instance I will tell him one. In my own district two weeks ago a collector killed a peaceable, quiet citizen; and I have introduced this amendment because I believe such outrages should be tried in the State courts.

Mr. TUCKER. So far as regards a criminal prosecution against any collector or other United States officer in a State court, it is obvious that such a case can never be removed to a Federal court. The very fact that the prosecution is for the violation of a State law shows that a Federal court can never try the case. Hence this part of the amendment is entirely unnecessary.

Mr. VANCE. Does not the gentleman know that under the practice when revenue officers have killed men the suits have been removed from the State courts to the Federal courts?

Mr. TUCKER. When the prosecution was for murder?

Mr. VANCE. Yes, sir.

Mr. TUCKER. Where did it ever occur?

Mr. VANCE. It occurred in North Carolina.

Mr. TUCKER. And who was the judge that ever made such a decision? He ought to be known. [Laughter.]

Mr. PRIDEMORE. I will tell my colleague from Virginia that in his district——

Mr. TUCKER. Oh, I know the name of that judge.

Mr. PRIDEMORE. There was an assault and battery committed by revenue officers——

Mr. TUCKER. I understand that.

Mr. PRIDEMORE. Committed by revenue officers upon a citizen; and that case was removed to the circuit court of the United States, where it became the duty of the prosecuting attorney to defend the criminals. I stood in court and saw the prosecuting attorney defending the criminals at the suggestion of the Government of the United States. It is the practice in some circuits when revenue officers violate the criminal law to remove the cause to the circuit court where the criminals are defended by Government officers who should prosecute them.

Mr. TUCKER. If there was anything I did suppose would go through this House without excitement it was an internal-revenue bill. [A voice: "A very violent presumption."] I thought this was a thing there would be no trouble about, no party excitement, no excitement about the Army or anything of the kind. I do say upon my responsibility as a lawyer—and every man here will agree with me—that any judge of any court anywhere in or outside of Christendom who would decide that a prosecution in a State court under State law could be removed to a Federal court ought to be impeached for ignorance or worse.

Mr. AIKEN. I will say it has been done time and again in my congressional district by Judge Bond, of the United States district court.

Mr. TUCKER. I do not care who did it, my pronunciamento has gone out against it. [Laughter.]

Mr. AIKEN. What, then, does the gentleman mean?

Mr. TUCKER. I mean to say no such cause can be tried in a Federal court.

Mr. MILLS. But they do try them.

Mr. PRIDEMORE. If the gentleman from Virginia will allow me, I wish to say it has been done in the State of Virginia.

Mr. TUCKER. I do not mean to say it has not been done, but I do say there is no law for it.

Mr. PRIDEMORE. But how are you going to end it?

Mr. TUCKER. I will answer my colleague by saying that the man who would do it now without any statute would do it with a statute.

Mr. PRIDEMORE. Then put a penalty in the statute to reach the judge who violates the law.

Mr. TUCKER. The man who is either fool or knave enough to do it now, would do it in spite of your statute.

Mr. HARTRIDGE. Let me ask the gentleman from Virginia this question: If there is a constitutional provision in the Revised Statutes of the United States, why should we not strike it out?

Mr. ELAM obtained the floor.

The SPEAKER *pro tempore*. The gentleman from Louisiana is entitled to the floor.

Mr. TUCKER. But I rise to a personal explanation. [Laughter.]

Mr. ELAM. I have the floor and will proceed.

The SPEAKER *pro tempore*. The gentleman from Virginia has a right to make a personal explanation.

Mr. ELAM. I have been trying for half an hour to get the floor.

Mr. TUCKER. I have no doubt, as my friend from Georgia suggests, there are on the statute-books a great many laws in reference to the removal of causes and in reference to the trial of causes which have been passed within the last ten or fifteen years that he and I would agree were entirely unconstitutional; but that is not the question before us now. Those questions should be referred to the Committee on the Judiciary, of which my friend from Georgia is a distinguished member.

Mr. HARTRIDGE. The question is there now.

Mr. TUCKER. I would have the question referred to the Judiciary Committee to have those laws stricken from the statute-book. But that has nothing to do with internal-revenue laws. "Let us return to our mutton."

Mr. STEELE. Will my friend from Virginia allow me to give him a piece of information, for which he asked a while ago?

Mr. TUCKER. Yes, sir.

Mr. STEELE. He said that no such cause can be tried in a Federal court. Now, let me tell him it has been done in North Carolina.

Mr. TUCKER. I have no doubt, sir——

The SPEAKER *pro tempore*. The gentleman from Louisiana is entitled to the floor, and was only interrupted by the gentleman from Virginia who rose to a personal explanation.

Mr. STEELE. I rise to a personal explanation, too. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from Louisiana is entitled to the floor.

Mr. TUCKER. Our friends on the other side are really driving me into a corner to defending all the outrages which they say have been done in the South the last ten or fifteen years; I defend none of them, and I say the question has nothing to do with the internal-revenue bill now under consideration.

Mr. MILLS. The gentleman had better come over to his own side of the House. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from Louisiana is entitled to the floor.

Mr. ELAM. Mr. Speaker, I agree entirely with the gentleman from

Virginia. There is no law or precedent authorizing the transfer of a case of criminal prosecution in a State court under a State law to a Federal court. A man who commits assault and battery in any State of this Union, or larceny, or murder, or violates any provision of the criminal law of a State, cannot have his case transferred to a Federal court. If a party is indicted for violation of a Federal law, then the prosecution must originate in the Federal court unless by the terms of the statute jurisdiction is also conferred by the State court. There are cases where jurisdiction is concurrent. Where prosecution in a State court, commenced in a State court, and prosecuted under State laws, has been transferred by ignorant or corrupt judges it is idle to give that as an instance for the purpose of establishing a legal proposition.

Mr. PRIDEMORE. Will the gentleman let me ask him a question?

Mr. ELAM. No, sir; not now.

If prosecutions of that kind have been carried on, they are against the law, and, as the gentleman from Virginia has well said, no provision in a statute of this kind would prevent the recurrence of them. There was no warrant of law for it then, and there is no warrant of law for it now. And, while I sympathize with the feeling which the gentleman from Tennessee has in view, I am constrained to say I do not believe there is any necessity for this provision in the bill or in any other statute of the United States, because there is no statute which now authorizes it.

Mr. DIBRELL. It is not thirty days since a case of that kind occurred in the middle district of Tennessee, a case of assault and battery which was transferred from the State court to the Federal court.

Mr. ELAM. When it comes to be tried in a Federal court, if tried by a competent judge, he will decide the transfer is illegal.

Mr. DIBRELL. Then my amendment will do no harm.

Mr. ELAM. It will do no good. Does the gentleman propose to alter the whole judiciary system of the United States by an amendment like this?

Mr. RIDDLE. The case referred to by my colleague [Mr. DIBRELL] occurred in my own district. A revenue officer was charged with assault and battery, and under section 643 of the Revised Statutes upon the filing of a petition by the defendant after an indictment against him in the State court, of which the State court after an elaborate argument decided it had jurisdiction, upon a *certiorari* from the district or circuit court of the United States, I do not remember which, the case was transferred from the State court to the Federal court at Nashville, Tennessee. Judge N. W. McConnell was the circuit judge who presided in the State court. This occurred in Macon County in my own district.

The SPEAKER *pro tempore*. The time of the gentleman from Louisiana [Mr. ELAM] has expired.

Mr. ELAM. I would like to have my time extended for a few moments.

Mr. HANNA obtained the floor and yielded his time to Mr. ELAM.

Mr. ELAM. I am much obliged to the gentleman from Indiana. I would like if gentlemen who are citing these instances would show me some law or some adjudged case in a United States court, or at least in a respectable State court, that authorizes any such transfer.

Mr. PRIDEMORE. If the gentleman will allow me I will show him the law. There is a statute that allows the removal of these cases to the United States courts when the revenue officer is engaged in the discharge of his official duty. I tell the gentleman there is a law. Here it is. [Holding up the Revised Statutes.]

Mr. ELAM. I cannot yield further to the gentleman. That is not the question before the House. The gentleman says, as I understand him, there is a statute that authorizes the transfer of a criminal prosecution from a State court to the United States court where a revenue officer is wounded or injured in the prosecution of his business or in the exercise of the duties of his office. That does not belong to the class of cases that have been referred to by my friend from Tennessee and by the gentleman on my left.

The case the amendment of the gentleman from Tennessee would reach would be this: that where a prosecution is regularly and lawfully commenced in a State court for the violation of a State law for assault and battery, murder, &c., by an internal-revenue officer it should not be transferred to a United States court. Now I say there is no necessity for any such law, for according to law the trial could not be transferred in any such case.

Mr. BURCHARD. I insist on the point of order I made.

Mr. PRIDEMORE. Will the gentleman allow me to refer to one single section of the Revised Statutes?

Mr. BURCHARD. Gentlemen have traveled away from the subject-matter of this internal-revenue bill. We desire to keep all politics if possible out of this, which is a mere business law for the collection of the revenue more efficiently if possible and relieving some of the rigors and hardships of the law as it now exists.

Now the point of order I made on this is that here is a general amendment that proposes to amend the judiciary act; a general amendment not confined to this particular section under consideration. Section 643 gives the power of removal from the State court to a United States court in certain cases arising under the revenue laws or on account of any right or title claimed by any officer acting under such laws, and also in questions arising out of the civil-rights act. Now I hold, Mr. Speaker, that it is not germane to this particular section to propose a general amendment to the law. I hope the House will avoid entering upon the broad field of political discussion and come back to this particular subject.

Mr. RIDDLE rose.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee desire to address the Chair on the point of order?

Mr. RIDDLE. Yes, sir. I desire to have read section 643 of the Revised Statutes in order to show the application of the amendment offered by my friend from Tennessee. It is the provision under which all those cases are transferred from the State courts to district and circuit courts of the United States.

The Clerk read as follows:

SEC. 643. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of title 25, "The Elective Franchise," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office.

Mr. RIDDLE. I now ask to have read the passage which I have marked in Abbott's United States Practice.

The Clerk read as follows:

In 1866 the internal-revenue law was revised and re-enacted. In reference to suits against revenue officers or persons acting under them, the act contains a provision similar to that above stated in reference to revenue causes under the act of 1833. This provision enacts "that in any case, civil or criminal, where suit or prosecution shall be commenced in any court of any State—

"Against any officer of the United States appointed under or acting by authority of the act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' passed June 30, 1864, or of any act in addition thereto or in amendment thereof; or,

"Against any person acting under or by authority of any such officer on account of any act done under color of his office; or,

"Against any person holding property or estate by title derived from any such officer, concerning such property or estate, and affecting the validity of this act or acts of which it is amendatory,"

The proceedings may be removed.

The SPEAKER *pro tempore*. The clause of the bill under consideration proposes to amend section 3171 of the Revised Statutes by striking out the words "for or on account of any act by him done" and inserting the words "in the discharge of his." Section 3171 relates alone to the jurisdiction of courts in suits brought by officers of the Internal-Revenue Bureau for damages on account of injuries sustained by them while in the discharge of their duties. It has no relation whatever to any criminal prosecution or civil suit against revenue officers, but only, as stated, to suits brought by internal-revenue officers to recover damages for injuries sustained in the discharge of their duties. Now the amendment proposed is a very comprehensive one. By its terms it purports to be an amendment to this section of the Revised Statutes, but in effect it proposes to make no change in that section, but proposes legislation on another subject not having any connection with this section. It reads as follows:

All indictments or suits commenced in any State court against any collector, special agent, or deputy collector of internal revenue for violation of law, shall be prosecuted to its termination in said court, and shall not be transferred to a United States court.

That amendment, if adopted, would change, not only the judiciary act of 1789, which provides for the removal of civil suits from State to United States courts, but two or three other statutes on the same subject. Under that amendment, if adopted, an internal-revenue officer would be prohibited from removing any civil suit brought against him in a State other than the one in which he resides, from the State court to a United States court, although the civil suit did not arise out of any official transaction. The general subject to which this bill relates is the internal-revenue laws, and this amendment proposes to change laws which have no relation to internal revenue whatever, and the Chair is therefore constrained to rule that the amendment is not germane and is not in order.

The Clerk resumed the reading of the bill, and read as follows:

That section 13, of the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875, be amended by striking out from the proviso of said section the words "except within one year after such services are rendered," and inserting in lieu thereof the following words: "If more than one year has elapsed since the close of the fiscal year in which the services are rendered;" and also by striking out from the last paragraph of the said proviso the words "which may have happened by death or resignation," and inserting in lieu thereof the word "occurring."

Mr. BURCHARD. I move to strike out lines 116, 117, 118, down to the words "and seventy-five" in line 119, as follows:

That section 13, of the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875.

And to insert in lieu thereof the following:

That the act entitled "An act to amend the existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875, be amended as follows, namely: that section 12, be amended by striking out from the third line of said section the words, (volume 18, United States Statutes-at-Large, page 304,) "by him," and inserting after the word "service" at the end of the third line, the following:

And such allowance as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue; allowance shall also be made in like manner for salary and for expenses of collectors, the whole of which shall be in lieu of the salary and commissions heretofore provided by law: *Provided, however*, That the salary of collectors shall be fixed at $2,000 each per annum, where the annual collections amount to $25,000 or less, and shall, by the Secretary, on the recommendation of the Commissioner, be graduated up to the maximum limit of $4,500, which latter sum shall be allowed in all cases where the collections amount to $1,000,000 or upward, and the collector shall have power.

The question was put upon Mr. BURCHARD's amendment, and it was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

And it is hereby further provided, That for the preparation and approval by the United States district attorney of each deed as above required, a fee of $5 shall be allowed to that officer, to be paid by the United States.

Mr. HANNA. I think there ought to be added to that the words "which he shall account for in his emolument returns."

Mr. TUCKER. We have no objection to that amendment.

The amendment of Mr. HANNA was agreed to.

The Clerk resumed the reading of the bill, and read the following:

That section 3208 be amended by striking out the first sentence thereof ending with the words "for the payment of such debts," and by inserting in lieu thereof as follows:

The Commissioner of Internal Revenue shall have charge of all real estate which is now or shall become the property of the United States by judgment of forfeiture under the internal-revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, and of all trusts created for the use of the United States in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may at public vendue, and upon not less than twenty days' notice, sell and dispose of all real estate owned or held by the United States as aforesaid; and until such sale the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may lease such real estate owned as aforesaid, on such terms and for such period as they shall deem expedient.

Mr. LATHROP. I move to amend the paragraph just read by inserting after the word, "deeds" the words "or penalties;" so that it will read "conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue," &c.

The amendment was agreed to.

Mr. TUCKER. I move to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

That section 3223 be amended by inserting after the word "insurance," in line 3, the words "for a sum greater than the actual value of the distilled spirits before and without the tax being paid."

Mr. TUCKER. In the revision and refunding of taxes, where the spirits have been destroyed by fire, the present law provides that "when the owners of distilled spirits in the cases provided for by the two preceding sections may be indemnified against such tax by a valid claim of insurance, the tax shall not be remitted to the extent of such insurance."

As the value of the whisky before it is taxed may be, we will say, fifty cents a gallon, and the tax put upon it is ninety cents a gallon, making a total of one hundred and forty cents, and the party insures for one-half of that full amount, he will in fact be insuring the tax due to the United States, and not his own property. My attention has been called to this matter by distillers as interfering with their insuring their own property.

The amendment was agreed to.

The Clerk read the following:

That section 3224 be amended by adding thereto the words "unless it shall be made to appear to a judge or court of the United States having jurisdiction where the same is assessed and collected, that such tax is illegal, or that the officer has transcended his legal authority, and that the injury which would be done to the person assessed could not be adequately compensated in damages recovered by action at law against the officer assessing and collecting the same."

Mr. TUCKER. In order to make the section more intelligible, I move to insert after the word "collected" the word "either;" so that it will read:

Unless it shall be made to appear to a judge or court of the United States having jurisdiction where the same is assessed and collected, either that such tax is illegal, or that the officer has transcended his legal authority, &c.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

DISTILLED SPIRITS.

SEC. 5. That the Revised Statutes be amended as follows, namely:

That section 3251 be amended by striking out the words, "And any fractional part of a gallon amounting to one-half gallon or over in a cask or package shall be taxed as a gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax," and by inserting in lieu thereof the following:

"The tax on any fractional part of a gallon of spirits in any cask or package shall be collected at the same proportional rate and at the same time as the tax on the full gallons contained in such cask or package, and the collector shall receipt, report, and account for the same in such manner as shall be prescribed by the Commissioner of Internal Revenue."

Mr. RIDDLE. I move to amend by inserting after the paragraph last read that which I send to the Clerk's desk.

The Clerk read as follows:

That when any distilled spirits are destroyed by fire or otherwise, after the time when the same should have been drawn off by the gauger and placed in the warehouse of the manufacturer, no tax shall be collected for such spirits so destroyed, or if improperly collected it shall be refunded.

Mr. RIDDLE. I had a case from my own district during this Congress, where a gauger was to have been at the distillery and drawn off the spirits on the 6th day of December. He did not get there until the 8th day of December, and on the night of the 7th the distillery was destroyed.

Under a decision of the Internal-Revenue Bureau, as soon as the spirits came into being the right of the Government to the tax attaches and it is the duty of the Government to collect it. In the instance to which I refer the Government did collect the tax, and I was under the necessity of introducing a bill which passed this House to refund that tax. The predecessor of the present Commissioner of Internal Revenue said that in all such cases the bureau ought to have the right to refund the tax. There is no such authority now. The manufacturer himself had no right to draw off the spirits.

Mr. BURCHARD. Allow me to say to the gentleman from Tennessee [Mr. RIDDLE] that there is a subsequent portion of this bill which I think will be a more appropriate place for his amendment; where we propose to give the Commissioner authority to refund taxes in certain cases.

Mr. RIDDLE. If the gentleman will call my attention to that part of the bill when it is reached, I will withdraw my amendment.

Mr. BURCHARD. I will do so.

Mr. TUCKER. If we do not come across any appropriate place, there will be no objection to recurring to a portion of the bill where the amendment would be appropriate.

Mr. RIDDLE. It can come in at the end of the bill just as well. I will withdraw the amendment.

The Clerk resumed the reading of the bill, and read the following:

That section 3276 and section 3286 be amended by inserting before the words "one thousand dollars" wherever they occur in each of said sections the words "not exceeding."

Mr. BURDICK. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

That section 3282 of the Revised Statutes be amended by striking out the words "or any vapor of alcoholic spirits," immediately following the word "alcohol," in the eighth line of said section, and also by striking out the words at the close of said section, namely: "But nothing herein contained shall be construed to authorize the distillation of such fermented liquids except in an authorized distillery," and inserting in lieu thereof the following: "But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever, whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on. But it shall be lawful for manufacturers of vinegar to separate by a vaporizing process the alcoholic property from the mash produced by them, and condense the same by introducing it into the water or other liquid used in making vinegar. And all the provisions of sections 3276, 3277, and 3278 of the Revised Statutes of the United States are hereby extended and made applicable to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen, or other persons employed by them."

Mr. BURDICK. The object of this amendment is to permit the manufacture of vinegar from grain by the vaporizing process, without subjecting the manufacturers to taxation as distillers. I presume there will be no objection to the amendment.

Mr. BURCHARD. In 1870, I think it was, the law was modified so as to authorize the manufacture of vinegar from mash or wort by a continuous process; but there was a provision in the law that it should not authorize the use of a still, or language that has been interpreted by the Department to forbid the use of a still.

Now, the answer to the question What is a still? depends upon the definition to be given to the law. A tea-kettle is, in one sense of the word, a still. The gentleman from Iowa [Mr. BURDICK] proposes to authorize the manufacture of vinegar by a vaporizing process, under such restrictions as are mentioned in his amendment. Upon an examination of the amendment I do not see any objection to it. It has been examined by the Department, I understand, and if the House is in favor of permitting the manufacture of vinegar directly from the mash, without paying a tax upon the distilled spirits, perhaps it would be well to adopt the amendment. It is well drawn, will effect what the gentleman desires, and I do not oppose it.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

That section 3293, as amended by joint resolution approved March 28, 1878, be amended by inserting after the words "State of ——," in the eleventh line, the words "during the month ending;" by striking out the words "and proof gallons," in the fifteenth line, and inserting in lieu thereof the words "proof gallons and taxable gallons;" by inserting after the word "shall" and before the word "give," in the eighteenth line, the words "at the time of making said entry;" by striking out the word "bond," in the twenty-second line, and inserting in lieu thereof the word "entry;" and by adding thereto the words:

"A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue. And in case the distiller or owner fails or refuses to give the bond hereinbefore required or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if no bond was given, or from the terms of the bond if a bond

was given. But this provision shall not exclude any other remedy or proceeding provided by law."

Mr. WILLIS, of Kentucky. I move to insert after the paragraph just read the following:

That section 3293 of the Revised Statutes be further amended by striking out the word "double," in line 23 of the section.

I do not think this amendment will be objected to if understood. We have already recognized the propriety of such a change in other portions of the Revised Statutes. That section which I propose to amend provides that "the penal sum of such bond shall not be less than double the amount of tax on such distilled spirits." I propose to strike out the word "double," so that it will read: "the penal sum of such bond shall not be less than the amount of the tax on such distilled spirits." As gentlemen are well aware, the spirits themselves are in the custody of the Government, and are a sufficient security. Besides, the bond which is to be given, even under the law as amended, is subject to the supervision of the collector, and can be rejected if not satisfactory. We all know that, under the law as it now stands, hundreds of thousands of dollars are locked up unnecessarily. The object of this amendment is not to take away any safeguard which the Government now has for the collection of taxes, but to relieve distillers and owners by lessening the amount of the bond, which, under the amendment, will be ample. The committee, in another section, has struck out the word "double," and I propose to follow up that action by striking out similar language in this section.

Mr. BURCHARD. There is some difference between this proposition and the one which the committee have recommended. The gentleman's amendment covers only the amount of taxes on the spirits actually deposited. The committee have proposed to amend the law so that the general bond of a distiller shall only be equal to the amount of spirits that he could produce in a given number of days—fifteen days. But here is an actual production of spirits of a certain amount upon which a tax we will say of $10,000 has accrued. Now should the bond be limited to just $10,000? When suit is brought upon the bond for the amount of the tax the recovery would be limited to that amount.

Mr. WILLIS, of Kentucky. Does not the gentleman think that the Government would be amply protected by having in its custody the spirits on which the tax is to be paid? The spirits are in the custody of officers of the Government, under their charge and control. Is not this a sufficient security? The bond is a mere formal matter. Besides, this bond must be satisfactory to the collector. The law as it now stands locks up millions of dollars unnecessarily, which is contrary to the interests of society. I hope the gentleman from Illinois, representing the Committee of Ways and Means, will assent to the amendment.

Mr. BURCHARD. If in all cases the spirits were actually within the control of the Government the gentleman's argument would have greater force. But though the law presumes that they are under the control of Government officers, and though the distiller has no authority to enter upon the premises without the consent of those officers, yet a fraudulent transfer or disposition of spirits is sometimes made notwithstanding the law. The object is that the Government should have not only the spirits themselves for security, but if the spirits should disappear, that it may have the bond to fall back upon. Whether this is more security than the Government ought to have, I question; it has not been found so in some instances.

Mr. WILLIS, of Kentucky. Suppose whisky is removed fraudulently from a warehouse; does the gentleman say that the distiller is thereby released from the tax? Besides, I take it that we are not to legislate upon the presumption that there will be fraud.

Mr. BURCHARD. Unfortunately that presumption is very often well grounded.

Mr. WILLIS, of Kentucky. The only question is whether the bond is sufficient to secure the tax to the Government.

The question being taken on the amendment of Mr. WILLIS, of Kentucky, it was not agreed to; there being ayes 37, noes not counted.

Mr. MILLS. I desire to renew the amendment which I proposed some time ago at a point which the gentleman in charge of the bill thought was not an appropriate place. I move to amend by inserting at the end of line 93, on page 15, the following:

That section 3279 of the Revised Statutes be, and the same is hereby, repealed.

The section here referred to provides that every rectifier, distiller, and wholesale liquor dealer shall have a sign put up on the outside of his premises showing his occupation, with the words "rectifier of spirits" or "wholesale liquor dealer" or "distiller." The letters upon this sign are required to be not less than three inches in length. The sign is to be painted in oil colors or gilded, and it must be of proportionate length, &c. Another part of the section imposes a penalty upon any one who puts up such a sign without having paid the license. A third branch of the section imposes a penalty upon any person who removes any liquor from or to any establishment not having that sign; and in this connection there is provided a forfeiture of all horses, carts, drays, vehicles, &c., engaged in such removal. There is also provided a fine of not less than $100 nor more than $1,000.

Now, this section is wholly unnecessary for the efficient collection of the revenue. No one has any right to be advertised as to the calling which any man is pursuing. No one has any interest in a knowledge of the distiller's business except the Government of the United States; and the officers of the Government can at any time go and inspect the establishment and ascertain the material fact whether he has paid his revenue tax and his license for carrying on this occupation. It is wholly unnecessary to compel the distiller to keep up a sign with letters three inches in length, to be painted in oil colors, &c.

My attention was called to this section and the enormous penalties it imposes for this unimportant violation of law by a certain transaction which occurred in the unostentatious little city in which I live. One of these internal-revenue agents who I suppose gets a part of the penalties came to our town and began to inspect the signs of the wholesale dealers. He took down the sign of one of the business men in my town and submitted it to the test of his rule to see whether the letters were exactly three inches long and whether it was painted in oil or water colors. Upon this inspection the letters were found to lack a little of three inches. Now, the penalty imposed by law in such case is $500. But the Government had received its pay for the license; the man had his license in his pocket; he had complied with every provision of the law except this directory provision inserted in the law, for what purpose I am unable to comprehend. Because the dealer had failed by the fraction of an inch to have the letters on his sign the required length he was subjected to the penalty prescribed by this section. People are sent all over the country hunting up such infractions of the law and robbing and oppressing honest dealers, who ought to be protected and not plundered by officers of the Government.

If you wish to enforce the collection of the revenue and impose penalties for non-payment of the tax and let the Government officer go and inspect the books if necessary—go and demand the information of the party charged with the payment of the revenue—I have no objection. But you require in this law he shall notify people who have no interest in the fact whether he has paid his tax or not by advertising on the outside of his place of business by a sign exhibiting in plain and legible letters, not less than three inches in length, painted in oil colors or gilded. "Every person who violates the foregoing provision by negligence or refusal or otherwise shall pay a penalty of $500." And that is not all; it further provides that every person who works in any distillery—not the party who should pay the revenue tax, and he is the only one in whom the Government is interested, but every person who knowingly receives at, carries or conveys any distilled spirits to or from any such distillery, &c., not having such a business sign in plain and legible letters, not less than three inches in length, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than $100 nor more than $1,000, or be imprisoned not less than one month nor more than six months.

Why, sir, that is a law worthy of being written like that of Caligula, high up upon a column, in small letters, out of sight, so as to entrap parties into violating it without their knowledge and then punishing them, to render its author notorious. And the injustice and oppression of this law would render the name of its author, if known, as notorious as that of the Roman tyrant.

Mr. BURCHARD. It is due to the honest distiller who pays the enormous tax, about 600 per cent., upon his product, that the Government should provide every safeguard for his protection against illicit distilling. Illicit distilling is carried on secretly. These provisions of law are designed simply for the protection of the revenue and the protection of the honest distiller. We have six hundred and seventy-seven distilleries of grain besides four thousand fruit distilleries. Notwithstanding these safeguards and the utmost vigilance, there are distilleries in remote regions who do not advertise to the world that they are engaged in distillation. There were within the last year, of illicit stills—those engaged in the production of illicit spirits without license or paying tax—I think, over five hundred, nearly six hundred. Now, the man who is engaged in illicit distillation does not advertise to the world, but the honest distiller has nothing but to put out his sign saying "I am engaged in the business of distillation, and I am willing the world should know it." It is only to guard these men, to protect them; for when there is an illicit distillation throwing upon the market 1 per cent. of the product it bears down the price, and the honest distiller must carry on his business at a loss, and therefore we ought to do all we can to protect those honest distillers.

I will frankly say if a case like that mentioned by the gentleman from Texas came to my knowledge, of a man who was standing upon technicalities of the law, a man in the service, I would instantly dismiss him. The object is not to see whether he has complied absolutely with the law, or rather the object is not to take advantage of a mere technicality to impose penalties upon honest distillers; but there should be something to advertise to the world that the man is engaged in the honest conduct of his business. And that is the intention of this provision of the section, and I hope, therefore, it will not be stricken out.

Mr. MILLS rose.

The SPEAKER *pro tempore*. Debate is exhausted on the pending amendment.

Mr. MILLS. I move to strike out the last word. The object of the law ought to be simply to collect the revenue and it ought not to take advantage of technicalities. Most of us representing southern

districts on this floor know that our constituents are being constantly entrapped and punished in the execution of the revenue laws. I can see no reason, notwithstanding what I have heard from my friend from Illinois, why the Government should require a distiller to advertise his occupation to the people. The only concern the Government has is to know he pays the tax imposed upon him. The Government has no right to require him to advertise in oil-colors as it is provided in the statute, or in water-colors, or to compel him to wear a band upon his hat saying he is a distiller of whisky, or to have a sign of a certain color to advertise him to the people, and then to impose penalties, not for refusing to pay his taxes to the Government, but simply for not complying with the requirements of this section, and a terrible requirement it is, or is made so by the penalties attached and the way in which they are enforced.

If it be true, as my friend says, that the officer ought to be discharged who is guilty of such a persecution of the citizen, is it not more true the law ought to be repealed which puts it into the power of an officer to oppress the people in this way? What good can come to the country from this? The gentleman and his colleague on the committee, from Virginia, did not know of the existence of such a law. Its inefficiency in aiding collection of the revenue was not discovered even by the Revenue Commissioner. It was discovered, however, by these sharpers who have been appointed to act as informers, who drag those violating the law simply in a mere technical way before the United States courts at great distances from their homes, and then compel them to pay large sums of money to compromise themselves out of the difficulty.

The House divided; and there were—ayes 43, noes 66.

So the amendment was rejected.

Mr. BURCHARD. I move by unanimous consent to go back to page 11 to allow the gentleman from Pennsylvania to move an amendment.

There was no objection.

Mr. CLYMER. I move to insert the following as a new section at the end of section 4.

The Clerk read as follows:

That the third subdivision of section 4244 be amended by inserting after the word "provided," where it first occurs in said subdivision, the words following: "That any person who rectifies, purifies, refines, or manufactures as aforesaid less than five hundred barrels a year, counting forty gallons proof spirits to the barrel, shall pay $100: provided."

Mr. CLYMER. I will state in a word or two the object of the amendment. By this section of the Revised Statutes all rectifiers irrespective of the quantity have to pay a special tax of $200. The operation of this seems to be unjust. My amendment provides that persons who rectify distilled spirits to the amount of less than five hundred barrels a year shall pay $100 instead of $200. The amendment meets the approbation of the Commissioner and I trust it will be adopted without further discussion.

Mr. VANCE. I understand the object of the amendment is to reduce the tax from $200 to $100.

Mr. CLYMER. Yes, for the smaller rectifiers.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph of section 5:

That section 3332 be amended by adding thereto as follows:

And in case of seizure of a still, doubler, worm, worm-tub, mash-tub, fermenting-tub, or other distilling apparatus, having a less producing capacity than one hundred and fifty gallons per day, for any offense involving forfeiture of the same, where said apparatus shall be of less than five hundred dollars' value, and not in the possession of any one claiming to be the owner thereof, and where it shall be impracticable to remove the same to a place of safe storage from the place where seized, the seizing officer is authorized to so destroy the same as to prevent the use thereof, or of any part thereof, for the purpose of distilling: *Provided*, That such destruction shall be in the presence of at least one credible witness, and that such witness shall unite with the said officer in a duly sworn report of said seizure and destruction, to be made to the Commissioner of Internal Revenue, in which report they shall set forth the grounds of the claim of forfeiture, the reasons for such seizure and destruction, their estimate of the fair cash value of the apparatus destroyed, and also of the materials remaining after such destruction, and a statement that, from the facts within their own knowledge, they have no doubt whatever that said distilling apparatus was set up for use and not registered, or had been used in the unlawful distillation of spirits, and that it was impracticable to remove the same to a place of safe storage. Within one year after such destruction, the owner of the apparatus so destroyed may make application to the Secretary of the Treasury, through the Commissioner of Internal Revenue, for reimbursement of the value of the same; and if he shall prove, to the satisfaction of the Secretary and the Commissioner, that said apparatus was owned by him at the time of its destruction, and that it had not been set up without registering, or had not been used in the unlawful distillation of spirits, the Secretary may make an allowance to said owner, not exceeding the value of said apparatus, as sworn to in the report of the seizing officer as aforesaid, less the value of the materials, as estimated in said report. And for a wrongful seizure and destruction of property under the foregoing provisions, the owner thereof shall have right of action on the official bond of the officer who occasioned the destruction for all damages caused thereby.

Mr. TUCKER. I desire to offer an amendment to this paragraph. In line 204 it reads:

The seizing officer is authorized to so destroy the same as to prevent the use thereof, or of any part thereof, for the purpose of distilling.

I propose to strike out the word "so," and to insert after the word "same" the words "only so far."

The amendment was agreed to.

Mr. PRIDEMORE. I ask my colleague from Virginia if he will not accept an amendment providing that these vessels shall only be destroyed where they cannot be sold? In many instances the tubs and apparatus could be sold and something realized to the Government. I have no objection to their being seized and confiscated to the use of the Government, but there are many cases where the tubs, stills, and apparatus, being of much less value than $500, might be sold and again set up for legitimate uses and purposes. It seems to me a vast deal of property is destroyed under this section the destruction of which might be avoided. I desire to submit an amendment that this apparatus may be destroyed where it cannot be sold; but I was not sufficiently acquainted with the details of the bill to know at what point such an amendment would properly come in.

Mr. TUCKER. I yield the floor to my colleague on the committee, the gentleman from Illinois, to answer the question of my colleague from Virginia.

Mr. BURCHARD. The objection to the amendment of the gentleman from Virginia I think would be that this apparatus if sold by the Government would be immediately set up somewhere else to be used for the same purpose. I think it would be better to destroy the whole apparatus.

Mr. PRIDEMORE. I am sure if my friend had seen the practical workings of this he would agree to my amendment. It is just as easy for these parties who wish to carry on moonshining to buy new stills and pay taxes on them; and the Government loses by destroying this property. It does not seem to me that the interest of the Government would suffer in any way. It would be a notorious fact in the neighborhood that the still would be sold and it would be just as easy for the Government to ascertain that a distillery was going on in the neighborhood using the apparatus that had been sold in this way as it would be to know that a new distillery was erected. This destruction of property is an absolute loss and a detriment to the community. In many instances there would be men who carry on distilling legitimately who would purchase this apparatus and put it to a proper use.

Mr. BURCHARD. The intention of this section of the paragraph is, where the apparatus is in such a locality that it is impossible to carry it off, where there is no opportunity to take it away, to authorize the officers to destroy it. It belongs to the Government. It is forfeited to the Government if parties are engaged in the illicit use of it. Now the question is will the Government make more money or can it save something by putting a guard over the apparatus, belonging perhaps to a small concern and such that two or three teams can haul it away—will the Government make more money by keeping the apparatus in this way and attempting to sell it than by destroying it? There ought to be a power given to destroy. We have guarded it so that the party who owns this machinery can have his redress against the officer if he is not engaged in illicit distillation. We protect the citizen but we do not intend in any way to protect the business. And it seems to us the Government will do better and will save more revenue by its officers having authority to destroy the apparatus than by appointing a guard and taking possession and selling and disposing of the property.

Mr. PRIDEMORE. I am sure the gentleman very greatly mistakes me if he thinks I have any interest in this business.

Mr. BURCHARD. I do not think anything of the kind.

Mr. PRIDEMORE. I voted against my party on this question; and I will vote against any party who will give any encouragement to illicit distilling. My voice has been all my life and shall be during the remainder of my life against distilling in all shapes, even when legalized.

Mr. BURCHARD. I disclaim any intention of imputing to the gentleman anything inconsistent with that.

Mr. PRIDEMORE. I desire to state, however, that my attention has been called by revenue officers themselves to this useless destruction of property, that might be saved to the Government. I would not care if all distilleries used in the manufacture of whisky as a beverage were destroyed. I would have no objection to that as far as I am concerned. But I do not think the Government should seize the property of the citizen and destroy it when it might be made useful and profitable to the Government. I think there would be hardly a case found where the stills might not be sold and used in the locality.

Mr. BURCHARD. Will the gentleman allow me to call his attention to the limitation in line 280? We do not intend to have this apparatus destroyed, except in cases where it is impossible to remove it to a place of safe storage. We so limit it in that line that I think the gentleman must see that his objection is removed.

Mr. PRIDEMORE. On which line?

Mr. BURCHARD. Between lines 214 and 219. I will read the clause:

Every person who engages in or carries on the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

The SPEAKER *pro tempore*. Does the gentleman from Virginia offer an amendment?

Mr. PRIDEMORE. I intended to do so, but will withhold it for the present.

Mr. RANDOLPH. In lines 177 and 178, on page 19, I move to strike out the words "or having reasonable ground to believe." It is the first time in the history of legislation or jurisprudence, I presume,

that any man was sought to be imprisoned on such ground. The section reads:

Every person who engages in or carries on the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

It might be very proper to punish the man if he knew that the spirits were illicit, but to say that he shall be imprisoned or fined $5,000 in a case where he had only reasonable ground to believe, would be stretching the law too far.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 542) to provide for the conveyance of the low ground in the city of Washington under the provisions of the act of Congress, chapter 96, approved May 7, 1822; and

A bill (S. No. 1178) to provide a fire-proof building for the use of the Bureau of Engraving and Printing and the mechanical branches of the Treasury and other Departments.

The message further announced that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the resolution of the Senate providing for the adjournment of the two Houses of Congress on Monday, June 10, A. D. 1878, at twelve o'clock noon.

AMENDMENT OF THE INTERNAL-REVENUE LAWS.

Mr. BURCHARD. I hope the gentleman from Tennessee [Mr. RANDOLPH] will let us proceed with the bill and at a later period he can ask to go back to this provision.

Mr. RANDOLPH. I was conscious that it was best to go forward; but this same privilege was accorded to a member of the committee, and I am satisfied that no member of the House will be willing to make a law punishing a man for what he does unless he has positive knowledge that it is wrong. I can see no objection to making the correction now. I am sure that no lawyer on the floor who ever studied a proposition of law or was about a court-house would vote for a proposition which would be so subversive to a man's rights as a citizen as to say that when a man does not know a thing but may have reasonable grounds to believe it he shall be fined and punished. That would be an anomaly and an outrage, and I hope the committee will make the correction without further talk about it.

Mr. TUCKER. I am not particular about this amendment, but I desire to explain the reasons which induce the adoption of this clause, which reads:

Every person who engages in or carries on the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

The idea I had in adopting these words, which are a modification of some words which were proposed to us in committee, was that a man who buys from a rectifier spirits without knowing that the taxes have been paid upon it or having reasonable ground to suppose that they have been paid is bound to take notice of the fact, is bound to inquire into the fact whether upon those spirits at the time of his purchase the tax had been paid or not. Now, if the party knows the tax has not been paid, of course he is guilty; but if he has reasonable ground to believe the tax has not been paid, it is his duty to inquire into the fact.

Mr. RANDOLPH. But he does not know it.

Mr. TUCKER. Then the question is whether he ought not to inquire into the fact.

Mr. VANCE. Would not that provision embrace a man who should haul a load of wood to a distillery?

Mr. TUCKER. Why?

Mr. VANCE. Suppose he had reason to believe it was an illicit distillery?

Mr. BURCHARD. The clause provides that—

Every person who engages in or carries on the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase, or receive, or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits required by law has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

We want by this provision to place a brand upon illicit spirits, so that any man shall be afraid to buy them; and if he knows they are illicit spirits, or if he has reason to believe that they are, he will say: "My dear sir, I cannot buy these spirits because I have reason to believe that the tax has not been paid upon them."

Mr. HANNA. The language of the clause is—

Every person who engages in or carries on the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase, or receive, or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing, or having reasonable grounds to believe that the tax on said spirits required by law has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

Now, let me illustrate it. Suppose I have in my pocket a counterfeit ten-dollar bill. If I know that it is counterfeit, I ought not to pass it; but suppose my friend from Virginia [Mr. TUCKER] has said, "Mr. HANNA, that is a counterfeit," and although he may not be an expert, yet a good citizen has told me that it is a counterfeit. Now, what is my duty as a good citizen? I am put upon my inquiry, and as a good citizen I have been furnished with evidence upon which to found the belief that the note is counterfeit. Now, I say that whenever any good citizen is furnished with evidence that furnishes good ground for belief that the tax upon the distilled spirits has not been paid, then if he acts it should be at his peril. The part of a good citizen is then to make diligent inquiry, to the end that he may not become a party to a wrong. It seems to me there is nothing in this provision more than any good citizen ought to live up to; I think it is right.

Mr. RANDOLPH. The very illustration that the gentleman furnishes to the House, he being a prominent lawyer and I presume accustomed to investigate intricate questions of law—the very case he furnishes to the House is an absolute illustration of the fact that this provision should not stand. Yourself, Mr. Speaker, and myself, and the gentleman from Indiana, [Mr. HANNA,] often have had bills that we did not know whether they were counterfeit or not. I do not know, neither does he know, at all times whether the bills are counterfeit or not. Shall it be said that in these days of law and learning because a man passes a bill not knowing that it was counterfeit therefore he shall be punished? It would be monstrous to talk that kind of talk to an intelligent people, and especially to a court.

Mr. HANNA. But suppose I have been furnished with good grounds to believe that the note is counterfeit, or I have reasonable grounds to believe that it is?

Mr. RANDOLPH. I ask any intelligent lawyer or any other gentleman upon this floor who has ever been about a court-house and knows anything about criminal law if any court under God's heaven has the power to say that a man shall be sent to the penitentiary or shall be hung because the court or jury might think that he had reasonable grounds to know that what he did was wrong? Nay, verily; the criminal law must be enforced strictly. Before you convict a man and execute him you must bring guilty knowledge home to him.

You cannot convict my neighbor upon the mere assumption that he had reasonable grounds to believe that his act was wrong. You must bring guilty knowledge home to him; that is a principle of law; and you cannot punish him in any other way.

Here is a bill that talks in the alternative. It proposes to punish a man if he knows that his act is unlawful, and it proposes to punish him if the court thinks that he has had reasonable ground to believe that his act was unlawful. That is a monstrosity, and it would be an outrage upon the rights of the citizen to say that he shall be imprisoned and fined $500 or $1,000 because you suppose that he had reasonable grounds to believe that he was violating the law.

Who is to judge of this thing? If you bring guilty knowledge home to him, then he is guilty; but if you take the other horn of the dilemma and say that you presume he knew better, and therefore you will punish him, that would be an oppression unheard of and an outrage on the rights of the citizen.

Mr. TUCKER. There are many cases familiar to gentlemen of the bar in which a party is convicted upon circumstantial evidence showing that he must have known that he was doing wrong, or, as Sir James Wigram said, "must have willfully shut his eyes to knowledge that he knew would stare him in the face if he opened them."

Now my point is this: I do not say that if a man buys liquor without knowing or believing or thinking anything about it he shall be considered guilty. But where he has reasonable ground to believe that the tax has not been paid, then he buys it at his peril. Suppose that he has the statement made to him by the distiller himself, "I have never paid any tax on this liquor," that does not make him know that the tax has not been paid; for notwithstanding what the distiller says the tax may have been paid. But it is reasonable ground for him to believe that the tax has not been paid. We meant to cover the class of cases where there is no actual knowledge of the fact, but where there is reasonable grounds to believe that the tax has not been paid. In such cases a man should not touch, taste, or handle the contraband goods without first satisfying himself that the Government tax had been paid.

Suppose, as suggested by my friend from Pennsylvania, [Mr. CLYMER,] that a man goes to the distiller and he says to him, "I will still you this liquor for twenty cents a gallon." Twenty cents a gallon! and there is ninety cents a gallon tax on it. Or he offers it to him for seventy cents a gallon, or for any sum that would put him upon

the inquiry, and which would give him reasonable ground to believe that the tax has not been paid.

Mr. KEIFER. I think the gentleman who has just taken his seat [Mr. TUCKER] has made a very good argument, if it were applied properly. But I think it will go further than he suggests. All that he refers to would be competent evidence tending to prove knowledge, and not alone a "reasonable ground to believe," as the bill provides. The objectionable words which the member from Tennessee [Mr. RANDOLPH] proposes to have struck out are these: "Or having reasonable grounds to believe." They appear in the clause of the bill which reads as follows:

Or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years.

It will be noted that the penalty for "having reasonable grounds to believe" the tax on spirits has not been paid before purchasing, receiving, or rectifying is very severe; and this in the absence of knowledge. The bill makes it a crime for not knowing the fact when the accused had only reasonable grounds for knowing it, or for not believing a thing to be true when he ought to have believed it, or for not having sense enough to believe a fact which he ought to have had sense enough to believe.

I would like to know if we are coming to a time in this country when we will be so barbarous in the administration of the criminal law that a man will be held guilty of a crime in the absence of guilty knowledge. Let me put a case. Suppose that under this section of the bill, if it should become a law, an indictment is found charging a man with having reasonable grounds to believe that the tax had not been paid on certain spirits when he purchased them. Suppose that is the charge. Sir, when we have found him guilty under such an indictment we have struck down the greatest safeguards for the innocent known to the criminal law. We have struck down the rule of the criminal law which has stood the test for hundreds of years in England and in every other civilized country, that a man is entitled to two presumptions: first, that he is presumed to be innocent until proved guilty and, second, that he must be proved guilty beyond a reasonable doubt before he can be convicted. The Committee of Ways and Means think guilty knowledge, the *scientes*, need not be proved. Under this bill, proof that the accused ought to have known a fact which he did not know is made to take the place of actual knowledge of the fact upon which the crime rests.

The very point under such an indictment on the trial would be to offer proof to raise a presumption of reasonable grounds of knowledge as distinguished from knowledge.

A single word as to the illustration used by the gentleman from Indiana [Mr. HANNA] in regard to counterfeit money. The very fact that a man has been told a bill is counterfeit is in general, when he comes to be put on trial, sufficient proof under the criminal law that he had knowledge the note or bill was counterfeit. Or take the case of a man to whom spirits are offered at twenty cents a gallon, when, if the tax were paid on them, they would be worth, as everybody would know, a dollar or more per gallon. If a man buys spirits under such circumstances, such proof, on his trial, might be sufficient in law to raise a legal presumption that he knew the tax had never been paid. Any such evidence as that would be competent to go to a jury as tending to show the guilty knowledge of the party. The trouble with this bill is that it undertakes to authorize some lower class of evidence which would only tend to show that a man is guilty of a high crime when he had reasonable grounds only to believe a thing and yet did not in fact believe it. If the bill does not mean this, it is simply nonsense. It makes it criminal to purchase, receive, or rectify spirits, knowing the tax thereon had not been paid.

Mr. TUCKER. Will the gentleman allow me to put a question to him?

Mr. KEIFER. Certainly.

Mr. TUCKER. How do you know what I know? [Laughter.]

Mr. KEIFER. Well, for the purpose of the criminal law, if the gentleman states a fact to me and I go on and act without reference to it, not believing it, and I am afterward arraigned for my act, it is competent to prove that the gentleman told me such was the fact, and to argue therefrom that I knew it. In such a case I act on my own responsibility if I do not believe it.

It is not unfair to say that, taking the bill as it reads, a person might be found guilty of purchasing, receiving, or rectifying distilled spirits upon which the tax had been paid, provided a jury could be convinced that the purchaser, receiver, or rectifier had reasonable ground to believe the tax had not been paid.

There certainly is nothing in the history of criminal law that furnishes a precedent for this extraordinary provision in this bill.

Mr. TUCKER. Will the gentleman allow me?

Mr. KEIFER. Certainly.

Mr. TUCKER. I admit that there are direct modes, such as he mentions, of proving knowledge; but are those the only modes in which I can ascertain what the gentleman knew?

Mr. KEIFER. Not by any means.

Mr. TUCKER. If I see his act, which speaks louder than words, and which shows he has in his heart certain knowledge, is he not to be supposed to have reasonable ground for belief?

Mr. KEIFER. That would be reasonable evidence, not only to show the state of my belief, but also to show the state of my knowledge, and might be given in evidence for that purpose. I go one step further than the gentleman from Virginia. But the members of the committee want to take a lower grade of evidence; they deem it sufficient evidence of criminality to raise a legal presumption that the accused ought to know what in fact he did not know, and perhaps, with his comprehension, could not know.

Under this bill, unless amended, a jury will be required to find a man guilty if they find he was too big a fool to believe what in their opinion he ought to have believed.

Mr. HUMPHREY. Mr. Chairman, it seems to me that the objections raised to the wording of this section are groundless. The language is "or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than a distillery warehouse provided by law." In other words, if the property is not in one of the places designated by law, the party is at once put upon notice to inquire into the fact whether the tax has been paid. If the party buys the spirits at a place designated by law, then this *scienter* is not chargeable to him.

If this provision is objectionable on the ground urged, then we might as well wipe out the statutes of our States which provide that homicide shall be justifiable when the man committing it has reasonable ground to apprehend great bodily harm. If a man can show to a jury that he had reasonable ground to fear great bodily injury, then homicide is justifiable; and it is for the jury to determine whether he had such reasonable ground or was in imminent danger.

Why not apply the same principle here? The question is whether the man has reasonable ground to believe that the tax on the spirits has not been paid. If he purchases the spirits in any of the places designated by law, then the *scienter* is not chargeable to him. On the other hand, if the purchase is made at such a place and under such circumstances as to give the purchaser reasonable ground for believing that he was dealing with a party who had not paid the tax, the jury are entitled to judge whether there was such knowledge on his part. It seems to me the objections to the section should not be entertained for a moment. The jury, before convicting, must be satisfied that a guilty intent existed. There is no danger of any injustice resulting from the operation of the section.

[Here the hammer fell.]

The question being taken on the amendment of Mr. RANDOLPH, it was not agreed to; there being ayes 28, noes not counted.

Mr. PAGE. I move that the House adjourn.

ENROLLED BILLS SIGNED.

The SPEAKER resumed the chair.

Mr. RAINEY, from the Committee on Enrolled bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 35) to repeal the bankrupt law; and

An act (S. No. 396) to amend an act entitled "An act to encourage the growth of timber on the western prairies."

LEAVE TO PRINT.

Mr. BUCKNER, by unanimous consent, was granted leave to print as part of the debates some remarks that he had prepared on the subject of Treasury notes against bank-notes. [See Appendix.]

LOT ADJOINING WINDER'S BUILDING.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of the letter from J. H. Clark, owner of lot adjoining Winder's building; which was referred to the Committee on Public Buildings and Grounds.

MISSISSIPPI JETTIES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting Captain Brown's ninth report on the jetties of the Mississippi River, and accompanying maps; which was referred to the Committee on Appropriations.

GOVERNMENT PONDS, SPRINGFIELD, MASSACHUSETTS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a petition for the lease of Government ponds at Springfield, Massachusetts; which was referred to the Committee on Appropriations.

UNITED STATES TROOPS, PORT LAVACA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the occupation by United States troops of Port Lavaca, Texas, during the late war; which was referred to the Committee of Claims.

ADDITIONAL SIGNAL STATIONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from the Chief Signal Officer relative to certain bills establishing additional signal stations; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. GAUSE, by unanimous consent, was granted leave of absence for one week on account of the death of his father-in-law.

The motion of Mr. PAGE to adjourn was then agreed to; and (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ERRETT: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring the appointment of practical river men, in connection with Government engineers, on the commission to prepare plans for the improvement of the Mississippi River—to the Committee on Levees and Improvement of the Mississippi River.

By Mr. HOUSE: The petition of cotton factors and others, of Nashville, Tennessee, against the extension of Cook's patent for improved cotton ties—to the Committee on Patents.

By Mr. McKINLEY: The petition of 280 citizens of Columbiana County, Ohio, that the national homestead bill may become a law—to the Committee on Public Lands.

By Mr. NORCROSS: The petition of James H. Newton, J. H. Appleton, and others, of Holyoke, Massachusetts, that all resolutions in Congress proposing to question the title of Mr. Hayes to the presidential office be indefinitely postponed—to the committee to investigate alleged frauds in the late presidential election.

By Mr. RAINEY: The petition of Alexander Mattison, for compensation for services as a United States revenue officer—to the Committee of Claims.

By Mr. WILLIAMS, of Delaware: The petition of William Whalen, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. WILLIAMS, of Michigan: The petition of Samuel H. Bell, of similar import—to the same committee.

IN SENATE.

MONDAY, *June* 3, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of Saturday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 13) for the relief of H. G. Boardman, postmaster at Milton, Vermont;

A bill (H. R. No. 184) for the relief of E. H. Lively, postmaster at Williamsburgh, Virginia;

A bill (H. R. No. 1395) for the relief of John G. Campbell, of Clinton, Indiana;

A bill (H. R. No. 3854) for the relief of John Tweedy, postmaster in Danbury, Connecticut;

A bill (H. R. No. 3860) for the relief of Charles C. Reynolds;

A bill (H. R. No. 3862) for the relief of E. B. Head, postmaster at Harrodsburgh, Kentucky;

A bill (H. R. No. 3863) for the relief of Nathaniel G. Smith; and

A bill (H. R. No. 3866) for the relief of Mrs. F. A. Perrin, of Clyde, Ohio.

The following bills and joint resolution from the House of Representatives were severally read by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 799) for the relief of Paul McCormick;

A bill (H. R. No. 2242) for the relief of William T. Malster, of Baltimore, Maryland;

A bill (H. R. No. 2421) for the relief of H. H. Lemon, member of the Capitol police force, for injuries received while in the discharge of his duties in the year 1870;

A bill (H. R. No. 2848) for the relief of M. F. Clark;

A bill (H. R. No. 3186) for the relief of the Commercial Bank of Knoxville, Tennessee;

A bill (H. R. No. 3257) for the relief of William H. Merritt;

A bill (H. R. No. 3733) for the relief of Hanson Harmon;

A bill (H. R. No. 3734) for the relief of Thomas Strider, of Winchester, Virginia;

A bill (H. R. No. 3737) for the relief of V. H. McCormick;

A bill (H. R. No. 3738) for the relief of B. S. James;

A bill (H. R. No. 3853) for the relief of William F. Wheeler;

A bill (H. R. No. 3856) for the relief of T. A. Kendig, of Louisiana;

A bill (H. R. No. 3857) for the relief of Robert Warner;

A bill (H. R. No. 3858) for the relief of William S. Burgess and others, of Tennessee;

A bill (H. R. No. 3861) to reimburse Richard Joseph for money paid on forged vouchers;

A bill (H. R. No. 5060) for the relief of William G. Ford, of Tennessee, administrator of John G. Robinson, deceased;

A bill (H. R. No. 5063) for the relief of Daniel S. McDougal; and

A joint resolution (H. R. No. 106) referring to the Court of Claims the claims of James E. Kelsey, John Loughlin, Theron Kelsey, and others against the United States, for damages done to the schooner C. and C. Brooks.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 537) for the relief of William P. Hazard;

A bill (H. R. No. 541) for the relief of William H. Carmen;

A bill (H. R. No. 609) for the relief of G. W. Jobe, late second lieutenant of Company F, Forty-sixth Missouri Infantry Volunteers;

A bill (H. R. No. 720) for the relief of John Eaton;

A bill (H. R. No. 739) for the relief of Henry Plowman;

A bill (H. R. No. 1163) for the relief of the heirs of Charles B. Smith, deceased;

A bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

A bill (H. R No. 1901) for the relief of Philip W. Stanhope;

A bill (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry Wisconsin Volunteers;

A bill (H. R. No. 2396) for the relief of John E. Williamson;

A bill (H. R. No. 2918) for the relief of Merritt Barber, first lieutenant United States Infantry;

A bill (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

A bill (H. R. No. 3855) for the relief of William A. Mann; and

A joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 967) for the relief of William Hedgpeth, of Paulding County, Georgia;

A bill (H. R. No. 1660) for the relief of Saint Michael's church, Charleston, South Carolina; and

A bill (H. R. No. 5056) for the relief of Levi Price.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. No. 819) for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians; and

A bill (H. R. No. 3825) for the relief of Susanna Marble and others, heirs of Abel S. Lee.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in obedience to law, the ninth report upon the improvement of the South Pass of the Mississippi River; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. BAILEY presented the petition of J. H. Reagan, J. P. Miller, and others, citizens of Tennessee, praying for the establishment of a post-route from Olympus, Overton County, Tennessee, to Travisville, Fentress County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BECK presented the petition of Mrs. Caroline Croxton, widow of John T. Croxton, of Kentucky, praying for a pension; which was referred to the Committee on Pensions.

Mr. CONKLING. I present the memorial of the collector of the port of New York, touching a mishap which occurred to the cashier of customs at that port now deceased. In connection with it, I shall also ask leave to introduce a bill to be referred to the Committee on Finance. I move the reference of the memorial to that committee.

The motion was agreed to.

Mr. GORDON. I present the memorial of Second Lieutenant Horatio D. Jarves, of Massachusetts, in reference to a distinction which it appears exists in the statutes of the United States against second lieutenants who have lost legs or arms in the late war. This memorial shows that second lieutenants are not furnished artificial limbs at the Government expense, but have to buy them at their own expense, whereas their pension is only $15 a month, very little above that of enlisted men who are furnished with artificial limbs. I move the reference of this memorial to the Committee on Military Affairs, and call the special attention of that committee to it.

The motion was agreed to.

Mr. WHYTE. I am requested to present the memorial of the proprietors of the Congressional Globe, proposing to sell to the United States the stereotype plates used in that publication. I move that it be referred to the Committee on Printing.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. VOORHEES, from the Committee on Pensions, to whom was recommitted the bill (H. R. No. 4422) to amend section 4695 of the Revised Statutes of the United States, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4387) granting a pension to James C. Bates, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 707) for the relief of Mary A. Lord, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1184) proposing a new form of government for the District of Columbia, reported adversely thereon, and moved that it be indefinitely postponed, the subject having been already acted upon; which was agreed to.

He also, from the same committee, to whom was referred the petition of Peter F. Bacon and others, citizens of the District of Columbia, praying for the appointment of a commission to report a plan for the improvement of the drainage and sewerage of the city of Washington, &c., asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Hugh Coyle, of Washington, District of Columbia, praying that Senate report No. 572, second session Forty-fourth Congress, relating to a form of government for the District of Columbia, be reprinted for public distribution, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3708) to regulate the practice of pharmacy in the District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 4426) relative to the Washington Market Company, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 326) to amend the act entitled "An act to incorporate the Washington Market Company," reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 327) in relation to the affairs of the Washington Market Company, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the petition of the National Prohibition Alliance of the District of Columbia, praying for the abolition of the liquor traffic in those portions of the country exclusively under the control of Congress, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1297) for the protection of dairymen and to prevent deception in sales of butter and cheese in the District of Columbia, reported it without amendment.

He also, from the Committee on Railroads, to whom was referred the bill (S. No. 1186) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto, reported it with an amendment in the nature of a substitute, without recommendation.

Mr. HILL, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 264) for the relief of the heirs of General William Thompson, of the revolutionary army, reported it without amendment.

Mr. BARNUM, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 339) for the relief of William Bowen, of the District of Columbia, submitted an adverse report thereon.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely if there be no objection.

Mr. ALLISON. I think the bill ought to be placed on the Calendar. I have some little knowledge of Mr. Bowen. I should like to hear some explanation of the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. GROVER, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1962) for the relief of Jane Clark, Margaret A. Jack, Justina Peterson, and Mary Johnson, reported it with amendments.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1778) granting a pension to William Abendroth, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 561) granting a pension to William H. Nims, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1332) granting a pension to John G. Merritt, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4945) for the preservation of game and protection of birds in the District of Columbia, reported it without amendment.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3166) granting a pension to Agatha O'Brien, widow of John P. J. O'Brien, brevet-major United States Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3566) granting a pension to Harriet E. Edwards, widow of David S. Edwards, late surgeon in the United States Navy, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 718) granting a pension to Warren F. Wood, reported adversely thereon, a House bill relating to the subject having passed the Senate, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2226) granting a pension to Charles K. Bugbee, late a private in Company A, Third Vermont Volunteers, reported it without amendment.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1434) granting a pension to John Langland, late private of Company B, First Michigan Sharpshooters, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Sarah C. Abbott, of Warren, Bristol County, Rhode Island, praying for an increase of pension, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Joseph McGuckian, praying to be allowed a pension, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 979) in relation to the payment of taxes and assessments in the city of Washington, District of Columbia, reported it with amendments.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire into the necessity of an appropriation for additional school buildings in the District of Columbia, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4616) to incorporate the National Fair-Grounds Association, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1154) to incorporate the National Fair-Grounds Association, reported adversely thereon; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1350) for the relief of the collector of the port of New York; which was read twice by its title, and referred to the Committee on Finance.

Mr. HEREFORD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1351) for the relief of Jonas P. Levy; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 35) authorizing copies of official papers to be furnished in suits by the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN.

On motion of Mr. ROLLINS, it was

Ordered, That Benjamin Severson be allowed to take from the files of the Senate the memorial of Peter F. Bacon and others and accompanying papers relating to said Severson's plan for the improvement of the Potomac River and the drainage of the city of Washington.

On motion of Mr. WITHERS, it was

Ordered, That permission be given for the withdrawal of the papers in case of the claim of Mrs. M. L. Gager from the files of the Senate, subject to the rule of the Senate.

HOUR OF MEETING.

Mr. SARGENT. I offer the following resolution, and ask for its present consideration:

Resolved That the daily sessions of the Senate shall hereafter commence at eleven o'clock a. m., unless otherwise ordered by the Senate.

Mr. COCKRELL. Let that lie over.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

RULES OF TREATY OF WASHINGTON.

Mr. BLAINE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be respectfully requested to communicate to the Senate, if not in his judgment incompatible with the public interest, all correspondence between our Government and the government of Her Britannic Majesty in regard to inviting other maritime powers to accede to the three rules prescribing the duty of neutral governments, as set forth in the sixth article of the treaty of Washington.

THE CONGRESSIONAL GLOBE.

Mr. WHYTE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing are hereby authorized and directed to inquire into the expediency of purchasing from the present owners and proprietors of the Congressional Globe property all the stereotypo plates, consisting of eighty-four complete volumes, and all the bound and unbound volumes, and the copyright, together with the fire-proof building in the rear of the Globe office, with the right of way thereto; and of reporting the amount necessary for the purchase of the same.

PRESERVATION OF ORDER.

Mr. ANTHONY. I should like to ask the chairman of the Commit-

tee on Rules what disposition has been made of a proposed rule that was offered by the Senator from Vermont, [Mr. EDMUNDS,] giving to the Chair authority to clear the galleries in case of disturbance. I have no doubt of the authority of the Chair to do that under the paramount duty to preserve order. Certainly if the Chair can direct a disorderly Senator to take his seat he can direct a disorderly stranger to leave the gallery; but as the question has been raised it should be disposed of.

Mr. EDMUNDS. The scope of the proposed rule was also to cause the disorderly person to be arrested and brought to the bar, to be dealt with.

Mr. BLAINE. There has been no report made upon it. I have not even asked the members of the Committee on Rules about it. My judgment was and is that we cannot increase the authority of the President of the Senate on that subject. The authority is ample and has frequently been exercised. To report a rule now giving it, would seem to imply that heretofore there had been no such authority vested in the President of the Senate.

Mr. ANTHONY. That was my understanding of the authority of the Chair in the premises, that he had the authority.

Mr. BLAINE. I have no objection myself to reporting the rule back; but to follow my judgment I should report it adversely and let it lie on the table, because the authority in the President of the Senate is ample for the purpose, and it has never been questioned. The fact that it may not have been exercised as promptly or as sharply as the occasion sometimes seemed to demand does not militate at all against the existence of the practice, and it is really essential to the very constitution of a legislative body that the power should exist.

Mr. EDMUNDS. I am sorry to disagree with my honorable friend from Maine about the state of the law. It is one thing for the presiding officer to be authorized to preserve order. It is another thing, in my humble judgment, and with great deference to my friend's better opinion, for the presiding officer to have the authority to deprive a disorderly person of his liberty and order him to be brought to the bar of the Senate for trial. In both those cases the President of the Senate must act by the authority of the body. Where does he get it? The rules provide what the President of the Senate is to do. We will say for the sake of the argument that they provide that he shall preserve order; but that does not necessarily involve the arrest and imprisonment, and the bringing forward for trial, of some person who in the judgment of the President of the Senate or in the judgment of the Sergeant-at-Arms has been detected in disorderly conduct. I should think it would rather puzzle a lawyer to frame a plea in bar without some rule of the Senate which would justify you in arresting one of the citizens in the gallery and bringing him down here on this floor to be tried, granting that you had the power to say that he should go out of the gallery.

Mr. BLAINE. I was anxious——

Mr. EDMUNDS. And therefore, if my friend will pardon me one moment, because I do not want to take up time about it, the Senator will find that several years ago attention was called to the subject and for that session, and possibly it is a standing order, though that is very doubtful, just such an order was adopted, as will be found on the Journal; but on looking at it I have so much doubt as to whether the order was a continuing order and did not fall with the session at which it was adopted that it led me to introduce a rule.

Mr. BLAINE. That the person might be brought here?

Mr. EDMUNDS. Yes.

Mr. BLAINE. I was not speaking of that particular thing, but I should for one be very strongly adverse to having such a rule. If a disorderly, or, if you choose, a drunken person in the gallery misbehaves, the Senator certainly would not want to make the Senate of the United States a police court to try him; but we should hand him over to the Capitol police. If the Senator means that portion of the rule, I should be altogether opposed to having the United States Senate assume that authority. The power to order the clearing of the gallery is sufficient for preserving the peace. If it is necessary that the disorderly person shall be dealt with after that, he should be taken in charge by the Capitol police and brought before the police court; but do not propose to try men here for such an offense. I should not want that part of the rule reported, I am sure.

Mr. EDMUNDS. Report it, and we will discuss it then.

CENTURY SAFE.

Mr. BOOTH (by request) submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That a committee of Senators be appointed, to act with a similar committee of the House of Representatives, whose duty it shall be to receive for the United States the century safe from the donor on the 4th day of July next.

AMENDMENTS TO POST-ROUTE BILL.

Mr. DORSEY, Mr. KELLOGG, Mr. MITCHELL, and Mr. TELLER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-routes in the several States herein named; which were referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

ALLEGED ELECTION FRAUDS.

Mr. EDMUNDS, from the Committee on the Judiciary, reported an amendment to be proposed to the bill (H. R. No. 5053) to provide for the expenses of the select committee on alleged frauds in the late presidential election; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. EDMUNDS. Mr. President——

Mr. MAXEY. I ask the Senate to proceed to the consideration of the joint resolution (H. R. No. 153) providing for the issue of arms to Territories.

The PRESIDENT *pro tempore*. Does the Senator from Vermont rise to morning business?

Mr. EDMUNDS. I did not rise to morning business. I rose some time ago to address the Chair but did not catch his eye, to ask the Senate to take up the bill reported from the select committee on presidential elections; and I make that motion now.

Mr. SAUNDERS. As soon as the morning hour is over I shall ask the Senate to take up a bill.

Mr. EDMUNDS. I have made a motion of that kind myself, which is the pending motion.

Mr. SAUNDERS. I thought the Senator from Texas had risen to bring forward some matter which would take precedence of what the Senator from Vermont moves, if any one has precedence.

Mr. EDMUNDS. I do not know but he has. If there is nothing else——

Mr. WADLEIGH. Will the Senator from Vermont yield to me a moment?

Mr. EDMUNDS. If it is merely for morning business.

Mr. WADLEIGH. It is not; but I should like to have a time fixed for considering a bill that is upon the Calendar.

Mr. EDMUNDS. What I wish to say is (and if Senators will give me their attention perhaps we can readily adjust the whole affair) that the committee on the method of counting the votes for President and Vice-President of the United States, after a great deal of study, and inquiry, and discussion, and conference with the House committee, reported week before last a bill upon the subject. I gave notice then that the next week, which was last week, I should endeavor to have it taken up and considered. Circumstances beyond my control prevented my getting the floor to make the motion. I tried, but my honorable friend from Maine [Mr. HAMLIN] with the fisheries resolution was recognized, and that took up all the remainder of the week. I now wish to have the bill considered. It is a matter, of course, of great importance, and is one that Senators can readily see can best be considered at the earliest time, that is at the furthest distance in time removed from the filling of the office which it is to regulate. If Senators have matters pressing this morning and are willing to give general consent that this measure shall be made a special order for next Thursday at one o'clock, to take precedence of any unfinished business of the night before, except the general appropriation bills, which we must all give way to of course, I shall be satisfied. I do not think it ought to take more than a day, as the subject has been so fully discussed hitherto, and as the bill is very simple. While I have made this motion to take up the bill, I will ask general consent that an order of that character be entered.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Vermont asks general consent that the bill indicated by him shall be made the special order for next Thursday at one o'clock, to take precedence of all other orders, including the unfinished business, except an appropriation bill, should one be pending.

Mr. EDMUNDS. A general appropriation bill.

Mr. ALLISON. I only desire to make an inquiry with reference to the phraseology. Is the river and harbor bill included in the exception of the Senator?

Mr. EDMUNDS. I do not think it is. I did not intend it to be.

Mr. ALLISON. I should think, if that bill is taken up, it ought to be finished.

Mr. SPENCER. I shall ask the Senate to proceed to its consideration as soon as the post-route bill is concluded.

Mr. EDMUNDS. If we take it up now, it will be finished long before that.

Mr. ALLISON. I think so. I hope we shall take it up now. I ask the Senator from Vermont to except it.

Mr. EDMUNDS. I excepted it.

Mr. FERRY. I am willing, so far as I am concerned, to give my assent to this proposition, inasmuch as I consider that it will not interfere with my purpose to ask the Senate to take up for consideration the bill (H. R. No. 4286) to establish post-routes and for other purposes. I shall endeavor to take the floor at least by one o'clock, and ask the Senate to proceed to its consideration. I gave notice to this effect last Saturday at the close of the day's session, not doing more then, as the Senate was anxious to adjourn, having sat to a late hour. I shall ask, the moment one o'clock is reached, if the intervening time be occupied with other business, that the Senate proceed to its consideration, and insist upon it. I wish to say in that connection that I do not suppose it will take a great while unless Senators are disposed to discuss it more than I think they will be. My impression

is that we shall conclude the bill at least to-day, and perhaps in a couple of hours.

Mr. SPENCER. I give notice now that I shall call up the river and harbor bill immediately upon the conclusion of the post-route bill. I shall not press it until after the Senator from Michigan has disposed of his bill, provided it is expeditiously disposed of; and then I shall call up the river and harbor bill, and ask the Senate to dispose of it at once.

Mr. HOWE. I beg to suggest to the Senator from Vermont that if he will in his proposition put the river and harbor bill on the footing of general appropriation bills—and I understand it is or should be upon that footing—he will probably get the assent of the Senate to his proposition.

Mr. EDMUNDS. But I should feel it to be a duty if the two measures were conflicting at this moment, the river and harbor bill and this bill, which should only take a short time, which I think is of more importance to the country than forty river and harbor bills, to put them in antagonism and to take the judgment of the Senate as to which should be proceeded with. I made the suggestion that I did intending to use language which would leave the river and harbor bill to take its chances. Of course when this bill is taken up on next Thursday, the Senate by a vote of one majority can put it on the table if it wishes to do so; but in order to accommodate gentlemen thi morning and to get the thing along, without wasting time in a fight for precedence, I ask that general consent and I hope it will be granted.

Mr. VOORHEES. I shall vote to sustain the Senator from Michigan in calling up the post-route bill at one o'clock. When that is disposed of I shall insist that the business of the Finance Committee that has been pending before this body shall be taken up and likewise disposed of. I do not apprehend that it will take much time to do it, and I do not know that there will be anything then in the way of the Senator from Vermont getting up his business on Thursday; but I do object to any arrangement or understanding that will cut off the unfinished business at that hour, for I certainly think that business which has been pending as long as the report of the Finance Committee has been before this body is entitled to a respectful and prompt consideration and disposal. I shall appeal to the Senate when the post-route bill is closed under the management of the Senator from Michigan, that we shall take up and dispose of the matter I have indicated.

Mr. SAUNDERS. I do not want to crowd this business of mine on the Senate this morning, inasmuch as there seems to be so much other business, if I can have some arrangement by which it shall be taken up. It is an important bill, the bill to organize the Territory of Lincoln. There are more than twenty thousand people there of all parties, and there are so many good reasons in favor of its passage that I should like to fix a day, subject of course to the general appropriation bills, when we can take it up. If I can have it fixed for Friday next after the morning hour, subject to the appropriation bills, I shall be satisfied.

The PRESIDING OFFICER. Does the Senator from Indiana object to the proposition of the Senator from Vermont?

Mr. VOORHEES. I do.

Mr. EDMUNDS. Then I hope the Chair will put the question on the motion I made to take up the bill.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of the bill reported from the special committee on the presidential election.

Mr. VOORHEES. Before we vote on that, I hope the bill will be reported, for I apprehend it is one of those measures that will exhaust the remainder of this session in discussion. It is of that character that it is likely to do so, and I wish when the Senate votes upon it that it shall do so upon the understanding that perhaps we are sweeping away the remainder of our time.

The PRESIDING OFFICER. The bill will be reported for information.

The Secretary proceeded to read the bill (S. No. 1308) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States, relating to presidential elections, and to provide for and regulate the counting of the votes for President and Vice-President, and the decisions of questions arising thereon.

Before concluding the reading,

Mr. EATON. If my friend from Indiana will permit me, I will move to suspend the reading and make a motion in regard to that bill, which is that it be continued until the first Monday in December next. Manifestly we have not the time to consider it now.

The PRESIDING OFFICER. The bill has not been taken up. The reading will be continued.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the bill which has just been read.

The question being put, there were on a division—ayes 21, noes 24.

Mr. EDMUNDS called for the yeas and nays; and they were ordered.

Mr. MERRIMON. If in order, I move that this bill be made a special order for Thursday next at two o'clock.

Mr. EDMUNDS. That is not in order until we get it up.

The PRESIDING OFFICER. The bill has not yet been taken up. The question is on taking it up, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS, of Illinois, (when Mr. MORGAN's name was called.) The Senator from Alabama [Mr. MORGAN] is paired on this question with the Senator from Ohio, [Mr. THURMAN.] The Senator from Alabama if here would vote "yea," to take up the bill, and the Senator from Ohio would vote "nay."

The roll-call was concluded.

Mr. McDONALD. I forgot to state that the Senator from Ohio [Mr. THURMAN] is paired on this question with the Senator from Alabama [Mr. MORGAN.]

Mr. DAVIS, of Illinois. I will say to the Senator that I stated it.

Mr. PLUMB. On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.]

Mr. CAMERON, of Wisconsin. I am paired with the Senator from Tennessee [Mr. HARRIS] on political questions; and as this seems to be made a political question I will not vote.

The result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Allison,	Edmunds,	Matthews,	Sargent,
Anthony,	Hamlin,	Mitchell,	Saunders,
Blaine,	Hoar,	Morrill,	Teller,
Booth,	Howe,	Oglesby,	Wadleigh,
Christiancy,	Ingalls,	Paddock,	Windom.
Conkling,	Kirkwood,	Patterson,	
Davis of Illinois,	McMillan,	Rollins,	

NAYS—27.

Armstrong,	Eaton,	Jones of Florida,	Merrimon,
Bailey,	Eustis,	Kernan,	Saulsbury,
Barnum,	Gordon,	Lamar,	Voorhees,
Beck,	Grover,	McCreery,	Wallace,
Butler,	Hereford,	McDonald,	Whyte,
Coke,	Hill,	McPherson,	Withers.
Dorsey,	Johnston,	Maxey,	

ABSENT—23.

Bayard,	Cockrell,	Garland,	Randolph,
Bruce,	Conover,	Harris,	Ransom,
Burnside,	Davis of West Va.,	Jones of Nevada,	Sharon,
Cameron of Pa.,	Dawes,	Kellogg,	Spencer,
Cameron of Wis.,	Dennis,	Morgan,	Thurman.
Chaffee,	Ferry,	Plumb,	

So the motion to take up the bill was not agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts:

An act (S. No. 312) for the relief of Robert Coles; and

An act (S. No. 1021) for the relief of certain settlers on the public lands.

And this day the act (S. No. 20) authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes; and

An act (S. No. 926) for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory.

TELEGRAPH COMMUNICATION WITH FOREIGN COUNTRIES.

Mr. HOWE. I wish the Senate would allow the three minutes left of the morning hour to be devoted to the consideration of Senate bill No. 861. I move to proceed to its consideration.

The motion was agreed to; and the bill (S. No. 861) relating to telegraphic communication between the United States and foreign countries was considered as in Committee of the Whole.

Mr. KIRKWOOD. I am not satisfied that the bill shall pass without some further examination and discussion. The reason of my making that statement is that there has been sent to me by some one—I do not know by whom—a pamphlet relating to this subject of ocean telegraphing and the companies already existing, and statements are made in the pamphlet (whether true or not I cannot tell, for I know nothing about it) that if true would require at least some modification of this bill. It is a matter of very great public importance; and to pass it in silence without discussion at all does not seem to me to be precisely the right thing to do.

Mr. HOWE. Mr. President, the bill is a very simple one. There are but two purposes aimed at. One is to regulate the terms for operating cables between this country and foreign countries, and the other is to make free the privilege of landing cables here to companies and persons of all countries which shall make the privilege free themselves. These are the two purposes aimed at. I cannot conceive that anybody in the Senate should object to either of them; and although I should not stand in the way of a motion to recommit if the Senator from Iowa should submit such a motion, as he is a member of the committee who reported this bill, yet if he does not make that motion I hope the passage of the bill will not be objected to.

Mr. KIRKWOOD. I move, then, to recommit the bill. I am not satisfied that it should pass as it stands, and in the hope that some further examination may be made in the committee I move that it be recommitted to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Iowa moves that the bill be recommitted to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M.

ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1582) to create the northern judicial district of the State of Texas and to change the eastern and western judicial districts of said State, and to fix the times and places of holding courts in said districts;

A bill (H. R. No. 3892) to change the time for holding terms of the district court for the western district of Virginia at Danville;

A bill (H. R. No. 5065) to give circuit courts supervisory jurisdiction in certain criminal cases;

A bill (H. R. No. 5066) authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869 by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia;

A bill (H. R. No. 5067) to divide the western district of Missouri into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes;

A bill (H. R. No. 5068) to amend the act entitled "An act to further the administration of justice in the State of Colorado;"

A bill (H. R. No. 5070) to detach certain territory from the eastern judicial district of Michigan and to attach the same to the western judicial district of Michigan, and to provide for divisions in said western district, and for holding the district and circuit courts therein, and for other purposes; and

A bill (H. R. No. 5071) to authorize the holding of terms of the United States district court for the district of West Virginia at Martinsburgh.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 1896) for the relief of Nancy A. Herrick, of Rochester, New York.

The message further announced that the House had passed the bill (S. No. 134) making appropriations for continuing the improvements of Galveston Harbor, State of Texas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 35) to repeal the bankrupt law; and

A bill (S. No. 396) to amend an act entitled "An act to encourage the growth of timber on the western prairies."

ORDER OF BUSINESS.

Mr. FERRY, (Mr. ANTHONY in the chair.) I ask now that the Senate proceed to the consideration of the post-route bill.

Mr. EDMUNDS. What is the regular order?

The PRESIDING OFFICER, (Mr. ANTHONY.) There is no regular order to-day, and no unfinished business.

Mr. EDMUNDS. Mr. President, I call attention to the standing order of the 16th of April providing for going through with the Calendar of what are substantially the undisputed cases, which is the regular order for this time.

The PRESIDING OFFICER. That has been superseded by taking up other business, not informally.

Mr. EDMUNDS. I thought the construction was that although we took up other business one day, the next day at one o'clock we went right on with the Calendar; and I find the order printed at the head of the Calendar in that nature. If the Chair is right, that is the end of the order.

The PRESIDING OFFICER. The Chair thinks the order says: "unless otherwise ordered by the Senate."

Mr. FERRY. I move to proceed to the consideration of House bill No. 4286, to establish post-routes, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to.

ASSISTANT TREASURERS.

Mr. MORRILL. Now I ask the Senator from Michigan to give way that I may call up House bill No. 4988, which was called up the other day and objected to by the Senator from Virginia. I think there will be no opposition to it now.

Mr. WITHERS. I have no objection myself to its being taken up.

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. FERRY. I will yield if there is no objection.

Mr. MORRILL. If it give rise to any debate I will not insist upon it.

There being no objection, the bill (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices, assistant treasurers of the United States, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to constitute any superintendent of a mint or assayer of any assay office an assistant treasurer of the United States, without additional compensation, to receive gold coin and bullion on deposit for the purposes provided for in section 254 of the Revised Statutes.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

AMENDMENT OF PATENT LAWS.

Mr. WADLEIGH. There is upon the Calendar of the Senate a bill (S. No. 300) to amend the statutes in relation to patents, and for other purposes. It concerns great interests and a great number of people in the country. It has been the subject of long deliberation, and has been carefully considered, and those interested are anxious that the bill should pass at this session, or pass one body at least. I propose to move that the bill be taken up for the purpose of being assigned for consideration at a session of the Senate this evening at half past seven o'clock. ["Oh, no!"] I move that the bill be now taken up for that purpose.

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. FERRY. So far as it shall not interfere with the present order, I shall not object.

Mr. WADLEIGH. I do not propose to interfere with the present order.

Mr. FERRY. But if the Senate should take more time with the post-route bill than I think they will, and should have an evening session, I shall insist on that bill being disposed of.

Ms. EDMUNDS. We cannot have an evening session for either one or the other.

Mr. DAVIS, of Illinois. This bill is too important to be taken up in the hurry of the last two weeks of the session. It is a very important bill; it radically changes the patent laws. I have an amendment or two to offer and some few things to say about it. I thought it would have come up a month ago; but it strikes me it is too late now to give it the consideration it is entitled to, with the appropriation bills and the necessary general legislation of the country pending. I do not believe the bill can possibly be properly considered at this time, and so far as I am concerned I am too unwell to be here this evening to attend an evening session for one bill.

Mr. EDMUNDS. I believe it has been the universal practice of the Senate not to devote an evening or any other particular time, except by special order, to the consideration of any one bill. The extreme to which we have gone in that dangerous path, dangerous because nobody will come to a special session of this sort, has been for private pension bills; and sometimes we have adjourned to have an evening session with the understanding that nothing should be taken up but private pension bills. I cannot, for one, consent, even if I were in favor of this bill just as it stands, and candor compels me to say I am not, to appropriate any particular session to the consideration of any one bill alone, for our experience has shown us that there will be only a very few Senators present.

Mr. WADLEIGH. I make the motion.

Mr. EDMUNDS. I make the point of order that the motion is not in order.

Mr. MORRILL. There is a bill pending.

Mr. WADLEIGH. I make the motion that the bill be now taken up, and I make it for the purpose of getting a special order of the Senate in regard to it.

Mr. FERRY. I cannot consent if it interferes with the present order, which is House bill No. 4286. I am not disposed to antagonize anything that Senators desire; but if there is objection, I shall insist on going on with the bill regularly before the Senate.

Mr. PADDOCK. It is quite apparent that this will lead to a long discussion.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his motion?

Mr. WADLEIGH. I feel it my duty to call up the bill. I do not propose to call the yeas and nays, I shall be satisfied with the sense of the Senate expressed by its vote.

The PRESIDING OFFICER. It will be necessary to displace the pending bill. The Senator from New Hampshire moves to postpone the consideration of the pending bill with a view to take up the bill indicated by him.

Mr. CONKLING. May I make an inquiry of the Chair? Suppose there were no pending order to be postponed, would it be in order for a Senator to move to make this bill a special order for half after seven to-night? The standing order of the Senate is that until otherwise ordered the Senate shall meet at twelve o'clock in the day. No notice has been given of changing that. A resolution changing it must lie over one day.

Mr. FERRY. One was offered this morning and lies over under the rule.

Mr. CONKLING. Very well. I say it must lie over one day. I do not want anything in the way of the Senator or in the way of his bill. I think, however, that this bill especially is one which ought to be considered by a full Senate and should not be set for consideration under any arrangement which we know will bring here but a small part of the Senate. As some Senator has already mentioned, the experience of the Senate tells us that when you have set apart a time for the consideration of one bill and no other, those Senators only feel summoned, if it is an extraordinary session, that in some way or other are chargeable *pro* and *con* with that bill. If this bill, important as it is, is to be considered at this session, I hope it will be at some time when we shall have all the opportunity that can well be afforded of having a full Senate act upon it.

Mr. WADLEIGH. I withdraw the motion which I made.

CHANGE OF NAMES OF VESSELS.

Mr. MITCHELL. I appeal to the Senator from Michigan to allow me to pass two small bills which have been on the Calendar for some time, changing the names of a couple of vessels in my State.

Mr. FERRY. If they will not give rise to debate.

Mr. MITCHELL. I think they will not. They are reported unanimously from the Committee on Commerce.

Mr. FERRY. I am good-natured, and I will yield, subject to the right to call for the regular order.

Mr. MITCHELL. I ask for the consideration of Senate bill No. 126.

There being no objection, the bill (S. No. 126) to change the name of the steamer City of Chester to Portland was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MITCHELL. I now ask for the consideration of a similar bill, Senate bill No. 125.

There being no objection, the bill (S. No. 125) to change the name of the steamer George W. Elder to Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF ARMS TO TERRITORIES.

Mr. MAXEY. With the permission of the Senator from Michigan, I would ask to have House joint resolution No. 153 taken up and put upon its passage. I have dispatches on my table which show the importance of immediate action.

Mr. FERRY. Will it give rise to debate, I ask the Senator?

Mr. MAXEY. No debate whatever. If there shall be the slightest debate, I will give way.

Mr. FERRY. I yield.

No objection being made, the joint resolution (H. R. No. 153) providing for issue of arms to Territories was considered as in Committee of the Whole. It authorizes the Secretary of War to cause to be issued to each of the Territories of the United States (in addition to arms and ammunition the issue of which has been heretofore provided for) such arms, not to exceed one thousand in number, as he may deem necessary, and ammunition for the same not to exceed fifty ball-cartridges for each arm; but such issue is to be only from arms owned by the Government of the United States which have been superseded and no longer issued to the Army. The arms are to be issued upon the requisition of the governors of the Territories showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within or of Indian raids into such Territories.

Mr. MAXEY. I ask the Secretary to read the telegraphic dispatch from the governor of Idaho which I send to the table.

The Secretary read as follows:

BOISÉ CITY, IDAHO, *June* 2, 1878.

To Hon. S. S. FENN,
Washington, D. C.:

The guns will be needed soon. Two men shot, King Hill Station raided, and horses taken. One hundred and fifty in Jordan Valley threatening. A general war seems upon us. The United States forces on Big Camas. Will write.

M. BRAYMAN, *Governor.*

The Committee on Military Affairs reported an amendment to add to the bill the following proviso:

And provided further, That the said governor or governors of said Territories to whom the said arms may be issued shall give good and sufficient bond or bonds for the return of said arms, or payment therefor, at such time as the Secretary of War may designate, as now provided for by law.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

HORACE E. MULLAN.

Mr. WHYTE. I ask the Senator from Michigan to allow me three minutes to pass a bill to which I do not think there will be the slightest objection. It is a House bill for the relief of Horace E. Mullan.

There being no objection, the bill (H. R. No. 4420) for the relief of Horace E. Mullan was considered as in Committee of the Whole. It sets aside and declares null and void the action of the board by which Lieutenant-Commander Horace E. Mullan was examined for promotion and restores him to his original position on the active list as lieutenant-commander. It further authorizes the President to organize a naval examining board for the examination of Horace E. Mullan, and if he shall establish, to the satisfaction of the board, his mental, moral, and professional fitness to perform all his duties at sea, then the President is authorized to nominate, and, by and with the advice and consent of the Senate, to appoint him a commander on the active list of the Navy, next on the list after Frederick Rodgers, and to take rank from the date on which he was entitled to such promotion.

Mr. ALLISON. I should like to ask the Senator from Maryland what the effect of that will be upon other worthy officers who have been promoted in the mean time.

Mr. SARGENT. It will have no effect upon them at all. Here is a person in the service entitled to promotion who by two successive boards, according to the opinion of the law officer of the Navy Department, has been unjustly treated and been put out of the service. We are simply putting him where he was before. There is an amendment reported by the committee.

The PRESIDING OFFICER. The Committee on Naval Affairs report the bill with amendments, which will be read.

The Secretary read the first amendment, which was, in line 7, to insert "and that he be considered as having been continuously in the service."

The amendment was agreed to.

Mr. SAULSBURY. Will that entitle the party to pay for all the time he was out of the service?

Mr. SARGENT. Unquestionably; and he ought to have it. The whole theory of the bill, sustained by all the facts, is that he was put out of the service unjustly and unfairly.

Mr. SAULSBURY. How long has he been out of the service?

Mr. SARGENT. Not very long; about a year and a half, I think.

Mr. SAULSBURY. I do not like back pay, whether it applies to Congressmen or officers.

Mr. SARGENT. There is no back pay; the man has been in the service to every intent and purpose. He was never really turned out legally.

Mr. SAULSBURY. I do not know anything about it; but to any proposition to give back pay I am opposed.

Mr. SARGENT. That is very proper; and I will say to my friend that there can be nobody more opposed to changing the Naval Register and putting people on it above and below others than I am; I have fought many a bill in my committee on that proposition; but this case is so clear and just that I have no hesitation in recommending it earnestly to the Senate.

Mr. COCKRELL. Will the Senator from California tell me when this officer was dismissed from the Navy, or whatever it was?

Mr. SARGENT. In 1876.

Mr. WHYTE. About two years and a half ago.

Mr. COCKRELL. By what authority? Let the report be read, if there is one.

Mr. SARGENT. Let it be read with the exhibits. The report speaks for itself.

The Secretary read the following report, submitted by Mr. SARGENT on the 22d of May:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4420) for the relief of Horace E. Mullan, late lieutenant-commander in the Navy of the United States, submit the following report:

After careful examination of the record of this officer, your committee find that Mr. Mullan entered the Navy in 1857, and that he has therefore been nearly twenty years in the service, dating from his entry in the Naval Academy to August, 1876, when it appears he was dropped from the service; that he served faithfully during the late war, and has seen much service in foreign squadrons, reaching the grade of lieutenant-commander in July, 1866, and that he came up for promotion to the grade of commander in February, 1875. The law requires that all officers before promotion shall pass an examination as to their mental, moral, and professional qualifications—established to the satisfaction of a board of officers, or what is called the naval examining board, composed of three officers. The officers composing said board are not even under oath to render an impartial examination, and from the record in this case it will be found to have been contrary to the intent and spirit of the law.

Mr. Mullan was ordered for examination before this board in March, 1875, and failed to be recommended by it for promotion. There is nothing in the record to show how or in what manner he failed, as the questions propounded and the answers given thereto are not recorded as the law requires.

The board having failed to recommend him, the law allowed him another year, at the expiration of which he was entitled to a second examination, but before the year expired he was again ordered to appear, February 1, 1876, before the same board for examination.

The record of the case shows that great injustice was done Mr. Mullan. The law requires that testimony shall be taken and that witnesses shall be summoned to give their evidence. Throughout the case the proceedings are covered with *ex parte* and hearsay statements, and there is not a word of testimony within the legal definition of the term. The same board again failed to recommend him for promotion to commander.

The same glaring defects and irregularities appear as on the first examination. No record was made by the board, such as the law requires, to show that Mr. Mullan had a fair and impartial examination. The questions asked and answers given are not recorded.

Certain interrogatories were sent out by the board to different officers to be answered by them, and some were sent to officers with whom Mr. Mullan never served or sailed, and all the answers they could give were from hearsay. In most every instance the answers returned were not even sworn to. Mr. Mullan was denied the right to summon witnesses, and this contrary to law and custom, and was also denied the right to send out any questions to be answered by those officers who had responded to the interrogatories of the board, and Mr. Mullan could not have had a fair and impartial examination, such as the law allowed him. The whole case is so well summed up in the opinion of the solicitor of the Navy Department, hereto appended, marked Exhibit A, that a reading of it will show the errors of the board and that injustice was done Mr. Mullan. Appended hereto is Exhibit B, showing the naval history of this officer. Your committee are therefore satisfied that relief should be extended in this case, and report the accompanying bill with an amendment, and, as amended, recommend its passage.

EXHIBIT A.

The case of Lieutenant-Commander H. E. Mullan.

I. Mr. Mullan was examined for promotion, and reported deficient, morally and professionally, March 10, 1875.

At the end of a year from that date, (R. S., sec. 1505,) and no sooner, he was entitled and liable to re-examination.

In less than eleven months from that date he was re-examined, namely, February 1 and 2, 1876, and again reported professionally and morally unfit for promotion.

This second examination and finding before his year of probation expired must, it seems to me, be set aside as contrary to law.

II. If the revising authority examine the record of the board of 1875, it will appear that until now it has never been submitted for approval or disapproval.

Until it be so submitted and be approved it is incomplete, and has no effect upon Mr. Mullan's rights.

Until such approval Mr. Mullan's year of suspension cannot begin; and if the report of March 10, 1875, be now examined and approved by the President of the United States, Mr. Mullan will be entitled to a year of probation from the date of that approval.

This is the second reason for disapproving the proceedings and report of February 2, 1876.

III. The two records and findings, namely, of 1875 and 1876, are now sent together to the revising authority; those of 1875 being attached as an exhibit to those of 1876. In both records the finding is the same, namely, professionally and morally disqualified.

If the revising authority examine them, the first inquiry will relate to—

1. Professional disqualification. No proof of this is furnished by the record unless it be in the assertion that Mr. Mullan was "examined."

The law (section 1501) says "his examination shall be recorded." It is not recorded.

In the absence of recorded question or answer the revising authority cannot decide which it was that failed, the examination or the candidate.

2. The next question is, is Mr. Mullan proved to be

MORALLY DISQUALIFIED?

(*a*) The law (section 1499) says that witnesses present shall be examined under oath. None were so present and examined.

(*b*) The law provides (sections 1499 and 1502) that the board may examine the files and records of the Navy Department, and shall, with their record, present to the President of the United States any matters there found which they deemed necessary to assist them in making up their judgment.

No such matter is thus presented.

(*c*) The law (section 1499) says that the board shall have power to take testimony.

Mr. Mullan, in his addresses or statements to the board, which he submitted in accordance with section 1500 of the Revised Statutes, and in his complaint to the Department, alleges that no "testimony" was taken, and his statement is legally true.

III.—2.

(*d*) The seventeen *ex parte* statements annexed to the record as evidence would not be regarded as testimony by any tribunal which knows and obeys the law of evidence.

(*e*) But if they be called testimony, still they do not furnish proof that justifies the finding of the board.

Only two of them are verified by oath. Fifteen are not. One is neither sworn to nor witnessed, and its reception was an abandonment of the rule of the board which required either oath or witnesses. Three of them are from officers junior to the candidate, who would gain advancement by his degradation, and one of those three was from an officer known to the board, as Mr. Mullan states, to be his enemy as well as his junior. Only seven of these seventeen witnesses had been his immediate comrades. Ten had not, and the board know that eight or ten whom they did not interrogate had held that relation to him. Every one of those seven spoke well of him. Two, only, of the seventeen refer to what has been his character and conduct during the last five years, and they favorably.

(*f*) The board wrongfully refused his urgent request to have the whole seventeen, or any other officer, interrogated as to that recent period.

(*g*) Mr. Mullan's sworn statement, which the law (section 1500) makes evidence, contradicts every unfavorable statement.

(*h*) So, also, do the ten testimonials which he produced and had annexed to the record.

III.—3.

(*a*) The record very improperly refers to accusations made to the Department in 1871, which Mr. Mullan then denied, and which the Department then deemed unworthy of notice.

This reference is an imputation on the Department.

(*b*) The record yet more improperly refers to a court-martial of 1867, which sentenced Mr. Mullan to dismissal, and adds that this sentence was set aside by the President of the United States. It ought, in fairness, also to have stated that the proceedings and finding, as well as the sentence, were set aside as contrary to both law and evidence. This reference is an imputation on both the Department and the President of the United States.

IV.

The revising authority, finding that Mr. Mullan's letter of complaint charges on the board apparent partiality and harshness, will consider the question,

WAS THE BOARD FAIR AND IMPARTIAL?

As shedding light on this inquiry, the revising authority will observe—

First. That the board illegally compelled Mr. Mullan, under oath, to answer the question whether he was ever tried by court-martial. Neither an examining board nor any other tribunal in this country is allowed to ask a party under examination to criminate himself.

Mr. Mullan might well feel, as he says he did, that the board regarded him "as a culprit, and not as a candidate."

Second. The finding of the board was influenced by facts or beliefs which are not in the record.

I do not refer to questions and answers not recorded, but to a statement of the president of the board, made to the naval solicitor, that facts and reports of a scandalous character, which are not submitted to the revising authority, influenced the judgment of the board.

This circumstance alone would be sufficient and constraining reason for disapproving the proceedings and findings of the board.

V.

If Mr. Mullan be unfit for promotion, if it be desirable to put him out of the service and to keep him out, the conduct and record of proceedings, and the finding of the examining board in his case, must be above and beyond doubt, suspicion, or shadow of irregularity; the proofs fully recorded, conclusively clear, obtained by legal methods, from legitimate sources, and irresistible in force and weight.

Less than this ought not to put him out, less than this cannot keep him out, of the service, for Congress, as in so many like cases, will be sure to reinstate him after inspecting such a record as is now submitted to the revising authority.

Already the Maryland congressional delegation have asked for careful consideration of Mr. Mullan's case, and their action may be regarded as very significant of future legislation if Mr. Mullan appears to fall a victim, not to his own misconduct, but to an unfair or insufficient examination.

Finally, I respectfully advise that these proceedings and findings be disapproved, and that Mr. Mullan be ordered before another and an impartial board, precisely as though the board of 1875 had never examined him.

JOHN A. BOLLES,
Naval Solicitor.

MARCH 3, 1876.

EXHIBIT B.

Statement of service of Horace E. Mullan, late lieutenant-commander United States Navy.

Twenty-fifth September, 1857, appointed acting midshipman; 30th April, 1861, detached from Naval Academy and ordered to the navy-yard, Washington; 2d September, 1861, detached from the Anacostia and to the Unadilla, as acting master; 3d June, 1861, warranted passed midshipman from 1st June, 1861; 14th September, 1861, detached from Unadilla, and be ready for orders to the Curlew; 23d September, 1861, to the Curlew, as acting master; 16th July, 1862, promoted to lieutenant; 13th November, 1862, detached from the Florida; 11th December, 1862, to the Iroquois; 9th December, 1863, detached and to the Naval Academy; 10th February, 1864, detached and to the Mendota; 5th March, 1864, detached and to the Nereus; 18th May, 1865, detached and wait orders; 16th June, 1865, to the Brazil squadron; 22d June, 1865, previous orders revoked and wait orders; 26th June, 1865, to the Cyane, Pacific; 14th May, 1866, detached and to the Dacotah; 23th July, 1866, promoted to lieutenant-commander; 3d July, 1867, detached from the Wateree by Rear-Admiral Dahlgren, and placed under arrest, arrived in New York 21st July, 1867; 25th June, 1867, at Callao, Peru, was tried by general court-martial on board the Fredonia, on charges of "drunkenness and scandalous conduct," preferred by Rear-Admiral Dahlgren, found guilty, and sentenced to be dismissed from the Navy of the United States; sentence set aside by the President of the United States; 8th August, 1867, relieved from arrest; 14th August, 1867, waiting orders; 30th September, 1867, to the Piscataqua; 5th December, 1870, detached from the command of the Idaho; 10th October, and wait orders from 30th instant; 20th March, 1871, to equipment duty navy-yard, New York; 27th April, 1871, detached and to the receiving-ship Vermont; 20th January, 1872, detached and wait orders; 19th March, 1872, executive of the Powhatan; 9th May, 1872, detached and wait orders; 27th January, 1874, to the North Atlantic Station; 5th May, 1874, executive of the Colorado; 13th of July, 1874, detached and wait orders; 28th January, 1875, to examination preliminary to promotion 1st February; 25th January, 1876, to examination preliminary to promotion; 3d April, 1876, to examination preliminary to promotion; 21st August, 1876, dropped from the service.

The next amendment of the Committee on Naval Affairs was, in line 10, after "Mullan," to strike out "late."

The amendment was agreed to.

Mr. COCKRELL. I move to amend by adding —

Provided, That he shall receive no compensation for or allowance of any kind whatever from the day—

I do not know whether he was dismissed or dropped—

he was dropped from the roll until he is restored under this act.

Mr. WHYTE. I suggest to the Senator from Missouri that he may accomplish that object by voting down in the Senate the amendment which we have just adopted in committee, that he be considered as having been continuously in the service.

Mr. SARGENT. I cannot consent to allow the bill to pass in that shape; I would rather let it lie over. Here is a man who was unquestionably unjustly treated. There is no reason to pass the bill if he was not. If he was not improperly driven from the service upon *ex parte* testimony, without any opportunity to call witnesses, upon the testimony of unsworn witnesses, upon hearsay and rumor coming in no legal and proper shape, then he is not entitled to have this bill passed at all. If he is entitled to have it passed, then for the year and a half he has been out of the service he is entitled to his pay. He has not been legally out of the service in fact because he has never been properly dropped from the roll. So says the solicitor of the Navy Department, who goes on and gives his reasons in full, sustaining the opinion of the committee.

Suppose that by some means a person entitled to a seat in the House of Representatives or in this body should be dropped out of his place—I can hardly describe the means because we have jurisdiction of ourselves—but suppose we should do wrong to a brother Senator and turn him out under an entire misapprehension, and he should be restored a year and a half thereafter and allowed to fill out his time, would it be just to couple with his restoration a condition that he should receive none of his pay for the time he was out?

Mr. COCKRELL. Why was this officer dropped?

Mr. SARGENT. He was dropped because the board so reported; they made no return of reasons. He was entitled to be examined for promotion; he went before a board who received, as I say, no legal evidence and gave him no chance—so the solicitor reports—to call witnesses, as he was entitled to do by law, and they received *ex parte* statements, received statements of persons who were subordinate to him in rank and had an interest in getting him out of the way, committing irregularities of the most extraordinary character, as is shown by an examination of the record and by the report of the solicitor. Under these circumstances he was dropped. He had then by law a right to a year, if the defect was professional, to prepare himself to pass another examination, but whatever the reason was it is not explained by the board. Before the year expired, when eleven months were out, he had his second chance and was treated in the same way, and he was finally dropped from the service.

If officers can be ousted under these circumstances no man is safe in his tenure in the Navy; and to pass the bill and deprive him of his pay will be a greater injustice than to refuse to pass the bill at all. For that reason I trust the Senator from Maryland will not consent to cut this man off in this way. There is not merely his honor to be vindicated, which I think he is entitled to, but he is also entitled to his pay for this time, because he was not out of the service by any fault of his own.

Mr. FERRY. I hope the pending bill, which is now informally before the Senate, will give rise to no further debate. I find my generosity is exhausting my time, and I am afraid the bill I am asking for will be overridden.

Mr. SARGENT. The Senator's bill is safe enough.

Mr. WHYTE. Let us have a moment longer.

Mr. FERRY. If this will lead to no further discussion I am disposed to yield.

Mr. COCKRELL. I cannot consent to the passage of this bill allowing this officer two years' pay for no service he has done or performed, and I must be heard upon that. It is in direct violation of

every principle that the Committee on Military Affairs has established with regard to military officers.

Mr. SARGENT. With all due respect to my friend, we will allow the bill to go over until we can debate it.

Mr. COCKRELL. Very well.

PENSION APPROPRIATION BILL.

Mr. SARGENT. By the absence of the Senator from West Virginia, [Mr. DAVIS,] which I understand will be during the remainder of the session, there is a vacancy left upon the conference committee on the pension appropriation bill. I move that the Chair fill the vacancy caused by the absence of the Senator from West Virginia.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection. The Chair hears none; and the Chair will appoint the Senator from Connecticut [Mr. EATON] in the place of the Senator from West Virginia.

BILL RECOMMITTED.

Mr. BAILEY. At the request of the Senator from Minnesota, [Mr. MCMILLAN,] I ask unanimous consent to reconsider the vote by which the bill for the relief of Reuben J. Chewning, an applicant for a pension, was indefinitely postponed, in order to have it referred again to the Committee on Pensions.

By unanimous consent, the vote by which the bill (H. R. No. 742) granting a pension to Reuben J. Chewning was indefinitely postponed was reconsidered, and the bill was recommitted to the Committee on Pensions.

AMENDMENT TO APPROPRIATION BILL.

Mr. COKE submitted an amendment intended to be proposed by him to the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

POST-ROUTE BILL.

Mr. FERRY, (Mr. ANTHONY in the chair.) I ask that the regular order be now proceeded with, and that the formal reading of the bill be dispensed with, and the amendments suggested by the committee be concurred in or rejected as we go along with the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4286) to establish post-routes in the several States therein named.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Chair understood the Senator from Michigan to ask that the reading of the bill be dispensed with.

Mr. FERRY. The formal reading of the bill.

The PRESIDING OFFICER. The formal reading of the bill will be dispensed with if there be no objection. The Chair hears none. The first amendment of the Committee on Post-Offices and Post-Roads will be read.

The Secretary proceeded to read the bill.

The first amendment was, in line 3, after the word "and," to insert "the same;" so as to read: "That the following post-routes be, and the same are hereby, established."

The amendment was agreed to.

The next amendment was, under the head of "Arkansas," in line 7, to strike out "Garland County, Arkansas."

The amendment was agreed to.

The next amendment was, in line 8, after "Washington," to strike out "Hempstead County;" and in line 9, after "Prescott," to strike out "Arkansas;" so as to make the clause read:

From Washington, via Amald's Mills, White Oak Church, and Garland, to Prescott.

The amendment was agreed to.

The next amendment was, in line 10, after the word "Clarksville," to strike out "Johnson County, via Morrison's Bluff, Prairie View, Patterson's Bluff, Paris, Magazine, Booneville, and Long Ridge, to Tomlinson, Scott County, Arkansas;" and insert "to Prairie View;" so as to read:

From Clarksville to Prairie View.

The amendment was agreed to.

Mr. FERRY. If there be no objection on the part of Senators, I ask that the amendments proposed by the committee relative to routes be taken in gross to save time.

Mr. MITCHELL. I suggest to the chairman to take them by States. There may be an occasional amendment to be proposed.

Mr. FERRY. I accept that suggestion. Let us take the first State, the State of Arkansas, and adopt all the amendments in gross; and so as to each other State and Territory.

Mr. OGLESBY. I wish to call attention to an error in Illinois.

Mr. FERRY. We shall come to that soon. I ask the attention of Senators to their respective States so that if there be any error that needs correction they will call attention to it, so that it may be fixed right.

Mr. BECK. In looking over the list for the State of Kentucky, I see that there are one or two amendments that ought to be made.

Mr. FERRY. The Senator will allow me to suggest that if he will wait until the State is reached he will find those items rejected by our committee have been passed at a prior time and are already the law of the land or else are repetitions.

Mr. BECK. The chairman did not understand me. One or two or three proposed amendments were sent to me by members of the House after the present bill was printed. I am not referring to the changes of the committee, which are all right. I have not been able to find all of those sent to me among the amendments which the committee report. I desire leave to insert them.

Mr. FERRY. I will answer the Senator, that I have here to propose an amendment that covers all that has been submitted to the Senate and referred to the committee, for Kentucky, and that is "from Litchfield to Big Reedy."

Mr. BECK. That is one of them, I know.

Mr. FERRY. That is all that was referred. As each State is reached, I propose to offer as an addition to the amendments in print those that have been referred to the committee; and if Senators will pay attention to their States, we shall get along without any discrepancy, I trust. Now let the State of Arkansas be taken up.

Mr. BECK. I desire to ask a question. I have never been able to see the use of this long first section, establishing post-roads in this way. There may be some constitutional objection to the suggestion I am going to make; but I feel like offering an amendment, and I desire to ask whether there is any constitutional objection to it, for I have not examined the question declaring all the present public highways of the United States, the rivers, and the railroads to be post-routes upon which the Postmaster-General is authorized to put such service as the good of the country may require.

Mr. FERRY. He is already authorized to place mail service on all routes upon the water and on all railroads; but we are now covering territory that is not embraced by railroads or by water transportation; and in order to do that the power must be exercised by Congress, so that at any time when it is necessary we may pass an act. It has been considered more wise that that power should be retained by Congress. The Senator, I understand, has a bill which he has referred to the committee proposing to authorize the Postmaster-General to establish routes wherever he pleases.

Mr. BECK. On any public highways of the United States. It seems to me that would save a great deal of labor to the committee and a great deal of annoyance to all of us if it could be done.

Mr. FERRY. That may be true. It may save a great deal of annoyance, but we cannot have wisdom and care without more or less annoyance.

Mr. BECK. I will not propose my amendment.

Mr. FERRY. That is general legislation and does not affect the specific amendments of the committee.

The PRESIDING OFFICER. The Senator from Michigan proposes that the amendments as to routes, reported by the Committee on Post-Offices and Post-Roads, be acted on by States. The question will be on the amendments proposed by the Committee on Post-Offices and Post-Roads to the routes in the State of Arkansas.

The amendments were agreed to.

Mr. FERRY. We will now proceed to the next State.

The PRESIDING OFFICER. Does the Senator from Michigan propose that the amendments be taken without reading?

Mr. FERRY. Without reading, as they are printed.

The PRESIDING OFFICER. That requires unanimous consent. The Chair hears no objection. The question is on agreeing to the amendments reported by the Committee on Post-Offices and Post-Roads as to routes in the State of Alabama.

The amendments were agreed to.

Mr. FERRY. Line 119 should be stricken out, as it is repeated in line 89. As will be seen on page 5, the same route is established there that is proposed to be established in line 119. Let that be stricken out.

The PRESIDING OFFICER. That amendment will be made.

Mr. FERRY. After line 129 I move to add to the Alabama list:

From Honoraville, via Cook's Stand, to Leon;
From Greenville to Cokerville.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported in the list of routes for the Territory of Arizona.

The amendments were agreed to.

The PRESIDING OFFICER. Colorado is the next. Will the Senate agree to the amendments reported as to the routes in the State of Colorado?

The amendments were agreed to.

Mr. FERRY. After line 173 I move to add to the Colorado list:

From Alamosa, via Conejos, Los Piños, Lower Crossing of the Chama and Nacimente, to Fort Wingate;
From Alamosa, via La Jara, to Conejos;
From Gunnison, via Crooksville, to Cochetopah;
From Breckenridge, via Ten Mile, to Leadville;
From Alamosa to Sangre de Christo via Medano Springs;
From Huerfano to Salt Creek.

The amendment was agreed to.

The PRESIDING OFFICER. California is the next. The question is upon agreeing to the amendments reported as to the routes in the State of California.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Connecticut. The question is on agreeing to the amendments reported as to the routes in the State of Connecticut.

The amendments were agreed to.

The PRESIDING OFFICER. Dakota Territory is the next. The question is upon agreeing to the amendments reported by the committee as to the routes in Dakota Territory.

The amendments were agreed to.

The PRESIDING OFFICER. Florida is the next. The question is upon agreeing to the amendments reported as to routes in the State of Florida.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Georgia. The question is on agreeing to the amendments reported as to routes in the State of Georgia.

The amendments were agreed to.

Mr. FERRY. I offer an amendment to come in after line 298, at the end of the Georgia list:

From Rutledge to Fair Play;
From Maysville to Homer.

The amendment was agreed to.

The PRESIDING OFFICER. The next is Idaho. The question is upon agreeing to the amendments reported as to routes in the Territory of Idaho.

The amendments were agreed to.

The PRESIDING OFFICER. Iowa is next. The question is upon the amendments proposed as to routes in the State of Iowa.

The amendments were agreed to.

Mr. FERRY. I offer the following, to come in after line 366, in the Iowa list:

From Des Moines, via McDivitt's Grove, to Towner's Lake.

The amendment was agreed to.

The PRESIDING OFFICER. Illinois is next. The question is upon the amendments reported as to routes in the State of Illinois.

Mr. OGLESBY. Line 378 reads, "via Corrieville." The word "Corrieville" should be changed to "Cornerville."

The PRESIDING OFFICER. That change will be made. The question is on the amendments reported by the committee as to routes in the State of Illinois.

The amendments were agreed to.

Mr. FERRY. I offer the following, to come in after line 423, in the Illinois list:

From Sterling to Palneville.

The amendment was agreed to.

The PRESIDING OFFICER. Indiana comes next in the bill. The question is on agreeing to the amendments reported as to routes in the State of Indiana.

The amendments were agreed to.

The PRESIDING OFFICER. The next is the Indian Territory. The question is on agreeing to the amendments reported to insert routes for the Indian Territory.

The amendments were agreed to.

The PRESIDING OFFICER. Kansas is next. The question is on agreeing to the amendments reported as to routes in the State of Kansas.

The amendments were agreed to.

Mr. FERRY. I offer the following, to come in after line 551, in the Kansas list:

From Osage City, via Alma, to Manhattan;
From Osage City, via Arcona, to Burlington.

The amendment was agreed to.

The PRESIDING OFFICER. Kentucky is next. The question is on agreeing to the amendments reported as to routes in the State of Kentucky.

The amendments were agreed to.

Mr. FERRY. I move to insert after line 617, in the Kentucky list:

From Litchfield to Big Reedy.

The amendment was agreed to.

The PRESIDING OFFICER. Louisiana is next. The question is on agreeing to the amendments proposed as to routes in the State of Louisiana.

The amendments were agreed to.

The PRESIDING OFFICER. Missouri comes next. The question is on the amendments reported as to routes in the State of Missouri.

The amendments were agreed to.

Mr. FERRY. I move that line 736 be stricken out, as it is a repetition of line 727.

The PRESIDING OFFICER. That change will be made.

Mr. FERRY. I offer the following for Missouri; after line 736 insert:

From Ash Grove, via Morrisville, to Bolivar;
From Sebago, via Fritz Hase's, to Lindley.

The amendment was agreed to.

The PRESIDING OFFICER. Maryland is next. The question is on agreeing to the amendments as to routes in the State of Maryland.

The amendments were agreed to.

Mr. FERRY. After line 757 I move to insert, in the Maryland list:

From Belair, via Forest Hill, the rocks of Deer Creek, and Pylesville, to Delta.

The amendment was agreed to.

The PRESIDING OFFICER. Massachusetts is next. The question is on agreeing to the amendments reported as to routes in the State of Massachusetts.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Minnesota. The question is on agreeing to the amendments as to routes in the State of Minnesota.

The amendments were agreed to.

Mr. FERRY. After line 809, I move to insert in the Minnesota list:

From Flandreau to Luverne;
From Canby to Prairie Farm, Dakota Territory;
From Henderson, via New Rome, Mountville, and Bismarck, to Grafton;
From Lowville, via Pipestone, to Flandreau, Dakota Territory.

The amendment was agreed to.

The PRESIDING OFFICER. The Territory of Montana is next. The question is on agreeing to the amendments as to routes in the Territory of Montana.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Maine. The question is on agreeing to the amendments as to routes in the State of Maine.

The amendments were agreed to.

The PRESIDING OFFICER. Mississippi is next. The question is on agreeing to the amendments as to routes reported in the State of Mississippi.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Michigan. The question is on agreeing to the amendments reported as to routes in the State of Michigan.

The amendments were agreed to.

The PRESIDING OFFICER. New York is next. The question is on agreeing to the amendments reported as to routes in the State of New York.

The amendments were agreed to.

The PRESIDING OFFICER. Nebraska is next. The question is on the amendments reported as to routes in the State of Nebraska.

The amendments were agreed to.

Mr. PADDOCK. In line 947, after "Niobrara," I move to insert:

Via Verdegris Valley and Walnut Grove.

The amendment was agreed to.

Mr. PADDOCK. After line 954, I move to insert:

From Decatur to Wisner.

The amendment was agreed to.

Mr. PADDOCK. Also, in line 968, after the word "city," I move to insert "via;" and in the same line, after the word "Ranch," to insert "to Camp Robinson;" also, in line 969, after the word "Paha," to insert "via," and after "Ranch" to insert "to Camp Robinson."

The amendment was agreed to.

The PRESIDING OFFICER. Nevada is next. The question is on agreeing to the amendments reported as to routes in the State of Nevada.

The amendments were agreed to.

The PRESIDING OFFICER. The next is New Hampshire. The question is on agreeing to the amendments reported proposing to insert provisions for routes in the State of New Hampshire.

The amendments were agreed to.

The PRESIDING OFFICER. New Mexico is next. The question is on agreeing to the amendments reported as to routes in the Territory of New Mexico.

The amendments were agreed to.

Mr. FERRY. The following is to be added to the list for New Mexico, after line 1038:

From Santa Fé to Ojo Caliente;
From Taos, via Cenguilla, Ojo Caliente, and El Rito, to Abiquiu.

The amendment was agreed to.

The PRESIDING OFFICER. North Carolina is next. The question is on agreeing to the amendments reported as to routes in the State of North Carolina.

Mr. FERRY. Before that vote is taken I move that lines 1041 and 1842 be stricken out, being a repetition of the preceding line.

The PRESIDING OFFICER. That change will be made.

Mr. FERRY. And I move to add, after line 1165:

From Lincolnton, via Killian's Mills, to Newton.

The amendment was agreed to.

The amendments in regard to North Carolina, as amended, were agreed to.

The PRESIDING OFFICER. New Jersey is next. The question is on the amendments reported as to routes in the State of New Jersey.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Ohio. The question is on agreeing to the amendments reported as to routes in the State of Ohio.

The amendments were agreed to.

The PRESIDING OFFICER. Oregon is next. The question is on agreeing to the amendments reported as to routes in the State of Oregon.

The amendments were agreed to.

Mr. MITCHELL. After line 1206 I move to insert:

From Elkton to Empire City.

The amendment was agreed to.

Mr. MITCHELL. I also call the attention of the chairman to line

1207, which is a repetition of line 1219. I move to strike out line 1207.

Mr. FERRY. The Senator is correct.

The amendment was agreed to.

Mr. MITCHELL. I also move to insert after the word "Creek," in line 1219:

Via mouth of Butter Creek.

The amendment was agreed to.

Mr. MITCHELL. I also offer another amendment, which was referred to the committee some time ago. It is, after line 1223, to insert:

From St. Helen's to Vernonia.

The amendment was agreed to.

The PRESIDING OFFICER. Pennsylvania is next. The question is on agreeing to the amendments reported as to routes in the State of Pennsylvania.

The amendments were agreed to.

Mr. FERRY. I move to add, after line 1282:

From Chambersburgh, via Cheestown, to Karper's Store.

The amendment was agreed to.

The PRESIDING OFFICER. Rhode Island is next. The question is on agreeing to the amendment reported to insert a route in the State of Rhode Island.

The amendment was agreed to.

The PRESIDING OFFICER. The next is South Carolina. The question is on the amendments reported as to routes in the State of South Carolina.

Mr. FERRY. I move to strike out line 1328. It is the present law, a route already established.

The PRESIDING OFFICER. That modification will be made.

Mr. BUTLER. I move to strike out, in line 1301, the word "Campbelle" and insert "Campobello." It is a mistake in print.

The PRESIDING OFFICER. That change will be made.

Mr. BUTLER. On line 1307 I move to strike out "from Jackson's Hill to New Prospect" and insert in lieu thereof:

From Spartanburgh Court-House, via Valley Falls, Fingersville, and New Prospect, to Jackson Hill.

The amendment was agreed to.

Mr. BUTLER. After line 1361, I move to insert:

From Laurens Court-House, via Tylersville, Cross Anchor, Cross Keys, and Cedar Bluffs, to Union Court-House;
From Reevesville Station, on the South Carolina Railroad, via D. L. Conner's, L. S. Conner's, and Snell's Store, to Orangeburgh Court-House.

The amendment was agreed to.

The amendments in regard to routes in the State of South Carolina were agreed to.

The PRESIDING OFFICER. The next is Tennessee. The question is on agreeing to the amendments reported as to routes in the State of Tennessee.

The amendments were agreed to.

Mr. FERRY. After line 1432, I move to add in the Tennessee list:

From Compensation to Clairfield.

The amendment was agreed to.

The PRESIDING OFFICER. Texas is next. The question is on agreeing to the amendments reported as to routes in the State of Texas.

The amendments were agreed to.

Mr. FERRY. In lines 1488 and 1489, I move to strike out "Bowie County;" so as to read:

From Dolby Springs to DeKalb.

The amendment was agreed to.

Mr. FERRY. I move to add, after line 1540, to the Texas list:

From Brownwood, via Clio and Rattlesnake Gap, to Eastland;
From Waco, via South Bosque, Sandersville, Norway Mills, Neil's Creek, Meridian Creek, Talley's Ranch, Hazel Dell, to Comanche.

The amendment was agreed to.

The PRESIDING OFFICER. Utah is next. The question is on agreeing to the amendments reported as to routes in the Territory of Utah.

The amendments were agreed to.

The PRESIDING OFFICER. Virginia is next. The question is on agreeing to the amendments proposed as to routes in the State of Virginia.

Mr. WITHERS. There is a typographical error in line 1576. "Perryville" should be "Peeryville." I ask that that correction be made.

The PRESIDING OFFICER. The correction will be made.

Mr. WITHERS. I would also ask the attention of the chairman to the fact that lines 1587 and 1588 establish the same route as that provided for by line 1590—

From Brossville to Snow Creek.

It is the same route provided for "from Brossville, via Sandy River and Mount Vernon, to Snow Creek."

Mr. FERRY. Let the second one be stricken out.

Mr. WITHERS. Let the first be stricken out.

Mr. FERRY. Very well.

The PRESIDING OFFICER. Lines 1587 and 1588 will be stricken out.

Mr. FERRY. Now I offer the following amendment after line 1631 at the end of the Virginia list:

From Eggleston Springs, via Walker & Peck's Store, to John S. Peck's.
From Newsom's depot, via Jaynesville and Statesville, to Murfreesborough, North Carolina;
From Pilot to Shawsville.

The amendment was agreed to.

Mr. JOHNSTON. I have two items of amendment that I desire to offer, to come in at the same place in the bill:

From Stone Mountain to Dug Spur;
From Mount Airy, via Cody's Houses, to Green Hill.

The amendments were agreed to.

The PRESIDING OFFICER. The question is on the amendments reported as to routes in the State of Virginia, as amended.

The amendments were agreed to.

The PRESIDING OFFICER. The next is Wyoming Territory. The question is on agreeing to the amendments reported as to routes in Wyoming Territory.

The amendments were agreed to.

The PRESIDING OFFICER. West Virginia is next. The question is on agreeing to the amendments reported as to routes in the State of West Virginia.

The amendments were agreed to.

The PRESIDING OFFICER. Wisconsin is next.

Mr. FERRY. I ask that from line 1735 down to and including line 1748 be stricken out. The routes there named are covered by present laws.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendments reported as to routes in Wisconsin, as amended.

The amendments were agreed to.

The PRESIDING OFFICER. Washington Territory is next. The question is on agreeing to the amendments reported as to routes in Washington Territory.

The amendments were agreed to.

Mr. MITCHELL. I move to insert after line 1793, in the list for Washington Territory:

From Dayton, via head of Patit Creek, Columbia Centre, on Pataha Creek, the head of Ulpowa, to Lewiston, in Idaho Territory.

The amendment was agreed to.

Mr. FERRY. Under the head of "Louisiana," after line 650, I move to insert:

From Natchie to Kingston.

The amendment was agreed to.

Mr. FERRY. This concludes the amendments as to the establishment of mail-routes. I now call the attention of the Senate to sections 2 to 8, inclusive, which cover substantially the proposition submitted by the commission that was appointed by Congress in July, 1876. They were charged with the duty of examining into this subject of the transportation of the mails by railroad, and to report such views not only on the question of transportation, but in regard to the rates of compensation, as, in their judgment, they should deem expedient. These sections cover substantially, with what modifications the committee and the Post-Office Department have suggested, their recommendation. It embraces substantially the single idea of changing the mode of compensation for mail transmission by railroad from weight to space. Under the present *régime* of post-office service we are using postal cars and distributing the mails *in transitu* rather than at the different post-offices, thus saving a great deal of time, securing not only certainty, but celerity of transmission. We find that by the employment of postal cars we secure sufficient space, aside from that needed for the separation and distribution of the mails, to cover the storage of mail matter. Now, every six months the Post-Office Department is required to weigh the mails under the present system, subjecting the Government to a payment of about $40,000 a year for weighing. That annual expenditure for the simple process of weighing fixes the basis of compensation.

Now, it is proposed to adopt space and pay the companies as we are paying for the use of the postal cars. The increase of expenditure under the present system would be about 9 per cent. The increase under the system proposed by this bill will be about 3 per cent.; so that the Government will save about 6 per cent. by this different method, and the railroad companies are perfectly satisfied to accept this system of compensation. It relieves the Department of this detail and this expenditure for weighing the mails and makes the system more compatible with the demands of the age.

I wish to say in this connection that we are paying to-day, under the system of weighing the mails, about four times the rate that is paid for other goods carried upon passenger trains, according to the present schedule of prices. This will place it upon the basis of passenger pay and also the pay for goods transported by passenger trains.

Another idea which is included here is rapidity, so that the railroad companies are to be paid for rapidity. We offer an inducement to them to run their trains fast, and thus deliver the mails earlier at the terminal points.

Having stated those general features, not designing to take up time, I ask that the sections be taken up and read and considered.

The PRESIDING OEFICER. The reading of the amendments will proceed.

The Secretary read the amendment proposed as sections 2 and 3, as follows:

SEC. 2. That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation hereafter to be paid for the transportation of the mails on railroad routes, upon the conditions and at the rates hereinafter mentioned, to wit: Each railroad company shall be paid for the mail service performed on each of its trains according to the linear feet of car space furnished and the average rate of speed maintained by such trains between terminal points, at not to exceed the following rates per mile run, for each linear foot of car, of full-width car space, used for railway mail purposes, to wit:

Five mills and eighty-two hundredths of a mill for a speed of twenty-three miles per hour and under; five mills and eighty-seven hundredths of a mill, of twenty-four miles; five mills and ninety-two hundredths of a mill, of twenty-five miles; five mills and ninety-seven hundredths of a mill, of twenty-six miles; six mills and seven hundredths of a mill, of twenty-seven miles; six mills and seventeen hundredths of a mill, of twenty-eight miles; six mills and twenty-seven hundredths of a mill, of twenty-nine miles; six mills and thirty-seven hundredths of a mill, of thirty miles; six mills and fifty-two hundredths of a mill, of thirty-one miles; six mills and sixty-seven hundredths of a mill, of thirty-two miles; six mills and eighty-two hundredths of a mill, of thirty-three miles; six mills and ninety-seven hundredths of a mill, of thirty-four miles; seven mills and twelve hundredths of a mill, of thirty-five miles; which shall be in full compensation for such services performed by said railroads.

In no case shall the Postmaster-General pay for a greater amount of linear car space than is actually necessary for the proper distribution and transportation of the mails.

SEC. 3. The Postmaster-General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed.

And no road refusing to furnish the facilities and to carry the mails on the trains required shall receive to exceed 50 per cent. of the compensation provided for by this act.

Mr. BECK. I should be very glad if the chairman of the committee would give us some information on this question. Here is a proposition to change the whole system of carrying the mails. We have already made appropriations, I understand, for carrying the mails for the next fiscal year, and this system is to be applicable, I understand, from the passage of the act, or at least from the beginning of the next fiscal year. How much more will it cost for carrying the mails under this system than that now provided for under the appropriation bill?

Mr. FERRY. If the Senator had listened to what I said he would have seen that I said at the outset when we concluded the post-routes proper that we entered on sections proposing a change of the basis of payment to railroad companies. Now, I will answer the specific questions.

On the question of economy I will state that under the present law the cost would be about ten millions and a half and under this proposed law it will be $9,400,000, so that there will be a saving of over a million of money.

Mr. BECK. Will the Senator be kind enough to tell us how much was appropriated by the bill we have just passed for this service? He says it will cost ten millions and a half. My recollection is that the appropriation is a good deal less than that.

Mr. FERRY. The amount appropriated for the current year, 1877–'78, was $9,250,000, but for 1878–79, I cannot state what is the appropriation. For 1877–78 it was $9,250,000.

Mr. BECK. Then I desire to know by what authority the Senator says it will cost ten and a half millions if the appropriation is only nine and a quarter millions?

Mr. FERRY. By the estimate of the Post-Office Department, which I hold in my hand.

Mr. BECK. Does the Senator undertake to say that the Postmaster-General can spend $1,300,000 more than Congress appropriates for that purpose?

Mr. FERRY. I do not say that. I say that under the present law it would cost ten millions and a half, and under the proposed law, if this should be passed into a law, the cost would be $9,400,000, less by a million of money.

Mr. BECK. But if the appropriation is $9,200,000 how is——

Mr. FERRY. That was for 1877–'78. The appropriation in the bill referred to was for 1878–'79, the next fiscal year.

Mr. SAULSBURY. I will say to my friend from Kentucky that the Committee on Post-Offices and Post-Roads, on an examination of this question, came to the conclusion that the present cost of the transmission of the mails would be reduced by the change from weight to linear measurement of the car used. As the Senator knows, the mails of this country are increasing in weight every year. I believe the estimate of the Department is that the increase is about 16 per cent. annually. If we continue to pay by weight, therefore, the Senator from Kentucky can see that in a very few years the expenses of the Department for railroad transportation of the mails must be very largely increased; whereas if we pay for the linear measurement we can carry the mails with the present space used if they should be increased, say 15 or 20, or even, perhaps, 30 per cent., so that we shall actually be adopting a measure of economy in agreeing to the recommendation of the committee, rather than continuing to pay by weight for carrying the mails on railroad, as the weight must increase every year. The committee examined the matter very closely, and the best judgment they could come to, aided as they were by all the information they could get from the Department, was that it was in the way of economy to adopt the present recommendation.

Mr. FERRY. I wish to state also to the Senator from Kentucky, as he was not in, I believe, when I made the statement before, that the annual increase under the present law would be about 9 per cent. and the increase under this proposition, if it be enacted into law, would be but 3 per cent. That gives the Senator the proportion of economy that will be practiced under this proposition if it shall be enacted into law.

Mr. BECK. I understand the theory of the amendment is that it will ultimately cheapen the cost, but so far as the appropriations of the present year or those made for the next fiscal year are concerned, if the Postmaster-General does not exceed the appropriations made for this year, it is an increase over the appropriations made for the next fiscal year.

Mr. SAULSBURY. I will say to the Senator from Kentucky that he cannot increase the appropriation; he can only use what car space the appropriations will pay for. This does not require any increase of appropriation. It only provides for a change of the mode of compensation. Aided as we were by the Department, for we had Mr. Vail before us, a gentleman perhaps who is better acquainted with railroad transportation than any man in this country, and examined him fully in reference to these points; our conclusions were that instead of increasing, this would be at present a diminution of expenses, to what extent I am not prepared exactly to say, but looking to the future of the country as well as the present wants and needs of the service, we came to the conclusion that this was the proper method.

Mr. FERRY. I desire to say to the Senator from Kentucky that the appropriation in the appropriation bill to which he alludes was based upon the present law estimated for the coming year. It does not follow that, if this measure is enacted, that amount will be applied. The Postmaster-General will not pay anything more than he is required to pay under this basis, which will be less than the estimates made up on which the appropriation bill was based; so that this difference in favor of the Government will remain in the Post-Office Department if the appropriation has been in excess of the amount needed.

Mr. BECK. I will not discuss this question when the Committee on Post-Offices and Post-Roads avow that they expect to save a million dollars. The Committee on Appropriations have already made a liberal appropriation for the next year. I hope we shall all live to be here at the end of the fiscal year; and I desire to say now that the record will show at the end of the fiscal year that this amendment will have added largely to what the Committee on Appropriations thought necessary and have appropriated for the next fiscal year. If not, I shall be very happily mistaken.

Mr. BAILEY. It seems to me the Senator from Kentucky altogether misconceives the spirit and purpose of this proposition. This amendment makes no appropriation whatever; it requires no particular service to be rendered; it does no more than prescribe the method by which the compensation to be paid to the railroad post-routes shall be measured. If the Post-Office Department shall undertake to expend a larger sum of money than Congress has appropriated to the use of that Department, it will find no justification whatever in this measure for that expenditure. The Senator from Kentucky, therefore, is under no necessity for making his prediction as to what will be the result of the operation of the Post-Office Department under this bill, for this bill requires no expenditure at all. There is no necessity for such a prediction. If the prediction is to be made let it be predicated not on the terms of this bill but on the actual service of the Post-Office Department.

Mr. FERRY. I desire to call the attention of my colleague on the committee, the Senator from Tennessee, to the fact that the Postmaster-General cannot exceed the appropriation in his expenditure without subjecting himself to a penalty.

Mr. BAILEY. That is true, and I assume that the Postmaster-General will but obey the law; he will but do that which Congress has already prescribed he shall do; and if he shall violate the law he certainly will come under the pains and penalties of the law.

Mr. BECK. We have heard all that very often. It is so, in every case. There is no deficiency bill, either for public buildings or anything else, but what all these things are said. The Senate Committee on Appropriations, making appropriations for the next fiscal year, after inquiring into the rates paid the railroads, reported an allowance at a reduction of 5 per cent. This bill makes no provision for any reduction of that sort. Contracts are to be made under this bill for a limit of space, and the companies are to be paid at the rate set forth here, without making any provision for a reduction. Therefore I made the prediction I did, that for the next fiscal year the cost of this service will be increased.

Mr. SAULSBURY. I will say to the Senator from Kentucky that the Postmaster-General, whether we carry by weight or by space, cannot increase the appropriation made by Congress. If you carry by weight, when the appropriation is exhausted the Postmaster-General will not be authorized to continue the transmission of the mail. So, if he has to pay that which he has contracted for to railroads for linear space and exhausts his appropriation, he must stop contracting for any more space. I do not see how this bill can aid in any respect in allowing the Postmaster-General to exceed the appropriations made by Congress for his Department. I should be glad if the Senator from Kentucky would point out satisfactorily wherein this bill will increase the expenditures for mail service; for if it will do that I shall certainly vote against it, although I joined in the report. Unless that can be shown, with the present lights I have on the sub-

ject, with the very best lights I can get as a member of that committee, having concurred in this report, I feel bound to support it, notwithstanding the objection of the Senator from Kentucky, unless he will specify wherein the expenditures of the Department will be increased by the adoption of this measure.

Mr. FERRY. I desire to state to the Senator from Kentucky that the estimate to which he referred is based on the reduction made two years ago of 10 per cent. It is not made on the 5 per cent. proposed by the House and rejected by the Senate. That has not become a law. But it is based on the 10 per cent. reduction, which is the present law. You cannot expect the Postmaster-General to make his estimates upon a supposititious case. He has made them upon existing law, and on that there will be a saving to the Government by the adoption of this proposition.

Mr. BECK. As I understand, the reduction of 5 per cent. made in the House bill in which the appropriation is contained is not yet agreed upon in conference. We make a reduction of 5 per cent. there which this bill ignores, and it allows the railroads 5 per cent. more than the appropriation bill allows for railroad mail transportation. Hence the increase. But that bill has not yet passed the conference, I am told; and while the system here proposed may be an improvement hereafter, it will be found for the reasons I have given that the reduction of 5 per cent. demanded from the railroads is ignored in this; and when the Postmaster-General comes and says "having been empowered by law to make contracts which ignore that 5 per cent., I can carry the mails no longer and must stop the mails," we shall have to pass a deficiency bill at the next session to carry out his contracts.

Mr. BAILEY. Will the Senator from Kentucky please point out to the Senate or to the Post-Office Committee how the committee can recognize that appropriation bill to which he refers, which is not a law; or how can it accommodate this bill to a proposed law? Shall we recognize the law as it stands, or the law as it may or may not be in the future?

This is a practical question. We are here for the purpose of settling by legislation the method of compensating the railroad companies for the transportation of the mails. We have assumed as the basis of that settlement the existing law. The Senator says that it does not recognize in any way or take cognizance of a supposed measure that is not the law, that has been rejected by one of the two Houses of Congress. Will he point out to the committee how it can accommodate this bill to suit the contingency or the exigency that may arise?

Mr. FERRY. Furthermore, in addition to what has been so well said by my colleague on the committee, I will say that if the 5 per cent. reduction now pending between the two Houses shall become a law, it will apply equally to this as it will to weight. The 10 per cent. is applied to that and estimated on it. Now, if a law should be passed directing the Postmaster-General to further reduce the compensation 5 per cent., it will apply to this, for this is no definite sum; it is only the basis upon which compensation is fixed; it is a rate of pay, and the deduction will apply to this as well as though it stood on the present basis of weight.

Mr. BECK. I do not propose to discuss this any further; but I can answer the Senator from Tennessee that we have a Committee on Appropriations and they agreed to reject the proposition for the 5 per cent., and the Post-Office Committee laying down post-routes concludes to change the whole system and ignores the action taking off that 5 per cent.

Mr. WITHERS. I wish to state in that connection my recollection of the statements made before the Appropriations Committee. I presume it is in order to say that unless I am more mistaken than I ever have been in my life, from the statements made by the experts who had examined this whole subject when the amendment which was proposed by the Committee on Post-Offices and Post-Roads to the appropriation bill was under discussion, the conclusion I reached was that by the adoption of this present plan not less than half a million of dollars per annum would be saved to the Government and the service would be improved. Therefore I vote for it.

Mr. FERRY. More than that, I stated that there will be a large saving in the way of postal cars. We are now compelled to use about a third more than are actually needed because under the present system the railroads frequently throw off cars and the Post-Office Department is obliged to equip other cars to place upon parallel roads so as not to be in the hands of the railroad companies. If the arrangement shall be satisfactory to both parties upon this basis, the Department can use about one-third less cars and save about $300,000 in the way of cars.

Mr. BECK. I am done with the discussion with this single suggestion: the Senator from Virginia has thought proper to state what occurred before the Committee on Appropriations——

Mr. WITHERS. The conclusion merely, that I reached.

Mr. BECK. Now I state that Gardiner G. Hubbard, the best informed man among them, if I do not misrecollect his testimony altogether, stated emphatically that for the present year the change of system would involve a decided increase, but that ultimately it would be a saving.

Mr. SAULSBURY. The Senator from Kentucky says he is done with the discussion, but I do not think he ought to expect the Committee on Post-Offices and Post-Roads to be done with the discussion after the remark he has made that that committee have determined to ignore what was contemplated by the Committee on Appropriations in reducing the expense of carrying the mails on railroads 5 per cent. and have come here and reported a bill that will increase it.

Sir, the Committee on Appropriations is an independent committee and has a perfect right to come to whatever conclusions it may think proper in reference to the appropriation bills; but I am not aware that the conclusions of that committee are omnipotent and spread themselves through all the committee-rooms of this body and that other committees have got to take cognizance of the determinations of the Committee on Appropriations. We propose a bill here in good faith to benefit the post-office service committed to our charge; and after examining witnesses upon the subject, men experienced in railroad transportation, who have had cognizance for years of that department of the service, we have come to the conclusion that this bill is for the best interests of the service. We have come to the further conclusion that it will not increase the present expenses of the Department, but that in the future it will greatly reduce the expenses of the Post-Office Department; and I cannot understand exactly the criticism of the Senator from Kentucky, who is always, I know, very vigilant in guarding the Treasury of the United States and with whom I am very happy most generally to co-operate. If he can point, as I said to him before, that this bill will increase the expenses of the postal service of the country, I shall be very happy to join him. But his captious criticism in reference to this bill, without any facts to predicate those criticisms upon, have not that weight with me which the opinions of the Senator from Kentucky usually have.

The PRESIDING OFFICER. The reading will proceed.

The Secretary read sections 4, 5, 6, 7, and 8, as follows:

SEC. 4. That the compensation to the railroads shall be paid by orders on the Treasury, and shall include the transportation of superintendents and officers of the railway mail service, special agents of the Department, and all railway mail employés while on duty, going to or returning therefrom.

SEC. 5. That all cars or parts of cars used for the railway mail service shall be of such style, length, and character, and furnished in such manner, as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies.

SEC. 6. That the Department may, on and after the 1st day of January, 1879, deliver the mails to the railroads and receive them at the stations. The railroads shall transport the mails and deliver them to such connecting roads as shall be required by the Department: *Provided, however*, That when the mails are carried in baggage-cars they shall be in charge of the railroad company until delivered to the connecting roads, or to such persons as may be duly authorized by the Department to receive them; and each railroad company shall provide at every station a suitable place on the line of its road, where the mails may be safely stored, in charge of a responsible person, sworn as provided by statute regulating the transportation of mails, whenever they cannot be delivered directly from one post-office employé to another.

SEC. 7. That the Postmaster-General shall deduct from the pay of the railroad companies, for every failure to deliver a mail within its schedule time, not less than one-half of the price of the trip, and where the trip is not performed not less than the price of one trip, and not exceeding, in either case, the price of three trips: *Provided, however*, That if the failure is caused by a connecting road, then only the connecting road shall be fined. And where such failure is caused by unavoidable casualty, the Postmaster-General, in his discretion, may remit the fine. And he may make deductions and impose fines for other delinquencies.

SEC. 8. That the Postmaster-General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts, and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same; and he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable.

Mr. FERRY. This concludes the subject of compensation of railways. The sections 9 to 31 are a reclassification of mail matter. Under the present law there are three classes: first, second, and third; and the second is subdivided. The law of 1876 subdivided class 2 for the purpose of attempting to prevent the transportation in the second class of third-class matter; but it was found that under this law it could not be prohibited. We are now losing at the rate of about half a million a year by the transportation of periodicals, as they are claimed to be, but issued for advertising purposes, for individual interests. This classification puts them in the fourth class, and proposes a method of registration by which it shall be determined at the place of mailing what is the character of the publication sent. It does not change the rate of compensation, but simply arranges the classifications by which on this basis it may be hereafter prohibited.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question before the Senate is on the adoption of the amendment reported by the Committee on Post-Offices and Post-Roads embracing sections 2 to 8, inclusive of each.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the amendment proposed by the committee, from sections 9 to 31, inclusive.

Mr. WITHERS. I would ask the chairman of the committee, as that seems to apply mainly to the classification of mail matter, whether there are any changes made in the rates of postage?

Mr. FERRY. No; I took particular pains to state that. I ask that the sections be read as one amendment, and the committee have some amendments to offer.

The PRESIDING OFFICER. The sections will be read.

The Secretary read sections 9, 10, and 11, as follows:

SEC. 9. That mailable matter shall be divided into four classes:
First, written matter.
Second, periodical publications under registration.

Third, miscellaneous printed matter.

Fourth, merchandise.

SEC. 10. Mailable matter of the first class shall embrace letters, postal-cards, and all matters wholly or partly in writing, except as hereinafter provided.

SEC. 11. That on mailable matter of the first class, except postal-cards and drop-letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof; postal-cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture; and drop-letters shall be mailed at the rate of two cents per half ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each half ounce or fraction thereof where free delivery by carrier is not established.

Mr. FERRY. I desire from the committee to move to add to section 11:

The Postmaster-General may, however, provide by regulation for transmitting unpaid and duly receipted letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery.

The amendment to the amendment was agreed to.

The Secretary read sections 12 and 13, as follows:

SEC. 12. That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and which have been duly registered as hereinafter provided.

SEC. 13. That publishers of mail matter of the second class who may desire to have their publications transmitted through the mails at the registered rate of postage shall submit the same to the postmaster at the place of publication, under such regulations as the Postmaster-General may prescribe, together with the fee required for registration, which is hereby declared to be $1 per annum, payable at the time of registration, and on or before the 1st day of January, for the ensuing year thereafter. The publication thus submitted shall be examined, under such regulations as shall enable the postmaster to ascertain its true character; and, if found to be within the conditions named in section 17, a certificate of registration shall thereupon be issued to the publisher by the postmaster at the place where such publication is published, who shall place a duplicate of the same on file in his office, and shall renew the said certificate on its expiration, in the absence of reason to the contrary. A duplicate of such certificate shall also be filed in the Post-Office Department. A temporary permit may be granted to a publication about to be issued, when a written statement shall be furnished to the postmaster, accompanied by an affidavit from the person intending to publish the same, that it will comply with the conditions named in section 17, and that he will submit the first issue of his publication for examination, as in this section provided. Publications thus registered, or to which a temporary permit has been granted, except as provided in section 29, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, shall be entitled to transmission through the mails at two cents a pound or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That no publication shall pass through the mails at the registered rate unless a certificate of registration has been issued, or a temporary permit granted to it: *Provided, also*, That every publication, except those mentioned in section 18, admitted to the registered rate, shall have printed upon each issue thereof the words "Registered" (or temporary permit granted, as the case may be) "for transmission in the mails," which words of registration or temporary permit shall be evidence to a postmaster at an office other than that of publication that the publication bearing them is entitled to transmission through the mail, at the registered rate when presented by a news agent to be sent to regular subscribers only: *Provided further*, That this section shall not take effect until two months from the passage of this act.

Mr. FERRY. I ask that in line 19 of section 13 the word "may" be changed to "shall," so as to read:

A temporary permit shall be granted to a publication about to be issued.

The PRESIDING OFFICER. That correction will be made.

The Secretary read sections 14, 15, 16, and 17, as follows:

SEC. 14. That the certificate of registration granted as in the preceding section shall be revoked by the postmaster in case the publication shall have so changed its character as to make it no longer within the conditions named in section 17.

SEC. 15. That matter of the second class shall be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such registered matter shall be charged with postage at the rate to which the inclosed matter is subject: *Provided*, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.

SEC. 16. That any person who shall print, or cause to be printed, upon any issue of any publication, the words designated in section 13, to which publication a certificate of registration or temporary permit has not been granted, or who shall submit, or cause to be submitted, any false evidence to the postmaster relative to the character of such publication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall for every such offense be punished by a fine of not less than $100 nor more than $500.

SEC. 17. That the conditions upon which a publication shall be admitted to the privilege of registration are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the registered rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

Mr. FERRY. I offer the following amendment to the amendment: at the end of line 20 of section 17 to insert:

Or publications which, although issued in regular series or successive numbers, are but books or reprints of books.

The amendment to the amendment was agreed to.

The Secretary read sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, as follows:

SEC. 18. That foreign newspapers and other periodicals of the same general character as those registered in the United States may be registered, under the direction of the Postmaster-General, on application of the publishers thereof or their agents, and when so registered, and not otherwise, may be transmitted through the mails at the same rates as if published in the United States.

SEC. 19. That the certificate of registration issued under the provisions of section 13 shall substantially be in the following form, namely:

POST-OFFICE DEPARTMENT, ——, 18—.

The ——, (name of publication,) published at ——, having been submitted to this office for examination, under the provisions of section 13 of the act of —— ——, ——, has been examined and found to be within the intendment of section 17 of the same act.

This certificate of registration is therefore this day issued to —— ——, which is hereby entitled to be transmitted through the mails, when properly prepaid and sent from the regular office of publication, or from a news agency to regular subscribers at the rate of two cents for each pound or fraction thereof, for —— months from this date, unless sooner revoked.

—— ——,
Postmaster.

SEC. 20. That publishers of registered matter of the second class may, without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication.

SEC. 21. That on all mail matter of the third class, including books, transient newspapers, and periodicals, circulars, and other matter wholly in print, (not included in section 12,) proof-sheets, corrected proof-sheets, and manuscript copy accompanying the same, postage shall be paid at the rate of one cent for each two ounces or fractional part thereof, and shall fully be prepaid by postage-stamps affixed to said matter. All books admitted to the mails for conveyance therein under the provisions of the postal union treaty may be delivered free of any customs duty, under such regulations as may be agreed upon by the Secretary of the Treasury and the Postmaster-General.

SEC. 22. That the term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such when the date and the name of the addressed and of the sender shall be therein written, nor by the correction of mere typographical errors in writing.

SEC. 23. That "printed matter" within the intendment of this act is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof.

SEC. 24. That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail-bag, or harm the person of any one engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except for books and documents published or circulated by order of Congress, or official matter emanating from any of the Departments of the Government, or from the Smithsonian Institution, or which is not declared non-mailable under the provision of section 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

SEC. 25. That all matter of the fourth class shall be subject to examination and to a postage charge at the rate of one cent an ounce or fraction thereof, to be prepaid by stamps affixed. If any matter excluded from the mails by the preceding section of this act, except that declared non-mailable by section 3893 of the Revised Statutes as amended, shall by inadvertence reach the office of destination, the same shall be delivered in accordance with its address: *Provided*, That the party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster-General. If the person addressed refuse to give the required information the postmaster shall hold the package subject to the order of the Postmaster-General. All matter declared non-mailable by section 3893 of the Revised Statutes as amended, which shall reach the office of delivery, shall be held by the postmaster at the said office subject to the order of the Postmaster-General.

SEC. 26. That mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index-figures of subscription-book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end. Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address thereon, with the word "from" above and preceding the same, and in either case may make simple marks intended to designate a word or passage of the text to which it is desired to call attention. There may be placed upon the cover or blank leaves of any book or of any printed matter of the third class a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence. Upon any package of matter of the fourth class the sender may write or print his own name and address, preceded by the word "from," and there may also be written or printed the number and names of the articles inclosed; and the sender thereof may write or print upon any such articles a mark, number, or letter for purpose of identification.

SEC. 27. That matter of the second, third or fourth class containing any writing or printing other than indicated in the preceding section, or made in the manner other than therein indicated, shall not be delivered except upon the payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed to such matter; and any person who shall conceal or inclose any matter of a higher class in that of a lower class, and deposit, or cause the same to be deposited, for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall, for every such offense, be liable to a penalty of $10. *Provided, however*, That nothing herein contained shall be so construed as to prevent publishers and dealers in registered matter of the second class from inclosing, in their publications, bills, receipts, and orders for subscription thereto; but such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer.

SEC. 28. That the Postmaster-General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first-class postage, so that the contents of such packages may be easily withdrawn for examination from the wrappers or envelopes thereof without breaking or destroying such wrappers or envelopes; and no package not lawfully packed, and the contents of which cannot be easily withdrawn for examination in consequence of being sealed by gum, wafer, sealing-wax, or otherwise, shall pass in the mails, or be delivered at a less rate than for matter of the first class.

SEC. 29. That publications registered under the provisions of section 13 of this act, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section 13 of this act: *Provided*, That the rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamps affixed.

SEC. 30. That all matter of the first class deposited for mailing on which more

than one full rate of postage is required, but which has been prepaid by but one full rate, may be held until such additional postage due is prepaid when the sender of the same is known to the postmaster; but when such sender is not known such matter shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery.

SEC. 31. That the Postmaster-General, in order to secure certainty and uniformity in the construction of this act, and to confine the decision of all questions of its construction to one office, may detail a competent employé of the Post-Office Department to assist the Assistant Attorney-General for that Department, who shall receive and be entitled to a salary of $2,250 per annum.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment comprising sections 9 to 31, inclusive, as amended.

The amendment was agreed to.

The Secretary read sections 32, 33, and 34, as follows:

SEC. 32. That the Postmaster-General is hereby authorized to take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage-stamps of the denominations now in use on ordinary envelopes shall be placed. And the Postmaster-General is also authorized to introduce and furnish for public use a double postal card, on which shall be placed two one-cent stamps, and said card to be so arranged for the address that it may be forwarded and returned, said cards to be sold for two cents apiece; and also to introduce and furnish for public use a double-letter envelope, on which stamps of the denominations now in use may be placed, and with the arrangement for the address similar to the double postal card; said letter-sheet and double postal card and double envelope to be issued under such regulations as the Postmaster-General may prescribe: *Provided*, That no expense shall be incurred by the Government in introducing said letter-sheet, double envelope, and double postal card.

SEC. 33. That section 9 of an act approved June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," is hereby repealed.

SEC. 34. That any person who shall use or attempt to use in payment of postage any canceled postage-stamp or postage-stamps, whether the same have been before used or not, or who shall by any means remove, or attempt to remove, or assist in removing, marks from any postage-stamp or postage-stamps, with intent to use the same in payment of postage, or who shall have in his possession any postage-stamp or postage-stamps canceled, or from which such cancellation marks have been removed, or who shall sell or offer to sell any such stamp or stamps, or who shall use or attempt to use the same in payment of postage, or who shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to again use the same for a like purpose, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than $100 nor more than $500 for each offense, or by both such fine and imprisonment, in the discretion of the court.

Mr. FERRY. In line 8 of section 34 I move to insert "with intent to use the same."

The PRESIDING OFFICER. That amendment will be made, no objection being interposed.

The Secretary read sections 35, 36, and 37, as follows:

SEC. 35. The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail matter transmitted between any of the officers of the United States, or between any such officer and either of the Executive Departments or officers of the Government, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail matter sent from the Smithsonian Institution: *Provided*, That this act shall not extend or apply to pension-agents or other officers who receive a fixed allowance as compensation for their services, including expenses for postage.

SEC. 36. That section 3955 of the Revised Statutes be, and the same is hereby, amended, so as to read as follows: "The Postmaster-General, whenever he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety."

SEC. 37. Any person performing the duties of postmaster by authority of the Postmaster-General at any post-office where there is a vacancy for any cause shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed postmaster; and all services heretofore rendered in like cases shall be paid for under this provision.

Mr. FERRY. I ask that the vote be taken on these sections.

Mr. KERNAN. The sections just read are one subject. Beginning with section 38, we come to a new class, and they should be voted on separately.

The PRESIDING OFFICER. The Chair will put as one amendment sections 32 to 37, inclusive.

The amendment was agreed to.

Mr. FERRY. Before going further I ask that on page 15 a correction be made. On line 336, "Newton's" should be stricken out and "Newland's" restored. I find on consultation that "Newland's" is right, and on line 357 I move to strike out "Harlem" and insert "Harlan."

The PRESIDING OFFICER. The amendment will be made.

Mr. HAMLIN. I submit the following as a new section, to come in after section 37:

SEC. —. That the President and Vice-President of the United States, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives, may send or receive free, through the mails, written or printed communications not exceeding two ounces in weight; and the name the President, the Vice-President, and of each Senator, Representative, Delegate, Secretary of the Senate, or Clerk of the House of Representatives shall be written on letters or communications which they shall respectively send through the mails.

I will say that is a precise transcript of an amendment which I offered to another bill, and which was adopted by the Senate.

Mr. KERNAN. If I understand, this is an amendment to restore the franking privilege to members and Senators on letters and all written matter.

Mr. COCKRELL. Unlimited.

Mr. KERNAN. I hope we shall not do that.

Mr. GORDON. It is limited.

Mr. KERNAN. I know it is limited to two ounces; but we shall soon enlarge it if we begin. We are now permitted to frank all matter printed by Congress that we desire to send, and I suppose ought to send, to the people; but if we restore this unlimited franking privilege to Members and Senators, there will be, I think, justly great complaint. I think it should not be done. I remember that there were abuses before that made it very unpopular, and they will grow up again. I think we should pay postage like others on our letters and on all matter except the public printed documents; and I hope the amendment may not be adopted.

Mr. COCKRELL. I fully concur with the Senator from New York. I trust that the amendment will not be adopted, and upon its passage I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAMLIN. I think, Mr. President, that more than nine out of every ten letters which Senators and Representatives receive are on public business, and I fail to discover any difference in the equity of allowing to go free a communication relating to public business whether it comes to me or goes to the head of a Department. I can see none; I believe there is none. The portion of our correspondence which may be of a family or a social character is so very limited and it would be so very troublesome for the Senator or Representative to distinguish between the two that I have ignored all that. The amendment puts the law back and limits it to two ounces, precisely where it was under the old law. You have restored the worst part of the old law; you have encouraged printing books here by the hundreds of thousands, sending them off by the cord and ton. Where all the evil existed before you have put it back, and you have left that which was least objectionable behind. I wish to restore it; and this being a transcript of the amendment which I offered the other day, and which was adopted by the Senate by a vote of more than two to one, I trust Senators will not be so inconsistent as to reject it to-day.

Mr. KERNAN. I think we print too much. Very likely that charge is true. I am willing to deal with that question and cut down the printing. I cannot believe the cost is very much increased because the documents are sent to those who pay for the printing and who are our constituents, free; but in reference to the cost of our correspondence, we may say just what we please, there will be abuses that will give rise to scandal. I concur with the Senator from Maine that we cannot very well distinguish between the letters on private business and the public ones, but I think Members and Senators should pay for their letters and that we should not have the franking privilege as a sort of perquisite which does lead to abuse. We all know—and it is not a subject that I want to say a word about—the abuse there was in it before in sending a great deal, during the recess certainly, under frank, which was not the business of our constituents.

Mr. BLAINE. I never have voted to restore the franking privilege; I do not know that I shall now; but it is quite fair that we should know precisely how the matter stands. It was abolished by a very laborious effort which originated with the Post-Office Department under the honorable Mr. Creswell. It was then claimed that a very large amount would be saved to the Department, that there would be a great gain to its finances, if we should abolish the franking privilege. We were going to save a great deal on the transportation of the mails, and in various ways we were going to conduce to the revenues of the Department. Now, as my colleague has well said, every portion of the franking privilege which clogged the mail, and I will remark to the honorable Senator from New York almost all that part which led to abuse has been restored. If there was any point to be gained by abolishing the franking privilege, it was to stop the expensive and enormous printing of public documents. We have not stopped one. We began afterward by giving it out for a session or for ninety days after that we might frank, and we ended by making the franking privilege just as broad on all forms of public documents as it was before.

Mr. HAMLIN. And permanent.

Mr. BLAINE. And permanent, as my colleague says. It is just where it was in reference to public documents. Then we came back to the question of political speeches, and now we can publish and send broadcast under our frank anything that has got CONGRESSIONAL RECORD on it. Not only that, but you can take any extract from the CONGRESSIONAL RECORD and have it printed in Portsmouth or Galveston, or in any other place, and that is frankable, so that all the distribution that the Senator from New York refers to as occurring during congressional recesses politically is still open, is restored; the whole of it is in full force; all that remains is the correspondence. Practically let us see what that amounts to. I do not know whether my correspondence is larger or less than that of the average Senator or Representative, but I assume that it would be a very strong calculation to say that if you go through both branches of Congress there are thirty letters received and answered per day. My colleague says he thinks it would be so, taking every day in the year and not during the session merely. Take it every day in the year and I do not believe it will average fifteen. If you say thirty, it would make $100,000 a year that the Department saves.

So I merely rose to suggest that there was not such an enormous thing in this amendment now offered by my colleague. All that is mischievous, all that led to the abuses, all that led to weighing down the mails, has been restored and is in full force. All that superin-

duces and induces the printing of expensive public documents has been restored and is in full operation. I do not care about this proposition.

Mr. CONKLING. Mr. President, during the years that I have served in either House, I believe, until this session, I never lost an opportunity to vote against the franking privilege. While it existed I am sure I never omitted to vote for its abolition when an opportunity to give such a vote presented itself. I have heard a great many arguments made against the franking privilege, most of them exaggerated arguments, many of them resting upon allegations which I think were unfounded; but I am not sure that I ever heard an argument made against that part of the franking privilege which the honorable Senator from Maine [Mr. HAMLIN] proposes now to restore.

The argument on which the opponents of the franking privilege have rested has been indicated sufficiently by what Senators have said already to-day. The great argument was that it encouraged the purchase, the collection, and production of seeds which were sent over the country, many of which never came up; the publication, binding, and distribution of books, which were sent over the country, many of which were never read; and all of which seeds and all of which books ought not to be as part of the economy and practice and process of Government; and that because the franking privilege fostered all these and other things it ought to be cut off. That was the great, I may say the bulky, argument against the franking privilege.

Then, as has been said, we were shown all sorts of estimates to convince us how much would be saved to the Treasury and the Post-Office Department if an end was put to the whole practice. Very well; we abolished it, and as has been stated in respect of the matters to which I have referred already, the abolition has proved a total failure, utterly so. The fact that the franking privilege did not exist never stayed the tide of publication for an hour, that I can remember, in either House. The publication of books went right on, the distribution of seeds went right on, the production of cuttings and the various other things which were enumerated went on. But other things came. Stamps were to be furnished. Furnished to whom? To every official, high or low, down to the junior clerk in the remotest post-office; and he was to put on at his discretion these stamps and by their use send official letters. In the Departments the same thing was to be done. I am told by those who have explored the question more than I have that it has turned out to be anything but a money-saving process to print the stamps and provide the means for distributing them and keeping track of them.

But now—and it was to that point that I rose especially to say a word—it turns out that we may send through the mails such books like this for example, [indicating,] if they are congressional publications, weighing two or three pounds or whatever it may be. Look a moment at the effect of that. Some constituent writes to me; a great many do. There has been a great quickening of interest, it seems to me, during this past winter and spring in Congressional publications. I should say if I were going to testify that I have received more letters within the last eight or ten weeks asking me for public documents than I received during the whole session of Congress preceding this. I do not know why this is. I have inquired why it is of other Senators, if they could explain the fact that there seems to be a great revival just now of general interest in public documents. I receive letters asking me, for example, for Hayden's report, for the report of the Polaris expedition, and so on, the small number of which allotted to me were exhausted by the requisitions made upon them before the book ever appeared. If I have the book, I write my name upon it and send two or three pounds, five or six or seven hundred miles through the mail for nothing. I have not the book, and therefore I must sit down and write, as I do, to each one of the constituents who write to me a request for these books and many, many others which I have not, a letter, furnishing stationery, although I know we have an allowance of a hundred dollars for stationery and newspapers, or $75 perhaps—no matter what it is—I write the letter, perform the labor of doing that, and then must put on a three-cent postage-stamp, which I pay for myself, to go to this constituent, to carry to him the information that a constituent who is more diligent than he has obtained the book which he has written for, several weeks ago, and adding my regret that I cannot send it to him.

Now, Mr. President, is there anything more absurd than that? Is there anything more illogical than that a great budget may be sent free in reply to a letter in no wise concerning the Senator, or the Representative, brought to him by reason of his public station, but a note written on the smallest bit of the thinnest paper imposes upon him not only the labor of writing it but he must pay the full postage for sending it back? It seems to me that is very absurd.

I take one other case to illustrate, and I shall have done with this branch of the subject. A great number of soldiers, crippled, pensioned, the unfortunate connected with those who suffered in the war, write letters to me; I suppose to all other Senators. It is possible that I get a little more than my average share of such applications, because in the State which I have the honor in part to represent there are nearly five million people. Therefore I can understand, Mr. President, that it is quite possible I get more of this sort of applications than you get, for example, [Mr. ANTHONY in the chair]; but a very great number of them come to me. They frequently come with inadequate postage, one stamp or two stamps put on by those who sent them and who thought that was sufficient. They come to me marked "due twelve cents," "due fifteen cents," "due six cents," "due three cents," whatever the deficit may be. They contain requests that I send the papers inclosed farther on for some purpose to somebody. Suppose I send them only to a Department here, I must either get a page to carry them on purpose to the Department or I pay postage for that.

Mr. HAMLIN. Or go yourself.

Mr. CONKLING. Or go myself, as the honorable Senator remarks; and that reminds me of another thing I want to mention, but first I will attend to this. Suppose I return these papers to the sender for some purpose as frequently occurs, I am charged as an individual with the deficit of postage which occurred owing to his ignorance; and then I am charged with the postage which I pay back unless I put on three cents, enough to start it on its way rejoicing, and leave him to pay the residue. Is there any sense in that? Is there any reason, is there any propriety, in saying that the soldiers and sailors (I speak of them because they are a convenient class to take as an illustration, and we know how much business they have with Congress and the Department) should not send to their Senator and why their Senator should not answer them as much as a clerk in a Department would be allowed to do it? Certainly I can see none.

Take one other illustration, of which the Senator from Maine has just reminded me. Members of the Committee on Commerce who observe what I say, if any of them do, will remember a class of papers which in large numbers it is necessary to send especially to two of the Departments of the Government. It is my business as the chairman of the committee to transmit these papers. I pay all the postage myself out of my own pocket between the committee-room here and the Department in this city, or else I must go, as the Senator says, and carry the papers myself, or I must ask to have a page sent on purpose every time to carry these letters; and they go occasionally many times a day, continually go. When the papers come back from the Department some clerk who can be intrusted with stamps *ad libitum* better than a Senator can be intrusted, it seems, with the privilege of putting his autograph on a letter, puts on his stamp and they come back. There is no difficulty about the return trip; but when they are to be sent from the Capitol in order that a Senator may get information about a piece of legislation, the particular Senator who happens to be the organ of the committee through an entire session is to pay postage on all those letters.

Mr. President, I have heard of a case not very ancient, yet under the present condition of the law, in which a Senator who kept an account of the postage he paid himself for one week, or the clerk of his committee did, paid $9 postage in a single week, counting nothing that he paid on documents. Is there any sense in it? There used to be sense in denouncing the franking privilege, I thought. I supposed there was some sense in the vote I gave when I voted in innumerable instances to put an end to it. I supposed it was to put an end also to the publication of books, to the fabrication of documents and mail matter, to the distribution of seeds and cuttings and all that; but it has failed utterly in that respect; and now, as some Senator has said, any speech in pamphlet delivered here may be sent anywhere by simply having printed upon it "part of the CONGRESSIONAL RECORD." So that all books go, all speeches go, all documents go, all the clerks in all the public offices from one end of the country to the other have stamps furnished to them; but the members of the Senate and the members of the House, compelled as organs of committees and otherwise to communicate with other public agents and with their constituents, are required to pay postage.

Mr. President, I think I do not care for the amount of this postage which falls to my lot. I should not say I do not care. I do care. I do care probably in just such measure as a thing so comparatively small demands; but I meant rather to say that I have much more thought and much more care in regard to it when I think that every employé, every clerk, every agent everywhere, acting under laws which we ourselves make, is deemed the proper repositary and custodian of a power of this sort and a trust of this sort, and yet, as the law stands now, for a reason which I can found nowhere except in distrust of those who are omitted, the members of the two Houses, that particular class of public officers, are selected and vested with the necessity of contributing from their own money to pay for the transmission of correspondence.

Now, Mr. President, I say no; let us sweep the whole thing away; let us put an end to the real abuse and the real weight imposed upon the mails, or else let us go back and have the franking privilege as it was, limited to the ordinary weight of letters, and requiring, as this provision does, that the member shall write his name.

Mr. SAULSBURY. Mr. President, I voted a few days ago against restoring the franking privilege; I shall do so again; but I confess that the chief consideration which influences me in giving that vote is this: while am satisfied that no member of this body would be influenced by any consideration of advantage to himself in voting for the franking privilege on letters, yet, small as is the saving which a Senator would make by restoring the franking privilege, there are those throughout the country who would attribute the act of the Senator to personal considerations. In my judgment, it is the highest duty of this body to exempt itself from all suspicions, not only to avoid evil, but to abstain from all appearance of evil, so that the true

character and dignity of this body may not be impeached for any cause, however trivial. Such a criticism upon the action of any member of this body would be a very unjust criticism; no Senator would cast his vote in favor of the franking privilege merely for the saving of a three-cent postage-stamp on the letters he might want to send away; but, as I say, trivial as that expense may be, there are those in the country who would make a clamor against the Senate and seek to degrade this body, which ought to be forever held in high estimation by the people of the country; because when the people of the country lose confidence in the integrity of Congress they will not respect the laws that are enacted by it.

It is for this reason, and this reason alone, that I oppose the proposition. The saving to the Department by refusing the franking privilege upon letters, I conceive to be a mere trifle; it is a matter that perhaps ought not to enter into the calculation; but the matter I have named is one of importance to every one, and I feel that it ought to control my action. For that reason I shall vote against the restoration of the franking privilege on letters.

Mr. INGALLS. As the yeas and nays have been ordered on this proposition and I propose to vote for the amendment offered by the Senator from Maine, I will take this occasion to say that franking is wrongly described as a privilege. It is not a privilege to the one who exercises it, but a burden. The privilege, if privilege there be, is one that belongs to the people, and not to the representatives. The people never demanded the abolition of franking. It was a device and a trick that was got up by certain economically minded officials for the purpose of carrying out a scheme that had long been entertained of making, as they called it, the Post-Office Department self-sustaining, as if any function of government was intended to be a source either of revenue or of profit to the people. You might as well talk about making the Army self-sustaining or the Navy self-sustaining, and putting the ships of war in the transportation and carrying trade, when they are not engaged in armaments, in taking potatoes and hoop-poles up and down the coast, or setting the Army to the work of cultivating the arid and unoccupied public domain, as to attempt to make the Post-Office Department self-sustaining. Its object is to furnish the people with information, and to allow them to receive from their representatives statistics, data, and information as to what is being done here by those who represent them in the different departments of the Government.

As has been said, the worst part of franking has been restored. You can fill a sack with books that it will require the joint labors of two men to carry out of this building, and have it transported for nothing to San Francisco, or Sitka, or Galveston, or anywhere upon the remotest frontiers of this country; but if you want to tell a man who writes you for that sack of books that your supply is exhausted, and send him a note to that effect, you have got to pay three cents to have it transported through the mails.

Senators and Representatives in the discharge of their functions here are engaged in public business. As an organ of one of the committees of this body, it is my duty, and I am brought into correspondence and communication with a vast number of people outside of my own State. There is not a mail that does not bring to me the cry from multitudes who think they are ready to perish, asking me in regard to their arrears of pension, in regard to the condition of particular bills before Congress, and matters before the Departments. I am compelled in many cases to pay, simply because I am chairman of the Committee on Pensions, sums in excess of what has been placed upon the letters to secure their transportation. I am obliged to answer those letters day by day at great personal inconvenience. I transmit those answers to people who are not my constituents; they are in every State in this Union. What is the reason why, because I am discharging those public functions, I should be called upon to pay an excess of postage above what is allowed me for that purpose by law?

Mr. HAMLIN. Will the Senator allow me to supplement a word right here?

Mr. INGALLS. Certainly.

Mr. HAMLIN. The Senator is only expressing what is true of every other committee; there is no earthly difference, except one of degree; they are all alike.

Mr. INGALLS. I agree to that. Therefore, I say that the people themselves did not demand the abolition of this so-called privilege, and I believe they would be glad to have it restored. I have no doubt that a few newspapers, that are desirous of producing the impression that they are the particular champions of economy and reform and retrenchment, would find fault with a vote given for this amendment; but the present condition of affairs is illogical and absurd, and I am very glad of the opportunity, which I have exercised on previous occasions, to vote for the restoration of franking.

The PRESIDING OFFICER. The question is on the amendment of the gentleman from Maine, [Mr. HAMLIN,] on which the yeas and nays have been ordered.

Mr. BLAINE. Before the yeas and nays are taken, I want to show by the figures I hold in my hand, from the last report of the Postmaster-General, how industriously the Departments have used the stamped envelopes furnished them, which are really the most convenient form of franking privilege that ever was invented for the use of man. To show how industriously they used them at the Departments, I find that there were used last year in the several Departments six hundred and fourteen thousand dollars' worth of one kind and four hundred and ten thousand dollars' worth of another kind.

Mr. INGALLS. That is their representative value?

Mr. BLAINE. Their representative value as postage-stamps; that is, if they had actually paid the postage represented by the letters they sent in envelopes of this kind it would have taken a million dollars. My impression is if they had been called upon, as the Representative or Senator is in his correspondence, to pay it all, the Post-Office Department would have been several thousand dollars short of the whole million that it received from this source.

Mr. EDMUNDS. On the whole postal service?

Mr. BLAINE. Yes. In other words, it is a very great abuse.

The PRESIDING OFFICER. The Secretary will call the roll on the amendment of the Senator from Maine, [Mr. HAMLIN.]

The question being taken by yeas and nays, resulted—yeas 29, nays 29; as follows:

YEAS—29.

Allison,	Edmunds,	Kellogg,	Saunders,
Anthony,	Gordon,	Kirkwood,	Spencer,
Blaine,	Hamlin,	Lamar,	Teller,
Burnside,	Hill,	Matthews,	Windom,
Butler,	Hoar,	McDonald,	Withers.
Conkling,	Howe,	Mitchell,	
Conover,	Ingalls,	Paddock,	
Dorsey,	Jones of Florida,	Patterson,	

NAYS—29.

Armstrong,	Coke,	McCreery,	Ransom,
Bailey,	Eaton,	McMillan,	Sargent,
Barnum,	Eustis,	McPherson,	Saulsbury,
Bayard,	Ferry,	Merrimon,	Voorhees,
Beck,	Hereford,	Morrill,	Wallace.
Booth,	Johnston,	Oglesby,	
Cameron of Wis.,	Kernan,	Plumb,	
Cockrell,	Maxey,	Randolph,	

ABSENT—18.

Bruce,	Davis of W. Va.,	Harris,	Thurman,
Cameron of Pa.,	Dawes,	Jones of Nevada,	Wadleigh,
Chaffee,	Dennis,	Morgan,	Whyte.
Christiancy,	Garland,	Rollins,	
Davis of Illinois,	Grover,	Sharon,	

The amendment was rejected.

Mr. FERRY. After line 809, at the close of "Minnesota," I move to insert among the routes:

From Marshall, via Rock Lake and Currant Lake, to Bear Lake.

The amendment was agreed to.

Mr. FERRY. I ask that section 38 be read.

The PRESIDING OFFICER. The reading will proceed.

The Secretary read as follows:

SEC. 38. That the Postmaster-General be, and he is hereby, authorized and directed to establish direct mail communication semi-monthly between the United States and the Empire of Brazil by means of two monthly lines of first-class sea-going steamships; the first of the said monthly lines of steamships to ply between the city of New York, in the United States, and the city of Rio de Janeiro, in Brazil, to touch at St. Thomas, Para, Pernambuco, and Bahia, both going and returning.

Mr. WITHERS. I move an amendment in line 8, after the word "at," to insert "Norfolk, Virginia;" so as to read:

In the United States and the city of Rio de Janeiro, in Brazil, to touch at Norfolk, Virginia, St. Thomas, Para, Pernambuco, and Bahia, both going and returning.

Mr. FERRY. I should like to ask the Senator from Virginia if he is prepared to state how much addition that will be to the distance and the detention of the trips?

Mr. WITHERS. It would be a very few miles addition to the distance, and I suppose not more than two hours of detention. As provision is made in the section as reported for the steamer which leaves New Orleans to touch at Galveston, involving several hundred miles additional distance, I think it is nothing but right to give Norfolk, Virginia, the most important port on the Atlantic coast south of Baltimore, the advantage of this trade to Brazil by permitting the steamers to touch at that port, involving the distance only from out of the capes to Norfolk and back again.

The PRESIDING OFFICER. The reading of the section will be concluded, and then the amendment will be received.

The Secretary read as follows:

The second of said monthly lines of steamships to ply between the city of New Orleans, in the United States, and the city of Rio de Janeiro, in Brazil, touching, both going and returning, at Galveston, and at such ports in the United States, the West Indies, and Brazil as the Postmaster-General may deem necessary and expedient; it being the true intent and meaning of this act that by the 1st day of January, 1879, service on both of said routes described in this section shall be established to make this act effectual as to either of them from and after that date.

Mr. MORRILL. I suggest that no vote be taken on the adoption of this section until after the next section is passed upon and agreed to. I can conceive very well that many Senators might be willing to vote for some sort of subsidy provided it was reasonable, but might not be willing to vote for the full amount proposed here. Therefore I suggest that this section shall be passed over until the other sections shall have been agreed to.

Mr. BLAINE. Let us consider them both at once.

Mr. FERRY. What would be the objection to considering the remaining sections together as they pertain to one subject, the establishment of lines between the United States and Brazil from different points in the United States to substantially the same points in Brazil?

Mr. MORRILL. Let the Secretary go on with the reading.

Mr. FERRY. Let the Secretary proceed with the reading and take the sections together.

The PRESIDING OFFICER. To the end of the printed bill?

Mr. FERRY. To the end of the bill except the repealing clause, to section 45, including section 44.

The PRESIDING OFFICER. That course will be adopted if there be no objection. The Chair hears none, and the reading will proceed.

The Secretary read as follows:

SEC. 39. To establish said semi-monthly mail communication between the two countries, the Postmaster-General is hereby authorized and directed to invite proposals for said mail steamship service by proper public advertisement in one newspaper published in each of the cities of New York, Philadelphia, Washington, Baltimore, New Orleans, and Boston, and to contract with the lowest responsible bidder who shall possess the means to furnish the steamships required for the service, and who shall give good and responsible sureties for the faithful performance of the service under such contract. The two lines shall be contracted for separately, and each shall make monthly trips, that is to say, twelve round voyages per annum; the dates of departure of the steamships of the said two lines, from the cities of New York and New Orleans, to be regulated and determined by the Postmaster-General, so that said dates may be two weeks apart, as nearly as practicable: *Provided*, That separate contracts shall be made by the bidders for each of the two lines, and that the Postmaster-General sha'l not accept any bid in excess of $30 per mile per annum for each line for the distance between the termini of the routes respectively, which distance shall not be estimated nor paid for at more than five thousand miles for each of said routes. Said contract for each of said lines shall be for the term of ten years, to begin with each line from the day on which the first steamship, as above described, of said line, may depart from the city of New York or the city of New Orleans, with the mails, for Brazil; and the first departure of a steamship of the first line shall not be later than the 1st day of June, 1878, and the first departure of a steamship of the second line shall not be later than the 1st day of January, 1879.

Mr. MAXEY. In section 39, just read, I move in line 29 to strike out the word "June," and insert "July"——

The PRESIDING OFFICER. The Senate has decided to take a vote on all the sections together. The Secretary will continue the reading.

The Secretary read as follows:

SEC. 40. The steamships contracted for and furnished for said mail service shall be of not less than three thousand tons burden, American built and owned, and constructed of iron, after the best models, equipped with all modern improvements and approved appliances adapted for sea-going steamships of the first class, and shall be capable of making thirteen nautical miles per hour, and to be so constructed as to be readily adapted to the armed naval service of the United States in case of war; and before their acceptance by the Postmaster-General they shall be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, and whose report shall be made to the Postmaster-General.

SEC. 41. That the Government shall be entitled to have transported, with the fare and accommodation of a first-class passenger, free of expense, on each and every steamer of said two lines engaged in this service, a mail-agent to take charge of and arrange the mail matter, to whom suitable accommodation for that purpose shall be given.

SEC. 42. That in case of failure from any cause to perform any of the regular monthly voyages stipulated for in the contracts, a *pro rata* reduction shall be made from the compensation on account of such omitted voyage or voyages; and suitable fines and penalties may be imposed for delays and irregularities in the performance of the service according to the contracts.

SEC. 43. The Postmaster-General shall have the power to determine the contract for either of said lines at any time such contract may be transferred, assigned, or underlet to any other party; and the said steamships shall at all times be subject to the use of the Government at reasonable rates of charter-party therefor.

SEC. 44. That the mail steamships employed in the service authorized by this act shall be exempt from all port charges and custom-house dues at the ports of arrival and departure in the United States: *Provided*, That a similar immunity from port charges and custom-house dues is granted by the government of Brazil.

The PRESIDING OFFICER. Sections 38 to 44, inclusive, will be regarded as one amendment. The Senator from Virginia [Mr. WITHERS] proposes an amendment in the thirty-eighth section.

Mr. WITHERS. In the eighth line of that section, after the word "at," I move to insert "Norfolk, Virginia;" so as to read:

To touch at Norfolk, Virginia, St. Thomas, Pará, Pernambuco, and Bahia, both going and returning.

The amendment to the amendment was agreed to.

Mr. MAXEY. I now move, in line 29 of section 39, to strike out the word "June" and insert "July," and in line 32 to strike out the word "January" and insert "February;" so as to read:

And the first departure of a steamship of the first line shall not be later than the 1st day of July, 1878, and the first departure of a steamship of the second line shall not be later than the 1st day of February, 1879.

The months of June and January were fixed in a former bill, and both dates should be brought forward one month to make it correspond with the advance of time.

The amendment to the amendment was agreed to.

Mr. JONES, of Florida. I move to amend, in section 38, line 12, by inserting after the word "Galveston" the word "Pensacola;" so as to read:

The second of said monthly lines of steamships to ply between the city of New Orleans, in the United States, and the city of Rio de Janeiro, in Brazil, touching, both going and returning, at Galveston, Pensacola, and at such ports in the United States, the West Indies, and Brazil as the Postmaster-General may deem necessary and expedient.

Mr. FERRY. I should like to put the same question to the Senator from Florida that I did to the Senator from Virginia; that is, how much longer the distance would be for vessels making this point and how much additional time it would add to the trip time?

Mr. JONES, of Florida. Oh, very little.

Mr. FERRY. "Very little" is very indefinite. I should like to have the Senator, if he can, be specific.

Mr. JONES, of Florida, I might answer that question by asking the Senator from Michigan another. How far will Galveston be out of the way between New Orleans and those various ports of South America? The port of Pensacola is much nearer to New Orleans than the port of Galveston.

Mr. FERRY. I will answer that by saying that the trip time will not be increased much by touching at Galveston. It is so stated. I give the language of those who have some interest in the line. I now answer indirectly by putting a question to the Senator from Florida. I ask him what is the distance between Galveston and Pensacola?

Mr. JONES, of Florida. I do not know that I can state exactly the distance. It is about one hundred and eighty miles from New Orleans to Pensacola.

Mr. FERRY. And Pensacola is in the opposite direction going from New Orleans to Galveston?

Mr. JONES, of Florida. Yes, but it is nearer on the route to South America than Galveston.

Mr. FERRY. Leaving New Orleans for Brazil, touching at Galveston, the vessel would have to retrace its steps to go to Pensacola.

Mr. JONES, of Florida. That is true; but it might go east from New Orleans to Pensacola, and then go to Galveston.

Mr. FERRY. That would increase the distance one hundred and eighty miles. I leave it to the Senate to determine whether that would be practicable in establishing the line.

Mr. JONES, of Florida. I will say that Pensacola is connected by rail with all the upper States of the Mississippi Valley. The great State of my friend from Kentucky is deeply interested in this proposition. There is a direct line of railroad running from Pensacola to Louisville. If there is any trade more profitable than another it is the trade to South America, and I should like to get an outlet for it at Pensacola. If the system is going to build up commerce, which I think it is, we should like to have Kentucky ship her provisions to the port of Pensacola and by this new steamship line to Brazil. Inasmuch as the committee is distributing benefits all around we should like to have a little of the benefit of the measure. I do not object to other ports, but we should like to have this a little more general. Galveston is designated, New Orleans is designated, Norfolk is designated, and I only propose to add what everybody knows to be the best harbor in the Gulf of Mexico, where there is no trouble in getting in or out, it being perfectly land-locked and protected, and it is an outlet for the great State of Missouri.

Mr. McMILLAN. I should like to ask the Senator from Florida whether there is any connection between the great wheat State of Kansas and Pensacola?

Mr. JONES, of Florida. Oh, we are connected with the whole nation, at Pensacola.

Mr. MITCHELL. I beg pardon, you are not connected with Oregon; I wish you were.

Mr. FERRY. The object of the measure is to secure a direct line between the United States and Brazil. The two terminal points in the United States are New York and New Orleans. New Orleans satisfies the West, the Mississippi Valley. In order to reach the great empire State of Texas it was thought best to touch at Galveston. To touch at Pensacola would be a zigzag course, increasing the distance, as stated by the Senator from Florida, one hundred and eighty miles. A better suggestion would be to touch at Havana, for there already is a mail service between Pensacola and Havana. I suppose the Senator from Florida does not design to defeat this measure. I hope he will not press his amendment; at least I hope the Senate will vote it down.

Mr. JONES, of Florida. Do I understand the Senator to say that there is already a line between Pensacola and Havana?

Mr. FERRY. It is but recently that the Postmaster-General with certain members of this body went on a trip between Florida and Havana to see that that line was properly established. I do not know that the Senator went himself.

Mr. JONES, of Florida. That line is in the future. The present is within our power. We cannot control the future. I do not know that the Postmaster-General intends to establish it. We ought to have such a line as that. There is none now in existence. It is admitted on all hands that there is a fine harbor at Pensacola, which is an outlet to the whole of the fine country in our rear, not Florida alone, but Alabama, Tennessee, Kentucky, Indiana, and all those States which lie in our rear.

Mr. FERRY. I desire to call the attention of the Senator from Florida to the fact that there is a mail service already between Cedar Keys, the termination of the railroad within the Gulf, and Havana.

Mr. JONES, of Florida. I would remind the Senator that that line, I am informed, has recently proved a failure. I am very sorry to say so. It is what was known as the fast-mail line.

Mr. FERRY. Then Florida must be a very unfortunate spot for a line to touch. If the proposition to touch at Pensacola is to cause a failure in this line, I hope the Senate will vote it down.

Mr. JONES, of Florida. There is no resemblance between the two measures. I am informed by the Post-Office Department that the railroads were not prepared to run the fast schedule necessary to maintain a tri-weekly line between Cedar Keys and Havana, and in consequence of that it is understood there that the line has failed. I believe those who had the contract to carry the mail by water were ready to go on, but the default was with the railroads. I do not know

which line it was, but some one of them at least has proved a failure. That does not apply, however, to this case. Pensacola is the outlet for the States to which I have referred. There is no difficulty in getting in or getting out. It is a short distance to New Orleans. It is true if the steamers go to Galveston after leaving New Orleans it is some distance to go back to Pensacola, but inasmuch as this is, as I understand, a system to dispense commercial blessings and advantages to the people of the whole country, we want to get a little of them ourselves.

Mr. SAULSBURY. Mr. President, this bill having come from the Post-Office Committee, of which I am a member, it is proper that I should say that I do not favor the proposition now before the Senate. I opposed it in committee, because I did not believe it was a matter which ought to be under the consideration of the Committee on Post-Offices and Post-Roads. While it purports to be a measure to advance the postal interests of the country and is attached to a postal bill, it is very apparent from what has been already said in the discussion here that the postal interests form the last element which entered into the consideration of the committee or which will enter into the consideration of the Senate in determining this question. It professes to be a postal measure. I should like to know from any member of the Committee on Post-Offices and Post-Roads what recommendation this measure has from the Post-Office Department. What necessity has ever been communicated to the committee from the Post-Office Department that such a measure is necessary for the postal interests of this country? We had before us at the time the express declaration of the Postmaster-General that he could not recommend this measure as necessary to the postal service. I have his letter here, directed to the chairman of that committee, of January 30, in response to an inquiry made by the chairman of the Postmaster-General in reference to the propriety of the adoption by the committee of the bill which was referred to the committee on this subject, and I beg leave to read what the Postmaster-General said in reference to the necessity of this matter. The Postmaster-General said:

> With reference to Senate bills Nos. 275 and 442, inclosed herewith, authorizing the establishment of mail-steamship service to foreign countries, handed by you to the First Assistant Postmaster-General with a request for an expression of the views of this Department relative to the legislation therein proposed, I have the honor to inform you that as the steamship lines proposed to be established under these and similar bills pending before Congress are chiefly important to the country as means of establishing and developing commerce with foreign countries, and only incidentally useful as means of mail communication, I do not feel justified in recommending to Congress, as a postal measure, the granting of special subsidies in aid of such lines in excess of the payments authorized under existing laws for the transportation of the mail to foreign countries.

That is the Postmaster-General's letter addressed to the chairman of the Post-Office Committee in reference to a bill to subsidize a line from New York to Brazil. Subsequently another letter was received, April 29, 1878, addressed to the chairman of the Committee on Post-Offices and Post-Roads, in which the Postmaster-General says:

> SIR: In reply to your verbal inquiry as to my opinion of the merits of the provisions of the bill, a copy of which you handed me, entitled "A bill to provide ocean mail steamship service between the United States and Brazil," I have the honor to refer you to a letter I addressed you, dated January 30, 1878.

Which is the letter I have just read—

> In that letter I stated that steamship lines such as the one contemplated by this bill "are chiefly important to the country as means of establishing and developing commerce with foreign countries, and only incidentally useful as means of mail communication. I do not feel justified in recommending to Congress, as a postal measure, the granting of special subsidies in aid of such lines in excess of the payments authorized under existing laws for the transportation of the mail to foreign countries." To the opinion thus expressed I still adhere. Considered as a mere, naked postal measure I cannot commend this bill. I appreciate, however, the paramount importance of building up and fostering our trade with Brazil and the other South American States, and if Congress should appropriate moneys for the primary object of establishing and developing commerce with those States which would incidentally benefit the postal service by the encouragement of direct, regular and rapid lines of communication, and should trust the expenditures of the moneys so appropriated to this Department, as is done under the provisions of this bill, I am not prepared to oppose the measure or to advise against it. With such objects in view it becomes specially a subject for the judgment and action of Congress in its exercise of which I should cheerfully acquiesce.
>
> I have the honor to be, very respectfully,
>
> D. M. KEY,
> *Postmaster-General.*

The committee which reported this section as a postal measure had full advertisement from the Postmaster-General that in his judgment it was not necessary for the postal service, and that he could not commend it in that light; and yet it emanates from the committee as a postal measure. What is our postal communication with Brazil? What does it amount to? I do not know exactly the amount of revenue derived to the Government from the mails to Brazil, but I understand that the cost to the Government in the transmission of mails to Brazil in the last year was $1,200.

Mr. KERNAN. Will the Senator from Delaware allow me to interrupt him? I understand for the last three months we have been sending the mails to Rio by steamer at a cost of from $108 to $112 a trip.

Mr. PADDOCK. The mail is carried by a British line of steamers.

Mr. SAULSBURY. There has been a regular line of steamers from New York to Brazil by which the mails of this country have been carried at a cost, as I before stated, in the last twelve months of about $1,200 per annum. And yet we propose in this section, as a postal measure, to pay $300,000 for the transmission of the mails to Brazil annually for the next ten years, when the present price for the transmission of the mails to that country has been but $1,200 in the last year! Well might the Postmaster-General, with his knowledge of all the facts in this case, with his knowledge of the very limited mail we have to that country, with his knowledge that we are transporting the mails of this country to Brazil for $1,200 a year, refuse to advise the adoption of a measure that would take out of the public Treasury $300,000 annually for a service which he could command and is commanding for $1,200 a year.

Mr. McPHERSON. How often do the steamers run?

Mr. SAULSBURY. Once a month. That line of steamers it is said is a British line of steamers sailing under a British flag. Suppose it is. It has always been the policy of this Government to send out its foreign mails at the cheapest rate it could, and by any line by which they could be promptly carried and delivered. Of course every citizen of this country would be glad to see the mails carried under our own flag provided it could be done as economically by the Government and with as much regularity as by other lines. But this has not been at all times possible heretofore. Our mails go now to England and to every part of Europe under the British and other foreign flags. We send, I suppose, by every line that goes to Europe, paying the regular sea postage to the lines that carry the mails.

Is it proposed to inaugurate the policy that the mails of this country shall only be carried under the American flag. Where is the country on the face of this earth that has refused or neglected to avail itself of every facility that offers for the transmission of its mail? Does not the British mail cross our continent on the Union Pacific and other railroads, and take the American steamers to Japan, to Australia, and China? Where is the country, I repeat, that acts upon the narrow policy that the mails of the country shall only be carried under its own flag, and that refuses the facilities which are offered by other countries, and limits the transportation of mails to its own bottoms upon the sea? When you say you desire the mails carried under our own flag and when the objection is made to transmitting them by a line that sails under a British flag, it may be an appeal to the patriotic sentiment of the country; but it is not an appeal which ought to have weight in the consideration of this question, if we look to the economy of the administration of the postal department and the interests of the people of this country. Would Senators who insist on sending the mails by American steamers be opposed to receiving, if they were in a foreign country, mail from friends at home because it came under a foreign flag, or would any one hesitate to send a letter if he had an opportunity at an earlier day under the British flag, and wait until he could send it by an American line? No, sir; that argument is thrown in I suppose to influence the feelings of persons in favor of this measure; but the policy it advocates is at variance with the practice of the Government heretofore, and is both impracticable and absurd.

But, Mr. President, having shown that there was no necessity for this measure, having shown that the Postmaster-General himself will not recommend it, I think that no argument can be advanced here in its favor founded upon the allegation that it is necessary for the transmission of the mails from this country to Brazil. We have already, as I before remarked, the Merchants' Line of steamers sailing from New York. There are three steamships sailing regularly from that city to Brazil. The committee in recommending this measure in its report says:

> The present methods of mail communication between this country and Brazil are discreditable to American enterprise and present a formidable hinderance to the enlargement of our trade with South America. There being no direct line of steamers, letters from this country destined for the Atlantic ports of South America below Pernambuco go first to Liverpool, three thousand miles, and thence five thousand miles, by the west coast of Africa, to Brazil.

I am sure that no member of the committee designed to say a thing that he did not think was true; but we have proof which I think must satisfy every one that the mails are not sent across the Atlantic to Liverpool, but they are sent direct from New York by regular steamers. Therefore I think that there is no member of this Senate who can vote for this proposition merely as a postal measure.

I shall not enter into any discussion as to the power of Congress to establish postal lines between here and Rio de Janeiro, because there being no necessity for the measure there is no occasion to discuss the power of Congress to aid in the establishment of steamship lines for the transmission of mails to that country. It will be useless and a waste of time to enter into any inquiry of the right of the Government to establish by the use of its money a line of communication between New York and Brazil merely for the purpose of carrying the mails of this country to Brazil. I remember that Mr. Monroe in one of his messages, in discussing the power of Congress to establish post-offices and post-roads, intimates very clearly that the power is simply a power to select from the lines already established. I shall not, however, enter into that question. If this question is commended at all, it is commended as a commercial measure, simply as a means of opening up the commerce of this country with Brazil. There is no other consideration, I am sure, that will be presented or that can be presented which will or ought to influence the vote of any Senator on this floor. Now, let us look at it in that light.

In the first place, there might be a question as to the power of Congress to appropriate money to establish steamship lines between this and foreign countries in aid of commerce. The power is given to Congress to regulate commerce, but I do not understand that that

power includes the right to appropriate money out of the public Treasury for the purpose of building steamships or of aiding in the construction of steamships or of running steamship lines to foreign ports. It might be very interesting, if it were necessary, to recall some of the earlier views of the people of this country in reference to that commercial power. We all know that the interest which the people of this country felt in the regulation of commerce by the General Government gave rise to the union of these States, having led to the convention which adopted the Constitution.

The commercial convention which assembled at Annapolis, finding itself restricted and hampered by the resolutions under which it was confined, recommended a general convention with more ample powers, which gave rise to our present form of government. That convention originated from the fact that under the Articles of Confederation, prior to the adoption of our Constitution, the right of regulating commerce existed in the several States separately. In practice this was found very inconvenient. The regulations of one State were not adopted by those of another, and commerce was hindered and delayed by the various regulations made by the different States in reference to commerce in those States. It was that difficulty which gave rise to the convention that met at Annapolis, and ultimated in the convening of the convention which adopted the Constitution. It was because of that inconvenience which had been experienced that this power was given to Congress to regulate commerce, so that there might be uniformity in its regulation throughout the country.

What has been heretofore the rule held by this Government in reference to that power? So far as I understand there has been no view expressed by any commentator on the Constitution, certainly so far as I know there has been no decision of the Supreme Court of the United States, which would justify the conclusion that the power to regulate commerce embraces the power to build steamships for the purpose of developing commerce or embraces the power to aid in the construction of steamships and the establishment of steamship lines for the purpose of developing the commerce of the country. It is a power to regulate commerce, not the power to build it up except as it should be incidentally built up under the regulations adopted by Congress for its government.

I intend that the remarks I make now shall be very brief, and without entering further into the discussion of the power of Congress to appropriate money as proposed in this section for the purpose of establishing commerce with Brazil, I inquire whether it will have the effect to enlarge and benefit our commerce. I hold not. We have already commerce with that country and sufficient means of transportation to do all the business of this country with Brazil. I have in my hands a memorial, which lies upon the desk, I suppose, of every Senator, signed by some twenty or thirty merchants of the city of Baltimore, protesting against the provisions of this section. I will read that memorial, because it will perhaps throw as much or more light upon the subject than anything I can say with reference to the necessity of this as a commercial measure.

The memorial says:

> The undersigned, merchants of Baltimore engaged in trade between this port and Brazil, would respectfully and earnestly remonstrate against the passage of the bill now pending before the Senate to provide for the establishment of steamship mail service between the United States and Brazil, and any similar bill granting subsidies to steamship lines between New York and Brazil and New Orleans and Brazil.
>
> The statement in the report of the Senate Committee on Post-Offices and Post-Roads, No. 366—

The report to which I referred and from which I read a few moments ago—

> that "the passage of a steamer direct from the United States to Brazil is now unknown" is erroneous. The Merchants' line, consisting of the steamships Cassini, Glensannon, and Glenlogan, have been plying regularly between New York and Brazil for more than a year past, carrying the mails at a cost to the government of one-third of the ocean postage, being a little more than $1,200 per annum.
>
> Since the expiration of the subsidy to the Garrison line cable communication has been perfected with Brazil, and almost all the business between the two countries has been transacted by wire, making the mails of comparatively little value, except for the transmission of confirmatory advices and accounts.
>
> There are now some twenty firms engaged in this trade in Baltimore, the oldest of which has been in existence more than fifty years. There are thirty-two sailing-vessels plying regularly between Baltimore and Brazil, all of which were built in this country, are owned by American citizens, exporting American produce, and carrying the American flag, some of which have made the voyage between the ports of Baltimore and Rio de Janeiro in the short space of twenty-six days, while it is expected that the proposed steamship lines will make the voyage in twenty-five days, a difference scarcely appreciable.
>
> In addition to these facts, which we think show how unnecessary these particular subsidies are, we suggest that such special legislation is unfair and unjust, tending to build up one interest at the expense of others.

So that you see, Mr. President, that we have already vessels sailing from our ports under our own flag fully equal to the carrying on of all business with Brazil. There is no necessity, therefore, if the power to aid the establishment of this line existed under the Constitution in Congress, because every article which any man in this country desires to send to Brazil can now go by the lines that are already established.

There is a suggestion in this memorial to which I desire to call the attention of the Senate, that the subsidizing of lines instead of aiding the commerce of the country will prove a hinderance and a detriment to the commerce of the country. The moment you subsidize a line, of course it will put down freights and drive all competition away. Has not that been the experience of the country in reference to all lines of transportation, whether upon land or upon sea? We know that these lines of transit from Baltimore, with a steamship line subsidized from New York, will be driven from the sea, because the steamship line established by the aid of the Government can, by the assistance of the subsidy which is granted to it, so reduce freights that merchants will be unable to send by these other lines, because necessarily they will have to charge the usual freight for transportation in order to exist. The moment you subsidize this line you give it virtually the monopoly of the carrying trade between New York and New Orleans and Brazil, and you drive away all competition. Thus, instead of proving a benefit to commerce, your subsidy will become an incubus upon the commercial business of the country, and will destroy that competition which is necessary to healthful, vigorous, and prosperous commerce.

Virtually this is, as I shall attempt to show hereafter, but a subsidy to John Roach. The moment you subsidize this line you destroy the ship-building of steamships by all other establishments. We have establishments for building steamships in the city of Wilmington, twelve miles from Mr. Roach's establishment, which are now engaged in building iron steamships; and you propose by this section to subsidize John Roach at the expense of Harlan & Hollingsworth, and at the expense of other establishments in the city of Wilmington only twelve miles distant. Some of the finest steamers in this country are built by Harlan & Hollingsworth, by Pusey, Jones & Co., and by other gentlemen engaged in that business in the city of Wilmington; but you propose by this section that Mr. Roach, who is engaged in building ships, shall have the advantage of a subsidy of $300,000 annually for ten years, so that he may be enabled to build ships at a lower rate than these other establishments can build them, and thus drive off not only competition in commerce but competition in the construction of steamships. The interests of the country and the interests of commerce are that steamship-building should be encouraged as far as possible, and equally at every point, and that there should be no favoritism granted to any, but that all builders of steamships should stand upon perfect equality, so that the competition may be as unrestricted and vigorous as possible.

I cannot conceive of an act more unjust than this would be to the gentlemen to whom I have referred, and I cannot consent to a measure of this kind when I know that the provisions of this measure are adapted exactly to the condition of Mr. Roach, and so framed that no one can be a competitor with him for the proposed subsidy. I could not consent to stand by and see this measure put into operation without at least expressing my views in opposition to it as a measure of great injustice to gentlemen in my own State engaged in the construction of iron steamships, as well as a measure injurious to commerce and unjust to the tax-payers of the country.

I have said that this measure was designed especially—I do not mean designed in an offensive sense—for John Roach. I mean that the provisions of this measure are so framed that Mr. Roach, and nobody else, can avail himself of the privileges conferred. That is what I mean. Now, what are the provisions of this section?

> That the Postmaster-General be, and he is hereby, authorized and directed to establish direct mail communication semi-monthly between the United States and the Empire of Brazil by means of two monthly lines of first-class sea-going steamships; the first of the said monthly lines of steamships to ply between the city of New York, in the United States, and the city of Rio de Janeiro, in Brazil, to touch at Saint Thomas, Pará, Pernambuco, and Bahia, both going and returning.

And then it provides that the tonnage of these vessels shall not be less than three thousand tons.

Such ships John Roach has to-day, and he has started them on the line from New York to Brazil; and he is constructing, according to his advertisement in the New York papers—one of which I had here a few days ago—steamers to run from New Orleans to Brazil of the same tonnage so as to be ready by the time fixed here for the starting of these vessels. So it was perfectly understood, I am sure that every member of the Committee on Post-Offices and Post-Roads fully understood, when they reported this bill, that every provision of the bill was adapted to the accommodation of John Roach and that no other builder could possibly construct ships within the time limited, of the size and dimensions specified, to compete for the proposed service. Besides that, it was well known to the committee that John Roach himself had at the time the contract with the Brazilian government to run this line from New York to Brazil, for which he was to be paid by the Brazilian government.

Mr. JONES, of Florida. Will the Senator from Delaware permit me to ask him a question?

Mr. SAULSBURY. Certainly.

Mr. JONES, of Florida. He says it was understood that Mr. Roach has a contract with the Brazilian government by which he can get an amount of money for carrying the mails between Brazil and New York. Does that extend to the southern line from the port of New Orleans?

Mr. SAULSBURY. I do not know about that. There is a subsidy I think of $100,000 or $120,000 from the Brazilian government exclusively for the line from New York to Brazil. I think the New Orleans matter has been originated in Congress, not by the Brazilian government. Mr. Roach, I say, has a contract already, and, in fulfillment of that contract, he has built one, if not two, I think two of the vessels, and one has already started in the month of May, and a second is to start on the 6th of June in fulfillment of this contract, so that he is now under special contract to run his line between New

York and Brazil, and he comes to Congress and asks that Congress, out of the abundance of the American Treasury, shall give him a bonus in addition to what he has already been promised from the Brazilian government. Sir, is the Senate prepared to do that? If it is right at all to subsidize lines, are we prepared, when a line is already established and is already subsidized by a foreign government, to go into the Treasury of the United States and take from it the sum of $300,000 a year and give to the gentleman who has entered into that contract and who has perhaps been aided by merchants in New York and other capitalists? I do not know who is connected with him, but he secured the contract with the Brazilian government, and so far as I know Mr. Roach may himself own the line of steamers or he may have associated with him other gentlemen, capitalists of this country.

We have already tried lines of steamers between New York and Brazil. There was some years ago a subsidy, I believe, amounting for ten years to $3,000,000, paid to a line known as the Garrison line, between New York and Brazil. Did that line develop the commerce of the country, as it is claimed that this steamship line will develop it? It ran for ten years to secure the subsidy of the Government, and did secure the subsidy of the Government to the amount of $3,000,000. We heard no talk of any great development of the commerce of this country with Brazil under the operations of that line, and the fact was that the line at the end of the subsidy ceased to run the trips, because, I suppose, it could not longer induce the Government to take the public money and pay it to capitalists who were connected with that line. This is a proposition now to give $300,000 annually, amounting to $3,000,000 in ten years, to this company to run its line, when it is already under contract to run its line from New York—as far as I know it has no contract to run from New Orleans; but I see in the advertisement of the company that is running this line from New York that it is already constructing ships with a view of establishing a line between New Orleans and Brazil. So I have no question that the scheme here proposed will inure exclusively to the benefit of the company that is under contract with the Brazilian Government and is now asking for the bounty of this Government.

Mr. President, for one I shall not vote away the money of the people for any such purpose. If there is anything of which the people of this country have a right to complain it is the reckless manner in which their money has been squandered by appropriations of Congress. There never was a people, as I said a few days ago, on the face of this green earth whose resources have been so taxed as have been the resources of the people of this country for the last fifteen years. Why, sir, turn to the finance report—I have the financial report of 1873—and see what you have been drawing out of the people of this country. I have before me a statement of the expenditures of the United States from March 4, 1789, to June 30, 1873, by calendar years and fiscal years. I find that in 1859 the gross amount of expenditures of the Government was $83,678,642.92; in 1860, $77,055,125.65; in 1861, $85,387,313.08; in 1862, $505,667,563.74; in 1863, $899,815,911.25; in 1864, $1,295,541,114.86; in 1865, $1,906,433,331.37; in 1866, $1,139,344,081.95; in 1867, $1,093,079,655.27; in 1868, $1,069,889,970.74; in 1869, $584,777,996.11; in 1870, $702,907,842.88; in 1871, $691,680,858.90; in 1872, $682,525,270.21, and in 1873, $524,044,597.91.

Such have been the expenditures of the Government. If you will turn to the receipts of the Government you will find that the ordinary receipts were such as perhaps no country on earth has within the same period of time or within the same number of years ever collected from any people. I will not stop to read them. They have been drawn from the resources of the people of this country, and now, when we are trying to get back to something like the former condition of affairs and reduce the expenses of this Government as far as possible, it is gravely proposed in this bill to take $300,000 annually for ten years out of the public Treasury and give it to an individual who is engaged in ship-building, as a subsidy, as a gratuity, for what service will he render? He will carry the mail. That is the only service he proposes to render and that service is already rendered to the Government for $1,200 a year. There never was a proposition in my opinion more outrageous, one that had less regard for the public interest, one that ought to be more firmly and emphatically resisted by the members of the Senate.

Sir, the people of this country have patiently paid all the taxes that they have been required to pay. During the war they thought the exigencies of the situation required it and they became accustomed to the payment of large taxes; but there is a restlessness on the subject now, and deservedly so. There ought to be dissatisfaction in regard to it; the people of this country ought to watch the action of their public servants, and whenever they see that a public man is unmindful of their interests, they ought to dismiss him from their service just as any man would dismiss his steward or his agent, who was unfaithful to his trust. I wish a sentiment throughout the length and breadth of this land could be inaugurated that would induce the people of this country to watch with vigilance and with care the action of the members of Congress in reference to the appropriations of the public money, and I wish everywhere the sentiment would prevail that a man who has squandered uselessly in subsidies to private corporations, or to private individuals, the public money should receive from the people he represents, and the State he represents, the dismissal which, in my opinion, he deserves. Until the people take this matter into their own hands and vindicate their own rights as they can by holding to a just responsibility their public servants, their interests will never properly be cared for.

I have been too long in the Senate and have watched with too much interest the reckless squandering of the public money to be indifferent to it. I can do no more than simply cast my own vote in opposition; but when this proposition is made to take the public money and give it to Mr. Roach or to Mr. anybody else as a gratuity, I feel impelled to raise my voice, as well as cast my vote, in protest against such a measure.

Mr. EUSTIS. Having introduced this bill which has been incorporated in the post-route bill, and having listened to a great deal of adverse criticism upon this measure——

Mr. EDMUNDS. Will the Senator from Louisiana give way for a motion for an executive session?

Mr. EUSTIS. Yes, sir.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. HAMLIN. Before the Senator from Vermont makes that motion, will he allow me to say that I think the chairman of the Committee on Post-Offices and Post-Roads, who is now out of his seat, will ask the Senate to conclude this bill to-morrow.

Mr. PADDOCK. I hope the Senator from Vermont will delay his motion until the chairman of the committee in charge of this bill returns to the Chamber.

Mr. EDMUNDS. He is presumed to be here. It is said that he wishes it ended to-morrow. That is all right.

Mr. FERRY. Am I to understand a motion is made to go into executive session?

The PRESIDING OFFICER. That motion is pending.

Mr. FERRY. I find that there are several Senators disposed to discuss this question of the mail service between the United States and Brazil, and I am not willing to keep the Senate here late to-day unless they are disposed to sit it out. As I judge that that is not the disposition of the Senate, I merely give notice that I shall press a vote on this bill to-morrow.

Mr. PADDOCK. I should like to inquire if it would be in order to move for a recess until half past seven this evening.

Mr. EDMUNDS. Not just now.

The PRESIDING OFFICER. Not pending this motion. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eight minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 3, 1878.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of Saturday was read and approved.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty minutes past eleven o'clock a. m. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call joint resolutions and memorials of State and territorial Legislatures are in order.

SOLDIERS' CEMETERY, ANDOVER, MASSACHUSETTS.

Mr. BUTLER introduced a bill (H. R. No. 5076) authorizing the Secretary of War to deliver condemned cannon for ornaments to soldiers' cemetery at Andover, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIHU CHADWICK.

Mr. MITCHELL introduced a bill (H. R. No. 5077) for the relief of Elihu Chadwick, of Emporium, Cameron County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADVANCES TO UNITED STATES BY MARYLAND.

Mr. ROBERTS introduced a bill (H. R. No. 5078) to provide for paying the advances made to the United States by the State of Maryland; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SAMUEL CHASE BARNEY.

Mr. WALSH presented a resolution of the General Assembly of the State of Maryland relating to the restoration of Samuel Chase Barney, ex-lieutenant of the United States Navy, to the retired list; which was referred to the Committee on Naval Affairs.

JURISDICTION OF SUPREME COURT.

Mr. TUCKER (by request) introduced a bill (H. R. No. 5079) to declare the intent and meaning of section 709 of the Revised Statutes

of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LACON R. TILLMAN.

Mr. SMALLS introduced a bill (H. R. No. 5080) for the relief of Lacon R. Tillman, postmaster at Edgefield Court-House, South Carolina; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

A. DE LAPRIERE.

Mr. BELL introduced a bill (H. R. No. 5081) to increase the pension of A. De Lapriere, of Jackson County, Georgia; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WILLIAM A. CARSWELL.

Mr. COOK introduced a bill (H. R. No. 5082) for the removal of the political disabilities of William A. Carswell, of Georgia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WARRIOR AND TENNESSEE RIVERS RAILROAD.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 5083) to grant certain public lands in the State of Alabama in aid of the Warrior and Tennessee Rivers Railroad; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SHIP ISLAND TRANSFER COMPANY.

Mr. SINGLETON introduced a bill (H. R. No. 5084) authorizing the Ship Island Transfer Company to build wharves and railroad tracks, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

BOUNTY CLAIMS.

Mr. McMAHON introduced a bill (H. R. No. 5085) to enlarge the powers of the accounting officers of the United States in regard to bounty claims; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

KATE WILHARLITZ.

Mr. WILLIS, of Kentucky, introduced a bill (H. R. No. 5086) granting a pension to Kate Wilharlitz, of Louisville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE V. HEBB.

Mr. WHITTHORNE introduced a bill (H. R. No. 5087) for the relief of George V. Hebb; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JEFFERSONVILLE AND LOUISVILLE FERRY COMPANY.

Mr. RIDDLE (by request) introduced a bill (H. R. No. 5088) for the relief of the Jeffersonville and Louisville Ferry Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 643 OF REVISED STATUTES.

Mr. DIBRELL introduced a bill (H. R. No. 5089) to repeal section 643 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 860 OF REVISED STATUTES.

Mr. RANDOLPH introduced a bill (H. R. No. 5090) to amend section 860 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHANGE OF NAME OF STEAM-BARGE.

Mr. ALDRICH introduced a bill (H. R. No. 5091) to change the name of the steam-barge T. W. Snook to Alderman; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. BLAND introduced a bill (H. R. No. 5092) authorizing the issue of $50,000,000 in United States Treasury notes, to be applied to the payment for the improvement of the Mississippi River from Saint Louis, Missouri, to the Gulf of Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CREEK AND SEMINOLE LANDS.

Mr. CRAVENS introduced a bill (H. R. No. 5093) to regulate the prices of the Creek and Seminole lands ceded to the Government of the United States by the treaty of 1866; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALBERT A. GILBERT.

Mr. ELLSWORTH introduced a bill (H. R. No. 5094) granting a pension to Albert A. Gilbert, of Chesaning, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE MORELL.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 5095) to extend the provisions of an act entitled "An act to provide compensation for services of George Morell in adjusting titles to lands in Michigan;" which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

APPALACHIAN MINING ASSOCIATION.

Mr. WILLIAMS, of Michigan, also introduced a bill (H. R. No. 5096) to incorporate the Appalachian Mining Association of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN W. BOWEN.

Mr. WILLIAMS, of Michigan, also (by request) introduced a bill (H. R. No. 5097) for the relief of John W. Bowen, private of Company A, First District of Columbia Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT OF 5.20 BONDS.

Mr. CULBERSON introduced a bill (H. R. No. 5098) to restrain the Secretary of the Treasury from paying the outstanding 5.20 bonds except in legal-tender Treasury notes in accordance with the terms of the law under which they were issued; which was read a first and second time.

Mr. CULBERSON. I ask that the bill be referred to the Committee on Banking and Currency.

Mr. WOOD. As the bill relates to bonds of the United States it ought to go to the Committee of Ways and Means.

Mr. CULBERSON. I prefer that it should go to the Committee on Banking and Currency.

Mr. WOOD. I have no objection to that reference at this stage of the session; but the bill evidently belongs to the committee which has charge of the payment of the Government bonds and interest thereon, the Committee of Ways and Means.

Mr. CULBERSON. I insist on the reference to the Committee on Banking and Currency.

The bill was referred to the Committee on Banking and Currency, and ordered to be printed.

SETTLERS ON DES MOINES RIVER LANDS.

Mr. OLIVER introduced a bill (H. R. No. 5099) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TEST OF RIFLED GUNS.

Mr. BRAGG introduced a bill (H. R. No. 5100) to provide for the tests of certain heavy rifled guns in possession of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDEMNITY LANDS IN WISCONSIN.

Mr. POUND introduced a bill (H. R. No. 5101) to authorize the State of Wisconsin to select indemnity lands for the sixteenth sections and swamp and overflowed lands included within Indian reservations; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

GEORGE BROWN.

Mr. STRAIT introduced a bill (H. R. No. 5102) for the relief of George Brown; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PRE-EMPTORS.

Mr. STRAIT also introduced a bill (H. R. No. 5103) to extend the time for payment of pre-emptors on certain public lands in the State of Minnesota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLES E. MOLEN.

Mr. STRAIT also introduced a bill (H. R. No. 5104) for the relief of Charles E. Molen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT M'CAUSLAND.

Mr. PATTERSON, of Colorado, introduced a bill (H. R. No. 5105) for the relief of Robert McCausland, of Denver, Colorado; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NORTH BRANCH UNION PACIFIC RAILROAD.

Mr. KIDDER (by request) introduced a bill (H. R. No. 5106) authorizing the President of the United States to designate a company to construct the north branch of the Union Pacific Railroad, under the terms and conditions provided in section 17 of the "amended Pacific railroad bill," approved July 2, 1864, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. HALE. Has the morning hour expired?

The SPEAKER. It has; but the Chair will recognize, for the introduction of bills, gentlemen who were not in when their States were called.

LAURA HIBNER.

Mr. LAPHAM introduced a bill (H. R. No. 5107) granting a pension to Laura Hibner, widow of George Hibner, deceased, private in Company H, Thirty-third New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO HEMSTREET.

Mr. TOWNSEND, of New York, introduced a bill (H. R. No. 5108) for the relief of Alonzo Hemstreet, of North Easton, Washington County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WHEELER HUBBELL.

Mr. O'NEILL introduced a bill (H. R. No. 5109) for the relief of William Wheeler Hubbell; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

E. H. M. LIVELY AND S. H. ANDERSON.

Mr. GOODE, by unanimous consent, presented a resolution directing the Clerk of the House to pay to E. H. M. Lively and S. H. Anderson a balance due to them as pages of the House; which was referred to the Committee on Civil-Service Reform.

JOHN HUMPHREYS.

Mr. MARTIN introduced a bill (H. R. No. 5110) for the relief of John Humphreys, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES ALLENDER.

Mr. MARTIN also introduced a bill (H. R. No. 5111) for the relief of James Allender, of Preston County, West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FLEET MARINE OFFICER.

Mr. JONES, of New Hampshire, introduced a bill (H. R. No. 5112) regulating the rank and pay of fleet marine officer in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LANDS IN BATON ROUGE, LOUISIANA.

Mr. ROBERTSON introduced a bill (H. R. No. 5113) to relinquish title of the United States to certain lands occupied by the city of Baton Rouge, in Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

AWARDS OF ALABAMA CLAIMS COMMISSIONERS.

Mr. ELLIS (by request) introduced a bill (H. R. No. 5114) to provide for the payment of additional interest upon judgments rendered by the court of commissioners of Alabama claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTY ON TEA.

Mr. ELLIS also introduced a bill (H. R. No. 5115) to more justly equalize the burdens imposed upon the people for the support of the Government by levying and collecting a tax on tea; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

NATIONAL MONEY.

Mr. WRIGHT introduced a bill (H. R. No. 5116) to authorize the issue of $400,000,000 United States notes to be known as national money; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALEXANDER E. WOODIN.

Mr. CALKINS introduced a bill (H. R. No. 5118) granting a pension to Alexander E. Woodin, of Newton County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF MAIL CONTRACTORS.

Mr. CALKINS also (by request) introduced a joint resolution (H. R. No. 187) authorizing the Secretary of the Treasury to pay certain mail contractors; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOHN G. MERRITT.

Mr. STRAIT introduced a bill (H. R. No. 5119) granting a pension to John G. Merritt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH C. HESS.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 5120) to reimburse Joseph C. Hess, late lieutenant-colonel of the Nineteenth Regiment Pennsylvania Volunteer Cavalry, for money expended in raising and organizing said regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDEMNITY LANDS IN WISCONSIN.

Mr. POUND, by unanimous consent, presented (to accompany House bill No. 5101, introduced by him to-day) a letter of the Secretary of the Interior, transmitting certain papers relative to the claim of the State of Wisconsin for certain lands included in Indian reservations and recommending legislation thereon; which was referred to the Committee on Public Lands, and ordered to be printed.

ENGRAVING AND PRINTING OF GOVERNMENT ISSUES.

Mr. FORT, by unanimous consent, reported back from the Committee on Banking and Currency, with amendments, the bill (H. R. No. 1808) in relation to engraving and printing the Government issues; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

CHARLES FORD.

Mr. FORT also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Civil-Service Reform:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay Charles Ford $336 for his services in the Doorkeeper's department during the present session of Congress.

JAMES KIMMETT.

Mr. BRIDGES, by unanimous consent, submitted the following resolution; which was referred to the Select Committee on Reform in the Civil Service:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to James Kimmett, out of the contingent fund of the House, the sum of $18.13, being balance due him for services as messenger during the month of November, 1877, and the further sum of $41.66 for services as messenger in the Doorkeeper's department from December 1, 1877, to December 15, 1877.

DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on Appropriations, reported a bill (H. R. No. 5117) making appropriations for the fiscal year ending June 30, 1878, and prior years, and for matters heretofore permanent, and for reappropriations and for other purposes; which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

Mr. EDEN and Mr. CONGER reserved all points of order upon the bill.

Mr. BLOUNT. I give notice that on Wednesday next I shall endeavor to get the House to proceed to the consideration of this bill.

ALLEGED FRAUD IN PRESIDENTIAL ELECTION.

Mr. MORRISON submitted the following resolution:

Resolved, That the select committee on alleged frauds in the late presidential election be authorized to have printed from time to time for the use of the committee and the House the testimony taken by said committee.

Mr. CONGER. If it includes all the testimony, I have no objection.

Mr. MORRISON. Of course it includes all.

Mr. CONGER. Then say "all the testimony."

Mr. MORRISON. It means that, and says so.

The SPEAKER. "The" testimony means "all."

Mr. CONGER. It does not say "the testimony;" it says "testimony."

Mr. MORRISON. It does say "the testimony."

Mr. CONGER. It was not read so by the Clerk.

The SPEAKER. It will be read again.

The Clerk again read the resolution.

Mr. CONGER. Let the resolution be modified so as to provide for printing "all the testimony."

The SPEAKER. Does the gentleman from Illinois [Mr. MORRISON] accept that suggestion?

Mr. MORRISON. That is a mere whim; the resolution means that now.

Mr. CONGER. If that is not put in I must object to the resolution.

Mr. MORRISON. Put in anything you want; you will get all you want before it is done, probably.

The resolution was modified accordingly, and, as modified, was adopted.

Mr. McMAHON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GALVESTON HARBOR, TEXAS.

Mr. GIDDINGS. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of Senate bill No. 134, making further appropriations for continuing the improvements of Galveston Harbor, State of Texas, and that it be now considered by the House.

The SPEAKER. The bill will be read.

The bill appropriates the sum of $75,000 for the purpose of continuing the improvements of Galveston Harbor, in the State of Texas, which improvements are now being prosecuted under the direction of the Secretary of War, and the appropriation for which is substantially exhausted, and that the said $75,000 be expended under the direction of the Secretary of War.

Mr. EDEN. Was there not an appropriation for this harbor made in the river and harbor bill?

Mr. GIDDINGS. This is to be deducted.

Mr. GARFIELD. There is nothing in this bill that will require the amount to be deducted from that appropriation.

Mr. GIDDINGS. It is to be deducted.

Mr. REAGAN. The Senate committee has reported an amendment

to the river and harbor bill reducing the item for Galveston Harbor $75,000, because this bill had passed the Senate. If this bill shall also pass the House the river and harbor bill will be amended accordingly.

Mr. GARFIELD. If that agreement is carried out, it will be all right.

The SPEAKER. The Chair has a letter from the Senator from Texas [Mr. MAXEY] distinctly affirming that arrangement.

There being no objection, the bill was taken from the Speaker's table, ordered to a third reading, read the third time, and passed.

Mr. GIDDINGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURCHARD. I now ask the House to proceed to the consideration of the unfinished business of Saturday last.

Mr. FORT. I desire to make a report.

Mr. BLAND. I desire to move a suspension of the rules.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] is not first in order on the list. The Chair will recognize him when his name is reached.

Mr. BLAND. Then I call for the regular order.

Mr. FORT. I wish to make a report from a committee. It will take but a moment.

Mr. BURCHARD. If the Chair will recognize me to call up the unfinished business, being the bill on which the House was engaged last Saturday——

The SPEAKER. The Chair will recognize the gentleman to test the sense of the House upon that, because it is a public bill, in course of consideration, and strictly within the rules.

Mr. BURCHARD. I move to suspend the rules for the purpose of taking up the internal-revenue bill.

Mr. HOOKER. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Is it in order for the gentleman from Illinois [Mr. BURCHARD] to make such a motion now?

The SPEAKER. It is.

Mr. HOOKER. This is the day for moving a suspension of the rules.

The SPEAKER. And the gentleman from Illinois [Mr. BURCHARD] makes that motion.

Mr. HOOKER. Does he stand first on the list to make such a motion?

The SPEAKER. He moves to suspend the rules for the consideration of a public bill. The Chair has frequently stated that he would recognize such a motion on Monday, simply informing the member making the motion that it requires a two-third vote to carry it. It is upon the principle that public business should be considered in preference to private business.

Mr. TOWNSHEND, of Illinois. Other gentlemen have matters of public business which they would like to bring up on motions to suspend the rules.

The SPEAKER. This bill is unfinished business, which gives it an additional claim.

The question being taken on the motion of Mr. BURCHARD, there were—ayes 159, noes 17.

So (two-thirds voting in favor thereof) the motion was agreed to.

AMENDMENT OF THE INTERNAL-REVENUE LAWS.

The House accordingly resumed, as in Committee of the Whole on the state of the Union, (Mr. CARLISLE in the chair as Speaker *pro tempore*,) the consideration of the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

The Clerk read the next section of the bill, as follows:

SEC. 6. That whenever, under the provisions of section 3309 of the Revised Statutes, an assessment shall have been made against a distiller for a deficiency in not producing 80 per cent. of the producing capacity of his distillery as established by law, or for the tax upon the spirits that should have been produced from the grain or molasses found to have been used in excess of the capacity of his distillery for any month, as estimated according to law, such excessive use of grain or molasses having arisen from a failure on the part of the distiller to maintain the capacity required by law to enable him to use such grain or molasses without incurring liability to such assessment, and it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue that said deficiency, or that said failure, whereby such excessive use of grain arose, was not occasioned by any want of diligence or by any fraudulent purpose on the part of the distiller, but from misunderstanding as to the requirements of the law and regulations in that respect, then, and in such case, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal made to him, to remit or refund such tax, or such part thereof as shall appear to him to be equitable and just in the premises: *Provided*, That no tax shall be remitted or refunded under the provisions of this section upon any assessment heretofore made for material used in excess of capacity prior to the 6th day of September, 1875, nor upon any assessment, whenever made, for any such deficiency which has heretofore occurred.

Mr. PRIDEMORE. I move to amend by adding to this section the following:

Provided further, That no arrearages shall be charged against any distiller of fruit for any failure to maintain the required capacity, unless the Commissioner shall, within twenty days after the date of each monthly report, notify such distiller of such failure so to maintain the required capacity.

Mr. BURCHARD. I hope the gentleman will explain the object of this amendment.

Mr. PRIDEMORE. Any one familiar with the mode of proceeding in regard to these reports will understand that in various cases which have arisen distillers, after making their monthly reports and winding up their business, have had their accounts overhauled at the Department and have been compelled at the end of two or three years to pay arrearages of which they had had no notice. The object of the amendment is to protect the distiller from such claims for arrearages unless the Commissioner of Internal Revenue shall within twenty days after the monthly report notify the distiller that he is failing to maintain the required capacity.

I think that the section as reported is intended in part to provide for the evil of which I complain; but it does not fully do so. I think it is absolutely wrong, when a distiller has sold the proceeds of his still and wound up his business, for the Department after a period of two or three years to charge him with these arrearages of which he has had no notice.

Mr. BURCHARD. I have no objection to some limitation of this kind; but I think twenty days would be too short a period.

Mr. PRIDEMORE. I will accept a month.

Mr. BURCHARD. No, I think a month would be too short.

Mr. PRIDEMORE. What time would the gentleman think sufficient?

Mr. BURCHARD. I would say six months.

Mr. PRIDEMORE. That is entirely too long. I will compromise with the gentleman by saying three months.

Mr. BURCHARD. Very well.

Mr. PRIDEMORE. Three months will surely be long enough.

Mr. BURCHARD. In any shorter time than three months the necessary examinations might not be made at the Department.

The amendment, as modified by striking out "twenty days" and inserting "three months," was read.

Mr. BURCHARD. I suggest that the amendment be further modified by inserting "receipt" instead of "date."

Mr. PRIDEMORE. I have no objection to making that modification.

The amendment, as modified, was agreed to.

Mr. BANNING. I wish to ask the gentleman from Illinois, in charge of the bill if he would have any objection, in line 27, to striking out "75" and inserting "74;" so it will read:

That no tax shall be remitted or refunded under the provisions of this section upon any assessment heretofore made for material used in excess of capacity prior to the 6th day of September, 1874.

Mr. BURCHARD. The object of fixing the date the 6th of September, 1875, was to cover cases where the order was made by the Commissioner of Internal Revenue in regard to the use of the excess of material over the capacity of the distillery. Those cases were recommended for relief by the Commissioner of Internal Revenue, as will be seen by examination of his annual report. On examination of the facts the committee were of the opinion that relief should be granted, but that it should not open up all cases where there had been a deficiency of excess above the capacity prior to that time through the fault perhaps of the distiller. In the cases included here it was the fault of the office itself, and therefore it is only right to grant relief.

Mr. BANNING. I move to strike out the words that I have indicated, and I do it for the reason that if it is proper to relieve persons since that time it would be equally proper to relieve persons prior to that time, and I hope gentlemen will not object to striking the words out.

Mr. HANNA. I move to amend by striking out "6th day of September" and inserting "the 1st day of January, 1875;" so it will read "the 1st day of January, 1875;" and I will state briefly my reason for it.

The SPEAKER *pro tempore*. That is not an amendment to the amendment, but an amendment to the original text of the bill, and is not now in order, but will be in order after the amendment of the gentleman from Ohio is disposed of. The first question is on the adoption of the amendment of the gentleman from Ohio.

Mr. BURCHARD. The object of the amendment in the bill is explained in the annual report of the Commissioner of Internal Revenue, on page 41, which I ask the Clerk to read. The gentleman from Ohio proposes to include cases having no relation to those provided for in the bill.

The Clerk read as follows:

On the 6th of September, 1875, after much careful consideration, Hon. D. D. Pratt, then Commissioner, issued circular No. 165, concerning the method of determining the quantity of grain actually used by a distiller. The matter under consideration was the proper construction to be given to the word "used" in section 3309 of the United States Revised Statutes, and said circular was based upon the idea that the proper construction of that word was that the material was to be considered used, not when it was mashed, but when alcoholic spirits, having been properly developed, were separated therefrom by distillation; and for the purpose of giving force to this construction, distillers were required to make return of the quantity of grain or molasses, in bushels and pounds or gallons, on hand in mash at the beginning of the month, to which was to be added that put into mash during the month, and from this total was to be deducted the quantity on hand in mash at the end of the month, the remainder being the quantity shown to be used during the month. After this regulation went into effect a number of distillers throughout the country, in due course of operating their distilleries, found it necessary to reduce the capacity of their distilleries, and, in doing so, omitted to maintain a sufficient amount of daily fermenting capacity to equal the quantity of beer to be distilled that was fermented on the days immediately prior to the date of the change of capacity, so that at the end of the month, when the Commissioner of Internal Revenue, under section 3309, proceeded to inquire and determine whether

the distiller had accounted for all the grain or molasses used, it was discovered that the sum of the different daily capacities of the distillery for the several working days of the month was not equal to the sum of the various quantities distilled on the several working days of the month, so that a quantity of material had been used in excess of the total capacity of the distillery. In such cases assessments were made for an excessive use of material under the provisions of said section 3309.

Abatement claims have been filed in these cases, and I have endeavored to give the subject very careful consideration. The distillers might have avoided the assessments by simply omitting to mash a quantity of grain equal to the proposed reduction of capacity from day to day during a fermenting period, retaining their surveyed capacity, so that they might lawfully distill the full amount of material previously fermented by them, and then, at the end of said fermenting period, they might have reduced the capacity of their distilleries to the amount of the reduced quantity of grain daily mashed by them, but, instead of doing this, an immediate reduction of capacity was made, with the result named.

I regard the payment of these assessments as a great hardship upon the distillers, and, if I had found warrant of law for doing so, I would have abated them; but I have felt constrained to hold, and have held, that where a tax is legally assessed I could not, under the provisions of section 3220, take equitable jurisdiction of the case and remit it. I have authorized collectors to delay the collection of these assessments until the matter could be presented fairly to the consideration of Congress. At the last session of Congress a bill was introduced in the House of Representatives, numbered 4630, the second section of which made provision to remit and refund assessments of this character. I have the honor to respectfully recommend that an act similar in terms to said section be passed by the present Congress.

Mr. HANNA. I wish to support the amendment of the gentleman from Ohio, although it reaches a little further back than would subserve the interest of parties in interest in my district. I take it the true rule is to require the Government to collect tax on the actual number of gallons of whisky made; and in any case where, upon incorrect estimate, the Government collects more tax than actual gallons made, the parties ought to have relief. I have a case in my own district, which occurred between the 1st of January, 1875, and the 6th day of September, where there was an absence of fraud, where the party, if the old law was enforced, would be required to pay more money than the Government would be entitled to upon the actual number of gallons of whisky distilled. It does seem to me to be nothing but right and just that the Government should not seek to cover with tax more than the number of gallons manufactured on any single day. The only difference between the amendment of my friend from Ohio and mine is this: the amendment I sought to make would fix the 1st of January, 1875, while his fixes the 6th day of September, 1874. If a case reaching back to the 6th of September, 1874, stands upon the same footing as a case in 1875, where the party did not manufacture the whisky the Government is seeking to cover with tax, it does seem to me only right and proper the party should have relief.

In the case I have in my own mind from my own district I have forborne thus far to offer a bill for private relief, hoping when we come to consider this general bill relief would be furnished certainly to go back to the 1st of January, 1875, or the 6th of September, 1874. Where a meritorious case is presented to the Government where there is an absence of fraud it is nothing but right and just the party should have relief where they have paid tax on a false basis or where they have a case pending in which they are praying for relief. The case I have in my own mind is where a case was pending before the Commissioner for relief and the answer of the Commissioner was, under no existing law could he give relief. So I shall be driven either to report a private bill or have this bill so amended that relief could be furnished. I stand myself on the general principle that going back to the 1st of January, 1875, is not going back too far—is not opening the door for the readjustment of matters which it is claimed are settled, for the reason those cases are not settled.

There are cases pending before the Commissioner where the parties are praying for relief, and I think it would be just and right between the Government and the citizen in that class of cases that this law, general in its provisions, should meet all these special cases.

Mr. FORT. I desire to ask my colleague [Mr. BURCHARD] why he limits the time at all. One of my constituents has been thus fleeced of several hundred dollars before the time mentioned in the amendment of the gentleman from Ohio; and I do not see why, when the Government has collected money from any citizen, and confesses it was wrongly collected, it should not pay that back without regard to time. I trust my colleague will consent to an amendment that will allow any money to be paid back which has been wrongly collected since this order was made. I think in equity we should do that.

As the law now is, nobody can blame any distiller for being dishonest. He is compelled to be dishonest to make his accounts balance at the end of the year; because the Commissioner of Internal Revenue admitted to me this was robbing men of money that they had no right to pay, but he was not authorized under the law to return it. Now how can you expect citizens to be honest when the Government treats them in that way? He said to me: "The money has been collected from your constituent and he has paid all the taxes the Government requires, but I am helpless under the law and cannot refund the tax." I say this great Government should not attempt to rob its citizens in any such manner as that. I hope the section will be amended so as to apply to all cases, going back as far as the time when this order was originally made.

Mr. BURCHARD. I rise to oppose the amendment. This section I regard as one of the best remedial sections in the bill. One way of ascertaining the amount of tax to be paid by the distiller to the Government is to take his report of the amount and the report also by the officers of the amount actually produced. In some countries the tax is assessed on the distillery simply according to its capacity, without regard to production. The distillery is licensed and pays a tax according to its capacity. Now our system combines the two methods. We take the actual production and we also take the capacity and require the distiller to produce 80 per cent. of that and to pay the tax on 80 per cent. of the capacity, whether he produces it or not. That has been the law and there has been no relief whatever. His only remedy, if he failed to produce 80 per cent., was to come to Congress for relief.

We propose by this section to give the Commissioner power in certain cases to relieve where there is a failure to produce the 80 per cent. of the capacity or where the distiller has used grain or molasses in excess of the capacity. We propose to authorize the Commissioner to give relief in those cases where the failure does not occur through the fault or negligence of the distiller, but has occurred as the result of an unavoidable accident. That we make the general law for the future. That was proposed by the committee having this matter in charge; but the Commissioner recommended in his report that, in addition to a provision for the future which we had agreed upon, we should relieve these cases where there had been assessment for the excess of the capacity over the amount actually produced. We put in, therefore, a proviso giving relief for the past in cases which had occurred under that order and where the money had been actually paid into the Treasury on assessments that have been made in the past. We do not think that money should be refunded or paid back, because that has been the law for the last ten or twelve years. Personally I would have no objection to remove the limitation—it will refund to these men half a million dollars—if the House thinks it right to do that.

Mr. FORT. It does not amount to half a million dollars.

Mr. BURCHARD. I desire only to explain what our purpose was, what the object of the limitation was and the extent to which it went.

Mr. FORT. There is no half million of dollars that ought to be refunded. But it is no reason for justice not being done that it is a large amount which is involved. This is no fault of the distiller at all. It is the fault of the order and the fault of the law. The Commissioner of Internal Revenue told me that the distiller could not help it. I move to strike out the whole proviso.

Mr. VANCE. That is correct.

Mr. BURCHARD. This proviso as we have worded it covers all the cases under the order to which my colleague refers. The order was made on the 6th of September, 1875. We go back to the date of that order. But as regards assessments and payments for a failure to produce the 80 per cent. capacity, those occurred under the law. The law said to the distiller, "You must produce 80 per cent."

Mr. FORT. But the law was wrong and the distiller could not help himself.

Mr. BURCHARD. It has been the law for ten years. That was one of the costs of producing the spirits; and we propose to make the law conform to the principle which I think is right as stated by the gentleman from Indiana, [Mr. HANNA,] namely, that the distiller should pay on the amount actually produced and that the 80 per cent. capacity rule should be used as a test and a check upon him to indicate what he ought to produce.

But if he fails to produce it, and the failure is his own fault or negligence, then he should pay the tax; if it is not his fault, then he should not pay it.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. FORT. At the proper time I desire to move to strike out the proviso.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for that purpose, when the pending amendment has been disposed of.

Mr. BANNING. As the gentleman from Illinois [Mr. FORT] desires to move to strike out the proviso I will withdraw my amendment.

Mr. HANNA. I would suggest to the gentleman from Ohio [Mr. BANNING] that we had better strike out what he moves to strike out, as that is the only part that is retroactive.

Mr. BANNING. Very well; let the amendment be voted on.

Mr. VANCE. I move to amend the amendment so as to make it the 1st day of January, 1874, instead of the 6th day of September, 1875.

The SPEAKER *pro tempore*. That is an amendment to the text of the bill, just as the amendment of the gentleman from Ohio [Mr. BANNING] is to the text of the bill.

Mr. BANNING. Can I offer it as a substitute for his motion?

The SPEAKER *pro tempore*. The gentleman from North Carolina [Mr. VANCE] may move to strike out more than the gentleman from Ohio [Mr. BANNING] moves to strike out, and to insert something in its stead.

Mr. TUCKER. I would suggest to the gentleman from Illinois [Mr. FORT] that to strike out the entire proviso would leave open to adjudication all claims for remission or refunding of such taxes as have been collected from the time the internal-revenue laws first went into force. I would suggest that it would be well to have some limitation, say five years.

Mr. HANNA. As the gentleman from Virginia [Mr. TUCKER] has

given the matter more attention than I have, I would ask him this question: suppose the proviso is stricken out; do I understand the gentleman to say that by the provisions of this section the doors would be open for all parties feeling aggrieved to go back indefinitely?

Mr. TUCKER. I think so.

Mr. HANNA. With all due respect, I think he is in error. I think this section would apply to cases arising hereafter.

Mr. TUCKER. The section provides—and I call the attention of the gentleman to the exact words—"that whenever under the provisions of section 3309 of the Revised Statutes, any assessments shall have been made against a distiller for a deficiency," &c. The section does not read "whenever an assessment shall be made," but "shall have been made;" so that it would apply retroactively to all cases.

Mr. KEIFER. I do not see any reason for this proviso. I do not see why, if we should go back three years and refund such taxes, we should not go all the way back. I understand it will not take a very large sum. If the law has been unjust in the past, let us correct it. It is not retroactive, as the gentleman from Virginia [Mr. TUCKER] suggests, to remedy that which is wrong.

I have two cases in my mind where men have paid capacity taxes. In the one instance the distillery was stopped by an unseasonable overflow, which prevented the owner from running his machinery at all; he could do nothing at all. In that case he paid over $4,000 capacity tax. I know another case where a man was compelled to pay a capacity tax, not from any fault of his own, but because his machinery broke down. It that case he paid $1,900, and the Government has taken that money from these men.

Mr. DENISON. The distillers have made it up out of others.

Mr. KEIFER. The gentleman suggests that they may have made it up out of the balance of their productions. If he means that because the Government can get an advantage over one man and not over all who are engaged in the same kind of business, and if he means that that is dignified, proper, and just in a great nation, then all I have to say to him is that if he thinks so it may be well enough for him, but my poor capacity will not allow me to view it in that light at all.

I have referred to these cases where misfortunes overtook the men who are engaged in this business. By this bill they will be cut off absolutely from all remedy. Besides paying the tax, they were subjected to other misfortunes for which they were not responsible.

My suggestion is that if we are going to remedy for three years back these things which are pronounced wrong, then let us go back further and correct all the wrong.

Mr. TUCKER. How long would the gentleman go back?

Mr. KEIFER. I would go back indefinitely.

Mr. CANNON, of Illinois. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. CANNON, of Illinois. If this tax has been collected under a general law for ten or twelve years, is it not true that distillers have charged any losses they have made in their business as a rule upon their customers; and have they not been reimbursed for all those losses and have not the people paid them? If that is true, is not the proposition of the gentleman from Ohio [Mr. KEIFER] an effort merely to pass through a lot of claims for the benefit of individual distillers, when the people have borne all the losses which the distillers have sustained?

Mr. KEIFER. I understand the gentleman to suggest that because distillers generally have charged higher rates by reason of their losses and of the unjust taxes collected by the Government, he would still insist that the individuals who have been engaged in this business, and some of whom have been destroyed by reason of the operation of the law, should continue to suffer from it. Now, I do not think so.

Mr. BANNING. In order to accommodate all gentlemen, I desire to modify my amendment in accordance with the suggestion of the gentleman from Illinois, [Mr. FORT,] and strike out all after the word "premises" in the twenty-third line. I do this because I think the argument of the gentleman from Illinois [Mr. BURCHARD] in charge of the bill must have satisfied every member of the House that it is right to make this modification. He says that these taxes have been wrongfully collected, and that in the future these wrongfully collected taxes should be refunded. If it was wrong to collect this tax for a year or two years or three years, then it has always been wrong; and the tax ought to be refunded to these men who pay so much for the support of the Government.

Mr. BURCHARD. The gentleman will allow me to say that I certainly was unfortunate in conveying my ideas if I gave the impression by any remarks of mine that this tax has been heretofore unjustly collected. The law up to this time has required the production of 80 per cent. of the distilling capacity; and if the distiller after the capacity of his distillery is ascertained and his tubs are opened does not mash a pound of grain for a month, the law as it has been compels him to pay the tax. Now we propose as to the future to modify the law and say that the 80 per cent. capacity hereafter shall be only as a check or test in order to detect whether the distiller is guilty of fraud. But it is an entirely different proposition that, because you thus change the law in reference to the future, the distiller shall be entitled to have refunded to him the taxes which have been collected under the law as it has stood.

Mr. BANNING. I think I did not misunderstand the gentleman. He says that whether the whisky was produced or not, whether there was anything upon which the tax should have been levied or not, the distiller has been made to pay taxes to the amount of the capacity of his distillery. It is now admitted that such collection of taxes was wrongful, and as a remedy it is proposed to declare in this bill that no such tax shall be collected hereafter. I say that certainly this has been a wrongful collection of the tax from the beginning, and that if it is right to remedy the matter for the future, then it is right to remedy it for the past.

Mr. ELLSWORTH. Will the gentleman allow me to make a suggestion? This amendment is manifestly wrong, unless the Internal-Revenue Bureau has help enough to keep up its business. Now, as I understand, there is no Department or bureau of the Government that can keep its business up within three months.

Mr. BANNING. I do not see what this has to do with the question of help in the Internal-Revenue Bureau. This is a question of helping the distiller to his rights.

Mr. ELLSWORTH. Under the provision already adopted these arrearages with reference to the capacity of distilleries cannot be charged against the distiller after the lapse of three months from the filing of his report. Now if the bureau cannot keep up its business within three months then of course there never will be any collection of these taxes, however much fraud may be committed by the distiller.

Mr. BANNING. The argument is that if the Government has not force enough to keep up with its work any tax wrongfully collected from a distiller must be retained by the Government, but if more help is provided, so that the Government can keep up with its work, then the tax may be paid back.

Mr. ELLSWORTH. That is not a fair statement of the argument.

Mr. BANNING. I do not see the logic of this reasoning. It seems to me this is a simple question of justice to the distiller.

Mr. TUCKER. Will my friend from Ohio [Mr. BANNING] permit me just a moment? I suppose that he accepts my suggestion as to providing that no claim for remission or refunding of taxes shall extend back of the 1st of January, 1874. That is nearly five years, and I think it must meet the views of all gentlemen here.

Mr. BANNING. That would be quite satisfactory to me, but the cases mentioned by my friend from Illinois and my friend from Ohio [Mr. KEIFER] would not be cured by such an amendment, as I understand.

Mr. VANCE. Will the gentleman from Illinois [Mr. BURCHARD] agree to the 1st of January, 1873?

Mr. BURCHARD. Oh, I cannot agree to that. Let the House vote on the question. I do not desire to oppose any proposition which the House may think ought to prevail.

Mr. ELLSWORTH. The bill is right as it is.

Mr. BURCHARD. That is what I think.

Mr. VANCE. May I not offer an amendment to fix the 1st of January, 1873, instead of September 6, 1875?

The SPEAKER *pro tempore*. The gentleman has a right to move any amendment to perfect the text before the vote is taken on the motion to strike out.

Mr. VANCE. I move, then, to amend by inserting January 1, 1873.

Mr. KEIFER. I wish to suggest that there is no equity in fixing arbitrarily a time within which persons having equitable claims against the Government——

Mr. VANCE. I suggest to the gentleman that after the text is perfected he can move to strike out.

Mr. KEIFER. I do not want to perfect the text; I prefer that it should be struck out in its present condition.

Mr. BROWNE. I think that the provision of the bill as reported is just as it should be. Certainly for more than ten years every one who has engaged in the business of distilling spirits has accepted authority to do so with the knowledge that he would be compelled to pay tax upon 80 per cent. of the producing capacity of his distillery. He must pay the tax on all spirits distilled; but whether he produces the spirits or not he must pay upon 80 per cent. of the capacity of his distillery. Every distiller in this country for more than ten years has paid upon that basis, and every man who has engaged in it has engaged in it with the full knowledge that he would be compelled to pay the tax upon 80 per cent. of the capacity of his distillery, whether the spirits are produced or not. That he has so paid is no injustice to him; it was the law, and he knew it was the law.

Mr. FORT. At that time there may have been a change of capacity so it was impossible to make 80 per cent. from the distillery, and as it takes three days for the beer to go through the tubs, during that time the distiller is compelled to submit to this robbery in being taxed upon a greater capacity than that possessed by the establishment.

Mr. BROWNE. That may be true, Mr. Speaker, but the men who engaged in the business knew the difficulties by which they might be surrounded if they undertook to do business with the law as it then was. What I understand the truth to be is that these distillers do not complain up to the 6th of September, 1875, that they have been thus assessed.

Several MEMBERS. Yes, they do.

Mr. BROWNE. Well, perhaps they complain that they have been compelled to pay any tax at all; I do not know but what they do; but I state it as a fact that the evil sought to be remedied here is just this: on the 6th of September, 1875, the Commissioner of Internal Revenue, Mr. Pratt, issued an order in regard to the duty of distillers when they gave notice of a change in the capacity of their distilleries, and I undertake to say, having examined the law under the light of the facts, that when the Commissioner of Internal Revenue issued that order it produced confusion; the revenue officers did not comprehend it and the distillers themselves became confused and in almost every case which transpired under it mistakes were made and distillers compelled to pay in excess of the amount of tax imposed by law. The provision in this section in its operation is limited to that date simply for the purpose of taking up and curing the evils which occurred under that order. So far as the law was concerned antecedent to that date, the fixing of the tax upon 80 per cent. of the capacity of the distillery, it was the law and it remained the law, and the distillers knew exactly what to expect under it. The other was not a law, but merely an interpretation of a law which confused everybody. If this provision is stricken out and the proviso is made retroactive so as to cover all cases which occur in ten years, it will almost bankrupt the Treasury.

Mr. HANNA. I wish to make but one suggestion in reply to my colleague. He talks about this bankrupting the Treasury of the United States. If he will turn to the Revised Statutes, on page 664, and read section 3309, he will find the section as amended and perfected was passed in June, 1872. It is true there have been some provisions commencing back to 1868, but the section as perfected was passed in June, 1872. I say the distillers generally could not have known what the law was much before the 1st of January, 1873, because the laws were not generally distributed among the masses before that time. I submit, if the committee will accept the 1st of January, 1873, or I will say 1874, manifest justice would be done and the Treasury will not be made bankrupt. There will be nothing taken out of the Treasury that in my judgment lawfully went into the Treasury. That is what we are getting at; we want to deal justly with every class of tax-payers, whether engaged in the manufacture of whisky, or tobacco, or anything else upon which the Government collects taxes.

Mr. BURCHARD. Let me suggest that this provision is older than 1872. It is part of the original law.

Mr. HANNA. If you will take up the act of 1868, and then the act of 1869, and then the act of 1872, you will find it was not until the perfecting of section 3309 that you will find this provision "provided the actual product shall be deemed to be in no case less than 80 per cent." Now, it is since 1872 that this class of cases has sprung up and been brought before Congress and the Commissioner of Internal Revenue, parties claiming relief for overtaxation. If we will take either 1873 or 1874 we will then only include the meritorious cases, and that we ought to do. I thought upon the first reading of this section if you struck out all after the word "provided" there would be no relief at all, but on more careful examination I think all persons would be relieved because the section as drawn is in fact retroactive. I should be glad to agree to the 1st of January, 1874.

Mr. BURCHARD. I am on the floor and believe I will demand the previous question.

The SPEAKER *pro tempore*. Debate is exhausted.

Mr. BURCHARD. I wish to make a suggestion. The gentleman must be mistaken in regard to the law as to 80 per cent. of capacity not being the test prior to 1872. They were required to produce 80 per cent. under the act of 1868 as well as the act of 1872. I ask for a vote.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from North Carolina, [MR. VANCE.]

The amendment was again read, as follows:

In lines 26 and 27, strike out "6th day of September, 1875," and insert in lieu thereof "1st day of January, 1873."

The question being taken, there were—ayes 20, noes 54.

So (further count not being demanded) the amendment was not agreed to.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 3546) to change the name of the steamboat D. A. McDonald to Silver Wave;

An act (H. R. No. 314) to confirm the term for the period of seventeen years from the date of its original grant of the patent of Thomas A. Weston;

An act (H. R. No. 3373) for the relief of settlers on the public lands under the pre-emption laws;

An act (H. R. No. 4549) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1879, and for other purposes;

An act (H. R. No. 3369) to provide for the publication of notices of contest under the homestead, pre-emption, and tree-culture laws of the United States;

A joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa;

An act (H. R. No. 4713) supplementary to the act of March 3, 1873, entitled "An act supplemental to the act of February 9, 1821, incorporating Columbian College, District of Columbia;"

A joint resolution (H. R. No. 178) to pay the laborers known as cloak-room men and to place them on the Doorkeeper's roll; and

An act (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes.

INTERNAL-REVENUE.

The House resumed the consideration of the bill to amend the laws relating to internal-revenue.

Mr. TUCKER. I will now propose, looking to the sentiments which have been expressed, to amend the proviso by striking out the word "heretofore," in line 25, and all after the word "made," and inserting "prior to January 1, 1874;" so that it will read:

Provided, That no tax shall be remitted or refunded under the provisions of this section under any assessment made prior to January 1, 1874.

Mr. KEIFER. I wish to ask the gentleman from Virginia a question. Why should we grant relief to men who were required to pay this tax in 1874 and not to those who paid it in 1873? What difference is there between them?

Mr. TUCKER. I am about to answer that question. It is in accordance with the principle of the statute of limitations. If you go further back there is greater room for fraud. If you go back to January, 1874, only, the transaction is more recent and is more capable of explanation.

Mr. KEIFER. I wish to make a suggestion in answer to the gentleman from Virginia, [Mr. TUCKER.] He suggests that his amendment is in the nature of a statute of limitations. How can this be? If these people who have paid a tax unjustly have never had the right to apply for its return, can it be said they are cut off by a statute of limitations? The gentleman's proposition is to give to all persons who have been compelled to pay such a tax since January 1, 1874, the right to recover it back; but persons who paid such a tax before that time and who have never had a right to make a claim for its return, are to have their claims cut off by what the gentleman chooses to call a statute of limitations. Statutes of limitations are made to cut off rights or remedies where they exist. It is a hard rule to say to persons who have just and equitable claims against the Government, but who never had the right to present them under any general law, that their claims are too old for payment, and others who have similar claims but of a more recent date should be paid or have the tax unjustly collected refunded. If it is right to pay any of this class of claims they should all be paid. You might very properly say to the persons who claim they have paid tax on account of whisky or spirits which they never manufactured, that they must present their claims within a particular time to the Commissioner of Internal Revenue or have them forever barred.

It is a singular thing to apply the statute of limitations to cut off rights or remedies when they never existed. A party should at least have a short day in which to assert his rights if any he had. If we pay any of the tax on spirits wrongfully or unjustly collected, we should pay it all. It may be unwise to repay any of such tax.

Mr. TUCKER. While I do not agree with the stringent views of some gentlemen who contend that the law fixes a tax on what these men did not make, yet that was the law; and now we propose to relieve from the stringencies of a previous legal provision. The question is, how far shall we go back to allow these parties to be paid back out of the Treasury what they paid in under legal provisions? And I say if you go back to the 1st of January, 1874, you will be going as far back as I think is proper.

Mr. BROWNE. Are there any reasons for the relief going back to the 6th of September, 1875, that do not apply to any antecedent date?

Mr. TUCKER. I think there are.

Mr. BROWNE. I would like to hear them.

Mr. TUCKER. My colleague from Illinois [Mr. BURCHARD] has already explained the reasons. I leave the matter, so far as that is concerned, in his hands.

Mr. BURCHARD. I think the House understands that. This is intended to afford relief for what took place under the order made by the Commissioner, which the office is now satisfied was a mistake. To give that relief is the intention of the section.

Mr. CANNON, of Illinois. Is it in order now to move to strike out the proviso?

The SPEAKER *pro tempore*. That motion is now pending.

Mr. CANNON, of Illinois. Would it be in order to move to amend in line 3 by striking out "have been" and inserting "be;" so that it will read:

That whenever under the provisions of section 3309 of the Revised Statutes an assessment shall be made against a distiller, &c.?

The SPEAKER *pro tempore*. That amendment would not be in order till a vote is taken on the amendment of the gentleman from Virginia, [Mr. TUCKER,] which applies to the proviso of the section.

The question being taken on Mr. TUCKER's amendment, there were—ayes 52, noes 41.

So (further count not being demanded) the amendment was adopted.

The question recurred on Mr. BANNING's motion to strike out the proviso; and being taken, there were—ayes 21, noes 64.

So (further count not being demanded) the motion was not agreed to.

Mr. CABELL. I offer the following amendment:

In line 7, after the word "molasses," insert the words "or fruit;" in line 9, after the word "molasses," insert the words "or fruit;" in line 15, after the word "grain," insert the words "or molasses or fruit;" so that in each case it will read, "such excessive use of grain or molasses or fruit."

Mr. BURCHARD. I have no objection to that amendment. I think there has not been and never will be an excessive use of fruit.

Mr. CABELL. Cases of that kind have occurred, and therefore I offer the amendment.

Mr. BROWNE. I would support this amendment very cheerfully if the gentleman from Virginia would indicate what object it is intended to accomplish.

Mr. CABELL. This section provides for the refund in certain cases of the tax upon the spirits that should have been produced from the grain or molasses used in excess of the capacity of the distillery. The same reason applies in the case of spirits produced from fruit. The insertion of the word "fruit" is simply to put the distillers of fruit on the same footing as the distillers of grain or molasses. It evidently can do no harm.

Mr. BURCHARD. I only desire to say that the law now gives the Commissioner of Internal Revenue the power to exempt distillers of brandy made exclusively from apples, peaches, or grapes from all the provisions of the internal-revenue law except the payment of taxes. I think they are not liable for assessment for capacity. If they are, I suppose it is under the regulations, and I have not the regulations here. I will not object to this amendment, although I do not think it is necessary.

Mr. BROWNE. I never heard of a fruit distiller being required to pay a tax on capacity, either under a regulation or under the law.

Mr. PRIDEMORE. I will say that it is the practice, and is done every day.

Mr. CABELL. It may be under some regulation of the Department rather than under the statute itself; but such is the practice, I am quite sure.

The amendment of Mr. CABELL was agreed to.

Mr. JONES, of Ohio. I move to amend this section by striking out, in line 3, the words "have been," and inserting in lieu the word "be," so that it will read, "that whenever an assessment shall be made against a distiller, &c.;" also to strike out all after and including the word "provided," in line 23.

The SPEAKER *pro tempore*. The latter part of the amendment of the gentleman from Ohio, [Mr. JONES,] to strike out the proviso, is not in order, because the House has already voted on that proposition and rejected it.

Mr. JONES, of Ohio. I wish to explain the reason why I have offered the one amendment in connection with the other. The House has been unable to have a square vote on the proposition as to whether they will go back at all for the repayment of these capacity taxes. When the question was taken on the motion to strike out the proviso, some voted against it on the assumption that the section thus amended would allow this repayment of capacity tax to go back indefinitely; and I think that assumption is clearly correct. Others voted for it because they expected that after the proviso was stricken out they would subsequently have an opportunity to vote to strike out the words "have been," and to insert the word "be."

Now, in order that the House may have a fair vote on this question as to whether we shall go back at all in the matter of these capacity taxes I have put the two amendments together, to strike out "have been" and insert "be," and also to strike out the proviso.

My judgment is that we should not go back at all; but I see no reason whatever why, if we go back one year, we should not go back ten, except, as suggested by the gentleman from Virginia, [Mr. TUCKER,] the danger of opening and adjudicating stale cases.

My colleague [Mr. KEIFER] says that these men have had no opportunity to present these claims. The fact is, they have no claims at all under the law; it is simply a question as to whether this House will, in this general law, pass a private bill for the relief of A, B, and C, who have paid this capacity tax; or, whether we will say that in a general law we will not provide for special cases.

Mr. BANNING. Will the gentleman allow me to ask him a question?

Mr. JONES, of Ohio. Certainly.

Mr. BANNING. Does not the gentleman know that there are taxes now being collected which in the opinion of the collector ought not in justice and in equity be collected?

Mr. JONES, of Ohio. In the opinion of the collector——

Mr. BANNING. I mean, in the opinion of the Commissioner of Internal Revenue. Does he not know that it is the opinion of the Commissioner of Internal Revenue that these taxes ought not to be collected; that they are unjust and wrong?

Mr. JONES, of Ohio. We are not to be guided solely by the opinion of the Commissioner of Internal Revenue or tax collectors, and I undertake to say that, in the opinion of the men who pay the taxes, there has not been a tax law passed since 1861 that is not unjust in some of its provisions.

Mr. BROWNE. Will the gentleman allow me to give him a piece of information?

Mr. JONES, of Ohio. Certainly.

Mr. BROWNE. It is that in the city represented in part by my friend from Ohio [Mr. BANNING] distillers have already brought suits in the United States courts for these assessments made under what is known as the Pratt order, and the United States courts have decided that the Government is compelled to repay those taxes.

Mr. JONES, of Ohio. The gentleman gives me a piece of information that I already have.

Mr. BROWNE. Then if it has been decided by the court that under the law these taxes that have been assessed and paid ought to be refunded, will the gentleman put every distiller who has paid these taxes to the trouble of going into the courts in order to find his remedy, or will we provide here at once, as is but right and just, for his payment?

Mr. JONES, of Ohio. If the United States circuit or district court decides a question the authorities at Washington are not bound to follow that decision until it is affirmed by the higher court. If the higher court affirms the decision of the lower courts, then the Commissioner already has the authority given under this bill.

Mr. BROWNE. Not at all.

Mr. JONES, of Ohio. Certainly he has.

Mr. BROWNE. In the event of the higher court affirming the decision of the lower court, how is the money to be paid to the distiller?

Mr. JONES, of Ohio. If it has been illegally collected it may be refunded.

Mr. BROWNE. How is it to be repaid until we appropriate the money for that purpose?

Mr. JONES, of Ohio. This is not an appropriation bill, and does not appropriate money. If we pass a law to give the right to a man who has paid this tax within two years to be repaid, then we can equally as well pass a law to give the right to any man who has paid it within the last fifteen years. It is not cut off by the statute of limitation, as the man has had no remedy heretofore. If we pass a law that provides for the allowance of the private claim of a man who paid this tax a year ago, then we can just as well provide for private claims running back for fifteen years. The trouble about the whole thing is that the law is retroactive, and all retroactive laws are vicious.

Mr. BROWNE. The trouble was that the Internal-Revenue department adopted a rule which the distiller could not execute without putting his foot in it, just as Charles Lamb said that he never opened his mouth without putting his foot in it. [Laughter.] The distiller could not carry on his business under the order without making himself liable for the payment of taxes which he ought not to pay.

Mr. JONES, of Ohio. The truth about the matter is that in the effort to get the distiller's foot out it is proposed to put the foot of the Government in. The law must be taken as a whole; and as has been suggested the distillers make up in one place what they lose in another. They get back what they pay, in the price they put upon their whisky when they sell it.

The SPEAKER *pro tempore*. Does the gentleman from Ohio so modify his amendment as to bring it within the rules of the House?

Mr. JONES, of Ohio. I desire to modify my amendment so as to strike out the entire section and to substitute the same section, omitting the proviso and changing the words "have been" to the word "be."

The substitute proposed by Mr. JONES, of Ohio, was as follows:

That whenever, under the provisions of section 3309 of the Revised Statutes, an assessment shall be made against a distiller for a deficiency in not producing 80 per cent. of the producing capacity of his distillery as established by law, or for the tax upon the spirits that should have been produced from the grain or molasses found to have been used in excess of the capacity of his distillery for any month, as estimated according to law, such excessive use of grain or molasses having arisen from a failure on the part of the distiller to maintain the capacity required by law to enable him to use such grain or molasses without incurring liability to such assessment, and it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue that said deficiency, or that said failure, whereby such excessive use of grain arose, was not occasioned by any want of diligence or by any fraudulent purpose on the part of the distiller, but from misunderstanding as to the requirements of the law and regulations in that respect, then, and in such case, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal made to him, to remit or refund such tax, or such part thereof as shall appear to him to be equitable and just in the premises.

Mr. TUCKER. I will say to the gentleman from Ohio that the section applies only to the power of the Commissioner of Internal Revenue to remit or refund taxes; and the proviso limits his power to cases arising since January 1, 1874. If in any case arising prior to that date the party ought to have a remission or refunding of his tax, all he has to do is to come to Congress for redress. He is not precluded from that remedy. The proviso only limits the power of the Commissioner of Internal Revenue so that he shall not remit or refund any tax in a case arising prior to January 1, 1874.

Mr. BANNING. I certainly hope the amendment of the gentleman from Ohio [Mr. JONES] will not prevail. Its only effect will be that these distillers who now pay so large a tax will be driven into the courts and subjected to the expense of employing attorneys in order to recover what is acknowledged to be their own. I hope this House will do no such unjust act. The pending amendment concedes that the provision of the present law has been wrongfully construed and wrongfully enforced; yet it proposes the Government shall retain the tax which has been improperly collected, unless these men, through

expensive proceedings in court, can recover the money acknowledged to be their own.

Mr. BURCHARD. I ask for a vote.

Mr. HANNA. Before the vote is taken I want to ask one question. I understood from the gentleman from Virginia, and perhaps from the gentleman from Illinois, that the Commissioner of Internal Revenue himself has recommended that some such remedial measure as that incorporated in this section be adopted by Congress.

Mr. BURCHARD. For all assessments that occurred under the order of September 6, 1875.

Mr. HANNA. Now, this amendment offered by my friend from Ohio seeks, as I understand, to antagonize the recommendation of the Commissioner of Internal Revenue.

Mr. BURCHARD. It makes the provision a prospective one.

Mr. JONES, of Ohio. I propose to legislate for the future, not for the past.

Mr. HANNA. I am opposed to this amendment because it destroys the whole effect of the provision as a remedial measure.

The question being taken on the amendment of Mr. JONES, of Ohio, it was not agreed to; there being ayes 12, noes not counted.

Mr. ROBBINS. I desire to move an amendment to strike out all from line 193, on page 19, down to line 235, on page 21. I hope that gentlemen on the committee will not object to going back.

The matter proposed by Mr. ROBBINS to be struck out was as follows:

That section 3332 be amended by adding thereto as follows:
And in case of seizure of a still, doubler, worm, worm-tub, mash-tub, fermenting-tub, or other distilling apparatus, having a less producing capacity than one hundred and fifty gallons per day, for any offense involving forfeiture of the same, where said apparatus shall be of less than $500 value, and not in the possession of any one claiming to be the owner thereof, and where it shall be impracticable to remove the same to a place of safe storage from the place where seized, the seizing officer is authorized to so destroy the same as to prevent the use thereof, or of any part thereof, for the purpose of distilling: *Provided*, That such destruction shall be in the presence of at least one credible witness, and that such witness shall unite with the said officer in a duly sworn report of said seizure and destruction, to be made to the Commissioner of Internal Revenue, in which report they shall set forth the grounds of the claim of forfeiture, the reasons for such seizure and destruction, their estimate of the fair cash value of the apparatus destroyed, and also of the materials remaining after such destruction, and a statement that, from facts within their own knowledge, they have no doubt whatever that said distilling apparatus was set up for use and not registered, or had been used in the unlawful distillation of spirits, and that it was impracticable to remove the same to a place of safe storage. Within one year after such destruction, the owner of the apparatus so destroyed may make application to the Secretary of the Treasury, through the Commissioner of Internal Revenue, for reimbursement of the value of the same; and if he shall prove, to the satisfaction of the Secretary and the Commissioner, that said apparatus was owned by him at the time of its destruction, and that it had not been set up without registering, or had not been used in the unlawful distillation of spirits, the Secretary may make an allowance to said owner, not exceeding the value of said apparatus, as sworn to in the report of the seizing officer as aforesaid, less the value of the materials, as estimated in said report. And for a wrongful seizure and destruction of property under the foregoing provisions, the owner thereof shall have right of action on the official bond of the officer who occasioned the destruction for all damages caused thereby.

Mr. BURCHARD. We have already considered that part of the bill; I hope we shall not go back.

Mr. ROBBINS. I ask the gentleman to let me state the object of the amendment.

Mr. BURCHARD. I will hear the gentleman, reserving the point of order.

Mr. ROBBINS. The portion of the bill which I propose to strike out provides that stills may be destroyed for any offense involving forfeiture of the same. If I understand the provision correctly, it authorizes the internal-revenue officer or agent to be the judge whether there has been an offense involving forfeiture, whereas the law as it now stands only permits such destruction after judgment of forfeiture has been rendered by a court. It may be proper to allow stills to be destroyed when they have been adjudged forfeited; but I must protest against allowing this destruction of property upon the mere option of the agent or deputy who may undertake to decide on his individual judgment that an offense involving forfeiture has been committed. This provision takes the trial of the case away from the court and gives it to the revenue officer. I submit that it is highly objectionable to give to the revenue agent this power of destroying property. I hope the provision will be struck out and the law left as it now stands.

Mr. BURCHARD. I must insist on my point of order against the amendment, and I will say that if gentlemen will read the whole provision through they will see that the objection they make to it does not apply.

Mr. ROBBINS. I have read it through, and it simply provides facilities for destroying property.

Mr. BURCHARD. It allows compensation to a man if his property is unjustly destroyed.

Mr. ROBBINS. How can it be to the interest of the Government to destroy property and afterward pay for it?

Mr. BURCHARD. I want to get through with this bill; I must insist that we proceed in order.

Mr. ROBBINS. I am as anxious as anybody else to go on with this bill; but I hope we shall be permitted at least to vote on this question. As a member of the committee who reported the bill, I beg the privilege of saying that we reported it simply as a matter of form to be amended in the House, because it embraces so many matters of detail that we did not have time in committee to examine it thoroughly. I take the liberty of saying that I am not responsible for this part of the bill; I utterly refuse to be held accountable for it, and I hope the House will have an opportunity to vote upon the provision.

Mr. SCALES. I rise to a point of order. Can we go back by common consent to allow the gentleman to be heard on a section and not be permitted to vote on the amendment he proposes?

The SPEAKER *pro tempore*. Consent was given only to the extent of allowing the gentleman from North Carolina to make an explanation of his amendment, the point of order being expressly reserved by the gentleman from Illinois.

Mr. TUCKER. I believe my friend from Illinois will allow the amendment to come in.

Mr. BURCHARD. Was there not a vote on the proposition taken to strike out on Saturday last?

Mr. SCALES. Yes, sir.

Mr. HANNA. Did not the gentleman from Virginia [Mr. PRIDEMORE] move to strike that out?

Mr. PRIDEMORE. I did; but not to the same extent moved by the gentleman from North Carolina.

Now if the gentleman from North Carolina will hear me a moment I think he will withdraw his objection. There is a general statute upon the statute-book which makes the regulations of the Internal-Revenue department the law of the land. The Internal-Revenue Office has prescribed the rules for sequestration and destruction of this property. It is the every-day practice of the Revenue department officers, whether it is the law or not. The internal-revenue officers go abroad in the land, tear out still-houses, break them up and cut the stills in many localities where the property might be sold and a profit made out of it to the Government. I know it is the every-day practice; that they go like vagrants over the land, destroying property, and they pretend to do it under the sanction of the law. They do it under the eye of the United States courts and United States marshals. I believe they do it under the instructions of the Internal Revenue Bureau, and they hold that under the statutes they can do so. I say to my friend, therefore, that the section as reported in this bill is an improvement upon the practice at the present day of internal-revenue officers, if not an improvement upon the law.

The SPEAKER *pro tempore*. This discussion is all out of order, unless the amendment is allowed to be offered. There is nothing now before the House.

Mr. TUCKER. I believe my colleague on the committee from Illinois will withdraw his objection.

Mr. BURCHARD. On the appeal of the gentleman from Virginia I withdraw my objection to the amendment.

The SPEAKER *pro tempore*. The amendment is pending, objection having been withdrawn.

Mr. TUCKER. I think one word of explanation will satisfy my friend from North Carolina. He will find the only cases in which seizures can be made under this is where the property is worth less than $500 in value and there is no person claiming to be the owner thereof, or where it shall be impracticable to remove the same to a place of safe storage, and seizing and destroying the same only so far as to prevent the use thereof or any part thereof for the purpose of a still. And then there is a provision in the latter part of the section that on the application of the owner to the Secretary of the Treasury he may be reimbursed for wrongful loss of property. And there is an additional provision which is a very rare one in internal revenue laws:

And for the wrongful seizure and destruction of property under the foregoing provision the owner thereof shall have a right of action on the official bond of the officer who occasioned the destruction, and for all damage caused thereby.

So the only case where any seizure or destruction can be had is in a case where it is not in the hands of the owner, where it appears to be used unlawfully, or where it is incapable of being removed to any place of safe storage, and in all such cases the owner can apply to the Secretary of the Treasury for reimbursement, and have the right of action on the official bonds of the officers making the seizure.

Mr. PRIDEMORE. I ask the gentleman to look at line 226, on page 21, and say whether the committee will not accept an amendment of this kind, which seems to be just: "to be set up by his consent and within his knowledge." I can illustrate by cases showing that such an amendment ought to be introduced, that the sequestration of property should only take place where they are set up by the consent of the owner or within his knowledge. Where a tenant would set up a still against the law without the knowledge and consent of the owner of the property there should certainly be no sequestration or forfeiture of the property of the owner; that should take place only when set up by his consent, or used only when within his knowledge for illicit purposes. In that view I ask that the words be inserted "set up by his consent or within his knowledge."

Mr. ROBBINS. Was not the objection to my amendment withdrawn?

The SPEAKER *pro tempore*. It was, and the amendment is now pending.

Mr. ROBBINS. As my amendment is now pending, I wish to say in reply to the gentleman from Virginia, that I will agree if you destroy property at all without authority of law beforehand it is well to make provision to pay for the wrong. But it is a great deal

better to have no law authorizing such wrong than to have the agents of the United States go out and destroy property where the Government afterward has to pay for it. I think we had better put the matter of destroying property out of the power of men except after judgment of the court has been rendered that the property is forfeited to the United States. The present law does that. This law proposes to allow agents to do it on their own hook, to judge for themselves the offense involving forfeiture has been committed.

Now, I suggest it is very poor policy to destroy this property. I know very well this matter of destroying property has created more ill-feeling in the country, more hatred against the revenue, more unwillingness to abide by the revenue law, than almost any other feature of the whole system.

Mr. RANDOLPH. And it has cost the loss of life, too.

Mr. ROBBINS. Yes, Mr. Speaker, this has caused more friction in the working of the revenue law than almost any other part of it. It has a bad influence upon a section of the country to see the Government destroying property. Everybody asks, "Why is that property destroyed?" There is no part of this country so remote that property cannot be transferred from it to some place of storage. There is no place so remote but you can carry the property to a proper place for safe storage. These agents destroyed it merely for their own convenience.

Mr. BURCHARD. But there are stills in localities where there are no storekeepers.

Mr. ROBBINS. There are storekeepers in the same country where the stills are. This exerts a bad influence on the minds of the people. They ask the question, "Why does the Government destroy this property?" The property is ruined and there is a loss to the owner and a loss to the Government. I do not want to pass any law that will facilitate that business any more than now.

Mr. BURCHARD. I rise to ask for a vote; but before the House comes to a vote I desire to say just one word. The trouble about seizing and taking these stills, which the gentleman from North Carolina thinks would be preferable, is that the officers patrolling through a district usually or very frequently are mounted on horseback. They have no vehicles, no wagons in which to take the still. It is a simple, cheap, inexpensive concern, having a capacity, as I understand, of only a few gallons in a day. It is difficult to carry these stills away, and it is not worth while to do so. But if they are left there they can be loaded on wagons and disappear and are never seen again by the officer.

Now, if the officers do not have the conveyances and vehicles necessary for carrying these stills to a place where they can be condemned what shall they do? If they are not removed the stills will be taken by the illicit distillers and moved to some of their places and will never be again seen until they are discovered in the act of distilling.

This law does not provide for the destruction of these stills when they can be carried away. If the officers have the wagons and think it proper they can take them away. But if in riding through the country they come upon a still in a glen or mountain region where they cannot bear it away, then they are authorized to destroy it.

Now, the gentleman from North Carolina does not desire and no gentleman desires to protect any that are engaged in the illicit distillation of spirits. They only want to relieve from hardship the innocent man who is engaged rightfully and properly in the distillation of spirits. There were nearly six hundred of such stills actually seized within the last fiscal year; rightfully seized as far as anything appears to the contrary; stills that were not registered, that were not authorized. And the honest distillers of the country, who paid over $50,000,000 of revenue to the Government, have a right to ask the Department or Congress to protect them with the whole force of the Government against the illicit distillers, so that those who are engaged in illicit distillation shall receive no favor from this House, but that you shall protect the honest man and give him the right to go to the Treasury and prove that his property has been wrongfully destroyed.

Mr. ROBBINS. I move to strike out the last word.

As regards the statement of my friend that when the distillery is seized the still may be moved before the officer returns, I desire to say in reply that that distillery is effectually stopped and broken up if the still is removed, as much as if it were cut in pieces. You have stopped that distillery by compelling the still to be taken down and carried away.

Mr. McCOOK. May I ask the gentleman a question?

Mr. ROBBINS. Yes, sir.

Mr. McCOOK. Has it ever been the case that any distillery which has complied with the requirements of the law has been seized by revenue officers and sold in this way?

Mr. ROBBINS. I do not know of any such.

Mr. McCOOK. These are illicit distilleries?

Mr. ROBBINS. Yes, sir.

Mr. McCOOK. Now should any more consideration be shown to these men who are engaged in the illicit distillation of liquor than to men engaged in the business of counterfeiting found with the dies in their possession?

Mr. ROBBINS. I am not offering this amendment in order to favor the distillers, but in order to prevent a useless destruction of property. It is a loss to everybody, a gain to nobody. The Government loses and the people lose. You do not break up the distillery more effectually in this way than you do by taking down the still.

Mr. BURCHARD. The people do not lose; the property is forfeited.

Mr. ROBBINS. There is another feature about this. It speaks of stills that produce but few gallons a day. It is legislation against the poorer and humbler class of men. You say nothing here about destroying stills worth a thousand dollars or making a thousand gallons a day. But you go to the common people and say that their little stills shall be cut up and destroyed. That produces an evil influence and a bad feeling. A great deal of the trouble that you hear of down in my country and in the mountains of Tennessee, the collisions between the revenue officers and the people, originates from the manner in which this thing is done. It addresses itself to the common sense of these mountain people as an absurdity for the Government officers to go around and destroy property instead of taking it, utilizing it, and getting some benefit from it.

I have heard some of these very men who used these little stills say that if the Government should take their stills when they had been violating the law and make them of some benefit to the Treasury, they would not say a word; but to see these drunken fellows come there and destroy the property——

Mr. RIDDLE. Is not this provision more favorable to the small distiller than the existing law?

Mr. ROBBINS. The existing law requires judgment of forfeiture before a still is destroyed. This section says that any still may be destroyed for any offense involving forfeiture. Now who is to judge of that? The officer, and not the court.

Mr. STEELE. The great difficulty of this whole thing is that under the provisions of the existing law, as I understand, a judgment is rendered before the property is destroyed. In old times I often heard the phrase, "Strike, but hear." That phrase is as full of nonsense as any I ever heard used, and you propose by this section to give the officer power to strike and then to hear. After the wrong is done you propose to give these parties a hearing.

My colleague [Mr. ROBBINS] has stated very truly that one of the worst iniquities of this system is that a persistent effort seems to be made on the part of Congress to adopt legislation against the small men of the country; I mean the men of small means; that odious and unjust discriminations are made against men of small means. And if we object to that, then we are taunted with being apologists for the men who are called moonshiners. Now, I have no apology to make for any violation of the law. I say that, however iniquitous and unjust a law may be, the best policy is to wait for peaceful means of remedying that law, and not take justice into a man's own hands. And that is the opinion of everybody who concurs in sentiment with me upon this subject.

Mr. RANDOLPH. I desire to say a word or two on this subject. I am no apologist for whisky or for liquor of any sort; I neither make it nor use it. But while I say this, I have been trained from my infancy to observe the laws of the country.

The gentleman from Indiana [Mr. HANNA] on Saturday last referred to what he said was the disposition upon the part of the people in the southern portion of this country to disobey the law. Now I will state the point at which all the trouble arises that has occurred upon the subject of the distillation of whisky. It is not that the people in my State or in the State of North Carolina or in any other southern State are disposed to rebel against the law upon the subject of whisky.

I say that all the trouble that has arisen originates from the fact that a lawless set of thieving rascals have gone through the country destroying the people's property and drinking the whisky they have made and getting drunk themselves. When they do that it enrages the people. If a man comes to your house and because you have violated the law destroys your property before your eyes, it enrages you as a citizen. He is no more justified in doing that than a man is justified in violating the law.

I ask the gentleman from Indiana [Mr. HANNA] to commence and count noses and see where the most gigantic frauds have been perpetrated or attempted to be perpetrated upon the Government under this revenue law. I tell him that they have occurred in the States of the North, and not so much in the States of the South. Take a wholesale distiller in the North who has made his thousands and tens of thousands of gallons of whisky in violation of the law, and where has the man been punished for it? Name him. The fact is that thousands upon thousands of gallons of liquor have been made in violation of the law in the Northern States, and in a great measure the men have gone unpunished for it.

Down in our mountainous sections of the country, where a man wants to make a little mountain dew, and to make it honestly and drink it in the same way, if he happens to make a dozen gallons more than the law allows, then his property is destroyed in his very presence and he is arrested by these little spies going through the country and taken from a hundred to a hundred and fifty miles to attend court without a dollar in his pocket, and generally turned loose without any accusation against him and has to beg his way home.

There is where the evil originates that arises under this law. It is in those who are attempting or pretending to enforce the law. They are the ones who violate the law, and the people become enraged and then they get to killing one another in various parts of the country.

I say those who administer the law ought to obey the law. No man should destroy property before it has been adjudged to be forfeited.

Mr. TUCKER. Allow me to call the attention of the gentleman to a fact which I have already mentioned. If the still is int he possession of the owner, then the provisions of this bill do not apply; if it is in the possession of a stranger and used for an illegal purpose, then this bill says it may be destroyed, if it cannot be removed, rather than be left in the possession of the person so using it illegally.

Mr. RANDOLPH. Mr. Speaker, I desire to denounce the assumption that in the mountainous sections of this country officers of the law are under the necessity of destroying distilleries, and are therefore justified in doing so. I say there is no necessity for the commission of any such wrong, and it is a violation of law. Do gentlemen say that anywhere in this country when a man's property is taken by the officers of the law and cannot be carried away the law therefore authorizes its destruction? I say no; such a proceeding is revolutionary and outrageous. If the officer would observe the law, as he is bound to do, he might carry away the distillery apparatus which had been seized, and have it appropriated in a different manner instead of destroying it. If that were done there would be no such outrageous proceedings as are now carried on in the destruction of distilleries.

[Here the hammer fell.]

Mr. BURCHARD. I ask for a vote.

The question being taken on the amendment of Mr. ROBBINS, it was not agreed to, there being ayes 38, noes not counted.

Mr. PRIDEMORE. Will the gentleman from Illinois [Mr. BURCHARD] allow me to offer a mere formal amendment to this same section?

Mr. BURCHARD. I shall have to object to going back for any further amendment. Gentlemen all around me join in the objection.

Mr. RIDDLE. I find on examination that the amendment which I offered on Saturday will come in more appropriately as an amendment to the pending section, because it relates to the refunding of taxes. I therefore move to amend by adding to the end of section 6 the following:

That section 3221 be amended as follows:

And when any distilled spirits are destroyed by accidental fire or otherwise, without any fraud, collusion, or negligence of the owner thereof, after the time when the same should have been drawn off by the gaugers and placed in the distillery warehouse provided by law, no tax shall be collected on such spirits so destroyed; or, if improperly collected, it shall be refunded by the Secretary of the Treasury upon the production of satisfactory proof that the spirits were destroyed as herein specified.

To show the effect of the amendment, I ask that section 3221 be read.

The Clerk read as follows:

SEC. 3221. The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse or bonded warehouse of the United States, and before the tax thereon had been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated.

Mr. RIDDLE. Under that section, the Secretary of the Treasury has the right to abate the amount of internal-revenue tax accruing on distilled spirits destroyed by accidental fire or other casualty without any collusion or negligence on the part of the owner, while the same remained in the custody of any officer of the internal revenue in any distillery warehouse or bonded warehouse of the United States and before the tax had been paid.

Now the owner cannot draw off the spirits from the cistern himself; it must be done, under the law, by the gauger in the presence of the storekeeper. The storekeeper is required to visit all the distilleries for the purpose of drawing off the spirits. In a case which I have in my mind, (in which a bill to refund taxes improperly collected has been passed by the House and is now pending in the Senate,) the gauger was required, by the regulation of the collector of internal revenue, to be at the distillery on the 5th of December. He did not get there until the 7th. The distillery was destroyed by fire on the night of the 6th. Application was made to the Commissioner of Internal Revenue, Mr. Douglas, on the 20th of April, 1875, for the refunding of the tax; he declined to grant the application for the simple reason that the statute gave him no authority to do so. Mr. Pratt, formerly Commissioner, told me that the law ought to be amended so as to cover all such cases as this, because they are clearly covered by the equity of the case.

Under the present law, the owner of the distillery has no right whatever to draw off the spirits himself. Even if the gauger is ten days behindhand the spirits must remain in the cistern until he gets there. The object of the amendment I propose is to give the Secretary of the Treasury the right to abate or refund the tax in such cases where the spirits are not drawn off in proper time through the fault of the gauger, and the property is meanwhile destroyed.

In the case to which I have already referred a report drawn by the gentleman from North Carolina [Mr. DAVIS] uses this language:

Section 3221 of the Revised Statutes authorizes the Secretary of the Treasury to abate the amount of internal-revenue tax accruing on distilled spirits destroyed by accidental fire or other casualty, without any fraud, collusion, or negligence of the owner, "while the same remained in the custody of any officer of internal revenue in any distillery warehouse or bonded warehouse of the United States, and before the tax had been paid."

It will be observed that this statute fails to provide for the abatement when the spirits are destroyed before being removed to the warehouse; but, inasmuch as the tax attaches to the subetance "as soon as it is in existence," and as the distiller cannot remove to the distillery warehouse without the supervision of the gauger, and in the presence of the storekeeper; and inasmuch as it was no fault of the owners that it was not gauged, but the failure of the gauger himself to attend in due time, in which event the loss would not have occurred, as he himself testifies, the equity of the statute should extend to this case, and justice requires that the tax shall be refunded.

In this case the tax amounted to $306, which neither the Secretary of the Treasury nor the Commissioner had authority to refund. This class of cases are clearly covered by the equity of the law, and there ought to be provision for them.

Mr. HARRIS, of Virginia. I suggest to the gentleman to strike out the words "by accidental fire or otherwise" and insert "by unavoidable accident." That will cover the whole question.

Mr. TUCKER. I suggest that the gentleman insert instead of the words "or otherwise" the words "or other casualty," the language used in another part of the section.

Mr. HARRIS, of Virginia. I move to amend the amendment by striking out "accidental fire or otherwise" and inserting "unavoidable accident."

Mr. RIDDLE. I think if you will read section 2231 you will see that the amendment should be modified. The original section uses the language "upon the actual destruction by accidental fire or other casualty." I am willing to make it conform to that.

Mr. HARRIS, of Virginia. I accept that as a modification of my own amendment to the amendment.

Mr. RIDDLE. Then, as modified, I will accept the gentleman's amendment as a modification of my amendment.

Mr. LATHROP. Is it changed to add those words to the section?

Mr. RIDDLE. It does add those words to the section and covers equitable cases not covered by the section.

The amendment was again read.

Mr. LATHROP. That does not cover the difficulty or the doubt which arises whether section 2231 as it is now reads as that section is or whether this is to be made an addition to section 2231.

Mr. RIDDLE. It is an addition to it.

Mr. LATHROP. I do not think your language does that.

Mr. RIDDLE. Read the amendment again.

The Clerk read as follows:

That section 2231 be amended as follows, &c.

Mr. RIDDLE. I move to amend it so that it will read "that section 2231 be amended by adding the following," &c.

Mr. BURCHARD. The amendments proposed in this bill or nearly all of them submitted by the committee have been discussed in the Internal-Revenue Bureau. This relief proposed to be given is such as has heretofore been allowed and recommended generally by the Committee of Ways and Means when a proper case came before them. These cases are not frequent. It may be well to make a general provision of law. I should have preferred to have had the case submitted to the department officers, but I shall not oppose the amendment at the present time. [Cries of "Vote!" "Vote!"]

Mr. RIDDLE's amendment was agreed to.

Section 7 was read, as follows:

SEC. 7. Every rectifier shall, on filing with the collector his notice of intention to commence or continue business, after the passage of this act, and on the 1st day of May, of each succeeding year, make and execute a bond in form prescribed by the Commissioner of Internal Revenue, with at least two sureties; said bond to be approved by the collector of the district. The penal sum of said bond shall not be less, in the case of a rectifier who rectifies by the process of redistilling or of leaching, or both, that double the amount of tax imposed by law on the spirits that can be rectified by such rectifier during a period of ten days; and a similar bond may, at the discretion of the Commissioner or the collector of the district, be required of any rectifier by any other process than those hereinbefore named; but in no case shall the penal sum be less than $500 nor more than $50,000. The condition of said bond shall be that the principal shall faithfully comply with all the provisions of law in relation to the duties and business of rectifiers, and shall pay all taxes, penalties incurred, or fines imposed on him for violation of any of the said provisions. A new bond may be required in case of the death, insolvency, or removal of either of the sureties, and in any other contingency affecting its validity or impairing its efficiency, at the discretion of the collector or Commissioner of Internal Revenue. Any rectifier who, after the passage of this act, shall commence business without giving the bond required by this section, or who shall continue to carry on business, after demand for such bond, without giving the same, or who shall fail to renew such bond when lawfully required, or who shall give any false, forged, or fraudulent bond, shall, on conviction, be fined not less than $100 nor more than $5,000.

Mr. PRIDEMORE. I desire to move an amendment to come in at the end of that section.

Mr. TUCKER. Let me perfect the section first.

Mr. PRIDEMORE. Certainly.

Mr. TUCKER. I propose to strike out, in line 31, the words "less than $100 nor;" so, if amended, it will read "shall, on conviction, be fined not more than $5,000."

The amendment was agreed to.

Mr. BURCHARD. I move to strike out, in line 11, the words "a similar bond may, at the discretion of the Commissioner or the collector of the district, be," and insert "the penal sum of the bond;" and insert after the word "named," in line 14, the words "shall be fixed under such regulations as may be prescribed by the Commis-

sioner of Internal Revenue;" so it will read, "and the penal sum of the bond required of any rectifier by any other process than those hereinbefore named shall be fixed under such regulations as may be prescribed by the Commissioner of Internal Revenue."

The amendment was agreed to.

Mr. PRIDEMORE. I move to add the following:

And any person indicted under this or any other section of the revenue laws now or hereafter in force may, upon his trial, except to any ruling of the court and appeal from the judgment of said court as in other case. The appeal shall be first to the circuit court of the United States and thence to the Supreme Court of the United States.

The House divided; and there were—ayes 30, noes 40.

So the amendment was rejected.

Mr. BRENTANO. I move to strike out, in lines 29 and 30, "or who shall give any false, forged, or fraudulent bond," and insert in line 32, after the word "dollars," "and any rectifier who shall give any false, forged, or fraudulent bond shall on conviction be subject to the penalties provided for in section 5418 of the Revised Statutes."

Mr. TUCKER. The gentleman from Illinois has shown me his amendment and I can see no objection to it.

The amendment was agreed to.

The Clerk read section 9 as follows:

SEC. 9. It shall be lawful for any marshal or deputy marshal of the United States within the judicial district for which he is appointed, when he shall find any person in the act of operating an illicit distillery, to arrest such person and take him before any judicial officer named in section 1014 of the Revised Statutes who may reside in the county nearest to the place of arrest, to be examined for the offense charged against him and to be dealt with according to the provisions of sections 1014, 1015, and 1016 of said Revised Statutes.

Mr. STEELE. I offer an amendment to come in at the end of that section as a separate and independent section.

Mr. MILLS. Before the gentleman from North Carolina offers a new section, I desire to move to strike out the ninth section. The gentleman's amendment can come in after my motion has been disposed of.

Mr. TUCKER. Before the gentleman from Texas offers his amendment I desire to perfect the section by an amendment. I offer the following amendment:

In line 7, after the word "county," insert the words "of arrest, and if none, then in that county;" so that it will read:

Who may reside in the county of arrest, and if none, then in that county nearest to the place of arrest.

The amendment was agreed to.

Mr. PRIDEMORE. I offer the following amendment:

In line 5, strike out the word "any" and insert "the most convenient;" so that it will read:

It shall be lawful for any marshal or deputy marshal of the United States within the judicial district for which he is appointed, when he shall find any person in the act of operating an illicit distillery, to arrest such person and take him before the most convenient judicial officer named in section 1014 of the Revised Statutes.

Mr. MILLS. I would suggest to the gentleman to make it read "the nearest and most convenient."

Mr. PRIDEMORE. Very well; I accept the modification.

The amendment, as modified, was adopted.

Mr. LATHROP. I offer the following amendment:

In line 5, after the word "him," insert the word "forthwith;" so that it will read:

To arrest such person and take him forthwith before the nearest and most convenient judicial officer.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill and joint resolution of the following titles without amendment:

The bill (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States; and

The joint resolution (H. R. No. 153) providing for issue of arms to Territories.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

The bill (S. No. 126) to change the name of the steamer City of Chester to Portland; and

The bill (S. No. 145) to change the name of the steamer George W. Elder to Columbia.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, in relation to the award made by the fisheries commission at Halifax.

INTERNAL REVENUE.

The House resumed the consideration of the bill to amend the laws relating to internal revenue.

Mr. PRIDEMORE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following to section 9:

Any officer or person violating this section shall be deemed guilty of a misdemeanor, and fined not less than $100 nor more than $1,000, and imprisoned not less than six months nor more than three years.

Mr. PRIDEMORE. Throughout this whole bill and through the entire revenue law there are carefully provided penalties of fine and imprisonment for the citizens who violate the law; but I can find nowhere any penalty of imprisonment or fine for any officer who violates any provision of the law. Now, I think it but meet and proper that if the citizen is to be subjected to penalties the officer executing the law should be alike subjected to them; so that the citizen, when he has been wronged and when the law has been violated, may have his remedy in the courts as well as the Government. It may be said this can be provided for in the judiciary act; that all these penalties might be provided there. But this is an amendment relating to the internal-revenue system and is germane here. I think that the law should be, as it were, mutual in relation to these parties that are thus, the one executing and the other being executed upon.

It is unnecessary to say that I have no particular spite to gratify in recounting the scenes that have occurred in what I deem a violation of the law. Men may violate the law innocently or they may violate it willfully. That question does not arise here.

If the amendment is adopted I shall renew the amendment voted down when offered to a previous section of the bill which gives the defendant a right to appeal. In many cases citizens have been incarcerated and the community has been satisfied that they have been convicted contrary to all law; and yet you enact against them the most penal law that has ever been placed on the statute-book of any country and you provide that the circuit or district judge shall have absolute control over the citizen, and from his decision there shall be no appeal. You allow the judge to make a man a felon without allowing him an opportunity of purging himself from the odiousness of the decision although afterward it may be admitted that the decision has been wrong.

I hope the House will look at this in the light of that provision of the Constitution which guarantees liberty to every citizen. I ask the adoption of this amendment, and if it be adopted I will follow it up by another giving the defendants the right to appeal. I hope gentlemen will consider that this is a matter which goes to the liberty of the citizen, and that something should be done which will clear jails of the convicts that now disgrace your judicial decisions.

Mr. TUCKER. I think I can show what is the object of this section in a way that will satisfy the most jealous friend of civil liberty. The only purpose of this section is to enable a marshal of the United States to arrest for the purpose of carrying before a judicial officer—a power that is vested by the common law in every sheriff or other executive officer of like character. He can always, upon what appear to him reasonable grounds, arrest a party whom he believes to be guilty of an offense against the law; but he can merely arrest for the purpose of carrying before a judicial officer. It is upon that principle that the night-watch arrests a man who is engaged in disorderly conduct on the street—not for the purpose of committing him to prison, but merely to confine him till he can get him before a judicial officer.

And the distinction is made in an English case in which Lord Tenterden decided, and very happily, too, that while a private citizen has no right to arrest a felon except at his peril—and he must arrest a man guilty of felony or he is liable to civil action—yet a public officer is bound to arrest any party who he has just grounds to believe is a felon, in order to prevent his escape. A man might escape while the sheriff was running to a judicial officer to obtain a warrant.

The distinction is taken that an executive officer is bound by his duty to arrest a party who reasonably appears to him to have been guilty of an offense; and if he does so he is not liable to a civil action. His justification is that he had reasonable ground to believe that the party was guilty of an offense. If a private citizen arrests a man he is bound to prove that he is a felon, else he is liable to a civil action.

Now I beg my friend to understand that a marshal who under this section arrests a party who is innocent, or arrests a party without reasonable ground to believe that he was guilty, is liable to civil action in the State courts. The gentleman need not ask for an appeal. What does he want of an appeal? A marshal arrests a citizen under color of his authority, and he is brought before a State court upon a civil action for damages. If he is cast in damages an appeal may be taken to a State court by the marshal, but there is no appeal to a Federal court.

I would therefore say to my friend that there is no necessity for putting in any amendment of that kind, because the private citizen has the marshal in his power if he acts without reasonable cause, by an action in the State courts.

The whole provision is simply this: where a marshal finds a man engaged in illicit distilling, he may arrest him for the purpose of forthwith taking him before a judicial officer. What judicial officer? A justice of the peace or United States commissioner, who may be most convenient to him in that county; or if there is none in that county, then in the nearest county where there is such an officer. What danger can come from that to the citizen? If there is any danger to the citizen in this provision, then it is a danger that exists in reference to every offense with which he may be charged under the State law or under the Federal law; because there is not an executive officer under the State or Federal Government who cannot arrest a man who he has reasonable grounds to believe is guilty of a felony.

Mr. PRIDEMORE. If I am not the best friend of civil liberty, I am at least a good one though an humble one. The gentleman from

Virginia [Mr. TUCKER] need not plant himself on any argument in reference to the arrest of a felon.

What is the amendment which is proposed? It is proposed that if an officer arrests a party guilty of illicit distilling, and shall fail to take him at once to the nearest judicial officer for examination, then that officer shall be subject to a fine. Now I can tell the gentleman that a civil suit against one of these marshals is worth just about as much as a suit against the wind. There is a provision that authorizes a marshal to remove a civil suit to the circuit court of the United States, and compel a citizen to go to a place where he will be under onerous charges and expenses to prosecute his suit. Now these marshals will not take a man when he arrests him to the nearest officer unless you affix a penalty such as will compel him to do it. He will take him to some man who is a relative of the ring, and who will put the man in jail in default of a large bond. That is the reason these marshals should be held to a penalty.

The reason why I want an appeal is that there are decisions standing upon the record in the gentleman's own judicial circuit against citizens of Virginia; and under the ruling of one judge they have been incarcerated in the penitentiary, and under the rulings of another judge they have been acquitted for the very same grade of offense. That is the history of that beloved but depleted old Commonwealth; that is the way these laws are executed there.

The gentleman from Tennessee [Mr. RANDOLPH] has well said that this has been productive of more evil than all the other laws in force among us. Now if it is right to have a penalty against the citizen I conclude it is proper to apply it to the officers. I ask the gentleman when he became the particular champion of the rights of United States marshals so as to take the penalty off them.

Mr. TUCKER. I will simply say to the gentleman that he need not "tear a passion to tatters and split the ears of groundlings;" for there are none here. When the gentleman makes an apparently personal attack on me for being the special champion of United States marshals, I think he knows me well enough to know that such an imputation is entirely unjust.

Mr. PRIDEMORE. I beg the gentleman's pardon; I simply asked him when he become an apologist or champion of United States marshals.

Mr. TUCKER. And when the gentleman asked when I became that, it was an imputation that I had become it. I need no vindication on that point. The law of arrest under this bill is the common law of England and of this country, under both State and Federal jurisdiction.

I have no objection to the amendment of the gentleman inflicting fine or imprisonment upon a marshal who makes an illegal arrest; none in the world. I simply meant to show that the marshal is at any rate liable to civil suit at the instance of any party who has been injured by his action.

Mr. MILLS. The gentleman does not pretend to say that under the law of this country the officer can arrest without warrant?

Mr. TUCKER. Yes, sir.

Mr. PRIDEMORE. For a statutory offense?

Mr. TUCKER. Yes, sir.

Mr. MILLS. What, then, is the meaning of the fourth article of the amendments to the Constitution?

Mr. PRIDEMORE. I beg to differ with my colleague, [Mr. TUCKER,] and to say that outside of cities where police regulations prevail the law as the gentleman states it in relation to misdemeanor is not the law of Virginia.

Mr. TUCKER. The gentleman says "outside of the police regulations of cities." Now, I would like to know how the night-watch or the police of a city get any larger power over the rights of citizens than officers of the law elsewhere.

Mr. PRIDEMORE. By the ordinances of the city government.

Mr. TUCKER. "The ordinances of the city government!" Where does the city government get authority to make such ordinances? The municipality is the creature of the State power, and how can it have any larger power than its creator?

Now, sir, I speak of what I have thought about and examined to some extent; and I say that by the common law, as administered to-day by the British courts in England, where the personal liberty is as well protected as it is anywhere on the face of God's earth—and I say it to the glory of old England—a citizen may be arrested and taken before a judicial officer without warrant to be tried. Does the gentleman mean to say that when a man shoots another down in the street the sheriff who sees him do it and sees the offender start to go away has no right to arrest him in order to take him before a magistrate? Why, sir, any citizen can do so.

Mr. PRIDEMORE. Will the gentleman let me state my own proposition? I do not want him to set it up for me and then knock it down. I say that for a misdemeanor no officer in the land has a right to arrest without warrant after the act is committed and the parties separated, and for felony no officer, any more than a private individual, has the right to arrest without warrant except when the felony was committed in his view; if committed outside of his view he cannot arrest except upon information and by warrant only upon his own peril, and if the suspected party turns out to be innocent the officer without warrant is liable.

Mr. TUCKER. Will the gentleman state the difference between a felony and a misdemeanor?

Mr. PRIDEMORE. The law of the State of Virginia recognizes that difference distinctly.

Mr. TUCKER. Of course everybody knows that there is a difference between felony and misdemeanor; but is there a difference between felony and misdemeanor as to the power of arrest?

Mr. PRIDEMORE. I say there is.

Mr. TUCKER. Then an officer can say to a man whom he sees commit an offense, "You are not guilty of a felony, but only of a misdemeanor, so I may not arrest you; if you were guilty of felony, I might."

Mr. PRIDEMORE. I say that if the officer arrests a party without warrant upon the idea that he has been guilty of felony he does so at his own peril. If the offense is merely a misdemeanor he has no right to arrest without warrant.

Mr. TUCKER. Then a ministerial officer has the right to judge of the character of the offense, and arrest a man or not, just as he chooses. That is the proposition, as I understand it.

[Here the hammer fell.]

The question being taken on the amendment of Mr. PRIDEMORE, it was not agreed to.

The question then recurred on the amendment of Mr. MILLS, to strike out the ninth section.

Mr. MILLS. The ninth section of the bill, which I propose to strike out, confers upon United States marshals and their deputies the power to seize at their own discretion the person of any citizen of the Republic and keep him in confinement, or take him before some court, without any charge being specified against him. Now the gentleman from Virginia, [Mr. TUCKER,] as we all know, is a very fine lawyer; and he says that a marshal or a sheriff has the right to seize a citizen of this Republic without warrant, without oath or affirmation charging him with the commission of a crime, and deprive him of his liberty.

Why, sir, the doctrine which the gentleman assails in announcing such a proposition is as old as the English language. It is no new thing with the English-speaking people. They have shed an immense amount of blood in resisting the command of arbitrary power to seize the subjects of Great Britain and incarcerate them without warrant. This is a power that was denied to the Crown of Great Britain. When the attempt has been made to exercise it, it has shaken the throne of Great Britain from center to circumference. Why, sir, in 1760, as will be remembered, the government of Great Britain was shaken by the attempt to seize the person of Wilkes without warrant and put him upon trial.

And, sir, when our fathers came to make the charter for the government of themselves and their children, when they put no interdiction against the exercise of this power in that charter, it was returned by the States with this amendment:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This the highest law of the land declares that two things shall precede the arrest: the oath or affirmation of the party charging him with the commission of the offense and the warrant of the officer of law issued upon that oath or affirmation to seize the body of the party so charged. Yet notwithstanding that is the highest law of this land we are told it is lawful for any officer of the Government to seize any citizen and to deprive him without due process of law of his property or of the freedom of his person. No tyrant went further than this. Indeed, sir, the whole of the internal-revenue system is but a bill of attainder against the persons, houses, papers, and effects of our citizens. You cannot get a writ of injunction to restrain an internal-revenue officer from seizing your property. If he comes and demands $50,000 taxes, or all you have, there is no power under the law of this internal-revenue system which can restrain that officer from executing his will—it is not the law, but executing his will or his rights given in the law to seize the property of the citizen. They are empowered to go and take into their custody the property and persons of citizens, to seize them and hold them at their will, to carry them wherever they please and keep them as long as they wish and blackmail them to whatever extent they choose. That is the splendid revenue system we are imposing upon the citizens of the United States. I am sorry, sir, to see that our people are so fallen that we cannot put in an amendment in vindication of the right of the citizen to be secure in his person and property.

Mr. TUCKER. I trust, Mr. Speaker, that I will not be considered as trespassing upon the time of the House in attempting to vindicate myself against the charges of my friend from Texas and my colleague from Virginia. My friend from Texas quotes the Constitution of the United States, with which we are familiar, and you will find that there is nothing in that which impugns the proposition of arrest without warrant. The party who drafted that clause drew it from the famous resolutions of Parliament at the time that Lord Chief-Justice Pratt afterward Lord Camden, in 1763 or 1764, decided the case involving the publication of the North Briton. That provision was copied, I think, by George Mason into the bill of rights of Virginia, (which was adopted before the Declaration of Independence,) and embodied in the amendments to the Federal Constitution. What is it?

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated.

Against unreasonable searches and seizures, leaving the question as to what are unreasonable searches and seizures to the common-law doctrine. It then goes on:

And no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

That is clear, but there is nothing said about the arrest of the party in order to take him under judicial consideration; not a word. The whole question turns back upon what is the common law. I assert again (and if this debate continues long enough I will show to my friend from Texas the decision) that Lord Tenterden in the case I have already mentioned decided the seizure and arrest of any person guilty of a violation of the law is justifiable by an officer wherever he has reasonable grounds to believe there has been such violation. He is never justified so as not to be actionable in reference to a private party unless he can prove the party——

Mr. PRIDEMORE. Does that include misdemeanors as well as felonies?

Mr. TUCKER. Oh, yes.

Mr. MILLS. Will my friend show any authority in reference to the case I put? This is under a written Constitution of our country. Now, can he show me any authority in our country—I do not ask for any authority in England under the law there—but can he show me any authority in our country where an officer has the right or the warrant to arrest a citizen without the preceding conditions being fulfilled provided for in the Constitution of the United States?

Mr. TUCKER. I have never heard of any question on that subject. I suppose it is the usual every-day practice in almost every country, at least where crime is committed.

Mr. MILLS. It is not done, then, legally.

Mr. TUCKER. If not legally, why, then, has not my friend who is so zealous ever brought action against an officer?

Mr. MILLS. Because such things never occurred in my country.

Mr. TUCKER. Why, does the gentleman mean to say that a man who sees another commit murder and sees him attempting to escape would not be justified in attempting to arrest him? No action would lie in such a case as that if he saw him commit the offense.

Mr. MILLS. If he has the discretion to arrest when he sees the commission of a crime, he must have the discretion to arrest though he does not see the crime committed.

Mr. TUCKER. This particular provision applies to the case of—

. Any marshal or deputy marshal of the United States within the judicial district for which he is appointed, when he shall find any person in the act of—

Committing the crime. Now I trust I have vindicated myself on that point. I have no objection to the amendment of my colleague from Virginia to punish a marshal. But the best punishment I think is to have him amenable to private action.

Mr. PRIDEMORE. My colleague I think somewhat mistakes my position. I never contended that the officer cannot arrest a felon. There is a distinction between a felony and a misdemeanor.

Mr. TUCKER. In Virginia you never arrest a man for a misdemeanor.

Mr. PRIDEMORE. I do not know that.

Mr. TUCKER. I would like the gentleman to show me where is the right to arrest for a misdemeanor.

Mr. TOWNSEND, of New York. The doctrine laid down by the gentleman from Virginia behind me [Mr. TUCKER] has been the ordinary doctrine established in all those regions where the English common law has prevailed; but it has not been the doctrine that has universally prevailed, by any means. The gentleman from Virginia on my left [Mr. PRIDEMORE] and the gentleman from Texas [Mr. MILLS] could cite a case that fully sustains their views. It is where a celebrated magistrate, as celebrated now throughout the world as Lord Mansfield or any of the great judicial authorities of England, laid down the doctrine precisely as those gentlemen understand the doctrine ought to be. In giving authority to marshals or watchmen he says: "You ma command any man to stand in the king's name." "But what if he will not stand?" "Let him go; take no note of him, and thank God you are rid of a knave." [Laughter.] That is precisely a case in point. These gentlemen would execute our laws on the Dogberry plan; instead of punishing the criminal they would punish the officer. [Laughter.]

The question being taken on the amendment of Mr. MILLS to strike out the section, it was not agreed to.

Mr. STEELE. I offer the following amendment as an additional section after section 9:

That section 1046 of the Revised Statutes of the United States be amended so as to strike out from the second line of the section the words "the revenue laws or;" so that the same shall refer to and include only violators of the laws on the subject of the slave trade.

Mr. BURCHARD. Before the gentleman proceeds, I desire to make the point of order that this is a general provision relating to limitations of actions embraced in the judiciary act.

Mr. STEELE. Am I entitled to the floor?

The SPEAKER *pro tempore*. Is the point of order insisted on now?

Mr. BURCHARD. Just as the gentleman from North Carolina prefers. If the gentleman prefers to make his remarks before the point of order is decided, I have no objection.

Mr. STEELE. I am perfectly indifferent which course is pursued.

Mr. BURCHARD. If the amendment would be in order anywhere I believe it would be in order here.

The SPEAKER *pro tempore*. If section 1046 of the Revised Statutes relates to prosecutions for violating the internal-revenue laws, which the Chair believes it does, then this amendment is undoubtedly in order.

Mr. STEELE. Mr. Speaker, it will be apparent to every gentleman who examines the statute to which my amendment refers, and to which certainly it is germane, that that statute relates to the limitations on the power of the Government to institute prosecutions for the violation of its laws. It will be seen that one of the sections makes all offenses against the criminal laws of the country, except willful murder, barred by statute after the lapse of three years. Even treason, piracy, any felony which can be committed against the United States, is barred by the operation of the statute after a lapse of three years. All offenses of a minor character, all misdemeanors declared so to be by statute—for I believe nobody has ever been able to draw exactly the line as to what a felony is, except that that is a felony which is declared to be such by statute, (that is as far as I can understand it, and I do not believe anybody else understands any more about it than just that)—all misdemeanors which may be committed against the laws of the United States are barred by statute after the lapse of two years, except the offenses specified in section 1046, which are offenses against the revenue laws of the country and against the laws relating to the slave trade. The latter laws are almost entirely nugatory now in this country.

Now, the purpose of my amendment is to put offenses of the class of misdemeanors upon the same plane. I see no reason on earth why a longer time should be required to elapse before the operation of the statute of limitations upon alleged violations of the revenue laws than in reference to other offenses of a similar character which may be committed against the laws of the United States. I have failed to see or hear of any substantial reason which justifies that very remarkable difference.

What the reasons are which exist for the interposition of the law in declaring a statute of limitations I shall not attempt to discuss before a House where so many gentlemen belong to the legal profession. And now, in connection with that matter, I will state that my friend from Virginia [Mr. TUCKER] on Saturday was extremely anxious to know the name of the judge in North Carolina who insisted on the jurisdiction of the courts of the United States to try persons who are charged with offenses against the criminal laws of the State. I can tell him the name of that judge. He is the judge of the western judicial district of the State of North Carolina. One of our ablest, most brilliant, and most fearless judges has endeared himself to the hearts of the people of North Carolina by his unflinching effort to maintain the integrity and power of the courts of North Carolina against Federal encroachment.

I allude to Hon. David Schenck; and the action of the judge claiming jurisdiction has been sustained by the supreme court of our State in a case which was recently before it, their opinion being founded, as I learn, upon section 643 of the Revised Statutes. Now, this action of which we complain has been a perfect outrage upon our people; and will continue to be so while this extraordinary power exists under the statutes of the United States. That statute was read here at the instance of the gentleman from Tennessee [Mr. RIDDLE] on Saturday.

In connection with this amendment, I will say that I hope the House of Representatives will establish the principle in the law of this country that all misdemeanors shall stand on the same ground, and that every violation of the criminal law of this country of that particular character shall be treated precisely alike. Having said that, and having said all that I choose to say on this subject, I will not speak further.

Mr. BURCHARD. If the law had been as proposed by the gentleman from North Carolina, [Mr. STEELE,] then the most stupendous frauds connected with the distillation could never have been punished. The great frauds in the cities of Chicago and Saint Louis, which startled the whole country, were not discovered and prosecutions were not commenced until more than two years had elapsed after the frauds had been committed. My recollection is (and I speak from memory, not having looked up the matter) that when the frauds were unearthed it was found that they went back to 1871 and 1872.

The reason why the statute of limitations should not be the same in these as in other cases is that these frauds are perpetrated secretly, it may be in connivance with some of the subordinate officers of the Government, and they are not discovered for a long time. Therefore those whose duty it is to prosecute for offenses against the internal-revenue laws are not for a long time advised of those offenses, and the statute of limitations as proposed by the gentleman from North Carolina [Mr. STEELE] would bar any action.

You could not have punished what is called the whisky ring for these offenses against the revenue laws of the United States had that limitation been in force. I think we would make a great mistake now if we should shorten the limitation to the period proposed by the gentleman from North Carolina.

It may be that in cases of open, notorious violations of the law, those that are patent and visible to all, there should be some limitation. But you cannot make a general provision limiting prosecutions for offenses against the internal-revenue laws to two years without finding that scores of the greatest offenders against the revenue and even

good order of the Government will escape through that limitation. I hope the amendment will not be adopted.

Mr. STEELE. The argument used by the gentleman from Illinois [Mr. BURCHARD] goes entirely too far. According to his argument it is perfectly clear that the statute of limitations ought to be extended rather than restricted. Why should the Congress of the United States declare offenses against the revenue laws to be of much graver character than the offenses against the liberty of the citizen and the existence of the Government itself?

As I have already stated, in the case of treason, piracy, and all the other felonies, the limitation is three years; and yet the gentleman desires to have offenses against the revenue laws of the country made higher crimes in that respect than those felonies.

Although men may escape by a restriction of the period under the statutes of limitation, that will occur whatever your limitation may be. It is the duty of the persons who are charged with prying out the violations of the revenue laws to exercise proper zeal and diligence. There is no reason on earth why a man may be brought up to answer for a charge of this character after four or five years have elapsed, when perhaps he is not otherwise than merely technically guilty of the offense, and all the evidence he could have furnished in vindication of himself may have passed away into oblivion. That is all wrong. The principle of my amendment is absolutely right and I trust the House of Representatives will vindicate it.

The question recurred upon the amendment of Mr. STEELE, to insert the following as a new section:

SEC. 10. That section 1046, chapter 16, of the Revised Statutes of the United States be amended so as to strike out from the second line thereof the words "the revenue laws or;" so that the same shall refer to and include only violations of the laws on the subject of the slave trade.

The question was taken; and upon a division, there were—ayes 21, noes 60.

No further count being called for, the amendment was not agreed to.

Mr. VANCE. I move to amend section 9 by adding the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That so much of section 643 of the Revised Statutes of the United States as applies to the removal of civil suits or criminal prosecutions against any officer appointed under or acting by authority of any revenue law of the United States be, and the same is hereby, repealed.

Mr. BURCHARD. I raise a point of order on that amendment.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURCHARD. Section 643, which the gentleman proposes to amend, is a section of the Judiciary act, relating to the removal of suits from State courts to United States courts.

Mr. VANCE. The section of this bill to which I propose my amendment also proposes to amend sections that relate to the judiciary law. This particular section of the Revised Statutes which I propose to amend has relation to officers in the discharge of their duties under the revenue laws. I think the point of order does not hold good. I will call the attention of the Chair to the fact that this very section of the bill proposes to amend sections 1014, 1015, and 1016 of the Judiciary act.

The SPEAKER *pro tempore*. The amendment now offered is quite different from the one offered on Saturday last, which the Chair ruled out of order, inasmuch as it is simply an attempt to make a change in the law so far as it relates to suits and criminal prosecutions against internal-revenue officers. The Chair thinks, therefore, that this amendment is in order.

Mr. VANCE. The object of this amendment is to prevent the removal of suits against an officer for violation of the law while in the discharge of his duty as a revenue officer, especially when he is charged with the offense of homicide. I understand that the Judiciary Committee of this House have agreed to a bill making a provision of this kind; and I think it very proper. The section of the Revised Statutes proposed to be amended is section 643. Under the rulings of the judges in many of the States where Federal officers in the discharge of their duty have taken life and have been put upon trial in the State courts, the suits have been removed from the State courts having jurisdiction and the cases have been tried in the Federal courts; and, strange as it may seem, in cases of this kind the prosecuting officer of the United States, instead of prosecuting the criminal, has defended him. In many instances the defendants have been allowed to go free when it was believed they were guilty. Many hardships have occurred in connection with this matter, and much opposition to the internal-revenue laws has thus been created.

I will state an instance that occurred in my own district. A man living there was arrested upon a charge of violating the internal-revenue laws. He went before the proper officers and effected a compromise. After that compromise was agreed upon he went home, and after he had been there some days, notwithstanding the compromise that had been entered into, under which he was to pay the sum of $200, the officer went to him in the field where he was working. The process had been improperly issued. The citizen, who had his gun in his hands, inquired of the officer in a friendly way: "Have you anything against me? Have you any process for my arrest?" The officer answered "I have none." The citizen then dropped his gun, an ordinary rifle used for hunting purposes. He dropped his gun by his side and turned his eyes away. The officer of the law drew his pistol and shot the man dead. A prosecution was begun in the courts of the State of North Carolina for the crime, but the case was removed to the United States court; and I am credibly informed that on the trial there the judge charged the jury that if the officer of the law had a belief in his mind that the man would resist he had a right to take his life. Under that ruling the man was acquitted. The widow of the man who thus lost his life applied for the restoration of the $200 which had been paid under the compromise; but the Commissioner of Internal Revenue decided that under the law he had no authority to return the money.

Now, sir, to take a man's life is not a violation of the internal-revenue laws, but a violation of the laws of the State, for which the offender ought to be tried in the State courts. I think that the time has come when the line of policy in this respect ought to be changed. Is human life so cheap that men may take it and escape with impunity? Gentlemen have declared on this floor their sympathy with the officers of the law; there ought also to be sympathy for the citizen whose rights are trampled down. I think that the officer of the law ought to be protected when engaged in the proper discharge of his duty; but surely the citizen ought to be protected in his rights; and I believe the proper place for the trial of offenses of this kind is in the State courts, because it is the law of the State that is violated.

Mr. HANNA. Mr. Speaker, those who have the curiosity to glance through the statutes of the United States upon this subject will find that, after the passage of the judiciary act, among the first provisions enlarging its operation was the act providing for the transfer of suits from the State courts to the United States courts in the cases of revenue officers; first, as to civil causes and afterward as to criminal prosecutions. Now, if we will divest ourselves of passion and calmly inquire for the reason of this, we shall find that it was a reason founded upon necessity and the demands of public justice. As a rule, a national court is better calculated to administer national laws than a State court.

Mr. VANCE. Does the gentleman consider murder, for instance, a violation of national law?

Mr. HANNA. I will come to that view of the question. A judge appointed to administer the law in a national court may be fairly assumed to be better qualified than the mass of judges in our State courts.

Now the revenue officers are charged with the administration of national law; and if this or that man complains that those officers in the discharge of their duties have exceeded the line marked out by the statute, I say no court is better qualified to administer the law in such a case than a national court; and there may be cases (I do not say that there are) where the administration of public justice requires that a national court should intervene. If the case is to be tried by a jury, the jury in the United States court is not drawn from the locality immediately affected by the excitement, but from the State at large. The judge himself will not be so likely to be affected by local influence as the judge residing in the immediate locality. Thus justice is most likely to be administered.

Mr. HEWITT, of Alabama. If the marshal is indicted for murder, and the case is transferred to the Federal court, who summons the jury?

Mr. HANNA. Certainly not the marshal himself. No fair-minded judge would permit the party on trial to select the jury. Ordinarily in a case like that the judge would make a special order appointing some impartial citizen as a special officer to select the jury.

Mr. STEELE. Is there any provision of law by which punishment can be inflicted on these persons when they are tried before the United States court?

Mr. HANNA. I will come to that in a moment. The hardship of which my friend from North Carolina seems to complain is that a marshal may commit a murder and, when the case is transferred to the United States court, may be acquitted. Now, when a man who holds the office of marshal commits a crime, it does not necessarily follow that he commits the crime as marshal; he may do it in his capacity as a citizen. What are the classes of cases in which a transfer may be had under section 643?

When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office, or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law, &c.

So all this class of cases now transferred to your Federal courts are cases arising under the Federal law where the officer is discharging a duty under that law. This, as a matter of course, would not embrace criminal cases, as murder or trespass, where the man might do an act in his private capacity.

Mr. BURCHARD. I demand the previous question.

The SPEAKER *pro tempore*. Debate is exhausted. The question recurs on the amendment of the gentleman from North Carolina, [Mr. VANCE.]

Mr. ROBBINS. I move to strike out the last word.

The SPEAKER *pro tempore*. The gentleman from Illinois demanded the previous question, and the Chair said that debate was exhausted and did not put the question to the House.

Mr. ROBBINS. But the gentleman will allow me to say a word.

Mr. BURCHARD. I will yield to the gentleman for a minute or two.

Mr. ROBBINS. I introduced a bill, Mr. Speaker, on the first day

of this session providing substantially the same thing provided in that amendment. It is extremely wrong, it seems to me, to have one place to try the citizen in and another place to try officers. If a citizen violates the law he is amenable to the State courts, but if an officer of the United States violates the law his case is transferred to another tribunal, not tried in the State courts, but sent to the Federal courts. The people do not like it; it is wrong, and as a representative of the people I demand that the people and the officers shall be all tried in one tribunal. If the officer violates the law you do not carry him to the Federal court, but if a citizen violates the law you transfer him from the State courts to the Federal courts. If an officer commits assault and battery upon a citizen and claims that he does it under cover of law his case is carried to the Federal court.

I ask what Federal law there is in the Federal courts to try assaults and batteries and murders and trespass and the things which these gentlemen transfer to the Federal courts? I never knew anybody yet who could tell what became of the cases thus transferred to the Federal courts where men were indicted for assault or battery or murder or trespass. Those cases probably died there. There is no method of trying them. There is no process for trying them. I do not think properly there is any jurisdiction. The result is that these officers escape with impunity, and the citizens very justly complain that you have a privileged class of individuals who commit offenses and have their cases transferred to another and different tribunal from that in which the cases of the citizens are tried and that thereby the officers escape.

Mr. BURCHARD. Let me say in reply to the gentleman from North Carolina that the difference is this: when the officer is acting under United States law by executing a writ or process, or in any way executing the law of the United States, he has the right to have the charges against him tried in the courts of the United States.

Mr. RANDOLPH. For murder?

Mr. BURCHARD. Not for murder, but for anything done while acting under the laws of the United States.

Mr. RANDOLPH. The laws of the United States do not punish a man for murder.

Mr. BURCHARD. If the officer having arrested a person is charged with having committed assault and battery upon the person arrested, the officer may allege in his petition for removal that he was acting as an officer of the United States; that as such officer he made the arrest and seized the person who did the act complained of. In that case, I say, the law authorizes the case to be transferred from the State courts to the Federal courts. I now demand the previous question.

Mr. VANCE. The statute says "criminal proceedings."

Mr. ROBBINS. I wish to ask the gentleman another question. If a man is indicted for assault and battery and claims he does it under color of his office, and it is carried to the Federal court, can you try him, can you punish him?

Mr. BURCHARD. The officer has to show in his application that the acts were done by him while executing the process of the law, or else the case cannot be removed, nor can he be justified on trial.

Mr. HANNA. Let me state to the gentleman from North Carolina that he will find the answer to his question by reading the concluding part of section 643.

Mr. ROBBINS. That is no answer.

The SPEAKER *pro tempore*. The gentleman from Illinois has demanded the previous question, and all further debate is out of order. There being no objection, the previous question will be considered as seconded and the main question ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the President *pro tempore* had appointed Mr. EATON as manager on the part of the Senate of the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, in place of Mr. DAVIS, of West Virginia, excused.

INTERNAL REVENUE.

The House resumed the consideration of the bill to amend the laws relating to internal revenue.

The question was on the amendment of Mr. VANCE; which was again read, as follows:

Add as a proviso to the ninth section the following:

Provided, That so much of section 643 of the Revised Statutes of the United States as applies to the removal of civil suits or criminal prosecutions against any officer appointed under or acting by authority of any revenue law of the United States be, and the same is hereby, repealed.

The question being taken, there were—ayes 69, noes 72.

Mr. VANCE. I call for tellers.

Tellers were ordered; and Mr. VANCE and Mr. BURCHARD were appointed.

The House again divided; and the tellers reported—ayes 77, noes 81.

Mr. VANCE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 93, not voting 91; as follows:

YEAS—107.

Aiken,	Bell,	Bland,	Boone,
Atkins,	Bicknell,	Bliss,	Bragg,
Banning,	Blackburn,	Blount,	Bridges,
Bright,	Ewing,	Knott,	Sayler,
Brogden,	Finley,	Landers,	Scales,
Buckner,	Forney,	Ligon,	Schleicher,
Cabell,	Garth,	Lynde,	Singleton,
Caldwell, John W.	Giddings,	Mackey	Smith, William E.
Caldwell, W. P.	Goode,	Maish,	Southard,
Candler,	Gunter,	Martin,	Sparks,
Carlisle,	Hardenbergh,	Mayham,	Steele,
Chalmers,	Harris, Henry R.	McKenzie,	Throckmorton,
Clark, Alvah A.	Harris, John T.	McMahon,	Townshend, R. W.
Clark of Missouri,	Harrison,	Mills,	Tucker,
Clymer,	Hartridge,	Morgan,	Turney,
Collins,	Hartzell,	Morrison,	Vance,
Covert,	Hatcher,	Morse,	Walker,
Cox, Samuel S.	Henkle,	Muldrow,	Whitthorne,
Cravens,	Henry,	Pridemore,	Wigginton,
Crittenden,	Herbert,	Randolph,	Williams, James
Davidson,	Hewitt, Abram S.	Rea,	Williams, Richard
Dean,	Hewitt, G. W.	Reagan,	Willis, Albert S.
Dibrell,	Hooker,	Reilly,	Wilson,
Eden,	House,	Riddle,	Wright,
Elam,	Jones, Frank	Robbins,	Yeates,
Ellis,	Kenna,	Robertson,	Young.
Evins, John H.	Kimmel,	Ross,	

NAYS—93.

Aldrich,	Davis, Horace	Jorgensen,	Sinnickson,
Bacon,	Deering,	Keifer,	Smalls,
Bagley,	Denison,	Keightley,	Smith, A. Herr
Baker, John H.	Dunnell,	Lapham,	Stewart,
Baker, William H.	Dwight,	Lathrop,	Stone, John W.
Banks,	Eames,	Marsh,	Stone, Joseph C.
Bisbee,	Ellsworth,	McCook,	Strait,
Blair,	Errett,	McGowan,	Thornburgh,
Bouck,	Evans, I. Newton	Metcalfe,	Townsend, Amos
Brewer,	Foster,	Mitchell,	Townsend, M. I.
Briggs,	Frye,	Neal,	Wait,
Browne,	Gardner,	Norcross,	Walsh,
Bundy,	Hale,	Oliver,	Ward,
Burchard,	Hanna,	O'Neill,	Warner,
Burdick,	Harris, Benj. W.	Patterson, G. W	Welch,
Campbell,	Haskell,	Peddie,	White, Michael D.
Cannon,	Hayes,	Phillips,	Williams, A. S.
Chittenden,	Henderson,	Price,	Williams, Andrew
Clark, Rush	Hubbell,	Pugh,	Williams, C. G.
Cole,	Humphrey,	Rainey,	Willits,
Conger,	Hungerford,	Reed,	Wren.
Crapo,	Ittner,	Robinson, M. S.	
Cummings,	James,	Sampson,	
Cutler,	Jones, John S.	Sapp,	

NOT VOTING—91.

Acklen,	Eickhoff,	Killinger,	Robinson, G. D.
Ballou,	Evans, James L.	Knapp,	Ryan,
Bayne,	Felton,	Lindsey,	Sexton,
Beebe,	Fort,	Lockwood,	Shallenberger,
Benedict,	Franklin,	Loring,	Shelley,
Boyd,	Freeman,	Luttrell,	Slemons,
Brentano,	Fuller,	Manning,	Springer,
Butler,	Garfield,	McKinley,	Starin,
Cain,	Gause,	Money,	Stenger,
Calkins,	Gibson,	Monroe,	Stephens,
Camp,	Glover,	Muller,	Swann,
Caswell,	Hamilton	Overton,	Thompson,
Claflin,	Harmer,	Page,	Tipton,
Clarke of Kentucky,	Hart,	Patterson, T. M.	Turner,
Cobb,	Hazelton,	Phelps,	Van Vorhes,
Cook,	Hendee,	Pollard,	Veeder,
Cox, Jacob D.	Hiscock,	Potter,	Waddell,
Culberson,	Hunter,	Pound,	Watson,
Danford,	Hunton,	Powers,	White, Harry
Davis, Joseph J.	Jones, James T.	Quinn,	Williams, Jere N.
Dickey,	Joyce,	Rice, Americus V.	Willis, Benj. A.
Douglas,	Kelley,	Rice, William W.	Wood.
Durham,	Ketcham,	Roberts,	

So the amendment was adopted.

During the call of the roll the following announcements were made:

Mr. SOUTHARD. My colleague from Ohio, Mr. RICE, is paired with my colleague, Mr. MCKINLEY.

Mr. BELL. My colleague from Georgia, Mr. FELTON, is detained at his room by sickness in his family.

Mr. FRANKLIN. I am paired with Mr. RYAN, of Kansas. If he were here, I would vote "ay."

Mr. DICKEY. I am paired with my colleague from Ohio, Mr. VAN VORHES.

Mr. LIGON. My colleague from Alabama, Mr. WILLIAMS, is absent by leave of the House on account of sickness.

Mr. STEELE. My colleague from North Carolina, Mr. WADDELL, is absent by leave of the House. If he were present, he would vote "ay."

Mr. ROBBINS. The gentleman from Georgia, Mr. COOK, is paired with Mr. HUNTER, of Indiana. Mr. COOK, if present, would vote "ay."

Mr. SCALES. My colleague from North Carolina, Mr. DAVIS, is absent by leave of the House. He is paired with Mr. SCHALLENBERGER, of Pennsylvania.

Mr. WIGGINTON My colleague from California, Mr. LUTTRELL, is absent by leave of the House. He is confined to his room by sickness.

Mr. MULDROW. My colleague from Mississippi, Mr. MANNING, is paired with Mr. FORT, of Illinois.

Mr. SHELLEY. I am paired with Mr. EVANS, of Indiana. If he were present, I would vote "ay."

Mr. GUNTER. My colleague from Arkansas, Mr. SLEMONS, is paired with Mr. FREEMAN, of Pennsylvania. My colleague, Mr. GAUSE, is absent by leave of the House.

Mr. REA. My colleague from Missouri, Mr. GLOVER, is absent on account of illness. He is paired with Mr. OVERTON, of Pennsylvania.

Mr. CLARKE, of Kentucky. I am paired with Mr. WATSON, of Pennsylvania. If he were present, he would vote "no" and I should vote "ay."

Mr. POLLARD. I am paired with Mr. DOUGLAS, of Virginia. If he were present, he would vote "ay" and I should vote "no."

Mr. CALKINS. I am paired with Mr. ACKLEN, of Louisiana, on all political questions. Not being sure how he would vote on this question, I have refrained from voting.

Mr. WILLIAMS, of Oregon. The gentleman from Kansas, Mr. RYAN, is paired with the gentleman from Missouri, Mr. FRANKLIN.

Mr. WARD. My colleague from Pennsylvania, Mr. SHALLENBERGER, is absent by leave of the House. He is paired with Mr. DAVIS, of North Carolina. If present, Mr. SHALLENBERGER would vote "no."

Mr. TOWNSEND, of Ohio. My colleagues, Mr. MCKINLEY and Mr. RICE, are paired. Mr. MCKINLEY, if present, would vote "no."

Mr. DENISON. My colleague from Vermont, Mr. JOYCE, is absent on account of sickness. If present he would vote "no."

Mr. HARMER. I am paired with Mr. WILLIS, of Kentucky. If he were present, I should vote "no."

Mr. WHITE, of Indiana. My colleagues, Mr. FULLER and Mr. SEXTON, are paired. Mr. FULLER would vote "ay" and Mr. SEXTON would vote "no."

Mr. MITCHELL. My colleague from Pennsylvania, Mr. OVERTON, is paired with Mr. GLOVER, of Missouri.

Mr. STARIN. I am paired with my colleague from New York, Mr. MULLER. If he were present, I should vote "no."

Mr COBB. I am paired with Mr. MONROE, of Ohio. If he were present, I should vote "ay."

The result of the vote was then announced as above recorded.

Mr. VANCE moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDOLPH. I move to amend the ninth section by adding that which I send to the Clerk's desk.

The Clerk read as follows:

And such person so arrested shall be entitled to a continuance of his case for a period not exceeding ten days upon his filing an affidavit that it is necessary in order to enable him to procure the attendance of witnesses in his behalf, and shall be entitled to compulsory process requiring the attendance of such witness.

Mr. ELAM. I do not think that is necessary since the amendment which has been adopted on motion of the gentleman from North Carolina, [Mr. VANCE.]

Mr. RANDOLPH. Then I withdraw the amendment.

Mr. EWING. I ask that there be printed an amendment to the pending bill, which I have prepared and propose to offer when I get the opportunity.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the Senate of the following titles; when the Speaker signed the same:

An act (S. No. 72) for the relief of the heirs of William A. Graham;

An act (S. No. 82) for the relief of Gustav A. Hesselberger;

An act (S. No. 138) for the relief of settlers on the public lands under the pre-emption laws;

An act (S. No. 342) for the relief of Phœbe Henrietta Groesbeck;

An act (S. No. 644) for the relief of Dwight W. Hakes;

An act (S. No. 998) for the relief of George R. Dennis, of Maryland; and

An act (S. No. 1033) for the relief of J. C. McBurney.

ORDER OF BUSINESS.

Mr. COX, of New York. I move that the House now take a recess until half past seven o'clock.

Mr. EDEN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDEN. Will any other business be in order to-night except the bill for the life-saving service?

The SPEAKER. It will not.

Mr. TOWNSHEND, of Illinois. When will the vote be taken on that bill?

The SPEAKER. To-morrow.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RICE, of Ohio, for two days, on account of sickness in his family; and

To Mr. OVERTON, for three days, on account of important business.

LEAVE TO PRINT.

Mr. EAMES asked and obtained unanimous consent to have printed in the RECORD as a portion of the debates of the House some remarks which he had prepared upon the bill, reported from the Committee on Banking and Currency, to retire the circulation of national banks. [See Appendix.]

WYANDOTTE INDIANS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, presenting, with copies of correspondence from the Commissioner of Indian Affairs, the petition of the Wyandotte Indians, asking action on their behalf; which was referred to the Committee on Indian Affairs.

WRIGHT'S BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an appropriation for the payment of the rental of Wright's building; which was referred to the Committee on Appropriations.

HOT SPRINGS COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relating to the Hot Springs commission; which was referred to the Committee on Public Lands.

COAST SURVEY STEAMER HASSLER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an appropriation of $6,513.54 to pay Dialogue & Wood for extra work on the construction of the United States Coast Survey steamer Hassler, the said amount having been found due by the Court of Claims; which was referred to the Committee on Appropriations.

OFFICIAL ADVERTISING.

The SPEAKER also laid before the House a letter from the Secre- of the Interior, relative to the rate allowed by law for the payment of official advertisements; which was referred to the Committee on Printing.

G. B. BOUTWELL.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in reply to a resolution of the House of May 22, 1878, calling for correspondence in the case of G. B. Boutwell, late commander in the United States Navy; which was referred to the Committee on Naval Affairs.

WEST POINT VISITORS.

The SPEAKER announced the appointment of Mr. LYNDE, of Wisconsin, as one of the visitors to West Point in place of Mr. BLOUNT, of Georgia, who is unable to attend on account of public duties.

J. B. DE BERRY.

Mr. DAVIDSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to J. B. De Berry the sum of $100.56 out of the contingent fund of the House for services rendered under the late Doorkeeper John W. Polk, as messenger.

EVENING SESSION ON WEDNESDAY.

Mr. PHILLIPS. I ask unanimous consent that Wednesday evening, June 5, be set apart for the consideration of the bill (H. R. No. 2971) to provide for the deposit of savings in a popular loan, and measures of a kindred character, and that the previous question shall be moved on the bill after the reading of the Journal on Thursday.

Mr. SMITH, of Pennsylvania. I object.

ROBERT PLATT.

Mr. MORSE. I am instructed by the Committee on Naval Affairs to ask unanimous consent to report for consideration at this time Senate bill No. 797, for the relief of Acting Master Robert Platt, United States Navy.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill authorizes the President of the United States to appoint Acting Master Robert Platt, United States Navy, for long and meritorious services, a master in the regular Navy of the United States, not in the line of promotion.

There being no objection, the bill was received, ordered to a third reading, read the third time, and passed.

Mr. MORSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Many MEMBERS. Regular order.

The SPEAKER. The regular order is the motion of the gentleman from New York, [Mr. COX,] that the House now take a recess until half past seven o'clock this evening. The session of this evening is for the consideration of the life-saving service bill, and the gentleman from Mississippi [Mr. CHALMERS] will occupy the chair as Speaker *pro tempore*.

The motion of Mr. COX, of New York, was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., and was called to order by Mr. CHALMERS as Speaker *pro tempore*.

LIFE-SAVING SERVICE.

The SPEAKER *pro tempore*. According to order the House meets

this evening for the consideration of the bill (H. R. No. 3988) to reorganize the life-saving service.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to establish additional life-saving and life-boat stations, at or near the following-named points, upon the sea and lake coasts of the United States, namely: One complete life-saving station at Cranberry Isles, Maine; one complete life-saving station at or near Scituate, Massachusetts; one complete life-saving station at or near Watch Hill, Rhode Island; one complete life-saving station on the coast of Delaware between Cape Henlopen and Indian River; two complete life-saving stations on the coast of Maryland to be located, one between Indian River and Green Run and one between Green Run and Chincoteague; fifteen complete life-saving stations on the coasts of Virginia and North Carolina, ten of them to be located at intermediate points between the existing stations, three between the southernmost existing station and Hatteras Inlet, one at or near Cape Lookout, and one at or near Cape Fear Point; five complete life-saving stations on the coast of Texas, to be located, one at or near Sabine Pass, one on Galveston Island, near west end, one at or near Pass Cavallo, one at or near Aransas Pass, and one at Brazos Santiago, and one life-boat station on Galveston Island, near east end; two complete life-saving stations on the coast of Lake Michigan, to be located, one at or near Sleeping Bear Point and one at or near Bayley's Harbor, and four life-boat stations, to be located, one at or near Manistee, one at Ludington, one at or near Muskegan, and one at Kenosha; one life-boat station on the coast of Lake Superior, at or near the mouth of Portage Lake and Lake Superior Ship Canal; two complete life-saving stations on the coast of Lake Huron, one at or near Port Austin and one on Middle Island, and a life-boat station at or near Sand Beach harbor of refuge; and on the coast of California, a life-boat station at Bolinas Bay, in place of that authorized to be established at Point Reyes by the act of June 20, 1874, entitled "An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;" and the Secretary of the Treasury is hereby authorized, whenever, in his opinion, it may become necessary for the proper administration of the life-saving service and the protection of the public property at the stations, to appoint a district superintendent for the coast of the United States bordering on the Gulf of Mexico, whose compensation shall be at the rate of $1,000 per annum, and also a keeper for each of the stations hereby authorized to be established.

SEC. 2. That the unexpended balances of appropriations heretofore made for the establishment of life-saving and life-boat stations are hereby made available for the payment of the expense of the establishment of the stations herein authorized.

SEC. 3. That all moneys received from the sale of old stations and equipments and other material condemned by a board of survey as unserviceable may be expended in rebuilding or improving and equipping stations.

SEC. 4. That hereafter the compensation of the keepers of life-saving and life-boat stations and houses of refuge shall be at the rate of $400 per annum; and they shall have the powers of inspectors of customs, but shall receive no additional compensation for duties performed as such: *Provided*, That said keepers shall have authority and be required to take charge of and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorized to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury; and keepers of life-saving stations shall be required to reside continually at or in the immediate vicinity of their respective stations.

SEC. 5. That hereafter the life-saving stations upon the sea and Gulf coasts at which crews are employed shall be manned and the stations opened for active service on the 1st day of September in each year and so continue until the 1st day of May succeeding, and upon the lake coasts from the opening to the close of navigation, except such stations as in the discretion of the Secretary of the Treasury are not necessary to be manned during the full period specified; and the crews shall reside at the stations during said periods.

SEC. 6. That the President of the United States may, by and with the consent of the Senate, appoint a suitable person, who shall be familiar with the various means employed in the life-saving service for the saving of life and property from shipwrecked vessels, as general superintendent of the life-saving service, who shall, under the immediate direction of the Secretary of the Treasury, have general charge of the service and of all administrative matters connected therewith, and whose compensation shall be at the rate of $4,000 per annum; and the Secretary of the Treasury is authorized to appoint an assistant to the general superintendent, whose compensation shall be $2,500 per annum.

SEC. 7. That it shall be the duty of the general superintendent to supervise the organization and government of the employés of the service; to prepare and revise regulations therefor as may be necessary; to fix the number and compensation of surfmen to be employed at the several stations within the provisions of law; to supervise the expenditure of all appropriations made for the support and maintenance of the life-saving service; to examine the accounts of disbursements of the district superintendents, and to certify the same to the accounting officers of the Treasury Department; to examine the property returns of the keepers of the several stations, and see that all public property thereto belonging is properly accounted for; to acquaint himself, as far as practicable, with all means employed in foreign countries which may seem to advantageously affect the interests of the service, and to cause to be properly investigated all plans, devices, and inventions for the improvement of life-saving apparatus for use at the stations which may appear to be meritorious and available; to exercise supervision over the selection of sites for new stations, the establishment of which may be authorized by law, or for old ones, the removal of which may be made necessary by the encroachment of the sea, or by other causes; to prepare and submit to the Secretary of the Treasury estimates for the support of the service; to collect and compile the statistics of marine disasters contemplated by the act of June 20, 1874; and to submit to the Secretary of the Treasury, for transmission to Congress, an annual report of the expenditures of the moneys appropriated for the maintenance of the life-saving service, and of the operations of said service during the year.

SEC. 8. That the Secretary of the Treasury may detail such officer or officers of the revenue marine service as may be necessary, to act as inspector and assistant inspectors of stations, who shall perform such duties in connection with the conduct of the service as may be required of them by the general superintendent.

SEC. 9. That upon the occurrence of any shipwreck within the scope of the operations of the life-saving service, attended with loss of life, the general superintendent shall cause an investigation of all the circumstances connected with said disaster and loss of life to be made, with a view of ascertaining the cause of the disaster, and whether any of the officers or employés of the service have been guilty of neglect or misconduct in the premises; and any officer or clerk in the employment of the Treasury Department who may be detailed to conduct such investigation, or to examine into any alleged incompetency or misconduct of any officers or employés of the life-saving service, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

SEC. 10. That section 6 of said act of June 20, 1874, is so amended as to extend the compensation of the enrolled members of volunteer crews of life-boat stations therein named to occasions of actual and deserving service at any shipwreck, or in the relief of any vessel in distress, and that such persons as may volunteer to take the place of any absent or disabled enrolled members of a crew, and who shall be accepted by the keeper, may be paid therefor, in the discretion of the Secretary of the Treasury, a sum not to exceed $8 each on every such occasion: *Provided*, That all crews and volunteers employed under authority of this act who may be present at a wreck shall be required to use their utmost endeavors to save life and properly care for the bodies of such as may perish, and, when such efforts are no longer necessary, to save property and protect the same, under the direction of the senior keeper present or of the superintendent of the district, until the arrival of persons legally authorized to take charge; and for the time employed in so saving and protecting property volunteers shall be entitled to compensation not to exceed $3 per day each, in the discretion of the Secretary of the Treasury.

SEC. 11. That the enrolled members of the crews of life-boat stations may be called out for drill and exercise in the life-boat and life-saving apparatus as often as the general superintendent may determine, not to exceed twice a month, for each day's attendance at which they shall be entitled to the sum of $3 each.

SEC. 12. That the Secretary of the Treasury is hereby authorized to bestow the life-saving medal of the second class upon persons making such signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning as in his opinion shall merit such recognition.

Mr. PRICE. As there does not seem to be anybody here to take care of this bill, I demand the previous question upon its passage?

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. ROBERTS] is entitled to the floor.

Mr. ROBERTS. I do not think it would be good faith to put the bill on its passage to-night.

Mr. PRICE. I will surrender the floor of course to the gentleman from Maryland; but it did not seem that anybody was here to take care of the bill.

Mr. ROBERTS. I will move that the House take a recess for ten minutes.

Mr. ATKINS. I move a call of the House.

Mr. PRICE. I submit that we cannot have a call of the House unless it appears that there is no quorum present. If there is no objection to the bill why not pass it now?

Mr. ATKINS. These night sessions are a farce, at any rate—a perfect farce. We cannot do any good by working ourselves to death in order to get away in a great hurry.

Mr. O'NEILL. I move that the House adjourn.

Mr. PRICE. I understand that this bill has received very deliberate consideration.

Mr. O'NEILL. I understand that this session was fixed for debate only on this bill.

Mr. ROBERTS. I hope the gentleman will not insist on the motion to adjourn.

Several MEMBERS. Let us pass the bill.

Mr. RANDALL, (the Speaker.) The agreement was that the bill should not be passed to-night.

Mr. ROBERTS. If this were a matter concerning the tax on whisky or tobacco there would be a crowd here to-night; but, as it is a mere matter as to the saving of human life, there is but a sparse attendance.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. O'NEILL] insist on his motion to adjourn?

Mr. O'NEILL. I will be guided by what gentlemen around me say.

Mr. RANDALL, (the Speaker.) It is desirable if any gentleman wants to speak on this subject that they do it to-night, for otherwise they may not have the opportunity.

The SPEAKER *pro tempore*. The gentleman from Maryland is entitled to the floor.

Mr. O'NEILL. Can we have an understanding that no business of any kind is to be done to-night?

Several MEMBERS. That is the understanding.

Mr. ROBERTS. I confess I am profoundly impressed, as I remarked a moment ago, with the fact that if we had under consideration to-night some measure pointing to a very heavy tax on whisky or tobacco we should unquestionably have a large number of members present; but, as this is a simple question of life-saving, it seems that very little interest is taken in it. It has been said that "the poor we have always with us;" but in these night sessions members of Congress are very unlike the poor; we never have them with us. I am willing nevertheless to proceed with whatever consideration of the bill the House may think proper.

Mr. O'NEILL. I will interrupt the gentleman one moment only to inquire whether it is understood that no other business than this bill is to be transacted to-night.

Mr. ROBERTS. This bill was assigned for consideration to-night; but if it should appear there is no quorum present I presume nothing further will be done than the making of some remarks.

Mr. O'NEILL. I believe it was the understanding that there should be no other business than the consideration of this bill.

Mr. ROBERTS. That was the understanding.

Mr. O'NEILL. And that there should be no vote on the bill to-night?

Mr. COX, of New York. No vote at all.

Mr. O'NEILL. I favor the bill, and I want to vote for it.

Mr. ROBERTS. Mr. Speaker, were I to consult prudential motives rather than the sense of duty which actuates me in seeking, by every means at my command, to urge the prompt passage of this bill, I am quite sure I should not consent to tax my physical strength in presenting to the House my views upon this subject. But, sir, I take it that we may all in the weary march of legislative duty, with its political anxieties and responsibilities ever present, gladly turn aside to the consideration of a subject replete with the worthiest and most generous impulses of humanity, and around which the atmosphere of partisan sentiment has not yet been enabled to intrude its presence.

In it, you will find no abstruse question of science; you may vote upon it without a single unpleasant suggestion as to its effect upon your political status at home; it presents no perplexing financial problem; it is not a "southern claim," nor yet a "northern claim," but a simple claim for a common humanity.

The all-absorbing questions of "how to make money" and "how to keep it" are entirely lost sight of in the suggestive inquiry of "how may we save human life?"

In this utilitarian age, when the "almighty dollar" is at once the pregnant hope and quickened conscience of almost every phase of life, it is expecting quite as much as will be realized if we can claim the attention of the public sufficiently long to have reforms inaugurated and remedies applied which look to no other result than the saving of human life. But for the melancholy fate of the Metropolis and of the Huron, which recently sent a thrill of horror throughout this broad land, it is very questionable whether the subject of the life-saving service would even now hold the position of prominence in the public consideration which it does. Let us then seize this opportune moment and seek by prompt and efficient action to comply with public expectation by supplying such remedies as lie within the control of the legislative department of the Government. Having done this we may rest content, as the responsibility will have lodged elsewhere.

It is not my purpose to occupy the time of the House in any elaborate statement as to the history and needs of the life-saving service. At this late day it requires no defense at my hands; it stands on the vantage-ground to which the best interests of an ennobling humanity have already assigned it. Although its days of probation had lengthened into years of doubtful existence ere it received proper recognition, it has at last obtained a hold on the popular heart that has constrained governmental action, from which good results have already flowed, and with increased facilities yet greater benefits may be most reasonably expected.

The service may be said to be as yet only in its infancy. To make it all that it should be will require careful nurturing. We may all recall the date of its birth, but he that can fix a period when its duration should cease might well undertake to assign a limit to the wants of humanity. It was long ago beautifully said that—

> After a tempest, when the winds are laid,
> The calm sea wonders at the wrecks it made.

And so long as the same may be truthfully said will humanity plead the cause of those who ride abreast the storm on the great highways of commerce and contend for their country's greatness and advancement among all nations, in all spheres, and under all circumstances. The American heart will never fail to respond to so noble a plea in so holy a cause. Now that we are all hopefully looking forward to the revival of commerce, and longing to see American shipping regain the position which it once maintained, it becomes us, in obedience to the dictates of duty, to provide such safeguards for the protection of those "who go down to the sea in ships" as good judgment and a wise economy clearly indicate. This Government has done much in this direction, for which it is entitled to infinite praise; but much remains to be done. That which has been accomplished is due almost entirely to the intelligence and faithfulness of our public servants, and to none more than to the late lamented Professor Henry, whose fidelity to duty was only equaled by his modesty of demeanor and the extent of his varied accomplishments.

As chairman of the Light-House Board he has contributed to his country great and important services for which he never asked and never received the slightest compensation and for which he never could have been fully recompensed; but his reward will be found in the tender remembrance in which his name will rest in the hearts of the American people in the years yet to come. To him perhaps more than to any one else are the seafaring indebted for the extent and manner in which our coasts are lighted, until we may now say in the language of Longfellow:

> From the dim headlands many a light-house gleams,
> The street-lamps of the ocean.

And while each light spreads its warning rays afar over the bosom of the deep it also reflects a monument to the kindly heart and fostering hand of him through whose agency it was located and constructed. In this connection I desire to remark in passing that a vast number of clearly outlined duties lie clustered about the important subject of the proper and adequate lighting of the dangerous points upon our seaboard and lake-shore.

While economy and efficiency are always, in every department of the Government, worthy of prudent and careful consideration, yet to seek the practice of economy in these matters at the expense of efficiency would be, in my opinion, little less than an unpardonable crime. Allusion to this question here is both natural and proper when we come to appreciate the close and intimate relationship existing between certain of the subordinate branches of the Government service. The Signal Service, the Coast Survey, the light-house establishment, and the life-saving service are grouped together in one common purpose, each the handmaid of the other, and illustrating in their harmonious co-operation the good results which may be reasonably anticipated from well-directed and intelligent action under a properly administered government. The vicissitudes generally attending political life seem from some cause unknown to me to have failed in casting their blighting shadow over these branches of the public service, and as a sequence we may all point with commendable pride and sincere pleasure to their efficient and satisfactory management. Closely akin to the subject now before the House is the equally if not more important question whether our statutes provide proper safeguards against the unseaworthiness, overloading, defective construction, equipment, age, and improper stowage of American ships. I do not propose now to enter upon the vast field which the mere suggestion of this question opens up, and only call attention to it in the hope that some friend of the American sailor may be found who will give to this subject the careful consideration which it deserves and reap the rewards that will inevitably follow from a duty well and faithfully done. This subject may not be ventilated in the immediate present, but the day is not far distant when it will demand a most thorough and careful consideration at the hands of Congress.

Mr. Speaker, I fully appreciate how far I have digressed, and will now endeavor to get safely into port by adhering steadfastly to the life-saving service.

I do not think this subject should ever be alluded to, at least in elaborate comment, without a proper tribute to the honorable gentleman through whose magnanimous efforts it obtained its first small beginning. Hon. William A. Newell, of New Jersey, when a member of this House, in 1848, first called public attention to the importance of this subject and obtained from Congress an appropriation of the sum of $10,000 for the purpose of providing life-saving apparatus for the protection of life on the coast of New Jersey from Sandy Hook to Little Egg Harbor. Although appropriations were made from time to time for the purpose of carrying out the generous sentiments of Mr. Newell, the matter nevertheless languished, and until human sympathy became at length thoroughly aroused by the sickening details of loss of life on our coast, the life-saving service could do no more than claim a most precarious existence, at least so far as was shown by any interest which the Government thought proper to take in it. But notwithstanding the meager means at the command of those who had charge of the management of the service up to 1870, the good results were of such a character and so manifest that the Government could no longer consistently refuse aid to a cause which was nothing less than the cause of humanity itself and whose only purposes were to save life and protect commerce. The recognition which this service has of late received does not magnify its importance; its claims were always just, and public sentiment is only now doing itself credit in rightly appreciating its merits. Measure human sympathy, and you will have taken the dimensions of this subject, and when practical legislation shall have reached the proper estimate to be applied to it, we may expect to see this service attain that perfection which is the aim and purpose of those to whom is intrusted its present management, who have already succeeded in making it the most efficient life-saving service in the world.

The American life-saving service cannot be said to have been organized until the year 1871, when Congress, acting under the inspiration of the intelligent gentleman who still continues, and I trust may long continue, in its management, appropriated the sum of $200,000 and authorized the Secretary of the Treasury to employ crews of experienced surfmen at such stations and for such periods as he might deem necessary and proper. Then followed a complete and thorough reorganization of the service, and such were the satisfactory results that in 1872 and again in 1873 Congress extended the system, and by the act of 1873 the Secretary of the Treasury was directed "to report to the House, at the next session of Congress, the points on the sea and lake coasts of the United States at which the establishment of life-saving stations would best subserve the interests of commerce and humanity, with a detailed estimate of the cost of such stations."

That report was made, detailing the needs of the service as then known, and appropriate legislation was had upon it by the act of June 20, 1874, which gave us the service as at present organized. Experience, however, developed the necessity for additional stations, especially upon the coast of Virginia and North Carolina, and repeated recommendations to this effect were made by the officer in charge of the service. No action, however, has been taken by Congress with a view of carrying out his recommendations, and but for the painful realization which we have had of the failure to respond to his suggestions, it is at least questionable, as I have already stated, whether any increased facilities would now be contemplated.

The disasters of the Huron and Metropolis are clearly traceable, not by any means, to the inefficient management of the life-saving service, but to the failure on the part of Congress to appreciate the importance of providing for a greater number of stations on the most dangerous portions of our coast. In this connection I will read from the official report of Captain Merryman, who made the investigation of the loss of the Metropolis, that which demonstrates more clearly than anything I might say the actual needs and fearful responsibilities of this service.

Says the report:

> The instance of the Metropolis, besides illustrating the detriment to the patrol service wrought by the excessive distances apart of the stations on this coast, also shows that they injuriously affect the chances of a wreck's being reached, with the necessary appliances, by the life-saving crews in time to accomplish a rescue, when the disaster takes place, as this did, at a point nearly midway between the stations. Ordinarily it would have been the duty of the life-saving crew to have hauled the surf-boat or life-car and other apparatus, complete, to the scene of the

wreck; a serious task under any circumstances when it is considered that these things, weighing about seventeen hundred pounds, have to be dragged by only seven men, in the impending stress of a gale and through soft sand. But as the vessel was even then breaking up, owing to her unsound condition, it was judged expedient to hurry to the wreck with as little apparatus as could be made available. What was taken consisted of the mortar, ammunition, breeches-buoy, lines, and hawser, and weighed, with the cart in which they were drawn, over one thousand pounds.

This heavy load, the very lightest that could be taken for service, had to be hauled by six men for four and one-half miles over a beach in whose sands the feet of the men were imbedded deeply at every step, and the tires of their mortar-cart, although five inches broad, sank four or five inches. The serious impediment such a road offered to their progress, and the misfortune of the distance laid upon them to travel at such a time, when men were drowning for want of succor, and which, of course, is referable to the undue spaces between the stations, need not be suggested further. These men, besides, were already worn by their long patrols of the night preceding. During the previous twenty-four hours one of them had walked thirty-two miles through the storm; another twenty-four; two others sixteen miles each; and the remaining two twelve miles each. The burden they were dragging over the yielding sands gave more than one hundred and sixty-six pounds to each man; one hundred and fifty pounds over a firm level being the average allotted by standard authority as a man's draught power. They contrived by the most strenuous endeavors to reach the wreck about noon, which they never could have done by that time but for the fortunate chance of their being overtaken when a mile or two on their way and assisted by a man with a cart-horse.

A further point, common to all such cases, is presented by this, namely: that these men, upon whose unwasted vigor much of the success of their service at the wreck depended, worn in some degree by their previous night's patrolling, arrived at the scene of their toil still further wearied by their severe march with their apparatus, to at once engage in still more exausting exertions, which they continued for the remainder of the day, or until the last survivor was rescued.

And yet, notwithstanding the heroic efforts of these noble-hearted men, who were doing all that human strength would permit, they and the service to which they belong have been censured and maligned just so long as it was supposed any person could be found willing to be amused at such chronic "madness;" but there was "method in the madness" for all that. Captain Aukers, of the Metropolis, dispatching from Wreck Station under date of February 1, 1878, says:

> Had they been properly provided, and got there before noon, every one would have been saved.

While the captain may not have so intended, he has yet entitled himself to be justly regarded as furnishing the strongest argument in favor of increased facilities being given the service, in order that a recurrence of such a disaster might be rendered almost impossible. With respect to the loss of the Huron, Master W. P. Conway, in a statement published in the New York Herald of November 27, 1877, freely admits that—

> If the life-saving station had been in operation and we could have gotten a line from her, all hands might have been saved.

In this opinion Ensign Young and other survivors concur, thus clearly indicating the importance of increasing the number of stations and of manning them for a longer period, which is all that the present management of the service has ever demanded, in order to secure satisfactory efficiency. The operations of the service at wrecks which occurred on other parts of the coast in the same storms that destroyed the Huron and Metropolis clearly establish the fact that those disasters cannot be justly regarded as calling in question the administrative capacity of the present management. It is not pretended, however, that in any event such a state of efficiency can be attained that the service may not witness the loss of many a stanch and beautiful craft, with its precious cargo of human life, for which it will be in no proper sense responsible, but for which it will, perhaps, be as unsparingly condemned as it has recently been. But this is one of the many privileges which the American citizen seemingly enjoys, and which is indulged in to its fullest capacity.

Notwithstanding the efficiency of the royal life-boat institution, the loss of life by shipwreck on the coast of Great Britain has been at times simply appalling; as, for instance, the wreck of the steamer Chusan at the entrance to Androssan Harbor, on the coast of Scotland, when there was a first-class life-boat and a well-organized crew at Androssan; and, again, the iron steam-vessel Schiller of thirty-six hundred tons, plying between Hamburg and New York, was wrecked near Land's End, coast of England, in May, 1875, resulting in the loss of three hundred lives; and also the steamer Deutschland, bound from Bremen to New York, to call at Southampton, struck on the Kentish Knock, on the coast of Essex, England, December 5, 1875, entailing great loss of life. The royal life-boat institution was not, however, condemned for these disasters, nor has it since entered the mind of any one that because of them the institution should be transferred to the British navy. But the American mind is eminently suggestive if not always practical. It has been charged that some of the men employed in the life-saving service have at times not only failed to render assistance to the shipwrecked, but have even become the despoilers of their persons, and that such was the case at the wreck of the Metropolis.

While it is true that the fell spirit of the storm seems, on such occasions, to run riot in the passions of some men until they act more like demons than men, it yet remains to be established by the least semblance of proof that any of the gallant fellows whose lives are devoted to the cause of life-saving have ever turned aside either to the right or to the left out of the course which humanity and a high sense of duty marked out to them.

The proof unfortunately shows that some of the succored from the lost Metropolis became the despoilers of their hapless comrades. The spirit which actuates to deeds of this character is not alone found at the wrecks of vessels. It is the like which guides the birds of prey which follow in the wake of every army and desecrate every battle-field; they are present in every avenue of trade, and desolation marks their presence wherever they are found. It is that phase of humanity that gives practical illustration to every principle of criminal law; it may be checked, but it will not be extinguished.

Mr. Speaker, I know I have said some things not exactly pertinent to the subject under consideration, but "out of the fullness of the heart the mouth speaketh," which is the only apology I tender for the transgression. My original purpose was to confine myself to a defense of the bill as reported from the committee, and I shall endeavor now to execute that purpose as briefly as I can.

The bills referred to the Committee on Commerce, namely, H. R. 1920, by Mr. COX, of New York, and H. R. 3462, by Mr. WHITTHORNE, form the chief part of the frame-work of the substitute reported by the committee and now before the House. The substitute is neither the one nor the other of the bills referred, but embodies the best features of both, with such amendments as the committee have thought proper to make. Both bills contemplate a worthy purpose, and have received from the committee careful scrutiny and kindly consideration. In stating the motives which have controlled the action of the committee, and induced it to report the substitute as embodying more fully the object sought to be attained, it will not be necessary for me to do more than amplify some of the suggestions contained in the committee's report, which accompanies the substitute.

Mr. WHITTHORNE's bill assumes that the present system is radically defective and proposes to substitute another therefor; while the bill of Mr. COX is content with the system as it is, and seeks only to extend and facilitate its operations as a sufficient remedy for all existing defects.

The one bill contemplates the transfer of the service from its present management under the Treasury Department to the direction and control of the Navy Department. I freely confess that before I had given the subject much consideration I was favorably impressed with the propriety of the transfer; indeed, I believe such was the opinion of many of my colleagues on the committee. But they, like myself, upon careful investigation, are convinced that the best interests of the service require that it should remain where it is. No reason has been assigned by any one demonstrating inefficiency in its present management, or exhibiting how increased efficiency might be attained under the Navy Department. It is entirely disclaimed that the service could be more economically conducted under the Navy than under the Treasury—at most, that the difference would be so slight as not to merit consideration. But efficiency is what we are seeking here, even though it be at the expense of economy; for no economy can be wise that clogs the way to success in this service. The charge has been made that the service has been prostituted to the accomplishment of political purposes, which, if true, raises a grave and serious question for consideration, and the committee have not hesitated to give it the most careful examination. No evidence has been furnished tending to establish the charge, other than the statements contained in the annual report of the chief of the life-saving service. I read that to which I have been referred, and that no injustice may be done, I quote the whole statement. It will be found on pages 33, 34, and 35 of the report for 1877, and is as follows:

> The condition of district No. 5 the board of examiners found quite unsatisfactory. Of the eight keepers examined five were incompetent, and more than one-fifth of the surfmen were unqualified for their duties. At many places evidences of neglect and indifference were abundant, and the new apparatus in some cases had not been arranged and put in order for use, although it had been for some time at the stations.
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> The board endeavored to impress the keepers and crews with a full sense of the grave responsibilities resting upon them, and to stimulate them to efforts in acquiring proficiency in their duties. They also made diligent inquiry into the causes of the degraded state of the district. They found that it resulted generally from an utter misconception on the part of the superintendent of his duties and responsibilities, and that this misconception had been formed in his mind by the efforts and representations of certain small local politicians, some of them holding petty official positions, who had impudently claimed to represent the wishes of the Department, and had contrived, by adroitly practicing on his fears, to secure the nomination and retention of incapable persons at the stations, both as keepers and surfmen, thereby producing a general maladministration of affairs in the district, their aim being to advance their own paltry political interests through the patronage of these parasites and retainers. They had succeeded in obtaining control over the mind of the superintendent to the extent of making him believe that the security of his position depended upon his compliance with their desires, a belief fostered by frequent endeavors which were actually made for his displacement by local political factions.
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> The district was one newly organized, and the superintendent had been selected on account of his well-known professional ability, and because he was believed to be the most capable person available for the office. He had on several occasions distinguished himself for his gallantry in saving human life, and had been awarded a medal for his heroism.
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> The board of examiners declared that after they had corrected the error of belief into which he had been led, the pledges this superintendent gave and the voluntary exertions he made for the reform of existing abuses evinced a sincere disposition to enter upon a better course of administration; and after a careful review of all the circumstances connected with the evils they had discovered, they recommended his retention in the service, stating that "it would be extremely difficult, and perhaps impossible, to find in the vicinity of the coast line embraced in the district a more suitable person."
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> Upon the receipt of their report at the Department it was ordered that the incompetent keepers should be displaced, and that an officer should be detailed to visit each station in company with the superintendent, who showed every disposition to heartily co-operate in the measures for the reorganization of the district. Lieutenant Walton, of the revenue marine, whose familiarity with the require-

ments of the life-saving service eminently fitted him for the duty, was accordingly detailed to execute the trust. The work was thoroughly performed, and in connection therewith full instructions were given the crews in the use of all the appliances of the stations and in their general duties. In the latter respect it was found, however, that in compliance with the caution previously given them by the board they had so used the intervening time as to acquire considerable proficiency. The district was thus placed upon as effective a footing as could be expected of one so recently organized, and rendered a good account of itself during the active season.

The result of the examination of last year in district No. 6 was exceedingly gratifying, considering the condition which the examination of the previous year had developed, when the stations were found in a little better state, if any, than those of district No. 5 before reorganization. The marked improvement of the service at the stations within a single twelvemonth demonstrates the indispensability of these examining boards. The board of 1875 and 1876 found that two of the ten keepers in the district had no knowledge whatever of nautical matters, one being a blacksmith and the other a school-teacher. A third keeper had but slight familiarity with the work required of him and a fourth was totally disqualified physically. At one station there were but two competent persons in the entire crew. In various instances those enlisted as surfmen were without skill or experience in the use of boats, and there were several instances of physical disqualification. In pleasing contrast to this state of affairs the board of 1876 and 1877 found but one incompetent keeper in the district and only two unsuitable surfmen. This keeper was one of those rejected the year before, whose place it had been impossible to find a competent person to fill at the pitiable compensation allowed by law, and the two surfmen referred to were members of his crew. A person believed to be competent has since been secured in place of this keeper.

The superintendent of this district has been indefatigable in his efforts to perfect the discipline and efficiency of the stations under his charge, and the district now ranks well with the older ones. Its demoralization in 1876 is referable to the same cause which operated so injuriously in the fifth district—the temporary control of its affairs gained by petty local politicians, whose aim was to subordinate the service to their personal ends, their method being to endeavor to pack the stations with their own creatures, without the slightest respect to use or competency. The success of these maneuvers would at once involve the utter ruin of the service; for what stranded crew, clinging to the shrouds of a vessel going to pieces in the breakers, could hope for succor, in the hour of their bitter extremity, from life-saving stations recruited from the cross-roads grocery? It would be indeed an evil day when the wrecked sea-farer could look for help only to the puppets of local politics, where once his reliance was upon the heroic groups of tried surfmen. There is, however, abundant cause for gratulation that not in a single instance have these attempts upon the integrity of a noble service, involving the paralysis of its strong arm of deliverance for imperiled mariners, proceeded from any representative man in our State or national politics, nor from any aspirant of whatever party complexion, for any office of elevation or consequence. They have indeed been signally unconnected, as they well might be, with the struggles of political principle or the rivalries of popular candidates. But, considering the criminal mischief and disaster their success would involve, they acquire a deeper baseness from the circumstance of their having been invariably resorted to for no better purpose than to further the election of some local nobody to an office of no higher dignity than that of town constable or pound-keeper.

It must not be understood that the disposition of these individuals to tamper with the life-saving service has been confined to the locality embraced by the fifth and sixth districts. On the contrary, they have obstructed and retarded the effective organization of nearly every new district. Any public establishment seems to be regarded by them simply as something which may be turned to their personal account and prostituted and polluted for their petty ends. In respect to the life saving service, they would probably consider it very hard fortune to find themselves gathered in imminent peril upon some wreck, swept fore and aft by the winter sea, condemned to look for deliverance to life-saving crews of their own choosing. In such an event, deprived of the hopes of aid from surfmen, and dependent upon the cripples and incompetents with whom they would fain cram the stations, the experience, if they survived it, might teach them a needed lesson. To all who have at heart the interests of the life-saving service, there is a consolation in the fact that the advantage gained by these intriguers, through their schemes of intimidation, assumption, and chicanery, has ever been brief; for immediately upon any news of their success reaching the Department, measures have always been promptly taken to make their labors perfectly ineffectual.

This then is the charge, accompanied with its own refutation. Is it that the service may be purged of its political taint that it should be transferred to the Navy Department? Pray tell me where it may be found that any Secretary of the Navy, in his annual report, has ever complained of the intermeddling of politicians with some of his immaculate navy-yards? Yet it has been charged, no doubt very maliciously and of course untruly, that here and there occasionally one or two additional hands have been employed about election time to aid in getting the work forward to enable the employés to exercise the highest privilege of American citizens "to vote early and often." The interference has never yet been of such obnoxious character as to induce any of our Secretaries to call public attention to the subject with a view to the correction of the supposed abuses; yet, notwithstanding this fact, there is I apprehend in the popular mind a pretty well-settled conviction that the life-saving service had better take its chances where it is than in the embrace of the chastening purity which prevails at our non-partisan navy-yards.

Independently of the charge of political interference, in which there is absolutely nothing in so far as the Department is concerned, there are many and grave reasons why it should remain where it is.

In conversation a few days since with a gentleman who has dignified and elevated every department of Government in which he has served, and whose name I shall venture to state, even though it be a disagreeable surprise to Captain Carlisle Patterson, who was at one time an honored and thoroughly well-informed officer in the United States Navy, and who is now the distinguished superintendent of the Coast Survey, I learned that in his opinion the American life-saving service exceeds in point of efficiency that of any other nation of which he had knowledge. Through the intelligent perseverance of Lieutenant Lyle it has extended the range of the shotline to almost twice that of the English service, at the same time reducing the weight of the ordnance used nearly one-half. It has multiplied and improved the apparatus of the life-saving service, and, after careful examination, adopted every improvement which has been suggested, until it can at length be fully regarded as having attained the highest degree of efficiency of which the appropriations for its support will admit. The life-saving institutions of foreign countries are, without exception, in charge of civilians. In Great Britain the chief life-saving organization is the Royal National Life-Boat Institution. It has for its secretary and chief executive officer Richard Lewis, esq., barrister at law. That the chief administration is confided to the secretary will be seen by the following extract from a speech of the Prince of Wales at a meeting of the society held in the Mansion House, London, published in the distinguished work of Rev. John Gilmore entitled "Storm Warriors," issued in London in 1875:

> Half a century ago this institution originated in this city. * * * I am happy to say that the respected secretary, Mr. Lewis, occupied that position in 1850. He has held it ever since, and much of the success of the institution is owing to his long experience, and the energetic manner in which he has directed its working has raised the institution to its present high state of efficiency.

In addition to this the coast is supplied with a large number of mortar and rocket apparatus stations, which are under the chief direction of the board of trade. The board of trade is a department of the government to which there is none analogous in this country, but such of its functions as are officially exercised here find their place in the Treasury Department. It is, in fact, a department of commerce. It has several divisions, one of which is termed the marine department, which is in the charge of Thomas Gray, esq., and to this branch of the board of trade are assigned the mortar and rocket stations.

In France the Société Centrale de Sauvetage des Naufragés is an organization similar to the Royal National Life-Boat Institution of Great Britain, except that its scope embraces the management of mortar and rocket apparatus as well as of life-boats, M. Camille Doré being the secretary and chief executive officer. On this subject, Captain R. B. Forbes, well known for many years as the active manager of the Massachusetts Humane Society, the first life-saving institution in this country, and one of our best authorities in life-saving matters, observes in his work entitled Life-Boats, Projectiles, and other Means for Saving Life, published in Boston in 1872:

> The Société Centrale de Sauvetage des Naufragés dates back only to 1865, when there were a few life-boats on the coast of France, supported by private associations. The present society is mostly supported by private contributions, as is the English institution, and like that it has considerable help from the government in the loan or gift of arms. Like the English institution, it is patronized extensively by the government, the honorary presidents being three of the ministers; the president is an admiral, and the vice-presidents were, in July, 1872, cardinals, dukes, &c. Many notable names are found in the long list of the council. The work, as elsewhere, is done by the secretary, M. C. Doré.

In Russia the life-saving service, which was at first under the direction of the light-house board, a branch of the navy department in that country, is now conducted as in France, with a civilian, A. N. Keoulomzin, as its secretary and chief administrative officer. I read from the first annual report of the Society for Assistance at Shipwrecks, organized in 1871, under the patronage of Her Imperial Highness the Grand Duchess Cæsarevna:

> Up to the close of 1869 only a few life-saving stations had been established in Russia under the direction of the light-house board, which is a branch of the navy department.
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> On the 23d of October, 1868, in obedience to an order of the minister of the navy, the scientific branch of the technical naval committee examined a report of the then recently organized French society for assistance at shipwrecks, and reported that in the opinion of the committee the organization of a similar society in Russia would be a true blessing to navigation. The report was approved by the acting minister of the navy and submitted to the Emperor. On November 4, 1868, His Majesty the Emperor ordered the preparation of a constitution for a society to be organized under the patronage of one of the members of the imperial family.
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> In consequence of representations made by the stock exchange at St. Petersburg to the minister of finance, recommending the formation in Russia of a society similar to those existing in foreign countries, for assistance at shipwrecks, a committee was appointed in November, 1869, to examine this subject. The committee was presided over by the director of the department of manufactures and commerce, Privy Councilor Boutorski, and consisted of the representatives of the stock exchange of St. Petersburg, Messrs. Zolotareff, Pallisen, Serk, Field, and Kazalet, and a delegate from the ministry of the navy, to wit, the director of the hydrographic department, S. J. Zelenoi.
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> The unanimous report of the committee in favor of the organization of such a society in Russia was approved by the minister of finance and communicated to the minister of the navy.
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> In 1870 a committee, consisting of representatives of the ministry of the navy, the ministry of finance, and the stock exchanges of St. Petersburg, Riga, Odessa, and Archangel, was organized for the purpose of drafting the constitution of the proposed society. On July 3, 1871, the draught of the constitution, after an examination by the council of the ministers, was approved by His Imperial Majesty. On October 20, 1871, Her Imperial Highness, the Grand Duchess Cæsarevna, assumed the patronage of the society.

In Germany the life-saving service is conducted similarly to the institutions above named, and its chief administrative officer, styled secretary-general, is a civilian.

So also of Austria, Italy, and Turkey, where similar establishments, as observed by Mr. Lewis in his Life-Boat and Its Work, have been organized on the principles of the National Life-Boat Institution of England.

In Norway the life-saving stations are under the direction of Mr. Diriks, the director of light-houses. The service is small, the number of lives saved by its instrumentality during twenty years being reported as but seventy-one.

In Portugal the life-saving service is of little consequence. Our minister at Lisbon, writing under date of February 7, 1877, states:

> I learn from reliable sources that there are no such institutions here as they are understood in Great Britain and the United States, * * * and that for purposes of guidance in saving life from wrecks there is nothing in practice in Portugal that would be of service.

The only point of resemblance between the above organizations and that proposed by the bill to transfer the service to the Navy is in the fact that the inspectors of some of these institutions are naval officers. In this connection it must be remembered that in Great Britain the revenue cutters are attached to the navy, and that naval officers have the opportunity through this connection of becoming familiar practically with the coast and coastwise navigation. Any government officers, therefore, suitable for inspectors must, in that country, be taken from the navy. Besides this, since about 1864, the management of open boats in heavy surfs and broken water has been taught on board the training ships of the royal navy as a distinct branch, which is not done in this country at Annapolis. On this point Mr. Lewis, in his book The Life-Boat and Its Work, says, on page 162:

About the same period (1863-'64) the institution caused most searchinginquiries to be made around our coast on the subject of the management of open boats in heavy surfs and broken water. The result was embodied in instructions for the guidance of those having charge of such boats, which have been widely circulated, and their use is taught on board the training-ships both of the royal navy and the merchant service.

Furthermore, in Great Britain the naval officers who act as life-saving inspectors are only that in the service and nothing more, whereas the bill to transfer our life-saving service to the Navy usurps for the naval officers, whom it designates as inspectors, the functions exercised by the present superintendents, which are, generally, the selection of competent surfmen as keepers and the purchase of outfits and supplies, functions which in Great Britain are exercised by the several local committees of the life-boat institution, local knowledge being properly regarded by the British life-saving authorities as a *sine qua non* in the conduct of the service.

But, sir, I pass from the further consideration of this branch of the subject with the remark that of the multitude of protests, petitions, and memorials referred to the Committee on Commerce relating to the transfer of the service to the Navy there was but one single recommendation in favor of the transfer. Yet the Legislatures of States and boards of trade of the various large cities have thought proper to give this important subject their consideration, and when they have done so they have invariably protested against the transfer and demanded that the service should continue under its present efficient management. So much then for popular sentiment on this question.

In his annual report for 1876 Secretary Morrill, who had given to the life-saving service most careful and kindly consideration, makes the following pertinent suggestions:

The success which has attended this service since its reorganization in 1871 has been pre-eminent; but the consideration of its rapidly increasing proportions and signal importance induce the conviction that the time cannot be longer deferred for its erection into a distinct establishment, under a recognized and responsible administrator. Upon the completion of the few remaining stations authorized, the charge will comprise the entire coast of the United States and the guardianship of the greater portion of all the lives and vessels imperiled thereon. It will involve the care of over one hundred and fifty stations and the direction and discipline of more than twelve hundred subordinates. The determination and acquisition of proper sites for the stations; the transfer of the latter from time to time to such locations as constant changes in the character of the coast, the growing frequency of wrecks at given points, or other causes, may necessitate; the devising, erection, and preservation of station-houses suitable for the accommodation of crews and those they rescue and for the protection of their various apparatus and equipments; the judicious purchase of their furniture and supplies; the choice of able and efficient district superintendents, keepers, and surfmen, and the constant supervision of their operations; the careful tabulation of wreck statistics for the benefit of shipping interests; the perpetual reference to multifarious sources of information at home and abroad for data and suggestions calculated to further the development and perfection of the system; and the unceasing surveillance of all plans, devices, and inventions for establishing communications with wrecks, or saving lives imperiled upon them, including the practical trial and decision upon the availability of such as may be presented—all pertain to the scope of the life-saving service, and amply justify its formal creation as such and its committal to the care of an experienced and able officer, who can devote to it his undivided faculties and energies.

The legislation proper to accomplish this end is therefore recommended.

The substitute as reported embodies substantially all that the Secretary recommended, and the history of the service since then only verifies the accuracy of his observations. In view of its growth, its requirements, the importance of the interest confided to its charge and the terrible responsibilities for life and property involved, there can no longer remain a doubt as to the propriety of making the service a "distinct establishment under a recognized and responsible administration." Further observation will more clearly sustain this. The year of 1876 was one of expansion for the service. Under the operation of law a new district had been created, five others were in process of formation, and fifty-two stations were being added to the existing number. The operations had thus been pushed over the entire lake coast, the greater part of the Atlantic and a portion of the Pacific coast. It became necessary, therefore, in advance of the legislation recommended by Secretary Morrill, to assign a distinct clerical force for the conduct of the life-saving business at the central office. The expansion of the service above referred to, which of course involved an accompanying large increase of subordinates to be governed, marine property to be protected, risks and liabilities of all kinds to be provided against, and responsibilities to be incurred, made it still more necessary that a proper officer should be assigned to special supervisory charge, and accordingly the present superintendent, under whose care the service had been developed, was designated for the duty, and relieved, as far as practicable, of the numerous details of the business which he had previously discharged in connection with the revenue marine.

More recently it has become absolutely necessary for him to devote his entire attention to the life-saving service. The subsequent growth of the service makes it still more a specialty than Secretary Morrill found it. The enumeration of duties contained in House bill No. 3983 and the grave and elevated character of those duties sufficiently indicate the necessity of a superintendent to be exclusively charged with the conduct of the service. The passage of this bill increases the number of stations to one hundred and ninety-three, which gives a body of fourteen hundred subordinates, (keepers, surfmen, &c.,) with whose selection and government he is charged, and a vast extent of coast over which he must keep perpetual watchfulness, guarding in every conceivable and devisable way the lives on vessels menaced by its perils. Surely it needs no argument, no statement even, to establish the serious, onerous, and vast character of this charge. Its magnitude, its profusion of detail, and its gravity are self-evident. The protection of human life! This is the central fact of the life-saving service, and this is the main duty devolved upon its superintendent. Add, as a secondary but important consideration, his guardianship of vast annual amounts of imperiled property. To such a charge a proper recompense belongs by absolute right, and it is equally dictated by prudence. Every sound business principle, to say nothing of any other consideration, demands that such a salary should be attached to the office of the superintendent of the life-saving service as shall command the services of a man who has given the subject special study, who possesses a high order of talent, and who has the requisite technical knowledge and the imperatively demanded experience in life-saving operations that can alone insure the successful conduct of the establishment. Salaries have always been graduated, upon well-recognized principle, according to the acquirements or faculty demanded, or the human or fiscal responsibility undertaken. Thus to the United States Treasurer is accorded $6,000 per annum; to the chief of the Bureau of Engraving and Printing, $4,500 per annum; to the comptrollers, $5,000 per annum severally; and so on, all because of the fiscal responsibility.

To the supervising inspector-general of steamboats is accorded $3,500 per annum; to the supervising surgeon of the marine hospital service, $4,000 per annum; to the superintendent of the Coast Survey, $6,000 per annum, because their respective functions concern the safety of human life. Now, both these conditions, the fiscal and the human responsibility, unite in the function of the superintendent of the life-saving service and call for the application to him of the recognized principle of adequate compensation; but it may be said that on no public officer rests so grave a responsibility as that which must necessarily be assumed by the superintendent of this service. A little reflection will convince every one that during the entire season of storms—from early autumn until late in the spring, or from five to six months of the year—his life is one of constant anxiety and apprehension. There is no hour in which a wreck may not happen. The lives on that wreck depend not alone upon his vigilance, his wisdom, his forethought, and his adequate provision of means to ends; they depend upon the trustworthiness of the agents he has been obliged to employ, or the sufficiency of the implements he has provided for use, a fault in the one or a defect in the other being the conditions of disaster; and they depend beyond all upon circumstances which only the Infinite Eye can foresee. Yet, if disaster happen, and those lives are lost, that loss will be, by some, sought to be charged, either directly or indirectly, to the service under his control.

When fatal disasters occur, as they must sometimes occur, no matter what his thought or care, all his successes in administration, all his accumulated triumphs in saving life through the means and agents he has employed will be instantly and utterly forgotten, swept away at once as by the breath of the tornado, and censure in all its forms will be violently centered upon him. You have only to remember the utter forgetfulness of the seven years of splendid rescues achieved by the life-saving service—the rescues, no less splendid, achieved that very year on other parts of the coast—and the storm of popular condemnation and press criticism which followed the wrecks of the Huron and Metropolis on the coast of North Carolina. For both disasters the life-saving service, as cool investigation showed, was blameless. Yet, without pause, without waiting, without knowledge, a tempest of denunciation broke upon the management of the service. On such occasions he must ever expect, and it is in the nature of men and things that he should receive, no mercy. For a French general of the directory to lose a battle when the German was on the frontier meant death. He might plead that he had no powder; the answer was still, the guillotine. Public opinion has—perhaps rightfully has—so much of the Jacobin in it for men in certain positions when visited by failures. The superintendent of the life-saving service is one of those men. He can never expect to find consideration or immunity when death strikes away from the coast a hundred lives at a blow. In view of this destiny prepared for him, the least we can do is to see that there is no niggardliness in the recompense accorded to him by law. This, too, is demanded, and the demand will be sustained by public sentiment.

The life-saving service is one for whose efficacy the people expect and are cheerfully willing to pay. In all the petitions and remonstrances that have come up to Congress from the boards of trade and from leading maritime and mercantile men against the transfer of the service, and in all the many articles that the public journals have had upon the subject, there is entire unanimity in the

demand for efficiency and an extended service. I shall not, in making this statement, proceed to discuss in detail the numerous questions connected with and growing out of this subject, which presents a vast scope for thoughtful reflection and earnest discussion; but I should weary both the House and myself with a further expression of my views, and shall therefore conclude. Before doing so, I desire to say that the substitute as reported is in my opinion deficient in one respect. I think it should make provision for the families of those who perish in the effort to save life. This I feel assured, however, will come in due season, and I only allude to it now for the purpose of expressing my hearty assent.

In conclusion, I desire to say that the subject has not in the past received the attention which its importance demands, and it will well repay any one who may venture into its interesting literature. He will read of the heroic deeds of the "storm warriors" until he will feel that the "life-boat" is indeed "a raft that no man made," and seemingly the work of an angel of mercy; for in truth it was conceived in mercy, it has been perfected through charity, and in good faith it lives to perform endless good works. God grant that such may be its history so long as "shipwrecking storms and direful thunders break" on our treacherous coasts, and so long as humanity may need its protection.

Mr. Speaker, I now launch its destinies on the sea of legislative action, and can only wish it Godspeed and a safe voyage.

Mr. PUGH. Mr. Speaker, I desire to say a few words in favor of the bill now under consideration. If what I have to say has no other merit it shall at least have the merit of brevity.

I believe that the United States Government spends no money with more wisdom or more humanity than it expends upon the life-saving service on our coasts. I favor this bill because it proposes to extend the benefits and perfect the management of that service. It proposes to crystallize into the forms of law many of the excellent regulations of the Treasury Department relating to the service; it proposes to establish new stations at numerous needed points on our sea, Gulf, and lake coasts; it proposes to give a more adequate compensation than has hitherto been given for a very valuable kind of service; and it proposes to continue the system now on trial rather than adopt a new one to be placed under the control of the Navy Department.

Now I have the honor of representing here, in part, a State in which the life-saving service may be said to have originated, where it is better understood, better appreciated, and better managed than in any other State of the Union. The rapid growth of settlements and towns along the New Jersey coast during the last few years and the greatly increased railroad facilities have aided in making the people of the State very familiar with the shore and also with the working of the life-saving service, and when the proposition was made and a bill was introduced here to transfer this service to the Department of the Navy, the proposition was met by the people of the State with almost universal dissent. And it was a dissent based upon knowledge. The Legislature of New Jersey, then in session, passed a joint resolution asking their Senators and Representatives here to oppose the passage of any such bill; and the Legislature but expressed the will of the people in this regard; for the people know very well that no system could be devised that would prove any more efficient than the one now in operation on their coast. The surfmen could not be induced to enlist in the Navy, to submit themselves to Navy discipline, and change, in this regard, the whole habit of their lives, as acquired in their conflicts with the surf and storm. The seamen in the Navy would therefore have to be employed and they are unfitted for the duty.

To contend with the waves of the ocean in the midst of the ocean is one thing; to contend with the same waves as they break upon the shore is quite another thing. The deep-sea sailor is hardly more fitted for the duty than the man who navigates our quiet rivers and lakes. The sailor lives upon the sea. The surfman lives upon the land, and the life-saving service is much more a land than a sea service, as has been frequently demonstrated when wrecks have occurred. The surfman must study not the surf only, but the beach, the bar, the working of the life-saving apparatus under the varying conditions of wind and tide, the currents, the eddies, and the everchanging lineaments of the shore. Thus familiarizing himself with every feature of the land and sea in his locality, he gains, in a series of years, an amount and kind of knowledge and experience that are of great value and which could be acquired in no other way but by this sort of special training. And this surfman, trained in this severe school of endurance and fortitude and courage, when all the qualities that go to make up the grandest heroism are so often put to the severest test and so rarely found wanting—this surfman, as we know him, cannot be transplanted to the Navy, and no life-saving service can be successful without him. It is the part of wisdom, therefore, to entirely abandon the thought of transferring the service to the Department of the Navy.

But the best test of the service is its remarkable efficiency. In a letter received by me in February last from an intelligent and observant constituent, who has studied this subject thoroughly, occurs this statement:

Since November 15, 1877, nineteen vessels have stranded on this coast and not a man of their crews has been lost, although, in five instances at least, their rescue was effected by the service during the severest storms and the most dangerous seas known to the New Jersey coast in a quarter of a century.

The superintendent of the life-saving service, in his last annual report, states that during the year which closed June 30, 1877, there occurred on the coast of New Jersey forty disasters; that on board these vessels there were six hundred and seventy-seven persons, and that all but ten were saved. Seven of these consisted of a captain and a crew of six, who were at sea in a rotten vessel, which went to pieces almost as soon as it struck. The other three were part of a boat's crew who attempted to reach the shore from the wrecked Amerique, and who would doubtless have been saved if they had remained on the wreck, as the surfmen signaled them to do. So that the record of the life-saving service on the New Jersey coast during the past year has been one of almost entire and absolute success.

The service has been subjected to much hostile criticism in consequence of the great loss of life attending the disasters to the Huron and the Metropolis on the coast of North Carolina. But the Huron struck on the 24th of November, a week before the time when the service is put into operation on that coast. The life-saving stations being closed, of course no adequate aid could be rendered. But this was no fault of the system. The Government is behind the system, and is alone responsible for insufficient appropriations. The point where the disaster to the Metropolis occurred was so remote from the station that no aid could be furnished in time; but that was no fault of the service, but the fault of the Government in establishing stations so distant from each other. I have no hesitation in saying that if those disasters had occurred on the New Jersey coast there is every probability that every life would have been saved.

And my only object in seeking the floor at this time (for I knew the whole subject would be very exhaustively treated by the able gentlemen who have the bill in charge) was to call the attention of the House to the fact that our life-saving system, upon at least some portions of our coast, has reached almost absolute perfection. On the same line of coast, where but a few years ago the victims of shipwreck were counted by thousands, they are now only to be counted by units and tens. The change is as marvelous as it is creditable to our skill, our courage, and our humanity. What is wanted, therefore, is not a change to some new system, but a more generous application of our present system along our coast lines. Increase the number of stations; see that the persons appointed to command and man them are competent and worthy; see that they are adequately paid for their service; make the system as efficient and perfect on all parts of our coast where there is danger as it now is in New Jersey, and you will do no more than is the duty of a great and beneficent Government: you will save vast numbers of lives that would otherwise be lost and you will divest these fearful shipwrecks of nearly all their terrors.

Mr. DUNNELL addressed the House. [His remarks will appear in the Appendix.]

Mr. CRAPO. Mr. Speaker, the people along the New England coast have noticed with alarm the movement to transfer the life-saving service from its present management to that of the Navy. From Cape Cod and Nantucket and the south shore of Massachusetts have come to me scores of letters and remonstrances, representing the great injury that will follow the proposed change. Knowing these people as I do, and familiar as I am with the character of this service and with the brave, hardy, and skillful men who are engaged in the perilous employment of saving life and property along our coast, I may be pardoned a word in their behalf.

The dwellers by the sea, both men and women, have a right to be heard on this question. Their sons are sailors; they furnish the crews for our ocean shipping and for our coasters; and it is with natural anxiety they observe any attempt to impair or destroy a service which has been so beneficial to them. The remonstrances they have sent to this House have come with a unanimity unusual in a matter of legislation. They beg of Congress not to try experiments where precious lives are involved, not to consider a few paltry dollars when human life is in peril.

Enlightened legislation during the last half century has done much for the protection of commerce in building light-houses, in placing fog signals and beacons, in constructing breakwaters, and making harbors of refuge accessible. One thing further was needed, and that was some proper method and appliances by which to succor and rescue the shipwrecked when stranded on our coasts and to bring the perishing in safety to the land. At first humane societies, organized by kind-hearted and philanthropic men and supported by individual donations, supplied the life-boats and lines and life-preservers and placed them in charge of boatmen and fishermen, who, without compensation, volunteered at the risk of their own lives to bring the shipwrecked and helpless through the surf. Gradually the Government engaged in the work, these humane societies continuing, as they do to this day, to render such assistance as their limited means will permit.

In 1871 the life-saving service was reorganized and placed practically under its present management, which has proved so successful and efficient that the present yearly loss of life is insignificant when compared with that of former years. The record shows that since 1871 and prior to 1877 the number of lives saved has been 4,650, while the number of lives lost has been 80, in 407 disasters. The record is a noble one, and yet who can tell how many of the 80 lost might not have been saved if our appropriations had been more liberal and the authority given to this Department more generous?

Notwithstanding this magnificent record of actual results, accomplished in the infancy of the service it is proposed to change its management. Instead of enlarging its field and increasing its usefulness, it is seriously proposed to take this service from those who have accomplished all this and to confide it to men who have had no connection with it, who know nothing of its requirements, and who have had no experience with its practical workings. Such action will be an ungrateful return to the men whose faithfulness and ingenuity and devotion have made this service signally successful. But this sentiment of gratitude is of little consequence in comparison with the increased risk inflicted upon our commerce and the diminished safety afforded to our seamen.

It is a pertinent inquiry at this time, what has made this service so efficient? The answer is to be found in the character of the men in charge of the stations and of the crews of experienced surfmen who have so intelligently and bravely discharged these arduous duties. These men are familiar with the coast they patrol. They know the tides and local currents and shifting bars. They know the shoals and rips and ledges, the action of the gales, and the force of the breakers. They have been accustomed from boyhood to buffet the waves. Fearless of danger, they are at home upon the sea. They are skilled in the difficult art of launching and handling boats in the surf and are trained to their navigation in broken water.

The sailors of the Navy do not acquire this knowledge and experience. I would say nothing in disparagement of the tars of the Navy, but it is absurd to claim, fearless as they may be and as good sailors as they may be on shipboard, that they can equal the web-footed fishermen who are reared in the midst of the surf, or the hardy whalemen whose oars are dipped into every ocean from the equator to the poles. Imagine one of these Navy tars, whose only experience in boating is in pulling the ship's gig from a sloop-of-war safely anchored in some smooth harbor when his superior officer, dressed in his brightest uniform, goes on shore; imagine such a sailor off the back of Cape Cod in the dead of winter, in a wild, northeast gale, going to the relief and rescue of the frost-bitten and exhausted crew of a stranded vessel. Imagine, if you can, the graduate of Annapolis, learned in the calculus and the Nautical Almanac, proficient in gunnery and the red tape of the quarter-deck, directing the operations by which the shipwrecked and disabled are to be brought through the heavy surf in the darkness of a thick snow storm and the wind blowing a gale. One of the rude, rough, untutored wreckers of the island of Cuttyhunk would save more lives under such circumstances than could all of the officers of the United States Navy.

I have not spoken, Mr. Speaker, of the comparative cost of the two systems, that of the Navy and the revenue marine. The report of the Committee on Commerce indicates that the expenses under Navy management would equal, if they did not exceed, the expenses under the present management. The conclusions of the committee upon this point are doubtless correct.

But this economic question is too trifling and paltry to be considered in view of that graver question of the rescue of human life from the dangers which hang over our coasts during the storms of winter. We have had sad instances of disaster and death overpowering brave men in consequence of the insufficiency of our appropriations for the employment of surfmen. The investigation of the loss of the Huron disclosed, by testimony too conclusive to be questioned, that all or nearly all of those on board that ill-fated steamer might have been saved if the life-saving station had been open at the time. And the reason why it was not open at the time was that the appropriation was insufficient.

We neglect or refuse to make fair, proper, or adequate appropriations and many lives are lost, and Congress, conscience-stricken at the almost criminal fault, hastens, as this Congress has done, to make appropriations for the burial of the dead. Look at the addition to our pension-roll by the Huron disaster, and then compute how much has been saved to the Government by the non-employment of surfmen on the treacherous coast of North Carolina during the stormy month of November last.

Mr. Speaker, my personal knowledge of this service and my knowledge of the men who so bravely and intelligently perform these duties impel me to say it would be a grievous mistake to adopt the provisions of what is called the Sargent bill. To take this service from the hands of men who have faithfully studied its requirements and who have made it efficient involves a fearful responsibility. The safer policy and the wiser policy is to improve the present system, to remedy its defects and to enlarge and increase its usefulness. By enacting the bill which has been reported from the Committee on Commerce, we shall secure these results. But we shall not improve this service by taking these duties from the men who have proved their fitness, working in the wet and cold and suffering exposure second only to that of the persons they would rescue. We shall not improve this service by taking these duties from the men who have proved their fitness by their coast and surf experience, by their brave hearts and their physical endurance, and transferring these duties to the petty officers and seamen of the Navy.

In illustration of the nature ot this service and of the character of the men who are employed in it, I send to the Clerk's desk to be read from a newspaper printed in my district, the account of a disaster which occurred a few days since and the saving of the lives of three men by Captain Hall of the life-saving service, who is stationed near Plymouth, Massachusetts.

The Clerk read as follows:

THREE LIVES SAVED—CAPTAIN HALL AND FAMILY SAVE THREE DROWNING MEN OFF THE GURNET, PLYMOUTH HARBOR.

[From the New Bedford (Massachusetts) Daily Mercury.]

About the hour of noon, Sunday, Captain George H. Hall, of life-saving station No. 3, second district, who owns and lives upon the Gurnet, Plymouth Harbor, noticed a heavy black cloud rising in the northern horizon. It came rushing over the sea with tremendous velocity. Directly in the path of the storm cloud was a small sail-boat containing three men. By the time the squall struck the boat the air was filled with a white haze of fog and spray. Boat and men disappeared from view. In a moment more the cloud had swept on. Captain Hall sent his eldest son, a lad of fifteen, to the house for a powerful glass. By its aid the boat was seen to be three-quarters sunk. The mainmast was gone and clinging to the side of the boat was one man, while another more fortunate, stood in the bow clinging to the foremast. Perhaps a quarter of a mile away could be discerned a man half sunk in the rough sea, hanging to the mainmast.

Captain Hall immediately sent a little son of six years to the top of a sand bluff in order that the sight of him might encourage the imperiled men to hold on till help should come. Then, with his eldest boy, the captain put out to sea in a dory. They had a hard pull through the tumbling waves for two miles, when they came in sight of the man clinging to the mast. The captain hailed him, but the man was too benumbed to utter an intelligible word. His hands were so tightly clenched to the mast that they had to be pried off by main strength. He was then pulled into the dory. Another quick pull of three miles brought the dory up with the nearly sunken sail-boat, from which the two other men were taken. They were so benumbed as to be almost senseless, for the water was icy cold.

The dory reached shore about a mile from the captain's house, but Mrs. Hall and the hired man were on the beach with a carriage. On lifting the men out of the boat they fell limp and senseless upon the sand. They were put into the carriage, driven rapidly to the captain's house, and there stripped, rubbed, and wrapped in blankets. Brandy and wine were given, and, after working upon the men for nearly two hours, they were made comparatively comfortable. They were so chilled that a few moments more of exposure would have been their death. Had it not been for the presence at home of Captain Hall's son he could not have rescued the drowning men, for the nearest men were a considerable distance away.

Captain Hall's crew were temporarily dismissed for the "off" months. The names of the rescued men are Herbert L. Ewell and Israel Oakman, both of Marshfield, and Levi W. Benson, of Clark's Island, Plymouth, the only son of a widow.

Mr. CRAPO. It will be noticed by this statement that this disaster occurred during the "off months," as they are called, when by reason of the meagerness of our appropriations the surfmen are discharged; yet the earnestness, gallantry, and heroism of Captain Hall, aided by the efforts of his noble and brave-hearted wife and children, saved these men from a watery grave. And now it is proposed to take this station from Captain Hall, who receives a salary of only $200 a year, and put in his place a naval officer. The people of Plymouth protest against such a change.

In our anxiety to relieve the Navy and to provide places and employment for Navy officers, we must not cripple the life-saving service. There may be a pressure of Navy officers without employment; but the remedy of this is not in capturing a service which can never be satisfactorily performed by them. While our Government ship-yards are silent we are yearly launching from our Naval school scores of young men, doubtless well-instructed in the arts of war, who after a single foreign cruise, mostly at anchor, are forced into idleness because there are no ships to command. Without ships we can never be a naval power, even although by our present system we are creating a surplus of uniforms. But in order that this surplus of material shall not go to waste do not force it upon a service which it knows nothing about and which it cannot learn under any of the training of the Navy. Do not make this service the asylum of the superabundance of Navy officers. Let no desire to provide for the Navy, which possesses many gallant officers and good sailors, but with few ships; let no impulse for economy be permitted to cripple and impair the efficient and successful operations of a service which has already accomplished so much and which promises a usefulness still greater in the future.

Mr. YEATES addressed the House. [His remarks will appear in the Appendix.]

Mr. CONGER. Mr. Speaker, at this very late hour of the evening I dislike very much to detain the House by any remarks upon this subject. But, sir, I have felt it a high honor and privilege to myself personally to have joined during the last decade in the measures which Congress has originated or rearranged for the protection on the shores of our rivers and lakes and ocean the lives of seamen, and of the millions of our fellow-citizens who go upon the waters. As I know that in the morning the previous question must be called upon this bill, and a vote had, probably without the opportunity for debate, I feel constrained to take this occasion to call attention to some of the reasons which led me to believe that the life-saving service should be kept in the hands of these gallant and tireless men, who within ten short years have made it honorable and glorious—so honorable and desirable a service that one of the grand professions of the country is reaching out its gloved hand to grasp it and appropriate its honors.

Sir, the history of the salvation of life in the storm is not the history of the Army. It is not the history of the Navy. It was the heroic daring of a woman, a light-house keeper—as day after day and year after year, with her old father to steer her brave bark, she went from the light-house to bring upon the rock where she dwelt in the storm the lives she had saved—that thrilled the civilized world and made the name of Grace Darling the name of all that is beautiful and heroic in womanhood.

But, sir, this decade of our history will be remarkable through all

the years to come as that in which American people have had their attention called to the salvation of myriads of people who do business upon our waters. Prior to the year 1870 our ears were filled with the shrieks and the cries and the echoes of lost ships and lost crews and lost passengers. We heard of the burning vessel upon the lake and upon the river and upon the ocean with no means of salvation on the vessel and none upon the shore. We heard long before that of the crash of vessels driven upon the stony points of the Atlantic and of the lake coast. There was no light-house to warn the mariner of his approach to the shore.

What service in this country has brought about these improvements, these changes, that kind of life-saving service and organization of which we are proud to-day. With all the fleets upon all the oceans, no naval officer and no naval service ever organized or kept up or managed the light-house system at home or abroad. In our own land, with all the heroic achievements in the history of the country of as heroic men as ever lived, the building of our light-houses was not committed to the naval officers. For many long years that venerable man, whose light has gone out in glory within a few days in our midst, has been chief of the Light-House Board, and around him have been gathered assistants from the Army, from the Navy, and from civil life, until quietly, softly, almost unknown in the land, the light-house has sprung up on this point and that projection of the ocean, on the borders of the ocean, on our inland lakes, until we have to-day a better light-house system than any other nation in the world.

It was our Light-House Board that taught that the light-house must not always be placed on the low shelving shore and that it must not always be placed upon the high promontory. It was for our men from civil life to teach that the mists and storms and dashing waves would hide the lower light and that the mists and fogs which arise in the higher heavens would hide the higher light, and that on the Atlantic and Pacific midway between the high and the low was the place where the light could always be seen and where the light-house for the benefit of all should be stationed.

But I cannot dwell upon that. Our vessels, approaching land and passing along up and down the shores and coming toward islands, could see the lights we have built during the last ten years. We have built more light-houses and better lights than we ever had before. But it was found fogs on the water prevented the lights from being seen, and the ingenuity of civilians found fog-horns and discovered fog-bells which would ring by the action of the surf upon the rock which was hidden even beneath the waves, giving warning to the approaching vessel. They discovered steam-whistles, which could be heard miles and miles off by the vessel approaching in the fog.

But, sir, I cannot dwell even upon those improvements. Those means of safety which should warn off from the shore originated years ago, and have become more perfect within the last ten years than in all the years before.

Now, Mr. Speaker, there was a necessity, as we looked on the river, lake, and ocean and saw the burning vessels and saw victims scorched and burned going down helpless to their watery grave, preferable only because that was an easier death—there was a necessity for laws giving protection to those on the vessels in making vessels more secure, in guarding against fires, in providing means for extinguishing them if they originated, in giving life-boats which should carry away passengers, in doing all the law passed in 1871 and amended year by year from that time to this has done, called the law for the security of life on vessels propelled in whole or in part by steam. That law has changed the yearly death-rate of these disasters from some fourteen or fifteen hundred within our waters, to the prevention of death of almost every one of our sailors and passengers.

But there was needed something more. With all these precautions, with the light-house to warn, with the fog-whistle to blow, with the steam-whistle to sound its alarm, with the apparatus for extinguishing fires and for the protection of life upon the vessels, with water-tight compartments to prevent their sinking, with boats and life-rafts to carry passengers ashore in case of danger, there was still the power of the whirlwind and of the storm, and the rage of old ocean itself, with which man never has contended successfully with all his appliances of art and science and all the heroism of man's nature and the daring of his soul.

There came to the minds of the American people within the last ten years the thought that with our protection by the light-house, the fog-whistle and steam-whistle, and the life-saving machinery on our boats, there ought to be upon the exposed places where the storm dashes the victims of its wrath upon the shore a systematized organization of the bold, daring, and courageous men who were already there without organization doing all they might to save life. There came the thought that the Government should take it in hand and build little houses along the shore and put boats there suitable to go out through the surf, and pay some little pittance to these men who were willing to take those boats and drag them along the sands and launch them in the waves, to those men who were willing to fire the rocket of hope to inform the vessel that help was nigh, to fire the rocket that would carry a line to the vessel and establish communication with the shore.

The nation undertook the work, feebly as an infant might undertake it, giving but a paltry pittance, a shameful allowance, to the brave surfmen on the ocean and on the lakes who peril their lives night and day for naught and who are paid a paltry pittance for but two or three months of their service during the year.

It was that service which I with many other gentlemen here joined to inaugurate and to organize; which I have seen under different acts of Congress extended along the shores of oceans and away up among my own inland ocean lakes. It has been extended up where I myself in the storm have passed them by, and have of my own knowledge known of hundreds of men who but for these life-saving stations would have been picked up on the beach lifeless bodies. I have myself seen these surfmen there and helped to administer to the relief of the men, women, and children whom they have saved.

Joined to that, and I will touch upon it but briefly, is the revenue-marine service. Both that marine service and the life-saving service, under the management of an humble officer of this Government in the Treasury Department, the simple chief of a bureau there, have been organized into an efficient system for the saving of life. He by his orders has compelled the vessels of the marine service to watch out and go to the assistance of vessels in distress.

I would I had time to read from the documents which I have here a statement of the amount of vessels saved and the number of lives which have been saved within these past ten years by the revenue-marine service. But I will not detain the House for that.

I would, too, that I might read about our life-saving stations on our coasts, on the ocean and on the lakes, the number of vessels and lives which have been saved by that organization.

I will say this: that none of these four grand means of protecting and saving human life—light-houses, fog and steam whistles, apparatus on vessels for saving life, or life-saving service—has originated with the Navy. None of these means has gained its supremacy and all that splendor of glory that has been given to this branch of the service by any effort on the part of the Navy.

It is due, more than to any other executive officer, to that faithful laborer, the simple chief of a bureau, Mr. Kimball, in the Treasury Department. To him this country owes more than to any and all other men for the organization of the revenue marine for life-saving purposes and for the organization of these life-saving stations and making them efficient as they are to-day.

There should be appropriations by which these life-saving stations could be extended along our dangerous coasts such as my friend from Virginia [Mr. GOODE] and the gentleman who has just spoken from North Carolina [Mr. YEATES] represent, and some of the parts of the New Jersey coast and along the coast of New England as well as on such points as I know and have passed in peril time and time again from my boyhood on the great lakes of the Northwest. If there could be an additional number of these stations established, until in the night and in the storm these life-saving men could lock hands with each other when a vessel with its freight of life and hope is dashed upon their shores, we would have done well. If we bring about that at this Congress, in the last part of this session, if we will but do that, then we shall look back to it with that pride and gratification with which I look back to the feeble assistance I have been able to render in making the life-saving service as perfect even as it now is. We will look back to it with a pride and with a gratification greater than that with which we look upon many of the honorable things that we have done or tried to do in our congressional career.

If I thought it were possible that these gallant fishermen of the lakes, who without any organization dash out in the storm, as I know and have seen from my youth, and take off from the foundering and sinking vessel the passengers who are crowded upon it, and take them safely to the shore—if I thought these gallant, valiant, bold, hard-handed, but soft-hearted surfmen, who line the Atlantic and Pacific coasts could be supplanted in this service by being turned over to the cold arbitrament of naval officers, could be supplanted by clumsy sailors taken from their ships to rush along the shores and through the waves, I should have but little hope of the usefulness of that service hereafter.

Sir, the duty of the naval officers and of the men in the Navy is to keep their vessels away from the shore. If the admiral or the commodore or the captain or the master or the lieutenant or the ensign or the "middy" only knows that he is away from what he calls the "God-forsaken shore," he is happy. What in Heaven's name would he be worth if you planted him on the land? Why, sir, if a naval vessel is foundered near shore the officers and crew almost inevitably get drowned. I have the record here; and such is the case not only in the Chinese and Japanese seas, but along our own coast. They go down helpless unless the surfmen are there to go out and seize these naval officers and seamen and bring them safely to shore.

Sir, after this service in less than eight years, under the direction of a civilian, the little black-eyed man at the head of the revenue-marine service in the Treasury, has won for itself such distinction, though without means, without proper appropriations, with stations scattered far along our dangerous coasts, I do not believe that the American people or their representatives here will dare snatch from this service in the beginning of its career the credit it has acquired and give it to another.

No man respects our naval officers and our sailors more than I do; but it is their business to destroy life, and the more effectually they do it in their appointed time the more we honor them. By habit, by instinct, by nature, their whole thought, their whole expectation of

glory is in sinking ships and destroying the lives of soldiers and sailors. Let them keep their eye on that business and do it well if the occasion ever arises; but let these men who can go through the surf and bring dripping, fainting, panting, dying men, women, and babes, and tenderly through the beating waves carry them to the shore, restore them to life and hope—let these men pursue the calling which without the aid of this Government they pursued for long, long years and will pursue whether this Government withdraws from them the pittance it gives and the paltry honor it bestows, or whether it leaves them to battle with the storm and with the tempest for the preservation of human life. [Applause.]

Mr. BROGDEN addressed the House. [His remarks will appear in the Appendix.]

Mr. PRICE. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ACKLEN, (by request:) The petition of citizens of Louisiana, for the refunding of the cotton tax—to the Committee of Ways and Means.

By Mr. ALDRICH: The petition of Addison Ballard and Charles H. Cook, for a change of the name of the steam-barge T. W. Snook, of Detroit, to Alderman—to the Committee on Commerce.

By Mr. BOUCK: The petition of George C. Wedderburn, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

Also, the petition of Herman J. Schulteis, of similar import—to the same committee.

By Mr. BRENTANO: The petition of James J. Spellman, of similar import—to the same committee.

By Mr. BUTLER: The petitions of Margaret Burrett, Mrs. E. S. West, James Kelly, and Catherine Barry, for pensions—to the Committee on Invalid Pensions.

Also, the petition of Alba F. Smith, for an extension of a patent for improved truck for locomotive engines—to the Committee on Patents.

Also, the petition of citizens of North Adams, Massachusetts, for some measure to secure to soldiers of the late war homes on Government lands—to the Committee on Education and Labor.

Also, a paper relating to the bounty claim of Robert A. Martin—to the Committee on Military Affairs.

Also, the petition of citizens of Fall River, Massachusetts, that greenbacks be made receivable for all dues to the Government—to the Committee on Banking and Currency.

By Mr. CALDWELL, of Tennessee: The petition of Bradford Whitely, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. CRAVENS: The petition of the delegates of the Seminole tribe of Indians, that they receive the same prices for the lands of their reservations as their neighbors the Creek Indians—to the Committee on Indian Affairs.

By Mr. ELAM: Two petitions of citizens of Louisiana, for the passage of House bill No. 1670—to the Committee of Ways and Means.

By Mr. HARRIS, of Virginia: The petition of Charles W. Fountain, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. HAZELTON: The petition of James G. Knight, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the same committee.

By Mr. KELLEY: The petition of 147 citizens and silk-hat manufacturers of Philadelphia, that hatters' black silk plush be placed upon the free list or reduced to a duty of not more than 10 per cent. ad valorem—to the Committee of Ways and Means.

By Mr. KIDDER: A paper relating to the claim of J. Carlsen against the Khédive of Egypt—to the Committee on Foreign Affairs.

By Mr. LAPHAM: The petition of Laura Hibner, for a pension—to the Committee on Invalid Pensions.

By Mr. MAISH: The petition of Commander William Gibson, United States Navy, to be restored to the active list—to the Committee on Naval Affairs.

By Mr. O'NEILL: The petition of W. Heimer, for a pension—to the Committee on Invalid Pensions.

By Mr. PAGE: Resolutions of the Academy of Sciences of California, favoring appropriations for the extension of the operations of the Signal Service—to the Committee on Appropriations.

By Mr. TUCKER: The petition of John B. Fassett, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. VANCE: The petition of S. T. Kelsey and others, of North Carolina, for the purchase by the Government of all telegraph lines in the United States for postal, military, and other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of Michigan: The petition of Anthony Orleman, for a pension—to the Committee on Invalid Pensions.

By Mr. WILLIS, of Kentucky: The petition of Kate Wilharlitz, for a pension—to the same committee.

IN SENATE.

TUESDAY, *June* 4, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. DAVIS, of Illinois, and by unanimous consent, the further reading was dispensed with.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 1582) to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the times and places of holding the courts in said district;

A bill (H. R. No. 3892) to change the time for holding terms of the district court for the western district of Virginia at Danville;

A bill (H. R. No. 5065) to give circuit courts supervisory jurisdiction in certain criminal cases;

A bill (H. R. No. 5067) to divide the western district of Missouri into two divisions and to prescribe the times and places for holding courts therein, and for other purposes;

A bill (H. R. No. 5068) to amend the act entitled "An act to further the administration of justice in the State of Colorado;"

A bill (H. R. No. 5070) to detach certain territory from the eastern judicial district of Michigan, and to attach the same to the western judicial district of Michigan, and to provide for divisions in said western district, and for holding the district and circuit courts therein, and for other purposes;

A bill (H. R. No. 5071) to authorize the holding of terms of the United States district court for the district of West Virginia at Martinsburgh; and

A bill (H. R. No. 5063) authorizing the Solicitor of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869 by the United States, to resell the same, and sell or lease all other real estate and riparian rights now owned by the United States at Harper's Ferry, West Virginia.

PETITIONS AND MEMORIALS.

Mr. WALLACE presented the petition of John F. Godshall and others, citizens of Philadelphia, praying for the abolition of the duty on hatters' black silk plush or its reduction to not more than 10 per cent. ad valorem; which was referred to the Committee on Finance.

Mr. BAILEY presented the petition of A. D. Wharton, of Nashville, Tennessee, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. DAVIS, of Illinois, presented the memorial of H. Hartt & Co. and others, manufacturers and dealers in type and printing material in Chicago, Illinois, remonstrating against the passage of the bill providing for refunding to Miller & Richards a fine imposed upon them for undervaluing a lot of goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

Mr. VOORHEES presented the petition of Ann Dennis, of Terre Haute, Vigo County, Indiana, widow of James Dennis, praying for a pension; which was referred to the Committee on Pensions.

Mr. OGLESBY presented the memorial of the Mechanics' Type Foundery and others, of Illinois, remonstrating against refunding to Miller & Richards a fine imposed upon them for undervaluing a lot of goods passed through the custom-house at San Francisco; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the memorial of the Legislature of South Carolina praying the restoration to that State of the possession of the property in Charleston, known as the State Military Academy of South Carolina, and also compensation for the use and occupancy of the same by the United States military authorities during and since the war, submitted a report thereon, accompanied by a bill (S. No. 1352) to restore the property known as the State Military Academy or citadel in the city of Charleston, South Carolina, to the State of South Carolina.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom was referred the petition of William R. Browne and Thomas Fitch, praying for the passage of a law providing for the preservation of their claim against the Japanese government for alleged damages arising out of the refusal of the governor of Sidoma to permit the officers of the schooner Wilmington, of New London, Connecticut, to land off the coast of Japan in the year 1855, to be paid out of the Japanese indemnity fund, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 392) for the relief of Henry B. Brown, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1350) for the relief of Chester A. Arthur, collector of the port of New York, reported it with an amendment.

Mr. THURMAN. I move to take up Senate bill No. 1200.

The PRESIDENT *pro tempore*. Morning business is not through.

Mr. THURMAN. I understand that, but I ask to take up the bill, which creates the office of auditor of Pacific railroad accounts. It is a bill that ought to pass and at this session, to which I think there will be no opposition. If the Senate will agree to take it up, I will let it lie aside until half past twelve, so that morning business or any other business may be proceeded with that can be concluded at that time.

Mr. WALLACE. I object.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania objects.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (H. R. No. 224) for the relief of Thomas A. Nicholson, reported it without an amendment, adopting the report of the House committee.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of John Edwards, of Arkansas, praying for the passage of an act placing him on the retired list of the Army with the rank of brigadier-general, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

Mr. BUTLER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 627) to remove the charge of desertion from the military record of Alfred Rouland, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1090) for the relief of Laurence A. Williams, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1247) for the relief of Mrs. E. H. Powers, submitted an adverse report thereon; which was ordered to be printed.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely, if there be no objection.

Mr. SPENCER. I ask that the bill be placed on the Calendar with the adverse report of the committee.

The PRESIDENT *pro tempore*. That direction will be given to it.

Mr. SARGENT, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 356) directing method of annual estimates of expenditures to be submitted from Navy Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 5053) to provide for the expenses of the select committee on alleged frauds in the late presidential election, reported it with an amendment.

Mr. OGLESBY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 699) to restore certain lands in Iowa to settlement under the homestead law, and for other purposes, reported it without amendment.

Mr. BURNSIDE. I am instructed by the Committee on Military Affairs, to whom was referred a joint resolution (S. R. No. 30) to create a commission to consider the subject of Army reform and reorganization, to report it with a favorable recommendation. I am also instructed by the committee to move that the resolution and report be referred to the Committee on Appropriations, and that all that part of the resolution as amended, except the first and second lines, be inserted in the Army appropriation bill from the House, in lieu of all contained in that bill appertaining to the reorganization and reduction of the Army.

The motion to refer was agreed to.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 33) providing for the purchase of 600 copies of Hickey's Constitution of the United States, reported it with an amendment.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 1289) relating to the fees of claim agents and attorneys in pension cases, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4981) relating to claim agents and attorneys in pension cases, reported it with an amendment.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 2) releasing C. C. Webb, Ira P. Rankin, and the other sureties on the official bond of Frank Soule, late collector of internal revenue for the first district of California, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1347) to aid in the construction of a bridge across the Mississippi River from the military reservation of Fort Snelling, in the State of Minnesota, and granting the right of way through said reservation, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1268) to authorize the Secretary of War to convey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1285) to amend an act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 485) to repeal certain provisions of the acts of Congress making appropriations for the support of the Army, approved June 16, 1874, and March 3, 1875, respectively, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

SOLDIERS' REUNION AT CENTERVILLE.

Mr. SPENCER. I am also directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 34) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Centerville, Iowa, to report it without amendment favorably. The Senator from Iowa [Mr. KIRKWOOD] is desirous that the joint resolution be taken up at this time. There can be no objection to it, and I ask for its present consideration.

Mr. KIRKWOOD. I should be glad to have the joint resolution considered at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERCOURSE WITH MEXICO.

Mr. CONKLING. I am directed by the select committee touching Mexican affairs to ask that it be continued, with leave, if need be, to sit during the vacation. The committee will not be able to report before the early adjournment fixed.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1353) for the settlement of the claim of Juliet Leef and John McKee; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1354) to confer upon Army boards of the United States Army, organized by the President to review sentences of courts-martial, authority to compel attendance of witnesses and to send for persons and papers as is now given by law to courts-martial, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1355) for the relief of Riley A. Shinn and Henry P. Gilbert, sureties on the bond of Charles S. English; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1356) to annex certain territory to the Territory of Wyoming; which was read twice by its title, and referred to the Committee on Territories.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1357) for the relief of Julius Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1358) granting a pension to Captain George W. Bradford; which was read twice by its title, and referred to the Committee on Pensions.

PRINTING OF ARGUMENTS.

On motion of Mr. WADLEIGH, it was

Ordered, That 100 copies of the arguments before the Committee on Privileges and Elections in the case of Messrs. Corbin and BUTLER be printed for the use of the committee.

AMENDMENT TO APPROPRIATION BILL.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

THE BARK CALDERA.

Mr. WALLACE. I move that the Senate proceed to the consideration of the bill (H. R. No. 923) supplementary to the act entitled "An act to carry into effect the convention between the United States and China, concluded on the 8th day of November, 1858, at Shanghai," approved March 3, 1859, and to give the Court of Claims jurisdiction in certain cases.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person or persons, or body-corporate, holding and making any claim upon the balance of the fund usually designated and known as "the Chinese indemnity fund," under the control of the Department of State of the United States, and now unappropriated, for losses sustained by the plunder and destruction, in the year 1854, of the bark Caldera, and property on board of that vessel, may, at any time within twelve months, commence proceedings in the Court of Claims against the United States, in the same manner as other suits are brought, pursuant to and in virtue of the statutes of the United States and the rules of that court; and the Court of Claims is given full jurisdiction to hear and determine such claim or demand, according to the principles of justice and international law.

The bill was reported from the Committee on Foreign Relations with an amendment: after the word "use," in line 3 of section 2, to strike out the words:

As competent evidence before the court, any records, documents, or papers relating to the said claim, which may have been deposited in the office of the Secretary of State under the provisions of the act approved March 3, 1859, entitled "An act to carry into effect the convention between the United States and China concluded on the 8th day of November, 1858, at Shanghai," or certified copies of such records, documents, or other papers; that at the hearing or on the trial of any suit so commenced as aforesaid, either party, plaintiff or defendant, shall have the right to produce.

And in line 15, before the word "testimony," to strike out "additional;" so as to make the second section of the bill read:

That, at the hearing or on trial of any suit so commenced, either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to, and competent upon, the issue joined between the parties; and that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant, may appeal from the decision or judgment of said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases: *Provided, however*, That if any final judgment be found in favor of a claimant or plaintiff, the same shall only be paid and satisfied out of the balance of said Chinese indemnity fund; and if said judgment shall be in favor of the defendant, then such claimants shall be forever barred in law and equity from hereafter making any claim upon or against said fund.

Mr. EDMUNDS. I wish the Senator in charge of this measure would explain what the bill is, and what it means.

Mr. WALLACE. The bill is to give the Court of Claims jurisdiction of a claim in behalf of the insurers of the bark Caldera for payment out of the moneys paid into the Treasury in pursuance of the Chinese indemnity. The amendment of the committee now under consideration takes out of the bill evidence that was questionable. I suppose there will be no objection to it. The report of the House committee was adopted by the Senate committee and details the facts fully.

Mr. EDMUNDS. I should like to hear that report read. It has been a long time since this transaction occurred.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WALLACE, March 26th:

The Committee on Foreign Affairs report back with amendments House bill No. 923, supplementary to an act entitled "An act to carry into effect the convention between the United States and China, concluded on the 8th day of November, 1858, at Shanghai," approved March 3, 1859, and to give the Court of Claims jurisdiction in certain cases, and adopt the report of the House committee, which is as follows:

"The committee hereby recommend the passage of the bill annexed to this report, giving the Court of Claims jurisdiction in the case, the facts of which appear to be as follows:

"The bark Caldera, under the command of Mathew Rooney, an American citizen, being laden with a cargo belonging to American merchants, sailed from the port of Hong-Kong on the 5th day of October, 1854, bound to the port of San Francisco; and having been obliged to seek shelter from a storm, in the port of Keolau, on the Chinese coast, was, while at anchor there, and the crew employed at the pumps to keep the vessel free of water, boarded by armed bands of Chinese, who drove the men from the pumps, took possession of the vessel, and, after plundering her of all the cargo except granite in the lower hold, burned her, and she became a total loss.

"The petitioning insurance companies paid insurances to the amount of $72,512, being a total loss of the whole sum insured, besides a considerable sum in addition expended in an unsuccessful effort to recover the property.

"The petitioners took all the necessary steps to establish a valid claim on the Chinese government for the amount of the loss and Mr. Marcy, then Secretary of State in a dispatch to Dr. Parker, fully recognized the justice of the claim and directed its prosecution before the Chinese government.

"In 1858, Mr. Reed, the then American minister, made a convention with the Chinese government, securing indemnity for this as well as other claims, and about $700,000 was paid by the Chinese government, a large portion of which is still held by the State Department, awaiting the disposition of Congress.

"Mr Reed recommended that the claim of the Caldera should be adjudicated at home, because the evidence could be there most easily produced. Meanwhile under an act of Congress passed in 1859, commissioners were appointed to pass upon all claims upon this Chinese indemnity fund. These commissioners held their sessions at Macao, in China, and to them the papers in the Caldera case were forwarded by Mr. Cass, then Secretary of State. The claim was duly filed with the commissioners, who made a deduction therefrom of 60 per cent., on the ground of a supposed prior damage by sea water to the cargo. This deduction appears to have been made without sufficient evidence of its justice and under a misapprehension of the law applicable to the case, and the claimants had no opportunity of being heard upon the question.

"They were told that the acceptance of the 40 per cent. allowed them would not preclude a rehearing of the case at Washington, but as the act of 1859 did not provide for an appeal from the decision of the commissioners such a rehearing cannot be had without an act of Congress.

"Your committee are satisfied from the evidence submitted to them that it is but just that the underwriters should be allowed to present the evidence which, if they had time or proper notice, would have been presented to the commissioners, to some competent tribunal for a final decision as to the justice of their claim. Other claims presented to the commission, and which were disallowed by it, have been reviewed and paid from this fund. The case of the Neva, which was of like character to this, was entirely rejected by the commissioners, but the claimants, by act of Congress, were allowed a rehearing before the Attorney-General, who decided that the conclusions of the commissioners were erroneous, and payment was accorded to them. Your committee are of the opinion that the Court of Claims is the tribunal by which questions of this character should be heard and determined.

"Your committee also submit the fact that this claim has been paid in full by the Chinese government, and that the remaining 60 per cent. thereof is still held by the State Department, so that if it should be allowed in full by the Court of Claims no money will be taken from the Treasury."

Mr. EDMUNDS. Mr. President, I should like to ask the Senator from Pennsylvania through what process this 40 per cent. that has been paid was obtained?

Mr. WALLACE. It was paid out of the Chinese indemnity fund.

Mr. EDMUNDS. But how was it proved? Was it proved before the commissioners?

Mr. WALLACE. It was proved before the commissioners. It is so stated in the report.

Mr. KERNAN. The commission sitting in China allowed 40 per cent. and rejected 60 per cent of the claim.

Mr. EDMUNDS. And now this is a proposition to try it over again?

Mr. WALLACE. It is not a proposition to try it over again, but it is a proposition to allow the Court of Claims to pass upon the question whether the claimants are not entitled to the whole, they receiving but 40 per cent. They were not in Court upon the other question at all. They claim a hearing upon the subject of the 60 per cent. It was rejected without any view of the facts in the case, as the Senator will ascertain if he examines the whole of the facts as they were before the committee.

Mr. EDMUNDS. The act of the 3d of March, 1859, provided for a tribunal to hear, try, and determine all claims to this fund in this way:

That the President, by and with the advice and consent of the Senate, shall appoint two commissioners who shall form a board in China, to receive and examine all claims which may be presented to them, under the said convention, according to the provisions of the same, the principles of justice, and international law.

That the board so constituted shall meet at such time and place as shall be designated by the chief diplomatic officer in China, and within one year from the time of said meeting shall terminate their duties.

The fourth section fixes the compensation. The fifth section provides:

That the said commissioners shall report to the chief diplomatic officer in China the several awards made by them, to be approved by him, a copy of which shall be by him transmitted to the depositary of the debentures, or the proceeds as hereinbefore provided, who shall thereupon distribute, in ratable proportion, the said debentures or their proceeds according to the direction of the said diplomatic officer.

The sixth section provides for returning the records and documents to the office of the Secretary of State. If I correctly understand the statement of the Senator from Pennsylvania, the claimants in respect of the bark Caldera undertook to prove their claim before this commission; the commission heard it, and allowed 40 per cent. of what they claimed, and disallowed the residue. That must have been about the year 1860; it was done according to the act of 1859. Now, eighteen years afterward, the underwriters come forward (although this bill provides for anybody, the original claimants, or anybody else, any person claiming an interest,) for the purpose of going before the Court of Claims and trying over again the question which has been once tried pursuant to the treaty. The convention provided for some commission of this kind, as I assume; I confess I do not quite see the principle upon which we are to proceed if after this lapse of time we are to retry a question of that sort.

Mr. KERNAN. Will the Senator allow me to submit a few facts? The committee report that this commission sat in China, at Macao.

Mr. EDMUNDS. That is where the law required them to sit.

Mr. KERNAN. Yes; the committee report that to these commissioners the papers in the Caldera case were forwarded through Mr. Cass, then Secretary of State; that they deducted the 60 per cent. on the ground of a supposed prior damage by sea water to the cargo. This deduction appears to have been made without sufficient evidence of its justice, and under a misapprehension of the law applicable to the case, and the claimants had no opportunity of being heard upon the question. They were assured that the acceptance of the 40 per cent. allowed them was not to preclude a re-hearing of the case at Washington.

Mr. EDMUNDS. Who assured them?

Mr. KERNAN. I suppose the officers here, because the United States had charge of the fund. I will state one other fact, if the Senator will pardon me. Congress has in the case of the Neva, where that commission rejected the entire claim, authorized a rehearing before the Attorney-General, not a court, and it was reheard. He held that it was improperly rejected by a misapprehension of law, and it has been paid. As this entire amount was paid into our Treasury and is there, these parties ask that they may go before the Court of Claims to have a rehearing, for that is what it is, to see if they can satisfy that court that it was erroneous to have rejected this 60 per cent. We have the money in the Treasury; China has paid it to us. If under a misapplication of the law they had no chance to be heard on the facts, it seems to me to be but just that we should allow these parties for whom the amount was paid to this Government to establish a just claim to it if they can. That I think is the case as it is presented by the committee.

Mr. EDMUNDS. What is the date of the statute that provided for the Attorney-General rehearing the other case?

Mr. KERNAN. I have not got it.

The case of the Neva, which was of like character to this——

I read from the report of the committee—

was entirely rejected by the commissioners, but the claimants, by act of Congress, were allowed a rehearing before the Attorney-General, who decided that the conclusions of the commissioners were erroneous, and payment was accorded to them.

Mr. EDMUNDS. That I heard before; but I supposed the committee might inform the Senate where the statute is to which they refer in their report, so that we could see it; but it seems they cannot.

I know how perfectly hopeless it is to resist opening the Treasury to anything, and so I feel rather conscious——

Mr. KERNAN. Allow me to say that this is not opening the Treasury. We ought either to pay this money back to China or pay it to the men for whom it was paid to us.

Mr. EDMUNDS. That is another question entirely. We have tried this question on the very point that my honorable friend now makes, as to the right of anybody to this portion of this fund. It has been decided that in the respects that this bill gives authority, there was no damage caused by any misconduct of China, but it was the damage of sea water. There is great force in what the Senator says that this money ought to be paid back to China; but what shall we say to China on the subject of paying money back to her, when having, in pursuance of an agreement with her, appointed a commission to try the case eighteen years ago, they decided against this claim to the extent that it is now asked for and allowed what was thought just of it, allowed all that they thought resulted from the misconduct of the Chinese pirates, and refused to allow what they thought resulted from sea water, and eighteen years after turn around by a new process of ours, not in pursuance of the treaty, and say we will try this over again, and diminish what otherwise ought to be paid back to China, if we can?

Mr. KERNAN. Allow me to say that I do not think China will complain. The parties could not go to China to try their case and send their papers there. When the question was raised they were not heard. If we allow an appeal, or something by way of an appeal, a rehearing in a court, I do not think China can complain of that.

Mr. EDMUNDS. Perhaps they would not complain. Perhaps they would not complain if we swallowed the whole money. You cannot tell what a foreign nation will do when it is in the condition that China is, or in any other condition. The principle upon which this bill rests is a principle that will apply to every other one of the claims that were rejected, or allowed in part by that commission. What we undertook to do with China was to receive this money and pay it over to the people who were entitled to it in the method provided by the convention. In pursuance of that, Congress immediately, in fulfillment of the convention, appointed the commission and by a public law required them as most convenient to all parties concerned to sit in China. This claim was presented by somebody and supported by proof, and if somebody did present it and undertake to support it by proof he was bound to give sufficient attention to it to see that all the evidence that would bear upon the question of damage by the sea was presented, and upon such evidence as the claimants chose to present the tribunal, appointed by statute, decided against this claim.

Now you propose to try it over again because it has been done in the case of the Neva, if we cannot find any better reason; and then somebody else will come next and propose to try something over again because it was done in the cases of the Neva and the Caldera both; and then when we come to the Geneva award money somebody will come and propose to try over again every question that has been tried where claims have been disallowed by the tribunal sitting at Washington; and so you go on, and where upon any principle of justice or proper law-making are you to draw the line unless you stand by the statutes you have made and do not undertake to set aside a proceeding of this kind unless you can show that there was misconduct in the arbitrators or such gross mistake, distinguished from a mere error of judgment, as would make their proceedings void? This report does not state anything of that kind.

But as I said, Mr. President, I suppose it is perfectly useless to raise questions of this kind for the consideration of the Senate, for our tenderness toward an American citizen is so great that if he, wishes to try his case over again twenty times in the Court of Claims, we can find precedents for it, probably.

Mr. WALLACE. The Senator misapprehends the facts of the case entirely. The whole of the claim for the loss of the Caldera was placed before this commission. It was remitted to the commissioner at Macao; they did take it up without anybody to appear before them, and 40 per cent. was allowed by the commissioner's report and 60 per cent. was disallowed, because it was deducted for damage done by the tempest which had occurred before the pirates took possession of the vessel at all; but that allowance was utterly without foundation either in law or in fact; there was not a particle of proof to justify it. We had it all here that they took not a particle of proof before the commission to show that there was any damage whatever done to the cargo before the pirates entered upon and took possession of the vessel. So it is clear that the 60 per cent. that was disallowed was disallowed against a man who was not in court, and was disallowed without fact and contrary to the plain, clear proof in the case.

Then, there being nothing in the law creating the board of commissioners to allow an appeal, and they themselves recognizing the fact that the claimants could come to Congress and have this 60 per cent. allowed them at a subsequent period, they acquiesced and now come to Congress and ask that their claim may be tested in the Court of Claims as to whether there was law or fact that would prevent the recovery of the 60 per cent. disallowed them by this commission.

Mr. EDMUNDS. May I ask the Senator what has occasioned this long delay of eighteen years in their coming to Congress?

Mr. WALLACE. They have been to Congress. A bill passed through the House in the Forty-fourth Congress.

Mr. EDMUNDS. That was seventeen years afterward. What were they doing during this period of seventeen years?

Mr. WALLACE. The Senator from Vermont and obstructionists to bills of this character, if I may be permitted to say so——

Mr. EDMUNDS. Certainly.

Mr. WALLACE. Taking care of the Treasury——

Mr. EDMUNDS. If I can obstruct a raid on the Treasury that is unjust, I shall try to do it.

Mr. WALLACE. It is because they create delay in the passage of bills that are sometimes meritorious, without any such intention I have no doubt on the part of the Senator from Vermont. It is that class of delays which have prevented this bill from reaching a conclusion before.

Mr. EDMUNDS. Then, if I understand it, these people have been petitioning during these whole seventeen years and some wicked Senator or Member of the House has found difficulties with it and it could not get through.

Mr. WALLACE. I have stated nothing of that character whatever; but in the past six years this bill has been before Congress making an application in the form in which it is here now, and it has passed the House of Representatives and had full concurrence of the committees here at one Congress, and it has had full concurrence of the other House in this Congress. The claim is a meritorious one, based on fact and law, and the parties ought to have a hearing.

Mr. EDMUNDS. Was there no petition until within the last six years?

Mr. WALLACE. Oh, yes, there was before the last six years.

Mr. EDMUNDS. What became of it then?

Mr. WALLACE. I am unable to state that.

Mr. EDMUNDS. It might be well for the Senate to know how many times this claim has been rejected already, before we allow it.

Mr. KERNAN. It has never been rejected, I understand.

Mr. WALLACE. Never?

Mr. KERNAN. It merely failed to get action in both Houses at the same Congress.

Mr. EDMUNDS. Has my friend from New York looked it up to see the history of it, and see what action has been taken?

Mr. KERNAN. I have not. I was not on the committee, and I believed a report like this was worthy of faith. The committees of both Houses have reported in favor of it. I did not go to look to see whether the parties had delayed their application or not. We must trust the committees if we trust anybody, when they all agree.

Mr. EDMUNDS. Yes, but I suppose you can trust a statute and the eighteen years also, if you wish to.

Mr. KERNAN. If we knew that they had not moved in the eighteen years, but I do not think there is a presumption of that. They seem to have taken their money under a protest, that they might get a rehearing of the matter afterward.

Mr. EDMUNDS. When did they take their money, may I ask? In the year 1860?

Mr. KERNAN. I assume as early as they could get it.

Mr. EDMUNDS. So that they took their money under protest; and yet it was about fifteen years afterward, according to the present statement, before they moved again.

Mr. KERNAN. I do not understand the Senator from Vermont to state that that is true, and I do not know that it is true that they waited fifteen years or five years.

Mr. EDMUNDS. No, we do not seem to know anything about it on the House report, and that is just the trouble. We do not know who it was who told them that they might apply to Congress. The Senator from New York says it was an officer here who told them; the Senator from Pennsylvania says the commissioners told them.

Mr. KERNAN. I did not mean to say that, for I do not know it, and I will not say what I do not know.

Mr. EDMUNDS. Of course I allude to the supposition of the Senator. The Senator from Pennsylvania had a supposition that it was the commissioners that told them that they could come to Congress. Well, Mr. President, having earned, and justly earned no doubt, the title of being an obstructionist to meritorious legislation that is proved to be meritorious, because constituents of the two Senators wish to have it go through—which is the only merit that anybody can see in it, and that certainly is proof——

Mr. KERNAN. I beg leave to say that I do not wish it to go through if it is not right; but I supposed when a bill had been reported to the House and passed unanimously, and a committee here

has reported it and explained it, I could well act upon that; and the fact that some of these people lived in New York led me to look into the case when it came here and not before. I read the report when it came out.

Mr. EDMUNDS. I do not know how much force a bill passing the House unanimously—if we knew that it did—is to have in this body.

Mr. KERNAN. The committee I meant, not the House.

Mr. EDMUNDS. I understood the Senator to say "the House."

Mr. KERNAN. I intended to say the committee of the House and the committee of the Senate.

Mr. EDMUNDS. I do not know whether the committee of the House was unanimous, and I am not aware how we are to know that fact, and if we did I do not know exactly what place it would have in a discussion in this Chamber. Undoubtedly the Senator from New York does, and he is entitled to rest such weight upon that as he likes.

However, Mr. President, having called the attention of the Senate to the history of this statute and this lapse of time, and to the fact that the principle upon which this bill goes will open every commission that you have ever had as fast as any claim agent wishes to do it, my duty is done.

Mr. HAMLIN. Mr. President, I have no constituents who are interested in the subject of this bill. I have no motive, therefore, which can be prompted by interests that are connected with those that I represent; but believing that there never was before this body a more just claim than the one that is now presented, I feel that it is my duty to say in a very few brief words why I think the bill ought to pass and think it ought to commend itself to the consideration and the favorable consideration of the Senate.

I want to say beforehand, however, that it is this kind of objection to claims that have merit and justice in them, based upon mere technicalities, which keep us loaded down with these claims almost from generation to generation.

Now, I want to state what I understand to be this case and its merits. This vessel, the Caldera, was wrecked and she was seized by citizens of the Chinese government and robbed. When the treaty of peace was negotiated our commissioners tell us that this claim was allowed, dollar for dollar, in the estimate presented to that government of the claims which it paid; but when the commission did hold its session in that country and came to hear this case, it deducted without evidence, without reason, and against justice, 60 per cent. of the amount of the claim, while the full amount covered by insurance companies was estimated for in the treaty and the money paid into the Treasury of the United States.

Now, sir, does it become us as a people to negotiate with a foreign government, present a claim to it, and have it stated in terms that that is one of the claims which they are to pay, and then turn around and say, after we have got the money, "We will not pay the claim?" That is the whole case.

It is true, and it appeared in the evidence before the committee, that these parties understood, both from the home government and the commission, that if there had been an injustice done, it would be reviewed and reconsidered here. Such was the belief of the parties. Whether it was a well-founded belief, whether they had a right to believe it from the assurances which were given them, I will not undertake to say; but they had that assurance both at home and abroad as the correspondence of the time will show.

This being the case, and they having prosecuted this claim from then until now, and there never having been an adverse report within my knowledge, except in one case in the House where it turned upon the technical ground that the commission had decided it and we should not open it, has it ever received anything else than a favorable consideration? I am very sure that the Senate will do a wrong act if they do not give these claimants a hearing in the Court of Claims, and I am sure they will do a right, just, and meritorious act if they shall do so.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Foreign Relations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I should like to ask the Senator from Maine who has stated one fact that has not dropped out before, that there has been one adverse report upon this claim, in what year that was?

Mr. HAMLIN. I do not recollect, but it was made by the Senator's former colleague, a member of the House, Mr. Willard.

Mr. EDMUNDS. I have sent for the papers. Does it appear in the papers?

Mr. HAMLIN. That is my recollection.

Mr. EDMUNDS. It would be very desirable to see the grounds on which that adverse report was made. I hope my friend from Pennsylvania will forgive me for being a sufficient obstructionist to find that this thing has been bounding around through Congress more or less and has sometimes got a black eye, probably through some similarly evil-disposed person.

Mr. WALLACE. These Vermont people seem to be great obstructionists. [Laughter.] It seems it was a Vermont member who made the adverse report.

Mr. EDMUNDS. Vermont people like justice and fair play, and they dislike to see a claim trundling along for eighteen or twenty years and at last slipping through, that does not appear to be founded on solid principles.

Mr. WALLACE. I beg to say to the Senator from Vermont that I never before heard of an adverse report until it was mentioned by the Senator from Maine a few moments ago.

Mr. EDMUNDS. Let us see if we can find that report among the papers. Would the Senator from Pennsylvania be willing that this bill should lie over until we find the adverse report to show what ground it went on?

Mr. WALLACE. I suppose there is no objection to that. We want all the light we can get on the subject. Let the bill be laid aside informally

The PRESIDENT *pro tempore*. The bill will be laid aside informally.

Mr. WALLACE. To be called up again.

JOHN M'NELLIS.

Mr. DAVIS, of Illinois. I ask the Senate to take up the bill for the relief of the sureties of John McNellis, House bill No. 4874. The Finance Committee has made a report through the Senator from Delaware [Mr. BAYARD] unanimously on the subject, and it is very desirable if the relief is granted that it be granted at once. I have been requested to call it up by the Senator from Delaware because the party is from Ansable, in Grundy County, Illinois; and although I do not know anything about the facts of the case yet I have read the report and believe that it is a meritorious case from that. I hope the Senate will indulge me in taking it up, as there is a necessity if it pass at all that it should pass this week.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4874) for the relief of the sureties of John McNellis.

Jeremiah Collins and Martin Hynds, sureties upon a bond of John McNellis, of Grundy County, Illinois, to the United States, bearing date May 1, 1871, and Phillip Collins and Harrison Enix, sureties upon a certain other bond of McNellis to the United States, dated April 29, 1872, are by the bill released and discharged from any and all liability or payment of money under or by virtue of these bonds, or either of them, and from the payment of any judgment or judgments entered thereon.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MILITARY TELEGRAPH IN DAKOTA AND MONTANA.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (S. No. 864) to provide for the construction, maintenance, and operation of a military telegraph in Dakota and Montana Territories. It will not take two minutes, I am sure.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Military Affairs reported the bill with an amendment in line 17, after the word "companies," to insert "the proceeds thereof to be accounted for and paid into the Treasury of the United States;" so as to make the bill read:

That the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of constructing, under the direction of the Secretary of War, a military telegraph line from Deadwood, in the Territory of Dakota, to Fort Ellis, in the Territory of Montana, via the military posts at or near the Yellowstone and Big Horn Rivers; and the Secretary of War is hereby authorized to pay the expenses of operating and keeping the said telegraph line in repair, out of moneys appropriated and to be appropriated for the maintenance of the Army: *Provided, however*, That private dispatches of lawful nature may be transmitted over said line whenever the same is not needed for public use at reasonable rates, not to exceed the usual rates charged by private telegraph companies, the proceeds thereof to be accounted for and paid into the Treasury of the United States; and the said telegraph line shall be maintained and operated under such proper rules and orders as the Secretary of War may direct, for the benefit of the public service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUDITOR OF RAILROAD ACCOUNTS.

Mr. THURMAN. I ask the Senate to take up the bill which I have given notice of two or three times and to which I think there will be no opposition, as it ought to be passed at this session. It is a bill to create an auditor of railroad accounts. It is a bill that is considered absolutely necessary in order that we may have a correct settlement of accounts with the Pacific railroad companies to ascertain the 5 per cent. of net earnings, and also for several other purposes. I think there will be no objection to it. It is Senate bill No. 1200.

Mr. VOORHEES. I hope the Senator from Ohio will let me pass a little bill that cures a defect in our pension laws. It will not take two minutes; and there will be no objection to it at all.

Mr. THURMAN. Let my bill be taken up.

Mr. VOORHEES. I do not want to obstruct the Senator from Ohio at all, but this is a very necessary piece of legislation and I want to get it over to the House of Representatives.

Mr. THURMAN. Let this bill be taken up. It is a matter of public concern.

The PRESIDENT *pro tempore*. Is there objection to the present

consideration of the bill named by the Senator from Ohio? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1200) to alter and amend the laws relative to the filing of reports of Pacific railroad companies, and for other purposes.

The Committee on the Judiciary reported the bill with an amendment, to strike out all after the enacting clause and insert the following:

That section 20 of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, A. D. 1862, and the act entitled "An act relative to filing reports of railroad companies," approved June 25, A. D. 1868, be, and the same are hereby, repealed.

SEC. 2. That the office of auditor of railroad accounts is hereby established as a bureau of the Interior Department. The said auditor shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The annual salary of the said auditor shall be, and is hereby fixed at, the sum of $5,000. To assist the said auditor to perform the duties of said office, the Secretary of the Interior shall appoint one book-keeper at an annual salary of $2,400, one assistant book-keeper at an annual salary of $2,000, one clerk at an annual salary of $1,400, and one copyist at an annual salary of $900. Actual and necessary traveling and other expenses incurred in visiting the offices of the railroad companies hereinafter described, and for which vouchers shall be rendered, are hereby allowed, not to exceed the sum of $2,000 per annum; and it is hereby specially provided that each of said railroad companies shall furnish transportation over its own road, without expense to the United States, for the said auditor or any person acting under his direction. Incidental expenses for books, stationery, and other material necessary for the use of said bureau are hereby allowed, not to exceed the sum of $700 per annum. And the sum of $12,000 is hereby appropriated for the uses and purposes of this act for the fiscal year ending June 30, A. D. 1879.

SEC. 3. That the duties of said auditor under and subject to the direction of the Secretary of the Interior shall be, to prescribe a system of reports to be rendered to him by the railroad companies whose roads are in whole or in part west, north, or south of the Missouri River, and to which the United States have granted any loan of credit or subsidy in bonds or lands; to examine the books and accounts of each of said railroad companies once in each fiscal year, and at such other times as may be deemed by him necessary to determine the correctness of any report received from them; to assist the Government directors of any of said railroad companies in all matters which come under their cognizance whenever they may officially request such assistance; to see that the laws relating to said companies are enforced; to furnish such information to the several Departments of the Government in regard to tariffs for freight and passengers and in regard to the accounts of said railroad companies as may be by them required, or, in the absence of any request therefor, as he may deem expedient for the interest of the Government; and to make an annual report to the Secretary of the Interior, on the 1st day of November, on the condition of each of said railroad companies, their road, accounts, and affairs, for the fiscal year ending June 30 immediately preceding.

SEC. 4. That each and every railroad company aforesaid which has received from the United States any bonds of the said United States, issued by way of loan to aid in constructing or furnishing its road, or which has received from the United States any lands granted to it for a similar purpose, shall make to the said auditor any and all such reports as he may require from time to time, and shall submit its books and records to the inspection of said auditor, or any person acting in his place and stead, at any time that the said auditor may request, in the office where said books and records are usually kept; and the said auditor or his authorized representative shall make such transcripts from the said books and records as he may desire.

SEC. 5. That if any railroad company aforesaid shall neglect or refuse to make such reports as may be called for, or refuse to submit its books and records to inspection, as provided in section 4 of this act, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than $1,000 nor more than $5,000, to be recovered by the Attorney-General of the United States in the name and for the use and benefit of the United States; and it shall be the duty of the Secretary of the Interior, in all such cases of neglect or refusal as aforesaid, to inform the Attorney-General of the facts, to the end that such forfeiture or forfeitures may be judicially enforced.

SEC. 6. This act shall apply to any and all persons or corporations into whose hands either of said railroads may lawfully come, as well as to the original companies.

SEC. 7. This act shall take effect on and after the 1st day of July, A. D. 1878.

Amend the title so as to read: "A bill to create an auditor of railroad accounts, and for other purposes."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to create an auditor of railroad accounts, and for other purposes."

THE PENSION LAWS.

Mr. VOORHEES. Mr. President——

Mr. WHYTE. Will the Senator from Indiana allow me to dispose of the bill we had up yesterday?

Mr. VOORHEES. I am anxious to have this matter disposed of. Yesterday I reported from the Committee on Pensions, the committee being unanimous, House bill No. 4422, being a bill to amend section 4695 of the Revised Statutes of the United States. The object of it is very simple. Under our pension laws lieutenant-commanders in the Navy are not embraced in the list of those who are entitled to pensions for disability, or their heirs in the event of death. The rank was created after our general pension law was passed, and this is a bill to embrace them in the general pension law. It is very necessary, and the reasons are very urgent why it should be passed now. An officer of that rank was lost in the Oneida lately, and perhaps there are other instances where the claims upon the Government are of very great importance. I ask the Senate to consider and pass this bill, in order that it may go to the House in time to be acted on there before the close of the session.

There being no objection, the bill (H. R. No. 4422) to amend section 4695 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The Committee on Pensions reported the bill with an amendment, to strike out all after the enacting clause and to insert the following:

That from and after July 16, 1862, pensions granted to lieutenant-commanders in the Navy for disability, or on account of their death, shall be the same as theretofore provided for lieutenants commanding.

Mr. EDMUNDS. We only heard the amendment read. Let us hear the original bill.

The PRESIDENT *pro tempore*. The original bill will be read.

The Secretary read the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DATE OF PENSIONS.

Mr. KIRKWOOD. Mr. President——

Mr. EDMUNDS. I am going to raise a point of order presently under the Anthony rule, but I will not raise it until my friend from Iowa disposes of what he wants.

Mr. KIRKWOOD. I desire to call up the bill (S. No. 1267) fixing the date of commencement of certain pensions, and granting arrears in certain cases.

Mr. EDMUNDS. I should like to hear that bill explained, if it is not too obstructive to ask that.

Mr. KIRKWOOD. It will not take five minutes.

Mr. SARGENT. How much does it involve?

Mr. KIRKWOOD. It involves four million and a half of dollars.

Mr. COCKRELL. Let us have the regular order.

Mr. SARGENT. I think the Senator from Iowa had better call it up at some other time.

Mr. KIRKWOOD. I should be glad at least to explain it to the Senate, so that they may have the matter before them.

Mr. SARGENT. Do I understand the Senator to say that it will cost four millions a year?

Mr. KIRKWOOD. Oh, no. That is the amount of arrears of pension. If Senators will allow me, I will explain the whole case in a moment.

Under the existing law all pensions granted five years after the death of a deceased soldier, or five years after his disability occurred, date from the filing of the last evidence establishing the claim. A claim may be made before the Commissioner of Pensions, and be pending one year, two years, or three years, before final determination; and when it is finally determined that the person applying for a pension was entitled to it he gets his pension from the date of filing the last evidence on which the claim is allowed. That is the law. The change proposed is that when a party has filed his claim for a pension, and after one, two, three, or more years has succeeded in proving that he was entitled to the pension, his pension shall date from the filing of his application. That is just the difference.

Petitions have been presented here year after year, as I understand, certainly many within the present session, asking arrears of pensions, and asking that they go back to the time when the deceased soldier died, or when the disabled soldier's disability arose. That would cost fifteen or sixteen million dollars. The Committee on Pensions have concluded that if the Government pays to a man a pension at the date when he asks for it, if he proves that he is entitled to it, it has done the fair thing by him, and that the Government ought to do identically that thing. If the pensioner comes forward and asks the Government to give him a pension and succeeds in proving that he was entitled to the pension, then he should receive his pension from the date he made his application; and that is all there is in this bill. If it is desired to discuss it, I have nothing more to say at present. The whole idea is in a nutshell. I think it is eminently just, eminently right, and eminently proper.

Mr. SARGENT. Does the bill contain an appropriation to pay the arrears?

Mr. KIRKWOOD. It does not contain any appropriation. There will have to be an appropriation made if the bill passes. I have nothing further to say, Mr. President.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, no objection being made to its consideration.

The bill provides that all pensioners on account of disability contracted or on account of death from causes originating subsequent to March 4, 1861, and prior to June 1, 1865, or any subsequent time, if the soldier's enlistment was specifically for services in the war of the rebellion, except such as under the provisions of section 4709 of the Revised Statutes are entitled to an earlier commencement of their pension, shall be entitled to a pension from the date of filing with the Commissioner of Pensions their applications therefor. In the case of invalid pensioners whose names have already been placed upon the pension-roll, the arrears to which they are entitled are to be computed at the rate of pension named in the original pension certificate, but in no case at a rate exceeding a total pension by rank.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WHYTE. Mr. President——

Mr. COCKRELL. Let us have the regular order.

The PRESIDENT *pro tempore*. The Senator from Missouri calls for the regular order. The morning hour has expired.

Mr. WHYTE. I was going to propose to the Senate that the morning hour be extended for half an hour longer, to enable us to dispose of two or three bills that have been already up, and that it will take hardly longer than that time to dispose of. Therefore I propose that the morning hour be extended.

Mr. EDMUNDS. I call for the regular order under the Anthony rule.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order under the Anthony rule, which will be the Calendar at the place where its last call was left off.

Mr. SARGENT. What has become of the unfinished business?

The PRESIDENT *pro tempore*. That is superseded by the rule.

Mr. MAXEY. I think the regular order should be taken up.

Mr. FERRY, (Mr. ANTHONY in the chair.) Mr. President, I move that the regular order be set aside, and that we proceed to the consideration of the post-route bill.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question is on the motion of the Senator from Michigan.

Mr. EDMUNDS. I want to appeal to the Senate, with the permission of the Senator from Pennsylvania, to go on with the Calendar under the Anthony rule at the place where we last left it off. There is a great number of bills on the Calendar that can be disposed of in a short time. The largest part of them are undoubtedly meritorious, and can be shown to be so within five minutes' debate and with much less; and as the session is drawing to a close we might as well devote a part of the day in taking up those cases that can be disposed of. I hope, therefore, the Senate will not agree to laying aside the Calendar.

Mr. SARGENT. I should like to ask the Senator from Michigan to withdraw his motion for a moment in order that I may make a motion to take up the resolution which I laid upon the table yesterday providing for an hour earlier meeting during the remainder of the session. We always do meet an hour earlier during the last two weeks of the session, and ought to do so now. If we should do so and work diligently, there is no doubt that we can get through by the 17th, so far as the Senate is concerned; and as part of the arrangement ordinarily, we give an hour and a half to morning business instead of an hour. That, of course, can be determined by the Senate subsequently. I proposed, however, to suggest, if the resolution was adopted, which of course stands on its own merits, that the Senate extend the morning hour each morning, unless otherwise ordered, half an hour, when we can proceed with the Calendar regularly, or proceed with bills as they may be called up. I should like the Senator from Michigan to give me a moment to have the resolution adopted. I think there can scarcely be any objection to the passage of the resolution.

Mr. FERRY. I would suggest to the Senator from California that we may do so much to-day that perhaps it will not be needed to meet earlier until later in the week.

Mr. SARGENT. I have no confidence in that; but by this course we may avoid night sessions, where nothing is done and where there is always a thin Senate. The committees are now pretty much through with their work, and the Calendar is encumbered with hundreds of bills.

Mr. FERRY. If the Senator will allow me to have the post-route bill before the Senate, I will then yield for that purpose.

Mr. SARGENT. Of course I shall have to wait the result of the Senator's motion.

Mr. EDMUNDS. We must first see whether we shall stick to the Calendar.

Mr. PADDOCK. I suggest that the regular order be proceeded with until five o'clock, and that then the Senate take a recess until half past seven with a view of taking up the Calendar this evening, as suggested by the Senator from Vermont.

Mr. SARGENT. I assure the Senator that what he proposes is against a wise method of legislation on every subject; besides, sitting under these hot gas-lights in the Senate Chamber is apt to have such an effect that business is not so well attended to. We can do more in an hour during the day than in three hours at night. We shall be compelled on the appropriation bills to hold some night sessions, and then on account of the magnitude of the interests involved Senators will turn out. For the business of the Calendar we shall find great difficulty in getting a quorum. I speak confidently from an experience of some five years in the Senate.

Mr. PADDOCK. I think it must be evident to every Senator that we must commence at once to hold evening sessions or we shall certainly not get through with any considerable portion of the business.

Mr. SARGENT. We can do well when we gain an hour extra in the morning.

Mr. PADDOCK. I give notice that at the proper hour I shall make a motion for a recess.

Mr. FERRY. I ask that my motion be put.

The PRESIDING OFFICER. The Senator from Michigan moves that the pending order be postponed, and that the Senate proceed to the consideration of the post-route bill.

Mr. EDMUNDS. What is the pending order?

The PRESIDING OFFICER. The Calendar.

Mr. EDMUNDS. Under the Anthony rule?

The PRESIDING OFFICER. Yes.

Mr. WHYTE. I hope that will not be done. There are a great many cases on this Calendar of bills which have passed the House, and I think by devoting to-day we can get through the Calendar or a great portion of it. I hope the motion of the Senator from Michigan will not prevail.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to; there being on a division—ayes 29, noes 14.

The PRESIDING OFFICER. The bill (H. R. No. 4286) to establish post-roads in the several States therein named is before the Senate as in Committee of the Whole.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

The message also announced that the House had passed a joint resolution (H. R. No. 177) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 797) for the relief of Acting Master Robert Platt, United States Navy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 72) for the relief of the heirs of William A. Graham;

A bill (S. No. 82) for the relief of Gustav A. Hesselberger;

A bill (S. No. 138) for the relief of settlers on the public lands under the pre-emption laws;

A bill (S. No. 342) for the relief of Phœbe Henrietta Groesbeck;

A bill (S. No. 644) for the relief of Dwight W. Hakes;

A bill (S. No. 998) for the relief of George R. Dennis, of Maryland; and

A bill (S. No. 1033) for the relief of J. C. McBurney.

HOUR OF MEETING.

Mr. SARGENT. Now I believe the Senator from Michigan will yield to me for the purpose of calling up the resolution I offered yesterday.

Mr. FERRY. I yield for that purpose.

The PRESIDING OFFICER. The Senator from California moves that the daily hour of meeting be at eleven o'clock.

Mr. EDMUNDS. Let us hear the resolution read.

The PRESIDING OFFICER. It will be read.

The Secretary read the following resolution submitted yesterday by Mr. SARGENT:

Resolved, That the daily sessions of the Senate shall hereafter commence at eleven o'clock a. m., unless otherwise ordered by the Senate.

Mr. BLAINE. Why not put in there that the time for morning business shall be one hour and a half instead of an hour?

Mr. SARGENT. I have no objection to it.

Mr. EDMUNDS. That changes the rule, and it cannot be put on as part of the order.

Mr. BLAINE. Of course it can only come in by consent.

The PRESIDING OFFICER. The question is on the resolution of the Senator from California.

The resolution was agreed to.

HOUSE BILL REFERRED.

Mr. MAXEY. I ask to have the joint resolution just received from the House of Representatives referred to the Committee on Military Affairs.

The joint resolution (H. R. No. 177) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment was read twice by its title, and referred to the Committee on Military Affairs.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes.

On motion of Mr. WINDOM, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Messrs. WINDOM, ALLISON, and EATON were appointed conferees.

TEXAS PACIFIC RAILROAD.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The post-route bill is before the Senate on which the Senator from Louisiana [Mr. EUSTIS] is entitled to the floor.

Mr. MATTHEWS. Mr. President, I gave notice last week that on to-day at the expiration of the morning hour I would ask the Senate to take up the bill known as the Texas Pacific Railroad bill, on which the Senator from Virginia [Mr. JOHNSTON] had the floor at that time to address the Senate. Since then, a conference among those who have been supposed to be friendly to the passage of the bill has been held, and the Senator from Mississippi [Mr. LAMAR] has given me notice of his intention, when I called up the bill to-day, to ask the Senate to make a disposition of it, which I think will meet with general consent when he states it, which I now give him the opportunity of doing.

Mr. LAMAR. Mr. President, my purpose was to suggest to the Senator from Ohio that he so modify his motion as to make the bill the special order for the first Wednesday after the first Monday of December next. I am as anxious as any one to press this measure to a vote and am quite confident as to the result; but in view of the joint resolution passed for the adjournment of Congress on the 17th, and in view of the many important bills pending, involving, as we are informed by the chairman of the Committee on Appropriations, $130,000,000, I do not think it proper to press this measure to a vote so late in the session and without the discussion which would be necessary. I therefore make that motion or suggest to the honorable Senator from Ohio that he make it.

Mr. MATTHEWS. I move, then, Mr. President, that the consideration of the Texas Pacific bill, Senate bill No. 942, be postponed until the first Wednesday after the first Monday of next December, and be made the special order for that day.

Mr. EDMUNDS. I hope the Senator will withdraw his special order part, and just postpone the bill to that day. Then it will stand in the Calendar of general orders, and a majority of the Senate can take it up; but it requires two-thirds to make a special order, and not much is gained by it, and therefore we ought not to make a special order so long in advance. We do not know what may happen meantime.

Mr. MATTHEWS. My preference was to put it in the shape I have suggested, and I supposed that it would meet with general approval; that that day being in the very first week of the next session, there would hardly be any business matured that would require the attention of the Senate at that time, and it then could be disposed of in a regular and orderly way without interfering with any other business.

Mr. INGALLS. What was the date named by the Senator from Ohio?

Mr. MATTHEWS. The first Wednesday after the first Monday in December.

Mr. EDMUNDS. There will be other business of considerable importance very likely that will be up then, perhaps of greater importance than this measure. According to the vote that the Senate took a day or two ago, the matter touching presidential elections will stand perhaps a slim chance of getting acted upon at this session. Until it is determined whether it is to be acted on or not, I do not wish to consent to a special order which may squeeze out the early consideration of that. If therefore the Senator will just make his motion one to postpone, which will answer all his purpose, because he can then move to take it up at any moment that he pleases, I shall make no objection.

Mr. MATTHEWS. My understanding, although I am not familiar with the rules of the Senate, as is the Senator from Vermont, is that making it a special order does not give precedence to it over any unfinished business coming over from a prior day.

Mr. EDMUNDS. It does not over business coming over from a prior day, but it might happen that other business of great importance would not be taken up the very first day or the second day of the session and then this special order would stand at the head so that, although the Senate could displace it by a vote undoubtedly, still Senators might not like to do that. I think that all the Senator ought to ask is that his bill be postponed to a particular day, and then leave it to the Senate on the first day of its meeting and the next to determine which of the important measures pending it will then take up.

Mr. HOAR. I should like to ask the Senator from Vermont for my own information what is the difference? Is there any difference except this, that if the bill be made a special order a majority of the Senate can lay it aside; and if it be not made a special order a majority of the Senate may take it up? Is there any difference except the form of the vote, if a majority desire to displace it?

Mr. EDMUNDS. There is no more difference than there is in any other instance of a special order; and therefore it is as I was trying to say to the Senator from Ohio, that there is no need of insisting upon its being made a special order because it will not give him any insurmountable special advantage; but at the same time, with the courtesy that prevails among Senators, where a special order had been made Senators might feel it to be a duty to let that go on when if it had not been made they would have chosen to do something else on that particular day.

Mr. MATTHEWS. It seems to me, with deference to the Senator from Vermont, that the very reason he urges removes from my motion any inconvenience, for the reason that a majority of the Senate in case any more urgent and important business is then pressing upon their attention can set aside the special order, and the question of courtesy certainly would not interfere in that contingency, because the question of courtesy would be waived by the superior question of the urgency of the business. I submit that the Senate ought to be so willing to get rid of the present consideration of the question as to have the matter assigned in that way, as I have moved. I trust there will be no objection to it.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of the Texas Pacific Railroad bill with a view to make a motion to postpone it. Is there objection. The Chair hears none.

Mr. JOHNSTON. When the honorable Senator from Mississippi [Mr. LAMAR] addressed the Senate on this subject some days ago I gave notice that I desired also to address the Senate at some future day. Subsequently the Senator from Ohio gave notice that he would call up this bill for the purpose of permitting me to address the Senate to-day, and said that after I had done so he would then move that the Senate proceed with the consideration of the bill. I desire to address the Senate before the end of the session and would like to do so to-day if it be agreeable to the Senate; if not, at any other time that is agreeable this week or next week. I am willing to go on now, or to have it understood that I shall do so at some future day. Before the question is put on this motion, I wish an understanding on that subject. With the leave of the Senate, I will go on now. If not I will ask permission to be heard to-morrow or next day.

Mr. EDMUNDS. The Senator had better go on now. I understand the bill to be up, and now is the best time.

Mr. JOHNSTON. Very well.

Mr. COCKRELL. I do not want to interfere, but the Senator from Louisiana [Mr. EUSTIS] has the floor on the post-route bill, and I suggest that the Senator from Louisiana will probably not detain the Senate long, and if the Senator from Virginia can make his remarks after the Senator from Louisiana has spoken, it may be more satisfactory all around.

Mr. EDMUNDS. That is true. I think the Senator from Louisiana has the first right, although this railroad bill is now up and has to be laid aside again.

Mr. JOHNSTON. I have not any objection to yielding now, provided I get an opportunity of proceeding to-morrow.

Mr. FERRY. I understand that the Senator from Louisiana has the floor on the pending bill.

The PRESIDING OFFICER. On the post-route bill.

Mr. EDMUNDS. What becomes of the railroad bill?

The PRESIDING OFFICER. It has not been disposed of. The Senator from Ohio moves that it be postponed.

Mr. EDMUNDS. Which bill is before the Senate?

The PRESIDING OFFICER. The Texas Pacific Railroad bill.

Mr. EDMUNDS. On that the Senator from Virginia wishes to be heard before it is postponed.

Mr. FERRY. I yielded to the Senator from Ohio merely to give a notice and ask for an order of the Senate, not to supersede the post-route bill. I cannot yield for the purpose of having any speech made on that measure. The Senator from Louisiana had the floor last evening, and he is desirous of expressing his views on the post-route bill, and it would be supplanting him. I cannot yield for that purpose.

Mr. MATTHEWS. The Senator from Michigan is quite right in my understanding of his courtesy, which was to informally lay aside the bill of which he had charge to enable me to call up the Texas Pacific bill for the purpose merely of the disposition which has been suggested.

Mr. SAULSBURY. Let me suggest that after the Senator from Louisiana makes his speech the Senator from Virginia shall be heard.

Mr. FERRY. When I remind the Senator from Delaware that his colleague upon the committee, the Senator from Texas, follows the Senator from Louisiana, and is desirous of expressing himself, inasmuch as the Senator himself has expressed himself on the opposite side, I think he will not insist upon supplanting the proceeding on this bill.

Mr. SAULSBURY. I only spoke as a matter of courtesy to the Senator from Virginia, which I think we ought to award him, as he had formally announced his desire to be heard.

Mr. FERRY. I think I have shown a disposition to extend courtesy; but I cannot discriminate between Senators. Having charge of the post-route bill, I am pressed for its conclusion, and I think we shall get through with it to-day. I know of no others who desire to speak at length upon the proposition, and I think after the Senator from Texas has concluded his remarks following the Senator from Louisiana we shall be prepared to take the vote.

Mr. WHYTE. I think it due to state to the Senator from Michigan that this bill cannot pass until I have had the privilege of expressing my own views on the subject.

Mr. FERRY. I shall be very glad to hear the Senator from Maryland. That, then, will be the third speech. After he concludes I think there will be no other speech, and we then can take the vote.

Mr. EDMUNDS. I call for the regular order.

Mr. MATTHEWS. I withdraw the suggestion I made, for the present, to allow the debate to go on upon the pending bill.

Mr. FERRY. I hope that will come up again.

Mr. EDMUNDS. This was taken up, the other being merely laid aside.

The PRESIDING OFFICER. The post-route bill was laid aside temporarily.

Mr. EDMUNDS. I call for the regular order to give the Senator from Louisiana the floor.

Mr. JOHNSTON. I hope some understanding will be agreed upon by the Senate as to what time I shall address the body; I only want to take about an hour, perhaps not so much. If it is agreeable to the Senate, after the Senator from Louisiana is through, I should like to be permitted to address the Senate at that time. I ask the President to submit that to the Senate.

The PRESIDING OFFICER. The Senator from Virginia proposes that at the conclusion of the remarks of the Senator from Louisiana he shall have the floor to proceed upon the Texas Pacific Railroad bill.

Mr. FERRY. I hope that will not be done. I hope the Senator from Virginia will not press that. There will be an opportunity afforded him; but now the post-route bill is pending, and we want to get through with it. There is nothing to prevent the Senator from addressing the Senate for a short time thereafter, unless the Senate shall order otherwise.

Mr. JOHNSTON. I do not want to interfere with the Senator's bill. If the Senate will allow me to-morrow, that will be satisfactory.

Mr. FERRY. It consumes so much time to-day, and we have the bill so far through—we are on the last sections of the bill and can conclude it—that I hope the Senator from Virginia will not persist.

Mr. JOHNSTON. If the Senate will agree to hear me to-morrow after the morning hour, I shall be satisfied.

Mr. FERRY. That I should be willing to agree to, so far as I am concerned.

Mr. MAXEY. I only desire to say in this connection that I was instructed by the Committee on Post-Offices and Post-Roads to make a report upon the sections now under consideration as an amendment to the post-office appropriation bill. I have not yet had an opportunity of presenting to the Senate the reasons which induced the committee to make that report. It is due to myself and it is due to the committee that I should have that privilege. After the Senator from Louisiana speaks, I shall claim the floor.

Mr. FERRY. I should like to fortify what has been said by my colleague on the committee, the Senator from Texas, that he gracefully yielded to the Senator from Louisiana in order to allow him to express himself this morning, and certainly he is entitled to the floor. He has charge of this part of the bill and should have spoken at first, but he yielded to other Senators, and now his place ought not to be taken from him.

MOTIONS AS TO PRIORITY OF BUSINESS.

Mr. BLAINE. I merely rise to offer and have referred to the Committee on Rules of the Senate this resolution:

Resolved, That the following be added to the rules of the Senate:
All motions relating to the priority of business shall be decided without debate.

We spend about an hour a day on an average, toward the end of the session in deciding what we shall take up. I move that the resolution be referred to the Committee on Rules.

The motion was agreed to.

POST-ROUTE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4286) to establish post-routes in the several States therein named, the pending question being on the amendment of Mr. JONES, of Florida, to the amendment reported from the Committee on Post-Offices and Post-Roads, as sections 38 to 44, inclusive, for the establishment of steamship mail service with Brazil.

Mr. EUSTIS. Mr. President, I am not in the habit of consuming much of the time of the Senate in discussion; nor would I at this late day of the session ask the attention of the Senate if there had not been an effort made by the opponents of the pending measure to remove it from its true into a very false position.

It has been asked by Senators during this discussion, how can it be that we should propose to pay $300,000 of the people's money to carry the mails between Brazil and the United States when, as it has been shown by figures, this mail service can be performed for $1,200 a year? In other words, there has been an attempt to create a prejudice against this proposition, to excite some suspicion against it in the minds of Senators; and even the expression has been used that this is a pretense; that under the head of mail service or postal compensation there is some secret object which is not disclosed upon the face of the bill. Mr. President, the reason why this appropriation bill comes under the head of postal compensation or mail service is a very simple reason, and very easily understood if we consult the legislative history of our country with reference to this question.

This power must be lodged somewhere. Some department of the Government must be chargeable with this expenditure of the public money. And let us see what has been heretofore done.

In 1845 this same question of giving Government aid to steam mail service came up, and there was an act passed which was entitled "An act to provide for the expenses of the Navy." That was with reference to the Collins subsidy. Another act was passed with reference to the Sloo subsidy, which was entitled "An act to provide for the construction of naval steamships;" and still another act was passed by which a line was subsidized from Panama to San Francisco and the Territory of Oregon. But when they came to draw up the contracts in which it was to be stipulated what the consideration was that these parties should deliver to the United States Government for these large sums of money, what was the service that they should render to the Government of the United States, it was expressly stated in every one of those contracts, in the Collins contract, in the Sloo contract, and in the Harris contract, that it was for carrying the mails of the United States Government and nothing else. So that in 1850, Mr. President, the Committee on Post-Offices and Post-Roads of this body, through its chairman, made a report to the Senate of the United States, in which it was stated that this question had then been placed in a false position, and the recommendation was made that all these contracts, this whole subject-matter, should be transferred to the Post-Office Department of the Government; and from that day to this every appropriation that has been made in order to subsidize a steamship line has been made under the control of the Post-Office Department.

Such is the practice of all other governments. You may call it a pretense, you may call it a pretext; but so far as precedent is concerned, and so far as the practice of this Government can establish anything, since 1850 this is the regular and legitimate mode, and not an indirect mode, of presenting such a question for the judgment of the Senate of the United States. It is the method adopted by France, by England, by Spain, by Italy, and by every other country; wherever those governments propose to subsidize a steamship line it is put under the head of mail service and postal compensation.

Of course it would be simply preposterous for any one to advocate the passage of a bill providing that we should pay $309,000 a year for a service which could be performed for $1,200. Every one who has ever heard of this bill perfectly well understands its object, its purpose, and its scope. It simply presents the broad proposition whether the United States Government shall adopt the same means which have been employed by other governments in order to compete for a trade which the advocates of this measure consider of immense benefit to the American people. If the view be taken that this trade is not valuable, if the view be taken that we are in such condition as to dispense with the commerce of the thirty or forty millions inhabiting the South American states, which European governments have so successfully striven to control, and which they have monopolized, and monopolize to our exclusion at this day, if it be considered that our industries are prosperous, that we are not overproducing, that it is not necessary for us to seek new markets, to create new demands for our products, very clearly there is no necessity for passing such a law as is now proposed; but if, on the other hand, judging by the experience of other governments which have spent vast sums of money, and which are spending large sums of money to-day, in order to acquire and to control this trade, which we claim legitimately belongs to the United States, if we establish rapid steam communication with these countries, then a great deal can be said in favor of this measure.

The objection was made by the Senator from Delaware, [Mr. SAULSBURY,] and urged with very considerable force, that this was a bill which was prepared in the interest of Mr. John Roach, and that it was intended to give a subsidy and to bestow a gratuity upon that individual. In the first place these contracts are to be let to the lowest bidder. In the next place there is a maximum rate of compensation prescribed. There is no criticism made with reference to any of the requirements in the bill. It has not been urged that the steamships, if we should maintain any, should not be of the character described in the bill; it has not been urged that the compensation is excessive; but the argument has been advanced simply that because Mr. John Roach, having invested his capital in building steamships and giving employment to American labor, having, by his sagacity and foresight, anticipated what would be the inevitable action of Congress with reference to controlling this trade with Brazil, having had the nerve to invest and to utilize his capital in preparing himself and placing himself in such a condition as to bid advantageously for these contracts, should they be offered, therefore we should not establish steam mail communication with the Empire of Brazil!

The honorable Senator from Delaware suggested that his constituents should have an opportunity to compete, that they are not placed on an equality with Mr. Roach. Why, Mr. President, are we to wait indefinitely until half a dozen firms build steamships in order that we may have the luxury of mere competition? I ask the Senator if he can cite a single case where the Government of the United States lets out a contract that some party has not an advantage over another party. You may take the case of the smallest letting, where a man owns an old wagon and a pair of spavined horses and is considered rich, has he not an advantage in bidding for a mail contract over his neighbors who are not so blessed as he? Take the case of river service; has not the party who has invested his capital in building those magnificent packets carrying the mails from New Orleans to Vicksburgh and from Vicksburgh to Memphis, Tennessee, where they travel with such extraordinary speed, an advantage in bidding for postal contracts over parties who are not as well equipped and not as well prepared? Take the case of a railroad. Why should not the argument be used that we ought not to pay the excessive compensation allowed for railroad mail service until somebody else builds railroads to and from different points? I cannot see what possible effect the mere fact of a party having placed himself in a more advantageous position than his neighbors can have upon the question whether or not the Government shall give aid in establishing a steamship line between Brazil and the United States.

Mr. Roach has an advantage in bidding in reference to the New

York line, because he has an inchoate contract with the Emperor of Brazil, by which the Emperor of Brazil is to pay a subsidy to that line. But that is not the case with reference to the New Orleans line. There has been a company organized in the State of Louisiana, under a charter granted by the Legislature of the State of Louisiana, for the express purpose of becoming a bidder for this contract, which is to be let out by the Postmaster-General for the line between New Orleans and Rio de Janeiro. Then what has the mere fact of Mr. Roach being in a position to compete advantageously over other parties with reference to the New York line to do, what possible effect can that mere circumstance have with reference to establishing the New Orleans line?

I hope that the argument used by the Senator from Delaware was not intended to create a prejudice against this amendment. I know that his utterances are conscientious; I know that he is actuated by honest convictions; but I must tell the Senator, in all frankness, that I was very much surprised to hear that such an argument could be addressed to the Senate and the American people, provided the fact be established that it will be a public benefit and a public advantage to have rapid steam communication with the Empire of Brazil.

The Senator from Delaware stated that this was the most outrageous proposition that he had ever heard of, and that it was a proposition which should be firmly and emphatically denounced by this body. I was not aware, Mr. President, that any proposition could be characterized as "outrageous" which involved a mere question of giving Government aid to a steamship line. There are governments in this world which are administered upon principles of very strict economy. You may take the government of France, you may take the government of Germany, of Great Britain, of Belgium, of Spain, and half a dozen other European governments which I could name, every one of which has been many years in the past, and is to-day, subsidizing steamship lines.

What is the sentiment in this country with reference to this "outrageous" proposition? The President of the United States in his annual messages of 1875 and 1876 called the attention of the Congress of the United States to the anomalous condition of our relations with the Empire of Brazil and in terms recommended to Congress that Government aid should be given to steamship lines. The Chamber of Commerce of New Orleans has repeatedly memorialized Congress on this question; the Legislature of the State of Pennsylvania, the resolutions of which I got from the Senator from Pennsylvania this morning; the Legislature of the State of Louisiana; the most influential and leading merchants of the city of Boston; the merchants of the city of New York; the Chamber of Commerce of the City of New York; the Chamber of Commerce of the City of Memphis—I call the attention of the Senator from Tennessee to that—the Chamber of Commerce of the City of Saint Louis, have all memorialized us on the subject. We have also had the petitions of the Philadelphia Board of Trade; of the Merchants' Exchange of Pittsburgh, Pennsylvania; of the Board of Trade, and citizens generally, of Omaha, Nebraska; of the Philadelphia Cotton Exchange; of the Board of Trade of New Brunswick, New Jersey; and the resolutions of the postal convention held at Old Point Comfort, where there were three hundred delegates representing thirty cities in the United States. All these influential bodies of our citizens have petitioned Congress in favor of granting a subsidy for this steam mail service.

Upon many questions which have been discussed in this body there has been a marked diversity of opinion; sometimes it has been sectional; sometimes it has been manifested by mere class interests; but upon this one measure, with reference to this "outrageous" proposition, I believe that there has been a united public sentiment in its favor, from the State of Maine to the State of Texas. The question has been discussed by all the leading newspapers in the United States, and it has escaped my notice if there be a single newspaper in the United States that gives its attention to commercial topics that has not warmly advocated the measure under discussion.

The Senator intimated that those of us who advocated this measure ought to be dismissed from the public service. I shall not notice such a suggestion.

Mr. President, the question really is whether we shall take advantage of the experience of other nations, those nations which have so far succeeded in excluding us from trade with these South American countries merely by this system of subsidizing steam mail lines. Now, sir, we have to deal with facts. It is by steam-communication that the trade of the world is controlled. If any nation proposes to extend or enlarge or expand its commercial relations with any other nation, I think that the proposition is established beyond question that that trade can only be controlled by rapid steam-communication between those countries.

But we have been told that there is a line between New York and Brazil. Mr. President, for one, I do not propose to fall into any such English trap. You have steamers there of six or seven hundred tons to carry freight, leaving at irregular times, no one knowing when they start from one port or when they will depart from the other port, but going at intervals, running at the rate of eight knots an hour, having accommodations for six or eight passengers, and not being able to get a complement even of that number of passengers, and it is not surprising. And it is gravely proposed that we can wrest from England and from France this important trade, simply because you have these small steamers running from New York to Rio. Why, Mr. President, to gain such a trade from another country is a great struggle. Do you suppose a Brazilian merchant is going to break up his connections in England, establish new credits in this country, simply because there is a line of small steamers running between New York and Rio de Janeiro, which may be withdrawn at any time? That is not the way merchants conduct their business. Go on your steamers that leave New York for Liverpool or for Havre and you will see that 75 per cent. of the male passengers are business men crossing the ocean in order to visit their commercial constituents; and the very first condition, the essential condition, if we wish to establish commercial relations with Brazil, is to have steamers so equipped and having such accommodations and having such a rate of speed and having regularity as to the day of their departure and the day of their arrival, in order that Brazilian merchants may visit your country and that Americans may visit Brazil. To some this may appear a very insignificant detail, but to any one who is conversant with the subject it is a matter of very great importance.

I would call the attention of the Senate to some statistics showing the condition of the trade between Brazil and the United States:

Statement of imports into and domestic exports from the United States from and to Brazil during the fiscal years ended June 30, 1871 to 1877, inclusive.

Imports	$274,148,500
Domestic exports	48,853,555

BUREAU OF STATISTICS, *May 7, 1878.*

EDWARD YOUNG,
Chief of Bureau.

Hon. J. B. EUSTIS, *United States Senate.*

Statement of United States imports and domestic exports of merchandise from and to Brazil during the fiscal years from 1860 to 1877, inclusive.

Year.	Imports.	Domestic exports.
1860	$21,204,803	$5,644,040
1861	18,100,456	4,748,202
1862	12,747,230	3,774,249
1863	10,945,476	7,454,292
1864	14,388,889	5,252,387
1865	9,784,312	6,485,872
1866	16,816,803	5,603,817
1867	19,100,309	4,964,308
1868	23,595,740	5,585,465
1869	24,837,403	5,779,559
1870	25,161,219	5,665,098
1871	30,551,324	5,942,416
1872	30,112,384	5,860,755
1873	38,540,376	7,090,987
1874	43,889,647	7,560,502
1875	42,028,863	7,631,805
1876	45,446,381	7,252,218
1877	43,498,041	7,497,118

BUREAU OF STATISTICS, *May 7, 1878.*

EDWARD YOUNG,
Chief of Bureau.

Hon. J. B. EUSTIS, *United States Senate.*

Thus it appears that our imports from Brazil between 1860 and 1877 increased over 100 per cent., while our exports to it increased only about 20 per cent.

I will also call the attention of the Senate to the articles of import into Brazil to show how easily we could furnish the articles which are now being furnished by England and by France. Look at what a small proportion we furnish of Brazil's imports of boots and shoes, cod and other fish, butter and cheese, agricultural implements:

Statement showing value, in milreis, of imports into Brazil.

Articles.	From other countries.	From United States.
Boots and shoes	1,978,928	2,877
Cod and other fish	1,714,703	74,929
Butter	2,115,414	13,316
Cheese	635,481	1,074
Lard	268,979	242,463
Flour	4,257,331	2,820,439
Tea	625,999	205,419
Tar and pitch	47,553	2,686
Gums, resins, balsams, &c	222,591	106,680
Petroleum, kerosene, &c	1,541,642	1,430,839
Spirits of turpentine	89,196	69,881
Perfumery	671,201	181,650
Pine lumber	284,470	133,742
Furniture	250,004	53,673
Straw hats	606,396	2,207
Lime, cement, &c	427,877	9,854
Coal	5,537,405	197,582
Earthenware	1,037,344	65
Glassware	407,966	24,215
Gold-leaf, jewelry, &c	757,659	360
Iron and steel	981,427	523
Iron and steel rails	245,452	5,345
Other manufactures of iron and steel	2,818,367	60,617

Statement showing value, in milreis, of imports into Brazil—Continued.

Articles.	From other countries.	From United States.
Watches	369,740	1,800
Clocks	63,956	33,159
Railroad cars	76,504	45,542
Agricultural implements, machinery, &c	2,374,736	268,688
Other machinery and tools	1,758,062	319,437
Umbrellas	375,454	.....
Matches, &c	296,316	19,377
Cotton, cotton fabrics, and clothing	41,858,359	409,112
Arms and ammunition	1,179,580	9,008
Paper for printing, writing, walls, &c	1,376,436	84,528
Wool, woolen fabrics, and clothing	10,317,409	978
Flax, linen fabrics, and clothing	5,382,425	3,839
Silk, silk fabrics, and clothing	2,853,607	10,802
Chemical products, pharmaceutical compounds, and medicaments	345,419	33,739
Manufactures of copper and its alloys	825,463	26,528
Dyes, varnish, &c	339,801	44,125
Snuff, cigars, &c	449,524	58,176
Harnesses, &c	124,093	790

From this incomplete list it will be seen that Brazil receives from us in considerable quantities but a few articles, while she has other needs, now wholly neglected by us, which we might supply.

I wish next to call the attention of Senators from the Mississippi Valley to the particular objects for which there is a demand in Brazil and which can be furnished from the Mississippi Valley through the port of New Orleans. I have in my hand a letter from the Chief of the Bureau of Statistics, which I will read:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
May 8, 1878.

DEAR SIR: In response to your inquiry I would say that the following articles of export to Brazil would to a greater or less extent be sent from New Orleans, provided there were good facilities for rapid and cheap transportation:

Flour and other breadstuffs.
Lard.
Beef, pork, bacon, hams, and other provisions.
Cheese, the production of Ohio chiefly.
Butter, the production of Ohio and other northwestern States.
Agricultural implements and machinery, made in Ohio and Illinois chiefly.
Furniture, manufactured in Cincinnati, Saint Louis, and other towns.
Watches, manufactured in Illinois.
Glass and glassware from Pittsburgh, Wheeling, and other towns on Upper Ohio.
Iron and steel, and manufactures thereof, including nails, from Pittsburgh and other towns on the Upper Ohio.
Lumber, from Louisiana, Mississippi, and Florida.
Railroad cars, from Ohio, Illinois, and other northwestern States.
Tar and pitch and spirits of turpentine, from North Carolina, would probably go, to some extent, via New Orleans.
Paper and paperhangings, to some extent.
Besides the above the following would, to a small extent, be exported via New Orleans: Boots and shoes, clothing, cotton and woolen goods, harness, cigars, snuff, &c.

Very respectfully yours,

EDWARD YOUNG.

Hon. J. B. EUSTIS,
United States Senate.

If we look, Mr. President, at the amounts which other governments have paid and pay to-day to support steamship lines, it is not surprising that an American steamship in foreign ports should be a matter of curiosity. A naval officer the other day stated, at a banquet given in New York by the Chamber of Commerce, that one day in the port of Rio de Janeiro he counted forty-six steamships, English, German, Italian, French, but not one which bore the American flag. In 1876 not a single vessel cleared from the port of New Orleans for the port of Rio de Janeiro, although we imported in that year over $5,000,000 from Brazil, which came mostly in British bottoms. England, in 1871, paid for steamship subsidies $6,000,070; and as fast as her steamship lines become self-sustaining of course the amount of these subsidies is gradually decreased, so that in 1876 she paid $4,420,000 to subsidized steamship lines. France, in 1877, paid to steamship lines at the rate per mile of 31 francs and 85 centimes, which makes $6.37 per mile which France paid to her subsidized lines. I have a list of the subsidies paid by other countries per mile:

	Round trip
Belgium—Antwerp, Brazil, and La Plata	5,220f.
Antwerp, New York, and Philadelphia	15,042f.
France—Mediterranean, (various ports)	8,124f.
Havre, New York	14,294f.
Antilles and Mexico	179,278f.
Indo-China	12,401f.
Great Britan—Peninsular and Oriental Steam Navigation, England, Mediterranean and Indo-China	$19,433
Halifax, Bermuda and St. Thomas	23,071
Cape Good Hope and Zanzibar	1,434
Aden and Zanzibar	1,041
Italy—Indo-China	5,726f.
Venice and Alexandria	4,013f.

Subsidies paid by the French government for maritime mail services.

[From official contracts, translated and compiled to date, September 1, 1877.]

Service.	Steamship company.	Dates of contract.	Number miles per annum.	Subsidy per annum.	Rate per mile.
				Francs.	
Japan, China and India	Compagnie des Messageries Maritimes	July 22, 1864, to July 21, 1888	225,844½	8,573,024	37.96f. or $7 59½
South America	Compagnie des Messageries Maritimes	July 22, 1861, to July 22, 1888	99,552	3,644,000	36.60f. or $7 32½
Mediterranean	Compagnie des Messageries Maritimes	Oct. 1, 1851, to July 22, 1888	146,553½	4,382,263	29.90f. or $5 98
Mediterranean	A. & L. Fraissinet & Co	Aug. 1, 1873, to July 31, 1883	36,018½	375,000	10.40f. or $2 09
West Indies, Mexico, &c	Compagnie Générale Transatlantique	July 22, 1865, to July 21, 1885	138,400	3,953,257	28.56½f. or $5 71
United States	Compagnie Générale Transatlantique	July 22, 1865, to July 21, 1885	82,666½	2,361,348	28.56½f. or $5 71
English Channel	Société Générale pour le développement du Commerce et de l'Industrie en France	Oct. 1, 1872, to Sept. 30, 1884	5,353½	100,000	18.68 f. or $3 73½
Total amount paid yearly by France, per contract			734,388½	23,388,892	*31.85 f. or $6 37

* Average.

Great Britain has divided in subsidies among twelve lines, within the last decade, in large and small sums, the following amounts yearly, namely:

Year.	Total amounts.			United States gold.
	£	*s.*	*d.*	*Dollars.*
1866	845,403	13	0	4,227,018
1867	815,993	13	9	4,079,966
1868	808,517	13	8	4,047,586
1869	1,096,338	0	6	5,481,690
1870	1,221,552	9	11	6,107,761
1871	1,214,148	12	4	6,070,741
1872	1,138,700	0	0	5,693,500
1873	1,133,057	17	9	5,665,296
1874	1,139,469	19	8	5,697,346
1875	972,000	0	0	4,860,000
1876	884,054	3	4	4,420,261

Mr. President, it is not my purpose to detain the Senate longer in discussing this question. It seems to me that it is a question which in all its force draws itself to the judgment of every Senator. I believe that this is the most practical measure that has been submitted to Congress for its decision. I have listened with great attention to a great many learned disquisitions on questions of finance, one school maintaining that by passing a certain bill relief would be afforded to the people, and that idea has been strennously combated by the other side. Therefore I have never been able to form a very clear opinion as to whether any of the legislation which has been enacted will really afford relief to the people. There is one thing that we know beyond dispute, and that is that month after month exhibits an increased number of unemployed laborers and artisans in this country and exhibits an increased number of commercial bankruptcies. There seems to be no check with reference to the disasters which are befalling us; and the practical question which I ask myself, with due humility and with due deference to the opinions of other Senators, is, how long can this condition of affairs continue through this country; where and how is it to end and to terminate? Does our mere form of government protect us against the distress and the danger to society which may result from having a large number of unemployed laborers in this country? Is it sufficient or satisfactory or consoling to tell the American citizen that he has a right to trial by jury and freedom of speech and freedom of conscience and that we have a glorious form of government, when his answer is that he wants bread for himself and his starving family.

I have always been an advocate of establishing a steamship line between the United States and Brazil, but I am still more warmly enlisted in this measure when I contemplate the condition of the industrial

classes in the United States to-day. A very celebrated French writer, who has written a very valuable work with reference to the misery of the industrial classes of England and of France, has said that we can always ascertain with precision the effects of an earthquake, the effects of a flood, and the effects of a pestilence; but that whenever a country has the disease of men who have been accustomed to honestly earn their livelihood and to earn a competency for their families, who find themselves brought face to face with the alternative of becoming criminals, it is a disease the effects of which cannot be ascertained, because it is a silent and gradual disease.

Now, Mr. President, I believe that, by discovering new markets, by ascertaining by commercial intercourse whether we cannot equalize our exports to and imports from Brazil instead of importing 50 per cent. of the exports from Brazil and only exporting to that country 10 per cent. of its imports, we can stop this decay of our maritime prosperity and power by doing what? By doing anything wrong, as the Senator from Delaware suggests? By doing anything outrageous? By doing, Mr. President, what the superior sagacity and statesmanship of the first government in this world should by this time have taught us that we should do; and it is my judgment that inevitably we will do it, whatever may be the fate of this present measure.

Mr. MAXEY. Mr. President, I was charged with the duty, by the Committee on Post-Offices and Post-Roads, of which I am a member, of reporting to the Senate the measure under consideration, which duty I discharged and the report has been printed and laid upon the table of every Senator.

This measure received most careful consideration of that committee, and, with a unanimity singular where a measure is contested, it was reported favorably from that committee, with but two dissenting voices. There has been placed upon the table of every Senator the well-considered report of the able Committee on Post-Offices and Post-Roads of the House of Representatives, and we learn from that report that that committee carefully considered the same measure and came to the same conclusion as did the committee of the Senate. Thus we have two committees specially intrusted, one by the Senate and the other by the House, with the consideration of this measure and its bearing upon the general well-being of our country, and those two committees, diverse in politics, have arrived at the same conclusion. Mr. President, that should weigh something. That is a point which should be considered.

Now it is entirely clear to every man who has studied the question that by the vast increase in the means of transportation, in the means of transporting the products of the plow, of the loom, and of the anvil from the interior to the seaboard, and by reason of the wonderful improvements in machinery and in agricultural implements the products of our country have been immensely increased. The annual increase is amazing, and the last year reported shows the amount of exports from this country to foreign countries to be $696,115,892. Every one knows that the industries of our country are prostrated, that labor to a large degree is paralyzed.

What course now is to be pursued? We must find a market, a profitable market, for this vast surplus; we must devise some means whereby the business of the field, and of the workshop, and of the factory may be made profitable, or we must cease surplus production. We raise this immense amount of surplus, more than we need for our home purposes, and the markets of the world, so far as we have reached those markets, are not remunerative. Hence, then, the proposition presents itself to the minds of all of us, and we cannot avoid it: we must either stop producing so much or we must find markets.

Believing that the interests of the people of this country, the interests of the laboring people of this country, the interests of the people who till the farms, who are engaged in the workshops, who are engaged in the mercantile establishments, and in the manufacturing establishments, the interests of the hard-working bone and sinew of this country, demand more and better markets, I cheerfully support this measure as aiding that result.

An examination of the frame-work of this bill will perhaps be of service to those who have not specially investigated it. The bill provides for two lines of mail steamships between the United States and Brazil, so arranged as to times of departure as to give to us semi-monthly mails. One of these lines of mail steamships is to ply between the city of New York and the city of Rio Janeiro, in Brazil, and to touch, as the bill is amended, at Norfolk, Virginia, St. Thomas, Pará, Pernambuco, and Bahia, in Brazil, both going and returning. That is one of the routes. The other of the routes is to leave the city of New Orleans, going to the city of Rio Janeiro, in Brazil, touching, both going and coming, at Galveston, Texas, and at such other ports in the United States, the West Indies, and Brazil as the Postmaster-General may deem necessary. So much, then, for that.

The second section of the original bill, or the thirty-ninth section of the printed post-route bill, provides that the lettings shall be by separate contracts after due advertisement according to the laws of the land; that the bills shall not exceed an amount specified on the face of that section; that the party who gets the contract or contracts shall give bond with approved security for the faithful performance of his contract. Such is the general nature of that section. No one is mentioned to whom the contract is to be given, but it distinctly affirms that any man, it matters not who, a citizen of the United States, who may have the means of purchasing these vessels, or may have the vessels, may become a contractor. So much for that point.

The next section provides that these steamships shall be constructed and furnished for mail service, going at the rate of thirteen knots an hour, and shall not be of less tonnage than three thousand tons burden; shall be American built and American owned, and constructed of iron, after the best models. The Post-Office Committee did not see proper to depart from the registration laws of this country as they now exist, and they have followed the law as it now is found in sections 4131 and 4132, on page 831 of the Revised Statutes. A portion of that committee believe, as I believe, that the registration laws are not wise, but not believing that it was our province to attempt in this manner to change the laws, followed the registration acts so far as ownership is concerned and so far as the building is concerned. So much for that.

The next section provides that the Government shall be entitled to have transported, with fare and accommodations, agents of the Government, and so on.

The next section provides in case of failure the amount to be paid. The number of trips to be made by each line is provided for. Each is to make twelve round trips, and the vessels are to leave as near as may be two weeks apart. It is also provided that these vessels shall be examined by a proper naval officer, and they must be so constructed as to be adapted to and available for naval purposes, and the United States Government has the right to become a charterer in the event the Government desires to lease these vessels for any purpose.

Such, Mr. President, is the general outline of the bill: one route from New York to Brazil; one route from New Orleans, by way of Galveston, to Brazil.

What are the benefits to result? When you come to the great manufacturing and mercantile North and East the cry comes up from every portion of that country that they are overproducing, that they cannot find a market for their surplus productions. Laborers are thrown out of employment; factories cease to work. New England manufactured goods have been sent even from the United States to Europe for sale. And when you come to the great valley of the Mississippi River, with its teeming millions of population, almost all agricultural, you find the same complaints. And when you cross the great Father of Waters and go west of the Mississippi River you find there, with its thriving, industrious, energetic population, a population not excelled anywhere, the same discontent.

What, then, are you going to do? I have stated that the people of the United States have built an amount of railroads that for the age of this country is astonishing, far greater in amount than that of any country in the world of the age of the United States. In addition to these great means of transportation by rail, we have an internal transportation by lake and by river; and every railroad which penetrates a country develops and puts into cultivation land which without the means of transportation would be valueless; and thus it happens that by that cause and the improvements in agricultural implements less muscle can now produce more products than a few years ago. By means of these railroads the surplus product can find its way to the seaboard, to the great commercial ports of the United States. When they reach there what condition do we find? Of the $696,000 000 of exports from the United States in the year 1877, $480,000,000 were shipped in foreign vessels, and but $116,000,000 in round numbers in American vessels, showing an excess of exports from our own ports in foreign bottoms of over $300,000,000. Thus while we have gone to the enormous expense of providing railways in every portion of the land and the freight and travel charges on these railroads simply pass from one pocket to another of our own people and do not at all drain the country, yet the instant you get to a sea-port and seek a foreign market three-fourths of this vast surplus which I have named is picked up by foreign bottoms, carried to foreign ports, exchanged for foreign goods brought back in foreign vessels, and landed in American ports; and thus it is that the American people have a constant drain, an annual drainage in the way of freights and travel alone of $50,000,000. There is a constant drain of that much, and that is one of the many causes of your hard times.

There were in 1876 in the United States 77,470 miles of railway, and that was distributed, (giving in round numbers the figures for convenience) five and a half thousand in New England, fifteen thousand in the Middle States, thirty-seven thousand in the Western States, sixteen and a half thousand in the Southern States, nearly three thousand in the Pacific States, making the grand total as I have stated. These are a most convenient and useful means of transportation. It is a point that should not be forgotten that when you build railroads in the country, and especially when you cross the great Mississippi and penetrate that magnificent country with your railways, you thereby develop a new country, which brings to man's subjection new soil and consequently new products. Thus year by year, and rapidly too, this vast surplus is increasing, and it becomes a problem that statesmen should look at, and look at wisely and well, what shall we do with this surplus?

In 1867, only eleven years ago, there were in the United States but 39,276 miles of railway, and that amount has been increased in the last eleven years 38,194 miles. In other words, the railways have nearly doubled in eleven years. With that doubling of railways the improvements in agricultural implements and in the implements for manufacturing machinery and the products of shops have corre-

spondingly increased manufactured and agricultural products. To this means of transportation should be added the great transportation that we have by rivers and by lake within our country.

Another remarkable fact will show what we are doing. In 1853 there was a merchant-marine tonnage of 4,407,000 tons. In 1877, twenty-four years afterward, there were but 4,242,000 tons. Instead of progressing in this great industry, instead of that keeping pace with the other industries of this country, it has actually decreased in twenty-four years 165,010 tons.

Some other remarkable facts manifest themselves. In 1815 the tonnage of ships built in the United States was 154,624 tons. It runs up in 1855 to 583,450 tons, and in 1876 it fell back to 176,592 tons, or but 21,964 tons increase in sixty-one years. In those sixty-one years the population of this country has increased from about 8,500,000, as it was in 1815, until it is about 44,000,000, and increase in farms, the increase in cities, in railroads, in every industry in all this land, (except in ship-building, where it has been going down step by step,) has kept pace with increase of population, and ship-building is but 21,000 tons more in 1876 than it was in 1815, and is less by 406,000 tons than it was twenty-one years ago. That is a remarkable fact that we should notice. I take these data from the ably and conscientiously prepared tables as found in the almanac of our thoroughly educated Librarian, Mr. Spofford.

I have just given the amount of the exports last year carried in American bottoms and the amount that was carried in British bottoms. It is shown that the British bottoms carried three times as much of our own exports as American ships.

Mr. President, it is said, and some of our friends are extraordinarily aggrieved over that question, that this is a subsidy, as they call it, that it is taking the hard earnings of the people out of their pockets; and it would seem from the utterance of those who oppose the measure that those who think as I do on questions of that kind were a fearful set of men to send to this body.

I have associated with the people from my earliest childhood, following since manhood a profession which required me to mix with them, to be among them, and I am of them, having made myself what little of this world's good I own by my own hard labor, I think that I can appreciate the wants and wishes of the people as much as those who set themselves up here as the special guardians of the people. When I hear protestations of that kind made day after day, day in and day out, I feel, as the Queen expressed it in Hamlet—

The lady doth protest too much, methinks.

There is too much of that protestation. People understand what that means; it deceives nobody. A man who is the true friend of the people will do what he may to give life and vitality to the drooping energies and industries of this country, without eternally talking about what ought to be done.

It is said that England subsidizes her lines. Yes, sir; Great Britain, with the frost of a thousand years upon her hoary locks—stronger by age—has never for an instant lost sight of the wise statesmanship and sagacity to build up her trade everywhere. Wherever England can find a market for her wares, there goes the flag of old England over England's ships. Whether that trade be large, or whether it be small, wherever England can sell her wares, getting either the money or something in exchange for those wares which she desires, England does it; and where that trade is too weak to throw the burden of it upon private enterprise and private capital, the wisdom and sagacity of that country lends the helping hand of the government and the government helps it until the trade is able to help itself. Her policy has been steadfast. She has never varied from it. She has gone on in the same line of policy step by step, and to-day the flag of England floats in every sea, and the sun sets not upon British soil. She has made herself glorious, she has made herself great, because she had far-seeing, fearless men, men who had the sagacity and the wisdom to do their duty fearlessly, and she has won by her energy and wisdom the commerce of the world. She is our great competitor. We should profit by her example.

Now, Mr. President, what has been our policy? We never attempted to aid, to encourage, and foster commerce with foreign nations until in the year 1843, when the first act was passed by a democratic Congress; and I will be glad to call that to the attention of some of my democratic friends who are so much wiser than the rest of us and than those who have gone before us.

A member of the Committee on Post-Offices and Post-Roads of the House addressed a letter to the Postmaster-General touching prior legislation, and received the following answer:

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., February 20, 1878.

SIR: I have the honor to inform you, in answer to your letter of this date, that the following is the statement of subsidies paid to different steamship lines since the year 1847, for transporting the United States mails to and from foreign ports under the provisions of special acts of Congress, which was furnished to Hon. T. W. FERRY, chairman, &c., under date of the 15th instant:

1. A monthly service between New York and Bremerhaven, Germany, via Southampton, England, (distance 3,700 miles,) at an annual pay of $200,000, agreeably to act of March 3, 1845.

2. A semi-monthly service between Charleston, South Carolina, and Havana, Cuba, via Savannah, Georgia, and Key West, Florida (distance 669 miles,) at an annual pay of $50,000, agreeably to acts of March 3, 1847, and July 10, 1848.

3. A semi-monthly service between New York and Aspinwall, New Granada, direct, (distance 2,000 miles;) between New York and New Orleans via Havana, (distance 2,000 miles;) and between Havana and Aspinwall, (distance 1,200 miles,) at an annual pay of $290,000, agreeably to acts of March 3, 1847, and March 3, 1851.

4. A semi-monthly service between Astoria, Oregon, and Panama, New Granada, via San Francisco, California, (distance 4,200 miles,) at an annual pay of $348,320, agreeably to acts of March 3, 1847, and March 3, 1851.

5. For twenty-six round-trips a year between New York and Liverpool, England, Collins line, (distance 3,100 miles,) at an annual pay of $858,000, agreeably to acts of March 3, 1847, and July 21, 1852.

6. A monthly service between New York and Havre, France, via Cowes, England, (distance 3,270 miles,) at an annual pay of $150,000, agreeably to act of March 3, 1847.

7. A monthly service between New York and Rio de Janeiro, Brazil, touching at Pará, Pernambuco, and Bahia, Brazil, (distance not stated,) at an annual pay of $150,000, agreeably to act of May 28, 1864.

8. A monthly service between San Francisco and Honolulu, Hawaiian Islands, (distance not stated,) at an annual pay of $75,000, agreeably to act of March 2, 1867.

9. A monthly service between San Francisco and Hong-Kong, China, via Yokohama, Japan, (distance seven thousand and fifty miles,) at an annual pay of $500,000, agreeably to acts of February 17, 1865, and February 18, 1867.

At present all the United States ocean mail-steamship service is being performed under the provisions of the general law, which allows, as full compensation for the service, the amount of sea-postage on the mail conveyed.

I am, very respectfully, your obedient servant,

D. M. KEY,
Postmaster-General.

Hon. CHAPMAN FREEMAN,
House of Representatives.

Much the larger portion of these acts were in democratic days, when the democratic party controlled the policy and destinies of this country. The democratic party acted wisely in passing these acts, and the policy should have been steadily kept up. Then that was followed up by the republican party, who passed like acts for carrying on these lines. But the difference between the United States and Great Britain upon this point is that there was continuity of purpose in Great Britain, a fixed line of policy, a steadiness in the pursuit of that policy, never varying, never faltering, starting out for her objective point, to capture the commerce of the world and pushing for it steadily, and thus made her flag float in every sea. We went at it sporadically; sometimes we would help a little, and then we would hear this hue and cry, "That is a subsidy; it is taking something out of the hard earnings of the people, and therefore we must not do it;" and we would break down; so that we have proceeded by broken purposes, by that which in effect is worse than no policy at all.

But we hear it said that this bill is a mere pretext, that it should have come from the Committee on Commerce, and not from the Committee on Post-Offices and Post-Roads, that the unquestioned purpose of those who advocate this bill is the rearing and fostering of the commerce of this country, and therefore it should have come from that committee. I accept the issue, and I state broadly and squarely that I advocate this bill because I want the commerce of this country extended. I advocate it because, in the language of Jefferson, I believe that commerce is the handmaid of agriculture. I believe that there is a necessity for finding markets and competing markets for the surplus products of our country. I do not believe that we can do that without granting aid to those who desire to open our commercial facilities with foreign countries. I do believe that we have the entire right to do that under the post-office clause of the Constitution, and I doubt whether we have the right to do it under any other clause of the Constitution.

Mr. President, there are no degrees in constitutionality. A measure is either constitutional or it is unconstitutional, one or the other. There is no middle ground between an affirmative answer that the measure is so or a negative answer that it is not so. Between those two there is a wide gulf, so that it matters not what clause of the Constitution grants the power, the power once conceded, then it is a question of expediency with Congress, and the sound discretion and judgment of Congress is called upon to say whether or not they will exercise that constitutional power.

I will leave what may be said in reference to the line leading from New York to gentlemen who are much better acquainted with the statistics of the North and the East than myself, and to what was so well said by the Senator from Louisiana [Mr. EUSTIS] in regard to the products of the great Mississippi Valley, and I pass across the waters of the Gulf to the city of Galveston and give to the Senate in a few words the reason for the line from New Orleans.

Sir, I heard some sneering remarks made by gentlemen who certainly know but little about the geography of this country in regard to that section. The State of Texas to-day is an empire in herself. She has a territory of 274,356 square miles. Her area is the area of an empire. Hers is the greatest area of fertile soil on the face of the green earth. Nowhere on the footstool of man can be found so large an amount of absolutely rich soil as is found in that State. What are her products? Go to her Gulf coast and you will find there an area capable of producing sugar equal to the best sugar lands of the State of Louisiana, an area as large as the sugar land area of that beautiful State. Go out into her great cattle region, and to-day she stands bearing the banner as the great queen of cattle in America. Go to her sheep-folds, and to-day she stands third in the production of wool, surpassed only by California and by Ohio, and by but a few thousands in Ohio, and she will soon pass that State in the race. Go into her cotton-fields, into the fields of the king of commerce, and to-day she stands equal and square in the production of cotton with the State of Mississippi, and those two States are the greatest cotton-yielding States in the American Union.

Bear in mind that the seven hundred thousand bales of cotton produced annually upon the soil of Texas are produced upon less than 1 per cent. of her area, and that that State is capable of producing six

million bales of cotton, upon a mathematical demonstration by the known producing capacity per acre and the known acreage. Bear in mind that that same State, without interfering with her cattle or her sheep or cotton or sugar, can produce sixty-four million bushels of wheat. Sir, it is an empire in itself. We never attempted to produce wheat for export until three or four years ago, and the amount raised this present crop, which has recently been gathered, amounts to six million bushels of wheat. It is the finest wheat east of the Rocky Mountains, contains more muscle-producing qualities than any wheat east of the Rocky Mountains. It weighs from sixty-two to sixty-eight pounds to the bushel. It is drier, freer from moisture, requires more water to knead it into dough than any other wheat raised outside of California. It ripens from four to six weeks earlier than any wheat east of the Rocky Mountains, and is unsurpassed for shipment through southern waters and warehousing in a tropical climate. This wheat we propose to convert into flour and send that flour by steamships from the port of Galveston, in Texas, to Rio, to Pernambuco, to Pará, to St. Thomas, to Bahia, and other points in Brazil, and the flour of Texas and of the great new West will reach the market there before the wheat of the North is harvested; and that flour will compete in the market with the last year's crop of any other people, and therefore beats it. I propose, therefore, to take that flour and exchange it for coffee in Brazil, and thereby save thirty-five million dollars, the balance of trade which Brazil to-day holds against the United States annually. Bear in mind, Mr. President, that of the mere pittance of a little over seven million dollars of exports sent by the United States to Brazil nearly one-half that amount is flour.

Nearly one-half of the entire amount of the products sent to Brazil now in exchange is flour. Suppose we can send the product of the wheat-fields of Texas, the wheat-fields of Kansas, of West Missouri, and of Nebraska and of Iowa, all having a direct rail connection by air line with Galveston. If we can send that to Galveston and from there to Brazil and exchange that for coffee, we thus save annually this vast sum of $35,000,000, making a market for our surplus and bringing back that product in lieu of sending gold for it.

Sir, it is a great point. It is a point in the interest of the people. It is the farmer whose interest I represent. I am not here to howl over my love for the dear people. It is not my course in life; for whenever in the honest conviction of my heart I believe the people are wrong I say so, and I do so at home or elsewhere. But on this point at least my people stand square with me on this proposition. They are too enlightened, they understand their own interest too well to be otherwise.

But, Mr. President, I am told that this is a mere pretext. I remember when the greatest statesman America ever produced, a man bold, fearless, with nerves of iron, always daring to do the right, never quailing for an instant, when Thomas Jefferson conceived that grand idea of purchasing the Louisiana Territory and adding it to the American Union, it was charged on this floor, and on the floor of the House that it was a mere pretext as to securing the defense of your country; they said, "Your talk about wanting an outlet to the open sea is a mere pretext." But, sir, steadily, never faltering, although they heaped obloquy upon his head such as was never heaped upon any man before for the assertion of his sentiments, although in the other House eight years after that, when the State of Louisiana applied for admission into the Union, one of the most distinguished men of that body declared that the admission of Louisiana as a State into the Union would *ipso facto* operate a dissolution of the Union, although no measure was ever attempted to be carried through that met with more obloquy and abuse than did the great measure which Mr. Jefferson carried out, what was the result of that measure? New Orleans, the great entrepôt between the Mississippi Valley and foreign countries, became an American city. The Belize came into our possession and all that magnificent territory on the right bank of the Mississippi, reaching from the great Father of Waters to include your own State, sir, [Mr. MITCHELL in the chair,] washing the golden slope of the Pacific. All that grand territory and magnificent empire of itself was brought in under that measure which was declared a mere pretext, and for the introduction of which the grandest statesman this country has ever produced was denounced and vilified by would-be patriots as no man had ever been before, and the seat of empire has crossed the Father of Waters.

I remember when another great statesman, such a one as I regret we have not among us now, John C. Calhoun, began, with the unerring sagacity of his great genius, to lay the plan for securing the State of Texas, of which I have just been speaking, as one of the States of the American Union. In 1837 he began that work although it was not concluded until the 3d of March, 1845, perhaps the last act signed by Mr. Tyler. From one end of this Union to the other every man who advocated the annexation of Texas was tongue-lashed by those who could not see into the purpose of this great and accomplished statesman and his compatriots. But Texas was added. The Lone Star Republic of Texas glided into the galaxy of the American Union, and to-day is one of the brightest and most resplendent of those resplendent stars. As one of the far-reaching consequences of that act came the Mexican war, and that was followed by the annexation, by the treaty of Guadalupe Hidalgo, of the great Territories of New Mexico, Arizona, Utah, California, Nevada, all of which came in. That was declared to be a pretext, and those who were in favor of that treaty were compared with those who dismembered Poland.

Thus in every instance where a great enterprise has been attempted to be carried out in this country those who have favored it have been blackened by the obloquy of those who could not see through the measure. To-day history is merely repeating itself. I dare to do what I believe to be right, and I am willing to face the people whom I represent, because I know that this measure is in their interest. Ah, you say, gentlemen, this is a mere commercial matter, and therefore it is a pretext to call it a post-route bill. It adds nothing to the resources of your country; the postage will not pay it back. You know that to-day in your country and in mine, and all that great country west of the Mississippi River, in all the great growing Northwest and Southwest, these post-routes cost the United States Government more than they bring back by between $8,000,000 and $10,000,000. According to this theory every one of those post-offices should be locked up. They are established because civilization demands that they should be there. In like manner by the precise right which we have to send our mails over the land, over the lake, over the river, we have the right to send them over the great highway of nations, the broad open sea.

Mr. President, so far, I have spoken hurriedly without notes, and in order to give others time I will now bring my remarks to a close with this point to which I desire to call the attention of the Senate: that fifty-odd years ago Mr. Monroe proclaimed the great doctrine that the American soil must be controlled by American people, not foreigners; that the countries of South America and of Mexico must be held by their own people and not by foreign people. That was the mere formulating of an idea and purpose which was crystallized in the minds of the people and which had become their fixed purpose long before Mr. Monroe uttered the sentiment. If there is one idea which all the American people to-day believe in it is that grand doctrine promulged by Mr. Monroe. To effect that what course should you pursue? In the language of Mr. Jefferson, have peace, commerce, and honest friendship with these people, cultivate these people and this great trade which we have lying at our very doors; let us do all we can by the cultivating of commercial relations with them to secure that. And I will go further. Whenever the measure comes up I will go to the full extent of favoring reciprocal commercial treaties with every country south of us on this continent. I would go for uniting ourselves as far as we could do it with Mexico by railway. I would be in favor of cultivating the closest commercial intimacy with those people because it is to our interest to do it. We import from those countries more than we export to them, and it is to our interest to cultivate friendship and commerce and to sell to them what they need in exchange for our imports rather than to pay the gold to them for what we need.

This is the condition; now what is the remedy? It is manifest that one of two courses must be pursued: first, cease producing a surplus; second, find the best markets for it; the latter is wise, the former foolish. Will this measure aid materially in securing an additional competing market for our produce, manufactured and agricultural? Here I am met with the objection that, however this may be, the establishment of a mail steamship line is a mere pretext to aid commerce, and it is said that if that be the aim then the bill should have come from the Committee on Commerce, and not from Post-Offices and Post-Roads.

I accept the issue, and say that it is to energize our languishing commerce, to promote peace, commerce, and honest friendship, to vitalize home industries, to give to the producer whether of manufactured articles or of farm products another competing market, that induces me earnestly to advocate this measure. Sir, there can be no question as to the constitutional power of Congress to establish post-roads and send the mails over them, whether those roads be on land or sea, lake or river. The Constitution provides for consular and diplomatic service, (article 2, section 2.) The Constitution provides for regulating commerce with foreign states, (article 1, section 8.) Intercourse with foreign nations being thus provided for, means of communication is a necessary implied power, and the power being in Congress to provide the means, the discretion is in it to select the means in its judgment best adapted to the end. The high seas are the highways of nations, and Congress has precisely the same power to use these highways for postal purposes as it has to use any highway on the land, lakes, and rivers of our country; and so Congress has held under both democratic and republican administrations. (See acts of March 3, 1845; March 3, 1847; March 3, 1851; July 21, 1852; May 28, 1864; February 17 and February 18, 1867; March 2, 1867.) The power being thus in Congress it is more critical than substantial to say that the bill should come from one committee rather than another. Besides, if the power can be drawn from the commerce clause, (which I doubt,) and can also be lodged in the post-route clause, which I do not doubt, then the jurisdiction, so to speak, of the two committees would be concurrent and either acquiring jurisdiction could proceed; but, as I said before, that is a small matter. The bill is before the Senate, and it is a matter of no substantial importance whether it comes from one committee or the other, or no committee at all, if the Senate has the constitutional power to pass the bill.

But I take it, from the use of the word "pretext," which I have heard applied to the action of the Post-Office Committee, that there may be gentlemen whose views of the Constitution and its practical working differ very widely from mine.

That "pretext" doctrine, run out to its ultimate, proceeds I think

upon the thesis that every grant of power in the Constitution must be applied to the accomplishment of a specific object and no other; that when in the practical application of a grant it is found that the resulting benefits are far greater collaterally and incidentally those flowing from the main object contemplated by the Constitution, then we must reject the entire scheme because the exercise of the power would be a "pretext." So under this view it inevitably follows that the Constitution provides for as many little machines, each complete in itself, as there are grants of power in the Constitution, the motive power of each and its quantity being the exact power, with its exact quantity set apart to it in the Constitution. So you start the grand motor, the Constitution, in action, and lead from it by different conduits—some large, some medium, and some quite small—just as much steam as the motor allows to each particular machine. Each is an independent machine rattling away on its own account. Thus a toy-shop government is established; a "curiosity-shop" among the nations of the earth. To my mind the power of the Constitution cannot be frittered away in such utopian schemes.

Emerson, in speaking of that grandest of all temples constructed by the hands of men, and dedicated to the living God, Rome's glory, St. Peter's, and of its immortal architect, who gave his life to the great work, expresses in beautiful language the thought that Michael Angelo was but a passive instrument in the hands of Omniscience, and that Angelo built as he was directed by the Grand Architect of the universe:

> The hand that rounded Peter's dome,
> And groined the aisles of Christian Rome,
> Wrought in a sad sincerity;
> Himself from God he could not free;
> He builded better than he knew;—
> The conscious stone to beauty grew.

And so I have thought of the builders of our matchless Constitution, creating a Federal Union of coequal States, distinct as the billows, yet one as the sea; a Government the most perfect in conception that ever leaped from the brain of man, beautiful in all its parts, matchless in wisdom, strength, and beauty; one great, harmonious whole, with all its parts in accord, all needful to the complete autonomy, all obeying the great mainspring, the Constitution.

No, sir, the Constitution is not for Utopia, but for living, active, busy men, and is adapted to their wants, securing to them liberty regulated by law, and by and through it the great purposes of its establishment, faithfully carried out, are secured—union, justice, domestic tranquillity, common defense, general welfare, liberty.

In the discharge of our duty two essential questions present themselves: Is the measure constitutional? Is it expedient?

If the first is answered affirmatively, as it must be, before we can consider the second, then in the consideration of the second, every benefit, direct, collateral, incidental, is legitimately to be taken into the account, and the more the resulting benefits, the more expedient the measure and the greater the reason for its passage. So if the facility of transmitting intelligence gives constitutional warrant, and it so turns out that the advantage of that is utterly overwhelmed by the blessings to commerce, manufactures, agriculture, and through them to every industry, it is not only constitutional, but eminently then indeed expedient, and we should rejoice in the possession of a Constitution of such consummate wisdom; and I believe the hand of Divinity is in the Constitution, and that the builders builded better than they knew, and conscious parchment to wisdom grew.

No, sir, this is not a Government of toys, not a curiosity shop, but I believe "that this nation, under God, shall have a new birth of freedom, and that government of the people, for the people, by the people, shall not perish from the earth," but sorely tried, "in worst extremes, and in the perilous edge of battle," it is to-day, with all its States restored to their constitutional rights, stronger in the affections of the people than ever before.

Let us but do our duty, and remember that whatever we constitutionally may, we surely ought to do, to advance the interests of the people who have confided to us our great trust.

I have no faith in howling dervishes, tiny egoists, now cursing our land, as we learn by every mail, who go about among the people stirring up discontent, preaching from the political text-book of lamentations, arraying one portion of the community against the other, preaching that both the great political parties into which the people are divided are corrupt, teaching wild and visionary schemes for securing wealth without labor in disregard of the divine injunction, misleading the people to their injury, finding fault with all the people's servants without pointing to any practical relief. I have no tolerance for that other class, less harmful because less vigorous, who through press and pamphlet and on the stump bay the moon and howl away in diatribes at mankind in general, who fancy themselves as disconsolate as the exiled Marius, "a fugitive sitting on the ruins of Carthage," a class as mischievous though less dangerous because less capable than that turbulent demagogue. The people are discontented and with cause, and it does no more good to be howling that into their ears continually without pointing out practical relief than to stand at the windlass and tell a poor fellow at the bottom of the well that he is in a bad fix and yet not take a turn at the windlass after getting your man into the bucket.

Gush plays an inconspicuous part in the practical affairs of every-day life. A good, old-fashioned political sermon with the text, faith in our Government, hope in its future, and charity toward all, followed by homely measures calculated to arouse the despondent people and to show them that there is life in the old land yet, would be sound wisdom, sound statesmanship; and I have no hesitation in saying that I would vote for any measure of real utility and practical advantage warranted by the Constitution that would give employment to willing but unemployed labor. While some of the causes of business stagnation are beyond the control or remedy of Congress, for this stagnation extends to many parts of Europe, still so far as we may constitutionally enact expedient measures of relief we ought. I know that by some all who entertain such views are pronounced wasteful and extravagant of the money of a hard-pressed people. Having some experience as well as observation of hard times, knowing precisely how it is to be without an available dollar, for I was just in that condition at the close of the war; knowing the people and their struggles, because I am with them and of them and do not need to be told, I must be permitted to judge for myself what is their interest.

I believe the measure before the Senate is in the interest of the people, the people who manufacture and the people who work on farms, and through these great industries it will benefit all the people. The people have been told often enough of their distressed condition; they are tired of it; they want bread, not stones. They want practical measures of relief, not theoretical statesmanship; and they will gladly see an appropriation made which will open workshops, relight the forges, start the plow, the loom, and the anvil, with assured hope that labor will be justly rewarded.

Mr. KERNAN obtained the floor.

Mr. FERRY. Will the Senator from New York allow me to make a suggestion?

Mr. KERNAN. Certainly.

Mr. FERRY. It is evident that the Senator from Virginia [Mr JOHNSTON] will not have the opportunity of submitting his remarks to the Senate, as he desired, to-day; and I make the suggestion that after the morning hour to-morrow he be allowed to submit the remarks that he intended. I think we shall get through with the present bill to-day, and as he has asked the privilege it will be but courtesy to him to allow it.

Mr. SARGENT. It may be that after the morning business to-morrow, during the morning hour, he might be able to submit his remarks.

Mr. FERRY. Yes, after the morning business, before the conclusion of the morning hour, possibly.

Mr. SARGENT. The Committee on Appropriations desire to bring forward the Army appropriation bill to-morrow, which they will report to-day.

Mr. FERRY. I did not design to interfere with the appropriation bill. Aside from the consideration of the appropriation bill, let the Senator from Virginia submit his remarks to-morrow. I think there will be no objection to that arrangement.

Mr. HAMLIN. It would be perfectly in order for the Senator to make his speech now.

Mr. FERRY. The Senator from New York [Mr. KERNAN] has the floor.

Mr. KERNAN. I shall be quite brief.

Mr. HAMLIN. If the Senator from New York will give the Senator from Virginia to-day it will be in order for him to speak now.

Mr. JOHNSTON. It will not take any longer to-morrow.

Mr. FERRY. The Senator from Virginia prefers to wait till to-morrow.

Mr. WITHERS. My colleague prefers speaking in the morning, and I hope such arrangement will be made as will be most agreeable to him.

Mr. FERRY. That will be the arrangement. ["Agreed."]

EXTENSION OF MORNING HOUR.

Mr. SARGENT. With the leave of the Senator from New York, I offer the following resolution:

Resolved, That until the end of the present session the morning hour shall be extended each day one-half hour.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate.

Mr. BAYARD. What is the purpose?

Mr. SARGENT. It allows an hour and a half each morning for morning business and the business usually considered in the morning hour.

Mr. FERRY. Had not the Senator from California better add "unless otherwise ordered?"

Mr. SARGENT. I will add "unless otherwise ordered by the Senate."

Mr. CONKLING. I suggest that in place of the words "until the end of the present session" the Senator say "until otherwise ordered."

Mr. SARGENT. "Unless otherwise ordered" expresses it at the end, and I would not like to modify the form as it now stands.

Mr. CONKLING. The distinction is this: the Senator proposes to do this for the residue of the session; I do not want to agree to that at this moment. If the Senator will say "until otherwise ordered" the morning hour shall be extended as he states, I shall not object to that.

Mr. SARGENT. Then the resolution would have to be offered every time the Senate wished to extend the morning hour.

Mr. CONKLING. Not at all; unless it is rescinded it goes on; but the Senator proposes to order that it be extended for the residue of the session. I think that is objectionable. We may not want it extended all the way through.

Mr. SARGENT. It already provides "unless otherwise ordered." A majority vote would prevent the extension at any time.

Mr. CONKLING. Why object to my suggestion?

Mr. SARGENT. It repeats the phrase "until otherwise ordered," and is unnecessary.

Mr. CONKLING. Let the resolution be read. The Senator from California evidently does not understand my suggestion.

The PRESIDING OFFICER. The resolution will be again reported.

The Secretary read the resolution.

Mr. CONKLING. Now I propose, in place of the reported words, to strike out "until the end of the present session" and insert "until otherwise ordered," so that the original resolution, as modified, will read:

Resolved, That, until otherwise ordered, the morning hour shall be extended each day one-half hour.

My friend will see now what my suggestion was.

Mr. SARGENT. I see it will simply make it necessary to offer the resolution again. I will take it in that form, but I shall be prepared, if the Senate otherwise order, to offer the resolution again.

The PRESIDING OFFICER. Does the Senator from California accept the modification?

Mr. SARGENT. I will, to avoid debate.

The PRESIDING OFFICER. The question is on the resolution as modified.

The resolution, as modified, was agreed to.

DISTRICT RAILWAY COMPANIES.

The PRESIDENT *pro tempore* laid before the Senate a letter from the commissioners of the District of Columbia, transmitting, in compliance with a resolution of the 20th ultimo, information in relation to the assessment of taxes against and the collection of taxes from the several street railroads in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3855) for the relief of William A. Mann, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 739) for the relief of Henry Plowman, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1283) for the relief of James A. Barr, reported it without amendment.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 1660) for the relief of Saint Michael's church, Charleston, South Carolina, reported it without amendment.

Mr. BLAINE. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes, to report it with amendments. I desire that the amendments be printed at once, as the bill will be called up at the most convenient season.

BILLS INTRODUCED.

Mr. BAYARD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1359) granting pensions to the widow and minor children of Michael Meenan, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1360) for the relief of William M. Maynadier; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1361) to authorize the construction of a bridge across the Wabash River; which was read twice by its title, and referred to the Committee on Commerce.

WITHDRAWAL OF PAPERS.

Mr. WITHERS. I ask that the following order be made:

Ordered, That Mrs. Farley be permitted to withdraw the papers in her claim for pension from the files of the Senate.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Has there been an adverse report?

Mr. WITHERS. There was an adverse report simply because the matter had not been submitted to the Pension Bureau. It was reported adversely on that ground. She wants the papers so that she can submit them to the bureau.

The PRESIDING OFFICER. There being no objection, the order is made.

RECOMMITTAL OF A BILL.

On motion of Mr. HEREFORD, it was

Ordered, That the vote by which the bill (H. R. No. 762) granting a pension to John S. Hall, of West Virginia, was indefinitely postponed, be reconsidered, and that the bill be recommitted to the Committee on Claims.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 4867) making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

POST-ROUTE BILL.

The PRESIDING OFFICER. The Senate resumes, as in Committee of the Whole, the consideration of the post-route bill, upon which the gentleman from New York [Mr. KERNAN] is entitled to the floor.

Mr. KERNAN. Mr. President, the bill now before the Senate as it passed the House and came here is entitled "A bill to establish post-routes in the several States herein named." The title has been amended by the Committee on Post-Offices and Post-Roads so as to read "A bill to establish post-routes, and for other purposes." The other purposes are, as I understand, the sections from 38 to the end of the bill, except the repealing clause, now under consideration. By these sections, if they become a law, the Postmaster-General is directed to establish mail communication semi-monthly between the United States and Brazil. He is to do it by paying the sums named to two lines of steamers, the one a line between the city of New York and Rio, making certain stops, and the other between New Orleans and the same place, touching at other points. Thus we are to have each line making a round trip per month as required by the bill, and there is to be paid to each line $150,000 a year, in all $300,000 a year. The Postmaster-General is to contract for the carrying of the mails in this way from these points to and fro for ten years. Thus, if this bill is passed, under color of carrying the mails we appropriate $3,000,000 which is to be ultimately paid. Each line is to have $12,500 each month for each trip for carrying our mails to and from these points.

The bill provides that the Postmaster-General shall advertise for proposals to do this service. He shall not accept bids in excess of $150,000 per annum to each line. The fortieth section provides that the vessels shall be of not less than three thousand tons burden, American built and owned, constructed of iron after the best models. I suppose from the information I get that it is understood that if this bill shall become a law the Postmaster-General will not be able to contract for less than $150,000 a year to each line. I think we must assume that if the bill is passed a contract is to be made of that character for ten years, because there are traditions and circumstances from which it may be believed there will be no bid less than the maximum which is here named. Therefore the proposition is to have two lines of mail steamers, each line making a round trip every month to Brazil at an expense of $150,000 a year to each. In a word, we are to pay for each carriage of the mail there and return $12,500 to each of these lines. I think no one will or does claim that there is any necessity for carrying the mails to and from these points which requires any such large expenditure of money. We have cable communication with Brazil. A memorial laid upon our tables from merchants in Baltimore states that much of the business is now done by cable. I doubt not that all the business communications could be sent by telegraph to and from Brazil for less than $300,000 a year. Therefore, sir, I do not understand that any Senator urges the passage of this bill upon the idea that this large expenditure for ten years is required for the mail service between the United States and the ports in South America named. Indeed we are told by the merchants of Baltimore that the mails are being carried to and from Brazil now quite satisfactorily for $100 a month by a line of steamers.

Mr. COCKRELL. What is the character of that line?

Mr. KERNAN. It is a line engaged in carrying passengers and freight, owned as I understand by a British firm which is carrying on this business, and it is managed by a merchant in New York as their agent. That is what I understand it to be. I suppose no one will insist that the products of this country must be carried to a foreign market in American ships at a higher rate of freight than they can be carried otherwise. I am as zealous for the restoration of the carrying of American commerce in American ships as any man can be, but I have a strong conviction that this will never be accomplished by subsidizing from the Treasury one or two or three lines of steamers; and therefore this argument does not have as much weight with me as with some. I think we must employ other means for the restoration of ship-building and for the restoration of commerce than subsidizing lines of steamers to run to foreign countries. We need to give our ship-builders free raw material. They tell us if we shall do that they will build ships as cheap and as good as they are built on the Clyde or anywhere else. To have commerce with South America we need to open our ports to the free importation from that country of its products. Then they will build up a trade with us, taking our manufactures and products which they need. In my judgment it is not the building of ships that creates commerce, but commerce will create ships.

I therefore wish to make a few suggestions in reference to this proposed measure as a means of building up an export trade to South

America, in reference to its being a means of giving us a better market and a larger market for our products than we now have. The Postmaster-General, in his letter read yesterday by the Senator from Delaware, [Mr. SAULSBURY,] says that he cannot recommend the expenditure proposed for the mail service of the country. Then the question is in reference to this as a means of creating a market for our manufactured and other products in South America. Gentlemen talk about the experience of England and other countries in building up commerce with South America by means of subsidies. I shall say little about this, because I am not familiar with the circumstances. I doubt if subsidies have much to do with it. England admits the products of South America free of duty, and they sell cheap to South America what they want, and this policy has built up mutual trade and commerce. I do not believe it has been done by subsidies.

Mr. BLAINE. Will the Senator allow me to interrupt him with one question?

Mr. KERNAN. In one moment. I want to be short, and other gentlemen want to speak, I know. I wish to call attention to our own experience in this line of policy. We maintained a line of steamers for ten years from the port of New York to Rio, stopping at intermediate places, at the cost to our Government of $150,000 a year under a law quite similar to this bill. I desire to show what our export trade was before, what it was during the time that line ran on this large subsidy, and what it has been since.

For six years, from 1860 to 1865, inclusive, our imports from Brazil averaged, in a round sum, per annum, $14,528,000. We imported, observe, fourteen million and a half, in round numbers, for six years prior to 1865. Our domestic exports to that country during the same period averaged per annum $5,713,000. During this time there was no subsidized line of vessels; the trade was carried on in our sailing-vessels. In 1864 Congress passed a law, found in the statutes, volume 13, page 93, very much like the bill under consideration. It enacted in substance—

That the Postmaster-General be, and he is hereby, authorized to unite with the general post-office department of the Empire of Brazil, or such officer of the government of Brazil as shall be authorized to act for that government, in establishing direct mail communication between the two countries by means of a monthly line of first-class American sea-going steamships, to be of not less than two thousand tons burden each, and of sufficient number to perform twelve round trips or voyages per annum between a port of the United States north of the Potomac River and Rio de Janeiro, in Brazil, touching at St. Thomas, in the West Indies, at Bahia, Pernambuco, and such other intermediate port or ports as shall be considered necessary and expedient: *Provided*, That the expense of the service shall be divided between the two governments; and that the United States portion thereof shall not exceed the sum of $150,000 for the performance of twelve round trips per annum, to be paid out of any money appropriated for the service of the Post-Office Department.

The contract was for ten years. The Post-Office Department contracted under that law with a line of steamers to make twelve round trips per annum from the port of New York, in accordance with the law which terminated on the 30th of September, 1875, at $150,000 per year. We had a line of steamers during ten years prior to October 1, 1875, running regularly, carrying the mails and doing such other business as it could, and what was the effect upon our import and export trade? During the ten years we imported from Brazil merchandise of the average annual value of $29,500,000 in round terms. The import trade doubled. The imports were $14,500,000 per annum during the five years previous, and our exports to Brazil were $5,700,000 per annum during the same period. The imports increased largely during these ten years, but our exports to Brazil did not. The annual average value of our exports to Brazil during the ten years was $6,364,000. Their average increase was only a little over half a million of dollars a year over what it was before the steamship line existed.

During the ten years from 1865 to 1875 that we had this line of steamers, carrying the mails regularly, a carrying freight to and from Brazil, our exports to that country were only of the average annual value of $6,364,000 as against $5,713,000 before we established the line. While we had this subsidized line we did not have low freights, which are so important to commerce and our export trade. This subsidized line destroyed competition, and freights were higher than I think they would have been if there had been no subsidized line. The freight is a tax on the producer. What it costs to get his products to market diminishes his profits.

Again, what is the lesson which this experiment of the Government gives us? It did not build up a permanent line of steamers running from ports of this country to South America. The moment the last subsidy was paid those steamers ceased to run. That is the information I get from merchants. We paid our money in trying the experiment, $150,000 a year for ten years; having but one line, our export trade did not increase except as I have stated, and as to imports we do not need to facilitate importing by subsidies, for that does not make us rich. The steamers stopped when the subsidies ceased, and we received so far as I can see no benefit from this large expenditure of the public money whatever.

That line stopped in September, 1875. What has been our experience since we have ceased to pay the subsidy? Has our export trade diminished? The average annual value was $6,300,000 while the line ran. I find from statistics that since that line stopped and during the past two years our export of domestic products to Brazil have been of the average annual value of $7,463,596, having increased about a million a year under the natural laws of trade more than with the subsidy. I regret very much that American-built steamers have not become the carriers of this commerce, but I believe it is because our policy in reference to ships is wrong. We should amend our tariff so that ship-builders who are building vessels to transport the products of our people to other countries may furnish cheap vessels. We should not tax the materials which are used to build a ship. Our skillful shipwrights can make as good ships as they make in the world if you give them a chance, but they cannot build ships as cheaply as they are built elsewhere, because of the high duty on raw material and on other things which they use. Our laws are such that we cannot buy foreign-built ships, and have a line of steamers in that way run by American citizens under the American flag, carrying our mails and transporting our commerce. We need cheap ships, but we are not allowed to purchase them cheaply whenever we can get them.

But what has grown up under the present system? We are talking about what will build up the commerce of the country. Our people need and the prosperity of the country requires that we should have foreign markets for our products, and permit our own people to earn the freight for transporting them. We did not accomplish this by the former subsidized line. I believe those steamers went out of use as soon as the subsidy ceased. What has grown up since that line ceased? A line of steamers was established between New York and Brazil in March, 1877, known as the Merchants' line. I wish it were owned by American citizens. I think we should have laws by which American citizens, and I would confine it to them, might buy wherever they could cheap vessels in order to do our own carrying trade with foreign countries. Our enterprise and energy are crippled by unwise laws, in my judgment. Private enterprise has built up a line of steamers between New York and Brazil, the Merchants' line. The owners contracted for their steamers, as I am informed, in 1876, and getting one done, they commenced running it on its first trip in March, 1877. They continued it until last January, when they had three steamers of about a thousand tons burden each, and larger steamers will be put on the line whenever the trade demands them, as no one doubts, whether they are owned by Americans or foreigners. They commenced last January with three and they have been running a trip each way every month, and carrying our mails for about $100 a month. There is no serious trouble about the mails.

The merchants of Baltimore say in their memorial, which lies on our table, that the telegraph is used very much and would be if you had the mails carried by the line of steamers proposed by this bill. The mails are carried now without complaint to and from these points at a hundred dollars a month. This bill provides that we shall require the steamers to run on schedule time and make the round trip, so that there will be one each way every month. I believe the existing line does the same now. But while they are carrying our mails for $100 or $106 or $108 a month, according to weight, we are discussing a bill that is to give a line for carrying the mails $12,500 per month, and that for ten years. I ask the attention of Senators to this. We must decide the question. I earnestly wish to decide wisely, for the welfare of the people and the prosperity of our country. After all, we come back to the question whether it is wise policy for the Government to attempt out of the public Treasury to create lines of steamships to carry freight. I think it is not. I believe with proper laws as to ship-building and as to the purchase of foreign-built ships we can build up our commerce and have our products carried to other countries cheaply. That is what the farmers want. They would rebel at the idea that you should compel them to pay more freight directly to American lines than to any other responsible line of carriers on the ocean. They will send their products to market by the cheapest line. This Merchant's line has grown up. It is doing a reasonably remunerative business.

Some gentlemen seem to think that line was put on for some other purpose than to earn dividends on capital. Let us fix our laws so that our own ship-builders and our own citizens may establish lines, as Charles Morgan did, who died the other day, leaving millions fairly earned by the carrying trade on the ocean. He established a line of steam-vessels, and I believe he never had a subsidy in the world. This Merchants' line has been built up by private enterprise without any subsidy. Our export trade is increasing by means of it, and I believe that our exports to Brazil will increase largely if we regulate our tariff so that we receive products of Brazil free, as they receive them in Europe, not barring them out by a prohibitory duty, but say, "We will take those products from you which we need without imposing duty upon them, and pay you by sending you our manufactured articles and other products of our country which you want."

This Merchants' line competes with the sailing vessels and they have to carry freights at a low rate; but the steamer of this line which left recently for Brazil carried between five and six thousand barrels of flour and a good cargo of other products of the United States. The value of the entire cargoes I will not stop to read; but it is increasing all the time, and our export trade to South America is increasing. If we give another line $150,000 a year to run down there, this line can compete with and destroy the carrying trade which is done by the twenty firms in the city where the Senator from Maryland [Mr. WHYTE] lives. There are thirty-two sailing-vessels running from that port to Rio and they are doing a good business. The Government

should not subsidize a line of steamers to crush out this private enterprise. Private enterprise builds up the commerce and the navigation and the prosperity of the country surely and permanently.

Mr. WHYTE. What is paid this Merchants' line for carrying the mails?

Mr. KERNAN. For January last we paid $94.96; for February, $108.94; for March, $106.24. While they do not run on schedule time, if the Postmaster-General chooses to make a contract, giving something more of compensation, we may be sure that they will be quite willing to carry our mails on schedule time.

From what we know about the Collins line and other lines to which we have given aid, our experience is that we never build up permanent trade and commerce by subsidizing lines of vessels.

Our experience is in regard to subsidized lines that the moment the subsidy ceases our whole carrying trade, so far as they are concerned, is ended. Then we have to rely on private enterprise again for our carrying trade with South America. Private enterprise is doing it now; sailing-vessels are doing it. This Merchants' line of steamers is doing it.

We will not increase our export trade with South America, in my judgment, in any considerable amount permanently by this large expenditure of the public money. If I thought it would, if I could be satisfied that it was going to build up the prosperity which comes from a large and advantageous export trade, I would be willing to act with those who favor it; but we have tried one experiment that has failed. Our export trade to Brazil and South America is larger now than it was when the subsidized line was maintained. It has grown up since it ceased. We do not encourage American ship-building by subsidizing a line or two under the pretext of carrying the mails.

What the ship-builders need, as I believe, is to give them reasonable tariff laws; permit them to have cheap materials for ships and then we will have as good ships and ships as cheap as can be built anywhere else; and then we will build up a merchant marine by private enterprise. We cannot buy foreign-built ships and sail them as American vessels now. I am informed by a very accurate gentleman that there are fourteen hundred steamers now lying idle in Europe.

If our citizens were allowed, they would buy some of them and they would carry the mails to South America for a moderate compensation under the American flag. I do not believe that the fact that we pay American-built steamers for this special service for ten years this large sum of $3,000,000 will aid at all the ship-building interest of this country. My judgment is that what we want (and the sooner our people turn their attention to bringing it about the better) is the opening of our ports to the importation of raw materials free. We are an ingenious manufacturing people.

Give us the raw materials as cheaply as they are imported into England and other countries, and I venture to say we will build up a trade in almost every market; but we cannot compete successfully if we have to pay duty, a tax, on everything that we require from abroad.

These are the suggestions I wished to make. I do it because I have been most solicitous to give a vote on this bill which would be in accordance with the best interests of the country. I cannot favor it when the experiment we have so recently tried is to the contrary. I believe we must turn our attention to a different kind of legislation than providing for the payment of large subsidies to a few parties for carrying the mails in American-built ships. This will not build up commerce; it will not give us foreign markets for our products; it will not create an American merchant marine.

Mr. WHYTE. Mr. President——

Mr. BLAINE. If the Senator from Maryland will give me just one moment before he begins I will be obliged to him. I shall not be two minutes surely.

The Senator from New York says that what we need in this country is that the ship-builders shall be allowed to have their material imported without being taxed and harassed by duties. I should like to call the attention of the honorable Senator to the statutes of the United States. I simply want to read section 2513 of the Revised Statutes:

> All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and furnished after the 6th day of June, 1872, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon.

There is not a solitary dollar, not a penny, to-day levied upon any material that is needed to go into the construction of any ship, wooden or iron. If the iron-ship builder prefers English iron to American iron, he has a perfect right to-day to use it without paying one penny tribute to the Treasury; so that the honorable Senator must confess himself mistaken on that point.

Mr. KERNAN. Allow me to say that that does not apply at all to vessels in the coastwise trade.

Mr. BLAINE. Ah! But we are not discussing the coastwise trade to-day. That does not affect or have anything to do with this proposition. There is no dispute about the coastwise trade.

Mr. KERNAN. My judgment is that we should permit vessels to be built here without restriction, so that ship-building may grow up and in order that our people may compete with other nations. If it is true that we cannot in this country produce vessels to do the carrying trade as cheaply as other nations will, we make our farmers and manufacturers pay tribute for the carriage of our goods.

Mr. BLAINE. But the Senator assumes that. I do not admit it at all. The proposition is not whether you can build ships here as cheaply as you can in Great Britain. The proposition is that you cannot build a ship and run it in the Brazil trade without Government aid, as cheap as an English ship will do it with its government aid; that is all.

Mr. KERNAN. Then why do you not allow American citizens to buy English ships as they would buy a wagon and bring it home?

Mr. BLAINE. Very well; but suppose you go and buy an English ship on the Clyde, which is alongside an English line. You come here and establish a line. The English government to its line pays a subsidy; we refuse it to our line. Does the Senator from New York say that we are putting the American ship-master and the American ship-owner on the same basis as the English line? The English to-day pay confessedly large subsidies and large rewards. I grant, for the sake of the argument, that you may buy your ship abroad.

Mr. BAILEY. Will the Senator from Maine allow me to ask him if the British government pays any subsidy to this line?

Mr. BLAINE. They pay four million and a half dollars to-day on all their lines.

Mr. BAILEY. I speak of the line of steamers plying between the British ports and the ports of Brazil.

Mr. BLAINE. Yes, sir, unhesitatingly I answer that they do. I cannot give exactly the amount, but I can give it to the Senator by to-morrow. Surely they pay a large amount to that line.

Mr. BAILEY. I see in the report made by the Postmaster-General of the lines of steamers subsidized by the different nations that no mention is made of any subsidy paid by the British government to the line to Brazil.

Mr. BLAINE. It may not be a private subsidy, but, for example, they give aid to them in this form—it is not uncommon in several lines: they pay two shillings and sixpence per ounce on mail matter.

Mr. BAILEY. I find all those steamers named in this report from the Postmaster-General, but I find in reference to the line running to Brazil that there is no mention made whatever of any extra compensation or any extra pay for postage.

Mr. BLAINE. That leads into too large a point for me to trench on the time of the honorable Senator from Maryland, to whom I am very much obliged.

Mr. BAYARD. Will the Senator from Maryland permit me one moment?

Mr. WHYTE. Certainly.

Mr. BAYARD. The Senator from Maine has read a part, and not all, of section 2513. This section provides that—

> All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and furnished after the 6th day of June, 1872, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed.

The Senator will perceive that there is much that is delusive in that section so far as relates to the removal of duties upon articles that enter into the construction of a ship, because, in the first place, there are certain main articles imported, I admit, and perhaps the chief articles in the construction of a ship; but there are many more which are needed, which will occur to the experienced mind of the Senator, not embraced in this section at all.

Mr. BLAINE. What?

Mr. BAYARD. Many more?

Mr. BLAINE. One, for example.

Mr. BAYARD. Steel wire or iron wire for rigging.

Mr. BLAINE. That is very seldom employed.

Mr. BAYARD. Seldom! It forms to-day, as the Senator knows, almost the chief part of the rigging of every ship.

Mr. BLAINE. I do not happen to know it.

Mr. BAYARD. Take another fact, the construction of ships of iron to which my attention has been drawn more closely. To prevent the oxydization of that material there is a constant application of paint, which is formed with lead, and upon red lead, which is the chief kind to protect the iron work from the action of the elements, the duty is enormous.

Mr. BLAINE. It is cheaper here to-day than if brought into this country free of duty.

Mr. BAYARD. The American lead would be used by no economical man as compared with the other, in the protection of ship-work.

Mr. BLAINE. Then I may suggest to the honorable Senator that it would be quite easy to use it in a foreign port because vessels are always painted in port. That certainly would not amount to a flea-bite in the argument.

Mr. BAYARD. If practical to keep her on the stocks she could use it, but only when there.

Mr. BLAINE. That would be half the time.

Mr. BAYARD. It could not be imported for her original construction. But I pass that by for the moment. The Senator knows that to import articles requires that they must be imported in the quantities that are needed for the identical contract in question; that a merchant importing these various articles, a general importer, would not be a contractor, but he would import them for sale again to such contractors as should call for them; and it would be impossible for a general importing merchant of these materials to import them except upon special orders, which scarcely if ever would occur, because he could not state that they were imported for that purpose and put in bond by him. Therefore as a matter of practical fact this section of the Revised Statutes has been but little used in the importation of goods in bond for the construction of ships in this country. I do not say that it has not at all been used, but I mean that it has been but little used.

Another fact to prevent it is that with our fifteen thousand miles of coast, and with the enormous jurisdiction of coastwise traffic as compared to the foreign traffic in this country, it would be so serious a disqualification to an American merchant to buy a ship that at will he could not transfer a voyage from New York to Liverpool to another voyage from New York to New Orleans or anywhere along our coast, that he had better have his vessel made in America with the duties paid upon the cost of the material than to avail himself of this proposition under the contingent compulsion of being compelled to repay this duty in case he should use his vessel in the coastwise traffic for two months in the year.

I am speaking of the matter practically. My desire has been most practically and earnestly to see the American flag in the commercial marine restored to the ascendency which it had prior to 1860 in our sailing vessels. Therefore I propose to treat every proposition that is made to restore that, with the utmost favor; but at the same time, by the light of sense and experience, I do say that that section of the statute to which the honorable Senator has referred will be found to be impracticable, unfruitful for the greater part of what it seems to propose.

Mr. WHYTE. Mr. President——

Mr. BLAINE. One moment. The honorable Senator from Delaware refers to the language which I did not read, which really did not bear upon the point that I was illustrating. I will read it over again:

> But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year except upon the payment to the United States of the duties on which a rebate is herein allowed.

Taking the section together, the Senator will observe that it put the coastwise trade of the United States between the Atlantic and Pacific coasts upon precisely the same basis that it put the foreign trade; they were allowed to do just the same.

Mr. BAYARD. I would rather take it that the exclusion of two months would apply to all.

Mr. BLAINE. Not at all. Let me read the whole section:

> All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal, which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States.

Mr. BAYARD. Which would be the coastwise trade.

Mr. BLAINE. Not at all. If the Senator will pardon me a moment, they class that with the foreign trade because the voyages are just as remote, just as long; they require vessels of just as large size. Then when this subject was under consideration, it was said on that very point, and in respect to suggestions now, as one of its important features to which careful regard was had, that you may take a vessel engaged in the foreign trade; she comes home from Liverpool to New York; she cannot get her freight there, but if she can get in some way down to New Orleans she can get a good cotton freight; very well; then we will allow her to be two months every year in the coastwise trade. That will allow plenty of time for the transfer. So the very point the honorable Senator refers to was carefully guarded in that provision for two months, and two months were allowed every vessel engaged in the foreign trade with the United States to make the ordinary trips from port to port for the advantage of better freight, North or South, as the case might be. Now, of course, so long as the coastwise trade of the United States is given the monopoly, it would be idle to add to that any particular privilege about importations free of duty, for they were all upon the same basis. Every one is put exactly upon the same basis; every one is put upon the basis of exactly all other foreign trade in the United States from taking any part in it but for the American vessels engaged in the foreign trade of the United States they have to-day absolutely as free a right to import without duty as they could have under any law.

But let me tell the honorable Senator for the benefit of another question which looms up there, that they very soon found, for instance, on this much-mooted question of iron, that taking the superior quality of the American iron it did not pay to import the British iron; and it did not pay at the time that statute was enacted six years ago, still less does it to-day; and the ship-yards right within sight of the Senator's home that are lining the Delaware to-day, if you lay British iron down side by side with the American, will prefer the American and pay a higher price for it, though they can contract to get it at the same price.

Mr. BAYARD. I believe that is undoubtedly true.

Mr. BLAINE. The section was adapted to the state of things then existing, but all the subsequent happenings in the manufacture have been still more favorable; so that the honorable Senator from New York, whom I rose to reply to, was altogether in error, if he will pardon me, when he talked about the American ship-builder being bound down and deprived of certain advantages by reason of the tariff. He is as free as though the word "tariff" or "custom-house" had never been heard of.

Mr. BAYARD. May I ask the honorable Senator from Maine whether he knows any one case in which a ship has been built of materials imported in bond under the advantage offered to the ship-builder by that act?

Mr. BLAINE. I know several in my own State who tried it, and they found it to be utterly useless. They found that the idea of this boasted superiority and boasted cheapness of the foreign article was a delusion, and that they could do better with the American manufacture; and more than that, you can to-day, in the Senator's own town and on the river on which he lives, engage to have iron ships built just as good and just as cheap as you can have them built on the Clyde.

Mr. BAYARD. Not quite as cheap.

Mr. BLAINE. Yes, I think quite as cheap. The difference, at all events, would not be as much as the rate of exchange on the bills which would pay for the vessel on the Clyde.

Mr. BAYARD. I am informed that for 5 or 10 per cent. they will build in competition with the Clyde.

Mr. BLAINE. For that absolute price, without any regard to the exchange of the money necessary to pay. That is the absolute price; but if it is only 5 per cent. that makes the American ship really cheaper.

Mr. WHYTE. Mr. President, I am surprised——

Mr. BLAINE. I beg pardon of the honorable Senator.

Mr. WHYTE. I am surprised to hear the argument going on between these two Senators on a subject which I supposed had been entirely determined, that the reason why we cannot compete with foreign ships is that we cannot build them as cheap.

Mr. BLAINE. Oh, no; we cannot run our ships as cheap without a subsidy as they can theirs with a subsidy. That is the point.

Mr. WHYTE. There are no English subsidies now, except for the Peninsular line.

Mr. BLAINE. Only four and a half million dollars a year. That is all.

Mr. WHYTE. There are no subsidies whatever except to the line that runs to India. I should like my friend to show me one. The Pacific was the last, and England has abandoned that whole theory of subsidizing steamship lines.

Mr. BLAINE. Will the honorable Senator tell me to-day that the English post-office pays to the Cunard and Inman lines that come right into the port of New York the same as we pay them for carrying the mails?

Mr. WHYTE. I do not say that; but I say the theory of subsidy——

Mr. BLAINE. Oh, a subsidy!

> That which we call a rose,
> By any other name would smell as sweet.

They give them two shillings and sixpence per ounce of mail matter, and it foots up to an enormous sum in the course of a year. Call it what you please, the steamship companies do not quarrel with the name so that they get the cash.

Mr. WHYTE. I am not to be diverted from what I was about to say, Mr. President, by the mode of arguing questions which the Senator from Maine has, that of assertion the moment he is driven from a point, and therefore it is almost impossible to cope with him in any argument.

Mr. BLAINE. The Senator from Maine will wait till he is driven from his position on this occasion.

Mr. WHYTE. Mr. President, I rise with great embarrassment to address the Senate at this hour of the day, and especially after the strong argument which the Senator from New York [Mr. KERNAN] has just made against the proposition contained in these last sections of the post-route bill. It is extremely distasteful to any man of ordinary modesty to address a wearied Senate, and especially to address them at a period of time when they are preparing to spread their wings for their homes; but I should feel myself recreant to duty and feel that I should have no excuse whatever to make to the people who have honored me with a seat upon this floor, if I remained silent in my seat and allowed this amendment appropriating $3,000,000 out of the public Treasury for the purpose of subsidizing two lines of steamships to be added to this bill without at least a feeble protest upon my part against its policy, against its wisdom, against its inequality, against the class legislation which it sets up, and against all the theories to which, in my judgment, the party to which I belong is irrevocably committed.

In the first place, Mr. President, I consider it the grossest piece of unwisdom to add these sections to this post-route bill—unwisdom, because the proposition has in it no novelty; unwisdom, because the experience of our country has demonstrated that it is the veriest

folly, neither building up the line to which the fostering care of the Government is extended, nor increasing the commerce of our country, but destroying the fixed channels of trade and breaking up that which is prosperous at the time the subsidy is granted.

It was my experience to have been a short time in the House of Representatives in 1857 and 1858, when this question was discussed, and being present there, I heard it discussed. It was again discussed in 1868 or 1869 in this Chamber, when an effort was made by the Senator from Minnesota, who was then at the head of the Post-Office Committee, (Mr. Ramsey,) to obtain a subsidy for an ocean steam-navigation company. It has been my privilege to hear it discussed, to hear it debated, and to hear to-day the same arguments, with the glare of experience upon our pathway to show us that the arguments will not hold water when subjected to the test of experience.

Mr. President, we have been subsidizing lines since 1843. For the last thirty years this Government has, in larger or smaller degree, held out its hand and opened wide its Treasury to build up, as we were told then, American commerce and to make our country "blossom as the rose." We have tried the experiment not once, not twice, but over and over again; and what is our experience? In every instance, without exception, without a single exception, disastrous failure has followed on the heels of subsidy. Who does not remember with what grand proportions the Collins line of steamers, in 1848 or 1849, started to cross the ocean—midshipmen detailed from the Navy to go on board; all the insignia of the Navy Department thrown around it; all the glare of our country added to its money to enable this line to compete with British steamers in crossing the ocean under the American flag? We started giving them $16,000 a trip, and it ran along for one or two years, and we found them at the doors of the Senate and at the doors of the House of Representatives pleading, like Oliver Twist, for more; and the next year or the second year thereafter doubling our subsidy from $16,000 up to $33,000 a trip, and so on year after year until at last it got to the enormous sum, in 1855, of $858,000, and then they came to Congress and demanded more privileges; they came to Congress and demanded that the United States Government should give up rights that it had under the original Collins contract, and Congress, as Congress generally does, answered to the appeals of the corporation, answered to the appeals of the men that thronged the corridors beseeching for more, answered them by repealing the clauses giving rights to the United States, and leaving the Collins line free from the embarrassment which had been originally put in the act of 1845, and granting additional subsidies, and Franklin Pierce vetoed the bill; and after that, with all the subsidies, they were compelled to withdraw their steamships from the line, and that great enterprise ended in ignominious failure.

That is not the only case. We subsidized a line at the same time, known as the New York and Havre line, and also the German line, running, I believe, under the title of the Ocean Steam Navigation Company. That was subsidized on the 3d of March, 1847, and for a few years it drew its subsidy with singular punctuality; it ran along for a little while; and now what has become of the NewYork and Havre line and the German line? "Gone," in the elegant language of Mr. Fisk, "where the woodbine twineth."

That is not all. Have we not been subsidizing the Pacific Mail line for years and years? Have we not paid from four and a half to five millions of dollars for the ten years prior to the expiration of the contract in 1875? And what is the Pacific Mail Steamship line to-day but a mere bubble blown up on the stock-boards like the soap bubbles of children, one day high in the air and the next day down upon the ground; without any real merit, without any real substance, it is nothing but a speculative stock in the markets of New York.

That is not all. Who can forget the scandals which grew out of that Pacific Mail line in its dealings with Congress in the last few years? Look at our experience with these subsidized steamship lines. What have they done to enhance the honor of the American name, to raise the flag of our country high in the estimation of the world? No; what they have done has been to drag our public men down into the dust and mire, to smirch them with scandal, a reproach to any deliberative body on the face of the earth.

Sir, there were five lines, all of them subsidized by the Government, all of them patronized like children by some overindulgent parent, all of them receiving a fostering hand, all of them receiving kindness from their government, and not one of them is left to tell what became of the flag that floated at their masthead—not one.

Then next, last though not least——

Mr. SAULSBURY. Garrison's line.

Mr. WHYTE. I thank my friend from Delaware; but I was just coming to it—chronologically last, but not least, came Commodore Garrison's Brazilian line of steamers, subsidized in 1864, started in 1865, and lasting for ten years only. Ten years! It seems to be like the life of a ship; a subsidized steamship line never lasts more than a decade of years. It destroys the commerce which it is set up to foster; it ruins the sailing-vessels; it drives them out of the trade into some other, and it just lasts long enough to destroy the very commerce which it was supposed it was to make. That line got $150,000 a year. It expired in September, 1875. Now, what was the experience of that line? Here is your Brazilian line with the same subsidy that you propose now, $150,000, starting more than ten years ago, trying the experiment for ten years; and with the result of that before our eyes, we are asked as sensible men to go and commit the same folly over again. Why, Mr. President, it is incredible; it passes the realms of comprehension that Senators of intelligence, that Senators of mind, that Senators of experience in practical affairs, are appealed to to-day, after ten years of practical operation of a line between New York and Brazil, subsidized with the same subsidy proposed in this bill, sinking as a disastrous failure, to repeat that history and go home to our constituents and explain our reasons for doing it.

But, Mr. President, out of Commodore Garrison's own mouth the declaration came that the line could not live, subsidy or no subsidy; there was no trade to justify it; and the $150,000 a year was not sufficient to run it, and there was nothing beyond that to run it with. Mr. President, lo! that line stopped.

Now, let me give you my own home experience. Right on top of that line came across the water the ships belonging to the great house of King & Co., English merchants, English booksellers of vast wealth, who were engaged in commerce as well as in the publication of books, who had made large fortunes in their experiments as commercial men. They came across the ocean to Baltimore. Why did they come to Baltimore? They saw that Baltimore was one of the largest importing seaports from Brazil. They saw that if there was any place where the trade would be good it would be at Baltimore, because Baltimore had with thirty-odd sailing-vessels been building up for fifty years a trade between Rio and that port. They knew that it was becoming one of the largest coffee-importing places on the Atlantic coast, and they came there determined to start a line of steamers between Rio and Baltimore. The Government thought so too, and the Government transferred its mail from the Garrison line when it stopped to the King line when it started, put the mail on board of these English ships to go to Brazil. Very well; they had large vessels; they had the King Arthur and the Kingfisher of nearly three thousand tons burden. They tried the experiment for us, and made trip after trip. Two or three of the first trips were successful; but when they got to running pretty regularly they found that they had exhausted the stock of coffee in Brazil ready for shipment, and they had to go back to Baltimore with, instead of twenty thousand bags of coffee, six hundred and six thousand bags of coffee. They found that there was no trade to justify a line of steamers of large class between Brazil and the port of Baltimore or any other port on our Atlantic coast.

There is another line, now, besides this Merchants' line, run by these Englishmen, against whom our friend the Senator from Maine seems to have tilted the other day, another line of large steamships have been bringing, whenever they could get an opportunity, cargoes from Rio to the port of New York; but they cannot do it; there is not trade enough to continue it; they have been compelled to abandon it. And so to-day, with the light before us and the experience before us of the utter and disastrous failure of all these subsidy lines, and the failure of lines without subsidy, trying to build up a commerce between Rio and the Atlantic ports, we are asked to be guilty of the same folly again.

Mr. President, these are subsidized lines that have failed. What has become of the unsubsidized lines, not between Brazil and our seaports, because there is not business enough for them, but between Europe and the United States? Take the National line; take the Guion and Williams line; take the Anchor line; take the White Star line, all of them are successful without subsidy; and therefore why should we talk about subsidizing new lines that cannot live with a subsidy when we have the experience to show us that the lines without subsidy are more successful than those with subsidy? Practical experience is against it, I say to my friend from Maine. He may say that England pays a little more for postage than the postage is really worth. So we can pay a little more for postage; but I say that the principle of subsidizing vessels has been abandoned in England, wholly abandoned, abandoned upon full experience, abandoned because they found they could not support subsidized lines, but that they might by paying liberal sea-postage keep a line along. Nobody objects to that; a reasonable price paid for postage nobody will object to; but to talk about paying $150,000 a year for that which now costs the Government $1,200 a year is indefensible, it is unjustifiable, and we have no right to take the money out of the pockets of the people to give to anybody, I do not care whether it be Mr. Roach or anybody else.

Mr. President, this is my view, upon the broad principle that to subsidize a line is not to benefit it, upon the broad principle that it is against good governmental policy to subsidize a line. These are my opinions on that branch of the case, as a mere citizen; as a representative, without any reference to my political affinity; but as a democrat I cannot, I dare not, in my fidelity to my party, as I view it—and I respect the opinions of others who view it otherwise—vote for a subsidy for any steamship line or any corporation.

Sir, if there is any one thing to which the democratic party is pledged, it is to anti-subsidy. When the democratic party obtained control of the House of Representatives in the Forty-fourth Congress, one of its very first acts was, by a resolution which I hold in my hand, offered by Mr. Holman, of Indiana, to declare—

That in the judgment of this House, in the present condition of the financial affairs of the Government, no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises; and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service.

That was passed by a vote of 223 against 33. Ay, and the republican party in its House of Representatives in 1870, by a unanimous vote, passed identically the same resolution. Now, we are here told to-day that it is right, it is proper in this crucial time of our country, in this hour of its financial embarrassment, in this day of trouble, it is our duty to vote $3,000,000 out of the public Treasury to subsidize a private steamship line between New York and Brazil.

Mr. President, I am opposed to it because it is class legislation of the worst kind. It is legislation in behalf of a single individual. My friend from Texas and my other friend from Louisiana may turn me to this bill and talk to me about advertisement. Advertisement! It is a fraud and a humbug—I do not mean that anybody puts it up as a fraud; I use the word merely in the sense that it deludes. It is a snare and a delusion; that is perhaps the more parliamentary expression. It is a snare; it is a delusion. Every man knows it is adopted from the old Collins bill. It is not new. The Collins men put it in. They knew they had the contract, and that is what they wanted; and so now John Roach has got his $100,000 or $120,000 subsidy from Brazil; he has started his vessels already; and what does your amendment say? That the first steamer shall start on the 1st day of July, and describes it as of three thousand tons burden. Who is there to compete? Who can compete with this Roach? He has got command of the whole cover himself. There are to be two lines; the first steamer is to leave on the 1st of July. Can anybody build a steamer in that time? Can any one buy a steamer across the water? If any one could, could he get it here in time? No. Why not write upon the face of the bill "A bill for the benefit of John Roach," and let the public understand it. That is no way for legislation. No wonder he banqueted us all; no wonder flags were flying at Chester; no wonder that the corks of champagne were heard crack; no wonder we were received with a hospitality worthy of a prince! I did not go, but I speak collectively, of course. My friend from Maine I think was there.

Mr. BLAINE. I was not.

Mr. WHYTE. Well, he went to Chester to make a tariff speech the other day, which was quite as good for Johnny, just as good. [Laughter.] But, Mr. President, no wonder with his advantages, with his vessels all ready, with his subsidy on the other side, he was glad to see Congress. He will be much more delighted to see them after this bill passes, in another reception probably, unless he is like some politicians who always forget the favors of the past and are looking for those that are to come *in futuro*.

Who can doubt that it is for Mr. Roach? The very report of the committee indicates it, if the bill does not:

> The Emperor of Brazil has recognized the absolute necessity of governmental aid for the successful establishment of lines of American steamships between his empire and the United States, against the competition of European lines, all running with the aid of government subsidies.

You see the committee differ from my friend, the Senator from Maine. They call it a subsidy.

Mr. BLAINE. I have not said a word about it.

Mr. WHYTE. Yes, my friend said——

Mr. BLAINE. I was discussing the question of free ships with the Senator from New York. The Senator from Maryland is running along a line parallel with some other person, for whom he is making me stand as a substitute.

Mr. WHYTE. That is absolutely impossible. My friend from Maine can never be substituted by any living human being; he has no parallel and no prototype. I give him credit for originality from stem to stern, speaking in ship language.

Mr. BLAINE. Do not make one in your imagination, then.

Mr. WHYTE. I have no imagination; I always deal with facts. Again the committee say:

> And the emperor has indicated his preference against great opposition from European steamship-owners, and on the 4th of November, 1877, entered into a contract with Messrs. John Roach & Son, of the Morgan Iron Works, New York, for the transportation of the mails from Rio Janeiro, Pará, Pernambuco, and Bahia, to New York City and return, monthly, for the term of ten years, commencing in April, 1878, at a compensation of from $110,000 to $120,000 per year.

There is the whole milk in the cocoanut. John Roach has got $120,000 at that end of the line and he wants $150,000 at this. Why not say so? Of course let him have it! I have not a doubt he is one of the cleverest gentlemen in the country; and if he wants it, we, the representatives of the people, ought to give it to him by all means! But, Mr. President, I do not propose to get into that boat.

Now, then, I say it is against the doctrine of my party, it is against the doctrine of the republican party, and lastly—for I do not intend to keep the Senate, because I know how very disagreeable it is both to the speaker and to the hearers when they are anxious to get away and he knows he is trespassing on their time, ["Go on,"] and therefore I shall not protract this debate ["Go on"] more than long enough to do my duty to my people. That I must do; that I will do; and when I have said all I can say in brief and as near the point as my feeble faculties will enable me, then I shall wisely do as I did during the war: submit and accept the situation.

Now, then, Mr. President, why is the Senate asked to do this gross act—and I do not use language unparliamentary in its character, nor do I mean to be offensive; I only use it as the superlative expression that I can command at the moment? Why should the Senate be guilty of this gross act of favoritism, of favoritism to New Orleans and New York? Why should the Senate of the United States take the hammer, and while building up as they suppose they will, those who vote for this measure, the commerce of New York and the commerce of New Orleans, crush my poor city? Why should Baltimore, that for half a century has been struggling with its fast-sailing clippers, that has been struggling with its light vessels to run to South America and bring coffee to its port, to be distributed to the States of the far West, why should it be ground between the upper and nether mill-stones of New York and New Orleans? Why should this be done? I ask Senators. I appeal to their generosity, I appeal to their magnanimity. Why should they build up that great emporium, New York; why should they pour into its lap the wealth that they anticipate to come from this subsidized line, for the purpose of crushing out that little city at the head of the Chesapeake Bay? We are no rival of theirs; we are no rival of New York or New Orleans. I ask why destroy our commerce, why drive our light vessels from the sea, as the Alabama and the Florida drove American commerce from the ocean? Why, I will not say pirate upon our poor people, but why stretch out your fostering hands to that great city of the North and to that city that sits at the receipt of the customs as vessels pass down the Mississippi out into the Gulf?

Let me ask the Senate for one moment to look at Baltimore's commerce with Rio. In 1874 New York imported 789,891 bags of coffee; Baltimore imported 379,571; New Orleans imported but 149,872. In 1875 New York imported 1,084,386 bags; Baltimore, 670,202; New Orleans, 198,213. In 1876 New York imported 734,981 bags; Baltimore, 475,737; New Orleans, 158,883. New York, in 1877, imported 1,057,496 bags; Baltimore, 513,935; New Orleans, 203,958. Here our city, with its little fleet of sailing-vessels, imported half as much as New York and three times as much as New Orleans; yet you are determined to crush us out, to put steamships on the lines to New Orleans and New York to bring all the coffee there and leave the sailing-vessels of Baltimore engaged in this traffic for half a century to turn their prows away from this foreign commerce and coast along the shores of the State and pick up the little freight that they can pick up in that coastwise traffic. And you, men of the West, to whom the port of Baltimore has been of late years a blessed outlet, to whom through the port of Baltimore much of the materials that have gone into your work have been imported to make your wealth, you are asked to destroy the commerce of that city, to build up and subsidize lines of steamships which will wipe from the face of the ocean every vessel that has been in the habit of sailing out of Baltimore to these Brazilian ports.

Again, let me show Senators a statement just made up to the 1st of May, 1878, of the exports to Brazilian ports from the port of Baltimore. My friend from Texas beautifully portrayed that rich and flourishing State, a State in which we all have pride, a State in which we all take undying interest. He spoke of this measure as opening up its commerce, opening up an outlet for its flour. Of course it will; and as it opens up that flour trade to that great State, while it may be built up, while it may put electricity in its veins and impart life to its trade, as it gives to Galveston and to Texas life, it stabs in the very vitals the port of Baltimore and that rich and growing region of country in Maryland which others I am sure would not wish to injure.

Exports to Brazilian ports from May 1, 1877, to May 1, 1878, from the port of Baltimore.

Articles.	Rio de Janeiro.	Pernambuco.	Santos.	Total.
Flour, barrels	235,981	44,696	3,185	283,862
Lard, pounds	3,854,934	80,167	20,335	3,955,436
Lumber, feet	373,168	.....	.....	373,168
Kerosene, gallons	1,000	.....	.....	1,000
Resin, barrels	.....	653	.....	653
Corn, bushels	13,099	4,278	.....	17,377

It will be seen from this statement that there were sent from Baltimore to Brazil last year nearly three hundred thousand barrels of flour by these little sailing-vessels that run down there in twenty-six or twenty-seven days.

The imports from Rio de Janeiro to Baltimore from May 1, 1877, to May 1, 1878, were 445,028 bags of coffee.

This is our trade, and this is our trade which we are to have sacrificed.

Mr. President, one word more. The merchants of Baltimore have appealed to you, those merchants whose names are known all over the country, whose names are known in foreign lands, men like Alexander Brown & Sons, Thomas Whitridge, E. Levering & Co., and Robert A. Fisher & Co., men who for nearly three quarters of a century have been engaged in this trade. They appeal to you not to subsidize these vessels; they appeal to you upon the ground that you will destroy a commerce already existing and not build up that commerce which you anticipate by the passage of this bill. They tell you this remarkable thing also that since the Garrison line failed we have had a telegraphic cable from Rio, and by that cable all the communications are made between their correspondents in Rio and the merchants on this coast, so that the coming of letters is a mere matter of detail. The facts are communicated by a telegraph code which they understand; they are communicated so that they know

what is coming, they know how to sell, they know all the changes in the market hour after hour; and when the letters come nine out of ten are never read; they are handed to the clerks, because the whole of them have been anticipated by the telegraphic cable.

That is not all. Remarkable to say, these lines of steamers are only to run in twenty-five days to Rio. They do not profess that they are going to run any faster. Twenty-five days to Rio! Now, I know myself of a vessel, the Paladin, that has made the voyage in twenty-seven days, and this memorial states that another vessel has made the voyage in twenty-six days.

Mr. THURMAN. Sailing-vessels?

Mr. WHYTE. Yes, the sailing ones. The Paladin has made the voyage in twenty-seven days; another vessel, referred to in this very memorial, has made the trip a day shorter, in twenty-six days.

Mr. EATON. There are to be twelve round trips a year; therefore they cannot consume twenty-five days in each trip. There are to be twelve round trips in the year.

Mr. FERRY. If the Senator from Maryland will allow me, I wish to remind him that the first steamer which has been run under this company that he has so characterized as Roach & Co., has made the trip in twenty-three days.

Mr. WHYTE. In twenty-three days. Yes, that is her trial trip, and I will venture to affirm they put the steam on to show what she could do, to let you all know that she could make three days over our sailing-vessels.

Mr. FERRY. If the Senator understands anything about commerce, he knows that the trial trip is not always the best trip.

Mr. WHYTE. I know that when a man wants to get a subsidy he will make his vessel run up to the top of the ladder, just as fast as she can go; and some of them put resin in the fires for the purpose of making more steam. They will blow it up if it is necessary to get a good big subsidy. [Laughter.]

Mr. WITHERS. My friend will permit an interruption a moment. He denies that the English government pay any subsidy to their vessels. In other words the amount they pay for carrying the mails is not a subsidy; but when we propose to pay extra for carrying mails, that is a subsidy! I want to know wherein the distinction exists between the two cases.

Mr. WHYTE. It is a very simple distinction. When they pay a subsidy they pay an enormous sum; but when they take the subsidy off they pay a comparatively small sum, a little more than the ordinary postage.

Mr. WITHERS. My friend does not undertand the point of my inquiry; no doubt it is my own fault. He denies that the English pay any subsidies to their vessels and asserts that it is simply extra compensation for carrying the mails. This bill provides that we shall pay compensation for carrying these mails upon an advertised rate; and that he denounces as a subsidy. Now, if it is a subsidy in one case, it strikes me it is a subsidy in the other; and if not in the one case, it is not in the other.

Mr. WHYTE. The difference is this: the English government paid as a subsidy $2,250,000 when they paid as a subsidy; when they take the subsidy off and pay for carrying the mails they reduce it to about $400,000. That is the difference exactly; and there is not a single line now except the Oriental and Peninsular line that is actually subsidized by Great Britain.

Mr. PADDOCK. Will the Senator allow me?

Mr. WHYTE. I shall soon get through, and then somebody else can take the floor. I do not want to be occupying the whole time of the Senate.

Mr. PADDOCK. Just one word.

Mr. WHYTE. I will yield for twenty words.

Mr. PADDOCK. The Senator says that when an extravagant payment is made, that is a subsidy. I find that the contract price from Fort Worth to Yuma, in the Territory of Arizona, a distance of five hundred miles, is $134,000. Does the Senator consider that a subsidy?

Mr. WHYTE. I am not talking about what has been done in the United States in regard to your western Territories.

Mr. PADDOCK. That is the present contract.

Mr. WHYTE. You have been getting millions of acres of land for your railroads. I know it all; but I never voted for one of them, and I would not vote for one of them to-day. Is not the cry going up from Maine to Georgia, from the Atlantic to the Pacific, that the whole western country has almost been taken away from the settlers and given to corporations? I know it.

Mr. PADDOCK. This line to which I referred is not a railroad line; it is under the star service, performed by coaches, by four-horse coaches instead of on horseback or buckboard, as formerly was the custom.

Mr. WHYTE. I have not a doubt about it that we pay an enormous sum for carrying the mails through the West, and I know more than that, that notwithstanding what we paid in the past we have Holladay claims and all sorts of claims here for additional pay in excess of what they have already got. I know all that. More than that, Mr. President, that is real pay for actual service done in a country where it is dangerous to carry on the transportation of mails and express matter.

But, Mr. President, let us see the justice of this. Suppose I submit to my friends who are supporting this bill a little amendment to it. Let us see whether it is intended to build up commerce. I will submit to my friends a proposition to amend this bill and to insert on line 6, page 92, between the words "ply" and "between" the word "alternately," and after "New York" on the same line "and city of Baltimore." Let us have three lines. I think that is fair if you are going to dispense benefits. Now, take up the list of imports—take up the sea-ports that are dealing with Brazil, and you find Baltimore standing in between New York and New Orleans, having half the imports that New York has and three times as much as New Orleans; and if you are going to run steamship lines, suppose you put Baltimore right in between. That she is entitled to.

My friend from Virginia [Mr. WITHERS] asks me if I will vote for it. He does not suppose I am going to answer that question. Does he think I am going to put a contract of that kind in writing? Not exactly.

Mr. FERRY. I wish to ask my friend from Maryland if the bill is amended so as to run a steamer alternately to Baltimore and New York, will he support the bill?

Mr. WHYTE. No, I will not. I am only testing your sense of justice, that is all, so that I can go before the people and say it was a subsidy for John Roach and nobody else.

Mr. CHRISTIANCY. Mr. President——

Mr. THURMAN. Will the Senator give way for a motion to go into executive session?

Mr. FERRY. I hope not.

Mr. CHRISTIANCY. I will give way for a motion for an executive session.

Mr. THURMAN. We cannot get through with this bill to-day, and we might as well go into executive session.

Mr. CHRISTIANCY. I give way for that purpose.

Mr. MORRILL. I think we had better adjourn.

Mr. THURMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at five o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 4, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. O. P. FITZGERALD, of San Francisco, California.

The Journal of yesterday was read and approved.

JURISDICTION OF CIRCUIT COURTS.

Mr. HENDERSON. I ask unanimous consent to introduce a bill, by request of the gentleman from Vermont, [Mr. JOYCE,] who is absent on account of sickness.

There being no objection,

Mr. HENDERSON introduced a bill (H. R. No. 5121) extending the jurisdiction of the circuit courts of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAND GRANTS TO RAILROADS, ETC.

Mr. FULLER. I ask unanimous consent to report from the Committee on Public Lands, in order that the report may be printed and the bill recommitted, the bill (H. R. No. 3544) to forfeit certain public lands granted to aid in the construction of certain railroad and telegraph lines.

The SPEAKER. The Chair hears no objection, and it will be ordered accordingly.

Subsequently,

Mr. HEWITT, of Alabama said: Mr. Speaker, I objected a few moments ago to the report which the gentleman from Indiana [Mr. FULLER] desired to present from the Committee on Public Lands.

The SPEAKER. The Chair did not hear the objection.

Mr. HEWITT, of Alabama. That bill includes railroads whose title has not been forfeited, railroads that have complied with every condition of the law; and I do not want it to go out over the country that they have forfeited their title or that there has ever been such a bill reported.

The SPEAKER. The proposition was merely to recommit the bill to the committee of which the gentleman from Alabama is a member, the purpose being merely to have the report printed.

Mr. HEWITT, of Alabama. I make my objection because I do not want an incorrect statement in regard to those railroad companies to go out to the country.

The SPEAKER. The Chair did not hear the objection; but if the gentleman says he rose to object the Chair will of course recognize him as being in time.

Mr. HEWITT, of Alabama. Well, sir, I object.

Mr. FULLER. I raise the point of order that the objection comes too late. The matter had been disposed of and the House had gone to another and entirely different matter.

The SPEAKER. Did the gentleman from Alabama rise in time to object?

Mr. HEWITT, of Alabama. I rose to address the Speaker.

The SPEAKER. That is sufficient.

LIEUTENANT JAMES T. LEAVY.

Mr. BANNING. I ask unanimous consent to report, with an amendment, from the Committee on Military Affairs, a joint resolution for the relief of an insane Army officer.

The joint resolution (H. R. No. 169) authorizing the payment of the accounts of Lieutenant James T. Leavy, an insane officer, was read. It recites in the preamble that the pay account of First Lieutenant and Brevet Captain James T. Leavy, United States Army, retired, is in an unsettled condition by reason of his insanity, there being mutual indebtedness between said Leavy and the Government; the joint resolution therefore directs the Paymaster-General to adjust the pay accounts of Leavy and pay the balance, if any, found to be due him out of any moneys appropriated for the pay of the Army.

The amendment reported by the Committee on Military Affairs was to strike out all after the word "pay," in the fifth line, and insert the following:

Out of any moneys appropriated for the pay of the Army, the balance, if any, found to be due him on account of salary during the time his name was omitted from the Army Register on account of his request to be wholly retired, which request was made by him while insane.

There being no objection, the House proceeded to the consideration of the joint resolution.

Mr. BANNING. Mr. Speaker, Lieutenant Leavy having been examined by a retiring board and found to be insane, was retired from active service by paragraph 14, Special Orders No. 182, dated Adjutant-General's Office, July 31, 1868, on account of said insanity, and confined in the Government Hospital for the Insane. After remaining under treatment for several months he was permitted to leave the hospital to be cared for by his mother, and subsequently at his own request he was wholly retired and his name thenceforward omitted from the Army Register, by paragraph 4, Special Orders No. 151, dated Adjutant-General's Office, June 23, 1869, whereupon he was paid one year's pay and allowances.

Application was made for his restoration to the retired list on the ground that he was insane when he asked to be wholly retired. A board of medical officers, consisting of the Assistant Surgeon-General and two full surgeons of the Army, was convened by the honorable Secretary of War to inquire and determine as to his mental condition at the time he applied to be wholly retired. This board found that he was insane at that time and had been ever since. The matter was then referred to the Attorney-General, and Special Orders No. 69, dated Adjutant-General's Office, April 2, 1878, was issued from the War Department. Paragraph 9 of that order reads as follows, to wit:

By direction of the President, in accordance with the opinion of the Attorney-General, the order of June 23, 1869, from this office wholly retiring First Lieutenant James T. Leavy, Seventh United States Cavalry, is declared void, Lieutenant Leavy having been insane when he requested it. Lieutenant Leavy's name is by direction of the President restored to the retired list, in accordance with paragraph 14, Special Orders No. 182, July 31, 1868, from this office.

By command of General Sherman, &c.

It will be remembered that Special Orders No. 182, just referred to, was the order which retired Lieutenant Leavy in the first instance; hence he is returned to his original status on the retired list under that order. A portion of the time involved in the settlement of his pay accounts covers a period for which no funds are available, as the law requires all unexpended balances to be covered into the Treasury within two years.

The House joint resolution No. 169 only authorizes the adjustment of this officer's accounts in accordance with existing laws, and is in accordance with the views of the honorable Secretary of War. It simply facilitates a settlement by making funds already appropriated available for his pay, covering a period for which all unexpended appropriations have been covered into the Treasury.

The amendment reported by the committee was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFIRMATION OF TITLE.

Mr. PRICE. I ask unanimous consent to put upon its passage at this time the bill (H. R. No. 3980) to confirm the title to the northeast quarter of the northwest quarter of section 7, township 81 north, range 4 east of the fifth principal meridian, Clinton County, Iowa.

The bill has the unanimous approval of the Committee on the Public Lands. It merely changes a single word.

The SPEAKER. The bill will be read, after which objections, if any, will be in order.

The bill was read, as follows:

Whereas John M. Knott presumed that he had applied for and entered from the United States, on the the 29th of February, A. D. 1848, the northeast quarter of the northwest quarter of section 7, in township 81 north, range 4 east of the fifth principal meridian, in Clinton County, Iowa; and

Whereas said John M. Knott soon thereafter entered into possession and occupancy of said land, and has continued to occupy said land through his grantees to the present; and

Whereas said application through mistake described the land as being in range 3 east, instead of 4 east; and

Whereas the Department of the Interior, under letter dated February 19, A. D. 1876, has decided that said land, in range 4, is within the limits of the Iowa Central Air Line (now the Cedar Rapids and Missouri River) Railroad, and that the said tract of land inured to said road by virtue of the grant of land to the railroad aforesaid, under the act of Congress approved May 15, A. D. 1856; and

Whereas the said Cedar Rapids and Missouri River Railroad, by deed dated November 17, A. D. 1876, now on file in the General Land Office, has released and surrendered unto the United States all the right and claim said company now has, or may acquire, to the northeast quarter of the northwest quarter of section 7, township 81 north, range 4 east of the fifth principal meridian, upon the express condition that the United States will issue a patent unto the said John M. Knott for said land last described, to the end that his said grantees may be protected in their rights: Therefore,

Be it enacted, &c., That the deed to the United States from the Cedar Rapids and Missouri River Railroad to said land be accepted, and that a patent issue to the said John M. Knott for the same.

Mr. DUNNELL. I suggest to the gentleman from Iowa to drop the whereases of the bill.

Mr. PATTERSON, of Colorado. If that is done, the whole body of the bill would have to be remodeled.

Mr. TOWNSHEND, of Illinois. Where does this bill come from?

Mr. PATTERSON, of Colorado. The Committee on Public Lands recommend it unanimously.

Mr. COX, of New York. I object to the present consideration of the bill.

Some time subsequently,

Mr. COX, of New York, said: I withdraw my objection to the bill in charge of the gentleman from Iowa, if it can be passed without debate.

There being no further objection, the Committee on Public Lands was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported back the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, with amendments by the Senate, and moved that the House non-concur in the Senate amendments.

Mr. DUNNELL. Those amendments have not yet been considered by the House.

The SPEAKER. The bill was returned from the Senate with amendments and was referred to the Committee on Appropriations. It now comes back from that committee with the recommendation that the amendments be non-concurred in.

The amendments of the Senate were non-concurred in.

Mr. ATKINS moved to reconsider the vote by which the amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TENTS, ETC., FOR TEXAS VOLUNTEERS.

Mr. MILLS. I ask unanimous consent that the joint resolution (H. R. No. 177) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment be put upon its passage. The governor of Texas is to have a drill of the volunteer force of the State and desires to borrow some tents from San Antonio, giving bonds for a return of the property.

The joint resolution was read. It directs the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require, and as may be in the quartermaster's department at San Antonio, Texas, for the use of the volunteers of said State at their summer encampment for 1878. The quartermaster at San Antonio, Texas, shall take a good and sufficient bond for the return of such property in good condition after said encampment.

There being no objection, the Committee on Military Affairs was discharged from the further consideration of the bill, and it was brought before the House for consideration.

Mr. MILLS. I offer the following amendment:

In line 5, after the word "pins," insert "and camp and garrison equipage."

The amendment was agreed to.

Mr. BEEBE. Should there not be a provision incorporated leaving the turning over of this property within the discretion of the Secretary of War?

Mr. MILLS. I agree to that, and move to amend by adding the following proviso:

Provided, That the Secretary of War approve thereof.

The amendment was adopted.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARINE DANGER-SIGNAL.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported, as a substitute for the bill H. R. No. 4675, a bill (H. R. No. 5122) to test a marine danger-signal; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. EDEN. Not to be brought back on a motion to reconsider.

The SPEAKER. That is understood.

ORDER OF BUSINESS.

Mr. RYAN. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 766) to legalize certain patents issued to members of the Pottawatomie tribe of Indians.

Mr. EDEN. I must object to going on with bills in this irregular way. I demand the regular order.

The SPEAKER. The regular order is the unfinished business.

Mr. HARRIS, of Virginia. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

CONGRESSIONAL ELECTION IN WEST VIRGINIA.

Mr. HARRIS, of Virginia. I am instructed by the Committee of Elections to report back, with a favorable recommendation, the bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia.

The bill was read, as follows:

Be it enacted, &c., That on the second Tuesday of October, 1878, there shall be elected in each congressional district in the State of West Virginia one Representative to represent said State of West Virginia in the Forty-sixth Congress.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. HARRIS, of Virginia. I call the previous question on the engrossment and third reading of the bill.

Mr. DUNNELL. I think there ought to be some reasons given for this proposed departure from the general law.

Mr. HARRIS, of Virginia. I can state the reason in a very few words. The convention of the State of West Virginia was in session at the time of the passage of the law of 1872 requiring congressional elections to be held on the Tuesday after the first Monday of November. The constitution of the State of West Virginia was adopted a few days after the passage of the general law, but without a knowledge on the part of that State that the law had passed. The constitution accordingly provides a date different from that of the general law; and this bill is necessary to enable the election to be held on the day provided in the constitution.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATENTS TO POTTAWATOMIE INDIANS.

Mr. EDEN. I withdraw my objection to the bill in charge of the gentleman from Kansas, [Mr. RYAN.]

Mr. RYAN. I ask that the bill be read.

The bill was read, as follows:

A bill to legalize certain patents issued to members of the Pottawatomie tribe of Indians.

Be it enacted, &c., That the patents issued April 15, 1871, to certain Pottawatomie Indians in the State of Kansas, under the third article of the treaty between the United States and the Pottawatomie tribe of Indians, of November 15, 1861, and the sixth and eighth articles of the treaty between the United States and said tribe of Indians, concluded February 27, 1867, be, and the same are hereby, declared to be valid and in full force and effect to the same extent as they would have been had said patentees become naturalized citizens of the United States prior to the issuing of said patents: *Provided*, That this act shall only apply to patents for lands for which conveyances have been made in good faith by the patentees subsequent to the issuing of their patents.

There being no further objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NANNIE HALL.

Mr. SINGLETON. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table a bill (S. No. 1174) for the relief of Nannie Hall, in order that it may be considered at the present time.

The bill, which was read, provides that the claim of Nannie Hall, formerly widow of Lieutenant Frederick J. Denman, of the United States Army, for the proceeds of cotton alleged to have been seized and sold by agents of the United States, be referred to the Court of Claims for its decision and adjudication according to law and the practice of said court, without regard to the statute of limitation.

Mr. SINGLETON. A word in explanation of the matter.

The SPEAKER. The Chair will hold the objection in reserve until after the gentleman's explanation.

Mr. SINGLETON. The Senate passed that bill unanimously. It was reported by Senator HOAR, and the gentleman from Maine [Mr. FRYE] on the Judiciary Committee has made a favorable report to that committee on this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection, and the bill was taken up and read a first and second time.

Mr. FRYE. I only wish to say, Mr. Speaker, that I have examined this bill with care, and reported in its favor to the Judiciary Committee. That report has been unanimously adopted, and I have been instructed by the committee to make the motion to take this bill from the Speaker's table and to put it on its passage. This is the widow of a Union officer, and it is all right.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROBERTS. I demand the regular order of business, and call up the unfinished business of last evening, which is the life-saving-service bill.

The SPEAKER. The regular order of business is the unfinished business coming over from yesterday, reported from the Committee of Ways and Means by the gentleman from Illinois, [Mr. BURCHARD,] in relation to internal revenue.

Mr. YOUNG. I move to go into the Committee of the Whole on the state of the Union.

Mr. HARTRIDGE. I desire to raise the question of consideration between the unfinished business and the morning hour.

The SPEAKER. The Chair desires to state that the unfinished business is really the bill from the Committee of Ways and Means in relation to internal revenue.

Mr. KNOTT. I understand, however, Mr. Speaker, that the gentleman from Illinois consents we shall have a morning hour for reports from committees.

Mr. BURCHARD. If the House desires a morning hour, of course I shall not object.

Mr. COX, of New York. It was understood on the part of the gentleman from Illinois that the life-saving-service bill should come up this morning and be disposed of.

The SPEAKER. If there is a morning hour the life-saving-service bill will come up immediately afterward under the order of the House. The original resolution was that the previous question should be called after the morning hour of Tuesday; that is, after the morning hour this day.

Mr. COX, of New York. The morning hour has not yet been ordered.

The SPEAKER. The best way to reach the regular order is to have a morning hour. The Chair states further the gentleman having charge of the life-saving-service bill does not antagonize the morning hour.

Mr. BURCHARD. I have no objection, provided that the bill in reference to internal revenue shall keep its place.

The SPEAKER. It will not lose its place.

Mr. KNOTT. I call then for the regular order.

MORNING HOUR.

The SPEAKER. The morning hour begins at fifteen minutes to twelve o'clock m., and reports are in order from the Committee on the Judiciary.

LANDS SOLD FOR DIRECT TAXES.

Mr. KNOTT reported back favorably a bill (H. R. No. 1548) for the relief of the owners and purchasers of land sold for direct taxes in the insurrectionary States; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

SETTLEMENT OF ACCOUNTS WITH RAILWAY COMPANIES.

Mr. HARTRIDGE, from the Committee on the Judiciary, reported back, as a substitute for House bill No. 951, a bill (H. R. No. 5123) to provide for the final settlement of the accounts of the United States with certain railway companies; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

TERRITORIAL MUNICIPAL CORPORATION.

Mr. HARTRIDGE also, from the same committee, reported back favorably a bill (S. No. 330) explanatory of section 1889 of the Revised Statutes, and to ratify and confirm certain territorial legislation, and for other purposes.

The bill, which was read, provides that the words "the Legislative Assemblies of the several Territories shall not grant private charters or especial privileges" in section 1889 of the Revised Statutes of the

United States shall not be construed as prohibiting the Legislative Assemblies of the several Territories of the United States from creating towns, cities, or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges necessary to their local administration, by either general or special acts; and that all general and special acts of such Legislative Assemblies heretofore passed creating and providing for the government of towns, cities, or other municipal corporations, and conferring such rights, powers, and privileges upon the same as were necessary to their local administration, be, and the same are hereby, ratified and confirmed and declared to be valid, any law to the contrary notwithstanding, subject, however, to amendment or repeal hereafter by such territorial Assemblies. But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices, or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city, or other municipal corporation, or to authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs.

Mr. EDEN. Does that refer to any other than municipal corporations?

Mr. HARTRIDGE. Nothing but municipal corporations. Unless some explanation is asked I shall demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HARTRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF REPRESENTATIVES FROM NORTH CAROLINA.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 4196) relating to the election of Representatives from North Carolina to the Forty-sixth Congress.

The bill was read, as follows:

Whereas doubts are entertained whether due provision has been made in the statutes of North Carolina for holding an election for Representatives from that State to the Forty-sixth Congress: Therefore,

Be it enacted, &c., That an election held on the Tuesday next after the first Monday in November, 1878, for such Representatives, conducted by the sheriffs or by other persons duly appointed therefor, in like manner as elections for members of the General Assembly of said State, and according to the provisions of an act of the General Assembly of said State entitled "An act to regulate elections," ratified the 12th day of March, 1877, and also of an act of the General Assembly of said State entitled "An act to regulate the manner of making election returns," ratified the 6th day of March, 1877, shall be deemed lawful and valid.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF REPRESENTATIVES FROM COLORADO.

Mr. LAPHAM, from the Committee on the Judiciary, reported, as a substitute for House bill No. 3747, a bill (H. R. No. 5124) designating the time for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado; which was read a first and second time.

The bill provides that the election of a Representative to the Forty-sixth Congress from the State of Colorado shall be upon the day fixed by the constitution of said State for the election of its governor and other State officers in the year 1878; and that Representatives from said State to all succeeding Congresses shall be elected upon the Tuesday next after the first Monday in November, as now provided in section 25 of the Revised Statutes of the United States, and repeals all laws in conflict therewith.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. HALE. I would inquire of the gentleman from New York (Mr. LAPHAM) if this bill leaves the next election for Representatives in Congress to come off in October next.

Mr. PATTERSON, of Colorado. Let me make a statement.

Mr. LAPHAM. I will say that this bill is necessary by reason of the doubt growing out of the discussion in this House in the Colorado case as to when the election in the current year for a Representative in Congress shall be held in Colorado. The enabling act of Colorado provided that the State constitution should fix the time, and the time fixed in that constitution is a day in October. To elect a Representative to Congress on that day in this year will save the expense of holding two elections in that State. After this year the bill provides for the election of Representatives from Colorado on the day fixed by the general law, the Tuesday after the first Monday in November. This bill has the approval of the Representative on this floor from Colorado, and I believe there is no objection to it.

Mr. HALE. The only point I want settled is that there shall be no dispute about it hereafter; is that the congressional election in Colorado for this year is to be held in October next. Is there any doubt about that? Does the gentleman from Colorado [Mr. PATTERSON]——

Mr. PATTERSON, of Colorado. Will the gentleman permit me to make a short statement?

Mr. HALE. Certainly.

Mr. PATTERSON, of Colorado. The gentleman from New York [Mr. LAPHAM] is mistaken when he says that the necessity for this bill arises out of an uncertainty existing in Colorado as to the day upon which the election of the next Representative should be held. When I prepared the substitute which the gentleman now reports back from the Committee on the Judiciary with their recommendation, I did it because we would be compelled to hold two elections in Colorado the coming fall unless such a measure became a law.

In the discussion of the contest from Colorado at the opening of the session, members will recollect that the principal legal dispute was concerning the proper interpretation of section 6 of the act to enable Colorado to form a constitution and State government. The democracy of the State and the democratic members of the House contended that the section conferred no power upon the constitutional convention to fix a time for the election of any Representative, but the first to which the State would be entitled and that all after the first should be elected at the time fixed by the act of Congress for the election of Representatives from all the States, and that the convention having fixed the first Tuesday of October, 1876, for the election of "one" Representative, the member to the Forty-fourth Congress was the one referred to, and that the member to the Forty-fifth Congress should be elected in November.

The republican members of the House and my competitor contended otherwise. They averred that section 25 of the Revised Statutes, so far as it related to Colorado, had been repealed by section 6 of the enabling act, and that the constitutional convention not only had the power to fix a day until 1880 for the election of Representatives, but had actually exercised it, and had fixed the first Tuesday in October as that day. It would be interesting to refer at this time to the speeches of the advocates of my competitor's claim during the contest, and to show how emphatic were their views upon this point. But it might be claimed that these utterances were in the heat of debate and not the result of calm reflection and investigation, so I will forego quotations from them, but shall call your attention to the deliberate utterances of the minority of the Election Committee reporting in favor of my competitor, and also to the deliberate utterances of my competitor himself. I have a purpose in this. I desire to show you that the Legislature of Colorado, which was two-thirds republican in both branches, by solemn act and long before this Congress met or the contest was before it, decided that no such interpretation could be given to the law; that the constitutional convention did not and could not fix a time other than November for the election of Representatives, after the first one; that the Legislature had no power to fix any other time, and that the democratic construction of the law was right and the republican construction wrong.

In the answer of my competitor to the notice of contest served upon him by me, he gives as the legal basis of his right to the controverted seat the following. I read from his answer as found in the record of the case:

And this respondent, further answering, says that by reason of the passage of said enabling act Colorado was excepted from the provisions of the act of 1872 *and that until the next census the fixing of the time for the election of a Representative in the Congress of the United States was vested in the constitutional convention of said State;* and this respondent says that said constitutional convention, pursuant to the provisions of section 6 of the enabling act, fixed the 3d day of October, A. D. 1876, as the day for the election of a Representative in the Forty-fifth Congress.

The act of 1872 referred to is section 25 of the Revised Statutes, which fixed November 7 as the day for electing Representatives.

I now quote from a printed statement made by him early in 1877 and forwarded to each member of this body, in which he sets forth the basis of his claim to the seat:

The enabling act as clearly excepted Colorado from the operations of the act of Congress of 1872 as Ohio, Indiana, and New Hampshire are excepted, *because it provided that until the next census, 1880, the Representative should be elected at a time to be fixed by the constitutional convention.*

I now quote from the report of the minority of the Election Committee of the House, favoring my competitor's right to the seat:

Our conclusions and argument are supported by the fact if Colorado could not elect to this House in October, 1876, she could not at all. If we are right in the construction we have given section 6 of the enabling act, it is in conflict with the act of Congress designating the first Tuesday after the first Monday in November, biennially, for the election of Representatives, and being the later law, repeals it as to Colorado. *And, as we have shown, the enabling act limited the election of Representatives to the day of the election of State officers, the first Tuesday in October in each year.*

And yet, notwithstanding all of these bold assertions that it was the duty of the constitutional convention to fix the day for electing Representatives until 1880, and that article 5, section 44, of the State constitution fixed the first Tuesday of October for such elections until 1880, as I will now show you, the Legislature of Colorado in effect denies it all, and asserts that neither it nor the constitutional convention possessed such power and could provide for no other than the first Representative to which the State was entitled.

I now quote from the general election law of Colorado, approved March 8, 1877. Section 7 reads as follows:

SEC. 7. At the general election A. D. 1878, and every alternate year thereafter, there shall be elected the following State officers, to wit: one governor, one lieutenant-governor, one secretary of state, one State treasurer, one auditor of state, one superintendent of public instruction, and two regents of the university. * * * Also on the first Monday of November, A. D. 1878, and every alternate year thereafter,

there shall be elected the number of Representatives in Congress to which the State may be entitled.

Sir, for what does this section provide? That in 1878 (the present year) the governor and other State officers shall be elected in October and the Representative in November. Why is this? Why did the Legislature of Colorado require that within a single month two general elections should be held in the State? Some great reason must have existed to induce the Legislature of Colorado to tax its people not less than $30,000 for an election in November. If the constitutional convention had fixed the first Tuesday of October until 1880 as the day for electing one Representative, why or by what authority did our legislation change the time to November? If the constitutional convention had authority to authorize the State Legislature to fix a time until 1880 for electing Representatives, why did that Legislature provide for an election of State officers in October and for the election of a Representative in November? There is but one reason. The constitutional convention fixed the time for the election of the first Representative only. It had authority to fix it for no other. The Legislature had no authority to fix any time for such election in conflict with the general law of Congress upon the subject, and, as that law fixed the Tuesday next after the first Monday in November, A. D. 1876, for the election of a Representative to the Forty-fifth Congress, and upon the same day every two years thereafter for succeeding Congresses, neither the constitutional convention of Colorado nor the State Legislature could alter that time.

Thus, Mr. Speaker, do my political enemies rise up unthinkingly and reluctantly to justify the democracy of my State and the democratic members of this House in their action upon that contest. By the act of the Legislature of the State of Colorado, overwhelmingly republican, and which met long before the controverted questions were debated upon this floor, the principal legal questions involved in the controversy have been decided as maintained by my friends and myself. I do not enter now upon other questions that were involved. I refer only to the law. I desire to set the record right in every proper way as time marches forward. The people of Colorado are familiar with all the issues involved in that controversy, and no amount of newspaper misrepresentation can hide from them the glaring fact that in Colorado, in the year 1876, while plans were on foot in other States to steal the Presidency, members of that same political party, by bluff and the intimidation of State and county officials and the arrogance begotten by a long lease of power within it, were endeavoring to steal a Representative into this body without submitting his claims to the voice of the people made manifest upon the day required by the supreme law of the land. That I stood between that wicked conspiracy and its consummation is the proudest act of my short political life. I am willing to make the issue here or elsewhere, and stand or fall by it, as the people of my State shall declare.

It is this act of the Legislature of Colorado and the act of Congress which render the bill now before the House necessary. Under our State constitution our State officers must be elected the present year in October, and the interests of the tax-payers of Colorado demand that the Representative should be elected at the same time. Hence, I sincerely hope that the bill will pass.

Mr. LAPHAM. I do not think I can yield any further; there is no objection to this bill.

Mr. HALE. Does the gentleman from Colorado [Mr. PATTERSON] raise any question that under this bill the election for Representative in the Forty-sixth Congress from Colorado must be held in October next?

Mr. PATTERSON, of Colorado. The election must take place under this bill in October.

Mr. HALE. I am glad to have that settled so that there can be no doubt about it.

Mr. PATTERSON, of Colorado. The bill settles that.

Mr. LAPHAM. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXEMPTION OF MUNICIPAL AND COUNTY BUILDINGS.

Mr. LAPHAM, from the same committee, reported back, with a substitute, the bill (H. R. No. 3167) exempting municipal and county buildings used as such from levy and sale.

The substitute was to strike out all after the enacting clause and insert the following:

That in all cases when lots of ground and buildings owned by any city, town, or county, and used by such city, town, or county for municipal or county purposes, are exempt from levy and sale under process from State courts, they shall also be exempt from such levy and sale by virtue of process from the courts of the United States.

Mr. LAPHAM. As will be seen, this bill simply provides that the exemption provided by the laws of the State in regard to property used for municipal or other public purposes shall be held to obtain upon process issued from the Federal courts.

The substitute was agreed to.

The bill, as amended by the adoption of the substitute, was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUITS UPON OFFICIAL BONDS.

Mr. LAPHAM, from the same committee, reported, as a substitute for House bill No. 216, a bill (H. R. No. 5125) to limit the time within which suits upon official bonds shall be brought; which was read a first and second time.

The bill provides that section 786 of the Revised Statutes be amended to read as follows:

SEC. 786. No suit on an official bond given by any officer of the United States or any department of the Government thereof, except where otherwise specially provided by law, shall be maintained unless such suit shall be commenced within six years after the right of action accrues, saving, however, the rights of married women, infants, and insane persons, so that they sue within three years after the disability has been removed: *Provided*, That in all cases where the right of action has already accrued or the disability has ceased the party shall have three years from and after the passage of this act in which to commence an action: *Provided also*, That within two years after the default of any officer giving such bond shall be known to the officer or department of the Government having the custody of the same, notice of such default shall be given to the surety or sureties upon such bond, or they shall be discharged from all liability thereon.

Mr. LAPHAM. The section of the Revised Statutes which it is proposed to amend provides a limitation upon the bond of marshal alone. This bill makes the limitation upon all official bonds uniform in every department of the Government. We add a proviso which we deem wise and necessary—that within two years after the default of the principal upon an official bond the officer of the department of the Government having custody of the bond shall give notice to the sureties of the default or they shall be discharged from further liability—thus making the principle uniform and securing the rights of sureties by notice within two years.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT JUDGE, WESTERN DISTRICT OF TENNESSEE.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 2319) to provide for the appointment of a district judge for the western district of Tennessee.

The bill and amendment were read.

Mr. FOSTER. Should not this bill receive its first consideration in Committee of the Whole?

Mr. KNOTT. I hope the gentleman will not make that point. I know he will not after he hears a statement of the case.

Mr. FOSTER. I will reserve the point till the gentleman makes his explanation.

Mr. KNOTT. The western district of Tennessee is already established by law, but it has no judge. Twice as much business is done in that district as in both the others. All the admiralty business of the State is done there. The judge who is required to do the admiralty business for the three districts of Tennessee resides nearly five hundred miles from the place of holding the admiralty court. It is an absolute necessity that there should be a judge for this district, and I hope the gentleman will not make the point of order.

Mr. FOSTER. Does the bill authorize the appointment of an additional judge?

Mr. KNOTT. It does; but the district is already organized by law, and all the machinery for carrying on the court is now in existence.

The amendment reported by the committee was agreed to.

Mr. CALDWELL, of Tennessee. Mr. Speaker, I ask the gentleman from Kentucky to allow an amendment locating this court at Humboldt, in the county of Gibson. It is a flourishing young city; centrally located; accessible from every point of the district, and willing and anxious to afford every facility and convenience for the sessions of the court. I hope the gentleman will let the amendment be voted on.

Mr. KNOTT. I would gladly, if I could, admit the amendment the gentleman suggests. But the committee have carefully considered the point at which the court shall be held, and they believe that they have fixed the right place in the bill.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KNOTT. I move to amend the bill by adding thereto the words, "and for other purposes."

The amendment was agreed to.

UNITED STATES COURT AT FORT WAYNE, INDIANA.

Mr. KNOTT, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 431) to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana.

The bill was read.

Mr. HANNA. I move to amend by striking out the word "State" before the word "county" in the last section of the bill, so as to provide that these courts "shall be held in a building to be provided for the purpose by the county or city authorities without expense to the United States."

Mr. KNOTT. There is no objection to that amendment.

Mr. CANNON, of Illinois. I would like to ask the gentleman from Kentucky a single question. The bill provides, as I understand, for holding circuit or district courts at Fort Wayne, Indiana, which I believe is in the circuit with Illinois and Wisconsin. I will ask the gentleman whether he has had his attention called to the fact that the circuit judge for that district is now from three to four years behind in his business, and as to whether that judge can hold this court in addition to his other duties.

Mr. KNOTT. I will say the holding of the court at Fort Wayne will not increase the business at all. He will have no more business to perform than he has now.

Mr. CASWELL. I demand the previous question.

Mr. CANNON, of Illinois. Will the gentleman accept an amendment for the appointment of an additional judge for that circuit?

Mr. KNOTT. No, sir; I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. HANNA'S amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT COURT, CHARLOTTE, NORTH CAROLINA.

Mr. KNOTT also, from the same committee, reported back favorably a bill (H. R. No. 4024) to provide for holding a term of the district court of the United States at the city of Charlotte, North Carolina, with amendments.

The bill, which was read, provides that terms of the district court of the United States for the western district of North Carolina shall hereafter be held in the city of Charlotte, in said State, and that said terms shall commence respectively on —— of —— and —— of —— in each and every year. That this act take effect from and after its passage.

The amendments, which were read, were to insert in the blanks "the second Monday of June" and "the second Monday of December."

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT ERWIN.

Mr. FRYE, from the Committee on the Judiciary, reported back, as a substitute for House bill No. 3429, the bill (H. R. No. 5125) to amend an act for the relief of Robert Erwin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GARDINER AND RICHMOND PORTS OF DELIVERY.

Mr. FRYE also, from the same committee, reported back favorably the bill (H. R. No. 4989) to amend section 2517 of the Revised Statutes of the United States.

The bill, which was read, provides that section 2517 of the Revised Statutes of the United States is hereby amended by inserting in article 10, after the works "Bowdoinham," the words "Gardiner and Richmond."

Mr. FRYE. This is rendered necessary. Section 2517 of the Revised Statutes provides:

Tenth. The district of Bath; in which Bath shall be the port of entry and Hallowell, Pittston, Georgetown, Brunswick, and Bowdoinham ports of delivery.

Pittston and Georgetown have been divided and the cities of Gardiner and Richmond created out of the divided territory, and therefore it becomes necessary to insert them as ports of delivery, they being ship-building cities.

ASSISTANT ATTORNEY-GENERAL, POST-OFFICE DEPARTMENT.

Mr. FRYE also, from the same committee, reported back favorably a bill (H. R. No. 3895) to amend section 349 of the Revised Statutes, and for other purposes.

The first section of the bill, which was read, provides that section 349 of the Revised Statutes is hereby amended to read as follows:

SEC. 349. There shall be in the Department of Justice a Solicitor of the Treasury, an assistant solicitor of the Treasury, a Solicitor of Internal Revenue, a Naval Solicitor, an examiner of claims for the State Department, and an Assistant Attorney-General for the Post-Office Department, who shall be appointed by the President, by and with the consent and advice of the Senate, and shall be entitled to the following salaries: The Solicitor of the Treasury, to $4,000 a year; the assistant solicitor of the Treasury, to $3,000 a year; the Solicitor of Internal Revenue, to $5,000 a year; the Naval Solicitor, to $3,500 a year; the examiner of claims for the Department of State, to $4,000 a year; and the Assistant Attorney-General for the Post-Office Department, to $4,000 a year.

The second section provides that section 390 of the Revised Statutes be, and the same is hereby, repealed.

Mr. FRYE. I will state what the bill is. This bill creates, Mr. Speaker, no new office, changes no salary, and makes no new salary whatever. It simply transfers the Attorney-General of the Post-Office Department, and attaches him to the Department of Justice. That is all the bill does.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAL EMPLOYÉS EXEMPTED FROM JURY SERVICE.

Mr. FRYE also, from the same committee, reported back favorably a bill (H. R. No. 2019) to exempt employés in the postal service from militia and jury service.

The bill, which was read, provides that all persons employed in any branch of the postal service shall be exempt from militia duty and from serving on juries, or from any penalty for neglect thereof.

Mr. FRYE. This corrects a mistake in the Revised Statutes, those words having been dropped out in the revision.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS AT TOLEDO.

Mr. CULBERSON, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (S. No. 380) to provide for circuit and district courts of the United States at Toledo, Ohio.

The bill was read, as follows:

Be it enacted, &c., That a term of the circuit court and district court for the northern district of Ohio shall be held at Toledo, in said State, on the first Tuesday of the months of June and December in each year; and one grand jury and one petit jury only shall be summoned, and serve in both of said courts at each term thereof. And the existing provisions of law fixing the times of holding the district court at Toledo are hereby repealed.

SEC. 2. Said northern district shall be, and hereby is, divided into two divisions, to be known as the eastern and western division of the northern district of Ohio. The western division shall consist of twenty-four counties, to wit: Williams, Defiance, Paulding, Van Wert, Mercer, Auglaize, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Hardin, Logan, Union, Delaware, Marion, Wyandot, Seneca, Sandusky, Ottawa, Erie, and Huron; and the eastern division shall consist of the remaining counties in said district. But no additional clerk or marshal shall be appointed in said district.

SEC. 3. All suits not of a local nature in the circuit and district courts, against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants, residing in different divisions of the district, such suits may be brought in either division. All issues of fact in such suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 4. All offenses committed in either of the subdivisions shall be cognizable and indictable within said division.

SEC. 5. Actions or proceedings now pending at Cleveland, in said district, which would under this act be brought in the western division of said district, may be transferred, by consent of all the parties, to said western division; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the deputy clerk's office at Toledo; and the same shall be proceeded with in all respects as though it originally commenced in the western division.

SEC. 6. All grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 7. This act shall be in force from and after the 1st day of September, A. D. 1878. And all acts and parts of acts inconsistent herewith are hereby repealed.

The question was on ordering the bill to be read a third time.

Mr. GARFIELD. The Representative of the Toledo district [Mr. COX] is now serving on a committee. I ask that the consideration of the bill be delayed until he can be present. At least I desire that some member of the committee shall explain the nature of the change made by the bill.

Mr. KNOTT. As the gentleman from Ohio [Mr. GARFIELD] must be aware, there is already a term of court authorized to be held at Toledo. I will state what is the change made by this bill. It divides the district into two divisions, making the causes which originate in a certain division cognizable at Toledo, and those originating in another division cognizable at Cleveland. A term of court is authorized to be held at Toledo. That I understand to be agreeable to Judge Swayne, of the Supreme Court, who resides in that city and desires this change to be made.

Mr. GARFIELD. What are the boundaries of the divisions?

Mr. KNOTT. I could not of course undertake to enumerate the counties, but they are specified in the bill. There are twenty-four counties in one division and the remaining counties in the district constitute the other division.

Mr. GARFIELD. I ask the Clerk again to read the description of the divisions by counties.

Mr. KNOTT. Before the Clerk reads, I will say to my friend from Ohio that the Representative from the Toledo district desires this bill to pass. He so informed me, and it was on his motion that the

bill was taken from the Speaker's table and referred to the Judiciary Committee.

Mr. GARFIELD. I should like to have the section read.

Mr. KNOTT. We are pressed for time, having other reports to make from the Judiciary Committee, and I hope the reading will not be insisted upon. The Representative from that district is exceedingly anxious that this bill should pass.

Mr. JONES, of Ohio. As the Representative of the southern part of the district, I wish to know where we are going to, whether to Toledo or to Cleveland. I desire to have that part of the bill read.

The second section of the bill was again read.

Mr. GARFIELD. Is this the unanimous report of the committee?

Mr. KNOTT. It is.

Mr. GARFIELD. It may be all right, but I do not know anything about it.

The question being taken, there were ayes 99, noes not counted.

So the bill was ordered to be read the third time; and it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Mr. CULBERSON also, from the Committee on the Judiciary, reported, as a substitute for House bill No. 906, a bill (H. R. No. 5127) to establish a western division of the southern judicial district of Mississippi; which was read a first and second time.

The bill, which was read, provides in its first section that that portion of the State of Mississippi comprising the counties of Tunica, Quitman, Coahoma, and Bolivar be taken from the northern and added to the southern judicial district of Mississippi, and that said counties, together with Washington, Sunflower, Yazoo, Sharkey, Issaquena, Warren, Claiborne, Jefferson, Adams, and Wilkinson, and all territory embraced therein, which may hereafter be erected into new counties, shall hereafter constitute the western division of the southern judicial district of Mississippi.

The remaining sections of the bill provide the arrangements requisite for carrying out this enactment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALCASIEN LOG SEIZURE.

Mr. CULBERSON also, from the same committee, reported a substitute for the resolution referred to that committee April 27, 1878.

The substitute was read as follows:

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a select committee of three members who shall employ a clerk, stenographer, and deputy sergeant-at-arms, and proceed to the State of Louisiana at such time as said committee shall determine, with full power to sit during the recess, to send for persons and papers, to administer oaths, and to take testimony. It shall be the duty of said committee to investigate, as far as they may deem necessary, the charges of corruption and malfeasance in office preferred against M. A. Carter, special agent of the Interior Department, and the parties connected with the Calcasien log seizures.

Mr. CONGER. Is that the report of the committee?

The SPEAKER. It is the resolution recommended by the committee as a substitute for the original House resolution referred to them.

Mr. CULBERSON. I ask that the report be read.

ORDER OF BUSINESS.

Mr. FOSTER. Has the morning hour expired?

The SPEAKER. It has.

Mr. GARFIELD. I call for the regular order.

Mr. WOOD. What is the regular order.

The SPEAKER. By consent of the House, after the morning hour to-day the previous question was to be considered as ordered on the bill in relation to the life-saving service. That is the regular order.

Mr. WOOD. To the exclusion of all other orders?

The SPEAKER. This is by unanimous consent, which is equivalent to a suspension of the rules.

Mr. WOOD. Is it not competent for the House to reverse that order at this time?

Mr. ROBERTS. The previous question is already ordered.

The SPEAKER. The previous question has been ordered by the terms of the resolution itself.

Mr. WOOD. I shall not object if it be understood that at the expiration of this hour we shall go into Committee of the Whole on the tariff bill.

Mr. REAGAN. No, no.

Mr. WILSON. I cannot consent to any such understanding.

Mr. ROBERTS. I demand the regular order.

Mr. YOUNG. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG. Is it competent to move now that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ROBERTS. I demand the regular order. I yield the time to which I am entitled after the ordering of the previous question to the gentleman from New York, [Mr. COX.]

Mr. KNOTT. The gentleman from New York [Mr. COX] yields to me to make a request of the House under instructions of the Committee on the Judiciary; which is, that there be an evening session next Monday at half past seven o'clock for the consideration of reports from the Committee on the Judiciary. There are a large number of reports ready to be made by that committee, which it is impossible to get in during the morning hour.

Mr. WOOD. I desire, with all due respect to the chairman of the Committee on the Judiciary, to say that the Committee of Ways and Means have very many reports to make which the Treasury Department deem it important should be made before Congress adjourns, and we have no opportunity to make any reports under the ruling of the Speaker in reference to our rights.

The SPEAKER. To what ruling of the Chair does the gentleman from New York refer?

Mr. WOOD. I refer to the decision of the Chair which puts the Committee of Ways and Means, in making reports upon revenue affairs, upon the same footing with other committees, and which practically excludes them from an opportunity of presenting their reports, unless they take the usual course by reporting them under the rules for committal or for commitment to the Committee of the Whole on the state of the Union. I think that either the rules should be amended so that some opportunity shall be given to the Revenue Committee to report and ask the action of the House on measures which are indispensable before Congress shall adjourn, or else, if any time should be set aside for the special consideration of reports from committees, the Committee of Ways and Means should have a prior right.

Mr. KNOTT. I desire to say that the Committee on the Judiciary have designated Monday evening so as not to conflict with the Committee of Ways and Means or any other committee, as it is a time which gentlemen generally in this House prefer not to occupy.

The SPEAKER. The gentleman from Kentucky [Mr. KNOTT] asks unanimous consent of the House that next Monday evening at seven thirty o'clock shall be assigned for reports from the Committee on the Judiciary for business.

Mr. BURCHARD. I suggest that the gentleman modify his resolution so as to include general appropriation bills, so that if the House shall not be through with the appropriation bills we may have an opportunity to give the business of the Committee on Appropriations preference.

Mr. CONGER. But for next Monday the Committee on Appropriations have the whole time; they have all time, and why should they ask for an evening session?

The SPEAKER. The Chair does not understand that they are asking it.

Mr. BURCHARD. I have no objection to the motion of the gentleman from Kentucky if he modifies it in the way I have suggested.

The SPEAKER. The Committee on Appropriations are not making any such request.

Mr. BURCHARD. Well, the House is.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky, [Mr. KNOTT?] The Chair hears none, and it is so ordered.

Mr. YOUNG. I should like to have my inquiry answered before the regular order is called up. [Cries of "Regular order!"]

The SPEAKER. It is the regular order to make a parliamentary inquiry.

Mr. YOUNG. I desire to know if it is in order now to move to go into Committee of the Whole on the state of the Union?

The SPEAKER. It would not be in order, because the House has bound itself to proceed to the bill in relation to the life-saving service.

LIFE-SAVING SERVICE.

Mr. COX, of New York. I yield five minutes to the gentleman from Tennessee [Mr. WHITTHORNE.]

Mr. WHITTHORNE. I take the floor, Mr. Speaker, by the indulgence of my friend from New York, [Mr. COX,] for the purpose of making a remark or two on the pending bill, the importance of which I do not underrate, the life-saving service, which involves the lives of numbers of our own citizens as well as those of other countries, the fortunes of our own citizens and the fortunes of citizens of other countries. That it needs reformation, that it needs reorganization, I freely admit, and to show that fact, Mr. Speaker, and I make these remarks for the benefit of the gentleman from New York, [Mr. COX,] I refer to the report of the superintendant of this service, made in 1877. It had grown or has now grown under the influences that control it into a large service, but it has ceased to perform the high offices that was expected of it, because it has been more or less under the influence and control of politicians and of local influence.

I had hoped, if I had time enough to examine into this bill in its details, to propose that naval officers should have been detailed for this service, that it could be better brought under the organization and under better discipline than has heretofore existed. I do not underrate the importance of this subject and I therefore see the necessity of its reorganization, and I for one, having had my attention drawn in that direction, had trusted that it would have been so placed in its management, in order that this service might be benefited by the discipline and organization that would follow under the control

of men who are educated in this thought, so to speak, and place it under military organization.

In the bill I had the honor to introduce, touching on this subject, there was no intention in its terms to justify the charge that it is a measure that makes war upon this service. There is a class of men on this floor who charge that the bill I introduced makes war on this service, more or less; and in answer to such charges I will state that no war is intended, but the purpose really was to make the service more efficient, by a thorough discipline and a thorough organization of this large body of men. I have found, in looking at the public service, that we have a large number of men educated at the public expense who are educated in that line of thought who might readily take charge of the whole subject. Here you have the light-house service and the Coast-Survey service under the control of men educated in the Naval Academy. Why not place this life-saving service under the same control? I repeat that you have educated these men in a line of thought who could readily grasp this service and make it more useful and more efficient, and that is the idea of my bill. But recognizing, Mr. Speaker, the practical decision of the House on the reference of the bill I had the honor to introduce, the majority of the House was committed to the bill of my friend from New York. I have to say in that regard that beyond these remarks I shall not on the present occasion make further opposition to his bill, trusting that he and the House will give the subject more vital attention, care, and thought before the matter is disposed of, and join with me in bringing this service under that thorough organization and discipline which I know his educated mind will recognize as a necessity. Whether this service should be in the Navy or out of it I will leave it to the future to develop.

Mr. COX, of New York. It is unnecessary, Mr. Speaker, that I should detain the House on the question of the transfer of the life-saving service to the Navy Department, for the purpose of carrying this bill. This bill is opposed to that transfer. The House is against it. If in the future we can improve the service, I shall be happy to join with my friend from Tennessee, [Mr. WHITTHORNE,] and receive from him the advantage of his acquaintance with the naval service. This bill is intended to improve the life-saving service, not to transfer it to any other Department of the Government. It provides for adding stations to the number already in existence, for increasing the number on the North Carolina coast, on the lakes, on the Gulf, and on the Pacific coast. It fixes the time of service to begin earlier in the year. In various ways, to which I will presently allude, it seeks to give not only order but strength to the system.

Mr. Speaker, the necessities of our condition on this star make the seas highways to man. Prompted as well by curiosity and adventure as by a desire to trade and live, man has ever braved the ocean. It has its wonders and utilities, and human skill and courage have not been wanting to reveal them. From the frailest craft of the isles of the southern seas to the grand steamers that breast the Northern Atlantic; from the rude sailors of antiquity, who steered by the stars, to those who use the compass, the quadrant, the dead-reckoning and the signal lights; from the time when our largest oceans were a waste known to but few, or when its supremacy was disputed by Carthage and Rome, to this later era when Maury has traced the streams themselves amid the seas for the benefit of commerce, and the goblin of steam has shortened voyages and matched the storm king—it has been a part of the science of our advancement to watch with unwinking espionage the phenomena of the waters that cover the face of the earth.

COMMERCE TRIUMPHANT.

For thousands of years ships have glided through liquid leagues, from horizon to horizon, harmed and unharmed, under sun and star. They have brought to us the wonders of the deep for poetry, art, science, and civilization. From Salamis to Trafalgar human passion has imitated the angry elements in war, and ensanguined the deep with the blood of nations, and every muse has chanted its heroes of the sea. Beneath the blue of the Mediterranean repose the bones of past greatness, whose relics are epics like an Odyssey, forever sung in the memories of men to the "swelling of the voiceful sea." It has been reserved to another art to transcribe for the eye these memories. Vernet, Van Beest, Vandevelde, Bradford, and a galaxy of artists have pictured every mood of the ocean, from the drifting, drifting of the endless main, or the auroral radiance rising above the billows to gild the world, to the wild tumult of the cyclone, when the deep boileth and maketh a path to shine after it. These princes of the palette have given to the canvas—sun, shade, cloud, sky, shore, sail, craft, and water; sailor, boat, wreck, and storm, in all their beauty, vigor, truth, and wildness, and in every form and color to gratify art and glorify nature. Science has dived below the surface to analyze the foundations of the earth, and lay the measures thereof, to confound our human surmises and propitiate our fears.

To the superficial eye even the ocean is unparalleled as an exhibition of force and sublimity; but when mechanism measures its depth it becomes, in comparison with the solid earth, "but as the sweat of the wrestler's brow compared to his knitted body." Byron called it "deeply, darkly, beautifully blue;" but it was La Place who ascertained its depth before the plummet had sounded it or observation had obtained it for the Atlantic cable. The science of man has penetrated its deepest zones, down among the oölites of the northern sea and the coral reefs of the southern, and multiplied to infinity the wonders of that day when the sea shall give up its countless dead.

OCEAN DANGERS.

Strange as it may seem, one of the weird attractions of the ocean is its danger. Property and life beyond human estimate have been swallowed up by its capacious, all-devouring hunger. Civilized nations, especially those which are maritime, have levied taxes and concerted plans to lessen these dreadful dangers. Our light-houses, coast-surveys, buoys, signals, life-boats and mortars—like quarantine, and rods against the thunderbolt—these are but a small portion of the precautions which have been taken to rescue property from its insatiate clutch and welcome the mariner with joyful beacon from headlands, before he furls his sail for home.

ENGLISH HUMANITY ON THE DEEP.

Humanity, more beautiful than art and more profound than science, has bent over the tempestuous seas her grand ethereal bow, unfolding its hues of promise as an everlasting covenant with Heaven!

England, being especially the maritime power, has been foremost in laws and instruments for this purpose. I hold in my hand a wreck-chart of the British Isles. See how their coasts are dotted! The black marks indicate the foundering, stranding, dismasting, leaking, and colliding of ships. The surrounding seas seem black with these numberless maritime woes. But interspersed with these black dots observe these red ones. They represent life-boats and their stations. This map is the epitome of English progress in commerce. It is the sign of her strength. It is her prismatic arc of humanity on the deep.

England has been called a fortress and the channel the moat girdling and guarding it, but the latter is rather a highway of all the nations. Every year nearly a million of ships with over ten millions of souls come and go out of her ports.

*Number of emigrants of British origin only from the United Kingdom to countries out of Europe and number of immigrants into the United Kingdom from such countries.**

Years.	Emigrants to—					Immigration.
	British North America.	United States.	Australia and New Zealand.	Other places.	Total.	
1870	27,168	153,466	16,526	5,351	202,511	49,157
1871	24,954	150,788	11,695	5,314	192,751	53,827
1872	24,382	161,782	15,243	9,082	210,494	70,181
1873	29,045	166,730	25,137	7,433	228,345	86,416
1874	20,728	113,974	52,581	10,189	197,272	118,129
1875	12,306	81,193	34,750	12,426	140,675	94,228

* From British official sources.

DETAILS OF AMERICAN SHIPPING AND SEAMEN AND PASSENGERS.

What our shipping is and the lives involved, may be learned from the following tabular statements.

From the statistical commissioner I have these returns:

The number of vessels which entered into and cleared from the ports of the United States during the fiscal year ending June 30, 1877, was as follows:

	Entered	Cleared.
American	10,660	10,790
Foreign	18,379	18,174
Total	29,039	28,964

The tonnage of the same was:

	Entered.	Cleared.
	Tons.	*Tons.*
American	3,663,403	3,765,171
Foreign	9,791,386	9,677,218
Total	13,454,789	13,442,389

The number of persons employed as crew on board these vessels was:

	Entered.	Cleared.
American	109,958	112,268
Foreign	262,321	259,597
Total	372,279	371,865

Statement showing the number and tonnage of vessels, British and foreign, which entered into and cleared from British ports during the year 1876.

	Entered.		Cleared.	
	Vessels.	Tonnage.	Vessels.	Tonnage.
British	32,378	13,327,239	31,742	12,836,329
Foreign	28,084	7,961,224	28,531	8,171,541
Total	60,462	21,288,463	59,273	21,007,870
United States	771	689,089	512	484,709

The number of persons employed as crew for each vessel averaging from 11.9 to 12.8 per vessel.

The number of passengers arriving in the United States from all foreign countries during the same period was 206,503 and the number reported as departing from the United States for foreign countries 136,549. The average number of passengers arriving per annum during the last ten years was 370,425 and the average number departing was 98,321.

They are subject to exacting gales, dangerous sands, and sunken rocks—altars on which the ocean offers its countless victims. These losses have been increased as well by the fickleness and fury of the elements as by the selfishness and carelessness of men. The overladen, badly built, and rotten ships are not among the least of the perils of the English seaman. Happily, reforms as to this have been recently ordered by Parliament, but it was done under the startling cry of "murder" which rang through the House of Commons and for which the courageous Plimsoll was censured.

The fearful list of losses upon the coasts of England and America, not to speak now of other nations, warns us of the limitation of human ingenuity and power. Wreck and death cannot be altogether averted. There are misfortunes, as there are diseases, beyond cure or medicine. Neither wood nor iron, however artistically imbound to frame the ships, can withstand the forces of stormful nature. They are as straws before the wild wind. We guard life on land by law, but at sea a breath of Heaven dashes it to ruin.

It is not in our power, Mr. Speaker, to prevent the causes of wreck or rise above all disaster, but it is no less our highest duty to confine disaster and death on sea as on land within the narrowest limits possible.

THE ENGLISH SYSTEM.

The English National Life-Boat Association has saved, within fifty years since its establishment, some twenty-five thousand lives and fabulous values in property. Its coadjutors, the coast-guard and rocket-saving bureau under the government board of trade have increased these benefactions. This has been done almost entirely by voluntary contributions. Two millions of dollars have been spent in these efforts.

The English system is not very old. It is no older than I am; it was born the same year. But it has a harvest of humanity garnered by the endurance, pluck, and goodness of its men. It has voted thanks and honors, inscribed on vellum, for those who cared not for medals or money. In money it has given $20,000 per year in gratuities to the rescuers of life. Since its organization it has spent, up to 1876, $1,940,000, and given ninety-two gold medals and eight hundred and seventy-one silver medals. The lists are published annually. Besides, it has during that time spent yearly $200,000 for boats and apparatus, being the amount of its receipts from its invested bonds and donations.

Upon its medals is the picture of the royal patroness, the Queen, and the biblical motto "Let not the deep swallow me," being the exclamation of a shipwrecked man as he is drawn into a life-boat by adventurous life-savers. These deeds, more golden than ever historic pen recorded, are all done around the little sea-bound coast of Britain. Who shall complain that we spend the same sum per annum upon our ten thousand miles of sea and lake coast? What vicissitudes of weather meets our American mariner—from the tropical tornado to the tempestuous nor'easter; from the jagged fiords of Maine to the hidden shoals, rips, and ledges of Massachusetts and Rhode Island; from the menacing arm of Cape Cod to the insidious sand-beaches, treacherous undercurrents, and exposed headlands and points—six hundred miles southward to where Hatteras and Fear extend their dangers into the very main itself. Nor are these points of our vast coast the only ones prolific in ghastly disasters. My bill now pending proposes to rescue life upon the capricious gulf, the stormy lakes, and even upon the falsely named Pacific shore. Wherever our adventurous commerce goes, wherever Neptune disports with the elements to whelm the forces and agencies of man to master them, there men of our manliest mold will be found to combat him.

But, with all human precautions, how many are the disasters. Although in England but 1 per cent. of the vessels is lost, and although our losses are less, yet the record is not what it should be.

AMERICAN LOSSES LESS THAN BRITISH.

For reasons not necessary now to elaborate, connected with the models, proportions, size, and lading of vessels, the percentage of total loss in the American mercantile fleet is, to our credit, only about one-half that of the British marine. Strength and buoyancy to carry safely upon the sea are indispensable conditions to human security and profitable trade. The time is not far distant, I trust, for the old renown of our American shipping under liberal policies. But so far as the question of life-saving is concerned it has no nationality. Death knows no citizen, no foreigner, no friend, no enemy; for are we not all blended in one immortal destiny? Life-saving is the friend of the human race. A large proportion of the vessels wrecked upon our own shores, as well as upon the English coast, perhaps one-third, are under alien flags.

Nor is the question of life-saving local in its character. There are localities, like Hatteras or Squam Beach, where there are peculiar perils. But the locality of the rescuer and rescued does not indicate where the main interest lies. It concerns insurers as well as shipowners, wherever they live; Liverpool as well as Boston; Havre as well as Galveston; Glasgow as well as New York. It concerns commerce in its largest sense, and human life everywhere with all its sanctity.

PESTILENCE BAD, AND SHIPWRECK WORSE.

When my friend from Georgia, [Mr. FELTON,] in debating the quarantine subject, advised the House that his Committee on Commerce had favorably considered my bill, he gracefully wedded it to this service. He made an appeal to our better nature. He referred to my intense interest in this humane object, and invoked my aid in behalf of the bill which he championed. There is a common interest in the prevention of those pestilences and disasters which attend commerce. While doubting as to how far his compliment should extend in its personal application to myself, I was touched in my heart by the eloquent appeal which he made, and to which the House so generously responded. Would that I had his earnest words and manner that I might now plead for commerce and for averting its terrible casualties.

There is no doubt that ocean travel should be supervised to secure good sanitary conditions. There cannot be too much vigilance in such supervision, as it is a well-recognized fact that the morbific causes of infection elude even the most thorough prevision. Congress has done what it could in that direction; but the waste of human life among the toilers and travelers of the sea is not largely due to infection. The science of medicine, as was well shown by my friend from Georgia, has vigorously prosecuted, nationally and internationally, the warfare upon diseases to their endemic homes. But next after war, shipwreck shows the largest record of mortality. In 1875 fifteen hundred and eighty-seven vessels suffered disaster on our shores, and $10,000,000 would not pay the loss in property. Over twenty thousand lives were imperiled, besides eight hundred and eighty-eight lives lost. In the year 1873-'74 over six thousand vessels suffered wreck, collision, or other casualty, as reported to the British board of trade, resulting in a total loss of fourteen hundred and eleven vessels and sixty-eight hundred and seventeen lives.

During ten years ending June 30, 1874, there were 22,098 wrecks near the British coasts alone. Ninety millions of property were lost and eighty two hundred lives. Three-fifths of these losses were occasioned by defects in ships and equipments, overlading, carelessness, and collisions. In the United States during the same period the proportion was less. Not to weary the House with statistics, let me say that Great Britain and its colonies, and the commercial countries of Europe, together with the United States, have over one hundred and fifty thousand vessels, with a tonnage of nearly twenty million tons, manned by a million and a half of seamen. The part which our Government has taken in giving safety to our portion of this great commerce is nobly represented by light-vessels, floating-signals, revolving beacons, buoys, tenders, signal service, coast survey, marine hospitals, steamboat inspectors, and life-saving service.

MORE LEGISLATION NECESSARY.

Much as we have done to protect human life from the diseases and disasters of commerce, there is a great necessity for more efficient measures. So far as steam-vessels are concerned, the inspection law is ample if enforced; but as to other vessels, which do the bulk of our commercial work, I have the authority of Dr. Woodworth, supervising surgeon-general United States marine-hospital service, for saying that absolutely nothing is done by the Government to eliminate the unseaworthy craft, to prevent overloading, or the sending them to sea with short or unseaworthy crews.

HISTORY OF OUR LIFE-SAVING SERVICE.

It is not my purpose to go into the history of the organization and development of this life-saving service. It is of comparatively recent origin. It dates only from 1848, since which time up to 1872 four thousand lives have been saved. It was limited for twenty years to the Jersey and Long Island coasts. It had small appropriations, a few shanties, no discipline, and very indifferent apparatus. In 1872 a new era was inaugurated. Discipline was evoked out of chaos by the employment of regular crews and a patrol system. The line which is attached to the ball and shot from a rocket or mortar and thrown over the disabled vessel then came into more frequent use. Since then the car fastened upon the rope extending from the vessel to the shore has been the vehicle of safety to thousands of lives. The first use of this car resulted in the saving of over two hundred lives on the Jersey coast.

Since 1872, as will be seen in detail hereafter, nearly five thousand

lives have been saved and not less than seven millions of property. During the year ending June 30, 1877, one hundred and thirty-four vessels were driven ashore within the scope of the operations of this service. Of the fifteen hundred persons on board only thirty-nine were lost, or about 2½ per cent. Of the cargo and vessels, estimated at $3,266,612, more than half was saved. Since 1872, and especially since the losses during the past year of the Huron and Metropolis, there has been much discussion among practical and humane men with reference to rendering this service more efficient.

NEW PROJECTS.

Various projects have been suggested, from the improved life-boat and rubber raft to the improved mortar, which can throw its shot and line twice the old distance; but the great desideratum for the efficiency of the service, as will appear by the report of the Committee on Commerce and in the course of the discussion, is the provision of the committee's bill for closer stations and service earlier in the season. The cost of this service last year was $203,000. This bill will double the appropriation.

It is my purpose to show that no better appropriation of the same amount of money can be made. We have now over one hundred and fifty houses belonging to the service. These are divided into life-saving stations, simple life-boat stations, and houses of refuge. Evidently larger salaries must be given to insure the constant and arduous work and drill and the watchfulness and responsibility indispensable through all weathers for a service so humane and perilous. Doubtless time will develop improvements in life-boats more suitable to our coasts, better training of those who are to combat the dangers of the surf, and better signals from the shore to the crew of the wrecked vessel. We shall soon have the uses of the telephone and aërophone for instantaneous and stentorian communication, distancing time and superior to the thunder of surf and storm, between the stations and between these and the ship.

PRESENT AND PROPOSED ORGANIZATION.

The organization at present comprises eleven districts. It is proposed to increase the number of these as well as of the stations. New uses are found for the service upon the Texas and lake coasts and provided for in the bill. The main business of the new bill, however, is to erect the system into a distinct establishment. This the Secretary of the Treasury has recommended. It is to be under a recognized and responsible administrator. The bill provides for this, and in careful detail indicates what are his special functions. The other details will be discussed, when objection shall be made, *seriatim*.

PRACTICAL SUGGESTIONS.

I have received a great number of letters from practical men acquainted with the service, containing criticisms and suggestions, many of which have been heeded and utilized, especially those connected with the investigation into the causes of loss of life by shipwreck and the employment of men fitted by experience as surfmen for the duty of life-saving. The experience of the last season, and especially in connection with the loss of the Metropolis and the Huron, has called out the inventive and utilitarian ideas of our coastmen. Many of these suggestions belong not so much to the making of the law as to its execution. But, in this as in other matters, the old adage has been realized, that even from the worst of tempests some good has ensued.

INEFFICIENCY AND PARTISANSHIP OBJECTIONS ANSWERED.

If accusation is brought against the life-saving service on account of the control gained by petty politicians in the fifth and sixth districts, as set forth in the annual report for 1877, and the consequent filling of the stations with incompetent keepers and crews, it can be answered—

That this abuse only occurred to be radically corrected, at once and forever.

It is true that in these districts, when newly organized, the stations were filled for a few days with many incompetents. But directly after their enlistment boards of examiners, composed of revenue-marine and marine-hospital officers, were dispatched to scrutinize the character of the *personnel*. The consequence was an immediate weeding out of improper employés and the securing of suitable persons in their places.

Thus the last report of examination in the fifth district shows that of the eight keepers examined only one was found below the requisite standard. This was on the score of health. Of the fifty-one surfmen only three were found unsuitable, and dismissed. In district No. 6 only one keeper out of the whole number in the district was reported for removal. He was not professionally incompetent, but lacked executive force. Of the sixty-one surfmen examined only one was thought unfitted and discharged. Incompetent persons may get into the stations as keepers and surfmen, but the examining boards prevent them from staying there.

REGULATIONS, NOT LEGISLATION, AS TO DETAILS.

The bill cannot provide for all emergencies. Much must be left to its efficient execution. The complaints as to partisan preferences in certain localities can only be obviated by honest discharge of duty. The regulations provide for medical and other inspection, and the great body of the details, such as the mode of drill, kind of boats and lanterns, the use of telephone or telegraph, of horses, wagons, uniforms, life-preservers, buoyant rafts and breeches, buoys and rubber suits like Boyton's, and even dumb stations, as recommended in a letter to me from Captain Ollinger, as well as the selection of the men, cannot be the subject of legislation. They belong to the "regulations," and are under the control of the supervising agencies.

These the Secretary of the Treasury is already empowered by law to make. They are here in the volume before me. The life-boat stations, the life-saving stations, and houses of refuge each have a distinct utility. In the appointment of superintendent, inspector, and assistants, much care must be exercised, but the keepers and surfmen must undergo suitable examinations. They must be familiar with their locality and work. The duties of these officers are specially delineated by the regulations. Rules are given for the care of the apparatus. The first duty, before goods or property, is the preservation of life. Cargoes must have care, especially if dutiable. The resuscitation of those seemingly drowned is impressed with clear instructions. Patrolmen with their lights are organized, and in their duty they are held to a strict account. Guards against fraud and embezzlement of goods are imperative; and every precaution possible is to be used to identify and provide for the dead and the surviving. The rules are illustrated here on page 45, which show how the line from the rocket mortar should be faked on the ground; how it is to be shot, how secured, how the rope and block are made fast to the mast, and how the hawser and the cylindrical iron car with its freight of six is hauled ashore. Not less rigorous is the direction for the self-bailing and self-righting life-boat. Those who saw the apparatus at the Centennial require no further elucidation of its use. Much depends upon the experience of the surfmen. They must dodge the seas or beach the boat, and much more depends on the character of the broken water and the shoring. Detailed instructions are given as to the rescue of the drowning, and the swimming against the outgoing tide or current. Signal flags, lights, and guns have their interesting chapter; and in all these matters drill is insisted upon with imperative command.

HURON AND METROPOLIS DISASTERS.

The life-saving service is charged with inefficiency on account of the wrecks of the Huron and Metropolis. The answer to this charge is ample; and in the answer lies the argument for this bill.

The life-saving stations on the North Carolina coast were not open for service at the time of the wreck of the Huron, (November 24,) because the appropriations for the pay of surfmen would not admit of manning them until the 1st of December. The amount appropriated for the current year for the pay of surfmen was $146,000. The length of time during which surfmen are employed with this sum upon different portions of the coast is determined by latitude and by statistics. These show the comparative frequency of wrecks at different points. The following is a statement of the expenditures under this head for the current year:

Employment of surfmen, season of 1877–'78.

District.	Number of stations.	Number of surfmen.	When open.	Expenditures.
District No. 1	6	36	November 1 to May 1	$8,640
District No. 2	4	24	November 1 to May 1	5,760
District No. 2	10	60	November 1 to April 15	13,200
District No. 3	7	42	November 15 to April 15	8,400
District No. 3	27	162	November 15 to April 1	29,160
District No. 4	6	36	November 15 to April 15	7,200
District No. 4	32	192	November 15 to April 1	34,560
District No. 5	8	48	December 1 to April 1	7,680
District No. 6	10	60	December 1 to April 1	9,600
District No. 8	3	18	September 1 to December 15	2,520
District No. 8	3	18	April 1 to June 1	1,440
District No. 9	4	24	July 1 to November 24	4,608
District No. 9	5	32	September 1 to December 15	4,480
District No. 9	4	24	May 15 to July 1	1,440
District No. 9	5	32	April 1 to June 1	2,560
District No. 10	3	18	September 1 to December 15	2,520
District No. 10	3	18	April 1 to June 1	1,440
				145,208

This leaves $792 only with which to pay the surfmen for the remainder of the fiscal year. This small remaining sum, which is yet to be reduced, is to be employed at some of the new stations on the Pacific coast and those upon the Atlantic coast where it may be found necessary to employ certain surfmen after the season. Such continuance of the employment of crews at some of the stations will be necessary, as is the case every year.

If the life-saving station in the vicinity (Nag's Head, No. 7) had been open, the testimony of the survivors of the Huron is that the crew of the vessel would probably all have been saved. We must look to other causes, to wit, bad seamanship, for the loss of the Huron. I assert that there was a lack of practical seamanship. We do not get it at Annapolis. Less dancing and more study of engines, currents, and tides would be advantageous to our naval service and prevent such deplorable results.

The Metropolis was lost on the Currituck shore, twenty-five miles

from the Huron disaster. The heart sickens with the list of the poor men thus lost on their voyage to a distant land to better their condition. Who can picture the agony of suspense and terror when wind and wave combined their vengeful power? But it must be remembered that at the wreck of the Metropolis many lives were saved by the life-saving men. Their failure to save probably all, is due, first, to the paucity of stations on the North Carolina coast and the distance of the wreck from a station, and, secondly, to the bad management by those on board the vessel of the line thrown them by the life-saving crew, which allowed it to be chafed in two by the wire rigging. The captain and other survivors testify that had the life-saving crew reached the vessel in the forenoon probably all would have been saved. The official report of Captain Merryman, who investigated the matter, shows that it was impossible for the station men to reach the scene of the wreck any sooner than they did. It also shows the manner in which the line was broken.

It was by no fault of those who shot the line. The line was sawed in two by chafing across an iron-wire stay. It should have been dropped to starboard by the man aloft who seized it. It was the best kind of line in use, and suitable for the purpose beyond all others. A hundred were rescued and cared for. See pages 4 and 5 of Captain Merryman's report.

The difficulty of reaching the scene of this appalling disaster is well described in the same report, from which I quote:

> In order to appreciate the difficulty which the six men encountered in hauling the mortar-cart and load, it must be remembered that station 4 is situated on a portion of the coast so flat for nearly a mile inland and so slightly above ordinary high water that the storm-tides sweep over it and, surrounding the station, cover the sandy plain to a depth of several inches, and this had occurred the night before, making the sand so soft and yielding that the wheels of the cart, with their broad tires, five inches wide, cut four or five inches below the surface, while the feet of the men, as they labored with their load, sank in the sand at every step; consequently the party could make but slow progress. The cart contained the mortar, three balls, the whip-line and block, the breeches-buoy, a tackle, powder-flask, quick-matches, match-rope, and line-stock, line-box, and a Merriman life-saving suit, which, with the cart, made a dead weight of more than one thousand pounds, one hundred and sixty-six pounds to each man. (Standard authorities give the draught of man at one hundred and fifty pounds over a firm, level road, and say that a porter can transport in a wheelbarrow one hundred and fifty pounds ten miles a day.) These men were not fresh, as within the preceding twenty-four hours one of them had walked thirty-two miles through the storm on the north patrol, another twenty-four miles on the south, while two others had walked sixteen miles each, and the remaining two twelve miles each. Frequent halts were therefore imperative. The wonder is that they got the apparatus to the wreck so soon as they did. It could not have been done had they not been overtaken about a mile and a half from the station by Mr. John J. Dunton with his horse and cart. He states: "They (the crew) were worn down, it being a bad beach for men to travel, and asked me for assistance. I hitched on to the cart, and was glad to do so. We arrived at the wreck about twelve o'clock."
>
> The mortar was immediately got into operation. The statements vary somewhat as to the number and order of the shots fired, which is not remarkable, as on such occasions exciting events so quickly follow each other that comparatively cool and collected men fail to recall them in their exact sequence.

Captain Merryman concludes his statement with the recommendations which the committee's bill carries out:

> The proposed additional stations, with an increase of two surfmen to each, will, in my opinion, amply provide for the needs of the coast, and make the service there as efficient in its operations as in the older districts on Long Island and New Jersey, by reducing the length of the patrols, enabling earlier discovery of wrecks, prompter arrival of boats and apparatus at the same, and the early assemblage of the crews of adjacent stations when signaled for aid. The two additional men will materially relieve the labors of the patrol, besides affording an extra man to care for the station while the crew is engaged at a wreck, and another to remain on the beach to aid the boat in landing and for other useful duties.

Besides, it is generally agreed and amply proved that the Metropolis was unseaworthy. She went to pieces sooner in consequence of her rotteness. She was sixteen years old, and had been coddled for the occasion; but this matter is being examined by the committee.

It does not, however, lessen but increases the need of more care on shore since such vessels are allowed afloat. Reform should be radical to reach such disasters.

The letter of the Secretary of the Treasury in answer to the Senate resolution of February 6, introduced by the Senator from North Carolina, [Mr. RANSOM,] which letter was referred to the Committee on Commerce February 19, (Ex. Doc. No. 31,) shows specifically the condition of the service on the North Carolina coast. It will enable members to perceive the cause of the failure to render all the desired aid at the wreck of the Metropolis. That it was not done is the result of the very defects which the officers in charge of the service have repeatedly pointed out. Again and again have they prayed to have these defects remedied. So far from affording ground for declaring the management of the service inefficient, this only proves the wisdom and forethought of the recommendations of those officers. In the annual report of the life-saving service for 1876 the general superintendent says:

> The portion of the coast embraced between Capes Henry and Hatteras does not appear to be sufficiently provided with stations. The distance between the stations now located thereon averages ten miles, which is too great to admit of their complete surveillance by the patrol. * * * The number and serious character of the disasters which have since occurred thereon clearly indicate the need of an additional number.

The report for the succeding year, 1877, has the following:

> The experience of the last few years has plainly shown the need of additional stations upon the coasts of Virginia and North Carolina.
>
> * * * * * * *
>
> On the coasts named there are now but ten stations, the distance between which averages ten miles, which is far too great to admit of the thorough application of the prime feature of the service, the patrol system. On other portions of the Atlantic coast which admit of the patrol the stations are from three to four miles apart, a distance fully great enough to admit of the enforcement of the regulation in the fierce storms of winter with safety to the patrolmen. The distance is also so great as to materially impair the chances of reaching in time to effect rescues, the shipwrecks which may occur midway between the stations. It is therefore recommended that authority be given for establishing additional stations on this coast at intermediate points between those existing. Five others should also be located between the southernmost station and Cape Fear.

OTHER RESCUES IN THE HURON AND METROPOLIS STORMS.

Where the protection of the service is ample, such failures do not occur. In the same storm that wrecked the Huron the life-saving crews rescued eighteen persons, men and women, from the Russian bark Johanna Lang, on the New Jersey coast, and the crew of the schooner Maggie, on the Long Island coast; and in the storm which wrecked the Metropolis the crews of two vessels which were driven upon the New Jersey coast were taken ashore by the life-saving men. These were all the wrecks which occurred upon the coast in those storms. The columns of the New York papers of the 23d of February show what splendid work the life-saving crews did in the storm of Thursday night, the 21st of February.

In no instance within the past six years can failure to rescue imperiled seamen on stranded vessels be successfully attributed to the inefficiency of the life-saving service. If any instance be cited as such I assert that proof to the contrary can be produced.

SUFFICIENCY OF FUNDS AND EFFICIENCY OF SERVICE.

The general answer to attacks on this point is, where there is sufficiency there is efficiency. On all other parts of the coast than North Carolina the life-saving service has been a complete success. For years the public journals of the country, stimulated by the exploits of the crews of such wrecks as those of the Rusland, the Amerique, &c., have sounded its praises. Last year every illustrated newspaper in the country pictured the splendid work of these crews and could not say too much in their honor. The following is the record of the service for the last six years, giving a

GENERAL SUMMARY OF THE SERVICE,

of wrecks which have occurred within the scope of life-saving operations from November 1, 1871, (date of reorganization,) to close of fiscal year ending June 30, 1877:

Total number of disasters	407
Total value of vessels	$6,921,394
Total value of cargoes	$4,212,012
Total value of property saved	$6,967,947
Total value of property lost	$4,129,459
Total number of persons on vessels	4,730
Total number of persons saved	4,650
Total number of lives lost	80
Total number of persons sheltered	959
Total number of days' shelter afforded	2,867

The foregoing table shows that within six years, out of forty-seven hundred and thirty persons exposed upon four hundred and seven wrecks only eighty lives have been lost. This is a proud record. It has never been surpassed by any similar service in the world. I affirm this after a study of the systems of all countries.

SHALL THE NAVY HAVE IT?

But it is said that "a practical man" should be placed in charge of the life-saving service? By this is meant, a Navy man, or a seaman, one who may know Bowditch better than the Gulf Stream, and Norie better than steam-engines.

The answer is that success is the criterion of administrative ability. We point to the extraordinary and admitted success of the life-saving service, on every coast where its system has been fairly tried. North Carolina is not to the purpose. Why not charge inefficiency because of disaster between Hatteras and Cape Fear, where there are no stations, as on the other parts of the North Carolina coast where there are too few? Is a seaman for the head of an aquatic establishment necessary or preferable? Is not the Secretary of the Navy a civilian? Are not the heads of the life-saving institutions in Great Britain, from whence came the life-boat and the grand traditions of skill and prowess in life-saving, civilians?

The officer in charge of our life-saving service has the assistance of "practical" men in the inspectors and assistant inspectors of the service, who are officers of the revenue marine, and are skilled coast navigators such as the Navy cannot show. He has local superintendents who are old seamen and surfmen; and in the officers of the Ordnance Corps, whose services have always been available in relation to experiments in gunnery, with a view to getting shot-lines to vessels.

Sophistry may be expected on the subject of placing the life-saving service in the able hands of naval officers who know the requirements of such a service, &c. The fact is that our naval officers are notoriously deficient in the very elements of the knowledge which is required to conduct the life-saving service. For example, a primary requisite is knowledge of the coast and coast navigation. The wreck of the Huron, which was a new and good vessel, is a signal instance in point. In this disaster the cabin might have learned from the forecastle, and it tells far more against the Navy than it ever could be made to do against the life-saving service. What sort of knowledge of the coast was shown by her being on that dangerous shore at such a time?

The revenue marine has frequently been employed in getting off Navy vessels. Ignorance of our coast or unskillfulness on the part of naval officers often causes them to get their ships aground. A num-

ber of our naval vessels have been lost within the last few years through this cause.

To transfer the life-saving service to the Navy is to take it abruptly from the hands of those who have spent upon it years of toil and study and gained experience and knowledge which only time can bestow. It is to place it in the hands of amateurs—men who have no knowledge whatever of its nature and requirements, except that gained by reading or cursory observation during some chance visit to a life-saving station. This, to say the least, is a hazardous experiment.

At first thought there might seem to be a propriety in placing the life-saving service in the Navy Department, both being aquatic; but here the analogy ends.

PROPRIETY OF THE TREASURY HAVING IT.

At first sight, also, it might seem improper to place it in the Treasury Department; but this appears otherwise when it is considered that to the Treasury belong all organizations relating to the aid and protection of commerce and the collection of the revenues. Are not the Coast Survey, Light-House Board, revenue marine, steamboat-inspection service, and life-saving service properly under the Treasury?

REVENUE MARINE.

The revenue marine, with which the life-saving service is connected, is a coast service. Its vessels are adapted and its officers are trained specially to coastwise navigation. This navigation involves special duties, proficiency in which can only be acquired by constant practice and long experience. Since 1837, when the President was authorized to cause public vessels to cruise upon the coast in the severe season of the year for the relief of distressed navigators, with the exception of a brief period during which the Navy undertook the work and abandoned it as impracticable for them, the vessels of the revenue marine alone have been annually designated for this service. The report of the life-saving service for 1876, on page 40, shows that between 1860 and 1876 twenty-three hundred and eighty-six distressed vessels have been assisted by them and four hundred and seventy-four lives saved. So well do they perform this service that every year the Treasury Department receives numerous acknowledgments of their services from boards of underwriters, ship-owners, and commanders of vessels, as well as acknowledgments from foreign governments.

Many of the officers of the service possess testimonials and decorations bestowed upon them abroad in recognition of the aid they have given distressed vessels. Successive annual reports of the Secretary of the Treasury call attention to the extent of the humane work rendered by the revenue marine. Secretary Bristow asserted in his report for the year 1875 that throughout one entire month the marine columns of the principal commercial newspapers every day contained accounts of such relief administered to suffering vessels. The intimate knowledge of the coast and familiarity with the methods of rendering assistance in shipwrecks, and in saving life, peculiarly fits this service for the supervision of the life-saving service. Naval officers, on the contrary, are not practically familiar with the coast, and the Navy is essentially a deep-sea service, being simply the national military marine, designed and trained for naval warfare.

QUESTION OF ECONOMY.

The naval proposition is not in the interest of economy. It proposes the abolishment of the offices of district superintendents and the substitution therefor of officers detailed from the Navy, to be designated as inspectors. It authorizes the Secretary of the Navy to cut up the coast into as many districts as he pleases. The number of districts cannot be less than they are now, being divided by natural boundaries; and without restriction by law there is great danger of their number being unduly increased in order to make places for the assignment of officers to shore duty, which are eagerly sought for, and of expenses being augmented accordingly. Should, however, the number remain the same as now, the expenses of the service would be considerably increased, inasmuch as the compensation of the naval officers referred to considerably exceeds that of the present superintendents, which aggregates but $12,000 per annum. In addition there would be required an outlay for office rent and fuel, and probably clerk hire, which under the present system is not incurred, the superintendents, living in their own houses, which they use for offices, and performing their own clerical labor. Much expense is also saved by the transportation and distribution of outfits and supplies to the life-saving stations by the revenue-cutters in their cruising, which obviously naval vessels could not be employed to do. There is now a rigid inspection of the service by revenue-marine officers, in addition to the oversight exercised by the superintendents, which is inexpensively performed in connection with and without detriment to their other duties, their transportation being mainly secured upon their own vessels in their regular cruising.

WHAT ARE PRACTICAL MEN?

The naval inspectors would not have that intimate local knowledge of the coast which is deemed essential, and which a superintendent is required to have throughout the line of his district and which has always formed an important topic in the examination of candidates for these positions. This knowledge involves many features that are not and cannot be shown by charts, and can only be learned by continued local residence upon and examination of the coast. The knowledge of the inhabitants which superintendents have acquired by long residence in their respective districts is an almost indispensable requisite, and enables them to make suitable selections of keepers and surfmen. This also would be beyond the power of the naval strangers until after a residence of two or three years at least, at the end of which time by naval rule they would be detached and other strangers detailed in their places.

The naval proposition provides for the manning of the stations by men enlisted in the Navy. These men must either be the wreckers and fishermen who now compose the life-saving crews or Navy sailors. The former cannot be enlisted under the terms of the bill, to be subjected to naval discipline and made liable to transfer in case of war or other emergency, as the bill provides, to the decks of the Navy. They are citizens, generally of repute and standing and men of families, commonly well off and sometimes wealthy. They are coast fishermen and cannot be obtained for service upon the conditions of seamen. As far as any advantage resulting from enlistment is concerned this is already practically secured, the best men being generally re-engaged for six or seven years in succession, as the station lists show. As for the Navy sailors, they are not surfmen and would be utterly inefficient upon occasions of wrecks, the two professions being as technically distinct as the trades of a blacksmith and carpenter, yet it is these latter that the bill proposes to supply all vacancies with. The other sections of the naval amendment re-enacts existing law, which has defects so grave, that unless remedied they will utterly destroy the life-boat service upon the lakes. These defects and others in the present organization of the service are radically cured by the bill of the committee.

WHO ARE THE "AMATEURS?"

The fact is, with reference to the life-saving service, that it is the naval men who are the "amateurs," and not the officers of the revenue marine. This was shown conclusively in the elegant and eloquent speech of my colleague, [Mr. COVERT.] He is intimate with the conformation and peculiarities of the coast he represents, and his constituents are skilled men in coast navigation. The men of the Navy from the very nature of their functions are blue-water sailors and cruisers in foreign waters. They cannot be life-savers but life-losers, for they lose their own in the breakers too often. Why should the old captains of the merchant marine and experienced surfmen who constitute the superintendents of the life-saving districts be considered amateurs, or the hardy fishermen along the coast, brought up in the surf from childhood, from whose number are drawn by the most rigorous selection our life-saving crews? Certainly the civilian who brought the service from merely nothing to something good enough for the Navy to try to steal; who for seven years has made the subject a special study and has had that number of years' practical experience in its development and management—more years than Annapolis and cruising require to make a complete naval officer—who has organized success as Carnot organized victory, and made the establishment an honor to the nation and secured for it a reputation throughout the world second to that of no similar institution, who, until the wreck of the Metropolis, conducted its affairs without even an accusation of culpability, and whose annual reports prove him an adept in all matters connected with the life-saving business—certainly even Navy impudence could not call him an "amateur."

The epithet of "amateurs" comes with sorry grace from the lips of naval officers, whose only knowledge of the service is derived from the reports and other publications yielded by the experience—the painfully acquired experience—of the very men they seek to supplant, or from the observation of some chance hour in which they strayed into a life-saving station. Gentlemen of the Navy need to be reminded that with all their assumed and boasted familiarity with the service they have never contributed to it an idea, nor a measure, nor an invention in this or in any other country.

The life-saving service, as such, exists and has existed for many ages in a highly organized form. In China its conduct is intrusted to such mere "amateurs" as the river and harbor boatmen. So far as the Occident and modern times are concerned, it originated in Great Britain. In its whole inception and development—from its early scattered and broken beginnings to the splendid climax of later years—the British life-saving service is the work of "amateur" humanity, "amateur" courage, and "amateur" genius. The Royal National Life-boat Institution was founded in 1825, mainly through the strenuous efforts of an "amateur" nobleman, Sir William Hillary, baronet, aided by two "amateur" English members of Parliament, Mr. Thomas Wilson and Mr. George Hibbert, and a number of other "amateurs," drawn from the nobility, clergy, gentry, and mercantile classes. The admiralty appears to be wholly without representation in this remarkable movement, which made an institution of the most heroic of all boats, the life-boat, and multiplied its succor to seafarers along the entire coast of the United Kingdom. The numerous local life-boat associations which in Great Britain either sprung into being or were fed from this organization were also the enterprise of "amateurs." They never, in a single instance, owed anything to the patronage of the navy.

Following the success of the Royal National Life-boat Institution, similar life-saving societies were organized by "amateurs" in France, Germany, Austria, Italy, Turkey, and other countries on the conti-

nent. The only European nation whose navy ever attempted to handle the life-saving service was one which presently dropped it with a public confession of inability. I allude to Russia. Up to 1869 the Russian navy department had established a few life-saving stations, and was the first to recommend to the Emperor the plan now adopted of confiding to a private society, in imitation of the British system, the life-saving service of that country. Thus, the only nation in the world whose navy had a hand in the establishment of the life-saving service was also the one which made haste to resign it to the charge of "amateurs."

Not only in respect to the organization, but at every point, the life-saving service is the work of "amateurs." The seed-cone of the whole institution—the famous English life-boat—was the invention of an "amateur," Lionel Lukin, a London coachmaker, who patented the device in 1785; the only part the navy had in the matter being to obstruct the adoption of the boat for many years.

Although the Prince of Wales—

Says Mr. Lewis in his History of the Life-boat—

had been the liberal patron of Mr. Lukin, yet even his influence was not sufficient to bring the life-boat into notice, and Mr Lukin appealed in vain for encouragement to the first lord of the admiralty, to the deputy master of Trinity House, and to various admirals and captains of the navy.

The successive improvements in 1789 of Lukin's boat were also the work of "amateurs." William Wouldhave, a painter, devised the side air-chambers, which add to the boat's buoyancy, and Henry Greathead, a boat-builder, contributed the curved keel, which greatly increased its efficiency. Another "amateur," Rev. James Bremner, of Wells, Orkney, a clergyman, invented in 1800 the means of making the boat self-righting: water-tight casks in the head and stern and three hundredweight of iron in the keel. In 1828, another "amateur," George Palmer, esq., member of Parliament, of Nazing Park, Essex, invented a further development of the life-boat. Later, two other "amateurs," Messrs. Lamb & White, of Cowes, continued the work with improved life-boats. In 1850, an "amateur," James Beeching, boat-builder, of Great Yarmouth, devised the great prize life-boat of the Royal National Institution. In 1851, two "amateurs," private Welsh gentlemen, father and son, H. and H. T. Richardson, invented the famous Richardson tubular life-boat, two cylinders laid parallel, with pointed ends turned up and in, and a grated deck above and between, the first specimen of which does service now on the bars of Oporto, and a number of which are on duty in English harbors. Finally, in 1852, one more "amateur," James Peake, master shipwright, at Woolwich, brought forth the great life-boat, improved on Beeching's, self-righting and self-bailing, which, if capsized, comes up like a water-dog, shakes itself free of the brine, and swims buoyant on the crest of the surge, stable, capacious, and invulnerable.

In all the history of these wondrous boats, which have saved thousands of persons, not once does the hand of the Navy nor of any of its officers appear. They are all the work of "amateurs." The same is true of the famous surf-boat, which is best adapted to use on our Atlantic coast, for whose flat beaches and shoaling seas the English life-boat is, by its great weight and draught, unsuitable. The surf-boat is also the device of "amateurs," being primarily devised for fishers and wreckers, and our Navy does not possess to-day a single boat of a model suitable for surf landing.

The same story continues throughout the entire range of life-saving appliances. The life-boat carriage was first the improvisation of unknown wheelwrights, "amateurs." Two other "amateurs" in England, Colonel Colquhoun and Colonel Tulloh, of the royal arsenal, successively designed improved carriages for the life-boat, and the solitary instance where a naval officer has appeared in connection with life-saving apparatus is that of Captain Ward, of the royal navy, who designed the life-boat carriage in present use in England. All else belongs to the "amateurs." The invention of a shot carrying a line, whereby connection can be established from the shore with a stranded vessel, was devised in 1809 by Captain Manby of the English merchant service. The light used in Great Britain for illuminating the scene of a wreck was invented by Colonel Millward. The favorite rocket for conveying a line to a wrecked vessel is Colonel Boxer's, another "amateur." Mr. F. Dent, chronometer-maker, got up specially for life-boat service Dent's life-boat compass.

In this country the "amateurs" still bear the palm in life-saving matters, and the "skilled hands of naval officers" are only seen in the attempt to wrest the institution, with all its appliances complete, from those who had the wit to invent and improve it. Was it not an "amateur," Captain Douglass Ottinger, of the revenue marine, who invented the famous life-car, which at its first trial in 1850, at the wreck of the ship Ayrshire, on Squam Beach, New Jersey, saved two hundred and one persons, men, women, and children? Could they have been rescued by any other means? Has it not continued in use ever since with invariable success, and did not Congress vote the inventor $10,000 for his humane contrivance? I have before me an interesting letter from him, protesting against taking this service from its present relations. Captain John M. Richardson, the superintendent of the first life-saving district, has constructed a remarkable improvement, in weight, draught, and other respects, on the English life-boat, which is in use in our service. The best gun in the world for sending a shot-line, until the present year, was devised by an "amateur," Robert P. Parrott, esq., only second now to the improved gun devised by another "amateur," Lieutenant Lyle, of the Ordnance Corps. At every successive invention or improvement in the noble art of life-saving we see the head of an "amateur," and, except in the single exception noted, the Navy cap is not upon one in the entire gallery. The record gives the gentlemen of the Navy the poorest possible title to any assumption of control over such an establishment.

The reasons against employing officers of the Navy in the life-saving service in place of civilians or revenue-cutter officers may be thus summed up:

First. The life-saving stations were first built and equipped under the personal superintendence of revenue-cutter officers in 1848. They have been connected with the life-saving service ever since, and to their efforts is due its present efficiency, as acknowledged by all maritime countries interested.

Second. The revenue-cutter service is essentially a coast service.

Third. Navy officers were formerly detailed as revenue-cutter officers. But their distaste to receiving orders from collectors of customs and other civil officers became so apparent that the cutters were wholly severed from the Navy, except in time of war, during the administration of Andrew Jackson.

Fourth. The life-saving service is now important as a coast guard for the prevention of smuggling and the protection of the revenues in addition to its humane purposes and duties, and, like the revenue marine, is a civil service, and needs no greater military element than is required in a well-conducted police force.

Fifth. Nor is it probable that the keepers and surfmen will relish the introduction of any strict or severe military or naval supervision, which must follow if the superintendents of districts are to be superseded by Navy officers.

Sixth. Superintendents of districts from civil life are important intermediates between the people of the coast and the present inspectors, who are trained civil officers of the Government, under semi-military discipline, and nearer to the people than the Army or Navy.

Seventh. Navy officers are now employed in the Light-House Service, the Coast-Survey, and the National Observatory, in addition to the navy-yards and many other shore stations appertaining to the Navy proper.

Eighth. The experience gained by revenue-cutter officers in the establishment and management of the stations has given them a knowledge of the various apparatus and methods for saving life and the needs of the service, together with a personal acquaintance with the people of the coast which no Navy officer can pretend to have or even acquire without an equally long experience in the service.

Ninth. The proposed change will double the expenses of the service, since it is a well-known fact that line officers of the Navy who would be thus employed are not experienced in the economical expenditure of public moneys until they have served as heads of bureaus in the Navy Department or navy-yards, positions which they do not reach until they are too far advanced in years for the active service absolutely necessary in the inspection and management of the life-saving service.

Tenth. The substitution of Navy officers for the present superintendents of districts will further increase the expense of the service in office rents and clerk hire, for which there is now no allowance whatever. The present superintendents in their respective districts do not require offices or clerks, while the revenue officers who are acting as assistant inspectors have their quarters on board the small vessels cruising as cutters in the sounds and bays.

Eleventh. These vessels are also used for transporting materials and supplies to the stations, not only without extra expense to the Government, but actually saving hundreds of dollars for freights and transportation, which is always expensive on the coast when private parties are employed.

Twelfth. Officers of the revenue marine retain their powers and duties as customs officers while inspecting the life-saving stations along the coast, where their legitimate duties call them.

Thirteenth. The English navy, it is true, performs a small part in the life-boat and saving system; but it is (as Lewis in his history relates) a special training which our Navy does not get.

In conclusion, Navy invention or capacity in any application to life-saving service is a blank, and naval officers have the very poorest of titles to the assumption of the conduct of a coast protection like the life-saving service.

PRACTICAL TALK.

Among the many letters which have been received here remonstrating against removing this service to the Navy Department are those from men of experience along the coast. I have before me a letter addressed to a Senator from a constituent. In it he says, substantially:

Ever since vessels have sailed our waters they have suffered shipwreck upon our shores. Ever since these shores have been inhabited by civilized men the victims of marine disasters have been dragged from dissolving vessels and freezing waters by the people of the coast. This has often been done at the risk, and at times the loss, of their own lives. They were fed, clothed, and sent upon their way. Their rescuers neither asked nor received any compensation, and no reward save that which comes from having done their duty to suffering humanity, and "unto others as we would they should do unto us," or such testimonials as certain organizations sometimes bestow for voluntary acts of gallantry and self-sacrifice.

Hence it is that the people of the sea-coast view as an act of peculiar meanness and selfishness, and utterly wanting that spirit of justice, generosity, and honorable dealing which until now we had supposed them to possess, the efforts of the

officers of the Navy to gain control of the life-saving service and fill it with the class of men which the bill of Senator SARGENT proposes. The service has been organized upon a most intelligent and practical plan for the officers of the revenue-marine service. The life-saving station-keepers are selected from those among us who have ever been leaders in efforts to rescue the distressed. These keepers in turn select their crews from among those who have always been ready to follow them into scenes of danger and imminent peril; and along the whole coast of Massachusetts the life-saving stations are filled with picked men; would say that in the parts of the coast protected by the stations we have no class of men to correspond to that of the common sailor, (so called,) found both in the naval or merchant service of the United States. Our young men entering that profession can soon rise to places of trust and command, and such a thing as an "old sailor" outside of the large cities is not known.

An experienced surfman fit to encounter the breakers upon these shores cannot be had on the coast on the terms and under the conditions that the bill of the Navy men propose. The men employed at the stations on this coast are thrifty and enterprising citizens, the accumulators and holders of property, the heads of families, and such as make up any well-ordered community; and we view with extreme solicitude the introduction among us of a class of men of such habits as the carrying out of the provisions of Mr. SARGENT's bill will bring. Our property is largely in vessels, and our citizens largely employed in commanding them, and we acknowledge and highly appreciate the valuable assistance the officers of the revenue-cutters render, in the winter, to our imperiled property and citizens during their cruising along the coast, and our interests and sympathies are entirely with the revenue officers in the attempt of the officers of the Navy against them. The officers of the Navy we have helped to educate at the public expense for a certain purpose, and we expect and demand that they attend to it. We half-pay and pension them when unfit for active service. With this amount of public petting I should suppose that they would possess sufficient modesty to attend to their own business. They should let the men who for generations have, unnoticed, served suffering and perishing humanity, and need no instructions from naval officers how to do it, attend to theirs.

NAVAL SUPERNUMERARIES.

If this letter is too harsh upon any officers of the Navy, they have brought it upon themselves. I have no rigorous criticism to make upon those officers. Doubtless their number is in excess of the present or prospective needs of the country, and the Naval Academy is every year turning out more of them whose services are needless. But have I not shown that it is not economy to employ this service for life-saving? Do we need stipendiaries in the Army and Navy? Last year we appropriated $7,600,000 for the Navy. Four millions of this went to commissioned officers alone, and the remainder to seventy-five hundred enlisted men. We have admirals, vice-admirals, and rear-admirals, commanders, lieutenant-commanders, captains, lieutenants, masters, ensigns, midshipmen, medical corps, pay corps, engineers of three classes, chaplains, professors, instructors, and cadets. Their pay ranges from $13,000 to $500 per annum. Besides, we have an amphibious marine corps, living on both water and land and useful on neither. What an array of officers, for instance, at the Washington navy-yard; much more, what a useless array to bear our flag around the world, with no commerce to protect! If these supernumeraries desire to intrench upon the functions of other officers, better at once give them notice and dismiss them. These naval officers are too genteel to perform the practical duties on the revenue-marine cruisers; nor will they lessen the expense. The cost of keeping in commission a vessel in the Navy similar in size to the revenue cruiser is nearly four times as much as for the revenue vessel on active duty. For this I have official proof; I defy contradiction. For three vessels of each service of about the same tonnage (the naval aggregate being the least) the expense per ton of the naval vessels is $144.14; that of the revenue marine $48.56; difference in favor of revenue marine, $95.58 per ton. The revenue marine is an exception in one respect to other branches of service. While it has increased its work it has lessened its expense. From 1868, when it was $1,293,661.67, it was $841,176.31 last year. Its average of vessels assisted in distress up from 1860 to 1870 was one hundred and nineteen; the average since is one hundred and ninety-six per annum. During the same period the average of the lives saved was as 17 to 56.

NAVAL OFFICERS AS DIPLOMATS, SURVEYORS, AND OTHER FUNCTIONARIES.

For want of something to do naval officers are suggested for diplomatic and other service. I have before me Senate bill No. 717, to use them in a civil-service reform, as Indian, pension, diplomatic, and other such service as may be compatible. Admiral Porter, in his testimony before the investigating committee of Mr. WHITTHORNE in 1876, page 296, complacently tells us:

> We look upon it that a minister is sent abroad to preserve peace, not make war, and naval officers, having so much intercourse with the world, consider that they are perhaps as well informed about diplomatic matters as persons who have just entered upon their diplomatic duties for the first time. Now, in England it is different. There persons are educated for the diplomatic profession, and a British naval officer in many cases is put under the orders of the minister.

There is a good deal of this sort of testimony given by Admiral Porter before the committee, which must be highly instructive to the legal gentlemen composing it. The upshot of the Admiral's testimony was that we should be careful to select our ministers and consuls from the Navy and keep the politicians, scholars, and statesmen at home.

Some years ago a hydrographic office was uselessly instituted, and hundreds of thousands of dollars wasted in its service by naval officers to give them employment. In one instance a large steamer was employed for eight months on the southern coast in hydrographic survey. When completed it was found that, owing to incorrect determination of the trigonometrical points and the consequent indetermination of the lines of soundings, the services were useless. A depth of ten fathoms was shown on their field chart where the inspector's sounding line indicated shoal water. Their channels were sand-bars, and their shoals blue water.

WHO ARE SURFMEN.

We do not want soldiers or sailors for the surf. We want surfmen who are mostly fishermen. Our fisheries are no less the nursery of coast navigation than the nurture of men. It is often the case that when our vessels order their boats lowered from the davits and sent ashore through a line of breakers by mere sailors the boats are swamped. There is as much difference between a seaman and a surfman as between a seaman and a marine. What would young naval lieutenants know about our perilous coasts, compared with the men who have gained experience from long residence there? An old surfman writes to me that "much has been said about brave jack-tars making good surfmen, but put the captain of a canal-boat on board of a ship in mid-ocean in a heavy gale." He makes a picture of such a scene. When it is all icy so that the ablest seaman hesitates to go aloft, while the mate shouts out in thunder tones "Lay aloft there, you land-lubber, and furl that royal!" "Where, then," he asks, "would be that captain, albeit familiar to the raging canal?"

The trade of battling with breakers when mountain-high is hard to be learned, and never learned to perfection. "There are men here," he writes, "who have launched their boats in the surf for the last forty years; they are learning something every day." Who will say that these men are not superior to any that can be produced from a man of war?

It may be all right for our honorable Speaker, on the principle of amateurship I suppose, to appoint a gentleman from the interior, like my friend from Tennessee, on the Naval Committee as chairman. He comes within the poetic description of Wordsworth:

> Though inland far he be
> His soul has sight of that immortal sea,
> Can in a moment travel thither,
> And see the children sport upon the shore,
> And hear the mighty waters rolling evermore.

But this is as fanciful a picture as the use of blue-water sailors for coast and surf duties. He might manage a flat-boat, or perhaps could sail upon the open deep, as a navigator, and be able to tell me the difference between a sky-scraper and a scupper, or between a garboard-streak and a first futtock! But what could he do in the league-long rollers thundering on the shore or how clamber up their watery Alps and go through or over them in safety, as a sea-bird touches the bounding billow? *Experientia docet.*

THE INEFFABLE GLORY OF LIFE-SAVING.

I have said, Mr. Speaker, that we have one beautiful statute, which has a sacred halo around it. It makes a sunshine in the shadow of our selfish, sectional, and patriotic codes and laws. It is that which preserves human life. It is not merely a sentimental humanity, but a real benefaction. Like the orange-tree, it bears fruit and flowers at the same time. No language can make more emphatic that which every member must feel in contemplating its inestimable beauty and beneficence. It is no exaggeration to say, in view of its object, that it gives us a glimpse, though dim, of the golden age. The world's heart clings to it, as if it were a memory of a past paradise, or the hope of paradise regained. The sea itself plays its mighty minstrelsy in its honor! No reward can adequately remunerate for the saving of precious human life. Men, as Bacon has said, fear death as children fear to go into the dark, and in proportion as they fear, so is their appreciation of its sacredness. There are a thousand deaths in the apprehension of losing life. It is the one terrible enemy. We are used to contemplating it, even in the most loving surroundings of home, as the arch foe of mankind. The silent closing of the flower, around the insect is, however, none the less a death agony, even in the gardens of home.

Life is precious, because its loss cannot be repaired. Jeremy Taylor has told us, that while our senses are double, there is but one death—but once only to be acted, and that in an instant, and upon that instant all eternity depends. Other losses may be recompensed by gains, but loss by death, never! No one is so lordly or powerful as to stay this irreparable loss. Every day puts us in peril. While we think, we die. What care and esteem can equal the eternal weight of human life! Can any legislation be too ample, or adequate for its protection?

To you, inland legislators, far and aloof from the stormful perils of the sea, who sit happily in the blooming circle of household loveliness, it is the one hard lot of life for you to see the silver cord loosed and the golden bowl broken. None but the stoic, and he perhaps is a myth, can sing that sweetest of canticles, *Nunc dimittis*. But there is a peculiar terror connected with death by shipwreck amidst the leap and clash, boiling and battling of the tempestuous coast. Who can picture the poignancy of such death, in the company of those whose piercing shrieks and prayers typify the worst agonies of human despair?

Who can picture the joy, beyond all joys when in such despair and amidst the double darkness, the cry of "life-boat" rises above the surge of winds and waters. How buoyantly it floats, now under the weight of water, yet insubmergible, and now leaping above on the feathery plume of the wild wave.

> The life-boat; oh! the life-boat!
> We all have known so long,
> A refuge for the feeble,
> The glory of the strong!

It is a part of the progress of our civilization that death shall be wherever possible robbed of its sting, and even the watery grave of its victory; nay, the very stone removed from the sepulcher as if by angel hands, in the revivification of those only not drowned. Who can describe the terror of the long-absent, sacrificed at the threshold of home, in sight of the dear native shore? Think of Margaret Fuller Ossoli! Think of her at Rome, the lover of Italy; the synonym of all that was first fair, first good, first beautiful! What a romance was her life! In Rome, more than a Roman; in Italy, more than an Italian; in America, the emblem of our best thought; in intellect and taste, no parallel, except herself. What infinite and strange forebodings had she before she sailed on the good ship Elizabeth. Out of the flowers, sun, and sympathy of Italy, along with her noble husband and beloved child, she sailed, all-unwillingly, to her home, to her mother, sisters, friends. Passing through pestilence, and at last apast the terrible trials of our coast, in midsummer, she lost by wreck her sweet and benignant hold on our mundane life. She went down with her husband and child in sight of home. Her written thoughts perished with her manuscripts in sight of her home. There was no life-boat to save. She sat in her death-robes twelve hours in sight of the Fire Island sands on the Long Island beach. Ossoli and her child and her noble self, they perished as one. She went from the storms of time and sea to the infinite One who opened the doorway to the white throne.

STORM PIRATES.

It is within the memory of men present when the name "wrecker" was a synonym for the "storm pirate." Upon the Cornish and the Jersey coasts he preyed upon the dangers and calamities of the sea. Much has been done in England, from time to time, by her shipping acts to mitigate the barbarities, cruelties, and wrongs which have for so many ages added to the perils of the sea. The most terrible penalties have been enacted against despoiling the wreck and murdering the shipwrecked. It was the disgrace of the centuries. But, happy change, the world rolls on, the footfall of progress is audible; every form which the inventive mind can adopt is called in requisition by human governments to rescue life.

STORM WARRIORS.

It has always been a law among nations that salvage should be allowed for the rescue of property in ships. It was but the other day that an English court gave a large sum to the heroes of the sea who brought the floating obelisk of Egypt safely to port. It is but a year ago the life-saving service on the Jersey coast saved two millions of bullion for our Treasury. But it is of more recent date, and from a better spirit, that the savior of human life not only can be rewarded with a salary under government, but by medals of honor and the laudation of the good. It was but the other day that I picked up a volume by a minister of the Gospel about the life-boat work on the Goodwin Sands. He pictures a familiar scene of a century ago. With the skill of an artist he surrounds a company of low-browed villains with the environment of darkness, wildness, and storm, on a cliff near the sea. They plot for the destruction of a vessel. It is the story of Nagg's Head over again. A white horse is led along the edge of the cliff; a lantern is tied upon him; the light sways with the movements of the animal, not unlike the masthead-light of a vessel rocked by the sea. A ship is making steadily for the land. The captain grows uneasy. He will put his vessel round. The lookout man reports a dim light ahead. "What kind? Weather away." "Ay, ay, sir! 'tis a ship-light, for it is in motion." Yes, it must be a vessel standing on the same course with this. The captain will go on. There is a lull in the storm. A hoarse murmur is heard. It is the sound of the sea beating upon the rocks. Lo, a white gleam upon the water. Breakers ahead! Down with the helm! Round her to! Too late! too late! Crash! A shudder from stem to stern; the shriek of voices in agony; the sweep of the seas over the vessel. Broken timbers, and cargo, and lifeless bodies lie along the beach. No! One living body is thrown among the rocks. Dead men tell no tales. Murder closes the tragedy.

Think! all these pirates of the tempest have given way to the storm warriors, the life-boat, the howitzer, the rocket's flash, the hope-signals of safety, the salvation of human life. Can there be a nobler object for human legislation?

Imagine a wreck upon our coast in January! A steamer of three thousand tons burden is steaming through the rain, cold, and darkness. Unconsciously she approaches land. She has a pilot on board, but there is an error in sounding. There is a southeast wind and a heavy sea. Her immense dusky hulk is shadowed against the night like a living monster. Her gloomy lights are shades. They glimmer as faint stars gleam through clouds. How can words paint the scene? If there be one artist whose genius alone could do it it is Turner, he who has portrayed the tossing sea and its wild crests, the desperate passengers and reckless crew, the broken rudder and general menace of the wreck. Add to his genius the obscurity of a Rembrandt, with his shadows unbroken in their blackness save by little flashes of luster, and fill the dim object with the throbbing enginery of man trying to mate the surging sea, and you have all that the eye can see of this unspeakable terror.

Hardly do we discern her hull, her smoke-stack, her masts and yards projected in black against the gloom when we hear the noise of her steam, the mightly clank and throb of her engines mingling with the rustle of the rain and the weltering shocks of the seas as she rushes on with vast undulations,

> Crunching down the brine,
> Like a blind god that feels his way with thunder.

On her deck are a few muffled figures; below, in the berths, are two hundred or more sleeping forms. Suddenly, there is a tremendous shock! Every one on board is thrown down, and the sleepers below are dashed about pell-mell. Then, above the din is a storm of screams. The ship is in a strong convulsion, pounding upon the sand! The engines stop, but the bell is still ringing, the whistles are shrieking, but amidst and above the hissing of steam, the swash of the ocean, the shouts of command, are the human yells of dismay.

What does all this mean? It means that the steamer is hard aground on a bar, plunging and writhing with an ominous straining, and cracking through all her huge bulk as if in the gripe of some vast hand. Gradually she settles with slanting deck, over which, to and fro, in the darkness, run half-clad, tottering figures.

The rain matters little, for around her, like a shoal of monsters, are the winding seas; and there, on her lee, a few hundred yards off, in the gloom, up-shaking and down-falling, pallidly, with ominous uproar, are the breakers. She is stranded on the Jersey shore! Well may there be horror and confusion and dismay! Between her freight of souls and the land is that unstable wall of surf. The storm increases and the heavy coils of water swirling round her rise and lick off her oaken planking as with the tongues of hydras, and the great surges club the bottom with her hull until they break her kelson! This is the wreck! Where is the savior?

Suddenly, amidst the confusion and alarm, there is a whiz of ruddy light, and there, vivid, in a sort of orb of ruddy bloom, stands a figure, holding high above his head a baton from which flies the red fire. It is the patrol of the life-saving service. They stare at him from their unsteady deck. A cheer bursts out from them. "God be thanked! we are seen! help is at hand!" Then, in the last flicker of the expiring Coston light, their hearts sink again, as they see the patrolman race away. He bounds off to the station. It is near three o'clock in the dark January morning. By four he is back again, now as one of a crew of seven whom he has summoned. They are all hot and blowsed, and splashed from head to foot with the mire of a winter road, through which for a mile they have dragged the surf-boat. They pause only to take a look! Then they bend, all together, to the launch. Along the beach is a wall of ice three feet high, over which they clamber, slipping and floundering, with the heavy boat. Once over the barrier they drag on, over great jags and bowlders of ice which pave the beach, to the edge of the water. There, before them, is a boiling surf, full of enormous ice-cakes. Whitening, thundering, crashing, and rising, spreading and tumbling incessantly the slabs of ice with deafening uproar, looms that appalling abattis of breakers through which they will force out the boat to the vessel. In vain! Drenched and bruised, blown and reeking with the effort, they again clamber over the ice-barrier. Another crew from a more distant station arrives, and the keeper in command gasps out the order which sends the men to the station for the mortar apparatus. Boats are useless. Now for the ordnance! The wreck artillery arrives and prepares for action. Suddenly the keeper sees a light near the water, alongside the steamer. His heart bounds with fear. It is the old folly; a boat from the ship to the shore! The deep-water sailor sees only the smooth line of the shore, instead of a swarm of enormous turbines, whirling all under and into the caverns of the brine! Keeper and beachmen rush forward with their warning cries by voice and trumpet. In vain! The light starts on its phantom passage. It is borne in a boat with twelve sailors! Like the specter from the shadow of the steamer they see the little white craft emerge upon the summit of a huge wave. One moment's poise, and it flies smoothly toward them, so swiftly, so lightly, that it seems in one second more it will be upon the shore, and then, in another instant, as by some deft magic, it has feathered over, crewless, and keel upward, caught in the turbine wheels of the surf. Has the crew perished? No. Dark spots are seen struggling in the fuzz of the foam, and the voice of the keeper bursts forth with the loud "Come on, over the ice-wall, men!" They plunge into the under-tow. There they are, braced on legs of bronze, resisting with all the might of hip and loin the hideous suck and swirl of the waters, staving off the ice-slabs, and clutching for the drowning men! Four of these figures are dragged from the surf. They are heaved upward over the icy barrier. Another powerful tussle in the foam, and they master four more. Another desperate struggle and one more is saved. Two more are seen but cannot be saved. Another struggle, and the gallant keeper totters, gripped by a drowning man; the under-tow, like an accomplice, winds around him, and throws him down; the mad body clings to him and he cannot rise. In that moment of awful extremity the sea floods in upon them with its deathful roar, lifts and throws them inland, but before it can wash them back the keeper catches at a pile of ice and holds on. This enables him to resist the fearful siphonage of the under-tow, and with a desperate effort he regains his feet and makes for the shore. It is his last chance for life—a single second's delay and the surge may wash him down—but in that moment he does not forget that there is another life to save besides his own, and, furious, with the sea upon his heels, he seizes his man and staggers on, dragging this human weight behind him. A mate rushes to his assistance; the surf falls in a crushing flood behind them. They are safe, and

one more body rescued. Of the twelve men of the boat's crew, three have perished. Nine have been drawn from the ocean by this little band of heroes.

Is this a fanciful picture? No! This is what took place at the wreck of the French steamer Amerique, near Seabright, New Jersey, on the 11th of January, 1877. The day was Sunday. A Sabbath day for a Sabbath deed. That heroic keeper, whose breast deserves to be covered with decorations, was Abner H. West, of station No. 3. Those three men, deserving of equal honor, who wrought with him in the ice and under-tow to save those lives, and whose names I regret I do not know, were members of the station crew. How they and their mates toiled later, and achieved that splendid rescue of all on board the French steamer, with which the country rang, is a matter of public record. Such labor and danger! Is there a splendor equal to its heroism? How that day they traversed the shore between the station and the wreck, lugging their heavy cart, before they could get the mortar apparatus and life-car to the scene; how, after two hours of hard pulling and hauling, they were there with it, drenched with sweat, clotted with mire, alive with energy; how, with thud and gun-flash, their shot-lines fled swishing to the steamer, the hawser and the hauling-lines dragged aboard; how day broke, and again, with desperate labor, the effort was made to launch the boat through the surf and ice-floes; how difficult it was to get near the vessel, to make her foreign officers understand how to attach the life-lines; how, at last, the launch was achieved and, despite the breakers and currents which engirt the steamer with a circle of hell-pools, the boat's crew got near enough to make their instructions known, and the slender bridge of rope for the life-car, narrow as the line Mohammed saw floating across the gulf to Paradise, was drawn taut from the vessel to the shore—these were a few of the incidents of that night and day. To and fro, hung by its rings to the hawser, and hauled backward and forward by those arms of brawn, sped the life-car with its burden of human lives—six or eight at a time, men, women, and children, till all were landed. Then the baggage of the passengers, the trunks with their wealth of apparel and adornment, the mails with their written weight of more than wealth, and the bullion of the Treasury, followed the delivered lives in the same car. First, as I have said elsewhere, we save the man, and then his gems and gold. Is there salvage sufficient to recompense such service?

The Amerique was seen by the patrolman at three o'clock in the morning. They toiled incessantly, never pausing for a mouthful of food or to change their soaked clothing—stern, pale, unflagging, bemired, bedraggled, rough, weary, indomitable, and magnificent. Such were they, and such, in very feeble outlines and faint colors, have I endeavored to display their heroic work at the wreck of the Amerique on that Sabbath day which they thus kept holy. *Laborare est orare.*

In conclusion, Mr. Speaker, it is impossible personally not to felicitate myself upon having given much earnest study to this life-saving legislation. It would not perhaps be in good taste to boast of having been instrumental in its organization and improvement. The inspiration for what I have done, however, came out of a storm upon the Scilly Isles, in the winter of 1868, when a great steamer barely escaped shipwreck. It was the worst tempest in thirty years upon that coast. When we arrived in port the day after the peril, the English journals were full of the glorious exploits by rocket and signal and coast-guard and mortar and life-boat. I wondered if so much could be done in England, with her forty-five hundred miles of coast line, why should not our country, with double that number of miles, have a similarly efficient service. It was this that led me to propose what the superintendent of the service called the efficient beginning of the patrol of the Jersey coast. Since that time how much has been done for the well-being and rescue of imperiled human life! How much of comfort and joy has been vouchsafed to families and friends of the beneficiaries, of that mercy which droppeth as the gentle rains from heaven in this warm-hearted legislation, blessing and blessed!

REWARD OF THE SERVICE.

Mr. Speaker, I have spent the best part of my life in this public service; most of it has been like writing in water. The reminiscences of party wrangling and political strife seem to me like nebulæ of the past, without form and almost void. Gladly I would if I could, for many reasons growing out of personal inconvenience and party competency, reverse much that I have done here. Confessing so much inadequacy, recalling so many who have come and gone from this House—gone, many of them, to another sphere, and, I hope and trust, a better world—I would gladly lay down my commission and turn to other duties, which the lapse of time admonishes me should have attention. But what little I have accomplished in connection with this life-saving service is compensation "sweeter than the honey in the honey-comb." It is its own exceeding great reward. It speaks to me in the voices of the rescued; ay, in tears of speechless feeling; speaks of resurrection from death, "in spite of wreck and tempest's roar; in spite of false lights on the shore;" speaks of a faith triumphant over all fears in the better elements of our human nature. It sounds like the undulations of the Sabbath bell, ringing in peace and felicity. It comes to me in the words of Him who, regardless of his own life, gave it freely that other lives might be saved.

Humanity and civilization should walk white-handed along with government. They strengthen and save society. In the perils which environ our country, from passion and prejudice, from old animosities and new irritations, let us do good deeds—pray hopefully that our vessel of state be free from leakage, collision, wreck, and loss. Send out the life-boat; fire the line over the imperiled vessel; free the hawser for the life-car, and then with stout hearts and thankful souls lift up our prayer to Him who holds the sea in the hollow of His hand:

Jesu, bless our gallant boat
By the torrent swept along;
Loud its threatenings—let them not
Drown the music of a song
Breathed Thy mercy to implore
Where these troubled waters roar.

Guide our bark among the waves,
Through the surf our passage smooth,
Where the whirlpool frets and raves
Let Thy love its anger soothe.
All our hope is placed in Thee.
Miserere, Domine!

Mr. ROBERTS. I call the previous question on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

An act (H. R. No. 1896) for the relief of Nancy A. Herrick, of Rochester, New York;

An act (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes; and

An act (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States.

ORDER OF BUSINESS.

Mr. REAGAN. I now call up for consideration the unfinished business of last week, being the interstate commerce bill.

Mr. YOUNG. I move to go into Committee of the Whole on the state of the Union.

The SPEAKER. The unfinished business coming over from yesterday is the bill reported from the Committee of Ways and Means relating to internal revenue.

Mr. REAGAN. That bill has been displaced by the action of the House and is not now privileged. The gentleman in charge of that bill gave way for the one which has just been passed.

The SPEAKER. Did the gentleman from Illinois [Mr. BURCHARD] give way?

Mr. REAGAN. Certainly he did.

Mr. BURCHARD. What does the gentleman say?

Mr. REAGAN. I said that the gentleman from Illinois [Mr. BURCHARD] had yielded to allow other business to come up.

The SPEAKER. He yielded for the morning hour.

Mr. REAGAN. And also for business after the morning hour.

Mr. BURCHARD. I yielded for the morning hour and insisted that the bill should not lose its place.

Mr. REAGAN. I hope the gentleman will allow me to call up the interstate commerce bill and dispose of it to-day.

Mr. BURCHARD. The chairman of the Committee of Ways and Means, [Mr. WOOD,] who has the tariff bill in charge, gave notice that he would call up that bill to-day. The gentleman from Ohio, [Mr. GARFIELD,] who has the floor upon that bill, is obliged soon to leave the city, and he desires to have the bill brought up to-day. Of course, if the chairman of the Committee of Ways and Means [Mr. WOOD] makes the motion to go into Committee of the Whole on the tariff bill, I will have to yield to him. I agreed that I would not press the consideration of my bill as against the tariff bill. Otherwise I am bound to insist that the internal-revenue bill shall be taken up as unfinished business. The gentleman from New York [Mr. WOOD] of course can take me off the floor by a motion to go into Committee of the Whole on the tariff bill.

Mr. WOOD. I move that the House now go into Committee of the Whole on the tariff bill.

Mr. REAGAN. On that motion I raise the question of consideration in favor of the interstate commerce bill. It will require but an hour or two to dispose of the bill, for I will call the previous question upon it as soon as possible, and I hope gentlemen will let us dispose of the bill to-day.

The SPEAKER. The mode by which the gentleman can reach his object is to negative the motion to go into Committee of the Whole on the state of the Union.

Mr. GARFIELD. And pending that motion I move that all general debate upon the tariff bill be limited to four hours.

Mr. WILSON. Say one hour.

Mr. CONGER. Two hours.

Mr. GARFIELD. I would be willing to shorten my own speech, but there are four members of the committee who desire to be heard.

Mr. O'NEILL. I desire to ask this question of the gentleman from Ohio, [Mr. GARFIELD:] whether should the proposition to limit debate upon the tariff bill to four hours prevail, we can after that get at the bill so as to dispose of it once and forever? [Laughter.]

Mr. BURCHARD. That is a question for the future to determine.

Mr. O'NEILL. The gentleman from New York [Mr. WOOD] must know that this House is not in favor of passing this bill. I ask him, therefore, if he will help us to come to a vote upon the bill?

Mr. WOOD. I will say to the gentleman frow Pennsylvania, [Mr. O'NEILL,] and also to this House, that whatever may become of this bill, they do not get rid of the question "now and forever."

Mr. O'NEILL. Let the future take care of itself. But I will say to the gentleman that he ought to know that the time of the House should not be wasted upon a bill that is practically dead.

Mr. YOUNG. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG. I want to know whether, should the motion of the gentleman from New York [Mr. WOOD] prevail, and the House resolve itself into Committee of the Whole, can I raise the question of consideration as to different bills?

The SPEAKER. The gentleman can in Committee of the Whole move to lay aside any bill. The control of the business in Committee of the Whole is with the committee.

Mr. YOUNG. That is what I want to know.

The SPEAKER. And the only technical motion known in the House for reaching the Committee of the Whole is the motion made by the gentleman from New York that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. REAGAN. The bill which I desire to call up is one which has been the unfinished business for a number of weeks, and it is one of great public importance. If it is the purpose of the House by indirection to defeat action upon this bill, I desire to know it. Upon this vote whether we shall go into Committee of the Whole, I hope the friends of the bill I have referred to will insist upon the yeas and nays.

The SPEAKER. The Chair desires to state in reply to the gentleman from Texas that his bill was the unfinished business, but by the action of the House the internal-revenue bill was put in advance of it as unfinished business. Whenever the internal-revenue bill shall be disposed of the Chair will recognize the bill of the gentleman from Texas as unfinished business.

Mr. REAGAN. One word. The Committee of Ways and Means having in charge the internal-revenue bill gave way first for the morning hour and they now give way for another matter.

The SPEAKER. They cannot help that.

Mr. REAGAN. But they have no right to "farm out" the time of the House.

The SPEAKER. They do not "farm out the time of the House." On the contrary, the motion of the gentleman from New York is in order under the rules; and it is not in the power of the gentleman from Illinois, who has charge of the internal-revenue bill, to prevent the motion. So that the gentleman from Illinois is in no manner "farming out" the time of the House. The Chair recognizes the gentleman from New York in his right under the rules.

Mr. HOOKER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. The gentleman from New York has made a motion to go into the Committee of the Whole. I want to understand how it is that other gentlemen get the floor and speak upon the question whether that motion shall be adopted, the question not being debatable.

The SPEAKER. Because it is desirable the House should understand the effect of the various propositions and the objects which members have in view in making them.

Mr. HOOKER. Well, sir, I now raise the point of order that the gentleman from New York having made the motion to go into Committee of the Whole, no other matter is debatable, and that we must take the vote on that question before considering any other.

The SPEAKER. It is always in order to ask parliamentary questions.

Mr. HOOKER. I am aware of that; that is the reason I am asking one now.

The SPEAKER. The Chair will take notice that the gentleman from Mississippi [Mr. HOOKER] objects to debate, and will submit the motion of the gentleman from New York.

Mr. CONGER. Pending the motion to go into Committee of the Whole, I desire to make a motion.

Mr. WILSON. Is it competent for me to make a motion to limit debate?

The SPEAKER. Rule 104 will be read.

The Clerk read as follows:

104. The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole on the state of the Union; and also for providing for the discharge of the Committee of the Whole House and Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.

Mr. GARFIELD. Pending the motion to go into Committee of the Whole, I understand that the gentleman from New York allows me to make a preliminary motion to limit debate.

The SPEAKER. The motion of the gentleman from New York as recognized by the rules is a motion to suspend the rules and go into Committee of the Whole. Now a motion to suspend the rules brings the House to a vote directly on the proposition, if it be insisted on, as against any other motion.

Mr. GARFIELD. But the gentleman from New York yields to me to make my motion.

Mr. WOOD. I will yield for that purpose.

Mr. GARFIELD. I move that when the Committee of the Whole shall resume the consideration of the tariff bill all general debate be limited to four hours.

Mr. WILSON. Say two hours.

Mr. CONGER. I move to amend the motion of the gentleman from Ohio [Mr. GARFIELD] by striking out "four hours" and inserting "two hours."

Mr. GARFIELD. Personally I would be willing to assent to the proposition for two hours, abridging my own remarks accordingly, but there are several gentlemen still desiring to be heard.

Mr. WOOD. Five members of the committee desire yet to speak, and less than four hours will not be sufficient. I shall not consent to the limitation of two hours.

The SPEAKER. The question is on the amendment of the gentleman from Michigan [Mr. CONGER] to limit debate to two hours.

Mr. WOOD. I will not yield to the gentleman from Ohio [Mr. GARFIELD] to make the motion if he admits an amendment.

Mr. GARFIELD. I do not admit the amendment; if the rules of the House admit it I cannot help it.

The SPEAKER. The gentleman from New York yielded, and of course the yielding was subject to the rules of the House. The gentleman from Ohio made his motion and that motion is amendable. [Cries of "Regular order!"]

The question being taken on the amendment of Mr. CONGER, there were—ayes 96, noes 51.

Mr. WOOD. I call for tellers.

Mr. CONGER. We may as well have the yeas and nays at once.

Mr. GARFIELD. I hope the gentleman from Michigan will withdraw the call for the yeas and nays. Perhaps we can settle this question by tellers.

Mr. WOOD. I should ask the yeas and nays upon it.

Mr. CONGER. I knew we must come to that.

The yeas and nays were ordered.

The question was taken, and it was decided in affirmative—yeas 131, nays 88, not voting 72; as follows:

YEAS—131.

Aiken,	Deering,	Keightley,	Roberts,
Aldrich,	Denison,	Killinger,	Robinson, G. D.
Bacon,	Dibrell,	Landers,	Robinson, M. S.
Bagley,	Dunnell,	Lapham,	Ross,
Baker, William H.	Dwight,	Lathrop,	Ryan,
Bayne,	Eames,	Ligon,	Sampson,
Beebe,	Errett,	Lindsey,	Sinnickson,
Bisbee,	Evans, I. Newton	Mackey,	Smith, A. Herr
Blair,	Ewing,	Maish,	Starin,
Bouck,	Foster,	Marsh,	Stenger,
Bragg,	Franklin,	McCook,	Stewart,
Brewer,	Freeman,	McGowan,	Stone, John W.
Bridges,	Frye,	McKinley,	Stone, Joseph C.
Briggs,	Fuller,	Metcalfe,	Strait,
Browne,	Gardner,	Mitchell,	Thompson,
Buckner,	Hanna,	Monroe,	Thornburgh,
Bundy,	Hardenbergh,	Morse,	Tipton,
Burdick,	Harmer,	Neal,	Townsend, Amos
Calkins,	Harris, Benj. W.	Norcross,	Townsend, M. I.
Campbell,	Haskell,	Oliver,	Turney,
Candler,	Hatcher,	O'Neill,	Wait,
Cannon,	Hayes,	Page,	Walsh,
Clark, Alvah A.	Hendee,	Patterson, G. W.	Ward,
Clark, Rush	Hewitt, G. W.	Peddie,	Welch,
Clymer,	Hubbell,	Phillips,	White, Michael D.
Cole,	Humphrey,	Pound,	Williams, Andrew
Collins,	Hungerford,	Powers,	Williams, Richard
Conger,	Hunter,	Price,	Willits,
Crapo,	Ittner,	Pugh,	Wilson,
Cummings,	James,	Rainey,	Wren,
Cutler,	Jones, John S.	Randolph,	Wright,
Danford,	Jorgensen,	Reilly,	Young.
Davis, Horace	Keifer,	Rice, William W.	

NAYS—88.

Acklen,	Cook,	Harrison,	Muller,
Atkins,	Covert,	Hartridge,	Patterson, T. M.
Banks,	Cravens,	Hartzell,	Phelps,
Banning,	Crittenden,	Henderson,	Pridemore,
Bell,	Culberson,	Henkle,	Rea,
Bicknell,	Davidson,	Henry,	Reagan,
Bland,	Dean,	Herbert,	Riddle,
Bliss,	Eden,	Hooker,	Robbins,
Blount,	Elam,	Jones, Frank	Robertson,
Boone,	Ellis,	Jones, James T.	Shelley,
Bright,	Finley,	Kenna,	Singleton,
Brogden,	Forney,	Kimmel,	Smalls,
Burchard,	Garth,	Knott,	Smith, William E.
Cabell,	Giddings,	Martin,	Southard,
Caldwell, John W.	Goode,	Mayham,	Sparks,
Caldwell, W. P.	Gunter,	McKenzie,	Steele,
Carlisle,	Hamilton,	McMahon,	Throckmorton,
Chittenden,	Harris, Henry R.	Money,	Townshend, R. W.
Cobb,	Harris, John T.	Muldrow,	Tucker,

Vance,	Warner,	Williams, A. S.	Willis, Benj. A.
Waddell,	Whitthorne,	Williams, James	Wood,
Walker,	Wigginton,	Willis, Albert S.	Yeates.

NOT VOTING—72.

Baker, John H.	Douglas,	Hunton,	Rice, Americus V.
Ballou,	Durham,	Joyce,	Sapp,
Benedict,	Kickhoff,	Kelley,	Sayler,
Blackburn,	Ellsworth,	Ketcham,	Scales,
Boyd,	Evans, James L.	Knapp,	Schleicher,
Brentano,	Evins, John H.	Lockwood,	Sexton,
Butler,	Felton,	Loring,	Shallenberger,
Cain,	Fort,	Luttrell,	Slemons,
Camp,	Garfield,	Lynde,	Springer,
Caswell,	Gause,	Manning,	Stephens,
Chalmers,	Gibson,	Mills,	Swann,
Claflin,	Glover,	Morgan,	Turner,
Clarke of Kentucky,	Hale,	Morrison,	Van Vorhes,
Clark of Missouri,	Hart,	Overton,	Veeder,
Cox, Jacob D.	Hazelton,	Pollard,	Watson,
Cox, Samuel S.	Hewitt, Abram S.	Potter,	White, Harry
Davis, Joseph J.	Hiscock,	Quinn,	Williams, C. G.
Dickey,	House,	Reed,	Williams, Jere N.

So the amendment of Mr. CONGER was agreed to.

During the vote,

Mr. YEATES said: My colleague, Mr. SCALES, is detained at his room by sickness.

Mr. BELL. My colleague, Mr. FELTON, is detained at his room on account of sickness in his family.

Mr. EVINS, of South Carolina. I am paired with Mr. EVANS, of Indiana. If he were here, I would vote "no."

Mr. DIBRELL. My colleague, Mr. HOUSE, is confined to his room by illness.

Mr. STEELE. My colleague, Mr. DAVIS, is absent by leave of the House. He is paired with Mr. SHALLENBERGER, of Pennsylvania. If present, I think he would vote "no."

Mr. CLARKE, of Kentucky. I am paired with Mr. WATSON, who is absent by leave of the House. If present, he would vote "ay" and I would vote "no."

Mr. GUNTER. My colleague, Mr. SLEMONS, is paired with Mr. FREEMAN. My colleague, Colonel GAUSE, is absent by leave of the House.

Mr. REA. My colleague, Mr. GLOVER, who is confined to his room by illness, is paired with Mr. OVERTON.

Mr. BAKER, of Indiana. I am paired with Mr. DURHAM. If he were here, he would vote "no" and I would vote "ay."

Mr. WARD. My colleague, Mr. SHALLENBERGER, is paired with Mr. DAVIS, of North Carolina.

Mr. FREEMAN. Mr. Speaker, I desire to make a statement. I have been paired on all political questions with Mr. SLEMONS, of Arkansas. This question was specially excepted from that pair, and all questions connected with the tariff. I therefore vote in the affirmative.

Mr. BRENTANO. I am paired with my colleague, Mr. SPRINGER. If he were here, I would vote "ay."

Mr. MCGOWAN. I desire to announce that Mr. TURNER, of Kentucky, is paired with Mr. CLAFLIN, of Massachusetts.

Mr. DANFORD. I desire to announce that Mr. HOUSE, of Tennessee, is paired with Mr. JOYCE, of Vermont, both being detained at their rooms by illness.

Mr. BOYD. I am paired with Mr. SCALES, of North Carolina. If he were here, he would vote "no" and I would vote "ay."

Mr. POLLARD. I voted "ay" on this question; but as it is deemed a political question I withdraw my vote, being paired on all political questions with Mr. DOUGLAS, of Virginia.

Mr. VEEDER. I voted in the negative, but I withdraw my vote, as I am paired with my colleague, Mr. HISCOCK.

Mr. MULDROW. My colleague, Mr. MANNING, is paired with Mr. FORT.

Mr. DICKEY. As this is considered a political question, I desire to withdraw my vote, as I am paired with Mr. VAN VORHES.

Mr. FOSTER. I move to dispense with the reading of the names.

Mr. WOOD. I object.

Mr. MITCHELL. I announce that my colleague, Mr. OVERTON, is paired with Mr. GLOVER.

Mr. CLARK, of Missouri. I am paired with Mr. WHITE, of Pennsylvania.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio, [Mr. GARFIELD,] as amended on the motion of the gentleman from Michigan, [Mr. CONGER.]

Mr. HOOKER. I move to lay that motion on the table.

Mr. GARFIELD. Does not that carry the bill with it?

Mr. HOOKER. I rise to a point of order.

Mr. HALE. I wish to inquire whether it is in order to move to lay upon the table a motion affecting the order of business? That is the motion now pending.

The SPEAKER. The Chair has not yet entertained the motion.

Mr. HALE. That is the point I made.

Mr. GARFIELD. Suppose I move to adjourn, and the gentleman from Mississippi should move to lay that on the table?

Mr. HOOKER. As I understand, the vote which has just been taken by yeas and nays was on the amendment of the gentleman from Michigan to the motion of the gentleman from Ohio. The House voted on that proposition, and the Speaker stated that the question now recurred on the motion of the gentleman from Ohio as amended by the amendment of the gentleman from Michigan. I therefore move now to lay the motion as thus amended on the table. That motion certainly is not subject to the objections suggested either by the gentleman from Maine or the gentleman from Ohio.

The SPEAKER. Of course the motion to lay on the table does not carry the bill with it, the bill being in Committee of the Whole on the state of the Union.

Mr. HALE. That is not my point. My point is that the motion which the gentleman from Mississippi moves to lay on the table is a motion fixing the order of business in regard to a measure, and that such a motion cannot be laid on the table.

Mr. HOOKER. The gentleman's point is not well taken. The motion of the gentleman from Ohio was to limit debate to four hours. The amendment was to limit debate to two hours. The House has adopted the amendment of the gentleman from Michigan in preference to the motion of the gentleman from Ohio. And certainly it is in order now to lay the motion of the gentleman from Ohio as amended on the table.

Mr. HALE. But the motion of the gentleman from Ohio is in the nature of fixing the order of business. It limits the debate which is a part of the order of the business of the House to four hours. That has been amended so as to make the time two hours, and such a motion as that is not subject to another motion to lay it on the table. As the gentleman from Ohio illustrated it, if a motion is made to adjourn or to ask a recess you must take the question directly on the order of business as indicated by such a motion and cannot move to lay it on the table.

Mr. HOOKER. But this is not exactly in the nature of order of business. It is a privileged question to move to lay on the table. The amendment having been adopted, the question recurs on the motion of the gentleman from Ohio as amended by the amendment of the gentleman from Michigan. And if in the first instance I could have moved to lay the motion of the gentleman from Ohio on the table, then I can do so now.

Mr. HALE. But you could not make the motion then.

Mr. HOOKER. I beg the gentleman's pardon. When the gentleman from Ohio made his motion it was certainly competent to move to lay it on the table. That is one of the privileged motions on every question that can arise in the House. It is a privileged motion, which may be made in preference to every other on any matter that comes before the House. This is a proposition to limit debate in Committee of the Whole. I propose to lay that on the table.

Mr. GARFIELD. The power to lay on the table, according to parliamentary usage, is the power to lay upon the table a measure such as a bill or some legislative proceeding or some amendment which carries with it the bill. Now, this motion of the gentleman from Mississippi is not a motion to lay a measure upon the table, or an amendment to a measure; but it is a motion to lay upon the table an ordinary motion about the order of business. It would be easy to illustrate the absurdity of this. What would follow if this were in order? I could now, if the principle contended for by the gentleman from Mississippi be correct, move to lay his motion on the table, and then another member could rise and move to lay mine on the table, and there never would be an end; we would have motion upon motion forever if that principle were allowed. Suppose I move to take a recess——

Mr. WOOD. This is one of the methods by which a proposition is defeated. It seems to me that the motion of the gentleman from Mississippi is perfectly in order.

Mr. GARFIELD. Let me finish what I was saying on this point. Suppose I moved to take a recess till half past seven o'clock, the Speaker surely would not hold that that motion could be laid on the table. Suppose I moved to go to business on the Speaker's table and the motion was made to lay my motion on the table. If that principle were allowed we would be completely bound hand and foot in the ordinary transaction of business. I do not remember of this question ever having been raised before.

There is one motion somewhat similar to this, a motion to reconsider and lay on the table which usually follows the passing of a measure. But that is special; it is understood to be for the sake of ending a matter, and stands by itself as the only motion of its kind known to parliamentary law. All other motions to lay on the table are motions to lay measures on the table.

The SPEAKER. The measure on which it is proposed to limit debate is in the Committee of the Whole on the state of the Union and cannot be got at in that way.

Mr. GARFIELD. I am quite aware of that.

The SPEAKER. Will the gentleman from Ohio point out any part of the rules where a motion to lay on the table a motion to limit debate, or in fact to lay on the table any motion, is prohibited?

Mr. GARFIELD. I cannot say that there is anything in the rules that directly prohibits it.

The SPEAKER. The Chair agrees that this is an entirely novel motion. It is one at all events that is new in the experience of the present occupant of the chair.

Mr. EDEN. I desire to make an inquiry of the Chair. Is a motion to limit debate debatable?

The SPEAKER. Questions as to the priority of business are not debatable.

Mr. EDEN. The object ordinarily of a motion to lay on the table is to cut off debate when the House does not desire debate.

The SPEAKER. The position of the question as it stands now is that the question recurs on the motion of the gentleman from Ohio to limit debate to four hours as amended by the amendment of the gentleman from Michigan, which has prevailed, substituting two hours.

Mr. CONGER. I desire to make this further point, which has not yet been made, that the House is dividing upon this proposition and that therefore the motion of the gentleman from Mississippi to lay on the table till that division is effected is not in order.

The SPEAKER. The House has not divided. The Chair would submit the question to the House on agreeing to the amendment of the gentleman from Ohio as amended by the gentleman from Michigan, [Mr. CONGER,] whereupon the gentleman from Mississippi [Mr. HOOKER] moved to lay the motion as amended upon the table.

Mr. CONGER. But the House had already taken the yeas and nays upon my amendment.

The SPEAKER. Precisely; but the division had not commenced upon agreeing to the amendment as amended.

Mr. CONGER. That is a part of the same question that the vote has been taken on.

The SPEAKER. No division had been reached at all.

Mr. RIDDLE. I desire to make a parliamentary inquiry. What would be the effect of the adoption of the motion of the gentleman from Mississippi?

The SPEAKER. The effect of the motion of the gentleman from Mississippi if the question were admitted and it prevailed would be to make no limit to debate upon the tariff bill and the House would again resolve itself into into Committee of the Whole on the state of the Union.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the House of the following title:

A bill (H. R. No. 4874) for the relief of the sureties of John McNellis.

The message further announced that the Senate had passed, with an amendment in which he was directed to ask the concurrence of the House, a bill (H. R. No. 4422) to amend section 4695 of the Revised Statutes of the United States.

The message further announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 1267) fixing the date of the commencement of certain pensions and granting arrears in certain cases; and

A bill (S. No. 864) to provide for the maintenance and operation of a military telegraph in Dakota and Montana Territories.

The message further announced that the Senate had passed a joint resolution of the following title; in which he was directed to ask the concurrence of the House:

Senate resolution No. 34, granting the use of artillery, tents, &c., at the soldier's reunion to be held at Centreville, Iowa.

ORDER OF BUSINESS.

Mr. WRIGHT. I ask unanimous consent of the House to record my vote upon the vote on the amendment of the gentleman from Michigan.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none.

Mr. WRIGHT. I vote "ay."

Mr. HOOKER. I desire to call the attention of the Chair, in answer to the objections which have been made by gentlemen on the opposite side, to the ruling on this subject as laid down in our Manual under parliamentary law. By Rule 42 it is provided:

> When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged—and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

And therefore the analogy drawn by the gentleman from Ohio in reference to the motion to adjourn or to lie upon the table does not apply to a case of this kind, which is a proposition to limit the debate of the House upon the pending question to a given period of time.

In Rules 44 and 45, page 109, of the Manual, we find this language:

> A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order, and these motions, and the motion to lie on the table, shall be decided without debate.
>
> The hour at which every motion to adjourn is made shall be entered on the Journal.

And yet a proposition to amend the Journal, says the Manual, can be laid upon the table.

I will read also the forty-sixth and forty-seventh rules:

> Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.
>
> Motions and reports may be committed at the pleasure of the House.

Thus it will be seen, Mr. Speaker, that among the motions, in the order in which they are construed by the House, that which occupies the second place in the line of precedence is the motion to lie on the table, and that motion precedes the motion to adjourn. I proposed the motion, and it was a distinct and substantive proposition to the motion of the gentleman from Ohio, [Mr. GARFIELD,] and then the gentleman from New York [Mr. WOOD] moved to go into Committee of the Whole on the state of the Union and limit debate; thereupon I moved to lay the motion of the gentleman from Ohio upon the table. Now I would like to know the reasons which can be urged why this motion, which was intended to guide and direct the House in which way it shall act and legislate on matters, is not liable to be laid upon the table like any other proposition or bill.

Mr. GARFIELD. I do not wish to consume the time of the House except to say a single word. I have no earthly interest in the decision of this point of order except as it may affect our general practice as to the business of the House for the future. If the House refuses in this case, Mr. Speaker, to sustain the point of order, the House can refuse to lay a motion to close debate upon the table, and it would only take two votes to do it instead of one; therefore this matter of settling the proposition for general debate or no general debate makes no difference in the world, as the House will see in advance that if this should be adopted as a precedent it arms the minority, and I give notice of it in advance, with unlimited power of delaying a measure by dilatory motions to an extent greater than was ever known to have been given to any legislative body.

Suppose we wanted to filibuster, we are now bound down by two motions, the motion to adjourn now and to adjourn to a day certain. But if this ruling becomes a rule of the House we would have forty dilatory motions instead of two. The gentleman behind me might move that when the House adjourns to-day it adjourn to meet on Monday next, and another might move to lay that motion on the table; and then another gentleman might move to adjourn, and another to lay the motion on the table. There are four votes already. Thus we will have four dilatory motions, when nobody ever understood that the number of dilatory motions exceeded the two which I have named. The gentleman from Mississippi [Mr. HOOKER] is all the time confounding two things which are entirely distinct.

Mr. HOOKER. Will the gentleman allow me to ask him a question?

Mr. GARFIELD. After I have finished this statement. The gentleman from Mississippi [Mr. HOOKER] is confounding two different things, propositions and motions. Now propositions are bills, joint resolutions, simple resolutions, or amendments to them. He is confounding those propositions with mere motions as to the order of business. The propositions which we lay on the table are bills, resolutions, measures of legislation, and amendments to them. But a motion as to the order of business, like a motion to adjourn, or a motion to proceed to business on the Speaker's table, or a motion to take up a certain bill in preference to others, or a motion to go into Committee of the Whole, all those are mere motions, not questions of legislation, but mere motions relating to the order of business.

Mr. HOOKER. Will the gentleman allow me now to propound a question?

Mr. GARFIELD. Certainly.

Mr. HOOKER. Does the gentleman consider this motion which I have made a dilatory motion?

Mr. GARFIELD. Certainly.

Mr. HOOKER. How is it a dilatory motion? It proposes to bring the House directly to a vote upon his proposition.

Mr. GARFIELD. Suppose the gentleman from Mississippi [Mr. HOOKER] should withdraw his motion, the House will then be immediately brought to a vote upon my proposition as amended; and if they vote down the proposition there will be no limit to debate.

Mr. HOOKER. But all that does not reach the question of the power to submit a motion to lay on the table.

Mr. GARFIELD. Therefore I say that this motion to lay on the table, so far as the pending measure is concerned, has no effect in the world except merely to require two votes for its decision rather than one. If the House votes down the motion to lay on the table, then we will have to vote upon my motion to limit debate; and in that way it will require two votes instead of one to settle the question.

Mr. BANKS. I trust the House will permit me to be heard for two or three minutes on this question, for it is a matter of importance in regard to this subject as well as others. I think the judgment of the Chair will be assisted if I call the attention of the House and of the Chair to the precise character of the question which is submitted to the Chair for his decision.

I was not in the House when this question arose. But, as I understand it, the gentleman from New York [Mr. WOOD] moved that the House resolve itself into Committee of the Whole on the tariff bill. Pending that motion the gentleman from Ohio [Mr. GARFIELD] moved that all general debate upon that bill be limited to four hours. After that came an amendment from the gentleman from Michigan [Mr. CONGER] to limit debate to two hours. And the gentleman from Mississippi [Mr. HOOKER] moves to lay the latter motion on the table.

The SPEAKER. The Chair will state exactly the question before the House, so that the gentleman from Massachusetts [Mr. BANKS] may understand what the question is. The gentleman from New York [Mr. WOOD] moved that the House resolve itself into Committee of the Whole on the state of the Union. Pending that he yielded to the gentleman from Ohio [Mr. GARFIELD] to make a motion that when

the House shall resolve itself into Committee of the Whole and take up the tariff bill, all general debate upon that bill shall be limited to four hours. The gentleman from Michigan [Mr. CONGER] moved to amend the motion of the gentleman from Ohio so as to limit debate to two hours. On that amendment a yea-and-nay vote was had; and it was adopted by yeas 128, nays 86. The Chair stated the result of the vote, and submitted to the House the proposition of the gentleman from Ohio as amended. Thereupon the gentleman from Mississippi [Mr. HOOKER] moved to lay on the table the proposition as amended. The point of order is raised whether the motion of the gentleman from Mississippi is in order under the rule.

Mr. BANKS. Whether the motion to lay on the table the motion to limit debate is in order?

The SPEAKER. That is the question.

Mr. BANKS. What is a motion to limit debate? Is it a separate and independent proposition of itself? No, sir; a motion to limit debate is in effect a motion to postpone to a certain time action upon a proposition. When a proposition or bill is brought before the House, it will be voted upon and decided immediately, unless some person rises to debate it. Therefore, when a motion is made to limit debate upon a bill, it is practically a motion to postpone for two hours or four hours, as the case may be, action upon that bill. It is therefore one of those subsidiary motions which is embraced in Rule 42; which rule provides that—

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

Now, these motions never are considered as a part of the question under debate, the original bill to be considered, but they concern the manner in which the original question shall be determined. A motion to postpone, therefore, is exactly like a motion to adjourn, or a motion to lay on the table, or a motion to commit, or to amend, or to postpone indefinitely; they are motions relating solely to the order of action upon the original proposition. I do not think the Chair will call to mind a single instance where under any circumstances one of these subsidiary motions was ever laid upon the table by a vote of the House. These motions cannot be made upon each other. The object of a subsidiary motion is to decide the manner in which the main question, the original subject before the House, shall be put; therefore the motion to lay upon the table cannot apply to a subsidiary motion. If there has been any decision upon this question different from the view I now suggest, it certainly is erroneous and should not be followed.

The SPEAKER. Will the gentleman from Massachusetts allow the Chair to ask him a question?

Mr. BANKS. Certainly.

The SPEAKER. The amendment of the gentleman from Michigan having prevailed, would it not be in order for the gentleman to move to reconsider the vote by which the amendment was adopted, and to lay that motion upon the table?

Mr. BANKS. Certainly. Because that is provided for by a separate rule. The motion to reconsider is an original question and opens debate.

The SPEAKER. Not in the case which the Chair put.

Mr. BANKS. Not on that particular proposition, because the original proposition was not debatable. But the motion to reconsider is not a subsidiary motion; it is an original motion, a subject by itself, following the character of the original subject. Therefore a motion to lay upon the table a motion to reconsider is entirely in order upon principle, and also because it is expressly provided for by the rules. But a motion to lay a question on the table cannot be followed by a motion to lay that motion on the table. A motion for the previous question cannot be followed by a motion to lay the previous question on the table. The Chair will perceive the distinction which I make between subsidiary motions and original motions. So, also, a motion to commit must be decided directly. You cannot move to lay on the table a motion to commit. I ask the Chair to consult those who are more familiar than myself with the daily practice of the House and ascertain whether there is any precedent which tends to show that any one of these subsidiary motions can be followed by another motion to lay that upon the table.

No, sir; the rule is distinct and absolute. The subject before the House, whatever it may be, light or important, serious or trivial, can be laid on the table or can be committed; but a motion to lay on the table cannot be laid on the table, nor can a motion to commit. A motion to limit debate for two hours is in effect a motion to postpone the decision of the question for two hours.

The SPEAKER. Does not the gentleman recognize as an original motion the motion to reconsider the vote by which a measure was adopted or defeated?

Mr. BANKS. Yes, sir; that is an original motion not provided for in Rule 42. It is an original motion having all the attributes of the original subject which is to be reconsidered. In the case of the tariff bill a motion to reconsider would open it for debate without limit; the debate might last for weeks. Such a motion to reconsider could be laid on the table because it is of itself an original and distinct subject upon principle. But a subsidiary motion to lay on the table cannot be followed by another subsidiary motion to lay on the table, nor can a motion to commit or a motion to postpone indefinitely be laid on the table. This is the distinction I made.

The SPEAKER. This is a new question. The Chair during his term of service as a member is not able to recollect any case in which such a motion has been made or entertained.

Mr. BANKS. The Speaker will allow me to suggest that he has himself just stated the strongest argument that could be possible against the admission of the motion.

The SPEAKER. The Chair has not yet admitted the proposition. Viewed in the light of a proposition which is amendable, (and this has been amended,) the Chair would incline to treat it as a question arising under Rule 42, so that the motion to lay the proposition on the table would be admissible. But the Chair views this as a matter in regard to the direction of the order of business, and in that light the Chair is of opinion that the proposition is not admissible. He prefers, however, to submit the question to the House for its decision.

Mr. BANKS. Will the Chair allow me to say one word?

The SPEAKER. The Chair does not make any ruling on the question.

Mr. BANKS. I wish to state an additional principle. Each one of these subsidiary motions attaches to the main question; and if you lay one of these subsidiary motions on the table, it carries the main question with it. If you lay upon the table an amendment to an original question it carries the original question to the table, except for a special provision in the rules taking an amendment out of the ordinary scope of Rule 42. The general principle is that if you lay a subsidiary question on the table you also lay on the table the subject to which it attaches and from which it cannot be separated.

The SPEAKER. The Chair submits to the House the question, shall this proposition be received?

Mr. HOOKER. Before the vote is taken I desire to call the attention of the Chair to the changes that have been made in the rule in regard to this question.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. HOOKER. Under the rule as originally adopted April 7, 1789, it was provided that—

When a question is under debate, no motion shall be received unless to amend it, to commit it, for the previous question, or to adjourn.

On the 13th of November, 1794, the rule was changed so that a motion to postpone to a day certain was introduced next after the previous question. On the 17th of December, 1805, a further change in the rule was made so as to prescribe this order for the different questions:

First, the previous question; second, to postpone indefinitely; third, to postpone to a day certain; fourth, to lie; fifth, to commit; sixth, to amend; seventh, to adjourn.

On the 23d of December, 1811, the order was changed as follows:

First, to adjourn; second, to lie on the table.

Thus the motion to lay on the table any proposition or bill (I care not in what form it appears) was advanced by the House to the dignity of the second privileged motion which could be made; and it applies to every bill or other proposition which can come before this body for consideration.

The SPEAKER. The Chair cannot help viewing this proposition as one in regard to the order in which the business of the House shall be done. Viewing the proposition in that light the Chair is unwilling to decide the motion to be admissible, and he will submit the question to the House. Shall the proposition of the gentleman from Mississippi be received to be voted on by the House?

Mr. GARFIELD. Let me suggest to the Chair to put it in this way: Is the proposition of the gentleman in order under the rules of the House? so we shall make a formal ruling.

The SPEAKER. It will stand as a ruling as stated by the Chair.

Mr. GARFIELD. The Chairs states it, "shall the proposition of the gentleman from Mississippi be received?"

The SPEAKER. There is absence of authority in the rules on the subject, and the Chair therefore submits the question to the House.

Mr. BURCHARD. The language of the rule is, "a subject under consideration," and if the meaning of the rule is the question under discussion, I think then this motion to lay upon the table would be in order.

The SPEAKER. But the gentleman will notice at once if that is the case the motion would carry the proposition with it, and the measure about which the House is giving its order is in the Committee of the Whole on the state of the Union.

Mr. BURCHARD. This is not the subject under consideration, but as to what the House will proceed to consider.

Mr. HOOKER. It is a proposition under consideration, and to lay upon the table as one of the ways provided for its disposal.

Mr. BURCHARD. The question is what proposition will it take up.

The question was taken, and the House refused to receive the proposition.

The question then recurred on Mr. GARFIELD'S motion as amended, and it was agreed to.

Mr. CLYMER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I now demand a vote be taken on going into committee.

The question recurred on Mr. WOOD'S motion to go into Committee of the Whole on the state of the Union.

The House divided; and there were—ayes 72, noes 47.

Mr. REAGAN. I demand the yeas and nays with a view of voting this down and taking up the interstate commerce bill.

Mr. TUCKER. I move the House do now adjourn.

The House refused to adjourn.

The yeas and nays were not ordered.

So Mr. WOOD'S motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. TUCKER in the chair.)

Mr. YOUNG. I desire to move to lay aside all preceding bills and to take up the one which I will name.

Mr. BURCHARD. I believe I am entitled to the floor.

The CHAIRMAN. The gentleman from Illinois, under the rules of the House, is entitled to the floor.

Mr. YOUNG. Is there any rule of the House which will take me off the floor after I have been recognized? At all events let me make my statement. I wish to submit a motion and I think I have the right to do it, having been recognized.

The CHAIRMAN. The Chair was not aware the gentleman from Illinois occupied the floor. When the gentleman from New York made the motion to go into committee it was with the understanding the tariff bill was to be taken up, and on that bill the gentleman from Illinois is entitled to the floor.

Mr. YOUNG. That is the reason why the gentleman from Illinois is not entitled to the floor. He has not charge of the tariff bill. The gentleman from New York might have had a right to the floor. I cannot conceive why the gentleman from Illinois representing an entirely different bill should have the floor to the exclusion of any other gentleman.

The CHAIRMAN. The gentleman from Illinois represents the committee who reported this bill.

Mr. YOUNG. The House did not go into committee to consider that or any other bill.

The CHAIRMAN. I am sorry to say the Chair does not deem it necessary to give any further reason.

Mr. YOUNG. Well, then, I will appeal from the decision of the Chair if he decides against me.

The CHAIRMAN. Unfortunately for the gentleman, the Chair cannot entertain an appeal from his decision as to who is entitled to the floor.

Mr. YOUNG. I never heard of a tribunal from which an appeal did not lie except this and the electoral commission. [Laughter.]

TARIFF.

The CHAIRMAN. The committee resumes the consideration of the tariff bill, on which the gentleman from Illinois [Mr. BURCHARD] is entitled to the floor.

Mr. BURCHARD addressed the committee. [His remarks will appear in the Appendix.]

Mr. EAMES. Mr. Chairman, it is a necessity by taxation in some form to obtain the money required to meet the current expenses of the Government, the interest on the public debt, and, under existing law, such additional amount as will be necessary to apply to the sinking fund.

This amount, as estimated by the Secretary of the Treasury, as ordinary expenses for the support of the Government for the fiscal year ending June 30, 1879, including interest on the public debt and the sinking fund, is $280,688,796.38. If this estimate is reliable this amount is to be raised, and the question for Congress to determine is how and in what manner it shall be obtained.

The revenue required for the purposes which I have named under existing law is derived principally from customs and internal taxes. It is estimated by the Secretary of the Treasury in his report that for the next fiscal year one hundred and thirty-three millions will come from customs and one hundred and twenty millions from internal revenue, derived mainly from the tax on spirits and tobacco, and that, with other revenues, there will under existing law be a deficiency of $11,438,796.38.

This statement imposes upon Congress the duty of supplying this deficiency or changing the law so as to reduce the expenditures to the revenue receipts of the Government under the existing law.

There is no probability that the ordinary expenses of the Government will be to any extent reduced. The interest on the public debt, according to the contract, must be paid or the Government will be dishonored; and the sinking fund ought in good faith to be kept intact, as a pledge of the Government for the public debt. And the other expenses of the Government must be provided for. How, then, shall the estimated deficiency of about eleven and a half million dollars be met?

All taxes are a burden; all ought to be just and equal. But taxes must be levied to support the Government, and when made must be by authority of law.

Under the Constitution three modes of taxation are authorized:

First. A direct tax upon the basis of population, which has, I think, seldom if ever been resorted to;

Second. A tax on special articles like that now in force upon spirits and tobacco; and

Third. A duty imposed upon articles of foreign manufacture, coming in competition with home productions.

Now, however the revenue required for the support of the Government is raised, there is no way in which it can be done without imposing a burden on the people. The question, therefore, is what is the best mode of raising the revenue required. If under existing law there is a surplus of revenue, what taxes ought to be reduced; or if under the law there is a deficiency, what taxes ought to be increased?

If there is a surplus will you reduce the duties on foreign products which come in competition with home industries, or would it not be wiser to reduce the tax on specified articles from which now the internal-revenue tax is derived? If there is a deficiency in the revenue would it not be wiser to derive as much of this as possible from customs, and thus avoid any additional tax upon home products? It is no time by any change in the tariff to reduce the amount now derived from customs. The depressed condition of all the industries of the country demand the protection which they now receive, and no change in this respect should be made unless the purpose is to destroy them and leave the country dependent upon foreign countries.

The true policy, in my judgment, is to derive from duties on foreign products the largest revenue which can be obtained, and in this way to encourage and stimulate home products, employ our own labor, and diversify the industries of the country; and in case of any deficiency from this source to obtain it only to the extent which is required by a tax on specific articles, selecting such as are not necessaries, and if possible such as are luxuries or injurious to health, as is now done in the taxes imposed upon spirits and tobacco. Whether the revenue is derived from the one or the other of these sources it is equally a tax upon the people; but if upon foreign products, it would be a benefit to the industry of the country, and if upon spirits or tobacco it will be paid by those who use them.

I say, therefore, that the true policy is to obtain from customs the largest possible amount of revenue and to make up the deficiencies by taxation on specific articles.

Either direct taxation for the expenses of the Government or taxes on specific articles of home products tend to the idea of free trade as the national policy.

Duties imposed upon foreign products in competition with like home products will result in adopting the protective principle as the national policy.

I am for protecting, as against foreigners, the home industries to the extent that is necessary to give the home industry a reasonable chance to compete with the foreign product.

Free trade is a fiction. It is based upon the idea that the nations of the earth are one, and not separate; that their relations are the same, and not distinct; that what may be for the interest of one is for the interest of all, and that each can best subserve its own interests by doing what will be for the best interests of all others.

I am not quite prepared to admit that any such disinterested feeling exists between the nations of the world.

On the other side, the protective system seeks to adjust itself to things as they really are, and is based upon the idea that the nations of the earth are in all things which pertain to their nationality separate and distinct.

In the differences which exist between the principal nations, under different forms of government, with different interests, and with diverse customs and habits, the only true policy for each is to take care of itself. And not only the best, but the only way in which any nation can take care of itself is to do what will advance its own prosperity without regard to any other nation. No other principle can be adopted until the interests of all nations shall be the same, and that time has not yet come.

Free trade may be for the interest of England or other countries, but may be destructive of the best interests of this country.

Labor and capital in England compared with this country are cheap. This country cannot in its industries compete with this inequality without protection.

Without such protection the result would be that we would be dependent upon England or other countries for many articles of necessity which are now produced in this country and in the production of which its labor is now employed and its capital invested.

England, as other nations, is under a different form of government from that under which we live. Her government is monarchical, ours is free but complex; national and state, one as a nation, but separate as States with a diversity of interests.

Our true policy as a nation is to take care of each other as States. Under the theory of free trade we become dependent upon other nations for whatever we need as well in peace as in war. Under the protective system we develop the resources of the country, produce what we need by our own labor, and are alike in peace and war independent of any and all foreign nations.

Now, Mr. Chairman, if there is a deficiency in the revenues, the true way, if any change is made in the tariff, is to make such change as will result in an increase of revenue from the duty on imports, and not as now by the effect of this bill to reduce the amount; and not to supply the deficiency either by suspending the sinking fund, or by imposing a tax upon tea and coffee, or by reviving the odious and unjust income tax, for which there never was any excuse except in time of war, and which is without any apology in time of peace.

To meet this deficiency by suspending the sinking fund would dishonor the country in its plighted faith, to impose the income tax when the property from which it is derived is taxed to its full amount would be unjust, and to impose a tax upon tea and coffee would be a

tax upon what in this country are necessaries of life among all classes of our citizens.

It would be more equitable and just to devise some mode of imposing duties upon foreign products which come in competition with home industries, and in this way increase the revenues derived from imposts on foreign products, and thus reduce the deficiencies and prevent to that extent the necessity of imposing upon home industries a tax for any deficiency which may exist.

If, however, a deficiency does exist, in what way can it be more equitably met than under the existing law by obtaining it from spirits and tobacco? Neither of these are necessaries of life. Indeed, they are injurious rather than beneficial. It would be far better if they were not used at all. But they are in use, and probably will continue to be, and the tax which may be imposed upon them will not prevent their use, and it will be paid by those who indulge in their use, and therefore will be paid, not by the growers of tobacco and the manufacturers of distilled spirits, but by the consumers of these articles.

The true course is to obtain from duties imposed upon foreign products which come in competition with home industries the largest revenue we can, and then to make up the deficiency by a tax upon specific articles, selecting such as are not necessary for the comforts of life but such as are either luxuries or injurious to health. And to do this, by common consent the articles of tobacco and spirits have been designated as the most appropriate upon which to impose this tax.

The policy heretofore has been to reduce the internal-revenue taxes. They have, since peace was restored, been reduced until now they are limited to a few articles, but few of which are a necessity. These have been retained only to make up any deficiency of revenue not raised by customs dues. The deficiency which now exists shows the necessity of retaining all the revenue which can be derived from the duties on imports under the existing laws. With these it is necessary to retain a portion of the internal-revenue taxes.

The true policy, I repeat, is to obtain from customs dues the largest amount possible, and to make up the deficiency by taxes upon home products.

Inasmuch as all the revenue derived from duties on foreign products which come in competition with home industries is required for the purposes of the Government, there surely is no necessity of reducing the amount that is now received, and especially when by such reduction the deficiency must be made up in some other way.

The principle of protection to home industries is the true policy of this Government. It is a principle, not of local, but of general application to all the industries of the country.

The theory of free trade is also based upon a principle. It assumes that all nations are one in their interests, and without any material, national, or political interests in conflict. The principle of protection assumes the separate and independent existence of this country, with material, political, and national interests in conflict with other nations; and its policy upon this subject has been based upon this idea; and hence from the beginning of this Government it has pursued the policy of taking care of itself, and has left other nations, as they have heretofore and will continue to do hereafter, to pursue such policy as they may deem will best promote their interests.

As free trade is a principle which must be applied, if at all, generally, so the policy of protection is a principle to be applied to all the industries in the country to the extent that is necessary to encourage these industries and to employ labor and capital in their development.

The principle of protection to home industries, however, assumes, as I have said, the separate and independent existence of this country under a free form of government, and the necessity, in order to preserve this form of government, that we should be able to produce by our own labor and capital whatever is necessary to make us in peace and war free from dependence upon any other government different from ours or hostile to the existence of a free government.

The true policy, it seems to me, therefore, is to adapt the legislation of this country to the fact that the material interests of different nations are not the same, and the further fact that other nations, without regard to this country, pursue that policy in this respect which they think will best promote their own interests; and we shall be wise if as to them we pursue the policy which will best promote the interests of our own country. The time has not yet arrived when the ideas of free trade will either promote the interest of other nations or the interests of this Republic. In any legislation it will be wise to adapt it to things as we find them, and not to base it upon what we think they ought to be.

The revenue raised by duties imposed upon foreign products which come in competition with home industries is as just and equal as any tax which is imposed to raise the revenue which is required to meet the expenses of the Government.

Indeed, as an indirect tax, in the place of a direct tax, it is more acceptable to the people, and therefore is the true mode of raising the revenue, so as to reduce the amount required to make up any deficiency by a tax upon specific industries.

Whoever asserts that these duties on foreign products which come in competition with home products of a like kind are bounties to those who are engaged in their manufacture and a wrong and injustice to the consumer in the increased price that is required for their purchase understands neither the purpose nor the effect of the protective principle.

Its purpose is merely to secure a fair competition against the cheap labor and capital of foreign countries, and when this is secured merely to sustain this reasonable competition between the home and the foreign product.

Its result is to invite capital to develop the industries and employ the labor of the country, and in this way to increase the supply of the article produced, and by a reasonable competition with the foreign product ultimately to reduce the price and not leave the article to the monopoly of other countries, and thus to allow such price as such monopoly may demand. Its direct tendency in this way is to reduce the price, as has been established in many cases where the protection has been given to the industries in this country.

In addition to this every industry thus protected secures a home market for other products of the soil and the mines, diversifies the industries of the country, and to the extent that we can compete with other nations makes us independent of them alike in peace and war.

With respect to the benefits which the protective policy has conferred in inviting capital, in the employ of labor, in the increase of the supply, and especially in the reduction of prices and in securing a home market, let me state some facts which will not be disputed.

The duty upon cotton of 3 cents a pound from 1789 to 1796 has resulted in securing to this country the world as the market of this product. So that since that time, with great advantage to the cotton-growing States, they have supplied not only the home market but the markets of the world with this staple, and now to a large extent hold all these markets. Indeed, from this policy of protection it has been proclaimed that even in a free government cotton had become king and could control the destinies of this country in any move which its producers desired to make.

Where would this industry have been but for the protection which was given to it in its infancy?

As with the raw material, so with the article manufactured from this staple. It had its first start in the State which I have the honor to represent, and within five miles from my residence. This industry commenced about the same time that the duty on cotton, to which I have referred, was made. Since then, under the wise policy of the Government, it has been to some extent protected; and now, in the coarser cotton goods there is perhaps no need of but small protection.

The finer goods still need the protection which has heretofore been bestowed upon the coarser materials, and if this policy as to them shall be retained they will, as the coarser fabrics, be produced in this country as cheap as in any other country of the world. Under this principle of protection every article of manufactured cotton has been reduced in price. And what is true of cottons is also true of woolens, which have been reduced in price at least one-half within the last thirty years.

And so of the manufactures of iron, which have been reduced in price to the extent that now five-sixths are of American manufacture.

Sewing-machines, implements of agriculture, and steam-engines are wholly of American manufacture, and the cheapest and best in the world.

The shoe industry exhibits the same result, and so through almost the entire list of home industries.

The result of applying the principle of protection to develop the industries of the country in its effect upon prices is seen in every industry which has been reasonably protected. One instance will illustrate all these industries.

The article of sheetings in 1816 was 30 cents a yard. This article includes that of shirtings. It is now less than 7 cents a yard. If now 10 cents, and in fact it is only about half that amount, it would show a difference of 20 cents a yard in price.

At an average of only 4 yards to each person, the State of Illinois, with a population of 2,539,891, would, by this decrease in price of only one article of industry, receive annually a benefit equal to $2,031,918; Indiana, with a population of 1,680,637, a benefit annually of $1,344,809; Missouri, with a population of 1,721,295, a benefit of $1,377,036; Kentucky, with a population of 1,325,000, $1,056,800; New York, with a population of 4,328,710, over $4,000,000; Virginia, with a population of 1,225,163, $980,130.40; North Carolina, with a population of 1,071,861, $857,088.80; Ohio, with a population of 2,665,260, $2,132,208; Georgia, with a population of 1,184,109, $947,287.20; Louisiana, with a population of 726,915, $581,532; and so, in proportion to population, all the other States and Territories within the limits of the country.

And what is true of the cotton manufactures in the effect of the protective policy in reducing the price, is also true, to some extent, of every other industry which has been encouraged and developed by the protective policy which has been adopted by the legislation of this country.

It is true that the reduced price of the industries which have received the benefit of the protective principle is attributable, in part, to the improvements which have been made in machinery. These improvements have been made to a large extent in this country, and never would have been made but for the encouragement given by legislation in the infancy of these industries. The cotton-gin was no doubt an element which aided in securing the markets of the world for cotton; and so the improvements in machinery have aided in reducing the price of the products of all these industries; but it was

the protection given by legislation in the first instance to these industries which gave them the start, and was the incentive to the inventions by which the supply was increased and the price reduced; and without it these industries would have been in the control of other nations, and the prices would have been determined by the demand made by foreign countries having the control of the supply required in this country.

The amount which has been saved by this policy it is impossible to estimate.

Who, then, are the pensioners, and who receive the bounties which members of this House complain of as received by those whose industries are protected against competition, by reasonable discrimination in favor of home industries? In truth, the protection to these industries is a mutual benefit to the whole people, and no one familiar with the industries of the country will pretend that such is not the the effect of giving protection to home industries. Heretofore these industries have only obtained a fair and reasonable profit upon the capital invested. Within several years past it has been difficult for them to obtain any profit at all. This is true of the great industries of New England, whether of cotton or woolen. These mills are now in operation, not for profit, but because it is better upon the whole to keep the machinery in motion and to retain the labor.

That either of the great industries, cotton or woolen, except cotton of the coarser qualities, will stand any further competition with foreign cotton and woolen goods is impossible. No change, therefore, should be made which will be prejudicial to these great industries. And no change affecting any of the industries of the country ought to be made, unless upon the most reliable information that they can live under the change proposed to be made.

The true policy of this Government is to look after and protect its own industries. In this way labor may be employed and capital will be invested and the resources of the country will be developed. And no change in the law ought to be made which affects any home industries, unless upon the most accurate and reliable information.

It is impossible for any committee of this House to know how any of these industries may be affected by any change in the existing law unless by obtaining that knowledge from some one who is engaged in the industry.

Before any change is made in the existing laws in relation to the duties upon articles of foreign production which come in competition with the home production, the most accurate information ought to be obtained from those who have the knowledge. It is only such a person who can give any reliable information. He knows exactly how any change will affect his own industry. And if any change is made in the law it ought to be only upon such information. The advocates of this bill make no pretense that its provisions are based upon such information. The committee from which it has been reported are gentlemen of great intelligence and information, but I venture to say have not the accurate knowledge which is required to know the effect of the changes which they propose, and without other information than they have received would not be able to determine exactly how the changes which they propose will affect the industries to which such changes apply.

Mr. Chairman, it seems to me that it would be wise for Congress upon a question which affects all the industries of the country to heed the request which has come from all parts of the country and representing every industry to appoint a commission to examine the question of the tariff, and to take no action upon this subject until the report of such a commission shall have been made. Upon such a report Congress could act intelligently and in making changes in the existing law would not run the risk of destroying the great industries of the country.

Mr. WARD. I ask consent to have printed in the RECORD some remarks upon this bill.

There was no objection. [See Appendix.]

Mr. KELLEY. I ask general consent that any member of the House have leave to have printed in the RECORD remarks upon this bill.

There was no objection.

Mr. GARFIELD addressed the committee. [His remarks will appear in the Appendix.]

Mr. WOOD moved that the committee rise. [Cries of "Vote!" "Vote!"]

The committee divided; and there were—ayes 78, noes 119. [Applause on the republican side.]

Mr. WOOD demanded tellers.

Tellers were ordered; and Mr. WOOD and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported ayes 83, noes 111.

So the committee refused to rise.

Mr. WOOD. I demand the first reading of the bill.

Mr. CLYMER. I move to dispense with the first reading of the bill.

Mr. EDEN. That requires unanimous consent.

Mr. KELLEY. That has been done uniformly.

Mr. WOOD. The bill is not before the committee, and the rules of the House require its reading.

Mr. TOWNSEND, of New York. It is the simple fact that the bill was read all through.

Mr. KELLEY. The reading of the bill was dispensed with before the debate began.

Mr. WOOD. The bill was not read.

Mr. BLACKBURN. I desire to know if it is not the right of any member of this House to call for the reading of the bill.

Mr. KELLEY. Not after it is dispensed with.

Mr. WOOD. Gentlemen do not know what the bill is and yet they desire to dispense with its reading.

Mr. SAYLER. The first reading of the bill has been dispensed with.

Mr. KELLEY. The bill has been discussed by the chairman of the committee even after the reading of the bill has been dispensed with.

The CHAIRMAN. Gentlemen will take their seats and preserve order.

Mr. CLYMER. I should like to state for the information of the committee——

The CHAIRMAN. The Chair will hear no gentleman until all gentlemen have resumed their seats and order is restored. [After a pause.] The Chair is informed that the RECORD shows that the first reading of the bill was not dispensed with.

Mr. KELLEY. Then let the bill be read for information.

The Clerk proceeded with the reading of the bill.

Mr. KELLEY. I move it be read by sections.

Mr. WOOD. I demand the reading of the whole bill. The gentleman from Pennsylvania has hardly read it himself.

Mr. KELLEY. I read it more thoroughly than the chairman.

The Clerk resumed the reading of the bill.

Mr. CONGER, (interrupting.) I desire to move a substitute.

The CHAIRMAN. That would not be in order. The reading of the bill has commenced under the order of the committee.

Mr. CONGER. Under what order of the committee?

The CHAIRMAN. The order of the committee and the rule of the House, which require that the bill be read. The reading has commenced.

Mr. CONGER. I move to strike out the enacting clause of the bill.

The CHAIRMAN. That is not in order at this time.

Mr. WOOD. The gentleman cannot interrupt the reading of the bill.

Mr. CONGER. I appeal from the decision of the Chair that it is not in order now to move to strike out the enacting clause.

Mr. EDEN. The gentleman from Michigan has no right to appeal from the decision of the Chair while the bill is being read.

Mr. BANKS. Mr. Chairman——

Mr. WOOD. All this is out of order. No debate is in order. The gentleman from Massachusetts [Mr. BANKS] knows that as well as any gentleman in the House.

Mr. KELLEY. I would like to know who presides over the Committee of the Whole.

The CHAIRMAN. In Committee of the Whole there is no appeal from the decision of the Chair. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill.

Mr. BRAGG, (interrupting.) I call for order. The confusion is such that we cannot hear the reading of the bill.

Mr. WILLIS, of Kentucky. We lose a great many points in it on account of the noise.

The CHAIRMAN. The point of order is well taken. The committee will come to order.

The Clerk resumed the reading of the bill.

Mr. WILLIS, of Kentucky, (interrupting.) It is impossible on account of the confusion prevailing to hear one tenth of what is being read.

Mr. FINLEY. I move that the committee rise.

Mr. BUTLER. I desire to make a proposition. Suppose at twelve o'clock to-morrow, by general consent, we go into Committee of the Whole and take a vote on striking out the enacting clause.

Mr. MILLS. That is right.

Mr. HAYES. That is a fair proposition.

Mr. WOOD. In reply to the gentleman from Massachusetts I would make this suggestion: I do not desire to permit this bill to stand in the way of the other legislative measures before the House. If the House does not wish to consider the bill at all at this session I am entirely willing that the House shall have an opportunity of so declaring by a fair, manly, square vote taken by yeas and nays. But I am unwilling that in Committee of the Whole, where there is no record made of a man's vote, the measure should be defeated in this stealthy, unusual, and improper manner.

Mr. KELLEY. I protest against the language of the gentleman that there is anything stealthy or improper in the treatment accorded to this bill.

Mr. WOOD. Just one moment more. I desire to say to the opponents of this bill that I shall resist by every parliamentary strategy I know anything about any attempt on their part to do what they have threatened to do to-day.

Mr. THOMPSON. Then read on.

Mr. WOOD. But I am quite willing to have the sense of the House tested in the House by a yea-and-nay vote.

The CHAIRMAN. Is any motion submitted for the consideration of the committee?

Mr. BUTLER. I suggest that the only way to get a yea-and-nay vote on this matter is the way I have suggested. Let it be arranged now that to-morrow at twelve o'clock we shall go into the Committee of the Whole. There let a motion be made to strike out the

enacting clause. If that is carried the committee will have to rise, the chairman will report the fact to the House, and the question will be submitted to the House on concurring or non-concurring by a yea-and-nay vote in the report of the committee. That is the way to reach it. Or, we could take the vote in committee to-night with the agreement that the yea-and-nay vote should be taken to-morrow.

Mr. WOOD. One-third of our side of the House is now absent.

Mr. BUTLER. They can be here by twelve o'clock to-morrow.

Mr. SPARKS. Why not vote on the bill without striking out the enacting clause? Let the committee rise and let there be a square vote in the House.

Mr. BUTLER. You cannot do that. You have to vote in Committee of the Whole first.

Mr. WOOD. I care not how the object is reached, whether in the way suggested by the gentleman from Massachusetts or not. All I desire is a fair, square, manly vote on this bill. I do not care how that result is reached, so that it is reached in such a way that every man can be placed on the record on his individual responsibility for the vote he gives.

Mr. GARFIELD. That is right.

Mr. BUTLER. Let me say one word. The only way to have a fair and square vote by yeas and nays on this bill is to go into Committee of the Whole and take a vote on striking out the enacting clause. If that is done then the committee immediately rises, reports that action to the House; and the question is, yea or nay, will the House concur in that action of the committee? If the House refuses to concur, then we go back immediately into Committee of the Whole on the bill. If the House concurs, the bill is dead. And upon that we can take a yea-and-nay vote.

I would suggest to the chairman of the Committee of Ways and Means that by unanimous consent we may agree by a *pro forma* vote to-night to strike out the enacting clause, committing nobody, with the understanding that at twelve o'clock to-morrow we shall have a vote in the House.

Mr. WOOD. I cannot consent to any vote to-night. I am perfectly willing in other respects to accept the proposition of the gentleman from Massachusetts, as he has now stated it: that to-morrow at twelve o'clock we go into Committee of the Whole; that a motion shall then be made to strike out the enacting clause, the further reading of the bill being waived; and that if that shall prevail the committee shall rise and report the fact to the House, and then the question shall come up.

There are two modes in which the question can be determined: one by reference of the bill back to the Committee of Ways and Means and the other by a vote upon concurring in the action of the Committee of the Whole. I am perfectly willing to take the sense of the House by yeas and nays upon the proposition at an hour to be set.

Mr. BANKS. That is satisfactory.

Mr. GARFIELD. With that understanding, let the gentleman move that the committee now rise.

Mr. BANKS. I ask the chairman of the Committee of the Whole to obtain the consent of this committee to the proposition.

Mr. PRICE. Is the hour fixed for the vote to-morrow?

Mr. BANKS. Is there any objection to the proposed arrangement?

The CHAIRMAN. The Chair will ask if there is objection to the proposition of the gentleman from Massachusetts [Mr. BUTLER] as accepted by the gentleman from New York, [Mr. WOOD.]

Mr. EDEN. We can carry it out any way.

Mr. WOOD. I am satisfied that the arrangement can be carried out. If the committee will now rise, I pledge myself and my friends to carry out the arrangement. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TUCKER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, and had come to no resolution thereon.

Mr. WOOD. I ask unanimous consent to have printed in the RECORD some remarks in reply to the speeches which have been made upon the tariff bill to-day.

There was no objection, and leave was granted accordingly. [See Appendix.]

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the Senate of the following title; when the Speaker signed the same:

An act (S. No. 134) making further appropriations for continuing the improvement of Galveston Harbor, State of Texas.

PROFESSOR JOSEPH HENRY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the services of Professor Henry on the Light-House Board and recommending compensation for said services; which was referred to the Committee on Appropriations.

EMPLOYÉS IN THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in reply to a resolution of the House of May 27, 1878, calling for the number of male employés in that Department employed in this city and also a list of all persons in the Department who were honorably discharged from the military or naval service of the Government; which was referred to the Committee on Civil-Service Reform.

CORPUS CHRISTI, SANTIAGO AND RIO GRANDE RAILROAD.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the Corpus Christi, Santiago and Rio Grande Railroad; which was referred to the Committee on Railways and Canals.

DETROIT ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending a change in the act for disposing of the Detroit arsenal premises, Michigan; which was referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. WILSON. I move that the House now take a recess until half past seven o'clock.

Mr. FINLEY. I move that the House now adjourn.

Mr. WILSON. Is not my motion in order?

The SPEAKER. The remedy of the gentleman from West Virginia [Mr. WILSON] is to vote down the motion to adjourn. The Chair desires to state that by agreement the session of to-night was set apart for the consideration of the Mexican award bill.

Mr. ATKINS. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. Is there to be anything but discussion to-night?

The SPEAKER. The session is for the consideration of the Mexican award bill.

Mr. KENNA. If there shall not happen to be a quorum present, there can be no consideration of the bill if the question of a quorum be raised.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 65, noes 63.

Before the result of this vote was announced,

Mr. KENNA called for tellers.

Mr. BANKS. I desire to have it understood that there is to be no final vote on the bill to-night.

The SPEAKER. The Chair will direct the order to be read, so that the House will understand exactly what it is.

Mr. CRITTENDEN. We are willing that to-night shall be devoted to the discussion of the bill without any action upon it.

Mr. TOWNSEND, of New York. There is no objection to that.

The SPEAKER. The Chair has sent for the Journal; there should be no controversy about the matter.

Mr. FINLEY. If that is agreed to, I will withdraw my motion.

Mr. MILLS. Is it not competent for the House at this time to determine that no vote shall be taken to-night?

Mr. PRICE. It is understood that no business is to be transacted to-night except the consideration of the Mexican award bill.

The SPEAKER. That is already the order of the House.

Mr. WAIT. If it is understood that there is to be no vote to-night, I think there will be no objection to a night session.

The SPEAKER. The Clerk will read the order of the House.

The Clerk read as follows:

On motion of Mr. WILSON, by unanimous consent,

Ordered, That an evening session be held on Tuesday evening, June 4, commencing at seven o'clock and thirty minutes p. m., for the consideration of the bill of the House No. 2117, to provide for the distribution of the awards made under the convention between the United States and the Republic of Mexico, said bill to be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The session this evening is for the consideration of the bill named; that will bring the bill up for action.

Mr. WILSON. I am quite willing that the session to-night shall be for debate only upon the bill, and that the vote shall be taken upon the bill to-morrow.

Mr. PRICE. No other business to be transacted to-night.

Mr. HAMILTON. I would inquire if the bill for consideration to-night is the one reported from the Senate. I wish it to be understood that a part of the Committee on Foreign Affairs antagonize certain views held by the gentleman from West Virginia [Mr. WILSON] on this subject.

Mr. WILSON. The House bill is on the public Calendar. [Cries of "Regular order."]

The SPEAKER. The gentleman from West Virginia now makes a proposition that we have an evening session to be held——

Mr. HAMILTON. I wish it understood that I antagonize the bill.

Mr. WILSON. My colleague on the committee was for the bill a day or two ago in the committee, but is now against it.

Mr. KENNA. I hope the gentleman from Indiana [Mr HAMILTON] will have the right to "antagonize the bill" if he wants to.

Mr. COOK. Can we not give these gentlemen the privilege of printing what they have to say, so as to dispense with an evening session?

The SPEAKER. The gentleman from West Virginia now makes a proposition that an evening session be held, to commence at seven o'clock and thirty minutes; that it shall be for debate only on the Mexican award bill, no other business whatever to be transacted; and further that the vote be taken to-morrow. When?

Mr. CRITTENDEN. Immediately after the reading of the Journal.

Mr. WILSON. At twelve o'clock.

A MEMBER. We vote then on the tariff bill.

Mr. BUTLER. Let this come up after the tariff bill is disposed of.

Mr. ATKINS. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the legislative, executive, and judicial appropriation bill, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WINDOM, Mr. ALLISON, and Mr. EATON.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 1200) to create an auditor of railroad accounts, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. Is there objection to the proposition of the gentleman from West Virginia? The Chair hears none.

Mr. FINLEY. I withdraw my motion to adjourn.

Mr. THOMPSON. I renew the motion.

The question being put on the motion to adjourn, it was declared not agreed to.

Mr. THOMPSON. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

So the motion was not agreed to.

Mr. WILSON. I now move that the House take a recess until half past seven o'clock this evening.

The motion was agreed to; and accordingly (at five o'clock and forty-five minutes p. m.) the House took a recess.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m., and was called to order by Mr. COVERT as Speaker *pro tempore*.

MEXICAN AWARD BILL.

The SPEAKER *pro tempore*. By the previous direction of the House the session this evening is for debate only on the bill (S. No. 1016) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868. The gentleman from West Virginia [Mr. WILSON] is entitled to the floor.

Mr. WILSON. I ask that the bill be read.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and required to receive any and all moneys which may be paid by the Mexican Republic under and in pursuance of the conventions between the United States and the Mexican Republic for the adjustment of claims, concluded July 4, 1868, and April 29, 1876; and whenever and as often as any installments shall have been paid by the Mexican Republic, on account of said awards, to distribute the moneys so received in ratable proportions among the corporations, companies, or private individuals respectively in whose favor awards have been made by said commissioners, or by the umpires, or to their legal representatives or assigns, except as is in this act otherwise limited or provided, according to the proportion which their respective awards shall bear to the whole amount of such moneys then held by him, and to pay the same, without other charge or deduction than is hereinafter provided, to the parties respectively entitled thereto. And in making such distribution and payment, due regard shall be had to the value at the time of such distribution of the respective currencies in which the said awards are made payable; and the proportionate amount of any award of which by its terms the United States is entitled to retain a part shall be deducted from the payment to be made on such award, and shall be paid into the Treasury of the United States as a part of the unappropriated money in the Treasury.

SEC. 2. That out of any moneys in the Treasury not otherwise appropriated a sufficient sum is hereby appropriated to enable the Secretary of the Treasury to pay to the Secretary of State of the United States, in gold or its equivalent, the equivalent of $56,528.57 in Mexican gold dollars, and $10,559.67 in American gold coin, and $89,410.17 in United States currency, said sums being the aggregate in said currencies respectively of the awards made under the said convention of July 4, 1868, in favor of citizens of the Mexican Republic against the United States, and having been deducted from the amount awarded in favor of citizens of the United States, and payable by Mexico, in accordance with article 4 of the said treaty; and that said sums, when paid to the Secretary of State, as aforesaid, shall be regarded as part of the awards made under the said treaty, to be paid or distributed as herein provided.

SEC. 3. That out of the payments and installments received from Mexico, as aforesaid, on account of said awards, and out of the moneys which shall be received by the Secretary of State under the provisions of this act, the Secretary of State shall, when and as the same shall be received and paid, and before any payment to claimants, deduct therefrom and retain a sum not to exceed 5 per cent. of said moneys awarded to citizens of the United States, until the aggregate of the amounts so deducted and retained shall equal the sum of $114,948.74, being the amount of the expenses of the commission, including contingent expenses paid by the United States in accordance with article 6 of the treaty, as ascertained and determined in pursuance of the provisions of the said treaty; which said sums, when and as the same are deducted and retained, shall be, by the Secretary of State, transmitted to the Secretary of the Treasury and passed to the account of and be regarded as unappropriated money in the Treasury.

SEC. 4. That in the payment of money, in virtue of this act, to any corporation, company, or private individual, the Secretary of State shall first deduct and retain or make reservation of such sums of money, if any, as may be due to the United States from any corporation, company, or private individual in whose favor awards shall have been made under the said convention.

SEC. 5. That the awards made in the case of Benjamin Weil and in the case of La Abra Silver Mining Company shall not, nor shall any part thereof, be paid, except as in this section provided. The President of the United States shall, within six months next after the passage of this act, consider and determine, upon such evidence and information as he shall deem just, whether there is probable cause to believe that the honor of the United States, the principles of public law, or considerations of justice and equity require that said awards, or either of them, shall be opened or set aside, or a new trial be had in respect of the validity or justice of the respective claims on which they are founded; and if the President shall so determine, the award or awards so determined upon shall not be paid over by the Government of the United States to said claimants, and shall be suspended to await such action in respect thereto as the two governments may, in due course, agree upon, or the Government of the United States may determine. But if the President shall not so determine as aforesaid within said six months, then the award or awards aforesaid not so determined upon shall be paid in the manner and proportions provided for the other awards in this act mentioned.

Mr. WILSON. I move to amend this bill of the Senate by striking out the fifth section and inserting the fifth section of the House bill on the same subject.

The section proposed to be inserted as a substitute for section 5 was read, as follows:

That nothing contained in this act shall be construed as precluding the President of the United States and the Secretary of State, upon application by the Mexican government, from the consideration of any particular claim or claims wherein awards against Mexico have been made, nor from the investigation of any alleged frauds or perjury materially affecting said particular awards, nor from suspending payment of the amounts of such particular claims pending any such negotiations between the United States and Mexico.

Mr. WILSON. Mr. Speaker, the Committee on Foreign Affairs, to whom was referred House bill No. 39, having had the same under consideration, directed me to report it back to the House with an adverse recommendation, and as a substitute therefor to report House bill No. 2117 with the recommendation that it do pass. The resolution to which I have just referred is as follows:

Joint resolution in relation to suspending payment of the claims of Benjamin Weil, No. 447, and the La Abra Silver Mining Company, No. 489, on the American docket of the late joint commission of the United States and Mexico.

Whereas the Mexican government has charged and offers to prove that the claims of Benjamin Weil, No. 447, and the La Abra Silver Mining Company, No. 489, on the American docket of the late joint commission of the United States and Mexico, are based upon fraud and perjury; and

Whereas international courtesy and justice toward Mexico require that the payment of said claims should be suspended, as payment of the Venezuelan awards was suspended, until an investigation can be had of said charges, to the end that the United States may not involuntarily be made a party to fraud upon a friendly nation: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, directed to pay no moneys on account of said two claims until further information is obtained by Congress.

I shall not detain the House with having read in detail the first four sections of the bill reported. They provide for the distribution of the money paid and to be paid by the Republic of Mexico in pursuance of the awards rendered by the joint commission created by a treaty between that government and this on the 4th of July, 1868, which was duly proclaimed in the year 1869. The object of the fifth section of the bill is to disclaim any idea upon the part of Congress of precluding the President from a proper consideration of the allegation of fraud preferred by Mexico against the Weil and La Abra claims. These claimants were American citizens, and the findings in their favor amounted to over a million of dollars.

I now ask, Mr. Speaker, the Clerk to read the following extracts from the report of the committee.

The Clerk read as follows:

On the 4th day of July, 1868, the President of the United States of America and the President of the Republic of Mexico, for the purpose of settling various claims and complaints that had been made by citizens of each of those republics against the other, and with a view to maintain and increase the friendly feeling existing between the two countries, concluded a treaty (*c*, p. 11,) which was duly proclaimed on the 1st day of February, 1869. That treaty provided that one commissioner should be appointed by the President of the United States and one commissioner by the President of the Republic of Mexico; that those commissioners should meet at Washington, and, after making and subscribing a solemn declaration that they would examine carefully, and decide, to the best of their judgments, according to public law, justice, and equity, the claims and complaints aforesaid, should name a third person to act as umpire, in case of disagreement between them. The treaty prescribed rules and regulations for the government of the commissioners and umpire, and required them to conclude their duties within two years and six months of the first meeting of the commission; that is to say, before the 31st day of January, 1872.

A conclusion of all the cases laid before the umpire was reached before the last day allowed him by the treaty of April 29, 1876, to wit, the 20th day of November, 1876, (*f*, page 14.)

The final account of this "joint claims commission," as signed by Mr. Secretary Fish and Señor Ignacio Mariscal, envoy extraordinary and minister plenipotentiary of Mexico to the United States, (*g*, page 19,) shows that $4,125,622.20 were awarded against Mexico and in favor of citizens of the United States, and $150,498.41 were awarded against the United States and in favor of citizens of Mexico.

* * * * * * *

Accordingly, on the 31st day of January, 1877, the Republic of Mexico paid to the State Department of the United States the sum of $300,000, less a balance of $57,000 against the United States on account of the expenses of the commission.

The object of the resolution referred to this committee is to suspend the payment of money under two of the awards of Sir Edward Thornton, one in favor of Benjamin Weil, and numbered by the commission 447; the other in favor of the La Abra Mining Company, and numbered 489, on the ground that they are "based on fraud and perjury."

* * * * * * *

Upon an examination of the records of the State Department, the committee ascertained that motions were made by the Mexican agent for rehearing the awards in the La Abra and Weil claims, on the 20th day of January, 1876, and that those motions were formally denied by the declarations of the umpire dated the 20th day of October, 1876, (*j*, page 25.)

Hon. William M. Evarts, the present Secretary of State, in a letter of the date of November 6, 1877, to Hon. THOMAS SWANN, chairman of this committee, (the letter referred to the committee,) speaking of the above-mentioned bill, used the following language:

"The final passage of the bill in the Senate was arrested, in the last days of the session, by a suggestion that evidence might be presented that two of the awards were based upon fraudulent testimony, and that some delay should be allowed for that reason.

"Since that time the Mexican government has simply presented, in a pamphlet form, the motions made for a hearing before the umpire (Sir Edward Thornton) in the cases of Benjamin Weil and of La Abra Mining Company, adding thereto the correspondence between the Mexican minister, Don Ignacio Mariscal, and my predecessor, Mr. Fish, in reference to these two cases. These motions were denied by the umpire, and these awards, standing upon the same footing of finality under the convention with all the others, are awaiting distribution.

"In a communication accompanying these pamphlets, Señor Cuellar, the Mexican chargé d'affaires *ad interim*, states that the object of this appeal of his government is 'not to prevent the payment of the awards made by the umpire in the now extinct mixed claims commission, but only in the interest of rectitude and justice, to render manifest the fraud committed by the parties interested.'" (*Ib.* page 28.)

The above is a general history of the subject-matter referred to this committee.

JURISDICTION.

The grave and all-important question naturally arises, How far, if at all, the House of Representatives can take cognizance of that subject-matter? Is it within the jurisdiction of the House to grant the relief asked for Mexico or is this a question wholly within the jurisdiction of the Executive?

By the second section of the second article of the Constitution of the United States the power to make treaties is conferred upon the President, with the concurrence of two-thirds of the Senators present at the time of voting; and treaties so made are, by the sixth article of the Constitution, declared to be the supreme law of the land.

* * * * * * *

The committee are of the opinion that the House of Representatives has no jurisdiction over the subject-matter referred by the joint resolution, and that the Mexican Republic has not made, and could not properly make, any application to the legislative department of this Government.

SUPPOSING JURISDICTION TO EXIST.

But upon the theory that the House of Representatives has jurisdiction over the subject, is the case presented, upon the record of proceedings, without considering any evidence not before the commission, one in which that jurisdiction should be exercised?

The treaty was duly proclaimed; commissioners and arbitrators were appointed, claims presented; evidence was offered; cases were regularly heard and finally disposed of. The result having been attained, motions were made by the agent of Mexico to rehear the Weil and La Abra cases. These motions were by the umpire overruled.

* * * * * * *

After the awards in these two cases had been proclaimed the treaty of the 29th day of April, 1876, recognizing the finality of all the awards made up to that date, including these, was concluded, and by the protocol of a still later date the finality of the awards was again recognized, the amount of the expenses of the joint commission was stated, and its payment provided for.

Awards of umpires acting under treaties between sovereigns may be surcharged and falsified.

It is not pretended that the two awards in question come within the scope of the authority just cited; on the contrary, no fraud is imputed to Sir Edward Thornton. The committee report with pleasure, from all the lights before them, that he performed the vast labor assigned to him with honor to himself and justice toward the parties, and in accordance with the proofs presented to him.

Viewing the subject in the light of the foregoing, the committee are of the opinion that Mexico is entitled to no relief at the hands of Congress.

It will be observed by reference to the letter of Señor Avila, as also to the diplomatic letter of Señor Mariscal to Secretary Fish, that they disclaim any intention of putting in doubt the final and conclusive character of the above-mentioned awards, and that the only purpose was to appeal to the sense of justice and equity of the United States upon their theory that the awards had been obtained by perjury; and even Señor Vallarta disclaims all purpose to begin and maintain a controversy over the decisions of the umpire.

RECOMMENDATIONS BY THE COMMITTEE.

The committee are of the opinion that the appropriation recommended by Secretaries Fish and Evarts should now be made; but are of the opinion, further, that, as questions of large importance and benefit to the United States were settled by the commission, the $114,948.78 should not be paid altogether out of the first installment from Mexico, but should be paid by *pro rata* deductions, at the rate of not more than 5 per cent. from all the payments by Mexico as they shall be made; and it is proper to remark that this feature of the bill meets the views of Secretary Evarts. The committee submit with this report a bill to carry out the objects of the treaty, and recommend its passage.

They report back the joint resolution referred to them with an adverse recommendation.

The committee do not wish to be understood as expressing any opinion upon the questions of fraud and perjury suggested by the representatives of Mexico, nor as saying that any application which has been or may be made by Mexico to the executive department of this Government should not be entertained by it, or that the relief sought should not be granted. It is the opinion of the committee that the question presented, in so far as it relates to the payment of money under the awards received from Mexico, is entirely within the jurisdiction and discretion of the treaty-making power under the Constitution, and that the Executive is, with the concurrence of the Senate, fully empowered to open negotiations with Mexico by further treaty, if the two powers can concur therein, to accomplish the relief asked for; and if, in the opinion of the President, such frauds have been practiced as to entitle Mexico to relief, this committee would be gratified to know that proper steps would be taken to that end.

Mr. WILSON. This report, extracts of which have just been read by the Clerk, explains so fully the views of the committee that it is unnecessary for me to detain the House for the purpose of repeating what is there better said than I can say it.

The committee were of opinion that the question presented to this House belonged purely and exclusively to the executive department of the Government. It will be remembered that under the Articles of Confederation the treaty-making power was conferred upon the popular branch of Congress; but by the convention that framed our present Constitution that power was expressly withheld from that branch and was conferred upon the executive department, and with the view that there might be no abuse of that power the concurrence of two-thirds of the Senators present and voting was required to ratify any treaty. I can best explain the law on this subject by reading from the second volume of Story on the Constitution, section 1513, page 379:

The President is the immediate author and finisher of all treaties.

This power having by the express terms of the Constitution been conferred upon the President to be exercised by and with the concurrence of the Senate and expressly and directly taken from the popular branch of Congress, the committee are of the opinion that this House has no jurisdiction over the subject-matter under consideration.

THE STIPULATIONS OF THE TREATY.

By the first article of that treaty it was stipulated that one commissioner should be appointed by each government; that these commissioners should meet in the city of Washington within six months after the exchange of the ratifications; that they should take the oath therein prescribed, and should name some third person to act as umpire in any case or cases in which they should differ in opinion as to the finding. It also provided that such umpire should make and subscribe a solemn declaration in a form similar to that which was prescribed for the commissioners. It also provided for filling vacancies in the office of either commissioner or umpire, if any should occur. It further provided that these commissioners should proceed, according to the rules therein prescribed, to hear and determine all claims presented by the citizens of either government against the other between February 2, 1848, the date of the treaty of Guadalupe Hidalgo, and the date of the treaty of the 4th of July, 1868.

The second article of the treaty under consideration provided that the commissioners should conjointly proceed to the investigation and decision of the claims which should be presented to their notice, in such manner as they might conjointly think proper, and in the event of their disagreement in any claim the same should be transmitted to the umpire; and it further stipulated that—

The President of the United States of America and the President of the Mexican Republic hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly, or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions, without any objection, evasion, or delay whatsoever.

The third article prescribed the time in which the claims should be presented and the time in which they should be decided by either the commissioners or the umpire.

By the fourth article of the treaty it was stipulated that the total amount awarded in all cases decided in favor of the citizens of one of the governments should be deducted from the total amount awarded to the citizens of the other government, and the balance, to the amount of $300,000, should be paid at the City of Mexico or at the city of Washington, in gold or its equivalent, within twelve months of the close of the commission, to the government in favor of whose citizens the greater amount should be awarded, without interest or other deduction than that specified in the sixth article of the treaty, the residue to be paid in annual installments to an amount not exceeding $300,000 in gold or its equivalent.

The fifth article is in these words:

The high contracting parties agree to consider the result of the proceedings of this commission as a full, perfect, and final settlement of every claim upon either government, arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

The sixth article requires the commissioners and umpire to keep an accurate record and correct minutes of the proceedings of the commission, with the dates. It authorizes them to appoint secretaries versed in the language of both countries, to be paid by each government; and further provides that "the whole expense of the commission, including the contingent expenses, shall be defrayed by ratable deduction on the amount of the sums awarded by the commission, provided always that such reduction should not exceed 5 per cent. of the sum so awarded;" and that the deficiencies, if any, should be defrayed in moieties by the two governments.

The seventh article provides for the time and manner of the ratification of the treaty.

THE PERSONNEL OF THE TRIBUNAL.

In pursuance of this treaty, which was duly ratified and proclaimed, on April 22, 1869, Mr. William Henry Wadsworth was appointed the commissioner on the part of the United States, and on June 3, 1869, Señor Don Francisco Gomez Palacio was appointed commissioner on the part of Mexico. On the 10th of April, 1872, Señor Palacio was succeeded by Señor Leon Guzman, who took his seat as commissioner on the 24th of June, 1872. On the 5th of May he in turn was succeeded by Señor Don Manuel Maria de Zamacona, who entered upon the discharge of his duties on the 19th of the following August. On the 10th of June, 1870, Dr. Francis Lieber was chosen umpire; but he having died, Sir Edward Thornton, the representative of the British government in the United States, was selected to succeed him. It becoming apparent that the commission could not perform the labor and decide the cases referred to it within the time specified in the treaty, that time was prolonged by various other treaties up to November 20, 1876. Within this time the final result was reached and awards rendered in favor of citizens of the United States against Mexico for $4,125,622.20 and awards rendered in favor of the citizens of Mexico against the United States for $150,498.41.

ACKNOWLEDGING THE VALIDITY OF THE RESULT.

This mixed commission having concluded its functions before November 20, 1876, the time fixed for such conclusion, Mr. Fish, Secretary of State, representing the United States, and Don Ignacio Mariscal, envoy extraordinary and minister plenipotentiary of the Mex-

ican Republic, representing that republic, met at the city of Washington, December 14, 1876, and by protocol "under their respective hands," approved the same. They also, under the sixth article of the treaty, agreed upon a final settlement of the expenses of the commission.

MEXICO BEGINS TO MAKE PAYMENTS OF AWARDS.

On January 31, 1876, Mexico, in part discharge of the obligation thus imposed upon her, paid over to the United States the first installment of $300,000 in coin, less $57,499.01, which, by the stipulation of the treaty and protocol I have referred to, she was to have credit for as being the amount paid on expenses of the commission in excess of the ratable deduction from the amount awarded to her citizens against the United States.

This item of expenses I will more fully explain when I state the provisions of the bill reported by the committee.

"OBJECTION, EVASION, OR DELAY."

Now, Mr. Speaker, in the face of the facts I have stated, after the labors of the commission have been concluded, the result of those labors approved by the representatives of the two governments, and the first installment paid over by Mexico, in due observance of the requirements of the treaty, we are confronted by the joint resolution to which I have referred.

Thus it will be seen that this House is asked to direct the Treasurer of the United States to pay no money on account of the awards in the Weil and La Abra claims for the reason as stated that they were based on fraud and perjury. I will discuss the law of the case first as upon a demurrer, and the facts afterward.

WHAT JURISDICTION HAS THE HOUSE IN THIS MATTER?

And that brings us to the grave inquiry as to what authority this House has for taking any action at all in the matter—what jurisdiction has it over the subject?

ABOUT THE TREATY-MAKING POWER.

The convention between the governments was ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the president of the Mexican Republic, with the approbation of the congress of that republic. And by the last clause of the second article of the treaty the two high contracting parties mutually, solemnly, and sincerely agreed to consider the decision of the commissioners conjointly, or of the umpire, as the case might be, as absolutely final and conclusive upon each claim decided upon, and to give full effect to such decision without any objection, evasion, or delay whatsoever.

Before proceeding to discuss the question of the jurisdiction of this House, it is proper to look to the nature and character of that treaty. It was an international agreement duly executed and proclaimed by the two countries, creating a mixed commission with full power to consider and decide the claims specified in the treaty. It provided for the manner of the organization of that tribunal, laid down the rules for its proceedings, specified the time in which it should conclude its labors, and provided that its decisions should be absolutely final and conclusive.

The power of the President to enter into such a treaty is derived from the second section of the second article of the Constitution of the United States, which is in these words:

He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

And by the sixth article of the Constitution such treaties when made "shall be the supreme law of the land."

Story, in his work on the Constitution, volume 2, book 3, page 379, section 1513, third edition, says:

The President is the immediate author and finisher of all treaties; and all the advantages which can be derived from talents, information, integrity, and deliberate investigation on the one hand, and from secrecy and dispatch on the other, are thus combined in the system. But no treaty so formed becomes binding upon the country unless it receives the deliberate assent of two-thirds of the Senate.

No question has been presented, and none will be, as to the power of the President, by and with the concurrence of the Senate, to execute this treaty, nor of the power of the mixed commission to exercise the functions they have exercised under it.

The various subjects upon which Congress has power to legislate are enumerated in the eighth section of the first article of the Constitution:

ENUMERATED POWERS.

To collect taxes, duties, imposts and excises, to pay debts, provide for common defense and general welfare;
To borrow money;
To regulate commerce with foreign nations, among the several States, and with the Indian tribes;
To establish uniform rules of naturalization and bankruptcies;
To coin money, regulate the value thereof, and of foreign coin, and fix standard of weights and measures;
To provide for punishing counterfeiting;
To promote the progress of science and the useful arts;
To constitute tribunals inferior to the Supreme Court;
To define and punish piracies and felonies;
To declare war, grant letters of marque and reprisal, and make rules concerning captures;
To raise and support armies;
To provide and maintain a navy;
To make rules for land and naval forces;
To provide for calling forth the militia, and for organizing, arming and disciplining the same;
To exercise exclusive legislation over the seat of Government;
To make all laws necessary and proper for executing the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or offices thereof.

THE SUBJECT-MATTER OF THE TREATY.

Mr. Speaker, a careful and critical examination of those enumerated powers will satisfy any intelligent man that the subject of this treaty and the proposition submitted by the joint resolution now under consideration are not embraced among those powers, and that, as a consequence, Congress has no power to legislate thereon.

The Constitution imposes no limit as to the subjects upon which the President and Senate, as the treaty-making power, may act.

CONCURRENT JURISDICTION.

Now, if the subject of a treaty be one of those to which Congress is limited, there is in the particular case a concurrent jurisdiction between Congress and the treaty-making power. Where such concurrent jurisdiction exists, Congress may abrogate a treaty by an act. But there is a limit upon Congress as to the subjects touching which it may legislate.

LEGAL AUTHORITIES ON THE QUESTION OF JURISDICTION.

I have asserted that this House cannot interfere with or obstruct the execution of this treaty unless the power to legislate upon the subject-matter of it has been delegated to Congress by the Federal Constitution. To sustain this position, I read from the case of Taylor *vs.* Morton, 2 Curtis, C. C., 454.

The question presented in that case was this: the plaintiff by his action of assumpsit sought to recover back from the collector of customs at the port of Boston moneys alleged to have been illegally exacted and collected from him upon hemp imported by him from Russia. He claimed, and the fact was not controverted, that by the treaty of 1832 between this country and Russia, when considered in connection with other treaties to which it related, the duty on such hemp was only $25 per ton. The collector replied the tariff act passed by Congress in 1842 by which a duty of $40 per ton was imposed on the hemp so imported, and that this amount had been paid by the plaintiff. For the plaintiff it was claimed that the treaty was the supreme law of the land, and that the act of Congress in question could not and did not abrogate it. The court held, however, that the act of Congress being subsequent in point of time to the treaty and the subject-matter being within the legislative power of Congress under the constitutional provision above quoted, "to lay and collect taxes, duties, imposts, and excises," was constitutional and did abrogate the treaty. The court says:

Though a treaty is the law of the land under the Constitution of the United States, Congress may repeal it so far as it is a municipal law, provided its subject-matter is within the legislative power of Congress.

The inference is that if the subject-matter was not within the legislative power of Congress it could not act. I have attempted to show that the subject under consideration is not within the legislative power of Congress.

This decision is in full accord with the opinion I have expressed upon the subject in question. Congress and the treaty-making power had concurrent jurisdiction and it was competent for either to act, and the last act was the controlling one.

And the same is true of what is known as the Cherokee tobacco case, 11 Wallace, 616.

A treaty had been made with the Cherokee Indians, pursuant to which their products were not to be taxed that were sold by them inside their Territory.

The internal-revenue law was passed in terms broad enough to cover this Territory, and it was held that this abrogated the treaty. This is a case exactly like the other, decided upon precisely the same principle, namely, that Congress was acting within its legislative authority, for the Constitution expressly authorizes Congress to levy taxes; and Taylor *vs.* Morton is the authority upon which it was decided.

The Clinton bridge case, in 1 Walworth, is another of the same kind, and decided upon exactly the same principle.

In further support of this position, I read from Abbott's National Digest, volume 5, page 470:

Notwithstanding that treaties are declared by the Constitution to be a part of the supreme law, yet an act of Congress passed subsequent to a treaty may have the effect of abrogating it. The act is not necessarily void or ineffective because inconsistent with a prior treaty. If the subject-matter of the act is within the constitutional power of Congress, the courts must enforce the enactment as the latest expression of the legislative will, and leave the question of international obligations arising out of the infraction of the treaty to be settled by the executive department.

The same doctrine is laid down in 2 Brightly's Digest, in the following language:

Though a treaty be the law of the land, yet, so far as it is a municipal law, Congress may abrogate it; provided its subject-matter be within the legislative power.

Now, Mr. Speaker, it will be observed that all the authorities to which I have referred predicate the right of Congress to interfere with the execution of a treaty or to abrogate it, upon the ground that the subject-matter is within its legislative power.

MESSAGE OF PRESIDENT WASHINGTON.

Concerning this matter there is an interesting page in the history of this country to which I desire to call the attention of this House. It is the opinion of George Washington on this subject; the opinion

of the president of the convention that framed the Constitution; the opinion of the patriot and statesman whom the people of the United States called to preside over the nation during the first two presidential terms.

On the 14th day of March, 1796, the House of Representatives by resolution requested President Washington to lay before it certain papers touching a treaty with the King of Great Britain, if not incompatible, &c. In his message in response to that resolution the President said:

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the Government to this moment my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward becomes the law of the land.

* * * * * * *

In those journals (those of the general convention) it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

* * * * * * *

And as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different Departments should be preserved, a just regard to the Constitution and to the duty of my office under all the circumstances of this case forbid a compliance with your request.

G. WASHINGTON.

Under the Articles of Confederation Congress possessed the sole power of entering into treaties and alliances with foreign nations; but our experience during the existence of the confederation demonstrated that the exercise of that power by Congress would involve the country in endless difficulties and dangers. It was for this reason that the framers of the Constitution deliberately took it away from Congress. They conferred it upon two branches of the Government whose use of it has abundantly shown the wisdom of the change.

MESSAGE OF ANDREW JACKSON.

At a still later date in the history of the country another distinguished President, Andrew Jackson, in 1833, in sustaining the prerogatives of the Executive and resisting encroachments by Congress in an interference with the removal of the deposits of public moneys from the Bank of the United States, and to keep up the boundary line between the several co-ordinate departments of the Government, by his special message said:

The Executive is a co-ordinate and independent branch of the Government, equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account or any communication, either verbally or in writing, made to the heads of Departments, acting as a cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subjects relating to their duties and my own. * * * I am constrained, therefore, by a proper sense of my own self-respect, and of the rights secured by the Constitution to the executive branch of the Government, to decline a compliance with your request.

ANDREW JACKSON.

From what I have said and the authorities I have quoted it must be apparent Congress has no authority by legislation to obstruct the payment of these two awards; that Congress has no power to break down or override the result of this treaty except indirectly by a declaration of war.

AUXILIARY LEGISLATION.

In this connection I desire to speak of another point. It is this: in cases like the one under consideration, where the jurisdiction of the subject-matter of the treaty is with the treaty-making power, auxiliary or helping legislation may become necessary to the complete carrying out of the treaty, and to that extent Congress can legislate. (Lawrence's Wheaton on International Law, page 457.)

In this instance such legislation has become necessary. As I have stated, awards were rendered against Mexico for over $4,000,000, and awards were rendered against the United States for about $150,000. Now, to pay the Mexican claimants their awards against this Government, Mexico deducts from the sum she owes us the $150,000, as she was authorized to do by the fourth article of the treaty. It therefore becomes necessary for this Government to pay out of its Treasury the sum of $150,000 to its own citizens to make up what was so taken from them to pay its indebtedness to Mexicans. This is a mere municipal matter, one in which only this Government and its own citizens are interested. Consequently there is no reason why Congress should not legislate upon it so far as it falls under the constitutional authorization of Congress touching municipal affairs.

THE COMMITTEE ON FOREIGN AFFAIRS ON JURISDICTION.

But over the question presented by the joint resolution the Committee on Foreign Affairs are unanimously of the opinion that this House has no jurisdiction.

WHEN THE COMMISSION ITSELF IS TAINTED WITH FRAUD.

Mr. Speaker, I do not desire to be understood as saying that awards of umpires acting under treaties may not be surcharged and falsified; but this can be done only in cases in which the commissioners or umpires have themselves become tainted with fraud. Nothing of that kind is charged in this case. No imputation of fraud lies at the door of Sir Edward Thornton. The committee ascertained and have reported that he performed the vast labor assigned to him in a manner honorable to himself and to the two governments for whom he was acting. Upon this question of surcharging and falsifying awards I read from Vattel's Law of Nations, by Chitty, new edition, pages 277, 278:

When sovereigns cannot agree about their pretensions, and are nevertheless desirous of preserving or restoring peace, they sometimes submit the decision of their disputes to arbitrators chosen by common agreement. When once the contending parties have entered into articles of arbitration, they are bound to abide by the sentence of the arbitrators; they have engaged to do this; and the faith of treaties should be religiously observed. If, however, the arbitrators, by pronouncing a sentence evidently unjust and unreasonable, should forfeit the character with which they were invested, their judgment would deserve no attention. The parties had appealed to it only with a view to the decision of doubtful questions.

This authority, Mr. Speaker, puts an estoppel on Mexico in her false clamor here. She is bound by the awards unless she can show that the commissioners or umpire have forfeited the character with which they were invested. Nothing of the kind has been attempted.

BUT SUPPOSE THIS HOUSE HAS JURISDICTION.

But now, Mr. Speaker, upon the theory that the subject of this treaty is within "the legislative power of Congress" and that it had jurisdiction over the treaty, is the case here presented by the record—to suspend payment of these awards—one in which that jurisdiction can now be exercised? The treaty is no longer in existence. It expired by its own limitation. The decisions of its commissioners and the award of its umpire stand. They have been approved by the diplomatic representatives of the two governments, and those governments are bound by treaty obligations to give them full effect without any "objection, evasion, or delay whatsoever." Now, I ask gentlemen by what authority, international, constitutional, or statutory, Congress can defeat these awards and divert from its citizens the gold in the Treasury that has been paid for their use by Mexico? Congress may create courts and prescribe their jurisdiction and provide for appeals, but it will certainly not be contended that Congress can reverse, annul, or supersede such judgments after they have become final. These awards were made by a tribunal created by the treaty-making power in the rightful and lawful exercise of its constitutional authority, and in this case it was expressly stipulated that there should be no appeal, evasion, or delay.

Mr. Speaker, this effort to open up the consideration of these awards by Mexico is not the only application of the kind that has been presented to this House. Since the resolution alluded to was referred to the Committee on Foreign Affairs petitions have been presented to this House by American claimants whose claims were rejected by the commission or the umpire. They, too, want rehearings. If the wish of Mexico is to be respected, their wishes also must be respected, and the whole subject be reviewed by this House. The two thousand claims passed upon by that commission, covering transactions ranging through twenty years of time, must be reviewed by us. We are told by Mr. Ashton, the American agent, that the proof alone, now in manuscript in the Spanish and English languages, if printed, would make two hundred thousand octavo pages. It required years of diligent work by this commission to pass upon these claims, and now if that work is to be reviewed by this House no man now living can hope to see that work accomplished.

CHARACTER OF THE TWO CLAIMS IN QUESTION.

This brings me to consider for a moment the nature and character of those claims.

The claim of Weil was predicated upon the seizure by troops under the rebel Cortina of a large amount of cotton belonging to the claimant, which was being transported through Mexico destined for Matamoras.

The La Abra Silver Mining Company had purchased large and valuable silver mines in the state of Durango, Mexico, and was regularly engaged in the business of mining. In that business, in the purchase of property and the construction of the necessary improvements, the company had expended a large amount of capital, when unexpectedly the mines were seized by Mexicans, the company's movable property was spoliated, and the officers and employés insulted and persecuted, and finally driven from the country.

In his decision upon the La Abra case Sir Edward Thornton says:

LA ABRA MINING COMPANY vs. MEXICO. } No. 487.

With reference to the case of La Abra Silver Mining Company *vs.* Mexico, No. 489, the umpire is fully satisfied and cannot doubt that the company is entitled to be considered a corporation or company of citizens of the United States in accordance with the terms of the convention of July 4, 1868, having been duly chartered in conformity with the laws of the State of New York. He is also of opinion that the enterprise upon which the claimants entered, of purchasing, denouncing, and working certain mines in the state of Durango, in Mexico, was a serious and honest business transaction on their part, and that there was nothing rash, deceitful, or fraudulent in it, but that it was engaged in with the sole intention of carrying out legitimate mining operations.

* * * * * * *

The evidence on the part of the claimants is, in the umpire's opinion, of great weight; the witnesses are for the most part highly respectable and men of intelligence, and their testimony bears the impress of truth.

* * * * * * *

It appears that the superintendent of the mines took such steps as he could to obtain protection from these authorities, and finding his efforts in vain he appealed, through a lawyer of high character, to the highest authorities in the state, who declined to interfere in the matter.

In the Weil case he says:

The umpire considers that the facts put forward by the claimant are sufficiently proved, namely, that the cotton belonged to him; that it was seized and taken by

troops belonging to the Mexican government, and under the command of General Cortina.

* * * * * * *

The umpire is therefore of opinion that the claimant was committing no illegal act in transporting his cotton through Coahuila and Tamaulipas with destination to Matamoras on the 20th of September, 1854, and that it was seized by Mexican authorities, for whatever reason it may have been seized, the Mexican government is bound to indemnify the claimant.

A PROPOSITION TO REHEAR THE CASES.

These two claims, among others, having been thus finally decided, on the application of Señor Eleuterio Avila, the attorney for Mexico, for a rehearing, Sir Edward Thornton held—

The wording of the convention of July 4, 1868, by which the commission was established, and which laid down the duties of the umpire, was to the effect that when the commissioners should fail to agree in opinion upon any individual claim, they should call to their assistance the umpire whom they may have agreed to name; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side on behalf of each government on each and every separate claim, and consulted with the commissioners, shall decide thereupon finally and without appeal.

* * * * * * *

But the umpire believes that the provisions of the convention debar him from rehearing cases on which he has already decided. By it the decisions are pronounced to be final and without appeal, and the two governments agree to consider them as absolutely final and conclusive, and to give full effect to them without any objection, evasion, or delay whatsoever. He believes that in view of these stipulations neither government has a right to expect that any of the claims shall be reheard.

* * * * * * *

In the case No. 489, "La Abra Mining Company *vs.* Mexico," the Mexican agent appeals to authorities as to the value of ores, who, he states, are at Philadelphia. Why were not the statements of these gentlemen—of whose existence the umpire was not aware, and to whom he had not access—reduced to evidence and produced before the commission?

* * * * * * *

In the case No. 447, "Benjamin Weil *vs.* Mexico," the agent of Mexico has produced circumstantial evidence which, if not refuted by the claimant, would certainly contribute to the suspicion that perjury has been committed, and that the whole claim is a fraud. For the reason already given, it is not in the power of the umpire to take that evidence into consideration, but if perjury shall be proved hereafter no one would rejoice more than the umpire himself that his decision should be reversed and that justice should be done.

LACHES ON MEXICO'S PART.

Mr. Speaker, I wish the House to note the fact that in the La Abra case the Mexican attorney pretended to rely upon what could, as he claimed, be proven by two witnesses in Philadelphia. The evidence of these witnesses was never produced, no effort was made to get them before the commissioners or the umpire, and no reason was assigned why both of these things could not be done, nor does it appear that even an affidavit was filed as to any material facts that could be proven by them. For aught that appeared before the commission or the umpire, for aught that appears to-day, those witnesses may exist only in the imagination of the Mexican attorney. And I desire the House to note another fact. That the attorney "produced circumstantial evidence before the umpire" upon the motion for a rehearing in the Weil case which contributed to the suspicion that perjury had been committed. Why was not this evidence produced before the commissioners when they were considering the claim, or produced before the umpire before he decided it? The cause of action arose in Mexican territory. It was alleged that Cortina's band had robbed Weil. The Mexican government had every facility for procuring evidence that would throw light upon the subject, and yet none is produced until after the case has been finally decided. It will not do for Mexico to say that she had no opportunity to offer proof of this alleged perjury, for it appears from the opinion of the American commissioner, Mr. Wadsworth, that at the time the Weil case was submitted to the two commissioners he distinctly proposed to give the Mexican attorney the fullest opportunity to offer any additional testimony in the Weil case; but this proposition was declined.

Mr. Speaker, I have spent many days in the study of this case, and I am satisfied that no impartial man can examine the record and conclude that there is any substantial reason to be found in that record for interfering with these awards.

THE DIPLOMATIC CORRESPONDENCE ON THE SUBJECT.

But I must press this inquiry further, reviewing the diplomatic correspondence that took place between the representatives of Mexico and this Government with regard to these claims.

First, however, let me say that the award in the Weil case was rendered October 1, 1875, and that the award in the La Abra case was rendered December 27, 1875. After this time, to wit, on the 29th of April, 1876, Mr. Fish, our Secretary of State, and Señor Mariscal, representing the Republic of Mexico, in a convention extending the time in which the mixed commission should conclude its labors, agreed that "the total amount awarded in all cases already decided," as well as those thereafter to be decided, should be regarded as finally settled in the manner proposed by the treaty. And again, on the 14th of December, those same officials, as I have already shown by the protocol, approved the decisions of the commission. And, as may be seen by reference to the documents accompanying the report of the committee, the Mexican attorney, Señor Eleuterio Avila, who had made the motions for rehearing, in a letter of November 25, 1876, to Señor Mariscal, stated:

First. The Mexican government, in fulfillment of article 5 of the convention of July 4, 1868, considers the result of the proceedings of this commission as a full, perfect, and final settlement of all claims referred to in said convention, reserving nevertheless the right to show, at some future time, and before the proper authority of the United States, that the claims of Benjamin Weil, No. 447, and La Abra Silver Mining Company, No. 489, both on the American docket, are fraudulent and based on affidavits of perjured witnesses; this, with a view of appealing to the sentiments of justice and equity of the United States Government, in order that the awards made in favor of claimants should be set aside.

This communication from Señor Avila was transmitted by Señor Mariscal to Secretary Fish, with its sentiments indorsed. Secretary Fish, on the 4th of December following, replied to Señor Mariscal:

I must decline, however, to entertain the consideration of any question which may contemplate any violation of, or departure from, the provisions of the convention as to the final and binding nature of the awards, or to pass upon, or by silence to be considered as acquiescing in, any attempt to determine the effect of any particular award.

With your appreciation of the objects in contemplation in this method of settlement of differences between the two governments, and with your intimate acquaintance with the particular provisions of this convention as with reference to the binding character of the awards made by the commissioners or by the umpire, you will readily appreciate my extreme unwillingness to consider that at the moment when the proceedings relating to the commission have been brought to a close, and the obligation upon each government to consider the result in each case as absolutely final and conclusive becomes perfect, the government of Mexico has taken or purposes to take any steps which would impair this obligation.

And on the 8th of the same month, in another communication to Mr. Fish, Señor Mariscal wrote:

It is not, then, the spirit of these statements to raise any doubt or difficulty in regard to the obligation of the Mexican government to submit to the results of the commission. Señor Avila has presented them, in fulfillment of instructions received from his government, with the only view I have endeavored to explain, and, for my part, I have communicated them to that department without any idea of raising questions of any kind whatever.

I congratulate myself to renew to you on this occasion the assurances of my very high consideration.

A BRILLIANT IDEA, AS WELL AS ORIGINAL.

After this prompt refusal by Mr. Fish to entertain any proposition looking to a rehearing of these awards, Señor Vallarta, of the Mexican department of foreign affairs, conceived the brilliant idea of bringing the subject before the American authorities in some shape or other and of rehashing the scheme of Señor Avila of appealing to the "sentiments of justice and equity of the American people." To this end he caused pamphlets containing arguments and portions of the records in the Weil and La Abra cases to be printed and distributed among members of Congress and other public officials, to whom, in the opinion of Mexico's chargé d'affaires at Washington, "it might be convenient to make known Mexico's reasons for making that appeal."

In his letter on the subject to the chargé d'affaires, he says the Mexican government does not purpose "to begin and maintain a controversy, in order that the decision of the umpire in the aforesaid cases should not be carried out, but simply to demonstrate the fraudulent character of the claims."

UNTENABLE POSITIONS.

Mr. Speaker, I have sought to review fairly the attitudes of the two governments touching this mixed commission and the Weil and La Abra claims in particular. Passing by the obligation of each government to carry out in good faith the stipulations of the treaty, the settlement and the protocol to which I have referred, we find Mexico occupying this position: she has protested by her diplomatic correspondence that her purpose is not to raise any doubt or difficulty with regard to her obligation to submit to the results of the commission or to begin or maintain a controversy that will defeat the decisions of the umpire, but simply to appeal to the sense of equity and justice of the United States—she appeals upon a ground and for a reason that are wholly mythical and untenable. Her pretensions in this regard would find no footing in any court in the country. Her people have murdered and robbed our citizens and as a last resort she agrees to submit to final arbitration; that arbitration goes against her. This Government is in honor bound to its own citizens to enforce the payment of those awards.

Mexico has submitted her application to the State Department, and it, familiar with the case in all its bearings, has decided against her. She has not made and could not make any application to this House. The rule that foreign governments cannot even communicate with this House is too well settled to need argument from me. I shall content myself with reading a letter written by Thomas Jefferson, Secretary of State:

Mr. Jefferson, Secretary of State, to Mr. Genet, minister plenipotentiary from the Republic of France to the United States.

GERMANTOWN, *November* 22, 1793.

SIR: In my letter of October 2 I took the liberty of noticing to you that the commission of consul to Mr. Dannery ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation; and whatever he communicates as such, they have a right and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of the Government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them.

* * * * * * *

I have the honor to be, &c.,

TH. JEFFERSON.

It is not only clear that Mexico, the republic, is entitled to no relief at our hands, but it is also clear that Mexico, the litigant, has no better claim. But I deem it scarcely worth while to discuss this point.

The decisions of our courts are too well understood to leave any doubt upon that subject.*

Mr. Speaker, the committee of which I have the honor to be a member did not believe that this House has jurisdiction over the question, but believed that it belonged entirely to the executive department of the Government, and therefore we have not held it to be wise or proper to go into the inquiry of the facts.

I will not depart now from the conclusion arrived at in the report of the committee, but if the gentleman from Mississippi, [Mr. CHALMERS,] who I understand has taken up the gauntlet for Mexico, desires to present his views now and should see fit to discuss the facts, I shall yield the floor to him and reserve the residue of my hour to reply to what he may say.

Mr. CHALMERS. Do I understand the proposition before the House now is the Senate bill, and that the motion made by the gentleman from West Virginia is to strike out the fifth section and insert in lieu thereof the fifth section of the House bill?

The SPEAKER *pro tempore*. The understanding of the Chair is that the session this evening was simply for discussion of the pending proposition.

Mr. CHALMERS. Are we now considering the Senate bill with the proposition moved by the gentleman from West Virginia to strike out the fifth section and insert the fifth section of the House bill?

Mr. CRAPO. I can state to the honorable gentleman from Mississippi there was a bill reported from the Committee on Foreign Affairs of the House, which is now before us. There is also a bill on the same subject sent to the House from the Senate, which is likewise pending. The understanding was that the bills were to be considered together at the same time. I understand my colleague upon the committee from West Virginia, who has charge of this subject, instead of taking up the House bill, proposes to take up the Senate bill, which is within the understanding because both bills were to be considered at the same time; that is, instead of taking up the House bill, the Senate bill is to be taken up. Are we in the House or in committee?

Mr. WILSON. We are in the House as in Committee of the Whole.

Mr. CHALMERS. I so understand and that the gentleman from West Virginia moves to strike out the fifth section of the Senate bill and insert in lieu thereof the fifth section of the House bill.

Mr. CRAPO. Yes, sir; we are considering the Senate bill, and not the House bill reported from the Committee on Foreign Affairs.

Mr. CHALMERS. Yes, sir.

Mr. CRAPO. We are considering the Senate bill, and the proposition before the House is to substitute for the fifth section of the Senate bill the fifth section of the House bill.

Mr. CHALMERS. That is just what I have stated.

Mr. WILSON. The House bill went upon the public Calendar some months ago. Only recently the Senate bill came to the House and was placed upon the Speaker's table. In the mean time, on the application of the Rosario and Carmen Mining Company of California, appealing for a rehearing of their case against Mexico, decided adversely by the umpire, another report was made. Those three reports are all to be considered, and it is perfectly competent to propose to amend one or the other.

Mr. CHALMERS. That was my understanding, but I merely wished to know whether I was correct or not.

The SPEAKER. The gentleman from Mississippi has the floor.

Mr. CHALMERS. Mr. Speaker, I am in favor of the passage of the Senate bill as it is and shall oppose the amendments offered by the gentleman from West Virginia, [Mr. WILSON.] The first amendment is objectionable because it does not compel an investigation into the alleged frauds and the second because it reopens the whole of the question settled by treaty and is in fact a threat to the Mexican government that, in case it asks for an investigation into the two cases named by it as fraudulent and amounting only to $1,000,000, then the whole question involving four hundred and seventy millions shall be reopened. It is a species of terrorism unworthy of our great Republic in dealing with a weaker sister.

American citizens had claims against the Mexican government, Mexican citizens had claims against the United States Government, and a treaty was made on the 1st of February, 1869, whereby it was agreed that a commission, composed of a member chosen by each government and an umpire selected by the commissioners, should determine these claims and that the government against whom an excess was found should pay to the other the balance adjudged to be due.

Under this agreement claims were brought in by American citizens amounting to the sum of $470,000,000, growing out of transactions of only twenty years in the Republic of Mexico, during which time there cannot have been exceeding two thousand American citizens resident in Mexico. This in the outset is one of the startling facts in this case. The examination, however, reduced the claims from four hundred and seventy millions to four and a half millions. That was the amount found by the umpire to be due to citizens of the United States by Mexico. When that award was about to be announced, before it had been announced by the umpire, Mexico asked leave to protest against two claims known as the Weil claim and the La Abra claim.

Mr. WILSON. And several other claims.

Mr. CHALMERS. Those two claims in particular. The statement made by the umpire is in this language:

> In the case No. 447, "Benj. Weil *vs.* Mexico," the agent of Mexico has produced circumstantial evidence which, if not refuted by the claimant, would certainly contribute to the suspicion that perjury has been committed, and that the whole claim is a fraud. For the reason already given, it is not in the power of the umpire to take that evidence into consideration, but if perjury shall be proved hereafter no one would rejoice more than the umpire himself that his decision should be reversed and that justice should be done.

The Mexican government, in accordance with the hints thrown out by the umpire, then appealed to the equity and justice of the United States, as follows:

> The Mexican government, in fulfillment of article 5 of the convention of July 4, 1868, considers the result of the proceedings of this commission as a full, perfect, and final settlement of all claims referred to in said convention, reserving nevertheless the right to show at some future time, and before the proper authority of the United States, that the claims of Benjamin Weil, No. 447, and La Abra Silver Mining Company, No. 469, both on the American docket, are fraudulent, and based on affidavits of perjured witnesses; this with a view of appealing to the sentiments of justice and equity of the United States Government, in order that the awards made in favor of claimants should be set aside.

Now, then, I wish to call the attention of the House to the further language of the umpire upon that same subject:

> In the above-mentioned case, No. 469, the Mexican agent would wish the umpire to believe that all witnesses for the claimant have perjured themselves, while all those for the defense are to be implicitly believed. Unless there had been proof of perjury the umpire would not have been justified in refusing evidence to the witnesses on the one side or the other, and could only weigh the evidence on each side, and decide to the best of his judgment in whose favor it inclined. If perjury can still be proved by further evidence, the umpire apprehends that there are courts of justice in both countries by which perjurers can be tried and convicted; and he doubts whether the government of either would insist upon the payment of claims shown to be founded upon perjury.

That was the opinion of Sir Edward Thornton. Now, then, the Mexican government comes forward with the testimony and lays it before the United States Government, and asks, not to be excused from the payment of the award, not to have the treaty set aside, not denying but what the treaty is binding upon her if the United States Government sees fit to so decide, but simply applying to her as an act of justice and of equity to know whether this Government which has obtained this award by standing sponsor for its own people, whether this Government with the money in its hands will pay it over, provided it can be shown that the arbitrament was obtained by fraud and perjury in the witnesses.

Having asked leave to submit subsequently-acquired testimony on this case she now comes forward and submits this testimony and asks us to consider it. The Senate in the last session of the Forty-fourth Congress did so far consider it as to refuse to pass a bill which had passed the House for the distribution of the awards on the ground of alleged fraud. The Secretary of State has referred the question of distribution to this Congress, and called our attention to the fact that fraud has been suggested in two cases by the government of Mexico.

The Senate has passed a bill requiring the two cases in which fraud is alleged to be investigated within six months by the President and withholding any payments on these claims until this investigation can be had. The House committee to whom this question was referred has reported against directing investigation. In my judgment it is not only our right but our duty to have this charge of fraud investigated, and I propose now briefly to point out some of the evidences of fraud shown in the testimony which Mexico now offers for our consideration. Let us look at the two cases separately.

THE WEIL CASE.

The first of these cases is that of Benjamin Weil, who sets up a claim for nineteen hundred and fourteen bales of cotton said to have been taken from him in September, 1864, on the border of Mexico and almost in sight of the confederate army, which then held possession of Texas. The magnitude of this alleged seizure struck me with astonishment and induced me to investigate the subject. Investigation has convinced me that it is the most bald-faced and impudent fraud I have ever seen. I have been astonished that any man should have conceived the idea of presenting such a claim and still more astonished that he should ever have succeeded in obtaining an award in his favor. That one hundred and ninety-two wagons, drawn by fifteen hundred and thirty-six mules, and containing nineteen hundred and fourteen bales of cotton should have passed through the lines of two armies, the confederate and the Mexican, without the knowledge of either is to me incredible; that a train of fifteen hundred and thirty-six mules should have passed through an arid region of country

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* When the parties have expressly or by reasonable implication submitted the questions of law as well as the questions of facts arising out of the matter of controversy, the decision of the arbitrators on both subjects is final. * * * Their decision cannot be appealed from, revised, or annulled by reason of any mistake which they may have fallen into. (Opinion of Chief-Justice Shaw, Boston Water-Power Company *vs.* Gray; Morse on Arbitration and Award, page 245.)

In other words they claim that the award, as to the partition, is invalid because the arbitrators have made an erroneous decision. That, however, would not vitiate the award, for it is well settled that the award, if made in good faith, is conclusive upon the parties; and that neither of them can be permitted to prove that the arbitrators decided wrong, either as to the law or the facts of the case. (Jackson *vs.* Ambler, 14 John. Rep., 105; Mitchell *vs.* Bush, 7 Cowen's Rep., 185; Winship *vs.* Jewett, Barbour's Chancery Reports, volume 1, pages 183 and 184.)

The award in this case is not so outrageous as of itself to constitute conclusive evidence of fraud or corruption. Error in judgment in the arbitrators is not a sufficient ground for setting aside an award. Nor will it be set aside on the ground that it is contrary to evidence if there is any evidence to sustain it. (Anderson *vs.* Taylor, 41 Georgia Reports, 10.)

when the confederate army could not move more than five hundred horses per day on account of the scarcity of water was equally incredible; that any man should, if he honestly owned this much cotton, have run the risk of attempting to move it without permit from the confederate government and without custom-house receipts from the Mexican government was astonishing, knowing, as he must have known, that it would be subject to seizure and confiscation by either government. I was struck with the fact, too, that no claim had been made for the one hundred and ninety-two wagons and the fifteen hundred and thirty-six mules, and learned that these were said to be confederate property. The astounding fact then arises that the confederate records do not show any return made by any quartermaster of these losses. Again, not one of the drivers of these one hundred and ninety-two wagons, who it is now said were confederate soldiers, could be found to testify in the case. The next impossible feature in the case is that the witnesses make the wagons cross the Rio Grande at a point where there is no ford and at a time when that river cannot be forded and at a point between Laredo and Piedras Negras, which would be two hundred miles out of the way to Matamoras, which was the alleged point of destination. The witnesses of the claimant were not posted upon the geography of the country and they did not fear that those who knew would ever contradict them in the facts. These are the internal evidences of fraud arising from the case itself and these misstatements of physical facts are the track which criminals always leave behind them and by which their crimes are discovered. It is often by such little circumstances as these we are able to follow and uncover secret crimes. It is thus that "murder will out."

More than that, no complaint was ever made to the Mexican government of this loss until after this treaty was made between the two governments for the adjudication of claims. These losses are represented as occurring in September, 1864. The treaty was not signed until February, 1869. This claim was never made until 1870. Now I say that upon the face of it it is a bald fraud.

But the claimants rested their case upon the testimony of one George D. Hite, a witness who swore positively that he had seen the cotton loaded at the town of Alleyton, in the month of March, 1864, and that on the 20th of September, while he was on his way back from Mexico, he saw the same cotton crossing the Rio Grande. Upon his testimony the judgment was recovered. Now Mexico comes forward with the proof of confederate officers who were in charge of that country at that time, and they make proof that no such thing could possibly have been done.

In the first place, I want to call your attention to the fact that this man Hite, who swears that he was at Alleyton in May, 1864, is shown by the proof to have been in Shreveport, Louisiana, seven hundred miles away, and to have remained there during the whole of the year 1864. On page 13 of the brief filed by General Slaughter before the Senate committee there is a reference to thirteen letters of Hite, the principal witness for the claimant, Benjamin Weil, and these letters show Hite to have been at Shreveport during the whole year 1864, and that he only entered the service of Weil & Jenny in 1865. Mexico now brings forward his own letters. She offers also the affidavit of R. F. Britton, setting forth that Hite was in Shreveport, in some department of the Government, in 1864, during the whole year.

Mr. WILSON. What does the gentleman read from?

Mr. CHALMERS. From a printed brief furnished to the Senate committee who considered this case.

Mr. WILSON. By whom?

Mr. CHALMERS. By James E. Slaughter, a general in the confederate army; and if I know a gentleman when I see him, he is one.

Next we have the affidavit of B. C. Brent, who testifies that Hite was at Shreveport; in the spring of 1864, was captain of the steamboat Countess; that afterward he was on duty in the quartermaster's department in the State of Louisiana. This witness says: "I know he was at Shreveport during the months of August, September, and October, 1864."

Then we have the testimony of W. R. Boggs, another confederate general, who was chief of staff of General Kirby Smith. He says that he was at Shreveport in 1863, 1864, and 1865; that he knew Hite, and Hite was at Shreveport throughout the year of 1864.

Mexico also offers the testimony of John E. Evins. This is the substance of his affidavit. He says:

Was United States collector at Laredo before the war; remained there during the war; was engaged in the freighting business during the war, hauling cotton; remained at Laredo until 1869; is acquainted with nearly everybody up and down the river for one hundred miles; knows the country thoroughly. There are no crossings for wagons above Laredo, between Laredo and Piedras Negras. Duties were always paid to the Mexican government at the local custom-houses. The distance from Alleyton to the Rio Grande is about two hundred and sixty miles. (Testimony of George D. Hite says it is seven hundred miles.) There are no ferries between Eagle Pass and Laredo. "I have never heard of Benjamin Weil. I have never heard of the seizure of any cotton. In my opinion, it would have been impossible for the Mexicans to take violent possession of nineteen hundred bales of cotton anywhere on the Rio Grande without my hearing of it." The custom-house officials on both sides of the river were very vigilant. "I do not believe that any one train of nineteen hundred bales of cotton belonging to one individual ever traveled across Texas to Mexico, and I will add that the seizure of such a large quantity of cotton would certainly have been heard of by me, if made at any point on the Rio Grande, much less in the neighborhood of Laredo. The news of such seizure would have circulated throughout Texas and frightened all traders."

Thus we have positive proof that Mr. Hite, the main witness, has sworn falsely; that he was in Shreveport, seven hundred miles away from the place where he says he was when he professes to have seen cotton loaded up and carried off.

I call attention, also, to the testimony of Weil himself. He swore that he had no partners. This was an important matter for this reason: the partnership went into bankruptcy, and when that bankruptcy case was up on trial in the United States court objection was made to the discharge of the partners upon the ground that no statement had been made in regard to this claim against Mexico; and upon that trial it was shown in the United States court that these men were partners of Weil, but that neither Weil nor the partnership had any such cotton as now claimed.

They prove that Weil had made a contract with the government of Louisiana to furnish supplies and carry out cotton. They say he had no money to carry out his contract and that other parties, Jenny, Bloch, and others, went into partnership with him and they furnished money to carry it out. What do these partners say on the subject of the cotton? Mr. Loeb, who was the authorized agent of Marx Levy, Bloch, and Benjamin Weil, says this:

Cross No. 3. Affidavit of S. E. Loeb, dated New Orleans, August 7, 1876, before Thomas Buisson. This affidavit sets forth the history of the copartnership and names of partners of Benjamin Weil; business done by the same; pecuniary condition; account of cotton received, and from whom; when sold, &c.; states at what time George D. Hite entered the service of Weil & Jenny; also, that Hite was not in the employment of Weil & Jenny at any time during the year 1864; that books, papers, &c., of the various firms of which Weil was a partner exist to-day, and were never destroyed as alleged; that he never heard of a seizure of cotton by the Mexican authorities until the claim of Weil was published in the newspapers; that no such amount of cotton as nineteen hundred bales, belonging to Weil, was ever at Alleyton, Texas; that George D. Hite was not a purchasing agent of Benjamin Weil; that he believes all the books of the firm in which Weil was a partner are at Opelousas, Louisiana; states how much cotton they had in the spring and summer of 1864, and the points at which it was deposited; states that this cotton was satisfactorily accounted for; states that Weil had no property outside of the partnership.

Cross No. 4. Affidavit of S. Firnberg, dated New Orleans, August 4, 1876. He was a member of the firm of Bloch, Firnberg & Co., which firm combined with that of Isaac Levy & Co., under the style of Levy, Bloch & Co. The firm of Isaac Levy & Co. was composed of Isaac Levy, Benjamin Weil, Marx Levy, and Jacob Levy. None of the firm had any individual property, real or personal. Benjamin Weil was a party to a contract with the State of Louisiana. He had no resources to carry out the contract. In 1864 Weil, for the firm of Levy, Bloch & Co., entered into a contract with Gustave Jenny, of Matamoras, under the name of Weil & Jenny. I have never heard of any claim against the "Government of Mexico," and "I know of my personal knowledge that the claim of Benjamin Weil against the government of Mexico is fraudulent. I was at the time of the origin of this claim a partner of Weil, and interested in all transactions, gains, or losses up to the dissolution of the partnership on the 19th of December, 1865. Had access to all books and papers, &c. First I heard of it was in the public press."

Cross No. 5. Affidavit of Louis Scherck, dated the 5th of August, 1876. Was a partner of Gustave Jenny. Knows Benjamin Weil. Jenny & Co furnished the goods to Benjamin Weil to carry out his contract with the State of Louisiana. I assisted them in delivering the stock to the agent of the State of Louisiana. This was in the summer of 1864. I then returned to Matamoras, and was there the latter part of that year. Never heard of any cotton being seized. Would certainly have heard of it had it been there and belonged to Benjamin Weil. Weil had no means of his own. All the means were furnished by C. F. Jenny. I held C. F. Jenny's power of attorney. The letters shown to me, marked E. W. H., in red ink, I recognize as letters of Gustave Jenny. I also recognize the letters of Benjamin Weil.

Cross No. 16. Affidavit of R. F. Britton, setting forth that Hite was at Shreveport in some department of the Government in 1864 during the whole year.

Cross No. 17. Affidavit of B. C. Brent. He testifies that Hite was at Shreveport. In the spring of 1864 he was captain of the steamboat Countess. After that he was detailed to Governor Allen, and was on duty in the quartermaster's department of the State of Louisiana. "I know he was at Shreveport during the months of August, September, and October, 1864." He did business at Shreveport in partnership with one James Parsons. He was under the immediate command of Colonel Wise. I know J. M. Martin, a pilot on Red River, another witness: "I would not believe him on oath." I knew S. B. Shackleford, another witness. He was a lieutenant in the confederate army. He was a sort of gambler. I do not know where he is. I have seen the letters signed George D. Hite. The signature is genuine.

Cross No. 18. Affidavit of E. W. Halsey. Was private secretary to Governors T. O. Moore and H. W. Allen from 1860 to 1865. Knew Weil, and Levy his partner. Knew they had a contract with the above-named governors. From frequent conversations with Weil knew that capital was furnished by Gustave Jenny, or Jenny & Co. Do not know of their ever having any cotton except that furnished by the governors. "Was very difficult to get permits from the military authorities to export cotton. These permits were indispensable for the transportation of cotton. Weil and Jenny did not receive sufficient cotton to pay them for goods supplied, and Weil brought a claim against the State of Louisiana for a large amount, which claim was paid. Although intimate with Mr. Weil during these transactions, he never spoke to me of losing cotton by seizures on the Rio Grande, or of exporting other cotton than that received from or through Governor Allen. Had he met such loss I would certainly have known it." Testifies to the signatures of various letters of Weil, Jenny and others, on which is written in red ink E. W. H.

Cross No. 20. Affidavit of L. G. Aldrich. Was a captain in the confederate army and adjutant-general stationed at Brownsville. States how the export of cotton was conducted, by what ports it should be exported, permits required, and all regulations thereto. Regulations of Mexican government for import of cotton. That all outrages by the Mexican authorities were promptly reported, and friendly relations between the authorities on both sides of the river at that time existed; that no capture of a train of cotton was ever reported; that the "capture of nineteen hundred bales of cotton by the Mexican authorities, without any knowledge of it reaching headquarters, I deem next to an impossibility."

Cross No. 23. Affidavits of W. R. Boggs, dated 17th day of August, 1876. Was a brigadier-general and chief of staff of General E. Kirby Smith, commanding trans-Mississippi department; was stationed at Shreveport in 1863, 1864, and 1865, and knew George D. Hite; that Hite was at Shreveport throughout the year 1864; he saw him from time to time; never heard of Benjamin Weil; never heard of any seizure of cotton; any seizure of cotton would have been heard of by me in my position.

This is certainly sufficient to show that Hite was in Shreveport and his testimony false. Weil in his testimony denied that he had any

partners. This statement is contradicted by the affidavits read; but Mexico offers now:

Cross No. 21. Original articles of copartnership between the firms of Bloch, Firnberg & Co. and Isaac Levy & Co.

Original articles of dissolution of the partnership.

The first is dated the 11th of March, 1863, and the latter is dated New Orleans, the 11th of October, 1865.

These are the original copies. The originals, according to the civil law, are kept in the recorder's office, as shown by these copies.

Cross No. 22. It consists of various papers, telegrams, accounts-current, bills of lading of cotton and merchandise, receipts, &c., all showing the transactions of the various partners of Benjamin Weil, and of the firm of which he was one, and all proving conclusively that that firm never had any large amount of cotton at any one time; and that it never was in a pecuniary condition to have made large purchases of cotton, but all cotton received was in small lots, which were shipped at once, and no mention is made whatever to the nineteen hundred bales alleged to have been at Alleyton and subsequently captured by Mexican authorities.

She next offers a statement of the transactions of Benjamin Weil from the fall of New Orleans to the close of the war in his own handwriting, as follows:

Statement of my proceedings since the fall of New Orleans:

In August, 1862, Governor Moore proposed to me to load the schooner Washington, then a prize and anchored in Lake Charles. I went to work, got the cotton and transportation, but before the cotton reached the lake the Yankees came with a fleet and destroyed the schooner partly. I had to give up this expedition—was naturally in for all expenses.

I next took an interest in the schooner Lehman, which sailed from Lake Charles in March, 1863. The vessel landed in Tampico. The supercargo, after taking advance on the cotton, handed them over to another man, whom he appointed supercargo, and himself went with the whole of cotton to England and never returned. The new supercargo, after taking in a cargo at the mouth of the Rio Grande, ran into Galveston and disposed of the cargo, and I have never been able to collect one dollar.

About the same time I took an interest in the schooner Cecilia D. She also ran into Tampico, sold her cargo, and invested the whole amount in medicines and cotton cards, but was unfortunately captured on her trip in and sold in New Orleans as a prize.

Loaded about the same time a small schooner in Vermenton River, but up to date never heard her spoken of. Nobody knows what became of her.

I started for Mexico, and as quick as there invested all my ready cash in the schooner Star, loaded her with ordnance stores, started her with Mr. Levy, my partner, as supercargo. She made the trip safe in and out. Her trip back she was chased by the Yankees, and Mr. Levy set her afire within a mile of the Brazos. She was loaded with powder, shot, percussion-caps, spades, axes, &c. The loss on this vessel alone amounts to $30,000 in hard cash. We are interested in the schooners Hyer and Gilbertson. Both came in in January last loaded with amunitions of war and ordnance stores, but up to this day have never been able to get out.

After the schooner Star had left the port of Matamoras I remained, expecting fifty bales of cotton, the proceeds of which I intended to use as traveling expenses to go to Europe. My credit in Europe would have enabled me to purchase any amount of goods for the State of Louisiana. These fifty bales of cotton were first seized, forty bales afterward released, and I obliged to sell at the low price of the Matamoras market, say at seventeen cents per pound, so that after paying freight I had nothing left worth speaking of.

Then I sent to Mr. Loeb, my agent in Houston, for more cotton, who, late in the fall, started eighty-seven bales of cotton. The winter being very hard the cattle died on the road, while in the mean while the cotton agent took one-half of said cotton, and this expedition left me again in debt. Last I got in with Mr. Jenny, encouraged him to jointly take in his stock, and you know the remainder.

I submit this statement to your examination. It will prove to you that I have done all I could to forward the interest of the State.

B. WEIL.

SHREVEPORT, LOUISIANA, *October* 18, 1864.

NEW ORLEANS, *August* 5, 1876.

I hereby certify that the foregoing is the handwriting and signature of B. Weil. I have seen him write and sign his name very often during the period to which this memorandum relates, say from May, 1862, as well as afterward, until May, 1865.

E. W. HALSEY,
Late Private Secretary to Governor T. O. Moore and to Governor H. W. Allen.

Sworn to and subscribed before me this 5th of August, 1876.

THOMAS BUISSON,
Notary Public.

In addition to the above statement, there are several original letters of Weil, dated at Shreveport, in the fall of 1864, and one on September 20, the very day on which he swore the cotton was captured "from him" in Mexico. Referring to the whereabouts of Hite at the time of the capture, the Secretary of War states that the confederate archives contain a letter, dated at Matamoras, in October, 1864, one month after the alleged capture of the cotton, signed by Weil and Jenny, and addressed to Colonel J. C. Wise, chief quartermaster at Shreveport, asking the detail to their service of George D. Hite, then in his office. Colonel Wise, now a citizen of Louisiana, states that Hite was in his service at that time, and the cash-book of Weil and Jenny, which is produced, shows their first payment to Hite in 1865. Weil did have some little cotton transactions; but every bale of cotton that he carried out of the country was confederate cotton, was carried out by confederate teams for the purpose of bringing back powder, lead, clothing, and supplies for the confederate army.

And just here I would say that if this were a true and valid claim, if the cotton had been carried by Weil as claimed, the cotton was confederate cotton and would have belonged to the United States Government and not to Weil, after our surrender. Not only that, but if carried into Mexico there must have been proper permits from the confederate government and custom-house receipts from the Mexican government, or it would have been properly subject to legal capture by the Mexican government for violation of its revenue laws. Now, the claimant brings forward no such permit and no such receipts. Further, the testimony in this case shows that the cotton which Weil lawfully carried from Texas into Mexico was carried in confederate wagons, and driven by confederate soldiers who were the teamsters, and carried by confederate teams. Another remarkable thing in this case is that for these fifteen hundred and thirty-six mules and one hundred and ninety-two wagons which were taken, Mr. Weil sets up no claim against the Mexican government.

Mr. HANNA. Did these facts appear before the commission?

Mr. CHALMERS. I do not know that they appeared there; but they are now offered by the Mexican government; whence she throws herself upon the equity and justice of the United States. There is no claim made for these teams and for these wagons. And if we look into the confederate records we find no quartermaster's report of any such loss. Is there a gentleman here who was connected with either army who believes for a moment that one hundred and ninety-two wagons and fifteen hundred and thirty-six mules could be lost and the quartermaster's department have no report of the loss? That is an absurdity upon its face.

Mr. CRITTENDEN. Will the gentleman allow me to ask him a question?

Mr. CHALMERS. Yes, sir.

Mr. CRITTENDEN. Why is it that the Mexican government made no statement of this claim before the commission?

Mr. CHALMERS. I will answer the gentleman.

Mr. CRITTENDEN. And the gentleman can at the same time answer another question: why the Mexican government waited until the matter was submitted to this Congress, and then come in here to make an appeal to this Congress in order to defeat the payment of the money over to these parties?

Mr. CHALMERS. If the gentleman had been in his seat when I commenced my remarks he would have learned that before the umpire made his decision the Mexican government asked leave to show the facts which she now offers to show here. Before the umpire rendered his decision the Mexican government called upon him to take this testimony into consideration.

Mr. CRITTENDEN. And he declined to do so.

Mr. CHALMERS. He declined to do so because, he said, it had not been brought in in time; but he hoped that no government would hold money obtained by fraud and perjury.

Mr. WILSON. Will the gentleman allow me to correct him?

Mr. CHALMERS. Yes, sir.

Mr. WILSON. Does not the gentleman know that the Mexican attorney knew that the umpire had no authority to receive any evidence, and that the American commissioner, Judge Wadsworth, of Kentucky, gave the Mexican commissioner, Zamacona, and the Mexican attorney, Vallarta, full and abundant opportunity to offer any evidence which they could offer, and agreed to postpone the case for that purpose, and they declined to do it.

Mr. CHALMERS. I do not know that fact. But admit that it is true; that would be no excuse for refusing now to consider evidences of fraud not discovered until after the close of the whole commission. I propose to show that the witnesses upon that occasion swore that the books had been destroyed; that Weil swore that he had no partners. The Mexican government, dealing as it was with the American Government and fighting against $470,000,000 of claims, is not to be blamed if it did not bring up all the testimony at the proper time. Suppose it is true that the testimony was not brought up then. The question now is, will the United States Government stand sponsor for thieves? Will the United States Government retain and distribute to its citizens money which has been obtained by fraud and perjury, simply because there may have been some *laches* on the part of the Mexican government in producing the testimony which it is now offering here? I for one, as a Representative in the American Congress, am not willing to take any such position.

Mr. CRITTENDEN. Will the gentleman allow me to ask him one other question?

Mr. CHALMERS. Certainly.

Mr. CRITTENDEN. Is the Mexican government itself undertaking to break up the award of the commission, or is that being done by outside parties altogether?

Mr. CHALMERS. I will read again what the Mexican government says, and then the gentleman will understand it:

The Mexican government in fulfillment of article 5 of the convention of July 4, 1868, considers the result of the proceedings of this commission as a full, perfect, and final settlement of all claims referred to in said convention; reserving, nevertheless, the right to show, at some future time, and before the proper authority of the United States, that the claims of Benjamin Weil and La Abra Silver Mining Company, both on the American docket, are fraudulent and based on affidavits of perjured witnesses; this with a view—

Not with a view of breaking up the treaty, but—

with a view of appealing to the sentiments of equity and justice of the United States Government, in order that the award made in favor of the claimants may be set aside.

Before I conclude my argument I will answer the question more fully. I propose now to go on with the history of the case.

The wagons conveying this cotton were represented as going through a particular part of Texas and crossing the Rio Grande where the river could not be forded, at a place where there was no ford, as Mexico now offers to prove by testimony, and at a time when the Rio Grande River was not fordable.

Now, sir, this testimony has been discovered since the adjudication, and Mexico comes forward with it and offers it as showing beyond controversy the fraudulent nature of this Weil claim. The only ques-

tion for the American Congress to decide is, will we permit money thus obtained by fraud to be distributed to the thieves?

The next case—for I only pick out here and there of the testimony, for I would not weary the House with the whole of it—the next case is known as the

LA ABRA SILVER MINING CLAIM.

This company without doubt purchased a mine in the Republic of Mexico. Without doubt that company purchased machinery and carried it there for the operation of its mines.

But, sir, the claim made by that company for damages against Mexico is based on two grounds: first, that the mine was a valuable one, and second, that they were driven forcibly from that mine by the Mexican authorities. If these two facts should be established, then certainly they are entitled to damages. But how do they undertake to establish it? They bring in witnesses who swear in the first place (and it seems to have been considered as remarkable by Sir Edward Thornton) that there were no books and papers to be shown. They swear, as Weil did, that the papers and books were destroyed. Those papers have since been discovered and brought to light and are now offered by the Mexican government to confound and contradict the testimony of these witnesses. They swear they had a valuable property and that they were driven out of it; that they were driven out in March, 1868. They bought the property in 1864, at a time when war was going on in Mexico, and they left in 1868, after peace was established, and yet they pretend they were driven out by marauding parties of armed troops in the Republic of Mexico. That is a striking fact to be looked at in the first place. Another fact is that no other mines in that neighborhood seem to have been disturbed, or if they were, no proof of it has attracted my attention.

Let us look further to the testimony. They swear, as I have said, that no books and papers were kept. Since that time papers purporting to be the original papers and books containing the original letters of the company have been brought to light, and Mexico offers them to the United States Government, asking that they be considered. I am not here to say whether they are genuine books and papers or not. The Senate bill does not ask us to say these claims are even fraudulent, but the Senate bill does say there is such affirmative evidences of fraud that they should be examined into before the money is paid out.

I propose to read from some of these letters, and if they are genuine they certainly make out a *prima facie* case of fraud that is most startling to my mind. In the first place, sir, these letters show that so far from the Mexican government having disturbed this company in their rights, the Mexican government had protected them in their rights.

In a letter dated Tayoltita, February 6, 1866, from the La Abra Mining Company, written to D. J. Garth, who is the president of the company in New York, the agent, Thomas J. Bartholow, says this:

But, after the liberals took possession of the country and confiscated large numbers of mules, it was with the greatest difficulty that I could get any one to agree to pack at all; and had I not succeeded in getting military protection, our mill would now be lying at Mazatlan.

So far from interfering with them they got military protection from the government. Again, in a letter written March 7, when one of their men had been killed, the same agent of the company uses this language:

These facts were promptly laid before the commander of the liberal troops at San Ignacio, Señor D. Jesus Vega, who took great interest in the matter, and promised to use all the means in his power to discover the murderers and bring them to justice, and he had arrested and placed in confinement two men charged with the crime, and his soldiers are in pursuit of the third.

On April 10, this same agent writes again:

I inclose you a letter that I wrote to the collector of taxes at San Ignacio, which explains itself. The result was, instead of paying taxes to amount of three or four thousand dollars, as was demanded, we only paid about $30, and there was no necessity of troubling General Corona with the matter. * * * I wrote you fully in my last letter, detailing the circumstances of the murder of William Grove and the finding of his body. Since then the liberal authorities have taken the matter in hand and arrested one of the murderers at this place.

Showing that so far from interfering with them the government was absolutely extending protection to these mining people.

Now, sir, we have the testimony from their own letters contradicting the charge that the Mexican government had used violence toward them. But we have stronger evidence than even that. This man swears that the company was driven away in March, 1868. I propose now to read you a letter showing that in February of the same year the administrator of the La Abra company turned over possession of that very property to his own agent:

TAYOLTITA, *February* 21, 1868.

SIR: As circumstances are of such a nature as to compel me to leave for San Francisco and probably for New York, to inquire into the intentions of this company, I place in your hands the care and charge of the affairs of the La Abra Silver Mining Company, together with its property. You are invested hereby with all power confided to me, of course acting in all your transactions with an eye to the interest of the company. This will to you, should occasion require it, be ample evidence of the right possessed by you to act in their behalf.

Very respectfully,

CHAS. H. EXALL,
Administrator La Abra Silver Mining Company.

Mr. JAMES GRANGER.

The very same witness that swore he was driven away in March, 1868, and did not have time to gather up his papers, deliberately turns over the property to Granger on February 21. He goes to New York and on May 8 he writes a letter back to Granger after the time he now swears he had been driven away from there. That is not all. On June 16, 1868, from New York, he writes another letter and directs this to this very silver mining company in Mexico, and on July 16 he writes him another letter from Richmond, Virginia, and directs it to him again; to this very silver mine from which he subsequently swears the company had been driven away in March, 1868.

Now, I say, if these letters are genuine, and they bear upon their face internal evidence of truth, if they are genuine letters, a stupendous fraud has been perpetrated upon Mexico under the name and authority of the United States and by United States citizens.

But, sir, this is not all. We have here a letter from Mr. Granger, who is left in charge of this very work, written from these very mines on August 13, the mines from which they say now he was driven away in March, in which he writes to the Mexican government as follows:

[Translation.]

TAYOLTITA, 13 *August*, 1868.

DEAR SIR: I have received the communication calling upon this company to pay $52.50 each month for taxes imposed by the Legislature of the State, and presume it to be correct—

Paying taxes to the government of Mexico for a mine they had been driven out of; paying taxes in August for the mine from which they had been driven away in March. He says—

but as I am only acting in the absence of the superintendent, and as there is no money nor effects to pay this tax, I beg you to wait until the month of November, at which time said superintendent is to come, and then the sums due by this company on account of this tax will be paid.

Your most humble servant,

SANTIAGO GRANGER.

SR. D. REMIGIO ROCHA.

There is the Mexican government, that is treating him with inhumanity and violence, calling upon him for the taxes, and they are asked for a suspension of payment of the taxes, and there is no evidence but Mexico acceded to the proposition. That, too, dated from the mines in August, when this false witness swears they had been driven out in March of the same year. I suppose that disposes of the question whether they were driven away by violence.

I come now to the question of the value of the mines, and this testimony again shows on its face that these gentlemen were deceived about their mining property. They thought they had a good property, but their own letters show when the light commenced to break upon them that the mines were worthless. On October 8, 1866, the superintendent at that time writes to the treasurer in New York, and says:

I doubt whether your expectations will be ever realized respecting the looked-for yield of metal from the mines, though sufficient may be had to repay well, I trust.

That is the first time they indicate any idea the mines were not profitable.

Mr. WILSON. What page?

Mr. CHALMERS. Page 36. Next I read from page 39. Mr. Garth writing back to the agent says:

I trust that despite what you say you will find some way to satisfy the draft.

They had got into debt; they could not pay their debts. The agent was writing to the company, and Mr. de Laguel answers in this language:

I trust that despite what you say you will find some way to satisfy the draft, for, if it goes to protest, it will be of incalculable injury to the best interests of the company. To me the consequences of such a thing would be both mortifying and most embarrassing; but to the company's interests they would prove far more serious.

Then upon page 43 Mr. Garth writes again to Mr. Exall, as follows:

If, however, the ores are indeed worthless, I don't see that any process of working will be of any avail, and have the worst fears that our enterprise will, after all, be fruitless of good.

Another extract from the same, on page 44, from a letter written on the 10th of June:

We have not heard from you since Colonel de Laguel left Mexico, but hope that you are well and getting along as well as could be expected. The account that Colonel de Laguel gave us of the quality of the ores on hand was most unexpected and a fearful blow to our hopes.

Mr. HANNA. Is there any statement of what they gave for the mines?

Mr. CHALMERS. About $50,000.

Mr. HANNA. What is the amount of the award?

Mr. CRITTENDEN. Altogether they gave over $299,000. The amount of money expended there was proven before this commission by Mexicans themselves. I suppose the gentleman will not deny that.

Mr. CHALMERS. I did not pay attention to the amount expended, for I do not conceive that the Mexican government would be bound to pay money to a man for that which was spent in a bad speculation. I propose to show by their own testimony that the mines were worthless and that they were abandoned because they were worthless.

Mr. CRITTENDEN. Do you deny that that amount of money was expended?

Mr. CHALMERS. I do not deny it, for I do not know.

Mr. CRITTENDEN. Do you deny that the Mexican government did derive benefit from the expenditure of that $299,000?

Mr. CHALMERS. I do deny most emphatically that the Mexican government ever got anything from it. This money was spent upon a worthless mine. It cost these men more to take the ore out than

it was worth. Every agent they had they were in debt to. They made no money and the Mexican government got nothing from the mines and nobody else got anything from them.

Mr. CRITTENDEN. It was because the Mexican government and its bands interfered with and destroyed the property.

Mr. CHALMERS. That I deny. The gentleman cannot put his finger on a line from their own letters to show any such thing. I propose to show that they abandoned the mines.

Mr. CRITTENDEN. Because your bands interfered with them.

Mr. CHALMERS. Not at all; our bands, as you call them, never came near them.

Mr. CRITTENDEN. The commission decided in favor of the company.

Mr. CHALMERS. Yes, and they did so upon false testimony of the witnesses that I am now showing.

Mr. CRITTENDEN. And it is only afterward that your bands of men and the gangs came in since for the purpose of setting the award aside so that they might procure the money themselves.

Mr. CHALMERS. Never.

Mr. CRITTENDEN. Of course I do not mean the gentleman.

Mr. CHALMERS. I hope the gentleman will be a little more guarded in his language, for it does seem to me that the position of an American Congressman is one of exceeding delicacy. I do not pretend to charge that the heavy fees given out for the procurement of this million of dollars from Mexico, where the attorneys are to receive one-half of the award, has crept into this Congress at all. And I do not propose that the gentleman shall insinuate that I or any one I represent is influenced by any such consideration.

Mr. CRITTENDEN. Pardon me; I did not insinuate that you had anything to do with it, or that you had any knowledge of anybody who has. But I do assert boldly and unqualifiedly that there is a gang hanging around here endeavoring to influence action upon this subject.

Mr. CHALMERS. Yes, sir; there is a gang here that has dogged my steps about the House and to my lodgings, and who have sat up with me until midnight and then come back the next morning before breakfast. They have haunted my steps, ever since they learned I was opposed to this bill until now, endeavoring to get me not to resist this steal from Mexico. It is a raid upon the government of Mexico organized and pressed by the most powerful lobby that I have ever known since I have had the pleasure of a seat in this Congress. The gentleman is right; the air is full of the cries of men who are laboring for this steal in order to obtain some pecuniary consideration. But I go back to my argument. Upon page 45 of the same testimony the president of the company writes again:

It seems almost incredible that all parties should have been so mistaken in the value of the ore now on the "patio."

The light is breaking on him, still he does not believe it; he says it seems incredible. Now we go back to the letter of Mr. Exall in this matter to the treasurer of the company. He says in a letter dated June 11:

In respect to the compromise of which you spoke it was made while I was in Mazatlan, to last until I should return, and then I was to arrange with you as best I could. And if you had known the circumstances and causes which led to the paralyzation of the works it would have been apparent to you that it was not possible to do otherwise.

Here is the agent saying that the works had been paralyzed in July, 1867, long before the time that the company abandoned them. Again on August 5 this same agent writes to the treasurer:

The mill is now running on the same ore as I last worked. This run will finish it, and what ore to work on then I know not. There is of course some little good ore in the great heaps on the patio, but it will have to be closely assorted, and the greater portion requires roasting, which is a slow operation and costly. I will at any rate do my best. I am now working twenty men by carga, pay them not over $1 per week in cash. I must give them some little money. These are working in the Arroyan and on the dump of the Rosario. The Cristo is now idle, also La Luz and Abra. I can get no metal from them which will pay.

That is a letter written August 5, 1867. Gentlemen say that the marauding bands of Mexico drove these men out of their rich mines, when their own agent as far back as August 5, 1867, says that they can get no ore from it that will pay. He continues:

The Cristo and La Luz, which have been worked for over a year, I am privileged to stop for four months. The Abra I must work; will put in some men and see what can be found. No further prorogues will be given, and although I have no fear of any one denouncing the mines I must not leave them unprotected.

By "denouncing" he refers to the Mexican law, which permitted a mine that was abandoned to be denounced, and it was then sold to somebody else. In this same letter Mr. Exall furnishes a statement of the amount that the company had made from May 27 to July 13, and it was $420.09—only this small amount in that time. Again in the same letter he says:

The assays which were made from samples taken from battery sluices, and which were made daily, vary in value; the greatest number gave $13.50 per ton, (silver.)

Why, sir, the witnesses introduced by these men before the commissioner swore that it was worth $500 per ton. Now, this letter says that the greatest amount obtained was $13.50 per ton.

In October 6, 1867, Mr. Exall writes again to Mr. Garth:

I was much disappointed that my urgent demand for money was not favorably answered. I have complied with the requests in your various letters in reference to giving you exact information concerning affairs here. I now have to urge you to send me means. I have heretofore been keeping above water by using the stock which I fortunately had on hand. That is now entirely exhausted. I have neither money, stock, nor credit. The latter I would not use even if I had it, as in this country it is an individual obligation and no company affair. Now, you must either prepare to lose your property here or send me money to hold it (and that speedily) and pay off debts of the concern.

That is the language of their own agent, written in October, 1867, long before they pretend to have been driven out by these predatory bands. He says further:

There is no difficulty about authorities, boundaries, or anything else concerning the mines and hacienda provided there is money on hand, and money must be sent.

This is the same letter in which he begs for money. He says: "There is no difficulty about authorities," thus testifying directly contrary to what he subsequently swore to, that the authorities were interfering with him.

I hope that I have urged this point sufficiently so that you may see fit to send me something to hold the mines. I should be sorry to see them lost on this account. Please telegraph me if you intend sending money.

Then, writing again on December 18 a long letter, he recites the amount of money that is due. He says:

I am utterly unable to oppose them. First, I have no means, and, again, I am not your agent here, never having received a power of attorney from you, which will be necessary, for I cannot act in these courts without it. The Bank of California ——, and will do something to recover the amount of the draft, and before the amount is doubled by the expenses, for God's sake telegraph to and pay them. Matters of this nature once getting into the courts, it takes large sums to oppose them. The first steps taken by the courts will be to send some one to the hacienda to see to and secure everything there. This will, of course, stop everything and make it impossible for me to protect your interests. For your own sake in the matter, pay them before things go further.

The next letter is one to which I have already referred, in which he turns over the company to Mr. Granger, and starts for New York. In New York what does this delightful witness do? He there finds some parties who want to buy a silver mine, and he tries to "put up a job" on them. He writes back to his man Granger in this way:

Since being here, I have seen these people daily, and have given them every information which would tend to make them think favorably of the property—given statements, accounts, inventories, indebtedness, &c., besides speaking as favorably of the property as possible.

In the same letter he says:

I have given these parties a condensed summary of accounts of La Abra Silver Mining Company. I inclose a copy. You will see it does not accord with the books, but I give it this way, as requested by the party who is endeavoring to start the company.

He was endeavoring to post his witness as to what he should say to these gentlemen when they came to examine the mine:

I should not like these parties to come in contact with Green, Martin, or any one who would prejudice them, &c. If we can succeed, as I have stated here, we will be doing well as things are situated. Send me as soon as possible power to act for you. I can imagine your feelings away out in that damned, gloomy place and truly sympathize with you and doing all in my power to get you away as soon as possible.

This is the fellow who was driven away by the marauding band; this is the rich silver mine that he was driven from. Again he says:

The books don't let any one see, for reasons which will occur to you.

Granger was smart enough to know what that meant. Again, writing from Richmond, he says:

I will in time write you as things develop. By all means keep the mines secure, particularly the Abra; don't allow any one to touch the books or don't give any statements; these affairs are now in our hands.

This is the witness who comes up afterward to give all this testimony.

Mr. CRITTENDEN. What date is that?

Mr. CHALMERS. The date is July 18, 1868.

Mr. CRITTENDEN. They were not driven from that mine till 1868.

Mr. CHALMERS. Exactly. March, 1868, is the time when they say they were driven from the mine; and this letter is written in July, 1868, in which he says to Granger, "Keep the mine; hold the fort." He swears afterward that they had been run out, that they could not "hold the fort."

Mr. CRITTENDEN. If the gentleman will pardon me a moment, I can refer him to the evidence of more than a dozen men whose high character is certified to by the United States consul at Mazatlan, and who say:

In conclusion, we would state that the re-establishment of the company was rendered impossible from the fact that immediately after the incidents herein referred to the entire State became involved in revolution; the roads infested with banditti and with troops of various parties; communication entirely interrupted, and all means of transportation seized.

This was the condition of things in June, 1876, when you say the company had possession of the mines; and this statement is signed by a dozen or more most reputable citizens.

Mr. CHALMERS. I thank the gentleman for calling my attention to that document. I intended to pay my respects to it, but I forgot it. If he will pass it over to me I will attend to it now.

Mr. CRITTENDEN. With a great deal of pleasure, sir.

Mr. CHALMERS. Now mark you:

The liberal forces under Corona occupied the approaches to this post, while Lozado with his Indians invaded the state from Jalisco; and in November of that year (1864) the French took possession of the town itself.

In 1864, was it? Why, that is the time you bought the mine; that is the time the Mexican government protected you, according to your own letter; that is the time the gentlemen said but for the protection of the Government their engine would have been left at Mazatlan; that is the time fixed upon when marauding troops were running through Mexico!

I call attention to the fact that in 1868 the French were driven out and peace was restored as far as it can be to that down-trodden republic.

Mr. LAPHAM. Maximilian was dead.

Mr. CHALMERS. Yes, Maximilian was dead and his wife a maniac, and your people were trying to rob Mexico—I beg pardon, I will not say your—these people were trying to rob Mexico of the few dollars that intense internecine war had left to her.

This testimony, so far from helping the gentleman's case, shows conclusively that the troubles in Mexico were in 1864, at the very time this property was purchased and that the Mexican government extended every facility to the owners of the mine to become citizens of that country.

As I have said before, the American Government stood sponsor for her claimants and it will be a disgrace to the American Government if she refuses to accede to the just demands of Mexico when Mexico comes and asks for equity and justice at our hands. Mexico does not refuse to pay the money. How shall America stand when her Senate the other day said to the British government, "we will pay your fishery award provided you will say on your honor that you believe it to be just. We do not believe it is right; we do not believe when three judges are appointed to make an award the judgment of two is good; but if in the judgment of England it is thought it is all right we will pay the money." We present the case to her; we present the extravagance of the demand; we say the fisheries are not worth what is awarded for them; we say if England demands it under the treaty we will pay it.

Mexico stands in the same attitude toward us. She says she stands by the treaty, but she asks the United States Government in honor and justice to examine these claims to see whether they are equitable and just and whether it will not refuse to allow this money to be paid into the hands of these thieves.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. CHALMERS. I hope by consent of the House I will be allowed to go on for fifteen minutes longer.

Mr. WILSON. I hope there will be no objection to the gentleman proceeding.

The SPEAKER *pro tempore*. The Chair hears no objection, and the gentleman will proceed.

Mr. CHALMERS. Mr. Speaker, Congress has the power, as decided by the Supreme Court, to annul a treaty if it sees proper to do so. But that question does not arise here. That is what I wish to argue. Mexico does not dispute the treaty. The Government of the United States is not setting aside the treaty as against Mexico. I put this case: you say every charter granted by this Government or by the Legislature of a State conveys a vested right in a corporation. Congress cannot set it aside to the detriment of the corporation, but if the corporation comes and asks an amendment of the charter no man can say the Congress or Legislature has not the power to change the charter. So here is a treaty made between Mexico and the Government of the United States. If Mexico was opposed to breaking the treaty certainly the United States could not break it. But Mexico does not ask that. She simply says, Look into this matter, and if you are satisfied your own citizens are swindling stop it. We do not ask you to break the treaty, but simply the question whether fraud, which vitiates everything, shall be permitted to come in and enable these men to take the money they are not entitled to.

The question gentlemen ask me much more easily arises when our Senate undertook to say they would not pay the money to England under the fishery award after England had paid its money to us on the Geneva award. Learned men in the Senate, men learned in the law, have passed a resolution which, I think, we will all stand upon in reference to the fishery award, and the same men learned in the law in the Senate have passed the pending bill which they have sent to us.

There is high authority for the doctrine that a government may refuse to respect an award unjustly or erroneously granted, and that without a breach of international obligations. Vattel says, page 277:

> The faith of treaties should be religiously observed. If, however, the arbitrators, by pronouncing sentence evidently unjust and unreasonable, should forfeit the character with which they are invested, their judgment should deserve no attention.

And Mr. Seward, late Secretary of State, in an unpublished note of March 3, 1869, addressed to the Venzuelan chargé de'affaires, takes the same ground.

In 1827, the northeastern boundary question was submitted by the United States and Great Britain to the arbitration, not of a mixed commission of citizens, but of a friendly sovereign, their peer, and yet the Government of the United States, both in its executive and legislative branches, declined to submit to the solemn decision given by the King of the Netherlands.

Doubtless the Mexican government, if, as is stated, it possesses proof of the fraud and perjury in these two claims, considers the awards upon them "unjust and unreasonable," and therefore would be justified, according to Vattel, in offering us the proof in lieu of the money. If, instead of doing this, Mexico has preferred to make a tender of payment with one hand while holding the proof of fraud in the other, it is so much to her credit, and her "appeal to the sentiments of justice and equity of the United States," supported as it is by the honorable declarations of the umpire, should meet with some response. When a nation has lent the aid of its sovereignty to the prosecution of a private claim against another, it ought to be rather sensitive than otherwise to imputations on the character of its *protégé*. Such a becoming sensibility was manifested in the case of the brig Caroline, where a claim which our Government had collected from that of Brazil proved to have been unfounded. In the language of Secretary Fish, (Sen. Doc., 1st sess. 43d Cong., Ex. Doc. No. 52, p. 165,) "When the amount had been realized the question of paying it to the holder of the claim arose in the mind of my predecessor, Mr. Seward. This question involved that of the liability of the Brazilian government in such a case, and Mr. Seward referred it to the Attorney-General. It has remained with that officer until recently, when it was by him decided in the negative. * * * It was then deemed advisable to return the sum received to the government of Brazil." Not only was the sum held by the State Department so returned, but Congress was called upon to make and did make (Stats. 43d Cong., p. 70) an appropriation to refund a further sum, which it was discovered (after the determination to restore the amount collected had been reached) had been received and, as it was alleged, fraudulently disposed of by our minister.

In the debate in the House on this clause of the consular and diplomatic bill (RECORD, 1st sess. 43d Cong., p.—) it was stated by Mr. E. R. Hoar, then a member of the Foreign Affairs Committee, that the decision of the Government was based mainly upon an opinion of Attorney-General Cushing, given in the matter of a claim against the United States, affirming the well-known principle of the law of nations, that where foreigners have the same access to the courts of a country as citizens the Government is not bound for the unskillfulness, error, or even corruption of its officers, but "only for such injury to individuals as may occur by acts of such officers performed in the proper behoof and business of the Government."

Here a question purely of legal responsibility was voluntarily reopened by our Government, the position which it had maintained abandoned, the money erroneously collected refunded, and when it was alleged that fraud had also been committed Attorney-General Williams promptly directed proceedings to be taken against the offender. If the national honor required that a mistake of law should be rectified, with what grace can we refuse to examine the gross mistakes and fraudulent perversion of fact under which the Weil and La Abra claims are alleged to have been allowed?

The fact that the claims against Mexico were prosecuted by our Government through the agency of a mixed commission established by treaty cannot lessen our obligation not to enforce an unjust demand, especially when the defective character and methods of investigation of these tribunals, compelled as they are to rely upon *ex parte* affidavits for the proof of facts, are taken into consideration.

For three-fourths of a century the United States has declined to make compensation to its citizens for private rights which it is alleged were bartered away in the treaty with France.

The right of the Government to revise awards made by the commission instituted under the Florida treaty (in which treaty the United States expressly obligated itself to Spain to "make satisfaction" to claimants) was upheld by Attorney-General Cushing, (6 Op., 533.)

Payment of the American claims against Venezuela has been and still is suspended on the same ground.

But it cannot be claimed that the action in these cases constituted an infraction of treaty rights by our Government. The exclusion of the insurance companies would not warrant a disregard by Great Britain of the provisions of the treaty of Washington, nor could Mexico have reclaimed the territory we acquired from her because of our broken promise to treat the award in favor of Gardner as a "finality." As to Venezuela, she was expressly told (Ex. Doc. 176, 41st Cong., 2d sess.) that her charges of fraud could not be listened to while she was in default in her payments under the treaty, and to these she is still held by the act of 1873.

The gentleman said the House of Representatives had nothing to do with treaties; that the President and the Senate must control these things. The Senate sent us the bill, and here I beg to call the attention of gentlemen to the difference between the Senate and the House bill. The Senate bill said this money should not be paid over until these frauds are investigated. That is all there is in it. There is a large amount of these claims that are just and ought to be paid. We do not ask you now to decide that the Weil and La Abra claims are frauds—we simply ask an investigation. I say I am in favor of the Senate bill. I am in favor of passing it and requiring the President to make an investigation within six months, and if the claims are found fraudulent withhold the money; if not, pay it over.

Mr. CRITTENDEN. Are you to prevent the payment of those just claims in order to defeat imaginary or fraudulent claims?

Mr. CHALMERS. No, sir; the Senate bill does not do that. The Senate bill provides all the just claims shall be paid immediately. I make no objection to that. But I say, Mr. Speaker, and I do not wish to weary gentlemen unnecessarily, I do not think that this House now should undertake to assert doctrines gentlemen have asserted here in view of their own action in regard to the Venezuelan award and in view of their own action in regard to another celebrated case that occurred in this country about thirty years ago, a case which ended in a tragedy in this very city.

A man by the name of Gardner thirty years ago, under a commis-

sion which arose under the treaty of Guadalupe Hidalgo, undertook to swindle Mexico precisely as the La Abra Mining Company has done, and it is said, I do not know with what truth, that some of the men who were instrumental in getting up the proof in this case were old practiced hands who had learned their lessons in the Gardner fraud. That commission not only decided in favor of Gardner, but paid him the money. He got the money, deposited it in a bank in this city, and went abroad to live on the fruits of the fraud he had perpetrated. This Government did not at that time know their hands were tied. They had this man arrested, brought him back, and had him tried here in the courts of the District; and history states that when the verdict of guilty was brought in and when the judgment of the court was pronounced, he applied poison to his lips and fell dead in the very halls of justice. If inquiry could be made when so long a time had elapsed and when the money had been paid, why in the name of God can we not stop payment if we have satisfactory evidence to prove or reasonable ground for believing that fraud has been perpetrated?

I thank the House for having extended my time.

Mr. WILSON. As I before stated, Mr. Speaker, it was not the purpose of the committee to go into an investigation of the facts in these two cases, the Weil and La Abra; but we chose to content ourselves with what we believed to be the whole duty of the committee, reporting upon the law of the case. Since the gentleman from Mississippi [Mr. CHALMERS] has been pleased to discuss very fully what he alleges to be the facts of the case, it is due to my committee that I should reply to his argument; and if I fail to satisfy every reasonable man on this floor that the Republic of Mexico stands before this Congress and this country covered all over with fraud and guilty by her agents of an effort to suborn testimony, it will be because of my own weakness, and not that the fact is not fully proven.

Take Mexico as a republic or take her as a litigant and I declare that I have never seen in a civil or criminal case any party so tainted with fraud.

Mr. Speaker, a fair, impartial examination of this evidence will bring home to the gentleman from Mississippi, if he reads it, the fact that that La Abra Company, after having expended $300,000, was driven from Mexico by a conspiracy comprising, among others, a judge of a Mexican court and one Granger, the boss of the mine, who afterward married that judge's daughter. There is no controversy about the fact that the La Abra Company expended in the purchase and improvement of its property about $300,000. This is clearly proven by both Mexican and American witnesses, and yet the gentleman is pleased to pronounce the mine a worthless one, the ore of no value, and the speculation a bad one, and to charge that they abandoned it because of its want of value.

Let me tell the gentleman that I have lying upon my table a copy of Ward's History of Mexico, written in 1827. We learn from that history the fact that when Mexico belonged to Spain and was required to pay one-fifth of all the earnings of her mines to the King of Spain, a little group of mines, of which La Abra was one and the richest, paid to the king $11,000,000. That was the king's fifth.

Let me tell that gentleman that if he will examine the evidence in this case impartially and fairly——

Mr. CHALMERS. I shall do my duty in the case.

Mr. WILSON. Do not be restive, my distinguished friend; I will——

Mr. CHALMERS. Not at all.

Mr. WILSON. I will attend to you in this matter. If the gentleman will examine the evidence impartially he will find that an experiment was made with twenty tons of that La Abra ore and it yielded from six hundred to eight hundred dollars per ton. That mine has been known in history for half a century as one of the richest silver mines on the continent. The evidence on behalf of the claimants, on which the umpire acted, was taken nearly five years before his decision was rendered. It was the evidence in part of gentlemen who for integrity, credibility, and high standing are the peers of the gentleman from Mississippi [Mr. CHALMERS] and of any other gentleman within the sound of my voice. I have known some of them long and well, and no gentlemen stand higher for integrity than they do.

Mr. Speaker, the gentleman from Mississippi has flourished in the face of this House a pamphlet or brief of General Slaughter, and read from it extensively. It seems to be his whole stock in trade in the argument of this question. It is a petition of General Slaughter, appealing, on his own motion, for relief for Mexico from the payment of the Weil and La Abra claims. The gentleman from Mississippi, however, has failed to inform the House that General Slaughter did not dignify his petition by his own affidavit, nor did he give any assurance to this House or to the country that the facts contained in it are true or that the letters it purports to give are genuine.

GENERAL SLAUGHTER'S PETITION.

General Slaughter does not claim to be a citizen of Mexico; on the contrary, he claims to be a citizen of Alabama. While I do not say a word to wound the feelings of General Slaughter, I will say that the gentleman from Mississippi has chosen voluntarily to thrust his statement forward in this House, and I propose to talk about him with candor and fairness, and with that degree of fullness which my duty as a member of the committee whose report has been assailed requires.

General Slaughter does not claim to be the agent of Mexico, nor does he claim to be her attorney. As I have said, his statement is not sworn to. He simply petitions this House, as a citizen of the United States, and asks that Mexico have the relief for which she has applied, and for this General Slaughter says he will ever pray. I pray to be informed what interest General Slaughter has in this matter. What inducement prompts him to leave his Alabama home and come here to petition Congress in behalf of Mexico in a matter in which, from all the papers before us, he can have no earthly interest? Perhaps I can let a little light in upon this subject.

I have here the argument of another gentleman equally as reputable as General Slaughter, the argument of Governor Stanton, a prominent lawyer in this city. He is attorney for the La Abra Company. He states that General Slaughter had three, or was interested in three, claims before this mixed Mexican commission, one for $35,000, one for $5,000, and another for a million dollars. He failed to derive a dollar from any one of his claims from that commission. General Slaughter was cheek-by-jowl with the other American claimants, but he got no money. Perhaps for the purpose of repairing his broken fortunes he now turns upon his fellow-claimants.

Mr. CHALMERS. I claim the right to protect the gentleman whose statement I have quoted here. General Slaughter went to Mexico along with a number of other confederates and entered into a contract with the Mexican Republic to build railroads for it, and he did so. His claims were stricken out because it was decided that a man cannot get an award upon claims arising upon contracts.

Mr. WILSON. This is not the first time that the gentleman from Mississippi has testified in this matter. I protest against his testifying in this case unless he is sworn.

Mr. CHALMERS. Does the gentleman insinuate that I have stated anything that is not true?

Mr. WILSON. I am not saying that; but I say that if he wishes to testify in the case let him be sworn. I will tell the gentleman exactly what he has done. I will come to that part of his argument. And I propose to criticise it as fully and fairly and freely as I please.

Mr. CHALMERS. That you have perfect liberty to do.

Mr. WILSON. I will do it without fear or favor or affection. But I have not got done with this Slaughter pamphlet yet. He says:

> That your petitioner also learned that a motion for a rehearing of this claim had been made in January, 1876, by the counsel for Mexico before the commission, but had been returned by the umpire with the statement that he could not rehear any claims until he had decided all those before him.
>
> That subsequently to this time the term of the commissioners having expired, but before the expiration of the additional six months allowed by the treaty to the umpire for completing his decisions, your petitioner came into and is now in possession of affirmative evidence of the fraudulent character of the claim of said Weil, of a portion of which evidence an abstract is hereto appended, marked Exhibit A.
>
> That your petitioner offered this evidence to the counsel of the Mexican government aforesaid, by whom it was tendered to the umpire in September, 1876, in support of his motion for a rehearing.

I want gentlemen to notice this matter. I propose to utilize this word "umpire." He says the evidence was offered to the umpire.

Now, sir, tell me how it comes that a gentleman who is not the agent for Mexico, not an attorney for Mexico, thrusts his argument in the face of Congress, a statement which is not sworn to and which we are asked to rely upon to the entire exclusion of sworn evidence of competent witnesses. Now I propose, with all kindness to General Slaughter, to submit to the candid judgment of this House whether that paper which he has here flourished before Congress is not condemned by the law as a felonious act. I ask you gentlemen who are good lawyers to determine whether the course of General Slaughter in sending here his own unsworn statement and interfering with the affairs between Mexico and this Government is not condemned by our statute as a felonious act; whether if the law were enforced he would not forfeit his liberty and be subjected to a heavy fine. If gentlemen will turn to the Revised Statutes they will find a most interesting chapter upon the subject of "crimes against the existence of the Government." When our fathers formed the present Constitution they conceived the idea that this Government never could exist unless treaties with foreign powers were carried out in good faith. With this view they provided as early as 1799 that any party who, without the authority of his Government, should interfere in matters of this kind should be subject to fine and imprisonment. I call attention to section 5335 of the Revised Statutes. The first section is against treason; then there is one against misprision of treason; the next is directed against "inciting or encouraging rebellion or insurrection;" and the next against "criminal correspondence with foreign governments." Observe the language of this section:

> SEC. 5335. Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, *in relation to any disputes or controversies with the United States*, or to *defeat the measures* of the *Government* of the *United States*; and every person, being a citizen of or resident within the United States, and not duly authorized, *who counsels, advises*, or *assists* in any *such correspondence*, with *such intent*, shall be punished by a fine of not more than $5,000, and by imprisonment during a term not less than six months, nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government, or any of its agents or subjects. (See sections 1738, 2113.)

FACTS FROM A CERTIFIED COPY OF THE EVIDENCE.

Now, Mr. Speaker, I have here a certified copy of the evidence in the La Abra case; and the proof shows (there is no controversy about it) that that company paid $50,000 for the mine. The improvements they made and the property they took there and the expenses they incurred aggregated about $300,000 in money. They paid all the tariff charges upon the personal property they took there. They had to pay overland charges amounting sometimes to as much as $600 for the privilege of going across the country with their mule-trains. More than that, I have here the evidence to show that they were compelled to pay to the Mexican government 65 per cent. of the value of their personal property as a tax. The company had two agents or superintendents at the mines—one the general superintendent and the other the "boss miner"—the expert, or professional miner as he calls himself, the man who judged the mineral. His name was Granger. The superintendent, Exall, whom the gentleman from Mississippi has read about, was the general outside manager; Granger was the man who understood minerals. Exall, the superintendent, was arrested and put into a pest-house, confined without any authority or any legal proceedings whatever. The company's mules were driven away, their property spoliated. They were compelled to leave the mining district. The purpose not being yet accomplished, the judge of that place issued this order:

SECOND COURT CONCILIADOR, TAYOLTITA.

To the Superintendent of the Abra Reducing Works:

By the communication of yesterday, dated the 3d, received from the gefe político of San Dimas, I notify you that if you do not intend to work the Abra mines as they were formerly worked, upon the system of "thirds," that you immediately vacate the mines, to allow the operatives to work them upon their own account without further loss of time.

Liberty and reform.

GUADALUPE SOTO.

TAYOLTITA, *July* 4, 1867.

In the same month, as the superintendent still remained there, the judge issued a further order, in which the following language was held:

You are ordered to arrange your work with the operatives within two hours; and if you come to no arrangement you will vacate the mines so that they may lose no more time.

Liberty and reform,

GUADALUPE SOTO.

TAYOLTITA, *July* 24, 1867.

And in the same month M. Mora, the gefe político of San Dimas, issued his order to the representatives of the mines to "give the people permission to collect ores in the mines, as I will not hold myself responsible for the consequences in a town where the people are without work." And this imperial order is signed in the name of "independence and reform."

Subsequently to that time the company was driven out of the mine, and shortly after they left this judge took possession of the company's property. In a short time his daughter married the "boss miner," Granger, and a little while later the property was denounced in the name of that son-in-law. Those parties are said to be holding and working the mine to-day. The circumstances justify the conclusion that this conspiracy began with that Mexican judge and his daughter and that "boss miner," Granger.

SOME AFFIDAVITS.

Now I propose to call the attention of the gentleman from Mississippi to some affidavits taken in the city of New York, which will show that the agent of Mexico had engaged in the very disreputable practice of attempting to procure false statements of Exall. I hold in my hand the affidavit of Mr. Ely, a prominent and reputable lawyer of the city of New York, who has been counsel for the La Abra Company, who knows Exall well and who knew him when he was engaged as superintendent for this company. Mr. Ely states in his affidavit that he was informed by Exall of a proposition made to him by a New York detective by the name of Weed, who called in the interest of the Mexican government to get from Exall testimony to show that the award in favor of the La Abra company was fraudulent, and said that such testimony as would accomplish that result would be worth $20,000 to Exall. I shall not read the entire affidavit. The gist of it is that Exall was offered $20,000 to furnish the requisite evidence to defeat the La Abra claim, and that Exall's further intercourse with the detective was through George W. Kittelle, who acted as Exall's friend. I hold in my hand also the affidavit of Mr. Exall, who states that so much of Mr. Ely's affidavit as relates to him is true. He states also that with Weed, one Thomas Fisher, who claimed also to be a detective, was co-operating to procure from him the evidence, and that he received a letter from Fisher, which is given in the affidavit, seeking an interview with him before the arrival of the Mexican minister, who was then daily expected in New York. I have also an affidavit of Mr. Kittelle, who acted as the friend of Exall in the matter, who had interviews on this subject with both detectives, Weed and Fisher. Kittelle was informed by Fisher that if the required evidence from Exall should conflict with the evidence he had already given he need have "no apprehension on that point," as he would be "kept harmless and protected by the parties behind them, who were very strong." Those parties were represented to be Mr. Lines, a Washington attorney, General Slaughter, also at Washington, and Mr. Zamacona, the Mexican minister.

I commend these affidavits to the careful examination and consideration of the gentleman from Mississippi. I think he will find them to contain interesting reading matter.

But this is not all, Mr. Speaker. I hold in my hand the affidavit of Thomas J. Bartholow, accompanied by copies of letters from A. B. Elder, of Mexico, inclosing to Bartholow correspondence between Elder and R. B. Lines. I shall not detain the House by reading at length these affidavits. The point of them is that Mr. Lines wanted the evidence of Elder to be used against the La Abra award. Elder represents that he asked $10,000 to furnish the evidence in behalf of Mexico, and that he was offered within $1,500 of his price. The correspondence from Mr. Lines shows that his agents are in communication with Exall, of New York, who is "weakening very rapidly." It will be observed that General Bartholow states in his affidavit that one of the letters inclosed to him by Elder is an original letter written by Mr. Lines.

I have at my desk also affidavits of James C. Reed and William G. S. Clarke, made at Mazatlan, Mexico, stating that one Alfred A. Green, who also had a claim before the mixed commission, which was rejected by Sir Edward Thornton, had gone to Mexico in search of evidence to defeat the La Abra award. He was anxious to find two witnesses who were not particular as to what they swore to. If they would make such affidavits as he would prepare, he would pay well for them. He said he was financially embarrassed and the only hope he had of retrieving his fortune was to defeat the La Abra claim. He wanted white men for witnesses, as, in his opinion, the evidence of one white man was worth a dozen Mexicans.

Mr. Speaker, I shall not detain the House further by reading these affidavits which show such utter disregard for truth and honor on the part of those representing Mexico.

MEXICO'S NEW EVIDENCE.

Looking over this case in the light of all the evidence before us we see that a party of enterprising gentlemen went to Mexico, purchased a mining property, expended a large amount of money, and commenced a legitimate business. They were driven out of the country and their property was spoliated. A Mexican judge who had ordered them to abandon their property takes possession of it himself. His daughter is married to the mining boss and the property is denounced in his name. Now Mexico, shouting fraud, is seeking, if we believe the affidavits I have read, to suborn witnesses to protect herself from the payment of an award to a company she has wronged and robbed.

We are told that the attorney of Mexico offered evidence to the umpire, which she had failed to offer to the commissioners. The evidence so offered was rejected by the umpire. The learned and intelligent attorney of Mexico, Avila, knew very well that the umpire had no power to receive such evidence, because the treaty expressly provided that the evidence had all to be submitted to the two commissioners, one American and the other Mexican; that if they disagreed the papers were to be transmitted to the umpire, who was then to pass upon them. He had no authority to pass upon anything that had not been before the commissioners.

Right here I desire to call attention to a most interesting document. It is a copy from the State Department of the opinion of Commissioner Wadsworth in the Weil case. My purpose is to show the insincerity of Mexico in her offer to get additional evidence considered by the umpire. Both the Weil and La Abra claims are said to have arisen on Mexican territory, and therefore the Mexicans, of all others, are presumed to be familiar with the facts. Claimants had taken their evidence, or part of it, nearly five years before the cases were decided. Mexico had the fullest and fairest opportunity to refute anything that may have been proven by the claimants, and yet she failed to offer any proof for that purpose. The civil and military authorities were under her control. When the commissioners came to consider the Weil claim that excellent gentleman, Commissioner Wadsworth, prompted by the desire to do exact justice, which has so distinguished the American judiciary, having heard the insinuations of those representing Mexico that the claim was fraudulent, made distinct offers to the Mexican attorney to permit him to submit any evidence tending to defeat the claim. I read from the record of the State Department.

The commissioners having differed in opinion in this case, Mr. Commissioner Wadsworth delivered the following opinion:

In the face of so many witnesses of respectability I am unwilling to decide that the facts detailed by them are not true. I must decide upon the proofs and documents filed in the case, and nothing else. These remain without contradiction by the government (of Mexico.) And to remove all misapprehension, I state that I am willing to give every opportunity in my power, as a commissioner, to the government to make a full and ample investigation of the claims, and respond to it, and very much hope that this might be done. But as this is declined, I must act on the proof before me. It is now my decision that the United States must have an award for the value of the property at the time and place of its seizure without interest.

Now, Mr. Speaker, why do you suppose that that liberal offer of the distinguished American commissioner was declined by Mexico? Why did Mexico not offer her evidence? It was for the reason that the claimants would have the "opportunity to rebut it by new evidence," clearly implying that anything they might offer would be disproved.

Mr. KENNA. Is that their statement?

Mr. WILSON. That is the statement of Commissioner Zamacona. Now, sir, by the treaty between these two high contracting parties, it was agreed that whatever those awards might be, they should be

final and binding, and each Government pledged to the other its integrity to carry them out without any purpose of evasion or delay whatsoever. After this offer by Commissioner Wadsworth, Mexico is clearly estopped.

Now, sir, imagine a man in one of the American courts where a case is being tried involving his liberty or his property. He goes before the judge and says: "The evidence here on the part of the State"—or the opposing party—"is tainted with fraud and corruption." The judge magnanimously rules, as his love of justice and his desire to do right prompts him, he will not try this case now, but will give the party complaining a day in court, and will allow him to come prepared to protect his property or his life, as the case may be. But the party says to the judge: "No, Mr. Judge; I will not offer any evidence, because the other side will have the opportunity to show that my witnesses are not to be relied upon; proceed and deliver your judgment and I will take my chance for equity and justice somewhere else hereafter."

I have been practicing law a long time, and in all the course of my practice I have never seen an act by a judge on the bench that I thought was more impartial, more honorable, more lenient, and better calculated to give a party every possible opportunity for a fair trial than the act of Commissioner Wadsworth.

The gentleman from Mississippi asked me awhile ago what induced me to say that he had made statements outside of the case. I refer to his observations concerning matters occurring in his experience in the confederate army. He spoke about the overland route, about the want of water on that route, and about other things that do not enter into this case and are not even to be found in the pamphlet of General Slaughter.

I very much regret that at this late hour of the night I am called upon to say anything more. I will take but a few moments longer. The gentleman from Mississippi [Mr. CHALMERS] makes a point of the fact that this La Abra Company did not present their books and accounts and such other records as it may have had, when they offered their evidence to these commissioners. Now, the fact was that they had been chased out of Mexico by the military; their mines had been seized and their books had been captured and could not be obtained.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. KENNA. Unless some other gentleman is entitled to the floor, I will take the floor and yield to my colleague such time as he may desire to conclude his remarks.

Mr. WILSON. I have but one or two more points to make. Before I forget it, I desire to say that the Senate bill referred to by the gentleman from Mississippi [Mr. CHALMERS] is the same as the House bill, except the fifth section. That section of the Senate bill requires these two claims of the La Abra Mining Company and Weil to be suspended for six months. If fraud is not then found to exist they are to be paid.

Now, I desire to say that I have it from the lips of Judge DAVIS, who reported that bill to the Senate, that he examined no part of the evidence; that he is utterly uninformed as to what the evidence is in this case. And I undertake to say that if that distinguished gentleman had been informed what the evidence was he never would have reported that bill.

The Senate bill provides, I presume upon the strength of this Slaughter pamphlet, that these two claims shall be held up and all the other claims paid. The House bill provides that the entire matter shall be remitted to the Executive. It belongs to him.

If Mexico is entitled to relief, the President has ample power to grant that relief. But, more than that, I have a copy of a letter from the State Department to the diplomatic representative of Mexico. I shall not take time to read it; but in it the Secretary of State says that if this matter goes back to the executive department he will take particular care to examine the questions presented.

Mr. Speaker, as far back as 1831, by a treaty between this Government and Mexico each pledged "special protection to the persons and property of citizens" of the other in their respective territories. On her part how has that pledge been fulfilled?

We have but to turn to the history of the wrongs and outrages committed by her depredatory bands upon our people. Mexico has not kept faith toward us, and our policy toward her has been criminally indulgent.

What is the relation of the two governments to-day? Cast your eyes to the far-off border on the Rio Grande. From along that border comes up from our citizens the cry of robbery and invasion by Mexicans. But that is not the worst: there comes up the still more startling cry of murder.

Mr. Speaker, while the diplomatic representatives of Mexico are "appealing to the sense of equity and justice" of the American people here at Washington, Cortina's band of Mexicans are cutting the throats of our citizens on the border. If these invasions shall not be discontinued; if the robbery and murder of our citizens shall not be arrested; if our treaties with that republic shall not avail to preserve our lives and property in our own country, it will become the duty of this Government to call our war-worn veterans of the late war from both armies from their retirement, and they will march across that border and conquer a peace that will be as permanent as the everlasting hills.

I quote from a speech recently delivered in the Senate of the United States, by Hon. S. B. MAXEY, a Senator from Texas:

> On the night of the 11th of August last, about the hour of midnight, an armed band of Mexicans, organized upon the soil of Mexico, crossed the Rio Grande, the boundary between Mexico and the United States, broke open the jail of Starr County, Texas, released therefrom two prisoners—one confined for murder and the other for horse-stealing—shot the jailer and his wife, and also the county attorney, and triumphantly carried these prisoners, thus released, from the soil of the United States to the soil of Mexico.

To show the sentiment that operated upon the Mexican congress when the question of abolishing the Free Zone—that long, narrow strip of country into which goods were imported duty free and which operated greatly to the prejudice of this Government, in this: that it encouraged smuggling—and to show the hostility of that government to this, I read from the report of the Committee on Foreign Affairs on the Mexican border trouble:

> The delegate Ramon Guzman, referring to the American complaints, said (Appendix, p. 313) "They argue [meaning the Americans] that the maintenance of the Free Zone is a serious detriment to their views for the future, and that fact speaks louder in its favor than anything my feeble voice can utter."

And to still further show the hostility of Mexico, I read from the correspondence between her minister of foreign affairs and Mr. Foster, representative of this Government:

> Mr. Vallarta, the Mexican minister of foreign affairs, touched the true key of our relations with Mexico when he stated to Mr. Foster (Appendix, p. 455) "that the enforcement of its constitutional guarantees ought not to be expected of Mexico with the same strictness as of the United States; and that it was not just to require Mexico to base its treaties with foreign nations upon the principle of reciprocity, and that the United States should not expect Mexico to guarantee the same rights to its citizens which the United States are able to give to Mexicans."

Mr. HANNA. For what reason?

Mr. WILSON. I am going to tell you: "because the circumstances of the two countries are so entirely different."

This paper, Mr. Speaker, I characterize as the most vicious and reprehensible paper that I remember to have seen in any diplomatic correspondence between two friendly powers. But, sir, this is not all. I read the following inflammatory and warlike article, taken from the New York Herald, from the pen of Escobedo, the right-hand man of Lerdo, the late president of Mexico:

> The following extract from the Conciencia Pública, a journal published in the City of Mexico shortly after the execution of Maximilian, contains the desired intelligence, and perhaps a little over. Read and ponder over the words of General Escobedo when out of the abundance of his heart his mouth spoke. The letter is addressed to Governor Gomez, of Nuevo Leon:
>
> "The execution of the traitors, which I had the satisfaction of directing, is good food for digestion. It will satisfy the Europeans and the Yankees too that to trifle with Mexicans is death by the law. Had we complied with the request of the Yankees to spare the filibustero and his associate traitors it would have been taken for cowardice, and the next thing would have been a request to give up our lands, our mines, and our women. After this we shall be allowed to worship our own God, till our own soil, work our own mines, and not have our women defiled by Yankee libertines.
>
> "I am now in favor of making clean work of the detested *gringos*. This country belongs to God and us, and just so long as one foreigner remains on our soil our liberty is in jeopardy. By every means in our power we should make the country Mexican, and as all the property in the hands of foreigners was made by our misfortunes, we should take it, now that we have the power, and hunt them from the country. My motto now is, Death to all estrangeros.
>
> "There is no danger of the Yankees interfering with us so long as the Southern States (*Estados del Sur*) are kept out of the Union; besides the black men would side with us, and may at any time pronounce against the whites. Before we get through with the foreigners the Yankees will think we are in earnest, and the time will come when their notables will be begging for their own heads instead of begging for the Austrian.
>
> "In our struggles for liberty we have lost nearly all. Our lands and our mines and our liberty and our women and our honors we still have, but the foreigners have all the available wealth of the republic; but they will see in less than three years that Mexicans will have what they want in Mexico. You will understand from this my position, and should I by any chance whatever become a candidate you will understand my unalterable platform. Whenever the time comes you can make this letter public in such manner as you think proper. I know that you and I think alike on these matters, and I know that our countrymen will applaud our patriotic determination.
>
> "God and liberty!
>
> "ESCOBEDO."

I commend this article to the gentleman from Mississippi, [Mr. CHALMERS,] who lays the Mexican question so near his heart and espouses her cause so eloquently on this floor. "Death by the law" is the protection offered by her to the American Yankee.

Mr. Speaker, we now have to keep an army along the Texan border to protect the lives and property of our people against the cut-throat bands who infest that border. It has been arranged, I believe, to keep five thousand soldiers in that service.

I have received from the Secretary of War within the last few days a letter in which he says that to keep an army of that size on that border will cost this Government over $4,000,000 annually. What do members of this House think of the idea, in these times of distress and want, of taxing their constituents at the rate of four millions of dollars annually to protect our border citizens from our Mexican neighbors whose cause the gentleman from Mississippi [Mr. CHALMERS] advocates here to-day.

Mr. Speaker, our policy toward Mexico has been child's play. Our Government has been insulted by her, our border has been invaded by her desperadoes, and our people have been butchered by them. It is the high duty of this Government to compel Mexico to keep the peace and be of good behavior, at least toward us.

Less than two years ago a German consul, if I remember rightly, was insulted and assaulted in Nicaragua. Germany proposed no treaty, no mixed commission, but sent one of her ships of war to Nicaragua

and under the menace of its guns that government paid or agreed to pay $30,000 and was humiliated by having to salute the German flag.

If this Government will be as exacting and as determined with Mexico as Germany was with Nicaragua, we can disband our Army on the border and save to the people of this country the millions of dollars we draw from them by taxation to support that Army, and our border citizens will be safe in their frontier homes; but until some such policy shall be pursued we shall have no peace with Mexico.

Mr. Speaker, the Senate bill and House bill are the same, except the fifth section. The fifth section of the House bill proposes to remit the whole question to the executive department, where it properly belongs. The Senate fifth section virtually directs that the Weil and La Abra claims be suspended for six months. This, I conceive, we have no authority to do. We have no more authority to instruct the President what he shall do upon this subject than he has by special message to instruct this House how to vote. As stated by Story on the Constitution, the President is the immediate author and finisher of all treaties, and I hope never to see this House overstep the boundary-line that separates the co-ordinate branches of the Government.

But there is another point. Various petitions have been referred to the Committee on Foreign Affairs by American claimants whose claims were rejected by the Mexican commission.

It is alleged by some of them, and notably by the Rosario and Carmen Mining and Manufacturing Company of California, that they had fully proven their claims by reliable and competent evidence; but that their proof was destroyed or purloined by Mexicans, and that the defensive evidence by Mexico was tainted with perjury. Now, sir, if Mexico asks equity, she must do equity. If she wants a rehearing of an award against her because of fraud and perjury, she must submit to rehearing of an award in her favor if her agents and witnesses have been guilty of fraud and perjury.

Mr. Speaker, I hope members will not lose sight of the fact that the money paid over under these awards and that to be paid hereafter does not belong to this Government. It belongs to our citizens to whom it was awarded. Upon the rendition of those awards the rights of those citizens to that money became vested—as clearly vested as the right of any citizen can be to any property. After the execution of this international contract, and before the awards were rendered, I admit that it would have been competent for the two high contracting parties to change or abrogate that contract; but after the object for which the commission was created had been accomplished, the rights of citizens ascertained and vested in the amounts awarded to them, neither this House nor the Executive can do any act to defeat or overthrow those awards without violating that familiar provision of our Constitution in reference to the obligation of contracts.

I thank the House for its courtesy.

Mr. KENNA. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALDRICH: The petition of the Civil Engineers' Club of the Northwest, for continuing the board for testing iron, steel, and other metals, and to appropriate a reasonable sum for pursuing the investigations already begun—to the Committee on Appropriations.

By Mr. BLACKBURN: The petition of Michael Sullivan, for compensation for services rendered as messenger to the Committee for the District of Columbia, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. BROWNE: The petition of Frank Erwin, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the same committee.

By Mr. CAMPBELL: The petition of citizens of Cambria County, Pennsylvania, that a pension be granted John McCloskey—to the Committee on Invalid Pensions.

By Mr. CRAVENS: The petition of Frank W. Lynn, for compensation for services rendered in the Doorkeeper's department, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. FREEMAN: The petition of Peter Cooper, Brown, Brother & Co., Cyrus W. Field, and others, against any measure reviving the income tax—to the Committee of Ways and Means.

Also, the petition of Houghton, Osgood & Co., Lee & Shepard, and others, against any change in the duties on books—to the same committee.

By Mr. HARRIS, of Virginia: The petition of George W. Kennedy, for compensation for services as assistant clerk and messenger to the Committee of Elections of the House of Representatives—to the Committee of Accounts.

By Mr. LANDERS: The petition of Joel Grayson, for compensation for services as a page in the House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. PHILLIPS: Papers relating to the war claim of Isaac A. Meyer—to the Committee on War Claims.

Also, the petition of citizens of Smith County, Kansas, that a pension be granted Elizabeth Robinson—to the Committee on Invalid Pensions.

By Mr. STENGER: The petitions of numerous citizens of Huntington and Franklin Counties, Pennsylvania, for the extension of the national credit to the completion of a great southern line to the Pacific Ocean—to the Committee on the Pacific Railroad.

By Mr. SWANN: The petition of Harry A. Chester, for compensation for services as a messenger to the Committee on Foreign Affairs, House of Representatives—to the Committee on Reform in the Civil Service.

By Mr. WHITTHORNE: The petition of Rufus K. Polk, for compensation as messenger in the Doorkeeper's department, House of Representatives—to the same committee.

By Mr. WILLIS, of New York: The petition of Anthony S. Hope, of New York City, to be released from liability as a surety, &c., on the bond of George N. Simpson—to the Committee on Naval Affairs.

By Mr. WILSON: The petition of D. T. Parker, that he be awarded certain contracts by the Post-Office Department for carrying United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: The petition of Mary L. Shields, for compensation for property taken by the United States Army—to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *June* 5, 1878.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, recommending an appropriation of $500 for each year that the late Professor Henry was employed as a member of the Light-House Board, for the benefit of his family; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General, submitting an estimate of the cost of acquiring title to and inclosing lands in which confederate prisoners of war were buried, and of erecting headstones over their graves; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DAWES presented the petition of David Wilcox & Co. and others, of Boston, Massachusetts, engaged in the manufacture of black silk hats, praying for the abolition of the duty on hatters' black silk plush, or its reduction to not more than 10 per cent. ad valorem; which was referred to the Committee on Finance.

Mr. BECK presented the petition of Dr. J. F. Stone and 260 others, citizens of Calloway County, Kentucky, praying for the establishment of a post-route from Murray, in that State, to New Buffalo, on the Tennessee River; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Hon. B. H. Bristow, Hon. James Speed, and others, citizens of Louisville, and other citizens of the United States, praying for the passage of an act providing for greater telegraphic facilities between the United States and other countries; which was ordered to lie on the table.

Mr. MATTHEWS. I present the petition of George W. Davis and others, citizens of Toledo, Ohio, who represent that "the vast interests involved in the maintenance of telegraphic communication between the United States and the rest of the world require the utmost facility to be given therefor, and your honorable bodies are therefore earnestly requested to reject all applications for exclusive privileges and to pass a law giving permission to any and all persons and companies, without preference, to land telegraphic cables on the shores of the United States, and through them to keep up telegraphic communication between this and other countries." As a bill on this subject has been reported from the Committee on Foreign Relations and is now, I believe, upon the Calendar, I move that this petition lie upon the table.

The motion was agreed to.

Mr. CONKLING presented the petition of J. M. Fisk & Co. and others, of New York, and of other citizens of the United States, praying for the passage of an act providing for greater telegraphic facilities between the United States and other countries; which was ordered to lie on the table.

Mr. BAYARD presented the memorial of Springer, Morely & Gause, and ten others, business firms and citizens of Wilmington, Delaware, remonstrating against the extension of a patent granted to James D. Sarver for an iron flange carriage-wheel; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1897) to remove the political disabilities of W. E. Evans, a citizen of Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3276) to remove the political disabilities of William C. Whittle, of Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3314) to remove the political disabilities of John T. Mason, of Maryland, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4568) to remove the political disabilities of Robert T. Chapman, of Wharton County, Texas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1042) to remove the political disabilities of R. T. Chapman, of Texas, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4550) to remove the political disabilities of Thomas L. Moore, of the State of Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 977) to relieve the political disabilities of John Green, sr., of Alabama, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1638) to remove the political disabilities of Albert Miller Lea, of Navarro County, Texas, reported it without amendment.

He also, from the same committee, to whom was referred the petition of H. A. Edmundson, of Virginia, praying for the removal of his political disabilities, reported a bill (S. No. 1362) for the removal of the political disabilities of H. A. Edmundson, of Virginia; which was read twice by its title.

Mr. JOHNSTON. I should like to have that bill passed now.

Mr. EDMUNDS. No, Mr. President. I know that it is perfectly right, but justice to all the others requires that it must take its fair chance.

Mr. JOHNSTON. I should like to have them all passed.

Mr. EDMUNDS. So would I, but I do not believe it is right to consider a bill when it is first reported from a committee.

The PRESIDENT *pro tempore*. Objection is made to the present consideration of the bill.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1052) to remove the political disabilities of William W. Loring, reported it without amendment.

He also, from the same committee, to whom was referred the petition of E. Kirby Smith, of Tennessee, praying the removal of his political disabilities, reported a bill (S. No. 1363) to relieve the political disabilities of E. Kirby Smith, of Tennessee; which was read twice by its title.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the petition of William P. Smith, presumably of Washington, (his residence is not given but his petition is dated at Washington,) praying for the removal of his political disabilities, to report favorably, with an accompanying bill to effectuate the object of the petition.

The bill (S. No. 1364) to remove the political disabilities of William P. Smith was read twice by its title.

Mr. EDMUNDS. I wish to state that there is a large number of other bills and petitions praying for similar relief in the Judiciary Committee, in respect of all of which there is one or another difficulty, some in respect of indebtedness due the United States, one or two where there is no petition, and so on, and if gentlemen interested in these several bills and petitions will take the trouble to go to the committee-room they will see exactly how each case is situated, and can provide for the rectification, so far as it may be.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of War transmitting the petition of Lewis Leffman, ordnance sergeant United States Army, praying for his retirement with the full pay of his grade, submitted a report thereon, accompanied by a bill (S. No. 1365) to place Lewis Leffman, ordnance sergeant, on the Army retired list.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. MAXEY. I am directed by the same committee, to whom was referred the joint resolution (H. R. No. 177) authorizing the Secretary of War to turn over to Governor Hubbard, of Texas, such tents, poles, and pins as he may require for the use of the volunteers of the State at their summer encampment, to report it favorably. The encampment is soon to take place and there is a necessity that the joint resolution should be passed immediately. I ask that it be put upon its passage. It is exactly similar to every other case where we have loaned tents in furtherance of the military spirit of the country.

Mr. EDMUNDS. I think it must go over like everything else.

Mr. MAXEY. It is important to act upon it at once, because the encampment is soon to take place.

Mr. EDMUNDS. I shall not object to-morrow.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution will be placed on the Calendar.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (H. R. No. 5063) for the relief of Daniel S. McDougal, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the petition of Robert Spaugh, praying to be reimbursed the sum of $750, the proceeds of a certain note of which he was the principal maker, confiscated and sold under a decree of the United States district court for the district of Indiana, and bid in by himself and subsequently recovered against himself by the payee thereof, submitted a report thereon, accompanied by a bill (S. No. 1366) for the relief of Robert Spaugh.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. BOOTH, from the Committee on Patents, to whom was referred the bill (S. No. 1183) to authorize the extension of the patent of Levin P. Clark, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mary Ann Jones, praying for the passage of an act to enable her to apply for an extension of patent No. 32135, April 23, 1861, granted to Alfred C. Jones, for an improved pipe-coupling, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HOWE. The Committee on Foreign Relations, to whom was recommitted the bill (S. No. 861) relating to telegraphic communication between the United States and foreign countries, have instructed me to report it back with a very slight amendment and recommend its passage. Inasmuch as the bill has been read once at length, and there are only two words to be added, I ask that the bill may be considered at the present time.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read subject to objection.

The Secretary read the bill and the amendment of the Committee on Foreign Relations.

Mr. SARGENT. I do not wish to oppose the bill, but I should like to suggest to the Senate that after the morning business we proceed with the Calendar under the Anthony rule for the remainder of the morning hour which is extended one half hour to-day.

Mr. OGLESBY I have morning business to present.

The PRESIDENT *pro tempore*. Several Senators have risen with morning business.

Mr. SARGENT. I suggest that after the morning business is received we proceed with the Calendar regularly. I do not wish to interfere with this bill now that it has been read at length.

Mr. EDMUNDS. The bill raises a very important question as to where the dividing line is between State and national authority in respect of the shores of the sea. It is a matter which I should like to think of a little before I vote for or against the bill, and if it will not do any great harm I wish my friend would let it go over until to-morrow.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I am asking my friend to let it go over until to-morrow, because it involves a very important question that I wish to consider in regard to my own vote upon it. I am sorry otherwise.

Mr. HOWE. If the Senator asks to have the bill go over of course I must not object, but I want to remind him now that the only way in which I can get the floor to move a bill at all is under the rule which authorizes me to report it from a committee. I hope to have his assistance, therefore, to-morrow in order to get up the bill.

Mr. EDMUNDS. My friend's position is exactly like that of all the rest of us. We cannot all get what we want at once. If we could take the Calendar up in order we should get on somewhat with business.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin insist upon the consideration of the bill?

Mr. EDMUNDS. He cannot.

Mr. HOWE. I cannot, and I would not if I could.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes over.

Mr. DAWES, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. No. 1367) to aid in the protection of the public buildings and property against loss and damage by fire; which was read twice by its title.

Mr. OGLESBY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. No. 780) to provide for indemnity to the States under the acts of Congress approved March 2, 1855, and March 3, 1857, relating to swamp and overflowed lands, to report it with amendments in the nature of a substitute, with the following title: "A bill to extend the provisions of an act approved March 2, 1855, entitled 'An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes.'" I will state that I have not yet prepared a report to accompany this bill, but will do so at a future day and file it, to accompany the bill hereafter. I ought also to state that while there are some members of the Committee on Public Lands who do not care to submit any minority report, they probably will care to oppose in some method or other the bill, or, if not the entire bill, some of its features. I think I should state that for the benefit of members of the committee who have some views about this matter that they wish to present. I do not know that it is a bill that I shall urge the Senate to consider to the exclusion of appropriation bills; I am very sure I shall not. I would

not ask to take up a bill of this character so as to hinder necessary public business in advance of it; but I ought to press it in the interest of those people who take a deep interest in this swamp-land question and in the legislation which we deem necessary to put in proper shape, and especially the persons who have located swamp lands in the various States and taken them from the States, that they may have their titles secured, and at the same time that the States which gave up those lands may receive indemnity certificates in lieu of the lands. That class of people of course take a large interest in the measure, but generally I do not know that the country would be particularly anxious about it. Therefore at present I shall not press the consideration of the bill.

Mr. THURMAN. I am instructed by the Committee on the Judiciary to report a bill in relation to the Kansas Pacific Railway Company, &c. I wish to state that this is a bill to create a sinking fund of the Kansas Pacific Railroad Company, and is identical in its provisions with the provisions of the act which has passed Congress in relation to the Central and Union Pacific Railroad Companies, with the necessary alterations in respect to amount. The bill ought to be passed at this session. It is not opposed, but on the contrary is favored by the company itself. Under the circumstances, as soon as the bill shall have been printed, I will ask the Senate to take it up for consideration.

The bill (S. No. 1368) in relation to the Kansas Pacific Railway Company and to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, was read twice by its title.

Mr. DAWES, from the Committee on Public Buildings and Grounds, to whom was referred the letter of the Secretary of War recommending that when another appropriation is made for the publication of the Official Records of the Rebellion provision be made for the rent of an office, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 762) for the relief of C. T. Eubanks, successor of the firm of Eubanks & Anthony, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1369) to encourage and aid the higher education of the colored race in the District of Columbia and in the several States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. KIRKWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1370) for the relief of James M. Bacon; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 36) authorizing the Secretary of War to deliver to the city of Winterset, Madison County, Iowa, four cannon and carriages for the soldiers' monument in said city; which was read twice by its title, and referred to the Committee on Military Affairs.

PRESIDENTIAL ELECTION IN LOUISIANA.

Mr. MATTHEWS. Mr. President, I rise to a personal explanation and a question of privilege. I feel that I owe a duty to myself as well as to the Senate, which, however unpleasant, I cannot, in justice to either, further postpone or omit.

The newspapers, published here and elsewhere, contain reports of statements, made under oath in another place in reference to myself, which are calculated to reflect upon my character and standing as a member of this honorable body.

These statements appear to be designed to establish—

First. That I was in some way connected, by participation or encouragement, in the perpetration of alleged frauds in the presidential election in 1876 in Louisiana, at or about the time of the canvass and return thereof.

Second. That I was party or privy to promises of protection and reward to officers charged with duties in connection with that election, and the returns thereof, made in consideration of frauds and perjuries, committed or to be committed by them, in reference thereto.

Third. That having subsequent knowledge of such frauds and of such promises, for the purpose of concealing the former, by assisting in the execution of the latter, I used my personal and official influence to procure, for James E. Anderson, official employment in the executive department of the Government.

To each of these accusations, whether expressed or implied, I reply by an emphatic denial.

I deny that I was connected in any way, by participation or encouragement, by knowledge, consent, or connivance with any frauds, real or pretended, in the Louisiana election.

I deny that I was party or privy to any promises of protection or reward to any one, in consideration of the commission by them of any frauds, real or pretended, in that election.

I deny that I made efforts to procure an official appointment for Mr. Anderson with the knowledge or belief on my part that he or any one else had been guilty of any fraud in connection with that election or in fulfillment of any promise of reward that had been made to him on that or on any consideration whatever.

On the contrary, I assert upon my honor as a Senator, which I am prepared to maintain upon my oath—

That I do not know and never have believed that any such frauds were in fact ever committed.

That I do not know that any promise was ever made to Anderson, or any one else, in consideration of fraudulent services in connection with the presidential election. Anderson, in my little intercourse with him, all which has taken place since March 4, 1877, never asserted, expressly or by any innuendo, that Mr. Sherman, or any one else, had ever promised him office or anything else, either for doing wrong or right, and never asked anything from me or through me by virtue of any such promise.

On the contrary, Anderson expressly and passionately appealed to me on the sole ground that he had rendered honest, honorable, lawful, and efficient service to the republican cause in Louisiana, at the sacrifice of time, and money, and peril to his life; and that he had for that cause incurred odium and hostility from political opponents.

The only wrong I understood or believed him to be guilty of was in having, previously, untruly pretended that he had been guilty of the things he now again pretends to confess. That wrong I had no information of until after his appeal to me for my aid had been responded to by an offer of my good-will in his behalf. His disclosure of it, with the delivery of the false documents which constituted it, I supposed was intended by him, and was regarded by me, as the atonement for and undoing of it. Upon that footing only I received it; it never for a moment occurring to me that the possession of them by me could be misconstrued into an offense, and believing that the only use which their publication could serve would be to propagate a mischievous and scandalous falsehood.

The only error, if there be one, of which I am conscious, is in having recommended to office a person who had meditated and prepared a wrong, but had, as it appeared to me, withdrawn from performing it.

But, as there seems to be an attempt to magnify it into one link in what is alleged to have constituted a conspiracy against important public rights; and as the coloring thus sought to be given to my conduct affects my standing and character in this honorable body, I consider it a matter of privilege that the Senate should inquire into the subject as affecting it not less than myself.

I have the honor, accordingly, to submit the following resolution:

Resolved, That a select committee of seven Senators be appointed to inquire into and consider all things touching the matter stated and referred to by the Senator from Ohio [Mr. MATTHEWS] and the events connected therewith, and particularly what connection, if any, that Senator had with any real or pretended frauds or other wrongs committed in the conduct and returns of the election in the State of Louisiana in 1876, and with any promises of protection or reward, if any, made by any one to one James E. Anderson, or others, in consideration of, or connection with, any official conduct by said Anderson or others, in relation to said election or the returns thereof; and into all the circumstances of any recommendation by the said Senator of the said Anderson for appointment to office; and that said committee have power to send for persons and papers, to employ a clerk and stenographer, and have leave to sit during the recess.

The resolution was considered by unanimous consent.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. How shall the committee be appointed?

Mr. EDMUNDS. By the Chair, I suppose.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will appoint the committee. The Chair hears no objection, and that order is made.

JAMES M'GREGOR.

Mr. CAMERON, of Wisconsin. I move to take up the bill (H. R. No. 888) for the relief of James McGregor.

Mr. WALLACE. What has become of House bill No. 923, relating to the bark Caldera, which was under consideration yesterday?

The PRESIDENT *pro tempore*. It fell with the expiration of the morning hour yesterday.

Mr. WALLACE. The Journal does not so show. It shows that it went over until to-day.

The PRESIDENT *pro tempore*. It could not go over until to-day, being considered within the morning hour. If the Journal shows that it did, it is incorrect.

Mr. WALLACE. That is what the Journal states. The bill being under consideration then the Journal shows that its consideration was postponed until to-day.

The PRESIDENT *pro tempore*. That is the ordinary order, to postpone until to-morrow, but the bill fell with the morning hour yesterday.

Mr. WALLACE. It seems to me that the Senator from Wisconsin should yield to this bill, which was postponed temporarily yesterday.

Mr. COCKRELL. I call for the regular order under the rule.

Mr. WALLACE. What is the regular order?

Mr. COCKRELL. The Calendar.

Mr. CAMERON, of Wisconsin. I hope the Senator from Missouri will not demand the regular order until this bill, the consideration of which I have moved, is taken up.

Mr. McMILLAN. I think the Senator from Missouri had better withdraw the call. There are other matters that can be attended to without delay.

The PRESIDENT *pro tempore*. The Senator from Missouri calls for the regular order——

Mr. COCKRELL. I do that in the interest of business. If we take up the Calendar I think we can soon run through with the unobjected cases. Almost every Senator has some case on the Calendar that he is exceedingly anxious to have called up and passed; and we are constantly antagonizing each other with these different bills. We can run through with the Calendar and then take up these special cases.

The PRESIDENT *pro tempore*. The Chair would remind the Senator from Missouri that the regular order will be resolutions, and will not be bills on the Calendar within the morning hour. Therefore the Senator from Missouri will not reach his object by calling for the regular order. The morning hour has been extended half an hour, and it will be devoted to morning business unless a Senator moves to go on with the Calendar. The Senator from California [Mr. SARGENT] has indicated that he will make such a motion.

Mr. SARGENT. I make that motion, that we proceed with the Calendar under the Anthony rule.

Mr. CAMERON, of Wisconsin. I have moved to take up a certain bill. The Senator from California now moves that the Senate proceed to the consideration of the Calendar. Does the motion made by the Senator from California take precedence?

The PRESIDENT *pro tempore*. It does not. The motion of the Senator from Wisconsin takes precedence. The Senator from Wisconsin moves the present consideration of the bill which he has indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 888) for the relief of James McGregor. It directs the Secretary of the Treasury to pay to James McGregor $603.11 for services rendered by him at the Malheur Indian agency, Oregon, during the fiscal year 1874.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, on the 24th of April, 1878:

The Committee on Claims, to whom was referred the bill (H. R. No. 888) for the relief of James McGregor, has considered the same, and make the following report:

The bill directs the Secretary of the Treasury to pay James McGregor, out of any money in the Treasury not otherwise appropriated, $603.11, in full for services rendered by him at the Malheur Indian agency, in the State of Oregon, during the fiscal year 1874.

Your committee addressed a letter to the Commissioner of Indian Affairs, including a copy of the bill, with a request that he furnish for the use of the committee copies of all papers, vouchers, and proceedings on file in his office touching said claim.

In reply, the Commissioner furnished the papers asked for, and he states that the records in his office show that the claimant, James McGregor, was an employé at the Malheur agency in Oregon, during the year 1874, at a compensation of $1,200 per annum and seventy-five cents per day for subsistence.

The Commissioner transmits to the committee a copy of the account of McGregor, showing that the sum of $603.11, without interest, is due him.

The agent had no funds in his hands to pay McGregor, and he therefore gave him three certificates or vouchers, one for $44.92, one for $105, and one for $456.67.

The law regulating the drawing of these certificates or vouchers requires that they be drawn in triplicate. They were not so drawn, and, consequently, when they were presented to the Commissioner for payment, payment was refused, and the vouchers, after some delay, were returned to the agent in order that they might be properly drawn.

The original vouchers were destroyed by the agent, and they were properly drawn in triplicate and forwarded to the Commissioner by McGregor from San Francisco, July 31, 1875. They were allowed by the Commissioner at $603.11; but in the mean time the appropriation out of which the vouchers were payable had been exhausted, and they could not be paid. The amount now due McGregor is $603.11, the same being the amount appropriated by this bill. We recommend that the passage of the bill be concurred in by the Senate.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EDWIN R. CLARKE.

Mr. WADLEIGH. I ask leave to call up the bill (S. No. 793) for the relief of Edwin R. Clarke. It will take but a moment, and will involve no discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Military Affairs reported the bill with an amendment, to strike out all after the enacting clause and to insert:

That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect Edwin R. Clarke; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said Edwin R. Clarke, late second lieutenant of the Tenth Regiment of United States Infantry, to the same grade and rank of second lieutenant held by him on the 12th day of July, in the year 1876, in any vacancy occurring in the grade of second lieutenant in said regiment: *Provided, however*, That no pay, compensation or allowance whatever shall ever be given to said Clarke for the time between said 12th day of July, A. D. 1876, and the date of the appointment hereunder: *And provided further*, That the acceptance of any benefit under this act by said Edwin R. Clarke shall be taken and construed to be, by his election, a bar to any claim for pay or allowances from the date of his discharge to his acceptance of a commission, if one be granted him under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MERRITT.

Mr. ALLISON. I ask for the present consideration of Senate bill No. 984. It is a meritorious bill, reported by the Committee on Claims, and will take but a moment.

There being no objection, the bill (S. No. 984) for the relief of William H. Merritt was considered as in Committee of the Whole. It provides for the payment to William H. Merritt, late register of the Fort Dodge land district of Iowa, of $3,600 for extraordinary clerk hire and clerical services in his office from the 1st of November, 1855, to the 1st of October, 1857.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES JOHNSON.

Mr. GORDON. I ask for the consideration of House bill No. 3284.

There being no objection, the bill (H. R. No. 3284) for the relief of James Johnson, late collector of the port of Savannah, was considered as in Committee of the Whole. The bill releases the residue of the claim of the United States against James Johnson, late collector of the port of Savannah, in the State of Georgia, for moneys found due from him on the adjustment of his accounts as such collector by the Secretary of the Treasury, and authorizes the Secretary of the Treasury to balance the account of Johnson by entering a memorandum of this release.

Mr. MERRIMON. Is there a report on that bill?

Mr. GORDON. There is.

The Secretary proceeded to read the report submitted by Mr. HOAR, from the Committee on Claims, on the 31st of May last.

Mr. GORDON. Nobody calls for the reading of the report. The Senator from North Carolina merely inquired if there was a report.

The PRESIDENT *pro tempore*. If that be the case, the report will not be read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHEEP HUSBANDRY IN THE SOUTH.

Mr. GORDON submitted the following resolution; which was referred to the Committee on Agriculture:

Resolved, That the Commissioner of Agriculture be requested to submit to the Senate a report embracing such information as he may have obtained by recent circulars issued by him, and otherwise, in relation to sheep-husbandry and wool-production in the Southern States; and that he be further requested to embody in such report a paper on "Sheep husbandry in the South" prepared by Mr. John L. Hayes, secretary of the National Association of Wool Manufacturers, at the request of Hon. ALEXANDER H. STEPHENS and others.

COURTS IN COLORADO.

Mr. DAVIS, of Illinois. I move to take up Senate bill No. 763, which is simply to provide for holding terms of the circuit and district courts in the district of Colorado. It is not providing for a new judge but is local entirely. It permits the circuit judge in Colorado to appoint a term of court in the mining districts, which is absolutely necessary at the present time. There is an amendment by way of substitute for the bill.

There being no objection, the bill (S. No. 763) to provide for holding terms of the circuit and district courts in the district of Colorado was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment, to strike out all after the enacting clause and insert:

That the circuit and district courts of the district of Colorado may, when the public interests require it, order a special term, to be held at such time and place as said courts may designate: *Provided*, That no special term of the circuit court shall be held except with the consent of the circuit judge of the circuit; that the circuit or district court may order a grand or petit jury, or both, to attend such special term, by an order entered of record at least thirty days before the day on which such special term shall convene. Notice of such special term shall be published weekly for four consecutive weeks in a newspaper published at the capital of the State. And when a circuit and district court shall be held at the same time and place, the same panel of jurors shall serve in both courts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

F. W. GOLLADAY.

Mr. BECK. I move to take up the bill (H. R. No. 4556) for the relief of F. W. Golladay.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for the payment of $96 to F. W. Golladay, in full compensation for services rendered by J. E. Golladay, the minor son of F. W. Golladay, as an assistant doorkeeper from January 12, 1877, to March 1, 1877.

Mr. BECK. This has been concurred in by the committees of both Houses.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TRANSPORTATION OF IMPORTED MERCHANDISE.

Mr. McMILLAN. I move to proceed to the consideration of the bill (S. No. 576) to amend the statutes in relation to immediate transportation of imported merchandise.

The bill was read.

Mr. MORRILL. The idea of construing boxes and trunks as vehicles, it seems to me, is a new departure. I suppose that the original act contemplated vessels and railroad cars. It strikes me that this bill will open a wide door for the transportation of goods, wares, and merchandise. Certainly I should be unwilling to have this bill passed without an opportunity to look at it. I was not aware it was pending.

Mr. McMILLAN. I submit a motion to take up the bill. It has been on the Calendar for a long time; it has been passed over once or twice, and there has been ample opportunity for examining the bill. The Committee on Commerce reported it on the 11th of April last, and it is petitioned for by a large number of persons, and the petitions are on the Clerk's table.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MORRILL. I would rather it should go over until I have had time to examine the report and the bill. I am very sure that this is a new order of things, and it seems to me one wonderfully well calculated to promote any amount of smuggling.

Mr. CONKLING. Go over till when?

Mr. MORRILL. Till to-morrow.

Mr. McMILLAN. Will it lose its place?

Mr. HAMLIN. A motion can be made to take it up.

Mr. McMILLAN. I should like to have it disposed of now. It has been delayed long.

Mr. HAMLIN. Mr. President——

Mr. CONKLING. May I ask a question of the Chair?

The PRESIDENT *pro tempore*. Certainly.

Mr. CONKLING. It is merely because I am pursuing knowledge under difficulties, that I should like to know what it is that a Senator should do or may do to enable him some time or other to get an opportunity to call up a bill? I have addressed the Chair a good many times; I did so several times before my honorable friend from Maine [Mr. HAMLIN] and I discovered that other Senators have done the same thing before me and received precedence from the Chair. So I thought if I kept addressing the Chair I might eventually gain a hearing. Now my honorable friend gets up afterwards, and the Chair is about to recognize him. I want to find out, if I can, what we may do to come in in our proper turn during this morning hour to ask the Senate to take up a bill.

The PRESIDENT *pro tempore*. The Chair is unable to recognize all Senators at once. Quite a number are on their feet. Patience is all that is required. [Laughter.]

Mr. SARGENT. I think the best way is to go to the Calendar.

Mr. McDONALD. That is the suggestion I have been trying to get the floor to make. Let us go through the Calendar regularly.

Mr. SARGENT. I think we had better go through the Calendar regularly.

Mr. CONKLING. Mr. President, I have begged the Senator from Maine, [Mr. HAMLIN,] who is always very good to me, to give way for one moment, which I think he has agreed to do, while I ask the Senate to take up a bill which will take but a moment, which is reported unanimously from the Committee on Finance, which if it does not pass now may as well never pass at all this session.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota withdraw his motion?

Mr. McMILLAN. Yes, sir.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 216) to limit the time within which suits on official bonds shall be brought, and providing for notice to sureties thereon;

A bill (H. R. No. 431) to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana;

A bill (H. R. No. 2019) to exempt employés in the postal service from militia and jury service;

A bill (H. R. No. 2319) to provide for the appointment of a district judge for the western district of Tennessee, and for other purposes;

A bill (H. R. No. 3167) exempting municipal and county buildings, used as such, from levy and sale;

A bill (H. R. No. 3895) to amend section 349 of the Revised Statutes, and for other purposes;

A bill (H. R. No. 3980) to confirm the title to the northeast quarter of the northwest quarter of section 7, township 81 north, range 4 east, of the fifth principal meridian, Clinton County, Iowa;

A bill (H. R. No. 3988) to organize the life-saving service;

A bill (H. R. No. 4024) to provide for the holding of a term of the district court of the United States at the city of Charlotte, North Carolina;

A bill (H. R. No. 4196) relating to the election of Representatives from North Carolina to the Forty-sixth Congress;

A bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia;

A bill (H. R. No. 4989) to amend section 2517 of the Revised Statutes of the United States;

A bill (H. R. No. 5124) designating the times for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado;

A bill (H. R. No. 5126) to establish a western division of the southern judicial district of Mississippi; and

A joint resolution (H. R. No. 169) authorizing the payments of the accounts of Lieutenant James T. Leavy, an insane officer.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. R. No. 153) providing for issue of arms to Territories.

The message further announced that the House had passed the following bills:

A bill (S. No. 330) explanatory of section 1889 of the Revised Statutes of the United States and to ratify and confirm certain territorial legislation, and for other purposes;

A bill (S. No. 380) to provide for circuit and district courts of the United States at Toledo, Ohio;

A bill (S. No. 766) to legalize certain patents issued to members of the Pottawatomie tribe of Indians; and

A bill (S. No. 1174) for the relief of Nannie Hall.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1896) for the relief of Nancy A. Herrick, of Rochester, New York;

A bill (H. R. No. 3969) regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes;

A bill (H. R. No. 4988) to authorize the Secretary of the Treasury to constitute superintendents of mints or assayers in assay offices assistant treasurers of the United States; and

A bill (S. No. 134) making further appropriations for continuing the improvement of Galveston Harbor, State of Texas.

CHESTER A. ARTHUR.

Mr. CONKLING. I ask to take up Senate bill No. 1350 to cure a mistake in an account growing out of a mishap to a dead officer.

There being no objection, the bill (S. No. 1350) for the relief of Chester A. Arthur, collector of the port of New York, was considered as in Committee of the Whole.

Mr. CONKLING. The committee has reported a substitute. I suggest that nobody wants to hear the original bill read.

The amendment of the Committee on Finance was read, being to strike out all after the enacting clause and insert:

That the proper accounting officers be, and they are hereby, authorized and directed to allow Chester A. Arthur, collector of the port of New York, in the settlement of his accounts, a credit for the sum of $5,000, in gold coin, being a sum now charged to the collector, which was stolen or disappeared from the office of the then cashier of the custom-house at New York, January 21, 1876, without the default or negligence of said collector, or of the late William D. Robinson, cashier.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL ELECTION IN WEST VIRGINIA.

Mr. HEREFORD. I move to take up the bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia. It only has three lines in it.

Mr. EDMUNDS. Is that bill before the Senate?

The PRESIDENT *pro tempore*. It came from the House to-day.

Mr. HEREFORD. The object of the bill is simply to allow the State of West Virginia for this year alone to hold her congressional election on the same day as the State election, so that when the Legislature shall meet this coming winter, if it chooses to change the State law to make it comply with the Federal law on the subject, which I hope it will, there will be no further trouble. This year unless this is done we must have two elections, one in October and one in November, the State election in October and the election for Congressmen in November. It will cost our State some twenty-five or thirty thousand dollars. The same privilege has been granted to other States; and unless it is done now for us, the bill will go over I fear for the rest of the session. I hope it will be the pleasure of the Senate that this bill may pass.

Mr. EDMUNDS. If this bill is not before the Senate, it is as good a time as any to make a speech and I should like to make a small one on the subject.

A bill of a similar character came here from the House within a short time respecting another State, which contains a provision—I do not know whether this contains it or not—that would go a good way toward having the effect, and would have the effect, to repeal all laws of the United States regulating the election and registration for members of Congress.

Mr. HEREFORD. This bill has nothing of the kind in it.

Mr. EDMUNDS. And so people say of the other.

Mr. HEREFORD. If that is the sole objection——

Mr. EDMUNDS. But it is not the sole objection, if the Senator will only be patient enough to hear me. We cannot tell until the bill is read, printed, and referred what it does really contain. I never heard of it before; but several bills of this character and several States in this attitude are now under consideration by the Committee on Privileges and Elections. I suggest to my honorable friend, there-

fore, that he will not lose any time, and will be much more likely to have it right and fair all round, if he will let it take its ordinary course, and that committee will undoubtedly report that and all the other cases very soon. They can be all put into one bill if that is thought best, and all go together. I am not sure but that the State which I have the honor in part to represent is in the same attitude; I have forgotten exactly what the condition of our law now is; but certainly there are several others; there is Colorado, there is New Hampshire, and there is North Carolina I think, and so on, and I submit to him that it is not right to hustle a bill through in this way.

Mr. HEREFORD. As far as the other States are concerned that are in a like condition, I think they ought to be relieved for this year also; but if the bill is amended by adding other States, it has to go back to the other House, and between the two bodies the bill may fall. If the gentlemen who represent Colorado desire that change for this year for her, I hope it will be granted; and so as to other States. I see no end to be accomplished by referring this bill. There are only three lines in it, and it simply proposes that the privilege I have named be extended for this year, and I hope it will be the pleasure of the Senate to take the bill up and pass it at this time.

Mr. BLAINE. I want to direct my friend from West Virginia to one feature of the bill. I am very heartily in favor of his having it passed, but it strikes me that possibly the second section has a little more in it than he has thought. I will read the bill:

That on the second Tuesday of October, 1878, there shall be elected in each congressional district in the State of West Virginia one Representative to represent said State of West Virginia in the Forty-sixth Congress.

That is all very well; but now the second section says:

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

It does not say "hereby repealed so far as to permit this to be done," but it absolutely repeals them.

Mr. HEREFORD. It simply says "that all acts and parts of acts inconsistent with this act are hereby repealed." There is nothing in this act except to change the day of election.

Mr. BLAINE. But the act to regulate the general election of Representatives, fixing it on the first Tuesday of November, is inconsistent with this act.

Mr. HEREFORD. That is the only respect in which it is.

Mr. BLAINE. This bill says:

That all acts and parts of acts inconsistent with this act are hereby repealed.

It does not say "are hereby repealed so far as to permit this to be done," but it absolutely repeals them. I can illustrate by the case that was up in regard to giving General Shields a position on the retired list. That bill said that all acts and parts of acts inconsistent with it were thereby repealed so far as to permit this to be done; but it did not repeal the act limiting the retired list to three hundred.

Mr. HEREFORD. I have no objection to striking out the second section.

Mr. EDMUNDS. The Senator had better let the bill be printed and referred.

Mr. HEREFORD. We shall never get it reported.

Mr. EDMUNDS. The Senator is mistaken.

Mr. HEREFORD. I have had such a bill four weeks before this committee and it has not been reported yet.

Mr. EDMUNDS. If the Senator cannot get a report in four days, I will agree to vote with him to discharge the committee.

Mr. HEREFORD. I have had bills before committees for a month and could not get them reported.

Mr. EDMUNDS. They may be a good deal more difficult than this.

Mr. BLAINE. I will say to the Senator from West Virginia that I think the request of his State is entirely reasonable.

Mr. HEREFORD. If the Senator from Maine will move to strike out the second section I will not object.

The PRESIDENT *pro tempore*. Is there objection to the bill being laid before the Senate? It has not yet been laid before the Senate.

Mr. HEREFORD. I move that the bill be laid before the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read by its title.

The bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia was read the first time by its title.

Mr. EDMUNDS. If the Senator from West Virginia will listen to me for a moment, I shall be glad to appeal to him. He knows just as well as the rest of us do, that this species of hasty legislation, however plain it may seem at the moment, is an unwise and unsafe method of procedure. Now, the Senator from West Virginia, saying this bill was clear of all possible criticism, the Senator from Maine has discovered a criticism which is entitled to a good deal of consideration. It may be that he is wrong about it, but it should be considered. I submit to my friend, therefore, to let the bill take the usual course, and so far as I am concerned, I will pledge him to do everything I can, if that committee is unreasonable at all in its delay about the bill——

Mr. HEREFORD. They have had it a month already.

Mr. EDMUNDS. Will the Senator hear me a moment? If that committee is unreasonable on a bill of this kind which does not involve any principle, as I cannot conceive it will be, I will unite with the Senator, and no doubt everybody else will, to discharge the committee and then take up and act on the printed bill. I cannot consent to have this bill read the second time to-day unless it is read for the purpose of reference.

The PRESIDENT *pro tempore*. The second reading is objected to, and the bill goes over.

Mr. HEREFORD. If that is the end of the bill it is all I have to say.

Mr. WADLEIGH. I wish to say a single word in reference to the conduct of the Committee on Privileges and Elections in relation to this bill. There has not been the slightest disposition to delay action on this bill, or any intention not to report it so that the Senate could act. There are various measures of this kind pending before the Committee on Privileges and Elections and some more are to come. Some of these measures have a political effect and some have not.

Now, in this case of West Virginia, I understand from the republicans of West Virginia that they are anxious to have this bill passed. There is a similar bill before the committee in reference to California where both parties desire that it shall pass; and that is true also in reference to some other States. I think that my friend from West Virginia is entirely wrong in the purpose which he attributes to the Committee on Privileges and Elections, or to any member of that committee, when he states or intimates that they desire in any way to prevent action upon this bill.

Mr. HEREFORD. I did not intimate that the committee had any obstructive disposition; I merely meant to intimate and to say that by non-action and the consideration of matters of greater importance they had not acted on it, although they had had it a month.

Mr. EDMUNDS. Let the bill be printed.

The PRESIDENT *pro tempore*. The bill will be printed.

Mr. EDMUNDS subsequently said: After some conversation with my honorable friend from West Virginia, I ask unanimous consent that the West Virginia election bill be read the second time and referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

The bill (H. R. No. 4931) to provide for the election of Representatives to the Forty-sixth Congress in the State of West Virginia, was read the second time by its title, and referred to the Committee on Privileges and Elections.

AMENDMENTS TO POST-ROUTE BILL.

Mr. SPENCER and Mr. RANSOM submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4286) to establish post-routes in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads.

THE CALENDAR.

Mr. SARGENT. I rise to morning business. I offer the following resolution:

Resolved, That, until otherwise ordered by the Senate, each morning after the disposal of morning business the Senate will proceed to business on the Calendar and dispose of cases thereon under the Anthony rule.

Mr. SPENCER. I should like to inquire how long the morning hour was extended this morning?

The PRESIDENT *pro tempore*. The morning hour now extends for an hour and a half.

Mr. HOAR. What is the meaning of a rule of one member of the Senate as distinguished from a rule of the rest of the Senate?

Mr. SARGENT. By a sort of common law of the Senate, by a general understanding, the Anthony rule is defined.

The PRESIDENT *pro tempore*. It is the name given to an order submitted originally by the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. SARGENT. It is an order printed on the first page of the Calendar.

The PRESIDENT *pro tempore*. It has been in force so long that it is distinguished by the honorable Senator's name.

Mr. HAMLIN. As I understand it, the proposition is to go to the Calendar and dispose of unobjected cases.

The PRESIDENT *pro tempore*. That is the proposition.

Mr. CAMERON, of Wisconsin. Let the resolution go over.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. SARGENT. Then objection being made to that, I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from California calls for the regular order.

Mr. ROLLINS. Will the Senator yield to me a moment?

Mr. SARGENT. For nothing unless objection is withdrawn to this resolution, and I will stand to it, to go into effect to-morrow. This system is simply a system of favoritism——

Mr. COCKRELL. I rise to a question of order, that we shall have order in the Senate.

The PRESIDENT *pro tempore*. The point of order is well taken; there is disorder in the Senate. Senators will please be seated.

Mr. SARGENT. The system which we have adopted this morning amounts to very little more than a system of favoritism. Senators are picked out here and there, or by louder voice or more persistency than others manage to make themselves recognized. It is entirely unjust to the body of the Senate. There are on this Calendar three or four bills that I am extremely anxious to have considered. I should like to enter into a competition, but, as one Senator near me said, he

did not feel disposed to play leap-frog by the hour in order to get business in which he was interested before the Senate. There ought to be some fair and equitable plan by which cases that do not lead to long debate will be disposed of during the morning hour. The Anthony rule has been considered, after long experience in the Senate, fair and just to every Senator, and I propose by the resolution I have offered that after this morning we proceed regularly under that rule. My friend from Wisconsin objects. He has had his privilege this morning. He called up his bill by my yielding for it. He certainly cannot want to call up another bill. If so, he wants favoritism extended to him in preference to other Senators. The Senator from Pennsylvania [Mr. WALLACE] has been trying for an hour to get up a bill, but failed, although Senators all around him, by some method which I do not understand, succeeded in getting up their business.

I do not desire to reflect on anybody, but on the system. The system is unfair, all depending on the strength of lungs of Senators or an undignified persistence vexing the ear of the Chair to get some preference for their business. It produces disorderly scrambles, so that you can scarcely understand what is going on; and bills are hurried through under this system which cannot have the deliberation that they ought to have. I have no doubt that we have passed bills this morning amounting in the aggregate to $100,000, and I doubt if there are many Senators who can give the names of those bills, and much fewer who can give the reasons why those bills ought to pass. Our action is simply taking the report of a committee, which may be a mere majority of a committee, haphazard on all these bills, without any examination by the Senate at all.

I propose that we proceed with the Calendar under the five-minute rule, which gives an opportunity, after the reports are read, for a statement of the character of the bill and a statement of objection; and after that, if the Senate sees fit to pass the bill, then it looks like legislation, and is legislation. Anything else is not worthy of the name.

For these reasons, and not desiring to exclude any Senator at all, I think I shall insist on my motion, and I intend to make the motion each morning unless we can have the rule I offer adopted so as to regularly proceed with the Calendar.

Mr. HAMLIN. Mr. President, there are a great many very excellent things, I think, contained in the rule to which the Senator from California has referred. It is not faultless; it is not free from objection. I will state one. If we act under that rule, we consider a subject, and after we shall have considered it for a time it is within the power of a single Senator to object, and over it goes, and we hear no more of it. Under that rule every other Senator, if you please, in this body but the simple objector, may be satisfied, and he has the power to stop its progress. In other words, it puts within the power of a single objection that which is superior to an overwhelming majority of the Senate. Now, there may be two cases upon this Calendar that may be objected to, which are equally meritorious to those that will pass unobjected, and when those cases are presented where there is strong merit and a large majority of the Senate are in favor of the measure, I do not believe that we ought to be confined to that rule which allows a single member thus to dispose of the business. But I will go with the Senator in doing anything we can to get out such cases and dispose of them as soon as we can.

Mr. DAWES. I hope that the suggestion of the Senator from California will prevail. I think, whatever may be the faults of the rule, nothing can be so faulty as the method we have adopted here this morning. I for one do not want to pursue the method I have been obliged to this morning, to try the strength of lungs in order to get the consideration of a bill. There is no other proper way but to take these things in order. If there be any defect in this rule I do not think it is applied practically so as to work any great injustice, but there is no getting on with the proper consideration of legislation without some such rule, and I really hope we shall not consume the time of the Senate in the morning hour any longer after to-day in a scramble such as we have seen to-day.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate proceed under the Anthony rule to the consideration of cases on the Calendar.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar will be reported.

Mr. McDONALD. I submit that Senate bill No. 501 is the first in the Calendar, as——

The PRESIDENT *pro tempore*. Under the Anthony rule the Senate commence where they left off, which will be with House bill No. 1855.

Mr. McDONALD. I desire to state that this bill was once reported to the Senate and placed on the Calendar by a certain number. It was afterward recommitted to the Committee on Patents, and after some consideration before the committee it again was reported back and ordered to be placed upon the Calendar at its original number, so that it might not lose its place or position. I submit that that bill should stand first inasmuch as it was recommitted and was put back again by order of the Senate to take its place without loss of position; and it should stand as the first case to be now considered, this being the first call of the Calendar since it was restored.

The PRESIDENT *pro tempore*. The Senator asked that it be placed back at its original position, pending which the Senate moved on the Calendar and reached other cases subsequent to this. If that had not been ordered by the Senate to be restored to its original place, it would have taken its place when reported back by the committee. But the Chair will submit the question to the Senate under the circumstances.

Mr. McDONALD. The motion was not made by me, but by the Senator who reported it back from the committee.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the case named?

Mr. WITHERS. It is a patent case. It is not worth while taking that up, for I shall object to its being taken up.

The PRESIDENT *pro tempore*. The Senator from Virginia objects and the case goes over. The first case on the Calender will be stated.

JOHN C. RAY.

The bill (H. R. No. 1855) for the relief of John C. Ray was considered as in Committee of the Whole. It provides for the payment to John C. Ray of $4,533.33, in full for services as pilot in the United States naval service during the late war.

Mr. EDMUNDS. Let us hear the report.

The Secretary proceeded to read the report submitted by Mr. SARGENT from the Committee on Naval Affairs on the 17th of April last, but before concluding was interrupted by

Mr. EDMUNDS. I have read this report myself, and I do not ask for a further reading. If nobody else wishes to hear it read, I will not take up the time. I have read it now myself.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

Mr. MORRILL. I ask to take up one bill from the Committee on Finance to which there will be no objection.

Mr. COCKRELL. Let us have the regular order.

Mr. CAMERON, of Wisconsin. Regular order.

The PRESIDENT *pro tempore*. The morning hour has expired. The Chair will lay before the Senate bills from the House of Representatives for reference.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 216) to limit the time within which suits on official bonds shall be brought and providing for notice to sureties thereon;

A bill (H. R. No. 431) to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana;

A bill (H. R. No. 2319) to provide for the appointment of a district judge for the western district of Tennessee, and for other purposes;

A bill (H. R. No. 3895) to amend section 349 of the Revised Statutes, and for other purposes;

A bill (H. R. No. 4024) to provide for the holding of a term of the district court of the United States at the city of Charlotte, North Carolina;

A bill (H. R. No. 5126) to establish a western division of the southern judicial district of Mississippi;

A bill (H. R. No. 2019) to exempt employés in the postal service from militia and jury service; and

A bill (H. R. No. 3167) exempting municipal and county buildings, used as such, from levy and sale.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 3988) to organize the life-saving service; and

A bill (H. R. No. 4989) to amend section 2517 of the Revised Statutes of the United States.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Privileges and Elections:

A bill (H. R. No. 4196) relating to the election of Representatives from North Carolina to the Forty-sixth Congress; and

A bill (H. R. No. 5124) designating the times for the election of Representatives to the Forty-sixth and succeeding Congresses from the State of Colorado.

The bill (H. R. No. 3980) to confirm the title to the northeast quarter of the northwest quarter of section 7, township 81 north, range 4 east, of the fifth principal meridian, Clinton County, Iowa, was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. R. No. 169) authorizing the payments of the accounts of Lieutenant James T. Leavy, an insane officer, was read twice by its title, and referred to the Committee on Military Affairs.

TEXAS PACIFIC RAILROAD.

Mr. JOHNSTON. I move that the Senate proceed to the consideration of Senate bill No. 942, that I may submit some remarks upon it.

The PRESIDENT *pro tempore*. The Senator from Virginia moves to lay aside the regular order for the purpose of submitting remarks on the bill which he has named. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 942) entitled "A bill amendatory of and supplementary to the act entitled 'An act to incorporate the Texas and Pacific Railroad Company, and to aid in the construction of its road, and for other purposes,' approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto."

Mr. JOHNSTON. Mr. President, on the 19th of March the Senator from Ohio [Mr. MATTHEWS] reported from the Railroad Committee of the Senate the bill No. 942, amendatory of and supplementary to the several acts of Congress heretofore passed in relation to the Texas and Pacific Railway. On May 2d I introduced into the Senate the bill No. 1186, which also proposes to amend and supplement the acts of Congress referred to. The Railroad Committee of the Senate has reported this bill to the Senate, with some important amendments. These amendments, while they enlarge the scope of the bill, are in perfect harmony with its original purpose, recognize the soundness of the principle which pervades it, and are only intended to extend its beneficial effects. My purpose in addressing the Senate to-day is not so much to urge upon the consideration of Senators the importance of a southern line of railway between the Mississippi River and the Pacific Ocean as it is to institute a comparison between these two bills as practical measures of legislation and to earnestly conjure Senators to take some action upon this subject now.

But, Mr. President, there is a question which lies at the threshold of this discussion, and it is this: Has Congress the power to deal with the franchises heretofore conferred upon the Texas and Pacific Railway Company and to divest that company of the land grant, or any part of it, heretofore made to it? The bill No. 1186 proceeds on the assumption that Congress has this power. In his argument before the Railroad Committee of the Senate and also in his argument before the House Committee on Pacific Railroads, which I have read with careful attention, the able and distinguished vice-president of the Texas and Pacific Railway Company, Governor Brown, of Tennessee, emphatically denied that Congress has this power. Governor Brown based his denial of the power on what he claimed to be the plain meaning of the act of Congress of March 3, 1871, and of the amendatory act of May 2, 1872. Now let us see. The requirements of the act of March 3, 1871, on the subject of construction were superseded by those of the amendatory act of May 2, 1872, and it is not necessary to notice the act of 1871 further than to remark that it asserted a purpose on the part of Congress to reserve the right to do whatever might be deemed necessary to secure the speedy completion of the road.

The act of May 2, 1872, provides that—

> The said Texas and Pacific Railway Company shall commence the construction of its road at or near Marshall, Texas, and proceed with its construction * * * westwardly from a point near Marshall, and toward San Diego, in the State of California, on the line authorized by the original act, and so prosecute the same as to have at least one hundred consecutive miles of railroad from said point complete and in good running order within two years after the passage of this act, and so continue to construct each year thereafter a sufficient number of miles, not less than one hundred, to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the Bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act: *Provided, however*, that the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act, and construct not less than ten miles before the expiration of the second year, and after the second year not less than twenty-five miles per annum in continuous line thereafter between San Diego and the Colorado River, until the junction is formed with the line from the east at the latter point, or east thereof; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

Governor Brown says:

> Upon the theory that Congress, or the courts can ever declare a forfeiture of this land grant, certainly no court would hold that this could be done until the lapse of ten years after May 2, 1872, the date of the amendment, which would give us until May 2, 1882, to earn our land grant by the completion of our whole line; and in the mean time, neither by the legislation of Congress nor by the adjudication of a court, can the Texas and Pacific Railway Company be deprived of that grant nor of any of its franchises as conferred by the act.

Again, he says:

> The event in which Congress may adopt other measures to secure the completion of the line is not in the failure of the company to build a certain number of miles per annum, as merely directed in the act, but it is upon its failure to complete the whole line in ten years, as clearly stated in the act.

The claim here made is, that this railway company, by the passage of the act of Congress of March 3, 1871, and of May 2, 1872, was invested with a franchise and land grant which neither Congress nor the courts could take away for a period of ten years from the passage of the act, even though the company should have failed to construct one mile of road during all that time. The claim is good to this extent, or it is wholly fallacious. To speak plainly, such a claim is preposterous. Here is an application to Government for a franchise to build a transcontinental railway. It is alleged that the work is of national importance, and that the economical advantages to accrue to the Government from its speedy completion justify a liberal grant of the public lands to aid private capital in its construction. Congress admits the importance of the proposed work, and says to the company:

> You shall have a grant of the public lands. You shall have great and valuable franchises. But you must complete this work in ten years. And to give assurance of your good faith, and that the work shall be performed in the reasonable time prescribed, you shall build so many miles each year from the east toward the west, and so many miles each year from the west toward the east.

This is the brief history of the case, as it is found written in the statutes. Is Congress to be charged with the egregious folly of having contracted with the company to wait ten years before taking other measures to secure the completion of this line of railway, while declaring its purpose to secure its *speedy* completion, and this, though only five miles of road shall be built within that time? The question answers itself. There is no controversy here about facts. It is admitted that what Governor Brown calls the *direction* of the act of May 2, 1872, in reference to the number of miles of road to be constructed each year has not been complied with by the company. It is competent, then, for Congress to exercise its reserved power over the whole subject-matter. Whether it will do so or not rests wholly within its own discretion.

I now proceed, Mr. President, to consider the leading features of these two bills and their claims, respectively, to the favorable consideration of Congress and of the country. I shall speak plainly, both as to the merits of the bill No. 942 and of the whole question of a southern line of railway to the Pacific; and if I speak of persons toward whom the attention of the country has been directed, because of their prominent connection with this great industrial enterprise, it must not be supposed that I have the slightest inclination or purpose to thwart or to advance the personal ends or the individual ambition of any man, or that I have any part or lot in the rivalries and jealousies of railway magnates. There is a readiness on the part of the people and, I am sorry to say, on the part of the press of the country to impute improper motives to those whose duty it is to legislate on questions of this nature and of this magnitude. Every public man stands to-day in a light as fierce as that which beats upon a throne. For my own part, whenever duty seems to me to call, I shall speak my mind freely, and, if need be, earnestly, upon any question or measure of public interest without any fear that the people of the State which sent me here as one of her representatives will ever suspect me of acting in my place here upon any other than public considerations, and out of that regard for duty which it is to be hoped will ever, with the public men of our country, in the language of one of the most eminent of them all, "transcend all other regard."

The bill No. 942 proposes the construction of a single line of railway from Fort Worth, in Texas, by way of Fort Yuma, on the Colorado River, to San Diego, on the Pacific coast, a distance of about fourteen hundred miles. The bill provides that to furnish the company with the means to construct and fully equip this line of road the United States shall indorse a guarantee of interest at the rate of 5 per cent. per annum on the bonds of the company to the amount of $31,750,000. The interest on these bonds is to be paid semi-annually and the principal fifty years after date. But this is not the most striking feature of the financial plan proposed by the bill. Other bonds to the amount of $7,000,000, or $5,000 to the mile on the whole line of road, are to be issued by the company, and the interest in like manner guaranteed by the United States. Mr. President, I think the ordinary financial mind would be somewhat puzzled to conceive for what purpose this company could want money other than to construct and fully equip its road. But the construction and full equipment of the road is provided for by the guarantee of the interest on the $31,750,000. The bonds of the other series, amounting to $7,000,000, are to be sold by the United States—for what purpose? For the purpose of raising money to pay the interest as it accrues on the $31,750,000 of the bonds of the other series!

This is to make the Government party to a kiting operation. The company being unable to meet the interest on the construction bonds amounting to $31,750,000, thinks that by selling some more bonds and getting time it can in the future pay interest on $38,750,000 with more ease than upon the smaller sum. This is the device of men in difficulties. Being pressed for debt they meet it by putting their own paper on the market. The proposition is to protect and relieve the Government by making larger the annual interest it is responsible for.

Mr. Wilkins Micawber was fond of this mode of financiering, and no doubt the company took the hint from him.

But there is a provision of section 4 of the bill which may be thought by some to challenge equal admiration. In that section, beginning with line 67, will be found the following:

> That for the purpose of providing funds for the prompt completion of the work any of said bonds denominated issue A, to be used for constructing and equipping said road, the interest upon which is to be guaranteed as aforesaid, may be sold by said company in lots of from $2,000,000 to $10,000,000, the proceeds to be retained in the Treasury of the United States, to be paid over by the Secretary of the Treasury, from time to time, proportionately as the said railway and telegraph lines shall be constructed and completed, according to the provision of this act; and, until so required, such fund shall be invested, at current market rates, in United States bonds, such United States bonds to be sold from time to time and the proceeds of such sales delivered proportionately as sections of road shall be built, as hereinbefore recited; or, at the option of the Secretary of the Treasury, the Government shall allow interest at the rate of 4 per cent. per annum on such cash deposits.

Now, Mr. President, is not this a most complicated and altogether remarkable arrangement? It is here provided that, in advance of the construction of any road, these bonds may be sold by the railroad company in blocks of from two to ten millions of dollars. What then? The proceeds in money of the sales of these blocks of bonds shall be retained in the Treasury until needed by the company to pay for constructed road, and until so needed the money shall be invested in United States bonds, which latter bonds shall be sold from time to time, and the proceeds of the sales delivered to the company as sections of the road shall be built; or, instead of purchasing United States bonds with the money received from the sale of the guaranteed bonds of the company, the Government shall pay 4 per cent. interest on the money, while it remains in the Treasury, if the Secretary shall prefer to do so.

I would like for some advocate of this bill to explain to the Senate what there is in the bill, with this provision standing in it, to prevent the company from selling the whole of the $31,750,000 within six months after the passage of this bill, and long in advance of the construction of the road. If the bonds were so sold in advance, there could be no earnings to respond to the demand for interest on the guaranteed bonds as it accrued; and the Government would have to pay the interest on the bonds of the company in the hands of purchasers, and also on the money, the proceeds of the sale of the guaranteed bonds deposited in the Treasury. I make no suggestion that there is room for a job in the provision that the railroad company may sell these guaranteed bonds in lots of two or five or ten millions, until the whole $31,750,000 are disposed of, for it is no part of my purpose to make any insinuation against the personal integrity of any of the officers of this company.

The people are taxed to pay annually, in round numbers, $98,000,000 interest on the bonds of the Government. Feeling what a vast burden this is and how it has borne us into the very earth and is keeping us there, we have been striving to reduce the annual charge by negotiating bonds at a lower rate of interest. We descended from 6 per cent. to 5, from 5 to 4½, from 4½ to 4, and are not without hope of getting still lower. But can this be expected if Congress agrees to indorse bonds amounting to nearly $40,000,000 at the rate of 5 per cent.? Our effort should be to get all public securities at as low rate of interest as possible and we should do nothing to interfere with or prevent this. But we do interfere with it most seriously if we agree to go the security of the company on the terms they propose. These bonds would absorb that much money which would otherwise be invested in United States four percents. The difference between 5 per cent. and 4 per cent. on $38,750,000 is $387,500 annually, and for the fifty years the bonds are to run would make $19,375,000, a sum not very far short of all that will be expended under bill 1186. The people are tired of bonds; they do not want any new ones. Let us pay what are out now, but issue no more.

There is another feature in this bill, Mr. President, to which I wish to direct attention. In section 3 of the bill, beginning on line 47, it is provided as follows:

That the Texas and Pacific Railway Company shall relinquish to the Government of the United States the grant of lands made to it for the construction of its line through the Territories of New Mexico and Arizona and the State of California, except its road-bed and right of way two hundred feet in width, and sufficient ground for depots, stations, section-houses, water-tanks, turn-tables, aidings, &c., necessary for the construction and operation of its line, by the act approved March 3, 1871, entitled "An act to incorporate the Texas and Pacific Railroad Company, and to aid in the construction of its road, and for other purposes;" and shall relinquish all right to the reservation of the public lands made under and by said act, upon the express condition, and for the express purpose, that is to say, that the reservation aforesaid shall be opened to settlement by the Government of the United States, and the lands contained therein shall be sold by the Government of the United States at the prices usually affixed to the Government lands in railroad reservations; and the Government of the United States shall appropriate one-half of the proceeds of the sales of the lands in said reservation, including the odd and even sections thereof; first, to the payment of interest upon the bonds herein and hereby authorized to be issued by said corporation; and any surplus remaining, from time to time, of this one-half of the proceeds, after the payment of interest, shall be applied to, and made a part of, the sinking fund for the redemption of the bonds herein authorized to be issued; and if at any time there should remain a surplus of this one-half of proceeds of sale in the Treasury after paying any semi-annual installment of interest, such surplus shall be invested in the bonds of the company herein authorized to be issued: *Provided*, They can be secured at par, or such price above par as may be agreed to by said company; and if the company's bonds cannot be purchased at par, or at the price above par meeting the approbation of said company, then such surplus shall be invested in United States bonds until needed for the payment of future installments of interest, and, if not so needed, shall form a part of the permanent sinking fund: *And provided further*, That when the Texas and Pacific Railway Company shall accept the provisions of this act, that acceptance shall be made and taken as a full and complete relinquishment of the donation of lands heretofore made to said company by the act of March 3, 1871, for the purposes herein and hereby expressed, and upon the express terms and conditions herein set forth.

At the expense of being very tedious, Mr. President, I have quoted this whole section. I appeal to every Senator, is not this section likely to become the fruitful parent of controversies between the company and the Government? What does it mean? The lands contained in the reservation "shall be sold by the Government of the United States," says the section; but suppose obstinate and purblind American citizens should refuse to buy, what then? There is no limitation of time here within which anything shall be done; but it is stated with care and emphasis that the relinquishment of the reservation of the lands by the company is made "upon the express condition and for the express purpose" that the lands shall be sold by the Government, and that the Government shall appropriate one-half of the proceeds of the sales to the payment of the interest on the guaranteed bonds, &c. One-half of the proceeds of the sales of what? "One-half of the proceeds of the sales of the lands in said reservation, *including the odd and even sections thereof*," says this section of the bill. This is relinquishment with a vengeance. What, more or less, is this than to constitute the Government an agent for the transaction of the land business of this company at the Government's expense? And how long will it be before the agent will be called on to give an account of his stewardship? When this company shall be pressed to make provision for the interest on these guaranteed bonds, we may expect the response, "You took possession of my assets, and came under obligations to convert them into cash and to apply that cash to the payment of this interest; give me credit for the price at which you agreed to sell these lands or return them to me."

Mr. President, I hold one of two things to be certain: under the provisions of this bill the Government will either be required to credit this company with the value of these lands at the price agreed on, or to return the lands. For one I protest against any such entangling alliance with this company as is proposed in this section of the bill. The French have a proverb "that it is only the first step which costs." Let us not take this first step. If we do, in my judgment, the cost will be such that we shall be long in counting it. The smoke of one battle with corporations that feel themselves strong enough to try conclusions with the Government itself has scarcely cleared away from the Senate Chamber. If the Government accepts an agency from the Texas and Pacific Company for the sale of their lands, and assumes the obligation to make application of the proceeds, we may confidently look forward to other conflicts the issue of which may furnish less occasion for rejoicing than that of the one to which I have alluded.

And if these conflicts did arise, recollect that the Government assumes a responsibility for fifty years. A half century would not see them terminated.

This bill contains substantially the same provisions as to "earnings," "net proceeds," &c., which have given rise to so much trouble, litigation, and legislation in regard to the Central and Union Pacific roads. With that example before us, why should we repeat the experiment and voluntarily engage the country in and distract Congress with such struggles?

Mr. President, we must correct the errors and the omissions of the past as best we can, and I am not one of those, if there are any such, who would make our mistakes and the troubles that have grown out of them an excuse for declining to promote the development of the country by prudent legislation in the future; but surely the experience of the past invites circumspection; we should put no more acts upon the statute-books that are certain to be productive of future controversies here and of wearisome contests in the courts of the country.

There has been a great deal said by the gentleman who stands at the head of the Texas and Pacific Railway Company, and by the advocates and promoters of this and other bills that have been introduced into Congress, about making the Texas and Pacific Railway "an open highway for the Government and the people." From much that has been said before the committees of Congress, in the press of the country, and in the corridors of this Capitol, we would be justified in concluding that this great enterprise has been undertaken and is to be prosecuted in a spirit of pure and unmixed benevolence; that there is nothing earthy about it. Let us see how true this pretension is. What are the provisions of the bill? In the eighth section will be found the following language:

SEC. 8. That the line of road constructed under the provisions of this act shall be maintained and operated by said company as an open highway, and as a postal and military route for Government purposes, at fair and reasonable rates of compensation for Government service, to be agreed upon and adjusted by the Secretary of War, the Postmaster-General, or the Secretary of the Interior, for their respective Departments in conjunction with the proper officers of the road, not exceeding the amounts paid by private parties for similar services, the Government at all times to have the preference in the use of the road and its facilities for the purposes aforesaid.

What sort of an open highway for the Government and the people is this? The road is to be maintained and operated by the company. The company shall receive fair and reasonable rates of compensation for Government service, which rates shall be agreed upon and adjusted by certain officers of the Government for their respective departments, in conjunction with the proper officers of the road, and the rates charged the Government shall not exceed the amounts paid by private parties for similar services. That is all there is in this much vaunted open highway as far as the Government is concerned. The Government shall pay fair and reasonable rates for every service rendered by the company, and in making a bargain as to rates the company has just as much power as the Government. Now, how is it about services to be rendered by this company to the people?

In the first section of the bill will be found the following language. I quote the whole of it, for it is very important:

Fair and reasonable rates for the carriage of *through* freight and passengers shall be agreed upon from time to time between the Texas and Pacific Railway Company and connecting companies, which shall not at any time *exceed the rates charged by competitive Pacific railroad lines for similar business*; but Congress shall at all times have the right to regulate rates for the transportation of such freight and passengers, and for postal and telegraphic service over the entire line of the Texas and Pacific Railway Company, and over the entire lines of connecting companies claiming privileges under the provisions of this act, and may exercise a general supervision and control, so far as it shall be necessary so to do, in the interest of the Government of the United States, to secure prompt transportation for its own wants and for the public, and to protect the actual capital invested, and all liabilities of the Government for guarantee of interest made under this act.

I call upon Senators to scrutinize this language, and I think they will agree with me that it is intended to secure high rates for transportation instead of cheap rates. In the first place it relates only to through freights and passengers. Fair and reasonable rates for the transportation of through freights and passengers shall be agreed upon between this and connecting companies, and Congress shall have the right to regulate rates for the transportation of *such* freight and passengers, and for postal and telegraphic service, &c., and may exercise a general supervision and control—for what purpose? To secure prompt transportation for its own wants and for the public and to protect the actual capital invested and all liabilities of the Government for guarantee of interest made under this act. Now, two

things are to be here observed: Congress is given no power whatever to interfere to regulate rates on local freights; and the right given to Congress to regulate rates for the transportation of *through* freights and passengers is given for a specific purpose, and that purpose is to protect the capital invested and the liability of the Government for guarantee of interest, and the power of general supervision and control given to Congress is to be exercised for two purposes: one is to secure prompt transportation for its own wants and for the public and the other is to protect the actual capital invested. There is not even a semicolon between the grant of the power and the specific definition of the purpose for which it is granted.

What is necessary to protect the capital invested? Of course the operating expenses of the road must first be deducted from its earnings. Then interest must be paid on all its interest-bearing obligations and a sinking fund must be created to pay the principal of the company's bonds when they mature. Now, I ask if the language of this bill does not imply a consent on the part of Congress that this company shall be permitted to fix rates that will produce revenue enough to enable the company to respond to the several demands which I have enumerated? And if, as is charged, rates on other Pacific railroad lines are exorbitant and oppressive, this bill gives this company also the right to make the same charges, because it says "rates shall not at any time be charged to exceed those charged by competitive railroad lines to the Pacific for similar business." This is a permission on the part of Congress to charge as much as the Central and Union Pacific roads do, especially if such charges are considered necessary to protect the capital invested and secure the Government.

Mr. President, I am endeavoring, to the best of my ability, to discharge what I believe to be a public duty. This bill seems to me to have been framed upon the idea that Congress would not scrutinize its provisions. I confess that I find it somewhat difficult to repress my indignation that Congress should be called on to consent to the provisions of this bill under the specious pretense of resisting monopoly and providing an open highway for the Government and the people. One great purpose of constructing this road is to develop the country through which it passes, to create new industries along its line, and to encourage the population of that vast territory between the Mississippi and the Pacific, which abounds in mineral wealth; where the labor of the agriculturist may find a rich reward, and where herds of cattle and sheep can be reared with less expense and consequently with greater profit than anywhere else on this continent.

It is more important to the people living near the line of this road that the rates of transportation on local freights should be moderate than that through freights should be carried at a low rate. The rate of transportation on through freights affects the people of the country indirectly. A high rate of transportation on local freights will affect every man living near the line of the road directly, and a high or moderate rate on what he produces and on what he consumes may make the difference to him and to his wife and children between comfort and poverty.

If at any time Congress should interpose to reduce the only freights it can interfere with—through freights—the reduction thus made will immediately be put upon local freights. What the company loses of income on the goods shipped from end to end of its road, it will make up on that transported only a part of the distance. The dollar taken off the box of goods from San Diego to the Mississippi River will be added upon the bale of cotton taken up at a way station. All this talk about an open highway and cheap rates finds no warrant in the provisions of this bill. And the pretense of giving Congress control over this road is a delusion and a snare, and cannot be too strongly condemned as a bold experiment upon our confidence.

Mr. President, I regard bill No. 942 as a positive menace to the commercial interests of the South—I mean to the States of Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, North and South Carolina, Virginia, and Kentucky. It is well known that the president of the Texas and Pacific Railway Company has long clung with great tenacity to the idea of extending the Atlantic and Pacific road from Vinita, in the Indian Territory, to a point on the line of the Texas and Pacific road in the neighborhood of its intersection with the ninety-ninth or one-hundredth degree of longitude west. It cannot be doubted that this is a connection very much desired by the great Pennsylvania corporation at the head of which Colonel Scott stands. What southern man can fail to see that if the Government of the United States will furnish Colonel Scott with the means to build a through line from Fort Worth, in Texas, to San Diego, and thus give him control of freights from the Pacific coast and intermediate points eastward, he will find the means to make the Vinita connection, and thus have it in his power to divert freights from Galveston, New Orleans, and South Atlantic sea-ports, and haul them by way of Saint Louis over his Pennsylvania lines? The southern man who can vote for a bill that exposes the South to such a danger must have greater faith in Colonel Scott's purpose to do justice to the Southern States than I, as one of the representatives of a State on this floor, am willing to repose in any man.

I wish now to ask, what has the Texas and Pacific Railway Company accomplished to entitle it to the favorable consideration of Congress? Instead of constructing its road westward from Marshall, in Texas, according to the requirements of the acts of 1871 and 1872, it has constructed about seventy miles of road from Marshall northward to Texarkana, and about one hundred and fifty-five miles from Texarkana westward to Sherman. On its main line westward, from Marshall, it claims to have constructed about one hundred and eighty-four miles to Fort Worth; but, in fact, about twenty-five miles of this part of the line was built by the Southern Pacific Railway Company of Texas before the Texas and Pacific Company came into the field. So that this company, since the passage of the act of 1871, has constructed only about one hundred and sixty miles of the main line provided for by Congress. It is claimed that this company has built about four hundred and fifty miles of road in Texas without any aid from the Government. That is true enough. But the company has received a land grant from Texas of twenty sections of land to the mile for every mile of road constructed. I have information, which I deem reliable, that the State of Texas has granted to the present company, the Texas and Pacific, 5,173,120 acres of land; and this does not include lands previously granted to the Memphis and El Paso and the Southern Pacific Companies, which have been merged in the Texas and Pacific. Now, what is the value of this land? In a very able speech delivered in the House of Representatives by Mr. CULBERSON, of Texas, on this question of the Texas and Pacific Railroad, on May 4, 1876, I find the following; speaking of the value of the Texas lands which this company then offered as security to the Government for the guarantee of the interest on the bonds, Mr. CULBERSON said:

> The value of the Texas lands may be estimated with absolute safety at $2 per acre.

And again he says:

> I have said, sir, that the present value of the Texas lands may be placed at $2 per acre; but when the road shall have penetrated the country beyond the rising city of Fort Worth and the gaps between Paris and Texarkana, and Sherman and Fort Worth shall have been completed, the enhanced value of these lands will augment this security more than double.

From this it will be seen, if we take Mr. CULBERSON'S lowest estimate of the value of these lands, that this company has already received from Texas more than $10,000,000 in value. If the company had built its road through Texas to El Paso, on the Rio Grande, it would have received from Texas, in round numbers, about fourteen millions of acres of land. This would represent a value of $28,000,000, at Mr. CULBERSON'S lowest estimate.

I proceed now to consider the twelfth section of the bill reported by the committee. It is the section which provides for, or rather does not provide for, a connection of the road with the Mississippi River. It is that section which meets my most determined opposition. So far as I am concerned, no bill shall ever become a law which does not certainly provide for good and adequate routes to the Mississippi, so as to give the Southern States east of that river their due and proportionate share of benefits. Let us examine this section critically for if it does not compel the Texas Pacific Company to extend its line from Marshall to the Mississippi, then there is nothing in the bill to that end. Let us look at it in the light of the past and judge what the intentions of its projectors are as developed by their acts heretofore. Recollect that the president and controlling man of the Texas Pacific is also the controller of roads extending from Philadelphia to Saint Louis; that among the many bills brought forward for the completion of the Texas Pacific road, that bill which stopped the road at Marshall, Texas, two hundred and fifty miles west of the Mississippi, and established a direct connection with Saint Louis by way of Vinita, was most vehemently and persistently urged, although the Vinita connection, or extension, was positively prohibited in the original charter. Viewed in these lights, and in the light of its own terms, I insist that the twelfth section will never be executed so as to establish a connection with the Mississippi, and that no such connection or route is intended or contemplated by its projectors and abettors.

The first provision is that as soon as the terminus is fixed the first-mortgage bonds for the construction of a road from some point on the Texas and Pacific line to the Mississippi shall be offered to capitalists, but it is carefully stated that the mortgage shall not include any part of the projected line of road west of Fort Worth. That is to say, no part of the road aided by Government shall be mortgaged to build any part of the road from Marshall to the Mississippi, which receives no aid from the Government, and for which none is asked by the Texas Pacific managers. In other words, the extension of the Texas Pacific road to the Mississippi is left to build itself, if it can, with the strong intimation from its managers and controllers that the extension is not desired by them, and that they will make no effort to secure it. If this is not so, why are they not asking for aid?

Next, the terminus on the Mississippi, if, despite the efforts of its controllers to prevent it, the road should ever arrive there, is to be fixed by five commissioners to be appointed by the President:

> Who shall examine the various proposed routes between the Mississippi River and the present constructed road of the Texas and Pacific Railway Company, and after considering all questions of distance, cost, and transportation routes, in view of foreign as well as domestic trade and commerce and also in view of an eligible connection with the Atlantic seaboard, and report where the line should be and where it shall connect with the Mississippi River.

Now, these are complicated, important, and onerous duties. The commissioners would have to examine with great care (for otherwise they could make no correct estimate of the probable cost) at least three long lines—one to Memphis, one to Vicksburgh, and one to New Orleans. These three routes could only be properly examined at the

expense of much labor, time, and money, and yet there is no time fixed for the commissioners to begin the work or to make their report upon it. In the event that they should disagree and make no report there is no authority to appoint another commission, and if they should agree and report, their action has to be approved by the President.

But if the commissioners should make a report and the President should approve it, what then? Why, the Texas and Pacific Company can let the matter drop right there, if it chooses, for there is nowhere in the bill any clause which obliges them to build the connection by imposing a penalty for failure. In one of the House bills there was a clause providing for forfeiture, but in the Senate bill now under consideration, and which the Texas and Pacific Company are urging, that clause is conspicuous by its absence. I will read it for the information of the Senate:

And provided further, That the said Texas and Pacific Railway Company shall have the right to purchase the charter, franchises, and property of any existing line, if any there be, on the selected route, or construct a new one, at the option of said company; and that a failure to so purchase or construct, at the rate herein provided, on the eastern extension, shall work an absolute forfeiture of all right to the guarantee of the Government on the interest of the bonds to be issued for so much of the line as may remain unconstructed at the time of such default.

Thus it will be seen that no time is fixed for commencing or completing the connection to the Mississippi, and no penalty is imposed if it is never made. Twenty years hence the Texas and Pacific Company can say, if this connection is not built, "Congress did not require us to build it and we did not choose to do it. The fault is not in us, but in Congress." And they would have justification for so saying. And the same men who tell us and tell the world that they are unable to build the road west of Fort Worth with a large land grant and $10,000 per mile in greenbacks ask us to believe them when they say that they are going to extend their line to some point on the Mississippi, and that, too, without aid of any sort from the Government. They say they cannot borrow money to continue a road partly constructed and actually running, but that they can borrow money to construct a road upon which not a spadeful of earth has been moved and the terminus of which is unknown.

This twelfth section also provides that the authority of the State or States through which the line may be located shall be obtained before the road shall be built, and that the eastern terminus shall be on the east bank of the Mississippi River, wherever this point may be designated. Now, it is not improbable that some point in the State of Mississippi might be designated as the eastern terminus, and I am informed that the Legislature of that State does not meet again until the year 1880, so that there would necessarily be a long delay in obtaining the consent of that State.

The great purpose in building a southern transcontinental road is to connect the country watered by the lower Mississippi with the Pacific coast. For years Congress has been besieged on the subject, and now it is asked to pass a bill which does not provide for such connection. There is not one word or line in the bill of the committee which renders such a connection a certainty. This defect alone is sufficient cause for my opposition to the bill, and hence I have antagonized it with mine, which does make connection with the Mississippi by more than one route certain and effectual.

Shreveport, which is in the State of Louisiana, is now the virtual terminus of the Texas and Pacific road. It is from that point that the extension to the Mississippi River under the provisions of the twelfth section of bill 942 would be made. Now, the consent of all the States through which any part of the road is to be made must, under the bill, be first obtained. If Memphis be the point selected, then Louisiana, Arkansas, and Tennessee must all give their consent. If Vicksburgh is chosen, then Louisiana and Mississippi must express their approval through their Legislatures. But, as I have said, the Legislature of Mississippi will not meet till 1880; so that, with the utmost efforts and good faith on the part of the company, this connection could not be commenced for two years. But there is nothing to compel the company to endeavor to procure the consent of the States; and if they did, is it sure they would succeed? Louisiana might think the road ought to go to New Orleans, and refuse to agree that either Memphis or Vicksburgh should be the terminus. Thus it will be seen with what difficulties the making of the eastern connection is surrounded, what opportunities it gives for delay and inaction if desired, and how even the utmost and most zealous efforts on the part of the company to carry out the requirements of the twelfth section might nevertheless fail of success; for note all that has to be done:

First. The appointment of a commission.

Second. The meeting of the commission and their examination of the various routes.

Third. The agreement in a report upon a subject upon which so much and so many different things are to be considered.

Fourth. The approval of this report by the President.

Fifth. The consent of all the States through which the road is to pass, which may be three in one event.

Sixth. After this is done and accomplished, then there is no obligation upon the company to take another step, no mode of compelling them.

The company has sought to impose conditions upon itself that are unnecessary and may be impossible: unnecessary, because nobody can think that it is necessary to obtain leave from the State to buy an existing railroad franchise; and possibly impossible, because the consent of the States may never be given.

Why should Congress delegate its power to select a terminus on the Mississippi to a board, no matter how or of whom constituted? What good can result to the country at large, or to that neglected and desolated section of it for whose regeneration this road is especially urged, by leaving it undetermined, as this bill does, where the eastern terminus of the road is to be, or whether it is to reach the Mississippi or not? To enact a law in this shape is an evasion of responsibility, and I for one recognize that it is the duty of Congress to fix the eastern terminus or termini and insist on the exercise of the duty.

There has been a great deal said about the necessity of building this Texas and Pacific line in order to prevent another company from establishing what is rhetorically described as a grinding monopoly. If the Texas and Pacific is not built, it is said the Southern Pacific of California will build its road to the Gulf of Mexico, or somewhere else, and the whole country will have to pay tribute to these railroad princes of the Pacific coast. Mr. President, I am not as much alarmed about monopolies as some gentlemen appear to be. The intelligent people of this country do not intend to tolerate monopolies. There may be exceptional cases, where for a time portions of the people may be obliged to submit to unreasonable exactions; but nothing that can be properly called a monopoly can exist in these United States. In the case before us, if the Southern Pacific Railroad Company shall push their road across the continent to the Gulf of Mexico, it will be simply because their overtures are rejected by those with whom they are entirely willing to share the business that will legitimately belong to this southern line of road. The Southern Pacific Company are not intruders here. That Company was authorized by the act of 1871 to connect with the Texas and Pacific Company at the Colorado River, the boundary line between California and the Territory of Arizona. That company has built its road to that point, and the Texas and Pacific is twelve hundred and fifty miles away from the proposed point of connection. Is it a monstrous and altogether outrageous thing that this western company should ask permission, under these circumstances, to build its road eastward until it shall meet some other road connecting with the Gulf and Atlantic States? And how does it happen, Mr. President, that what was urged a short year ago as in the interest of the country should now be denounced as a monstrous thing which will result in fastening a grinding monopoly on the people? It will be remembered that at the last session of the Forty-fourth Congress Mr. LAMAR, of Mississippi, then chairman of the Pacific Railroad Committee of the House, reported to the House of Representatives a bill, by which it was proposed that the Texas and Pacific and the Southern Pacific of California should connect at a point in the Territory of New Mexico one hundred miles west of El Paso. That bill contained provisions for eastern connections with the Mississippi River similar to those contained in bill No. 1186, and was supported by the Texas and Pacific Company. In reporting the bill to the House of Representatives, Mr. LAMAR said:

THE INTERESTS OF THE PEOPLE PROTECTED AGAINST COMBINATION OR MONOPOLY.

As to the interests of the people, it will be observed that the bill makes it impossible for the trunk line to become a monopoly strong enough to sacrifice local interests, for every local connection has the right under the provisions of the bill to use the trunk line as if it were in fact a part of it, and this right is capable of legal enforcement. It will be further observed that the bill provides for control by Congress over the rates for transportation of freight and passengers, and for postal and telegraphic service.

I ask again how is it that what was so good in 1877 is so bad in 1878? If the Texas and Pacific Company were willing to unite with the Southern Pacific for the accomplishment of a grand object then, why are they not now? What has occurred within the last twelve months to alter so completely the whole situation? To me it appears that the reasons are stronger now for the acceptance by the Texas and Pacific of the principles of the bill No. 1186 than they were then, because the Southern Pacific has made a good deal of progress within that time. The Southern Pacific Company has the right under general law to build through the Territories of Arizona and New Mexico. When it reaches the Rio Grande, under the general incorporation act of the State of Texas it may form an organization to build through the State of Texas, and will become entitled to the land grant of sixteen sections to the mile which that State gives to every company which constructs a railroad within its limits. If the extension to the Gulf of Mexico of this Southern Pacific Railroad is a thing to be feared, I see no better way to prevent it than by the passage of bill No. 1186, to make it certain that other lines of railroad will meet it at El Paso.

I will now briefly consider, Mr. President, the bill No. 1186 introduced by me as amended by the Railroad Committee of the Senate. It proposes to secure the construction of a through line from El Paso, on the Rio Grande, to San Francisco, San Diego, and San Pedro, on the Pacific coast, with two branches from El Paso toward the Mississippi River, and connection on the Mississippi with Saint Louis, Memphis, Vicksburgh, and New Orleans. It also provides for a branch from a point in the Territory of New Mexico to connect the Southern Pacific of California with the Atchison, Topeka and Santa Fé road. It is known that the Southern Pacific road of California has a completed line connecting San Francisco with Fort Yuma, on the Colorado River, in Arizona Territory. This road has a branch running to a point within less than one hundred miles of San Diego. My bill proposes to authorize this company to build eastward to El Paso, on the western boundary of Texas, and to give it the same land grant offered by the act of 1871 to the Texas and Pacific Company. It also

proposes to extend the Texas and Pacific line from Fort Worth to El Paso and to aid the construction of a line from San Antonio, in Texas, to El Paso. As above stated, the bill also provides for connections with four points on the Mississippi River. One of these connections is to be made by building a branch from a point on the Texas and Pacific line in the neighborhood of the intersection of that line with the one hundredth degree of longitude west to Vinita, in the Indian Territory, which is an extension in a southwestern direction of the old Atlantic and Pacific Railroad. The lines east of the Rio Grande provided for by the bill are as follows:

	Miles.
From Fort Worth to El Paso	650
From San Antonio to El Paso	600
From Orange, Texas, to Donaldsonville, Louisiana	150
From Shreveport, Louisiana, to Monroe, Louisiana	96
From Shreveport to New Orleans, (about)	300
From Jefferson, Texas, to Memphis	300
From Texas and Pacific line to Vinita	350
	2,446

The line connecting the Southern Pacific of California with the Atchison, Topeka and Santa Fé Road will be about three hundred and fifty miles in length, making a total of about twenty-eight hundred miles. The completion of these lines of road would give direct rail connection between San Francisco and San Diego on the Pacific, and Galveston, New Orleans, Vicksburgh, Memphis, Saint Louis, Cincinnati, and Chicago, and through these points with the whole Gulf and Atlantic seaboard from Mobile to Portland. The bill proposes that the Government shall aid in the construction of all these lines, except the Southern Pacific of California, to the extent of $10,000 per mile of completed road. This $10,000 is not to be advanced in bonds, as was done with the Central and Union Pacific roads, nor by indorsing bonds, as the Texas and Pacific proposes, but in Treasury notes or such other currency as the Government uses. The people are not to be taxed to pay interest, but on the contrary receive 4 per cent. from the companies. It is the difference to the people between paying interest and receiving interest, between sending nearly $2,000,000 abroad every year for fifty years (for the chances are that the bonds, will be negotiated in Europe) and thus swelling the drain which has been impoverishing us, and retaining at home the whole amount invested in the work. The Government shall not pay out one dollar except for road already constructed and equipped. This makes it imperative that private capital shall take the initiative, and the Government will only advance its aid after sections of road are completed and in a condition to repay the amounts advanced. The bill provides that the companies receiving aid from the Government under its provisions shall be obliged at all times to transport supplies, munitions and materials of war, the United States mails, and to do all manner of railroad and telegraph service that the Government may require, and that all sums of money earned by the companies for services to the Government shall be credited to the companies, and no money shall be paid out of the Treasury for such services until the whole amount advanced to said companies, respectively, together with 4 per cent. interest per annum thereon, shall have been repaid to the Government.

The bill further provides:

That the rights of the Government provided for in the preceding section as against the companies named in the first, third, and fourth sections of this act, both as to preference of service and as to the withholding of payment therefor until all advances of money made to any of said companies are repaid, shall be continuing rights, running with the property against present or future proprietors of the said railroad and telegraph lines so receiving aid in money under the provisions of this act. And if the sums advanced by the Government, together with 4 per cent. interest per annum thereon, shall not have been repaid at the expiration of twenty years from the date of the final completion of the said railroad and telegraph lines, respectively, then the account between the Government and the said railroad companies, respectively, shall be stated and adjusted under the direction of the Secretary of the Treasury; and to the aggregate sum of principal and interest that may be then due to the Government there shall be added interest at the rate of 4 per cent. per annum for another period of twenty years, which last aggregate sum of principal and interest shall be paid by the said companies, respectively, in forty semi-annual payments: *Provided*, That whatever sums are earned by the said companies, respectively, for services rendered to the Government as hereinbefore provided shall continue to be credited to the said companies, respectively, as before. And whatever sums may be necessary, after allowing such credits, to make up the amounts so to be paid semi-annually by the said companies, respectively, shall be paid out of the earnings of the said companies, respectively. And the Government of the United States shall have a lien upon the earnings of the said companies, respectively, for such amounts as may be necessary to make up said semi-annual payments, which lien shall have precedence of all other liens whatsoever, and may be enforced in such manner as Congress shall direct.

There can be no doubt that under the provisions of this bill every dollar advanced by the Government, with 4 per cent. per annum interest, will be paid. Under the provisions of the Texas and Pacific bill for the single line from Fort Worth to San Diego, it will require earnings of $1,135 per mile per annum to pay the interest on the bonds guaranteed by the Government. The advocates of that bill insist that the road cannot fail to earn a larger amount than $1,135 per annum. Now, under the provisions of this bill it will only require earnings to the amount of $400 per mile per annum to pay the interest on the amount advanced by the Government. If we assume that the amounts earned on these lines for mail transportation and telegraphic services to the Government for the first twenty years after their completion shall not be more than enough to pay the interest on the amount advanced by the Government, without reducing the principal, a very simple calculation will show that for another period of twenty years it will only require $900 earnings per mile per annum to pay off the whole amount advanced by the Government, with interest. My bill will secure the construction of about thirty-four hundred miles of road at an outlay in money on the part of the Government of about $28,000,000, to be advanced by the Government during six years of construction, while the Texas and Pacific bill proposes to build fourteen hundred miles of road, if the Government will guarantee the payment of 5 per cent. interest for fifty years on $38,750,000. Every Senator can decide for himself which of these two measures to support.

I have heard it said, Mr. President, that this bill asks a direct subsidy from the Government, while the Texas and Pacific bill asks no subsidy whatever. I do not stand here, sir, to try to deceive any one by specious arguments which do not convince my own judgment. I firmly believe what I have said, that under the provisions of this bill the lines of roads provided for will be built, and that every dollar advanced by the Government will be repaid with interest. I do not consider an advance which is to be repaid with interest as a subsidy any more than a loan of money to a solvent and responsible party is a gift. My bill proposes that the Government shall aid those who have first put down their own money, and who have created by their labor and with their own means a sound and adequate security.

I consider the proposed line from San Antonio, in Texas, to El Paso, on the Rio Grande, of the utmost importance to this southern system of railways, and to the whole country. That line will secure the proper connection with Galveston and the Lower Mississippi River, and thus extend the benefits of the transcontinental line to the South Atlantic States. The construction of this line will also result in railway connections with the interior of Mexico. In this connection, Mr. President, I desire to call attention to a passage in the very able report made at the present session of the House Committee on Foreign Affairs on the relations of the United States with Mexico. After discussing the importance of steamship communication between our ports and the ports of Mexico, that committee said:

Of far more promise and importance to our commercial intercourse, but requiring more time for its practical application, would be the extension of one or more of our lines of railroad into Mexico.

That there are no serious physical difficulties in the way of such extension has been well known since the time of Humboldt's visit to Mexico, at the beginning of this century. In his political essay on New Spain, that eminent observer, who paid particular attention to the topography of the country, with reference to its facilities for commerce, gives an accurate and most interesting geographical description of the portion of Mexico that would be so traversed. The following statement in its principal features is taken mainly from his observations:

The eastern coast of Mexico has, properly speaking, no port; for Vera Cruz is merely a bad anchorage between the shallows of La Caleta, La Gallega, and La Lavandera. From this port, such as it is, a narrow belt of lowland extends to the mountains, and then there is an ascent, which is almost impracticable for a railway to the principal, most desirable, and most populous part of Mexico, the high tableland on which the City of Mexico as well as all the most important cities are situated. There is not in the whole country, after leaving the Gulf coast, a single navigable river.

From the City of Mexico the high table-lands extend with a gradual descent toward the north to Texas and as far as New Mexico. Humboldt expressly calls attention to this admirable topography for a wagon-road, and points out how from the line of Louisiana, an almost uninterrupted plain leads with a very gradual ascent to the plateau upon which the City of Mexico is situated.

South of the Rio Grande there is not a noticeable river to be crossed.

The distinguished geographer speaks of wagon-roads simply because railroads were not then known. But from his remarks, confirmed as they have been by all subsequent observers, the conclusion is irresistible that if any country is both destined to be developed by railroads and dependent on railroads for its development, it is the high table-land of Mexico from the City of Mexico to the Rio Grande, and that nature itself indicates the line for such railroads. One or more railroads extended from Texas into Mexico on this natural route would connect the important cities of Monterey, San Luis Potosi, Durango, Zacatecas, Aguas Calientes, Guadalajara, Leon, Guanajuato, Queretaro, the City of Mexico, and many others with our country.

In my opinion, Mr. President, there are very few persons who correctly estimate the importance of the commerce that must grow up between this country and Mexico whenever railways from Texas shall penetrate the interior of that republic and the cordial relations which ought to exist between the United States and her neighbor shall repose on a solid foundation. It will be greater than that which was the boast of Venice "when she held the gorgeous East in fee."

The importance of this great transcontinental line of railway cannot be better stated than it was by my honorable friend the Senator from Mississippi in his late speech in the Senate. That Senator presented the whole subject with characteristic force and breadth of view. For myself, Mr. President, I have a profound conviction that we ought, before the adjournment of Congress, to take such measures as will secure the speedy construction of the lines of railway provided for by my bill. Their construction will revive the crippled industries of the South, and the beneficial results will be felt by the whole country. The construction of the line from San Antonio to El Paso will give peace to the frontier between Texas and Mexico, and cannot fail to develop in a short time the most intimate commercial relations between the United States and that wonderful country whose matchless wealth and romantic beauty moved to enthusiasm the philosophic mind of Humboldt, and which is destined at no distant day to pour into the lap of commerce treasures surpassing all that was ever dreamed of by its Spanish conquerors.

If I did not most sincerely believe that the measure proposed by me is best for the people, best for the Government, and best for the roads themselves I would withdraw it. I have nothing so much at